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[1] P. L. O. 370.

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

Effective May 1, 1947, the regulations under this chapter are revised as follows: [1]

1. With the exception of §§ 12.301 to 12.314 of Part 12, Parts 1 to 20, inclusive, and Parts 24, 27, 50, 51, 52, 55 and 91 are revoked.

2. Sections 12.301 to 12.314 of Part 12 are redesignated Part 20, §§ 20.1 to 20.14. The following redesignation of parts is also made: Part 25 to Part 24; Part 26 to Part 25; Part 28 to Part 26; Part 29 to Part 27; Part 30 to Part 28; Part 53 to Part 29; Part 54 to Part 30; Part 56 to Part 31; Part 60 to Part 01; Part 61 to Part 02.

3. Parts 21, 22 and 23 remain the same.

4. New Parts 1 to 10 inclusive and new Part 32 are added. Contents of revised Chapter I are as follows:

Part
01 Organization and official records of the Commission.
02 Functions of the Commission.
1 Coverage.
2 Appointment through the competitive system.
3 Acquisition of a competitive status.
4 General provisions.
5 Regulations, investigation and enforcement.
6 Exceptions from the competitive service.
7 Reinstatement.
8 Promotion, reassignment and transfer.
9 Separations and demotions.
10 Special transitional procedures.
20 Retention preference regulations for use in reductions in force.
21 Appointment to positions excepted from the competitive service.
22 Appeals of preference eligibles under the Veterans' Preference Act of 1944.
23 Political activity of State employees; rules of practice.
24 Formal education requirements for appointment to certain scientific, technical and professional positions.
25 Federal employees' pay regulations.
26 Transfer of personnel to public international organizations in which the United States Government participates.
27 Establishment of maximum stipends for positions in Government hospitals filled by student or resident trainees.
28 Official personnel folder.
29 Retirement.
30 Annual and sick leave regulations.
31 Efficiency ratings boards of review.
32 Awards to Federal employees for meritorious suggestions and for exceptional or meritorious service.

[1] This reissuance of the Civil Service Rules and Regulations comprises the revision published at 12 F. R. 1270, together with the full text of the Rules and all amendments to date, presented under the new numbering system.

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FIELD ACTIVITIES

01.16 Regional Offices.
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01.18 Federal Personnel Council.

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01.19 Availability of official records.
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AUTHORITY: §§ 01.1 to 01.20, inclusive, issued under sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 633.

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[1] See Bureau of Land Management Order 2313.

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THE COMMISSION AND STAFF ACTIVITIES

§ 01.1 *The Commission.* (a) The Commission is composed of three Commissioners appointed by the President, by and with the consent of the Senate, and removable by him. One member is designated by the President to be President of the Commission. The Commissioners, not more than two of whom may be adherents of the same political party, make final decisions on matters of policy, organization and administration within the Commission. They also serve, through the Liaison Officer for Personnel Management, as advisers to the President in personnel matters.

(b) The Commissioners in some cases act as a quasi-judicial body in reviewing and making final determinations on appeals of individuals and agencies from decisions made by officials of the Commission, and from certain decisions by officials of other agencies.

§ 01.2 *Executive Director and Chief Examiner.* The Executive Director and Chief Examiner is the chief technical and administrative official of the Commission. He has authority to take final action on matters covered by established policy and regulations. On other matters on which the Commissioners themselves make the final determination he reviews the recommendations prepared by the various divisions of the Commission and submits advisory opinions and recommendations. He represents the Commission in conferences and negotiations with representatives of other Government agencies, interpreting the regulations and policies of the Commission to officials and advising them in personnel policies and major personnel problems.

§ 01.3 *Executive Assistant to the Commissioners.* The Executive Assistant to the Commissioners presents to the Commission for action cases handled in the divisions; advises Members of Congress, Government officials and others on civil-service matters; performs special assignments at the direction of the Commission, and handles other administrative functions.

§ 01.4 *Chief, Field Operations.* The Chief, Field Operations, supervises the operations and procedures of the Commission's regional offices and coordinates their work with the divisions of the central office.

§ 01.5 *Chief Law Officer.* The Chief Law Officer advises the Commission, the Executive Director and Chief Examiner and division chiefs on legal questions pertinent to Commission policies and operations. He is responsible for drafting or reviewing drafts of legislation, Executive orders and regulations. He adjudicates appeals of veteran preference eligibles that are filed under the Veterans' Preference Act of 1944. He is responsible for the enforcement of the statutes and civil service rules relating to political activity of Federal and State employees. With respect to State employees he authorizes and is responsible for the investigation of complaints, the filing of charges, where the report of investigation so warrants, and the presentation of the Commission's side of the case before the hearing examiner when hearings are held. With respect to Federal employees he authorizes and is responsible for the investigation of complaints, the filing of proposed orders, where the report of investigation so warrants, and, in cases in which no hearing is held, recommending final decision to be made.

CROSS REFERENCE: For regulations relating to appeals of preference eligibles under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

§ 01.6 *Information Division.* The Information Division furnishes to newspapers and magazines information regarding the Commission and the Federal civil service; prepares articles on these subjects for encyclopedias and other reference books; reviews manuscripts on these subjects which are submitted by publishing concerns or by individual writers; prepares informational booklets; prepares radio scripts and other public-address material, answers oral and written inquiries from the public regarding (a) the general activities of the Commission and (b) opportunities for employment in the Federal service; compiles the "Official Register of the United States".

§ 01.7 *Veterans' Service Section.* The Veterans' Service Section serves at the Commission's staff unit concerning policies and procedures with respect to the employment and reemployment of veterans; preferences granted veterans in Federal employment; legislation affecting the employment of veterans in the Federal service; and the maintenance of good public relations with veterans, veterans organizations, government agencies, legislative bodies and the public generally. Information may be obtained from and requests and submittals may be made to the Central Office in Washington or any one of its fourteen regional offices. These matters may be presented in any general written form.

§ 01.8 *Board of Appeals and Review.* (a) The Board of Appeals and Review in the Central Office of the Commission was created by official action of the Commission November 26, 1930. The

Board has four members, one of whom, designated the Chairman, is the chief administrative officer of the Board. Only three members act on any one case. The Board has jurisdiction to entertain appeals on any matter adversely affecting eligibility, rights and/or interests arising under any law (except cases arising under sec. 12 (a) of the Hatch Act of August 2, 1939, as amended July 19, 1940, 53 Stat. 1147, 54 Stat. 767; 18 U. S. C. 61 e), rule or regulation administered by the Commission: *Provided*, That the matter previously has been finally acted upon and decided at the highest reviewing level in the division or office (departmental or field) having original jurisdiction. The Board, however, has jurisdiction to entertain appeals from the initial adverse action in ratings in postmaster examinations, adverse decisions on actual residence in postmaster and rural carrier examinations, findings by the Fourth Regional Branch Office in Washington, D. C., of unsuitability for Federal employment, adverse decisions on claims for benefits under the several retirement acts administered by the Commission, and appeals involving alleged discrimination because of race, creed, color or national origin.

(b) In those cases where the adverse action on appeal was taken by the Executive Director and Chief Examiner or by the Commissioners, and in appeals from the findings and recommendations of the Chief Law Officer or a regional director in cases arising under section 14 of the Veterans' Preference Act of 1944, the Board processes, analyzes, and submits the case with its recommendation to the Commissioners who make the final decision on the appeal.

(c) Laws, rules, regulations, matters of Commission policy, examination specifications, standards of rating, and standards of classification are not subject to appeal.

(d) Appeals are not required to be in any particular form and should be directed to the Chairman, Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C.

CROSS REFERENCE: For Rules of Practice in cases arising under section 12 (a) of the Hatch Act, see Part 23 of this chapter.

For regulations relating to appeals of preference eligibles under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

OPERATING ACTIVITIES

§ 01.9 *Examining and Placement Division*—(a) *Organization.* Responsibility for the functions connected with recruitment, examining and certification for positions in the departmental service in Washington, D. C., and for certain field positions, when public announcement to that effect is made, is vested in the Chief of the Examining and Placement Division and his staff. The Chief of the Division is also responsible for recommending to the Commission necessary changes in policies and practices regarding recruitment, examining and certification.

The operating sections of the divisions with their responsibilities and functions are as follows:

(1) *The Clerical Placement and Services Section.* This section prepares and distributes publicity for examination announcements on a nation-wide basis, receives and reviews applications for such examinations (except those announced on behalf of Regional Offices or Boards of U. S. Civil Service Examiners in the field), rates machine-scored examinations, prepares and maintains lists of eligibles for all positions in the departmental service in Washington, D. C. (except those handled by Committees of Expert Examiners), issues certificates of eligibles therefrom and audits the agencies' selections from such certificates. It maintains an information center for public inquiries regarding civil service examinations and answers other questions regarding Federal employment. In addition the section arranges for examinations for admission to the United States Military and Naval Academies, when requested, as a courtesy to Members of Congress to aid them in making selections for appointments thereto and administers examinations for the foreign service of the State Department.

This section and the other sections of the division are subdivided into examining units which deal specifically with particular types of examinations. The responsibilities of examining units are as follows:

(i) Surveys agencies for anticipated needs for employees in the occupational fields with which the unit is concerned.

(ii) Plans recruiting programs in advance of needs.

(iii) Prepares standards for examinations for all positions in its field in the Federal service and noncompetitive standards for transfer, promotion and reinstatement and for positions under Schedule A and B where necessary. (Schedule A is a list of positions to which departments and agencies may make appointments without competitive examinations; Schedule B is a list of positions to which departments and agencies may make appointments as a result of noncompetitive examination.)

(iv) Passes on qualifications for Schedule A and B appointments in its occupational fields if necessary and advises for qualifications for transfer, promotion and reinstatement.

(v) Cooperates with the Commissioners of the District of Columbia in observing the agreement regarding filling of positions in the District of Columbia Government.

(vi) Determines qualifications necessary to fill positions for which no register is appropriate and prepares a certificate of eligibles for such positions.

(vii) Acts or recommends action on agency objections or passing over of veterans, based on qualifications.

(2) *The Physical Science Placement Section.* This section comprises the examining units having responsibilities similar to those set forth above, with respect to positions in the engineering and allied fields, the physics, chemistry and related occupational areas and in the industrial and skilled trades. The Postal Examining Unit of this section performs all the functions of the examination program from the announcement of the examination to the audit of certificate.

(3) *The Social Science and Personnel Management Section.* This section comprises the examination units having responsibilities with respect to positions in the fields of social services, economics, accounting and allied occupations and the various phases of administrative management. The section also maintains a Personnel Management Advisory Service for the benefit of the agencies.

(b) *Delegations of authority*—(1) *To the division.* With respect to the functions set forth above the Examining and Placement Division has over-all responsibility for the development of plans and programs and for the establishment of procedures and standards applying both to regional offices (including Boards of U. S. Civil Service Examiners) and the Central Office (including Committees of Expert Examiners). It has direct operating responsibility for the recruiting, examining and placement programs in the departmental service in Washington, D. C., except insofar as any functions connected with these activities have been delegated to Committees of Expert Examiners as explained below.

(2) *By the division*—(i) *To Regional Offices.* Development of assembled examination material for field examinations under the jurisdiction of the Regional Offices or Boards of U. S. Civil Service Examiners, in the absence of appropriate standardized examination material; preparation of examining standards (specifications) for field positions, in the absence of approved specifications; modification of examination specifications by agreement with representatives of the agency (in the absence of a specific prohibition).

(ii) *To departments and agencies.* Certain phases of the review of applications involving acceptability from the standpoint of legal requirements for Federal service, for example, proof of citizenship, proof that the requirement limiting the number of members of the same family who may be employed in the Federal service has been met, proof of military service and honorable discharge in case of five point war veterans; audit of declaration of appointees; determination of experience, training or educational qualification for transfer, reinstatement or promotions (under standards and with limitations prescribed by the Commission).

(iii) *To committees of expert examiners.* Where a Committee-type examination is involved, ratings of hand scored assembled or unassembled examination papers; securing of corroborative information regarding experience; handling of appeals on ratings of other than machine scored examinations; preparation and maintenance of registers of eligibles; certification of eligibles and audit of report on certificates (except actions on objections and passing over).

(iv) *To the District of Columbia government by agreement between the District of Columbia Commissioners and the Civil Service Commission.* Authority to effect appointments to lower grade positions in the District of Columbia Government in the absence of local eligibles on the Commission's registers (without audit of qualifications by the Commission).

(c) *Method of securing and source of information.* (1) For positions under the jurisdiction of the central office, whether Commission controlled or committee type, questions may be addressed in writing to the United States Civil Service Commission, Washington 25, D. C. Inquirers may call in person at the Information Office maintained by the Examining and Placement Division at 7th and F Street, N. W. Such inquiries may concern Civil Service examinations, that is, for what positions applicants may apply, how and where to file applications, what qualifications are required, etc.; requirements for veterans' preference, citizenship and age; ratings; employment opportunities in the Federal service during the periods preceding the establishment of appropriate registers for the majority of positions; types of written examinations, methods of rating, contents and form of questions, etc. The information available to the general public is restricted to that published in the examination announcement and the accompanying sample questions, if any, so that the secrecy of the examination materials may be preserved.

(2) Complaints should be in writing and should be addressed to the United States Civil Service Commission, Washington 25, D. C. Examples of types of complaints:

(i) Complaints regarding publicity given, admission to or conduct of central office examinations.

(ii) Complaints with regard to discrimination because of race, color or religious or political affiliations in connection with central office examinations.

(iii) During the period in which agencies are authorized to handle recruiting, examining and placement for positions under their jurisdiction pending establishment of a register appropriate to the particular position, complaints with regards to agency noncompliance with the policy and procedures established by the Commission for agency guidance, so far as positions in the departmental service are concerned.

(iv) Complaints of veterans with regard to agency action in passing over their names for positions in the departmental services. Such complaints may be presented by the veteran or his authorized agent either in writing, addressed to the United States Civil Service Commission, Washington 25, D. C., or to the Commission's Information and Interview Office, 7th and F Streets NW. In either case the Commission's action is limited to the authority granted by the Veterans' Preference Act of 1944 to present to the veteran or his authorized representative a copy of the agency's reasons for passing over his name and the Commission's recommendation to the agency with respect to the sufficiency of the reasons.

(3) Appeals from ratings assigned as a result of examination are handled originally in the unit that assigned the rating. Appeals in writing from Commission-controlled examinations for positions in the departmental service (identified by the name of the United States Civil Service Commission, Washington, D. C., as the issuing agency on the notice of rating (CSC Form 4008 or equivalent form) should be addressed to the United States Civil Service Commission, Washington 25, D. C. Appeals in person should be addressed to the examiner-in-charge of the appropriate examining unit.

Appeals from committee-type examinations for positions in the departmental service (identified by the name of the issuing agency, other than the Commission, preceded by the words "Committee of Expert Examiners" on the Notice of Rating, (CSC Form 4008 or equivalent form), should be presented in writing to the Committee on Expert Examiners concerned at the agency named in the Notice of Rating or equivalent form.

Appeals from the final decisions rendered by the Examining and Placement Division or the Committee of Expert Examiners should be submitted in writing to the Board of Appeals and Review, United States Civil Service Commission, Washington 25, D. C.

§ 01.10 *Personnel Classification Division*—(a) *Organization.* The Personnel Classification Division is organized into five sections the functions of which are as follows:

(1) *Washington Section.* (i) Investigates the duties and responsibilities of positions in the departmental service within the scope of the Classification Act of 1923, as amended (5 U. S. C. 661ff.), and allocates them to services, grades, and classes.

(ii) Conducts classification surveys of organizations in the departmental service.

(iii) Postaudits for compliance with Commission's requirements, reports of vice changes, additional identical positions, and combined position descriptions submitted by Federal Agencies.

(iv) For the duration of the emergency, considers and makes recommendations on position classification appeals in the departmental service.

(v) Processes all classification sheets, appeals and requests for reconsideration before and after allocation decisions have been made.

(2) *Standards and Special Studies Section.* (i) Prepares and issues class specifications and statements of allocation standards under the Classification Act and Executive Order No. 9512; and gives technical supervision to the standards development work of the regional offices.

(ii) Prepares and revises the Handbook of Occupational Groups and Series of Classes.

(iii) Advises on all problems in which classification standards are involved.

(iv) Makes special studies on classification or compensation problems of the Government service.

(v) Prepares Departmental Circulars, Commission Letters and technical memoranda dealing with allocation standards, class titles, and the establishment or revision of classes.

(3) *Efficiency Ratings Administration Section.* (i) Establishes efficiency rating systems applicable to all employees in the field and departmental services compensated under the pay scales of the Classification Act of 1923 as amended and cooperates with agencies in their administration of the uniform efficiency rating system.

(ii) Administers the Board of Review program including the preparation and promulgation of regulations and procedures governing efficiency rating appeals, and provides chairmen for such boards.

(iii) Reviews and recommends decisions on agency requests for approval of proposed action, in the field or departmental service, to reduce in salary, demote, or separate employees on the basis of "Fair" or "Unsatisfactory" efficiency ratings.

(iv) Establishes uniform reduction in force procedures; reviews proposed reductions in force and considers appeals from such action in the departmental service.

(v) Reviews and approves grievance procedures proposed by the Federal agencies.

(vi) Prepares regulations and procedures dealing with (*a*) periodic within-grade salary advancements and (*b*) additional within-grade advancements as rewards for superior accomplishment. Preaudits, for compliance with regulations, proposed rewards submitted by departments or agencies. On the basis of plans approved by the Commission, recommends delegation, and when necessary revocation of delegation, of authority to heads of departments and agencies for prior approval of these rewards. Postaudits all actions by departments to insure compliance with the regulations. Compiles an annual consolidated report for presentation to the Congress.

(4) *Field Section.* (i) Gives technical supervision to the work of regional officials in making postaudit reviews of field allocations for conformance with standards issued by the Commission.

(ii) Inspects the work of the regional classification divisions for compliance with established policies and procedures, understanding of the various classification programs, and operating effectiveness; and follows up on delays or inadequacies.

(iii) Issues instructions to regional offices on classification policies, procedures and practices; assists regional offices in the installation of new classification programs or procedures; develops methods and materials for training field classification staffs; and performs other field supervisory functions assigned by the Chief of Division.

(iv) Advises agencies on general problems relative to classification and compensation of position in the field service.

(v) Under the authority and conditions prescribed in section 401 of the Federal Employees Pay Act of 1945 (59 Stat. 295), conducts studies to recommend the establishment of higher minimum rates of pay for particular classes of positions within the ranges of pay fixed by the Classification Act of 1923.

CROSS REFERENCE: For regulations under the Federal Employees Pay Act of 1945, see Part 25 of this chapter.

(vi) Recommends maximum stipends for positions in hospitals, hospital clinics or medical or dental laboratories owned or operated by the Federal Government

primarily for training purposes which are excluded from the Classification Act of 1923, as amended, by Executive Order No. 9750.

CROSS REFERENCE: For regulations establishing maximum stipends for trainees in Government hospitals, see Part 27 of this chapter.

(vii) Prepares or reviews regulations, Departmental Circulars, Commission Letters, and/or chapters of the Federal Personnel Manual and the Commission's Manual dealing with any phase of Federal position classification or pay administration that does not pertain directly to functions of the Efficiency Ratings Administration Section.

(viii) Conducts studies and recommends other action preliminary to future expansion of classification to the field service in accordance with title II of the act (Ramspeck) of November 26, 1940 (54 Stat. 1212, 5 U. S. C. 681).

(5) *Administrative Section.* (i) Makes continuing studies to eliminate duplication of work, unnecessary procedures and practices and to see that available personnel is used to best advantage.

(ii) Provides classification information to departmental position classifiers and to the general public.

(iii) Receives all requests for personnel or for other proposed personnel changes within the Division, prepares necessary forms for transmittal to the Budget and Finance and Personnel Divisions; maintains leave records for the Division.

(iv) For administrative purposes within the Division, maintains records of encumbrances from the Division allotment for personnel services and prepares reports on the status of the allotment.

(v) Performs the usual service function for the Division, including supervision of mail and files and the stenographic force, compilation of production reports, timekeeping, furnishing of supplies, equipment, etc.

(vi) Prepares general correspondence not pertaining to the work of the several sections.

(b) *Delegation of authority.* (1) The authority for making initial decisions on matters within the purview of the Personnel Classification Division, except as specified in subparagraph (2) of this paragraph, is vested in the Chief of Division, subject to appeal to the Commission.

(2) Final decisions on efficiency rating appeals are, by statute, made by the efficiency rating Board of Review for the agency in which the appeal arises and are not reviewable by the Commission.

(c) *Method of securing and source of information.* (1) Information regarding functions of the Personnel Classification Division, including appeals from allocation actions of the Commission in central government offices, may be obtained in the Washington, D. C., area by writing or calling the Personnel Classification Division. In the field the appropriate regional office of the Commission may be contacted for such information. Inquiries regarding individual field allocations which are finally determined by the agency concerned should be addressed to such agency.

(2) Requests for review of efficiency ratings should be made in writing to the Chairman, Board of Review of the agency in which the appellant is employed, c/o U. S. Civil Service Commission, Washington 25, D. C.

§ 01.11 *Investigations Division*—(a) *Organization.* The Commission's investigative activities may be divided into three major types:

(1) Investigations of the qualifications of candidates for Federal employment.

(2) Investigations to determine the facts when a preference eligible alleges that he has been denied any of the rights guaranteed him under the Veterans' Preference Act of 1944.

(3) Investigations arising out of the administration of the Merit System involving violations of the Civil Service Act and Rules.

For the purpose of carrying out these investigative functions the Investigations Division is divided into the following sections:

(i) *Field Inspection and Training Section.* This section inspects the work of the regional investigations division and assists regional offices in installing new procedures and in the training of personnel.

(ii) *Rating Section.* This section makes recommendations and renders advisory opinions with respect to cases referred by other divisions of the Commission, regional offices and other departments and agencies. It rates cases at the request of the Executive Director and Chief Examiner or the Chief of the division and develops rating standards and procedures for use of the regional offices.

(iii) *Administrative Section.* This section performs the necessary personnel and administrative work of the division.

(iv) *Procedures and Control Section.* This section prepares and issues instructions of a technical nature for investigators and raters. It maintajns a master index and control records of all regional offices cases as well as master bar and flag records.

(v) *Confidential Information Section.* This section maintains confidential files of reports of investigations and makes them available to individuals and agencies that have a legitimate and valid reason for seeking information therein. (For information as to what records are available and to whom they are available see § 01.19.)

(b) *Delegation of authority*—(1) *To regional offices.* Regional directors are authorized to initiate investigations into the qualifications of applicants for certain specified positions. Investigations of applicants for all other positions must have the prior approval of the Commission. Regional directors are authorized to handle appeals of veterans under the Veterans' Preference Act of 1944 that arise in their region and to initiate investigations where the facts so warrant. Investigations into alleged violation of the Civil Service Act and rules must have the prior approval of the Commission.

CROSS REFERENCE: For regulations relating to appeals of preference eligibles under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

(2) *To departments and agencies.* Authority is delegated to departments and agencies to conduct character and loyalty investigations where the nature of the positions to be filled is such that the agency reasonably requires its own investigations; where the agency maintains investigative facilities established for purposes other than undertaking personnel investigations but finds it desirable to undertake personnel investigations in order to afford maximum use of such facilities; and where the requirements of the agency become so great that the funds or facilities of the Commission are inadequate to meet the needs. Such investigations are to be conducted in accordance with standards set by the Commission. The Commission reserves the right to audit actions taken under this delegated authority and to inspect and review individual cases to determine compliance with the standards that have been established.

(c) *Method of securing and source of information.* Information in the files of the Investigations Division is considered confidential.

§ 01.12 *Retirement Division*—(a) *Organization.* The Retirement Division is charged with responsibility for interpreting and administering the Civil Service Retirement Act of May 22, 1920 (41 Stat. 614), as amended (5 U. S. C. 691–738), The Canal Zone Retirement Act of March 2, 1931 (46 Stat. 1471), as amended (48 U. S. C. 1371) and the Alaska Railroad Retirement Act of June 29, 1936 (49 Stat. 2017), as amended (5 U. S. C. 745). Jurisdiction over the administration of the Act of May 29, 1944 (58 Stat. 257), is also vested in the division. This act provides for the payment of annuities to United States citizen employees (or to their unremarried widows under prescribed conditions) who served on the Isthmus of Panama during the construction period of the Panama Canal from May 4, 1904 to March 31, 1914, inclusive, who were not included in the recognition and the benefits accorded by the act of March 4, 1915 (38 Stat. 1190).

CROSS REFERENCE: For regulations relative to retirement, see Part 29 of this chapter.

The operating sections of the division are as follows:

(1) *Annuity Section.* This section adjudicates claims for annuity under the acts administered by the Retirement Division. It examines service credit applications and makes decisions with respect to the service credits to which present or former employees are entitled. It examines agency requests for the retention of employees beyond retirement age and makes recommendations thereon to the President. It maintains records of all annuitants retired on disability and orders the annual medical examinations as required.

(2) *Death Claims Section.* This section adjudicates claims filed by the beneficiaries, legal representatives or next of kin of deceased employees or annuitants for the accrued annuities, the unexpended balance or the accumulated deductions in the retirement funds. It adjudicates claims in behalf of former employees who are incompetent for accumulated deductions to their credit, examines designation of beneficiary forms and maintains a file of such forms.

(3) *Refund Section.* This section adjudicates refund claims filed by former employees for the refund of deductions made from their salaries and to their credits in the retirement funds.

(4) *Fiscal Section.* This section prepares schedules and vouchers covering payments on all retirement claims. It prepares periodic financial statements, receives and records cash, check or money order remittances of voluntary deposits, accepts and records payments from employees covering the purchase of service credit or redeposit of amount withdrawn, maintains the individual annuity award accounts and the individual retirement accounts on all separated employees.

(5) *Agency Accounting Section.* This section conducts studies of the procedures used and practices followed by agencies in the maintenance of retirement accounts, makes periodic inspections of the retirement records in the agencies, posts and maintains the retirement accounts for employees of first class post offices, advises and instructs officials and employees in the agencies who are assigned to and are responsible for the agency retirement work.

(6) *Accounting Systems and Report Analysis Section.* This section studies the accounting system in the division and recommends changes and improvements when they are necessary, studies financial statements and reports to determine the adequacy of the accounts and reports the effectiveness of the protection afforded, assists in the installation of retirement accounting systems in the agencies.

(7) *Office of the Legal Adviser.* This office renders advisory decisions and interpretations of the retirement laws and decisions of the Comptroller General and of the Attorney General, prepares cases for submission to the Board of Appeals and Review, to the Attorney General or to the Comptroller General, collaborates in the preparation and trial of suits arising under the retirement laws, prepares drafts of bills and reports on proposed legislation concerning retirement, and drafts rules and regulations with respect to the administration of the Retirement laws.

(8) *Office of the Actuary.* This office conducts actuarial studies, periodic valuations of retirement funds and longevity investigations of annuitants. It recommends improvements and simplifications in retirement systems and policies, prepares the annual retirement report and other special tables and similar types of aids to facilitate the speedy and economical performance of retirement activities.

(9) *Office of the Chief of Technical Studies.* This office studies and coordinates the civil service retirement system with other federally administered or public employee systems. It conducts technical insurance studies of the various provisions of the retirement act, prepares analyses of these studies, plans insurance and retirement programs designed to provide for complete protection and conducts long range economic studies of the effect of changing coverage and characteristics of the coverage of retirement systems and their economic and administrative implications.

(10) *Board of Actuaries.* The Board of Actuaries is composed of three actuaries, appointed by the Commission, one of whom is the Government actuary. It is the Board's duty to report annually upon the actual operations of the Retirement Act, to recommend such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, to make a valuation of the Civil Service, the Canal Zone and the Alaska Railroad Retirement and Disability Funds at intervals of five years or oftener if the Commission deems it necessary and to prepare such tables as may be required by the Commission for the purpose of computing annuities.

(b) *Delegation of authority.* The Commission with the concurrence of the Comptroller General of the United States (letters B–45438, dated November 11, 1944 and March 24, 1945) has approved a temporary plan for the duration of the emergency, unless terminated prior thereto, whereby local disbursing officers of the War Department, under certain conditions, are authorized to issue checks in payment of amounts due as refunds of civil service retirement deductions to former civilian employees of the War Department. The responsibility for making refunds of retirement deductions so authorized is lodged with local certifying officers of civilian pay rolls and applies only when the following conditions exist:

(1) The employee must have received an original appointment in the War Department on July 1, 1942, or subsequent thereto.

(2) The employee must have been officially separated on July 1, 1945 or subsequent thereto.

(3) The employee must have had no prior Federal or military service other than the period of employment in the specific installation and must have had no break in service during the period of employment at the installation for which the local retirement refund is being paid.

(4) The employee must not be indebted to the Federal Government for any reason according to the records of the installation.

Computations or refund payments are made in accordance with instructions approved by the Commission and copies of paid vouchers with supporting documents are transmitted to the Retirement Division for audit recording and filing.

(c) *Method of securing and source of information.* Decisions of the Retirement Division may be appealed to the Board of Appeals and Review through the Retirement Division. Appeals should be in writing and should show the name and post office address of the appellant, his retirement claim number, the date and substance of the action from which the appeal was taken and the full reason for the appeal. They must generally be filed within six months from the date the notice of final action was mailed.

Questions on retirement matters should be submitted by Federal employees to their Personnel Director.

§ 01.13 *Service Record Division*—(a) *Organization.* The Service Record Division has over-all responsibility for the administration and enforcement of rules and regulations governing the reporting of personnel transactions; maintenance of service records; according of competitive civil service status; determination of status of positions and status of present and former Federal employees and of compliance by Commission or agency officials with the procedural and legal requirements for effective personnel actions under the civil service rules and regulations.

The operating sections of the division are as follows:

(1) *Audit Section.* This section receives and inspects reports of personnel actions. It initiates corrective action on the enforcement of Civil Service Rules and other authorities governing appointments and personnel changes, inspects reports of separation to determine whether the reasons or circumstances shown appear to require debarment or flagging, maintains records showing currently the condition of the apportionment determines adequacy of proof of date of birth, reports cases of apparent dual employment to the Comptroller General and authorizes extension of suspensions.

(2) *Correspondence Section.* This section replies to inquiries and complaints regarding treatment in the Federal service, promotions, demotions, forced resignations, suspensions or removals, hours of duty leave, assignment to duty, dual employment, payment for services rendered, overtime, deductions from salary for war bonds, subsistence allowance and travel. It also answers inquiries concerning rights under the Selective Service Act and reemployment benefits provided by regulations of the Commission.

(3) *Postal Section.* This section maintains complete records of employees in the field service of the Post Office Department, audits all personnel actions involving such employees, initiates corrective action where needed, maintains substitute rolls in accordance with the order of seniority of appointment and in general performs the other functions of the Audit Section with reference to employees in the field service of the Post Office Department.

(4) *Records Section.* This section maintains service records of present and former Federal employees and processes and files reports of personnel action.

(5) *Status Section.* This section receives agency recommendations for conferring of competitive status on Federal employees, acts on requests for promotion, transfer and reinstatement requiring prior approval of the Commission, post audits reports of reinstatements not requiring prior approval of the Commission, acts on agency recommendations in connection with non-competitive appointments under Schedule B of the Civil Service rules, furnishes information to agencies and individuals regarding their status for reinstatement, transfer, classification.

(b) *Delegation of authority.* Regional directors are authorized to pass on requests for reinstatement, transfer, pro-

motion and reassignment to field positions in cases where the prior approval of the Commission is required. Regional directors are authorized to consider and act upon requests for extension of suspensions when the request is presented by a field officer of an agency who has authority to initiate such action.

(c) *Method of securing and source of information.* Decisions of the Service Record Division may be appealed to the Board of Appeals and Review.

Federal employees should submit questions to their Personnel office. Others may secure information by writing to the Commission or by calling at the Commission's office.

§ 01.14 *Medical Division*—(a) *Organization.* The Medical Division, created by the Commission in 1940 through unification of its previously diversified medical activities is under the immediate supervision of a Medical Director. Primarily, it is charged with responsibility (under the administrative direction and through the office of the Executive Director and Chief Examiner in all cases) for: Advising the Commission, in cooperation with the Examining and Placement Division, on all matters pertaining to physical standards for entrance or reinstatement into the Government service. In conjunction with the Retirement Division criteria are set up for separation from the service by reason of disability preventing satisfactory performance of duty. It is also responsible for the processing and disposing of all types of cases in the above categories which are referred by other divisions for comment or action as well as rendering opinions and advice on any other medical matters pertaining to Federal employment concerning which information may be requested by the Board of Appeals and Review or other officials of the Commission.

Other activities include the conducting of research programs throughout the Civil Service Regions for the purpose of determining appropriate physical standards for the various positions; carrying out studies of the performance of the physically impaired as compared to the able bodied; administering the program recommended by the Coordinating Committee for the Placement of the Physically Handicapped.

The operating sections of the Division are as follows:

(1) *Office of the Medical Director.* This office has the over-all administration of the Division's activities in the central office, including the handling of appeals in connection with certain types of cases. Also, through the offices of the Chief of Field Operations and the Executive Director and Chief Examiner, the Medical Director transmits to the various Regional Directors such information, instructional material and technical advice as may be necessary for the effective functioning of the medical officers assigned to their Regions. A member of the staff is detailed to the function of maintaining liaison with the various regional medical officers which may require travel to the Regional offices.

(2) *Consultative Service Section.* This section formulates physical requirements for entrance into the competitive civil service and prepares guides based thereon for the use of the appointing officers in the various agencies; devises schematic outlines for necessary physical examinations of both applicants and employees; reviews medical certificates exhibiting questionable conditions not covered by specific instructions and renders advisory services to appointing officers relative to the employability of applicants and the physical fitness of employees to continue in their post of duty, particularly with respect to nervous and mental conditions, communicable diseases, heart disease, and diabetes.

Within the section is a unit for the specialized handling of physically impaired applicants (emphasis on veterans) who offer unusual placement problems. This Unit is charged with the duties of devising broad schemes for the effective utilization of the remaining capabilities of impaired individuals as well as conducting interviews in specific cases.

(3) *Disability Retirement Section.* This section receives from the Retirement Division such applications for retirement as are based on claims of total disability for useful and efficient service; arranges for and authorizes physical examinations of applicants except in cases where sufficient evidence has already been presented by Federal medical officers or establishments; after securing adequate medical evidence, passes on the merits of applications and takes medical action of rejection or allowance; arranges for annual medical examinations or secures pertinent information in lieu thereof, in cases of retired employees (annuitants) whose cases have not been made permanent; supervises, by use of liaison facilities through the Office of the Medical Director, the initial medical processing in the regional offices of applicants residing within those areas; furnishes to the Retirement Division, through the office of the Medical Director, such technical advice pertaining to retirement matters in general as may be requested.

(4) *Examining Section.* This section in accordance with general procedures established by the Examining and Placement Division, examines and rates applications for professional and subprofessional positions in the medical and related fields in such agencies or establishments as are not otherwise provided for; renders advisory services to agencies regarding educational and experience standards in connection with the above positions; supervises and assists Committees of Expert Examiners in the conducting of examinations and the rating of applications in the medical and related fields; assists the Medical Director in making recommendations to the Personnel Division relative to the filling of medical officer and related positions within the Commission; receives and processes applications from cadet nurses who desire to complete their training in Federal hospitals under the provisions of the Cadet Nurse Act.

(b) *Method of securing and source of information.* Information in the files of the Medical Division is available to individuals and agencies in accordance with the regulations of the Commission set out in § 01.19.

§ 01.15 *Inspection Division.* The Inspection Division has been established to perform the following functions: To inspect and review in the offices of the various agencies the carrying out of the various personnel operations that have been delegated and to secure adherence to the required standards and procedures; to assist departments and agencies in adhering to the policies, standards and procedures prescribed by the Commission for the administration of delegated authority; to inspect and review the operations of Boards of Civil Service Examiners and Committees of Expert Examiners, to evaluate their effectiveness, to report on the carrying out of their functions and to secure adherence to the required standards and procedures; to present to the Commission current and accurate information as to the scope, content, effectiveness and equity of agency personnel management programs; to recommend to the Commission necessary changes in policies and practices to better personnel management in the Federal service; to improve agency personnel programs by rendering personnel management advisory service and serving as a clearing house for the exchange of information among agencies on the most efficient and economical personnel management policies, procedures and practices.

FIELD ACTIVITIES

§ 01.16 *Regional Offices*—(a) *Organization.* In the interest of economy and efficiency in administration of the field service, the Commission has divided the United States into fourteen regions. The activities of each region center in a regional office, located in a principal city within the region. A Regional Director is in charge of each Regional Office.

Each Regional Office supervises civil service activities within its area, in accordance with policies and procedures established by the Commission, furnishes information to the public, and announces regional and local examinations to fill positions under the jurisdiction of the region.

The functions of the regional office are performed under the regional director by Divisions and staff officials such as the following:

Budget and Fiscal Officer.
Personnel Officer.
Regional Examining and Placement Division.
Regional Classification Division.
Regional Investigations Division.
Medical Officer.
Regional Veterans Federal Employment Representative.
Examiner for Appeals under section 14 of the Veterans' Preference Act of 1944.
Personnel Management Advisor.

The location of regional offices, branch regional offices, and offices of Commission representatives outside the continental United States are as follows:

REGION, HEADQUARTERS, AND TERRITORY SERVED

1—Post Office and Courthouse Building, Boston 9, Mass. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.

2—Federal Building, Christopher Street, New York 14, N. Y. New York, New Jersey.

3—Customhouse, Second and Chestnut Streets, Philadelphia 6, Pa. Pennsylvania, Delaware.

4—Nissen Building, Winston-Salem 3, N. C. Maryland, Virginia, West Virginia, North Carolina, District of Columbia. Branch Regional Office: Tariff Commission Building, Seventh and F Streets NW., Washington 25, D. C. District of Columbia. Maryland: Counties of Calvert, Charles, Montgomery, Prince Georges, St. Mary's. Virginia: Arlington, Caroline, Clarks, Fairfax, Fauquier, King George, Lancaster, Loudoun, Northumberland, Prince William, Richmond, Spottsylvania, Stafford, Westmoreland.

5—New Post Office Building, Atlanta 3, Ga. South Carolina, Georgia, Florida, Alabama, Tennessee, Puerto Rico, Virgin Islands.

6—Post Office and Courthouse Building, Cincinnati 2, Ohio. Ohio, Indiana, Kentucky.

7—New Post Office Building, Chicago 7, Ill. Wisconsin, Michigan, Illinois.

8—Post Office and Customhouse Building, St. Paul 1, Minn. Minnesota, North and South Dakota, Nebraska, Iowa.

9—New Federal Building, St. Louis 1, Mo. Kansas, Missouri, Oklahoma, Arkansas.

10—Customhouse Building, New Orleans 16, La. Mississippi, Louisiana.

11—437 Central Building, 810 Third Avenue, Seattle 4, Wash. Montana, Oregon, Idaho, Washington, Territory of Alaska.

12—129 New Appraisers Building, 630 Sansome Street, San Francisco 11, Calif. California, Nevada, Arizona, Territory of Hawaii. Branch Regional Offices: 506 Post Office and Courthouse Building, Los Angeles 12, Calif. California: Counties of San Diego, Imperial, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara. Federal Building, Honolulu 2, T. H. Territory of Hawaii.

13—New Customhouse Building, Denver 2, Colo. Colorado, New Mexico, Utah, Wyoming.

14—210 South Harwood, Dallas 1, Tex. Texas.

REPRESENTATIVES OUTSIDE CONTINENTAL UNITED STATES

Hawaii (Subsidiary to Twelfth Region) Branch Regional Office, 12th U. S. Civil Service Region, Federal Building, Honolulu 2, T. H.

Puerto Rico (Under supervision of Director, 5th Region, insofar as employment under U. S. Government is concerned)—Chairman, Puerto Rico Civil Service Commission, San Juan, P. R.

Canal Zone—Secretary, Board of U. S. Civil Service Examiners, Balboa Heights, C. Z.

In order to provide closer supervision and render more effective service, regional directors may, as necessary from time to time, station representatives in smaller key cities to facilitate administration of civil service activities in areas within the region.

(b) *Delegation of authority.* Regional directors have general authority over civil service matters arising within their region. Specific grants of authority have been referred to in connection with the description of the functions of the divisions of the Commission set out above. Their decisions may be appealed to the Commission, through the Board of Appeals and Review in the same manner as decisions of the various divisions of the Commission may be appealed.

(c) *Method of securing and source of information.* Individuals residing in the states that are included within any region may secure information by writing to or calling at the Regional or Branch Regional Office. Information is also obtainable at Boards of U. S. Civil Service Examiners. (See § 01.17.)

§ 01.17 *Boards of United States Civil Service Examiners*—(a) *Organization*—(1) *Boards located at Federal establishments other than in the Post Office Department.* Wherever considered administratively advisable, Boards are established by the regional director in agreement with the head of the establishment and are composed of officers and employees of the establishment or establishments served by the board.

For positions under their jurisdiction, such boards announce examinations, receive and rate applications, establish registers, certify names to appointing officers, approve the appointments made from names submitted, and perform other functions delegated by the regional director.

All activities of these boards are performed in accordance with current standards and instructions of the Commission. The extent of authority to be delegated to individual boards is determined by the regional director and is not uniform for all boards.

(2) *Boards located at first and second class post offices.* Boards of United States Civil Service Examiners have been established in each city which has a first or second class post office.

These boards publicize examinations announced by the Commission's central office, the regional office, and by Boards located at other Federal establishments. They also furnish general information to the public and conduct assembled examinations.

Regional directors may delegate other special functions to these boards within the limits of the policies established by the Commission.

(b) *Delegation of authority.* Boards of Examiners located in Federal establishments other than the post office can take final action on any matters delegated by the regional director. Requests for a review of rating and appeals from the action of any board in any mattter properly before it, are first considered and decided by the board. In the event of an adverse decision further appeal may be made to the regional office.

(c) *Method of securing and source of information.* General information on civil service matters and employment opportunities can be secured from the Board of U. S. Civil Service Examiners at any first or second class post office. Such information is available also at the regional or branch office of the Commission or at the offices of its representatives outside continental United States.

Where more detailed and specific information is desired which is not available at the office of a Board of U. S. Civil Service Examiners, this information may be obtained by communicating with the regional or branch office.

Listed below are the places where the public may secure information and submit requests relating to specific civil service matters.

(1) *Open competitive examinations.* (i) To keep informed of pending examinations, the bulletin board and examination announcements at any first or second class post office may be consulted. A copy of any examination announcement may be inspected but extra copies are not always available for distribution. In a city in which there is a regional or branch regional office, that office may also be contacted for information.

(ii) To secure a copy of the announcement the office having immediate jurisdiction over the examination as shown in the announcement under the heading "Where to file application" may be contacted.

(iii) The examination announcement contains full details about the requirements, the specific application forms and the location of the office where the required application forms should be filed. Application forms are available at first and second class post offices, except in cities where regional offices of the Commission are located, in which case they may be obtained from the regional office. In branch office cities, application forms may also be obtained from such offices.

(2) *Examinations under section 10 of the Veterans' Preference Act of 1944.* (i) Persons granted ten-point preference under section 2 (1), (2) and (3) of the Veterans' Preference Act of 1944 may apply for examination as provided in section 10 of the same act.

CROSS REFERENCE: For regulations relating to appeals of preference eligible under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

(ii) For information concerning examinations which may be reopened, The Executive Secretary of the Board of U. S. Civil Service Examiners at the establishment where employment is desired or the regional or branch office of the Commission may be contacted.

(3) *Acceptance of delayed applications after the closing date.* Persons entitled to five-point military preference under section 2 (4) of the Veterans' Preference Act of 1944, and citizens who served beyond the continental limits of the United States with a Federal agency or international organization in which the U. S. Government participates, may, under certain conditions, file delayed applications.

(4) *Restoration to the list of eligibles of honorably discharged veterans under Executive Orders 9733 and 8937.* Requests for restoration should be made to the office which maintained the list of eligibles. The address of this office can be obtained from the notice of rating which the applicant received.

(5) *Requests for a review of examination rating.* A request for a review of a rating received may be made to the office which assigned the original rating as shown on the notice of rating.

(6) *Complaints on discrimination.* Complaints involving alleged discrimination on the grounds of race, creed, color, or national origin may be made to the regional director.

(7) *Reduction in force appeals.* Appeals involving alleged violation of reduction in force regulations based on section 12 of the Veterans' Preference Act of 1944 may be made to the regional office of the Commission.

(8) *Suitability appeals.* Appeals from applicants rated ineligible because they were not found suitable for government

employment should be addressed to the office which assigned the rating, as shown on the notice of rating.

(9) *Appeals under section 14 of the Veterans' Preference Act.* Appeals under section 14 of the Act may be filed with the regional office.

(10) *Competitive status under Executive Order 9598 of August 17, 1945.* Requests for the benefits of this order should be submitted individually by letter to the office of the Commission which authorized the basic appointment. Requests are ordinarily submitted by the current employing agency, but may be acted upon if submitted by the agency in which the employee received his basic appointment.

(11) *Passing over preference eligibles.* Records of the Commission's findings in determining the sufficiency of the reasons submitted by an agency for passing over a preference eligible are available at the office of the Commission which maintains the register. The records will be made available to the veteran eligible or his designated representative upon request as provided in section 8 of the Veterans' Preference Act.

(12) *Restoration under section 8 of the Selective Service and Training Act.* Whenever a misunderstanding occurs between a veteran and his former employing agency as to restoration rights, the case may be submitted by the veteran for final determination to the regional office.

(13) *Requests for reinstatement.* Requests should be submitted to the appointing officer of the office in which the vacancy is to be filled.

(14) *Requests for transfer.* Requests should be submitted to the appointing officer of the office in which the vacancy is to be filled.

ADVISORY COMMITTEES

§ 01.18 *Federal Personnel Council.* The Council of Personnel Administration was established in February, 1939, under Executive Order No. 7916, June 24, 1938. The Council was placed within the Commission under Executive Order No. 8467, July 1, 1940. The name of the Council was changed to Federal Personnel Council and its functions redefined by Executive Order 9830, February 24, 1947.

The Council is set up to improve Federal personnel administration through common understanding and effort, to meet the personnel needs of the service by developing standards and practices sufficiently uniform for the Government as a single employer and yet flexible enough to provide for the great differences in the character and conditions of work. The Council serves as a clearing house where directors of personnel develop plans and spread throughout the service information about practices, and where representatives of the Commission and of the Bureau of the Budget meet regularly with the personnel directors to consult with them and to discuss and interpret the policies, programs and procedures which are in the course of development.

The Council's work is carried on by members assisted by a small staff through weekly meetings of the entire Council and by standing and special committees. The actions of the Council are put into effect in various ways. Recommendations are made to the President and to the Civil Service Commission, Bureau of the Budget and other appropriate agencies. Much of the Council's work results in practical suggestions or agreements on improved personnel methods which are carried out by departments and agencies themselves. Field personnel councils have been authorized by the Commission and established under the supervision of the Commission's Regional Directors or their Representatives. The field councils are composed of officers responsible for personnel administration in their agency in the area designated by the regional director. They have the same object and function along similar lines as the Federal Personnel Council.

The Federal Personnel Council is located at 1626 K Street NW., Washington 25, D. C.

PUBLIC RECORDS

§ 01.19 *Availability of official records.* (a) Official records of the Commission are generally regarded as confidential except that upon request by any person decision will be made in each case as to the part of the record which may be disclosed or made available to him.

(1) *Examination records.* Under this heading are included application forms filed in connection therewith. When the Commission's work load will permit copies of applications or a résumé of the pertinent information desired will be furnished an applicant.

(2) *Medical records.* Medical information furnished to the Commission as "fully confidential" is not given out. Instead the inquirer is referred to the source of information.

Medical information not secured in confidence may be disclosed under the following circumstances:

(i) The name of the examining physician is not to be disclosed without his consent.

(ii) An applicant (or his authorized agent) may be informed of the reasons for the action taken on his medical certificate only to the extent necessary to enable him to correct defects or to seek medical advice or treatment. No information is given where it is of such a nature as to make it inadvisable to release it as, for example, in case of mental disability or other serious diseases, the knowledge of which might prove injurious to the physical health of the applicant. Occasionally information that should not be given to the applicant may upon his authorization be given in confidence to his attending physician or to a hospital as an aid in diagnosis or treatment. If the applicant is already aware of the contents of the medical certificate it is not regarded as confidential as far as he or his authorized agent is concerned.

(iii) Information derived from a medical certificate is not disclosed to individuals or organizations (legal firms, insurance companies, employment agencies, etc.) not concerned unless the applicant gives his consent, or unless the Commission finds that it is in the public interest to do so.

(iv) Information officially requested by a Federal agency other than the employing agency, such as the Veterans' Administration, may be furnished as confidential, except fully confidential material furnished for the use of the Commission only.

(v) Exact or photostatic copies of medical certificates are usually furnished in confidence to other Federal agencies when requested. They are not furnished to other inquirers or to the applicant himself except under unusual circumstances. In such cases there is furnished a statement of the defects found or a statement that the certificate discloses no defects. The selection of medical facts to be disclosed is made by a medical officer of the Commission.

(vi) Copies of medical surveys that have been obtained from the Veterans' Administration are by law confidential. The Veterans' Administration reserves the legal right to make decisions regarding the disclosure of information contained in its medical surveys to the veteran concerned. No information is furnished by the Commission except upon authorization in each individual case from the Veterans' Administration.

(vii) Information received from State hospitals is treated as fully confidential. Disclosure of information received from other hospitals or private institutions is governed by the condition under which the information was furnished to the Commission.

(viii) Medical statements from Selective Service Boards are required only when the Commission's medical director determines that the statement is necessary. Such statements are kept strictly confidential.

(3) *Service records.* Records comprised under this heading are the employment records of present and former Federal employees. Such records are disclosed only to the individuals themselves upon request and to proper agency officials as required in connection with application for or employment in the Federal service.

(4) *Reports of investigations.* (i) Complete information contained in investigative reports is made available to properly identified investigative representatives of the Federal Bureau of Investigation, the Treasury Department, the Office of Naval Intelligence, the Military Intelligence Service, the Provost Marshal General's office, the Post Office Inspection Service, the Immigration and Naturalization Service and the State Department. Such reports are made available with the understanding that the information contained therein will be treated with the same confidence as information developed by representatives of the agencies themselves and that sources of the Commission's information will not be revealed outside the investigative agency.

(ii) Regional Directors, Chiefs of regional investigation divisions, the Chief of the central office Investigations Division, and the Director of Personnel (with respect to requests relating to employees of the Commission) are authorized to permit inspection of reports by properly identified representatives of the above agencies.

(iii) Analytical memoranda and other memoranda indicating actions or decisions reached as the result of the report of investigation are removed from the files before they are made available. Upon request the representatives may be advised of the Commission's final decision.

(iv) Upon showing a legitimate need for information contained in investigative files representatives of other Federal agencies are furnished an oral summary of the facts developed by investigation. Upon request the representatives may be advised of the Commission's final decision.

(v) Regional Directors, Chiefs of regional investigation divisions, the Chief of the central office Investigations Division and the Director of Personnel (with respect to requests relating to employees of the Commission) or officials designated by them are authorized to furnish oral summaries.

(vi) Information regarding cases in which investigative or rating action is pending is not furnished to Federal agencies other than those to which complete investigative reports are available.

(vii) Information contained in bar and flag files is strictly a confidential matter with the Commission and is for the official use of the Commission only. It is the policy of the Commission not to give out publicly any information that a particular individual has a bar or flag record.

(5) *Retirement records.* (i) Disclosure of information from the files, records, reports and other papers and documents pertaining to a retirement claim is made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

(ii) The name or address of a beneficiary designated by an employee or an annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(iii) Such information as may properly be disclosed to a claimant personally shall in the event of his death be disclosed upon proper request to the duly appointed representative of his estate or to such person as may be designated by such representative or to a duly designated beneficiary or to the claimant's next of kin.

(iv) Copies of documents or other records desired by or in behalf of parties to a suit may be furnished to the court on an order of the court or subpena duces tecum.

(v) The address of a claimant as shown by the Commission's record may be furnished to duly constituted police or court officials upon proper requests or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(vi) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal or other publicly recognized charitable or social security administrative agency.

(vii) All records or documents officially required by any department or agency of the United States Government or by Senators and Representatives of the United States in their capacity as Members of Congress may be furnished in response to a proper request.

(viii) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government, copies of reports of examining surgeons, reports from the War Department or copies of records of other departments and other confidential matters will not be furnished.

(6) *Personnel classification records.* Classification specifications and statements of allocation standards are available for public inspection at the Commission's central, regional and branch offices.

§ 01.20 *Availability of final opinions and orders.* Cases in which the Commission formulates final opinions and orders within the meaning of the Administrative Procedure Act are those involving decisions in retirement death claims and in cases of alleged political activity on the part of officers or employees of a State or local Government whose principal employment is in connection with an activity financed in whole or in part by Federal funds (Section 12 (a), Act of August 2, 1939, as amended). Final opinions or orders issued by the Commission's Retirement Division in retirement death claims will be available for public inspection at the Retirement Division in the Commission's central office. Final opinions or orders issued by the Board of Appeals and Review in retirement death claims will be available for public inspection at the Board of Appeals and Review in the Commission's central office and in the Commission's regional offices. Final orders in political activity cases involving officers or employees of State or local Governments will be available for public inspection at the office of the Chief Law Officer in the Commission's central office and in the Commission's regional offices. (For addresses of regional offices see § 01.16.)

PART 02—FUNCTIONS OF THE COMMISSION

Sec.
02.1 In general.
02.2 Examining applicants for employment in the competitive civil service.
02.3 Retirement.
02.4 Enforcement of the Civil Service Act and Rules.
02.5 Enforcement of other statutes.
02.6 Notice of proposed rule making.

AUTHORITY: §§ 02.1 to 02.6, inclusive, issued under sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 633.

§ 02.1 *In general.* The Commission's primary function is to serve as the central personnel agency for the Federal Government. In so doing, it holds examinations to test the fitness of applicants for positions in the competitive civil service of the United States; conducts investigations into the character and suitability of successful applicants; certifies the names of qualified persons in response to requests from appointing officers in the various agencies; establishes standards for reinstatement, promotion and transfer of Federal employees; and in general enforces the Civil Service Act and the Civil Service Rules relating to the employment and the conduct of Federal employees. In addition the Commission is charged with the functions of administering the Classification Act of 1923 as amended, which provides for the classification of positions according to duties and responsibilities; of administering an efficiency rating system for Federal employees; of maintaining service records of employees in the executive civil service; of administering the Civil Service Retirement Act, the Canal Zone Retirement Act, the Panama Canal Construction Annuity Act and the Alaska Railroad Retirement Act; of administering the Veterans Preference Act of 1944; and of enforcing the provisions of the Hatch Political Activities Act which prohibits political activity on the part of employees of State or local governments participating in Federally financed projects.

CROSS REFERENCE: For regulations relative to retirement, see Part 20 of this chapter.

Inasmuch as most of these functions pertain to the internal management of the Federal Government they are not set out in full in this part. Federal employees who are affected by their operations may generally obtain information or answers to their questions from their personnel office. Insofar as their operations affect persons outside the Federal service they are explained in the sections that follow.

§ 02.2 *Examining applicants for employment in the competitive civil service—*(a) *Announcement of examinations.* From data on net personnel requirements for positions in Washington, D. C., and in the field which are filled by the central office of the Commission, determination is made by the Commission as to what examinations will be held and which examinations will be given priority in announcement. In preparing to hold an examination the Commission and the agency or agencies in which the positions exist prepare a statement of the duties of the position and reach agreement as to the qualifications required for the satisfactory performance of these duties and the method of examining, including such factors as age, physical requirements, written tests, experience, training or education necessary. (Education may be prescribed only when the Commission has determined and made public its reasons for so doing, that the duties of a position of a scientific, professional or technical nature cannot be satisfactorily performed by an individual who has not met the specific educational requirements prescribed for the position.) The Commission then issues an announcement of the examination in which it incorporates the information needed by the applicant as to the requirements for the position, the method of examination, the location and salary of the position and the conditions of employment. Examination announcements may be given publicity by display and by newspaper publicity in the area from which applicants are accepted for the examination, and, when feasible, by publication in periodicals normally

read by persons engaged in the occupations related to the position for which examination is announced.

(b) *Applications.* The examination announcement specifies the application forms to be filed by the applicant and indicates the period during which applications will be accepted. The application forms specified in the announcement may generally be obtained from the Secretary, Board of U. S. Civil Service Examiners, at any first- or second-class post office, or from the Commission's central, regional, or branch regional offices. However, application Form 9, required for rural carrier and fourth class postmaster, and application Form 10, required for first-, second-, and third-class postmaster, may be obtained only from the post office for which the examination is announced, during the time an announcement for the position is open, or from the Examining and Placement Division, Civil Service Commission, Washington 25, D. C.

Applications for an examination which are received after the closing date specified in the announcement are cancelled and returned to the applicant, unless he is eligible for a reopened or delayed examination or has been granted the privilege of filing for a position for which there is no open announcement, as in the case of displaced career employees or those former status employees who failed of restoration after military service, service in the merchant marine or war transfer.

(c) *Examinations.* Applicants for assembled examinations are notified of the time, place and date to report for examination and are supplied any additional forms necessary. These forms are collected at the time of the written examination and become a part of the examination file. At the time of the written examination each competitor fills in a "declaration sheet" carrying an identifying number which is placed on each answer sheet used by the competitor during the examination. The identity of the competitors is maintained secret by keeping the applications, related forms, and the declaration sheets entirely separate from the answer sheets until the rating has been completed, after which the answer sheets are matched with the declaration sheets and the applications and related forms.

(d) *Ratings.* Examinations are rated on a scale of 100. The examination announcement specifies the relative weights given to each part of the examination. In general nonpreference competitors must obtain a rating of 70 for eligibility; 5-point preference competitors, a rating of 65; and 10-point preference competitors, a rating of 60. After rating of the written examination, the applications of eligibles are reviewed to ascertain that they meet the legal requirements for Federal employment and the age and physical requirements listed in the announcement and have proved legal or voting residence if the position is in the apportioned service. Failure to meet requirements renders the applicant ineligible; failure to prove residence permits the eligible to be considered only for the non-apportioned service. If the announcement of a written examination specifies that the competitors must show prescribed experience or training (which may represent a minimum qualification, or may be rated and incorporated in the final rating, according to the terms of the announcement) the application papers of the acceptable eligibles are reviewed to ascertain that the experience or training requirements are met, and the competitors failing to meet the minimum requirements are declared ineligible.

Applications filed for unassembled examinations are first reviewed to ascertain that the applicant meets the legal requirements for Federal employment, the age and physical requirements specified in the announcement and has proved legal or voting residence if the position is in the apportioned service. Applications not canceled during this review, are then rated on the basis of experience, training or education shown by the applicant which is pertinent to the position for which he is being examined, in accordance with a predetermined rating schedule which fixes the credit to be assigned for various grades of the required experience. To attain eligibility a competitor must meet the minimum requirements for the position as stated in the examination announcement. When necessary, the Commission may request the applicant to supply the additional detailed information necessary to evaluate his qualifications.

(e) *Register of eligibles.* From the applications and related papers of persons eligible under the terms of the announcement the list of eligibles, known as the register, is prepared. A register card is completed for each eligible and a permanent index card and notice of rating prepared for each competitor.

The register of eligibles is arranged in such manner that the provisions of section 7 of the Veterans' Preference Act of 1944, of Executive Order 9733 and of the apportionment (section 2 of the Civil Service Act, March 3, 1871, 16 Stat. 514; 5 U. S. C. 631) are observed in certification from the top of the register. Existing registers are combined with the newly established register, when, in the judgment of the Commission, it is expedient to do so. Names of persons whose eligibility for probational appointment was restored under the provisions of Executive Order 8937 and Executive Order 9733 are also entered on the new register, if the period of extended eligibility to which they are entitled has not already expired.

Eligibles are requested to inform the Commission of any changes in availability, and may be suspended from the register during a period of unavailability, with the privilege of restoration upon notification to the Commission at any time during the life of the register. Eligibles who decline offers of appointment without a reasonable explanation may be suspended from the register. Eligibles on the central office register may be transferred to a register maintained in a field office of the Commission, and vice versa: *Provided,* The following conditions are met:

(1) An appropriate register is maintained by the receiving office.

(2) The requirements stated in the examination announcement for both offices concerned are the same.

(3) When the transfer is from a register for the non-apportioned service to one for the apportioned service, the eligible must prove legal or voting residence for 1 year prior to the submission of proof.

(4) If the register to which transfer of eligibility is requested is subject to a zone of certification provision, the eligible must be a resident of such zone of certification.

(5) On certain field registers the eligible must be merely a resident of the area in which the examination was publicized.

(6) Transfer is not permitted from a register established from an announcement which closed later than the comparable announcement in the office to which transfer is desired.

(7) Transfer of eligibility is subject to the approval of the receiving office.

(f) *Certification of eligibles.* If an agency desires to fill a vacancy by original appointment and it has been notified by the Commission that a register of eligibles has been established for probational appointment to such position, the Personnel Director of the agency, or his authorized representative, forwards to the Commission a request for the name of eligibles from which to select new personnel. If, upon receipt of the request in the central office, it is decided that the existing register is appropriate, eligibles in sufficient number to permit the appointing officer to consider three eligibles for each vacancy are listed from the top of the register and the list, known as a "certificate of eligibles", is furnished to the agency, together with the applications of such eligibles. If a study of the request indicates that certification in regular order from the register would not provide persons properly qualified to fill the vacancy, selective certification may be made. This can be done in two ways: (1) by reviewing all eligibles on the register to locate those having the special qualifications required to perform the duties of the position; or (2) rerating the eligibles on the most nearly appropriate registers on the basis of a special rating schedule which emphasizes the importance of the special qualifications required. In either case, the resulting eligibles are listed in the order of rating as augmented by veteran preference (and in accordance with the apportionment list if the positions are in the apportioned service) and the certificate forwarded to the appointing officer for his consideration.

(g) *Selections from certificates.* The appointing officer is required to make selection in accordance with the rule of three (see section 8 of the Veterans' Preference Act of 1944). If the appointing officer passes over veteran eligible and tentatively selects a non-veteran he is required to furnish to the Commission reasons for his action, which are subject to review by the Commission. (Section 8 of the Veterans' Preference Act of 1944.) The appointing officer is not permitted to appoint a non-preference eligible, tentatively selected, in place of a preference eligible passed over, until he has received

the Commission's opinion as to the sufficiency of his reasons for passing over the veteran. (If the appointing officer leaves a vacancy open for the selection of the preference eligible passed over, he may appoint the non-preference eligible.) If the Commission disagrees with the agency's reasons it requires the agency to submit any additional evidence in support of its action in passing over the veteran or a statement that there is no additional evidence in the case. In either event, the agency may, upon receiving a response to its second submission, appoint the non-preference eligible. The Commission is not empowered by the Veterans' Preference Act of 1944 to force the agency to appoint a veteran passed over by the agency without sufficient reason; however, it is directed by that act to furnish copies of the agency's reasons and its opinions of such reasons to the veteran or his authorized representative upon request.

The appointing officer, during the course of an interview with an eligible certified by the Commission, or in connection with any pre-employment check of an eligible's references, may receive information about the eligible which he believes would have disqualified the eligible from certification had the Commission been in possession of the information at the time the certificate was issued. In such cases, the appointing officer offers an objection to the eligible, and tentatively selects an eligible who would not have been within reach for consideration otherwise. He may not appoint such eligible selected out of order until the Commission has notified him whether the objection is sustained by the Commission. If the objection is sustained, the agency may appoint the eligible tentatively selected; if the objection is not sustained, the agency must reconsider the eligible to whom objection was offered. If the Commission lowers the rating of an eligible or declares him ineligible as the result of investigation following a sustained objection, the eligible is notified.

Since the regulations of the Commission do not require an appointing officer to give an eligible more than 3 considerations for the same position, a record of the certifications accorded each eligible is maintained on his record card, and, the number of considerations accorded the eligible as a result of each certification is recorded. If an eligible declines an offer of appointment, or fails to reply to the appointing officer's offer of appointment or inquiry as to availability, Form 1078, "Notice of Suspension of Eligibility" is sent to the eligible, informing him that if he does not reply to the questions with regard to the conditions under which he will accept an offer of appointment his name will be suspended from the register until such time as he notifies the Commission of his availability. If the agency's correspondence with the eligible is returned undelivered, the central office records are checked to insure that the correspondence was properly addressed; if so, the eligible is regarded as unavailable until he communicates with the Commission.

§ 02.3 *Retirement*—(a) *Filing death claims.* When an employee or an annuitant dies leaving any amount to his credit in the Retirement and Disability Funds it is the Commission's function to pay such amount to the person or persons who have a rightful claim to it. Such claims are handled as follows:

(1) The claimant must obtain a copy of Civil Service Commission Form 3000 either from the Retirement Division, or from the office in which deceased was last employed and complete it in accordance with the instructions contained therein. The completed form and supporting papers must be sent direct to the Retirement Division. There must be submitted with the application a certified copy of the public record showing the death of the employee or annuitant unless such death occurred while the employee was in the armed forces outside the continental United States. In the latter case the branch of the armed forces in which deceased was serving must be stated.

(2) A claim filed by or for a person who was designated by the deceased as beneficiary should be accompanied by the duplicate copy of the form on which such beneficiary was designated (Form 2806–1).

(3) If the application is filed by an executor, administrator, guardian, or committee, a certified copy of the court order showing such appointment must be submitted.

(4) If no beneficiary has been designated by deceased and no executor or administrator has been or will be appointed the claim should be filed by the legal heir or heirs under the laws of the State in which the deceased was domiciled.

(5) The application must be signed in the presence of two witnesses who must certify as to the identity of the person filing the claim.

(6) Upon examination of the application and the supporting documents the Commission adjudicates the claim.

§ 02.4 *Enforcement of the Civil Service Act and rules*—(a) *Discrimination.* Complaints by applicants who have been denied employment because of marital status, race or for political or religious reasons should be submitted in writing with all available evidence to the office of the Commission that has jurisdiction over filling the positions involved. The Commission investigates the allegation and notifies the appellant of the finding made. If a finding of a discrimination is made the Federal agency involved is notified and directed to take appropriate corrective action.

§ 02.5 *Enforcement of other statutes*—(a) *Hatch Political Activities Act.* Section 12 (a) of the Hatch Act prohibits political activity on the part of officers and employees of State and local governments whose principal employment is in connection with an activity financed in whole or in part by Federal funds. In exercising its function of enforcing this prohibition the Commission:

(1) Receives complaints alleging political activity.

(2) If the complaint so warrants, conducts an investigation.

(3) On the basis of the investigation issues a letter of charges.

(4) Reviews the answer to the letter of charges and either closes the case or conducts a formal hearing.

(5) Issues a final order embodying its findings as a result of the hearing.

(6) In the event of an appeal to the United States District Court, prepares the record for certification to the court and by arrangement with the Department of Justice represents the Government in the proceedings before the District Court.

CROSS REFERENCE: For the rules of practice under section 12 (a) of the Hatch Political Activities Act see Part 23 of this chapter.

§ 02.6 *Notice of proposed rule making.* Rules pertaining to the internal management of the Commission or of the Federal Government will be adopted and amended without prior notice or public participation. The procedure to be followed in the formulation of other rules will vary with the nature of the rule, the extent of public interest therein and the practicality of giving public notice. Details of the procedure to be followed will be incorporated in each notice of proposed rule making.

PART 1—COVERAGE

CIVIL SERVICE RULE 1

Sec.
1.1 Positions and employees affected by these Rules.

REGULATIONS UNDER CIVIL SERVICE RULE 1

1.101 Coverage of the Commission's regulations.

AUTHORITY: §§ 1.1 to 1.101, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE 1

§ 1.1 *Positions and employees affected by these Rules.* (a) These Rules shall apply to all positions in the competitive service. As used in these Rules, the words "competitive service" shall have the same meaning as the words "classified service", or "classified (competitive) service," or "classified civil service" as defined in existing statutes and Executive orders. The competitive service shall include all civilian positions in the executive branch of the Government unless specifically excepted therefrom under statute or Executive order, and all positions in the legislative and judicial branches of the Federal Government and in the Government of the District of Columbia which are specifically made subject thereto by statute. Whenever there is a doubt the Commission shall determine whether a position is in the competitive service.

(b) Persons occupying such positions shall be considered as being in the competitive service when they have a competitive status. A competitive status shall mean a status which permits a person to be promoted, transferred, reassigned, and reinstated to positions in the competitive service without competitive examination, subject to the conditions prescribed by the Civil Service Rules and Regulations for such noncompetitive actions. A competitive status shall be acquired by probational appointment through competitive examination, or may be granted by statute, Executive order, or the Civil Service Rules.

REGULATIONS UNDER CIVIL SERVICE RULE I

§ 1.101 *Coverage of the Commission's regulations.* Except as otherwise indicated in the part concerned, the regulations in this chapter shall apply to all positions and persons subject to the Civil Service Rules.

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

CIVIL SERVICE RULE II

Sec.

2.1 Competitive examinations and eligible registers.
2.2 Apportionment.
2.3 Nature of appointment.

REGULATIONS UNDER CIVIL SERVICE RULE II

2.101 Examinations.
2.102 Competition restricted to veterans.
2.103 Qualifications of applicants.
2.104 Disqualifications of applicants.
2.105 Delayed filing of applications by veterans and persons serving overseas.
2.106 Competitive rating.
2.107 Eligible registers.
2.108 Termination of eligibility.
2.109 Certification for appointment.
2.110 Apportionment.
2.111 Selection for appointment.
2.112 Appointments may be subject to investigation.
2.113 Probational appointment.
2.114 Temporary appointment.

AUTHORITY: §§ 2.1 to 2.114, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE II

§ 2.1 *Competitive examinations and eligible registers.* (a) The Commission shall be responsible for open, competitive examinations for admission to the competitive service which will fairly test the relative capacity and fitness of the persons examined for the position to be filled. The Commission is authorized to establish standards with respect to citizenship, age, education, training and experience, suitability, and physical and mental fitness, and for residence or other requirements which applicants must meet to be admitted to or rated in examinations.

(b) In addition to the names of persons who qualify in competitive examinations, the names of persons who lost eligibility on a probational register because of service in the armed forces subsequent to May 1, 1940, and the names of persons having a competitive status whom the Commission determines should be given further certification may also be entered at such places on appropriate registers and under such conditions as the Commission may prescribe.

§ 2.2 *Apportionment.* Subject to such modifications as the Commission finds to be necessary in the interest of good administration, appointments to positions in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population.

§ 2.3 *Probational and temporary appointments.* (a) Persons selected from eligible registers for other than temporary appointment shall be required to serve a probationary period under such terms and conditions as the Commission may prescribe.

(b) The Commission may determine the types, duration and conditions of war service and other temporary appointments, and may prescribe the method for replacing persons holding such appointments.

REGULATIONS UNDER CIVIL SERVICE RULE II

§ 2.101 *Examinations.* (a) Examinations for original appointment shall be competitive except that noncompetitive examinations may be authorized when sufficient competent persons do not compete. Examinations for promotion, reassignment, transfer and reinstatement may be noncompetitive.

§ 2.102 *Competition restricted to veterans.* (a) Competition in examinations for the following positions is restricted by law to veterans as long as they are available: Guard, Elevator Operator, Messenger, and Custodian. It shall be the responsibility of each agency to restrict competition to veterans whenever, under delegated authority, it makes appointments to these positions.

(b) Until five years following the official termination of World War II competition in examinations for the following positions is restricted by Executive order to veterans as long as they are available: Correctional officer, Bureau of Prisons, Department of Justice; Veterans' relations adviser, Office of Price Administration; Assistant Contact Officer, Contact Officer, Contact Representative, and Senior Contact Representative, Veterans' Administration.

(c) Positions, examinations for which have been restricted to veterans under paragraphs (a) and (b) of this section, may not be filled by appointment, reappointment, reinstatement, promotion, transfer or reassignment of a nonveteran as long as three or more qualified veterans are available for filling the position, except that a nonveteran employee may be promoted, transferred, or reassigned to a restricted position covered by the same generic title as the position in which he is presently serving.

§ 2.103 *Qualifications of applicants.* (a) Persons admitted to competitive examinations must be citizens of or owe allegiance to the United States. However, citizens of the Republic of Panama may be admitted to examinations for employment by the Panama Canal and the Panama Railroad Company, and until June 30, 1947, citizens of the Republic of the Philippines may be admitted to any examinations.

(b) When a veteran is rated in examinations where experience is an element of qualifications he shall be credited with time spent in the armed forces of the United States either: (1) As an extension of time spent in the position in which employed immediately prior to his entrance into such forces; or (2) On the basis of the actual duties performed therein; or both. Time spent in the armed forces shall be credited according to the method that will be of more benefit to the veteran.

§ 2.104 *Disqualifications of applicants.* (a) An applicant may be denied examination and an eligible may be denied appointment for any of the following reasons:

(1) Dismissal from employment for delinquency or misconduct.

(2) Physical or mental unfitness for the position for which applied.

(3) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct.

(4) Intentional false statements or deception or fraud in examination or appointment.

(5) Refusal to furnish testimony as required by § 5.3 of Rule V.

(6) Habitual use of intoxicating beverages to excess.

(7) Reasonable doubt as to loyalty to the United States Government.

(8) Any legal or other disqualification which makes the applicant unfit for the service.

§ 2.105 *Delayed filing of applications by veterans and persons serving overseas.* (a) A ten-point veteran may file application at any time for any position he may specify for which there is an existing register, or a register about to be established, or to which any probational appointment has been made within the preceding three years. Examinations under this section shall be held not later than the quarterly period succeeding that in which the applications were filed.

(b) Applications for an examination for probational appointment will be accepted after the closing date of such examination from the persons described below, subject to the conditions specified:

(1) Any person who was unable to file application for an examination or to appear for any assembled test because of service in the armed forces of the United States, or because of hospitalization continuing for not more than one year following discharge from such forces. He may also file application for any examination announced within 120 days of his separation from the armed forces or hospitalization. Application from such person may be filed while in the armed forces or during hospitalization but must be filed within 120 days of honorable separation from such forces or from hospitalization and prior to the expiration of the register established as a result of the examination. A person serving in the armed forces or undergoing hospitalization will not be certified for appointment until he notifies the Commission that he will soon be available for appointment.

(2) Any citizen who was unable to file application for an examination or to appear for any assembled test because of foreign service with a Federal agency or an international organization in which the U. S. Government participates. He may also file application for any examination announced within 120 days of his return from foreign service. Application from such person may be filed while in foreign service but must be filed within 120 days of his return from foreign service and prior to expiration of the register established as a result of the examination. The applicant must certify, in his application or in a supporting statement, the facts which justify acceptance of his application under this subparagraph. He must show the Federal agency or international organization in which employed in foreign service, and the exact date of departure for and return from foreign service. "Foreign service" as used herein shall be service other than in the United States proper, Hawaii, Alaska, Puerto Rico, the Virgin Islands, and the Canal Zone.

(3) Any person who meets the conditions of subparagraph (1) of this paragraph and leaves the armed forces to enter foreign service with a Federal agency, or an international organization in which the U. S. Government participates, and thus meets the conditions of subparagraph (2) of this paragraph, may file application within 120 days of his return from foreign service for examinations that closed either while he was in the armed forces or while he was in foreign service. Application must be filed prior to the expiration of the register established as a result of such examination.

§ 2.106 *Competitive rating.* (a) The subjects in examinations shall be given such relative weights as the Commission may prescribe. A scale of 100 shall be used and all competitors who meet the minimum entrance requirements and are rated 70 or more, including preference points, shall be eligible for appointment.

§ 2.107 *Eligible registers.* (a) The names of persons who qualify in competitive examinations shall be entered on appropriate registers in the order of their ratings, as may be augmented by veteran preference, subject to apportionment, residence, or other requirements of law or the Commission's regulations.

(b) When an eligible register has been established as the result of open competitive examination the names of the following classes of persons may be entered thereon provided they have a competitive status:

(1) Persons who have a legal right to restoration but fail to be restored to their former positions after service in the armed forces or the Merchant Marine of the United States;

(2) Persons who were transferred with reemployment rights but fail to be reemployed;

(3) Persons declared eligible by the Commission after appeal from separation under section 14 of the Veterans' Preference Act;

(4) Persons who, because of reduction in force, have been, or are about to be separated or furloughed for 30 days or more: *Provided*, That such persons may not have their names entered on more than two registers under this section.

(5) Veterans who have been furloughed or separated without delinquency or misconduct, or who have resigned from the service, and applied for reentry of their names on such register.

Application for entrance on a register under this paragraph must be filed within 90 days of separation or failure of restoration or reemployment. Applicants shall be examined under the same standards used in the open competitive examination and their names shall be entered on the register in the order prescribed by paragraph (a) of this section.

(c) (1) Veterans who were in the armed forces of the United States subsequent to May 1, 1940, and for that reason lost eligibility on a register during a period that the register was used for probational appointment, shall have their names entered on the appropriate successor register if they:

(i) Have been honorably separated from the armed forces;

(ii) Are still qualified to perform the duties of the position for which the register is used; and

(iii) Make application for entrance on the register within 90 days after separation from active service or from hospitalization continuing after discharge for a period of not more than one year. Such persons shall be restored to the successor register, for the life of such register, in accordance with their former ratings as augmented by preference points, except as provided in subparagraph (2) of this paragraph.

(2) Persons who establish eligibility for entrance on a successor register in accordance with subparagraph (1) of this paragraph, shall have their names entered at the top of the appropriate group on the successor register if another person standing lower on the register on which their names formerly appeared was given a probational appointment from such register. For the purpose of determining the appropriate group all 10-point veterans including such restored veterans, will be considered as one group, and all other eligibles including such restored 5-point veterans, as another group. However, for professional and scientific positions for which the basic entrance salary is over $3,000 per annum, all eligibles will be considered as one group.

(3) Persons who meet the conditions for entrance on a successor register in accordance with subparagraph (1) of this paragraph shall have their names listed for certification for probational appointment if no successor register exists and another person standing lower on the register on which their names formerly appeared was given a probational appointment from such register.

§ 2.108 *Termination of eligibility.* (a) Eligibility on any register shall be terminated under the following conditions:

(1) By acceptance of appointment of other than temporary duration from such register.

(2) By action of the Commission terminating the eligibility of all eligibles on such register: *Provided*, That the eligibility of the following classes of persons shall not be terminated in less than one year unless a new register is established on the basis of more exacting requirements which have been determined to be more appropriate for the position concerned:

(i) Veterans entered on the register as a result of examination under section 10 of the Veterans' Preference Act, or of favorable determination of an appeal from dismissal or furlough, or application for restoration after furlough or separation without delinquency or misconduct, or resignation.

(ii) Eligibles entered on the register because of failure to receive mandatory reemployment after military or merchant marine service or transfer.

(iii) Eligibles restored to the register after separation because of reduction in force.

§ 2.109 *Certification for appointment.* (a) Upon receipt of a request for certification of eligibles, there shall be certified from the top of the appropriate register a sufficient number of names to permit the appointing officer to consider three eligibles in connection with each vacancy.

(b) Where no register exists appropriate as a whole for certification for filling a particular request, there may be certified selectively from the most nearly appropriate existing register, in the order of their ranking, the names of persons who are adequately qualified for the particular position to be filled. The Commission may, however, when appropriate, rerate the eligibles on the register on the basis of the particular requirements of the position.

(c) In order to fill existing vacancies in appropriate positions, and to require displacement of temporary and war service appointees who do not have eligibility for permanent retention, the Commission shall certify for probational appointment:

(1) Veterans who qualify in examinations under section 10 of the Veterans' Preference Act and who are entitled to 10-point preference and priority in certification under that statute; and

(2) Veterans entitled to priority in certification under § 2.107 (c) (3) because of lost opportunity for probational appointment due to military service.

(d) Certification shall be made without regard to sex unless the appointing officer, in accordance with the right conferred upon him by law, requests eligibles of a given sex.

§ 2.110 *Apportionment.* (a) Certifications for appointment in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain, as nearly as the conditions of good administration warrant, the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population. However, certification in the following cases shall be made without regard to the apportionment, and appointments in such cases shall be excluded from the apportionment figures:

(1) Certification of veterans.

(2) Certification for appointment to the following positions in all agencies:

(i) Positions in headquarters offices which are located outside the metropolitan area of Washington, D. C.

(ii) Positions in the professional and scientific service for which the entrance salary is over $3,000 per annum.

(iii) Positions in the clerical, administrative and fiscal service classified at Grade 14 and above.

(iv) Apprentice positions in the recognized trades and skilled occupations.

(v) Artisan and helper positions in all trades and skilled occupations, and all phases of the graphic and map reproduction arts that require trade knowledge and manual skill and effort in their performance. However, positions that require only clerical, technical, or professional knowledge in their performance are not excluded from the apportionment.

(vi) Positions of operating engineman, fireman, oiler, general helper, laborer, foreman of laborers, gardener, grounds keeper, animal keeper, chauffeur, truck driver, and telephone operator.

(3) Certification for appointment to all positions in the following agencies:

(i) The Government Printing Office.

(ii) Agency field offices in the metropolitan area of Washington, D. C.

§ 2.111 *Selection for appointment.* (a) An appointing officer shall, with sole reference to merit and fitness, make selection for the first vacancy from among the highest three eligibles available for appointment on the certificate. For the second vacancy he shall make selection from among the three highest unselected and available eligibles on the certificate. Each succeeding vacancy shall be filled in like manner. An appointing officer may pass over without further consideration any eligible (1) who has been considered for three separate appointments from the same or different certificates, or (2) to whose certification for the particular position he has made an objection which has been sustained by the Commission for any of the reasons stated in § 2.104.

(b) The following procedure shall be followed when an appointing officer passes over a veteran and tentatively selects a nonveteran:

(1) He shall file with the Commission his reasons in detail and in writing for passing over the veteran.

(2) The Commission shall determine the sufficiency or insufficiency of such reasons and notify the appointing officer of its findings.

(3) If the reasons are sufficient the nonveteran tentatively selected may be appointed.

(4) If the reasons are insufficient and the appointing officer still desires to appoint the nonveteran he shall submit:

(i) More detailed information concerning his reasons for passing over the veteran; or

(ii) A statement that he has no more information in support of his selection of the nonveteran.

(5) The nonveteran tentatively selected may not be legally appointed, except as provided herein, until the appointing officer has received the Commission's notice concerning his second statement.

(6) When a certificate has been issued for filling several vacancies a nonveteran may be appointed to one or more of the vacancies prior to receipt of the Commission's findings provided the appointing officer holds open one of the vacancies for further consideration of the veteran in case the reasons for passing him over are found insufficient. Where a seniority system of promotion is established by law, such appointment shall be made on a temporary basis until the vacancy held open is filled by probational appointment.

(7) A copy of the appointing officer's reasons and the Commission's findings shall, upon request, be sent to the veteran or his designated representative.

(c) If, upon certification, reasons deemed sufficient by the Commission for passing over a veteran's name shall three times have been given by appointing officers, certification of his name for appointment will thereafter be discontinued, prior notice of which shall be sent to the veteran.

§ 2.112 *Appointments may be subject to investigation.* (a) In the following types of appointments investigation designed to further establish the individual's qualifications may be made at any time within one year of the personnel action and removal may be ordered by the Commission if such investigation discloses that the individual is disqualified for Federal employment, and all such appointments shall be considered as subject to this condition:

(1) Original probational.
(2) Reappointments.
(3) Reinstatements.
(4) Temporary appointments pending establishment of a register.
(5) Temporary appointments which exceed or are extended beyond six months.
(6) Inter-agency transfers.
(7) Conversions from excepted, war service indefinite, or temporary indefinite positions to competitive positions.

§ 2.113 *Probational appointment.* (a) A person selected for other than temporary appointment shall be given a probational appointment. The first year of service under this appointment shall be a probationary period. The agency shall utilize the probationary period as fully as possible to determine the fitness of each employee and shall terminate his services during such period if he fails to demonstrate fully his qualifications for continued Federal employment.

(b) The following service will be counted toward completion of the probationary period:

(1) Service in the armed forces of the United States during a national emergency when the employee entered such service during his probationary period.

(2) All continuous service under war service indefinite appointment or temporary appointment rendered immediately preceding probational appointment, or acquisition of status under § 3.1 (b) (2), (5) and (7) of Rule III, which was in the same line of work and in the same agency as the position to which probationally appointed or in which status is acquired.

(c) A probationer voluntarily or involuntarily separated from the service without delinquency or misconduct may be restored to the register of eligibles for the remainder of any period of eligibility thereon whenever in the opinion of the Commission he is suitable and eligible for further Federal employment.

§ 2.114 *Temporary appointment*—(a) *Pending establishment of register.* Whenever there are no eligibles upon a register appropriate for filling a vacancy, and the public interest requires that the vacancy be filled before eligibles can be certified, the Commission may authorize temporary appointment. Such appointment shall continue only for such period as may be necessary to make appointment through certification, and in no case, without prior approval of the Commission, shall extend beyond thirty days from the date of the receipt by the appointing officer of a certification of three or more eligibles.

(b) *Pending full certification.* Whenever there are fewer than three eligibles on any appropriate register for a position in which a vacancy exists, the Commission shall certify for consideration for probational appointment those eligibles who are on the register. If the appointing officer shall elect not to make probational appointment from such certification, the vacancy may be filled by temporary appointment pending establishment of a register but the appointing officer will be required to give reasons for passing over a veteran on the certificate.

(c) *Job employment.* When there is work of a temporary character, at the completion of which the services of an additional employee will not be required, a temporary appointment may be made with the prior authority of the Commission for a period not to exceed 6 months. Such temporary appointment shall be made through certification from the Commission's eligible registers unless there are no available eligibles. Such temporary appointment may be extended only if there are no eligibles available for the additional period or after an adequate showing that such extension is necessary to complete the job of work for which the person was originally employed. The Commission may restrict certification for temporary job employment to eligibles that are immediately available because of residence or other conditions.

(d) *Temporary substitutes in Post Offices.* When, in the Post Office Service, the quota of substitutes is filled but the Post Office Department has authorized the appointment of additional substitutes for temporary work of indefinite duration, the Commission will, upon request of the Postmaster, certify eligibles, and selection shall be made, in the same manner as for probational appointment. However, the person selected shall not obtain a competitive status by such appointment, but shall be considered a temporary employee.

(e) *Agency authority to make temporary appointments.* Subject to the conditions specified, the Commission hereby delegates authority to agencies to make:

(1) Emergency appointments without examination in cases of extreme emergency where positions must be filled without delay, and where time does not permit the securing of prior authority of the Commission. Such emergency appointments may not continue for more than 30 days and may not be extended by the agency without the prior approval of the Commission.

(2) Temporary appointments pending establishment of a register, or for job employment as defined in paragraph (c) of this section, until the agencies have been notified that certification for filling particular positions should be secured from the Commission. In making such appointments the agencies shall:

(i) Give preference first to qualified ten-point veterans, second, to qualified five-point veterans, and third, to qualified former Federal employees. (Upon establishment before the Commission that this order of preference has not been followed in any case, the person appointed may be removed); and

(ii) Determine that the applicant meets the qualifications standards prescribed by the Commission for the position applied for.

(f) *Limitations on rights of temporary appointees.* Persons serving under appointments under this section may not be transferred between agencies and shall not be regarded as occupying permanent positions for the purpose of withingrade salary advancements under section 7 of the Classification Act of March 4, 1923, as amended, and shall not by virtue of such appointments be subject to the Civil Service Retirement Act.

CROSS REFERENCE: For regulations governing withingrade salary advancements, see Part 25 of this chapter.

PART 3—ACQUISITION OF A COMPETITIVE STATUS

CIVIL SERVICE RULE III

Sec.
3.1 Classes of persons who may acquire status.
3.2 Appointment without competitive examination in rare cases.

REGULATIONS UNDER CIVIL SERVICE RULE III

3.101 Incumbents of positions brought into the competitive service.
3.102 Certain persons entitled to veteran preference.
3.103 Disabled veterans who have completed a training course.
3.104 Employees who have served in the office of the President or on the White House staff.
3.105 Employees who have been reached on a register.
3.106 Employees reached on a register prior to the War Service Regulations.
3.107 Employees serving in competitive positions without competitive status.

AUTHORITY: §§ 3.1 to 3.107, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE III

§ 3.1 *Classes of persons who may acquire status.* (a) A person may acquire a competitive status by probational appointment through competitive examination, or by statute, Executive order, or this Rule.

(b) Subject to such noncompetitive examination time limits, or other requirements as the Commission may prescribe, the following classes of persons may acquire a competitive status:

(1) Any person holding a permanent position when it is placed in the competitive service by statute or Executive order or is otherwise made subject to competitive examination.

(2) Any person entitled to veteran preference who establishes the present existence of a service-connected disability of not less than ten percent, or any person entitled to wife or widow preference under the Veterans' Preference Act, when such person is serving under a war service indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment which has been continuous for more than one year.

(3) Any disabled veteran who, in a manner satisfactory to the Commission, has completed a course of training in the executive branch of the Government prescribed by the Administrator of Veterans' Affairs in accordance with the act of March 24, 1943 (57 Stat. 43).

(4) Any employee who has served at least two years in the immediate office of the President or on the White House Staff and whose transfer to a competitive position is requested by any agency.

(5) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving, provided recommendation for status is made prior to expiration of the register on which his name appears.

(6) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving, provided he was appointed to a competitive position prior to the date such position was placed under the War Service Regulations and stood higher on such register than another eligible who received an original probational appointment therefrom.

(7) An employee who has served at least one year under an appointment not limited to one year or less and has received an eligible rating in an open competitive examination appropriate for the position occupied: *Provided*, That the lowest rating reached in the regular order of certification does not exceed his rating by more than five points: *Provided further*, That such employee is about to be replaced as a result of certification by the Commission. A nonveteran employee may not be granted status until all preference eligibles standing higher on the register have been given appropriate consideration under the Veterans' Preference Act.

§ 3.2 *Appointment without competitive examination in rare cases.* (a) Subject to receipt of satisfactory evidence of the qualifications of the person to be appointed, the Commission may authorize an appointment in the competitive service without competitive examination whenever it finds:

(1) That the duties or compensation of the position are such, or that qualified persons are so rare, that, in the interest of good civil service administration, the position cannot be filled through open competitive examination; or

(2) That it is essential to the program in which he is engaged to retain in the service a person who was serving in a highly specialized scientific, professional, or administrative position during the war period and prior to March 7, 1946, the effective date of the Temporary Civil Service Regulations.

(b) Any subsequent vacancy in such position shall not be filled without competitive examination except upon express prior approval of the Commission in accordance with this section. Detailed statements of the reasons for the noncompetitive appointments made under this section shall be made a part of the records of the Commission and shall be published in its annual reports. Any person heretofore or hereafter appointed under this section may acquire a competitive status upon completion of at least one year of satisfactory service and compliance with such requirements as the Commission may prescribe.

REGULATIONS UNDER CIVIL SERVICE RULE III

§ 3.101 *Incumbents of positions brought into the competitive service.* (a) When the Commission has determined, upon request of the agency, that one of the following situations exists, a person occupying a position when it is brought into the competitive service may be appointed at that time to such position, and may acquire a competitive status therein subject to the requirements of this section:

(1) A permanent excepted position has been brought into the competitive service by statute, Executive order, or revocation of a paragraph of Schedules A or B in accordance with § 6.1 (a) of Rule VI.

(2) The Postmaster General has issued an order for the advancement of any post office from the fourth class to a higher class, or for the consolidation of any post office with one in which the employees are in the competitive service.

(3) The Federal Government has taken over a public or private enterprise, or an identifiable unit thereof, and continues its functions on a permanent basis, and the Commission concurs with the agency concerned that the employees involved may be retained.

(b) In order to acquire a competitive status under this section an employee must:

(1) Be recommended by the agency in which employed.

(2) Have rendered six months of satisfactory active service in the position that is brought into the competitive service, or in the civilian executive branch of the Government immediately prior to the effective date of the change in status of the position, and continued to serve in such position for sixty days thereafter. In determining this time period the following may be substituted for active service: (i) Active service in the armed forces of the United States; (ii) The period during which an employee's name is carried on the United States employee compensation rolls for disability; and (iii) Leave without pay when granted for educational purposes under Pub. Law 16, 78th Cong., approved March 24, 1943 (57 Stat. 43); Pub. Law 113, 78th Cong., approved July 6, 1943 (57 Stat. 374); and Pub. Law 346, 78th Cong., approved July 22, 1944, 58 Stat. 284 (Servicemen's Readjustment Act of 1944), or because of personal illness of the employee (including maternity leave) after all sick leave has been exhausted.

(3) Pass such examination as the Commission may prescribe. Any law, Executive order, civil service rule or regulation which would disqualify an applicant for appointment shall also dis-

qualify an applicant for acquisition of a competitive status.

(c) Any person appointed under paragraph (a) of this section who fails to meet the requirements for acquisition of a competitive status may, in the discretion of the agency concerned and with the approval of the Commission, be retained in the position occupied at the time his position is brought into the competitive service without acquiring a competitive status, but may not be promoted or transferred to any other competitive position.

(d) A former incumbent of a position which has been brought into the competitive service who left such position in order to perform active service in the armed forces of the United States between May 1, 1940, and the date of the official termination of World War II may acquire a competitive status provided:

(1) His position was brought into the competitive service during his service in the armed forces;

(2) He has been released from the armed forces under honorable conditions;

(3) He is recommended for reinstatement by the same or some other agency;

(4) He meets the requirements of paragraph (b) of this section.

(e) In order to acquire a competitive status any person who was given a war-service indefinite appointment upon the date his position was brought into the competitive service under one of the situations described in paragraph (a) of this section shall meet the following conditions:

(1) His Federal position has become permanent, and he has remained continuously employed in the same agency since such appointment; or

(2) His position in a public or private enterprise has become a permanent position, and he has remained continuously employed in the same establishment since his appointment; and

(3) He must have entered on duty in the Federal agency or public or private enterprise prior to March 16, 1942 for positions in the service generally, or October 23, 1943, for positions in the field service of the Post Office Department; and

(4) He must meet the requirements of paragraph (b) of this section.

(f) Any person who was given a war-service indefinite appointment upon the date his position was brought into the competitive service under one of the situations described in paragraph (a) of this section and who entered on duty subsequent to March 16, 1942 for positions in the service generally, or October 23, 1943, for positions in the field service of the Post Office Department, shall be subject to displacement, or retention if qualified, as war-service appointees in accordance with § 10.112 (a) of this chapter.

§ 3.102 *Certain persons entitled to veteran preference.* (a) Any person who establishes the present existence of a service-connected disability of not less than ten per cent, or any person entitled to wife or widow preference under the Veterans' Preference Act, when such person is serving under a war-service indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment which has been continuous for more than one year, may acquire a competitive status subject to the following requirements:

(1) The employee shall have served satisfactorily in, and been recommended by the agency concerned. However, the Commission may request an agency to determine whether or not it will recommend the employee for status under this section and shall assume that recommendation has been made unless the agency makes an adverse recommendation within thirty days of receipt of the Commission's request.

(2) If the employee has not satisfactorily completed one year of service he will be required to serve a one-year probationary period. All continuous service in the same line of work as the position in which status is acquired may be counted toward completion of such probationary period.

(3) He must pass such examination as the Commission may prescribe. Any law, Executive order, Civil Service rule or regulation which would disqualify an applicant for appointment shall also disqualify an applicant for acquisition of a competitive status.

§ 3.103 *Disabled veterans who have completed a training course.* (a) When a disabled veteran shall have completed a course of training prescribed by the Administrator of Veterans' Affairs in accordance with the act of March 24, 1943, 57 Stat. 43, (Pub. Law 16, 78th Cong.), he may be appointed to the position for which the training was received provided the Commission determines that such training is adequate for the performance of the duties of the position. Such veteran may, upon recommendation of the agency concerned, acquire a competitive status upon passing such examination as the Commission may prescribe. Any law, Executive order, Civil Service rule or regulation which would disqualify an applicant for appointment shall also disqualify an applicant for acquisition of a competitive status.

§ 3.104 *Employees who have served in the office of the President or on the White House staff.* (a) Any employee who has served at least two years in the immediate office of the President or on the White House staff may acquire a competitive status subject to the following requirements:

(1) His transfer to the competitive service must be requested by an agency.

(2) He must pass such examination as the Commission may prescribe. Any law, Executive order, Civil Service rule or regulation which would disqualify an applicant for appointment will also disqualify an applicant for acquisition of a competitive status.

§ 3.105 *Employees who have been reached on a register.* (a) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving may acquire a competitive status subject to the following requirements:

(1) He has been continuously employed since his name was reached on such register.

(2) He is recommended for a competitive status, prior to expiration of the register on which his name appears, by the agency in which he was employed when his name was reached.

(b) Such employee will be required to serve a one-year probationary period which shall begin to run from the date he was reached for certification.

(c) A non-veteran employee may not be granted status under this section until all veterans standing higher on the register have been given appropriate consideration under the Veterans' Preference Act.

§ 3.106 *Employees reached on a register prior to the War Service Regulations.* (a) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving may acquire a competitive status subject to the following requirements:

(1) He was appointed to a competitive position for other than temporary job-employment lasting one year or less prior to the date such position was placed under the War Service Regulations.

(2) He has been continuously employed since his appointment and is recommended for a competitive status by the agency in which he is employed.

(3) He stood higher on such register than another eligible who received an original probational appointment therefrom.

§ 3.107 *Employees serving in competitive positions without competitive status.* (a) An employee who has served at least one year under an appointment not limited to one year or less and has received an eligible rating in an open competitive examination appropriate for the position occupied may acquire a competitive status subject to the following conditions:

(1) The Commission is about to require displacement of such employee by certification from the register;

(2) The lowest rating reached in the regular order of certification does not exceed his rating by more than five points.

(b) Where ten-point veterans are placed at the top of the register no person other than a ten-point veteran may be granted status under this section until all ten-point veterans standing higher on the register have been appointed or have been given appropriate consideration under the Veterans' Preference Act.

(c) In no event shall a non-veteran be granted status under this section until all veterans standing higher on the register have been appointed or have been given appropriate consideration under that act.

(d) In determining the required one-year of service, military service may be included when such service was an interruption of the employee's present civilian service.

PART 4—GENERAL PROVISIONS

CIVIL SERVICE RULE IV

Sec.
4.1 Prohibition against political activity.
4.2 Attempting to secure withdrawal from competition.
4.3 Method of filling vacancies.
4.4 Personnel reports.

REGULATIONS UNDER CIVIL SERVICE RULE IV

Prohibition Against Political Activity

4.101 Investigations.
4.102 Investigation by correspondence.
4.103 Proposed order.
4.104 Hearing.
4.105 Final order.
4.106 Penalties.
4.107 Reemployment.

Withdrawal From Competition

4.201 Attempting to secure withdrawal from competition.

Definitions

4.301 Definitions.

AUTHORITY: §§ 4.1 to 4.301, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE IV

§ 4.1 *Prohibition against political activity.* Persons in the executive branch shall retain the right to vote as they choose and to express their opinions on all political subjects and candidates, but such persons shall not use their official authority or influence for the purpose of interfering with an election or affecting the result thereof. Persons occupying positions in the competitive service shall not take any active part in political management or in political campaigns except as may be provided by or pursuant to statute.

§ 4.2 *Attempting to secure withdrawal from competition.* The Commission is authorized to take such disciplinary action as it deems appropriate whenever it finds that any person has influenced another person to withdraw from competition for any position in the competitive service for the purpose of either improving or injuring the prospects of any applicant for appointment.

§ 4.3 *Method of filling vacancies.* In his discretion an appointing officer may fill any position by appointment through the competitive system from a certificate of eligibles issued under authority of the Commission, or by promotion, demotion, reassignment, transfer, reinstatement or restoration in accordance with the Civil Service Regulations. He shall exercise his discretion in all personnel actions solely on the basis of merit and fitness and without regard to political or religious affiliations, martial status, or race.

§ 4.4 *Personnel reports.* Each agency shall report to the Commission, in such manner and at such times as the Commission may prescribe, such personnel information as it may request relating to positions and officers and employees in the competitive service or excepted from the competitive service by statute or Executive order, whether permanent, indefinite, temporary, or subject to contract.

REGULATIONS UNDER CIVIL SERVICE RULE IV

Prohibition Against Political Activity

§ 4.101 *Investigations.* (a) Investigations of cases involving charges of prohibited political activity on the part of an officer or employee (both hereinafter comprehended within the term "employee") subject to the provisions of § 4.1 of Rule IV shall be conducted jointly by representatives of the Commission and of the agency where the individual is employed, unless either the Commission or the agency signifies that it will be unable to participate in the investigation. The Commission shall be notified of any complaint of political activity received by an agency and shall be given an opportunity to cooperate in any investigation that the agency may decide to make. Likewise, the Commission will not proceed with any investigation until the agency has been notified and has been given an opportunity to participate.

(b) During the course of the investigation the employee shall be afforded an opportunity to make a statement, either personally or in writing, before the investigator, and shall be allowed to furnish names of witnesses who will support the statements he has made to the investigator.

§ 4.102 *Investigation by correspondence.* (a) In case the complaint involves a political activity violation that may be established by record evidence, the investigation may be conducted by correspondence. In such cases, the accused employee will be given an opportunity to furnish in writing any statement or information that he may desire and the employing agency will be furnished a copy of the letter directed to such accused employee allowing him the opportunity to furnish a statement.

§ 4.103 *Proposed order.* (a) When the Commission reaches the conclusion that a violation of § 4.1 of Rule IV has been established by the investigation, it shall issue a proposed order. This order, which shall include a statement of the charges against the employee and of the information in support thereof, shall be sent to the employee by registered mail, and he shall be allowed 15 days from the date of service to respond thereto in writing. A copy of this order shall also be sent to the agency in which the individual is employed. With his reply to the proposed order, the employee may request a hearing as hereinafter provided.

§ 4.104 *Hearing.* (a) The granting of a hearing shall not be a matter of right but shall be within the discretion of the Commission. No hearing shall be authorized in cases where the employee has admitted a violation or where a violation is established by indisputable record evidence.

(b) Hearings shall be held before a Hearing Examiner designated by the Commission and shall be at the Commission's office in Washington, D. C., unless the Commission shall order that the hearing be held elsewhere. All testimony shall be under oath or affirmation. The employee may appear personally or by or with counsel. Counsel appearing shall have been admitted to practice before the Commission in accordance with Rule 4 of the rules of practice under the act of August 2, 1939 as amended (§ 23.4 of this chapter).

(c) The hearing shall be of the limited scope necessitated by the Commission's lack of the power of subpena in proceedings under § 4.1 of Rule IV. Because of the absence of that authority, it cannot undertake to conduct said hearing se a proceeding de novo, or to have evidence introduced therein in support of the charges against the respondent. Owing to the lack of subpena power, evidence in support of charges must be limited to information given voluntarily. Such information is obtained upon an understanding of confidential treatment. Consequently, evidence supporting the charges cannot be introduced at the hearing. The hearing shall be unilateral, that is, it shall be only for the presentation of evidence on behalf of the employee in rebuttal of the charges disclosed by the proposed order. Counsel for the Commission may cross-examine witnesses.

(d) It shall be within the discretion of the Hearing Examiner to permit, and fix the time for, filing of briefs. The proceedings at the hearing will not be reported, unless the Commission shall so direct; but the employee shall have the privilege of himself having the evidence taken stenographically. If the proceeding is not taken by a reporter on behalf of the Commission, the employee and Commission counsel shall submit a summary thereof to the Hearing Examiner within a time fixed by him. Any disagreement concerning the contents of the summary shall be resolved by the Examiner, and the parties may file written exceptions. The summary and any exceptions shall be certified by the Hearing Examiner and shall become a part of the record.

§ 4.105 *Final order.* (a) The Commission's final order shall be based on the entire record of the case, including the report of the investigation, the reply of the employee to the proposed order, and in cases where a hearing has been granted, the report of the Hearing Examiner. If the employee does not reply to the proposed order within 15 days from the date of service, a final order shall be based on the report of investigation alone.

(b) The final order shall contain a statement of the charges that have been substantiated and shall prescribe the penalty to be imposed. Copies of the final order shall be served on the respondent and on the agency wherein the individual is employed.

§ 4.106 *Penalties.* (a) Since violations of § 4.1 of Rule IV are by law violations also of section 9 (a) of the Hatch Act, the penalty required by that act must of necessity be imposed. The employee must be immediately removed from the position or office held and may not again be employed in such position or office. If the appointing officer fails to carry out the instructions of the Commission within ten days after receipt thereof, the Commission shall certify the

facts to the head of the agency concerned for proceedings for withholding salary in accordance with § 5.5 of Rule V.

(b) When the Commission directs the removal of an employee for a violation of § 4.1 of Rule IV, and the Hatch Act, the penalty laid down in paragraph (a) of this section shall be applied, even where the agency reports that the individual has been removed, on grounds other than a violation of § 4.1 of Rule IV and the Hatch Act. Such individual may not again be employed in the position from which he was removed. The provisions of § 4.107 regarding reemployment in positions other than the one from which removal was effected shall also apply.

(c) The above procedure shall apply also where an employee has resigned from his position or office prior to the Commission's determination that he had violated § 4.1 of Rule IV, and the Hatch Act.

§ 4.107 *Reemployment.* (a) An employee removed for violation of § 4.1 of Rule IV may be reemployed in accordance with the provisions of the regulations in this chapter in any position for which he can qualify other than one the salary or compensation of which is payable under the same appropriation as the position from which removed: *Provided*, That in all cases involving a finding that a Federal employee has engaged in prohibited political activity, the Commission shall consider the matter from a suitability standpoint and shall establish a definite period of debarment applicable to the employee for all Federal positions within the Commission's jurisdiction.

Withdrawal From Competition

§ 4.201 *Attempting to secure withdrawal from competition.* (a) Applicants for competitive examination, or eligibles on any register, or officers or employees in the executive branch, shall not directly or indirectly persuade, induce, or coerce, or attempt to persuade, induce, or coerce any prospective applicant, applicant, or eligible to withhold filing application or to withdraw from competition or eligibility for positions in the competitive service for the purpose of either improving or injuring the prospects for appointment of any such applicant or eligible. The penalty for violation of this section by applicants or eligibles shall be cancellation of application or eligibility, as the case may be, and such other penalty as the Commission may deem appropriate.

Definitions

§ 4.301 *Definitions.* (a) As used in the regulations in Parts 1 to 10 of this chapter:

(1) "Agency" means any executive department or independent establishment of the Federal Government, including a Government owned and controlled corporation, and any portion of the legislative and judicial branches and of the Government of the District of Columbia insofar as they have positions subject to the Civil Service rules and regulations.

(2) "Appointing officer" means a person having power by law, or by lawfully delegated authority, to make appointments.

(3) "Armed forces" means the armed forces of the United States.

(4) "Competitive service" shall have the same meaning as the words "classified service", or "classified (competitive) service" or "classified civil service" as defined in existing statutes and Executive orders. The competitive service shall include all civilian positions in the executive branch of the Government unless specifically excepted therefrom under statute or Executive order, and all positions in the legislative and judicial branches and of the District of Columbia Government which are specifically made subject thereto by statute. Persons occupying such positions shall be considered as being in the competitive service when they have a competitive status.

(5) "Competitive status" means a status which permits a person to be promoted, transferred, reassigned, and reinstated to positions in the competitive service without competitive examination, subject to the conditions prescribed by the Civil Service rules and regulations for such noncompetitive actions. A competitive status is acquired by probational appointment through competitive examination, or may be granted by statute, Executive order, or the Civil Service rules.

(6) "Continuous service" means an active duty status but may include a break in service of not more than 30 calendar days.

(7) "Demotion" means a change from one position to another position of lower grade or lower minimum salary during continuous service within the same agency.

(8) "Metropolitan area of Washington, D. C." means the area so defined by the Bureau of the Census, and includes the District of Columbia, and Alexandria City, Arlington County, and part of Fairfax County, Virginia, and parts of Montgomery and Prince Georges Counties, Maryland.

(9) "Military service" means active service in the armed forces of the United States.

(10) "Promotion" means a change from one position to another position of higher grade or higher minimum salary during continuous service within the same agency.

(11) "Reassignment" means a change, without promotion or demotion, from one position to another position in a different line of work (such as from clerk to stenographer, chauffeur to guard, etc.) or in the same line of work (such as from clerk-searcher to clerk-recorder) or in service (such as subprofessional to clerical, administrative and fiscal) during continuous service within the same agency.

(12) "Removal" means separation from the service on charges of delinquency or misconduct, or because the employee's capacity is not sufficient to justify his retention in the service.

(13) "Rule" means Civil Service rule.

(14) "Suspension" means a temporary non-pay status and absence from duty required by the appointing officer for disciplinary reasons, or for other reasons pending inquiry.

(15) "Temporary indefinite" means temporary pending establishment of a register.

(16) "Transitional period" means the period from the revocation of the War Service Regulations to the establishment of registers of sufficient eligibles for probational appointment, or to the time particular positions can be filled by persons having a competitive status without the establishment of a register, as may be determined by the Commission.

(17) "Transfer" means a change of position during continuous Federal service from one agency to another, or within the same agency from one official headquarters to another or from one organizational unit to another.

(18) "Veteran" means a person entitled to preference under the Veterans' Preference Act of 1944, including a person entitled to wife or widow preference under that act.

(19) "War Service Regulations" means the regulations issued by the Commission pursuant to Executive Order No. 9063 of February 16, 1942, as amended, and in effect from March 16, 1942 to March 7, 1946.

PART 5—REGULATIONS, INVESTIGATION AND ENFORCEMENT

CIVIL SERVICE RULE V

Sec.
5.1 Regulations.
5.2 Authority of the Commission to make investigations.
5.3 Officers and employees to furnish testimony.
5.4 Authority of the Commission to issue instructions as to discipline or separation.
5.5 Withholding salary.

AUTHORITY: §§ 5.1 to 5.5, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE V

§ 5.1 *Regulations.* (a) The Commission is authorized and directed to promulgate and enforce such regulations as may be necessary to carry out the provisions of the Civil Service Act and Rules, the Veterans' Preference Act, and all other applicable statutes or Executive orders imposing responsibilities on the Commission.

(b) The Commission is authorized, whenever there shall be practical difficulties and unnecessary hardships in complying with the strict letter of its regulations, to grant a variation from the strict letter of the regulations if the spirit of the same is complied with and the efficiency of the Government and the integrity of the competitive service are protected and promoted: *Provided*, That whenever such a variation is made from the regulations the Commission shall record in the minutes of its proceedings (1) the particular practical difficulty or hardship, (2) what is permitted in lieu of what is required by regulation, (3) the circumstances which protect or promote the efficiency of the Government and the integrity of the competitive service, and (4) a statement limiting the application of the variation to the continuation of the conditions which gave rise to the variation: *Provided further*, That similar variations shall be granted whenever similar conditions exist. All minutes approved under authority of this section shall be published in the Commission's annual reports.

§ 5.2 *Authority of the Commission to make investigations.* The Commission may make appropriate investigations to secure enforcement of the Civil Service Act, Rules, and Regulations, including investigation of the qualifications and suitability of applicants for positions in the competitive service. It may authorize appointments conditioned upon a subsequent determination that the requirements of law or the Civil Service Rules and Regulations have been met.

§ 5.3 *Officers and employees to furnish testimony.* All officers and employees in the executive branch, and applicants or eligibles for positions therein, shall give to the Commission or its authorized representatives all information and testimony in regard to matters inquired of arising under the Civil Service Act, Rules, and Regulations. Whenever required by the Commission, such persons shall subscribe such testimony and make oath or affirmation thereto before an officer authorized by law to administer oaths.

§ 5.4 *Authority of the Commission to issue instructions as to discipline or separation.* Whenever the Commission finds that an appointment has been made in violation of the Civil Service Act, Rules, or Regulations, or that any employee subject thereto has violated such Act, Rules, or Regulations or is holding a position in violation thereof, it is authorized, after giving due notice and opportunity for explanation to the employee and the agency concerned, to certify the facts to the proper appointing officer with specific instructions as to discipline or dismissal.

§ 5.5 *Withholding salary.* If the appointing officer fails to carry out the instructions of the Commission issued under § 5.4 of this Rule, the Commission shall certify the facts to the head of the agency concerned. If the head of the agency fails to carry out the instructions of the Commission within ten days after receipt thereof, the Commission shall notify the Comptroller General of the United States and no payment or allowance shall be made of the salary or wages accruing to the employee concerned after such notification.

REGULATIONS UNDER CIVIL SERVICE RULE V

NOTE: No regulations have been issued under Civil Service Rule V.

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL SERVICE RULE VI

Sec.
6.1 Positions excepted from the competitive service.
6.2 Assignment of excepted employees.
6.3 Requirements of the Veterans' Preference Act.
6.4 Lists of positions excepted from the competitive service.

REGULATIONS UNDER CIVIL SERVICE RULE VI

Sec.
6.101 Regulations for the administration and enforcement of the Veterans' Preference Act in connection with positions excepted from the competitive service.

AUTHORITY: §§ 6.1 to 6.101, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE VI

§ 6.1 *Positions excepted from the competitive service.* (a) Because of their confidential or policy-determining character, or because it is not practicable to make appointments thereto through competitive examination, the positions named in Schedules A and B, set out in § 6.4 of this Rule shall be excepted from the competitive service. The Commission may, upon the request of an agency, determine that similar positions also should be excepted from the competitive service. Upon publication in the FEDERAL REGISTER of its determination excepting such positions from the competitive service, appointment thereafter may be made to such positions in the same manner as under Schedules A and B (§ 6.4). At the end of each fiscal year the Commission shall submit to the President for review a list of the positions which it has excepted from the competitive service under this section during such year.

(b) Appointments to positions in Schedule A (§ 6.4 (a)) may be made without examination by the Commission.

(c) Appointments to positions in Schedule B (§ 6.4 (b)) shall be subject to such noncompetitive examination as the Commission may prescribe.

(d) Appointment under either Schedule A or B (§ 6.4) shall not confer a competitive status. Final decision as to whether the duties of a particular position are such that appointment to it is authorized under Schedule A or B (§ 6.4) shall rest with the Commission. The Commission, with the concurrence of the agency concerned, may revoke in whole or in part any paragraph of Schedule A or B (§ 6.4): *Provided*, That such revocation shall be published in the FEDERAL REGISTER.

(e) An appointing officer in his discretion may fill any position in Schedule A or B (§ 6.4) or any position excepted from the competitive service by statute in the same manner as competitive positions are filled.

(f) Whenever any position in Schedule A or B (§ 6.4) is occupied by a person having a competitive status, he shall be separated from such position only in accordance with the provisions of this order and the Civil Service Rules and Regulations. Whenever any position excepted from the competitive service by statute is occupied by a person having a competitive status he shall not be entitled to the protection against separation provided by such Rules and Regulations.

§ 6.2 *Assignment of excepted employees.* Any person appointed without competitive examination to a position in Schedule A or B (§ 6.4), or to a position excepted from the competitive service by statute, shall not be assigned to the work of a position in the competitive service without prior approval of the Commission.

§ 6.3 *Requirements of the Veterans' Preference Act.* The regulations issued by the Commission pursuant to section 11 of the Veterans' Preference Act shall apply to positions listed in Schedule A and B (§ 6.4) and positions excepted from the competitive service by statute.

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* The following positions are those excepted from the competitive service to which appointments may be made without examination by the Commission, and constitute Schedule A of the Civil Service Rules:

(1) *Entire Executive Civil Service.*

(i) Chaplains.

(ii) Cooks, except at fixed locations, such as, hospitals, quarantine stations, and penal institutions.

(iii) Positions to which appointments are made by the President without confirmation by the Senate.

(iv) Attorneys.

(v) Chinese, Japanese, and Hindu interpreters.

(vi) Any position in which the appointee will receive compensation aggregating not more than $720 per annum, the duties of which are part-time or intermittent, but such appointments shall not be for job employment. In Washington, D. C., such appointments shall be subject to the prior approval of the Commission. All such employment shall be reported on the regular reports of personnel action; and in addition, unless payment is at a per annum rate of $720 or less, the total service rendered and its distribution shall be shown on reports submitted at the end of each calendar year; if separation occurs prior to the close of a calendar year, report should be submitted at the time of separation. Additional employment of the appointee by another agency, under similar conditions, shall be subject to the prior approval of the Commission.

(vii) Any position in a foreign country, or beyond the continental limits of the United States, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in subdivisions (viii) and (ix) of this subparagraph, and except the following:

(*a*) All positions in Hawaii;

(*b*) Positions in the Immigration and Naturalization Service, Department of Justice, in Canada and Mexico;

(*c*) Positions in the Bureau of Customs, Treasury Department, in foreign countries, in Puerto Rico and in the Virgin Islands.

(viii) Positions on the Isthmus of Panama, except: accountant, architect, architectural designer, bookkeeper, calculating machine operator, chemist, clerk (paying more than $150 in U. S. currency per month), custodian, dietitian, draftsman, employee counselor, medical technician, personnel aide, personnel assistant, pharmacist, physician, play-ground director, statistician, stenographer, storekeeper, surgeon, trained

nurse, typist, and harbor personnel of the Quartermaster Corps, War Department.

(ix) Positions in Alaska, when, in the opinion of the Commission, appointment through competitive examination is impracticable. Persons formerly appointed under this subdivision may be reinstated to positions in Alaska with the approval of the Commission.

(x) Temporary, part-time, or intermittent employments of mechanics, skilled laborers, and tradesmen on construction or repair work in places where there is no local board of examiners of the Civil Service Commission for the employing establishment, when, in the opinion of the Commission, appointment through competitive examination is impracticable. Seasonal employments of a recurring nature are not authorized under this subdivision.

(xi) Any position directly concerned with the protection of the life and safety of the President and the members of his family.

(xii) Positions without compensation provided such appointments meet the requirements of applicable laws relating to compensation.

(xiii) Professional, scientific and technical experts for temporary, part-time or intermittent employment for consultation purposes.

(xiv) Unskilled laborers at any city, locality or establishment where the Labor Regulations were not in effect on July 1, 1941. The Commission, with the concurrence of the department or agency concerned, may include within the competitive civil service unskilled laborer positions at any such city, locality, or establishment.

(xv) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) *State Department.* (i) Five special assistants to the Secretary of State.

(ii) All positions under international commissions, congresses, conferences, and boards, except the International Joint Commission; the International Boundary Commission, United States, and Mexico; and the International Boundary Commission, United States, Alaska, and Canada.

(iii) Chief and Assistant Chief of the Foreign Service Buildings Office.

(iv) Two private secretaries or confidential assistants to the Secretary of State.

(v) One private secretary or confidential assistant to the Under Secretary of State, the Counselor, the Assistant Secretaries of State, the Legal Advisers, and other officials of the Department holding the rank of Assistant Secretary of State.

(vi) One chauffeur for the Secretary of State.

(vii) Gagé readers employed part-time or intermittently by the International Boundary Commission, United States and Mexico at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(viii) Temporary field employees of the International Boundary Commission, United States, Alaska, and Canada, such as instrument men, foremen, recorders, packers, cooks, and axemen, for not to exceed 180 working days a year.

(3) *Treasury Department.* (i) Two private secretaries or confidential assistants to the Secretary of the Treasury, and one to each Assistant Secretary of the Treasury, and one to the Under Secretary of the Treasury.

(ii) Special employees in the field service of the Bureau of Narcotics; and special employees for temporary detective work in the field service of the Bureau of Internal Revenue under the appropriation for detecting and bringing to trial and punishment persons violating the internal revenue laws. Appointments under this subdivision shall be limited to persons whose services are required because of individual knowledge of violations of the law, and such appointments shall be continued only so long as the personal knowledge possessed by the appointee of such violation makes his services necessary. This exemption from competition is for special and unusual cases only and report shall be made to the Commission by letter as soon as the appointment is made.

(iii) Bureau of Customs: Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(iv) Coast Guard: Lamplighters.

(v) Five assistants to the Secretary of the Treasury.

(vi) Receivers of insolvent national banks and other financial institutions which are filled by appointment by the Comptroller of the Currency and whose salaries are paid directly from the funds of insolvent institutions.

(vii) One assistant to the Under Secretary of the Treasury.

(viii) Until December 31, 1947, positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, in the Office of the Comptroller of the Currency, whose salaries are paid from assessments against national banks and other financial institutions.

(ix) Until December 31, 1947, positions of State Director and Deputy State Director of the U. S. Savings Bonds Division.

(x) One chauffeur for the Secretary of the Treasury.

(4) *War Department.* (i) Two private secretaries or confidential assistants to the Secretary of War and one to each Assistant Secretary of War.

(ii) One chauffeur for the Secretary of War.

(iii) Transportation Corps: Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(iv) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through competitive examination is impracticable.

(v) Student assistant positions under the Office of the President, Mississippi River Commission, concerned with scientific engineering investigations when filled by the appointment of students in attendance at colleges and universities of recognized standing, *Provided*, That substantial contributions to the investigations are made by such colleges or universities in money, services, advice, or materials, or in the use of buildings, laboratories, equipment, facilities, or otherwise. Such employment may be continued under this authority only so long as the appointee is a bona fide student in a particular college or university and receives academic credit toward a degree for the work he is performing: *And provided*, That appointments to such positions will not exceed fifteen in number at any particular time, and will be for a period not to exceed nine months.

(vi) Land appraisers employed in the Engineer Department on a temporary or indefinite basis for specific projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Department are required for successful results.

(vii) Caretakers of abandoned military reservations or of abandoned or unoccupied military posts when the positions are filled by retired noncommissioned officers or enlisted men.

(viii) Civilian professors, instructors, teachers, hostesses, chapel organist and choirmaster at the United States Military Academy, West Point, New York, and librarian when filled by an officer of the Regular Army retired from active service, except teachers at the Children's School.

(ix) During the emergency declared by the President to exist on May 27, 1941, all positions in the War Department on the Isthmus of Panama.

(x) Unskilled laborers and munitions handlers engaged in handling Ordnance matériel, including ammunition, where temporary or intermittent employment is necessary.

(xi) Messenger boys employed on the Alaska Communications System.

(xii) Internes (medical and dental) in Army hospitals.

(xiii) During the emergency declared by the President to exist on May 27, 1941, positions in the Army Motion Picture Service and positions of hostess and librarian under the Special Services Division, War Department, assigned to Army posts.

(xiv) Civilian deans and professors at the Army Air Forces Institute of Technology, Wright Field, Dayton, Ohio.

(5) *Navy Department.* (i) Two private secretaries or confidential assistants to the Secretary of the Navy, one to each Assistant Secretary of the Navy and one to the Under Secretary of the Navy.

(ii) Professors, instructors, and teachers in the United States Naval Academy.

(iii) Positions the duties of which are of a quasi-naval character and involve the security of secret or confidential matter, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(iv) Positions of orderly at the United States Naval Home when filled by the appointment of beneficiaries of the Home.

(v) Technical or professional consultants or advisors, at entrance rate of P–5 or its equivalent and above, employed for not to exceed six months a year.

(vi) One chauffeur for the Secretary of the Navy.

(vii) Caretakers or guards employed at closed or decommissioned facilities of the Navy Department. Appointments under this subdivision shall not extend beyond six months, except with the prior approval of the Commission.

(6) *Department of Justice.* (i) Director and three assistant directors of prisons.

(ii) Two private secretaries or confidential assistants to the Attorney General, and one to each of the following: Assistant to the Attorney General, Solicitor General, Assistant Solicitor General, and each Assistant Attorney General.

(iii) One chauffeur for the Attorney General.

(iv) Eight positions in the immediate office of the Attorney General in addition to those excepted under subdivision (ii) of this subparagraph.

(v) Members of the Board of Parole.

(vi) All positions in the Federal Bureau of Investigation.

(vii) One private secretary to the Commissioner of Immigration and Naturalization.

(viii) Federal Prison Industries, Inc.: The Commissioner of Industries.

(ix) Three Deputy Commissioners of Immigration and Naturalization.

(x) Deputy United States Marshals paid on a fee basis.

(xi) Positions of bailiff in the United States courts.

(7) *Post Office Department.* (i) Two private secretaries or confidential assistants to the Postmaster General, one to each Assistant Postmaster General, and one to the Solicitor of the Post Office Department.

(ii) One private secretary or confidential assistant to the head of each bureau (or office) in the Post Office Department in Washington, D. C., who is appointed by the President.

(iii) Clerks in fourth class post offices.

(iv) One chauffeur for the Postmaster General.

(v) Four special assistants to the Postmaster General.

(vi) Substitute rural carriers.

(vii) Special delivery messengers in second, third, and fourth class post offices.

(viii) Unskilled laborers employed as janitors and cleaners in small postal units in leased quarters at a compensation less than $1,700 per annum.

(ix) The Solicitor of the Post Office Department.

(x) Fourth class postmasters in the Hawaiian Islands.

(xi) One private secretary to the Executive Assistant to the Postmaster General.

(8) *Department of the Interior.* (i) Two private secretaries or confidential assistants to the Secretary of the Interior and one to each Assistant Secretary of the Interior.

(ii) One chauffeur for the Secretary of the Interior.

(iii) Office of the Secretary: One assistant to the Secretary.

(iv) Engineers, geologists, economists, architects and appraisers in a consulting or advisory capacity for temporary, part-time, or intermittent employment. Employments under this subdivision shall not exceed 120 working days a year unless prior permission is given by the Commission for the extension of an additional 120 days. This time limit does not apply to consultants on reclamation work authorized by the act of February 28, 1929, as amended.

(v) Positions in the Bureau of Indian Affairs, Washington, D. C., and in the field, when filled by the appointment of Indians who are of one-fourth or more Indian blood.

(vi) One private secretary or confidential assistant to the head of each bureau in the Interior Department who is appointed by the President, and one each to the Governors of Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(vii) All positions in the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin.

(viii) Agricultural extension agents and home demonstration agents employed in field positions in the Indian Service, the work of which is financed jointly by the Indian Service and cooperating persons, organizations or governmental agencies outside the Federal service.

(ix) Office of the Secretary: Six special agents in the Office of Field Representatives to investigate fraudulent entries and other matters of a criminal nature.

(x) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department, subject to the approval of the Commission.

(xi) Seaman, deckhand, fireman, cook, mess attendant, and water tender on vessels of the Department of the Interior.

(xii) Housekeepers in the Indian Service at a gross salary not in excess of entrance rate of grade CPC–1 or its equivalent.

(xiii) Agents in the Fish and Wildlife Service and the Bureau of Land Management employed in field positions, the work of which is financed jointly by the Interior Department and cooperating persons or organizations outside the Federal service.

(xiv) Positions in the field service of the Fish and Wildlife Service concerned with scientific fishery investigations when filled by the appointment of students at colleges and universities of recognized standing: *Provided*, That substantial contributions to the investigations are made by such college or universities in money, services, or materials or in the use of buildings, laboratories, equipment, or facilities or otherwise. Such employments may be continued under this authority only so long as the appointee is a bona fide student at the particular college or university and receives academic credit toward a degree for the work which he is performing for the Fish and Wildlife Service.

(xv) Office of the Secretary: Director and Assistant Director of the Division of Power.

(xvi) Office of the Secretary: One private secretary or confidential assistant to the Director of the Division of Power.

(xvii) National Power Policy Committee: The General Counsel.

(xviii) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond six months without the prior approval of the Commission.

(xix) Temporary, intermittent or seasonal field assistants in forestry, range management, soils, engineering, and with surveying parties, for not to exceed 180 working days a year.

(xx) Puerto Rico Reconstruction Administration: One Administrator and one Mead Administrative Officer.

(xxi) Three members of the Federal Petroleum Board.

(xxii) Office of Indian Affairs: The Executive Director of the Indian Arts and Crafts Board.

(xxiii) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 120 working days a year.

(xxiv) Bonneville Power Administration: The Administrator.

(xxv) Division of Territories and Island Possessions: The Director of the Division.

(xxvi) Territory of Hawaii: One Hawaiian House Representative.

(xxvii) Virgin Islands: The Administrator of St. Croix, V. I.

(xxviii) Office of the Secretary: Six field representatives whose duties are of a confidential nature.

(9 *Department of Agriculture.* (i) (*a*) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service.

(*b*) Local agents, except veterinarians, employed temporarily outside of Washington in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(*c*) Positions the duties of which require a speaking knowledge of one of the Indian languages.

In making appointments under this subdivision, a full report shall be submitted immediately by the Department to the Commission setting forth the name, designation, and compensation of the appointee and a statement of the duties to which he is to be assigned and

of his qualifications for such duties, in such detail as to indicate clearly that the appointment is properly made under one of the above classes. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

(ii) One chauffeur for the Secretary of Agriculture.

(iii) Two private secretaries or confidential assistants to the Secretary of Agriculture, one to the Under Secretary of Agriculture, and one to each Assistant Secretary of Agriculture.

(iv) Student assistants whose salaries shall not aggregate more than $832 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Employments under this subdivision shall not exceed 180 working days a year.

(v) Four assistants to the Secretary in the Office of the Secretary of Agriculture.

(vi) Any local veterinarian employed on a fee basis or a part-time basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(vii) The Solicitor of the Department of Agriculture.

(viii) Technical or professional consultants or advisers at salaries equivalent to entrance rate of grade P–5 or higher employed for not to exceed 180 working days a year.

(ix) Temporary seasonal field assistants in grades SP–1 through SP–5 for not to exceed 120 working days a year.

(x) Temporary, intermittent or seasonal clerical, crafts, protective and custodial positions in the field service of the Department of Agriculture at places other than civil service regional headquarters, paying not to exceed entrance rate of CAF–4 or its equivalent, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(xi) Temporary or seasonal caretakers at temporarily closed camps or improved areas. Such appointments shall not extend beyond a period of six months without prior approval of the Commission's regional director.

(xii) Owner-operators of equipment who are residents in the area of employment for periods not to exceed 180 actual working days in any one calendar year.

Bureau of Agricultural Economics. (xiii) Temporary, intermittent field enumerators and supervisors at salaries not exceeding entrance rate of CAF–5 or its equivalent, for not to exceed 180 working days a year.

Farm Credit Administration. (xiv) One private secretary or confidential assistant each to the Governor of the Farm Credit Administration, the Land Bank Commissioner, the Intermediate Credit Commissioner, the Production Credit Commissioner, and the Cooperative Bank Commissioner.

(xv) Positions in the Federal Intermediate Credit Banks, the Production Credit Corporations, the Federal Land Banks, the Banks for Cooperatives, and positions filled by joint officers and employees for these institutions.

(xvi) Positions in the Regional Agricultural Credit Corporations, joint stock land bank receivers, and petitions in receiverships, and national farm loan association receivers and conservators.

(xvii) Temporary, intermittent and seasonal collectors at grades not higher than CAF–5 for not to exceed 180 working days a year.

Commodity Credit Corporation. (xviii) Members of the Board of Directors.

(xix) The President, two Vice Presidents, and one assistant to the President.

Rural Electrification Administration. (xx) One Deputy Administrator.

Forest Service. (xxi) Temporary forest workers employed for not to exceed 180 working days a year, such employment to be with headquarters other than in forest supervisor and regional offices unless employed primarily for fire prevention or suppression activities.

(xxii) Temporary, intermittent or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest, subject to approval by the Commission.

Production and Marketing Administration. (xxiii) The Director, Assistant Directors, Regional Directors, and State Directors of the Field Service Branch.

(xxiv) Members of State Committees of the Field Service Branch.

(xxv) Farmer fieldmen and farmer fieldwomen in the Field Service Branch to interpret and explain and supervise farm programs.

(xxvi) Temporary, intermittent and seasonal employees in the Field Service Branch to check allotments whose aggregate employment shall not exceed 120 working days a year.

(xxvii) Farmer fieldmen of the Federal Crop Insurance Corporation.

(xxviii) The Administrator, two Deputy Administrators, three Assistant Administrators, assistants to the Administrator, at salaries equivalent to entrance rate of CAF–13 or higher, ten experts at salaries equivalent to entrance rate of CAF–13 or higher, for the duration of the war; two private secretaries to the Administrator, and one chauffeur for the Administrator.

(xxix) Loss adjustors employed locally on an intermittent basis to handle adjustments in crop losses under the Federal Crop Insurance Act for not to exceed 120 working days a year.

Farmers' Home Administration. (xxx) The Deputy Administrator and three Assistant Administrators.

(xxxi) State and county committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(10) *Executive Office of the President.* (i) Bureau of the Budget: One private secretary or confidential assistant each to the Director and Assistant Director.

(11) *Department of Commerce.* (i) Two private secretaries or confidential assistants to the Secretary of Commerce, and one to each Assistant Secretary of Commerce.

(ii) One private secretary or confidential assistant to the head of each bureau in the Department of Commerce who is appointed by the President.

(iii) One chauffeur for the Secretary of Commerce.

(iv) Student assistants in the National Bureau of Standards whose salaries shall not exceed a rate of $832 a year each while employed. Only bona fide students at high schools or colleges of recognized standing pursuing technical or scientific courses shall be eligible for appointment under this subdivision. Appointments shall not exceed six months in any one calendar year, except in especially meritorious cases, and then only upon prior approval of the Commission. Appointments under this subdivision shall be reported to the Commission in such form as the Commission may prescribe.

(v) Seaman, deckhand, fireman, cook, mess attendant, and water tender on vessels of the Department of Commerce.

(vi) Office of the Secretary of Commerce: Six assistants to the Secretary.

(vii) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey as may be authorized by the Commission after consultation with the Department of Commerce. Appointments to such positions shall not exceed eight months in any one calendar year.

(viii) Caretakers and helpers at magnetic and seismological observatories outside continental United States.

(ix) Caretakers and light attendants employed on emergency landing fields and other air navigation facilities.

(x) One private secretary or confidential assistant to the Administrator of the Civil Aeronautics Administration.

(xi) Agents to take and transmit meteorological observations in connection with airways, whose duties require only part of their time, and whose compensation does not exceed $135 a month.

Weather Bureau. (xii) Agents employed in field positions the work of which is financed jointly by the Department of Commerce and cooperating persons, organizations, or governmental agencies outside the Federal service.

In making appointments under this subdivision, a full report shall be submitted immediately by the Weather Bureau to the Commission, setting forth the name, designation and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties in such detail as to indicate clearly that the appointment is properly made under the above subdivision. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

Bureau of the Census. (xiii) Supervisors, assistant supervisors, and supervisors' clerks and enumerators in the field service for temporary, part-time, or intermittent employment for not to exceed one year. Such appointments may be extended for not to exceed one year with the express prior approval of the Commission.

(xiv) Employments of individuals, firms, or corporations for not to exceed one year for special statistical studies and statistical compilations, the compensation for which is derived from funds deposited with the United States under the act of May 27, 1935 (49 Stat. 292), *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(xv) Special agents employed in collecting cotton statistics.

Inland Waterways Corporation. (xvi) The President, the Vice Presidents, and the Secretary-Treasurer of the Corporation.

(xvii) All members of the Advisory Board.

(xviii) All positions under the Warrior River Terminal Company.

(xix) All unlicensed personnel on vessels operated by the Corporation.

(xx) Wharf laborers.

(12) *Interstate Commerce Commission.* (i) One private secretary or confidential assistant to each commissioner.

(13) *Department of Labor.* (i) Commissioners of conciliation in labor disputes whenever in the judgment of the Secretary of Labor the interests of industrial peace so require.

(ii) Office of the Secretary: Three special assistants to the Secretary.

(iii) One private secretary or confidential assistant to the head of each bureau in the Department of Labor who is appointed by the President.

(iv) One private secretary or confidential assistant to each of the following: The Secretary of Labor, the Under Secretary of Labor, and each Assistant Secretary of Labor.

(v) One chauffeur for the Secretary of Labor.

(vi) Member, Wage Adjustment Board (Labor Representative).

(vii) Member, Wage Adjustment Board (Industry Representative).

(viii) Member, Wage Adjustment Board (Public Representative).

(14) *General Accounting Office.* (i) One private secretary or confidential assistant to the Comptroller General.

(ii) Two assistants to the Comptroller General.

(15) *Board of Governors, Federal Reserve System.* (i) All positions.

(16) *The Tax Court of the United States.* (i) One private secretary and two technical assistants for each Judge of the Court.

(ii) Until December 31, 1947, a Clerk of the Court and a Chief Deputy Clerk.

(iii) One administrative assistant to the Presiding Judge.

(17) *Federal Loan Agency; Reconstruction Finance Corporation.* (i) A Secretary to the Corporation, two assistants to the Secretary, five assistant Secretaries, a Treasurer, two assistants to the Treasurer, and four assistant Treasurers.

(ii) Two private secretaries or confidential assistants to each of the following: the Federal Loan Administrator; the Chairman of the Board of Directors. One private secretary or confidential assistant to each of the following: each Member of the Board of Directors (other than the Chairman); the Secretary of the Corporation; the Treasurer of the Corporation; the General Counsel.

(iii) One assistant, and twelve special assistants, to the Board of Directors, and one assistant to each member of the Board of Directors.

(iv) Six administrative assistants and two junior administrative assistants in the Office of the Board of Directors.

(v) Six special representatives (field).

(vi) Four chauffeurs for the Chairman and members of the Board of Directors.

(vii) All directors, trustees, and officers (President, Vice President, General Counsel, Assistant General Counsel, Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer) of subsidiary or affiliated corporations.

(viii) Any position when the incumbent thereof is serving as director or officer of any subsidiary or affiliated corporation.

(ix) One General Counsel, one Special Counsel, and six Assistant General Counsels.

(x) A Chief Accountant.

(xi) Division Chiefs of the following Divisions: Auditing, Agency, Examining, Railroad, Self-Liquidating, Statistical and Economic, and Information.

(xii) Section Chiefs of the following Sections of the Self-Liquidating Division: Public Agency, Mining, Bond Service, and Drainage and Irrigation.

(xiii) Six Assistant Chiefs and three Administrative Assistants in the Examining Division.

(xiv) Two special examiners in the Railroad Division.

(xv) Not to exceed 32 positions of Loan Agency Manager and 36 positions of Assistant Loan Agency Manager.

(xvi) Inventory custodians, watchmen, caretakers, and laborers engaged in the care and preservation of property held by the Corporation or its subsidiaries as security for loans, or property to which title has been acquired by the Corporation or its subsidiaries.

(xvii) Positions of Executive Director of the following offices: Office of Defense Plants, Office of Metals Reserve, Office of Defense Supplies, Office of Rubber Reserve.

(xviii) Chief Administrative Officer of the Price Adjusting Board.

(18) *Veterans' Administration.* (i) Five special assistants to the Administrator.

(ii) One private secretary or confidential assistant to the Administrator.

(iii) Positions in Veterans' Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if, in the opinion of the Veterans' Administration, the duties can be satisfactorily performed by such members.

(19) *Federal Security Agency.* (i) Two private secretaries or confidential assistants to the Administrator of the Federal Security Agency.

National Office of Vital Statistics. (ii) Supervisors, assistant supervisors, and supervisors' clerks and enumerators in the field service for temporary, part-time, or intermittent employment for not to exceed one year.

Public Health Service. (iii) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subdivision shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(iv) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(v) All positions in leprosy, yellow fever, and psittacosis investigation stations.

(vi) Trainees in cancer research.

(vii) Positions concerned with problems in preventive medicine financed or participated in by the Federal Security Agency and a cooperating State, county, municipality, incorporated organization, or an individual, in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(viii) Professional, technical, or scientific specialists when employed on a fee basis or part-time basis as consultants in connection with problems in preventive medicine, subject to the prior approval of the Commission.

(ix) Internes and externes (medical and dental) and student nurses.

St. Elizabeths Hospital. (x) Visiting physicians and organist.

Food and Drug Administration. (xi) Professional, technical or scientific specialists when employed intermittently for short periods, not to exceed a total of 60 days in any one year, as members of the Standards Committee for duty in connection with the formulation of definitions and standards of identity and quality for food products, or as consultants upon problems in their specialized fields having to do with the enforcement of the Food, Drug, and Cosmetic Act.

Freedmen's Hospital. (xii) Pupil nurses, internes, and externes (medical and dental), student dietitians, and resident physicians.

(20) *Central Intelligence Group.* (i) All positions.

(21) *U. S. Maritime Commission.* (i) All positions on Government-owned ships operated by the U. S. Maritime Commission.

(ii) Twelve positions of Director of Division.

(iii) One assistant to each member of the Commission and two assistants to the Chairman of the Commission.

(iv) Ten special assistants to the United States Maritime Commission.

(v) The Secretary of the Commission.

(vi) The General Counsel.

(vii) One private secretary or confidential assistant to each Commissioner and to the General Counsel.

(viii) The Executive Director.

(ix) The Financial Assistant to the Chairman.

(22) *Federal Power Commission.* (i) One private secretary and one confidential assistant to each Commissioner.

(ii) A Secretary to the Commission.

(iii) Consultants, experts and special counsel whose employments and compensation are fixed by contract within the limits of special funds appropriated by Congress for this purpose.

(23) *Securities and Exchange Commission.* (i) One private secretary or confidential assistant to each member of the Commission.

(ii) A Solicitor.

(iii) Director of Trading and Exchange Division, Director of Public Utilities Division, Director of Corporation Finance Division, and Director of Investment Companies Division.

(iv) One Chief Accountant.

(v) One assistant to the Chairman.

(24) *National Railroad Adjustment Board.* (i) One private secretary or confidential assistant to each member of the Board.

(25) *National Capital Park and Planning Commission.* (i) Architectural or engineering consultants, land appraisers and land purchasing officers for temporary, intermittent, or part-time service.

(26) *Federal Deposit Insurance Corporation.* (i) Two special assistants, private secretaries, or confidential assistants to each member of the Board of Directors.

(ii) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(27) *Federal Trade Commission.* (i) Seven Chiefs of Division.

(28) *National Capital Housing Authority.* (i) The Executive Officer.

(29) *United States Soldiers' Home.* (i) All positions.

(30) *Federal Works Agency.* (i) Agents employed in field positions the work of which is financed jointly by the Federal Works Agency and cooperating persons, organizations, or governmental agencies outside the Federal service.

In making appointments under this subdivision, a full report shall be submitted immediately by the Federal Works Agency to the Commission, setting forth the name, designation and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties in such detail as to indicate clearly that the appointment is properly made under this subdivision. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

Office of the Administrator. (ii) Two expert assistants to the Administrator.

Public Buildings Administration. (iii) The Commissioner of Public Buildings.

(iv) One private secretary or confidential assistant to the Commissioner.

Public Roads Administration. (v) The Commissioner of Public Roads.

(vi) One private secretary or confidential assistant to the Commissioner.

(31) *Federal Communications Commission.* (i) A Secretary to the Commission.

(ii) One private secretary or confidential assistant to each Commissioner.

(iii) A General Counsel and three Assistant General Counsels.

(iv) A Chief Engineer and three Assistant Chief Engineers.

(v) A Chief Accountant and three Assistant Chief Accountants.

(32) *United States Tariff Commission.* (i) The Secretary of the Commission and one private secretary or confidential assistant to each Commissioner.

(33) *Railroad Retirement Board.* (i) Two members of the Actuarial Advisory Committee to be selected by the Board, one from recommendations made by representatives of the employees, and one from recommendations made by the carriers.

(ii) Two members of each District Board which may be established by the Railroad Retirement Board, one member to be appointed from recommendations made by the representatives of the employees, and one from recommendations made by the carriers.

(34) *Civil Aeronautics Board.* (i) A Secretary to the Board.

(ii) A General Counsel and two Assistant General Counsels.

(iii) Two permanent expert consultants.

(iv) Professional, technical and scientific consultants for temporary, part-time or intermittent employment for periods not to exceed six months in any one calendar year, but such employment may be extended for an additional six months with the approval of the Commission.

(v) A Chief Trial Examiner and an Assistant Chief Trial Examiner.

(vi) Examiners employed on a temporary, part-time, or intermittent basis for periods not to exceed four months in any calendar year.

(vii) One confidential assistant to each member of the Board.

(viii) A Director and two Assistant Directors of the Economic Bureau and a Director and Assistant Director of the Safety Bureau.

(35) *National Labor Relations Board.* (i) One private secretary or confidential assistant to each member of the Board.

(36) *Government Printing Office.* (i) One private secretary or confidential assistant to the Public Printer.

(37) *Export-Import Bank of Washington.* (i) Two private secretaries or confidential assistants to the Chairman of the Board of Directors and one to each member of the Board.

(ii) The President, three Vice-Presidents, the Treasurer, the Secretary.

(iii) Chiefs of the following Divisions: Legal, Economic, Examining, Engineering, and Private Capital.

(38) *War Assets Administration.* (i) Temporary field positions concerned with the inspection, inventory, pricing, sale, and shipping of surplus property at the site of the property.

(ii) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(39) *National Housing Agency. Federal Home Loan Bank Administration.* (i) One Deputy Commissioner.

(ii) One Executive Assistant and one Assistant to the Commissioner.

(iii) One private secretary or confidential assistant to the Commissioner.

(iv) One General Counsel and one assistant to the General Counsel in charge of financial matters and matters of financial policy referred to the Legal Department.

(v) One Financial Adviser.

Federal Home Loan Bank System. (vi) The Governor and three Deputy Governors of the Federal Home Loan Bank System.

(vii) One assistant to the Governor.

(viii) One Associate General Counsel.

Federal Savings and Loan Insurance Corporation. (ix) One General Manager and two Deputy Managers.

(x) One Associate General Counsel.

(xi) All field positions concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

Home Owners' Loan Corporation. (xii) One General Manager and two Deputy General Managers.

(xiii) One Associate General Counsel.

Federal Housing Administration. (xiv) Five Assistant Commissioners, two special assistants to the Commissioner, and five Zone Commissioners.

(xv) An Executive Secretary of the Administration.

(xvi) Two private secretaries or confidential assistants to the Commissioner.

(xvii) One chauffeur to the Commissioner.

(xviii) A General Counsel.

(xix) One assistant to the Commissioner on public relations.

(xx) Sixty-five field directors (State, District, and Territorial).

Federal Public Housing Authority. (xxi) One private secretary of confidential assistant to the Commissioner.

(b) *Schedule B.* The following positions are those excepted from the competitive service to which appointments may be made after such noncompetitive examination as the Commission shall prescribe, and constitute Schedule B of the Civil Service Rules:

(1) *Interior Department.* (i) Any competitive position at an Indian school when filled by the wife of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

(ii) Twelve field representatives to act as the immediate and confidential representatives of the Commissioner of Indian Affairs, subject to such evidence of qualifications as the Commission may prescribe after consultation with the Commissioner of Indian Affairs.

(2) *National Housing Agency. Federal Public Housing Authority.* (i) Administrative or custodial positions in the field service of the Federal Public Housing Authority relating to the management or maintenance of Federal low-rent housing projects when, in the opinion of the Commission, appointment through competitive examination is impracticable: *Provided*, That no position shall be filled under this paragraph unless it is clearly demonstrated that the best interests of the service will be served thereby.

Federal Housing Administration. (ii) A Technical Director; a Land Planning Director; a Director of Research and Statistics.

(iii) A Comptroller.

(iv) Two land use planners.

(3) *Department of Commerce.* (i) Not to exceed six specialists who may be employed in the United States for the purpose of promoting the foreign and domestic commerce of the United States.

(4) *War Department.* (i) Positions of military storekeeper in the Signal Service at Large when filled by retired noncommissioned officers of the Signal Corps.

(ii) Any position outside the continental limits of the United States (except the Canal Zone and Alaska), when in the opinion of the Secretary of War the best interests of the service so require.

(iii) Positions assigned exclusively to Army Communications Intelligence activities.

(5) *District of Columbia Government.* (i) Surgeons of the Police and Fire Departments of the District of Columbia.

(6) *Federal Trade Commission.* (i) Not to exceed five special experts.

(7) *State Department.* (i) Specialists in foreign relations, political, economic, and financial, whose proposed compensation is fixed at entrance rate of grade P–3 or higher, and whose training and experience along the lines of their proposed duties meet the standard minimum qualifications set up in open competitive examinations for positions in the professional service for corresponding grades.

(ii) Persons formerly employed abroad as United States diplomatic or consular officers of career or foreign-service officers of career for the period of at least four years, for service in the Department of State as administrative officers or executive advisors in positions comparable in salary with the associate professional grade or higher.

(iii) Positions of professional and technical specialists in the fields of health and sanitation, food supply, education and transportation, in grade P–5 or its equivalent, in the Institute of Inter-American Affairs and the Inter-American Educational Foundation, Incorporated, when filled by the appointment of persons who have served in such positions in the Federal service in foreign countries.

(8) *Navy Department.* (i) Positions assigned exclusively to Navy Communications Intelligence Activities.

(ii) Any position outside the continental limits of the United States (except the Canal Zone and Alaska) when in the opinion of the Secretary of the Navy the best interests of the service so require.

(9) *Post Office Department.* (i) One postal rate expert.

(10) *Federal Power Commission.* (i) A General Counsel and two Assistant General Counsels.

(ii) A Chief Examiner and a Chief Engineer.

(iii) Five regional engineers.

(iv) A chief and an assistant chief of the following bureaus: Bureau of Accounts, Finance and Rates, Bureau of Power.

(11) *Department of Agriculture.* (i) Commodity Credit Corporation: Technical or professional consultants or advisers, at salaries equivalent to entrance rate of grade P–5 or higher, for periods not to exceed 18 months.

(ii) Farm Credit Administration: The Deputy Governor, Deputy Commissioners and Assistant Commissioners, the Director and Assistant Director of the Regional Agricultural Credit Division, and the Director of the Mortgage Corporation Service Section.

(iii) Farm Credit Administration: Special field representatives who serve as Vice Presidents of the Federal Farm Mortgage Corporation.

(12) *National Capital Housing Authority.* (i) Architectural or engineering consultants, construction supervisors, landscape planners, surveyors and related positions for temporary, intermittent or part-time service.

(13) *Department of Justice.* (i) National Training School for Boys: Assistants to cottage officers when filled by the appointment of bona fide students at colleges or universities at salaries not in excess of $720 per annum, subject to the approval of the Commission.

(ii) Special experts employed on a temporary basis for specific litigation or other legal work in which technical knowledge of particular industries, or knowledge of other highly technical matters not possessed by regular employees of the Department, is required for successful results. Such temporary employment shall be only for such time as is required to complete the specific assignment for which the original appointment was approved.

REGULATIONS UNDER CIVIL SERVICE RULE VI

§ 6.101 *Regulations for the administration and enforcement of the Veterans' Preference Act in connection with positions excepted from the competitive service.* (a) The regulations issued by the Commission pursuant to section 11 of the Veterans' Preference Act of 1944 for the administration and enforcement of the provisions of that act in connection with positions excepted from the competitive service shall be followed by agencies with respect to positions listed in Schedules A and B of the rules (§ 6.4 of Rule VI) and positions excepted from the competitive service by statute.

CROSS REFERENCE: For regulations governing appointment to positions excepted from the competitive service, see Part 21 of this chapter. For regulations governing appeals of preference eligibles under the Veterans' Preference Act, see Part 22 of this chapter.

PART 7—REINSTATEMENT

Sec.
7.101 General requirements for reinstatement of persons who have competitive status.
7.102 Extension of time limits after certain types of employments.
7.103 Commission approval required for certain reinstatements.
7.104 Agency authority for reinstatement.

AUTHORITY: §§ 7.101 to 7.104, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 7.101 *General requirements for reinstatement of persons who have competitive status.* (a) A person having a competitive status at the time of separation from the Federal service may be reinstated subject to the following requirements:

(1) Reinstatement must be made within one year of separation if the period of service was less than two years, within two years if the period of service was two years or more but less than three years, within three years if the period of service was three years or more but less than four years, within four years if the period of service was four years or more but less than five years, and without time limitation if the period of service was five years or more.

(2) If separated during his probationary period, reinstatement must be made within one year of separation; but such reinstatement may be made only in the same agency and in the same type of position, grade, and locality, and shall be subject to completion of probation.

(3) Veterans may be reinstated without regard to any time limitations specified in this section.

(4) The qualifications standards of the Commission for promotion or reassignment to the position must be met.

(5) The applicant must be eligible under the apportionment quota restrictions of § 2.110 of this chapter unless he is a veteran or has previously served in the apportioned service. However, the Commission may, upon request of the agency, waive the apportionment when the reinstatement is in the interest of good administration.

§ 7.102 *Extension of time limits after certain types of employments.* (a) The period of eligibility for reinstatement of any person with a competitive status who left his position and within thirty days entered on duty in one of the following described employments, shall begin to run from the date of termination of continuous and satisfactory service in such employment:

(1) An excepted position in the executive branch of the Government.

(2) A position in the judicial branch of the Government or in the executive or judicial branches of the insular possessions of the United States.

(3) The legislative branch of the Government.

(4) The service of an international governmental organization, or of a Territorial, State, county, municipal or foreign government in a position in which he has acquired valuable training and experience for the position to be filled.

(5) A training course in any educational institution of recognized standing

when the Commission finds that he has acquired valuable training or experience for the position to be filled.

(6) Compulsory service on work of national importance under civilian direction as required by the Selective Training and Service Act.

§ 7.103 *Commission approval required for certain reinstatements.* (a) A certificate by the Commission authorizing the reinstatement must be obtained by any agency when:

(1) A waiver of the apportionment is requested in the interest of good administration.

(2) A former employee eligible under § 7.102 is proposed for reinstatement.

(3) The person proposed for reinstatement was removed for cause from his last position in the Federal or District of Columbia Government, or when his removal was made at the specific request of the Commission for any of the reasons stated in § 2.104 of this chapter.

(b) Prior approval of the qualifications of the person proposed for reinstatement must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which reinstatement is proposed.

(2) The Commission has not issued qualifications standards for such position unless reinstatement is to be made to a position in the same (or lower) grade in the same line of work as a position previously held in the Federal service.

§ 7.104 *Agency authority for reinstatement.* (a) The Commission hereby delegates authority to agencies to reinstate any person who meets the requirements of § 7.101 except where a certificate of the Commission is required by § 7.103 (a). However, prior approval of qualifications must be obtained in cases falling under § 7.103 (b).

(b) The Commission may disapprove any reinstatement, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

PART 8—PROMOTION, REASSIGNMENT, AND TRANSFER

Sec.
8.101 General requirements for promotion, reassignment, and transfer of employees who have competitive status.
8.102 Commission approval required for certain promotions, reassignments, and transfer.
8.103 Agency authority for promotion, reassignment, or transfer.
8.104 Status and tenure unchanged.

AUTHORITY: §§ 8.101 to 8.104, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 8.101 *General requirements for promotion, reassignment, and transfer of employees who have competitive status.* (a) An employee having a competitive status may be promoted, reassigned, or transferred subject to the following requirements:

(1) The qualifications standards of the Commission for promotion or reassignment to the position must be met.

(2) An employee serving in a position in the clerical, administrative and fiscal service classified at Grade 7 or a comparable or higher salary level, who has served continuously in the field or nonapportioned service of an agency for at least the three years immediately preceding, may be transferred, promoted, or reassigned to an apportioned position in the same agency without regard to the apportionment. In all other transfers, promotions, or reassignments the employee must be eligible under the apportionment quota restrictions of § 2.110 of this chapter unless he is a veteran or has previously served in the apportioned service. However, the Commission may, upon request of the agency, waive the apportionment when the transfer, promotion, or reassignment is in the interest of good administration.

(3) He must complete the probationary period in the new position if he is promoted, reassigned, or transferred before completion of probation.

§ 8.102 *Commission approval required for certain promotions, reassignments, and transfers.* (a) A certificate by the Commission authorizing the promotion, reassignment, or transfer must be obtained by an agency when a waiver of the apportionment is necessary and requested in the interest of good administration.

(b) Prior approval of the qualifications of the employee proposed for promotion, reassignment, or transfer must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which promotion, reassignment, or transfer is proposed.

(2) The Commission has not issued qualifications standards for such position unless reassignment or transfer is to be made to a position in the same (or lower) grade in the same line of work as the position presently or previously occupied by the employee.

§ 8.103 *Agency authority for promotion, reassignment, or transfer.* (a) The Commission hereby delegates authority to agencies to promote, reassign, or transfer an employee who meets the requirements of § 8.101 except where a certificate of the Commission is required by § 8.102 (a). However, prior approval of qualifications must be obtained in cases falling under § 8.102 (b).

(b) The Commission may disapprove any promotion, reassignment, or transfer, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

§ 8.104 *Status and tenure unchanged.* (a) The status or tenure of an employee will not be changed by promotion, reassignment, or intra-agency transfer under this part. No time limit administratively placed on an appointment by inter-agency transfer shall affect the employee's right to permanent tenure in the agency in which employed unless he was transferred to a position with a time limitation of six months or less.

PART 9—SEPARATIONS AND DEMOTIONS

Sec.
9.101 Agency responsibility for separation or demotion of employees.
9.102 Procedure in separating or demoting permanent and indefinite employees.
9.103 Procedure in separating employee serving a probationary or trial period.
9.104 Procedure in separating temporary employees.
9.105 Authority of Commission to investigate separations.
9.106 Effect of removal on future employment.
9.107 Suspensions.

AUTHORITY: §§ 9.101 to 9.107, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 9.101 *Agency responsibility for separation or demotion of employees.* (a) The employing agency shall remove, demote, or reassign to another position any employee in the competitive service whose conduct or capacity is such that his removal, demotion, or assignment will promote the efficiency of the service. The grounds for disqualification of an applicant for examination stated in § 2.104 of this chapter shall be included among those constituting sufficient cause for removal of an employee.

(b) The discretion vested in the appointing officer to remove employees under his jurisdiction, or to take other disciplinary action, is subject only to the following restrictions:

(1) Employees serving under other than a probational or temporary appointment in the competitive service shall not be removed, or demoted except for such cause as will promote the efficiency of the service and in accordance with the procedure prescribed in § 9.102.

(2) Discrimination shall not be exercised in removals or demotions because of an employee's religious opinions or affiliations, or because of his marital status or race, or except as may be required by law, because of his political opinions or affiliations.

(3) Like penalties shall be imposed for like offenses whenever removals or demotions are made, or when other disciplinary actions are taken.

§ 9.102 *Procedure in separating or demoting permanent and indefinite employees.* (a) One of the following procedures shall be followed in connection with the removal, involuntary separation (other than retirement for age or disability), furlough in excess of 30 days, or demotion of any permanent or war service indefinite employee in the competitive service unless he is serving a probational or trial period. The procedural requirements of this section shall not apply to any person serving under temporary appointment, or whose removal is requested by the Commission under § 5.4 of Rule V.

(1) *Charges preferred against nonveteran employees.* Prior to separation or demotion for cause, the agency shall notify the employee in writing of the action proposed to be taken. This notice shall set forth specifically and in detail the charges preferred against him. The employee shall be allowed a reasonable time for personally answering such charges in writing and for furnishing affidavits in support of his answer. He shall not, however, be entitled to an examination of witnesses nor a trial or hearing except in the discretion of the agency. If the employee answers the charges, his answer must be considered by the agency. If, upon consideration of the evidence, the agency determines that the removal or other action is warranted, the employee shall be notified in writing of the reasons for the action taken and its effective date. Copies of the charges, notice of hearing (if any), answer, reasons for removal or other action, and of the notice of action taken shall be made a part of the records of the department or agency concerned.

(2) *Removal or other actions affecting veterans.* The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22 of this chapter) shall be followed in connection with the removal, suspension for more than 30 days, furlough without pay, or reduction in rank or compensation of any veteran.

(3) *Separations or reductions in compensation required by official efficiency ratings.* The instructions promulgated by the Commission for the administration of the Uniform Efficiency Rating System required by section 9 of the Classification Act of 1923, as amended, shall be followed whenever the dismissal or reduction in compensation of an employee is based on the official efficiency rating assigned to him under that system.

(4) *Reduction in force.* The Retention Preference Regulations for use in reductions in force promulgated by the Commission pursuant to section 12 of the Veterans' Preference Act (Part 20 of this chapter) shall be followed whenever the employee's separation or furlough in excess of 30 days is caused by a reduction in force.

(5) *Demotion for administrative reasons.* A nonveteran whose demotion is proposed for administrative reasons shall be notified in writing of the reasons why his demotion will promote the efficiency of the service and of his right to appeal his demotion to the head of the agency concerned through the grievance procedures adopted by the agency. The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22 of this chapter) shall be followed whenever a veteran's demotion is proposed for administrative reasons.

§ 9.103 *Procedure in separating employee serving a probationary or trial period.* (a) Any person serving a probationary or trial period shall be given a full and fair trial in the performance of the duties of the position to which appointed. If the performance of his duties or his conduct is not satisfactory to the agency his services shall be terminated by notifying him in writing of the reasons for his separation and of its effective date. The Retention Preference Regulations (Part 20 of this chapter) shall be followed whenever a probationer's separation is caused by reduction in force.

§ 9.104 *Procedure in separating temporary appointees.* (a) A person serving under a temporary appointment may be separated at any time upon notice in writing from the appointing officer.

§ 9.105 *Authority of Commission to investigate separations.* (a) Except as required by section 14 of the Veterans' Preference Act, the Commission shall not investigate or review the sufficiency of the reasons for removal, reassignment, or reduction in rank or compensation of an employee.

(b) The Commission may investigate the removal, reassignment, or demotion of an employee when such employee establishes a prima facie case that:

(1) The procedure prescribed by the Commission under § 9.102 (a) (1) has not been followed; or

(2) The removal, reassignment, or demotion was made for political reasons, except as may be required by law, or for religious reasons, or resulted from discrimination because of marital status or race.

§ 9.106 *Effect of removal on future employment.* (a) An employee who has been removed on charges shall not solely for that reason be ineligible for further employment in the competitive service. His suitability for further employment will be determined by the Commission upon receipt of an official request for his reinstatement or when he files application for an examination.

§ 9.107 *Suspensions.* (a) The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22 of this chapter) shall be followed whenever a veteran is suspended for more than 30 days unless he is serving a probationary or trial period. Any nonveteran may be suspended for a period not to exceed 90 days pending action under § 9.102 (a) (1) or for disciplinary reasons. The period of suspension may be extended beyond 90 days with the prior consent of the Commission. The reasons for suspension shall at the time of the suspension be filed in the records of the department or agency concerned.

PART 10—SPECIAL TRANSITIONAL PROCEDURES

Sec.
10.101 Method of filling vacancies.
10.102 Reappointment of war service indefinite employees during the transitional period.
10.103 Promotion, reassignment, and transfer of war service indefinite employees during the transitional period.
10.104 Promotion, reassignment, and transfer of temporary indefinite employees during the transitional period.
10.105 Agency authority to make promotions, reassignments, transfers and reappointments during the transitional period.
10.106 Tenure under this part.
10.107 Status and tenure of persons having competitive status who were transferred or reappointed under the War Service or Temporary Civil Service Regulations.
10.108 Statutory restoration after military service.
10.109 Regulatory restoration after military service.
10.110 Restoration in another agency.
10.111 Reemployment benefits after transfer.
10.112 Replacement of war service and temporary appointees.
10.113 Release requirements for appointment, reappointment, reinstatement or transfer under the regulations in this chapter.

AUTHORITY: §§ 10.101 to 10.113, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 10.101 *Method of filling vacancies.* (a) (1) Until agencies have been notified by the Commission that the procedures provided in the regulations in this part for the transitional period may no longer be used for particular positions, a vacancy may be filled by any person eligible under this part or by a temporary appointment pending establishment of a register in accordance with § 2.114 (c) of this chapter. A vacancy in any position for which such notice has been issued shall be filled only by a person having a competitive status or by selection for probational appointment from an eligible register.

(2) The requirements of Parts 7 and 8 of this chapter must be followed whenever a vacancy is filled by a person having a competitive status.

(b) The authority to fill vacancies by temporary appointment, or by persons eligible under this part, may be suspended by the Commission whenever, in accordance with § 2.109 (c) of this chapter, it certifies to an agency the name of veterans examined under section 10 of the Veterans' Preference Act or entitled to priority in certification because of lost opportunity for probational appointment due to military service.

§ 10.102 *Reappointment of war service indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), any former employee who served under a war service indefinite appointment at any time during his last continuous service may be reappointed within 30 days of separation if he meets the qualifications standards of the Commission for promotion or reassignment to the position: *Provided*, That this period may be extended to 90 days in the case of an employee who proves by a certificate signed by the head of a liquidated agency by which he was last employed that he had been required by the exigencies of the service to serve continuously in active duty during the final two months of the agency's operations and through the final date of its liquidation.

§ 10.103 *Promotions, reassignment, and transfer of war service indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), any employee who, during his current continuous service, has served under a war service indefinite appointment may be promoted, reassigned, or transferred if he meets the qualifications standards of the Commission for promotion or reassignment to the position.

§ 10.104 *Promotion, reassignment, and transfer of temporary indefinite em-*

ployees during the transitional period. (a) Except as provided in § 10.101 (a), an employee serving under temporary indefinite appointment may be promoted, reassigned, or transferred only within the same agency. Such employee must meet the qualifications standards of the Commission for promotion or reassignment to the position.

§ 10.105 *Agency authority to make promotions, reassignments, transfers and reappointments during the transitional period.* (a) The Commission hereby delegates authority to agencies to promote, reassign, transfer, or reappoint any employee who meets the requirements of this part. However, prior approval of the qualifications of the person proposed for promotion, reassignment, transfer, or reappointment must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which promotion, reassignment, transfer, or reappointment is proposed.

(2) The Commission has not issued qualifications standards for such position unless reassignment, transfer, or reappointment is to be made to a position in the same (or lower) grade in the same line of work as the position presently or previously occupied by the employee.

(b) The Commission may disapprove any promotion, reassignment, transfer, or reappointment, or suspend or withdraw this authority whenever, after postaudit, it finds that the regulations in this part have not been followed.

§ 10.106 *Tenure under this part.* (a) The tenure of an employee will not be changed by promotion, reassignment, transfer, or reappointment under this part unless he is assigned to a position with a time limitation of six months or less. However, an employee who has served under war service indefinite appointment and then received an excepted appointment shall be considered as having a war service appointment when promoted, reassigned, transferred, or reappointed under this part.

§ 10.107 *Status and tenure of persons having competitive status who were transferred or reappointed under the War Service or Temporary Civil Service Regulations.* (a) No employee who was transferred from a probational or permanent civil service appointment during the period the War Service Regulations or the Temporary Civil Service Regulations were in effect shall by reason of such transfer, lose his right to permanent tenure. No time limit administratively placed on the appointment to the position to which transferred without his consent shall affect the employee's rights to permanent tenure in the agency by which employed.

(b) Any employee who, on or after March 16, 1942, (or in the case of the Post Office field service, on or after October 23, 1943) was appointed or reappointed (or whose appointment was automatically converted to a war service appointment) under the War Service Regulations without break in service of 30 calendar days or more after satisfactory service and separation from a probational or permanent Civil Service appointment, shall be entitled to the same benefits he would have had under reinstatement under the Civil Service rules. Such an employee has permanent tenure and competitive status in the agency in which employed unless he was appointed or reappointed with a time limitation of one year or less. An employee reappointed under the Temporary Civil Service Regulations will have the same civil service status and tenure in the agency to which reappointed as he had in the agency in which he last served unless he was reappointed with a time limitation of six months, or less.

§ 10.108 *Statutory restoration after military service.* (a) Any civilian employee of the executive branch of the Government who has left or leaves a position (other than a temporary position) in order to perform active service in the armed forces of the United States shall be restored to the position he left, or if that position does not exist, to a position of like seniority, status, and pay. Restoration shall be made within 30 days of application for reemployment. In order to be entitled to restoration under this section the employee shall (1) have been honorably separated from the armed forces; (2) be qualified to perform the duties of the position; and (3) make application for reemployment within 90 days after he is relieved from active service, or from hospitalization continuing after discharge for a period of not more than one year.

(b) Failure of the agency to act within the 30-day period will not affect the employee's right to restoration. The employee's tenure with the agency will determine whether he left other than a temporary position. The fact that the last position the returning veteran held through promotion or reassignment carried a time limitation will not of itself affect his right to be restored to that position or one of like seniority, status, and pay.

§ 10.109 *Regulatory restoration after military service.* (a) Any civilian employee in the competitive service who has left or leaves a temporary position in order to perform active service in the armed forces of the United States shall be reemployed either in the position he left, or one of like seniority, status, and pay in the same geographical locality in which formerly employed, so long as such a position is occupied by an employee with lower retention preference. His reemployment shall be subject to the following requirements: The employee shall (1) have been honorably separated from the armed forces; (2) be qualified to perform the duties of the position; (3) make application for reemployment within 90 days after he is relieved from active service, or from hospitalization continuing after discharge for a period of not more than one year; and (4) have been serving under an appointment not limited to one year or less when he entered the armed forces. Reemployment under this section shall be made within 30 days of application but shall not require the removal through reduction in force of any employee with higher retention preference, nor extend the limitation placed on the employee's original appointment.

(b) Failure of the agency to act within the 30-day period will not affect the employee's right to reemployment. The fact that the last position the returning veteran held through promotion or reassignment carried a time limitation will not of itself affect his right to be restored to that position or one of like seniority, status, and pay.

(c) Any person who, in order to perform active service in the armed forces of the United States, has left or leaves a position in a public or private enterprise (other than a temporary position limited to one year or less) which was or is subsequently taken over by the Federal Government shall be entitled to reemployment in accordance with this section. Upon such reemployment he shall be entitled to all the benefits accorded other employees taken over by the Government.

§ 10.110 *Restoration in another agency.* (a) In lieu of restoration in the agency he left, any person who meets the conditions of §§ 10.108 or 10.109 for restoration after service in the armed forces may be reemployed under this section in any other agency, in that agency's discretion, in any position for which he meets the qualifications standards of the Commission for promotion or reassignment to such position. The prior approval of the Commission for such reemployment shall be required only when:

(1) It is desired to make an exception to the qualifications standards for the position to which reemployment is proposed;

(2) The Commission has not issued qualifications standards for such position unless reemployment is to be in a position in the same (or lower) grade in the same line of work as a position previously held in the Federal service.

(b) Any person reemployed under this section may, to the extent consistent with law, be extended all of the benefits that he would have received if he had been restored in the agency he left to enter the armed forces. Reemployment under this section of a person having regulatory restoration rights shall not extend the limitation placed on his original appointment.

§ 10.111 *Reemployment benefits after transfer.* (a) Any person, except one who was holding a temporary position, who was transferred by the Commission with reemployment rights under authority of Executive Order No. 8973 or 9067 or War Manpower Commission Directive No. X, shall be entitled to the rights specified in paragraph (b) of this section if he:

(1) Gives the agency in which he has reemployment rights 30 days' advance written notice of his intent to exercise his reemployment rights and that he has secured the consent of the agency in which he is employed, or upon appeal, of the Commission, to the exercise of such rights: *Provided*, That such notice may not be withdrawn by the employee without forfeiture of his rights under this section. If furloughed or separated from the activity to which transferred, he shall give such advance notice not later than 40 days after such furlough or separation. In any event, such notice shall be given not later than six months after the end of World War II as officially determined.

(2) Is still qualified to perform the duties of the position.

(b) Any person meeting the requirements of paragraph (a) of this section shall be entitled to the following rights:

(1) If his transfer was to another Federal agency, he shall be entitled to 30 days' notice from the agency to which he was transferred, prior to the termination of his services with such agency, unless such termination is for cause.

(2) He shall be reemployed within 30 days of his application in the same agency and to the maximum extent practicable, in the same locality, in his former position, or in a position of like seniority, status, and pay, in such manner, to the extent consistent with law, that he does not lose any of the rights or benefits to which he would have been entitled had he not been transferred or released: *Provided*, That such a position then exists that is not held by a person having higher retention preference.

(c) In the event of the transfer of any employee under a series of transfers, all of which were with reemployment rights, such reemployment rights shall continue to be applicable only to the agency from which the employee was originally transferred.

(d) An employee who was transferred within the Government service with reemployment rights, or an employee who was transferred with reemployment rights from a Government position for employment in an essential activity conducted by a public or private enterprise, and who, while employed in the agency or enterprise to which transferred, enters active service with the armed forces of the United States, shall be entitled to the same reemployment rights with respect to the Government position from which he was transferred as those to which he would have been entitled had he entered active military or naval service while employed in such Government position.

(e) A person initially appointed for the duration of the war who was transferred with reemployment rights will not be required to be reemployed at the cessation of the war (as officially determined) in the agency in which he was originally employed.

(f) Whenever an agency is considering filling any position by promotion from within the agency, it may give the same consideration to a former employee who has transferred from that agency with reemployment rights therein as he would have received if he still occupied the position he left. Such a former employee may be selected for the promotion, and, if he is not authorized to return at that time to the position to which promotion is made, his reemployment rights at the time application is made for reemployment in the agency shall be applicable to the position to which promotion was made during his absence.

(g) The regulations issued by the Commission pursuant to Executive Order No. 9721 of May 10, 1946 (Part 26 of this chapter), authorizing the transfer with reemployment rights of civilian employees of the executive branch of the Government to public international organizations in which the United States Government participates, shall be followed in connection with such transfers.

§ 10.112 *Replacement of War Service and temporary appointees.* (a) Upon the establishment of appropriate registers of eligibles through either restoration under § 2.107 (c) of this chapter of persons who lost opportunity for probational appointment because of military service, or entrance of the names of ten-point veterans under section 10 of the Veterans' Preference Act, or competitive examination, or when the Commission determines that positions can be filled by promotion, transfer, reassignment or reinstatement of persons having a competitive status without the necessity of establishing an appropriate register, the Commission shall require the displacement of persons occupying positions in the competitive service who do not have permanent tenure. The displacement of such persons shall be made in the following order:

(1) War-service and other temporary appointees who have not qualified in the appropriate examination.

(2) All other war-service and all other temporary appointees unless they are reached and selected for probational appointment, or acquire a competitive status in accordance with § 3.1 (b) (7) of Rule III.

(b) The Commission shall determine the duration of war-service appointments, but no such appointment may extend beyond the six months period following the official termination of World War II unless specifically authorized by the Commission.

§ 10.113 *Release requirements for appointment, reappointment, reinstatement, or transfer under the regulations in this chapter.* (a) A release shall be required before effecting an appointment, reappointment, reinstatement, or transfer under the regulations in this chapter of a person who is serving, or has served within 30 days, in another agency. This provision shall not apply to a person who is serving, or last served, under an appointment limited to six months or less.

(b) Such release may be granted by the agency of present or last employment or, upon appeal, by the Commission. An official notice of actual or impending separation because of reduction of force or an official notice of furlough shall constitute a release.

(c) An agency shall not deny a release except on the grounds of undue jeopardy to the operations of the agency and in no event shall a release be denied where to do so would constitute undue personal hardship to the applicant. Whenever a release is denied by an agency the applicant shall be advised in writing of the reasons for denial and of his right to appeal to the appropriate office of the Commission. Such appeals shall be in writing and accompanied by the notice of denial by release by the agency.

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

Sec.
20.1 Extent of part.
20.2 Definitions.
20.3 Retention preference; classification.
20.4 Completion of employee records.
20.5 Determination of competitive area.
20.6 Special rule relating to consolidations and mergers.
20.7 Compilation of retention register.
20.8 Sequence of selection.
20.9 Actions.
20.10 Notice to employees.
20.11 Reports to the Commission.
20.12 Special rules on liquidation.
20.13 Appeals.
20.14 Actions disapproved by the Commission.

AUTHORITY: §§ 20.1 to 20.14, inclusive, issued under sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861.

§ 20.1 *Extent of part.* The regulations in this part establish degrees of retention preference and uniform rules for reductions in force. They apply to all civilian employees in the executive branch of the Federal Government, and in the municipal government of the District of Columbia, except those whose appointments are required to be approved by the Senate, and those who are appointed by the President of the United States.

§ 20.2 *Definitions.* For the purpose of the regulations in this part definitions are given for words, terms, and phrases as follows:

(a) "Reduction in force" means the involuntary separation from the rolls of a department, or furlough in excess of thirty days, of one or more employees in order to reduce personnel. Reduction of personnel may have to be made because of lack of funds, personnel ceilings, reorganization, decrease of work, to make a position available for a former employee with established reemployment or restoration rights, or for other reasons. However, the term does not apply to (1) termination of temporary appointments limited to one year or less, (2) retirement of employees, or (3) separations for unsatisfactory service.

(b) "Retention groups" and "subgroups" means classes of employees entitled to the same degree of retention preference on the basis of tenure of employment and veteran preference.

(c) "Retention credits" are credits for length of service and efficiency ratings in determining retention order in each retention subgroup. They are computed by allowing one point for each full year of Federal Government service plus five points for an "Excellent" efficiency rating, three points for a "Very Good" efficiency rating, and one point for a "Good" efficiency rating. This paragraph shall be effective with respect to notices in reductions in force issued on and after September 15, 1946, or, with respect to individual agencies, at any date prior thereto at the option of the agency: *Provided*, That, with respect to ungraded positions under the Navy Department this paragraph shall be effective on October 15, 1946.

(d) "Federal Government service" means the total of all periods of service eligible for consideration for civil service

retirement purposes, without regard to whether the employee is eligible or will be eligible actually to receive retirement benefits. All active military service is counted whether or not veteran preference is given therefor or whether it is eligible to be considered for civil service retirement purposes. Total service shall consist only of full years of creditable service, but fractions of a year shall be considered in arriving at the total.

(e) "Efficiency rating" means (1) for employees paid under the compensation schedules of the Classification Act, the current official efficiency rating under the Uniform Efficiency Rating System; and (2) for other employees the current efficiency rating under an efficiency rating system which has been approved by the Civil Service Commission.

(f) "Veteran preference employee" means an employee entitled to veteran preference under the Veterans' Preference Act of 1944.

(g) "Department" means an entire executive department, parent organization with constituent agencies, independent establishment, government-owned or government-controlled corporation of the Federal Government, the municipal government of the District of Columbia, or any other such organization or separate governmental agency of the executive branch of the Federal Government created by Act of Congress or Executive order.

(h) "Governmental entity" means a department, bureau of a department, parent organization, constituent agency, independent establishment, entire field installation, regional office, or field station, an operating department of the municipal government of the District of Columbia, or any other such organization or separate governmental agency of the Federal Government created by Act of Congress or Executive order.

(i) "Competitive area" means a governmental entity, a combination of governmental entities, or that part of a governmental entity for which approval has been secured from the Commission, within which employees of a competitive level are considered to be in competition.

(j) "Competitive level" means all positions in the same grade of the same service, trade, or profession (although they may have different titles or different pay rates), in which interchange of personnel is feasible.

§ 20.3 *Retention preference; classification.* For the purpose of determining relative retention preference in reductions in force, employees shall be classified according to tenure of employment in competitive retention groups and subgroups, as follows:

Group A: All employees who have met all requirements for indefinite retention in their present positions. With respect to positions subject to the Civil Service Act and rules, this includes all employees currently serving under absolute or probational civil service appointments or who were appointed, reappointed, transferred or promoted from absolute or probational civil service appointments to war service indefinite or trial period appointments without a break in service of thirty days or more. With respect to positions excepted from the Civil Service Act and rules, this includes all employees currently serving under appointments without time limitation.

A–1 Plus during one-year period after return to duty, as required by law.

A–1 With veteran preference unless efficiency rating is less than "Good".

A–2 Without veteran preference unless efficiency rating is less than "Good".

A–3 With veteran preference where efficiency rating is less than "Good".

A–4 Without veteran preference where efficiency rating is less than "Good".

Group B: All employees serving under appointments limited to the duration of the present war or for the duration of the war and not to exceed six months thereafter, or otherwise limited in time to a period in excess of one year, except those specifically covered in Groups A and C.

B–1 With veteran preference unless efficiency rating is less than "Good".

B–2 Without veteran preference unless efficiency rating is less than "Good".

B–3 With veteran preference where efficiency rating is less than "Good".

B–4 Without veteran preference where efficiency rating is less than "Good".

Group C: All employees serving under appointments specifically limited to one year or less, all non-citizen employees serving within the continental limits of the United States, all employees continued beyond the automatic retirement age, and all annuitants appointed under section 2 (b) of the Civil Service Retirement Act, as amended.

C–1 With veteran preference unless efficiency rating is less than "Good".

C–2 Without veteran preference unless efficiency rating is less than "Good"

C–3 With veteran preference where efficiency rating is less than "Good".

C–4 Without veteran preference where efficiency rating is less than "Good".

§ 20.4 *Completion of employee records.* (a) Departments and governmental entities are responsible for maintaining current records of information necessary for determining retention preference of employees.

If these records are incomplete, they shall be supplemented by written statements from employees, supported by a signed certificate substantially as follows:

I certify that the information submitted herewith is true, correct, and complete to the best of my knowledge and belief.

(b) Employees who have served continuously without a break in service of thirty days or more in positions subject to the Civil Service Act and rules since before March 16, 1942 (October 23, 1943, in the field service of the Post Office Department):

(1) Are in Group A unless appointed under authority of Executive Order Nos. 8257, 8564, or 8458 (former Civil Service Rule VIII), or new Civil Service Rule II and the Commission's regulations thereunder (§ 2.114 of this chapter), and have not acquired a civil service status.

(2) Are in Group B if appointed under authority of Executive Order Nos. 8257, 8564, or 8458 (former Civil Service Rule VIII) or new Civil Service Rule II and the Commission's regulations thereunder (§ 2.114 of this chapter), unless they acquired a civil service status under Executive Order Nos. 8833 or 8952, or the Commission's Departmental Circular 457 or 517, in which case they are in Group A.

(c) Employees appointed after March 16, 1942 (October 23, 1943, in the field service of the Post Office Department), initially or reappointed after a break in service of thirty days or more are in Group B unless:

(1) They are currently holding appointments definitely limited to one year or less—in which case they are in Group C.

(2) They are occupying positions excepted from the Civil Service Act and rules and not limited in duration—in which case they are in Group A.

(d) Whenever a department is unable to obtain from its records or from an employee information as to his classified (competitive) civil service status or length of service necessary to establish his retention preference standing, under the above rules, the Commission, upon the receipt of a request on Standard Form No. 66, will supply the information, if available, from its records.

§ 20.5 *Determination of competitive area.* The area in which a reduction in force is made should be a governmental entity as defined in § 20.2 (h).

No reduction in force affecting employees in retention groups A or B shall be made in any smaller competitive area in Washington, D. C., or vicinity, without obtaining prior approval from the Central Office of the Commission, or elsewhere without securing prior approval from the appropriate regional or branch office of the Commission. Approval will be given if the proposed competitive area is large enough to prevent the loss of highly efficient employees, to allow true competition to exist, and to protect the high retention preference of group A employees. Consideration will be given to the extent of the competitive level or levels to be affected, whether the proposed competitive area has independence of operation, work functions, and personnel administration (although policies may be established in higher department levels), whether the staff of the proposed competitive area is separately organized and clearly distinguishable from other units of the governmental entity, and whether it is within local commuting distance of other units of the governmental entity.

If there is doubt as to the size and scope of competitive areas, or if it is desired to establish competitive areas smaller than governmental entities as a standard practice for reductions in force, departments shall submit proposed plans of such competitive areas to the Central Office of the Commission. When approved, subsequent clearance with the Commission will not be necessary unless (a) a proposed competitive area does not conform to the plan, (b) reorganization has affected the plan, or (c) there has been a change in the facts upon which the plan was originally based.

§ 20.6 *Special regulations relating to consolidations and mergers.* (a) Before any reduction in force is made in connection with the transfer of any or all of the functions of one department to another continuing department all veteran preference employees and all retention group A employees assigned to any such function shall be transferred to such continuing department, without change in tenure of employment.

(b) Where, in the course of liquidation of an agency, functions are transferred only for liquidation, and functional operations have terminated or will terminate by law or authoritative order within sixty calendar days, employees engaged on such functions may be given temporary appointments, initially without change in grade or compensation, in the department or agency responsible for such liquidation.

All changes to temporary appointments under these regulations are subject to review by the Civil Service Commission on appeal by affected employees, and shall be corrected to transfers without change in tenure of employment in all cases where the Commission finds such action to be proper. Employees given temporary appointments under these regulations shall be notified that they may appeal such action within thirty days to the Civil Service Commission.

(c) Any employee assigned to a transferred function, who has been given a temporary appointment because functional operations were to be terminated by law or authoritative order within sixty calendar days, shall be restored to his tenure of employment prior to the transfer of the function, whenever such function is continued in operation for a longer period by law or authoritative order.

§ 20.7 *Compilation of retention register.* Whenever there is to be a reduction in force there shall first be determined the competitive level or levels to be affected. Each employee whose official position is in such a competitive level shall be considered in competition in his retention group in any reduction in force, whether he is in a duty or leave status, pay or nonpay status, or actually engaged on work in another department, another competitive area, or in another competitive level; excluding only those in the active military service of the United States or in the Merchant Marine.

A retention register shall be compiled for each competitive level in which a reduction in force is to be made, showing the names of all employees in competition by retention groups and subgroups. It shall be arranged in sequence showing subgroup A–1 plus with highest retention preference, followed in order by subgroups A–1, A–2, A–3, A–4, B–1, B–2, B–3, B–4, C–1, C–2, C–3, and C–4. Within each subgroup in retention groups A and B where some but not all employees may be affected by the reduction in force, names shall be arranged in sequence according to retention credits, with higher retention preference accorded to those with a greater number of retention credits. No computations of retention credits are necessary for employees in any retention subgroup which will not be affected by the reduction in force, in any subgroup where all of the employees are to be separated, or in retention group C. For this purpose, the employee records shall be reviewed and brought up to date with respect to length of service, efficiency ratings, and other particulars regarding which changes have occurred since the records were last made current.

This register shall be maintained in the order specified for inspection by employees, and shall at all times be available for inspection by representatives of the Commission.

§ 20.8 *Sequence of selection.* Within each competitive level, action must be taken to eliminate all employees in lower subgroups before a higher subgroup is reached, and within each subgroup of retention groups A and B, action must be taken concerning all employees with a lower number of retention credits before an employee with a higher number of retention credits is reached, except as provided below. Action may be taken at administrative discretion within any subgroup of retention group C. Whenever two or more employees are tied for position in retention group A or B, the ties shall be broken first by considering half years of service in excess of total years for which retention credits were granted, and then by giving consideration to such matters as official conduct, or established administrative policy.

In unusual situations, an employee performing necessary duties which cannot be taken over by any other available employee with higher retention preference without undue interruption to the activity involved, may be retained, although employees with higher retention preference may be affected. A written statement of the reasons for such exceptions shall be made for inspection by employees adversely affected and for review by representatives of the Commission.

When a reduction in force is necessary only because of a curtailment in funds from which excepted employees are paid, only employees in excepted positions shall be considered in competition for the reduction in force.

Seasonal employees shall be considered in competition only with other seasonal employees in reductions in force.

Employees serving on a when-actually-employed (WAE) basis shall be considered in competition only with other when-actually-employed employees in reductions in force.

No discrimination shall be exercised, threatened or promised in any reduction in force against or in favor of any employee because of race, sex or marital status, or his political or religious opinions or affiliations.

§ 20.9 *Actions.* Employees who cannot be retained in their positions because of a reduction in force shall be separated, except as provided below. Such actions may be effective at different times within 90-day periods, each 90-day period being considered as a separate reduction-in-force program, and may be made effective without the prior approval of the Commission.

(a) *Exceptions: furloughs.* Where the reduction in force is the result of a temporary condition which is not expected to continue for more than one year, employees reached for action may, in lieu of being separated, be furloughed for a period not to exceed the unexpired portion of the period of appointment and in no case shall it exceed one year: *Provided*, That notice of furlough to employees in subgroups A–1 and A–2 with competitive status shall conform to the one-year notice rule under § 20.10. In the event that vacancies are to be filled in positions in the competitive level and competitive area from which such employees have been furloughed, such employees shall be given the opportunity to return to duty before any original appointments are made to such positions: *Provided, however*, That since no position in the agency may be filled by original appointment of a person, or by the promotion, reassignment, or transfer of a retention group B or C employee if the agency has employees in subgroup A–1 or A–2 with competitive status on leave or furlough due to reduction in force who are available and qualified to fill the position without undue interruption to the activity, such status employees in subgroup A–1 or A–2 shall be considered for such positions. Offer of recall to duty in positions of the competitive level and competitive area from which furloughed shall be made in the order of retention preference of furloughed employees.

(b) *Exceptions; statutory retention.* Whenever an employee in Subgroup A–1 plus is reached for action in a reduction in force, he shall be placed in some other position of like seniority, status, and pay elsewhere in the department, and, wherever possible, at the same geographical location.

(c) *Exceptions; status employees.* No employee in retention group A–2, A–3 or A–4 with competitive status and serving in a position subject to the Civil Service Act may be separated or furloughed in a reduction in force if there is a position subject to the Civil Service Act in the department in any other competitive area or competitive level within the geographic area, which may reasonably be expected to continue for one year or more, not filled by a retention group A employee which he could fill without undue interruption to the activity involved unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay, if necessary, or (2) he has reemployment rights to a position in another department. Subject to the other requirements set forth above, agencies shall consider such group A–2 employee with competitive status who is reached in a reduction and who has had five or more years of Federal Government service including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A–2 shall be made prior to the expiration of the first sixty days of nonduty status.

(d) *Exceptions; veterans preference employees.* No employee in subgroup A–1 with competitive status and serving in a position subject to the Civil Service Act may be separated or furloughed in a reduction in force if there is a position subject to the Civil Service Act in the department in any other competitive area or competitive level within the geographic

area which may reasonably be expected to continue for one year or more not filled by an employee in subgroup A–1 which he could fill without undue interruption to the activity involved, unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary, or (2) he has reemployment rights in another department. Subject to the other requirements set forth above, agencies shall consider such veteran preference career employee in group A–1 with competitive status who is reached in a reduction and who has had five or more years of Federal Government service including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A–1 shall be made prior to the expiration of the first sixty days of non-duty status.

(e) *Exceptions; war service employees with veteran preference.* No employee in subgroup B-1 may be separated or furloughed in a reduction in force from a position subject to the Civil Service Act if there is another position subject to the Civil Service Act in the department at the same geographical location in any other competitive area or competitive level which may reasonably be expected to continue for one year or more not filled by an employee in retention group A or subgroup B-1 which he could fill without undue interruption to the activity involved, unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary, or (2) he has reemployment rights in another department.

(f) *Actions concerning displaced employees.* Additional actions necessary in connection with employees displaced, as a result of transfers or reassignments under paragraphs (b), (c), (d) and (e) of this section shall be determined on the basis of their retention preference in their respective competitive areas and competitive levels.

§ 20.10 *Notice to employees.* An employee in group A–1 or A–2 with competitive status affected by a reduction in force shall be given an individual notice in writing one year before the action becomes effective. His one-year notice period shall be composed of, whenever possible, at least 30 days in an active duty status; a non-duty status with pay for the duration of his leave, if any; and the balance of the year in a furlough or leave without pay status. Exceptions to this rule are authorized when the employee requests separation in lieu of furlough, or when the agency as a whole is liquidating, in which case the notice period shall terminate as of the day the agency is finally liquidated. Exceptions may also be made after prior approval by the Commission, in the case of agencies which agree to grant reemployment benefits to employees separated with shorter notice periods equal to those they would have received if retained on the rolls for one year.

Each employee affected by reduction in force shall be given an individual notice in writing at least 30 days before the action becomes effective. Where it is not possible to continue the employee in an active-duty status for the period specified in the notice, he shall have the greatest possible notice before he is relieved from active duty and shall thereafter be carried on the rolls for the remainder of the period. If the period of active duty after the notice is given and the period of accrued leave total less than 30 days, the employee shall be carried in a non-pay status for the remainder of the 30-day period. Notices to employees shall inform them of:

(a) The nature and effective date of the action.

(b) The proper office of the organization where he may examine a copy of these regulations and inspect the retention register and records.

(c) His right to appeal the proposed action to the Commission (departmental employees in the Washington area to the Central Office and others to the appropriate regional or branch office) within ten days from the receipt, and

(d) The procedure for exercising any restoration or reemployment rights he may have, and the channels (departmental and field, through which he may apply for other government employment.

§ 20.11 *Reports to the Commission.* As soon as employees are notified of the proposed action, and within the 10-day period allowed for the filing of appeals, a report shall be submitted to the appropriate office of the Commission of each reduction in force program. Such report shall include:

(a) The competitive area and competitive level in which the reduction in force is to be made.

(b) The retention subgroup and credit point above which employees will be retained in each competitive level, the names of any employees below such point who are retained, and the reasons for their retention,

(c) The period in which the reduction in force is to be completed,

(d) The total number of employees separated or furloughed, and

(e) A certification of compliance with the regulations.

§ 20.12 *Special rules on liquidation.* Whenever it has been determined that all functions and all positions in an entire department, an entire governmental entity, or an entire competitive area are to be abolished within a specified time period, actions may be taken in regard to individual employees at different dates at administrative discretion; except that no employee with veteran preference shall be separated before an employee without veteran preference where their positions are immediately interchangeable: *And provided further,* That notices to group A–1 and A–2 employees with competitive status shall be made to conform to the notice requirements of § 20.10.

NOTE: A mere limitation of authority to a specified date in the law which establishes, authorizes, or extends an agency is not a sufficient basis for the application of the provisions of this section.

In such cases, the employees of the particular department, entity, or competitive area shall be given individual notices in writing containing a statement of the law, Executive order, or authority which requires the liquidation of the department, governmental entity, or competitive area, and the time period in which the liquidation is to be accomplished, and informing them of their rights to appeal to the Commission if they feel that there has not been compliance with the provisions of the regulations in this part. The notices shall also inform employees of their rights to retention on the rolls for at least thirty days, or if a group A–1 or A–2 employee with competitive status, for the period provided for in § 20.10, of the procedures necessary to exercise any reemployment rights they may have to positions in other departments, governmental entities, or competitive areas, and of the procedures necessary to secure other employment.

A report of all liquidation programs shall be made to the Commission which shall include (a) a copy of the law, Executive order, or other authority for the liquidation of the department, governmental entity, or competitive area; (b) a certificate that no employee with veteran preference is being separated in advance of any employee without veteran preference where their positions are immediately interchangeable; and (c) a list of all retention group A employees with classified (competitive) civil service status who have not been transferred or assigned to other positions. This report shall be submitted within ten days after the first individual notices of separation are given to the employees affected.

Where it is necessary to liquidate a major activity which is not an entire competitive area, or which is a part of two or more competitive areas, the Commission will consider a request to establish such activity as a competitive area for the purpose of such liquidation.

§ 20.13 *Appeals.* Any employee who feels that there has been a violation of his rights under the regulations in this part may appeal to the appropriate office of the Civil Service Commission within 10 days from the date he received his notice of the action to be taken. This time limit may be extended only upon a showing by the employee that circumstances beyond his control prevented him from filing his appeal within the prescribed 10 days. In order that employees may be informed of the facts on which action is based they shall have the right to examine a copy of the regulations in this part and to inspect the retention register and records on which their names appear, including statements of reasons for passing over employees with lower standing on the retention list. Each appeal should set forth whether it is based upon an error in the records, an incorrect efficiency rating, violation of the rules of selection, restriction of the competitive area or competitive level, disregard of a specified right under the law or regulations, or denial of right to examine regulations, retention register, or records.

The Commission will not consider the correctness of any efficiency rating which is appealable to a board of review established under the provisions of section 9 of the Classification Act of 1923, as amended. The correctness of an efficiency rating which is not appealable to a board of review will ordinarily be considered only when the employee has made use of his agency's administrative appellate procedures. However, the Commission will consider the correctness of an efficiency rating which is not appealable to a board of review in any case where adverse action is proposed to be taken too soon to permit diligent use of administrative appellate procedures, where the employee was misinformed of his rights under such procedures, where coercive measures were used to prevent recourse to such procedures, or where the employee presents satisfactory reasons for not using such procedures.

§ 20.14 *Actions disapproved by the Commission.* Whenever the Commission, as the result of a decision on the appeal of an employee, disapproves the action taken under the regulations in this part, the head of the department or governmental entity shall restore the employee to active duty.

With respect to reductions in force outside the Washington, D. C., area, the decision of the Commission's regional director is the decision of the Commission on appeals.

PART 21—APPOINTMENT TO POSITIONS EXCEPTED FROM THE COMPETITIVE SERVICE

Sec.

21.1 Extent of regulations.
21.2 Persons entitled to military preference.
21.3 Receipt of applications; uniform treatment.
21.4 Qualifications of applicants.
21.5 Examination of applicants.
21.6 Maintenance of employment lists.
21.7 Selection and appointment.
21.8 Reappointment.
21.9 Promotion; qualifications.
21.10 Removal, suspension, furlough, or demotion of preference employees.
21.11 General provisions.

AUTHORITY: §§ 21.1 to 21.11, inclusive, issued under sec. 11, 58 Stat. 390; 5 U. S. C., Sup., 860.

§ 21.1 *Extent of regulations*—(a) *Positions covered.* The regulations in this part shall apply to all positions (1) in the executive branch of the Federal Government that are excepted from the competitive service; (2) in any temporary or emergency establishment, agency, bureau, administration, project, and department created by acts of Congress or Presidential Executive order which are excepted from the provisions of the Civil Service Act of January 16, 1883; and (3) in the civil service of the District of Columbia. Positions excepted from the competitive service include all positions excepted from the provisions of the Civil Service Act of January 16, 1883, by statute or Executive order, including positions listed in Part 6 of this chapter, positions which may be filled by persons under personal service contract, and positions in Government owned or controlled corporations. The civil service of the District of Columbia includes all positions in the Government of the District of Columbia, and positions under the Board of Education and the Board of Library Trustees of the District of Columbia.

(b) *Applicability.* The provisions of the regulations in this part respecting the examination, rating, and selection for appointment of applicants are required to be followed whenever a qualified person entitled to preference under § 21.2 applies for consideration for appointment. Such provisions may be followed, in the discretion of the agency, in making appointments when no preference applicant applies.

§ 21.2 *Persons entitled to military preference*—(a) *Five-point preference.* In actions taken under the regulations in this part, honorably discharged ex-service men and women who have served in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), shall be entitled to that military preference hereinafter referred to as five-point preference.

(b) *Ten-point preference.* In actions taken under the regulations in this part, the following persons shall be entitled to that military preference hereinafter referred to as ten-point preference:

(1) Honorably discharged ex-service men and women who have served in any branch of the armed forces of the United States and who have established the present existence of service-connected disability or receipt of compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department;

(2) The wives of honorably discharged service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil service appointment; and

(3) The unmarried widows of honorably discharged deceased ex-servicemen who had served in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized).

(c) *Definition.* As used in this section "honorably discharged" shall mean any separation from active duty in any branch of the armed forces under honorable conditions. A transfer to inactive status, a transfer to retired status, the acceptance of a resignation, or the issuance of a discharge will be considered as covered by the above definition if such separation was under honorable conditions.

§ 21.3 *Receipt of applications; uniform treatment.* Each agency shall establish definite rules regarding the acceptance of applications for employment in positions covered by the regulations in this part. Such rules shall be made of record in the agency and shall be uniformly applied to all persons who meet the conditions of such rules. Information regarding the rules shall be furnished upon request.

§ 21.4 *Qualifications of applicants*—(a) *Standards.* Prior to making appointments to positions under the regulations in this part the agency shall establish standards for eligibility such as those relating to experience and training, citizenship, age, physical condition, etc., which standards shall relate to the duties to be performed. The establishment of standards relating to groups of positions or to a specific position may be delegated to the appropriate administrative level or subdivision of the agency and may be amended or modified from time to time in accordance with the needs of the locality in which the position is located, but the agency shall determine that all standards established are in conformity with the regulations in this part.

Any such standard shall be made a matter of record in the appropriate office of the agency and information concerning the standards for any position shall be furnished upon request. The qualifications standards effective for each position shall be applied uniformly to all applicants for such position except for such waivers as are provided under the regulations in this part for persons entitled to preference.

No minimum educational requirement will be included in qualification standards except those for such scientific, technical, or professional positions the duties of which the agency decides cannot be performed by a person who does not have such education. The agency shall make a part of its records its reasons for such decision. A statement of the reasons shall be furnished upon request.

The qualification standards established for each position shall include:

(1) A provision for the waiver by the agency of any requirements as to age, height, and weight for any applicant entitled to preference under the regulations in this part whenever such requirements are not essential to the performance of the duties of the position; and

(2) A provision for the waiver by the agency of any physical requirements for any applicant entitled to preference under the regulations in this part whenever the agency finds, after giving due consideration to the recommendation of any accredited physician, that such applicant is physically able to discharge the duties of the position.

(b) *Disqualifications.* In the standards established by the agency or the appropriate office of the agency, it may be provided that certain factors will disqualify applicants for employment. These may include among others, the following: (1) Dismissal from the service for delinquency or misconduct; (2) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (3) intentional false statements as to any material fact, or deception or fraud in connection with an application; (4) habitual use of intoxicating beverages to excess; (5) a reasonable doubt as to loyalty to the Government of the United States; (6) any legal disqualification for appointment; (7) lack of United States citizenship.

§ 21.5 *Examination of applicants*—(a) *Rating.* The agency may provide for an evaluation of the qualifications of all applicants for a position, who are available under §§ 21.3 and 21.4 at any time prior to appointment being made to such position. Numerical ratings shall be assigned on a scale of 100 and all applicants rated 70 or more shall be eligible for appointment: *Provided*, That no numerical ratings need be assigned whenever all qualified applicants will be offered immediate appointment: *Provided further*, That whenever there is an excessive number of applicants, only a sufficient number of the highest qualified applicants to meet the anticipated needs of the agency within a reasonable length of time need be given numerical ratings; in such cases the agency shall adopt procedures which will insure consideration of all preference applicants in the order in which they would have been considered if all applicants had been assigned numerical ratings. To the earned numerical ratings of applicants entitled to five-point preference, five points shall be added and to the earned numerical ratings of applicants entitled to ten-point preference, ten points shall be added. A notice of the rating assigned shall be furnished upon request.

No consideration shall be given the application of any non-preference applicant, nor shall such application be rated, for the positions of elevator operator, messenger, guard and custodian as long as qualified applicants entitled to preference are available for such position.

Whenever experience is a factor in determining eligibility, an applicant entitled to five-point or ten-point preference under the regulations in this part shall be credited with time spent in the military or naval service of the United States when the position for which he is applying is similar to that he held immediately prior to his entrance into the military or naval service; credit shall also be given such applicant for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.

§ 21.6 *Maintenance of employment lists*—(a) *Establishment of lists.* All applicants assigned eligible numerical ratings in accordance with § 21.5 shall have their names entered on either (1) the appropriate reemployment list or (2) the appropriate regular employment list. The names of all such applicants shall be entered on said lists in accordance with their ratings, except that the names of applicants entitled to five- or ten-point preference under the regulations in this part shall be entered on such lists in accordance with their respective augmented ratings, and the name of a preference applicant shall be entered ahead of all others having the same rating: *Provided*, That except on lists of applicants for professional and scientific positions for which the basic entrance salary is over $3,000 per annum, the names of applicants entitled to ten-point preference under the regulations in this part shall be placed at the top of the appropriate lists.

(b) *Reemployment list.* The reemployment list will consist of the names of former employees of the agency who are to be considered for future employment, and shall, in any case, include the following:

(1) The names of former employees of the agency entitled to preference under the regulations in this part who have been furloughed or separated without delinquency or misconduct and who apply for reemployment; and

(2) The names of any former employees of the agency entitled to preference under the regulations in this part who are found by the Commission, in accordance with § 21.10, to have been unjustifiably dismissed from the agency.

(c) *Regular employment list.* Eligible applicants assigned numerical ratings who are not entered on the agency reemployment list shall be entered on the regular employment list.

(d) *Order of consideration.* (1) The names of all applicants who are assigned eligible numerical ratings for a given position shall, except as provided below for professional and scientific positions for which the basic entrance salary is over $3,000 per annum, be considered either in Order A or in Order B, below:

Order A. (i) The names of qualified applicants entitled to ten-point preference under the regulations in this part whose names appear on the agency reemployment list, in the order of their numerical ratings.

(ii) The names of all other qualified applicants entitled to ten-point preference under the regulations in this part in the order of their numerical ratings.

(iii) The names of all other qualified applicants on the agency's reemployment lists in the order of their numerical ratings.

(iv) The names of all other qualified applicants in the order of their numerical ratings.

Order B. (i) The names of qualified applicants entitled to ten-point preference under the regulations in this part whose names appear on the agency reemployment list, in the order of their numerical ratings.

(ii) The names of all other qualified applicants on the agency's reemployment list, in the order of their numerical ratings.

(iii) The names of all other qualified applicants entitled to ten-point preference under the regulations in this part in the order of their numerical ratings.

(iv) The names of all other qualified applicants, in the order of their numerical ratings.

(2) The names of all applicants assigned numerical eligible ratings for professional and scientific positions for which the basic entrance salary is over $3,000 per annum shall be considered in the following order:

(i) The names of applicants on the agency's reemployment list, in the order of their numerical ratings.

(ii) The names of all other applicants, in the order of their numerical ratings.

§ 21.7 *Selection and appointment*—(a) *Selection.* In making appointments from employment lists the agency shall make selection for appointment to each vacancy from not more than the highest three names available for appointment in the order of their numerical ratings: *provided*, That the agency need not accord eligibles on the agency reemployment list the preferential consideration provided in that section for such eligibles if such list contains the names of less than three applicants entitled to preference under the regulations in this part: *Provided further*, That the agency need not consider any applicant who has previously been considered three times, nor any preference applicant who has been disqualified under the provisions of paragraph (b) of this section. The second and any additional vacancies shall be filled in like manner.

(b) *Passing over a preference applicant.* Whenever an agency in making a selection of a non-preference applicant in accordance with paragraph (a) of this section passes over the name of a preference applicant who, under § 21.6 (d), is entitled to prior consideration, it shall record its reasons for so doing. A copy of such reasons shall, upon request, be sent to the preference applicant or his designated representative.

When, in making appointments to a position, an agency has on three occasions passed over the name of a preference applicant and recorded its reasons for so doing, consideration of his name for such position may thereafter be discontinued.

§ 21.8 *Reappointment*—(a) *Persons granted preference.* A former civilian employee of the executive branch of the Federal government or the District of Columbia government who is entitled to preference under the regulations in this part may be reappointed to a position covered by the regulations in this part without regard to the names of qualified applicants on the agency reemployment list or regular employment list.

§ 21.9 *Promotion; qualifications.* In determining qualifications for promotion with respect to employees entitled to five- or ten-point preference under the regulations in this part, any requirements as to age, height, and weight shall be waived provided any such requirement is not essential to the performance of the duties of the position. After due consideration has been given to the recommendation of any accredited physician, the physical requirements shall be waived in the case of any such employee provided he is found physically able to discharge efficiently the duties of the position for which promotion is proposed.

§ 21.10 *Removal, suspension, furlough, or demotion of preference employees.* This section shall apply to permanent and indefinite employees entitled to five- or ten-point preference under the regulations in this part but shall not apply to (a) employees during their first year of current continuous Federal or District of Columbia service, or (b) employees appointed for periods specifically limited to one year or less.

Any employee subject to this section who is proposed for involuntary discharge, suspension for more than thirty days, furlough without pay, or reduction in rank or compensation, shall have at least thirty days advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action. Such employee shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting. Such appeal shall be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided*, That, such employee shall have the right to make a personal appearance, or an appearance through a designated representative, in accordance with rules and regulations of the Commission. After investigation and consideration of the evidence submitted, the Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of the same to the appellant or his designated representative: *Provided further*, That the Commission may declare any such employee who may have been dismissed or furloughed without pay to be eligible for entry of his name on the agency reemployment list established under § 21.6 (b).

§ 21.11 *General provisions*—(a) *Exceptions.* (1) No provisions of the regulations in this part shall apply to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the Senate.

(2) The provisions of the regulations in this part relating to examination and appointment shall not apply to (i) positions filled under the Civil Service rules or the War Service regulations in the same manner as competitive positions are filled; or (ii) reemployment in the agency of former employees in accordance with reemployment rights acquired by reason of service in the armed forces or the merchant marine, or by reason of transfer under Executive Order Nos. 8973, 9067, or 9243 (3 CFR Cum. Supp.), or Directive X of the War Manpower Commission (7 F. R. 7298, 11050; 9 F. R. 3534).

(b) *Procedural modifications.* In view of the circumstances and conditions surrounding employment in the following classes of positions the agency concerned will not be required to apply to such positions the apppointment procedures of the regulations in this part: *Provided*, That the principles of veteran preference shall be followed as far as administratively feasible and the reasons for his nonselection shall be furnished upon request to any qualified and available preference applicant:

(1) Positions filled by persons appointed without compensation or at a compensation of $1.00 per annum;

(2) Positions outside the continental limits of the United States and outside the Territories of Hawaii and Puerto Rico when filled by persons resident in the locality, and positions in the Territories of Hawaii and Puerto Rico when compensated in accordance with local prevailing native wage rates;

(3) Positions which the exigencies of the war program demand be filled immediately before lists of qualified applicants can be established or utilized: *Provided*, That appointments to such positions shall be temporary appointments not to exceed one year and may be renewed for one additional year at the discretion of the agency;

(4) Intermittent positions;

(5) Positions paid on a fee basis; and

(6) Such positions as are included in Schedule A (Part 6 of this chapter) and similar types of positions, whenever the Commission agrees with the agency that such position should be included hereunder.

(c) *Special plans.* Any department or agency having positions subject to the regulations in this part may submit to the Commission a system for making appointments which will result in granting to veterans the preference provided for in the Veterans' Preference Act of 1944 but which does not conform to all of the procedural requirements set forth in the regulations in this part: *Provided*, That such a system may not be put into effect until it has received the prior approval of the Commission.

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

Sec.

22.1 Applicability of regulations.
22.2 Notification of proposed actions; charges and opportunity for answer.
22.3 Adverse decisions of administrative officers of agencies.
22.4 Appeals to the Commission.
22.5 Form of appeal.
22.6 Where appeals shall be filed.
22.7 Preliminary consideration of appeals in the Commission.
22.8 Investigations.
22.9 Hearings.
22.10 Decision in the Commission.
22.11 Further appeals to the Commissioners.

AUTHORITY: §§ 22.1 to 22.11, inclusive, issued under secs. 11 and 14, 58 Stat. 387; 5 U. S. C., Sup. 860, 863.

§ 22.1 *Applicability of regulations*—(a) *Coverage.* The regulations in this part shall govern appeals to the Commission by permanent and indefinite preference eligible employees from adverse decisions of administrative officers of the Federal Government and the government of the District of Columbia, more specifically defined hereinafter.

(1) *Employees covered.* Employees affected are permanent and indefinite preference eligible employees who have completed a probationary or trial period in positions under the Civil Service Rules or War Service Regulations, or one year of current continuous employment in positions excepted from the competitive service, in the service of any establishment, agency, bureau, administration, project or department created by acts of Congress or Presidential order or in the service of the District of Columbia. The regulations in this part are not applicable to employees under the legislative or judicial branch of the Government, and employees who were appointed to any positions required to be confirmed by, or made with, the advice and consent of the United States Senate, other than postmasters in offices of the first, second and third classes.

(2) *Preference eligible employees.* The term "preference eligible employees" referred to in this section includes the following persons:

(i) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department;

(ii) The wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil service appointment;

(iii) The unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions;

(iv) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions.

Separation under "honorable conditions" means separation from active duty in any branch of the armed forces by transfer to inactive status, transfer to retired status, acceptance of a resignation or the issuance of a discharge, if such separation was under honorable conditions.

(3) *Adverse decisions which may be appealed.* Appeals may be made from the decisions of administrative officers in cases of discharges, suspensions for more than thirty (30) days, furloughs without pay and reduction in rank or compensation for reasons other than reduction in force which are covered by reduction in force regulations.

(b) *Appeals involving efficiency ratings.* The regulations in this part are applicable in cases of adverse decisions based on efficiency ratings, but the Commission will not consider the correctness of any efficiency rating which is appealable to a Board of Review established under the provisions of section 9 of the Classification Act of 1923, as amended. The correctness of an efficiency rating which is not appealable to a Board of Review will not be considered unless the employee has made use of his agency's administrative appellate procedures, if provided by the agency, in any case where adverse action is proposed to be taken too soon to permit diligent use of administrative appellate procedures, it is impracticable to await the decision under the administrative appellate procedures,

the employee was misinformed of his rights under such procedures, coercive measures were used to prevent recourse to such procedures, or the employee presents satisfactory reasons for not resorting to such procedures.

(c) *Appeals not governed by the regulations in this part.* The regulations in this part are not applicable to decisions of the Commission relative to applications, examinations, promotions, transfers, reinstatements, reappointments, classifications and other civil service proceedings, nor to actions of administrative officers which are taken under instructions from the Commission in cases in which the Commission has jurisdiction. Appeals in such cases will continue to be entertained by the Commission in accordance with its established administrative procedures.

(d) *Notice in reduction in rank or compensation resulting from Commission's position allocation decisions.* Preference eligible employees who are to be reduced in grade or rank as a result of the Commission's position allocation decisions shall be given at least thirty (30) days' advance written notice, stating any and all reasons, specifically and in detail, for such proposed action.

§ 22.2 *Notification of proposed actions; charges and opportunity for answer*—(a) *Advance written notice of thirty days.* No employee covered by the regulations in this part shall be discharged, suspended for more than thirty (30) days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing, and the employee whose discharge, suspension for more than thirty (30) days, furlough without pay, or reduction in rank or compensation is sought shall have at least thirty (30) days advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail for any such proposed action.

(b) *Reasonable time to answer.* A reasonable time shall be allowed employees for answering personally and in writing, charges and notifications of proposed adverse actions, and for furnishing affidavits in support of such answers, and the reasonable time required shall depend on all the facts and circumstances of each case, and be sufficient in all cases to afford the employee ample opportunity to prepare answers and secure affidavits.

(c) *Status of an employee during period of advance notice.* The advance written notice which is required when a proposed adverse action is sought by an employing agency shall be submitted to the employee at least thirty (30) days before the effective date of such proposed action, and during such thirty (30) day period the employee shall continue in an active duty status; but in cases of furlough without pay due to unforeseeable circumstances such as sudden breakdowns in equipment, acts of God or emergencies requiring immediate curtailment of activities, advance notice shall not be necessary.

In exceptional cases where the circumstances are such that the retention of the employee in an active duty status during the thirty (30) day period may result in damage to Government property, would be otherwise detrimental to the interests of the Government, or would be injurious to the employee, his fellow workers or the general public, and the employee cannot during such period be temporarily assigned to duties in which these conditions would not exist, he shall be placed on annual leave, provided he has sufficient annual leave to his credit to cover the required period, and otherwise, suspended for such period or periods during the thirty (30) days as the circumstances warrant: *Provided*, That a certificate is filed by the administrative officer in the records of the employing agency setting forth the specific circumstances in such exceptional cases. The reasonableness of such exceptions, including suspensions, will be considered in connection with the entire case in the event that the employee subsequently appeals from the final adverse decision reached by the administrative officer.

(d) *Notice and answer in efficiency rating cases.* In cases where it is proposed to take adverse action against an employee on the basis of an efficiency rating, the employee shall be given the advance notice in writing of the proposed action at least thirty (30) days before the effective date, and said notice shall allow the employee a reasonable time for answer and to object to the proposed action and show cause why it should not be taken. This right of advance notification does not affect the right of the employee to appeal for a review of his efficiency rating to a Board of Review established under the provisions of section 9 of the Classification Act of 1923, as amended.

§ 22.3 *Adverse decisions of administrative officers of agencies.* Adverse decisions by administrative officers following notifications of proposed adverse actions, charges and answers of employees, shall be in writing, dated and submitted to the employee promptly after such decisions have been made. The employee should at the same time be advised of his right to appeal the decision to the Civil Service Commission. If delay in submitting an appeal to the Commission occurs because the employee has not been so advised this fact shall be considered good cause shown for failure to file the appeal within the prescribed period of thirty (30) days after receipt of notice of the adverse decision as provided in § 22.4, but shall not otherwise affect the adjudication of the appeal.

§ 22.4 *Appeals to the Commission*—(a) *Right to appeal.* After receipt by the employee of notice of an adverse decision such employee may, as a matter of right, appeal to the Commission immediately or within a reasonable time thereafter. The Commission will not entertain a request for consideration or review of any action under section 14 of the Veterans' Preference Act of 1944 prior to the receipt by the employee from the administrative officer of the adverse decision making effective the discharge, suspension for more than 30 days, furlough without pay, or reduction in rank or compensation.

(b) *Time limit for filing appeals.* (1) Thirty (30) days from the date of receipt of notice of an adverse decision shall be considered a reasonable time to prepare and submit an appeal under this regulation, but the Commission may, in its discretion, and where good cause is shown for failure to file the appeal within the prescribed period, consider appeals submitted after the expiration of thirty (30) days.

(2) Nothing in this section shall affect the right of an employee to appeal an adverse decision occurring between the time of the effective date of the Veterans' Preference Act of 1944 (June 27, 1944) and the date of the promulgation of the regulations in this part: *Provided*, That such an appeal is made to the Commission within six months after the effective date of the regulations in this part, unless good cause is shown for failure to file the appeal within the prescribed period.

§ 22.5 *Form of appeal*—(a) *Contents.* The appeal of the employee to the Commission shall be in writing and (1) shall set forth in detail all the facts and circumstances of the adverse decision; (2) shall be accompanied by copies of charges, answer, affidavits in support of answer, and notice of the adverse decision, and by such documentary evidence in support of the appeal as the employee may wish to submit; (3) shall state whether the employee desires to make a personal appearance or an appearance through or accompanied by a representative designated by him before a representative of the Commission; (4) shall be supported by acceptable evidence of entitlement to preference and (5) shall set forth detailed information regarding the employee's status, such as the date and nature of appointment and whether the employee has completed a probationary or trial period or one year of current continuous employment in the civil service of the Federal government or District of Columbia, and any other data bearing on whether the employee is within the purview of the regulations in this part.

§ 22.6 *Where appeals shall be filed.* Appeals from employees in the Departmental Service in Washington, D. C. and the metropolitan area shall be submitted to the Chief Law Officer, United States Civil Service Commission, Washington 25, D. C.; appeals from employees in the Field Service in Washington, D. C. and the metropolitan area shall be submitted to the Manager, Branch Regional Office, Fourth U. S. Civil Service Region, Washington 25, D. C., and appeals from employees outside of these areas shall be submitted to the Director of the appropriate Civil Service Region or Manager of any Branch Regional Office.

§ 22.7 *Preliminary consideration of appeals in the Commission.* When an appeal is received it will be examined for the purpose of determining whether or not it is within the scope of Public Law 359 and the regulations in this part. If the determination is that it is not, the employee will be so advised and informed as to the basis for such determination. Thereafter the employee or his designated representative may make request for reconsideration of this determination and may submit evidence and make representations in support of his request. The record will then be considered and the employee or his designated representative advised as to the decision reached. If it is found to be an appeal within the purview of Public Law 359 and the regulations in this part it will be docketed for investigation and adjudication and the employee or his designated representative and the employing agency will be so advised.

§ 22.8 *Investigations*—(a) *When made.* Investigations will be made as necessary, to develop all the facts and circumstances relative to the adverse decision and to obtain necessary copies of the official record, charges, answer, decision and the reasons therefor, and pertinent testimony of witnesses.

(b) *Manner of taking testimony.* Testimony of witnesses will be by affidavit, without any pledge of confidence, but where it is impracticable to obtain testimony under oath from a witness such statement will be obtained, without any pledge of confidence, from the witness as the circumstances will permit, and such weight will be given to the unsworn testimony as the record will warrant: *Provided, however*, That where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, testimony and evidence will be obtained under a pledge of confidence and the source of the information secured will not be divulged.

(c) *Information obtained discussed with agency and with employee.* The evidence submitted by the employee in connection with his appeal will be discussed by the investigator of the Commission with the administrative officer who made the decision and other proper officials of the employing agency concerned, and such officials shall be requested to state their side of the case. Similarly, the employee should be informed of the information furnished by the officials of the agency and given the opportunity to insert his side of the case into the record of investigation: *Provided, however*, That in cases where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, only such information should be furnished either party as will be consistent with the pledge of confidence attached to testimony and evidence in such cases.

§ 22.9 *Hearings*—(a) *Right to appear personally or by representative.* The appellant shall have the right to appear personally or through or accompanied by a designated representative in connection with his appeal and if an appellant has expressed the desire for such a personal appearance arrangements will be made for a hearing at a stage of the proceedings agreed upon between the appellant and the regional office or the office of the Chief Law Officer, as the case may be.

(b) *Notice of hearings and where scheduled.* The hearing will be scheduled at Washington, D. C., or at any regional office or branch regional office and notifications thereof transmitted to the appellant or his designated representative and to the employing agency, advising the latter that it may participate, and informing both parties of a right to produce evidence and witnesses.

(c) *How conducted.* Hearings will be conducted by a representative of the Commission in an informal manner with an opportunity afforded for the introduction of evidence, including testimony and statements by the appellant and his designated representative and witnesses and representatives of the employing agency and witnesses, and for the cross-examination of witnesses: *Provided, however*, That where the adverse action of the administrative officers with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, the appellant will be accorded such hearing as will be consistent with the pledge of confidence attached to testimony and evidence in such cases.

(d) *Admission of evidence.* Rules of evidence will not be strictly applied during hearings, but the Commission representative in charge of the hearing shall use reasonable discretion to exclude irrelevant testimony.

(e) *Testimony taken under oath; record of hearing; not open to public.* The testimony at hearings shall be under oath. The Chief Law Officer or the Regional Director may direct that the hearing be recorded stenographically by a reporter employed by the Commission. The reporter's transcript shall be a part of the record of the proceeding. Reporters not employed by the Commission shall not be permitted to make transcripts of the proceedings. In cases where the hearing is not recorded stenographically, the hearing examiner will make suitable notes of the relevant portions of the testimony. At the conclusion of the hearing, these notes shall be summarized and when agreed to in writing by all parties concerned, the summary shall constitute the report of the hearing. If the examiner and the parties cannot agree on the summary, the parties shall be permitted to submit, in writing, exceptions to any part of the summary that they question, and such exceptions shall be considered in connection with the making of the finding and recommendation. Hearings shall not be open to the general public or the press. Attendance shall be limited to persons having a direct connection with the appeal.

(f) *Appearance of witnesses.* The Commission does not have the power of subpoena and appellants and their designated representatives, and employing agencies, will be required to make their own arrangements for the appearance of witnesses.

(g) *Transcripts of hearing.* Copies of transcripts of hearing will not be furnished.

§ 22.10 *Decision in the Commission*—(a) *By whom made; contents.* The decision on the appeal shall be made by the Chief Law Officer or the regional office, as appropriate, in a formal finding, consisting of an analysis of the evidence, the reasons for the conclusions reached and a recommendation for action to be taken by the employing agency concerned: *Provided, however*, That where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, the case will, after investigation and hearing, be referred to the Loyalty Rating Board of the Commission in Washington, D. C., for consideration and recommendation to the Commissioners for their decision. The contents of the formal finding on such loyalty aspects in cases under section 14 will not contain information which will be inconsistent with the pledge of confidence attached to testimony and evidence in such cases.

(b) *Copy of decision furnished appellant and agency; appeal to Commissioners.* Copies of the analysis, conclusions and recommendation shall be furnished to the employing agency and to the appellant or his designated representative, and both parties shall be notified of the right of a further appeal to the Commissioners of the U. S. Civil Service Commission, Washington 25, D. C.

(c) *Report by agencies to Commission of action taken or proposed to be taken on finding favorable to employee.* When the finding and recommendation is that the employee be restored to his position, or is otherwise favorable to the employee, the employing agency will, at the time the finding and recommendation is transmitted to it, be requested to report to the Chief Law Officer, the regional office or the Loyalty Rating Board, as the case may be, within seven (7) days of the receipt of such finding and recommendation, regarding the action taken or proposed to be taken by the employing agency.

§ 22.11 *Further appeals to the Commission*—(a) *Time limit for filing.* An appeal may be made by the employee from a decision of the Chief Law Officer or Regional Office (and of the Commissioners in loyalty cases) to the Commissioners, the United States Civil Service Commission, within thirty (30) days of the date of receipt of notification of the decision. An appeal may be made to the Commissioners by the employing agency within seven (7) days of the date of receipt of such notification.

(b) *Referred to Board of Appeals and Review.* Appeals under this regulation shall be referred to the Board of Appeals and Review of the Commission in Washington, D. C., for appropriate action and recommendation to the Commissioners.

(c) *Hearing before Board of Appeals and Review.* The Board of Appeals and Review shall review the record and in its discretion grant hearings with an

opportunity for the production of evidence and cross-examination of witnesses.

(d) *Final appeal is to the Commissioners.* Decisions on appeals to the Commissioners will be transmitted to the appellant or his designated representative and the employing agency concerned with notifications to both parties that no further appeals will be entertained as to the particular case unless new and material evidence is submitted.

(e) *Further appeals.* The Commissioners may in their discretion, when in their judgment such action appears warranted by the circumstances, entertain a further appeal at the request of the appellant or his designated representative or of the employing agency, and may grant a hearing before them. In connection with such reopened appeal both parties to the proceeding shall be accorded opportunity to make written representations and to participate in any hearing which may be held.

PART 23—POLITICAL ACTIVITY OF STATE EMPLOYEES; RULES OF PRACTICE

Sec.

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AUTHORITY: §§ 23.1 to 23.22, inclusive, issued under sec. 12 (d), 54 Stat. 767; 18 U. S. C. 61*l*.

CROSS REFERENCE: For regulations governing political activity of Federal government employees, see Part 4 of this chapter.

§ 23.1 *The Commission*—(a) *Offices.* The principal office of the Commission is at Washington, D. C.

All communications to the Commission must be addressed to United States Civil Service Commission, Washington 25, D. C., Attention, Chief Law Officer, unless otherwise specifically directed.

(b) *Hours.* The office is open on each business day from 8:45 a. m. to 5:15 p. m.

(c) *Proceedings.* The Commission may, by one or more of its members or by such examiners as it may designate, conduct any inquiry or hearing necessary to its duties in any part of the United States.

§ 23.2 *Executive officer.* The Executive Director and Chief Examiner is the executive officer of the Commission, and has legal custody of its papers, records, and property; and all orders of the Commission shall be signed by the Executive Director and Chief Examiner, or such other person as may be authorized by the Commission.

§ 23.3 *Service.* Letters of charges, orders, and other processes of the Commission shall be served by the Chief Law Officer of the Commission by registered mail, by registering and mailing a copy thereof addressed to the officer or employee charged with the violation and to the State or local agency employing such person.

When service is not accomplished by registered mail, letters of charges, orders, or other processes of the Commission may be served by anyone duly authorized by the Commission, or by an examiner of the Commission.

(a) By delivering a copy of the document to the person to be served, and/or to an officer of the State or local agency; or

(b) By leaving a copy thereof at the principal office or place of business of such person and/or State or local agency.

The return post-office receipt for said letter of charges, order, or other process registered and mailed as aforesaid, or the verified return by the person serving such letter of charges, order, or other process setting forth the manner of said service, shall be proof of the service of the document.

§ 23.4 *Appearance.* Any individual who is a party to any proceedings before the Commission may appear for himself or by an attorney at law possessing the requisite qualifications, as hereinafter set forth, to practice before the Commission. Any State or local agency may appear or be represented by an attorney at law possessing the requisite qualifications, as hereinafter set forth, to practice before the Commission.

Attorneys at law in good standing who are admitted to practice before the Federal courts or before the courts of any State or Territory of the United States may practice before the Commission.

A written application for admission to practice before the Commission is required. A written notice of appearance on behalf of a specific party or parties in the particular proceeding shall be submitted by attorneys desiring to appear for such specific party or parties. Upon receipt of such notice, application forms for admission to practice before the Commission will be furnished. Any attorney, practicing before the Commission or desiring so to practice, who, in the judgment of the Commission does not possess the requisite qualifications to represent others, or who is lacking in character, integrity, or proper professional conduct, may be disbarred or suspended from practicing before the Commission; and the Commission or its examiners shall have the right to suspend immediately any attorney for contumacy, contempt, or misconduct during the course of any proceeding.

No former officer, examiner, attorney, clerk, or other former employee of this Commission shall appear as attorney or counsel for or represent any party in any proceeding resulting from any investigation, the files of which came to the personal attention of such former officer, examiner, attorney, clerk, or other former employee during the term of his service or employment with the Commission.

§ 23.5 *Documents.* Documents required to be filed with the Commission in any proceeding shall be filed with the Chief Law Officer of the Commission.

(a) *Title.* Documents shall clearly show the docket number and title of the proceeding.

(b) *Copies.* Five copies of documents other than correspondence shall be filed except as otherwise specifically required by these rules.

(c) *Form.* It is requested that documents not printed be typewritten on one side of paper only, letter or legal size, double or triple spaced, with ample margin.

The originals of all documents, whether printed or typewritten, shall be signed in ink by the duly authorized attorney, or if an interested party is appearing without counsel, by the interested party.

§ 23.6 *Letter of charges.* When the Commission has reason to believe that there is a violation of the law over which the Commission has jurisdiction, the Commission shall, by registered mail, send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation, which instrument shall be known as a letter of charges.

§ 23.7 *Answers.* In the case of a desire to contest the proceedings, the respondent or respondents shall, within fifteen (15) days from the day the letter of charges is served, file with the Commission an answer to the letter of charges; or within thirty (30) days if the officer or employee and/or the local agency is in a Territory or possession of the United States of America.

Such answers shall contain a concise statement of the facts which constitute the ground of defense. The respondent shall specifically admit or deny or explain each of the facts alleged in the letter of charges, unless respondent is without knowledge, in which case respondent shall so state. Five (5) copies of answers shall be furnished the Commission at the time of filing the original answer. All answers and copies thereof shall be signed by the respondent or by his attorney at law and shall show the office and post-office address of the signer.

Failure of the respondent to file an answer and the copies thereof within the time above provided shall be deemed to authorize the Commission, without further notice to respondent, to proceed in the regular course on the charges set forth in the letter of charges. If respondent desires to waive hearing on the allegations of fact set forth in the letter of charges and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the letter of charges to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said letter of charges and to have authorized the Commission, without further evidence or other intervening procedure, to find such facts to be true, and, if in the judgment of the Commission, such facts admitted constitute a violation of the law as charged in the letter of charges, to make and serve findings of facts, and to thereupon make an order, if the violation so warrants, for the removal of the officer or employee, and to notify such officer or employee and the appropriate State or local agency of such determination.

Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief or in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of the law charged in the letter of charges.

§ 23.8 *Notice of hearing.* After the filing of answer or other appropriate response, the Commission shall fix a time and place for a hearing and shall, by registered mail, send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice of the time and place of hearing.

§ 23.9 *Motions.* Motions before the Commission or the hearing examiner shall state briefly the purpose thereof, and all supporting affidavits, records, and other papers, except such as have been previously filed, shall be filed with the motions and clearly referred to therein.

Motions in any proceeding before a hearing examiner which relate to the introduction or striking of evidence shall be made to the hearing examiner and shall be ruled on by the hearing examiner. No exception is necessary to the ruling of the hearing examiner to preserve the objection before the Commission or appellate courts.

§ 23.10 *Continuances and extensions of time.* Except as otherwise expressly provided by law, the Commission or its examiners, for cause shown, may extend any time limits prescribed for filing any papers, except time for filing appeal, which is fixed by statute, and may continue or adjourn any hearing. A hearing before a hearing examiner shall begin at the time and place ordered by the Commission, but thereafter may be adjourned from time to time by the hearing examiner or the Commission.

Applications for continuances and extensions of time shall be made prior to the expiration of the time prescribed by these rules, and must be accompanied by an affidavit showing exceptional circumstances.

§ 23.11 *Hearings of complaints.* All hearings before the Commission or hearing examiners on letters of charges issued by the Commission shall be public unless otherwise ordered by the Commission.

Hearings shall be stenographically reported by the official reporter of the Commission and a transcript thereof shall be made which shall be a part of the record of the proceeding. The record made shall be the sole official record. Transcripts will be supplied to a respondent or respondents (or to the public) by the official reporter at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter.

§ 23.12 *Hearing examiners.* When evidence is to be taken in a proceeding upon a letter of charges issued by the Commission, a hearing examiner may be designated for that purpose by the Commission.

It shall be the duty of the hearing examiner to complete the taking of evidence with all due dispatch.

The hearing examiner is charged with the duty of conducting a fair and impartial hearing and of maintaining order in form and manner consistent with the dignity of the Commission. He will note on the record any disregard by counsel for his rulings on matters of order and procedure, and where he deems it necessary shall make special written report thereof to the Commission. In the event that counsel for the Commission or counsel for any respondent shall be guilty of disrespectful, disorderly, or contumacious language or conduct in connection with any proceeding, the hearing examiner may suspend the proceeding and submit to the Commission his report thereon together with his recommendation as to whether any rule should be issued to show cause why any such counsel should not be suspended or disbarred pursuant to § 23.4 or other appropriate action as provided under section 12, subsection (d) of the Hatch Political Activity Act. A copy of such hearing examiner's report shall be furnished to any counsel upon whose language or conduct such report is made, and the Commission will take disciplinary action after an opportunity for hearing has been accorded such counsel.

§ 23.13 *Subpenas.* Subpenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing may be issued by the Commission or any member thereof. Application therefor must be made in writing either to the Chief Law Officer or to the presiding hearing examiner.

Subpenas for the production of documentary evidence will be issued only upon application in writing to the Commission or the presiding hearing examiner. The application must specify as exactly as possible the documents desired, and show their competency, relevancy, and materiality. An application by a respondent shall be verified by oath or affirmation.

In case of disobedience to a subpena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof (sec. 12 (d) of the act of August 2, 1939, as amended).

§ 23.14 *Witnesses.* Witnesses shall be examined orally, except that for good and exceptional cause for departing from the general rule the Commission may permit their testimony to be taken by a deposition.

Witnesses summoned by the Commission shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witnesses whose depositions are taken for the Commission, and the persons taking such depositions, shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

§ 23.15 *Evidence*—(a) *Documentary.* Where relevant and material matters offered in evidence are embraced in a document containing other matters not material or relevant and not intended to be put in evidence, such immaterial or irrelevant parts shall be excluded and shall be segregated insofar as practicable.

(b) *Objections.* Objections to the evidence before a commissioner or a hearing examiner shall be in short form, stating the grounds of objection relied upon, and the transcript shall not include argument or debate thereon, except as ordered by the Commission or hearing examiner. Rulings on such objections shall be a part of the transcript. No exception to the ruling is necessary to preserve the rights of the parties in an appeal to the Commission or in the appellate court.

§ 23.16 *Depositions.* The Commission may order evidence to be taken by deposition in any proceeding or investigation pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having the power to administer oaths or affirmations.

Unless notice be waived, no deposition shall be taken except after reasonable notice to the parties.

Any party desiring to take the deposition of a witness shall make application in writing, setting out the reasons why such deposition should be taken and stating the time when, the place where, and the name and post-office address of the person before whom it is desired the deposition be taken; the name and post-office address of the witness, and the subject matter or matters concerning which the witness is expected to testify.

If good cause be shown, the Commission will make and serve upon the parties or their attorneys an order wherein the Commission shall name the witness whose deposition is to be taken and specify the time when, the place where, and the person before whom the witness is to testify, but such time and place and the person before whom the deposition is to be taken so specified in the Commission's order may or may not be the same as those named in said application to the Commission.

The testimony of the witness shall be reduced to writing by the officer before whom the deposition is taken or under

his direction, after which the deposition shall be subscribed by the witness and certified in the usual form by the officer. After the deposition has been so certified, it shall, together with four additional copies thereof made by such officer or under his direction, be forwarded by such officer under seal, in an envelope addressed to the Commission at its office, Washington 25, D. C. Such deposition, unless otherwise ordered by the Commission for good cause shown, shall be filed in the record in said proceeding and a copy thereof supplied to the party upon whose application said deposition was taken or his attorney.

Depositions shall be typewritten on one side of paper only; letter or legal size; left margin 1½ inches; right margin 1 inch.

§ 23.17 *Admissions of fact and genuineness of documents.* At any time after answer has been filed the hearing attorney for the Commission may serve upon any respondent, or counsel for a respondent may serve upon the Commission's hearing attorney, a written request for admission of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in such documents. Copies of documents shall be delivered with the request unless copies have already been furnished. Each of the matters on which an admission is so requested shall be deemed admitted, unless within a period designated within the request, not less than ten (10) days after service thereof, or within such further time as the Commission or the hearing examiner may allow on motion and notice, the party so served serves upon the party making the request a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny those matters.

Service required hereunder may be made upon a respondent either by registering and mailing or by delivering a copy of the documents to be served to the respondent or his attorney or by leaving a copy at the principal office or place of business of either. Service upon the Commission's hearing attorney may be either by registering and mailing or delivering a copy of the documents to be served to such attorney.

§ 23.18 *Hearing examiner's preliminary report.* Except as stated in the next paragraph, the hearing examiner shall, as promptly as practicable after the receipt by him of the complete stenographic transcript of all testimony in a proceeding, make his preliminary report upon the evidence. He shall also transmit copies of this report to attorneys who appeared in the proceeding, and individually to any respondent unrepresented by counsel.

A hearing examiner's report is not a report of finding of the Commission. The preliminary report, like the final report hereinafter mentioned, is advisory only and is not binding upon the Commission.

§ 23.19 *Briefs.* At the conclusion of a hearing, the examiner shall prescribe the time and other directions for filing of briefs on behalf of parties to the hearing, if any party desires to submit a brief. The time within which initial briefs are to be filed, shall be calculated from the date of service upon the parties of copies of the examiner's preliminary report: *Provided*, That for good cause stated at the conclusion of the hearing, the examiner may eliminate the filing and service of a preliminary report: *Provided further*, That any interested party may apply in writing to the Commission for modification of any of the examiner's rulings concerning reports and briefs. Five copies of briefs shall be filed.

§ 23.20 *Hearing examiner's final report.* After expiration of the time for filing briefs, the hearing examiner, as promptly as practicable, shall re-examine the record, including the briefs, and shall make a final report to the Commission. If, in any instance, the recommendations of the final report shall so vary from the tentative recommendations of the preliminary report, that the Commission deems that notice and further opportunity to be heard should be given to the parties, it will so order and provide.

§ 23.21 *The decision.* Upon receipt of the hearing examiner's final report, the Commission shall review the report and shall make its own findings and determine whether any violation has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall, by registered mail, notify such officer or employee and the appropriate State or local agency of such determination. The Commission may, if the circumstances warrant, refer the case back to the hearing examiner for the purpose of obtaining additional evidence.

§ 23.22 *Appeal.* Appeal procedure is prescribed in section 12 (c) of the act of August 2, 1939, as amended by the act of July 19, 1940. This subsection is as follows:

(c) Any party aggrieved by any determination or order of the Commission under subsection (b) may, within thirty days after the mailing of notice of such determination or order, institute proceedings for the review thereof by filing a written petition in the district court of the United States for the district in which such officer or employee resides; but the commencement of such proceedings shall not operate as a stay of such determination or order unless (1) it is specifically so ordered by the court, and (2) such officer or employee is suspended from his office or employment during the pendency of such proceedings. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the determination or the order complained of was made. The review by the court shall be on the record entire, including all of the evidence taken on the hearing, and shall extend to questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may direct such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings of fact or its determination or order by reason of the additional evidence so taken and shall file with the court such modified findings, determination, or order, and any such modified findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commission's determination or order, or its modified determination or order, if the court determines that the same is in accordance with law. If the court determines that any such determination or order, or modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Commission with directions either to make such determination or order as the court shall determine to be in accordance with law or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court shall be final, subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States on certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C. 1934 edition, title 28, secs. 346 and 347). If any provision of this subsection is held to be invalid as applied to any party with respect to any determination or order of the Commission, such determination or order shall thereupon become final and effective as to such party in the same manner as if such provision had not been enacted.

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Sec.
24.1 Medical officer; all grades.
24.2 Dentist; all grades.
24.3 Veterinarian; all grades.
24.4 Consultant in education; all grades.
24.5 Student nurse, St. Elizabeths hospital.
24.6 Graduate nurse, general staff duty or psychiatric duty.
24.7 Graduate nurse (trainee).
24.8 Agronomist (field operations), P–1, Soil Conservation Service.
24.9 Soil scientist (field operations), P–1, Soil Conservation Service.
24.10 Dietitians.
24.11 Physical training, Veterans' Administration.
24.12 Teacher; all grades.
24.13 Navy Department, instructor, school activities, schools at Quantico, Va., Lejeune, N. C., and Patuxent River, Md.
24.14 Office of Indian Affairs, teacher, community school: elementary; junior and senior high school; home economics, junior and senior high school; agriculture, junior and senior high school.
24.15 Range conservationist, P–1, Department of Agriculture.
24.16 Social worker (psychiatric and medical) Veterans' Administration, SP–6 and SP–7.
24.17 Agronomist (research), P–1, Department of Agriculture, Bureau of Plant Industry.
24.18 Office of Education.
24.19 Forester, P–1, Department of Agriculture.
24.20 Psychiatric social worker, P–1, War Department, Fort Storey, Virginia.
24.21 Range conservationist (ecology), P–1, Department of Agriculture.
24.22 Biologist (land management), P–1, Soil Conservation Service.

Sec.
24.23 Clinical psychologist, P–2 through P–5, in Veterans' Administration hospitals and outpatient clinics and in U. S. Public Health Service Clinics.
24.24 Land classification specialist, grades P–1 and P–2, Bureau of Reclamation, Department of the Interior.
24.25 Educational consultant, grades P–7 and P–8, Army Air Forces.
24.26 Educational retraining.
24.27 Pharmacist, P–1 through P–4.
24.28 Chemist.
24.29 Physicist, P–1 through P–8.
24.30 Engineer, trainee, SP–3, SP–4, SP–5.
24.31 Geologist.
24.32 Bacteriologist, P–1, P–2, P–3 (option, agricultural).
24.33 Engineering positions involving highly technical research, design or development, or similar functions.
24.34 Instructor, academic subjects, apprentice schools, Navy Department.
24.35 Geophysicist, P–2 through P–6.
24.36 Junior professional assistant.
24.37 Occupational therapist, P–1 and above.
24.38 Physical therapist, P–1 and above.
24.39 Mathematician, P–2 through P–8, where the duties involve highly complicated or fundamental scientific research or similar difficult scientific duties.
24.40 Instructor, meteorology, P–2 through P–5.
24.41 Human biologist, P–7.
24.42 U. S. Coast Guard Academy.
24.43 Archeologist, P–1 to P–4.
24.44 Psychologist (Personal Counselor), P–4, Veterans' Administration.

AUTHORITY: §§ 24.1 to 24.44, inclusive, issued under sec. 5, 58 Stat. 388; 5 U. S. C., Sup., 854.

§ 24.1 *Medical officer; all grades*—(a) *Duties.* With responsibilities proportionate to the grade, appointees perform professional duties as doctors of medicine in hospitals, in dispensaries or in the field. As examples of the work performed: Conduct physical examinations, give anesthetics, perform minor surgical operations, assist in major operations, change dressings, supervise care of patients, and diagnose and treat diseases; including the administration of parenteral medication, administer first aid, give first aid instructions, supervise a ward or other hospital or dispensary clinic, serve as Officer of the Day in hospitals, determine whether government employees have tuberculosis or other disease in a communicable form.

(b) *Knowledge and training requisite for performance of duties.* A thorough understanding of the human body, its anatomy, its physiology, and its reactions to drugs; a thorough understanding of the symptoms of disease, the causes of disease and the treatment; a thorough understanding of the principles and procedures in the practice of all branches of medicine are necessary.

(c) *Method of obtaining basic knowledge and training.* It is a well-recognized fact that persons desiring to become physicians or doctors of medicine must obtain their education in a medical school of approved standing. There are no other sources in which knowledge necessary to provide for the health and welfare of the individual can be obtained.

§ 24.2 *Dentist; all grades*—(a) *Duties.* Appointees perform dental operations either under supervision or independently according to assignment. As examples of the work performed: In a large hospital or in a dental clinic make an examination of the oral cavity and independently or in consultation with dental specialists in the higher grades in the more unusual cases, make diagnoses of gums or pathological conditions and give treatment or perform dental operations as required; take, develop, and interpret X-ray films, make dental examinations, aid in medical diagnoses, and instruct, advise and assign dental interns, dental assistants, mechanics or others; make dental reports, requisition equipment, medicine and supplies, and act especially on the dental disabilities for compensation purposes or make dental ratings and authorize treatment.

(b) *Knowledge and training requisite for performance of duties.* Applicants must have an understanding of the anatomy and physiology of the mouth and the relation of mouth conditions to the rest of the body; the types of diseases affecting the mouth, gums and teeth; and the cure of such diseases. They must understand thoroughly safe and approved methods for treating teeth and gums and for removing damaged or diseased teeth. They must know all the proper methods for filling of teeth, making of crowns, inlays, and all other related repairs on teeth. They must be able to repair mouth fractures and dental damages resulting from accident or wounds incurred in war.

(c) *Method of obtaining basic knowledge and training.* The knowledge required for the performance of the duties described in paragraph (b) of this section can be obtained only by attending and completing a full four-year course in a dental school of recognized standing.

§ 24.3 *Veterinarian; all grades*—(a) *Duties.* The duties of this position include ante-mortem and post-mortem inspection of food animals and inspection of food products; administration of tests for disease, control and eradication of disease, sanitary inspection of establishments and plants. Appointees inspect dairies, make milk sanitation surveys, and advise state and local health departments on proper methods of milk sanitation for the United States Public Health Service. As examples of the work performed: Makes primary ante-mortem and post-mortem inspection of meat producing animals; detect diseases and/or other abnormal conditions; assist in enforcing sanitary requirements in meat-preparing establishments by making preliminary examinations or diagnoses and supervise the handling and preparation of meat and its products. Make preliminary inspection of cattle, sheep, swine, and other livestock in stockyards, and in the field for contagious, infectious and communicable diseases. Assist in the testing of cattle and other animals for tuberculosis, and the mallein testing of horses for glanders. Draw samples of blood from horses and other animals and prepare such material for shipment to a laboratory for serological and other examinations. Supervise the dipping of cattle and sheep in officially permitted solutions and the immunization of swine and other animals to prevent and control communicable diseases; make tests of dipping solutions to maintain them in a proper strength. Assist in the inspection of animals used in licensed biological establishments and in supervising the production of anti-hog cholera virus and serum for carrying out preliminary inspection, making preliminary diagnoses, and conducting the technique upon the results of which the decision of a superior is based. Organize and conduct animal disease control and eradication in small areas, such as one or more counties of a State, involving cooperative tuberculosis testing, tick or scabies eradication, or hog cholera control. Make scientific investigation of internal parasites of domesticated or wild animals; prescribe medical treatment of affected animals and determine the value of treatment and prophylactic methods.

(b) *Knowledge and training requisite for performance of duties.* The field of veterinary medicine and surgery is as complicated as that of human medicine and surgery and requires as intensive an education including intensive clinical experience. Veterinarians must have a full and complete knowledge of the anatomy, physiology, biochemistry, and functioning of the animal body. They must know all the various types of approved medicines and the effects on the animal body. They must be capable of recognizing animal disease and of correcting such disease.

(c) *Method of obtaining basic knowledge and training.* The knowledge required for the performance of the duties described in paragraph (a) of this section can be obtained only by attending and completing a full four-year course in an approved school of veterinary medicine. There are no other sources from which an individual may obtain this basic knowledge and training.

§ 24.4 *Consultant in education, all grades*—(a) *Duties.* The duties of educational consultants or specialists consist of advising school administrators, supervisors, boards of education, or other official school or community groups concerning technical phases of educational programs; providing assistance in planning curriculum content and methods of teaching; and advising local officials in the application of approved educational methods to their individual school and to their community problems.

(b) *Knowledge and training requisite for performance of duties.* Thorough knowledge of one or more specialized fields of vocational, general, or cultural subjects; comprehensive grasp of the written material and instructional methods related to the specialized fields; ability to impart this knowledge both formally and informally; and an understanding of the relationship of special fields of knowledge to the needs of the school or the community as a whole.

In addition, experience in research, teaching, or administration of educational programs is required for most positions; the length, scope, nature, and quality of the experience varies with the grade of the position involved.

(c) *Method of obtaining basic knowledge and training.* The method by which the basic knowledge and training can be acquired is by successfully com-

pleting, in a college or university of recognized standing, a full, four-year course leading to a bachelor's degree, and, in adddition, specialized study and training in the principles and methods of education. By such training the student learns under competent instructors, is guided in his reading and in his evaluation of materials read. He has access to well-stocked scientific libraries and to well-equipped laboratories; he is given an opportunity to observe various materials and methods of instruction in operation, and, in a controlled and supervised setting, can experiment for himself under professional guidance. The literature in the field of education and related fields is so voluminous that an individual cannot master it on his own initiative or by random study. Without this basic college training an individual cannot recognize significant social data or draw valid conclusions.

The duties of an educational consultant require more than usual knowledge in the educational and subject-matter fields, as well as leadership ability.

§ 24.5 *Student nurse, St. Elizabeths Hospital*—(a) *Duties.* The student attends classes which include theoretical study in the following subjects: Anatomy, physiology, microbiology, chemistry, psychology, sociology, social problems in nursing, introduction to medical sciences, pharmacology and therapeutics nutrition, foods, cookery, diet therapy, medical and surgical nursing, obstetrical nursing, nursing of children, psychiatric nursing. Classes are attended at which demonstration in the nursing care of patients for various types of diseases and conditions are given by nurse instructors. The students practice and return the demonstration to the instructors before being permitted to carry out any procedures on patients. Students then carry out the less complicated procedure on a specially assigned patient under close supervision of war instructors. As students gain more skill in carrying out nursing procedures and techniques they are then given more advanced nursing procedures in which they assume more responsibility in the nursing care of patients.

(b) *Knowledge and training requisite for performance of duties.* The student nurse is considered as a student in the same manner as a student who is learning to be a teacher, dentist, physician, or preparing for any other profession. The course requires three years and consists of a probationary term of six months, a freshman term of six months, a junior term of twelve months, and a senior term of twelve months. Completion of four years of high school, or its equivalent, with the subjects stated in paragraph (c) of this section is the minimum education necessary for a student entering a basic course in nursing.

The requirements of applicants for enrollment in the school of nursing at St. Elizabeths Hospital are necessary to meet the standards set by the District of Columbia Board of Nurse Examiners. Boards of Nurse Examiners are established by law and govern the standards for admission to accredited schools of nursing. If a school of nursing does not meet the standards, it loses accreditation. Nurses graduating from such schools are not eligible for registration as Graduate Professional Nurses, and would not be eligible to practice as such in the District of Columbia or in the States. In order to maintain its accredited standing, the exact requirements specified by the Board of Nurse Examiners for schools of nursing in the District of Columbia are necessary for entrancee as Student Nurse.

(c) *Method of obtaining basic knowledge and training.* To meet the standards set by the District of Columbia Board of Nurse Examiners, the Commission has determined that applicants must have been graduated from an accredited high school giving a four-year course. They must have completed at least 16 units of study, including: 4 units of English; 2 units of high-school mathematics; 2 units of science; preferably including general science, and a second science such as some form of chemistry or physics (home economics units do not constitute acceptable science units); and 2 units of social studies (1 unit must be United States history, except that one-half unit of civics may be substituted for one-half unit of United States history). (1 unit of study means one 36- to 40-week school year of study, five 40- to 60-minute class periods a week.)

§ 24.6 *Graduate nurse, general staff duty or psychiatric duty*—(a) *Duties.* Under supervision of the head nurse to perform general nursing duty or psychiatric nursing duty in the wards of hospitals which include the following: Administering or assisting in administering treatments and medications as prescribed by the medical staff; bathing critically ill patients, taking temperature, pulse, and respiration of patients, feeding patients, if necessary; supervising and instructing non-professional staff who give any type of nursing care to patients; charting and recording care and treatments given patients; performing duties requiring special training and experience; performing related duties as assigned which are of a professional nursing nature.

(b) *Knowledge and training requisite for performance of duties.* To qualify for Graduate Nurse the Commission has determined an applicant must have the following minimum requirements:

(1) Graduation from a recognized school of nursing requiring a residence of at least two years in a hospital having a daily average of 50 bed patients or more; or where the course includes not less than six months' resident affiliation with a general hospital having a daily average of not less than 75 bed patients, or where the graduate has successfully completed a resident postgraduate course of not less than six months' duration in general nursing in a hospital having a daily average of not less than 50 bed patients.

(2) Registration as Graduate Nurse in a State or Territory of the United States, or the District of Columbia.

(c) *Method of obtaining basic knowledge and training.* Graduate Nurses are to be employed in hospitals operated by the Army, Navy, Veterans' Administration, U. S. Public Health Service and the Indian Service, and to a very large extent, the patients will be ex-servicemen and women in need of the best of medical care. The medical directors of the various Federal agencies have confirmed the requirements stated in paragraph (b) of this section as being the minimum training for the effective performance of the duties of the nursing positions.

§ 24.7 *Graduate Nurse (Trainee)*—(a) *Duties.* Graduate nurses appointed to these positions will receive a period of special supervised training ordinarily of 6 months' duration in hospitals operated by Federal agencies, following which, if they prove satisfactory, they may be promoted to the position of Graduate Nurse (General Staff Duty or Psychiatric Duty).

(b) *Knowledge and training requisite for performance of duties.* To qualify for Graduate Nurse (Trainee), the Commission has determined an applicant must have the following minimum qualifications:

(1) Graduation from a full course in a recognized school of nursing requiring a residence of at least two years.

(2) Registration as Graduate Nurse in a State or Territory of the United States, or the District of Columbia.

(c) *Method of obtaining basic knowledge and training.* The Graduate Nurse (Trainee) position is established in order to utilize services of Graduate Nurses who have not had training in a hospital having a daily average of 50 bed patients. The medical directors of the various Federal agencies have confirmed the requirements contained in paragraph (b) of this section as being the minimum training necessary for the effective performance of the duties of Graduate Nurse (Trainee).

§ 24.8 *Agronomist (field operations), P–1, Soil Conservation Service*—(a) *Duties.* The duties of an agronomist are, under supervision, to maintain and make preliminary interpretation of technical records of grass and legumes under scientific tests, including their climatic resistance, disease susceptibility, augmentation, germination and purity, and their response to environmental conditions of soil conservation culture; to plan crop rotations in accordance with proper land capabilities; to develop tentative pasture management plans in accordance with proper land capabilities, rotation with other crops, with the type and amount of livestock, with available irrigation facilities, and with any accessory pasture; to make chemical analyses tests of soils to determine their calcium and magnesium requirements for the production of any specific crop and to assist in developing a liming and/or fertilization program for the various crops and pastures produced; to take proper soil samples or to teach others the proper techniques of soil sampling for chemical determinations for nitrogen, phosphorus, potash and minor elements; to develop a strip cropping pattern for crop production in accordance with land capabilities, crops produced, and surface relief; to assist in developing a contour system of crop production designed in accordance with all other practices in soil and water conservation; to assist in developing a soil management system for commercial fruit production that will be in harmony with technical water disposal systems needed for the site, with biological, organic and inorganic components of the soil; to design and supervise the installation of proper vegetative engineering work in support of structural engineering installation; to aid in the development of land use capability tables and charts for his immediate area; and to supervise the technical phases of harvesting grass and legume seed, cleaning, seeding, and cultivating.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisites for the successful performance of the duties of agronomist, include a thorough knowledge of the supporting sciences upon which agronomy is based, as well as intensive training in agronomy itself and an intimate working knowledge of the theory and application of the scientific agronomic principles employed in technical soil conservation practices.

(c) *Method of obtaining basic knowledge and training.* The Commission is of the opinion that the only method by which persons may obtain the knowledge required to perform adequately the duties of an agronomist is through the successful completion in a college or university of recognized standing of the subjects specified below:

2 courses in chemistry.
3 courses in any one or in any combination of plant physiology, plant pathology, entomology, or bacteriology.
3 courses in any one or in any combination of principles of feeding livestock, animal husbandry, range management, principles of dairying, or poultry culture.
8 courses in farm crops, soils, or plant breeding of which at least 4 courses shall be in farm crops.

The student receives in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as an agronomist, and works in well equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through a careful correlation of such material through directed classroom study and reading.

CROSS REFERENCE: For justification relative to Agronomist (Research) Department of Agriculture, Bureau of Plant Industry, see § 24.17.

§ 24.9 *Soil scientist (field operations), P–1, Soil Conservation Service*—(a) *Duties.* The duties of a soil scientist are, under supervision, to perform work in field mapping; to make physical land surveys involving identification of: inherent soil characteristics in the soil profiles such as the proportions and composition of the textual separates, nature and stability of the structural aggregates, properties with respect to soil consistence, conditions of oxidation and reduction, and amount and nature of organic matter, all as a basis for classifying the effective depth of plant root feeding zone, the amount of water and the nutrients available for plant growth; types of parent rock and soil material; geomorphic relationships including the differentiation of concave and convex land surfaces and slopes in relation to differences in soil and in susceptibility to erosion that have significance in use and management of land; losses of soil by accelerated erosion, distinguishing between those of wind and water; water table conditions both temporary and permanent; amount and toxicity of soluble salts; character and significance of stoniness, surface soil crusting, etc.; also to take soil samples; to write soil profile and land area descriptions; to assist in interpretation of physical land factors for the development of land capability classification; and to assist in preparing land use and management recommendations and applying such recommendations to the land.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisite for the performance of the duties described in paragraph (a) of this section include a thorough knowledge of the supporting sciences upon which soil science is based, as well as intensive training in soil science itself, and an intimate working knowledge of the theory and application of the scientific principles employed in technical soil conservation practices.

(c) *Method of obtaining basic knowledge and training.* The Commission is of the opinion that the only method by which persons may obtain the knowledge required to perform adequately the duties of soil scientist is through the successful completion in a college or university of recognized standing of the subjects specified below:

2 courses in advanced chemistry.
2 courses in plant science or bacteriology.
4 courses in either soil science or earth science, or in any combination of earth science and soil science.

The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as a soil scientist, and works in well equipped chemistry, bacteriology, and soil science laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through the careful correlation of such material into directed classroom study and reading.

§ 24.10 *Dietitians*—(a) *Student*—(1) *Duties.* The duties of a student dietitian consist of individual and class participation in an advanced and technical training course under the guidance and direction of an instructor in dietetics and the immediate supervision of graduate dietitians. In this course the student receives classroom instruction and on-the-job training in the field of dietetics. This involves the preparation and analysis of menus; studying and analyzing food specifications, studying methods of food preparation, serving, and storage; supervision of regular and special diet service and all phases of food preparation including special diets; contacting patients regarding diets; conducting diabetic and other special diet classes; and performing other duties incident to the administration of a hospital dietary department.

(2) *Knowledge and training requisite for performance of duties.* Since the training course for student dietitians is only 12 months in length it is necessary that persons entering this advanced course have already acquired a knowledge of the physical and social sciences upon which the field of dietetics is based. To comprehend the information and practical training presented in the course, students must have, and be able to apply, a knowledge of the physiology and digestive processes of the human body; the nutritional requirements of individuals of varying ages and occupations; the special diet requirements of persons suffering from a variety of diseases; bacteriological principles as applied to food spoilage and sanitation; and a background of the organization and administration of a hospital dietary department.

The Commission has determined that the duties of the position of Student Dietitian are such that they cannot be performed by a person who does not have 36 semester hours of study in a college or university of recognized standing provided that this study has included: 12 semester hours in chemistry (to include general, organic, and biochemistry); 6 semester hours in biology (to include human physiology and bacteriology); 6 semester hours in foods (to include food preparation and meal planning); 6 semester hours in nutrition and diet in disease; 6 semester hours in institution management (to include quantity cookery, and organization and management).

(3) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a student dietitian is through the completion of the courses outlined in subparagraph (2) of this paragraph. The student receives, in such courses, competent instruction in the technical and theoretical subjects that she will have to apply as a dietitian, and works in well-equipped chemistry, physiology, bacteriology, foods, and nutrition laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. Requisite studies other than the biological and physical sciences represent information from such a variety of fields that the student cannot cover the material except through the careful correlation of such material into directed classroom study and reading.

(b) *Staff (SP–5 and P–1)*—(1) *Duties.* With varying degrees of responsibility at the different grade levels, a dietitian performs or supervises the performance of other dietitians in the following duties: Planning and supervising the preparation and serving of therapeutic diets, charting components and measurements daily for conformance with type of diet

prescribed by the doctors; conferring with physicians, and patients regarding prescribed diets, and instructing patients in the composition and preparation of discharge diets as required; planning and supervising the preparation and serving of the basic diet for patients and hospital personnel; compiling periodic analyses for conformance with standards of the agency; making annual budget estimates of food and allotments; determining the kind and amount of food to be procured; serving as a member of the board of awards on contracts for perishable food items; requisitioning dietary supplies and equipment; overseeing the care and sanitation of equipment, and work and storage areas; specifying the work assignments of dietary employees; interviewing and selecting applicants for nontechnical employment in the dietary department; formulating in-service training courses for food handlers; and performing related duties as assigned.

(2) *Knowledge and training requisite for performance of duties.* The duties of a dietitian require that she be able to apply in her daily work a knowledge of the physiology and digestive processes of the human body; the nutritional requirements of individuals of varying ages and occupations; the special diet requirements of persons suffering from a variety of diseases; bacteriological principles as applied to food spoilage and sanitation; and the organization and administration of a hospital dietary department.

The Commission has determined that the duties of dietitians at all levels are such that they cannot be performed by a person who does not have 36 semester hours of study in a college or university of recognized standing: *Provided*, That this study has included: 12 semester hours in chemistry (to include general, organic, and biochemistry); 6 semester hours in biology (to include human physiology and bacteriology); 6 semester hours in foods (to include food preparation and meal planning); 6 semester hours in nutrition and diet in disease; 6 semester hours in institution management (to include quantity cookery, and organization and management). The possession of a bachelor's degree in dietetics or institutional management from a college or university of recognized standing will be accepted as meeting the educational requirement for these positions.

(3) *Method of obtaining basic knowledge and training.* The Commission has determined that the only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a dietitian is through the completion of the courses outlined in subparagraph (2) of this paragraph. The individual receives, in such courses, competent instruction in the technical and theoretical subjects that she will have to apply as a dietitian, and works in well-equipped chemistry, physiology, bacteriology, foods, and nutrition laboratories. The scientific information thus obtained cannot be acquired by individual study or through practical experience because the necessary facilities for laboratory experimentation are not available. Requisite studies other than the biological and physical sciences represent information from such a variety of fields that the individual cannot cover the material except through the careful correlation of such material into directed classroom study and reading.

(c) *Head (SP–6 and P–2).*

(d) *Assistant (SP–7 and P–3).*

(e) *Chief (SP–8 and P–4).*

NOTE: The provisions of paragraph (b) of this section are applicable to paragraphs (c), (d), and (e) of this section.

§ 24.11 *Physical training, Veterans' Administration*—(a) *Physical Director, P–2, formerly SP–6 (Revised)*—(1) *Duties.* The duties of a physical director are to direct the physical activities and the carrying out of therapy, both general and that prescribed for certain patients (neuropsychiatric); to promote athletic activities by forming teams and instructing the players; to direct indoor and outdoor classes in gymnasium ward work according to program; to conduct calisthenics in ward classes; to maintain equipment used in the work. This position exists only in Veterans' Administration Facilities.

(2) *Knowledge and training requisite for performance of duties.* Knowledge and training requisite for the performance of these duties described in subparagraph (1) of this paragraph include knowledge of formal and informal exercise activities and their therapeutic application to specific and general treatment of the various types and needs of hospital patients—remedial and corrective exercises for general hospital patients, re-socializing exercises for psychotic patients, formal graduated exercises for regressed psychotic patients. The duties of the position require ability to observe intelligently the physical and mental reactions of patients and to make discerning reports to the medical staff so that an effective treatment program can be formulated and carried out.

(3) *Method of obtaining basic knowledge and training.* The Commission is of the opinion that the only method by which persons may obtain the knowledge required to perform adequately the duties of physical director is through the successful completion of at least:

(i) 16 semester hours in physical education in a school of physical education, a college, university, or teacher training institution of recognized standing, including:

4 semester hours in anatomy, physiology, hygiene, or kinesiology;

4 semester hours in psychology, tests and measurements, or education;

4 semester hours in physical fitness, therapeutic or corrective exercise, or physiology of exercise;

4 semester hours in methods of physical education, organization and administration of physical education, recreational leadership, or techniques and fundamentals of sports.

In addition, at least 2 years of responsible experience in any one or any combination of the following types of experience:

Planning, supervising, or conducting athletic activities or therapeutic exercise for hospital patients;

Administering, supervising, or teaching physical education in schools or colleges;

Supervising physical activities or athletic programs in camps, clubs, community playgrounds, or settlement houses;

Service in or for the armed forces in physical fitness or athletic programs.

(ii) Completion of the requirements for graduation from a school of physical education, a college, university, or teacher-training institution of recognized standing with specialization in physical education, including at least 16 semester hours of work in the subjects listed in subdivision (i) of this subparagraph. In addition, at least 1 year of responsible experience in any one or any combination of the types of experience listed in subdivision (i) of this subparagraph.

(iii) Any time-equivalent combination of subdivisions (i) and (ii) of this subparagraph above: *Provided*, That at least 16 semester hours of work in the subjects listed in subdivision (i) of this subparagraph have been successfully completed. In any such combination, 1 year of study in a school of physical education, a college, university, or teacher-training institution of recognized standing with specialization in physical education may be substituted for each 4 months of experience. For 1 year of the required experience, applicants may substitute 1 year of graduate study in a school of physical education, a college, university, or teacher-training institution of recognized standing with specialization in physical education. This study must be in addition to that used for meeting the basic educational requirement.

(b) *Assistant Physical Director, P–1*—(1) *Duties.* The assistant physical director acts as full assistant to the physical director, P–2, acting in his absence and assists in initiating and executing a full program of calisthenics, athletics, and games for all patients for whom these activities are prescribed; planning and organizing physical exercise activities suited to the various types of neuropsychiatric patients; instructing, supervising, and directing hospital attendants assigned to assist in this work; interviewing patients, consulting with physicians, and reporting observation of patients' behavior reactions as helpful material for diagnosis and prescription for treatment; cooperating with the chiefs of all adjunct therapies in the promotion of group therapy; supervising the planning, building and upkeep of playing courts, athletic fields, bowling alleys, gymnasiums, swimming pools and other space allotted for physical exercise activities; arranging exhibitions and competitive sports events with outside organizations; preparing and submitting records, reports, etc., relative to the operation of this work.

(2) *Educational requirement.* Since this position is substantially identical although less responsible in nature than the duties of physical director, P–2, Veterans' Administration, the Commission has determined that the educational requirement established for physical director, P–2, covered in paragraph (a) (2) of this section, be the same for assistant physical director, P–1.

§ 24.12 *Teacher; all grades*—(a) *High School and special subjects*—(1) *Duties.* The duties of high school and special subject teachers consist of imparting basic knowledge of one or more subject matter fields of social, economic, vocational or cultural value to the student; training the student in effective, impartial thinking in the medium of a special subject; making use of the best methods of accomplishing these results; directing appropriate extra-curricular interests.

(2) *Knowledge and training requisite for performance of duties.* Knowledge of various subject-matter fields; understanding of mental and physical characteristics of various age groups; knowledge of and skill in applying effective methods and techniques of instruction; and ability to evaluate the adequacy of methods employed.

In addition, experience in teaching is required for higher grade positions; the length, nature and extent of responsibility varies with the grade of the position.

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing, including, or supplemented by relevant courses in educational psychology, theory and methods courses in the field of subject-matter specialization, and practice teaching. During his training the student works under competent instructors; has access to well stocked libraries and to well equipped laboratories; and receives actual practice in teaching. The literature in most vocational and cultural subjects and in the field of education is so voluminous that an individual cannot master it by random study; guidance in reading is essential for mastery and proper evaluation of the materials in the field.

(b) *Elementary teachers*—(1) *Duties.* The duties of elementary teachers consist of organizing and conducting classroom teaching; teaching elementary school subjects in such a way as to lay a broad foundation for later learning; training in habits of thinking; and evaluating results.

(2) *Knowledge and training requisite for performance of duties.* Knowledge of (i) mental and physical characteristics of various age groups, (ii) (accepted methods of classroom management, (iii) various subject-matter fields, and (iv) effective methods and techniques of instruction to meet a wide variety of needs of individual pupils as well as of groups; ability to apply such methods and techniques and to evaluate results.

(3) *Method of obtaining basic knowledge and training.* The method by which this fundamental knowledge of methods of classroom instruction can be obtained is in regularly organized teacher training departments of colleges or universities of recognized standing. In such institutions prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses and a system of supervised practice teaching. During his training the student works under competent instructors; has access to well stocked libraries and well equipped laboratories; and learns a variety of methods and techniques which have been demonstrated as effective. The literature in the field of education is so voluminous that an individual cannot master it by random study; guidance in reading is essential for mastery and proper evaluation of the materials in the field.

(c) *Teacher (academic subjects), Veterans' Administration facilities*—(1) *Duties.* The duties of this position are to teach an academic subject or a combination of such subjects to enlisted men in reconditioning centers.

(2) *Knowledge and training requisite for performance of duties.* To qualify for this work, applicants must have had at least 1 year of responsible experience in teaching academic subjects. Experience in teaching one or more subjects such as English, language, journalism, science, mathematics, history, above the elementary school level, may be offered to meet this requirement.

In addition, applicants must have successfully completed a full 4-year course of study leading to a bachelor's degree in a college, university, or teacher-training institution of recognized standing, with major study in education, including at least one course in practice teaching, provided that an additional year of the experience described above may be substituted for the required course in practice teaching. For this position applicants showing 12 semester hours in education will be accepted as having major study in education.

(Twelve semester hours in education are the requirements in some States for secondary teaching certificates, and twelve semester hours are all that are required by the New England and Southern accrediting associations.)

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing.

(d) *Training specialist, War Department*—(1) *Duties.* The duties of the position of training specialist are the duties of a teacher position, and consist of teaching non-English speaking persons, illiterates, and slow learners in the Army who do not meet the standards of literacy established by the Army; preparing daily lessons, classroom exercises, and maintaining necessary class records; helping maladjusted trainee by means of frequent conferences and by special tutoring and securing the aid of the personnel consultant in cases of pronounced maladjustment; and assisting the trainee in Army indoctrination.

(2) *Knowledge and training requisite for performance of duties*—(i) *Education.* Applicants must have completed at least a 3-year course in a college, university or teacher-training institution of recognized standing with major study in education including at least one course in methods of teaching reading, provided that an additional year of the experience described below may be substituted for the required course in methods of teaching reading.

(ii) *Experience.* At least 2 years' experience in any one or in any combination of the following:

(a) Teaching non-English speaking persons;

(b) Teaching illiterates;

(c) Teaching remedial reading classes;

(d) Teaching backward children;

(e) Teaching grades 1, 2, or 3 in elementary schools.

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing.

(e) *Instructor (academic subjects), CAF–6, War Department Reconditioning Centers.*

(f) *Secondary school teacher, P–1, War Relocation Authority.*

(g) *Elementary school teacher, SP–4, War Relocation Authority.*

NOTE: The provisions of paragraph (b) of this section are applicable to paragraphs (e), (f), and (g) of this section.

§ 24.13 *Navy Department, instructor, school activities, schools at Quantico, Va., Lejeune, N. C., and Patuxent River, Md.*—(a) *Principal, P–3*—(1) *Duties.* Serves as head of school; in this capacity, organizes and administers educational programs; advises on teacher selection; assigns teachers; supervises classroom procedures and instructional techniques; encourages faculty participation in programs of curriculum improvement; promotes extra-curricular activities; requisitions and assigns school supplies; prepares the school budget; maintains records; and performs such other duties as may be assigned.

(2) *Knowledge and training requisite for performance of duties.* The duties of an instructor, school activities, require that he be thoroughly familiar with the effective methods and techniques of instruction. He must be able to develop standards of instruction, to evaluate the effectiveness of the various methods used; and to offer constructive criticism concerning teaching methods and materials used by the classroom teachers under his supervision. In addition, he must know the basic principles of educational planning, organization, and management.

The enrollment in schools maintained by the Navy Department is extremely transient due to frequent shifting of Naval personnel from one assignment to another. In order that the pupils may be able to transfer their credits, the schools must meet the requirements of the Board of Education of the State in which they are located. Among these requirements is the provision that the principals must be properly certified. The following educational qualifications for certification of secondary school principals and superintendents in the States of Maryland, North Carolina, and Virginia are required:

MARYLAND

Superintendent and high school principal:
(i) Bachelor's degree.
(ii) Professional requirements—1 year of graduate work.

(*a*) For superintendent—In education, including school administration, supervision, and methods of teaching.

(*b*) For high school principal—advanced study related to high schoc' branches and approximately two-thirds in education, including high school methods, supervision and administration.

NORTH CAROLINA

Superintendent and principal:
(i) Hold or be qualified to hold class A teacher's certificate.
(ii) Master's degree.
(iii) Professional requirements:
(*a*) Superintendent—18 semester hours in education, including—

The curriculum	2
Supervision	2
General administration	2
School finance	2

(*b*) Principal—12 semester hours in education, including—

The curriculum	2
Supervision	2
High school administration	2
Elementary school administration	2

VIRGINIA

High school principal (two options):
(i) Collegiate professional certificate and two years of successful teaching experience. (A collegiate professional certificate is granted to those who have a bachelor's degree from an accredited institution and have completed 18 semester hours in education.)
(ii) Collegiate certificate and three years of successful teaching experience. (A collegiate certificate is a four-year non-renewable certificate issued to those who have a bachelor's degree but have not completed 18 semester hours in education.)
Superintendent:
(i) Master's degree.
(ii) Professional requirements—15 semester hours in education, including graduate courses in educational administration and finance.

(3) *Method of obtaining knowledge and training required.* It is believed that the requisite knowledge and training can be acquired only in regularly organized teacher training departments of colleges and universities. In such institutions prevailing theories and practices of instruction have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses which are presented by competent instructors. During his training the student is guided in his study and reading by persons who know the literature in the field and who are therefore able to help him select from the mass of available professional literature that which is significant. He is given an opportunity to observe various materials and methods of instruction, and he undergoes assignments in practice situations and receives constructive criticism concerning his methods of dealing with them.

(b) *High School Teacher, P–1 and P–2*—(1) *Duties.* Under supervision, organizes and conducts curriculum activities in a particular subject-matter field or related fields in a high school; prepares instructional materials; instructs by means of discussions, demonstrations, and group activities; devises and administers tests or measurements of pupils' development; counsels and guides students to facilitate their adjustment; suggests revisions or modifications of the curriculum and techniques to adapt the education program to available facilities and to the personal characteristics of the students; and, as assigned, engages in other activities designed to lead the students into well-adjusted citizenship.

(2) *Knowledge and training requisite for performance of duties.* The Commission has approved education as a requirement for the position of teacher according to § 24.12 (a) (2).

(3) *Method of obtaining basic knowledge and training.* Inasmuch as the enrollment in schools maintained by the Navy Department is extremely transient due to frequent shifting of naval personnel from one assignment to another, children must be prepared to take up their work in any school in any State to which they may be transferred. The schools must therefore meet requirements for approval from the State Board of Education in which they are located. There is reciprocity between the States in the acceptance of students from an approved or certified school. The educational qualifications for this position are the current requirements of the State in which the position is located.

(c) *Elementary Teacher, P–1*—(1) *Duties.* Under supervision, plans, organizes, and directs the activities of elementary classes in government operated schools; provides instructional material for purposeful activities; instructs by means of group activities, demonstrations and discussions; plans or suggests modifications in curriculum as necessitated by changing needs; and, as assigned, engages in other activities designed to lead the students into well-adjusted citizenship.

(2) *Knowledge and training requisite for performance of duties.* The Commission has approved education as a requirement for the position of teacher according to § 24.12 (a) (2).

(3) *Method of obtaining basic knowledge and training.* Inasmuch as the enrollment in schools maintained by the Navy Department is extremely transient due to frequent shifting of naval personnel from one assignment to another, children must be prepared to take up their work in any school in any State to which they may be transferred. The schools must therefore meet requirements for approval from the State Board of Education in which they are located. There is reciprocity between the States in the acceptance of students from an approved or certified school. The educational qualifications for this position are the current requirements of the State in which the position is located.

§ 24.14 *Office of Indian Affairs, Teacher, community school; elementary, junior and senior high school; home economics, junior and senior high school; agriculture, junior and senior high school*—(a) *Duties.* Under general supervision to serve as teacher in an Indian school. Indian schools do not follow prescribed courses of study. Teachers are expected to draw upon the environment and upon their own general practical experience for much of the material for their educational program. Emphasis is placed upon free and spontaneous use of English, upon group discussions, and other informal processes. Teachers in Indian schools associate constantly with Indians, and it is necessary that they have a full appreciation of the Indian viewpoint and Indian culture, including native arts and crafts, music, and religious ceremonials. Indian service teachers are expected to be not only teachers in the usual sense, but to be active participants in the community in which they work and exercise educational leadership. They must be conversant with problems of rural economy and eager to elevate and dignify rural life.

The primary objectives of Indian schools are: To give students an understanding and appreciation of their own tribal lore, art, music, and community organization; to teach students through their own participation in school and government to become constructive citizens of their communities; to aid students in analyzing the economic resources of their reservation and in planning more effective ways of utilizing these resources for the improvement of standards of living to teach, through actual demonstration, intelligent conservation of natural resources; to give students first-hand experience in livestock management, use of native materials in housing and clothing, in subsistence gardening, cooperative marketing, farm mechanics, and whatever other vocational skills are needed to earn a livelihood in the region; to develop better health habits, improved sanitation, and higher standards of diet with a view to prevention of trachoma, tuberculosis, and infant diseases; to give students an understanding of the social and economic world immediately about them and to aid them in achieving some mastery over their environment; and to serve as a community center in meeting the social and economic needs of the community.

(b) *Knowledge and training requisite for performance of duties.* For teacher, community school (elementary), SP–4, applicants must have successfully completed two full years of study in a college, university, or teacher training institution of recognized standing.

For teacher, community school (junior and senior high school), SP–5, applicants must have successfully completed a full four-year course leading to a bachelor's degree in a college, university, or teacher training institution of recognized standing.

For teacher, community school (home economics, junior and senior high school), SP–5, applicants must have successfully completed a full four-year course leading to a bachelor's degree with major study in home economics in a college, university, or teacher training institution of recognized standing.

For teacher, community school (agriculture, junior and senior high school), SP–6, applicants must have successfully completed two full years of study in an agricultural college of recognized standing and in addition must have had two years of practical farming experience.

(c) *Substitution.* Additional study successfully completed in an agricultural college of recognized standing may be substituted year for year for the required practical farming experience.

§ 24.15 *Range conservationalist, P–1 Department of Agriculture*—(a) *Duties.* Under supervision, but with individual responsibility for applying the fundamental scientific principles in the solution of range conservation problems, performs specific duties such as the following:

(1) Classifies and maps forage types, involving the identification of important forage and other native plants; secures basic information on the location and nature of the forage resources; evaluates the condition of the range in relation to the ecological stages of plant succession and determines whether it is progressing or retrogressing; determines proper rates of stocking and suitable grazing periods and systems of management based on utilization standards and the growth requirements of forage plants; and ascertains the need for range reseeding, rodent control, water development, eradication of noxious plants, and other range improvements required for the improvement and conservation of the range.

(2) Compiles and analyzes such data, and in correlation with information on the economic factors affecting management, prepares tentative recommendations and assists in the development of conservation or range management plans, requiring familiarity with grazing management practices and structural improvements, the conditions under which they are suitable, and the cost of their installation.

(3) Prepares information on feeding of domestic livestock on the basis of the nutritional requirements of animals and the local availability of feedstuffs; makes utilization surveys and instructs ranch operators in their use; evaluates the effectiveness of conservation practices and assists farmers and ranchers in establishing and maintaining such practices; keeps records and prepares preliminary reports and other informational material relative to the conservation and management of range lands.

(b) *Knowledge and training requisite for performance of duties.* Range conservation is the application of a number of separate, but related sciences in the physical, biologic, and economic fields. It embraces a body of scientific principles regarding plants and animals, both as individuals and as they are affected by other plants, animals, climate and other factors influencing their existence, growth and production on the range. Range management is closely related to plant ecology and animal husbandry, and these in turn are based on certain fundamental plant and animal sciences. Therefore, knowledge and training requisite for the successful performance of the duties of the position include a thorough knowledge of the supporting sciences upon which range conservation is based, as well as intensive training in range conservation itself.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a range conservationist is through the completion in a college or university of recognized standing, the courses specified below:

1 course in each of the following: Plant ecology, plant physiology, soils, elementary surveying, and systematic botany or plant taxonomy.

4 courses in range management (any combination of general range management; range utilization and maintenance; range history and laws; range surveys; range or ranch economics; range plants).

3 courses in animal husbandry (any combination of animal nutrition and feeding; breeds and breeding; livestock management; market classes of livestock; livestock production).

3 courses in any one or in any combination of agronomy, general botany, silviculture, forest management, wildlife management, or zoology.

All of the above courses must have been acceptable for credit toward the completion of a standard 4-year curriculum leading to a bachelor's degree in agriculture, animal husbandry, botany, forestry, science, or range management.

The possession of a bachelor's degree from a college or university of recognized standing with a minimum of 20 semester hours in range management or plant ecology or in a combination of these two subjects, or with a minimum of 10 semester hours in a combination of these subjects and 10 semester hours in a combination of animal husbandry, pasture management, botany, agronomy, or forestry will be accepted as meeting the educational requirements for this position.

The student receives, in such courses, competent instructions in the technical and theoretical subjects that he will have to apply as a range conservationist. Teaching staffs keep up-to-date on the most recent developments in their respective fields, and are in position to give instruction in basic scientific principles of range conservation which have been repeatedly tested and confirmed. The student has access to pertinent reference materials and works in well-equipped laboratories. The Commission is of the opinion that the scientific information thus obtained cannot be acquired by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and it is believed the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.16 *Social worker (psychiatric and medical), Veterans' Administration, SP–6 and SP–7.* (These positions have been reallocated to P–2, P–3, and P–4; effective July 1, 1945).—(a) *Duties.* The duties of a social worker (psychiatric and medical) with the Veterans' Administration are to assist veterans who are suffering from physical or emotional illness. In collaboration with the physician, the social worker promotes the veteran's best response to treatment by recognizing and alleviating emotional and social problems that threaten the recovery of the veteran and thus prolong the necessity for treatment. When the veteran's personal adjustment is threatened by the nature of his emotional or physical handicap or by social circumstances and relationships, the social worker helps the veteran to develop resources within himself and the capacity for utilizing existing resources to overcome handicaps and to attain maximum self-reliance and independence. The social worker participates in diagnostic, trial visit, and discharge staff meetings, and in conferences with individual physicians. At such meetings the social worker presents the social data necessary to the medical profession in making vital decisions regarding the lives of disabled veterans.

Social workers (psychiatric and medical) assist veterans in planning their future activities following the period of hospitalization in order that the transition from hospital life to community life may be facilitated. A determination is made as to the social factors, personal circumstances, or community attitudes that are likely to prevent the carrying out of the health measures recommended by the doctors, and assistance is given to the veteran in order to prevent rehospitalization. In carrying out this responsibility it is necessary for the social worker to interpret to social and health agencies and other organizations within the community, the health problems of individual veterans and to cooperate with such agencies in utilizing their resources in advancing the rehabilitation of veterans.

(b) *Knowledge and training requisite for performance of duties.* In order to give adequate service to physically and emotionally handicapped veterans, the social worker must have a knowledge of basic medical information including symptoms of disease and accepted forms of treatment; medical terminology; and the principles of psychosomatic medicine. There must be a knowledge of the field of psychopathology, including the structure of the various psychotic or neurotic personalities, motivations of human behavior, and the clinical study and treatment of neurotic and psychotic individuals.

The social worker must have a knowledge of and skill in judgment in applying the principles and methods of social case work. The social worker must have training in interpreting technical medical or psychiatric information in such a way as to make it intelligible to patients, their families, and other lay persons. Moreover, a knowledge of the differentiation between the functions of psychologists, psychiatrists, physicians, nurses, and other medical personnel concerned with the case of the patient is necessary.

In order to prepare communities for receiving the disabled veteran and helping him to make a normal adjustment, it is necessary for the social worker to have a knowledge of the aims and methods of urban and rural community organization; and the ability to develop within local communities a sense of their social responsibility to the returning veteran who is mentally or physically handi-

capped. This entails understanding of such centers of community activity as social, fraternal, and industrial organizations, school centers, and community health facilities.

(c) *Method of obtaining knowledge and training required.* The Commission is of the opinion that the only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a social worker with the Veterans Administration, is through the completion of one year of training in an accredited school of social work including supervised field work and courses in psychiatric or medical information. The student receives, in such training, competent instruction in the technical and theoretical subjects that will have to be applied as a social worker. A definite part of the training period is devoted to supervised practice in a controlled setting. During this field work period, the student acquires ability in applying the skills and techniques necessary for dealing with people who may not be so adjusted as to conduct themselves in a socially acceptable manner. This necessitates the development of a concept of acceptance of individuals, a recognition of their rights, and of their potentialities for change. The student works in a social welfare or health agency of acceptable standards with a limited number of selected cases; is trained in techniques of psychiatric interviewing and social case recording; participates in case conferences with psychiatrists, psychologists, and highly skilled social workers; and throughout the period works directly under a case work supervisor especially selected by the school. The scientific knowledge and skill obtained cannot be acquired by individual study because the necessary facilities and supervision are not available. Requisite studies represent information from such a variety of fields that an individual cannot cover the material except through the careful correlation of directed classroom study and reading with the supervised field work.

§ 24.17 *Agronomist (Research), P–1 Department of Agriculture, Bureau of Plant Industry*—(a) *Duties.* The duties of a research agronomist are, under supervision, to conduct experiments on one or more of the following problems concerned in crop production or improvement:

(1) The effect of cultural practices and rotation sequences on soil moisture, nitrate accumulation, availability of soil nutrients, and the effect of these and allied factors on the growth, yield, composition, and nutritive value of crops under varying soil and climatic conditions as determined by physical, chemical, and biological tests;

(2) The effect of rate, date, method of seeding, fertilization, and other factors on the growth, time of maturity, yield, and nutritive value of crops or crop varieties as determined by physical and chemical tests;

(3) The effect of applying irrigation water to crops in varying amounts and under differing physiological conditions of the plants and degrees of approach to the wilting coefficient of the soil on yields and nutritive values;

(4) The effect of method, time of beginning, frequency of cultivation, shading, and other effects of competitive crops, and the rate, frequency and kinds of chemical herbicides applied on the physiological reactions of the weeds, and on the storage of carbohydrate and protein reserves in the roots of perennial weeds, the relation of these reserves to the rejuvenation, growth, and reproduction of perennial noxious weeds, and the development of weed control practices based on all these relationships;

(5) The development by self fertilization and selection of inbred lines of corn or alfalfa and hybrids between these lines, or of new varieties of other crop plants by hybridization and selection, which possess specific genetic characteristics valuable in improving these crop plants such as (i) resistance to the diseases of the crops involved (smuts of corn, sorghum, small grains and grasses, etc., rusts of small grains and grasses, and the root rot and leaf diseases of all crops); (ii) resistance to insects attacking the particular crop, (aphids, stalk borers, hessian fly, root borers, chinch bugs, etc.); (iii) resistance to stalk breaking and lodging; and (iv) plant, physiological, and yield characteristics which contribute to adaptation of the new hybrid or variety for a given region or locality;

(6) The genetic analysis of plant materials in order to determine the proper crosses for obtaining desired combinations of desired characteristics in improved hybrids or varieties;

(7) Field tests of hybrids, varieties, fertilizers, and other field practices, using appropriate experimental designs so that data can be analyzed statistically, and by analysis of variance and other appropriate statistical methods obtain data on relative yields and other factors necessary to determine values for farm use;

(8) The production and maintenance of foundation seed stocks of improved inbred lines, parent single crosses, and improved varieties for distribution to farmers, and growing such seed stocks under conditions necessary for each crop which insures absence of contamination by physical mixture or foreign pollen in order to insure genetic purity and integrity of type.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisites for the successful performance of the duties described in paragraph (a) of this section include a thorough knowledge of the supporting sciences upon which agronomy is based, as well as intensive training in agronomy itself and an intimate working knowledge of the theory and application of the scientific agronomic principles employed in technical crop production or improvement.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of agronomist are such that they cannot be performed by a person who does not have the following: 6 courses in crops, including crop breeding or genetics; 2 courses in soils; 2 courses in advanced chemistry; 1 course in physics; 1 course in plant physiology; 1 course in plant pathology; and 1 course in entomology.

The possession of a bachelor's degree in agronomy, or in agronomy and soils combined, will be accepted as evidence that the applicant has met the above requirements.

The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of an agronomist is through the completion of the courses listed above. The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as an agronomist. He attends seminars and lectures, has access to a scientific library, and works in well-equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subjects.

CROSS REFERENCE: For Agronomist (Field Operations), Soil Conservation Service, see § 24.8.

§ 24.18 *Office of Education*—(a) *Education specialist, P–4 through P–8*—(1) *Educational requirements.* Completion of a full four year course in a college or university of recognized standing which must have included, or have been supplemented by, major study in education or in the particular field in which the duties as a specialist are to be performed.

(2) *Duties.* The duties of educational consultants or specialists consist of advising school administrators, supervisors, boards of education, or other official school or community groups concerning technical phases of educational programs; providing assistance in planning curriculum content and methods of teaching; and advising local officials in the application of approved educational methods to their individual school and to their community problems.

(3) *Knowledge and training requisite for performance of duties.* Thorough knowledge of one or more specialized fields of vocational, general, or cultural subjects; comprehensive grasp of the written material and instructional methods related to the specialized fields; ability to impart this knowledge both formally and informally; and an understanding of the relationship of special fields of knowledge to the needs of the school or the community as a whole.

In addition, except for positions in the P–1 grade, experience in research, teaching, or administration of educational programs is required for most positions; the length, scope, nature, and quality of the experience varies with the grade of the position involved.

(4) *Method of obtaining basic knowledge and training.* The only method known to the Commission by which the basic knowledge and training can be acquired is by successfully completing, in a college or university of recognized standing, a full, four-year course leading to a bachelor's degree, and, in addition, specialized study and training in the principles and methods of education. By such training the student learns under competent instructors, is guided in his reading and in his evaluation of materials read. He had access to well-stocked scientific libraries and to well-equipped laboratories; he is given an opportunity to observe various materials and methods of instruction in operation, and in a controlled and supervised setting, can experiment for himself under professional guidance. The literature in the field of education and related fields is so voluminous that an individual cannot master it on his own initiative or by random study. Without this basic college training on individual cannot recognize significant social data or draw valid conclusions.

The duties of an educational consultant require more than usual knowledge in the educational and subject-matter fields, as well as leadership ability.

(b) *Director, Division of School Administration (Assistant Commissioner)*—(1) *Duties.* The director, Division of School Administration (Assistant Commissioner), works under the general direction of the U. S. Commissioner of Education with full responsibility for nation-wide leadership in formulating developing, and executing the program of the Division of School Administration in the U. S. Office of Education, and the policies and plans for its most effective operation.

These responsibilities are carried through in such ways as the following: establishing cooperative arrangements with State and local educational authorities and with other agencies in planning and conducting essential studies of such problems as State participation in the financing of local school districts, legislation governing school textbooks, improved plans for school housing in rural areas, pupil transportation as a State responsibility, and business management in State departments of education and in county and city school systems; planning and conducting conferences, workshops, and training institutes; directing national surveys and studies and preparing reports and bulletins based on such studies; exercising national leadership in the improvement of school administration; and otherwise enabling the Office of Education to serve as a national clearing house of information on matters of State, county, and city school administration.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major work in school administration.

(c) *Director, Division of Secondary Education (Assistant Commissioner), P–8*—(1) *Duties.* Works under the general direction of the United States Commissioner of Education with full responsibility for nation-wide leadership in formulating, developing and executing the program of the Division of Secondary Education in the United States Office of Education and the policies and plans for its most effective operation. The divisional objective is to assist State and local authorities in promoting and improving the secondary school programs of the nation in the fields of organization and supervision, teacher training and instructional problems in the various subjects of instruction in secondary schools.

These responsibilities are carried through in such ways as the following: to analyze the need for and establish adequate research programs for the collection and interpretation of facts and information which will aid in the improvement of secondary education programs; to establish and effectuate cooperative arrangements with and through State and local educational authorities and with other agencies in planning and conducting essential studies of problems that lie within the purview of the Division's interests and functions (for example, analyzing and reporting trends in the development of the curriculum for secondary schools of the nation; instructional problems of secondary education as they relate to large and small high schools; urban and rural high schools, and high schools for white and negro youth); to provide expert and impartial consultative and field service in connection with the over-all Divisional program; to identify, describe, and evaluate innovational programs and practices; to cooperate with State boards or institutions in the administration of Federal funds when and as required by law; to provide for and maintain liaison with officials of governmental and non-governmental agencies and organizations whose programs involve or are related to the constituent fields of work of the Division; to plan and conduct conferences, institutes and workshops, and address State, national and other organizations; to be responsible for the preparation of bulletins, reports and other published material covering all phases of Division activities; and otherwise to serve as a national clearing-house of information on secondary education.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in the field of secondary education.

(d) *Chief, Instructional Problems, P–7, Division of Secondary Education*—(1) *Duties.* The chief, instructional problems, is responsible for exercising national leadership in the improvement of programs of instruction in secondary schools; formulates and directs national studies revealing current problems, objectives, and outcomes of instruction in English, foreign languages, social sciences, health and physical education, and other subject fields; arranges for leadership of conferences and training institutes; provides for various field services; establishes and maintains liaison with officials of governmental and non-governmental agencies and organizations concerned with secondary-school instructional problems; and directs the preparation for publication of manuscripts, reports, and articles reflecting the findings and developments in this field.

The specialist for social sciences and geography and the specialist for science assist the chief, instructional problems, in carrying out the duties and responsibilities described above.

Specifically, the specialist for social sciences and geography is concerned with secondary-school instructional problems in the social sciences (history, sociology, political science, economics, and geography), such as: the emphasis is to be given in social science instruction as a result of the new global geographical concepts due to more rapid means of communication and transportation;

the organization of materials of instruction for developing ideals and attitudes for citizenship in a world society: the development of criteria to be used in evaluating the effectiveness of instruction; and the translation of a knowledge of political science into functioning civic activities on the part of students.

The specialist for science is concerned with secondary-school instructional problems in the natural sciences (physics, biology, chemistry, general science, geology, meteorology, aeronautics, gardening, floriculture, and other applications of the natural sciences), such as: the determination of the elements of the aeronautical sciences to be included in science courses; the differentiation of materials and methods of instruction in the natural sciences for students expecting to complete their formal schooling with high school graduation and for other students looking forward to collegiate specialization in sciences; and the relation of teaching of natural science in rural high schools to rural life and environment.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in education, including courses in the teaching or supervision of secondary-school subjects.

(e) *Specialist for Social Sciences and Geography, P–6, Division of Secondary Education.*

(f) *Specialist for Science, P–6, Division of Secondary Education.*

NOTE: The provisions of paragraph (d) of this section are applicable to paragraphs (e) and (f) of this section.

(g) *Chief, Instructional Problems, P–7, Division of Elementary Education*—(1) *Duties.* The chief, instructional problems, is responsible for exercising national leadership in the improvement of instructional materials and methods in elementary schools; formulates and directs national studies revealing current problems, objectives, and outcomes of instruction in reading, history, geography, physical education, safety education, science, music, art, mathematics, and other subject fields; arranges for leadership of conferences and training institutes; provides for various field services; establishes and maintains liaison with officials of governmental and nongovernmental agencies and organizations concerned with elementary school instructional problems; and directs the preparation for publication of manuscripts, reports, and articles reflecting the findings and developments in this field.

The specialist, health instruction and physical education, is responsible for promoting and assisting in the development of improved programs of health instruction and physical education in the elementary schools; serves as a consultant to school superintendents, members of school boards, officials of teacher-training institutions, State departments of education, and professional organizations of teachers on instructional problems in the teaching of health and physical education, including problems such as: making effective use of information gained from school health examinations, determining the physiological knowledge desirable as a basis for health and physical education at various ages and grade levels, and developing and utilizing visual aids to health instruction.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in education, including courses in the teaching or supervision of elementary school subjects.

(h) *Specialist, health instruction and physical education, P–6, Division of Elementary Education.*

NOTE: The provisions of paragraph (g) of this section are applicable to this paragraph.

(i) *Chief, European Educational Relations, P–7, Division of International Educational Relations*—(1) *Duties.* The chief, European educational relations, is responsible for planning, developing, and directing a program for the further development of relationships to improve understanding and appreciation between the schools, school systems, colleges, universities, and other educational agencies of the United States and those of European countries; formulates and directs field studies of education in European countries; participates in formulating plans, policies, and programs for educational relations between the United States and European countries; provides expert consultative assistance to officials of State departments of education, school systems, colleges, universities, and other educational institutions in the United States and to school and college officials of European countries on educational matters; administers programs of exchange of professors, teachers, and students between the schools, colleges, and universities of the United States and those of European countries; directs the preparation and exchange between the United States and European countries of instructional materials for use in schools and colleges; and establishes and maintains liaison with other governmental and non-governmental agencies and organizations with respect to programs of educational relations with European countries.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes that the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in compara-

tive education or related courses basic to the understanding of European educational relations, such as: international relations, contemporary European history or political science, and social anthropology.

§ 24.19 *Forester, P–1, Department of Agriculture*—(a) *Duties.* Under immediate supervision, but with individual responsibility for applying the fundamental scientific principles involved, participates in the management or administration of forest lands or in research thereon by performing the following duties:

(1) Classifies and maps topographic features, areas of different soil and site qualities, forest types and condition classes; collects field data and computes growth of trees and yield of timber; collects data and information on markets, prices, and costs of logging and manufacturing applicable to individual timber tracts; prepares preliminary timber appraisals, management plans, and recommendations for silvicultural treatment of forests;

(2) Administers small timber sales on national forests, or assists farmers and others in the sale of timber from small forested areas; selects and marks trees for removal in accordance with established practices and policies; scales, measures, and grades logs and other forest products, and inspects cutover areas for compliance with the terms of the sale;

(3) Assists in the preparation and application of plans for the prevention and control of forest fires, tree disease epidemics, and outbreaks of forest insects;

(4) Classifies and maps areas as to soil, erosion, and cover conditions and prepares recommendations for planting or otherwise revegetating barren or open areas; selects areas and times for collection of tree seeds; tests tree seeds for quality and germination; inspects the work of foremen in tree nurseries; trains planting crews and inspects their work; examines plantations and prepares reports thereon with recommendations as to future treatment;

(5) Makes measurements or observations on resources other than timber, such as forage, water, wildlife, and recreational values, on specified areas and assists in the preparation and application of correlated multiple use plans of management.

(b) *Knowledge and training requisite for performance of duties.* The Forest Service carries on specialized technical research for the whole field of forestry, not only on the national forests but also on land administered by other government agencies and on private land under a large and diversified ownership. The professional forester therefore, must be trained to perform skilled duties of a professional and scientific nature in managing and caring for forest areas. He must be able to diagnose and prescribe for the numerous diseases peculiar to forest trees, and to identify and eradicate the various insect pests, rodents, etc., in his area. Forest fires are such a universal threat to the forests of the country that special training in the principles governing their inception, spread, detection, and control is essential to professional status as a forester. Inasmuch as the national forests are valuable as grazing areas for livestock, and are also the home of vast numbers of wild game, the forester is concerned in the application of a number of separate, but related sciences in the physical, biologic, and economic fields. Forest management embraces a body of scientific principles regarding plants and animals, and the factors influencing their existence, growth, and production. Therefore, knowledge requisite for the successful performance of the duties of the position include a thorough knowledge of the supporting sciences upon which forestry is based, as well as intensive training in forestry itself.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of forester are such that they cannot be performed by a person who does not have the following: one course in dendrology or taxonomic botany; one course in forest ecology, silvics, or plant physiology; five courses in any combination of forest mensuration, silviculture, forest planting, or forest management; three courses in any one or in any combination of forest entomology forest pathology, or forest fire protectio , ...ree courses in wood technology and forest utilization; two courses in any one or in any combination of forest economics, forest finance, forest valuation, or forest history, policy, and law; one course in range management or wildlife management; one course in soil science, forest soils, or geology; two courses in any one or in any combination of plane surveying and mapping, topographic surveying and mapping; or forest improvements.

All of the above courses must have been acceptable for credit toward the completion of a standard four-year curriculum leading to a bachelor's degree in forestry, science, wildlife management or range management.

The possession of a bachelor's degree in forestry from a college or university of recognized standing will be accepted as meeting the educational requirements for this position.

The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a forester is through the completion of the courses listed above. The student receives, in such courses, competent instructions in the technical and theoretical subjects that he will have to apply as a forester. Teaching staffs keep up-to-date on the most recent developments in their respective fields and are in position to give instruction in basic scientific principles of forestry which have been repeatedly tested and confirmed. The student has access to pertinent reference material, and works in well-equipped laboratories. The scientific information thus obtained cannot be secured by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.20 *Psychiatric social worker, P–1, War Department, Fort Story, Virginia.* This position is substantially identical to the position of social worker (psychiatric) in the Veterans' Administration described in § 24.16. The Commission has determined that the same educational requirement, that is, one year of training in an accredited school of social work to include supervised field work and courses in psychiatric or medical information, be included in the requirements for psychiatric social worker, War Department, Fort Story, Virginia.

§ 24.21 *Range conservationist (Ecology), P–1, Department of Agriculture*—(a) *Duties.* Under the immediate supervision of conservationists of higher grade but with individual responsibility for applying the fundamental scientific principles involved and for the accuracy of tests, observations, and measurements made, performs specific duties such as the following:

Assists in the conducting of research in the management, use, and improvement of forested and other range lands, including the laying out of experimental plots for studying ecological changes on the range in response to use by domestic livestock and game; the intensive mapping of such plots involving the identification of plants thereon; the collection of data on growth and utilization of range plants and their physiological response to grazing, under different soil and climatic conditions; the laying out, planting, and recording of success in establishment of resecded forage species on experimental plots; the compilation and preliminary analysis of data resulting from such studies; the preparation of preliminary drafts of reports or portions thereof; and the performance of related duties as assigned.

(b) *Knowledge and training requisite for performance of duties.* The research problems involved in range conservation deal with an extremely complex set of relationships involving soil, water, climate, plants and animals. The range conservationist is concerned in the application of a number of separate, but related sciences in the physical, biologic, and economic fields. Range management is closely related to plant and animal ecology, and embraces a body of scientific principles regarding plants and animals, and the factors influencing their existence, growth and production on the range. Therefore, knowledge and training requisite for the successful performance of the duties of the position include a thorough knowledge of the supporting sciences upon which range conservation is based, as well as intensive training in range conservation itself.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of range conservationist (ecology) are such that they cannot be performed by a person who does not have the following: Seven courses in any combination of range management, plant ecology, pasture management, wildlife management, silviculture, forest management, animal ecology or animal hus-

bandry, provided two courses in plant ecology or one course in plant ecology and one course in range management are shown; one course in plant physiology; two courses in systematic botany, plant taxonomy or agrostology; two courses in any one or in any combination of soil science, agronomy, or geology. All of the above courses must have been acceptable for credit toward the completion of a standard four year curriculum leading to a bachelor's degree in biology, botany, zoology, agronomy, or forestry.

The possession of a bachelor's degree from a college or university of recognized standing with a minimum of 20 semester hours in plant ecology, range ecology, or forest ecology or in any combination thereof, or with a minimum of 10 semester hours in plant ecology and 10 semester hours in any one or in any combination of plant physiology, systematic botany, soil science, geology, range management, pasture management, agronomy, forestry, or animal husbandry will be accepted as meeting the educational requirements for this position.

The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a range conservationist is through the completion of the courses listed above. The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as a range conservationist. Teaching staffs keep up-to-date on the most recent developments in their respective fields, and are in position to give instruction in basic scientific principles of range conservation which have been repeatedly tested and confirmed. The student has access to pertinent reference material and works in well-equipped laboratories. The scientific information thus obtained cannot be secured by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.22 *Biologist (Land Management), P–1, Soil Conservation Service*—(a) *Duties.* The duties of a biologist are, under supervision, to assist with the planning and application of soil and water conservation practices requiring a special knowledge of biology and ecology; to appraise the interrelations of plants and animals as they affect soil and water conservation and land use; to assist with the ecological use of plants and animals, especially native species, in accordance with the capabilities of the land, particularly on eroded and waste areas unfit for tilled crops, pasture, or woodland; to identify and evaluate species of insects, birds, mammals and other animals, populations of which are influenced by the establishment of soil and water conservation practices and to suggest methods of reducing injurious organisms, especially by ecological methods; to prepare information on ecological aspects of soil and water conservation, including relation of conservation practices to populations of both beneficial and harmful wild plants, insects and other invertebrates, as well as rodents, predators, big game and other mammals; to assemble biological data useful in determining the effectiveness of conservation practices and to work with and assist farmers and ranchers with the use of ecological knowledge essential to the successful establishment and maintenance of such practices; to keep records and prepare reports and other informational material relative to biological and ecological aspects of soil and water conservation and land use; and to perform related duties.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisite for the successful performance of the duties described in paragraph (a) of this section include a thorough knowledge of the supporting sciences upon which biology is based, as well as intensive training in biology itself. The work of the biologist requires an intimate knowledge of living things and of environmental conditions—organic and inorganic, physical and biotic. It demands particularly familiarity with environmental conditions as they result from past and present use of the land, and appreciation of the relationship between such conditions and living things. Particularly important is an understanding of the interrelationships between wild plants and animals and the practices being applied to the land in order to achieve soil and water conservation. The biologist must possess a fundamental knowledge of the life histories, habits, and habitats of plants, birds, mammals, and other animals, and of plant and animal communities as dynamic forces of value in land management.

(c) *Method of obtaining basic knowledge and training.* The Commission has decided that the duties of the position of biologist are such that they cannot be performed by a person who does not have the following:

Twelve courses in biology, botany, zoology, or ecology which has included at least 4 courses in entomology, herpetology, ichthyology, mammalogy, or wildlife management;

Two courses in soil science or earth science or in any combination thereof;

Two courses in any one or in any combination of agriculture, horticulture, forestry, or range management.

The possession of a bachelor's degree from a recognized college or university with a major in biology including 12 or more courses in any combination of 3 or more of the following will be accepted as meeting the educational requirement for this position: ecology, botany, zoology, entomology, herpetology, ichthyology, ornithology, mammalogy, wildlife management, agriculture, forestry, rangemanagement.

In the field of biology a great deal of scientific, technical, and applied knowledge is available in the educational institutions of the country which offer courses in the biological sciences. The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a biologist is through the completion of the courses listed above. The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as a biologist. He attends seminars and lectures, has access to a scientific library, and works in well equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the Commission is of the opinion that the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.23 *Clinical Psychologist P–2 through P–5 in Veterans' Administration hospitals and out patient clinics and in U. S. Public Health Service clinics*—(a) *Duties.* Appointees to these positions apply psychological principles and techniques to the diagnosis and treatment of maladjusted individuals. With a degree of responsibility appropriate to the grade, they administer and interpret psychometric tests of intelligence, achievement, vocational aptitude, or personality, or use other diagnostic techniques; confer with psychiatrists, physicians, social workers, and professional staff members; contact representatives of schools or other institutions or individuals to secure information as a basis for diagnosis; carry out psychotherapeutic treatment as affected by the psychiatrists; perform psychological research in the field of mental health; promote public relations by radio and personal addresses; collaborate in the preparation of informational material; perform related work as assigned. At the higher levels also direct and supervise a clinical psychological program.

(b) *Knowledge and training requisite for performance of duties.* A thorough knowledge is required of the fundamental and supporting arts and sciences upon which psychology is based as well as intensive training in psychology and psychopathology. In order to make appropriate application of tests in a variety of situations involving maladjusted inaividuals, to analyze and interpret results of such tests in the light of available psychiatric, medical, social, and educational data, and to make recommendations for treatment of maladjusted individuals, it is essential that the clinical psychologist have knowledge of human behavior, of neurotic and psychotic variants, of basic medical information and terminology, and of the social forces that affect the development of the individual. In addition to the knowledge required, the clinical psychologist must have command of specialized techniques of measurement of observation, and of interpretation of data.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of clinical psychologist at all levels are such that they cannot be performed by a person who does not have, in addition to the experience required for the various levels, at least 10 courses in psychology in a college or university of recognized standing, including

Two courses in abnormal psychology, clinical psychology, mental hygiene, or personality adjustment;

Two courses in clinical techniques such as individual testing, interviewing, or the case study method;

Two courses in differential psychology or tests and measurements (educational, vocational, psychological, personality, attitude), or statistics;

One course in human biology, neurology, or physiological psychology; and

Three courses in general, experimental, child, adolescent, social, animal, or systematic psychology or additional courses listed in the foregoing paragraphs.

Completion of all requirements for the Ph. D. degree in psychology will be accepted as meeting this educational requirement.

The Commission is of the opinion that the only satisfactory method by which persons may obtain the basic knowledges and skills is through the training given at recognized colleges and universities. Through such training, the student receives competent instruction in both the theoretical and the practical aspects of the subject matter that he will later apply as a clinical psychologist. Such scientific knowledge and skill cannot be acquired by individual study because the necessary facilities and supervision are not available. Requisite studies include pertinent information from a variety of fields which are so voluminous that the student could not cover the material effectively on his own initiative or by random study.

§ 24.24 *Land Classification Specialist, Grades P–1 and P–2, Bureau of Reclamation, Department of the Interior.*

NOTE: The provisions of § 24.9 are applicable to this section.

§ 24.25 *Educational Consultant, Grades P–7 and P–8, Army Air Forces.*

NOTE: The provisions of § 24.4 are applicable to this section.

§ 24.26 *Educational Retraining, Veterans' Administration*—(a) *Instructor, SP–6.*

(b) *Instructor-Supervisor, SP–8.*

(c) *Instructor-Supervisor, P–2.*

(d) *Chief, P–3.*

NOTE: The statement showing justification for educational requirements for Teachers, All Grades (see § 24.12), is applicable to the position listed above.

NOTE: The provisions of § 24.12 are applicable to this section.

§ 24.27 *Pharmacist P–1 through P–4*—(a) *Educational requirement.* Applicants must hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy approved by the Administrator, and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia.

(b) *Justification of educational requirements.* Section 5, 59 Stat. 676; 38 U. S. C., Sup., 15d, an act to establish a Department of Medicine and Surgery in the Veterans' Administration, provides that a person to be eligible for appointment in the Department of Medicine and Surgery as a pharmacist must "hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy approved by the Administrator and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia."

By authority of 59 Stat. 675; 38 U. S. C., Sup., 15–15n, the Administrator of the Veterans' Administration has established minimum qualifications for professional pharmacists' positions in that agency to include a degree in pharmacy or an equivalent degree from a four year standard college course. In view of the almost identical nature of duties of pharmacists wherever found it is not believed that different requirements may reasonably be established for pharmacists in Government agencies other than the Veterans' Administration.

§ 24.28 *Chemist*—(a) *Grade P–1*—(1) *Educational requirements.* Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; or

(ii) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; and in addition, sufficient appropriate experience which, when combined with the required 30 hours in chemistry, will give the applicant the substantial equivalent of a 4-year college course.

In either subdivision (i) or (ii) of this subparagraph above, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition any two of the following: (*a*) Advanced inorganic chemistry; (*b*) biochemistry; (*c*) organic chemistry; (*d*) Physical Chemistry.

(2) *Duties.* The statements in subparagraphs (3) and (4) of this paragraph are with reference to those positions in chemistry of a highly involved technical nature having to do with original research in chemistry of a very difficult fundamental character or in other duties of comparable scope or scientific difficulty.

Appointees perform these duties in connection with a wide variety of chemical projects necessitating scientific research of more than ordinary difficulty and requiring a knowledge of other sciences connected with such chemical investigations.

(3) *Knowledge and training requisite for performance of duties.* These positions are characterized by investigations in new, untried and unfamiliar chemical fields. Incumbents must have aptitude for and training in the methods of original research coupled with scientific curiosity, decided ability to discover new methods or compounds or to do work necessitating the use of new instruments and the adoption of unusual means. In order to perform these duties and so that there be less likelihood of failure in them incumbents must have received broad training which has furnished a very adequate comprehensive and preferably an exceptional background and foundation in chemistry, physics, mathematics and related sciences. They must have a thorough knowledge of recent accomplishments in the field of chemistry and a thorough knowledge of modern literature in chemistry and its related sciences. They must also have been trained in the use of written language and be fitted for advancement into more responsible and exacting positions.

(4) *Method of obtaining basic knowledge and training.* The only place to obtain broad reliable training in the fundamentals of the various sciences involved of the level and extent required for the proper performance of these duties is in a college or university of recognized standing where a full staff of competent instructors are available and where adequate laboratory facilities exist and suitable standards for completeness of the program and thoroughness of the methods of instructions are maintained.

(b) *Grades, P–2 through P–8*—(1) *Educational requirements.* Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; or

(ii) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours plus additional appropriate experience or education which, when combined with the 30 semester hours in chemistry, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subdivisions (i) or (ii) of this subparagraph, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition, any two of the following: (*a*) Advanced Inorganic Chemistry; (*b*) Biochemistry; (*c*) Organic Chemistry; (*d*) Physical Chemistry. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree in chemistry at a college or university of recognized standing.

(2) *Restrictions of certification for highly technical positions.* For those positions involving highly complicated or fundamental scientific research or similar difficult scientific duties, certification may be restricted to those eligibles who show the successful completion of a full college education in chemistry in a college or university of recognized standing.

(3) *Duties.* The duties of the P–2 to P–8 chemist are: to perform, conduct, plan, or direct scientific investigative, developmental, or fundamental research work in one or more of the specialized fields of chemistry; to collect, examine, and interpret scientific data; to coordinate assignments and programs; to prepare budget estimates for specified research programs; and to perform related duties as assigned.

(i) Those positions in chemistry requiring, as a positive requirement, formal

education to the extent only of 30 semester hours of college study in chemistry supplemented by appropriate experience or education are characterized as follows:

The solution of specific problems of limited scope which does not involve the application of all the principles of the scientific fields related to chemistry—in general, problems where a broad viewpoint or training is not necessarily required; conducting important chemical analyses of material; directing the standardization and testing of well-known types of equipment or instruments; developing modifications of standard procedures, tests, techniques, etc.; making literature surveys of the field; and preparing, editing, and reviewing technical reports on the results of the work performed in the field of professional chemistry.

(ii) Those positions requiring the successful completion of four years of college or university training in chemistry are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of chemistry and related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex scientific laws and facts to the development of new processes, techniques, devices or products.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(4) *Knowledge and training requisite for performance of duties.* The minimum amount of formalized training required for the successful performance of the duties described in subparagraph (3) (i) of this paragraph consists of the completion of 30 semester hours of study in chemistry in a college or university of recognized standing. This study represents essentially the fundamental body of knowledge of the science of chemistry. It includes courses in the principal fields of chemistry (analytical, inorganic, organic, and physical) which are required to furnish the basic knowledge for any type of professional work in chemistry. In addition, it is supplemented by laboratory training in the application of the scientific principles involving the use of apparatus and equipment, and skills essential to work in chemistry. A familiarity with scientific literature, especially the methods by which such literature is compiled, classified, indexed and made available is also a necessary part of such education. And finally, the training will include experience in preparing technical reports in which it is necessary to organize material logically, to make clear distinctions between theory and facts, to make precise and unambiguous statements and to draw conclusions that are useful and fully warranted by experimental results.

The minimum amount of training required for the successful performance of the duties described in subparagraph (3) (ii) of this paragraph is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing, including or supplemented by 30 semester hours of study in chemistry. Such a college course consists of laboratory work (including the use of complex apparatus) lectures, recitations, seminars, and selected reading in chemistry and other fields given under competent instruction and guidance. Such a curriculum is planned and integrated so as to provide a sound and comprehensive training not only in chemistry but in related subjects such as physics, mathematics, biology, engineering, etc. Training in the fundamentals of other fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledge, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(5) *Method of obtaining basic knowledge and training.* Subparagraphs (1)–(4) of this paragraph contain statements of the minimum knowledge and training required to carry on successfully professional work in two broad areas in the field of chemistry. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(6) *Justification of educational requirement.* The world of today is conscious that it is living in an atomic age and the people of the United States are aware of the urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, health, and general welfare. The Congress has given recognition to the vital necessity for such scientific research and developmental work and has authorized, through appropriations, the spending of large sums of money for varied and important programs. These programs are carried on by the various departments and agencies of the Federal Government, and have resulted in very notable achievements in scientific research during World War II.

The advances in the various sciences, during World War II, have been outstanding and of major importance. Particularly is this true of the field of chemistry in all of its branches and further advances will depend on the number of highly qualified and properly trained chemists who are competent to explore the particular field in which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge, so that persons engaged in highly complicated scientific research in a specialized field of chemistry must of necessity possess the fundamental scientific knowledge characteristic of their own field and in addition that of certain allied fields in order that they may successfully attack these complex problems with which they are faced.

Private industry doing research in chemistry has long recognized the necessity for broadly trained men for professional chemists' positions who are well-grounded in the fundamentals of the sciences involved. They are required to have education represented by at least the attainment of a bachelor's degree in the science, and in many instances a doctor of philosophy degree with specialization in a particular field is demanded.

§ 24.29 *Physicist, P–1 through P–8.*—(a) *Educational requirements.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in physics. This study must have included courses in physics consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; or

(2) Courses in physics, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in physics will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subparagraph (1) or (2) of this paragraph, the courses must have included a fundamental course in general physics and in addition any two of the following: (i) Electricity and magnetism; (ii) heat; (iii) light; (iv) mechanics; (v) modern physics; (vi) sound. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree in physics at a college or university of recognized standing.

NOTE: For those positions involving highly complicated or fundamental scientific research or similar difficult duties, certification may be restricted to those eligibles who show the successful completion of a full college education in physics in a college or university of recognized standing.

(b) *Duties.* (1) Those positions in physics requiring, as a positive requirement, formal education to the extent only of 24 semester hours of college study in physics supplemented by appropriate experience or education are characterized as follows:

The solution of specific problems of limited scope which do not involve the application of all the principles of the scientific fields related to physics—in general; problems where a broad viewpoint or training is not necessarily required; conducting important physical tests of material and scientific instruments; directing the standardization and testing of well known types of equipment or instruments; developing modifications of standard procedures, tests, techniques, etc.; making literature surveys of the field; and preparing, editing, and reviewing technical reports on the results of the work performed in the field of professional physics.

(2) Those positions requiring the successful completion of four years of college or university training in physics are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of physics and related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex scientific laws and facts to the development of new processes, techniques, devices or products.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of formalized training required for the successful performance of the duties described under paragraph (b) (1) of this section consists of the completion of 24 semester hours of study in physics in a college or university of recognized standing. This study represents essentially the fundamental body of knowledge of the science of physics. It includes courses in the principal fields of physics (heat, light, sound, mechanics, electricity and magnetism) which are required to furnish the basic knowledge for any type of professional work in physics. In addition, it is supplemented by laboratory training in the application of the scientific principles involving the use of apparatus and equipment, and skills essential to work in physics. A familiarity with scientific literature, especially the methods by which such literature is compiled, classified, indexed and made available is also a necessary part of such education. And finally, the training will include experience in preparing technical reports in which it is necessary to organize material logically, to make clear distinctions between theory and facts, to make precise and unambiguous statements and to draw conclusions that are useful and fully warranted by experimental results.

The minimum amount of training required for the successful performance of the duties described in paragraph (b) (2) of this section is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing, including or supplemented by 24 semester hours of study in physics. Such a college course consists of laboratory work (including the use of complex apparatus), lectures, recitations, seminars, and selected reading in physics and other fields given under competent instruction and guidance. Such a curriculum is planned and integrated so as to provide a sound and comprehensive training not only in physics but in related subjects such as chemistry, mathematics, biology, engineering, etc. Training in the fundamentals of other fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledges, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(d) of this section contain statements of the minimum knowledge and training required to carry on successfully professional work in two broad areas in the field of physics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.30 *Engineer, Trainee, SP–3, SP–4, SP–5.*—(a) *Education requirement.* Applicants must have graduated from an accredited high school and must have successfully completed the following high school work:

English	3 units
Algebra	1 unit
Plane geometry	1 unit
Solid geometry	½ unit
History	1 unit

(b) *Duties.* The duties of an Engineer Trainee position will consist of a combination of (1) on the job training at Wright Field, Dayton, Ohio, and (2) scholastic training in Engineering at a university designated by the Air Matériel Command.

(c) *Knowledge and training requisite for performance of duties.* The applicant must be qualified to meet the university entrance requirements in order to enroll for scholastic training in Engineering. Graduation from an accredited high school and completion of the courses listed in the education requirement are required for admission into an engineering course at a college or university of recognized standing. The education prescribed above is therefore necessary for the adequate performance of the duties listed for the Engineer Trainee position.

§ 24.31 *Geologist.*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, in a college or university of recognized standing, including courses in geology consisting of lectures, recitations and appropriate practical laboratory and field work totaling at least 30 semester hours; or

(2) Courses in geology, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory and field work totaling at least 30 semester hours plus additional appropriate experience or education which when combined with the 30 semester hours in geology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subparagraph (1) or (2) of this paragraph, the 30 semester hours must include or have been supplemented by any five of the following: (i) Physiography; (ii) structural geology; (iii) geophysics; (iv) mineralogy; (v) petrology; (vi) optical mineralogy; (vii) economic geology (metals, non-metals or fuels); (viii) ground water geology; (ix) invertebrate paleontology; (x) stratigraphy; (xi) sedimentation; (xii) map interpretation; (xiii) field geology.

(b) *Duties.* Appointees conduct or assist in professional geological work in one or more of the specialized fields of geology. This work usually involves scientific research of more than ordinary difficulty and requires a knowledge of the fundamental principles of other sciences connected with such geological investigations. In the higher grades in addition to performing difficult and responsible individual work many of these geologists occupy administrative and supervisory positions, planning the work of a group of geologists, or reviewing and directing the activities of lower grade geologists or assistants. The duties performed and the responsibilities assumed will vary with and be commensurate with the grade of the position.

Typical duties of geologists include: Making maps showing the location and character of rock formations, mineral deposits, ore deposits, underground water, etc., recording factual data about each and sampling systematically for laboratory study; examining and making generic and specific identification of fossil material requiring a knowledge of paleontology, systematic classification, the structure and evolution of various classes of organisms and the principles of nomenclature; making investigations of sedimentation resulting from accelerated soil erosion; classifying sedimentary deposits; preparing technically comprehensive and scientifically and economically sound reports including such items as the compilation of accurate maps from field triangulation, cadastral surveys and aerial photographs using pho-

togrammetric and other methods; constructing cross sections, three-dimensional diagrams, charts and tables illustrative of observed, inferred or computed subsurface relationships of rock formations involved in folds, or offset by the several kinds of faults or cut by intersecting dikes or mineral bearing veins; the analysis, appraisal and summation of various kinds of geologic data.

(c) *Knowledge and training requisite for performance of duties.* For the successful performance of the duties described in paragraph (a) of this section, the geologist needs a basic general knowledge of the principles of stratigraphy, sedimentation, structural geology, paleontology, ore deposition, and mineralogy; and a specialized knowledge of the following: The various types of sedimentary, igneous and metamorphic rocks; the rank and grade of coals; the porosity and permeability of rocks as potential reservoirs of oil and of underground water; the distinctive structural features and paragenesis of ore veins; the criteria for the evalution of unconformities, the geomorphic cycles that have sculptured the landscape and their correlation with Tertiary and Quaternary sediments; the processes of erosion and sedimentation; the applications of mathematics and the physical and biological sciences to geological problems.

(d) *Methods of obtaining basic knowledge and training.* The only place to obtain broad reliable training in the fundamentals of the various sciences involved of the level and extent required for the proper performance of the duties described in paragraph (b) of this section is in a college or university of recognized standing where a full staff of competent instructors are available and where adequate laboratory facilities exist and suitable standards for completeness of the program and thoroughness of the methods of instructions are maintained.

§ 24.32 *Bacteriologist, P–1, P–2, P–3, (option, agricultural)*—(a) *Educational requirement.* Applicants must have successfully completed, in a college or university of recognized standing, courses consisting of lectures, recitations, and appropriate laboratory work totaling at least twenty semester hours in either bacteriology or in any combination of bacteriology, biology and biochemistry which includes at least ten semester hours in bacteriology.

(b) *Duties.* Appointees conduct or assist in scientific, investigative or fundamental research work in one or more of the specialized fields of bacteriology. This work involves the careful collection of scientific data and the examination, study and interpretation of this data requiring a knowledge of the fundamental principles of Bacteriology and related sciences and the ability to apply them. The work also necessitates a knowledge of and ability to apply laboratory methods and techniques and requires familiarity with the apparatus and instruments used.

With supervision received and responsibilities carried varying in accordance with the grade occupied, appointees study, describe and identify organisms which are responsible for: the deterioration and spoilage of foodstuffs, the changes in and the improvement or degradation of soils, the precipitation from solution of valuable chemicals, etc. They work out details for carrying out plans and programs. They supervise the work of laboratory aides and technicians engaged in bacteriological examinations. They observe, tabulate, and study results and they write reports describing the work and discussing the results.

(c) *Knowledge and training requisite for performance of duties.* The science of Bacteriology includes the study of the properties of bacteria as living animal or plant organisms capable of producing beneficial or harmful effects on other organisms directly or by means of substances resulting from their growth or metabolic processes. Such study involves investigation of the physical and chemical changes that accompany the growth, development and degradation of the species and therefore demands a knowledge of the related sciences of Biology, Chemistry and Physics. The laboratory techniques of the latter sciences as well as those used in bacteriological examination such as methods of bacterial culture, development of strain virility, and the isolation of friendly bacteria, etc., is in turn demanded in order to solve the problems of the sciences. Closely supervised training and knowledge of specialized equipment and its use can only be obtained in institutions that have been thoroughly investigated and found to possess competent instructors, adequate resources, and the essential scientific laboratory equipment.

(d) *Method of obtaining basic knowledge and training.* The technical knowledge required for the performance of the duties described in paragraph (b) of this section can be obtained only by attending and completing courses in a recognized college, university or medical school.

§ 24.33 *Engineering positions involving highly technical research, design or development, or similar functions*—(a) *Educational requirement.* Applicants must have successfully completed a full college course in engineering.

(b) *Duties.* Professional engineering positions which require the successful completion of four years of college or university training are those positions "involving highly technical research, design and development or similar functions", the duties of which include the performance of such functions as the following:

(1) A critical investigation requiring a high level of intelligence and a sound knowledge of fundamental scientific concepts, principles, and terminology and having for its aim the discovery of new facts or principles, the interpretation of new knowledge or the more complete interpretation of facts already known, or the revision of accepted conclusions, theories, and laws in the light of newly discovered facts; or

(2) The application of known complex scientific laws, facts and discoveries, in new and untried ways to develop new or improved processes, techniques, methods of production, devices, or products; or

(3) In general those scientific activities of an extremely complex nature in which new methods are devised, or new and advanced contributions to knowledge are developed.

(c) *Knowledge and training requisite for performance of duties.* It is widely recognized that improvement in, and the safeguarding of, the health, security, and welfare of the nation and the modernization and safe and adequate design of large and complicated engineering structures is dependent upon the quality and extensiveness of the scientific and engineering research and development activities of the nation. These problems are recognized as of such vital importance to the activities and existence of the nation that the Federal Government, through its various departments and agencies, is required by Congress to engage in scientific research and development.

In their infancy scientific and engineering research were of necessity concerned with the discovery of the simpler and more elementary facts, laws and processes of nature. However, so much has now been learned about the facts, laws, materials and processes of nature, and so complex are the concepts and tools of modern science and engineering that personnel engaged today in carrying out highly technical scientific and engineering research, design, or development and similar functions must possess special qualifications if their work is to be productive and in step with the times.

The more successful establishments throughout the country now require of applicants for research and similar scientifically exacting positions at least a bachelor's degree and frequently a doctorate in scientific subjects. Because of the complexity of scientific knowledge, concepts and specialized tools required for satisfactory achievement in modern engineering research, design and development, and because of the difficulty of acquiring proficiency in the scientific fields, agencies of the Federal Government must have for certain positions in scientific work, personnel who have a sound fundamental knowledge in the sciences and the ability to apply this theoretical knowledge to the interpretation of data gathered in the fields of research or to the production or development of new processes, devices or techniques.

(d) *Method of obtaining basic knowledge and training.* Positions in the engineering field as defined in paragraph (b) of this section require the completion of a full four year course in engineering in a college or university of recognized standing to insure technical knowledge and training of the level and extent required for the proper performance of these duties. In the professional schools of such institutions a student receives competent instruction and guidance in the technical and theoretical subjects that he will have to apply in his profession. He attends seminars and lectures, has access to scientific libraries and works in well equipped laboratories provided by the professional schools. In these schools prevailing practices have undergone analysis and those found to be most effective have been organized into relevant courses of instruction. Through training received in the professional schools the student receives competent instruction in specialized fields and is expertly guided in his selection of readings from available literature which is so voluminous that no individual could master it by random study. The required studies represent information from a variety of fields and the student cannot cover the material except through supervised courses of study designed to provide a comprehensive understanding of the subject.

§ 24.34 *Instructor, Academic Subjects, Apprentice Schools, Navy Department.*

NOTE: The provisions of § 24.12 are applicable to this section.

§ 24.35 *Geophysicist, P–2 through P–6*—(a) *Educational requirements.* For those positions involving highly complicated or fundamental scientific research or similar difficult scientific duties, certification may be restricted to those eligibles who show the successful completion of a full college education in a pertinent field in a college or university of recognized standing.

(b) *Duties.* The duties of the P–2 to P–6 geophysicist are: (1) Planning, directing, and making geophysical observations in the field or at fixed stations, interpreting the results, preparing charts, tabulations, and securing other scientific information required in observations for interpretations, designing or assisting in constructing specialized operatives and equipment for use in connection with geophysical investigations; (2) conducting or assisting in geophysical prospecting, explorations, or other geophysical observations; (3) making reports, and preparing articles for publication.

These positions involving the duties described in subparagraphs (1)–(3) of this paragraph and requiring the successful completion of four years of pertinent college or university training are characterized as follows:

(i) Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of geophysics and the related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

(ii) The application, in new ways, of known complex scientific laws and facts to the development of new techniques or devices.

(iii) The coordination and planning of a broad research program requiring the combined efforts of several specialists in different scientific fields, in which the leader of the program must have a thorough understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of training required for the successful performance of the duties described in paragraph (b) of this section is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing including a minimum of 30 semester hours credit in either geology, mathematics, physics, geophysics, engineering, or closely allied subjects, or any combination thereof. Such college courses include laboratory work (including the use of complex apparatus), lectures, recitations, seminars, and selected reading in various fields all given under competent instruction and guidance. Such curricula are planned and integrated so as to provide a sound and broad training in related scientific fields. Training in the fundamentals of various related scientific fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledge, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a bread understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional complex research work in the field of geophysics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(e) *Justification.* All people throughout the world today are conscious that they are living in a rapidly moving world and the people of the United States are particularly aware of the urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, health, and general welfare. The Congress has given recognition to the vital necessity for such scientific research and developmental work and has authorized, through appropriations, the spending of large sums of money for varied and important programs. These programs are carried on by the various departments and agencies of the Federal Government, and have resulted in very notable achievements in scientific research during World War II.

The advances in the various physical sciences, during World War II, have been outstanding and of major importance. This is especially true in the field of geophysics and many of the advances in the allied sciences have been useful in the field of geophysics. Further advances will depend on the number of highly qualified and properly trained geophysicists who are competent to explore the particular phase of the work on which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge from all fields, so that persons engaged in highly complicated scientific research in geophysics must of necessity possess the fundamental scientific knowledge characteristic of their own field and in addition that of certain allied fields in order that they may successfully attack those complex problems with which they are faced.

§ 24.36 *Junior Professional Assistant*—(a) *Educational requirements*—(1) *Mathematician.* Mathematicians will perform or assist in performing mathematical calculations and computations incident to investigative, developmental and research work in the scientific fields such as engineering, physics, astronomy, etc. These duties include mathematical and statistical analyses of observational data, computation of scientific tables, preparation of graphs and charts, writing scientific reports and practical computations on engineering and scientific problems involving higher mathematics. This work requires a thorough knowledge of basic mathematics such as trigonometric equations, differentiation, integration, solution of differential equations, development and application of formulea, etc. as well as familiarity with other related scientific fields.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in mathematics. This study must have included courses in mathematics consisting of lectures and recitations totaling at least 24 semester hours, and courses in the physical sciences (engineering, physics, geology, astronomy, chemistry, etc.) totaling 12 semester hours.

(ii) Courses in mathematics, in a college, or university of recognized standing, consisting of lectures and recitations totaling at least 24 semester hours; plus additional appropriate experience or education in scientific fields which when combined with the 24 semester hours in mathematics will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course prescribed under (i) above. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional experience in the mathematical or statistical analysis of observational data in the physical or biological sciences which provided a working knowledge of the theory and application of mathematical principles.

Research experience in such fields as physics, chemistry, engineering, biology, etc. which involved the evaluation of reports and the organization of experimental data. Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working

knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

In either subdivision (i) or (ii) of this subparagraph, the courses must have included analytic geometry, differential calculus, integral calculus and in addition, any four of the following: (*a*) trigonometry, (*b*) theory of equations, (*c*) vector analysis, (*d*) statistics, (*e*) higher algebra (beyond elementary college algebra), (*f*) differential equations, (*g*) advanced differential calculus, (*h*) advanced integral calculus.

(2) *Physicist.* Physicists will conduct or assist in conducting scientific investigative, developmental or fundamental research work in one or more of the specialized fields of physics; and collect, examine, and interpret data relative to any assigned project or specific problem in a specialized field of physics. These duties require a working knowledge of the basic laws, concepts, and terminology of physics which includes the fundamental phenomena of electricity and magnetism; geometrical and physical optics; the thermal properties of matter as related to mechanical applications, molecular motion and radiation; the nature, propagation and detection of sound waves; mechanics; radioactivity and nuclear transformation; and the theory and application of methods of precise measurements in physics.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in physics. This study must have included courses in physics consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; or

(ii) Courses in physics, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in physics will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the principles of a physical or natural science or of engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific publications.

Research experience in such fields as physics, chemistry, engineering or biology, which included the analysis of data and the preparation of reports.

Work in physics of a professional grade such as described in the duties of positions to be filled from this examination.

In either subdivision (i) or (ii) of this subparagraph, the courses must have included a fundamental course in general physics and in addition any two of the following: (*a*) electricity and magnetism, (*b*) heat, (*c*) light, (*d*) mechanics, (*e*) modern physics, (*f*) sound.

(3) *Chemist.* Chemists will conduct or assist in conducting scientific investigative developmental or fundamental research work in one or more of the specialized fields of chemistry. This involves highly technical operations, the use of complex apparatus and the application of the scientific principles of the fundamental branches of chemistry and other related scientific fields to the solution of chemical problems. The duties include the collection, examination, and interpretation of scientific data and require a thorough knowledge of the laws, concepts, and theories of chemistry and other related sciences, nomenclature, measurements, methodology and the ability to apply this knowledge in the laboratory.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; or

(ii) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; plus additional appropriate experience or education which, when combined with the 30 semester hours in chemistry, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature.

Research experience in such fields as physics, chemistry, engineering or biology, which included the analysis of data and the preparation of reports.

Chemical work of professional grade, such as that described in the duties of the positions filled from this examination.

In either subdivision (i) or (ii) of this subparagraph, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition, any two of the following: (*a*) advanced inorganic chemistry; (*b*) biochemistry; (*c*) organic chemistry; (*d*) physical chemistry.

(4) *Metallurgist.* Metallurgists will conduct or assist in conducting scientific investigative, developmental or fundamental research work in metallurgy; collect, examine and interpret metallurgical data; design, construct, install or operate metallurgical equipment. These duties require a working knowledge of the basic laws, concepts, techniques, and terminology of recovery or process metallurgy which includes extractive processes such as grinding of ores, sedimentation, roasting, smelting, flotation, leaching, crystallization, precipitation, and electrolysist of metallic salts and physical or adaptive metallurgy which includes adaptive processes such as casting, rolling, hammer forging, drawing, spinning, die-casting, welding, and heat treating. This work requires a knowledge of thermodynamics, stoichiometry, electrochemistry, mineralogy of ores, phase relationships in alloys, the effect of heat and forming processes on crystalline structure, X-ray analysis, microscopic metallography, and methods of testing ores, metals, and metal alloys.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in metallurgy or metallurgical engineering. This study must have included courses in metallurgical subjects consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; or

(ii) Courses in metallurgical subjects, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 20 semester hours; plus additional appropriate experience or education, which when combined with the 20 semester hours in metallurgical subjects, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature dealing with matters closely related to the field of metallurgy.

Research experience in such fields as physics, chemistry or engineering which included the analysis of data and the preparation of reports.

Metallurgical work of professional grade such as that described in the duties of the positions to be filled from the examination, or related work of a subprofessional grade.

In either subdivision (i) or (ii) of this subparagraph the courses must have included at least 3 of the following:

(*a*) Physical metallurgy; (*b*) metallurgy of iron and steel; (*c*) metallurgy of non-ferrous metals; (*d*) metallography; (*e*) mineral dressing; (*f*) electrometallurgy; (*g*) process metallurgy.

(5) *Geographer.* Geographers will perform or assist in performing professional work in the field of geography; perform related cartographic work including the compilation and the analyzing of geographic data; assist in studies and researches relating to industrial and commercial geography, soils, soil erosion and land utilization mapping, climatology, vegetation distribution, and allied fields; prepare reports on the geography (physical, economic, social, and political) of specified areas; and assist in the establishment and use of map collections.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree. This study must have included or been supplemented by courses in geography consisting of lectures and recitations totaling at least 24 semester hours. Study in closely allied fields such as geology, archaeology, cartography, etc., may be included in the 24 semester hours of geography provided the applicant shows at least 15 hours in purely geographic subjects; or

(ii) Courses in geography, in a college or university of recognized standing, consisting of lectures and recitations totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in geography will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. Study in closely allied fields such as geology, archaeology, cartography, etc., may be included in the 24 semester hours of geography, provided the applicant shows at least 15 hours in purely geographic subjects. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Library or field research dealing with the collection and analysis of geographic of closely allied data.

Assisting in editing, abstracting, or translating documents, scientific literature and preparing reports relating to geography, or closely allied fields such as geology, or meteorology, etc.

Experience gained in such positions as geographic aid, scientific aid in geology, air intelligence specialist, or cartographer.

Subprofessional or higher grade experience in the field of oceanography, nautical science, air navigation, and other related fields.

(6) *Textile technologist.* Textile technologists will conduct, or assist in conducting, scientific investigative, developmental, production, or fundamental research work in textile technology. These duties include work in such branches of textile technology as yarn and fabric manufacturing, processing, and utilization; textile chemistry; fiber technology; determination of the physical characteristics of textiles and textile fibers. All of these duties involve the collection, examination, and interpretation of scientific and operating data and require a knowledge of the scientific laws and concepts underlying textile processing, manufacturing, designing, and utilization.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in textile technology. This study must have included courses in textile technology consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; or

(ii) Courses in textile technology, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; plus additional appropriate experiences or education which, when combined with the 20 semester hours in textile technology, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of technology or engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature dealing with textiles and related matters.

Research experience in such fields as physics, chemistry, engineering, or biology, which included the analysis of data and the preparation of scientific reports.

Technological work of professional grade, such as the duties of the position shown above, or professional and subprofessional work in related duties.

(7) *Archivist.* Archivists will analyze, evaluate, and appraise government records for the purpose of determining which ones are of historical value. They may be responsible for classifying the documents and for preparing index cards containing a brief summary of the contents of the material. Their duties may also include reference and research work to locate information requested by specialists in various fields who are engaged in identifying, classifying and preserving documentary materials.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, including or supplemented by 12 semester hours in U. S. history and 18 semester hours in any one or in any combination of the following: (*a*) history; (*b*) political science; (*c*) sociology; (*d*) economics; (*e*) public administration; or

(ii) Courses in a college or university of recognized standing as described in (i) above; plus additional appropriate education or experience which, when combined with the 12 semester hours in U. S. history and 18 semester hours in the other above-mentioned subjects, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to meet this requirement:

Experience as an archivist in a Federal, State, church, business, or other archives.

Experience as a records analyst engaged in the management and retirement of non-current records in a Government agency.

Responsible experience in the Historical Records Survey.

(8) *Economist.* Economists will conduct elementary professional economic research, including the evaluation and briefing of expository data, the appraisal and compilation of statistical data, and the preparation of tentative economic reports on some phase of a major economic problem.

Applicants must have successfully completed one of the following:

(i) A full 4-year course leading to a bachelor's degree, in a college or university of recognized standing, with 24 semester hours in economics and 3 semester hours in statistics.

(ii) Courses consisting of 24 semester hours in economics and 3 semester hours in statistics, in a college or university of recognized standing; plus additional appropriate experience or education which when combined with these courses, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Progressively responsible clerical experience in the appraisal of economic data (not of a statistical nature), and the preparation of economic outlines, briefs and reports.

Progressively responsible clerical experience in the appraisal of economic data, both expository and statistical; the compilation of appropriate statistical data; and the preparation of economic outlines, briefs and reports.

(9) *Statistician.* Statisticians will conduct elementary professional statistical research including the use, under guidance, of technical statistical method; the initial appraisal of statistical measures; and the preparation and interpretation of tables, charts and graphs.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, leading to a bachelor's degree, in a college or university of recognized standing, with 20 semester hours in statistics; or 30 semester hours of college work consisting of a combination including 6 semester hours in statistics and 24 semester hours in any one of the following: (*a*) economics; (*b*) agricultural economics; (*c*) sociology; (*d*) political science; (*e*) social service; (*f*) education; (*g*) psychology; (*h*) home economics; (*i*) biology; (*j*) public health; (*k*) agriculture; (*l*) mathematics; (*m*) engineering; (*n*) physics.

(ii) Courses as given under (i) above; plus additional appropriate experience or education which, when combined with

these courses, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Progressively responsible clerical experience in (a) use of frequency distributions; (b) calculation of measures of central tendency, measures of variation and skewness, or index numbers; (c) graphic analysis, time series analysis or correlation analysis under the direction of a professional statistician.

Progressively responsible experience in planning statistical surveys; processing statistical data, including the collection, compilation, verification and appraisal of consistency of numerical data; and analyzing statistical data.

(10) *Agricultural bacteriologist.* Agricultural bacteriologists will assist in performing research or other professional or scientific work in the field of bacteriology, including the study of micro-organisms in agricultural products, such as dairy products, food and foodstuffs, textiles and soils. These duties require a working knowledge of the basic principles, concepts and terminology of bacteriology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in biological science including not less than 6 semester hours in bacteriology.

(ii) Courses in biological science in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 hours of which not less than 6 are in bacteriology; plus additional appropriate experience or education which, when combined with the 20 semester hours prescribed, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement.

Technical experience in a biological science laboratory.

Teaching bacteriology courses.

(11) *Agricultural economist.* Agricultural economists will assist in research or other scientific or professional works in the field of agricultural economics, applying basic economic laws and principles in connection with the collection of agricultural data and will assist in the preparation of reports on farm policies and on the production and distribution of agricultural commodities. These duties require a working knowledge of the basic principles, concepts and terminology of agricultural economics and a knowledge of the application of statistics to economic research.

Applicants must have successfully completed one of the following:

(i) A full 4-year course leading to a bachelor's degree in a college or university of recognized standing with a major in agricultural economics. Study leading to a major in the closely allied fields of general economics, political science or sociology may be substituted for a part of the courses usually taken in obtaining a major in agricultural economics provided the applicant shows at least 12 semester hours in agricultural economics and 3 semester hours in statistics.

(ii) Courses in agricultural economics in a college or university of recognized standing, consisting of lectures and recitations totaling 21 semester hours in agricultural economics and 3 semester hours in statistics plus additional appropriate experience or education which when combined with the 21 semester hours in agricultural economics and 3 semester hours in statistics will total 4 years of education and experience and will give the applicant the substantial equivalent of a 4-year college course. Study in the closely allied fields of general economics, political science or sociology may be included in the 21 semester hours in purely agricultural economic subjects and 3 semester hours in statistics.

The following is a type of experience which will be accepted in combination with education to complete the 4-year requirement:

Progressively responsible experience in the collection and preliminary analysis of statistical and narrative economic data in the agricultural fields, such as production, distribution, prices and income.

(12) *Agronomist.* Agronomists will perform research or other scientific or professional work in the field of agronomy. They will assist in crop adaptation surveys; develop field survey reports, identify soil types; advise on use of fertilizer and other soil amendments; assist in developing suitable crop rotations; identify weeds and crop seeds; supervise the production of elite and other types of improved farm crop seeds; assist in research projects such as crop improvement, breeding and disease resistance programs. These duties require a working knowledge of the basic principles, concepts and terminology of agronomy, crop genetics, cultivation, fertilization and rotation.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in agronomy, or

(ii) Courses in plant science and agronomy in a college or university of recognized standing consisting of lectures and recitations and laboratory work totaling at least 30 semester hours including 10 semester hours in farm crops, 6 semester hours in soils, and 4 semester hours in animal husbandry; plus additional apropriate experience or education which when combined with the 30 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible technical experience on a farm growing hybrid corn or similar class of seed commercially.

Responsible agronomic experience on a college or other experiment station.

(13) *Animal husbandman.* Animal husbandmen will assist in research or other professional or scientific work in the care, breeding and feeding of domestic animals, other than dairy animals, and in the investigation of the effect of environment on animal products. These duties require a working knowledge of the basic principles, concepts and terminology of animal husbandry, animal nutrition and animal production.

Applications must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in animal husbandry, or:

(ii) Courses in animal husbandry, in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours in animal husbandry plus additional appropriate education or experience which when combined with the prescribed courses will total four years of education and experience and give the applicant the substantial equivalent of a four-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience with an experimental group of farm or ranch animals.

Responsible experience with a large commercial group of farm or ranch animals.

(14) *Aquatic biologist.* Aquatic biologists will assist in research or other scientific, or professional work in the study of life history, habits, classification, and economic relations of aquatic organisms and fish, particularly those forms of importance to industry. These duties require a working knowledge of the basic principles, concepts and terminology of aquatic biology, economic biology, fish conservation and plant physiology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in biological science including 6 semester hours in the biology of aquatic organisms.

(ii) Courses in biology in a college or university of recognized standing consisting of lectures and recitations totaling 30 semester hours in biology, including at least 6 semester hours in the biology of aquatic organisms; plus additional appropriate experience or education which when combined with the 30 semester hours in biology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a biological science.

Experience in abstracting, editing or translating reports or scientific literature in aquatic biology or closely related fields.

Research experience in aquatic biology or related fields.

Other work in aquatic biology of a professional nature.

(15) *Biologist (Wildlife).* Wildlife biologists will assist in the performance of research or other scientific or professional work in the investigation of the distribution, habits, life history and classification of birds, mammals and other animal life and their relation to agriculture and other interests. These duties require a working knowledge of the basic principles, concepts and terminology of zoology and botany.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in biology including at least 10 semester hours in zoology;

(ii) Courses in biology in a college or university of recognized standing consisting of lectures, recitations and laboratory work, totaling 30 semester hours of which at least 10 must have been in zoology and 10 in botany; plus additional appropriate experience or education which when combined with the 30 semester hours in biology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical laboratory work in biology dealing with some phase of wildlife.

Responsible experience in the field in making surveys of wildlife habits and foods.

(16) *Botanist.* Botanists will assist the planning and execution of field and laboratory work in botanical research or other scientific or professional work in the field of botany, including the making of observations, and the collection, examination and statistical analysis of data. They will assist in identification and description of plants and seeds, and the investigation of their distribution, habits of growth and economic value. These duties require a working knowledge of the basic principles, concepts and terminology of botany.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in botany.

(ii) Courses in botany in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate experience which when combined with the 20 semester hours in botany will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provides a means of obtaining a working knowledge of the theory and application of the scientific principles of a botanical science.

Experience in abstracting, editing, or translating reports or scientific literature in botany or closely related fields. Research experience in botany or related fields.

Work in botany of a professional grade, such as described in the typical duties of the positions to be filled from this examination.

Teaching botany.

(17) *Dairy husbandman.* Dairy husbandmen will assist in research or other professional or scientific work in the breeding, nutrition and management of dairy cattle. These duties require a working knowledge of the basic principles, concepts and terminology of dairy husbandry, dairy animal nutrition and animal production.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in dairy husbandry, or in animal husbandry including at least one course in dairy husbandry.

(ii) Courses in dairy husbandry and animal husbandry in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the 20 hours in dairy and animal husbandry will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience in the breeding, nutrition and management of a large pure bred or commercial dairy herd.

Responsible experience in the breeding, nutrition and management of a college or experiment station dairy herd.

(18) *Dairy manufacturing specialist.* Dairy manufacturing specialists will assist in performing research or other professional or scientific work in the development and introduction of improved methods in the manufacture or processing of milk and milk products. These duties require a working knowledge of the principles, concepts and terminology of dairy practice, milk testing, the manufacture of dairy products, and dairy economics.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in dairy manufacturing, or;

(ii) Courses in dairy manufacturing in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling not less than 20 semester hours plus additional appropriate experience or education which when combined with the 20 semester hours in dairy manufacturing will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience in the following:

Laboratory analysis and research of milk and milk products.

State or municipal inspection of creameries.

Butter maker, cheese maker, ice cream maker or processor of whole milk in a large commercial milk plant.

(19) *Entomologist.* Entomologists will assist in field and laboratory research or other scientific or professional work on the control of insects affecting crops or on the utilization of beneficial insects. They will make field collections and tentative identifications of insects, breed and care for insects under laboratory conditions; test fumigants and other insecticides, apply treatments and assemble and summarize results in report form. These duties require a working knowledge of the basic principles, concepts and terminology of zoology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in entomology or in zoology including at least one course in entomology; or

(ii) Courses in entomology or in entomology and zoology combined in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate education or experience which when combined with the 20 semester hours in entomology or entomology and zoology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a biological science.

Experience in entomology or related fields.

Research experience in entomology or related fields.

Work in entomology of a professional nature.

(20) *Farm management supervisor.* Farm management supervisors advise on or perform technical or other professional work in the field of farm management involving the extension of credit and the supervision of operators of family type farms. The duties of this position require a practical working knowledge of the basic principles, concepts and terminology of farm management, farm

credit, and crop and livestock management.

Applicants must have successfully completed one of the following:

(i) A full 4-year course leading to a bachelor's degree in a college or university of recognized standing with a major in farm management, or in other fields within agricultural economics, or in agronomy, animal husbandry, or agricultural engineering; or

(ii) Courses in farm management or one of the other agricultural sciences acceptable toward a degree in a college or university of recognized standing, consisting of lectures, recitations and laboratory work totaling at least 40 semester hours, including at least one course in each of the following groups: (*a*) farm management, agricultural finance, or other fields within agricultural economics; (*b*) soils; (*c*) crops; (*d*) animal, dairy or poultry husbandry, including feeds and feeding or animal nutrition; (*e*) horticulture or agricultural engineering; plus additional appropriate experience or education which, when combined with the 40 semester hours of course work outlined above, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical experience in the fields of rural rehabilitation work, vocational agriculture, soil conservation or agricultural extension.

Experience involving responsibility for the operation or management of a farm.

(21) *Geneticist.* Geneticists will assist in research or other scientific or professional work in the field of plant or animal genetics, including breeding programs and investigation of the inheritance of economically important characteristics such as yield and resistance to disease and insects, and other similar activities. They will assist in related cytogenetical and cytotaxonomic studies. These duties require a working knowledge of the basic principles, concepts and terminology of genetics in relation to plant and animal breeding.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in a biological science with six semester hours in genetics including cytogenetics.

(ii) Courses in biological science with a minimum of six semester hours in genetics and cytogenetics in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the prescribed 20 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a biological science.

Experience in abstracting, editing or translating reports or scientific literature in genetics or closely related fields.

Research experiences in genetics or related fields.

Work in genetics of a professional nature.

(22) *Home economist.* Home economists perform research or other scientific or professional work in the field of home economics. They will provide homemaking education and guidance to farm families; perform laboratory research in one or more specialized areas of home economics; carry on statistical or economic studies of family economics, food consumption, or nutritional status. These duties require a working knowledge of the principles, concept and terminology of home economics, home management, family economic problems, foods and nutrition, textiles and clothing, economics, sociology and statistics.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a degree with a major in home economics; or

(ii) Courses in home economics in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 24 semester hours plus additional appropriate education or experience which when combined with the 24 semester hours in home economics will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted as meeting the 4-year requirement:

Teaching home economics.

Experience as a laboratory assistant in a research laboratory engaged in research related to the field of home economics.

Experience as the supervisor of a quantity food service.

Participation in statistical or economic research related to the field of home economics.

Technical experience in home demonstration work with farm families.

(23) *Horticulturist.* Horticulturists will assist in the performance of research or other scientific or professional work in horticulture, including the collection examinations and statistical analysis of data and the introduction and testing of fruits, vegetables and ornamental plants. The duties of this position require a working knowledge of the basic principles, concepts and terminology of horticulture, plant science and plant physiology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in horticulture (olericulture, pomology or floriculture).

(ii) Courses in horticulture, in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 10 semester hours and at least 10 semester hours in plant sciences including plant physiology; plus additional appropriate education or experience which when combined with the 20 semester hours in horticulture and plant science will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory or field work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

Experience in abstracting, editing or translating reports or scientific literature in horticulture or closely related fields.

Research experience in horticulture or related fields.

Work in horticulture of a professional nature.

(24) *Plant pathologist.* Plant pathologists will assist in the performance of research or other scientific or professional work in the field of plant pathology, including investigations of the cause, characteristics, and control, or prevalence and distribution of specific plant diseases and their relation to planting, cultivation, transportation, and storage methods. The duties of this position require a working knowledge of the basic principles, concepts and terminology of botany, plant science, and plant pathology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in botany or plant science including at least 10 semester hours in plant pathology.

(ii) Courses in botany or plant science totaling at least 20 semester hours with a minimum of 10 semester hours of plant pathology in a college or university of recognized standing consisting of lectures, recitations and laboratory work plus additional appropriate experience or education which when combined with the 20 semester hours prescribed will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

Experience in abstracting, editing or translating reports or scientific literature in plant pathology or closely related fields.

Research experience in plant pathology or related fields.

Work in plant pathology of a professional grade, such as described in the

duties of the positions to be filled from this examination.

(25) *Plant physiologist.* Plant physiologists will assist in the performance of research or other scientific or professional work in plant physiology, including studies of the effect of toxic substances, soil and nutritional conditions upon plant growth and maturity and of conditions affecting the storage life of fruits and vegetables. The duties of this position require a working knowledge of the principles, concepts and terminology of botany, plant science and plant physiology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in botany or plant science with a minimum of 10 semester hours of plant physiology.

(ii) Courses in plant science totaling at least 20 semester hours including at least 10 semester hours of plant physiology in a college or university of recognized standing consisting of lectures, recitations and laboratory work; plus additional appropriate education or experience which when combined with the 20 semester hours in plant science will total 4 years of education or experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

Experience in abstracting, editing or translating reports or scientific literature in plant physiology or closely related fields.

Research experience in plant physiology or related fields.

Work in plant physiology of a professional grade, such as described in the duties of the positions to be filled from this examination.

(26) *Poultry husbandman.* Poultry husbandmen will assist in research or other professional or scientific work in the care, breeding and feeding of poultry and in the investigation of the effect of environment on poultry products. The duties of this position require a working knowledge of the principles, concepts and terminology of animal husbandry, poultry husbandry, animal nutrition, and animal breeding.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a degree with a major in poultry husbandry or in animal husbandry including at least one course in poultry husbandry; or,

(ii) Courses in poultry husbandry or poultry husbandry and animal husbandry combined, in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling 20 semester hours plus additional appropriate education or experience which when combined with the prescribed courses will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience with an experimental poultry flock.

Responsible experience with a large commercial poultry flock or hatchery.

(27) *Soil conservationist.* Soil conservationists advise on or perform technical or other professional and scientific work in the field of soil conservation, involving farm planning and soil or water conservation practices. The duties of this position require a practical working knowledge of the basic principles, concepts and terminology of water conservation, sound land use, and control and prevention of soil erosion.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in soil conservation or one of the other agricultural sciences; or,

(ii) Courses in soil conservation or one of the other related agricultural sciences acceptable toward a degree in a college or university of recognized standing, consisting of lectures, recitations and laboratory work totaling at least 40 semester hours, including at least one course in each of the following groups: (*a*) soils or soil conservation; (*b*) woodland management, plant ecology or economic biology; (*c*) farm crops and pasture management; (*d*) feeds and feeding or animal nutrition; (*e*) farm or range management or agricultural economics; (*f*) farm drainage, hydraulics, hydrology or plane surveying; plus additional appropriate experience or education which when combined with the 40 semester hours will total 4 years of education or experience and give the applicant the substantial equivalent of a 4-year college course in agricultural science.

Applicants for positions in range country must show at least one course in range management.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical experience in the fields of soil conservation, agricultural extension or rural rehabilitation work.

(28) *Soil scientist.* Soil scientists will assist in research or other scientific or professional work in the field of soil science including making soil classification surveys, recommending soil management treatments; assuming major responsibility for elementary soil tests and analyses. The duties of this position require a working knowledge of the basic principles, concepts and terminology of soil science.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in soils or closely related subjects (agronomy, physical geography, geology (not economic)); or,

(ii) Courses in soils or closely related subjects (agronomy, physical geography, geology (not economic)), in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate experience or education which when combined with the 20 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year course.

The following are types of qualifying experience which will be acceptable in combination with education to complete the 4-year requirement:

Responsible experience with a soil survey crew.

Responsible experience in a soils laboratory.

Teaching experience in soils.

(29) *Zoologist (Parasitology).* Zoologists will assist in performing research or other professional or scientific work in the field or laboratory relating to parasites and parasitic diseases of domestic animals, fur-bearing animals and poultry. The duties of this position require a working knowledge of the basic principles, concepts and terminology of zoology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in zoology including at least one course in parasitology; or,

(ii) Courses in zoology and parasitology, in a college or university of recognized standing, consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the prescribed 20 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

Applicants must show at least one course in parasitology or 6 months' technical experience working with animal parasites.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional grade laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles involved in operations of a zoological laboratory.

Research or technical experience in parasitology or closely related fields.

(b) *Restriction of certification for highly technical positions.* For positions involving highly technical research, design or development, or similar functions, certification may be restricted to eligibles who show the successful completion of a full college course in the appropriate option.

(c) *Duties.* The options selected for the current Junior Professional Assistant examination are of highly specialized nature, having to do with original research, design or development or other

functions of comparable scope or difficulty.

Appointees perform professional work in the appropriate specialized field or option in connection with (1) the study, collection, investigation, classification, analysis, preservation and interpretation of data, documents, exhibits or publications in one or more of the social or physical sciences, or (2) a wide variety of projects requiring the use or development of technical equipment, laboratory apparatus, chemical compounds and solutions, other scientific instruments, or research methods and devices.

(d) *Knowledge and training requisite for performance of duties.* The Junior Professional Assistant positions are at the entrance level to a career in the scientific and professional service. Appointees must have an understanding of the fundamental important basic principles, methods and skills required in the appropriate scientific or professional field, and they must be equipped with considerable specialized knowledge if they are to deal in an effective manner with the varied and diversified problems to be encountered. This may only be obtained through instruction and training where an adequate comprehensive and preferably an exceptional background and foundation in the appropriate scientific or professional field is furnished. A thorough knowledge of the literature of the scientific or professional field is essential together with the ability to understand and make use of that which has been written. Incumbents must, to a marked degree, be fitted to advance into more responsible, more technical and more exacting positions.

(e) *Method of obtaining basic knowledge and training.* The professional and scientific knowledge and training, of the level and extent required for the proper performance of these duties, can be obtained only by attending and completing major study in the appropriate option at a college or university of recognized standing, where a full staff of competent instructors and adequate library, laboratory and other research facilities are available and where suitable standards regarding completeness of program and attainment of proficiency may be enforced.

§ 24.37 *Occupational Therapist, P–1 and above*—(a) *Educational requirement.* Applicants must show graduation from schools of occupational therapy approved by the American Medical Association.

(b) *Duties.* Occupational therapists work under medical supervision administering occupational therapy treatments to patients in Government hospitals involving programs in functional treatment for physical disabilities such as orthopedic conditions, fractures, lacerations, amputations, nerve injuries, plastic surgery and neuro-psychosis disabilities; keeping daily records of treatments, work and progress of each patient under treatment, planning and executing projects in trades, industries, agriculture, crafts, habit training, etc. In the higher grades, occupational therapists, in addition to administering occupational therapy, direct the work of occupational therapists of lower grades. The duties performed and the responsibilities assumed vary with and are proportionate to the grade of the position.

(c) *Knowledge and training requisite for performance of duties.* The field of occupational therapy has developed to such an extent that the scope which it now encompasses is very dissimilar to that after World War I. Occupational Therapy has progressed to such an extent that detailed study is necessary to learn the application of arts and crafts and trades and industries in the treatment of injured and disabled patients. These occupations are utilized not to amuse the patients or to give recreation, but are to be used as a means of treatment. As directed by the Medical Officer, the occupational therapist instructs the patient in occupations in order to regain, for example, flexion of the fingers, or to loosen adhesions in a stiff joint such as the knee joint.

Occupational Therapists must learn anatomy, kinesiology, physiology, normal and abnormal psychology, and basic arts and crafts. They must be instructed how to apply the occupations in the treatment of patients. They must learn thoroughly what treatments may be given and how to give them; they must learn what they must not do. They must fully understand the indications and contra-indications for occupational therapy treatment to a particular patient. The Occupational Therapists must be trained to recognize symptoms of over-exercise or fatigue or certain functional difficulties which may be developed in a patient under treatment. This knowledge can only be obtained in properly equipped schools with capable instructors.

The teaching of arts and crafts and trades and industries under occupation therapy programs differs from the manner in which such things are taught to enable persons to learn a trade. The emphasis on the type of work done for this and the type of work assigned to a particular individual is different, that is, the objective is fundamentally therapy for the patient.

(d) *Method of obtaining basic knowledge and training.* The Administrator of Veterans Affairs, acting under authority vested in him by 59 Stat. 675; 38 U. S. C., Sup., 15–15n, has prescribed the educational requirements set forth in paragraphs (a)–(c) of this section for occupational therapists in the Veterans' Administration. The desirability of having uniform requirements for occupational therapist positions for all Government agencies plus the fact that the technical knowledge required for the performance of the duties listed in paragraphs (a)–(c) of this section can be obtained only by attending and completing a full course in an approved school of occupational therapy justify the prescribed educational requirements.

§ 24.38 *Physical Therapist, P–1 and above* — (a) *Educational requirement.* Applicants must show graduation from schools of physical therapy approved by the American Medical Association, or, if graduation was prior to 1936, graduation from schools of physical therapy approved by the American Physical Therapy Association.

(b) *Duties.* Physical therapists administer under medical supervision physical therapy in its special branches including massage, electrotherapy, actinotherapy, hydrotherapy, and remedial exercise; keep a daily work record of the progress of the patients under treatment.

As examples of work performed as physical therapists: Give general and local massage; give or supervise active, passive, or resistive exercise; administer ultraviolet ray and electrotherapy; give thermotherapy, hydrotherapy, and mechanotherapy; watch temperature and length of treatment and take the necessary precautions to protect the patient from heat, prolonged cold, etc.; keep clinic in order; make daily, weekly, and monthly reports of progress of patients; keep apparatus in order. In the higher grades, physical therapists, in addition to administering physical therapy, direct the work of physical therapists of lower grades. The duties performed and the responsibilities assumed vary with and are proportionate to the grade of the position.

(c) *Knowledge and training requisite for performance of duties.* During the last twenty years, the field of physical therapy has progressed to such an extent that the physical therapy duties, as now required, cannot compare to those of World War I and the years immediately following that time. Physical therapy treatments are exacting and also dangerous if not performed by persons with adequate knowledge of the indications and contra-indication for such treatments and the symptoms of patients under treatment. The equipment is varied and consists of a large number of different types of more or less intricate apparatus which must be thoroughly understood in order to give adequate treatments safely. Improper treatment, in extreme cases, can result in the death of the patient, or, when using heat through water or electrical apparatus, it can result in stubborn burns which are very difficult to heal and which may seriously handicap the patient in the endeavor to bring him back to health.

(d) *Method of obtaining basic knowledge and training.* The Administrator of Veterans' Affairs, acting under authority vested in him by 59 Stat. 675; 38 U. S. C., Sup., 15–15n has prescribed the above educational requirements for physical therapists in the Veterans' Administration. The desirability of having uniform requirements for physical therapist positions for all Government agencies plus the fact that the technical knowledge required for the performance of the duties listed above can be obtained only by attending and completing a full course in an approved school of physical therapy justify the prescribed educational requirements.

§ 24.39 *Mathematician P–2 through P–8 where the duties involve highly complicated or fundamental scientific research or similar difficult scientific duties*—(a) *Educational requirement.* The successful completion of a four-year course in a college or university of recognized standing leading to a bachelor's degree in mathematics. This study must have included courses in mathematics consisting of lectures and recitations totaling at least 24 semester hours and in addition courses in the physical sciences (engineering, physics, geology, astronomy, chemistry, etc.) totaling 12 semester hours. The courses must have included analytical geometry, differential calculus, integral calculus and in addition any 3 of the following: Theory of Equations, Vector Analysis, Statistics, Higher Algebra (beyond elementary college algebra), Differential Equations, Advanced Differential Calculus, Advanced Integral Calculus.

(b) *Duties.* The duties of the P–2 to P–8 mathematician are: performing, conducting, planning, or directing mathematical work involving calculations and computations incident to investigative, developmental and research work in the scientific fields such as engineering, physics, astronomy, etc.; collecting, examining and interpreting scientific data; coordinating assignments and programs; planning mathematical procedures for scientific field trips; preparing reports and manuals, and editing or preparing articles for publication.

Those positions requiring the successful completion of four years of college or university training are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of mathematics and related sciences and having for its objective the development of new or improved methods of analysis, the development or extension of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex mathematical laws and facts to the development of new techniques or devices.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the mathematical principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, and general welfare is apparent. The Congress of the United States has recognized the vital necessity for such scientific research and developmental work and has authorized through appropriations the spending of large sums of money for varied and important research programs. These programs are carried on by the various departments and agencies of the Federal government and have resulted in very notable achievements in scientific research during World War II.

The advances in the various sciences during World War II have been outstanding and of major importance. Especially in the fields of physical science and of engineering have these advances been dependent upon and interrelated to mathematics in all its branches. Mathematics is an indispensable tool in expressing basic laws and concepts in these fields, in interpreting experimental data, in extending old or establishing new concepts of matter and energy, and in establishing basic hypotheses for experimental work in new fields. Further advances in the physical sciences and in engineering will depend on the number of highly qualified and properly trained mathematicians who are competent to explore from a mathematical standpoint the particular field in which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge, so that persons engaged in highly complicated mathematical computations in a specialized field must of necessity possess the fundamental knowledge characteristic of mathematics and in addition that of pertinent allied fields in order that they may successfully attack complex problems.

Private industry requiring mathematicians for research positions has long recognized the necessity for broadly trained men for professional mathematics positions who are well grounded in the fundamentals of the sciences involved. They are required to have education represented by at least the attainment of a bachelor's degree in mathematics and, in many cases, a higher degree with specialization in a particular field is demanded.

(d) *Method of obtaining the basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional research work in the field of mathematics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.40 *Instructor, Meteorology P–2 through P–5*—(a) *Educational requirement.* All applicants must have successfully completed a resident course of study in Weather Forecasting Theory at a military school or college, or a curriculum of study which included or has been supplemented by at least 20 semester hours of study consisting of laboratory work in synoptic meteorology and forecasting, and fundamental courses in synoptic and dynamic meteorology at a college or university of recognized standing.

(b) *Duties.* With varying degrees of responsibility commensurate with the grades indicated, to instruct military personnel in one or more of the following subjects: Surface Charts and Weather Forecasting, Auxiliary Charts and Diagrams, Air Mass Analysis, Synoptic Meteorology, Dynamic Meteorology, Limited Data Analysis, World Geography and Climatology, Extended and Long Range Forecasting, Weather Station Operation, Staff Weather Subjects, Oceanography, Applied Micro-Meteorology, Tropical Meteorology, Anomalous Radar Propagation, In-Flight Weather Observation, and other related subjects, in accordance with a definite instructional program, or prescribed course of study; to prepare or assist in preparing material for instruction; and to perform related duties as assigned.

(c) *Knowledge and training requisite for performance of duties.* The advances in the field of meteorology have been largely the result of the application of the laws and concepts of the physical sciences to the solution of the problems of meteorology. A knowledge of the pertinent physical sciences is indispensable in interpreting observational data, in designing and improving the instruments used in making scientific observations, and in extending old or developing new concepts and theories used in forecasting weather. Further advances in meteorology must depend on the number of highly qualified and properly trained meteorologists who are competent to explore the field and make further applications of the new developments in the physical sciences to the science of meteorology. Instructors, therefore, must be fully qualified to teach such technical subjects to those who will be engaged in gathering and interpreting meteorological data.

In order to perform successfully these Instructor duties the applicant must have a knowledge and training in weather forecasting at the full professional level. This knowledge and training can be obtained in either of the following ways: (1) Through four years of experience in meteorology at either a professional or subprofessional level supplemented by the successful completion of a resident course in Weather Forecasting Theory, or (2) Through the successful completion of a four year college course with a major in the physical sciences such as physics, meteorology, mathematics, chemistry, or engineering, including or supplemented by the successful completion of a course of training in Weather Forecasting Theory.

It is not believed that a knowledge of weather forecasting at the full professional level can be acquired without at least some formal training at the professional level. In order to complete a course in Weather Forecasting Theory a knowledge of physics and mathematics is necessary. The necessary background to weather forecasting cannot be obtained without at least some formal educational training in these subjects.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional work in the field of meteorology. The only method by which such professional knowledge and training may be acquired is by attending a college or military school or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a per-

son's progress in acquiring professional and scientific information.

§ 24.41 *Human Biologist, P–7*—(a) *Educational requirement.* Applicants must show the successful completion of a full college course in a college or university of recognized standing with courses totaling at least 20 semester hours credit in either (1) physiology or, (2) a combination of biophysics, biochemistry and physiology which includes at least 10 semester hours credit in physiology.

(b) *Duties.* The human biologist plans, directs and coordinates research programs in environmental biology to determine the kind and degree of man's physiological responses to all variations of environmental stresses to which he may be subjected upon a world wide scale as these responses are related to his protection against or adaptation to such stresses. Directs the activities of scientists, working principally in research in biophysics, biochemistry, physiology and anthropology to determine man's physiological responses to varying kinds and degrees of environment and how these are modified by such factors as occupation, racial background, anthropological type, age, preconditioning to extreme environmental changes, mental attitudes, etc., to determine the capacities and limitations of the human body in coping with adverse environments, the causes and effects of the environment upon man and possible compensations. Coordinates research programs under his direction with those being conducted elsewhere within the organization to determine the clothing, clothing assemblies, and other specialized types of equipment which will provide maximum protection against and resistance to destructive environmental forces and to analyze and evaluate the elements of environment and develop formula for their correlation with the physical and human biological problems being studied.

(c) *Knowledge and training requisite for performance of duties.* The duties of this position call for research in environmental effects on a much greater scale than has been done previously. The incumbent of the position must have a broad, extensive background in physiology or in a combination of physiology, biology, biochemistry and biophysics. The training must have been such as to demonstrate ability to develop and direct research programs of sound, practical scope.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully the duties of the position. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.42 *U. S. Coast Guard Academy*—(a) *Instructor of Electrical Engineering, P–4*—(1) *Educational requirement.* Applicants must have successfully completed a 4-year course of study leading to a bachelor's degree in engineering or physics in a college or university of recognized standing.

(2) *Duties.* The appointee to this position will instruct cadets at the U. S. Coast Guard Academy in electrical engineering including alternating and direct current machines and circuits and engineering electronics. Under the supervision of the head of the engineering department he will prepare daily assignments, using as guides the assigned textbook, reference texts, Coast Guard instructions and manufacturers' and other technical publications. He will give classroom and laboratory instruction and prepare and grade examinations. He will be required to keep himself informed of the latest developments in his technical field and in education methods so that cadets may receive a knowledge of fundamental concepts and techniques in electrical engineering and develop analytical ability which will enable them to perform the duties of commissioned officers of the Coast Guard.

(3) *Justification of educational requirement.*

NOTE: Justification for Instructor of Electrical Engineering P–4 is the same as the justification for Teacher, All Grades (see § 24.12).

(b) *Instructor of Mathematics, P–4*—(1)—*Educational requirement.* Applicants must have successfully completed a 4-year course of study leading to a bachelor's degree with study in mathematics or civil engineering in a college or university of recognized standing.

(2) *Duties.* The appointee to this position will instruct cadets at the U. S. Coast Guard Academy in mathematics and surveying and related subjects including plane and spherical trigonometry, analytical geometry, plane and hydrographic surveying, differential and integral calculus and analytical mechanics. Under the supervision of the heads of the departments of mathematics and civil engineering he will prepare daily assignments using as guides the assigned textbook, reference texts, Coast Guard instructions and manufacturers' and other technical publications. He will give classroom instruction and prepare and grade examinations. He will be required to keep himself informed of the latest developments in his technical field and in educational methods so that cadets may receive a knowledge of fundamental concepts and techniques and develop analytical ability which will enable them to perform the duties of commissioned officers in the Coast Guard.

(3) *Justification of educational requirement.*

NOTE: Justification for Instructor of Mathematics, P–4 is the same as the justification for Teacher, All Grades (see § 24.12).

§ 24.43 *Archeologist, P–1 to P–4*—(a) *Educational requirement.* (1) Applicants must have completed a four-year course of study in a college or university of recognized standing, including or supplemented by 20 semester hours in anthropology including courses that are acceptable toward a major in anthropolcgy. At least one course in American archeology is required and the training must also have included or been supplemented by at least three months of archeological excavations experience under the direction of a recognized professional archeologist, or

(2) Applicants must have completed 20 semester hours in anthropology including courses that are acceptable toward a major in anthropology. At least one course in American archeology is required. In addition, they must have had three years of education or appropriate experience which when combined with the specialized study described above will give them the equivalent of a four-year college course. This education or experience must have included or been supplemented by at least three months of archeological excavations experience under the direction of a recognized professional archeologist.

(b) *Duties.* Archeological positions in the Federal service are highly specialized. They involve technical aspects of archeological excavations, collection of museum specimens, and dissemination of information in the archeological field. They also involve the coordination of archeological research with various educational programs. Specific duties performed by archeologists include: Archeological excavations, repair and stabilization of ruins, classification and cataloging museum specimens, preparation of reports on archeological subjects, performance of research in archeological problems, and coordination of the activities of the Federal agency with the efforts of Federal, state, and local organizations interested in preservation of important archeological and historical areas.

(c) *Knowledge and training requisite for the performance of duties.* In order to preserve, care for, and interpret the archeological resources of the nation, the archeologist must have a thorough knowledge of archeology and related fields and an understanding of field and laboratory research. The archeologist, in order to perform professional duties satisfactorily, must have a knowledge of all technical aspects of the work. He must be able to secure and present to Federal agencies and to the American public authentic and usable information concerning archeological resources.

(d) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a professional archeologist is through training secured in a college or university of recognized standing. The necessary knowledge cannot be gained simply through experience, but requires formal training in method, and formal and comprehensive review under supervision of the principal reports in the field of American Archeology. It also requires specialized and supervised examination of collections of artifacts only available in institutions of learning where courses in the subject are regularly given. Unless an archeologist is properly trained he may do irreparable damage to the resources under consideration.

§ 24.44 *Psychologist (Personal Counselor), P–4, Veterans Administration*—(a) *Educational requirement.* Applicants must have successfully completed the following courses in a college or university of recognized standing:

(1) Two courses in abnormal psychology, clinical psychology, mental hygiene, psychopathology, personality or psychology of adjustment.

(2) One course in clinical techniques including individual testing, interviewing, or the case-study method.

(3) One course in differential psychology or tests and measurements (educational, vocational, psychological, personality, attitude) or statistics (psychological or educational).

(4) A total of six additional courses composed of any combination of the courses mentioned above and courses in human biology, neurology, physiological psychology and general, experimental, child, adolescent, social, animal, systematic or industrial psychology.

Completion of all requirements for the Ph. D. degree in psychology except for a thesis will be accepted as meeting this minimum educational requirement.

(b) *Duties.* Psychologists (Personal Counselor) counsel veterans who during the utilization of Veterans' Administration services for the selection of a vocational objective or in the course of vocational training have personal problems which interfere in their successful vocational rehabilitation. Psychologists (Personal Counselor) confer with Vocational Advisers and Vocational Rehabilitation Training Officers in furthering the vocation rehabilitation of veterans with maladjustments; assist veterans with personal and social maladjustments, using the appropriate therapeutic techniques, with the aim of eliminating their difficulties wherever possible; detect those veterans with serious mental or emotional disturbances and refer them to Veterans Administration Mental Hygiene Clinics or authorized private mental hygiene clinics.

(c) *Knowledge and training requisite for performance of duties.* In order to adequately counsel maladjusted veterans, the Psychologist (Personal Counselor) must have had a specialized technical background of education and experience in the field of psychology. This background should have provided a thorough knowledge of the principles underlying behavior and of psychological and counseling techniques. The Psychologist (Personal Counselor) must possess such technical knowledge in order that he may counsel veterans in the effort to eliminate the problems which have been blocking their vocational adjustment, thereby assisting in their total rehabilitation. Since Psychologists (Personal Counselor) function without professional direction from psychiatrists, they must have sound preparation which will enable them to make decisions as to which maladjusted veterans, had they not been forced into difficult military or combat situations, would have adjusted to civilian situations with a minimum of difficulty and which ones, because of the serious nature of their social and personal problems, should be referred to mental hygiene clinics for more intensive and extensive treatment.

(d) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledges and skills required to perform the duties of this position is through the training given at recognized colleges and universities. Through such training, under instructors having extensive specialized training, the student is able to acquire a knowledge of psychological principles and techniques. Under close professional supervision, he learns the psychological techniques appropriate for dealing with the various types of maladjusted individuals either through close observation of, or actual practice with, clinical cases or through study of a wealth of clinical case material. Such scientific knowledge and skill cannot be acquired and integrated through individual study because the necessary supervision and facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subjects.

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

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AUTHORITY: §§ 25.101 to 25.508, inclusive, issued under sec. 605, 59 Stat. 304; 5 U. S. C., Sup., 945. Additional authority is noted in parentheses following provisions affected.

SUBPART A—OVERTIME PAY REGULATIONS

EXTENT OF REGULATIONS

§ 25.101 *Employees to whom this subpart applies.* This subpart applies to all civilian officers and employees in or under the executive branch of the United

States Government, including Government-owned or controlled corporations, except those specified in § 25.102.

§ 25.102 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishments;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose, except that § 25.143 (d) shall be applicable to such employees whose basic rate of compensation is fixed on an annual or monthly basis;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes", approved March 24, 1943 (57 Stat. 45, 50 U. S. C., App., Sup., 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police, and

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company.

DEFINITIONS

§ 25.121 *Basic workweek for full-time officers and employees.* "Basic workweek" for full-time officers and employees means the forty-hour workweek established pursuant to § 25.131.

§ 25.122 *Administrative workweeks.* (a) "Administrative workweek" means a period of seven consecutive calendar days.

(b) "Regularly scheduled administrative workweek" for full-time officers and employees means the period within an administrative workweek, established pursuant to § 25.131, when such officers and employees are required to be on duty regularly.

§ 25.123 *Basic rate of compensation.* (a) "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work, but inclusive of (1) any salary differential for duty outside the continental United States, or in Alaska, and (2) the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1923 (45 Stat. 193, 5 U. S. C. 75a).

(b) Hereafter for all pay computation purposes basic per annum rates of compensation established by or pursuant to law shall be regarded as payment for employment during fifty-two basic workweeks of forty hours.

§ 25.124 *Irregular or occasional overtime duty.* "Irregular or occasional overtime duty" means hours of employment not scheduled in the regularly scheduled administrative workweek.

REGULATIONS TO BE PRESCRIBED BY HEADS OF DEPARTMENTS AND AGENCIES

§ 25.131 *Establishment of basic workweek and regularly scheduled administrative workweek.* (a) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, shall, with respect to each group of full-time employees to whom this subpart applies, establish by regulation:

(1) A basic workweek of forty hours in length which shall not extend over more than six of any seven consecutive days. Except as provided in paragraph (b) of this section, such regulation shall specify the calendar days constituting the basic workweek and, for each of such calendar days, the number of hours of employment included within the basic workweek.

(2) A regularly scheduled administrative workweek which shall consist of the forty-hour basic workweek established in accordance with paragraph (a) (1) of this section, plus such period of overtime work as will be regularly required of each group of employees. Except as provided in paragraph (b) of this section, the periods of time included in such regularly scheduled administrative workweek which do not constitute a part of the basic workweek shall be identified by calendar days and by number of hours per day for purposes of leave and overtime pay administration.

(b) Whenever it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek, the first 40 hours of duty performed within a period of not more than 6 days of the administrative workweek may be established as the basic workweek; and all additional hours of officially ordered or approved duty within the administrative workweek shall be treated as overtime.

(c) In the case of employees whose work includes periods during which they are required to remain on duty and render "stand-by service" at or within the confines of their stations, the length of the regularly scheduled administrative workweek, for the purpose of this subpart, shall be the total number of regularly schedules hours of duty per week, including all such "stand-by" time except that allowed for sleep and meals by regulation of the department or independent establishment, agency, or corporation.

§ 25.132 *Compensatory time off for irregular or occasional overtime duty.* Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, may, with respect to officers and employees to whom this subpart applies, prescribe regulations for the granting of compensatory time off from duty, in lieu of overtime compensation, for irregular or occasional duty in excess of forty hours in any administrative workweek, to those per annum employees requesting such compensatory time off from duty.

OVERTIME WORK AND OVERTIME COMPENSATION

§ 25.141 *Overtime compensation authorized.* (a) Officers or employees to whom this subpart applies shall be paid overtime compensation, computed as provided in § 25.143, for all hours of employment officially ordered or approved in excess of forty hours in any administrative workweek, including irregular or occasional overtime duty.

(b) In accordance with administrative regulations which may be issued pursuant to § 25.132, any per annum employee may request compensatory time off, in lieu of overtime pay, for irregular or occasional duty in excess of forty hours in any administrative workweek. In case no such regulations are issued, or if under such regulations compensatory time off for such irregular or occasional overtime duty is not specifically requested by the employee it shall be paid for in money when due.

(c) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, may delegate to any officer or employee authority to order or approve overtime in excess of any that may be included in the regularly scheduled administrative workweek. No such excess overtime shall be ordered or approved except in writing by an officer or employee to whom such authority has been specifically delegated by the head of the department or independent establishment or agency, or Government-owned or controlled corporation.

§ 25.142 *Computation of overtime employment.* The computation of the amount of overtime employment of an officer or employee shall be subject to the following conditions:

(a) *Leave with pay.* Absence from duty on authorized leave with pay under the annual and sick leave acts of March 14, 1936, as amended, during the time when an employee would otherwise have been required to be on duty during the basic workweek (including authorized absence on legal holidays, non-work days established by Executive or administrative order, and days of compensatory time off provided for in §§ 25.132 and 25.141 (b)) shall be considered to be employment and shall not have the effect of reducing the amount of overtime compensation to which the employee may be entitled during an administrative workweek. Leave of absence with pay under the acts cited shall not be charged for any absence which does not occur during the forty hours prescribed as the basic workweek.

(b) *Leave without pay.* For any period of leave-without-pay within an employee's basic 40-hour workweek, an equal period of service performed outside the basic workweek, but during the same administrative workweek, must be substituted and paid for at the rate applicable to his basic workweek, before any remaining periods of service can be paid for at the overtime rate.

(c) *Absence during overtime periods.* Except as expressly authorized by law, as in the case of jury duty under the act of June 29, 1940 (54 Stat. 689), and except to the extent authorized while the employee is in official travel status, no overtime period shall be counted in computing overtime compensation unless the employee performs actual duty during such period or is taking the compensatory time off provided for in §§ 25.131 and 25.141 (b). For employees in official travel status but not performing actual duty, no overtime period shall be paid for at overtime rates unless it falls within the regularly scheduled administrative workweek.

(d) *Night or holiday duty.* Extra holiday compensation paid under Subpart D of this part shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs. Hours of night or holiday duty shall be included in determining for overtime pay purposes the total number of hours of employment within the same administrative workweek. Any extra compensation for night or holiday duty shall not, however, be included in any basic rate in computing overtime compensation under this part.

(e) *Service subject to other overtime statutes.* Overtime services for which overtime compensation is paid under any of the following statutes shall not form a basis for overtime employment under this part: Act of February 13, 1911, as amended (19 U. S. C. 261, 267) involving inspectors, storekeepers, weighers, and other customs officers and employees; act of July 24, 1919 (41 Stat. 241; 7 U. S. C. 394) involving employees engaged in enforcement of Meat Inspection Act; act of June 17, 1930, as amended (19 U. S. C. 1450, 1451, 1452) involving customs officers and employees; act of March 2, 1931 (46 Stat. 1467; 8 U. S. C. 109a and 109b) involving inspectors and employees, Immigration and Naturalization Service; act of May 27, 1936, as amended (52 Stat. 345; 46 U. S. C. 382b) involving local inspectors of steam vessels and assistants, U. S. shipping commissioners, deputies and assistants, and customs officers and employees; act of March 23, 1941 (55 Stat. 46; 47 U. S. C., Sup. 154 (b) (2)) involving certain inspectors of the Federal Communications Commission; act of June 3, 1944 (58 Stat. 269) involving customs officers and employees.

§ 25.143 *Computation of overtime compensation.* (a) For employees whose basic compensation is at a rate less than $2,980 per annum, the overtime hourly rate shall be one and one-half times the basic hourly rate of compensation: *Provided*, That in computing such overtime compensation for per annum employees, the basic hourly rate of compensation shall be determined by dividing the basic per annum rate by two thousand and eighty (2080).

(b) For employees whose basic compensation is at a rate of $2,980 per annum or more, the overtime hourly rate shall be in accordance with and in proportion to the following schedule, subject to the limitation contained in paragraph (c) of this section:

Basic rate of compensation per annum:	*Overtime rate of compensation per 416 overtime hours*
$2,980.00	$894.000
$3,021.00	890.852
$3,146.40	881.223
$3,271.80	871.595
$3,397.20	861.967
$3,522.60	852.338
$3,648.00	842.710
$3,773.40	833.081
$3,898.80	823.453
$4,024.20	813.824
$4,149.60	804.196
$4,275.00	794.567
$4,400.40	784.939
$4,525.80	775.310
$4,651.20	765.682
$4,776.60	756.053
$4,902.00	746.425
$5,027.40	736.797
$5,152.80	727.168
$5,278.20	717.540
$5,403.60	707.911
$5,654.40	688.654
$5,905.20	669.397
$6,144.60	651.016
$6,384.00	632.634
$6,440.00 and over	628.334

NOTE: In the foregoing schedule the overtime rate for 416 overtime hours for any basic rate of compensation in excess of $2,980 per annum is computed by subtracting from $894, 7.6782 per centum of the amount by which such basic rate is in excess of $2,980 per annum with the condition that the rate for 416 overtime hours for all salaries of $6,440 or more shall be $628.334.

(c) Notwithstanding the provisions of paragraph (b) of this section, the overtime compensation payable to any officer or employee to whom this subpart applies shall, with respect to any pay period, be limited to such rate as will not cause his aggregate compensation for such pay period to exceed a rate of $10,000 per annum: *Provided, however*, That any such officer or employee who was receiving overtime compensation on June 30, 1945, and whose aggregate rate of compensation on such date was in excess of $10,000 per annum may receive overtime compensation at such rate as will not cause his aggregate rate of compensation for any pay period to exceed the aggregate rate of compensation he was receiving on June 30, 1945, until he ceases to occupy the office or position he occupied on such date or until the overtime hours of work in his administrative workweek are reduced by action of the head of his department or independent establishment or agency, or Government-owned or controlled corporation, and when such overtime hours are reduced such rate of overtime compensation shall be reduced proportionately.

(d) Employees whose basic rate of compensation is fixed on an annual or monthly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose shall be entitled to overtime pay in accordance with the provisions of section 23 of the act of March 28, 1934 (48 Stat. 522, 5 U.S.C. 673c). The rate of compensation for each hour of overtime employment of any such employee shall be computed as follows:

(1) If the basic rate of compensation of the employee is fixed on an annual basis, divide such basic rate of compensation by two thousand eighty (2080) and multiply the quotient by one and one-half; and

(2) If the basic rate of compensation of the employee is fixed on a monthly basis, multiply such basic rate of compensation by twelve to derive a basic annual rate of compensation, divide such basic annual rate of compensation by two thousand eighty (2080) and multiply the quotient by one and one-half.

(e) Whenever, for the purpose of computing overtime pay under this sub-part it is necessary to convert a basic monthly or annual rate to a basic weekly, daily or hourly rate the following rules shall govern:

(1) A monthly rate shall be multiplied by 12 to derive an annual rate;

(2) An annual rate shall be divided by 52 to derive a weekly rate;

(3) A weekly rate shall be divided by 40 to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

SUBPART B—PERIODIC WITHIN-GRADE SALARY ADVANCEMENT REGULATIONS

EXTENT OF REGULATIONS

§ 25.201 *Officers and employees to whom this subpart applies.* This subpart applies to all officers and employees, except those who are appointed by the President, by and with the advice and consent of the Senate, who (a) are compensated on a per annum basis, (b) occupy permanent positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, and (c) have not reached the maximum rate of compensation for the grade in which their positions are respectively allocated.

DEFINITIONS

§ 25.221 *Permanent positions.* "Permanent positions" means positions other than those designated as temporary by law and other than those established for definite periods of one year or less. Positions to which appointments were made under the war service regulations for the duration of the war and six months thereafter are permanent positions within the scope of this definition. Positions in which employees are serving definite probationary or trial periods under Civil Service rules, or under regulations issued by the Commission, shall not, for that reason alone, be regarded as being other than permanent positions. Positions filled by temporary appointment under the Temporary Civil Service Reg-

ulations are temporary for the purpose of this subpart.

§ 25.222 *Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended.* "Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended", means positions in the departmental and field services, in the executive, legislative, and judicial branches, in Government-owned or Government-controlled corporations, and in the municipal government of the District of Columbia, the compensation of which has been fixed on a per annum basis, pursuant to the allocation of such positions to the appropriate grade either by the Commission or by administrative action of the department, establishment, agency, or corporation concerned, in accordance with the compensation schedules of the Classification Act of 1923, as amended.

§ 25.223 *Equivalent increase in compensation.* (a) "Equivalent increase in compensation" means any increase or increases in basic compensation which in total, at the time such increase or increases are made, are equal to or greater than the smallest compensation increment in the lowest grade in which the employee has served during the time period of twelve or eighteen months, as the case may be.

(b) The following, among others, are not "equivalent increases in compensation":

(1) Increases in basic rates of compensation provided by section 405 of the Federal Employees Pay Act of 1945, or section 2 of the Federal Employees Pay Act of 1946;

(2) Rewards for superior accomplishment as provided in sections 403 and 404 of the Federal Employees Pay Act of 1945;

(3) Increases as the result of the establishment of a new minimum rate for any class of positions in accordance with section 401 of the Federal Employees Pay Act of 1945; or

(4) An increase upon restoration of an employee to the grade and salary from which he was previously reduced or demoted, when the restoration is the result of a decision of a statutory efficiency rating board of review, a reduction-in-force appeal, the reallocation of his position to its former grade on appeal, or an appeal under section 14 of the Veterans' Preference Act of 1944.

§ 25.224 *Current efficiency.* "Current efficiency" means the official efficiency rating on record appropriate for within-grade salary advancement purposes, in accordance with the uniform efficiency-rating system.

§ 25.225 *War transfer.* "War transfer" means any transfer authorized by the Commission under Executive Order Nos. 8973 of December 12, 1941, or 9067 of February 20, 1942, War Manpower Commission Directive No. X, or War Service Regulation IX, under conditions entitling the employee to reemployment in his former position or a position of like seniority, status, and pay; civilian employment in occupied countries subject to the provisions of Executive Order No. 9711 of April 11, 1946; or employment with public international organizations subject to the provisions of Executive Order No. 9721 of May 10, 1946.

§ 25.226 *Satisfactory record on war transfer.* "A satisfactory record on war transfer" means a record or finding that the transferred employee has been furloughed or terminated without cause such as would reflect on his suitability for reemployment in the Federal service, from the position to which transferred; or that his services have been satisfactory and his termination was not the result of delinquency or misconduct.

§ 25.227 *Service in the merchant marine.* "Service in the merchant marine" means service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the Administrator, War Shipping Administration, service as an enrollee in the United States Maritime Service on active duty, and, to such extent as said Administrator shall prescribe, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the Administrator.

§ 25.228 *Certificate of satisfactory service in the merchant marine.* "Certificate of satisfactory service in the merchant marine" means the certificate issued by the War Shipping Administrator pursuant to the act of June 23, 1943, (57 Stat. 162, 50 U. S. C., Sup. 1471–1475), providing reemployment rights for persons who leave their positions to serve in the merchant marine.

COMPUTATION OF PERIODS OF SERVICE

§ 25.231 *Service to be credited.* In computing the periods of service required for within-grade salary advancements there shall be credited to such service:

(a) Continuous civilian employment in any branch (legislative, executive, or judicial), executive department, independent establishment or agency, or corporation of the Federal Government or in the municipal government of the District of Columbia.

(b) Time elapsing on annual, sick, or other leave with pay.

(c) Leave without pay and furlough, not to exceed in total the equivalent of twenty-two eight-hour days in the basic forty-hour workweeks, within the period of service required for one periodic within-grade advancement.

(d) Service rendered prior to absence due to involuntary separation, or due to furlough or leave without pay, where no single period of such absence is in excess of twelve months.

(e) Service rendered prior to absence due to resignation, where no single period of such absence is in excess of thirty calendar days.

(f) Service in the armed forces, in the merchant marine, or on war transfer subject to the following conditions: The employee must have (1) left his position to enter the armed forces or the merchant marine, or to comply with a war transfer, (2) been separated under honorable conditions from active duty in the armed forces, or have received a certificate of satisfactory service in the merchant marine, or have a satisfactory record on war transfer, and (3) been restored, reemployed, or reinstated in any permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, under regulations of the Commission which provide for mandatory restoration or reemployment, or the provisions of any law providing for mandatory restoration or reemployment, or any other administrative procedure having a similar purpose with respect to employees not subject to civil service rules and regulations. Any person entitled to be credited with service under this paragraph shall also be entitled to credit not more than twelve, eighteen or thirty months, as the case may be, for civilian employment prior to leaving his position to enter the armed forces or the merchant marine, or to comply with a war transfer.

(g) In the case of an employee whose name appeared on a list of eligibles between May 1, 1940 and March 16, 1942, and who, after meeting necessary conditions, received probational appointment under the provisions of any Executive order or regulations of the Commission covering situations in which an eligible lost his opportunity for probational appointment because of military service in World War II, time elapsing since the earliest date on which an eligible standing lower on the same list of eligibles received a probational appointment therefrom.

(h) In the case of an employee who applied for restoration, reappointment or reemployment within the period, provided by statute or regulation, of 90 calendar days after honorable discharge from the military service or from hospitalization continuing for a period of not more than one year after such discharge, and who has been restored, reappointed or reemployed as a result of such application, the total period of time elapsing between the termination of military service or release from hospitalization continuing thereafter, and entrance on duty in his civilian position if such period does not exceed 120 calendar days. However, if entrance on civilian duty has been delayed so that such period is in excess of 120 calendar days, only the first 120 calendar days of such period may be credited. This paragraph shall be effective December 5, 1946 and shall apply to all computations of within-grade salary increases made after that date.

In the case of an employee exercising reemployment rights under the terms of Executive Order No. 9711, April 11, 1946 (11 F. R. 4081), not to exceed a total period of 120 calendar days of time elapsing between release from military service and acceptance of civilian employment in occupied territories under the Military Government authorities of the United States, and time elapsing between termination of such employment and the exercise of his reemployment rights in accordance with Executive Order No. 9711.

CONDITIONS OF ELIGIBILITY FOR PERIODIC WITHIN-GRADE SALARY ADVANCEMENT

§ 25.241 *Eligibility requirements and effective date.* Officers and employees to whom this subpart applies shall be advanced in compensation successively to the next higher rate within the grade at the beginning of the next pay period (including July 1, 1945) following the completion of (1) each twelve months of service if such officers or employees are in grades in which the compensation increments are less than $200 per annum or (2) each eighteen months of service if such officers or employees are in grades in which the compensation increments are $200 or more, subject to the following conditions:

(a) That no equivalent increase in compensation from any cause was received during such period;

(b) That an officer or employee shall not be advanced unless his current efficiency rating is "Good" or better than "Good";

(c) That the service and conduct of such officer or employee are certified by the head of the department or independent establishment or agency, or Government-owned or controlled corporation, or such official as he may designate, as being otherwise satisfactory.

This certificate of otherwise satisfactory service and conduct shall constitute an affirmative statement that responsible officials have reviewed the service and conduct of the employee and find that he definitely merits the advancement.

In any case where the facts at the time when the advancement would otherwise have been due clearly warranted the approval of the required efficiency rating and the execution of the certificate of otherwise satisfactory service and conduct, but where through administrative error or oversight the efficiency rating or certificate was not approved or executed until after such date, they may be completed as of such date, in which case the increase shall be made effective as of the date the advancement would otherwise have been due.

If at the end of the time period of twelve or eighteen months, an employee's total leave without pay and furlough is in excess of that creditable under § 25.231 (c), he must serve in a pay status an additional number of basic-workweek days and hours equal to such excess, to complete the service required for advancement.

§ 25.242 *Exceptions.* Conditions of § 25.241 (b) and (c) shall not apply upon the return to duty of any officer or employee (a) who, while serving under permanent, war service, temporary, or any other type of appointment, left his position to enter the armed forces or the merchant marine, or to comply with a war transfer, (b) who has been separated under honorable conditions from active duty in the armed forces, or has received a certificate of satisfactory service in the merchant marine, or has a satisfactory record on war transfer, and (c) who, under regulations of the Commission, which provide for mandatory restoration or reemployment, or the provisions of any law providing for mandatory restoration or reemployment, or under any other administrative procedure having a similar purpose with respect to officers and employees not subject to civil service rules and regulations, is restored, reemployed, or reinstated in a permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, in which he would otherwise be eligible for within-grade salary advancement under this part.

EFFECT OF EFFICIENCY-RATING CHANGES

§ 25.251 *Effect of efficiency-rating changes.* In the event a change or adjustment is made in an officer's or employee's current efficiency rating, either by administrative action or as the result of a review and determination by a board of review in accordance with the provisions of section 9 of the Classification Act of 1923, as amended, the employee's eligibility for salary advancement shall be determined according to the efficiency rating as changed or adjusted and other conditions of the salary advancement plan, and any periodic within-grade salary advancement to which he may be entitled shall be made effective as of the date he would have received the advancement had no error been made in the original rating.

SUBPART C—NIGHT PAY DIFFERENTIAL REGULATIONS

EXTENT OF REGULATIONS

§ 25.301 *Employees to whom this subpart applies.* This subpart applies to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.302.

§ 25.302 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishments;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes", approved March 24, 1943 (57 Stat. 45, 50 U. S. C. App. 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police;

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company;

(k) Employees of the Bureau of Engraving and Printing who are entitled to a night pay differential under the act of July 1, 1944 (58 Stat. 648, 31 U. S. C. 180); and

(l) Employees who are entitled to additional compensation for night work under any provision of law other than section 301 of the Federal Employees Pay Act of 1945.

DEFINITIONS

§ 25.321 *Basic rate of compensation.* "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work but inclusive of (a) any salary differential for duty outside the continental United States, or in Alaska, and (b) the value of quarters, subsistence, and other maintenance allowances under sec. 3 of the act of March 5, 1928, 45 Stat. 193, 5 U. S. C. 75a.

§ 25.322 *Regularly scheduled tour of duty.* "Regularly scheduled tour of duty" means the regularly scheduled administrative workweek for full-time employees prescribed in accordance with § 25.131. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which such employees are required to be on duty regularly.

§ 25.323 *Night work.* "Night work" means that part of a regularly scheduled tour of duty which falls between 6 o'clock p. m. and 6 o'clock a. m.

§ 25.324 *Night pay differential.* "Night pay differential" means the ten percent increase over the officer's or employee's basic rate of compensation, authorized by section 301 of the Federal Employees Pay Act of 1945, as amended.

NIGHT WORK AND PAYMENT OF NIGHT DIFFERENTIAL

§ 25.331 *Night pay differential authorized.* Any officer or employee to whom this subpart applies shall be entitled to a night pay differential amounting to 10 percent of his basic rate of compensation as additional compensation for all hours of night work, computed in accordance with § 25.332.

§ 25.332 *Computation of night pay differential*—(a) *Absence on leave or holidays, or in travel status.* Payment of a night pay differential is not authorized during any period when the officer or employee is in a leave status or is excused from duty on a holiday or other non-workday; but it is authorized when compensatory time off "earned" by night work is taken during the night hours of the employee's regularly sched-

uled tour of duty, and for all night hours of the employee's regularly scheduled tour of duty while he is in official travel status, whether performing actual duty or not.

(b) *Relation to overtime and holiday pay.* Payment of a night pay differential shall be in addition to any extra overtime or holiday compensation paid in accordance with Subpart A or Subpart D. The night pay differential shall not be included in the basic rate or compensation in computing any overtime or holiday compensation to which the officer or employee may be entitled.

(c) *Temporary assignment to different tour of duty.* The payment of the night pay differential is authorized for night work performed when an employee is assigned temporarily to a regularly scheduled tour of duty other than his own regular tour of duty.

(d) *Computation of rate of night pay differential.* Whenever it is necessary to convert a basic monthly or annual rate to a basic weekly, daily, or hourly rate for the purpose of computing the amount of the night pay differential, the following rules shall govern:

(1) A monthly rate shall be multiplied by 12 to derive an annual rate;

(2) An annual rate shall be divided by 52 to derive a weekly rate;

(3) A weekly rate shall be divided by 40 to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

SUBPART D—REGULATIONS GOVERNING PAY FOR HOLIDAY DUTY

EXTENT OF REGULATIONS

§ 25.401 *Employees to whom this subpart applies.* This subpart shall apply to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.402.

§ 25.402 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes," approved March 24, 1943 (57 Stat. 45, 50 U. S. C., App. Sup., 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police; and

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company.

DEFINITIONS

§ 25.421 *Basic rate of compensation.* "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work but inclusive of (a) any salary differential for duty outside the continental United States, or in Alaska, and (b) the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1928 (45 Stat. 193, 5 U. S. C. 75a).

IDENTIFICATION OF HOLIDAYS

§ 25.431 *Holidays.* The following days shall be holidays:

(a) Subject to the provisions of paragraph (b) of this section, the 1st day of January; the 22d day of February; the 30th day of May; the 4th day of July; the first Monday in September; the 11th day of November; the fourth Thursday in November; and Christmas Day.

(b) When any such day falls on a Sunday, Executive Order No. 9636 of October 3, 1945 requires that the following Monday shall be observed as a holiday in lieu thereof subject to the following exceptions:

(1) In the case of employees whose regularly scheduled basic work-week includes both the Sunday and the Monday involved, either day, as determined by the head of the department, agency, or corporation concerned, but not both days, shall be treated as a holiday.

(2) In the case of employees whose regularly scheduled basic work-week includes the Sunday but not the Monday involved, only the Sunday shall be treated as a holiday.

(c) Any day designated as a holiday by Executive order.

EXTRA PAY FOR HOLIDAY DUTY

§ 25.441 *Rate of holiday pay.* (a) Any officer or employee who is assigned to duty on a holiday shall be compensated for such duty at the rate of twice his regular rate of basic compensation, *Provided,*

(1) That such hours of holiday duty fall within his basic workweek of forty hours.

(2) That such doubled rate of compensation shall be paid for not to exceed eight hours of duty on a holiday.

(3) That such doubled rate of compensation shall be in lieu of his regular rate of basic compensation.

(4) That such doubled rate of compensation shall be in addition to any extra compensation for night duty payable under Subpart C; but the night pay differential shall not be included in the basic rate of compensation in computing pay for holiday duty.

(b) An officer or employee who is excused from duty because of a holiday falling within his basic 40-hour workweek shall be entitled to only his basic rate of compensation for that day.

(c) An officer or employee who is assigned to duty on a holiday falling outside of his 40-hour basic workweek (an overtime day) shall be entitled only to the overtime compensation payable in accordance with Subpart A for such duty, plus any extra compensation for night duty payable under Subpart C or other authority.

(d) An officer or employee who is excused from duty because of a holiday falling outside of his 40-hour basic workweek shall not be entitled to any compensation for that day.

§ 25.442 *Computation of holiday pay.* Whenever it is necessary to convert a basic monthly or annual rate to a basic weekly, daily, or hourly rate for the purpose of computing the amount of extra pay for holidays, the following rules shall govern:

(a) A monthly rate shall be multiplied by twelve to derive an annual rate;

(b) An annual rate shall be divided by fifty-two to derive a weekly rate;

(c) A weekly rate shall be divided by forty to derive an hourly rate; and

(d) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

§ 25.443 *Overtime.* (a) The extra pay for holidays authorized by § 25.441 shall not be included in the basic rate of compensation in computing any overtime compensation to which the officer or employee may be entitled.

(b) Such extra pay shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs, and notwithstanding such extra pay, the number of hours of duty on a holiday shall be included in determining for overtime pay purposes the total number of hours of employment performed in the same administrative workweek.

(c) The number of regularly scheduled hours of duty on a holiday falling within the employee's 40-hour basic workweek on which the employee is excused from duty shall be included as a part of the 40-hour basic workweek for overtime pay computation purposes.

SUBPART E—REGULATIONS FOR GRANTING ADDITIONAL WITHIN-GRADE SALARY ADVANCEMENTS AS REWARDS FOR SUPERIOR ACCOMPLISHMENT

§ 25.501 *Extent of regulations; officers and employees to whom this subpart applies.* This subpart applies to any officer or employee, except those in positions required to be filled by appointments by the President, by and with the advice and consent of the Senate who (a) is compensated on a per annum basis; (b) occupies a permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended; (c) has not reached the maximum rate of compensation for the grade of his position; and (d) who merits consideration for an award as a result of superior accomplishment.

§ 25.502 *Definitions.* (a) "Department" means any executive department or independent establishment or agency, including Government-owned or Government-controlled corporations, and the municipal government of the District of Columbia.

(b) "Permanent positions" means positions other than those designated as temporary by law and other than those established for a definite period of one year or less. Positions to which appointments were made under the war service regulations for the duration of the war and six months thereafter are permanent positions within the scope of this definition. Positions in which employees are serving definite probationary or trial periods under civil service rules, or under regulations issued by the Commission, shall not, for that reason alone, be regarded as being other than permanent positions.

(c) "Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended," means positions in the departmental and field services, in the executive, legislative, and judicial branches, in Government-owned or Government-controlled corporations, and in the municipal government of the District of Columbia, the compensation of which has been fixed on a per annum basis, pursuant to the allocation of such positions to the appropriate grade either by the Civil Service Commission or by administrative action of the department, establishment, agency, or corporation concerned, in accordance with the compensation schedules of the Classification Act of 1923, as amended.

(d) "Superior accomplishment" means sustained work performance of a high degree of efficiency, the initiation and development of a suggestion which increases efficiency or brings about substantial economies in the public service, or a special service of an outstanding nature, which meets the standards of the Commission for recognition as the basis for a reward in the form of an additional salary advancement.

(e) "Additional advancement" means within-grade salary advancement as a reward for superior accomplishment as distinguished from a periodic within-grade salary advancement under section 402 of the Federal Employees Pay Act of 1945.

§ 25.503 *Conditions of eligibility for additional advancements.* The granting of each additional advancement shall be subject to the following conditions:

(a) It must be made within the limit of available appropriations;

(b) It must be based on superior accomplishment which conforms with standards promulgated by the Commission; and

(c) No more than one additional advancement may be made to any officer or employee within each of the time periods prescribed in section 402 of the Federal Employees Pay Act of 1945.

§ 25.504 *Prior approval by the Commission.* Approval of the Commission must be secured prior to making any additional advancement effective, unless approval of such advancement is made under authority delegated in accordance with the regulations in this subpart.

§ 25.505 *Departmental plans for awarding additional advancements.* Each department which desires authority to approve additional advancements as rewards for superior accomplishment shall submit a plan to the Commission (a) providing for a systematic review of the work performance of employees, (b) proposing a simple, orderly procedure for the selection of employees to be awarded additional advancements for superior accomplishment, (c) indicating the representatives of the head of the department proposed to be authorized to approve such advancements, (d) providing procedures for reporting additional advancements to the Commission, and (e) proposing a method of publication of the plan to all employees. Such plans shall not become effective until approved by the Commission, and no approved plan shall be revised or amended without the prior approval of the Commission. Subject to the foregoing provisions, any such departmental plan may be revised or amended from time to time as circumstances may require.

§ 25.506 *Delegation of authority to approve additional advancements.* Effective until November 1, 1945, the Commission hereby delegates authority to the head of each department, or his designated representatives, to approve additional advancements as rewards for superior accomplishment which conforms with standards promulgated for that purpose by the Commission. This authority will terminate on November 1, 1945, if no departmental plan has been approved prior to that date. Upon the approval of a departmental plan as provided in the foregoing section, the Commission hereby delegates authority to the head of the department, and to his designated representatives operating under such plan, to approve additional advancements as rewards for superior accomplishment which conforms with the standards promulgated for that purpose by the Commission.

§ 25.507 *Suspension or withdrawal of authority.* The Commission may suspend or withdraw the authority to approve additional advancements delegated in the regulations in this subpart, whenever, after post-audit of actions taken under such authority, it finds that (a) additional advancements are being approved which do not conform with the Commission's standards, (b) provisions of the departmental plan are not being followed, or (c) adequate statements supporting such additional advancements are not being received by the Commission.

§ 25.508 *Reports to be furnished to the Commission.* Additional within-grade salary advancements as rewards for superior accomplishment shall be reported to the Commission with such supporting information as it may prescribe.

PART 26—TRANSFER OF PERSONNEL TO PUBLIC INTERNATIONAL ORGANIZATIONS IN WHICH THE UNITED STATES GOVERNMENT PARTICIPATES

Sec.
26.1 Persons who may be transferred.
26.2 Definitions.
26.3 Submission of request.
26.4 Approval of transfer.
26.5 Separation from service.
26.6 Filling vacancy.
26.7 Acquisition of status.
26.8 Reemployment.
26.9 Report to the Commission.
26.10 Appeals to the Commission.
26.11 Effective date.

AUTHORITY: §§ 26.1 to 26.11, inclusive, issued under sec. 5, E. O. 9721, May 10, 1946, 3 CFR, 1946 Supp.

§ 26.1 *Persons who may be transferred.* The following persons may be given consideration for transfer under Executive Order 9721:

(a) Employees of any agency or department in the executive branch of the Federal Government who are serving under (1) probational or permanent civil service appointments, or (2) war service indefinite appointments regardless of whether a trial period has been completed.

(b) Former employees of such an agency or department who (1) are serving in a public international organization, (2) have served continuously in such organization since May 10, 1946, and (3) left war service indefinite or probational or permanent civil service appointments to take their present employment.

§ 26.2 *Definitions.* (a) "Public international organization" is one designated by the President pursuant to the Act of December 29, 1945 (59 Stat. 669).

(b) "Terminated without prejudice" means separation from the public international organization to which transferred under Executive Order 9721, either voluntarily or involuntarily under circumstances which do not reflect on the transferee's suitability for further Federal employment.

NOTE: For list of public international organizations, see Executive Orders 9698, 9751 and 9823.

(c) "Consent of the head of the department or agency concerned" means the specific consent of the head of the department or agency or his designated representative for the employee's or former employee's transfer under Executive Order 9721. A general release for employment elsewhere or a release granted other than for the specific purpose of transfer under Executive Order 9721 shall not be construed as "consent" under Executive Order 9721.

§ 26.3 *Submission of request.* A request for the transfer of an employee or former employee under Executive Order 9721 shall be submitted by the public international organization in writing directly to the agency or department in which such employee is serving or last served.

§ 26.4 *Approval of transfer.* The head of the department or agency concerned or his designated representative shall, if he determines to consent to

transfer under Executive Order 9721, give such consent in writing and address it to the requesting public international organization. The letter of consent shall specifically mention that consent is given under Executive Order 9721. A copy of the letter of consent shall be placed in the agency personnel files, and a copy shall be delivered to the transferee. The agency or department concerned may set the date on which the consent becomes valid.

§ 26.5 *Separation from service.* Upon transfer under Executive Order 9721 the employee shall be separated and his "separation by transfer under Executive Order 9721" shall be reported to the Commission on the regular report of personnel changes.

§ 26.6 *Filling vacancy.* The appointment, reassignment, promotion, or transfer of an employee to fill a vacancy created by the transfer of an employee under Executive Order 9721 shall be limited to the return of the specific employee transferred under the order; except that this section shall not apply in any case where the provisions of section 4 of the order are made applicable to a former employee of a Federal agency serving with a public international organization at the time of issuance of the order, and where the position he left in the agency had already been filled prior to the time the provisions of section 4 of the order were made applicable to him.

§ 26.7 *Acquisition of status.* Any employee who is transferred from a war service indefinite appointment under Executive Order 9721 and who meets the other conditions for acquisition of competitive status under section 2 of Executive Order 9721 shall be deemed to have acquired such status provided those conditions are met on or before May 10, 1949. Determination of status will be made by the Commission on request of a Federal agency or the transferee. Unless all conditions precedent to acquisition of competitive status under section 2 of Executive Order 9721 have been met on or before May 9, 1949, no rights accrue under that section. Determination that such conditions were so met may be made after that date.

§ 26.8 *Reemployment.* An employee transferred under Executive Order 9721 must meet the following conditions in order to have a right to reemployment under that order:

(a) He must have been serving under a probational or permanent civil service appointment prior to such transfer or he must have met the conditions for acquisition of a competitive status under section 2 of the order. When reemployment rights depend on acquisition of status under section 2 of the order, request for such determination shall be presented to the Commission by the agency concerned promptly after receipt of application for reemployment, unless such determination was made theretofore.

(b) He must have been terminated without prejudice by the public international organization to which transferred within three years of the date of his separation for transfer to such international organization or within three years of the date of Executive Order 9721, whichever is later.

(c) He must apply for reemployment to his former agency or department (or its successor) within 90 days of his termination by such international organization.

(d) He must be qualified physically to perform the duties of his former position or one of like seniority, status and pay.

Upon meeting the conditions for reemployment under Executive Order 9721, the transferee's former agency or department (or its successor) shall reemploy him within 30 days of his application for reemployment. Such reemployment shall be in the employee's former position or in a position of like seniority, status and pay.

Upon reemployment under Executive Order 9721, an employee shall be given the seniority and, to the extent consistent with law, the pay to which he would have been entitled had he remained continuously with the agency in his former position. He shall be considered as having competitive status and tenure and shall be given full credit for completion of probation for service in the international organization since acquisition of status. Any sick leave to his credit at the time of his separation for transfer under the order shall be recredited to him.

§ 26.9 *Report to the Commission.* (a) A transfer under Executive Order 9721 shall be reported to the Commission on the regular report of personnel changes. In any case where the provisions of the Executive order are, with the consent of the Federal agency in which he was formerly employed, made applicable to a former employee of the agency, the action shall be reported as a transfer effective as of the date the employee left the Federal agency to take employment with the public international organization.

(b) A reemployment under Executive Order 9721 shall be reported to the Commission on the regular report of personnel changes.

§ 26.10 *Appeals to the Commission.* There shall be no appeal to the Commission from a denial by the head of the agency or department or his designated representative of transfer under the order. The Commission shall make final decision as to the acquisition of status of an employee under section 2 of the order. An employee transferred under the order who has been denied reemployment may appeal to the Commission, and the Commission shall make final determination of his right to reemployment under the order.

§ 26.11 *Effective date.* This part shall be effective as of May 10, 1946.

PART 27—ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Sec.
27.1 Maximum stipends prescribed.
27.2 Stipends under existing agreements with trainees.
27.3 Stipends of trainees assigned to Federal hospitals as affiliates.
27.4 Exclusion of other trainee positions and establishment of maximum stipends.
27.5 Extent of regulations.
27.6 Inquiries.

AUTHORITY: §§ 27.1 to 27.6, inclusive, issued under E. O. 9750, July 10, 1946, 3 CFR, 1946 Supp.

§ 27.1 *Maximum stipends prescribed.* In accordance with the provisions of Executive Order No. 9750 effective at the close of business on July 13, 1946, the following maximum stipends (including overtime pay, maintenance allowances, and other payments in money or kind) for medical and dental interns and residents-in-training, student nurses, student dietitians, student physical therapists, and student occupational therapists, except as otherwise provided in § 27.2, are hereby approved:

Medical and Dental Interns and Residents

Gallinger and Freedmen's Hospitals:	
First year approved post graduate training	$1,600
Second year approved post graduate training	1,900
Third year approved post graduate training	2,200
Fourth year approved post graduate training	$2,500
Fifth year approved post graduate training	3,400
Sixth year approved post graduate training	4,150
All other Federal hospitals:	
First year approved post graduate training	2,200
Second year approved post graduate training	2,400
Third year approved post graduate training	2,700
Fourth year approved post graduate training	3,000

Medical and Dental Interns and Residents—Continued

Gallinger and Freedmen's Hospitals—Continued	
Fifth year approved post graduate training	3,400
Sixth year approved post graduate training	4,150

NOTE: Maximum stipends for Panama Canal and Panama Railroad are 25 percent above these rates.

Dietitian interns (student dietitians)—one year approved post graduate training	$1,470
Physical therapy interns (student physical therapists)—one year approved post graduate training	1,470
Student nurses—St. Elizabeth's hospital:	
First year training	775
Second and third year training, maximum total for two years	1,225

NOTE: The maximum total stipend of $1,225 for the second and third years is effective only so long as student nurses at St. Elizabeth's hospital are assigned during these years to affiliated hospitals for one year of training with no compensation other than maintenance.

Freedmen's hospital—Total for three year training	$2,825

NOTE: This maximum stipend is effective only so long as student nurses at Freedmen's hospital pay $200 or more for tuition and related expenses for which they would not be charged at other Federal hospitals.

All other Federal hospitals:	
First year training	$775
Second year training	865
Third year training	985

Occupational therapy interns (student occupational therapists)—approved clinical training in affiliation with an approved school of occupational therapy, $122.50 a month.

§ 27.2 *Stipends under existing agreements with trainees.* Stipends (total amounts paid, including maintenance allowances and other payments in kind) under existing agreements with trainees, which are in excess of maximums in the above schedules, are hereby approved as maximums for the duration of training under such agreements to the extent that the amount of any such maximums does not exceed the basic pay rate under such agreement including the value of maintenance allowance and other payments in kind: *And provided,* That statements of the terms of such agreements, with schedules of stipends and allowances, are filed with the Commission before September 1, 1946.

§ 27.3 *Stipends of trainees assigned to Federal hospitals as affiliates.* Trainees at non-Federal hospitals assigned to Federal hospitals as affiliates for part of their training shall receive no stipend from the Federal hospital other than any maintenance provided.

§ 27.4 *Exclusion of other trainee positions and establishment of maximum stipends.* Requests for approval by the Commission of exclusions from the provisions of the Classification Act of 1923, as amended, of other positions filled by persons employed on a student-training or resident-training basis assigned or attached to a hospital, clinic, or medical or dental laboratories, as provided in section 1 of Executive Order 9750, and for approval of maximum stipends not provided in § 27.1 or § 27.2, should be submitted promptly to the Commission with full supporting information.

§ 27.5 *Extent of regulations.* Maximum stipends provided in § 27.1 or § 27.2 apply to any "hospital, clinic, or medical or dental laboratories, owned or operated by the Federal Government (including any agency or instrumentality of the Federal Government, and including the District of Columbia)", unless rates of compensation are otherwise provided by law.

§ 27.6 *Inquiries.* Inquiries concerning this part may be directed, in Washington, D. C., to the Field Section, Personnel Classification Division, telephone extension 651, and, in the field, to the appropriate regional or branch regional office.

PART 28—OFFICIAL PERSONNEL FOLDER

Sec.
28.1 Designation of agency representative.
28.2 Designation of Official Folder.
28.3 Consolidation and standardization of content of folder.
28.4 Transfer of the Official Personnel Folders between agencies.
28.5 Requests for information about employees whose folders have been transferred to other agencies.
28.6 Official Personnel Folder upon reemployment in Federal service.
28.7 Exceptions.
28.8 How to order the Official Personnel Folder.
28.9 Standard Form No. 63, Request for Personnel Data and Leave Transcripts.
28.10 Requests for further information.
28.11 Specifications for Official Personnel Folder.

AUTHORITY: §§ 28.1 to 28.11, inclusive, issued under sec. 3, E. O. 9784, Sept. 25, 1946, 3 CFR, 1946 Supp.

§ 28.1 *Designation of agency representatives.* Each agency will designate one or more representatives to work with the Commission in putting the plan into effect.

The name (or names) of the representative designated by the agency, his location in the organization and telephone number, should be furnished by letter not later than March 3, 1947, to the Personnel Procedures and Records Project Staff, Room 216, U. S. Civil Service Commission, Washington 25, D. C.

§ 28.2 *Designation of official folder.* Only one Official Personnel Folder will be maintained for each active employee, and it will contain the records necessary to comprise his complete service record. The Official Personnel Folder will be maintained at the point of maximum utilization. Designation of this point will be made by the agencies not later than April 1, 1947.

§ 28.3 *Consolidation and standardization of content of folder.* As rapidly as resources permit, steps will be taken to make the personnel folder of each active employee a complete working record in line with the Commission's specifications.

Folders which are transferred to other agencies, and new folders which are established, must conform to the standard specifications.

§ 28.4 *Transfer of the Official Personnel Folders between agencies*—(a) *Manner of transfer.* Beginning April 1, 1947, whenever an employee is transferred to another agency, or to another organization within the same agency (if the Official Personnel Folder is maintained by a different office), the employing agency will, upon the employee's entrance on duty, furnish the appropriate personnel office of the releasing agency with a copy of Standard Form 50, "Notification of Personnel Action," which records the transfer action and indicates the official date on which the transfer became effective. Extra single copies of Standard Form 50 for this purpose can be obtained from the Government Printing Office. The releasing agency or office, within 3 days of receipt of its copy of Standard Form 50, will transmit the Official Personnel Folder to the new agency or office, and arrange for transmittal of the leave record.

(b) *Purging of folder.* Prior to transfer, all material except that listed in the Commission's specifications for material to be filed on the right, or permanent, side of the folder will be removed from the official folder. Duplicate records and material listed as temporary may be disposed of in accordance with regular procedure for disposal of records.

Such material will be removed only by the releasing agency. The receiving agency will retain all papers which have been transmitted in the folder.

(c) *Materials to be transferred.* The material included in the Commission's specifications on the right, or permanent, side of the personnel folder constitutes the employee's official record of service and, as such, is required to be transferred. Agencies may, but are not required to, release or transfer confidential material. In making a decision as to whether confidential material should be transferred, agencies should consider that such material is being transferred to another branch of the Federal Government where it will continue to be maintained as confidential.

(d) *Record of transfer.* Upon transmittal of the Official Personnel Folder to another agency, the releasing agency will record the name of the employee and the name and location of the agency to which the file is being transferred, together with the date of its transfer. Whenever possible, agencies should utilize for this purpose an appropriate existing record such as an employee record card. If such a record is not available, a card may be established recording the transfer.

§ 28.5 *Requests for information about employees whose folders have been transferred to other agencies.* Requests for information regarding an employee who has transferred should be forwarded for reply to the office or agency to which the employee transferred.

§ 28.6 *Official Personnel Folder upon reemployment in Federal service.* When a former Federal employee is reemployed, the employing agency should request his personnel folder, by letter, from the personnel office of the agency in which he was last employed.

§ 28.7 *Exceptions.* Officers located outside of the continental United States may, in the discretion of the agency, be exempted from the use of the standard Official Personnel Folder and the regulations in this part.

§ 28.8 *How to order the Official Personnel Folder.* The Official Personnel Folder is procurable from the Treasury Department, Procurement Division, in Washington, D. C., and its Regional Supply Centers. In ordering, refer to the Official Personnel Folder, Stock No. 53-F-4643.

§ 28.9 *Standard Form No. 63, Request for Personnel Data and Leave Transcripts.* Effective April 1, 1947, agencies will no longer use Standard Form No. 63 to verify the effective date of transfers and to obtain information for use in determining eligibility for periodic pay increases. This form will be abolished.

The official date on which the transfer has become effective will be obtained from the copy of Standard Form 50 which is sent the employing agency; promotion and other personnel information will be obtained from the Official Personnel Folder when received.

§ 28.10 *Requests for further information.* Inquiries with regard to the Offi-

cial Personnel Folder should be made in writing to the Personnel Procedures and Records Project Staff, Room 216, U. S. Civil Service Commission, Washington 25, D. C.

§ 28.11 *Specifications for Official Personnel Folder*—(a) *Type of folder.* Letter size, kraft, heavy weight, individual reinforced tab (approximately ⅔ cut right of center), contents secured with built-in metal fasteners at top of back flap and bottom of front flap. Material to be filed on permanent (or right hand) side of folder to be punched and fastened at top of sheet. Material to be filed on temporary (or left hand) side to be punched and fastened at bottom of sheet. White or buff colored labels shall be used for identifying the folder, with the employee's last name first, followed by his first name and middle initials, if any, and date of birth expressed as month, day and year, that is, Oct. 30/26, followed by identfication number, if any. The name on the employee's personnel folder shall correspond to his name on the rolls of the agency. The following information will be printed on the front of the folder: Official Personnel Folder

(b) *Permanent records.* On right side in chronological order, with latest paper on top, file permanent records affecting employee's status: Application for Federal Employment (earliest and latest form completed), Standard Forms 57, 68, 60, Civil Service Form 3821; Notification of Personnel Action, Standard Form 50; Request for Personnel Action, if used as the official appointing document, or as the employee's resignation; Oath of Office, Affidavit and Declaration of Appointee, Standard Form 61; Veterans Preference Forms, Civil Service Forms 2842 and 2842a; Evidence of Satisfactory Military Service (this should not include the certificate of discharge which is returned to the employee); Report of completion of character or loyalty investigation; Official letters of commendation or reprimand; Resignation; Notice of retirement, Standard Form 37; Report of Efficiency Rating, Standard Form 51; Records of completion of training courses; Civil Service Examination papers; Transcript of court order, in case of separation for legal incompetence; Employee's Notice of Injury or Occupational Disease, Bureau of Employees' Compensation Form C. A. 1; Notification of approval of application for disability retirement, Civil Service Form 3170; Official Death Notice. The forms referred to by number include forms superseded by or superseding the forms listed, or agency forms serving the same purpose.

(c) *Temporary records.* On left side in chronological order, with the latest paper on top, file records of temporary value. In general, these are documents leading to a formal action but not constituting a record of it nor making a substantial contribution to the employee's service record. Dispose of these papers on transfer of employee to another agency or upon separation. The list that follows is intended as a guide for current personnel operations and not as a request for the creation of any records not normally used: Request for Personnel Action (except where used as the official appointing document or contains the employee's resignation); Requests for authority and Commission's approval; Required records for employment of minors; Letters of Release; Letters of reference and responses to inquiries; Conduct Reports for Pay Increase (Periodic); Advance Notices of personnel actions for such actions as demotion, pay increase, furlough, reduction in force, termination of appointment, etc.; Notices of proposed retirement; All Personal Debt Correspondence; Deferment and Draft Correspondence; Miscellaneous Correspondence; Application for Reemployment (after Military Service or War Transfer Leave Without Pay); Bureau of Employees' Compensation Forms, except Form C. A. 1.

PART 29—RETIREMENT

Sec.
29.1 Administration.
29.2 Evidence.
29.3 Applications.
29.4 Time for filing applications.
29.5 Disability retirement; medical examination.
29.6 Effective date of retirement.
29.7 Computation of interest.
29.8 Military service.
29.9 Designation of beneficiary.
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29.11 Disclosure of information.
29.12 Joint and survivorship annuities.
29.13 Making of voluntary deposits.
29.14 Purchase of additional annuity.
29.15 Appeals.
29.101 Basic records.
29.102 Maintenance of individual retirement account.
29.103 Certifying officers; signature cards.
29.104 Retirement deductions.
29.105 Tontine; based on pay status in calendar month.
29.106 Reemployed annuitants.
29.107 Reports of retirement fund transactions.
29.108 Set-off on account of indebtedness to the Government.

AUTHORITY: §§ 29.1 to 29.15, inclusive, issued under sec. 17, 48 Stat. 478; 5 U. S. C. 709; §§ 29.101 to 29.108, inclusive, issued under sec. 12 (a), 46 Stat. 476, 5 U. S. C. 724.

§ 29.1 *Administration.* (a) The Commission shall have charge of the adjudication of all claims arising under the retirement laws, and of all matters directly or indirectly concerned with such adjudication.

(b) In the adjudication of claims arising under the retirement laws, the Commission shall consider and take appropriate action on counterclaims filed by the Government as set-offs against amounts in the retirement fund involved, and shall likewise consider and take appropriate action in adjusting illegal salary payments in violation of laws pertaining to dual service, subject to final decision by the Comptroller General.

(c) The Commission shall maintain a control account for each department and independent establishment; for this purpose, departments and establishments shall make reports of appointments and separations and annual summaries of retirement fund transactions.

§ 29.2 *Evidence.* (a) (1) Civil Service Commission Form 2806 (Retirement Account) shall be the basic record for action on all claims for annuity or refund, and those pertaining to deceased employees or annuitants.

(2) Form 2806 shall contain a record of all service creditable under the Retirement Act, civil and military, and a record of all retirement deductions made, showing the beginning and ending dates of each period covered by such deductions. Whenever practicable in certifying service for which deductions were not made, the aggregate basic salary earned and the amount of tontine involved, by calendar years, shall be shown. Any change of date or salary on the service history side, or in the first three columns of the fiscal side, of Form 2806 shall be certified. Any leave without pay in excess of 6 months in a calendar year shall be noted.

(3) Immediately upon the absolute separation of an employee for any reason (or upon interdepartmental transfer), Form 2806 shall be completed to date, certified as to its correctness, and, after proper entry therefrom has been made on the "Register of Separations", sent to the Civil Service Commission. In no case shall the retirement record card be held in a department or establishment awaiting the receipt of a claim.

(b) When loss or destruction or incompleteness of records in the Government offices concerned is shown, a request shall be made through the Commission to the General Accounting Office for such data as may be deemed necessary for a proper determination of the rights of the claimant. When the required information cannot be developed by any official record, inferior or secondary evidence then becomes admissible and should be requested.

§ 29.3 *Applications.* (a) All applications under the Retirement Act shall be filed with the Commission and shall be made on such forms as may be prescribed by the Commission.

(b) Applications for annuity and for retirement on account of total disability, except disability applications filed by a department or establishment, must be executed before two identifying witnesses.

(c) Applications for the payment of accumulated deductions, or of accrued annuity and/or unexpended balance, must be executed before two witnesses who must certify to the identity of the person filing the claim. Applications for refund shall be executed before two identifying witnesses.

§ 29.4 *Time for filing applications.* (a) An application for annuity on account of age may be filed shortly before or at any time after the employee reaches the requisite retirement age, but such application should not be filed more than 30 days in advance of reaching retirement age. In cases of optional retirement, the application must be executed before the actual date of separation.

(b) An application for immediate or deferred annuity on account of voluntary or involuntary separation from the service will not be considered if filed before the employee's separation.

(c) An application for retirement on account of disability must be executed by the employee prior to the applicant's separation from the service or within 6 months thereafter. This time limitation may be waived by the Commission in the cases of employees who are found to have been mentally incompetent at date of separation or within 6 months thereafter, the application in such cases to be filed with the Commission within one year from the date of restoration of any such person to competency or the appointment of a fiduciary, whichever is the earlier.

Request or order by the department or other governmental agency for retirement of an employee for disability must be filed prior to the employee's separation from service. If application for disability retirement is submitted upon an inappropriate form, or upon an appropriate form inadequately or incompletely executed, within 6 months from date of separation from the service, such application may be accepted as an informal claim provided the claimant immediately or within a reasonable time thereafter submits a properly executed application upon the appropriate form.

§ 29.5 *Disability retirement; medical examination.* (a) When an applicant for retirement on account of total disability has established a prima facie case and no legal grounds for rejection exist, such applicant shall be ordered to appear for a medical examination before a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commission. When the application is accompanied by a report of examination already made by a medical officer of the United States, it may not be necessary to require another examination.

(b) The order for annual examination by the Commission shall direct the annuitant to be medically examined within 30 days from and after the anniversary of the date on which he was retired upon annuity for disability. This provision, however, may be modified so that the annual medical examination may take place within 30 days from and after the expiration of one year from the date of the last medical examination.

(c) When a medical examination made in compliance with the direction of the Commission shows that the annuitant has recovered and has been restored to an earning capacity which would permit him to be appointed to an appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position. In no case shall the continued payment of the annuity exceed one year from the date of the medical examination showing recovery. If the annuitant shall be reemployed in the Government service within the one year, the annuity shall be discontinued at the close of the day preceding the date of such reemployment.

(d) The Commission, where it appears in any particular case that the nature of the disability is such as to warrant the conclusion that it will continue for a certain period, may, in the exercise of its authority, waive the requirement for regular annual examinations for the period during which there is reasonable expectation of continuation of the disability, but in any case a medical or other examination may be ordered at any time to determine the facts relative to the nature and degree of disability of any employee thus retired.

(e) If the evidence shows that the disability is permanent in character, further examination shall not be ordered, unless warranted, and the annuitant shall be notified accordingly.

§ 29.6 *Effective date of retirement.* (a) When an employee reaches retirement age, either on the first day of a month, or on any other day within a month, his annuity shall commence on the first day of the succeeding month. In such cases the employee will not be subject to automatic separation until the end of the month in which such age is attained, and credit for service shall be given for the period between the date of reaching retirement age and the beginning date of annuity.

(b) When an employee retires on account of disability, the annuity shall commence on the first day of the month succeeding the termination of pay status, or on the first day of any subsequent month, as the case may warrant. In such cases, credit for service may be given for the period between the termination of pay status and the beginning date of annuity if the employee is carried on the rolls of the department during such time.

(c) In cases of optional retirement, the annuity shall commence on the first day of the month following separation; in cases of discontinued service retirement, the annuity payments shall begin the first of the month following attainment of age 62, or date of separation, whichever is the later, if the employee resigned from service or was discharged for cause; if the separation was involuntary, not by removal for cause on charges of misconduct or delinquency, the individual may receive an annuity to begin the first of the month following attainment of age 62, or the first day of the month following separation beyond that age, or he may elect to receive a reduced annuity beginning the first of the month following attainment of age 55, or following separation if beyond that age.

§ 29.7 *Computation of interest.* (a) The commercial method, that is, computation on the basis of 30 days to the month, is adopted. Interest will be computed for the actual time involved in each case, but whenever applicable the rule of average will obtain.

(b) In all cases, interest shall be allowed on current deductions, deposits, and redeposits at the rate of 4 percent, compounded annually, through all periods of service. When an officer or employee subject to the Retirement Act is transferred to a position wherein he does not retain his retirement status, and is entitled to refund of deductions with interest, the interest will terminate with the last day of service in the former position; and when an employee becomes absolutely separated from the service before serving five years, interest on deductions will terminate with the last day in service. A fractional part of a month in the total service in any calendar year shall be disregarded, and no interest shall be allowed unless the service covered by the refund aggregates more than one year. After an employee has completed five years or more of creditable service, interest shall be allowed at the rate of 3 percent, compounded on December 31 of each year, during periods of separation from and after January 24, 1942. No interest will be allowed beyond the date of last separation unless a period of ninety days has elapsed from date of such separation to date of approval of refund claim. If an employee who reaches retirement age at any time during a month is continued in service to the end of the month, interest shall be allowed to the end of the month.

(c) Service credit deposits and redeposits made by potential annuitants separated from service after serving at least five years will draw interest at the rate of 3 percent, compounded annually, during the separation period until beginning date of annuity.

(d) Interest at the rate of 3 percent, compounded annually, shall be allowed on voluntary deposits during periods of employment, and, after the employee has completed at least five years' service and acquired a retirement status under the act of January 24, 1942, during periods of separation until refunded or beginning date of annuity.

§ 29.8 *Military service.* (a) Periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States which do not form the basis for pension, retired pay, or compensation under any law shall be included in crediting service under the Retirement Act.

(b) An applicant for annuity who is in receipt of benefits on account of his term of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States, may elect to surrender said benefits and to have the service upon which they are based added to his period of civil service for the purpose of obtaining a greater benefit in the form of annuity. Should it appear upon the adjudication of a claim for annuity that the claimant will benefit by the inclusion of military or naval service, and the relinquishment of benefits based thereon, he shall be so advised and permitted to exercise the right of election.

§ 29.9 *Designation of beneficiary.* (a) The designation, change, or revocation of beneficiary shall be in writing on the prescribed Form 2806–1, signed and acknowledged in the presence of two witnesses personally acquainted with the designator, neither of whom shall be named as beneficiary, and must be received in the Commission prior to the death of the designator.

(b) Any person, firm, corporation, or legal entity may be named as beneficiary.

(c) A revocation or change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary. Alterations or insertions restricting the right to change or revoke a designation cannot be given any force or effect. No change or revocation of beneficiary in a last will or testa-

ment, or in any other document not witnessed and filed as required by the regulations of this part shall have any force or effect.

(d) Where a writing, other than Form 2806–1, signed by the designator and duly witnessed by two persons, is received in the Commission prior to the death of the designator, in which a clear and unambiguous revocation or change of designation of beneficiary is made in substantially the same manner as that provided on Form 2806–1, and the designator dies without confirming the change or revocation by the execution of the prescribed Form 2806–1, the revocation or change shall be given the same effect as if executed on Form 2806–1: *Provided however*, That the Commission shall, upon receipt of said writing, forward a blank Form 2806–1, to the designator at the last address furnished by him for confirmation on that form of the previous writing which shall become null and void if (1) death occurs 60 days after the filing of the first form, and (2) if no confirmation is received on said Form 2806–1 within said period.

(e) A designation of beneficiary or a change or revocation of beneficiary may be made only by an employee subject to the act whose name is borne on the rolls of the department or independent establishment at the time of execution thereof, or by an annuitant, actual or potential.

§ 29.10 *Designation of agent.* In the case of a claim for amount due a deceased employee or annuitant where no beneficiary has been named and no executor or administrator has been appointed, but claim is made by next of kin, and if there be more than one entitled thereto, it shall be permissible for the others to designate the one who makes the claim to act as agent to receive their distributive shares.

§ 29.11 *Disclosure of information.* (a) (1) Files, records, reports, and other papers and documents pertaining to any claim filed with the Civil Service Commission, whether pending or adjudicated, will be deemed confidential and privileged, and no disclosure thereof will be made except as provided herein.

(2) Disclosure of information from the files, records, reports, and other papers and documents shall be made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

Determination as to when disclosure of information would be injurious to the physical or mental welfare of a claimant will be made by the Medical Division.

(3) By "a duly authorized representative of a claimant" is meant any person who has satisfied the Commission of his authority to act.

(4) The name or address of a beneficiary designated by an employee or annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(5) Such information as may properly be disclosed to a claimant personally shall, in the event of his death, be disclosed upon proper request to the duly appointed representative of his estate, or to such person as may be designated by such representative, or to a duly designated beneficiary. Where no representative of the claimant's estate has been appointed, the claimant's next of kin shall be recognized as the representative of his estate.

(6) Where copies of documents or other records are desired by or in behalf of parties to a suit, whether in a court of the United States or in any other court, such copies shall be furnished to the court only, and on an order of the court or subpoena duces tecum, addressed to the President, U. S. Civil Service Commission, requesting the same.

(7) Where a process of a United States court or other court requires the production of documents or records contained in the retirement files of a claimant, such documents will be produced in the court out of which the process has issued. Where original records are produced, they must remain at all times in the custody of a representative of the Civil Service Commission, and if offered or received in evidence, permission should be obtained to substitute a copy so that the original record may remain intact in the file.

(8) The address of a claimant as shown by the Civil Service Commission records may be furnished to duly constituted police or court officials upon proper request or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(9) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal or other publicly recognized charitable or social-security administrative agency.

(10) Subject to the limitation regarding name or address of a beneficiary, all records or documents officially required by any department or other agency of the United States Government shall be furnished in response to a proper request, and Senators and Representatives of the United States in their capacity as Members of Congress of the United States shall be furnished for their official use with such records, documents or other information as may be requested for such use.

(11) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government; copies of reports of examining surgeons; reports from the War Department; or copies of records of other departments and other confidential matters, will not be furnished.

(b) Certificates of discharge, adoption papers, marriage certificates, decrees of divorce, letters testamentary or of administration, birth or baptismal records, family records, personal letters, diaries, and other personal papers or articles which may have been filed in a claim, shall, when no longer needed in the settlement of such claim, be returned to the persons entitled thereto upon written request therefor; and whenever papers so returned constitute part of the material and essential evidence in a claim, photostat or other copies of the same, or of such parts thereof as may appear to possess evidential value, shall be retained in the case.

§ 29.12 *Joint and survivorship annuities.* (a) The option to receive joint and survivorship annuity may be exercised only by employees retiring under the age or optional provisions of the Retirement Act. This applies to annuities purchased by voluntary deposits as well as the regular annuities.

(b) Any natural person may be designated as survivor annuitant under the joint and survivorship option. No more than one person may be named as survivor annuitant. The designation of a contingent survivor annuitant will not be accepted, and any such designation shall be null and void.

(c) Communication of the choice of option shall be made over the signature of the applicant on Form 3001 for use in filing claim for annuity. Receipt of a communication as set forth in this paragraph shall constitute prima facie evidence of the existence of all the elements of an election. Whenever such prima facie evidence becomes conclusive or is confirmed as hereinafter provided, an election shall have been made.

(d) Upon receipt of such communication, the Commission will advise the individual of the nature of the transaction, giving full details with respect thereto, and will solicit his confirmation of the existence of all the elements of an election. Upon receipt of such confirmation on Form 3001–A, an election shall be established as having been made as of the effective date of retirement, provided more than 30 days has elapsed from such effective date, but no such election shall be considered as having been conclusively established prior to final adjudication of the claim by the Commission.

(e) In the event of death of the designated survivor annuitant or for other good cause shown prior to final adjudication of the claim by the Commission, a new survivor annuitant may be substituted or the employee may change his election of the type of annuity selected.

(f) In any case in which an election has been conclusively established pursuant to the regulations under this section, the election, including the designation of survivor annuitant, cannot be revoked or changed.

(g) The death of a designated survivor annuitant subsequent to the final adjudication of the claim, shall not operate to cancel the election, and payments to the former employee shall continue as though the death had not occurred.

(h) Annuity payments to the survivor annuitant shall become effective on the day following the death of the former employee.

(i) The conclusive establishment of an election to receive a joint and survivorship annuity shall cancel any designation of beneficiary previously made by the employee, and any annuity accrued and unpaid at the date of death of the former employee shall be payable to the survivor annuitant named under said election.

(j) Proof of date of birth of the designated survivor annuitant shall be required prior to the adjudication of the annuity claim in all cases of election to receive joint and survivorship annuity.

§ 29.13 *Making of voluntary deposits.* (a) The option to make voluntary contributions to the civil-service retirement and disability fund for the purchase of additional annuity shall be limited to those employees serving within the purview of the Retirement Act and shall be made on the form prescribed by the Commission.

(b) No voluntary contributions shall be accepted from an employee who has failed to redeposit a refund required by section 12 (b) of the act of May 29, 1930, as amended, and/or who is otherwise indebted to the civil-service retirement and disability fund.

(c) Each voluntary contribution shall be made in the amount of $25.00 or multiple thereof, not to exceed 10 percent of aggregate annual basic salary, pay, or compensation received since August 1, 1920, by money-order, draft, or check made payable to the Civil Service Commission, Washington, D. C.

(d) Voluntary contributions may be withdrawn only in case of transfer to a position wherein the member does not retain his status under the Retirement Act, absolute separation from the service prior to becoming eligible for retirement on annuity, or death.

(e) The Retirement Division of the Civil Service Commission shall maintain the record and account of voluntary contributions of each employee exercising the option to make such contributions.

§ 29.14 *Purchase of additional annuity.* (a) Voluntary contributions may be used to purchase only such types of annuity as are specifically defined by the act of May 29, 1930, as amended by the act of August 4, 1939.

(b) Any employee retiring under the provisions of the act of May 29, 1930, as amended, who has made voluntary contributions in the Civil Service Retirement and Disability Fund as authorized by section 4 of the act of August 4, 1939, may purchase therewith at the time of retirement any one of the following types of annuity:

(1) Life annuity providing for return of unexpended principal; or,

(2) Increased annuity with forfeiture of unexpended principal; or

(3) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death annuity in equal amount to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement; or,

(4) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death one-half of such reduced annuity to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement.

(c) Any natural person may be designated as beneficiary under paragraph (b) (3) or (4) of this section.

(d) The annuity values based upon the mortality tables submitted by the Board of Actuaries on November 24, 1939, are hereby approved for use in computing annuities based on voluntary contributions made under the provisions of the act of August 4, 1939, in the same way and manner as they are used in computing regular annuities.

§ 29.15 *Appeals.* (a) An appeal may be taken to the Civil Service Commission, from the final action or order of the Retirement Division affecting the rights or interest of any person or of the United States under the civil-service retirement law, except as provided in this section.

(b) Appeals must be filed by a claimant or a duly accredited representative, but no appeal shall lie to the Commission's Board of Appeals and Review until action has been completed by the Retirement Division. An appeal taken in behalf of a claimant by or through a representative who is not recognized by the Commission, or whose recognition has been canceled, shall not be entertained.

(c) (1) Except as hereinafter ordered, the time for filing an appeal shall be not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(2) In applications for disability retirement made by a department or establishment of the Government the time for filing an appeal shall be not later than 30 days from date of receipt of notice of final action or order.

(3) In cases of disability annuitants who are found upon medical examination to have recovered, the time allowed for filing an appeal shall be no later than 90 days from the date of final notice of proposed discontinuance of annuity.

(4) In simultaneously contested claims, where one is allowed and one rejected, the time allowed for the filing of an appeal shall be not later than 60 days from the date of receipt of the notice of the Commission's action by the claimant to whom the action is adverse. Upon the filing of an appeal all parties, other than the appellant, whose interests may be adversely affected by the decision shall be notified by registered letter of the filing of the appeal and of the substance thereof and allowed 30 days from the date of the receipt of such notice within which to file brief or argument in answer thereto before the papers are forwarded to the Board of Appeals and Review. The return of a registered letter unclaimed, containing notice, addressed to the last known post-office address, shall constitute sufficient evidence of notice.

(d) Each appeal shall show the name and post-office address of appellant, his retirement claim number, the date and substance of the action from which the appeal is taken, and full reasons for the appeal.

(e) In proceedings before the Commission in which it shall be decided that a party has no right to appeal or that said appeal may not be entertained under the provisions of this section, such party may apply to the Commissioners for an order directing the Retirement Division to forward the record to the Board of Appeals and Review. Such application shall be in writing and shall fully and specifically set forth the grounds upon which the request is based. If upon consideration the application is granted, jurisdiction shall vest in the Board of Appeals and Review to dispose properly of the case.

(f) The mandate of the decision by the Board of Appeals and Review shall be carried into effect within 60 days from the date of the receipt of notice of the decision by the Retirement Division (except as hereinafter provided), unless the decision shall sooner be recalled. A proper explanation of the decision rendered shall be mailed to the appellant and/or his duly authorized representative by the Board of Appeals and Review.

(g) In any case involving conflicting claims of two or more parties wherein the time allowed for appeal is limited to 60 days, there shall be a stay of execution of the decision of the Board of Appeals and Review until the expiration of the period of 30 days within which a motion for reconsideration may be filed.

(h) No appeal will be considered by the Civil Service Commission to review the decisions of the Secretary of the Interior prior to July 21, 1930, or of the Administrator of Veterans' Affairs prior to September 1, 1934, on civil-service retirement cases except where upon the basis of newly discovered material evidence, the case has been reconsidered by the Retirement Division. In the latter event, the provisions of this section shall apply.

§ 29.101 *Basic records*—(a) *Records to be kept.* The administrative offices of the departments and independent agencies shall initiate and maintain as hereinafter provided a retirement record system which will furnish all required information for each employee subject to the provisions of the Civil Service Retirement Act, and which shall form the basic record for all retirement purposes. The basic record shall consist of an individual retirement account for each employee and an annual summary of retirement fund transactions. (Supported by an adjustment registered when necessary.)

(b) *Individual account.* The individual retirement account, Civil Service Commission Form 2806, shall be established for each employee in the Government service who is subject to the provisions of the Civil Service Retirement Act, and shall be maintained by the employing department or agency. The retirement account (supplemented by the designation of beneficiary, Form 2806–1, maintained in the Retirement Division of the Civil Service Commission) shall be the basic record from which the rights of individuals under the Retirement Act shall be determined, and shall be used to support all payments from the Civil Service Retirement and Disability Fund. Each retirement account shall contain the following detailed information and such other data as may from time to time be deemed essential by the Civil Service Commis-

sion to a proper determination of rights under the Retirement Act:

(1) Present name of employee and reference to any other name under which service was rendered.

(2) Date of birth.

(3) Sex.

(4) All periods of employment. (For the duration of the present emergency, due to the inability of most war agencies to maintain currently, and to supply completed retirement account cards (Form 2806), all known periods of Federal employment will be posted. Prior government employment may be noted as "Not Verified". Employment within the agency shall be certified as to completeness and accuracy.)

(5) Reference to all periods of military or naval service claimed.

(6) All periods of leave without pay in excess of six months in the aggregate in any calendar year—in computing excess leave, all periods of annual and sick leave, leave without pay and furloughs shall be included.

(7) A complete accumulative record of retirement deductions covering service in the agency by calendar years.

(8) Citation as to vouchers and appropriations involved in any adjustment of illegal dual service.

§ 29.102 *Maintenance of individual retirement account*—(a) *Standard abbreviations.* All appointments, separations and changes in status, etc., shall be recorded on the retirement account in accordance with the standard abbreviations for personnel changes as outlined in Civil Service Form No. 2822, Revised.

(b) *Posting retirement deductions, deposits and redeposits.* At the end of each calendar year the total retirement deductions taken from the salary or compensation, the amount of tontine included therein (see § 29.105), and the resulting net credit for the year, shall be posted from the payroll posting media for each employee to the appropriate columns on the fiscal side of his retirement account, the previous year's balance brought forward and the total credit entered.

The beginning date of deductions for each period of service shall be shown in the "remarks" column on the fiscal side of the retirement account card. Example: "Ded. began 9–1–38."

In no case shall voluntary deposits made under the provisions of section 4 of the Act of August 4, 1939, be entered on Form 2806. The record and account of voluntary deposits under that Act shall be maintained by the Retirement Division of the Civil Service Commission.

(c) *Posting service record.* Those agencies which maintain the service history side of the retirement account shall record all appointments, changes in status, changes in salary or rate of pay, and any other pertinent information on the service history side of the card in the appropriate columns. Those agencies which maintain only the fiscal record will record the date and kind of appointment, the designation and office of employment in the space provided in the upper right hand corner on the fiscal side of the card. In either type of record there shall also be shown any leave of absence without pay in excess of six months in the aggregate in any calendar year, it being borne in mind that the provisions of section 5 of the Retirement Act with regard to exclusion of leave in excess of six months in computing annuitable service applies to the calendar year and not to the fiscal year.

When establishing a record the agency shall also enter on the card whatever information is available within the agency—for example, information in the employee's application for employment—as to prior unverified service in other agencies. This statement of prior service in other agencies shall be noted "not verified."

When furnishing the record of an employee compensated on a w. a. e. (when actually employed) basis, the total number of days on which he was in a pay status shall be clearly indicated by calendar years. Where employment was on a regular per diem or per hour basis it shall be shown whether the service was on the basis of a 365-day year; 313-day year; 261-day year, or other period.

(d) *Use of margins.* All entries shall be kept within the lines ruled on the card if possible, and nothing written in the margins, particularly the right and left margins. If necessary a second line shall be used instead of the margins. (In using the record it is frequently perforated in the margin to be bound in the file, which may obliterate any entry in the margin or cause it to be obscured from view.)

(e) *Changes and erasures.* Any change or erasure of date, salary or cause of separation on the service history side of Form 2806, or any change or erasure of date in column 1 or of amount in columns 2 or 3 on the fiscal side shall be noted and initialed by the countersigning or certifying officer, or person designated by him, as near as possible to the item corrected. Certification shall occupy as little space as possible, and shall show the date, salary, amount, or cause of separation to which changed. Small rubber stamps are desirable. The following or similar forms shall be used: "Date changed to 4–16–38." "Amt. changed to $1860." "Cause of separation changed to Res."

(f) (1) *Completion and furnishing of record upon separation.* Immediately upon the separation of an employee from the service of any department or agency the retirement account shall be completed to date, and the cause and date of separation recorded. The account shall then be certified as to its correctness, proper entry therefrom made on the register of separations as provided in paragraph (c) of § 29.107, and forwarded at once to the Civil Service Commission, together with any claim that may be on file at that time. In no case shall the retirement account be held in a department or agency awaiting the receipt of a claim.

(2) In recording a separation the facts in each individual case shall be given briefly, but in sufficient detail for the Commission to determine whether the separation was voluntary or involuntary, and if involuntary, whether for misconduct or delinquency within the meaning and intent of the Retirement Act. In any case where separation occurs for reasons other than voluntary (resignation) a brief but clear statement of the facts shall be recorded on the retirement account, or a written statement in appropriate form attached thereto when forwarded to the Commission. (It is necessary to consider not merely the form in which the separation was accomplished, but the conditions which induced the result. As generally used for retirement purposes the term "voluntary" denotes a separation from the service at the desire and for the convenience of the employee, while the term "involuntary" contemplates a separation for administrative reasons, such as lack of work, reduction of force, or a separation against the will or without the consent of the employee.)

(3) Not less than six months preceding eligibility for retirement (age), or whenever an employee requests optional retirement, a letter shall be directed to the Civil Service Commission, Retirement Division, listing the employee's unverified prior service in other agencies. The Commission will then obtain verification of this service and forward it to the requesting agency. An application for disability retirement, when submitted to the Retirement Division of the Civil Service Commission, must be accompanied by a letter listing the employee's unverified prior service in other agencies.

(4) When an employee is dropped for retirement on account of disability the date on which pay ceased shall be shown under "remarks" on the fiscal side of his retirement account card.

(5) When an employee is separated by death the 5% of salary to date of death shall be included in his retirement account in accordance with General Accounting Office Regulation No. 54, Supplement No. 9, dated May 27, 1936. No retirement deductions shall be withheld from lump sum payments in lieu of accumulated or accrued annual leave under the act of December 21, 1944 (Public Law 525). If the employee was in a non-pay status at the time of death the period involved shall be stated. The claim for refundment of retirement deductions is separate and distinct from the claim for residue of salary, and shall not be held pending settlement of the claim for residue of salary unless there is some question as to the amount due.

(g) *Certification of record.* Certification shall be made on the line next following the last entry on the fiscal side of the card, but it shall also cover the data shown on the service history side as indicated in the following form of certification:

> Deductions and service certified correct.
> Signature and title of designated official.
> Date_____
> (See § 29.103.)

(h) *Accounts with various funds maintained separately.* Accounts for the Civil Service Retirement and Disability Fund, the Canal Zone Retirement and Disability Fund and the Alaska Railroad Retirement and Disability Fund are maintained separately. Amounts deducted for the different funds shall not be consolidated on the employee's retirement account. When an employee goes from a position within the purview of one law to a position within the purview of another law the second office shall not take up in its accounts the amount of retirement deductions to the employee's credit when he left the former position. In such cases the employee concerned should obtain a refund of the retirement deductions taken while in the first position, and if he so desires, he may make application for the purchase of service credit under the act covering his new position.

§ 29.103 *Certifying officers; signature cards.* Certification as to the correctness of retirement records shall be made by officials regularly designated by the head of the department or agency. The Retirement Division of the Civil Service Commission shall be furnished with duly authenticated signature cards in triplicate on Retirement Form 3420 for each designated official. The heads of the various departments and agencies shall promptly advise the Commission of any change in certifying officers.

§ 29.104 *Retirement deductions*—(a) *Coverage.* The Retirement Act requires that retirement deductions shall be taken currently from the compensation of each employee coming within the purview thereof.

Retirement deductions shall be taken from the basic salary, pay or compensation of all appointive officers and employees in or under the executive, judicial, and legislative[1] branches of the United States Government who are not subject to another retirement system for such personnel, except employees excluded by Executive order. The same is true with respect to all officers and employees of the municipal government of the District of Columbia not subject to another retirement system for such persons.

(b) *Employees excluded by Executive order with certain exceptions.* Employees given temporary appointments for 1 year or less, certain employees paid on a when-actually-employed basis without regular tour of duty, contract and fee-basis employees, etc., were excluded by Executive Order 9154 dated May 1, 1942. This order as amended by Executive Order 9824, January 28, 1947, reads as follows:

> (1. Employees in the following classifications of Federal personnel in the Executive branch of the Government are hereby excluded from the operation of the said Retirement Act, unless eligible for retirement benefits by continuity of service, by reinstatement, or otherwise:
>
> (a) Employees whose expected service will be for brief periods but not to exceed one year.
>
> (b) Employees paid by the hour, day, month, or year when actually employed, whose employment is periodic, part-time, or recurrent and for whom a regular tour of duty is not contemplated.
>
> (c) Employees and consultants paid on a contract or fee basis.
>
> (d) Employees paid on a piece-work basis, except when serving under regular or permanent appointment.
>
> (e) Cooperative employees not wholly under the control of the Federal Government and not otherwise subject to the Civil Service Retirement Act.
>
> (f) Officers and employees without compensation or with nominal compensation of $12.00 or less per annum.
>
> (g) Intermittent alien employees engaged on work outside the continental limits of the United States.
>
> (h) Member and patient employees in Government hospitals or homes.
>
> (i) Employees serving under temporary appointments pending final determination of
>
> (j) Acting postmasters, clerks in fourth-class post offices, substitute rural carriers, and special-delivery messengers at second-, third-, and fourth-class post offices.
>
> (k) Consular agents appointed under authority of section 551 of the Foreign Service Act of 1946, approved August 13, 1946, Public Law 724, 79th Congress (added by E. O. 9824).
>
> (2) The Civil Service Commission is authorized to determine the applicability of the above classifications to specific officers and employees or groups of officers and employees in the Executive branch of the Government.
>
> (3) This order shall be effective as of January 24, 1942, except that it shall not be so construed as to defeat any retirement rights of officers and employees acquired before the date of this order.

By the terms of the order, employees in any of the categories listed therein have a retirement status if they are eligible for retirement benefits by continuity of service, by reinstatement, or otherwise. Such employees continue under the system until they become absolutely separated from the Government service or are transferred to a position under another Federal retirement system.

§ 29.105 *Tontine; based on pay status in calendar month.* The phrase "major fraction thereof" as used in section 12 (a) of the Retirement Act has reference to the major fraction of the calendar month. The retention of $1 is predicated upon the receipt of salary, pay or compensation, from which retirement deductions have been withheld, and tontine during a calendar month is determined on a pay status when making an accounting for retirement deductions.

There is no separate tontine fund. The total deductions for the calendar month less the sum of $1 shall be credited to the employee's individual account whenever the employee is in a pay status for more than one-half of such month. If an employee is in a pay status for the major fraction of a calendar month and the total retirement deductions covering such month amount to less than $1, the total amount deducted shall be recorded as a credit to the retirement fund without any credit to the employee's individual account. An employee who is on the rolls in a pay status for one-half month or less shall receive credit in his individual account for the full amount of retirement deductions taken for such period.

§ 29.106 *Reemployed annuitants.* When an annuitant receiving annuity under any provision of the Retirement Act is reemployed, the Commission shall be immediately informed of that fact, and advised as to the date of reemployment and whether such reemployment is of a permanent or temporary nature. This is imperative in order to prevent concurrent payment of annuity and salary.

§ 29.107 *Reports of retirement fund transactions*—(a) *Reports to be submitted.* In addition to the individual retirement account, each department or independent agency shall maintain a register of employees appointed thereunder, a register of employees separated therefrom, and a register of adjustments, and shall submit annually a summary of retirement fund transactions. The annual summary of retirement fund transactions, Form 2807–2, shall be submitted as soon as possible after the close of each calendar year, accompanied by a register of adjustments on Form 2807–1, where adjustments of prior reports are necessary. Such records shall be made in duplicate, the original forwarded to the Commission and the carbon retained by the office maintaining the record. In the event a department finds it expedient to maintain its individual retirement accounts in the various bureaus, annual summaries of retirement fund accounts shall be consolidated into one summary before submission to the Commission.

(b) *Register of appointments.* A register of appointments shall be maintained on Form 2807, or acceptable substitute, recording the unrefunded deductions to the credit of the employees appointed during the year as shown on any individual retirement accounts (Form 2806) received for such employee. (If no individual retirement account is received, no entry on the appointment register is necessary.) If Form 2807 is used, no entry shall be made in columns 2, 3, and 4. The name of the employee shall be entered in column 1 and the amount of unrefunded retirement deductions to his credit at the time of appointment as shown by his individual account shall be entered in column 5. The total of all entries in column 5 for the calendar year shall be used to support the entry "Register of Appointments" on the annual summary and must be in agreement therewith.

(c) *Register of separations.* A register shall be maintained on Form 2807, or acceptable substitute of all separations during the calendar year. When Form 2807 is used as a register of separations the name of the employee separated shall be entered in column 1 and the total deductions remaining to the credit of the employee at separation as shown by the last entry on his individual account shall be entered in column 5. (Columns 2, 3, and 4 may be used by those offices which desire to so record the information regarding current deductions.) In no case shall tontine be included in the net credit of the employee, either on his retirement account or on the register of separations, regardless of the cause of separation. The final total of column 5 shall be used to support the entry "Register of separations" on the annual summary, and must be in agreement therewith. In case of transfer from one bureau to another in the same department no entry shall be made on either the appointment or separation register unless the accounts are maintained and reports submitted by bureaus as specified in paragraph (a) of this section.

[1] Certain legislative employees have the right of election to come under the system. (50 Stat. 512; 56 Stat. 13.)
their eligibility for permanent or indefinite appointment.

(d) *Register of adjustments.* The register of adjustments (Form 2807–1) is prescribed to provide an adequate medium for posting in the control accounts any corrections of prior reports. Any correction of individual retirement accounts necessitating a change in any of the amounts shown on a previous annual summary of retirement fund transactions shall be noted on the register of adjustments so as to show the name of the employee concerned, any increase or decrease in gross deductions or tontine and the resulting net increase or decrease in the net balance of the employee's individual account in each case, together with a citation as to the calendar year in which the error occurred. The character of the error in each case shall be recorded in the explanation column of the register in sufficient detail to afford a basis for the proper bookkeeping entry. When an adjustment of the account is occasioned by an adjustment of the retirement fund, the explanation shall include citations of the appropriation symbols of the accounts affected, and the dates and numbers of vouchers or other documents used as posting media. It is preferable that increases be shown in black and decreases in red, but any other distinct method will be acceptable. The final result of the net deductions column shall be used to support the fourth item on the annual summary, and shall be in agreement therewith.

(e) *Annual summary of retirement fund transactions.* The annual summary of retirement fund transactions Form 2607–2) has been prescribed to provide a uniform method of summarizing retirement fund transactions. For the present the first and second columns will be used only in reporting item 6.

The summary for each calendar year shall bring forward in the third column the balance at the close of the preceding calendar year as shown by the last entry on the summary submitted for that year. Item 2, "Register of appointments" shall be posted from the register of appointments and shall agree therewith. The total adjustments of prior fiscal year reports shall be posted in the third column under item 4. Under item 6 "Current calendar year payroll deductions" there shall be entered in the first column all deductions taken on the payroll during the calendar year for credit to the retirement fund; the amount of tontine included therein shall be entered in column 2, and the net credit extended to column 3. The totals in column 6 shall agree with the total current year's postings to the individual retirement accounts of employees, including the accounts of employees separated during the year.

Any adjustment for the current calendar year which cannot be properly taken care of under some calendar year item may be entered under item 9, in which event a separate adjustment register shall be submitted to cover this item. The total as shown on the register of separations shall be entered under item 12 as a deduction from the total to be accounted for, and the balance brought down under item 13, which item shall agree with the aggregate of balances on the individual accounts of employees still on the rolls at the close of the calendar year for which the report is submitted.

§ 29.108 *Set-off on account of indebtedness to the Government.* It is incumbent upon the Civil Service Commission when adjudicating claims for retirement credits due former employees to make proper set-offs from the total amounts due of any unliquidated amounts chargeable to such employees on account of advance payments for unearned annual or sick leave, overpayment of salary, or other indebtedness to the Government.

In filing claims for reimbursement on account of overdrawn leave the agencies concerned shall execute Form 3037 (Statement of Account of Overdrawn Annual and/or Sick Leave) in duplicate. In all cases involving withholding tax the amount of tax deductions included in the overpayment shall be entered directly below the space provided for gross indebtedness so that the form will show the total amount due the appropriation, the amount of tax reductions, and the balance for recovery from the retirement fund. The report shall show whether the amount of tax deductions has been taken up as Internal Revenue Collections or is being held in a special deposit account, in which case the special deposit account shall be fully identified. In each case involving withholding tax one copy of Form 3037 shall be forwarded to the General Accounting Office, Claims Division, at the same time the claim against the retirement fund is forwarded to the Commission. In all other cases both copies shall be forwarded to the Commission. Claims forwarded to the Commission should be attached to Form 2806 whenever possible.

Claims for set-off on account of indebtedness to the Government for reasons other than overdrawn leave shall be submitted to the Commission on Form 3037, in duplicate, setting forth all pertinent facts in the case, including the amount to be recovered.

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

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30.101 Definitions.

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AUTHORITY: §§ 30.101 to 30.602, inclusive, issued under sec. 7.1, E. O. 9414, Jan. 13, 1944, 3 CFR 1944 Supp.

SUBPART A—DEFINITIONS

§ 30.101 *Definitions.* (a) "Employee" and "employees" include officer and officers, respectively.

(b) "Permanent employees" are those appointed without limitation as to length of service, or for definite periods in excess of one year, or for the "duration of the job," or for the duration of the present war and for six months thereafter; and those who, although paid only when actually employed, are continuously employed or required to be available for duty for a period of not less than one month, as distinguished from part-time or intermittent employees.

(c) "Temporary employees" are those appointed for definite periods of time not exceeding 1 year.

(d) "Accumulated leave" means the unused leave remaining to the credit of the employee at the close of any calendar year.

(e) "Court leave" means leave for attending court as a witness on behalf of the United States or the government of the District of Columbia, or for jury duty.

(f) "Medical certificate" means a written statement signed by a registered practicing physician or other practitioner, certifying to the period of disability of the patient while he was undergoing professional treatment.

(g) "Month of service" means a period in a pay status covering a full calendar month or beginning on any date of a calendar month and ending at the close of business of the preceding date in the next calendar month.

(h) "Contagious disease" means a disease ruled as subject to quarantine as defined by the health authorities having jurisdiction.

SUBPART B—ANNUAL LEAVE

§ 30.201 *Accrual of annual leave.* Annual leave shall be credited to employees as follows:

(a) Permanent employees shall be credited with leave at the rate of 1 day per bi-weekly pay period; or, the total credit for any calendar year may be given at the beginning of the calendar year in which it accrues. The minimum credit for leave shall be 4 hours, and additional credits shall be in multiples thereof.

(b) Temporary employees shall be credited with leave of 2½ days for each month of service.

§ 30.202 *Accumulated annual leave.* Accumulated annual leave may be carried forward for use in succeeding years until it totals not exceeding 60 days: *Provided*, That during the period of the present emergency 30 days additional leave may be accumulated: *Provided further*, That when accumulated leave equals or exceeds 60 days, further increase in accumulated leave shall be limited to 15 days in any succeeding years.

§ 30.203 *Grant of annual leave.* Annual leave shall be granted to an employee at such times as the heads of the departments and agencies may prescribe: *Provided*, That an employee who is to be placed on furlough in contemplation of separation by reduction of force shall be granted immediately prior to furlough, upon his request, any annual leave to which he is entitled. Permanent employees during the first year of service shall not be granted leave in excess of the amount accrued to their credit. Temporary employees shall not be granted leave until immediately prior to the end of the month in which it is earned. The minimum charge for annual leave shall be one hour, and additional leave shall be charged in multiples of one hour.

§ 30.204 *Court leave.* When an employee is absent from duty and in attendance in court as a witness in behalf of the United States or the Government of the District of Columbia, or for jury duty in any State court or court of the United States, the absence from duty shall not be charged against annual leave but should be recorded as "court leave."

SUBPART C—SICK LEAVE

§ 30.301 *Accrual of sick leave.* (a) Permanent employees shall be credited with sick leave at the rate of 1¼ days per month, which may be credited at the beginning of the calendar month, or at the beginning of the first pay period following the first day of the calendar month. The minimum credit for sick leave shall be one hour, and additional credits shall be in multiples thereof.

(b) Temporary employees shall be credited with 1¼ days of sick leave for each month of service.

(c) Sick leave accruing during any month of service shall be available at any time during that or any subsequent month.

(d) Because of the difference in crediting sick leave to temporary and permanent employees the following method shall be followed in crediting sick leave when a temporary appointment is converted to a permanent appointment prior to the end of the service month: Service as a permanent employee shall be counted as temporary service for the purpose of completing the month of service. Sick leave shall thereafter be credited as a permanent employee.

§ 30.302 *Accumulated sick leave.* Unused sick leave shall be cumulative and available for future use: *Provided*, That the balance to the credit of the employee at the end of any month shall not exceed 90 days.

§ 30.303 *Grant of sick leave.* Sick leave shall be granted to employees when they are incapacitated for the performance of their duties by sickness, injury, or pregnancy and confinement, or for medical, dental or optical examination or treatment, or when a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee, or when, through exposure to contagious disease, the presence of the employee at his post of duty would jeopardize the health of others. The minimum charge for sick leave shall be 1 hour, and additional leave shall be charged in multiples of 1 hour.

§ 30.304 *Notification of superior.* An employee who is absent on account of sickness shall notify his supervisor as early as practicable on the first day of such absence, or as soon thereafter as possible. Failure to give such notice may result in the absence being charged to annual leave or leave without pay, as the circumstances may justify. Requests for sick leave for medical, dental, or optical examination or treatment shall be submitted for approval prior to the beginning of the leave.

§ 30.305 *Application for sick leave.* Written application on the prescribed form for grant of sick leave shall be filed within two days after the employee returns to duty. In no case shall a medical certificate be required to support the application for periods of absence of three days or less. For periods of absence in excess of three work days the application must be supported by a medical certificate, or other evidence administratively acceptable, which must be filed within 15 days after return to duty: *Provided*, That in lieu of a medical certificate, a signed statement of the employee indicating the nature of the illness and the reason why a medical certificate is not furnished may be accepted whenever it is unreasonable to obtain such certificate because of a shortage of physicians, remoteness of locality, or because the circumstances surrounding the employee's illness do not require the services of a physician. The agency shall determine administratively whether the statement of the employee in lieu of a medical certificate shall be considered sufficient evidence to support the request for sick leave.

§ 30.306 *Sickness during annual leave.* When sickness occurs within a period of annual leave and lasts 5 or more consecutive work days, the period of illness may be charged as sick leave and the charge against annual leave reduced accordingly. Application for such substitution of sick leave for annual leave shall be made within 2 days after return to duty and shall be supported by a medical certificate, or other evidence administratively acceptable to the same extent as provided in § 30.305.

§ 30.307 *Sick leave advanced.* In cases of serious disability or ailments, and when the exigencies of the situation so require, sick leave may be advanced to permanent employees not in excess of 30 days: *Provided*, That no advances of sick leave shall be made to any employee unless the absence from duty on account of illness is for a period, or periods, of 5 or more consecutive work days; that every application for advance leave shall be supported by a medical certificate; that the total of such advances shall be charged against sick leave subsequently credited. Sick leave may be advanced irrespective of whether the employee has annual leave to his credit.

§ 30.308 *Sick leave not advanced.* Sick leave shall not be advanced to an employee holding a limited appointment, or one expiring on a specified date, in excess of the total sick leave that would accrue during the remaining period of such appointment.

SUBPART D—GENERAL PROVISIONS

§ 30.401 *Change in hours of duty.* Whenever the number of hours of duty in an employee's work day is permanently changed the leave standing to his credit shall be converted to the proper number of hours based upon the new work day.

§ 30.402 *Leave-with-pay status.* (a) Leave shall accrue to an employee while in a leave-with-pay status, provided he returns to duty, or provided that failure to return to duty is due to death, disability (evidence of which shall be supported by an acceptable medical certificate), retirement for disability, or reduction in force.

(b) Employees who entered military, naval or merchant marine service between January 13 and December 21, 1944, and who are restored in accordance with statutory provisions after such service may be credited with leave accrued during the period of terminal leave granted immediately prior to entry into active military, naval, or merchant marine service.

§ 30.403 *Nonpay status.* Whenever a permanent employee's absence in a nonpay status totals the equivalent of the base-pay hours in 1 bi-weekly pay period, the credits for annual leave shall be reduced 1 day and for sick leave ⅝ day for each such period. The total deductions in sick leave credits on account of nonpay status in any one calendar year shall not exceed 15 days: *Provided*, That when an employee absent because of injury received in line of duty requests to be carried on leave-without-pay, he shall, upon his return to duty, receive credit for accrued leave covering the period for which he was paid disability compensation by the Employees' Compensation Commission.

§ 30.404 *Days for which leave charged.* Leave shall be charged only for absence upon days which an employee would otherwise work and receive pay and shall be exclusive of Sundays which do not occur within a regular tour of duty, holidays, and all nonwork days established by Federal statute or by Executive or administrative order: *Provided*, That when a holiday is declared by general administrative orders to be a work day, an employee who absents himself from work without permission that day shall be subject to a deduction of 1 day's pay.

§ 30.405 *Absences of less than 30 minutes.* Under ordinary circumstances unavoidable or necessary absence from duty not in excess of 30 minutes, and tardiness, shall be excused for adequate reasons, or handled administratively by requiring additional work, or by a charge against any compensatory time which the employee may have to his credit as a result of overtime previously worked. In the event that this privilege is abused such absences, and tardiness, shall be handled administratively by a charge against annual leave, or by disciplinary action.

§ 30.406 *Separation of employees indebted for unearned leave.* In case of the separation of an employee who is indebted for unearned leave, the employee shall refund the amount paid him for the period of such excess, or deduction therefor shall be made from any salary due him. This section shall not apply in cases of death, retirement for disability, or reduction of force, or in case an employee is unable to return to duty because of disability, evidence of which shall be supported by an acceptable medical certificate.

§ 30.407 *Leave without pay.* Leave without pay may be granted to an employee for a period not exceeding 12 months regardless of whether he has leave standing to his credit: *Provided:* That an employee absent because of injuries received in line of duty may be carried on leave without pay for the period for which he is paid disability compensation by the Employees' Compensation Commission.

§ 30.408 *Disposition of sick leave account on transfer.* When an employee is appointed, reappointed, or transferred to another position with no break in service, or a break of less than 90 days, or within one year after notice of proposed separation by reduction in force, his sick leave account shall be disposed of as follows:

(a) If the position is within the purview of the leave acts of March 14, 1936, the sick leave account shall be certified to the employing agency for credit or charge to the employee.

(b) If the position to which he is appointed, reappointed, or transferred is not within the purview of the leave acts of March 14, 1936, the employee shall be furnished with a statement of his sick leave account and if he is subsequently appointed, reappointed, or transferred to a position within the purview of such acts, with no break in service or a break of less than 90 days, the leave shown to be due shall be credited to his account.

§ 30.409 *Disposition of annual leave account on transfer.* When a permanent employee is appointed, reappointed, or transferred to another position as a permanent employee within the purview of the leave acts of March 14, 1936, with no break in service, his annual leave account shall be certified to the employing agency for credit or charge to the employee.

§ 30.410 *Transfer from position not within purview of leave acts to position within purview of leave acts.* Any person who was appointed, reappointed, or transferred prior to January 1, 1945, to a position not within the purview of the leave acts of March 14, 1936, who is or has been appointed, reappointed, or transferred to a position within the purview of such acts with no break in service, or with a break of less than 30 days if the reappointment occurred between December 31, 1944, and March 1, 1946, or less than 90 days if the reappointment occurred on or after March 1, 1946, shall be credited with the leave shown to be due.

§ 30.411 *Restoration of veterans.* (a) Any permanent employee who leaves or has left a position to enter military, naval, or merchant marine service, and is or has been reemployed as a permanent employee within 120 days after his release from military, naval, or merchant marine service, shall be entitled to such leave as remained to his credit.

(b) Any permanent employee who is or has been restored to a position as a result of appeal under section 14 of the Veterans' Preference Act of 1944, or as a result of formal appeal under any other authority or procedure, shall be entitled to any annual or sick leave which remained to his credit upon separation.

SUBPART E—ADMINISTRATION

§ 30.501 *Responsibility for administration.* The heads or governing bodies of the various governmental agencies to which this part applies shall be responsible for the proper administration of this part so far as they pertain to employees under their respective jurisdictions, and they shall maintain an account of leave for each employee in accordance with methods prescribed by the General Accounting Office.

§ 30.502 *Employees who have uncommon tours of duty.* The head or governing body of any governmental agency which has employees who work 24-hour shifts, or other uncommon tours of duty, is authorized to promulgate supplemental regulations consistent with the regulations in this part for administering leave for such employees.

§ 30.503 *Employees outside the continental United States.* Nothing in this part shall be construed to prevent the continuance of any leave differential existing prior to January 1, 1936, for the benefit of employees of the Federal Government stationed without the continental limits of the United States. However, any department may, if it so desires, apply the regulations in this part to employees' stationed without the continental limits of the United States, subject to the continuance of such leave differential.

SUBPART F—EMPLOYEES EXCEPTED

§ 30.601 *Employees excepted.* (a) Teachers and Librarians of the public schools of the District of Columbia.

(b) Officers and employees of the Panama Canal and the Panama Railroad Co. on the Isthmus of Panama.

(c) Temporary employees engaged on construction work at hourly rates.

(d) The Postmaster General and officers and employees in or under the Post Office Department, except those serving in the departmental service and in the Mail Equipment Shops.

(e) Employees not required to be continuously employed during regular tour of duty, such as (1) per diem or per hour employees engaged in an emergency who may be employed for more than one 7- or 8-hour shift within 24 hours during the emergency; (2) part-time or intermittent employees; (3) persons engaged under contract; (4) employees engaged temporarily for less than a month on a piece-price basis; (5) employees who are paid at hourly rates but who are not engaged on construction work, such as mechanics, skilled laborers, and others engaged in various services on maintenance, repair, clean-up work, etc., where employment is more or less intermittent and not on a regular and continuous basis; (6) consultants employed and paid on the basis of "when actually employed"; and (7) employees paid on a fee basis, such as physicians, surgeons, and other consultants.

(f) Alien and native labor employed outside the continental limits of the United States: *Provided,* That the head or governing body of any governmental agency which employs alien and native labor outside the continental limits of the United States may promulgate regulations governing the granting of leave to such employees.

§ 30.602 *D. C. Police and Fire Departments.* The regulations in this part relating to sick leave shall not apply to officers and members of the Police and Fire Departments of the District of Columbia other than civilian personnel.

PART 31—EFFICIENCY RATINGS BOARDS OF REVIEW

Sec.
31.1 Establishment.
31.2 Jurisdiction and number.
31.3 Members.
31.4 Appeals.
31.5 Appeal period when efficiency rating is "unsatisfactory."
31.6 Hearings.
31.7 Decisions.
31.8 Extent of regulations.
31.9 Effective date of regulations.

AUTHORITY: §§ 31.1 to 31.9, inclusive, issued under 42 Stat. 1490, as amended; 5 U. S. C. 669.

§ 31.1 *Establishment.* There shall be established in each department and independent establishment having positions and employees subject to section 9 of the Classification Act of 1923, as amended, one or more boards of review for the purpose of considering and passing upon the merits of efficiency ratings assigned to such employees.

§ 31.2 *Jurisdiction and number.* The head of each department or independent establishment shall determine the number and jurisdiction of boards of review to be established within his department or establishment, subject to the approval of the Civil Service Commission. The jurisdiction of each board of review shall be specific and shall be exclusive of that of any other such board.

§ 31.3 *Members.* (a) Each board of review shall be composed of three members, and there shall be an alternate member provided for each principal member who shall serve during the absence of such principal member or when

the principal member is unable to serve for any other reason and who shall succeed the principal member in the event that he is unable to serve to the end of his term of office. Where necessary in the interest of good administration, and in order to expedite the consideration of cases, an additional alternate member may be designated for each principal member. Members of boards of review and alternate members shall be appointed or designated for terms expiring June 30 subsequent to their appointment or designation: *Provided,* That they may continue to serve until their successors are appointed or designated.

(b) One member of each board of review and alternates to such member (to be known as department member and alternate department members) shall be designated by the head of the department or establishment served by such board.

(c) Another member of each board of review and alternates to such member (to be known as employee member and alternate employee members) shall be designated by election, to be held between April 1 and July 1 of each calendar year for the term beginning on July 1 of such year, by the employees whose efficiency ratings are under the jurisdiction of the board in such manner as shall be determined by the Civil Service Commission. Upon the request of the head of a department or establishment or of ten percent of the employees whose efficiency ratings are subject to review by a board of review, the Civil Service Commission may order an election for employee members and alternate employee members at a different time or may authorize the definite or indefinite postponement of the regular annual election.

(d) Chairmen and alternate chairmen for the boards of review shall be designated by the Civil Service Commission.

(e) All members of boards of review and all alternate members shall be officers or employees of the executive branch of the Federal government: *Provided, however,* That in the case of boards of review serving agencies not in the executive branch, such members and alternate members (except chairmen and alternate chairmen) shall be appointed or elected from the branch of government to which such agencies respectively belong.

§ 31.4 *Appeals.* Each appeal from an efficiency rating shall be submitted in writing to the chairman of the appropriate board of review within ninety days of the date that notice of such rating was delivered to the employee. Boards of review may waive this requirement for good and sufficient reasons, as in cases (a) where it appears that appellants were not in a position to make an appeal within the ninety-day period, (b) where employees elected to avail themselves of the grievance procedures in their own departments or establishments before proceeding with appeals under these regulations, or (c) where new evidence is discovered after the close of the ninety-day period which would have a bearing on the decision concerning the appeal. On the request of the Civil Service Commission, certified in writing, efficiency ratings which require the dismissal, demotion, or reduction in salary of employees subject to the approval of the Civil Service Commission under section 9 of the Classification Act of 1923 as amended shall be considered by boards of review in the same manner as if appealed by such employees.

§ 31.5 *Appeal period when efficiency rating is "unsatisfactory".* When an employee who has completed his probationary or trial period and whose efficiency rating is "unsatisfactory" appeals his rating to the appropriate Board of Review, created under the provisions of section 9 of the Classification Act of 1923, as amended, within 15 days after receiving notice of the rating, action based on the efficiency rating shall be withheld pending the outcome of the appeal.

§ 31.6 *Hearings.* Hearings conducted on efficiency-rating appeals and certified cases shall be on as informal a basis as possible and yet permit the presentation of all information necessary to ascertain the correctness of the rating in question or the rating which should be assigned the employee. An oral hearing may be waived by the appellant, or employee whose rating is certified for review, and the board of review may thereupon proceed to a consideration of the case on the basis of written evidence submitted by the parties. Stenographic reports of oral hearings shall be required only when it is determined by the unanimous vote of the board that they are necessary to the best interests of the Government and employee. In all proceedings before boards of review, each employee whose efficiency rating is under consideration shall be entitled to have a representative of his own selection; and at oral hearings each appellant or employee whose rating is certified for review shall be entitled to appear with his representative. The appellant, or employee whose rating is certified for review, and his representative, and such representatives of the department or establishment as are designated by the head thereof, shall be afforded an opportunity to submit orally or in writing any information deemed by the board of review to be pertinent to the case, and shall be afforded an opportunity to hear or examine, and to reply to, information submitted to such board by other parties.

§ 31.7 *Decisions.* After ascertaining the pertinent facts in each case, the board of review shall proceed to determine such adjustment in the efficiency rating as it deems proper, or sustain the efficiency rating appealed from without change. Decisions shall be made by a majority vote. Notices of decisions of boards of review shall be communicated to the heads of the departments or independent establishments and to the appellants, and employees whose ratings are certified for review, in writing and shall contain summary statements of the facts on which the decisions are based. Copies of the decisions of the boards shall also be forwarded to the Civil Service Commision.

§ 31.8 *Extent of regulations.* The regulations in this part apply with full force and effect to the administration of efficiency rating boards of review in the departmental service. Until such time as the Civil Service Commission, after consultation with heads of departments and independent establishments, decides that it is practicable to extend the foregoing provisions in their full force and effect to the field services, efficiency-rating appeals from employees in the field services may be made to boards of review established in and for the departmental headquarters of said field services for adjudication on the basis of evidence submitted in writing.

§ 31.9 *Effective date of regulations.* The regulations in this part supersede the regulations in Executive Order No. 8748 of May 1, 1941, and in Executive Order No. 9155 of May 1, 1942, and shall be effective immediately, except that the provision in § 31.3 authorizing members of boards of review to serve until their successors are appointed or designated shall be effective retroactively to July 1, 1941.

PART 32—AWARDS TO FEDERAL EMPLOYEES FOR MERITORIOUS SUGGESTIONS AND FOR EXCEPTIONAL OR MERITORIOUS SERVICE

Sec.
32.1 Eligibility for awards.
32.2 Amount of awards.
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32.10 Effective date.

AUTHORITY: §§ 32.1 to 32.10, inclusive, issued under sec. 14, Pub. Law 600, 79th Cong.

§ 32.1 *Eligibility for awards.* Any civilian officer or employee of a department (as the word "department" is defined in section 18 of the said act of August 2, 1946) who makes a suggestion, in such form and manner as his department shall require, which is adopted for use in the department on or after August 2, 1946, and, in the judgment of the department head or other duly authorized authority in the department, has resulted or will result in improvement or economy in the operations of the department by way of monetary savings, increased efficiency, conservation of property, improved employee-working conditions, better service to the public, or otherwise, shall be eligible for consideration for a cash award. A former civilian officer or employee (or his estate) shall be similarly eligible for awards for such suggestions made while in the service of the department.

§ 32.2 *Amount of awards.* Whenever a suggestion is determined to be meritorious and is adopted solely or primarily because it will result or has resulted in the saving of money, the amount of the award shall be based on the amount of the annual estimated saving in the first year of operation in accordance with the following table, unless for special reasons the head of the department shall determine, subject to the limitations prescribed in the said act, that a different amount is justified:

Savings	*Awards*
$1–$1,000	$10 for each $200 of savings with a minimum of $10 for any adopted suggestion.
$1,000–$10,000	$50 for the first $1,000 of savings, and $25 for each additional $1,000 of savings.
$10,000–$100,000	$275 for the first $10,000 of savings, and $50 for each additional $10,000 of savings.
$100,000 or more	$725 for the first $100,000 of savings, and $100 for each additional $100,000 of savings; provided that (with the exception of the War and Navy Departments) the maximum award for any one suggestion shall not exceed $1,000.

§ 32.3 *Determination of awards; dissemination of suggestions.* When a suggestion is adopted primarily upon the basis of improvement in the operations or services of the department, the department shall determine the amount of the award commensurate with the benefits anticipated from the suggestion. Whenever the head of a department believes that a suggestion he has adopted would benefit the Government service generally, he may report it to the Director of the Bureau of the Budget for dissemination to all departments.

§ 32.4 *Reports to Bureau of Budget.* At the end of each fiscal year each department shall report to the Director of the Bureau of the Budget the number of employee suggestions submitted, the number of such suggestions adopted, the total amount of cash awards, and the total amount of estimated annual savings.

§ 32.5 *Awards of certificates, medals or other emblems.* A department may provide for the purchase and award of appropriate certificates, medals, or other emblems, in honorary recognition of service which is determined by the head of the department to be exceptional or meritorious.

§ 32.6 *Time limitations.* No award shall be paid for any suggestion which is not adopted for use within five years from the date the suggestion is received by the department. Any department may, in its discretion, change the designated period of five years to a less period of time.

§ 32.7 *Suggestions which represent part of normal duties.* No award shall be paid to any officer or employee for any suggestion which represents a part of the normal requirements of the duties of his position.

§ 32.8 *Limitation of awards.* The total of cash awards paid during any fiscal year in any department (except the War and Navy Departments) shall not exceed $25,000. Cash awards and expenses for honorary recognition for exceptional or meritorious service may be paid from the appropriation for the activity primarily benefiting or may be distributed among appropriations for activities benefiting as the head of the department determines.

§ 32.9 *Waiver of further claim by recipient.* A cash award shall be in addition to the regular compensation of the recipient, and the acceptance of such cash award shall constitute an agreement that the use by the United States of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns.

§ 32.10 *Effective date.* This part shall be effective as of August 2, 1946.

NOTE: Part 32 was previously issued as Executive Order 9817, dated December 31, 1946, 12 F. R. 57.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-4210; Filed, Apr. 30, 1947; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5445]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EXCELLEX COMPANY ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* In connection with the offering for sale, sale or distribution of respondent's medicinal product XLX Vita-Grey Tablets, or any other product composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondent's said product, which advertisements represent, directly or indirectly, (a) that it has been established that gray hair results from a vitamin deficiency; or (b) that the use of respondent's product will prevent or end gray hair or restore the original color or any color resembling the original color to gray hair; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Excellex Company et al., Docket 5445, March 24, 1947]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 24th day of March A. D. 1947.

In the Matter of Arthur E. Weisberg, an Individual Trading as Excellex Company, and Frizzell Advertising Agency, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission as to respondent Arthur E. Weisberg upon the complaint of the Commission and the answer of said respondent, in which answer said respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That said respondent, individually and trading as Excellex Company, or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his medicinal product XLX Vita-Grey Tablets, or any other product composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly:

(a) That it has been established that gray hair results from a vitamin deficiency;

(b) That the use of respondent's product will prevent or end gray hair or restore the original color or any color resembling the original color to gray hair.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That said respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-4144; Filed, Apr. 30, 1947; 8:51 a. m.]

[Docket No. 5036]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MID-WEST DRUG CO., INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with the offering for sale, sale or distribution of the preparation known as "Ju-Van" or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondents' preparation which advertisements represent directly or by implication that said preparation is a cure or remedy for obesity or that it constitutes a safe, competent, or effective treatment therefor; or which fail to reveal that the unsupervised use of respondent's preparation "Ju-Van," or any other preparation of substantially similar composition, by persons not skilled in the diagnosis and treatment of thyroid conditions may result in serious and irreparable injury to health and may cause permanent injury to tissues, organic function, and the entire muscular system; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Mid-West Drug Company, Inc. et al., Docket 5036, March 26, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of March A. D. 1947.

In the Matter of Mid-West Drug Company, Inc., a Corporation, and J. R. Dale and W. O. Duane, Individually and as Officers of the Mid-West Drug Company, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and testimony and other evidence taken before W. W. Sheppard, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint (no testimony having been offered in opposition thereto, and the filing of a trial examiner's report upon the evidence and briefs having been waived by all parties and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Mid-West Drug Company, Inc., a corporation, and its officers, and J. R. Dale and W. O. Duane, individually and as officers of the Mid-West Drug Company, Inc., and their respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the preparation known as "Ju-Van," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication that said preparation is a cure or remedy for obesity or that it constitutes a safe, competent, or effective treatment therefor.

2. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to reveal that the unsupervised use of respondent's preparation "Ju-Van," or any other preparation of substantially similar composition, by persons not skilled in the diagnosis and treatment of thyroid conditions may result in serious and irreparable injury to health and may cause permanent injury to tissues, organic function, and the entire muscular system.

3. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof or which fails to comply with the requirements set forth in paragraph 2 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-4143; Filed, Apr. 30, 1947; 8:51 a. m.]

[File No. 21-386]

PART 170—TRADE PRACTICE RULES RESPECTING THE TERMS "WATERPROOF," "SHOCKPROOF," "NONMAGNETIC," AND RELATED DESIGNATIONS, AS APPLIED TO WATCHES, WATCHCASES, AND WATCH MOVEMENTS

Correction

In Federal Register Document 47-3889, appearing at page 2624 of the issue of Thursday, April 24, 1947, the first four lines of the first sentence of § 170.3 (c) are changed to read as follows: "Nothing in this section, however, shall be deemed to prohibit use, without superlatives or accentuation, of the term 'shock resistant' or * * *".

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 239—PROOFS REQUIRED IN SUPPORT OF CLAIMS FOR BENEFITS

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U. S. C. 228j), Part 239 of the regulations of the Railroad Retirement Board under such act is adopted effective April 1, 1947, by Board Order 47-141, dated April 1, 1947, to read as follows:

Sec.
239.1 Proof of age.
239.2 Proof of death.
239.3 Proof of marriage.
239.4 Proof of termination of prior marriage.
239.5 Proof of relationship.
239.6 Proof of "living with".
239.7 Proof of having the care of a child.
239.8 Proof of dependency of a child.
239.9 Proof of school attendance.
239.10 Proof of the dependency of a parent.
239.11 Proof of the payment of burial expenses.

AUTHORITY: §§ 239.1 to 239.11, inclusive, issued under sec. 10, 50 Stat. 314; 45 U. S. C. 228j.

§ 239.1 *Proof of age.* (a) An applicant for an employee annuity shall file supporting evidence to establish his age or date of birth, and, if a joint and survivor annuity has been elected, the age or date of birth of his spouse. A record of the employee's age or date of birth which has been verified by an employer prior to July 1, 1943, or any type of record enumerated in paragraph (c) of this section, made prior to August 1, 1935, will be acceptable.

(b) An applicant for an insurance annuity shall file supporting evidence to establish his age or date of birth, if his age is a condition of entitlement. Evidence as to the age of any other individual may also be required by the Board when such other individual's age is relevant to the determination of the applicant's entitlement. In determining the weight to be given to evidence offered to prove age under this paragraph, consideration will be given to its general probative value and to its position in the enumeration set forth in paragraph (c) of this section.

(c) Proof of age shall consist of the following types:

(1) Civil records of birth;
(2) Church records of birth or baptism;
(3) Notification of registration of birth;
(4) Hospital birth record or certificate;
(5) Physician's or midwife's birth record;
(6) Bible and family records;
(7) Naturalization records;
(8) Immigration papers;
(9) Military records;
(10) Passports;
(11) School records;
(12) Vaccination records;
(13) Insurance records;
(14) Labor Union and Fraternal records;
(15) Employer's records;
(16) Marriage records;
(17) Census age records;
(18) Poll Tax exemption certificates;
(19) Newspaper and magazine clippings; or
(20) Any other similar type of documentary evidence.

If no documentary type of evidence is obtainable, the reason therefor should be stated and the applicant may submit the sworn statements of two other persons having knowledge of the age in question.

A date of birth may be fixed by the Board where acceptable evidence to establish age or birth date cannot be obtained.

§ 239.2 *Proof of death.* An applicant for annuities due but unpaid at the death of an individual or for any benefit based upon the insured status of a deceased employee, shall file proof of such individual's or employee's death and of the time and place of such death unless such proof has already been received by the Board. Such proof may also be required by the Board in the case of any other individual when such other individual's death is relevant to the determination of an applicant's entitlement. Such proof shall be of the following character:

(a) A certified copy of the public record of death, coroner's report of death, or verdict of the coroner's jury of the state or community where death occurred, or a certificate by the custodian of the public record of death; or

(b) A certified copy of an official report or finding of death made by any agency or department of the United States which is authorized or requested to make such report or finding in the administration of any law of the United States; or

(c) A signed statement of the funeral director, attending physician, or superintendent of the institution where the death occurred, on the official stationery of such funeral director, physician, or superintendent: *Provided, however,* That none of the proofs described in paragraphs (a) and (b) of this section, is obtainable and the Board is furnished with a satisfactory reason therefor.

If none of the proofs described in paragraphs (a), (b) and (c) of this section is obtainable, the reason therefor should be stated and there may be submitted:

(d) The sworn statements of two or more persons, having knowledge of the death, setting forth the facts and circumstances as to the date, time, place and cause of death; or

(e) Other evidence of probative value.

If death occurs outside the United States there must be furnished a report of the death by a United States consul, or other agent of the State Department, bearing the signature and official seal of such consul or agent, or a certified copy of the public record of death authenticated by the United States consul or other agent of the State Department, or other evidence of probative value.

§ 239.3 *Proof of marriage.* An applicant for any benefit as the widow or widower of a deceased employee shall file proof of marriage to such employee. Proof of marriage may also be required by the Board as to the marriage of any other individual when such a marriage is relevant to the determination of an applicant's entitlement.

(a) Proof of a ceremonial marriage shall be of the following character:

(1) A certified copy of the public record of marriage; or

(2) A certified copy of the church record of marriage.

If neither of the proofs described in subparagraphs (1) and (2) of this paragraph is obtainable, the reason therefor should be stated and there may be submitted:

(3) The original certificate of marriage; or

(4) The sworn statement of the clergyman or official who performed the marriage ceremony; or

(5) The sworn statements of two persons who have knowledge as to the facts of the marriage; or

(6) Other evidence of probative value.

(b) Proof as to a common-law marriage shall be such as to disclose the facts upon which the informant bases his belief as to the existence of such marriage, such as the maintenance of a common place of abode in which the alleged spouses lived together, a present agreement of marriage, and any representations made by the parties as to their marital status. Such proof shall be as follows:

(1) If the husband and wife are living, such proof shall consist of signed statements of the husband and wife and two of their blood relatives. The statement of another individual may be substituted for the statement of each such relative which is not obtainable.

(2) If either the husband or wife is deceased, such proof shall consist of signed statements of the surviving spouse and of two blood relatives of the deceased spouse. The statement of another individual may be substituted for the statement of any such relative, upon written showing that such relative's statement is not reasonably obtainable.

(3) If both the husband and wife are deceased, such proof shall consist of signed statements of one blood relative of each deceased spouse. The statement of another individual may be substituted for the statement of any such relative, upon written showing that such relative's statement is not reasonably obtainable.

The corroborative statements by relatives or other individuals described in subparagraphs (1) and (2) of this paragraph may in the discretion of the Board be omitted where the parties entered into a formal marriage ceremony which was void because of a legal impediment then existing to the marriage, and where the impediment was removed and thereafter they continued to live together as man and wife until the application was filed or until the death of one of them, if under applicable State law a valid common-law marriage could come into existence as a result of continued cohabitation as man and wife or a subsequent agreement of marriage, or both.

If the information described in subparagraphs (1), (2) or (3) of this paragraph is not furnished on a form provided by the Board, it shall be submitted in the form of a sworn statement.

§ 239.4 *Proof of termination of prior marriage.* Where the validity of an alleged marriage depends upon the termination of a former marriage the applicant shall, when so requested by the Board submit:

(a) A certified copy of the decree dissolving such former marriage; or

(b) Proof of the death of a party to such marriage as described in § 239.2 (and in the order of priority therein described); or

(c) Other evidence of probative value.

§ 239.5 *Proof of relationship.* (a) An applicant for any benefit as the child of a deceased employee, shall submit proof of relationship as specified in this paragraph.

(1) If the relationship is by blood, one of the forms of documentary evidence described in § 239.1 (c) should be submitted (in the order of priority therein provided), showing the relationship between the parent and child in question: *Provided, however,* That a birth record which shows the name of the child but does not give the names of the parents and their relationship to the child may be accepted as supporting evidence of relationship if the surname of the child shown thereon is the same as that of the deceased employee at the time of the birth of the child, and if none of the information available or furnished to the Board is inconsistent with the existence of the relationship.

If no documentary type of evidence is obtainable, the reason therefor should be stated and the applicant may submit the sworn statements of two disinterested persons showing the name of the child and the name of the parent in question, and that to their own knowledge such person is the child of such parent, and stating the source of their knowledge.

(2) If the relationship is by legal adoption, a certified copy of the decree or order of adoption shall be submitted.

(3) If the applicant is the stepchild of the deceased employee and the blood child of the parent to whom such employee was married, one of the forms of documentary evidence described in § 239.1 (c) should be submitted (in the order of priority therein provided), showing the relationship between the child and such blood parent: *Provided, however,* That a birth record which shows the name of the child but does not give the name of the parents and their relationship to the child may be accepted as supporting evidence of relationship between the child and the child's blood parent to whom the deceased employee was married if the surname of the child shown thereon is the same as that of the blood parent at the time of the birth of the child, and if none of the information available or furnished to the Board is inconsistent with the existence of the relationship. If the child is the adopted child of the parent to whom the deceased employee was married, proof of adoption in accordance with subparagraph (2) of this paragraph shall be submitted. Proof shall be submitted as described in § 239.3 (in the order of priority therein provided) as to the marriage of the child's blood parent (or adopting parent) and the deceased employee.

If no documentary proof of relationship of the applicant to the blood parent is available, the reason therefor should be stated and the applicant may submit the sworn statements of two disinterested persons showing the name of the child and the blood parent and that to their knowledge such person is the child of such parent, and stating the source of their knowledge.

(b) An applicant for any benefit as the parent of a deceased employee shall submit proof of relationship as specified in this paragraph.

(1) If the relationship is by blood, one of the forms of documentary evidence described in § 239.1 (c) should be submitted (in the order of priority therein provided), showing the relationship between the deceased employee and the applicant.

If no documentary type of evidence is obtainable, the reason therefor should be stated and the applicant may submit the sworn statements of two disinterested persons showing the name of the employee and the name of the applicant, and that to their own knowledge such employee was the child of such applicant, and stating the source of their knowledge.

(2) If the relationship is by legal adoption, a certified copy of the decree or order of adoption shall be submitted.

(3) If the applicant is the step-parent of the deceased employee, proof of the marriage of such step-parent with a blood parent or adopting parent of the employee shall be submitted, as described in § 239.3 (in the order of priority therein provided), and there shall also be submitted evidence of the relationship of the employee and such blood parent (or adopting parent) as provided in subparagraphs (1) and (2) of this paragraph.

(c) Any person other than a child or parent of a deceased employee who applies for benefits because of the death of an individual shall submit such proof of relationship to such individual as, in the judgment of the Board, is sufficient to establish the alleged relationship.

§ 239.6 *Proof of "living with."* A widow who applies for an insurance annuity shall file proof that she was living with her husband at the time of his death. The proof shall be of the following character:

(a) A signed statement by the widow that at the time of her husband's death they were living together at the same place of abode. If the widow and her husband were temporarily living apart at the time of his death, the statement by the widow should state the places of residence of the husband and wife at such time, the reason for their separation and the length of time they had been separated; or

(b) A signed statement by the widow that the deceased employee was making regular contributions to her support, and describing the amount, time or times, and manner of making such contributions; or

(c) A certified copy of an order or decree of a court of competent jurisdiction directing the husband to contribute to his wife's support and a certification by the proper official of the court that such order had not expired or had not been vacated prior to the death of the husband.

If any information required under paragraph (a) or (b) of this section, as the case may be, is not furnished in the application, it shall be submitted in the form of a sworn statement.

§ 239.7 *Proof of having the care of a child.* An applicant for a widow's current insurance annuity shall file a signed statement as to whether she has in her care a child of her deceased husband upon the basis of whose insured status she claims benefits. If such information is not furnished in the application it shall be submitted in the form of a sworn statement. If the child is not living with the widow, she shall also submit a sworn statement disclosing the reason for the separation, the present length and expected duration thereof, and how and to what extent she cares for the child, and upon request of the Board, a sworn statement by the individual with whom the child is living (or official of the institution where the child is living), which states the source of the child's support, and how and to what extent the widow has cared for the child.

§ 239.8 *Proof of dependency of a child.* A child who applies for an insurance annuity shall submit proof as to his dependency upon the deceased employee. Such proof shall be of the following character:

(a) If the deceased employee is the father or adopting father of the child, there shall be submitted a signed statement by a person having knowledge thereof, that at the time of the employee's death:

(1) The employee and the child were living together at a common place of abode, and giving the address of such place; or

(2) The employee was contributing to the support of the child, and describing the amount, time or times, and manner of making such contributions; or

(3) The child: (i) Was the legitimate or adopted child of such employee; and (ii) Had not been adopted by another individual; and (iii) Either was not living with, or was not supported by, a stepfather.

(b) If the deceased employee is the mother, adopting mother, or step-parent of the child, there shall be submitted a signed statement by a person having knowledge thereof, that at the time of the employee's death, the child was not living with its father or adopting father and that no contributions in any medium were being made for the support of the child by such child's father or adopting father. If any contributions were being made by the father or adopting father, the time, amount, and manner of making such contributions should be stated.

If any information required under paragraph (a) or (b) of this section, as the case may be, is not obtainable, the reason therefor should be stated and the applicant may submit other proof of probative value.

§ 239.9 *Proof of school attendance.* A child over 16 years of age who applies for an insurance annuity shall submit such proof of regular school attendance as the Board may require.

§ 239.10 *Proof of the dependency of a parent.* A parent who claims to have been wholly dependent upon and supported by an individual shall, in filing proof of such dependency, submit a signed statement setting forth, as of the time of such individual's death, and for a period of not less than one year prior to such time, the amount of contributions made to the parent by such individual. The statement shall also describe any other income (including contributions from other children and relatives) received by the parent and the amount and source of such income. Proof that a parent was wholly dependent upon and supported by an individual, at the time of such individual's death, must be filed within the time prescribed in § 237.307 (b) (2) of this chapter.

§ 239.11 *Proof of the payment of burial expenses.* (a) If a condition of entitlement to a lump sum is that the applicant shall have paid part or all of the burial expenses of the deceased employee upon the basis of whose insured status the lump sum is claimed, the applicant shall file an itemized and receipted statement or statements of the person or persons who supplied goods or services for the burial of the deceased. Such statement or statements shall show the total cost of all goods or services furnished, the amount remaining unpaid, if any, the name of each person who paid any portion of such costs, and the amount and date of each payment. The applicant shall also submit his own signed statement as to his relationship or other connection with the deceased employee, the total amount of the burial expenses, the amount of the burial expenses paid from his own funds, the amount of burial expenses unpaid, and the amount in cash or property which he has received as reimbursement for his payment of burial expenses.

(b) If the payment of burial expenses is a condition of entitlement to annuities due but unpaid at death, the applicant shall furnish proof similar to that described in paragraph (a) of this section.

If the proof described in paragraphs (a) or (b) of this section, as the case may be, is not obtainable, the reason therefor shall be stated and the applicant may submit other evidence of probative value.

Dated: April 23, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-4111; Filed, Apr. 30, 1947; 8:58 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order S-24]

PART 807—SUSPENSION ORDERS

DONALD M. SILLS

Donald M. Sills, 2630 Richton Avenue, Detroit, Michigan, on November 18, 1946 filed with the Civilian Production Administration Application Form CPA-4423 for authorization to construct a structure for use as a dry-cleaning plant at 17600 James Couzens Highway, Detroit, Michigan. In said application he represented the proposed structure to be 30 x 75 feet in dimensions and to cost

$9,000. Based upon these representations the Civilian Production Administration authorized the structure and assigned to it Case No. 3-5-4333. These representations were false and misleading in that actually the proposed structure was to be and is now 100 x 50 feet plus a wing 20 x 20 feet, and the cost is considerably in excess of the amount authorized for the building originally applied for. These misrepresentations subject Donald M. Sills to the administrative action provided for under paragraph 944.18 of Priorities Regulation No. 1, and constitute violations of Veterans' Housing Program Order 1. These actions have diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.24 *Suspension Order No. S-24.* (a) The authorization granted Donald M. Sills on Form CPA-4423, dated November 18, 1946, Serial No. 3-5-4333, is hereby revoked.

(b) Neither Donald M. Sills, his successors or assigns, nor any other person shall do any further construction on the premises located at 17600 James Couzens Highway, Detroit, Michigan, including putting up, completing or altering the structure unless specifically authorized in writing by the Office of the Housing Expediter.

(c) Donald M. Sills shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Donald M. Sills, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 29th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4196; Filed, Apr. 30, 1947; 11:28 a. m.]

[Suspension Order S-25]

PART 807—SUSPENSION ORDERS

EDWIN P. BERGERON

Edwin P. Bergeron, 875 Wildwood Avenue, Kankakee, Illinois, is an automobile dealer. On or about December 21, 1946, he began construction of a structure to be used as a factory on premises near Kankakee, Illinois, at an estimated cost of approximately $33,000 without having obtained authorization therefor under Veterans' Housing Program Order 1, and the beginning of such construction constituted a willful violation of said order. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.25 *Suspension Order No. S-25.* (a) Neither Edwin P. Bergeron, 875 Wildwood Avenue, Kankakee, Illinois, his successors or assigns, nor any other person shall do any further construction on the premises located on Lots 9 and 10 in Grimm Sub-division, City of Kankakee, County of Kankakee, Illinois, including completing, putting up or altering of any structure located thereon, unless specifically authorized in writing by the Office of the Housing Expediter.

(b) For a period of one month from the effective date of this order, no authorization to do construction shall be granted to Edwin P. Bergeron.

(c) Edwin P. Bergeron shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Edwin P. Bergeron, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 29th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4197; Filed, Apr. 30, 1947; 11:28 a. m.]

[Suspension Order S-26]

PART 807—SUSPENSION ORDERS

N. V. M. CONSTRUCTION CORP.

N. V. M. Construction Corp., a New York corporation located at 160-16 Jamaica Avenue, Jamaica, L. I., N. Y., is engaged in the real estate and construction business. It violated Veterans' Housing Program Order 1 in that (1) on or about December 8, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at S/W corner 149th St. & Union Turnpike and the N/E corner 149th St. & Union Turnpike, Flushing, N. Y.; (2) on and after December 8, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at S/W corner 149th St. & Union Turnpike and the N/E corner 149th St. & Union Turnpike, Flushing, N. Y. These violations have diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.26 *Suspension Order No. S-26.* (a) Neither N. V. M. Construction Corp., its successors and assigns, nor any other person shall do any further construction on the premises located at S/W corner 149th St. & Union Turnpike and the N/E corner 149th St. & Union Turnpike, Flushing, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) N. V. M. Construction Corp. shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve N. V. M. Construction Corp., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorized Officer.

[F. R. Doc. 47-4198; Filed, Apr. 30, 1947; 11:28 a. m.]

[Veterans' Housing Program Order 1, as amended, April 30, 1947]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

GENERAL RESTRICTIONS ON CONSTRUCTION AND REPAIRS

The Veterans' Emergency Housing Program calls for the construction of a large number of housing accommodations to meet the needs of returning veterans. There is a shortage in the supply of materials and facilities suitable for the construction and/or completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. It will be impossible to carry out the Veterans' Emergency Housing Program without diverting these critical materials from deferrable or less essential construction. The following order is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

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§ 809.1 *Veterans' Housing Program Order 1*—(a) *What this order does.* In order to carry out the Veterans' Emergency Housing Program, this order forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization under paragraph (h) of the order, with the exception of certain small jobs and other work covered by paragraphs (d), (e) and (f). The restrictions of the order apply whether or not the materials needed are on hand or are available without priorities assistance.

(b) *Structures and work covered by this order*—(1) *Kind of structures.* The restrictions of this order apply to certain kinds of work on structures.

As used in the order, "structure" means any of the following, whether of a temporary or permanent nature (See Interpretation 3 as to portable structures):

NOTE: Item "concrete surface or base for a drive-in theater, a parking lot or tennis court" deleted Apr. 30, 1947.

A building.
An arena, stadium or grandstand, including bleachers or similar seating arrangements.
A commercial amusement pier.
A boardwalk (not including wooden walks used in winter or bad weather).
A moving picture set.
A roller coaster or similar device of a kind ordinarily used in amusement parks.
A swimming pool.
A wall or fence built principally of wood.

The erection of stands or other structures which have been used before and are being erected only for a temporary purpose and are to be taken down after the temporary purpose is served is not covered by the order.

The term "structure" does not include any kind of equipment or furniture that is not attached to a building or other structure, whether or not it is inside a structure. Supplement 4 to VHP-1 contains examples of things which do not fall within the term "structure" as defined above.

(2) *Kinds of work.* The restrictions of this order apply to constructing, repairing, making additions or alterations (including alterations incidental to installing any kind of equipment), improving or converting structures, or installing or relocating fixtures or mechanical equipment in structures. These terms include any kind of work on a structure which involves the putting up or putting together of processed materials, products, fixtures or mechanical equipment, if the processed materials, products, fixtures or mechanical equipment are attached to a structure and used as a functional part of the structure, or are attached so firmly to the structure that removal would injure the material, product, fixture or mechanical equipment or the structure. However, the following kinds of work are not covered by the order:

Greasing, overhauling or repairing existing mechanical equipment or installing repair or replacement parts in existing mechanical equipment.
Sanding floors and sand blasting buildings.
Painting or papering an existing structure or applying waterproofing to an existing structure by painting or spraying where no work covered by the order is done in connection with the painting, papering or waterproofing.
Pointing bricks, sparkling plaster and caulking windows.
Installing loose fill, blanket, or batt insulation in existing buildings or installing insulation on existing equipment or piping.
Laying asphalt or other floor tile or linoleum or installing cork block insulation, in existing buildings (whether or not cemented to the building).

NOTE: The exemptions given above for work done in existing buildings does not apply to work done in connection with the original construction of the building or to work done in order to complete a building immediately after its original construction.

(3) *Fixtures and mechanical equipment.* In general the term "fixture" means any article attached to a building or structure and used as part of it and the term "mechanical equipment" means plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it. Supplement 1 to VHP-1 contains lists of articles which are considered fixtures or mechanical equipment when attached to a structure in the manner described in that supplement and a list of other articles which are never considered fixtures or mechanical equipment.

(c) *Prohibited construction.* (1) No person shall begin to construct, to repair, to make additions or alterations to, to improve, to convert from one purpose to another, or to install or to relocate fixtures or mechanical equipment in any structure, public or private, in the forty-eight States, the District of Columbia, Puerto Rico, the Virgin Islands or the Territory of Hawaii, except to the extent permitted under paragraphs (d), (e) and (f), or when and to the extent specifically authorized under paragraph (h). No person shall carry on or participate in any construction, repair work, addition, improvement, conversion, alteration, installation or relocation of fixtures or mechanical equipment prohibited by this order. The prohibitions of this paragraph apply to a person who does his own construction work, to a person who gets a contractor to do the work, to contractors, sub-contractors, architects and engineers working on a job which is being carried on in violation of this order or getting others to work on it or to supply materials for it.

(2) This order forbids the beginning of certain kinds of work. To "begin" work on a structure means to incorporate into a structure on the site materials which are to be an integral part of the structure in question. Demolition, excavation and similar site preparation do not constitute beginning construction. The order does not apply to work which was begun before the order became effective and which was being carried on on that date and which is carried on normally after that date. However, this rule only applies to the particular building or other structure begun at that time. It does not apply to any other building or structure which had not itself been begun by that date even though the two are closely related. Supplement 2 to this order contains further provisions concerning the effective date of the order and concerning the beginning of construction. It also contains examples of work which constitute beginning construction, and examples of other work which do not constitute beginning construction.

(d) *Allowances for small jobs.* This order does not prohibit the performance of any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given in Supplement 3 to VHP-1 for the particular kind of structure or job involved. Supplement 3 lists various kinds of structures and states what the small job allowance is for each kind of structure or job. Supplement 3 also contains provisions as to the method of calculating the cost of a job for the purpose of this exemption, and also provides when a job is a separate job.

(e) *Exemption for repair and maintenance work in industrial, utility and transportation buildings and structures.* The prohibitions of this order do not apply to maintenance and repair work in structures listed in paragraph (b) (3) of Supplement 3 to this order. For the purpose of the exemption given by this paragraph, "maintenance" means the minimum upkeep necessary to keep a structure in sound working condition and "repair" means the restoration of a structure to sound working condition when the structure has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. However, neither maintenance nor repair includes the improvement of any structure by replacing material which is still usable with material of a better kind, quality or design. Alterations to a building or other structure covered by paragraph (b) (3) of Supplement 3, including alterations incidental to installation of equipment, are not exempted by this paragraph, and may only be done when and to the extent permitted under Supplement 3 or when specifically authorized.

(f) *Other exemptions*—(1) *Disasters.* (i) The prohibitions of this order do not apply to the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by flood, fire, tornado, or

similar disaster. This does not include the restoration of the structure to its former condition.

(ii) The prohibitions of this order do not apply to the repair, rebuilding or reconstruction of any house (including a farmhouse) or any farm building which was destroyed or damaged by fire, flood, tornado or similar disaster, if the total cost of the repairs, rebuilding or reconstruction does not exceed $6,000 and if the reconstruction is started within sixty days of the occurrence of the disaster.

(2) *Military construction.* The prohibitions of this order do not apply to work by or for the account of the U. S. Army or Navy.

(3) *Veterans' Administration.* The prohibitions of this order do not apply to work on construction projects of the Veterans' Administration, including projects being built by the Corps of Engineers for the Veterans' Administration, or to the remodeling of a building or any part of a building which has been leased to the Veterans' Administration or to Public Buildings Administration for occupancy or use by the Veterans' Administration.

(g) *Prohibited receipts and deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order. Paragraph (d) (3) of Priorities Regulation 32 provides that no person may receive any material listed in Table I of that regulation for use in a construction project for which an authorization under VHP–1 is necessary unless an authorization for the project has already been obtained. Paragraph (c) of PR–32 contains a prohibition on deliveries made by a person who knows or has reason to believe that the receipt would be a violation of PR 32.

(h) *Authorizations.* Persons who wish to begin work which is prohibited by this order may apply for authorization. Supplement 5 to this order states what forms should be used and where the applications should be filed. The assignment of priorities assistance or the approval of housing accommodations under Priorities Regulation 33, whether before or after the time when this order became effective, or under Housing Expediter Priorities Regulation 5 or other applicable regulation of the Housing Expediter, constitutes an authorization under this order to do the work for which priorities assistance or approval was given.

Applications for non-housing construction will be reviewed to determine whether they meet the standards set forth in Direction 3 to VHP–1.

(i) *Construction under authorizations.* When a person is specifically authorized, either by approval of Form CPA–4423 or Form OHE 14–171 (formerly CPA–4423) or Form CPA–4386 or otherwise, to do work restricted by this order, he must observe the restrictions imposed on him by the authorization, and in doing the authorized work, he must not do any work of the kinds covered by the order unless it is specifically covered by the authorization. He may not, in connection with a job which has been specifically authorized, do additional work under the exemption given by Supplement 3 to VHP–1. When an application on Form CPA–4423 or Form OHE 14–171 (formerly CPA–4423) has been approved a placard will be sent to the applicant stating that the construction has been approved under this order. The applicant must place in the placard the project serial number and must set up the placard in front of the project site in a conspicuous location within five days after construction has been started and he must keep the placard there until completion of the work. No person to whom an authorization under VHP–1 has been issued shall transfer the authorization. If for any reason a builder wishes to abandon a project and another builder wishes to continue it, the new builder should apply to the appropriate office, attaching to his application a letter from the former builder joining in the request for the issuance of the new authorization.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(k) *Communications.* All communications concerning this order, except communications about applications for residential construction, should be addressed to the appropriate District Construction Office of the Office of the Housing Expediter or to the Office of the Housing Expediter, Washington 25, D. C., Ref.: VHP–1.

(l) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the Office of the Housing Expediter, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

INTERPRETATION 1: Revoked July 2, 1946

INTERPRETATION 2

PROHIBITED DELIVERIES

(a) Paragraph (g) of VHP–1 provides as follows: "(g) *Prohibited deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order." Paragraph (c) of PR–32 provides as follows: "(c) *Restrictions on delivery.* No person may deliver any Table 1 material if he knows or has reason to believe that acceptance of the delivery would be in violation of this section."

(b) The purpose of paragraph (g) of VHP–1 and paragraph (c) of PR–32 is to prohibit the sale or delivery of materials by a supplier if he knows or has reason to believe that the materials supplied will be used in violation of VHP–1 or are for use in a job for which authorization under VHP–1 should, but has not, been obtained. These provisions do not impose on a fabricator or supplier any duty to investigate whether a proposed construction job for which he is asked to supply materials will be begun or carried on in violation of VHP–1, or whether it is specifically authorized or is exempt under that order. Mere knowledge that the kind of work involved is a kind which ordinarily would require authorization under the order does not constitute reason to believe that the work will be begun or carried on in violation of the order, and, in the absence of information to the contrary, the supplier may rely on the builder to get an authorization if authorization is required.

(c) Neither paragraph (g) of VHP–1 nor paragraph (c) of PR–32 requires a supplier to get from his customer a certificate to the effect that the customer is not violating and will not violate VHP–1, or a certificate to the effect that the job for which the materials will be used is exempt under the order or has been authorized under the order. (As amended April 30, 1947)

INTERPRETATION 3

PORTABLE AND PREFABRICATED STRUCTURES

(a) The erection of a "portable" or prefabricated building or other structure is construction and is restricted by Veterans' Housing Program Order 1, if the structure is placed on a foundation constructed on the site, or if the structure is connected to the ground by plumbing, wiring or other utility connection, or if the structure is placed on the ground on a spot where it is intended to remain for an undetermined time.

(b) Erection of a "portable" or prefabricated structure is not construction and is not covered by VHP–1 only if the structure is placed on a temporary site for the purpose of moving it from time to time, without any foundation or other connection with the ground. For example, the erection of a shelter to be moved around frequently for use on different parts of a farm from time to time is not construction, while the erection of a prefabricated or "portable" structure for use as a garage on a house lot is construction, and is restricted by VHP–1.

(c) If the erection of a "portable" or prefabricated building constitutes construction, as indicated above, the cost of the job must be computed in accordance with Supplement 3 to VHP–1. If the cost of the job exceeds the applicable allowance under that supplement, authorization for the job must be obtained.

INTERPRETATION 4

SMALL JOB ALLOWANCES FOR INDUSTRIAL UTILITY AND TRANSPORTATION STRUCTURES

(a) Paragraph (b) (3) of Supplement 3 to VHP–1 provides for small job allowances for certain industrial, utility and transportation structures. The small job allowance for one of these structures (with certain exceptions specified in the paragraph) depends upon the floor area which the particular structure has or will have. If the floor area of the particular building being built or altered is or will be 10,000 square feet or more, the allowance for alterations or additions or new construction is $15,000. On the other hand, if the floor area of the structure involved is and will be less than 10,000 square feet, the allowance is $1,000. If the cost of the proposed job, figured in accordance with paragraph (g) of Supplement 3, exceeds the small job allowance, authorization under VHP–1 must be obtained before starting the job.

(b) The following examples will explain the effect of this provision:

(1) A person proposes to construct a building to be used primarily as a factory. The floor area will be 1,500 square feet. The allowance for the job is $1,000.

(2) Any person owns a building which is used primarily as a factory and which has a floor area of 6,000 square feet. He proposes to make an alteration in the building. The allowance for this job is $1,000.

(3) A person owns a building which is used primarily for a factory and which has a floor area of 6,000 square feet. He proposes to build a wing on the building which will add 1,000 square feet, making a total of 7,000 square feet. The allowance for this job is $1,000.

(4) A person owns a building which is used primarily for a factory and which has a floor area of 8,000 square feet. He proposes to build a wing on the building which will add 2,000 square feet, making a total of 10,000 square feet. The allowance for this job is $15,000.

(5) A person owns a building which is used primarily for a factory and which has a floor area of 10,000 square feet or more. He proposes to make an alteration to the building. The allowance for this job is $15,000.

(6) A person proposes to build a building which will be used primarily for a factory and which will have a floor area of 10,000 square feet or more. The allowance for this job is $15,000.

(c) The floor area of the particular building which is to be built, in which the alteration is to be performed or to which the addition is to be built (including the floor area of any proposed addition) is the only floor area to be considered. The floor area of any other buildings may not be counted toward the 10,000 square feet, even though they are situated near to the building involved and are used for the same purpose.

(d) A building is considered a separate building from the one in which the construction is being done, if there are outside walls or party walls between the two buildings, even though the two are to be used for the same purpose, even though the two have common services, even though the two are connected by common roofs, continuous foundations, connecting passageways, covered passages, bridges, arcades or the like and even though the two have doorways or other openings providing for communication between the two buildings.

(e) The small job allowances provided in paragraph (b) (3) do not apply to structures of the kinds listed in paragraph (b) (4), and do not apply under the circumstances covered by paragraph (c) of Supplement 3.

INTERPRETATION 5

WORK COVERED BY AUTHORIZATIONS: TEMPORARY CONSTRUCTION BUILDINGS

(a) When an authorization is issued for the construction of a building or other structure described in the approved application, the builder may construct temporary structures on the site of the approved project which are necessary for its construction. For example, an authorization for a building includes authorization to put up temporary fences around the excavation, and temporary buildings for the purpose of storing materials for use as work rooms for architects or engineers on the job or to provide toilet facilities or dressing rooms for people working on the job or shacks for watchmen. These temporary buildings are covered by the authorization, whether or not they are placed upon temporary foundations or have lighting or plumbing connections.

(b) An authorization to construct a building or other structure does not give permission to put up buildings or other structures off the site of the approved project nor does it include permission to put up permanent buildings or other structures which will remain after the completion of the construction job, except those specifically covered by the authorization. This is true even though the structures are of a kind which were exempt from the order at the time the original authorization was issued and were, therefore, not included in the original application.

(c) Where temporary construction buildings are put up in the course of building something which itself is not covered by the order, such as a bridge or dam, the usual rules set forth in VHP–1, as explained in Interpretation 3, apply. Authorization must be obtained if the proposed structure is covered by VHP–1 even though the structure is temporary and is to be removed when the job is finished.

[F. R. Doc. 47–4199; Filed, Apr. 30, 1947; 11:40 a. m.]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Housing Program Order 1, Supp. 1, as Amended April 30, 1947]

FIXTURES AND EQUIPMENT

§ 809.2 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts construction and alterations of buildings and certain other structures, including alterations incidental to the installation of equipment. It also restricts the installation of fixtures and mechanical equipment, whether or not alterations to the structure are involved. The installation of other machinery and equipment is not restricted by the order. Paragraph (b) (3) of VHP–1 defines a fixture as "any article attached to a building or structure and used as part of it", and defines mechanical equipment as "plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it." This supplement lists various specific items indicating whether or not they are fixtures or mechanical equipment under VHP–1. It also explains other provisions of VHP–1 applying to these installations.

(b) *Fixtures and mechanical equipment.* (1) The following articles are considered fixtures and mechanical equipment if they are attached to a building or structure by nails or screws, or bolts, if they are connected with the plumbing or other piping system of the structure, if they are connected to the lighting system of the structure (except by connection to an existing outlet without installing new wires or a new outlet), if a base or foundation is built for the item, or if the item is cemented to the building or structure:

Air conditioning equipment (except when used for humidity or temperature control in industrial processing or as refrigeration equipment in a cold storage warehouse or a frozen food locker plant and except self-contained individual units with no duct systems).
Furnaces and furnace burner or boiler burner units.
Heating equipment.
Kitchen cabinets.
Lighting equipment.
Marquees.
Panelling.
Plumbing equipment.
Ventilating equipment.
Any other article falling within the definitions of fixture and mechanical equipment stated in paragraph (a) of this supplement.
(None of the above items include any item specifically listed in paragraph (b) (2) of this supplement.)

(2) The following articles are never considered fixtures or mechanical equipment:

Air conditioning equipment where required to provide humidity or temperature control for industrial processing and self-contained individual units with no duct systems.
Airport equipment such as cargo and passenger handling equipment, signalling equipment, obstruction marking equipment and equipment used for lighting runways or for signalling.
Altars, choir stalls and church pews.
Automatic fire protection sprinkler systems.
Barn equipment such as milking machines, hay or litter conveyors, stanchions and stalls.
Blast furnaces.
Control or testing equipment used for industrial or utility purposes or in a laboratory or hospital.
Conversion oil or gas burners installed in or attached to a furnace or boiler already in use in the building.
Conveyors.
Desks, chairs and cafeteria and gymnasium equipment in a school or college.
Electrical precipitators.
Escalators, elevators and dumb waiters.
Food warming, dishwashing and food preparation equipment in a restaurant or institution.
Furnaces for heat treating or similar industrial purposes.
Hospital equipment such as X-ray machines and operating tables.
Lighting equipment for flood lighting airports, railroads or other outdoor operations.
Machine tools.
Post-office equipment such as letter boxes and letter drops.
Power generating or transmitting equipment such as boilers, generators, and transformers (except where the primary purpose of the equipment is to provide electricity or steam for lighting or heating the building in which they are installed).
Projection and sound equipment.
Radio towers and other transmitting and receiving equipment.
Refrigeration equipment, such as compressors, in a cold storage warehouse or a frozen food locker plant.
Scales.
Service station equipment such as gasoline pumps, hydraulic lifts, battery chargers.
Stokers installed in connection with heating equipment already installed in a building.
Storm windows, storm doors, screens, awnings and venetian blinds.
Stoves.
Theatre seats.
Washing machines or dryers.
Other processing machinery and equipment.
Other machinery and equipment installed to provide a special service in a structure and not installed merely to operate the structure.

(3) The following articles are considered fixtures only if they are constructed as an integral part of the building or structure and cannot be removed without demolition of the article or substantial injury to the building or structure:

Bars.
Bins.
Bookcases.
Booths.
Cooling towers.
Counters.
Partitions, movable.
Refrigerators.
Show cases, including refrigerated show cases.
Signs, electric and other.
Soda fountains.
Storage racks.
Water coolers.

(c) [Deleted Aug. 30, 1946.]

(d) *Repairs to mechanical equipment.* Paragraph (b) (2) of VHP–1 provides that greasing, overhauling, repairing, or installing replacement parts in existing mechanical equipment in all types of structures, is not covered by the order, regardless of whether the cost of the job is within the applicable allowance under Supplement 3 to VHP–1, and the cost of such work need not be included in the cost of a job for the purpose of determining whether the job is within the applicable allowance under that supplement. This provision applies to plumbing, heating, ventilating and lighting equipment. This provision covers the replacement of parts in a piece of mechanical equipment when the present parts are no longer serviceable but does not cover the replacement of an entire piece of equipment. For example, it is permissible, under this provision, to replace the grates in a furnace but not to replace the entire furnace; to replace the tubes in a boiler but not to replace the entire boiler, unless the total cost of the replacement is within the applicable job allowance under Supplement 3 to VHP–1.

(e) *Installation of exempt machinery and equipment.* VHP–1 does not restrict the installation of machinery and equipment other than mechanical equipment. Paragraphs (b) (2) and (b) (3) of this supplement explains what equipment may be installed without regard to the provisions of the order. VHP–1 does, however, restrict the making of alterations to a building or other structure covered by the order in connection with the installation of such exempt machinery and equipment. For example, if a foundation is built inside a building to receive the equipment, or if new walls are installed to separate a machine from the rest of the plant, the cost of these building alterations must be computed in accordance with Supplement 3 to VHP–1 and if the cost exceeds the applicable allowance for the building involved under that supplement, authorization must be obtained for the work. However, it is not necessary to include in the cost of the building alterations the cost of the exempt machinery or equipment or the cost of labor engaged in installing the exempt machinery and equipment. For example, in installing elevators, which are covered by paragraph (b) of this Supplement, it would be necessary to count toward the cost of the job the cost (computed in accordance with paragraph (g) of Supplement 3) of preparing the shaft, of strengthening the building to support the elevator, and of constructing a penthouse or bulkhead on the roof of the building or a room in the basement to enclose the motors. It would not, however, be necessary to include in the cost of the job the cost of the elevator car, the guide rails between which the car runs, the sheaves, the motors, the cables or the doors or frames to the elevator shaft or the cost of labor engaged in assembling and installing this equipment.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4202; Filed, Apr. 30, 1947; 11:41 a. m.]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Housing Program Order 1, Supp. 2, as Amended April 30, 1947]

BEGINNING CONSTRUCTION

§ 809.3 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts the "beginning" of certain kinds of work on structures. "To begin work on a structure" is defined in paragraph (c) (2) as "to incorporate into a structure on the site materials which are to be an integral part of the structure." The restrictions of VHP–1 on the beginning of construction do not apply to work which takes place before construction has begun. VHP–1 also does not apply to work which was begun before it became effective and which was being carried on at the time it became effective and is carried on normally after that time. The rule that the restrictions of VHP–1 do not apply to work begun before it became effective applies also to work which was exempt under the order or a supplement to it when the work was begun, even though a later and more restrictive amendment would prevent the beginning of the job after the issuance of the amendment. This supplement explains these provisions of the order and gives examples of their application.

(b) *Beginning construction.* Materials which are to be an integral part of a structure are considered to have been incorporated in the structure on the site only when they are placed in the position in which they are to remain permanently as a part of the structure. Furthermore, materials are considered to be an integral part of a proposed structure only if they will be physically attached to the building or structure and will be permanently located within the boundary lines of its walls. Construction is not "begun" under VHP–1 unless both these conditions are met. Paragraphs (c) and (d) below list examples of cases where construction has not begun and has begun.

(c) *Cases where construction has not begun.* (1) The following kinds of work do not constitute beginning construction on a proposed structure and the cost of such work need not be included in computing the cost of a job under paragraph (g) of Supplement 3 to VHP–1 to determine whether the job comes within the applicable allowance under paragraph (g) of Supplement 3.

Demolition of buildings.
Tearing out partitions or walls in a building which is being altered.
Site preparation such as excavating, grading, filling with dirt, gravel or crushed stone.
Laying down driveways, walks, railroad sidings, etc.
Erecting fences, work sheds and construction shanties.
Laying pipes, conduits and wires outside the boundary lines of the walls of the structure.
Building retaining walls not physically incorporated within the structure.
Driving sheet piling to prevent cave-ins.
Constructing or erecting forms for concrete.

(2) The following operations do not constitute beginning construction on a proposed structure but the cost or value of the fabricated items or the materials must be included in computing the cost of a job in accordance with paragraph (g) of Supplement 3 to VHP–1:

Fabricating structural steel shapes or other prefabricated sections, panels or buildings, whether off site or on the site.
Purchasing materials or receiving delivery of materials on or off the site.

(d) *Cases where construction has begun.* The following kinds of work constitute the beginning of construction on a proposed structure:

Pouring concrete footings or other foundations.
Placing reinforcing rods or mats in place in an excavation preparatory to pouring concrete.
Driving permanent bearing piles or caissons.
Installing pipes, conduits or wires in the place where they will remain permanently as part of the building, if located within the boundary lines of the walls of the proposed structure.
Building foundation walls whether laid dry or with mortar.
Incorporating permanently in place additional building materials in a building which is being remodelled, whether the incorporation is for the purpose of repairing the parts of the building left standing or as part of the new alterations.

(e) *Carrying on construction.* The exemption from VHP–1 for work begun before the issuance of the order applies only to work which was being carried on when the order was issued and which is carried on normally afterward. This means that if a job was started before the issuance of the order, but was abandoned or discontinued either before or after the issuance of the order, it is not exempt from the order by reason of the earlier beginning. However, this does not mean that work must be carried on every day. If construction was or is suspended temporarily for reasons beyond the builder's control such as inability to get materials or labor, or a work stoppage, or unfavorable weather conditions, the construction job is considered to have been carried on normally within the meaning of VHP–1. However, a suspension of work on the site for more than 3 months is not considered a temporary suspension regardless of the reasons for the suspension. Application must be made to proceed with any construction on which work has been suspended for more than 3 months.

(f) *Scope of work begun.* The exemption for a structure begun before the issuance of VHP–1 is limited to the structure which was under construction at the issuance of the order. It does not apply to any other structure, even though the two are to be used together and one would be useless without the other, or even though the two structures have common heating systems or other common services, or even though the two are connected by pipes, wires, connecting passageways, bridges or the like. Furthermore, the exemption only applies to a structure of the kind and size which was under construction at the issuance of the order. For example, if a builder has begun a 3-story building 100 feet by 100 feet before the issuance of the order and was constructing this building at the time the order was issued, he would be permitted to complete this building, but he would have to get authorization if he later decided to redesign the proposed structure and build a 5-story building 100 feet by 500 feet. The exemption is limited to the building which he was in fact building when the order was issued. This rule also applies to modernization jobs. (The requirement of paragraph (g) of Supplement 3 to VHP–1 that all related modernization work be considered a single job does not exempt all modernization work merely because one part of it has been started before the issuance of the order.) When one part of a modernization program has been started before the issuance of the order, a later part of the program can be considered to have been started by that time only if the two parts of the program are so closely related in space, purpose and performance as to be inseparable.

(g) *When the order took effect.* VHP–1 was filed in the Division of the Federal Register and was made available for public inspection at 11:54 a. m., eastern standard time, on March 26, 1946. VHP–1 became effective at that time with respect to the 48 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Amendment 1 to VHP–1 extending the applicability of the order to the Territory of Hawaii was filed in the Division of the Federal Register and made available to the public at 10:04 a. m., eastern standard time on April 12, 1946. Therefore, the order became effective in the Territory of Hawaii at 4:34 a. m., Hawaiian standard time, on April 12, 1946. Direction 1 to VHP–1 provided an exemption for certain reconstruction work made necessary by the tidal wave which occurred April 1, 1946, if the reconstruction began on or before September 30, 1946. This direction has been revoked, but work exempted by it may be completed.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4203; Filed, Apr. 30, 1947; 11:41 a. m.]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Housing Program Order 1, Supp. 3 as Amended April 30, 1947]

SMALL JOB ALLOWANCES AND CLASSIFICATION OF STRUCTURES AS TO SMALL JOB ALLOWANCES

§ 809.4 (a) *What this supplement does.* Paragraph (d) of Veterans' Housing Program Order 1 provides that it is not necessary to get permission under the order to do one or more jobs on a structure if the cost of each job does not exceed the allowance given for the kind of structure or the kind of job involved. This supplement sets forth the small job allowances generally applicable to individual structures of various classes and lists certain specific structures falling within each class. The supplement also lists exemptions applicable to a particular kind of job. In addition, this supplement explains the rules for computing the cost of a job for the purpose of determining whether it comes within the exemption given under this supplement.

(b) *Classification of structures.* The small job allowances given under this supplement are based in general upon the kind or size of structure in which the job is to be done. They are not based upon the use to which the part of a structure being altered is to be put, except as provided in paragraph (c) of this supplement. If the job involved consists of changing a structure from one class to another class, the small job allowance applicable to the conversion is the allowance for the structure after the conversion, except where the conversion is from residential purposes to nonresidential purposes, in which case the job is covered by paragraph (c) of this supplement. The allowance provided for in paragraph (c) is applicable to a job covered by that paragraph, even though done in a structure which, as a whole, would have a larger allowance under this paragraph. With the exception of jobs covered by paragraph (c) of this supplement, it is not necessary to get permission under VHP–1 to do any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given below for the individual structure involved.

(1) The small job allowance under paragraph (b) of this supplement for a structure of the kind listed below is $400 per job.

Any individual house designed for occupancy by 5 families or less even though it is on the property of a commercial, utility, institutional or industrial concern and used for the purpose of housing employees of the commercial, utility, institutional or industrial concern.
A rectory or parsonage even though near a church and owned by a church.
A house on a campus owned by a college and occupied by a college official.
A boarding or rooming house designed for occupancy by 10 boarders or roomers or less.
A farmhouse or other housing accommodations on a farm (except a farm bunkhouse).
Row houses separated by party walls are considered separate houses.
All private structures situated near and used in connection with one to five family houses, such as garages, fences, tool sheds, greenhouses and the like even though these may be used in part or primarily for nonresidential purposes (except on farms, see paragraph (b) (2) of this supplement).

(2) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $1,000 per job:

NOTE: Item "publicly owned pier not used for steamship or railway purposes" deleted Apr. 30, 1947.

A boarding or rooming house designed for occupancy by more than 10 boarders or roomers.
A dormitory or fraternity.
A building used for a social club.
A service station or a commercial or service garage.
A funeral parlor or funeral home.
A radio broadcasting station.
A building in a drive-in theater, such as an enclosed projection room or a screen forming an enclosure for storage purposes, for rest rooms or for other purposes.
A bunkhouse for employees of a commercial, industrial or other concern.
A parish house.
A college or university laboratory, field house or class room building.
A building in a retail or wholesale lumber yard.
A repair shop, except a plant primarily engaged in reconditioning or rebuilding equipment or articles for resale.
A drycleaning or laundering establishment, whether wholesale or retail.
An office building, whether or not owned and occupied exclusively by a transportation, utility or industrial concern (except where situated on the immediate premises of a plant having a $15,000 allowance; see paragraph (e) below).
A commercial amusement pier.
A store.
A hotel.
An arena.
An apartment house or other residential building designed for occupancy by more than 5 families.
A bank.
A restaurant.
A nightclub.
A theater.
A warehouse, including a warehouse in which products such as liquor, cheese or tobacco are kept to age, whether or not changes occur in the product during the aging process.
A frozen food locker plant.
A stadium.
A grandstand used for commercial or institutional purposes.
A church.
A hospital.
A school.
A college.
A publicly owned building used for public purposes.
A building used exclusively for charitable purposes.
A tailor's or dressmaker's establishment making, repairing or altering articles for individual customers.

Any other structure used for commercial or service purposes and not specifically covered by any other classification.

(3) The small job allowance under paragraph (b) of this supplement for a structure of any of the kinds listed below is $15,000 per job if the floor area of the structure is or will be 10,000 square feet or more. If the floor area of the structure is or will be less than 10,000 square feet, the small job allowance is $1,000 per job unless the list below indicates, by the use of an asterisk in front of items where the $15,000 small job allowance applies regardless of floor area, that the $15,000 allowance applies regardless of floor area.

NOTE: The allowance given in this paragraph does not apply to structures of the kinds listed specifically in paragraph (b) (4) below, which always have the small job allowance of $200 per job given in that paragraph, or to residential buildings, which always receive the applicable allowance given in paragraphs (b) (1) and (b) (2) above.

NOTE: The small job allowances provided by this paragraph apply only to buildings primarily used for the purposes listed below. See paragraph (d) below.

*A building at a logging or lumber camp or at a mine, including a mine tipple.
*An industrial research laboratory or pilot plant.
*A building or other structure used directly for the operation of a railroad, street railway, commercial airline, busline or common or contract carrier by truck, such as a roundhouse, a building housing signal or interlocking installations, locomotive water facilities, freight yard offices, railroad workmen's washrooms and lockers, a garage or workshop for a bus company, a freight terminal for a common or contract carrier by truck, railway or steamship line or a hangar for a commercial airline.
*A building or other structure used for producing, refining or distributing oil, gas (including liquefied or bottled gas) or petroleum, except service stations and commercial or industrial garages.
*A building providing directly for electric, gas, sewerage, central steam heating, telephone or telegraph communication services, including a telephone exchange and a radio telephone or radio telegraph station used as an international point to point radio communication carrier.
*An industrial or utility powerhouse.
*An industrial or utility pumping station for pumping water, gas or sewage.
*A pumphouse or terminal facility on an oil or gas pipeline.
*A grain, coal or cement elevator.
*A single moving picture set.
*A cotton compress warehouse.
A building or other structure which is to be used for manufacturing, processing or assembling any goods or materials.
A printing or bookbinding plant or a newspaper publishing establishment.
A plant engaged in the wholesale printing, developing and enlarging of photographs.
A plant engaged in mixing and bottling syrups or soft drinks.
An off-farm slaughterhouse, bakery, butcher shop or other off-farm establishment where edible food products for humans or animals are prepared for the market by pasteurizing, bottling, mixing, coloring, preserving, washing, salting, packaging or freezing (not including the frozen food locker plant).
A plant primarily engaged in reconditioning or rebuilding articles or equipment for resale.
A scrap dealer's plant if it is primarily engaged in such processing operations as briquetting, pressing or baling light iron, cutting up heavy melting steel, breaking up heavy cast iron, detinning cans or smelting non-ferrous metals for the purpose of making the scrap available for further use.
A building used primarily for a station, waiting room for a railroad, a commercial airline or a busline, whether situated at an airfield, railroad or elsewhere.

(4) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $200 per job.

NOTE: Items "a concrete surface * * *" and "a wall or fence * * *" deleted April 30, 1947.

A private bathhouse which is not situated near and used in connection with another structure.
A tourist cabin whether a single cabin or one of a group of separate cabins. A cabin is considered a separate cabin if it has independent outside walls even though the space between it and the next cabin is sheltered by a roof and is used as a garage. A management building used for operating the cabins is considered a commercial building under paragraph (b) (2) of this supplement.
A swimming pool.
A boardwalk.
A roller coaster or similar device of a kind ordinarily used in amusement parks.
Any other structure covered by the order and not coming within any other classification.

(5) The small job allowance under paragraph (b) of this supplement for a non-residential structure on a farm is $5,000 per job, if the farm on which the structure is or is to be situated has an area of 5 acres or more. However, the small job allowance for a non-residential structure on a farm is $1,000 per job if the farm on which the structure is or is to be situated has an area of less than 5 acres. A residential structure on a farm has the small job allowance applicable under paragraph (b) (1) or paragraph (b) (2) of this supplement, as the case may be. A bunkhouse on a farm for farm laborers is considered a non-residential structure for the purpose of determining the applicable small job allowance. A "farm" means a place used primarily for the purpose of raising crops, livestock, dairy products or poultry for the market. Chicken hatcheries, plants used to raise mushrooms or other food products, and greenhouses (except those on residential property) and farm or ranches for raising fur-bearing animals are considered farms. Buildings situated on a farm and used primarily to process the products of that farm and buildings situated on a farm and used primarily to process materials for use on that farm are considered non-residential farm structures under this paragraph.

(c) *Small job allowances for conversion from residential purposes.* Regardless of the small job allowance given under paragraph (b) of this supplement for a particular structure, the small job allowance applicable to a job consisting of conversion to non-residential purposes of any part (or all) of a building last used for residential purposes is $200.

(d) *Structures used for more than one purpose.* If a structure is used for more than one purpose and might, therefore, fall within more than one of the classes indicated above, the use to which the greatest part of the structure will be put (computed on the basis of the floor area where applicable) determines the allowance. For example, if a building has three apartments occupying three floors of the building and a store on the ground floor, it is primarily residential and falls under paragraph (b) (1) of this supplement. If a building is half residential and half commercial or industrial or half residential and half agricultural, it is considered primarily residential. When alterations are being made to a building, the applicable small job allowance is the allowance applicable to the building as a whole under paragraph (b). Except in cases covered by paragraph (c), the purpose for which the particular space being altered was or is to be used does not affect the amount of the allowance.

(e) *Subordinate structures.* Where a non-residential structure of any of the kinds listed in paragraph (b) (2) is situated, near and used in connection with, a structure having a $15,000 small job allowance under paragraph (b) (3), the same allowance applies to the subordinate structure if the floor area of the subordinate structure is or will be 10,000 square feet or more. This means that if an office building, warehouse or garage of this size is situated on the immediate premises of an industrial or utility structure having a $15,000 small job allowance and is used in connection with the operation of that structure, the office building, warehouse or garage also gets the $15,000 small job allowance. However, a "downtown" office building, even though used exclusively for one industrial or utility company, is always under paragraph (b) (2), regardless of its size, like other office buildings. All residential structures, however, always get the allowance applicable under paragraphs (b) (1) or (b) (2), and all structures specifically listed in paragraph (b) (4) always get the $200 small job allowance of that paragraph.

(f) *Separate jobs.* For the purpose of determining whether work is exempt from VHP–1 under this supplement, a related series of operations in a structure which are performed at or about the same time or as part of a single plan or program constitute a single job. No job which would ordinarily be done as a single piece of work may be sub-divided for the purpose of coming within the allowance given under this supplement. When a building or part of a building is being converted from one purpose to another all work incidental to and done in connection with the conversion must be considered as one job. So also if a building is being renovated, improved or modernized over an extended period all work done in connection with the modernization (other than the work done before the issuance of the order) must be considered as part of one job, even

though separate contracts are let for different parts of the work. However, if related work on two or more separate structures is performed, the work is not considered one job but the work done in each structure must be considered separately under the rules stated above. For example, if two or more related structures are to be built and the cost of each does not exceed the small job allowance applicable to each structure under paragraph (b) of this supplement, each of these structures may be built without getting an authorization under VHP–1. See paragraph (f) of Supplement 2 to VHP–1 for an explanation of what jobs are exempt from the order as having been started before it became effective.

(g) *How to figure cost.* For the purpose of determining whether a particular job is exempt from VHP–1 by this supplement, the "cost" of a job means the cost of the entire construction job as estimated at the time of beginning construction. (1) The cost of a job includes the following:

The cost or value of fixtures, mechanical equipment and materials incorporated in the structure, whether or not obtained without paying for them, except the items listed in paragraph (g) (1) below. (See Supplement 1 for definitions and illustrations of fixtures and mechanical equipment.)
The cost of paid labor engaged in the construction work, regardless of who pays for it, excluding, however, the cost of paid labor engaged in working on or installing fixtures, equipment or materials the cost of which need not be included in the cost of the job under paragraph (g) (2). If it is impracticable to allocate the labor specifically to exempt or non-exempt items, the cost of all paid labor may be divided between the work on the two different classes of items in proportion to the value of the two classes of items.
The amount paid for contractors' fees.

(2) The cost of a job does not include the following:

The cost or value of previously used fixtures, previously used mechanical equipment and previously used materials, when these have been severed from the same structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership.
The cost or value of materials used in repainting or repapering an existing structure or any unchanged part of a structure. However, this exception does not apply to painting a new structure or new parts of a structure which has been altered.
The cost or value of materials used in installing loose fill, blanket or batt insulation in existing buildings or in installing insulation on existing equipment or piping.
The cost or value of materials which were produced on the property of the owner or actual or proposed occupant of the structure, except where he is in business of producing these materials for sale (this exception does not include materials or products assembled by the builder from new or used materials not themselves excepted).
The value of unpaid labor and the cost of paid labor engaged in working on or installing fixtures, equipment or materials, the cost of which is exempt from the cost of the job.
The cost or value of machinery and equipment other than mechanical equipment.
Architect's and engineers' fees.
The cost of site preparation and other preparatory work which does not constitute beginning construction (Supplement 2 to VHP–1 contains illustrations of work which does not constitute beginning construction and the cost of which is not included in the cost of a job).

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By J. V. SARCONE,
Authorizing Officer.

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PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Housing Program Order 1, Supp. 4 as Amended April 30, 1947]

ITEMS WHICH ARE NOT STRUCTURES

§ 809.5 *Supplement 4 to Veterans' Housing Program Order 1.* The restrictions of Veterans' Housing Program Order 1 apply to work on "structures". Paragraph (b) (1) of VHP–1 contains a list of items which are considered structures under that order. The term "structure" does not include any other kind of item or any kind of equipment or furniture that is not attached to a building or structure whether or not the furniture or equipment is inside a structure.

The following is a list of items which are not considered structures under the order because they do not come within the kinds of items listed under paragraph (b) (1) of VHP–1. This list does not include all items which are not covered by paragraph (b) (1) of VHP–1 and that paragraph must be examined in order to tell whether any particular item is covered by the order. The restrictions of VHP–1 do not apply to the items listed below and it is not necessary to get permission under the order to do any kind of work on them. However, the restrictions of the order do apply to work on structures built or used in connection with the following or to work on structures which is made necessary by work on the following:

Blast furnaces
Breakwaters
Brick, lumber or pottery kilns
Bridges
Bulkheads
Canals
Cemetery monuments, including private burial vaults
Chimneys of industrial or utility type, constructed of radial brick, reinforced concrete or steel
Coke ovens
Cooling towers
Dams
Drainage or irrigation ditches
Driveways (public or private)
Electrical precipitators
Fueling equipment
Gravestones
Lighting equipment
Lighting systems
Oil derricks
Oil refinery processing equipment such as towers, reactors, heat exchanges and furnaces
Piers and docks, except commercial amusement piers (buildings built on piers and docks are considered structures and are covered by the order even though the piers or docks on which they are built are exempt)
Pipe lines
Power transmission lines
Radio towers
Railroad or street car or interurban or plant railway tracks or operating facilities such as switching facilities, water tanks, signals and turntables
Roads
Scales
Sidewalks
Silos
Streets
Subways
Surface or underground mines
Tanks for oil, water, gas, and the like
Trailers (except when demounted and installed on a foundation. See Interpretation 3 to VHP–1)
Transformers
Tunnels
Utility facilities, such as power or telephone lines or cables, sewers, and outdoor substations, providing for electric, gas, sewerage, water, or central steam heating or telephone or telegraph communication service
Wells
Any item of equipment installed outside of and not attached to a building or a structure even though a foundation is built for it and even though the equipment is attached to a building by pipes or pipe lines, wires or the like.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

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OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

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PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Housing Program Order 1, Supp. 5, as Amended April 30, 1947]

APPLICATIONS; FILING AND PREPARING

§ 809.6 *Supplement 5 to Veterans' Housing Program Order 1*—(a) *What this supplement does.* This supplement tells where applications for authorization under Veterans' Housing Program Order 1 to do construction, repair work or other work restricted by VHP–1 should be filed. This supplement also contains the instructions for preparing applications for non-housing construction.

WHERE APPLICATIONS SHOULD BE FILED

(b) *Applications to be filed under the Housing Permit Regulation.* (1) Applications for the construction of the following kinds of new structures in which 50% or more of the floor space is to be used for residential purposes should be

filed under the Housing Permit Regulation (see paragraph (b) (4) below):

(i) Any building, structure or other construction item to be used for family housing purposes, whether occupied all year round or seasonally, and any apartment hotel, boarding house, rooming house, dormitory or other residential accommodations occupied for substantial periods of time, whether by single persons or by families, including also all subsidiary buildings, structures or construction items (whether restricted by VHP–1 or not) on residential property, such as garages, tool sheds, greenhouses, piers, swimming pools, walls, fences, bulkheads, wells and the like. This includes applications for family housing accommodations, either one family houses or apartments, and permanent residential quarters for individuals, whether these are to be built and owned by private individuals, corporations, public organizations or educational or other institutions. It also includes applications for the erection of prefabricated houses, the permanent installation of trailers and the like. This paragraph does not include summer or winter camps or hotels, overnight guest houses, tourist cabins or other accommodations for transients. Restaurants, laundry rooms and toilet facilities built in connection with tourist cabins and trailer camps are not covered by this paragraph, except where the toilet facilities or laundry rooms are to be used by the occupants of permanently installed trailers.

(ii) Dormitories, and living facilities such as dining halls built and to be used exclusively in connection with a new dormitory, and subsidiary buildings for trailer camps such as laundry rooms, toilet facilities and the like, when they are built by an educational institution or a public organization and dormitories built under the sponsorship of an educational organization. "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning. "Public organization" means the United States government, a state, county, city, town, village or other municipal government, or an agency, instrumentality or authority of such a governing body.

(iii) Farm houses and other residential accommodations on farms, and bunkhouses for transient farm labor.

Paragraph (b) (1) does not include accommodations, the primary purpose of which is non-residential, such as wards or rooms for patients or inmates in hospitals, mental hospitals, insane asylums, orphanages, old people's homes, police barracks or cell blocks in jails. It also does not include housing accommodations constructed by or for the account of the U. S. Army or Navy.

(2) Regardless of the primary purpose for which a structure as a whole is or is to be used, applications for construction, alterations, additions or repairs in the structure should be filed under the Housing Permit Regulation if 50% or more of the floor space involved in the proposed work will be used for residential purposes of the kinds described above.

(3) Applications for amendments to projects approved under Priorities Regulation 33 or Housing Expediter Priorities Regulation 5 should be filed in accordance with those regulations.

(4) In general new applications for work covered by paragraphs (b) (1) and (b) (2) should be made on OHE Form 14–56 and filed with the appropriate State or District Office of the Federal Housing Administration, except that (i) applications covering dwelling accommodations or bunkhouses for transient farm labor located on a farm should be filed with the appropriate County Agricultural Conservation Committee, (ii) applications by educational institutions or by public organizations for any kind of residential accommodations to be built by them, and applications for single person residential accommodations to be built or converted under the sponsorship of an educational institution, should be filed with the appropriate Regional Office of the Federal Public Housing Authority and, (iii) applications to construct or erect experimental housing accommodations or to obtain materials for experimental or testing purposes in connection with housing accommodations should be filed with the Technical Office of the Administrator of the National Housing Agency.

(5) Under paragraphs (b) (1) and (b) (2) the amount of floor space to be used for residential purposes and the amount to be used for other purposes will determine where the application is to be filed. In computing floor area for these purposes, hallways and other public spaces should be excluded from the computation. Basement space should also be excluded even though used for storage space for stores or for apartments, except where all or part of the basement is used for an apartment or rooms for living purposes, or for selling or exhibition space for a store, or for a commercial garage which is open to the public.

(c) *Applications to be filed with the OHE District Construction Offices.* All applications for authorization under VHP–1 not covered by paragraph (b) should be filed on Form OHE 14–171 (formerly CPA–4423) with the appropriate OHE District Construction Office.

PREPARING APPLICATIONS FOR NON-HOUSING CONSTRUCTION

(d) *Cost.* Form OHE 14–171 (formerly CPA–4423) requires the applicant to state the estimated cost of the proposed construction job for which he is requesting authorization in Item 5. This item is broken down into two parts: the cost of the structure and the cost of fixtures (heating, plumbing, lighting and ventilating equipment).

(1) Under the cost of the structure in Item 5, the applicant should state the cost of the structure, excluding the cost of processing and service equipment and the cost of fixtures and mechanical equipment and also excluding the cost or value of the land of existing structures and of architects' and engineers' fees.

The applicant should include in this figure, the cost or value of materials and labor which do not constitute part of the cost of the construction job under paragraph (g) of Supplement 3 to VHP–1. Paragraph (g) (2) of that supplement lists numerous specific items which are excluded from the cost of a job under VHP–1.

(2) Under the cost of fixtures (heating, plumbing, lighting and ventilating equipment), the applicant should exclude the cost of the items covered by paragraph (b) (1) of Supplement 1 to VHP–1 together with the cost of any items listed under paragraph (b) (3) of Supplement 1 which are so built as not to become a part of the building. The applicant should not include in this item the cost of any items which are excluded from the cost of the job under paragraph (g) of Supplement 3 to VHP–1.

(3) The applicant should not include under Item 5 the cost of processing equipment or service equipment of the kinds listed and described in paragraph (b) (2) of Supplement 1 to VHP–1.

(e) *Applicant.* In reviewing an application to determine whether it should be approved, the Office of the Housing Expediter relies upon the statements and representations made in the application and in supplementary documents filed with the application. Severe criminal penalties may be imposed for making wilfully false statements or representations in connection with these applications. This imposes upon persons making statements and representations in connection with applications great responsibility for the correctness of these statements and representations. In addition, the granting of the authorization imposes upon the builder and others concerned with the project, the responsibility of carrying out the provisions of the authorization and the representations made. For this reason it is important that each of the statements and representations involved should be made by a person familiar with the facts and responsible for their correctness and truthfulness. Contractors and architects and landlords may be in a position to assume responsibility for the performance of the construction in accordance with the authorization but ordinarily they are not in a position to accept responsibility for the correctness of statements and representations as to the need for the building and the use to which it will be put. The application should be made and signed by the person who is to be responsible for the construction, normally the individual who, or a responsible officer of the corporation which, owns or is to own the building or other structure involved. If the person who signs the application is not personally familiar with the need for the proposed work and therefore is not in a position to assume responsibility for statements and representations with respect to the need for the building and the purpose to which it is to be put, these statements and representations should be made in a letter attached to the application signed by the prospective occupant of the building or a responsible officer of the corporation which is to occupy it, or any other person who is in a position to accept the responsibility for these statements.

(f) *Compliance cases.* If a builder wishes to complete construction of a project on which some work has been done, and on which construction has been stopped, this fact should be stated in the application. The applicant should give, either on the application or in a letter attached to the application, full information about the beginning of the construction, including a statement of the nature and cost of the work previously done and a statement as to when it was done and including also a statement as to the exact nature and the estimated cost of the work required for completion, together with a statement about the circumstances under which construction was stopped, referring particularly to any stop telegram, suspension order, consent order or injunction involved. If the application is approved, authorization will be given only for the work which has not yet been done.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4206; Filed, Apr. 30, 1947; 11:41 a. m.]

[Veterans' Emergency Housing Program Order 1, Revocation of Directions 1 and 2]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

The following directions are revoked:

Direction 1 to VHP–1, Reconstruction in Hawaii.

Direction 2 to VHP–1, Preparing CPA–4423 Applications.

Supplement 5 to VHP–1 as amended April 30, 1947, contains the provisions formerly in Direction 2.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4200; Filed, Apr. 30, 1947; 11:41 a. m.]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Emergency Housing Program Order 1, Direction 3, as amended April 30, 1947]

STANDARDS FOR REVIEWING APPLICATIONS FOR NON-HOUSING CONSTRUCTION

The following direction is issued pursuant to Veterans' Emergency Housing Program Order 1:

(a) *What this direction does.* This direction sets forth the standards for reviewing applications under Veterans' Housing Program Order 1 for permission to do non-housing construction restricted by the order. In general no construction will be approved unless it is essential and non-deferrable, or unless it is necessary to alleviate or forestall an extreme and unusual hardship, or unless it will not use scarce building materials needed for the Veterans' Emergency Housing Program.

(b) *Essentiality.* An application may be approved on the ground that the construction of the proposed project at the present time is essential if it falls into one of the categories listed in this paragraph. The applicant must show clearly that the proposed construction is necessary to accomplish the purpose.

(1) *Critical products.* Applications for the construction of facilities necessary to maintain or increase production of materials or products considered to be in critically short supply may be granted where the shortage of facilities limits the production, and where the application is limited to the minimum construction needed. Applications from producers of industrially made houses or from producers of new materials approved by the Office of the Housing Expediter may be approved under this paragraph if the proposed construction is essential for the production of the houses or the new material. Applications for the construction of research laboratories or pilot plants may be approved where the proposed facility is necessary for research in connection with essential production.

(2) *Food and other agricultural products.* Applications for the construction of facilities necessary to maintain or increase the production or preservation of essential foods or food products may be approved. This includes applications for both on-farm and off-farm facilities. In addition, on-farm facilities necessary to maintain the production of a farm may be approved, whether or not the farm produces food. Farm machinery and implement service facilities will not be approved under this paragraph except where it is clearly shown that the lack of such facilities is seriously hampering the production of essential foods. Frozen food locker plants will not be approved under this paragraph except in rural areas where substantially all of the food to be stored will be produced by the persons storing it, and then only when there are not sufficient available facilities to prevent the wastage of food.

(3) *Public health and safety.* Applications for the construction of facilities providing essential services vitally necessary to the public health or safety, such as public utilities, fire stations, hospitals, and similar institutions may be approved where there is or will be a serious shortage of the proposed service and where the proposed construction is the minimum necessary to provide the locality with service equal to generally accepted minimum standards. Applications for the minimum alterations required by the local authorities to protect public health and safety may be approved.

(4) *Community facilities.* Applications for the construction of essential community facilities may be approved under this paragraph where it is clearly shown that the lack of such facilities constitutes a severe and unreasonable hardship on the community or area to be served. In general, applications for additional community facilities will not be approved under this paragraph unless there has recently been such a substantial growth in population that the existing facilities are clearly inadequate. Amusement or recreational facilities and office buildings will not generally be approved under this subparagraph.

(5) *Primary and secondary schools.* Applications for the construction of or additions or alterations to primary and secondary schools may be approved where the existing school facilities are inadequate or unsafe and where other similar schools within a reasonable distance cannot without undue crowding accommodate the students enrolled or to be enrolled in the immediate future.

(6) *Veterans' Educational Program.* Applications by universities, colleges and schools for the construction of educational facilities, such as classrooms, laboratories, libraries, shops, and related facilities, such as dining rooms and residential space, may be approved where the facilities are indispensable for the Veterans' Educational Program under the GI Bill of Rights at the institution and where the existing facilities of the institution are being fully used, and adequate temporary facilities cannot be obtained.

(7) *Maintenance and repairs.* Applications for authorization to make repairs and to do maintenance work restricted by VHP–1 may be approved where denial will make it impossible to continue use of a building or structure or where serious injury to a structure will result. Authorizations will only be granted for the minimum work necessary to keep structures in sound working condition. Alterations, expansions and modernizations will not be approved under this paragraph.

(8) *Veterans.* Applications for small commercial or industrial facilities of a reasonably essential nature may be approved, where (a) the applicant is a veteran of World War II, or a group of such veterans, or a partnership or corporation more than 50% of which is owned by such veterans and (b) the applicant will (i) own the proposed building or (ii) have a lease of 5 years or more on the entire proposed building or (iii) will have a lease of 2 years or more on the space to be altered under the authorization, and (c) the proposed building or the space to be altered will be used entirely for the applicant's business and (d) the veteran or veterans will devote all or substantially all of his or their time to, and be entitled to more than 50% of the profits of, the business to be conducted in the facility, and (e) the estimated total cost of construction (Item 5c of Form CPA–4423) does not exceed approximately $10,000. In general, amusement or recreational facilities will not be approved under this paragraph. Applications for the conversion of residential accommodations to office space or other commercial uses will not be generally approved under this paragraph. A veteran means any person who was in the Army, Navy, Marine Corps or Coast Guard on or after September 16, 1940, and was discharged or released under conditions other than dishonorable, after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

(c) *Hardship cases.* Applications for construction necessary to alleviate or forestall hardship may be approved where denial would work a severe and unusual hardship. The hardship must be substantial and exceedingly severe, such as threatened bankruptcy or substantial impairment of means of livelihood. However, applications which involve the conversion of residential space to commercial purpose will rarely be approved on the ground of hardship.

These examples of "hardship" cases are not intended to be exclusive, but rather illustrative of the degree of hardship which must be shown before a case should be granted on a hardship basis.

(1) *Loss of former facilities.* An applicant who has lost or is about to lose his place of business as a result of eviction, condemnation or disaster may be authorized to replace the facilities, where it is impracticable for him to repair or restore the old facilities or to buy or rent any other place to conduct his business. Applications will not generally be approved on the basis of loss of facilities, where the loss occurred more than six months before the filing of the applications. The authorization will be generally limited to ap-

proximately the same amount of space which has been or will be lost. Evidence of the practical impossibility of continuing in the premises must be shown in the case of eviction or condemnation.

(2) *Commitments before imposition of restrictions.* An application by a person who made commitments for a proposed construction job at a time when no authorization was required for the job may be approved where a denial would result in a severe and unusual hardship to the applicant. The applicant must show clearly that postponement of construction will result in a severe and unusual hardship, and that any materials and equipment or any land he has purchased cannot be resold without severe loss. However, when the commitments were made at a time when authorization was needed for the job, the hardship will be considered to have been assumed voluntarily. Hardship of this sort will not generally be treated as a basis for approval of an application. The purchasing of equipment or materials after March 26, 1946, or the beginning of construction without authorization are examples of voluntarily assumed hardship which generally will not be taken into consideration.

(3) *Community hardship based on unemployment.* Applications for industrial facilities may be approved where the proposed facility will provide substantial new employment in an area where unemployment is continuing and excessive. Projects must be of such a nature that the benefits to the national or community welfare and economy will substantially outweigh the impact on the Veterans' Emergency Housing Program.

(d) *Impact on Veterans' housing.* (1) The purpose of VHP–1 is to channel scarce building materials into the Veterans' Emergency Housing Program. The materials listed in Schedule A to PR–33 are generally in short supply for the housing program, and use of those materials will generally impede the housing program. Some of the items listed in Schedule A are normally only sold locally, such as brick and other masonry products. In a particular locality, there may be a relatively ample supply of such a product. The use of a product in nonresidential construction under these conditions would have little or no effect on the housing program. On the other hand, the use of a material which is usually shipped considerable distances even though in a particular area there appears to be a substantial supply, would generally be considered to impede the housing program. The fact that an applicant already has materials on hand will not generally be considered to mean that their use will not constitute an impact on the housing program.

In measuring the impact of a project on the housing program, consideration should be given to the scarce building materials to be used in related work covered by the authorization, such as temporary construction buildings, fences, and the like (See Int. 5 to VHP–1).

(2) An application should be approved if the proposed work covered by the application requires no scarce building materials.

(3) Projects which require negligible quantities of scarce building materials may be approved even though they do not completely qualify under paragraph (b) or paragraph (c). Applications for partial construction, such as foundations and erection of structural steel or other work requiring only a negligible quantity of scarce building materials may be approved. However, there are several situations where applications will not generally be approved under this paragraph if they require even small amounts of critical building materials.

(i) An application for a project which is clearly nonessential and where approval would be contrary to the public interest.

(ii) An application for partial construction, where the partial construction would result in a condition hazardous to public health and safety or in financial hardship to the applicant or others. Applications for the completion of or further work on projects partially authorized will be considered strictly in accordance with the usual criteria, and no consideration will be given to any hardship resulting from construction done or commitments made on the basis of the partial authorization.

(iii) An application which would result in the elimination of residential accommodations, such as the conversion of apartments to offices or stores.

(iv) An application for a project where it is clear that the employment of men in the particular construction trades which would be required for the project would definitely and substantially interfere with the construction of approved veterans' housing projects. It will not generally be assumed, however, that nonhousing projects will interfere with veterans' housing by reason of their requirements for labor, but where interference appears probable, contractors and union representatives will be consulted to determine whether the necessary workers are available from other areas.

In determining whether the quantity of a scarce building material required for a project is negligible, the scarcity of the material in the area and the demand for the material in housing construction in the area will be taken into consideration.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4201; Filed, Apr. 30, 1947; 11:41 a. m.]

[Veterans' Housing Program Order 1, Direction 4, April 25, 1947]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

RECONSTRUCTION IN TEXAS CITY, TEXAS

The following direction is issued pursuant to Veterans' Housing Program Order 1:

Until further notice, it is not necessary to get authorization under Veterans' Housing Program Order 1 for restoration jobs on buildings or other structures covered by VHP–1 in the Texas City, Texas, area, if the restoration is made necessary by damage caused by the disaster which commenced on April 16, 1947. This direction is limited to the restoration of structures to substantially the same size and condition as on April 15, 1947.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 25th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4173; Filed, Apr. 29, 1947; 3:07 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Housing Interpretation of Sec. 6 (b) (3) (§ 1388.1181)]

ISSUANCE OF CERTIFICATES TO JOINT PURCHASERS OF MULTI-UNIT STRUCTURES

The following is an interpretation of section 6 (b) (3) of the Rent Regulation for Housing:

Interpretation 6 (b) (3)–1: Issuance of certificates to joint purchasers of multi-unit structures. Most applications for certificates to permit purchasers of multi-unit buildings to evict existing tenants for self-occupancy fall into the following classes:

(1) Purchase of multi-unit building by a group of individuals with the intent that each will occupy one of the units in the structure.

(2) Purchase of a multi-unit building by a group of persons less in number than the number of units in the building.

In the first class where the purchase arrangement gives to each person the right to occupy an individual unit in the structure, certificates of eviction will not be granted unless the case falls within one of the exceptions stated in section 6 (b) (3). This general prohibition is, however, subject to three exceptions. Certificates will be issued under section 6 (b) (2) for occupancy of the individual units where two persons buy a duplex structure. Certificates of eviction will also be issued for occupancy by individual purchasers of a multi-unit structure where the property is purchased jointly by a parent and his children. This latter exception does not apply to any other relationship. Eviction will also be permitted for occupancy of one unit for the purpose of supervising the structure, provided no one of the joint owners is in occupancy.

In the second general classification where the number of purchasers is less than the number of units in the structure, unless the joint purchasers are a parent and his children, only one certificate of eviction will be issued for the occupancy of one of the purchasers. The eviction for occupancy of one unit will be permitted for the purpose of supervising the structure.

Example (1). L owns a 32-unit apartment house and conveys after February 17, 1945, the said property to the X Corporation. The X Corporation sells to 32 individuals, who are not in occupancy, stock in the corporation and grants to each purchaser the right of occupancy to a specified apartment in the building. Eviction of the present tenants in occupancy will not be granted for occupancy of the individual purchasers in the cooperative apartment house. Eviction will be granted only in the case of cooperatives where the petitioner brings himself within one of the exceptions set forth in section 6 (b) (3) of the regulation.

Eviction would likewise be denied if L or the X Corporation had conveyed to the purchasers fractional interests in the fee to the property. Whether the individual purchaser's interest is in the form of stock, a beneficial interest certificate or a deed conveying a fractional interest in the fee, no certificate of eviction will be issued unless the petition falls within the exceptions stated in section 6 (b) (3) as aforesaid.

Example (2). After October 20, 1942,[1] L sells a duplex to A and B. Both A and B will be granted certificates against the tenants for their individual occupancy of the units. The interest acquired by two purchasers in a duplex is so closely identified with individual home ownership as to permit evictions under section 6 (b) (2), provided the requirements of that section are met.

Example (3). After October 20, 1942,[1] L sells a ten-unit structure to a father and his two married sons who pay 20 percent of the purchase price in cash. Each of the three joint purchasers will be granted a certificate of eviction under section 6 (b) (1) for his own occupancy of an individual unit in the structure. Since evictions are granted to parents for occupancy by children and vice versa, certificates may be granted in joint purchases based on the family relationship of parents and children without reference to whether the total number of units is less than, equal to, or greater than the number of joint purchasers.

Example (4). After October 20, 1942,[1] L sells to A and B a six-unit apartment house. Only one certificate of eviction will be issued to the purchasers for occupancy of one of the units for purpose of supervision. The purchasers are not the purchasers of individual housing units within the meaning of section 6 (b) (2) of the regulation.

Issued this 25th day of April, 1947.

E. D. DUPREE, JR.,
Associate General Counsel For Rent.

[F. R. Doc. 47–4135; Filed, Apr. 30, 1947; 9:08 a. m.]

[1] In areas brought under control after October 20, 1942, the applicable date is the effective date of the regulation.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

NEVADA GRAZING DISTRICT NO. 3

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see F. R. Doc. 47–4116 under Department of the Interior, Bureau of Land Management, in the Notices section, *infra*, modifying Nevada Grazing District No. 3.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71–85 TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of April A. D. 1947.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles:

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

PART 2—LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amending commodity list, section 4, order Aug. 16, 1940, as follows:

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
(Add) Allyl chlorocarbonate (*see* Allyl chloroformate.)				
(Add) Allyl chloroformate	Cor. L	No exemption, 260A	White	5 pints.
(Add) Ammunition, rocket (*see* Rocket ammunition).				
(Add) Benzyl chlorocarbonate (*see* Benzyl chloroformate.)				
(Add) Benzyl chloroformate	Cor. L	do	do	Do.
(Add) Jet thrust unit (*jato*) Class A	Expl. A	No exemption, 62A		Not accepted.
(Add) Jet thrust unit (*jato*) Class B	Expl. B	No exemption, 64A		Do.
(Add) Lithium amide, powdered	Inf. S	153, 174A	Yellow	100 pounds.
(Add) Rocket ammunition with empty projectiles.	Expl. B	No exemption, 63A		Not accepted.
(Add) Rocket ammunition with explosive projectiles.	Expl. A	No exemption, 57A		Do.
(Add) Rocket ammunition with illuminating projectiles.	do	do		Do.
(Add) Rocket ammunition with incendiary projectiles.	do	do		Do.
(Add) Rocket ammunition with gas projectiles.	do	do		Do.
(Add) Rocket ammunition with inert-loaded projectiles.	Expl. B	No exemption, 63A		Do.
(Add) Rocket ammunition with smoke projectiles.	Expl. A	No exemption, 57A		Do.
(Add) Rocket ammunition with solid projectiles.	Expl. B	No exemption, 63A		Do.
(Add) Rocket ammunition without projectiles.	do	do		Do.

PART 3—REGULATIONS APPLYING TO SHIPPERS

1. Amending order Aug. 16, 1940, as follows (add):

57A (a) (1) Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device as distinguished from cannon ammunition which is fired from a cannon, gun, or mortar.

(a) (2) It consists of an igniter and propelling charge, commonly described as a motor, and explosive projectile, gas projectile, smoke projectile, incendiary projectile, or illuminating projectile, fuzed or unfuzed.

(b) Packing: Rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, or illuminating projectiles must be well packed and properly secured in strong wooden or metal containers.

(c) Marking: Each outside package must be plainly marked "Rocket Ammunition with Explosive Projectiles," "Rocket Ammunition with Gas Projectiles" (see sec. 402 (a) for required label), "Rocket Ammunition with Smoke Projectiles," "Rocket Ammunition with Incendiary Projectiles," or "Rocket Ammunition with Illuminating Projectiles," as the case may be.

(d) Articles as defined in section 57A (a) (2) must not be offered for transportation by rail express except as provided in section 52.

2. Amending order Aug. 16, 1940, as follows (Add):

62A (a) Jet thrust units (jato), class A, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off.

(b) Packing: Jet thrust units must be well packed and properly secured in strong wooden containers. Igniters must not be shipped assembled in the units.

(c) Marking: Each outside package must be plainly marked "Jet Thrust Units, Class A."

(d) Jet thrust units must not be offered for transportation by rail express, except as provided in section 52.

3. Amending order Aug. 16, 1940, as follows (Add):

63A (a) (1) Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device as distinguished from cannon ammunition which is fired from a cannon, gun, or mortar.

(a) (2) It consists of an igniter and propelling charge, commonly described as a motor, and empty projectile, inert-loaded projectile, or solid projectile, or without projectile.

(b) Packing: Rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles must be well packed and properly secured in strong wooden or metal containers.

(c) Marking. Each outside package must be plainly marked "Rocket Ammunition with Empty Projectiles," "Rocket Ammunition with Inert-Loaded Projectiles," "Rocket Ammunition with Solid Projectiles," or "Rocket Ammunition without Projectiles," as the case may be.

(d) Articles as defined in section 63A (a) (2) must not be offered for transportation by rail express, except as provided in section 52.

4. Amending order Aug. 16, 1940, as follows (Add):

64A (a) Jet thrust units (jato), class B, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off.

(b) Packing: Jet thrust units must be well packed and properly secured in strong wooden containers. Igniters must not be shipped assembled in the units.

(c) Marking: Each outside package must be plainly marked "Jet Thrust Units, Class B."

(d) Jet thrust units must not be offered for transportation by rail express, except as provided in section 52.

5. Superseding and amending paragraphs (a) and (b), section 103 (*Inflammable liquids, etc.*), order Oct. 28, 1942, to read as follows:

103 (a) Inflammable liquids, except carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin in excess of one percent by weight, and zinc ethyl, in inside glass or earthenware containers having a capacity not over 1 pint or 16 ounces by weight each, or inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) Inflammable liquids, except carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin in excess of one percent by weight, and zinc ethyl, in inside containers having a capacity not over 1 pint or 16 ounces by weight each, packed in strong outside containers, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

6. Amending section 105A (*Acrolein*), Order Aug. 19, 1946, as follows (Add):

(b) (1) *Spec. 15A, 15B, 15C, 16A or 19A.* Wooden boxes with inside metal containers, spec. 2A, not over 5 gallons capacity each.

7. Superseding and amending note*, section 110 (*Inflammable liquids*), order Nov. 4, 1946, to read as follows:

*American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D-323).

8. Superseding and amending note* paragraph (c) (1), section 110 (*Inflammable liquids*), order Aug. 16, 1940, to read as follows:

*American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D-323).

9. Amending section 154 (*No exemptions*), order Aug. 16, 1940, as follows (Add):

(ww) Lithium hydride

10. Amending order Aug. 16, 1940, as follows (Add):

174A (a) Lithium amide, powdered, must be packed as follows:

(b) As prescribed in section 173, paragraphs (b), (c), (f), (i), and (l).

(c) Spec. 21A: Fiber drums with inside metal drums, spec. 2F.

11. Amending section 175 (*Lacquer base, lacquer chips, dry*), order Aug. 16, 1940, as follows (Add):

(e) *Spec. 21A.* Fiber drums.

12. Superseding and amending paragraph (a) (1), section 206 (*Packing sodium or potassium, etc.*), order Feb. 24, 1947, to read as follows:

206 (a) (1) Sodium or potassium, metallic, lithium metal, lithium silicon and lithium hydride, must be packed in specification containers as follows:

13. Superseding and amending paragraph (d), section 247 (*Packing acetyl chloride, etc.*), order Feb. 24, 1947, to read as follows:

(d) *Spec. 1A, 1C, or 1D.* Glass carboys in boxes or kegs (not permitted for antimony pentachloride or tin tetrachloride, anhydrous).

14. Superseding and amending paragraph (d) (1), section 247 (*Packing acetyl chloride, etc.*), order Nov. 8, 1941, to read as follows:

(d) (1) *Spec 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only. (not permitted for antimony pentachloride or tin tetrachloride, anhydrous).

15. Superseding and amending paragraphs (a) and (f), section 249 (*Packing alkaline corrosive liquids, n. o. s. etc.*), order Aug. 16, 1940, to read as follows:

249 (a) Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers as follows:

(f) Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids when offered for transportation by rail express must be packed in specification containers as follows:

16. Superseding and amending paragraphs (a) (1), (a) (2), and (a) (3), and adding paragraph (a) (4), section 260 (*Electric storage batteries etc.*), orders Jan. 23, 1946, Aug. 16, 1940 and Dec. 12, 1942, to read as follows:

260 (a) (1) Electric storage batteries containing electrolyte, acid, or alkaline corrosive battery fluid, must be completely protected so that short circuits will be prevented; they must not be packed with other articles except electrolyte or corrosive battery fluid as provided in section 258, portable searchlights properly cushioned, battery parts or hydrometers securely packed in a separate container. The batteries either with or without other articles must be packed in specification containers as follows:

(a) (2) Spec. 15D or 16B: Wooden or wirebound wooden boxes except as provided in section 260 (b).

(a) (3) Sec. 12B: Fiberboard box as authorized by paragraphs 34 and 37 of Specification 12B.

(a) (4) Electric storage batteries of the wooden-battery-box type, or steel case type protected against short circuits and firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation are exempt from specification packing requirements for transportation via rail freight, highway, or water. Not more than one layer of batteries may be loaded on a skid or pallet. The height of the completed unit must not exceed 1½ times the width of the skid or pallet. The unit must weigh not less than 500 pounds gross, and must not fall under a superimposed weight equal to two times the weight of the unit or a superimposed weight of 4,000 pounds if the weight of the unit exceeds 2,000 pounds. Battery terminals must not be relied upon to support any part of the superimposed weight.

17. Superseding and amending section 260A (*Packing ethyl chloroformate, methyl chloroformate*), and adding paragraph (d), orders Apr. 19, 1946, and Feb. 24, 1947, to read as follows:

(a) Allyl chloroformate, benzyl chloroformate, ethyl chloroformate, and methyl chloroformate must be packed in specification containers as follows:

(b) Spec. 15A 15B, or 15C: Wooden boxes with glass inside containers not over 1 pint each cushioned with incombustible mineral material.

(c) Spec. 1A: Boxed carboys. Glass bottles having nominal capacity of 3 gallons also authorized when packed and tested in accordance with requirements of Spec. 1A; necks must be protected during shipment.

(d) Allyl chloroformate may, in addition, be packed in specification 5H leadlined metal drums not over 55 gallons capacity.

18. Superseding and amending paragraph (d), section 271 (*Phosphorus oxychloride and phosphorus trichloride*), order Nov. 4, 1946, to read as follows:

(d) *Spec. 103A or 103A-W.* Tank cars, when the tanks of these cars are leadlined or the tanks are made of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent.

19. Superseding and amending paragraph (f) (2), section 272 (*Packing sulfuric acid*), order Jan. 25, 1945, as follows: Cancel paragraph (f) (2), section 272.

20. Superseding and amending section 300 (*Compressed gas etc.*), order Aug. 16, 1940, to read as follows:

300 (a) A compressed gas for the purposes of these regulations is defined as any material or mixture having in the container either an absolute pressure exceeding 40 pounds per square inch at 70° F., or an absolute pressure exceeding 104 pounds per square inch at 130° F., or both; or any liquid inflammable material having a Reid* vapor pressure exceeding 40 pounds per square inch absolute at 100° F. (See section 326 for gases defined and classified as poisonous.)

(b) Any compressed gas, as defined above shall be classified as an inflammable compressed gas if either, (1) a mixture of 13 percent or less (by volume) with air forms an inflammable mixture**, or (2) the inflammability range** with air is greater than 12 percent regardless of the lower limit.

21. Superseding and amending paragraph (i) and adding paragraph (i) (2), section 303 (*Weight and pressure check*), order Aug. 16, 1940, to read as follows:

(i) (1) Weight and pressure check: Verification of content; except as noted in section (i) (2), the amount of liquefied gas charged into cylinders or drums must be determined by weight and this weight must also be checked, after disconnecting from the charging line, by the use of proper scales. The pressure of nonliquefied gas and gas in solution must be checked daily on a representative cylinder after it has cooled to a settled temperature.

(i) (2) Cylinders with a water capacity of 200 pounds or more and for use with a liquefied petroleum gas with a specific gravity at 60° F. of 0.504 or greater may have their contents determined by using a fixed length dip tube gauging device. The length of the dip tube shall be such that when the above liquid at a temperature of 40° F. is charged into the cylinder it just reaches the bottom of the tube. The weight of this liquid content shall not exceed 42 percent of the water capacity of the cylinder. The length in inches of the dip tube shall be stamped on the cylinder and on the exterior of removable type dip tubes. The length of each dip tube shall be checked when installed by weighing each cylinder after filling except when installed in groups of substantially identical cylinders in which case one of each 25 cylinders shall be weighed. The quantity of liquefied gas in each container must be checked by means of the dip tube after disconnecting from the charging line. The outlet from the dip tube shall not be larger than a No. 54 drill size orifice. A container representative of each day's filling at each charging plant shall have its contents checked by weighing after disconnecting from the charging line.

*American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D-323).

**These limits shall be determined at atmospheric temperature and pressure. The method of sampling and the test procedure shall be acceptable to the Bureau of Explosives. The inflammability range is defined as the difference between the minimum and maximum percentage by volume of the material in mixture with air that forms an inflammable mixture.

22. Superseding and amending paragraph (k) table, section 303 (*Filling limits restrictions*), Orders Aug. 16, 1940 and Aug. 19, 1946, to read as follows:

Kind of gas	Maximum permitted filling density (see sec. 303 (l))	Cylinders marked as shown in this column must be used except as provided in note 1 and section 303 (p) (2) to 303 (p) (6)
Methyl chloride (see note 4)	84	ICC-3A300; ICC-3B300; ICC-4A300; ICC-4B240; ICC-3; ICC-4; ICC-25; ICC-26-300; ICC-38.
Sulfur dioxide	125	ICC-3A300; ICC-3B300; ICC-4A300; ICC-4B240; ICC-3; ICC-4; ICC-25; ICC-26-150; ICC-38.

23. Superseding and amending paragraph (m) (2), section 303 (*Liquefied gases, except gas in solution or poisonous gas*), order Aug. 16, 1940, to read as follows:

(m) (2) Spec. 3, 3A, 3B, 3E, 4, 4A, 4B, 25, 26, or 38; also Spec. 9 or 40, except that mixtures containing carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, zinc ethyl, or poisonous articles, Class A, B, or C, as defined by these regulations are not permitted unless otherwise prescribed herein. See section 303 (p).

24. Superseding and amending paragraph (p) (12), section 303 (*Reheat treatment and retest of cylinders*), order Aug. 16, 1940, to read as follows:

(p) (12) *Reheat treatment* and *retest of cylinders.* The reheat treatment of cylinders must be followed by hydrostatic retest and these operations must be carried out, supervised, and reported, as prescribed for the original heat treatment and hydrostatic test by the specification covering the manufacture of the type of cylinder in question. The retest pressure shall be as prescribed for the quinquennial retesting of cylinder; *Provided*, That increased retest pressure is authorized under testing procedure approved in writing by the Bureau of Explosives. In the case of cylinders of outside diameter exceeding 4 inches, a permanent expansion of not less than 3 percent or more than 10 percent of the total expansion must be shown in the retest; *Provided*, That if the cylinders can be segregated into lots having practically the same chemical composition, the allowable permanent expansion in the retest may be from zero to 10 percent of the total expansion, if one cylinder out of each such lot of 100 cylinders or less is subjected to and passes the requirements of the flattening and physical tests as specified by the specification for the manufacture of the type of cylinder in question.

25. Superseding and amending subparagraph (p) (14) (n), section 303 (*Exceptions*); order Feb. 24, 1947, to read as follows:

(p) (14) (n) Cylinders made in compliance with specification ICC-4B and ICC-26-300 used exclusively in noncorrosive gas service and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.), may be retested decennially instead of quinquennially, or, such cylinders may be subjected to an internal hydrostatic pressure equal to at least 2 times the marked service pressure without determination of expansions (See Note), but this type of test must be repeated quinquennially after expiration of the first ten-year period. When subjected to this latter test cylinders must be carefully examined under test pressure and removed from service if leaks or other harmful defects exist. All tests must be supplemented by a very careful examination of the cylinder at each filling, and must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

NOTE: Cylinders tested by the modified hydrostatic method shall be marked after each retest with the date of test as otherwise required but followed by the sumbol S; for example, 8-46S indicating retest by the modified method in August, 1946.

26. Superseding and amending section 417, order Aug. 16, 1940, to read as follows:

417 *Shipping order and bill of lading description.* The shipper when offering for transportation by carriers by rail freight, rail express, highway, or water any class A, class B, or class C explosive, inflammable liquid, inflammable solid, oxidizing material, corrosive liquid, compressed gas, or poison, as defined by these regulations, must describe such article in the shipping order, bill of lading or other shipping paper by the shipping name used herein (see commodity list) and may add a further description not inconsistent therewith. Abbreviations must not be used. For shipments of blasting caps the shipper must, in addition, show the number of caps in the shipment.

APPENDIX TO PART 3—SHIPPING CONTAINER SPECIFICATIONS

1. Superseding and amending paragraph 4, Spec. 1A (*Capacity and marking carboys*), order Feb. 24, 1947, to read as follows:

4. *Capacity and marking of carboy.* Containers 5 to 13 gallons are classed as carboys. Must be permanently marked

to indicate maker and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

2. Superseding and amending paragraph 2, Spec. 9 (*Type and size*), order Sept. 7, 1944, to read as follows:

2. *Type and size.* Must be seamless, welded, or brazed (brazing material must have a melting point of not less than 1,000° F.). The maximum water capacity of containers in this class shall not exceed 86 cubic inches. Longitudinal seams are prohibited, except that containers constructed from longitudinally welded steel tubing are authorized providing that certification is made by the tubing manufacturer that the tubing has been pressure tested to a fibre stress of 24,000 pounds per square inch as calculated by the formula

$$P=\frac{24000\ (D^2-d^2)}{(1.3D^2+0.4d^2)}$$

Where P is the pressure required for pressure testing of tubing by the tubing manufacturer.

3. Superseding and amending paragraph 8 (a) (1), and adding paragraph 8 (a) (2), Spec. 9 (*Circumferential seams*), order Sept. 7, 1944, to read as follows:

(a) Circumferential seams: (1) Except as provided in (2) by welding or by brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swaged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) A container made of two hemispherical heads, each having an integral tangential cylindrical skirt portion assembled so that the two cylindrical skirt portions telescope one within the other is authorized but must meet the following additional requirements for the skirt portions; one be a driving fit within the other; they be of equal length and telescoped for their full length; the length of the overlap be not less than 8 nor more than 10 times the thickness of the thinner of the two skirts; the overlapping joint be brazed (not welded) so as to get complete penetration for the full length of the joint.

4. Superseding and amending paragraph 9 (a) and adding paragraph 9 (b), Spec. 9 (*Wall thickness*), order Sept. 7, 1944, to read as follows:

9. Wall thickness: The wall stress at 600 pounds per square inch shall not exceed 24,000 pounds per square inch, except that for longitudinally welded steel tubing the stress shall not exceed 20,400 pounds per square inch. The minimum wall for any cylinder shall be 0.040 inch. For the container authorized in par. 8 (a) (2) the wall thickness of the cylinder shall be taken as the sum of the thicknesses of the two skirts (without allowance for the brazing material between).

(a) Calculation must be made by the formula:

$$S=\frac{600\ (1.3D^2-0.4d^2)}{D^2-d^2}$$

where S=wall stress in pounds per square inch; D=outside diameter in inches; d=inside diameter in inches.

(b) Calculation for thickness of hemispherical heads of containers authorized in paragraph 8 (a) (2) must be made by the formula:

$$S=\frac{600D}{4\ t\ C}$$

where t=thickness in inches; C=0.85 (design factor); S and D have same significance as in par. 9 (a). The minimum thickness of head or skirt shall be 0.040 inch. The thickness of the skirt shall be not less than the thickness of the head.

5. Superseding and amending paragraph 10, Spec. 9 (*Heat treatment*), order Sept. 7, 1944, to read as follows:

10. *Heat treatment.* Body and heads must be uniformly and properly heat treated prior to tests.

6. Superseding and amending paragraph 32, Spec. 12B (*Special box authorized only for railway fusees*), order February 10, 1943, to read as follows:

32. *Special box.* Authorized only for railway fusees. Must comply with this specification except as follows: Must be double-faced corrugated fiberboard at least 400 pound test or solid fiberboard of same strength at least 0.100 inch thick; lining and pads not required; authorized gross weight 75 pounds. For fusees equipped with spikes, protection as required in section 64 (c) (12) (c) must be provided.

7. Superseding and amending paragraph 34, Spec. 12B (*Special box authorized only for wet electric storage batteries*), order Dec. 12, 1942, to read as follows:

34. *Special box.* Authorized only for wet electric storage batteries of the glass cell type. Must comply with this specification except as follows: Must be one piece type of double wall corrugated fiberboard at least 275 pound test, B or A/B flute type, with at least 32 corrugations per foot for A flute and 50 corrugations per foot for B flute; must have linings to extend around 4 faces with joint in center of or at end of one face but at no time may joint of box and joint of liner coincide; lining to be of sufficient height to support vertical scorings of box; lining to be made of double wall corrugated board with minimum test of 275 pounds, top of battery or batteries to be protected by trays or scored sheets of corrugated fiberboard having minimum test of 200 pounds; bottom of batteries to be protected by minimum of one excelsior pad or one double wall corrugated fiberboard pad; when one or more batteries are packed in same carton, batteries must be separated by a minimum of one thickness of double wall corrugated fiberboard minimum test 275 pounds; authorized gross weight 95 pounds.

8. Amending Spec. 12B, order Aug. 16, 1940, as follows (add):

37. *Special box.* Authorized only for wet electric storage batteries of impregnated rubber, asphaltum composition, wooden-battery-box type, or aluminum-case type, having a net weight greater than 75 pounds. Must comply with this specification except as follows: Must be one piece type of double wall corrugated fiberboard at least 400 pound test, B or A/B flute type, with at least 32 corrugations per foot for A flute and 50 corrugations per foot for B flute, or solid fiberboard testing at least 400 pounds with minimum thickness of .100; boxes may or may not have hand holes provided for in ends of box providing same will not materially weaken box; top of battery to be protected by wood frame, corrugated trays or scored sheets of corrugated fiberboard having minimum test of 200 pounds, top protection must bear evenly on connectors of battery to facilitate stacking of batteries; bottom of batteries to be protected by minimum of one excelsior pad or double wall corrugated fiberboard pad; sides and ends of battery to have minimum of ½ inch cushioning between battery and walls of box, cushioning to be of excelsior pads, corrugated fiberboard or other suitable cushioning material; no more than one battery to be packed per box; authorized gross weight 185 pounds.

9. Superseding and amending paragraph 2, Spec. 40 (*Type and size*), order Feb. 13, 1946, to read as follows:

2. *Type and size.* Must be seamless, welded, or brazed (brazing material must have a melting point of not less than 1,000° F.). The maximum water capacity of cylinders in this class shall not exceed 1.44 pounds or 40 cubic inches. Longitudinal seams are prohibited, except that containers constructed from longitudinally welded steel tubing are authorized providing that certification is made by the tubing manufacturer that the tubing has been pressure tested to a fibre stress of 24,000 pounds per square inch as calculated by the formula:

$$P=\frac{24000\ (D^2-d^2)}{(1.3D^2+0.4d^2)}$$

Where P is the pressure required for pressure testing of tubing by the tubing manufacturer.

10. Superseding and amending paragraph 8 (a), and adding paragraph 8 (a) (2); Spec. 40 (*Circumferential seams*), order Feb. 13, 1946, to read as follows:

(a) Circumferential seams: (1) Except as provided in (2) by welding or by brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swaged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) A container of two hemispherical heads, each having an integral tangential cylindrical skirt portion assembled so that the two cylindrical skirt portions telescope one within the other is authorized but must meet the following additional requirements for the skirt portions; one be a driving fit within the other; they be of equal length and telescoped for their full length; the length of the overlap be not less than 8 nor more than 10 times the thickness of the thinner of the two skirts; the overlapping joint be brazed (not welded) so as to get complete penetration for the full length of the joint.

11. Superseding and amending paragraph 9, and adding paragraph 9 (b), Spec. 40 (*Wall thickness*), order Feb. 13, 1946, to read as follows:

9. Wall thickness: The wall stress at 600 pounds per square inch shall not exceed 24,000 pounds per square inch, except that for longitudinally welded steel tubing, the stress shall not exceed 20,400 pounds per square inch. The minimum wall for any cylinder shall be 0.032 inch. For the container authorized in paragraph 8 (a) (2) the wall thickness of the cylinder shall be taken as the sum of the thicknesses of the two skirts (without allowance for the brazing material between).

(a) Calculation must be made by the formula:

$$S=\frac{600\ (1.3D^2+0.4d^2)}{D^2-d^2}$$

where S=wall stress in pounds per square inch; D=outside diameter in inches; d=inside diameter in inches.

(b) Calculation for thickness of hemispherical heads of containers authorized in paragraph 8 (a) (2) must be made by the formula:

$$S=\frac{600D}{4\ t\ C}$$

where t=thickness in inches; C=0.85 (design factor); S and D have same significance as in par. 9 (a). The minimum thickness of head or skirt shall be 0.032 inch. The thickness of the skirt shall be not less than the thickness of the head.

12. Superseding and amending paragraph 10, Spec. 40 (*Heat treatment*), order Feb. 13, 1946, to read as follows:

10. *Heat treatment.* Body and heads must be uniformly and properly heat treated prior to tests.

13. Amending paragraph 6 (a), Spec. 10 (*Riveting*), order Aug. 16, 1940, as follows (Add note to paragraph 6 (a)).

Exception. Tank heads must meet all applicable requirements of these specifications except that heads may be made of two plates joined by fusion welding.

PART 4—REGULATIONS APPLYING PARTICULARLY TO CARRIERS BY RAIL FREIGHT

1. Amending paragraph (g), section 532 (*Matches*), order Aug. 16, 1940, as follows (Add):

(g) (2) (a) Carload lots of strike-anywhere matches handled subject to stop-off privileges must be loaded in accordance with paragraphs (g) (1) and (g) (2) and when necessary the load must be rearranged and/or blocked and braced by each consignee before forwarding.

2. Superseding and amending headline and sideline descriptions "e", "f", "1", and "2", section 533 (*Loading and storage chart*), orders March 29, 1944, Aug. 16, 1940, Aug. 19, 1946, and Nov. 4, 1946, to read as follows:

e. Ammunition for Cannon with Explosive Projectiles, Gas Projectiles, Smoke Projectiles or Incendiary Projectiles, Ammunition for Small Arms with explosive bullets or Ammunition for Small Arms with Explosive Projectiles, or Rocket Ammunition with Explosive Projectiles, Gas Projectiles, Smoke Projectiles, Incendiary Projectiles or Illuminating Projectiles *d*

f. Explosive Projectiles, Bombs, Torpedoes, or Mines, Rifle or Hand Grenades (explosive), Jet thrust units (jato), class A *d*

1. Ammunition for Cannon with empty inert-loaded or solid projectiles, or without projectiles, or Rocket Ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles.

2. Smokeless Powder for Cannon or not exceeding 50 pounds net weight of Smokeless Powder for Small Arms, or Jet thrust units (jato), class B

3. Amending order Aug. 16, 1940 (*Placards*), as follows (add):

553. Placards prescribed by these regulations must not be applied to cars containing articles not subject to these regulations or specifically exempted therefrom.

4. Amending paragraph (a) section 584 (*Waybills, switching orders, or other billing*), order Nov. 4, 1946, as follows (Add):

(a) (1) Billing prepared from the shipping order or other shipping paper covering shipments of blasting caps, must, in addition, show the number of blasting caps in the shipment.

5. Superseding and amending section 591 (*Car magazines*), order Aug. 16, 1940, to read as follows:

591 *Car magazines.* When specially authorized by the carrier, Class A explosives in quantity not exceeding 150 pounds may be carried in construction or repair cars when the packages of explosives are placed in a "magazine" box made of sound lumber not less than 1 inch thick, covered on the exterior with metal, and provided with strong handles. This box must be plainly stenciled on the top, sides, and ends, in letters not less than 2 inches high, "Explosives–Dangerous–Handle Carefully." The box must be provided with strong hinges and with a lock for keeping it securely closed. Vacant space in the box must be filled with a cushioning material such as sawdust or excelsior, and the box must be properly stayed to prevent movement within the car. The car, when not occupied by a responsible employe, must be placarded "Explosives."

PART 7—REGULATIONS APPLYING TO SHIPMENTS MADE BY WAY OF COMMON CONTRACT OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

1. Superseding and amending headline and sideline descriptions "e", "f", "1", and "2", section 825 (*Loading and storage chart etc.*), orders March 29, 1944, Aug. 16, 1940, Aug. 19, 1946, and Nov. 4, 1946, to read as follows:

e. Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles or incendiary projectile ammunition for small arms with explosive bullets or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles or illuminating projectiles d

f. Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), class A d

1. Ammunition for cannon with empty inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles.

2. Smokeless powder for cannon or not exceeding 50 pounds net weight of smokeless powder for small arms or jet thrust units (jato), class B.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after July 18, 1947, and shall be observed until further order of the Commission;

It is further ordered, That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after date of service hereof;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176, 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4132; Filed, Apr. 30, 1947; 9:08 a. m.]

[Rev. S. O. 105, Amdt. 3]

PART 95—CAR SERVICE

BACKHAULING COMPANY MATERIAL PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of the provisions of Revised Service Order No. 105 (11 F. R. 8286), as amended (11 F. R. 9039, 14271), and good cause appearing therefor: It is ordered, that:

Section 95.5 *Backhauling company material prohibited*, of Revised Service Order No. 105, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p. m., November 5, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 30, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4126; Filed, Apr. 30, 1947; 8:50 a. m.]

[Rev. S. O. 340, Amdt. 4]

PART 95—CAR SERVICE

MINIMUM LOADING OF CARLOAD TRANSFER FREIGHT REQUIRED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of Revised Service Order No. 340 (10 F. R. 13827), as amended (11 F. R. 562, 7283, 13113), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 340 (49 CFR § 95.340), as amended, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m., November 10, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., April 30, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4129; Filed, Apr. 30, 1947; 8:50 a. m.]

[Rev. S. O. 381, Amdt. 1]

PART 95—CAR SERVICE

TRAINLOADS OF BAUXITE ORE CONCENTRATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of Revised Service Order No. 381 (11 F. R. 13837), and good cause appearing therefor: It is ordered, that:

Section 95.381, *Trainloads of bauxite ore concentrates*, of Revised Service Order No. 381, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., November 15, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 30, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4130; Filed, Apr. 30, 1947; 8:50 a. m.]

[S. O. 550, Amdt. 3]

PART 95—CAR SERVICE

EMBARGO OF LAKE-CARGO COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of Service Order No. 550 (11 F. R. 7897), as amended (11 F. R. 8597, 14469), and good cause appearing therefor: It is ordered, that:

Section 95.550 *Embargo of Lake-Cargo Coal; Appointment of agent*, of Service Order No. 550, be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof.

(f) *Expiration date.* This order shall expire at 11:59 p. m., November 20, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 30, 1947, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4125; Filed, Apr. 30, 1947; 8:49 a. m.]

[S. O. 551, Amdt. 3]

PART 95—CAR SERVICE

HAMPTON ROADS, VA. COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of Service Order No. 551 (11 F. R. 7897), as amended (11 F. R. 14469; 12 F. R. 1518), and good cause appearing therefor: It is ordered, that:

Section 95.551 *Hampton Roads, Va. Coal; appointment of agent*, of Service Order No. 551 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p. m., November 20, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 30, 1947, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4127; Filed, Apr. 30, 1947; 8:50 a. m.]

[S. O. 552, Amdt 2]

PART 95—CAR SERVICE

CONTROL TIDEWATER COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of Service Order No. 552 (11 F. R. 7897), as amended (11 F. R. 14469), and good cause appearing therefor: It is ordered, that:

Section 95.552 *Control Tidewater Coal; appointment of agent*, of Service Order No. 552, be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., November 20, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 30, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4131; Filed, Apr. 30, 1947; 8:50 a. m.]

[S. O. 562, Amdt. 2]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of the provisions of Service Order No. 562 (11 F. R. 8286), as amended (12 F. R. 47), and good cause appearing therefor: It is ordered, that:

Service Order No. 562 be, and it is hereby, further amended by substituting the following paragraph (h) of § 95.562, *Rerouting of freight traffic and empty cars; appointment of agent*, for paragraph (h) thereof:

(h) *Expiration date.* This order shall expire at 11:59 p. m., November 25, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., April 30, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the Railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4128; Filed, Apr. 30, 1947; 8:50 a. m.]

[S. O. 661, Amdt. 3]

PART 97—ROUTING OF TRAFFIC

EXPORT FOOD FROM PACIFIC NORTHWEST RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of the provisions of Service Order No. 661 (11 F. R. 14711), as amended (12 F. R. 1059, 1573), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 661 be, and it is hereby, further amended by substituting the following paragraph (g) of § 95.661 *Export food from Pacific Northwest restricted*, for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., April 30, 1947, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4124; Filed, Apr. 30, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 01, 42 and 43]

CERTIFICATED AIR CARRIERS OPERATING AIRCRAFT

EXEMPTION IN ACCORDANCE WITH MAINTENANCE AND INSPECTION SYSTEMS AUTHORIZED BY TERMS OF AIR CARRIER OPERATING CERTIFICATE FROM COMPLIANCE WITH ANNUAL AND PERIODIC INSPECTION REQUIREMENTS OF PART 43

APRIL 25, 1947.

The continuous maintenance and inspection systems established by the air carriers insure the continued airworthiness of air carrier aircraft more effectively than the annual or periodic inspection required by the general operation rules of Part 43. When aircraft are maintained and inspected in accordance with the maintenance and inspection systems authorized by the terms of the air carrier operating certificate, there appears to be no need to require scheduled air carriers to comply with the present provisions of § 43.22 nor for nonscheduled air carriers to comply with the provisions of § 42.150.

At the time Part 43 was promulgated it was not intended that the periodic and annual inspection requirements would apply to air carriers complying with the requirements of Parts 41 or 61 of the Civil Air Regulations. It is the purpose of this proposal to specifically exempt these certificated air carriers from the periodic and annual inspection requirements. It is further proposed to delete those sections in Part 01 regarding maintenance requirements which in some instances are not consistent with Part 43.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the following amendments to the Civil Air Regulations will be recommended to the Civil Aeronautics Board for adoption.

1. By amending § 43.22 to read as follows:

§ 43.22 *Inspections*—(a) *Annual inspection.* An aircraft shall not be flown, except for airworthiness flight test, unless within the preceding 12 calendar

months it has been given an annual inspection as prescribed by the Administrator and has been found to be airworthy by a person designated by the Administrator.

(b) *Periodic inspection.* An aircraft shall not be flown for hire unless within the preceding 100 hours of flight time it has been given a periodic inspection by an appropriately rated mechanic in accordance with the periodic inspection report form prescribed by the Administrator and has been found to be airworthy and a notation to that effect has been entered by such mechanic in the aircraft log. The annual inspection required by paragraph (a) of this section will be accepted as one such periodic inspection.

(c) *Air carrier exemption.* Aircraft of certificated air carriers are exempted from (a) and (b) of this section when such aircraft are maintained and inspected in accordance with a continuous maintenance and inspection system approved by the Administrator and authorized by the terms of the air carrier operating certificate.

2. By amending § 42.150 to read as follows:

§ 42.150 *Inspections.* (a) Aircraft must be given an annual inspection within each 12 calendar months.

(b) Aircraft must be given a periodic inspection within each 100 hours of flight time. The annual inspection required in (a) will be accepted as one such period inspection.

(c) Aircraft maintained and inspected in accordance with a continuous maintenance and inspection system approved by the Administrator and authorized by the terms of the air carrier operating certificate are exempted from the requirements of (a) and (b) of this section.

3. By deleting the following sections:

§ 01.12 *Aircraft operation record requirements.*

§ 01.25 *Periodic inspection.*

§ 01.26 *Other inspections.*

§ 01.27 *Log-books.*

§ 01.270 *Log-books for rebuilt aircraft engines.*

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., to be received within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON, *Director.*

[F. R. Doc. 47-4121; Filed, Apr. 30, 1947; 8:49 a. m.]

[14 CFR, Parts 41 and 61]

AIR CARRIER FLIGHT RADIO OPERATORS

MINIMUM RECENT EXPERIENCE REQUIREMENTS

APRIL 25, 1947.

The Safety Bureau of the Civil Aeronautics Board is presenting proposed amendments to Parts 41 and 61 of the Civil Air Regulations specifying the minimum recent experience a flight radio operator is required to have before he may serve in air carrier operation.

The proposed amendments have not been considered by the Board and are being published to provide an opportunity for those interested to submit any comments, suggestions, or changes which they believe desirable. The Safety Bureau will give careful consideration to all replies received and, after making any changes which appear to be appropriate, will present the proposed amendments to the Board for adoption. Any substantial objections to this proposal will be brought to the attention of the Board.

These amendments are desirable to insure that United States flight radio operators, when accepted for duty by an air carrier, will have qualifications at least equal to the Provisional International Civil Aviation Organization standards.

PICAO has included recent experience requirements in standards prescribed for the issuance of a flight radio operator certificate, but the Safety Bureau considers that the requirements more appropriately belong in operating rather than certification rules since the maintenance of competency through recent experience is an important factor in providing operational safety.

The proposed amendment is as follows:

Qualification for duty. An airman shall not serve as a flight radio operator unless, within the preceding 12 month period, he has had at least 4 months of satisfactory experience as a radio telegraph operator and 26 hours of experience in the operation of aircraft radio during flight, or until he has familiarized himself with all current information pertaining to the routes to be flown and has demonstrated competency to the Administrator or his designee with respect to the operating procedures and radio equipment to be used.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON, *Director.*

[F. R. Doc. 47-4120; Filed, Apr. 30, 1947; 8:49 a. m.]

[14 CFR, Parts 41 and 61]

AIR CARRIER NAVIGATORS

MINIMUM RECENT EXPERIENCE REQUIREMENTS

APRIL 25, 1947.

The Safety Bureau of the Civil Aeronautics Board is presenting proposed amendments to Parts 41 and 61 of the Civil Air Regulations specifying the minimum recent experience a navigator is required to have before he may serve in air carrier operation.

The proposed amendments have not been considered by the Board and are being published to provide an opportunity for those interested to submit any comments, suggestions, or changes which they believe desirable. The Safety Bureau will give careful consideration to all replies received and, after making any changes which appear to be appropriate, will present the proposed amendments to the Board for adoption. Any substantial objections to this proposal will be brought to the attention of the Board.

These amendments are desirable to insure that United States navigators, when accepted for duty by an air carrier, will have qualifications at least equal to the Provisional International Civil Aviation Organization standards.

PICAO has included recent experience requirements in standards prescribed for the issuance of a flight navigator certificate, but the Safety Bureau considers that the requirements more appropriately belong in operating rather than certification rules since the maintenance of competency through recent experience is an important factor in providing operational safety.

The proposed amendment is as follows:

Qualification for duty. An airman shall not serve as a flight navigator unless he has served in that capacity for at least 50 hours within the preceding 12-month period; or until he has familiarized himself with all current information pertaining to the routes to be flown and has demonstrated competency to the Administrator or his designee with respect to the operating procedures and navigational equipment to be used.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON, *Director.*

[F. R. Doc. 47-4119; Filed, Apr. 30, 1947; 8:48 a. m.]

PHILIPPINE ALIEN PROPERTY ADMINISTRATION

[8 CFR, Part 611]

SUBSTANTIVE RULES

GENERAL NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act, Public Law 404, 70th Congress, and 8 CFR 601.10, Philippine Alien Property Administration Rules of Procedure, general notice is hereby given that thirty days from publication hereof in the FEDERAL REGISTER and simultaneous publication in a newspaper of general circulation in the City of Manila, Philippine Islands, the Philippine Alien Property Administration under authority of the Trading with the Enemy Act, as amended, the Philippine Property Act of 1946 and Executive Orders issued thereunder, intends to adopt the proposed substantive rules hereinafter set forth, subject to changes which may result from the participation of interested persons.

Any interested person may participate in making the rules by submitting in writing to the Executive Officer, Philippine Alien Property Administration, Willard Building, Washington, D. C., or to the Administrator, Philippine Alien Property Administration, 121 Dasmarinas St., Manila, Philippine Islands, a statement of his views, arguments and other data concerning the proposed rules. The statement must be submitted in duplicate, typewritten, and double spaced, and must set forth the writer's interests. Any person may, within the same period, apply in writing to the Executive Officer, or to the Administrator, for permission to be heard orally in connection with the proposed rules, setting forth his interest and the gist of the subject matter which he intends to present. Hearings will be allowed in the discretion of the Administrator, and will be informal.

The proposed rules are as follows:

PART 611—SUBSTANTIVE RULES

Sec.

611.1 Time of effectiveness of vesting orders.
611.2 Valuation of rates of exchange of monetary units of enemy countries.
611.3 Prohibition of transactions and appointment of agents and delegates.
611.4 Service of process upon any person within Japan or Germany.
611.5 Payment, transfer or distribution of property in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.
611.6 Report of persons under judicial supervision.
611.7 Report of property owned by persons to be repatriated.
611.8 Report of property of Germany and Japan and any national thereof.
611.9 Prohibition of transactions by personnel of the Office of Philippine Alien Property Administration.
611.10 Limitations on representative activities by former employees of Philippine Alien Property Administration.

AUTHORITY: § 611.1 to 611.10, inclusive, issued under 40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. (Sup.) 616; 60 Stat. 50; Pub. Law 671, Aug. 8, 1946; E. O. 9142, 3 CFR Cum. Supp.; E. O. 9193, 3 CFR Cum. Supp.; E. O. 9325, 3 CFR Cum. Supp.; E. O. 9567, 3 CFR 1945 Supp.; E. O. 9725, 11 F. R. 5381; E. O. 9747, 11 F. R. 7518; E. O. 9760, 11 F. R. 7999, Pub. Law 485, E. O. 9818.

§ 611.1 *Time of effectiveness of vesting orders.* (a) Any property or interest shall be deemed to have vested at the time of the filing with the Official Gazette published in Manila, Philippine Islands, of an order vesting such property or interest: *Provided*, That any property or interest, the conveyance, transfer or assignment of which may be filed, registered or recorded in the office designated by law for the filing of such documents, shall be deemed to have vested at the time of the filing, registering, or recording in such office of the order vesting such property or interest, or at the time of the filing of such order with the Official Gazette, whichever is earlier: *Provided further*, That, as to subsequent purchasers or lienors without actual notice, an order vesting real property or an interest in such property shall be deemed effective from the time of the recordation of such order in the public office designated by law for the recordation of a conveyance, transfer or assignment of such property or interest.

(b) Actual notice, by service or otherwise, of the execution of an order vesting any property or interest shall be deemed (1) notice that the Philippine Alien Property Administrator has undertaken supervision of such property or interest, and (2) notice of the vesting of such property or interest as of the time specified in paragraph (a) of this section.

§ 611.2 *Valuation of rates of exchange of monetary units of enemy countries.* (a) That for the purpose and solely for the purpose of discharging claims and rights of foreign countries and nationals thereof against citizens and residents of the United States and the Philippine Republic, which by contract or agreement made or entered into by the parties prior to vesting are dischargeable by payment in monetary units of certain enemy countries and which heretofore have been or hereafter shall be vested by the Administrator, the equivalent of the monetary units of such enemy countries shall be determined by the Administrator after considering the reasonable value in United States currency of the enemy monetary units at the time the indebtedness was incurred.

(b) All persons now indebted or who shall hereafter be indebted to the Administrator on any claim as aforesaid are hereby ordered and directed to pay such debts, as they become due and payable, in United States currency, computed as above set forth, or the Philippine peso fixed at the rate of two (2) pesos for one (1) dollar United States currency.

(c) Any payment made and computed pursuant to this regulation shall be and constitute a full acquittance and discharge for all purposes of the person making the same for the obligation paid thereby.

(d) Nothing herein shall be deemed in any way to effect or alter any provisions of any contract or agreement made or entered into by the parties prior to vesting by the Administrator whereby there is established a method of computing such equivalents.

(e) The Administrator reserves the right to vary or modify the foregoing basis of computation from time to time by general order or by amendments hereto, or in specific cases upon a finding by the Administrator that application of this regulation would be inequitable.

§ 611.3 *Prohibition of transactions and appointment of agents and delegates.* (a) The following transactions are prohibited unless authorized by the Philippine Alien Property Administrator, or by an agent delegate appointed by the Philippine Alien Property Administrator, or by a supervisor designated by the Philippine Alien Property Administrator or by one of his said agents and delegates as hereinafter provided:

(1) All transactions involving any property, control of which has been released by the Secretary of the Treasury pursuant to Executive Order 9095, as amended, subject to the power and authority conferred upon the Philippine Alien Property Administrator; and

(2) All transactions by, or with, or on behalf of, or pursuant to the direction of, any business enterprise of which the Philippine Alien Property Administrator has undertaken the supervision, or which he has vested, or assets of or interests in which he has vested, or involving any property in which such business enterprise has any interest, control of such property or business enterprise having been released by the Secretary of the Treasury pursuant to Executive Order 9095, as amended.

(b) The Chief of the Division of Business Management and Control, the Chief of the Property Division, the Chief of the Division of Investigation, the Chief of the Division of Real Estate and Liquidation, and the Secretary of the Office of the Philippine Alien Property Administration, are hereby appointed and delegated, severally, as agents and delegates of Philippine Alien Property Administrator to make and to revoke, on behalf of the Philippine Alien Property Administrator, authorization of transactions with respect to any property or business enterprise subject to the authority and power conferred upon the Philippine Alien Property Administrator; and with respect to any such specific property or business enterprise subject to such authority and power, to appoint and designate supervisors for such specific property or business enterprise who shall have authority to make and to revoke on behalf of the Philippine Alien Property Administrator authorizations of transactions.

§ 611.4 *Service of process upon any person within Japan or Germany.* (a) In any court or administration action or proceeding within the United States or within the Republic of the Philippines in which service of process or notice is to be made upon any person in Japan or Germany, the receipt by the Philippine Alien Property Administrator of a copy of such process or notice sent by registered mail to the Philippine Alien Prop-

erty Administrator, Manila, Philippine Islands, shall be service of such process or notice upon any such persons, if, and not otherwise, the Philippine Alien Property Administrator within sixty days from the receipt thereof shall file with the court or administrative body issuing such process or notice, a written acceptance thereof.

(b) Such process or notice shall otherwise conform to the rules, orders or practice of the court or administrative body issuing such process or notice.

(c) This section shall not be construed to limit the authority of the Philippine Alien Property Administrator to take any measures in connection with representing any such person in any action or proceeding as in his judgment and discretion is or may be in the public interest.

§ 611.5 *Payment, transfer or distribution of property in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.* (a) No designated person shall pay, transfer, or distribute, or cause to be paid, transferred or distributed, any property of any nature whatsoever to or for the benefit of any designated enemy country or designated national, unless:

(1) The Philippine Alien Property Administrator has issued to the designated person a written consent to the payment, transfer or distribution, or

(2) The Philippine Alien Property Administrator has:

(i) Filed a written statement in the court or administrative action or proceeding in connection with which the payment, transfer or distribution is proposed, that he has determined not to represent the designated national, or

(ii) Represented the designated national in such action or proceeding by the appearance therein of a representative on behalf of the designated national, and such representative has been served by the designated person with written notice of the proposed payment, transfer or distribution, and ninety days have expired without the exercise of any other power or authority by the Philippine Alien Property Administrator with respect to such property.

(b) Any payment, transfer, or distribution pursuant to paragraph (a) of this section may be made only if licensed or otherwise authorized by the Secretary of the Treasury pursuant to the provisions of Executive Order 9095, as amended.

(c) For the purpose of this section, the terms:

(1) "Designated person" shall mean a person or officer acting under judicial supervision, or in any court or administrative action or proceeding, or in partition, libel, condemnation or other similar proceedings, including, but not by way of limitation, (i) executor, (ii) administrator, (iii) guardian, (iv) committee, (v) curator, (vi) trustee under will, deed, or settlement, (vii) receiver, (viii) trustee in bankruptcy, (ix) assignee for the benefit of creditors, (x) United States Marshal, (xi) sheriff, (xii) commissioner, (xiii) person acting under trust agreement, and (xiv) all other persons or officers acting in a similar capacity.

(2) "Designated enemy country" shall mean any foreign country against which the United States has declared the existence of a state of war (Germany, Japan), and any other country with which the United States is at war in the future.

(3) "Designated national" shall mean any person in any place under the control of a designated enemy country.

§ 611.6 *Report of persons under judicial supervision.* (a) All designated persons shall file a report of any property or interest in which there is reasonable cause to believe that Germany or Japan, or a person who is a citizen or subject or under control of Germany or Japan, has an interest.

(b) Such report shall be submitted in duplicate on form provided by the Office of Philippine Alien Property Administration, which shall be executed under oath and shall contain complete information in the manner provided in the form.

(c) For the purposes of this section, the terms:

(1) "Designated persons" shall mean persons or officers acting under judicial supervisions, or in any court or administrative action or proceeding, or in partition, libel, condemnation or other similar proceedings, including, but not by way of limitation (i) executors, (ii) administrators, (iii) guardians, (iv) committee, (v) curators, (vi) trustees under wills, deeds or settlements, (vii) receivers, (viii) trustees in bankruptcy, (ix) assignees for the benefit of creditors, (x) United States Marshals, (xi) sheriffs, (xii) commissioners, (xiii) persons acting under trust agreements, and (xiv) all other persons or officers acting in a similar capacity, or who may become such by appointment, qualification, or otherwise.

(d) Upon the execution of such report it shall be forwarded on or before June 1, 1947, to the Philippine Alien Property Administrator, Manila, Philippine Islands.

(e) Subsequent to June 1, 1947, such report shall be filed within thirty (30) days from the date upon which such designated person qualifies.

§ 611.7 *Report of property owned by persons to be repatriated.* (a) Any person proposed for repatriation to an enemy country shall, upon demand by a duly authorized representative of the Philippine Alien Property Administrator, prepare (or assist the representative of the Philippine Alien Property Administrator in preparing), sign and certify a report on Form PAPA–4, of all property of any nature whatsoever within the Republic of the Philippines, which is owned or controlled by, payable or deliverable to, held on behalf of or for the account of such person or in which such person has any interest of any nature whatsoever.

(b) Such duly authorized representatives of the Philippine Alien Property Administrator are hereby authorized to accept any books of account, records, contracts, letters, documents, memoranda, or other papers held in the custody of any person proposed for repatriation, which are useful in establishing the ownership or control of any such property.

(c) For the purposes of this section:

(1) "Persons proposed for repatriation" shall mean any person who has been designated by the Department of State of the United States or by the Republic of the Philippines, as one who may be repatriated to a designated enemy country;

(2) "A duly authorized representative of the Philippine Alien Property Administrator" shall include any person who possesses an identification card (bearing his signature and photograph) certifying that he is employed as an investigator, attorney, examiner, business analyst, or in any other responsible position in the Office of Philippine Alien Property Administration.

§ 611.8 *Report of property of Germany and Japan and any national thereof.* (a) Every person in the United States or in the Republic of the Philippines, who has any knowledge of or interest in or legal title to or custody or control or possession of any property or interest of any nature whatsoever within the Republic of the Philippines on or before December 31, 1946, and believes or has cause to believe that such property or interest is or may be directly or indirectly owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or claimed by, or is evidence of ownership or control of property or interest by, Germany or Japan or any national thereof, shall file with the Philippine Alien Property Administrator on or before June 1, 1947, a report on Form PAPA–5, containing the information called for and in conformity with instructions, whether or not a report with respect to any such property or interest shall have been filed previously with any government agency: *Provided*, That if such belief or cause to believe is acquired after June 1, 1947, such reports shall be filed within 30 days after such belief or cause to believe is acquired. For the purposes of this paragraph, safe deposit boxes shall be deemed to be in the "custody" not only of all lessees thereof and all persons having access thereto, but also of the lessors of such boxes, whether or not such lessors have access thereto.

(b) A report on Form PAPA–5, in accordance with the requirements specified in paragraph (a) of this section, shall be filed by every person with respect to all securities and obligations, including, but not limited to, shares of stock, debentures, notes, bonds, trust certificates, coupons, debts, contracts of insurance, issued or incurred by such persons, which are registered or recorded on the books of such person as, or which such person believes or has cause to believe are or may be, directly or indirectly owned or controlled by, payable to or deliverable to, held on behalf of or on account of, or owing to or claimed by, Germany or Japan or any national thereof.

(c) As used in paragraphs (a) and (b) of this section:

(1) The term "person" shall include but not by way of limitation, an individual, partnership, association, corporation, company or other incorporated or unincorporated body or body politic.

(2) The term "property" shall include, but not by way of limitation, money, checks, drafts, bullion, bank deposits, savings accounts, obligations, financial securities commonly dealt in by bankers, brokers and investment houses, notes, debentures, stocks, bonds, coupons, bank acceptances, mortgages, pledges, liens, or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidence of title, ownership or indebtedness, goods, wares, merchandise, chattels, stock on hand, real estate, vendor's sales agreements, land contracts, lease-holds, ground rents, options, negotiable instruments, trade acceptances, book accounts, accounts payable (to Germany or Japan or any national thereof), patents, copyrights, trademarks, commercial prints and labels, judgments, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, interest in trusts.

(3) The term "Japan," when used in a territorial sense, means that territory which constituted Japan on December 7, 1941, including the mandated islands of Japan and Manchuria, but excluding all other areas in China occupied by the military forces of Japan on that date; and when used in a governmental sense, means the Government of Japan or any political subdivision, agency or instrumentality thereof.

(4) The phrase "national of Germany or Japan" means:

(i) Any person who, at the time on or since June 14, 1941, has been domiciled or resident in, or has been a citizen or subject of, Germany or Japan, except (a) persons domiciled or resident in the Republic of the Philippines on December 31, 1945, and (b) members of the armed forces of, and civilians (other than citizens or subjects of Germany or Japan) on official duty for the United States, China, France, the Union of Soviet Socialist Republics, or the United Kingdom, or organization acting officially on behalf of any of such nations.

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which at any time on or since June 14, 1941, has had its principal place of business in Germany or Japan; and

(iii) Any partnership, association, corporation or other organization, organized under the laws of, or whose principal place of business is located in, any country other than Germany, Japan or the United States, in which at any time on or since January 1, 1939, Germany or Japan or any national thereof has had any direct or indirect interest, or any direct or indirect control other than such control as prevailed solely by virtue of the military occupation by Germany or Japan or the territory in which such partnership, association, corporation or other organization is located.

(d) Philippine Alien Property Administration Form PAPA–5 and instructions may be obtained from Office of Philippine Alien Property Administration, Manila, Philippine Islands.

(e) Reports shall be executed and filed in duplicate with the Office of Philippine Alien Property Administration, Manila, Philippine Islands. The Philippine Alien Property Administrator reserves discretion to grant such extensions of time as he deems advisable for the making of any or all of the reports required by this section.

§ 611.9 *Prohibition of transactions by personnel of the Office of Philippine Alien Property Administrator.* (a) No person connected directly or indirectly with the Philippine Alien Property Administration shall effect, or cause to be effected for personal profit or benefit, any sale or purchase of, or other transaction in, or otherwise deal or participate in any property or interest therein concerning which the Philippine Alien Property Administrator has acted, or may hereafter act under the provisions of the Trading with the Enemy Act, as amended, or pursuant to the powers delegated to the Philippine Alien Property Administrator by the President. *Provided*, That where it is to the benefit of the Philippine Alien Property Administration, employees may act as temporary custodians of property held by the Philippine Alien Property Administration under such conditions as the Administrator may prescribe.

(b) This section shall apply to all transactions of the kind above described whether made directly by, for or on account or behalf of any person connected directly or indirectly with the Office of Philippine Alien Property Administration or in which such person has any beneficial interest. Employees are considered to have a beneficial interest in transactions of their husbands and wives, and therefore such transactions shall be deemed to come within the provisions of this section.

(c) Any person connected directly or indirectly with the Office of Philippine Alien Property Administration who owns or has any interest in any property or interest therein concerning which the Philippine Alien Property Administrator has acted or may hereafter act shall notify the Philippine Alien Property Administrator of such ownership or interest immediately upon the execution of this section or the taking of such action by the Philippine Alien Property Administrator, as the case may be.

§ 611.10 *Limitations on representative activities by former employees of Philippine Alien Property Administration*—(a) *One year bar; former employees.* No person who has served in any capacity as an employee of the Office of the Philippine Alien Property Administration shall act as counsel, attorney or agent for prosecuting in the Office of the Philippine Alien Property Administration any claim against the United States which was pending at the time he was so employed, nor in any manner, nor by any means help in the prosecution of such claim, nor appearing in a representative capacity before the Office of the Philippine Alien Property Administration or an officer, or employer thereof in connection with any matter involving vested property, within one year after the termination of his employment in the office, unless he obtains the prior approval of the Administrator in each matter. To obtain such approval he must file an affidavit stating:

(1) His former connection with the Office of Philippine Alien Property Administrator;

(2) That while he was connected with the Office of Philippine Alien Property Administrator the matter was not pending therein, or if it was so pending;

(i) That he gave no personal consideration to it, and had no knowledge of the facts involved therein while connected, and

(ii) That he is not assisted and will not be assisted by any person who has personally considered it or gained personal knowledge of the facts thereof while connected with the Office of Philippine Alien Property Administrator.

(b) *Continuing bar; confidential material.* Nothing in this section shall be deemed to authorize the disclosure, regardless of the passage of time, of any information in the files and papers of the Office of Philippine Alien Property Administrator within the purview of § 621.2 of this chapter in any manner other than that provided in the said § 621.2.

Executed in Manila, Philippine Islands, April 15, 1947.

[SEAL] JAMES McI. HENDERSON,
Administrator.

[F. R. Doc. 47-4170; Filed, Apr. 30, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8445]

STEATIT-MAGNESIA A. G.

In re: Patent No. 2,069,903 owned by Steatit-Magnesia A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Steatit-Magnesia is a corporation organized under the laws of and having its principal place of business in Berlin, Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 is property of Steatit-Magnesia;

3. That the property described as follows: All right, title and interest (includ-

ing all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent Number	*Date of Issue*	*Inventor*	*Title*
2,069,903	2-9-37	Werner Soyck and Alfred Ungewiss	Insulating material having a high dielectric constant and a process of producing same.

is property of a national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4146; Filed, Apr. 30, 1947; 8:46 a. m.]

[Vesting Order 8446]

SCINTILLA, A. G.

In re: Patents and certain contract interests owned by Scintilla, A. G. of Solothurn, Switzerland.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Bosch, G. m. b. H. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That a substantial part (75.97%) of the issued and outstanding capital stock of Scintilla, A. G., a corporation organized under the laws of and maintaining its principal place of business in Switzerland, is owned by said Robert Bosch, G. m. b. H., that such stock ownership is evidence of control of said Scintilla, A. G. by a national of a foreign country (Germany) and that said Scintilla, A. G. is a national of a foreign country (Germany);

3. That the property described as follows: Property identified in Exhibit A, attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, Scintilla, A. G., the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

(a) All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No.	Date	Inventor	Title
1,764,906	6-17-30	Gottlieb Steiner	Electric starters for internal combustion engines.
1,798,060	3-24-31	Jakob Bohli	Ignition coils for battery ignition apparatus.
1,804,086	5- 5-31	Hektor Brodt	Reversing switches.
1,853,750	4-12-32	Gottlieb Steiner	Ignition system for internal combustion engines.
1,880,334	10- 4-32	....do	Lubricating devices.
1,923,184	8-22-33	Jakob Bohli	Magneto electric ignition apparatus.
1,943,157	1- 9-34	....do	Magnetos.
1,950,461	3-13-34	Gottlieb Steiner	High tension distributor for the ignition systems of internal combustion engines.
1,963,679	6-19-34	Ernst Schaeren	Valveless plunger pumps.
1,968,947	8- 7-34	Albert Kaufman	Electric starting motors for internal combustion engines.
2,015,163	9-24-35	Gottlieb Steiner	Switching apparatus.
2,018,830	10-29-35	Jakob Bohli	Magneto electric ignition apparatus.
2,151,487	9-21-39	Ernst Schaeren	Electric motor and current generator apparatus.
2,165,657	7-11-39	....do	Regulating apparatus for fuel injector pumps of internal combustion engines.
2,165,658	7-11-39	....do	Angularly adjustable shaft coupling devices.
2,177,120	10-24-39	....do	Fuel injection apparatus.
2,190,887	2-20-40	....do	Electric machine.
2,190,900	2-20-40	Hesper von Tavel	Motion transmission mechanism.
2,243,269	5-27-41	....do	Electric current distributors.
2,263,370	11-18-41	....do	Internal combustion engine installation.
2,288,963	7- 7-42	....do	Driving connection.
2,302,358	11-17-42	....do	Regulating device for fuel injection apparatus.
2,333,765	11- 9-43	Orlando Celio	Starting device for internal combustion engines.
2,335,645	11-30-43	....do	Variable crank gears.
2,348,958	5-16-44	....do	Slide valve controlled reciprocating piston engine of variable piston stroke.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Scintilla, A. G. by virtue of an agreement dated September 17, 1924, (including all modifications thereof and supplements thereto, if any) by and between Brown Boveric and Company, Scintilla, A. G. and Laurence Wilder, as Agent of and for the benefit of Wilder Electric Trust and an instrument of assignment executed by Wilder Electric Trust in favor of Scintilla Magneto Company, Inc. on February 1, 1925 (including all modifications thereof and supplements thereto, if any) which agreement and assignment relate among other things, to United States Letters Patent No. 1,764,906.

[F. R. Doc. 47-4147; Filed, Apr. 30, 1947; 8:46 a. m.]

[Vesting Order 8464]

KAMILLA DAN

In re: Interests of Kamilla Dan in U. S. Patent No. 2,323,751 and a certain contract.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Kamilla Dan, whose last known address is Budapest, Hungary, is a resident of Hungary and a national of a foreign country (Hungary);

2. That the property described as follows: (a) An undivided one-fourth interest, and an undivided one-fourth interest for the life of Kamilla Dan, in the following United States Letters Patent:

Patent Number	*Date of Issue*	*Inventor*	*Title*
2,323,751	7-6-43	Siegfried Gottfried	Process for treating pelts or furs;

including all accrued royalties thereunder and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, and

(b) An undivided one-fourth of the interests and rights, and an undivided one-fourth for the life of Kamilla Dan of the interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages with respect to such interests and rights for breach of the agreement hereafter described, together with the right to sue therefor) created in Pannonia (London) Ltd. by virtue of an agreement by and between Pannonia (London) Limited and J. Laskin & Sons Corporation, evidenced by two letters from J. Laskin & Sons Corporation to Pannonia (London) Limited dated July 21, 1937 (including all modifications thereof and supplements thereto, if any) which agreement relates, among other things, to United States Letters Patent Nos. 2,225,267 and 2,323,751,

is property of, and is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4148; Filed, Apr. 30, 1947; 8:46 a. m.]

[Vesting Order 8465]

TH. GOLDSCHMIDT A. G. ET AL.

In re: Interest of Th. Goldschmidt A. G. in an agreement with the Procter & Gamble Company, dated February 7, 1936; and in an agreement with the Procter & Gamble Company and The Emulsol Corporation, dated October 7, 1936.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Th. Goldschmidt A. G. is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Th. Goldschmidt A. G.;

3. That the property described as follows: All interests and rights (including all royalties and other moneys payable or held with respect to such interests and rights and all damages for breach of the agreements or either of them hereinafter described, together with the right to sue therefor) created in Th. Goldschmidt A. G. of Essen, Germany, by virtue of: (1) An agreement dated February 7, 1936 (including all modifications thereof and supplements thereto, if any) by and between Th. Goldschmidt A. G. and the Procter & Gamble Company, an Ohio corporation, which agreement relates, among other things, to United States Patent No. 1,826,900; and (2) an agreement dated October 7, 1936 (including all modifications thereof and supplements thereto, if any) by and between Th. Goldschmidt A. G., the Procter & Gamble Company, an Ohio corporation, and The Emulsol Corporation, an Illinois corporation, which agreement relates, among other things, to United States Patent No. 1,826,900,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4149; Filed, Apr. 30, 1947; 8:46 a. m.]

[Vesting Order 8506]

GYOZO LANG AND AKOS LANG

In re: United States Letters Patent owned by Gyozo Lang and Akos Lang.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gyozo Lang and Akos Lang, whose last known address is Budapest, Hungary, are residents of Hungary and nationals of a foreign country (Hungary);

2. That the property described as follows: All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No.	Date	Inventor	Title
2,172,165	9/5/39	John Lang	Resilient wheel.
2,213,072	8/27/40	....do	Heel for shoe.
2,221,590	11/12/40	....do	Smoking pipe.
2,249,571	7/15/41	....do	Do.

is property of the aforesaid nationals of a foreign country (Hungary);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4150; Filed, Apr. 30, 1947; 8:46 a. m.]

[Vesting Order 8507]

LADISLAS K. NAMENYI ET AL.

In re: Interests of Ladislas K. Namenyi, Stephan Zacharias, Ferenc Stern and Joseph Boros in every agreement by and between Ladislas K. Namenyi and Max Kiss and/or Emery I. Stern which relate, among other things, to United States Letters Patent No. 2,217,523.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ladislas K. Namenyi, Stephan Zacharias, Ferenc Stern and Joseph Boros, each of whose last known address is Budapest, Hungary, are residents of Hungary and nationals of a foreign country (Hungary);

2. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in favor of Ladislas K. Namenyi, Stephan Zacharias, Ferenc Stern and Joseph Boros and each of them by virtue of every agreement (including all modifications of, and supplements to each thereof, if any) by and between Ladislas K. Namenyi on the one part and Max Kiss and Emery I. Stern or either of them on the other, which agreement or agreements relate, among other things, to United States Letters Patent No. 2,217,523,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a foreign country (Hungary);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4151; Filed, Apr. 30, 1947; 8:47 a. m.]

[Vesting Order 8738]

MRS. HANNA MUELLER

In re: Insurance policy rights owned by Mrs. Hanna Mueller. File D-28-9695; H-1.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Hanna Mueller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the net proceeds due or to become due under a contract of insurance evidenced by Certificate No. 4378355-C issued by The Metropolitan Life Insurance Company of San Francisco, California, on the life of Hedwig M. Ziskoven, deceased, wherein Hanna Mueller is designated beneficiary, and any other benefits and rights of any name or nature whatsoever under or arising out of said contract of insurance which is or was held by Hanna Mueller, together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contract of insurance, is property payable within the United States owned or controlled by, payable or deliverable to, held on behalf of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4153; Filed, Apr. 30, 1947; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

MODIFYING GRAZING DISTRICT NO. 3

Under and pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315 et seq.), and subject to the limitations and conditions therein contained, Nevada Grazing District No. 3 is modified by eliminating therefrom the following-described land:

NEVADA

MOUNT DIABLO MERIDIAN

T. 11 N., R. 25 E.
Sec. 4, Lot 8;
Sec. 9, Lot 1, SE¼NW¼, NE¼SW¼.

The area described aggregates 157.94 acres.

APRIL 15, 1947.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-4116; Filed, Apr. 30, 1947; 8:59 a. m.]

[Order 2313]

ALASKAN LAND DISTRICTS

Under authority of section 6 of the act of October 9, 1942, 56 Stat. 779 (U. S. C., title 48, Supp. V, sec. 365), it is ordered, as follows:

1. The Juneau land district, established by Executive Order No. 4680 of June 30, 1927, is hereby redesignated the Anchorage land district, the district land office to remain at Anchorage.

2. The land district boundaries established by Executive Order No. 4680 of June 30, 1927, are reestablished so that the boundary of the Anchorage land district shall conform to the boundaries of judicial divisions numbered 1 and 3, the boundary of the Fairbanks land district shall conform to the boundary of judicial division numbered 4, and the boundary of the Nome land district shall conform to the boundary of judicial division numbered 2, as such judicial division boundaries are now constituted by the Act of June 6, 1900 (31 Stat. 322, 48 U. S. C. sec. 101), as amended, or may hereafter be constituted.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

APRIL 21, 1947.

[F. R. Doc. 47-4115; Filed, Apr. 30, 1947; 8:59 a. m.]

[Misc. 1932898]

CALIFORNIA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 14, 1947.

Departmental Order approved July 6, 1945, revoked Departmental Order of September 14, 1942, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the American River Investigations, California, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on June 16, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 17, 1947, to September 15, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 28, 1947, to June 16, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 17, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 16, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 27, 1947, to September 15, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 16, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Sacramento, California.

The lands affected by this order are described as follows:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 9 E.
Sec. 28, NE¼NE¼, SW¼NE¼, E½SE¼ NW¼, and SW¼SW¼.

The areas described aggregate 140.00 acres. The lands have a rolling to rough surface with a sandy soil containing considerable rock.

THOS. C. HAVELL,
Acting Assistant Director.

[F. R. Doc. 47-4113; Filed, Apr. 30, 1947; 8:58 a. m.]

[Misc. 2058661]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 21, 1947.

Departmental Order approved September 26, 1945, revoked Departmental Order of December 11, 1908, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Shoshone Project, Wyoming, and provided that such revocation shall not affect the withdrawal of any other lands by said order or effect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on June 23, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 24, 1947, to September 22, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 4, 1947, to June 23, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from September 3, 1947, to September 22, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 23, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Cheyenne, Wyoming.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 105 W.,
Sec. 14, Lots 4, 5, 7, and SE¼NW¼;
Sec. 21, S½NE¼, SE¼NW¼, and NW¼ SW¼.

The areas described aggregate 314.74 acres. Part of the lands are patented.

The lands are located in Park County, Wyoming, near the North Fork of the Shoshone River. They lie within an area which is generally rough and mountainous in character.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-4114; Filed, Apr. 30, 1947; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. DI-174]

MONTANA LIGHT & POWER CO.

NOTICE OF FINDING OF COMMISSION

APRIL 28, 1947.

Notice is hereby given that, on April 25, 1947, the Federal Power Commission issued its finding, entered April 22, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4141; Filed, Apr. 30, 1947; 8:51 a. m.]

[Docket No. G-890]

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF APPLICATION

APRIL 25, 1947.

Notice is hereby given that on April 18, 1947, Chicago District Pipeline Company (Applicant), an Illinois corporation having its principal office in Joliet, Illinois, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to lease from the Peoples Gas Light and Coke Company (Peoples Company) and operate certain natural gas facilities, subject to the jurisdiction of the Commission, described as follows:

A 20-inch pipeline and a 24-inch pipeline extending from the present terminus of Applicant's so-called Crawford line at the westerly city limits of the City of Chicago, Illinois, to the intake of Applicant's metering station located on the Crawford Plant side of Peoples Gas Light and Coke Company, and a 24-inch pipeline extending from the present terminus of Applicant's Calumet Line at the southerly city limits of the City of Chicago to and into the Calumet Station of said Peoples Company, together with regulating and metering facilities located in said plant and two lateral lines to points of delivery to Northern Indiana Public Service Company on the Illinois Indiana state line.

Applicant states in its application that it will continue to serve only its present gas distributing customers, namely, Peoples Gas Light and Coke Company, Western United Gas & Electric Company, Public Service Company of Northern Illinois and Northern Indiana Public Service Company. The leased facilities are proposed to be operated in the same manner as Applicant's present pipeline system and Applicant states that the acquisition of the proposed leased facilities will neither increase nor decrease the capacity of Applicant's natural gas transportation system.

Applicant represents that neither its total revenue, its fixed charges nor total operating expenses will be materially affected by the acquisition of such proposed facilities. Applicant states that the proposed lease will not result in any increase in Applicant's rates for service. Applicant further states that its acquisition by lease of said facilities by providing for continuous supervision, operation and control by Applicant will improve the conditions under which Applicant's natural gas transportation system is now being operated and will be in the ultimate best interests of the consuming public.

Applicant proposes to pay Peoples Company as an annual rental for said facilities an amount equal to the sum of 7 per cent of the depreciated cost of said facilities as of December 31st of the year preceding such payment plus 4.02 per cent of the original cost of said facilities representing the allowance for depreciation thereof, and plus 2.04 per cent of the original cost of said facilities, representing insurance and taxes thereon, plus any and all fees, rentals and compensation in addition to those now payable, which may be incurred by the Peoples Company because of the use and

operation by Applicant of said facilities. The original cost of said facilities as of December 31, 1946 is stated in the application to be $743,424.45 and the depreciated cost thereof as of said date is stated to be $351,025.73.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Chicago District Pipeline Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined.

Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4140; Filed, Apr. 30, 1947; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 4308]

ASSOCIATED FUR COAT AND TRIMMING MANUFACTURERS, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of April A. D. 1947.

In the matter of Associated Fur Coat and Trimming Manufacturers, Inc., a membership corporation, its officers, directors and members, Julius Green, individually and as President of said membership corporation, Benjamin Morsoff, individually and as First Vice-President of said membership corporation, Julius B. Gross, individually and as Second Vice-President of said membership corporation, Sol Rosenberg, individually and as Third Vice-President of said membership corporation, Alexander Abrams, individually and as Secretary of said membership corporation, Louis Fenster, individually and as Treasurer of said membership corporation, Alexander Abrams and Alexander Winkler, copartners trading as Alexander Abrams & Winkler, Harry Fuchs, Manuel Fuchs and Joseph Deutsch, copartners trading as Harry Fuchs & Deutsch, Abe Grauer and Herman Herskowitz, copartners trading as Grauer & Herskowitz, Max Kotuck, Elias Chavin and Samuel Mednick, copartners trading as Kotuck, Mednick & Chavin, Louis Rose, Benjamin Pack and Howard M. Pack, copartners trading as Rose & Pack, Jonas Weinig and Alexander Weinig, copartners trading as J. Weinig & Son, Barney Wollman and Herman Wollman, copartners trading as B. Wollman & Bro., Anna Walzer and Charles Walzer, copartners trading as A. Walzer & Son, Arnheimer, Inc., a corporation, I. & A. Berger, Inc., a corporation, Geo. J. Baruch, Inc., a corporation, S. & H. Berger, Inc., a corporation, Brand & Brody, Inc., a corporation, J. DeLeo & Co., Inc., a corporation, Feinberg & Freeman, a corporation, Julius Green Fur Co., Inc., a corporation, Harry & Jack Grossman, Inc., a corporation, Ben Kahn, Inc., a corporation, M. M. Loinger Co., Inc., a corporation, Lenkowsky Bros. Furs, Inc., a corporation, Chauncey I. Rice, Inc., a corporation, Schwartz & Bluestein, Inc., a corporation, Louis Stein & Son, Inc., a corporation, Lou White, Inc., a corporation, and Zimmerman & Scher, Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, May 1, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 1314, 393 Seventh Avenue, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-4142; Filed, April 30, 1947; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 721]

UNLOADING OF COMMODITIES AT LAKE CHARLES, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

It appearing, that 3 cars containing various commodities at Lake Charles, Louisiana, on Texas and New Orleans Railroad Company have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Commodities at Lake Charles, La., on T. & N. O. RR., be unloaded.* The Texas and New Orleans Railroad Company, its agents or employees, shall unload immediately cars NYC 104438, Sou. 40116 and ATSF 150921, containing lead, electronic cells, and carbon furnace electrodes, respectively, now on hand at Lake Charles, Louisiana, consigned to H. K. Ferguson Company, Inc., c/o Southern Alkali Corporation.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m., April 28, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4122; Filed, Apr. 30, 1947; 8:49 a. m.]

[S. O. 722]

UNLOADING OF COMMODITIES AT LAKE CHARLES, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

It appearing, that 14 cars containing various commodities at Lake Charles, Louisiana, on The Kansas City Southern Railway Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, That:

(a) *Commodities at Lake Charles, La., on K. C. S. Ry., be unloaded.* The Kansas City Southern Railway Company, its agents or employees, shall unload immediately the following cars, now on hand at Lake Charles, Louisiana, consigned to H. K. Ferguson Company, Inc.:

Initials and No.:	Contents
PM 92289	Machinery.
STLSF 87315	Stone.
STLB&M 2360	Sand.
WAB 36094	Stone.
IC 77123	Do.
IC 77486	Do.
IC 77238	Do.
SOU 117024	Machinery.
PA 748354	Stone.
NP 10731	Cement.
PLE 33992	Merchandise.
ACL 21498	Do.
WAB 47612	Steel.
SOOL 176240	Do.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., April 28, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4123; Filed, Apr. 30, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1331]

AMERICAN POWER & LIGHT CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of April A. D. 1947.

In the matter of American Power & Light Company, Northwestern Electric Company, and Pacific Power & Light Company, File No. 70-1331.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Pacific Power & Light Company ("Pacific") and Northwestern Electric Company ("Northwestern"), electric utility subsidiaries of American, having filed joint applications-declarations, and amendments thereto, pursuant to sections 6 (a), 7, 9 (a), 10, 12 (b), 12 (c), 12 (d), 12 (e), and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, U-44, U-45, U-50 and U-62 thereunder regarding (a) certain capital contributions by American to Northwestern and Pacific; (b) the merger of Northwestern into and with Pacific; (c) the retirement of the presently outstanding preferred stocks of Northwestern and Pacific through the issuance in exchange therefor by Pacific, as the surviving corporation, of New Preferred Stock and by specified cash payments; and (d) the issuance by Pacific, as the surviving corporation, of new common stock to American in exchange for the common stocks of Northwestern and Pacific held by American, such transactions to be consummated as follows:

(1) American will surrender to Northwestern for cancellation, as a contribution, 54,300 shares of Northwestern's common stock having a par value of $35 per share, which contribution will be credited by Northwestern to Capital Surplus in the amount of $1,900,000;

(2) Northwestern will dispose of the remaining balance of $1,914,367 in its Account 107—Electric Plant Adjustments—by a charge of $1,900,500 to Capital Surplus and a charge of $13,867 to Earned Surplus;

(3) American will contribute to Pacific $2,200,000 in cash, which contribution will be credited by Pacific to Capital Surplus;

(4) Pacific will dispose of the remaining balance of $2,986,867 in its Account 107—Electric Plant Adjustments—by a charge of $2,799,500 to Capital Surplus, a charge of $43,409 to Earned Surplus and a charge of $143,958 to Deferred Credit—Utility Plant Adjustments.

(5) Thereafter Northwestern will be merged into and with Pacific pursuant to the terms of a Merger Agreement under which the authorized Capital Stock of Pacific, as the surviving corporation, will consist of (a) 114,815 shares of 5% Preferred Stock of the par value of $100 per share ("New Preferred Stock"); and (b) 750,000 shares of common stock without par value.

(6) The holders of the outstanding preferred stocks of Northwestern and Pacific (except those preferred stockholders who dissent from the action of their respective corporations in entering into the Merger Agreement) will be entitled to receive, upon the effective date of the merger, the following:

(a) For each share of the outstanding 6% Preferred Stock of Northwestern and $6 Preferred Stock of Pacific one share of the New Preferred Stock of the Surviving Corporation plus a cash adjustment in an amount which, together with the dividends receivable on the New Preferred Stock, will give each such holder a dividend at the rate of 6% or $6 per annum, as the case may be, up to the effective date of the Merger Agreement.

(b) For each share of the outstanding 7% Preferred Stocks of Pacific and Northwestern one share of the New Preferred Stock of the Surviving Corporation plus $5.00 in cash, and an amount which, together with dividends receivable on the New Preferred stock, will give each such holder a dividend at the rate of 7% per annum up to the effective date of the Merger Agreement;

(7) All shares of the 7% and 6% Preferred Stocks of Northwestern, the holders of which dissent from Northwestern's action in entering into the Merger Agreement, will be appraised and paid for in cash in accordance with the applicable statutes of the State of Washington. Northwestern preferred stockholders who dissent from the merger may, in lieu of an appraisal, accept a compromise cash payment of $115 per share for their 7% preferred stocks and $110 for their 6% preferred stocks;

(8) All shares of Pacific's 7% Preferred Stock, the holders of which vote against adoption of the Merger Agreement, and all shares of Pacific's non-voting $6 Preferred Stock, the holders of which, at or prior to the taking of the vote upon the Merger Agreement, dissent therefrom in writing, will be redeemed at their respective redemption prices;

(9) Under the program 45,700 shares of Northwestern's Common Stock of the par value of $35 per share (being all of Northwestern's Common Stock remaining outstanding after the contribution by American to Northwestern of 54,300 shares of such Common Stock) and 1,000,000 shares of Pacific's Common Stock without par value, all owned by American, will be converted into 500,000 shares of New Common Stock of the Surviving Corporation. The remaining 250,000 shares of New Common Stock of

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Pacific will have the status of authorized by unissued shares.

(10) Pacific and Northwestern will employ, at a cost estimated not to exceed $40,000, a financial firm or firms to assist them in soliciting the holders of their preferred stocks who dissent from or vote against the actions of the respective corporations in entering into the Merger Agreement to withdraw such dissents or to reconsider such unfavorable votes; and

Pacific having requested an order pursuant to sub-paragraph (a) (5) of Rule U-59 exempting the issuance and exchange of the New 5% Preferred Stock from the competitive bidding requirements of paragraphs (b) and (c) of said Rule U-50; and

Public hearings having been held, after appropriate notice, and the Commission having made and filed its Findings and Opinion herein:

It is ordered, That said declarations, as amended, be, and the same hereby are, permitted to become effective, and said applications, as amended, be, and the same hereby are, granted, subject, however, to the terms and conditions prescribed by Rules U-24 and U-62 and subject to the further terms and conditions set forth below:

1. No dividends shall be declared or paid on the common stock of Pacific, other than dividends payable in common stock, except out of earnings accumulated subsequent to the effective date of the Merger Agreement and after deducting therefrom the dividend requirement on Pacific's preferred stock from such date.

2. That a copy of our Findings and Opinion herein be mailed to each preferred stockholder of Pacific and Northwestern with the notices of the respective special stockholders' meetings to be called to consider the proposed Merger Agreement.

3. That each preferred stockholder of Northwestern and of Pacific be provided, prior to the special meeting of stockholders, with a suitable form for the purpose of expressing his opinion as to the proposed program and that such form be submitted to this Commission for approval prior to use.

4. That all material to be used in connection with the proposed solicitation program, including instructions to solicitors, be submitted to this Commission at least five days prior to use.

5. That jurisdiction be reserved over all fees and expenses to be incurred in connection with the proposed solicitation program.

6. That jurisdiction be reserved over the fee proposed to be paid the law firm of Davis, Polk, Wardwell, Sunderland & Kiendl for legal services in connection with the proposed transactions and over all fees proposed to be paid witnesses who testified in this proceeding.

It is further ordered, That the application of Pacific for the exemption of the issue and exchange of its new 5% preferred stock from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50 be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4110; Filed, Apr. 30, 1947; 8:58 a. m.]

[File No. 812-490]

GENERAL PUBLIC SERVICE CORP.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of April A. D. 1947.

Notice is hereby given that General Public Service Corporation on April 17, 1947 filed an application pursuant to Rule N-17D-1, promulgated under section 17 (d) of the Investment Company Act of 1940, requesting that the Commission permit said application, which relates to a proposed bonus and profit-sharing plan, to become effective.

General Public Service Corporation is a closed-end, diversified, management investment company registered under the Investment Company Act of 1940. It is proposed that the board of directors of General Public Service Corporation adopt a resolution providing that officers and employees be paid an amount in addition to their fixed salaries if the board of directors, acting upon the recommendation of the Salary Committee, so determine. Pursuant to the proposed resolution the Salary Committee shall make a recommendation to the board of directors as to whether the business of the corporation has been sufficiently prosperous to warrant the payment of additional compensation. If the Salary Committee recommends payment of additional compensation to be paid each officer or employee, in arriving at such amount the Salary Committee and board of directors shall take into consideration any unusual or extraordinary services rendered by the officer or employee. The determination of whether such additional amounts shall be payable in any year and the amount to be paid shall be solely in the discretion of the board of directors and shall not exceed an amount greater than a reasonable amount for the services performed. The amount of additional compensation so paid in any fiscal year shall in the aggregate not exceed 15% of the total fixed compensation paid or payable to all officers or employees during such fiscal year.

Rule N-17D-1 provides that no affiliated person of any registered investment company shall participate in or effect any transaction in connection with any bonus, profit-sharing or pension plan or arrangement in which any such registered company is a participant unless an application regarding such plan or arrangement has been filed with the Commission and has become effective prior to the submission of such plan or arrangement to security holders for approval, or prior to the adoption thereof if not so submitted. An application pursuant to this rule becomes effective on the tenth day after filing unless on or before such tenth day the Commission orders a hearing thereon and gives notice thereof to the applicant.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the provisions of the plan or arrangement are consistent with the policy and purposes set forth in section 1 (b) of the act;

(2) Whether the provisions of the plan or arrangement are in contravention of any other provisions of the act;

(3) Whether the proposed plan or arrangement is consistent with the general purposes of the act;

(4) Whether the proposed transaction is consistent with the policy of General Public Service Corporation as recited in its registration statement and reports filed under the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on May 6, 1947, at 10:00 a. m., Eastern Daylight Saving Time, Room 318, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned General Public Service Corporation, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before May 5, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4109; Filed, Apr. 30, 1947; 8:58 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 12 NUMBER 87

Washington, Friday, May 2, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

CONSOLIDATIONS AND MERGERS

Effective upon publication in the FEDERAL REGISTER, § 20.6 is amended to read as follows:

§ 20.6 *Special regulations relating to consolidations and mergers.* (a) Before any reduction in force is made in connection with the transfer of any or all of the functions of one department to another continuing department, all veteran preference employees and all retention group A employees assigned to any such function shall be transferred to such continuing department, without change in tenure of employment.

(b) Where in the course of the liquidation of an agency, employees are transferred only for purposes of liquidation, the benefits of paragraphs (b), (c), (d), and (e) of § 20.9 of the regulations in this part shall apply only to those employees assigned to operating functions which continue in operation for more than 60 calendar days after the transfer. (Sec. 12, 58 Stat. 390; 5 U. S. C., Sup. 861)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION, H. B. MITCHELL, *President.*

[F. R. Doc. 47-4172; Filed, May 1, 1947; 9:02 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

ADMINISTRATOR OF SUGAR RATIONING ADMINISTRATION

AUTHORIZATION TO FIX COMMUNITY CEILING PRICES

CROSS REFERENCE: For authorization to the Administrator of the Sugar Rationing Administration to fix community ceiling prices, see Document No. 47-4253, Title 32, Chapter VII, Part 705, *infra.*

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 387]

PART 228—FREE AND REDUCED-RATE TRANSPORTATION

FREE TRAVEL FOR POSTAL EMPLOYEES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of April 1947.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 405 (m) thereof; and finding that notice and public procedure thereon are unnecessary for the reason that such regulation involves merely a minor amendment of existing authorizations which do not affect the general public; and finding that such regulation shall take effect in less than thirty days after publication thereof in order that the authorization provided therein will be immediately consistent with the desired change; hereby makes and promulgates the following regulation:

Amendment No. 9 of § 228.1 of the Economic Regulations (14 CFR 228).

Effective immediately, subparagraph (3) of paragraph (a) of § 228.1 of the Economic Regulations, as amended, is hereby amended to read as follows:

§ 228.1 *Free travel for postal employees.*—(a) *Postal employees to be carried free.* * * *

(3) The Assistant Postmaster General who at the time is charged with the duty of the general management of post offices; the Assistant Postmaster General who at the time is assigned the supervision of Air Postal Transport, his Confidential Assistant, his Under Second Assistant, and his four Deputy Second Assistants; the Solicitor of the Post Office Department and the Assistant Solicitor, and any attorney in the Office of the Solicitor who at the time is assigned by the Solicitor to handle matters relating to the transportation of mail by aircraft.

(52 Stat. 984, 992, as amended; 49 U. S. C. 425a, 483b)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-4169; Filed, May 1, 1947; 8:47 a. m.]

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FEDERAL REGISTER

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Pursuant to section 4 of the Administrative Procedure Act, approved June 11, 1946 (Pub. Law 404, 79th Cong.), the Foreign Commerce Statistical Decision indicated below grants a beneficial exemption and, preliminary notice and hearing being deemed unnecessary, is therefore made effective immediately:

Section 30.47 is amended to read as follows:

§ 30.47 *Personal effects and contents of diplomatic pouches.* No export declarations are required for personal effects or baggage of travelers or for the contents of diplomatic pouches sent from the United States to foreign countries. (R. S. 161, sec. 4, 32 Stat. 826; 5 U. S. C. 22, 601)

J. C. CAPT,
Director.

[F. R. Doc. 47-4174; Filed, May 1, 1947; 9:02 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 201—RULES OF PRACTICE

CHANGE-OVER TO DAYLIGHT-SAVING TIME

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly section 19 (a) thereof; the Securities Exchange Act of 1934, as amended, particularly section 23 (a) thereof; the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof; the Trust Indenture Act of 1939, particularly section 319 (a) thereof; the Investment Company Act of 1940, particularly section 38 (a) thereof; and the Investment Advisers Act of 1940, particularly section 211 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of such acts, hereby takes the following action:

Section 201.1 [Rule I] of the rules of practice of the Commission is amended to read as follows:

§ 201.1 *Business Hours.* The principal office of the Commission at Philadelphia, Pennsylvania, is open each day, except Saturdays, Sundays and holidays, from 9:00 a. m. to 5:30 p. m. eastern standard time or eastern daylight-saving time, whichever is currently in effect in Philadelphia.

The foregoing being rules of agency organization, procedure or practice, the Commission deems that the notice and procedures specified in sections 4 (a) and (b) of the Administrative Procedure Act do not apply to the foregoing action. In view of the fact that daylight-saving time is scheduled to go into effect in Philadelphia on April 27, 1947, the foregoing action shall become effective April 28, 1947, the first business day thereafter.

(Secs. 19 (a), 23 (a), 48 Stat. 85, 901, 20 (a), 49 Stat. 833, 319 (a), 53 Stat. 1173, 38 (a), 211 (a), 54 Stat. 841, 855; 15 U. S. C. 77s, 78w, 79t, 77sss, 80a–37, 80b–11)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 25, 1947.

[F. R. Doc. 47-4162; Filed, May 1, 1947; 8:46 a. m.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

CHANGE-OVER TO DAYLIGHT-SAVING TIME

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly section 19 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of the act, hereby takes the following action:

1. Section 230.110 [Rule 110] of the general rules and regulations under the Securities Act of 1933 is amended to read as follows:

§ 230.110 *Business Hours of the Commission.* The principal office of the Commission at Philadelphia, Pa., is open each day, except Saturdays, Sundays and holidays, from 9:00 a. m. to 5:30 p. m. eastern standard time or eastern daylight-saving time, whichever is currently in effect in Philadelphia.

2. Section 230.930 [Rule 930] of the general rules and regulations under the Securities Act of 1933 is amended to read as follows:

§ 230.930 *Calculation of time.* Saturdays, Sundays and holidays shall be counted in computing the effective date of registration statements under section 8 (a) of the act. In the case of statements which become effective on the twentieth day after filing, the twentieth day shall be deemed to begin at the expiration of nineteen periods of twenty-four hours each from 5:30 p. m. eastern standard time or eastern daylight-saving time, whichever is in effect at the principal office of the Commission on the date of filing.

The foregoing being rules of agency organization, procedure or practice, the Commission deems that the notice and procedures specified in sections 4 (a) and (b) of the Administrative Procedure Act do not apply to the foregoing action. In view of the fact that daylight-saving time is scheduled to go into effect in Philadelphia on April 27, 1947, the foregoing action shall become effective April 28, 1947, the first business day thereafter.

(Sec. 19 (a), 48 Stat. 85, 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 25, 1947.

[F. R. Doc. 47-4163; Filed, May 1, 1947; 8:46 a. m.]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING ACT OF 1935

CHANGE-OVER TO DAYLIGHT-SAVING TIME

Paragraph (c) of § 250.23 [Rule U-23] of the general rules and regulations under the Public Utility Holding Company Act of 1935 is amended to read as follows:

§ 250.23 *Procedure applicable to certain applications and declarations.* * * *

(c) *Effective date.* A declaration or application will become effective or be granted respectively by order issuing as of course at 5:30 p. m., eastern standard time or eastern daylight-saving time, whichever is in effect at the principal office of the Commission, on the thirtieth day after the filing thereof or the fifteenth day after the filing of the last amendment thereto, whichever is later, or if such day is a Saturday, Sunday or legal holiday, on the next business day, unless prior thereto the Commission shall have ordered a hearing thereon. The Commission may at the request of the applicant or declarant advance, and the applicant or declarant may by written or telegraphic notice to the Commission postpone, such date.

The foregoing being rules of agency organization, procedure or practice, the Commission deems that the notice and procedures specified in sections 4 (a) and (b) of the Administrative Procedure Act do not apply to the foregoing action. In view of the fact that daylight-saving time is scheduled to go into effect in Philadelphia on April 27, 1947, the foregoing action shall become effective April 28, 1947, the first business day thereafter.

(Sec. 20 (a), 49 Stat. 833; 15 U. S. C. 79t)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 25, 1947.

[F. R. Doc. 47-4164; Filed, May 1, 1947; 8:46 a. m.]

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

CHANGE-OVER TO DAYLIGHT-SAVING TIME

The Securities and Exchange Commission, acting pursuant to an authority conferred upon it by the Trust Indenture Act of 1939, particularly section 319 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of the act, hereby takes the following action:

1. Section 260.0–5 [Rule T–0–5] of the general rules and regulations under the Trust Indenture Act of 1939 is amended to read as follows:

§ 260.0–5 *Business hours of the Commission.* The principal office of the Commission at Philadelphia, Pennsylvania, is open each day, except Saturdays, Sundays and holidays, from 9:00 a. m. to 5:30 p. m. eastern standard time or eastern daylight-saving time, whichever is currently in effect in Philadelphia.

2. Section 260.7a–4 [Rule T–7A–4] of the general rules and regulations under the Trust Indenture Act of 1939 is amended to read as follows:

§ 260.7a–4 *Calculation of time.* Saturdays, Sundays and holidays shall be counted in computing the effective date of applications for qualification filed under section 307 (a) of the act. The twentieth day shall be deemed to begin at the expiration of nineteen periods of twenty-four hours each from 5:30 p. m., eastern standard time or eastern daylight-saving time, whichever is in effect at the principal office of the Commission on the date of filing.

The foregoing being rules of agency organization, procedure or practice, the Commission deems that the notice and procedures specified in sections 4 (a) and (b) of the Administrative Procedure Act do not apply to the foregoing action. In view of the fact that daylight-saving time is scheduled to go into effect in Philadelphia on April 27, 1947, the foregoing action shall become effective April 28, 1947, the first business day thereafter.

(Sec. 319a, 53 Stat. 1173, 15 U. S. C. 77sss)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 25, 1947.

[F. R. Doc. 47-4165; Filed, May 1, 1947; 8:46 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order S-22]

PART 807—SUSPENSION-ORDERS

RANCHO ROYALE HOTEL CO. AND SAMUEL H. LEVIN

Rancho Royale Hotel Company, a California corporation, and Samuel H. Levin, its President, without authorization of the Civilian Production Administration or the Office of the Housing Expediter, after March 26, 1946 began and thereafter carried on construction of a

resort hotel project consisting of twelve or more structures at a point approximately three miles southeast of Palm Springs, California, on Highway 111, the Indio-Palm Springs Road, the estimated cost of each structure was in excess of $1,000; totaling approximately $225,000. The beginning and carrying on of construction as aforesaid constituted a violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.22 *Suspension Order No. S–22.* (a) Neither the Rancho Royale Hotel Company, a corporation, nor Samuel H. Levin, its or his successors or assigns, nor any other person shall do any further construction on the premises located approximately three miles southeast of Palm Springs, California, on Highway 111, the Indio-Palm Springs Road, including putting up, completing or altering any structure located thereon unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) For a period of four months from the effective date of this order, no authorization shall be granted to the Rancho Royale Hotel Company, its successors and assigns, or Samuel H. Levin, by the Office of the Housing Expediter for any construction for which authorization is required.

(c) Rancho Royale Hotel Company and Samuel H. Levin shall refer to this order in any application or appeal which it or he may file with the Office of the Housing Expediter for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve the Rancho Royale Hotel Company and Samuel H. Levin from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 1st day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4250; Filed, May 1, 1947; 11:42 a. m.]

[Suspension Order S–23]

PART 807—SUSPENSION ORDERS

ARLINGTON LUMBER & SUPPLY CO.

Harry Kodish and Joseph Kodish, partners, d/b/a Arlington Lumber and Supply Company, at 384 South Arlington Street, Akron, Ohio, on or about October 16, 1946, without authorization of the Civilian Production Administration or the Office of the Housing Expediter, began and thereafter carried on construction until November 15, 1946 of the foundation of a two-story building located at 384 South Arlington Street, Akron, Ohio, to be used for warehouse and storage purposes, at an estimated cost of $12,000. This was a grossly negligent violation of Veterans' Housing Program Order 1 and has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.23 *Suspension Order No. S–23.* (a) Neither Harry Kodish nor Joseph Kodish, individually or d/b/a Arlington Lumber and Supply Company, their successors and assigns, nor any other person shall do any further construction on the structure at 384 Arlington Street, Akron, Ohio, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Harry Kodish and Joseph Kodish, d/b/a Arlington Lumber and Supply Company, shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for priorities assistance or authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Harry Kodish and Joseph Kodish, individually or d/b/a Arlington Lumber and Supply Company, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

(60 Stat. 207, 50 U. S. C. App. Supp. 1821)

Issued and effective this 1st day of May 1947.

OFFICE OF THE HOUSING EXPEDITER.
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4251; Filed, May 1, 1947; 11:42 a. m.]

[Veterans' Housing Program Order 4, as Amended May 1, 1947]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

PRODUCTION RESTRICTION ON CAST IRON SOIL PIPE AND FITTINGS

There is a shortage in the supply of certain sizes of cast iron soil pipe and fittings needed for the Veterans' Emergency Housing Program and other essential construction. This order is issued in order to restrict the production of other sizes of cast iron soil pipe and fittings so that production facilities may be used to meet the needs of the Veterans' Emergency Housing Program and other essential construction. This order was formerly issued by the Civilian Production Administration. As of April 1, 1947, it was transferred to the Housing Expediter and has been adopted by him through Housing Expediter Priorities Order 5.

§ 809.8 *Veterans' Housing Program Order 4*—(a) *Definition.* For the purposes of this order, "producer" means any person who makes cast iron soil pipe and fittings for sale. A producer who operates several plants may consider himself as a single producer for all those plants or as a separate producer for each plant, whichever he chooses.

(b) *Restriction on production of large sizes.* Beginning May 1, 1947, the tonnage of cast iron soil pipe and fittings which a producer makes during any month in sizes of 5 inches or larger must not exceed 10% of the total tonnage of cast iron soil pipe and fittings he made in all sizes during the preceding month.

(c) *Communications and appeals.* Communications regarding this order, and any appeals from its provisions made pursuant to the Housing Expediter Appeals Order should be addressed to the Office of the Housing Expediter, Washington 25, D. C., Ref: VHP–4.

(d) *Violations.* A person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction, will be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(60 Stat. 207, 50 U. S. C. App. Supp. 1821)

Issued and effective this 1st day of May 1947.

OFFICE OF THE HOUSING EXPEDITER.
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4252; Filed, May 1, 1947; 11:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Sugar Rationing Administration Delegation Order 1]

PART 705—ADMINISTRATION

DELEGATION OF AUTHORITY TO REGIONAL SUGAR EXECUTIVES AND DEPUTY REGIONAL SUGAR EXECUTIVES TO ISSUE ORDERS FIXING COMMUNITY DOLLAR-AND-CENTS CEILING PRICES

Pursuant to the authority conferred upon the Administrator of the Sugar Rationing Administration by the Secretary of Agriculture in General Orders Nos. 1 and 2, and by the Sugar Control Extension Act of 1947, it is ordered:

§ 705.201 *Order delegating authority to issue orders fixing community dollar-and-cents ceiling prices.* (a) The Regional Sugar Executives of Regions 2, 3, 5, 6 and 8 and the Deputy Regional Sugar Executive of Region 4 are hereby authorized to fix, by order, community dollar-and-cents ceiling prices, in any area or locality within their jurisdictions, for sales at retail by all sellers (including "retail route sellers" and "health food stores") of any food item subject to price control under the jurisdiction of the Secretary of Agriculture.

(b) Orders issued under this order shall have the same force and effect as if issued by the Administrator.

(c) Orders issued under this order shall be filed with the Division of the Federal Register.

(d) Unless the context otherwise requires, the definitions set forth in Maximum Price Regulations Nos. 422 and 423, section 302 of the Emergency Price Control Act of 1942, as amended, the Sugar Control Extension Act of 1947, and in the General Maximum Price Regulation, as amended, shall apply to all terms used herein.

This Sugar Rationing Administration Delegation Order No. 1 shall become effective April 29, 1947.

(Pub. Law 30, 80th Cong., 1st session; General Order No. 1 issued by the Secretary of Agriculture, March 31, 1947, 12 F. R. 2807; General Order No. 2 issued by the Secretary of Agriculture April 29, 1947)

Issued this 29th day of April 1947.

IRVIN L. RICE,
Acting Administrator,
Sugar Rationing Administration.

[F. R. Doc. 47–4252; Filed, May 1, 1947; 11:53 a. m.]

[General Order 2]

PART 705—ADMINISTRATION

AUTHORIZATION TO FIX COMMUNITY CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the "Emergency Price Control Act of 1942", as amended, and the "Sugar Control Extension Act of 1947", it is hereby ordered:

§ 705.102 *Authorization to fix community ceiling prices.* (a) The Administrator of the Sugar Rationing Administration, and any Regional Sugar Executive or Deputy Regional Sugar Executive who may be authorized by the Administrator, may, by order, fix community dollar-and-cents ceiling prices, in any area or locality within their jurisdictions, for sales at retail by all sellers (including "retail route sellers" and "health food stores") of any food item subject to price control under the jurisdiction of the Secretary of Agriculture. If an area for which it is deemed appropriate to fix maximum prices lies within the jurisdiction of more than one regional office of the Sugar Rationing Administration, the Administrator may authorize the Regional Sugar Executive or Deputy Regional Sugar Executive for the region in which the majority of the sellers to be covered by the order is located to issue an order establishing or adjusting maximum prices for all sellers in the marketing area.

(b) Orders issued under this general order shall have the same force and effect as if issued by the Secretary of Agriculture.

(c) Orders issued under this general order shall be filed with the Division of the Federal Register.

(d) Unless the context otherwise requires, the definitions set forth in Maximum Price Regulations Nos. 422 and 423, section 302 of the Emergency Price Control Act of 1942, as amended, the Sugar Control Extension Act of 1947, and in the General Maximum Price Regulation, as amended, shall apply to all terms used herein.

This General Order No. 2 shall become effective April 29, 1947.

(56 Stat. 23, 765; 57 Stat. 566; 58 Stat. 632; 59 Stat. 306; 60 Stat. 664; Pub. Law 30, 80th Cong., 1st session; E.O. 9250, 7 F. R. 7871; E.O. 9328, 8 F. R. 4681; E.O. 9599, 10 F. R. 10155; E.O. 9651, 10 F. R. 13487; E.O. 9697, 11 F. R. 1691)

Issued this 29th day of April 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Opinion Accompanying General Order 2

General Order No. 2 delegates to the Administrator of the Sugar Rationing Administration, and any Regional Sugar Executive or Deputy Regional Sugar Executive who may be authorized by the Administrator, the authority to issue and put into effect orders establishing maximum dollar-and-cents prices for sales at retail of any food item subject to price control under the jurisdiction of the Secretary of Agriculture.

This order merely delegates to the Administrator, and Regional Sugar Executives or Deputy Regional Sugar Executives authorized by the Administrator, the same authority previously delegated to Regional Administrators and District Directors of the Office of Price Administration by Revised General Order 51, issued by the Price Administrator. This action is necessary, for the sake of clarity, as a result of the Sugar Control Extension Act of 1947. This act transferred to the Secretary of Agriculture powers, functions and duties of the President and the Price Administrator under the Emergency Price Control Act of 1942, and the Stabilization Act of 1942, both as amended and extended, insofar as they relate to sugar and related products.

This order is substantially the same as Revised General Order 51, except that certain unnecessary provisions have been deleted.

[F. R. Doc. 47–4253; Filed, May 1, 1947; 11:53 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1001—TIN

[Conservation Order M–43, as Amended May 1, 1947]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

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(a) What this order does.

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(b) Restriction on deliveries of pig tin.
(c) Allocations of pig tin.
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(h) [Deleted February 6, 1947.]

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B. Wrought alloys.
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Schedule VI—Tin plate, terne plate, and terne metal.

§ 1001.1 *Conservation Order M–43*—(a) *What this order does.* This order prohibits deliveries of pig tin except under certain conditions and provides for allocation of pig tin by the Civilian Production Administration. It also restricts the use of pig tin, secondary tin, certain tin-bearing products and tinplate in manufacture. The order also restricts sales and deliveries of jewelry and certain other articles containing tin. Although paragraph (h) of the order which contained special restrictions on the use of tin in jewelry and certain other articles has now been deleted, all other provisions of the order still apply to these articles, including the restrictions of paragraphs (e) and (g) on use of tin, and the special sales restrictions of para-

graph (k). The order also limits inventories of tin. Certain other orders of the Civilian Production Administration also restrict the manufacture and use of articles containing tin. The provisions of these other orders must also be followed.

In addition to the above restrictions, this order now contains restrictions on the import of tin similar to the restrictions formerly in Order M-63.

Deliveries of Pig Tin

(b) *Restriction on deliveries of pig tin.* No person shall deliver or accept delivery of pig tin without a specific allocation in writing by the Civilian Production Administration or the War Production Board, except under the conditions set forth in paragraphs (b) (1) and (b) (2) below. "Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes powder, small bars and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing.

(1) Pig tin may be delivered without specific allocation to the Office of Metals Reserve, Reconstruction Finance Corporation, or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended or to any agent of such a corporation.

(2) Pig tin may be delivered without specific allocation by a distributor in lots not larger than 2,000 pounds each to any person who does not receive from all sources more than 4,000 pounds of pig tin in the calendar month the distributor makes the delivery and who gives to the distributor at the time he places his purchase order, a certificate in substantially the form below, signed manually or as provided in Allocations Regulation 1 by an official duly authorized for that purpose:

> I certify, subject to the penalties of Section 35 (A) of the United States Criminal Code, that I will use this pig tin for ---------- (specify end use) in accordance with Order M-43 or will resell it only in accordance with that order. I will not receive more than 4,000 pounds of pig tin from all sources in ---------- (specify month of delivery) including the amount covered by this order.
>
> ----------
> (Name of purchaser)
> By ----------
> (Duly authorized official)

See paragraph (n) below regarding certificate for export.

(c) *Allocations of pig tin.* The Civilian Production Administration will allocate the supply of pig tin, including all pig tin released by the Reconstruction Finance Corporation, and will issue specific directions as to the source, destination and amount of pig tin to be delivered or acquired. Applications for allocations of pig tin should be made to the Civilian Production Administration not later than the 20th day of the month before the month in which delivery is requested, and should be made on Form CPA-412. Except in unusual circumstances, the Civilian Production Administration will not allocate to a person for a calendar quarter an amount greater than 110% of the quantity he legally melted and put into process during the second quarter, 1946, plus the quantity which he sold during that quarter. Applications from persons who did not use pig tin during the base period (including persons who were not in business at that time) will be considered on an equitable basis. Tin requested for resale must be disposed of only by resale. The Civilian Production Administration may specifically direct the purposes and end products for which a person may convert, process or fabricate pig tin allocated to him.

(d) *Reports on use, disposition and inventories of pig tin.* (1) On or before the 10th of each calendar month, each distributor of pig tin must report to the Civilian Production Administration on Form CPA-412 or by letter in triplicate all of his transactions in pig tin during the previous month.

(2) Any person who, on the first day of a calendar month, has in his possession or under his control 2,000 pounds or more of pig tin must report to the Civilian Production Administration on Form CPA-412 by the 20th of that month.

(3) Any person who uses 1,000 pounds or more of pig tin in any calendar month must report to the Civilian Production Administration on Form CPA-412 on or before the 20th of the following month.

(4) The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Use of Tin in Manufacture

(e) *General restrictions on the use of pig tin, secondary tin, tin plate, terne plate, solder, babbitt and other tin-bearing materials.* No person may use any pig tin, secondary tin, tin plate, terne plate, solder, babbitt, copper base alloys or other alloys containing 1.5% or more tin, or any other materials containing 1.5% or more tin, or any britannia metal pewter metal or other similar tin-bearing alloys to make or treat any item or product, or in any process, not set forth in one of the schedules attached to this order. In making or treating these items, or performing these processes, pig tin may not be used where the schedule permits secondary tin only, and the tin content of an item may not exceed the amount indicated in the schedule.

"Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, powder, small bars, and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing. "Secondary tin" means any alloy which contains less than 98% but not less than 1.5% by weight of the element tin.

(f) [Deleted February 6, 1947.]

(g) *Special restrictions on the use of metals to which pig tin has been added.* No person may use metal to which pig tin has been added to produce any product or perform any process for which pig tin is not permitted by one of the schedules attached to this order.

(h) [Deleted February 6, 1947.]

Implements of War

(i) *Exemptions for implements of war.* (1) The restrictions of paragraphs (e) and (g) and of the schedules do not apply to the manufacture of "Implements of war" produced for the Army or Navy of the United States, or the U. S. Maritime Commission where the use of tin contrary to these restrictions is required either by the latest applicable specifications, on drawings, or by letter or contract of the government service or agency for which the "Implements of war" are being produced.

(2) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above.

Use and Sale of Articles Containing Tin

(j) *General restrictions on the use and sale of tin-bearing products.* (1) In some cases the schedules attached to this order permit the use of pig tin or secondary tin in making a product only if the product is to be used for a particular purpose. No person shall use any of these products for any purpose other than the purpose permitted by the schedule.

(2) No person giving a certificate under this order or its schedules may receive, use or dispose of the materials obtained with the certificate contrary to its terms. The standard certificate described in Priorities Regulation 7 may not be used in place of any of the certificates described in this order or its schedules.

(3) Notwithstanding the authorization by the War Production Board or the Civilian Production Administration of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or subassemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order. A supplier may rely upon the written statement of the customer seeking delivery of any such material, as to the purposes for which it will be used, unless the supplier knows or has reason to believe the statement is false, and such a statement shall constitute, on the part of the person making it, a representation to the Civilian Production Administration within the meaning of section 35 (A) of the United States Criminal Code, 18 U. S. C. sec. 80.

(k) *Special restrictions on purchases and sales of certain articles containing tin.* No person, for the purpose of resale, shall receive from a manufacturer any new article of the kinds listed below, if the article contains tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV). No person shall sell or deliver any new article of the kinds listed below, if the article contains tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV), unless he has an authorization in writing from the Civilian Production Administration or the War Production Board for the sale or delivery. A person who wishes to get such an authorization should apply to the Civilian Production Administration by letter in triplicate, giving a report of his inventory of all of the items listed below containing tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV), showing the quantity of each item in his possession on March 1, 1945, the names and addresses of the sellers from whom he bought the items, and the dates the purchases were made. Authorizations will ordinarily be given, except where it appears that the purchases were in violation of Order M-43. "New article" means one which has not been used by an ultimate consumer. A purchaser for resale of articles of the kinds listed below may rely on a written certification by his supplier that they contain no tin in any form except tin plate waste waste or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV), unless he knows or has reason to believe the statement is false.

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal or other similar tin-bearing alloy.
4. Buckles.
5. Buttons.
6. Emblems and insignia.
7. Jewelry.
8. Novelties, souvenirs and trophies.
9. Ornaments and ornamental fittings.
10. Toys and games.

Inventories

(l) *Limitation on inventories.* No person who uses any material listed in Column 1 below shall accept delivery of any of that material if his inventory of it is, or will by virtue of such acceptance become, more than the amount which he will be required by his current practices to put into use, during the next succeeding period of the length specified in Column 2 below, in order to carry out his current operations for permitted uses:

NOTE: Table added May 1, 1947.

Material (1)	Maximum Days' Supply (2)
a. Pig tin	90 days (for manufacture of tin plate) 45 days (for any other permitted use)
b. Solder (as defined in Schedule II to M-43)	30 days
c. Babbitt (as defined in Schedule III to M-43)	30 days
d. Copper base alloys (containing 1.5% or more of tin)	45 days
e. Other alloys containing 1.5% or more tin (except solder, babbitt, and copper base alloys)	30 days

Imports

(m) *Import restrictions.* The provisions of this paragraph (m) replace those in General Imports Order M-63, insofar as that order has applied to materials subject to this paragraph. However, authorizations for the importation of such materials issued under Order M-63 shall continue to have the same force and effect as if issued under this Order M-43.

(1) *Definitions.* For the purposes of this paragraph (m):

(i) "Tin subject to import control under this order" means any of the following:

Tin alloys, chief value tin n. s. p. f. (including alloy scrap)	6551.900
Tin bars, blocks, pigs, grain or granulated	6551.300

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943).

(ii) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(iii) "Consignee" means the person to whom a material is consigned at the time of importation.

(iv) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation.

It does not include shipments in transit in bond through the continental United States without processing or manufacture, to Canada, Mexico or any other foreign country, or shipments through a free port or free zones to a foreign country without processing or manufacture. However, if any material covered by the preceding sentence is, because of a change in plans, to be sold or used in the continental U. S. or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this paragraph (m) and requires the same authorization as an "import" before it may be moved from a free port, free zone, or bonded custody.

(2) *Restrictions on imports.*—(i) *General restriction.* No person, except as authorized in writing by the Civilian Production Administration, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any tin subject to import control under this order. The foregoing restrictions shall apply to the importation of any tin subject to import control under this order regardless of the existence of any contract or other arrangement for the importation of such material.

(ii) *Authorization by Civilian Production Administration.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefore in duplicate on Form CPA-1041 addressed to the Civilian Production Administration Ref.: M-43, Washington 25, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(iii) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation of any tin subject to import control under this order, unless such bank or person either has received a copy of the authorization issued by the Civilian Production Administration under the provisions of paragraph (m) (2) (ii) above or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (m) (2) (iv) below.

(iv) *Exceptions.* Unless otherwise directed by the Civilian Production Administration, the restrictions set forth in this paragraph (m) (2) shall not apply:

(a) To the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(b) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(c) To any material consigned or imported as a sample where the value of each consignment or shipment is less than $25.00.

(3) *Reports*—(i) *Reports on customs entry.* No tin subject to import control under this order, including materials imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency or corporations, shall be entered through the United States Bureau of Customs for any purpose, unless the person making the entry shall file with the entry Form CPA-1040 in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form a second time be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Civilian Production Administration, Ref.: M-43, Washington 25, D. C.

(ii) *Other reports.* All persons having any interest in, or taking any action with respect to any tin subject to import control under this order, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the Civilian Production Administration.

Exports

(n) *Export certificates.* Some provisions of this order and its Schedules permit sales or deliveries of certain items only upon certificates from the purchasers. In cases where the purchaser is going to export such an item outside the United States, its territories or possessions, or Canada, he should state as the end use in the certificate the words "for export" and give the number of the export license.

Miscellaneous

(o) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal. Priorities Regulation 16 gives additional instructions about the filing of appeals. Appeals, reports and all communications concerning this order should be addressed to the Civilian Production Administration, Tin, Lead, and Zinc Branch, Washington 25, D. C., Reference: M-43.

(p) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 1st day of May 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

Schedules of Permitted Uses

Under Order M-43 pig tin, secondary tin, tin plate, terne plate, solder, babbitt, copper base alloys and other materials containing tin may be used only in the production of the items and for the purposes set forth in the following schedules, subject to the limitations, restrictions and conditions specified in these schedules with respect to the various items and purposes.

SCHEDULE I—MISCELLANEOUS

(1) *Detonators and blasting caps.* Pig or secondary tin may be used to make detonators and blasting caps (including electric blasting caps) including all their necessary parts and accessories.

(2) *Collapsible tubes.* (a) Pig or secondary tin may be used to make collapsible tubes for the following purposes, if the tin content by weight of the tube is no greater than the maximum specified below:

Product	Maximum permitted tin content (percent of tin by weight)
Ointments and other preparations for opthalmic use, sulfa drugs in ointment or jelly form, diagnostic extracts (allergens), and morphine or hypodermic injection	Unlimited
Preparations intended for introduction into the body orifices for local application, and medicinal and pharmaceutical ointments (excluding unmedicated petroleum jelly and lanolin)	Unlimited
Dental cleansing preparations	3%

Secondary tin may be used to make lead collapsible tubes for any purpose if the tin content of the tube is not greater than 0.5% by weight.

(b) [Deleted July 5, 1946.]

(c) No person may purchase, accept delivery of, or use collapsible tubes containing tin for packing products except those permitted above.

(3) *Foil.* (a) Pig or secondary tin may be used to make foil for the following purposes if the tin content by weight of the foil is no greater than the maximum specified below:

Purpose	Maximum permitted tin content (percent of tin by weight)
(i) Electrotypers foil	30%
(ii) Dental foil	Unlimited
(iii) Soft babbitt for the preparation of industrial metallic packing	1½%
(iv) Condenser foil of dimensions 0.00035 inch by ¾ inch or less	50%
(v) Condenser foil for all other condensers	5%
(vi) Foil for aircraft magnetos	50%
(vii) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals for which other types of liners cannot be used	Unlimited

(b) [Deleted July 5, 1946.]

(4) *Dairy equipment.* Pig or secondary tin may be used to coat fluid milk shipping containers or to manufacture or retin any other dairy equipment.

(5) *Equipment for preparing and handling food.* (a) Pig or secondary tin may be used to coat or to retin any parts of kitchen utensils, galley and mess equipment and other equipment used in processing and handling of food if the parts are designed to come into actual contact with food or to plate cutlery and flatware.

(6) *Wire coating.* Tin or tin alloys may be prepared and used for coating wire as follows:

(a) *For copper base wire.* There is no limitation upon the tin content of the coating alloy when the copper base wire to be coated is of a size of 0.0320" nominal diameter or finer. If the wire to be coated is of a size larger than 0.0320" nominal diameter, the tin content of the coating alloy is limited to 12% tin by weight.

(b) *For steel wire.* (i) To be used as armature binding wire.

(ii) To be used in the manufacture of equipment for the production of textiles.

(iii) To be used in the packaging or marking of meat where the wire comes into actual contact with the meat.

(iv) In the liquor finishing process of fine steel bright wire.

(c) [Deleted July 5, 1946.]

(7) *Lead base alloys for coating.* Lead base alloys containing tin for coating sheet, tubing, wire, foundry chaplets, etc., may be manufactured and used if the tin content of the alloy does not exceed 7% of tin by weight.

(8) *Printing plates and type metal.* Printing plates and type metal containing tin may be made for use by the printing, publishing and related service industries.

(9) *Dental amalgam alloys.* Tin may be used in the manufacture of dental amalgam alloys without restriction as to the tin content of the alloys.

(10) *Pipe organs for religious and educational institutions.* Pipe organs for religious and educational institutions may be manufactured, rebuilt, or repaired with secondary tin.

(11) *Bolster metal.* Bolster metal may be made and used in the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 10% of tin by weight.

(12) *Fusible alloys and dry pipe seat rings.* Pig or secondary tin may be used in the manufacture of dry pipe valve seat rings to the extent required to meet performance specifications; and in the manufacture of fusible alloys for safety purposes only, to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.

(13) *Tin pipe and sheet.* (a) Pig or secondary tin may be used to make tin pipe, sheet tin, and fittings to repair or maintain beverage dispensing units and their parts, if the consumer for whom the pipe, sheet or fittings are made returns to the supplier a quantity of scrap tin having the same tin content as that of the new pipe, sheet, or fittings delivered to him.

(b) Pig or secondary tin may be used to coat copper or brass pipe and fittings for beverage or distilled water dispensing purposes.

(c) Tin pipe or tubes may be used in the manufacture of new soda fountains, food and beverage dispensing units, and where required for conducting chemically pure distilled water.

(14) *Chemicals.* Tin or tin chemicals may be used as laboratory reagents, for medicinal purposes and for plating processes where plating is permitted.

(15) *Tin oxide.* Tin oxide may be used for the production of chrome green, pink, yellow, and red colors, and for the production of earthenware plumbing fixtures.

(16) *Snap fasteners and hooks and eyes.* Pig or secondary tin may be used to plate snap fasteners, and hooks and eyes.

SCHEDULE II—SOLDERS

(a) *Certificates.* No manufacturer or wholesale distributor shall sell or deliver any solder to a wholesale distributor or retailer and no wholesale distributor or retailer shall purchase or accept delivery of any solder unless the purchaser has given to the seller a statement that he will not resell the solder to a user without obtaining from the user the certificate called for below. No manufacturer, wholesale distributor or retailer shall sell or deliver any solder to a user and no user shall purchase or accept delivery of any solder from a manufacturer, wholesale distributor or retailer unless the user has given to the seller the certificate called for below (see paragraph (n) of Order M-43 regarding export certificate):

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the Civilian Production Administration that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule II, section — of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (i) of this order.

(Name of purchaser)

By ---
(Duly authorized official)

(b) *Tin content.* In the manufacture of solder, the tin content by weight shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of solder (percent of tin by weight)
(1) For all cellular type radiators (average per radiator)	21%
(2) For all fin and tube type radiators for military and civilian use (average per radiator)	32%
(3) Soldering end seams on all solder seamed cans	30%
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes	15%
(5) For soldering side seams in the manufacture of cans made with either lock or lap side seams or with a combination of lock or lap seams	5%
(6) For sealing milk cans	21%
(7) For all soldering on motors, generators, electrical equipment, instruments, meters, radio, radar, tanks, fire protection equipment, refrigeration equipment, dairy equipment, and food processing equipment	50%
(8) For soldering aluminum	60%
(9) For other hand soldering operations done either with a soldering iron or with a torch and wiping	40%
(10) For any other soldering operations	35%

(c) [Deleted July 5, 1946.]

SCHEDULE III—BABBITT

(a) No manufacturer or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any wholesale distributor of babbitt and no wholesale distributor of babbitt shall accept delivery from a manufacturer or a wholesale distributor unless he shall have furnished the manufacturer or other wholesale distributor with a statement on his purchase order to the effect that he will not resell such babbitt containing more than 10% tin by weight to any user unless he has received the certificate from such user set forth below. No manufacturer of babbitt or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any user and no user shall accept delivery of any babbitt containing more than 10% tin by weight from any manufacturer of babbitt or wholesale distributor of babbitt unless the user shall have furnished the manufacturer or wholesale distributor with the certificate set forth below (see paragraph (n) of Order M-43 regarding export certificate):

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code to the seller and to the Civilian Production Administration, that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule III, section — of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (i) of said Order M-43.

(Name of purchaser)

By ---
(Duly authorized official)

(b) *Tin content.* In the manufacture of babbitt metal and similar alloys used as babbitt, the tin content shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of babbitt (percent of tin by weight)
(1) For the manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads	Unlimited
(2) Any other bearing purpose	90%

Babbitt may not be used for any purpose except those listed above.

(c) [Deleted February 6, 1947.]

SCHEDULE IV—BRASS AND BRONZE

A. CAST ALLOYS

(a) *Tin content.* No person shall cast or have any person cast for him any copper base alloy containing 1.5% or more tin by weight for other than the specific purposes listed below. The tin content of any such alloy shall not be more than the amount specified for each purpose.

Purpose	Maximum tin content (percent of tin by weight)
(1) For the manufacture of high ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or disks, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, and collector rings	12%
(2) For the manufacture of piston rings for locomotives and for air-brake equipment	20%
(3) For use as bearings and bushings	9%
(4) For bearings produced by process of powder metallurgy	10%
(5) For production of or use in tablets, markers, and memorials	3.5%
(6) For all other castings	6%

(b) *Certificate.* Any person receiving copper base alloy castings containing 1.5% or more tin shall furnish his supplier with a certificate on his purchase order stating the end use of such castings (see paragraph (n) of Order M-43 regarding export certificate). All suppliers shall require such a certificate. If the end use is not permitted by M-43, and the purchaser has not special authorization from the Civilian Production Administration or the War Production Board, the supplier shall refuse the order.

(c) [Deleted July 5, 1946.]

B. WROUGHT ALLOYS

Pig or secondary tin may be used to make wrought alloys. However the tin content of any such alloy shall not be more than the amount required for the particular purpose.

SCHEDULE V. WHICH FORMERLY COVERED USE OF TIN TO REPAIR GAS METERS HAS BEEN SUPERSEDED BY ITEM (B) (7) OF SCHEDULE II

SCHEDULE VI—TIN PLATE, TERNE PLATE, AND TERNE METAL

(a) *Definitions*—(1) "Tin plate" means steel sheets coated with tin including electrolytic tin plate and hot dipped tin plate and including primes, seconds and waste-waste but not scrap.

(2) "Terne plate" means steel sheets coated with terne metal including short ternes (coated on tin mill coating machines) and long ternes (coated on sheet mill coating machines) including primes, seconds and long terne waste-waste but not scrap.

(3) "Tin plate or terne plate scrap" means any material or product made in whole or in part of tin plate or terne plate which is the waste of industrial fabrication or which has been discarded after being put into actual use, including tin plate crowns, screw caps or similar closures for various containers. The term also includes tin plate and terne plate sheets recovered from tin plate or terne plate cans or from other articles.

(4) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into usable condition by recoating.

(5) "Terne metal" means a tin-bearing lead alloy used as a coating for plate but does not include lead recovered from secondary sources which contains not more than 3% residual tin.

(6) "Waste-waste" means hot dipped or electrolytic tin coated sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(b) *Manufacture of tin plate and terne plate.* Tin plate and terne plate may be manufactured for the purposes set forth below. However, coating of tin or terne metal per single base box of tin plate or terne plate must not exceed the maximum indicated below for the particular permitted use. No person may use terne metal of over 15% tin in tin mill coating machines. No person may use terne metal of over 10% tin in sheet mill coating machines.

(c) *Manufacture of terne metal.* Pig or secondary tin may be used to make terne metal.

(d) *Certificates.* No person shall sell or deliver any tin plate or terne plate to any person unless he gives with his purchase order a certificate in substantially the following form:

I certify, subject to the penalties of section 35 (A) of the United States Criminal Code, that I will use this tin plate or terne plate for ---
(specify end use) in accordance with Order M-43 or will resell it only in accordance with that order.

(Name of purchaser)

By ---
(Duly authorized official)

See paragraph (n) of Order M-43 regarding export certificate.

(e) *Tin plate and terne plate may be used only for the following purposes:*

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
1. All kitchen and cooking equipment.	Electrolytic tinplate.	0.25 lb. per base box.
2. Baking pan for institution and commercial bakers	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate.	
3. Brushes, power driven	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terneplate.	
4. Cans.	As permitted by Conservation Order M-81 as amended.	
5. (a) Closures for all food products (excluding malt beverages and nonalcoholic beverages) if preserved in a hermetically sealed container made sterile by heat; and olives, pickles, relishes, sauces, vinegar, French dressing, flavoring extracts, spices, mustard, horseradish and cherries.	Hot dipped tin plate.	1.50 pounds per base box.
(b) Closures for meat and fish and products made from them; ice cream mix; apple cider and juice; fruits fully crush, fountain fruit and ice cream toppings); soup mix, cheese spreads, spaghetti and macaroni products; corn beef hash and sauerkraut.	Electrolytic tin plate	0.50 pound per base box
(c) Closures for biologicals; blood plasma; drug chemicals; dental supplies; glycerites; liniments of ammonia; magmas; drug oils; ointments; penicillin; prescriptions; medicinal soaps; aromatic spirits of ammonia; ammonia products, aromatic chemicals; reagent chemicals; deodorants, liquid or paste (not for use on human body); dyes; germicides; hypochloride powders; phenols; photographic supplies; and all other liquid chemicals.	Electrolytic tin plate.	0.50 pound per base box.
(d) Closure for home canning.	Electrolytic tin plate.	0.50 pound per base box.
(e) Closures to be purchased by or for the account of the American Red Cross, Office of Scientific Research and Development or the Panama Canal, including the Panama Railroad Company or for shipment outside the forty-eight States of the United States and the District of Columbia. (General exceptions for certain other governmental agencies are included in item 30 below.)	As specified.	
(f) Closures for steel drums.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate	0.50 lb. per base box.
	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
(g) All other closures and crowns.	Electrolytic tin plate.	0.25 pound per base box.
6. Carbide non-explosive emergency lights.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
7. Chaplets, skimgates and tin forms for foundry use.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate	
	Short ternes	1.30 lbs. per base box.
	Long ternes	4 lbs. per base box.
	Reconditioned terne plate	
8. Cheese vats.	Hot dipped tin plate.	11 lbs. per base box.
	Reconditioned tin plate	
9. Component parts for Internal Combustion engines including air cleaners, cooling systems, fuel systems, and lubricating systems, but only where less essential material is impractical because of corrosion or solder-ability	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
10. Cylinder liners for lard and fruit presses	Hot dipped tin plate.	1.25 lbs. per base box.
11. Dairy ware and equipment including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, welsh cans, measures and test wire, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Hot dipped tin plate.	3.30 lbs. per base box (2A charcoal).
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate.	

(e) *Tin plate and terne plate may be used only for the following purposes*—Continued.

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
12. Diamond cutting wheels.	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate	
13. Dusters and sprayers, hand, for disinfectant and pest control; parts requiring solderable coatings.	Short ternes	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate	
14. Equipment or appliance parts requiring solderable coatings.	Short ternes	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
	Electrolytic tin plate.	0.25 lb. per base box.
15. (a) Fuel tanks, except for automotive equipment.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
(b) Fuel tanks, for automotive equipment.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	6 lb. per base box.
	Reconditioned terne plate.	
16. Gas mask canisters.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
17. Gas meters.	Hot dipped tin plate.	3.30 lbs. per base box (2A charcoal).
	Electrolytic tin plate.	0.50 per base box.
	Reconditioned tin plate.	
	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
18. Heat exchangers.	Short ternes	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
	Hot dipped tin plate.	1.25 lbs. per base box.
19. Integral parts of signal cells—but only for current collectors and baskets.	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate.	
20. Lining of drying chambers for milk and egg dehydration.	Hot dipped tin plate.	11 lbs. per base box.
21. Maple syrup evaporators.	Reconditioned tin plate.	
	Hot dipped tin plate.	11 lbs. per base box.
	Reconditioned tin plate.	
22. Oilers (excluding cans as defined by Order M-81).	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
23. Oil lanterns.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
24. Repair parts for domestic laundry equipment.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate	
25. Safety cans for inflammable liquids	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
26. Textile spinning cylinders, card screens, spools and bobbins.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate	
	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
27. Torpedoes for oil and gas well shooting	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
28. Vaporizing liquid fire extinguishers.	Hot dipped tin plate.	1.25 lbs. per base box.
	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
29. Wick holders for oil stoves	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	
30. Articles to be purchased by or for the account of the Army and Navy of the United States, the United States Maritime Commission, and the Veterans' Administration	As specified (including performance specifications)	

(f) *Additional permitted uses.* Any person may use electrolytic tin plate waste, hot dipped tin plate waste waste, terne plate waste waste, tin plate scrap, or terne plate scrap for any purpose. In addition any person may use tin plate or terne plate for any purpose (except to make items listed in paragraph (k) of order M-43) if his total annual consumption of tin plate and terne plate does not exceed 100 base boxes.

(g) *Optional use of 0.25 tin plate for terne plate.* Where ternes or terne plate is permitted to be used for an item listed in paragraph (e) above, a manufacturer may substitute electrolytic tin plate with a maximum permitted tin coating of 0.25 pounds per base box for that item.

[F. R. Doc. 47-4254; Filed, May 1, 1947; 11:57 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M-63, Revocation]

Section 1042.1 *General Imports Order M-63* is revoked.

Import provisions for certain materials are now contained in other CPA orders (M-43, M-84) covering the particular materials. Those orders provide for the continuing validity of outstanding import authorizations granted, under Order M-63, for the particular materials.

This revocation does not affect any liabilities incurred for violation of this order, or of any actions taken by the War Production Board or the Civilian Production Administration under it.

Issued this 1st day of May 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-4255; Filed, May 1, 1947; 11:57 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1300—PROCEDURE

[Amdt. 3]

MISCELLANEOUS AMENDMENTS

The statement of procedures as required by section 3 (a) (2) of the Administrative Procedure Act (11 F. R. 177A-634 through 177A-640 of the FEDERAL REGISTER of September 11, 1946) is amended in the following respects:

1. The list of forms in § 1300.1103 is amended to read as follows:

RENT DEPARTMENT

All forms listed below are available at the Office of Temporary Controls, Office of Price Administration, Washington 25, D. C.

OPA Form D-1 (3-47)	Landlord's Application for the Adjustment of Maximum Rents of Housing Accommodations (excluding hotels and rooming houses).
OPA Form D-2 (11-46)	Landlord's Petition for, or report of, Decrease in Services, Furniture, Furnishings or Equipment.
OPA Form D-3 (1-47)	Landlord's Petition for Determination of Maximum Rent.
OPA Form D-4 (2-47)	Seller's application for certification by the Administrator that a proposed eviction is in accordance with the regulations.
OPA Form D-5	Notice to Tenant and Tenant's Statement.
OPA Form D-6	Landlord's Petition for Adjustment of Rent for Hotels and Rooming Houses.
OPA Form D-8	Notice to be served on Defense-Area Rental Director by landlord who initiates eviction proceedings.
OPA Form D-9	Landlord's Application for Review of Rent Director's Determination.
OPA Form D-9A (3-47)	Notice to OPA to accompany landlords' refund of rental overcharges.
OPA Form D-9B (2-47)	Application for Review of Eviction Proceedings.
OPA Form D-9C (3-47)	Transmittal to Tenant of Landlord's Application for Review of Eviction Proceedings.
OPA Form D-9D (3-47)	Transmittal to Landlord of Tenant's Application for Review of Eviction Proceedings.
OPA Form D-14 (11-46)	Rent Examiner and Inspector Report and recommendations of basis for possible rent changes.
OPA Form D-18 (3-47)	Notice by the Rent Director of Proposal to Decrease Maximum Rents.
OPA Form D-19 (2-46)	Notice by the Rent Director of Intention to fix Maximum Rents.

RENT DEPARTMENT—Continued

OPA Form D-25	Report of Change in Tenancy.
OPA Form D-25NY	Report of Change in Tenancy in New York Defense-Rental Area.
OPA Form D-32 (3-44)	Occupant's Report of Tenancy or Ownership.
OPA Form D-32A (5-45)	Report of Present Occupancy.
OPA Form D-33 (5-46)	Landlord's report of intention to rerent after eviction.
OPA Form D-44 (10-45)	Rent Director's notice affording opportunity to person involved in a specific action to present evidence in support of allegations.
OPA Form D-49 (4-44)	Survey of Rents Paid by Tenants.
OPA Form D-51 (1-45)	Landlord's Petition to be Relieved from Renting on Weekly or Monthly Basis.
OPA Form D-54 (7-44)	Landlord's Petition for Adjustment of Rent Due to Peculiar Circumstances.
OPA Form D-56 (9-44)	Landlord's Petition for Security Deposit.
OPA Form D-58 (10-46)	Landlord's application for adjustment of maximum rents because of substantial hardship incurred by reason of increases in property taxes or operating costs.
OPA Form D-58A (2-47)	Landlord's Application for Adjustment of Maximum Rents Because of Substantial Hardship incurred by reason of increases in property taxes or operating costs—for housing accommodations other than hotels.
OPA Form D-58B	Landlord's Application for Adjustment of Maximum Rents Because of Substantial Hardship incurred by reason of increases in property taxes or operating costs, without requiring a projection of estimated cost increases.
OPA Form D-61 (2-47)	Report of Change in Identity of Landlord.
OPA Form D-66 (3-47)	Notice to Tenant Regarding Possible Overcharge.
OPA Form DDU	Registration of Rental Dwellings.
OPA Form DHU	Registration Statement by Hotels, Rooming Houses and Similar Accommodations.
OPA Form DH-NY	Registration Statement by Hotels and Rooming Houses for New York Defense-Rental Area.
OPA Form DH-US (11-46)	Supplementary Registration for Hotels, Rooming Houses and Motor Courts.
OPA Form DH-DC	Application for Decontrol of Daily Rates of Transient Rooms in Hotels and Motor Courts.
OPA Form DD-M	Registration for Rental Dwellings in Miami Defense-Rental Area.
OPA Form DD-1 (1-47)	Registration of Public Housing Rental Dwelling Units.
OPA Form DP-2	Registration of Publicly Constructed and Owned Dormitories, Trailers and other Housing Accommodations subject to the Maximum Rent Regulation for Hotels and Rooming Houses.
OPA Form DD-2-NY	Registration of Rental Dwellings, excluding Hotels and Rooming Houses located in the New York City Defense-Rental Area.
OPA Form D-SC-3NY (2-46)	Tenant's Complaint of a Reduction in Painting and Decorating Services.
OPA Form D-1-M	Landlord's Petition for Adjustment of Rent for Housing Accommodations other than Hotels and Rooming Houses in the Miami Defense-Rental Area.

SUGAR DEPARTMENT—Continued

OPA Form R-382 (2-47)	Application for Inventory Adjustment for Wholesalers and Retailers.
OPA Form 550-37a	Public Voucher for Ration Banking used quarterly by banks to make reimbursement claims for ration banking activity.
OPA Form R-1200 (Rev. 11-43)	Registration of Industrial Users.
OPA Form R-1226 (Rev. 6-46)	Veterans' Application for Registration and Assignment of Base.
OPA Form R-1226A (Rev. 6-46)	Application for a Sugar Base(s) by a Veteran Who Sold His Sugar-Using Business Because of Entrance into the Armed Forces.
OPA Form R-1227 (Rev. 7-46)	Application for Ration Evidences for Sugar to be Exported.
OPA Form R-1230 (Rev. 1-47)	Industrial User's Application for Allotment, filed by industrial users in applying for regular quarterly allotments.
OPA Form R-1231 (10-46)	Manufacturers of Bulk Sweetened Condensed Milk (Registration of Industrial Users).
OPA Form R-1307 (Rev. 10-46)	Application for Registration of New Institutional User.
OPA Form R-1309 and OPA Form R-1311.	Institutional User's Application for Allotment. Institutional User's Daily Record in reporting operations of the preceding period when applying for allotments for the current period.
OPA Form R-1314 (1-44)	Work Sheet for Institutional User Bases.
OPA Form R-1334 (Rev. 5-46)	Application for Allotment for Floating Craft by Group IV institutional users in applying for allotments for employees on board ships, boats, tugs and barges.
OPA Form R-1335 (12-45)	Application for Sugar Coupons by Group I Seasonal Users who must obtain sugar before customers arrive on location.
OPA Form R-1336 (12-45)	Application for Supplemental Allotments Due to Increase in Business (All institutional users except Group I).
OPA Form R-1337 (Rev. 5-46)	Application for Allotment by Occasional Users.
OPA Form R-1338 (Rev. 1-46)	Application for Allotment for Certain Employers filed by Group I institutional users and employers who are not institutional users, who hire temporary employees for periods of less than 60 days; also by those who hire imported laborers, regardless of the length of employment.
OPA Form R-1339 (12-45)	Notice of Sale or Transfer of Institutional User Establishment—must be filed by both the transferor and the transferee when an institutional user establishment changes hands.
OPA Form R-1341 (Rev. 1-47)	Application for Allotment for Isolated Logging Camps (Group IV).
OPA Form R-110 (Rev. 2-45)	Window Insert—An insert designed for use in window envelopes which is to be filled out by an applicant for sugar rations.

ENFORCEMENT DEPARTMENT

All forms listed below are available at the Office of Temporary Controls, Office of Price Administration, Washington 25, D. C.

OPA Form 291-166 (3-46)	Statement of Financial Condition and Other Information to be filed with offer of compromise in enforcement proceeding.
OPA Form 292-144 (4-46)	Investigator's report of cost to the seller and prices charged for Apparel, Accessories and Textiles under MPR 580.
OPA Form 292-145	Investigator's report of cost to the seller and prices charged for Flat Priced Articles Pretic keted by Manufacturer or Wholesaler under section 13 of MPR 580.
OPA Form 292-146 (3-46)	Investigator's report of cost to the seller and prices charged for Essential Low-Priced Garments under RMPR 578.
OPA Form 292-147 (4-46)	Investigator's report of cost to the seller and prices charged for Women's, Girls', and Children's and Toddlers' Outerwear under RMPR 330.

SUGAR DEPARTMENT

All forms listed below are available at the Office of Temporary Controls, Office of Price Administration, Washington 25, D. C.

OPA Form R-122	Statement of Appeal—Rationing—By Persons Seeking Appeal from Action of Sugar Branch Office or Regional Office.
OPA Form R-135A	Statistical Report on Ration Banking used monthly by ration banks to report statistical data monthly reports.
OPA Form R-146 (Rev. 12-46)	Application for Sugar Ration Book used by a consumer who has never received, or who has surrendered to OPA, a War Ration Book Four or a sugar ration book.
OPA Form R-156 (6-44)	Advance Shipment Notice Ration Currency transmitted by ration bank to advise Regional D. V. I. Center of a shipment of ration evidences by the bank.
OPA Form R-160 (8-44)	Bank Report of Overdrawn Ration Accounts.
OPA Form R-194 (Rev. 12-46)	Consumer Replacement Application used by a consumer in applying for the replacement of a lost, destroyed, stolen, wrongfully withheld, or mutilated ration book or sugar ration coupon.
OPA Form R-346 (Rev. 1-46)	Semi-Annual Sugar Inventory Report by Wholesalers and Chain Retailers.
OPA Form R 347 (Rev. 3-46)	Primary Distributor Reconciliation Statement.
OPA Form R-353 (1-46)	Application for a Temporary Sugar Ration by a member of the armed forces who is not entitled to a ration book, and who needs a sugar ration in order to eat at the home of relatives or friends while on leave, furlough, temporary duty, or authorized absence.
OPA Form R-356 (1-46)	Bee Feeder's Sugar Application and Usage Report filed with the Sugar Branch Office by a person who needs sugar for feeding bees.
OPA Form R-357 (1-46)	Industrial User Application for Increased Allotment Based on Population Increases.
OPA Form R-358 (1-46)	Trade Application for Replacement of Mutilated, Lost, Destroyed or Stolen Coupons and/or stamps.
OPA Form R-359 (1-46)	Industrial User's Application for Quarterly Provisional Allowance.
OPA Form R-359A (1-46)	Industrial User's Monthly Usage Report.
OPA Form R-360 (Rev. 1-47)	Application for Provisional Allowance of Sugar for Bulk Sweetened Condensed Milk.
OPA Form R-361 (1-46)	New Provisional User's Report of Receipts and Production of Milk and Dairy Products for 12 Months Previous to One for Which Application is Made.
OPA Form R-362 (1-46)	Application for Temporary Allowable Inventory of Sugar filed by a retailer or wholesaler in applying for a temporary allowable inventory of sugar.
OPA Form R-362A (Rev. 7-46)	Retailer or Wholesaler Report on Temporary Sugar Inventory and Establishment of Permanent Allowable Inventory.
OPA Form R-365 (1-46)	Adjustment Application for Certain Manufacturers Using Sugar-Containing Products.
OPA Form R-373 (2-46)	Adjustment Application for Certain Manufacturers Using Sugar provided the use of sugar by the manufacturer was unrepresented during the base period because of "pre-rationing investment", fire, flood, strike, etc.
OPA Form R-374 (7-46)	Application for Additional Sugar Because of Illness.
OPA Form R-375 (9-46)	Request for Report on Imported Sugar-Containing Products.
OPA Form R-376 (10-46)	Report on Production of Sugar Containing Products for Army, Navy and Other Exempt Agencies.
OPA Form R-380 (2-47)	Application for a Base or Adjustment in Base by War Producers Who Invested in Productive Equipment for use in making products for delegated agencies.

ENFORCEMENT DEPARTMENT—Continued

OPA Form 292-154 (3-46)	Investigator's report of cost to the seller and prices charged for Work Clothing Group—RMPR 208 (Staple Work Clothing); RMPR 304 (Utility Shirts); RMPR 506 (Work Gloves).
OPA Form 292-156 (3-46)	Investigator's report of cost to th seller and prices charged for Nylon Hosiery under MPR 602 and Rayon Hosiery under 2nd RMPR 339.
OPA Form 296-136 (Rev.)	Questionnaire to consumer asking whether a used car was purchased over ceiling.
OPA Form 298-36	Landlord Statement of Rent Roll.
OPA Form 298-46	Questionnaire to consumer asking whether a new car was purchased over ceiling.
OPA Form 298-49	Tenant's Statement of Rental Charges.
OPA Form 298-65	Letter to Landlord—Request to Attend Settlement Conference.
OPA Form D-406 (4-45)	Receipt of Refund for Rent Collected in Excess of Legal Maximum.
OPA Form 296-168b	Questionnaire to consumer asking whether a durable goods item was purchased over ceiling.

2. Section 1300.1104 is added to read as follows:

§ 1300.1104 *Enforcement exceptions*—(a) *Application of sanctions to violations and granting enforcement exceptions*—(1) *Scope.* The procedure stated in this section shall apply to all cases handled in the enforcement division.

(i) This procedure shall not apply to cases being handled by the area rent offices.

(ii) This procedure does apply to cases stated in subparagraph (i) when such cases have reached the enforcement division by referral.

(2) *Application of sanction*—(i) *General.* No case which discloses a violation shall be closed without the application of a formal sanction e. g. criminal, license suspension, contempt, treble damage (suit or settlement), injunction or administrative suspension, except as stated in (2) (ii) (*a*) through (*d*). The determination concerning the appropriate formal sanction shall be based on outstanding instructions. Civil cases involving overcharges shall include a claim for treble damages. License warning notices are not formal sanctions, but in accordance with outstanding instructions, they shall be issued in conjunction with formal sanctions wherever ultimately a license suspension suit would be appropriate in the event of further violation.

(ii) *Exceptions.* There shall be no deviation from this procedure except where:

(*a*) The violation is clearly trivial and inconsequential. Such case may be closed with an appropriate admonitory letter. A violation is considered trivial only where the overcharge is extremely small and the nature of the violation is very minor in terms of price control objects to be accomplished by the regulation.

(*b*) No formal sanction is available under law.

(*c*) An enforcement exception is granted by the deputy commissioner for enforcement. There may be cases where compelling equitable features suggest that formal sanction be withheld or withdrawn, in whole or in part. It is impossible to leave such decisions to the determination of each office. Experience has shown that a serious lack of uniformity results and often the full implications of such a decision are not evident to the members of one office.

(3) *Procedure for securing an official enforcement exception.* (i) The regional enforcement executive, on his own motion or upon request from the regional administrator or regional section chief, may submit to the deputy commissioner for enforcement a request for consideration of the issuance of an enforcement exception in any case. The request shall be accompanied by:

(*a*) A memorandum setting forth the entire facts of the case with a recommendation of the type of exception, and a proposed statement of a rule to cover similar cases.

(*b*) An investigation report or a copy.

(*c*) If the regional enforcement executive is requested to submit such a memorandum by any of the other officials named above, he shall submit such memorandum with a notation of his views.

(ii) Before transmitting the request for consideration of the issuance of an enforcement exception, the regional enforcement executive shall submit the matter to the regional administrator so that the latter may join in the request, or express his opinion thereon, or submit additional facts as he thinks significant to a consideration of the request.

(iii) Decisions with respect to each case considered under this section are published as appendices to this section.

(4) *The deputy commissioner for enforcement.* The deputy commissioner for enforcement reserves the right, on his own motion, to grant an enforcement exception in any appropriate case after consultation with the regional enforcement executive in the region where the specific case is pending.

(5) *Procedure subsequent to granting of enforcement exception.* If an enforcement exception is granted by the deputy commissioner for enforcement, either upon request or upon his own motion, a statement of the rule covering the enforcement exception will be issued to all enforcement attorneys for future application in similar cases. Enforcement attorneys are instructed to apply all outstanding enforcement exceptions to cases which, in whole or in part, fall within the rule stated in the exception.

(i) Any case upon which an enforcement exception has been issued, and all similar cases falling within the same rule, shall show within the file that the disposition, in whole or in part, has been governed by the specific enforcement exception.

(ii) The rules stated in enforcement exception shall govern all cases falling within the rules, irrespective of whether or not formal sanction has already been instituted, but shall not apply to completed sanction cases.

(iii) There are certain types of situations which will not *alone* be considered sufficient for the granting of an enforcement exception:

(*a*) Where the defendant claims that his violation was committed subsequent to an interpretation not given in accordance with Procedural Regulation No. 1.

(*b*) Where the defendant after violation applies for and receives a price adjustment.

(*c*) Where the defendant claims that he had to charge a higher price because the ceiling price was too low for him, or for the industry.

(*d*) Where the defendant claims that he charged over the ceiling because he was required to purchase over the ceiling.

(iv) In every exception where the seller is required clearly to prove certain facts, he shall have the burden of bringing forward any facts not already in the file. Affidavits by the seller and/or his purchaser, unsupported by records or other competent evidence, shall not be considered sufficient to prove clearly the facts which must be established. No evidence presented by a seller shall be considered as proof unless it is easily verifiable by OPA and no suit shall be dismissed unless the facts have been so verified. No recommendation to dismiss a case shall be made, and no case shall be dismissed unless the person considering the case is convinced that the requisite facts have been established.

(b) *Enforcement exceptions* — (1) *Case No. 1: Enforcement exception granted—C-1.*

Facts. A retailer who must price under MPR 330 determines his ceiling price by applying a percentage markup to the price charged by the supplier, not exceeding the supplier's ceiling price under MPR 287, a manufacturer's cost-plus regulation. The retailer receives delivery of the merchandise from the supplier, and does not know, and has no reason to suspect that the supplier's price is, in fact, higher than ceiling. The retailer added his own legal mark-up to the supplier's selling price, and thus resold half the merchandise.

Decision. Enforcement exception granted as to all such sales already made by the retailer or any other seller similarly situated.

Basis. Granted that retailer is in violation as to the past sales, it is clear that there was nothing to cause him to question the legality of the supplier's price or to determine what was the supplier's ceiling price. If the enforcement attorney is satisfied in his own mind that, viewing all of the relevant circumstances, the retailer did not know and had no reason to make further inquiry to ascertain whether the supplier's selling price was over ceiling, then the use of any sanction against the retailer would be meaningless in terms of gaining deterrent effect. The same considerations would also apply to some sellers other than retailers if they are required under applicable regulations to determine their ceiling price by applying a

markup to the price charged by the supplier, not exceeding the supplier's ceiling price.

How far any seller should be expected reasonably to go in order to verify the supplier's ceiling price depends on many factors, including: the relationship of the parties; the nature of the industry and the transaction; the nature of the applicable regulations; circumstances which might arouse suspicion such as very high prices, unusual invoicing, unusual explanations or communications by the supplier.

If the supplier's ceiling price is based on a dollar and cent regulation, it is difficult to conceive how the seller could contend that he was without knowledge or means of knowledge. And, even though a supplier might be willing to give abundant assurances and certifications, the circumstance that the supplier is selling out of a suitcase or is invoicing on hotel stationery or is requesting a portion of the payment in cash would be sufficient to satisfy the enforcement attorney that the seller is not within the exception.

It is true that the granting of the enforcement exception, insofar as retailers are concerned, cannot deprive a consumer of his right of action, but this consideration does not preclude the Agency from making a determination with respect to the sanctions available to the Administrator.

With respect to the merchandise remaining unsold by the seller, if he is told that the pricing was improper he is no longer in a position to say that he could reasonably do nothing to protect himself against the possibility of violating. If he does not reprice on the basis of proper allowable cost, he has elected to take his chances and appropriate sanction should then be applied.

It does not follow that because a seller has been informed of a violation by a supplier that the seller cannot ever again be in a position where this enforcement exception would be applicable. The main question would be whether the notice to the seller made it reasonably possible for him thereafter to ascertain the supplier's ceiling price; and, even though such an incident would ordinarily increase the seller's obligation to inquire, it might still be reasonable to conclude that the seller could not help himself.

Where the seller has some undelivered merchandise and therfore must reprice it is immaterial that the legal price for the seller would be less than what he paid the supplier. The enforcement exception will not be used prospectively to authorize an illegal price for future transactions.

Rule. Where any seller's ceiling price is based on fixed or percentage mark-up over supplier's price, not exceeding supplier's ceiling price, and where seller does not know and has no reason to make further inquiry to determine that supplier's selling price exceeded ceiling, enforcement exception granted as to all such sales by seller insofar as seller used proper legal mark-up. On all merchandise remaining unsold seller must reprice on basis of legal allowable cost.

Coverage. All regulations in all commodity fields at all applicable industry levels.

Washington, D. C., December 19, 1945.

(2) *Case No. 2: Enforcement exception denied.*

Facts. An owner of a house rented to a tenant in August 1944 at $50 per month. The owner first registered the premises with the Area Rent Office in January 1945. The tenant moved out of the premises, without notice to the owner, in March 1945, and the tenant cannot be located. In July 1945, the Area Rent Director had the premises inspected and issued a reduction order of $35 per month retroactive to August 1944. While in possession, the tenants substantially damaged the house, with the result that the owner had to spend approximately $500 for repairs. The amount of the overcharge is $120.

Decision. Enforcement exception denied.

Basis. The owner contends that if he had known of the reduction order before the tenant vacated the premises and disappeared, the owner would have had an off-set against any claim of the tenant based on the overcharge. This contention overlooks the fact that the owner himself caused the situation by not registering on time.

Nevertheless, if the owner had registered at an earlier time (but not within the time required by the regulation), our conclusion would not be different. The recommendation for enforcement exception appears to be predicated on a theory that the tenant has acted prejudicially and therefore the weapons of rent control should not be used in support of that type of tenant. Even if the prejudice created by the tenant had been something inherent in rent control, for example, if the contention were that the tenant induced the owner to overcharge, the Agency could not accept such a contention because of the realization that pressures by tenants and consumers must be resisted just as much as pressures by landlords and sellers. Therefore, to find any field for an enforcement exception based on such prejudice, the activity of the tenant or consumer would have to be foreign to the field of rent or price control. This would place upon the Agency an impossible administrative burden of determining in foreign fields whether or not the conduct of the tenant or consumer was such as to give the landlord or seller an independent right of action. A judicial forum is available for the determination of such questions, and it is no fault of the Agency that personal jurisdiction might be unobtainable.

The contention is made that the application of sanction in this type of case would result in a dangerous public relations reaction. If the foregoing analysis is correct, the Agency is well fortified with a proper statement of its position. A decision to grant or deny an enforcement exception cannot be predicated solely on the possibility of an antagonistic reaction.

Washington, D. C., December 19, 1945.

(3) *Case No. 3: Enforcement exception denied.*

Facts. Amendment No. 10 to MPR 260 (cigars, cigar cuttings, and clippings) was announced November 9, 1944, effective November 13, 1944. The amendment provided for changes in the pricing of cigars by manufacturers, and the appropriate passing on of certain price increases. Prior to Amendment No. 10, the manufacturer was required to state on each box of cigars the exact maximum retail price as determined under the regulation. On or before the first delivery of any cigars, the manufacturer was required to notify each purchaser of the manufacturer's maximum list price and the maximum retail price. The notification was to be in a form prescribed by the regulation and refer to the cigars by brand. No notification after the first was required unless the manufacturer's maximum price was thereafter adjusted. Similar notice provisions were required of the wholesaler. The regulation, prior to Amendment No. 10, also provided that upon receipt of the notification from the manufacturer of an adjustment, the wholesaler could adjust his maximum list price to an amount not in excess of the manufacturer's maximum list price; and, with reference to his floor stocks, the wholesaler was then required to state in plainly visible numerals on each box of cigars the exact adjusted maximum retail price.

Amendment No. 10, in authorizing the increase for manufacturers, expressly excluded any increase by wholesalers with respect to floor stocks on hand prior to November 13, 1944. However, while the form of notice from the manufacturer to the wholesaler and from the wholesaler to the retailer, was changed in some respects by this amendment, it did not refer, within itself, to any delivery dates. It merely contained the customary notification that on a named brand the OPA has established a maximum list price and a maximum retail price in certain amounts.

The press release issued on November 9 makes no reference whatsoever to wholesalers but refers extensively to the new pricing formula for manufacturers and the effect on the consumers. Any reference to the exclusion of floor stocks on hand on or before November 12, 1944, is absent. The wholesaler read trade releases which were based on the official press release and which made no reference to existing floor stocks. He received notifications from manufacturers based on Amendment No. 10 and adjusted his prices for his floor stocks during the period of November 13 to December 27, 1944, on which latter date he was first informed that the notices delivered to him under Amendment No. 10 applied only to deliveries made by manufacturers after November 12, 1944, and which was the first time he saw Amendment No. 10 itself.

Decision. Enforcement exception denied.

Basis. The most that can be said is that the circumstances might explain why the wholesaler failed to read the amendment itself, and that therefore there was neither wilfulness nor failure to take practicable precautions. As in any Chandler defense situation, the case appeals to sympathy, but nothing is clearer than our statutory and policy mandate that such a defense operates only to reduce damages to single overcharges and to eliminate the propriety of an injunction. An enforcement exception is, basically, available only where enforcement action would serve no useful price, enforcement, or administrative policy. In the case of Enforcement Exception C–1, no useful price, enforcement or administrative policy would be served by the application of any sanction against a seller because there was no conceivable way in which such a seller could take any greater steps in the future to avoid a repetition of the violation. In the instant case, the reading of the amendment itself would have been a sufficient deterrent to violation. Here, there was an overcharge in excess of the ceiling, which had an inflationary effect, by one who benefited by receiving the overcharge even while competitors who complied fully with the regulation were held to a lower price. If this exception were granted, it would be only fair and logical to extend it to all Chandler defense cases.

(4) *Case No. 4: Enforcement exception denied.*

Facts. A manufacturer reports to OPA that he cannot deliver his product unless the regulation is amended to permit a higher price. The OPA informs him orally that a higher price will be allowed and that the order will be issued in two weeks. The manufacturer then waits two weeks and starts making deliveries, on the assumption that the order had been issued. The order was not yet issued. Investigation further reveals that a small amount of delivery was made prior to the commencement of the two-week period, but no enforcement exception is considered for those sales.

Decision. Enforcement exception denied.

Basis. The granting of an enforcement exception based on an oral statement by an OPA representative that an order will be issued would constitute a major break in Procedural Regulation No. 1. It is well known that in the administration of the numerous regulations there must necessarily be some discussion with interested firms concerning the possibility of the issuance of appropriate orders or amendments. The Agency must maintain the position that the conclusion of such discussions can be manifested only in the manner prescribed by law and by the regulations of the Agency. Were an enforcement exception to be granted on the basis of unofficial prediction by any representative of OPA, the task of enforcing regulations would become severely burdensome because enforcement attorneys would be required to examine the merits of every such unofficial prediction.

(5) *Case No. 5: Enforcement exception denied.*

Facts. Subject is a meat wholesale slaughterer. Criminal proceedings were instituted against him by reason of overcharges accompanied by cash on the side and false invoicing. Subject pleaded guilty and was fined $2,000. Subsidy withholding for the period amounts to approximately $26,000. Subject contends that the total amount of overcharges reflected in the information was small; that he theretofore had a good history of compliance; and that the judge who imposed the fine did not know of the possibility of a subsidy withholding. Subject's contentions are supported by letters from former employees of the Office of Price Administration.

Decision. Enforcement exception denied.

Basis. Subject's plea of guilty to criminal violation disposes of any justification for considering subject's prior good reputation, even if that factor would ever be material in considering an Enforcement Exception. The enforcement policy of this Agency certainly cannot be predicated on gratuitous opinions of former employees who no longer carry any responsibility to the Agency for the development of sound and uniform policy.

There is no merit in the contention that subject might not have pleaded guilty if he had known of the possibility of subsidy withholding in addition to the fine. The government charged the commission of a serious offense, and it cannot be bound by the mental process by which subject may have decided that it would be to his monetary advantage to admit his guilt.

Nor is there merit in the argument that the Court might have acted otherwise. Subsidy withholding is based on the fact of violation, irrespective of the degree of culpability. That fact was established.

The size of the total provable overcharges is clearly immaterial here in view of the admission that the violation was not trivial and inconsequential.

Washington, D. C., March 29, 1946.

(6) *Case No. 6: Enforcement exception granted—C–2.*

Facts. A retailer entered into a contract with a manufacturer for the delivery to the retailer of 5,000 cultivators in monthly installments, order prepaid. The retailer properly priced the cultivators under GMPR. When the retailer had received approximately half the delivery, the manufacturer received an order from OPA under MPR 188 fixing his ceiling price and requiring a tagging of a retail price announced in the order. The order was duly filed and published in the FEDERAL REGISTER. The retail price fixed in the order was lower than the GMPR price at which the retailer was selling. Although the manufacturer thereafter continued to make deliveries to the retailer under the contract, the retailer had no direct knowledge of the order. When the retailer was first informed of the order, he discontinued the sales at the GMPR price.

Decision. Enforcement exception granted as to all such sales already made by the retailer or any other seller similarly situated.

Basis. Enforcement Exception C–1 would have applied automatically to this case, except for the fact that here the retailer's ceiling price was not "based on fixed or percentage markup over supplier's price, not exceeding supplier's ceiling price." But the underlying reason is substantially the same. The retailer was engaging in a course of legal conduct until, by the act of the Agency on application of the manufacturer, the retailer's price became illegal. While it is true that publication in the FEDERAL REGISTER constitutes constructive notice to all, there is nothing to prevent the Agency from adopting a policy which does recognize the fairness of withholding sanction under proper circumstances. There was nothing to cause the retailer to inquire whether the manufacturer had applied for any price, or whether one had been ordered, or whether the order affected the retail level. In cases such as these, it is unreasonable to expect the retailer to watch the FEDERAL REGISTER scrupulously because of the mere possibility of publication of an order that might directly affect him.

The same considerations would also apply to some sellers other than retailers who could find themselves in the same position.

As in Enforcement Exception C–1, the exception does not apply to merchandise remaining unsold after the seller has been told or has otherwise learned of the change in legal price. The undelivered merchandise must be repriced.

Rule. Where any seller has been selling at or less than the ceiling price, and where the supplier has applied for a price which the agency orders and duly publishes in the FEDERAL REGISTER, and where the order also fixes a price for the seller which is less than he has been charging, and where the seller does not know and has no reason to make further inquiry to determine that such application was made by the supplier or acted upon by the agency, enforcement exception granted as to all such sales by seller insofar as seller's price was legal but for the order. On all merchandise remaining unsold seller must reprice in accordance with order.

Coverage. All regulations in all commodity fields at all applicable industry levels.

Washington, D. C., March 29, 1946.

(7) *Case No. 7: Enforcement exception granted—C–3.*

Facts. On November 9, President Truman announced that ceiling prices on all commodities except rent and sugar and a few minor commodities were lifted. The October 31, 1946 statistical reports show that there were 2,707 Administrator's claims and 2,211 Administrator's Consumer claims pending in court, 11,002 cases completed investigations awaiting disposition, and 4,184 cases under investigation. Our personnel has been substantially cut except for rent, sugar and sales control enforcement. A number of the courts have been reluctant to go forward with cases involving small amounts of overcharge.

Decision. The enforcement exception is granted.

Basis. This decision is necessary in order that we may reduce the workload of our staff and to relieve it of the less significant cases. Also, by making this decision we are eliminating the number of small cases from the court dockets thus enabling our attorneys to proceed with the more significant cases.

Rule. All treble damage claims involving decontrolled commodities in which the single amount of the overcharge is less than $200 shall be dismissed forthwith. This is applicable both to pending litigation and to cases pending disposition. A case should not be dropped where the evidence presently in the file establishes single damages of less than $200, and the file indicates that by further investigation made in accordance with Review and Disposition Directives 4 and 5 single damages in excess of $200 will be developed.

Coverage. All regulations in all commodity fields at all industry levels where the commodities are now decontrolled.

Washington, D. C., December 23, 1946.

(8) *Case No. 8: Enforcement Exception granted—C–4.*

Facts. In some instances we have used both the criminal sanction and the treble damage sanction against a subject for the same violation. In some of these cases the penalty ordered in the criminal case is adequate, and for such reason the OPA Attorney does not desire to proceed with the civil sanction.

Decision. It is within the discretion of the attorney handling the case as to whether or not he will proceed with the treble damage sanction where an adequate sentence has been obtained in the criminal case.

Basis. Very often both the criminal sanction and the treble damage suit were filed against the subject in violation because it was thought that the fine in the criminal case might be inadequate. For example, an automobile dealer may sell automobiles over ceiling and collect $200,000 in overcharges; whereas, the fine might be only $1,500. In such cases the treble damage suit is needed. However, if the fine exceeds the amount of the overcharges, or an adequate jail sentence is issued, there may be no need to proceed with the treble damage case.

Rule. Where both a treble damage action and a criminal prosecution have been instituted for the same violation, and the criminal prosecution has resulted in an adequate penalty the treble damage action may be dismissed. In making such determination full consideration should be given to the original reason for invoking both civil and criminal proceedings. This determination is within the discretion of the attorney handling the case.

Coverage. All regulations in all commodity fields at all industry levels including rent.

Washington, D. C., December 23, 1946.

(9) *Case No. 9: Enforcement exception granted—C–5.*

Facts. Occasionally we have a treble damage case pending which rests solely on the testimony of a witness whose credibility has been impaired by his prior criminal conviction for a felony.

Decision. Enforcement exception is granted.

Basis. While it is recognized that in some instances the only way that we can get evidence of the crime is from people whose credibility is questionable, it is not wise to proceed in court with a treble damage case where the only testimony that we have is that of a person whose testimony is not reliable. However, there may be other facts in the case which substantiate the testimony of such person and for such reason the Enforcement Executive is willing to have the case proceed to trial.

Rule. Any case where the claim for treble damages rests solely on the testimony of a witness whose credibility has been impaired by prior criminal conviction of a felony may be dismissed but only by the Regional Enforcement Executive in the proper exercise of his discretion.

Coverage. All regulations in all commodity fields at all applicable levels including rent.

Washington, D. C., December 23, 1946.

(10) *Case No. 10: Enforcement Exception granted—C–6.*

Facts. A number of the price regulations contained provisions commonly known as penalty pricing provisions. These provisions varied by commodity and by regulation. For example, in MPR 540 there were two prices

for used cars, the "as is" price and the "warranted" price. The latter could be obtained by a dealer if he met certain qualifications and obtained from the Office of Price Administration authority to sell at market prices.

In many instances the subject could have sold at the higher price had he complied with the procedure set forth in the regulations, but because of his failure to do so was in violation and subject to treble damage claim.

Another common example is the instance where the subject applied for an increase in price, later obtained such increase, but sold at the higher price before obtaining such increase.

Decision. Enforcement exception is granted.

Basis. In a going price control program it is absolutely necessary to have penalty pricing provisions in the regulation and to hold the seller to the price he is entitled to receive at the time the sale is made even though he may later receive authorization to sell at a higher price. However, after a commodity has been decontrolled the reasons for the penalty pricing provisions no longer exists.

Rule (A) Where a regulation provides a higher maximum price for a seller who has filed a report, pricing chart, amended pricing chart or similar document than for a seller who failed to file, any treble damage action based upon sales at a higher price than that provided for a non-filing seller shall be dismissed: *Provided, however,* The seller can clearly prove that had he fully complied with the filing requirement he would have been entitled to charge the price actually charged in each and every sale involved. This exception shall apply only to those cases in which under the applicable regulation, filings were accepted by the OPA without any verification whatsoever and where the only action (e. g. acknowledgment) required of the OPA by the regulation was entirely automatic and required neither a determination of fact nor an exercise of discretion by OPA.

(B) Where a regulation which establishes a basic maximum price provides that upon application by a seller the right to charge a higher price may be granted, and where after the earliest permissible date for such application, the seller, without having been granted the higher price, charged a price higher than the basic maximum price permitted but later was granted a maximum price equal to or higher than the price he charged theretofore. Any treble damage action based upon such sales shall be dismissed if the seller can clearly prove that had he filed a timely application he would have been entitled to charge the price he did charge at the time of the sales in each and every sale involved in such case.

(C) Where a regulation providing dollar-and-cent maximum prices has been amended and either the amendment or statement of considerations expressly states that the purpose of the amendment is to correct an error previously made in fixing a maximum price, any treble damage action based upon sales made between the issuance of the earlier price and the amendment at a price not higher than the corrected maximum price shall be dismissed.

(D) Where a seller of used commodities who is authorized to charge a higher price for a commodity if he gives a written warranty sells the commodity at the warranty price but gives only an oral warranty whose terms are substantively identical with the terms required to be given in the written warranty and in fact lives up to the terms of the oral warranty, any case based upon sales at not more than the warranty price shall be dismissed.

(E) In any case included in the exceptions above, if the seller charged more than the higher price referred to on any of the sales in question, the exception does not apply in any or for any purpose, and the applicable maximum price shall be that actually provided by the regulation. However, in any case in which the seller sold at or below the higher price on all sales except an insignificant number, the case may be recommended to the National Director of the Review and Disposition Division for authority to dismiss.

Example: If under (B) above a seller's basic maximum price was $4, but the seller made sales at $5 and $5.50, and was later granted a price of $5 (which he can show he would have been entitled to at the time of the sales had he made timely application) the exception shall not be applicable; i. e., the case shall not be dismissed as to any of the sales and the applicable maximum price for all sales shall be $4, which amount shall be used in determining overcharges.

(F) In each exception above where the seller is required clearly to prove certain facts, he shall have the burden of bringing forward any facts not already in the file. Affidavits by the seller and/or his purchaser, unsupported by records or other competent evidence, shall not be considered sufficient to prove clearly the facts which must be established. No evidence presented by a seller shall be considered as proof unless it is easily verifiable by the OPA and no suit shall be dismissed unless the facts have been so verified. No recommendation to dismiss a case shall be made and no case shall be dismissed unless the person considering the case has no doubt that the requisite facts have been established.

(G) Where a regulation provides that the maximum price for any commodity not properly described in the invoice shall be the price applicable to such incomplete description, any case based upon sales a price higher than that applicable to the incomplete description shall be dismissed, if the seller can clearly prove that had he issued a proper invoice he would have been entitled to charge the price he did charge in each and every sale involved in such case.

Coverage. All regulations in all commodity fields of decontrolled commodities at all applicable industry levels.

Washington, D. C., December 23, 1946.

(11) *Case No. 11: Enforcement exception denied.*

Facts. Since 1935, subject has been engaged in the business of selling meat, primarily to hotels and restaurants. Under the provisions of RMPR 169 a seller who comes within the definition of a "hotel supply house" may sell fabricated meat cuts at a higher price than that which he would otherwise be permitted to charge. An establishment cannot qualify as a "hotel supply house" unless it sold or delivered to purveyors of meals during the period of September 15, 1942 to December 15, 1942, not less than 70 percent of the total volume by weight of all meats sold or delivered by it, excluding sales to war procurement agencies. Subject, on February 23, 1944, filed a statement with the regional office of OPA, as required by RMPR 169, showing its sales to all buyers and to purveyors of meals during the base period mentioned above. On the face of this statement it appears that subject does not qualify as a "hotel supply house." Nevertheless, subject continued to sell meat at the higher prices applicable to "hotel supply houses," as a result of which suit for damages was brought against it by the Administrator after investigation and several conferences with representatives of subject company. Subject contends that its base period operations were abnormal and that at all other times more than 70 percent of its sales have been to purveyors of meals.

Decision. Enforcement exception is denied.

Basis. It is not the function of an enforcement exception to adjudicate the reasonableness of the provisions of a price regulation. Adequate administrative and judicial machinery is available for that purpose and should have been used by subject if it claimed that the regulation, or interpretation thereof, under which it failed to qualify as a "hotel supply house," was arbitrary or capricious.

Of course, it is possible that a reasonable regulation might work a hardship in a particular case because of unusual circumstances. Even if such hardship exists in the present case, however, it is felt that the enforcement exception cannot be granted without doing serious damage to the base period technique—a technique which produces more equitable results than other possible methods. By its very nature, it must be applied rigidly in order to be equitable. It would not be administratively feasible to determine whether enforcement exceptions should be granted in each case in which a person's base period operations deviated from the normal. If such a task were undertaken, the inevitable result would be the substitution of a vague standard for a precise and workable one.

The fact that this agency had notice of subject's violations as a result of its statement filed February 23, 1944, and as a result of subsequent conferences and investigations, did not place upon it any obligation to institute immediate action against subject. To hold otherwise would in effect create a new type of self-imposed statute of limitations, running from the date notice of an offense is received, calling for the imposition of sanctions within a short but undefined period of time and needlessly hampering the enforcement program.

The claim is made that if present enforcement action is pressed to a conclusion, normal channels of meat distribution will be seriously disrupted. No decision need be made at this time as to whether such disruption would be a valid basis for an enforcement exception. Assuming that it would be, we note that no specific data are presented to support subject's claim, nor does it appear likely, on the basis of the known facts, that a sufficiently serious maldistribution could be established to furnish a compelling argument in favor of granting an enforcement exception.

Washington, D. C., December 27, 1946.

(12) *Case No. 12: Enforcement exception granted—C-7.*

Facts. An investigation of a mill in Idaho disclosed violations by 24 farmers in the sale of clover seed to this mill. The farmers received the quality cleaned price although the seed was actually sold in the dirt and cleaned by the mill, but no deduction was made for cleaning. A treble damage action is pending against each of the 24 farmers and all of the defendants are represented by the same counsel. In 22 of the cases the single amount of the overcharge varies between $3.02 and $54.74. Enforcement Exception Case Number 7 applies to all of the cases involving less than $200. The single amount of the overcharges in each of the other two cases is $202.19 and $381.25. The OPA attorney has requested permission to dismiss these two cases.

Decision. The enforcement exception is granted.

Basis. It is recognized that the monetary cut-off provided by Enforcement Exception Case Number 7 when applied to a group of cases developed in a local area as a result of a single investigation may present a situation such as this one in which it would be discriminatory to dismiss a substantial number of cases and proceed in an insignificant number of similar small cases.

Rule. No general rule announced by this enforcement exception. The factual situation in other instances will necessarily be different and will require an application for an exception.

Coverage. This exception is limited to the specific factual situation set forth.

Washington, D. C., December 31, 1946.

(13) *Case No. 13: Enforcement exception denied.*

Facts. A manufacturer of handbags filed a base period report under Section 1.2 (c) of SR 14 E which filing indicated a highest price line of $75 per dozen for category 4. SR 14 E contained no provision by which a seller with base period experience could apply to OPA and secure a highest price line limitation in excess of that accorded by its own base period experience. (Ceiling prices of handbags are regulated by GMPR and the highest price line limits only established by SR 14 E.) Thereafter, the manufacturer had his lawyer contact OPA to secure approval of a price of $108 per dozen for a new style in Category 4. Although fully aware of the manufacturer's base period experience, the attorney employed by the law firm did not impart this fact to OPA. The attorney returned from OPA and stated that it was merely necessary to establish the price by competition. The attorney could not later identify the OPA employee he spoke with, and there is no way at present to determine whether such advice was given by OPA. When enforcement investigation disclosed the violation, the manufacturer discontinued sales at $108 and the attorney that contacted OPA was discharged by his law firm. The manufacturer made practically no profit on the violative sales, profits averaging less than $1 a dozen. The handbags were worth the price charged, and except for the highest price line limitations of SR 14 E, the price charged would have been the proper GMPR ceiling, on the basis of competitive pricing. It is urged on behalf of the manufacturer that the price charged was thus not inflationary.

Decision. Enforcement exception denied

Basis. At best, the facts outlined indicate only good faith on the part of the manufacturer. Even assuming that such OPA advice was given, since it would have been on an erroneous statement of facts, it does not constitute a defense to a violation. The basis set forth in denying an enforcement exception in Case No. 4 is fully applicable here. Furthermore, the contention that these sales were not inflationary is unrealistic. The most vicious inflation which occurred in the apparel and textile field was "up-trading"—i. e., abandoning low-priced lines in favor of producing high-priced lines. This resulted in a drastic lifting of the entire price level, as low- and medium-income consumers unable to find their customary low-priced lines in the market, were forced to purchase in price lines at the "luxury-class" level. Even though these higher priced articles represented full value to purchasers accustomed to buy in such higher priced lines, they were definitely inflationary and a very real and serious threat to the price structure as to low- and medium-income purchasers. To curb this up-trading, and to hold manufacturers at least to the highest lines they sold in normal times, the agency adopted highest price line limitations in all important apparel fields and later implemented them further by the "maximum average price" regulations (MAP) in an attempt to bring back into production the full normal range of price lines, including the lowest. The argument that full value was delivered in the violative sales does not, therefore, support the conclusion that the sales were not inflationary.

We have never measured the desirability or propriety of enforcement action in terms of the profit derived from violations, so that it is immaterial in this instance that the manufacturer enjoyed a negligible profit.

Washington, D. C., February 10, 1947.

(14) *Case No. 14: Enforcement exception granted—C-8.*

Facts. The used motor vehicle regulation, RMPR 341, MPR 540, and MPR 569, provided dollars-and-cents prices for used vehicles. These prices, called "as is" or base prices, were the maximum which any person selling a vehicle could charge. A person regularly engaged in the business of selling used vehicles could charge the warranty price which is $100 or 25 percent more than the "as is" price, if he applied for and obtained written authorization from the district office to sell as a "dealer" as that term is defined in the regulation. Before issuing the authorization the district office price division generally verified that the applicant had a place for the display and sale of used vehicles, and facilities for the repair and reconditioning necessary to put and keep vehicles in good operating condition.

Situation A. A truck concern applied for authorization and pending issuance of such authorization sold a truck at the warranty price. The authorization was never issued and enforcement instituted a treble damage action based upon the difference between the "as is" and the warranty price. The district office price division has advised the enforcement division that the seller had the facilities necessary to qualify as a "dealer" and that the authorization was not issued because the application had apparently been misplaced in the district office.

Situation B. A seller has been engaged in the business of selling used cars and trucks. He applied for and received authorization as a used car "dealer." Subsequent investigation disclosed that he had sold trucks at the warranty price although not specifically authorized as a truck "dealer." The overcharge is the difference between the "as is" and warranty prices. The subject has facilities adequate for the repair and reconditioning of used cars and trucks.

Situation C. A seller regularly engaged in the business of selling used vehicles sold such vehicles at the warranty price although he never applied for nor received written authorization to sell as a "dealer." The overcharge is the difference between the "as is" and the warranty prices. Subject has always maintained facilities for the repair and reconditioning of vehicles, has given purchasers the written warranty required by the regulations, and has performed the services necessary to meet the terms of the warranty.

Decision. Enforcement exception is granted.

Basis. In a going price control program it is absolutely necessary to hold the seller to the price he was entitled to receive at the time the sale was made even though he could have received authorization to charge the higher price had he properly applied for such authorization. However, after a commodity has been decontrolled the reasons for holding the seller to the lower price no longer exist if he can satisfactorily prove that he could have qualified for the authorization which would permit the higher price to be charged.

Rule. Where a seller of used motor vehicles establishes to the satisfaction of the chief of the regional review and disposition section, the regional enforcement executive and the regional administrator that he would clearly have been entitled to an authorization as a dealer if he had made application therefor or having made such application if the same had been properly acted upon, any case based upon sales at not more than the price he would have been entitled to charge as a dealer shall be dismissed.

Coverage. RMPR 341, MPR 540, and MPR 569.

Washington, D. C., February 21, 1947.

(15) *Case Number 15: Enforcement exception granted—C-9.*

Facts. The Electric Household Utilities Corporation of Chicago is a manufacturer of the Thor Washing Machine and Ironer. A treble damage action is now pending against this company for sales made during the months of June, July, and August 1945. The complaint was filed on August 28, 1945. There was no provision made in RPS 86 for adjustable pricing. During the war the company had contracts with the Government for manufacturing washing machines. As a result when the war ended it was in a position to immediately convert its factory into making civilian products. It was ready to go on the market with its products about four months earlier than other manufacturers of washing machines and ironers.

As early as April and May 1945, the industry began negotiating with the price department of the Office of Price Administration for an industry-wide adjustment. There were numerous conferences with representatives of the washing machine industry and cost surveys made by the price department. Prior to October 1, 1945, no over-all price increase had been issued by the price department.

In June and July the company delivered its washing machines and ironers to its distributors on a consignment basis. No sales were made. The same procedure was followed up to August 4, 1945, at which time the company contended that its warehouses as well as the warehouses of its distributors were full and that it was impossible to further finance its operations without making sales. On or about August 4, 1945 the defendant transmitted to all of its dealers and distributors a communication dated August 4, 1945, the pertinent and relevant portions of which read as follows:

"We have shipped you a quantity of Wringer Washers and Gladirons. • • •

"We consigned this merchandise to you because at the time of shipment we believed our prices would be approved by OPA within a few days. To date no price has been established and, we have no idea how long it will be before a price is set. •

"We know you are anxious to ship machines to your dealers. To enable us to release these machines to you and at the same time keep our working capital at the point where we need it for our rapidly expanding production program, we have worked out the following plan.

"We are billing you for your machines at prices which are subject to final approval or change by OPA. We see no reason why you in turn might not ship and bill your dealers on the same basis and the dealers take orders from the public subject to the same terms. • • •

"Your invoice will have a stamp which will read:

"'NOTICE.—Prices on this invoice are subject to final approval or change by OPA. When final prices are established, we will issue a credit memo if the price is lower, or bill you an additional amount if the price is higher.'

"When you receive your invoice you will note that our terms are stated as 'Net on Receipt of Invoice.' We ask that you adhere rigidly to these terms. • • •

"On the basis of the price list we see no reason why you cannot use the same method of billing your dealers. We have prepared stamps as shown and are sending one to you.

"Your dealers might take orders for future delivery by telling their customers that the list price on the machine will be about as shown on the above price list subject to OPA approval. He should make sure that it is clear to the buyer that this price is not

definite and he will adjust his contract to the finally established price when it is set by OPA." About the middle of August the Office of Price Administration began investigating the company, and on August 24, the defendant addressed a telegram to all of its distributors reading as follows: "Hold billings on washers and ironers to dealers, letter follows."

On or about August 29, 1945, the company mailed a letter to all of its distributors and branches informing them that no billing would be made and that washers and ironers would be sent to them on a consignment basis only. Between August 4, 1945, and August 29, 1945, the company delivered, billed, and collected payment on washers and ironers, at a price in excess of its then ceiling price as well as in excess of the amount subsequently allowed by industry-wide adjustment of October 1, 1945.

On September 10, the Administrator for OPA sent the leading manufacturers of washing machines, including the company, a telegram which reads as follows:

"We have your request for permission to make deliveries of washing machines on an adjustable billing basis. We expect to promptly issue an order which will provide that manufacturers of reconversion goods may make deliveries and collect an amount no higher than the ceiling price at the time of delivery, and provide with the purchaser that he is to pay any additional amount which OPA may later allow either by way of general increase factor for the industry or by an adjustment for the particular manufacturer. Arrangements under which the seller collects a price higher than the ceiling at the time of delivery subject to a later refund will be prohibited. Pending the issuance of such an order, you are authorized to make deliveries on this basis. Forthcoming amendment to regulation will require you to furnish tags showing retail ceiling price to all distributors and dealers to whom you now ship."

In November 1945 the company by cash payments or credit allowed on accounts owed to it returned to its dealers and distributors the difference between (a) the amounts received from or charged to said dealers and distributors on account of purchases of models of washers and ironers sold by company between June 1, 1945, and September 28, 1945, and (b) the aggregate amount of the prices for said washers and ironers computed on the basis of the highest prices quoted in company's price list effective during the period October 1, 1941, to October 15, 1941. The aggregate amount returned to all dealers and distributors was as follows:

To dealers	$19,531.50
To distributors	49,476.56
Total	69,005.06

On October 1, 1945 the Office of Price Administration granted an industry-wide increase of 7.7 percent. A larger increase was later granted.

Decision. Enforcement exception granted.

Basis. At the time this case was filed, it was considered extremely important for it was at the beginning of the reconversion period. While the agency was slow in establishing an industry-wide mark-up for the washing machine industry as well as some of the other reconversion industries, it could not administer a program if the individual business establishments took their own increases. Adjustable pricing was permitted under section 19a of the General Maximum Price Regulation and was authorized for this industry by the Administrator's telegram of September 10, 1945. However, such adjustable pricing provisions contained the requirement that, pending action on the application for adjustment, the seller could not collect an amount greater than the ceiling price at time of delivery, and that, if the adjustments were granted, he could thereafter bill and collect from the buyer, on all sales made after the authorization to apply adjustable pricing, the amount of the adjustment.

The company's violation was twofold: (a) it applied adjustable pricing when not authorized to do so and (b) it actually collected amounts in excess of ceiling price at time of delivery.

In a continuing program it is essential that violations of this character be promptly stopped and appropriate action taken to prevent further violation and overcharge. However, in this case the seller ceased violations shortly after being advised of the agency's position and promptly made refunds, by cash or credit memoranda, to all purchasers of the difference between the amount collected or billed and its ceiling price at date of delivery. It is also true that had the agency authorized adjustable pricing (as contained in the telegram of September 10, 1945) prior to August 4, 1945, there would have been no violation.

Enforcement Exception Case No. 10 covered certain types of penalty pricing cases. While that exception is not applicable here (because there was no provision for adjustable pricing in the applicable regulation at the time deliveries were made), the basic reasons for that exception are here relevant.

Rule. Where a member of a reconverting industry makes deliveries on adjustable billing at a time when industry applications for general price increases are pending, and collects an amount in excess of his ceiling price at the date of such deliveries, enforcement exception is granted as to such deliveries even though no provision for adjustable billing is contained in the applicable regulation provided:

(1) Such sales are stopped when the violation is called to the seller's attention. And

(2) Refunds, in case or by credit memoranda, are given all buyers, within a reasonable time. And

(3) The amount of such refund is the difference between the price charged (or collected) and the seller's ceiling price on the date of delivery.

This rule applies to all subsequent sellers to the extent that any violations by them are directly attributable to the transactions of the member of the reconverting industry for which this exception is granted.

Washington, D. C., February 20, 1947.

(16) *Case No. 16: Enforcement exception granted—C–10.*

Facts. No request for an enforcement exception has been made in this case. However, the deputy commissioner on his own motion has considered an exception.

No court action has been taken. However, an investigation has been made and an action would be filed in accordance with agency policy and procedures if no exception is granted.

The claim is against A. C. Wells et al., d/b/a J. W. Wells Lumber Company, Menominee, Michigan, hereinafter referred to as the company.

The company operates a hardwood floor mill in the upper peninsula in Michigan, the producing area of hardwood lumber. It purchased hardwood lumber and hardwood logs and made them into hardwood flooring which it sold primarily at ceiling prices established for mill sellers of hardwood flooring by MPR 432. The company screened the best hardwood lumber amounting to about 10 percent of all the hardwood lumber it purchased, dried this lumber and resold it, as lumber, in carload quantities. Also it had been selling hardwood flooring in small quantities near its mill at what it called retail prices. Sometime in August 1945 James A. MacDonald, price specialist in the lumber unit in the Escanaba District Office, called upon A. C. Wells at the company's place of business. It appears that the company had been selling all of its lumber at the ceiling price for mill sellers as provided for in MPR 223, and all of its hardwood flooring, including a small lot of so-called retail sales at the mill ceiling price established by MPR 432. The company requested an interpretation of MPR 467 and MPR 215 from the Escanaba District Office inquiring whether it could take the mark-ups provided in those regulations (MPR 215 provides a mark-up for retail sellers of hardwood flooring out of a distribution yard stop; MPR 467 provides for mark-ups of mill prices on sales of hardwood lumber by distribution yards). Because of the wording of the applicable regulations, it was not unreasonable for the seller in good faith to request an interpretation whether he was entitled to these mark-ups. Mr. MacDonald told the company orally that, based upon the regulations and upon the operation being performed by the company and its past performance prior to the war, it was qualified to use the mark-ups contained in MPR 467 and MPR 215. The company requested that this interpretation be given to it in writing. On August 13, 1945 the Escanaba District Office wrote the company authorizing it to take such mark-ups. The letter was signed by James A. MacDonald, Price Specialist, Industrial Commodities.

There was no price attorney in the Escanaba Office in August 1945. Mr. MacDonald states that he orally discussed this with the regional price attorney in Cleveland and the regional price specialist in Cleveland. This discussion occurred after August 13, 1945. The price specialist was told that the interpretation set forth in the August 13, 1945, letter was correct.

On September 1, 1945, the company raised its prices in accordance with the interpretation set forth in the August 13, 1945 letter. In August 1946, the company was investigated by enforcement. It was then determined that the interpretation set forth in the August 13 letter was erroneous. The overcharges from September 1, 1945, through August 1, 1946, totaled $12,840.00.

Decision. Exception granted.

Basis. Enforcement Exception Case No. 4 denies an exception where an oral authorization was made by the Office of Price Administration in violation of Procedural Regulation No. 1. That decision is reaffirmed.

The provisions of Procedural Regulation No. 1 are sound and are necessary for the administration of any government activity. The 1946 amendments to the Emergency Price Control Act recognized this principle in that Congress provided that no action could be maintained if the violation arose because the person selling the commodity acted upon and in accordance with the written advice and instructions of the Administrator or any regional administrator or district director of the Office of Price Administration.

The issuance of written interpretations by unauthorized employees of the Office of Price Administration is a violation of internal instructions and can be held to a minimum by proper supervision and corrective measures taken against persons violating such instructions. A serious question arises as to what enforcement action should be taken against a member of an industry who, in good faith, applies to the Office of Price Administration for an interpretation, receives a written interpretation from a person with apparent authority and relies upon this interpretation to the end that he, by doing so, is in violation of an Office of Price Administration regulation.

Where no element of fraud and collusion are present and the enforcement attorney is satisfied that there was need for the interpretation and a price specialist, although unauthorized, issues one, which was in good faith relied upon, no prosecution should be instituted against the person receiving such interpretation if it later develops that such interpretation is erroneous.

Rule. Where a person applies to an office of the Office of Price Administration for an interpretation of a regulation and receives an interpretation in writing from a person in that office who has been designated as the price specialist for the commodity or commodities involved in the interpretation, and the person applying for the interpretation has no actual knowledge of the fact that such price specialist does not have authority to issue the interpretation, enforcement exception is granted the person receiving that interpretation, with respect to those violations which occurred solely as the result of such interpretation, provided that all the following conditions are met:

1. The person applying for the interpretation correctly stated all relevant facts.

2. The matters contained in the written interpretation were a proper subject for interpretation.

3. The applicable regulation or regulations did not state a rule clearly contrary to such interpretation.

4. There was no element of fraud or collusion on the part of or between the price specialist and the person seeking the interpretation.

5. That the person applied for and relied upon the interpretation in good faith.

Washington, D. C., February 20, 1947.

(17) *Case No. 17: Enforcement exception granted—C–11.*

Facts. Section 5 (e) of 2d Rev. MPR 19 with respect to certain shipments of Southern Pine lumber invoiced as containing in excess of designated percentages of certain grades, established the No. 2 Common price as the applicable maximum price for lumber invoiced as No. 1 Common and higher grades if any such shipment did not bear the grademark of a qualified inspection agency or was not accompanied by a certificate of inspection by a proper inspection agency. Some producers of Southern Pine lumber who were not members of a qualified inspection agency, and for that reason were unable to comply with the grademarking provision of the section, made shipments which were invoiced as containing quantities of the higher grades in excess of those set forth in the section and such shipments were not accompanied by a certificate of inspection by a recognized inspection agency. However, these producers had in their employ inspectors capable of properly grading Southern Pine lumber in accordance with the recognized rules of the industry. These shipments were actually graded by such graders in accordance with industry rules and practices and the invoices for these shipments accurately reflected the quantities and grades of lumber determined by the graders.

Decision. Enforcement exception is granted.

Basis. Section 5 (e) was incorporated in the regulation to combat widespread violation by upgrading of lumber. A study of Southern Pine Grade Distribution for the year 1941 was made by the Southern Pine War Committee, an industry organization. This study disclosed that the normal log out-turn of No. 1 Common and higher grades in the production of Southern Pine lumber varies in different geographic areas from a low of 5% to a high of 30%. The results of this study were taken into consideration in establishing the various percentages set forth in the section. In the early part of 1946, because of an aggravated general violative condition existing in the lumber industry, our lumber enforcement activity was considerably increased. One of the most prevalent forms of violation in Southern Pine lumber was upgrading. Because of the extensive upgrading practices and the fact that the government had only limited facilities available for detecting such upgrading, the Agency placed heavy reliance on section 5 (e) and took extensive enforcement action based upon violations of that section. Since decontrol the considerations expressed generally in Enforcement Exception No. 10, and particularly as illustrated by parts A, B, D, and G, apply with equal validity to the considerations disclosed by the above facts. However, since none of the situations stated in Enforcement Exception No. 10 is applicable to this express situation, it is necessary to issue a separate enforcement exception to cover violations of 5 (e) of 2d Rev. MPR 19.

Rule. Any case where the claim for treble damages is based upon violations of Section 5 (e) of 2d Rev. MPR 19 shall be dismissed if all of the following conditions are met:

1. The shipments involved in the case were actually graded by employees of the shipper qualified to and capable of properly grading Southern Pine lumber in accordance with the recognized rules of the industry.

2. The invoices for such shipments accurately reflected the quantities and grades of lumber as determined by such grading and there was no upgrading of any of the lumber involved in any such shipments.

The term "upgrading" as used in this exception means any misrepresentation or misdescription as to the grade or quantity of any item of lumber where such misdescription resulted in a higher price than the applicable legal ceiling.

This exception is expressly limited to violations of section (5) (e) of 2d Rev MPR 19.

Washington, D. C., March 13, 1947.

(18) *Case No. 18: Enforcement exception granted—C–12.*

Facts. Enforcement Exception No. C–3 (Case No. 7), issued December 23, 1946, provided: "All treble damage claims involving decontrolled commodities in which the single amount of the overcharge is less than $200 shall be dismissed forthwith." The question has been raised as to whether that exception applies, or should be extended, to cover installment payment settlement agreements (not reduced to judgment) where the balance remaining unpaid on December 23, 1946, was less than $200. Two situations are presented, one where the settlement was originally in excess of a sum of $200.00 and was reduced by partial payments to less than $200.00, the other where the original settlement was for a sum less than $200.00.

Decision. Enforcement exception granted as to both situations.

Basis. The same considerations which led to the adoption of Enforcement Exception No. C–3 are here applicable. From the point of view of the workload involved in processing those cases where the balance remaining unpaid on December 23, 1946, was less than $200.00, it is immaterial whether the original settlement was for more or less than $200.00. However, with respect to installment payment settlement, where the balance due on December 23, 1946, was more than $200 and installment payment settlements entered into after that date, where the total amount of the settlement exceeds $200.00, the Agency must undertake the workload involved, both in effecting the initial settlement and in collecting the full amount of the settlement even though eventually the final installment or installments may be less than $200.00.

Rule. Any case in which (1) a settlement had been effected and payment was to be made by installments, and (II) the claim had not been reduced to judgment, and (III) the amount remaining unpaid on December 23, 1946 was less than $200.00, shall be closed and no further proceedings taken to effect collection of the balance due under the installment payment settlement.

Coverage. All regulations in all commodity fields at all industry levels where the commodities are now decontrolled.

Washington, D. C., March 27th, 1947.

(19) *Case No. 20: Enforcement exception granted C–14.*

Facts. A landlord rented a dwelling unit for $10 a week. Thereafter the landlord filed a registration for this amount; the said registration was filed late. The Area Rent Director issued an order reducing the rent from $10 a week to $7 a week, retroactive to the date of the first rental. The landlord protested this order to the Area Rent Director, but presented no further facts on this protest other than those facts originally presented when the retroactive order was issued. Subsequent to this protest, the Area Rent Director modified his original order and increased the rent to $9 per week. This last order was not retroactive nor could it have been retroactive under the provisions of Revised Procedural Regulation 3.

Decision. Enforcement exception is granted.

Basis. Since no new facts were presented when the protest was lodged, and since there was no physical change in the property between the time of the original and the modifying orders, it would appear that the only reason for the increase in the maximum legal rent was that the original order fixing that rental was the result of error made upon inspection, computation, or judgment.

Rule. Where a retroactive order is issued by an Area Rent Director reducing the maximum legal rent from that charged by the landlord and said order is subsequently modified increasing the maximum legal rent either following a protest to the Area Rent Director or as a result of an appeal to the Regional Administrator, and where no new facts are presented when the protest is lodged and there is no physical change in the property between the time of the original order and the time of the modifying order, for the purposes of enforcement the original order shall be disregarded, and the overcharges upon which a treble damage action shall be predicated shall be the difference between the rent charged by the landlord and the amount set forth in the modifying order.

Washington, D. C., March 8, 1947.

Dated: March 31, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47–4249; Filed, May 1, 1947; 11:37 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 971]

[Docket No. AO–175–A3]

HANDLING OF MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp. 900.1 et seq.; 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at the Miami Hotel, Dayton, Ohio, beginning at 9:30 a. m., e. s. t., May 7, 1947, with respect to the proposed amendments to the tentatively approved marketing agreement and the order, as amended, regulating the handling of milk in the Dayton-Springfield milk marketing area (10 F. R. 6167; 11 F. R. 6901; 11 F. R. 9423). These proposed amendments have not received the approval of the Secretary of Agriculture.

Such public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments have been proposed:

By Dayton handlers:

1. Delete § 971.1 (c) and substitute therefor the following:

(c) (1) Dayton marketing area means the cities of Dayton and Oakwood; the townships of Miami, Jefferson, Madison, Van Buren, Harrison, Butler, Mad River and Washington, all in the State of Ohio.

(2) Springfield marketing area means the City of Springfield and German Township in Clark County in the State of Ohio.

By Dayton-Springfield handlers:

2. Amend § 971.2 (c) (7) by deleting "10th" and substituting therefor "12th."

By Dayton-Springfield handlers:

3. Amend § 971.3 (a) by deleting "5th" and substituting therefor "7th."

4. Amend § 971.3 (b) (3) by deleting "20th" and substituting therefor "22nd."

By Dayton-Springfield handlers:

5. Amend § 971.4 (b) (2) (iii) by deleting the words "cottage cheese."

6. Amend § 971.4 (b) (3) (i) by inserting the words "cottage cheese" after the words "condensed skim milk."

7. Amend § 971.4 (b) (3) (iii) by adding after the word "handlers" the following: "*Provided*, That plant weighing in direct shipper loads of milk from another handler shall take such receipts into its calculations in determining the maximum 2½ percent plant shrinkage; and *Provided further*, That emergency milk received by any handler shall be included in determining plant shrinkage."

8. Amend § 971.4 (d) (1) (iii) and § 971.4 (d) (2) (iii) by deleting "5th" and substituting therefor "7th."

9. Delete § 971.4 (e) (10) and substituting therefor the following:

(10) Determine the classification of milk received from producers and associations of producers by: (i) Subtracting, respectively, from the total pounds of skim milk and butterfat in each class, the pounds of skim milk and butterfat received from handlers other than those described in (ii), and used in each class; (ii) subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, in series beginning with Class III milk, the pounds of skim milk and butterfat received from any handler who received no milk from producers or from associations of producers other than such handlers' own farm production; (iii) subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, in series beginning with Class III milk, the pounds of skim milk and butterfat received from sources other than producers, associations of producers, or handlers, which is not emergency milk; (iv) subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, in series beginning with Class III milk, the pounds of skim milk and butterfat in emergency milk; (v) subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, in series beginning with Class III milk, the pounds of skim milk and butterfat by which the total pounds, respectively, in all classes exceed the pounds of milk received from producers and associations of producers.

By Miami Valley Cooperative Milk Producers Ass'n.:

10. Add to § 971.4 (d) (1) (iii) and to § 971.4 (a) (2) (iii) the following: "*Provided further*, That skim milk and butterfat so disposed of in the form of milk or skim milk to a plant located 90 miles or more from the selling handler's plant by the shortest highway distance as determined by the market administrator, shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, except during the months of May and June."

By Miami Valley Cooperative Milk Producers Ass'n.:

11. Add as subparagraph (4) of § 971.5 (a) the following:

(4) The average of the basic (or field) prices ascertained to have been paid for milk or 3.5 percent butterfat content received during the month at the following places for which prices are reported to the market administrator by the companies listed below or by the Department of Agriculture:

Companies and Location
Producers' Creamery & Cold Storage Co., Celina, Ohio.
Nestle's Milk Products Co., Inc., Greenville, Ohio.
Carnation Co., Hillsboro, Ohio.
Nestle's Milk Products Co., Inc., (uninspected price), Marysville, Ohio.
Red "73" Creamery, Union City, Ind.
Westerville Creamery Co., Covington, Ohio.
Pet Milk Co., Coldwater, Ohio.

By Dayton-Springfield handlers:

12. Add as subparagraph (4) of § 971.5 (a) the following:

(4) The average of the basic (or field) prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the month at the following places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Company and Location
Westerville Creamery Co., Covington, Ohio.
Nestle's Milk Products Co., Inc., Greenville, Ohio.
Producers Creamery & Cold Storage Co., Celina, Ohio.
Carnation Co., Hillsboro, Ohio.
Nestle's Milk Products Co., Inc. (uninspected price), Marysville, Ohio.
Red "73" Creamery Co., Union City, Ohio.
Pet Milk Co., Coldwater, Ohio.

13. Amend § 971.5 (a) by striking therefrom the word "highest" and inserting in lieu thereof the word "average"; and also, (if proposed amendment No. 11 or No. 12 is granted) by striking the words "pursuant to subparagraphs (1), (2), or (3) of this paragraph" and inserting in lieu thereof the following: "pursuant to subparagraphs (1), (2), (3), and (4) of this paragraph."

By Miami Valley Cooperative Milk Producers Ass'n.:

14. Delete paragraphs (b) and (c) of § 971.5 and substitute therefor the following:

(b) *Class I milk prices.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk or butterfat in milk received from producers and from associations of producers which is classified as Class I milk shall be as follows as computed by the market administrator:

(1) Add to the basic formula price the following amount for the delivery period indicated:

May and June	$0.70
January, October, November, and December	1.10
All others	1.00

(2) The price of butterfat shall be the monthly average price of 92 score butter in the Chicago market multiplied by 1.35.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(c) *Class II milk price.* The prices to be paid by each handler f. o. b. his plant for that portion of skim milk or butterfat in milk received from producers and associations of producers which is classified as Class II milk shall be as follows as computed by the market administrator:

(1) Add to the basic formula price the following amount for the delivery period indicated:

May and June	$0.40
January, October, November, and December	.80
All others	.70

(2) The price of butterfat shall be the monthly average price of 92 score butter in the Chicago market multiplied by 1.3.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

By Dayton-Springfield handlers:

15. If proposed amendment No. 14 (submitted by the Miami Valley Cooperative Milk Producers Association) is adopted, then and in that event the handlers propose that it should be modified as follows:

a. By striking out the entire subparagraph (b) (1) and inserting in lieu thereof the following:

(1) Add to the basic formula price the following amount for the delivery period indicated:

May and June	$0.50
January, October, November and December	.90
All others	.70

b. By striking out the entire subparagraph (c) (1) and inserting in lieu thereof the following:

(1) Add to the basic formula price the following amount for the delivery period indicated:

May and June	$0.20
January, October, November and December	.60
All others	.40

16. Delete § 971.5 (d) (2) and substitute therefor the following:

(2) The price per hundredweight of such butterfat shall be computed by the market administrator by adding to the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during such month a sum to be determined by the following schedule and multiplied by 100: During the month when such average wholesale price is:

80¢ or over, add 20%.
Over 70¢ and under 80¢, add 15%.
Over 60¢ and under 70¢, add 10%.
Over 50¢ and under 60¢, add 5%.
Under 50¢, nothing shall be added.

By Dayton-Springfield handlers:

17. Amend § 971.7 (b) by deleting "10th" and substituting therefor "12th."

18. Amend § 971.7 (e) (2) by deleting "10th" and substituting therefor "12th".

By Dayton handlers:

19. Amend § 971.7 (c) to read as follows:

(c) *Computation of the uniform price.* For each month the market administrator shall compute the Dayton and the Springfield areas separately, with respect to milk received by handlers from producers and from associations of producers, a uniform price per hundredweight by: (subparagraphs 1, 2, 3, 4, 5 and 6 thereof to remain as now written.)

20. Amend § 971.7 (e) (2) by adding the words "for each market separately" after the words "uniform price."

By Blossom Hill Dairy, Fairview Dairy, Grocers Co-op. Dairy, Inc., Hildebrand Dairy, Moler's Belmont Dairy, Neal Farms Dairy Products, Royal Crest Guernsey Farm, Shoemake Guernsey Farms, Inc., White Clover Dairy Farms, and McCloskey Bros. Dairy Farms:

21. Delete § 971.7 (c) and such other provisions as provide for a market-wide pool and in lieu thereof provide for an individual handlers pool and make such other changes in said order as may be necessary to make the entire order consistent with this proposal.

By The Ohio Guernsey Breeders' Association, Inc.:

22. Amend § 971.7 to provide for one of the three following alternative methods for computing the price to be received by producers for the type of milk indicated:

(1) Milk sold as a special milk including Golden Guernsey, Jersey Creamline, or similar milks on which a special premium for quality is paid over and above the pool price by the handler, shall be set aside in a separate pool calculated and administered by the market administrator. The handler of such milk shall report monthly his total production and sales of special milk and certify to the market administrator the premium paid each month;

(2) In the market wide pool calculations, those handlers paying a premium to producers of special milk shall be charged the same price per pound of butterfat as he is permitted to pay the producer through the regular producer butterfat differential (Class 3); or

(3) The handler paying a premium to producers of special quality milk shall pay his special producers the same butterfat differential as he is charged for Class I butterfat in the pool and be so credited.

By Dayton-Springfield handlers:

23. Amend § 971.8 as follows:

a. In paragraph (a) (1) thereof substitute "17th" for "15th."

b. In paragraph (a) (2) thereof substitute "16th" for "14th."

c. In paragraph (b) (1) thereof substitute "27th" for "25th."

d. In paragraph (b) (2) thereof substitute "26th" for "24th."

e. In paragraph (d) thereof substitute "14th" for "12th."

f. In paragraph (e) (1) thereof substitute "16th" for "14th."

g. In paragraph (e) (2) thereof substitute "16th" for "14th."

By Dayton-Springfield handlers:

24. Amend § 971.9 by substituting "14th" for "12th" and "12th" for "10th."

By Springfield handlers:

25. Amend § 971.9 by adding the words "received from producers" after the words "with respect to all skim milk and butterfat."

By the Dairy Branch, Production and Marketing Administration:

26. Delete § 971.9 and substitute therefor the following:

§ 971.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 971.2 (c) (3), each handler shall pay to the market administrator, on or before the 12th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts during such month of:

(a) Milk from producers (including such handler's own production), and

(b) Skim milk and butterfat from emergency and other sources classified as Class I milk and Class II milk.

By the Dairy Branch, Production and Marketing Administration:

27. Delete from § 971.10 (a) the phrase "(the exact amount to be determined by the market administrator, subject to review by the Secretary)" and substitute therefor the phrase ", or such lesser amount as the Secretary from time to time may prescribe."

28. Add in § 971.10 (a) the phrase "(not including such handler's own production)" following the phrase "during each month from producers."

By the Dayton-Springfield handlers:

29. Amend § 971.10 as follows:

a. In paragraph (a) thereof substitute "14th" for "12th."

b. In paragraph (b) thereof substitute "16th" for "14th."

GENERAL PROPOSALS

By the Dairy Branch, Production and Marketing Administration:

30. Make such other changes as may be required to make the entire marketing agreement or order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, as amended, may be procured from the market administrator, 434 Third National Bank Building, Dayton, Ohio, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: April 29, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-4188; Filed, May 1, 1947; 8:50 a. m.]

FEDERAL POWER COMMISSION

[18 CFR, Parts 01, 02, 03, 1,]

[Docket No. R–103]

GENERAL RULES INCLUDING RULES OF PRACTICE AND PROCEDURE

NOTICE OF PROPOSED RULE MAKING

APRIL 1, 1947.

In the matter of the amendment of the general rules, including rules of practice and procedure (effective September 11, 1946).

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On August 23, 1946 the Commission, acting pursuant to authority vested in it by the Federal Power Act, particularly sections 209 and 309 thereof, and the Natural Gas Act, particularly sections 16 and 17 thereof (49 Stat. 853, 858; 16 U. S. C. 824h, 825h; 52 Stat. 830, 15 U. S. C. 717o, 717p), adopted its Order No. 132 prescribing and promulgating general rules, including rules of practice and procedure, effective September 11, 1946. The said order and rules were served upon utilities, licensees and natural-gas companies, and were published in the FEDERAL REGISTER on September 11, 1946 (11 F. R. 177A, pp. 487–509); they were incorporated in the Code of Federal Regulations as Subchapter A, General Rules, of Chapter I, Title 18 of the said Code.

3. The new general rules, including the new rules of practice and procedure became effective on September 11, 1946. In the intervening period, a number of comments and suggestions for revising the rules have been received from members of the Commission staff, various practitioners before the Commission, and other persons representing utilities, licensees and natural-gas companies, subject to provisions of the Federal Power Act, or the Natural Gas Act, as amended. A number of amendments and suggestions were made by the Federal Power Bar Association in the report of its Committee on Practice and Procedure dated January 13, 1947.

4. Upon consideration of the various proposed amendments and suggestions received and experience acquired to date under the new rules, it appearing that it may be appropriate and consistent with the public interest to revise the rules, it is proposed that the Commission adopt, promulgate and prescribe the following amendments to its general rules including its rules of practice and procedure:

PART 01—ORGANIZATION

Section 01.4 *Delegations of final authority* (pp. 2–3),[1] with no change in the headnote, amend the section to read as follows:

§ 01.4 *Delegations of final authority.* The Commission has authorized:

(a) Except as otherwise expressly provided in the Commission's rules and regulations, the Secretary, or in his absence, the Acting Secretary, to receive and pass upon petitions, motions, or requests of electric public utilities, licensees, natural gas companies and other persons for extensions of time for doing other acts required or allowed to be done at or within a specified time by any rule, regulation, license, permit, certificate, or order of the Commission, not to exceed in any event an extension of 60-days beyond the time or period originally prescribed.

(b) The Secretary, or in his absence, the Acting Secretary, to schedule hearings and issue notices thereof.

(c) The Secretary, or in his absence, the Acting Secretary, to accept service of process upon behalf of the Commission.

(d) The Chief of the Bureau of Power to interpret schedules of power system statements of electric utilities (Forms No. 12, etc.) and to obtain supplemental information required to assure complete and adequate statements; and Regional Engineers to grant 30-day extensions of time for filing such statements.

(e) The Chief of the Bureau of Accounts, Finance and Rates to issue interpretations of the Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies; to suspend the requirements of Account 901, Charges by Associated Companies; clearing, of those systems; to interpret schedules of annual reports of electric public utilities, licensees, and natural gas companies (Forms No. 1, 2, etc.) and obtain supplemental information required to assure complete and adequate reports.

(f) The chief presiding examiner and the presiding examiners designated to preside at hearings, to exercise the powers and functions stated and enumerated for presiding officers in the Commission's rules and regulations, particularly its rules of practice and procedure (Part 1 of this chapter).

PART 02—COURSE AND METHOD OF OPERATION

1. Section 02.3 *Preliminary permits* (pp. 13–14), with no change in the headnote, amend the section to read as follows:

§ 02.3 *Preliminary permits.* (a) The requirements for applications for preliminary permits to maintain priority of applications for license, under section 4 (f) of the act, are stated in §§ 4.80, et seq. and 131.10 of this chapter. Such applications are referred to the Bureau of Power and the Bureau of Law for studies and recommendations. Notice of an application filed by any person, association, or corporation is published in local newspapers in the vicinity of the proposed project and is given to states and municipalities likely to be affected, pursuant to section 4 (f) of the act. After notice, a hearing may be held (see § 02.0). If a permit is authorized, it is issued in the manner provided in § 4.85 of this chapter.

(b) Applications for amendment of preliminary permits are governed by the provisions of § 4.84 of this chapter and are processed in the same manner as initial applications, except that notice is given only of applications involving substantial changes in the proposed plan of development.

(c) Proceedings for the cancellation of a preliminary permit may be initiated by a complaint or by Commission order served on the permittee and interested State agencies and published in the FEDERAL REGISTER. Such order is based on staff studies and recommendations by the Bureau of Power and the Bureau of Law. After notice, a hearing may be held (see § 02.0).

2. Section 02.4 *Licenses* (pp. 14–15), with no change in the headnote, amend the section to read as follows:

§ 02.4 *Licenses.* (a) The following applications are governed by the requirements of the cited regulations:

(1) Applications for license for proposed major projects (§§ 4.40, et seq. and 131.2 of this chapter).

(2) Applications for license for constructed major projects (§§ 4.50 et seq. and 131.2 of this chapter).

(3) Applications for amendment of licenses for major projects (§§ 5.1, et seq. and 131.30 of this chapter).

(4) Applications for renewal of licenses for major projects under licenses which expire on specified dates (§ 16.1 of this chapter).

(5) Applications for surrender of licenses for major projects (§ 6.1, et seq. of this chapter). Such applications are processed in the manner stated in § 02.3 (a), except those for amendment or surrender of licenses may be acted on by the Commission after thirty (30) days' public notice published in the FEDERAL REGISTER and, if deemed necessary, in local newspapers.

(b) The following applications are processed in the manner stated in § 02.3 (a), except for notice, according to the requirements of the cited regulations:

(1) Applications for licenses for minor projects (§§ 4.60, et seq. and 131.6 of this chapter).

(2) Applications for licenses for transmission lines only (§§ 4.70, et seq. and 131.5 of this chapter).

(3) Applications for extension of time for commencing or completing construction of a project (§§ 5.3 and 131.30 of this chapter).

(4) Applications for amendment of licenses for minor projects or transmission lines only (§§ 51.1 et seq. and 131.30 of this chapter).

(5) Applications for approval of transfer of license or lease of project property (§§ 9.1 et seq. and 131.20 of this chapter).

(6) Applications for renewal of licenses for minor projects or transmission lines only under license which expires on a specified date (§ 16.1 of this chapter).

(7) Applications for approval of plans and exhibits (§§ 5.2 and 131.30 of this chapter).

(8) Applications for surrender of licenses for minor projects or transmission lines only (§ 6.1 et seq. of this chapter).

(9) Applications for annual licenses (§ 16.1 of this chapter).

(10) Applications concerning a minor part only of a complete project except for transmission lines only (Regulations

[1] The page references set out in parenthesis throughout this notice refer to pages in the pamphlet publication of the Commission's general rules including rules of practice and procedure (effective September 11, 1946).

for similar applications for major projects are applicable).

(c) *Termination of license.* Proceedings for the termination of a license pursuant to section 13 of the act may be initiated by a complaint or by Commission order served on the licensee and interested State agencies and published in the FEDERAL REGISTER. Such order is based on staff studies and recommendations by the Bureau of Power and the Bureau of Law. After notice, a hearing may be held (see § 02.0).

PART 03—SUBSTANTIVE RULES, GENERAL POLICY, AND INTERPRETATIONS

1. Redesignate § 03.1 as § 03.2, with no change in headnote or text, and insert a new § 03.1, with the headnote *"Regulations under the Federal Power Act"*, to read as follows:

§ 03.1 *Regulations under the Federal Power Act.* The regulations under the Federal Power Act, considered in part substantive and in part procedural, are published as Parts 4, 5, 6, 9, 11, 16, 20, 24, 25, 32, 33, 34, 35, 41, and 45 of this chapter.

2. Add new § 03.3, with the headnote *"Approved forms"*, to read as follows:

§ 03.3 *Approved form.* The approved forms, statements, and reports under the Federal Power Act, are listed and described in §§ 02.13 and 02.44 of this chapter.

3. Redesignate § 03.51 as § 03.52, with no change in title or text, and insert a new § 03.51, with the headnote *"Regulations under the Natural Gas Act"*, to read as follows:

§ 03.51 *Regulations under the Natural Gas Act.* The regulations under the Natural Gas Act, considered in part substantive and in part procedural, are published as Parts 153, 154, 157 and 158 of this chapter.

4. Add new § 03.53, with the headnote *"Approved forms"*, to read as follows:

§ 03.53 *Approved forms.* The approved forms, statements, and reports under the Natural Gas Act, are listed and described in § 02.73 of this chapter.

PART 1—RULES OF PRACTICE AND PROCEDURE

1. Section 1.1 *The Commission* (Rule 1, pp. 101–104),[2] amend paragraphs (c) (3) and (f) (13) to read as follows:

(c) *Sessions.* The Commission meets and exercises its powers in any part of the United States.

• • • • •

(3) *Special.* Special sessions of the Commission for consultation, or for the transaction of business, may be held at any time and place as may be scheduled by the Commission.

• • • • •

(f) *Definitions.* As used in the regulations in this part, except as otherwise required by the context:

• • • • •

(13) *Interveners.* Persons petitioning to intervene as provided by § 1.8, when admitted as a participant to a proceeding, and State Commissions giving notice of intervention as provided in § 1.8, are styled interveners. Admission as an intervener shall not be construed as recognition by the Commission that such intervener might be aggrieved by any order of the Commission in such proceeding.

2. Section 1.4 *Appearances and practice before the Commission* (Rule 4, pp. 109–110), amend paragraph (a) (4) to read as follows:

(a) *Appearances.* • • •

(4) Any person appearing before or transacting business with the Commission in a representative capacity may be required by the Commission or the presiding officer to file evidence of his authority to act in such capacity.

3. Section 1.6 *Complaints* (Rule 6, pp. 113–114), change the headnote to read *"Complaints and orders to show cause"*, and amend the section to read as follows:

§ 1.6 *Complaints and orders to show cause*—(a) *Informal complaints*—(1) *Form.* Informal complaints may be made by letter or other writing, and will be filed as received. Matters informally presented will, if their nature so warrants, be taken up by correspondents or conference with the party or parties complained of in an endeavor to bring about satisfaction of the complaint without formal hearing.

(2) *Substance.* No form of informal complaint is prescribed but in substance it should contain the name and address of complainant, the name and address of the party against whom the complaint is made, and a brief statement of the facts forming the basis of such complaint. Although the filing of an informal complaint is without prejudice to complainant's right to file a formal complaint, only formal complaints submitted and prosecuted in the manner hereinafter prescribed will initiate formal proceedings or make complainant a party to any proceedings already initiated, and only formal complaints will be admitted in the record of formal proceedings. It is desirable that the informal complaint be accompanied by sufficient copies to enable the Commission to transmit one to each party named and to each interested State commission, and retain one for its own use, and it may be accompanied by supporting papers.

(b) *Formal complaints*—(1) *Form.* Formal complaints shall be in writing and under oath and shall conform to the requirements of §§ 1.15 and 1.16. In such complaints there shall be stated the names and addresses of all parties, complainant and defendant, in full without abbreviations, with the name and address of each complainant's attorney, if any.

(2) *Substance.* Formal complaints shall be so drawn as fully and completely to advise the parties, defendant and the Commission of the facts constituting the grounds of the complaint, the provisions of statutes, rules, regulations, and orders relied upon, involving authority of the Commission, the injury complained of, and the relief sought.

(c) *Joinder.* Two or more grounds of complaint involving the same purposes, subject, or state of facts, may be included in one complaint, but should be separately stated and numbered; and two or more complainants may join in one complaint if their respective causes of complaint are against the same defendant or defendants, and involve substantially the same purposes and subject, and a like state of facts.

(d) *Orders to show cause.* Whenever the Commission desires to institute a proceeding against any person under statutory or other authority, the Commission may commence such action by an order to show cause setting forth the grounds for such action. Said order will contain a statement of the particulars and matters concerning which the Commission is inquiring, which shall be deemed to be tentative and for the purpose of framing issues for consideration and decision by the Commission in the proceeding, and the order will require that the respondent named respond orally, or in writing (as provided in § 1.9 (c)), or both.

4. Section 1.8 *Intervention* (Rule 8, pp. 117–118), amend the section to read as follows:

§ 1.8 *Intervention*—(a) *Initiation of intervention.* Participation in a proceeding as an intervener may be initiated as follows:

(1) By the filing of a notice of intervention by a State Commission, including any regulatory body of the State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy, or natural gas, as the case may be, to consummers within the State or municipality.

(2) By order of the Commission upon petition to intervene.

(b) *Who may petition.* A petition to intervene may be filed by any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. Such right or interest may be:

(1) A right conferred by statute of the United States;

(2) An interest which may be directly affected and which is not adequately represented by existing parties and as to which petitioners may be bound by the Commission's action in the proceeding (the following may have such an interest: Consumers served by the applicant, defendant, or respondent; holders of securities of the applicant, defendant, or respondent; and competitors of the applicant, defendant, or respondent).

(3) Any other interest of such nature that petitioner's participation may be in the public interest.

(c) *Form and contents of petitions.* Petitions to intervene shall set out clearly and concisely the facts from which the nature of the petitioner's alleged right or interest can be determined, the grounds of the proposed intervention, and the position of the petitioner in the proceed-

[2] In Part 1 of Subchapter A the Code section numbers to the right of the decimal points correspond with the respective "rule" numbers set forth in the pamphlet publication of the Commission's general rules including rules of practice and procedure (effective September 11, 1946); the appropriate rule and page references are given in parentheses at the beginning of each Code section proposed to be amended.

ing, so as fully and completely to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding, and citing by appropriate reference the statutory provisions or other authority relied on. They shall in other respects comply with the requirements of §§ 1.15 and 1.16.

(d) *Filing and service of petitions.* Petitions to intervene and notices of intervention shall be filed with the Commission within the time provided in any notice of the proceeding or in the order fixing date of hearing, but not less than 10 days before the date set for the commencement of the hearing, if any, except as otherwise specifically permitted by the Commission in extraordinary circumstances for good cause shown. Service shall be made as provided in § 1.17. Where a person has been permitted to intervene notwithstanding his failure to file his petition within the time prescribed in this paragraph, the Commission or presiding officer may, where the circumstances warrant, admit any exhibit in evidence without requiring additional copies thereof to be produced for such intervener.

(e) *Answers to petitions.* Any party to the proceeding or staff counsel may file an answer to a petition to intervene, and in default thereof, may be deemed to have waived any objection to the granting of such petition. If made, answers shall be filed within 10 days after the date of service of the petition, but not later than 5 days prior to the date set for the commencement of the hearing, if any, unless for cause the Commission with or without motion shall prescribe a different time. They shall in all other respects conform to the requirements of §§ 1.15 to 1.17, inclusive.

(f) *Notice and action on petitions—*(1) *Notice and service.* Petitions to intervene, when tendered to the Commission for filing, shall show service thereof upon all participants to the proceeding in conformity with § 1.17 (b).

(2) *Action on petitions.* As soon as practicable after the expiration of the time for filing answers to such petitions or default thereof, as provided in paragraph (e) of this section, the Commission will grant or deny such petition in whole or in part or may, if found to be appropriate, authorize limited participation. No petitions to intervene may be filed or will be acted upon during a hearing unless permitted by the Commission after opportunity for all parties to object thereto. Only to avoid detriment to the public interest will any presiding officer tentatively permit participation in a hearing in advance of, and then only subject to, the granting by the Commission of a petition to intervene.

(g) *Limitation in hearings.* Where there are two or more interveners having substantially like interests and positions, the Commission or presiding officer may, in order to expedite the hearing, arrange appropriate limitations on the number of attorneys who will be permitted to cross-examine and make and argue motions and objections on behalf of such interveners.

5. Section 1.9 *Answers* (Rule 9, pp. 119–120), amend the section to read as follows:

§ 1.9 *Answers*—(a) *Answers to formal complaints and petitions.* Answers to formal complaints and petitions, other than petitions to intervene, shall be filed with the Commission within 30 days after the date of service, unless for cause the Commission with or without motion shall prescribe a different time, but in no case shall answer be required in less than 10 days after the date of service. Any defendant failing to file answer within such period shall be deemed in default, and all relevant basic facts stated in such complaint or petition may be deemed admitted. All answers shall be in writing and under oath, and so drawn as fully and completely to advise the parties and the Commission as to the nature of the defense. They shall admit or deny specifically and in detail each material allegation of the pleading answered, and state clearly and concisely the facts and matters of law relied upon. They shall conform to the requirements of §§ 1.15 to 1.17, inclusive.

(b) *Answers to petitions to intervene.* See § 1.8 (e).

(c) *Answers to orders to show cause.* Any person upon whom an order to show cause has been served under § 1.6 shall, if directed so to do, respond to the same by filing within the time specified in said order an answer in writing and under oath. Such answer shall be drawn so as specifically to admit or deny the allegations or charges which may be made in said order, set forth with particularity the facts upon which respondent relies, and state concisely the matters of law relied upon. Mere general denials of the allegations of said order unsupported by specific facts upon which respondent relies will not be considered as complying with the order and may be deemed a basis for entry of a final order without hearing, unless otherwise required by statute, on the ground that the response has raised no issues requiring a hearing or further proceedings. Any respondent failing to file answer within the time allowed shall be deemed in default, and all relevant facts stated in said order to show cause may be deemed admitted. Such answer shall otherwise conform to the requirements of §§ 1.15 to 1.17, inclusive.

(d) *Answers to motions.* See § 1.12 (c).

(e) *Defendants seeking affirmative relief.* Defendants seeking relief against other parties in a proceeding by reason of the presence of common questions of law or fact shall set forth in their answer the facts constituting the grounds of complaint, the provisions of the statutes, rules, regulations, or orders relied upon, the injury complained of, and the relief sought. The answer shall in all other respects conform to the requirements of this section and §§ 1.15 to 1.17, inclusive.

(f) *Replies to defendants seeking affirmative relief.* Unless otherwise ordered by the Commission, replies to answers seeking affirmative relief must be filed and served within 15 days after the service of the answer, but not later than 5 days prior to the date set for the commencement of the hearing, if any. They shall in all other respects conform to the requirements of §§ 1.15 to 1.17, inclusive.

(g) *Answers to amendments of pleadings.* Any party to a proceeding or staff counsel may file an answer to any amendment, modification or supplement to an application, complaint, petition or other pleading. If made, answers shall be filed within 15 days after the date of service of the amendment, modification or supplement, unless for cause the Commission or presiding officer with or without motion shall prescribe a different time. They shall in all other respects conform to the requirements of §§ 1.15 to 1.17, inclusive.

(h) *Satisfaction of complaints.* If the defendant satisfies a formal complaint either before or after answering, a statement to that effect signed by the opposing parties shall be filed, setting forth when and how the complaint has been satisfied and requesting dismissal. Such statements shall be served upon all parties, and the original copies of such statements, when filed, shall show service on all parties, and in other respects shall conform to the requirements of §§ 1.15 to 1.17, inclusive; all additional copies shall be conformed thereto.

6. Section 1.11 *Amendments and withdrawal of pleadings* (Rule 11, pp. 123–124), amend paragraphs (a) and (d) of the section to read as follows:

§ 1.11 *Amendments and withdrawal of pleadings*—(a) *Amendments.* Any modification or supplement to an application, complaint, petition or other pleading shall be deemed as an amendment to the pleading, and shall comply with all requirements of the regulations in this part relating to the pleading amended in so far as appropriate and in all other respects shall conform to the requirements of §§ 1.15 to 1.17, inclusive. Upon its own motion or upon motion promptly filed by any participant, the Commission may for good cause decline to permit, or may strike in whole or in part, any amendment. No amendment to a pleading may be filed within 5 days next preceding the commencement of or during a hearing unless directed or permitted by the Commission or the presiding officer after opportunity for all parties to be heard thereon.

* * * * *

(d) *Withdrawal of pleadings.* A participant desiring to withdraw a pleading filed with the Commission may file a notice of withdrawal thereof with the Commission. Such notice shall set forth the reasons for the withdrawal and conform to the requirements of this section and §§ 1.15 to 1.17, inclusive, as to copies, form, service, subscription, and verification. A certificate shall accompany every such notice showing service on all participants. Unless otherwise ordered by the Commission for good cause, such notice shall, 30 days after the filing thereof, be deemed to have effected the withdrawal of the pleading, including amendments, if any: *Provided, however,* That this paragraph shall not be construed as effecting, without express permission of the Commission, withdrawal of:

(1) Any pleading in any proceeding in which a hearing has been held or is in progress;

(2) Any formal complaint, answer thereto, response to order to show cause, or any amendment to any of the aforesaid pleadings;

(3) Any declaration of intention or application for license, or amendment thereof, under Part I of the Federal Power Act.

7. Section 1.12 *Motions* (Rule 12, p. 125), amend the section to read as follows:

§ 1.12 *Motions*—(a) *Scope and contents.* After a hearing has commenced in a proceeding, a request may be made by motion for any procedural or interlocutory ruling or relief desired except as may be expressly provided for in §§ 1.5, 1.6, 1.7 (b) and (c), 1.8, 1.9, 1.10 and 1.11. Other motions may be made as provided for elsewhere in the regulations in this part. Motions shall set forth the ruling or relief sought, and state the grounds therefor and the statutory or other authority relied upon.

(b) *Presentation.* The requirements of §§ 1.15 to 1.17, inclusive shall apply to all written motions. Motions made during hearings may be stated orally upon the record, *Provided, however,* That the Commission or presiding officer may require that such motions be reduced to writing and filed separately.

(c) *Objections.* Any party or staff counsel shall have ten days within which to answer or object to any motion unless the period of time is otherwise fixed by the Commission or presiding officer.

(d) *Rulings on.* The presiding officer designated to preside at a hearing is authorized to rule upon any motion not formally acted upon by the Commission prior to the commencement of the hearing where immediate ruling is essential in order to proceed with the hearing, and upon any motion filed or made after the commencement thereof and prior to the submission of his initial or recommended decision in the proceeding: *Provided, however,* That no motion made before or during a hearing, a ruling upon which would involve or constitute a final determination of the proceeding, shall be ruled upon by a presiding officer except as a part of either his initial or recommended decision submitted after the conclusion of the hearing: *Provided further,* That this section shall not be construed as precluding a presiding officer, within his discretion, from referring any motion to the Commission for ultimate determination. The Commission will rule upon all other motions and upon such motions as presiding officers may certify to the Commission for disposition.

8. Section 1.13 *Time; extensions of time; continuances* (Rule 13, pp. 127–128), change the headnote to read "*Time; extensions of time; issuance of orders,*" and amend the section to read as follows:

§ 1.13 *Time; extensions of time; issuance of orders*—(a) *Computation of time.* Except as otherwise provided by law, in computing any period of time prescribed or allowed by these rules, by any rule, regulation, or order of the Commission, or by any applicable statute, the day of the act, event, or default from or after which the designated period of time begins to run shall not be included, but the last day of the period so computed shall be included, unless it is a Saturday, Sunday, or a legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or a holiday. A part-day holiday shall be considered as other days and not as a holiday.

(b) *Issuance of orders.* In computing any period of time involving the date of the issuance of an order by the Commission, the day of issuance of an order shall be the day the Office of the Secretary mails or delivers copies of the order (full text) to the parties or their attorneys of record, or makes such copies public, whichever be the earlier. Orders will not be made public prior to their mailing or delivery to the parties or their attorneys of record, except where the Commission finds the public interest so requires. The day of issuance of an order may or may not be the day of its adoption by the Commission. In any event, the Office of the Secretary shall clearly indicate on each order the date of its issuance. At the time any intermediate initial or tentative decision becomes effective as a decision of the Commission in the absence of Commission review as provided for by §§ 1.30 and 1.31, the Secretary will issue and serve upon the parties or their attorneys of record an appropriate notice of the date such decision became effective as a Commission decision or order.

(c) *Effective dates of orders.* Orders of the Commission shall be effective as of the dates of issuance unless otherwise specifically provided in the orders.

(d) *Extensions of time.* Except as otherwise provided by law, whenever by any rule, regulation, or order of the Commission, or any notice given thereunder, an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may, by the Commission or the presiding officer, for good cause be extended upon motion made before expiration of four-fifths of the period originally prescribed or as previously extended; and upon motion made after the expiration of the specified period, the act may be permitted to be done where reasonable grounds are found for the failure to act and where neither the interest of the public nor any party will be prejudiced thereby.

(e) *Continuances.* Except as otherwise provided by law, the Commission may for good cause at any time, with or without motion, continue or adjourn any hearing. A hearing before the Commission or a presiding officer, shall begin at the time and place ordered by the Commission, but thereafter may be adjourned from time to time or from place to place by the Commission or the presiding officer.

(f) *Requests for continuance, time extensions.* Except as otherwise provided by law, requests for continuance of hearings or for extensions of time in which to perform any act required or allowed to be done at or within a specified time by any rule, regulation, or order of the Commission, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a hearing in a proceeding, such requests may be made by oral motion in the hearing before Commission or the presiding officer. Written motions filed under this section shall conform to the requirements of §§ 1.12 and 1.15 to 1.17, inclusive.

9. Section 1.15 *Formal requirements as to pleadings, documents, and other papers filed in proceedings* (Rule 15, pp. 131–132), amend paragraph (b) of the section to read as follows:

(b) *Copies.* Except as may be otherwise required by the rules or regulations of the Commission, or ordered or requested by the Commission, at the time pleadings, documents, or other papers other than correspondence, are filed with the Commission, there shall be furnished to the Commission an original and 19 conformed copies of such papers and exhibits, if any: *Provided, however,* When service is made by the parties, only an original and 14 conformed copies need be filed. (See § 1.17 (f) re service and § 1.26 (c) (5) re exhibits in hearings.)

10. Section 1.16 *Subscription and verification* (Rule 16, p. 133), amend the section to read as follows:

§ 1.16 *Subscription and verification*—(a) *Subscription*—(1) *By whom.* Applications, formal complaints, petitions and other pleadings, amendments thereto, notices, reports, exhibits, and other requests, submittals, or statements filed with the Commission shall be subscribed: (1) By the person filing the same, and severally if there be more than one person so filing; (2) by an officer thereof if it be a corporation, trust, association, or other organized group; (3) by an officer or employee thereof if it be a State commission, a department or political subdivision of a State, or other governmental authority, agency, or instrumentality; or (4) by an attorney having authority with respect thereto. Applications, formal complaints, petitions to intervene and petitions initiating proceedings, filed by any corporation, trust, association, or other organized group, may be required to be supplemented by appropriate evidence of the authority of the officer or attorney subscribing such pleadings.

(2) *Effect.* The signature of the person, officer or attorney subscribing any pleading or matter filed with the Commission constitutes a certificate by such individual that he has read the pleading or matter being subscribed and filed, and knows the contents thereof; that if executed in any representative capacity, the matter has been subscribed and executed in the capacity specified upon the pleading or matter filed with full power and authority so to do; that the contents are true as stated, except as to matters and things, if any, stated on information and belief, and that as to those matters and things, he believes them to be true.

(b) *Verification.* Any facts alleged in the matter filed shall be verified under oath by the person filing, an officer, or other person having knowledge of the matters set forth. If the verification be by any one other than the person filing or other than an officer thereof there shall be filed with the Commission a statement of the reason therefor.

11. Section 1.17 *Service* (Rule 17, pp. 135–136), amend paragraphs (e) and (f) of the section to read as follows:

(e) *Certificate of service.* There shall accompany and be attached to the original of each pleading, document, or other paper filed with the Commission, when service is required to be made by the parties, a certificate of service in the form prescribed, 18 CFR 131.1, 250.1. All other copies filed shall be fully conformed thereto.

(f) *Copies.* Where service is made by the parties, or service is not required to be made, save to the extent a different number is required by the Commission's rules and regulations governing the specific filing, an original and 14 conformed copies of such pleadings, documents, or other papers, together with exhibits, if any, shall be filed with the Commission in lieu of the original and 19 conformed copies required by § 1.15 (b). (See § 1.26 (c) (5) re exhibits in hearings.)

12. Section 1.18 *Prehearing conferences* (Rule 18, pp. 137–138), change the headnote to read *"Prehearing conferences; offers of settlement"*, and amend the section to read as follows:

§ 1.18 *Prehearing conference; offers of settlement*—(a) *To adjust or settle proceedings.* In order to provide opportunity for settlement of a proceeding, or any of the issues therein, there may be held at any time prior to or during hearings before the Commission or a presiding officer designated to preside at conferences or hearings, such informal conferences of parties and staff counsel for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment as time, the nature of the proceeding, and the public interest may permit.

(b) *To expedite hearings.* To expedite the orderly conduct and disposition of any hearing, at such prehearing conferences as may be held, there may be considered, in addition to any offers of settlement or proposals of adjustment, the possibility of the following:

(1) The simplification of the issues;

(2) The exchange and acceptance of service of exhibits proposed to be offered in evidence;

(3) The obtaining of admissions as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may properly be dealt with to aid in expediting the orderly conduct and disposition of the proceeding.

(c) *Initiation of conferences.* The Commission with or without motion may direct that a prehearing conference be held. Upon motion by a party or staff counsel timely filed, a presiding officer designated to preside at the hearing or such other officer as may be designated may direct the attorneys for the parties to such proceedings and staff counsel to appear for a prehearing conference to consider the matters outlined in paragraph (b) of this section. Due notice of the time and place of such conference will be given to all parties to the proceeding and staff counsel.

(d) *Conference results stipulated.* Upon conclusion of a prehearing conference, attorneys for the parties and staff counsel shall immediately reduce the results thereof to the form of a written stipulation which recites the matters agreed upon, and 10 copies thereof shall forthwith be filed with the Commission by the presiding officer of such conference. Such stipulations may be received in evidence at a hearing and, when so received, shall be binding on the parties and staff counsel with respect to the matters therein stipulated.

(e) *Offers of settlement.* Nothing contained in this Rule shall be construed as precluding any party to a proceeding from submitting at any time offers of settlement or proposals of adjustment to all other parties and to the Commission (or to staff counsel for transmittal to the Commission), or from requesting conferences for such purpose. Offers of settlement and the contents thereof shall be without prejudice to anyone if not accepted and acted upon.

13. Section 1.20 *Hearings* (Rule 20, pp. 141–144), amend paragraphs (b) and (k) of the section to read as follows:

(b) *Consolidation.* The Commission, upon its own motion, or upon motion by a party or staff counsel, may order proceedings involving a common question of law or fact to be consolidated for hearing of any or all the matters in issue in such proceedings.

(k) *Transcript and record.* Hearings shall be stenographically reported by the official reporter of the Commission, and a transcript of said report shall be a part of the record and the sole official transcript of the proceeding. Such transcripts shall include a verbatim report of the hearings; nothing shall be omitted therefrom except as is directed on the record by the Commission or the presiding officer. After the closing of the record, there shall not be received in evidence or considered as part of the record any document, letter, or other writing submitted after the close of testimony except as provided in paragraph (j) of this section, or changes in the transcript as provided in paragraph (l) of this section.

14. Section 1.23 *Subpenas* (Rule 23, p. 149), amend paragraph (a) of the section to read as follows:

§ 1.23 *Subpenas*—(a) *Issuance.* Subpenas for the attendance of witnesses or for the production of documentary evidence, unless directed by the Commission upon its own motion, will issue only upon application in writing to the Commission or the presiding officer, except that during sessions of a hearing in a proceeding, such application may be made orally on the record before the Commission or presiding officer, who is hereby given authority to determine the relevancy and materiality of the evidence sought and to issue such subpenas in accordance with such determination. Such written applications shall be verified and shall specify as nearly as may be the general relevance, materiality, and scope of the testimony or documentary evidence sought, including, as to documentary evidence, specification as nearly as may be, of the documents desired and the facts to be proved by them in sufficient detail to indicate the materiality and relevance of such documents.

15. Section 1.24 *Depositions* (Rule 24, pp. 151–153), amend paragraphs (a), (e) and (h) to read as follows:

§ 1.24 *Depositions*—(a) *When permissible.* The testimony of any witness may be taken by deposition, upon application by a participant in a proceeding pending before the Commission, at any time before the hearing is closed, upon approval by the Commission or the presiding officer.

* * * * *

(e) *Oath and reduction to writing.* Every person whose testimony is taken by deposition shall be sworn, or shall affirm concerning the matter about which he shall testify, before any questions are put or testimony given. The testimony shall be reduced to writing by the Officer, or under his direction, after which the deposition shall be subscribed by the witness and certified in the usual form by the Officer. Unless otherwise directed in the authorization, after the deposition has been so subscribed and certified, it shall, together with the number of copies specified in the authorization, the copies being made by such Officer or under his direction, be forwarded by such Officer in a sealed envelope addressed to the Commission at its office in Washington 25, D. C., with sufficient stamps for postage affixed. Upon receipt thereof, the Secretary shall file the original in the proceeding and shall forward a copy to each party or his attorney of record and to staff counsel.

* * * * *

(h) *Not part of record unless received in evidence.* No part of a deposition shall constitute a part of the record in the proceeding, unless received in evidence by the Commission or presiding officer. Objection may be made at the hearing in the proceeding to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witnesses were then present and testifying.

16. Section 1.25 *Stipulations* (Rule 25, p. 155), amend paragraph (b) of the section to read as follows:

(b) *Form, style, and service.* Stipulations shall conform to the applicable requirements of § 1.15 to 1.17, inclusive, except stipulations made orally on the record during the hearings.

17. Section 1.26 *Evidence* (Rule 26, pp. 157–158), amend paragraph (a), and paragraphs (c) (3), (4) and (5), to read as follows:

§ 1.26 *Evidence*—(a) *Form and admissibility.* In any proceeding before the Commission or a presiding officer relevant and material evidence shall be admissible, but there shall be excluded such evidence as is unduly repetitious or cumulative, or such evidence as is not of the kind which would affect reasonable and fair-minded men in the conduct of their daily affairs.

(c) *Documentary.* * * *

(3) *Records in other proceedings.* When any portion of the record in any other proceeding before the Commission is offered in evidence and shown to be relevant and material to the instant proceeding, a true copy thereof shall be presented in the form of an exhibit, together with additional copies as provided in subparagraph (5) of this paragraph, unless:

(i) The participant offering the same agrees to supply, within a period of time specified by the Commission or the presiding officer, such copies at his own expense, if and when so required; and

(ii) The portion is specified with particularity in such manner as to be readily identified, and upon motion is admitted in evidence by reference to the records of the other proceeding.

(4) *Form and size.* Wherever practicable, all exhibits of a documentary character received in evidence shall be on paper of good quality and so prepared as to be plainly legible and durable, whether printed, photostated or typewritten, and shall conform to the requirements of § 1.15 whenever practicable.

(5) *Copies to parties and Commission.* Except as otherwise provided in the regulations in this part when exhibits of a documentary character are offered in evidence, copies shall be furnished to the presiding officer and to the parties or counsel, including staff counsel, unless the Commission or the presiding officer otherwise directs. In addition, unless otherwise directed by the Commission or the presiding officer, 4 copies of each exhibit of documentary character shall be furnished for the use of the Commission.

18. Section 1.27 *Presiding officers.* (Rule 27, pp. 161–162), amend paragraphs (a) and (b) of the section to read as follows:

§ 1.27 *Presiding officers*—(a) *Designation.* When evidence is to be taken in a proceeding, either the Commission or, when duly designated for that purpose, one or more of its members, presiding examiners, or other representative appointed according to law, may preside at the hearing.

(b) *Authority delegated.* Presiding officers duly designated by the Commission to preside at hearings shall have the authority, within the Commission's powers and subject to its published rules, as follows:

(1) To regulate the course of hearings;

(2) To administer oaths and affirmations;

(3) To issue subpenas;

(4) To rule upon offers of proof and receive evidence;

(5) To take or cause depositions to be taken;

(6) To hold appropriate conferences before or during hearings;

(7) To dispose of procedural matters but not, before their initial or recommended decisions, to dispose of motions made during hearings to dismiss proceedings or other motions which involve final determination of proceedings;

(8) Within their discretion, or upon direction of the Commission, to certify any question to the Commission for its consideration and disposition;

(9) To submit their initial or recommended decisions in accordance with § 1.30;

(10) To take any other action necessary or appropriate to the discharge of the duties vested in them, consistent with the statutory or other authorities under which the Commission functions and with the rules, regulations, and policies of the Commission.

19. Section 1.28 *Appeals to Commission from rulings of presiding officers during hearings* (Rule 28, pp. 163–164), strike the last two words of the headnote and amend the section to read as follows:

§ 1.28 *Appeals to Commission from rulings of presiding officers during hearings*—(a) *During hearing.* Rulings of presiding officers may not be appealed from during the course of hearings except in extraordinary circumstances where prompt decision by the Commission is necessary to prevent detriment to the public interest should the presiding officer's ruling later be reversed by the Commission. In such instance the matter shall be referred forthwith by the presiding officer to the Commission for determination.

(b) *Offers of proof.* Any offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

20. Section 1.29 *Briefs and oral arguments before presiding officers and proposed findings and orders* (Rule 29, pp. 165–166), amend paragraph (e) of the section to read as follows:

(e) *Briefs, filing and service.* Briefs not filed and served on or before the dates fixed therefor shall not be accepted for filing, except by special permission of the Commission or the presiding officer. All briefs shall be accompanied by a certificate showing service upon all parties or their attorneys who appeared at the hearing or on brief, and except where filing of a different number is permitted or directed by the Commission or presiding officer, 20 copies of each brief shall be furnished for the use of the Commission. Requests for the extension of time in which to file briefs shall conform to the requirements of § 1.13, and shall be filed at least five days before the time fixed for filing such briefs.

21. Section 1.31 *Exceptions to intermediate decisions and briefs and oral arguments before Commission* (Rule 31, pp. 171–172), amend paragraphs (a) and (c), paragraph (d) (2), and paragraphs (e) and (f), to read as follows:

(a) *Exceptions, filing of.* Any party or staff counsel desiring to appeal to the Commission may, within 20 days after the service of a copy of an intermediate decision (initial or recommended by subordinates, or tentative by Commission), or such other time as may be fixed by the Commission, file exceptions thereto.

* * * * *

(c) *Failure to except results in waiver.* Failure to file exceptions within the time allowed under this rule shall constitute a waiver of all objections to the intermediate decision served. No matter not included in the exceptions filed as provided in this section may thereafter be objected to before the Commission upon brief or oral argument, or in an application for Commission rehearing; and any matter not included in such exceptions shall be deemed waived. Exceptions covering rulings admitting or excluding evidence not objected to at the time the rulings were made, will be unavailing.

(d) *Briefs and oral argument before Commission.* * * *

(2) *Hearing before presiding officer.* In proceedings in which the Commission has not presided at the reception of the evidence, any party or staff counsel may file a motion requesting opportunity to present oral argument or to file briefs concerning matters before the Commission for decision, except that where exceptions have been filed, they shall constitute the brief before the Commission. Such motions may be filed at any time during a proceeding, but not later than the time permitted for the filing of exceptions to the intermediate decision: *Provided, however,* That opportunity to file briefs or to make oral argument may be requested in motions for waiver of intermediate decisions, as provided in § 1.30.

(e) *Briefs and arguments, contents and scope.* When the Commission has presided at the reception of the evidence, or when the parties have waived the intermediate decision procedure, briefs and arguments before the Commission may include and present for consideration the matters as provided in § 1.29 relating to briefs and oral arguments before presiding officers, and in all other respects, as applicable, such arguments and briefs shall conform to the requirements of § 1.29. In all other proceedings, briefs, and oral arguments before the Commission may include those matters that may properly be included and presented in exceptions to intermediate decisions, subject to the same conditions contained in paragraph (c) of this section.

(f) *Exceptions and briefs, form and service.* Exceptions and briefs shall conform to the requirements as applicable of §§ 1.15 and 1.17 as to copies, form, and service, 15 copies thereof being filed with the Commission, in addition to the copies served on the parties to the proceeding.

22. Section 1.32 *shortened procedures* (Rule 32, p. 175), amend paragraph (b) of the section to read as follows:

(b) *Noncontested proceedings.* In any proceeding required by statute to be set for hearing, the Commission when it appears to be in the public interest and to the interest of the parties to grant the relief or authority requested in the initial pleading, and to omit the intermediate decision procedure, may after a hearing during which no opposition or contest develops, forthwith dispose of the proceeding upon consideration of the pleadings and other evidence filed and incorporated in the record: *Provided,* (1) The applicant or initial pleader requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity for filing exceptions to the decision of the Commission; and (2) no issue of substance is raised by any request to be heard, protest or petition filed subsequent to publication in the FEDERAL REGISTER of the notice of the filing of an initial pleading and notice or order fixing date of hearing, which notice or order shall state that the Commission considers the proceeding a proper one for disposition under the provisions of this section, and shall otherwise conform with the requirements of § 1.19. Requests for the procedure provided by this section may be contained in the initial pleading or subsequent request in writing to the Commission. The decision of the Commission in such proceeding after noncontested hearing, will be final, subject to reconsideration by the Commission upon application for rehearing as provided by statute.

5. The amendments are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 209 and 309 thereof, and the Natural Gas Act, as amended, particularly sections 16 and 17 thereof (49 Stat. 853, 858; 16 U. S. C. 824h, 825h; 52 Stat. 830, 15 U. S. C. 717o, 717p).

6. Any interested persons may submit to the Federal Power Commission not later than May 20, 1947, data, views and comments in writing concerning the proposed amendments. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4171; Filed, May 1, 1947; 9:02 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8407, Amdt.]

GUSTAV HERTER

In re: Estate of Gustav Herter, deceased. File F-28-2346.

Vesting Order Number 8407, dated March 11, 1947, is hereby amended as follows and not otherwise:

By deleting: "That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and the Estate of Gustav Herter, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany):" and by substituting therefor: "That the right of said Dina Henrietta Johanna Herter under section 18 of the Decedent Estate Law of New York to file an election to take her share of the Estate of Gustav Herter, deceased, as in intestacy, and all other right, title, interest and claim of any kind or character whatsoever of said Dina Henrietta Johanna Herter in, to and against the Estate of said Gustav Herter, deceased, is property or an interest therein owned or controlled by, payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);"

All other provisions of said Vesting Order 8407 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4186; Filed, May 1, 1947; 8:49 a. m.]

[Vesting Order 8705]

ANNA WEGENER

In re: Estate of Anna Wegener, deceased. D-28-9481; E. T. sec. 12794.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Burckhardt and Johanne Schierloh, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. The sum of $1,397.27.

b. Three (3) shares of common stock of the Insull Utility Investments, Inc. without par value as represented by stock certificates Nos. CO-101404, CO-117767 and CO-211990, each for one (1) share issued in the name of Anna Wegener, together with any declared and unpaid dividends, and

c. Certificate of Deposit No. AO-2786 in the name of Anna Wegener issued by Central Trust Company of Illinois, depositary, for one (1) share of Prior Preferred Stock (Series A) of Chicago Rapid Transit Company together with all rights thereunder and thereto,

was delivered to the Alien Property Custodian by Mathias F. Kannen, Administrator of the Estate of Anna Wegener, deceased;

3. That the property described in subparagraph 2 hereof is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the property described in subparagraph 2-a hereof in the Alien Property Custodian on August 21, 1946 and the property described in subparagraphs 2-b and 2-c hereof in the Attorney General of the United States on January 27, 1947, by the acceptance thereof on said dates pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4175; Filed, May 1, 1947; 8:48 a. m.]

[Vesting Order 8756]

YAICHIRO AOKI

In re: Estate of Yaichiro Aoki, deceased. D-39-19039; E. T. sec. 15833.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sunao Aoki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Yaichiro Aoki, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy county (Japan);

3. That such property is in the process of administration by Katsuno Aoki, as Executrix, acting under the judicial supervision of the Circuit Court, First Judicial Circuit, Territory of Hawaii;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4154; Filed, Apr. 30, 1947; 8:47 a. m.]

[Supplemental Vesting Order 8758]

ALBERT FABER

In re: Estate of Albert Faber, deceased. File D-28-11003; E. T. sec. 15385.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sidonie Faber, Herbert Faber, Iram Faber, Erich Faber and Georg Faber, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Albert Faber, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Hugh P. Cooper, as Administrator, acting under the judicial supervision of the District Court of the State of New Mexico, in and for the County of Bernalillo;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4152; Filed, Apr. 30, 1947; 8:47 a. m.]

[Vesting Order 8759]

JOHN FRIEDRICH KERN

In re: Estate of John Friedrich Kern, deceased. File D-28-10096; E. T. sec. 14362.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Kern, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of John Friedrich Kern, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Joe Gobl, as Administrator, acting under the judicial supervision of the Probate Court of Crawford County, Kansas;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4155; Filed, Apr. 30, 1947; 8:47 a. m.]

[Vesting Order 8764]

MARIE PETERS

In re: Estate of Marie Peters, deceased. File D-28-10277; E. T. sec. 14641.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Johannsen Harms, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown, of Maria Johannsen Harms, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Marie Peters, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Charles Johannsen and Samuel E. Unger, as executors, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

5. That to the extent that the above named person and the issue, names unknown, of Marie Johannsen Harms, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4156; Filed, Apr. 30, 1947; 8:47 a. m.]

[Vesting Order 8762]

MARY R. MERZ

In re: Estate of Mary R. Merz, deceased. File No. D-28-9977; E. T. sec. 14163.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julia Heinzman, Emil Koerber, Herman Koerber and Hedwig Penner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,923.08 was paid to the Alien Property Custodian by Thomas R. Grimm, Administrator of the Estate of Mary R. Merz, deceased.

3. That the said sum of $2,923.08 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 4, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4176; Filed, May 1, 1947; 8:48 a. m.]

[Vesting Order 8765]

V. BERNHARD PLOCH

In re: Estate of V. Bernhard Ploch, deceased. File No. F-28-2996; E. T. sec. 15510.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Phillp Boecher, Emilie B. Droop, Maria Boecher, Augusta B. Eymer, George Ploch, V. Bernhard Ploch, August Ploch, Emma Ploch a/k/a Bertha Ploch, Herbert Ploch, Horst Ploch, Helmuth Ploch whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of V. Bernhard Ploch, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John C. Brodsky, as executor, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4177; Filed, May 1, 1947; 8:48 a. m.]

[Vesting Order 8766]

MAGDALENA REITZ

In re: Estate of Magdalena Reitz, deceased. File D-28-10467; E. T. sec. 14884.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lena Wettig, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown, of Lena Wettig, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Magdalena Reitz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John B. Reitz, Jr., as Executor and Trustee, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

5. That to the extent that the above-named person and the issue, names unknown, of Lena Wettig, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4178; Filed, May 1, 1947; 8:48 a. m.]

[Vesting Order 8767]

MARIE RIEMSCHNEIDER

In re: Estate of Marie Riemschneider, deceased. File No. D-28-10653; E. T. sec. 15005.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Riemschneider and Lill Riemschneider, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Marie Riemschneider, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Gerhard Riemschneider and Warner W. Westervelt, Jr., as Executors, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4179; Filed, May 1, 1947; 8:48 a. m.]

[Vesting Order 8768]

ELMA SCHWERTFEGER

In re: Estate of Elma Schwertfeger, also known as Elma Hinz, deceased. File D-28-2452; E. T. sec. 3479.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hulda Woltschlager Faust, Otto Hinz, Hans Hinz, Ida Hinz Remling, Olga Hinz Gehm, Alama Hinz Vorreau and Lena Hinz Paczenski, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Elma Schwertfeger, also known as Elma Hinz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Albert B. Houghton, Administrator, with the will annexed, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4180; Filed, May 1, 1947; 8:48 a. m.]

[Vesting Order 8769]

FRANCES THOMAS

In re: Estate of Frances Thomas, a/k/a Frances Koellmer, deceased. File No. D-28-11642; E. T. sec. 15851.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Bertha Klaffehn and John Botheuser, Jr., whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the wife of John Botheuser, Jr., name unknown, and his issue, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest, and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Frances Thomas, also known as Frances Koellmer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Charles Carlson, as Executor of the Estate of Frances Thomas, also known as Frances Koellmer, deceased, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York;

and it is hereby determined:

5. That to the extent that the above-named persons and the wife of John Botheuser, Jr., name unknown, and his issue, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4181; Filed, May 1, 1947; 8:49 a. m.]

[Vesting Order 8771]

ANNA HARRIMAN VANDERBILT

In re: Estate of Anna Harriman Vanderbilt, deceased. File No. D-27-685; E. T. sec. 6412.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Tyrode, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Anna Harriman Vanderbilt, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Treasurer of the City of New York, as depositary, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4182; Filed, May 1, 1947; 8:49 a. m.]

[Vesting Order 8774]

EUGEN AND CLARA ARENDT

Re: Debts owing to Eugen Arendt and Clara Arendt. F-28-9145-C-1, F-28-9145-B-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugen Arendt and Clara Arendt, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All those debts or other obligations owing to Eugen Arendt and Clara Arendt by Weniger & Walter, Inc., 215 E. Penn Street, Philadelphia 44, Pennsylvania, including particularly but not limited to a portion of the sum of money on deposit with Fidellty-Philadelphia Trust Company, 135 South Broad Street, Philadelphia, Pennsylvania, in an account entitled Weniger & Walter, Inc., Agents, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Eugen Arendt by Mid-City Bank & Trust Company, Market Street and West City Hall Square, Philadelphia, Pennsylvania, arising out of an account entitled Eugen Arendt, Certificate Number 280, dated October 20, 1942, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Clara Arendt by Mid-City Bank & Trust Company, Market Street and West City Hall Square, Philadelphia, Pennsylvania, arising out of an account entitled Clara Arendt, Certificate Number 281, dated October 20, 1942, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4183; Filed, May 1, 1947; 8:49 a. m.]

[Vesting Order 8776]

FRITZ GEYER

In re: Stock owned by Fritz Geyer. F-28-24128-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Geyer, whose last known address is 136 Haupt Street, Wallhausen-Helme, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifty-five (55) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number NYD-255793 for thirty (30) shares and certificate number NYD-434978 for twenty-five (25) shares, registered in the name of Fritz Geyer, together with all declared and unpaid dividends thereon,

b. One hundred (100) shares of no par value class "A" common capital stock of Continental Baking Company, 630 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number A 15800, registered in the name of Fritz Geyer, together with all declared and unpaid dividends thereon, and any and all rights of exchange thereunder and thereof, and

c. One hundred (100) shares of no par value class "B" common capital stock of Continental Baking Company, 630 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number B 36592, registered in the name of Fritz Geyer, together with all declared and unpaid dividends thereon, and any and all rights of exchange thereunder and thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4157; Filed, Apr. 30, 1947; 8:47 a. m.]

[Vesting Order 8779]

KEIJIRO TAKAKURA

In re: Stock owned by Keijiro Takakura. F-39-2075-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Keijiro Takakura, whose last known address is Central P. O. Box 498, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Forty (40) shares of $10 par value common capital stock of General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number C 551763, registered in the name of Keijiro Takakura, together with all declared and unpaid dividends thereon, and

b. Ten (10) shares of no par value common capital stock of Bethlehem Steel Corporation, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number L24585, registered in the name of Keijiro Takakura, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4158; Filed, Apr. 30, 1947; 8:47 a. m.]

[Vesting Order 8777]

MARIE KLEEMANN

In re: Bank account and bonds owned by Marie Kleemann. F-28-3205-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Kleemann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Marie Kleemann, by Moline National Bank, 506 15th Street, Moline, Illinois, arising out of a Savings Account, Account Number 59129, entitled Marie Kleemann, and any and all rights to demand, enforce and collect the same,

b. Those certain City of Hobart, Indiana, 6% Improvement bonds, Sunset Division, Series 3, 4, 5, 6, in the aggregate face value of $2,000.00 in bearer form, presently in the custody of Moline National Bank, 506 15th Street, Moline, Illinois, together with any and all rights thereunder and thereto, and

c. One (1) Associated Mortgage Companies Inc., 20-year Debenture of $700.00 face value, bearing the number FM20753 in bearer form, presently in the custody of Moline National Bank, 506 15th Street, Moline, Illinois, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4184; Filed, May 1, 1947; 8:49 a. m.]

[Vesting Order 8778]

PAUL STOPPERKE

In re: Stock and bond owned by Paul Stopperke.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Stopperke, whose last known address is Frankenthal 162, Saxony, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $20.00 par value capital stock of Gary Hotel Incorporated, a corporation organized under the laws of the State of Indiana, evidenced by certificate number 1234, dated May 6, 1936, registered in the name of Paul Stopperke, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon, and

b. One (1) Moorcroft Apartments First Mortgage 6½% Gold Bond, due March 15, 1934, of $500.00 face value, bearing the number 263, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4185; Filed, May 1, 1947; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

RECREATIONAL WITHDRAWAL NO. 26 REVOKED

The order of the Assistant Secretary of the Interior of August 3, 1929, withdrawing the following-described lands in Oregon as Recreational Withdrawal No. 26 under the act of June 14, 1926, 44 Stat. 741, as amended by the act of April 13, 1928, 45 Stat. 429 (U. S. C. Title 43, secs. 869 and 869a), is hereby revoked.

WILLAMETTE MERIDIAN

T. 33 S., R. 1 E.,
Sec. 23, W½NE¼, W½, and S½SE¼;
Sec. 27, N½ and SW¼;
Sec. 29, SW¼;
Sec. 30, SE¼NE¼, N½NW¼, SW¼NW¼, and E½SE¼;
Sec. 31, NE¼NE¼, SW¼NW¼, SW¼, and E½SE¼;
Sec. 32, N½NE¼ and W½SW¼;
Sec. 33, NE¼NE¼, N½NW¼, S½SW¼, NW¼SE¼, and S½SE¼.
T. 33 S., R. 2 E.,
Sec. 1, SW¼SW¼;
Sec. 11, NE¼SW¼, S½SW¼, and SE¼;
Sec. 18, S½SW¼;
Sec. 19, lot 1, NW¼NE¼, S½NE¼, E½NW¼, SE¼SW¼, and SW¼SE¼.
T. 33 S., R. 1 W.,
Sec. 35, SE¼SE¼.
T. 34 S., R. 1 W.,
Sec. 2, lot 3;
Sec. 3, lots 1, 2, 9, and E½SE¼.
T. 39 S., R. 2 W.,
Sec. 19, E½NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 23, N½SW¼, SW¼SW¼, and W½SE¼;
Sec. 25, lot 4, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼, and S½SE¼;
Sec. 27, S½NE¼ and SE¼NW¼;
Sec. 29, S½NW¼ and SW¼.
T. 39 S., R. 3 W.,
Sec. 11, NE¼ and E½NW¼;
Sec. 13, N½NE¼, SE¼NE¼, NE¼NW¼, and SW¼;

Sec. 15, E½;
Sec. 21, SE¼;
Sec. 27, NE¼SW¼ and S½SW¼;
Sec. 33, E½ and SW¼NW¼.
T. 40 S., R. 3 W.,
Sec. 5, NE¼SW¼, N½SE¼SW¼, and SW¼SE¼;
Sec. 7, SE¼;
Sec. 17, W½;
Sec. 19, lots 1, 2, 3, 5, 6, and E½;
Sec. 31, NW¼.
T. 40 S., R. 4 W.,
Sec. 25, E½.
T. 41 S., R. 4 W.,
Sec. 2, SE¼NE¼ and NW¼NW¼;
Sec. 11, NE¼, E½NW¼, and S½;
Sec. 15, lots 5, 6, 7, and 8.

The areas described aggregate 8,103.09 acres.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on June 17, 1947. At that time, subject to valid existing rights and the provisions of existing withdrawals, the lands described above, other than lot 4 (SW¼SW¼) sec. 18, T. 33 S., R. 2 E., shall become subject to such application, petition, location, or selection as may be authorized by the public land laws, and such lot 4 shall become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 17, 1947 to September 15, 1947, inclusive, such lot 4 shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 28, 1947, to 10:00 a. m. on June 17, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 17, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 16, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 27, 1947, to 10:00 a. m. on September 16, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 16, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Roseburg, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Roseburg, Oregon.

Lot 4 (SW¼SW¼) sec. 18, T. 33 S., R. 2 E., is rolling in topography, the surface of which is strewn with numerous rocks and boulders.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

APRIL 15, 1947.

[F. R. Doc. 47-4112; Filed, Apr. 30, 1947; 8:58 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 445]

MARKET AGENCIES AT FORT WORTH STOCKYARDS

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture on December 27, 1946, issued an order prescribing temporary rates and charges for the respondent for the period ending June 30, 1947.

By petition filed April 25, 1947, the respondent has requested that the rates and charges provided for in said order of December 27, 1946, be extended for a further period of six months.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for extension of temporary rates.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 28th day of April 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-4189; Filed, May 1, 1947; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2839]

WESTERN–UNITED ROUTE 68 SALES AGREEMENT

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Western Air Lines, Inc., and United Air Lines, Inc., under section 401, 408 and 412 of the Civil Aeronautics Act of 1938, as amended, for an order approving an agreement for the sale of certain properties and the transfer and amendment of a certificate of public convenience and necessity for route No. 68, and amendment of a certificate of public convenience and necessity for route No. 1.

Notice is given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned to be held on May 5, 1947, at 10 a. m., eastern standard time, at the Carlton Hotel, 16th and K Streets NW., Washington, D. C., is hereby postponed until a date to be hereinafter designated.

Dated Washington, D. C., April 29, 1947.

By the Civil Aeronautics Board.

[SEAL] THOMAS L. WRENN,
Examiner.

[F. R. Doc. 47-4187; Filed, May 1, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-19, 54-92, 59-14]

NEW ENGLAND POWER ASSOCIATION ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of April A. D. 1947.

In the matter of New England Power Association, Massachusetts Power and Light Associates, North Boston Lighting Properties, The Rhode Island Public Service Company, Massachusetts Utilities Associates Common Voting Trust, and Massachusetts Utilities Associates, File Nos. 54-92, 59-14 and 54-19.

Notice is hereby given that New England Power Association (the name of which is to be changed to New England Electric System and which is sometimes

hereinafter referred to as NEES), a registered holding company, has filed a declaration regarding the issue and sale of $85,000,000 principal amount of funded debt. The declaration states that the proposed financing is pursuant to the amended plan of simplification of the New England Power Association holding company system as approved by the Commission's order of March 14, 1946 and pursuant to the order of the District Court of the United States for the District of Massachusetts, entered June 18, 1946, in Civil Action No. 5087, approving the said plan and ordering its consummation (affirmed by the United States Circuit Court of Appeals for the First Circuit on April 11, 1947). All interested persons are referred to said declaration and to said plan and to the proceedings heretofore had in connection with said plan, all of which documents are on file in the offices of this Commission, for a full statement of the transactions proposed to be taken, which may be summarized as follows:

Prior to the issuance of the new funded debt, it is stated that the declaration of trust of New England Power Association will have been amended, the name of the company will have been changed to New England Electric System, and NEES will have acquired the assets and assumed the liabilities (other than funded debt to be simultaneously discharged) of the other applicants named in the above-mentioned order of the Commission, all on the terms and conditions set forth in the plan and the above-mentioned order of the District Court. The new funded debt will be the only funded debt of NEES then to be outstanding.

The new funded debt of NEES will consist of $10,000,000 principal amount of loans from financial institutions, to be represented by 10-year serial promissory notes maturing at the rate of $1,000,000 per annum, $25,000,000 the principal amount of ____% Debentures due 1967 and $50,000,000 principal amount of ____% Debentures due 1977. The promissory notes are to be sold privately, and the names of the lending financial institutions and the interest rate on the notes will be supplied by amendment. The debentures will be sold at competitive bidding pursuant to the terms of Rule U-50 and the interest rates thereon, and the prices to be paid to NEES will be determined by such competitive bidding. The name of the trustee under the indenture securing the debentures will be supplied by amendment.

The declaration states that no fees, commissions or other remuneration will be paid in connection with the proposed loans from financial institutions, except attorney's fees and the compensation of Merrill, Lynch, Pierce, Fenner & Bean, who are acting as general financial advisers in connection with the entire refunding program. Estimated expenses in connection with the issuance of the debentures will be supplied by amendment.

The declaration designates sections 6 (a), 7 and 11 of the Public Utility Holding Company Act of 1935 as applicable to the issuance of both the promissory notes and the debentures, and states that no State commission has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said declaration and that said declaration shall not become effective except pursuant to further order of this Commission:

It is ordered, Pursuant to sections 6 (a), 7, 11 and 18 of said act that a hearing on said declaration be held on May 13, 1947 at 10 a. m., e. d. s. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and that for such purpose the hearings herein be reconvened. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such reconvened hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the issue and sale of said notes and debentures are in conformity with said plan, the Commission's findings, opinion, and order of March 14, 1946, and the District Court's order of June 18, 1946.

2. Whether the fees, commissions or other remuneration, to whomsoever paid, directly or indirectly, in connection with the issue, sale and distribution of said securities are reasonable.

3. Whether the terms and conditions of the issue or sale of said securities are detrimental to the public interest or the interest of investors or consumers.

4. Whether the terms of the indenture securing said debentures are adequate for the protection of investors.

5. Whether the proposed accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles.

6. What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers or to insure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules or regulations promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with this proceeding, or proposing to intervene herein and who has not already entered his appearance herein, shall file with the Secretary of the Commission on or before May 12, 1947, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to applicants herein and to all other persons who have heretofore entered their appearances herein and that further notice be given to all persons by publication of this order in the FEDREAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4160; Filed, May 1, 1947; 8:46 a. m.]

[File No. 54-153]

CITIES SERVICE CO.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of April 1947.

Cities Service Company ("Cities"), a registered holding company, having filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the simplification of its corporate structure; and

The Commission having issued its notice of filing and order for hearing on said plan, appropriate notice having been given to all interested persons, and public hearings having been held, at which hearings all interested persons were afforded an opportunity to be heard; and

Cities having amended said plan prior to the close of said hearings and notice of the filing thereof and opportunity for hearing thereon having been given to all interested parties; and

Cities having requested the Commission (1) to find that the plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby, and to make an order approving the plan and containing appropriate recitals conforming to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended, and (2) to apply to an appropriate court, as provided by section 11 (e) of the act, to enforce and carry out the terms and provisions of the plan; and

The Commission having considered the record and having this day made and entered its findings and opinion herein, and having found the plan necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby and deeming it appropriate to grant the request of Cities that the Commission make application to an appropriate court to enforce and carry out the terms and provisions of the plan:

It is ordered, Pursuant to section 11 (e) and the other applicable provisions

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of the act and the rules and regulations thereunder, that the plan and the steps and transactions involved in the consummation thereof are necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby, and hereby are approved, and the applications and declarations comprised therein are hereby granted and permitted to become effective, subject to reservations of jurisdiction with respect to the reasonableness and appropriate allocation of all fees and expenses and other remunerations incurred and to be incurred in connection with the plan and the consummation thereof, and to entertain such further proceedings, to make such supplemental findings, and to take such further action as may be necessary in connection with the plan, the transactions incident thereto, and the consummation thereof, and subject further, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That this order shall not be operative to authorize the consummation of any of the transactions proposed in the plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing such plan.

The Commission deeming it appropriate to grant the request of Cities regarding the inclusion in this order of appropriate recitals and specifications conforming to the applicable provisions of the Internal Revenue Code, as amended:

It is further ordered and recited, That the steps and transactions itemized below involved in the consummation of the plan are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are necessary and appropriate to effectuate the integration or simplification of the holding company system, of which Cities Service Company is a member, and hereby authorized and approved:

(1) The issuance by Cities of its 3% Sinking Fund Debentures due 1977 in an aggregate principal amount not to exceed $115,246,950 and its Interim Certificates (representing interests of less than $100 in such Debentures) and the exchange by Cities with the holders of its Preferred Stock, Preference BB Stock, and Preference B Stock, of said Debentures, Interim Certificates and cash, as hereinafter specified, for the 560,600 outstanding shares of its Preferred Stock, the 17,700 outstanding shares of its Preference BB Stock and 86,000 outstanding shares of its Preference B Stock, and all rights appertaining thereto including all dividend arrears thereon, on the basis of $196.50 principal amount of Debentures for each share of Preferred Stock, $193.50 principal amount of Debentures for each share of Preference BB Stock, and $19.35 principal amount of Debentures for each share of Preference B Stock; Interim Certificates to be issued in denominations of $10 or multiples thereof for amounts less than $100 and amounts of less than $10 to be paid in cash, and any such holder to receive cash only to the extent that the entire amount to which he is entitled cannot be satisfied in Debentures and Interim Certificates;

(2) The exchange by Cities prior to January 1, 1950 with the holders of said Interim Certificates, of 3% Sinking Fund Debentures due 1977 for Interim Certificates when combined in amounts aggregating $100 or multiples thereof;

(3) The sale or purchase by Cities prior to January 1, 1950 of Interim Certificates as provided in the plan;

(4) The sale by Cities after January 1, 1950 of the 3% Sinking Fund Debentures due 1977 theretofore issuable to holders of shares of Preferred Stock, Preference BB Stock and Preference B Stock, not theretofore exchanged for such Debentures and the distribution to such holders of their pro rata share of such proceeds, plus such other cash, if any, as they may be entitled to upon surrender of their certificates prior to January 1, 1953, after which date any of such moneys not theretofore collected by such holders will revert to Cities; and

(5) The sale by Cities after January 1, 1950 of the 3% Sinking Fund Debentures due 1977 for which Interim Certificates then outstanding are exchangeable and the distribution to the holders thereof of their pro rata share of such proceeds upon the surrender of their Interim Certificates prior to January 1, 1953, after which date any of such moneys not theretofore collected by such holders will revert to Cities.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4161; Filed, May 1, 1947; 8:46 a. m.]

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THE NATIONAL ARCHIVES

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TITLE 3—THE PRESIDENT

PROCLAMATION 2730

AMENDMENT OF REGULATION RELATING TO MIGRATORY BIRDS AND GAME MAMMALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Under Secretary of the Interior has submitted to me for approval the following regulations adopted by him, after notice and public procedure pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. Supp. 1003), on March 26, 1947, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), Reorganization Plan No. II (53 Stat. 1431), and act of August 14, 1946 (Public Law 732, 79th Cong.):

AMENDMENT OF REGULATION RELATING TO MIGRATORY BIRDS AND GAME MAMMALS

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II (53 Stat. 1431), I, Oscar L. Chapman, Under Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of the migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined that development of future wildlife refuge areas and the protection of wildlife thereon may be accomplished in accordance with approved plans by individuals who have conveyed such lands to the United States for refuge purposes subject to a possessory estate and in accordance with such determinations do hereby amend the regulations approved by Proclamation No. 2616, July 27, 1944, as last amended by Proclamation No. 2699, of August 8, 1946, by the adoption of an amendment to Part 1 of Subchapter A of Chapter I of Title 50 of the Code of Federal Regulations, effective 30 days after publication in the FEDERAL REGISTER, as follows:

1.71 *Wildlife Development Areas.* With respect to any lands which have been or may hereafter be acquired by the United States for future use as a migratory bird sanctuary or other wildlife refuge, subject to an outstanding possessory estate, the owner of such outstanding estate may, in accordance with a program for the development of the area and the limitation of shooting during such development period, approved by the Secretary of the Interior, take such measures as are calculated to maintain and increase the waterfowl population of the area in question, and engage in the shooting of migratory birds within the limitations set forth in the approved program.

1.72 *Revocation of Program Approval.* Approval of any such program may be revoked by the Secretary of the Interior upon a finding that the terms of such program have been violated by the proponents thereof. Following such revocation, all rights and privileges derived from the existence of an approved area development program shall cease.

1.73 *Notice and Hearing.* Prior to any Secretarial determination that the terms of an approved area development program have been, or are being, violated by the proponent thereof a notice shall be sent to said proponent specifying the character, time and locality of the alleged violation and designating a representative of the Secretary with whom the proponent of the program may discuss any controverted issue of fact or interpretation in an effort to reach an amicable agreement or understanding. Thereupon, the said proponent shall cease and desist from the commission of acts specified in such notice for a period of 60 days, or if the case be finally determined during such 60-day period then only until such final determination. If, within 30 days after such notice has been received, no such agreement or understanding is reached then the Secretary may, after allowing such further opportunity for hearing as he deems proper, make and promulgate a final order revoking approval of the development area program. Thereupon,

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the provisions of section 1.3 of Part 1, Subchapter A, Chapter I, Title 50 of the Code of Federal Regulations shall be fully applicable to the area in question.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed this 28th day of March, 1947.

[SEAL] OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act of July 3, 1918;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing regulation of the Under Secretary of the Interior.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of May, in the year of our Lord nineteen hundred and forty-
[SEAL] seven, and of the Independence of the United States of America the one hundred and seventy-first.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-4257; Filed, May 1, 1947; 1:37 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POSITIONS IN DEPARTMENT OF AGRICULTURE

Under authority of § 6.1 (d) of Executive Order No. 9830 (12 F. R. 1259), and with the concurrence of the Secretary of Agriculture, § 6.4 (a) (9) (x) is revoked.

Under authority of § 6.1 (a) of Executive Order No. 9830 (12 F. R. 1259), and at the request of the Secretary of Agriculture, a new § 6.4 (a) (9) (x) is hereby issued.

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(9) *Department of Agriculture.* * * *

(x) Temporary, intermittent, or seasonal clerical, crafts, protective, and custodial positions in the field service of the Department of Agriculture, at places other than civil service regional headquarters, paying not to exceed entrance rate of CAF-4 or its equivalent, or CPC-6 or its equivalent, whichever is applicable, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(Secs. 6.1 (a) and 6.1 (d) E. O. 9830, 12 F. R. 1259)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-4237; Filed, May 2, 1947; 8:56 a. m.]

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

FURTHER APPEALS TO COMMISSION

1. Section 22.11 (b) is amended to read as follows:

§ 22.11 *Further appeals to the Commission.* * * *

(b) *Referred to Board of Appeals and Review.* Appeals under this section shall be referred to the Board of Appeals and Review of the Commission in Washington, D. C., for appropriate action.

2. The headnote of § 22.11 (d) is amended to read as follows:

(d) *Decision on further appeals.*

(Secs. 11 and 14, 58 Stat. 387; 5 U. S. C., Sup. 860, 863)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-4236; Filed, May 2, 1947; 8:56 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

PART 702—INSULAR AGRICULTURAL CONSERVATION PROGRAM

MISCELLANEOUS AMENDMENTS

State Bulletins (Subpart-1947), issued December 10, 1946 (11 F. R. 14339), and amendments issued March 19, 1947 (12 F. R. 1831), are hereby further amended as follows:

1. In § 701.841 *Arizona*, paragraph (j) is amended by deleting the entire subparagraph (26) and substituting therefor the following:

(26) *Reseeding permanent pastures.* Alfalfa will qualify for payment only when seeded in a mixture containing not more than 25 percent by weight of alfalfa.

Payment rates:

(i) Lehmann's lovegrass, or weeping lovegrass, $2.00 per pound.

(ii) Alfalfa, alsike clover, meadow fescue, or Dallis grass, $0.30 per pound.

(iii) Crested wheatgrass, slender wheatgrass, western wheatgrass, or sand dropseed, $0.20 per pound.

(iv) Winterfat, bromegrass, orchard grass, or perennial ryegrass, $0.15 per pound.

(v) Sweet clover, timothy, or chamise, $0.10 per pound.

2. In § 701.842 *Arkansas*, paragraph (j) (3) is amended by deleting the subparagraph, except *Payment rates*, and substituting therefor the following:

(3) *Ground limestone or ground mussel shells.* Application of ground limestone or ground mussel shells which meets the specifications required by the county and State committees. No payment will be made for limestone or mussel shells used in the establishment of sod waterways. Prior to the application of the material, an acidity test must have been made and filed with the county committee.

3. In § 701.843 *California*, paragraph (j) (1) is amended by deleting the payment rate and substituting therefor the following:

(i) 60 percent of the cost delivered to the farm but not in excess of $6.50 per ton of calcium carbonate in all counties except Monterey.

(ii) 60 percent of the cost delivered to the farm but not in excess of $1.50 per ton of calcium carbonate in Monterey County.

4. Section 701.843 (j) (2) is amended by deleting the payment rate and substituting therefor the following:

(i) $0.04 per pound of available phosphoric acid in all counties except Contra Costa.

(ii) $0.04 per pound of available phosphoric acid but not in excess of $5.00 per acre treated in Contra Costa County.

5. Section 701.843 (j) (19) is amended by deleting the sentence immediately preceding *Payment rates* and substituting therefor the following: "The total payment under this practice shall not exceed $200.00 per farm as defined under the Agricultural Conservation Program,

or $10.00 per acre of land improved by the reorganization in all counties except Tehama, or $8.00 per acre of land improved by the reorganization in Tehama County, whichever is greater."

6. Section 701.843 (j) (19), *Payment rates* (i) is amended by deleting subdivision (*f*) and substituting therefor the following:

(*f*) $0.10 per cubic yard of material excavated in ditches having an average cross-section greater than 17.9 square feet in all counties except Riverside.

(*g*) $0.10 per cubic yard of material excavated in ditches having an average cross-section greater than 17.9 square feet, but not in excess of $8.00 per 100 linear feet, in Riverside County.

7. Section 701.843 (j) (20) is amended by deleting the payment rate and substituting therefor the following:

(i) $0.08 per cubic yard of earth moved, but not in excess of $6.00 per acre leveled in Marin, Modoc, and Sonoma Counties.

(ii) $0.08 per cubic yard of earth moved, but not in excess of $7.00 per acre leveled, in Tehama County.

(iii) $0.08 per cubic yard of earth moved, but not in excess of $8.00 per acre leveled in all other counties.

8. Section 701.843 (j) (22), *Payment rates*, is amended by deleting subdivision (vi) and substituting therefor the following:

(vi) $0.10 per cubic yard of material excavated in ditches having an average cross-section greater than 17.9 square feet, but not in excess of $8.00 per 100 linear feet in Riverside County.

(vii) $0.10 per cubic yard of material excavated in ditches having an average cross-section greater than 17.9 square feet, in all other counties.

9. Section 701.843 (j) (32), *Payment rates*, is amended by deleting subdivision (ii) and (ii) and substituting therefor the following:

(ii) $1.50 per linear foot for wells with a casing of 4 inches or more but less than 6 inches in diameter, in Tehama County.

(iii) $2.00 per linear foot for wells with a casing of 4 inches or more but less than 6 inches in diameter, in all other counties.

(iv) $2.00 per linear foot for wells with a casing 6 inches or more in diameter, in Tehama County.

(v) $3.00 per linear foot for wells with a casing 6 inches or more in diameter, in all other counties.

10. Section 701.843 (j) (33), *Payment rates* is amended by deleting subdivision (i), (ii), and (iii) and substituting therefor the following:

(i) In Tehama County:
(*a*) $0.40 per cubic foot of excavation in rock, and
(*b*) $0.25 per cubic foot of excavation in soil or gravel, or
(*c*) $0.40 per cubic foot of available storage capacity constructed.
(ii) In all other counties:
(*a*) $0.50 per cubic foot of excavation in rock, and
(*b*) $0.25 per cubic foot of excavation in soil or gravel, or
(*c*) $0.50 per cubic foot of storage capacity constructed.

11. Section 701.843 (j) (34) is amended by deleting the payment rate and substituting therefor the following:

(i) 50 percent of the cost but not in excess of $4.50 per acre on which the plants are eliminated or controlled, in Tehama County.

(ii) 50 percent of the cost but not in excess of $5.00 per acre on which the plants are eliminated or controlled, in all other counties.

12. Section 701.843 (j) (35) is amended by deleting the payment rate and substituting therefor the following:

(i) 50 percent of the cost of the seed sown, but not in excess of $10.00 per acre of land seeded, in Fresno County.

(ii) 50 percent of the cost of the seed sown, but not in excess of $5.00 per acre of land seeded in Tulare, County.

(iii) 75 percent of the cost of the seed sown, but not in excess of the smaller of $6.50 per acre of land seeded or $200.00 per farm as defined under the Agricultural Conservation Program, in Tehama County.

(iv) 80 percent of the cost of the seed sown, but not in excess of the smaller of $10.00 per acre of land seeded, or $200.00 per worksheet farm, in Solano County. For this purpose a worksheet farm is defined as the individually owned tract of land having a continuous boundary which ordinarily is operated by one operator, excluding field-rented tracts, either as a farming unit within itself or in combination with other tracts as a farming unit.

(v) 80 percent of the cost of the seed sown, but not in excess of $10.00 per acre of land seeded, in all other counties.

13. Section 701.843 (j) (45) is amended by deleting the payment rate and substituting therefor the following:

(i) 50 percent of the cost of the clearing operation, but not in excess of $5.00 per acre of land cleared, in Lassen County.

(ii) 50 percent of the cost of the clearing operation, but not in excess of $10.00 per acre of land cleared in all other counties.

14. Section 701.843 (j) (46), *Payment rates* is amended by deleting subdivision (i) and substituting therefor the following:

(i) Continuous cultivation throughout the entire growing season, except for quack grass.
(*a*) 50 percent of the cost of cultivation, but not in excess of $10.00 per acre, in San Mateo County.
(*b*) $10.00 per acre in all other counties.

15. Section 701.843 (j) (5), *Payment rates*, is hereby amended by deleting subdivisions (i) and (ii) and substituting therefor the following:

(i) For green manure or cover crops of the following varieties: Austrian winter peas, berseem clover, bur clover, Canadian field peas, cowpeas, fenugreek, guar, horsebeans, lupine, mat beans, mung beans, sesbania, soybeans, Tangier peas, common vetch, hairy vetch, and purple vetch.
(*a*) $2.00 per acre in San Bernardino County.
(*b*) $3.00 per acre in Tehama County.
(*c*) $3.50 per acre in all other counties.
(ii) For seeded green manure or cover crops of the following varieties: barley, mustard, oats, rye grain, ryegrass, sour clover, sweet clover, hubam clover, or wheat.
(*a*) $1.00 per acre in Tehama County.
(*b*) $1.50 per acre in all other counties.

16. In § 701.844 *Colorado*, paragraph (j) (17), *Payment rate*, is amended by deleting the language "$1.00 per acre," and substituting therefor the following rates:

(i) $0.50 per acre in Rio Blanco County.
(ii) $1.00 per acre in all other counties.

17. Section 701.844 (j) (36), *Payment rates* is amended by deleting subdivision (i) and substituting therefor the following:

(i) Wells with a casing less than 4 inches in diameter but not less than 2 inches in diameter, or artesian wells.
(*a*) $0.50 per linear foot of well, but not in excess of $1.50 per well in Alamosa County.
(*b*) 50 percent of cost, but not in excess of $1.00 per linear foot of well in Rio Grande County.
(*c*) 75 percent of cost, but not in excess of $1.00 per linear foot of well in Saguache County.
(*d*) $1.00 per linear foot of well in all other counties.

18. Section 701.844 (j) (38), *Payment rates*, is amended by deleting subdivision (i) and substituting therefor the following:

(i) Eradication of cactus:
(*a*) $0.25 per acre for each time the cactus infested area is worked with a suitable eradicating implement, but not in excess of $1.00 per acre in El Paso County.
(*b*) $1.00 per acre eradicated in all other counties.

19. In § 701.849 *Idaho*, paragraph (j) (51) is amended by deleting the language "The units of performance will be reduced 2 percent for each 1 percent of State or Federal aid that is furnished in excess of 50 percent of the cost of carrying out the practice, except in the case of borax used in connection with St. Johnswort."

20. In § 701.850 *Illinois*, paragraph (a) is amended by deleting the entire paragraph and substituting therefor the following:

§ 701.850 *Illinois*—(a) *Farm plan.* Any agricultural producer in a county may participate in the agricultural conservation program by filing a Farm Plan (NCR–47–3) with the county committee prior to April 1, 1947, in all counties, except that in Champaign, Mason, or Piatt Counties, the Farm Plan may be filed not later than May 31, 1947. However, if a producer acquires an interest in a farm after April 30, 1947, in Champaign, Mason, or Piatt Counties, or after March 1, 1947, in all other counties, he may file a Farm Plan without regard to the closing date for the respective county, provided he does so within 30 days after acquiring an interest in the farm.

21. Section 701.850 (b) is amended by deleting the paragraph and substituting therefor the following:

(b) *Farm allowance.* (1) For the purpose of limiting payments to available funds a limit on expenditures will be established for each county by the State committee. Community committeemen and farmers will plan the practices needed on the farms and will enter such information on the farm plans. The farm plans thus completed will be reviewed by the county and community committeemen who will approve the conservation practices planned for each farm in 1947. The computed credit value of the approved practices on each farm plan will be the amount of assistance guaranteed each farm, if the total of the computed credit values on all farm plans does not exceed the county limit on expenditures. A pro rata reduction of the assistance guaranteed each farm will be made if necessary to keep within the county limit on expenditures, except as provided in subparagraph (2) of this paragraph. Each farmer will be notified of the extent of each practice approved for payment on his farm, and of the minimum amount of assistance which may be earned by performing such practices. Any unearned funds will be utilized to increase the minimum assistance offered on farms upon which approved practices are carried out to the extent necessary to earn the additional assistance so allocated.

(2) The State committee is authorized to allocate additional funds to Champaign, Mason, and Piatt Counties for use in making payments at the approved credit rates for the units completed of the following conservation practices which are contained in paragraph (j) (1), (2), (3), (4), (5), (9), and (14) of this section. Payment for the aforementioned practices will not be subject to pro rata reduction in the event the original county allocation of funds is exceeded.

22. In § 701.851 *Indiana*, paragraph (j) (16) is amended by the addition of the following language immediately preceding *Payment rates:*

The chemical, 2,4-D, may be used only on bindweed, perennial sow thistle, or Canada thistle. No payment will be made for 2,4-D if less than 100 gallons per acre of a $\frac{1}{10}$ percent solution is applied to bindweed or perennial sow thistle, or less than 100 gallons per acre of a $\frac{2}{10}$ percent solution is applied to Canada thistle.

23. Section 701.851 (j) (16), *Payment rates* is amended by adding the following:

(iii) $2.00 per pound of 2,4-D (active ingredient) applied.

24. In § 701.852 *Iowa*, paragraph (j) (14), *Payment rates* is amended by deleting subdivision (iv) and substituting therefor the following:

(iv) $1.50 per pound of 2,4–D (active ingredient) applied to bindweed, Canada thistle, perennial sow thistle, or perennial pepper grass. The conditions under which this material is to be applied are on file in the office of the county committee.

25. In § 701.853 *Kansas*, paragraph (j) (16), *Payment rates* is amended by deleting subdivision (v), and substituting therefor the following:

(v) $1.50 per 100 linear feet for level terraces having a settled ridge height of not less than 0.8 foot above the natural ground level.

26. Section 701.853 (j) (35), *Payment rates*, is amended by deleting all language following *Payment rates* and substituting therefor the following:

Payment rates: The amount approved by the county committee based on management and conservation needs, but not to exceed the smaller of:
(i) $50.00 plus $0.04 per acre of eligible grassland, or
(ii) $0.75 per acre of eligible grassland.

27. Section 701.853 (j) (46) is amended by adding the following language immediately preceding *Payment rate:* "In computing the payment rate for eradication by chemicals only the cost of the chemicals may be considered."

28. Section 701.853 (j) (46), *Payment rate*, is amended to read as follows:

Payment rate: 50 percent of the cost of eradication, but not in excess of $10.00 per acre.

29. In § 701.856 *Maine*, paragraph (j) (2) is amended by deleting the following sentence: "Payment will not be made for the phosphoric content of mixed fertilizer unless the phosphoric acid and potash content are at least twice the nitrogen content.

30. Section 701.856 (j) (3) is amended by deleting the following sentence: "Payment will not be made for the phosphoric content of mixed fertilizer unless the phosphoric acid and potash content are at least twice the nitrogen content.

31. In § 701.858 *Massachusetts*, paragraph (j) (8) is amended by deleting the language "Payment will be made only for the application of air-dried straw or hay, excluding manure.", immediately preceding *Payment rate*, and substituting therefor the language, "Payment will be made for the application of air-dried straw or hay, or equivalent material, excluding manure."

32. Section 701.858 (j) is amended by deleting subparagraph (12) and substituting therefor the following:

(12) *Clearing land for pasture or tillage.* The cleared acreage must be seeded or reseeded to an approved pasture mixture. Adequate amounts of lime, phosphoric acid, and potash must be applied.

Payment rate: $10.00 per acre.

33. In § 701.860 *Minnesota*, paragraph (j) (7) is amended by deleting the word "cropland" from the description of the practice and substituting therefor the word "farmland."

34. Section 701.860 (j) (7), *Payment rates*, is amended by adding the following:

(vi) $2.00 per pound of 2,4–D (active ingredient) applied to Canada thistle, perennial sow thistle, or field bindweed.

35. In § 701.862 *Missouri*, paragraph (j) is amended by deleting the entire subparagraph (11).

36. In § 701.865 *Nevada*, paragraph (i) (7) is amended by deleting the first sentence after the description of the practice and substituting therefor the following: "The total payments under this practice and the practices contained in subparagraphs (8) and (24) of this paragraph cannot exceed $25.00 per acre improved under the reorganization plan; and not more than $12.50 per acre may be paid for any one of the subdivisions listed under this subparagraph except where carried out in connection with a pooling agreement approved under paragraph (d) of this section."

37. Section 701.865 (i) is amended by deleting the entire subparagraph (25) and substituting therefor the following:

(25) *Eradication or control of noxious weeds.* Applicable only to Canada thistle, whitetop, Russian knapweed, perennial morning glory, blue flowering lettuce, perennial sow thistle, leafy spurge, quack grass, water hemlock, lizard tail (yerba mansa), or milkweed. Where eradication or control is accomplished by clean cultivation the operation must be begun before the budding stage and must be continued at intervals throughout the remainder of the growing season. Eradication of quack grass must be by continuous cultivation throughout the growing season and no payment will be made unless a thorough job of eradication is accomplished. The chemical, 2,4–D, may be used only on Canada thistle, whitetop, perennial morning glory, water hemlock, lizard tail (yerba mansa), or milkweed. No payment will be made for eradicating or controlling water hemlock, lizard tail (yerba mansa), or milkweed, by any method other than through the use of 2,4–D.

Payment rates:
(i) 50 percent of the cost of approved chemicals used, except 2,4–D, but not in excess of $10.00 per acre treated.
(ii) $10.00 per acre for clean and continuous cultivation throughout the growing season, except for quack grass.
(iii) $5.00 per acre for clean and continuous cultivation of quack grass throughout the growing season.
(iv) 50 percent of the cost of 2,4–D used, but not in excess of $1.75 per pound of 2,4–D used in the preparation.

38. In § 701.871 *North Dakota*, paragraph (i) (35), *Payment rates*, is amended by deleting subdivision (v) and substituting therefor the following:

(v) 50 percent of the cost of 2,4–D, but not to exceed $1.50 per pound of 2,4–D acid in the preparation, when applied to Canada thistle, field bindweed, or perennial sow thistle.

39. In § 701.872 *Ohio*, paragraph (j) (14), *Payment rates*, is amended by adding the following:

(iii) $1.50 per pound of 2,4–D (active ingredient) applied.

40. In § 701.874 *Oregon*, paragraph (j) (43) is amended by deleting the language "Applicable only on cropland, along ditch banks, or on any land in the watershed which furnishes water for irrigation."

41. In § 701.878 *South Dakota*, paragraph (j) (30), *Payment rates*, is amended by deleting subdivision (v) and substituting therefor the following:

(v) $1.50 per pound of 2,4–D (active ingredient) applied in the control of creeping Jenny, Canada thistle, or perennial sow thistle.

42. In § 701.879 *Tennessee*, paragraph (j) (7) is amended by adding the following sentence preceding *Payment rate:* "Payment will be made on a clean seed basis."

43. Section 701.879 (j) (7), *Payment rate* is amended by deleting the language "$8.00 per acre." and substituting therefor the following:

(i) Bermuda grass—$0.40 per pound.
(ii) Bluegrass—$0.90 per pound.
(iii) Carpet grass—$0.25 per pound.
(iv) Dallis grass—$0.45 per pound.
(v) Fescue (Alta or Kentucky 31)—$0.05 per pound.
(vi) Orchard grass—$0.15 per pound.
(vii) Redtop (Herds grass)—$0.20 per pound.
(viii) Timothy—$0.10 per pound.
(ix) Alsike clover—$0.40 per pound.
(x) Ladino clover—$1.60 per pound.

(xi) White Dutch clover—$0.75 per pound.
(xii) Hop clover—$0.60 per pound.
(xiii) Lespedeza—$0.10 per pound.

44. In § 701.880 *Texas*, paragraph (i) (17), *Payment rate*, is amended by deleting the language, "$0.50 per acre," and substituting therefor the following:

(i) $0.30 per acre in Jones and Scurry Counties.
(ii) $0.50 per acre in all other counties.

45. Section 701.880 (i) is amended by deleting the entire subparagraph (18) and substituting therefor the following:

(18) *Contour farming drilled crops.* Applicable only on non-irrigated land. All cultural operations carried out with a lister, field cultivator, or other shoveltype implement, must be carried out on the contour, except where the operation is performed at right angles to the wind to control wind erosion. The seeding operation in all instances must be solidseeded on the contour with a grain drill or other implement accomplishing similar results.

Payment rates:
(i) $0.15 per acre in Jones County.
(ii) $0.25 per acre in all other counties.

46. Section 701.880 (i) (36) is amended by deleting the language "Application of agricultural sulphur, or its equivalent, as a soil amendment to control chlorosis or to correct extreme soil alkalinity" in the description of the practice, and substituting therefor the following: "Application of soil sulphur or its equivalent to farmland."

47. In § 701.881 *Utah*, paragraph (j) is amended by deleting subparagraph (9) and substituting therefor the following:

(9) *Contour farming close-drilled crops on cropland.* Payment will be made for farming or seeding close-drilled crops parallel to base contour lines. Base contour lines must be established and spaced at intervals not in excess of 300 feet horizontally or 3 feet vertically.

Payment rates:
(i) $0.75 per acre where all operations, except harvesting, are carried out on the contour, and the base contour lines are permanently marked.
(ii) $0.25 per acre where only the seeding operation is on the contour.

48. Section 701.881 (j) (44) is amended by deleting the language "2, 4–D chemicals may be paid for only when used on morning glory (bindweed) or Canada thistle," and substituting therefor the following: "2, 4–D chemicals are approved for use on the aforementioned weeds, except quack grass."

49. In § 701.884 *Washington*, paragraph (j) (46), *Payment rates*, (i) (c) is amended to read as follows:

(c) 50% of cost but not in excess of $1.75 per pound of 2, 4–D in the preparation when applied to Canada thistle, bindweed, or whitetop.

50. In § 701.886 *Wisconsin*, paragraph (j) (2), *Payment rates*, is amended by deleting subdivision (xxii).

51. In § 701.887 *Wyoming*, paragraph (j) (41), *Payment rates*, is amended by deleting subdivision (v) and substituting therefor the following:

(v) 50 percent of the cost of the parent acid, but not to exceed $1.75 per pound of 2,4–D applied to bindweed, whitetop, poverty weed, burdock, perennial sow thistle, Canada thistle, or perennial rag weed.

52. In § 702.830 *Alaska*, paragraph (a) (3) is amended by deleting the language "$60.00," and substituting therefor the language "$200.00."

(49 Stat. 1148, 16 U. S. C. 590g–590q; 1947 National Agricultural Conservation Program Bulletin, as amended (11 F. R. 9467, 11266, 14339))

Approved: April 23, 1947.

[SEAL] DAVE DAVIDSON,
Director,
Field Service Branch.

[F. R. Doc. 47-4195; Filed, May 2, 1947; 8:46 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 220]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.327 *Lemon Regulation 220*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 4, 1947, and ending at 12:01 a. m., p. s. t., May 11, 1947, is hereby fixed at 415 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 219 (12 F. R. 2741) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 1st day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4277; Filed, May 2, 1947; 8:46 a. m.]

[Orange Reg. 176]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.322 *Orange Regulation 176*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 4, 1947, and ending at 12:01 a. m., p. s. t., May 11, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, 750 carloads; (b) Prorate District No. 2, no movement; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, no movement; (b) Prorate District No. 2, 600 carloads; and (c) Prorate District No. 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 1st day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. May 4, 1947, to 12:01 a. m. May 11, 1947]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	.9411
A. F. G. Porterville	1.8303
Cooperative Citrus Association	.3450
Dofflemyer, W. Todd	.3245
Elderwood Citrus Association	1.2781
Exeter Citrus Association	1.6969
Hillside Packing Corp	3.9577
Ivanhoe Mutual Orange Association	1.0979
Klink Citrus Association	3.6493
Lemon Cove Association	1.3460
Lindsay Citrus Growers Association	3.4531
Lindsay Coop. Citrus Association	2.3423
Lindsay District Orange Co	1.4261
Lindsay Fruit Association	2.5769
Lindsay Orange Growers Association	.6550
Orange Cove Citrus Association	2.9360
Orange Packing Co	1.8146
Orosi Foothill Citrus Association	1.1510
Paloma Citrus Fruit Association	.5347
Rocky Hill Citrus Association	2.7945
Sanger Citrus Association	2.5383
Sequoia Citrus Association	.7593
Stark Packing Corp	4.4742
Visalia Citrus Association	1.2306
Waddell & Sons	2.3205
Orland Orange Growers Association, Inc	.1187
Baird-Neece Corp	2.3097
Beattie Association, Agnes M	.2959
Grand View Heights Citrus Association	3.4822
Magnolia Citrus Association	1.8944
Richgrove-Jasmine Citrus Association	1.1601
Sandilands Fruit Co	.3905
Strathmore Coop. Association	3.0482
Strathmore District Orange Association	2.1993
Strathmore Fruit Growers Association	2.1137
Strathmore Packing House Co	1.3203
Sunflower Packing Association	2.0004
Sunland Packing House	4.1708
Tule River Citrus Association	1.0006
Jensen, M. N	1.5148
Kroells Brothers, Ltd	1.5245
Lindsay Mutual Groves	1.6706
Martin Ranch	.6781
Stivers Packing Co	1.0797
Woodlake Packing House	1.5362
Randolph Marketing Co., Porterville	1.7910
Abbate Co., The Chas	.5024
Anderson Packing Co	1.0807
Baker Bros	.7560
Calif. Citrus Groves, Inc., Ltd	2.1030
Calif. Growers, Inc	.8469
Evans Brothers Packing Co	2.3222
Exeter Groves Packing Co	1.3714
Harding & Leggett	1.6236
Lo Bue Brothers	.3137
Marks, W. & M	.0456
Reimers, Don H	.2285
Rooke Packing Co., B. G	3.2777
Snyder & Sons Co., W. A	.6104
Webb Packing Co., Inc	.4787
Wollenman Packing Co	.6046
Woodlake Heights Packing Corp	1.0010

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.3491
A. F. G. Fullerton	.0616
A. F. G. Orange	.0675
A. F. G. Redlands	.4307
A. F. G. Riverside	.8788
Corona Plantation Co	1.2009
Hazeltine Packing Co	.0000
Signal Fruit Association	.9398
Azusa Citrus Association	.0000
Azusa Orange Co., Inc	.0000
Damerel-Allison Co	.0000
Glendora Mutual Orange Association	.0000
Irwindale Citrus Association	.0000
Puente Mutual Citrus Association	.0000
Valencia Heights Orchards Association	.0000
Glendora Citrus Association	.9156
Glendora Heights Orange and Lemon Growers Association	.0000
Gold Buckle Association	4.1973
La Verne Orange Association, The	4.2142
Anaheim Citrus Fruit Association	.0000
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Orange Co. Valencia Association	.0000
Orangethorpe Citrus Association	.0000
Placentia Coop. Orange Association	.0000
Yorba Linda Citrus Association, The	.0000
Alta Loma Heights Citrus Association	.4795
Citrus Fruit Growers	.8967
Cucamonga Citrus Fruit Association	.7008
Etiwanda Citrus Fruit Association	.2740
Mountain View Fruit Association	.1971
Old Baldy Citrus Association	.6279
Rialto Heights Orange Growers	.5310
Upland Citrus Association	2.7844
Upland Heights Orange Association	1.3130
Consolidated Orange Growers	0.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0000
Santa Ana-Tustin Mutual Citrus Association	.0000
Santiago Orange Growers Association	.0000
Tustin Hills Citrus Association	.0000
Villa Park Orchards Association, Inc., The	.0000
Bradford Brothers	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Call Ranch	.8021
Corona Citrus Association	.9253
Jameson Company	.4550
Orange Heights Orange Association	1.0942
Break & Son, Allen	.4201
Bryn Mawr Fruit Growers Association	1.3254
Crafton Orange Growers Association	1.6917
E. Highlands Citrus Association	.5155
Fontana Citrus Association	.5423
Highland Fruit Growers Association	.8316
Krinard Packing Co	1.8511
Mission Citrus Association	.9729
Redlands Coop. Fruit Association	2.1466
Redlands Heights Groves	1.1141
Redlands Orange Growers Association	1.4508
Redlands Orangedale Association	1.1670
Redlands Select Groves	.6994
Rialto Citrus Association	.6812
Rialto Orange Co	.4534
Southern Citrus Association	1.3421
United Citrus Growers	.8742
Zilen Citrus Growers	1.2224
Arlington Heights Fruit Co	.5518
Brown Estate, L. V. W	2.2028
Gavilan Citrus Association	2.0733
Hemet Mutual Groves	.4325
Highgrove Fruit Association	.7666
McDermont Fruit Co	2.0681
Mentone Heights Association	1.1268
Monte Vista Citrus Association	1.4047
National Orange Co	1.0834
Riverside Heights Orange Growers Association	1.5826
Sierra Vista Packing Association	.9556
Victoria Ave. Citrus Association	3.0429
Claremont Citrus Association	1.2105
College Heights Orange and Lemon Association	1.2904
El Camino Citrus Association	.6413
Indian Hill Citrus Association	1.4352
Pomona Fruit Growers Association	2.4820
Walnut Fruit Growers Association	.4973
West Ontario Citrus Association	1.9145
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
San Dimas Orange Growers Association	1.4082
Covina Citrus Association	.0000
Covina Orange Growers Association	.6150
Duarte-Monrovia Fruit Exchange	.0000
Ball & Tweedy Association	.0000
Canoga Citrus Association	.0000
N. Whittier Heights Citrus Association	.0000
San Fernando Fruit Growers Association	.0000
San Fernando Heights Orange Association	.0000
Sierra Madre Lamanda Citrus Association	.0000
Camarillo Citrus Association	.0000
Fillmore Citrus Association	.0000

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 1—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Ojai Orange Association	0.0000
Piru Citrus Association	.0000
Santa Paula Orange Association	.0000
Tapo Citrus Association	.0122
East Whittier Citrus Association	.0000
Whittier Citrus Association	.0000
Whittier Select Citrus Association	.0000
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.6024
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.0000
Euclid Avenue Orange Association	2.7244
Foothill Citrus Union, Inc	.0000
Fullerton Cooperative Orange Association	.0000
Garden Grove Orange Cooperative	.0000
Glendora Cooperative Citrus Association	.0000
Golden Orange Groves, Inc	.5031
Highland Mutual Groves, Inc	.0000
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	3.3349
Olive Hillside Groves, Inc	.0000
Orange Cooperative Citrus Association	.0000
Redlands Foothill Groves	2.6773
Redlands Mutual Orange Association	.0000
Riverside Citrus Association	.0000
Ventura County Orange & Lemon Association	.0000
Whittier Mutual Orange & Lemon Association	.0000
Babijuice Corp. of California	.0000
Banks Fruit Co	.0000
California Fruit Distributors	.0000
Cherokee Citrus Co., Inc	1.3337
Chess Co., Meyer W	.5335
Evans Brothers Packing Co	.9288
Gold Banner Association	2.3477
Granada Hills Packing Co	.0279
Granada Packing House	.0000
Hill, Fred A	.8746
Inland Fruit Dealers, Inc	.2899
Orange Belt Fruit Distributors	2.7124
Panno Fruit Co., Carlo	.0000
Paramount Citrus Association	.0000
Riverside Growers, Inc	.5300
San Antonio Orchards Association	1.5607
Snyder & Sons Co., W. A	1.2314
Verity & Sons Co., R. H	.0000
Wall, E. T	1.8652
Western Fruit Growers, Inc., Redlands	3.3266
Yorba Orange Growers Association	.0395

[F. R. Doc. 47-4278; Filed, May 2, 1947; 8:40 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

PART 132—GENERAL REGULATIONS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by Public Law 320, 74th Congress, approved August 24, 1935 (7 U. S. C. 851 et seq.), and the Administrative Procedure Act (60 Stat. 237), the rules of practice and procedure (9 CFR, Cum. Supp., 132.1 et seq.), issued under said Public Law 320, are hereby amended as follows:

1. Delete paragraph (d) from § 132.2 *Definitions* and insert in lieu thereof the following:

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

2. Delete from § 132.2 (k) the words "Office of the Solicitor."

3. Amend § 132.2 (l) to read as follows:

(l) The term "presiding officer" means the examiner conducting a proceeding under the act.

4. Amend the last sentence of the first paragraph of § 132.3 *Proposals* to read as follows: "If the investigation and consideration lead the Chief to conclude that the proposed marketing agreement or marketing order will not tend to effectuate the declared policy of the act, or that for other proper reasons a hearing should not be held on the proposal, he shall deny the application, and promptly notify the applicant of such denial, which notice shall be accompanied by a brief statement of the grounds for the denial."

5. Amend the second sentence of § 132.4 (a) to read as follows: "The notice of hearing shall contain a reference to the authority under which the marketing agreement or marketing order is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed marketing agreement or marketing order or a description of the subjects and issues involved; and shall state the industry, area, and class or classes of persons to be regulated, the time and place of such hearing, and the place where copies of such proposed marketing agreement or marketing order may be obtained or examined."

6. Amend § 132.6 (a) to read as follows:

§ 132.6 *Presiding officers*—(a) *Assignment.* No presiding officer who has any pecuniary interest in the outcome of a proceeding shall serve as presiding officer in such proceeding.

7. Delete from § 132.6 (b) the words "assigned to him by the Solicitor."

8. Amend § 132.6 (c) to read as follows:

(c) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

9. Add a new paragraph at the end of § 132.6 to read as follows:

(d) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

10. Amend § 132.7 to read as follows:

§ 132.7 *Motions and requests*—(a) *General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of the hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript.

Except as provided in § 132.15 (b) such motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript pursuant to § 132.10 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The presiding officer may in his discretion submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the presiding officer.

11. Amend the third sentence of § 132.8 (d) (1) to read as follows:

§ 132.8 *Conduct of the hearing*—(d) *Evidence*—(1) *In general* • • • Cross-examination shall be permitted to the extent required for a full and true disclosure of the facts.

12. Delete § 132.8 (d) (3) and renumber § 132.8 (d) (4), (5), (6) and (7) as § 132.8 (d) (3), (4), (5) and (6), respectively.

13. Delete from § 132.8 (d) (4) (heretofore § 132.8 (d) (5)) the parenthetical words "(including affidavits)."

14. Amend § 132.8 (d) (5) (heretofore § 132.8 (d) (6)) to read as follows:

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific or commercial fact of established character: *Provided*, That interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

15. Amend § 132.9 (b) to read as follows:

§ 132.9 *Oral and written arguments.* • • •

(b) *Briefs, proposed findings and conclusions.* The presiding officer shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and, in any case, shall not be considered in the formulation of the marketing agreement or marketing order. If the person filing a brief desires the Secretary to consider any objection made by any such person to a ruling of the presiding officer, as hereinbefore provided in § 132.8 (d), he shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.

16. Amend the heading and first sentence of § 132.10 to read as follows:

§ 132.10 *Certification of the transcript.* The presiding officer shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings and proposed conclusions, and shall furnish the hearing clerk with such other information as may be necessary.

17. Amend § 132.12 to read as follows:

§ 132.12 *Chief's recommended decision*—(a) *Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions, the Chief shall file with the hearing clerk a recommended decision.

(b) *Contents.* The Chief's recommended decision shall include: (1) A preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor; (2) a ruling upon each proposed finding or conclusion submitted by interested persons; and (3) an appropriate proposed marketing agreement or marketing order effectuating his recommendations.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision, the Chief shall give notice thereof, and opportunity to file exceptions thereto, to all interested persons in the same manner as provided in § 132.4 (relating to the giving of notice of the hearing). Within a period of time specified in such notice (to be fixed by the Chief, but not to exceed 20 days) after the filing of the recommended decision with the hearing clerk, any interested person may then file with the hearing clerk, exceptions to the Chief's proposed marketing agreement or marketing order, or both, as the case may be, and a brief in support of such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript and may suggest appropriate changes in the proposed marketing agreement or marketing order.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

18. Amend § 132.13 to read as follows:

§ 132.13 *Submission to Secretary.* Upon the expiration of the period allowed for filing exceptions or upon request of the Secretary, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: all motions and requests filed with the hearing clerk and rulings thereon; the certified transcript; any proposed findings or conclusions or written arguments or briefs that may have been filed; the Chief's recommended decision, if any, and such exceptions as may have been filed.

19. Add a new § 132.13a to read as follows:

§ 132.13a *Decision by Secretary.* (a) After due consideration of the record, the Secretary shall render a decision.

(b) Such decision shall become a part of the record and shall include (1) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, (2) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record, (3) a ruling upon each exception filed by interested persons, and (4) either (i) a denial of the proposal to issue a marketing agreement or marketing order or (ii) a marketing agreement and, if the findings upon the record so warrant, a marketing order, the provisions of which shall be set forth directly or by reference, regulating the handling of anti-hog-cholera serum and hog-cholera virus in the same manner and to the same extent as such marketing agreement, which order shall be complete except for its effective date and any determinations to be made under § 132.14 (b): *Provided*, That such marketing order shall not be executed, issued, or made effective until and unless the Secretary determines that the requirements of § 132.14 (b) have been met.

20. Amend § 132.14 to read as follows:

§ 132.14 *Execution of marketing agreement and issuance of marketing order*—(a) *Execution of marketing agreement.* If the Secretary has approved a marketing agreement, as provided in § 132.13a, the Chief shall cause copies thereof to be distributed for execution by the handlers eligible to become parties thereto. If and when such number of the handlers as the Secretary shall deem to be sufficient shall have executed the marketing agreement, the Secretary shall execute the same, and notice of its effective date shall be mailed by the hearing clerk to each person signatory thereto. A marketing agreement shall be effective and binding upon any party thereto even though such party may not have received the notice provided for in this paragraph, or the hearing clerk may have failed to mail such notice.

(b) *Issuance of marketing order with marketing agreement.* Whenever, as provided in paragraph (a) of this section, the Secretary executes a marketing agreement, and handlers also have executed the same as provided in section 59 of the act, he shall, if he finds that it will tend to effectuate the purposes of the act, issue and make effective the marketing order, if any, which was filed as a part of his decision pursuant to § 132.13a.

(c) *Effective date of marketing order.* No marketing order shall become effective less than 30 days after its publication in the FEDERAL REGISTER, unless the Secretary, upon good cause found and published with the order, fixes an earlier effective date therefor: *Provided*, That no marketing order shall become effective as to any person sought to be charged thereunder before either (1) it has been filed with the Division of the Federal Register, or (2) such person has received actual notice of the issuance and terms of the marketing order.

(d) *Notice of issuance.* After the issuance of a marketing order, such order shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given in the same manner as hereinbefore provided in § 132.4 (relating to the giving of notice of hearing).

21. Amend § 132.15 (b) to read as follows:

§ 132.15 *Filing; extension of time; effective date of filing; and computation of time.* • • •

(b) *Extensions of time.* The time for the filing of any document or paper required or authorized by the foregoing provisions of this subpart to be filed may be extended by the presiding officer (before the record is certified by the presiding officer) or by the Chief (after the record is so certified by the presiding officer but before it is transmitted to the Secretary), or by the Secretary (after the record is transmitted to the Secretary) upon request filed, and if, in the judgment of the presiding officer, Chief, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the hearing clerk.

22. Add a new § 132.18 to read as follows:

§ 132.18 *Hearing before Secretary.* The Secretary may act in the place and stead of a presiding officer in any proceeding hereunder. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final decision in the proceeding: *Provided*, That he may issue a tentative decision in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final decision.

23. Delete § 132.51 (d) and insert the following in lieu thereof:

§ 132.51 *Definitions.* • • •

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

24. Delete from § 132.51 (n) the words "Office of the Solicitor."

25. Amend § 132.51 (o) to read as follows:

(o) The term "presiding officer" means the examiner conducting a proceeding under the act.

26. Amend § 132.51 (p) to read as follows:

(p) The term "presiding officer's report" means the presiding officer's re-

port to the Secretary and includes the presiding officer's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order and (3) rulings on findings, conclusions and orders submitted by the parties.

27. Add a new paragraph at the end of § 132.51 to read as follows:

(q) The term "petition" includes an amended petition.

28. Amend § 132.52 (c) to read as follows:

§ 132.52 *Institution of proceeding.* * * *

(c) *Application to dismiss petition—(1) Filing, contents, and responses thereto.* If the Chief is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the act or with the requirements of paragraph (b) of this section, or is not filed in good faith, or is filed for purposes of delay, he may, within 30 days after the filing of the petition, file with the hearing clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this paragraph. Such application shall specify the grounds of objection to the petition and, if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such application, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the application to the Secretary for his consideration.

(2) *Decision by Secretary.* The Secretary, after due consideration, shall render a decision upon the application, stating the reasons for his action. Such decision shall be in the form of an order and shall be filed with the hearing clerk who shall cause a copy thereof to be served upon the petitioner and a copy thereof to be transmitted to the Chief. Any such order of the Secretary shall be a final order: *Provided*, That within 20 days following the service upon the petitioner of a copy of an order of the Secretary dismissing the petition, or any portion thereof, on the ground that it does not substantially comply in form and content with the act or with paragraph (b) of this section, the petitioner shall be permitted to file an amended petition.

(3) *Referral to presiding officer.* The Secretary may, in his discretion, refer any application made under this section to the presiding officer for preliminary consideration and report, and, in a proper case, for the taking of evidence: *Provided*, That the provisions of §§ 132.60 to 132.65, inclusive, shall be applicable to the reception of such evidence, if any; the form, content, and filing of such report; the allowance of exceptions thereto; and transmittal of the record to the Secretary.

(4) *Oral argument.* Unless a written application for oral argument is filed by a party with the hearing clerk not later than the time fixed for filing papers in opposition to the application, it shall be considered that the party does not desire oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary or the presiding officer, as the case may be.

29. Add a new § 132.52a to read as follows:

§ 132.52a *Answer to petition—(a) Time of filing.* Within 30 days after the filing of the petition, the Chief shall file an answer thereto: *Provided*, That, if an application to dismiss the petition, in whole or in part, is made pursuant to § 132.52 (c), the answer shall be filed within 15 days after the filing of an order of the Secretary denying the application or granting the application with respect to only a portion of the petition. The answer shall be filed with the hearing clerk who shall cause a copy thereof to be served promptly upon the petitioner.

(b) *Contents.* The answer shall specify which of the material allegations of fact or of law in the petition are controverted and which are not controverted. The answer also may contain affirmative allegations of fact constituting separate defenses and statements of objections to the sufficiency of the whole or any part of the petition.

30. Add a new § 132.52b to read as follows:

§ 132.52b *Amended pleadings.* At any time before the close of the hearing the petition or answer may be amended, but the hearing shall, at the request of the adverse party, be adjourned or recessed for such reasonable time as the presiding officer may designate to be necessary to protect the interests of the parties. Amendments subsequent to the first amendment or subsequent to the filing of an answer may be made only with leave of the presiding officer or with the written consent of the adverse party.

31. Amend § 132.55 to read as follows:

§ 132.55 *Presiding officers—(a) Assignment.* No presiding officer who has any pecuniary interest in the outcome of the proceeding, or who has participated in the investigation preceding the institution of the proceeding, shall serve as presiding officer in such proceeding.

(b) *Conduct.* The presiding officer shall conduct the proceeding in a fair and impartial manner and shall not discuss ex parte the merits of the proceeding with any person who is or who has been connected in any manner with the proceeding in an advocative or investigative capacity.

(c) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer shall have power to:

(1) Rule upon motions and requests;
(2) Adjourn the hearing from time to time, and change the time and place of hearing;
(3) Administer oaths and affirmations and take affidavits;
(4) Issue subpenas, under the facsimile signature of the Secretary, requiring the attendance and testimony of witnesses and the production of books, records, contracts, papers, and other documentary evidence;
(5) Examine witnesses and receive evidence;
(6) Take or order, under the facsimile signature of the Secretary, the taking of depositions;
(7) Admit or exclude evidence;
(8) Hear oral argument on facts or law;
(9) Consolidate hearings upon two or more petitions pertaining to the same order;
(10) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(d) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

(e) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

32. Delete from § 132.56 *Consolidated hearings* the words "the Solicitor or."

33. Delete from paragraph (a) *Time and place* of § 132.60 *Oral hearings before presiding officer* the words "The Solicitor or the presiding officer" and insert in lieu thereof the words "The presiding officer."

34. Amend the first sentence of § 132.61 (a) to read as follows:

§ 132.61 *Depositions—(a) Procedure in lieu of depositions.* Before any party may have testimony taken by deposition, said party shall, if practicable, submit to the other party an affidavit which shall set forth the facts to which the witness would testify if the deposition should be taken. * * *

35. Delete from paragraph (b) *Suggested findings of fact, conclusions and orders* of § 132.64 *The presiding officer's report* and § 132.65 *Transmittal of record* the word "suggested" wherever it appears and insert, in lieu thereof, the word "proposed."

36. Amend § 132.64 (c) to read as follows:

(c) *Presiding officer's report.* The presiding officer, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the basis of the record, and shall file with the hearing clerk, his report, a copy of which (together with notification of the date fixed by the presiding officer for the filing of exceptions thereto) shall be served by the hearing clerk upon each of the parties.

37. Amend paragraph (b) *Service; proof of service* of § 132.69 *Filing; service; extensions of time; effective date of filing; and computation of time* by deleting the proviso therein and by deleting from the final sentence the words "or post office receipt."

38. Amend § 132.69 (c) to read as follows:

(c) *Extensions of time.* The time for the filing of any documents or papers required or authorized in this subpart to be filed may be extended upon (1) a written stipulation between the parties, or (2) upon the request of a party, by the presiding officer before the transmittal of the record to the Secretary, or by the Secretary at any other time, if, in the judgment of the Secretary or the presiding officer, as the case may be, there is good reason for the extension.

39. Add a new § 132.70 to read as follows:

§ 132.70 *Applications for interim relief—(a) Filing the application.* A person who has filed a petition pursuant to § 132.52 may, by separate application filed with the hearing clerk, apply to the Secretary for an order postponing the effective date of, or suspending the application of, the marketing order or any provision thereof, or any obligation imposed in connection therewith, pending final determination of the proceeding.

(b) *Contents of the application.* The application shall contain a statement of the facts upon which the relief is requested, including any facts showing irreparable injury. The application must be signed and sworn to by the petitioner and any facts alleged therein which are not within his personal knowledge shall be supported by affidavits of a person or persons having personal knowledge of such facts or by proper documentary evidence thereof.

(c) *Answer to application.* Immediately upon receipt of the application, the hearing clerk shall transmit a copy thereof, together with all supporting papers, to the Chief, who shall, within 20 days, or such other time fixed by the Secretary, after the filing of the application, file an answer thereto with the hearing clerk.

(d) *Contents of answer.* The answer shall contain a statement of the objections, if any, of the Chief to the application for interim relief, and may be supported by affidavits and documentary evidence.

(e) *Transmittal to Secretary.* Upon receiving the answer of the Chief, or upon the expiration of the time for filing the answer, the hearing clerk shall transmit to the Secretary for his decision all papers filed in connection with the application.

(f) *Hearing and oral argument.* The Secretary may, in his discretion, permit oral argument or the taking of testimony in connection with such application. However, unless written request therefor is filed with the hearing clerk prior to the transmittal of the papers to the Secretary, the parties shall be deemed to have waived oral argument and the taking of testimony.

(g) *Decision by Secretary.* The Secretary may grant or deny the application. Any action taken by the Secretary shall be in the form of an order filed with the hearing clerk and shall contain a brief statement of the reasons for the action taken. The hearing clerk shall cause copies of the order to be served upon the parties.

40. Add a new § 132.71 to read as follows:

§ 132.71 *Hearing before Secretary.* The Secretary may act in the place and stead of a presiding officer in any proceeding hereunder. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding: *Provided*, That he may issue a tentative order in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

NOTE: Unless otherwise ordered all proceedings initiated under Public Law 320 (7 U. S. C. 851 et seq.) and pending on December 11, 1946, shall be conducted and concluded in accordance with the applicable rules of practice in effect at the time the proceedings were instituted.

(49 Stat. 781, 60 Stat. 237, 7 U. S. C. 851 et seq.)

Done at Washington, D. C., this 24th day of April 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: April 29, 1947.

HARRY S. TRUMAN,
President of the United States.

[F. R. Doc. 47-4194; Filed, May 2, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organizations, Functions and Procedures

PART 2—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

SECRETARY OF WAR'S BOARD ON CORRECTION OF MILITARY RECORDS

Correction

In Federal Register Document 47-4088, appearing at page 2799 of the issue for Wednesday, April 30, 1947, the word "bases" in § 2.23 (b) should read "basis".

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Comerce

PART 370—OFFICE OF MATERIALS DISTRIBUTION [1]

Sec.
370.1 Creation.
370.2 General purpose and functions.
370.3 Organization.
370.4 Functions of organization units.

AUTHORITY: §§ 370.1 to 370.4, inclusive, issued under E. O. 9841, April 23, 1947.

§ 370.1 *Creation.* The Office of Materials Distribution was created by Department Order No. 69 of May 4, 1947, as the organization through which the Secretary of Commerce will carry out the functions transferred to him by Executive Order No. 9841 dated April 23, 1947.

§ 370.2 *General purpose and functions.* The general purpose and functions of the Office of Materials Distribution are, in accordance with the authority vested in the Secretary of Commerce by Executive Order No. 9841, (a) to liquidate and terminate the non-continuing functions within the minimum time, (b) to carry out the continuing functions in conformity with the statutory authority applicable to these functions, and (c) to integrate, in due course, the functions of a continuing or permanent nature into the established organization of the Department of Commerce.

§ 370.3 *Organization.* The Office of Materials Distribution consists of the (a) Office of the Director, (b) Rubber Division, (c) Chemicals Division, (d) Metals Division, (e) Cordage Division, and (f) Liquidation Division.

§ 370.4 *Functions of organization units—(a)* The Office of the Director is responsible for performing all functions transferred to the Secretary of Commerce by Executive Order No. 9841 which have been delegated to the director, except functions assigned by this part, or subsequently assigned by the director, to other constituent units of the Office of Materials Distribution. These functions include, but are not limited to, final determinations with respect to the functions specified under section 203 (a), (b), and (d) of Part II of Executive Order No. 9841.

(b) The materials divisions within the Office of Materials Distribution are responsible for assisting in the performance of the functions retained in the Office of the Director and also will carry out the following specific assignments for the director:

(1) The Rubber Division will carry out functions under the provisions of the Joint Resolution to strengthen the common defense by maintaining an adequate domestic rubber-producing industry (P. L. 24—80th Congress) and administer rubber orders and regulations issued pursuant to Title III of the Second War Powers Act of 1942, as amended;

(2) The Chemicals Division will carry out functions under the provisions of the

[1] Regulations of the Office of Materials Distribution appear at 32 CFR Chapter IX.

First Decontrol Act of 1947 (P. L. 29—80th Congress) as they apply to cinchona bark and cinchona alkaloids, and streptomycin and administer orders and regulations related thereto issued pursuant to the provisions of Title III of the Second War Powers Act, as amended;

(3) The Metals Division will carry out functions under the provisions of the First Decontrol Act of 1947 (P. L. 29—80th Congress) as they apply to tin and tin products, and antimony and administer orders and regulations related thereto issued pursuant to the provisions of Title III of the Second War Powers Act, as amended; and

(4) The Cordage Division will carry out functions under the provisions of the First Decontrol Act of 1947 (P. L. 29, 80th Congress) as they apply to manila (abaca) fiber and cordage, and agave fiber and cordage and administer orders and regulations related thereto issued pursuant to the provisions of Title III of the Second War Powers Act, as amended.

(c) The Liquidation Division is responsible for liquidating all parts of former CPA activities not carried on by the other constituent units of the Office of Materials Distribution, including but not limited to historical records activities; records disposal; management activities; amortization activities under section 124 of the Internal Revenue Code, as amended; development of information on claims against the United States on account of property requisitioned by the Chairman of the War Production Board or his predecessors or relating to the expansion of the capacity of defense plants alleged to have been undertaken at the request of the War Production Board or its predecessor agencies; and other activities as assigned by the Director of the Office of Materials Distribution.

In addition to the above functions, the Liquidation Division will furnish the Office of Materials Distribution with necessary personnel, fiscal, procurement, and other routine management services.

Dated: May 2, 1947.

H. B. McCoy,
Director,
Office of Materials Distribution.

[F. R. Doc. 47-4307; Filed, May 2, 1947; 11:37 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Rent Control Order 1]

PART 820—RENT CONTROL ORDERS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942 AS AMENDED

ADOPTION BY THE HOUSING EXPEDITER OF REGULATIONS, ORDERS, DELEGATIONS OF AUTHORITY AND ORGANIZATION OF THE OFFICE OF TEMPORARY CONTROLS (OFFICE OF PRICE ADMINISTRATION) RELATING TO RENT CONTROL

§ 820.1 *Adoption by the Housing Expediter of regulations, orders, delegations of authority and organization of the Office of Temporary Controls (Office of Price Administration) relating to rent control*—(a) *What this section does.* By Parts II and IV of Executive Order 9841, issued April 23, 1947, the President has transferred to the Housing Expediter, effective May 4, 1947, all functions of the Temporary Controls Administrator and of the Office of Temporary Controls with respect to rent control. In order to carry out the functions transferred to the Housing Expediter by this Executive order, the Housing Expediter is adopting all regulations, orders and other documents of the Office of Temporary Controls (Office of Price Administration), concerning or affecting rent control and continuing them in effect as Housing Expediter regulations, orders and documents. As it is not practicable at this time to reissue these regulations, orders and other documents in the name of the Housing Expediter, this section provides for their adoption in a single document, and sets forth the effect of the adoption.

(b) *Adoption by Housing Expediter of certain Office of Temporary Controls (Office of Price Administration) regulations and orders.* The following regulations and orders of the Temporary Controls Administrator and Office of Temporary Controls (Office of Price Administration) are adopted, ratified, and confirmed as Housing Expediter actions, to the same extent as if issued in his name, and shall remain in full force and effect until revoked or amended by the Housing Expediter:

Section No.	Regulation	Issue date	Federal Register citation
1388.1181	Rent Regulation for Housing (incl. Admts. 1-104)	Oct. 15, 1946	11 FR 12055
	Amendment No. 105	Nov. 1, 1946	11 FR 13028
	Amendment No. 106	Nov. 7, 1946	11 FR 13300
	Amendment No. 107	Nov. 29, 1946	11 FR 14013
	Amendment No. 108	Dec. 6, 1946	11 FR 14180
	Correction to Amdt. 108	Dec. 19, 1946	11 FR 14572
	Amendment No. 109	Jan. 14, 1947	12 FR 229
	Amendment No. 110	Feb. 7, 1947	12 FR 920
	Amendment No. 111	Feb. 28, 1947	12 FR 1443
	Amendment No. 112	Mar. 28, 1947	12 FR 1984
	Amendment No. 113	Apr. 1, 1947	12 FR 2167
	Amendment No. 114	Apr. 28, 1947	12 FR 2772
1388.1231	Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts (Incl. Amdts. 1-97)	Nov. 11, 1946	11FR 13032
	Amendment No. 98	Nov. 1, 1946	11 FR 13054
	Correction to Amdt. 98	Jan. 17, 1947	12 FR 409
	Amendment No. 99	Nov. 7, 1946	11 FR 13305
	Amendment No. 100	Nov. 29, 1946	11 FR 14013
	Amendment No. 101	Dec. 6, 1946	11 FR 14187
	Correction to Amdt. 101	Dec. 19, 1946	11 FR 14571
	Amendment No. 102	Jan. 17, 1947	12 FR 395
	Amendment No. 103	Feb. 28, 1947	12 FR 1444
	Amendment No. 104	Apr. 1, 1947	12 FR 2166
	Amendment No. 105	Apr. 9, 1947	12 FR 2358
	Amendment No. 106	Apr. 28, 1947	12 FR 2770
1388.1291	Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area (Incl. Amdts. 1-24)	Apr. 10, 1946	11 FR 4025
	Correction to Collation (Amdts. 1-24)	Apr. 23, 1946	11 FR 4583
	Amendment No. 25	May 31, 1946	11 FR 5951
	Amendment No. 26	May 27, 1946	11 FR 5823
	Amendment No. 27	July 26, 1946	11 FR 8164
	Amendment No. 28	Sept. 18, 1946	11 FR 10524
	Amendment No. 29	Oct. 31, 1946	11 FR 12948
	Amendment No. 30	Dec. 6, 1946	11 FR 14188
	Correction to Amdt. 30	Dec. 19, 1946	11 FR 14571
	Amendment No. 31	Jan. 17, 1947	12 FR 393
	Amendment No. 32	Apr. 9, 1947	12 FR 2359
1388.1281	Rent Regulation for Housing in the New York City Defense-Rental Area (Incl. Amdts. 1-26)	May 20, 1946	11 FR 5542
	Amendment No. 27	May 27, 1946	11 FR 5824
	Amendment No. 28	July 26, 1946	11 FR 8149
	Amendment No. 29	July 26, 1946	11 FR 8163
	Amendment No. 30	Sept. 20, 1946	11 FR 10659
	Amendment No. 31	Oct. 15, 1946	11 FR 12064
	Amendment No. 32	Dec. 6, 1946	11 FR 14190
	Correction to Amdt. 32	Dec. 19, 1946	11 FR 14572
	Amendment No. 33	Jan. 14, 1947	12 FR 230
	Amendment No. 34	Feb. 7, 1947	12 FR 923
	Amendment No. 35	Feb. 17, 1947	12 FR 1107
	Amendment No. 36	Mar. 25, 1947	12 FR 1985
1388.1401	Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in Miami Defense-Rental Area (Incl. Amdts. 1-11)	Jan. 8, 1945	10 FR 318
	Amendment No. 12	Feb. 28, 1945	10 FR 2407
	Amendment No. 13	May 4, 1945	10 FR 5060
	Amendment No. 14	July 28, 1945	10 FR 9445
	Amendment No. 15	Aug. 28, 1945	10 FR 11071
	Amendment No. 16	Dec. 19, 1945	10 FR 15212
	Amendment No. 17	Apr. 10, 1946	11 FR 4015
	Amendment No. 18	May 31, 1946	11 FR 5951
	Amendment No. 19	June 5, 1946	11 FR 6136
	Amendment No. 20	July 26, 1946	11 FR 8163
	Amendment No. 21	Sept. 17, 1946	11 FR 10540
	Amendment No. 22	Oct. 31, 1946	11 FR 12944
	Amendment No. 23	Dec. 6, 1946	11 FR 14187
	Amendment No. 24	Jan. 17, 1947	12 FR 392
	Amendment No. 25	Feb. 17, 1947	12 FR 1061
1388.1241	Rent Regulation for Housing in the Miami Defense-Rental Area (Incl. Amdts. 1-27)	Oct. 15, 1946	11 FR 12075
	Amendment No. 28	Dec. 6, 1946	11 FR 14191
	Amendment No. 29	Jan. 14, 1947	12 FR 232
	Amendment No. 30	Feb. 7, 1947	12 FR 922
	Amendment No. 31	Mar. 25, 1947	12 FR 1985
1388.1411	Rent Regulation for Housing in the Atlantic County Defense-Rental Area (Incl. Amdts. 1-23)	Oct. 15, 1946	11 FR 12084
	Amendment No. 24	Dec. 6, 1946	11 FR 14189
	Correction to Amdt. 24	Dec. 19, 1946	11 FR 14571
	Amendment No. 25	Jan. 14, 1947	12 FR 231
	Amendment No. 26	Feb. 7, 1947	12 FR 921
	Amendment No. 27	Mar. 25, 1947	12 FR 1984
	Amendment No. 28	Apr. 16, 1947	12 FR 2475

Section No.	Regulation	Issue date	Federal Register citation
1300.201	Revised Procedural Regulation No. 3, as Amended	Feb. 17, 1947	12 FR 1143
1300.259	Amendment No. 1	Apr. 16, 1947	12 FR 2476
1300.701	Procedural Regulation 14	Feb. 9, 1944	9 FR 1594
	Second Revised General Order 3	Sept. 7, 1944	9 FR 11137
	General Order 29	Nov. 20, 1942	7 FR 9609
	General Order 35	Sept. 28, 1942	7 FR 7764
	General Order 52	May 11, 1943	8 FR 6199
	Revised General Order 53	May 13, 1944	9 FR 5193
	General Order 55	Apr. 6, 1944	9 FR 3820
	Amendment No. 1	Apr. 1, 1945	10 FR 3593
	General Order 56	Apr. 6, 1944	9 FR 3823
	General Order 57	May 3, 1944	9 FR 4780
	Amendment No. 1	July 6, 1944	9 FR 7590
	Revised General Order 29	Feb. 28, 1947	12 FR 1710
	General Order 60	Sept. 20, 1944	9 FR 11613
	Amendment No. 1	Nov. 23, 1944	9 FR 14023
	Amendment No. 2	May 14, 1945	10 FR 5552
	Revised General Order 64	Oct. 26, 1945	10 FR 13382
	Amendment No. 1	Jan. 15, 1946	11 FR 656
	General Order 66	Aug. 10, 1945	10 FR 9975
	General Order 73	June 26, 1946	11 FR 7161

In addition to the above regulations and orders, all other regulations, orders, certificates issued thereunder, designations of defense-rental areas, declarations, delegations of authority (except as hereinafter provided), rules of procedure, directives, instructions, rules, interpretations, rent memoranda, notices, forms, organization descriptions and any other documents or actions relating to or affecting rent control (which, together with the above-listed regulations and orders, will hereinafter be referred to as regulations and orders) which were issued or taken, by or under the authority of the Temporary Controls Administrator, or by any other authorized official of the Office of Temporary Controls (Office of Price Administration) (including those ratified by the Temporary Controls Administrator by order dated December 19, 1946, 11 F. R. 14704), which are in effect on May 4, 1947, are, in accordance with Executive Order 9841, hereby adopted, ratified and confirmed, and shall remain in full force and effect until they expire by their terms, or are revoked, modified or amended by the Housing Expediter.

(c) *Effect of adoption on existing obligations and liabilities.* All obligations and liabilities imposed by the regulations, orders and other documents referred to in paragraph (b) are continued in full force and effect. The transfer of rent control functions referred to herein does not cancel, suspend or revoke any civil or criminal liability or penalty incurred by any person under the regulations, orders and other documents adopted by this section.

(d) *Reference to the Office of Temporary Controls, Office of Price Administration or Office of Price Administration as Housing Expediter.* All references in the regulations, orders, forms and other documents referred to in paragraph (b) to "Office of Temporary Controls (Office of Price Administration)", "Temporary Controls Administrator", "Office of Price Administration", "Price Administrator", or "Administrator" shall be construed (except where a different meaning appears from the context) to be references to the "Office of the Housing Expediter", or to the "Housing Expediter", whichever is appropriate. However, all references in the regulations, orders, forms and other documents referred to in paragraph (b) to "Secretary, Office of Price Administration" and "Regional Administrator, Office of Price Administration" shall be construed to be references to the "Secretary, Office of Rent Control, Office of the Housing Expediter," and the "Regional Rent Administrator, Office of Rent Control, Office of the Housing Expediter," respectively.

(e) *Establishment of and delegation of authority to the Deputy Housing Expediter, Rent Control.* The Office of Rent Control is hereby established in the Office of the Housing Expediter under the direction of a Deputy Housing Expediter, Rent Control. All the authority, rights, privileges, powers, duties and functions relating to rent control which were vested in or delegated to the Deputy Commissioner for Rent, the Deputy Commissioner Accounting and the Deputy Commissioner for Information, Office of Price Administration (Office of Temporary Controls) by the regulations, orders and other documents referred to in paragraph (b) are hereby vested in and delegated to the Deputy Housing Expediter, Rent Control, Office of the Housing Expediter, and may be delegated by him to his subordinate officials in the Office of Rent Control.

(f) *Establishment of and delegation of authority to the Director, Rent Enforcement.* A Director, Rent Enforcement, is hereby established in the Office of Rent Control, Office of the Housing Expediter. All authority rights, privileges, powers, duties and functions relating to rent control which were vested in or delegated to the Deputy Commissioner for Enforcement, Office of Price Administration (Office of Temporary Controls) by the regulations, orders and other documents referred to in paragraph (b) are hereby vested in and delegated to the Director, Rent Enforcement, Office of Rent Control, Office of Housing Expediter and may be delegated by him to his subordinate attorneys.

(g) *Establishment of and delegation of authority to the Assistant General Counsel, Rent Control.* An Assistant General Counsel, Rent Control, is hereby established in the Office of the General Counsel, Office of the Housing Expediter. All authority, rights, privileges, powers, duties, and functions relating to rent control which were vested in or delegated to the General Counsel and the Associate General Counsel for Rent, Office of Price Administration (Office of Temporary Controls) by the regulations, orders and other documents referred to in paragraph (b) are hereby vested in and delegated to the General Counsel and the Assistant General Counsel, Rent Control, Office of the Housing Expediter, and may be delegated by them to attorneys in the Office of the General Counsel.

(h) *Establishment of and delegation of authority to Regional Rent Administrators.* Regional Rent Offices are hereby established in the Office of Rent Control, Office of the Housing Expediter under the direction of Regional Rent Administrators. All authority, rights, privileges, powers, duties and functions relating to rent control which were vested in or delegated to Regional Administrators and Regional Rent Executives, Office of Price Administration (Office of Temporary Controls) by the regulations, orders and other documents referred to in paragraph (b) are hereby vested in and delegated to Regional Rent Administrators, Office of Rent Control, Office of the Housing Expediter, and may be delegated by them to their subordinate regional officials.

(i) *Establishment of and delegation of Authority to Enforcement Division Chiefs.* Enforcement Division Chiefs are hereby established in the Regional Rent Offices, Office of Rent Control, Office of Housing Expediter. All authority, rights, privileges, powers, duties and functions relating to rent control which were vested in or delegated to Regional Enforcement Executives, Office of Price Administration (Office of Temporary Controls) by the regulations, orders and other documents referred to in paragraph (b) are hereby vested in and delegated to Enforcement Division Chiefs, Regional Rent Offices, Office of Rent Control, Office of Housing Expediter and may be delegated by them to their their subordinate attorneys.

(j) *Establishment of and delegation of authority to Area Rent Directors.* Area Rent Offices are hereby established in the Office of Rent Control, Office of the Housing Expediter under the direction of Area Rent Directors. All authority, rights, privileges, powers, duties and functions relating to rent control which were vested in or delegated to Area Rent Directors, Office of Price Administration (Office of Temporary Controls) by the regulations, orders and other documents referred to in paragraph (b) are hereby vested in and delegated to Area Rent Directors, Office of Rent Control Office of the Housing Expediter.

(k) *Establishment of and delegation of authority to the Secretary, Office of Rent Control.* The Office of the Secretary is hereby established in the Office of Rent Control, Office of the Housing Expediter. All authority, rights, privileges,

powers, duties, and functions relating to rent control which were vested in or delegated to the Secretary, Office of Price Administration (Office of Temporary Controls) by the regulations, orders and other documents referred to in paragraph (b) are hereby vested in and delegated to the Secretary, Office of Rent Control, Office of the Housing Expediter.

(l) *Designation of personnel.* The officials who held the offices of (1) Director, Rent Enforcement Division; (2) Associate General Counsel for Rent; (3) Regional Rent Executive; (4) Enforcement Attorney (Division Chief); (5) Area Rent Director and (6) Secretary, in the Office of Price Administration (Office of Temporary Controls), who have been transferred to the Office of the Housing Expediter pursuant to Executive Order 9841, are hereby designated (1) Director, Rent Enforcement, Office of Rent Control; (2) Assistant General Counsel, Rent Control, Office of the General Counsel; (3) Regional Rent Administrator, Office of Rent Control; (4) Enforcement Division Chief, Regional Rent Office, Office of Rent Control; (5) Area Rent Director, Office of Rent Control and (6) Secretary, Office of Rent Control, respectively, in the Office of the Housing Expediter.

(m) *Actions to be taken in the name of the Housing Expediter.* All future actions relating to rent control under the regulations, orders and other documents referred to in paragraph (b), shall be taken by the Housing Expediter, or in the name of the Office of the Housing Expediter, by a duly authorized official, or as otherwise provided by a delegation of authority from the Housing Expediter.

(n) *Reporting and record-keeping requirements approved.* The reporting and record-keeping requirements of the regulations, orders and other documents referred to in paragraph (b) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(o) *Effective date.* This section, Housing Expediter Rent Control Order 1, shall become effective May 4, 1947.

(56 Stat. 23; 60 Stat. 664; EO 9809; 11 F. R. 14281; EO 9841, 12 F. R. 2645)

Issued this 2d day of May 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-4303 Filed, May 2, 1947; 11:33 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 3290—MANILA (ABACA) AND AGAVE FIBERS AND CORDAGE

[Conservation Order M-84, Direction 2]

SUSPENSION OF PROCESSING QUOTAS AND INVENTORY RESTRICTIONS FOR MANILA (ABACA) FIBER

The following direction is issued pursuant to Conservation Order M-84:

(a) *Purpose.* This direction suspends the processing quotas for spinnable Manila (abaca) fiber issued under paragraph (c) of Order M-84 which have limited the quantity of that fiber which may be put into process by processors in making the products permitted under paragraph (b) (1) of the order. It also suspends the limitations in paragraph (d) (1) of Order M-84 upon processors' inventories of spinnable Manila (abaca) fiber and yarn made from such fiber, and the limitations in paragraph (d) (2) of Order M-84 as to importers' and dealers' inventories of the fiber. The suspension of these limitations will continue until further notice by amendment or revocation of this direction or otherwise.

(b) *Suspension of processing quotas and inventory limitations on Manila (abaca) fiber.* Until such time as the Civilian Production Administration may order otherwise, the processing quotas for spinnable Manila (abaca) fiber issued to processors pursuant to paragraph (c) of Order M-84, are hereby suspended, and the inventory limitations in paragraphs (d) (1) and (d) (2) of Order M-84 are also suspended.

(c) *Inconsistent provisions of paragraphs (c) and (d) of Order M-84 suspended.* The provisions of paragraphs (c) and (d) of Order M-84, to the extent that they are inconsistent with the terms of this direction, are also hereby suspended.

(d) *Other limitations and requirements not affected.* The suspension of the limitations under paragraphs (b) and (c) of this direction does not suspend or affect in anyway any other restrictions or provisions in Order M-84 or actions taken pursuant to them including (but not limited to) processing quotas for agave fiber, directions for the use of extenders, reporting requirements, and use restrictions, all of which remain in force unaffected by this direction.

Issued this 2d day of May 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-4305; Filed, May 2, 1947; 11:37 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R-1, as Amended May 2, 1947]

Findings Under Sec. 4 (a) of Public Law 404, Seventy-ninth Congress. In connection with the issuance of the following amendments, the Civilian Production Administration, pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237), finds that compliance with the notice, public rule-making procedure and effective date requirements of the said act is impractical and contrary to the public interest, in that the time intervening between the approval of Public Law 24, 80th Congress, on which the following amendments are based, and the date when the said amendments must become effective in order to effectuate the policy of said Public Law 24, is insufficient for such compliance; and any delay in the effective date of the following amendments will jeopardize the orderly allocation of natural and synthetic rubber and the production of synthetic rubber, contrary to the public interest. Therefore, the Civilian Production Administration, pursuant to Public Law 24, 80th Congress, hereby takes the following action:

Rubber Order R-1, as amended December 31, 1946 is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of natural rubber and other materials entering into the production of rubber products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

Purpose of this order. Rubber Order R-1 embraces the Civilian Production Administration regulations covering acceptance of delivery of certain raw materials, restrictions on consumption, purchase procedure, delivery, inventories, and importation.

Appendix I, which is printed at the foot of this order, lists the end products in the manufacture of which natural rubber and natural rubber latex may be used and provides special restrictions for the use of these raw materials in the manufacture of specified products.

Appendix II, which is printed separately, establishes manufacturing regulations for certain end products, principally tires and tubes, set out in lists applicable to the particular product.

Sec.

4600.01 Definitions of certain terms.
4600.02 Authorization by CPA required to accept delivery of certain raw materials from the Office of Rubber Reserve, RFC.
4600.03 Restrictions on consumption of natural rubber (excluding natural rubber latex).
4600.03a Authorization by CPA required to accept delivery from the Office of Rubber Reserve and to consume natural rubber latex.
4600.03b Consumption of Butyl (GR-I) authorized in all products.
4600.04 Purchase requests for natural rubber, natural rubber latex, Butyl, and GR-S (all types).
4600.05 Restrictions on making deliveries of raw materials.
4600.06 Restrictions on inventories of raw materials.
4600.07 Restrictions on importation of rubber products.
4600.08 [Deleted May 2, 1947.]
4600.11 [Deleted May 2, 1947.]
4600.12 Reports.
4600.13 Applicability of regulations.
4600.14 Appeals.
4600.15 Violations.
4600.16 Communications.
Appendix I—List of permitted end products.
Appendix II—Manufacturing regulations (printed separately).

§ 4600.01 *Definitions of certain terms.* As used in this order:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber, including guayule but excluding natural rubber latex. Not included in the definitions are reclaimed rubber, scrap rubber, balata, chilte, gutta percha, gutta siak, gutta jelutong or pontianac.

(b) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(c) "Reclaimed rubber" means any vulcanized material derived from the processing or treatment of scrap rubber but excluding reclaimed residue or "mud". Reclaimed residue or "mud" means dried or recovered sludge consisting of a mixture of partially hydrolyzed cellulose, finely divided rubber and other waste products of the digester process of reclaiming rubber.

(d) "Scrap rubber" means any finished or semi-finished product or part thereof made in part or in whole from natural rubber or natural rubber latex which through wear, deterioration or obsolecence, cannot be used in the processing of any product for which the use of natural rubber or natural rubber latex is permitted in Appendix I hereof. Not included in the definition of scrap rubber is any vulcanized, unvulcanized, compounded or coagulated material with a specific gravity of 1.15 or less which results from or is incident to the handling or the processing of natural rubber or natural rubber latex in the manufacture or the repair of any product and which may be used for a purpose for which originally designed, or which may be used for any product for which the use of natural rubber or natural rubber latex is permitted in Appendix I hereof. Also not included in the definition is any finished or semi-finished product or material containing natural rubber or natural rubber latex which may be used for a purpose for which originally designed, or which may be used for any product for which the use of natural rubber or natural rubber latex is permitted in Appendix I hereof.

(e) "Synthetic rubber" means Neoprene (all types including latex), Butyl (GR-I), all grades; all Butadiene polymer and copolymer types including latex, including but not limited to GR-S types, such as Hycar OS and Styraloy; and all Butadiene-Acrylonitirle types, such as Hycar, Perbunan, Chemigum, Butaprene, Thiokol RD and GR-A.

(f) "Butyl" means all types of Butyl (GR-I) except butyl plant clean-up material.

(g) "Chlorinated natural rubber" means the reaction product of chlorine and natural rubber.

(h) "Consume" means in the case of natural rubber, natural rubber latex, synthetic rubber or reclaimed rubber, to compound, expand, formulate or in any manner make any substantial change in the form, shape or chemical composition, except where any of these materials is used in the preparation of masterbatches or compounds prepared for use in the manufacture of products permitted in Appendices I or II hereof.

(i) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

§ 4600.02 *Authorization by CPA required to accept delivery of certain raw materials from the Office of Rubber Reserve, RFC.* (a) No person shall accept delivery from the Office of Rubber Reserve, RFC, of any of the following raw materials:

Natural rubber (excluding natural rubber latex)
Butyl
GR-S

until he has received an authorization to do so from the Civilian Production Administration on Form CPA-4488. Applications for an authorization to accept delivery from the Office of Rubber Reserve, RFC, of any or all of these materials shall be made on Form CPA-4488, pursuant to instructions accompanying that form, not later than the first day of the month next preceding the calendar quarter for which the authorization is required. The authorizations to accept delivery from the Office of Rubber Reserve, RFC, on Form CPA-4488 will be mailed by the Civilian Production Administration only to applicants who have applied on Form CPA-4488. This authorization form will be mailed on or before the 20th day of the month next preceding the calendar quarter for which the delivery is authorized.

(b) *Pale crepe.* Only manufacturers of the products specified in Appendix I in the manufacture of which the use of pale crepe is specifically permitted, will be authorized by the Civilian Production Administration to accept delivery of that material from the Office of Rubber Reserve, RFC.

(c) *Basis for authorization to accept delivery of natural rubber (excluding natural rubber latex), Butyl and GR-S from the Office of Rubber Reserve, RFC.* In determining the amounts of natural rubber (excluding natural rubber latex), Butyl and GR-S to be authorized for acceptance of delivery from the Office of Rubber Reserve, RFC, by an applicant in any calendar quarter, the Civilian Production Administration will take into consideration the consumption and inventories of those materials reported monthly on Form CPA-3410 and quarterly on Form CPA-4488, information furnished by the applicant as to past production and estimated future production of rubber products, as well as the proportional requirements for such materials in the production of rubber products, required by Appendices I and II hereof. It is the policy of CPA to distribute equitably the supply of Butyl and GR-S, among all consumers so that the quantities authorized for delivery will be sufficient for industry to maintain its production schedules, within the limitations of the available natural rubber determined to be available to industry remaining in the stocks of the Office of Rubber Reserve, RFC. Consistent with technical requirements and available supplies, the CPA will determine the end products in the manufacture of which any grade of natural rubber may be used.

§ 4600.03 *Restrictions on consumption of natural rubber (excluding natural rubber latex).* No person shall consume natural rubber except in the manufacture of permitted end products listed in Appendix I hereof, and in accordance with the applicable special restrictions or provisions in Appendix I and the manufacturing regulations in Appendix II. Restrictions on the consumption of natural rubber latex appear in § 4600.03a below.

(1) *Consumption for experimental use of natural rubber (excluding natural latex).* Not to exceed 75 pounds of natural rubber may be used in any calendar quarter for consumption in experimental purposes. This material may be consumed from inventory or, if the consumer has no inventory, may be purchased directly from the Office of Rubber Reserve, RFC, 811 Vermont Ave., NW., Washington, D. C. or from any rubber dealer or importer.

§ 4600.03a *Authorization by CPA required to accept delivery from the Office of Rubber Reserve and to consume natural rubber latex.* No person shall consume natural rubber latex until he has received an authorization to do so from the Civilian Production Administration on Form CPA-4562. Applications for an authorization to accept delivery of natural rubber latex from the Office of Rubber Reserve, RFC, and to consume it shall be made on Form CPA-4562 pursuant to instructions accompanying that form, not later than the first day of the month next preceding the calendar quarter in which the authorization is required. The authorizations to accept delivery from the Office of Rubber Reserve, RFC, and to consume on Form CPA-4562 will be made by the CPA only to those persons who have filed applications on Form CPA-4562. These authorizations will be mailed on or before the 20th day of the month next preceding the calendar quarter for which the delivery is authorized. Where the application shows natural rubber latex is to be used in the manufacture of prophylactics, curled animal hair, latex foam products, girdles, rubber-soled fabric footwear, thin wall insulation, or rubber thread for elastic fabrics, the authorization to consume will be made in the proportion that the supply available for such product bears to the total requirement.

(1) *Limitation on manufacturers to be authorized to accept and consume natural rubber latex.* Only those manufacturers of the products specified in Appendix I and in List 8 of Appendix II for which the use of natural rubber latex is specifically permitted will be authorized to accept delivery of this material from the Office of Rubber Reserve, RFC, and to consume it.

§ 4600.03b *Consumption of Butyl (GR-I) authorized in all products.* Butyl (GR-I), all types, may be used in the manufacture of any product and is subject only to the delivery and inventory restrictions set out in §§ 4600.05 and 4600.06 below.

§ 4600.04 *Purchase requests for natural rubber, natural rubber latex, Butyl and GR-S (all types).* Natural rubber, natural rubber latex, Butyl and GR-S (all types) are sold by the Office of Rubber Reserve, RFC. Persons wishing to purchase any of these materials from the Office of Rubber Reserve shall first file their requests for natural rubber, Butyl or GR-S (all types) on Form CPA-4488

and for natural rubber latex on Form CPA–4562, with the Rubber Division, CPA, Washington 25, D. C. in accordance with instructions accompanying the forms.

(a) *Issuance by Office of Rubber Reserve of purchase permits.* On the basis of such requests, the Civilian Production Administration will recommend to the Office of Rubber Reserve that a purchase permit be issued to the applicant for an amount determined by CPA from the applicant's inventory and the amount authorized for delivery on Form CPA–4488 or Form CPA–4562. The Office of Rubber Reserve will issue purchase permits directly to the applicant after receiving requests therefor directly from the applicant.

§ 4600.05 *Restrictions on making deliveries of raw materials*—(a) *Natural rubber, Butyl and GR–S.* Any person may deliver to any other person, natural rubber, Butyl or GR–S without restriction.

(b) *Natural rubber latex.* No person may deliver natural rubber latex to any other person, except as provided in subparagraph (1) below, unless the purchaser certifies his order in substantially the following form:

The undersigned hereby certifies that the natural rubber latex to be purchased with this order will not exceed the inventory restrictions of § 4600.06 of R–1, as amended, and will be consumed in the manufacture of products for which natural rubber latex is authorized to be consumed in Appendices I and II of Rubber Order R–1, as amended, and such consumption will not exceed the authorization to consume given the undersigned on Form CPA–4562.

Date:---------- ----------
Signature

(1) However, any person may deliver natural rubber latex to any person for the purpose of milling, washing, deresinating, drying, compounding or conditioning the same, or for processing or manufacturing products therefrom and thereafter returning the same or the products thereof to the person making the delivery.

(c) *Pale Crepe.* No person may deliver to any other person natural rubber of pale crepe grades 1X or 1, thick or thin, unless the purchaser certifies his purchase order in substantially the following form:

The undersigned hereby certifies that the natural rubber of pale crepe grades 1X or 1, thick or thin, will be used in the manufacture of products for which the use of these materials is permitted in Appendices I and II of Rubber Order R–1, and that acquisition of this material will not exceed the inventory restrictions contained in § 4600.06 of Rubber Order R–1.

Date:-------- ----------
Signature

§ 4600.06 *Restrictions on inventories of raw materials.* No person who consumes any of the following raw materials shall accept delivery of any of them if his inventory is or will by reason of such acceptance become in excess of the amount reasonably necessary to meet his requirements for the period designated below:

	Maximum Days
Natural rubber or natural rubber latex	90
Any type of synthetic rubber (including their latices)	60
Reclaimed rubber	45

Any person having an inventory in excess of the foregoing limits may ask for the assistance of the Rubber Division, Civilian Production Administration, in its disposal.

(a) A person engaged in the business of manufacturing synthetic rubber or of reclaiming rubber may, however, maintain such inventories of synthetic or reclaimed rubber of his own manufactured grades as he deems advisable. These exceptions may be made notwithstanding the provisions of this § 4600.06.

§ 4600.07 *Restrictions on importation of rubber products.* For the purpose of this section, "import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It does not include shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States for trans-shipment to any foreign country.

No person shall import any finished or semi-finished product of which ten per cent or more by weight is composed of natural rubber or natural rubber latex, except as permitted under this section. The term "ten per cent or more by weight" shall mean the weight of the rubber hydrocarbon content of the finished or semi-finished product.

The foregoing restriction shall not apply to any of the following:

(a) The importation by the United States Army or Navy of any finished product made of natural rubber or natural rubber latex.

(b) The importation of tires for recapping, retreading or repair, provided the tires are thereafter exported to the owners in the foreign country from which the products were imported.

(c) The importation of any finished product made of natural rubber or natural rubber latex by diplomatic representatives of any foreign government for their personal use or the use of members of their staffs.

(d) The importation of any finished product made of natural rubber or natural rubber latex by commercial representatives of any foreign government for use in their official business.

(e) The importation for testing purposes of camelback, or of tires or tubes or sections thereof, by any manufacturer of camelback, tires or tubes.

(f) The importation of any scrap rubber.

(g) The importation by any person during any calendar month of products or materials (except tires, tire casings and tire tubes) which contain an aggregate of not more than twenty-five pounds of natural rubber or natural rubber latex provided such products or materials are not imported for the purpose of manufacturing, processing, sale or resale.

(h) The importation by any person of any finished or semi-finished product manufactured in accordance with the provisions of Rubber Order R–1 and in respect to which the importer shall furnish to the Collector of Customs at the port of entry a certificate substantially as follows:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code that the products covered by the invoice to which this certificate is attached, as noted therein, are being imported into the United States in accordance with the provisions of § 4600.07 of Civilian Production Administration Rubber Order R–1. The undersigned further certifies that the products covered by the invoice to which this certificate is attached were manufactured in accordance with the special restrictions or provisions in Appendix I and the manufacturing regulations contained in Appendix II of R–1.

Date: ----------

Signature

§ 4600.08 (Deleted May 2, 1947).

§ 4600.11 (Deleted May 2, 1947).

§ 4600.12 *Reports.* (a) The following persons shall file with the Civilian Production Administration a report on stocks, receipts, consumption, and shipments on Form CPA–3410 in accordance with the instructions accompanying the Form:

(1) Each person, who, during the next preceding month, consumed or owned any natural rubber or natural rubber latex.

(2) Each person who during the preceding month consumed or owned the rubbers listed below, in excess of the following minimums:

	Consumption (pounds)	*Stocks (pounds)*
Reclaimed rubber	10,000	10,000
GR–S (all types, including GR–S latex)	15,000	15,000
Butyl (GR–I) all types	10,000	10,000
Neoprene	5,000	5,000
Butadiene - Acrylonitrile types	5,000	5,000

This paragraph shall not apply to persons who perform the operations listed in § 4600.05 (b) of this order except that producers of reclaimed rubber shall report their entire production regardless of the material consumed.

(b) Each manufacturer of tires and tubes or camelback, shall file a report on his production, shipments and inventory for each calendar month on Form CPA–3438 with the Civilian Production Administration, in accordance with the instructions accompanying the form, unless otherwise directed.

(c) Such other reports as may be required, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 4600.13 *Applicability of regulations.* Except as otherwise provided, this order and all transactions affected thereby are subject to all applicable provisions of Civilian Production Administration regulations as amended from time to time.

§ 4600.14 *Appeals.* Appeals from any provisions of this order shall be made by filing Form CPA–2242 in accordance with the instructions appearing on the form.

§ 4600.15. *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment.

§ 4600.16. *Communications.* All reports required to be filed under this order, and all communications concerning this order, shall, unless otherwise directed be addressed to: Civilian Production Administration, Washington 25, D. C., Ref: Order R–1.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, and 56 Stat. 177; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9246, 7 F. R. 7379, as amended by E. O. 9475, 9 F. R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F. R. 64; Pub. Law 24, 80th Cong.)

Issued this 2d day of May 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX I—LIST OF PERMITTED END PRODUCTS

Appendix I to Rubber Order R–1 lists the end products in the manufacture of which natural rubber and natural rubber latex may be used. These raw materials may not be used in the manufacture of any products not listed in Appendix I.

Quarterly quotas. Acquisition of natural rubber and natural rubber latex will be permitted in the manufacture of Appendix I products on the basis of uses shown in Appendix I, but only to the extent that material is available.

Explanation of Columns 3, 4 and 5 of the symbols used. Column 3 shows the quantity expressed in percentage or as the minimum required, of natural rubber which may be used in the manufacture of the product indicated and for which the manufacturer has been authorized to accept delivery on Form CPA–4562. Column 4 shows the quantity expressed in percentage or as the minimum required, of natural rubber latex which may be used in the manufacture of the product indicated and for which the manufacturer has been authorized to accept delivery and to consume on Form CPA–4562. Column 5 shows special restrictions or provisions applicable to the manufacture of the product. For example, in those products such as pneumatic tires, or tire tubes (Code No. 1 and 3), where either or both column 3 or 4 is blank, a reference will be found in column 5 to the appropriate list in Appendix II in which the manufacturing regulations for the product are specified.

"X" indicates that the use of the raw materials, either natural rubber or natural rubber latex, is prohibited subject to any special restrictions or provisions applicable to the particular product. Percentage figures in column 3 or 4 indicate maximum percentage to total volume of compound, unless otherwise specified.

"RHC" appearing in column 5 indicates rubber hydrocarbon. This is the sum of natural rubber, natural rubber latex, synthetic rubber, the rubber hydrocarbon value of reclaimed rubber or hard rubber dust, and the rubber hydrocarbon value of master-batches or compounds of natural rubber or natural rubber latex. The rubber hydrocarbon value of reclaimed rubber or hard rubber dust shall be calculated from the rubber value of reclaimed rubber or hard rubber dust as certified by the manufacturer of the reclaimed rubber or hard rubber dust and shall be determined by the "difference" or "indirect" method. Natural rubber includes the rubber hydrocarbon value of natural rubber or natural rubber latex master-batches or compounds as certified by the manufacturer of master-batches or compounds which include natural rubber or natural rubber latex.

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Special restrictions or provisions
1	Pneumatic tires:			See List 8 App. II.
1A	Airplane tires	X		Do.
1B	Bicycle tires			Do.
1C	Truck and bus tires			Do.
1D	All other tires			See List 8 App. II.
2	Solid tires			
3	Tire tubes:			
3A	Airplane and safety	X		See List 9 App. II.
3B	Bicycle			Do.
3C	Truck and bus			Do.
3D	All other			Do.

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Special restrictions or provisions
4	Tire tube valves and curing bags:			
	Tire tube valves (including repair valves)	X		See List 9 App. II.
	Curing bags	X		Do.
5	Tire flaps			See List 2 App. II.
6	Tire retreading materials:			See List 13 App. II.
	Arbitrage mill cull			Do.
	Camelback all other			
7	Tire and tube repair materials	X		See Lists 7 and 13 App. II.
8	Rubber tracks and track blocks			See List 8 App. II.
9	Belting:			
9A	Conveyor and elevator belting:			
	For severe service only		0	Not less than 55 percent natural rubber by volume of compound permitted.
	Hot material belts	X	35	
	All other		0	
9B	Miscellaneous belting and related products:			
	Belt splicing and repair material	X	35	
	Conveyor skirting or shirtboard rubber		35	
	Gear machine sprons		35	
	Conveyor belt pulleys		35	
	Elevator handrails		35	
	Hatter belts	X	50	
	Hog heater belts		35	
	Paper machine aprons	X	35	
	Rubber and fabric for crepe soel belts		0	
	Rubber scrapers for conveyor belts		35	
	Screen diaphragms for paper making equipment	X	35	
	Special molded conveyor belts		0	
9C	Sheet packer belts		0	Natural rubber 0.95 lb maximum per 1,300 sq. in. per ply permitted.
9D	Transmission belting:			
	Flat transmission belting		0	Natural rubber latex (3½ percent maximum of total volume of belts) permitted.
	Round transmission belting	X		When tapered nozzles are built on end of hose, the restrictions for the partienlar type shall prevail.
	V-belts		0	
10	Hose and tubing		0	
10A	Automotive and aircraft hose		0	Pale crepe types other than thick or thin permitted.
10B	Cement hose:			
	Cement and material hose, dry and lean slinger	X	0	
	Cement gun hose		0	
	Cement handling, including grouting	X	0	
10C	Diverter valves	X	0	
10D	Hose and tubing not elsewhere listed		15	
10E	Miscellaneous hose and tubing:			
	Acid conducting and acid suction hose	X	0	
	Alcohol, food and beverage handling hose	X	0	
	Ammonia hose	X	0	
	Arbor pipe forming hose		25	
	Fire hose, cotton rubber lined		25	
	Oxygen (not welding) hose	X	0	
	Phosphate flexible hose	X	0	Aeronautical only.
	Rotary drilling hose	X	0	
	Sand blast hose	X	0	
	Spray hose, paint fluid line	X	20	
	Tubing	X	0	Thiokol tube hose only.
10F	Miscellaneous related products:			For durometer hardness 45 or less only.
	Flanged flexible pipe	X	0	Corrosive and abrasive only.
	Packings	X	0	Do.
10G	Railroad hose:			
	Airbrake and airsignal hose	X	25	
	Steam and hot water hose (except tender hose)	X	0	
10H	Steam hose	X	0	
10I	Suction hose:			
	Dredging sleeves	X	25	
	Fire engine suction hose, soft	X	0	
	Fire engine suction hose, wire	X	0	
	Sand suction hose	X	0	
10J	Vacuum hose, Blower or exhaust hose	X	0	

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Special restrictions or provisions
11	Packing and gaskets:			
11A	Packing without fabric or high percentage of fiber:			
	Sheet packing including cut, extruded or molded strips, gaskets, packing rings or nonfabric diaphragms over 45 durometer.	----------	0	5 percent natural rubber by volume permitted in Thiokol "A" compounds.
	Sheet packing including cut, extruded or molded strips, gaskets, packing rings or nonfabric diaphragms 45 durometer or under.	X	0	
11B	Packing with high fiber content:			
	Gaskets, including sheet (generally known as compressed asbestos sheet) from which gaskets may be cut.	5	0	Natural rubber by weight.
	Rod packing (generally known as rubber bonded plastic packing).	5	0	Natural rubber by weight excluding cotton or wire.
11C	Packing with fabric insertion flat:			
	Gaskets including sheet (generally known as cloth inserted sheet) from which gaskets may be cut.	10	0	
	Piston packing	50	0	
	Diaphragm sheet, including cut diaphragms made from same.	X	0	
	U-rings for hydraulic presses (fabric or nonfabric).	X	0	
	Rod packing	10	0	
11D	Packing with fabric insertion made by folding or rolling:			
	Cotton fabric:			
	Frictioned	10	0	
	Spread	1	0	Natural rubber percent of weight of fabric.
	Asbestos fabric	X	0	
11E	Miscellaneous packing and gaskets:			
	Airbrake gaskets	X	0	
	Heater gaskets	X	0	For sealing vulcanizer doors.
	Molded and extruded gaskets spliced endless after initial vulcanization—not elsewhere listed.	25	0	The definition refers to the percent of natural rubber ratioed to the total natural and synthetic rubber used.
	Pressure cooker gaskets	X	0	
11F	Valve and valve parts	X	0	
11G	Sealing compounds:			
	Food and beverage closures (molded, extruded or lathe cut).	30	0	Pale crepe types other than thick or thin permitted for jar rings only.
	Food closures (flowed-in type for glass containers) for home canning.	X	26	Pale crepe types other than thin permitted.
	Food closures (flowed-in type for glass containers) for commercial packing.	X	30	Do.
	Molded stoppers for food and beverage containers.	15	0	
12	Mechanicals listed in this Code 12:			
12A	Aircraft equipment:			
	Airplane de-icer parts (except propeller hose).	X	0	
	All items with a durometer of 45 or less.	X	0	
	Brake expander tubing	X	0	
12B	Automotive and railroad equipment:			
	Axle bumpers	10	0	
	Contoured automotive floor mats	10	0	
	Hydraulic brake cups	X	0	Pale crepe types other than thick or thin permitted.
	Molded or extruded glass and cowl weather strip.	40	0	50 durometer or under only.
	Pedal pads	10	0	
	Sealed beam gaskets	X	0	
12C	Electrical products equipment:			
	Base attachment plugs and cord protectors.	----------	0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Lineman's protective devices	X	0	
	Telephone and telegraph insulators	25	0	
12D	Hard rubber products:			
	Alkaline storage batteries and parts	X	0	For industrial use only.
	Baskets (etching), beakers, buckets, dippers, frames, funnels, measurers, pails, racks and trays	30	0	

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Special restrictions or provisions
12D	Hard rubber products—Continued			
	Bleaching rods	X	0	
	Blown work	X	0	
	Combs	25	0	
	Component hard rubber parts of machinery.	50	0	
	Dye sticks	X	0	
	Filter media	X	X	
	Hard rubber balls	25	0	
	Insulated tools	20	0	
	Jack strips	30	0	
	Knife handles	35	0	Cutlery—slotted type only.
	Latex covering (hard rubber)	X	X	
	Microporous separators	X	X	
	Mine lamp cases	50	0	
	Mouth pieces for musical instruments	X	0	
	Pipe (commercial)	30	0	
	Pipe bits	15	0	
	Plating barrels and parts	30	0	
	Potentiometer cards	X	0	
	Refrigerator parts	30	0	
	Rods up to 0.040" diameter	X	0	
	Rods 0.040" diameter to ½" diameter, inclusive.	50	0	
	Rods over ½" diameter	30	0	
	Serving trays	25	0	
	Sheets 1/16" or less in thickness	X	0	
	Sheets thickness over 1/16" to ¼" inclusive.	50	0	
	Sheets thickness ¼" or more	30	0	
	Steering wheels	10	0	
	Storage batteries, heavy duty cases over 15 lbs. in weight	50	0	
	Storage batteries (hand wrapped cases only)	30	0	
	Submarine battery jars and parts	X	0	
	Telephone commutator inserts	50	0	
	Thin wall containers	30	0	
	Tubing (wall thickness less than 1/32")	X	0	
	Tubing (wall thickness over 1/32" to 1/8", inclusive)	50	0	
	Tubing (wall thickness over ¼")	30	0	
	Tubular retainers	60	0	
	Water meter parts	X	0	
	X ray and photographic tanks	30	0	
12E	Industrial equipment:			
	Brake expander tubing	X	0	
	Flexible connections for vacuum and exhaust equipment	X	0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Industrial abrasive implements	----------	----------	Natural rubber latex permitted, except for mannequin molds.
	Molds	X	----------	Natural rubber latex permitted for shot and sand blast bulbs only.
	Sand blasting equipment	X	----------	
12F	Miscellaneous mechanical goods:			
	Alkaline storage batteries and parts	X	0	For industrial use only.
	Billiard and pool table cushions	X	0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Brake linings, brake blocks and clutch facings.	----------	----------	
	Brush setting compounds	X	0	
	Budding strips	X	0	
	Castors and molded wheels	5	0	Wheels sizes 2" and over, 25 percent natural rubber by volume permitted.
	Core molded parts	35	0	For power driven appliances.
	Cutting rubbers	X	0	
	Dam and lock-gate seals	X	0	
	Filter media	X	X	
	Flexible bags and parts for forming operations in manufacturing plants.	X	0	
	Flexible sanding and buffing pads	X	0	
	Gas main bags	X	0	

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Special restrictions or provisions
12F	Miscellaneous mechanical goods—Con.			
	Goggles and parts	----------	0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Industrial balls	X	0	For vibration screens and ball mills.
	Inflations and cup caps for milking machines.	X	0	
	Instrument parts	X	0	
	Insulation tubing	X	0	Cork or fiber loaded.
	Labels	X	----------	Natural rubber latex permitted for embossing ink only.
	Launder linings (mining)	X	0	For use in handling wet slurry.
	Mine safety lamp parts	X	0	
	Molded annular tires	10	0	
	Molded boots and dust seals	X	0	
	Molded diaphragms	X	0	
	Molded, extruded and lathe cut parts for food machinery.	X	0	
	Molded parts attached to adjacent parts by integral undercut buttons.	25	0	
	Mountings, shock absorbers, dampers and vibration insulators.	X	0	
	Mucilage spreaders	35	0	
	Parts for rayon manufacturing machinery	X	0	
	Pipe coupling rings	X	0	
	Pressure sensitive signal controls	X	0	
	Refrigerator parts, internal only	X	0	Pale crepe types other than thick or thin permitted.
	Rubber-covered beater bars	X	0	
	Sand blast stencil sheet	25	0	
	Seals for electrolytic condensers	X	0	
	Treadles and door shoes for subways, trolleys and buses.	10	0	
	Tubular grips	X	0	Cork or fiber loaded.
	Vacuum sweeper belts	X	0	
	Windshield wiper blades, squeegee rubber and wiper dies.	X	0	
	X-ray sheets	X	0	
12G	Oil well supplies: Parts for storage, drilling, testing, cementing and pumping oil wells, not elsewhere listed.	----------	0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
12H	Plumbing supplies: Tank balls designed for flush valves; force cups and bibb washers.	----------	0	Do.
12I	Printing rubber products:			
	All printing rubber products	----------	0	Do.
	Rubber solution for wet-plate negative	X	0	
12J	Rolls and rollers:			
	Rubber covered rolls and roll coverings (excluding wringer rolls).	X	0	Pale crepe types other than thick or thin permitted only for newspaper high speed form rolls.
	Wringer rolls	30	0	For household laundry equipment.
12K	Rubber protected or lined equipment—Rubber lining (hard or soft) for:			
	Drums and tanks	X	X	Pale crepe types other than thin permitted only for phosphoric acid container linings.
	Pipes and fittings	X	X	
	Rubber coverings for agitators, blowers, exhausters, pumps, pump lining valves and valve parts.	X	X	
	Rubber linings for centrifugal pumps designed to handle ore concentrates, sand and other highly abrasive materials in suspension and slurry.	X	X	
	Rubber protected equipment for handling corrosive and abrasive materials and explosives.	X	X	Natural rubber latex not permitted for abrasive service.
	Tank cars and barge tanks (Spec. ICC–103HW, 103H and AAR 203).	X	0	
12L	Textile machinery parts:			
	Card clothing	X	0	
	Loop pickers, all types	50	0	
	Loom harness and strapping	35	0	

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Special restrictions or provisions
13	Wire and Cable:			
13A	Insulation compounds for:			
	Thin wall insulation (18 mils or less) except for building wire.	X	X	
	Insulation except for Type R building wire.	X	0	
	Type R and RU building wire	----------	----------	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber, natural rubber latex and synthetic rubber shall be synthetic rubber.
	Frame wire	----------	----------	Do.
13B	Jacket compounds for: Portable cord jackets 1½" or less in overall diameter.	X	0	
13C	Miscellaneous:			
	Friction tapes and splicing compounds	X	0	
	Underground cable connectors	X	0	
14	Rubber footwear, including colored rubber footwear and no-mark soles for both rubber footwear and tennis	----------	----------	Natural rubber shall not be used in excess of 60 percent by volume of the total compound mix for the quarter, and provided that synthetic rubber shall not be less than 10 percent of the total quarterly consumption of natural and synthetic rubber RIFC. No type of rubber footwear shall contain more than 98 percent natural rubber. Natural rubber latex permitted in the manufacture of rubber-soled fabric footwear of vulcanized construction—vulcanized as a unit.
15	Heels and soles	----------	0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber. No type of rubber heels or soles shall contain more than 98 percent natural rubber.
16	Cements for all purposes not elsewhere listed	----------	----------	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber. Natural rubber latex permitted only for; (a) cements for splicing canvas belts, (b) cements for joining tops of leather welting for shoes—allocation to welting manufacturers only, (c) cement for manufacture of new shoes—In making such cement natural rubber latex may be consumed only at the rate of 1.4 pounds for the cement required for each 1,000 pairs of shoes, provided (1) that no cement manufacturer shall consume latex at the above rate for supply to a shoe manufacturer for more shoes than the shoe manufacturer produced in the fourth calendar quarter of 1946 and (2) that no shoe manufacturer making his own cement shall consume latex at the above rate for more shoes than he produced in the fourth calendar quarter of 1946.
17	Proofed or coated fabrics	----------	----------	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber. Natural rubber latex permitted only for elastic fabrics (condense) coated knitted fabrics).
18	Drug sundries, medical, surgical, and dental			
18A	Adhesive products:			
	Moleskin and medicated plasters	X	0	Pale crepe types other than thick or thin permitted.
	Pressure sensitive foot products	X	0	Do.
	Surgical tape and adhesive bandage	X	X	Pale crepe types other than thin permitted.

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Special restrictions or provisions
18B	Bulbs:			
	Medical bulbs	X		Pale crepe types other than thick or thin permitted. Natural rubber latex permitted for blood pressure bulbs only.
	Medicine droppers	X	0	
	All other bulbs	X	0	
18C	All medical, surgical, dental, veterinary and mortuary products, including infant feeding goods, pacifier nipples and animal feeding nipples (excluding flat goods).	X	X	All types pale crepe permitted only for: Breast shields (nursing), small feeding nipples (including animal), colostomy outfits (molded, dipped and handmade), dilators, prostatic bags, prosthetic and orthopedic devices, pessaries and prophylactics, tubing (blood plasma, intravenous, multiple lumen and drainage only). Pale crepe types other than thin permitted only for: Denture rubber, orthodontia bands, feeding bottle cups and covers, large feeding nipples, inhalation bags and face pieces, stoppers (medical, surgical, dental, veterinary and mortuary types only), vaccine caps and bandage gum (medical and surgical only). Pale crepe types other than thick or thin permitted only for: Syringe tubing (medical, surgical, dental, veterinary and mortuary).
	All other sundries including baby pants, bathing caps, crutch tips, embalmers' supplies, flat goods, hard rubber druggist sundries, orthopedic pads, unsupported sheeting, and household and commercial health products.		0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber. Pale crepe types of natural rubber other than thick or thin permitted only for bathing caps and flat goods.
21	Bullet sealing fuel and oil cells	X	X	
22	Miscellaneous:			
22A	Athletic equipment:			
	Ball centers	X	0	
	Ball covers	X	0	
	Bladders and valves	X	0	
	Exerciser straps	X	0	
	Handballs, squash, LaCrosse and tennis balls.	X	0	
	Inflatable balls, including beachballs		0	
22B	Balloons	0	0	
22C	Cushioning and sponge:			
	Curled animal hair	X	X	
	Latex foam products			Natural rubber latex not exceeding 50 percent RHC permitted.
	Sponge for all purposes not elsewhere listed.		0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
22D	Safety respiratory equipment: Breathing apparatus, safety masks and respirators, including parts.	X	X	Pale crepe types other than thin permitted.
22E	Miscellaneous products:			
	Chlorinated and cyclized rubber for packaging.	X	0	Pale crepe types other than thin permitted for food packaging only.
	Chlorinated natural rubber and cyclized rubber for protective coatings, including paints.		0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Chlorinated natural rubber for the manufacture of cement for any purpose.		0	Do.
	Flavored masticating gum	X	0	
	Fly paper		0	Do.
	Girdles	X	X	Pale crepe types other than thick or thin permitted.
	Molded undercut tabs		0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Parachute bands and ventilating rings	X	0	
	Protective coatings, including paints and inks.		0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Tobacco pouches and key cases		0	Do.
22F	Pressure sensitive tape			A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber. Natural rubber latex permitted only for the manufacture of protective tape for use on highly polished metal surfaces.
22G	Stationers' supplies:			
	Erasers		0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Pen sacs	X	X	
	Rubber bands	X	0	Do.
22H	Rubber thread	X	X	Pale crepe types of natural rubber other than thin, and natural rubber latex, permitted only for textile thread.
22J	Rubber tape and elastic bands for clothing	60	0	
22K	Toys:			
	Molded and blown dolls and parts and inflated gas balls.	37	0	
	All other toys		0	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.

[F. R. Doc. 47-4306; Filed, May 2, 1947; 11:37 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-393, as Amended May 2, 1947]

STREPTOMYCIN

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of streptomycin, for defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.113c *Allocation Order M-393.*

DEFINITIONS

(a) *Definitions.* For the purposes of this order:

(1) "Streptomycin" means a chemotherapeutic agent isolated from actinomyces griseus and variants. The term includes streptomycin in any medicinal tablet, ampoule or other dosage form, as well as crude streptomycin.

(2) "Primary supplier" means any person who produces or imports streptomycin. However, the term shall not include any retail pharmacist, hospital or physician.

(3) "Primary distributor" means any person who buys streptomycin from a producer or importer for distribution with his (primary distributor's) name on the label. However, the term shall not include any retail pharmacist, hospital or physician.

ALLOCATION RESTRICTIONS

(b) *General provisions*—(1) *Allocation.* The Civilian Production Administration will allocate the use and delivery of streptomycin by primary suppliers and primary distributors. Allocations will be on a calendar-month basis. The purposes for which allocations may be made include the following: (i) governmental agencies, (ii) research, (iii) primary distributors, (iv) other domestic civilian needs and licensed exports. (For purposes of these allocations, shipments to Canada will be treated as "domestic civilian" and not "export".)

(2) *Use and delivery restrictions.* No primary supplier or primary distributor shall use or deliver streptomycin to any person except as specifically authorized in writing by the Civilian Production Administration upon application under this order.

(3) *Allocations under Schedule 119 to Order M-300.* Each primary supplier or primary distributor holding authorizations to use or deliver streptomycin under Schedule 119 to M-300, may use and deliver streptomycin to the extent permitted by such authorizations. All stocks of streptomycin not allocated under authorizations issued under Schedule 119 to Order M-300 are subject to allocation under this order.

(c) *Exemptions.* Application and specific authorization are not required for the following use or delivery of streptomycin:

(1) Use and delivery by any person who is not a primary supplier or primary distributor as defined in this schedule.

(2) Deliveries of samples to the Food and Drug Administration, Washington 25, D. C.

(3) Use by any primary supplier or primary distributor of samples of his own production or stock for making production control and standardization tests solely for potency, sterility, toxicity, pyrogens, moisture or stability.

(d) *Suppliers' applications on CPA-2947.* Each primary supplier or primary distributor seeking authorization to use or deliver streptomycin shall file application on Form CPA-2947. Filing date is the 17th day of the month before the proposed delivery month. Send three certified copies to the Civilian Production Administration, Washington 25, D. C., Ref.: M-393. The unit of measure is grams of streptomycin activity in terms of streptomycin base.

In section I, first list Army and Navy orders, specifying in Column 1 Army or Navy, in Column 1a the contract or requisition number, in Column 4 the quantity ordered and in Column 5 the proposed delivery. Second, list orders placed by the Veterans' Administration, and U. S. Public Health Service, specifying in Column 1 Veterans' Administration, and U. S. Public Health Service, leaving Column 1a blank, in Column 4 the quantity ordered and in Column 5 the proposed delivery. Quantities desired for other purposes may be stated. In addition the Civilian Production Administration may allocate quantities for delivery to specific customers for civilian purposes. In the case of proposed delivery to a primary distributor the applicant shall list specifically the name of the primary distributor and the quantity proposed to be delivered to him.

In section II, fill in as indicated leaving Columns 8, 9 and 10 blank and reporting only unallocated stocks in Column 13. An applicant who is both a primary supplier and a primary distributor shall report the required information in section II relating to his own production separately from that relating to his purchased material.

TESTING AND PREPARATION RESTRICTIONS

(e) *FDA approval.* Requirements for submitting test samples to the Food and Drug Administration, preparation, packaging, etc., are now contained in regulations issued by that agency.

REPORTS

(f) *Reports.* Reports of production, stocks and shipments shall be filed within 5 days after the close of each calendar month by every primary supplier and primary distributor of streptomycin.

These reports shall be filed on Form CPA-2947 in the following manner:

Specify in the blocks provided the name and address of the company reporting, name of materials, month, unit of measure, grams of streptomycin activity in terms of streptomycin base.

In section I report deliveries made against individual allocations. In Column 4 change heading to read "quantity shipped", showing the amount shipped. Leave Columns 1a, 5, 5a, 6 and 7 blank.

In section II leave Column 8 blank and list in Column 9 production during the month for which the report is filed and in Column 10 unallocated stocks as of the first day of the current month. Leave other columns blank.

A primary supplier who is also a primary distributor shall report the required information in section II relating to his own production separately from that relating to his purchased material.

(g) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TERRITORIAL SCOPE

(h) *Territorial scope.* This order applies to acts occurring within the continental United States (the 48 States and the District of Columbia), its territories and possessions.

IMPORTS AND EXPORTS

(i) *Imports.* (1) Imports of streptomycin may be accepted by the original consignee without application or authorization under this order. The consignee as an importer shall be subject to the requirements regarding primary suppliers and primary distributors.

(j) *Exports.* From time to time, the Civilian Production Administration will establish industry-wide quotas for the export of streptomycin to countries other than Canada. Persons desiring to export under those quotas should apply to the Office of International Trade, Department of Commerce, Washington 25, D. C., for export licenses.

DURATION OF AUTHORIZATIONS

(k) *Duration of authorization for delivery.* If it is not practical for a primary supplier or a primary distributor to make all deliveries in the allocation period for which authorized, he may complete them as early as practicable thereafter. However, authorization to deliver shall not be made after the end of the month following the allocation period for which delivery was authorized and shall terminate if the purchaser fails to place his order before the end of the allocation period, or if the purchaser requires postponement of delivery beyond 10 days after the allocation period or an authorization to deliver is received for the specified allocation period. Advance delivery may be made if it does not delay previously authorized deliveries.

(l) *Duration of authorization for use.* There is no limitation on duration of authorization for use of streptomycin.

MISCELLANEOUS

(m) *Violations.* Any person who wilfully violates any provision of this order, or in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using streptomycin.

(n) *Communications to the Civilian Production Administration.* Communications concerning this order shall be addressed to Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref.: M—393.

(o) *Appeals.* Any appeal from the provisions of this order shall be made by mailing a letter in triplicate to the Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref. M—393, stating the particular provisions appealed from and stating fully the grounds for the appeal.

Issued this 2d day of May 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-4304; Filed, May 2, 1947; 11:37 a. m.]

Chapter IX—Bureau of Foreign and Domestic Commerce, Office of Materials Distribution, Department of Commerce [1]

[Materials Control Reg. 1]

PART 903—DELEGATIONS OF AUTHORITY

§ 903.0 *Delegation of powers and ratification of certain previous actions of the Temporary Controls Administrator*—(a) *Explanation.* By Executive Order No. 9841, dated April 23, 1947, the President has transferred to the Secretary of Commerce, effective May 4, 1947, certain functions of the Temporary Controls Administrator, as provided in Part II of that order. Such functions include certain of those previously performed by the Civilian Production Administration within the Office of Temporary Controls.

There has been established within the Bureau of Foreign and Domestic Commerce of the Department of Commerce, an Office of Materials Distribution. This regulation provides for the performance by the director of that office of certain of the functions transferred to the Secretary of Commerce by section 203 of Executive Order No. 9841. It also continues in effect certain regulations, orders and other actions previously taken relating to those functions, including actions by or under authority of the Temporary Controls Administrator.

(b) *Delegation to the Director of the Office of Materials Distribution.* The Director of the Office of Materials Distribution is hereby authorized to perform the functions and exercise the powers, authorities and discretion now or hereafter vested in the Secretary of Commerce under section 203 of Part II of Executive Order No. 9841, in such manner as he may prescribe, except actions taken pursuant to paragraph (c) of this section. The authority hereby delegated to the director may be redelegated by him, subject to his direc-

[1] Formerly Chapter IX—Office of Temporary Controls, Civilian Production Administration; redesignation effective May 4, 1947.

tion and control, to such officers of the Department of Commerce, whether or not within the Office of Materials Distribution, as he may designate.

(c) *Delegations to compliance commissioners.* The Secretary of Commerce may authorize such compliance commissioners as he may designate to perform such functions and exercise such powers, authorities and discretion now or hereafter vested in the Secretary of Commerce under section 203 (a) of Part II of Executive Order No. 9841 and subject to such conditions or restrictions as he may prescribe.

(d) *Adoption, ratification, confirmation and validation of certain actions in force on May 4, 1947.* All rules, regulations, orders, directives, directions, certificates, procedural documents and other actions which were heretofore issued or taken by or under authority of the Temporary Controls Administrator, the Civilian Production Administrator, the War Production Board, or in the name of the War Production Board or the Civilian Production Administration, countersigned or attested by the Recording Secretary or other authorized official, or in accordance with Civilian Production Administration Regulation 1, or in accordance with Office of Temporary Controls Regulation 1, and which are in effect on May 4, 1947, are hereby adopted, ratified and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended.

(e) *Actions excluded.* This regulation does not apply to those regulations, orders, actions and functions transferred to the Housing Expediter effective April 1, 1947, pursuant to Executive Order No. 9836 issued March 22, 1947, relating to the Veterans Emergency Housing Program and which were previously administered by the Civilian Production Administration within the Office of Temporary Controls.

(f) *Civilian Production Administration Regulation 1 superseded.* This regulation supersedes Civilian Production Administration Regulation 1.

(g) *Effective date.* This regulation shall become effective on May 4, 1947, simultaneously with the provisions of Part II of Executive Order No. 9841.

(E. O. 9841, April 23, 1947)

Issued this 2d day of May 1947.

W. A. HARRIMAN,
Secretary of Commerce.

[F. R. Doc. 47-4308; Filed, May 2, 1947; 11:37 a. m.]

[Office of Materials Distribution Reg. 1]

PART 903—DELEGATIONS OF AUTHORITY

§ 903.02 *Delegation and exercise of powers*—(a) *Explanation.* By Materials Control Regulation 1 of the Secretary of Commerce, effective May 4, 1947, the Director of the Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce, has been authorized to perform certain functions and to exercise certain powers, authorities and discretion now or hereafter vested in the Secretary of Commerce under section 203 of Part II of Executive Order No. 9841. Such functions include certain of those previously performed by the Civilian Production Administration, Office of Temporary Controls. This regulation provides for the performance of the authorities thus vested in the Director of the Office of Materials Distribution.

(b) *Official signatures.* All actions hereafter taken in performance of the functions or in exercise of the powers, authorities and discretion now or hereafter vested in the Director of the Office of Materials Distribution, under Materials Control Regulation 1, may be taken by the Director of the Office of Materials Distribution, or in the name of the Office of Materials Distribution countersigned or attested by the Issuance Officer of the Office of Materials Distribution.

(c) *Effective date.* This regulation shall become effective on May 4, 1947, simultaneously with the provisions of Materials Control Regulation 1 of the Secretary of Commerce.

(E. O. 9841; April 23, 1947)

Issued this 2d day of May 1947.

H. B. MCCOY,
Director,
Office of Materials Distribution.

[F. R. Doc. 47-4309; Filed, May 2, 1947; 11:37 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 1,[1] Order 1]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

ASSIGNMENT OF SURPLUS PROPERTY

War Assets Administration Regulation 1, Order 1, April 2, 1947, entitled "Assignment of Surplus Property" (12 F. R. 2313), is hereby revised and amended as herein set forth. Accordingly, it is hereby ordered that:

§ 8301.51 *Assignment of surplus property.* There is hereby assigned to the Government disposal agencies named below such items or types of surplus property located in the continental United States as are listed under the name of each agency. The code numbers used herein are those of the Standard Commodity Classification (U. S. Government Printing Office), to Volume I of which reference must be made for a complete list of the items or types of surplus property assigned by means of the code number.

PART 1—CRUDE MATERIALS

WAR ASSETS ADMINISTRATION

01 Live animals.
02 Crude animal products, edible.
03 Crude animal products, inedible, except fibers.
04 Crude vegetable products, edible.
05 Crude vegetable products, inedible, except fibers, and except 05-7143 Coca leaves; Marihuana leaves, classified under 05-7149; 05-7164 opium-bearing plant parts.
06 Fibers, vegetable and animal, unmanufactured.
07 Coal, crude petroleum, and related crude hydrocarbons.
08 Metallic ores, tailings, concentrates and their unrefined metallic products.
09 Crude nonmetallic minerals, except coal and petroleum.

PART 2—BASIC MATERIALS AND PRODUCTS

WAR ASSETS ADMINISTRATION

11 Leather.
12 Boot and shoe cut stock and shoe findings.
13 Wood basic materials, except pulpwood.
14 Pulp, paper and paper board.
15 Textile basic manufactures.
16 Food and beverage basic materials.
17 Oils, fats, waxes, and derivatives, animal and vegetable.
18 Petroleum and coal products, except raw materials for chemical industries.
19 Chemicals.
21 Iron and iron and steel scrap.
22 Steel.
23 Ferro and nonferrous additive alloys.
24 Nonferrous metals.
25 Fabricated metal basic products.
26 Nonmetallic mineral basic products—chiefly structural.
27 Nonmetallic mineral basic products—chiefly nonstructural.
29 Miscellaneous basic materials.

PART 3—END PRODUCTS

WAR ASSETS ADMINISTRATION

31 General purpose industrial machinery and equipment.
32 Electrical machinery and apparatus.
33 Special industry machinery.
34 Metal working machinery.
35 Agricultural machinery and implements.
36 Construction, mining, excavating and related machinery.
37 Tractors.
38 Office machines.
39 Miscellaneous machinery.
41 Communications equipment and electronic devices.
42 Aircraft.
43-16 Barges, including scows, lighters and car floats, (knocked down, irrespective of length).
43-17 Tugs and towboats, knocked down (irrespective of length).
43-29 Assault boats and rubber landing boats only.
43-31 Barges, scows and lighters (afloat, non-propelled, under 30 feet).
43-3202 House boats (non-propelled, under 30 feet).
43-33 Tugs, only "Sea Mules" (irrespective of length).
43-352 Dredges (non-propelled, under 30 feet).
43-353 Pile drivers (non-propelled, under 30 feet).
43-354 Derricks, including cranes (non-propelled, under 30 feet).
43-355 Workshops, floating (non-propelled, under 30 feet).
43-356 Chambers, submarine rescue.
43-357 Pontoons, salvage.
43-359 Facility equipment, n. e. c., (non-propelled, under 30 feet).
43-46 Transporters and work boats (non-propelled, under 30 feet).
43-47 Unrigged scows (non-propelled, under 30 feet).
43-49 Miscellaneous fishing craft (non-propelled, under 30 feet).
43-52 Lifeboats (propelled and non-propelled, irrespective of length).
43-53 Life floats, or rafts, except rubber.
43-541 Rowboats.
43-542 Canoes.
43-543 Sailboats (pleasure craft).
43-549 Pleasure craft, n. e. c. (non-propelled).
43-55 Oars and paddles.
43-56 Pontoons, bridge.
43-59 Small craft, n. e. c. (non-propelled, under 30 feet).
43-60 Marine main propulsion machinery and gears.
43-70 Shafting and ship propellers.
43-80 Steering gears.
43-90 Miscellaneous special ship equipment.
44 Railroad transportation equipment.
45 Motor vehicles.
49 Miscellaneous transportation equipment.
51 Plumbing and heating equipment.
52 Air conditioning and refrigeration equipment.
53 Lighting fixtures.
54 Furniture and fixtures.
55 Photographic goods and processed motion pictures.
56 Optical instruments and apparatus.
57 Indicating, recording, and controlling instruments and accessories, except watches and clocks.
58 Professional and scientific instruments and apparatus.
59 Miscellaneous equipment.
61 Food, manufactured.
62 Feed, manufactured.
63 Beverages and ice.
64 Tobacco manufactures.
65 Drugs and medicine, except the following:
65-2120 through 65-2129. Coca alkaloids, derivatives and preparation, m. g.
65-2150 through 65-2159. Opium alkaloids, derivatives and preparations, m. g.
65-2222 through 65-22229. Opium, opium processed and preparations, m. g.
65-3203 through 65-32039. Cannabis, dried flowering top and preparations, m. g., (Marihuana, dried flowering top, and preparations, m. g.).
65-7000 through 65-7970. Prescription pharmaceuticals and preparations containing two or more therapeutic agents, m. g., when they contain any quantity of opium, coca leaves, cannabis or their derivatives, including, but not limited to, the following items:
65-7141-1 Powder of ipecac and opium, m. g.
65-7161-2 Epinephrine and cocaine, m. g.
65-7250-2 Compound mixture of opium and glycyrrhiza, m. g. (Brown mixture).
65-7271-143 Elixir of terpine hydrate and codeine, m. g.
65-7271-601 Camphorated tincture of opium, m. g.
65-7960-6 Dilaudid hydrochloride suppositories, m. g.
65 Drugs and medicine, except the following—Continued
65-8000 through 65-8290. Proprietary remedies, nonprescription and pharmaceuticals, containing two or more medicinal agents, for human and animal use, m. g., when they contain any quantity of opium, coca leaves, cannabis or their derivatives.
66 Toiletries, cosmetics, soap, and household chemical preparations.
67 Apparel, except footwear.
68 Footwear.
69 Fabricated textile products, except apparel.
71 End products of leather, except apparel, footwear and luggage.
72 Converted paper products and pulp goods.
73 Products of printing and publishing industries.
74 Rubber end products.
75 End products of metal industries.
76 Finished wood products, except furniture and mill work.
77 End products of glass, clay, and stone.
79 Miscellaneous end products of manufacturing industries.
81 Small arms and components.
82 Artillery, naval guns, mortars and components.
83 Small arms ammunition and specifically adapted components.
84 Artillery, naval, and mortar ammunition and specifically adapted components.
85 Aerial bombs and specifically adapted components.
86 Miscellaneous ammunition and related products.
87 Common components of ammunition.
88 Fire control equipment.
89 Miscellaneous ordnance and ordnance material.

MARITIME COMMISSION

43 Ships, small watercraft, and marine propulsion machinery, including 43-29 landing craft and vessels only (except as further indicated under War Assets Administration), and except:
43-21 Battleships,
43-22 Cruisers,
43-23 Aircraft carriers,
43-24 Destroyers,
43-25 Submarines,
43-271 Eagles only, and
43-279 Frigates only.

NAVY DEPARTMENT

43-271 Gunboats (eagles only).
43-279 Patrol vessels not otherwise classified (frigates only).

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265))

This section shall become effective May 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MAY 1, 1947.

[F. R. Doc. 47-4302; Filed, May 2, 1947; 11:27 a. m.]

[1] Reg. 1 (12 F. R. 2249).

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast Guard: Inspection and Navigation

PART 303—REGULATIONS TO PROMOTE THE SAFETY OF LIFE ON NAVIGABLE WATERS DURING REGATTAS OR MARINE PARADES

REGATTA ON OHIO RIVER

CROSS REFERENCE: For notice of regatta on the Ohio River and the applicability of the regulations in this part thereto, see F. R. Doc. 47-4239 under United States Coast Guard, Treasury Department, in Notices section, *infra*.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

[CGFR 47-23]

EMPLOYMENT OF ALIENS AS UNLICENSED CREW MEMBERS

By virtue of the authority vested in me by the act of March 31, 1947 (Public Law No. 27, 80th Congress), I hereby amend the order dated June 13, 1942 (7 F. R. 4515) as amended to read as follows:

I hereby waive compliance with the provisions of sections 302 (a), (b) and (c) of the act of June 29, 1936, 49 Stat. 1992 (46 U. S. C. 1132 (a), (b) and (c)) to the extent necessary to permit the employment of aliens in the unlicensed crew of subsidized vessels of the United States in a percentage not to exceed twenty-five percentum of the entire unlicensed crew employed on any subsidized vessel of the United States. This waiver authority expires on June 1, 1947. (Pub. Law 27, 80th Cong.)

Dated: April 28, 1947.

J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-4238; Filed, May 2, 1947; 8:57 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter A—Hunting and Possession of Wildlife

PART 1—MIGRATORY BIRDS AND GAME MAMMALS

CROSS REFERENCE: For the addition of §§ 1.71 to 1.73, inclusive, see Proclamation 2730, *supra*.

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 6]

[192-36.32]

INTERNATIONAL FALLS MUNICIPAL AIRPORT, INTERNATIONAL FALLS, MINN.

NOTICE OF PROPOSED DESIGNATION AS TEMPORARY AIRPORT OF ENTRY FOR ONE YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to designate the International Falls Municipal Airport, International Falls, Minnesota, as a temporary airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such designation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

APRIL 29, 1947.

[F .R. Doc. 47-4241; Filed, May 2, 1947; 8:57 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-400]

VERTICAL TURBINE PUMP INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 30th day of April A. D. 1947.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Vertical Turbine Pump Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than May 28, 1947. Opportunity to be heard orally will be afforded at the hearing beginning at 10:00 a. m., May 28, 1947, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street, NW., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-4212; Filed, May 2, 1947; 8:54 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-24]

REGATTA ON OHIO RIVER

Pursuant to the authority vested in me by section 1, act of April 28, 1908 (Title 46, U. S. C., sec. 454) and Reorganization Plan No. 3 of 1946, notice is hereby given that there will be a regatta, composed of two crew races, on the Ohio River at Cincinnati, Ohio, on the afternoon of Saturday, May 3, 1947. The course for the regatta will be on the southern side of the Ohio River and will be marked off by four rubber balloon marker buoys. It will be one hundred fifty feet wide and will begin approximately at Oscar F. Barrett Light, mile 467.8, and extend down stream one and five sixteenths miles to approximately mile 469.4.

This regatta will be patrolled by the U. S. Coast Guard, and the regulations to promote the safety of life on navigable waters during regattas or marine parades contained in Part 303, Chapter III, Title 33, U. S. Code of Federal Regulations, shall apply.

Dated: April 28, 1947.

J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 47-4239; Filed, May 2, 1947; 8:57 a. m.]

[CGFR 47-25]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4433, 4470, 4481, 4488, 4491, as amended, 49 Stat. 1384, 1544, 54 Stat. 1028, sec. 5 (c), 55 Stat. 244 (46 U. S. C. 367, 369, 375, 391a, 392, 404, 411, 463, 463a, 474, 481, 489, 50 U. S. C. 1275), and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals and termination of approval are prescribed:

DAVIT

Welin MacLachlan gravity davit, Type 60-75; general arrangement Dwg. No. 6075-1, dated Nov. 25, 1941, altered Mar. 25, 1947, to include trackway dimensions of 10-inch channels; submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J. This approval supersedes the approval published in the FEDERAL REGISTER March 4, 1942 (7 F. R. 1700), which is hereby terminated.

FIRE RETARDANT MATERIALS FOR VESSEL CONSTRUCTION

J-M Aircoustic Sheet; mineral wool type structural insulation identical to J-M BX-18 described in National Bureau of Standards' Test Report No. TG-3619-36; FR-1404, dated May 17, 1939, with special sanded surface; boards approved for use without other insulating material to meet Class A-60 requirements in a two-inch thickness and 18 pounds per cubic foot density; submitted by Johns-Manville Sales Corp., 22 East 40th St., New York 16, N. Y.

J-M Marine Acoustical Unit; mineral wool type structural insulation identical to J-M BX-18 described in National Bureau of Standards' Test Report No. TG-3619-36; FR-1404, dated May 17, 1939, with special sanded surface and three-sixteenths inch perforated J-M Marine Veneer added; boards approved for use without other insulating material to meet Class A-60 requirements in a two-inch thickness and 18 pounds per cubic foot density exclusive of the J-M Marine Veneer; submitted by Johns-Manville Sales Corp., 22 East 40th St., New York 16, N. Y.

LIFEBOAT

16' x 5.5' x 2.38' steel oar-propelled lifeboat; 12-person capacity; construction and arrangement Dwg. No. 408, dated December 29, 1943, and revised Mar. 13, 1946; submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

SAFETY VALVES

Farris Type No. 2399 safety valve; sizes ranging from 1½" diameter to 4" diameter, inclusive; for 300 pounds per square inch and 600 pounds per square inch primary pressure rating; maximum temperature of 650° F. when valve is equipped with carbon steel springs; temperatures of 650° F. to 850° F. maximum when valve is equipped with alloy steel springs; manufactured by Farris Engineering Co., Commercial Ave., Palisades Park, N. J.

CONDITIONS OF APPROVAL AND TERMINATION OF APPROVAL

The above approvals shall be effective upon the date of publication of this document in the FEDERAL REGISTER.

The termination of approval made by this document shall be made effective upon the 31st day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment made before the effective date of termination of approval may be used so long as it is in good and serviceable condition.

Dated: April 29, 1947.

J. H. FARLEY,
Admiral, U. S. C. G., Commandant.

[F. R. Doc. 47-4240; Filed, May 2, 1947; 8:57 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8757]

HAROLD BLANCHARD

In re: Trust u/w Harold Blanchard, deceased. File D-28-4251; E. T. sec. 7265.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yvonne von Courten Rommel and Laura Irene von Courten, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Yvonne von Courten Rommel, and the issue, names unknown, of Laura Irene von Courten, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust under the Will of Harold Blanchard, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Archibald Blanchard and Edward J. Samson, as trustees, acting under the judicial supervision of the Probate Court of Suffolk County, Massachusetts;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Yvonne von Courten Rommel, and the issue, names unknown, of Laura Irene von Courten, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4213; Filed, May 2, 1947; 8:48 a. m.]

[Vesting Order 8760]

CHARLES KRAUSE

In re: Estate of Charles Krause, deceased. D-28-3574; E. T. sec. 5783.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the heirs at law, names unknown, of Augusta Wehner, deceased and the heirs at law, names unknown of Marie Krause, deceased, who there is reasonable cause to believe, are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Charles Krause, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Cook County, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Chicago, Illinois;

and it is hereby determined:

4. That to the extent that the heirs at law, names unknown, of Augusta Wehner, deceased and the heirs at law, names unknown, of Marie Krause, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4214; Filed, May 2, 1947; 8:48 a. m.]

[Vesting Order 8761]

MARIA MAURER

In re: Estate of Maria Maurer, deceased. File No. D-28-10771; E. T. sec. 15175.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That "Jane" Schmidt (name "Jane" being fictitious, true first name being unknown), "Mary" Schmidt (name "Mary" being fictitious, true first name being unknown), Frieda Schopflin, Emma Rubin, Lena Zieglmeier, Barbara Kunder and Louisa Durnberger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown of "Jane" Schmidt, issue, names unknown, of "Mary" Schmidt, issue, names unknown, of Frieda Schopflin, issue, names unknown, of Emma Rubin, issue, names unknown, of Lena Zieglmeier, issue, names unknown, of Barbara Kunder, and the issue, names unknown, of Louisa Durnberger, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Maria Maurer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by William Hirzler and Barbara Hirzler, as co-executors, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of "Jane" Schmidt, issue, names unknown, of "Mary" Schmidt, issue, names unknown, of Frieda Schopflin, issue, names unknown, of Emma Rubin,

issue, names unknown, of Lena Zieglmeier, issue, names unknown, of Barbara Kunder, and the issue, names unknown, of Louisa Durnberger, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4215; Filed, May 2, 1947; 8:48 a. m.]

[Vesting Order 8763]

CARL W. PAUL

In re: Trust under will of Carl W. Paul, deceased. File No. D-28-6546; E. T. sec. No. 5168.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Paul, Ida Paul, Hubert Quolke, Johanna Streich, Kaethe Schwiekert (nee Adelberger), Maria Erbacher (nee Adelberger), Valentin Adelberger, Barbara Katharina Kobler, Maria Schuck, Katharina Magdalene Maurer and Augusta Adelberger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue of Carl Paul; the issue of Ida Paul; the issue, names unknown, of Mina Paul; the issue, names unknown, of Augusta Paul; the issue of Henrietta Paul; and the personal representatives, heirs, next of kin, legatees, and distributees, names unknown, of Kathrina Paul, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4216; Filed, May 2, 1947; 8:48 a. m.]

[Vesting Order 8784]

CAROLA BLEIDORN ET AL.

In re: Bank accounts owned by Carola Bleidorn and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The San Francisco Bank, 526 California Street, San Francisco 4, California, arising out of savings accounts, the account numbers of which are set forth in Exhibit A, attached hereto and by reference made a part hereof, entitled in the manner set forth in the aforementioned Exhibit A, and any and all rights to remand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons listed in Exhibit A, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons listed in Exhibit A hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of owner	Title of account	Account No.	OAP No.
Carola Bleidorn	Edmund F. Russ, trustee for Carola Bleidorn.	760606	F-28-7319-E-1
Ernst Illing	Edmund F. Russ, trustee for Ernst Illing	760609	F-28-4084-E-1
Elleanor von Seyfried, also known as Eleanore Thusnelda Helena von Seyfried.	Edmund F. Russ, trustee for Elleanor von Seyfried.	760612	F-28-5910-E-1
John von Seyfried, also known as Johann Eugen Willibald von Seyfried.	Edmund F. Russ, trustee for John von Seyfried.	760611	F-28-5611-E-1
Ernst Heydenreich, also known as Ernst Heinrich Christian Heydenreich.	Edmund F. Russ, trustee for Ernst Heydenreich.	763723	F-28-7148-E-1
Elsie Mebius, also known as Elise Mebius	Edmund F. Russ, trustee for Elsie Mebius.	760614	F-28-7501-E-1

[F. R. Doc. 47-4217; Filed, May 2, 1947; 8:48 a. m.]

[Vesting Order 8785]

WILLIE EDER

In re: Bank account owned by Willie Eder. F-28-23752-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willie Eder, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of First Wisconsin National Bank, 743 North Water Street, Milwaukee, Wisconsin, arising out of a savings account, Account Number B. O. 9505, entitled George Engelhardt, Attorney in Fact, for Willie Eder, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4218; Filed, May 2, 1947; 8:48 a. m.]

[Vesting Order 8787]

ADAM JETHON ET AL.

In re: Bank accounts owned by Adam Jethon, Josef Jethon, Katharina Jethon, Frieda Martini, Eleonore Papst and Hermann Siebner.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adam Jethon, Josef Jethon, Katharina Jethon, Frieda Martini, Eleonore Papst, and Hermann Siebner, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, by First Wisconsin National Bank, 743 North Water Street, Milwaukee, Wisconsin; arising out of demand deposits entitled in the manner set forth in the aforementioned Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of owner	Title of account	OAP File No.
Adam Jethon	Adam Jethon	F-28-23111-E-1
Josef Jethon	Josef Jethon	F-28-23110-E-1
Katharina Jethon	Katharina Jethon	F-28-23112-E-1
Frieda Martini	Armenfuersorge Frieda Martini	F-28-23236-E-1
Eleonore Papst	Eleonore Papst	F-28-23571-E-1
Hermann Siebner	Hermann Siebner	F-28-23508-E-1

[F. R. Doc. 47-4219; Filed, May 2, 1947; 8:48 a. m.]

[Vesting Order 8788]

HERMANN KAUFMANN

In re: Debt owing to Hermann Kaufmann. D-28-4672-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Kaufmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by one (1) Windermere Hotel First Mortgage Fee Refunding and Sinking Fund Bond, of $500.00 face value, bearing the number D1005, registered in the name of Hermann Kaufmann, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4220; Filed, May 2, 1947; 8:54 a. m.]

[Vesting Order 8789]

KYODO FIRE INSURANCE CO., LTD.

In re: Debt owing to Kyodo Fire Insurance Company, Ltd. F-39-1198-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kyodo Fire Insurance Company, Ltd., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Kyodo Fire Insurance Company, Ltd., by The Constitution Reinsurance Corporation, 90 John Street, New York 7, New York, in the amount of $5,000.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Kyodo Fire Insurance Company, Ltd., by The Constitution Reinsurance Corporation, 90 John Street, New York 7, New York, in the amount of $918.44, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4221; Filed, May 2, 1947; 8:54 a. m.]

[Vesting Order 8791]

WILHELMINE REICHENECKER ET AL.

In re: Bank accounts owned by Wilhelmine Reichenecker, Sophie Henger, Marie Kirschbaum and Philipp Hornung.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine Reichenecker, Sophie Henger, Marie Kirschbaum and Philipp Hornung, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, by Commonwealth Bank, Dime Building, Detroit, Michigan, arising out of the commercial accounts, numbered and entitled as set forth opposite the name of each of the aforesaid persons, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of owner	Title of accounts	Account No.	OAP No.
Philipp Hornung	Philipp Hornung	C11-209	F-28-11471-E-1
Wilhelmine Reichenecker	Wilhelmine Reichenecker	C11-210	F-28-13303-E-1
Sophie Henger	Sophie Henger	C11-213	F-28-11340-E-1
Marie Kirschbaum	Marie Kirschbaum	C11-214	F-28-11621-E-1

[F. R. Doc. 47-4223; Filed, May 2, 1947; 8:55 a. m.]

[Vesting Order 8790]

ALFRA WENZLER METZGER ET AL.

In re: Bank accounts owned by Alfra Wenzler Metzger, also known as Afra Wenzler Mezger, Josephine Wenzler Buhler, also known as Josefine Wenzler Buhler and John Wenzler also known as Johann Wenzler. F-28-13098-E-1, F-28-9413-E-1, F-28-12705-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfra Wenzler Metzger, also known as Afra Wenzler Mezger, Josephine Wenzler Buhler, also known as Josefine Wenzler Buhler, and John Wenzler, also known as Johann Wenzler, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Alfra Wenzler Metzger also known as Afra Wenzler Mezger by Madison Safe Deposit and Trust Company, Madison, Indiana, arising out of a Savings Account, Account Number 14053, entitled Alfra Wenzler Metzger, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Josephine Wenzler Buhler, also known as Josefine Wenzler Buhler by Madison Safe Deposit and Trust Company, Madison, Indiana, arising out of a Savings Account, Account Number 14054, entitled Josephine Wenzler Buhler, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to John Wenzler, also known as Johann Wenzler by Madison Safe Deposit and Trust Company, Madison, Indiana, arising out of a Savings Account, Account Number 14055, entitled John Wenzler, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nations of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4222; Filed, May 2, 1947; 8:54 a. m.]

[Vesting Order 8792]

WIEBKE CHRISTINE MARGARETA ROHSE ET AL.

In re: Bank accounts owned by Wiebke Christine Margareta Rohse, also known as Wiebke Rose, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the individuals whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, by The First National Bank of Chicago, Chicago, Illinois, arising out of savings accounts, the account numbers of which are set forth in the aforesaid Exhibit A, entitled in the manner set forth in the aforementioned Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons listed in Exhibit A, hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of owner	Title of account	Account No.	OAP No.
Wiebke Christine Margareta Rohse, also known as Wiebke Rose.	Wiebke Christine Margareta Rohse	1,350,204	F-28-23938-E-1
Wilhelmine Christine Holm, also known as Wilhelmini Holm.	Wilhelmine Christine Holm	1,350,205	F-28-23811-E-1
Heinrich Willy Kuehl	Heinrich Willy Kuehl	1,350,206	F-28-20254-E-1
Heinrich Eduard Kuehl	Heinrich Eduard Kuehl	1,350,207	F-28-20255-E-1
Anna Helene Dedert	Anna Helene Dedert	1,350,208	F-28-25171-E-1

[F. R. Doc. 47-4224; Filed, May 2, 1947; 8:55 a. m.]

[Vesting Order 8793]

ERNEST SCHULTZ

In re: Bank account owned by Ernest Schultz, F-28-3852-C-1, F-28-3852-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Schultz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, Market-Montgomery Street, San Francisco, California, arising out of a Savings Account, Account Number 1606, entitled I. F. or Tom F. Chapman, Trustees for Ernst Schultz, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned on controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernst Schultz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4225; Filed, May 2, 1947; 8:55 a. m.]

[Vesting Order 7735, Amdt.]

FLORA HERTZ WWE

In re: Bonds owned by and debt owing to Flora Hertz wwe. F-28-23852-D-1, F-28-23852-C-1.

Vesting Order 7735, dated September 25, 1946, is hereby amended as follows and not otherwise:

By deleting the name "Flora Hertzwieve, also known as Flora Hertzwive" wherever it appears in said Vesting Order 7735 and substituting therefor the name "Flora Hertz wwe."

All other provisions of said Vesting Order 7735 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4233; Filed, May 2, 1947; 8:56 a. m.]

[Vesting Order 8794]

MARTIN STECHER

In re: Stock owned by Martin Stecher. F-28-22459-D-1/5.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martin Stecher, whose last known address is c/o Bayerische Vereinsbank, Munchen Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Martin Stecher, together with all declared and unpaid dividends thereon, and

b. Ten (10) shares of no par value common (old) capital stock of Standard Brands Incorporated, 595 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 2568, registered in the name of Martin Stecher, together with all declared and unpaid dividends thereon, and any and all rights of exchange thereof for no

par value common (new) capital stock of said Standard Brands Incorporated,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Certificate No.	Number of shares
Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, N. Y.	Delaware	$15 par value capital stock	0102588	2
Anaconda Copper Mining Co., 25 Broadway, New York, N. Y.	Montana	$50 par value capital stock	128379	10
Standard Oil Co., 30 Rockefeller Plaza, New York, N. Y.	New Jersey	$25 par value capital stock	C 263006	20
Radio Corp. of America, 30 Rockefeller Plaza, New York, N. Y.	Delaware	No par value common stock	N0109169	20

[F. R. Doc. 47-4226; Filed, May 2, 1947; 8:55 a. m.]

[Vesting Order 8797]

TOMOAKI YAMADA

In re: Debt owing to Tomoaki Yamada. F-39-5519-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomoaki Yamada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tomoaki Yamada by Sun Life Assurance Company of Canada, 315 Montgomery Street, San Francisco, California, in the amount of $624.50, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4228; Filed, May 2, 1947; 8:55 a. m.]

[Vesting Order 8828]

ARTHUR K. HAMMOND

In re: T/D Arthur K Hammond. File D-28-7420; E. T. sec. 15952.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Gertrude Knape, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated August 11, 1931, by and between Arthur K Hammond and the Fidelity-Philadelphia Trust Company, and in and to all property held thereunder by the Fidelity-Philadelphia Trust Company, as trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Fidelity-Philadelphia Trust Company, as trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4229; Filed, May 2, 1947; 8:55 a. m.]

[Vesting Order 8796]

HEINRICH VOGEL ET AL.

In re: Bank accounts owned by Heinrich Vogel, (Nephew), Heinrich Vogel (Brother), Carl Alexander Vogel and Philipp Jacob Vogel. F-28-4595-E-1, F-28-4596-E-1, F-28-4593-E-1, F-28-4597-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Vogel (Nephew), Heinrich Vogel (Brother), Carl Alexander Vogel and Philipp Jacob Vogel, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons described in Exhibit A, attached hereto and by reference made a part hereof, by President and Directors, Bank of The Manhattan Company, 40 Wall Street, New York 15, New York, arising out of Agency Accounts, Accounts Numbered and entitled as shown in Exhibit A, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of national	Account No.	Title of account	File No.
Heinrich Vogel	290497	Heinrich Vogel (nephew)	F-28-4595-E-1
Do	290477	Heinrich Vogel (brother)	F-28-4596-E-1
Carl Alexander Vogel	290457	Carl Alexander Vogel	F-28-4593-E-1
Philipp Jacob Vogel	290537	Philipp Jacob Vogel	F-28-4597-E-1

[F. R. Doc. 47-4227; Filed, May 2, 1947; 8:55 a. m.]

[Return Order No. 13]

JACKSON & PERKINS CO. ET AL.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determinations and allowance,[1] including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Jackson & Perkins Co., Newark, N. Y., Claims Nos. A-143, A-144.	12 F. R. 1356, Feb. 25, 1947.	Property described in Vesting Order No. 1028 (8 F. R. 4295, Apr. 2, 1943), relating to U. S. Patent Applications Serial No. 464,556 and Serial No. 464,557, to the extent owned by claimant immediately prior to the vesting thereof.
The Celotex Corp., Chicago, Ill., Claim No. 1271.	12 F. R. 1640, Mar. 8, 1947.	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent Nos. 2,004,545 and 2,172,076, to the extent owned by claimant immediately prior to the vesting thereof.
Christian Heinrich Hofsess, Paterson, N. J., Claim No. 5842.	12 F. R. 1639, Mar. 8, 1947.	$128.50 cash.
Walter M. Weis, New York, N. Y., Claim No. 971.	12 F. R. 1717, Mar. 12, 1947.	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Patent No. 2,110,58, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4230; Filed, May 2, 1947; 8:56 a. m.]

[Vesting Order 8834]

EMMA L. SAUTER

In re: Estate of Emma L. Sauter, deceased. File D-28-9479; E. T. sec. 12788.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alline DeMuralt and Sylvia Elizabeth DeMuralt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Emma L. Sauter, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Paul F. Lathrop and Martha Foster, as Executor and Executrix, respectively, acting under the judicial supervision of the Surrogate's Court of Schenectady County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4235; Filed, May 2, 1947; 8:56 a. m.]

[Vesting Order 8835]

BERTHA VOGT

In re: T/D Bertha Vogt. File F-28-13814, G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugene Frederick, Josephine Frederick, Otto Vogt, Hugo Vogt, Rudolph Vogt, Herman Vogt, Annette Vogt, Bertha Vogt, and Max Winterer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated July 19, 1935, by and between Bertha Vogt and Provident Trust Company of Philadelphia, and in and to all property held thereunder by Provident Trust Company of Philadelphia, as trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Provident Trust Company of Philadelphia, as trustee,

[1] Filed with the Division of the Federal Register.

acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4234; Filed, May 2, 1947; 8:56 a. m.]

[Return Order 11, Amdt.]

BATES MFG. CO. ET AL.

Return Order No. 11, dated April 14, 1947, is hereby amended as follows and not otherwise:

By deleting the number "2,242,896", in the last paragraph thereof under "Property" and substituting therefor the number "2,242,986".

All other provisions of said Return Order No. 11 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

DONALD C. COOK,
Director.

[F. R. Doc. 47-4231; Filed, May 2, 1947; 8:56 a. m.]

EASTMAN KODAK CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Eastman Kodak Co., Rochester, N. Y.	80	Property described in Vesting Order No. 68 (7 F. R. 6181, Aug. 11, 1942), relating to U. S. Patent Application Serial No. 326,456 (now U. S. Letters Patent No. 2,295,801), to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4232; Filed, May 2, 1947; 8:56 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

WESTERN SALES CO. STOCKYARDS, NORTH PLATTE, NEBR.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the Western Sales Company Stockyards, owned and operated by Ben M. Harrison, Clyde J. Speck, Cleve S. Milroy and John P. Hanson, a partnership doing business as the Western Sales Company at North Platte, Nebraska, is a stockyard as defined by section 302 of the Packers and Stockyards Act, 1921 (7 U.S.C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard listed above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit within fifteen (15) days after the publication of this notice any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 29th day of April 1947.

[SEAL] H. E. REED,
Director,
Livestock Branch.

[F. R. Doc. 47-4211; Filed, May 2, 1947; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2897]

CHALLENGER AIRLINES CO.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Challenger Airlines Company over its system.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that the above-entitled proceeding, insofar as it relates to a temporary rate for the period beginning with the inauguration of the petitioner's airmail service over AM 74 is assigned for hearing on May 6, 1947, at 10 a. m. (eastern standard time), in Room 1302, Temporary "T" Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated Washington, D. C., April 30, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4242; Filed, May 2, 1947; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-880]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER EXTENDING PRESENT ALLOCATION OF EMERGENCY DELIVERIES OF GAS FROM BIG INCH LINES

APRIL 30, 1947.

Notice is hereby given that, on April 30, 1947, the Federal Power Commission issued its order entered April 29, 1947, extending present allocation of emergency deliveries of gas from the Big Inch Lines in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4208; Filed, May 2, 1947; 8:55 a. m.]

[Docket No. IT-6024]

FLORIDA POWER CORP.

ORDER TERMINATING PROCEEDINGS

It appearing to the Commission that:

(a) On January 10, 1947, the Commission entered an order in the above entitled proceedings suspending for a period of five months from January 13, 1947, the operation of the agreement and rate schedule submitted by Florida Power Corporation and designated as Florida Power Corporation Rate Schedule FPC No. 21, providing for changes in the rates and charges for the sale of electric energy to the City of Quincy, Florida, and ordered a hearing thereon which was subsequently fixed for May 6, 1947.

(b) During the period of suspension the order directed that the rates or charges now being collected by Florida Power Corporation from the City of Quincy as provided in Florida Power Corporation Rate Schedule FPC No. 16 shall continue in effect.

(c) On April 25, 1947, Florida Power Corporation filed a request for permission to withdraw its proposed rate schedule designated as Florida Power Corporation Rate Schedule FPC No. 21 and notified the Commission that it will continue to serve the City of Quincy, Florida, pursuant to the agreement and rate schedule on file with the Commission designated as Florida Power Corporation Rate Schedule FPC No. 16.

The Commission orders that:

The proceedings in this docket be and they are hereby terminated.

Date of issuance: April 30, 1947.

By the Commission:

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4207; Filed, May 2, 1947; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 723]

UNLOADING OF EQUIPMENT AT WEEHAWKEN, N. J., AND NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of April A. D. 1947.

It appearing, that 4 cars containing transportation equipment, at Weehawken, New Jersey, and 1 car containing steel wire at New York, N. Y., on The New York Central Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Equipment at Weehawken, N. J., and New York, N. Y., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately cars ACL 76046, GA 12241, GN 69544 and SP 41414, containing transportation equipment, on hand at Weehawken, N. J., consigned shippers order, notify Edw. L. Wynne; also car EJE 60797, containing steel wire, on hand at 60th Street, New York, N. Y., consigned to order of Jones & Laughlin Steel Company, notify Dulien Steel Products Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 1, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(41 Stat. 476, sec. 4; 40 Stat. 101, sec. 402; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4192; Filed, May 2, 1947; 8:46 a. m.]

[S. O. 724]

UNLOADING OF CARS AT JERSEY CITY, N. J.

At a session of the Interstate Commerce Commission, division 3, held at its office in Washington, D. C., on the 29th day of April A. D. 1947.

It appearing that 8 cars containing various commodities at Jersey City, New Jersey, on the Baltimore and Ohio Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Cars at Jersey City, N. J., be unloaded.* The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately the following cars, containing various commodities, now on hand at Jersey City Terminal, Jersey City, New Jersey.

Car No., Initial, Commodity and Consignee
PA 296243, pipe, Asiatic Pet. Corp.
NYC 707040, autos and parts, D. C. Andrews Co.
BO 263001, steel rails, Assoc. Metals M. Co.
BO 259165, steel rails, Assoc. Metals M. Co.
BO 262989, steel rails, Assoc. Metals M. Co.
BO 262713, boiler tubes, U. S. Steel Export Co.
RDG 28569, steel plates, Ore S. S. Co.
PRR 858891, machinery, Mecke & Co.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 1, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4193; Filed, May 2, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING OF SUPPLEMENTAL PLAN, NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of April A. D. 1947.

In the matter of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company and its subsidiary companies, respondents, File No. 59-3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed an application for approval of a supplemental plan, designated as Plan II-B, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935.

Said Plan II-B has been filed in accordance with certain provisions contained in Bond and Share's Plan II-A, approved by the Commission on September 6, 1946 (Holding Company Act Release No. 6879-1) and approved and enforced by order of the United States District Court for the Southern District of New York dated December 30, 1946. Said Plan II-A provided, among other things, that, in addition to the $30 per share paid by Bond and Share to each of the holders of its $5 and $6 Preferred Stocks pursuant to the provisions of Bond and Share's Plan I, the company would (a) pay to each of the holders of such preferred stocks $70 per share in cash plus the amount of any accumulated dividends, (b) deliver to each of

such holders a certificate evidencing the right of such holders to receive any additional amounts of cash and/or other assets of the company which the Commission or any appropriate court might approve or direct, and (c) within four months after the effective date of Plan II–A (March 6, 1947) file with the Commission under section 11 (e) of the act a further plan specifying the additional amount of cash and/or other assets of the company, if any, that Bond and Share proposes to pay and/or distribute in connection with the retirement of its preferred stocks, which amount (together with distribution of capital provided in Plans I and II–A) will constitute the equivalent of all the rights of such stockholders.

All interested persons are referred to said Plan II–B, which is on file in the offices of the Commission, for a full statement of the transactions therein proposed, which may be summarized as follows:

Bond and Share proposes to pay no further amount of cash or other assets of the company to the holders of the certificates issued to the $5 and $6 preferred stockholders of Bond and Share in accordance with the provisions of Plan II–A and requests that, in the event of final approval of Plan II–B by the Commission and an appropriate court (after disposal of all appeals), the foregoing certificates become null and void.

Such proposal by Bond and Share is subject, however, to the provision contained in Plan II–A to the effect that in the event Plan II–B is not approved by the commission and an appropriate court having jurisdiction, Bond and Share will pay and/or distribute to its preferred stockholders such an amount, if any, of additional cash and/or other assets of the company as may be finally determined by an appropriate court.

The Commission having heretofore consolidated for the purpose of consideration proceedings with respect to the section 11 (e) plans filed by Bond and Share (File No. 54–127) with the proceedings previously instituted by the Commission pursuant to section 11 (b) of the act (File Nos. 59–3 and 59–12) directed to Bond and Share and certain of its subsidiaries, and having further ordered that any relevant evidence adduced in the said proceedings instituted by the Commission pursuant to section 11 (b) of the act shall be incorporated in and deemed to be part of the record in the proceedings on the said plans filed pursuant to section 11 (e) of the act, without prejudice, however, to the Commission's right, upon its own motion or the motion of any interested party, to strike such portions of the record in the proceedings pursuant to section 11 (b) as may be deemed irrelevant to the issues raised with respect to the proposed plans;

It is hereby ordered, That the hearings in these consolidated proceedings be reconvened and that a hearing be held with respect to Plan II–B at 10:00 a. m., e. d. s. t. on June 9, 1947 at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania in such room as may be designated at that time by the hearing room clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in such proceedings shall file with the Secretary of the Commission on or before May 30, 1947, a written request in the manner prescribed by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether Plan II–B, as submitted, or as it may be hereafter modified, is fair and equitable to the persons affected thereby, more particularly whether the proposal by Bond and Share to pay no further amount of cash or other assets of the company to the holders of the certificates issued to the $5 and $6 preferred stockholders of Bond and Share in accordance with the provisions of Plan II–A is fair and equitable.

2. Whether Plan II–B, as submitted, or as it may be hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act and is a proper step toward compliance with the order of the Commission dated September 6, 1946.

3. What amount of additional cash and/or other assets of the company should be ordered by the Commission to be paid to the holders of the certificates issued to the $5 and $6 preferred stockholders of Bond and Share, in the event the Commission disapproves Plan II–B.

4. Whether Plan II–B, as filed, or as it may be modified, makes appropriate provision for the payment of fees, expenses and other remuneration, and whether such fees, expenses or other remuneration are for necessary services.

5. Whether or not the accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles.

6. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers, and consistent with all applicable requirements of the Act and the Rules thereunder, and if not, what terms and conditions should be imposed to satisfy the applicable statutory standards.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to the orderly, prompt and economical disposition of matters involved.

It is further ordered, That notice of this hearing be given to Bond and Share and to all participants who have appeared in these proceedings and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Bond and Share, at least 15 days prior to the date of this hearing, shall give notice of such hearing to all its security holders (insofar as the identity of such holders is known or available to it) by mailing to each holder of the certificates issued to the $5 and $6 preferred stock at his last known address a copy of Plan II–B together with a copy of this notice and order reconvening hearing, and by mailing to each common stockholder at his last known address a statement setting forth a summary of the plan and the time, date, and place of the hearing. The statement to be mailed to the common stockholders shall be submitted to the Commission for review prior to mailing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–4191; Filed, May 2, 1947; 8:48 a. m.]

[File No. 70–1497]

SOUTHERN CALIFORNIA WATER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 28th day of April A. D. 1947.

Southern California Water Company ("Southern California"), a public utility subsidiary company of American States Utilities Corporation, a registered holding company, having filed an application and amendments thereto in which section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder are designated as applicable with respect to the following transactions:

Southern California proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, $5,100,000 principal amount of First Mortgage Bonds, __% Series due May 1, 1977, to be issued under an Indenture with the Bank of America National Trust and Savings Association, as Trustee. The interest rate on said bonds (to be a multiple of ⅛ of 1%) and the price to be received by Southern California (to be not less than 100% and not more than 102¾% of the principal amount of said bonds) are to be determined by the competitive bidding. The applicant states that the proceeds from the sale of the new bonds will be used (1) to redeem, at their redemption prices of 105¼, the company's outstanding $3,465,000 principal amount of Series A, and $297,000 principal amount of Series B, First Mortgage Bonds, exclusive of $33,000 aggregate principal amount of Series A and B bonds to be redeemed out of treasury funds on May 1, 1947, through operation of the sinking fund, (2) to pay the fees and expenses of the proposed sale, and (3) to add the balance to the general funds of the company to defray, in part, the cost of property additions during the year 1947.

Said application having been filed on March 28, 1947, and an amendment thereto having been filed on April 28, 1947, and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicant having requested that the Commission's order granting the application become effective immediately upon issuance, the Commission deeming it appropriate to grant such request; and

The Commission finding that Southern California is entitled to an exemption from the provisions of sections 6 (a) and 7 of the act pursuant to the provisions of section 6 (b) thereof, it appearing that the issuance and sale of the new bonds are solely for the purpose of financing the business of the applicant and that such issuance and sale has been expressly authorized by the Public Utilities Commission of the State of California which is the State Commission of the State in which the applicant is organized and doing business; it appearing that the record as to the fees and expenses in connection with the issuance and sale of said bonds is incomplete; and the Commission deeming it appropriate in the public interest and the interest of investors and consumers that subject to the condition and reservation of jurisdiction recited below said application, as amended, be granted:

It is hereby ordered, That pursuant to Rule U-23 said application, as amended, be, and the same is hereby, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of new bonds by Southern California shall not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction is hereby reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved, with respect to the fees and expenses in connection with the issuance and sale of the new bonds.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–4190; Filed, May 2, 1947; 8:48 a. m.]

MAY 8 '47

FEDERAL REGISTER

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Washington, Tuesday, May 6, 1947

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

STANDARDS FOR FRUITS AND VEGETABLES AND OTHER PRODUCTS [1]

On March 18, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 1817) regarding the proposed issuance of United States Standards for Berries for Processing. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Berries for Processing are hereby promulgated pursuant to the provisions of the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946):

§ 51.213 *Berries for processing*—(a) *Grades.* (1) U. S. No. 1 shall consist of berries of similar varietal characteristics which are free from caps (calyxes), mold or decay, and from dried, undeveloped and distinctly immature berries and from damage caused by overmaturity, crushing, shriveling, dirt, or other foreign matter, hail, sunscald, moisture, birds, disease, insects, mechanical or other means. At least 85 percent, by weight, of the berries in the lot shall be well colored. (See Size.)

(i) In order to allow for variations incident to proper handling, not more than 10 percent, by weight, of the berries in any lot may fail to meet the requirements of this grade, including not more than 3 percent for distinctly immature berries. No part of any tolerance shall be allowed to reduce the percentage of well colored berries required in the grade, and no part of any tolerance shall be allowed for berries infested with worms.

(2) U. S. No. 2 shall consist of berries which meet the requirements for U. S. No. 1 grade except for color and except for the increased tolerance for defects specified below. At least 75 percent, by weight, of the berries in the lot shall be well colored. (See Size.)

(i) In order to allow for variations incident to proper handling, not more than 20 percent, by weight, of the berries in any lot may fail to meet the requirements of this grade, including not more than 5 percent for distinctly immature berries. No part of any tolerance shall be allowed to reduce the percentage of well colored berries required in the grade, and no part of any tolerance shall be allowed for berries infested with worms.

(b) *Unclassified.* Unclassified shall consist of berries which fail to meet the requirements of either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Size.* In view of the size variations in different producing sections and size variations of different types and varieties of berries, no size requirements are specified in these standards. However, the size may be specified in terms of minimum diameter or length.

(1) In order to allow for variations incident to proper sizing, not more than 5 percent, by weight, of the berries in any lot may fail to meet the size specified.

(d) *Definitions.* (1) "Dried" means appreciably lacking in juice. Dried berries are excessively seedy and often shriveled.

(2) "Undeveloped" means lack of development, due to frost or insect injury, lack of pollination or other means, which causes the berry to be dwarfed or badly misshapen.

(3) "Distinctly immature" means that the berries are light red, whitish, or green in the case of types or varieties which are characteristically blue or black when well ripened; and that the berries are whitish or green in the case of types or varieties which are characteristically red when well ripened.

(4) "Damage" means any injury or defect which materially affects the berries for processing purposes. The following shall be considered as damage:

(i) Overmaturity, when the druplets of the berry have lost their luster and are excessively soft. Such berries usually disintegrate when washed under pressure.

(Continued on next page)

[1] These standards apply to berries of the genus rubus, such as blackberries, dewberries, Boysenberries, Loganberries, Youngberries and other similar types of berries, but not raspberries.

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FEDERAL REGISTER

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(ii) Crushing, when more than one-fourth of the druplets of the berry have been crushed.

(iii) Shriveling, when the berry is materially shriveled as evidenced by drying or undevelopment of more than one-fourth of the druplets of the berry.

(iv) Dirt, when it cannot be removed from the berry in the ordinary washing process.

(5) "Well colored" means that the berry has the color characteristic for a well ripened berry of the type or variety.

(6) "Diameter" means the greatest dimension of the berry measured at right angles to a line running from the stem end to the blossom end.

(e) *Effective time.* The United States Standards for Berries for Processing contained in this section shall become effective on and after 12:01 a. m., e. s. t., June 2, 1947 (Pub. Law 422, 79th Cong., 11 F. R. 7713)

Done at Washington, D. C., this 1st day of May 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-4279; Filed, May 5, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Functions and Procedures

PART 1—DESCRIPTION OF CENTRAL AND FIELD AGENCIES

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of June 11, 1946, Part 1, 10 CFR, Subtitle A, is amended as follows:

1. The headnote of § 1.7 (11 F. R. 177A-762) is redesignated *"Chief of Information."*

2. The headnote of § 1.16 (11 F. R. 177A-763) is redesignated *"Public Information Division"* and the first part of the text following the headnote is amended as follows:

§ 1.16 *Public Information Division.* The Chief, Public Information Division * * *

3. The headnote of § 1.18 (11 F. R. 177A-763) is redesignated *"Troop Information and Education Division"* and the first part of the text following the headnote is amended as follows:

§ 1.18 *Troop Information and Education Division.* The Chief, Troop Information and Education Division * * *

[W. D. Cir. 138, 1946, as amended by Cir. 100, Apr. 18, 1947] (60 Stat. 238; 5 U. S. C. Supp. 1002; E. O. 9082, Feb. 28, 1943, 3 CFR Cum. Supp., as amended by E. O. 9722, May 13, 1946, 11 F. R. 5281)

[SEAL] EDWARD F. WITSELL,
Major General, The Adjutant General.

[F. R. Doc. 47-4258; Filed, May 5, 1947; 8:50 a. m.]

Chapter I—Aid of Civil Authorities and Public Relations

PART 112—PRISONERS

PRISONERS CONFINED IN UNITED STATES DISCIPLINARY BARRACKS OR FEDERAL INSTITUTIONS

In § 112.1 paragraphs (b) and (c) are amended and paragraph (d) is added as follows:

§ 112.1 *Clemency*—(a) *Applications.* * * *

(b) *Prisoners confined in United States disciplinary barracks or Federal institutions.* The case of each general prisoner who is serving sentence in a United States disciplinary barracks or in a Federal institution will be considered in the War Department for clemency at some time within the first 6 months of the period of confinement and annually thereafter. For prisoners serving sentences in a United States disciplinary barracks, including those carried as absent sick in hospital, the commandant will make appropriate recommendation to The Adjutant General. In the event recommendation is not submitted within the first 6 months and annually thereafter, a report will be submitted in each instance stating the reason for such noncompliance. For those prisoners serving sentences in Federal institutions, request will be made by The Adjutant General upon the warden for report when needed.

(c) *Prisoners confined at posts.* The case of each general prisoner serving sentence of confinement of 6 months or more at a military post will be considered for clemency by the commanding officer holding general court-martial jurisdiction over the prisoner at some time within the first 6 months of the period of confinement and annually thereafter. A report will be submitted to The Adjutant General after each such consideration. In the event a prisoner is not considered for clemency within the first 6 months and annually thereafter, a report will be submitted in each instance stating the reason for such nonconsideration.

(d) *Prisoners confined in general, regional, or station hospitals.* The case of each general prisoner serving sentence of confinement of 6 months or more who is confined in a general, regional, or station hospital, and whose designated place of confinement is other than a disciplinary barracks, will be considered for clemency by the army commander in whose area the hospital is located at some time within the first 6 months of the period of confinement and annually thereafter. A report will be submitted to The Adjutant General after each such consideration. In the event a prisoner is not considered for clemency within the first 6 months and annually thereafter, a report will be submitted in each instance stating the reason for such nonconsideration.

[AR 600-375, May 17, 1943, as amended by Cir. 100, Apr. 18, 1947] (38 Stat. 1074; 10 U. S. C. 1457a)

[SEAL] EDWARD F. WITSELL,
Major General, The Adjutant General.

[F. R. Doc. 47-4259; Filed, May 5, 1947; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order S-9]

PART 807—SUSPENSION ORDERS

JOSEPH PFINGSTEN

Joseph Pfingsten, 3412 West 157th Street, Cleveland, Ohio, on or about January 27, 1947, without authorization of the Civilian Production Administration or the Office of the Housing Expediter, began and thereafter carried on construction of a one-story commercial structure for use as a restaurant, located at 21465 Lorain Road, Fairview Village, Ohio, the estimated cost of which was in excess of $1,000. The beginning and carrying on of construction as aforesaid constituted a violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.9 *Suspension Order No. S-9.* (a) Neither Joseph Pfingsten, his successors and assigns, nor any other person shall do any further construction on the one-story commercial structure located at 21465 Lorain Road, Fairview Village, Ohio, including the putting up, completing or altering said structure, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Joseph Pfingsten shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joseph Pfingsten, his successors and assigns, nor any other person from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter.

Issued this 5th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4359; Filed, May 5, 1947; 11:55 a. m.]

[Suspension Order S-20]

PART 807—SUSPENSION ORDERS

HAYDEN LAKE HONEYSUCKLE HILLS, INC.

Hayden Lake Honeysuckle Hills, Inc., a corporation organized under the laws of the State of Idaho, on or about the 7th day of July, 1946, without authorization from the Civilian Production Administration or the Office of the Housing Expediter, began construction in the nature of remodeling and alteration of a three-story building 32' x 200' in size, at Hayden Lake, Idaho, to be used as a private club and summer hotel, the estimated cost of which was approximately $20,000. This was a violation of Veterans' Housing Program Order 1 and has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.20 *Suspension Order No. S-20.* (a) Neither Hayden Lake Honeysuckle Hills, Inc., a corporation, its successors or assigns, nor any other person shall do any further construction on the structure located at Hayden Lake, Idaho, including the putting up, completing or altering said structure, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Hayden Lake Honeysuckle Hills, Inc., shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Hayden Lake Honeysuckle Hills, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 2d day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4355; Filed, May 5, 1947; 11:55 a. m.]

[Suspension Order S-30]

PART 807—SUSPENSION ORDERS

DORSEY GREENO

Dorsey Greeno, doing business as Dorsey Motor Sales, 260 E. Pine Street, Findlay, Ohio, without authorization, began on or about April 12, 1946, and thereafter carried on construction of a structure for

use as a garage, at 260 E. Pine Street, Findlay, Ohio, the estimated cost of which was in excess of $1,000, in violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.30 *Suspension Order No. S–30.* (a) Neither Dorsey Greeno, doing business as Dorsey Motor Sales, his successors or assigns, nor any other person shall do any further construction on the structure located at 260 E. Pine Street, Findlay, Ohio, including putting up, completing or altering the structure, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Dorsey Greeno, doing business as Dorsey Motor Sales, shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Dorsey Greeno, doing business as Dorsey Motor Sales, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 5th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4360; Filed, May 5, 1947; 11:55 a. m.]

[Suspension Order S–31]

PART 807—SUSPENSION ORDERS

IRA N. PETERSHEIM

Ira N. Petersheim is the owner of the property located on Route 23, near Route 122, Morgantown, Pennsylvania, and on or about November 5, 1946 began the construction on the aforementioned premises of a combination filling station, repair shop, and farm machinery sales room, at an estimated cost of $4,000, without authorization of the Civilian Production Administration or the Office of the Housing Expediter. The beginning and carrying on of this construction, subsequent to March 26, 1946, with knowledge of the construction restrictions constituted a wilful violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.31 *Suspension Order No. S–31.* (a) Neither Ira N. Petersheim, his successors or assigns, nor any other person shall do any further construction on the premises located on Route 23, near Route 122, Morgantown, Pennsylvania, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Ira N. Petersheim shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Ira N. Petersheim, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 5th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4361; Filed, May 5, 1947; 11:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard

PART 201—NATIONAL GUARD REGULATIONS

ENLISTED MEN OF THE NATIONAL GUARD

Sections 201.14 to 201.36 inclusive are hereby superseded by the following §§ 201.14 to 201.20, inclusive.

Sec.
201.14 Qualifications for enlistment.
201.15 Enlistments.
201.16 Reenlistments.
201.17 Recognition of enlisted man.
201.18 Grades and ratings.
201.19 Separation from the National Guard.
201.20 Discharge certificate.

AUTHORITY: §§ 201.14 to 201.20, inclusive, issued under 48 Stat. 155; 32 U. S. C. 4.

§ 201.14 *Qualifications for enlistment*—(a) *Who may be enlisted.* (1) Any able-bodied male resident of a State who is a citizen of the United States or an alien (if permissible by State law) who has filed a legal declaration of intention to become a citizen of the United States may be enlisted in the National Guard of his State, except as otherwise prescribed herein.

(2) Male citizens of the United States possessing technical skills which are needed by the National Guard, who have reached their 35th birthday and who at the time of application for original enlistment have not attained their 45th birthday, may, when specifically authorized by the Chief, National Guard Bureau, be accepted for enlistment and assignment to State headquarters and headquarters detachments, provided they are qualified for general military service, and vacancies exist within the units.

(b) *Persons not authorized to be enlisted.* The enlistment of any of the following is not authorized:

(1) A person who has been convicted of a felony.

(2) A person who is not of good character and temperate habits.

(3) An insane person.

(4) A person who does not speak, read, and write English.

(5) A former member of the Regular Army, the Navy, the Marine Corps, the Coast Guard, or the National Guard, whose services during his last enlistment were not honest and faithful, or whose discharge certificate from his last enlistment bears the notation "not recommended for reenlistment."

(6) A deserter from the Regular Army, the Navy, or the Marine Corps.

(7) An alien, who has not filed his legal declaration of intention to become a citizen of the United States.

(8) A person under 18 or over 35 years of age, except as prescribed in § 201.14 (a) (2). See § 201.16 (b) for age limit on reenlistment.

(9) A person who draws a pension, disability allowance, or disability compensation from the Government of the United States.

(10) A person who draws retirement pay from the Government of the United States where retirement has been made on account of physical disability or age.

(11) A person in the Regular Army, the Regular Army Reserve, the Officers' Reserve Corps, except as provided in paragraph (d) of this section, the Enlisted Reserve Corps, except as provided in paragraph (d) of this section, the Navy, the Marine Corps, the Naval Reserve, the Naval Militia, or the Marine Corps Reserve, or any member of the armed forces while in the active Federal military service.

(c) *Persons whose enlistment requires waivers or special authority.* (1) The following will be enlisted or reenlisted only upon written request signed by the applicant in which he specifically states he desires to waive his exemption from militia duty (see sec. 59, National Defense Act, as amended):

(i) Officers, judicial and executive, of the Government of the United States and of the several States.

(ii) Customhouse clerks.

(iii) Persons employed by the United States in the transmission of the mails.

(iv) Artificers and workmen employed in Government armories, arsenals, and Navy yards.

(v) Pilots and mariners actually employed in the sea service of any citizen or merchant within the United States.

(2) A civilian officer or employee of the United States or of the District of Columbia, including postal employees, and artificers or workmen employed in Government armories, arsenals, or Navy Yards, will not be enlisted or reenlisted in the National Guard without the written consent of the head of the departments or service in which he is employed.

(d) *Members of the Officer's Reserve Corps and Enlisted Reserve Corps.* (1) A member of the Officers' Reserve Corps or Enlisted Reserve Corps who applies for enlistment in the National Guard will be discharged from the Reserve Corps without prejudice.

(2) Section 604.9 (b) (2), 10 CFR, Chapter VI, provides that an enlisted Reservist who enlists in the National Guard of the United States will be administratively discharged from the Enlisted Reserve Corps. State military authorities need not defer the enlistment of men in this category until discharge from the Enlisted Reserve Corps is secured. Upon enlistment of an Enlisted Reservist in the National Guard, the State adjutant general will immediately notify the army commander concerned of the fact and will submit the following information on each Enlisted Reservist:

(i) Full name.

(ii) Grade and branch.

(iii) Army serial number.

(iv) Date of enlistment in the National Guard.

(v) Unit in which enlisted in the National Guard.

(3) Upon receipt of the information submitted above, action will be taken by Army authorities to terminate the enlistment of the individual in the Enlisted Reserve Corps effective the day prior to his enlistment in the National Guard of the United States.

(e) *Members of the Reserve Officer's Training Corps.* A member of the Reserve Officers' Training Corps may enlist in the National Guard. See NGR 45.

(f) *Parental consent in enlistment of minors.* Parental consent is not necessary for the enlistment of a minor 18 years of age or over unless the State law so provides.

(g) *Residence.* An applicant for enlistment will not be accepted unless he lives within such distance of the home station of the unit in which he desires to enlist that he can properly perform his military duties.

(h) *General examination of applicants.* (1) An officer will examine each applicant for enlistment, asking certain questions to determine whether the applicant fills the requirements for enlistment. If any statement of the applicant indicates a cause for rejection, the officer will inform the applicant that he is not eligible for enlistment and make notation accordingly on the WD NGB Form 21.

(2) Applicants for original enlistment, and those who have been discharged for more than 6 months from the Regular Army, Regular Army Reserve, Enlisted Reserve Corps, Navy, Naval Reserve, Marine Corps, Marine Corps Reserve, Army of the United States, or National Guard, will be required to furnish evidence of good character in addition to their discharges.

(i) *Physical examination.* All applicants for enlistment will appear before an authorized medical examiner for physical evamination in accordance with the standards for enlistment as prescribed for the Regular Army.

§ 201.15 *Enlistments*—(a) *Term of enlistment.* Original enlistment in the National Guard will be for a period of 3 years.

(b) *Immunization.* Before, or as soon as practicable after, taking the oath of enlistment as prescribed in paragraph (c) of this section, applicants for enlistment will be immunized against smallpox and will receive the first of the immunization series for immunization against typhoid and paratyphoid, if there is doubt as to previous immunization.

(c) *Enlistment and administration of oath.* (1) After an applicant has successfully passed the required examinations, an officer will read to him the oath of enlistment and explain to him the term of service, the obligations he assumes, and the pay and other allowances to which he will be entitled. The officer will then complete the enlistment by administering the oath and requiring the enlisted man to sign the oath on all three copies of the enlistment record. The officer will then sign the certificate of enlistment on all three copies.

(2) Any officer of the National Guard so authorized by the laws of the State may administer the oath of enlistment in his State. See also administration of oaths by Federal inspectors under NGR–15.

(d) The date on which the oath is administered is the date of enlistment.

§ 201.16 *Reenlistments*—(a) *General provisions.* A person who has served one or more previous enlistments in the National Guard, either complete or incomplete, with honorable discharges in all cases, may be reenlisted in the National Guard for a period of 1 or 3 years if he is fully qualified for enlistment in accordance with § 201.14.

(b) *Age at reenlistment.* The age limit of 35 years applies only to original enlistment. A person who has served in one or more previous enlistments in the National Guard of any State, or in the Regular Army, Army of the United States, Navy, or Marine Corps, complete or incomplete, terminated by honorable discharge, other than under the provisions of AR 615–369 (Administrative regulations relative to discharge) may be reenlisted in the National Guard if he is not over 64, or subject to any other age limits prescribed by the laws of the State in which he is applying for reenlistment, provided he has had total active service in the National Guard of the United States, Regular Army, Army of the United States, Navy, and Marine Corps, equal to or exceeding that shown in the following table:

Age:	Prior service
36 under 38	1 year.
38 under 41	2 years.
41 under 55	2 years plus the number of years applicant is over age of 40.

Applicants who have been awarded decorations of the Silver Star or higher will be accepted for enlistment without regard to the requirements of age until their 55th birthday. No enlisted man will be entitled to pay or allowances from Federal funds appropriated for the support of the National Guard after he is 64.

(c) *Men undergoing treatment.* Enlisted men of good character and faithful service, who, at the expiration of their terms, are undergoing treatment for injuries incurred or disease contracted in line of duty, may be reenlisted, if they so elect; and if so reenlisted, and the disability proves permanent, they will be discharged for disability in accordance with prescribed regulations.

(d) *Men of doubtful physical condition who are not under treatment.* An enlisted man not under treatment, but who has contracted illness or injury in line of duty (NGR 62) that may raise a question of physical eligibility for reenlistment, but not such as to prevent his performing the duties of a soldier, may be reenlisted by authority of the State adjutant general subject to approval by the Chief, National Guard Bureau, upon application made by letter through channels, including the examining surgeon. Such applications will be made in time to receive a decision before the date of discharge.

(e) *Men in confinement.* If a soldier sentenced by court martial to confinement for a period extending beyond the expiration of his term of enlistment received an honorable discharge, he will be reenlisted only upon the remission, by competent military authority, of the unexecuted portion of his sentence, unless the laws of the State authorize otherwise.

(f) *Discharge and reenlistment of men detailed to schools.* An enlisted man, to be detailed to a service school, must have at least 2 years to serve in his current enlistment upon the date on which the course he is to take is scheduled to end. If he does not have this much unexpired service, he will be discharged and reenlist for 3 years before attending the service school.

§ 201.17 *Recognition of enlisted man*—(a) *Definition of recognition.* Whenever the term "recognition" or "recognized" is used in §§ 201.14 to 201.20, it will be understood to mean "Federal recognition" or "federally recognized."

(b) *Effective date of recognition of enlisted man.* (1) If an enlisted man has already qualified by taking the required oath as a member of a National Guard unit not yet recognized, his own recognition becomes effective on the date his unit is recognized.

(2) If the enlisted man enlists in a recognized unit of the National Guard, the date on which he takes and subscribes to the oath of enlistment is the date of his recognition.

§ 201.18 *Grades and ratings.* (a) All enlistments in the National Guard, except as otherwise provided in this NGR, shall be in the grade of private.

(b) Except that personnel who entered active Federal military service with the National Guard of a State on or subsequent to 16 September 1940 and who reenlist therein subsequent to release or discharge from active military service, may be reenlisted in their former National Guard grade.

(c) Where compatible with State law, qualified personnel may be enlisted in the National Guard of a State in the enlisted rating or grade held in the Army of the United States at time of release or discharge.

(d) When a noncommissioned officer or rated private is discharged and reenlists, his warrant or rating may be continued if the vacancy created by his discharge has not been filled and continues to exist at the time of his reenlistment.

(e) The appointment of noncommissioned officers, privates first class, and technicians of the National Guard, and reduction from such appointments are functions of the State military authorities.

§ 201.19 *Separation from the National Guard*—(a) *General.* The separation of enlisted men from the active National Guard is effected through discharge by proper authority. Unless otherwise stated in this section, enlisted men so

discharged will be given a discharge certificate. See § 201.20.

(b) *Date discharge is effective.* The discharge of an enlisted man takes effect on the date of discharge shown on his discharge certificate.

(c) *Discharge at expiration of term of enlistment.* An enlisted man will be discharged from his enlistment in the National Guard upon the expiration of his term of enlistment as determined under the military laws of his State.

(d) *Discharge at age of 64.* An enlisted man will be discharged from the National Guard on reaching the age of 64.

(e) *Discharge upon acceptance of a commission.* An enlisted man who accepts a commission in the National Guard, or in the Regular Army, Navy, Marine Corps, Coast Guard, Public Health Service, Coast and Geodetic Survey, Officers' Reserve Corps, Naval Reserve, or Marine Corps Reserve, will be discharged from his enlistment in the National Guard.

(f) *Discharge to accept appointment as cadet, U. S. Military Academy, as midshipman, U. S. Naval Academy, or as cadet, U. S. Coast Guard Academy.* An enlisted man who accepts an appointment as cadet, U. S. Military Academy, as midshipman, U. S. Naval Academy, or as cadet, U. S. Coast Guard Academy, will be discharged from the National Guard.

(g) *Discharge to enlist in Regular Army, Navy, Marine Corps, or Coast Guard.* An enlisted man of the National Guard may enlist in the Regular Army, Navy, Marine Corps, or Coast Guard, but must be discharged from the National Guard before so enlisting.

(h) *Discharge for other reasons.* An enlisted man of the National Guard may be discharged for the convenience of the Government in the case of hardship and on account of incompatible occupation.

§ 201.20 *Discharge certificate.* An enlisted man discharged from service in the National Guard and the National Guard of the United States shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army. See section 72, National Defense Act, as amended.

[NGR 25, Jan. 9, 1947 and NGR Clr 11, Apr. 1, 1947]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4266; Filed, May 5, 1947; 8:45 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 329]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following respect:

The description of the commodities classified under Department of Commerce Schedule B No. 707410 is amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity
707410	Electrical machinery and apparatus: Induction furnaces vacuum metal-melting only and component parts therefor.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: April 15, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-4262; Filed, May 5, 1947; 8:51 a. m.]

[Amdt. 330]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

By virtue of the Sugar Control Extension Act of 1947, Public Law 30, 80th Congress, the administration of export control of sugar pursuant to the act of July 2, 1940 (54 Stat. 714), as amended, was transferred to the Department of Agriculture.

In accordance therewith, § 801.2 *Prohibited exportations* is amended by deleting from the list of commodities therein the following commodities:

Sched. B No.	Commodity
161910	Sugar, refined.
161950	Sugar, raw.
162900	Molasses.
163500	Candy, other than chocolate, containing 70% or more sugar.
163700	Confections and desserts n. e. s., containing 70% or more sugar.
164300	Glucose, liquid.
164400	Glucose, dry.
164700	Sirups, including glypho sirup.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: April 28, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-4263; Filed, May. 5, 1947; 8:51 a. m.]

[Amdt. 331]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	Commodity
	Spices:
154911	Pepper, unground.
154998	Black pepper, ground.
154998	White pepper, ground.
	Cotton, unmanufactured:
	Linters:
300401	First cut cotton linters, grades 1 to 3 inclusive (U. S. official standard) (include cottonseed hull fiber and motes).
	Vegetable fibers and manufactures:
322401	Used Cuban and Puerto Rican raw sugar bags of any weight.
	Iron and steel manufactures:
	Central heating equipment:
615000	Domestic conversion oil burners, over 6 gallons' hourly capacity.
	Pigments, paints, and varnishes:
842800	Titanium dioxide and titanium pigments.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: May 1, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-4264; Filed, May 5, 1947; 8:51 a. m.]

[Amdt. 332]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportation* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding thereto the following commodity:

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
603811	Iron and steel strip, hot rolled, containing no alloy, with less than 0.40% carbon content.	Lb....	100	25

Shipments of the above commodity added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective May 10, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E.O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: May 1, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-4265; Filed May 5, 1947; 8:51 a. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

[Directive 41, Amdt. 12]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

LIVESTOCK SLAUGHTER PAYMENTS

Directive 41 (§ 4004.1 *Livestock slaughter payments*) is amended in the following respects:

1. Paragraph (a) of section 7 is amended to read as follows:

(a) Upon certification by the Price Administrator to the Reconstruction Finance Corporation that a slaughterer has refused or failed to furnish any information requested by the Office of Price Administration or has refused to permit the inspection and examination of his slaughtering operations by the Office of Price Administration, Reconstruction Finance Corporation shall withhold payment of all accrued and future payments to such slaughterer until the Price Administrator certifies to Reconstruction Finance Corporation that such slaughterer has furnished the information requested or permitted the inspection and examination of his slaughtering operations. Upon this latter certification, Reconstruction Finance Corporation shall then pay to such slaughterer the amount of subsidy to which such slaughterer would otherwise be entitled. No subsidy withheld under this section 7 (a) for refusal or failure to furnish information requested or required by the Office of Price Administration shall be released unless the requested or required information is provided on or before May 15, 1947.

2. Subparagraph (1) of section 7 (b) is amended to read as follows:

(1) (i) Reconstruction Finance Corporation is directed to continue its present procedure of declaring invalid, in whole or in part, any claim for subsidy payments filed by an applicant who, in the judgment of the Price Administrator or his successor in authority, has wilfully violated any meat or livestock regulation or order issued by the Price Administrator. Such a judgment shall be made only in the event the alleged violation is referred to the United States Attorney for prosecution.

(ii) As used in subdivision (i) of this section 7 (b) (1) the phrase "its present procedure" was intended to and does refer to the procedure whereby subsidy funds are withheld from subsidy applicants involved in criminal proceedings. This procedure was and is as follows:

Withholding of subsidy funds from a subsidy applicant involved in criminal proceedings is initially recommended to the Reconstruction Finance Corporation by the Price Administrator only when all three of these factors are present: (1) The Price Administrator (or his duly authorized representative) has investigated the alleged wilful violation and referred the case to the United States Attorney for the institution of criminal proceedings; (2) the grand jury has returned an indictment or the United States Attorney has filed an information against the subsidy applicant for the alleged wilful violations of any meat or livestock regulation or order issued by the Price Administrator; and (3) a responsible member of the applicant's management was chargeable with knowledge of the facts alleged to constitute the wilful violation.

The amount of subsidy money withheld is that allocable to the selling establishments involved in the criminal proceedings, and, as to each selling establishment, to the accounting periods during which the violations are alleged. The recommendation of the Price Administrator as to such withholding is in the form of a letter to the Reconstruction Finance Corporation notifying that agency of the pending criminal proceedings and the selling establishments and periods involved.

After receiving the Price Administrator's recommendation, the Reconstruction Finance Corporation then notifies the applicant as to the specific amount of subsidy funds that are thus to be withheld or recaptured, in the event the subsidy applicant has received the funds.

The recommendations of the Price Administrator as to permanent withholding automatically follow the judicial determinations as to criminal responsibility and may, therefore, be made despite the fact that there was no initial recommendation for withholding based upon the institution of criminal proceedings, due to the absence of either or both of factors (1) and (3). If the criminal proceedings terminate with a conviction of the subsidy applicant, the subsidy payments allocable to the selling establishments for the periods involved in the conviction are then permanently withheld or recaptured. In the event the subsidy applicant is found upon trial to be not guilty of all violations charged in the indictment or information with respect to any particular accounting period or periods, or in the event all counts in the indictment or information relating to any particular accounting period or periods are dismissed or nol prossed by the United States Attorney, the Administrator certifies such facts to the Reconstruction Finance Corporation and thereupon the subsidy funds withheld or recaptured for such accounting period or periods are payable forthwith. However, the fact that all of the counts in the indictment or information relating to any particular accounting period or periods are dismissed or nol prossed by the United States Attorney, does not operate as a bar to an appropriate certification by the Price Administrator in accordance with section 7 (b) (2).

The Reconstruction Finance Corporation is directed to amend its Livestock Slaughter Payments Regulation No. 3 (subsequently redesignated Regulation No. 10) to make it clear that in any instance in which a subsidy applicant may have had subsidy funds withheld after termination of the criminal proceedings contrary to the procedure for such withholding described in this Amendment, the applicant may apply for and obtain release of such subsidy funds. The Price Administrator will review all recommendations for initial withholding, in cases in which criminal proceedings are still pending, to assure that such recommendations are in accordance with the procedure for such withholding described in this amendment.

3. Subparagraph (4) of section 7 (b) is amended to read as follows:

(4) (i) Effective as of April 1, 1946, Reconstruction Finance Corporation is also directed to withhold payment of subsidy claims upon a certification by a Regional Administrator of the Office of Price Administration or a District Director authorized by a Regional Administrator, that the slaughterer's report filed with the Office of Price Administration on a DS-T-55 or 636-2202 form pursuant to the provisions of Maximum Price Regulation 574, shows a cost of cattle in excess of his maximum permissible cost. The withholding shall apply to the net cattle subsidy (exclusive of extra-compensation payments) otherwise due the slaughterer on cattle slaughtered at the particular establishment during the accounting period involved and at the same rates as specified in paragraph (b) (3) above. In cases of slaughterers whose maximum permissible cattle costs are determined by section 11 of Maximum Price Regulation No. 574, or whose maximum permissible cattle costs are determined by section 9 of Maximum Price Regulation No. 574 but who do not file subsidy claims on DS-T-55 Forms, the appropriate Regional Administrator of the Office of Price Administration or the appropriate District Director authorized by him shall as promptly as possible certify to Reconstruction Finance Corporation (i) the name of any slaughterer whose filed report on a DS-T-55 or 636-2202 form, after correction for errors, shows a cost of cattle in excess of his maximum permissible costs; (ii) the address of the establishment and the accounting period for which the report is filed; and (iii) the percentage by which such slaughterer's excess in cattle cost exceeds his maximum permissible cost; and (iv) the percentage of subsidy to be withheld.

(ii) Any and all withholdings by Reconstruction Finance Corporation made in conformity with the foregoing provisions of subdivision (i) of this section 7 (b) (4) during the period April 1, 1946, through May 1, 1947, inclusive, and any and all certifications by a Regional Administrator of the Office of Price Administration, or a District Director authorized by a Regional Administrator, made in conformity with the foregoing provisions of subdivision (i) of this section 7 (b) (4) during the period April 1, 1946, through May 1, 1947, inclusive, shall be deemed to have been made pursuant to section 7 (b) (4) (i), and all such actions hereby are acknowledged, approved, ratified, adopted and confirmed, and shall have the same full force and effect which would have been accorded such withholdings and certifications if the provisions set forth in foregoing subdivision (i) of this section 7 (b) (4) had been incorporated in Directive 41 as section 7 (b) (4) during and throughout the entire period April 1, 1946, through May 1, 1947, inclusive.

4. Subparagraph (5) of section 7 (b) is amended to read as follows:

(5) (i) Upon a finding by the Price Administrator on application by a slaughterer that the slaughterer's overpayment for cattle slaughtered after March 31, 1946, was due to extenuating circumstances and that the release of the subsidy withheld, or a portion thereof, would not be inconsistent with the stabilization program, he may so certify, to the Reconstruction Finance Corporation, setting forth the amount of the subsidy to be released and thereupon the Reconstruction Finance Corporation shall release such amount of subsidy. Only slaughterers, whose subsidy payments have been withheld pursuant to subparagraphs (3) or (4) of this section 7 (b) may apply to the Price Administrator at Washington, D. C., for such a certification. Applications for release of subsidy made pursuant to this section 7 (b) (5) must be made on or before May 15, 1947.

(ii) Any and all findings and certifications of the Price Administrator or his successor in authority made in conformity with the provisions of subdivision (i) of this section 7 (b) (5) prior to May 2, 1947, and any and all releases of subsidy by Reconstruction Finance Corporation made in conformity with the provisions of subdivision (i) of this section 7 (b) (5) prior to May 2, 1947, shall be deemed to have been made pursuant to section 7 (b) (5) (i), and all such actions hereby are acknowledged, approved, ratified, adopted and confirmed, and shall have the same full force and effect which would have been accorded such findings, certifications and releases if the provisions set forth in foregoing subdivision (i) of this section 7 (b) (5) had been incorporated in Directive 41 as section 7 (b) (5) during and throughout the entire period April 1, 1946 through May 1, 1947, inclusive.

5. Subparagraph (6) of section 7 (b) is amended to read as follows:

(6) On and after April 1, 1946, the provisions of section 7 (b) (2) shall not apply to those violations of Maximum Price Regulation No. 574—Live Bovine Animals (cattle and calves)—which on and after the same date provided the basis or bases for withholdings of subsidy pursuant to the provisions of section 7 (b) (3) or (4), as the latter may have provided at any time on or after April 1, 1946.

6. Subparagraphs (7) and (8) of section 7 (b) are added, in the event they were not issued properly on November 18, 1946, or, in the event they properly were issued on such date, they hereby are amended to read as follows:

(7) Effective as of the first day of any slaughterer's accounting period scheduled to end after October 14, 1946, but which was terminated automatically prior to such scheduled ending date by operation of law at 12:01 a. m. on October 15, 1946, the provisions of subparagraphs (1) and (2) of this section 7 (b) shall not apply to any violation of the maximum permissible cost provisions of section 9 or section 11 of Maximum Price Regulation No. 574—Live Bovine Animals (cattle and calves)—that occurred during such shortened accounting period.

(8) Effective as of the first day of any slaughterer's accounting period scheduled to end after October 14, 1946, but which was terminated automatically prior to such scheduled ending date by operations of law at 12:01 a. m. on October 15, 1946, the provisions of subparagraphs (3) and (4) of this section 7 (b) shall not apply to subsidy claims filed for such shortened accounting period.

7. Subparagraph (6) of section 7 (e) is amended to read as follows:

(6) If a slaughterer has exceeded his authorized quota by an amount which is not in excess of 3 percent of such quota or 2,000 pounds, liveweight, whichever is larger, or if a slaughterer has failed to set aside or deliver meat or meat products by an amount which is not in excess of 3 percent of the quantity of meat or meat products required to be set aside and delivered, he may apply to the Secretary of Agriculture, or the Price Administrator at Washington, D. C., depending upon whether his report was filed with the Department of Agriculture or the Office of Price Administration, for a release of the subsidy withheld pursuant to this paragraph (e). Upon a finding by the Secretary of Agriculture (or his duly authorized representative) or the Price Administrator, that the slaughterer's excess slaughter or failure to set aside or deliver was due to extenuating circumstances and that the release of the subsidy withheld will not be inconsistent with the stabilization program or the Government procurement program, the Secretary of Agriculture or his duly authorized representative, or the Price Administrator, may so certify to the Reconstruction Finance Corporation, and thereupon the subsidy withheld shall be payable forthwith. Applications for release of subsidy made pursuant to this section 7 (e) (6) must be made on or before May 15, 1947.

8. Subparagraph (7) of section 7 (e) is added, in the event it was not issued properly on March 12, 1947, or in the event it properly was issued on such date, it hereby is reissued to read as follows:

(7) As used in this section 7 (e), the phrase "authorized quota" was intended to and does mean the total live weight of livestock, by species, authorized to be slaughtered during an entire "quota period" or "interim quota period" as such periods are defined in Control Order 2—"Livestock Slaughter", issued by the Office of Price Administration; but was not intended to and does not apply to additional restrictions and limitations made on the quantity of livestock, by species, within the "authorized quota" that are authorized to be slaughtered during a part of a "quota period."

9. Section 11 is added to read as follows:

SEC. 11. (a) as used herein the terms "Price Administrator", "Regional Administrator of the Office of Price Administration", "District Director" (of the Office of Price Administration), and "Secretary of Agriculture (or his duly authorized representative)" include the duly qualified legal successors in authority to such officials to whom any of the duties, powers and functions herein involved may be or may have been delegated, or otherwise lawfully transferred.

(b) As used herein the terms "Office of Price Administration" and "Department of Agriculture" include the duly qualified legal successors in authority to such offices to which any of the duties, powers and functions herein involved may be or may have been delegated or otherwise lawfully transferred.

10. Secion 12 is added, in the event it was not issued properly on October 17, 1946, or, in the event it properly was issued on such date, it hereby is amended to read as follows:

SEC. 12. (a) Effective as of October 17, 1946, the amount of subsidy withheld for each period after March 31, 1946, pursuant to section 7 (b) (4) as it read prior to October 17, 1946, which would not have been withheld in accordance with Directive 41 had section 7 (b) (4), as amended this 2nd day of May, 1947, been in effect from April 1, 1946, is hereby released.

(b) On and after October 17, 1946, and upon application by the slaughterer to the Washington Office of the Office of Price Administration, the Price Administrator shall certify to Reconstruction Finance Corporation the amount of subsidy so released and thereupon such amount of subsidy shall be payable forthwith. The Price Administrator may issue regulations prescribing the contents of the applications and including such other provisions as the Price Administrator deems necessary to effectuate the provisions of this section. Applications for releases of subsidy made pursuant to this section 12 (b) must be made on or before May 15, 1947.

(c) Any and all certifications by the Price Administrator made in conformity with the provisions of paragraph (b) of this section 12 during the period October 17, 1946, through May 1, 1947, inclusive, and any and all releases of subsidies by Reconstruction Finance Corporation made in conformity with the provisions of paragraph (b) of this section 12 during the period October 17, 1946, through May 1, 1947, inclusive, shall be deemed to have been made pursuant to said paragraph (b) of this section 12, and all such actions hereby are acknowledged, approved, ratified, adopted and confirmed, and shall have the same full force and effect which would have been accorded such certifications and releases of subsidy if the provisions set forth in foregoing paragraph (b) of this section 12 had been incorporated in Directive 41 as section 12 (b) during and throughout the period October 17, 1946 through May 1, 1947, inclusive.

This amendment shall become effective as of the date of issuance. The provisions of Directive 41 incorporated in such directive by previous amendments No. 7 through No. 11 thereto, and which either are restated or are amended in this amendment became effective as of the respective effective dates indicated in the said previous incorporating amendments, and remain effective as of those dates.

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; 15 U. S. C. 713a–8, 713a–8 note, 50 U. S. C. App. 901–903, 921–925, 961–971; Pub. Law 548, 79th Cong.; E. O. 9250, 9328, 9599, 9651, 9697, 9699, 9762, 9809, 7 F. R. 7871, 8 F. R. 4681, 10 F. R. 10155, 13487, 11 F. R. 1691, 1929, 8073, 14281)

Issued this 2d day of May 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47–4348; Filed, May 5, 1947; 10:54 a. m.]

TITLE 37—PATENTS AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT

APPLICATION FORMS

§ 201.12 *Application forms.* * * * Commencing May 6, 1947, the Copyright Office will issue the following new forms of applications and certificates used for the registration of claims to copyright: Form B5 (Contribution to a periodical printed or otherwise produced in the United States);[1] Form C (Lecture or similar production prepared for oral delivery);[1] and, Form D (Dramatic or dramatico-musical composition).[1]

(Sec. 53, 35 Stat. 1085; 17 U. S. C. 53)

[SEAL] SAM B. WARNER,
Register of Copyrights.

Approved: May 1, 1947.

LUTHER H. EVANS,
Librarian of Congress.

[F. R. Doc. 47–4261; Filed, May 5, 1947; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

AMENDMENTS OF APPLICATIONS

APRIL 25, 1947.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of April 1947;

It appearing, that § 1.365 (a) of the Commission's rules requires that after an application has been designated for hearing, every petition requesting leave to amend that application must be accompanied by an affidavit stating whether consideration has been promised to or received by petitioner in connection with the filing of such petition for amendment; and

It further appearing, that it would be conducive to the dispatch of the Commission's business and the ends of justice to relax the said rule so that the necessity for filing an affidavit regarding consideration would only apply to petitions to amend wherein a change in frequency or power is requested; and

It further appearing, that general notice of proposed rule making and procedure required by section 4 of the Administrative Procedure Act is not required herein for the reason that the proposed amendment is procedural and is designed to relieve certain restrictions which now exist in connection with the filing of petitions for amendment of applications for station licenses;

It is therefore ordered, That § 1.365 (a) of the Commission's rules and regulations be, and it is hereby, amended, effective immediately, to read as follows:

§ 1.365 *Amendments of applications.* (a) Any application may be amended as a matter of right prior to the designation of such application for hearing merely by filing the appropriate number of copies of the amendments in question duly executed. Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. Such a petition which requests either a change in frequency or power must be accompanied by the affidavit of a person with knowledge of facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If such consideration has been promised or received, the affidavit shall set forth in full detail all the relevant facts. After a proposed decision has been rendered with respect to an application, petitions to amend such applications will not be considered if they are not filed within 20 days after public notice is given of the proposed decision unless good cause is shown as to why it was not possible to file such petition within the period specified. (Sec. 4 (i), 5 (e), 48 Stat. 1068; 47 U. S. C. 154 (i), 155 (e))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–4282; Filed, May 5, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 725]

PART 95—CAR SERVICE

BULKHEADS PROHIBITED IN CARS OF WATERMELONS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of April A. D. 1947.

It appearing, that in southern territory certain tariffs provide the minimum weight for cars 36 feet 6 inches or less in length will be applied to cars 40 feet 7 inches in length, when such cars are equipped with bulkheads so that the available loading space does not exceed 36 feet 6 inches; that such use of bulkheads is wasteful and contributes to the shortage of equipment; the Commission is of opinion an emergency requiring immediate action exists in the southern section of the country. It is ordered, that:

§ 95.725 *Bulkheads prohibited in cars of watermelons*—(a) *Bulkheads prohibited in watermelon cars.* No common carrier by railroad, subject to the Interstate Commerce Act, shall install or allow or permit to be installed in any freight car, loaded or to be loaded with watermelons, a bulkhead which will reduce or restrict the capacity of the car; nor transport a car in which a bulkhead has been installed in violation of this section.

(b) *Distribution of cars.* That common carriers by railroad shall distribute and furnish to shippers of watermelons cars suitable for the transportation of watermelons without regard to ownership and in such manner as to afford a fair and equitable distribution of cars of lengths (inside measurement) ranging from 36 feet 6 inches to 40 feet 7 inches.

(c) *Application.* The provisions of this section shall apply to interstate traffic originating in southern territory east of the Mississippi River and south of the Ohio and Potomac Rivers.

(d) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(e) *Effective date.* This section shall become effective at 12:01 a. m., May 15, 1947.

(f) *Expiration date.* This section shall expire at 11:59 p. m., September 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(401 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47–4248; Filed, May 5, 1947; 8:56 a. m.]

[1] Filed as part of the original document.

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 194]

WHOLESALE AND RETAIL DEALERS IN LIQUORS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form herein are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2857, 2858, 3254 and 3791 of the Internal Revenue Code (26 U. S. C. A. 2857, 2858, 3254, and 3791).

1. Sections 194.27 (a), 194.75 (a), and (b), 194.76, and 194.78 (a) of Regulations 20 (Part 194, 26 CFR) are hereby amended as follows:

§ 194.27 *Warehouse receipts covering spirits.* (a) Since the sale of warehouse receipts for spirits is equivalent to the sale of spirits, a person engaged in the business of selling, or offering for sale, warehouse receipts for spirits stored in Government bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors, unless exempted by the provisions of §§ 194.62 to 196.73, inclusive.

§ 194.75 *Records to be kept by wholesale liquor dealers.* (a) Every wholesale dealer in liquors who sells distilled spirits (by warehouse receipt or otherwise) in quantities of 5 wine gallons or more to the same person at the same time shall keep Record 52, "Wholesale Liquor Dealer's Record," and render monthly transcripts, Forms 52A and 52B, "Wholesale Liquor Dealer's Monthly Report," and Form 338 "Wholesale Liquor Dealer's Monthly Report (Summary of Forms 52A and 52B)." Separate Records 52 shall be maintained for (1) the recording of transactions in warehouse receipts and (2) the recording of receipts and removal of spirits. The record covering transactions in warehouse receipts shall be so identified.

(b) Daily entries shall be made on Record 52 of all distilled spirits received and disposed of (by warehouse receipt or otherwise), as indicated by the headings of the various columns; and in accordance with the instructions printed thereon and contained in pertinent regulations, not later than the close of business of the day on which the transactions occur: *Provided*, That if the keeping of such separate record is approved by the district supervisor, a wholesale liquor dealer may keep a separate record of the disposal of distilled spirits, showing the data required to be entered on Record 52, but the daily entries of the disposal of distilled spirits shall be made on Record 52 not later than the close of business of the following business day.

§ 194.76 *Separate record of serial numbers of cases.* Serial numbers of cases of distilled spirits disposed of need not be entered on Record 52: *Provided*, That the proprietor keeps at his place of business a separate record, showing such serial numbers, with necessary identifying data, including the date of removal (or the date of disposal in the case of warehouse receipts) and the name and address of the person or persons to whom sold and consigned: *Provided further*, That the keeping of such record is approved by the district supervisor. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of four years and in such manner that the required information may be ascertained readily therefrom, and, during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by revenue officers. If a record in book form is kept, entries shall be made on such separate approved record not later than the close of business of the day on which the transactions occur. The dealer shall note on Record 52, in the column for reporting serial numbers of cases of spirits disposed of, "Serial numbers shown on commercial records per authority, dated ----------." (Sec. 2857, I. R. C.)

§ 194.78 *Place where Record 52 shall be kept.* (a) Every wholesale dealer in liquors shall keep the Record 52 covering transactions in warehouse receipts at the place of business covered by the wholesale liquor dealer special tax stamp, and, except as provided in paragraph (b) of this section shall keep Records 52 covering the receipt and removal of spirits at such premises.

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 2857, 2858, 3254, and 3791 of the Internal Revenue Code (26 U. S. C. A. 2857, 2858, 3254 and 3791))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

[F. R. Doc. 47-4280; Filed, May 5, 1947; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[50 CFR, Part 1]

PROTECTION OF MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (Pub. Law 404, 79th Cong.), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice is hereby given that the Secretary of the Interior intends to take the following action:

Adopt amended regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds, and parts, nests, and eggs thereof, and of certain game mammals.

The foregoing regulations are to be effective beginning July 1, 1947, or as soon thereafter as approved by the President, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington, D. C., or by presenting their views at a series of open discussions scheduled to be held at the following designated places on the dates specified:

April 30, Chicago, Illinois, Academy of Sciences.
May 6, New York City, Shelton Hotel.
May 8, Washington, D. C., Department of the Interior Auditorium.
May 10, Jacksonville, Florida, Roosevelt Hotel.
May 12, New Orleans, Louisiana, St. Charles Hotel.
May 14, San Antonio, Texas, Gunter Hotel.
May 19, San Francisco, California, Masonic Hall.
May 22, Portland, Oregon, Public Library.
May 2 Denver, Colorado, Phipps Memorial Museum.
May 29, St. Louis, Missouri, Kiel Auditorium.
June 2, St. Paul, Minnesota, Lowry Hotel.

J. A. KRUG,
Secretary of the Interior.

APRIL 29, 1947

[F. R. Doc. 47-4256; Filed May 5, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Ch. I]

[Docket No. 8288]

OPERATION OF CERTAIN LICENSED RADIO STATIONS BY UNLICENSED PERSONNEL

NOTICE OF PROPOSED RULE MAKING

APRIL 25, 1947.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On May 10, 1946, the Commission adopted its Order 133 providing for the operation under certain circumstances of certain mobile and portable radio transmitting equipment in certain radio services by unlicensed personnel. Among other things, this order provides that it shall not be construed "to authorize any person not holding a proper operator license issued by this Commission to make adjustments to any radio transmitter."

3. The Commission has been requested to modify Order 133 to permit certain adjustments to be made to mobile radio transmitters by unlicensed personnel. After consideration of this request, the Commission has concluded that the public interest, convenience, or necessity would be served if specially trained unlicensed maintenance personnel were permitted to make certain minor adjustments to antenna tuning and coupling controls of certain mobile radio transmitters under limited circumstances. In brief, the conclusion reached is that such adjustments may be permitted if the equipment is of certain general design and if the station licensee determines in advance that the adjustments throughout their possible range cannot cause any off-frequency operation or result in any other unauthorized emissions.

4. The proposal herein, which is set forth herein is authorized by sections 303 (f), (l), and (r) and section 318 of the Communications Act of 1934, as amended. If comprises certain proposed amendments to order 133, which amendments, if adopted, will both accomplish the aforesaid purpose and also clarify the scope and application of the entire order.

5. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before May 25, 1947, a written statement or brief setting forth his comments. Before final action is taken, all comments received will be considered, and if any comments are received which appear to warrant the Commission in holding an oral argument, notice of the time and place of such oral argument will be given.

It is proposed that Order 133–A be adopted, amending Commission Order 133 by cancelling its ordering provisions and substituting therefor the following:

That, until further order of the Commission and subject to the conditions hereinafter stated, the provisions contained in section 318 of the Communications Act of 1934, as amended, be and they are hereby waived insofar as such provisions require any person to hold a radio operator license in order to operate the various classes of mobile or portable radio transmitting equipment authorized for use in the Experimental, Emergency, Miscellaneous, Railroad, and Utility Services (Parts 5, 10, 11, 16, and 17 of the Commission's rules): *Provided, however:*

1. This order shall not apply to any portable or mobile radio station engaging in communications in the international service (i. e., communications originating at or directed to any location beyond the territorial limits of the continental United States or of its territories or possessions, or communications with any foreign station wherever located): *Provided, however*, That this order shall apply to radar stations licensed in the Experimental Service and installed on ships or aircraft.

2. This order shall not apply to any portable or mobile station using radiotelegraphy employing manual operation.

3. This order shall not apply to any portable or mobile station operating on frequencies below 25 megacycles unless such operation is subject to control by a licensed operator of an associated land station licensed to the same licensee.

4. This order shall not apply to any portable or mobile station being operated as a common carrier on frequencies below 30 megacycles.

5. This order shall not apply to any portable or mobile station licensed in the Experimental Service looking to common carrier operation on a regular basis other than in the General Mobile Radio Service.

6. This order shall not be construed to authorize any person who does not hold a valid first or second class radio operator license to make adjustments to any radio transmitting equipment except as provided in the following paragraph numbered 7.

7. Pursuant to paragraph numbered 6 above, antenna tuning and coupling adjustments of radio transmitting equipment of mobile stations (except stations licensed in the Experimental Service on board ships or aircraft) licensed in the above enumerated services may be made by persons (including unlicensed personnel) who do not hold valid first or second class radio operator licenses who have been specially trained and designated by the station licensee to make such adjustments, *Provided*, That:

(a) The station licensee shall determine prior to each installation of a transmitter that the transmitter antenna tuning and coupling controls can be adjusted throughout their range without causing any off-frequency operation or resulting in any other unauthorized emissions when the particular transmitter is attached to an antenna having the same over-all characteristics as the one to be used in regular service.

(b) The station licensee, shall, in addition to making the determination specified in paragraph (a) above, insure that the particular transmitter shall have been completely and properly adjusted and checked (except for the final post-installation adjustment of the antenna circuit) by, or in the presence of, a first or second class licensed radio operator.

(c) The transmitter shall be so designed that the controls intended to be used in adjusting the transmitter antenna tuning and coupling are readily identifiable.

(d) Immediately upon completion of the antenna circuit adjustments of the transmitter following the transmitter's installation in a mobile unit, and prior to placing the mobile unit in service, the operating frequency of the transmitter shall be measured to determine that such frequency is within the allowable tolerance for the particular service and class of station and that there are no unauthorized emissions.

(Sec. 303 (f), 303 (l), 303(r), 318, 48 Stat. 1082, 1089, as amended by 50 Stat. 56, 47 U. S. C. 303 (f), 303 (l), 303(r), 318)

Adopted: April 24, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4281; Filed, May 5, 1947; 8:46 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 53]

[Docket No. FDC 47]

CANNED TOMATOES; DEFINITION AND STANDARD OF IDENTITY

NOTICE OF PROPOSED RULE MAKING

It is proposed that by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371); and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice issued on February 15, 1947 (12 F. R. 1090), the following order be made:

Findings of fact.[1] 1. By order dated June 18, 1940, and published in the FEDERAL REGISTER on June 19, 1940 (5 F. R. 2282) the definition and standard of identity for canned tomatoes was amended to provide for the use of, as an additional optional ingredient in canned tomatoes, purified calcium chloride, in a quantity reasonably necessary to firm the tomatoes, but in no case more than 0.07 percent (calculated as anhydrous calcium chloride) of the weight of the finished canned tomatoes.

The amended definition and standard of identity provided that when the optional ingredient, calcium chloride, was present the label should bear the statement "Trace of Calcium Chloride Added" or "With Added Trace of Calcium Chloride." R. 4–5; Exh. 2.

2. On the basis of the evidence received at a public hearing held prior to the promulgation of the order dated June 18, 1940 (see finding one) it was determined that the addition of calcium salts in the canning of tomatoes resulted in protecting the tomatoes against softening. At the time of that order a finding was made that, on the basis of the reported experiments with calcium salts, only calcium chloride had been demonstrated to be satisfactory for the purpose of retaining the tomatoes in a firm state. R. 4–5, 58–60; Exh. 2, 4, 5.

3. Since promulgation of the order dated June 18, 1940 (see finding one) further information has shown that in

[1] The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings are based upon a consideration of all the evidence of record at the hearing and not solely on that portion of the record to which reference is made.

addition to calcium chloride, there are other calcium salts which are suitable optional ingredients for firming canned tomatoes. These additional calcium salts are calcium sulphate, calcium citrate, and monocalcium phosphate. R. 11, 14, 16, 38, 51, 53, 59–61, 63, 65, 72–77, 83; Exh. 3, 4, 5, 6, 7.

4. The firming effect of calcium chloride, calcium sulphate, calcium citrate, and monocalcium phosphate upon canned tomatoes is attributable in each instance to the calcium ion, and equivalent quantities of calcium ions produce substantially equivalent firming effect. The evidence of record at the hearing did not indicate that the present limit on the amount of calcium derived from the calcium salt (see finding one) should be changed. R. 16, 24, 25, 38–41, 44–45, 47–48, 53, 58–60, 64, 73, 81; Exh. 3, 4.

5. It is advantageous and practicable to limit the amount of any calcium chloride, calcium sulfate, calcium citrate, or monocalcium phosphate added as an optional ingredient to canned tomatoes in terms of the calcium content of these salts. The limit of not more than 0.07 percent calcium chloride which is specified in the present definition and standard of identity for canned tomatoes (see finding one) corresponds in terms of calcium content to 0.026 percent. R. 27, 42, 56, 61–62, 63; Exh. 4.

6. Since the effect of the addition of the calcium salts designated in finding 3 is essentially dependent on the calcium ions furnished and the acidic radical is unimportant a reasonably informative label statement for canned tomatoes to which one or more such calcium salts have been added is "Trace of _____ Added", or "With Added Trace of _____", the blank being filled in with the words "Calcium Salt" or "Calcium Salts", as the case may be, or with the name or names of the particular calcium salt or salts added. R. 22, 40, 62, 82; Exh. 3, 5, 6.

Conclusion. On the basis of the foregoing findings of fact it is concluded that the following amendments to the regulations fixing and establishing a definition and standard of identity for canned tomatoes (21 CFR Cum. Supp. 53.40) will promote honesty and fair dealing in the interest of consumers and it is proposed to amend § 53.40 *Canned tomatoes; identity; label statement of optional ingredients* as follows:

1. That subparagraph (4) of paragraph (a) be deleted and the following substituted therefor:

(4) Purified calcium chloride, calcium sulphate, calcium citrate, monocalcium phosphate, or any two or more of these calcium salts, in a quantity reasonably necessary to firm the tomatoes, but in no case such that the amount of the calcium contained in such salts is more than 0.026 percent of the weight of the finished canned tomatoes.

2. That the third sentence in paragraph (b) be deleted and the following substituted therefor: "When one or more of the optional ingredients designated in paragraph (a) (4) of this section is present, the label shall bear the statement "Trace of _____ Added" or "With Added Trace of _____", the blank being filled in with the words "Calcium Salt" or "Calcium Salts" as the case may be or with the name or names of the particular calcium salt or salts added.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the General Counsel, Room 3255 Social Security Building, 4th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

Dated: April 30, 1947.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 47–4260; Filed, May 5, 1947; 8:50 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8770]

EUGENE THUM

In re: Trusts under will of Eugene Thum, deceased. File No. D–28–6574; E. T. sec. No. 4719.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tilla Schoepffer, Gertrud Von Wangenheim, Heinz Von Wangenheim, Sofie Krauss, Margarethe Krauss, Ernst Von Watter, Gerta Morian, and Anneliese Von Watter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Tilla Schoepffer; the children, names unknown, of Gertrud Von Wangenheim; the children, names unknown, of Sofie Krauss; the children, names unknown of Ernst Von Watter; the children, names unknown of Margarethe Krauss; the children, names unknown, of Heinz Von Wangenheim; and the children, names unknown, of Gerta Morian, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trusts created under the Will of Eugene Thum, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by City Bank, Farmers Trust Company, as Trustee of the Trusts created under the Will of Eugene Thum, deceased, for the benefit of Tilla Schoepffer, Gertrud Von Wangenheim, Sofie Krauss and Ernst Von Watter, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the children, names unknown, of Tilla Shoepffer, the children, names unknown, of Gertrud Von Wangenheim, the children, names unknown, of Sofie Krauss, the children, names unknown, of Ernst Von Watter, the children, names unknown, of Margarethe Krauss, the children, names unknown, of Heinz Von Wangenheim, and the children, names unknown, of Gerta Morian, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–4267; Filed, May 5, 1947; 8:45 a. m.]

[Vesting Order 8819]

HEDWIG STEINBORN

In re: Bank accounts owned by Hedwig Steinborn. F–28–22732–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Steinborn, whose last known address is Buchen-Bad, Odenwald, Buchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hedwig Steinborn by Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a savings account, Account Number 983,724, entitled Hedwig Steinborn, maintained at the 14th Street Branch Office of the aforesaid bank located at 4th Avenue at 14th Street, New York 3, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation of Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a savings account, Account Number 998,530, entitled Hedwig Steinborn in trust for Theresa Steinborn, maintained at the 14th Street Branch Office of the aforesaid bank located at 4th Avenue and 14th Street, New York 3, New York, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a savings account, Account Number 998,531, entitled Hedwig Steinborn in trust for Herbert Steinborn, maintained at the 14th Street Branch Office of the aforesaid bank located at 4th Avenue and 14th Street, New York 3, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hedwig Steinborn, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–4273; Filed, May 5, 1947; 8:45 a. m.]

[Vesting Order 8820]

GEORG STRICKER ET AL.

In re: Bank accounts owned by Georg Stricker, Adam Stricker and Anton Stricker. F–28–12377–E–1, F–28–12375–C–1, F–28–12375–E–1, F–28–12376–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Stricker, Adam Stricker and Anton Stricker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Georg Stricker, by Security-First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, arising out of a term savings account, Account Number 394230, entitled Georg Stricker, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Adam Stricker, by Security-First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, arising out of a savings account, Account Number 394232, entitled Adam Stricker, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Anton Stricker, by Security-First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, arising out of an account numbered 394231, entitled Anton Stricker, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–4274; Filed, May 5, 1947; 8:46 a. m.]

[Vesting Order 8822]

PRISCA VON LIERES UND WILKAU

In re: Debt owing to Prisca von Lieres und Wilkau. F–28–373–A–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Prisca von Lieres und Wilkau, whose last known address is Alt Rosenberg, Upper Silesia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Prisca von Lieres und Wilkau by Dominick & Dominick, 14 Wall Street, New York 5, New York, in the amount of $1,997.72, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4275; Filed, May 5, 1947; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 390

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372); *It is ordered as follows:*

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described land:

TERRITORY OF ALASKA

A tract of land on Kodiak Island described as beginning at Corner No. 1 identical with Corner No. 3 M. C. of U. S. Survey No. 2371 on the west shore of Chip Cove, in Moser Bay, an arm of Alitak Bay, thence S. 58°04' W. 6.6 chains to Corner No. 2, thence approximately S. 8°30' E. 18.3 chains to Corner No. 3, thence east 6 chains to Corner No. 4 at line of mean high tide on west shore of Chip Cove, thence northerly by meanders on the west shore of Chip Cove 22 chains to Corner No. 1, the place of beginning, Latitude 57°01'29'' N., Longitude 154°09'05'' W. (soldiers' additional homestead application Anchorage 09694 of John B. Stiles).

The area described contains approximately 13 acres.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

APRIL 23, 1947.

[F. R. Doc. 47-4243; Filed, May 5, 1947; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture, on December 4, 1946, issued an order (5 A. D. 873), providing for certain temporary rates and charges for the respondent stockyard company for the period ending June 30, 1947.

By a petition filed April 25, 1947, the respondent has requested that said temporary rates and charges of the respondent stockyard company be extended and made effective until June 30, 1948.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an extension of temporary rates and charges.

All interested person who desire to be heard upon the matter requested in said petition shall notify the hearing clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 1st day of May 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-4276, Filed, May 5, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

GULF BROADCASTING CO., INC., ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10:30 o'clock a. m. on Tuesday, May 6, 1947 the Commission will hear oral argument in Room 6121 of the offices of the Commission, on the following matters, in the order indicated:

(1)

Report and Docket No. B-339:
7313 Gulf Broadcasting Co., Inc., Mobile, Ala., 1340 kc 250 w unl.
7314 Burton Broadcasting Co., Mobile, Ala., 1340 kc 250 w unl.
7482 Mobile Broadcasting Co., Mobile, Ala., 1330 kc 1 kw night 5 kw day unl. DA-N&D.

(2)

Report and Docket No. B-338:
6921 WJPS, Inc., Evansville, Ind., 1330 kc 5 kw D 1 kw N unl. DA-night and day.
6922 Tri-State Broadcasting Corp., Evansville, Ind., 1330 kc 5 kw unl. DA—night and day.

(3)

Report and Docket No. B-341:
6843 Bay State Beacon, Inc., Brockton, Mass., 1450 kc 250 w unl.
6845 Cur-Nan Co., Brockton, Mass., 1450 kc 250 w unl.
7008 Plymouth County Broadcasting Corp., Brockton, Mass., 1450 kc 250 w unl.

(4)

Report and Docket No. B-340:
7216 Central Broadcasting Co., Eau Claire, Wis., 790 kc 5 kw N&D DA unl.
7333 Texas Star Broadcasting Co., Houston, Tex., 790 kc 1 kw N 5 kw D.
7334 Lubbock County Broadcasting Co., Lubbock, Tex., 790 kc 1 kw unl.
7335 Plains Radio Broadcasting Co., Lubbock, Tex., 790 kc 5 kw.
7336 Veterans Broadcasting Co., Houston, Tex., 1230 kc 250 w unl.

(5)

Report and Docket No. B-345:
7367 Abilene Broadcasting Co., Abilene, Tex., 1340 kc 250 w unl.

Report and Docket No. B-345—Continued
7483 Citizens Broadcasting Co., Abilene, Tex., 1340 kc 250 w unl.

Dated: April 28, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4283; Filed, May 5, 1947; 8:47 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-19]

STANLEY M. BURNS

CONSENT ORDER

Stanley M. Burns of Silver Street, Dover, New Hampshire, is the owner of a house on Ocean Boulevard, Gay Hills, Rye Beach, New Hampshire. Under application on Form CPA-4386, Stanley M. Burns was authorized by the Federal Housing Administration September 10, 1946, to repair the roof and to renew the outside covering of the above-described house. Under this authorization, extensive remodeling, alterations and additions were done to the building beginning October 1946, also extensive alterations and additions to a garage located on the premises were undertaken. This work, which was not authorized nor permitted under any exemption provided for, constituted a violation of Veterans' Housing Program Order 1.

Stanley M. Burns admits the violation as charged but denies that it was wilful and consents to the issuance of this order.

Wherefore, upon the agreement and consent of Stanley M. Burns, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Stanley M. Burns, his successors or assigns, nor any other person shall do any further construction on the premises located on Ocean Boulevard, Gay Hills, Rye Beach, New Hampshire, including completing or altering the structure or any part thereof unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) The provision of paragraph (a) above shall apply only so long as Veterans Housing Program Order 1 or other applicable substitute or successor orders restricting, prohibiting or controlling construction of this nature in the United States shall remain in effect.

(c) The provisions of paragraph (a) above do not apply to the work to be done under authorization from the Federal Housing Administration, dated March 20, 1947, and being project No. 77-024-173 NR which authorization provides for the completion of an apartment over the garage for rental to a veteran nor to the minimum amount of work specifically authorized by the Office of the Housing Expediter under Serial No. 1-5.617, dated April 15, 1947, necessary to protect material already incorporated into the structure, nor to the completion of painting of the exterior parts of the building which existed before alterations were begun and which were resided under authorization from the Federal Housing Administration.

(d) Stanley M. Burns shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter or any other Federal agency to do any further construction on this project.

(e) Nothing contained in this order shall be deemed to relieve Stanley M. Burns, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

(f) This order shal' take effect on the date of issuance.

Issued this 5th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4356; Filed, May 5, 1947; 11:55 a. m.]

[C-20]

READING OIL & GAS CO.

CONSENT ORDER

The Reading Oil and Gas Company is an Ohio Corporation engaged in the business of selling gasoline and oil at retail. A Wm. H. Jamison is the Vice-President of said corporation. Clifford J. Hock is the secretary of said corporation. The Reading Oil and Gas Company is charged by the Office of the Housing Expediter with violating Veterans' Housing Program Order 1 in that on or about December 1, 1946, without authorization, it began construction and thereafter carried on and participated in construction in connection with the altering, remodeling, and making of an addition to a building for use as a gasoline service station located at 1326 Main Avenue, Reading, Ohio, at an estimated cost of $3,500.

The Reading Oil and Gas Company admits the violation as charged, but denies that it was wilful or deliberate and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of the Reading Oil and Gas Company, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither the Reading Oil and Gas Company, its successors or assigns, nor any other person shall do any further construction on the premises located at 1326 Main Avenue, Reading, Ohio, including the putting up, completing, or altering the structure and addition to be used as a gasoline service station located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) The Reading Oil and Gas Company shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on this construction.

(c) Nothing contained in this order shall be deemed to relieve the Reading Oil and Gas Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 5th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4357; Filed, May 5, 1947; 11:55 a. m.]

[C-21]

FRANK MONOPOLE

CONSENT ORDER

Frank Monopole, 3806 Floral Avenue, Norwood, Cincinnati, Ohio, is charged by the Office of the Housing Expediter with violating Veterans' Housing Program Order 1 in that on or about January 6, 1947 he began construction and thereafter carried on and participated in the construction of an addition at 2720 Williams Avenue, Norwood, Cincinnati, Ohio, to a commercial building located at 4101 Edwards Road, Norwood, Cincinnati, Ohio, for use as a restaurant, at a cost in excess of $1,000, without authorization.

Frank Monopole admits the violation as charged, but denies that it was wilful and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Frank Monopole, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Frank Monopole, his successors or assigns, nor any other person shall do any further construction on the addition located at 2720 Williams Avenue, Norwood, Cincinnati, Ohio, to the commercial building at 4101 Edwards Road, Norwood, Cincinnati, Ohio, including completing, putting up or altering said addition, unless authorized in writing by the Office of the Housing Expediter.

(b) Frank Monopole shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priorities assistance or for authority to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Frank Monopole, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 5th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4358; Filed, May 5, 1947; 11:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-50, 54-82, 54-147, 59-10, 59-39]

NORTH AMERICAN CO. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of April 1947.

In the matter of The North American Company and its subsidiary companies, File No. 59-10; The North American Company, File No. 54-82; North American Light & Power Company, Holding-Company System and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; Illinois Power Company, File No. 54-147.

The Commission having issued its preliminary opinion and order on February 28, 1947, pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935, approving that portion of Plan I, filed by The North American Company on January 6, 1947, which provides for the settlement by The North American Company, North American Light & Power Company and Illinois Power Company of all claims and counterclaims affecting Illinois Power Company; and

Illinois Power Company having proposed to use part of the cash to be received by it upon consummation of the aforesaid portion of Plan I for retirement of its outstanding Dividend Arrears Certificates and having requested that the Commission permit the cash payment of $6,256,650 on said Dividend Arrears Certificates and to charge such amount to Paid-In Surplus, and the Commission having this day entered its findings and opinion in which such request of Illinois Power was treated as a declaration pursuant to section 12 (c) of the act and Rule U-46 thereunder; and

The Commission having observed no basis for adverse findings under the particular circumstances of this case, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective;

It is hereby ordered, That said declaration be and it hereby is permitted to become effective, subject, however, to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4244; Filed, May 5, 1947; 8:55 a. m.]

[File No. 59-89]

EASTERN UTILITIES ASSOCIATES ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pa., on the 30th day of April A. D. 1947.

The Commission having previously designated May 6, 1947 as the date for hearing in the above proceeding instituted by the Commission under sections 11 (b) (1), 11 (b) (2), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935, with respect to Eastern Utilities Associates and its subsidiary companies; and

Counsel for the respondents and counsel for the Commission having mutually agreed that the hearing in this matter should be postponed until May 20, 1947; and

The Commission deeming it appropriate to grant such postponement:

It is ordered, That the hearing in this matter previously scheduled for May 8, 1947 at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, be, and hereby is, postponed to May 20, 1947, at 10:00 a. m., e. d. s. t., at the same place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4245; Filed, May 5, 1947; 8:55 a. m.]

[File No. 70-1511]

STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of April 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 by Standard Gas and Electric Company ("Standard Gas"), a registered holding company. All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Standard Gas proposes, with the consent of the holders of its outstanding bank loan notes, to extend the maturity of such of its bank loan notes as now mature on May 10, 1947 (which notes previously matured April 10, 1947 and an extension of which was previously authorized), from that date to July 10, 1947. The principal amount of such notes now outstanding which mature on May 10, 1947 and which it is proposed should be extended as aforesaid, aggregates $8,010,826.95. Said notes are a portion of an issue originally made on April 10, 1946 in the sum of $51,000,000, of which the total amount now outstanding aggregates $33,510,826.95.

Standard Gas has designated section 6 of the Public Utility Holding Company Act of 1935 as being applicable to the proposed transaction, and has requested that the Commission act on the declaration at as early a date as possible.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said declaration and that said declaration should not be permitted to become effective except pursuant to further order of this Commission; and it appearing that in view of the approaching maturity of said notes the hearing on said declaration should be expedited;

It is ordered, That a hearing on said declaration, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on May 5, 1947, at 10:00 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before May 2, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed extension of the maturity date of the notes meets the requirements of sections 6 and 7 of the act and the rules and regulations thereunder.

2. Whether the bank loan notes which would be outstanding in the event of the proposed extension of the maturity date thereof would be reasonably adapted to the security structure and earning capacity of Standard Gas and the other companies in this holding company system.

3. Whether the proposed extension of the maturity date of said notes is detrimental to the public interest or the interest of investors or consumers or to the carrying out of section 11.

4. Whether it is necessary or appropriate in the public interest and in the interests of investors and consumers that such extension of maturity be permitted.

5. Whether the Commission should permit said declaration to become effective only to the limited extent of permitting an extension for a period of time less than the sixty-day period proposed by Standard Gas.

6. Generally, whether the proposed transactions are in all respects in the public interest and the interest of investors or consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the standards of the act.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the Standard Gas and Electric Company; and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4247; Filed, May 5, 1947; 8:56 a. m.]

[File No. 811-139]

SPENCER TRASK FUND, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 29th day of April A. D. 1947.

The Commission having reasonable cause to believe that the Spencer Trask Fund, Inc., a registered investment company, has been dissolved and has ceased to do business and that its assets have been liquidated;

It is ordered, Pursuant to section 40 (a) of said act, that a hearing be held on May 14, 1947 at 9:30 a. m., eastern daylight saving time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania, to determine whether the Commission shall declare by order, pursuant to section 8 (f) of said act, that the Spencer Trask Fund, Inc. has ceased to be an investment company; and

It is further ordered, That Richard Townsend, Esquire, or any other officer of the Commission designated by it for that purpose, shall exercise all powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the Spencer Trask Fund, Inc. and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4246; Filed, May 5, 1947; 8:56 a. m.]

FEDERAL REGISTER

VOLUME 12 NUMBER 90

Washington, Wednesday, May 7, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9846

AMENDMENT OF EXECUTIVE ORDER NO. 9195 [1] OF JULY 7, 1942, PRESCRIBING REGULATIONS RELATING TO AERIAL FLIGHTS BY PERSONNEL OF THE ARMY, NAVY, MARINE CORPS, COAST GUARD, AND NATIONAL GUARD

By virtue of the authority vested in me by section 20 of the act of June 10, 1922, 42 Stat. 632, as amended by section 6 of the act of July 2, 1926, 44 Stat. 782, and by section 18 of the Pay Readjustment Act of 1942, 56 Stat. 368, and in the interest of the internal management of the Government, it is hereby ordered as follows:

Executive Order No. 9195 of July 7, 1942, prescribing regulations relating to aerial flights by personnel of the Army, Navy, Marine Corps, Coast Guard, and National Guard, is hereby amended so as to authorize the Chief of Naval Personnel or such officer or officers as he may designate for the Navy, the Commandant of the Marine Corps or such officer or officers as he may designate for the Marine Corps, and the Commandant of the Coast Guard or such officer or officers as he may designate for the Coast Guard to issue aerial flight orders to personnel of their respective services, including the reserve components thereof, in the same manner and to the same extent that aerial flight orders have heretofore been issued by the Chief of Naval Personnel, the Commandant of the Marine Corps, and the Commandant of the Coast Guard to their respective personnel under the said Executive Order No. 9195.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 5, 1947.

[F. R. Doc. 47-4365; Filed, May 5, 1947; 3:25 p. m.]

[1] 7 F. R. 1178.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[B. A. I. Order 365, Amdt. 15]

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

DOGS; BOOK OF RECORD RECOGNITION

Pursuant to the authority vested in the Secretary of Agriculture by section 201, paragraph 1606, Title II, of the act of June 17, 1930 (46 Stat. 673; 19 U. S. C., sec. 1201, par. 1606), paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations (section 2, paragraph 2, regulation 2, B. A. I. Order 365), is amended, effective thirty days from the date of publication hereof in the FEDERAL REGISTER, by adding to the subdivision of said paragraph relating to dogs the following breed and book of record:

Dogs

Name of breed	Book of record	By whom published
Greyhound	Australian Greyhound Stud Book.	The Australian and New Zealand Greyhound Association, R. Maidment, Secretary, First Floor, Bank of New Zealand Chambers, 349 Collins St., Melbourne, C. 1, Australia

(46 Stat. 673; 19 U. S. C. sec. 1201)

Done at Washington, D. C. this 1st day of May 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-4301; Filed, May 6, 1947; 8:46 a. m.]

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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 33-0]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

FLIGHT RADIO OPERATOR CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of April 1947.

It appearing that: The proposal to adopt a new Part 33 of the Civil Air Regulations to provide certification standards for the issuance of flight radio operator certificates was circulated to the air carrier industry and to the interested aviation organizations on February 15, 1946, with the request for the submission of any comments and suggestions not later than May 1, 1946; the comments submitted by interested parties have been considered by the Board and the oral comment submitted at various discussion meetings by interested persons has also been considered by the Board; it is desirable to provide for the certification of flight radio operators who will serve in connection with civil aircraft as provided by the aircraft operation rules of the Civil Air Regulations.

The Civil Aeronautics Board finds that the notice and public procedure provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary and that this regulation should become effective 90 days after the adoption date.

Now, therefore: Effective August 1, 1947, the Civil Air Regulations are amended by adopting a new Part 33, Flight Radio Operator Certificates, to read as follows:

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

Explanatory statement of Part 33. In accordance with the provisions of Title VI of the Civil Aeronautics Acts of 1938 it is unlawful for any person to serve in any capacity as an airman in connection with any civil aircraft used in air commerce without an airman certificate authorizing him to serve in such capacity, or in violation of the terms of any such certificate. A flight radio operator falls within the definition of airman as defined in that act.

The purpose of this part is to provide a means for compliance with the airman requirements of Title VI of the act with respect to the use in air commerce of those types of aircraft which require the services of flight radio operators by providing the standards by which flight radio operators may be certificated as airmen.

§ 33.0 *Requirements for certificate.*

§ 33.00 *Issuance.* A flight radio operator certificate will be issued to an applicant who meets the following requirements:

§ 33.01 *Age.* Applicant shall be at least 18 years of age.

§ 33.02 *Citizenship.* Applicant shall be a citizen of the United States or of a foreign government which grants reciprocal flight radio operator privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

NOTE: At the present time Federal Communications Commission radio operator licenses are issued only to citizens of the United States.

§ 33.03 *Education.* Applicant shall be able to read, write, and understand the English language and speak the same without accent or impediment of speech which would interfere with two-way radio conversation.

§ 33.04 *Physical standards.* Applicant shall meet the physical standards of the third class prescribed in Part 29 of this chapter.

§ 33.05 *Experience.* (a) Applicant shall hold a Federal Communications Commission radiotelegraph operator license of not less than second class.

(b) Applicant shall:

(1) Have had at least 12 months of satisfactory experience as a radio operator in aircraft, maritime, or ground stations, commercial or military, including at least four months of experience as a radiotelegraph operator; and have had at least 50 hours of experience in the operation of aircraft radio during flight; or

(2) Be a graduate of a flight radio operator course approved by the Administrator.

§ 33.06 *Knowledge.* Applicant shall pass a written examination on the following subjects:

(a) Such provisions of the Civil Air Regulations as are pertinent to the operation of aircraft radio systems;

(b) Theory and operation of radio communication and radio navigational systems in general use on aircraft;

(c) Radio navigation of aircraft;

(d) Aircraft radio operating procedures.

§ 33.07 *Skill.* Applicant shall:

(a) Pass a practical examination on the operation, adjustment, and routine repair of aircraft radio communication and radio navigational equipment;

(b) Demonstrate his ability to send and receive International Morse Code at a speed of 20 words per minute code groups, and 25 words per minute plain language.

§ 33.1 *Certification rules.*

§ 33.10 *Application.* Application shall be made on a form and in the manner prescribed by the Administrator.

§ 33.11 *Duration.* A flight radio operator certificate shall remain in effect unless it is suspended, or revoked, or a general termination date for such certificate is fixed by the Board.

§ 33.110 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary flight radio operator certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

§ 33.12 *Reexamination.* Applicants who have failed in any examination may apply for reexamination on the part failed after 30 days from the date of such failure.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4315; Filed, May 6, 1947; 8:46 a. m.]

[Civilian Air Regs., Amdt. 34-0]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

FLIGHT NAVIGATOR CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of April 1947.

It appearing that: The proposal to adopt a new Part 34 of the Civil Air Regulations to provide certification standards for the issuance of flight navigator certificates was circulated to the air carrier industry and to the interested aviation organizations on February 15, 1946, with the request for the submission of any comments and suggestions not later than May 1, 1946; the comments submitted by interested parties have been considered by the Board and the oral comment submitted at various discussion meetings by interested persons has also been considered by the Board; it is desirable to provide for the certification of flight navigators who will serve in connection with civil aircraft as provided by the aircraft operation rules of the Civil Air Regulations.

The Civil Aeronautics Board finds that the notice and public procedure provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary and that this regulation should become effective 90 days after the adoption date.

Now, therefore: Effective August 1, 1947, the Civil Air Regulations are amended by adopting a new Part 34, Flight Navigator Certificates, to read as follows:

PART 34—FLIGHT NAVIGATOR CERTIFICATES

Explanatory statement of Part 34. In accordance with the provisions of Title VI of the Civil Aeronautics Act of 1938 it is unlawful for any person to serve in any capacity as an airman in connection with any civil aircraft used in air commerce without an airman certificate authorizing him to serve in such capacity, or in violation of the terms of any such certificate. A flight navigator falls within the definition of airman as defined in that act.

The purpose of this part is to provide a means for compliance with the airman requirements of Title VI of the act with respect to the use in air commerce of those types of aircraft which require the services of flight navigators by providing the standards by which flight navigators may be certificated as airmen.

§ 34.0 *Requirements for certificate.*

§ 34.00 *Issuance.* A flight navigator certificate will be issued to an applicant who meets the following requirements:

§ 34.01 *Age.* Applicant shall be at least 21 years of age.

§ 34.02 *Citizenship.* Applicant shall be a citizen of the United States or of a foreign government which grants reciprocal flight navigator privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 34.03 *Education.* Applicant shall be able to read, write, speak, and understand the English language.

§ 34.04 *Physical standards.* Applicant shall meet the physical standards of the second class prescribed in Part 29 of this chapter.

§ 34.05 *Experience.* (a) Applicant shall:

(1) Have at least 200 hours of satisfactory flight navigation including celestial and radio navigation and dead reckoning: *Provided*, That a pilot who has logged 500 hours of cross-country flight, of which 100 hours shall have been at

night, may be credited with not more than 100 hours toward this experience; and

(2) Have satisfactorily determined his position in flight not less than 25 times by night by celestial observations and not less than 25 times by day by celestial observations in conjunction with other aids; or

(b) Applicant shall be a graduate of a flight navigator course approved by the Administrator.

§ 34.06 *Knowledge.* Applicant shall pass a written examination on the following subjects:

(a) Those provisions of the Civil Air Regulations pertinent to the duties of a navigator in the navigation of aircraft;

(b) The fundamentals of flight navigation, including flight planning and cruise control;

(c) Practical meteorology, including the analysis of weather maps, weather reports, and weather forecasts; weather sequence abbreviations, symbols, and nomenclature;

(d) Types of air navigation facilities and procedures in general use;

(e) The calibration and use of instruments used in air navigation;

(f) Navigation by dead reckoning;

(g) Navigation by celestial means;

(h) Navigation by means of radio aids;

(i) Pilotage and map reading;

(j) Interpretation of navigational aid identification signals.

§ 34.07 *Skill.* (a) Applicant shall pass a practical examination in the operation of flight navigational equipment.

(b) Applicant shall accomplish practical tests in aircraft navigation by:

(1) Dead reckoning;

(2) Celestial means; and

(3) Radio aids to navigation.

§ 34.1 *Certification rules.*

§ 34.10 *Application.* Application shall be made on a form and in the manner prescribed by the Administrator.

§ 34.11 *Duration.* A flight navigator certificate shall remain in effect unless it is suspended, or revoked, or a general termination date for such certificate is fixed by the Board.

§ 34.110 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary flight navigator certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

§ 34.12 *Reexamination.* Applicants who have failed in any examination may apply for reexamination on the part failed after 30 days from the date of such failure.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4313; Filed, May 6, 1947; 8:46 a. m.]

[Civil Air Regs. amdt. 41-6]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

FLIGHT RADIO OPERATOR CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of April 1947.

Section 41.311 of the Civil Air Regulations requires that "each flight radio operator shall hold a valid flight radio operator certificate issued in accordance with the provisions of Part —. (In preparation)". New Part 33, providing for the certification of flight radio operators will become effective August 1, 1947.

The Civil Aeronautics Board finds that it will require a period of several months for the preparation of necessary examinations by the Administrator and for interested flight radio operators in the various parts of the world to be given an opportunity to accomplish the examinations necessary for the issuance of flight radio operator certificates under Part 33; that notice and procedures provided for in sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary.

Now, therefore: Effective August 1, 1947, § 41.311 of the Civil Air Regulations is amended to read as follows:

§ 41.311 *Certificate.* Effective November 15, 1947, each flight radio operator shall hold a valid flight radio operator certificate issued in accordance with the provisions of Part 33 of this chapter. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4312; Filed, May 6, 1947; 8:46 a. m.]

[Civil Air Regs., Amdt. 61-5]

PART 61—SCHEDULED AIR CARRIER RULES

FLIGHT RADIO OPERATOR CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of April 1947.

Part 61 of the Civil Air Regulations makes no provision requiring flight radio operators. It is contemplated that such provision will be made in the proposed revision of this part.

The new Part 33 covering rules for the certification of flight radio operators will become effective August 1, 1947. The Civil Aeronautics Board finds that it will require a period of several months after the effective date for the preparation of necessary examinations by the Administrator and for interested flight radio operators to be given an opportunity to accomplish the examinations necessary for the issuance of flight radio operator certificates under Part 33; that an amendment to Part 61 of the Civil Air Regulations should be promulgated to be consistent with Part 41; that notice and procedures provided for in sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary.

Now, therefore: Effective August 1, 1947, § 61.540 of the Civil Air Regulations is amended to read as follows:

§ 61.540 *Certificate.* Effective November 15, 1947, each flight radio operator shall hold a valid flight radio operator certificate issued in accordance with the provisions of Part 33 of this chapter: *Provided*, That a first or second pilot, holding an appropriate Federal Communications license, may serve in the capacity of a radio operator where a certificated flight radio operator is not specifically required. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4314; Filed, May 6, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51669]

PART 17—PROTESTS AND REAPPRAISEMENTS

POWER OF ATTORNEY TO FILE PROTEST

Section 17.2 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 17.2 (a)), as amended by T. D. 51442 (11 F. R. 4651), is further amended to read as follows:

§ 17.2 *Power of attorney to file protest.* (a) Except as hereinafter provided in this paragraph, no protest signed by an agent or attorney shall be granted or denied by the collector unless there has been filed, or is filed with the protest, in the collector's office a power of attorney on customs Form 5295 or 5295-A or other form as explicit in its terms as is the prescribed customs form, authorizing such agent or attorney to make, sign, and file the protest. Such power of attorney, shall be limited to a period not to exceed 2 years from the date of receipt by the collector and shall be acknowledged. When a protest is filed by an agent or attorney not named in a power of attorney as required by this section, it shall be numbered and stamped with the date of receipt in order to establish whether it was filed within the period prescribed by section 514, Tariff Act of 1930, and the collector shall cause an investigation to be made to ascertain whether the agent or attorney was duly authorized to file the protest. If it is found upon such investigation that the agent or attorney was so authorized, the protest shall be reviewed by the collector and granted or denied and referred to the customs court as in cases where a proper power of attorney has been filed. If it is found upon such investigation that the agent or attorney was not duly authorized to file the protest, the purported protest shall not be granted or denied by the collector but shall be transmitted, together with the entry and accompanying papers and all exhibits connected therewith, to the United States Customs Court, with a communication explaining to the court that the agent or attorney who filed the purported protest was not named in a power of attorney, that it was found upon investigation that the agent or attorney was not authorized to file the protest, and that the collector has been prevented from complying with section 515 of the tariff act by the lack of authority of the agent or attorney to file the protest, inasmuch as section 514 specifies the only persons by or on whose behalf protests may be filed with the collector and section 515 does not authorize the collector to grant any purported protest or (if he does not agree with the claim) to deny it and refer it to the court for litigation on the merits, until the statutory prerequisite that it has been filed by an authorized person has been established.

(Secs. 514, 515, 624, 46 Stat. 734, 759; 19 U. S. C. 1514, 1515, 1624)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: April 30, 1947.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4322; Filed, May 6, 1947; 9:13 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order S-14]

PART 807—SUSPENSION ORDERS

FRANK A. WEDDELL & WESTELEY BAKER

Frank A. Weddell, 1515 Beach Street, San Luis Obispo, California, as co-owner and builder, and Westeley Baker, 839 Marsh Street, San Luis Obispo, California, as co-owner, began construction on or about December 4, 1946 of a commercial building located at the northeast corner of North Broad and Lincoln Streets, San Luis Obispo, California, at an estimated cost of $12,000, without first having secured authorization therefor from the Civilian Production Administration or the Office of the Housing Expediter. The beginning and carrying on of construction as aforesaid constituted a grossly negligent violation of the Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.14 *Suspension Order No. S-14.* (a) Neither Frank A. Weddell nor Westeley Baker, their successors or assigns, nor any other person shall do any further construction on the premises located at the northeast corner of North Broad and Lincoln Streets, San Luis Obispo, California, including completing, putting up or altering of any structure located thereon, unless specifically authorized in writing by the Office of the Housing Expediter.

(b) Frank A. Weddell and Westeley Baker shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Frank A. Weddell or Westeley Baker, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 6th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4375; Filed, May 6, 1947; 10:06 a. m.]

PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

§ 851.22 *Designation of Acting Housing Expediter.* Adolph H. Zwerner is hereby designated to act as Housing Expediter during my absence on May 5, 6, 7 and 8, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Veterans' Emergency Housing Act of 1946, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such dates. (60 Stat. 207, 50 U. S. C. App. Sup. 1821)

Issued this 2d day of May 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-4318; Filed, May 6, 1947; 9:02 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 366]

WYOMING

REVOKING IN PART EXECUTIVE ORDER CREATING PUBLIC WATER RESERVE NO. 149

By virtue of the authority contained in section 1 of the act of June 25, 1910 (36 Stat. 847, 43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943; *It is ordered as follows:*

The Executive order of February 14, 1933, creating Public Water Reserve No. 149, is hereby revoked as to the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 45 N., R. 100 W., sec. 33, W½NW¼.

The area described contains 80 acres.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

APRIL 30, 1947.

[F. R. Doc. 47-4284; Filed, May 6, 1947; 9:05 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Rev. G. O. 50, WSA Function Series]

PART 304—LABOR

DELEGATIONS OF AUTHORITY TO FEDERAL SECURITY AGENCY

General Order 50 (§§ 304.91 to 304.95, inclusive; 10 F. R. 10034, 46 CFR 1945 Supp.) is hereby revised to read:

§ 304.91 *Delegation of authority to conduct hearings and make determinations and certifications under section 209 (o) of the Social Security Act, as amended.* (a) The Appeals Council of the Social Security Administration of the Federal Security Agency, its members and referees, and the Territorial Directors of the Social Security Administration of the Federal Security Agency for the Territories of Alaska and Hawaii, all ex officio, are hereby designated and appointed as agents of the Maritime Commission to hear, determine, and make certification with respect to those matters determinable by the Maritime Commission pursuant to section 209 (o) of the Social Security Act, as amended, which may from time to time be involved in or presented at hearings conducted pursuant to section 205 (b) of said act.

The Federal Security Agency, or such persons, agencies and tribunals as the Federal Security Administrator may designate, are hereby designated to hear, determine and make certification with respect to matters determinable by the Maritime Commission, pursuant to section 209 (o) of the Social Security Act, as amended, which may from time to time be involved in or presented at hearings pursuant to sections 1303 and 1304 of the Social Security Act, as amended.

§ 304.92 *Compliance with Maritime Commission's regulations and orders.* The agents designated in § 304.91 (a), in performing the functions and duties thereby assigned to them, shall comply with such regulations and orders as may be issued by the Maritime Commission from time to time in connection with such functions and duties.

§ 304.93 *Notice of hearings to General Agents, Agents, or the Maritime Commission.* In the conduct of hearings pursuant to §§ 304.91 to 304.95, inclusive, notice thereof shall be given to the General Agent, or Agent who shall have made any tax return or certification having relation to the claim under consideration, as provided by section 209 (o) of the Social Security Act, as amended, and if there be no such General Agent or Agent, such notice shall be given to the Maritime Commission.

§ 304.94 *Procedure for hearings, rehearings, and review.* Procedure for the conduct of hearings pursuant to § 304.91 (a), and §§ 304.92 to 304.95, inclusive, and for the consolidation of such hearings with hearings on other issues involved in particular claims, for the making of decisions thereon, and for rehearing and for review of such decisions, shall, except as limited pursuant to § 304.92, be as prescribed by the Appeals Council of

the Social Security Administration of the Federal Security Agency as agent of the Maritime Commission, and shall conform as closely as possible to the hearing, rehearing, and review procedure prescribed from time to time by the Federal Security Agency for cases arising exclusively under Title II of the Social Security Act, as amended.

§ 304.95 *Effect of final decision.* Any final decision, after hearing, rehearing, or review by the Maritime Commission's agents as designated in § 304.91, shall in all respects be deemed the Maritime Commission's final determination, superseding all previous determinations and certifications as to the matters determined in such decision, and binding upon all parties to such hearing, rehearing, or review, as to such matters.

(57 Stat. 45, 58 Stat. 188, Title II, Pub. Law 492, 79th Cong., 60 Stat. 501, Title III, Pub. Law 719, 79th Cong., 60 Stat. 978; 50 U. S. C. App. Sup. 1291)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

APRIL 29, 1947.

[F. R. Doc. 47-4320; Filed, May 6, 1947; 9:11 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communication Commission

PART 9—AVIATION RADIO SERVICE

CROSS REFERENCE: For public notice regarding the use of non-crystal-controlled transmitters in aircraft radio stations see F. R. Doc. 47-4324 under Federal Communications Commission in the Notices section, *infra.*

[Order 130-N]

PART 12—AMATEUR RADIO SERVICE

WITHDRAWAL OF POWER OF LIMITATION AND RELEASE OF FREQUENCIES

This order amends Order 130-L (12 F. R. 260).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the twenty-fifth day of April 1947;

The Commission having under consideration the matter of relieving certain existing restrictions to the operation of amateur radio stations (1) within the Territory of Hawaii and within United States possessions lying west of the Territory of Hawaii to 170° west longitude and (2) within 50 miles of Washington, D. C., Seattle, Washington, and Honolulu, T. H.; and

It appearing, that by Order No. 130-A, dated November 14, 1945, as amended from time to time, the Commission has made available for use by amateur radio stations certain frequencies and frequency bands and types of emission; and

It further appearing, that §§ 12.111 and 12.114 of the Commission's rules, and Commission Order No. 130-A, as amended by Commission Order No. 130-H, allocate the frequency bands of 3500 to 4000 kc and 144 to 148 Mc for use by amateur radio stations, but Footnote 3 to § 12.111 restricts the use of such bands except pursuant and subject to the limitations and restrictions prescribed by Commission orders; and

It further appearing, that the military authorities of the United States have withdrawn the 500 watt power limitation for amateur stations operating in the frequency band 3500 to 4000 kilocycles located within the Territory of Hawaii or within any United States possession lying west of the Territory of Hawaii to 170° west longitude, and have released frequencies from 146.5 to 148 Mc for use by amateur stations located within 50 miles of Washington, D. C., Seattle, Washington, and Honolulu, T. H.; and

It further appearing, that authority for the cancellation of the power limitation and the release of frequencies hereinbefore referred to, is contained in section 303 (b), (c) and (r) of the Communications Act of 1934, as amended; that such cancellation of power limitation and release of frequencies relieve existing restrictions, and are in the public interest, and that any delay occasioned by the public notice requirements of section 4 of the Administrative Procedure Act, would be contrary to the public interest;

It is ordered, That for the purpose of correlating the Commission's orders in the 130-series with the withdrawal of the power limitation and the release of frequencies hereinbefore referred to, the subparagraphs numbered 2 (a) (1) and 2 (a) (9) of the first ordering clause of Order 130-L be, and they are hereby amended to read as follows:

2. (a) • • •

(1) 3500 to 4000 kc: Use of this band is restricted to amateur radio stations as follows:

(i) 3500 to 4000 kc, using type A1 emission, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude.

(ii) 3850 to 4000 kc, using type A3 emission, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude, subject to the further restriction that type A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges and then only when operated and controlled by an amateur operator holding Class A privileges.

• • • • •

(9) 144 to 148 Mc, using types A0, A1, A2, A3, and A4 emissions and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

It is further ordered, That this order be, and it is hereby made effective immediately.

(Secs. 4 (i), 303 (c), 48 Stat. 1068, 1082; 47 U. S. C. 154 (i), 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4323; Filed, May 6, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 70, Amdt. 5]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNMENT OF FRESH FRUITS AND VEGETABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of May A. D. 1947.

Upon further consideration of the provisions of Service Order No. 70 (8 F. R. 8515), as amended (8 F. R. 8515; 11 F. R. 8451), and good cause appearing therefor:

It is ordered, That Service Order No. 70 (codified as 49 CFR 95.304a), as amended, be, and it is hereby, further amended by adding the following paragraph:

Expiration date. This section, as amended, shall expire at 11:59 p. m., December 1, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, This amendment shall become effective at 12:01 a. m., May 10, 1947, and it shall vacate and supersede Amendment No. 4 to Service Order No. 70 on the effective date hereof; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4299; Filed, May 6, 1947; 8:46 a. m.]

[4th Rev. S. O. 180, Amdt. 11]

PART 95—CAR SERVICE

DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of May A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 180 (10 F. R. 14970) as amended (11 F. R. 1627, 1991, 3605, 4038, 6983, 9453, 10092, 11707, 12395; 12 F. R. 1421), and good cause appearing therefor, *It is ordered*, That:

Fourth Revised Service Order No. 180, (49 CFR § 95.330), as amended, be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof during the effectiveness of this amendment:

(a) *Demurrage charges on refrigerator cars.* (1) After the expiration of the free time lawfully provided by tar ffs (subject to modification by service orders), on a refrigerator car held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection ,forwarding directions, loading or unloading, the demurrage charges shown in subparagraph (2) of this paragraph shall be applicable in lieu of tariff charges.

(2) Demurrage charges shall be $2.20 per car per day or a fraction thereof for the first day; $5.50 per car per day or a fraction thereof for the second day; and $11 per car per day or a fraction thereof for each succeeding day.

Effective date. This amendment shall become effective at 7:00 a. m., May 2, 1947.

Expiration date. This amendment shall expire at 7:00 a. m., June 1, 1947.

It is further ordered, That a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4298; Filed, May 6, 1947; 8:48 a. m.]

[Rev. S. O. 188, Amdt. 9]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of May A. D. 1947.

Upon further consideration of Revised Service Order No. 188 (10 F. R. 15175) as amended (11 F. R. 1626, 1992, 3605, 4038, 7043, 9453, 10092; 12 F. R. 1420), and good cause appearing therefor, *It is ordered*, That:

Revised Service Order No. 188 (49 CFR § 95.334), as amended, be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof during the effectiveness of this amendment:

(a) *Demurrage charges to be applied on refrigerator cars engaged in intraterminal transportation.* (1) The State Belt Railroad of California shall apply the demurrage charges shown in subparagraph (2) of this paragraph to any refrigerator car used for transporting any commodity to, from, or between industries, plants, or piers located at points or places named in Districts A and/or B as described in Item No. 15 of Tariff I. C. C. No. 5 of the State Belt Railroad operated by the State of California.

(2) After the expiration of forty-eight (48) hours' free time after a refrigerator car is first placed for loading and until shipping instructions covering such car are tendered to said carrier's agent and/or after forty-eight (48) hours' free time after a refrigerator car is first placed for unloading and until such car is unloaded and released, the demurrage charges shall be $2.20 per car per day or fraction thereof for the first day; $5.50 per car per day or fraction thereof for the second day; and $11.00 per car per day or fraction thereof for each succeeding day.

NOTE: After a refrigerator car is loaded and released for movement by the tender of shipping instructions to said carrier's agent, if the car is not actually placed for unloading for any reason within forty-eight (48) hours after such car is released for movement, but is held by the carrier short of place of delivery for unloading, such car will be considered as constructively placed at the expiration of the said forty-eight (48) hours and demurrage time shall be computed from the expiration of the said forty-eight (48) hours until said car is unloaded and released.

Effective date. This amendment shall become effective at 7:00 a. m., May 2, 1947.

Expiration date. This amendment shall expire at 7:00 a. m., June 1, 1947.

It is further ordered, That a copy of this order and direction be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4297; Filed, May 6, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING

Consideration is being given to the following proposals, submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp. 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, as the agency to administer the terms and provisions thereof;

(a) That the Secretary of Agriculture find that expenses not to exceed $40,910.00 will be necessarily incurred during the season beginning April 1, 1947, and ending March 31, 1948, both dates inclusive, as general overhead expenses for the maintenance and functioning of the said Control Committee and the commodity committees established under the aforesaid amended marketing agreement and order;

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler shall pay in accordance with the aforesaid amended marketing agreement and order during the aforesaid season, the rate of assessment at $0.009 per hundred pounds of fruit shipped by such handler during said season;

(c) That the Secretary of Agriculture find that expenses (1) not to exceed $1,390.00 will be necessarily incurred during the aforesaid season by the Bartlett Pear Commodity Committee, (2) not to exceed $1,315.00 will be necessarily incurred during the aforesaid season by the Plum Commodity Committee, and (3) not to exceed $645.00 will be necessarily incurred during the aforesaid season by the Elberta Peach Commodity Committee as additional expenses in administering the regulation of shipments of fruit pursuant to sections 3, 4, and 5 of the amended marketing agreement and §§ 936.3, 4, and 5 of the amended order; and

(d) That the Secretary of Agriculture fix, as the share of such additional expenses which each handler shall pay in accordance with the said amended marketing agreement and order during the aforesaid season, the rate of assessment at $0.001 per hundred pounds of fruit shipped by such handler during said season and with respect to which regulations are made effective pursuant to the aforesaid sections of the amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall mail the same to the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than midnight

of the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents shall be submitted in quadruplicate.

As used herein, "handler," "shipped," "fruit," and "season" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.8)

Issued this 1st day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-4300; Filed, May 6, 1947; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

[15 CFR, Part 30]

FOREIGN TRADE STATISTICS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong., 2d Sess.) and the authority contained in sections 161 (5 U. S. C. 22), 4197 (46 U. S. C. 91) and 4200 (46 U. S. C. 92) of the Revised Statutes, and section 4, 32 Stat. 826 (5 U. S. C. 601), notice is hereby given that in order to conform to Treasury Decision 51628 (12 F. R. 1103), and also to provide for the filing of certain shipper's export declarations in duplicate instead of triplicate, the Director of the Bureau of the Census is considering a proposal to issue proposed Foreign Commerce Statistical Decision 60, amending §§ 30.30 (a), 30.31, 30.42 (a), 30.42 (c), 30.42 (e), 30.43 and 30.44 of the Foreign Commerce Statistical Regulations, copies of which may be obtained by writing to the Director, Bureau of the Census, Washington 25, D. C.

All persons who desire to submit written data, views, or arguments in connection with the proposed Foreign Commerce Statistical Decision 60 may do so by filing the same in quadruplicate with the Director, Bureau of the Census, Washington 25, D. C., within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

J. C. CAPT,
Director.

[F. R. Doc. 47-4310; Filed, May 6, 1947; 8:46 a. m.]

UNITED STATES MARITIME COMMISSION

[46 CFR, Ch. II]

[Docket No. 658]

BILLS OF LADING; INCORPORATION OF FREIGHT CHARGES

NOTICE OF HEARING ON PROPOSED RULE MAKING

On December 5, 1946, the United States Maritime Commission published in the FEDERAL REGISTER a notice of proposed rule making dated November 27, 1946, entitled "In the Matter of the Proposal to Incorporate Rates and Charges in Ocean Bills of Lading" (11 F. R. 14132). The proposed rule set forth in the notice was as follows: "Every common carrier by water engaged in the transportation of property from points in continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands to foreign points, shall incorporate in the original and all copies of bills of lading or other shipping documents the rates and charges for or in connection with such transportation, except for cargo loaded and carried in bulk without mark or count, irrespective of whether such bills of lading or other shipping documents are prepared by the carrier or by any other person for the signature of the carrier."

Pursuant to that notice, carriers, shippers, forwarders and others have submitted their views on the proposed rule in written communications to the Commission. After considering such communications, the Commission is of opinion that it should take no action with respect to the proposed rule except after public hearings.

Accordingly, pursuant to sections 17 and 22 of the Shipping Act, 1916, and section 4 (a) of the Administrative Procedure Act; *It is ordered*, That the Commission institute public hearings for the purpose of obtaining the views of interested persons (including individuals, corporations, associations, firms, partnerships and public bodies) with respect to the proposed rule above quoted; *And it is further ordered*, That all persons desiring to be heard at such hearings file with the Commission within twenty days from the publication of this notice in the FEDERAL REGISTER written request to appear and be heard; *And it is further ordered*, That this notice be published in the FEDERAL REGISTER and that the matter be assigned for hearing at such times and places as the Commission may hereafter direct, and that such hearings be conducted in accordance with the rules of procedure of the Commission.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

APRIL 29, 1947.

[F. R. Doc. 47-4321; Filed, May 6, 1947; 9:02 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

APRIL 23, 1947.

1. March 27, 1947, the Secretary of the Interior classified, under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), for leasing, as hereinafter indicated, the following described public lands in the Los Angeles, California, land district, embracing 6,526.63 acres:

SMALL TRACT CLASSIFICATION NO. 117

CALIFORNIA NO. 46

For all of the purposes mentioned in the act except camp and business site purposes.

SAN BERNARDINO MERIDIAN

T. 1 N., R. 11 E.,
Sec. 4, SW¼, SW¼SE¼;
Sec. 7, S½ lots 1 and 2 of SW¼;
Sec. 8, SE¼;
Sec. 11, S½;
Sec. 12, S½;
Sec. 17, NE¼;
Sec. 18, N½ lots 1 and 2 of NW¼;
Sec. 21, S½S½;
Sec. 22, S½S½;
Sec. 25, NW¼, S½;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 31, S½ lots 1 and 2 of NW¼, S½NE¼, N½ lots 1 and 2 of SW¼, N½SE¼;
Sec. 32, N½, N½S½, S½SE¼;
Sec. 33, all;
Sec. 34, all;
Sec. 35, N½.

2. These lands are located in San Bernardino County, from 10 to 16 miles east of Twentynine Palms, and are accessible by two graded county roads which pass from east to west along the center of the township and along the southern boundary. The lands lie at about 1,250 feet in the eastern part of the township and rise to approximately 1,500 feet in the extreme southwest corner.

3. The arid climate prevailing in this area is a valuable aid to the treatment of bronchial, pulmonary and other disorders. The area is especially attractive to disabled veterans and others with some income, who require a dry climate for health purposes. The water supply for this area may be obtained from underground sources. It is the common practice in this vicinity to sell and deliver water locally. The development of ground water in supplies adequate for domestic purposes should be entirely feasible with proper pumping equipment, if undertaken as group projects. Electric power, telephone service, various kinds of business as well as recreational, educational and religious facilities exist at Twentynine Palms.

4. Pursuant to § 257.8 of the Code of Federal Regulations (43 CFR, Part 257, Cum. Supp., as amended by Circ. 1613, February 27, 1946), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 12:45 p. m. on April 5, 1946, and (b) are for the type of site for which the land subject thereunder has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

5. As to the land not covered by the applications referred to in paragraph 4, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on June 25, 1947. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on June 25, 1947, to close of business on September 23, 1947, inclusive, to (1) application under the small tract act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed at or after 12:45 p. m. on April 5, 1946, together with those presented at 10:00 a. m. on September 3, 1947, shall be treated as simultaneously filed.

(c) *Date for nonpreference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on September 24, 1947, any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous nonpreference-right filings.* Applications under the small tract act by the general public filed at or after 12:45 p. m. on April 5, 1946, together with those presented at 10:00 a. m. on September 4, 1947, shall be treated as simultaneously filed.

6. Veterans shall accompany their application with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

7. All applications for the lands referred to in paragraphs 4 and 5, which shall be filed in the District Land Office at Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

8. Lessees under the small tract act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the Director, Bureau of Land Management, improvements which under the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of five years, at an annual rental of $5 payable yearly in advance.

9. The land will be leased in tracts of approximately 5 acres, or aliquot parts thereof, each being approximately 330 by 660 feet, or aliquot dimensions thereof. The tracts should conform in description with the rectangular system of surveys as one compact unit, the lands covered by applications referred to in paragraph 5 having the longest dimension extending north and south.

10. Preference right leases referred to in paragraph 4 will be issued for the land described in the application, irrespective of the direction of the tract, provided the tract is made to conform to the areas and dimensions specified above.

11. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, however, the Acting Manager is authorized to accept applications for the remaining 5-acre tract or aliquot parts thereof extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified above.

12. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-4285; Filed, May 6, 1947; 9:05 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-142]

ACCIDENT AT COLUMBUS, GA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 49657 and NC 55312 which occurred at Columbus, Georgia, on April 22, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, May 8, 1947, at 9:00 a. m. (local time) in Room 201, Post Office Building, Columbus, Georgia.

Dated at Washington, D. C., May 1, 1947.

[SEAL] R. W. CHRISP,
Presiding Officer.

[F. R. Doc. 47-4311; Filed, May 6, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6052]

NORTHSIDE BROADCASTING CORP. (WGRC)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Northside Broadcasting Corporation (WGRC), Louisville, Kentucky, Docket No. 6052, File No. BP-2782; for construction permit.

The Commission having under consideration a petition filed April 3, 1947 by Memphis Publishing Company (WMC), Memphis, Tennessee, requesting the Commission to reopen the record in the proceeding upon the application of Northside Broadcasting Corporation (WGRC), Louisville, Kentucky (File No. BP-2782, Docket No. 6052), to order a further hearing therein and to allow petitioner to intervene in the further hearing; and an opposition thereto filed April 8, 1947, by Northside Broadcasting Corporation; and

It appearing that the above-entitled application was heard in May 1946 upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station WGRC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WGRC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WGRC as proposed would involve objectionable interference with Stations WKPT, as proposed, WBBM, or with any other existing or proposed broadcast services and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WGRC as proposed would involve objectionable interference with Stations CKSO, Sudbury, Ontario, CMCH, Havana, Cuba, or any other existing foreign broadcast station within the meaning of the North American Regional Broadcast Agreement.

6. To determine whether the installation and operation of Station WGRC as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

and that the record therein was subsequently closed; and

It appearing, further that on December 20, 1946, the application of Northside Broadcasting Company was amended so as to specify a different transmitter site;

that said amendment produced changes in the operating characteristics of the proposed directional antenna; that as a result of these changes the proposed WGRC operation would apparently now cause objectionable interference within the normally protected contours of Station WMC and would have operating characteristics different from those which were the subject of the hearing heretofore held;

It is ordered, This 25th day of April, 1947, that the petition of Memphis Publishing Company (WMC) be, and it is hereby, granted; the record in the above-entitled proceeding be, and it is hereby, reopened for the purpose of holding a further hearing on Issues 2–6, inclusive, as listed above; and the further hearing be, and it is hereby, scheduled for 10:00 a. m., Thursday, May 22, 1947, at Washington, D. C.;

It is further ordered, That Memphis Publishing Company (WMC), Memphis, Tennessee, be, and it is hereby, made a party intervenor in the above-entitled proceeding;

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4325; Filed, May 6, 1947; 8:47 a. m.]

[Docket Nos. 7834, 8234, 8291–8293]

WDEL, INC., ET AL.

ORDER GRANTING PETITION

In re application of WDEL, Inc., Wilmington, Delaware, File No. BPH–177, Docket No. 7834; Wilmington Tri-State Broadcasting Company, Inc., Wilmington, Delaware, File No. BPH–1195, Docket No. 8234; Keystone Broadcasting Corporation, Harrisburg, Pennsylvania, File No. BPH–183, Docket No. 8291; York Broadcasting Company, York, Pennsylvania, File No. BPH–184, Docket No. 8292; Reading Broadcasting Company, Reading, Pennsylvania, File No. BPH–522, Docket No. 8293; for construction permits.

The Commission having under consideration a petition filed April 18, 1947, by WDEL, Inc., Wilmington, Delaware (File No. BPH–177, Docket No. 7834), Wilmington Tri-State Broadcasting Co., Inc., Wilmington, Delaware (File No. BPH–1195, Docket No. 8234), Keystone Broadcasting Corporation, Harrisburg, Pennsylvania (File No. BPH–183, Docket No. 8291), York Broadcasting Company, York, Pennsylvania (File No. BPH–184, Docket No. 8292), Reading Broadcasting Company, Reading, Pennsylvania (File No. BPH–522, Docket No. 8293), requesting a continuance until May 12, 1947, of the consolidated hearing presently scheduled for April 29, 1947, at Washington, D. C., upon their applications for FM construction permits;

It is ordered, This 25th day of April 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock Monday, May 12, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4327; Filed, May 6, 1947; 8:47 a. m.]

[Docket No. 7552]

RED RIVER BROADCASTING CO., INC.

ORDER GRANTING PETITION

In re application of Red River Broadcasting Company, Inc., Duluth, Minnesota, Docket No. 7552, File No. BP–4421; for construction permit.

The Commission having under consideration a petition filed April 17, 1947 by Red River Broadcasting Company, Inc., Duluth, Minnesota requesting a 30-day continuance in the hearing upon its above-entitled application which is presently scheduled for April 28, 1947 at Washington, D. C.;

It is ordered, This 25th day of April 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing of the above-entitled application be, and it is hereby, continued to 10:00 a. m. Thursday, May 29, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4328; Filed, May 6, 1947; 8:47 a. m.]

[Docket No. 8297]

C. FREDRIK RABELL ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of C. Fredrik Rabell, Jack O. K. Barfield, James N. Earnest, Albin Knight, J. Alfred Miller and Richard M. Arnold, Asheville, N. C. (transferors), and Jacksonville Broadcasting Corporation, Jacksonville, Fla. (transferee), File No. BTC–520, Docket No. 8297; For transfer of control of Community Broadcasting Company (WNCA), Asheville, N. C.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above entitled application for transfer of control of WNCA and not being satisfied that it is in possession of full information as required by the Communications Act and acting pursuant to section 310 (b) of said act and § 1.321 of the rules of practice and procedure:

It is ordered, That the above entitled application for transfer of control of WNCA be, and it is hereby designated for hearing at the offices of the Commission in Washington, D. C., upon a date to be fixed by the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of Jacksonville Broadcasting Corporation and the parties in interest therein to obtain control of Community Broadcasting Company (WNCA).

2. To obtain full information with respect to the arrangements under which control of WNCA would be acquired by Jacksonville Broadcasting Corporation, including the purchase price to be paid therefor, the effects upon the station as to service and otherwise, and whether the same may tend toward over commercialization.

3. To obtain full information as to the type and character of program service proposed, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To obtain full information as to how the station would be staffed and operated and policies to be followed if the application is granted.

5. To determine whether the licensee and/or the parties in interest therein at the time of filing of the original application for permit did so for the purpose of becoming a bona fide licensee and rendering a public service, or whether such parties did so for the purpose of selling the station.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4329; Filed, May 6, 1947; 8:47 a. m.]

[Docket Nos. 8295, 8296]

RICHARD A. CONNELL, JR., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Richard A. Connell, Jr., James A. Hopkins and Henrietta Connell, Detroit, Mich. (transferors), and The Fort Industry Company, Detroit, Mich. (transferee), File No. BTC–513, Docket No. 8295; for transfer of control of James F. Hopkins, Inc. (WJBK and WJBK–FM) Detroit, Mich., and application of Southeastern Ohio Broadcasters, Inc. (WHIZ), Zanesville, Ohio (Assignor), and Southeastern Ohio Broadcasting System, Inc., Zanesville, Ohio (Assignee), File No. BAL–579, Docket No. 8296; for Assignment of license of WHIZ, Zanesville, Ohio.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above entitled applications for transfer of control of WJBK and WJBK–FM, Detroit, Michigan, as well as information supplementary thereto, and for assignment of license of WHIZ, Zanesville, Ohio, and not being satisfied that it is in possession of full information as required by the Communications Act, and acting pursuant to section 310 (b) of said act and § 1.321 of the rules of practice and procedure;

It is ordered, That the above entitled applications for transfer of control of WJBK and WJBK–FM and for assignment of license of WHIZ, be, and they are hereby designated for hearing to be heard in a consolidated proceeding at the offices of the Commission in Washington, D. C., upon a date to be fixed by the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the transferee of WJBK and the assignee of WHIZ to obtain control and receive an assignment, respectively, of WJBK and WHIZ.

2. To obtain full information with respect to arrangements under which said stations would be transferred and assigned, including in the case of WJBK the price to be paid therefor and the effect upon the station as to service and otherwise, and whether the same may tend toward overcommercialization.

3. To obtain full information as to the amount and character of interest in CKLW of the parties controlling Ft. Industry Company, the character and extent of overlapping, if any, that will exist between the service areas of CKLW and WJBK, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

4. To obtain full information of the character called for in issue No. 3 above with respect to any overlapping in service areas of WSPD–FM at Toledo, Ohio, and WJBK–FM, Detroit, Michigan.

5. To obtain full information as to the type and character of program service proposed by the transferee of WJBK and assignee of WHIZ and whether such service would meet the requirements of the populations and areas proposed to be served.

6. To obtain full information as to how the stations would be staffed and operated and policies to be followed if the applications are granted.

7. To determine whether a grant of the transfer applications as to WJBK would be in violation of § 3.106 of the Commission's rules and regulations.

8. To determine the character and extent of concentration of control of broadcasting facilities and all other means for the dissemination of news and public information by the assignee of WHIZ, including companies controlled by the same interests or affiliated with assignee and the effect upon competition in the area involved, if the application for assignment of WHIZ is granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4330; Filed, May 6, 1947; 8:48 a. m.]

[Docket No. 7598]

RADIO STATION KTBS

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Allen D. Morris, P. E. Furlow and George D. Wray, a partnership d/b as radio station KTBS, Shreveport, Louisiana, Docket No. 7598, File No. BP–4720; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for an increase in power for standard broadcast station KTBS at Shreveport, Louisiana, to 5 kilowatts, 10 kilowatts local sunset, to change frequency from 1480 kilocycles to 710 kilocycles, to install a new transmitter and to make changes in the antenna system;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant partnership and the partners to construct and operate Station KTBS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KTBS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KTBS as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KTBS as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KTBS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4331; Filed, May 6, 1947; 8:48 a. m.]

[Docket No. 7373]

THOMAS G. HARRIS ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Thomas G. Harris, individually and as trustee for Coleman Gay, James P. Alexander, E. G. Kingsberry, Rex D. Kitchens, Spencer J. Scott, and Hardy C. Harvey, Austin, Texas, Docket No. 7373, File No. BP–4355; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1340 kc, with 250 w power, unlimited time, at Austin, Texas.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant and his associates to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations KAND, Corsicana, Texas, and KVIC, Victoria, Texas, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Raoul A. Cortez (KCOR), San Antonio, Texas (File No. BP–5472), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Alto, Inc., licensee of Station KAND, Corsicana, Texas, and Radio enterprises, Inc., licensee of Station KVIC, Victoria, Texas, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4332; Filed, May 6, 1947; 8:48 a. m.]

[Docket No. 8314]

AMERICAN PACIFIC RADIO BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of John G. Bucknum and Elmer J. Bucknum, et al., a limited partnership d/b as American Pacific Radio Broadcasting Co., Redlands, California, Docket No. 8314, File No. BP-5544; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 18th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1370 kc, with 500 w power, unlimited time, using directional antenna at night at Redlands, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues;

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KCSB, San Bernardino, California, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the Mexican station XEHF, Sonora, or with any other foreign broadcast station, under the provisions of the North American Regional Broadcasting Agreement, and the nature and extent thereof.

6. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Woodrow Miller, licensee of station KCSB, San Bernardino, California, be, and he is hereby made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4335; Filed, May 6, 1947; 8:50 a. m.]

[Designation Order 9]

DESIGNATION OF MOTIONS COMMISSIONER FOR MAY 1947

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 24th day of April 1947;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that R. H. Hyde, Commissioner, be, and he is hereby designated as Motions Commissioner for the month of May 1947.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4333; Filed, May 6, 1947; 8:48 a. m.]

HAZELWOOD, INC.[1]

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL

The Commission hereby gives notice that on March 28, 1947, there was filed with it an application (BTC-546) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Hazelwood, Inc., licensee of WLOF, Orlando, Florida, from Geo. W. Gibbs, Jr., to Walter Shea and W. J. Sears, Jr. The proposal to transfer control arises out of a contract of February 3, 1947, pursuant to which Geo. W. Gibbs, Jr., agrees to sell to Walter Shea and W. J. Sears, Jr., in equal amounts his 18.75 shares (50%) of the common voting stock of Hazelwood, Inc., for a total consideration of $40,000 cash, the stock and consideration to be placed in escrow within 10 days from date of said contract. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.388 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicants on April 21, 1947, that starting on April 19, 1947, notice of the filing of the application would be inserted in "The Orlando Star", a newspaper of general circulation at Orlando, Florida, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from April 19, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4334; Filed, May 6, 1947; 8:48 a. m.]

[1] Section 1.321, Part I, Rules of practice and procedure.

STEPHENS BROADCASTING CO.[1]

CORRECTED NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE

The Commission's notice concerning the above entitled application which appeared in the April 15, 1947, issue of the FEDERAL REGISTER (12 F. R. 2443) is hereby amended to read as follows:

Notice is hereby given that on April 3, 1947, there was filed with the Commission an application (BAL-596) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of Stephens Broadcasting Company, licensee of WDSU, New Orleans, Louisiana, from Stephens Broadcasting Company to International City Broadcasting Corporation. The proposal to assign the license arises out of contracts of February 26, 1947, pursuant to which E. A. Stephens and H. G. Wall have agreed to sell their 77½% partnership interest in the assets of Stephens Broadcasting Company to William I. Spiegelberg and associates for a total consideration of $581,250 in cash. Under separate agreement entered into between Spiegelberg and associates and Fred Weber (presently owner of 22½% partnership interest in Stephens Broadcasting Company) Weber agrees to exchange his partnership interest for a 33% stock interest and a $43,750 debenture bond interest in and a five-year employment contract with the corporation to be known as International City Broadcasting Corporation which will acquire all the assets and licenses of Stephens Broadcasting Company. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice, the Commission has been advised that starting on April 8, 1947 notice of the filing of the application has been inserted in a newspaper of general circulation at New Orleans, La., in conformity with the above rule. In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from April 8, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4336; Filed, May 6, 1947; 8:50 a. m.]

[1] This public notice is promulgated for the benefit of applicants and licensees subject to Part 9, rules and regulations governing aeronautical services.

AIRCRAFT RADIO STATIONS[1]

USE OF NON-CRYSTAL-CONTROLLED TRANSMITTERS

APRIL 28, 1947.

In recent months, the Commission has had numerous inquiries concerning the suitability of surplus military transmitting equipment for utilization in aircraft radio stations. A large proportion of such inquiries were with regard to the ART-13 equipment (ATC or 17H2) which was used widely in the military service and has been readily available through surplus outlets. It is believed that this particular transmitter has been mentioned more frequently than others because of the fact that it is obviously one of the best of the non-crystal-controlled transmitters, in terms of engineering design, for application to civil airborne requirements. Numerous reports, as well as tests by various agencies, have indicated that some question exists as to whether or not this equipment is capable of meeting both practical and regulatory requirements as to its technical operation. Because of this question, the Commission has investigated this particular piece of equipment, and the results of this investigation indicate that the equipment is not capable of meeting the Commission's requirements with regard to the stability of the emitted frequency under all normal operating conditions.

Both the radio industry and the commission recognize that a real equipment problem exists, in that suitable equipment for many of the aspects of the aviation service is not now readily available. A particularly severe problem exists with respect to long distance overseas flights in that many frequencies must be available to satisfy the communications problem involved in such flights. Transmitters similar to the ART-13 are the most readily available solution to the problem, since the transmitter can be set on any frequency within its range. Therefore, the Commission, in recognition of the problem and the need for an immediate solution, has permitted operation with this transmitter for flights of the above nature (long distance overseas flights) under such conditions as to insure its maintenance as closely as possible in accordance with regulations; namely, that the transmitter, when in operation, must be under the supervision of an appropriate operator. At the present time, this would require an operator holding a second class or higher grade license, who has the equipment and the technical ability to make certain that all transmissions substantially meet the technical requirements.

The Commission is taking this opportunity to address the attention of the industry to the need for immediate activity toward the end of procurement and installation of airborne transmitting equipment designed to fulfill the need expressed above, and further, to call the attention of the industry to the fact that operation with this transmitter is presently being authorized only as an interim measure and must be discontinued at the earliest practicable date. All possible expedition is urged in the solution of the problem.

The Commission will continue to permit the operation of this transmitter on long distance overseas flights under the specific conditions expressed above, but only until suitable equipment which will meet the Commission's requirements is generally available.

With further reference to the general problem of frequency tolerance, many inquiries have been received by the Commission with regard to the utilization of transmitters lacking crystal control. Therefore, this opportunity is being taken to clarify the Commission's policy. The matter can be stated simply. With the greatly increased utilization of the radio frequency spectrum, all means at hand must be used to crowd more and more stations into the same radio frequency space. This represents a considerably increased requirement in terms of frequency stability and band width occupancy. In order to accomplish the necessary degree of frequency stability, it becomes obvious that dependence cannot be placed upon manual control of the frequency, or in any other means requiring personal attention. The control must be continuous and automatic. It is generally accepted that the most economical and practical means of accomplishing such control is by the use of suitable direct crystal control arrangements. This statement is not intended to indicate that means other than direct crystal control for automatic control of the emitted frequency cannot be utilized or will not be accepted, but it is intended to imply that systems using other means than direct crystal control will not be authorized by the Commission in advance of a demonstration that they will in fact meet all stability requirements.

It is urged that the prospective purchasers of aircraft radio transmitters consider this feature prior to the purchase of any equipment not including direct crystal control.

Adopted: April 23, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4324; Filed, May 6, 1947; 8:47 a. m.]

[1] Temporary authorization was granted to Applicant on December 13, 1944, to make necessary connections with New York State Electric & Gas Corporation at Lancaster, New York, for emergency delivery of gas up to 30 Mcf per day.

FEDERAL POWER COMMISSION

[Docket No. G-601]

IROQUOIS GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed October 25, 1945, in Docket No. G-601,[1] by Iroquois Gas Corporation (Applicant), a New York corporation with its principal place of business at Buffalo, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipe line facilities subject to the jurisdiction of the Federal Power Commission:

An interconnection between an existing 4-inch high pressure natural gas pipe line, designated as Line N-M 15, and an existing 3-inch high pressure natural gas pipe line acquired from New York State Electric & Gas Corporation at a point in the town of Lancaster, Erie County, New York.

It appearing to the Commission that:

(a) Applicant has constructed and placed in operation the facilities above described for the purpose of augmenting the natural gas supply of approximately 800 customers heretofore served by the gas plant acquired by Applicant from New York State Electric & Gas Corporation; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 21, 1947 (12 F. R. 1910).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 20th day of May, 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however*, If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a

[1] Temporary authorization was granted to Applicant on December 13, 1944, to make necessary connections with New York State Electric & Gas Corporation at Lancaster, New York, for emergency delivery of gas up to 30 Mcf per day.

non-contested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: April 30, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4296; Filed, May 6, 1947; 9:06 a. m.]

[Docket No. G-857]

UNITED FUEL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 3, 1947, in Docket No. G-857, by United Fuel Gas Company (Applicant), a West Virginia corporation with its principal place of business at Charleston, West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural gas pipe line facilities subject to the jurisdiction of the Federal Power Commission:

(1) 10 miles of 20-inch O. D. gas transmission pipe line extending from a tap on the Tennessee Gas and Transmission Company pipe line, near Ceredo, West Virginia, northwest to the Ohio River;

(2) A multiple river crossing across the Ohio River, terminating near Burlington, Ohio, to connect with a pipe line to be constructed by The Ohio Fuel Gas Company, an affiliate, extending from near Burlington, Ohio, to Ohio Fuel's South Point Compressor Station, a distance of approximately two miles; and

(3) A measuring station and office on the south bank of the Ohio River near Ceredo, West Virginia.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of increasing the capacity of its transmission facilities to permit the delivery of an additional 51,000 Mcf of natural gas per day to The Ohio Fuel Gas Company; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 20, 1947 (12 F. R. 1164);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on May 14, 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a noncontested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: April 30, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4294; Filed, May 6, 1947; 9:06 a. m.]

[Docket No. G-858]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 4, 1947, in Docket No. G-858 by The Ohio Fuel Gas Company (Applicant), an Ohio corporation with its principal place of business at Columbus, Ohio, pursuant to section 7 of the Natural Gas Act, as amended, for:

(1) A certificate of public convenience and necessity authorizing the construction and operation of about 90 miles of 20-inch O. D. gas transmission pipe line located in Lawrence, Gallia, Jackson, Vinton, Hocking and Fairfield Counties, Ohio, extending from near the Village of Burlington, Ohio, about two miles to South Point Compressor Station and from there about 88 miles to Crawford Compressor Station, substantially paralleling and replacing an existing 18-inch pipe line, designated by the company as Line R-300, between South Point and Lick compressor stations and replacing several smaller lines between Lick and Crawford compressor stations; additions to South Point Compressor Station in Fayette Township, Lawrence County, Ohio, consisting of two 600-horsepower gas engine compressor units and modifications and additions to auxiliary equipment, for the transportation and sale of natural gas; and

(2) Permission and approval permitting the abandonment upon completion of the above-described facilities of the existing line, designated by the company as Line R-300, of approximately 41 miles between South Point and Lick Compressor stations, about 150 miles of various size lines ranging from four inches to 18 inches between Lick and Crawford compressor stations, and Lick Compressor Station.

It appearing to the Commission that:

(a) Applicant claims the aforesaid authorizations are necessary to render adequate and continued service to its present markets and customers and that such proposed authorizations are not sought for the protection or benefit of any particular markets or groups of customers nor for the purpose of serving additional markets; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 20, 1947 (12 F. R. 1183);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on May 14, 1947, at 9:45 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed herewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: April 30, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4295; Filed, May 6, 1947; 9:06 a. m.]

[Project No. 1927]

THE CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

APRIL 30, 1947.

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r), that The California Oregon Power Company of Medford, Oregon, has filed application for amendment of its license for Project No. 1927, known as the Toketee Falls project on North Umpqua River, in Douglas County, Oregon, to describe certain proposed changes in the project so that it will be described as consisting principally of a diversion dam about 75 feet high with over-all length of about 825 feet, including a main earthfill section, a short concrete gravity dam, and a concrete overflow spillway section; conduits with aggregate length of approximately 7,940 feet, 3 penstocks each 200 feet long, and a steel surge tank; a powerhouse with installed capacity of 55,800 horsepower in three units, two of which are to be installed initially; an outdoor substation; and transmission facilities. The crest of the dam will be at elevation 2,439 and the normal water elevation will be 2,429 feet. Initially the dam will be constructed to elevation 2,420 and the normal water elevation will be 2,410 feet.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted before June 16, 1947 to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4293; Filed, May 6, 1947; 9:06 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 4861]

BRISTOL-MYERS CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of April A. D. 1947.

In the matter of Bristol-Myers Company, a corporation, Pedlar & Ryan, Inc., a corporation, and Young & Rubicam, Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, May 26, 1947, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-4316; Filed, May 6, 1947; 8:46 a. m.]

[Docket No. 5362]

ILLINOIS BAKING CORP. AND SIBERT CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of April A. D. 1947.

In the matter of Illinois Baking Corporation, a corporation, and John Carobus, individually and trading as Sibert Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, May 29, 1947, at nine o'clock in the forenoon of that day (central standard time), in Room 1121, New Post Office Building, Chicago, Illinois.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-4317; Filed, May 6, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-70, 54-138 and 54-48]

EASTERN MINNESOTA POWER CORP. ET AL.

ORDER RECONVENING HEARINGS AND NOTICE OF AND ORDER FOR HEARING ON PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of April A. D. 1947.

In the matter of Eastern Minnesota Power Corp., Wisconsin Hydro Electric Co., and Manufacturers Trust Co., respondents, File No. 59-70; Eastern Minnesota Power Corp., and Wisconsin Hydro Electric Co., applicants, File Nos. 54-138 and 54-48.

Notice is hereby given that Eastern Minnesota Power Corporation ("Eastern Minnesota"), a registered holding company, and its subsidiary company, Wisconsin Hydro Electric Company ("Wisconsin Hydro") have filed an application and amendments thereto, concerning a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act").

All interested persons are referred to said application, as amended, which is on file in the offices of this Commission for a statement of the transactions proposed by such plan, which are summarized as follows:

1. The physical assets of Eastern Minnesota will be sold to certain electric cooperative associations in the State of Minnesota for a basic price of $1,530,000, subject to certain adjustments.

2. From the proceeds of such sale the holders of The First Mortgage 5½% Gold Bonds of Eastern Minnesota will be paid in cash. Such payment shall include principal and interest, but shall not include redemption premium.

3. Wisconsin Hydro proposes to provide for a new capitalization by the issuance of $1,750,000 3⅛% First Mortgage Bonds, due 25 years from date, $250,000 3% Serial Notes, due $25,000 semi-annually, and 132,800 shares of $12 par value common stock. This Commission, by order dated March 25, 1947 (Holding Company Act Release No. 7305) approved the issuance and sale of the debt securities, the proceeds of which were used to retire Wisconsin Hydro's then outstanding $2,077,000 principal amount of 5% First Mortgage Bonds, due 1947. The 132,800 shares of common stock will be distributed to the stockholders of Wisconsin Hydro as follows: (a) 119,520 shares or 90% of said stock to the holders of the presently outstanding preferred stock in exchange for said preferred stock at the rate of ten to one and (b) 13,280 shares or 10% of said stock to Eastern Minnesota in exchange for 10,552 shares of common stock consisting

of all of the outstanding shares of such stock.

4. Eastern Minnesota, after the exchange referred to in paragraph 3 above, and the sale of its assets, the discharge of its bonded indebtedness and the payment of other creditors, will distribute its remaining assets, consisting of cash and the 13,280 shares of common stock of Wisconsin Hydro, to its preferred stockholders on a pro rata basis. No fractional shares will be distributed.

5. It is proposed that F. J. Derge of Loretta, Wisconsin, be paid $15,000 by Eastern Minnesota for services stated to have been rendered in connection with the sale of the physical assets of that company.

This Commission, on May 20, 1943, having instituted proceedings under sections 11 (b) (2), 12 (c), 12 (f), 15 (f) and 20 (a) of the act with respect to Eastern Minnesota, Wisconsin Hydro, and Manufacturers Trust Company, respondents, and having consolidated the same with a previous application filed pursuant to section 11 (e) of the act, of Eastern Minnesota and Wisconsin Hydro; after appropriate notice, hearings having been held on these proceedings, which hearings were continued subject to the call of the trial examiner; it appearing that the hearing should be reconvened for the purpose of bringing up to date the evidence previously introduced, for the purpose of permitting the participants to be heard with respect to the issues presented by the instant filings and for the purpose of permitting the respondents to be heard with respect to whether an order should be issued pursuant to section 11 (b) (2) of the act; and it further appearing to this Commission that the evidence heretofore taken should be considered in connection with the application, as amended, pursuant to section 11 (e) of the act and that said amended application and evidence to be taken with respect thereto should properly be considered in connection with the proceedings under section 11 (b) (2); *It is ordered*, That:

1. The public hearing in these proceedings be reconvened at 10:00 a. m., e. d. s. t., on the 20th day of May, 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318.

2. All persons desiring to be heard or otherwise to participate in the proceedings, who are not now parties to the proceeding, shall notify the Commission in the manner provided by Rule XVII of its rules of practice, on or before May 17, 1947. Notice of said hearing shall be given by mailing a copy of this order by registered mail to Eastern Minnesota, Wisconsin Hydro, Manufacturers Trust Company and the Public Service Commission of Wisconsin, and all persons who have participated in these proceedings and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of this Commission, copies of which are to be furnished to the press and mailed to all persons on the Commission's mailing list to receive copies of releases under The Public Utility Holding Company Act of 1935.

3. Eastern Minnesota and Wisconsin Hydro shall give notice of this hearing to each of the holders of its capital stock (insofar as the identity of such holders is known or available to such companies) by mailing a copy of this notice and order to such holders at least 10 days prior to the date of said hearing. The communication to said holders shall also state that if the stockholder has not received a copy of the plan, as amended, filed pursuant to section 11 (e) of the act, one will be mailed to him by the respective company upon request.

4. Without limiting the scope of the issues presented in these proceedings and particularized in previous notices and orders for hearing of this Commission (Holding Company Act Release Nos. 4311 and 6643), particular attention shall be directed at the hearing to the following matters and questions:

a. Whether the plan as now proposed is necessary to effectuate the provisions of section 11 (b) of the act;

b. Whether the proposed allocation in accordance with said plan, as amended, as between the preferred and the common stockholders of Wisconsin Hydro is fair and equitable;

c. What treatment should be given to the preferred stock of Eastern Minnesota held by Manufacturers Trust Company and whether such treatment should be different from that accorded to the publicly-held preferred stock of that company;

d. Whether the proposed fees and commissions were for necessary services and, if so, whether such fees and commissions are reasonable in amount;

e. Generally, whether the transactions proposed in the plan, as amended, are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable statutory standards under the act and the requirements of the rules and regulations promulgated thereunder and are fair and equitable to the persons affected.

5. William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to execute all of the powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

6. Jurisdiction be, and it hereby is, reserved to separate, either for hearing in whole or in part, or for determination in whole or in part, any issues or question in these proceedings or to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

Hearings having been held on the matter regarding the sale of the physical assets of Eastern Minnesota and the use of the proceeds from such sale to the extent necessary to retire its First Mortgage Bonds without premium, and the applicants having requested that this matter be separated for determination and that this Commission, by separate order, take action with respect thereto; *It is further ordered*, That the matter regarding the sale of the physical assets of Eastern Minnesota and the use of the proceeds from such sale to the extent necessary to retire its First Mortgage Bonds without premium may be separated for determination so that independent of the other matters involved in these proceedings, and without regard to the hearing hereinabove ordered, this Commission, by separate order, may take action with respect to such matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4287; Filed, May 6, 1947; 9:07 a. m.]

[File No. 70-1362]

SOUTH CAROLINA ELECTRIC & GAS CO. ET AL.

SUPPLEMENTAL ORDER PERMITTING POST-EFFECTIVE AMENDMENT TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of April 1947.

In the matter of South Carolina Electric & Gas Co., General Gas & Electric Corp. and General Public Utilities Corp., File No. 70-1362.

General Public Utilities Corporation ("GPU"), a registered holding company, its wholly-owned subsidiary, General Gas & Electric Corporation ("Gengas"), also a registered holding company, and the latter's subsidiary, South Carolina Electric & Gas Company ("South Carolina") having filed applications-declarations, as amended, pursuant to the provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding, among other things, the declaration by GPU of a dividend on its common stock, payable out of its capital surplus, at the rate of 1/10 of a share of the common stock of South Carolina for each one share of the common stock of GPU; and

The Commission having, by order dated September 26, 1946, granted said applications, as amended, and permitted said declarations, as amended, to become effective; and

It appearing that a post-effective amendment has now been filed wherein the provisions with respect to the terms of the dividend to be received by persons for whom stock of South Carolina was held in escrow on February 1, 1947 have been amended; and

The Commission having considered such post-effective amendment to the applications-declarations and deeming it appropriate in the public interest and in the interests of investors and consumers to approve and permit said amendment to become effective:

It is hereby ordered, That said post-effective amendment be, and the same hereby is, approved and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4292; Filed, May 6, 1947; 9:06 a. m.]

[File No. 70-1503]

FEDERAL WATER AND GAS CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of April A. D. 1947.

Federal Water and Gas Corporation ("Federal"), a registered holding company, having filed a declaration and an amendment thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, with respect to the transaction summarized below:

Federal proposes to extend for a period of six months all or a portion of two notes in the unpaid principal amounts of $671,641.80 and $328,358.20, held by Guaranty Trust Company of New York and The Chase National Bank of the City of New York, respectively, and maturing June 1, 1947. Said notes are secured by 794.054½ shares of the no par value common stock of Scranton-Spring Brook Water Service Company ("Scranton"), a subsidiary of Federal, and were originally issued in the aggregate principal amount of $3,830,615.62 to enable Federal to acquire the common stock of Scranton in connection with the latter's reorganization (Holding Company Act Release No. 6458).

Said declaration having been filed on April 14, 1947, and an amendment thereto having been filed on April 18, 1947, and notice of said filing, as amended, having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Federal having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration, as amended, be permitted to become effective;

It is herein ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4289; Filed, May 6, 1947; 9:07 a. m.]

[File No. 70-1511]

STANDARD GAS AND ELECTRIC CO.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of May 1947.

The Commission having on April 29, 1947, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935, ordered that a hearing be held on May 5, 1947, in the above-entitled matter with respect to the extension of the maturity date of the bank loan notes of Standard Gas and Electric Company as now mature on May 10, 1947, from that date to July 10, 1947; and

Standard Gas and Electric Company, the declarant herein, having requested that the hearing in these proceedings be postponed until May 6, 1947, and the Commission deeming it appropriate that said request for postponement be granted:

It is ordered, That the hearing in this matter previously scheduled for May 5, 1947, be and hereby is postponed to May 6, 1947, at 2:00 p. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order postponing hearing by registered mail on the Standard Gas and Electric Company, and that notice of this order postponing hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4286; Filed, May 6, 1947; 9:07 a. m.]

[File No. 70-1512]

LONG ISLAND LIGHTING CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of April 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Long Island Lighting Company ("Long Island"), a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than May 19, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 19, 1947 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Long Island proposes to issue and sell for cash at principal amount to four commercial banks an aggregate of $5,000,000 principal amount of eleven month notes which will bear interest at the rate of 1¾% per annum. The net cash proceeds of the sale of the notes are to be used for construction requirements of the company and to repay such other notes as may be outstanding at the date of the Commission order.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order so as to permit consummation of the proposed transaction at the earliest date practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4291; Filed, May 6, 1947; 9:07 a. m.]

[File No. 70-1513]

NASSAU & SUFFOLK LIGHTING CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of April 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Nassau & Suffolk Lighting Company, an indirect subsidiary of Long Island Lighting Company, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than May 19, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3,

Pennsylvania. At any time after May 19, 1947 said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Declarant proposes to issue and sell for cash at principal amount to a commercial bank an aggregate of $500,000 principal amount of eleven-month notes which will bear interest at the rate of 2% per annum. The net cash proceeds of the sale of the notes are to be used for construction requirements of the declarant and to repay such other notes as may be outstanding at the date of the Commission order.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order so as to permit consummation of the proposed transaction at the earliest date practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4290; Filed, May 6, 1947; 9:07 a. m.]

[File No. 16-1A19]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

ORDER APPROVING CONTINUANCE IN MEMBERSHIP

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of April A. D. 1947.

In the matter of the application of National Association of Securities Dealers, Inc., on behalf of a member firm for approval of the firm's continuance in membership in the association with Edward E. Trost as a controlled person. File No. 16-1A19.

The National Association of Securities Dealers, Inc., a national securities association registered under section 15A of the Securities Exchange Act of 1934, having made application for an order approving the continuance in membership of a member firm with Edward E. Trost acting as an employee;

The record of the proceeding before the National Association of Securities Dealers, Inc. having been submitted to the Commission and the Commission having been duly advised, and having this day issued its findings and opinion.

It is ordered, That said application be and it hereby is approved and granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4288; Filed, May 6, 1947; 9:07 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8772]

JULIA H. WOHLFARTH

In re: Estate of Julia H Wohlfarth, deceased. File No. D-28-10457; E. T. sec. 14872.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Paul Lottermoser, Otto Konig, Fritz Konig, Klara Krause, also known as Clara Krause, and Adolf Denner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Klara Krause, also known as Clara Krause, and the issue, names unknown, of Adolf Denner, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Julia H. Wohlfarth, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Commissioner of Finance of the County of Westchester, as Depositary, acting under the judicial supervision of the Surrogate's Court of Westchester County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Klara Krause, also known as Clara Krause, and issue, names unknown, of Adolf Denner, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4268; Filed, May 6, 1947; 8:45 a. m.]

[Vesting Order 8783]

KATHERINE STIER

In re: Estate of Katherine Stier, deceased. File No. D-28-9468; E. T. sec. 12742.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Stier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $1,980.00 was paid to the Alien Property Custodian by Emil Lucaire, Executor of the Estate of Katherine Stier, deceased;

3. That the said sum of $1,980.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 2, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4269; Filed, May 6, 1947; 8:45 a. m.]

[Vesting Order 8795]

FLORENCE K. T. TSAI ET AL.

In re: Bank accounts owned by Mrs. Florence K. T. Tsai, Jiro Kozai, and Mr. Takato Okuyama. F-39-5392-E-1, F-39-3659-E-2, F-39-2278-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Florence K. T. Tsai, Jiro Kozai, and Mr. Takato Okuyama, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Mrs. Florence K. T. Tsai, by The National City Bank of New York, 55 Wall Street, New York, N. Y., arising out of a Checking Account, entitled Mrs. Florence K. T. Tsai, maintained at the branch office of the aforesaid bank located at 1767 Broadway, New York 19, N. Y., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Jiro Kozai, by The National City Bank of New York, 55 Wall Street, New York, N. Y., arising out of a Checking Account, entitled Jiro Kozai, maintained at the branch office of the aforesaid bank located at 1767 Broadway, New York 19, N. Y., and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Jiro Kozai, by The National City Bank of New York, 55 Wall Street, New York, N. Y., arising out of a C. I. D. Account, Account Number B44270, entitled Jiro Kozai, maintained at the branch office of the aforesaid bank located at 1767 Broadway, New York 19, N. Y., and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Mr. Takato Okuyama, by The National City Bank of New York, 55 Wall Street, New York, N. Y., arising out of a Clean Credit Deposit Account, entitled Takato Okuyama, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4270; Filed, May 5, 1947; 8:45 a. m.]

[Vesting Order 8814]

MARLI GOTHE DEGENER

In re: Debt owing to Marli Gothe Degener, also known as Marie Louise Degener. F-28-13488-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marli Gothe Degener, also known as Marie Louise Degener, whose last known address is 29 Goetheweg, Bernberg a/s Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Marli Gothe Degener, also known as Marie Louise Degener by Oberwager & Oberwager, Counsellors at Law, #11 W. 42nd Street, New York, New York, in the amount of $560.00 as of February 25, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4271; Filed, May 5, 1947; 8:45 a. m.]

[Vesting Order 8815]

CURT GERDES

In re: Debt owing to Curt Gerdes, F-28-6032-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Curt Gerdes, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Curt Gerdes, by The Safety Car Heating and Light Company, Inc., 230 Park Avenue, New York, N. Y., in the amount of $1,014.91, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4272; Filed, May 5, 1947; 8:45 a. m.]

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MAY 13 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 91

Washington, Thursday, May 8, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9847

LIQUIDATION OF THE SOLID FUELS ADMINISTRATION FOR WAR

By virtue of the authority vested in me by the Constitution and the statutes of the United States, including the last paragraph of Title I of the First Supplemental Surplus Appropriation Rescission Act, 1946, approved February 18, 1946 (60 Stat. 6, 13), and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

1. Effective on the date of this order the authority of the Solid Fuels Administrator to exercise any power or function vested in him by the provisions of Executive Order No. 9332 of April 19, 1943, establishing the Solid Fuels Administration for War, is terminated.

2. Effective at the close of business on June 30, 1947, the Solid Fuels Administration for War is abolished, and Executive Order No. 9332 of April 19, 1943, is revoked.

3. The Secretary of the Interior, acting through the Solid Fuels Administration for War until its abolishment and thereafter through such agency or agencies of the Department of the Interior as he may designate, is authorized to wind up and liquidate the affairs of the Solid Fuels Administration for War as expeditiously as practicable and to utilize for such purposes, to the extent necessary, the personnel, property, records, and funds of the Solid Fuels Administration for War and such other funds as may be appropriated therefor.

4. All prior Executive orders in conflict with this order are amended accordingly.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 6, 1947.

[F. R. Doc. 47-4401; Filed, May 6, 1947; 4:57 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

DELEGATION OF AUTHORITY TO SELL CERTAIN LANDS IN JEFFERSON COUNTY, OREG.

The delegation of authority to the Administrator of the Farm Security Administration to sell certain lands in Jefferson County, Oregon, issued by the Secretary of Agriculture on the 13th day of May 1946 (11 F. R. 5211), is hereby superseded by the following:

Delegation of authority to the Administrator of the Farmers Home Administration to sell certain lands in Jefferson County, Oregon. Pursuant to sections 43 and 44, Title IV, of the Bankhead-Jones Farm Tenant Act as approved July 22, 1937 (50 Stat. 530; 7 U. S. C. 1017, 1018), which sections, insofar as they affect Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525–526; 7 U. S. C. 1010–1013), are not amended by the Farmers Home Administration Act of 1946 (Public Law 731, 79th Congress; 60 Stat. 1062), it is hereby determined and ordered as follows:

(a) Sale of the hereinafter described lands, which are located within the Central Oregon Land Utilization Project and held by the United States under the supervision of the Secretary pursuant to Executive Order No. 7530, dated December 31, 1936, as amended by Executive Order No. 7557, dated February 19, 1937, and pursuant to Executive Order No. 7908, dated June 9, 1938, affects the program administered by the Soil Conservation Service in accordance with Title III of the Bankhead-Jones Farm Tenant Act. Any of said lands may, where found suitable for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, be sold, and loans for the necessary improvement thereof may be made, to such individuals and upon such terms as shall be in accordance with Title I of the Bankhead-Jones Farm Tenant Act, as amended.

(b) The Administrator of the Farmers Home Administration is hereby

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FEDERAL REGISTER

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vested with full authority and responsibility for consummating and administering such sales and loans consistent with the Bankhead-Jones Farm Tenant Act, as amended, including the authority to execute, on behalf of the United States, conveyances, contracts, and other instruments. Prior to execution of each conveyance hereunder, the lands to be conveyed shall be determined by the Administrator to be suitable for sale to the purchaser in furtherance of the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended. Each sale shall be subject to reservation on behalf of the United States of all fissionable materials and not less than an undivided three-fourths of the interest of the United States in all coal, oil, gas, and other minerals in or under the real property involved. The Administrator of the Farmers Home Administration is authorized to formulate and issue such procedural instructions, consistent with this delegation, as he finds necessary to implement the provisions hereof relating to his powers and responsibilities hereunder.

(c) Upon conveyance of any part of the hereinafter described lands, the responsibilities of the Chief of the Soil Conservation Service respecting administration of the lands conveyed shall terminate. The Administrator of the Farmers Home Administration and the Chief of the Soil Conservation Service shall cooperate in the performance of their respective functions regarding all of the hereinafter described lands to insure the uninterrupted administration thereof.

(d) The Administrator of the Farmers Home Administration and the Chief of the Soil Conservation Service are hereby authorized to delegate any of their respective powers hereunder.

(e) This order shall take effect immediately with respect to the lands in Jefferson County, Oregon, described as follows:

T. 11 S., R. 14 E. W. M.:

Sec. 30:	Acres
NW NE—Only that part below canal	5.0
SW NE	40.0
NE NW—Only that part below canal	11.9
SE NW	40.0

T. 11 S., R. 14 E. W. M.—Continued

Sec. 30—Continued	Acres
Lot 2	32.93
NE SW	40.0
SE SW	40.0
SW SE	40.0

T. 13 S., R. 12 E.:

Sec. 2:	
NW SW	40.0
SW SW	40.0
Sec. 3:	
Lot 1	37.28
Lot 2	37.28
SE NE	40.0
SW NE	40.0
Lot 3	37.78
Lot 4	39.63
SE NW	40.0
Lot 5	41.39
NE SW	40.0
NE SE	40.0
NW SE	40.0
Lot 9	41.38
Lot 10	41.93
Sec. 11:	
NE NW	40.0
NW NW	40.0
SW NW	40.0
SE NW	40.0
NE NE	40.0
NW NE	40.0
SW NE	40.0
SE NE	40.0
NW SE	40.0
SW SE	40.0
SE SE	40.0
NE SW	40.0
Sec. 12:	
Lot 4—Only that part below canal	14.2
Lot 5—Only that part below canal	15.8
Lot 11—Only that part below canal	23.7
Lot 12	40.45
Lot 13	40.45
Lot 14	40.47
Lot 10—Only that part west of wasteway	8.0
Lot 15	8.2
Sec. 14:	
Lot 1	33.99
Lot 2	40.42
Lot 3—Only that part east of Crooked River — Appr.	37.0
Lot 4	35.45

T. 13 S., R. 13 E.:

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Lot 4—Only that part between railroad and canal	2.0
SE SW—Only that part between railroad and canal	22.6
SW SE—Only that part south of canal	24.7
Sec. 17:	
NW SW—Only that part NE of railroad	4.0
Sec. 18:	
NW NE—Only that part NE of railroad	20.0
Sec. 20:	
NE SW	40.0
NW SW—Only that part east of railroad	14.0
SW SW—Only that part east of railroad	20.0
SE SW	40.0
NE SE	40.0
NW SE	40.0
SW SE	40.0
SE SE	40.0
Sec. 22:	
NW SW—Only that part below canal	5.0
Sec. 27:	
NE SW—Only that part below canal	25.8
NW SW	40.0
Sec. 28:	
SE NE	40.0
SW NE	40.0
NW NW	40.0

T. 13 S., R. 13 E.—Continued

Sec. 28—Continued	Acres
SW NW	40.0
SE NW	40.0
NE SE	40.0
NW SE	40.0
SW SE	40.0
SE SE—Less the east 440'	26.66
NE SW	40.0
NW SW	40.0
SW SW	40.0
SE SW	40.0
Sec. 29:	
NE NE	40.0
NW NE	40.0
SW NE	40.0
SE NE	40.0

T. 12 S., R. 13 E:

Sec. 2:	
NE SE	40.0
SE SE—Only that part below ditch	8.0
NW SE	40.0
SE NE	40.0
SW NE	40.0
SE NW	40.0
NE SW	40.0
SE SW	40.0
Sec. 11:	
SW NE—Only that part below canal	12.5
NE NW—Only that part below canal	10.6
Sec. 14:	
SE NE—Only that part below canal	3.3
NE SE—Only that part below canal	10.0
NW SE—Only that part below canal	6.0

(Secs. 43, 44, 50 Stat. 530, 7 U. S. C. 1017, 1018; Pub. Law 731, 79th Cong., 60 Stat. 1062)

Issued this 2d day of May 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-4349; Filed, May 7, 1947; 8:50 a. m.]

PART 7—PRICE DECONTROL AND RECONTROL

CERTIFICATION OF AGRICULTURAL COMMODITIES NO LONGER IN SHORT SUPPLY

Pursuant to the authority vested in me by the Emergency Price Control Act of 1942, as amended, and particularly by section 1A (e) (1) of said act as added by the Price Control Extension Act of 1946, I hereby certify to the Temporary Controls Administrator that modifications in the certification of commodities in short supply (§ 7.50 *Certification of agricultural commodities in short supply*), made on September 1, 1946, as amended (11 F. R. 9669, 11349, 13135, 14063; 12 F. R. 60, 825, 1475, 2215), should be, and the same hereby are, made as follows: The following commodities are determined to be no longer in short supply:

Milk and butterfat

(Pub. Law 548, 79th Congress, 2d sess.)

Done this 1st day of May 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-4350; Filed, May 7, 1947; 8:50 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter II—Aircraft

PART 202—ASSISTANCE TO CIVIL AIRCRAFT AT CONTINENTAL UNITED STATES BASES

PART 203—ASSISTANCE OF FOREIGN REGISTRY AT CONTINENTAL UNITED STATES BASES

The headnote of Part 202, Chapter II, Title 10, Code of Federal Regulations is amended to read as set forth above.

[AR 90-50, May 3, 1946, as amended by WD Cir 99, Apr. 17, 1947] (44 Stat. 571; 49 U. S. C. 175, 22 U. S. C. 259)

The headnote of Part 203, Chapter II, Title 10, Code of Federal Regulations is amended to read as set forth above.

[AR 90-55, July 13, 1942, as amended by WD Cir 99, Apr. 17, 1947] (44 Stat. 571, 53 Stat. 795; 49 U. S. C. 175, 22 U. S. C. 259)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4347; Filed, May 7, 1947; 8:50 a. m.]

Chapter VII—Personnel

PART 709—PRESCRIBED SERVICE UNIFORM MISCELLANEOUS AMENDMENTS

Part 709 is amended as follows:

1. Paragraph (b) (4) of § 709.12 is revoked as follows:

§ 709.12 *Headgear.* • • •
(b) *Cap service.* • • •
(4) *Enlisted men.* [Rescinded]

2. Paragraph (w) of § 709.63 is amended as follows:

§ 709.63 *Colors of arms, services, bureau, etc.* • • •
(w) *Staff and Administrative Reserve.* Green.

[AR 600-35, 31 Mar. 1944 as amended by WD Cir. 99 and 100, 1947] (R. S. 1296; 10 U. S. C. 1391)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4346; Filed, May 7, 1947; 8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 235—PAYMENTS UPON DEATH OCCURRING BEFORE JANUARY 1, 1947

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

In Federal Register Document 47-632, appearing at 12 F. R. 466 of the issue for Thursday, January 23, 1947, the following change is made: In the third column on 12 F. R. 469, in the nineteenth line of § 235.9, "§ 210.2 (a) (1) and (2)" should be "§ 210.2 (b) (1) and (2)".

In Federal Register Document 47–2832 appearing at 12 F. R. 2017 of the issue for Thursday, March 27, 1947, the following change is made: In the last line of the paragraph on "Widow's Insurance Annuity" in § 237.401, the reference in parentheses should be "Section 5 (a)" instead of "Section 8 (a)".

Dated: April 30, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47–4341; Filed, May 7, 1947; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[HED–283–RFC–45]

PART 802—DELEGATIONS OF FINAL AUTHORITY

DIRECTIVE TO RECONSTRUCTION FINANCE CORPORATION ON PREMIUM PAYMENT REGULATIONS

§ 802.18 *Directive to the Reconstruction Finance Corporation on premium payment regulations.* This section amends all existing directives of the Housing Expediter to the Reconstruction Finance Corporation relating to premium payment regulations, to take into account the fact that all functions under such regulations formerly performed by the Civilian Production Administration are now performed by the Office of the Housing Expediter.

(a) Accordingly, pursuant to the authority vested in me by the Veterans' Emergency Housing Act of 1946, the Reconstruction Finance Corporation is hereby authorized and directed to:

(1) Substitute "OHE" for "CPA" in all places in the existing directives for premium payment regulations;

(2) Send all copies of applications for quota, claim for payment and information returns to the OHE, sending to the "Office of the Housing Expediter, Washington 25, D. C., Attention Premium Payments Division," all copies which formerly went to Washington offices of the OHE and the CPA, and to the "Office of the Housing Expediter, Western Log and Lumber Administrator, 406 Central Building, 530 Southwest 10th Avenue, Portland 5, Oregon," veneer mill claims for payment formerly sent to the CPA at that address;

(3) Strike from the existing directives wherever it appears, the phrase "Together with appropriate references as related delegations to the CPA";

(4) Strike from the existing directives wherever it appears, the statement that "The RFC shall act upon advice from the CPA with respect to such authority delegated to the CPA by the Housing Expediter as affects the functions of the RFC in the program". (60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 2d day of May 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47–4326; Filed, May 7, 1947; 8:48 a. m.]

[Housing Expediter Premium Payments Reg. 9, Amdt. 3]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

MERCHANT PIG IRON

Section 805.9 (Housing Expediter Premium Payments Regulation No. 9) is amended in the following respect:

Paragraph (a) (1) is amended to read as follows:

(1) "Foundry and malleable grades of pig iron" means pig iron which is shipped to foundries which manufacture grey or malleable iron castings.

This amendment shall become effective June 1, 1947.

Issued this 7th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4403; Filed, May 7, 1947; 10:24 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

On March 20 there was published in the daily issue of the FEDERAL REGISTER a notice of intention to amend §§ 130.16, 130.17 and 130.18 (12 F. R. 1859) effective for the irrigation season of 1947 and thereafter until further notice. Interested persons were to be given opportunity to participate in preparing the amendments by submitting data or arguments within thirty days from the date of publication of the notice. No comments, oral or written, having been received within the prescribed period the said sections are hereby amended and promulgated as follows:

§ 130.16 *Charge, Jocko Division.* An annual minimum charge of $1.92 per acre shall be made against all lands within the Jocko Division to which water can be delivered, regardless of whether the water is used.

The minimum charge when paid shall be credited on the delivery of water at the following per acre-foot rates:

(a) For lands receiving water from the lower Jocko and Revais Creek laterals, water will be delivered in amounts equal to one acre-foot per acre for the entire irrigable area of the farm unit, allotment, or tract, at the rate of one dollar ($1) per acre-foot, and additional water will be delivered at the rate of fifty cents (50¢) per acre-foot.

(b) For irrigable lands as defined in paragraph (a) of this section receiving water from Finley, East Finley, Agency, and Big Knife Creeks, water will be delivered at the rate of seventy-five cents (75¢) per acre-foot at any time during the irrigation season.

(c) For irrigable lands as defined in paragraph (a) of this section receiving water from Jocko River through the Jocko K Lateral system, at the rate of fifty cents (50¢) per acre-foot at any time during the irrigation season.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* A minimum charge of $2.10 per acre shall be levied against all irrigable land within these divisions as defined in § 130.16 (a) to which water can be delivered, regardless of whether water is used.

This charge shall entitle the farm unit, allotment, or tract of land to receive one and one-half acre-feet of water per irrigable acre or, in case of shortage, the proportionate share of the available supply.

For water delivered in excess of one and one-half acre-feet per irrigable acre there shall be an additional charge of seventy-five cents (75¢) per acre-foot.

§ 130.18 *Lands with secretarial private water rights.* For all areas recognized by the Secretary of the Interior as entitled to so-called private water rights where the water is regulated by the Flathead irrigation project and delivered through any part of the Flathead irrigation project system, a charge equal to fifty percent of the annual operation and maintenance charge for project lands not having such private water rights in the same general area shall be made for water delivered up to two acre-feet per acre or such quantity of water allowed for each acre under the Secretary's private water right findings.

Upon filing a written application on the approved form by the owner of land with a secretarial private water right for a pro rata per acre share of the available water, natural flow and project stored supply, which application shall be a recognition that his land has relative water requirements as the soils of similar character of project lands, then there shall be delivered each irrigation season thereafter to his land the pro rata per acre share of the available water for which shall be paid the annual per acre charge fixed in §§ 130.16 and 130.17. The lands covered by any application filed pursuant to this section shall be treated from the date of the application as a part of the Flathead Indian irrigation project and subject to all the terms and conditions of applicable law and regulations.

(38 Stat. 583, 39 Stat. 142, 45 Stat. 210, 46 Stat. 291; 25 U. S. C. 385, 387)

J. W. HUTCHISON,
Acting Commissioner.

[F. R. Doc. 47–4339; Filed, May 7, 1947; 8:48 a. m.]

Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands

[Order No. 2316]

PART 186—LEASING OF TRIBAL LANDS FOR MINING

PART 189—LEASING OF CERTAIN RESTRICTED ALLOTTED INDIAN LANDS FOR MINING

ACREAGE LIMITATION

1. Section 186.9 is amended to read as follows:

§ 186.9 *Acreage limitation.* (a) No individual, corporation, partnership, company, or association shall hold under leases for mining purposes Indian tribal lands and restricted allotted Indian lands in any one State in excess of the following areas, exclusive of holdings in the Five Civilized Tribes and the Osage Nation:

(1) On deposits of the nature of lodes or veins, containing ores of gold, silver, copper, lead, zinc, or other useful metals, not more than 640 acres.

(2) For beds of placer gold, gypsum, asphaltum, phosphate, iron ores, or other useful minerals except coal, oil, and gas, not more than 960 acres.

(3) For coal, not more than 10,240 acres.

(4) For oil or gas, not more than 15,360 acres, except as follows:

(i) State of Oklahoma—no limitation.

(ii) Tribal lands within that part of the Navajo Reservation lying within the State of New Mexico—10,240 acres irrespective of other holdings in said State.

(iii) Leases operated under a cooperative or unit plan approved or prescribed by the Secretary of the Interior shall not be considered in determining holdings under this subparagraph.

(b) For the purposes of this section:

(1) Acreage leased by an officer or director of a corporation, company, or association, or by a stockholder holding 40 percent or more of the stock of the corporation, company, or association, shall be charged against the corporation, company, or association, and vice versa.

(2) Acreage leased by a member of a partnership shall be charged against the partnership, and vice versa.

(3) The acreage of corporations, companies, or associations having common stockholders owning a majority of the stock of each corporation, company, or association, or having one or more common officers or directors, shall be charged against each other. (52 Stat. 347; 25 U. S. C. 396a–396f)

2. Section 189.13 is amended to read as follows:

§189.13 *Acreage limitation.* The provisions of § 186.9, of this subchapter as amended, are applicable to leases under Part 189. (35 Stat. 783; 25 U. S. C. 396)

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

MAY 1, 1947.

[F. R. Doc. 47–4338; Filed, May 7, 1947; 8:48 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War, Department of the Interior

LIQUIDATION OF THE SOLID FUELS ADMINISTRATION FOR WAR

CROSS REFERENCE: For the liquidation of The Solid Fuels Administration for War, see Executive Order 9847, *supra*.

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Sugar Rationing Administration Delegation Order 2]

PART 705—ADMINISTRATION

DELEGATION OF AUTHORITY TO REGIONAL SUGAR EXECUTIVES AND BRANCH OFFICE DIRECTORS TO SIGN AND ISSUE SUGAR RATIONING SUBPOENAS AND INSPECTION ORDERS

Pursuant to the authority conferred upon the Administrator, Sugar Rationing Administration by the Secretary of Agriculture in General Order 1, issued March 31, 1947, and by the Sugar Control Extension Act of 1947, it is ordered:

§ 705.202 *Order delegating authority to sign and issue subpoenas and inspection orders in connection with rationing investigations.* (a) (1) In connection with any investigation related to the administration or enforcement of the allocation or rationing authority of the Secretary of Agriculture and the Administrator of the Sugar Rationing Administration under the Sugar Control Extension Act of 1947 with respect to sugar, or any regulation or order issued or continued in force and effect pursuant to that authority, the several Regional Sugar Executives and Branch Office Directors are each authorized within their respective regions or branches, to sign and issue: (i) subpoenas requiring any person to appear and testify, or to appear and produce books or records or any other documentary or physical evidence, or both; and (ii) inspection orders for the inspection of the books, records, and other writing, premises and property of any person.

(2) The authority conferred upon the several Regional Sugar Executives and Branch Office Directors by this paragraph (a) shall be exercised in conformity with the provisions of subparagraphs (3) and (4) of section 2 (a) of the act of June 28, 1940 (54 Stat. 676), as amended by the act of May 31, 1941 (Public Law No. 89, 77th Cong.) and by Title III of the Second War Powers Act, 1942 (Act of March 27, 1942, Public Law No. 507, 77th Cong.), as amended.

(b) *Meaning of terms.* The terms used herein shall have the same meaning as in the Sugar Control Extension Act of 1947.

(c) *What this order supersedes.* This order supersedes Revised General Order 24 issued by the Office of Price Administration on February 2, 1944 (9 F. R. 1471), and General Order 75 issued by the Office of Price Administration on November 25, 1946 (11 F. R. 13834), insofar as they relate to the authority to sign and issue subpoenas and inspection orders with respect to sugar. However, those orders shall remain in full force and effect with respect to any action taken thereunder prior to the effective date of this order.

This order shall become effective May 2, 1947.

(Pub. Law 30, 80th Cong., 1st session; General Order 1, issued by the Secretary of Agriculture March 31, 1947, 12 F. R. 2807)

Issued this 2d day of May 1947.

IRVIN L. RICE,
Acting Administrator,
Sugar Rationing Administration.

[F. R. Doc. 47–4413; Filed, May 7, 1947; 11:40 a. m.]

PART 705—ADMINISTRATION

[Sugar Rationing Administration Delegation Order 3]

DELEGATION OF AUTHORITY TO REGIONAL SUGAR EXECUTIVES AND BRANCH OFFICE DIRECTORS TO SIGN AND ISSUE PRICE SUBPOENAS AND INSPECTION REQUIREMENTS

Pursuant to the authority conferred upon the Administrator, Sugar Rationing Administration by the Secretary of Agriculture in General Order 1, issued March 31, 1947, and by the Sugar Control Extension Act of 1947, it is ordered:

§ 705.203 *Order delegating authority to sign and issue subpoenas and inspection requirements in connection with price investigations.* (a) In connection with any investigation related to the administration or enforcement of the authority of the Secretary of Agriculture and the Administrator of the Sugar Rationing Administration under the Sugar Control Extension Act of 1947 with respect to price control of sugar, or any regulation or order issued or continued in force and effect pursuant to that authority, the several Regional Sugar Executives and Branch Office Directors are each authorized within their respective regions or branches to sign and issue: (1) subpoenas requiring any person to appear and testify, or to appear and produce documents, or both, at any designated place; (2) inspection requirements requiring any person who is engaged in the business of dealing in sugar, or who uses sugar, to permit the inspection and copying of records and any other documents, and to permit the inspection of inventories, property and premises.

(b) *Meaning of terms.* The terms used herein shall have the same meaning as in the Sugar Control Extension Act of 1947.

(c) *What this order supersedes.* This order supersedes Revised General Order 53 issued by the Office of Price Administration on May 13, 1944 (9 F. R. 5191) and General Order 75 issued by the Office of Price Administration on November 25, 1946 (11 F. R. 13834), insofar as they relate to the authority to sign and issue subpoenas and inspection requirements

with respect to the price control of sugar. However, those orders shall remain in full force and effect with respect to any action taken thereunder prior to the effective date of this order.

This order shall become effective May 2, 1947.

(Pub. Law 30, 80th Cong., 1st session; General Order 1, issued by the Secretary of Agriculture March 31, 1947, 12 F. R. 2807)

Issued this 2d day of May 1947.

IRVIN L. RICE,
Acting Administrator,
Sugar Rationing Administration.

[F. R. Doc. 47-4412; Filed, May 7, 1947; 11:39 a. m.]

[3d Rev. RO 3,[1] Amdt. 23 to Supp. 1]

PART 707—RATIONING OF SUGAR

SUGAR

Section 4.1 of Supplement 1 to Third Revised Ration Order 3 [2] is amended by changing the percentage for the County of El Paso, Texas, from zero to twenty.

This amendment shall become effective as of April 1, 1947.

Issued this 1st day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-4411; Filed, May 7, 1947; 11:39 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 3—POSTAGE STAMPS AND OTHER STAMPED PAPER

REDEMPTION OF STAMPED PAPER

Amend § 3.7 (39 CFR, Part 3) to read as follows:

§ 3.7 *Postage stamps, postal cards, stamped envelopes.* (a) Postage stamps, or special delivery stamps, whether affixed to envelopes or not, shall not be redeemed from the public nor exchanged for other postage stamps, stamped envelopes, newspaper wrappers, air letter sheets, or postal cards, except as provided in paragraph (g) of this section. Stamps removed from embossed stamped envelopes, air letter sheets, newspaper wrappers, or postal cards shall not be redeemed nor accepted in payment of postage.

(b) Postage stamps, stamp books, postage-due stamps, special-delivery stamps, special handling stamps, international reply coupons, stamped envelopes, air letter sheets, newspaper wrappers, postal cards, and internal revenue stamps damaged in the post office may be returned for redemption and credit, but shall be accompanied with a statement setting forth fully the time when, and manner in which, they were damaged.

(c) Uncanceled, unserviceable, and spoiled stamped envelopes, air letter sheets, and newspaper wrappers in a substantially whole condition, without a printed return card or address thereon, and postal cards without printing thereon, may be redeemed from any responsible person in postage stamps or other stamped paper at the postage value only of the stamped envelopes and newspaper wrappers, 75 percent of the face value of the postal cards, and at 90 percent of the face value of the air letter sheets.

(d) Stamped envelopes, air letter sheets, and newspaper wrappers bearing a printed return card or address and postal cards with printed matter of the purchaser thereon may be reduced as provided in paragraph (c) of this section but only from the person who purchased them at a post office or whose printing appears thereon, unless special authorization therefor is obtained from the Department.

(e) Postal cards, stamped envelopes, and air letter sheets received for reply purposes, parts or pieces of cards, and postal cards treated by bronzing, enameling, or other process of coating shall not be redeemed.

(f) When the redemption value of stamped envelopes, newspaper wrappers, or postal cards includes a fraction of a cent, such fraction shall accrue to the department.

(g) When, through inadvertence, a postmaster sells damaged or unserviceable postage stamps, international reply coupons, stamped envelopes, air letter sheets, newspaper wrappers, or postal cards, or when a patron through error purchases postage stamps of the wrong denomination, or stamped envelopes of the wrong color, quality, size, or denomination, or newspaper wrappers of the wrong denomination, or postal cards of the wrong size, postmasters may exchange such stamped paper at full value, provided that it is presented for exchange by the original purchaser thereof within a reasonable time after the sale, not to exceed two business days. Errors made by purchasers in ordering special-request envelopes shall be adjusted by redemption at postage value only, in accordance with § 3.6. (R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] JOSEPH J. LAWLER,
Acting Postmaster General.

[F. R. Doc. 47-4340; Filed, May 7, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[4th Rev. S. O. 104, Amdt. 5]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of May A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 104 (11 F. R. 2189), as amended (11 F. R. 3952, 9039; 12 F. R. 1235, 1574), and good cause appearing therefor: It is ordered, that:

Section 95.304 *Substitution of refrigerator cars for box cars,* of Fourth Revised Service Order No. 104, as amended, be, and it is hereby, further amended by substituting the following paragraph (a) (iii) for paragraph (a) (iii) thereof, and by adding the following paragraph (f) thereto:

§ 95.304 *Substitution of refrigerator cars for box cars.* (a) Any common carrier by railroad subject to the Interstate Commerce Act, for transporting:

* * * * *

(iii) Or westbound shipments in carloads originating in the States of Michigan (lower peninsula only), Indiana, (excluding Chicago switching district), Kentucky, Tennessee, or Mississippi or east thereof, and destined to Kansas City, Missouri, or to points in the States of Iowa, Kansas, Oklahoma, and Texas, or west thereof, but not when destined to points in the States of Minnesota, North Dakota, South Dakota, Montana, Washington, Oregon or northern Idaho (north of the Union Pacific main and branch lines across southern Idaho including the line from Pocatello to the Montana-Idaho State line and the branches north of Blackfoot, Idaho).

* * * * *

(f) Westbound shipments in carloads originating in the States of Michigan (lower peninsula only), Kentucky, Tennessee, or Mississippi or east thereof, and destined to points in the States of California, Arizona, Nevada, Utah or southern Idaho (on the Union Pacific main and branch lines across southern Idaho, including the line from Pocatello to the Montana-Idaho State line and the branches north of Blackfoot, Idaho) may be billed to Chicago, Ill., or St. Louis, Mo., providing such cars are rebilled within 48 hours after actual or constructive placement. When those cars are not rebilled within the 48 consecutive hours, rates to apply will be those applicable to the refrigerator cars used without benefit of substitution for box cars.

It is further ordered, that this amendment shall become effective at 12:01 a. m., May 9, 1947; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4354; Filed, May 7, 1947; 8:51 a. m.]

[1] 11 F. R. 177.
[2] Codified as § 707.1.

[S. O. 647-D]

PART 95—CAR SERVICE

PRIORITY FOR WHEAT IN PACIFIC NORTHWEST

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of May A. D. 1947.

Upon further consideration of Revised Service Order No. 647 (12 F. R. 104, 1724, 2168, 2562), and good cause appearing therefor: *It is ordered,* That:

Revised Service Order No. 647 (codified as 49 CFR § 95.647), *Box cars to be used for loading export wheat,* be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 11:59 p. m., May 4, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of the States of Oregon, Washington, Idaho, and Montana, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4351; Filed, May 7, 1947; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 26]

GRAIN STANDARDS REGULATIONS

NOTICE OF HEARINGS ON PROPOSED AMENDMENT

Correction

In Federal Register Document 47-3814, beginning in the third column on page 2573 of the issue for Tuesday, April 22, 1947, the subject headnote should read as set forth above.

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8569]

I. G. FARBENINDUSTRIE, A. G.

In re: Bank account owned by I. G. Farbenindustrie, A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie, A. G., the last known address of which is Unter den Linden 78, Berlin NW7, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to I. G. Farbenindustrie, A. G., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of an attachment ledger account, entitled I. G. Farbenindustrie, A. G., Berlin, Germany, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4366; Filed, May 7, 1947; 8:48 a. m.]

[Vesting Order 8781]

EMILIE PFEIL

In re: Estate of Emilie Pfeil, deceased, and T/W of Emilie Pfeil, deceased. File D-28-3671; E. T. sec. 5960.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Korte, Luise K. Thomann, Willie Korte, and Reinhold Korte, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs-at-law and next of kin of Willie Korte, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of Wilhelm Korte in and to the property presently in the possession of William C. Bender, Emil G. Bender, and Carl F. Bender, trustees under the will of Emilie Pfeil, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Emilie Pfeil, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the above-named persons and the heirs-at-law and next of kin of Willie Korte are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4367; Filed, May 7, 1947; 8:48 a. m.]

[Vesting Order 8782]

CHRISTINE SCHABER

In re: Estate of Christine Schaber, deceased. File F-28-28167 A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christine Kohler and Marie Muller (Kramer), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all the property and estate of Christine Kohler and Marie Muller (Kramer) of any kind or character whatsoever in the possession, custody or control of Wallace Robertson, executor of the estate of Christine Schaber, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4368; Filed, May 7, 1947; 8:48 a. m.]

[Vesting Order 8786]

EMIL GEPPERT

In re: Debt, stock, bonds, and certificates owned by Emil Geppert. F-28-8078-A-1, F-28-8078-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Geppert, whose last known address is Stauffen, Baden, Breisgau, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain certificate of deposit representing one The Berkshire, New York City, 6%, 1st mortgage building and leasehold Bond, due 1-1-41, of $1,000 face value, bearing the Number 1544, said certificate of deposit being issued by the Bankers Trust Company, New York, Numbered CD 393, registered in the name of Emil Geppert, and presently in the custody of the Germantown Trust Company, Chelten and Germantown Avenues, Philadelphia 44, Pennsylvania, together with any and all rights thereunder and thereto,

b. That certain certificate of deposit representing four Buena Terrace, Chicago, Illinois, 1st mortgage 6½% Bonds, due 4-15-36, of $100 face value each, bearing the Numbers 729 through 732, said certificate of deposit being issued by the Chicago Title & Trust Company, Chicago, Illinois, Numbered 610, registered in the name of Emil Geppert, and presently in the custody of the Germantown Trust Company, Chelten and Germantown Avenues, Philadelphia 44, Pennsylvania, together with any and all rights thereunder and thereto,

c. That certain certificate of deposit representing Parkway-Webster Hotels, Chicago, 1st mortgage, 6½% Bond, due 4-1-34, of $500 face value, bearing the Number 5616, said certificate of deposit being issued by the Chicago Title & Trust Company, Chicago, Illinois, Numbered 2363, registered in the name of Emil Geppert, and presently in the custody of the Germantown Trust Company, Chelten and Germantown Avenues, Philadelphia 44, Pennsylvania, together with any and all rights thereunder and thereto,

d. Two Industrial Real Estate Trust Company Registered General Mortgage Income 6's Bonds, due 4-1-49, each of $1,000 face value, bearing the Numbers M-951 and M-952, registered in the name of Emil Geppert, and presently in the custody of the Germantown Trust Company, Chelten and Germantown Avenues, Philadelphia 44, Pennsylvania, together with any and all rights thereunder and thereto,

e. One Philadelphia Warwick Company Income Debenture, 2s to 6s, due 3-1-56, of $500 face value, bearing the Number 332, registered in the name of Emil Geppert, and presently in the custoday of the Germantown Trust Company, Chelten and Germantown Avenues, Philadelphia 44, Pennsylvania, together with any and all rights thereunder and thereto,

f. That certain Participation Certificate representing 10 Tr. shares of no par value Capital stock of Bismarck Hotel Co., (formerly Randolph Hotel Co.) Randolph at LaSalle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said Participation Certificate being Numbered TCO-1245, registered in the name of Emil Geppert, and presently in the custody of the Germantown Trust Company, Chelten and Germantown Avenues, Philadelphia 44, Pennsylvania, together with any and all rights thereunder and thereto,

g. That certain Participation Certificate representing 10 Tr. shares of $10.00 par value Capital stock of Knickerbocker Hotel Co., 163 E. Walton Place, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said Participation Certificate being Numbered 591, registered in the name of Emil Geppert, and presently in the custody of the Germantown Trust Company, Chelten and Germantown Avenues, Philadelphia 44, Pennsylvania, together with any and all rights thereunder and thereto,

h. That certain Voting Trust Certificate representing 12 shares of no par value, common Capital stock of Philadelphia Warwick Co., Locust & 17th Streets, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, said certificate being Numbered 256, registered in the name of Emil Geppert, and presently in the custody of the Germantown Trust Company, Chelten and Germantown Avenues, Philadelphia 44, Pennsylvania, together with any and all rights thereunder and thereto,

i. Forty shares of no par value Beneficial Interest of the Industrial Real Estate Trust, 2101 West Pershing Road, Chicago, Illinois, a corporation organized under the laws of the State of Massachusetts, evidenced by certificate Numbered 432 and registered in the name of Emil Geppert, and presently in the custody of the Germantown Trust Company, Chelten and Germantown Avenues, Philadelphia 44, Pennsylvania, together with all declared and unpaid dividends thereon, and

j. Those debts or other obligations owing to Emil Geppert by the Germantown Trust Company, Chelten and Germantown Avenues, Philadelphia 44, Pennsylvania, arising out of uninvested Principal, in the amount of $2,068.99 and Income Cash Balance of $947.61, as of February 16, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4369; Filed, May 7, 1947; 8:48 a. m.]

[Vesting Order 8812]

GUSTAV HECKMANN ET AL.

In re: Interest in real property, property insurance policies and claim owned by Gustav Heckmann, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

Names and Addresses

Gustav Heckmann, Hadamar, Germany.
Ilse Heckmann, Hadamar, Germany.
Hermann Heckmann, Hadamar, Germany.
Johanna Heckmann, Hadamar, Germany.
Ilse Heckmann, Hadamar, Germany.
"John" Heckmann (true given name unknown), Hadamar, Germany.

2. That the property described as follows:

a. An undivided four-fifths interest in real property, situated in the City of Fort Thomas, County of Campbell, State of Kentucky, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1, in and to property insurance policies Nos. O 860729 and O 860730, in the amounts of $3,000.00 and $1,500.00 respectively, and any extensions or renewals thereof, which policies were issued by Manhattan Fire & Marine Insurance Company, 99 John Street, New York, New York, and insure the property described in subparagraph 2-a hereof, and

c. That certain debt or obligation owing to the persons named in subparagraph 1 hereof by Edward J. Elliott, 403 Covington Trust Building, Covington, Kentucky, arising out of but not limited to rents collected from the premises described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Situated in the City of Fort Thomas, Campbell County, Kentucky, and fronting on the north side of Illinois (now Mayfield) Avenue and being lot numbered 7 of J. K. Mays Subdivision, more particularly described and bounded as follows: Beginning at a point in the north side of Mayfield (formerly Illinois) Avenue 396.31 feet from the west line of Highland Avenue, as widened to 60 feet; thence running northwardly and at right angles to the north line of Mayfield Avenue 140.0 feet; thence westwardly and parallel to said north line of Mayfield Avenue 50 feet; thence southwardly and at right angles to the north line of Mayfield Avenue 140 feet to a point in the said north line of Mayfield Avenue; thence eastwardly along the said north line of Mayfield Avenue, 50 feet to the place of beginning.

[F. R. Doc. 47-4370; Filed, May 7, 1947; 8:48 a. m.]

BUILDERS IRON FOUNDRY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Builders Iron Foundry; A-238; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 1,822,683, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on May 1, 1947.

For the Attorney General.

DONALD C. COOK, *Director.*

[F. R. Doc. 47-4372; Filed, May 7, 1947; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-141]

CITIES SERVICE GAS CO.

NOTICE OF ORDER ALLOWING RATE SCHEDULES TO TAKE EFFECT

MAY 5, 1947.

Notice is hereby given that, on May 2, 1947, the Federal Power Commission issued its order entered May 2, 1947, allowing rate schedules to take effect in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4362; Filed, May 7, 1947; 8:51 a. m.]

[Docket No. G-752]

KENTUCKY NATURAL GAS CORP.

ORDER POSTPONING HEARING

It appearing to the Commission that:

(a) On July 12, 1946, Kentucky Natural Gas Corporation (Applicant) filed an application for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities therein described for the transportation and sale of natural gas in interstate commerce, and said application was by order of April 8, 1947, designated for hearing on May 12, 1947; and

(b) On April 30, 1947, Applicant filed a request that the date of hearing in the above-entitled matter be postponed to an indefinite and later date.

The Commission finds that: Good cause exists for postponing the date for hearing in the above-entitled matter.

The Commission orders that: The hearing in the above-entitled matter be and it hereby is postponed to a date to be fixed by further order of the Commission.

Date of issuance: May 5, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4363; Filed, May 7, 1947; 8:51 a. m.]

[Docket No. G-817]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF AMENDMENT TO APPLICATION

MAY 1, 1947.

Notice is hereby given that New York State Natural Gas Corporation (Applicant), a New York corporation with its principal office in New York, New York, filed with the Federal Power Commission on April 14, 1947, an amendment to its application filed herein on November 20, 1946, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended. The amended application is for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following-described facilities:

1. Facilities to be completed by December 1, 1947:

(a) A continuous pipeline to parallel Applicant's existing lines Nos. 9 and 10 from a point in Burrell Township, Armstrong County, Pennsylvania, to a point in Sergeant Township, McKean County, Pennsylvania, consisting of:

(1) 35 miles of 12¾-inch pipeline paralleling existing line No. 9 southwardly from its northern terminus in Clarion County;

(2) 55 miles of 14-inch pipeline paralleling existing line No. 10 northwardly from its southern terminus in Clarion County.

(b) Installation at Boom Compressor Station in Tioga County, Pennsylvania, of three 300 horsepower and three 600 horsepower gas engine driven compressors together with auxiliary equipment, buildings, coolers, additions, and change piping, fittings and valves in and about the station and the adjacent Boom Storage Pool.

2. Facilities to be completed by December 1, 1948:

(a) A continuation of the pipeline looping described in paragraphs 1. (a) (1) and 1. (a) (2) above to complete the paralleling of Applicant's existing lines Nos. 9 and 10 from a point in Franklin Township, Westmoreland County, Pennsylvania, to a point in Liberty Township, McKean County, Pennsylvania, consisting of:

(1) 24.5 miles of 16-inch pipeline paralleling existing line No. 9 and extending south from the loop line to be installed in 1947 described in paragraph 1. (a) (1) above;

(2) 21 miles of 14-inch pipeline paralleling existing line No. 10 and extending north from the loop line to be installed in 1947 described in paragraph 1. (a) (2) above.

(b) 13.4 miles of 16-inch pipeline to connect the north end of line No. 10 in Hebron Township with the south end of line No. 14 in Genessee Township, Potter County, Pennsylvania, and also with line No. 12 which leads to Applicant's Sabinsville Compressor Station.

It is stated by Applicant that it has become necessary to revise the facilities described in paragraph C, pages 3 and 4 of the original application in several particulars.[1] It is further stated by Applicant that shortly after the original application was filed it became apparent that gas demands of gas consumers would be greater than had been anticipated by the distributing companies or by Applicant which continued throughout the 1946-47 winter, and that curtailments of varying extent and duration have been in effect until April, 1947; that in its efforts to meet the 1947-48 winter demands Applicant must rely more on gas storage than was anticipated when the original application was filed; and that the facilities described herein are proposed by Applicant in its efforts to provide sufficient capacity to meet the anticipated requirements of its customers.

Applicant recites that the pipe lines described above which are to be completed by December 1, 1947, are to enable Applicant to take 90,000 Mcf. of gas per day from the Big Inch and Little Big Inch pipelines (Inch Lines)[2] and Hope Natural Gas Company and that completion of the remainder of the pipeline facilities described above by December 1, 1948, will be necessary if Applicant is to take 110,000 Mcf. of gas per day thereafter from the Inch Lines and Hope Natural Gas Company in order to meet anticipated demands. Applicant further recites that when completed Boom Compressor Station will have a total of 3,200 horsepower which will permit withdrawal from the Boom Storage Pool of 85,000 Mcf. per day at a minimum suction pressure of 170 pounds and a discharge pressure of 300 pounds and that said station could be adapted almost immediately to store gas at suction and discharge pressures necessary to meet any conditions anticipated in the operations of the storage pool.

Applicant estimates the total over-all capital cost of construction of the facilities described herein to be $5,342,366, which Applicant proposes to finance by issuance and sale of capital stock to Consolidated Natural Gas Company.[3]

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of New York State Natural Gas Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4364; Filed, May 7, 1947; 8:51 a. m.]

[1] For a description of the facilities as originally proposed, see Notice of Application, 11 F. R. 14331.

[2] Applicant filed an application with the Federal Power Commission on April 14, 1947, in Docket No. G-888 for authorization to construct and operate a compressor station for the purpose of receiving deliveries of gas from the Inch Lines into its main transmission pipeline No. 9.

[3] The over-all capital cost of the facilities as proposed in the original application was estimated to be $5,250,000.

[Docket No. G-888]

YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

APRIL 30, 1947.

Notice is hereby given that on April 14, 1947, an application was filed with the Federal Power Commission by New York State Natural Gas Corporation (Applicant), a New York corporation with its principal office in New York, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the Applicant to construct and operate a compressor station, to be known as Preston Station, in Greene County, Pennsylvania, near the place where Applicant's main transmission pipeline No. 9 crosses the Big Inch and Little Big Inch pipelines (Inch Lines) to enable Applicant to receive gas from such pipelines and discharge it into its pipeline No. 9 against the operating pressures of the latter pipeline, as hereinafter more fully described.

Applicant seeks authorization to construct and operate the following-described facilities:

(a) Preston Station, consisting of five 1200 horsepower gas engines and compressors with auxiliary equipment, tankage and storage, cooling tower, structures for housing the machinery, and appurtenant equipment;

(b) Approximately eight-tenths of a mile of 20-inch pipeline from the Inch Lines to Preston Station and approximately three-tenths of a mile of 20-inch pipeline from Preston Station to Applicant's pipeline No. 9.

Applicant recites that it, together with its affiliates, The East Ohio Gas Company and Peoples Natural Gas Company, entered into an interim contract to run during the period the Inch Lines are operated under lease and also a long term contract with Texas Eastern Transmission Corporation to purchase gas to be delivered from the Inch Lines. Applicant and its affiliates are to receive under the interim agreement up to 125,000 Mcf per day and under the long term contract initially up to 125,000 Mcf per day, with options to receive ultimately 200,000 Mcf per day.

It is stated that upon completion of Preston Station Applicant will be able to receive gas from the Inch Lines at existing pressure, which will likely not exceed 100 p. s. i. until after Texas Eastern Transmission Company puts its proposed compressor stations in operation, and discharge it into Applicant's line No. 9 which has an operating pressure of approximately 1200 p. s. i.

It is further stated that the shortage of gas during the winter of 1946-47 made it impossible for Hope Natural Gas Company to deliver to Applicant sufficient gas to meet the requirements of all its customer companies; that gas must be obtained from the Inch Lines and from Hope Natural Gas Company if Applicant is to meet the anticipated requirements of its customers for 1947 and 1948 which, in addition to the anticipated demands of fourteen wholesale customers to which Applicant now delivers gas, includes the following: Republic Light, Heat & Power Company, Inc., which will distribute the gas purchased; Penn-York Natural Gas Corporation which intends to resell the gas purchased to Dominion Natural Gas Company; Iroquois Gas Corporation; and Pennsylvania Gas Company.

Applicant estimates the total over-all capital cost of construction of the facilities described herein to be approximately $1,215,785, which Applicant proposes to to finance by issuing and selling capital stock to its parent, Consolidated Natural Gas Company, at par for cash.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of New York State Natural Gas Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25. D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4337; Filed, May 7, 1947; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 177]

RECONSIGNMENT OF CELERY AT ALTOONA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of paragraph (j) of Service Order No. 396 insofar as it applies to the reconsignment at Altoona, Pa., May 1, 1947, by J. E. Nelson & Son, of car ART 22522, celery, now on the P. R. R. to O'Donnell Fruit Co., Pittsburgh, Pa. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-4353; Filed, May 7, 1947; 8:51 a. m.]

[S. O. 726]

UNLOADING OF LUMBER AT LOS ANGELES AND COLTON, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of May A. D. 1947.

It appearing, that 6 cars containing lumber at Los Angeles and Colton, California, on the Southern Pacific Company have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Lumber at Los Angeles and Colton, Calif., be unloaded.* The Southern Pacific Company, its agents or employees, shall unload immediately cars NP 27687, EJE 60729 and CGW 85112, loaded with lumber, now on hand at Los Angeles, California, and cars ACL 21476, Wab 48773 and WLE 25480, loaded with lumber, now on hand at Colton, California.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 5, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4352; Filed, May 7, 1947; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-559]

LEONARD CUSTOM TAILORS CO.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of May A. D. 1947.

The Leonard Custom Tailors Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, No Par Value, from listing and registration on the Cincinnati Stock Exchange;

Appropriate notice and opportunity for hearing having been given to interested persons and the public generally;

No request having been received from any interested person for a hearing in this matter; and

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The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on May 12, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4343; Filed, May 7, 1947; 8:49 a. m.]

[File No. 7-976]

CERTAIN-TEED PRODUCTS CORP.

ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of May A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $1.00 Par Value, of Certain-Teed Products Corporation.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Los Angeles Stock Exchange and the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange for the purpose of this application is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 1,619,999 shares outstanding, 39,925 shares are owned by 581 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 815 transactions involving 77,102 shares from January 1, 1946 to December 31, 1946;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $1.00 Par Value, of Certain-Teed Products Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4342; Filed, May 7, 1947; 8:49 a. m.]

[File No. 7-987]

LIGGETT & MYERS TOBACCO CO.

ORDER DETERMINING VALUE OF CERTAIN STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of May A. D. 1947.

The Boston Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the Common Stock, $25 Par Value, of Liggett & Myers Tobacco Company is substantially equivalent to the Common Stock B, $25 Par Value, of that company, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Common Stock, $25 Par Value, of Liggett & Myers Tobacco Company is hereby determined to be substantially equivalent to the Common Stock B, $25 Par Value, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4342; Filed, May 7, 1947; 8:49 a. m.]

[File No. 812-491]

AMERICAN GOLD, INC.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of May A. D. 1947.

Notice is hereby given that American Gold, Inc., a registered investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said act a proposed transaction in which American Gold, Inc., is to sell to R. H. Carpenter, director and secretary-treasurer, one share of Bulolo Gold Dredging Company, Ltd.; one share of Consolidated Gold Fields, South Africa, Ltd.; one share of East Geduld Mines, Ltd.; 6,800 shares of Atlas Gold Mining Company; 300 shares of Split Lake Gold Mines, Ltd.; 2,500 shares of French Hill Gold Mines Company; 40/100 share of 6% Preferred Stock of Walworth Company; and 120 Warrants of United Gas Corporation for an aggregate consideration of $130.27. R. H. Carpenter is an affiliated person of American Gold, Inc., within the meaning of the act.

All interested persons are referred to said application which is on file in the offices of this Commission for a more detailed statement of the proposed transaction.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the 19th day of May 1947, at 9:45 a. m., eastern daylight saving time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the terms of the proposed transaction, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policy of American Gold, Inc., as recited in its registration statement and reports filed under the act; and

(3) Whether the proposed transaction is consistent with the general purposes of the act.

Notice of such hearing is hereby given to the above-named American Gold, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before May 16, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4344; Filed, May 7, 1947; 8:49 a. m.]

MAY 12 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 92

Washington, Friday, May 9, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9848

DISPOSAL OF CERTAIN FOREIGN MERCHANT VESSELS

WHEREAS the United States Maritime Commission, by virtue of the authority vested in it by Executive Order No. 8771 of June 6, 1941, as amended by Executive Order No. 8881 of September 2, 1941, took over title to and possession of certain foreign merchant vessels lying idle in waters within the jurisdiction of the United States; and

WHEREAS the United States no longer has need of certain of such vessels; and

WHEREAS it is in the public interest that such unneeded vessels be disposed of by the United States Maritime Commission if such disposition is consistent with the foreign policies of the United States and will not prejudice the interests of the United States in any litigation involving any such vessel:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the act of June 6, 1941, 55 Stat. 242, it is hereby ordered as follows:

The United States Maritime Commission is hereby authorized and directed to dispose of any of the above-mentioned vessels which are no longer needed by the United States, in accordance with the provisions of the Merchant Marine Act, 1936, as amended, and other laws authorizing the sale of vessels: *Provided*, That the proposed disposition of any such vessel shall be found by the Secretary of State to be consistent with the foreign policies of the United States and shall be found by the Attorney General to be without prejudice to the interests of the United States in any litigation in which any such vessel may be involved: *And provided further*, That the moneys received on account of the sale or return of any such vessel, after deduction therefrom of any expenses incurred by the Commission in connection with such sale or return, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 8, 1947.

[F. R. Doc. 47-4450; Filed, May 8, 1947; 11:08 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LIST OF POSITIONS EXCEPTED

Under authority of § 6.1 (d) of Executive Order No. 9830 (12 F. R. 1259) and with the concurrence of the Secretary of the Treasury, § 6.4 (a) (3) (vi) is revoked.

Under authority of § 6.1 (a) of Executive Order No. 9830 and at the request of the Secretary of the Treasury, a new § 6.4 (a) (3) (vi) is hereby issued.

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(3) *Treasury Department.* • • •

(vi) Receivers of insolvent national banks and other financial institutions appointed by the Comptroller of the Currency with salaries payable from the funds of insolvent institutions, and the employees of such receivers.

(Secs. 6.1 (a) and 6.1 (d) E. O. 9830, 12 F. R. 1259)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-4376; Filed, May 8, 1947; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

HANDLING OF PLUMS

Notice was published in the FEDERAL REGISTER (12 F. R. 1466, 1841) that consideration was being given to a proposal regarding the regulation of shipments of plums into, in, or through certain designated regions in the State of California, under the marketing agreement, as

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[1] E. O. 9848.

amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Control Committee and the Plum Commodity Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 936.301 *Plums shipped into, in, or through designated regions.* (a) Commencing with the marketing season beginning April 1, 1947, each shipment of plums into, in, or through either of the following regions in the State of California will be regarded as directly burdening, obstructing, or affecting interstate or foreign commerce in plums:

(1) The San Francisco-Sacramento region, consisting of Marin County, Sacramento County, Contra Costa County, Alameda County, San Mateo County, and San Francisco County; and

(2) The Los Angeles region, consisting of Ventura County, Los Angeles County, and Orange County.

(b) As used in this section, "plums" and "marketing season" shall have the same meaning as is given to each such term in the amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Issued this 6th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4400; Filed, May 8, 1947; 8:45 a. m.]

[Plum Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.302 *Plum Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of Beauty plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 10, 1947, and ending 12:01 a. m., P. s. t., August 1, 1947, no shipper shall ship: (i) Any package or container of Beauty plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or (ii) Any package or container of Beauty plums containing plums of a size smaller than the size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than 1 9/16 inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than 1 7/16 inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than 1 5/16 inches in diameter.

(3) Each shipper, prior to making each shipment of Beauty plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Beauty plum contained in each such lot or shipment: *Provided, however,* That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) The terms "shipper," "ship," "shipping point," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order. The term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(6) Nothing contained in this section shall be construed as altering any provision of the aforesaid amended marketing agreement or order, (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 6th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4399; Filed, May 8, 1947; 8:45 a. m.]

[Plum Order 2]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.303 *Plum Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of Formosa plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule-making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., p. s. t., May 10, 1947, and ending at 12:01 a. m., p. s. t., August 1, 1947, no shipper shall ship:

(i) Any package or container of Formosa plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Formost plums containing plums of a size smaller than the size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of § 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Formosa plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(*a*) Of said total quantity, at least fifty (50) percent, by number of packages, shall be of a size not smaller than a size that will pack a 4 x 4 standard pack, as specified in the aforesaid United States Standards, in the aforesaid standard basket; and said 4 x 4 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

(*b*) The remainder of such total quantity may be of a size that will pack a 4 x 5 standard pack, as aforesaid, or of larger sizes up to, but not including, a size that will pack a 4 x 4 standard pack, as aforesaid.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Formosa plums that will pack a 4 x 5 standard pack, and larger sizes, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Formosa plums of such size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than 1 13/16 inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than 1 11/16 inches in diameter; and, (iii) no plums contained in any such pack measure, as aforesaid, less than 1 9/16 inches in diameter.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-

five (35) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{11}/_{16}$ inches in diameter, (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{7}/_{16}$ inches in diameter.

(5) Nothing contained in this section shall be construed (i) as preventing a shipper from shipping Formosa plums of a size larger than the size that will pack a 4 x 4 standard pack, as aforesaid, if said plums meet the grade requirements hereof, (ii) as permitting the shipment of Formosa plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements, or (iii) as altering any provision of the aforesaid marketing agreement or order.

(6) Each shipper, prior to making each shipment of Formosa plums shall, during the period set forth in subparagraph (1) of this paragraph have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Formosa plums contained in each such lot or shipment: *Provided, however,* That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(7) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(8) The terms "shipper," "ship," "shipping," "shipping point," and "shipment," shall have the same meaning as when used in the amended marketing agreement and order. The term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 6th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4398; Filed, May 8, 1947; 8:45 a. m.]

[Plum Order 3]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.304 *Plum Order 3*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of Santa Rosa plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 15, 1947, and ending at 12:01 a. m., P. s. t., September 16, 1947, no shipper shall ship:

(i) Any package or container of Santa Rosa plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Santa Rosa plums containing plums of a size smaller than the size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of § 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph;

(i) The total quantity of Santa Rosa plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(*a*) Of said total quantity, at least eighty (80) percent, by number of packages, shall be of a size not smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in the aforesaid standard basket; and said 4 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

(*b*) The remainder of such total quantity may be of a size that will pack a 5 x 5 standard pack, as aforesaid, or of larger sizes up to, but not including, a size that will pack a 4 x 5 standard pack, as aforesaid.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Santa Rosa plums that will pack a 5 x 5 standard pack, and larger sizes, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Santa Rosa plums of such size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{11}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter; and, (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{7}/_{16}$ inches in diameter.

(4) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter, (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{7}/_{16}$ inches in diameter.

(5) Nothing contained in this section shall be construed (i) as preventing a shipper from shipping Santa Rosa plums of a size larger than the size that will pack a 4 x 5 standard pack, as aforesaid, if said plums meet the grade requirements of this section (ii) as permitting the shipment of Santa Rosa plums of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements, or (iii) as altering any provision of the aforesaid marketing agreement or order.

(6) Each shipper, prior to making each shipment of Santa Rosa plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Santa Rosa plums contained in each such lot or shipment: *Provided, however,* That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(7) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(8) The terms "shipper," "ship," "shipping," "shipping point," and "shipment," shall have the same meaning as when used in the amended marketing agreement and order. The term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 6th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4397; Filed, May 8, 1947; 8:45 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

PART 1596—FOOD IMPORTS

STATEMENT OF POLICY REISSUANCE OF IMPORT AUTHORIZATIONS FOR FLAXSEED AND LINSEED OIL

Pursuant to the authority vested in me under the provisions of War Food Order No. 63, as amended (12 F. R. 459), and in order to assure equitable distribution of available supplies of imported flaxseed and linseed oil through normal trade channels, it is hereby declared to be the policy of the United States Department of Agriculture to issue or deny the issuance of import authorizations required for flaxseed and linseed oil under said War Food Order No. 63 as provided herein.

§ 1596.4 *Statement of policy re issuance of import authorizations for flaxseed and linseed oil under War Food Order No. 63*—(a) *Definitions.* For the purposes of this statement the following terms shall have the meanings hereby assigned to them:

(1) "Eligible prewar crusher" means any person who purchased flaxseed or linseed oil from Commodity Credit Corporation stockpiles during the years 1943 through 1946. (Flaxseed from such stockpiles was sold during such period to crushers who had imported flaxseed during the prewar years (1938 through 1942) in proportion to their prewar imports. During the period from January 1, 1944, through October 15, 1945, linseed oil from such stockpiles was sold to crushers as required by the crushers, and during the period from October 15, 1945, through December 31, 1946, linseed oil from such stockpiles was sold to crushers who had purchased linseed oil from such stockpiles in proportion to their purchases during the earlier period.)

(2) "Commodity Credit Corporation stockpiles" means the stocks of flaxseed and linseed oil acquired and imported by Commodity Credit Corporation, United States Department of Agriculture, under a public purchase program and sold in the form of flaxseed or linseen oil to crushers during the period from January 1, 1943, through December 31, 1946.

(3) Any term not defined in this section shall have the meaning, if any, assigned to it in War Food Order No. 63.

(b) *Individual Import Authorizations.* Import authorizations are not required under War Food Order No. 63 for linseed oil located and produced in Canada, Mexico, Guatemala, or El Salvador and transported therefrom into the continental United States overland, by air, or by inland waterway.

Authorizations to import linseed oil not within the foregoing paragraph, and flaxseed from any country except Mexico, will be issued in a total quantity not in excess of the 1947 allocations to the United States by the International Emergency Food Council. Such authorizations will be issued to any eligible prewar crusher in the percentage which such crusher's purchases of linseed oil and flaxseed from Commodity Credit Corporation stockpiles during the period from January 1, 1943, through December 31, 1946, constituted of the total purchases by all persons of linseed oil and flaxseed from said stockpiles during said period.

Authorizations to import flaxseed from Mexico will be issued, upon request, to any eligible prewar crusher, but the total quantity so authorized shall not exceed the quantity of Mexican flaxseed allocated to the United States for 1947 by the International Emergency Food Council.

(c) *Procedure.* Applications for authorizations for the importation of flaxseed or linseed oil, or both, may be made by properly executing and filing with the Order Administrator, War Food Order No. 63, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Form WFO 63–2, obtainable from said Order Administrator.

(d) *Petition for relief from hardship.* Any person (including, but not limited to, persons qualifying as eligible prewar crushers as defined in this section) who considers that the policy and procedure set forth in this section work an exceptional or unreasonable hardship on him may file a petition for relief with the Administrator of War Food Order No. 63, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petitions which is consistent with the authority delegated to him by the Administrator of the Production and Marketing Administration, United States Department of Agriculture. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Administrator of the Production and Marketing Administration. After said review, the Administrator of said Administration may take such action as he deems appropriate, which action shall be final.

(e) *Effective date.* The policy and procedure outlined herein shall be effective upon publication hereof.

(War Food Order No. 63, 12 F. R. 459; E. O. 9280, December 5, 1942, 3 CFR Cum. Supp.; E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.; Secs. 301 and 1501, 56 Stat. 177 and 187, as amended, 50 U. S. C. App. Supp. 633 and 645).

Issued this 6th day of May 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator for the Administrator.

[F. R. Doc. 47-4395; Filed, May 8, 1947; 8:48 a. m.]

PART 1596—FOOD IMPORTS

AMENDMENT OF STATEMENT OF POLICY RE ISSUANCE OF IMPORT AUTHORIZATIONS FOR COPRA AND COCONUT OIL

The statement of policy re issuance of import authorizations for copra and coconut oil from the Philippines and the Netherlands Indies under War Food Order 63, appearing as § 1596.5 of Chapter XI, Title 7 of the Code of Federal Regulations (12 F. R. 1163), is hereby amended by striking § 1596.5 (d) and substituting in lieu thereof the following:

(d) *Effective date.* The policy and procedure set forth in this section shall be effective during the first three months of 1947 and thereafter unless and until modified.

This amendment shall be effective as of 12:01 a. m., e. s. t., April 1, 1947.

(Secs. 301 and 1501, 56 Stat. 177 and 187, as amended, 50 U. S. C. App. Supp. 633 and 645; E. O. 9280, Dec. 5, 1942, 3 C. F. R. Cum. Supp.; E O. 9577, June 29, 1945, 3 C. F. R. 1945, Supp.; W. F. O. 63, 12 F. R. 459)

Issued this 6th day of May 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator for the Administrator.

[F. R. Doc. 47-4394; Filed, May 8, 1947; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

SUBMISSION AND APPROVAL OF PROJECT APPLICATION

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law No. 377, 79th Cong.), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics, as follows:

By amending § 550.16 (a) (12 F. R. 135) by changing the sentence which reads: "Such project application shall be accompanied by the final plans and specifications and, where the project involves land acquisition, by a survey map as provided in § 550.13 (e) (3)." to read as follows: "Such project application shall be accompanied by the final plans and specifications and, where the project involves land acquisition, by a survey map as provided in § 550.13 (e) (3): *Provided, however*, That for good cause shown, the Administrator, in his discretion, may authorize the postponement of the submission of final plans and specifications until a later date to be specified in the Grant Agreement, if the Project Application is accompanied by preliminary plans and specifications prepared in sufficient detail to reflect the nature and scope of the project."

(60 Stat. 170, Pub. Law No. 377, 79th Cong.)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-4429; Filed, May 8, 1947; 9:15 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.45]

PART 33—PASSPORTS

ISSUANCE OF PASSPORTS TO BONA-FIDE SCOUTS AND SCOUTERS OF BOY SCOUTS OF AMERICA FOR USE IN ATTENDING WORLD JAMBOREE, BOY SCOUTS, TO BE HELD IN FRANCE IN JULY AND AUGUST, 1947

By virtue of and pursuant to the authority vested in me by section 4 of the act of April 14, 1947 (Public 31, 80th Cong., 1st sess.), I hereby prescribe the following regulations governing the issuing of passports to bona-fide Scouts and Scouters of the Boy Scouts of America who are nationals of the United States for use in attending the World Jamboree, Boy Scouts, to be held in France in the months of July and August 1947.

§ 33.150 *Application and evidence.* Any bona-fide Scout or Scouter of the Boy Scouts of America who is a national of the United States and who desires to attend the World Jamboree to be held in France, 1947, must execute an application for a passport in accordance with the regulations of the President in this part (§§ 33.1 to 33.78, inclusive) comprising rules governing the granting and issuing of passports in the United States prescribed by Executive Order 7856 of March 31, 1938. Such application must be executed before a clerk of a Federal court or a State court authorized by the act of Congress of October 14, 1940 (54 Stat. 1137; 8 U. S. C. 907), to naturalize aliens, or before an agent of the Department of State in Washington, D. C.; New York, N. Y.; or San Francisco, Calif. In addition to complying with the requirements of such rules, each such Scout or Scouter shall submit to the Department of State a certificate issued by a responsible officer of the National Council, Boy Scouts of America, as to his qualification to attend the World Jamboree of Boy Scouts. No fee shall be charged by a Federal official for the execution of an application for a passport of such person.

§ 33.151 *Consent of parent or guardian.* The consent of a parent or other guardian of a Boy Scout or Scouter under the age of 21 years will be assumed in the absence of a specific request by the parent or other guardian to the Department that a passport be denied the minor.

§ 33.152 *Passport to include only one person.* A passport, when issued, shall not include any person other than the one who executed the application and whose qualification to attend the World Jamboree is certified to by the National Council, Boy Scouts of America.

§ 33.153 *Restriction upon validity.* Each passport issued under the regulations in §§ 33.150 to 33.156, inclusive, shall be restricted in validity to a period not later than October 15, 1947.

§ 33.154 *Cancellation of passport.* (a) Upon the return to the United States from the World Jamboree each passport issued under the regulations in § 33.150 to 33.156, inclusive, shall be surrendered to the Department of State for cancellation, after which it may, if desired, be returned to the Boy Scout or Scouter to whom it was issued.

(b) If a passport is issued to a Boy Scout or Scouter who finds it impracticable to attend the World Jamboree, it should be returned as promptly as possible to the Passport Division, Department of State, for cancellation. It will not thereafter be returned to the person to whom it was issued.

§ 33.155 *Statement as to purpose of passport.* Each passport issued under the regulations in §§ 33.150 to 33.156, inclusive, shall bear an appropriate statement as to the purpose for which it is issued.

§ 33.156 *Fee for issue of passport.* No fee shall be charged for the issue of a passport under the regulations in §§ 33.150 to 33.156, inclusive.

(Sec. 4, Pub. Law 31, 80th Cong.)

These regulations will become ineffective on October 16, 1947.

Approved: April 30, 1947.

[SEAL] G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-4383; Filed, May 8, 1947; 8:46 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

FIELD ORGANIZATION

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A-886) is amended, effective April 25, 1947, by:

1. Deleting the address "215 Cotton Exchange Building, St. Paul & San Jacinto Sts." opposite "Texas, Dallas" and substituting therefor the following address: "Santa Fe Building, 1114 Commerce Street"

(Sec. 1, 48 Stat. 1246; 12 U. S. C. and Sup., 1702)

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner.

APRIL 30, 1947.

[F. R. Doc. 47-4377; Filed, May 8, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSES

Chapter XXIII—War Assets Administration

[Reg. 1,[1] Amdt. 2 to Order 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

LOCATION OF DISPOSAL AGENCY OFFICES FOR FILING DECLARATIONS OF SURPLUS PROPERTY BY OWNING AGENCIES

War Assets Administration Regulation 1, Order 2, April 7, 1947, as amended April 23, 1947, entitled "Location of Disposal Agency Offices for Filing Declarations of Surplus Property by Owning Agencies" (12 F. R. 2515, 2773), is hereby further amended by making the following changes in § 8301.52 (c) thereof:

1. *Region 20.* New Orleans, La. (Address—7020 Franklin Ave., P. O. Station D, New Orleans, La.). (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas: Mailing Address: P. O. Box 6030, Dallas 2, Texas.)

2. *Region 26.* Grand Prairie, Texas. (Address—Grand Prairie, Texas. Mailing address: P. O. Box 6030, Dallas 2, Texas.) Territory: Texas, Arkansas, Louisiana, Mississippi, and Oklahoma.

[1] Reg. 1 (12 F. R. 2249).

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265))

This amendment shall become effective May 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MAY 1, 1947.

[F. R. Doc. 47-4458; Filed, May 8, 1947; 11:17 a. m.]

[Reg. 23,[1] Order 1]

PART 8323—DISPOSAL OF ELECTRONICS AND COMMUNICATIONS EQUIPMENT

PRICE LIST FOR EDUCATIONAL AND PUBLIC-HEALTH INSTITUTIONS AND INSTRUMENTALITIES

Pursuant to the provisions of § 8323.7 (a), it is hereby ordered, that:

§ 8323.51 *Price list for educational and public-health institutions and instrumentalities.* The War Assets Administrator hereby approves of the list submitted by the War Assets Administration as the disposal agency of items of electronic property appearing in Exhibit A attached hereto and the prices set forth therein which have been ascertained by the War Assets Administration to reflect the benefits which have accrued or may accrue to the United States by disposal of such items to educational or public-health institutions or instrumentalities.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E.O. 9689 (11 F. R. 1265))

This section shall become effective May 5, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MAY 5, 1947.

[1] 11 F.R. 14490; 12 F.R. 1891.

EXHIBIT A

TELEPHONE EQUIPMENT

Model or type	Commodity code classification	Disposal price
Intercommunicating systems:		
AN/AIA-1A	41-6120	$5.00
AN/AIC-2	41-6120	5.00
AN/AIC-3	41-6120	5.00
Bendix (3611)	41-6120	5.00
RC-15	41-6120	5.00
RC-26	41-6120	5.00
RC-27	41-6120	5.00
RC-36	41-6120	5.00
RC-37	41-6120	5.00
Repeater equipment:		
AN/APA-1, repeater indicator assy	41-6250	1.00
AN/APA-32, repeater indicator assy	41-6250	2.00

SPECIAL RADIO AND RADAR EQUIPMENT

Model or type	Commodity code classification	Disposal price
Receivers:		
SCR 186	41-3490	$8.00
SCR 240	41-3490	8.00
SCR 263	41-3490	8.00
SCR 273	41-3490	8.00
SCR 280	41-3490	8.00
A C radio compass SCR 242	41-3490	8.00
Transmitters:		
AN/APT-2	41-3490	15.00
AN/CRN-1	41-3490	2.00
AN/APQ-9	41-3490	8.00
AN/APQ-2	41-3490	8.00
AN/CRT-1	41-3490	10.00
AT-7	41-3490	8.00
AT-12	41-3490	8.00
RC-56-A	41-3490	5.00
RC-57-19	41-3490	5.00
Beacon and homing equipment:		
Radio beacon equipment—manually operated; YH (series)	41-3490	15.00
Radio homing beacon; YJ (series)	41-3490	15.00
Marker beacon receiving equipment; RC-39	41-3490	3.00
Transmitter and receiver:		
AN/ARQ-7	41-3800	8.00
SCR 183	41-3800	9.00
AN/ARQ-8	41-3800	8.00
SCR 238	41-3800	8.00
SCR 283	41-3800	9.00
Transmitter-receivers:		
SCR 535 (IFF)	41-3800	8.00
AN/ATN-2	41-3800	8.00
Radar:		
AN/APQ-13	41-3800	8.00
AN/APG-15	41-3800	8.00
AN/APQ-4	41-3800	10.00
AN/APG-5	41-3800	10.00
AN/ARQ-1	41-3800	10.00
AN/APS-3	41-3800	15.00
AN/APS-13	41-3800	5.00
SCR-517	41-3800	15.00
SCR-518	41-3800	10.00
SCR-520	41-3800	15.00
SCR-521	41-3800	15.00
SCR-540	41-3800	10.00
SCR-717	41-3800	15.00
SCR-720	41-3800	10.00

EXHIBIT A—Continued

SPECIAL RADIO AND RADAR EQUIPMENT—continued

Model or type	Commodity code classification	Disposal price
Radar—Continued.		
AN/APS-2	41-3800	$15.00
AN/APS-4	41-3800	10.00
AN/APS-15	41-3800	15.00
AN/ASB-6	41-3800	10.00
SCR-587	41-3800	8.00
SCR-718	41-3800	5.00

RADIO AND RADAR TEST EQUIPMENT

TS-131/AP	57-2800	$2.00
FTS-35/AP	57-2800	1.00
C-111/AP	47-2800	1.00
RF-4A/AP	57-2800	5.00
BC-1202-A	57-2800	1.00
MX-12/AP	57-2800	2.00
TS-5/AP	57-2800	5.00
Cord CD-800	57-2800	1.00
TS-251/UP	57-2800	3.00
I-201-A	57-2800	5.00
CS-61/AP	57-2800	1.00
TS-89/AP	57-2800	1.00
CC-79/AP	57-2800	1.00
TS-90/AP	57-2800	2.00
TS-98/AP	57-2800	1.00
TS-101/AP	57-2800	2.00
TS-108/AP	57-2800	2.00
I-99	57-2800	3.00
AS-159/AP	57-2800	2.00
BC-949-A	57-2800	5.00
BC-1203-A	57-2800	5.00
BC-966	57-2800	2.00
TS-165/AP	57-2800	1.00
CD-799	57-2800	1.00
AN/APA-19, adapter	57-2800	2.00
AN/APA-22, antennuator assy	57-2800	2.00
AN/APA-30, computor assy	57-2800	5.00
CAJ, echo box	57-2800	1.00
CRV-14AAS, phantom antenna	57-2800	1.00
CS-60-ABS, standing wave indicator.	57-2800	3.00

UNDERWATER SOUND EQUIPMENT

Underwater sound receiver; JL (series).	41-9300	$5.00
Underwater sound receiver; JN (series).	41-9300	5.00
Underwater sound receiver; JO (series).	41-9300	5.00
Echo sounding equipment; NAA equipment.	41-9300	10.00
Underwater sound equipment—echo ranging; QCL (series).	41-9300	10.00
Attack teacher (instruction equipment only); QFB (series).	41-9300	15.00
Combined echo ranging and echo sounding equipment; WEB (series).	41-9300	10.00
Indicator recorder equipment; 55100 (and below series).	41-9300	10.00
Sonar bearing deviation indicator; 55105 equipment.	41-9300	5.00

[F. R. Doc. 47-4459; Filed, May 8, 1947; 11:17 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 7486, Amdt.]

RUDOLF PUSCH ET AL.

In re: Stock owned by Rudolf Pusch, Emmy Pusch and Henry G. Monle, also known as Henry G. Mohle.

Vesting Order 7486, dated August 21, 1946, is hereby amended as follows and not otherwise:

A. By deleting subparagraph 1 of said Vesting Order 7486, and substituting therefor the following:

1. That Rudolf Pusch, Emmy Pusch and Henry G. Monle, also known as Henry G. Mohle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

B. By deleting clause a. of subparagraph 2 of said Vesting Order 7486, and substituting therefor the following:

a. Twenty (20) shares of no par value common capital stock of American & Foreign Power Company, Inc., 2 Rector Street, New York 6, New York, a corporation organized under the laws of the State of Maine, evidenced by certificates numbered 95901 for 10 shares, 95899 and 95900 for 5 shares each, and registered in the name of Henry G. Mohle, together with all declared and unpaid dividends thereon, and

All other provisions of said Vesting Order 7486, and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pur-

suant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4391; Filed, May 8, 1947; 8:47 a. m.]

[Vesting Order 8026, Amdt.]

ANNA LOUISE TROWITZ

In re: Debt owing to and stock, bonds and certificate of deposit owned by Anna Louise Trowitz. F-28-8062-A-1.

Vesting Order 8026, dated January 16, 1947, is hereby amended as follows and not otherwise:

By deleting subparagraph 2-f of said Vesting Order 8026, and substituting therefor the following:

f. That certain certificate of deposit number CB 1238, issued by Harris Trust and Savings Bank, Chicago, Illinois, in exchange for $4,000.00 Chicago, Rock Island & Pacific Railway Company First and Refunding Mortgage 4% Gold Bonds, due April 1, 1934, which certificate of deposit is presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in a depot account entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany sub-account Special Customers Account for Custody, and any and all rights in, to and under the aforementioned certificate of deposit, and

All other provisions of said Vesting Order 8020 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4392; Filed, May 8, 1947; 8:47 a. m.]

[Vesting Order 8825]

GERTRUD KEHREN ET AL.

In re: Real property and property insurance policy owned by Gertrud Kehren, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany):

Names and Addresses

Gertrud Kehren, Gladbach-Rheydt, Germany.

Margaretha Bolten, Hardt-Rehn, suburb of Gladbach-Rheydt, Germany.

Christine Kehren, Muenchen-Gladbach, Germany.

Hermann Kehren, Waldhausen near Gladbach-Rheydt, Germany.

Johann Kehren, Viersen, Rheinland, Germany.

Wilhelm Kebren, Muenchen-Gladbach, Germany.

Franz Kehren, Helenabrunn near Muenchen-Gladbach, Germany.

Maria Levels, Gladbach-Rheydt, Germany.

Heinrich Kehren, Helenabrunn near Muenchen-Gladbach, Germany.

Johannes Kehren, Gladbach-Rheydt, Germany.

Margaretha Kehren, Hehn near Gladbach-Rheydt, Germany.

Gertrud Kehren, Geneicken near Gladbach-Rheydt, Germany.

Heinrich Kehren, Geneicken near Gladbach-Rheydt, Germany.

Margaretha Mueller, Giesenkirchen, Tackhuette, near Gladbach-Rheydt, Germany.

Christine Wicken, Herdtorbreich, Gladbach-Rheydt, Germany.

Wilhelm Kehren, Geneicken near Gladbach-Rheydt, Germany.

Maria Kehren, Rheydt-Geneicken, Germany.

Franz Kehren, Rheydt-Geneicken, Germany.

Adolph Kehren, Rheydt-Geneicken, Germany.

Agnes Burg, Geneicken, near Gladbach-Rheydt, Germany.

2. That the property described as follows:

a. Real property situated in the City and County of Philadelphia and State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the persons named in subparagraph 1, in and to Fire Insurance Policy No. 33173, issued by Insurance Company of North American, 1600 Arch Street, Philadelphia, Pennsylvania, in the amount of $800.00, which policy expires July 27, 1952, and insures the property described in subparagraph 2-a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

All that certain lot or piece of ground with two story brick messuage or tenement thereon erected bounded and described according to a Survey thereof made by George S. Webster Surveyor and regulator of the Tenth Survey District of the City of Philadelphia aforesaid on the Thirteenth day of January A. D. 1888 as follows:

Situate on the East side of Boudinot Street at the distance of Fifty three feet seven and one half inches Southward from the South Side of Cambria Street in the Thirty third Ward of the City of Philadelphia.

Containing in front or breadth on said Boudinot Street Fourteen feet Five inches and extending of that width in length or depth Eastwardly between lines parallel with said Cambria Street Sixty seven feet to a certain Three feet wide alley. Bounded Northward by a certain Two feet seven and one half inches wide alley extending from said Boudinot Street Eastwardly and connecting with the Three feet wide alley last above mentioned Eastward by the said Three feet wide alley Southward by property now or late of David McKibbin and Westward by Boudinot Street aforesaid.

Together with the free and common use right liberty and privilege of the said alleys as and for passage ways and water courses at all times hereafter forever.

[F. R. Doc. 47-4371; Filed, May 7, 1947; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1683208]

WASHINGTON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 29, 1947.

Departmental order approved December 11, 1945, revoked departmental order of April 26, 1937, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Columbia Basin Project, Washington, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on July 1, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from July 2, 1947, to September 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 12, 1947, to July 1, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on July 2, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on October 1, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneously non-preference right filings.* Applications by the general public may be presented during the 20-day period from September 11, 1947 to September 30, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on October 1, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations

contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Spokane, Washington.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 16 N., R. 23 E.,
Sec. 10, N½ and N½S½;
Sec. 14, N½SW¼ and NW¼SE¼;
Sec. 22, W½NW¼.
T. 16 N., R. 24 E.,
Sec. 22, SW¼, NE¼SE¼, and S½SE¼.
T. 22 N., R. 26 E.,
Sec. 34, NW¼ and NW¼SW¼.
T. 15 N., R. 27 E.,
Sec. 24, N½NW¼.
T. 17 N., R. 27 E.,
Sec. 10, SE¼SW¼ and W½SE¼.
T. 20 N., R. 27 E.,
Sec. 10;
Sec. 14, NW¼NW¼.
T. 23 N., R. 27 E.,
Sec. 14, S½NE¼, and S½SW¼;
Sec. 22, NE¼NE¼, S½NE¼, and E½SW¼.
T. 14 N., R. 28 E.,
Sec. 26, SE¼.
T. 15 N., R. 28 E.,
Sec. 6, lots 1, 2, and S½NE¼;
Sec. 18, lots 1, 2, and E½NW¼.
T. 16 N., R. 28 E.,
Sec. 2, lots 1, 2, 3, 4, NE¼SW¼, S½SW¼, and SE¼;
Sec. 10, NE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 14;
Sec. 22, NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, and SE¼;
Secs. 24, 26, and 28;
Sec. 34, N½ and SE¼.
T. 21 N., R. 28 E.,
Sec. 28, SW¼NE¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 34, W½W½.
T. 13 N., R. 29 E.,
Sec. 10, E½SE¼;
Sec. 14, E½.
T. 14 N., R. 29 E.,
Sec. 20, W½.
T. 15 N., R. 29 E.,
Sec. 6, lots 3 and 4.
T. 16 N., R. 29 E.,
Sec. 4, lots 1, 2, 3, 4, S½N½, N½SW¼, and E½SE¼;
Sec. 6, E½SE¼;
Sec. 8, W¼NE¼, NW¼, and W½SE¼;
Sec. 10, NW¼NW¼;
Sec. 18, lot 1 and NW¼NE¼;
Sec. 20, W½ and SE¼;
Sec. 30, lots 1, 2, NE¼, and E½NW¼;
Sec. 32, NW¼NW¼.
T. 17 N., R. 29 E.,
Sec. 8, S½NE¼, SW¼, and N½SE¼;
Sec. 14, S½;
Secs. 20, 22, and 28;
Sec. 30, N½NE¼, SE¼NE¼, and NW¼;
Sec. 32;
Sec. 34, W½NE¼ and W½.
T. 18 N., R. 29 E.,
Sec. 26, N½ and SE¼.
T. 20 N., R. 29 E.,
Sec. 4, SW¼NE¼ and S½SE¼.
T. 21 N., R. 29 E.,
Sec. 24, S½N½ and SW¼.
T. 22 N., R. 29 E.,
Sec. 10, N½NE¼ and SE¼.
T. 21 N., R. 30 E.,
Sec. 20, W½NW¼, SW¼, and S½SE¼.

The areas described aggregate 15,311.91 acres. Portions of the lands are withdrawn from all forms of appropriation by Public Land Order No. 164 of September 8, 1943 and by Public Land Order No. 243 of September 6, 1944, and portions are withdrawn under first form reclamation withdrawal by Bureau Order dated January 16, 1947.

The lands vary from nearly level to hilly and rolling to rough and steep in topography. The soil, for the most part, is second- and third-rate but in some portions varies from a sandy to a fine sandy loam.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-4373; Filed, May 8, 1947; 8:50 a. m.]

[Misc. 1683208]

WASHINGTON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 29, 1947.

Departmental order approved May 10, 1946, revoked departmental order of April 26, 1937, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Columbia Basin Project, Washington, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on July 1, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from July 2, 1947, to September 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 12, 1947, to July 1, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on July 2, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on October 1, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period

from September 11, 1947, to September 30, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on October 1, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Spokane, Washington.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 16 N., R. 20 E.,
Sec. 18, NW¼SE¼ and SE¼SE¼.

The areas described aggregate 80 acres.

The lands are level to sloping, lying at an elevation of approximately 900 feet above sea level. The soil is of good quality.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-4319; Filed, May 8, 1947; 8:50 a. m.]

[2062443]

NORTH DAKOTA

REVOCATION OF ORDER OPENING PUBLIC LANDS IN THE BOWMAN PROJECT

MAY 6, 1947.

Departmental Order approved September 28, 1945, revoked Departmental Order of October 20, 1906, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands described as follows:

BOWMAN PROJECT

FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA

T. 129 N., R. 101 W.,
Sec. 11, SW¼, W½SE¼;
Sec. 13, SW¼NW¼, SW¼, S½SE¼;
Sec. 14, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 15, S½N½, N½S½;
Sec. 23, N½NE¼, SE¼NE¼, NE¼NW¼, SE¼SW¼, SE¼;
Sec. 24, all;
Sec. 25, N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 26, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 35, W½NE¼, NW¼, N½SW¼.

The order of March 6, 1947 (12 F. R. 1777) providing for the opening of the lands to application, petition, location or selection is revoked.

FRED W. JOHNSON,
Director.

Approved: May 6, 1947.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

[F. R. Doc. 47-4393; Filed, May 8, 1947; 8:46 a. m.]

[Misc. 2062587]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 29, 1947.

Departmental order approved September 26, 1945, revoked departmental order of July 18, 1904, so far as it withdrew in the first form prescribed by section 3 of th Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Silver Creek Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on July 1, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from July 2, 1947, to September 30, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference - right filings.* For a period of 20 days from June 12, 1947, to July 1, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m., on July 2, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on October 1, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from September 11, 1947, to September 30, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on October 1, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at The Dalles, Oregon.

The lands affected by this order are described as follows:

WILLIAMETTE MERIDIAN

T. 21 S., R. 25 E.,
Sec. 36, SE¼SE¼.
T. 22 S., R. 25 E.,
Sec. 1, Lot 1 and SE¼NE¼.
T. 21 S., R. 26 E.,
Sec. 17, SW¼NE¼ and W½SE¼;
Sec. 20, W½E½, NW¼, and E½SW¼;
Sec. 22, S½SW¼, NE¼SE¼, and W½SE¼;
Sec. 27, N½NW¼ and SW¼NW¼;
Sec. 28, E½, NE¼NW¼, S½NW¼, and SW¼;
Sec. 29, NW¼NE¼, W½, and SE¼;
Sec. 30, S½NE¼, SE¼NW¼, and NE¼SE¼;
Sec. 31, Lot 4, SE¼NE¼, E½SW¼, and SE¼;
Sec. 32;
Sec. 33, W½NE¼, NW¼, W½SW¼, and NE¼SW¼.
T. 22 S., R. 26 E.,
Sec. 4, Lot 4;
Sec. 5, Lots 1, 2, 3, 4, and S½NE¼;
Sec. 6, Lots 1, 2, 3, 4, and 5.

The acres described aggregate 3,931.83 acres. Part of the lands are patented and a portion is included in a school section.

The lands vary from rolling hills to rough and broken and mountainous lands. The soil is mostly sandy but in places is good.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-4374; Filed, May 8, 1947; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 308]

MARKET AGENCIES AT SIOUX CITY STOCK YARDS

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture issued orders on December 31 1946 (5 A. D. 893), and January 27, 1947 (6 A. D. 8), providing for certain temporary rates and charges for the respondent market agencies and for the continuation of certain temporary rates and charges of the respondent market agencies then in effect, for a period ending June 30, 1947.

By petition filed on April 30, 1947, the respondent has requested that the said temporary rates and charges of the respondent market agencies be extended and made effective until December 31, 1947.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an extension of temporary rates and charges.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 5th day of May 1947.

H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-4396; Filed, May 8, 1947; 8:45 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 2868]

EMPRESA DE TRANSPORTES AEROVIAS BRASIL, S. A.

NOTICE OF HEARING

In the matter of the application of Empresa de Transportes Aerovias Brasil, S. A., for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that hearing in the above-entitled proceeding is assigned to be held on Friday, May 16, 1947, at 10:00 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, Constitution Avenue between 13th and 14th Streets, N. W. Washington, D. C., before Examiner Charles J. Frederick.

Dated at Washington, D. C., May 6, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4384; Filed, May 8, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6058]

NORTHERN STATES POWER CO.

NOTICE OF APPLICATION

MAY 5, 1947.

Notice is hereby given that on May 2, 1947, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Northern States Power Company, a corporation organized under the laws of the State of Wisconsin and doing business in the States of Minnesota and Wisconsin with its principal business office at Eau Claire, Wisconsin, seeking an order authorizing the acquisition from Wisconsin Public Service Corporation certain electric facilities consisting of approximately 50.9 miles of the Wissota to Wassau transmission line and the 110 KV air break switch installation near Edgar, Wisconsin, and appurtenances thereto, for a consideration stated in the application to be $215,000 in cash; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 23d day of May, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4381; Filed, May 8, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 163]

INCREASED EXPRESS RATES AND CHARGES, 1946

NOTICE OF HEARING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 5th day of May A. D. 1947.

It appearing, that on October 28, 1946, the Commission entered its order in the above-entitled proceeding, 266 I. C. C. 369, authorizing the Railway Express Agency, Incorporated, to establish the less-than-carload express rates and charges found to be just and reasonable in the above-entitled proceeding for temporary application; and to maintain them for a period of one year, or until further order of the Commission, "*Provided*, That within 6 months from the effective date of such rates, said Railway Express Agency will make a traffic test covering representative days within the 6 months' period, showing, among other things, the revenue effect of the increased rates herein authorized, and will present to the Commission the data covering the results of the test together with its proposal as the basis of lawful rates and charges for the future";

And it further appearing, that on March 11, 1947, the Railway Express Agency filed with the Commission a supplemental petition in this proceeding, setting forth its proposal as the basis of lawful rates and charges for the future, and on May 5, 1947, it filed with the Commission the result of its traffic tests for representative days:

It is ordered, That this proceeding be, and it is hereby, assigned for further hearing at the office of the Commission, in Washington, D. S., before Division 2, on June 10, 1947, at 10:00 o'clock, a. m., United States standard time;

It is further ordered, That the special rules of practice made applicable at the prior hearings in this proceeding, which are attached hereto and made a part hereof, be, and they are hereby, made applicable at the further hearings;

And it is further ordered, That notice of this proceeding be served on all parties of record, and that notice to the general public be given by posting a copy of this order in the office of the Secretary of the Commission, in Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

SPECIAL RULES OF PRACTICE APPLICABLE AT HEARING

Protestants: Petitions of intervention unnecessary. Persons appearing in opposition to the petition herein will be considered as protestants, and may be heard without the filing of petitions of intervention.

Simplification of presentations. In order to conserve time and avoid expense, it is strongly urged that persons finding themselves with common interests in the proceeding shall, to the greatest extent possible, endeavor to consolidate their presentation of testimony, and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument.

Evidence offered should be carefully prepared with a view to conciseness and clarity, and so as to avoid unnecessary extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

Exhibits. In the preparation of exhibits, Rules of Practice 81 to 84 inclusive should be followed. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. So far as possible exhibits should be made self-explanatory in order to minimize the amount of time required for explanation by oral testimony.

Prepared statements. Witnesses who expect in the course of their testimony to read from a written statement should comply with Rule 77 of the rules of practice. They

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should have sufficient copies thereof to supply opposing counsel, the Commissioners on the bench, and the official reporter. However, in the interest of conservation of time, it is suggested that such statements be prepared and offered in the manner indicated in the following paragraph, as verified statements, instead of being submitted orally by a witness on the stand.

Verified statements (affidavits). Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will also be received in the absence of objection, as hereinafter specified. Parties desiring to offer such statements should make available as early as possible during the hearing 15 copies for the Commission and 100 copies for other parties, including the petitioner. Notice of any objection to the receipt of any such statement in evidence should be given to the Commission and to the party submitting the statement promptly following the receipt of such statement. If no such notice is given promptly it will be considered that objection to the receipt of the statement in evidence is waived, but objection to the weight to be accorded the statement of facts is reserved. Such statements should conform to the rules of practice in respect of style, mimeographing, or printing, etc. They should be limited strictly to statements of fact and contain no argument, and if not so limited may be excluded. The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented in this proceeding, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing. All verified statements received in evidence will be part of the record in the proceeding, upon which the Commission will base its decision.

Notice of intention to produce testimony. Persons who desire to be heard will facilitate the arrangements necessary by sending notice by letter or telegram to the Commission at Washington of their intention, so as to reach the Commission on or before June 3, 1947, which shall state the number of witnesses and the approximate amount of time necessary for presentation of direct testimony. If it is impracticable for other persons desiring to be heard, to attend the hearing at Washington, D. C., they should advise the Commission setting forth the facts, and consideration will be given to additional hearings when necessary.

Correspondence. Correspondence relative to this matter should be addressed to the Commission at Washington, D. C., with a reference to the docket number, Ex Parte No. 163.

[F. R. Doc. 47-4378; Filed, May 8, 1947; 8:50 a. m.]

[S. O. 396, Special Permit 178]

RECONSIGNMENT OF TOMATOES AT PITTSBURGH, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Pittsburgh, Pa., May 2, 1947, by E. E. Fadler Co., of car PFE 44878, tomatoes, now on the Pennsylvania RR., to New York, N. Y. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of May, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-4379; Filed, May 8, 1947; 8:50 a. m.]

[S. O. 396, Special Permit 179]

RECONSIGNMENT OF ONIONS AT PHILADELPHIA, PA.

Pursuant to the autnority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., May 5, 1947, by H. Rothstein & Co., of car PFE 93769, onions, now on the Pennsylvania RR., to New England Food Buyers, Boston, Mass. (P. RR.-NYNH&H).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of May, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-4380; Filed, May 8, 1947; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1518]

SOUTH CAROLINA POWER CO. AND COMMONWEALTH & SOUTHERN CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of May 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to sections 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company and its public utility subsidiary, South Carolina Power Company ("South Carolina").

Notice is further given that any interested person may, not later than May 14, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt the transactions therein proposed as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application-declaration, which is on file in the offices of the Commission, for a summary of the transactions therein proposed, which are summarized below:

South Carolina has filed a declaration with respect to the sale by competitive bidding of $4,000,000 principal amount of additional First and Refunding Mortgage Bonds and 200,000 shares of no par common stock (File No. 70-1488). By the terms of said declaration and the proposed invitation for bids, as amended, no proposal for the purchase of the bonds will be accepted unless a contract is made for the sale of the stock and no proposal for the purchase of the stock will be accepted for less than $12 per share to the company or unless a contract is made for the sale of the bonds. The instant application-declaration proposes that Commonwealth purchase from South Carolina said 200,000 shares of common stock at a price to South Carolina of $12 per share in the event that South Carolina does not receive a bid pursuant to Rule U-50 of said price or better. In such event, Commonwealth and South Carolina propose to enter into an appropriate contract for the sale of said shares to Commonwealth concurrently with the sale of the bonds to the successful bidder therefor.

The applicants-declarants request that the Commission's order herein be issued as soon as practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4382; Filed, May 8, 1947; 8:46 a. m.]

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THE NATIONAL ARCHIVES
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FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9849

SUSPENSION OF EIGHT-HOUR LAW AS TO WORK BY THE ALASKA RAILROAD, DEPARTMENT OF THE INTERIOR

WHEREAS the Alaska Railroad is the only means by which substantial quantities of vitally needed materials and supplies can be transported to interior points in the Territory of Alaska; and

WHEREAS the protection of our national security through the maintenance of military posts in Alaska is dependent upon the transportation by the Railroad of vitally needed matériel, supplies, and equipment for our armed forces; and

WHEREAS the essential services performed by the said Railroad in the transportation of freight and passenger traffic are also of critical importance to the citizens of Alaska and to its economic development; and

WHEREAS as a result of the tremendous burden of traffic transported by the Railroad during the war years immediate and extensive rehabilitation of track and roadway facilities is necessary for the safe and continued operation of the Railroad; and

WHEREAS climatic conditions within Alaska preclude such rehabilitation except during the short summer season; and

WHEREAS it is essential to the fullest and most effective utilization of this limited period that laborers and mechanics employed by the Railroad be permitted to work in excess of eight hours a day; and

WHEREAS by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (40 U. S. C. 321), the service of all laborers and mechanics employed by the Government of the United States upon any public work of the United States is limited to eight hours in any one calendar day except in case of extraordinary emergency; and

WHEREAS I find that by reason of the foregoing an extraordinary emergency exists:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend for a period of six months, effective immediately, the above-mentioned provisions of law prohibiting more than eight hours of labor in any one day by laborers and mechanics employed by the Government of the United States as to all work performed by laborers and mechanics employed by the Alaska Railroad, Department of the Interior, on any public work within the Territory of Alaska with respect to which the Secretary of the Interior shall find such suspension to be essential to the accomplishment of the purposes of this order: *Provided*, That the wages of all laborers and mechanics so employed by the Alaska Railroad shall be based on an administrative workweek of forty hours with overtime to be paid at time and one-half for all hours of work in excess of forty hours in any such administrative workweek.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 9, 1947

[F. R. Doc. 47-4519; Filed, May 9, 1947; 12:06 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 119]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.345 *Orange Regulation 119*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Pro-

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FEDERAL REGISTER

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ards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used in this section "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 8th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4496; Filed, May 9, 1947; 9:34 a. m.]

PART 941—MILK IN CHICAGO, ILL., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, hereinafter referred to as the "order," it is hereby found and determined that the following provisions of such order do not tend to effectuate the declared policy of the act:

1. Section 941.4 (a) (2) in its entirety;
2. In § 941.4 (a) (3) the phrase "• • • located within the surplus milk manufacturing area • • •"; and
3. In § 941.4 (a) (4) the phrase "• • • located within the surplus milk manufacturing area • • •"

It is hereby further found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 12, 1947, and ending at 12:01 a. m., e. s. t., May 19, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used in this section "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-4407; Filed, May 9, 1947; 8:45 a. m.]

[Lemon Reg. 221]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.328 *Lemon Regulation 221*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 11, 1947, and ending at 12:01 a. m., p. s. t., May 18, 1947, is hereby fixed at 450 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 8th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: May 4, 1947. 12:01 A. M. May 11, 1947, to 12:01 A. M. May 25, 1947]

Handler	*Prorate base (percent)*
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.676
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.491
Consolidated Citrus Growers	.000
Corona Plantation Co	.463
Hazeltine Packing Co	.831
Leppla-Pratt, Produce Distrs. Inc.	.000
McKellips, C. H.-Phoenix Citrus Co.	.000
McKellips Mutual Citrus Growers, Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.188
Ventura Pacific Co	1.347
Total A. F. G.	4.996
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc.	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.023
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.753
La Verne Lemon Association	.944
La Habra Citrus Association	2.135
Yorba Linda Citrus Association, The	1.187
Alta Loma Heights Citrus Association	1.031
Etiwanda Citrus Fruit Association	.541
Mountain View Fruit Association	.796
Old Baldy Citrus Association	1.150
Upland Lemon Growers Association	5.917
Central Lemon Association	1.224
Irvine Citrus Association	1.383
Placentia Mutual Orange Association	.568
Corona Citrus Association	.395
Corona Foothill Lemon Co	1.814
Jameson Co	.968
Arlington Heights Fruit Co	.654
College Heights Orange & Lemon Association	2.672
Chula Vista Citrus Association, The	1.200
El Cajon Valley Citrus Association	.261
Escondido Lemon Association	3.912
Fallbrook Citrus Association	1.641
Lemon Grove Citrus Association	.517
San Dimas Lemon Association	2.483
Carpinteria Lemon Association	2.089
Carpinteria Mutual Citrus Association	2.328
Goleta Lemon Association	2.019
Johnston Fruit Co	4.208
North Whittier Heights Citrus Association	1.192
San Fernando Heights Lemon Association	1.402
San Fernando Lemon Association	1.082
Sierra Madre-Lamanda Citrus Association	2.222
Tulare County Lemon & Grapefruit Association	.006

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Briggs Lemon Association	2.310
Culbertson Investment Co	.458
Culbertson Lemon Association	1.023
Fillmore Lemon Association	1.898
Oxnard Citrus Association No. 1	2.439
Oxnard Citrus Association No. 2	2.741
Rancho Sespe	1.088
Santa Paula Citrus Fruit Associaton	3.236
Satiecy Lemon Association	2.511
Seaboard Lemon Association	3.314
Somis Lemon Association	2.826
Ventura Citrus Association	.862
Limoneira Company	2.927
Teague-McKevett Association	.883
East Whittier Citrus Association	.913
Leffingwell Rancho Lemon Association	.906
Murphy Ranch Co	1.833
Whittier Citrus Association	1.070
Whittier Select Citrus Association	.748
Total C. F. G. E.	85.903
Arizona Citrus Production Co	.000
Chula Vista Mutual Lemon Association	.918
Escondido Cooperative Citrus Association	.461
Glendora Cooperative Citrus Association	.131
Index Mutual Association	.441
La Verne Cooperative Citrus Association	1.856
Libbey Fruit Packing Company	.000
Orange Cooperative Citrus Association	.274
Pioneer Fruit Co	.000
Tempe Citrus Co	.000
Ventura Co. Orange & Lemon Association	2.187
Whittier Mutual Orange & Lemon Association	.302
Total M. O. D.	6.570
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.012
California Citrus Groves, Inc., Ltd.	.000
El Modena Citrus, Inc	.022
Evans Bros. Packing Co.—Riverside	.099
Evans Bros. Packing Co.—Sentinel Butte Ranch	.000
Foothill Packing Co	.195
Granada Packing House	.000
Harding & Leggett	.046
Morris Bros. Fruit Co	.000
Orange Belt Fruit Distributors	1.806
Potato House, The	.000
Raymond Bros	.038
Riverside Growers, Inc	.000
Rooke, B. G. Packing Co	.000
San Antonio Orchard Co	.092
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.221
Western States Fruit & Produce Co.	.000
Total Independents	2.531

[F. R. Doc. 47-4495; Filed, May 9, 1947; 9:34 a. m.]

[Orange Reg. 176, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.322 *Orange Regulation 176, as amended*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) Order. (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 4, 1947, and ending at 12:01 a. m., p. s. t., May 11, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, 750 carloads; (*b*) Prorate District No. 2, no movement; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, unlimited movement; and (*c*) Prorate District No. 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached to Orange Regulation 176 (12 F. R. 2980) and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 8th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4498; Filed, May 9, 1947; 9:34 a. m.]

[Orange Reg. 177]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.323 *Orange Regulation 177*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 11, 1947, and ending at 12:01 a. m., e. s. t., May 18, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, 800 carloads; (*b*) Prorate District No. 2, 750 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, unlimited movement; and (*c*) Prorate District No. 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administration Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 8th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4499; Filed, May 9, 1947; 9:34 a. m.]

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Snyder & Sons Co., W. A	0.5719
Webb Packing Co., Inc	.4722
Wollenman Packing Co	.5964
Woodlake Heights Packing Corp	.9874

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.0596
A. F. G. Fullerton	.8450
A. F. G. Orange	.6367
A. F. G. Redlands	.2281
A. F. G. Riverside	.1583
A. F. G. San Juan Capistrano	.9241
A. F. G. Santa Paula	.3844
Corona Plantation Co	.2473
Hazeltine Packing Co	.3685
Signal Fruit Association	.1020
Azusa Citrus Association	.4895
Azusa Orange Co., Inc	.1381
Damerel-Allison Co	.9471
Glendora Mutual Orange Association	.4129
Irwindale Citrus Association	.3766
Puente Mutual Citrus Association	.1985
Valencia Heights Orchards Association	.4401
Glendora Citrus Association	.4064
Glendora Heights Orange and Lemon Growers Association	.0956
La Verne Orange Association	.6836
Anaheim Citrus Fruit Association	1.4513
Anaheim Valencia Orange Association	1.2569
Eadington Fruit Co	1.8782
Fullerton Mutual Orange Association	1.3932
La Habra Citrus Association	1.1610
Orange County Valencia Association	.5682
Orangethorpe Citrus Association	1.0084
Placentia Cooperative Orange Association	.7068
Yorba Linda Citrus Association, The	.5479
Alta Loma Heights Citrus Association	.1056
Citrus Fruit Growers	.1916
Cucamonga Citrus Association	.1840
Etiwanda Citrus Fruit Association	.0423
Mountain View Fruit Association	.0124
Old Baldy Citrus Association	.1200
Rialto Heights Orange Growers	.0847
Upland Citrus Association	.4405
Upland Heights Orange Association	.1413
Consolidated Orange Growers	1.6916
Frances Citrus Association	1.1280
Garden Grove Citrus Association	1.3772
Goldenwest Citrus Association, The	1.3758
Irvine Valencia Growers	2.3437
Olive Heights Citrus Association	1.6525
Santa Ana-Tustin Mutual Citrus Association	.9652
Santiago Orange Growers Association	3.6846
Tustin Hills Citrus Association	1.6830
Villa Park Orchards Association, The	1.9571
Bradford Bros., Inc	.6026
Placentia Mutual Orange Association	1.9011
Placentia Orange Growers Association	2.2326
Call Ranch	.0721
Corona Citrus Association	.4760
Jameson Co	.0408
Orange Heights Orange Association	.4097
Break & Son, Allen	.0614
Bryn Mawr Fruit Growers Association	.2809
Crafton Orange Growers Association	.3975
E. Highlands Citrus Association	.0863
Fontana Citrus Association	.1113

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Highland Fruit Growers Association	0.0509
Krinard Packing Co	.2832
Mission Citrus Association	.1440
Redlands Cooperative Fruit Association	.4111
Redlands Heights Groves	.2601
Redlands Orange Growers Association	.3370
Redlands Orangedale Association	.2442
Redlands Select Groves	.1910
Rialto Citrus Association	.1751
Rialto Orange Co	.1503
Southern Citrus Association	.2082
Zilen Citrus Co	.1072
Arlington Heights Fruit Co	.1115
Brown Estate, L. V. W	.1424
Gavilan Citrus Association	.1500
Hemet Mutual Groves	.1103
Highgrove Fruit Association	.0854
McDermont Fruit Co	.1787
Mentone Heights Association	.0626
Monte Vista Citrus Association	.2236
National Orange Co	.0444
Riverside Heights Orange Growers Association	.0923
Sierra Vista Packing Association	.0566
Victoria Avenue Citrus Association	.1820
Claremont Citrus Association	.1625
College Heights O. & L. Association	.2443
El Camino Citrus Association	.0815
Indian Hill Citrus Association	.2058
Pomona Fruit Growers Exchange	.4367
Walnut Fruit Growers Exchange	.4598
West Ontario Citrus Association	.4030
El Cajon Valley Citrus Association	.3549
Escondido Orange Association	2.6066
San Dimas Orange Growers Association	.4957
Covina Citrus Association	.9752
Covina Orange Growers Association	.4002
Duarte-Monrovia Fruit Exchange	.2993
Santa Barbara Orange Association	.0512
Ball & Tweedy Association	.7260
Canoga Citrus Association	.8651
N. Whittier Heights Citrus Association	.9405
San Fernando Fruit Growers Association	.4357
San Fernando Heights Orange Association	.9401
Sierra Madre-Lamanda Citrus Association	.3996
Camarillo Citrus Association	1.4868
Fillmore Citrus Association	3.5403
Mupu Citrus Association	2.7919
Ojai Orange Association	.9746
Piru Citrus Association	1.9972
Santa Paula Orange Association	1.0795
Tapo Citrus Association	1.1446
Limoneira Co	.4244
E. Whittier Citrus Association	.4010
El Ranchito Citrus Association	1.2612
Murphy Ranch Co	.5759
Rivera Citrus Association	.5426
Whittier Citrus Association	.6910
Whittier Select Citrus Association	.4592
Anaheim Cooperative Orange Association	1.1430
Bryn Mawr Mutual Orange Association	.0684
Chula Vista Mutual Lemon Association	.0912
Escondido Cooperative Citrus Association	.3330
Euclid Avenue Orange Association	.4392
Foothill Citrus Union, Inc	.0330
Fullerton Cooperative Orange Association	.3756
Garden Grove Orange Cooperative, Inc	.5993
Glendora Cooperative Citrus Association	.0674

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Golden Orange Groves, Inc.	0.2633
Highland Mutual Groves	.0887
Index Mutual Association	.2186
La Verne Cooperative Citrus Association	1.4015
Olive Hillside Groves	.7816
Orange Cooperative Citrus Association	1.0396
Redlands Foothill Groves	.4820
Redlands Mutual Groves Association	.1843
Riverside Citrus Association	.0719
Ventura County Orange & Lemon Association	.9235
Whittier Mutual Orange & Lemon Association	.1996
Babijuice Corp. of California	.5058
Banks Fruit Co	.3114
Banks, L. M	.5430
Borden Fruit Co	.5712
California Fruit Distributors	.5022
Cherokee Citrus Co., Inc	.1475
Chess Co., Meyer W	.2951
El Modena Citrus, Inc	.8462
Escondido Avocado Growers	.0549
Evans Bros. Packing Co	.7595
Gold Banner Association	.2796
Granada Mills Packing Co	.0624
Granada Packing House	2.8646
Hill, Fred A	.0761
Inland Fruit Dealers	.0925
Montgomery Jr., C. R	.0504
Orange Belt Fruit Distributors	1.8865
Panno Fruit Co., Carlo	.1646
Paramount Citrus Association	.2597
Placentia Orchard Co	.3985
Placentia Pioneer Valencia Growers Association	.6451
Riverside Growers, Inc	.1432
San Antonio Orchards Co	.5405
Snyder & Sons Co., W. A	1.2094
Sunny Hills Ranch, Inc	.2475
Verity & Sons Co., R. H	.0332
Wall, E. T	.1173
Webb Packing Co	.2761
Western Fruit Growers, Inc., Anaheim	.0862
Yorba Orange Growers Association	.6044

[F. R. Doc. 47-4497; Filed, May 9, 1947; 9:34 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter II—Aircraft

PART 203—ASSISTANCE TO AIRCRAFT OF FOREIGN REGISTRY AT CONTINENTAL UNITED STATES BASES

Correction

In Federal Register Document 47-4347, appearing on page 3049, of the issue for Thursday, May 8, 1947, the headnote for Part 203 should read as set forth above.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 388]

PART 292—EXEMPTIONS AND CLASSIFICATIONS

IRREGULAR AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 5th day of May 1947.

The Civil Aeronautics Board, having held a hearing and issued its opinion in the Investigation of Non-Scheduled Air Service, Docket No. 1501, relating to non-certificated air carriers,[1] having circulated for comment a draft and thereafter a revised draft of proposed regulation relating to non-certificated air carriers, having considered written comments and oral argument thereon in Docket No. 2742, and having also considered other data and information[2] available to the Board, finds as follows:

1. Since 1938 there has been in effect an exemption regulation adopted by the Board which exempts non-certificated air carriers from all provisions of Title IV of the Civil Aeronautics Act (other than section. 401 (l) and 407 (a), and, since June, 1946, section 411) so long as they engage only in irregular services as defined in such regulation. At the time such regulation was originally adopted the Board believed it was undesirable to provide for the detailed economic regulation of the operations of such carriers without further study. Since that time and particularly following the close of the war, the Board has accumulated information and data which indicate that the aggregate operations of such carriers have increased in scope and importance, and that operations by individual carriers are frequently extensive. Some such operations have been conducted with little regard to the responsibility and duty owed to the public by a common carrier with respect to service, and have resulted in numerous complaints to the Board concerning tariff and operating practices, including but not limited to failure of such carriers to perform the service agreed upon, great variations in the fares and rates charged by the same carrier for comparable service, failure to make refunds to passengers and shippers for transportation not performed, misrepresentation of equipment, facilities and services, and use of inadequate and makeshift equipment and facilities. Both the protection of the public from improper practices by such non-certificated air carriers and protection of the certificated carriers against unregulated competition require that additional regulatory provisions of the Civil Aeronautics Act be now made applicable to such non-certificated air carriers.

2. In addition to the public demand and need for air transportation services furnished by the certificated air carriers on regularly scheduled operations, there is public demand and need at the present time for air services on an irregular basis both to certificated and non-certificated points. Such irregular services vary greatly with respect to type of service, and fill a need which, because of fluctuations in the demand and the impossibility of determining where and when the demand will arise, by its very nature cannot be fulfilled economically by carriers operating on regular schedules and routes. Such services can be performed by non-certificated air carriers, and because of their knowledge of local conditions or willingness to perform specialized types of services such services can frequently be performed by them more adequately, economically and quickly than by certificated carriers. To require the certification of such carriers at the present time would be impracticable because it would be necessary to issue a certificate of public convenience and necessity which would either impose no substantial limitations upon operations or which would substantially reduce the flexibility and usefulness of the operations of such carriers. Certification, in the case of many small scale operations, would be uneconomical and would tend to prevent or retard the development of new types of services designed to meet special conditions. Because of the fact that irregular services meet a different need and must be infrequent and irregular, such services, if properly regulated under provisions of the act other than those relating to certificates of public convenience and necessity, will not under present conditions have adverse competitive effect upon the services performed by the certificated air carriers.

3. In view of the considerations mentioned in paragraphs 1 and 2 hereof, and in order to insure the flexibility in the conduct of irregular services which is implicit in exemption of non-certificated air carriers from certification, irregular air carriers, as defined in § 292.1, should continue to be exempted from the requirements of section 401 of the act other than subsection (l). Protection of the public and the orderly development of the air transportation system in accordance with the objectives of section 2 of the act, however, require that certain provisions of the act which are not directly related to the certification provisions of the act should be made applicable to the irregular air carriers utilizing equipment of substantial size. Such carriers are now subject to sections 401 (l), 407 (a) and 411, and these requirements should be continued. In addition, such carriers should now be subject to sections 403, 404 (b), 407 (b), 407 (c), 407 (d), 407 (e), 409 (b), 410, 415 and 416; and to the requirements of section 404 (a) relating to safe service, equipment and facilities. In addition, such carriers should be made subject to the provisions of sections 408, 409 (a), 412, 413 and 414, except to the extent, as more fully set forth in paragraph (c) of § 292.1, that such provisions involve other irregular air carriers.

4. A portion of the irregular air service now being performed is performed by small air carriers operating a limited number of planes of small size. From reports submitted to the Board it appears that non-certificated air carriers operating one or more aircraft having a gross take-off weight in excess of 10,000 pounds constituted less than 20 percent of the total number of non-certificated air carriers, but flew approximately 90 percent of the total revenue passenger miles flown by all such carriers. It would thus appear that irregular air carriers operating aircraft under 10,000 pounds may be subjected to a much lesser degree of economic regulation without materially affecting the over-all air transportation system. Such operations are limited in scope, do not represent a serious threat to certificated operations, and extensive regulation thereof at this time would be unduly burdensome and costly to such carriers, would tend to increase the cost and impair the value of such services to the public, and would impose unnecessary additional administrative burden upon the Board. Accordingly, such irregular air carriers should not be made subject to sections 403, 404 (b), 407 (b), 407 (c), 408, 409 (a), 410 and 412, but should be made subject to all other provisions of the act to which the irregular air carriers utilizing equipment of substantial size are subject.

In drawing the line between the irregular air carriers utilizing equipment of substantial size and the irregular air carriers which utilize only smaller equipment, the Board finds that the use of a single aircraft unit having an allowable gross take-off weight in excess of 10,000 pounds would involve an operation of substantial size in relation to the service offered to the public and the competitive effect upon other air carriers; and that the use of aircraft units having an allowable gross take-off weight between 6,000 and 10,000 pounds and an aggregate gross take-off weight in excess of 25,000 pounds would likewise involve a substantial operation.

5. Section 292.1 of the economic regulations as revised herein, unlike the exemption heretofore in effect, does not provide for exemption from the act with respect to the carriage of persons in foreign air transportation. The Board finds that notwithstanding the findings in paragraphs 2 and 3 hereof the continuation of the exemption with respect to such transportation is no longer justified in view of the recent substantial extension of our international air transportation system, as well as the recent award of foreign air carrier permits, and in view of the smaller traffic potential which the Board finds to exist in the field of international air transportation as compared with interstate and overseas air transportation.

6. As a condition to the grant of the exemptions provided for in § 292.1, such section will provide for letters of registration to be issued to irregular air carriers, for quarterly operation reports, and for special reports on the institution of service with large aircraft by such carriers theretofore utilizing only small aircraft. These requirements are deemed necessary in order that the Board may maintain adequate supervision and obtain information with respect to excepted operations.

7. Unless specific provision were made herein the officers and directors of irregular air carriers otherwise would be subject to the interlocking relationships provisions of section 409 of the act, even though the irregular air carriers in which they hold their positions are wholly or partially exempted from such provisions by the terms of § 292.1. The Board's statutory powers to grant exemptions from provisions of Title IV of the act extend only to air carriers and not to individuals or persons other than air carriers. Certain interlocking relationships as specified in section 409 occupied by such persons are lawful only if approved by the Board upon due showing, in the form and manner prescribed by the Board, that the public interest will not be adversely affected thereby. The Board has determined in this regard that since it is granting exemption to certain irregular air carriers from the requirements of section 409 with respect to certain relationships, a due showing within the meaning of the statute to justify approval of an interlocking relationship, upon application filed by an officer or director of an irregular air carrier, would be made by a showing that such carrier itself had been granted an exemption from the necessity of obtaining approval. To require each such officer or director to file such an application and make such a showing, however, would appear to impose a useless administrative burden upon the Board and would not be conducive to the proper dispatch of business and to the ends of justice. The Board has determined, therefore, that such showing by all such officers and directors individually shall be presumed to have been made, and upon the basis thereof has granted blanket approval of such interlocking relationships in § 292.1.

8. In view of the foregoing considerations, the present enforcement of the provisions of Title IV, except to the extent required in § 292.1, would be an undue burden on irregular air carriers by reason of the limited extent of, and the unusual circumstances affecting the operations of such carriers, and would not be in the public interest.

On the basis of the foregoing findings, and pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 416 (b) thereof, and for the purpose of providing for the economic regulation of services conducted on an irregular basis by non-certificated air carriers, the Civil Aeronautics Board hereby amends § 292.1 of the economic regulations in its entirety to read as follows, effective June 10, 1947:

§ 292.1 *Irregular air carriers*—(a) *Applicability.* This section shall not apply to any air carrier authorized by a certificate of public convenience and necessity to engage in air transportation, to Alaskan air carriers, to operations within Alaska, or to any non-certificated air carrier engaged in air transportation pursuant to special or individual exemption by the Board or pursuant to exemption created by any other section of the economic regulations.

(b) *Classification.* There is hereby established a classification of non-certificated air carriers to be designated as "Irregular Air Carriers." An irregular air carrier shall be defined to mean any air carrier (1) which does not hold a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, (2) which directly engages in interstate or overseas air transportation of persons and property or foreign air transportation of property only, and (3) which does not hold out to the public, expressly or by a course of conduct, that it operates one or more aircraft between designated points, or within a designated point, regularly or with a reasonable degree of regularity upon which aircraft it accepts for transportation, for compensation or hire, such members of the public as apply therefor or such property as the public offers. No air carrier shall be deemed to be an irregular air carrier unless the air transportation services offered and performed by it are of such infrequency as to preclude an implication of a uniform pattern or normal consistency of operation between, or within, such designated points. Within the meaning of this definition a "point" shall mean any airport or place where aircraft may be landed or taken-off, including the area within a 25-mile radius of such airport or place.

(c) *Exemptions*—(1) *General.* Except as otherwise provided in this section, irregular air carriers shall be exempt from all provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, other than the following:

(i) Subsection 401 (l) (Compliance with Labor Legislation);

(ii) Section 403 (Tariffs);

(iii) Subsection 404 (a) (Carrier's Duty to Provide Service, etc.), only in so far as said subsection requires air carriers to provide safe service, equipment, and facilities in connection with air transportation;

(iv) Subsection 404 (b) (Discrimination);

(v) Subsection 407 (a) (Filing of Reports): *Provided,* That no provision of any rule, regulation, term, condition or limitation prescribed pursuant to said subsection 407 (a) shall be applicable to irregular air carriers unless such rule, regulation, term, condition or limitation expressly so provides;

(vi) Subsection 407 (b) (Disclosure of Stock Ownership);

(vii) Subsection 407 (c) (Disclosure of Stock Ownership by Officers or Directors);

(viii) Subsection 407 (d) (Form of Accounts): *Provided,* That no provision of any rule, regulation, term, condition or limitation prescribed pursuant to said subsection 407 (d) shall be applicable to irregular air carriers unless such rule, regulation, term, condition or limitation expressly so provides;

(ix) Subsection 407 (e) (Inspection of Accounts and Property);

(x) Section 408 (Consolidation, Merger, and Acquisition of Control): *Provided,* That irregular air carriers shall be exempt from section 408 in so far as said section would make it unlawful, without prior approval by the Board, (a) for any irregular air carrier or any person controlling any such carrier to purchase, lease, or contract to operate the properties, or any substantial part thereof, of another irregular air carrier, (b) for any irregular air carrier to consolidate or merge with another irregular

[1] As used herein the term "non-certificated air carriers" refers to air carriers engaging in air transportation which do not hold certificates of public convenience and necessity issued by the Board, and the term "certificated air carriers" refers to air carriers which do hold such certificates.

[2] Such data and information include, among other things, the reports heretofore filed with the Board pursuant to § 292.1 of the Economic Regulations, data obtained in investigations made by the enforcement staff of the Board, financial Forms 41, 2380 and 2780, and other reports filed with the Board by the certificated air carriers, informal complaints filed against non-certificated air carriers, and applications for air carrier operating certificates filed with the Civil Aeronautics Administration pursuant to Part 42 of the Civil Air Regulations.

air carrier, and (c) for any irregular air carrier or any person controlling any such air carrier to acquire control of another irregular air carrier: *Provided further*, That any irregular air carrier which consolidates or merges with another irregular air carrier and any irregular air carrier or any person controlling any such carrier that acquires control of, or purchases, leases, or contracts to operate the properties, or any substantial part thereof, of another irregular air carrier pursuant to the exemption granted herein, shall submit to the Board, not more than 30 days following the consummation of the transaction, a report indicating in reasonable detail the nature and result of the transaction.

(xi) Subsection 409 (a) (Interlocking Relationships): *Provided*, That if an application by any irregular air carrier for approval of an interlocking relationship in existence on the effective date of this section is filed with the Board prior to a date 30 days after the effective date of this section, such air carrier may retain the officer, director, member, or stockholder involved in such relationship pending final disposition by the Board of said application: *Provided, further*, That irregular air carriers shall be exempt from subsection 409 (a) in so far as said subsection would make it unlawful, without prior approval by the Board, (a) for any irregular air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in another irregular air carrier, (b) for any irregular air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in another irregular air carrier;

(xii) Subsection 409 (b) (Profit from Transfer of Securities);

(xiii) Section 410 (Loans and Financial Aid);

(xiv) Section 411 (Methods of Competition);

(xv) Section 412 (Pooling and Other Agreements): *Provided*, That irregular air carriers shall be exempt from section 412 until 60 days after the effective date of this section: *Provided further*, That irregular air carriers shall be exempt from section 412 in so far as said section would require any irregular air carrier to file with the Board a copy or a memorandum of certain contracts or agreements (other than contracts or agreements for pooling or apportioning earnings, losses, traffic, service or flying equipment), or of modifications or cancellations thereof, between such carrier and any other irregular air carrier;

(xvi) Section 413 (Form of Control);

(xvii) Section 414 (Legal Restraints);

(xviii) Section 415 (Inquiry into Air-Carrier Management);

(xix) Section 416 (Classification and Exemption of Carriers).

(2) *Additional exemptions for irregular air carriers utilizing small aircraft.* Subdivisions (ii), (iv), (vi), (vii), (x), (xi), (xiii) and (xv) of subparagraph (1) of this paragraph shall not apply to any irregular air carrier which does not utilize in its air transportation services any single aircraft unit having an allowable gross take-off weight in excess of 10,000 pounds, or three or more aircraft units (not including any aircraft unit having an allowable gross take-off weight of less than 6,000 pounds) having an aggregate allowable gross take-off weight in excess of 25,000 pounds.

(3) *Additional temporary exemptions in foreign air transportation.* Notwithstanding any other provisions of this section, irregular air carriers for a period of three months after the effective date of this section, shall, with respect to foreign air transportation of persons, be exempt from all provisions of sections 401 (except subsection 401 (l)) and 403 of the Civil Aeronautics Act of 1938, as amended, only, however, to the extent that such foreign air transportation of persons is confined to operations of the type exempted under this section prior to this revision of such section.

(4) *Approval of certain interlocking relationships.* To the extent that any officer or director of an irregular air carrier would, without prior approval by the Board, be in violation of any provision of subsection 409 (a) (3) of the Civil Aeronautics Act of 1938, as amended, by reason of any interlocking relationship with another irregular air carrier, such relationship is hereby approved.

(5) *Effect on other statutes.* The exemptions hereinabove granted from certain provisions and requirements of sections 408, 409, and 412 shall not constitute an order made under such sections, within the meaning of section 414, and shall not confer any immunity or relief from operation of the "antitrust laws," or any other statute (except the Civil Aeronautics Act of 1938, as amended), with respect to any transaction, interlocking relationship or agreement otherwise within the purview of such section.

(6) *Operational reports by irregular air carriers.* On or before July 20, 1947, and thereafter on or before the 20th day of every October, January, April and July, each irregular air carrier, except those irregular air carriers utilizing only small aircraft, as specified in subparagraph (2) of this paragraph, shall file with the Board a quarterly operational report covering the period of the three preceding calendar months, showing all flights operated in air transportation during such period, and stating, with respect to each such flight, the dates of departures and arrivals and the origin, destinations and intermediate points served. Whenever any irregular air carrier theretofore utilizing only small aircraft, as specified in subparagraph (2) of this paragraph, undertakes to utilize in its air transportation services any single aircraft unit having an allowable gross take-off weight in excess of 10,000 pounds, or three or more airfcraft units (not including any aircraft unit having an allowable gross take-off weight of less than 6,000 pounds) having an aggregate allowable gross take-off weight in excess of 25,000 pounds, such irregular air carrier shall notify the Board in writing within not more than ten days after the actual commencement of such utilization.

(d) *Registration for exemption*—(1) *Letter of registration required.* From and after 60 days after the effective date of this section no irregular air carrier may engage in any form of air transportation unless there is then outstanding and in effect with respect to such air carrier a letter of registration issued by the Board: *Provided*, That if any irregular air carrier, otherwise authorized to engage in air transportation pursuant to this section, shall file with the Board within 60 days after the effective date of this section, an application for a letter of registration, such applicant may engage in such air transportation until such letter has been issued, or such applicant has been notified that it appears to the Board that such applicant is not entitled to the issuance of such letter.

(2) *Issuance of letter of registration.* Upon the filing of proper application therefor, the Board shall issue, to any irregular air carrier, a letter of registration which, unless otherwise sooner rendered ineffective, shall expire and be of no further force and effect, upon a finding by the Board that enforcement of the provisions of section 401 (from which exemption is provided in this section) would be in the public interest and would no longer be an undue burden on such irregular air carrier or class of irregular air carriers. Such application shall be certified to by a responsible official of such carrier as being correct, and shall contain the following information: (i) Date; (ii) name of carrier; (iii) mailing address; (iv) location of principal operating base; (v) if a corporation, the place of incorporation, the name and citizenship of officers and directors and a statement that at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions; (vi) if an individual or partnership, the name and citizenship of owners or partners; (vii) the types and numbers of each type of aircraft utilized in air transportation. Such application shall be submitted in duplicate in letter form or on C. A. B. Form No. 2789[1] which is available on request for the convenience of applicants.

(3) *Non-transferability of letter of registration.* A letter of registration shall be non-transferable and shall be effective only with respect to the person named therein.

(4) *Suspension of letter of registration.* Letters of registration shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest.

(5) *Revocation of letter of registration.* Letters of registration shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provision of the Civil Aeronautics Act of 1938, as amended, or of any order, rule or regulation issued under any such provision, or of any term, condition or limitation of any authority issued under said act or regulations.

(e) *Separability.* If any provision of this section or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, the remainder of the section and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby. (52 Stat. 984 and 1004, as amended; 49 U. S. C. 425a and 496b)

NOTE: The record-keeping and reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4424; Filed, May 9, 1947; 9:14 a. m.]

[1] Filed as part of the original document.

[Regs., Serial No. 389]

PART 292—EXEMPTIONS AND CLASSIFICATIONS

NON-CERTIFICATED CARGO CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of May 1947.

The Civil Aeronautics Board, having held a hearing and issued its opinion in the Investigation of Non-Scheduled Air Service, Docket No. 1501, relating to non-certificated air carriers,[1] having circulated for comment a draft and thereafter a revised draft of proposed regulation relating to non-certificated air carriers, having considered written comments and oral argument thereon in Docket No. 2742, and having also considered other data and information[2] available to the Board, finds as follows:

1. Although the carriage of passengers and parcels (express) has long been performed by the certificated air carriers, the carriage of property in aircraft specially adapted or used solely for that purpose, and by companies devoting all or a major portion of their efforts to the solicitation and carriage of property constitutes a new and developing business. Such carriage of property by air is in the public interest, meets a public need, and although still in its infancy is likely to become an industry utilizing new methods and techniques which will develop only with time, experience and opportunity for experimentation. The need and the opportunity cannot be adequately met by confining such carriers of property, which at the present time do not hold certificates of public convenience and necessity, to the irregular operations which they have heretofore conducted or may hereafter conduct pursuant to § 292.1 of the economic regulations, or which they may continue to conduct on a noncommon carrier basis.

2. Because of the inability of non-certificated air carriers to carry sufficient volume of cargo on an irregular common carrier basis or to build up an economically balanced operation in the case of non-common carrier operations, many of such carriers of property by air, operating in interstate and/or overseas air transportation may be required, for financial reasons, to terminate operations if they are required to continue to operate only upon an irregular or non-common carrier basis.

3. At the present time applications are pending before the Board in which for the first time the Board will be called upon to determine issues of public convenience and necessity relating to authorization to engage in the air transportation of property only in interstate and/or overseas air transportation. Certain of these applications are already consolidated in pending proceedings which are in various stages of adjudication, but it appears that in no case will the Board be able to dispose finally of such issues for some time. During this interim period it would not be in the public interest to terminate or curtail such services and thereby lose the benefit of the experience being obtained in this new field of air cargo; and the probability of dissipation of the operating staff and experience of such carriers, interruption of operations, loss of revenues and probable loss of part of their capital funds during the aforesaid interim period constitute unusual circumstances affecting the operations of such carriers and would impose an undue burden on such carriers.

4. In view of the considerations mentioned above, we find that non-certificated cargo carriers in the class described in paragraph (b) of § 292.5 should be exempted from the requirements of section 401 of the act (other than section 401 (l)) in order that such carriers will be able to engage in scheduled cargo service in interstate and/or overseas air transportation to the extent provided in paragraph (c) of § 292.5. Such carriers will be made subject to all other provisions of Title IV of the act other than provisions, such as sections 405 and 406, which are not applicable to non-certificated cargo only operations.

5. Section 292.5 will not provide for exemption from the act with respect to the carriage of cargo in foreign air transportation. The Board finds that an exemption with respect to such transportation is not justified in view of the recent substantial extension of our international air transportation system, as well as the recent award of foreign air carrier permits, and in view of the smaller traffic potential which the Board finds to exist presently in the field of international air transportation as compared with interstate or overseas air transportation.

6. In view of the foregoing considerations, the present enforcement of the provisions of Title IV, except to the extent required in § 292.5, would be an undue burden on non-certificated cargo carriers by reason of the limited extent of, and the unusual circumstances affecting, the operations of such carriers, and would not be in the public interest.

On the basis of the foregoing findings, and pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 416 (b) thereof, and for the purpose of authorizing and regulating limited air transportation of property only by certain applicants for certificates of public convenience and necessity for such service, the Civil Aeronautics Board hereby makes and promulgates the following regulation, effective June 10, 1947:

§ 292.5 *Non-certificated cargo carriers*—(a) *Applicability.* This section shall not apply to any air carrier authorized by a certificate of public convenience and necessity to engage in air transportation, to Alaskan air carriers, to operations within Alaska, or to any non-certificated air carrier engaged in air transportation pursuant to special or individual exemption by the Board or pursuant to exemption created by any other section of the economic regulations.

(b) *Classification.* There is hereby established a classification of non-certificated air carriers to be designated as "non-certificated cargo carriers". A non-certificated cargo carrier shall be defined to mean any air carrier which directly engages in interstate or overseas air transportation of property only and which on May 5, 1947,

(1) Did not hold a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended,

(2) Had on file with the Board an application for a certificate of public convenience and necessity authorizing scheduled interstate or overseas air transportation of property only, and

(3) Was actively engaged in the business of carrying property by air for compensation or hire.

(c) *Scope of operations affected.* Except as otherwise provided in this section, each non-certificated cargo carrier shall be entitled to the exemptions created by this section, only with respect to transportation between such carrier's "established points." For the purpose of this section, the term "established points" shall be defined for any given non-certificated cargo carrier to include any point to or from which such carrier has transported property by air, for compensation or hire, on other than merely a casual, occasional or infrequent basis, at any time during the twelve-month period ending May 5, 1947, *Provided, however*, That such point is a point, or is located in a region, proposed to be served in such carrier's pending application referred to in paragraph (b) of this section. Upon filing written notice with the Board of intention to serve any other point located within the area immediately adjacent to any established point, such carrier also shall be entitled to the exemptions created by this sec-

[1] As used herein the term "non-certificated air carriers" refers to air carriers engaging in air transportation which do not hold certificates of public convenience and necessity issued by the Board, and the term "certificated air carriers" refers to air carriers which do hold such certificates.

[2] Such data and information include, among other things, the record in the Air Freight Case, Docket No. 810 et al., the reports heretofore filed with the Board pursuant to § 292.1 of the Economic Regulations, data obtained in investigations made by the enforcement staff of the Board, financial forms 41, 2380 and 2780, and other reports filed with the Board by the certificated air carriers, informal complaints filed against non-certificated air carriers, and applications for air carrier operating certificates filed with the Civil Aeronautics Administration pursuant to Part 42 of the Civil Air Regulations.

tion, with respect to transportation to or from such other point, unless and until the Board shall advise the carrier that such other point is not deemed, with reference to the purposes of this section, to be located within said immediately adjacent area, or that said transportation to or from such other point is not in the public interest.

(d) *Duration of exemption.* Unless otherwise extended as to any particular carrier by appropriate order of the Board, the exemptions provided in this section shall apply to each non-certificated cargo carrier only until 60 days after the Board shall have made final disposition of any one application, or part thereof, on file with the Board by that carrier on May 5, 1947, for a certificate of public convenience and necessity authorizing the direct scheduled interstate or overseas air transportation of property only.

(e) *Exemptions.* Except as otherwise provided in this section, non-certificated cargo carriers shall be exempt from all provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, other than the following:

(1) Subsection 401 (l) (Compliance with Labor Legislation);

(2) Section 403 (Tariffs);

(3) Subsection 404 (a) (Carrier's Duty to Provide Service, etc.), only in so far as said subsection requires air carriers to provide safe service, equipment, and facilities in connection with air transportation, and to establish, observe and enforce just and reasonable individual and joint rates, fares, and charges, and just, reasonable and equitable divisions thereof, and just, reasonable classifications, rules, regulations, and practices relating to air transportation;

(4) Subsection 404 (b) (Discrimination);

(5) Subsection 407 (a) (Filing of Reports): *Provided,* That no provision of any rule, regulations, term, condition or limitation prescribed pursuant to said subsection 407 (a) shall be applicable to non-certificated cargo carriers unless such rule, regulation, term, condition or limitation expressly so provides;

(6) Subsection 407 (b) (Disclosure of Stock Ownership);

(7) Subsection 407 (c) (Disclosure of Stock Ownership by Officers or Director);

(8) Subsection 407 (d) (Form of Accounts): *Provided,* That no provision of any rule, regulation, term, condition or limitation prescribed pursuant to said subsection 407 (d) shall be applicable to non-certificated cargo carriers unless such rule, regulation, term, condition or limitation expressly so provides;

(9) Subsection 407 (e) (Inspection of Accounts and Property);

(10) Section 408 (Consolidation, Merger, and Acquisition of Control);

(11) Subsection 409 (a) (Interlocking Relationships);

(12) Subsection 409 (b) (Profit from Transfer of Securities);

(13) Section 410 (Loans and Financial Aid);

(14) Section 411 (Methods of Competition);

(15) Section 412 (Pooling and Other Agreements): *Provided,* That non-certificated cargo carriers shall be exempt from said section 412 until 60 days after the effective date of this section: *Provided further,* That such exemption from said section 412 shall not constitute an order made under said section, within the meaning of section 414, and shall not confer any immunity or relief from operation of the "antitrust" laws, or any other statute (except the Civil Aeronautics Act of 1938, as amended), with respect to any contract or agreement otherwise within the purview of said section 412;

(16) Section 413 (Form of Control);

(17) Section 414 (Legal Restraints);

(18) Section 415 (Inquiry into Air Carrier Management);

(19) Section 416 (Classification and Exemption of Carriers).

(f) *Registration for exemption*—(1) *Letter of registration required.* From and after 60 days after the effective date of this section no non-certificated cargo carrier may engage in any form of air transportation unless there is then outstanding and in effect with respect to such air carrier a letter of registration issued by the Board: *Provided,* That if any non-certificated cargo carrier, otherwise authorized to engage in air transportation pursuant to this section, shall file with the Board, within 60 days after the effective date of this section, an application for a letter of registration, such applicant may engage in such air transportation until such letter has been issued, or such applicant has been notified that it appears to the Board that such applicant is not entitled to the issuance of such letter.

(2) *Issuance of letter of registration.* Upon the filing, in duplicate, of proper application therefor, the Board shall issue, to any non-certificated cargo carrier, a letter of registration which, unless otherwise sooner rendered ineffective, shall expire and be of no further force and effect, upon a finding by the Board that enforcement of the provisions of section 401 (from which exemption is provided in this section) would be in the public interest and would no longer be an undue burden on such non-certificated cargo carrier or class of non-certificated cargo carriers. Such application shall be certified to by a responsible official of such carrier as being correct, and shall contain the following information: (i) Date; (ii) name of carrier; (iii) mailing address; (iv) location of principal operating base; (v) if a corporation, the place of incorporation, the name and citizenship of officers and directors, the name and address of each stockholder owning beneficially more than five per centum of the voting interest, and a statement that at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions; (vi) if an individual or partnership, the name and citizenship of owners or partners; (vii) reference, by date of filing and docket number, to pending applications for certificates of public convenience and necessity for interstate or overseas air transportation of property only, filed with the Board prior to May 5, 1947; and (viii) list of the carrier's established points, as defined in paragraph (c) of this section, showing, as to each such point, the maximum number of its flights serving such point in any one month during the twelve-month period ending May 5, 1947.

(3) *Non-transferability of letter of registration.* Letters of registration shall be non-transferable and shall be effective only with respect to the person named therein.

(4) *Suspension of letter of registration.* Letters of registration shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest.

(5) *Revocation of letter of registration.* Letters of registration shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provision of the Civil Aeronautics Act of 1938, as amended, or of any order, rule or regulation issued under any such provisions, or of any term, condition or limitation of any authority issued under said act or regulations.

(g) *Separability.* If any provision of this section or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, the remainder of the section and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby. (52 Stat. 984 and 1004, as amended; 49 U. S. C. 425a and 496b)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4425; Filed, May 9, 1947; 9:13 a. m.]

TITLE 15—DEPARTMENT OF COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 13—PROCEDURES FOR HANDLING AND SETTLEMENT OF CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

Sec.
13.1 Purpose.
13.2 Provisions of law.
13.3 Delegation of authority for adjudication and settlement of claims.
13.4 Procedure for making claims.
13.5 Adjudication and settlement of claims.
13.6 Payment of claims.
13.7 Effective dates.

AUTHORITY: §§ 13.1 to 13.7, inclusive, issued under R. S. 161, 60 Stat. 843; 5 U. S. C. 22, 28 U. S. C. 921 et seq.

§ 13.1 *Purpose.* The purpose of this part is to delegate authority to settle claims for personal injury or property damage under the Federal Tort Claims Act (60 Stat. 843; 28 U. S. C. 921) and to establish procedures for the adjudication of such claims.

§ 13.2 *Provisions of law.* The following are the applicable provisions of law:

(a) Section 403 of the Federal Tort Claims Act provides as follows:

(a) Subject to the limitations of this title, authority is hereby conferred upon the head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle any claim against the United States for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death, where the total amount of the claim does not exceed $1,000 caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred.

(b) Subject to the provisions of Part 3 of this title, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud, notwithstanding any other provision of law to the contrary.

(c) Any award made to any claimant pursuant to this section, and any award, compromise, or settlement of any claim cognizable under this title made by the Attorney General pursuant to section 413, shall be paid by the head of the Federal agency concerned out of appropriations that may be made therefor, which appropriations are hereby authorized.

(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

(b) Under section 420 of the act claims must be filed within one year after the claim accrued or within one year of the date of the enactment of the act, whichever is later.

(c) Section 422 of the act provides, in part, that

* * * the head of the Federal Agency or his designee making an award pursuant to Part 2 of this title * * * may, as a part of the judgment, award, or settlement, determine and allow reasonable attorney's fees, which, if the recovery is $500 or more, shall not exceed 10 per centum of the amount recovered under Part 2, * * * to be paid out of but not in addition to the amount of the * * * award, or settlement recovered, to the attorneys representing the claimant.

(d) Section 424 (a) of the act repeals, in respect of claims cognizable under Part 2 of the act, all provisions of law authorizing any Federal agency to consider, ascertain, adjust, or determine claims on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment.

§ 13.3 *Delegation of authority for adjudication and settlement of claims.* The head of each primary organization unit is hereby authorized to exercise with respect to claims arising out of the wrongful acts or omissions of employees of his organization, in accordance with §§ 13.4 and 13.5 all authority vested in the Secretary of Commerce by section 403 (a) of the act. The Solicitor of the Department of Commerce is authorized to exercise such authority with respect to claims arising out of the wrongful acts or omissions of employees of the constituent units of the Office of the Secretary excluding the Office of Technical Services. The approval and acceptance of any claim by the head of the primary organization unit concerned or by the Solicitor constitutes final action in the case insofar as the Department of Commerce is concerned and no further review in the Department may be obtained. For the purposes of this delegation and the settlement of claims, the Office of Technical Services, the Office of International Trade, the Office of Domestic Commerce, the Office of Business Economics, the Office of Small Business, and the Department of Commerce Field Service shall be considered as primary organization units.

§ 13.4 *Procedure for making claims.* The following procedure is established for the filing of claims under the Federal Tort Claims Act:

(a) Claims may be filed with any of the field offices of any primary organization unit of the Department or with the head of any bureau, office, or division of the Department.

A claim may be filed by the individual or firm sustaining injury or damages in his or its own right or by an attorney.

(b) Claims will be made in the form of a detailed statement of the facts in the case and shall include in addition to the information specified in subparagraphs (1) and (2) of this paragraph, such documentary evidence as will be helpful in adjudicating the claim.

(1) In cases of damage to personal property, if the property has been or can be economically repaired, an itemized receipt if payment has been made or an itemized estimate of the cost of repairs. If the property is not economically reparable, a statement as to depreciation in value, or, if the property is lost or destroyed, the value of the property at the time of loss or destruction.

(2) In cases of personal injury, doctors' bills, hospital bills, nursing bills, bills covering dental or optical services, a statement establishing the amount of time and compensation lost by reason of the accident, a statement from the attending physician showing the extent of the injuries and the treatment thereof, and the statements of any available witnesses.

§ 13.5 *Adjudication and settlement of claims.* Claims under the Federal Tort Claims Act will be adjudicated and settled as follows:

(a) Upon receipt of a claim, the receiving officer will record its receipt making the date of receipt a matter of record. After recording, the claim will be forwarded to the person designated by the head of the primary organization unit to initially examine claims. Claims involving unusual or novel questions of law may be submitted to the Solicitor for review and recommendation as to disposition. The Solicitor's recommendation shall include the amount of the award, if an award is to be made, and the amount to be allowed for attorneys' fees. The officer responsible for initial examination, or the Solicitor of the Department, as the case may be, may request such investigation or submission of additional evidence as may appear necessary.

(b) The head of the primary organization unit or the Solicitor, as the case may be, shall make the determination as to whether or not an award shall be made in each case, and, if an award is to be made, the amount of the award, and the amount to be allowed for attorneys' fees.

§ 13.6 *Payment of claims.* When an award is made, the head of the primary organization unit, or the Solicitor, as the case may be, will transmit the file on the case to the appropriate fiscal office for payment out of funds appropriated, or to be appropriated, for the purpose. Prior to the payment of any claim which is administratively settled, there shall be obtained from the claimant or claimants a release stating that the award or settlement is final and conclusive and constitutes a complete release by the claimant of any claim against the United States and against the employee of the Government arising out of the circumstances which resulted in the claim.

§ 13.7 *Effective date.* The provisions of this part are effective on filing with the Division of the Federal Register with the exception of § 13.6 which shall be effective as of such date as funds for the payment of claims under the Federal Tort Claims Act may become available to the Department.

[SEAL] WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-4404; Filed, May 9, 1947; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

DELEGATIONS OF AUTHORITY AND ASSIGNMENT OF DUTIES

1. Subparagraph 6 of paragraph (d) of § 500.13 *Specific delegations to named positions* is amended by striking the period at the end thereof and adding the following: "and any other Executive orders providing for the approval and authorization by the head of an Agency with respect to the transportation of household goods and personal effects at Government expense."

2. Subparagraph 5 of paragraph (m) of § 500.13 is amended by striking the period at the end thereof and adding the following: "and any other Executive orders providing for the approval and authorization by the head of an Agency with respect to the transportation of household goods and personal effects at Government expense."

(Sec. 1, 48 Stat. 1246 12 U. S. C. and Sup., 1702)

Issued at Washington, D. C., this 5th day of May 1947.

[SEAL] RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. R. Doc. 47-4427; Filed, May 9, 1947; 9:12 a. m.]

Chapter VIII—Office of Housing Expediter

[Priorities Reg. 28, as Amended May 9, 1947]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

RESTRICTED PRIORITIES ASSISTANCE

Section 803.8 Priorities Regulation 28 is amended to read as follows:

§ 803.8 *Restricted priorities assistance*—(a) *What this section does.* This section describes the conditions under which RR preference ratings may be granted by the Housing Expediter. Before May 9, 1947, this section contained principally the provisions governing filing of applications for RR ratings. This amendment, effective May 9, adds the eligibility provisions which were formerly contained in Supplement 1 to this section which is being revoked simultaneously with the issuance of this amendment. In general, rating assistance will be given under this section only in three classes of cases in support of the objectives of the Veterans' Emergency Housing Program and to aid the Veterans' Administration Construction Program.

(b) *General conditions for issuance of RR ratings.* When effective assistance of other kinds is not practicable (the Housing Expediter may locate sources able to ship without ratings), an RR rating may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (c) of this section, upon determination in each instance that all of the following general conditions are met:

(1) The use of substitute and less scarce items is not practicable;

(2) Reasonable efforts have been made to get the required item without a rating; and

(3) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(c) *Special conditions for issuance of RR ratings.* If all of the general conditions of paragraph (b) of this section are met, RR ratings may be issued for:

(1) An item needed to maintain or increase the production of a building product which is determined by the Housing Expediter to be in critically short supply (such products and the extent of the rating assistance which may be granted are customarily shown in Table I of this section); or

(2) Capital equipment which is a bottleneck in the production or erection of new housing accommodations, or is a bottleneck in the erection of a Veterans Administration Construction Project; or

(3) An item needed to provide essential utility services to new housing accommodations, or to a Veterans Administration Construction Project.

However, no RR ratings will be issued for specialized machinery or equipment designed and made solely for the production of a critical building product listed in Table I of this section or for site-preparation equipment or for an item (other than processing equipment) to be incorporated in construction at site or for any item listed in paragraph (d) of this section.

(d) *Products for which informal assistance, but not RR ratings, may be given.* No RR ratings will be assigned under this section for steel, pig iron, gypsum liner paper, or phenolic resin molding compounds.

The Housing Expediter may be able to locate sources in a position to ship such products without a rating for any applicant who meets the conditions in paragraphs (b) and (c) of this section.

(e) *Filing of applications.* Applications for an RR rating under this section should be made on Form OHE 14–172 (formerly Form CPA–541A), addressed to the Housing Expediter, Washington 25, D. C., Ref.: PR–28. Until copies of Form OHE 14–172 are available, applications may be made on Form CPA–541A.

Since ratings are no longer given to support a minimum economic rate of production or to give special help to small business or the business needs of veterans, no questions on Form CPA–541A need be answered which were designed for such cases. For example, Questions 7b, 13 and 16 on Form CPA–514A (as revised 4–23–46) may be left unanswered. On the other hand, supporting data required by Item 14 is of major importance and should clearly show how the application qualifies under paragraphs (b) and (c) of this section.

(f) *Existing ratings.* Nothing in this section affects the validity or duration of ratings granted before April 1, 1947. Rules concerning the termination of certain ratings at the end of March 1947 are stated in Priorities Regulation 35.

(g) *Reports.* The reporting requirements of this section have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Effective date.* This section, as amended, shall become effective on May 9, 1947.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9836, 12 F. R. 1939)

Issued this 9th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

DIRECTIONS TO PR 28

The following directions to PR 28 are still in effect (May 9, 1947):

Direction 6—Preference rating assistance for trucks.

Direction 25—Priorities assistance for merchant pig iron, for cast iron soil pipe and cast iron soil fittings.

[F. R. Doc. 47–4516; Filed, May 9, 1947; 11:45 a. m.]

[Priorities Reg. 28, Revocation of Supplement 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

PRIORITIES ASSISTANCE AFTER MARCH 31, 1947

Supplement 1 to Priorities Regulation 28 is revoked.

Priorities Regulation 28, which is being amended simultaneously with this revocation, now describes the conditions under which RR preference ratings may be issued.

This revocation does not affect any liabilities incurred for violation of this supplement, or of any actions taken by the Civilian Production Administration, Office of Temporary Controls or Office of the Housing Expediter under this supplement.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 9th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4517; Filed, May 9, 1947; 11:45 a. m.]

[Suspension Order S–1077, Amdt. 1]

PART 807—SUSPENSION ORDERS

GROVER D. KING

Grover D. King, 1821 West Whittier Boulevard, Whittier, California, engaged in the construction of several housing projects in Southern California, was suspended on February 8, 1947 by Suspension Order No. S–1077. He appealed from the provisions of the suspension order and, pending determination of the appeal, the order was partially stayed by the Chief Compliance Commissioner on February 17, 1947. The appeal has been considered by the Chief Compliance Commissioner who has denied the appeal and directed that the suspension order be reinstated and amended. In view of the foregoing:

It is hereby ordered, That: Whereas, it appears that the Stay of Execution on February 17 was only effective as to certain veterans' housing enterprises, the Chief Compliance Commissioner has directed that the Suspension Order as amended April 28, 1947, be further amended by substituting the following paragraphs (a) and (f) for the present paragraphs (a) and (f):

(a) For a period beginning February 8, 1947 and extending to and including June 7, 1947, no authorization shall be granted to Grover D. King to construct, nor shall he during such period apply or extend any preference ratings regardless of the delivery date named in any purchase order to which such ratings may be applied or extended, except the following enterprises:

By King & Marter—FHA Projects Nos. 66–122–013315 and 66–122–013316, situated on Eastern Avenue, East Los Angeles, Calif.;
By Grover D. King—FHA Project No. 88–122–00929, situated on Whittier Boulevard, Whittier, Calif.

(f) This order shall take effect as of April 28, 1947.

Issued this 7th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–4518; Filed, May 9, 1947; 11:58 a. m.]

TITLE 29—LABOR

Chapter X—National Mediation Board

PART 1208—HANDLING REPRESENTATION DISPUTES UNDER THE RAILWAY LABOR ACT

By virtue of the authority vested in it by section 2, Ninth, of the Railway Labor Act (44 Stat. 577, 48 Stat. 1185, 49 U. S. C. paragraph 151 et seq.), the National Mediation Board hereby issues the following rules and regulations which it finds necessary to carry out the provisions of said act. Said rules and regulations shall become effective from the date hereof and upon publication thereof in the FEDERAL REGISTER. These rules and regulations shall be in force and effect until amended or rescinded by rules and regulations hereafter made and published by the Board.

Sec.
1208.1 Run-off elections.
1208.2 Percentage of valid authorizations required to determine existence of a representation dispute.
1208.3 Age of authorization cards.
1208.4 Recent elections.
1208.5 Necessary evidence of intervenor's interest in a representation dispute.
1208.6 Eligibility of dismissed employees to vote.
1208.7 Construction of rules.
1208.8 Amendment or recission of rules.

AUTHORITY: §§ 1208.1 to 1208.8, inclusive, issued under 44 Stat. 577, 48 Stat. 1185; 49 U. S. C. 151 et seq.

§ 1208.1 *Run-off elections.* (a) If in an election among any craft or class no organization or individual receives a majority of the legal votes cast, or in the event of a tie vote, a second or run-off election shall be held forthwith: *Provided*, That a written request by an individual or organization entitled to appear on the run-off ballot is submitted to the Board within ten (10) days after the date of the report of results of the first election.

(b) In the event a run-off election is authorized by the Board, the names of the two individuals or organizations which received the highest number of votes cast in the first election shall be placed on the run-off ballot, and no blank line on which voters may write in the name of any organization or individual will be provided on the run-off ballot.

(c) Employees who were eligible to vote at the conclusion of the first election shall be eligible to vote in the run-off election except (1) those employees whose employment relationship has terminated, and (2) those employees who are no longer employed in the craft or class.

§ 1208.2 *Percentage of valid authorizations required to determine existence of a representation dispute.* (a) Where the employees involved in a representation dispute are represented by an individual or labor organization, either local or national in scope, and are covered by a valid existing contract between such representative and the carrier, a showing of proved authorizations (checked and verified as to date, signature, and employment status) from at least a majority of the craft or class must be made before the National Mediation Board will authorize an election or otherwise determine the representation desires of the employees under the provisions of section 2, Ninth, of the Railway Labor Act.

(b) Where the employees involved in a representation dispute are unrepresented, a showing of proved authorizations from at least thirty-five (35) percent of the employees in the craft or class must be made before the National Mediation Board will authorize an election or otherwise determine the representation desires of the employees under the provisions of section 2, Ninth, of the Railway Labor Act.

§ 1208.3 *Age of authorization cards.* Authorizations must be signed and dated in the employee's own handwriting or witnessed mark. No authorizations will be accepted by the National Mediation Board in any employee representation dispute which bear a date prior to one year before the date of the application for the investigation of such dispute.

§ 1208.4 *Repeat elections.* The National Mediation Board will not commence the investigation of a representation dispute for a period of two (2) years from the date of a certification hereafter issued covering the same craft or class of employees on the same carrier in which a representative was certified except in unusual or extraordinary circumstances.

§ 1208.5 *Necessary evidence of intervenor's interest in a representation dispute.* In any representation dispute under the provisions of section 2, Ninth, of the Railway Labor Act, an intervening individual or organization must produce proved authorizations from at least thirty-five (35) percent of the craft or class of employees involved to warrant placing the name of the intervenor on the ballot.

§ 1208.6 *Eligibility of dismissed employees to vote.* Dismissed employees whose requests for reinstatement account of wrongful dismissal are pending before proper authorities, which includes the National Railroad Adjustment Board or other appropriate adjustment board, are eligible to participate in elections among the craft or class of employees in which they are employed at time of dismissal. This does not include dismissed employees whose guilt has been determined, and who are seeking reinstatement on a leniency basis.

§ 1208.7 *Construction of rules.* These rules and regulations shall be liberally construed to effectuate the purposes and provisions of the act.

§ 1208.8 *Amendment or recission of rules.* (a) Any rule or regulation may be amended or rescinded by the Board at any time.

(b) Any interested person may petition the Board, in writing, for the issuance, amendment, or repeal of a rule or regulation. An original and three copies of such petition shall be filed with the Board in Washington, D. C., and shall state the rule or regulation proposed to be issued, amended, or repealed, together with a statement of grounds in support of such petition.

(c) Upon the filing of such petition, the Board shall consider the same, and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate hearing thereon and make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial is self explanatory.

By order of the National Mediation Board at Washington, D. C., this 1st day of May 1947.

[SEAL] ROBERT F. COLE,
Secretary.

[F. R. Doc. 47–4402; Filed, May 9, 1947; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

The following changes are made in Part 201, Chapter II, Title 32, Code of Federal Regulations.

1. Sections 201.2 (c) (1) (i) and 201.3 (e) (3), are amended by inserting the clause "and prior to 30 June 1947" immediately following the date "7 December 1941" in each of such sections.

2. Section 201.3 (g) (2) pertaining to military educational requirements is amended by deleting the clause "in time of war" and inserting "since 7 December 1941 and prior to 30 June 1947" in lieu thereof. [NGR 20, Nov. 14, 1946 as amended by NGB Cir. No. 13, Apr. 18, 1947] (48 Stat. 155; 32 U. S. C. 4)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47–4423; Filed, May 9, 1947; 9:13 a. m.]

Chapter VII—Sugar Rationing Administration, Department of Agriculture [1]

[Rev. Gen. RO 5,[2] Amdt. 21]

PART 705—ADMINISTRATION

SUGAR RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 is amended in the following respects:

1. Section 26.1 is deleted.

2. The heading of section 26.2 is amended to read as follows:

SEC. 26.2 *Home canning and preserving for institutional users other than Group 1 users.*

3. The first sentence of section 26.2 (a) is amended to read as follows: "An

[1] Formerly Chapter XI, Office of Temporary Controls, Office of Price Administration.
[2] 11 F. R. 116.

institutional user (other than a Group I user) may, on or before October 31, 1947, apply for an allotment of sugar to be used for canning fruits and fruit juices and for preserving, if the finished product is to be produced in a 'kitchen' or in a 'place like a kitchen', and such finished product is to be used in his establishment."

4. Section 26.2 (c) is amended to read as follows:

(c) *Application.* Application must be made to the Sugar Branch Office on SRA Form R–1340 (Rev.). The applicant must give all of the information required by the form.

5. Section 26.2 (d) is amended to read as follows:

(d) *Amount of allotments.* The Sugar Branch Office may grant an allotment of sugar in an amount not exceeding:

(1) One (1) pound of sugar for each four (4) quarts of finished canned fruit or fruit juices;

(2) One (1) pound of sugar for each pound of prepared fruit for making jams, preserves, and marmalades;

(3) One (1) pound of sugar for each two (2) pounds of prepared fruit (pulp) used for making fruit butters;

(4) One (1) pound of sugar for each two (2) pounds of prepared fruit (or one pint of fruit juice) for making jellies.

However, the total amount of sugar granted under this section shall not exceed fifteen (15) pounds of sugar for each 1,000 persons served meals during the year 1946.

6. The first sentence of section 26.2 (e) is amended to read as follows: "The Sugar Branch Office shall authorize the issuance of ration evidences for the amount of the allotment."

7. Section 26.2 (f) is amended to read as follows:

(f) *Report.* An institutional user who receives an allotment of sugar under this section must fill out the report as required on SRA Form R–1340 (Rev.). This report must be filed with the Sugar Branch Office not later than ten days after the expiration of the allotment period in which the sugar is used. If a full report is not made of his use of sugar obtained under this section within the required time, all home canning sugar for which he has not accounted shall be charged as excess inventory. If the number of units actually processed during the period for which the report is filed, multiplied by the quantity of sugar per unit permitted under paragraph (d), is less than the quantity of sugar obtained, for that period, the difference shall be charged as excess inventory.

This amendment shall become effective as of May 9, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 43 to Third Revised Ration Order 3 and Amendment No. 21 to Revised General Ration Order 5

Proposed amendments. The amendment to Revised General Ration Order 5 permits institutional users (other than Group 1 users) to apply for sugar for canning fruits and fruit juices and for preserving in 1947. Application must be made on SRA Form R–1340 (Revised) to the Sugar Branch Office on or before October 31, 1947. The amendment to Revised General Ration Order 5 also deletes section 26.1.

The amendment to Third Revised Ration Order 3 provides that a consumer may apply to the Sugar Branch Office for sugar for home canning and preserving for sale. Application must be made on SRA Form R–371 (Revised) on or before October 31, 1947.

Reasons for amendments. Home canning by institutional users is an established operation and this amendment, therefore, incorporates a home canning program for institutional users for 1947. The total quantity of sugar issued to an institutional user under this program may not exceed fifteen pounds for each 1,000 meals served in 1946, which approximates the amount issued to consumers for canning for home use. Institutional users may apply for home canning in 1947 even though they did no home canning in 1946.

Since no specific consumer sugar stamps are now designated for home canning, section 26.1 of Revised General Ration Order 5 is now obsolete and is being deleted.

Consumers who do home canning and preserving for sale are again permitted to apply for sugar for such purpose. Even though a person did not receive sugar for home canning for sale in 1946, such person may be eligible for sugar for this purpose in 1947. This will permit persons who recently acquired farms or orchards, and persons who have been discharged from the armed services and were unable to qualify for sugar in prior years, to apply for sugar for home canning and preserving for sale in 1947.

[F. R. Doc. 47–4414; Filed, May 9, 1947; 8:46 a. m.]

[3d Rev. RO 3,[1] Amdt. 43]

PART 707—RATIONING OF SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 issued by the Office of Price Administration and amended by the Office of Temporary Controls under § 1407.1 of Title 32, Chapter XI is designated Third Revised Ration Order 3 issued under § 707.1, Title 32, Chapter VII pursuant to the authority vested in the Secretary of Agriculture by the "Sugar Control Extension Act of 1947" and is amended in the following respect:

1. Section 1.10 is added to read as follows:

SEC. 1.10 *Home canning for sale*—(a) *General.* A consumer may prior to November 1, 1947, apply for an allotment of sugar to be used for canning fruits and fruit juices for sale and for producing jams, jellies, preserves, marmalades or fruit butters for sale if the finished product is to be produced in a "kitchen".

(b) *Explanation of terms.* "Kitchen" is a place principally used for the preparation of meals for home consumption. It includes a place used principally to teach consumers how to prepare and cook for home consumption. (A place other than a kitchen and approved by the Sugar Branch Office in prior years as a kitchen shall be considered a "kitchen" for the purposes of this section.)

(c) *Application.* Application must be made on SRA Form R–371 (Rev.) to the Sugar Branch Office for the place where the consumer lives. The applicant must give all of the information required by the form. It must be signed by an adult member of the family unit.

(d) *Issuance.* If the Sugar Branch Office finds the facts stated in the application are true, it may grant the application in an amount not exceeding:

(1) One (1) pound of sugar for each four (4) quarts of finished canned fruit or fruit juices;

(2) One (1) pound of sugar for each pound of prepared fruit for making jams, preserves and marmalades;

(3) One (1) pound of sugar for each two (2) pounds of prepared fruit (or one pint of fruit juice) used for making jelly;

(4) One (1) pound of sugar for each two (2) pounds of prepared fruit (pulp) used for making fruit butters.

However, the total amount of sugar which may be obtained by a family unit under this section shall not exceed the amount requested or two hundred fifty (250) pounds, whichever is smaller. The Sugar Branch Office shall authorize the issuance of ration evidences for the amount of sugar granted under this section minus the amount of any sugar which the applicant and his family unit still have which was obtained for these purposes in prior years.

(e) *Records and reports.* The applicant must keep a record of the amount of products, as specified in paragraph (d), produced by him, the amount of sugar used in such products and the dates such products were sold. The applicant may be required to report such sales to the Sugar Branch Office.

(f) *Restriction on use.* Sugar obtained under this section may be used only for the purposes for which it was granted and at a rate no higher than that permitted by paragraph (d).

This amendment shall become effective as of May 9, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[1] 11 F. R. 177, 14821.

Rationale Accompanying Amendment No. 43 to Third Revised Ration Order 3 and Amendment No. 21 to Revised General Ration Order 5

Proposed amendments. The amendment to Revised General Ration Order 5 permits institutional users (other than Group 1 users) to apply for sugar for canning fruits and fruit juices and for preserving in 1947. Application must be made on SRA Form R–1340 (Revised) to the Sugar Branch Office on or before October 31, 1947. The amendment to Revised General Ration Order 5 also deletes section 26.1.

The amendment to Third Revised Ration Order 3 provides that a consumer may apply to the Sugar Branch Office for sugar for home canning and preserving for sale. Application must be made on SRA Form R–371 (Revised) on or before October 31, 1947.

Reasons for amendments. Home canning by institutional users is an established operation and this amendment, therefore, incorporates a home canning program for institutional users for 1947. The total quantity of sugar issued to an institutional user under this program may not exceed fifteen pounds for each 1,000 meals served in 1946, which approximates the amount issued to consumers for canning for home use. Institutional users may apply for home canning in 1947 even though they did no home canning in 1946.

Since no specific consumer sugar stamps are now designated for home canning, section 26.1 of Revised General Ration Order 5 is now obsolete and is being deleted.

Consumers who do home canning and preserving for sale are again permitted to apply for sugar for such purpose. Even though a person did not receive sugar for home canning for sale in 1946, such person may be eligible for sugar for this purpose in 1947. This will permit persons who recently acquired farms or orchards, and persons who have been discharged from the armed services and were unable to qualify for sugar in prior years, to apply for sugar for home canning and preserving for sale in 1947.

[F. R. Doc. 47–4415; Filed, May 9, 1947; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[4th Rev. S. O. 104, Amdt. 5, Corr.]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of May A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 104 (11 F. R. 2189), as amended (11 F. R. 3952, 9039; 12 F. R. 1235, 1574), and good cause appearing therefor: It is ordered, that:

Section 95.304, *Substitution of refrigerator cars for box cars,* of Fourth Revised Service Order No. 104, as amended, be, and it is hereby, further amended by substituting the following paragraph (a) (iii) for paragraph (a) (iii) thereof, and by adding the following paragraph (f) thereto:

§ 95.304 *Substitution of refrigerator cars for box cars.* (a) Any common carrier by railroad subject to the Interstate Commerce Act, for transporting:

* * * * *

(iii) Or westbound shipments in carloads originating in the States of Michigan (lower peninsula only), Indiana, (excluding Chicago switching district), Kentucky, Tennessee, or Mississippi, or east thereof, and destined to Kansas City, Missouri or to points in the States of Iowa, Kansas, Oklahoma and Texas, or west thereof, but not when destined to points in the States of Minnesota, North Dakota, South Dakota, Montana, Washington, Oregon or northern Idaho (north of the Union Pacific main and branch lines across southern Idaho including the line from Pocatello to the Montana-Idaho State line and the branches north of Blackfoot, Idaho).

* * * * *

(f) Westbound shipments in carloads originating in the States of Michigan (lower peninsula only), Indiana (excluding Chicago switching district), Kentucky, Tennessee, or Mississippi, or east thereof, and destined to points in the States of California, Arizona, Nevada, Utah or southern Idaho (on the Union Pacific main and branch lines across southern Idaho, including the line from Pocatello to the Montana-Idaho State line and the branches north of Blackfoot, Idaho) may be billed to Chicago, Ill., or St. Louis, Mo., providing such cars are rebilled within 48 hours after actual or constructive placement. When those cars are not rebilled within the 48 consecutive hours, rates to apply will be those applicable to the refrigerator cars used without benefit of substitution for box cars.

It is further ordered, that this amendment shall become effective at 12:01 a. m., May 9, 1947; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47–4408; Filed, May 9, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Parts 60, 110, 140, 150, and 169]

IMMIGRATION BONDS

NOTICE OF PROPOSED RULE MAKING

APRIL 10, 1947.

Pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following rules relating to immigration bonds. In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1806, Franklin Trust Building, Philadelphia 2, Pennsylvania, written data, views, or arguments relative to the substantive provisions of the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within twenty days following the day of publication of this notice will be considered.

PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

Section 60.20 *Bonds; violation; authority to cancel,* is revoked.

PART 110—PRIMARY INSPECTION AND DETENTION

1. Section 110.20 is amended to read as follows:

§ 110.20 *Immigrant aliens liable to be excluded as public charges; admission under bond.* The immigration officer conducting the primary inspection in the case of an alien who is applying for admission to the United States for permanent residence and who is liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis or a dangerous contagious disease shall refer the question of admission to the officer in charge of the port and that official may in his discretion admit the alien on primary inspection, if otherwise admissible, upon the furnishing of a bond in the sum of not less than $1,000 conditioned as prescribed on Form I–354, or, in lieu of such bond, upon the depositing of cash or a postal money order in the sum of not less than $1,000 for the same purposes and

subject to the same conditions as the bond. If the officer in charge of the port does not so admit the alien, the question of admission shall be referred to a board of special inquiry and such board may in its discretion admit the alien, if otherwise admissible, upon the furnishing of the bond or the depositing of the cash or the postal money order described in the preceding sentence. (Sec. 21, 39 Stat. 891; 8 U. S. C. 158)

2. Section 110.21 is amended to read as follows:

§ 110.21 *Form of public charge bonds; action where no longer required.* All bonds, including agreements covering deposits of cash or postal money orders, given as a condition of the admission of an alien under section 21 of the Immigration Act of 1917 (39 Stat. 891; 8 U. S. C. 158) shall be executed on Form I–354 entitled "Bond That Alien Shall Not Become a Public Charge". Where cash or a postal money order is deposited, the depositor shall give his power of attorney and agreemnet on Form I–304, authorizing the officers designated thereon to collect, asign, or transfer such deposit, in whole or in part, in case of any violation of the conditions of the bond; and the officer accepting such deposit shall give his receipt therefor on Form I–305. If proofs are submitted that the alien is no longer likely to become a public charge or is no longer afflicted with a physical disability, the bond with its appurtenant documents shall be forwarded to the Commissioner of Immigration and Naturalization with an appropriate recommendation.

3. A cross reference as follows is added immediately following § 110.21:

CROSS REFERENCE: For approval and cancellation of public charge bonds, see 8 CFR Part 169.

4. Section 110.33 *Nonimmigrant bonds; approval and cancelation* is revoked.

PART 140—MEDICAL OFFICERS AND HOSPITAL TREATMENT

Section 140.12 is amended by changing the language preceding the first semicolon to read as follows:

§ 140.12 *Hospital treatment of wife or minor child of naturalized citizen; conditions.* No application for hospital treatment on behalf of the wife or minor child of a naturalized citizen shall be considered unless it affirmatively appears in such application that the applicant or someone in his behalf has deposited with the proper hospital official a sum sufficient to defray the cost of such treatment for a period of 60 days or for a less period if it is estimated that a cure may possibly be effected in less than 60 days, and that a bond has been furnished on Form I–355 with approved surety in the sum of not less than $500 conditioned that at least 15 days prior to the expiration of the period above referred to a further deposit of cash will be made sufficient to cover the cost of treatment for an additional period of 30 days; • • •

PART 150—ARREST AND DEPORTATION

1. Section 150.5 (c) *Delivery bonds* is amended by striking out the second, third, fourth, and last sentences, which read as follows: The approval of the form and execution of the bond by the district director or officer in charge shall be sufficient for the release of an alien, pending final approval of the bond by the Central Office. The sureties may justify in real estate or may deposit any public debt obligations of the United States and any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, and which are not redeemable within one year from the date on which they are offered for deposit. The justification in real estate shall be by two owners, each in double the amount of the penalty of the bond over and above all encumbrances. A surety company authorized by the Treasury Department to transact federal bond business shall be an acceptable surety.

2. The cross reference immediately following said § 150.5 (c), reading as follows, shall be stricken out:

CROSS REFERENCE: For "Acceptance of bonds, notes, or other obligations issued or guaranteed by the United States as security in lieu of surety or sureties on penal bonds," see 31 CFR Part 225 (Treasury Department Circular No. 154, revised February 6, 1935).

and the following cross reference shall be inserted in its place:

CROSS REFERENCE: For approval and cancellation of delivery bonds, see 8 CFR Part 169.

The following part is added:

PART 169—IMMIGRATION BONDS

Sec.
169.1 Acceptable sureties.
169.2 Approval; extension agreements; consent of surety; collateral security.
169.3 Violation; authority to cancel.

AUTHORITY: §§ 169.1 to 169.3, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V (3 CFR, Cum. Supp., Ch. IV); 8 CFR, 1943 Supp., 90.1.

NOTE: §§ 169.1 to 169.3, inclusive, prescribe procedural and substantive provisions under, and interpret, those sections of the immigration laws pertaining to bonds, including 9th proviso, sec. 3, 39 Stat. 875, sec. 18, 39 Stat. 887, 45 Stat. 1551, 58 Stat. 816, sec. 20, 39 Stat. 890, 57 Stat. 553, secs. 21, 22, 39 Stat. 891, sec. 15, 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 669; 8 U. S. C. 136 (q), 8 U. S. C. and Sup., 154, 156, 8 U. S. C. 158, 159, 8 U. S. C. and Sup., 215.

§ 169.1 *Acceptable sureties.* The following are the only acceptable sureties on a bond furnished in connection with the administration of the immigration laws or regulations:

(a) A surety company authorized by the Treasury Department to transact Federal bond business;

(b) A surety who deposits United States bonds or notes of the class described in section 1126 of the Revenue Act of 1926, as amended (6 U. S. C. 15), and Treasury Department Regulations issued pursuant thereto, which bonds or notes are not redeemable within one year from the date on which they are offered for deposit; or

(c) Sureties, who must be two in number, each of whom shall justify in real property not exempted from levy and sale upon execution, which real property is actually valued, over and above all encumbrances, at double the amount of the bond, and each of whom shall, in addition to making such justification, satisfactorily establish to the immigration and naturalization officer or employee authorized to approve the bond that his net worth, over and above all obligations and liabilities of any kind, secured or unsecured, is equal to double the amount of the bond.

CROSS REFERENCES: For list of companies acceptable as sureties on Federal bonds, see 31 CFR Part 226 (Treasury Department Form 356 issued semiannually); for acceptance of United States bonds or notes as security, see 31 CFR Part 225 (Treasury Department Circular No. 154, revised February 6, 1935).

§ 169.2 *Approval; extension agreements; consent of surety; collateral security.* (a) Regardless of the section of law or regulations under which the bond has been required, the officers in charge of the several ports, stations, or districts are authorized, either directly or through officers or employees designated by them, where no substantial change is made in the conditions printed on the forms, to approve bonds which are prepared on the following approved forms:

(1) Form I–331 or Form 557, "Bond for Alien Admitted for Medical Treatment".
(2) Form I–336 or Form 636, "Bond for Alien in Transit".
(3) Form I–337 or Form 637, "Bond Conditioned for Departure of an Alien Temporarily Admitted under the Immigration Act of 1924 as a Tourist or Visitor for Business or Pleasure".
(4) Form I–338 or Form 638, "Bond That an Alien Admitted in Pursuance of a Treaty to Carry on Trade Shall Depart upon Failure to Maintain Status".
(5) Form I–353 or Form 553, "Bond Conditioned for the Delivery of an Alien".
(6) Form I–354, "Bond That Alien Shall Not Become a Public Charge".
(7) Form I–355, "Bond Conditioned for Guarantee of Payment of Hospital Expenses of Alien Receiving Treatment under the Provisions of section 22, Immigration Act of 1917 (39 Stat. 891; 8 U. S. C. 159)".
(8) Form I–372 or Form 572, "Bond for Payment of Extra Compensation for Overtime Services of Immigrant Inspectors and Employees in Connection with the Examination and Landing of Passengers and Crews".
(9) Form I–374 or Form 574, "Bond Conditioned for Departure of an Alien Temporarily Admitted under the Immigration Act of 1924 as a Student".

(b) Such officers are also authorized to approve formal agreements by which a surety consents to an extension of his liability on any such bond. Unless otherwise specifically provided, bonds prepared on the forms mentioned above, and all agreements of extension of liability relating thereto, shall be retained at the ports, stations, or districts where they are approved. Bonds prepared on any form other than one of those mentioned above, or bonds prepared on any of the named forms in which the conditions have been materially altered, as well as any agreements of extension of liability relating therto, shall be referred to the Commissioner of Immigration and Naturalization for approval. Regardless of the form on which the bond is prepared, any power of attorney or assignment, purporting to authorize the delivery after its release of any deposit of collateral security to some person or concern other than the depositor thereof, shall be forwarded, together with the bond and all appurtenant documents, to the Commissioner for approval. In the same manner, all requests for delivery of collateral security to a person other than the depositor or his approved assignee or attorney in fact shall be forwarded to the Commissioner for approval. Instruments and other papers forwarded to the Commissioner under the provisions of this paragraph shall be handled by the General Counsel in accordance with the provisions of § 90.17 (d) of this chapter.

§ 169.3 *Violation; authority to cancel.* If any condition of a bond executed in connection with the administration of the immigration laws is violated, the district director shall report the facts to the Commissioner of Immigration and Naturalization and shall forward with his report the bond and all appurtenant documents, including in the case of a bond containing the condition that an alien shall not become a public charge, a statement of the exact amount of any expenditure made in the alien's behalf by any agency of the United States Government or of any state or local government. Except as otherwise specifically provided in this chapter, if all the conditions of a bond executed in connection with the administration of the immigration laws are complied with, the district director shall cancel the bond by issuing Form I–391. Such authority to cancel shall include any case in which none of the conditions of the bond had been violated and all of the conditions ceased to have effect because:

(a) The alien departed, or was deported, from the United States;

(b) The warrant for the arrest or deportation of the alien was canceled;

(c) The alien complied with an order suspending his deportation;

(d) The alien died;

(e) The alien was imprisoned;

(f) The alien was naturalized as a citizen of the United States; or

(g) A new bond was furnished to take the place of the existing bond.

If a bond canceled by a district director is on file in the Central Office, the district director shall notify the Commissioner of Immigration and Naturalization of the cancellation.

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: April 29, 1947.

TOM CLARK,
Attorney General.

[F. R. Doc. 47–4428; Filed, May 9, 1947; 9:12 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

HOUSTON AUCTION CO., HOUSTON, TEX.

NOTICE RELATIVE TO POSTED STOCKYARD

Notice is hereby given that after inquiry and after consideration of all relevant matter presented pursuant to the notice of proposed posting and rule-making published in the FEDERAL REGISTER on April 2, 1947 (12 F. R. 2172), it has been ascertained by me, pursuant to section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), that the stockyard known as Houston Auction Company, Houston, Texas, is a stockyard within the definition of a stockyard contained in section 302 of said act and is, therefore, subject to the provisions of said act.

The attention of the stockyard owner, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U. S. C. 203 and 207), and other pertinent provisions of said act, and the rules and regulations issued thereunder by the Secretary of Agriculture.

NOTE: The Packers and Stockyards Act allows thirty (30) days, after the posting of notice at the stockyard, for market agencies, dealers, and stockyard owners to register and qualify for the operation of their businesses under that act. There appears to be no good reason to defer the effective date of the foregoing notice in view of that fact. Therefore, it is determined that good cause exists to make this notice, and it shall be, effective immediately, subject to the provisions of section 303 of the Packers and Stockyards Act.

Done at Washington, D. C., this 7th day of May 1947.

[SEAL] H. E. REED,
Director, Livestock Branch.

[F. R. Doc. 47–4445; Filed, May 9, 1947; 9:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–796]

SOUTHERN NATURAL GAS CO.

NOTICE OF AMENDMENT TO APPLICATION

MAY 6, 1947.

Notice is hereby given that on May 1, 1947, Southern Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business in Birmingham, Alabama, and authorized to do business in the States of Alabama, Georgia, Louisiana, Mississippi, and Texas, filed a second amendment to its application filed on October 7, 1946, as amended on March 18, 1947, striking out of its application Items (C), (E) (2), (F), (G) (1), and (J), and Exhibits C, G–1, G–4, and G–6, and substituting in lieu thereof amended Items (c), (E) (2), (F), (G) (1), and (J), and amended Exhibits C, G–1, G–4, and G–6, and filing Exhibit G. The application, as amended, is for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following-described facilities.

A. *1947 Construction program.* (1) Main line compressor station additions:

(a) 2,000 H. P. in two units at the Louisville station.
(b) 2,000 H. P. in two units at the Reform station.
(c) 2,000 H. P. in two units at the Tarrant station.
(d) 2,000 H. P. in two units at the DeArmanville station.
8,000—Total H. P.

(2) Main line loop lines:

(a) 3.5 miles of 20-inch line between Reform and Tarrant compressor stations.
(b) 1.5 miles of 22-inch line between the Reform and Tarrant compressor stations.
(c) 11.0 miles of 22-inch line extending eastward from the Tarrant station.
(d) 2.5 miles of 20-inch line between the DaArmanville station and Atlanta.
18.5 miles—Total main line loops.

(3) Facilities to increase operating pressures:

Applicant states that it has made engineering studies which indicate the feasibility and safety of increasing operating pressures in certain sections of the main line from the present pressure of 450 p. s. i. to as much as 500 p. s. i. In the event tests confirm such studies, Applicant intends to install during 1947, the facilities required for operation at such higher pressure. According to the application, the above compressor station additions and loop lines will increase the delivery capacity of Applicant's system by approximately 13,000 Mcf per day; if operating pressures are increased from 450 p. s. i. to 500 p. s. i., there will be a further increase in delivery capacity of approximately 20,000 Mcf per day; and if operating pressures are increased to only 475 p. s. i., the increase in delivery capacity will be 9,000 Mcf per day instead of 20,000.

(4) Branch line loop lines:

(a) Meridian (Mississippi) branch line—9 miles of 6⅝-inch loop line.

Applicant recites that the above loop lines will increase daily delivery capacity as follows:

Meridian line from 9,000 to 10,000 Mcf.
Columbus line from 12,000 to 14,000 Mcf.

B. *1947–48 construction program.* (1) Main line compressor station additions:

(a) 10,000 H. P. in ten units, at a new station (Station A) to be located approximately midway between present Pickens and Louisville stations.

(b) 10,000 H. P. in ten units, at a new station (Station B) to be located approximately midway between the present Louisville and Reform stations.

(c) 8,000 H. P. in eight units, at a new station (Station C) to be located approximately midway between the present Reform and Tarrant Stations.

(d) 6,000 H. P. in six units, at a new station (Station D) to be located approximately

midway between the present Tarrant and DeArmanville stations.

(e) 3,000 H. P. in three units, at a new station (Station E) to be located approximately thirty-two miles East of the present DeArmanville station.

37,000—Total H. P.

(2) Main line loop lines:

(a) 5.0 miles of 20-inch line between new Station A and the Louisville station.

(b) 3.5 miles of 20-inch line between new Station B and the Reform station.

(c) 5.5 miles of 20-inch line between new Station E and Atlanta.

14.0—Total miles.

Applicant states that the facilities set forth in Parts (1) and (2) of paragraph B above will increase delivery capacity of the main line by approximately 96,000 Mcf per day.

(3) Branch line compressor station:

2,000 H. P. in two units at a new station (McConnell's Station) to be located at the point where the Montgomery-Columbus branch line takes off from the main line.

(4) Gadsden branch line loop:

33 miles of 12¾-inch pipe parallel to the present branch line.

It is stated that the installation of facilities set forth in Parts (3) and (4) above will increase delivery capacity of the branch lines affected as follows:

Montgomery-Columbus branch—from 50,000 Mcf to 60,000 Mcf per day.

Gadsden branch—from 30,000 Mcf to 60,000 Mcf per day.

(5) Facilities to extend Applicant's system to new markets.

(a) *An extension to Chattanooga, Tennessee.* This will comprise approximately 44 miles of 8⅝-inch line extending from a point on Applicant's existing Cedartown-Calhoun, Georgia branch line (at the end of the 6⅝-inch section of said line in Gordon County, Georgia) to a point of delivery in Catoosa County, Georgia, at or near the Georgia-Tennessee state line near Chattanooga. A new compressor station of 1,600 H. P. is to be installed at the end of the 12¾-inch sections of the Cedartown-Calhoun branch line, near Rockmart, Georgia, together with a meter station and dwelling houses at said point of delivery and appurtenant facilities. In the event Applicant makes contracts for delivery of gas for distribution in Rossville, Dalton and other communities along the route of the Chattanooga extension, such facilities will also include lateral lines and measuring facilities, or such portions thereof as Applicant may agree to construct, of appropriate sizes to supply such communities.

Applicant recites that this new line will be designed to operate at pressures up to 1,200 p. s. i. The line will have a capacity of about 2,000 Mcf per day without compression at Rockmart. With compression at Rockmart the line will have a capacity of 20,000 Mcf per day when operated at 1,200 p. s. i.

(b) *An extension to Lexington, Mississippi.* This will comprise approximately 11 miles of 4½-inch line extending from a point north of Goodman, Mississippi, on the Goodman-Durant branch line in Holmes County, Mississippi, to the town of Lexington, Mississippi, together with a meter station and appurtenant facilities. This line will have a daily delivery capacity of approximately 2,000 Mcf.

(c) *An extension to various cities and towns in north Alabama, including Athens, Decatur, Florence, Hartselle, Huntsville, Sheffield, and Tuscumbia.* This extension will comprise approximately 97 miles of 10¾-inch line commencing at a point on Applicant's main line east of its Reform compressor station and extending northward to Sheffield, and lateral lines comprising approximately 39 miles of 8⅝-inch line, 23 miles of 6⅝-inch line and 28 miles of 4½-inch line extending to the other cities mentioned above.

This project also includes the installation of 1,000 H. P. of additional compressing facilities at Applicant's Reform compressor station, a river crossing consisting of two 6⅝-inch lines across the Tennessee River, meter stations at various points of delivery and appurtenant facilities.

In the event Applicant makes contracts for the delivery of gas for distribution in other communities along the route of this extension, the facilities will also include lateral lines and measuring facilities, or such portions thereof as Applicant may agree to construct, of appropriate sizes to supply such communities. Such communities include Fayette, Winfield, Hamilton, Haleyville, Russellville, Town Creek, Leighton, Courtland, Wheeler, Hillsboro and Trinity.

This proposed extension is designed to operate at a pressure of 1,000 p. s. i. and will have a capacity of 25,000 Mcf per day.

(d) *An extension to White Plains, Alabama.* This extension will comprise approximately 7.5 miles of 4½-inch line commencing at a point on Applicant's main line east of its DeArmanville compressor station and extending northward to a point in Calhoun County known as White Plains, where said line will connect with lines extending to the towns of Jacksonville and Piedmont, Alabama (which latter lines will be constructed and owned by the respective towns), together with a meter station and appurtenant facilities.

This line will have a daily delivery capacity of approximately 2,000 Mcf.

(e) *A connection at Tallassee, Alabama.* This will consist of a tap and meter station at a point on Applicant's Montgomery-Columbus branch line in the town of Tallassee, Alabama.

Applicant states that the estimated total over-all capital cost of the proposed facilities is $17,162,790. The estimated total over-all capital cost of the facilities scheduled for installation under the 1947 construction program is $3,876,200, the major portion of which Applicant states could be financed from its current funds. Information with respect to Applicant's plans for further financing is to be supplied by amendment.

Applicant's system is presently connected to five gas fields; the Gwinville field in Mississippi, the Monroe and Bear Creek fields in Louisiana, the Logansport field in Louisiana and Texas, and the Carthage field in Texas.

It is recited this application is limited to those facilities which are absolutely necessary to meet the rapidly increasing requirements of Applicant's existing markets and to supply the extensions to Lexington, Mississippi; North Alabama; Jacksonville, Piedmont and Tallassee, Alabama; and Chattanooga, Tennessee, all of which have requested natural gas service from Applicant and from all of which there is an urgent demand for natural gas. Applicant states that the facilities covered by this application will increase its delivery capacity to approximately 384,000 Mcf per day and that its estimated peak day requirements for the winter of 1949–50, including the new markets, is 392,085 Mcf. Applicant, in order to meet a portion of the excess of estimated requirements for the winter of 1947–48 over anticipated delivery capacity, proposes to install propane standby plants to be located near its Ben Hill compressor station near Atlanta and its regulator station near Phoenix City on the Montgomery-Columbus branch line, and which will be capable of delivering 7,500 Mcf per day and 6,000 per day of equivalent natural gas, respectively.

Any interested State commission is requested to notify the Federal Power Commission whether the application, as amended, should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

This application, as amended, of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person (unless permission to intervene in the original application has already been granted by the Commission) desiring to be heard or to make any protest with reference to the application, as amended, shall file with the Federal Power Commission, Washington 25, D. C., not later than May 21, 1947, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–4419; Filed, May 9, 1947; 9:13 a. m.]

[Docket No. G–851]

CONSOLIDATED GAS UTILITIES CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 3, 1947, in Docket No. G-851, by Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

(1) Approximately 34,000 feet of 6-inch pipeline, together with the necessary appurtenant equipment, beginning at R. Olsen Oil Company's Ott #1 gas well located in the southwest quarter of the southeast quarter of Section 4, Township 21 North, Range 9 West, Major County, Oklahoma, and extending in a southeasterly direction to a point of connection with Applicant's existing 14-inch main gas transmission pipe line in the southeast quarter of Section 31, Township 21 North, Range 8 West, Garfield County, Oklahoma.

(2) A measuring and regulating station to be installed at or near the R. Olsen Oil Company's Ott #1 well in Section 4, Township 21 North, Range 9 West, Major County, Oklahoma.

(3) Two corrugated iron structures to be installed at the location set out in sub-paragraph (2) above, to house the measuring and regulating equipment.

It appearing to the Commission that:

(a) On January 31, 1947, in response to a telegraphic application filed January 27, 1947, Applicant was granted an emergency certificate to construct and operate the facilities described herein; and

(b) Applicant proposes the construction and operation of the above-described facilities for the purpose of transporting natural gas from the Southeast Meno Field into Applicant's main pipe line for use in rendering service to Applicant's existing customers; and

(c) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 26, 1947 (12 F. R. 1377–1378);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 21st day of May, 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above entitled proceedings; *Provided, however,* If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–4416; Filed, May 9, 1947; 9:13 a. m.]

[Docket No. G–854]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

MAY 6, 1947.

Upon consideration of the application filed January 27, 1947, in Docket No. G–854 by Atlantic Seaboard Corporation (Atlantic), a Delaware corporation with its principal place of business at Charleston, West Virginia, and Virginia Gas Transmission Corporation (Virginia Gas), a Virginia corporation with its principal place of business at Charleston, West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicants to construct and operate natural gas pipe line facilities, subject to the jurisdiction of the Federal Power Commission, and described as follows:

Construction by the Atlantic Seaboard Corporation. (1) A new 3200 h. p. compressor station in the vicinity of Flat Top, Mercer County, West Virginia, on the existing main 20-inch transmission pipe line of Atlantic Seaboard Corporation;

(2) Approximately 185 miles of 24-inch O. D. gas transmission line extending from the Cobb compressor station of United Fuel Gas Company near Clendenin, West Virginia, to the Virginia-West Virginia state line at which point connection will be made with the portion of the 24-inch O. D. gas transmission line for which authorization is sought herein by Virginia Gas Transmission Corporation;

(3) Approximately 8 miles of 24-inch O. D. gas transmission line commencing at the point of juncture with that portion of pipeline sought to be certificated herein by Virginia Gas Transmission Corporation on the Maryland-Virginia state line and extending to Rockville, Maryland, at a point of connection with an existing 20-inch gas transmission line of Atlantic Seaboard Corporation;

(4) A quintuple river crossing of approximately 3,371 feet over the Potomac River, near Rockville, Maryland;

(5) A measuring station at the West Virginia-Virginia state line;

(6) Installation of additional measuring and regulating equipment at the Rockville Measuring Station.

Construction by Virginia Gas Transmission Corporation. (1) Installation of two additional 800 h. p. gas engine compressing units at Bickers compressor station on its existing main 20-inch transmission pipe line;

(2) Approximately 75 miles of 24-inch O. D. gas transmission line extending from West Virginia-Virginia state line through Frederick, Shenandoah, Clarke, Loudoun and Fairfax Counties, Virginia, to the Virginia-Maryland state line;

(3) A measuring and regulating station in Fairfax County, Virginia, near the Virginia-Maryland state line.

It appearing to the Commission that:

(a) Applicants have requested that only part of their application covering authorization requested for the construction and operation of the above-mentioned 3,200 h. p. compressor station in the vicinity of Flat Top, Mercer County, West Virginia, on the existing main 20-inch transmission pipe line of Atlantic, and the installation and operation of the two additional 800 h. p. gas engine compressing units at Bickers compressor station on the existing main 20-inch transmission pipe line of Virginia Gas, be heard at this time under the shortened procedure provided for by Rule 32 (b) (18 C. F. R. 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946).

(b) Applicants propose by means of the above-described compressor station and compressing units to meet primarily the estimated increased natural gas requirements in the winter of 1947–48, of Washington Gas Light Company.

(c) The intervenors, Pennsylvania Public Utility Commission, Anthracite Institute, and Railroads, have expressed no interest in protesting the construction, installation and operation of the above-mentioned compressor station and compressing units. No other request to be heard, protest or petition has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 25, 1947 (12 F. R. 1359).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on May 22, 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in that part of the application filed in the above-entitled proceeding relating to the construction and operation of the 3,200 h. p. compressor station in the vicinity of Flat Top, Mercer County, West Virginia, on the existing main 20-inch transmission pipe line of Atlantic, and the installation and operation of the two additional 800 h. p. gas engine compressor units at Bickers compressor station on the existing main 20-inch transmission pipe line of Virginia Gas: *Provided, however,* If no request to be heard, protest, or petition to intervene raising in the judgment of the Commission an issue of substance, as to the construc-

tion, installation, and operation of the aforesaid compressor station and compressing units, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and evidence filed therein and incorporated in the record of the proceeding together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested state commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4417; Filed, May 9, 1947; 9:13 a. m.]

[Docket No. G-877]

PENN-YORK NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

MAY 6, 1947.

Upon consideration of the application filed March 10, 1947, in Docket No. G-877, by Penn-York Natural Gas Corporation (Applicant), a Pennsylvania corporation with its principal place of business at Buffalo, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

Two 150 H. P. gas driven compressor units at its main line compressor station known as Arcade Station located in the Town of Arcade, Wyoming County, New York.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the above-described facilities for the purpose of handling the now known gas load which exists on Applicant's system and to maintain efficient service to its customers; and

(b) By order of the Commission entered April 28, 1947, a temporary certificate was issued to Applicant authorizing the construction and operation of the facilities described herein; and

(c) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 28, 1947 (12 F. R. 2061-2062);

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 22d day of May 1947, at 9:50 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however,* If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceedings, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4418; Filed, May 9, 1947; 9:13 a. m.]

[Docket No. G-889]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 5, 1947.

Notice is hereby given that on April 17, 1947, an application was filed with the Federal Power Commission by East Tennessee Natural Gas Company (Applicant), a Tennessee corporation with its principal place of business of Chattanooga, Tennessee, and authorized to do business in the State of Tennessee, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate natural-gas pipe-line facilities, all of which are to be located in the State of Tennessee, and are more particularly described as follows:

(a) Approximately 186.5 miles of 16-inch O. D. transmission pipe line extending from a point of take-off from the line of Tennessee Gas & Transmission Company at a point of interconnection approximately 5 miles northeast of that company's compressor station No. 10, in an easterly or slightly southeasterly direction to a point near Chickamauga Dam in the immediate vicinity of Chattanooga, Tennessee.

(b) Approximately 112.4 miles of 12¾-inch O. D. transmission pipe line extending from the point last mentioned in paragraph (a) above in a northeasterly direction to a point southeast of Knoxville, Tennessee, and in the immediate vicinity of the corporate limits of that city.

(c) Approximately 32.4 miles of 6-inch O. D. pipe line, 143.1 miles of 4-inch O. D. pipe line, and 70.9 miles of 3½-inch O. D. pipe line, all of which will serve as lateral lines and will extend from the pipe lines described in paragraphs (a) and (b) above.

The application recites that Applicant has recently been incorporated and is organized for the purpose of constructing and operating the proposed facilities, and that with respect to such facilities it is the successor in interest to Tennessee Natural Gas Lines, Inc., which company heretofore, on January 9, 1947, filed an application with the Federal Power Commission for a certificate of public convenience and necessity authorizing it to construct and operate facilities similar to those proposed and described above.[1]

The application further recites that Tennessee Natural Gas Lines, Inc. has transferred and assigned to Applicant all of its rights in the proposed facilities, including all preliminary engineering, market surveys and studies, and the gas supply contract dated September 6, 1946, entered into between Tennessee Gas & Transmission Company and Tennessee Natural Gas Lines, Inc., whereby Tennessee Gas & Transmission Company agreed to furnish an adequate supply of natural gas for the proposed facilities and operation thereof. It is stated, however, that Tennessee Natural Gas Lines, Inc. continues to be interested in the construction and operation of the proposed facilities in that it is a minority stockholder of Applicant.

Applicant purposes to supply natural gas from the above-described facilities to the following cities and towns in the State of Tennessee, which do not now have natural gas service; Centerville, Mt. Pleasant, Columbia, Lawrenceburg, Pulaski, Waynesboro, Lewisburg, Shelbyville, Murfreesboro, Fayetteville, Lynchburg, Mulberry, Tullahoma, Manchester, Winchester, Decherd, Cowan, Sewanee, Monteagle, Tracy City, South Pittsburgh, Richard City, Jasper, Whitwell, Chattanooga, Ooltewah, Cleveland, Charleston, Benton, Calhoun, Riceville, Etowah, Englewood, Athens, Madisonville, Sweetwater, Philadelphia, Loudon, Alcoa, Maryville, Lenoir City and Knoxville.

Applicant states that under its present plans it will sell natural gas for the above-mentioned cities and towns at wholesale city gate rates, and will make direct pipeline sales for industrial use to a limited number of large industrial users, and that no construction or acquisition of resale distribution systems by Applicant is presently contemplated. Applicant recites that the proposed rates for the gas service will be supplied when

[1] Docket No. G-847; see notice of application published February 6, 1947, 12 F. R. 870, 871. On April 23, 1947, Tennessee Natural Gas Lines, Inc. filed with the Federal Power Commission a motion to dismiss its application filed on January 9, 1947.

it completes its market studies and surveys.

Applicant states that it is filing this application on the assumption that Chattanooga Gas Company will become a city gate customer of Applicant, notwithstanding the fact that Chattanooga Gas Company is a wholly owned subsidiary of Southern Natural Gas Company, which last mentioned company now has on file with the Federal Power Commission an application[2] for the construction and operation of facilities to serve the Chattanooga market and area.

Applicant further states that the Knoxville market and area is now inadequately served with manufactured or artificial gas, and that the Knoxville Utilities Board is anxious that natural gas service be made available in the Knoxville area.

Applicant states that natural gas will enter the proposed pipe line at a pressure of approximately 700 psig which will provide a delivery pressure of approximately 387 psig at Chattanooga and approximately 200 psig at Knoxville; that the proposed facilities will have a capacity of approximately 62,325,000 cubic feet per day at the point of interconnection with Tennessee Gas & Transmission Company, and that this capacity will be sufficient to serve the aforesaid markets and areas for approximately five years without compression.

Applicant makes no statement as to the cost of the proposed facilities or the method of financing the cost of construction.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of East Tennessee Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[2] Docket No. G-796; see notice of amended application published April 11, 1947, 12 F. R. 2459-60.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4422; Filed, May 9, 1947; 9:12 a. m.]

[Docket No. G-891]

UNITED NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 5, 1947.

Notice is hereby given that on April 18, 1947, United Natural Gas Company (Applicant), a Pennsylvania corporation having its principal office in Oil City, Pennsylvania, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural gas facilities, subject to the jurisdiction of the Commission, described as follows:

Approximately seventy-one (71) miles of 20-inch O. D. welded pipe line extending from the south end of United Natural Gas Company's 12-inch line in Franklin Township, Beaver County, Pennsylvania, in a southerly direction to connect with the Big Inch and Little Big Inch pipe lines in Rich Hill Township, Greene County, Pennsylvania.

Applicant states in its application that it is critically in need of additional supplies of natural gas in order to meet its present and future requirements as well as the normal growth requirements of its domestic, commercial and industrial consumers. Applicant states that the purpose of the proposed line is to connect with the Big Inch lines and obtain an additional supply of natural gas therefrom; and it is hoped that the proposed facilities will permit Applicant to meet its requirements during the winter of 1947-1948.

Applicant estimates that the total over-all cost of the proposed facilities will be $3,737,718, which will be paid partly by outside financing and partly from Applicant's own cash resources; and that there will be no fixed charges incident to the cost of the proposed line.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of United Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined.

Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4421; Filed, May 9, 1947; 9:12 a. m.]

[Docket No. G-894]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

MAY 5, 1947.

Notice is hereby given that on April 24, 1947, United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal place of business in Shreveport, Louisiana, and authorized to do business in the States of Alabama, Louisiana, Mississippi, and Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following facilities:

A tap and meter station in Township 2 South, Range 3 East, Baldwin County, Alabama, on Applicant's Mobile-Pensacola natural gas transmission line.

Applicant states that the proposed facilities are for the purpose of supplying the requirements of natural gas for resale through distribution systems in the following named towns and their environs in Baldwin County, Alabama: Elberta, Fairhope, Foley, Loxley, Magnolia Springs, Point Clear, Robertsdale, Silverhill, Stapleton, Steelwood.

Applicant states that it has entered into an appropriate contractual arrangement with the towns of Foley and Fairhope under which natural gas will be sold to said municipalities for resale in all of the towns named above. It is stated that service through the proposed facilities will be from gas reserves which Applicant has under contract in the Baxterville Field and which it proposes to connect to its present system at a point near Mobile, Alabama.

The estimated maximum daily demand for all of the above named customers for the year 1948 is 900 Mcf, and the estimated daily minimum demand for the same period is 100 Mcf. The estimated daily delivery capacity of the proposed facilities is 7,000 Mcf.

Estimated overall capital cost of the proposed facilities is stated to be approximately $5,300, which Applicant proposes to finance out of cash on hand.

Applicant states that since the communities named in the application are not now being served with natural gas, the residents therein are most anxious that the natural gas service to be rendered by means of the proposed facilities be made available to them.

The application of United Gas Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4420; Filed, May 9, 1947; 9:12 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5442]

VICTORY VITAMIN CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of May A. D. 1947.

In the matter of Frederick Herrschner, trading as Victory Vitamin Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John P. Bramhall, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, June 9, 1947, at nine o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-4426; Filed, May 9, 1947; 9:12 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 727]

UNLOADING OF AUTOS AT JERSEY CITY, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of May A. D. 1947.

It appearing, that 7 cars containing autos and pipe at Jersey City, New Jersey, on the Baltimore and Ohio Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Cars at Jersey City, N. J., be unloaded.* The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately the following cars, containing various commodities, now on hand at Jersey City Terminal, Jersey City, New Jersey:

Car No. and Initial	Commodity	Consignee
PLE 47722	Autos	D. C. Andrews.
CMO 12212	Pipe	Am. Union Transp.
PLE 48056	Autos	D. C. Andrews.
NYC 707741	do	Do.
PMKY 90117	do	Do.
WLE 74918	do	Do.
RDG 50998	do	Do.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify, V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4409; Filed, May 9, 1947; 8:45 a. m.]

[S. O. 728]

UNLOADING OF CONSTRUCTION MATERIALS AT KANSAS CITY, MO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of May A. D. 1947.

It appearing, that 15 cars containing various commodities at Kansas City, Missouri, on the Chicago, Burlington & Quincy Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Cars at Kansas City, Mo., be unloaded.* The Chicago, Burlington & Quincy Railroad Company, its agents or employees, shall unload immediately the following cars on hand at Kansas City, Missouri:

Consignee: R. T. Collins Construction Company.

CAR INITIAL, NUMBER, AND CONTENTS

PRR 359111—Roofing.
BO 253542—Roofing.
CI&L 31999—Limestone.

Consignee. Patti Construction Company.

CBQ 133934—Cement slabs.
Soo L 36028—Cement slabs.
Erie 93246—Cement slabs.

Consignee. Jones-Hettelsater Construction Company.

PM 88447—Lumber.
Soo L 13686—Lumber.
BO 272124—Lumber.
PA 66673—Lumber.
SOU 155635—Lumber.
LN 4253—Lumber.
CNW 146762—Lumber.
SP 84308—Lumber.
NYC 154619—Lumber.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4410; Filed, May 9, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-102]

GENERAL GAS & ELECTRIC CORP. AND ASSOCIATED GAS AND ELECTRIC CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of May A. D. 1947.

The Commission having, by orders dated July 25, 1945, and August 23, 1945, approved a joint application filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a then registered holding company, and General Gas & Electric Corporation, a then registered holding company and subsidiary of said Trustees, with respect to a plan of divestment of assets, simplification of corporate structure and equitable distribution of voting power of General Gas & Electric Corporation; and

Said orders having reserved jurisdiction over, among other things, all fees and expenses to be paid in connection with said plan; and

It appearing that the said Trustees have been discharged and that the assets of Associated Gas and Electric Corporation have been transferred to General Public Utilities Corporation, a registered holding company, and that General Gas & Electric Corporation has been dissolved and its assets, subject to its liabilities, have been transferred to General Public Utilities Corporation; and

Applications having now been filed with respect to the payment of requested fees and reimbursement for expenses:

Notice is hereby given that applications for the payment of fees and expenses have been filed by the following persons and in the following amounts:

Name	Position	Requested fee	Requested reimbursement of expenses
Protective Committee for Public Holders of Class A Common Stock of General Gas & Electric Corporation:			
Daniel J. Mahoney	Members of the committee	$6,000	$1,244.44
Stephen P. Toadvine			
Clarence S. Cook and Henry E. Norton			
Goldwater & Flynn	Counsel	75,000	2,076.78
Bernard Katz	Secretary	2,000	
Debevoise, Stevenson, Plimpton & Page	Special counsel for General Gas & Electric Corp.	35,000	105.93

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to the matters set forth in said applications:

It is ordered, That a hearing on said applications pursuant to the applicable provisions of the act and the rules and regulations thereunder be held before the examiner heretofore designated to preside in this proceeding on May 28, 1947, at 10:00 a. m., e. d. s. t., in the office of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any persons, other than one already a party or given leave to participate herein, who desires to be heard or otherwise wishes to participate shall file with the Secretary of the Commission on or before May 26, 1947, a request relevant thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by the application particular attention will be directed at said hearing to the following matter and question:

(1) Whether the requested fees and reimbursement for expenses are for necessary services rendered in connection with the plan and related proceedings, and are reasonable in amount and properly allocated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4406; Filed, May 9, 1947; 8:45 a. m.]

[File No. 811-55]

PRUDENTIAL INVESTING CORP.

NOTICE OF APPLICATION STATEMENT OF ISSUES ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of May A. D. 1947.

Notice is hereby given that Prudential Investing Corporation ("Prudential") has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that Prudential has ceased to be an investment company within the meaning of the act.

Prudential alleges that it has sold its assets amounting to $1,680,943.99 to Axe-Houghton Fund, Inc. ("Axe-Houghton") for 213,829 shares of the latter's stock, and that it has distributed pro rata the Axe-Houghton shares so received to its stockholders except those remaining in the custody of The First National Bank of Jersey City against the unexchanged 85,987 shares of Prudential stock. Prudential also alleges that cash of $5,938.82 was reserved by Prudential to make cash payments for fractional shares. Prudential also alleges that it has paid to Leffler Corporation ("Leffler") $34,426.18 or 2% of its assets prior to such payment for services in negotiating and effecting the transaction between Axe-Houghton and Prudential, and that out of this fee Leffler has agreed to pay all expenses of the acquisition, of the distribution of the Axe-Houghton shares of stock and cash (for fractional shares) to stockholders of Prudential and of the dissolution of Prudential. Prudential further alleges that there are no known liabilities except for amounts assumed by Leffler and that it was dissolved on March 6, 1947.

For a more detailed statement of the matters of fact and law asserted, persons are referred to said application which is on file in the offices of the Commission in Philadelphia, Pennsylvania.

The Corporation Finance Division has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised:

(1) Whether applicant has ceased to be an investment company within the meaning of the act, and

(2) Whether it is necessary for the protection of investors to condition any order terminating the registration of applicant under the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate,

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on May 21, 1947, at 9:30 a. m., eastern daylight saving time, in Room 318 of the offices

of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is given to Prudential Investing Corporation, Axe-Houghton Fund, Inc. and Leffler Corporation and to any person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Persons desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before May 19, 1947, an application therefor in accordance with the provisions of Rule XVII of the rules of practice of the Commission, setting forth the matters or issues of law or fact mentioned above which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4405; Filed, May 9, 1947; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 14]

MAYWOOD CHEMICAL WKS. AND SINGER MFG. CO.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Maywood Chemical Works, Maywood, N. J., claim No. A-363.	12 F. R. 1717, Mar. 12, 1947.	Property described in vesting order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent Nos. 1,869,493; 1,869,494; 1,869,495; 1,869,496; 1,869,497; 1,869,498; 1,869,499; 1,869,979 and 1,869,980, to the extent owned by claimant immediately prior to the vesting thereof.
The Singer Mfg. Co., Elizabeth, N. J., claim No. A-442.	12 F. R. 1905, Mar. 21, 1947.	Property described in vesting order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 1,955,889, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4444; Filed, May 9, 1947; 9:50 a. m.]

[Vesting Order 8729]

HANS BURMEISTER ET AL.

In re: Interests of Hans Burmeister of Berlin, Ernst Cohnitz of Berlin, August Bender of Dusseldorf and "Nova" Werbe und Vertriebs G. m. b. H., of Dusseldorf in an agreement with the Moussator Corporation of America of St. Louis, Missouri, dated July 5, 1933.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Burmeister, Ernst Cohnitz and August Bender, whose last known addresses are Berlin-Tempelhof, Germany, Berlin, Germany, and Dusseldorf, Germany, respectively, are residents of Germany and nationals of a foreign country (Germany);

2. That "Nova" Werbe und Vertriebs G. m. b. H. is a business enterprise organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hans Burmeister, Ernst Cohnitz, August Bender and "Nova" Werbe und Vertriebs G. m. b. H., and each of them, by virtue of an agreement dated July 5, 1933 (including all modifications thereof and supplements thereto, if any) by and between Hans Burmeister, Ernst Cohnitz, August Bender, "Nova" Werbe und Vertriebs G. m. b. H. and Moussator Corporation of America, which agreement relates, among other things, to United States Letters Patent No. 1,889,236.

[1] Filed as part of the original document.

is property payable or held with respect to patents or rights relating thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4430; Filed, May 9, 1947; 9:48 a. m.]

[Vesting Order 8730]

I. G. FARBENINDUSTRIE A. G. AND HERCULES POWDER CO.

In re: Interests of I. G. Farbenindustrie Aktiengesellschaft in an agreement with Hercules Powder Company.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie Aktiengesellschaft is a corporation organized and existing under the laws of, and having its principal place of business in, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated March 29, 1939 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and Hercules Power Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that, the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as

a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4431; Filed, May 9, 1947; 9:49 a. m.]

[Vesting Order 8731]

HUNGARIAN RUBBER GOODS FACTORY, LTD. AND ANCHOR PACKING CO.

In re: Interests of Hungarian Rubber Goods Factory, Ltd. (Ungarische Gummiwaarenfabriks Actiengesellschaft) in certain trademarks and in agreements with The Anchor Packing Company.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hungarian Rubber Goods Factory, Ltd. (Ungarische Gummiwaarenfabriks Actiengesellschaft) is a corporation organized under the laws of, and maintaining its principal place of business in, Hungary and is a national of a foreign country (Hungary);

2. That the property described as follows:

(a) The trademarks registered in the United States Patent Office and the registration thereof identified as follows:

Reg. No.	Date	Inventor	Description of goods
68,839	4/26/08	Ungarische Gummiwaarenfabriks Actiengesellschaft.	Rubber and asbestos Packing "Tauril."
94,774	12/30/13	Ungarische Gummiwaarenfabriks Actiengesellschaft.	Hollow and solid rubber tires "Tauril."

together with

(i) The respective good will of the business in the United States and all its possessions to which said trademarks are appurtenant,

(ii) Any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machines and other equipment),

(iii) Any interests of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trademarks and registration thereof,

(iv) All accrued royalties payable or held with respect to such trademarks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for the breach of the agreement hereinafter described, together with the right to sue therefor) created in Hungarian Rubber Goods Factory, Ltd. by virtue of an agreement between Hungarian Rubber Goods Factory, Ltd. and The Anchor Packing Company dated February 10, 1937 (including all modifications thereof and supplements thereto, if any) which agreement relates among other things, to United States trademark "Tauril,"

is property of, or is property payable or held with respect to trademarks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4432; Filed, May 9, 1947; 9:49 a. m.]

[Vesting Order 8813]

SHIGERU ASADA AND ASAKO ASADA

In re: Bank account owned by Shigeru Asada and Asako Asada. D-39-18916-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeru Asada and Asako Asada, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shigeru Asada and/or Asako Asada, by Bank of Hawaii, Honolulu, T. H., arising out of a savings account, Account Number A 45040, entitled Shigeru Asada and/or Asako Asada, maintained at the branch office of the aforesaid bank located at Hilo, Hawaii, T. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4385; Filed, May 8, 1947; 8:46 a. m.]

[Vesting Order 8821]

SHUNTARO TOMATANI

In re: Bank account owned by Shuntaro Tomatani, also known as Shutaro Tomatani, and Masuichi Tsumoto, also known as Masukichi Tsumoto. F-39-1751-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shuntaro Tomatani, also known as Shutaro Tomatani, and Masuichi Tsumoto, also known as Masukichi Tsumoto, whose last known addresses are Wakayama, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bishop National Bank of Hawaii, King-Smith Streets, Honolulu, T. H., arising out of a savings account, Account Number 923, entitled Kinjiro Tomatani, Trustee for Shuntaro Tomatani and Masuichi Tsumoto, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shun-

taro Tomatani, also known as Shutaro Tomatani, and Masuichi Tsumoto, also known as Masukichi Tsumoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4366; Filed, May 8, 1947; 8:46 a. m.]

[Vesting Order 8826]

WALDEMAR KRAUSS

In re: Bond and mortgage, property insurance policy and bank account owned by Waldemar Krauss.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Waldemar Krauss, whose last known address is Chemnitz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. A mortgage executed on June 12, 1924, by Dick-Meyer Corporation to Title Guarantee & Trust Company, and recorded in the Office of the Register of Queens County, on June 16, 1924, in Liber 2422 of Mortgages, at Page 117, which mortgage was assigned by Title Guarantee & Trust Company to Waldemar Krauss by instrument, dated January 28, 1931, and recorded in the Office of the Register of Queens County, on February 3, 1931, in Liber 3799 of Mortgages, at Page 312, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage and all notes, bonds and other instruments evidencing such obligations,

b. All right, title and interest of Waldemar Krauss, and to Fire Insurance Policy No. 9631, issued by The Home Insurance Company, New York, New York, insuring the premises, subject to the mortgage described in subparagraph 2-a hereof, and

c. That certain debt or other obligation of Continental Bank and Trust Company, 30 Broad Street, New York, New York, arising out of an account entitled "Waldemar Krauss, The German Society of the City of New York, Agent," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a to 2-c above, inclusive, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4387; Filed, May 8, 1947; 8:47 a. m.]

[Vesting Order 8836]

LISBETH BEHRENS

In re: Bank account owned by Lisbeth Behrens. F-28-25133-C-1, F-28-25133-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lisbeth Behrens, whose last known address is Hamburg 21, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 20666, entitled Tom F. Chapman or I. F. Chapman, Trustees for Lisbeth Behrens, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lisbeth Behrens, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4433; Filed, May 9, 1947; 9:49 a. m.]

[Vesting Order 8837]

RICHARD BRANDT

In re: Debt owing to Richard Brandt, also known as Rich. AD. Brandt. F-28-7370-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Brandt, also known as Rich. AD. Brandt, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owingto Richard Brandt, also known as Rich. AD. Brandt, by Armand Schmoll, Inc., 41 Park Row, New York 7, N. Y., in the amount of $1,015.95, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4434; Filed, May 9, 1947; 9:49 a. m.]

[Vesting Order 8838]

WILLI DIRCKS

In re: Bank account owned by Willi Dircks. F-28-25164-C-1, F-28-25164-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willi Dircks, whose last known address is Hamburg, Langen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 20711, entitled Tom F. Chapman or I. F. Chapman, Trustees for Willi Dircks, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Willi Dircks, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4435; Filed, May 9, 1947; 9:49 a. m.]

[Vesting Order 8846]

ITSUYO NAKAYAMA ET AL.

In re: Bank accounts owned by Itsuyo Nakayama, Mitsu Nakayama, Yoneo Nakayama and Yoshi Nakayama. F-39-4582-E-1, F-39-4817-E-1, F-39-4818-E-1, F-39-4816-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Itsuyo Nakayama, Mitsu Nakayama, Yoneo Nakayama and Yoshi Nakayama, whose last known addresses are Tokyo, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Itsuyo Nakayama by Irving Trust Company, 1 Wall Street, New York, New York, arising out of a checking account, entitled Itsuyo Nakayama, maintained at the branch office of the aforesaid bank located at 162 Fifth Avenue, New York 10, New York, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Irving Trust Company, 1 Wall Street, New York, New York, arising out of a checking account, entitled Itsuyo Nakayama in trust for Mitsu Nakayama, maintained at the branch office of the aforesaid bank located at 162 Fifth Avenue, New York 10, New York, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Irving Trust Company, 1 Wall Street, New York, New York, arising out of a checking account, entitled Itsuyo Nakayama in trust for Yoneo Nakayama, maintained at the branch office of the aforesaid bank located at 162 Fifth Avenue, New York 10, New York, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of Irving Trust Company, 1 Wall Street, New York, New York, arising out of a checking account, entitled Itsuyo Nakayama in trust for Yoshi Nakayama, maintained at the branch office of the aforesaid bank located at 162 Fifth Avenue, New York 10, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Itsuyo Nakayama, Mitsu Nakayama, Yoneo Nakayama and Yoshi Nakayama, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4436; Filed, May 9, 1947; 9:49 a. m.]

[Vesting Order 8848]

JAKOB PFIRRMANN

In re: Bank accounts owned by Jacob Pfirrmann and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual, whose name is set forth in Exhibit A, by the Security-First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles, California, arising out of the accounts entitled and described in the manner set forth in Exhibit A, maintained at the branch office of the aforesaid bank located at 110 South Spring Street, Los Angeles, California, and any

and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Names of owners and titles of accounts	Description of accounts	OAI' Files numbered
Jakob Pfirrmann	Term Savings Account, Account Number 393830	F-28-23087-E-1 F-28-23087-C-1
Katharine Lebmann	Term Savings Account, Account Number 393832	F-28-23519-E-1 F-28-23519-C-1
Amalia Stumpf	Savings Account, Account Number 393831	F-28-25921-E-1 F-28-25921-C-1
Karolina Pfirrmann	Term Savings Account, Account Number 393829	F-28-25754-E-1 F-28-25754-C-1
Lina Witte	Savings Account, Account Number 393833	F-28-25913-E-1 F-28-25913-C-1
Eduard Witte	Term Savings Account, Account Number 393834	F-28-25909-E-1 F-28-25909-C-1
Margaretha Witte	Term Savings Account, Account Number 393836	F-28-25915-E-1 F-28-25915-C-1
Ernst Witte	Savings Account, Account Number 393835	F-28-25895-E-1 F-28-25895-C-1

[F. R. Doc. 47-4437; Filed, May 9, 1947; 9:49 a. m.]

[Vesting Order 8849]

CHRISTIAN GOTTLOB REBER AND ROSINE HAUSER

In re: Bank account owned by Christian Gottlob Reber and Rosine Hauser. F-28-13295-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Gottlob Reber and Rosine Hauser, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Capital National Bank of Sacramento, 700 J Street, Sacramento, California, arising out of a trustee account, entitled Estate of Johann Karl Reber, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christian Gottlob Reber and Rosine Hauser, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4438; Filed, May 9, 1947; 9:49 a. m.]

[Vesting Order 8850]

JOHANN REDLE

In re: Bank Account owned by Johann Redle. 28-5311-C-1; D-28-5311-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Redle, whose last known address is Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Johann Redle, by Dollar Savings Bank of the City of New York, 2792 Third Avenue, Bronx 55, New York, arising out of a savings account, Account Number 446,304, entitled Johann Redle, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4439; Filed, May 9, 1947; 9:50 a. m.]

[Vesting Order 8851]

C. C. RODRIAN

In re: Debt owing to C. C. Rodrian. F-28-11796-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That C. C. Rodrian, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to C. C. Rodrian, by International Harvester Company & Affiliated Companies, 180 N. Michigan Avenue, Chicago 1, Illinois, including particularly but not limited to a portion of the sum of money on deposit with Continental Illinois National Bank & Trust Company of Chicago, Chicago 90, Illinois, in an account, entitled Harvester Foreign Employes' Bank A/C, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4440; Filed, May 9, 1947; 9:50 a. m.]

[Vesting Order 8853]

FRED AND SAM SAKAMOTO

In re: Bank accounts owned by Fred Sakamoto and Sam Sakamoto. F-39-5193-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Sakamoto and Sam Sakamoto, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Yellowstone Bank, Columbus, Montana, arising out of a Checking Account, entitled Sakamoto Brothers, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fred Sakamoto and Sam Sakamoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4441; Filed, May 9, 1947; 9:50 a. m.]

[Vesting Order 8855]

DETMAR FR. STAHLKNECHT

In re: Stock owned by Detmar Fr. Stahlknecht, also known as Detmar Fr. Stahlknecht and as Detmar Stalknecht. F-28-22307-D-1/3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Detmar Fr. Stahlknecht, also known as Detmar Fr. Stahlnecht and as Detmar Stalknecht, whose last known address is 13 Ilsungstrasse, Augsburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of non-assessable, no par value common capital stock of The Westinghouse Air Brake Company, Wilmerding, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificate number M45,257, registered in the name of Detmar Fr. Stahlknecht, together with all declared and unpaid dividends thereon,

b. Two (2) shares of $100 par value 6% cumulative preferred capital stock of Eastern Gas and Fuel Associates, 250 Stuart Street, Boston, Massachusetts, a business trust organized under the laws of the State of Massachusetts, evidenced by certificates number 12970, registered in the name of Detmar Fr. Stahlknecht, together with all declared and unpaid dividends thereon, and

c. Ten (10) shares of no par value capital stock of International Telephone and Telegraph Corporation, 67 Broad Street, New York, New York, a corporation organized under the laws of the State of Maryland, evidenced by certificate number NNAF 14325, registered in the name of Detmar Stahlknecht, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4442; Filed, May 9, 1947; 9:50 a. m.]

[Vesting Order 8863]

FANNIE WEHNER ET AL.

In re: Stock owned by Fannie Wehner and others. F-28-7903-D-1, F-28-24240-D-1, F-28-24239-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fannie Wehner, whose last known address is Mudesheim Unterfr, Bayern, Germany, and Gottfried Oesterreicher, also known as Oesterreicher Gottfried, whose last known address is 56 Beuthenerstrasse, Stuttgart, Cannstatt, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Kathi Glaser, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: One hundred (100) shares of $50 par value capital stock of The Pennsylvania Railroad Company, 1617 Pennsylvania Boulevard, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificates numbered P746421/30 for ten (10) shares each,

registered in the name of Fannie Wehner, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Fannie Wehner, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: Forty-four (44) shares of $50 par value capital stock of The Pennsylvania Railroad Company, 1617 Pennsylvania Boulevard, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificates numbered P469083 and N396057 for five (5) shares each and certificate number P808829 for four (4) shares, registered in the name of Gottfried Oesterreicher, and certificate number 955084 for ten (10) shares, certificates numbered P719422, A448056 and A428195 for five (5) shares each, certificate number A459532 for three (3) shares and certificate number P36623 for two (2) shares, registered in the name of Oesterreicher Gottfried, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Gottfried Oesterreicher, also known as Oesterreicher Gottfried, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: Thirty-eight (38) shares of $50 par value capital stock of The Pennsylvania Railroad Company, 1617 Pennsylvania Boulevard, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificate number N121136, registered in the name of Kathi Glaser, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Kathi Glaser, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Kathi Glaser, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4443; Filed, May 9, 1947; 9:50 a. m.]

[Vesting Order 8868]

RICHARD H. PFAFF

In re: Estate of Richard H. Pfaff, also known as Richard Heinrich Pfaff, deceased. File No. D-28-444.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte H. Pfaff, Henry R. Pfaff and Gerda C. Pfaff, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Richard H. Pfaff, also known as Richard Heinrich Pfaff, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John C. Glenn, Public Administrator of Queens County, New York, as Administrator, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 1, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4388; Filed, May 8, 1947; 8:47 a. m.]

[Vesting Order 8869]

CHARLES PFLUGER

In re: Estate of Charles Pfluger, deceased. File No. D-28-11437; E. T. sec. 15666.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Pfluger, Henry Pfluger, Rose Rapp and Helen Ebner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Charles Pfluger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Alfred Pfluger, as Administrator of the estate of Charles Pfluger, deceased, acting under the judicial supervision of the Surrogate's Court, Essex County, State of New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 1, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4389; Filed, May 8, 1947; 8:47 a. m.]

[Vesting Order 8870]

WILLY SCHNEIDER

In re: Estate of Willy (William Walter) Schneider, deceased. File D-28-11262; E. T. sec. 15618.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Schneider, Bertha Schneider and Maria Schneider, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Willy (William Walter) Schneider, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Fred Schneider, as executor, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 1, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4390; Filed, May 8, 1947; 8:47 a. m.]

MAY 14 '47

MAY 14 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 94

Washington, Tuesday, May 13, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9850

AMENDMENT OF EXECUTIVE ORDER NO. 9460[1] OF AUGUST 7, 1944, PRESCRIBING REGULATIONS RELATING TO GLIDER FLIGHTS BY PERSONNEL OF THE ARMY, NAVY, MARINE CORPS, AND COAST GUARD

By virtue of the authority vested in me by section 18 of the Pay Readjustment Act of 1942, as amended (37 U. S. C., Supp. V, 118), paragraph 2 of Executive Order No. 9460 of August 7, 1944, prescribing regulations relating to glider flights by personnel of the Army, Navy, Marine Corps, and Coast Guard, is hereby amended to read as follows:

"2. Personnel of the Army, Navy, Marine Corps, and Coast Guard who are qualified as glider personnel under such regulations as the Secretary of War or the Secretary of the Navy may severally prescribe, or who are undergoing training for such qualification, and who are required by competent authority to participate regularly and frequently in glider flights, shall be required to perform one or more flights without regard to duration thereof during any three consecutive calendar months: *Provided*, That whenever, under authority conferred by the Secretary of War or the Secretary of the Navy, the commanding officer of any officer, warrant officer, nurse, or enlisted man who has been required by orders of competent authority to participate in regular and frequent glider flights certifies that on account of the absence or inadequacy of glider equipment or towing aircraft or other means of propulsion, or on account of military operations of the particular command under combat conditions, such officer, warrant officer, nurse, or enlisted man was unable to perform the glider flights required by this paragraph, such officer, warrant officer, nurse, or enlisted man may comply with the requirements herein prescribed by performing four or more glider flights without regard to the duration thereof during a period of twelve consecutive calendar months, and such requirements for any particular period may be met at any time during such period: *And provided further*, That any officer, warrant officer, nurse, or enlisted man who has been required to participate regularly and frequently in glider flights by orders of competent authority and who as a result of such orders has participated regularly and frequently in glider flights, as defined in this order, and who subsequently becomes incapacitated for glider flights by reason of an aviation accident shall not be required to perform such glider flights during such incapacity for a period not to exceed three months following the date of such accident."

This order shall become effective July 1, 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 10, 1947.

[F. R. Doc. 47-4555; Filed, May 12, 1947; 9:08 a. m.]

[1] 9 F. R. 9878.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

OCCUPATIONAL AND PHYSICAL THERAPISTS

Section 24.37 *Occupational therapist*, P–1 and above, and § 24.38 *Physical therapist*, P–1 and above, are hereby revoked.

(Sec. 5, 58 Stat. 388; 5 U. S. C., Sup. 854)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-4471; Filed, May 12, 1947; 10:27 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[Supp. Announcement 7]

PART 295—DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES FOR EXPORT

SUPPLEMENTAL ANNOUNCEMENT TO TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

The Terms and Conditions of Cotton Sales for Export Program, dated April 22, 1946 (11 F. R. 4515, 4645), as amended,

(Continued on p. 3105)

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FEDERAL REGISTER

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is hereby further amended, as to all export sales of which notice is received after May 8, 1947, 3:00 p. m., e. s. t. (except as provided in § 295.24), in the following respects:

Paragraph (a) of § 295.3, paragraph (c) of § 295.8, and paragraph (a) of § 295.12 are amended by substituting the date "February 1, 1948," for the date "July 1, 1947," and paragraph (b) of § 295.9 is amended by substituting the phrase "prior to February 1, 1948" for the phrase "not later than June 30, 1947."

Effective May 8, 1947, 3:00 p. m., e. s. t., and until otherwise announced, the export differential applicable under the Terms and Conditions of Cotton Sales for Export Program shall be one-half cent per pound, gross unpatched weight.

This change in the export differential does not affect export sales of which notice has been received prior to the effective date hereof.

(Sec. 32, 49 Stat. 774, as amended, sec. 21 (c), 58 Stat. 776; 7 U. S. C. and Sup. 612c et seq., 50 U. S. C. App. Sup. 1630c)

Dated this 8th day of May 1947.

[SEAL] JESSE B. GILMER,
President of Commodity Credit Corporation; Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 47-4499; Filed, May 12, 1947; 9:52 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 704—ENLISTMENT OF AVIATION CADETS

AVIATION CADETS

Sections 704.1 to 704.7, inclusive, pertaining to enlistment of aviation cadets, are hereby superseded by the following §§ 704.1 to 704.7, inclusive:

Sec.
704.1 General information.
704.2 Eligibility requirements.
704.3 Applications.
704.4 Examinations.
704.5 Appointment and enlistment.
704.6 Training and commission.
704.7 Termination of status as aviation cadet.

AUTHORITY: §§ 704.1 to 704.7, inclusive, issued under 55 Stat. 239; 10 U. S. C. Sup. 297a.

§ 704.1 *General information*—(a) *Types of training; designation.* The Army Air Forces aviation cadet training program includes training at special service schools in the following courses:

(1) *Flying duty.* Such specified courses of instruction as the Commanding General, Army Air Forces, may prescribe.

(2) *Ground duty.* Such specified courses of instruction as the Commanding General, Army Air Forces, may prescribe. [Inactive]

(b) *Information.* Detailed information with respect to the Army Air Forces aviation cadet training program, application blanks, and instructions for executing same, etc., may be obtained from:

(1) Any Army Air Forces examining board.

(2) The commanding general of any army.

(3) Any United States Army recruiting station.

(4) Commanding General, Army Air Forces, Washington, D. C.

(5) The Adjutant General, Washington, D. C.

§ 704.2 *Eligibility requirements*—(a) *General requirements.* (1) The following are eligible for appointment as aviation cadets:

(i) Enlisted men of the Regular Army and the Army of the United States.

(ii) Reserve officers and members of the Enlisted Reserve Corps.

(iii) Officers and enlisted men of the National Guard.

(iv) Civilians.

(2) An applicant at time of application must:

(i) Be an unmarried male citizen of the United States and agree to remain unmarried during period of training.

(ii) Be between the ages of 18 and 26 years and 6 months, except for ground duty training, in which case the age will be as prescribed by the Commanding General, Army Air Forces.

(iii) Be able to pass such mental and aptitude qualifying examinations and/or possess such educational qualifications as are or may be prescribed by the Commanding General, Army Air Forces.

(iv) Be of excellent character.

(v) Be of sound physique and in excellent health.

(vi) Possess such other general qualifications as may be prescribed by the Commanding General, Army Air Forces.

(3) For the present, eligibility will be limited to those personnel within the continental limits of the United States.

(b) *Maximum age.* No applicant for flying or ground duty training will be appointed or enlisted as an aviation cadet after he has reached his twenty-seventh birthday.

(c) *Applicants who have previously received flying training at service school.* An applicant who has graduated from a service pilot training school or who has been eliminated because of failure in flying will not be eligible for aviation cadet pilot training.

(d) *Enlistment.* All enlistments as aviation cadets will be for a period of 3 years, unless sooner terminated by competent authority.

§ 704.3 *Applications*—(a) *Form.* Applications for appointment or enlistment as aviation cadet will be submitted on WD AGO Form 60 (Application for Air Combat Crew Training (Gunner, Pilot, Bombardier, or Navigator)).

(b) *Who may submit.* Any persons fulfilling the requirements of § 704.2 may apply for appointment or enlistment as an aviation cadet. The necessary forms and instructions may be obtained as indicated in § 704.1 (b).

(c) *Accompanying documents.* Each application will be accompanied by such affidavits, certificates, letters of recommendation, and evidence of age and citizenship as may be prescribed by the Commanding General, Army Air Forces.

(d) *To whom forwarded*—(1) *Application of civilians for flying duty training.* Application and accompanying papers may be submitted to any Army Air Forces examining board or to the Commanding General, Army Air Forces.

(2) *Applications for ground duty training.* All applications and supporting papers will be forwarded to the agency designated by the Commanding General, Army Air Forces, pursuant to § 704.4 (b) (2).

(e) *Action upon*—(1) *Applications for flying duty training; civilians.* When the application and accompanying papers are submitted to the president of an Army Air Forces examining board, arrangements for taking the required examination will be made direct with the applicant by the president of the board.

(2) *Applications for ground duty training; civilians.* (i) The agency designated by the Commanding General, Army Air Forces, pursuant to § 704.4 (b) (2), will examine the educational qualifications of the applicant and certify his application as provided in Army Regulations for enlisted men and forward it to the appropriate Army Air Forces examining board. Action will then be taken by the president of the board as provided in subparagraph (1) of this paragraph for flying duty applicants, for the purpose of determining the applicant's qualifications under § 704.4 (b) (2) and (3).

(f) *Miscellaneous*—(1) *Change of address of applicants.* Any enlisted man or other applicant who has submitted an application for appointment or enlistment as an aviation cadet (flying duty training) will inform the Army Air Forces examining board, which administered his examinations, of any change of station or address. In the case of an applicant for ground duty training, such notification will be made to the Commanding General, Army Air Force. Failure to do this is sufficient cause for removal of his name from the list of applicants.

(2) *Expenses of applicants other than enlisted men on active Federal service.* An applicant (other than enlisted man on active Federal service) will be required to bear all expenses incident to his appearance before a board or boards and no claims for reimbursement for expenses incurred by him before his enlistment will be considered.

(3) *Notification of ineligibility.* Applicants found ineligible will be so notified by authority designated to act upon applications as soon as their ineligibility shall have been determined.

§ 704.4 *Examinations*—(a) *Examining boards* — (1) *Appointment.* The Commanding General, Army Air Forces, will authorize commanding generals of the various air force commands, or other designated officers, to appoint such examining boards as may be necessary for the purpose of examining applicants for appointment as aviation cadets.

(2) *Composition.* Examining boards will consist of:

(i) At least two suitably experienced Air Corps officers and as many others as practicable.

(ii) One Medical Corps officer (flight surgeon or aviation medical examiner).

(3) *When and where convened.* Examining boards will be convened regularly for the examination of applicants for appointment or enlistment as aviation cadets at the locations specified in the orders creating such board and at such other times and places as conditions warrant or nesessitate.

(b) *Examinations.* Each applicant for aviation cadet training will be given examinations as follows, unless otherwise prescribed by the Commanding General, Army Air Forces:

(1) *Flying duty training.* All applicants for flying duty training will be given:

(i) A physical examination as prescribed in Army Regulations and accomplished on WD AGO Form 64 (Physical Examination for Flying), with such modifications as may be prescribed by the Commanding General, Army Air Forces.

(ii) The Army Air Forces qualifying examination, which will be administered by examining boards as prescribed by the Commanding General, Army Air Forces. The content and scope of the Army Air Forces qualifying examination will be determined by the Commanding General, Army Air Forces.

(iii) The aircrew classification battery, which will be administered at certain selected Army Air Forces stations by specialized personnel as prescribed by the Commanding General, Army Air Forces. The content and scope of the aircrew classification battery will be determined by the Commanding General, Army Air Forces.

(2) *Ground duty training.* The educational requirements for the various courses of ground duty training will be prescribed by the Commanding General, Army Air Forces, who will designate the agency which will be the sole judge as to whether the applicant meets the standards prescribed. All applicants for ground duty training will be given:

(i) A physical examination as prescribed in Army Regulations and accomplished on WD AGO Form 63 (Report of Physical Examination) with such modifications as may be prescribed by the Commanding General, Army Air Forces.

(ii) The Army Air Forces qualifying examination, which will be administered by examining boards as prescribed by the Commanding General, Army Air Forces.

(3) *Moral character and general fitness.* An examination into and determination of the moral qualifications, adaptability, and general fitness of each applicant appearing before an examining board will be made. These qualities will be determined by means of oral questioning of the applicant, consideration of the letters of recommendation submitted by him, and such other examinations as the board may consider necessary or desirable. In this phase of the examination, the applicant will be required to measure up to standards prescribed for cadets of the United States Military Academy.

(4) *Action upon completion of examination.* The president of the Army Air Forces examining board will:

(i) Advise the applicant after successful completion of all prescribed examinations that he is qualified, that his name has been placed on the eligible list, and that he is to return to his duty station or residence to await his assignment to training when a quota exists in which he may be accommodated.

(ii) Notify those applicants found disqualified of their disqualifications and return to those individuals their applications.

§ 704.5 *Appointment and enlistment—(a) Priority of assignment.* If there are more qualified applicants than vacancies, assignments to training will be made from a list of qualified applicants in accordance with an order of priority established by the Commanding General, Army Air Forces. This precedence will be published by the Army Air Forces from time to time.

(b) *Enlistment of civilians—(1) Flying duty.* The agency or agencies designated by the Commanding General, Army Air Forces, to maintain a priority list of qualified applicants will submit the proper number of names and addresses selected therefrom to the Commanding General, Army Air Forces. The Commanding General, Army Air Forces, will request The Adjutant General to issue the necessary orders authorizing their enlistment as aviation cadets and travel from place of enlistment to the school designated by the Commanding General, Army Air Forces, for training.

(2) *Ground duty.* The names and addresses of qualified civilian applicants selected for assignment to a specialized school for training will be submitted by the Commanding General, Army Air Forces, to The Adjutant General who will authorize their enlistment as aviation cadets and the issuance of orders directing their travel from place of enlistment to the school designated by the Commanding General, Army Air Forces, for training.

§ 704.6 *Training and commission—(a) Training.* The Commanding General, Army Air Forces, will designate courses of training for aviation cadets and will prescribe the duration and scope thereof.

(b) *Commission.* (1) Aviation cadets who successfully complete a prescribed course of training will be commissioned second lieutenants in the Army of the United States.

(2) Aviation cadets who are commissioned as second lieutenants in the Army of the United States will be required to serve on active duty status for the duration of the present emergency, plus 6 months, or for a period of 3 years, unless sooner relieved by competent authority.

§ 704.7 *Termination of status as aviation cadet.* (a) An aviation cadet will be discharged from the service upon being commissioned a second lieutenant in the Army of the United States.

(b) If at any time a board of officers appointed under the provisions of Army Regulations, or under instructions prescribed by the Commanding General, Army Air Forces, decides that an aviation cadet is for any reason not qualified to continue his training, or that he possesses traits of character that would disqualify him for a commission as a second lieutenant in the Army of the United States, the commanding officer of the school, station, or separate detachment concerned will suspend the aviation cadet from training.

(c) An aviation cadet enlisted as such from civilian status who has been eliminated from a course of training (flying or ground duty) will be discharged. [AR 615–160, Apr. 16, 1947]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4493; Filed, May 12, 1947; 9:28 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 360—ORGANIZATION, FUNCTIONS AND PROCEDURE OF THE OFFICE OF INTERNATIONAL TRADE

BRITISH TOKEN IMPORT PLAN

The following paragraph is deleted from § 360.15:

The Office of International Trade also serves as the certifying agency for manufacturers who wish to establish their eligibility to participate in the "British Token Import Plan." Under this plan, the United Kingdom permits importation from the United States of certain branded products in yearly amounts not exceeding 20% of the average annual shipments of each producer during the years 1936, 1937 and 1938. Applications may be submitted in triplicate on Form IT–558, furnishing data as to pre-war exports to the United Kingdom of applicants' branded products which are subject to the plan, on the basis of which the applications will be certified and returned to the applicants, together with token scrip in an amount proportional to the pre-war exports so certified. This scrip may be forwarded to the British importer and used by him to secure an import license from the British Board of Trade.

(Sec. 3 (a) (1), Pub. Law 404, 79th Cong.)

Issued this 24th day of April 1947.

[SEAL] THOMAS C. BLAISDELL, Jr.,
Director.

[F. R. Doc. 47-4446; Filed, May 12, 1947; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

CLAIMS FOR PERSONAL INJURY OR DAMAGES TO OR LOSS OF PRIVATE PROPERTY

Section 24.71 is amended to read as follows:

§ 24.71 *Claims for personal injury or damages to or loss of privately owned property.* Procedures for the settlement of claims arising from actions of Treasury Department employees are published in 31 CFR Part 3.

(R. S. 161, sec. 2, 42 Stat. 1066, secs. 401–424, Pub. Law 601, 79th Cong., 60 Stat. 842; 5 U. S. C. 22, 31 U. S. C. 215)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4463; Filed, May 12, 1947; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC–44]

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY [1]

SUBPART B—CORN FLOUR AND RELATED PRODUCTS

In the matter of fixing and establishing definitions and standards of identity for white corn meal, yellow corn meal, bolted white corn meal, bolted yellow corn meal, degerminated white corn meal, degermed white corn meal, degerminated yellow corn meal, degermed yellow corn meal, self-rising white corn meal, self-rising yellow corn meal, white corn flour, yellow corn flour, grits, corn grits, hominy grits, yellow grits, yellow corn grits, yellow hominy grits, quick grits, quick cooking grits, enriched corn meals, and enriched corn grits.

Final order. By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371); and upon the basis of substantial evidence of record at the public hearing held pursuant to the notice issued on February 11, 1946 (11 F. R. 1600), and upon consideration of the exceptions filed to the tentative order issued by the Federal Security Administrator on December 30, 1946, the following order is hereby promulgated:

Findings of fact. 1. The corn used in making corn meals, grits, and corn flours is either of the white or the yellow variety. The corn kernel of each variety consists of (1) the endosperm which is starchy, (2) the germ which is rich in fatty oil, and (3) the bran coat which contains a high percentage of crude fiber. There is no essential difference in the chemical composition of white and yellow corn except for the presence in yellow corn of yellow coloring matter which has some Vitamin A activity. The quantity of fat and crude fiber in products made by grinding white or yellow corn is a measure of the germ and bran present.

2. In preparing corn meals, grits, and corn flours, the corn is first cleaned to remove foreign grains and other extraneous matter.

3. Corn meals, grits, and corn flours are prepared by grinding corn to a desired degree of fineness, and it is the degree of fineness together with the extent of the removal of the bran coat and germ that provide the prime characteristics of identity to these several foods. Grits are the coarsest ground, corn meals are the next in fineness, and corn flours are the most finely ground.

4. When the entire corn kernel is ground to the fineness of meal, a food is produced which long has been known as "corn meal" with the descriptive words "white" or "yellow" according to the variety of corn used. This corn meal sometimes is called "old fashioned," "stone ground," "water ground," but the significance of these modifying designations is not generally understood.

5. When a substantial portion of the bran is removed, but only a small portion of the germ is taken away, the resultant corn meal is commonly known as "bolted white corn meal" or "bolted yellow corn meal," according to the variety of corn used.

6. When most of the bran and germ are removed, and the remainder of the corn kernel reduced to meal fineness, the resultant food is common known as "degerminated white corn meal" or "degerminated yellow corn meal" according to the variety of corn used, although a more accurate general designation is "degermed corn meal." This food sometimes is called "cream meal," "pearl meal" or "granulated meal," but these terms are applicable only to special types of degerminated corn meal.

7. Though the three types of meal, viz., corn meal, bolted corn meal, and degerminated corn meal, are well recognized in the trade, the names "corn meal," "bolted corn meal" and "degerminated corn meal" are often applied interchangeably on retail packages, degerminated products being called "corn meal" or "bolted corn meal," bolted products being called "corn meal," or "degerminated corn meal" and "corn meal" being called "bolted corn meal." The three types differ in cooking and eating qualities and in their content of certain nutrients.

8. In grinding the cort. kernel to produce a corn meal of the whole grain type, many mills remove from such meal small amounts of coarse material consisting of large flakes of bran and pieces of corn, particularly the tip of the kernel, which have not been finely ground. Some mills separate and grind separately different parts of the corn kernel and then recombine the ground materials to make this type of meal. Excessive removal of the bran coat or germ will change the food to a different type of corn meal. Mixtures containing abnormally high proportions of bran or germ or both do not have the characteristics of corn meal. Such mixtures are not desired by consumers and their sale is likely to result in consumer deception.

9. Corn meals made by simply grinding cleaned corn have the same proportions of bran and germ, and so of crude fiber and fat, as has the cleaned corn from which they are made. As bran is removed the percentage of crude fiber decreases. A reasonabl dividing line between corn meals and bolted corn meals based on crude fiber content is 1.2 percent of crude fiber on the moisture free basis. The germ content, and so the fat content, of corn meals made by recombining ingredients may differ slightly from that of the cleaned corn from which they are made, but reasonable variations in germ content will not cause a change in fat content of more than 0.3 percent. The removal of particles of corn which, escape grinding, together with flattened pieces of bran, cause a slight lowering of the crude fiber content, but have little effect on fat content. Unless there is a deliberate addition of excess bran the crude fiber content of corn meals will not exceed that of the cleaned corn from which the meals are made.

10. Bolted corn meals may be prepared either by bolting whole grain corn meals to remove bran particles; or by grinding and separating the corn into portions which are then ground separately and combined so as to include appropriate portions of ground endosperm and germ. As a result of the removal of bran, bolted corn meals contain, on the moisture free basis, less than 1.2 percent crude fiber. Small amounts of germ may be lost when the bran particles are sifted out, and the amount of germ returned in recombining ground portions may differ somewhat from the amount of germ in the cleaned corn from which ground, but the fat content, on the moisture free basis, does not exceed by more than 0.3 percent the fat content of such corn, nor is such fat content less than 2.25 percent.

11. Degerminated corn meals are distinguished from corn meals and bolted corn meals by the removal of both bran and germ in the process of manufacture. This results in low fat and low crude fiber content. Properly made, degerminated corn meals contain, on the moisture free basis, less than 1.2 percent crude fiber and less than 2.25 percent fat.

12. Grits are made by coarsely grinding the endosperm of white or yellow corn from which most of the bran and germ have been separated, and screening out meal and flour. Most grits are milled from white corn and the unqualified name "grits" means white grits. The names "hominy grits" and "corn grits" are synonymous with grits. The common name of the corresponding food made from yellow corn is "yellow grits" or "yellow hominy grits" or "yellow corn grits". The removal of bran and germ is such that, on the moisture free basis, the crude fiber content is less than 1.2 percent and the fat content is less than 2.25 percent. The significant difference between grits and degermed corn meals is the particle size.

13. A food known as "Quick grits" or "Quick cooking grits" has been developed recently, but as yet has not been sold widely. The food has the appearance of ordinary grits. The time required for cooking is reduced. It is made by lightly steaming grits or yellow grits and passing between rolls set close enough to compress slightly and to fracture the grit particles. It is cooked in five minutes or less. It has been offered to consumers with special labeling to characterize it as a quick cooking product.

[1] The headnote for Part 15 is amended to read as set forth above. The text of §§ 15.00 to 15.150, inclusive (21 CFR, Cum. Supp.), is designated "Subpart A—Wheat Flour and Related Products".

14. Corn flours are the foods prepared by grinding and bolting white or yellow corn to a fineness which approximates that of wheat flour. They may be made from the entire corn kernel or proportions of bran and germ may be removed in milling. Corn flours are seldom sold for household use but are used mainly as one of the ingredients of such foods as waffle, pancake and muffin mixes, and some types of breakfast foods. It is not now customary to distinguish between corn flours of varying bran and germ content so long as their bran and germ content, and therefore their fat and crude fiber content, do not exceed the fat and crude fiber content of the cleaned corn from which made. The comparison is made on the moisture free basis.

15. The moisture content of corn meals, grits, and corn flours, affects the properties and value to consumers of these foods. Excessive moisture renders these foods susceptible to early spoilage, this being particularly true of products containing all the corn germ, and is of no value to consumers. The sale of corn meals, grits, and corn flours of higher than normal moisture content amounts to sale of water at corn product prices and is an economic cheat.

16. In the manufacture of grits and degerminated corn meals, it is customary to soften the corn by tempering with hot water, but to remove the excess moisture by drying at a later stage in the milling process. The moisture content of these foods after such drying does not exceed 15 percent. When corn meals are made by grinding whole corn, it is customary to use reasonably dry corn. As a result, the moisture content of corn meals, and also of bolted corn meals prepared by bolting to remove the bran, can be kept below 15 percent.

17. Accurate methods of analysis in general use for the determination of moisture, fat, and crude fiber in corn meals, bolted corn meals, degerminated corn meals, grits, quick cooking grits and corn flours, are those of the Association of Official Agricultural Chemists, published in the sixth edition, "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists." The method for moisture appears on page 259 under §§ 20.70 and 20.71, for fat on pages 259 and 260 under §§ 20.70 and 20.73, for crude fiber on pages 259 and 260 under §§ 20.70 and 20.74.

18. A simple method for determining the relative size of the particles of corn meals, bolted corn meals, degerminated corn meals, grits, and quick cooking grits is to separate them by means of sieves with openings of appropriate size.

19. Particles of grits are of such size that not less than 95 percent will pass through a No. 10 standard sieve[1] and most of those passing the No. 10 sieve will be retained on a No. 25 standard sieve. Particles passing through the No. 25 sieve are of the fineness of meal, but their complete exclusion from grits is impracticable. A limit on the amount of particles of meal size is necessary to maintain the identity of grits as differentiated from a corn meal. A reasonable limit on the proportion of particles in grits which will pass through a No. 25 sieve is 20 percent.

20. Corn meals, bolted corn meals, degerminated corn meals, and self-rising corn meals are composed of particles most of which are smaller than the particles of grits, that is, they will pass through a No. 25 standard sieve. Because the process of grinding is inexact insofar as the size of particles resulting therefrom is concerned, corn meals of all types may, and usually do, contain some particles of somewhat larger size, comparable to grits, and also some quite small particles, comparable to flour. This is particularly true of corn meals ground between stones. Where 45 percent or more by weight of corn meals, bolted corn meals, or degerminated corn meals, passes through a No. 25 standard sieve, the food has a characterizing mealy consistency. An excessive amount of corn flour in any type of corn meal makes it unsatisfactory for meal uses. Particles which pass through a No. 72 XXX grits gauze are of the fineness of corn flour. The openings in a No. 72 grits gauze are of essentially the same size as those of a No. 70 woven wire cloth as defined by the U. S. Bureau of Standards in L. C. 584. Reasonable limits on the amounts of material in corn meals, bolted corn meals and degerminated corn meals, which will pass through a No. 72 XXX grits gauze are 35, 25, and 25 percent, respectively.

21. Corn meals of the whole grain type often contain quantities of particles, particularly of bran, somewhat larger than those forming bolted and degerminated meals. Not less than 95 percent by weight of bolted corn meals and degerminated corn meals will pass through a No. 20 standard sieve; but in the case of corn meals of the whole grain type not less than 95 percent by weight will pass through a No. 12 standard sieve.

22. For the purpose of testing corn meals, bolted corn meals, degerminated corn meals, self-rising corn meals, grits, and quick cooking grits for particle size, reasonably accurate results are obtained by the following procedure which may be applied easily. Fit the sieves to be used into one another, placing the sieve with the largest openings on top, the one with the next largest openings following, and attaching a bottom pan to the last sieve. All sieves should be 8 inches in diameter with full height frames and comply with specifications for sieves of the designated size in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584, of the Bureau of Standards, U. S. Department of Commerce. Place a sample of 100 grams of corn meal, bolted corn meal, degerminated corn meal, self-rising corn meal, grits, or quick cooking grits to be tested on the top sieve, attach a cover, hold the assembly of sieves in a slightly inclined position, and shake by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute, turning the assembly of sieves about ⅙ of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Remove the material remaining on the sieves and in the pan, weigh separately, and make the calculations. Sometimes when meals are tested fine particles clog the sieve openings. If any sieve is clogged by fine material smaller than its openings, empty the contents onto a piece of paper. Remove the entrapped material on the bottom of the sieve by a hair brush and add to the sieve below. In like manner, clean the adhering material from inside the sieve and add to the material on the paper. Return mixture to the sieve, reassemble the sieves, and shake in the same manner as before for 1 minute. Repeat cleaning procedure if necessary until a 5 gram or less weight loss occurs in any sieve during a 1 minute shaking.

23. The particles of corn flours are of such fineness that at least 50 percent by weight will pass through No. 70 woven wire cloth, having openings of the size prescribed for such cloth by the Bureau of Standards, U. S. Department of Commerce, in L. C. 584. Many corn flours also contain particles of somewhat larger size but at least 98 percent by weight of any properly milled corn flour will pass through a No. 50 sieve. Corn flours give trouble when tested by the method described in finding 22 and a change in procedure is necessary. The following method is easily applied and gives reasonably accurate results. Weigh 5 grams of sample into a tared truncated metal cone (top diameter 5 centimeters, bottom diameter 2 centimeters, height 4 centimeters), fitted at bottom with 70-mesh wire cloth complying with the specifications for No. 70 wire cloth in "Standard Specifications for Sieves," published March 1, 1940 in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. Attach cone to a suction flask. Wash with 150 ml of petroleum ether applied in a small stream without suction, while gently stirring the sample with a small glass rod. Apply suction for 2 minutes after washing is completed, then shake the cone for 2 minutes with a vigorous horizontal motion, striking the side against the hand, and then weigh. The decrease in weight of sample, calculated as percent by weight of sample shall be considered the percent passing through No. 70 wire cloth. Transfer the residue from cone to a No. 50 sieve having a standard 8-inch diameter full height frame, complying with the specifications for wire cloth and sieve frame in said "Standard Specifications for Sieves." Shake for 2 minutes with a vigorous horizontal motion, striking the side against the hand; remove and weigh the residue; calculate the weight of residue as percent by weight of sample, and subtract from 100 percent to obtain the percent of sample passing through the No. 50 sieve.

24. A number of manufacturers of corn meals, grits, and corn flours offered affidavits which were similar and in some instances identical in language and form stating that in order to be sure that their products would comply with the standards suggested in the notice of hearing, it would be necessary for them to take elaborate precautions to test each lot before shipment necessitating considerable additional expenditures. No recommendations for changes in the suggested standards were made. This general apprehension was inspired by representations made by some members of the American Corn Millers Federation at meetings of corn millers called for the purpose of discussing the suggested standards. Witnesses presented by the Federation failed to supply substantial evidence that compliance with the proposed standards would necessitate elaborate precaution or would impose any unreasonable burden.

25. While it is true that small mills do not maintain chemical laboratories for the determination of moisture, fat and crude fiber, the many analyses reported of products of small mills demonstrate that the limits proposed are almost universally met in present practice. No showing was made that the conditions revealed by such analyses were at all unusual.

26. The advisory standards and other specifications for various corn meals have contained for many years moisture limits as low as, and in some cases lower than, 15 percent. Other industries have had little trouble complying with limits on food constituents similar in kind to those involved in this order. The requirements for particle size have been tested on many samples and are reasonable. Though given ample opportunity to subject the limits to tests, the interested industry presented no data to indicate that the limits were unreasonable.

27. In order to improve the general nutritive properties of the diets of their citizens, the States of North Carolina, South Carolina, Georgia, Alabama, and Mississippi have within the last few years adopted laws requiring that corn meals and grits from which a certain part of the germ of the corn has been removed, be enriched with certain vitamins and iron before sale in those States. The requirements of these States as to the minimum and maximum quantities of vitamins and iron required in such corn meals and grits after enrichment are shown in tabular form as follows:

State	Thiamine		Niacin	
	Not less than—	Not more than—	Not less than—	Not more than—
	Mg/lb.	*Mg/lb.*	*Mg/lb.*	*Mg/lb.*
Alabama	1.5	3.0	16	32
Georgia	2.0	------	16	------
Mississippi	2.0	------	16	------
North Carolina:				
Law	2.0	2.5	16	20
Regulation	1.5	3.0	16	32
South Carolina	1.5	3.0	16	32

State	Riboflavin		Iron	
	Not less than—	Not more than—	Not less than—	Not more than—
	Mg/lb.	*Mg/lb.*	*Mg/lb.*	*Mg/lb.*
Alabama	------	------	13	26
Georgia	1.2	------	13	------
Mississippi	1.2	------	13	------
North Carolina:				
Law	1.2	1.5	13	16.5
Regulation	0	0	13	26
South Carolina	------	------	13	26

28. Pending the promulgation of standards for such enriched foods under the Federal Food, Drug, and Cosmetic Act, the requirements of which will become also the state requirements under provisions of the several laws, Georgia, Mississippi, and North Carolina have tolerated the lower requirements of the standards of South Carolina and Alabama. Following the promulgation of federal standards, all of these states will have uniform requirements.

29. Corn meals of various kinds, supplemented by grits, together with wheat flour constitute the main source of energy foods for large numbers of consumers in those states now having compulsory enrichment laws for corn meals and grits, and in adjacent states in the southeastern part of the United States. The corn meals, grits and wheat flour are used to supply essentially the same nutrients, and to a large extent are used interchangeably.

30. Recent dietary surveys in states where large amounts of corn meals of various types are consumed have uniformly shown that the diets of persons in the low income brackets are often deficient in thiamine, riboflavin, niacin, and iron. Pellagra, a dietary deficiency disease that can be prevented by a sufficient intake of niacin, was common in many such areas. Clinical evidences of riboflavin deficiencies have also been reported frequently. Dietary deficiencies do not often occur singly, but persons deficient in one of the nutrients are likely to be deficient also in the other three.

31. Due to the similarity in the dietary use of flour, corn meals of various types, and grits, and also in view of the understanding consumers have acquired with respect to the term "enriched" by reason of the program of consumer education carried out in connection with enriched flour and enriched bread, enriched corn meals and enriched grits should supply the amounts of thiamine, niacin, riboflavin, and iron now furnished by enriched flour; that is, thiamine not less than 2.0 mg. per pound, riboflavin, not less than 1.2 mg. per pound, niacin, not less than 16.0 mg. per pound, and iron, not less than 13.0 mg. per pound. If some of these nutrients are not included in enriched corn meals and enriched grits, or if they are added in lesser amounts than prescribed by the definition and standard of identity for enriched flour, consumers are likely to be confused and deceived as to the nutritive value of the enriched corn products. Maximum limits are also needed to prevent unreasonably large additions of these nutrients which may give rise to confusion as to the relative value of different "enriched" corn products and may result in merchandising claims that are not warranted by the facts. Maximum limits 50 percent more than the minimum will accomplish this and are reasonable for this purpose, except in the case of iron. Here the maximum should be twice the minimum.

32. In enriching corn meals and grits it is customary to add the enriching ingredients to each of the different types of corn meals and grits described in findings 4, 5, 6, 12, 13 and 37. The enriched foods vary from each other in their physical character and in eating quality in the same way as do the basic foods before enrichment. To distinguish properly between the different types each should be designated by its common name to which is added the word "Enriched."

33. Grits are often washed before cooking and the wash water discarded, thus causing a substantial loss of water-soluble substances present. If the water-soluble vitamins and water-soluble salts of iron are added only in amounts necessary to meet the minimum requirement of the standard for enriched grits, without precautions against loss in rinsing, the food will lose a considerable portion of these nutrients before consumption. It is possible to add the required nutrients in ways that will partially project them from loss by solution in rinsing water. Loss to the consumer can be prevented by the addition of the water-soluble nutrients in excess of the minimum requirements or by use of assimilable water-insoluble forms of the nutrients. For consumer protection it is reasonable to require that enriched grits contain after washing in a prescribed manner, which simulates the washing practiced in the home, not less than 85 percent of the minimum amounts of thiamine, riboflavin, niacin and iron prescribed by the standard for enriched grits. The 15 percent loss is the approximate loss of niacin, the vitamin most susceptible to rinsing loss, from unenriched grits upon washing.

34. A satisfactory method for testing grits and quick cooking grits after a preliminary washing, which simulates household washing, is as follows:

Transfer 100 grams of enriched grits or enriched quick cooking grits to a 2 liter Erlenmeyer flask containing 1 liter of water at 25° C. Stopper the flask and rotate it for ½ minute so that the grits are kept in motion. Allow the grits to settle for ½ minute, then pour off 850 cc. of the water along with any floating or suspended matter. Determine thiamine, riboflavin, niacin and iron in the wet grits and water remaining in the flask. Calculate as mg. per pound of the grits before rising.

35. The bulk of the vitamins and iron added to corn meals, bolted corn meals, degerminated corn meals, self-rising corn meals, grits, and quick cooking grits is so small that it is necessary to use a carrier to insure their intimate and uniform distribution. The vitamins are added in pure synthetic form. Iron is added as metallic iron reduced to a fine powder or as assimilable salts of iron. Many harmless substances which will not impair these foods are available for use as carriers. The amount of carrier added should not be more than necessary to insure a uniform distribution of the vitamins and iron. Dried yeast in amounts not exceeding 1.5 percent is suitable for the purpose and it also imparts small amounts of additional nutrients.

36. Vitamin D and harmless compounds of calcium are optional ingredients of enriched flour. Due to the similarity in dietary use between enriched flour and the various enriched corn meals and enriched grits, it is reasonable to include vitamin D and calcium as op-

[1] All sieves mentioned in these findings, unless otherwise noted, are 8 inches in diameter with full height frames and comply with specifications for sieve of the number indicated, published by the National Bureau of Standards, U. S. Department of Commerce, in L. C. 584.

tional ingredients in enriched corn meals, enriched bolted corn meals, enriched degerminated corn meals, enriched self-rising corn meals, enriched grits, and enriched quick cooking grits under the same conditions prescribed for optional use of these ingredients in the definition and standard of identity for enriched flour.

37. The food known as "self-rising white corn meal" or "self-rising yellow corn meal" is prepared by intimately mixing "corn meal" either white or yellow, a leavening agent, and salt for seasoning.

38. The leavening agent consists of a mixture of sodium bicarbonate and monocalcium phosphate.

39. When self-rising corn meal is used in baking, carbon dioxide gas is evolved through the chemical reaction of the sodium bicarbonate and the acid leavening ingredient. The gas so evolved leavens the mixture, giving the baked product one of its characteristic qualities. To accomplish this satisfactorily a certain minimum amount of carbon dioxide must be evolved. The amount of carbon dioxide gas which will be effective for the purpose of proper leavening is not less than 0.5 percent of the weight of the self-rising corn meal.

40. To avoid undesired characteristics in the baked product, the amounts of sodium bicarbonate and acid leavening ingredient must be so proportioned that no sodium bicarbonate remains unacted upon in the baked product. Unnecessarily large amounts of the leavening substances leave objectionable quantities of residues in the baked product. A reasonable maximum limit for the leavening agents in self-rising corn meal is four and one-half parts to each hundred parts of corn meal.

41. A satisfactory and reasonable accurate method for determining the amount of carbon dioxide evolved from self-rising corn meal is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 6th edition beginning on page 208 under "Gasometric Method (2) with Chittick's Apparatus—Official", except that the following procedure is substituted for the procedure specified therein under "17.6—Determination":

Weigh 17 grams of the official sample into flash A, add 15–20 glass beads (4–6 mm. diameter) and connect this flash with the apparatus (fig. 25). Open stock-cock C and by means of the leveling bulb E bring the displacement solution to the 25 ccs. graduation above the zero mark. (This 25 ccs. is a partial allowance for the volume of acid to be used in the decomposition). Allow the apparatus to stand 1–2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stop-cock, lower the leveling bulb somewhat to reduce the pressure within the apparatus, and slowly run into the decomposition flash from burette F 45 ccs. of sulfuric acid (1+5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flash for three minutes to mix the contents intimately. Allow to stand for ten minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 ccs. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 ccs. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 44.30—Reference Tables for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent percent by weight of carbon dioxide in the official sample.

Correct the apparent percent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

Prepare the synthetic sample with 16.2 grams of corn meal, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U. S. P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

Divide the quotient into the apparent percent of carbon dioxide in official sample to obtain percent carbon dioxide evolved from the official sample.

Conclusion. On the basis of the evidence of record and the foregoing findings of fact, it is concluded that the following sections fixing and establishing reasonable definitions and standards of identity for white corn meal, yellow corn meal, bolted white corn meal, bolted yellow corn meal, degerminated white corn meal, degermed white corn meal, degerminated yellow corn meal, degermed yellow corn meal, self-rising white corn meal, self-rising yellow corn meal, white corn flour, yellow corn flour, grits, corn grits, hominy grits, yellow grits, yellow corn grits, yellow hominy grits, quick grits, quick cooking grits, enriched corn meals, and enriched corn grits will promote honesty and fair dealing in the interest of consumers.

It is ordered that there be established definitions and standards of identity as follows:

Sec.
15.500 White corn meal; identity.
15.501 Yellow corn meal; identity.
15.502 Bolted white corn meal; identity.
15.503 Bolted yellow corn meal; identity.
15.504 Degerminated white corn meal, degermed white corn meal; identity.
15.505 Degerminated yellow corn meal, degermed yellow corn meal; identity.
15.506 Self-rising white corn meal; identity.
15.507 Self-rising yellow corn meal; identity.
15.508 White corn flour; identity.
15.509 Yellow corn flour; identity.
15.510 Grits, corn grits, hominy grits; identity.
15.511 Yellow grits, yellow corn grits, yellow hominy grits; identity.
15.512 Quick grits, quick cooking grits; identity.
15.513 Enrinched corn meals; identity.
15.514 Enriched corn grits; identity.

AUTHORITY: §§ 15.500 to 15.514, inclusive, issued under secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

§ 15.500 *White corn meal; identity.* (a) White corn meal is the food prepared by so grinding cleaned white corn that when tested by the method prescribed in paragraph (b) (2) of this section not less than 35 percent passes through a No. 12 sieve, not less than 45 percent through a No. 25 sieve, but not more than 35 percent through a No. 72 grits gauze. Its moisture content is not more than 15 percent. In its preparation coarse particles of the ground corn may be separated and discarded, or reground and recombined with all or part of the material from which they were separated, but in any such case the crude fiber content of the finished corn meal is not less than 1.2 percent and not more than that of the cleaned corn from which it was ground, and its fat content does not differ more than 0.3 percent from that of such corn. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture free basis.

(b) (1) For the purposes of this section moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 6th edition, page 259, §§ 20.70 and 20.71; fat is determined by the method prescribed on pages 259 and 260, §§ 20.70 and 20.73; and crude fiber determined by the method prescribed on pages 259 and 260, §§ 20.70 and 20.74.

(2) The method referred to in paragraph (a) of this section is as follows:

Use No. 12 and No. 25 sieves, having standard 8-inch diameter, full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. A sieve with frame of the same dimensions as the Nos. 12 and 25 and fitted with 72 XXX grits gauze is used as the third sieve. It is referred to hereafter as the No. 72 sieve. The 72 XXX grits gauze has openings equivalent in size with those of No. 70 woven wire cloth, complying with specifications for such cloth contained in such "Standard Specifications for Sieves." Attach bottom pan to No. 72 sieve. Fit the No. 25 sieve into the No. 72 sieve and the No. 12 sieve into the No. 25 sieve. Pour 100 grams of sample into the No. 12 sieve, attach cover and hold the assembly in a slightly inclined position and shake the assembly of sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the assembly of sieves about ⅙ of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for 2 minutes. Weigh separately the material remaining on each sieve and in the pan, and calculate each weight as percent of sample. Sometimes when meals are tested, fine particles clog the sieve openings. If any sieve is clogged by fine material smaller than its openings, empty the contents onto a piece of paper. Remove the entrapped material on the bottom of the sieve by a hair brush and add to the sieve below. In like manner, clean the adhering material from inside the sieve and add to the material on the paper. Return mixture on the paper to the sieve, reassemble the sieves, and shake in the same manner as before for 1 minute. Repeat cleaning procedure if necessary until a 5 gram or less loss in weight occurs in any sieve during a 1 minute shaking. The percent of sample passing through No. 12 sieve shall be determined by subtracting from 100 percent, the percent of material remaining on the No. 12 sieve. The percent passing through a No. 25 sieve shall be determined by adding the percents remaining on the No. 72 sieve and the percent in pan. The percent in the pan shall be considered as the percent passing through a No. 72 XXX grits gauze.

§ 15.501 *Yellow corn meal; identity.* Yellow corn meal conforms to the definition and standard of identity prescribed by § 15.500 for white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.502 *Bolted white corn meal; identity.* (a) Bolted white corn meal is the food prepared by so grinding and sifting cleaned white corn that:

(1) Its crude fiber content is less than 1.2 percent but its fat content is not less than 2.25 percent, and

(2) When tested by the method prescribed in § 15.500 (b) (2), except that a No. 20 standard sieve is used instead of the No. 12 sieve, not less than 95 percent passes through a No. 20 sieve, not less than 45 percent through a No. 25 sieve, but not more than 25 percent through No. 72 XXX grits gauze. Its moisture content is not more than 15 percent. In its preparation particles of ground corn which contain germ may be separated, reground, and recombined with all or part of the material from which it was separated, but in any such case the fat content of the finished bolted white corn meal does not exceed by more than 0.3 percent the fat content of the cleaned corn from which it was ground. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture free basis.

(b) For the purposes of this section, moisture, fat and crude fiber are determined by the methods therefor referred to in § 15.500 (b) (1).

§ 15.503 *Bolted yellow corn meal; identity.* Bolted yellow corn meal conforms to the definition and standard of identity prescribed by § 15.502 for bolted white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.504 *Degerminated white corn meal, degermed white corn meal; identity.* (a) Degerminated white corn meal, degermed white corn meal, is the food prepared by grinding cleaned white corn and removing bran and germ so that:

(1) On a moisture free basis, its crude fiber content is less than 1.2 percent and its fat content is less than 2.25 percent; and

(2) When tested by the method prescribed in § 15.500 (b) (2), except that a No. 20 standard sieve is used instead of a No. 12 sieve, not less than 95 percent passes through a No. 20 sieve, not less than 45 percent through a No. 25 sieve, but not more than 25 percent through No. 72 XXX grits gauze. Its moisture content is not more than 15 percent.

(b) For the purpose of this section, moisture, fat and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

§ 15.505 *Degerminated yellow corn meal, degermed yellow corn meal; identity.* Degerminated yellow corn meal conforms to the definition and standard of identity prescribed by § 15.504 for degerminated white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.506 *Self-rising white corn meal; identity.* (a) Self-rising white corn meal is an intimate mixture of white corn meal, sodium bicarbonate, and the acid-reacting substance monocalcium phosphate. It is seasoned with salt. When it is tested by the method prescribed in paragraph (b) of this section, not less than 0.5 percent of carbon dioxide is evolved. The acid-reacting substance is added in sufficient quantity to neutralize the sodium bicarbonate. The combined weight of such acid-reacting substance and sodium bicarbonate is not more than 4.5 parts to each 100 parts of white corn meal used.

(b) The method referred to in paragraph (a) of this section is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 6th Edition, beginning on page 208 under "Gasometric Method (2) with Chittick's Apparatus—Official", except that the following procedure is substituted for the procedure specified therein under "17.6—Determination":

Weigh 17 grams of the official sample into flask *A*, add 15–20 glass beads (4–6 mm. diameter), and connect this flask with the apparatus (fig. 25). Open stopcock *C* and by means of the leveling bulb *E* bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition.) Allow the apparatus to stand 1–2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock, lower the leveling bulb somewhat to reduce the pressure within the apparatus, and slowly run into the decomposition flask from burette *F* 45 cc. of sulfuric acid (1+5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for three minutes to mix the contents intimately. Allow to stand for 10 minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 44.30—Reference Tables for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent percent by weight of carbon dioxide in the official sample.

Correct the apparent percent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

Prepare the synthetic sample with 16.2 grams of corn meal, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U. S. P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

Divide the quotient into the apparent percent of carbon dioxide in official sample to obtain percent of carbon dioxide evolved from the official sample.

§ 15.507 *Self-rising yellow corn meal; identity.* Self-rising yellow corn meal conforms to the definition and standard of identity prescribed by § 15.506 for self-rising white corn meal except that yellow corn meal is used instead of white corn meal.

§ 15.508 *White corn flour; identity.* (a) White corn flour is the food prepared by so grinding and bolting cleaned white corn that when tested by the method prescribed in paragraph (b) (2) of this section, not less than 98 percent passes through a No. 50 sieve and not less than 50 percent passes through No. 70 woven wire cloth. Its moisture content is not more than 15 percent. In its preparation part of the ground corn may be removed, but in any such case, the content (on a moisture free basis) of neither the crude fiber nor fat in the finished white corn flour exceeds the content (on a moisture free basis) of such substance in the cleaned corn from which it was ground.

(b) (1) For the purpose of this section, moisture, fat and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

(2) The method referred to in paragraph (a) of this section is as follows:

Weigh 5 grams of sample into a tared truncated metal cone (top diameter 5 centimeters, bottom diameter 2 centimeters, height 4 centimeters), fitted at bottom with 70-mesh wire cloth complying with the specifications for No. 70 wire cloth in "Standard Specifications for Sieves", published March 1, 1940 in L. C. 584 of the Bureau of Standards, U. S.

Department of Commerce. Attach cone to a suction flask. Wash with 150 ml. of petroleum ether applied in a small stream without suction, while gently stirring the sample with a small glass rod. Apply suction for 2 minutes after washing is completed, then shake the cone for 2 minutes with a vigorous horizontal motion, striking the side against the hand, and then weigh. The decrease in weight of sample, calculated as percent by weight of sample shall be considered the percent passing through No. 70 wire cloth. Transfer the residue from cone to a No. 50 sieve having a standard 8-inch diameter full height frame, complying with the specifications for wire cloth and sieve frame in said "Standard Specifications for Sieves." Shake for 2 minutes with a vigorous horizontal motion, striking the side against the hand; remove and weigh the residue; calculate the weight of residue as percent by weight of sample, and subtract from 100 percent to obtain the percent of sample passing through the No. 50 sieve.

§ 15.509 *Yellow corn flour; identity.* Yellow corn flour conforms to the definition and standard of identity prescribed by § 15.508 for white corn flour except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.510 *Grits, corn grits, hominy grits; identity.* (a) Grits, corn grits, hominy grits, is the food prepared by so grinding and sifting cleaned white corn, with removal of corn bran and germ, that:

(1) On a moisture free basis its crude fiber content is not more than 1.2 percent and its fat content is not more than 2.25 percent; and

(2) When tested by the method prescribed in paragraph (b) (2) of this section not less than 95 percent passes through a No. 10 sieve but not more than 20 percent through a No. 25 sieve.

(b) (1) For the purposes of this section moisture, fat and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

(2) The method referred to in paragraph (a) of this section is as follows:

Use No. 10 and No. 25 sieves, having standard 8-inch diameter full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. Attach bottom pan to No. 25 sieve. Fit the No. 10 sieve into the No. 25 sieve. Pour 100 grams of sample into the No. 10 sieve, attach cover and hold assembly in a slightly inclined position, shake the sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about ⅙ of a revolution each time in the same direction after each 25 strokes. Continue shaking for 2 minutes. Weigh separately the material remaining on the No. 10 sieve and in the pan, and calculate each weight as percent of sample. The percent of sample passing through a No. 10 sieve shall be determined by subtracting from 100 percent, the percent remaining on the No. 10 sieve. The percent of material in the pan shall be considered as the percent passing through a No. 25 sieve.

§ 15.511 *Yellow grits, yellow corn grits, yellow hominy grits; identity.* Yellow grits, yellow corn grits, yellow hominy grits, conforms to the definition and standard of identity prescribed by § 15.510 for grits except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.512 *Quick grits, quick cooking grits; identity.* (a) Quick grits, quick cooking grits are the foods, each of which conforms to the definition and standard prescribed for a kind of grits by §§ 15.510 or 15.511, except that in process of preparation the grits are lightly steamed and slightly compressed so as to fracture the particles.

(b) The name of each kind of grits is "Quick" or "Quick cooking" followed by the name of the kind of grits used which is prescribed in the definition and standard of identity therefor.

§ 15.513 *Enriched corn meals; identity.* (a) Enriched corn meals are the foods, each of which conforms to the definition and standard prescribed for a kind of corn meal by §§ 15.500 to 15.507, inclusive, except that:

(1) It contains in each pound not less than 2.0 mg. and not more than 3.0 mg. of thiamine, not less than 1.2 mg. and not more than 1.8 mg. of riboflavin, not less than 16 mg. and not more than 24 mg. of niacin or niacin amide, and not less than 13 mg. and not more than 26 mg. of iron (Fe):

(2) It may contain in each pound not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg. and not more than 750 mg. of calcium (Ca). Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1), (2) and (3) of this paragraph may be added in a harmless carrier which does not impair the enriched corn meal; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn meal used. Dried yeast in quantities not exceeding 1.5 percent by weight of the finished food may be used.

(b) The name of each kind of enriched corn meal is the word "Enriched" followed by the name of the kind of corn meal used which is prescribed in the definition and standard of identity therefor.

§ 15.514 *Enriched corn grits; identity.* (a) Enriched corn grits are the foods, each of which conforms to the definition and standard of identity prescribed for grits, yellow grits, or quick cooking grits by §§ 15.510 to 15.512, inclusive, except that:

(1) It contains in each pound not less than 2.0 mg. and not more than 3.0 mg. of thiamine, not less than 1.2 mg. and not more than 1.8 mg. of riboflavin, not less than 16 mg. and not more than 24 mg. of niacin or niacin amide, not less than 13 mg. and not more than 26 mg. of iron (Fe);

(2) It may contain in each pound not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg. and not more than 750 mg. of calcium (Ca). Iron and calcium may be added only in forms which are harmless and assimilable. The vitamins referred to in subparagraph (1) of this paragraph may be combined with harmless substances to render them insoluble in water if the water-insoluble products are assimilable. The substances referred to in subparagraphs (1), (2), and (3) of this paragraph may be added in a harmless carrier; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn grits used. Dried yeast in quantities not exceeding 1.5 percent by weight of the finished food may be used. When the finished food is tested by the method prescribed in paragraph (c) of this section it complies with the requirements set forth therein.

(b) The name of each kind of enriched corn grits is the word "Enriched" followed by the name of the kind of corn grits used which is prescribed in the definition and standard therefor.

(c) The method referred to in paragraph (a) of this section is as follows:

Transfer 100 grams of enriched grits to a 2-liter Erlemeyer flask containing 1 liter of water at 25° C. Stopper the flask and rotate it for exactly ½ minute so that the grits are kept in motion. Allow the grits to settle for ½ minute, then pour off 850 cc. of the water along with any floating or suspended matter. Determine thiamine, riboflavin, niacin and iron in the wet grits and water remaining in the flask. Calculate as mg. per pound of the grits before rinsing. The amounts found by this procedure are not less than 85 percent of the minimum amounts of thiamine, riboflavin, niacin and iron prescribed by the standard for enriched grits.

Effective date. The regulations hereby promulgated shall become effective on the ninetieth day following the date of the publication of this order in the FEDERAL REGISTER.

Dated: May 7, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-4465; Filed, May 12, 1947; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary

PART 1—OFFICE OF THE SECRETARY, AND BUREAUS, DIVISIONS, AND OFFICES PERFORMING CHIEFLY STAFF AND SERVICE FUNCTIONS

ORGANIZATION AND PROCEDURE

1. Section 1.25 (11 F. R. 177A-11) of Subpart A is amended by the addition of new paragraphs (f) and (g) as follows:

§ 1.25 *Delegations of authority.* * * *

(f) With respect to claims cognizable under the Federal Tort Claims Act, Title IV, Pub. Law 601, 79th Cong., 60 Stat. 842; and the Small Claims Act, the act of December 28, 1922, 42 Stat. 1060 (31 U. S. C. 215-217), the head of the bureau, office, or division, out of whose activities the claim arose, is authorized to settle all such claims under $500, except those claims which involve novel or unusual questions of law. The General Counsel is authorized to settle such claims of $500, or more, and those claims under $500 which involve unusual or novel questions of law.

(g) With respect to claims cognizable under the Coast Guard Claims Act, the act of July 3, 1943, 57 Stat. 372 as amended (31 U. S. C., Supp. V, 223b-d) as extended to the Coast Guard by the act of March 20, 1946, 60 Stat. 56 (Pub. Law 327, 79th Cong.), the Commandant, the Assistant Commandant, or the Chief Counsel of the Coast Guard is authorized to settle all such claims.

(R. S. 161, sec. 2, 42 Stat. 1066, sec. 1, 57 Stat. 372, sec. 1, 59 Stat. 662, sec. 1, Pub. Law 327, 79th Cong., 60 Stat. 56, sec. 1, Pub. Law 466, 79th Cong., 60 Stat. 332, sec. 401-424, Pub. Law 601, 79th Cong., 60 Stat. 842; 5 U. S. C. 22; 31 U. S. C. and Supp. V, 215, 223b-d)

2. Section 1.29 (11 F. R. 177A-12) of Subpart B is amended to read as follows:

§ 1.29 *Certain tort claims arising from negligent or wrongful act or omission by Treasury Department employees.* Procedures for the settlement of tort claims arising from actions of Treasury Department employees are published in Part 3 of this title.

PART 3—CLAIMS REGULATIONS

SUBPART A—GENERAL PROVISIONS

Sec.
3.1 Definitions.
3.2 Action by claimant.
3.3 Approval of claim.
3.4 Acceptance of settlement by claimant.
3.5 Coast Guard Boards of Investigation.

SUBPART B—FEDERAL TORT CLAIMS ACT

3.20 General.
3.21 Allowable claims.
3.22 Exclusions.
3.23 Applications to claims not previously adjusted.
3.24 Statute of limitations.
3.25 Payment of claim.
3.26 Withdrawal of claim from Department.
3.27 Attorneys' fees.
3.28 Contributory negligence, subrogation, and pain and suffering.

SUBPART C—COAST GUARD CLAIMS

3.40 General.
3.41 Allowable claims.
3.42 Exclusions.
3.43 Contributory negligence.
3.44 Statute of limitations.
3.45 Payment of claims.
3.46 Registered and insured mail.
3.47 Bailed personal property.
3.48 Use and occupancy of real property.
3.49 Contract claims.
3.50 Other non-combat activities.
3.51 Foreign claims.
3.52 Appeals.

SUBPART D—SMALL CLAIMS ACT

3.60 General.
3.61 Exclusions.
3.62 Statute of limitations.
3.63 Payment of claim.

AUTHORITY: §§ 3.1 to 3.63, inclusive, issued under R. S. 161, sec. 2, 42 Stat. 1066, sec. 1, 57 Stat. 372, sec. 1, 59 Stat. 662, sec. 1, Pub. Law 327, 79th Cong., 60 Stat. 56, sec. 1, Pub. Law 466, 60 Stat. 332, secs. 401-424, Pub. Law 601, 79th Cong., 60 Stat. 842; 5 U. S. C. 22; 31 U. S. C. and Supp. V, 215, 223b-d.

SUBPART A—GENERAL PROVISIONS

§ 3.1 *Definitions.* (a) The word "Secretary" as used in this part refers to the Secretary of the Treasury or his designee.

(b) The word "Department" as used in this part refers to the Treasury Department, its bureaus, divisions, and offices.

(c) The word "General Counsel" as used in this part refers to the General Counsel of the Treasury Department.

(d) The phrase "in time of war" as used in this part includes the period between December 7, 1941, and the date the war is declared to be at an end by resolution of the Congress or by proclamation of the President.

(e) Coast Guard aircraft, when waterborne, shall be considered as vessels for the purposes of this part.

(f) The word "employee" includes officers or employees of the Treasury Department, civilian and military personnel of the Coast Guard, and persons acting on behalf of the Department in an official capacity, temporarily or permanently in the service of the Department, whether with or without compensation.

(g) The phrase "acting within the scope of his office or employment" in the case of a member of the military personnel of the Coast Guard means acting in line of duty.

§ 3.2 *Action by claimant—(a) Claims for damage, loss or destruction of property, personal injury or death.* Claims for damage to, or loss or destruction of, property or personal injury or death may be presented by the owner of the property or the injured person or his duly authorized agent or legal representative. The claim, if filed by an agent or legal representative, must show the title or capacity of the person presenting the claim and must be accompanied by evidence of the appointment of such person as agent, executor, administrator, guardian, or other fiduciary.

(b) *Form of claim.* Claims should be submitted by presenting in triplicate a statement in writing setting forth the claimant's name and address, the amount of the claim, the detailed facts and circumstances surrounding the accident or incident, indicating the date and place, the property and persons involved, the nature and extent of the damage, loss, destruction or injury, and the bureau, division or office which was the cause or occasion thereof, if known. The claimant may, if he desires, file a brief with his claim setting forth the law or other arguments in support of his claim.

(c) *Place of filing claim.* Claims should be submitted directly or through the local field headquarters to the head of the bureau, division or office of the Department out of whose activities the accident arose or incident occurred, if known; or if not known, to the General Counsel, Treasury Department, Washington 25, D. C.

(d) *Evidence to be submitted by claimant—(1) General.* The amount claimed for damage to, or loss or destruction of, property or for personal injury or death should be substantiated by competent evidence. All statements or estimates required to be submitted by the following subparagraphs should, if possible, be by disinterested competent witnesses, preferably reputable dealers or persons familiar with the type of property damaged. Such statements and estimates should be certified as just and correct and if payment has been made, itemized receipts evidencing such payment should be included.

(2) *Damage to personal property.* In support of claims for damage to personal property which has been or can be economically repaired, the claimant should submit an itemized receipt if payment has been made or an itemized estimate of the cost of repairs. If the property is not economically reparable a statement as to depreciation in value should be included, or if the property is lost or destroyed, the value of the property at the time of loss or destruction should be stated.

(3) *Personal injury.* In support of claims for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(4) *Damage to real property.* In support of claims for damage to land, trees, building, fences and other improvements, and similar property, the claimant should submit an itemized signed statement or estimate of the cost of repairs. If the property is not economically reparable, a statement as to its value both before and after the accident should be included. If the damages to improvements can be readily and fairly valued apart from the damge to the land, the damage to such improvements should be stated separately from the damage to the land.

(5) *Damage to crops.* In support of claims for damage to crops, the claimant should submit an itemized signed statement showing the number of acres, or other unit measure, of the crops damaged, the normal yield per unit, the gross amount which would have been realized from such normal yield and an estimate of the costs of cultivating, harvesting and marketing such crops. If the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop should also be stated.

(6) *Damage to registered or insured mail.* In the case of claims for damage to, or loss or destruction of, registered or insured mail, the claimant should submit, where possible, the registration or insurance receipt, or an attested copy thereof, showing the amount of fee and postage paid.

(7) *Marine casualty damage.* In support of claims for damage to, or destruction of, marine property which has been

or can be repaired or replaced, the claimant must submit an itemized statement or estimate of the cost of repairs or replacement, supported by an appraisal or survey report of disinterested, competent persons familiar with the subject matter.

If the property is so severely damaged that it is not susceptible of being repaired, its value before and after the time of the accident must be stated and established by competent evidence. Whenever a claim includes a charge for detention or loss of earnings during repairs of damage to a vessel, the claimant must support such item with a statement as to:

(i) The date when the vessel was disabled.

(ii) The name and location of the repair yard.

(iii) The date when repairs were commenced.

(iv) The date when repairs were completed.

(v) Whether or not while undergoing collision repairs, any other work for the owner's account was performed and, if so, the cost and character thereof and the time required for performance.

(vi) The date on which the vessel was returned to service after completion of repairs.

(vii) Place where the vessel was put into service after completion of repairs.

(viii) An explanation of any delay between the date repairs were completed and the date the vessel was returned to service.

(ix) Whether or not during the course of undergoing collision repairs the vessel could have been employed, and an explanation submitted showing the identity of the person who offered to give such employment; the terms of the offer; time of prospective service and rate of compensation.

(x) If the vessel was under charter at the time of collision or was otherwise employed, the claimant should state each of the details set forth last above, and as well submit a statement of operating expenses which were, or would have been, incurred to earn such hire, specifically stating wages and bonuses which would have been paid during the period of employment (including the master's), the value of fuel which would have been consumed during the period of employment, the value of consumable stores which would have been used during the period of employment, port charges which would have been incurred during the period of employment and which would have included such items as harbor fees, wharfage, dockage, sheddage, stevedoring, towage, pilotage, inspection, tollage, lockage, anchorage and moorage, grain elevation, storage, and customs fees. All such statements or estimates should be supported by statements or reports of disinterested, competent witnesses, preferably marine surveyors, familiar with the type of property damaged or destroyed.

(8) *Signatures.* The claim and all other papers requiring the signature of the claimant should be signed by the claimant personally or by a duly authorized agent or legal representative. Section 35 (A) of the Criminal Code (18 U. S. C. 80) imposes a fine of not more than $10,000 and imprisonment for not more than 10 years, or both, for presenting false claims or making false or fraudulent statements or representations in connection with making claims against the Government.

§ 3.3 *Approval of claim.* Claims for less than $500 submitted under this part except claims under the Coast Guard Claims Act are approved or disapproved by the head of the bureau, division or office out of whose activities the accident or incident arose, upon the recommendation of the Chief Counsel or other legal officer in immediate charge of the legal affairs of the bureau, division, or office: *Provided,* That claims which in the judgment of the head of the bureau, division or office involve novel or unusual questions of law are approved or disapproved by the General Counsel of the Department. Claims for $500 or more submitted under this part except claims under the Coast Guard Claims Act, are approved or disapproved by the General Counsel. Claims under the Coast Guard Claims Act are approved or disapproved by the Commandant, Assistant Commandant or the Chief Counsel of the Coast Guard.

§ 3.4 *Acceptance of settlement by claimant.* The acceptance by the claimant of the settlement shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the Government and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

§ 3.5 *Coast Guard Boards of Investigation.* Coast Guard Boards of Inquiry and Investigation may be convened in accordance with Coast Guard Courts and Boards, 1935, as amended, to inquire into the facts and circumstances surrounding accidents involving Coast Guard activities.

SUBPART B—FEDERAL TORT CLAIMS ACT

§ 3.20 *General.* The Federal Tort Claims Act (Title IV, Pub. Law 601, 79th Cong., 60 Stat. 842) conferred upon the head of each Federal agency, or his designee, acting on behalf of the United States, authority to ascertain, adjust, and settle certain claims against the United States for money only, accruing on and after January 1, 1945.

§ 3.21 *Allowable claims.* Claims are payable by the Department under the Federal Tort Claims Act and this subpart on account of damage to, or loss of, property or on account of personal injury or death, where the total amount of the claim does not exceed $1,000, caused by the negligent or wrongful act or omission of any employee of the Department, while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury or death, in accordance with the law of the place where the act or omission occurred.

§ 3.22 *Exclusions.* As provided in section 421 of the Federal Tort Claims Act, claims not payable under that act and this subpart include:

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter. See § 3.41 (a) (3).

(c) Claims for which a remedy is provided by the act of March 9, 1920 (46 U. S. C. secs. 741–752), or the act of March 3, 1925 (46 U. S. C., secs. 781–790), relating to claims or suits in admiralty against the United States.

(d) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer. See § 3.60.

(e) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act, as amended.

(f) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(g) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(h) Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war.

(i) Any claim arising in a foreign country.

(j) Claims arising from injury to vessels, or to the cargo, crew, or passengers of vessels while passing through the locks of the Panama Canal or while in Canal Zone waters.

§ 3.23 *Application to claims not previously adjusted.* The provisions of this subpart shall apply to all claims otherwise within its scope, not heretofore adjusted, including claims formerly payable under provisions of law and regulations now superseded, arising out of accidents or incidents occurring on or after January 1, 1945. Claims arising out of accidents or incidents occurring prior to January 1, 1945, or claims not cognizable under this subpart will be settled under the provisions of the act of December 28, 1922, 42 Stat. 1066 (31 U. S. C. 215), or in the case of the Coast Guard, under the provisions of the act of July 3, 1943, 57 Stat. 372, as amended (31 U. S. C., Supp. V, 223b–d) as extended to the Coast Guard by the act of March 26, 1946, 60 Stat. 56 (Public 327, 79th Cong.). See Subparts C and D of this part.

§ 3.24 *Statute of limitations.* Claims under this subpart must be presented in writing to the Department within one year after the claim accrued, or by August 2, 1947, whichever is later.

§ 3.25 *Payment of claim.* Upon the approval of a claim cognizable under this subpart, the Treasury Department will draw a check in payment of the claim and mail it to the claimant, subject to the Congress having made appropriations available for that purpose.

§ 3.26 *Withdrawal of claim from Department.* A claimant may, in accordance with the provisions of section 410 (b) of the Federal Tort Claims Act, withdraw his claim from consideration by the Department upon fifteen days' notice in writing to the head of the bureau, office or division concerned, or if not known, to the General Counsel.

§ 3.27 *Attorneys' fees.* In accordance with section 422 of the Federal Tort Claims Act, reasonable attorneys' fees may be paid under this subpart out of, but not in addition to, the amount of the award or settlement. If the award or settlement is $500 or less, reasonable attorneys' fees, but not in excess of $50, may be allowed. If the award is $500 or more, reasonable attorneys' fees, but not in excess of 10 percent of the amount of the award or settlement, may be allowed.

§ 3.28 *Contributory negligence, subrogation, and pain and suffering.* Questions of contributory negligence, subrogation, the allowance of damages for pain and suffering and other questions of law, will be determined by the law of the place where the accident occurred.

SUBPART C—COAST GUARD CLAIMS

§ 3.40 *General.* The act of July 3, 1943, 57 Stat. 372, as amended (31 U. S. C., Supp. V, 223b-d) as extended to the Coast Guard by the act of March 20, 1946, 60 Stat. 56 (Pub. Law 327, 79th Cong.) authorizes the Secretary of the Treasury to consider, ascertain, adjust, determine, settle, and pay certain claims caused by military or civilian employees of the Coast Guard arising on or after May 27, 1941, in an amount not in excess of $1,000. The Federal Tort Claims Act has superseded that authority as to claims cognizable under it. However, the act of July 3, 1943, as amended, *supra*, is considered as otherwise being in effect.

§ 3.41 *Allowable claims.* (a) The following claims are cognizable under the act of July 3, 1943, 57 Stat. 372, as amended (31 U. S. C., Supp. V, 223b–d) and as extended to the Coast Guard by the act of March 20, 1946, 60 Stat. 56 (Pub. Law 327, 79th Cong.) and this subpart:

(1) Claims arising on or after May 27, 1941, and prior to January 1, 1945, for damage to, or loss of destruction of, real or personal property, or for reasonable medical, hospital, or burial expenses, actually incurred on account of personal injury or death, caused by the wrongful act or omission of military personnel or civilian employees of the Coast Guard while acting within the scope of their employment;

(2) Claims arising on or after May 27, 1941, for damage to, or loss of, real or personal property, or for reasonable medical, hospital, or burial expenses, actually incurred on account of personal injury or death, caused without wrongful act or omission by military personnel or civilian employees of the Coast Guard while acting within the scope of their employment or otherwise incident to the non-combatant activities of the Coast Guard;

(3) Claims arising on or after May 27, 1941, for damage to, or loss or destruction of, registered or insured mail while in the possession of Coast Guard authorities, even though resulting from criminal acts;

(4) Claims arising on or after May 27, 1941, for damage to, loss or destruction of, personal property bailed to the Government;

(5) Claims arising on or after May 27, 1941, for damage to real property incident to the use and occupancy thereof under a lease, express or implied.

§ 3.42 *Exclusions.* (a) The following claims are not cognizable under the act of July 3, 1943, 57 Stat. 372, as amended (31 U. S. C., Supp. V, 223b–d), as extended to the Coast Guard by the act of March 20, 1946, 60 Stat. 56 (Pub. Law 327, 79th Cong.) and this subpart:

(1) Claims which are cognizable under the Federal Tort Claims Act;

(2) Foreign claims which arose while the Coast Guard was operating as a part of the Navy, and which are administered under the act of January 2, 1942, 55 Stat. 880, as amended by the act of April 22, 1943, 57 Stat. 66 (31 U. S. C., Supp. V, 224d–i);

(3) Admiralty claims for damages caused by a Coast Guard vessel which arose while the Coast Guard was operating as a part of the Navy, which are administered under the act of July 3, 1944, 58 Stat. 726 (46 U. S. C., Supp. V, 797) and the act of December 5, 1945, 59 Stat. 596 (34 U. S. C., Supp. V, 600a–b);

(4) Personnel claims of either military or civilian personnel of the Coast Guard for damages to, or loss, destruction, capture, or abandonment of, personal property which occurred as an incident to their service and which are administered under Coast Guard Personnel Claims Regulations under the act of May 29, 1945, 59 Stat. 225, as amended (31 U. S. C., Supp. V, 222c-f) as extended to the Coast Guard by the Act of March 20, 1946, 60 Stat. 56 (Pub. Law 327, 79th Cong.);

(5) Claims for rent of real or personal property.

§ 3.43 *Contributory negligence.* Except with respect to cases within the admiralty and maritime jurisdiction, negligence or wrongful act of the claimant, or his agent or employee acting within the scope of his employment, in whole or in part the proximate cause of the accident or incident, bars a claim under this subpart. The doctrine of comparative negligence will not be applied. The law of the jurisdiction in which the accident or incident occurred will normally be followed in determining whether contributory negligence is present.

§ 3.44 *Statute of limitations.* Claims under this subpart must be presented in writing within one year after the occurrence of the accident or incident out of which the claim arises, except that if the accident or incident occurs in time of war, or if war intervenes within one year after its occurrence, a claim may, if good cause for the delay is shown, be presented within one year after peace is established.

§ 3.45 *Payment of claims—*(a) *Claims under $1,000.* Upon approval of claims not in excess of $1,000 cognizable under this subpart, the Treasury Department draws a check in payment thereof and mails it to the claimant, subject to the Congress having made appropriations available for that purpose.

(b) *Claims over $1,000.* Upon the approval of claims in excess of $1,000 they are forwarded to the Budget Division of the Department. Pursuant to call by the Bureau of the Budget, the Budget Division transmits the claim to that Bureau for inclusion in a deficiency appropriation bill. After the enactment of the bill by the Congress, it will be the duty of the claimant to contact the General Accounting Office, which will require the claimant to execute a claim. After receipt of the certificate of settlement issued by the General Accounting Office, the Treasury Department draws a check and mails it to the claimant.

§ 3.46 *Registered and insured mail.* As provided in § 3.41 (a) (3), claims for damage to, or destruction of, registered or insured mail while in the possession of the military authorities are within the scope of this subpart, if caused by military personnel or civilian employees of the Coast Guard even though resulting from criminal acts, or if otherwise incident to activities of the Coast Guard. Claims for damage, loss or destruction occurring prior to delivery by the Post Office Department (for distribution to the addressee) to authorized military personnel or civilian employees, are not payable under the provisions of this subpart, nor are claims for damage, loss or destruction occurring due to the fault of or while in the hands of bonded personnel; nor are claims arising after resumption of possession by the Post Office Department (e. g., for the purpose of forwarding to the addressee at a different address) and prior to redelivery to authorized military personnel or civilian employees of the Coast Guard charged with distribution to the addressee. "Minimum fee" insured mail carrying no insurance number and not requiring hand-to-hand receipts is not within the scope of this subpart.

§ 3.47 *Bailed personal property.* As provided in § 3.41 (a) (4), claims for damage to, or loss or destruction of, personal property loaned, rented, or otherwise bailed to the Government under an agreement, express or implied, are payable under the provisions of this subpart even though legally enforceable against the Government as contract claims. By express agreement a bailor may assume the risk of damage, loss or destruction, or otherwise modify the liability of the bailee. Claims payable under this section may, if deemed in the best interests of the Government, be processed as contract claims through the General Accounting Office. Claims for rent of personal property are not payable under this part.

§ 3.48 *Use and occupancy of real property.* As provided in § 3.41 (a) (5), claims for damage to real property, incident to the use and occupancy thereof by the Government under a lease, express or implied, or otherwise, are payable under the provisions of this subpart, even though legally enforceable against the Government as contract claims. Claims payable under this section may, if deemed in the best interests of the Government be processed as contract claims through the General Accounting Office. As provided in § 3.42 (a) (5), claims for rent of real property are not payable under this subpart.

§ 3.49 *Contract claims.* Claims for damage to, or loss or destruction of, property founded in contract, express or implied, except those under §§ 3.47 and 3.48 are normally not payable under the provisions of this subpart. Any claim which is apparently within the provisions of the act of July 3, 1943, 57 Stat. 342, as amended (31 U. S. C., Supp. V, 223b–d) as extended to the Coast Guard by the act of March 20, 1946, but appears to be founded in contract, express or implied, will be forwarded with related files and recommendations by or through the Commander of the cognizant Coast Guard district or activity to the Commandant for appropriate administrative action.

§ 3.50 *Other non-combat activities.* As provided in § 3.41 (a) (2) claims for damage to, or loss or destruction of, property, or for personal injury or death, although not caused by wrongful acts or omissions of military personnel or civilian employees of the Coast Guard are payable under the provisions of this subpart if otherwise incident to the activities of the Coast Guard. In general, claims within the above category are those arising out of authorized activities which are peculiarly Coast Guard activities having little parallel in civilian pursuits and out of situations which historically have been considered as furnishing a proper basis for the payment of claims, such as claims for damage or injury arising out of, and which are natural or probable results or incidents of, maneuvers and special exercises, practice firing, operation of aircraft, use of instrumentalities having latent mechanical defects not traceable to negligent acts or omissions, explosions of ammunition, movement of vehicles designed especially for military use, and use and occupancy of real estate.

§ 3.51 *Foreign claims.* Claims for damage to, or loss or destruction of, property, or for personal injury or death, arising out of accidents or incidents occurring in foreign countries when the Coast Guard was not operating as a part of the Navy, are within the provisions of this subpart.

§ 3.52 *Appeals.* Any claimant may appeal to the Secretary of the Treasury for a review of the adjustment or determination of his claim cognizable under this subpart. Such appeal shall be made in writing and shall be addressed to the Secretary of the Treasury, Washington 25, D. C.

SUBPART D—SMALL CLAIMS ACT

§ 3.60 *General.* The act of December 28, 1922, 42 Stat. 1060 (31 U. S. C., 215–217), the so-called Small Claims Act, authorized the head of each department and establishment to consider, ascertain, adjust, and determine claims of $1,000 or less for damage to, or loss of, privately owned property caused by the negligence of any officer or employee of the Government acting within the scope of his employment. The Federal Tort Claims Act superseded the Small Claims Act with respect to claims that are allowable under the former act. However, with respect to claims that are not allowable under the Federal Tort Claims Act, for example, claims for damage to goods in customs custody due to the negligence of customs employees were allowed under the Small Claims Act. The Federal Tort Claims Act specifically exempts from its provisions claims arising in respect of the detention of any goods or merchandise by any officer of customs. Hence, since exempted under the Federal Tort Claims Act, those claims are considered as still allowable under the Small Claims Act.

§ 3.61 *Exclusions.* The following claims are not cognizable under the Small Claims Act and this subpart:

(a) Claims which are cognizable under the Federal Tort Claims Act.

(b) Claims arising out of the activities of the Coast Guard.

§ 3.62 *Statute of limitations.* No claim will be considered by the Department under this subpart unless presented to it within one year from the date of the accrual of said claim.

§ 3.63 *Payment of claim.* Claims cognizable under this subpart, upon approval are forwarded to the Budget Division of the Department. Pursuant to call by the Bureau of the Budget, the Budget Division transmits the claim to that Bureau for inclusion in a deficiency appropriation bill. After the enactment of the bill by the Congress, it will be the duty of the claimant to contact the General Accounting Office, which will require the claimant to execute a claim. After receipt of the certificate of settlement issued by the General Accounting Office, the Treasury Department draws a check and mails it to the claimant.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4464; Filed, May 12, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

PERSONS NOT AUTHORIZED TO BE ENLISTED

In § 201.14 paragraph (b) (12) is added as follows:

§ 201.14 *Qualifications for enlistment.* * * *

(b) *Persons not authorized to be enlisted.* * * *

(12) Men discharged from Federal service prior to 1 November 1946, whose total time lost under the 107th Article of War was thirty days or more during their last period of enlistment or period of active duty. In exceptional cases the Chief of the National Guard Bureau is authorized to waive this disqualification upon full presentation of extenuating circumstances and verification from War Department records. Waivers in such cases will be requested in advance of actual enlistment.

[NGB Cir. 14, Apr. 18, 1947] (48 Stat. 155; 32 U. S. C. 4)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4457; Filed, May 12, 1947; 8:46 a. m.]

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[3d Rev. RO 3,[1] Amdt. 44]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 7.3 (a) is amended to read as follows:

(a) Except as provided herein, application for a sugar ration book shall be made on SRA Form R–218 to the Regional Office having jurisdiction over the place where the applicant lives or at any other place designated by the Sugar Rationing Administration. However, if application is being made for a sugar ration book for an infant or for a person discharged from the armed services, SRA Form R–218 need not be filed but a written request for a Sugar Ration Book may be made to the Regional Office. The written request must state:

1. The applicant's name and address;
2. That the application is for an infant or a person discharged from the armed services.

2. Section 7.8 (a) is amended to read as follows:

(a) An application for replacement of a ration book shall be made to the Regional Office having jurisdiction to act upon an original application for the issuance of the book sought to be replaced. Application shall be made on SRA Form R–218 by the person in whose name the book was issued or by his agent. The applicant must give all of the information required by the form. However, a written request for the replacement of a mutilated ration book may be filed instead of SRA Form R–218.

3. Section 7.9 (c) is amended to read as follows:

(c) If the ration book is being replaced because of mutilation, before the new book is issued, all expired stamps and all valid stamps except the last sugar stamp which became valid on or before the date the book is issued shall be removed. However, if the applicant states that the book did not contain the currently valid sugar stamp at the time of mutilation of such book, the last sugar stamp which became valid on or before the date the book is issued shall also be removed.

[1] 11 F. R. 177, 14281.

4. Section 7.10 (a) is amended to read as follows:

(a) An applicant seeking to replace a lost, destroyed, or stolen ration book shall make application on SRA Form R–218. The Regional Office may require the applicant to report the theft of a book to the police before considering his application.

5. Section 7.11 (a) and (b) is amended to read as follows:

(a) If a person claims that his ration book is being wrongfully withheld from him by another person, he shall make application on SRA Form R–218. Upon receipt of such application the Regional Office shall direct the Sugar Branch Office to hold a hearing. The Sugar Branch Office shall give notice of the time and place to the applicant. Furthermore, the Sugar Branch Office shall give three (3) days notice by mail to the alleged wrongful holder to appear at the hearing and to bring the applicant's book with him.

(b) If the Sugar Branch Office finds at the hearing that the book sought to be replaced is being wrongfully held by a person, it shall order the wrongful holder to surrender it to the applicant. If the wrongful holder fails to appear at the hearing or refuses to surrender the book, a new book shall be issued to the applicant and the Enforcement Office for the area notified of the wrongful holder's action.

6. Section 7.12 (a) is amended to read as follows:

(a) If the ration book is being replaced because of loss, theft, destruction or wrongful withholding, before the new ration book is issued all expired stamps and all valid stamps except the last sugar stamp which became valid on or before the date the book is issued shall be removed. However, if the applicant states that the ration book did not contain the currently valid sugar stamp at the time of the loss, theft, destruction or wrongful withholding, the last sugar stamp which became valid on or before the date the book is issued shall also be removed.

7. Section 9.2 (b) (3) is amended to read as follows:

(3) That the applicant has not received ration evidences under this section for any of the days covered by this application. The application may be filed at any Sugar Branch Office.

8. The first sentence of section 9.2 (c) is amended to read as follows: "If the Sugar Branch Office finds the facts stated in the application to be true it shall authorize the Regional Office to issue coupons."

9. Section 14.1 (c) is amended to read as follows:

(c) A registering unit may apply at the Sugar Branch Office for a check in exchange for such statement. It must attach to the statement a signed receipt, invoice, bill of lading, or such other evidence as substantiates the delivery of the sugar. If the Sugar Branch Office is satisfied that the sugar was delivered for ships' or planes' stores it shall authorize the Regional Office to issue a check to the registering unit covering the amount of sugar so delivered. However, if the sugar was delivered to a ship operating under the control, direction, or designation of the Maritime Commission, the registering unit may not apply to the Sugar Branch Office but may instead exchange such statement for a check at an appropriate office of the Maritime Commission.

10. Section 14.1 (d) is amended to read as follows:

(d) An aeroplane operator who has been allowed an operating inventory under Revised General Ration Order 5 may apply for evidences in exchange for a statement issued by a Collector of Customs (or military officer) under the provisions of Revised General Ration Order 5 at a Sugar Branch Office having jurisdiction over any area where the operator maintains an office.

11. Section 14.4 (d) is amended to read as follows:

(d) Any person to whom a check is issued under this section may give up such check to the Sugar Branch Office and that office may authorize the Regional Office to issue checks in exchange therefor in such denominations as the applicant may request, the total amount of which shall not exceed the amount of the check surrendered.

This amendment shall become effective May 12, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 44 to Third Revised Ration Order 3

Present regulations. Under existing regulations an application for a sugar ration book must be made on OPA Form R–146 and an application for replacement of a mutilated, lost, stolen, destroyed or wrongfully withheld ration book must be made on OPA Form R–194.

Proposed amendment. This amendment provides that an application for a sugar ration book and an application for replacement of a mutilated, lost, stolen, destroyed or wrongfully withheld ration book may be made on a new combined form SRA Form R–218.

This amendment also provides that an application for a sugar ration book for an infant and for persons discharged from the armed services and applications for replacement of mutilated ration books may be made by sending a written request to the Regional Office instead of filing SRA Form R–218.

This amendment also substitutes the words "Sugar Branch Office" for "Regional Office" in sections 9.2, 14.1 (c) and (d), and 14.4 (d).

Reasons for amendment. By combining forms R–146 (application for sugar ration book) and R–194 (consumer replacement application) the number of forms to be handled by the Branch Offices and the number of incorrect forms being filed by consumers will be materially reduced.

Many written requests for issuance of new ration books and for replacement of mutilated ration books are received by the field offices. Most of these letters contain sufficient information in order to issue the new or replacement books without requiring the applicant to file specified application forms. This amendment will not only reduce the workload in the field offices but will also materially reduce the delay which now occurs in processing such applications.

This amendment also provides that applications for temporary sugar rations for consumers other than servicemen be filed at the Sugar Branch Office rather than at the Regional Office, as the Sugar Branch Office is in a better position to process such applications than the Regional Office. Under the provisions of section 14.1 a registering unit may exchange a statement issued by a Collector of Customs for a check at the Sugar Branch Office instead of the Regional Office, since the Collector of Customs' statement is part of the registering unit's file which is maintained at the Branch Office. A person to whom a check is issued by the Extension Service of the Department of Agriculture may exchange such check for more than one ration check at the Sugar Branch Office, since exchange at a Sugar Branch Office is more convenient.

[F. R. Doc. 47-4544; Filed, May 9, 1947; 4:34 p. m.]

Chapter XXIII—War Assets Administration

[Reg. 2,[1] Order 9]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

NATIONAL AND REGIONAL VETERANS SET-ASIDE LISTS

War Assets Administration Regulation 2, Order 9, April 1, 1947, entitled "National and Regional Veterans Set-Aside Lists" (12 F. R. 2517), is hereby revised and amended as herein set forth.

Section 8302.4 (a) of this part provides that except as to the amounts of any property necessary for the temporary use of any disposal agency to carry out its responsibilities in disposing of surplus property under the Surplus Property Act of 1944, each disposal agency to which there is assigned for disposal any property of the types set forth by order issued thereunder shall set aside all, or such percentage of such property as is designated in such order. Accordingly, it is hereby ordered that:

[1] 12 F. R. 1985.

§ 8302.59 *National and regional veterans set-aside lists.* The items listed in Exhibit A hereof shall constitute the National Veterans Set-Aside List and the items listed in Exhibit B hereof shall constitute the Regional Veterans Set-Aside List.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265))

This order shall become effective May 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MAY 1, 1947.

EXHIBIT A

NATIONAL VETERANS SET-ASIDE LIST

(The following items in "O" condition or better.)

MOTOR VEHICLES

	Commodity code classification
Trucks, amphibian, ¼-ton, 4 x 4	90 1001
Carrier, light cargo (the weasel)	90 1002
Trucks:	
"The Jeep", ¼-ton, 4 x 4	90 1003
Carry-all, ½-ton, 4 x 2	90 1004
Canopy express, ½-ton, 4 x 2	90 1005
Pickup, ½-ton, 4 x 2	90 1006
Panel delivery, ½-ton, 4 x 2	90 1007
Carry-all, ½-ton, 4 x 4	90 1008
Command reconnaissance, ½-ton 4 x 4	90 1009
Emergency repair, ½-ton, 4 x 4	90 1010
Panel delivery, ½-ton, 4 x 4	90 1011
Pickup, ½-ton, 4 x 4	90 1012
Radio, ½-ton, 4 x 4	90 1013
Weapons carrier, ½-ton, 4 x 4	90 1014
Panel delivery, ¾-ton, 4 x 2	90 1015
Pickup, ¾-ton, 4 x 2	90 1016
Carry-all, ¾-ton, 4 x 4	90 1017
Command, ¾-ton, 4 x 4	90 1018
Emergency repair, ¾-ton, 4 x 4	90 1019
Light maintenance and installation, ¾-ton, 4 x 4	90 1020
Weapons carrier, ¾-ton, 4 x 4	90 1021
Canopy express, 1-ton, 4 x 2	90 1022
Pickup, 1-ton, 4 x 2	90 1023
Combination stake and platform, 1½-ton, 4 x 2	90 1024
Cargo, 1½-ton, 4 x 2	90 1025
Canopy express, 1½-ton, 4 x 2	90 1026
Dump, 1½-ton, 4 x 2	90 1027
Panel delivery, 1½-ton, 4 x 2	90 1028
Pickup, 1½-ton, 4 x 2	90 1029
Bomb service, 1½-ton, 4 x 4	90 1031
Cargo, 1½-ton, 4 x 4	90 1032
Combination stake and platform, 15 ft., 1½-ton, 4 x 4	90 1033
Combination stake and platform, c. o. e., 1½-ton, 4 x 4	90 1034
Dump, 1½-ton, 4 x 4	90 1035
Panel delivery, 1½-ton, 4 x 4	90 1036
Panel delivery, 1½-ton, 4 x 4 (K-51)	90 1037
Ordnance maintenance, 1½-3-ton, 4 x 4	90 1038
Cargo, 2½-ton, 4 x 2	90 1039
Combination stake and platform, 2½-ton, 4 x 2	90 1040
Dump, 2½-ton, 4 x 2	90 1041
Cargo,[2] 2½-ton, 6 x 4	90 1042
Tractor, 1½-ton, 4 x 2	90 1044
Tractor, 1½-ton, 4 x 4	90 1045
Tractor, 2½-ton, 4 x 2	90 1046
Tractor, c. o. e., 2½-ton, 4 x 4	90 1047
Tractor,[2] 2½-ton, 6 x 4	90 1048

Note: Trucks, tractor, code numbers 90 1044 through 90 1048 include trucks which are cab and chassis units.

[2] Not less than 10% reserve for veterans set-aside.

NATIONAL VETERANS SET-ASIDE LIST—Con.

MOTOR VEHICLES—continued

	Commodity code classification
Buses:	
Sedan, converted, 15-passenger, 4 x 2	90 1075
Car:	
Passenger, light, all body types, 4 x 2, includes Crosley, Bantam and others	90 1079
Passenger, medium and heavy, all body types, 4 x 2	90 1080
Station wagon, including auxiliary ambulance station wagon, 4 x 2	90 1031
Motorcycle, all types, 2 x 1 and 3 x 1	90 1035
Scooter, motor, with or without package carrier, all types	90 1086

MEDICAL AND DENTAL EQUIPMENT AND INSTRUMENTS

Medical equipment:		
Electro-cardiographs	90	5103
Basal metabolar	90	5104
Cystoscope	90	5105
X-ray medical equipment and accessories:		
X-ray, field unit, table unit	90	5201
X-ray, field mobile unit	90	5202
X-ray generating equipment:		
200 MA generator, plus tilt table	90	5203
100 MA generator, plus tilt table	90	5204
30 MA mobile unit, office type and field type	90	5205
15 MA portable	90	5206
Vertical fluoroscope	90	5208
Cassette changer	90	5209
Large stereoscope	90	5210
1 Position table for radiography, with Bucky diaphragm	90	5211
Physiotherapy equipment:		
Diathermy apparatus, 110-volt, 60-cycle:		
1 conventional circuit	90	5304
2 crystal control circuits	90	5305
Dental equipment and supplies:		
Cabinet, dental	90	5602
Chairs, dental, operating	90	5603
Unit, operating dental: 110-volt, 25-cycle; 110-volt, 60-cycle; 110-volt, D. C.; 110-volt, 50-cycle; 220-volt, 60-cycle	90	5642
Machine, X-ray, dental, shock-proof 110- to 220-volt 60 cycle	90	5644

OFFICE MACHINES AND APPLIANCES

Typewriters:		
Portable	90	6010
Standard	90	6020

OFFICE FURNITURE

Office Furniture—50% of the inventory items listed below in "O" condition or better shall be offered to veterans

Desk—"Top" executive, 72 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges, and matched woods)	90	6501
Desk—"Top" executive, 66 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish, and molding, generally has rounded corners and edges, and matched woods)	90	6502

NATIONAL VETERANS SET-ASIDE LIST—Con.

OFFICE FURNITURE—continued

	Commodity code classification
Desk—Executive or regular, 60-inch flat top, mahogany, oak or walnut finish, double pedestal, w/o locks, metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; w/o drawer guides; open or sealed back; double or single	90 6503
Desk—Executive or regular, under 60-inch, flat top, mahogany, oak, or walnut finish; double or single pedestal, with or without locks; metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; with or without drawer guides; open or sealed back, single	90 6504
Desk—Flat top; Victory; approximately 42 x 34 inches, 2-drawer	90 6505
Desk—"Top" stenographic, left or right pedestal, 60 inch or over, mahogany, oak, or walnut finish, metal or wood hardware, open or sealed back (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges and matched woods)	90 6506
Desk—Stenographers' or typewriter desk, 60 inch, mahogany, oak, or walnut finish, typewriter drop center, right or left side; with or without locks; double or single pedestal	90 6507
Desk—Stenographers' or typewriter desk, under 60 inch, mahogany, oak, or walnut finish, double pedestal, with or without lock; typewriter drop center, right or left side; double or single pedestal	90 6508
Desk—Stenographers', Victory; approximately 42 x 34 inches, 1 drawer, well for typewriter	90 6509
Chairs—Office, non-swivel chairs with arms; all types of backs, arms and legs, including "Bank of England" type; any type of finish	90 6510
Chairs—Office, w/o arms, non-swivel; all types of backs and legs; any type of finish	90 6511
Chairs—Stenographers' posture; any type of stenographers' chairs with mechanism to adjust back for posture; any type of finish	90 6512
Chairs—Stenographers' regular, all types of swivel chairs w/o arms, except posture; any type of finish (not including Victory)	90 6513
Chairs—Swivel, plain, with arms, full swivel (metal) tilting; back may be padded, including "Bank of England"; all types of finish	90 6514
Chairs—Swivel, no tilt, Victory type with wooden mechanism	90 6515
Chair—"Top" executive, upholstered back, seat, nonswivel or full swivel (metal) tilting with upholstered arms	90 6516
Filing cabinets, metal or wood, recommended set-aside 50%. Cabinets, file, vertical, letter legal, or cap size, with or without locks, suspension arms; any type of finish: 5-drawer, 4-drawer, 3-drawer, 2-drawer.		

NATIONAL VETERANS SET-ASIDE LIST—Con.

OFFICE FURNITURE—continued

	Commodity code classification
Filing cabinets—Continued	
Cabinets—file, metal, vertical, letter, legal or cap size, with or without locks, any type of finish	90 6521
Cap-size: Inside dimensions: 15½ x 10¹³/₁₆ x 26½; with follower block; any type finish.	
Letter-size: Inside dimensions: 12¼ x 10¹³/₁₆ x 26½; with follower block; any type finish.	
Cabinets—file, Victory, wooden, vertical, wood slides for drawers, in place of suspension arms; no locks; any type of finish	90 6522
Cabinets—steel (used), filing, insulated, record container; one hour fire resisting; with impact and explosion test	90 6523
Cap-size: Inside dimensions: 15½ x 10¹³/₁₆ x 26½; with follower block; any type finish.	
Letter-size: Inside dimensions: 12¼ x 10¹³/₁₆ x 26½; with follower block; any type finish.	
Tables — Conference; 72-inch or over, with or without drawers; any type of finish	90 6531
Tables—Conference; 60-inch; with or without drawers; any type of finish	90 6532
Tables—36-inch, with or without drawers; any type finish	90 6533
Tables—Telephone, top approximately 16 x 22 inches	90 6534
Tables—Typewriter, with or without rollers	90 6535

NOTE: Exhibit B revised May 1, 1947.

EXHIBIT B

REGIONAL VETERANS SET-ASIDE LIST

(The following items in "O" condition or better.)

ZONE I

BOSTON REGION NO. 1

Cots, folding, steel, single	54	21851
Cots, folding, steel	54	52158
Tents, 2 man mountain	69	5200
Watches, navigation, master	75	6900
Skis	79	17211
Tool kits, mechanics	96-75-3000	
Tool kits, carpenter	96-75-3000	
Tool kits, electrician	96-75-3000	
Tool kits, sheet metal	96-75-3000	
Tool kits, dock builders	96-75-3000	
Tool kits, linesman	96-75-3000	
Tool kits, plumbing	96-75-3000	
Tool kits, forge	96-75-3000	
Tool kits, cement finishers	96-75-3000	
Tool kits, wire rope splicing	96-75-3000	

NEW YORK REGION NO. 2

Gun, lubricating, steel, hand lever operated,[1] low pressure 1 lb. cap	31	9711
Pressure King compressors, 4 cyl. mounted steel base with all attachments, powered model R. R. C. Lawson gas engine, Bairbrush 1 qt. and 25' of ¼" air hose	31	9940
Surgeon stools, white or grey enamel	54	5219
Photographic equipment except 35 mm projectors and motion picture cameras	55	0000
Binoculars, 6 x 30 unused	56	4100
Binoculars, 7 x 50 unused	56	4300

[1] Not less than 10% reserve for veterans set-aside.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE I—continued

NEW YORK REGION NO. 2—continued

	Commodity code classification
Inventory of miscellaneous dental and medical equipment located at Sampson Naval Station, New York	58 0000 to 58 4900
Forceps, No. 18R	58 1551
Jacks, hydraulic, auto and truck, 3 ton	75 3118
Watches, wrist	75 6100
Clocks, electric, direct reading, illuminated drum type, to be mounted, 5¼" D x 4½" H x 7½" L	75 6423
Clocks, 8 day, luminous dial 6" D., Phenolic black	75 6930

PHILADELPHIA REGION NO. 3

Drills, electric, hand	34	8320
Rafts, life, pneumatic 1-10 man	42	8100
Binoculars	56	4000
Jackets, flight, leather	67	3310
Watches, wrist	75	6100

RICHMOND REGION NO. 12

No additional items other than those included in the National Veterans Set-Aside List (see Exhibit A).

ZONE II

ATLANTA REGION NO. 6

Hutments, prefabricated and quonset	13	9914
	25	1400
Fans, electric	32	8820
Mixers, concrete	36	7212
Cash registers, electric	39	5100
Cash registers, non electric	39	5200
Bicycles, all types	49	1100
Refrigerators, walk-in, complete	52	3100
Safe	54	3100
Glasses, field, Type E, complete with carrying case	56	4100
Sphygmomanometers	58	2340
Tables, operating	58	4100
Lamp, operating, dental	58	4290
Watches, wrist, men's com. type, stainless steel, 15 and 17 jewels	75	6110

CHARLOTTE REGION NO. 13

Bar towing	25	9999
Pump gas	31	2260
Life preserver	42	8400
Life preserver	59	1620
Life preserver	79	9740
Glasses, field	56	4100
Sterilizer, instrument	58	4310
Buckets, canvas	69	5900
Pack, field, cargo	69	5900
Watch, navigation	75	6960
Watch, navigation, stop	75	6960
Shotguns	81	1400

JACKSONVILLE REGION NO. 14

Cleaner, vacuum	32	8310
Grinder, bench	34	1584
Tractor, wheel type, all purpose, under 30 belt hp. (under 100 hp.)	37	1210
Lawn mowers	39	9100
Rafts, life[2]	42	8100
Camera, motion picture, 16 mm.	55	1130
Binoculars, field	56	4100
Microscopes, binocular and monocular	56	7300
Forceps, tooth extract, Model 103	58	1551
Forceps, tooth extract, Model 150A	58	1551
Forceps, tooth extract, Model 151A	58	1551

[2] Minimum of 50% reserve for veterans set-aside.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE II—Continued

JACKSONVILLE REGION NO. 14—continued

	Commodity code classification
Lathes, dental, small	5 1610
Machine, dental, casting, small	58 1690
Compressor, unit, dental	58 1690
Table, hospital, major operating	58 4100
Jackets, leather, unused	67 3310
Watches, wrist	75 6100
Watches, navigation	75 6960
Fishing kits	96-79-1610

NASHVILLE REGION NO. 18

Motors, electric, fractional and 1 to 5 hp., a. c. and d. c., single and three phase	32	1300
Safes, one and two door combinations	54	3100
	54	3700
Jackets, weather, naval	67	3400

BIRMINGHAM REGION NO. 19

Shoe repair machines	33	9400
Refrigerator, commercial, walk-in	52	8210
Safe	54	3700
Binoculars	56	4000
Sphygmomanometer, mercurial	58	2340
Sphygmomanometer, aneroid	58	2340
Sterilizer, instrument, small	58	4310
Ear, eye, nose and throat examining chair (specialist)	58	4990

ZONE III

CINCINNATI REGION NO. 4

Motors, fractional h. p.	32	1310
Tractors, wheel type, special purpose	37	1100
Tractors, wheel type, all purpose	37	1200
Tractors, garden	37	2000
Contact printers, except motion picture	55	5410
Drying equipment, photo	55	5520
Watches, navigation, hack, wrist	75	6100

CHICAGO REGION NO. 5

Barbed wire roll	22	5211
Fence posts, over 5'	25	9903
Air compressor, less than 105 cubic ft.	31	2100
Hoist, electric, 1 to 5 ton capacity	31	5812
Spray unit, including spray gun	31	9940
Battery charger	32	1280
Motors, fractional hp., 110-220-volt, single phase, a. c. and d. c. standard listing ratings	32	1310
Hot plates, commercial, gas or electric	32	8450
Skillsaws, electric, hand portable	33	6210
Sander, portable, electric, hand	34	8900
Corn planter	35	1110
Tractor, plow, two bottom, drawn and mounted	35	2220
Tractor, plow, three bottom, drawn and mounted	35	2230
Tractor, plow, four bottom, drawn and mounted	35	2240
Disc plow	35	2300
Cultivators	35	4100
Corn picker	35	5300
Mower, haying machinery	35	5710
Concrete mixer, 10's or under	36	7210
Tractor, farm wheel, less than 100 h. p.	37	1000
Ambulance, 1½ ton, 4 x 2	45	1401
Trailer, house type	45	2105
Trailer, ¼ ton, cargo	45	2199
Trailer, 1 ton, cargo	45	3303
Glasses, field, 6 x 30, 7 x 50	56	4100
Binoculars, 6 x 30, 7 x 50	56	4100

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE III—Continued

CHICAGO REGION NO. 8—continued

	Commodity code classification
Binoculars, 6 x 30, 7 x 50	56 4300
Tool kits, complete with tools, aircraft	96-75-3000
Tool kits, complete with tools, auto mechanics	96-75-3000
Tool kits, complete with tools, carpenter	96-75-3000
Tool kits, complete with tools, machinist	96-75-3000
Tool kits, complete with tools, jeweler	96-75-3000
Tool kits, complete with tools, any other	96-75-3000

CLEVELAND REGION NO. 15

Spray units, including spray gun	31 9940
Batteries, auto storage, unused	32 9220
Skillsaw, circular	33 6210
Skillsaw, band	33 6220
Drill presses or drilling machines, bench type, ½" only, 110-220-volt	34 1300
Bench grinder (common to the small repair shop use, not to exceed ½ hp. rated drive), 110-220-volt	34 1580
Lathes, engine and toolroom. Under 12" swing with center to center under 30", 110-220-volt	34 16111
Bench type and light duty (less than 1 hp.)	34 16200
Arc welding units, complete, under 300 amp., a. c.	34 51110
Arc welding units, complete, under 300 amp., d. c., portable	34 51120
Drills, electric, portable	34 8320
Jack, screw w/handle, 1½ ton [1]	36 9320 75 3118
Tractor, wheel type, under 100 hp	37 1200
Cash register, electric	39 5100
Cash register, nonelectric	39 5200
Rafts, life, pneumatic, 1 to 7 man size inclusive, and 10 man size	42 8100 59 1640
Trucks, dump, to include 2½ ton and over	45 1405
Trailer, house type	45 2105
Hot plates, commercial type, gas or electric	51 6122 32 8450
Tables, metal, work	54 5813
Tables, wood, work	54 5833
Film and paper dryers, all types except aerial	55 5520
Microscopes:	
Binocular	56 7300
Monocular	56 7300
Stereoscopic	56 7300
Tool kits, machinists	96-75-3000
Tool kits, carpenters	96-75-3000

DETROIT REGION NO. 16

Pumps, hand, automotive	31 2260
Motors, fractional hp., 110-220-volt, a. c. and d. c., standard listing ratings	32 1310
Hot plates, electric	32 8450
Drilling machines, 110-220-volt, single phase	34 1300
Bench grinder, 110-220-volt, single phase	34 1584
Lathes, bench, 110-220-volt, single phase	34 1620
Stoves, heating, oil, portable	51 5153
Stoves, household	51 5300
Hot plates, gas	51 5342
Stoves, table, gasoline	51 5373
Chairs, office, metal	54 3210

[1] Maximum of 60% reserve for veteran set-aside.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE III—Continued

DETROIT REGION NO. 16—continued

	Commodity code classification
Beds, hospital	54 5215
Drafting instruments	58 8100
Drafting boards	58 8390
Jackets, flight, field	67 3200
Jackets, flight, field	67 3310
Tents, 2 man	69 5200
Vises, all types	75 3145
Tool kits, mechanics	96-75-3000

LOUISVILLE REGION NO. 17

Compressors, air, up to 105 cu. ft	31 2100
Fans, electric, household type	32 8820
Beds, double deck	54-2325-40
Cots, steel	54-5215-80
Cameras, still, except aerial	55 1400
Levels	58 8720
Transits	58 8720
Jacks, hydraulic (up to 5 ton) auto and truck	75-3118-20

MINNEAPOLIS REGION NO. 21

Motors, electric, fractional hp., a. c. only	32 1311
Motors, electric, 1 hp. to 5 hp., a. c. only, single and 3 phase	32 13213
Welders, arc, 200 and 300 AMP	34 5100
Shotguns, standard	81 1440 81 1450

ZONE IV

KANSAS CITY REGION NO. 8

Compressors, air, of the following types: portable, single cylinder, 5 CFM stationary, type 30, two stage	31 2100
Hoist, ¼ to ½ ton, hand chain	31 58131
Hoist, 1 to 5 ton, hand chain	31 58132
Motors, fractional hp., 110-220-volt, a. c. and d. c. current, standard listed ratings	32 1311
Fans, electric, household and office types	32 8800
Saws, table, portable, woodworking	33 6210
Saws, portable, Model 4A, woodworking	33 6950
Cash registers non electric	39 5200
Card filing cabinets, wood or steel, of the following sizes:	
3 x 5	54 3141 to 54 3173,
4 x 6	54 3340 to 54 3373
5 x 8	
Costumers, office	54 9011
Microscope, monocular	56 7300
Opthalmoscope, electric	58 2112
Otoscope opthalmoscope, combined	58 2199
Cyste urethrescope	58 2203
Procto sigmoidoscope	58 2215
Surgical unit, electric	58 3390
Anesthesia apparatus	58 4410
Centrifuge, electric	58 5111
Hemoglobinometer	58 5340
Knife, microtome	58 5390
Incubator, bacteriological	58 5810
Scales, physician	58 6200
Cabinets, file, X-ray	58 7400
Jack, roller, 10-ton	75 31182
Vises, 6" jaw and under	75 3145
Walker, invalid	79 4306

DENVER REGION NO 9

Motors, electric, under 1 hp. (single phase)	32 1311
Motors, electric, 1 to 3 hp. (single phase)	32 1321
Saws, table, powered, up to 14"	33 6210
Lathes, engine (metalworking) up to 16" swing	33 6950
Binoculars, 6 x 30	56 4100
Binoculars, 7 x 50	56 4300
Dental laboratory casting machines	58 1690

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE IV—Continued

DENVER REGION NO. 9—continued

	Commodity Code Classification
Flying jackets	67 3300
Parkas	67 3300
Tents, 2 man mountain	69 5200
Tents, 4 man mountain	69 5200
Tents, wall	69 5200
Tents, pyramidal	69 5200
Watches, wrist	75 6100
Watches, pocket	75 6110
Shotguns, 16 gauge	81 1440
Shotguns, 12 gauge	81 1450
Tool kits, mechanic	96-75-3000
Tool kits, carpenter	96-75-3000

ST. LOUIS REGION NO. 22

Air compressors, single acting, single stage, stationary	31 21111
Saw, table type	33 6210
Saw, circular (woodworking)	33 6210
Saw, band	33 6220
Floor sander, portable	33 6320
Drills, electric portable	34 8320
Beds, iron, single	54 2125
Chairs, dining room	54 2131
Tables, dining room	54 2133
Chair, with and without otto-man	54 23111
Chair, deck	54 2369
Cots, steel, folding	54 5215
Costumer, hall tree	54 90113
Chair, folding	54 9020
Desk, field	54 9040
Binoculars	56 4000
Drawing board	58 8320
Jackets, mechanics, leather, fleece	67 3310
Jack, auto and truck	75 31182
Auger	75 3128
Gauge, block	75 80513
Micrometers	75 80520
Micrometer, caliper	75 80590

OMAHA REGION NO. 24

No additional items other than those included in the National Veterans Set-Aside List (see Exhibit A).

ZONE V

NEW ORLEANS REGION NO. 20

No additional items other than those included in the National Veterans Set Aside List (see Exhibit A).

TULSA REGION NO. 25

Motors, electric, 5 hp. and under	32 1300
Vacuum cleaners, domestic type	32 8310
Electric fans, single phase	32 8800
Tractors, farm type, under 100 hp	37 1000
Drafting instruments	58 8110
Glasses, flying, sun	79 3400

GRAND PRAIRIE, TEXAS REGION NO. 26

(Dallas, Little Rock, Ft. Worth. Note: Little Rock, Ark.—No items other than those included in the National Veterans Set Aside List.)

Electric motors, ¼ to 1 hp	32 1310
Electric motors, 1 to 3 hp	32 1320
Portable electric drills	34 8320
Trailers, Jeep, ¼ ton	45 3299
Watches, pocket, navigation	75 6100

HOUSTON REGION NO. 27

Stool, drafting, metal	54-3122-90
Stool, drafting, wood	54-3322-90
Table, drafting, wood, w/stand	58 8320
Table, drafting, wood, Model No. 160, 36" x 60"	58 8320

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE V—Continued

SAN ANTONIO REGION NO. 28

Ranges, cooking, domestic	51 5300
Refrigerators, reach-in, commercial	52 3200

ZONE VI

SAN FRANCISCO REGION NO. 10

	Commodity code classification
Laundry equipment, domestic, household type	39 1100
Sewing machines, household	39 2000
Rafts, life, pneumatic, 2 man	42 8100 59 1650
Boat, recon., pneumatic, canvas, 2 man	43 5900
Trailers, house, all types	45 2105
Trailer, ¼ ton cargo	45 2199
Toilet and wash basin, combination, unused ("Combolet")	51 1900
Cameras, motion picture, 16 mm silent	55 1130
Cameras, still, view, except roll film type or aerial	55 1422
Cameras, press type, except reflex (combat)	55 14252
Projector, motion picture, 16 mm sound	55 2120
Enlargers, all types, except microfilm	55 2400
Binoculars, 6 x 30	56 4100
Binoculars, 7 x 50	56 4300
Cases, diagnostic, ear, nose and throat, unused	58 2199
Tents, unused, 2 man and 4 man mountain	69 5200
Watches, wrist	75 6100
Ship clocks, all types	75 6900
Tool kits, mechanics	96-75-3000
Tool kits, carpenter	96-75-3000
Tool kits, electrician	96-75-3000
Tool kits, sheet metal	96-75-3000
Tool kits, dock builders	96-75-3000
Tool kits, linesman	96-75-3000
Tool kits, plumbing	96-75-3000
Tool kits, forge	96-75-3000
Tool kits, cement finishers	96-75-3000
Tool kits, wire rope splicing	96-75-3000

SEATTLE REGION NO. 11

Vises, machinists	34 9315 75 3145
Motors, outboard	43 6430
Lanterns, electric portable	53 9290
Beds	54 2525
Cots, wooden	54 2385
Benches, shop, metal	54 5816
Lockers, shop, metal	54 7410
Binoculars, 6 x 30	56 4100
Parkas	67 3219 67 3300
Drills, hand, plain	75 32141

HELENA REGION NO. 29

Motors, electric, ½ hp., direct current	32 1312
Saw, electric, portable (woodworking)	33 6950
Grinder, bench	34 1584
Trailers, 1 ton, 2 wheel	45 3299
Glasses, field	56 4100
Tool kits, carpenter	96-75-3000

SALT LAKE CITY REGION NO. 30

Compressors, air, single acting, two stage mounted and not mounted, stationary and portable	31 21113 31 21114
Motors, electric, single phase, ½ hp., a. c. and d. c. current	32 1310
Cleaners, vacuum	32 8310
Irons, electric, household	32 8322
Range, home electric, 3 burner with or without oven	32 8410

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE VI—Continued

SALT LAKE CITY REGION NO. 30—continued

	Commodity code classification
Hot plates, electric	32 8450
Shapers, woodworking machine	33 6910
Welder arc, ½ hp. motor driven	34 5110
Drills, electric portable, ¼"	34 8320
Sander, portable, electric hand	34 8900
Bookkeeping (accounting) machine	38 1100
Washing machine, household	39 1110
Sewing machine, household	39 2000
Cash register, nonelectric	39 5200
Lawn mower	39 9910
Rafts, life, pneumatic	42 8100 59 1640
Trailer, ¼ ton	45 2199
Bicycle, men	49 1100
Wheelbarrow, metal r/whl	49 2210
Stove, gas 2 burner, portable	51 5370
Stove, gas 1 burner, Coleman	51 5370
Chair, folding, wood, W. D. W. O. arms	54 2319
Beds, single and double size, wood	54 23251
Chairs, dinette	54 2331
Tables, dinette	54 2333
Stools, office, rotary, 21 inch	54 3122
Files, card, 11 x 12 x 13	54 3141
Files, card, 12 x 16, 2 drawer, 3 x 5	54 3340
Files, card, 15 x 15, 2 drawer	54 3340
Safety cash deposit box	54 6102
Lockers, steel, 18 x 24 x 72	54 7311
Projector, 16 mm, sound	55 2120
Projector, W/CF	55 2200
Projector, lantern slides	55 2213
Glasses, field, 6 x 30	56 4100
Binocular, 7 x 50 mm	56 4300
Aspirating unit, dental	58 3007
Table, general operating	58 4130
Lamps, operating	58 4200
Sterilizer, instrument, electric	58 4310
Cabinet, dressing and supply, med. tld. type	58 4930
Transit, engineers	58 8720
Levels, engineers	58 8720
Compass, foresters	58 8740
Drafting tables	58 8320
Tent, mounted, 2 man complete with pins and pole, unused	69 5200
Vises, mechanics, bench [4]	75-3145-10
Vises, woodworker [4]	75-3145-20
Watch, pocket and wrist	75 6100
Toboggan, wood, military	79 17991
Instrument drawing set	96-58-8110
Tool kit sets, blacksmith w/ chest	96-75-3000
Tool kit sets, commissary w/ chest	96-75-3000
Tool kit sets, electrician	96-75-3000
Tool kit sets, carpenter	96-75-3000

SPOKANE REGION NO. 31

Truck, industrial fork lift, ½ ton	31 6111
Generator set, 2-8 kw., a. c.	32 1241
Compressor, unit dental	58 1690
Jackets, flying	67 3300

PORTLAND REGION NO. 32

Fan, electric, oscillating, 10" and 12" a. c.	32 8821
Bookkeeping machine, Model DC-44EK	38 1100
Recorder, time machine	38 6100
Clock, time stamping machine M-7400	38 6200
Machine, numbering	38 9900
Cash register, nonelectric	39 5200
Radio, ship equipment, M-SLR, 12-B	41 3490

[4] Not less than 10% reserve for veterans set-aside.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE VI—Continued

PORTLAND REGION NO. 32—continued

	Commodity code classification
Trailer, semi-tank, 2,000 gallon	45 21140
Trailer, semi-stake, 10 and 12½ ton	45 33121
Cart, food, nonelectric	51 6900
Table, utility, steel, 30" W x 121" L x 33" H	54 5813
Spyglass, O. M. with case, Code 624, MK III, 16 power	56 3100
Spyglass, Officer of Deck, Code 624, MK II, Model 2	56 3100
Binoculars, ship, 8 x 30	56 4000
Binoculars, Model O, 6 x 30 mm	56 4100
Binoculars, prism, U. S. N.	56 4300
Model 2, 7 x 50 mm.	
Model C, 7 x 50 mm.	
Model O, 7 x 50 mm.	
Model 4, 7 x 50 mm.	
Transit, with tripod, engineers	58 8720
Leveling rod, surveyors	58 8760
Dolly, converter, 8 and 10 ton	94 4520

LOS ANGELES REGION NO. 33

Rafts, life, pneumatic, 7 man capacity, MK 7 and Mark VII type	42 8110
Rafts, life, pneumatic, parachute type one man seat pack	42 8130
Parafat, MK, seat pack type, 1 man, unused	42 8130
Trailer, cargo, amphibian, ¼ ton	45 3299
Trailer, cargo, 1 ton	45 3299
Binoculars	56 4000
Raft, pneumatic, Army type 02, one man size 3' x 5'	59 1640
Jackets, flying Type ANJ-4, dark brown leather, sheep shearling lined, zipper front	67 3330
Jackets, flying Type B-10 cotton twill, O. D. lined with wool pile fabric, mouton collar	67 3330
Watch, navigation, Type A-11, wrist watch with sweep second hand, 15 and 16 jewel	75 6110
Watch, navigation, Type A-12, 24 hr. dial, pocket watch with sweep second hand 21 and 22 jewel	75 6110
Tool kits, painters and glaziers	96-75-3000
Tool kits, plumbers	96-75-3000

[F. R. Doc. 47-4557; Filed, May 12, 1947; 10:17 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 15—COAST GUARD GENERAL CLAIMS REGULATION

PART 20—PROCEDURES APPLICABLE TO THE PUBLIC

1. Part 15 is hereby revoked.

CROSS REFERENCE: Provisions relating to settlement of claims arising from actions of Coast Guard personnel, formerly contained in this part, appear in Part 3 of Title 31.

2. Subpart 20.30 (11 F. R. 177A-78) is hereby revoked.

CROSS REFERENCE: Provisions relating to settlement of claims arising from actions of Coast Guard personnel, formerly contained in this part, appear in 31 CFR Part 3.

(R. S. 161, sec. 1, 57 Stat. 372, sec. 1, 59 Stat. 662, sec. 1, Pub. Law 327, 79th Cong., 60 Stat. 56, sec. 1, Pub Law 466, 79th Cong., 60 Stat. 332, sec. 401–24, Pub. Law 601, 79th Cong., 60 Stat. 842; 5 U. S. C. 22; 31 U. S. C. Supp. V, 223b–d)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47–4461; Filed, May 12, 1947; 8:46 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter I—Bureau of Federal Supply, Department of the Treasury

PART 5—ORGANIZATION AND PROCEDURES

MOTOR ACCIDENT CLAIMS

Section 5.103 (11 F. R. 177A–100) is amended to read as follows:

§ 5.103 *Motor accident claims.* Procedures for the settlement of claims arising from actions of Treasury Department employees are published in 31 CFR Part 3.

(R. S. 161, sec. 2, 42 Stat. 1066, secs. 401–424, Pub. Law 601, 79th Cong., 60 Stat. 842; 5 U. S. C. 22, 31 U. S. C. 215)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47–4462; Filed, May 12, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Narcotics

[21 CFR, Ch. II]

AMIDONE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the provisions of section 1 of the act of March 8, 1946 (Public Law 320, 79th Cong.; 60 Stat. 38), section 4 of the Administrative Procedure Act (Public Law 404, 79th Cong.; 60 Stat. 238), and by virtue of authority vested in me by the Secretary of the Treasury (12 F. R. 1480), that a determination is proposed to be made that the new drug Amidone (4, 4 - Diphenyl - 6 - Dimethylamino-Heptanone-3) has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate.

Consideration will be given to any written data, views, or arguments, pertaining to the addiction-forming or addiction-sustaining liability of Amidone, which are received by the Commissioner of Narcotics prior to June 7, 1947. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of Amidone will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, Tower Building, Washington, D. C., at 10:00 a. m., June 6, 1947, provided that such person furnish written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D. C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommendation to the Secretary of the Treasury for a finding under section 1 of the Act of March 8, 1946 (Public Law 320, 79th Cong.; 60 Stat. 38).

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

[F. R. Doc. 47–4449; Filed, May 12, 1947; 10:27 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47–26]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, and 4491, as amended, 54 Stat. 163–167, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 375, 391a, 489, 526–526t, 50 U. S. C. 1275), and section 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals of equipment are prescribed effective upon date of publication of this document in the FEDERAL REGISTER.

BUOYANT CUSHIONS FOR MOTORBOATS

Approval No. A–333, Standard kapok buoyant cushion for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, (Manufactured by The American Pad and Textile Co., Greenfield, Ohio), submitted by Montgomery Ward and Co., 619 West Chicago Ave., Chicago 7, Ill.

Approval No. A–334, Standard kapok buoyant cushion for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, (Manufactured by The American Pad and Textile Co., Greenfield, Ohio), submitted by Sears Roebuck and Co., 925 South Homan Ave., Chicago 7, Ill.

Approval No. A–335, Standard kapok buoyant cushion for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Design Upholsterers, 1945 Spielbusch Ave., Toledo 2, Ohio.

Approval No. B–387, 13" x 18" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire (Manufactured by The American Pad and Textile Co., Greenfield, Ohio), submitted by Montgomery Ward and Co., 619 West Chicago Ave., Chicago 7, Ill.

Approval No. B–388, 14" x 18" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, The American Pad and Textile Co. Dwg. No. B–66, dated Feb. 23, 1946, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire (Manufactured by The American Pad and Textile Co., Greenfield, Ohio), submitted by Sears Roebuck and Co., 925 South Homan Ave., Chicago 7, Ill.

Approval No. B–389, 12" x 32" x 2" rectangular kapok buoyant cushion, 34 oz. kapok, Dwg. Nos. C–230 and A–175, dated April 21, 1947; Approval No. B–390, 12" x 40" x 2" rectangular kapok buoyant cushion, 43 oz. kapok, Dwg. Nos. C–232 and A–177, dated April 21, 1947; Approval No. B–391, 12" x 42" x 2", rectangular kapok buoyant cushion, 45 oz. kapok, Dwg. Nos. C–233 and A–178, dated April 21, 1947; Approval No. B–392, 14" x 46" x 2" rectangular kapok buoyant cushion, 57 oz. kapok, Dwg. Nos. C–234 and A–179, dated April 21, 1947; Approval No. B–393, 14" x 48" x 2" rectangular kapok buoyant cushion, 60 oz. kapok, Dwg. Nos. C–235 and A–180, dated April 21, 1947; Approval No. B–394, 14" x 52" x 2" rectangular kapok buoyant cushion, 65 oz. kapok, Dwg. Nos. C–236 and A–181, dated April 21, 1947; Approval No. B–395, 14" x 54" x 2", rectangular kapok buoyant cushion, 67 oz. kapok, Dwg. Nos. C–237 and A–182, dated April 21, 1947; for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire; manufactured by The American Pad and Textile Co., Greenfield, Ohio.

RELIEF VALVES FOR LIQUEFIED INFLAMMABLE GASES

Consolidated Safety steel relief valves, Dwg. No. W–9–B6, manufactured by Consolidated Safety Valve Division, Manning, Maxwell & Moore, Inc., Bridgeport, Conn. for various primary service pressures in the types and sizes listed below:

Types	Size (inches)	Pressure rating	Orifice area (square inches)
1610W–1611W–1612W	3	300	1.85
1610W–1611W–1612W	4	300	2.83
1613AW–1613BW	4	300	4.34
1610W–1611W–1612W	6	300	11.05
1612W	4	600	2.83

Dated: May 6, 1947.

[SEAL] J. F. FARLEY.
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 47–4460; Filed, May 12, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8799]

OTTO BARTEL

In re: Estate of Otto Bartel, deceased. File D–28–10683; E. T. sec. 15029.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Hedwig Davidsen and Magarethe Mizgajski, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Otto Bartel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Frieda Wolff, as Administratrix, acting under the judicial supervision of the County Court of Jefferson County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–4472; Filed, May 12, 1947; 9:28 a. m.]

[Vesting Order 8801]

WILHELMINA CAROLINE FISCHER

In re: Estate of Wilhelmina Caroline Fischer, deceased. D–28–3517; E. T. sec. 5744.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Fischer, Johanna Hoera, Anna Sommers, Minnie Brindl (Brindle) and Christina Fischer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs-at-law, names unknown, of Christian Fischer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Wilhelmina Caroline Fischer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Treasurer of Cook County, Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the heirs-at-law, names unknown, of Christian Fischer, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–4473; Filed, May 12, 1947; 9:28 a. m.]

[Vesting Order 8807]

ELIZABETH HOFFER PRESHING

In re: Estate of Elizabeth Hoffer Preshing, a/k/a Lizzie Preshing, deceased. File No. 017–19599.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Milhaly Hoffer and Mary Baranyai, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Elizabeth Hoffer Preshing, a/k/a Lizzie Preshing, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by Oscar Ambrus Bardy, as executor, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–4474; Filed, May 12, 1947; 9:28 a. m.]

[Vesting Order 8827]

MARGARETA BOGNER

In re: Estate of Margareta Bogner, deceased. File No. D–28–10652; E. T. sec. 15004.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conrad Kurz, whose last known address is Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the heirs, names unknown, of Conrad Kurz, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Margareta Bogner, deceased, is property payable or deliverable to, or claimed by, the afore-

said nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Joseph Bogner, as Executor of the Estate of Margareta Bogner, deceased, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

and it is hereby determined:

5. That to the extent that the above named person and the heirs, names unknown, of Conrad Kurz, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4475; Filed, May 12, 1947; 9:28 a. m.]

[Vesting Order 8830]

WILLIAM HIEMENZ

In re: Estate of William Hiemenz, deceased. File No. D-28-10224; E. T. sec. 14577.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lisbeth Hiemenz, Anna Hiemenz, Dr. Karl Hiemenz and Olga Eisen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the descendants (names unknown) of Lisbeth Heimenz; the descendants (names unknown) of Anna Hiemenz; the descendants (names unknown) of Dr. Karl Hiemenz; and the descendants (names unknown) of Olga Eisen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of and the trust created under the Will of William Hiemenz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Michael D. Reilly, Julia Hiemenz, and Liesel Hiemenz, as executors and trustees of the estate of William Hiemenz, deceased, acting under the judicial supervision of the Surrogate's Court, Albany County, State of New York;

and it is hereby determined:

5. That to the extent that the above named persons and the descendants (names unknown) of Lisbeth Hiemenz, the descendants (names unknown) of Anna Hiemenz, the descendants (names unknown) of Dr. Karl Hiemenz, and the descendants (names unknown) of Olga Eisen are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4476; Filed, May 12, 1947; 9:28 a. m.]

[Vesting Order 8831]

LOUISE ELISABETH KESSLER

In re: Estate of Louise Elisabeth Kessler, deceased. File No. D-28-11409; E. T. sec. 15642.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oskar Kessler, whose last last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Louise Elisabeth Kessler, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The German Society of the City of New York, as executor, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4477; Filed, May 12, 1947; 9:28 a. m.]

[Vesting Order 8832]

JOHANNA KUHR

In re: Estate of Johanna Kuhr, also known as Johanna Louisa Kuhr, deceased. File No. 017-21260.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Kuhr, Marie Damroth, also known as Mimi Damroth, Elfreda Wink, also known as Frieda Wink, and Theodora Wirtz, also known as Thea Wirtz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That the issue, names unknown, of Marie Damroth, issue, names unknown, of Elfreda Wink, and the issue, names unknown, of Theodora Wirtz, who there is a reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Johanna Kuhr, also known as Johanna Louisa Kuhr, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany);

4. That such property is in the process of administration by Mrs. Milka Harvey, as executrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Marie Damroth, issue, names unknown, of Elfreda Wink, and the issue, names unknown, of Theodora Wirtz, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4478; Filed, May 12, 1947; 9:28 a. m.]

[Vesting Order 8833]

DR. BENEDICT LUST

In re: Estate of Dr. Benedict Lust, deceased. File No. D-28-10777; E. T. sec. 15180.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Lust, Karl Lust, John Lust and Rosa Lust Miller whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Dr. Benedict Lust, deceased, is property payable or deliverable to or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Leo Lust, as Executor of the Estate of Dr. Benedict Lust, deceased, acting under the judicial supervision of the Morris County Orphans' Court, Morristown, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4479; Filed, May 12, 1947; 9:28 a. m.]

[Vesting Order 8842]

KAMEJIRO HASUIKE

In re: Bank account owned by Kamejiro Hasuike. F-39-3425-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kamejiro Hasuike, whose last know address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kamejiro Hasuike, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a checking account, evidenced by Receiver's Liability No. 26, entitled Kamejiro Hasuike, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4480; Filed, May 12, 1947; 9:28 a. m.]

[Vesting Order 8843]

TSUTOMU IMAMURA

In re: Bank accounts owned by Tsutomu Imamura. D-39-17948-E-1, D-39-17948-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsutomu Imamura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owning to Tsutomu Imamura, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 152719, entitled Tsutomu Imamura, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Tsutomu Imamura, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a checking account, evidenced by Receiver's Liability No. 43, entitled Tsutomu Imamura, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc 47-4481; Filed, May 12, 1947; 9:29 a. m.]

[Vesting Order 8854]

KAROLINE SCHROEDER

In re: Bank Account owned by Karoline Schroeder. F-28-3845-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karoline Schroeder, whose last known address is 42 Haltenhofstrasse, Hanover, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Karoline Schroeder by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, Account Number 3634, entitled Karoline Schroeder, maintained at the branch office of the aforesaid bank located at 706 Market Street, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4482; Filed, May 12, 1947; 9:29 a. m.]

[Vesting Order 8856]

MRS. GINDA SVIERDLOFF

In re: Debt owing to Mrs. Ginda Svierdloff. F-28-5662-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Ginda Svierdloff, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mrs. Ginda Svierdloff, by The American Express Company, Inc., New York Agency, 65 Broadway, New York, N. Y., in the amount of $2,386.66, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4483; Filed, May 12, 1947; 9:29 a. m.]

[Vesting Order 8857]

FRIEDA MARIE THEINER

In re: Bank account owned by Frieda Marie Theiner. F-28-26322-C-1, F-28-26322-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Marie Theiner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 22736, entitled I. F. Chapman or Tom F. Chapman, Trustees for Frieda Marie Theiner, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frieda Marie Theiner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4484; Filed, May 12, 1947; 9:29 a. m.]

[Vesting Order 8858]

FRITZ TIMM

In re: Bank account owned by Fritz Timm. F-28-26282-C-1, F-28-26282-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Timm, whose last known address is Wesselburen Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 20649, entitled Tom F. Chapman or I. F. Chapman, Trustees for Fritz Timm, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Timm, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4485; Filed, May 12, 1947; 9:29 a. m.]

[Vesting Order 8859]

HERMANN TIMM

In re: Bank account owned by Hermann Timm. F-28-26333-C-1, F-28-26333-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Timm, whose last known address is Krempel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 20643, entitled Tom F. Chapman or I. F. Chapman, Trustees for Hermann Timm, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hermann Timm, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4486; Filed, May 12, 1947; 9:29 a. m.]

[Vesting Order 8860]

WILLY TIMM

In re: Bank account owned by Willy Timm. F-28-25689-C-1, F-28-25689-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willy Timm, whose last known address is Krempel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 20639, entitled Tom F. Chapman or I. F. Chapman, Trustees for Willy Timm, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Willy Timm, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4487; Filed, May 12, 1947; 9:29 a. m.]

[Vesting Order 8861]

IDA VOGT ET AL.

In re: Bank account owned by Ida Vogt, Irmgard Schmidt, Ilse Dippel and Karl Vogt. F-28-28042-B-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Vogt and Irmgard Schmidt, each of whose last known address is Weimar, Germany, and Ilse Dippel and Karl Vogt, each of whose last known address is Hanover, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the First National Bank of Lincoln, Lincoln, Nebraska, arising out of a blocked account entitled Vogt Estate, by Meier & Meier, Attys., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ida Vogt, Irmgard Schmidt, Ilse Dippel and Karl Vogt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4488; Filed, May 12, 1947; 9:29 a. m.]

[Vesting Order 8864]

MARIA WESCH

In re: Bank account owned by Maria Wesch. F-28-24042-E-1, F-28-24042-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Wesch, whose last known address is 8 Salzmah Str., Hamburg 26, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 20706, entitled Tom F. Chapman or I. F. Chapman, Trustees for Maria Wesch, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Maria Wesch, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4489; Filed, May 12, 1947; 9:29 a. m.]

[Vesting Order 8865]

ALFRED R. WITTIG ET AL.

In re: Bank accounts owned by Alfred R. Wittig and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto, and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The Boston Five Cents Savings Bank, 30 School Street, Boston, Massachusetts, arising out of voluntary trust accounts, entitled and numbered as set forth opposite the names of the persons listed in the aforesaid Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alfred R. Wittig, Erich A. Wittig, also known as Enrich A. Wittig, Hans H. Wittig, and Rosemarie H. Wittig, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons listed in Exhibit A hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of owner	Title of accounts	Account No.	OAP No.
Alfred R. Wittig	Alfred G. Wittig, Tr. for Alfred R. Wittig	1037890	F-28-22789-E-1
Erich A. Wittig, also known as Enrich A. Wittig.	Alfred G. Wittig, Tr. for Enrich A. Wittig	1037889	F-28-22790-E-1
Hans H. Wittig	Alfred G. Wittig, Tr. for Hans H. Wittig	1037892	F-28-22791-E-1
Rosemarie H. Wittig	Alfred G. Wittig, Tr. for Rosemarie H. Wittig	1037891	F-28-22792-E-1

[F. R. Doc. 47-4490; Filed, May 12, 1947; 9:30 a. m.]

[Vesting Order 8866]

OLGA TEILKANPF WODRICH

In re: Bank account owned by Olga Teilkanpf Wodrich. D-28-10762-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olga Teilkanpf Wodrich, whose last known address is Dresden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Olga Teilkanpf Wodrich, by Bishop Trust Company, Limited, P. O. Box 2390, Honolulu, T. H., arising out of a deposit for the account of Olga Teilknapf Wodrich, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4491; Filed, May 12, 1947; 9:30 a. m.]

[Vesting Order 8867]

FLORENCE YAJIMA AND TOKUSUKE YAJIMA

In re: Bank accounts owned by Florence Yajima and Tokusuke Yajima, also known as T. Yajima and as Tokusukei Yajima. D-39-13495-E-2; D-39-13495-E-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Florence Yajima and Tokusuke Yajima, also known as T. Yajima and as Tokusukei Yajima, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Florence Yajima and Tokusuke Yajima, also known as T. Yajima and as Tokusukei Yajima, by The Lincoln Savings Bank of Brooklyn, 7427-5th Avenue, Brooklyn, New York, arising out of a Savings Account, Account Number Y-223, entitled Florence or Tokusukei Yajima, as joint tenants payable to either or to the survivor, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Florence Yajima and Tokusuke Yajima, also known as T. Yajima and as Tokusukei Yajima, by The National City Bank of New York, 55 Wall Street, New York, N. Y., arising out of a Compound Interest Account, Account Number BL25610, entitled Mr. T. Yajima and/or Mrs. Florence Yajima, maintained at the branch office of the aforesaid bank located at 8515 Fourth Avenue, Brooklyn 9, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4492; Filed, May 12, 1947; 9:30 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD CO.

NOTICE OF PETITION FOR MODIFICATION

On July 3, 1946, pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture issued an order prescribing temporary rates and charges for the respondent for the period ending July 8, 1947.

By a petition filed on April 29, 1947, the respondent has requested that the rates and charges prescribed in the order of July 3, 1946, be made permanent.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon be respondent by registered mail or in person.

Done at Washington, D. C., this 7th day of May 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-4494; Filed, May 12, 1947; 9:43 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2839]

WESTERN AIR LINES, INC. AND UNITED AIR LINES, INC.

NOTICE REASSIGNING HEARING

In the matter of the application of Western Air Lines, Inc., and United Air Lines, Inc., under sections 401, 408 and 412 of the Civil Aeronautics Act of 1938, as amended, for an order approving an agreement for the sale of certain properties and the transfer and amendment of a certificate of public convenience and necessity for route No. 68, and amendment of a certificate of public convenience and necessity for route No. 1.

Notice is given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, originally set for May 5, 1947, and indefinitely postponed, is hereby reassigned to be held on May 20, 1947, at 10 a. m., eastern standard time, in Conference Room B, Departmental Auditorium, Constitution Ave. between 12th and 14th Streets NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated Washington, D. C., May 6, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4456; Filed, May 12, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

Docket No. G-669

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF ORDER MODIFYING OPINION

Notice is hereby given that, on May 8, 1947, the Federal Power Commission issued its order entered May 6, 1947, modifying Opinion 147 and order in relation thereto of November 30 and supplemental order in connection therewith of December 30, 1946, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4448; Filed, May 12, 1947; 8:45 a. m.]

[Docket No. G-875]

INDUSTRIAL GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the petition filed March 3, 1947, in Docket No. G-875, by Industrial Gas Corporation (Petitioner), a West Virginia corporation with its principal place of business at Charleston, West Virginia, pursuant to section 7 of the Natural Gas Act, as amended, for an order directing Tennessee Gas and Transmission Company to deliver and sell natural gas to Petitioner at an existing interconnection of its pipe line with the main natural gas transmission line of Tennessee Gas and Transmission Company at a point near Dixon, Wayne County, West Virginia;

It appearing to the Commission that:

(a) Petitioner requests the issuance of the order prayed for in order that it may secure such quantities of natural gas as it may need to serve its customers;

(b) Due notice of the filing of the petition herein has been given, including publication of notice of such filing in the FEDERAL REGISTER on March 28, 1947, in Volume 12 at page 2062 thereof;

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 12th day of June, 1947, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the petition filed in the above-entitled proceeding.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4469; Filed, May 12, 1947; 8:48 a. m.]

[Docket No. G-879]

WEST TEXAS GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed March 17, 1947, in Docket No. G-879, by West Texas Gas Company (Appli-

cant), a Delaware Corporation, with its principal place of business at Lubbock, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct, install and operate the following described natural gas pipeline facilities subject to the jurisdiction of the Federal Power Commission.

(a) One 400-BHP gas engine driven compressor unit at Turkey Creek Compressor Station.

(b) Gas Cooling facilities and dehydration contactor at Turkey Creek Compressor Station.

(c) Four 17-inch power cylinders on compressor units at McSpadden Compressor Station, replacing four worn 16-inch power cylinders.

(d) Clearance unloader valves on compressor cylinders of all units at McSpadden Compressor Station.

(e) Standard steel building construction replacing non-fireproof portion of compressor building at McSpadden Compressor Station.

(f) 250-barrel water storage tank at McSpadden Compressor Station.

(g) Two 300-BHP gas engine driven compressor units at Plainview Compressor Station.

(h) New water-well pumping facilities at Plainview Compressor Station.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the above-described facilities for the purpose of increasing the amount of gas in its system to meet peak-day demands of a growing market demand by improving the transmission equipment through enlargements and replacements of certain elements of the system hereinbefore described.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 9, 1947 (12 F. R. 2340);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 2d day of June 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matter of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however*, If no request to be heard, protest, or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4468; Filed, May 12, 1947; 8:48 a. m.]

[Docket No. G-884]

SOUTHERN NATURAL GAS CO.

NOTICE OF AMENDMENT TO APPLICATION

MAY 6, 1947.

Notice is hereby given that on May 1, 1947, Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in Birmingham, Alabama, and authorized to do business in the States of Alabama, Georgia, Louisiana, Mississippi, and Texas, filed an amendment to its application filed on March 31, 1947, striking out of its application Items (C), (D), (E), (F), (G) (1), (G) (4), and (J), and Exhibits C, C-1, E, and G-4 and substituting in lieu thereof amended Items (C), (D), (E), (F), (G) (1), (G) (4), and (J), and amended Exhibits C, E, and G-4. The application, as amended, is for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following-described facilities:

I. *New line from the Gwinville gas field, Jefferson County, Mississippi, to Atlanta, Georgia.* This will comprise approximately 375 miles of 24-inch line and stream crossings, cross connections with Applicant's Montgomery branch, measuring facilities and appurtenances.

The application recites that when operated at an initial pressure of 1,000 p. s. i. this line will have, without installation of compressing facilities, a daily delivery capacity of 215,000 Mcf at Atlanta, in addition to contemplated daily deliveries at periods of peak demand of 10,000 Mcf at intervening points, and that the delivery capacity of the present system to Atlanta is 106,000 Mcf per day which would then become available for delivery at other points on the present system.

II. *Extensions to LaGrange, Georgia and adjacent communities.* This will comprise approximately 6 miles of 4½-inch lateral lines and 6 miles of 6⅝-inch lateral lines extending from the new line described in paragraph I above to LaGrange and West Point, Georgia, and Lanett, Shawmut, Langdale, Fairfax and Riverview, Alabama. In the event Applicant makes contracts for delivery of gas for distribution in other communities adjacent to the new line, this extension will also include lateral lines and measuring equipment, or such portions thereof as Applicant may agree to construct, of appropriate sizes to supply such communities.

III. *Trunk line.* A 16-inch line extending approximately 225 miles due east to the vicinity of Colfax, Georgia, from the point on the proposed 24-inch Gwinville-Atlanta line where said line bends northeasterly towards Atlanta, Georgia. The capacity of this line is 203,900 Mcf.

IV. *Extensions from 16-inch line.*—(a) *Tallahassee Line.* An 8⅝-inch line, having a daily delivery capacity of 27,500 Mcf, extending 56.4 miles south from Compressor Station B on the 16-inch line to Albany, Georgia, reduced to 6⅝-inch pipe for 53.0 miles from Albany to Thomasville, Georgia, with 4½-inch laterals to Cordele, Moultrie, and Cairo, Georgia, and Tallahassee, Florida, and with a 4½-inch lateral through Quitman to Valdosta, Georgia.

(b) *Jacksonville Line.* A 10¾-inch line, having a daily capacity of 47,500 Mcf, extending southeasterly 147.5 miles from the vicinity of Covena, Georgia to the junction with the Fernandina branch, and continuing as an 8⅝-inch line 18 miles long to Jacksonville, Florida. Extending 59 miles southeasterly from the junction at Compressor Station E is a 6⅝-inch lateral to Brunswick. The Fernandina-St. Marys lateral is an 8⅝-inch line extending 15.3 miles to the point where 6⅝-inch branch lines extend respectively 10 miles to Fernandina and 21 miles to St. Marys. There is also a 12.2 mile lateral of 4½-inch pipe to Waycross, Georgia.

(c) *Savannah Line.* A 10¾-inch line, having a daily delivery capacity of 45,000 Mcf extending 54.2 miles from the Colfax terminus of the 16-inch line to Savannah, Georgia.

(d) *Georgetown Extension.* A 14-inch line, having a daily delivery capacity of 78,500 Mcf, extending 54.4 miles from the Colfax terminus of the 16-inch line to Compressor Station D, located at the junction of the Augusta Line. From this point to the junction of the Charleston Line, the line is reduced to a 12¾-inch line, where it is further reduced to a 8⅝-inch line extending to the easterly terminus at Georgetown, South Carolina. This extension will supply the following branch lines.

(1) *Augusta Line.* An 8⅝-inch line extending 46.7 miles from Compressor Station D in the vicinity of Allendale, South Carolina to the Aiken, South Carolina junction with 6⅝-inch branches to Augusta (4.8 miles) and Aiken (18.3 miles). The daily delivery capacity of the Augusta Line is 21,750 Mcf.

(2) *Columbia Line.* An 8⅝-inch line, having a daily delivery capacity of 14,000 Mcf, extending 55.6 miles north from the vicinity of Branchville, South Carolina.

(3) *Charleston Line.* An 8⅝-inch line, having a daily capacity of 20,200 Mcf, extending 46 miles from the Georgetown line to Charleston, South Carolina.

V. The location, rated horsepower and capacity of proposed compressor stations are as follows:

Compressor Station A of 9,000 installed horsepower (8,720 active H. P.) with a delivery capacity of 203,900 Mcf, will be located on the 16-inch line 21 miles west of its junction with the Gwinville-Atlanta 24-inch line.

Compressor Station B of 9,000 installed horsepower (8,660 active H. P.), with a delivery capacity of 201,400 Mcf, will be located on the 16-inch line 56 miles east of Compressor Station A, at its junction with the Tallahassee line.

Compressor Station C of 8,000 installed horsepower (7,420 active H. P.), with a delivery capacity of 171,100 Mcf, will be located on the 16-inch line 69 miles east of Compressor Station B.

Compressor Station D of 4,000 installed horsepower, with a delivery capacity of 78,300 Mcf will be located on the Georgetown Extension at its junction with the Augusta Branch.

Compressor Station E of 1,600 installed horsepower, having a delivery capacity of 47,000 Mcf will be located on the Jacksonville Line at its junction with the Brunswick lateral.

The pipelines will include multiple line crossings at 27 major streams, and the compressor stations will include coolers, water systems and other appurtenances.

Meter and regulator stations of appropriate capacities will be located at all city and town gates and industrial delivery points. All facilities will be operated as an integral part of Applicant's system.

All lines will be operated at maximum pressures of 1080 p. s. i. with delivery pressures of not less than 50 p. s. i. The maximum day demand on this system is estimated to be 203,925 Mcf.

Applicant states that the Gwinville-Atlanta line has been designed to provide additional capacity for the markets served by the eastern portion of Applicant's system and to serve as a base for supplying the new markets herein mentioned; that the facilities proposed in Docket No. G-796 will probably prove adequate to supply the requirements of Applicant's present markets and the territory embraced within the extensions contemplated therein for only a few years but thereafter at least a portion of the capacity of the Gwinville-Atlanta line will be needed for the purpose of supplying such markets; and that the Gwinville-Atlanta line will provide sufficient excess capacity to cover not only requirements of present markets but also to supply the South Georgia-North Florida-South Carolina territory, the communities and industries of which have requested and need natural gas service. Applicant further states that this 24-inch Gwinville-Atlanta line, when operated with compressors at 1,000 pounds pressure, will have a capacity of 540,000 Mcf per day.

Applicant estimates the total over-all capital cost of the proposed facilities to be approximately $43,625,895. Information with respect to Applicant's plans for financing the project is to be supplied by amendment.

Applicant states that the rates to be charged for gas sold from the proposed Gwinville-Atlanta line and the extensions therefrom to La Grange, Georgia and adjacent communities are those specified in Applicant's present rate schedules applicable in the respective area as filed with the Federal Power Commission, except that sales in West Point, Georgia would be made under Applicant's rate schedules applicable in the State of Alabama.

Applicant further states it proposes to sell natural gas from the other facilities proposed herein at rates comparable with the present rate schedules, with appropriate allowances for the greater distances involved in supplying the markets to be supplied by such facilities, possible increases in cost of natural gas and other factors which may affect to some extent both capital cost and operating expenses.

Any interested State commission is requested to notify the Federal Power Commission whether the application, as amended, should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application, as amended, of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person (unless permission to intervene in the original application has already been granted by the Commission) desiring to be heard or to make any protest with reference to the application, as amended, shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4470; Filed, May 12, 1947; 8:48 a. m.]

[Docket No. G-892]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 6, 1947.

Notice is hereby given that on April 22, 1947, Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation having its principal place of business at Charleston, West Virginia, and authorized to do business in the States of Kentucky and West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain facilities, hereinafter described, for the purpose of delivering additional quantities of natural gas to The Cincinnati Gas & Electric Company (Cincinnati) and The Union Light, Heat & Power Company (Union), both existing customers of Applicant.

Applicant seeks authorization to construct and operate the following-described facilities:

(1) 23.2 miles of 24-inch O. D. gas transmission pipeline extending from a point near Foster, Kentucky, to a point on the Ohio River near, Brent, Kentucky.

(2) A multiple river crossing approximately 3,500 feet in length and consisting of 4 lines of 12¾-inch O. D. pipe, across the Ohio River from a point near Brent, Kentucky, terminating on the Ohio side of the river near California, Ohio, where it will connect with a pipe line to be constructed by Cincinnati extending from said point to Cincinnati's East Works, a distance of approximately 5.3 miles.

(3) A multiple river crossing, approximately 3,500 feet in length and consisting of 2 lines of 12¾-inch O. D. pipe, across the Ohio River near Covington, Kentucky, terminating on the Ohio side of the river near Cincinnati's West Works.

(4) A measuring and regulating station and office near Cold Spring, Kentucky, to replace the measuring and regulating station at Johns Hill, Kentucky.

The application recites that the actual peak day delivery to Cincinnati and Union by Applicant in the winter of 1946-47 (February 4, 1947) was 99,876 Mcf as compared with an estimated peak day requirement in that winter of 99,000 Mcf. It is further stated that on the basis of information furnished by Cincinnati to Applicant, the estimated peak day requirements of Cincinnati and Union from Applicant, during the winter of 1947-48, with restrictions by said companies on the sale of gas for house heating which were placed in effect on March 17, 1947, is estimated at 123,200 Mcf. Without such restrictions the peak day requirements from Applicant are estimated to be 154,600 Mcf. It is stated that the estimated peak day gas requirements of Cincinnati and Union from Applicant for the winter season of 1947-48 to 1950-51, inclusive, are such that the proposed facilities are necessary to supply the additional requirements, and that the construction of these facilities is necessary in order for Applicant to maintain and provide adequate and continued service to its present markets and are not being constructed by Applicant to serve additional markets.

Applicant states that it is a part of the Charleston Group of Columbia Gas & Electric Corporation System and that the statement of gas reserves, as of December 31, 1946, of the Columbia Gas

System was filed as Exhibit "F" in Docket G–849 [1] and is incorporated in this proceeding by reference.

The estimated total over-all capital cost of the proposed facilities is $1,933,000. Columbia Gas & Electric Corporation will either itself provide or cause to be provided from other sources such funds as may be required for the construction of the proposed facilities.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Central Kentucky Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–4466; Filed, May 12, 1947; 8:47 a. m.]

[Docket No. IT–6059]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

MAY 7, 1947.

Notice is hereby given that on May 5, 1947, an application was filed with the Federal Power Commission, pursuant to sections 203 and 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and carrying on electric and gas utilities business in the States of Montana, North Dakota and South Dakota, and a gas utility business in the State of Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the purchase of all the outstanding Common Stock of Sheridan County Electric Company (hereinafter called "Sheridan"), a New Jersey corporation, from Gerald L. Schlessman, consisting of 6,500 shares of Common Stock of par value of $100 per share for a base price of $773,000, plus an amount equal to interest on said base price at the rate of 4% for the period from June 1, 1947, to the closing date. Applicant will liquidate Sheridan immediately upon the acquisition of its Common Stock and seeks an order authorizing the acquisition of all of the electric facilities and properties of Sheridan, located in and near Sheridan, Wyoming. Applicant also seeks authority to assume $750,000 in principal amount of outstanding Sheridan First Mortgage 3½% Bonds issued October 1, 1946, and maturing on October 1, 1966; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 26th day of May 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–4467; Filed, May 12, 1947; 8:47 a. m.]

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[1] See notice of application published January 24, 1947, 12 F. R. 508.

INTERSTATE COMMERCE COMMISSION

[S. O. 729]

UNLOADING OF CARS AT WENATCHEE, WASH.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of May A. D. 1947.

It appearing, that 11 cars containing various commodities at Wenatchee, Washington, on the Great Northern Railway Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Cars at Wenatchee, Wash., be unloaded.* The Great Northern Railway Company, its agents or employees, shall unload immediately the following cars now on hand at Wenatchee, Washington, consigned shippers order, notify Northwest Chemurgy Company:

Car initial and No.	Contents
MILW, 714517	Starch.
ATSF, 141164	Starch.
MoPac, 32267	Starch.
PRR, 104886	Starch.
C&O, 8836	Starch.
L&N, 91306	Starch.
L&N, 15310	Bottles.
NP, 28200	Bottles.
RI, 202501	Barrels.
CBQ, 46295	Barrels.
RDG, 105100	Carbon.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47–4451; Filed, May 12, 1947, 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–51 and 59–12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of May A. D. 1947.

In the matter of Electric Bond and Share Company et al., National Power & Light Company et al., File No. 54–51, Application 10, Part E; Electric Bond and Share Company, National Power & Light Company et al., File No. 59–12.

National Power & Light Company (National), a registered holding company subsidiary of Electric Bond and Share Company (Bond and Share), also a registered holding company, having filed Application 10 under a plan for compliance with section 11 (b) of the Public Utility Holding Company Act of 1935 proposing therein a program for its dissolution in compliance with an order of this Commission dated August 23, 1941; and

The Commission by order dated May 27, 1946 having approved as Part E of said Application 10 a plan pursuant to section 11 (e) of the act for the compromise, settlement and discharge of various claims involving Bond and Share and its wholly owned service company subsidiaries, Ebasco Services, Inc., and Phoenix Engineering Corporation on the one hand, and National, its subsidiaries, and certain of its former subsidiaries on the other hand; and

The Commission in said order of May 27, 1946 having reserved jurisdiction with respect to all legal fees and expenses to be paid in connection with said plan except certain fees specifically provided for in said plan;

Notice is hereby given that Israel Beckhardt, attorney for Eli Auerbach, a stockholder of National, has filed an application requesting reimbursement for fees and expenses in the amount of $75,000.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held on said application:

It is hereby ordered, That the record in the proceedings relating to said plan be reopened and that the hearings be reconvened on May 16, 1947 at 11:00 a. m., e. d. s. t., for the purpose of considering said application of Israel Beckhardt, such hearings to be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the room to be designated by the Hearing Room Clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission on or before May 12, 1947 a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by said application particular attention will be directed at the hearing to the following matters and questions:

1. Whether Israel Beckhardt, attorney for Eli Auerbach, performed any services in connection with Part E of Application 10 for which he should be compensated by National.

2. Whether, in the event the said Israel Beckhardt is entitled to compensation from National, the amount claimed by him is reasonable, and if such amount is not reasonable what fee should be allowed.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to Electric Bond and Share Company, National Power & Light Company, and Israel Beckhardt; and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47–4454; Filed, May 12, 1947; 8:45 a. m.]

[File No. 70–1501]

UTAH POWER & LIGHT CO. AND THE WESTERN COLORADO POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of May A. D. 1947.

Notice is hereby given that a joint application-declaration and amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Utah Power & Light Company ("Utah"), a registered holding company, and its wholly-owned electric utility subsidiary, The Western Colorado Power Company ("Colorado"). Applicants-declarants designate sections 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rules U-23 and U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 21, 1947, said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Colorado has presently outstanding 75,000 shares of common stock of the par value of $20 per share, all of which is owned by Utah. Colorado proposes to issue not to exceed 12,500 additional shares of its common stock, and Utah proposes to purchase said shares for a cash consideration of $250,000, the proceeds to be used by Colorado in connection with its construction program.

It is stated that the issuance and sale of common stock by Colorado is subject to the jurisdiction of the Public Utilities Commission of Colorado and that when such approval is obtained, a copy thereof will be filed by amendment to the application-declaration.

The application-declaration requests that the Commission's order granting the application and permitting the declaration, as amended, to become effective be issued as promptly as may be practicable and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47–4455; Filed, May 12, 1947; 8:45 a. m.]

[File No. 70–1514]

SOUTHERN NATURAL GAS CO. AND FEDERAL WATER AND GAS CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of May A. D. 1947.

Notice is hereby given that Southern Natural Gas Company ("Southern Natural"), a registered holding company and a subsidiary of Federal Water and Gas Corporation ("Federal"), a registered holding company, and Federal have filed, respectively, a declaration and an application pursuant to the Public Utility Holding Company Act of 1935. The filings designate sections 10 and 12 (f) of the act and Rules U–23 and U–43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may not later than May 19, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, or either of them, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said filings proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter (unless the Commission should prior thereto, at the request of any interested person or on its own motion, order a hearing thereon) said application and declaration, as filed or as amended, may be granted or may be permitted to become effective as provided in Rule U–23 of the rules and regulations promulgated under said act, or as otherwise provided under said act and rules and regulations, or the Commission may exempt such transactions, or either of them, as provided in Rules U–20 (a) and U–100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application and declaration which are on file in the office of the Commission, for a statement of the transactions therein proposed which are summarized below:

Southern owns, among other things, all the outstanding common stock, consisting of 1,409,212 shares, of its non-utility subsidiary, Southern Production Company, Inc. ("Production"). Southern has outstanding a corresponding number of shares of common stock. It is contemplated that the Board of Directors of Southern will declare a dividend consisting of all the shares of common stock of

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Production payable pro rata at the rate of one share of the common stock of Production for each share of the common stock of Southern; said dividend to be charged to earned surplus. Federal, as the owner of 765,022 shares of the common stock of Southern, will thereby receive a like number of shares of Production. Federal states that it intends to retain such shares of the common stock of Production for such period of time as would be required to effectuate the dissolution of Federal pursuant to a plan to be filed with this Commission as soon as possible after the United States Supreme Court hands down its decision in "Securities and Exchange Commission v. Chenery Corporation, et al."

The applicant and declarant request that the Commission's order be issued as soon as possible, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4453; Filed, May 12, 1947; 8:45 a. m.]

[File No. 70-1517]

NORTH AMERICAN CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of May 1947.

Notice is hereby given that The North American Company ("North American"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). North American designates sections 12 (c) and 12 (d) of the act and Rules U-44 and U-46 of the general rules and regulations promulgated thereunder as being applicable to the transactions proposed.

All interested persons are referred to the declaration which is on file in the office of this Commission for a statement of the transactions proposed, which are summarized as follows:

North American, which presently owns 2,493,710 shares of Common Stock, $10 par value, of Wisconsin Electric Power Company ("Wisconsin Electric"), proposes to distribute certain of those holdings in partial liquidation to the stockholders of North American as follows: 2½ shares of Wisconsin Electric Common Stock for each 100 shares of North American Common Stock held of record on June 12, 1947, will be distributed on July 15, 1947; and 5 shares of Wisconsin Electric Common Stock for each 100 shares of North American Common Stock will be distributed in October 1947. The latter proposed distribution has not yet been specifically authorized by the Board of Directors of North American which, it is stated, is expected to act subsequent to the July 15, 1947 distribution.

No fractional shares of Wisconsin Electric Common Stock will be issued. In lieu thereof, North American proposes to distribute Participating Units of Beneficial Ownership in Deposited Shares of Wisconsin Electric Common Stock. Such Participating Units will be issued by Bankers Trust Company, New York, New York, acting as Depositary under a Deposit Agreement whereby 40 Participating Units will be issued for each share of Wisconsin Electric Common Stock deposited by North American. Certificates for Participating Units will be in transferable registered form and holders may surrender on or before June 30, 1949, Certificates representing an aggregate of 40 Participating Units or any multiple thereof in exchange for full shares of Wisconsin Electric Common Stock together with a pro rata share of any dividends or other distribution received by the Depositary on the Common Stock held, but without interest. As soon as practicable after June 30, 1949, the Depositary will reduce to cash all holdings under the Deposit Agreement and owners of Certificates for Participating Units will be entitled to a pro rata share of such cash upon surrender of such Certificates on or before June 30, 1955. After June 30, 1955, the Certificates for Participating Units will be entirely void and the funds held by the Depositary will be paid to Wisconsin Electric. North American will pay fees and expenses of the Depositary arising on or before June 30, 1949; all other fees and expenses will be paid by holders of the Certificates.

North American proposes to charge to Capital Surplus an amount equal to the carrying value (approximately $7,959,000) of the 642,949 shares proposed to be distributed together with expenses of the distributions, and to transfer to Capital Surplus from its Reserve for Contingencies originally provided from Capital Surplus an amount equal to the proposed charge.

North American represents that the proposed distributions will be steps in compliance with the Commission's order dated April 14, 1942, directing, among other things, that North American divest itself of its interest in Wisconsin Electric, and will be steps in carrying out North American's Amended Plans pursuant to section 11 (e) of the act, filed with the Commission on January 6, 1947. North American requests that any order of the Commission approving the proposed distributions conform to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration, and that said declaration should not be permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said declaration under the applicable provisions of the act and the rules and regulations promulgated thereunder be held at 10:00 a. m., e. d. s. t., on the 22d day of May 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why said declaration should be permitted to become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission, designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed distributions are detrimental to the carrying out of the provisions of section 11 (b) of the act; and specifically whether the proposed distributions constitute appropriate steps in compliance by North American with the Commission's order, dated April 14, 1942, pursuant to section 11 (b) (1) of the act;

(2) Whether the proposed Deposit Agreement with Bankers Trust Company is necessary and appropriate;

(3) Whether fees and expenses to be paid in connection with the proposed distributions of Common Stock and Participating Units are reasonable and appropriate;

(4) Whether the accounting entries proposed to be made to reflect the proposed distributions are proper and in accordance with sound accounting principles;

(5) What terms and conditions, if any, with respect to the proposed distributions should be prescribed in the public interest or for the protection of investors or consumers;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before May 20, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to The North American Company and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4452; Filed, May 12, 1947; 8:45 a. m.]

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FEDERAL REGISTER

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Washington, Wednesday, May 14, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 01—ORGANIZATION AND OFFICIAL RECORDS OF THE COMMISSION

EXAMINING AND PLACEMENT DIVISION

1. Section 01.9 (a) (3) is amended to read as follows:

§ 01.9 *Examining and Placement Division*—(a) *Organization.* * * *

(3) *The Social Science Placement Section.* This section comprises the examination units having responsibilities with respect to positons in the fields of social services, economics, accounting and allied occupations, and the various phases of administrative management.

2. Subparagraphs (2) (ii) and (iii) of § 01.9 (b) are amended to read as follows:

(b) *Delegations of authority.* * * *

(2) *By the division.* * * *

(ii) *To departments and agencies.* Certain phases of the review of applications involving acceptability from the standpoint of legal requirements for Federal service, for example, proof of citizenship, proof that the requirement limiting the number of members of the same family who may be employed in the Federal service has been met, proof of military service and honorable discharge in case of five point war veterans; audit of declaration of appointees; determination of experience, training, or educational qualification for transfer, reinstatement, or promotions (under standards and with limitations prescribed by the Commission); where a Committee-type examination is involved, maintenance of the registers of eligibles, certification of eligibles, and audit of reports on certificates (exclusive of authority to act on objections or to determine the sufficiency of reasons for passing over veterans).

(iii) *To committees of expert examiners.* Where a Committee-type examination is involved, rating of hand-scored assembled or unassembled examination papers; securing of corroborative information regarding experience; acting on original appeals on ratings other than the written test in machine-scored examinations; preparing registers (subject to Commission approval); considering objections offered by the appointing officer and making final decision that objections may not be sustained.

(Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 633)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-4510; Filed, May 13, 1947; 8:45 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS (APPENDIX)

DELEGATION OF AUTHORITY TO SUGAR RATIONING ADMINISTRATION

CROSS REFERENCE: For delegation of authority from the Secretary of Agriculture to the Sugar Rationing Administration of certain authority, powers and functions transferred to the Secretary of Agriculture by Executive Order No. 9841, see F. R. Document No. 47-4602, Title 32, Chapter VII, Part 705, *infra*.

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Tobacco 13, Part II (1947)]

PART 725—BURLEY AND FLUE-CURED TOBACCO

SUBPART—1947-48 MARKETING YEAR

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AUTHORITY: §§ 725.330 to 725.360, inclusive, issued under 52 Stat. 38, 40, 42, 47, 48, 65, 66, 202, 204, 586; 53 Stat. 1261, 1262; 54 Stat. 393, 394, 727, 728; 57 Stat. 387; 58 Stat. 136; 60 Stat. 21; 7 U. S. C. and Sup., 1301–1393.

GENERAL

§ 725.330 *Basis and purpose.* Sections 725.330 to 725.360, inclusive, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of flue-cured and Burley tobacco during the 1947–48 marketing years. Prior to preparing §§ 725.330 to 725.360, inclusive, public notice (12 F. R. 235) of their formulation was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views and recommendations pertaining to §§ 725.330 to 725.360, inclusive, which were submitted have been duly considered within the limits prescribed by the act, in formulating the procedural provisions of §§ 725.330 to 725.360, inclusive.

§ 725.331 *Definitions.* As used in §§ 725.330 to 725.360, inclusive, and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "County committee" means the group of persons elected within a county to assist in the administration of the Agricultural Conservation Program in such county.

(c) "Dealer or buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(d) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Field Service Branch, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(e) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of a county committee whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(f) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehouseman for sale in the form accumulated. Floor sweepings shall not include tobacco defined as "pick-ups."

(g) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 725.330 to 725.360, inclusive, relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(h) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(i) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(l) "Pick-ups" means any tobacco previously marketed at auction but not delivered to the buyer because of rejection by the buyer, loss of identification, or any other reason. Pick-ups shall include any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business.

(m) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds thereof.

(n) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(o) "Resale" means the disposition by sale, barter, exchange or gift inter vivos, of tobacco which has been marketed previously.

(p) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(q) "Scrap tobacco" means the residue which accumulates in the course of preparing flue-cured tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(r) "Secretary" means the Secretary or Acting Secretary of Agriculture of the United States.

(s) "State Committee" means the group of persons designated as the State Committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs withn the State.

(t) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(u) "Tobacco" means flue-cured tobacco types 11, 12, 13, and 14, or Burley tobacco, type 31, as classified in Service and Regulatory Announcement No. 118 (7 CFR, Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either flue-cured or Burley tobacco shall be considered flue-cured or Burley tobacco, as the case may be, regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(v) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1947 and all tobacco produced on the farm prior to the calendar year 1947 and carried over to the 1947–48 marketing year, which is not disposed of in accordance with § 725.343.

(w) "Tobacco subject to marketing quotas" means:

(1) Any flue-cured tobacco marketed during the period July 1, 1947 to June 30, 1948, inclusive, and any flue-cured tobacco produced in the calendar year 1947 and marketed prior to July 1, 1947.

(2) Any Burley tobacco marketed during the period October 1, 1947 to September 30, 1948, inclusive, and any Burley tobacco produced in the calendar year 1947 and marketed prior to October 1, 1947.

(x) "Trucker" means a person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(y) "Warehouseman" means a person engaged in the business of holding sales of tobacco at public auction at a warehouse.

(z) "Warehouse sale" means a marketing by a sale at public auction through a warehouse in the regular course of business.

§ 725.332 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration shall cause to be prepared and issued such instructions and forms as may be necessary for carrying out §§ 725.330 to 725.360, inclusive.

§ 725.333 *Extent of calculations and rule of fractions.* (a) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than a tenth shall be dropped.

(b) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 725.334 *Amount of farm marketing quota.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with §§ 725.311 to 725.326, inclusive (Tobacco 13, Part I, Flue-cured and Burley Tobacco Marketing Quota Regulations, 1947–48, as amended) (11 F. R. 10251; 12 F. R. 61). The actual production of the farm acreage allotment shall be the

average yield per care of the entire acreage of tobacco harvested on the farm in 1947 times the farm acreage allotment. The excess tobacco on any farm shall be (a) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1947 times the number of acres harvested in excess of the farm acreage allotment, plus (b) any quantity of tobacco carried over from a prior marketing year which, if marketed during the 1946–47 marketing year, would have been subject to penalty when marketed. The acreage of tobacco determined for a farm for the purpose of issuing the correct marketing card for the farm, as provided in § 725.336, shall be considered the harvested acreage for the farm unless the farm operator furnishes proof satisfactory to the county committee that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage harvested will be disposed of other than by marketing.

§ 725.335 *No transfers.* There shall be no transfer of farm marketing quotas.

§ 725.336 *Issuance of marketing cards.* A marketing card shall be issued for every farm having tobacco available for marketing. Subject to the approval of the county committee, two or more marketing cards may be issued for any farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the office of the county committee of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been reported to the county committee as having been lost, destroyed, or stolen.

(a) *Within Quota Marketing Card (Tobacco 20).* A Within Quota Marketing Card authorizing the marketing without penalty of the tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1947 is not in excess of the farm acreage allotment; if any excess tobacco carried over from any prior marketing year can be marketed without penalty under the provisions of § 725.342 (b); and if the operator of the farm does not operate another farm having excess tobacco.

(2) If excess tobacco produced on the farm is disposed of in accordance with § 725.343, or

(3) If the tobacco was grown for experimental purposes on land owned or leased by a publicly-owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station; *Provided*, That such agreement is approved by the State Committee prior to the issuance of a marketing card for the farm.

(b) *Excess Marketing Card (Tobacco 21).* An Excess Marketing Card showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota card is required to be issued for the farm under paragraph (a) of this section, except that if (1) the farm operator fails to disclose or otherwise furnish, or prevents the county committee from obtaining any information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 725.345, or (2) the county committee determines that it is necessary to issue a "zero-penalty" excess marketing card in order to protect the interest of the Government and insure proper identification of and accounting for tobacco produced on the farm and the proper use of the marketing card issued for the farm.

§ 725.337 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 725.338 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 725.339 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 725.340 *Invalid cards.* A marketing card shall be invalid if:

(a) It is not issued or delivered in the form and manner prescribed;

(b) Entries are omitted or incorrect;

(c) It is lost, destroyed, stolen, or becomes illegible;

(d) Any erasure or alteration has been made, and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the county office at which it was issued.

If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 725.341 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the State Committee.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 725.342 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no "carry-over" tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 725.343 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having "carry-over" tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of "carry-over" tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over" acres by multiplying the "carry-over" acres (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the "carry-over" tobacco was produced.

(3) Determine the "total acres" of tobacco by adding the "carry-over" acres (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1947 allotment and the "within quota carry-over" acres (subparagraph (2) of this paragraph).

(5) Determine the percentage subject to penalty by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) The burden of any penalty with respect to "carry-over" tobacco shall be borne by those persons having an interest in such tobacco.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 725.343 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

(a) By a declaration of intention to market all tobacco available for marketing and the payment at the office of the county committee by check or draft or, if required by the county committee, by certified check, cashier's check or postal money order drawn payable to the Treasurer of the United States, in an amount equal to the penalty which would be due upon the marketing of all tobacco available for marketing. Any additional amount of penalty due after all marketings of tobacco from the farm have been made shall be paid by the operator not later than 20 days after receipt of notice of such additional penalty. Any amount collected in excess of the penalty due shall be refunded.

(b) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1947 crop produced on the farm, and posting of a bond approved by the county committee and the State Committee in the penal sum of twice the amount of penalty which will become due upon the marketing of the excess tobacco.

(c) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 725.344 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the marketing card (Tobacco 20 or Tobacco 21) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales each marketing shall be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale) except that such form is not required to be executed by warehousemen who are authorized on Tobacco 23 to issue memoranda of sale.

(a) *Memorandum of sale.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed within four weeks after such sale day, the marketing shall be identified by Tobacco 28, Sale Without Marketing Card as a marketing of excess tobacco. The memorandum of sale or Tobacco 28 shall be executed only by a field assistant with the following exceptions.

(1) A warehouseman, or his authorized representative, who has been designated on Tobacco 23 may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(2) In the case of flue-cured tobacco only, a dealer, or his authorized representative, operating a receiving point for scrap tobacco at a redrying plant (and other regular receiving points operated by such dealer or his agent or employees) or at an auction warehouse, who keeps records showing the information specified in § 725.352, and who has been authorized on Tobacco 23, may issue a memorandum of sale covering a purchase of scrap tobacco only if the bill of nonwarehouse sale has been executed.

The authorization on Tobacco 23 to issue memoranda of sale may be withdrawn by the State Committee from any warehouseman or dealer if such action is determined to be necessary in order to properly enforce the provisions of §§ 725.330 to 725.360, inclusive. The authorization shall terminate upon receipt of written notice setting forth the State Committee's reason therefor.

Each excess memorandum of sale issued by a field assistant shall be verified by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator, except that if such tobacco is purchased by or for a warehouseman who is authorized on Tobacco 23 to issue memoranda of sale, he or his representative who is also authorized shall issue a memorandum of sale identifying each such purchase, record the purchase in Tobacco 25, Dealer's Record, and attach thereto the county copy of the memorandum of sale.

The word "scrap" shall be plainly written on any bill of nonwarehouse sale or memorandum of sale executed to cover scrap tobacco, and all such bills of nonwarehouse sale shall be delivered to a person at a scrap receiving point who is authorized to issue memoranda of sale.

Each bill of nonwarehouse sale covering any marketing except scrap tobacco shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in Tobacco 25.

§ 725.345 *Rate of penalty.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be nineteen (19) cents per pound in the case of flue-cured tobacco and sixteen (16) cents per pound in the case of Burley tobacco.

With respect to tobacco marketed from farms having excess tobacco available for marketing the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm.

§ 725.346 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse (nonwarehouse sale) shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 725.347 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco.

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale within four weeks following the date of marketing shall be identified by a Tobacco 28, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid memorandum of sale and (2) is not recorded in Tobacco 25 within one week following the date of purchase, or (3) if purchased prior to the opening of the local auction markets, is not recorded in Tobacco 25 within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales, as reported under §§ 725.330 to 725.360, inclusive, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the Director, Tobacco Branch, Production and Marketing Administration, showing that such tobacco is not a marketing of excess tobacco. The penalty found to be due thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on Tobacco 25 shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the Director, Tobacco Branch, Production and Marketing Administration, showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 725.330 to 725.360, inclusive, is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 725.330 to 725.360, inclusive, shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the Director, Tobacco Branch, Production and Marketing Administration. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Producer marketings.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1947 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon shall be paid by the producer.

§ 725.348 *Payment of penalty.* Penalties shall become due at the time the tobacco is marketed and shall be paid by remitting the amount thereof to the State Committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 725.330 to 725.360, inclusive, is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (a) advances to producers, (b) charges for hauling, or (c) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

§ 725.349 *Request for return of penalty.* Any producer of tobacco, after the marketing of all tobacco available for marketing from the farm, and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 725.330 to 725.360, inclusive, to be paid. Such request shall be filed with the county committee within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 725.350 *Producer's records and reports*—(a) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1947 shall return to the office of the county committee each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to account for disposition of tobacco marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise and the allotment next established for such farm shall be reduced.

(b) *Additional reports by producers.* In addition to any other reports which may be required under §§ 725.330 to 725.360, inclusive, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall upon written request by registered mail from the State committee and within 10 days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the State committee showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced.

§ 725.351 *Warehouseman's records and reports*—(a) *Record of marketing.* Each warehouseman shall keep such records as will enable him to furnish the Secretary the following information with respect to each sale or resale of tobacco made at his warehouse:

(1) Name of seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced).
(2) Name of purchaser.
(3) Date of sale.
(4) Number of pounds sold.
(5) Gross sale price.
(6) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer.

Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.
(ii) Purchases and resales for the warehouse leaf account.
(iii) Resales of floor sweepings.
(iv) Resales of pick-ups.

Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each marketing of tobacco from a farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a sale without marketing card shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman who is not authorized on Tobacco 23 to issue memoranda of sale, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any scrap tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended", write thereon the serial number of the suspended sale, and record the bills on Tobacco 29, Field Assistant's Report: *Provided*, That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall enter on Tobacco 25 the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1947 the entry on Tobacco 25 shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on Tobacco 25, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

The county copy of each memorandum of sale issued to identify each purchase under subparagraph (1) of this paragraph shall accompany the report on which such purchase is recorded.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the State Committee not later than thirty (30) days following the last sale day of the marketing season a report on Tobacco 26, Auction Warehouse Report, showing for each dealer or buyer (1) the total pounds and gross price of tobacco purchased and resold on the warehouse floor during the 1947–48 marketing year and (2) the total pounds and gross price of tobacco purchased and resold by such warehouseman during the 1947–48 marketing year.

(h) *Report of penalties.* Each warehouseman shall make reports on Tobacco 27, Report of Penalties, showing the information required with respect to each sale subject to penalty. Tobacco 27 shall be prepared for each week and forwarded, together with remittance of the penalties due, as shown thereon, to the State Committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on Tobacco 32, Report of Resales, showing the information required with respect to each resale of tobacco at auction on the warehouse floor. Tobacco 32 shall be prepared for each sale day and forwarded to the State Committee not later than the end of the calendar week following the week in which the tobacco was resold.

§ 725.352 *Dealer's records and reports.* Each dealer, except as provided in § 725.353, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the State Committee "Receipts for Dealer's Record" contained in Tobacco 25 which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on Tobacco 25, Dealer's Record, showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1947 the fact that such tobacco was bought by him and carried over from a crop produced prior to 1947.

(c) *Report of penalties.* Each dealer shall make a report on Tobacco 27, Report of Penalties, showing the information with respect to all purchases subject to penalty made by him during each calendar week. The penalties listed on each such report shall be remitted with the report.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse (nonwarehouse sale). No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale, on the reverse side of the memorandum of sale, has been executed.

(e) *Record and report of scrap tobacco.* Each dealer operating a receiving point for scrap tobacco who has been authorized on Tobacco 23 to issue memoranda of sale, shall keep a record and make reports on Tobacco 25 showing all tobacco received. Such reports shall be accompanied by memoranda of sale and bills of nonwarehouse sale with respect to all tobacco covered by the reports.

(f) *Additional records.* Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the Secretary the following information with respect to each lot of tobacco purchased or sold by him:

(1) Name of the seller, and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced.
(2) Name of the purchaser.
(3) Date of the transaction.
(4) Number of pounds sold.
(5) Gross purchase or sale price.
(6) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer.
(7) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1947 the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the State Committee not later than the end of the week following the calendar week covered by the reports.

§ 725.353 *Dealers exempt from regular records and reports.* Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of § 725.352; but each such dealer shall make such reports to the Secretary as the Director, Tobacco Branch, Production and Marketing Administration, may find necessary to enforce §§ 725.330 to 725.360, inclusive.

§ 725.354 *Records and reports of truckers and persons redrying, prizing or stemming tobacco.* (a) Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Secretary a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the place to which it was delivered.

(b) Every person engaged in the business of redrying, prizing, and stemming tobacco for producers shall keep such records as will enable him to furnish the Secretary a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

Each such person shall make such reports to the Secretary as the Director, Tobacco Branch, may find necessary to enforce §§ 725.330 to 725.360, inclusive.

§ 725.355 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 725.356 *Failure to keep records or make reports.* Any warehouseman, dealer, processor or common carrier of tobacco, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 725.330 to 725.360, inclusive, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Director, Tobacco Branch.

§ 725.357 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing, or stemming tobacco for producers shall make available for examination upon written request by the State Committee or Director, Tobacco Branch, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State Committee or Director, Tobacco Branch, has reason to believe are relevant and are within the control of such person.

§ 725.358 *Length of time records and reports to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 725.330 to 725.360, inclusive, for the 1947–48 marketing year shall be kept by him until June 30, 1950, in the case of flue-cured tobacco and September 30, 1950, in the case of Burley tobacco. Records shall be kept for such longer period of time as may be requested in writing by the Director, Tobacco Branch.

§ 725.359 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 725.330 to 725.360, inclusive, shall be kept confidential by all officers and employees of the United States Department

of Agriculture and by all members and employees of county committees and only such data so reported or acquired as the Director, Field Service Branch, Production and Marketing Administration, deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 725.360 *Redelegation of authority.* Any authority delegated to the State Committee by these regulations may be redelegated by the State Committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Budget Bureau No. 40-R1281.2.

Done at Washington, D. C. this 9th day of May 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-4515; Filed, May 13, 1947; 8:46 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 503—SUBSTANTIVE RULES

LIMITATIONS ON REPRESENTATIVE ACTIVITIES BY FORMER EMPLOYEES

Under the authority of the Trading with the Enemy Act, as amended, and Executive orders issued thereunder, and pursuant to law, § 503.51 (General Order No. 32) is hereby amended to read as follows:

§ 503.51 *Limitations on representative activities by former employees.* (a) No person shall appear in a representative capacity before the Office of Alien Property in a particular matter if such person, or one associated with him in the particular matter, personally considered it or gained personal knowledge of the facts thereof while connected with the Office of Alien Property Custodian or the Office of Alien Property.

(b) No former officer, clerk, or employee of the Office of Alien Property Custodian or the Office of Alien Property may appear in a representative capacity before the Office of Alien Property within two years after the termination of his incumbency of such position unless he obtains the prior approval of the Director of the Office of Alien Property in each matter. To obtain such approval he must file an affidavit stating:

(1) His former connection with the Office of Alien Property Custodian or the Office of Alien Property;

(2) That while he was connected with the Office of Alien Property Custodian or the Office of Alien Property the matter was not pending therein, or if it was so pending;

(i) That he gave no personal consideration to it and gained no personal knowledge of the facts thereof while so connected; and

(ii) That he is not, and will not be, associated in the particular matter with any person who has personally considered it or gained personal knowledge of the facts thereof while connected with the Office of Alien Property Custodian or the Office of Alien Property;

(3) That his employment in the matter is not prohibited by Rev. Stat. sec. 190 (5 U. S. C. sec. 99), or by sec. 19 (e) of the Contract Settlement Act of 1944 (41 U. S. C. sec. 119).

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. App. 1, 50 U. S. C. App., Sup. V, 5 (b); E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR Cum. Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 6th day of May 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-4526; Filed, May 13, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 704—ENLISTMENT OF AVIATION CADETS

AVIATION CADET TRAINING PROGRAM

Effective May 10, 1947, the Aviation Cadet Pilot Training Program is reopened to military and civilian personnel within the zone of interior in accordance with §§ 704.1 to 704.7, inclusive. The Aviation Cadet Ground Duty Training Program will remain inactive.

Applications of civilians will be forwarded to the nearest Army Air Force examining board or to the Commanding General, Army Air Forces, Washington 25, D. C. Army Air Forcee examining boards are presently located as set forth below in § 704.8.

§ 704.8 *Location of Army Air Force examining boards.*

Maxwell Field, Ala.
Brookley Field, Ala.
Davis-Monthan Fld, Tucson, Ariz.
Williams Field, Chandler, Ariz.
Fairfield, Suisun AAF, Calif.
Hamilton Field, Calif.
McClellan Field, Calif.
March Field, Riverside, Calif.
Mather Field, Calif.
Lowry Field, Denver, Colo.
Peterson Field, Colorado Springs, Colo.
Boca-Raton AAF, Boca Raton, Fla.
Eglin Field, Fla.
MacDill Field, Tampa, Fla.
Lawson Field, Ft. Benning, Ga.
Robins Field, #1, Ga.
Marietta AAF, Marietta, Ga.
Chanute Field, Ill.
Scott Field, Ill.
Sherman Field, Ft. Leavenworth, Kans.
Topeka AAF, Pauline, Kans.
Barksdale Field, Shreveport, La.
Westover Field, Mass.
Selfridge Field, Mich.
Keesler Field, Miss.
Great Falls AAF, Great Falls, Mont.
Offutt Field, Fort Crook, Nebr.
Roswell AAF, Roswell, N. M.
Mitchel Field, Long Island, N. Y.
Stewart Field, Newburgh, N. Y.
Pope Field, Fort Bragg, N. C.
Lockbourne AAB, Columbus, Ohio.
Wright Field, Dayton, Ohio.
Tinker Field, Oklahoma City, Okla.
Hq 11th Air Force, Harrisburg, Pa.
Olmsted Field, Middletown, Pa.
Shaw Field, Sumter, S. C.
Biggs Field, Tex.
Bergstrom Field, Austin, Tex.
Fort Worth AAF, Fort Worth, Tex.
Kelly Field, Tex.
Randolph Field, Tex.
Hill Field, Utah.
Langley Field, Va.
McChord Field, Wash.
Spokane AAF, Spokane, Wash.
Geiger Field, Wash.
Bolling Field, Washington 20, D. C.
Andrews Field, Washington 20, D. C.

[WD Cir 105, Apr. 25, 1947] (55 Stat. 239; 10 U. S. C. 297a)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4509; Filed, May 13, 1947; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 155]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

CANCELLATION OF AIRPORT APPROACH ZONES AND ESTABLISHMENT OF AIRPORT TRAFFIC ZONES

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate cancellation of airport approach zones and the establishment of airport traffic zones at such points; and (2) the cancellation of airport approach zones and the establishment of airport traffic zones referred to in (1) above have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee;

And finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary; now, therefore, acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By adding the following to § 601.104 *Airway traffic control area extensions.*

§ 601.10444 *Airway traffic control area extension (Presque Isle, Maine).* From the Presque Isle, Maine, radio range station, within 5 miles either side of the centerline of the south course of the Presque Isle radio range, extending 20 miles south of the Presque Isle, Maine, radio range station.

§ 601.10445 *Airway traffic control area extension (Montpelier, Vt.).* From the Montpelier, Vt., radio range station, within 5 miles either side of the centerline of the northeast course of the Montpelier, Vt., radio range, extending 20 miles northeast of the Montpelier, Vt., radio range station.

§ 601.10446 *Airway Traffic control area extension (Bangor, Maine).* From the Bangor, Maine, radio range station, within 5 miles either side of the centerline of the northwest course of the Bangor, Maine, radio range, extending 30 miles northwest of the Bangor, Maine, radio range station; and, within 5 miles either side of the centerline of the southeast course of the Bangor, Maine, radio range extending 10 miles southeast of Dow Field.

§ 601.10447 *Airway traffic control area extension (Syracuse, N. Y.).* From the Syracuse, N. Y., radio range station, within 5 miles either side of the centerline of the north course of the Syracuse, N. Y., radio range, extending 20 miles north of the Syracuse, N. Y., radio range station.

§ 601.10448 *Airway traffic control area extension (Utica, N. Y.).* From the Utica, N. Y., radio range station, within 5 miles either side of the centerline of the northwest course of the Utica, N. Y., radio range, extending 20 miles northwest of the Utica, N. Y., radio range station.

§ 601.10449 *Airway traffic control area extension (Hartford, Conn.).* From the Hartford, Conn., radio range station, within 5 miles either side of the centerline of the southeast course of the Hartford radio range, extending 20 miles southeast of the Hartford, Conn., radio range station.

§ 601.10450 *Airway traffic control area extension (Portland, Maine).* From the Portland, Maine, radio range station, within 5 miles either side of the centerline of the northwest course of the Portlandland, Maine, radio range, extending 20 miles northwest of the Portland, Maine, radio range station.

§ 601.10451 *Airway traffic control area extension (Westfield, Mass.).* From the Westfield, Mass., radio range station, within 5 miles either side of the centerline of the north course of the Westfield radio range, extending 10 miles north of the Barnes Airport.

§ 601.10452 *Airway traffic control area extension (Houlton, Maine).* From the Houlton, Maine, radio range station, within 5 miles either side of the centerline of the south course of the Houlton, Maine, radio range, extending 10 miles south of the Houlton Army Air Field.

§ 601.10453 *Airway traffic control area extension (Philipsburg, Pa.).* From the Philipsburg, Pa., radio range station, within 5 miles either side of the centerline of the north course of the Philipsburg, Pa., radio range, extending 20 miles north of the Philipsburg, Pa., radio range station.

§ 601.10454 *Airway traffic control area extension (Elmira, N. Y.).* From the Elmira, N. Y., radio range station, within 5 miles either side of the centerline of the southwest course of the Elmira, N. Y., radio range, extending 20 miles southwest of the Elmira, N. Y., radio range station.

§ 601.10455 *Airway traffic control area extension (Wilkes-Barre, Pa.).* From the Wilkes-Barre, Pa., radio range station, within 5 miles either side of the centerline of the northeast course of the Wilkes-Barre, Pa., radio range, extending 20 miles northeast of the Wilkes-Barre, Pa., radio range station.

§ 601.10456 *Airway traffic control area extension (Altoona, Pa.).* From the Altoona, Pa., radio range station, within 5 miles either side of the centerline of the north course of the Altoona, Pa., radio range, extending 20 miles north of the Altoona, Pa., radio range station; and within 5 miles either side of the centerline of the south course of the Altoona, Pa., radio range, extending 10 miles south of the Altoona-Blair County Airport.

§ 601.10457 *Airway traffic control area extension (Martinsburg, W. Va.).* From the Martinsburg, W. Va., radio range station, within 5 miles either side of the centerline of the southwest course of the Martinsburg, W. Va., radio range, extending 20 miles southwest of the Martinsburg, W. Va., radio range station; and within 5 miles either side of the centerline of the northeast course of the Martinsburg, W. Va., radio range, extending 10 miles northeast of the Shepherd Airport.

§ 601.10458 *Airway traffic control area extension (Lynchburg, Va.).* From the Lynchburg, Va., radio range, within 5 miles either side of the centerline of the north course of the Lynchburg, Va., radio range, extending 20 miles north of the Lynchburg, Va., radio range station; and within 5 miles either side of the centerline of the south course of the Lynchburg, Va., radio range, extending 10 miles south of the Preston Glenn Airport.

§ 601.10459 *Airway traffic control area extension (Elkins, W. Va.).* From the Elkins, W. Va., radio range station, within 5 miles either side of the centerline of the south course of the Elkins radio range, extending 10 miles south of the Elkins, W. Va., Airport.

§ 601.10460 *Airway traffic control area extension (Gordonsville, Va.).* From the Gordonsville, Va., radio range station, within 5 miles either side of the centerline of the southeast course of the Gordonsville, Va., radio range, extending 10 miles southeast of the C. A. A. Intermediate Field.

§ 601.10461 *Airway traffic control area extension (Raleigh, N. C.).* From the Raleigh, N. C., radio range station, within 5 miles either side of the centerline of the southeast course of the Raleigh, N. C., radio range, extending 20 miles southeast of the Raleigh, N. C., radio range station.

§ 601.10462 *Airway traffic control area extension (Roanoke, Va.).* From the Roanoke, Va., radio range station, within 5 miles either side of the centerline of the south course of the Roanoke, Va., radio range, extending 20 miles south of the Roanoke, Va., radio range station; and within 5 miles either side of the centerline of the north course of the Roanoke, Va., radio range, extending 10 miles north of Woodrum Field.

§ 601.10463 *Airway traffic control area extension (Chicopee Falls, Mass.).* From the Westover radio range station, Chicopee Falls, Mass., within 5 miles either side of the centerline of the northwest course of the Westover radio range, Chicopee Falls, Mass., extending to a point 25 miles northwest of the Westover radio range station.

§ 601.10464 *Airway traffic control area extension (Pendleton, Oreg.).* From the Pendleton, Oreg., radio range station, within 5 miles either side of the centerline of the northwest course of the Pendleton, Oreg., radio range, extending to a point 30 miles northwest of the Pendleton, Oreg., radio range station.

§ 601.10465 *Airway traffic control area extension (Mitchell Field, N. Y.).* From the Mitchell Field, N. Y., radio range, within 7 miles either side of the centerline of the east course of the Mitchell Field, N. Y., radio range, extending to Fire Island, N. Y.

§ 601.10466 *Airway traffic control area extension (Dayton, Ohio).* From the Dayton, Ohio, radio range station, within 5 miles either side of the west course of the Dayton, Ohio, radio range, extending to its intersection with the northeast course of the Indianapolis, Ind., radio range.

2. By deleting § 601.200101 *Butte, Mont., airport approach zone.*

3. By deleting from § 601.200102 *Moline, Ill., airport approach zone.*

4. By deleting from § 601.2000 the following:

Boise, Idaho, Gowen Field.
Burley, Idaho, Burley Airport.
Couer D'Alene, Idaho, Couer D'Alene Air Terminal Airport.
Dubois, Idaho, CAA Int. Field.
Malad City, Idaho, CAA Int. Field.
Pocatello, Idaho, Pocatello Airport.
Billings, Mont., Billings, Airport.
Bozeman, Mont., Galiatin Field.
Custer, Mont., CAA Int. Field.
Cutbank, Mont., Cutbank Airport.
Dillon, Mont., CAA Int. Field.
Drummond, Mont., CAA Int. Field.
Great Falls, Mont., Gore Field.
Helena, Mont., Helena Airport.
Lewistown, Mont., Lewistown Airport.
Miles City, Mont., Miles City Airport.
Missoula, Mont., Missoula County Airport.
Superior, Mont., CAA Int. Field.
Whitehall, Mont., CAA Int. Field.
Baker, Oreg., Baker Airport.
Eugene, Oreg., Mahlon-Sweet Airport.
Klamath Falls, Oreg., Klamath Falls NAB.
Medford, Oreg., Medford Airport.
Pendleton, Oreg., Pendleton Field.
Portland, Oreg., Portland Municipal Airport.
Redmond, Oreg., Redmond AAF.
The Dalles, Oreg., The Dalles Airport.
Ellensburg, Wash., Ellensburg AAF.
Ephrata, Wash., Ephrata AAB.
Everett, Wash., Paine Field.
Spokane, Wash., Felts Field.
Tacoma, Wash., McChord Field.
Toledo, Wash., CAA Int. Field.
Walla Walla, Wash., Walla Walla AAF.
Yakima, Wash., Yakima County Airport.
Raleigh, N. C., Raleigh-Durham Airport.

5. By deleting from § 601.2002 the following:

Alma, Ga., CAA Int. Field.
Augusta, Ga., Daniel Field.
Banana River, Fla., Banana River, N. A. B.
Biloxi, Miss., Keesler Field.
Charleston, S. C., Charleston AAF.
Charlotte, N. C., Charlotte Municipal Airport.
Chattanooga, Tenn., Chattanooga Municipal Airport (Lovell Field).
Columbia, S. C., Owens Field.
Crestview, Fla., CAA Int. Field.
Cross City, Fla., Cross City Airport.
Daytona Beach, Fla., Daytona Beach N. A. S.
Dothan, Ala., Dothan Municipal Airport.
Florence, S. C., Florence Airport.
Fort Myers, Fla., Fort Myers Municipal Airport (Page Field).
Greensboro, N. C., Greensboro-High Point Airport (Lindley Field).
Greenville, S. C., Greenville Airport.
Greenwood, Miss., Greenwood Airport.
Jacks Creek, Tenn., CAA Int. Field.
Jackson, Miss., Jackson Airport.
Key West, Fla., Key West NAS.
Knoxville, Tenn., Knoxville McGhee-Tyson Airport.
Macon, Ga., Macon Municipal Airport, Herbert Smart Field.
Meridian, Miss., Meridian Municipal Airport, Key Field.
Mobile Ala., Bates Field.
Montgomery, Ala., Gunter Field.
Muscle Shoals, Ala., Muscle Shoals Municipal Airport.
Nashville, Tenn., Nashville Municipal Airport (Berry Field).
Orlando, Fla., Orlando Municipal Airport.
Spartanburg, S. C., Spartanburg Municipal Airport (Memorial Field).
Tallahassee, Fla., Tallahassee Municipal Airport (Dale Mabry Field).
Tampa, Fla., Drew Field.
Tri-City, Tenn., Tri-City Airport.
West Palm Beach, Fla., Morrison Field.
Winston-Salem, N. C., Winston-Salem Municipal Airport (Smith-Reynolds Field).
Alexandria, Minn., Alexandria Airport.
Battle Creek, Mich., Kellogg Field.
Bismarck, N. Dak., Bismarck Airport.
Bowling Green, Ky., Bowling Green Airport.
Dickinson, N. Dak., Dickinson Airport.
Detroit, Mich., Detroit City Airport.
Duluth, Minn., Williamson-Johnson Airport.
Effingham, Ill., CAA Int. Field.
Evansville, Ind., Evansville Airport (old).
Fargo, N. Dak., Fargo Airport (Hector Field).
Goshen, Ind., CAA Int. Field.
Grand Forks, N. Dak., Grand Forks Airport.
Grand Rapids, Mich., Kent County Airport.
Harvey, Ill., Rubinkam Airport.
Joliet, Ill., CAA Int. Field.
La Crosse, Wis., CAA Int. Field.
Lansing, Mich., Capital City Airport.
Lone Rock, Wis., CAA Int. Field.
Madison, Wis., Truax Airport.
Milwaukee, Wis., General Mitchell Field.
Muskegon, Mich., Muskegon County Airport.
Pembina, N. Dak., CAA Int. Field.
Peoria, Ill., Peoria Municipal Airport.
Rochester, Minn., Rochester Airport.
Rockford, Ill., Machesney Airport.
Romulus, Mich., Romulus Airport.
South Bend, Ind., Bendix Field.
Springfield, Ill., Springfield Airport.
Terre Haute, Ind. Paul Cox Airport.
Toledo, Ohio, Toledo Airport.
Youngstown, Ohio, Youngstown Airport.

6. By deleting from § 601.2000 the following:

Flint, Mich., Bishop Airport.
Fort Wayne, Ind., Baer Field.

7. By deleting § 601.200300 *Atlanta, Ga., airport approach zone.*

8. By deleting § 601.200301 *Birmingham, Ala., airport approach zone.*

9. By deleting § 601.200305 *Memphis, Tenn., airport approach zone.*

10. By deleting § 601.200306 *Savannah, Ga., airport approach zone.*

11. By deleting § 601.200310 *Jacksonville, Fla., airport approach zone.*

12. By deleting § 601.200313 *Melbourne, Fla., airport approach zone.*

13. By deleting § 601.200314 *Miami, Fla., airport approach zone.*

14. By deleting § 601.200318 *Cincinnati, Ohio, airport approach zone.*

15. By deleting § 601.200322 *Seattle, Wash., Boeing Field airport approach zone.*

16. By deleting § 601.200323 *Chicago, Ill., airport approach zone.*

17. By deleting § 601.200324 *Cleveland, Ohio, airport approach zone.*

18. By deleting § 601.200325 *Columbus, Ohio, airport approach zone.*

19. By deleting § 601.200326 *Dayton, Ohio, airport approach zone.*

20. By deleting § 601.200327 *Indianapolis, Ind., airport approach zone.*

21. By deleting § 601.200328 *Louisville, Ky., airport approach zone.*

22. By deleting § 601.200329 *Minneapolis, Minn., airport approach zone.*

23. By deleting § 601.200302 *Bellingham, Wash., airport approach zone.*

24. By deleting from § 601.3000 the following:

Coeur d'Alene, Idaho, Coeur d'Alene Air Terminal.
Boise, Idaho, Gowen Field.
Billings, Mont., Billings Airport.
Great Falls, Mont., Gore Field.
Medford, Oreg., Medford AAF.
Portland, Oreg., Portland AAF.
Seattle, Wash., Boeing Field.
Walla Walla, Wash., Walla Walla AAF.
Atlanta, Ga., Atlanta, Airport.
Augusta, Ga., Daniel Field.
Birmingham, Ala., Birmingham AAF.
Charleston, S. C., Charleston AAF.
Charlotte, N. C., Charlotte Municipal Airport.
Chattanooga, Tenn., Chattanooga Airport (Lovell Field).
Crestview, Fla., CAA Int. Field.
Daytona Beach, Fla., Daytona Beach NAS.
Dothan, Ala., Dothan Airport.
Florence, S. C., Florence AAF.
Fort Myers, Fla., Page Field.
Greensboro, N. C., Greensboro-High Point (Lindley Field).
Greenville, S. C., Greenville Airport.
Greenwood, Miss., Greenwood Airport.
Jackson, Miss., Jackson Airport.
Jacksonville, Fla., Jacksonville Airport No. 1, N. A. A. S.
Key West, Fla., Meacham Field.
Knoxville, Tenn., McGhee-Tyson Airport.
Macon, Ga., Herbert Smart Airport.
Melbourne, Fla., Melbourne NAS.
Memphis, Tenn., Memphis Airport.
Meridian, Miss., Key Field.
Miami, Fla., Miami AAF.
Mobile, Ala., Bates Field.
Muscle Shoals, Ala., Muscle Shoals Airport.
Nashville, Tenn., Berry Field.
Orlando, Fla., Orlando Municipal Airport.
Pensacola, Fla., Pensacola Airport.
Raleigh, N. C., Raleigh-Durham Airport.
Savannah, Ga., Hunter Field.
Spartanburg, S. C., Memorial Airport.
Tallahassee, Fla., Dale Mabry Field.
Tri-City, Tenn., Tri-City Airport.
West Palm Beach, Fla., Morrison Field.
Akron, Ohio, Akron Airport.
Battle Creek, Mich., Kellogg Field.
Bismarck, N. Dak., Bismarck Airport.
Chicago, Ill., Chicago Airport.
Cincinnati, Ohio, Lunken Airport.
Cleveland, Ohio, Cleveland Airport.
Columbus, Ohio, Port Columbus, N. A. F.
Dayton, Ohio, Dayton Airport.
Detroit, Mich., Detroit City Airport.
Evansville, Ind., Evansville Airport (Old).
Fargo, N. Dak., Fargo Airport (Hector Field).
Flint, Mich., Bishop Airport.
Grand Rapids, Mich., Kent County Airport.
Indianapolis, Ind., Indianapolis Municipal Airport.
Lansing, Mich., Capital City Airport.
Louisville, Ky., Bowman Field.
Milwaukee, Wis., General Mitchell Field.
Minneapolis, Minn., Wold Chamberlain Field.
Peoria, Ill., Peoria Municipal Airport.
Rochester, Minn., Rochester Airport.
Romulus, Mich., Romulus AAF.
South Bend, Ind., Bendix Field.
Terre Haute, Ind., Hulman Airport.
Toledo, Ohio, Toledo Airport.
Youngstown, Ohio, Youngstown Airport.
St. Paul, Minn., Holman Field.

25. By adding in § 601.3000 *Airport traffic zones within three mile radius* the following:

Dubois, Idaho, Dubois Intermediate Field.
Bozeman, Mont., Gallatin-Bozeman Municipal Airport.
Custer, Mont., Custer Intermediate Field.
Cut Bank, Mont., Cut Bank Municipal Airport.
Dillon, Mont., Dillon Intermediate Field.
Drummond, Mont., Drummond Municipal Airport.
Lewistown, Mont., Lewistown Municipal Airport.
Miles City, Mont., Miles City Municipal Airport.
Missoula, Mont., Missoula County Airport.
Whitehall, Mont., Whitehall Municipal Airport.
Baker, Oreg., Baker Municipal Airport.
Eugene, Oreg., Mahlen-Sweet Airport.
Klamath Falls, Oreg., Klamath Falls Municipal Airport.
Redmond, Oreg., Redmond-Roberts Field.
Salem, Oreg., Salem-McNary.
The Dalles, Oreg., The Dalles Municipal Airport.
Ellensburg, Wash., Bowers Field.
Ephrata, Wash., Ephrata Municipal Airport.
Spokane, Wash., Spokane AAF.
Toledo, Wash., Toledo Intermediate Airport.

26. By adding in § 601.3001 *Airport traffic zones within a five mile radius* the following:

Boise, Idaho, Boise Air Terminal.
Billings, Mont., Billing Municipal Airport.
Great Falls, Mont., Great Falls Municipal Airport.
Medford, Oreg., Medford AAF.
Portland, Oreg., Portland AAF.
Seattle, Wash., Boeing Field.
Spokane, Wash., Geiger AAF.
Tacoma, Wash., McChord Field.
Walla Walla, Wash., Walla Walla AAF.
St. Paul, Minn., Holman Airport.

27. By adding in § 601.3002 *Airport traffic zones as described herein*, the following:

§ 601.3002080 *Coeur D'Alene, Idaho, airport traffic zone.* Within a three mile radius of the Coeur D'Alene Air Terminal, Coeur D'Alene, Idaho, and within two miles either side of the centerline of the north course of Coeur D'Alene radio range, extending to the Coeur D'Alene radio range station.

§ 601.3002081 *Akron, Ohio, airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the southwest course of the Akron, Ohio, radio range, extending 10 miles southwest of the radio range station.

§ 601.3002082 *Alexandria, Minn., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the north course of the Alexandria, Minn., radio range, extending 10 miles north of the radio range station.

§ 601.3002083 *Battle Creek, Mich., airport traffic zone.* Within a 5 mile radius of Kellogg Field and within 2 miles either side of the centerline of the south course of the Battle Creek, Mich., radio range, extending 10 miles south of the radio range station.

§ 601.3002084 *Bismarck, N. Dak., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the east course of the Bismarck, N. Dak., radio range, extending 10 miles east of the radio range station.

§ 601.3002085 *Chicago, Ill., airport traffic zone.* Within a 5 mile radius of the Municipal Airport, within 2 miles either side of the centerline of the southeast course of the Chicago, Ill., radio range, extending to the Thornton Intersection (intersection southeast course of Chicago radio range and east course of Harvey, Ill., radio range) and within 2 miles either side of the northwest course of the Chicago, Ill., radio range extending to the Franklin Park Fan Marker.

§ 601.3002086 *Cincinnati, Ohio, airport traffic zone.* Within a 5 mile radius of the Lunken Airport and within 2 miles either side of the centerline of the northeast course of the Cincinnati, Ohio, radio range extending 10 miles northeast of the Loveland Fan Marker.

§ 601.3002087 *Cincinnati, Ohio, airport traffic zone.* Within a 5-mile radius of the Greater Cincinnati Airport (Covington, Kentucky) and within 2 miles either side of the centerline of the Instrument Low Approach System (360° magnetic and toward the airport) extending 14.3 miles south of the south end of the runway.

§ 601.3002088 *Cleveland, Ohio, airport traffic zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the centerline of the west course of the Cleveland, Ohio, radio range, extending to the Elyria Fan Marker.

§ 601.3002089 *Columbus, Ohio, airport traffic zone.* Within a 5-mile radius of the Port Columbus Municipal Airport, within 2 miles either side of the centerline of the west course of the Columbus, Ohio, radio range, extending to the Hilliard Fan Marker and within 2 miles either side of the centerline of the east course of the Columbus radio range, extending to the Newark Fan Marker.

§ 601.3002090 *Dayton, Ohio, airport traffic zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the centerline of the west course of the Dayton, Ohio, radio range, extending to the Verona Fan Marker.

§ 601.3002091 *Detroit, Mich., airport traffic zone.* Within a 5-mile radius of the Detroit City Airport and within 2 miles either side of the centerlines of the northwest and southeast courses of the Windsor radio range, Windsor, Ontario, Canada, extending 10 miles southeast of the radio range station, excluding that portion which lies outside the continental limits of the United States.

§ 601.3002092 *Dickinson, N. Dak., airport traffic zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the centerline of the north course of the Dickinson radio range, extending 10 miles north of the radio range station.

§ 601.3002093 *Duluth, Minn., airport traffic zone.* Within a 5-mile radius of the Williamson-Johnson Airport and within 2 miles either side of the centerline of the south course of the Duluth, Minn., radio range, extending 10 miles south of the radio range station.

§ 601.3002094 *Effingham, Ill., airport traffic zone.* Within a 5-mile radius of the Effingham Airport and within 2 miles either side of the centerline of the east course of the Effingham, Ill., radio range, extending 10 miles east of the radio range station.

§ 601.3002095 *Evansville, Ind., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the north course of the Evansville, Ind., radio range, extending 10 miles north of the radio range station.

§ 601.3002096 *Fargo, N. Dak., airport traffic zone.* Within a 5 mile radius of Hector Field and within 2 miles either side of the centerline of the east course of the Fargo, N. Dak., radio range, extending 10 miles east of the radio range station.

§ 601.3002097 *Flint, Mich., airport traffic zone.* Within a 5 mile radius of the Bishop Airport, within 2 miles either side of a line 307° magnetic and toward the airport, extending 10 miles southeast of the airport and within 2 miles either side of a line 73° magnetic and toward the airport, extending 10 miles west of the airport.

§ 601.3002098 *Fort Wayne, Ind., airport traffic zone.* Within a 5 mile radius of Baer Field and within 2 miles either side of the centerline of the southwest course of the Fort Wayne, Ind., radio range, extending 10 miles southwest of the radio range station.

§ 601.3002099 *Glenview, Ill., airport traffic zone.* Within a 5 mile radius of the Glenview, Ill., Naval Air Station and within 2 miles either side of the centerline of the northwest course of the Glenview, Ill., radio range, extending 10 miles northwest of the radio range station.

§ 601.3002100 *Goshen, Ind., airport traffic zone.* Within a 5 mile radius of the Goshen Airport and within 2 miles either side of the centerline of the west course of the Goshen, Ind., radio range, extending 10 miles west of the radio range station.

§ 601.3002101 *Grand Forks, N. Dak., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the south course of the Grand Forks, N. Dak., radio range, extending 10 miles south of the radio range station.

§ 601.3002102 *Grand Rapids, Mich., airport traffic zone.* Within a 5 mile radius of the Kent County Airport and within 2 miles either side of the centerline of the southeast course of the Grand Rapids radio range, extending 10 miles southeast of the radio range station.

§ 601.3002103 *Huntington, W. Va., airport traffic zone.* Within a 5 mile radius of the Mayes Airport, Chesapeake, Ohio, and within 2 miles either side of the centerline of the west course of the Huntington, W. Va., radio range, extending 10 miles west of the radio range station.

§ 601.3002104 *Indianapolis, Ind., airport traffic zone.* Within a 5 mile radius of the Municipal Airport, within 2 miles either side of the centerline of the west course of the Indianapolis, Ind., radio range, extending to the Greencastle Fan Marker and within 2 miles either side of the centerline of the north course of the Indianapolis, Ind., radio range extending to the Advance Fan Marker.

§ 601.3002105 *Jamestown, N. Dak., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the east course of the Jamestown, N. Dak., radio range, extending 10 miles east of the radio range station.

§ 601.3002106 *Joliet, Ill., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the northwest course of the Joliet, Ill., radio range, extending 10 miles northwest of the radio range station.

§ 601.3002107 *Lansing, Mich., airport traffic zone.* Within a 5 mile radius of the Capitol City Airport and within 2 miles either side of the centerline of the east course of the Lansing, Mich., radio range, extending 10 miles east of the radio range station.

§ 601.3002108 *Lafayette, Ind., airport traffic zone.* Within a 5 mile radius of the Purdue University Airport and within 2 miles either side of the centerline of the southwest course of the Lafayette, Ind., radio range, extending 10 miles southwest of the radio range station.

§ 601.3002109 *Lone Rock, Wis., airport traffic zone.* Within a 5 mile radius of the Lone Rock, Wis., Municipal Airport and within 2 miles either side of the centerline of the west course of the Lone Rock radio range, extending 10 miles west of the radio range station.

§ 601.3002110 *Louisville, Ky., airport traffic zone.* Within a 5 mile radius of Bowman Field and within 2 miles either side of the centerline of the east course of the Louisville, Ky., radio range, extending to the Eastwood Fan Marker.

§ 601.3002111 *Madison, Wis., airport traffic zone.* Within a 5 mile radius of the Truax Airport and within 2 miles

either side of the centerline of the southeast course of the Madison, Wis., radio range, extending 10 miles southeast of the radio range station.

§ 601.3002112 *Milwaukee, Wis., airport traffic zone.* Within a 5 mile radius of the General Mitchell Airport and within 2 miles either side of the centerline of the south course of the Milwaukee, Wis., radio range, extending to the Kenesha Fan Marker.

§ 601.3002113 *Minneapolis, Minn., airport traffic zone.* Within a 5 mile radius of the Wold-Chamberlain Airport and within 2 miles either side of the centerline of the southeast course of the Minneapolis, Minn., radio range, extending to the Hastings Fan Marker.

§ 601.3002114 *Minot, N. Dak., airport traffic zone.* Within a 5 mile radius of the Port O'Minot Field and within 2 miles either side of the centerline of the southeast course of the Minot radio range, extending 10 miles southeast of the radio range station.

§ 601.3002115 *Moline, Ill., airport traffic zone.* Within a 5 mile radius of the Municipal Airport, within 2 miles either side of the centerline of the west course of the Moline Localizer, extending 10 miles west of the station and within 2 miles either side of the south course of the Moline radio range, extending from the radio range station to the intersection of the south course of the Moline radio range and the west course of the Moline Localizer.

§ 601.3002116 *Muskegon, Mich., airport traffic zone.* Within a 5 mile radius of the Muskegon County Airport and within 2 miles either side of the centerline of the southeast course of the Muskegon, Mich., radio range, extending 10 miles southeast of the radio range station.

§ 601.3002117 *Pembina, N. Dak., airport traffic zone.* Within a 5 mile radius of the Pembina Airport and within 2 miles either side of the centerline of the south course of the Pembina, N. Dak., radio range, extending 10 miles south of the radio range station, excluding that portion which lies outside the continental limits of the United States.

§ 601.3002118 *Peoria, Ill., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the north course of the Peoria, Ill., radio range, extending 10 miles north of the radio range station.

§ 601.3002119 *Rochester, Minn., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the south course of the Rochester, Minn., radio range, extending 10 miles south of the radio range station.

§ 601.3002120 *Rockford, Ill., airport traffic zone.* Within a 3 mile radius of the Machesney Airport and within 2 miles either side of the centerline of the southwest course of the Rockford, Ill., radio range, extending 10 miles southwest of the radio range station.

§ 601.3002121 *Romulus, Mich., airport traffic zone.* Within a 5 mile radius of the Romulus Army Air Field and within 2 miles either side of the centerline of the west course of the Romulus, Mich., radio range, extending to the Saline Fan Marker.

§ 601.3002122 *South Bend, Ind., airport traffic zone.* Within a 5 mile radius of the Bendix Airport within 2 miles either side of the centerline of the west course of South Bend, Ind., radio range, extending 10 miles west of the radio range station and within 2 miles either side of the centerline of the east course of South Bend radio range, extending to the Union Intersection (intersection of north course of Goshen radio range, Goshen, Ind., and east course of South Bend, Ind., radio range).

§ 601.3002123 *Springfield, Ill., airport traffic zone.* Within a 5 mile radius of the Springfield Airport and within 2 miles either side of the centerline of the northwest course of the Springfield, Ill., radio range, extending 10 miles northwest of the radio range station.

§ 601.3002124 *Terre Haute, Ind., airport traffic zone.* Within a 5 mile radius of Hulman Field and within 2 miles either side of the centerline of the west course of Terre Haute, Ind., radio range, extending 10 miles west of the radio range station.

§ 601.3002125 *Toledo, Ohio, airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the south course of the Toledo, Ohio, radio range, extending to the Bowling Green Fan Marker.

§ 601.3002126 *Youngstown, Ohio, airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the north course of the Youngstown, Ohio, radio range, extending 10 miles north of the radio range station.

§ 601.3002127 *Ypsilanti, Mich., airport traffic zone.* Within a 5 mile radius of Willow Run Airport within 2 miles either side of a line 275° magnetic and toward the station, extending 5 miles beyond the circular area and within 2 miles either side of a line 65° magnetic and toward the station, extending 5 miles beyond the circular area.

§ 601.3002128 *Bowling Green, Ky., airport traffic zone.* Within a 5 mile radius of Bowling Green, Ky., Airport and within 2 miles either side of the centerline of the southeast course of Bowling Green radio range, extending 10 miles southeast of the radio range station.

§ 601.3002129 *Atlanta, Ga., airport traffic zone.* Within a 5 mile radius of the Municipal Airport, within 2 miles either side of the centerline of the southeast course of the Atlanta, Ga., radio range, extending to the Jonesboro Fan Marker and within 2 miles either side of the centerline of the northwest course of the Atlanta radio range, extending 10 miles northwest of the radio range station.

§ 601.3002130 *Augusta, Ga., airport traffic zone.* Within a 5 mile radius of Daniel Field and within 2 miles either side of the centerline of the southeast course of the Augusta, Ga., radio range, extending 10 miles southwest of the radio range station.

§ 601.3002131 *Biloxi, Miss., airport traffic zone.* Within a 5 mile radius of Keesler Field and within 2 miles either side of the centerline of the northeast course of Keesler Field radio range, extending 5 miles northeast of the radio range station.

§ 601.3002132 *Birmingham, Ala., airport traffic zone.* Within a 5 mile radius of Birmingham Airport and within 2 miles either side of the centerline of the north course of the Birmingham, Ala., radio range, extending 10 miles north of the Birmingham, Ala., radio range station.

§ 601.3002133 *Charleston, S. C., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the northwest course of the Charleston, S. C., radio range, extending to the Summerville Fan Marker.

§ 601.3002134 *Charlotte, N. C., airport traffic zone.* Within a 5 mile radius of Douglas Airport and within 2 miles either side of the centerline of the south course of Charlotte, N. C. radio range, extending 5 miles south of the radio range station.

§ 601.3002135 *Chattanooga, Tenn., airport traffic zone.* Within a 5 mile radius of Lovell Field and within 2 miles either side of the centerline of the northeast course of the Chattanooga, Tenn., radio range, extending 10 miles northeast of the radio range station.

§ 601.3002136 *Columbia, S. C., airport traffic zone.* Within a 5 mile radius of Lexington County Airport and within 2 miles either side of the centerline of the east and west courses of the Columbia, S. C. radio range, extending 5 miles east of the radio range station.

§ 601.3002137 *Crestview, Fla., airport traffic zone.* Within a 5 mile radius of Crestview Airport and within 2 miles either side of the centerline of the east course of Crestview, Fla. radio range, extending 10 miles east of the radio range station.

§ 601.3002138 *Cross City, Fla., airport traffic zone.* Within a 5 mile radius of Cross City Airport and within 2 miles either side of the centerline of the southeast course of Cross City, Fla. radio range, extending 10 miles southeast of the radio range station.

§ 601.3002139 *Daytona Beach, Fla., airport traffic zone.* Within a 5 mile radius of Daytona Beach Airport and within 2 miles either side of the centerline of the west course of Daytona Beach, Fla. radio range, extending 10 miles west of the radio range station.

§ 601.3002140 *Dothan, Ala., airport traffic zone.* Within a 5 mile radius of Dothan Airport and within 2 miles either side of the centerline of the southwest course of Dothan, Ala. radio range, extending 10 miles southwest of the radio range station.

§ 601.3002141 *Florence, S. C., airport traffic zone.* Within a 5 mile radius of Florence Airport and within 2 miles either side of the centerline of the east course of Florence, S. C. radio range, extending 10 miles southeast of the radio range station.

§ 601.3002142 *Fort Myers, Fla., airport traffic zone.* Within a 5 mile radius of Page Field and within 2 miles either side of the centerline of the southwest course of Fort Myers, Fla., radio range, extending 10 miles southwest of the radio range station.

§ 601.3002143 *Greensboro, N. C., airport traffic zone.* Within a 5 mile radius of the Greensboro-High Point Airport and within 2 miles either side of the centerline of the northeast course of the Greensboro, N. C., radio range, extending 10 miles northeast of the radio range station.

§ 601.3002144 *Greenville, S. C., airport traffic zone.* Within a 5 mile radius of the Greenville Airport and within 2 miles either side of the centerline of the south course of Greenville, S. C. radio range, extending 10 miles south of the radio range station.

§ 601.3002145 *Greenwood, Miss., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the east course of Greenwood, Miss., radio range, extending 10 miles east of the radio range station.

§ 601.3002146 *Jacks Creek, Tenn., airport traffic zone.* Within a 5 mile radius of Jacks Creek Intermediate Field and within 2 miles either side of the centerline of the north course of Jacks Creek, Tenn., radio range, extending 10 miles north of the radio range station.

§ 601.3002147 *Jackson, Miss., airport traffic zone.* Within a 5 mile radius of Jackson Airport and within 2 miles either side of the centerline of the north course of Jackson, Miss., radio range, extending to the Flora Fan Marker.

§ 601.3002148 *Jacksonville, Fla., airport traffic zone.* Within a 5 mile radius of Municipal Airport No. 1 and within 2 miles either side of the centerline of the east course of Jacksonville, Fla., radio range, extending to the Fort George Island Fan Marker.

§ 601.3002149 *Key West, Fla., airport traffic zone.* Within a 5 mile radius of Meacham Airport and within 2 miles either side of the centerline of the west course of Key West, Fla., radio range, extending 10 miles west of the radio range station.

§ 601.3002150 *Knoxville, Tenn., airport traffic zone.* Within a 5 mile radius of the McGhee-Tyson Airport and within 2 miles either side of the centerline of the north course of Knoxville, Tenn., radio range, extending 10 miles north of the radio range station.

§ 601.3002151 *Macon, Ga., airport traffic zone.* Within a 5 mile radius of Herbert Smart Airport and within 2 miles either side of the centerline of the northeast and southwest courses of the Macon, Ga., radio range, extending 10 miles northeast of the radio range station.

§ 601.3002152 *Melbourne, Fla., airport traffic zone.* Within a 5 mile radius of Melbourne Airport and within 2 miles either side of the centerline of the north course of Melbourne, Fla., radio range, extending 10 miles north of the radio range station.

§ 601.3002153 *Memphis, Tenn., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the south course of Memphis, Tenn., radio range, extending to the Nesbitt Fan Marker.

§ 601.3002154 *Meridian, Miss., airport traffic zone.* Within a 5 mile radius of Key Field and within 2 miles either side of the centerline of the northwest course of Meridian, Miss., radio range, extending 10 miles northwest of the radio range station.

§ 601.3002155 *Miami, Fla., airport traffic zone.* Within a 5 mile radius of Miami International Airport and within 2 miles either side of the centerline of the east course of Miami, Fla., radio range, extending to the Miami Bay Shore Fan Marker.

§ 601.3002156 *Mobile, Ala., airport traffic zone.* Within a 5 mile radius of Bates Field, within 2 miles either side of a direct line between Bates Field and Mobile radio range station and within 2 miles either side of the centerline of the northeast course of Mobile, Ala., radio range, extending 10 miles northeast of the radio range station.

§ 601.3002157 *Mobile, Ala., airport traffic zone.* Within a 5 mile radius of Brookley Field and within 2 miles either side of the centerline of the northwest course of Mobile, Ala., radio range, extending 10 miles northwest of the radio range station.

§ 601.3002158 *Montgomery, Ala., airport traffic zone.* Within a 5 mile radius of Maxwell Field and within two miles either side of the centerline of the west course of Maxwell radio range, extending 10 miles west of the radio range station.

§ 601.3002159 *Muscle Shoals, Ala., airport traffic zone.* Within a 5 mile radius of Muscle Shoals Airport and within 2 miles either side of the centerline of the southeast course of Muscle Shoals radio range, extending 10 miles southeast of the radio range station.

§ 601.3002160 *Nashville, Tenn., airport traffic zone.* Within a 5 mile radius of Berry Field and within 2 miles either side of the centerline of the east course of Nashville, Tenn., radio range, extending to the Mount Juliet Fan Marker.

§ 601.3002161 *Orlando, Fla., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the northeast course of Orlando, Fla., radio range, extending 10 miles northeast of the radio range station.

§ 601.3002162 *Pensacola, Fla., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerline of the south course of Pensacola, Fla., radio range, extending 10 miles south of the radio range station.

§ 601.3002163 *Raleigh, N. C., airport traffic zone.* Within a 5 mile radius of Raleigh-Durham Airport and within 2 miles either side of the centerline of the southeast course of Raleigh, N. C., radio range, extending 10 miles southeast of the radio range station.

§ 601.3002164 *Savannah, Ga., airport traffic zone.* Within a 5 mile radius of Hunter Field and within 2 miles either side of the centerline of the southwest course of Savannah, Ga., radio range, extending to Richmond Hill Fan Marker.

§ 601.3002165 *Spartanburg, S. C., airport traffic zone.* Within a 5 mile radius of Memorial Airport and within 2 miles either side of the centerline of the southwest course of Spartanburg, S. C., radio range, extending 10 miles southwest of the radio range station.

§ 601.3002166 *Tallahassee, Fla., airport traffic zone.* Within a 5 mile radius of Dale Mabry Field and within 2 miles either side of the centerline of the northwest course of Tallahassee, Fla., radio range, extending 10 miles northwest of the radio range station.

§ 601.3002167 *Tampa, Fla., airport traffic zone.* Within a 5 mile radius of Drew Field, within 2 miles either side of a direct line between Drew Field and Tampa, Fla., radio range station, and within 2 miles either side of the centerline of the south course of Tampa radio range, extending 10 miles south of the radio range station.

§ 601.3002163 *Tri City, Tenn., airport traffic zone.* Within a 5 mile radius of the Tri City Airport and within 2 miles either side of the centerline of the northeast course of Tri City, Tenn., radio range, extending 10 miles northeast of the radio range station.

§ 601.3002169 *West Palm Beach, Fla., airport traffic zone.* Within a 5 mile radius of Morrison Field and within 2 miles either side of the centerline of the west course of West Palm Beach, Fla., radio range, extending 10 miles west of the radio range station.

§ 601.3002170 *Winston-Salem, N. C. airport traffic zone.* Within a 5 mile radius of Smith-Reynolds Airport and within 2 miles either side of the centerline of the southeast and northwest courses of Winston-Salem radio range, extending 10 miles southeast of the radio range station.

§ 601.3002171 *Alma, Ga. airport traffic zone.* Within a 5 mile radius of Alma Intermediate Field and within 2 miles either side of the centerline of the northwest course of the Alma, Ga., radio range, extending 10 miles northwest of the radio range station.

This amendment shall become effective 0001 e. s. t. May 13, 1947.

(Sec. 308, 52 Stat. 986, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 458)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-4500; Filed, May 13, 1947; 8:45 a. m.]

[Amdt. 156]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

CANCELLATION OF AIRPORT APPROACH ZONES AND ESTABLISHMENT OF AIRPORT TRAFFIC ZONES

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate cancellation of airport approach zones and the establishment of airport traffic zones at such points; and (2) the cancellation of airport approach zones and the establishment of airport traffic zones referred to in (1) above have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee;

And finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary; now, therefore, acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By deleting from § 601.2000 the following:

Bakersfield, Calif., Bakersfield-Kern County Airport.
Battle Mountain, Nev., CAA Int. Field.
Blythe, Calif., Blythe AAF.
Burbank, Calif., Lockheed Air Terminal.
Cochise, Ariz., CAA Int. Field.
Daggett, Calif., Daggett Municipal Airport.
Delta, Utah, Delta Airport.
Elko, Nev., Elko Airport (Keddie Field).
Enterprise, Utah, CAA Int. Field.
Fairfield, Utah, CAA Int. Field.
Fresno, Calif., Fresno-Chandler Airport.
Gila Bend, Ariz., Gila Bend AAF.
Las Vegas, Nev., Las Vegas AAF.
Lucin, Utah, CAA Int. Field.
Milford, Utah, CAA Int. Field.
Needles, Calif., Needles Airport.
Newhall, Calif., Newhall Airport.
Ogden, Utah, Robert H. Hinckley Field.
Palmdale, Calif., Palmdale AAF.
Phoenix, Ariz., Sky Harbor Airport.
Prescott, Ariz., Ernest Love Airport.
Red Bluff, Calif., Bidwell Field.
Reno, Nev., Hubbard Field.
Riverside, Calif., March Field.
Sacramento, Calif., Sacramento Airport.
Salt Lake City, Utah, Salt Lake City Airport No. 1.
Silver Lake, Calif., CAA Int. Field.
Tucson, Ariz., Davis Monthan Field.
Williams, Calif., CAA Int. Field.
Winslow, Ariz., Winslow Airport.

2. By deleting from § 601.2002 the following:

El Centro, Calif., El Centro MCAS.
Humboldt, Nev., CAA Int. Field.
Santa Barbara, Calif., Santa Barbara Municipal Airport.
Sunnyvale, Calif., Moffett Field.

3. By deleting § 601.200311 *Long Beach, Calif., airport approach zone.*

4. By deleting § 601.200312 *Los Angeles, Calif., airport approach zone.*

5. By deleting § 601.200317 *Oakland, Calif., airport approach zone.*

6. By deleting § 601.200320 *San Diego, Calif., airport approach zone.*

7. By deleting § 601.200321 *San Francisco, Calif., airport approach zone.*

8. By deleting from § 601.3000 the following:

Fresno, Calif., Fresno-Chandler Airport.
Ogden, Utah, Robert H. Hinckley Field.
Reno, Nev., Hubbard Field.
Santa Barbara, Calif., Santa Barbara, MCAS.
Tucson, Ariz., Tucson Airport.
Winslow, Ariz., Winslow Airport.
Bakersfield, Calif., Bakersfield-Kern Airport.
Burbank (Los Angeles), Calif., Lockheed Air Terminal.
Las Vegas, Nev., Las Vegas AAF
Long Beach, Calif., Long Beach AAF (Daugherty Field).
Los Angeles, Calif., Los Angeles Airport (Mines Field).
Oakland, Calif., Oakland Airport.
Palmdale, Calif., Palmdale AAF.
Phoenix, Ariz., Sky Harbor Airport.
Sacramento, Calif., Sacramento Airport.
San Diego, Calif., Lindbergh Field.
San Francisco, Calif., San Francisco Airport.
Salt Lake City, Utah, Salt Lake City Airport No. 1.

9. By adding in § 601.3000 *Airport traffic zones within three mile radius,* the following:

Lucin, Utah, Intermediate Field.
Needles, Calif., Needles Airport.
Williams, Calif., Intermediate Field.

10. By adding in § 601.3001 *Airport traffic zones within a five mile radius,* the following:

Fresno, Calif., Hammer Field.
Ogden, Utah, Hill Field.
Red Bluff, Calif., Red Bluff Municipal (Bidwell Field).
Reno, Nev., Hubbard Field.
Riverside, Calif., March Field.
Santa Barbara, Calif., Santa Barbara Municipal (Goleta Field).
Sunnyvale, Calif., Moffett Field.
Tucson, Ariz., Davis-Monthan Field.
Tucson, Ariz., Municipal Airport No. 2 (Consolidated).
Winslow, Ariz., Winslow Airport.

11. By adding in § 601.3002 *Airport traffic zones as described herein,* the following:

§ 601.3002172 *Bakersfield, Calif., airport traffic zone.* Within a 5 mile radius of the Bakersfield-Kern County Airport and within 2 miles either side of the centerline of the northwest course of Bakersfield, Calif., radio range, extending 11 miles northwest of the radio range station.

§ 601.3002173 *Burbank, Calif., airport traffic zone.* Within a 5 mile radius of Lockheed Air Terminal within 2 miles either side of the centerline of the southeast course of Burbank, Calif., radio range, extending to and including the area within a 2 mile radius of Glendale Station Location Marker, within 2 miles either side of the centerline of the northwest course of Burbank radio range, extending to the Simi Intersection (intersection of northwest course of Burbank radio range and southwest course of Newhall radio range, Newhall, Calif.), within 2 miles either side of the centerline of the southwest course of Newhall radio range, extending to and including the area within a 2 mile radius of Newhall radio range station and within 2 miles either side of the centerline of the southeast course of Newhall radio range, extending to the intersection of northwest course of Burbank radio range and northwest course of Los Angeles radio range, Los Angeles, Calif.

§ 601.3002174 *El Centro, Calif., airport traffic zone.* Within a 5 mile radius of the El Centro, Calif., Naval Air Station and within a 2 mile radius of El Centro radio range station.

§ 601.3002175 *Fresno, Calif., airport traffic zone.* Within a 5 mile radius of Chandler Airport and within 2 miles either side of the centerline of the southeast course of Fresno, Calif., radio range, extending 15 miles southeast of the radio range station.

§ 601.3002176 *Las Vegas, Nev., airport traffic zone.* Within a 5 mile radius of McCarran Field and within 2 miles either side of the centerline of the northeast course of the Las Vegas, Nev., radio range, extending to Mormon Nesa Fan Marker.

§ 601.3002177 *Long Beach, Calif., airport traffic zone.* Within a 5 mile radius of the Municipal Airport (Daugherty Field), within 2 miles either side of the centerline of the southeast course of Long Beach radio range, extending to Huntington Beach Fan Marker, within 2 miles either side of the centerline of the northeast course of Long Beach radio range, extending to La Habra Intersection (intersection east course of Los Angeles radio range and northeast course of Long Beach radio range), within 2 miles either side of the centerline of the southwest course of Long Beach radio range extending to San Pedro Intersection (intersection southwest course of Long Beach radio range and southeast course of Los Angeles radio range), within 2 miles either side of the centerline of the southeast course of Los Angeles radio range from San Pedro intersection, extending to the Los Angeles Airport Traffic Zone and within 2 miles either side of the centerline of the northwest course of Long Beach radio range, extending to Los Angeles Airport Traffic Zone.

§ 601.3002178 *Los Angeles, Calif., airport traffic zone.* Within a 5 mile radius of the Municipal Airport (Mines Field), within 2 miles either side of the centerline of the east course of the Los Angeles radio range, extending to La Habra Intersection and within 2 miles either side of the centerline of the northwest course of Los Angeles radio range, extending to the Burbank Airport Traffic Zone.

§ 601.3002179 *Oakland, Calif. airport traffic zone.* Within a 5 mile radius of the Municipal Airport within 2 miles either side of the centerline of the southeast course of the Oakland, Calif., radio range, extending to Newark Fan Marker, within 2 miles either side of the centerline of the northwest course of Oakland radio range, extending to Richmond Intersection (intersection northwest course of Oakland radio range, and southwest course of Fairfield radio range, Fairfield, Calif.), within 2 miles either side of the centerline of the northeast course of Oakland radio range, extending to Bay Point Fan Marker and within 2 miles either side of the centerline of the southwest course of Oakland radio range, extending 6.25 miles southwest of the radio range station.

§ 601.3002180 *Ogden, Utah, airport traffic zone.* Within 5 mile radius of the Municipal Airport (Hinckley Field), within 2 miles either side of the centerline of the north course of Ogden radio range, extending to Corinne Fan Marker, within 2 miles either side of the centerline of the east course of Ogden radio range, extending to Huntsville Fan Marker, within 2 miles either side of the centerline of the south course of Ogden radio range, extending to Layton Fan Marker and within 2 miles either side of the centerline of the west course of Ogden radio range, extending 19 miles west of the radio range station.

§ 601.3002181 *Palmdale, Calif., airport traffic zone.* Within a 3 mile radius of the Palmdale Airport and within 2 miles either side of the centerline of the northeast course of Palmdale, Calif., radio range, extending 10 miles northeast of the radio range station.

§ 601.3002182 *Phoenix, Ariz., airport traffic zone.* Within a 5 mile radius of the Municipal Airport (Sky Harbor) and within 2 miles either side of the centerline of the east course of Phoenix, Ariz., radio range, extending to Mesa Fan Marker.

§ 601.3002183 *Prescott, Ariz., airport traffic zone.* Within a 5 mile radius of the Municipal airport (Earnest Love Field) and within 2 miles either side of the centerline of the northwest course of Prescott, Ariz., radio range to and including the area within a 2 mile radius of Prescott radio range station.

§ 601.3002184 *Sacramento, Calif., airport traffic zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the centerlines of all courses of Sacramento radio range, extending 10 miles in each direction from the radio range station.

§ 601.3002185 *San Diego, Calif., airport traffic zone.* Within a 5 mile radius of the Municipal Airport (Lindbergh Field), within 2 miles either side of the centerline of the north course of San Diego, Calif., radio range, extending to Oceanside Fan Marker, within 2 miles either side of the centerline of the south course of San Diego, Calif., radio range, extending to Ceronade Fan Marker and within 2 miles either side of the centerline of the west course of San Diego radio range, extending 10 miles west of the radio range station.

§ 601.3002186 *San Francisco, Calif., airport traffic zone.* Within a 5 mile radius of the Municipal Airport (Mills Field), within 2 miles either side of the centerline of the southeast course of San Francisco, Calif., radio range, extending to Belmont Fan Marker, within 2 miles either side of the centerline of the northeast course of San Francisco radio range, extending 6.25 miles northeast of the radio range station and within 2 miles either side of the centerline of the northwest course of the San Francisco radio range, extending to Golden Gate Intersection (intersection northwest course of San Francisco radio range and southwest course of Fairfield radio range).

§ 601.3002187 *Salt Lake City, Utah, airport traffic zone.* Within a 5 mile radius of Municipal Airport No. 1, within 2 miles either side of the centerline of the north course of Salt Lake City, Utah, radio range, extending to Layton Fan Marker and within 2 miles either side of the centerline of the west course of the Salt Lake City radio range, extending 10 miles west of the radio range station.

This amendment shall become effective 0001 e. s. t. May 13, 1947.

(Sec. 308, 52 Stat. 986, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 458)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-4501; Filed, May 13, 1947; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 605—GENERAL PROCEDURAL PROVISIONS

PART 611—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM POLICY

MISCELLANEOUS AMENDMENTS

1. Part 605 (11 F. R. 177A-909) is hereby amended, effective upon publication in the FEDERAL REGISTER, by adding § 605.3 thereto as follows:

§ 605.3 *Claims cognizable under the Federal Tort Claims Act.* (a) Claims of $1,000 or less, arising out of the negligent or wrongful acts or omissions of FPHA employees acting within the scope of their employment, and which are otherwise cognizable under the Federal Tort Claims Act (Public Law 601, 79th Congress), may be filed with the housing manager or project engineer of the project on which the damage, injury, or death occurs, or with the particular regional office in whose region the damage, injury, or death occurs, or directly with the FPHA central office. Such claims must be filed within one year of the date of occurrence of the injury, damage, or death, or date of enactment of the Federal Tort Claims Act, whichever is later. Each regional office and the central office has a committee of three persons responsible for investigating and recommending disposition of claims of this type.

(1) Such claim may be filed by the person sustaining the injury or damage in his own right; or by a person authorized by law to make the claim on behalf of the injured person or his estate; or by an attorney representing the claimant.

Claims filed by a person authorized by law to make the claim on behalf of the injured person or his estate must be accompanied by evidence establishing the claimant's right to make the claim.

Claims filed by an attorney must be accompanied by a duly authenticated power of attorney establishing his right to represent the claimant. In filing such power of attorney the attorney should state whether he claims a fee, the amount of which, however, will be determined by the FPHA under the provisions of section 422 of the Federal Tort Claims Act.

(2) The claim must state the name, age and address of the injured person; all facts relating to the alleged damage, injury or death, including the date, place, circumstances, extent of damage or injury, and the parties involved; the sworn statements of witnesses which the claimant desires to be considered in the adjudication of the claim; the amount of the claim (not exceeding $1,000); and whether the damage is covered in whole or in part by insurance, and if so, the name of the insurance company.

In addition to the foregoing, the claim must be supported by the following evidence and information:

(i) *Property damage claims.* Property damage claims must be supported by an itemized receipted bill or bills covering the repairs or replacement of the property damaged or destroyed or a notarized appraisal of the cost, strictly limited to such items of repair or replacement as were made necessary by the accident giving rise to the claim; and, if the claimant is not the owner of the property, evidence establishing the claimant's right to make the claim. The claimant must also state the place where the damaged property may be inspected.

(ii) *Personal injury claims.* Personal injury claims must be supported by a medical certificate showing the nature and extent of the injury and the treatment thereof; receipted medical bills such as doctor's bills, hospital bills, nursing bills; and a sworn statement from the claimant's employer establishing the amount of time and compensation lost by reason of the injury.

(iii) *Death claims.* Death claims must be supported by a certified copy of the death certificate, and a statement of the basis upon which the amount of the claim was computed, accompanied by supporting evidence.

(3) The claimant will be notified of the action taken in each case. If the FPHA determines that he is entitled to an award he will be required to complete U. S. Standard Form No. 1145, a copy of which will be furnished him. (Secs. 401-424, Public Law 601, 79th Congress, 60 Stat. 842)

2. Part 611 is hereby amended, effective upon publication in the FEDERAL REGISTER, by rescinding and deleting § 611.7 (11 F. R. 177A-911) therefrom.

Approved: May 5, 1947.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 47-4507; Filed, May 13, 1948; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

PART 705—ADMINISTRATION

[Gen. Order 3]

DELEGATION OF RICE PRICE CONTROL FUNCTIONS TO THE SUGAR RATIONING ADMINISTRATION

Pursuant to the authority conferred upon the Secretary of Agriculture by Executive Order No. 9841, it is ordered:

§ 705.103 *Delegation of rice price control functions to the Sugar Rationing Administration.* (a) The Secretary of Agriculture designates Leroy K. Smith Adviser to the Secretary for Rice Price Control.

(b) The Secretary of Agriculture delegates to Leroy K. Smith and, subject to the direction and control of the Secretary and Leroy K. Smith, to the Sugar Rationing Administration, authority and responsibility to discharge all of the functions, powers, and duties conferred upon the Secretary by Executive Order No. 9841; *Provided however*, That the authority to issue rice price regulations and amendments thereto, and the authority to maintain in his own name civil proceedings relating to matters within the scope of Executive Order No. 9841 are expressly reserved to the Secretary of Agriculture, except as heretofore, or as may hereafter be, provided by order of the Secretary of Agriculture.

(c) Notwithstanding the provisions of General Order No. 1 [1] and Memorandum No. 1190, both issued by the Secretary of Agriculture, the Administrator of the Sugar Rationing Administration shall, with respect to matters concerning rice price control, report to the Secretary of Agriculture through, and shall be under the general supervision of, Leroy K. Smith.

(d) As provided in section 404 of Executive Order No. 9841, all prior and currently effective orders, rules, regulations, directives, and other similar instruments relating to functions with respect to price control over rice transferred to the Secretary of Agriculture by the provisions of such order or issued by any agency terminated under such order or by any predecessor or constituent agency thereof, shall remain in effect except as they are inconsistent with the provisions of such order or are hereafter amended or revoked by the Secretary of Agriculture or other proper authority.

(e) Until changed, revoked, or modified by order of the Secretary of Agriculture or the Administrator of the Sugar Rationing Administration, and except to the extent that they may be inconsistent with this General Order No. 3, all delegations and sub-delegations of authority and designation of functions as they are now described in the Office of Price Administration manual covering the organization of those portions of the Office of Price Administration whose functions are transferred to the Secretary of Agriculture under Executive Order No. 9841 are hereby ratified, confirmed, and validated and shall remain in full force and effect.

This General Order No. 3 shall become effective May 9, 1947.

(E. O. 9841, 12 F. R. 2645)

Issued this 9th day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-4602; Filed, May 13, 1947; 10:33 a. m.]

PART 705—ADMINISTRATION

[Rev. Gen. RO 5,[1] Amdt. 22]

SUGAR RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 is amended in the following respect:

Section 9.3 (b) is amended to read as follows:

(b) All coupons to be issued to institutional users shall be issued in multiples of five. If the amount to be issued is not a multiple of five, such amount shall be raised to the next multiple of five. (Thus, if the allotment for an institutional user who is to receive coupons is for 56 pounds, coupons for 60 pounds shall be issued.)

This amendment shall become effective May 14, 1947.

Issued this 9th day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 22 to Revised General Ration Order 5

Present regulations. At the present time one pound and ten pound sugar ration coupons are issued under the sugar rationing regulations. When the allotment for an institutional user who is authorized to receive ration coupons (other than for an institutional user who applies for his allotment on R–1309) is for an amount which is not a multiple of ten, the Regional Issuance Unit must detach the correct number of one-pound ration coupons from a coupon sheet in order to complete the issuance for the correct amount of the allotment.

Proposed amendment. This amendment provides that coupons to be issued to institutional users shall be multiples of five. If the amount to be issued is not a multiple of five, such amount shall be raised to the next multiple of five.

Reason for amendment. The mechanical operation involved in the issuance of coupons will be simplified and the time necessary for such operation will be reduced by permitting Regional Issuance Units to detach five one-pound ration coupons at a time instead of an odd number of one-pound coupons when coupon issuances are made to institutional users.

[F. R. Doc. 47-4601; Filed, May 13, 1947; 10:32 a. m.]

[3d Rev. RO 3,[1] Amdt. 45]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

Section 11.5 is added to read as follows:

SEC. 11.5 *Removal of limitations on imported sugar-containing products on and after May 7, 1947* (a) On and after May 7, 1947, the foregoing provisions of this article shall not apply to imported sugar-containing products; *Provided, however*, That the provisions regarding receipt, delivery, or use of imported sugar-containing products shall remain in full force and effect with respect to any such acts occurring prior to May 7, 1947.

This amendment shall become effective May 7, 1947.

Issued this 9th day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 45 to Third Revised Ration Order 3

The limitations contained in the present regulations with respect to imported sugar-containing products were established to prevent an unreasonable diversion of sugar into sugar-containing products as a means of evading the rationing of crystalline and liquid sugar in the United States.

The current increase in rationing levels, reflecting the improved sugar supply situation, coupled with the improved availability of nonrationed sugar substitutes, has reduced this danger of an unreasonable diversion of sugar into sugar-containing products. In addition, the licensing of imports by the Production and Marketing Administration of the Department of Agriculture has also materially limited the diversion of sugar by such means.

In view of these improved conditions, and in accordance with the policy of removing rationing controls as quickly as warranted, this amendment removes the rationing limitations on imported sugar-containing products received, delivered, or used after May 7, 1947. The amendment also continues in effect the provisions in the present regulations with respect to receipt, delivery, or use of imported sugar-containing products occurring prior to May 7, 1947. Thus, persons who failed to comply with the regulations on imported sugar-containing products delivered, received, or used prior to May 7, 1947, are not relieved of their obligation to do so.

[F. R. Doc. 47-4600; Filed, May 13, 1947; 10:32 a. m.]

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[1] 12 F. R. 2807.

[2] 11 F. R. 116.

[1] 11 F. R. 177, 14281.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 21—INTERNATIONAL POSTAL SERVICE

GIFT PARCELS FOR PRISONERS OF WAR HELD ABROAD

Paragraph (c) (2) *British-held prisoners of war* under the country "Germany" (39 CFR, Part 21), as amended (12 F. R. 705), is amended to read as follows:

(2) Contents permitted are nonperishable foodstuffs, tobacco and cigarettes, clothing, soap, mailable medical supplies, and similar items for relief of human suffering. No parcel shall contain any written or printed matter of any kind.

Any prohibited articles found in the parcels when they are checked by the British authorities will be liable to be confiscated.

(R. S. 161, 396, Sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4502; Filed, May 13, 1947; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC–19]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

It appearing, that by order of July 17, 1939, in this proceeding, rules and regulations governing the practices of motor common carriers engaged in the transportation of household goods, in interstate or foreign commerce (49 CFR, Cum. Supp., Part 176), were approved and prescribed;

It further appearing, that by order of March 20, 1943, said proceeding was reopened for further hearing with respect to the practices of motor common carriers of household goods of (1) insuring or undertaking to insure or procure insurance on shipments, (2) giving estimates of costs of transportation and accessorial services, and (3) collecting dock charges, and certain proposed rules to govern such practices, including a modification of § 176.7 (Motor Carriers Household Goods rule 7);

And it further appearing, that such further hearing has been held, that full consideration of the matters and things involved has been given, and that on the date hereof, the said division has made and filed a report on further hearing herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof: [1]

It is ordered, that present regulations, § 176.4 (49 CFR, Cum. Supp.), *Accessorial or terminal services; tariffs providing therefor; packing and uncrating charges*, shall be renumbered § 176.4 (a), and § 176.9 (49 CFR, Cum. Supp.), *Effective date of tariffs*, shall be renumbered § 176.4 (b), and the following rules and regulations supplementing those heretofore approved and prescribed in this proceeding, are prescribed to become effective on July 15, 1947, and shall follow § 176.8 (49 CFR, Cum. Supp.):

Sec.
176.9 Liability of carriers.
176.10 Estimates of charges.
176.11 Absorption or advancement of dock charges.

AUTHORITY: §§ 176.9 to 176.11, inclusive, issued under 49 Stat. 547, 558, 560; 49 U. S. C. 304 (c), 316 (e), 317 (a).

§ 176.9 *Liability of carriers*—(a) *Liability restricted.* Common carriers by motor vehicle of household goods shall not assume any liability in excess of that for which they are legally liable under their lawful bills of lading and published tariffs.

(b) *Insurance policy.* Each such common carrier which sells, offers, or procures cargo insurance to or for a shipper of household goods shall deliver to the shipper at or prior to the time of shipment a policy or certificate of insurance which shall show clearly the name and address of the insurance company, the amount of insurance, the premium therefor, and the risks insured against, or the risks excluded, whichever is more appropriate.

(c) *Advertisement of insurance.* Such common carriers or any employee, agent, or representative thereof shall not advertise or represent to the public that insurance is provided against all risks unless such insurance in fact affords protection to the shipper from every peril to which the shipment may be exposed. When all except certain risks are insured against, this fact shall be indicated in any advertisement of and in any representations to shippers regarding the insurance, and such advertising and representations shall not be such as to deceive or mislead the public or any shipper regarding the scope of the exceptions. Policies providing coverage against specific perils only shall be advertised, represented, and designated as "limited-risk policies", or by some other appropriate designation which will indicate clearly to the shipper that not all risks are covered thereby.

(d) *Filing tariffs and evidence of insurance prerequisite to advertising that "all loads are insured."* Such carriers, or any employee, agent, or representative thereof, shall not advertise or represent to the public that "all loads are insured" or other similar wording unless such carrier has filed tariffs with this Commission assuming complete liability and has filed evidence of insurance with this Commission providing protection covering all shipments to their full value without limitation and insuring against every peril to which any shipment may be exposed.

§ 176.10 *Estimates of charges*—(a) *Estimates by carrier.* Wherever any estimate of the charges for a proposed service shall be made or given by such carrier to a proposed shipper of household goods, the estimate shall be in writing and shall contain the following:

(1) The correct name and address of the motor carrier and the name of the authorized agent who prepared the estimate.

(2) A list or other indication of the articles on which the estimate is based.

(3) The origin and destination of the proposed movement.

(4) The estimated weight of the goods to be transported.

(5) The applicable rate.

(6) An itemized statement of all accessorial services and charges.

(7) An estimate of the transportation tax.

(8) An estimate of the total charges, including the transportation tax.

(9) A printed statement on the face thereof, in a prominent position, in not less than eight point bold or full face type, the following:

Important notice. The actual charges which will be collected generally cannot be determined until after the property is loaded on a van and weighed.

The estimate covers only the articles and services indicated. If additional articles are to be shipped or additional services required, a supplemental estimate may be obtained.

The estimate of the charges herein made is not a warranty or guaranty that the actual charges will not exceed the amount estimated.

Carriers are required by law to collect transportation, packing, and other incidental charges computed on rates shown in their lawfully published tariffs regardless of any rate quotation or weight estimate made by the carrier.

(b) *Estimate form for shipper's use.* Carriers may furnish to shippers or prospective shippers an estimate form which may contain statements of the weights of average pieces of furniture and other household articles of various types, for use by the shipper in making his own estimate of the total weight of his goods. Any instructions necessary to enable the shipper to use the estimate form shall be printed in the form. If cubic foot measurements are used in arriving at the weight, the form shall state that a weight factor of seven pounds per cubic foot shall be used.

(c) *Weight of shipment, notification to shipper.* After the shipment has been weighed, the carrier if requested by the shipper, shall immediately notify the shipper of the weight thereof and the charges, by telephone or telegraph if requested. The notice shall be at the carrier's expense unless the carrier provides in its tariff that the actual cost of such notice shall be collected from the shipper.

(d) *Reweighing.* The carrier shall, upon request made by the shipper before delivery and when practicable to do so,

[1] Filed as part of the original document.

reweigh the shipment. A reasonable charge may be established for reweighing only when the difference between the two net scale weights does not exceed (1) 100 pounds on shipments weighing 5,000 pounds or less, and (2) 2 percent of the lower net scale weight on shipments weighing more than 5,000 pounds. The lower of the two net scale weights shall be used for determining the applicable charges.

§ 176.11 *Absorption or advancement of dock charges.* Motor common carriers of household goods shall not absorb any dock or other charge made by any warehouseman, nor shall any such carrier advance any such charge for the account of any shipper, owner, or other person, except upon the authorization of such person. Whenever such charges are advanced on behalf of the shipper, the carrier shall obtain a receipt therefor from the warehouseman and deliver it to the shipper or the person designated by the shipper at the time the advanced charges are paid.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4514; Filed, May 13, 1947; 8:45 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-27]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4470, 4481, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 375, 391a, 392, 404, 463, 463a, 474, 481, 489, 50 U. S. C. 1275), and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals of equipment are prescribed effective upon date of publication of this document in the FEDERAL REGISTER:

FIRE INDICATING AND ALARM SYSTEM

Fire alarm annunciator, automatic, supervised; Dwg. No. 55–100, Sheets 1, 2, and 3, Alt. 3, Dwg. No. 55–103, Alt. 5, Elementary system wiring diagram, Dwg. No. 55–104, Alt. 1, Relay, Dwg. No. 55–105, Alt. 0, Drop, Dwg. No. 55–106, Alt. 0, Zone panel assembly, Dwg. No. 55–107, Alt. 0, Control and test panel assembly, Dwg. No. A–6569, Alt. 0, Power failure alarm relay, Dwg. No. 55–101, Alt. 0, Fire alarm station, manual, Dwg. No. 55–102, Alt. 0, Fire alarm station, test, Dwg. No. 55–109, Alt. 0, Fire alarm system battery charging panel; manufactured by Henschel Corp., Amesbury, Mass.

FIRE EXTINGUISHING APPARATUS

Kidde 35-pound carbon dioxide hose rack semiportable fire extinguisher, Installation Dwg. No. L–82835, dated July 9, 1946, manufactured by Walter Kidde & Co., 675 Main St., Belleville, N. J.

LIFEBOATS

30' x 10' x 4.13' Aluminum hand-propelled lifeboat, 83-person capacity, Construction and Arrangement Dwg. No. 3125, dated Aug. 6, 1946 and revised Mar. 10, 1947, submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

30' x 10' x 4.13' Aluminum motor-propelled lifeboat with radio cabin, 75-person capacity, Construction and Arrangement Dwg. No. 3124, dated Aug. 15, 1946 and revised Mar. 10, 1947, submitted by Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

30' x 9.67' x 4.17' Aluminum hand-propelled lifeboat with pivoted thwarts for nested lifeboats, 70-person capacity, Construction and Arrangement Dwg. No. 3137, dated Oct. 16, 1946 and revised Mar. 26, 1947, submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Dated: May 8, 1947.

[SEAL] J. F. FARLEY, *Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 47-4525; Filed, May 13, 1947; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Circular 1646a]

ALASKA

POSTPONEMENT OF DATE FOR SALE OF LOTS IN EAST ADDITION TO KODIAK TOWN SITE

The time for the sale of lots in the East Addition to Kodiak Town Site, Alaska, fixed by paragraph 3 of Circular No. 1646 of April 11, 1947 (12 F. R. 2775), to begin on May 26, 1947, at 10 a. m., is hereby postponed to commence on June 18, 1947, at 10 a. m.

FRED W. JOHNSON, *Director.*

Approved: May 2, 1947.

WARNER W. GARDNER, *Assistant Secretary of the Interior.*

[F. R. Doc. 47-4508; Filed, May 13, 1947; 8:46 a. m.]

[Misc. 2124454]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

Correction

In Federal Register Document 47-3952, appearing on page 2750 of the issue for Saturday, April 26, 1947, the land description at the end of the document should read as follows:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 2 W.,
Sec 23, W½SE¼ and E½SW¼.

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

NEW MEXICO LIVESTOCK EXCHANGE STOCKYARDS, ALBUQUERQUE, N. MEX.

NOTICE RELATIVE TO POSTED STOCKYARDS

It has been ascertained that the New Mexico Livestock Exchange Stockyards, at Albuquerque, New Mexico, originally posted as the New Mexico Livestock Exchange Company, Inc., on May 3, 1940, as being subject to the Packers and Stockyards Act, 1921, as amended, no longer comes within the definition of a stockyard under the act. Therefore, notice of such fact is given to the owner of such stockyard and to the public by filing notice with the Division of the Federal Register.

NOTE: Notice of proposed rule-making has not preceded the promulgation of the foregoing order since it is found that so doing would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable. There is no legal warrant or justification for not depositing promptly a stockyard which no longer comes within the definition of a stockyard contained in the Packers and Stockyards Act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, is made effective immediately.

(7 U. S. C. 181, et seq.)

Done at Washington, D. C., this 7th day of May 1947.

[SEAL] H. E. REED, *Director; Livestock Branch.*

[F. R. Doc. 47-4545; Filed, May 13, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–796, G–889]

SOUTHERN NATURAL GAS CO. AND EAST TENNESSEE NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Upon consideration of the following applications filed with the Federal Power Commission:

(i) Application filed on October 7, 1946, as amended on March 18, 1947, and May 1, 1947, in Docket No. G–796 by Southern Natural Gas Company for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct and operate the following-described pipeline facilities subject to the jurisdiction of the Federal Power Commission:

A. *1947 construction program*—(1) *Main line compressor station additions.*

(a) 2,000 hp. in two units at the Louisville station.
(b) 2,000 hp. in two units at the Reform station.
(c) 2,000 hp. in two units at the Tarrant station.
(d) 2,000 hp. in two units at the DeArmanville station.
Total, 8,000 hp.

(2) *Main line loop lines.*

(a) 3.5 miles of 20-inch line between Reform and Tarrant compressor stations.
(b) 1.5 miles of 22-inch line between the Reform and Tarrant compressor stations.
(c) 11.0 miles of 22-inch line extending eastward from the Tarrant station
(d) 2.5 miles of 20-inch line between the DeArmanville station and Atlanta
Total main line loops, 18.5 miles.

(3) *Branch line loop lines.*

(a) Meridian (Mississippi) branch line—9 miles of 6⅝-inch loop line
(b) Columbus-West Point (Mississippi) branch line—6.5 miles of 6⅝-inch loop line.

B. *1947–48 construction program*—(1) *Main line compressor station additions.*

(a) 10,000 hp. in ten units, at a new station (Station A) to be located approximately midway between present Pickens and Louisville stations
(b) 10,000 hp. in ten units, at a new station (Station B) to be located approximately midway between the present Louisville and Reform stations
(c) 8,000 hp. in eight units, at a new station (Station C) to be located approximately midway between the present Reform and Tarrant stations
(d) 6,000 hp. in six units, at a new station (Station D) to be located approximately midway between the present Tarrant and DeArmanville stations
(e) 3,000 hp. in three units, at a new station (Station E) to be located approximately thirty-two miles East of the present DeArmanville station.

(2) *Main line loop lines.*

(a) 5.0 miles of 20-inch line between new Station A and the Louisville station
(b) 3.5 miles of 20-inch line between new Station B and the Reform station
(c) 5.5 miles of 20-inch line between new Station E and Atlanta
Total miles 14.0.

(3) *Branch line compressor station.*

2,000 hp. in two units at a new station (McConnell's Station) to be located at the point where the Montgomery-Columbus branch line takes off from the main line.

(4) *Gadsden branch line loop.*

33 miles of 12¾-inch pipe parallel to the present branch line.

(5) *Facilities to extend Applicant's system to new markets.*

(a) An extension to Chattanooga, Tennessee. This will comprise approximately 44 miles of 8⅝-inch line extending from a point on Applicant's Cedartown-Calhoun, Georgia, branch line (at the end of the 6⅝-inch section of said line in Gordon County, Georgia) to a point of delivery in Catoosa County, Georgia, at or near the Georgia-Tennessee state line near Chattanooga. A new compressor station of 1,600 H. P. is to be installed at the end of the 12¾-inch sections of the Cedartown-Calhoun branch line, near Rockmart, Georgia, together with a meter station and dwelling houses at said point of delivery and appurtenant facilities. In the event Applicant makes contracts for delivery of gas for distribution in Rossville, Dalton and other communities along the route of the Chattanooga extension, such facilities will also include lateral lines and measuring facilities, or such portions thereof as Applicant may agree to construct, of appropriate sizes to supply such communities.

(b) An extension to Lexington, Mississippi. This will comprise approximately 11 miles of 4½-inch line extending from a point north of Goodman, Mississippi, on the Goodman-Durant branch line in Holmes County, Mississippi, to the town of Lexington, Mississippi, together with a meter station and appurtenant facilities.

(c) An extension to various cities and towns in North Alabama, including Athens, Decatur, Florence, Hartselle, Huntsville, Sheffield and Tuscumbia. This extension will comprise approximately 97 miles of 10¾-inch line commencing at a point on Applicant's main line east of its Reform compressor station and extending northward to Sheffield, and lateral lines comprising approximately 39 miles of 8⅝-inch line, 23 miles of 6⅝-inch line and 28 miles of 4½-inch line extending to the other cities mentioned above. This project also includes the installation of 1,000 h. p. of additional compressing facilities at Applicant's Reform compressor station, a river crossing consisting of two 6⅝-inch lines across the Tennessee River, meter stations at various points of delivery and appurtenant facilities.

In the event Applicant makes contracts for the delivery of gas for distribution in other communities along the route of this extension, the facilities will also include lateral lines and measuring facilities, or such portions thereof as Applicant may agree to construct, of appropriate sizes to supply such communities. Such communities include Fayette, Winfield, Hamilton, Haleyville, Russellville, Town Creek, Leighton, Courtland, Wheeler, Hillsboro and Trinity.

(d) An extension to White Plains, Alabama. This extension will comprise approximately 7.5 miles of 4½-inch line commencing at a point on Applicant's main line east of its DeArmanville compressor station and extending northward to a point in Calhoun County known as White Plains, where said line will connect with lines extending to the towns of Jacksonville and Piedmont, Alabama (which latter lines will be constructed and owned by the respective towns), together with a meter station and appurtenant facilities.

(e) A connection at Tallassee, Alabama. This will consist of a tap and meter station at a point on Applicant's Montgomery-Columbus branch line in the town of Tallassee, Alabama.

(ii) Application filed on April 17, 1947, in Docket No. G–889, by East Tennessee Natural Gas Company for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct and operate the following-described facilities subject to the jurisdiction of the Federal Power Commission:

(a) Approximately 186.5 miles of 16-inch O. D. transmission pipeline extending from a point of take-off from the line of Tennessee Gas & Transmission Company at a point of interconnection approximately 5 miles northeast of that company's compressor station No. 10, in an easterly or slightly southeasterly direction to a point near Chickamauga Dam in the immediate vicinity of Chattanooga, Tennessee.

(b) Approximately 112.4 miles of 12¾-inch O. D. transmission pipeline extending from the point last mentioned in paragraph (ii) (a) above in a northeasterly direction to a point southeast of Knoxville, Tennessee, and in the immediate vicinity of the corporate limits of that city.

(c) Approximately 32.4 miles of 6-inch O. D. pipeline, 143.1 miles of 4-inch O. D. pipeline, and 70.9 miles of 3½-inch O. D. pipeline, all of which will serve as lateral lines and will extend from the pipelines described in paragraphs (ii) (a) and (b) above.

It appears to the Commission that: Good cause exists for consolidating the proceedings in Docket Nos. G–796 and G–889 for the purpose of hearing.

The Commission, therefore, orders that:

(A) The proceedings in Docket Nos. G–796 and G–889 be and the same are hereby consolidated for the purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on the 26th day of May, 1947, at 10:00 a. m., in Grand Jury Room, No. 355, Post Office and Court House Building, Chattanooga, Tennessee, concerning the matters involved and the issues presented by the applications and the amendments thereto, and other pleadings in these proceedings.

(C) Prior to the date herein fixed for the commencement of the public hearing with respect to the applications of Southern Natural Gas Company and East Tennessee Natural Gas Company, the officer designated by the Commission to preside at the public hearing shall hold a prehearing conference of all parties participating in the proceedings concerning the matters of fact and law asserted in the applications, as amended, and other pleadings filed in the proceedings for the purpose of settling, simplifying or limiting the issues and further apprising the parties of the formulated or stipulated issues upon which evidence must be adduced at the public hearing.

(D) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 C. F. R. 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4520; Filed, May 13, 1947; 8:46 a. m.]

[Docket No. G-799]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 9, 1947.

Notice is hereby given that, on May 9, 1947, the Federal Power Commission issued its findings and order entered May 6, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4521; Filed, May 13, 1947; 8:46 a. m.]

[Docket Nos. G-806, G-325]

KANSAS-NEBRASKA NATURAL GAS CO., INC. AND TRI-COUNTY GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND DISMISSING APPLICATION

MAY 9, 1947.

Notice is hereby given that, on May 9, 1947, the Federal Power Commission issued its findings and order entered May 6, 1947, issuing certificate of public convenience and necessity and dismissing application in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4624; Filed, May 13, 1947; 8:46 a. m.]

[Docket No. G-843]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 9, 1947.

Notice is hereby given that, on May 9, 1947, the Federal Power Commission issued its findings and order entered May 6, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4523; Filed, May 13, 1947; 8:46 a. m.]

[Docket No. G-849]

UNITED FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 9, 1947.

Notice is hereby given that, on May 9, 1947, the Federal Power Commission issued its findings and order entered May 6, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4522; Filed, May 13, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 730]

UNLOADING OF COAL AT SHAMOKIN, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of May A. D. 1947.

It appearing, that two cars containing buckwheat coal at Shamokin, Pennsylvania, on the Reading Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Coal at Shamokin, Pa., be unloaded.* The Reading Company, its agents or employees, shall unload immediately cars Rdg 89414 and Rdg 73054, containing buckwheat coal, on hand at Shamokin, Pennsylvania, account Lower Region Coal Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 10, 1947, and continuing until the actual unloading of said sar or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4511; Filed, May 13, 1947; 8:45 a. m.]

[S. O. 731]

UNLOADING OF CAUSTIC SODA AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of May A. D. 1947.

It appearing, that two cars containing caustic soda at New Orleans, La., on the Louisiana & Arkansas Railway Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use, in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Caustic soda at New Orleans, La., be unloaded.* The Louisiana & Arkansas Railway Company, its agents or employees shall unload immediately cars ATSF 121970 and PLE 30800, containing caustic soda, on hand at New Orleans, La., consigned to shippers order, notify H. S. Dorf Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m., May 10, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4512; Filed, May 13, 1947; 8:45 a. m.]

[S. O. 732]

UNLOADING OF MACHINERY AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of May A. D. 1947.

It appearing, that two cars containing machinery at New Orleans, Louisiana, on the Louisville and Nashville Railroad Company, have been on hand for an unreasonable length of time, and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered that:

(a) *Machinery at New Orleans, Louisiana, be unloaded.* The Louisville and Nashville Railroad Company, its agents or employees, shall unload immediately cars MILW 13324 and C&NW 42597, loaded with machinery, now on hand at New Orleans, Louisiana, consigned to American Commercial Transports Company, % H. P. Lambert Company, New Orleans, Louisiana.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 10, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4513; Filed, May 13, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

In the matter of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company and its subsidiary companies, respondents, File No. 59-3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company and Electric Power & Light Corporation, et al., respondents, File No. 59-12.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of May A. D. 1947.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having filed with this Commission, pursuant to sections 9, 10 and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-44 and U-50 of the rules and regulations promulgated thereunder, a supplemental application and declaration designated as Amendment No. 5 to its Plan II-A; and

Bond and Share having proposed in said application and declaration to sell at competitive bidding, in the manner hereinafter provided, 423,408 shares of common stock of Carolina Power & Light Company ("Carolina"), plus not exceeding 25,000 shares of such stock which Bond and Share may acquire for the purpose of stabilizing the market as hereinafter described;

Bond and Share having further proposed in said application and declaration that, as an optional alternative to the usual procedure under Rule U-50, the company will invite sealed, written proposals for the underwriting of such shares by publishing a notice requesting that any persons interested in such underwriting advise Bond and Share to that effect in writing on or before a specified date (which shall not be earlier than the fourth day after the publication of the notice), and on or after such specified date the company by telegram will notify all persons who have so signified their interest that sealed bids should be presented at a designated time and place, the designated time to be not less than 48 hours (exclusive of Sundays and holidays) after the sending by Bond and Share of such telegraphic notice;

Bond and Share having also requested permission in said application and declaration to purchase not in excess of 25,000 shares of the common stock of Carolina on the New York Stock Exchange for the purpose of stabilizing the price of such stock from the time that the company sends the above described telegraphic notice to the prospective underwriters until the time bids are opened, any such purchases to be made at a price (exclusive of commissions) not in excess of the last preceding sale price of Carolina common stock on such exchange;

Bond and Share having further requested that the Commission's order contain findings and recitations conforming to the provisions and requirements of section 1808 (f) of the Internal Revenue Code, as amended;

The Commission having issued a notice pursuant to Rule U-23 with respect to said application and declaration; and

Samuel Okin, a common stockholder of Bond and Share, having requested a hearing with respect to said application and declaration, and the Commission having heard oral argument and having this day issued its findings and opinion herein;

On the basis of said findings and opinion *It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that the said application and declaration be, and the same hereby are, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of Carolina common stock shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses in connection with the proposed transactions, including the fees and expenses of counsel for the successful bidder;

It is further ordered, That any transfer, pursuant to any sale by Bond and Share, of any shares of the common stock of Carolina (not exceeding 25,000 shares) which may be purchased by Bond and Share in the course of the above-mentioned stabilizing operations is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

It is further ordered, That Samuel Okin's request for a hearing with respect to said application and declaration be and hereby is denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4504; Filed, May 13, 1947; 8:46 a. m.]

[File Nos. 70-1494, 70-1495]

STANDARD GAS AND ELECTRIC CO. AND CALIFORNIA OREGON POWER CO.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of May 1947.

Standard Gas and Electric Company ("Standard Gas"), a registered holding company, having filed an application and declaration and amendments, thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") and The California Oregon Power Company ("Copco"), a public utility subsidiary of Standard Gas having filed an application and declaration and amendment thereto pursuant to the act (in which applications and declarations, as filed or amended, sections 11 (b), 12 (a), 12 (d), 6 (b) and 9 (a) of the act and rules U-23, U-24, U-42, U-44 and U-50 are designated as applicable), with respect to the following transactions:

Copco proposes to issue and sell at competitive bidding pursuant to the requirements of Rule U-50 promulgated under the act, 60,000 shares of —% Cumulative Preferred Stock, par value

$100 per share ("New Preferred Stock"). The annual dividend rate of the New Preferred Stock (to be a multiple of 1/10 of 1% of the par value) and the price per share to be received by Copco (to be not more than $102.75 per share and not less than $100 per share) will be determined by the competitive bidding. Copco also proposes to issue and sell 18,000 shares of Common Stock, par value $20 per share, at competitive bidding pursuant to the requirements of Rule U-50. The proceeds of the sale of the 60,000 shares of New Preferred Stock and of the 18,000 shares of Common Stock will be used by Copco (1) for the redemption at $110 per share of its outstanding 45,761 shares of Six Per Cent Preferred Stock, Series of 1927 ("Old Preferred Stock"), reduced by such number of shares of Old Preferred Stock as shall have been acquired and donated to Copco by Standard Gas (as more particularly hereinafter set forth), and (2) for reimbursement of its treasury in part for expenditures heretofore made and to be made for additions and betterments to its properties;

Standard Gas proposes to sell 390,000 shares of Common stock of Copco, par value of $20 per share, pursuant to the requirements of Rule U-50, such sale to be made coincidentally with the sale by Copco of 18,000 shares of its Common Stock, par value of $20 per share. The net proceeds of the sale of said 18,000 shares of Common Stock of Copco will be applied by Standard Gas towards the payment of interest and principal on its promissory notes dated April 10, 1946, issued to certain banks under a Bank Loan Agreement dated December 21, 1945, as supplemented by supplemental agreements dated February 15, 1946, April 5, 1946 and April 5, 1947 or any further extensions or supplemental agreements in respect thereto which may have been entered into by Standard Gas and approved by the Commission prior to the time the proceeds are received.

Standard Gas further proposes, prior to the issue and sale of the new securities of Copco, to acquire in the open market certain shares of the Old Preferred Stock of Copco equal in number, as nearly as practicable, to 3,000 shares, and to donate to Copco the shares so acquired as a capital contribution, in the sum of $300,000 (assuming 3,000 shares are so acquired by Standard Gas) against which $13,700 discount and expense applicable to such donated stock will be charged immediately by Copco.

Copco proposes to amend its Amended Articles of Incorporation in order to reclassify its presently outstanding 312,000 no par value shares of Common Stock (having an aggregate stated capital equivalent in value to $25 per share), all of which are owned by Standard Gas, into 390,000 shares of Common Stock of the par value of $20 per share; and also to provide for the authorization of the New Preferred Stock and to set forth the preferences, voting powers, restrictions and qualifications of said New Preferred Stock and the Common Stock, par value $20 per share. Standard Gas undertakes to consent to the proposed amendments to the Amended Articles of Incorporation of Copco.

Copco proposes to charge the total of (a) the amount of capital stock discount and expense relating to the Old Preferred Stock to be redeemed, (b) the redemption premiums on such stock, and (c) the expense of the redemption of such stock, as follows: $286,300 of these items to the capital surplus created by the donation by Standard Gas of shares of Old Preferred Stock (assuming the number of such donated shares will be 3,000), and the balance of the total of these items, being approximately $339,592, to earned surplus. Copco further proposes to charge to earned surplus the following items: (1) Duplicate dividends of $42,761 to be incurred in connection with the redemption of its Old Preferred Stock; and (2) the unamortized balance of $561,442, as of May 1, 1947, of its unamortized debt discount and expense, presently carried in its accounts in respect of redemption premium and expense applicable to its first mortgage bonds redeemed in 1944.

Both Standard Gas and Copco have requested that the ten-day notice for inviting bids as provided for by subsection (b) of Rule U-50 be shortened to six days so as to minimize the possibility of a postponement of the opening of bids due to a change of market conditions between the time the day of opening of bids is designated and such day. In this connection, Standard Gas and Copco have not designated a day certain on which bids are to be opened but they propose to advise the Commission by telegram on the day preceding the publication of a public invitation for bids of their intention so to do and the proposed date of the opening of such bids.

Copco and Standard Gas have requested that the Commission make the specifications and itemizations necessary in order that the provisions of sections 1808 (f), 371 (a), 371 (b) and 371 (f) of the Internal Revenue Code shall be applicable to the proposed transactions.

Copco has applied to the Public Utilities Commission of the State of California, in which State Copco is organized and doing business, and to the Public Utilities Comissioner of Oregon, in which State Copco is also doing business, for their respective orders authorizing the reclassification of the Common Stock of Copco, the issue and sale of 18,000 shares of Common Stock, as reclassified, and 60,000 shares of ____% Cumulative Preferred Stock, and the use of the proceeds of such sale for redemption of such of its outstanding shares of Old Preferred Stock as shall not have been surrendered as a capital contribution, and with respect to other matters, including to the extent required authority to make the accounting entries hereinabove referred to.

Said separate applications and declarations having been filed on March 26, 1947, and Standard Gas having filed an amendment to its application and declaration on April 2, 1947, and both Standard Gas and Copco having requested on April 25, 1947, that the effective date of these filings be postponed to May 5, 1947, and both Standard Gas and Copco having filed amendments to their respective applications and declarations on May 2, 1947, and notice of said filings, as then amended, having been duly given by the Commission on April 3, 1947, in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said applications and declarations, as filed or amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing that the amendments filed May 2, 1947 include certain transactions with respect to which the Commission has deemed it appropriate that further public notice be given so that interested persons may have an opportunity to request a hearing with respect to such transactions, and that accordingly such a public notice has been given by separate notice of filing issued this day (Holding Company Act Release No. 7388), to which reference is hereby made, which notice relates to the acquisition in the open market by Standard Gas of approximately 3,000 shares of Old Preferred Stock of Copco, the contribution of such shares by Standard Gas to Copco, and certain accounting treatment relating thereto; and

The Commission finding with respect to said applications and declarations, as amended, (except as to those transactions heretofore referred to and more fully summarized in the aforesaid notice of filing issued this day), that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and that it is appropriate in the public interest and in the interests of investors and consumers that said applications and declarations, as amended, (except as to the particular matters specified in the aforesaid notice of filing issued this day), should be granted and permitted to become effective, subject, however, to the terms and conditions hereinafter set forth;

It is hereby ordered, That, pursuant to Rule U-23, said applications and declarations, as amended, (except as to the matters set forth in the notice of filing issued this day hereinabove referred to), be, and the same are hereby granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24 and subject to the following further conditions:

1. That Copco obtain authorizations from the Public Utilities Commission of the State of California and the Public Utilities Commissioner of Oregon for the transactions proposed to be done by Copco.

2. That the proposed sale by Copco of 60,000 shares of —% Cumulative Preferred Stock, par value $100 per share and 18,000 shares of its Common Stock, par value $20 per share, and the proposed sale by Standard Gas of 390,000 shares of the Common Stock, par value $20 per share, of Copco shall not be consummated:

(a) Until after the entry of an order approving or making other disposition of those matters contained in said applications and declarations, as amended, which are not granted nor permitted to become effective by the terms of this order (which matters are more specifically set forth in the notice of filing issued this day hereinabove referred to); and

(b) Until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction is hereby reserved.

It further appearing that it is appropriate that the Commission at this time reserve for further consideration the requests made by Copco and by Standard Gas for certain findings and other relief pursuant to the provisions of sections 371 (a), 371 (b), 371 (f), and 1808 (f) of the Internal Revenue Code, and that it is appropriate to reserve jurisdiction with respect to such requested order and findings; and it further appearing that it is appropriate that the Commission at this time reserve jurisdiction with respect to all fees and expenses incurred or to be incurred in connection with the proposed transactions:

It is further ordered, That jurisdiction be and the same hereby is reserved with respect to the specifications and itemizations to be made by the Commission in order that the provisions of sections 371 (a), 371 (b), 371 (f), and 1808 (f) of the Internal Revenue Code shall be applicable to the proposed transactions, and with respect to all the fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4503; Filed, May 13, 1947; 8:45 a. m.]

[File Nos. 59-88 and 59-9]

PHILADELPHIA CO. ET AL.

MEMORANDUM OPINION AND ORDER REGARDING SIMPLIFICATION OF HOLDING COMPANY SYSTEM, PRACTICE AND PROCEDURE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 6th day of May A. D. 1947.

In the matter of Philadelphia Co. and certain of its subsidiary companies and Standard Power and Light Corporation and Standard Gas and Electric Company, respondents, File No. 59-88; Standard Power and Light Corporation, Standard Gas and Electric Company and subsidiary companies thereof, respondents, File No. 59-9.

Requests for leave to be heard; motion to strike out appearances and evidence. Where respondents in section 11 (b) proceedings move to strike appearances of and evidence introduced by persons for failure to comply with provision in notice of and order instituting proceedings that persons requesting leave to be heard comply with Rule XVII of the rules of practice and state issues proposed to be controverted and the additional issues to be raised, held, motion granted, unless such persons shall state issues they propose to controvert and additional issues they propose to raise or present valid reason for their inability to do so.

Motion for hearing on purported section 11 (e) plan and for consolidation with pending section 11 (b) proceedings. Where respondents' answer in section 11 (b) proceedings contains what purports to be a section 11 (e) plan and respondents move for hearing on said plan and for consolidation with pending proceedings, held, motion granted and any issues raised by purported plan, including issue whether it can properly be regarded as a plan under section 11 (e), will be considered in consolidated proceedings.

Motion to defer entry of section 11 (b) order. Where respondents' answer in section 11 (b) proceedings contains what purports to be a section 11 (e) plan and respondents move to defer the entry of section 11 (b) order until consideration and determination of alleged plan, held, decision reserved on motion until conclusion of hearings and submission of case to Commission.

Appearances: H. Eastman Hackney, Robert J. Dodds, Jr., Reed, Smith, Shaw & McClay, A. Louis Flynn, Helmer Hansen, Howard M. Swartz, and Philip A. Fleger, for respondents.

William S. Moorhead and George E. Flinn, of Moorhead & Knox, for Monongahela Street Railway Company and Pittsburgh and Birmingham Traction Company.

Richard W. Ahlers, for Suburban Rapid Transit Street Railway Company.

Alfred Berman and J. Howard Rossback, of Guggenheimer & Untermyer, for Christian A. Johnson and Kent Cochran.

Maurice J. Dix, for Jules Guggenheim, et al.

James E. Reily, of White & Williams for Protective Committee of Public Holders of No Par Value Common Stock of Philadelphia Company.

Paul S. Davis and Howard S. Guttmann, for the Public Utilities Division of the Commission.

By order dated December 5, 1946,[1] we instituted these proceedings pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("the act"). Our order also consolidated the proceedings with prior proceedings instituted pursuant to section 11 (b) (1) of the act. Hearings are in progress and have been recessed until May 12, 1947.

Philadelphia Company and certain of its subsidiary companies[2] ("respondents") have filed two motions. The first motion requests that we strike the appearances of and evidence introduced by certain persons who appeared at the hearings.[3] The second motion requests relief with respect to a purported plan under section 11 (e) of the act, contained in respondents' answer filed in these proceedings. Respondents have submitted briefs in support of both their motions, and answering briefs in opposition to the first motion were filed by some of the persons to whom the motion is directed. The Public Utilities Division has filed briefs with respect to both motions.

We shall consider each of the motions in turn.

1. *Motion to strike appearances and evidence.* Respondents move to strike from the record the appearances made in these proceedings by Monongahela Street Railway Company ("Monongahela"); Pittsburgh and Birmingham Traction Company ("Birmingham"); the Suburban Rapid Transit Street Railway Company ("Suburban"); Jules Guggenheim, et al.; Christian A. Johnson and Kent Cochran; and Robert M. Saville, Alda Strode and Clara E. DeClerque; and also to strike evidence introduced at the hearings by Monongahela, Birmingham and Suburban. As grounds for this motion, respondents assert that the persons named have not complied with the terms of our order of December 5, 1946, instituting these proceedings. That order provided that any person desiring to be heard shall file an application complying with Rule XVII of our Rules of Practice[4] and stating the applicant's interest, his reasons for requesting to be heard and the allegations and issues set forth in the order which he proposes to controvert, together with a statement of any additional issues he proposes to raise in the proceedings. Respondents have also moved that the above named persons be denied the privilege of being heard until they have exemplified with our order of December 5, 1946.

Monongahela and Birmingham, parties to certain leases guaranteed by the Philadelphia Company, filed applications for leave to be heard, and the trial examiner, exercising the discretion in such matters given to him by Rule XVII of our Rules of Practice, granted their requests. In the course of the hearings, both companies stated on the record that they did not have sufficient knowledge either to controvert any allegations set forth in the order instituting the proceedings or to raise any additional issues, and, consequently at the present stage of the proceedings did not propose to deny any allegations or raise any new issues. Both companies have also introduced certain documentary evidence.

Respondents contend that Monongahela and Birmingham, in failing to state the allegations which they propose to controvert and any new issues which they propose to raise, have not complied with the provision in our order of December 5, 1946. Respondents assert that they are entitled to timely warning as to

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[1] Holding Company Act Release No. 7025.

[2] The subsidiary companies referred to are Duquesne Light Company, Equitable Gas Company, Pittsburgh and West Virginia Gas Company, Kentucky West Virginia Gas Company, Allegheny County Steam Heating Company, Cheswick and Hamar Railroad Company, The Consolidated Gas Company of the City of Pittsburgh, Equitable Auto Company, Equitable Real Estate Company, Equitable Sales Company, Finleyville Oil and Gas Company, and Philadelphia Oil Company.

[3] This motion was initially made to the trial examiner with reference to certain of the persons appearing. The examiner denied the motion and certified the question to us for consideration, after the respondents excepted to his ruling.

[4] Rule XVII (b) of our Rules of Practice provides in pertinent part: "Requests for leave to be heard * * * shall set forth the nature and extent of the applicant's interest in the proceeding, * * *"

the persons from whom opposition can be expected, timely notice of new issues which any interested person might care to raise, and a fair and orderly hearing upon such issues with a minimum of surprise.

The provision in our order that applicants for leave to be heard shall state their position was intended to provide for the joinder of issues as soon as possible, thereby facilitating an orderly and expeditious trial of the issues in the proceedings. However, while such provision is intended to simplify and expedite the proceeding to the fullest extent practicable, it does not contemplate or require the impossible. We appreciate that, in some instances, interested persons, either because they lack sufficient information or for some other valid reason, may be unable to present such statement at the outset of the proceedings. Particularly is this true in proceedings of this type where complex factual and legal issues are presented. Under such circumstances, we think it proper that interested persons should be permitted to defer taking an affirmative position until the evidence has been developed to the point where the effect on their interests has become evident. It is only at that time that they may actually be in a position to state what allegations, if any, they wish to controvert or what additional issues, if any, they wish to raise. It may well be that at that time they will decide to do neither. On the other hand, if at any stage of the proceedings the respondents are "surprised" by the controverting of allegations in the order or the injection of new issues, they will, of course, have the right to request, and upon a proper showing will be afforded, a reasonable opportunity to meet such questions.

As we have already pointed out, Monongahela and Birmingham have stated that they do not now have sufficient information either to deny allegations or to raise additional issues. We do not believe they have been captious in this respect and we find that their statement constitutes compliance, to the extent practicable at this time, with our order of December 5, 1946. Accordingly, respondents' motion to strike the appearances of and evidence introduced by these companies is denied.

Suburban, also a party to a lease which the Philadelphia Company has guaranteed, filed an application for leave to be heard, which was granted by the trial examiner, and has introduced certain documentary evidence. Suburban, whose interests appear to be similar to those of Monongahela and Birmingham, made no statement either in its original application or on the record of its position with reference to the issues in these proceedings. However, Suburban on May 2, 1947, filed a supplemental statement to its application, advising that its position is identical with that of Monongahela and Birmingham. For the reasons we have previously set forth, we find that Suburban has complied, to the extent practicable at this time, with our order of December 5, 1946. Accordingly, respondents' motion to strike the appearance of and evidence introduced by Suburban is denied.

Kent Cochran and Christian A. Johnson, owners of $4 Preferred Stock of Standard Gas and Electric Company and directors of that company on behalf of the $4 Preferred Stock, have filed an application for leave to be heard, which was granted by the trial examiner. They have made no statement in the record or in their application of their position as to the issues raised in these proceedings. However, in their briefs opposing respondents' motion, they have stated that they are minority members of Standard's board of directors and have not been kept fully advised of Standard's position in these proceedings and that at the present time they are not able to deny any allegations or raise any additional issues. For the reasons we have previously set forth, we find that the statement contained in the brief constitutes an adequate statement of interest and position and complies with our order of December 5, 1946. Accordingly, respondents' motion as to Cochran and Johnson is denied.

Jules Guggenheim, et al., a group of public security holders, have filed no application for leave to be heard. While this group has not stated whether or not they propose to deny any allegations in the order for hearing, they have filed a document designated as an "answer," which raises additional issues and which does state the nature of their interest in the proceedings. We shall treat this group's "answer" as an application for leave to be heard. However, to clarify its position, the group should state its views on the allegations set forth in the order for hearing. Accordingly, respondents' motion is granted, unless the group, either in writing or on the record within 5 days after the hearing in these proceedings shall be reconvened, makes a statement with respect to existing issues or else presents adequate reasons for its inability to do so at that time.

Counsel for Robert M. Saville, Alda Strode and Clara E. DeClerque, public security holders, stated on the record that he proposed to file an application for leave to be heard on their behalf at a later time. Subsequently, he filed such application on behalf of a "Protective Committee of Public Holders of No Par Value Common Stock of Philadelphia Company" which represents, among others, the above mentioned three persons. Examination of the Committee's application reveals compliance with Rule XVII and the requirements of our order of December 5, 1946. Since it appears that the position of the Committee reflects the views of Saville, Strode and DeClerque, respondents' motion as to these persons is denied.

2. Motion for relief with respect to purported section 11 (e) plan. The order instituting these proceedings required each respondent to file an answer, which might include a statement as to the steps any respondent was prepared to take to comply with section 11 (b) of the act. Respondents, in their answer, in addition to admitting or controverting allegations contained in the order for hearing, set forth what purports to be a plan pursuant to section 11 (e) of the act.

As to the initial hearing in these proceedings, respondents moved to stay the section 11 (b) proceedings pending consideration and disposition of its purported section 11 (e) plan. On February 28, 1947, in a memorandum opinion we denied this motion, stating: "* * * without now deciding whether what is contained in Philadelphia's answer can be properly regarded as a plan filed under section 11 (e) of the act, it is appropriate that the issues raised by such answer be considered in these consolidated proceedings."[5] Respondents now move that the purported plan be set down for hearing after notice to all interested persons, that such hearing be consolidated with the hearings presently being held in the section 11 (b) proceedings, and that the entry of any order under section 11 (b) of the act be deferred until after consideration and determination of the purported plan.

Counsel for the Public Utilities Division contends that the purported plan should not be set down for hearing because, it is asserted, it is incomplete, inadequate and in its present form could not be approved or effectuated.[6] Counsel for the Division maintains that to the extent that the purported plan represents a statement of position by the respondents as to their method of meeting certain of the issues raised in the section 11 (b) proceedings, we can consider such statement under the terms of the order instituting these proceedings.

We do not believe that it is necessary at this time to determine whether what is contained in respondents' answer can be properly regarded as a plan under section 11 (e) of the act. Any section 11 (e) plan, in order to qualify for approval by the Commission, must be found necessary to effectuate the provisions of section 11 (b) of the act. Consideration of the issues raised by a section 11 (e) plan clearly involves, therefore, questions of fact and law similar to those involved in section 11 (b) proceedings. Accordingly, we believe it appropriate and in the interest of orderly administration and expedition to treat the issues raised by the purported section 11 (e) plan including the issue of whether it is in fact a section 11 (e) plan as part of these proceedings and to the extent that additional formal consolidation is necessary, it is hereby ordered.

With respect to the necessity for additional notice, it is our understanding that security holders of respondents have already been furnished with copies of

[5] Philadelphia Company, — S. E. C. —, Holding Company Act Release No. 7239, p. 3.

[6] The Division points out that the purported plan cannot be properly regarded as a plan under section 11 (e) of the act because, inter alia, the plan as submitted is at most a statement of position by the Philadelphia Company that it can retain under its control electric, gas, transportation and other operations and a statement of its intention to eliminate certain companies from its system, without indicating what mechanics are to be employed or the time within which such proposals are to be effectuated, and further because the purported plan makes no proposals as to the disposition or treatment of the interests of security holders of the various companies in the system.

respondents' answer, which contains the purported plan and which, in itself, would put such persons on notice that the purported plan had been filed in the section 11 (b) proceedings and that it raised certain issues therein. Under the circumstances, we think the only additional notice necessary will be given if this opinion is published and served in the same manner as the notice of and order for hearing herein and we so order. We see no reason why the consolidated proceedings should not be resumed on May 12, 1947, the date scheduled, since, at that time or thereafter in the hearings, persons who have not theretofore appeared will, on a proper showing, have an opportunity to explore all issues in the proceedings.

As to respondents' request that entry of an order in the section 11 (b) proceedings be deferred until after consideration and determination of the purported section 11 (e) plan, we think such request is premature and need not be passed on at this time. Accordingly, we are reserving our ruling on such request until the conclusion of the consolidated hearings and at that time will dispose of this part of the motion in connection with our consideration of the entire proceedings.

Respondents have requested oral argument with respect to both of their motions. Since the issues raised were fully explored in the briefs and since it does not appear that oral argument would be of any additional aid in the disposition of the motions, such request is denied.

It is therefore ordered, That respondents' motions are granted to the extent provided for in the foregoing and in all other respects denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4505; Filed, May 13, 1947; 8:46 a. m.]

[File Nos. 70-1494, 70-1495]

STANDARD GAS AND ELECTRIC CO. AND CALIFORNIA OREGON POWER CO.

NOTICE REGARDING AMENDMENTS TO FILINGS

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 8th day of May 1947.

Notice is hereby given that Standard Gas and Electric Company ("Standard Gas"), a registered holding company, and its subsidiary, The California Oregon Power Company ("Copco"), a public utility company, have on May 2, 1947, filed separate amendments to their applications and declarations herein pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly sections 9 (a) and 10 thereof.

Notice is further given that any interested person may not later than May 14, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on certain of the proposed transactions set forth in said amendments filed May 2, 1947, hereinafter described, which are in addition to the proposed transactions summarized in Holding Company Act Release No. 7327, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said additional proposed transactions, hereinafter described, which he proposes to controvert or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter (unless the Commission should prior thereto, at the request of any interested person or on its own motion, order a hearing thereon) the applications or declarations, as amended, herein, in so far as they relate to the transactions hereinbelow summarized, may be granted or may be permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under said act, or as otherwise provided under said act and rules and regulations, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said applications and declarations, as presently amended, which are on file in the office of the Commission, for a more complete statement of the transactions therein proposed, which transactions (being in addition to and in connection with certain other transactions proposed by Standard Gas and Copco and in large part summarized in Holding Company Act Release No. 7327) may be summarized as follows:

Standard Gas proposes, prior to the proposed issue and sale by Copco of 60,000 shares of its --% Cumulative Preferred Stock and 18,000 shares of its Common Stock, par value $20 per share, to acquire on the open market certain shares of the Six Per Cent Preferred Stock, Series of 1927, of Copco, equal in number, as nearly as practicable, to 3,000 shares, and to donate to Copco the shares so acquired as a capital contribution in the amount of $300,000 (assuming 3,000 shares are so acquired by Standard Gas) against which $13,700 discount and expense applicable to such donated stock will be charged immediately by Copco.

Copco proposes to charge to the capital surplus (amounting approximately to $286,300) created by this donation a portion of the total of (a) the amount of capital stock discount and expense relating to its Six Per Cent Preferred Stock, Series of 1927, proposed to be redeemed, (b) the redemption premium on such stock, and (c) the expenses of the redemption of such stock. Copco proposes to charge to earned surplus the balance of approximately $339,592 of these items together with duplicate dividends of $42,761 to be incurred in connection with the redemption of its Six Per Cent Preferred Stock, Series of 1927.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4506; Filed, May 13, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8798]

AUGUST BARBEY

In re: Estate of August Barbey, deceased. File No. D-28-10311; E. T. sec. 14692.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Fick, Louise Fick and Emil Fick, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of August Barbey, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Miss Elsie M. Bens, as Executrix, acting under the judicial supervision of the Court of Probate, District of Cheshire, Connecticut;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4527; Filed, May 13, 1947; 8:47 a. m.]

[Vesting Order 8800]

IDA EGGERT

In re: Estate of Ida Eggert, deceased. File D-28-11431; E. T. sec. 15670.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Krause, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the heirs, names unknown, of Herman Krause, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Ida Eggert, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by William G. Haas, as executor, acting under the judicial supervision of the Probate Court of Berrien County, Michigan;

and it is hereby determined:

5. That to the extent that the above named person and the heirs, names unknown of Herman Krause, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4528; Filed, May 13, 1947; 8:47 a. m.]

[Vesting Order 8804]

CHRISTIAN GOETZ ET AL.

In re: Christian Goetz vs. Regina Gradolph et al. File D-28-9314; E. T. sec. 12307.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Regina Gradolph, Rosina Weber and Sophia Messer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,282.67 deposited with the Clerk of the Probate Court of Marion County, Indiana, pursuant to an order of the Probate Court of Marion County, entered August 29, 1945, in the matter of Christian Goetz vs. Regina Gradolph et al., is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of the Probate Court of Marion County, Indiana (Probate Case No. 3772), acting under the judicial supervision of the Probate Court of Marion County, Indiana.

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4529; Filed, May 13, 1947; 8:47 a. m.]

[Vesting Order 8805]

ADAM KLEIN

In re: Estate of Adam Klein, deceased. File No. D-28-8866; E. T. sec. 11009.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karoline Achtziger, Michael Duetsch, Joseph Duetsch, Margareta Kassecker, Anna Brueckner, Edith Haas, Heinrich Haas and Hedwig Haas, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin and distributees, names unknown of Johann Duetsch, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $173.33 was paid to the Alien Property Custodian by James W. Brown, Administrator of the Estate of Adam Klein, deceased;

4. That the said sum of $173.33 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 and the personal representatives, heirs, next of kin and distributees, names unknown, of Johann Deutsch, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 12, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4530; Filed, May 13, 1947; 8:47 a. m.]

[Vesting Order 8808]

AUGUSTA W. RATHJE

In re: Estate of Augusta W. Rathje, deceased. File F-66-9; E. T. sec. 34.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and pursuant to law, after investigation, it is hereby found:

1. That Mieta Classen, Wilhelm Rathje and Loise Weber, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Augusta W. Rathje, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The First National Bank of Westwood, as executor, acting under the judicial supervision of the Orphans' Court of Bergen County, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4531; Filed, May 13, 1947; 8:50 a. m.]

[Vesting Order 8809]

ANNA ROSENBUSCH

In re: Estate of Anna Rosenbusch, deceased. File No. D-28-11579; E. T. sec. 15796.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Andrew Rosenbusch, Margaret Fleischman, John Rosenbusch, Margaret Michel, and Christian Fleischman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That the issue, names unknown of Andrew Rosenbusch, the issue, names unknown of Margaret Fleischman, the issue, names unknown of John Rosenbusch, the issue, names unknown of Margaret Michel, and the issue, names unknown of Christian Fleischman, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Anna Rosenbusch, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Curt Arno Gunther, as Executor of the Estate of Anna Rosenbusch, deceased, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown of Andrew Rosenbusch, the issue, names unknown of Margaret Fleischman, the issue, names unknown of John Rosenbusch, the issue, names unknown of Margaret Michel, and the issue, names unknown of Christian Fleischman, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4532; Filed, May 13, 1947; 8:50 a. m.]

[Vesting Order 8811]

HERMAN ZENDEL

In re: Estate of Herman Zendel, deceased. File D-28-9422; E. T. sec. 12588.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emelie Zendel Schmid, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Herman Zendel, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by John T. Dempsey, as Administrator, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4533; Filed, May 13, 1947; 8:50 a. m.]

[Vesting Order 8818]

ULRICH SCHRECKER ET AL.

In re: Bank account and stock owned by Ulrich Schrecker, Rolf Schrecker, Wilhelm Schrecker and Vera Schrecker. F-28-23511-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ulrich Schrecker, Rolf Schrecker, Wilhelm Schrecker and Vera Schrecker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All those debts or other obligations owing to Ulrich Schrecker, Rolf Schrecker, Wilhelm Schrecker and Vera Schrecker, by Rudolph Correll, 26 Ferry Street, New York 7, New York, including particularly but not limited to a portion of the sum of money on deposit with The Chase National Bank of the City of New York, Pine and Nassau Streets, New York, New York, in a bank account, entitled Rudolph Correll, Special # 1, and any and all rights to demand, enforce and collect the same, and

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Wilhelm Schrecker, and presently in the custody of Rudolph Correll, 26 Ferry Street, New York 7, New York, in a safe deposit box numbered 56-205 in the Mercantile Branch of The Chase National Bank of the City of New York, 115 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ulrich Schrecker, Rolf Schrecker, Wilhelm Schrecker and Vera Schrecker, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of issuer	State of incorporation	Certificate No.	Number of shares	Par value	Type of stock
Allied Chemical & Dye Corp., 61 Broadway, New York, N. Y.	New York	0299679	5	No	Common.
American Smelting & Refining Co., 120 Broadway, New York, N. Y.	New Jersey	CO 197985	6	No	Do.
		CO 180324	10	No	Do.
		CO 56307	20	No	Do.
American Telephone & Telegraph Co., 195 Broadway, New York 7, N. Y.	New York	TN 75745	5	$100.00	Capital.
		TN 75020	5	100.00	Do.
		RN 77736	10	100.00	Do.
		TN 51648	5	100.00	Do.
		TN 44773	5	100.00	Do.
		PN 14566	6	100.00	Do.
		HN 98150	5	100.00	Do.
		NF 77579	6	100.00	Do.
		NK 35098	10	100.00	Do.
		NU 61655	5	100.00	Do.
		ND 84840	4	100.00	Do.
		NQ 25933	12	100.00	Do.
		NP 58598	2	100.00	Do.
		NG 30096	7	100.00	Do.
The American Tobacco Co., 111 5th Ave., New York, N. Y.	New Jersey	BB 36570	6	25.00	Common "B".
		BB 10142	30	25.00	Do.
		CC 4111	44	25.00	Common.
The Atchison, Topeka & Santa Fe Ry. Co., Topeka, Kans.	Kansas	A297714	1	100.00	Do.
		X293760	10	100.00	Do.
The Coca Cola Co., 101 West 10th St., Wilmington, Del.	Delaware	NY/CO 60713	10	No	Do.
E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, Del.	do	E 466186	10	20.00	Do.
		E 122885	2	20.00	Do.
		E 18591	52	20.00	Do.
		E 32434	1	20.00	Do.
Eastman Kodak Co., 343 State St., Rochester, N. Y.	New Jersey	Y 305733	10	No	Do.
		Y 317368	8	No	Do.
		Y 337568	4	No	Do.
		Y 128955	10	No	Do.
		Y 26938	10	No	Do.
		Y 102847	1	No	Do.
		Y 368347	12	No	Do.
General Electric Co., 1 River Rd., Schenectady, N. Y.	New York	NYC 216647	100	No	Do.
		NYD 202435	20	No	Do.
		NYD 7114	40	No	Do.
General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.	Delaware	WC 104-994	1	10.00	Do.
Guaranty Trust Co. of New York, 140 Broadway, New York 16, N. Y.	New York	C 272516	8	100.00	Capital.
Homestake Mining Co., 300 Montgomery St., San Francisco, Calif.	California	090853	16	12.50	Do.
Ingersoll-Rand Co., 11 Broadway, New York, N. Y.	New Jersey	A 70915	2	No	Common.
International Shoe Co., 1509 Washington Ave., St. Louis, Mo.	Delaware	(New) CO 2768	20	No	Do.
Liggett & Myers Tobacco Co., 4211 Folsom Ave., St. Louis, Mo.	New Jersey	F 32899	10	25.00	Common "B".
National Biscuit Co. 449 West 14th St., New York, N. Y.	do	H 1100	25	10.00	Common.
National Lead Co., 111 Broadway, New York, N. Y.	do	05940	30	10.00	Do.
The Pennsylvania Railroad Co., Broad Street Station Bldg., Philadelphia, Pa.	Pennsylvania	P 706441	3	50.00	Capital.
		P 458160	3	50.00	Do.
		A 869342	20	50.00	Do.
Radio Corp., of America, R. C. A. Bldg., 30 Rockefeller Plaza, New York, N. Y.	Delaware	WO 111510	26	No	Common.
R. J. Reynolds Tobacco Co., Winston-Salem, N. C.	New Jersey	BL 190041	15	10.00	Common "B".
		BL 110485	10	10.00	Do.
		BL 7420	12	10.00	Do.
		BL 12964	1	10.00	Do.
Royal Dutch Co., Willemstad, Curacao, Netherlands, West Indies.	Netherlands, West Indies.	019633	2	No	Ordinary.
		013588	6		
Union Carbide & Carbon Corp., Carbide & Carbon Bldg., 30 East 42d St., New York, N. Y.	New York	419640	10	No	Common.
		101337	10	No	Do.
Union Pacific R. R. Co., 16th and Dodge Sts., Omaha, Nebr.	Utah	B 478517	10	100.00	Do.
United Fruit Co., 1 Federal St., Boston, Mass.	New Jersey	K 033039	1	No	Do.
		H 055480	1	No	Do.
		K 010640	25	No	Do.
United Shoe Machinery Corp., 140 Federal Street, Boston, Mass	do	342281	20	25.00	Do.
		279002	10	25.00	Do.
		169149	10	25.00	Do.
		205031	2	25.00	Do.
United States Steel Corp., 71 Broadway, New York, N. Y.	do	C 529393	10	100.00	7% Preferred.

[F. R. Doc. 47-4535; Filed, May 13, 1947; 8:50 a. m.]

[Vesting Order 8816]

ERNST A. GIESSEN

In re: Bank account and stock owned by Ernst A. Giessen, also known as Ernest A. Giessen or as E. A. Giessen, F-28-22636-D-1, F-28-22636-D-2, F-28-22656-D-3, F-28-22636-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst A. Giessen, also known as Ernest A. Giessen or as E. A. Giessen, whose last known address is Frankfurt, A. M., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ernst A. Giessen, also known as Ernest A. Giessen or as E. A. Giessen, by First National Bank at Pittsburgh, 5th Avenue and Wood Streets, Pittsburgh, Pennsylvania, arising out of a savings account, Account Number 26549, and any and all rights to demand, enforce and collect the same,

b. Six (6) shares of no par value common capital stock of Kennecott Copper Corporation, 120 Broadway, New York 5, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered O 25555, and registered in the name of Ernest A. Giessen, together with all declared and unpaid dividends thereon,

c. Sixteen (16) shares of $50.00 par value capital stock of Anaconda Copper Mining Company, 25 Broadway, New York 4, New York, a corporation organized under the laws of the State of Montana, evidenced by a certificate numbered 362259, and registered in the name of Ernest A. Giessen, together with all declared and unpaid dividends thereon, and

d. Three (3) shares of $50.00 par value 6% Cumulative Preferred capital stock of the Philadelphia Company, 435 Sixth Avenue, Pittsburgh 19, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered R-12513, and registered in the name of Ernst A. Giessen, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4534; Filed, May 13, 1947; 8:50 a. m.]

[Vesting Order 8829]

ANTHONY HELFRICH

In re: Estate of Anthony Helfrich, also known as Anton Helfrich, deceased. File D-66-2150; E. T. sec. 13357.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marga Helfrich and John Helfrich, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Anthony Helfrich, also known as Anton Helfrich, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the City Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4536; Filed, May 13, 1947; 8:50 a. m.]

[Vesting Order 8839]

KARL FRANKE

In re: Stock owned by Karl Franke. P-28-22452-D-½.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Franke, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Four (4) shares of $15 par value capital stock of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 035924 and 035925 for two (2) shares each, registered in the name of Karl Franke, together with all declared and unpaid dividends thereon,

b. Forty-one (41) shares of $25 par value capital stock of Standard Oil Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered SC69420, SC23442 and SC41234 for twenty-one (21), six (6) and fourteen (14) shares respectively, registered in the name of Karl Franke, together with all declared and unpaid dividends thereon, and

c. Those certain debts or other obligations owing to Karl Franke by Standard Oil Company, a New Jersey Corporation, 30 Rockefeller Plaza, New York, New York, in the amounts of $11.01 and $10.48 respectively, as of December 31, 1945, arising out of the sale of certain scrip issued by said corporation, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4537; Filed, May 13, 1947; 8:50 a. m.]

[Vesting Order 8841]

ELIZABETH GIESLER

In re: Debt or other obligation owing to and stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Elizabeth Giesler, deceased. F-28-22950-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Elizabeth Giesler, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Elizabeth Giesler, deceased, by Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, in the amount of $38.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Two (2) shares of capital stock of The Atchison, Topeka & Santa Fe Railway Company, 80 East Jackson Boulevard, Chicago, Illinois, a corporation organized under the laws of the State of Kansas, evidenced by certificate number A341135, registered in the name of Ladenburg, Thalmann & Co., 25 Broad Street, New York, New York, and presently in the custody of the aforesaid Ladenburg, Thalmann & Co., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Elizabeth Giesler, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Elizabeth Giesler, deceased, are not within a designated enemy country, the national interest of

the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4538; Filed, May 13, 1947; 8:50 a. m.]

[Vesting Order 8844]

DAISY VIVANTI LEMKE AND WALTER LEMKE

In re: Bank account, stock, bonds and certificates of deposit owned by Daisy Vivanti Lemke and Walter Lemke. F-28-593-A-1, F-28-593-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Daisy Vivanti Lemke and Walter Lemke, whose last known addresses are 8 Marunouchi, 3 Chome, Tokyo, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Daisy Vivanti Lemke and Walter Lemke, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a clean credit deposit account, entitled Mr. Walter Lemke &/or Mrs. Daisy Vivanti Lemke, and any and all rights to demand, enforce and collect the same,

b. Ten (10) shares of no par value $5.00 preferred capital stock of American Power & Light Company, 2 Rector Street, New York, New York, a corporation organized under the laws of the State of Maine, evidenced by certificate number 01087, registered in the name of Hurley & Co., and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

c. Those certain certificates of deposit numbered NYD 477, NYD 478 and NYD 479, representing three (3) Abitibi Power & Paper Company, Limited First Mortgage 5% Bonds, Series A, of $500.00 face value, which certificates of deposit are presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, and any and all rights in, to and under the aforementioned certificates of deposit,

d. That certain certificate of deposit number NB 636, representing four (4) Chicago Rapid Transit Company First Mortgage and Refunding 6½% Bonds, of $1,000.00 face value, bearing the numbers 2664, 3492, 452, 10686, which certificate of deposit is presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, and any and all rights in, to and under the aforementioned certificate of deposit, and

e. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, registered in the manner set forth in Exhibit A, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Number of bonds and description of issue	Face value	Numbers	Registered in name of—
Four (4) Republic of Chile 6% External Sinking Fund Gold Bonds.	$1,000.00	6573 6577 6578 6579	Hurley & Co.
One (1) 3% Republic of Panama External Scrip Certificate.	38.22	S426	Bearer.
Two (2) Republic of Panama Refunding 3½% Thirty-five Year Bonds.	1,000.00	7959 5567	Do.
One (1) 3% Republic of Panama External Sinking Fund Bond.	50.00	344	Do.
Do.	100.00	876	Do.

[F. R. Doc. 47-4539; Filed, May 13, 1947; 8:51 a. m.]

[Vesting Order 8912]

CHRISTINA MARGARET NATSCHIFF

In re: Real property owned by Christina Margaret Natschiff, also known as Christina M. Natschiff, and as Christina Margaret Natscheff, and as Christina M. Natscheff, and as C. M. Natscheff.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christina Margaret Natschiff, also known as Christina M. Natschiff, and as Christina Margaret Natscheff, and as Christina M. Natscheff, and as C. M. Natscheff, whose last known address is Dresden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated at Keopuka 2, District of South Kona, Island, T. H., particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

All of that certain parcel of land (portion of the land described in Royal Patent Grant Number 148 to Daniel Barrett), situate, lying and being on the makai side of the upper Government road, at Keopuka 2, in the District of South Kona, Island, County and Territory of Hawaii, and being further described as the "Southerly Portion," and thus bounded and described:

Beginning at a ¾" pipe in concrete marked #1 (23,177' N. & 558' W. of Terr. Trig. Sta. Lae o Kanoni) which is the Southeast corner of Keopuka 2 and is the Southeast corner of the South Portion of Keopuka 2, thence running by true azimuth measured clockwise from South.

1. 68°19', 203.25 feet along old stonewall to a ¾" pipe in concrete marked No. 2;
2. 70°19', 137.75 feet along old stonewall to a ¾" pipe in concrete marked No. 3;
3. 80°58', 218.00 feet along old stonewall;
4. 83°49', 146.60 feet along old stonewall to a ¾" pipe in concrete marked No. 4;
5. 78°39', 191.52 feet along old stonewall to a ¾" pipe in concrete marked No. 5;
6. 90°01', 124.00 feet along old stonewall to a ¾" pipe in concrete marked No. 6;
7. 87°32', 110.20 feet along old stonewall to a ¾" pipe in concrete marked No. 7;
8. 80°13', 81.50 feet along old stonewall to a ¾" pipe in concrete marked No. 8;
9. 76°22', 138.95 feet along old stonewall to a ¾" pipe in concrete marked No. 9;
10. 103°37', 171.50 feet along old stonewall to a ¾" pipe in concrete marked No. 10;
11. 95°55', 45.00 feet along old stonewall;
12. 107°58', 191.87 feet along old stonewall to a ¾" pipe in concrete marked No. 11;
13. 96°42', 93.40 feet along old stonewall to a ¾" pipe in concrete marked No. 12;
14. 98°50', 74.19 feet along old stonewall to a ¾" pipe in concrete marked No. 13;
15. 93°23', 89.63 feet along old stonewall to a ¾" pipe in concrete marked No. 14;
16. 90°37', 136.22 feet along old stonewall;
17. 96°30', 127.08 feet along old stonewall to a ¾" pipe in concrete marked No. 15;
18. 108°42', 8.76 feet along old stonewall to a ¾" pipe in concrete marked No. 16;
19. 180°21', 191.60 feet along old stonewall to a ¾" pipe in concrete marked No. 17;
20. 261°21', 1,323.17 feet to a ¾" pipe in concrete marked No. 18;
21. 263°33', 96.16 feet to a ¾" pipe in concrete marked No. 19;
22. 350°23', 107.39 feet along old stonewall;
23. 352°41', 218.07 feet along old stonewall to a ¾" pipe in concrete marked No. 20;
24. 15°14', 121.60 feet along old stonewall;
25. 17°59', 56.75 feet along old stonewall to a ¾" pipe in concrete marked No. 21;
26. 355°05', 62.73 feet to the point of beginning.

Excepting and reserving from the above described parcel of land all that portion thereof, heretofore conveyed by the following Deed, to wit:

All of that certain piece and parcel of land situated at Keopuka, District of South Kona, Island, County and Territory of Hawaii, being a portion of Grant 148, in the Land of Keopuka, District of South Kona, Hawaii, more particularly described by metes and bounds as follows:

Beginning at a ¾" pipe set in concrete at the southeast corner of this piece or parcel of land the coordinates of which point referred to Gov't. Survey Trig. Station "Lae-O-Kanoni" being 23,200.30 feet north and 586.57 feet west, thence running by azimuths and distances measured in a clockwise direction from true south as follows:

1. 70°27', 10.56 feet along Mrs. T. Okimoto Lot;
2. 180°10'30", 395.72 feet along proposed road right-of-way;

Thence along a 1880.08 feet radius curve to the left the direct azimuth and distance being;

3. 177°42'59", 161.30 feet;
4. 253°33', 11.30 feet along Lot 1 to T. Okimoto;
5. 350°31', 126.60 feet along west side of main government road;
6. 353°34', 199.70 feet along same;
7. 8°32', 57.08 feet along same;
8. 16°10', 120.20 feet along same;
9. 357°10', 61.42 feet along same to the point of beginning and containing an area of 15,159 square feet or 0.3480 acre.

[F. R. Doc. 47-4540; Filed, May 13, 1947; 8:51 a. m.]

[Vesting Order 6720, Amdt.]

HERMAN SCHMID ET AL.

In re: Bank account owned by Herman Schmid, Emma Sigel Bantlin, Pauline Silber, Elise Sigel Stoll, Louise Sigel Krohmer, Louise Koch, Berta Sigel Winter, also known as Bertha Sigel Winter, and Gottlieb Silber, Jr., also known as Gottlieb Sigel, Jr.

Vesting Order 6720, dated June 24, 1946, is hereby amended as follows and not otherwise:

By deleting the names "Marie Sigel Schmid" and "Karl Sigel" wherever those names appear in the aforementioned vesting order.

All other provisions of said Vesting Order 6720 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4542; Filed, May 13, 1947; 8:51 a. m.]

[Vesting Order 8617, Amdt.]

EXPORTKREDITBANK, A. G.

In re: Stocks, bonds and fractional certificates owned by Exportkreditbank, A. G.

Vesting Order 8617, dated March 31, 1947, is hereby amended as follows and not otherwise:

a. By substituting with respect to the shares of European Gas and Electric Company no par value 7% Cumulative 2d Preferred stock evidenced by certificate number 203 referred to in Exhibit A thereof, the amount of 50 shares for the amount of 25 shares,

b. By deleting from Exhibit B, attached thereto and by reference made a part thereof, the value $11,000.00 set forth with respect to the face value of one State of Sao Paulo 40-year (External Loan of 1928) Sinking Fund 6% Gold bond, evidenced by certificate number M13562, and substituting therefor the value $1,000.00, and

c. By deleting from Exhibit B, attached thereto and by reference made a part thereof, the value $11,000.00 set forth with respect to the face value of one Siemens & Halske A. G. 25-year Sinking Fund 6½% Gold bond, evidenced by certificate number M23766, and substituting therefor the value $1,000.00.

All other provisions of said Vesting Order 8617 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4543; Filed, May 13, 1947; 8:51 a. m.]

[Vesting Order CE 383]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN COURTS OF ILLINOIS AND MISSOURI

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Carl Hagen	Belgium	Estate of August Hagen, deceased, Probate Court, Cook County, Chicago, Ill.; file 43 P 3968, docket 422, p. 288.	$1,399.76	The County Treasurer of Cook County, Chicago, Ill.	
		Item 2			
Wilhelm Hagen	do	Same	1,399.76	do	
		Item 3			
Chisten Sorensen	Denmark	Estate of Ellen M. Christensen, deceased, Probate Court, Cook County, Chicago, Ill.; file 391 3015, docket 384, p. 101.	1,195.18	do	
		Item 4			
Lauritz Peter Sorensen	do	Same	149.50	do	
		Item 5			
Frederik Sorensen	do	Same	149.50	do	
		Item 6			
Ebbe Sorensen	do	Same	149.40	do	
		Item 7			
Waldemar Sorensen	do	Same	149.40	do	
		Item 8			
Maren Sorensen Slark	do	Same	149.40	do	
		Item 9			
Soren Larsen Sorensen	do	Same	1,195.18	do	
		Item 10			
Christen Sorensen	do	Same	149.40	do	
		Item 11			
Marie Sorensen	do	Same	1,195.19	do	
		Item 12			
Filippa Bruno	Italy	Estate of Sam Bruno, deceased, Probate Court of Cook County, Chicago, Ill., file 42 P 1952, docket 411, p. 97.	2,503.32	Mr. Louis E. Nelson, treasurer, Cook County, County Bldg., Chicago, Ill.	
		Item 13			
Francesca Bruno	do	Same	2,503.32	do	
		Item 14			
Marie Zeman a/k/a Marie Zemanova, nee Melichar (Melicharova).	Czechoslovakia	Estate of Joseph Melichar, deceased, Probate Court, Cook County, Ill.; docket 446, p. 380, file 42 P 7481.	1,862.35	Treasurer of Cook County, County Bldg., Chicago, Ill.	
		Item 15			
Isadore Orlando	Italy	Joseph Orlando and Paul Orlando vs. Salvatore J. Orlando, et al., Circuit Court, City of St. Louis, Mo., No. 96123.	681.07	Henry L. Berger, circuit clerk, Circuit Court of the City of St. Louis, Mo.	
		Item 16			
Francisco Randazzo	do	Same	113.52	do	
		Item 17			
Anthony Randazzo	do	Same	113.51	do	
		Item 18			
Matteo Randazzo	do	Same	113.51	do	
		Item 19			
Pino Randazzo	do	Same	113.51	do	
		Item 20			
Marie Lo Dato	do	Same	113.51	do	
		Item 21			
Gina Marconi	do	Same	113.51	do	
		Item 22			
Sam Orlando	do	Same	113.51	do	
		Item 23			
Jack Orlando	do	Same	113.51	do	
		Item 24			
Filippa Orlando	do	Same	113.51	do	
		Item 25			
Louise Cusumano	do	Same	113.51	do	
		Item 26			
Patrina Cusumano	do	Same	113.51	do	

[F. R. Doc. 47-4541; Filed, May 13, 1947; 8:51 a. m.]

MAY 19 '47

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 12 NUMBER 96

Washington, Thursday, May 15, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9851

ADDING CERTAIN LANDS TO THE MOUNT VERNON MEMORIAL HIGHWAY

WHEREAS by the act of June 29, 1940, 54 Stat. 686, certain federally-owned lands lying partly in the District of Columbia and partly in the State of Virginia were placed under the control and administration of the Administrator of Civil Aeronautics, except such portion thereof as the President might, by Executive order, add to the Mount Vernon Memorial Highway, authorized by the act of May 23, 1928, 45 Stat. 721, as amended; and

WHEREAS the Administrator of Civil Aeronautics has no further need for a certain tract of 263.70745 acres of such lands, and it appears that the addition of such tract to the said Highway would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of June 29, 1940, 54 Stat. 686, the following-described tract of land is hereby added to and made a part of the Mount Vernon Memorial Highway, and shall be administered by the National Park Service, Department of the Interior:

Beginning at the point of intersection of the southerly right of way line of the Richmond, Fredericksburg and Potomac Railroad Company and the dredging base line, as established by the U. S. Engineer Office, said point of beginning being referenced south 6,800.38 feet, west 9,079.43 feet, from the dome of the United States Capitol Building (being the same point of beginning as set forth in Public No. 674, 76th Congress, 3rd Session, approved June 29, 1940); thence with the said dredging base line, it being the first line of the Washington National Airport, south 22°50'39" east 2,996.66 feet to Station 30+07.26 of said dredging base line, said point being in the Potomac River east of the mouth of Roaches Run. Thence leaving said base line and crossing the Washington National Airport due west 1,678.77 feet to a monument located on the south bank of Roaches Run and 75 feet more or less easterly of the center line of the Mount Vernon Memorial Highway, said monument being marked U. S. D. I. 404-5,A3, referenced south 9,562.00 feet, west 9,594.82 feet from the dome of the United States Capitol Building. Thence parallel to and 75 feet more or less easterly of the center line of the Mount Vernon Memorial Highway, south 40°31'23" west 307.85 feet to a point. Thence on a curve to the left, having a central angle of 09°14'53" and a radius of 3,708.58 feet, a distance of 598.60 feet, and whose long cord bears south 35°53'55" west 597.93 feet to a point of compound with another curve. Thence on a curve to the left, having a central angle of 10°53'49" and a radius of 3,945.76 feet, a distance of 750.43 feet, and whose long cord bears south 25°49'36" west 749.29 feet to a monument located 75 feet more or less easterly of the center line of the Mount Vernon Memorial Highway and one foot off the back of the westerly curb of the north access road from the Washington National Airport, said monument being marked U. S. D. I. 404-5,A6. Thence on a curve to the left concentric with and one foot off the back of the aforesaid curb of north access road, said curve having a central angle of 03°26'17" and a radius of 1,548.21 feet, a distance of 92.90 feet, and whose long cord bears south 06°12'24" west 92.87 feet to a point of compound with another curve. Thence on a curve to the left concentric with and one foot off the back of the aforesaid curb of north access road, said curve having a central angle of 21°07'07" and a radius of 1,052.65 feet, a distance of 388.00 feet, and whose long cord bears south 06°04'18" east 385.85 feet to a monument located one foot off the back of said curb, said monument being marked U. S. D. I. 404-5,A8. Thence leaving said north access road, and radial to the last mentioned curve, south 73°22'09" west 130.00 feet to a monument located 130 feet more or less easterly of the center line of the Mount Vernon Memorial Highway, said monument being marked U. S. D. I. 404-5,A9. Thence concentric to and 130 feet more or less easterly of the center line of the Mount Vernon Memorial Highway on a curve to the left, having a central angle of 10°21'13" and a radius of 3,144.05 feet, a distance of 568.14 feet, and whose long cord bears south 06°46'54" west 567.38 feet to a monument located southerly of the existing north access road to the Washington National Airport, said monument being marked U. S. D. I. 404-5,A10. Thence south 39°40'40" east 131.76 feet to a monument, said monument being marked U. S. D. I. 404-5,A11. Thence south 02°30'30" west 200.00 feet to a monument marked U. S. D. I. 404-5,A12. Thence continuing south 02°30'30" west 471.10 feet to a point. Thence on a curve to the right concentric with and 200 feet more or less easterly of the center line of the Mount Vernon Memorial Highway, said curve having a central angle of 06°39'40" and a radius of 6,231.13 feet, a distance of 724.42 feet, and whose long cord bears south 05°50'24" west 724.03 feet to

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cated at the top of a slope on the westerly side of the group of Public Roads Administration buildings. Thence south 09°21'53" west 1,115.90 feet to a monument marked U. S. D. I. 404–5,A20 and located 35 feet more or less southerly of the southerly edge of the south access road to the Washington National Airport. Thence concentric with and 35 feet more or less southerly of the said southerly edge of said access road and with a curve to the left, having a central angle of 26°06'40" and a radius of 729.00 feet, a distance of 332.22 feet, and whose long cord bears south 34°10'47" west 329.36 feet to a brass screw set in the concrete pavement of the road to the parking area. Thence parallel to and concentric with and one foot more or less off the back of the westerly curb of the service road leading to the southern end of the air field, the following six courses and distances: south 37°08'40" east 76.36 feet to a point; thence on a curve to the right, having a central angle of 90°00'00" and a radius of 13 feet, a distance of 20.42 feet, and whose long cord bears south 07°24'26" west 18.38 feet; thence south 52°23'50" west 38.94 feet to a point; thence on a curve to the left, having a central angle of 46°40'55" and a radius of 180 feet, a distance of 146.66 feet, and whose long cord bears south 29°15'27" west 141.75 feet; thence south 05°43'07" west 39.06 feet to a point; thence on a curve to the left, having a central angle of 03°32'48" and a radius of 2,805.70 feet, a distance of 173.68 feet, and whose long cord bears south 03°56'45" west 173.51 feet to the end of the existing curb and one foot off the back of said curb. Thence crossing aforesaid service road south 87°49'31" east 25 feet to a point one foot off the back edge of the east curb of said service road. Thence on a curve to the left, having a central angle of 22°52'34" and a radius of 3,250.00 feet, a distance of 1,294.36 feet, and whose long cord bears south 12°38'13" east 1,286.00 feet to a monument located on the northerly bank of Four-Mile Run and marked U. S. D. I. 404–5,A29, referenced south 17,555.40 feet, west 11,046.89 feet, from the dome of the United States Capitol Building, and thence continuing with a curve of the same radius, having a central angle of 02°01'09", a distance of 114.53 feet, and whose long cord bears south 25°04'54" east 114.53 feet to a point in Four-Mile Run. Thence in a westerly direction radial to the aforesaid curve south 62°32'51" west 25.83 feet to a point on the outside face of the east main headwall where the north wingwall joins. Thence along the face of the main headwall south 27°27'09" east 62.95 feet to a point where the south wingwall joins. Thence with the following ten courses and distances along the shoreline at the mouth of Four-Mile Run; south 83°31'11" east 307.37 feet; south 06°48'13" east 68.12 feet; south 22°06'48" west 77.03 feet; south 04°39'24" west 177.12 feet; south 20°11'20" east 283.01 feet; south 28°25'07" east 192.72 feet; south 52°44'36" east 160.91 feet; south 34°06'57" east 79.50 feet; south 01°22'34" west 250.23 feet; south 07°54'07" east 152.22 feet. Thence leaving the shoreline and running in an easterly direction to intersect the fifth line of the Washington National Airport, south 74°19'55" east 2,726.43 feet, said point being in the Potomac River. Thence with the outlines of the Washington National Airport south 15°40'05" west 2,501.09 feet to the U. S. Coast and Geodetic Survey Triangulation Station WATER, referenced south 22,220.86 feet, west 8,395.54 feet from the dome of the United States Capitol Building. Thence south 01°29'20" east 85.58 feet to the northerly line of the George Washington Memorial Parkway lands on Daingerfield Island, said point being the S. E. corner of the Washington National Airport. Thence along said line south 84°30'00" west 1,516.39 feet to a right of way monument located at a corner on the property line of the Richmond, Fredericksburg and Potomac Railroad Company, referenced south 22,451.75 feet, west 9,902.73 feet, from the dome of the United States Capitol Building, said point being the S. W. corner of the Washington National Airport. Thence continuing with the outlines of the Washington National Airport and with the property lines of the Richmond, Fredericksburg and Potomac Railroad Company, north 08°09'54" west 442.68 feet to a right of way monument. Thence north 13°10'06" west 578.64 feet. Thence north 18°07'31" west 462.94 feet to a right of way monument. Thence north 19°42'21" west 943.56 feet to a point. Thence on a curve to the right, having a central angle of 27°52'45" and a radius of 1,241.15 feet, a distance of 603.92 feet, and whose long cord bears north 05°45'48" west 597.98 feet to a right of way monument. Thence north 08°10'24" east 232.33 feet to a point. Thence on a curve to the left, having a central angle of 36°59'09" and a radius of 1,046.00 feet, a distance of 675.22 feet, and whose long cord bears north 10°19'10" west 663.56 feet to a right of way monument. Thence north 28°48'45" west 256.75 feet to a right of way monument. Thence north 59°21'55" west 287.84 feet. Thence north 18°36'35" west 1,142.08 feet. Thence north 12°53'06" west 118.02 feet to a point. Thence on a curve to the right, having a central angle of 26°20'50" and a radius of 3,665.71 feet, a distance of 1,685.66 feet, and whose long cord bears north 00°17'19" east 1,670.85 feet. Thence north 13°27'44" east 2,002.11 feet to a point. Thence on a curve to the left, having a central angle of 10°36'25" and a radius of 2,864.79 feet, a distance of 530.35 feet, and whose long cord bears north 08°09'31" east 529.59 feet. Thence north 02°51'19" east 124.53 feet. Thence north 04°05'33" west 571.33 feet. Thence north 11°29'12" west 811.63 feet. Thence north 03°12'20" east 70.41 feet to a point. Thence on a curve to the right, having a central angle of 07°43'12" and a radius of 5,479.58 feet, a distance of 738.32 feet, and whose long cord bears north 07°03'56" east 737.75 feet, said curve being 250 feet more or less easterly of and concentric with the center line of the Richmond, Fredericksburg and Potomac Railroad Company's tracks. Thence north 75°11'50" east 204.72 feet to a monument marked U. S. D. I. 404–5,A65, referenced south 10,588.57 feet, west 10,821.77 feet, from the dome of the United States Capitol Building. Thence leaving the property lines of the Richmond, Fredericksburg and Potomac Railroad Company but still continuing with the lines of the Washington National Airport, as corrected, north 75°11'50" east 203.27 feet. Thence north 40°31'23" east 1,533.67 feet to a point, said point being 75 feet more or less westerly of the center line of the Mount Vernon Memorial Highway at Station 102+34.14. Thence on a curve to the left, concentric with and 75 feet more or less westerly of the center line of the Mount Vernon Memorial Highway, having a central angle of 05°45'00" and a radius of 7,239.41 feet, a distance of 726.52 feet, and whose long cord bears north 37°38'53" east 726.22 feet, to a point of compound with another curve. Thence on a curve to the left, still concentric with the center line of the Mount Vernon Memorial Highway, having a central angle of 06°00'00" and a radius of 2,217.01 feet, a distance of 232.16 feet, and whose long cord bears north 31°46'23" east 232.06 feet to a point of compound with another curve. Thence on a curve to the left, still concentric with the center line of the Mount Vernon Memorial Highway, having a central angle of 57°01'20" and a radius of 1,303.74 feet, a distance of 1,297.52 feet, and whose long cord bears north 00°15'43" east 1,244.63 feet to a point of compound with another curve. Thence on a curve to the left, still concentric with the center line of the Mount Vernon Memorial Highway, having a central angle of 09°13'22" and a radius of 2,217.01 feet, a distance of 356.87 feet, and whose long cord bears north 32°51'38" west 356.49 feet to a point of intersection with the southerly property line of the Richmond, Fredericksburg and Potomac Railroad Company. Thence along said property line north 33°59'00" east 306.44 feet to the point of beginning, containing 263.70745 acres of land more or less, being the same lands as shown on maps prepared by and on file with National Capital Parks, National Park Service, United States Department of the Interior, and titled, "Property Survey, Mount Vernon Memorial Highway Thru the Washington National Airport," drawing numbers N. C. P. 117.5–254. 117.5–255 and 117.5–256.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 13, 1947.

[F. R. Doc. 47–4639; Filed, May 14, 1947; 10:27 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

REPRESENTATION IN DEPARTMENTAL PROCEEDINGS

Section 1.1579 (7 CFR Cum. Supp. 1.1579) is amended to read as follows:

§ 1.1579 *Representation before the Department of Agriculture*—(a) *Administrative provisions.* (1) In any proceedings before the Department, the parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity at a hearing must conform to the standards of ethical conduct required of practitioners before the courts of the United States. Whenever the Secretary finds, after notice and opportunity for hearing, that a person who is acting or has acted as counsel or representative for another person in any proceeding before the Department is guilty of unethical conduct, he will order that such person be precluded from acting as counsel or representative in any proceeding before the Department.

(2) No former officer or employee of the Department shall be permitted to represent any person before the Department in connection with any particular matter as to which by reason of his employment he acquired personal knowledge of such a nature that it would be improper, unethical, or contrary to the public interest for him so to act.

(3) This paragraph shall not be construed to prevent any former officer or employee of the Department from appearing as a witness in any hearing, investigation, or other proceeding before the Department.

(b) *Statutory provisions.* (1) Officers and employees of the Federal Government are prohibited from:

(i) Prosecuting, or acting as counsel, attorney, or agent for prosecuting, any claim against the United States, or in

any way, otherwise than in the discharge of their official duties, aiding or assisting in the prosecution or support of any such claim, or receiving any gratuity or share in the claim therefor.

(ii) Directly or indirectly receiving or agreeing to receive any compensation whatever for any services rendered or to be rendered to any person, either by themselves or others, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever.

(2) Officers and employees engaged in settlement of contracts under the Contract Settlement Act of 1944 may, as part of their official duties, advise and assist war contractors in preparing and presenting termination claims, in obtaining interim financing and in related matters.

(3) Former officers and employees of the Federal Government are prohibited, for a period of two years after termination of employment, from:

(i) Acting as counsel, attorney, or agent for, or in any way aiding in, prosecuting any claim against the United States which was pending in any Federal agency while they were serving as such officers or employees.

(ii) Prosecuting, or acting as counsel, attorney, or agent for prosecuting, any claim against the United States involving any subject matter directly connected with which such person was so employed or performed duty.

(4) No person employed by any Government agency shall, during the period such person is engaged in such employment or service, or for a period of two years after the time when such employment or service has ceased, act as counsel, attorney, or agent, or be employed as representative, in connection with any matter involving the disposition of surplus property by the agency in which such person was employed, if such person during his employment with such agency ratified, approved, or authorized the disposition of any surplus property pursuant to the provisions of the Surplus Property Act of 1944 or recommended any such approval, authorization, or ratification as part of his official duties.

(5) The provisions of this paragraph are taken from statutes which provide for fines up to $10,000 or imprisonment up to two years for violation. Subparagraph (1), (3) (ii), and (4) of this paragraph are specifically applicable to commissioned officers assigned to duty in any Federal agency.

(R. S. 161, secs. 109, 113, 35 Stat. 1107, 1109, as amended, sec. 19 (a), 58 Stat. 667; sec. 27, 56 Stat. 781; 5 U. S. C. 22, 18 U. S. C. 198, 203, 41 U. S. C. Sup. 119, 50 U. S. C. App. Sup. 1636)

Dated: May 8, 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-4556; Filed, May 14, 1947; 8:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 116—CIVIL AIR NAVIGATION

APPLICATION TO CIVIL AIR NAVIGATION OF LAWS AND REGULATIONS RELATING TO CUSTOMS, PUBLIC HEALTH, ENTRY AND CLEARANCE, AND IMMIGRATION

CROSS REFERENCE: For an amendment to § 116.4 (c), see Title 19, Chapter I, Part 6, *infra*.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 602—RESERVE OFFICERS TRAINING CORPS

ATTENDANCE

Part 602, Chapter VI, Title 10, Code of Federal Regulations is changed as follows:

1. Paragraph (f) is added to § 602.60 as follows:

§ 602.60 *Attendance.* • • •

(f) An opinion of The Judge Advocate General states that the attendance under contract at summer ROTC camp of ROTC students who have completed only their first year elementary course is not legally authorized.

2. Delete the second sentence of § 602.63 and substitute the following in lieu thereof:

§ 602.63 *Attendance at camp of arm or service other than that in which enrolled.* • • •. Commanders referred to in § 602.56 may authorize the attendance of such students at ROTC camps of the appropriate branches provided such students are enrolled in academic courses prerequisite to enrollment in advanced ROTC as prescribed by War Department publications. [WD Memo 145-30-3, Feb. 24, 1947, as amended by C1, May 1, 1947] (41 Stat. 778; 10 U. S. C. 441)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4552; Filed, May 14, 1947; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 21-4]

PART 21—AIRLINE TRANSPORT PILOT RATING

AIRLINE TRANSPORT PILOT PERIODIC PHYSICAL EXAMINATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of May 1947.

Section 21.400 of the Civil Air Regulations provides that the holder of an airline transport rating shall not pilot aircraft in flight unless he has met the first class physical requirements prescribed by Part 29 within the preceding 6 calendar months.

The Civil Aeronautics Board finds that the existing regulation may be interpreted that the holder of an airline transport rating may not fly any aircraft as a commercial or private pilot unless he has passed the first class physical requirements within the preceding 6 months; that pilots holding transport or commercial pilot ratings should be permitted to fly in operations other than those for which the higher rating is required; and that compliance has been made with the notice and procedures required in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act.

Now, therefore: Effective May 16, 1947, § 21.400 of the Civil Air Regulations is amended to read as follows:

§ 21.400 *Periodic physical examinations.* A certificated airline transport pilot shall not pilot an aircraft in operations for which he is required to possess an airline transport pilot rating unless, within the preceding 6 calendar months, he has met the physical requirements of this part by passing an examination given by an authorized airline medical examiner of the Administrator. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4569; Filed, May 14, 1947; 8:49 a. m.]

[Civil Air Regs., Amdt. 43-9]

PART 43—GENERAL OPERATION RULES

PILOT MEDICAL CERTIFICATE AND RENEWAL

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of May 1947.

The Civil Air Regulations do not specifically provide that the holder of a higher pilot rating be permitted to fly in operations which require a lower pilot rating and a lower class physical examination.

The Civil Aeronautics Board finds that pilots holding higher pilot ratings should be permitted the privileges of lower pilot ratings which require a lower class physical examination; that holders of medical certificates appropriate to higher pilot ratings should be permitted the privileges of holders of medical certificates appropriate to lower pilot ratings during the period for which the lower class medical certificate is effective; and that compliance has been made with the notice and procedures required in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act.

Now, therefore: Effective May 16, 1947, § 43.402 of the Civil Air Regulations is amended to read as follows:

§ 43.402 *Medical certificate and renewal.* No person shall pilot an aircraft under authority of a pilot certificate issued by the Administrator, unless he has in his personal possession at all times while piloting aircraft a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate to his rating within the following time limits:

(a) *Student or private pilot.* 24 calendar months.

(b) *Commercial pilot.* 12 calendar months, or 24 calendar months for operations requiring only a private pilot rating.

(c) *Airline transport pilot.* 6 calendar months, or 12 calendar months for operations requiring only a commercial pilot rating, or 24 calendar months for operations requiring only a private pilot rating. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4567; Filed, May 14, 1947; 8:49 a. m.]

[Civil Air Regs., Amdt. 61-6]

PART 61—SCHEDULED AIR CARRIER RULES

ELIMINATION OF REQUIREMENT THAT PILOTS AND DISPATCHERS BE LISTED IN THE AIR CARRIER OPERATING CERTIFICATE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of May 1947.

It appearing that §§ 61.511, 61.513, 61.552, 61.554, 61.7100, and 61.7803 (c) (4) of the Civil Air Regulations either directly or indirectly require that first pilots and dispatchers be listed in the air carrier operating certificate of the air carrier which they serve; it is necessary to amend the air carrier operating certificate almost daily to provide for such listings; the required additions to or deletions from the air carrier operating certificates impose an undue amount of paper work upon the Administrator and the air carriers; it is desirable to amend the Civil Air Regulations so as to eliminate the amount of unnecessary paper work caused by the frequent amending of the air carrier operating certificate;

The Civil Aeronautics Board finds that the provisions of paragraphs (a) and (b) of section 4 of the Administrative Procedure Act have been complied with, that this amendment is a nonrestrictive change in administrative procedure, that, therefore, compliance with paragraph (c) of section 4 of the Administrative Procedure Act is unnecessary, and that this amendment should become effective ten days after adoption.

Now, therefore: Effective May 16, 1947, Part 61 of the Civil Air Regulations is amended as follows:

1. By amending § 61.50, *Airmen utilization and changes*, to read as follows:

§ 61.50 *Airmen utilization.* No scheduled air carrier shall utilize any dispatcher or flight crew member in scheduled air transportation until such airman has met the appropriate qualifications and requirements prescribed by the Civil Air Regulations.

2. By adding a new § 61.500 to read as follows:

§ 61.500 *Airmen records.* Each scheduled air carrier shall maintain such current records of dispatchers and flight crew members utilized by the air carrier in scheduled air transportation at such points on its routes as the Administrator may designate. These records shall contain such information concerning the qualifications of each airman as is necessary to show compliance with the appropriate qualifications and requirements prescribed by the Civil Air Regulations. No scheduled air carrier shall utilize in scheduled air transportation any dispatcher or flight crew member unless records are maintained for such airman as required herein.

3. By amending § 61.511, *Aircraft competency*, to read as follows:

§ 61.511 *Aircraft competency.* The first pilot shall meet the requirements of Parts 40 and 61 with respect to the aircraft to be operated in scheduled air transportation.

4. By amending § 61.513, *Route competency*, to read as follows:

§ 61.513 *Route competency.* No first pilot shall be deemed competent over any route or part thereof unless he has met the appropriate minimum requirements of Part 40 of this chapter and has maintained his route competency as provided in Part 61.

5. By amending § 61.552, *Dispatcher competency certificate*, to read as follows:

§ 61.552 *Dispatcher competency.* Each dispatcher used by a scheduled air carrier to dispatch aircraft in scheduled air transportation shall be possessed of a currently effective dispatcher certificate and shall be qualified over the route or routes over which he dispatches aircraft as provided in Part 61.

6. By amending § 61.554, *Maintenance of qualifications*, to read as follows:

§ 61.554 *Maintenance of qualifications.* Each dispatcher used by a scheduled air carrier to dispatch aircraft in scheduled air transportation shall maintain his familiarity with the route or routes over which he dispatches aircraft in scheduled air transportation and with the items set forth in §§ 61.55301 through 61.55316.

7. By deleting from § 61.7100, *Necessity for dispatching authorization*, the following words: "whose name appears in the air carrier operating certificate as".

8. By amending § 61.7803 (c) (4) to read as follows:

§ 61.7803 *Pilots' compartment.* • • •

(c) • • •

(4) First or second pilots of the air carrier concerned; or first or second pilots of another scheduled air carrier who have been authorized by the air carrier concerned and the Administrator to make the trips over the route being flown for the purpose of route qualification or familiarization;

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4568; Filed, May 14, 1947; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5096]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FEDERAL MILITARY EQUIPMENT CORP. ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government connection:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.96 (b) *Using misleading name—Vendor—Government connection.* In connection with the offering for sale, sale and distribution of military insignia, clothing, novelties, and other similar merchandise in commerce, (1) using the words "Federal Military Equipment" or words or terms of similar import or meaning as a corporate or trade name or as part of a corporate or trade name; or representing in any other manner that the respondents have any connection with the United States Government or any branch or agency thereof; or, (2) using the word "manufacturers" or any other word of similar import or meaning on letterheads, stationery, or other advertising material; or representing in any other manner that the respondents manufacture the merchandise sold by them unless and until the respondents own and operate, or directly and absolutely control, the manufacturing plant or factory wherein said merchandise is manufactured; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45 b) [Cease and desist order, Federal Military Equipment Corporation et al., Docket 5096, March 26, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of March A. D. 1947.

In the Matter of Federal Military Equipment Corporation, a Corporation, and Harry Drath, Max Schwartz, and Al B. Wolf, Individually and as Officers and Directors of Federal Military Equipment Corporation

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, answer of the respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief filed in support

of the complaint (the respondents not having filed brief or requested oral argument); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Federal Military Equipment Corporation, a corporation, and its officers, and respondents Harry Drath, Max Schwartz, and Al B. Wolf, individually and as officers and directors of respondent Federal Military Equipment Corporation, and as copartners trading as Federal Military Equipment Company or trading under any other name or names, and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of military insignia, clothing, novelties, and other similar merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Federal Military Equipment" or words or terms of similar import or meaning as a corporate or trade name or as part of a corporate or trade name; or representing in any other manner that the respondents have any connection with the United States Government or any branch or agency thereof.

2. Using the word "manufacturers" or any other word of similar import or meaning on letterheads, stationery, or other advertising material; or representing in any other manner that the respondents manufacture the merchandise sold by them unless and until the respondents own and operate, or directly and absolutely control, the manufacturing plant or factory wherein said merchandise is manufactured.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-4571; Filed, May 14, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

APPLICATION TO CIVIL AIR NAVIGATION OF LAWS AND REGULATIONS RELATING TO CUSTOMS, PUBLIC HEALTH, ENTRY AND CLEARANCE, AND IMMIGRATION

The regulations for the application to Civil Air Navigation of the laws and regulations relating to Customs, Public Health, Entry and Clearance, and Immigration issued by the Acting Secretary of the Treasury, the Federal Security Administrator, the Acting Secretary of Commerce, and the Acting Attorney General, within their respective authorities, on August 28, 1941, as amended on October 31, 1941, June 5, 1942, September 21, 1942, April 14, 1943, August 26, 1944, July 16, 1945, October 18, 1945, July 3, 1946, July 27, 1946, December 23, 1946, and April 26, 1947 (6 F. R. 4516, 4536, 4537, 4514, 5582, 5583, 5596; 7 F. R. 4471, 4472, 4496, 7800, 7813; 8 F. R. 5291, 5296, 5320; 9 F. R. 10446, 10448, 10503; 10 F. R. 9314, 9315, 9338, 13102, 13103, 13130; 11 F. R. 7655, 7661, 7662, 8075, 8078, 8122, 13775, 13785, 13792; and 12 F. R. 2745, 2748; 19 CFR, Cum. Supp., 6.1 to 6.11, 42 CFR, Cum. Supp., 11.501 to 11.516 and 8 CFR, Cum. Supp., 116.1 to 116.16), are hereby further amended as follows:

Section 6.4 (c) of Title 19, Code of Federal Regulations, also designated as § 11.504 (c) of Title 42 and § 116.4 (c) of Title 8, is amended by adding a new sentence as follows: "Clearance is not required of aircraft not carrying passengers for hire or merchandise, unless they are aircraft (piloted), both heavier and lighter than air, unassembled, assembled or dismanteled; (a) classified from the standpoint of military security; or (b) especially designed for warlike purposes; or (c) having a weight empty greater than 35,000 pounds."

(R. S. 161, 251, sec. 644, 46 Stat. 761, sec. 7, 44 Stat. 572, secs. 367, 602, 58 Stat. 706, 712, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166; 5 U. S. C. 22, 19 U. S. C. 66, 1644, 49 U. S. C. 177, 42 U. S. C. Sup. IV, 201 note, 270, 8 U. S. C. 102, 222. Sec. 1, President's Reorganization Plan No. V; 5 F. R. 2132, 2223. Sec. 102, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

CROSS REFERENCE: See travel control regulations in 8 CFR 175, which prohibit in some cases the departure of persons from the United States and are enforced by immigration officers.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.
E. H. FOLEY, JR.,
Acting Secretary of the Treasury.
THOMAS PARRAN,
Surgeon General,
U. S. Public Health Service.
MAURICE COLLINS,
Acting Federal Security Administrator.
TOM C. CLARK,
Attorney General.

APRIL 9, 1947.

[F. R. Doc. 47-4570; Filed, May 14, 1947; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Priorities Reg. 22, Revocation]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DELIVERIES INTO THE DOMINION OF CANADA

Priorities Regulation 22 is revoked. (60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 14th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER.
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4641; Filed, May 14, 1947; 10:36 a. m.]

[Priorities Reg. 33, Revocation of Direction 5]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

GYPSUM BOARD AND GYPSUM LATH

Direction 5 to Priorities Regulation 33 is revoked.

This revocation does not affect any liabilities incurred for violation of this Direction, or of any actions taken by the Civilian Production Administration, Office of Temporary Controls or Office of the Housing Expediter under this direction.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 14th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4640; Filed, May 14, 1947; 10:36 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects: Operation and Maintenance Charges

PART 130—OPERATION AND MAINTENANCE CHARGES

NAVAJO INDIAN IRRIGATION PROJECT

On April 1 there was published in the daily issue of the FEDERAL REGISTER (12 F. R. 2132) a notice of intention (1) to repeal §§ 130.44 to 130.46 inclusive; (2) to transfer the prescribed annual rate of assessments for the Fruitland Unit of the Navajo Indian irrigation project from §§ 130.105 to 130.41, as shown below in amended § 130.41; and (3) to amend §§ 130.41 to 130.43 inclusive, as set forth in the said notice, effective for the calendar year 1947 and until further notice. Interested persons were given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments within thirty days from date of the publication of the notice. No communications, written or oral, having been received within the prescribed period, the said sections are hereby amended and promulgated as follows:

§ 130.41 *Charges.* Pursuant to the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), a part of the reimbursable cost of operating and maintaining the Navajo irrigation project is apportioned on a per-acre basis against the irrigable lands of the respective units for the calendar year 1947 and for each succeeding calendar year until further order, in the amounts designated below for each unit, and there is assessed against each acre of irrigable land to which water can be delivered through the constructed works of the respective unit.

Navajo project	Agency	Per acre per annum
Fruitland unit	Navajo	$1.00
Cudei unit	do	1.00
Hogback unit	do	1.00
Many Farms unit	do	1.00
Lower Rock Point unit	do	.50

For domestic water delivered through the project canal and lateral system to permittees on the reservation lands, $5.00 for each cistern.

For tribal lands operated by the Shiprock High School, $3.00 per acre.

§ 130.42 *Payment.* The annual charges fixed in § 130.41 shall become due on April 1 of each year; are payable on or before that date, and any charges that remain unpaid after the due date shall stand as a first lien against the land until paid.

The delivery of water shall be refused to all tracts of land for which the charges have not been paid when due, except in instances where the lands are in Indian assignment, and the Indian assignee shall have made the necessary arrangements with the Superintendent as hereafter provided. When any Indian assignee of land is financially unable to pay the operation and maintenance charges on the due date from cash on hand, arrangements may be made by prior agreement with the Superintendent whereby the Indian will perform labor on the project works and pay from the proceeds received from such work at least an amount equal to $1.00 per acre per annum; or the Superintendent may make the necessary arrangements for such Indian assignee to pay the operation and maintenance charges from the proceeds of the crops grown on the land when harvested and marketed within that calendar year, provided written statements to that effect are furnished by the Indian assignee on or before the due date.

In any instance where the Superintendent is convinced that an Indian assignee is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the Superintendent stating that such Indian is not able to pay his charges and copies thereof forwarded to the District Office Director for approval or rejection. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

§ 130.43 *Water users responsible for water after delivery.* It is the duty of the Indian irrigation service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.

§ 130.43a *Repeal.* Sections 130.44 to 130.46, inclusive, approved by the Secretary of the Interior February 7, 1935 are hereby repealed.

(38 Stat. 583, 45 Stat. 210; U. S. C. 385, 387)

J. W. HUTCHISON,
Acting Commissioner.

[F. R. Doc. 47-4553; Filed, May 14, 1947; 8:47 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

MISCELLANEOUS AMENDMENTS

The following changes are authorized to amend the regulations relating to the organization and functions of the Naval Establishment (11 F. R. 177A-159):

1. In § 26.15 (c), the third line, delete the words "control and."

2. Amend § 26.15 (d) to read as follows:

§ 26.15 *The Shore Establishment.* * * *

(d) Geographically, the Shore Establishment is distributed throughout the United States. Functionally, the field activities within the continental limits may be grouped into nine general, broadly classified types of installations and activities as follows:

3. In § 26.15 (d) (5), delete last sentence.

4. Amend § 26.15 (d) (6) to read as follows:

(6) Medical activities include hospitals, convalescent centers, and numerous clinics, dispensaries, laboratories, and medical supply depots.

5. Amend § 26.15 (d) (8) to read as follows:

(8) Coast Guard activities, which operate as an integral part of the Navy during time of war, have now reverted to the control of the Treasury Department, with the exception of certain search rescue (air-sea) and similar functions which remain under the operational control of the Navy in areas west of Pearl Harbor. These Coast Guard activities are administered directly by the Coast Guard through its own district officers and under its own command, much as in the case of the Marine Corps. The function of these field units are supply, personnel (including the Coast Guard Academy), maintaining operating aids to navigation, light houses, life boat stations, port security, and similar duties.

6. Delete § 26.16 and substitute the following:

§ 26.16 *Naval bases and naval air bases.* (a) A naval base, to which reference has been made in § 26.15 (e), is a shore command in a given locality which includes and integrates all naval shore activities assigned. The mission of a naval base is the furnishing of local logistics services direct to the Operating Forces. The component activities of each naval base are prescribed by the Chief of Naval Operations and usually include a naval shipyard, and such other activities as contribute to the support, service, and maintenance of fleet units such as a naval supply depot, naval hospital, naval ammunition depot, naval receiving station, marine barracks, etc. (General Order 245, November 27, 1946)

(b) A Naval Air Bases Command comprises all Naval and Marine aviation shore activities furnishing facilities for the operation of aircraft in each Naval District, except aviation activities assigned to the following:

(1) The Naval Air Training Command and subordinate Training Commands.

(2) The Naval Airship Training and Experimental Command.

(3) The Marine Corps Air Bases Command.

(4) The Naval Air Material Center, Philadelphia, Pa.

(5) U. S. Marine Corps Air Station, Quantico, Va.

(6) U. S. Marine Corps Air Station, Parris Island, S. C.

(7) Naval Air Missile Test Center, Point Mugu, Calif. (General Order 245, November 27, 1946)

7. In paragraph (a) (1) of § 26.17 *Naval Districts*, the 14th line, delete the word "Numerous" and capitalize the word "Other."

8. Amend § 26.17 (a) (2) to read as follows: "(2) The geographical limits of these Commands are as follows:".

9. In § 26.17 (b), make the following changes:

a. Amend the first sentence to read as follows:

(b) *Organization.* Each Naval District is commanded by a Commandant, who is the representative of the Secretary of the Navy and Chief of Naval Operations. * * *

b. In the tenth line, delete the words "next senior line officer on duty within the district." and substitute therefor "officer designated by the Commandant, and approved by the Chief of Naval Operations."

10. Amend § 26.17 (c) (1) to read as follows:

(c) *Duties and responsibilities*—(1) *Military Command.* The Commandants of the Naval Districts and of the River Commands, the Chief of Naval Air Training and the Commandant of the Marine Corps are the principal officers through whom the Chief of Naval Operations carries out his essential command responsibilities over the shore establishment.

11. Amend § 26.17 (c) (2) to read as follows:

(2) *Coordination.* As noted in the immediately preceding paragraphs, the Commandant provides the necessary coordination control among the several shore activities in his Naval District.

12. Add § 26.17 (c) (5) and (6) as follows:

(5) *Control of Naval Reserve Matters.* The Commandant of the District shall administer the program of the Navy Department within the District in all matters affecting the procurement, maintenance, morale, and training of Naval Reserve personnel, except for the training of the Naval Air Reserve, which is administered by the Chief of Naval Air Reserve Training, Glenview, Illinois.

(6) *Naval Material Inspection activities and Navy Department Field Services.* Activities of the Material Inspection Service, U. S. Navy and the Navy Department Field Services and such activities as U. S. Navy Superintending Civil Engineers, Civil Works Engineers, Supervisory Cost Inspectors, Cost Inspectors, U. S. Navy, and Industrial Managers are under the military command of the Commandant of the Naval District and under his coordination control in matters affecting the organization and functions of his District. In view of the fact that areas of operation of these agencies differ in their geographical limits from those of Naval Districts, personnel of these agencies may carry out their technical duties outside of normal Naval District boundaries. Activities in this category are under the management control and technical control of the cognizant bureaus or offices of the Navy Department.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-4554; Filed, May 14, 1947; 8:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 11—FOREIGN QUARANTINE

APPLICATION TO CIVIL AIR NAVIGATION OF LAWS AND REGULATIONS RELATING TO CUSTOMS, PUBLIC HEALTH, ENTRY AND CLEARANCE, AND IMMIGRATION

CROSS REFERENCE: For an amendment to § 11.504 (c), see Title 19, Chapter I, Part 6, *supra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71–85—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of May A. D. 1947.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles:

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

1. Superseding and amending paragraph 8, section 589 (*Definitions*), order Feb. 12, 1947, to read as follows:

(8) A train is one or more engines coupled together with or without cars displaying markers.

2. Superseding and amending paragraphs (a) (1) and (a) (2), section 589 (*Placards on cars*), order Feb. 12, 1947, to read as follows:

(a) (1) A car requiring car certificates and "Explosives", "Dangerous", or "Poison Gas" placards under the provisions of these regulations shall not be transported unless such freight car is at all times placarded and certificated as required by these regulations. Placards lost in transit shall be replaced at next inspection point.

(a) (2) At points where trains are inspected, cars placarded "Explosives" and adjacent cards shall be inspected; such cars shall continue in movement only when inspection shows them to be in condition for safe transportation.

3. Superseding and amending paragraph (d) (1), section 589 (*Placement of freight cars containing explosives, in yards, on sidings or sidetracks*), order Feb. 12, 1947, to read as follows:

(d) (1) Cars placarded "Explosives" shall be so placed that they will be safe from all probable danger of fire. Freight cars placarded "Explosives" shall not be placed under bridges or overhead highway crossings, nor in or alongside of passenger sheds or stations except for loading or unloading purposes.

4. Superseding and amending paragraphs (f) (1) and (f) (2), section 589 (*Position in train of cars containing explosives*), order Feb. 12, 1947, to read as follows:

(f) (1) In a train either standing or during transportation thereof, a car placarded "Explosives" shall, when the length of the train permits, be not nearer than the sixteenth car from both the engine or occupied caboose; and shall, when the length of the train will not permit them to be so placed, be as near as possible to the middle of the train.

(f) (2) In a freight train or mixed train either standing or during transportation thereof, a car placarded "Explosives" must not be handled next to any car placarded "Dangerous." A car placarded "Explosives" or a placarded loaded tank car shall not be next to:

(1) Occupied passenger car, other than gas handlers accompanying shipment.

(2) Occupied combination car, other than gas handlers accompanying shipment.

(3) Engine. (Except when train consists only of placarded loaded tank cars.)

(4) Car placarded "Poison Gas."

(5) Wooden under-frame car.

(6) Loaded flat car.

(7) Open-top car when any of the lading extends or protrudes above or beyond the ends or sides thereof.

(8) Car equipped with automatic refrigeration of the gas-burning type.

(9) Car containing lighted heaters, stoves, or lanterns.

(10) Car loaded with live animals or fowl, occupied by an attendant.

(11) Occupied caboose. (Except when train consists only of placarded loaded tank cars.)

5. Superseding and amending paragraph (j) (2), section 589 (*Cars containing explosives or poison gas and tank cars placarded "Dangerous" in passenger or mixed trains*), order Feb. 12, 1947, to read as follows:

(j) (2) Cars containing explosives, Class A, poison gases or liquids, Class A, and tank cars placarded "Dangerous" shall not be transported next to occupied cabooses or cars carrying passengers in mixed trains except as provided in section 589 (i) (1).

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after May 15, 1947, and shall be observed until further order of the Commission;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176, 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4558; Filed, May 14, 1947; 8:47 a. m.]

[S. O. 240, Amdt. 2]

PART 95—CAR SERVICE

RESTRICTION ON RECONSIGNMENTS OF POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of May A. D. 1947.

Upon further consideration of the provisions of Service Order No. 240 (9 F. R. 12134), as amended (11 F. R. 8452), and good cause appearing therefor:

It is ordered, That Service Order No. 240 (codified as 49 CFR § 95.240), as amended, be, and it is hereby, further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order, as amended, shall expire at 11:59 p. m., December 1, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, This amendment shall become effective at 12:01 a. m., May 18, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Divsion 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4560; Filed, May 14, 1947; 8:47 a. m.]

[Rev. S. O. 620, Amdt. 3]

PART 95—CAR SERVICE

PROHIBITION ON LIGHT-WEIGHING OF CARS AT ALL PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of May A. D. 1947.

Upon further consideration of Revised Service Order No. 620 (12 F. R. 559), as amended (12 F. R. 840, 1952), and good cause appearing therefor, it is ordered that:

Section 95.620. *Light-weighing of cars at all ports prohibited*, of Revised Service Order No. 620, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p. m., December 1, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., May 10, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, sec. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4559; Filed, May 14, 1947; 8:47 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES AND NEW FRESH HARVESTED ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev. 31, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES AND NEW FRESH HARVESTED ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, General Permit ODT 18A, Revised-31 (12 F. R. 1993), is hereby amended by changing paragraphs (a) and (b) of § 520.532 to read as follows:

§ 520.532 *Shipments of new fresh harvested onions.* * * *

(a) When the origin point of any such freight is any point or place within the United States excepting a point or place in the States of Texas or Georgia, and the quantity loaded in each car is not less than 30,000 pounds;

(b) When the origin point of any such freight is a point or place in the States of Texas or Georgia and the quantity loaded in each car is not less than 25,000 pounds.

This Amendment 1 to General Permit ODT 18A, Revised-31, shall become effective May 14, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 12th day of May 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47-4583; Filed, May 14, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8806]

BERNARD NOLLE

In re: Trust under the will of Bernard Nolle, deceased. File D-28-7431; E. T. sec. 7633.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernard Nolle, Elise Bierbaum, Michael Martin and Dionis (Dionys) Oberberger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $4,707.09 was paid to the Alien Property Custodian by the First National Bank of Chicago, Trustee under the will of Bernard Nolle, deceased;

3. That the said sum of $4,707.09 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on January 11, 1944, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4572; Filed, May 14, 1947; 8:46 a. m.]

[Vesting Order 8845]

TOMIRO NAGASE

In re: Stock owned by Tomiro Nagase, also known as Tomiro Nagaso. F-39-4585-C-1, F-39-4585-D-6.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomiro Nagase, also known as Tomiro Nagaso, whose last known address is 2 Bakuro-Cho, Nikonbushi-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Five (5) shares of no par value common capital stock of The Procter & Gamble Company, Cincinnati 1, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number NYO 48423, registered in the name of Tomiro Nagaso, together with all declared and unpaid dividends thereon, as evidenced by certain dividend checks in the custody of said The Procter & Gamble Company, and together with said dividend checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4573; Filed, May 14, 1947; 8:46 a. m.]

[Vesting Order 8852]

KUNIJI SAKAGAMI ET AL.

In re: Stock owned by Kuniji Sakagami and others. F-39-5126-D-1, D-39-638-D-1, F-28-25197-D-1, F-28-25201-D-1, F-28-25209-D-1, F-28-25207-A-1, F-28-25207-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kuniji Sakagami, whose last known address is 902-1 Sakurazuka, Toyonaka, Toyonogun, Osaka, Japan, and Mrs. Teru Shutoku, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That Martha Trepton, Miss Helene Kallenbach, Joseph Rotering and Friedrich August Rossbach, also known as Freiderich August Rossbach and as Fredrick August Rossback, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the property described as follows: One hundred sixty (160) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Kuniji Sakagami	FN69907	50
Do	FN69908	10
Mrs. Teru Shutoku	R111188	100

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kuniji Sakagami and Mrs. Teru Shutoku, the aforesaid nationals of a designated enemy country (Japan);

4. That the property described as follows: One hundred eighty-five (185) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
(Miss) Martha Trepton	RC12652	60
Miss Helene Kallenbach	FN63141	25
Joseph Rotering	R172343	100

together with all declared and unpaid dividends thereon, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Martha Trepton, Miss Helene Kallenbach and Joseph Rotering, the aforesaid nationals of a designated enemy country (Germany);

5. That the property described as follows: One hundred sixty-five (165) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered FN029714 and FN029715 for fifty (50) shares each and certificate number FN029716 for sixty-five (65) shares, presently in the custody of Seattle First National Bank, Spokane and Eastern Branch, Spokane, Washington, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Friedrich August Rossbach, also known as Freidrich August Rossbach and as Fredrick August Rossback, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

7. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4574; Filed, May 14, 1947; 8:46 a. m.]

[Vesting Order 8862]

RUPRECHT VON GILARDI

In re: Stock owned by Ruprecht von Gilardi. F-28-4630-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ruprecht von Gilardi, whose last known address is Traunstein, Upper Bavaria, Schloss Strasse 2, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: Forty-nine (49) shares of no par value common capital stock of Old Ben Coal Corporation, 230 South Clark Street, Chicago 4, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered CO-2369, registered in the name of Ruprecht von Gilardi, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4575; Filed, May 14, 1947; 8:46 a. m.]

[Vesting Order 8871]

MARIA BOCK

In re: Estate of Maria Bock, deceased. File D-28-10126; E. T. sec. 14419.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Bock, Heinrich Bock and Frieda Bock, a/k/a Frieda Geltheimer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $763.75 and three (3) United States Savings Bonds of $75.00, Series E registered in the name of Miss Marie Bock and payable on death to Miss Frieda Bock, Nos. Q 416,079,369E, Q 490,291,604E and Q 576,864,472E, were delivered to the Alien Property Custodian by Lester E. Mahr, Administrator of the Estate of Marie Bock, deceased.

3. That the said sum of $763.75 and bonds are presently in the possession of the Attorney General of the United States and were property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which were evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 4, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4576; Filed, May 14, 1947; 8:46 a. m.]

[Vesting Order 8873]

JACOB GMAHLE

In re: Estate of Jacob Gmahle, deceased. File D-28-9637; E. T. sec. 13385.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Bauer, Otto Zendell, Hermann (Herman) Zendell, Karl Stoekle, Sr., Karl Stoekle, Jr., Hermann Stoekle, Emilie Stoekle Ulmer, Berta Stoekle Steiner, Charlotte Stoekle Zengerle, and Albert Stoekle, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Jacob Gmahle, Deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Pauline Schweitzer, as Administratrix, acting under the judicial supervision of the Probate Court of McLean County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4577; Filed, May 14, 1947; 8:47 a. m.]

[Vesting Order 8877]

LEWIS KNOBLOCH

In re: Estate of Lewis Knobloch, deceased. File D-28-9802; E. T. sec. 13817.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Stinshoff, Augusta Diehl and Else Reuter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Lewis Knobloch, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William E. Knobloch, as Administrator, acting under the judicial supervision of the County Court of Champaign County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as

nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4578; Filed, May 14, 1947; 8:47 a. m.]

[Vesting Order 8878]

WILLIAM KNOBLOCH ET AL.

In re: William Knobloch, et al. vs. Ida Stinshoff, et al. File No. D-28-9802; E. T. sec. 13817.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Stinshoff, Augusta Diehl and Else Reuter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $82.57 was paid to the Alien Property Custodian by Donald M. Reno, Master-in-Chancery, in the matter of William Knobloch, et al. vs. Ida Stinshoff, et al.;

3. That the sum of $82.57 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on October 8, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4579; Filed, May 14, 1947; 8:47 a. m.]

[Vesting Order 8913]

CARL HANS RINGWALD AND ERNST WILLY RINGWALD

In re: Interests in mortgages owned by and debts owing to Carl Hans Ringwald and Ernst Willy Ringwald. F-28-5853, F-28-5853-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Hans Ringwald and Ernst Willy Ringwald, whose last known addresses are Maria Theresia Strasse, Freiburg, i/B Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-eighth (1/8) interest in and to that certain mortgage, executed on May 21, 1912, by Marcoen Construction Company to Lawyers Mortgage Company, in the original sum of $44,000.00, covering the premises located at 1760 Washington Avenue, Bronx, New York, New York, and recorded on May 21, 1912, in the Office of the Register of the County of New York, in block series (Mortgages) section 11, Liber 240, at page 363, and any and all obligations secured by said interest in the mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

b. An undivided one-eighth (1/8) interest in and to that certain mortgage (Y-6087), executed on November 13, 1929, by Evelyn Iselin to Clara Rusch Iselin, in the original sum of $26,000.00, covering the premises located at Everit Avenue and Hewlett Lane, Hewlett Harbor, Long Island, County of Nassau, New York, and recorded on November 21, 1929, in the Office of the County Clerk of the County of Nassau, in Liber 1455 mp 229, and any and all obligations secured by said interest in the mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

c. All those debts or other obligations owing to Carl Hans Ringwald, by Rusch & Co., 1441 Broadway, New York, New York, including particularly but not limited to that sum of money in the amount of $6,047.24, as of March 25, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carl Hans Ringwald, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows:

a. An undivided one-eighth (1/8) interest in and to that certain mortgage, executed on May 21, 1912, by Marcoen Construction Company to Lawyers Mortgage Company, in the original sum of $44,000.00, covering the premises located at 1760 Washington Avenue, Bronx, New York, New York, and recorded on May 21, 1912, in the Office of the Register of the County of New York, in block series (Mortgages) section 11, Liber 240, at page 363, and any and all obligations secured by said interest in the mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

b. An undivided one-eighth (1/8) interest in and to that certain mortgage (Y-6087), executed on November 13, 1929, by Evelyn Iselin to Clara Rusch Iselin, in the original sum of $26,000.00, covering the premises located at Everit Avenue and Hewlett Lane, Hewlett Harbor, Long Island, County of Nassau, New York, and recorded on November 21, 1929, in the Office of the County Clerk of the County of Nassau, in Liber 1455 mp 229, and any and all obligations secured by said interest in the mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

c. All those debts or other obligations owing to Ernst Willy Ringwald, by Rusch & Co., 1441 Broadway, New York, New York, including particularly but not limited to that sum of money in the amount of $6,047.24, as of March 25, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ernst Willy Ringwald, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4582; Filed, May 14, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-893]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

MAY 8, 1947.

Notice is hereby given that on April 24, 1947, United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal place of business in Shreveport, Louisiana, and authorized to do business in the States of Alabama, Louisiana, Mississippi, and Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following facilities:

A tap and meter station in Township 3 South, Range 4 East, Baldwin County, Alabama, on Applicant's Mobile-Pensacola natural gas transmission line.

Applicant states that the proposed facilities are for the purpose of supplying the requirements of natural gas for resale through municipally owned distribution systems in the following named municipalities and their environs in Escambia County, Alabama: City of Atmore; City of Brewton; Town of Flomaton. Applicant states that it has entered into an appropriate contractual arrangement with the above named municipalities under which natural gas will be sold to said municipalities. It is stated that service through the proposed facilities will be from gas reserves which Applicant has under contract in the Baxterville Field and which it proposes to connect to its present system at a point near Mobile, Alabama.

The estimated maximum daily demand for all of the above named customers, during the 1947-48 season, is 900 Mcf., and the estimated daily minimum demand for the same period is 100 Mcf. The estimated daily delivery capacity of the proposed facilities is 7,000 Mcf.

Estimated overall capital cost of the proposed facilities is stated to be approximately $5,300, which Applicant proposes to finance out of cash on hand.

Applicant states that since the communities named in the application are not now being served with natural gas, the residents therein are most anxious that the natural gas service to be rendered by means of the proposed facilities be made available to them.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of United Gas Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4546; Filed, May 14, 1947; 8:46 a. m.]

[Project No. 16]

NIAGARA FALLS POWER CO.

ORDER FURTHER EXTENDING TIME FOR ORAL ARGUMENT

On April 8, 1947, the Commission fixed April 25, 1947, as the time for oral argument on application filed by The Niagara Falls Power Company, licensee, for amendment of the license for Project No. 16 to include certain claimed water rights which it proposes to acquire from Buffalo Niagara Electric Corporation.

Upon request of licensee the Commission on April 16, 1947, extended the time for oral argument to May 14, 1947.

The licensee has requested a further extension of time for the oral argument.

The Commission finds that: A further change in the time for the oral argument, as hereinafter provided, will not be inconsistent with the public interest.

It is ordered, That: The time set for oral argument before the Commission on the question of the validity of the water rights referred to above and the authority of the Federal Power Commission to approve the proposed amendment to the license is hereby changed to commence at 10:15 a. m., on Wednesday, June 18, 1947, in the Commission's Hearing Room, 12th floor, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: May 12, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4547; Filed, May 14, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 180]

RECONSIGNMENT OF ORANGES AT MILWAUKEE, WIS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Milwaukee, Wisconsin, May 7, 1947, by Mutual Orange Distributors, of cars PFE 41915, and SFRD 26060, oranges, now on the C. & N. W. and C., M., ST. P. & P. RR's., respectively, to Mutual Orange Distributors, Chicago, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of May 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-4562; Filed, May 14, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 181]

RECONSIGNMENT OF CARROTS AT HARRISBURG, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10

F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Harrisburg, Pa., May 8, 1947, by Harrisburg Daily Market, of car PFE 95143, carrots, now on the PRR to H. Rothstein & Sons, Phila., Pa. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-4563; Filed May 14, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 182]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., May 8, 1947, by E. E. Fadler Co., of car PFE 75489, potatoes, now on the Kansas City Southern Ry., to Crews Fruit Company, Denver, Colorado.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-4564; Filed, May 14, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 183]

RECONSIGNMENT OF CARROTS AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo.-Kans., May 8, 1947, by Ralph Myers Co., of cars PFE 40792 and PFE 39040, carrots, now on the C., R. I. & P. RR., to Joe Weiss & Sons, Detroit, Mich. (Wab), and to Carbone Bros. & Co., New York, N. Y. (R. I.-N. Y. C), respectively.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of May 1947.

V. C. CLINGER,
Director.
Bureau of Service.

[F. R. Doc. 47-4565; Filed, May 14, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 184]

RECONSIGNMENT OF CELERY AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., May 8, 1947, by M. Roth & Sons, of car PFE 76392, celery, now on the Chicago Produce Terminal, to Morris Gobbler Co., Philadelphia, Pa. (P. R. R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of May 1947.

V. C. CLINGER,
Director.
Bureau of Service.

[F. R. Doc. 47-4566; Filed, May 14, 1947; 8:48 a. m.]

[S. O. 733]

UNLOADING OF CARS AT CAMPO, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of May A. D. 1947.

It appearing, that thirteen cars containing various commodities at Campo, California, on the San Diego & Arizona Eastern Railway Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Cars at Campo, Calif., be unloaded.* The San Diego & Arizona Eastern Railway Company, its agents or employees, shall unload immediately the following cars, now on hand at Campo, California, consigned to Aldrete Interests, Tecate, Mexico:

Car initial and No.:	*Contents*
PRR, 471250	Tanks.
N&W, 32302	Do.
C&O, 9647	Machinery.
NYC, 176335	Do.
CBQ, 21148	Cartons.
PRR, 84703	Do.
PM, 71125	Do.
MP, 8607	Tanks.
PRR, 426366	Do.
MC, 85033	Machinery.
IC, 33218	Cartons.
ATSF, 4187	Do.
NYC, 177708	Do.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 12, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads, subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4561; Filed, May 14, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-985]

SOUTH CAROLINA ELECTRIC AND GAS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of May A. D. 1947.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $7.50 Par Value, of South Carolina Electric and Gas Co., a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to May 30, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4551; Filed, May 14, 1947; 8:46 a. m.]

[File Nos. 54-85, 59-90]

EAST COAST PUBLIC SERVICE CO. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of May A. D. 1947.

In the matters of East Coast Public Service Company, Virginia East Coast Utilities, Incorporated, Tidewater Electric Service Company, and Floyd W. Woodcock, Applicants, File No. 54-85; East Coast Public Service Company, Virginia East Coast Utilities, Incorporated, and Tidewater Electric Service Company, Respondents, File No. 59-90.

The Commission, in its findings, opinion and order dated April 2, 1947,[1] approved the Plan, as amended, of East Coast Public Service Company ("East Coast"), Virginia East Coast Utilities, Incorporated ("Virginia")[2] and Tidewater Electric Service Company ("Tidewater"), providing for the merger of Tidewater into Virginia, the recapitalization of Virginia and the liquidation and dissolution of East Coast pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and applications and declarations pursuant to applicable sections of the act for approval of related transactions. Among other things, we reserved jurisdiction with respect to the proposed issuance and sale by Virginia of $1,300,000 principal amount of its new First Mortgage Bonds, Series A, and 60,000 shares of its new common stock until certain necessary amendments were filed setting forth the terms of such securities. Subsequently, by order dated April 29, 1947, the United States District Court for the District of Delaware approved the Plan, as amended, with respect to East Coast and its subsidiary companies.

In our findings and opinion with respect to the Plan, as amended, we stated, on the basis of the record then before us, that the new bonds and new common stock of Virginia appeared to satisfy the requirements of section 7 of the act. We were not at that time, however, in a position to permit the declaration under section 7 to become effective inasmuch as information concerning the definitive terms and conditions of the new securities had not yet been supplied for the record.

The applicants have now filed an amendment to their application under section 11 (e) of the act containing certain definitive terms and conditions of the new securities to be issued by Virginia, as well as the terms and conditions relating to the sale of such new securities. On the basis of the record now completed, with respect to the issuance of the new bonds and new common stock by Virginia, we find that such securities satisfy the standards of section 7 of the act.

Both the First Mortgage Bonds and new common stock to be issued by Virginia will be sold in accordance with the competitive bidding requirements of Rule U-50. Pursuant to such requirements, East Coast and Virginia jointly will publicly invite proposals for the purchase of the new bonds. The invitation for bids on the bonds provides that the price to be paid to East Coast and Virginia for the bonds shall not be less than 100% nor more than 102¾% of the principal amount thereof. The bidders will also designate the annual interest rate which shall be a multiple of ⅛ of 1%.

As to the common stock, Virginia will deliver 60,000 shares to East Coast after which East Coast will publicly invite proposals for the purchase of such stock simultaneously with the invitation for bids for Virginia's new bonds.

We have examined the terms and conditions of the public sale of the new bonds and new common stock of Virginia, and we observe no basis for adverse findings with respect to them.

East Coast and Virginia have requested that the Commission enter an order pursuant to the provisions of section 1808 (f) of the Internal Revenue Code, and that the order contain the necessary recitals and specifications required therein. In our findings and opinion dated April 2, 1947, we found that the proposed transactions are necessary and appropriate to the simplification of East Coast's holding company system, but jurisdiction was reserved with respect to appropriate recitals and specifications. It now appears proper that Applicants' request be granted and, accordingly, our order herein will contain the necessary recitals and specifications requested.

It is therefore ordered, Pursuant to the applicable provisions of said act, including sections 6 (a) and 7 thereof, that the declaration with respect to the issue and sale by Virginia of $1,300,000 principal amount of First Mortgage Bonds, Series A, due 1977, and to the issue and sale by Virginia of 60,000 shares of its new common stock, and the sale by East Coast of $800,000 principal amount of such bonds and 60,000 shares of such common stock be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions set forth in our findings and opinion dated April 2, 1947, and subject to the further condition that the proposed public sales of the First Mortgage Bonds and new common stock of Virginia shall not be consummated until the results of the competitive bidding for such bonds and common stock have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and the same hereby is, reserved with respect to the price and interest rate of Virginia's new bonds; the price of Virginia's new common stock; the underwriters' spread on both the new bonds and new common stock of Virginia; and the fees and expenses of counsel for the successful bidders for both the new bonds and new common stock of Virginia.

It is further ordered, That as to the amount and allocation of fees and other compensation and expenses in connection with the plan, other appropriate proceedings, findings and further ac-

[1] East Coast Public Service Company, et al, — S. E. C. — (1947), Holding Company Act Release No. 7326.

[2] On April 30, 1947, Tidewater was merged into Virginia, and on May 1, 1947, Virginia, the surviving company, changed its name to East Coast Electric Company which, for purposes of this findings, opinion and order, we will refer to as "Virginia."

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tion in connection with the plan, as amended, and the section 11 (b) (2) proceedings, over which we reserved jurisdiction in our order dated April 2, 1947, jurisdiction is continued.

It is further ordered and recited, That the following transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

(1) The issuance and delivery by Virginia to East Coast of $800,000 principal amount of First Mortgage Bonds, Series A, due January 1, 1977, and 60,000 shares of common stock of the par value of $10 per share in exchange for $1,876,745.34 principal amount of First Mortgage 5% Bonds, due August 1, 1948, and 500 shares of common stock of the par value of $100 per share of Virginia now held by East Coast.

(2) The issuance and sale by Virginia, for the purpose of paying outstanding indebtedness of $350,000 principal amount of First Mortgage Bonds, Series A, due January 1, 1977.

(3) The sale by East Coast for its own account of $800,000 principal amount of the First Mortgage Bonds, Series A, due January 1, 1977, issued by Virginia and 60,000 shares of common stock having a par value of $10 per share, also issued by Virginia.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4548; Filed, May 14, 1947; 8:46 a. m.]

[File No. 70-1488]

SOUTH CAROLINA POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of May 1947.

South Carolina Power Company ("South Carolina"), a public utility subsidiary of The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed a declaration with amendments thereto under the Public Utility Holding Company Act of 1935 and particularly sections 6 and 7 thereof with respect to the issue and sale by South Carolina at competitive bidding, in accordance with Rule U-50 of our rules and regulations, of 200,000 shares of no par common stock and $4,000,000 principal amount of its First and Refunding Mortgage Bonds, —% Series, due 1977, and with respect to certain charter amendments; and

A public hearing having been held on such declaration, after appropriate notice, and the Commission having examined the record, and having filed its findings and opinion based thereon:

It is ordered, That said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

(1) That the proposed sale of common stock and bonds by South Carolina shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof;

(2) That jurisdiction be, and it is, hereby reserved over the payment of all fees or expenses of all counsel, incurred or to be incurred in connection with the proposed transactions;

(3) That the condition contained in our order of January 11, 1945 (Holding Company Act Release No. 5545) restricting dividend payments on the common stock of South Carolina so long as any of the bonds issued pursuant to that order and due 1975 are outstanding shall also be applicable so long as any of the new bonds to be issued pursuant to this order and due 1977 remain outstanding; and

(4) That, prior to any sale of the common stock by South Carolina to other than Commonwealth, Commonwealth shall agree to dispose of its interest in South Carolina and to the entry by the Commission of an order to such effect in order to ensure compliance with section 11 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4549; Filed, May 14, 1947; 8:46 a. m.]

[File No. 811-481]

CENTRAL COMMONWEALTH SERVICE CORP.

NOTICE OF MOTION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of May A. D. 1947.

Notice is hereby given that the Corporation Finance Division of the Commission, having reasonable cause to believe that Central Commonwealth Service Corporation has ceased to do business and does not have any assets, will move pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that Central Commonwealth Service Corporation has ceased to be an investment company and terminating its registration under said act.

It appears that the only assets of Central Commonwealth Service Corporation consist of preferred and common stock of Garland Manufacturing Company, and that in the liquidation of Garland Manufacturing Company pursuant to Chapter X of the Bankruptcy Act no distribution was made on account of its preferred and common stock since there were no assets over and above assets required to pay prior claims. It further appears that Central Commonwealth Service Corporation has ceased to do business.

The Corporation Finance Divison has advised the Commission that upon preliminary examination it deems the following issues to be raised without prejudice to the specification of additional issues upon further examination;

(1) Whether Central Commonwealth Service Company has ceased to be an investment company within the meaning of the act, and

(2) Whether it is necessary for the protection of investors to condition any order terminating its registration under the act.

It appearing to the Commission that a public hearing upon the motion is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid motion be held on May 27, 1947, at 9:45 a. m., eastern daylight time, in Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to Central Commonwealth Service Corporation and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before May 26, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4550; Filed, May 14, 1947; 8:46 a. m.]

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FEDERAL REGISTER

VOLUME 12 NUMBER 97

Washington, Friday, May 16, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9852

APPOINTMENT OF A MEMBER OF A MILITARY TRIBUNAL ESTABLISHED FOR THE TRIAL AND PUNISHMENT OF MAJOR WAR CRIMINALS IN GERMANY

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. I hereby designate Charles F. Wennerstrum, Chief Justice of the Supreme Court of the State of Iowa, as a member of one of the several military tribunals established by the Military Governor for the United States Zone of Occupation within Germany pursuant to the quadripartite agreement of the Control Council for Germany, enacted December 20, 1945, as Control Council Law No. 10, and pursuant to Articles 10 and 11 of the Charter of the International Military Tribunal, which tribunal was established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, for the trial and punishment of major war criminals of the European Axis. Such member may, at the direction of the Military Governor of the United States Zone of Occupation, serve on any of the several military tribunals above mentioned, which tribunals are a component part of the military occupational forces of the United States, and upon which the member designated herein shall perform active service during the period of his designation.

2. The member herein designated shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes.

3. The Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the member herein designated in the performance of his duties and may assign or detail such personnel under their respective jurisdictions, including members of the armed forces, as may be requested for the purpose. Personnel so assigned or detailed shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that personnel assigned or detailed from the Navy Department shall receive such compensation and allowances for expenses to which they may be entitled by reason of their military grade and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 15, 1947.

[F. R. Doc. 47-4679; Filed, May 15, 1947; 10:26 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 26—THE FEDERAL LAND BANK OF ST. LOUIS

FEES

Section 26.1 *Application fees on Federal land bank and Commissioner loans,* of Title 6, Code of Federal Regulations is hereby revoked, effective March 28, 1947 (Res. of Ex. Com. Mar. 28, 1947).

Section 26.3 *Release of part security fees in connection with Federal land bank and Commissioner loans,* of Title 6, Code of Federal Regulations is hereby revoked, effective February 17, 1947 (Res. of Ex. Com. Feb. 5, 1947).

[SEAL] FEDERAL LAND BANK OF ST. LOUIS,
WALTER H. DROSTE, *President.*

Attest:

E. B. HARRIS, *Assistant Secretary.*

[F. R. Doc. 47-4585; Filed, May 15, 1947; 8:47 a. m.]

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

UNITED STATES STANDARDS FOR COMMON GREEN ONIONS [1]

Pursuant to the provisions of the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946), the following United States Standards for Common Green Onions are hereby promulgated:

§ 51.289 *Common green onions*—(a) *Grades.* (1) U. S. No. 1 shall consist of green onions which are fairly well-formed, firm, young and tender, fairly clean, free from decay, and from damage caused by seedstems, roots, foreign material, disease, insects, mechanical or other means. The bulbs shall be well trimmed. The tops shall be fresh, of good green color, free from damage caused by broken or bruised leaves, or by clipping. When all the tops of the onions have been evenly clipped back in accordance with good commercial practice, they shall be specified as "Clipped Tops" in connection with the grade.

(i) Unless otherwise specified, the over-all length (roots excepted) of the onions shall be not more than 24 inches nor less than 8 inches and the onions shall be not less than one-fourth of an inch or more than one inch in diameter.

(ii) *Tolerance for defects.* In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements of this grade, but not more than 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for onions affected by decay.

(iii) *Tolerance for size.* Not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements as to the specified length, minimum diameter or maximum diameter, but not more than 5 percent shall be allowed for any one of the requirements for size.

(2) U. S. No. 2 shall consist of green onions which are not badly misshapen, and which are fairly firm, fairly young and tender, fairly clean, free from decay and from serious damage caused by seedstems, roots, foreign material, disease, insects, mechanical or other means. The bulbs shall be fairly well trimmed. The tops shall be fresh, of fairly good green color, and free from serious damage caused by broken or bruised leaves, or by clipping. When all the tops of the onions have been evenly clipped back in accordance with good commercial practice, they shall be specified as "clipped tops" in connection with the grade.

(i) Unless otherwise specified, the over-all length (roots excepted) of the onions shall be not less than 8 inches and the onions shall be not less than one-fourth of an inch or more than one and one-half inches in diameter.

(ii) *Tolerance for defects.* In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements of this grade, including not more than 2 percent for onions affected by decay.

(iii) *Tolerance for size.* Not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements of the specified length, minimum diameter or maximum diameter, but not more than 5 percent shall be allowed for any one of the requirements for size.

(iv) Unclassified shall consist of onions which are not graded in conformity with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(b) *Size.* The following terms and definitions are provided for describing the diameters of any lot:

"Small" means less than ¼ inch.
"Medium" means ½ to 1 inch, inclusive.
"Large" means over 1 inch.

(c) *Application of tolerances.* The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

(d) *Definitions.* (1) "Fairly well-formed" means that the onion is not more than slightly curved, angular, crooked, lopsided or otherwise slightly misshapen.

(2) "Fairly clean" means that the appearance of the onion is not materially injured by dirt.

(3) "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality.

(i) *Seedstems.* An onion with a seedstem shall be considered as damaged if the seedstem has been broken at a point other than at the top, or is coarse, fibrous, hollow or soft, or has separated naturally from the sheath or skin. Onions often show flower buds while the seedstem is still tender. Such onions are not objectionable if the flower buds have been removed, or if present, are not noticeably protruding; however, an onion with a seedstem which, after the flower bud has been removed, exceeds the length of the longest leaves of the plant, shall be considered as damaged.

(ii) *Clipping.* The tops of onions are sometimes clipped or pinched back to remove discolored or otherwise injured leaves. An individual plant shall not be considered as damaged when not more than the tips of all the leaves have been clipped or pinched back; or when not more than half the leaves have been clipped or pinched back to a greater extent but not to the extent that the appearance is materially injured; or when the tops of all the onions have been evenly clipped back in accordance with good commercial practice and the designation "clipped tops" is specified in connection with the grade.

(4) "Well-trimmed" means that the bulb is not broken above the point of root attachment and is practically free from dead, discolored or slick outer skins. Fresh, clean, loose skins which do not materially affect the appearance of the individual onion or the bunch are permitted.

(5) "Fresh" means that the tops are not withered or badly wilted.

(6) "Good green color" means that the tops have a normal green color characteristic of healthy plants. A slight discoloration of the extreme tips and slight scarring caused by thrips are not objectionable.

(7) "Diameter" means the greatest dimension of the onion taken at right angles to the longitudinal axis.

(8) "Not badly misshapen" means that the onion is not badly curved or crooked.

(9) "Fairly young and tender" means that the onion is not tough, stringy, or advanced to the stage where the neck is flabby.

(10) "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality.

(i) Seedstems which are excessively coarse or fibrous shall be considered as serious damage.

(ii) Badly broken or badly bruised tops shall be considered as serious damage.

(iii) Clipping. The tops of onions are sometimes clipped or pinched back to remove discolored or otherwise injured leaves. An individual plant shall not be considered as seriously damaged when not more than the tips of all the leaves have been clipped or pinched back; or when not more than half the leaves have been clipped or pinched back to a greater extent but not to the extent that the appearance is seriously injured; or when the tops of all the onions have been evenly clipped back in accordance with good commercial practice and the designation "clipped tops" is specified in connection with the grade.

(11) "Fairly well-trimmed" means that the bulb is not broken above the point of root attachment and is reasonably free from dead, discolored or slick outer skins. Fresh, fairly clean, loose skins which do not seriously affect the appearance of the individual onion or the bunch are permitted.

(12) "Fairly good green color" means that the tops are pale or yellowish green or otherwise slightly discolored.

It is hereby found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d Sess.) in connection with the issuance of these standards, is impracticable, unnecessary, and contrary to the public interests in that: (1) The standards for common green onions have been in the process of investigation since July 1946 and they have been prepared on the basis of suggestions of growers, packers, shippers and others interested in the handling of green onions; (2) the issuance of the standards, effective June 20, 1947 is necessary so that those interested in marketing green onions will have definite official standards to use as a basis of packing and selling this commodity; (3) the issuance of the standards should be accomplished as soon as possible because the seasonal shipments have begun. (Pub. Law 422, 79th Cong., Order Secy. of Agriculture, July 11, 1946, 11 F. R. 7713)

Issued at Washington, D. C., this 13th day of May 1947, to be effective on and after the 20th day of June 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-4620; Filed, May 15, 1947; 8:58 a. m.]

[1] These standards apply only to commonly cultivated green onions (Allium cepa) and not to leeks (Allium porrum), Welch or Japanese multiplier onions (Allium fistulosum), and shallots (Allium ascalonicum).

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Functions, and Procedures

PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

TRANSPORTATION CORPS

Pursuant to the provisions of sections 3 (a) (1) and (2) of the Administrative Procedure Act of June 11, 1946, paragraph (b) of § 2.151 is amended as follows:

1. Amend the headnote of paragraph (b) (4) to read "Management Office".
2. Delete paragraph (b) (8) pertaining to Movements Control Division.
3. Amend the headnote of paragraph (b) (11) to read "Legal Office".
4. Amend paragraph (b) (13) by deleting the period at the end of the paragraph and substituting the following clause "and exercises staff supervision over CIC activities at ports of embarkation".
5. Amend paragraph (b) (14) by changing the headnote to read "Military Planning and Intelligence Division". The paragraph is further amended by deleting the clause "and exercises staff supervision over CIC activities at ports of embarkation" which appears at the end of the paragraph.
6. Paragraph (b) (15) is amended by changing the headnote and adding subdivisions (vi) to (viii), inclusive; paragraph (b) (16) is superseded by the following:

§ 2.151 *The Transportation Corps.* * * *

(b) *Organization.* * * *

(15) *Movements Control Division.* * * *

(vi) Exercises staff supervision and control over movements of troops and other War Department passengers and all War Department-owned and controlled freight and cargo, requiring coordination between various modes of transportation, to and from overseas theaters and within the Zone of the Interior.

(vii) Coordinates and controls all vessels allocated to the War Department by the U. S. Maritime Commission or other governmental agencies and all Army-owned and chartered transports.

(viii) Coordinates and supervises all matters pertaining to the movement overseas of dependents, their household goods, baggage and automobiles.

(16) *Water Transport Service Division.* Puts into effect plans required to insure that all necessary water transportation facilities and services are provided and that vessels are satisfactorily fitted for the movement to and from overseas of personnel and cargo with which the War Department is concerned; procures, assigns and exercises staff supervision over maintenance of all harbor vessels, except those under control of the Chief of Engineers, and except the assignment of mine-laying and mine-tending vessels; recommends measures to be taken in the procurement of used vessels, and the design of new vessels; exercises staff supervision over marine repair shops and over the disposition of excess and surplus floating equipment.

(R. S. 161, Secs. 3, 12 Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 5 U. S. C. and Sup. 22, 1002)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4603; Filed, May 15, 1947; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 610—LOW-RENT HOUSING AND SLUM CLEARANCE; PROCEDURES

RESERVES

Section 610.410 (a) (formerly § 601.410 (a); 10 F. R. 7321) is hereby amended, effective May 24, 1947, to read as follows:

§ 610.410 *Reserves*—(a) *Reserves for repairs, maintenance, and replacements.* As of the last day of each calendar quarter (month) following the end of the initial operating period for each development, the local authority shall set aside as a reserve for repairs, maintenance, and replacements an amount equal to one-fourth (twelfth) of the estimate of average annual expense for repairs, maintenance and replacements less the actual expense incurred for repairs, maintenance and replacements for that calendar quarter (month).

The reserve thus accumulated shall remain in the custody of the Local Authority and shall be drawn upon to meet the expense of repairs, maintenance, and replacements in any calendar quarter (month) in which the actual expense exceeds one-fourth (twelfth) of the average annual estimate therefor to the full extent of such excess. Any amounts by which such excess exceeds the balance in the reserve shall be deducted from any amounts which would otherwise be set aside for reserve during the balance of that fiscal year.

(50 Stat. 888; 42 U. S. C. 1401-30)

Approved: May 12, 1947.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 47-4586; Filed, May 15, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 333]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Drugs, herbs, leaves and roots, crude:
220988	Colchicum corm.
	Medicinal and pharmaceutical preparations:
813590	Colchicine.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: May 6, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-4604; Filed, May 15, 1947; 8:47 a. m.]

[Amdt. 334]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Vegetable oils and fats, inedible:
224910	Tung oil.
224998	Other expressed oils (except essential), and fats, inedible except babassu nut oil and sesame oil.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: May 12, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-4605; Filed, May 15, 1947; 8:47 a. m.]

Chapter XXIV—Department of State, Disposal of Surplus Property

[Dept. Reg. 108.46; FLC Reg. 8, Order 6, Supp. 1]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

The President has designated the following item of surplus property as being in critically short supply and urgently needed for reconversion in the United States. In accordance with the provisions of Regulation 8, Order 6 (Departmental Regulation 108.44, 12 F. R. 2521), *It is hereby ordered*, That § 8508.15 shall not apply to prevent the importation of the following item of surplus property if in transit to a point in the United States on or before October 1, 1947:

Day passenger boats, under 3,000 tons, suitable for use only in inland waterways and sheltered ocean.

This item is hereby added to Schedule A of Order 6.

This order shall become effective immediately upon publication in the FEDERAL REGISTER.

(58 Stat. 765, 59 Stat. 533, Pub. Law 375, 79th Cong., 60 Stat. 168, Pub. Law 584, 79th Cong., 60 Stat. 754; 50 U. S. C. App. Supp., 1611-46)

Approved: May 12, 1947.

[SEAL] G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-4606; Filed, May 15, 1947; 9:18 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 9—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

Sec.
9.1 Definitions.
9.2 Allotments; extent of health problems.
9.3 Basis of allotments.
9.4 Allotments; estimates; time of making; duration.
9.5 State plans; submission and amendments.
9.6 State plans; contents.
9.7 State plans; time of submission and approval.
9.8 Payments to States.
9.9 Required expenditure of State and local funds.
9.10 Required administrative standard; State plans; expenditures.
9.11 Required administrative standard; State plans; health services.
9.12 Required administrative standard; State plans; personnel administration on a merit basis.
9.13 Required administrative standard; State plans; training of personnel.
9.14 Required administrative standard; fiscal affairs.
9.15 Required administrative standard; required information; reports when due; audits.
9.16 Effective date; prior regulations superseded.

AUTHORITY: §§ 9.1 to 9.16, inclusive, issued under secs. 2, 215, 314, 58 Stat. 682, 690, 693, as amended by 60 Stat. 421, 424; 42 U. S. C., Supp. 201, 216, 246.

§ 9.1 *Definitions.* As used in this part:

(a) "Act" means the Public Health Service Act approved July 1, 1944, 58 Stat. 682, as amended.

(b) "Exception" means the amount of Federal funds expended contrary to this part or the State plan.

(c) "Federal funds" means funds appropriated by Congress for carrying out the purposes of section 314 of the act.

(d) "Financial need" as applied to any State means the relative per capita income as shown by data, supplied by the Bureau of Foreign and Domestic Commerce for the most recent five-year period, available on January 1, preceding the fiscal year for which Federal funds are appropriated.

(e) "General health purposes" means the establishment and maintenance of public health services within the meaning of subsection (c) of section 314 of the act.

(f) "Official forms" means forms and instructions supplied by the Public Health Service to the State health authority for use in the submittal of State plans or information required with respect to the operation of such plans.

(g) "Political subdivision" includes counties, health districts, municipalities, and other subdivisions of the State established for governmental purposes.

(h) "Population" as applied to any State or political subdivision, means the total population thereof according to the most recent Federal Census for which figures are available on January 1, preceding the fiscal year for which Federal funds are appropriated.

(i) "Public Health Service" means the Public Health Service in the Federal Security Agency.

(j) "State" includes any State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(k) "State plan" refers to the information and proposals, including budgets, submitted by the State health authority pursuant to the regulations in this part for activities of the State and political subdivisions thereof for (1) the prevention, treatment and control of venereal disease, (2) the prevention, treatment and control of tuberculosis, (3) establishing and maintaining adequate public health services, or (4) the prevention, treatment, and control of mental illness, including emotional, psychiatric and neurological disorders.

(l) Insofar as the regulations in this part relate to the State mental health program, "State health authority" means, in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for administering such program, the State mental health authority.

§ 9.2 *Allotments; extent of health problems.* For the purpose of making allotments to the several States:

(a) *Venereal disease.* The extent of the venereal disease problem shall be determined by the Surgeon General taking into consideration such factors as:

(1) The varying composite and racial prevalence rates for syphilis;

(2) The extent to which treatment facilities have been provided as evidenced by the population under treatment for syphilis;

(3) The total number of syphilis patients brought to treatment in the primary or secondary stages during the previous year;

(4) The varying costs of providing equal services as determined by the inverse function of the syphilitic density, and the direct function of the size of the population of each State;

(5) The need for training centers and demonstrations in selected areas;

(6) The need for facilities for the prevention and control of venereal diseases in localities where there is an unusual concentration of population.

(b) *Tuberculosis.* The extent of the tuberculosis problem shall be determined by the Surgeon General taking into consideration such factors as:

(1) The morbidity of the disease;

(2) The mortality attributed to the disease;

(3) The relative need among the States of facilities for diagnosis and treatment of tuberculous persons.

(c) *Special health problems.* The extent of special health problems shall be determined by the Surgeon General taking into consideration such factors as:

(1) The ratio which the mean annual number of deaths in each State from all causes except cancer, tuberculosis, venereal disease, suicides, homicides, accidents, and maternal and infant deaths, bears to the total mortality in the United States from the same group of causes, as shown by the most recent mortality statistics;

(2) Special conditions which create unequal burdens in the administration of equal public health services among the States indicated by the relative population density as shown by the most recent Bureau of Census population census;

(3) The ratio which the number of persons engaged in hazardous industry in each State bears to the total number of persons engaged in hazardous industry based upon the 1940 labor force as shown by the 1940 Labor Force of the Bureau of the Census.

(d) *Mental health.* The extent of the mental health problem shall be determined by the Surgeon General, taking into consideration such factors as:

(1) The prevalence of emotional and psychiatric disorders affecting mental health;

(2) The relative need among the States for clinics for diagnosis and treatment of mentally ill persons.

§ 9.3 *Basis of allotments.* Of the total sum determined to be available for each fiscal year for allotment to the several States for the purposes of subsections (a), (b), and (c) of section 314 of the act, allotments to the several States shall be made as follows:

(a) *Venereal disease.* Of the amount available for allotment for venereal disease control programs:

From 20 percent to 40 percent, on the basis of population, weighted by financial need.
From 60 percent to 80 percent, on the basis of the extent of the venereal disease problem.

(b) *Tuberculosis.* Of the amount available for allotment for tuberculosis control programs:

From 20 percent to 40 percent, on the basis of population weighted by financial need.
From 60 percent to 80 percent, on the basis of the extent of the tuberculosis problem.

(c) *General health purposes.* Of the amount available for allotment for general health purposes other than for mental health:

From 40 percent to 60 percent, on the basis of population, weighted by financial need.
From 40 percent to 60 percent, on the basis of the extent of special health problems.

(d) *Mental health.* Of the amount available for allotment for mental health programs:

From 20 percent to 40 percent, on the basis of population weighted by financial need.
From 60 percent to 80 percent, on the basis of the extent of the mental health problem.

§ 9.4 *Allotments; estimates; time of making; duration.* (a) For each fiscal year, the Surgeon General shall, with the approval of the Administrator, determine the amount of the appropriation for each program which shall be available for allotment among the several States.

(b) Prior to the beginning of each fiscal year the Surgeon General shall prepare and make available to the States an esti-

mated schedule of the amounts which it is expected will be allotted to each State during the fiscal year from estimated appropriations.

(c) Allotments for each program for the first quarter shall be made prior to the beginning of such quarter or as soon thereafter as practicable, and shall equal not less than 30 percent nor more than 40 percent of the total sum determined to be available for allotment during that fiscal year. At the end of the first quarter, the amounts of such allotments which have not been certified for payment to the respective States pursuant to § 9.8 shall become available for allotment among the States in the same manner as moneys which had not previously been allotted.

(d) Allotments for each program for the remaining nine months shall be made prior to the beginning of the second quarter or as soon thereafter as practicable, and shall equal the total sum remaining unpaid and unallotted from the amount available for allotment during the fiscal year.

(e) The Secretary of the Treasury and the respective State health authorities shall be notified of the amounts of allotments and of the period for which they are made.

§ 9.5 *State plans; submission and amendments.* (a) Each State making application for grants under section 314 of the act shall submit plans through its State health authority for each fiscal year for carrying out the purposes of such section. A State making application for Federal funds for more than one of the purposes authorized by section 314 of the act may consolidate its plan: *Provided*, That the information specifically required for a State plan is distinguished with respect to each purpose.

(b) The State plan and amendments thereto shall be prepared in accordance with official forms supplied by the Public Health Service for the purpose.

(c) The State plan may be amended with the approval of the Surgeon General. Amendments shall state the period they are to be in effect.

§ 9.6 *State plans; contents.* A State plan with respect to any program shall consist of two parts:

(a) Part I shall describe the current organization and functions of health services for the program and the proposals of the State health authority for extending, improving, and otherwise modifying such organization and functions. It shall include a description of the services, and a statement that the plan if approved will be carried out as described and in accordance with the regulations prescribed under section 314 of the act.

(b) Part II shall consist of proposed budgets for carrying out the activities described in Part I, and shall specify the period for which such budgets are submitted.

§ 9.7 *State plans; time of submission and approval.* (a) Parts I and II of a plan (the former in duplicate, the latter in triplicate) shall be submitted at least 45 days prior to the beginning of the Federal fiscal year to which the plan relates.

(b) Review and approval of Part I shall precede review and approval of Part II. Part II of a plan shall not be approved unless each item thereof relates to activities specifically described in Part I.

Part II of a plan shall not be approved for any period antedating receipt of such part by the Public Health Service, except that in the event of epidemics or similar emergency, involving expenditures not capable of prediction, telegraphic requests for approval of emergency expenditures may be tentatively approved pending submission of necessary amendments to Parts I and II (and justification thereof) at a later date prescribed at the time of such tentative approval.

§ 9.8 *Payments to States.* Payments from allotments to a State having an approved plan shall not exceed the allotment to such State or the total estimated expenditure necessary for carrying out the State plan whichever is less.

Subject to the foregoing limitations, payments shall be made as follows:

(a) For the first quarter two payments shall be made from the allotment for such quarter. The first payment shall equal 45 percent of the amount allotted to each State for that quarter. The second payment shall be the amount of the difference between the unpaid balance of the allotment of the respective State and the unencumbered cash balance of the respective fund in the State treasury at the beginning of the first quarter, adjusted for exceptions.

(b) Payment for subsequent quarters from the allotments for the final third quarter period shall be made once in each quarter and shall be based upon an application for funds showing the estimated requirements for such quarter and the estimated unencumbered balance of the respective fund in the State treasury at the beginning of the quarter for which payment is to be made. All such payments shall be in the amount of the difference between the estimated requirement and the estimated unencumbered cash balance adjusted for exceptions, except that the amount paid together with such estimated unencumbered balance shall not exceed 35 percent of the total amount available to the State for the year.

Except with respect to the first payment in the first quarter, payments from allotments shall not be certified unless all reports and documents prescribed by the regulations in this part to be due have been received. Payments subsequent to such first payment shall not be made until an application for the payment has been received.

§ 9.9 *Required expenditure of State and local funds.* (a) Moneys paid to any State pursuant to section 314 of the act shall be paid upon the condition that there be expended in the State, during the fiscal year for which payment is made and for purposes specified in the State plan with respect to which the payment is made, public funds of the State and its political subdivisions (excluding any funds derived by loan or grant from the United States) in amounts determined as follows:

(1) With respect to payments for a venereal disease control program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

(2) With respect to payments for a tuberculosis control program, an amount equal to the amount of Federal funds to be expended pursuant to the State plan.

(3) With respect to payments for a general health program other than the mental health program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

(4) With respect to payments for a mental health program, an amount equal to 50 percent of the amount of Federal funds to be expended pursuant to the State plan.

The expenditures required for any one of the above programs shall be additional to the expenditures required for other programs.

(b) Federal funds paid to a State shall not be used to conserve State and local funds.

§ 9.10 *Required administrative standard; State plans; expenditures.* (a) Federal funds paid to a State shall be expended solely for the purposes specified in plans approved by the Surgeon General and in accordance with the regulations in this part.

(b) State laws and regulations governing the custody and disbursement of State funds shall govern the custody and disbursement of Federal funds paid to the State, subject to such modification as may be determined by the Surgeon General.

§ 9.11 *Required administrative standard; State plans; health services.* The State plan shall provide for health services in substantial accordance with nationally accepted standards. Compliance with standards of performance by health agencies receiving Federal funds shall be evaluated on the basis of criteria prescribed by the Surgeon General.

§ 9.12 *Required administrative standards; State plans; personnel administration on a merit basis.* A system of personnel administration on a merit basis shall be established and maintained for personnel employed in programs, the budgets of which provide for the expenditure of Federal funds or of State funds for matching purposes. Standards for evaluating compliance with this requirement shall be contained in "Merit System Policies of the Public Health Service" in effect at the time of the expenditure.

§ 9.13 *Required administrative standards; State plans; training of personnel.* Use of Federal funds for training personnel for State and local health work shall be authorized by the State health authority in accordance with "Minimum Standards for Sponsored Training of the Public Health Service." Records of authorized training shall be maintained in State health departments and shall be audited for compliance with these standards.

§ 9.14 *Required administrative standards; fiscal affairs.* (a) A separate and distinct fund account shall be maintained for each fund of Federal moneys by the principal State accounting officer.

(b) An efficient method for the conduct of fiscal affairs (including financial and property controls) shall be established and maintained with respect to State and local public health agencies receiving financial assistance through grants pursuant to the regulations in this part.

§ 9.15 *Required administrative standards; required information; reports when due; audits.* (a) The Surgeon General may require the submission of information pertinent to the operation of the State plans and to the purpose of the grants, including the following:

(1) A certification on an official form as to the amount of State and local funds available for carrying out the State plan shall be due in duplicate within 90 days after the beginning of the fiscal year.

(2) A statement on an official form showing the distribution of all funds by functional activities for the next fiscal year and estimates of need for the second year following shall be due in duplicate on May 15 of each year.

(3) Quarterly reports on official forms showing total receipts, expenditures, unliquidated encumberances and balances of Federal funds, and total quarterly expenditures from Federal grants and other sources for each budget shall be due in duplicate 45 days after the close of the quarter .

(4) A detailed annual report on an official form showing expenditures for each budget and item for the preceding fiscal year shall be due in duplicate on October 1, of each year.

(5) A report on an official form showing personnel, facilities and services for each local health organization included in the current State plan shall be due in duplicate on September 15, of each year.

(6) The following reports on official forms shall be submitted with respect to venereal disease activities within 45 days after the close of the period to which they pertain:

(i) A quarterly report on laboratory activities, drug distribution and fees to private physicians.

(ii) A quarterly activity report for each cooperative health unit or a summary of such activities by the State health authority.

(iii) A quarterly morbidity report, with separate report by each city of 200,000 population or over.

(7) The following reports on official forms shall be submitted with respect to tuberculosis control activities within 45 days after the close of the period to which they pertain:

(i) A semiannual report on mass chest surveys, and tuberculosis morbidity, and mortality, with separate report for cities of 500,000 population or over.

(ii) An annual report on clinic and nursing services.

(b) Audit of the activities and programs described in the State plan may be made after prior consultation with the State health authority. Records, documents, and information available to the State health authority pertinent to the audit shall be accessible for purposes of audit.

§ 9.16 *Effective date; prior regulations superseded.* The regulations in this part, which shall become effective upon the date of their publication in the FEDERAL REGISTER, shall apply for the fiscal year 1948 and thereafter, and with respect to the fiscal year 1948 and thereafter, shall supersede the regulations heretofore contained in this part.

Dated: May 12, 1947.

[SEAL] THOMAS PARRAN,
Surgeon General.
MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-4584; Filed, May 15, 1947; 8:47 a. m.]

PART 12—INTERSTATE QUARANTINE

Notice of proposed rule making having been published (11 F. R. 9389) and consideration having been given to all relevant matter presented, the following regulations are prescribed to prevent the introduction, transmission and spread of communicable diseases from one State or possession to another State or possession insofar as such introduction, transmission and spread of communicable diseases may result from the interstate movement of persons or things, and may be prevented by inspection, disinfection, sanitation, pest extermination, travel and transportation restrictions, refrigeration, destruction of animals and things, and related measures. The regulations are prescribed under section 361 of the Public Health Service Act of 1944 and supersede §§ 12.1 to 12.47, Title 42, Code of Federal Regulation, as amended February 6, 1946 (11 F. R. 1406).

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AUTHORITY: §§ 12.1 to 12.204, inclusive, issued under 58 Stat. 703; 42 U. S. C. Supp. 264.

CROSS REFERENCE: Regulations of the Public Health Service relating to foreign quarantine: See Public Health Service, Federal Security Agency, 42 CFR, Chapter I, Part 11.

SUBPART A—DEFINITIONS AND GENERAL PROVISIONS

§ 12.1 *General definitions.* As used in this part, terms shall have the following meaning:

(a) *Bactericidal treatment.* The application of any method or substance for the destruction of pathogens and other organisms.

(b) *Communicable diseases.* Any of the diseases enumerated in § 12.2 unless otherwise specified.

(c) *Communicable period.* The period or periods during which the etiologic agent may be transferred directly or indirectly from the body of the infected person or animal to the body of another.

(d) *Contamination.* The presence of a certain amount of undesirable substance or material, which may contain pathogenic micro-organisms.

(e) *Conveyance.* Conveyance means any land or air carrier, or any vessel as defined in § 12.1 (o).

(f) *Existing vessel.* Any vessel the construction of which was started prior to the effective date of the regulations in this part.

(g) *Garbage.* (1) The solid animal and vegetable waste, together with the natural moisture content, resulting from the handling, preparation, or consumption of foods in houses, restaurants, hotels, kitchens, and similar establishments, or (2) any other food waste containing pork.

(h) *Incubation period.* The period between the implanting of disease organisms in a susceptible person and the appearance of clinical manifestation of the disease.

(i) *Interstate traffic.* The movement of any conveyance, or the transportation of any persons or property, which are moving or are being moved from any State or possession to any other State or possession, or between points in the same State or possession but through any State or possession or any foreign country, including any portion of such movement or transportation which is entirely within a State or possession.

(j) *Minimum heat treatment.* The causing of all particles in garbage to be heated to a boiling temperature and held at that temperature for a period of not less than 30 minutes.

(k) *Possession.* Any of the possessions of the United States, including Puerto Rico and the Virgin Islands.

(l) *Potable water.* Water which meets the standards prescribed in the Public Health Service Drinking Water Standards (See Subpart J, §§ 12.201 to 12.204, inclusive).

(m) *State.* Any State, the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

(n) *Utensil.* Includes any kitchenware, tableware, glassware, cutlery, containers, or equipment with which food or drink comes in contact during storage, preparation, or serving.

(o) *Vessel.* Any passenger-carrying, cargo, or towing vessel exclusive of:

(1) Fishing boats including those used for shellfishing;

(2) Tugs which operate only locally in specific harbors and adjacent waters other than potable water boats;

(3) Barges without means of self-propulsion;

(4) Construction-equipment boats and dredges; and

(5) Sand and gravel dredging and handling boats.

(p) *Wash water.* See § 12.118 (a).

(q) *Watering point.* The specific place where potable water is loaded on a conveyance.

§ 12.2 *List of communicable diseases.* For the purposes of this part, the following shall be considered as communicable diseases: Anthrax, chancroid, cholera, dengue, diphtheria, granuloma inguinale, infectious encephalitis, favus, gonorrhea, lymphogranuloma venereum, meningococcus meningitis, plague, poliomyelitis, psittacosis, ringworm of the scalp, scarlet fever, sterptococcic sore throat, smallpox, syphilis, trachoma, tuberculosis, typhoid fever, typhus, and yellow fever. (See Executive Order No. 9708, March 28, 1946, 11 F. R. 3241.)

§ 12.3 *Measures in the event of inadequate local control.* Whenever the Surgeon General determines that the measures taken by health authorities of any State or possession (including political subdivisions thereof) are insufficient to prevent the spread of any of the communicable diseases from such State or possession to any other State or possession, he may take such measures to prevent such spread of the diseases as he deems reasonably necessary, including inspection, fumigation, disinfection, sanitation, pest extermination, and destruction of animals or articles believed to be sources of infection.

SUBPART B—RESTRICTIONS ON TRAVEL OF PERSONS

§ 12.11 *All communicable diseases.* A person who has a communicable disease in the communicable period shall not travel from one State or possession to another without a permit from the health officer of the State, possession, or locality of destination, if such permit is required under the law applicable to the place of destination. Stop-overs other than those necessary for transportation connections shall be considered as places of destination.

§ 12.12 *Certain communicable diseases; special requirements.* The following provisions are applicable with respect to any person who is in the communicable period of cholera, plague, smallpox, typhus or yellow fever, or who, having been exposed to any such disease, is in the incubation period thereof:

(a) *Requirements relating to travelers.* (1) No such person shall travel from one State or possession to another, or on a conveyance engaged in interstate traffic, without a written permit of the Surgeon General or his authorized representative.

(2) Application for a permit may be made directly to the Surgeon General or to his representative authorized to issue permits.

(3) Upon receipt of an application, the Surgeon General or his authorized representative shall, taking into consideration the risk of introduction, transmission, or spread of the disease from one State or possession to another, reject it, or issue a permit which may be conditioned upon compliance with such precautionary measures as he shall prescribe.

(4) A person to whom a permit has been issued shall retain it in his possession throughout the course of his authorized travel and comply with all conditions prescribed therein, including presentation of the permit to the operators of conveyances as required by its terms.

(b) *Requirements relating to operation of conveyances.* (1) The operator of any conveyance engaged in interstate traffic shall not knowingly (i) accept for transportation any person who fails to present a permit as required by paragraph (a) of this section, or (ii) transport any person in violation of conditions prescribed in his permit.

(2) Whenever a person subject to the provisions of this section is transported on a conveyance engaged in interstate traffic, the operator thereof shall take such measures to prevent the spread of the disease, including submission of the conveyance to inspection, disinfection and the like, as an officer of the Public Health Service designated by the Surgeon General for such purposes deems reasonably necessary and directs.

§ 12.13 *Responsibility with respect to minors, wards, and patients.* A parent, guardian, physician, nurse, or other such person shall not transport, or procure or furnish transportation for, any minor child or ward, patient or other such person who is in the communicable period of a communicable disease, except in accordance with provisions of this subpart.

§ 12.14 *Members of military and naval forces.* The provisions of this subpart shall not apply to members of the military or naval forces, and medical care or hospital beneficiaries of the Army, Navy, Veterans' Administration, or Public Health Service, when traveling under competent orders, provided that in the case of persons otherwise subject to the provisions of § 12.12 the authority authorizing the travel requires precautions to prevent the possible transmission of infection to others during the travel period.

§ 12.15 *Report of disease.* The master of any vessel or person in charge of any conveyance engaged in interstate traffic, on which a case or suspected case of a communicable disease develops shall, as soon as practicable, notify the local health authority at the next port of call, station, or stop, and shall take such measures to prevent the spread of the disease as the local health authority directs.

SUBPART C—SHIPMENT OF CERTAIN THINGS

§ 12.21 *Lather brushes.* A person shall not offer for transportation, or knowingly transport, in interstate traffic, lather brushes made from animal hair or bristles, unless:

(a) Such brushes have been imported in compliance with the provisions of § 11.151 of this chapter, or

(b) Such brushes have been manufactured in the United States, its territories, or possessions, and the hair or bristles have been sterilized in accordance with the procedures outlined below in a plant or plants certified by the Surgeon General. The manufacturer shall obtain from the Surgeon General a certificate stating that the plant or plants have been inspected by a representative of the Surgeon General and the equipment and procedures for sterilization have been found satisfactory. Such certificate shall expire at the end of the calendar year for which issued.

(1) Sterilization of hair or bristles used in the manufacture of lather brushes shall be accomplished by exposure to steam under pressure at a minimum temperature of 250° F. for 25 minutes provided the length of the bundles is five inches or less, or 250° F. for 30 minutes if the length of the bundles is more than five inches and less than 25 inches. The steam temperature shall be measured at a point in the exhaust line where it leaves the autoclave by both an indicating thermometer and a recording thermometer of design and accuracy approved by the Surgeon General. The temperature shown by the recording thermometer shall be checked by the autoclave operator against the temperature shown by the indicating thermometer, and the reading of the indicating thermometer entered permanently on the recording thermometer chart for each sterilization. The recording thermometer shall be kept adjusted so as at no time to read higher than the indicating thermometer. Hair or bristles during the process of sterilization in the autoclave may be: Tied in unwrapped bundles, the maximum diameter of which does not exceed two and one-half inches; tied in paper-wrapped bundles not exceeding two and one-half inches in diameter provided the ends are left open to permit easy access of steam into the bundles; or placed untied in the autoclave in a manner approved by the Surgeon General. The compactness shall be such as to permit easy access of steam into the bundles. Bundles of hair or bristles shall be placed in racks in the autoclave in single layers, and successive layers shall not be in contact.

(2) In lieu of the procedure given in subparagraph (1) of this paragraph the following sterilization method may be used for badger hair: Boiling in water for three hours, the hair being placed loose in racks or in loosely tied bundles not exceeding two and one-half inches in maximum diameter with an indicating thermometer available for observing the temperature of the water during the sterilization. At the beginning of boiling and at hourly intervals thereafter the temperature of the water shall be taken, and time and temperature shall be noted in a record book for each sterilization.

(3) Sterilized hair and bristles shall be stored in clean containers apart from unsterilized hair and bristles and the lot of hair or bristles from each sterilization labeled with the date, method of sterilization used, and the name and location of the establishment in which sterilized. Permanent records of this information, the recording thermometer charts for each steam sterilization, and the time-temperature record of each boiling sterilization shall be kept.

(4) Mixing machines, equipment, and fixtures used for handling or processing sterilized hair or bristles shall not be used for handling or processing hair or bristles which have not been sterilized.

(5) All shaving or lather brushes shall be marked permanently with the name of the manufacturer or with an identifying mark registered with the Surgeon General.

§ 12.22 *Psittacine birds.* (a) The term psittacine birds shall include all birds commonly known as parrots, amazons, Mexican double heads, parakeets, African grays, cockatoos, macaws, love birds, lories, lorikeets, and all other birds of the psittacine family.

(b) A person shall not offer for transportation, or transport, in interstate traffic any psittacine bird unless:

(1) The shipment is destined to a zoological park or research institute, and the shipment is accompanied by a permit from the State health department of the State of destination (where required), or

(2) The shipment does not exceed two birds, the birds are accompanied by the owner, have been in his possession for the preceding two years, have not had contact with other psittacine birds during that period, will be transported immediately to the owner's private residence and retained there as household pets, and are accompanied by a permit from the State health department of the State of destination (where required).

§ 12.23 *Garbage.* (a) A person shall not transport, receive, or cause to be transported or received, garbage in interstate traffic and feed such garbage to swine unless, prior to the feeding, such garbage has received minimum heat treatment.

(b) A person transporting garbage in interstate traffic shall not make, or agree to make, delivery thereof to any person with knowledge of the intent or customary practice of such person to feed to swine garbage which has not been subjected to minimum heat treatment.

SUBPART D—POTABLE WATER: SOURCE AND USE

§ 12.101 *Water for drinking and culinary purposes: general requirement.* Only potable water shall be provided for drinking and culinary purposes by any operator of a conveyance engaged in interstate traffic, except as provided in § 12.115 (b). Such water either shall have been obtained from watering points approved by the Surgeon General, or shall have been subjected to treatment approved by the Surgeon General.

§ 12.102 *Approval of watering points.* (a) The Surgeon General shall approve any watering point if (1) the water supply thereat meets the standards prescribed in the Drinking Water Standards (see Subpart J), and (2) the methods of and facilities for delivery of such water to the conveyance and the sanitary conditions surrounding such delivery prevent the introduction, transmission, or spread of communicable diseases.

(b) The Surgeon General may base his approval or disapproval of a watering point upon investigations made by representatives of State departments of health or of the health authorities of contiguous foreign nations.

(c) If a watering point has not been approved, the Surgeon General may permit its temporary use under such conditions as, in his judgment, are necessary to prevent the introduction, transmission, or spread of communicable diseases.

(d) Upon request of the Surgeon General, operators of conveyances shall provide information as to watering points used by them.

§ 12.103 *Approval of treatment.* (a) The treatment of water shall be approved by the Surgeon General if the apparatus used is of such design and is so operated as to be capable of producing, and in fact does produce, potable water.

(b) The Surgeon General may base his approval or disapproval of the treatment of water upon investigations made by representatives of State departments of health or of the health authorities of contiguous foreign nations.

(c) Overboard water treated on vessels shall be from areas relatively free of contamination and pollution.

§ 12.104 *Sanitation of water boats.* No vessel engaged in interstate traffic shall obtain water for drinking and culinary purposes from any water boat unless the tanks, piping, and other appurtenances used by the water boat in the loading, transportation, and delivery of such drinking and culinary water, have been approved by the Surgeon General.

§ 12.105 *Protection of pier water system.* No vessel engaged in interstate traffic shall make a connection between its non-potable water system and any pier potable water system unless provisions are made to prevent backflow from the vessel to the pier.

SUBPART E—VESSELS: SANITATION FACILITIES AND CONDITIONS

§ 12.111 *Applicability.* The sanitation facilities and the sanitary conditions on vessels engaged in interstate traffic shall comply with the requirements prescribed in this subpart, provided that no major structural change will be required on existing vessels.

§ 12.112 *Inspection.* The Surgeon General may inspect such vessels to determine compliance with these requirements.

§ 12.113 *Potable water systems.* The following conditions must be met by vessel water systems used for the storage and distribution of water which has met the requirements of § 12.101:

(a) The potable water system, including filling hose and lines, pumps, tanks, and distributing pipes, shall be separate and distinct from other water systems and shall be used for no other purposes.

(b) All potable water tanks shall be independent of any tanks holding non-potable water or other liquid. All potable water tanks shall be independent of the shell of the ship unless (1) the bottom of the tank is at least two feet above the maximum load water line, (2) the seams in the shell are continuously welded, and (3) there are no rivets in that part of the shell which forms a side of a tank. A deck may be used as the top of a tank provided there are no access or inspection openings or rivets therein, and the seams are continuously welded. No toilet or urinal shall be in-

stalled immediately above that part of the deck which forms the top of a tank. All potable water tanks shall be located at a sufficient height above the bilge to allow for draining and to prevent submergence in bilge water.

(c) Each potable water tank shall be provided with a manhole, overflow, vent, and means of drainage and these, together with any device for determining depth of water, shall be so constructed as to prevent entrance into the tank of any contaminating substance or liquid. No deck or sanitary drain or pipe carrying any non-potable water (other than steam) or liquid shall pass through the tank or directly over a manhole of the tank.

(d) Tanks and piping shall bear clear marks of identification.

(e) There shall be no backflow or cross connection between potable water systems and any other systems. Pipes and fittings conveying potable water to any fixture, apparatus, or equipment shall be installed in such way that backflow will be prevented. Waste pipes from any part of the potable water system, including treatment devices, discharging to a drain, shall be suitably protected against backflow.

(f) Water systems shall be cleaned, disinfected, and flushed whenever the Surgeon General shall find such treatment necessary to prevent the introduction, transmission, or spread of communicable diseases.

§ 12.114 *Storage of water prior to treatment.* The following requirements with respect to the storage of water on vessels prior to treatment must be met in order to obtain approval of treatment facilities under § 12.103:

(a) The tank, whether independent or formed by the skin of the ship, deck, tank top, or partitions common with other tanks, shall be free of apparent leakage.

(b) No sanitary drain shall pass through the tank.

(c) The tank shall be adequately protected against both the backflow and discharge into it of bilge or highly contaminated water.

§ 12.115 *Water in galleys and medical care spaces.* (a) Potable water, hot and cold, shall be available in the galley and pantry except that, when potable water storage is inadequate, non-potable water may be piped to the galley for deck washing and in connection with garbage disposal. Any tap discharging non-potable water which is installed for deck washing purposes shall not be more than 18 inches above the deck and shall be distinctly marked "For deck washing only".

(b) In the case of existing vessels on which heat treated wash water has been used for the washing of utensils prior to the effective date of the regulations in this part, such water may continue to be so used provided controls are employed to insure the heating of all water to at least 170° F. before discharge from the heater.

(c) Potable water, hot and cold, shall be available in medical care spaces for hand-washing and for medical care purposes excluding hydrotherapy.

§ 12.116 *Water for making ice.* Only potable water shall be piped into a freezer for making ice for drinking and culinary purposes.

§ 12.117 *Drinking fountains and coolers; ice.* (a) Drinking fountains and coolers shall be constructed of impervious, non-oxidizing material, and shall be so designed and constructed as to be easily cleaned and protected against backflow. The jet of a drinking fountain shall be slating and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth or by splashing from the basin. The orifice of such a jet shall be located at least ½ inch above the rim of the basin.

(b) Ice shall not be permitted to come in contact with water in coolers or constant temperature bottles.

§ 12.118 *Wash water.* (a) Wash water means water suitable for domestic uses other than for drinking and culinary purposes, and medical care purposes excluding hydrotherapy.

(b) Where wash water systems installed on vessels do not comply with the requirements of a potable water system, prescribed in § 12.113, they shall be constructed so as to minimize the possibility of the water therein being contaminated. The storage tanks shall comply with the requirements of § 12.114, and the distribution system shall not be cross connected to a system carrying water of a lower sanitary quality. All faucets shall be labeled "Unfit for drinking."

§ 12.119 *Swimming pools.* (a) Fill and draw swimming pools shall not be installed or used.

(b) Swimming pools of the recirculation type shall be equipped so as to provide complete circulation, replacement, and filtration of the water in the pool every six hours or less. Suitable means of chlorination and, if necessary, other treatment of the water shall be provided to maintain the residual chlorine in the pool water at not less than 0.4 part per million and the pH (a measure of the hydrogen ion concentration) not less than 7.0.

(c) Flowing-through type of salt water pools shall be so operated that complete circulation and replacement of the water in the pool will be effected every six hours or less. The water delivery pipe to the pool shall be independent of all other pipes and shall originate at a point where maximum flushing of the pump and pipe line is effected after leaving polluted waters.

§ 12.120 *Toilets and lavatories.* Toilet and lavatory equipment and spaces shall be maintained in a clean condition.

§ 12.121 *Discharge of wastes.* Vessels operating on fresh water lakes or rivers shall not discharge sewage, or ballast or bilge water, within such areas adjacent to domestic water intakes as are designated by the Surgeon General.

§ 12.122 *Insect control.* Vessels shall be maintained free of infestation by flies, mosquitoes, fleas, lice, and other insects known to be vectors in the transmission of communicable diseases, through the use of screening, insecticides, and other generally accepted methods of insect control.

§ 12.123 *Rodent control.* Vessels shall be maintained free of rodent infestation through the use of traps, poisons, and other generally accepted methods of rodent control.

SUBPART F—LAND AND AIR CONVEYANCES: SERVICING AREAS

§ 12.131 *Applicability.* Land and air conveyance engaged in interstate traffic shall use only such servicing areas within the United States as have been approved by the Surgeon General as being in compliance with the requirements prescribed in this subpart.

§ 12.132 *Inspection and approval.* The Surgeon General may inspect any such areas to determine whether they shall be approved. He may base his approval or disapproval on investigations made by representatives of State departments of health.

§ 12.133 *Submittal of construction plans.* Plans for construction or major reconstruction of sanitation facilities at servicing areas shall be submitted to the Surgeon General for review of the conformity of the proposed facilities with these requirements.

§ 12.134 *General requirements.* Servicing areas shall be provided with all necessary sanitary facilities so operated and maintained as to prevent the spread of communicable diseases.

§ 12.135 *Platforms and drainage.* Platforms shall be of impervious material and kept in good repair. Platforms and ground surfaces shall be adequately drained.

§ 12.136 *Watering equipment; general requirements.* All servicing area piping systems, hydrants, taps, faucets, hoses, buckets, and other appurtenances necessary for delivery of drinking and culinary water to a conveyance shall be designed, constructed, maintained and operated in such a manner as to prevent contamination of the water.

§ 12.137 *Watering equipment; dual systems.* In the case of existing installations where water not approved for use as drinking and culinary water is available for other purposes, there shall be no physical connection with the drinking water system, and the outlets of the non-approved systems shall be provided with fittings unsuited for drinking water hose connections. Such outlets shall be posted with permanent signs warning that the water is unfit for drinking. Dual water systems will not be permitted in new installations.

§ 12.138 *Watering equipment; cleaning and bactericidal treatment.* Facilities shall be provided for cleaning and bactericidal treatment of all systems and appurtenances used in the transportation, storage, or handling of water or ice which may be used for drinking and culinary purposes. Cleaning and bactericidal treatment shall be accomplished periodically as conditions may require.

§ 12.139 *Watering equipment; ice.* If bulk ice is used for the cooling of drinking water or other beverages, or for food preservation purposes, equipment constructed so as not to become a factor in the transmission of communicable diseases shall be provided for the storage, washing, handling, and delivery to conveyances of such bulk ice, and such equipment shall be used for no other purposes.

§ 12.140 *Employee conveniences.* (a) There shall be adequate toilet, washroom, locker, and other essential sanitary facilities readily accessible for use of employees adjacent to places or areas where land and air conveyances are serviced, maintained, and cleaned. These facilities shall be maintained in a clean and sanitary condition at all times.

(b) In the case of diners not in a train but with a crew on board, adequate toilet facilities shall be available to the crew within a reasonable distance but not exceeding 500 feet of such diners.

(c) Drinking fountains and coolers shall be constructed of impervious, non-oxidizing material, and shall be so designed and constructed as to be easily cleaned and protected against backflow. The jet of a drinking fountain shall be slanting and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth or by splashing from the basin. The orifice of such a jet shall be located at least ½ inch above the rim of the basin.

§ 12.141 *Disposal of body discharges.* At servicing areas or stations where land and air conveyances are occupied by passengers, the operations shall be so conducted as to avoid fecal contamination of these areas. This shall be accomplished:

(a) By locking toilet rooms, or

(b) By the use of flexible watertight connections between toilet hoppers and sewer lines, or

(c) By the use of soil cans or chemical toilets which shall be constructed of durable, watertight, rust-resisting material designed to permit ready cleaning, and in the case of soil cans designed to fit the toilet hopper outlet.

Where soil cans or chemical toilets are used, the contents thereof shall be disposed of through sewers or other recognized methods for sanitary disposal of fecal material and the cans shall be thoroughly cleaned before being returned to use. Equipment for cleaning such containers shall be so designed as to prevent backflow into the water line, and such equipment shall be used for no other purpose.

All persons handling soil cans or chemical toilets shall be required to wash their hands thoroughly with soap and warm water before engaging in any work connected with the handling of water, food, or ice.

§ 12.142 *Garbage disposal.* (a) Watertight, readily cleanable, non-absorbent containers with close-fitting covers shall be used to receive and store garbage.

(b) Can washing and draining facilities shall be provided.

(c) Garbage cans shall be emptied daily and shall be thoroughly washed before being returned for use.

(d) Garbage grinding units shall not be used unless connected to a sewer.

SUBPART G—LAND AND AIR CONVEYANCES: EQUIPMENT AND OPERATION

§ 12.146 *Applicability.* The sanitary equipment and facilities on land and air conveyances engaged in interstate traffic and the use of such equipment and facilities shall comply with the requirements prescribed in this subpart.

§ 12.147 *Submittal of construction plans.* Plans for the construction or major reconstruction of sanitary equipment and facilities on such conveyances shall be submitted to the Surgeon General for review of the conformity of such plans with those requirements.

§ 12.148 *Water system.* (a) The water system, either of the pressure or gravity type, shall be complete and closed from the filling ends to the discharge taps. The water system shall be protected against backflow.

(b) Filling pipes or connections through which water tanks are supplied shall be provided on both sides of all new railway conveyances and on existing conveyances when they undergo heavy repairs. All filling connections shall be easily cleanable and so located and protected as to minimize the hazard of contamination of the water supply.

(c) On all new or reconstructed conveyances, water coolers shall be an integral part of the closed system.

(d) Water filters if used on dining cars and other conveyances will be permitted only if they are so operated and maintained at all times as to prevent contamination of the water.

§ 12.149 *Drinking utensils and toilet articles.* (a) No cup, glass, or other drinking utensil which may be used by more than one person shall be provided on any conveyance unless such cup, glass, or drinking utensil shall have been thoroughly cleaned and subjected to effective bactericidal treatment after each individual use.

(b) Towels, combs, or brushes for common use shall not be provided.

§ 12.150 *Toilet and lavatory facilities.* (a) Where toilet and lavatory facilities are provided on conveyances, they shall be so designed as to permit ready cleaning. On conveyances not equipped with retention facilities, toilet hoppers shall be of such design and so located as to prevent spattering of water filling pipes and hydrants, and to permit the attachment of suitable soil cans or flexible sewer connections.

(b) Separate facilities for brushing teeth shall be provided in washrooms of all conveyances having sleeping accommodations.

§ 12.151 *Railway conveyances; food handling facilities.* (a) Both kitchens and pantries of cars hereafter constructed or reconstructed shall be equipped with double sinks, one of which shall be of sufficient size and depth to permit complete immersion of a basket of dishes during bactericidal treatment; in the pantry a dishwashing machine may be substituted for the double sinks. If chemicals are used for bactericidal treatment, 3-compartment sinks shall be provided.

(b) A sink shall be provided for washing and handling cracked ice used in food or drink and shall be used for no other purpose.

(c) Toilet and lavatory facilities for the exclusive use of the dining car employees shall be provided on each train.

(d) Wherever toilet and lavatory facilities required by paragraph (c) of this section are not on the dining car, a lavatory shall be provided on the dining car for the use of the employees. The lavatory shall be conveniently located and used only for the purpose for which it is installed.

(e) Garbage grinding units shall not be used unless they discharge to a retention tank on the car.

§ 12.152 *Cleanliness of conveyance.* Conveyances while in transit shall be kept clean and free of flies and mosquitoes. A conveyance which becomes infected with vermin shall be placed out of service until such time as it shall have been effectively treated for the destruction of the vermin.

§ 12.153 *Ice.* Ice shall not be permitted to come in contact with water in coolers or constant temperature bottles.

§ 12.154 *Land conveyances; discharge of wastes.* (a) There shall be no discharge of excrement, garbage, waste water, or other polluting material from any land conveyance while such conveyance is passing over areas designated by the Surgeon General.

(b) Toilets shall be kept locked at all times when a conveyance is at a station stop unless adequate watertight containers are used to receive the discharges.

§ 12.155 *Air conveyances; discharge of wastes.* Excrement, garbage, or similar matter shall not be discharged from any air conveyance in flight over land areas or waters subject to the control of the United States.

SUBPART H—LAND AND AIR CONVEYANCES, AND VESSELS: FOOD

§ 12.161 *Applicability.* All conveyances engaged in interstate traffic shall comply with the requirements prescribed in this subpart.

§ 12.162 *Inspection.* The Surgeon General may inspect such conveyances to determine compliance with these requirements.

§ 12.163 *General requirements.* All food and drink served on conveyances shall be clean, wholesome, and free from spoilage, and shall be prepared, stored, handled, and served in accordance with the requirements prescribed in this subpart.

§ 12.164 *Source of food and drink; identification and inspection.* (a) Operators of conveyances shall identify, when requested by the Surgeon General, the vendors, distributors, or dealers from whom they have acquired their food supply including milk, milk products, frozen desserts, bottled water, sandwiches, box lunches, and raw oysters, clams, and mussels.

(b) The Surgeon General may inspect any source of such food supply in order

to determine whether the requirements of the regulations are being met, and may utilize the results of inspections of such sources made by representatives of State health departments or of the health authorities of contiguous foreign nations.

§ 12.165 *Milk, milk products, and shellfish.* Milk, milk products, and shellfish served on conveyances shall conform to the following requirements:

(a) No milk shall be served or sold on any conveyance unless such milk is pasteurized and is obtained from a source of supply approved by the Surgeon General. The Surgeon General shall approve any source of supply at or from which milk is produced, processed, and distributed so as to prevent the introduction, transmission, or spread of communicable diseases. If a source of milk supply has not been approved, the Surgeon General may permit its temporary use under such conditions as in his judgment, are necessary to prevent the introduction, transmission, or spread of communicable diseases.

(b) Milk containers shall be plainly labeled to show the contents, the grade, the word "pasteurized", and the identity of the plant at which the contents were packaged.

(c) All milk products, reconstituted milk, buttermilk, milk beverages, frozen desserts, butter, and cheese shall be pasteurized or manufactured from milk or milk products that have been pasteurized or subjected to equivalent heat treatment.

(d) Containers or packages of milk products shall be plainly labeled to show the contents, the word "pasteurized" if the contents have been pasteurized, or such other term as would indicate that the contents have been subjected to heat treatment equivalent to pasteurization, and the identity of the plant at which the contents were packaged.

(e) Milk, buttermilk, and milk beverages shall be served in or from the original individual containers in which received from the distributor, or from a bulk container equipped with a dispensing device so designed, constructed, installed, and maintained as to prevent the transmission of communicable diseases.[1]

(f) Oysters, clams, and mussels purchased in the raw state for consumption on any conveyance shall originate from a dealer currently listed by the Public Health Service as holding an unexpired and unrevoked certificate issued by a State authority.[2]

(g) Shucked shellfish shall be purchased in the containers in which they are placed at the shucking plant and shall be kept therein until used. The State abbreviation and the certificate number of the packer shall be permanently recorded on the container.

§ 12.166 *Storage of perishables.* All perishable food or drink shall be kept at or below 50° F., except when being prepared or kept hot for serving.

§ 12.167 *Ice; source and handling.* All ice coming in contact with food or drink and not manufactured on the conveyance shall be obtained from sources approved by competent health authorities and shall be stored and handled in such manner as to avoid contamination. Such ice shall be thoroughly washed with potable water on the conveyance except in the case of ice cubes which are delivered to the conveyance in sealed containers.

§ 12.168 *Places where food is prepared, served, or stored; construction, maintenance, and use.* (a) All kitchens, galleys, pantries, and other places where food is prepared, served, or stored shall be adequately lighted and ventilated, *Provided, however*, That ventilation of cold storage rooms shall not be required. All such places where food is prepared, served, or stored shall be so constructed and maintained as to be clean and free from flies, rodents, and other vermin.

(b) Such places shall not be used for sleeping or living quarters.

(c) Water of satisfactory sanitary quality, under head or pressure, and adequate in amount and temperature, shall be easily accessible to all rooms in which food is prepared and utensils are cleaned.

(d) All plumbing shall be so designed, installed, and maintained as to prevent contamination of the water supply, food, and food utensils.

§ 12.169 *Utensils and equipment.* (a) All utensils and working surfaces used in connection with the preparation, storage, and serving of food or beverages, and the cleaning of food utensils, shall be so constructed as to be easily cleaned and self-draining and shall be maintained in good repair. Adequate facilities shall be provided for the cleaning and bactericidal treatment of all multi-use eating and drinking utensils and equipment used in the preparation of food and beverages. An indicating thermometer, suitably located, shall be provided to permit the determination of the hot water temperature when and where hot water is used as the bactericidal agent.

(b) All multi-use eating and drinking utensils shall be thoroughly cleaned in warm water and subjected to an effective bactericidal treatment after each use. All other utensils that come in contact with food and drink shall be similarly treated immediately following the day's operation. Hot water, when used as a bactericidal agent, shall be at a temperature of at least 170° F. and immersion of utensils therein shall be for not less than two minutes. All equipment shall be kept clean.

(c) After bactericidal treatment, utensils shall be stored and handled in such manner as to prevent contamination before reuse.

§ 12.170 *Refrigeration equipment.* Each refrigerator shall be equipped with a thermometer located in the warmest portion thereof. Waste water drains from ice boxes, refrigerating equipment, and refrigerated spaces shall be so installed as to prevent backflow of contaminating liquids.

§ 12.171 *Garbage equipment and disposition.* Watertight, readily cleanable, non-absorbent containers with close-fitting covers shall be used to receive and store garbage. Garbage and refuse shall be disposed of as frequently as is necessary and practicable.

§ 12.172 *Toilet and lavatory facilities for use of food-handling employees.* (a) Toilet and lavatory facilities of suitable design and construction shall be provided for use of food-handling employees. (Regarding railway dining car crew toilet and lavatory facilities, see § 12.151.) Except on air conveyances, toilet rooms which open directly into rooms where food is prepared, stored, or served, or in which food utensils are handled or stored shall have tight-fitting self-closing doors.

(b) Signs directing food-handling employees to wash their hands after each use of toilet facilities shall be posted so as to be readily observable by such employees. Hand-washing facilities shall include hot running water, soap, and towels for individual use.

(c) All toilet rooms shall be maintained in a clean condition.

§ 12.173 *Food-handling operations.* All food-handling operations shall be accomplished so as to minimize the possibility of contaminating food, drink, or utensils.

The hands of all persons shall be kept clean while engaged in handling food, drink, utensils, or equipment.

§ 12.174 *Health of persons handling food.* Any person who is known or suspected to be in a communicable period or a carrier of any communicable disease shall not be permitted to engage in the preparation, handling, or serving of water, other beverages, or food.

Any person known or suspected to be suffering from gastrointestinal disturbance or who has on the exposed portion of the body an open lesion or an infected wound shall not be permitted to engage in the preparation, handling, or serving of food or beverages.

SUBPART I—CERTIFICATION FOLLOWING INSPECTIONS

§ 12.181 *Issuance and posting of certificates.* The Surgeon General may issue certificates based upon inspections provided for in the preceding subparts of this part. Such certificates shall be prominently posted on conveyances.

SUBPART J—DRINKING WATER STANDARDS

§ 12.201 *Definition of terms.* For the purpose of this subpart the terms designated herein below shall be defined as follows:

(a) "Adequate protection by natural agencies" implies various relative degrees of protection against the effects of pollution in surface waters; dilution, storage, sedimentation, the effects of sunlight and aeration, and the associated physical and biological processes which tend to produce natural purification; and, in the case of ground waters, storage in the percolation through the water bearing material.

(b) "Artificial treatment" includes the various processes commonly used in water treatment, both separately and in combination, such as storage, aeration, sedimentation, coagulation, rapid or slow sand filtration, chlorination, and other accepted forms of disinfection. Rapid sand filtration treatment is commonly understood to include those auxiliary measures, notably coagulation and sedimentation, which are essential to its proper operation.

(c) "Adequate protection by artificial treatment" implies that the method and degree of elaboration of treatment are appropriate to the source of supply; that the works are of adequate capacity to support maximum demands, are well located, designed, and constructed, are carefully and skillfully operated and supervised by properly trained and qualified personnel, and are adequately protected against floods and other sources of pollution. The evidence that the protection thus afforded is adequate must be furnished by frequent bacteriological examinations and other appropriate analyses showing that the purified water is of good and reasonably uniform quality, a recognized principle being that irregularity in quality is an indication of potential danger. A minimum specification of good quality would be conformance to the bacteriological and chemical requirements of this subpart, as indicated in §§ 12.203 and 12.204.

(d) "Sanitary defect" means any faulty structural condition, whether of location, design, or construction of collection, treatment, or distribution works which may regularly or occasionally prevent satisfactory purification of the water supply or cause it to be contaminated from extraneous sources. Among the extraneous sources of contamination of water supply are dual supplies, bypasses, cross-connections, interconnections, and back-flow connections.

(e) "Health hazard" means any faulty operating condition including any device or water treatment practice, which, when introduced into the water supply system, creates or may create a danger to the wellbeing of the consumer.

(f) "Water supply system" includes the works and auxiliaries for collection, treatment, and distribution of the water from the source of supply to the free-flowing outlet of the ultimate consumer.

(g) "The coliform group of bacteria" is defined, for the purpose of this subpart, as including all organisms considered in the coli-aerogenes group as set forth in the Standard Methods for the Examination of Water and Sewage, current edition, prepared, approved, and published jointly by the American Public Health Association and the American Water Works Association, New York City. The procedures[3] for the demonstration of bacteria of this group shall be those specified herein, for:

(1) The completed test, or

(2) The confirmed test when the liquid confirmatory medium brilliant green bile lactose broth, 2 percent, is used, providing the formation of gas in any amount in this medium during 48 hours of incubation at 37° C. is considered to constitute a positive confirmed test, or

(3) The confirmed test when one of the following liquid confirmatory media is used: crystal violet lactose broth, fuchsin lactose broth, or formate ricinoleate broth. For the purpose of this test, all are equivalent, but it is recommended that the laboratory worker base his selection of any one of those confirmatory media upon correlation of the confirmed results thus obtained with a series of completed tests, and that he select for use the liquid confirmatory medium yielding results most nearly agreeing with the results of the completed test. The incubation period for the selected liquid confirmatory medium shall be 48 hours at 37° C. and the formation of gas in any amount during this time shall be considered to constitute a positive confirmed test.

(h) "The standard portion of water" for the application of the bacteriological test may be either:

(1) Ten milliliters (10 ml.) or

(2) One hundred milliliters (100 ml.)

(i) "The standard sample" for the bacteriological test shall consist of five (5) standard portions of either:

(1) Ten milliliters (10 ml.) or

(2) One hundred milliliters (100 ml.) each.

In any disinfected supply the sample must be freed of any disinfecting agent within twenty (20) minutes of the time of its collection.[4]

(j) "The certifying authority" is the Surgeon General of the United States Public Health Service or his duly authorized and designated representatives. Reference to the certifying authority shall be applicable only in the cases of those water supplies to be certified for use on carriers subject to the Federal quarantine regulations. "The reporting agency" shall be understood to mean the respective official State health agencies or their designated representatives.

§ 12.202 *As to source and protection.* (a) The water supply shall be:

(1) Obtained from a source free from pollution; or

(2) Obtained from a source adequately purified by natural agencies; or

(3) Adequately protected by artificial treatment.

(b) The water supply system in all its parts should be free from sanitary defects and health hazards, and all known sanitary defects and health hazards shall be systematically removed at a rate satisfactory to the reporting agency and to the certifying authority. Approval of public water supplies by the reporting agency and the certifying authority will be conditioned by the existence of:

(1) Rules and regulations prohibiting connections or arrangements by which liquids or chemicals of unsafe, unknown, or questionable quality may be discharged or drawn into the public water supply;

(2) Provisions to enforce such rules and regulations effectively on all new installations; and

(3) A continuing program to detect health hazards and sanitary defects within the water distribution system.

(c) *Applications.* For the purposes of this subpart, responsibility for conditions in the water supply systems shall be considered to be held by:

(1) The water purveyor from the source of supply to the connection to the customer's service piping, and

(2) The owner of the property served and the municipal, county, or other authority having legal jurisdiction from the point of connection to the customer's service piping to the free-flowing outlet of the ultimate consumer.

§ 12.203 *As to bacteriological quality*—(a) *Sampling.* The bacteriological examination of water considered under this section shall be of samples collected at representative points throughout the distribution system.

The frequency of sampling and the location of sampling points on the distribution system should be such as to determine properly the bacteriological quality of the water supply. The frequency of sampling and the distribution of sampling points shall be regulated jointly by the reporting agency and the certifying authority after investigation by either agency, or both, of the source, method of treatment, and protection of the water concerned.

The minimum number of samples to be collected from the distribution system and examined by the reporting agency or its designated representatives each month should be in accordance with the number as determined from the graph presented in Figure 1 of this subpart[5] which is based upon the relationship of population served and minimum number of samples per month:

Population served:	*Minimum number of samples per month*
2,500 and under	1
10,000	7
25,000	25
100,000	100
1,000,000	300
2,000,000	390
5,000,000	500

In determining the number of samples examined monthly, the following samples may be included, provided all results are assembled and available for inspection and the laboratory methods and technical competence of the personnel are

[1] For suggested specifications, see "Ordinance and Code Regulating Eating and Drinking Establishments" (1943), Public Health Bulletin No. 280.

[2] The Public Health Service issues a list of such dealers biweekly for the information of State health authorities and all others concerned.

[3] This reference shall apply to all details of technique in the bacteriological examination, including the selection and preparation of apparatus and media, the collection and handling of samples, and the intervals and conditions of storage allowable between collection and examination of the water sample.

[4] In freeing samples of chlorine or chloramines, the procedure given in the Standard Methods for the Examination of Water and Sewage, current edition, shall be followed.

[5] For the purpose of uniformity and simplicity in application, the number of samples to be examined each month for any given population served shall be determined from the graph in accordance with the following:

For populations of 25,000 and under to the nearest 1.

For populations of 25,001 to 100,000 to the nearest 5.

For populations of 100,001 to 2,000,000 to the nearest 10.

For populations of over 2,000,000 to the nearest 25.

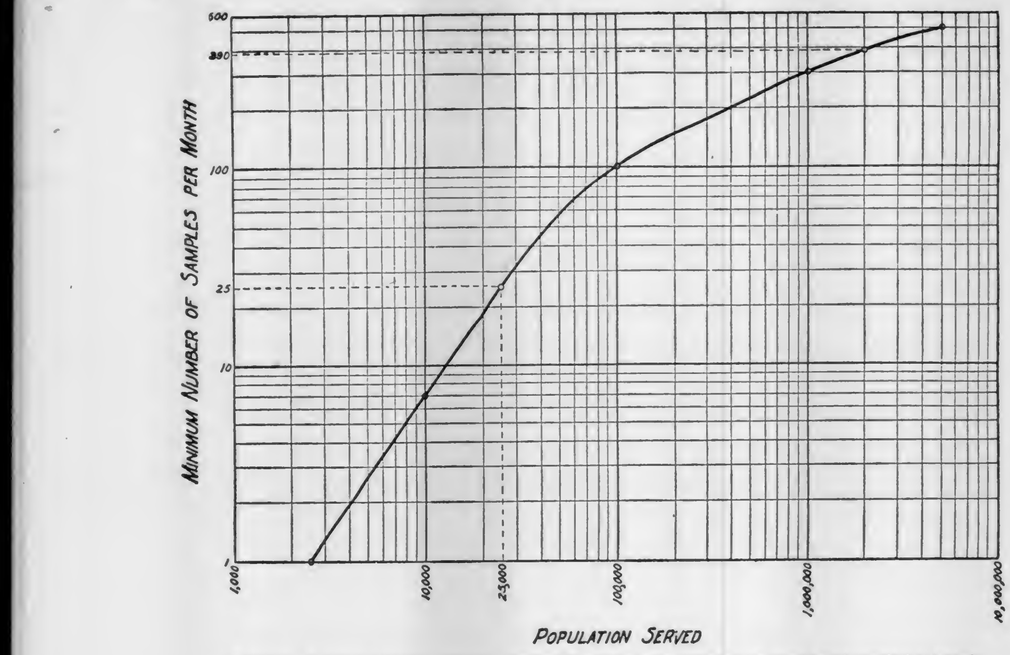


FIGURE 1.—Relation between minimum number of samples to be collected per month and population served.

approved by the reporting and certifying agencies:

(1) Samples examined by the reporting agency.

(2) Samples examined by local health department laboratories.

(3) Samples examined by the water works authority.

(4) Samples examined by commercial laboratories.

Daily samples collected following an unsatisfactory sample as provided in subparagraphs (2) and (4) of paragraph (b) of this section, shall be considered as special samples and shall not be included in the determination of the number of samples examined monthly. Neither shall subsequent unsatisfactory samples in this daily series be used as a basis for prohibiting the supply: *Provided*, That (i) immediate and active efforts are made to locate the cause of such contamination, (ii) immediate action is taken to eliminate such cause, and (iii) samples taken following such remedial action are satisfactory.

The laboratories in which these examinations are made and the methods used in making them shall be subject to inspection at any time by the designated representatives of the certifying authority and reporting agency. Compliance with the specified procedures and the results obtained shall be used as a basis for certification, in accordance with the application given below:

(b) *Application.* Subparagraphs (1) and (2) of this paragraph shall govern when ten milliliter (10 ml.) portions are used and subparagraphs (3) and (4) of this paragraph shall govern when one hundred milliliter (100 ml.) portions are used.[6]

(1) Of all the standard ten milliliter (10 ml.) portions examined per month in accordance with the specified procedure, not more than ten (10) percent shall show the presence of organisms of the coliform group.

(2) Occasionally three (3) or more of the five (5) equal ten milliliter (10 ml.) portions constituting a single standard sample may show the presence of organisms of the coliform group: *Provided*, That this shall not be allowable if it occurs in consecutive samples or in more than:

(i) Five (5) percent of the standard samples when twenty (20) or more samples have been examined per month.

(ii) One (1) standard sample when less than twenty (20) samples have been examined per month.

Provided further, That when three or more of the five equal ten milliliter (10 ml.) portions constituting a single standard sample show the presence of organisms of the coliform group, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.[7]

(3) Of all the standard one hundred milliliter (100 ml.) portions examined per month in accordance with the specified procedure, not more than sixty (60) percent shall show the presence of organisms of the coliform group.

(4) Occasionally all of the five (5) equal one hundred milliliter (100 ml.) portions constituting a single standard sample may show the presence of organisms of the coliform group, *Provided*, That this shall not be allowable if it occurs in consecutive samples or in more than:

(i) Twenty (20) percent of the standard samples when five (5) or more samples have been examined per month.

(ii) One (1) standard sample when less than five (5) samples have been examined per month.

Provided further, That when all five of the standard one hundred milliliter (100 ml.) portions constituting a single standard sample show the presence of organisms of the coliform group, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.[7]

[6] It is to be understood that in the examination of any water supply the series of samples for any month must conform to both of the requirements of either subparagraphs (1) and (2) or (3) and (4) of paragraph (b), respectively.

[7] When this occurs, and when waters of unknown quality are being examined, simultaneous tests should be made on multiple portions of a geometric series ranging from 10 ml. to 0.1 ml. or less.

two consecutive samples show the water to be of satisfactory quality.[8]

(5) The procedure given, using a standard sample composed of five standard portions, provides for an estimation of the most probable number of coliform bacteria present in the sample as set forth in the following tabulation:

Number of portions		Most probable number of coliform bacteria per 100 ml.	
Negative	Positive	When 5-10 ml. portions are examined	When 5-100 ml. portions are examined
5	0	Less than— 2.2	Less than— 0.22
4	1	2.2	.22
3	2	5.1	.51
2	3	9.2	.92
1	4	16.0	1.60
0	5	More than— 16.0	More than— 1.60

§ 12.204 *As to the physical and chemical characteristics*—(a) *Physical characteristics.*[9] The turbidity of the water shall not exceed 10 p. p. m. (silica scale), nor shall the color exceed 20 (platinum-cobalt scale). The water shall have no objectionable taste or odor.

(b) *Chemical characteristics.* The water shall not contain an excessive amount of soluble mineral substance, nor excessive amounts of any chemicals employed in treatment. Under ordinary circumstances, the analytical evidence that the water satisfies the physical and chemical standards given in paragraph (a) of this section and subparagraph (1) of this paragraph and simple evidence that it is acceptable for taste and odor will be sufficient for certification with respect to physical and chemical characteristics.

(1) The presence of lead (Pb) in excess of 0.1 p. p. m., of fluoride in excess of 1.5 p. p. m., of arsenic in excess of 0.05 p. p. m., of selenium in excess of 0.05 p. p. m., of hexavalent chromium in excess of 0.05 p. p. m., shall constitute grounds for rejection of the supply.

These limits are given in parts per million by weight and a reference to the method of analysis recommended for each determination is given in subparagraph (1) of paragraph (c) of this section. Salts of barium, hexavalent chromium, heavy metal glucosides, or other substances with deleterious physiological effects shall not be added to the system for water treatment purposes.

Ordinarily analysis for these substances need be made only semiannually. If, however, there is some presumption of unfitness because of these elements, periodic determination for the element in question should be made more frequently.

Where experience, examination, and available evidence indicate that such substances are not present or likely to be present in the water supplies involved, semiannual examinations are not necessary, provided such omission is acceptable to the reporting agency and the certifying authority.

(2) The following chemical substances which may be present in natural or treated waters should preferably not occur in excess of the following concentrations where other more suitable supplies are available in the judgment of the certifying authority. Recommended methods of analysis are given in paragraph (c) of this section:

Copper (Cu) should not exceed 3.0 p. p. m.

Iron (Fe) and manganese (Mn) together should not exceed 0.3 p. p. m.

Magnesium (Mg) should not exceed 125 p. p. m.

Zinc (Zn) should not exceed 15 p. p. m.

Chloride (Cl) should not exceed 250 p. p. m.

Sulfate (SO_4) should not exceed 250 p. p. m.

Phenolic compounds should not exceed 0.001 p. p. m. in terms of phenol.

Total solids should not exceed 500 p. p. m. for a water of good chemical quality. However, if such water is not available, a total solids content of 1,000 p. p. m. may be permitted.

For chemically treated waters, i. e., lime softened zeolite or other ion exchange treated waters, or any other chemical treatments, the following three requirements should be met:

(i) The phenolphthalein alkalinity (calculated as $CaCO_3$) should not be greater than 15 p. p. m. plus 0.4 times the total alkalinity. This requirement limits the permissible pH to about 10.6 at 25° C.

(ii) The normal carbonate alkalinity should not exceed 120 p. p. m. Since the normal alkalinity is a function of the hydrogen ion concentration and the total alkalinity, this requirement may be met by keeping the total alkalinity within the limits suggested below when the pH of the water is within range given. These values apply to water at 25° C.

pH range	Limit of total alkalinity (p. p. m. of $CaCO_3$)
8.0 to 9.6	400
9.7	340
9.8	300
9.9	260
10.0	230
10.1	210
10.2	190
10.3	180
10.4	170
10.5 to 10.6	160

(iii) If excess alkalinity is produced by chemical treatment, the total alkalinity should not exceed the hardness by more than 35 p. p. m. (calculated as $CaCO_3$).

(c) *Recommended methods of analysis.*[10] (1) Ions with required limits of concentration.

Arsenic (As): Official and Tentative Methods of Analysis. Association of Official Agricultural Chemists, 1940, p. 390; also "Colorimetric Microdetermination of Arsenic," Morris B. Jacobs and Jack Nagler. Industrial and Engineering Chemistry, Anal. Ed., 14: 442 (1942).

Fluoride (F): Standard Methods for the Examination of Water and Sewage, current edition; also Methods of Determining Fluorides, Committee Report, A. P. Black, Chairman. Journal American Water Works Association, 33: 1965–2017 (1941).

Lead (Pb): Standard Methods for the Examination of Water and Sewage, current edition.

Selenium (Se): Official and Tentative Methods of Analysis. Association of Official Agricultural Chemists, 1940, pp. 11 and 417; also Robinson, W. O., Dudley, H. C., Williams, K. T., and Byers, Horace G.; The Determination of Selenium and Arsenic by Distillation. Industrial and Engineering Chemistry, Anal. Ed., 6:274 (1934).

Hexavalent Chromium: Standard Methods for the Examination of Water and Sewage, current edition.

(2) Ions and substances with suggested limits of concentration.

Copper (Cu): Standard Methods for the Examination of Water and Sewage, current edition.

Iron (Fe) and Manganese (Mn): Ibid.

Magnesium (Mg): Ibid.

Zinc (Zn): Ibid.

Chloride (Cl): Ibid.

Sulfate (SO_4): Ibid.

Phenolic compounds: Ibid.

With dibromquinonechlorimide as an indicator.

Total solids: Ibid.

Alkalinity: Ibid.

Effective date; prior regulations superseded. The foregoing regulations shall be effective thirty days after their publication in the FEDERAL REGISTER, and as of such date shall supersede §§ 12.1 to 12.47, Title 42, Code of Federal Regulations, as amended February 6, 1946 (11 F. R. 1406) and such sections, issued under the authority of section 3 of the act of February 15, 1893 (27 Stat. 450; 42 U. S. C. 92), section 4 of the act of July 9, 1918 (40 Stat. 886; 42 U. S. C. 25), and sections 215, 361 of the act of July 1, 1944 (58 Stat. 690, 703; 42 U. S. C., Supp. V, 216, 264), are hereby repealed as of such date.

Dated: May 2, 1947.

[SEAL] THOMAS PARRAN,
Surgeon General.

Approved: May 7, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-4447; Filed, May 15, 1947; 8:56 a. m.]

[8] When this occurs, and when waters of unknown quality are being examined, simultaneous tests should be made on multiple portions of a geometric series ranging from 100 ml. to 1.0 ml. or less.

[9] The requirements in paragraph (a) relating to turbidity and color shall be met by all filtered water supplies. Turbidity and color limits for unfiltered waters and the requirements of freedom from taste or odor for either filtered or unfiltered waters should be based on reasonable judgment and discretion, giving due consideration to all the local factors involved.

[10] For the chemical determinations referred to in this report, when given, the methods of analysis recommended by the Association of Official Agricultural Chemists are satisfactory and may be substituted for those recommended in the Standard Methods for the Examination of Water and Sewage, current edition, which are specifically cited.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

Subchapter B—Carriers by Motor Vehicle

PART 190—GENERAL DEFINITIONS

PART 191—HOURS OF SERVICE OF DRIVERS

PART 192—QUALIFICATIONS OF DRIVERS

PART 193—DRIVING OF MOTOR VEHICLES

PART 194—NECESSARY PARTS AND ACCESSORIES

PART 195—REPORTING OF ACCIDENTS

PART 196—INSPECTION AND MAINTENANCE

PART 197—TRANSPORTATION OF EXPLOSIVES

MISCELLANEOUS AMENDMENTS

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 6th day of May A. D. 1947.

In the matter of qualifications and maximum hours of service of employees of motor carriers and safety of operations and equipment, Ex Parte No. MC–40; in the matter of maximum hours of service of motor carrier employees, Ex Parte No. MC–2; in the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers, Ex Parte No. MC–3; in the matter of regulations governing transportation of explosives and other dangerous articles by motor vehicle, Ex Parte No. MC–13; in the matter of regulations for transportation of explosives and other dangerous articles, No. 3666.

It appearing, that by order dated February 8, 1939, in Ex Parte No. MC–2, the Commission, Division 5, under authority of section 204 (a) of the Interstate Commerce Act (49 U. S. C. 304 (a)), prescribed Form 1 designated "Driver's Daily Log" with accompanying text titled "Instructions for Use of Driver's Log" and "Method of Using Driver's Log" (49 CFR, Cum. Supp., 191.5 (c)), such form and instructions being part of certain concurrently adopted regulations applicable to drivers employed by common and contract carriers by motor vehicle when engaged in interstate or foreign commerce;

It further appearing, that by order of Division 5 of September 30, 1940, in Ex Parte No. MC–3 (49 CFR, Cum. Supp., Note following Part 191 but preceding its context) the said regulations were made applicable to certain motor-vehicle private carriers of property when engaged in interstate or foreign commerce;

It further appearing, that by order of Division 3 of April 20, 1943, in Ex Parte Nos. MC–3 and 13 and No. 3666 (49 CFR Cum. Supp., Note following Part 197 but preceding its context) Parts 1 to 6, inclusive, of the Motor Carrier Safety Regulations Revised (49 CFR, Parts 191–196) were made applicable to every common carrier by motor vehicle, contract carrier by motor vehicle, and private carrier of property by motor vehicle engaged in interstate or intrastate commerce with respect to certain regulations (49 CFR, Part 197) prescribed by the same order governing the transportation by motor vehicle of explosives and other dangerous articles.

It further appearing, that by order of December 9, 1946 (11 F. R. 14328, 14337), the Commission instituted an investigation, designated Ex Parte No. MC–40, to consider revision of the Motor Carrier Safety Regulations Revised (49 CFR, Parts 190–197), and in such order the Director of the Bureau of Motor Carriers was directed to conduct informal conferences with interested parties and to invite submission of recommendations;

And it further appearing, that recommendations have been received and conferences conducted on the matter, among others, of need for modification and simplification of the form of driver's log and accompanying instructions, and without public hearing such need has been shown to exist:

It is ordered, That the said orders of February 8, 1939, September 30, 1940, and April 20, 1943 (49 CFR, Parts 190–197), insofar as they apply to Form 1, "Driver's Daily Log", "Instructions for the Use of Driver's Daily Log", and Method of Using Driver's Log" be, and they are hereby, vacated as of the effective date of this order;

It is further ordered, That Form–BMC 59 (§ 7.59) *"Driver's Daily Log"*, embracing "Instructions for the Use of Driver's Daily Log (Form–BMC 59)", and "Method of Using Driver's Log (Form–BMC 59)", copy attached hereto[1] and made part hereof, is approved, adopted, and prescribed for appropriate use by drivers employed by or used by motor carriers subject to these regulations, including owner-drivers, as required by § 191.5, *Driver's log; * * * forms prescribed; * * ** (a) [Rule 5 (a), Part 5, M. C. S. R., Rev.], as hereinafter amended.

It is further ordered, That subject to the provisions of § 191.5, *Driver's log; * * * Forms prescribed; * * ** (a) [Rule 5 (a), Part 5, M. C. S. R., Rev.], each carrier subject to said regulations be, and is hereby required, commencing on the effective date of this order to keep, or require to be kept, the said driver's log in accordance with Form–BMC 59 (§ 7.59), *"Driver's Daily Log"* and accompanying instructions.

It is further ordered, That this order shall become effective July 1, 1947, and shall continue in effect until the further order of the Commission.

And it is further ordered, That a copy of this order be served upon all motor carriers and that notice hereof be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing with the Director, Division of the Federal Register.

NOTE: (The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942. (Budget Bureau No. 60–R253)

(35 Stat. 1135, 41 Stat. 1445, 49 Stat. 546, 54 Stat. 921; 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47–4596; Filed, May 15, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 139]

[No. 10122]

STANDARD TIME ZONE INVESTIGATION

NOTICE OF PROPOSED RULE MAKING

MAY 5, 1947.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 5th day of May A. D. 1947.

Upon further consideration of the record in the above-entitled proceeding and consideration of the petition of the Knoxville Chamber of Commerce and Knoxville Junior Chamber of Commerce for extension of the eastern standard time zone so as to include additional portions of eastern Tennessee, and good cause appearing therefor:

It is ordered, That the said proceeding be, and it is hereby, reopened for further hearing, on the question of whether the orders of the Commission, dated October 24, 1918, and thereafter, defining the boundary line between the United States standard eastern and central time zones, and restated in the order of the Commission dated May 19, 1928, and further modified by the orders of October 15, and 31, 1941, and February 5, 1943, should be so modified that the City of Knoxville or any of the remainder of the State of Tennessee, or any portion of the States of Kentucky, Virginia, or North Carolina, now in the United States central time zone, be included within the United States eastern time zone.

And it is further ordered, That this proceeding be assigned for further hearing in the United States Court Rooms, Knoxville, Tenn., on June 16, 1947, at 9:30 a. m., United States standard central time, before Examiner Thomas E. Pyne, and at such further places and dates as may be determined by the presiding Examiner; and that copies of this order and the attached notice be served upon the petitioners, the Governors and Public Service Commissions of the States named, and the railroads engaged in interstate commerce, located in whole or in part in the States named; and that notice be given to the general public by depositing a copy of this order and the attached notice in the office of the Secretary of the Commission for public inspection, and by filing copies of the said order and notice with the Director, Division of the Federal Register.

[1] Filed as part of original document.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237), notice is hereby given of the proposed modification of the outstanding orders in the above-entitled proceeding so as to redefine the limits of the United States standard eastern and central time zones, under authority of the Standard Time Act, 40 Stat. 450–451; 41 Stat. 1446; 42 Stat. 1434; 15 U. S. C. 261–265.

By order issued with the original report in this proceeding, 51 I. C. C. 273 (1918); as modified by order issued with the thirteenth supplemental report, 122 I. C. C. 122, (1927); as restated by the order issued with the sixteenth supplemental report, 142 I. C. C. 279, (1928); and as further modified by the orders issued with the twenty-fourth, twenty-fifth, and twenty-sixth supplemental reports, 246 I. C. C. 721, (1941); 248 I. C. C. 15, (1941); and 255 I. C. C. 129, (1943); the boundary between the eastern and central zones was defined so as to run from Cincinnati, Ohio, along the south bank of the Ohio River to Catlettsburg, Ky., southerly through the eastern end of Kentucky, the extreme western end of Virginia, the northeastern tip of Tennessee, the western end of North Carolina, and thence along the northern and western boundary of Georgia. At the time of the last hearings in this proceeding, the City of Knoxville and certain nearby towns were before the Commission urging the westward extension of the limits of the eastern zone so as to include all of Virginia and North Carolina and the eastern portions of Kentucky and Tennessee in that zone. At that time the petitions were denied, because of the vigorous opposition which the proposal met in Knoxville and surrounding communities and because the railroad operating difficulties which would be caused by the proposed change in time-breaking points could not be eliminated without including in the eastern zone many communities which had shown no previous inclination to observe the eastern standard.

A petition has been filed by the Knoxville Chamber of Commerce and Knoxville Junior Chamber of Commerce for an extension of the eastern zone so as to include additional portions of eastern Tennessee. Upon consideration of that petition Division 2 of the Commission has reopened the above-entitled proceeding for further hearing.

The petitioners allege that by city ordinance, passed following a referendum by the people of Knoxville, eastern standard time has been the official time of that city since April 27, 1946, and that since that time the number of cities and towns in eastern Tennessee which observe eastern standard time has increased. They further allege that Chattanooga, Tenn., the next large city to the west of Knoxville, has adopted daylight-saving time during the summer months and that many in that metropolitan area favor the permanent adoption of eastern time.

Based on the averments of the petition considered in the light of the present record, particularly the hearings of 1941, the attached proposed modification of the boundary line between the eastern and central time zones has been prepared. The effect of such a line would be to transfer into the eastern zone the remaining portions of Virginia and North Carolina and the portion of Tennessee east of the line of the Cincinnati, New Orleans & Texas Pacific (Southern System), including all points on that line, Oakdale and south to and including Chattanooga. The present line in Kentucky would not be disturbed. The modification would require some changes in existing railroad operation exceptions.

Anyone wishing to make representations in favor of or against the changes proposed may do so through the submission of written data, views, or arguments. The original and five copies of such a submission should be filed with the Commission on or before June 9, 1947.

The proceeding has been set for hearing in the United States Court Rooms, Knoxville, Tenn., on June 16, 1947, at 9:30 a. m., United States standard central time, before Examiner Thomas E. Pyne. The issue at that hearing is confined to the question of whether the limits of the United States Eastern Time Zone should be moved westward to include Knoxville or any of the remainder of the State of Tennessee or any portion of the States of Kentucky, Virginia, or North Carolina now in the United States Central Time Zone.

Attention is directed to the provisions of the Standard Time Act, which contemplate four time zones for the United States proper and specifically designates the standard of time to be observed within those zones with respect to the matters specified in that act. The authority of this Commission is confined to the determination of the limits of the several zones. Evidence in support of a change in the law cannot be admitted.

It is expected that all interested persons who appear will cooperate so that a fair and complete presentation of the pertinent facts may be made as succinctly and expeditiously as possible. The attached proposed modification of the boundary line has been prepared to save time and assist the parties. This should be understood, however, as not restricting the issues in any way, and any person may propose or support any other change in the line within the scope of the reopened proceeding or may oppose any change in the existing line.

A copy of this notice shall be served upon the petitioners and upon the Governors and Public Service Commissions of the States of Tennessee, Kentucky, Virginia, and North Carolina, and upon the railroads engaged in interstate commerce, located in whole or in part in the States named. Notice to the general public shall be given by depositing a copy in the office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Division of Federal Register.

Section 139.3 *Boundary line between eastern and central zones* proposed to be amended as follows:

1. Paragraphs (c), (d), and (e) to be consolidated and superseded by the following paragraphs (c) and (d):

(c) *Kentucky-Virginia.* From Catlettsburg south immediately west of and parallel with the Big Sandy division of the Chesapeake & Ohio Railway to the northern boundary of Lawrence County, Kentucky; thence westerly and southerly along the west lines of Lawrence, Johnson, Floyd, and south line of Pike Counties to the boundary line between Kentucky and Virginia; thence southwesterly along that boundary line to the southwestern corner of Virginia.

(d) *Tennessee.* From the southwestern corner of Virginia southwesterly and westerly along the boundary line between Kentucky and Tennessee to the line of the Southern Railway (Cincinnati, New Orleans & Texas Pacific Railway) just north of Isham; thence southerly immediately east of and parallel with that railway to Oakdale, then crossing to the west side of that railway; thence southwesterly immediately north or west of that railway to the northern boundary of Hamilton County; thence westerly and southerly along the northern and western boundaries of that county to the boundary line between Tennessee and Georgia.

2. Paragraphs (f) *Georgia* and (g) *Florida* to be relettered (e) and (f) respectively.

3. Paragraph (h) *Operating exceptions* to be relettered (g) and, so far as providing exceptions for lines of the following railroads, to be amended so as to substitute the following for the present exceptions of those roads:

1. LINES EAST OF BOUNDARY EXCEPTED FROM EASTERN ZONE

Railroad	From—	To—
Louisville & Nashville	Kentucky-Tennessee State Line north of Cumberland Gap, Tenn.	Norton, Va.
Do	Pennington, Va.	Pocket, Va.
Do	Kentucky-Virginia State line south of Smith, Ky.	Smiley and Hazans, Va.
Do	Kentucky-Tennessee State line north of Fork Ridge, Tenn.	Bryson Mountain, Tenn.
Do	River Junction, Fla.	Apalachicola River.
Nashville, Chattanooga & St. Louis, Southern[1]	Georgia-Tennessee State line east of Hooker, Ga.	Georgia-Tennessee State line west of Hooker, Ga.
	Oakdale, Tenn.	Northern limits of Chattanooga, Tenn.
Do	Georgia-Tennessee State line north of Wildwood, Ga.	Georgia-Alabama State line southwest of Sulphur Springs, Ga.
Do	Rome, Ga.	Georgia-Alabama State line west of Early, Ga.
Do	do	Georgia-Alabama State line west of Etna, Ga.
Do	Georgia-Alabama State line west of Hooper, Ga.	Western limits of Atlanta, Ga.

[1] Including any tracks of the Tennessee Central extending east or south of this line in the vicinity of Harriman, Tenn

2. LINES WEST OF BOUNDARY INCLUDED IN EASTERN ZONE

Railroad	From—	To—
Louisville and Nashville	Kentucky-Tennessee State line north of Pruden, Tenn.	Fonde, Ky.
Do	Kentucky-Tennessee State line north of High Cliff, Tenn.	Corbin, Ky.
Do	Kentucky-Tennessee State line north of Jellico, Tenn.	Lot and Saxton, Ky.
Do	Savoy, Ky.	Packard and Gatliff, Ky.

The present exceptions of all other railroads would be continued, except that of the Carolina, Clinchfield & Ohio, which would be eliminated as no longer necessary.

All of the exceptions would be for operating purposes only and would be subject to the usual condition that the respective carriers, in their published advertisements, their time cards, bulletin boards in stations, and in other like ways, show the arrival and departure of their trains in terms of the standard of time prescribed for general use in the particular zone.

4. Paragraph (i) would be superseded by the following:

(h) *Points on boundary line.* The following-named municipalities located upon the above-described zone boundary line shall be considered as within the United States standard eastern time zone: Points on the Southern Railway, Oakdale to Chattanooga, Tenn., inclusive, and Apalachicola, Fla. All other municipalities located upon the above-described zone boundary line, not specifically named, shall be considered as within the United States standard central time zone.

(40 Stat. 450–451; 41 Stat. 1446; 42 Stat. 1434; 15 U. S. C. 261–265)

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4599; Filed, May 15, 1947; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1247]

ALLOCATION OF FUNDS FOR LOANS

APRIL 1, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 8H Wilkes	$210,000
Georgia 37N Douglas	130,000
New Mexico 21A Lincoln	707,500
Oklahoma 19L Craig	303,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4621; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1248]

ALLOCATION OF FUNDS FOR LOANS

APRIL 2, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Mississippi 21P Coahoma	$315,000
Texas 101L Parker	370,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4622; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1249]

ALLOCATION OF FUNDS FOR LOANS

APRIL 4, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Florida 34C Bay	$165,000
Mississippi 30R Jones	63,000
Montana 2N Cascade	165,000
Nebraska 4P Polk District Public	250,000
Oklahoma 2R Kay	363,000
Oklahoma 23H Okmulgee	121,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4623; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1250]

ALLOCATION OF FUNDS FOR LOANS

APRIL 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Texas 86L Comanche	$335,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4624; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1251]

ALLOCATION OF FUNDS FOR LOANS

APRIL 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Michigan 5P Lenawee	$25,000
Oregon 26H Wasco	100,000
South Carolina 23K Dorchester	250,000
Texas 47N Deaf Smith	350,000
Texas 84K Hall	125,000
Washington 8P Benton	$180,000
Wisconsin 29K Clark	280,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4625; Filed, May 15, 1947 8:58 a. m.]

[Administrative Order 1252]

ALLOCATION OF FUNDS FOR LOANS

APRIL 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Arizona 22A Kingman	$310,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4626; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1253]

ALLOCATION OF FUNDS FOR LOANS

APRIL 7, 1947

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 7H Catoosa	$350,000
Iowa 23K Crawford	215,000
Kansas 30H Nemaha	560,000
Kansas 33G Pratt	565,000
South Dakota 23B Sanborn	500,000
Texas 45F Limestone	350,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4627; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1254]

ALLOCATION OF FUNDS FOR LOANS

APRIL 12, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Illinois 34L Jackson	$520,000
Mississippi 26H Panola	565,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4628; Filed, May 15, 1947; 8:58 a. m.]

[Administrative Order 1255]

ALLOCATION OF FUNDS FOR LOANS

APRIL 14, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Arizona 19A Yuma	$298,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4629; Filed, May 15, 1947; 8:59 a. m.]

[Administrative Order 1256]

ALLOCATION OF FUNDS FOR LOANS

APRIL 17, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 10R Pulaski	$78,000
Colorado 31H Larimer	195,000
Louisiana 19G Jefferson Davis	266,000
Minnesota 95M Lake of the Woods	100,000
Missouri 33L Butler	345,000
Missouri 57D Lincoln	290,000
New Hampshire 4N Merrimack	200,000
Oklahoma 6U Caddo	78,000
South Carolina 29G Sumter	250,000
Texas 60L Lynn	100,000
Virginia 30P Bath	268,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4630; Filed, May 15, 1947; 8:59 a. m.]

[Administrative Order 1257]

ALLOCATION OF FUNDS FOR LOANS

APRIL 17, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kentucky 54P Wayne	$129,500
North Carolina 49L Surry	160,000
Texas 21K Milam	215,000
Virginia 41P Prince William	458,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-4631; Filed, May 15, 1947; 8:59 a. m.]

[Administrative Order 1258]

ALLOCATION OF FUNDS FOR LOANS

APRIL 21, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 77H Forsyth	$65,000
Kansas 31L Crawford	480,000
South Carolina 28L Williamsburg	280,000
South Carolina 30E Colleton	235,000
South Carolina 37L Lexington	278,000
Texas 88H Nueces	50,000

[SEAL] CARL HAMILTON, *Acting Administrator.*

[F. R. Doc. 47-4632; Filed, May 15, 1947; 8:59 a. m.]

[Administrative Order 1259]

ALLOCATION OF FUNDS FOR LOANS

APRIL 21, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Nebraska 90A Brown	$697,000

[SEAL] CARL HAMILTON, *Acting Administrator.*

[F. R. Doc. 47-4633; Filed, May 15, 1947; 8:59 a. m.]

[Administrative Order 1260]

ALLOCATION OF FUNDS FOR LOANS

APRIL 22, 1947.

I hereby amend:

(a) Administrative Order No. 396, dated October 5, 1939, by reducing the allocation of $25,000 therein made for "Georgia 9093R1 Mitchell" (amended to read "Georgia O–9093R1 Mitchell" by Administrative Order No. 457, dated May 10, 1940) by $24,071.70 so that the reduced allocation shall be $928.30.

[SEAL] CARL HAMILTON, *Acting Administrator.*

[F. R. Doc. 47-4634; Filed, May 15, 1947; 8:59 a. m.]

[Administrative Order 1261]

ALLOCATION OF FUNDS FOR LOANS

APRIL 22, 1947.

I hereby amend:

(a) Administrative Order No. 13, dated August 22, 1936, by reducing the allocation of $145,000 therein made for "Arizona 4 Pinal" (changed to read "Arizona 4 Pinal District Public" in accordance with the Amendment to General Order No. 84, dated August 1, 1939) by $2,713.92, so that the reduced allocation shall be $142,286.08.

[SEAL] CARL HAMILTON, *Acting Administrator.*

[F. R. Doc. 47-4635; Filed, May 15, 1947; 8:59 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 185]

RECONSIGNMENT OF ORANGES AT SALT LAKE CITY, UTAH

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Salt Lake City, Utah, May 9, 1947, by O. P. Hesser, of car PFE 95896, oranges, now on the U. P. RR., to O. P. Hesser, Chicago, Ill. (U. P.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of May 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-4597; Filed, May 15, 1947; 8:49 a. m.]

[S. O. 396, Special Permit 186]

RECONSIGNMENT OF GRAPEFRUIT AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., May 10, 1947, by Zulphur & Rogers

Co., of the following cars, grapefruit, now on the Chicago Produce Terminal to Mulkeen Bros., Cleveland, O. (NKP) MDT 23123 Schwartz Co., Detroit, Mich. (Wab) ART 18616 Leone Prod. Co., Pittsburgh, Pa. (PRR) RD 34497.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-4598; Filed, May 15, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-155, 54-9 and 59-2]

AMERICAN GAS AND ELECTRIC CO. ET AL.

ORDER APPROVING SUPPLEMENTAL APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of May A. D. 1947.

In the Matter of American Gas and Electric Co., File No. 54-155; American Gas and Electric Co., Atlantic City Electric Co., Deepwater Operating Co. and South Pennsgrove Realty Co., File No. 54-9 and 59-2.

The Commission having, on April 7, 1947, issued its order approving a plan filed by American Gas and Electric Company ("American Gas"), a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, which plan provides, among other things, for the disposition of the interest of American Gas in Atlantic City Electric Company ("Atlantic City"), through the sale at competitive bidding of 522,416 shares of the common stock of the latter and the disposition of the remaining 627,584 shares of such stock owned by American Gas as dividends to the common stockholders of American Gas commencing with the dividend date June 15, 1948 and terminating with the dividend date December 15, 1948; and

A supplemental application having been filed by American Gas on May 7, 1947, wherein it is stated that on April 8, 1947, applicant made a public invitation for proposals for the purchase from it of the said 522,416 shares of the common stock of Atlantic City, pursuant to which three groups of prospective bidders qualified, and that on April 14, 1947, the day prior to the date set for submission of bids for said stock, American Gas postponed indefinitely the date for submission of such bids because of the market decline of April 14, 1947 and the mechanical obstacles to consummation of the sale by reason of the strike in the telephone industry.

American Gas now proposes to proceed with the sale of the common stock of Atlantic City in following manner: American Gas will publish a notice requesting that any persons interested in such underwriting advise the company in writing before a specified date (which shall not not earlier than the fourth day after publication of the notice). On or after such specified date American Gas will notify by telegram all persons who have so signified their interest that sealed bids should be presented at a designated time and place. The time designated will be not less than 48 hours (exclusive of Sundays and holidays) after the sending by American Gas of such telegraphic notice; and

The Commission having considered the entire record and deeming it appropriate and in the public interest and in the interest of investors and consumers that the request of applicant with respect to the proposed sale of the common stock of Atlantic City be granted:

It is hereby ordered, That the supplemental application be, and the same hereby is, approved, subject to the terms and conditions contained in Rule U-24 and subject to the further condition that the proposed sale of the common stock of Atlantic City shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4595; Filed, May 15, 1947; 8:49 a. m.]

[File No. 70-1327]

AMERICAN POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of May A. D. 1947.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration, and amendments thereto, in which section 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-44 and U-50 thereunder are designated as applicable to the following transaction:

American proposes to sell to a non-affiliated interest, for a minimum of $1,800,000 in cash, a 6% past-due note, issued to American by its utility subsidiary, Pacific Power & Light Company ("Pacific"), originally in the principal amount of $3,194,500, upon which there is a balance due of $1,794,500, and to apply the proceeds from such sale toward a capital contribution to Pacific in connection with that subsidiary's reorganization and merger with Northwestern Electric Company, a second utility subsidiary; and

American having requested an order pursuant to sub-paragraph (a) (5) of Rule U-50 exempting the sale of said note from the competitive bidding requirements of paragraphs (b) and (c) of said Rule U-50; and

American having requested that the order of the Commission conform to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended, and contain the findings therein specified; and

Said declaration having been filed on June 26, 1946 and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under the act, and American having requested that said declaration, as amended, not be permitted to become effective except upon further order of the Commission, and the Commission not having received a request for hearing with respect to the declaration, as amended; and

The Commission finding that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective; and

The Commission finding that compliance with paragraphs (b) and (c) of Rule U-50 with respect to the sale of said note is not necessary or appropriate in the public interest or for the protection of investors or consmers to assure the maintenance of competitive conditions or the receipt of adequate consideration:

It is hereby ordered, Pursuant to Rule U-23 that said declaration, as amended, be, and the same hereby is, permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the condition set forth below:

1. That in the event the proposed merger of Northwestern Electric Company into and with Pacific Power & Light Company is not consummated, as described in this Commission's order of April 24, 1947, the proceeds from the sale of said note shall not be used for any purpose (other than for temporary investment in securities of the kind specified in section 9 (c) (1) of the act) except as authorized by further order of this Commission.

It is further ordered, That the application of American for the exemption of the sale of said note from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50 be, and the same hereby is, granted.

It is further ordered and recited, That the transaction proposed in the declaration, namely, the sale by American of the 6% past-due note of Pacific Power & Light Company, upon which there is a balance due of $1,794,500 to a non-affiliated interest for a minimum of $1,800,000 in cash and the contribution of the proceeds to its utility subsidiary, Pacific Power & Light Company, is necessary and appropriate to the integration and simplification of the holding company system of which American is a member and is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4588; Filed, May 15, 1947; 8:47 a. m.]

[File No. 70-1483]

NATIONAL GAS & ELECTRIC CORP. AND INDUSTRIAL GAS CORP.

ORDER GRANTING AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of May A. D. 1947.

National Gas & Electric Corporation ("National"), a registered holding company and Industrial Gas Corporation ("Industrial"), a wholly owned nonutility subsidiary company of National, having filed an application and declaration and amendments thereto, pursuant to sections 6 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 promulgated thereunder with respect to the issuance and sale by Industrial of $1,750,000 principal amount of Fifteen Year ------% Sinking Fund Debentures dated April 1, 1947, to a group of underwriters headed by G. H. Walker & Company, the proceeds of such sale to be used (a) to redeem all of its presently outstanding First Mortgage 5% Bonds in the principal amount of $945,000, now held by National; (b) to repay advances from the Freedom-Valvoline Oil Company in the amount of $367,640; (c) to repay advances from National in the amount of $160,000; and (d) to add the balance to the general funds of the company; and

National having proposed to use the $945,000 it will receive from the redemption of Industrial's bonds together with $155,000 of its general funds to retire in full its presently outstanding bank loans in the amount of $1,100,000 due August 20, 1947; and

National and Industrial having requested that the issuance and sale of the said debentures be exempt from sections 6 (a) and 7 by virtue of section 6 (b) of the act; that the sale be exempt from the competitive bidding requirements of Rule U-50, and that said application and declaration be granted and be permitted to become effective forthwith; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said application and declaration, as amended, of National and Industrial be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

It is further ordered, That jurisdiction be, and the same hereby is reserved with respect to the price and interest rate to be paid for the debentures and the underwriters' spread and its allocation.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4592; Filed, May 15, 1947; 8:48 a. m.]

[File No. 70-1504]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of May A. D. 1947.

Notice is hereby given that an application-declaration and amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company. Applicant-declarant designates sections 6 (b) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 21, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Appalachian has entered into a credit agreement whereby the banks named below will make loans to Appalachian in the amounts shown during the period from the effective date of the agreement to July 1, 1950. Of the aggregate amount of $12,600,000 which the banks are obligated to lend, $5,000,000 will be borrowed and notes will be issued therefor within 10 days after the effective date of the agreement in the amounts shown below:

Name of bank	Amount of commitment	Amount of immediate loan
Guaranty Trust Co. of New York	$2,520,000	$1,000,000
Irving Trust Co	2,520,000	1,000,000
Mellon Bank & Trust Co	1,890,000	750,000
Bankers Trust Co	1,890,000	750,000
Central Hanover Bank & Trust Co	1,260,000	500,000
Chemical Bank & Trust Co	1,260,000	500,000
The Philadelphia National Bank	1,260,000	500,000

The proposed loans will be evidenced by promissory notes, maturing December 31, 1950, and are to bear interest from their respective issue dates at the rate of 1½% per annum for a period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Appalachian will pay to each bank a commitment fee of ¼ of 1% per annum until June 30, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on 10 days' notice and may be prepaid on similar notice, such loans and prepayments to be borne or made ratably to all banks. Appalachian may, on 10 days' notice, terminate or reduce pro rata in the aggregate amount of $1,000,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

The application-declaration, as amended, represents that Appalachian will increase its common stock equity by December 31, 1948, by the amount of $5,000,000 over the amount shown on its books of account as of December 31, 1946, said increase in common stock equity to be achieved by either the sale of additional common stock or the retention of earnings. It is further represented that by December 31, 1950, the ratio of common stock equity to total capitalization will be increased to 25%. In the event that Appalachian's equity is not increased in the manner stated above by December 31, 1948, and/or the ratio of common stock equity to total capitalization will be less than 25% at December 31, 1950, a dividend restriction will become operative whereby not more than 75% of the earnings available to the common stock may be paid out as dividends on common stock when the ratio of common stock equity (including surplus) is between 20% and 25% of total capitalization, and not more than 50% of such earnings may be paid out as dividends when the ratio falls below 20%.

Appalachian states that the proposed loans are necessary to provide funds to enable it to proceed with its construction program, and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the credit agreement.

Appalachian states that the proposed transactions have been submitted for approval to the State Corporation Commission of the State of Virginia, the state in which Appalachian was organized and is doing business and to the Tennessee

Railroad and Public Utilities Commission of the State of Tennessee, wherein Appalachian also does business.

It is requested that the Commission's order granting the application and permitting the declaration herein, as amended, to become effective be issued prior to May 23, 1947 and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4591; Filed, May 15, 1947; 8:48 a. m.]

[File No. 70-1506]

KENTUCKY AND WEST VIRGINIA POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of May A. D. 1947.

Notice is hereby given that a joint application-declaration and amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Gas and Electric Company ("Amerman Gas"), a registered holding company, and its wholly-owned utility subsidiary, Kentucky and West Virginia Power Company ("Kentucky"). Applicants-declarants designate sections 6 and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 21, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, as amended, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Kentucky has entered into a credit agreement whereby the banks named below will make loans to Kentucky in the aggregate amounts shown below during the period from the effective date of said agreement to July 1, 1950. Of the aggregate amount of $7,500,000 which the banks are obligated to lend, $1,500,000 will be borrowed and notes will be issued therefor within 10 days after the effective date of the agreement in the amounts shown below:

Name of bank	Amount of commitment	Amount of immediate loan
Guaranty Trust Co. of New York	$1,500,000	$300,000
Irving Trust Co.	1,500,000	300,000
Mellon Bank & Trust Co.	1,125,000	225,000
Bankers Trust Co.	1,125,000	225,000
Central Hanover Bank & Trust Co.	750,000	150,000
Chemical Bank & Trust Co.	750,000	150,000
The Philadelphia National Bank		

The proposed loans will be evidenced by promissory notes maturing December 31, 1950, and are to bear interest from their respective issue dates at the rate of 1½% per annum for a period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Wheeling will pay to each bank a commitment fee of ¼ of 1% per annum until June 30, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on 10 days' notice, and may be prepaid on similar notice, such loans and prepayments to be borne or made ratably to all banks. Wheeling may, on 10 days' notice, terminate or reduce pro rata in the aggregate amount of $1,000,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

Kentucky now has outstanding $8,499,000 principal amount of First Mortgage Bonds 5% Series due 1956, all of which are owned by American Gas. In connection with the execution of the Agreement, American Gas and Kentucky agree to expressly subordinate the $8,499,000 principal amount of such bonds as to payment of the principal of and interest on (but not the lien of) such bonds to the payment of the principal of and interest on the Notes to be issued pursuant to the Agreement.

It is stated that the proposed loans are necessary to provide funds to enable Kentucky to proceed with its construction program, and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the credit agreement. It is represented that after the completion of such permanent financing, or in any event before December 31, 1950, Kentucky's common stock equity will equal at least 35% of its total capitalization.

The application-declaration requests that the Commission's order granting the application and permitting the declaration herein, as amended, to become effective be issued prior to May 23, 1947, and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4587; Filed, May 15, 1947; 8:47 a. m.]

[File No. 70-1507]

WHEELING ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of May A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Wheeling Electric Company ("Wheeling"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company. Declarant designates sections 7 and 12 (c) of the act and Rule U-42 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 21, 1947 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Wheeling has entered into a credit agreement whereby the banks named below will make loans to Wheeling in the aggregate amounts shown below during the period from the effective date of said agreement to July 1, 1950. Of the aggregate amount of $2,500,000 which the banks are obligated to lend, $1,500,000 will be borrowed and notes will be issued therefor within 10 days after the effective date of the agreement in the amounts shown below:

Name of bank	Amount of commitment	Amount of immediate loan
Guaranty Trust Co. of New York	$833,334	$300,000
Irving Trust Co.	833,333	300,000
Bankers Trust Co.	833,333	300,000

The proposed loans will be evidenced by promissory notes maturing December 31, 1950 and are to bear interest from their respective issue dates at the rate of 1½% per annum for a period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Wheeling will pay to each bank a commitment fee of ¼ of 1% per annum until June 30, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on 10 days' notice, and may be prepaid on similar notice, such loans and prepayments to be borne or made ratably to all banks. Wheeling may, on 10 days' notice, terminate or reduce pro-rata in the aggregate amount of $300,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

Declarant states that from the proceeds of the immediate borrowing in the amount of $1,500,000, it will repay its 2% notes in the amount of $1,167,500 due May 1, 1950. It is further stated that the proposed loans are necessary to provide funds to enable declarant to proceed with its construction program, and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the credit agreement.

Wheeling has applied to the Ohio Public Utilities Commission for a determination that it has no jurisdiction over the transaction, or, in the alternative, for an order approving the proposed transaction.

The declaration requests that the Commission's order permitting the declaration herein, as amended, to become effective be issued prior to May 23, 1947 and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4590; Filed, May 15, 1947; 8:48 a. m.]

[File No. 70-1508]

OHIO POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of May A. D. 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Ohio Power Company ("Ohio"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company. Applicant-declarant designates sections 6 (b) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 21, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Ohio has entered into a credit agreement whereby the banks named below will make loans to Ohio in the amounts shown during the period from the effective date of the agreement to July 1, 1950. Of the aggregate amount of $15,000,000 which the banks are obligated to lend, $6,500,000 will be borrowed, and notes will be issued therefor within 10 days after the effective date of the agreement in the amounts shown below:

Name of bank	Amount of commitment	Amount of immediate loan
Guaranty Trust Co., of New York	$2,600,000	$1,300,000
Irving Trust Co.	2,600,000	1,300,000
Mellon Bank and Trust Co.	1,950,000	975,000
Bankers Trust Co.	1,950,000	975,000
Central Hanover Bank & Trust Co.	1,300,000	650,000
Chemical Bank & Trust Co.	1,300,000	650,000
The Philadelphia National Bank	1,300,000	650,000

The proposed loans will be evidenced by promissory notes maturing December 31, 1950, and are to bear interest from their respective issue dates at the rate of 1½% per annum for a period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Ohio will pay to each bank a commitment fee of ¼ to 1% per annum until June 30, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on 10 days' notice and may be prepaid on similar notice, such loans and prepayments to be borne or made ratably to all banks. Ohio may, on 10 days' notice, terminate or reduce pro-rata in the aggregate amount of $1,000,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

Ohio states that the proposed loans are necessary to provide funds to enable it to proceed with its construction program, and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the Credit Agreement.

Applicant-declarant states that the Public Utilities Commission of the State of Ohio, the state in which it was organized and is doing business, has jurisdiction with respect to the proposed transactions and an application has been made to such Commission for an order approving the proposed transactions.

It is requested that the Commission's order granting the application and permitting the declaration herein to become effective be issued prior to May 23, 1947 and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4589; Filed, May 15, 1947; 8:48 a. m.]

[File No. 70-1511]

STANDARD GAS AND ELECTRIC CO.

MEMORANDUM OPINION AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of May 1947.

Standard Gas and Electric Company ("Standard Gas"), a registered holding company, has filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act"). The declaration proposes the extension of the maturity of certain Bank Loan Notes of the company which now mature on May 10, 1947, aggregating in principal amount $8,010,826.95 from that date until July 10, 1947. These notes are a portion of an issue originally made on April 10, 1946 in the sum of $51,000,000, of which the total amount now outstanding aggregates $33,510,826.95. The notes maturing on May 10, 1947, were by their original terms due on April 10, 1947 and an extension for 30 days was previously authorized (File No. 70-1479, Holding Company Act Release No. 7328). Consent has been obtained from the holders of the outstanding Bank Loan Notes to the proposed extension, subject to approval of this Commission.

The Bank Loans in the amount of $51,000,000 were originally made pursuant to authorization of the District Court of the United States for the District of Delaware, which at that time had before it a reorganization proceeding affecting Standard Gas. Standard Gas had outstanding at that time notes and debentures aggregating $58,601,000 in principal amount, and under its amended plan had proposed a distribution to the holders of these notes and debentures of cash and securities. Pursuant to authority obtained from the Court, Standard Gas was given leave to redeem the notes and debentures; and funds for that purpose in addition to treasury cash were secured by issuance of the bank loan notes in the amount of $51,000,000, issued to the group of eleven participating banks located in New York, Chicago, Pittsburgh, Detroit, and Milwaukee. As originally issued $7,140,000 of the notes matured six months after their issuance (on October 10, 1946); $18,360,000 one year after their issuance (on April 10, 1947); and the remaining $25,500,000 will mature three years after issuance (on April 10, 1949).

The issuance of the bank loan notes was submitted to us and our approval was given on February 26, 1946 (In the matter of Standard Gas and Electric Company, File No. 70-1211, — S. E. C. —, Holding Company Act Release No. 6435).

The facts concerning the proceedings in the District Court and other circumstances surrounding the issuance of the bank loan notes are summarized in our findings and opinion in that case.

At the time the bank loan notes were authorized and issued, Standard Gas represented that prompt steps would be taken to dispose of assets in order to retire these notes. As we pointed out in our opinion (Holding Company Act Release No. 6435, pages 8–9):

> * * * The proposed issuance of bank notes is warranted only as a temporary expedient in order to permit the prompt retirement of presently outstanding debt, and to facilitate the disposition of subsidiary securities required in order to comply with the requirements of Section 11 (b). The program contemplates the expeditious sale of the subsidiary companies' securities, and the proceeds of these sales will be used to retire the bank notes * * *

We permitted the declaration to become effective notwithstanding the maturity of three years for half of the note issue, on the basis of testimony of company officials that this maturity was proposed to provide against contingencies, but that every effort would be made to dispose of assets and liquidate the bank loans as soon as possible.

Since the issuance of the bank loan notes, Standard Gas has disposed of its holdings in Pacific Gas and Electric Company (from which sale there was realized a net amount of approximately $7,600,000), and in Mountain States Power Company (from which was realized the sum of approximately $4,500,000). These sums were applied in reduction of the bank loan notes, and in addition there was applied approximately $5,400,000 out of income and from the disposition of certain other assets. Thus, there has been paid approximately $17,500,000, leaving outstanding approximately $33,500,000, of which $8,010,826.95 matures on May 10 and for which the proposed sixty-day extension has been requested.

Standard Gas proposed to meet the forthcoming maturity by use of the proceeds of the proposed sale of its holdings in The California Oregon Power Company ("Copco"). These holdings were previously offered for sale at competitive bidding during June 1946, but the company was not satisfied with the bids received and rejected them. An application-declaration with respect to the sale of the holdings of Standard Gas in Copco was subsequently filed in March 1947, and has been the subject of successive amendments, the last of which amendments was filed on May 2, 1947. We have issued our order permitting the declaration to become effective as to the proposed disposition, subject to certain conditions (Holding Company Act Release No. 7390). Standard Gas has represented that, barring unforeseen contingencies, it will advertise for bids on or about May 14, and that it will offer the proposed securities on or about May 20. Under this schedule, it would in normal course receive the proceeds of this sale on or about May 27. Standard Gas contemplates that the proceeds from the sale of its holdings in Copco will be more than sufficient to retire the bank loan notes now due May 10, 1947.

Although under the contemplated time schedule, Standard Gas would be in a position to pay these notes within less than three weeks after their present maturity (May 10), officials of the company have urged that the extension be permitted for a sixty-day period. They have urged that, although they fully contemplate a prompt advertising for bids and public offering, an extension for a shorter period might place the company in a disadvantageous position with respect to the securing of favorable bids from underwriters for the common stock of Copco. They also wish to provide for the possibility of presently unforeseeable events, such as sudden market disturbances, which might render inadvisable the offering on the particular days now contemplated.

In the course of the hearing held in this matter, testimony was received from three directors of Standard Gas, including the Chairman of its board. Inquiry was made as to the company's program not only as to the satisfaction of the immediately approaching maturity but also as to the steps proposed toward liquidation of the remainder of the bank loans. It appears from the evidence that the board of directors contemplates the disposition for cash of the company's holdings in Louisville Gas and Electric Company as soon as the recapitalization proceedings for that company now pending under section 11 (e) of the act can be completed. However, the company apparently has at the present time no specific plans for disposition of other major assets with which to satisfy the bank loan notes in the near future. The directors who testified indicated that it was the present view of the board that the remainder of the bank loan would be liquidated as part of or in connection with an allocation plan dealing with the recapitalization or liquidation of the company, and they prefer to take no action with respect to the bank loans until such time as such a plan may be formulated.

We are by no means satisfied that the management of this company has proceeded as diligently as possible toward the liquidation of this bank loan. Had more aggressive steps been taken toward the sale of assets, the proposed extension now sought might well have been unnecessary. However, although as to the proposed sixty-day period no showing of absolute necessity has been made, we will accede to this request on the basis of the representations which have been made that immediate steps are being taken to dispose of the Copco holdings. If this disposition is consummated with dispatch as represented, the immediate maturity may be met within much less than the sixty days provided. It is perhaps unnecessary to state that, in view of the fact that this is the second extension requested, and in view of the circumstances of this case, we will not be disposed to look with favor upon any further request for extension if the present commitments are not carried out.

We consider it appropriate at this time to comment briefly upon the remainder of the company's program. Our order pursuant to section 11 (b) (1) was entered August 8, 1941.[1] In that order we directed the disposition by Standard Gas of various of its properties, including its holdings in Oklahoma Gas and Electric Company, Wisconsin Public Service Company, Copco, and Louisville Gas and Electric Company. At the time the bank loan notes were issued, and indeed as late as the fall of 1946, the company represented that it would make prompt disposition of its holdings in Oklahoma Gas and Electric Company. Testimony of company witnesses at this hearing indicates that Standard Gas does not now propose a public sale of its holdings in Oklahoma Gas and Electric Company.[2] The present program of the Standard Gas management contemplates disposition of the company's holdings in Copco and in Louisville Gas and Electric Company system, to be followed by retirement of the balance of the bank loans in connection with the contemplated allocation plan.

It is apparent that the program as now outlined is not consistent with the company's representations to the Court and to the Commission, at the time the bank loans were approved. In view of the fact that the bank loans were approved by the Commission only upon the basis of very definite representations by the company as to the prompt retirement of those loans, it is our view that if there is to be any change in the company's program as then represented, such a change should be permitted only upon the basis of convincing evidence. However, it is not necessary for us at the present time to reach any decision as to those aspects of the program. We shall expect that expeditious action will be taken by Standard Gas to dispose of its holding in Copco and to consummate the presently pending plan concerning Louisville Gas and Electric Company, to be followed by a disposition of the interests of Standard Gas in that system. We shall assume also that Standard Gas will proceed rapidly in the formulation and presentation of its over-all plans. At the appropriate time we will consider all questions presented by the company's program, including the question of the extent to which the company should be permitted to depart from the program which it previously submitted to the Court and the Commission for the retirement of its bank loans.

The Commission finding with respect to said declaration that the requirements of section 7 of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration should be permitted to become effective;

It is ordered, That the said declaration be and is hereby permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4593; Filed, May 15, 1947; 8:48 a. m.]

[1] Standard Power and Light Corporation, et al., 9 S. E. C. 862

[2] Applications by Standard Gas and Oklahoma Gas and Electric Company to sell shares of the latter company, including a registration statement, were filed in December 1946. Although the Oklahoma Company itself sold 140,000 shares of common stock to the public Standard Gas never proceeded to carry out the proposed sale of the 750,000 shares of common stock which it holds.

[File No. 811-167]

FISCAL FUND, INC.

NOTICE OF MOTION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of May A. D. 1947.

Notice is hereby given that the Corporation Finance Division of the Commission, having reasonable cause to believe that the assets of Fiscal Fund, Inc., have been distributed among its stockholders and that the company has been dissolved, will move pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that Fiscal Fund, Inc., has ceased to be an investment company and terminating its registration under said act.

It appears that on January 12, 1943 the District Court of the United States for the District of Delaware issued an order appointing Howard F. McCall receiver of Fiscal Fund, Inc., for the purpose of liquidating the company and distributing its assets pro rata among its shareholders. It further appears that on October 27, 1943 the same court issued an order providing for the final distribution of the assets of Fiscal Fund, Inc., and declaring the company to be dissolved.

The Corporation Finance Division has advised the Commission that upon preliminary examination it deems the following issue to be raised without prejudice to the specification of additional issues upon further examination;

(1) Whether Fiscal Fund, Inc., has ceased to be an investment company within the meaning of the act, and

(2) Whether it is necessary for the protection of investors to condition any order terminating its registration under the act.

It appearing to the Commission that a public hearing upon the motion is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid motion be held on May 27, 1947, at 10:00 a. m., eastern daylight time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to Howard F. McCall receiver of Fiscal Fund, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before May 26, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-4594; Filed, May 15, 1947; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8879]

LOUISE E. MALL

In re: Estate of Louise E. Mall, deceased. File D-28-11589; E. T. sec. 15804.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Ropple, Karoline Mall and Anna Mall, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Louise E. Mall, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Emma Faidley and Howard Mall, as executors, acting under the judicial supervision of the Probate Court of Clay County, Kansas;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4580; Filed, May 14, 1947; 8:47 a. m.]

[Vesting Order 8888]

KATHARINA MENCKE

In re: Bank account owned by Katharina Mencke. F-28-3566-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katharina Mencke, whose last known address is Oberbayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Bank for Savings in the City of New York, 280 Fourth Avenue, New York 10, New York, arising out of a savings account, Account Number 1,491,583, entitled Katharina Mencke and Madeline Breuss or either and survivor, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Katharina Mencke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4607; Filed, May 15, 1947; 8:56 a. m.]

[Vesting Order 8890]

EUGEN DURRWACHTER

In re: Invention and disclosure thereof of Eugen Durrwachter. TC-3046.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugen Durrwachter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

The disclosure identified as follows:

Inventor and Invention

Eugen Durrwachter, Apparatus for producing silver powder of uniform grain size;

together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosure,

is property of, and is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4581; Filed, May 14, 1947; 8:47 a. m.]

[Vesting Order 8900]

ANTON FUNKE

In re: Stock owned by Anton Funke. F-28-28085-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Funke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twelve (12) shares of $100 par value common capital stock of The Papyrus Company, Market Street, Kenilworth, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 17, 29, 30 and 129 for 1, 5, 5, and 1 shares, respectively, and registered in the name of Anton Funke, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4608; Filed, May 15, 1947; 8:56 a. m.]

[Vesting Order 8901]

LUDWIG GIES

In re: Stock owned by Ludwig Gies. F-28-23620-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Gies, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Forty (40) shares of common capital stock of Continental Motors Corporation, 205 Market Street, Muskegon, Michigan, a corporation organized under the laws of the State of Virginia, evidenced by Certificate number NYA21704, registered in the name of Ludwig Gies, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK
Director.

[F. R. Doc. 47-4609; Filed, May 15, 1947; 8:56 a. m.]

[Vesting Order 8902]

SIGMUND MARTIN HAFFNER

In re: Stock owned by Sigmund Martin Haffner. F-28-8251-A-1, F-28-8251-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sigmund Martin Haffner, whose last known address is Lutheran Deaconess Institute, Neuendettelsau, Mittelfranken, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty-five (25) shares of $25.00 par value Class A, 7% cumulative preferred capital stock of Hearst Consolidated Publications, Inc., 1008 Hearst Building, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Numbered C01344, and registered in the name of Sigmund Martin Haffner, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4610; Filed, May 15, 1947; 8:56 a. m.]

[Vesting Order 8903]

OTTO KEIL

In re: Bank account owned by Otto Keil. F-28-28205-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Keil, whose last known address is Rosswein, Saxony, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Lincoln Savings Bank of Brooklyn, 531 Broadway, Brooklyn, New York, arising out of a Savings Account, Account Number D-2743, entitled Eugen Degenkolb (now deceased) in trust for Otto Keil (nephew), maintained at the branch office of the aforesaid bank located at 7427 5th Avenue, Brooklyn, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Otto Keil, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4611; Filed, May 15, 1947; 8:56 a. m.]

[Vesting Order 8906]

HANS RINGSDORFF

In re: Debt owing to Hans Ringsdorff. F-28-8829-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Ringsdorff, whose last known address is Mehlen A/Rh Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hans Ringsdorff, by National Carbon Company, Inc., 30 East 42d Street, New York 17, New York, in the amount of $2,107.19, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4612; Filed, May 15, 1947; 8:57 a. m.]

[Vesting Order 8908]

MARIA SCHMOLZ

In re: Stock and scrip certificates owned by Maria Schmolz. F-28-24025-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schmolz, whose last known address is c/o Deutsche Bank und Diskonto, Mauerstrasse 26-27, Berlin W8, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) shares of $1 par value common capital stock of Remington Rand, Inc., 465 Washington Street, Buffalo, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered C0240306 and C0267205 for one (1) share each, registered in the name of Maria Schmolz and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, N. Y., together with all declared and unpaid dividends thereon,

b. Four (4) bearer scrip certificates numbered SC19541, SC20256, SC19671 and SC42274 for thirty-five hundredths (35/100), forty hundredths (40/100), forty-five hundredths (45/100) and fifty hundredths (50/100) share, respectively, of $1 par value common capital stock of Remington Rand, Inc., 465 Washington Street, Buffalo, New York, a corporation organized under the laws of the State of Delaware, presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof

is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4613; Filed, May 15, 1947; 8:57 a. m.]

[Vesting Order 8920]

NISSHIN AUTOMOBILE CO., LTD.

In re: Debt owing to Nisshin Automobile Company, Ltd., F-39-2319-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nisshin Automobile Company, Ltd., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Nisshin Automobile Company, Ltd., by The Studebaker Export Corporation, 635 South Main Street, South Bend, Indiana, in the amount of $212.52, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4616; Filed, May 15, 1947; 8:57 a. m.]

[Vesting Order 8921]

SOPHIA RIPPMANN

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Sophia Rippmann, deceased. F-28-506-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Sophia Rippmann, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of State Bank of Bay, Bay, Missouri, arising out of a Checking Account, entitled Sophia Rippmann, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Sophia Rippmann, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Sophia Rippmann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4617; Filed, May 15, 1947; 8:57 a. m.]

[Vesting Order 8923]

GEORG STOLL

In re: Bank account owned by Georg Stoll. F-28-5575-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Stoll, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Rye National Bank, Rye, New York, arising out of a Checking Account, entitled William A. Lange in trust for Georg Stoll, maintained at the branch office of the aforesaid bank located at Harrison, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Georg Stoll, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4619; Filed, May 15, 1947; 8:57 a. m.]

MAY 19 '47

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9853

REGULATIONS GOVERNING THE PAYMENT OF ACTUAL AND NECESSARY EXPENSES, OR PER DIEM IN LIEU THEREOF, TO COMMISSIONED OFFICERS OF THE COAST AND GEODETIC SURVEY ON DUTY OUTSIDE THE CONTINENTAL UNITED STATES OR IN ALASKA

By virtue of the authority vested in me by section 12 of the Pay Readjustment Act of 1942 (56 Stat. 364), as amended by section 203 of the act of August 2, 1946 (60 Stat. 859), and in the interest of the internal management of the Government, it is hereby ordered as follows:

1. Commissioned officers of the Coast and Geodetic Survey on duty outside the continental United States or in Alaska, whether or not in a travel status, may be paid actual and necessary expenses, or per diem in lieu thereof, equal to those authorized from time to time by the Secretary of the Navy to be paid to commissioned officers of the Navy.

2. This order shall be effective as of August 2, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 15, 1947.

[F. R. Doc. 47-4724; Filed, May 16, 1947; 10:41 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[Quarantine No. 48]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—JAPANESE BEETLE

Introductory note. This revision of the quarantine regulations is made primarily for the purpose of adding to the lightly infested regulated area the election district of Mechanicsville in St. Marys County, Maryland, the town of Schroeppel in Oswego County, New York, the town of Waterloo in Seneca County, New York, the township of Marietta in Washington County, Ohio, the District of Midlothian in Chesterfield County, Virginia, several districts in Berkeley, Greenbrier, Monroe, Summers, and Wood Counties, West Virginia and the entire county of Morgan, West Virginia, in all of which trap-scouting and other surveys made during 1946 disclosed important infestations of the Japanese beetle. No operational changes are made in the heavily infested regulated areas.

The phraseology of several regulations has been changed to permit the use of treatments other than fumigation as a basis of certification of certain products.

The Secretary of Agriculture has determined that it is necessary further to revise the Japanese beetle quarantine regulations which were last revised February 15, 1945, 7 CFR 1945 Supp. 301.48-1 et seq., as amended, March 13, 1946, 11 F. R. 2628, in order to extend the regulated area and to make other modifications. The quarantine regulations are therefore hereby revised to read as follows:

SUBPART—JAPANESE BEETLE

Sec.
301.48 Notice of quarantine.
301.48-1 Definitions.
301.48-2 Regulated areas.
301.48-3 Heavily infested area.
301.48-4 Regulated articles.
301.48-5 Conditions governing interstate movement of regulated articles.
301.48-6 Conditions governing the issuance of certificates and permits.
301.48-7 Assembly of articles for inspection.
301.48-8 Cancellation of certificates or permits.
301.48-9 Cleaning or treatment of trucks, wagons, cars, boats, and other vehicles and containers.
301.48-10 Inspection in transit.
301.48-11 Shipments for experimental and scientific purposes.

AUTHORITY: §§ 301.48 to 301.48-11, inclusive, issued under section 8 of the Plant Quarantine Act of August 20, 1912, as amended, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161.

§ 301.48 *Notice of quarantine.* The Secretary of Agriculture, having given the public hearing required by law, quarantines the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and

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the District of Columbia, to prevent the spread of the Japanese beetle. Hereafter (a) Soil, compost, and decomposed manure; (b) forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes; (c) cut flowers; and (d) fresh fruits and vegetables, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States, or District into or through any other State or Territory of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the requirements of this quarantine and of the rules and regulations supplemental hereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas, when in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle, except that any such limitation shall be conditioned upon the affected State or States providing for and enforcing the control of the intrastate movement of the regulated articles under the conditions which apply to their interstate movement under provisions of the Federal quarantine regulations, currently existing, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the said insect infestation: *Provided further*, That whenever in any year the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the requirements contained in any such regulations, he shall set forth and publish such finding in administrative instructions specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof or for such article or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

NOTE: Section 301.48d *Administrative instructions; articles exempt from certification* remains in effect (7 CFR, 1945 Supp.).

§ 301.48–1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle.* The insect known as the Japanese beetle (Popillia japonica Newm.), in any stage of development.

(b) *Infestation.* This term refers to the presence of the Japanese beetle.

(c) *Regulated area.* Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 301.48 as revised.

(d) *Heavily infested area.* That portion of the regulated areas usually heavily and continuously populated with Japanese beetles, and in which dense flights of the adult may occur.

(e) *Noninfested premises, establishments, or areas.* Those portions of the regulated areas in which no infestation exists, or in the vicinity of which no infestation is known to exist under such conditions as to expose them to infestation by natural spread of beetles, as determined by an inspector.

(f) *Nursery stock.* Forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes.

(g) *Soil-free, free from soil.* Devoid of soil in quantities sufficient to harbor immature stages of the Japanese beetle.

(h) *Inspector.* An inspector of the United States Department of Agriculture.

(i) *Interstate movement.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, directly or indirectly, from a regulated area in one State or District of the United States to a nonregulated area or a protected area in any other State or Territory.

(j) *Certificate.* A valid form evidencing compliance with the requirements of the regulations in this subpart.

(k) *Limited permit.* A valid form authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or for processing.

§ 301.48–2 *Regulated areas.* In accordance with the provisos to § 301.48, the Secretary of Agriculture designates as regulated areas the following States, District, counties, townships, cities, towns, boroughs, and districts or parts thereof, as described:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York; towns of Auburn and Lewiston, in Androscoggin County; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarboro, Standish, and cities of Portland, South Portland, Westbrook, and Windham, in Cumberland County; city of Waterville, in Kennebec County; and city of Brewer, in Penobscot County.

Maryland. The entire State except the county of Garrett; and except the election districts of Orleans (No. 1), and Kifer (No. 33), in Allegany County; election districts of Hill Top (No. 2), Cross Roads (No. 3), Allens Fresh (No. 4), Harris Lot (No. 5), Bryantown (No. 8), and Marbury (No. 10), in Charles County; and election districts of St. Inigoes (No. 1), Valley Lee (No. 2), Leonardtown (No. 3), Chaptico (No. 4), Hillville (No. 6), Milestown (No. 7), Bay (No. 8), and St. George Island (No. 9), in St. Marys County.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in Carroll County; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in Grafton County.

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and cities of Olean and Salamanca, in Cattaraugus County; city of Auburn, and towns of Fleming, Owasco, and Sennett, in Cayuga County; towns of Amherst, Cheektowaga, and Tonawanda, and cities of Buffalo and Lackawanna, in Erie County; towns of Columbia, Danube, Fairfield, Frankford, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and city of Little Falls, in Herkimer County; town of Watertown and city of Watertown, in Jefferson County; town of Mount Morris and village of Mount Morris, in Livingston County; city of Rochester, towns of Brighton and Pittsford, and village of East Rochester, in Monroe County; town of Manchester, in Ontario County; town of Schroeppel, and cities of Fulton and Oswego, in Oswego County; towns of Catherine, Cayuta, Dix, Hector, Montour, and Reading, and borough of Watkins Glen, in Schuyler County; town of Waterloo, in Seneca County; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and cities of Corning and Hornell, in Steuben County; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and city of Ithaca, in Tompkins County; towns of Luzerne and Queensbury and city of Glens Falls, in Warren County.

Ohio. Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne; cities of Ashtabula and Conneaut, in Ashtabula County; city of Coshocton, in Coshocton County; township of Marion, city of Columbus and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in Franklin County; townships of Kirtland, Mentor, and Willoughby, and villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-Lake, Waite Hill, Wickliffe, Willoughby, and Willowick, in Lake County; townships of Madison and Newark and city of Newark, in Licking County; city of Toledo and township of Washington, in Lucas County; township of Madison and city of Mansfield, in Richland County; townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, cities of Niles and Warren, and villages of Cortland, Girard, Hubbard, McDonald, Newton Falls and Orangeville, in Trumbull County; and city and town of Marietta, in Washington County.

Pennsylvania. The entire State except the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury,

South Shenango, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango, and Woodcock, and the boroughs of Blooming Valley, Cambridge, Springs, Cochranton, Conneaut Lake, Conneautville, Linesville, Saegerstown, Springboro, Townville, Venango, and Woodcock, in Crawford County; the townships of Amity, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, LeBoeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Fairview, Girard, Middleboro, Mill Village, North East, North Girard, Platea, Union City, Waterford, and Wattsburg, in Erie County; townships of Deer Creek, Delaware, Fairview, French Creek, Greene, Hempfield, Lake, Mill Creek, New Vernon, Otter Creek, Perry, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Sugar Grove, and West Salem, and boroughs of Clarksville, Fredonia, Greenville, Jamestown, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in Mercer County.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and town of Burlington, in Chittenden County.

Virginia. Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial districts of Bermuda, Dale, Manchester, Matoaca, and Midlothian in Chesterfield County; town of Emporia, in Greenville County; town of West Point, in King William County; magisterial district of Sleepy Hole, in Nansemond County; town of Shenandoah, in Page County; village of Schoolfield, in Pittsylvania County; town of Pulaski, in Pulaski County; magisterial districts of Hampton, Jackson, and Wakefield, in Rappahannock County; magisterial district of Courtland, in Spotsylvania County; town of Front Royal, in Warren County; magisterial district of Newport, in Warwick County; magisterial district of Washington, in Westmoreland County; and cities of Alexandria, Charlottesville, Danville, Fredericksburg, Hampton, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, South Norfolk, Suffolk, and Winchester.

West Virginia. Counties of Barbour, Berkeley, Brooke, Hancock, Harrison, Jefferson, Lewis, Marion, Monongalia, Morgan, Ohio, Taylor, and Upshur; magisterial districts of Blue Sulphur and Fort Spring, in Greenbrier County; magisterial districts of Charleston, Elk, Loudon, and Malden, city of Charleston, and town of South Charleston, in Kanawha County; magisterial districts of Sand Hill, Union, Washington, and Webster, in Marshall County; city of Princeton, in Mercer County; town of Keyser and magisterial district of Frankfort, in Mineral County; magisterial district of Wolf Creek, in Monroe County; town of Rowlesburg, in Preston County; city of Hinton and magisterial districts of Greenbrier and Talcott, in Summers County; magisterial district of Lincoln, in Tyler County; town of Paden City, in Tyler and Wetzel Counties; cities of Parkersburg and Williamstown and magisterial districts of Lubeck, Parkersburg, Tygard, and Williams, in Wood County.

§ 301.48–3 *Heavily infested area.*

Delaware. The entire State.

District of Columbia. The entire District.

Maryland. Counties of Baltimore, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne, Somerset, Talbot, Wicomico, and Worcester; election districts Nos. 3, 4, and 5, in Anne Arundel County; city of Baltimore, election districts of Elk Ridge (No. 1), and Ellicott City (No. 2), in Howard County.

New Jersey. Counties of Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union; townships of Boonton, Chatham, Chester, Danville, East Hanover, Hanover, Harding, Mendham, Montville, Morris, Morristown, Parsippany-Troy Hills, Passaic, Randolph, and Washington, town of Boonton, and boroughs of Chatham, Florham Park, Lincoln Park, Madison, Mendham, Norris Plains, and Mountain Lakes, in Morris County; townships of Little Falls and Wayne, the cities of Clifton, Passaic, Paterson, and the boroughs of Haledon, Hawthorne, North Haledon, Prospect Park, Totowa, and West Paterson, in Passaic County; townships of Allamuchy, Franklin, Greenwich, Hackettstown, Independence, Lopatcong, Mansfield, Phillippsburg, Pohatcong, and Washington, and boroughs of Alpha and Washington, in Warren County.

New York. Nassau County; and towns of Babylon and Huntington, in Suffolk County.

Pennsylvania. Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia; all of Berks County except the townships of Bethel, Jefferson, Upper Bern, and Upper Tulpehocken, and borough of Strausstown; townships of East Pennsboro, Hampden, Lower Allen, Middlesex, Monroe, Silver Spring, South Middleton, and Upper Allen, and boroughs of Camp Hill, Lemoyne, Mechanicsburg, Mount Holly Springs, New Cumberland, West Fairview, and Wormleysburg in Cumberland County; townships of Conewago, Derry, Londonderry, Lower Paxton, Lower Swatara, Susquehanna, and Swatara, the city of Harrisburg, and the boroughs of Highspire, Middletown, Paxtang, Penbrook, Royalton, and Steelton, in Dauphin County; all of Lebanon County except the townships of Bethel, Cold Spring, East Hanover, North Annville, North Lebanon, Swatara, Union, and West Lebanon, the city of Lebanon, and the boroughs of Cleona, Jonestown, and Lebanon; all of Lehigh County except the townships of Heidelberg and Washington, and borough of Slatington; all of Northampton County except the townships of Bushkill, Lehigh, Moore, Plainfield, Upper Mount Bethel, and Washington, and boroughs of Bangor, Chapman, East Bangor, Pen Argyl, Portland Roseto, Stockertown, Walnutport, and Wind Gap; and all of York County except the townships of Carroll, Dover, Franklin, Heidelberg, Manheim, Monaghan, Paradise, Penn, Warrington, Washington, and West Manheim, and boroughs of Dillsburg, Dover, Franklintown, Hanover, and Wellsville.

Virginia. Counties of Accomac, Arlington, and Northampton; magisterial district of Tanner's Creek, in Norfolk County; magisterial district of Kempsville, in Princess Anne County; and the city of Alexandria.

§ 301.48–4 *Regulated articles*—(a) *Movement from all regulated areas.* Unless exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine and except as hereinafter otherwise provided, the interstate movement of the following articles from regulated areas to points outside thereof is subject to the regulations in this subpart:

(1) Soil, compost, and decomposed manure of any kind moved independent of or in connection with nursery stock or any other articles or things, except that gravel, sand, greensand, marl, and clay originating from pits, mines, or deposits, and that compost, humus, and decomposed manure when dehydrated, ground, pulverized, or compressed, are exempt from the requirements of these regulations.

(2) Nursery stock.

(b) *Movement from heavily infested areas.* Unless exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine the interstate movement, either on direct billing, diversion, or reconsignment, from the heavily infested areas to points outside the regulated areas, of the products named in subparagraphs (1) and (2) of this paragraph, is subject to the regulations in this subpart each summer during the period of heavy flight of the beetle, the dates of the beginning and cessation of which shall be based on seasonal observation of the emergence and disappearance of the adult beetles and shall be as designated in administrative instructions by the Chief of the Bureau of Entomology and Plant Quarantine: *Provided*, That identical requirements shall also apply to the interstate movement of the products from the heavily infested areas to such isolated, lightly infested, regulated areas as may be designated from year to year in administrative instructions by the Chief of the Bureau of Entomology and Plant Quarantine when it has been determined by him that such areas should be so protected.

(1) Unprocessed, fresh, cut flowers when moved in bulk direct from the field or greenhouse where grown, or from a distributor.

(2) Fresh fruits and vegetables of all kinds when shipped by refrigerator car or motortruck only.

§ 301.48–5 *Conditions governing interstate movement of regulated articles*—(a) *Certification.* Except as provided herein, or in subsequent administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine, articles designated in § 301.48–4 shall not be moved interstate from the respective areas as specified therein (paragraphs (a) and (b)) to points outside the regulated areas, unless a certificate or permit shall have been issued therefor in compliance with the regulations in this subpart.

(b) *Safeguards against reinfestation.* Subsequent to certification, as provided in paragraph (a) of this section the regulated articles must be loaded, handled, and shipped under such protection and safeguards against reinfestation as are required by the inspector.

(c) *Marking.* Every container of articles, the interstate movement of which is subject to the regulations in this subpart, shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with the regulations in this subpart: *Provided*, That (1) in the case of lot freight shipments other than by road vehicle, a certificate attached to one of the containers and another certificate attached to the waybill will be sufficient, and carlot freight or express shipments, either in containers or in bulk, require a certificate attached to the waybill; (2) in the case of shipment by road vehicle, the certificate shall accompany the shipment and shall

be surrendered to the consignee upon delivery of the shipment.

(d) *Articles originating outside the regulated area.* No certificates are required for the interstate movement of regulated articles originating outside the regulated areas and moving through or reshipped from a regulated area, when the point of origin is clearly indicated, when the identity has been maintained, and when the articles are safeguarded against infestation while in the regulated areas.

§ 301.48–6 *Conditions governing the issuance of certificates and permits*—(a) *Certification of soil, compost, and decomposed manure.* Certificates may be issued for the interstate movement of these products under any one of the following conditions:

(1) When they have originated on noninfested premises, establishments, or areas. (See § 301.48–1 *Definitions.*)

(2) When, in the judgment of the inspector, they have been handled or processed in a manner to free them from infestation; or when the soil has been removed, under the observation of the inspector, from a depth of more than 12 inches below the surface of the ground.

(3) When the soil, compost, or decomposed manure has been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(b) *Certification of nursery stock.* Certificates may be issued for the interstate movement of nursery stock under any one of the following conditions:

(1) When the soil about the roots of the plants has been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(2) When the plants have been made soil-free.

(3) When the nursery stock originated on noninfested premises, establishments, or areas. (See § 301.48–1 *Definitions.*)

(4) When the nursery stock has been produced under protected conditions in greenhouses, potting beds, heeling-in areas, hotbeds, coldframes, and similar plots, in the infested area, in which the ventilators, doors, and all other openings have been kept screened to the inspector's satisfaction during such periods as he may designate.

However, in order to maintain an infestation-free status under subparagraphs (3) and (4) of this paragraph, the operator of the establishment must restrict all receipts of nursery stock and other regulated articles from points within the regulated areas to articles certified. The operator must report to the inspector the source of all nursery stock and other regulated articles received on such premises and must maintain a record, accessible to the inspector, of all shipments made to points outside the regulated areas. Premises will lose their infestation-free status if there are received thereon regulated articles from the regulated area which are not certified. Infestation-free establishments, together with their environs, will be inspected during the active adult season and their status determined on the basis of such inspections.

(c) *Certification of cut flowers.* Certificates may be issued for the interstate movement of regulated cut flowers from the heavily infested area to points outside the regulated areas, under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to adult beetle infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(d) *Certification of fruits and vegetables.* Certificates may be issued for the interstate movement by refrigerator car or motortruck of fresh fruits and vegetables originating or loaded in or reshipped from the heavily infested area to points outside the regulated areas under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to adult beetle infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been harvested, handled, graded, or processed in a manner, in the judgment of the inspector, to free them from infestation.

(4) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

However, under subparagraphs (1), (2), and (3) of this paragraph, the refrigerator cars or motortrucks used for transporting such fruits and vegetables shall be thoroughly swept, cleaned, or treated prior to loading.

(e) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles to specified destinations for processing or other handling. Persons shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Bureau of Entomology and Plant Quarantine to maintain such sanitation safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of regulated products and to the cleaning of cars, trucks, and other vehicles used in the transportation of such articles as may be required by the inspector.

§ 301.48–7 *Assembly of articles for inspection.* Persons intending to move interstate any of the regulated articles shall make application for inspection as far in advance as possible, and will be required to prepare, handle, and safeguard such articles from infestation, and to assemble them at such points as the inspector shall designate, placing them so that inspection may be readily made. All costs, including storage, transportation, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

§ 301.48–8 *Cancellation of certificates or permits.* Certificates or permits issued under these regulations may be withdrawn or canceled by the inspector and further certification refused whenever the further use of such certificates or permits might result in the dissemination of infestation.

§ 301.48–9 *Cleaning or treatment of trucks, wagons, cars, boats, and other vehicles and containers.* When in the judgment of the inspector a hazard of spread of infestation is presented, thorough cleaning or treatment of trucks, wagons, cars, boats, and other vehicles and containers may be required by the inspector before movement interstate to points outside of the regulated areas.

§ 301.48–10 *Inspection in transit.* Any car, vehicle, basket, box, or container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is controlled by the regulations in this subpart, shall be subject to inspection by an inspector at any time or place, and when actually found to involve danger of dissemination of Japanese beetles to noninfested localities, measures to eliminate infestation may be required by the inspector as a condition of further transportation or delivery.

§ 301.48–11 *Shipments for experimental and scientific purposes.* Articles subject to requirements of these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine.

As previously stated, the primary purpose of this revision of the regulations supplemental to the Japanese beetle quarantine is to add new territory to the regulated area. Another purpose is to permit the treatment of regulated articles by additional methods which are much more economical than those currently in use. Moreover, permitting a method to be used which is selected by an inspector on the basis of the special circumstances in each case will result in a more effective quarantine against the spread of the beetle. Prompt action on these changes is essential in order to anticipate the emergence of the beetles this year. Accordingly, it is found that compliance with the notice provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 238) is impracticable and contrary to the public interest. For the same reasons and for the further reason that the new methods of treatment will permit the relaxation of incidental restrictions heretofore found necessary, good cause is found for making the re-

vised regulations effective immediately upon publication in the FEDERAL REGISTER.

This revision shall be effective upon publication in the FEDERAL REGISTER, and thereupon shall supersede the quarantine regulations promulgated February 15, 1945, 7 CFR 1945 Supp. 301.48–1 et seq., as amended, March 13, 1946, 11 F. R. 2628.

Done at Washington, D. C., this 13th day of May 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912, as amended, provides that any person who shall violate any of the provisions of this quarantine or regulations pursuant thereto shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500, or by imprisonment not exceeding one year, or both such fine and imprisonment in the discretion of the court.

STATE AND FEDERAL INSPECTION

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations controlling intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, 503 Main Street, East Orange, N. J.

Subsidiary offices are maintained at the following locations:

Connecticut. Agricultural Experiment Station, 123 Huntington Street, New Haven 4, Conn.

Delaware. Bureau of Entomology and Plant Quarantine, Harrington, Del.

Maryland. 2 Sherwood Avenue, Pikesville 8, Md. Room 205, New Post Office Building, Main Street, Salisbury, Md.

Massachusetts. 144 Moody Street, Waltham 54, Mass.

New Jersey. Kotler Building, Main and High Streets, Glassboro, N. J. P. O. Box 1, Trenton 1, N. J., or 3179 South Broad Street, White Horse, N. J. 63 Addison Avenue, Rutherford, N. J.

New York. Room 840–A, 641 Washington Street, New York 14, N. Y. P. O. Box 1083 or 247 Clinton Avenue, Kingston, N. Y. P. O. Box 25, Huntington Sta., Long Island, N. Y.

Ohio. 21065 Euclid Avenue, Euclid 17, Ohio.

Pennsylvania. 6905 Torresdale Avenue, Philadelphia 35, Pa. P. O. Box 6604, North Side Post Office Building, Pittsburgh 12, Pa. P. O. Box 22, Lancaster, Pa.

Virginia. Room 284, Brokers' Exchange Building, 264 West Tazewell Street, Norfolk 10, Va. 505 W. Franklin Street or P. O. Box 5271, Richmond 20, Va.

Arrangements may be made for inspection and certification of shipments from the District of Columbia by calling Republic 4142, branch 2598, inspection house of the Bureau of Entomology and Plant Quarantine, 224 Twelfth Street SW., Washington 25, D. C.

GENERAL OFFICES OF STATES COOPERATING

Department of Entomology, Agricultural Experiment Station, New Haven 4, Conn.

Board of Agriculture, Dover, Del.

State horticulturist, Augusta, Maine.

State entomologist, University of Maryland, College Park, Md.

Division of Plant Pest Control and Fairs, Department of Agriculture, Statehouse, Boston 33, Mass.

Deputy Commissioner, Department of Agriculture, Durham, N. H.

Bureau of Plant Industry, Department of Agriculture, Trenton 8, N. J.

Bureau of Plant Industry, Department of Agriculture and Markets, Albany 1, N. Y.

Division of Plant Industry, Department of Agriculture, Columbus 15, Ohio.

Bureau of Plant Industry, Department of Agriculture, Harrisburg, Pa.

Division of Entomology and Plant Industry, Department of Agriculture and Conservation, Statehouse, Providence 2, R. I.

Division of Plant Pest Control, Department of Agriculture, Montpelier, Vt.

State entomologist, Department of Agriculture and Immigration, Richmond 19, Va.

State entomologist, Department of Agriculture, Charleston 5, W. Va.

[F. R. Doc. 47-4638; Filed, May 16, 1947; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 120]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.346 *Orange Regulation 120*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t. May 19, 1947, and ending at 12:01 a. m., e. s. t., June 2, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 15th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4695; Filed, May 16, 1947; 8:46 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

[Lemon Reg. 222]

LIMITATION OF SHIPMENTS

§ 953.329 *Lemon Regulation 222*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 18, 1947, and ending at 12:01 a. m., P. s. t., May 25, 1947, is hereby fixed at 450 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 221 (12 F. R. 3073) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 15th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4698; Filed, May 16, 1947; 8:46 a. m.]

[Grapefruit Reg. 46]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.307 *Grapefruit Regulation 46*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., p. s. t., May 18, 1947, and ending at 12:01 a. m., p. s. t., July 31, 1947, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, which grade lower than U. S. No. 2 grade, as such grades are defined in the revised United States Standards for Grapefruit (California and Arizona), 12 F. R. 1975; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States or in Canada, any such grapefruit (*a*) which are of a size smaller than $3^{3}/_{16}$ inches in diameter, or (*b*) which are of a size larger than $4^{14}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted, and a tolerance of 5 percent, by count, of grapefruit larger than such maximum size shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona): *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3^{3}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{10}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are larger than $4^{14}/_{16}$ inches in diameter such percentage shall be based only on the grapefruit in such lot which are of a size $4^{5}/_{16}$ inches in diameter and larger.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 14th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-4696; Filed, May 16, 1947; 8:46 a. m.]

[Orange Reg. 178]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.324 *Orange Regulation 178*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 18, 1947, and ending at 12:01 a. m., p. s. t., May 25, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, 700 carloads; (*b*) Prorate District No. 2, 1000 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, unlimited movement; and (*c*) Prorate District No. 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 15th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. May 18, 1947, to 12:01 a. m. May 25, 1947]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	.9941
A. F. G. Porterville	1.8124
Cooperative Citrus Association	.3416
Doffemyer, W. Todd	.3213
Elderwood Citrus Association	1.3616
Exeter Citrus Association	1.8456
Hillside Packing Corp	3.9188
Ivanhoe Mutual Orange Association	1.0871
Klink Citrus Association	4.1374
Lemon Cove Association	1.3329
Lindsay Citrus Growers Association	3.4192
Lindsay Coop. Citrus Association	2.3192
Lindsay District Orange Co	1.4121
Lindsay Fruit Association	2.5516
Lindsay Orange Growers Association	.6486
Orange Cove Citrus Association	3.1537
Orange Packing Co	1.9600
Orosi Foothill Citrus Association	1.1397
Paloma Citrus Fruit Association	.6047
Rocky Hill Citrus Association	2.7670
Sanger Citrus Association	2.5134
Sequoia Citrus Association	.7518
Stark Packing Corp	4.4302
Visalia Citrus Association	1.1161
Waddell & Sons	2.1734
Orland Orange Growers Association, Inc	.0000
Baird-Neece Corp	2.1577
Beattie Association, Agnes M	.0000
Grand View Heights Citrus Association	3.3376
Magnolia Citrus Association	1.7953
Richgrove-Jasmine Citrus Association	.9794
Sandilands Fruit Co	.3867
Strathmore Coop. Association	3.0182
Strathmore District Orange Association	2.1777
Strathmore Fruit Growers Association	2.0929
Strathmore Packing House	1.3074
Sunflower Packing Association	1.9807
Sunland Packing House	4.1298
Tule River Citrus Association	.9908
Jensen, M. N	1.6007
Krocils Brothers, Ltd	1.7355
Lindsay Mutual Groves	1.7192
Martin Ranch	.6714
Stivers Packing Co	1.1921
Woodlake Packing House	1.4293
Randolph Marketing Co., Porterville	1.7733
Abbate Co., The Chas	.4975
Anderson Packing Company	1.1760
Baker Brothers	.7486
Calif. Citrus Groves, Inc., Ltd	2.2279
Calif. Growers, Inc	.9640
Evans Brothers Packing Co	2.3493
Exeter Groves Packing Co	1.2116
Harding & Leggett	1.6467
Lo Bue Bros	.3107
Marks, W. & M	.0450
Reimers, Don H	.2057
Rooke Packing Co., B. G	3.4335
Snyder & Sons Co., W. A	.6143
Webb Packing Co	.4740
Wollenman Packing Co	.5987
Woodlake Heights Packing Corp	.9173

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.0587
A. F. G. Fullerton	.8430
A. F. G. Orange	.6313
A. F. G. Redlands	.2246
A. F. G. Riverside	.1558

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
A. F. G. San Juan Capistrano	0.9096
A. F. G. Santa Paula	.3784
Corona Plantation Co	.2586
Hazeltine Packing Co	.3641
Signal Fruit Association	.1003
Azusa Citrus Association	.4819
Azusa Orange Co., Inc	.1359
Damerel-Allison Co	.9324
Glendora Mutual Orange Association	.4064
Irwindale Citrus Association	.3706
Puente Mutual Citrus Association	.1955
Valencia Heights Orchards Association	.4156
Glendora Citrus Association	.4000
Glendora Heights Orange and Lemon Growers Association	.0941
Gold Buckle Association	.5616
La Verne Orange Association	.6730
Anaheim Citrus Fruit Association	1.2387
Anaheim Valencia Orange Association	1.2372
Badlington Fruit Co	1.8674
Fullerton Mutual Orange Association	1.3821
La Habra Citrus Association	1.1429
Orange County Valencia Association	.5652
Orangethorpe Citrus Association	.9936
Placentia Coop. Orange Association	.6958
Yorba Linda Citrus Association, The	.5394
Alta Loma Heights Citrus Association	.1038
Citrus Fruit Growers	.1886
Cucamonga Citrus Association	.1812
Etiwanda Citrus Fruit Association	.0416
Mountain View Fruit Association	.0123
Old Baldy Citrus Association	.1183
Rialto Heights Orange Growers	.0335
Upland Citrus Association	.4336
Upland Heights Orange Association	.1391
Consolidated Orange Growers	1.8590
Frances Citrus Association	1.1103
Garden Grove Citrus Association	1.3645
Goldenwest Citrus Association, The	1.3543
Irvine Valencia Growers	2.3070
Olive Heights Citrus Association	1.5991
Santa Ana-Tustin Mutual Citrus Association	.9501
Santiago Orange Growers Association	3.3145
Tustin Hills Citrus Association	1.6540
Villa Park Orchards Association, The	1.9265
Bradford Brothers, Inc	.6132
Placentia Mutual Orange Association	1.8122
Placentia Orange Growers Association	2.2030
Call Ranch	.0709
Corona Citrus Association	.4686
Jameson Co	.0402
Orange Heights Orange Association	.4032
Break & Son, Allen	.0605
Bryn Mawr Fruit Growers Association	.2766
Crafton Orange Growers Association	.3912
E. Highlands Citrus Association	.0850
Fontana Citrus Association	.1095
Highland Fruit Growers Association	.0502
Krinard Packing Co	.2787
Mission Citrus Association	.1417
Redlands Coop. Fruit Association	.4047
Redlands Heights Groves	.2560
Redlands Orange Growers Association	.3318
Redlands Orangedale Association	.2403
Redlands Select Groves	.1880
Rialto Citrus Association	.1725

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Rialto Orange Co	0.1484
Southern Citrus Association	.2939
United Citrus Growers	.1512
Zilen Citrus Co	.1051
Arlington Heights Fruit Co	.1098
Brown Estate, L. V. W	.1402
Gavilan Citrus Association	.1476
Hemet Mutual Groves	.1086
Highgrove Fruit Association	.0841
McDermont Fruit Co	.1759
Mentone Heights Association	.0616
Monte Vista Citrus Association	.2201
National Orange Co	.0437
Riverside Heights Orange Growers Association	.0909
Sierra Vista Packing Association	.0611
Victoria Avenue Citrus Association	.1792
Claremont Citrus Association	.1600
College Heights Orange and Lemon Association	.2409
El Camino Citrus Association	.0803
Indian Hill Citrus Association	.2025
Pomona Fruit Growers Exchange	.4299
Walnut Fruit Growers Exchange	.4026
West Ontario Citrus Association	.3906
El Cajon Valley Citrus Association	.3194
Escondido Orange Association	2.5659
San Dimas Orange Growers Association	.4880
Covina Citrus Association	.9599
Covina Orange Growers Association	.3939
Duarte-Monrovia Fruit Exchange	1.2167
Santa Barbara Orange Association	.0504
Ball & Tweedy Association	.7146
Canoga Citrus Association	.8534
N. Whittier Heights Citrus Association	.9257
San Fernando Fruit Growers Association	.4297
San Fernando Heights Orange Association	.9278
Sierra Madre-Lamanda Citrus Association	.3934
Camarillo Citrus Association	1.4636
Fillmore Citrus Association	3.4849
Mupu Citrus Association	2.5903
Ojai Orange Association	.9894
Piru Citrus Association	1.9620
Santa Paula Orange Association	1.0626
Tapo Citrus Association	1.1267
Limoneira Co	.4178
E. Whittier Citrus Association	.2897
El Ranchito Citrus Association	1.2243
Murphy Ranch Co	.5369
Rivera Citrus Association	.5340
Whittier Citrus Association	.6759
Whittier Select Citrus Association	.4591
Anaheim Cooperative Orange Association	1.1252
Bryn Mawr Mutual Orange Association	.0674
Chula Vista Mutual Lemon Association	.0898
Escondido Cooperative Citrus Association	.3277
Euclid Avenue Orange Association	.4323
Foothill Citrus Union, Inc	.0925
Fullerton Cooperative Orange Association	.3416
Garden Grove Orange Coop., Inc	.5113
Gledora Coop. Citrus Association	.0363
Golden Orange Groves, Inc	.2592
Highland Mutual Groves	.0873
Index Mutual Association	.2152
La Verne Coop. Citrus Association	1.3796
Olive Hillside Groves	.7173
Orange Coop. Citrus Association	1.0197
Redlands Foothill Groves	.4715
Redlands Mutual Orange Association	.1815
Riverside Citrus Association	.0708
Ventura County Orange and Lemon Association	.9129

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Whittier Mutual Orange and Lemon Association	0.1964
Babijuice Corp. of Calif	.5156
Banks Fruit Co	.3197
Banks, L. M	.5340
Borden Fruit Co	.5915
Calif. Fruit Distributors	.5514
Cherokee Citrus Co., Inc	.1452
Chess Company, Meyer W	.2729
El Modena Citrus, Inc	.8698
Escondido Avocado Growers	.0540
Evans Brothers Packing Co	.8141
Gold Banner Association	.2753
Granada Hills Packing Co	.0614
Granada Packing House	2.8592
Hill, Fred A	.0749
Inland Fruit Dealers	.0911
Mills, Edward	.1048
Orange Belt Fruit Distributors	1.8283
Panno Fruit Company, Carlo	.1621
Paramount Citrus Association	.3339
Placentia Orchards Co	.3924
Placentia Pioneer Valencia Growers Association	.6350
Riverside Growers, Inc	.1409
San Antonio Orchards Co	.5321
Santa Fe Groves Co	.0496
Snyder & Sons Co., W. A	1.1989
Stephens, T. F	.0855
Sunny Hills Ranch, Inc	.2436
Verity & Sons Co., R. H	.0326
Wall, E. T	.1155
Webb Packing Co	.2718
Western Fruit Growers, Inc., Anaheim	.0801
Western Fruit Growers, Inc., Redlands	.7526
Yorba Orange Growers Association	.6145

[F. R. Doc. 47-4697; Filed, May 16, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51676]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES FOR JEWELRY

In addition to all other information required by law or regulation, customs invoices for jewelry shall contain in respect of each style of article covered thereby the following information:

1. The design or motif.

2. The component material of chief value.

3. Whether or not the metal in the article is plated with platinum, gold, or silver, or is colored with gold lacquer.

This requirement shall be effective as to invoices certified after 30 days after the publication of this document in the weekly Treasury Decisions.

(Sec. 481 (a) (10), 46 Stat. 719; 19 U. S. C. 1481 (a) (10))

Section 8.13 (i), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.13 (i)), as redesignated by T. D. 51059, is hereby further amended by adding the following to the list of merchandise in connection with which additional information is required to be furnished on invoices and by placing opposite such addition the number and date of this Treasury decision:

Jewelry. (Secs. 481, 624, 46 Stat. 719, 759; 19 U. S. C. 1481, 1624)

[SEAL] FRANK DOW, *Acting Commissioner of Customs.*

Approved: May 12, 1947.

E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-4651; Filed, May 16, 1947; 8:51 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg. 5, as Amended Feb. 13, 1947, Amdt. 2]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Section 803.5, Housing Expediter Priorities Regulation 5, is amended in the following respects:

1. Amendment 1, dated April 22, 1947, is hereby revoked.

2. Wherever in this section (HEPR 5) the words "Civilian Production Administration" are used, they shall hereafter mean "Housing Expediter", except where a different meaning clearly appears from the context.

3. Wherever in this section (HEPR 5) the words "Area Rent Office of the Office of Temporary Controls (OPA)" or the words "OTC Area Rent Office" are used, they shall hereafter mean "Area Rent Office of the Office of Rent Control, Office of the Housing Expediter".

4. Paragraph (i) (1) is amended to read as follows:

(i) *Maximum sales prices and rents*—(1) *General.* The restrictions on sales prices and rents contained in this paragraph must be observed as long as this section remains in effect. They apply to sales prices and rents for dwellings of the kinds described below when built or converted under this section.

The restrictions on sale prices contained in this section do not apply to property being sold in the course of judicial or statutory proceedings in connection with foreclosures and do not prohibit any subsequent sale of such property at or below the amount of the sale price in such proceedings.

In the case of any dwelling unit provided by converting a structure in a Defense Rental Area established pursuant to the Emergency Price Control Act of 1942, as amended, the maximum rent specified in the application as approved is not the authorized amount at which the dwelling may be rented as the rents for converted units must be determined by the Office of Rent Control of the Office of the Housing Expediter.

Approval of a proposed sales price or rent under this section should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes.

For requirements on filing a rent registration form, see Rent Regulation for Housing (formerly issued by OPA and adopted by the Housing Expediter through the issuance of Rent Control Order 1).

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 16th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER, By JAMES V. SARCONE, *Authorizing Officer.*

[F. R. Doc. 47-4728; Filed, May 16, 1947; 12:10 p. m.]

[Housing,[1] Amdt. 115 (§ 821.1)]

PART 821—RENT REGULATIONS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942 AS AMENDED

HOUSING IN KNOXVILLE, TENN., AREA

The application of the Rent Regulation for Housing is terminated in a portion of the Knoxville Defense-Rental Area, and consequently, the said portion of the said area is decontrolled and Item 292 of Schedule A of the Rent Regulation for Housing is amended to read as follows:

(292) Knoxville	Tennessee Tennessee	Blount and Knox Anderson and Roane, except the portion consisting of the Clinton Engineering Works.	Mar. 1, 1942 do	Nov. 1, 1942 Aug. 1, 1943	Dec. 16, 1942 Sept. 15, 1943

This amendment shall become effective May 15, 1947.

(56 Stat. 23; 60 Stat. 664; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645)

Issued this 15th day of May 1947.

FRANK R. CREEDON, *Housing Expediter.*

[1] 11 F. R. 12055, 13028, 13309, 14013, 14189; 12 F. R. 229, 920, 1443, 1984, 2167, 2772, 2986.

Statement To Accompany Amendment 115 to the Rent Regulation for Housing, Amendment 107 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts

By these amendments the application of the rent regulations is terminated in a portion of the Knoxville Defense-Rental Area, consisting of the Clinton Engineer-

ing Works in the Counties of Anderson and Roane, Tennessee.

It is the judgment of the Housing Expediter, that these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-4715; Filed, May 15, 1947; 4:50 p. m.]

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts,[1] Amdt. 107 (§ 821.2)]

PART 821—RENT REGULATIONS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942 AS AMENDED

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS IN KNOXVILLE, TENN., AREA

The application of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts is terminated in a portion of the Knoxville Defense-Rental Area, and consequently, the said portion of the said area is decontrolled and Item 292 of Schedule A of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts is amended to read as follows:

(292) Knoxville	Tennessee Tennessee	Blount and Knox Anderson and Roane, except the portion consisting of the Clinton Engineering Works.	Mar. 1, 1942 do	Nov. 1, 1942 Aug. 1, 1943	Dec. 16, 1942 Sept. 15, 1943

This amendment shall become effective May 15, 1947.

(56 Stat. 23; 60 Stat. 664; EO 9809; 11 F. R. 14281; EO 9841, 12 F. R. 2645)

Issued this 15th day of May 1947.

FRANK R. CREEDON,
Housing Expediter.

Statement to Accompany Amendment 115 to the Rent Regulation For Housing, Amendment 107 to the Rent Regulation For Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts

By these amendments the application of the rent regulations is terminated in a portion of the Knoxville Defense-Rental Area, consisting of the Clinton Engineering Works in the Counties of Anderson and Roane, Tennessee.

It is the judgment of the Housing Expediter, that these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-4716; Filed, May 15, 1947; 4:50 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5561]

PART 323—SPECIAL TAXES WITH RESPECT TO COIN-OPERATED AMUSEMENT AND GAMING DEVICES, BOWLING ALLEYS, BILLIARD TABLES, AND POOL TABLES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 59 (1941 edition) (26 CFR, Part 323), relating to special taxes with respect to coin-operated amusement and gaming devices, bowling alleys, billiard tables and pool tables under the provisions of the Internal Revenue Code, to the Excise Tax Act of 1947 (Public Law 17, 80th Congress, 1st Session), approved March 11, 1947, such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding § 323.10 (26 CFR 323.10) there is inserted the following:

SEC. 3. EXCISE TAX ACT OF 1947.

Sections * * * 1655 (definition of "date of termination of hostilities in the present war") of such Code are hereby repealed.

PAR. 2. Immediately preceding § 323.30 (26 CFR 323.30), there is inserted the following:

[EXCISE TAX ACT OF 1947]

SEC. 2. Section 1650 of the International Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war."

SEC. 5. Section 302 (b) (2) of the Revenue Act of 1943 (period applicable to increase of tax with respect to billiard and pool tables and bowling alleys) is hereby amended by striking out ", and continuing through June 30 next following the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war (as defined in Chapter 9A of the Internal Revenue Code)".

PAR. 3. Section 323.32, as amended by Treasury Decision 5344, approved March 14, 1944 (26 CFR 323.32), is amended by striking out the first two sentences of the first paragraph and inserting in lieu thereof the following: "The rate of tax is $20 per year for each bowling alley, billiard table, or pool table operated by the taxpayer. Prior to July 1, 1944, the rate of tax was $10 per year for each such alley or table."

Because of the technical nature of the amendments made herein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon filing with the Division of the Federal Register.

(Sec. 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791))

[SEAL] JOSEPH D. NUNAN, JR.,
Commissioner of Internal Revenue.

Approved: May 14, 1947.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4660; Filed, May 16, 1947; 9:12 a. m.]

Subchapter F—Organization and Procedures

PART 600—ORGANIZATION

PART 601—PROCEDURE

MISCELLANEOUS AMENDMENTS

In F. R. Doc. 46-15357, appearing at page 177A-22, Part II, section 1, of the issue for September 11, 1946, the following amendments are made:

1. Paragraph (b) (2) (i) of § 600.1 *General organization, records, delegation of authority, and rules* is amended by adding at the end thereof a new paragraph reading as follows:

(e) *State liquor cases.* If the interests of the United States will not be jeopardized thereby, and if information will not be divulged contrary to section 4047 (a) (1), Internal Revenue Code, District Supervisors of the Alcohol Tax Unit may upon receipt of subpoenas or requests of State authorities, and at the expense of the State, authorize investigators and other employees under their supervision to attend trials and administrative hearings in liquor cases in which the State is a party, produce records and testify as to facts coming to their knowledge in their official capacities.

2. Paragraph (a) (3) of § 601.8 *Alcohol Tax Unit* is amended as follows:

[1] 11 F. R. 13032, 13056, 14013, 14187, 13305, 14571; 12 F. R. 395, 409, 2986.

(A) By inserting in the second paragraph thereof (Treasury Order No. 30), immediately after the reference "T. D. 5535, 11 F. R. 9993" as completed in 11 F. R. 10112, the following: "; T. D. 5550, 12 F. R. 1649".

(B) By inserting in the fourth paragraph thereof (Regulations 3) immediately after the reference "T. D. 5526, 11 F. R. 8631" the following: "; T. D. 5538, 11 F. R. 10268; T. D. 5544, 11 F. R. 10391; T. D. 5551, 12 F. R. 1649".

(C) By inserting in the fifth paragraph thereof (Regulations 4) immediately after the reference "26 CFR, 1944 Supp., Part 183" the following: "; T. D. 5529, 11 F. R. 8713".

(D) By inserting in the sixth paragraph thereof (Regulations 5) immediately after the reference "26 CFR, 1944 Supp., Part 184" the following: "; T. D. 5540, 11 F. R. 10269; T. D. 5543, 11 F. R. 10270".

(E) By inserting in the seventh paragraph thereof (Regulations 6) immediately after the reference "26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 188" the following: "; T. D. 5528, 11 F. R. 8716".

(F) By inserting in the ninth paragraph thereof (Regulations 10) immediately after the reference "26 CFR, 1944 Supp., Part 185" the following: "; T. D. 5527, 11 F. R. 8715".

(G) By inserting in the tenth paragraph thereof (Regulations 11) immediately after the reference "26 CFR, 1944 Supp., 1945 Supp., Part 189" the following: "; T. D. 5541, 11 F. R. 10275".

(H) By inserting in the twelfth paragraph thereof (Regulations 15) immediately after the reference "26 CFR, 1943 Supp., 1944 Supp., 1945 Supp., Part 190" the following: "; T. D. 5542, 11 F. R. 10277".

(I) By inserting in the nineteenth paragraph thereof (Regulations 23) immediately after the reference "26 CFR, Cum. Supp., Part 181" the following: "; T. D. 5537, 11 F. R. 10268".

(J) By inserting in the twenty-first paragraph thereof (Regulations 28) immediately after the reference "26 CFR, Cum Supp., Part 176" the following: "; T. D. 5539, 11 F. R. 10267".

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4659; Filed, May 16, 1947; 9:10 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1947 Dept. Cir. 418, Amdt. 3]

PART 309—ISSUE AND SALE OF TREASURY BILLS

PAYMENT OF ACCEPTED TENDERS

MAY 7, 1947.

Paragraph 11 of Department Circular No. 418, as amended, dated February 28, 1941 (31 CFR Cum. Supp. 309.11), is hereby amended to read as follows:

§ 309.11 *Tenders; payment of accepted tenders.* Settlement for accepted tenders in accordance with the bids must be made or completed at the appropriate Federal Reserve Bank in cash or other immediately available funds on or before the date specified, except that the Secretary of the Treasury, in his discretion, when inviting tenders for Treasury bills may provide: (a) that any qualified depositary may make such settlement by credit, on behalf of itself and its customers, up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District or (b) that such settlement may be made in maturing Treasury bills accepted in exchange. Whenever the Secretary provides for settlement in maturing Treasury bills, cash adjustments will be made for differences between the par value of the maturing bills and the issue price of the new bills.

(R. S. 161, 40 Stat. 290, 46 Stat. 19, 775, 49 Stat. 20, 50 Stat. 482; 5 U. S. C. 22, 31 U. S. C. 738a, 754)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4648; Filed, May 16, 1947; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 17, Amdt. 2]

PART 8317—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

War Assets Administration Regulation 17, August 21, 1946, as amended October 17, 1946, entitled "Stock Piling of Strategic and Critical Materials" (11 F. R. 9573, 12306), is hereby further amended in the following respects:

1. Whenever the text refers to the "Civilian Production Administration" it shall be changed to read "Civilian Production Administration or its successor, the Office of Materials Distribution of the Department of Commerce.

2. Section 8317.9 (b) is amended by redesignating it as paragraph (b) (1) and adding a new paragraph (b) (2) as follows:

(2) In the event that the War Department or the Navy Department is directed by the Reconstruction Finance Corporation not to report certain surplus strategic materials to the Reconstruction Finance Corporation as provided for in § 8317.5 of this part, those Departments in making sales (which they, as owning agencies, are otherwise authorized to make) of such exempt surplus materials shall be guided by the recommendations of the Office of Materials Distribution of the Department of Commerce as to the buyers and quantities in order to best satisfy the industrial deficiencies determined by the Civilian Production Administration or its successor pursuant to section 6 (a) of Public Law 520, 79th Congress.[1]

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); E. O. 9689 (11 F. R. 1265), and Pub. Law 520, 79th Cong., 2d Sess.)

This amendment shall become effective May 12, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MAY 12, 1947.

[F. R. Doc. 47-4726; Filed, May 16, 1947; 11:26 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION: VETERANS' CLAIMS

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 2:

§ 2.1000 *World Wars I and II.* No change in (a).

(b) World War II shall comprise the period from December 7, 1941, to twelve o'clock noon, December 31, 1946, both dates inclusive. (Section 9 (a), Public Law 144, 78th Congress.) (By virtue of § 35.012 of this chapter, as amended by Public Law 359, 77th Congress, disabilities incurred or aggravated in an enlistment or employment entered into after twelve o'clock noon, December 31, 1946, and suffered prior to the official termination of the war, are compensable at § 35.011 of this chapter, as amended, rates.) (59 Stat. 623, 60 Stat. 524) (57 Stat. 554, 58 Stat. 284, 38 U. S. C. 693, 727)

§ 2.1001 *Persons included in the acts in addition to commissioned officers and enlisted men.* No change in (a) to (d), inclusive.

(e) *Commissioned officers, Public Health Service.* Officers of the Public Health Service who were detailed for duty with the Army or Navy are included as officers in the active service. On or after November 11, 1943, commissioned officers of the Public Health Service, regular and reserve, who are (1) detailed for duty with the Army, Navy, or Coast Guard; (2) serving in time of war outside the continental limits of the United States or in Alaska, regardless of whether the disability or death was suffered prior or subsequent to November 11, 1943; *Provided, however,* That benefits may not be awarded for any period prior to November 11, 1943; or (3) who perform active service in time of war and following the issuance of an Executive order declaring the commissioned corps of the Public Health Service a part of the military forces of the United States, are also included. In regard to subparagraph (3) of this paragraph, the Executive order was published on June 29, 1945, effective July 29, 1945; hence, on and after the latter date and for the duration of World

[1] 60 Stat. 596; 50 U. S. C., Sec. 98-98 f; Sup. V, Sec. 98e.

War II the above-described commissioned officers of the Public Health Service, with respect to active service performed, shall be considered as in active military or naval service and included within the acts administered by the Veterans' Administration. (Section 212, Public Law 410, 78th Congress; Executive Order No. 9575) (57 Stat. 587, 42 U. S. C. Supp. 3, sec. 1 (g)–(j))

No change in (f) to (j), inclusive.

(k) *Members of training camps authorized by law.* Members of training camps authorized by section 54 of the National Defense Act, are included. Members of the National Guard ordered to active duty for training are not, under section 112 of the National Defense Act of June 3, 1916, as amended June 15, 1933, entitled to compensation. Reserve officers and members of the enlisted reserves of the United States Army, Navy, or Marine Corps, ordered to active duty, including duty for training, are entitled to compensation under Public No. 159, 75th Congress. However, such benefits shall not be payable prior to the date of claim or June 23, 1937, whichever is the later. Reserve personnel of the Navy and Marine Corps suffering disability while on active duty for training purposes, are compensable after June 30, 1925, and prior to June 23, 1937, under the United States Employees Compensation Act. From and after June 23, 1937, such personnel have an election between United States employees compensation and compensation under Public No. 159, 75th Congress. In the event an Army reservist is or becomes eligible for the benefits of the United States Employees Compensation Act (Pub. No. 179, 76th Cong., approved July 15, 1939, and Pub. No. 747, 76th Cong., approved July 18, 1940), and is also eligible for, or is in receipt of compensation based upon military service, he shall elect which benefit to receive. On or after April 3, 1939, all officers, warrant officers, and enlisted men of the Army of the United States, other than the officers and enlisted men of the regular Army, if called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days, and who suffer disability in line of duty from disease or injury incurred while so employed shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by section 5, Public No. 18, 76th Congress. Reserve Officers who may have a right to benefits under section 5, Public No. 18, 76th Congress, for disability incurred prior to July 15, 1939, who filed claim within one year from July 18, 1940, have an election under Public No. 747, 76th Congress, but reserve officers who are entitled to benefits under section 5, Public No. 18, 76th Congress, for disability incurred on or subsequent to July 15, 1939, do not have such an election. On and after September 26, 1941, reserve officers, Army of the United States, who were called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days on or subsequent to February 28, 1925, other than for service with the Civilian Conservation Corps, and who are now disabled from disease or injury contracted or received in line of duty while so employed, shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by Public Law 262, 77th Congress. (Pub. Law 262, 77th Cong.; Pub. No. 747, 76th Cong.)

(l) *Cadets and midshipmen.* Cadets and midshipmen suffering from disabilities incurred in the line of duty while assigned to duties constituting war service, which includes practice cruises at sea but excludes practice maneuvers at West Point, during the period of one of the hostilities enumerated in § 35.01 of this chapter, as amended, are entitled to compensation for such disability at the rate provided in § 35.011 of this chapter, as amended, if otherwise entitled. Cadets and midshipmen who are disabled by reason of a wound or injury received or a disease contracted while pursuing the prescribed course of instruction at the academies and in line of duty are entitled to compensation at the rate prescribed in § 35.012 of this chapter, if otherwise entitled. Midshipmen assigned to practice cruises or cadets or midshipmen otherwise actually assigned to active duty for a total of at least ninety days during a period of hostilities enumerated in § 35.01 of this chapter, as amended, who are now suffering from a disability permanent and total in degree, but which is not connected with any period of service, are entitled to a pension at the rate prescribed in § 35.013 of this chapter, if otherwise entitled. (A. D. 227, 242.) Service as a cadet at the United States Military Academy or as a midshipman at the United States Naval Academy or as a cadet at the United States Coast Guard Academy on or after December 7, 1941, and before twelve o'clock noon, December 31, 1946, shall be considered active military or naval service in World War II for the purposes of laws administered by the Veterans Administration. (Sec. 10, Pub. Law 144, 78th Cong., A. D. 735) (57 Stat. 554–560, 38 U. S. C. 730)

No change in (m) or (n).

(o) *Commissioned officers of the Coast and Geodetic Survey.* Pursuant to section 2, Public Law 786, 77th Congress, commissioned officers of the Coast and Geodetic Survey who are assigned, (1) during the period of World War II to duty on projects for the War Department or the Navy Department in areas outside the continental United States or in Alaska, or (2) in coastal areas of the United States, determined by the War or Navy Department to be of immediate hazard, shall while on such duty be considered as performing active military or naval service: *Provided*, (3) commissioned officers of the Coast and Geodetic Survey serving in the Philippine Islands on December 7, 1941, will be considered as in the active military or naval service from and including that date: *Provided*, That compensation under this act may not be awarded concurrently with United States employees compensation: *And provided further*, That benefits may not be awarded prior to December 3, 1942. (60 Stat. 524)

No change in (p) or (q).

New paragraphs (r), (s), (t), (u), (v), (w), (x) and (y) are added, as follows:

(r) *Coast Guard.* Personnel of the United States Coast Guard who served on or after January 28, 1915. (Acts of July 2, 1930, and July 18, 1941.) (*Provided*, That no award of disability compensation under Public Law 182, 77th Congress, to former personnel of the United States Coast Guard who served on or after January 28, 1915, and prior to July 2, 1930, shall be effective prior to the date of receipt on or after July 18, 1941, of an acceptable application, formal or informal, as required in disability claims generally.)

(s) Personnel of the National Guard or the National Guard of the United States, while in the active service of the United States.

(t) Pay clerks in the Navy. (7 P. D. 595)

(u) Paymaster clerks while serving under a commission from the Secretary of War. (19 P. D. 149.)

(v) Members of the Naval Academy Band on and after April 12, 1910.

(w) Men inducted for training and service under Public No. 783, 76th Congress. (Sec. 3 (d) Pub. No. 783, 76th Cong.)

(x) *Public No. 140, 73d Congress.* Any officer (including warrant and reserve officers) or enlisted man who served according to the provisions of that act and during the period specified therein.

(y) Paymaster clerks in the Marine Corps. (A. D. 654.) (46 Stat. 847, 57 Stat. 371; 38 U. S. C. 238; U. S. C. A. Appendix 1551)

§ 2.1002 *Persons not included in the acts—(a) Cadets and Cadet Engineers, Coast Guard.* Cadets at the Coast Guard Academy and Cadet Engineers in the Coast Guard who were not assigned to active service are not included unless they served as cadets at the Coast Guard Academy on or after December 7, 1941, and before twelve o'clock noon, December 31, 1946. (A. D. 735.) (See § 2.1001 (l).) (57 Stat. 554; 38 U. S. C. 730)

No change in (b) to (g), inclusive.

A new paragraph (h) is added, as follows:

(h) *Temporary members of the Coast Guard Reserve.* Members of such Reserve are not within the purview of the laws governing the Veterans' Administration. (A. D. 699.)

§ 2.1003 *Jurisdiction of adjudication division.* Within the jurisdiction of field adjudication activities, the adjudication division in each regional office or center, under the direction of an adjudication officer, will be responsible for the preparation and adjudication of claims for disability compensation or pension and determining, upon proper request, service connection for the condition or conditions for which out-patient treatment only is requested; for determining whether the character of discharge is a bar to benefits, including benefits under Titles II, III, and V of Public Law 346, 78th Congress, as amended, and hospital treatment, domiciliary care, and outpatient treatment for service-connected disabilities under Public No. 2, 73d Congress, as amended, and in doubtful cases; for the furnishing of technical information, through correspondence or otherwise, to veterans or their representatives in explanation of action taken upon individual claims, and the carrying out of such duties in relation to the foregoing and adjudication matters, general or otherwise, as may be properly assigned by central office or the branch office. (58 Stat. 284, 38 U. S. C. 693)

§ 2.1004 *Jurisdiction of authorization unit.* The authorization unit will have jurisdiction over the determination of basic eligibility for monetary benefits in claims under the jurisdiction of the field office; the development of claims in conformity with established Veterans' Administration policy; the adjudication of all claims upon completion of rating action; the maintenance of such follow-up procedure as may be required (this does not apply to follow-up of requested physical examinations); the development and certification of appeals; the certification, upon proper request, of data for consideration in determining eligibility for domiciliary care or hospital or outpatient treatment; the determination whether the character of discharge is a bar to benefits including benefits under Titles II, III and V of Public Law 346, 78th Congress, as amended, and hospital treatment, domiciliary care, and outpatient treatment for service-connected disabilities, under Public No. 2, 73d Congress, as amended, in doubtful cases; the furnishing of technical information, through correspondence or otherwise, to veterans or their representatives in explanation of action taken upon individual claims, and the carrying out of such duties in relation to the foregoing and adjudication matters, general or otherwise, as may be properly assigned by central office or the branch office. (58 Stat. 284, 38 U. S. C. 693)

§ 2.1005 *Jurisdiction of rating board.* (a) The rating boards are vested with authority to determine questions of service connection of disability flowing from diseases and injuries (including such determinations for purposes of Public Law 346, 78th Congress, as amended), in cases in which the jurisdiction is temporarily or permanently vested in the field office concerned; to determine the necessity for, type of, sufficiency of, and appropriate date of examinations and re-examinations, including hospitalization for observation, for rating purposes; to determine and to evaluate the disability resulting from each and from all such diseases and injuries and to determine whether any such disease or injury is due to the willful misconduct or misconduct of the veteran; to determine the competency or incompetency of claimants in proper cases; to determine whether the veteran was insane at time of commission of offense resulting in discharge otherwise precluding entitlement to benefits; to determine whether children of veterans are insane, idiotic or otherwise helpless by reason of mental or physical condition; to determine entitlement under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress, and under § 35.017 (d) of this chapter, as amended.

(b) The rating boards will have original jurisdiction to rate claims involving disability compensation or pension under the jurisdiction of the field office.

No change in (c).

(d) In the event of a dissenting opinion by a rating specialist or a member of the central disability board, no payment will be made based upon the decision, until it has been authoritatively determined whether an appeal will be taken. If appeal from any decision is taken by any of the officials designated in § 30.9807 of this chapter, no change in payments, based on the decision appealed from, will be made until a decision is rendered by the board of veterans appeals and the case file is returned to the appropriate activity.

(e) If it is decided that an appeal is to be taken by one of the officials designated in § 30.9807 of this chapter, the claimant or his representative will be promptly informed concerning the question at issue and concerning his right of appearance or representation before the rating board or the board of veterans appeals. As provided by Veterans' Administration adjudication procedure, the formal hearing in the field office will be in lieu of a formal hearing before the board of veterans appeals, except in the unusual case when a special appearance by the veteran or his representative before the board of veterans appeals may be considered necessary. The hearing will not be accepted to serve as a basis for reversal of the majority decision, but such action as may be indicated will be taken where new and material evidence is submitted or where the further development of evidence would appear to be advisable on information submitted by or in behalf of the claimant. A transcribed record of the hearing will be filed. If, upon being informed of the administrative appeal, the claimant or his representative elects to present additional evidence or argument in support of the administrative appeal, such election will be deemed to be an appeal, and the two appeals will be merged and considered in accordance with the provisions of § 3.1328 of this chapter. (58 Stat. 284, 38 U. S. C. 693)

§ 2.1006 *Decisions to conform to existing laws, regulations, and defined policies.* All decisions will conform strictly to the laws, regulations, Administrator's Decisions and defined policies as enunciated by the Administrator. All opinions of the solicitor which constitute a precedent are embodied either in Administrator's Decisions or opinions which are approved by the Administrator. Conclusions reached in individual cases are frequently influenced by peculiar facts or local statutes and, consequently, will not be followed as precedents. However, where it is apparent beyond question that the situation is identical, such conclusions may be followed as a matter of consistency in the adjudication of claims under the law or regulations applicable.

§ 2.1007 *Information on all decisions to be furnished to veterans.* The claimant will, in all cases in which he appears personally before a rating board, be informed by the board of the decision reached and the reason therefor. The claimant will also be advised upon completion of adjudicative action based upon the decision, of the provisions thereof; and his entitlement, or nonentitlement thereunder and of his right of appeal, and of the time within which appeal must be taken. While failure to receive written notice of right to, and time for, appeal will not extend the time for filing appeal, it will not preclude an administrative review in a meritorious case upon a proper authorization. Claims which involve this provision will be forwarded with a summary of the facts and a recommendation by the adjudication officer or assistant adjudication officer, in field cases, to the director, claims service, branch office, or, in central office cases, by the chief or assistant chief of the division concerned to the director, veterans claims service, or the director, dependents and beneficiaries claims service, depending upon the subject matter, for appropriate action.

§ 2.1009 *Revision of rating board decisions.* (a) No rating board will reverse or amend, except upon new and material evidence, a decision rendered by the same or any other rating board, or by any appellate authority, except where such reversal or amendment is clearly warranted by a change in law or by a specific change in interpretation thereof specifically provided for in a Veterans' Administration issue: *Provided*, That a rating board may reverse or amend a decision by the same or any other rating board where such reversal or amendment is obviously warranted by a clear and unmistakable error shown by the evidence in file at the time the prior decision was rendered, but in each such case there shall be attached to each copy of the rating a signed statement by the rating board definitely fixing the responsibility for the erroneous decision. (See also § 3.1201 of this chapter.) Where the severance of service connection is considered warranted on the facts of record, see paragraph (d) of this section.

(b) Whenever a rating board may be of the opinion that a revision or an amendment of a previous decision is warranted on the facts of record in the case at the time the decision in question was rendered, a difference of opinion being involved rather than a finding of clear and unmistakable error, the complete file will be forwarded to the director, claims service, branch office, accompanied by a complete and comprehensive statement of the facts in the case and a detailed explanation of the matters supporting the conclusion that a revision or amendment of the prior decision is in order. All cases in which differences of opinion on the same factual basis involves a rating agency in central office.

or exists between rating agencies in different branch office territories, will be submitted directly by the director, claims service, branch office, to the assistant administrator for claims, attention of the director, veterans claims service. A rating decision will not be effected in any such case pending the return of the case file following branch or central office consideration. The effective date of the rating authorizing benefits in such cases will be the date of administrative determination, except where otherwise provided.

(c) Determinations in effect on March 19, 1933, will not be reversed in those cases comprehended within the provisions of sections 27 and 28, Public No. 141, 73d Congress, except as provided in these sections. These cases, therefore, will not be referred to the branch office, under paragraph (b) of this section upon a difference of opinion. In the event clear and unmistakable error is discovered the rating board will take action as provided in paragraph (a) of this section.

(d) Authority to sever service connection upon the basis of clear and unmistakable error (the burden of proof being upon the Government), even in those instances where veterans are pursuing courses of vocational rehabilitation training under § 35.017 of this chapter, as amended, is vested in regional offices and centers. Service connection will not be severed in any case on a change of diagnosis in the absence of the certification hereinafter provided. Accordingly, in reports of examinations submitted for rating purposes, where a change in diagnosis of a service-connected disability is made, the examining physician or physicians, or other proper medical authority, will be required to certify, in the light of all accumulated medical evidence, that the prior diagnosis on which service connection was predicated, was not correct. This certification will be accompanied by a summary of the facts, findings and reasons supporting the conclusion reached. When the examining physician or physicians, or other proper medical authority, are unable to make the certification provided herein, service connection will be continued by the rating agency. Where this certification is made, the case will be carefully considered by the rating agency and in the event it is determined in consideration of all the accumulated evidence that service connection should be continued, a decision to that effect will be rendered, citing this regulation as authority. If, in the light of all the accumulated evidence, it is determined that service connection may not be maintained, it will be severed. The claimant will be immediately notified in writing of the contemplated action and the detailed reasons therefor and will be given a reasonable period, not to exceed sixty days from the date on which such notice is mailed to his last address of record, for the presentation of additional evidence pertinent to the question. This procedure is for application except (1) in case of fraud; (2) in case of a change in law; (3) in case of a change of interpretation of law specifically provided in a Veterans' Administration issue; or (4) where the evidence establishes the service connection to be clearly illegal. (See Veterans' Administration adjudication procedure.)

No change in (e).

§ 2.1011 *Adjudication of applications of veterans residing without the continental limits of the United States.* Applications for disability compensation or pension received from veterans who reside outside the continental limits of the United States, with the exception of the Territory of Alaska, Hawaii, Puerto Rico, or the Republic of the Philippines, will be adjudicated in the claims division, veterans claims service, central office. Accordingly, these applications will be forwarded to central office. This provision does not apply to transients inasmuch as residence beyond the continental limits of the United States must be satisfactorily established. However, such residence will be presumed if three consecutive monthly checks are received at the same address. (§ 35.10 of this chapter.)

§ 2.1012 *Adjudication of applications of employee-claimants.* Applications for disability compensation or pension, presented by veterans in the employ of the Veterans' Administration will be adjudicated in the claims division, veterans claims service, central office. Accordingly, all such applications will be transferred by field offices to central office when an employee-claimant in either the classified or unclassified service or a member-employee has been continuously employed for ninety days provided that no adjudication is necessary during such period. If any adjudication is necessary in the case of an employee-claimant during the ninety-day period, such claim will be transferred to central office immediately. (See Veterans' Administration general procedure.)

§ 2.1013 *Adjudication of applications of veterans residing in Washington, D. C.* Applications for disability compensation or pension, submitted by veterans residing in Washington, D. C., other than in the United States Soldiers Home, will be adjudicated in the regional office, Washington, D. C.

A new section, § 2.1014, is added, as follows:

§ 2.1014 *Public No. 140, 73d Congress (Aerial transportation of mail).* Compensation at the rates provided by § 35.011 of this chapter is payable to any officer (including warrant and reserve officers), or any enlisted man or his dependents where injury or death occurs while serving pursuant to the provisions of Public No. 140, 73d Congress. In the event of injury of any such officer or enlisted man the degree of disability resulting therefrom will be evaluated in accordance with the applicable Schedule for Rating Disabilities promulgated pursuant to Public No. 2, 73d Congress. The officer or enlisted man may elect to receive either the compensation under § 35.011 of this chapter or the benefits provided by section 5 of Public No. 140, 73d Congress.

§ 2.1023 *Jurisdiction in death cases.* [Canceled April 23, 1947.]

§ 2.1024 *Delegation of authority to certain employees.* (a) All adjudication officers, assistant adjudication officers, authorization officers, employees designated to act as authorization officers, attorney reviewers, employees designated to act as attorney reviewers, and claims reimbursement authorizers, are hereby delegated authority to make findings and decisions thereon under the applicable laws, regulations, precedents and instructions, as to rights of claimants to benefits under all laws administered by the Veterans' Administration governing the payment of monetary benefits to veterans and their dependents.

No change in (b) or (c).

§ 2.1026 *Application for benefits.* (a) A properly completed and executed Form 526, 526a or 526b, upon receipt by the Veterans' Administration, constitutes an application for benefits indicated below and will be adjudicated under the applicable laws:

Form 526. Veteran's Application for Compensation for Disability Resulting from Service in the Active Military or Naval Forces of the United States.

Form 526a. Application for Compensation under section 31, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and section 2, paragraph 4, Public Law 16, 78th Congress.

Form 526b. Veteran's Application for Pension for Disability not the Result of Service in the Active Military or Naval Forces of the United States.

Under Executive Order No. 6017, February 7, 1933, appearing in Title 22, page 161, Code of Federal Regulations of the United States of America, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration and therefore a formal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative. (58 Stat. 284; 38 U. S. C. 693)

No change in (b).

(60 Stat. 524) (54 Stat. 1197, 57 Stat. 44, 554–560; 38 U. S. C. 501a)

§ 2.1027 *Informal claims.* Any communication from or action by a claimant or his duly authorized representative, which clearly indicates an intent to apply for disability or death compensation or pension may be considered an informal claim. When an informal claim is received and a formal application is forwarded for execution by the claimant, such application shall be considered as evidence necessary to complete the initial application, and unless a formal application is received within one year from the date it was transmitted for execution by the claimant no award shall be made by virtue of such informal claim. If received within one year in such instances, it will be considered filed as of the date of receipt of the informal claim by the Veterans' Administration. However, a communication received from a service organization, pension attorney, or pension agent may not be accepted as an informal claim, if a power of attorney was not executed at the time the communication was written. In cases not covered by this rule, where the probability of an informal claim appears to be indicated, but the facts are too obscure or complicated for determination, the file will be referred to the director, claims service, branch office concerned for decision upon the facts in the particular case. When benefits are being resumed under § 3.1299 of this chapter, and an informal claim has been filed for a disability incurred or aggravated in the second period of service, the requirements of the second and third sentences of this paragraph are not for application. Under Executive Order No. 6017, February 7, 1933, appearing in Title 22, page 161, Code of Federal Regulations of the United States of America, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration and therefore an informal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative. (54 Stat. 1196, 1197, 57 Stat. 554–560, 58 Stat. 284; 38 U. S. C. 501a–703b, 38 U. S. C. 693)

§ 2.1032 *Evidence required from a foreign country and release of original documents from files of the Veterans' Administration for authentication.* (a) Where authentication is required or an affidavit or document is executed by or before an official in a foreign country, other than documents submitted through and approved by the Deputy Minister of Veterans' Affairs, Department of Veterans' Affairs, Ottawa, Canada, the signature of that official must be authenticated either (1) by a United States consular officer in that jurisdiction, or (2) by the Department of State. Affidavits or other documents emanating from foreign countries or jurisdictions where the United States has no consular representative may be authenticated in one of the following manners:

(1) *By a consular agent of a friendly government.* The signature and seal of the official of that country may be authenticated by a diplomatic or consular officer of a friendly government stationed in that country, whereupon the signature and seal of the official of the friendly government may be authenticated by the Department of State as provided below.

(2) *By the nearest American consul.* The document may be forwarded to the nearest American consul who will attach a certificate showing the result of his investigation concerning its authenticity, and such certificate, if favorable, will be accepted by the Veterans' Administration; *Provided*, That such authentication shall not be required when: (i) It is indicated that the attesting officer is authorized to administer oaths for general purposes and the paper bears his signature and seal; (ii) the document is executed before a Veterans' Administration employee authorized to administer oaths as provided by § 2.1030 (b), located in a foreign country; (iii) a copy of a public or church record from any foreign country purports to establish birth, marriage, divorce or death; *Provided*, It bears the signature and seal of the custodian of such record and there is no other evidence in the file which would serve to create doubt as to the correctness of the information shown on the record.

(b) When documents received require authentication, they will be forwarded to the Department of State through the head of the activity concerned in central office, and subsequently through the office of foreign relations service, for the purpose of authentication. The Department of State will be informed that any expense which may accrue incident to the authentication must be borne by the claimant. The name and address of the person submitting the document and information as to the purpose for which it is to be used will be furnished. (In compliance with the recommendation of the State Department, the use of the word "visaed" in connection with papers submitted in proof of claims will be avoided as it is often misunderstood by the applicants in whose minds the word is associated with visas granted immigrants.)

When a document which requires authentication is transmitted to the Veterans' Administration by the embassy or legation of a foreign country it will be returned, if not properly authenticated, through the head of the activity concerned in central office, and subsequently through the office of foreign relations service, to such embassy or legation for authentication and for submittal through the Department of State for further authentication. Documents emanating from China or Japan will not be returned direct to the embassies of these countries for authentication. The documents will be forwarded to the Department of State, through the office of foreign relations service, with a request for proper authentication by that Department.

A new paragraph (c) is added as follows:

(c) Where it is indicated that evidence from a foreign country to establish relationship, age or death would not be accessible to the claimant and evidence of record tends to establish the facts in issue, the case file, together with a complete statement of facts, will be submitted to the director of claims in a branch office, or the director, veterans claims service, or director, dependents and beneficiaries claims service, in central office, whichever is appropriate, with a recommendation that a finding of relationship, age, or death be made.

§ 2.1033 *Value of service records for evidence of discharge.* For the purpose of securing authoritative information in regard to discharge, with the view to making pension or compensation payments, if merited, the possession by the Veterans' Administration of any one of the following documents will furnish proof of such discharge and will be accepted by the Veterans' Administration at face value as credible evidence. An actual certificate of discharge; an authoritative notice from the Adjutant General's Office or from the Navy Department as to the facts of such discharge; or lastly, any copy or abstract of the certificate of discharge which has been certified by a notary public or any other person who has the authority under law to administer oaths. In any case in which such evidence or a photostat of the certificate of discharge is received, it will be accepted as authoritative proof of the data shown therein, for the purpose of making awards of disability or death benefits. These data need not be verified where they alone are sufficient to determine entitlement to disability or death compensation or pension benefits, unless there is some reason to question the genuineness of the document or accuracy of the information contained therein. This does not preclude the securing of additional information which may not be disclosed on the certificate of discharge or copy.

§ 2.1046 *Evidence to establish age or relationship.* Age or relationship for the purpose of payment of any benefits under any law administered by the Veterans' Administration should be established by one of the following types of evidence in the following order of preference: *Provided*, That if the name of the person appearing on the copy of a record is not the same as that appearing on the records of the Veterans' Administration, an affidavit will be required identifying the person having the changed name as the person whose name appears in the record:

(a) A certified copy or abstract of the public record of birth or a certified copy of the church record of baptism, the certification to be made by the custodian of such records. A public birth record established more than four years after the birth shall be accepted as proof of age or relationship provided it is not inconsistent with material of record with the Veterans' Administration, or if it shows on its face that it is based upon evidence which would itself be acceptable under any of the other paragraphs of this section. A record of baptism performed more than four years after birth shall not be accepted as proof of age or relationship unless it is consistent with material of record with the Veterans' Administration, which shall include at least one reference to age or relationship made at a time when such reference was not essential to establishing title to the benefit being claimed.

No change in (b) to (f), inclusive.

A new section, 2.1047, is added, as follows:

§ 2.1047 *Claims where age is material.* (a) In claims for pension where the age of the veteran is material and his statements of age agree with that shown at enlistment by official records, such statements may be accepted. If his statements do not agree with the service department report, the youngest age will be accepted, subject to the submission of acceptable evidence as outlined in § 2.1046.

(b) Where it is necessary to disallow an original claim due to lack of attainment of the minimum age, the claimant should be notified of his right to file a supplemental claim after reaching a pensionable age.

A new section, § 2.1056, is added, as follows:

§ 2.1056 *Contact with other Government departments through central office.* Whenever procurement of information involves forwarding a request to another Government department, other than the service departments, State headquarters and draft boards of the Selective Service System of the various States, Railroad Retirement Board and Civil Service Commission, communication will be made through the proper activity in central office. No certification is required for copies of records requested from other Federal agencies. However, copies of official records submitted to the Veterans' Administration as evidence in connection with any claim and obtained from other than the above sources must be duly certified under the official seal of the custodian of the records.

§ 2.1059 *Active service under Public No. 2, 73d Congress.* No change in (a).

(b) Service for ninety days or more, required by § 35.011 (a) (3) of this chapter, and service for six months or more, required by § 35.012 (a) (2) of this chapter, will mean continuous, active service, as defined in paragraph (a) of this section, during one or more enlistment periods. For the purpose of § 35.011 of this chapter such active service must have been during an enlistment or enlistments shown to have begun prior to the termination of a service period specified by § 35.011 of this chapter. The service requirements in claims for pension for disabilities not the result of service are defined in § 35.013 (a) (4) of this chapter and § 35.01 (c) of this chapter, as modified by Public No. 344, 74th Congress. A veteran in active service on April 6, 1917, who was discharged therefrom without serving ninety days during the World War as defined by existing regulations, will be given, if otherwise in order, the benefit of the provisions of § 35.011 (a) (3) of this chapter, if he had ninety days continuous service. (A. D. 247) (57 Stat. 554)

§ 2.1063 *Service connection, sound condition at the time of entrance into service, aggravation and natural progress under Public No. 2, 73d Congress, as amended, §§ 35.011 and 35.012 of this chapter.* No change in (a) to (h), inclusive.

(i) Under § 35.011 (a) (1), (2) and (4) of this chapter, as amended July 13, 1943, injury or disease, apart from misconduct disease, noted prior to service or shown by clear and unmistakable evidence, including medical facts and principles, to have had inception prior to enlistment will be conceded to have been aggravated where such disability underwent an increase in severity during service unless such increase in severity is shown by clear and unmistakable evidence, including medical facts and principles, to have been due to the natural progress of the disease. Aggravation of a disability noted prior to service or shown by clear and unmistakable evidence, including medical facts and principles, to have had inception prior to enlistment may not be conceded where the disability underwent no increase in severity during service on the basis of all the evidence of record pertaining to the manifestations of such disability prior to, during and subsequent to service. (Subject to the limitations of section 105, Public Law 346, 78th Congress, as amended.) Sudden pathological developments involving pre-existing diseases such as hemoptysis, spontaneous pneumothorax perforation of gastro-duodenal ulcer, coronary occulsion or thrombosis, cardiac decompensation, cerebral hemorrhage, and active recurrent rheumatic fever occurring in service establish aggravation unless it is shown by clear and unmistakable evidence that there was no increase in severity during service. Recurrences, acute episodes, symptomatic fluctuations, descriptive variations and diagnostic evaluations of a preservice injury or disease during service or at the time of discharge are not to be construed as establishing increase of disability in the absence of sudden pathological development or advancement of the basic chronic pathology during active service such as to establish increase of pre-existing disability during service. The usual effects of medical and surgical treatment in service, having the effect of ameliorating disease or other conditions incurred before enlistment, including post-operative scars, absent or poorly functioning parts or organs, will not be considered service-connected unless the disease or injury is service-connected, i. e., aggravated by service otherwise than by the usual effects of treatment. In many cases a blind eye has been enucleated during service either for improvement of the veteran's general appearance or to prevent the spread of infection to the other eye. It will be borne in mind that the degree of disability resulting from enucleations may be no greater than that due to undeveloped atrophied, scarred or discolored eyes and eyes affected by active pathology at the time of enlistment. In such cases, keeping in mind section 9 (b), Public Law 144, 78th Congress, service connection for the condition causing the enucleation is not in order unless the eye condition was aggravated by service. Unless in such cases service connection or aggravation for the eye condition is established, there can be no entitlement to the special monthly compensation for the loss of the eye. The mere fact of enucleation will not establish aggravation. Service connection will depend on whether the cause of enucleation is considered as service-incurred or aggravated. In determining aggravation by service due regard will be given the places, types and circumstances of the veteran's service and particular consideration will be accorded combat duty and other hardships of his service. The development of symptomatic manifestations of a pre-existing injury or disease during or proximately following action with the enemy or following a status as a prisoner of war will establish aggravation. (Sec. 1, 48 Stat. 8, 57 Stat. 554–560, 38 U. S. C. 701, chapter 12 note)

No change in (j) or (k).

§ 2.1064 *Character of discharge under Public No. 2, 73d Congress, as amended, and under Public Law 346, 78th Congress.* No change in (a) to (c), inclusive.

(d) An undesirable or blue discharge issued because of homosexual acts or tendencies generally will be considered as under dishonorable conditions and a bar to entitlement under Public No. 2, 73d Congress, as amended, and Public Law 346, 78th Congress, as amended. However, the facts in a particular case may warrant a different conclusion, in which event the case should be submitted to the director, claims service, branch office, for attention and consideration. (As to the effect of alienage see § 2.1001 (j).) (58 Stat. 284, 38 U. S. C. 693)

§ 2.1065 *Wilful misconduct.* No change in (a).

(b) (1) Pension shall not be payable under § 35.013 of this chapter, as amended, for any disability due to the claimant's own wilful misconduct or vicious habits. In the construction of the term "vicious habits" the words "vicious" and "habits" must be taken together and so taken, a corrupt or immoral act is not a vicious habit if it is not repeated to such an extent as to become a regular and fixed mode of action; a single incident, however vicious, is not a vicious habit. (Sec. 4, 48 Stat. 9, 58 Stat 752; 38 U. S. C. 704)

No change in (2).

No change in (c) or (d).

§ 2.1066 *"Line of duty" under §§ 35.011 and 35.012 of this chapter as amended.* (a) Sections 35.011 and 35.012 of this chapter, require that a disabling condition for which compensation is claimed, shall have been incurred in line of duty, except in cases where a right to compensation is preserved by § 35.04 of this chapter. The records of service departments will be accepted in determining line of duty status of diseases and injuries, unless considerations set forth in § 35.10 (h) of this chapter, as amended by Public Law 439, 78th Congress, and the legal presumption of the various laws, may warrant a different finding. Any evidence which is properly admissible or acceptable according to the practice of the Veterans' Administration, and which is of a nature competent to demonstrate that the incurrence of disability was or was not in line of duty, according to conditions specified in § 35.10 (h) of this chapter, as amended by Public Law 439, 78th Congress, may be used as a basis for adjudications, despite any official military or naval record with respect to manner of incurrence. These determinations will be made by the officials of the Veterans' Administration charged with the responsibility of deciding claims for monetary or other benefits in the administration of laws in which line of duty is a factor. For the purpose of ascertaining line of duty status for periods of time prior to June 16, 1938, continuous periods of leave will be considered as one extended leave in determining whether a leave of absence is of such duration as to interfere materially with the routine performance of duty. The provisions of § 35.10 (h) of this chapter, as amended by Public Law 439, 78th Congress, will be observed carefully in effecting all adjudication where a question of incurrence of disease or injury in line of duty is pertinent; *Provided*, That on or after June 16, 1938, the date of approval of Public No. 648, 75th Congress, the fact that the injury was suffered or the disease was contracted while the person on whose account benefits are claimed was on authorized leave (irrespective of the duration of such leave) will not of itself bar a finding that the disability or death resulting therefrom was incurred in line of duty. In cases in which a determination is required as to whether disability was incurred while "avoiding duty by * * * absenting himself without leave materially interfering with the performance of military duties," consideration is to be given to the evidence, including the report of the Service Department, as to the fact and extent of interference with performance of duty. Generally, it is to be concluded that material interference does not result from brief absence for a period during which no specific duty assignment was made or would have been made if the person had not been absent without leave, unless a specific duty assignment was avoided by absence without leave.

(b) Whenever the veterans claims service, the dependents and beneficiaries claims service, or the insurance service has made a determination of the question of line of duty status for the purpose of compensation, pension or insurance, under the provisions of §§ 2.1066 and 4.2046 of this chapter, such determination shall be binding upon any of these services for any of the purposes mentioned, unless it be clearly and unmistakably in error. This determination shall not be subject to question by reason of a difference of opinion, except as to whether such determination is clearly and unmistakably erroneous, in which case such question shall in field cases be referred to the deputy administrator, branch office, and in central office cases, to the executive assistant administrator, for his personal determination. (60 Stat. 524) (Sec. 1, 48 Stat. 8, 58 Stat. 752; 38 U. S. C. 701)

§ 2.1069 *Forfeiture.* No change in (a).

(b) *Prior forfeiture bars payments under Public No. 2 73d Congress, as amended.* By reason of section 11, Public No. 2, 73d Congress, and paragraph 2, section 14, of the Act of August 9, 1921, a claimant whose rights were forfeited under section 504, World War Veterans' Act, is not entitled to benefits under Public No. 2, 73d Congress, as amended. However, when disability compensation based upon service-connected disability has been forfeited by a veteran because of submission of false or fraudulent evidence, compensation payable except for the forfeiture, from and after date of suspension of payments to the veteran, shall be paid to his wife, child or children, and/or dependent parents, such payments not to exceed the amount payable in case such veteran had died from such service-connected disability. Payment in such case may not be made for any period prior to October 17, 1940, as provided in section 9, of Public No. 866, 76th Congress. No compensation shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed. Where payments were suspended prior to October 17, 1940, because of forfeiture, a claim, which may be informal, for benefits under section 9, Public No. 866, 76th Congress, will be necessary. In those cases where payments are suspended on or subsequent to October 17, 1940, because of forfeiture of rights by a veteran because of submission of false or fraudulent evidence, action to determine the rights of the veteran's dependents of record will be taken without the requirement of an application by the veteran's wife, child or children, and/or dependent parents.

(c) *No forfeiture of pensions for violation of hospital rules.* Pension or compensation benefits are not subject to deductions because of violations of hospital rules. (A. D. 253) (80 Stat. 524)

No change in (d).

(54 Stat. 1196; 38 U. S. C. 555a–715a)

(R. S. 471, sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 2, 11, 11a, 426, 707)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

MAY 13, 1947.

[F. R. Doc. 47-4856; Filed, May 16, 1947; 9:12 a. m.]

PART 25—MEDICAL

CLAIMS AND FEES

The following amendments are made to Part 25:

§ 25.6140 *Adjudication of claims.* (a) Claims for reimbursement or payment of expenses of medical services obtained without prior authorization of the Veterans' Administration as hereinafter comprehended, will be adjudicated in the office of the branch medical director except in cases under the jurisdiction of central office which will be adjudicated in the office of the chief medical director.

(b) Chief medical officers of regional offices and centers with regional office activities upon receiving such claims will be required to develop them as hereinafter instructed (§ 25.6148 (a) and (b)), before forwarding them to the office of the branch medical director or the chief medical director, central office. Claims for services rendered in foreign countries will be developed in the out-patient administration division, central office.

A new paragraph (c) is added, and former paragraph (c) is renumbered (d), as follows:

(c) Claims not exceeding $500 in amount will be reviewed and approved or disapproved by the chief or assistant chief of the out-patient division of each branch office or by the chief or assistant chief of the out-patient administration division, office of the chief medical director, central office. If the claim exceeds $500 in amount the recommendation for approval will be submitted by the chief or assistant chief, out-patient division in the branch office, to the branch medical director or by the assistant medical director for auxiliary services, central office, to the chief medical director or his designate.

(d) Appeals-Claims, as defined in § 25.6141 will be subject to one review after an adverse decision, upon appeal to the Administrator. Appeals must be entered within one year from the date of notification to the claimant or his representative of the original adverse decision and the claimant or representative will be so advised. No claim that had been finally denied prior to March 20, 1933, will be reopened or reconsidered. A claim will be deemed to have been finally denied when (1) Original adjudication or appellate action was taken adversely, and proper appeal was not entered prior to March 20, 1933, or within one year from the date on which the claimant was notified of the adverse action, whichever is the later date; or (2) when the claim was finally denied on appeal prior to March 20, 1933 (Pub. Law 307, 74th Cong., 49 Stat. 724).

§ 25.6141 *Classes of claims comprehended.* Claims for reimbursement of or payment for medical treatment (including the necessary travel incidental thereto) obtained without prior authorization from the Veterans' Administration, except as provided in paragraphs (d) and (e) of this section will be considered under the following conditions:

No change in paragraphs (a) and (b).

(c) As to unauthorized treatment rendered subsequent to March 19, 1933, the eligibility criteria defined in paragraphs (b) (1), (2), and (3) of this section will apply; and, in addition, it must be shown by a decision of an adjudicative agency that the disability from the disease or injury for which treatment had been rendered was service-connected, or determined by the medical officers designated in § 25.6140 (c) as aggravating such service-connected disability.

No change in paragraphs (d) and (e).

§ 25.6145 *Statement to support claims*—(a) *Nursing services.* To support a claim for unauthorized medical service when a nurse had been employed, a statement will be required from the attending physician showing necessity for such nurse, and whether she was a registered graduate or a so-called "practical nurse." When for any good reason, it is not practicable to procure such statements and in the judgment of the physician reviewing the claim as prescribed in § 25.6140 (c) the need for a nurse is sufficiently established, the latter may so certify. Payment for service of a "practical nurse" will be allowed only in the exceptional cases wherein a registered graduate nurse could not be engaged.

(b) *Room and board.* Where in claims for services rendered prior to May 15, 1947, the fee charged for room and board exceeds $3 per diem, the excess will not be allowed unless there is submitted a statement from the attending physician or superintendent of the hospital concerned that the veteran's condition demanded the use of a semi-private or private room, or in the judgment of the reviewing physician the necessity therefor is sufficiently established

by the evidence of record, in which event fees of $4.00 and $5.00, respectively, may be allowed. However, this provision will not prohibit approval of a fee exceeding $5.00 in exceptional and meritorious cases.

(c) *Visits made outside of a city or town.* All claims involving additional fees for visits made outside of a town or city limits prior to May 15, 1947, should show the time consumed by the physician in actual travel as required by the Schedule of Fees, Veterans' Administration in effect at the time such services were rendered.

(d) *Prescriptions, drugs and laboratory services.* When reimbursement is claimed for prescriptions, copies of the prescriptions must be supplied, or in lieu thereof, when it is impossible to obtain the prescriptions, an itemized statement from the druggist showing the kind and quantity of medicines furnished may be accepted. All bills for drugs and laboratory services must be fully itemized. No lump sum charges are allowable.

§ 25.6146 *Allowable fees.* (a) In the adjudication of claims for unauthorized medical treatment rendered prior to May 15, 1947, the Schedule of Fees, Veterans Administration, will govern as to allowance for items except as provided in § 25.6141 (e). If the schedule of fees in effect at the time the treatment was rendered did not provide a fee for the particular service, the schedule in effect at the time the claim is being considered will be applied. If the particular service is not covered by the schedule in effect, a fee not in excess of what is reasonable and customarily charged in the community concerned, may be allowed.

(b) In the adjudication of claims for unauthorized medical treatment rendered subsequent to May 15, 1947, fees charged for services may be allowed provided they are considered reasonable and not in excess of those customarily charged the general public for similar services in the locality where rendered. Claims for accommodations in a semi-private or private room must be supported by a statement from the attending physician or superintendent of the hospital concerned that the veteran's condition demanded the use of a private or semi-private room, unless in the judgment of the reviewing physician the necessity therefor is established by the evidence of record.

§ 25.6148 *Development of claims.* (a) Guided by the controlling provisions of §§ 25.6140 to 25.6148, inclusive, the chief, out-patient administration division, central office; the chief medical officer, regional offices and the physician in charge of regional office medical activities at centers or their physician designate will advise claimants whether they have or have not prima facie eligibility to reimbursement or payment of unauthorized medical expenses. If the claim is patently inadmissible (e. g., if made for treatment of a nonservice-connected disability, etc.) the claimant will be so advised and the claim will not be developed. But if the basic facts indicate prima facie eligibility, the employees aforementioned will instruct the claimant as to the submission of VA Form 10–583, if not originally filed and all the supporting exhibits. After these have been checked as satisfactory they will be forwarded with the claimant's files (claims and medical treatment) to the branch office of jurisdiction or to central office if it has been determined that the case is under the jurisdiction of that office, for adjudication. In claims comprehended under § 25.6141 (e) a resume of the pertinent evidence of record will suffice in lieu of the files.

(b) Formal application for reimbursement or payment of unauthorized medical services will be made on VA Form 10–583, Claim for Cost of Unauthorized Medical services. This form will be executed by each creditor who has rendered service for which payment has not been received; or by each person who has paid, from his personal funds, the cost of the unauthorized medical treatment. The claim must be supported by completely itemized bills or statements of account. When a claim is presented by a creditor, it is further required that a statement be supplied, signed by the patient or his representative, certifying to the amounts due and unpaid.

(c) All claims other than those patently inadmissible will be briefed by the claims examiner (medical) in central office and branch offices prior to their submittal, with supporting exhibits and the beneficiaries' files to the employees defined in § 25.6140 (c) for approval or disapproval. The brief will contain a complete description of the claim, all pertinent facts explanatory of the data required in VA Form 10–608, Public Voucher, and an explanation of the audit of the amounts claimed and amounts allowable.

(d) Upon approval of claims an award will be prepared on adjudication VA Form 10–608, Public Voucher, in quadruplicate. The original VA Form 10–608 will be signed in the spaces provided by the claims examiner (medical) as "medical claims adjudicator" and the employee designated in § 25.6140 (c) acting in the capacity of medical claims authorizer. The original (VA Form 10–608) and two copies (VA Form 10–608a) will be forwarded to the branch director of finance service for certification for payment in branch office cases or to the office of the assistant administrator for finance if central office has jurisdiction. In view of such certification surety bonds will not be required for medical claims authorizers. The remaining copy (VA Form 10–608a), VA Form 10–583, the approved brief of facts, all bills, supporting exhibits and correspondence will be filed in the case file. The payee and all interested persons will be fully informed of the action taken.

No change in paragraph (e).

(Sec. 1, 44 Stat. 826, secs. 1–4, 45 Stat. 947, 948, secs. 1–3, 46 Stat. 496, secs. 6, 7, 1, 29, 48 Stat. 9, 301, 525, 49 Stat. 724, 729; 38 U. S. C. and Sup. 483a, 612, 621, 622, 662, 664, 706, 707)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army.
Administrator of Veterans' Affairs.

MAY 15, 1947.

[F. R. Doc. 47–4655; Filed, May 16, 1947; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2319]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO REGIONAL ADMINISTRATORS

The following text is added to Part 4:

§ 4.290 *Revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon.* The Regional Administrator of Region I may approve notices of hearings and he or any employee of the Region designated by him may hold public hearings on master units and their appurtenant marketing areas, and on sustained-yield forest units and cooperative agreements for sustained-yield forest units, which comprise parts of revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, and lands in private ownership or controlled by other public agencies, under authority of the act of August 28, 1937, 50 Stat. 874.

(R. S. 161; U. S. C. 22; Reorganization Plan No. 3 of 1946)

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 9, 1947.

[F. R. Doc. 47–4657; Filed, May 16, 1947; 9:11 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For addition to the list of delegations of authority contained in §§ 50.75 to 50.81, inclusive, see Part 4 of this title, *supra*, delegating to the Regional Administrator of Region I certain functions regarding revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART O—ORGANIZATION AND ASSIGNMENT OF WORK

MATTERS RESERVED TO COMMISSION FOR INITIAL DECISION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 12th day of May A. D. 1947.

There being under consideration the provisions of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237), and particularly sections 2 to 9, inclusive, and sections 11 and 12 thereof; also those provisions of sections 17 and 205 of the Interstate Commerce Act (49 U. S. C. 17, 305), as amended, which require certain types of proceedings to be determined on the record after opportunity for hearing,

The Commission hereby finds and determines that the general rule hereinafter set out concerning the assignment of its work is necessary and proper in order that the Commission shall be enabled to conduct its proceedings, and particularly those that are required to be determined on the record after opportunity for a hearing in such manner as will best conduce to the proper dispatch of business and to the ends of justice; and that such general rule is requisite for the order and regulation of proceedings before the Commission, or assigned or referred to an individual Commissioner, or a board, or an examiner, as authorized by section 17 of the Interstate Commerce Act (49 U. S. C. 17), namely: *It is ordered*, That:

The order of the Commission as to assignment of work, entered June 8, 1942, pursuant to the provisions of section 17 of the Interstate Commerce Act (49 U. S. C. 17), as amended, codified as 49 CFR, Cum. Supp., Part O, is further amended by adding thereto, codified as § 0.4a, the following additional provision namely:

§ 0.4a *Matters reserved to the Commission for initial decision under sections 7 and 8, Administrative Procedure Act.* All proceedings of the character in which, by provisions of the Administrative Procedure Act (60 Stat. 237), a hearing is required to be conducted in conformity with section 7, and a decision to be made as provided in section 8 of that act, shall be and are reserved to the Commission for initial decision, and for such purpose of initial decision may be assigned to a division, individual Commissioner, or board, as provided in section 17 of the Interstate Commerce Act (49 U. S. C. 17), by the general order of the Commission as to assignment of work, business, or functions. The following are excepted from the foregoing reservation: (a) Proceedings required by section 205 of the Interstate Commerce Act (49 U. S. C. 305) to be submitted to joint boards; and (b) specific cases, or classes of cases, as to which the Commission may order exemption from the operation of this general rule. For the purpose of such initial decision, the record in a proceeding so reserved shall be considered as certified to the Commission for initial decision when received by the Secretary of the Commission for filing in the docket. Such certification shall not be construed as relieving the officer from the necessity of submitting such recommended, tentative, or other type of report (consistent with the requirements of the Administrative Procedure Act) as the Commission shall previously have directed him to prepare in the proceeding. In individual proceedings involving rule-making as defined in section 2 (c) of the Administrative Procedure Act, and in determining applications for initial licenses, the Commission, or the division, individual Commissioner, or board, or examiner, to which or whom a particular proceeding may have been assigned under section 17 of the Interstate Commerce Act (49 U. S. C. 17), will, as warranted by the second sentence of section 2 (a) of the Administrative Procedure Act (60 Stat. 237), determine (c) whether there shall be a tentative decision by the Commission, or by a division, individual Commissioner, or board, or examiner, to whom the proceeding may be referred or assigned, or (d) whether there shall be a recommended decision by designated responsible officers of the Commission; and (e) in any case the Commission, or the division, Commissioner, or board, may find upon the record that due and timely execution of the functions of the Commission imperatively and unavoidably requires that a tentative or recommended decision be omitted in that case.

Effective date. The foregoing amendment and general rule shall become effective June 10, 1947, upon publication thereof in the FEDERAL REGISTER, and shall apply to all proceedings, initiated after that date, of a character subject to the application of sections 7, 8, and 11 of the Administrative Procedure Act (60 Stat. 237).

(24 Stat. 385, 25 Stat. 861, 40 Stat. 270, 41 Stat. 492, 493, 47 Stat. 1368, 54 Stat. 913; 49 U. S. C. 17)

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47–4647; Filed, May 16, 1947; 8:51 a. m.]

[S. O. 648–A]

PART 95—CAR SERVICE

PERMIT REQUIRED FOR BULK GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of May A. D. 1947.

Upon further consideration of Service Order No. 648 (11 F. R. 14171), as amended (11 F. R. 14245, 14523; 12 F. R. 754, 1168, 1420, 1518), and good cause appearing therefor: It is ordered, that:

Service Order No. 648 (codified as 49 CFR § 95.648), *Permit required for bulk grain*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., May 25, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418; 41 Stat. 476, 485, secs. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47–4646; Filed, May 16, 1947; 8:51 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 6]

[192–33, 41, 7.31]

HAVRE-HILL COUNTY AIRPORT, HAVRE, MONT., JOHN G. HINDE AIRPORT, SANDUSKY, OHIO, AND WATERTOWN MUNICIPAL AIRPORT, WATERTOWN, N. Y.

NOTICE OF PROPOSED REDESIGNATIONS AS AIRPORTS OF ENTRY WITHOUT TIME LIMIT

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to redesignate effective June 1, 1947, the Havre-Hill County Airport, Havre, Montana; the John G. Hinde Airport, Sandusky, Ohio; and the Watertown Municipal Airport, Watertown, New York, as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the said act (49 U. S. C. 179 (b)), without time limit.

It is further proposed to amend the list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12), to include the locations and names of these airports, and to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, by deleting the locations, names, and dates and periods of designations of the airports involved,

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed redesignations of the above-mentioned airports as airports of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

MAY 12, 1947.

[F. R. Doc. 47–4650; Filed, May 16, 1947; 8:51 a. m.]

[19 CFR, Part 6]

[192–33.32]

CUT BANK AIRPORT, CUT BANK, MONT.

NOTICE OF PROPOSED REDESIGNATION AS TEMPORARY AIRPORT OF ENTRY FOR ONE YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup. 177 (b)), it is proposed to redesignate the Cut Bank Airport, Cut Bank, Montana, as a temporary airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such redesignation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed redesignation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

MAY 12, 1947.

[F. R. Doc. 47–4652; Filed, May 16, 1947; 8:45 a. m.]

[19 CFR, Part 6]

DINNER KEY SEAPLANE BASE, MIAMI, FLA.

NOTICE OF PROPOSED REVOCATION OF DESIGNATION OF AS AIRPORT OF ENTRY

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to revoke the designation of the Dinner Key Seaplane Base, Miami, Florida, as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States; and it is further proposed to amend the list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12) as amended, by deleting the location and name of said airport of entry.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed revocation of the designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

MAY 12, 1947.

[F. R. Doc. 47–4649; Filed, May 16, 1947; 8:51 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 7544, Amdt.]

MRS. BERTHA BENGRAF

In re: Obligation owing to Mrs. Bertha Bengraf.

Vesting Order 7544, dated September 5, 1946, is hereby amended as follows and not otherwise:

By deleting the property description in its entirety from subparagraph 2 of said Vesting Order 7544 and substituting therefor the following:

That certain debt or other obligation evidenced by One (1) Lexington Avenue & 42nd Street Corporation Second Mortgage Leasehold Cumulative 2% Income Bond, due September 1, 1945 and extended to September 1, 1970, of $1,000.00 face value, bearing the number M234, and registered in the name of Mrs. Bertha Bengraf, and any and all rights to demand, enforce and collect the aforesaid debt, together with any and all rights under the "Plan of Reorganization", approved June 26, 1946, of the aforementioned Lexington Avenue & 42nd Street Corporation,

All other provisions of said Vesting Order 7544 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–4670; Filed, May 16, 1947; 9:11 a. m.]

[Vesting Order 8802]

JOHN KLEINSORG

In re: Estate of John Kleinsorg, deceased. File D–28–9572; E. T. sec. 13160.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Voussem and Joseph Voussem, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $4,685.25 was paid to the Attorney General of the United States by Rev. Alfonso B. Slivinski, Executor of the Estate of John Kleinsorg, deceased;

3. That the said sum of $4,685.25 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on February 24, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–4661; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8803]

ALBERT FUGEDI

In re: Estate of Albert Fugedi, deceased. File D–34–892; E. T. sec. 14949.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Fugedi, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That the sum of $70.67 was paid to the Attorney General of the United States by Samuel Sanders, Administrator of the Estate of Albert Fugedi, deceased;

3. That the said sum of $70.67 was property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Hungary);

4. That the said sum of $70.67 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Samuel Sanders, Administrator of the Estate of Albert Fugedi, acting under the judicial supervision of the Probate Court of Summit County, Ohio;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on February 5, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–4662; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8872]

CONRAD BRAUN

In re: Estate of Conrad Braun, deceased. File No. D–28–11089; E. T. sec. 15536.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matthaus Braun, also known as Mathaus Braun, Anna Lotz, Karl Braun, Anton Braun, Elfrieda Braun, Louise Braun Vaupel, George Braun, Henrich Braun, Peter Braun, Martha Braun, Gretchen Braun Hartmann, Elizabeth Braun, Anna Horchler, sister of Testator, Conrad Horchler, Edward Horchler, Anna Horchler, niece of Testator, Marie Horchler Diesenroth, Martha Braun Junghon, Oscar Braun and Kurt Braun, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children of William Braun, deceased, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the estate of Conrad Braun, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Martha Dietel and Adam Dietel, as executors, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the Children of William Braun, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–4663; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8899]

HENRY BUTTMANN

In re: Stock owned by Henry Buttmann, also known as Henrich Buttmann, and as Henry Buttman. F–28–828–A–1, F–28–828–D–1, F–28–828–D–2, F–28–828–D–3, F–28–828–D–4, F–28–828–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Buttmann, also known as Henrich Buttmann, and as Henry Buttman, whose last known address is Elmshorn, Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twelve (12) shares of $6.00 cumulative convertible prior preferred capital stock of Armour and Company, 316 South La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by a certificate numbered TCP0677, registered in the name of Henry Buttmann, together with all declared and unpaid dividends thereon,

b. Fifty-two (52) shares of no par value capital stock of The Ohio Match Company, 74 Trinity Place, New York 6, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered F1556, dated July 31, 1936, registered in the name of Henry Buttman, together with all declared and unpaid dividends thereon,

c. Thirty (30) shares of no par value common capital stock of 208 South La Salle Street Corporation, 208 South La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 1905, registered in the name of Henrich Buttmann, together with all declared and unpaid dividends thereon, including particularly but not limited to those quarterly dividend checks arising out of dividends declared on the aforementioned stock and presently in the custody of the City National Bank and Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, and

d. Five (5) shares of $50.00 par value preferred participation capital stock of Consumers Company of Illinois (now Consumers Company), 228 North La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 1901, registered in the name of Henry Buttmann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4664; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8904]

MOLSEN AND CO.

In re: Debt owing to Molsen & Company. F-28-24839-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Molsen & Company, the last known address of which is Bremen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Molsen & Company, by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, in the amount of $50,549.79, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4665; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8907]

MARGARETE VON SCHIERBRAND RITZLER

In re: Stock owned by Margarete von Schierbrand Ritzler. F-28-14093-A-2, F-28-14093-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete von Schierbrand Ritzler, whose last known address is Katauser Strasse 41 (15), Erfurt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Nineteen (19) shares of $100 par value 5% Cumulative Preferred capital stock of St. Joseph Railway, Light, Heat & Power Co. (now known as St. Joseph Light & Power Company, 520 Francis Street, St. Joseph 2, Missouri), a corporation organized under the laws of the State of Missouri, evidenced by Certificate Numbered BS1311, dated November 16, 1938, and registered in the name of Margarete von Schierbrand Ritzler, which certificate is presently in the possession of Henry C. Hart, 1138 Hospital Trust Building, Providence 3, Rhode Island, together with all declared and unpaid dividends thereon, and any and all rights of redemption thereunder,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4666; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8909]

FRAU HELENE VON SCHIERHOLZ

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Frau Helene Von Schierholz, deceased. D-28-1903-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Frau Helene Von Schierholz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York 15, N. Y., in the amount of $298.63, as of December 31, 1945, evidenced by Secretary's Check #T-259504, issued February 10, 1940 by City Bank Farmers Trust Company, drawn to the order of Deutsche Bank, A/C Frau Helene Von Schierholz, Filiale Mannheim-Mannheim Baden, Germany, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Frau Helene Von Schierholz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4614; Filed, May 15, 1947; 8:57 a. m.]

[Vesting Order 8910]

ELISABETH H. VON SCHIMPFF

In re: Debts owing to and bank account, stock and bonds owned by Elisabeth H. Von Schimpff, also known as Elizabeth H. Schimpff. F-28-4641-A-1, F-28-4641-D-1, F-28-4641-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth H. Von Schimpff, also known as Elizabeth H. Schimpff, whose last known address is 3 Flotow Strasse, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Commercial Trust Company of New Jersey, 15 Exchange Place, Jersey City, New Jersey, arising out of a savings account, Account Number 17673, entitled H. Maxima Von Brandt and Elizabeth H. Schimpff, and any all rights to demand, enforce and collect the same.

b. All those debts or other obligations owing to Elisabeth H. Von Schimpff, also known as Elizabeth H. Schimpff, by Old Colony Trust Company, One Federal Street, Boston 6, Massachusetts, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. Four (4) Missouri Pacific R. R. Co., First & Refunding Mortgage Bonds, Series F 5%, due March 1, 1977, of $1,000.00 face value each, bearing the numbers 58428, 58429, 58078 and 85616, and presently in the custody of Old Colony Trust Company, One Federal Street, Boston 6, Massachusetts, together with any and all rights thereunder and thereto, and

d. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Arey & Company, and presently in the custody of Old Colony Trust Company, One Federal Street, Boston 6, Massachusetts, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elisabeth H. Von Schimpff, also known as Elizabeth H. Schimpff, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuer	State of incorporation	Certificate No.	Number of shares	Par value	Type of stock
Seaboard Air Line R.R. Co., 120 Wall St., New York, N. Y.	Virginia	TVC5152	100	No	Voting trust.
		TVC5153	100	No	Do.
		TVC5154	100	No	Do.
		TVC5155	100	No	Do.
		TVC5156	100	No	Do.
American Power & Light Co., 2 Rector St., New York, N. Y.	Maine	215621	100	No	Common.
		215622	100	No	Do.
		215623	100	No	Do.
		215624	100	No	Do.
		215625	100	No	Do.
Electric Bond & Share Co., 2 Rector St., New York 6, N. Y.	New York	N294132	100	$5.00	Do.
		N294133	100	5.00	Do.
		N299649	100	5.00	Do.
		N299650	100	5.00	Do.
		N299651	100	5.00	Do.
Electric Power & Light Corp., 2 Rector St., New York 6, N. Y.	Maine	237445	100	No	Do.
		240715	100	No	Do.
		240716	100	No	Do.
		0274471	75	No	Do.
		0277228	70	No	Do.
		0279088	55	No	Do.
Galveston-Houston Co., Stone & Webster Service Corp., 80 Broad St., New York, N. Y.	Delaware	13741	100	5.00	Do.
		13742	100	5.00	Do.
		13743	100	5.00	Do.
		13744	100	5.00	Do.
		13750	100	5.00	Do.
Cities Service Co., 60 Wall St., New York 5, N. Y.	do	HN35472	100	10.00	Do.
		HN35473	100	10.00	Do.
		HN35474	100	10.00	Do.
		HN35475	100	10.00	Do.
		HN35476	100	10.00	Do.
Fruehauf Trailer Co., 10940 Harper Ave., Detroit, Mich.	Michigan	NC6012	100	1.00	Do.
National Shirt Shops of Delaware, Inc., 315 4th Ave., New York 10, N. Y.	Delaware	N2959	100	1.00	Do.
		N2960	100	1.00	Do.
		N2961	100	1.00	Do.
		N2979	100	1.00	Do.
		N2980	100	1.00	Do.
Mangel Stores Corp., 1107 Broadway, New York, N. Y.	do	431	100	1.00	Do.
		432	100	1.00	Do.

[F. R. Doc. 47-4615; Filed, May 15, 1947; 8:57 a. m.]

[Vesting Order 8911]

MASASHI YAMAMOTO

In re: Stock owned by Masashi Yamamoto, also known as Masashi A. Yamamoto. F-39-2782-A-1, F-39-2782-D-1/4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masashi Yamamoto, also known as Masashi A. Yamamoto, whose last known address is Nissin Construction Company, Rin 460, Marunouchi Building, Kojimachi-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Masashi Yamamoto, together with all declared and unpaid dividends thereon, and

b. Twenty (20) shares of no par value common capital stock of Continental Baking Company, 650 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number CO-14240, registered in the name of Masashi A. Yamamoto, and presently in the custody of Glen Cove Trust Company, 9/11 Glen Street, Glen Cove, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the

national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Certificate No.	Number of shares
Cities Service Co., 60 Wall St., New York, N. Y.	Delaware	$10 par value common	84129	20
International Telephone & Telegraph Corp., 67 Broad St., New York, N. Y.	Maryland	No par value capital	NNAF 55054	10
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	No par value common	J 557238	10
American Radiator & Standard Sanitary Corp., 40 West 40th St., New York, N. Y.	Delaware	do	CO 64216 CO 88430	50 30

[F. R. Doc. 47-4667; Filed, May 16, 1947; 9:10 a. m.]

[Vesting Order 8915]

BANZAI TRADING CO.

In re: Debt owing to Banzai Trading Co. F-39-3029-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Banzai Trading Co., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Banzai Trading Co., by Dodge & Seymour, Ltd., 53 Park Place, New York 7, New York, in the amount of $228.03, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4668; Filed, May 16, 1947; 9:11 a. m.]

[Vesting Order 8918]

HENRY JENSEN

In re: Bank account owned by Henry Jensen. F-28-8906-C-1, F-28-8906-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Jensen, whose last known address is Oevenum Insch Fohr, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Henry Jensen by The National Bank of San Mateo, 164 B Street, San Mateo, California, arising out of a checking account, entitled Henry Jensen, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4669; Filed, May 16, 1947; 9:11 a. m.]

[Vesting Order 8922]

H. ROEDINGER AND HANS KRICKE

In re: Debts owing to H. Roedinger, also known as Hermann Johann Peter Roedinger, and Hans Kricke. F-28-17273-C-1, F-28-17295-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That H. Roedinger, also known as Hermann Johann Peter Roedinger, and Hans Kricke, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to H. Roedinger, also known as Hermann Johann Peter Roedinger, by Young & Glenn, Inc., 71 Water Street, New York 5, N. Y., in the amount of $43.78, as of March 14, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, H. Roedinger, also known as Hermann Johann Peter Roedinger, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation to Hans Kricke, by Young & Glenn, Inc., 71 Water Street, New York 5, N. Y., in the amount of $283.54 as of January 17, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Kricke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F R. Doc. 47-4618; Filed, May 15, 1947; 8:57 a. m.]

SANODERM CO., INC.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
The Sanoderm Company, Inc., 630 5th Ave., New York 20, N. Y.	A-388	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent No. 1,710,133, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F R. Doc. 47-4673; Filed, May 16, 1947; 9:11 a. m.]

RAYMOND SAULNIER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Raymond Saulnier, St. Honore a Paris VIII, France.	3507	Property, to the extent owned by the claimant immediately prior to the vesting thereof, described in Vesting Order No. 666 (8 F. R. 5047, Apr. 17, 1943), relating to United States Letters Patent Nos. 2,082,598, 2,105,374, 2,106,344, 2,119,181, 2,125,751, 2,125,752, 2,134,247 and 2,220,546, and described in Vesting Order No. 263 (7 F. R. 9836, Nov. 26, 1942), relating to United States Patent Application Serial No. 430,821, United States Patent Application Serial No. 430,822 (now United States Letters Patent No. 2,335,451), United States Patent Application Serial No. 430,824 (now United States Letters Patent No. 2,350,827).

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4672; Filed, May 16, 1947; 9:11 a. m.]

STANDARD BRANDS, INC.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Standard Brands, Inc., New York, N. Y.	A-374	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent No. 1,859,250, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4671; Filed, May 16, 1947; 9:11 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2921]

TRANS-CANADA AIR LINES

NOTICE OF HEARING

In the matter of the application of Trans-Canada Air Lines under section 402 of the Civil Aeronautics Act of 1938, as amended, for amendment of its foreign air carrier permit to include Windsor, Ontario, Canada, as an intermediate point on the route between Toronto, Ontario, Canada, and Chicago, Illinois.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of the said act, that a hearing in the above-entitled matter is assigned to be held on May 21, 1947, at 10 a. m. (eastern daylight saving time) in Room 1302, Temporary "T" Building, Constitution Avenue between 12th and 14th Streets, N. W., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed amendment will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing, and able to perform the proposed transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Dominion of Canada.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before May 21, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details concerning the proposed amendment and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., May 13, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-4658; Filed, May 16, 1947; 9:12 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6060]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

MAY 12, 1947.

Notice is hereby given that on May 9, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Arizona, California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of 80,000 shares of Cumulative Preferred Stock, par value $50 per share, to be sold through competitive bidding; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 23d day of May, 1947, file a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4653; Filed, May 16, 1947; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5430]

ARBEE FOOD PRODUCTS CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of May A. D. 1947.

In the matter of David M. Lorenz and Bernhard W. Alden, individually and as copartners trading under the name of Arbee Food Products Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, June 2, 1947, at ten o'clock in the forenoon of that day (central standard time), in Room 519, United States Courthouse, Kansas City, Missouri.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-4654; Filed, May 16, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 187]

RECONSIGNMENT OF ONIONS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., May 12, 1947, by I. Meltzer, of car IC 52166, onions, now on the PRR to J. Fairman, New York, N. Y. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of May 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-4645; Filed, May 16, 1947; 8:50 a. m.]

[S. O. 734]

UNLOADING OF STEEL AT KANSAS CITY, MO.-KANS.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of May A. D. 1947.

It appearing, that car NYC 637756, containing fabricated steel at Kansas City, Mo.-Kans. switching district, on the Union Pacific Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Steel at Kansas City, Mo.-Kans., be unloaded.* The Union Pacific Railroad Company, its agents or employees, shall unload immediately car NYC 637756, containing fabricated steel, on hand at Kansas City, Mo-Kans. switching district, consigned to Owen Corning Fiber Glass Corporation.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 15, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4642; Filed, May 16 1947; 8:50 a. m.]

[S. O. 735]

UNLOADING OF SHINGLES AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of May A. D. 1947.

It appearing, that car RI 157943 containing shingles at Los Angeles, Calif., on The Atchison, Topeka and Santa Fe Railway Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Shingles at Los Angeles, Calif., be unloaded.* The Atchison, Topeka and Santa Fe Railway Company or its agents or employees, shall unload immediately car RI 157943, containing shingles, now on hand at Los Angeles, Calif., consigned Oxford Corporation.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 15, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4643; Filed, May 16, 1947; 8:50 a. m.]

[S. O. 736]

UNLOADING OF REFRIGERATORS AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of May A. D. 1947.

It appearing, that car C&O 83313 containing refrigerators at New Orleans, La., on the Gulf, Mobile and Ohio Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Refrigerators at New Orleans, La., be unloaded.* The Gulf, Mobile and Ohio Railroad Company, or its agents or employees, shall unload immediately car C&O 83313, loaded with refrigerators, on hand at New Orleans, La., consigned for export.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m., May 15, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4644; Filed, May 16, 1947; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1516]

MISSISSIPPI POWER & LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of May A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Mississippi Power & Light Company ("Mississippi"), an electric utility subsidiary of Electric Power & Light Corporation, a registered holding company, in turn a subsidiary of Electric Bond and Share Company, also a registered holding company. The company has designated sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Mississippi proposes to issue and sell at public sale pursuant to the competitive bidding provisions of Rule U-50, $8,500,000 aggregate principal amount of First Mortgage Bonds, ---% Series due 1977, to be issued under and secured by the company's presently existing Mortgage and Deed of Trust dated as of September 1, 1944, supplemented by an Indenture to be dated as of June 1, 1947. The interest rate on said bonds (which shall be a multiple of ⅛ of 1%) and the price (exclusive of accrued interest) to be paid Mississippi (which shall not be less than the principal amount thereof and not more than 102¾% of such principal amount) are to be fixed by the bid of the successful bidder for the proposed bonds. The proceeds from the sale of said bonds will be applied as follows: (a) $2,500,000 will be retained by the Trustees pending withdrawal by Mississippi, under the terms of the Mortgage and Deed of Trust dated September 1, 1944, as supplemented, on the basis of property additions; (b) $1,250,000 will be used by Mississippi to pay short-term loans made from certain local banks; and (c) approximately $6,000,000 will be added to Mississippi's general cash funds to be used for construction of new facilities, extension and improvement of present facilities and for other corporate purposes.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said declaration and that said declaration should not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said declaration, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on May 23, 1947 at 10 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before May 19, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the bonds proposed to be issued by Mississippi are reasonably adapted to the security structure of Mississippi, and to its earning power,

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and whether the financing by the issue and sale of such bonds is necessary or appropriate to the economical and efficient operation of the business in which it is engaged.

2. Whether the fees and expenses to be paid in connection with the proposed issue and sale of bonds are reasonable.

3. Whether the proposed accounting treatment of the transactions is proper and in conformity with sound accounting principles.

4. Whether the terms and conditions of the issue and sale of the proposed bonds are detrimental to the public interest or the interest of investors or consumers, and whether in the event the declaration shall be permitted to become effective, it is necessary to impose any terms or conditions to assure compliance with the standards of the Act.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the declarant herein and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-4636; Filed, May 16, 1947; 8:47 a. m.]

[File No. 70-1519]

UNITED GAS CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of May A. D. 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Gas Corporation ("United"), a gas utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company. Applicant has designated sections 9 (a) and 10 of the act and Rule U-23 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 27, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to contravert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 22, 1947 said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

United proposes to organize under the laws of the State of Delaware, a corporation to be known as Atlantic Gulf Gas Company ("Atlantic Gulf"). Atlantic Gulf will have initially 1,000,000 shares of authorized common stock without par value, all of which United proposes to acquire for $1,000,000 in cash. Atlantic Gulf is being organized for the purpose of constructing and operating a natural gas pipe line system extending from the State of Mississippi in an easterly direction to the Atlantic Seaboard, passing through the southern parts of the States of Alabama and Georgia and also extending into the northern part of the State of Florida and into southeastern part of the State of South Carolina.

Atlantic Gulf will assume United's obligations in connection with an application filed by United with the Federal Power Commission for a certificate of public convenience and necessity authorizing the construction and operation of the facilities described above.

The applicant has requested that the Commission's order herein be issued as soon as may be practicable and become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN.
Assistant to the Secretary.

[F. R. Doc. 47-4637; Filed, May 16, 1947; 8:50 a. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 12 NUMBER 99

Washington, Tuesday, May 20, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9854

TRANSFERRING A PORTION OF THE PHOENIX INDIAN SCHOOL RESERVE AT PHOENIX, ARIZONA, TO THE CONTROL AND JURISDICTION OF THE VETERANS' ADMINISTRATION

By virtue of the authority vested in me by section 1 of the act of March 3, 1925, 43 Stat. 1212, it is hereby ordered as follows:

The following-described tract of land comprising a portion of the Phoenix Indian School Reserve at Phoenix, Arizona, together with all improvements thereon, is hereby transferred from the control and jurisdiction of the Department of the Interior to the control and jurisdiction of the Veterans' Administration:

Beginning at a point at the northwest intersection of Indian School Road and 7th Street, the said point being within the Phoenix Indian School Reserve, Phoenix, Arizona; thence north two thousand feet along the west side of 7th Street; thence west five hundred and eighty-five feet along a line parallel to Indian School Road; thence south two thousand feet along a line parallel to 7th Street; thence east five hundred and eighty-five feet along the north side of Indian School Road to the point of beginning; containing twenty-seven acres more or less.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 16, 1947.

[F. R. Doc. 47-4743; Filed, May 16, 1947; 4:36 p. m.]

EXECUTIVE ORDER 9855

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE BINGHAM & GARFIELD RAILWAY COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Bingham & Garfield Railway Company, a carrier, and certain of its employees represented by the Brotherhood of Locomotive Firemen and Enginemen, and the Order of Railway Conductors of America, labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce within the State of Utah to a degree such as to deprive that portion of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Bingham & Garfield Railway Company or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 16, 1947.

[F. R. Doc. 47-4778; Filed, May 19, 1947; 10:44 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

AUTHORITY TO SELL CERTAIN LANDS IN JEFFERSON COUNTY, OREG.

The delegation of authority to the Regional Director of the Farm Security Administration for Region XI (11 F. R. 12221), contained in § 300.17, Part 300 of Title 6 of the Code of Federal Regulations, is hereby revoked and is superseded by the following:

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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§ 300.17 *Delegation of authority to State Director of the Farmers Home Administration for Washington and Oregon to sell certain lands in Jefferson County, Oregon.* Pursuant to the authority vested in the Administrator of the Farmers Home Administration by the Acting Secretary's Delegation of Authority issued May 2, 1947 (12 F. R. 3047), covering certain therein described lands located in Jefferson County, Oregon, and pursuant to the Order of the Secretary issued October 14, 1946 (11 F. R. 12520), *It is hereby ordered*, That:

(a) Subject to the provisions of this section all of the functions, powers, duties, and responsibilities conferred upon the Administrator of the Farmers Home Administration with respect to said lands and loans for the acquisition and improvement thereof shall be exercised and performed by the State Director of the Farmers Home Administration for the States of Washington and Oregon. In exercise of this authority the State Director shall:

(1) Determine, after certification thereof by the County Committee, which of the lands among those described in the aforesaid delegation of authority by the Secretary are suitable for sale to individual purchasers in furtherance of the purposes of Title 1 of the Bankhead-Jones Farm Tenant Act, as amended.

(2) Subdivide suitable lands into economic family-type farm-management units, which shall have a value, as improved, of not in excess of $13,000, none of which shall contain in excess of 160 acres of irrigable land, with boundaries conforming as nearly as may be practicable to General Land Office survey boundaries.

(3) Select applicants to purchase said farms in accordance with existing authority and procedures under Title 1 of the Bankhead-Jones Farm Tenant Act, as amended.

(4) Sell said farms to approved applicants at prices based upon the earning capacity values of the farm units, taking into consideration the improvements necessary to make the farm an economic family-type farm and reimbursable construction and water charges and other fixed charges against the land.

(5) Execute conveyances of said land on behalf of the United States which shall recite his determination of suitability of the land as required in this section; shall reserve all of the interest of the United States in the fissionable materials and at least three-fourths of the interest of the United States in all other minerals in or under said lands, provided that all such interests shall be reserved if the State Director finds that minerals or mineral rights in the area have a commercial value; and shall preserve the lien of the United States for reclamation and irrigation charges.

(6) Make loans for the purchase price and for the costs of the improvement of farm units sold under this section and take and service security therefor, in accordance with the applicable provisions of the Bankhead-Jones Farm Tenant Act, as amended, and existing procedures and instructions of the Farmers Home Administration as nearly as possible, except that:

(i) An option to purchase will not be executed.

(ii) Loan approval will be by the State Director.

(iii) The loan and the borrower's total investment in his farm may exceed the county loan limit but shall not exceed the average value of efficient family-type farm-management units located in Jefferson County, Oregon, as determined by the Secretary of Agriculture (11 F. R. 13611).

(iv) Title insurance will not be required. Title clearance will be effected in accordance with requirements of the representative of the Office of the Solicitor and will include a judgment and lien search against the prospective purchaser and procurement of an abstract continuation through a date showing conveyance of the property to the applicant and execution of the mortgage in favor of the United States. The cost of title clearance shall be paid by the applicant.

(b) The functions, powers, and duties authorized in this section may be performed and exercised by the Acting State Director during the absence of the State Director.

(c) The provisions of this section shall take effect immediately and shall remain in effect until revoked or superseded by order of the Administrator. (Acting Secretary's delegation of authority, May 2, 1947, 12 F. R. 3047; Secretary's order, Oct. 14, 1946, 11 F. R. 12520)

Issued this 14th day of May 1947.

[SEAL] DILLARD B. LASSETER,
Administrator.

[F. R. Doc. 47-4685; Filed, May 19, 1947; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

EVAPORATED MILK INDUSTRY

TERMINATION OF MARKETING AGREEMENT AND LICENSE [1]

On March 8, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 1606) regarding the proposed termination of the marketing agreement (Agreement No. 60) and the license (License No. 100) for the evaporated milk industry, both of which became effective June 1, 1935, pursuant to Public Act No. 10, 73d Congress (48 Stat. 34), as amended, hereinafter referred to as the "act." After consideration of all relevant matters presented and other available data, it is hereby found and determined that the aforesaid marketing agreement and license for the evaporated milk industry will, on and after July 1, 1947, no longer tend to effectuate the declared policy of the act.

[1] The marketing agreement and the license for the evaporated milk industry have not been filed with the Division of the Federal Register.

It is, therefore, ordered, That the aforesaid marketing agreement and license for the evaporated milk industry be, and the same hereby are, terminated effective at 11:59 p. m., e. s. t., June 30, 1947, subject, however, to the following conditions:

(1) That such termination shall not affect or waive any right, obligation, duty or liability under the aforesaid marketing agreement or license, or release or extinguish any violation of the aforesaid marketing agreement or license, or affect or impair any right or remedy of the United States, the Secretary of Agriculture, or any other person with respect to any such violation which has arisen or occurred or which may arise or occur prior to the time that such termination becomes effective; and

(2) That if, upon the termination of the aforesaid marketing agreement and license, there are any obligations arising thereunder, the final accrual or ascertainment of which requires further acts by any party subject thereto or any committee thereunder, the power or duty to perform such further acts shall continue notwithstanding such termination, and any such acts required, under the terms of the aforesaid marketing agreement and license to be performed by any committee thereunder, shall be performed by the members of such committees, or, if the Director of the Dairy Branch, Production and Marketing Administration, shall so direct, by such other person, persons or agency as the said Director of the Dairy Branch may designate.

It is hereby further ordered, That the Director of the Dairy Branch, Production and Marketing Administration, be, and he hereby is, authorized (1) to exercise the powers and to perform the duties of the Secretary of Agriculture under sections 12, 13, and 14 of Articles III and IV of the aforesaid marketing agreement and sections 9, 10, and 11 of Articles III and IV of the aforesaid license, and (2) upon the termination of the aforesaid marketing agreement and license, to take such other and further action as may be necessary or appropriate to liquidate and wind up the affairs of any committee established thereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 14th day of May 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-4687; Filed, May 19, 1947; 8:59 a. m.]

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

MISCELLANEOUS AMENDMENTS TO APPENDIX

Pursuant to the provisions of § 927.4 (b) of Order No. 27, as amended (7 CFR, 1945 Supp., 927.1 et seq.; 11 F. R. 11115), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (60 Stat. 237), a public meeting was held at New York, N. Y., on February

25, 1947 to consider certain proposals to amend the rules and regulations, as amended (7 CFR, 1945 Supp., 927—Appendix A; 12 F. R. 457) which have been previously issued under said Order No. 27, as amended. Such public meeting was recessed on February 26, 1947 and was reopened and adjourned on March 27, 1947. Following such meeting and on April 16, 1947, the market administrator of said order, as amended, issued the tentative amendment, set forth in Appendix A attached hereto and made a part hereof, to the aforesaid rules and regulations, as amended. Due consideration having been given to the data, views, and arguments presented at said public meeting, the aforesaid tentative amendment to the said rules and regulations, as amended, is hereby approved and shall be effective on and after the 1st day of June 1947.

Order 27, as amended, requires that such rules and regulations, and amendments thereto, shall become effective on the first day of the month following their approval by the Secretary of Agriculture. It further appears that, in accordance with Order 27, the tentative amendment was issued and sent, on or about April 16, 1947, to all handlers operating pool plants. It is therefore found and determined that the effective date fixed herein for the said amendment, namely, June 1, 1947, is reasonable and proper in the circumstances and that to defer the effective date of the said amendment to a date thirty days or more after publication in the FEDERAL REGISTER would be impracticable, unnecessary, and contrary to the public interest.

Copies of the tentative amendment to the rules and regulations may be procured from the Market Administrator, 205 East 42nd Street, New York, N. Y.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.; 7 CFR, 1945 Supp., 927.1 et seq.)

Done at Washington, D. C., this 14th day of May 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Appendix A—Rules and Regulations Issued by Market Administrator

Amending rules and regulations as previously issued (7 CFR, 1945 Supp., 927—Appendix A; 12 F. R. 457).

1. Amend paragraph (c) (1) of section 2 by changing the order reference from "§ 927.8 (e) (2) (iii)" to "§ 927.9 (h) (2) (iii)".

2. Amend paragraph (h) of section 2 to read as follows:

(h) Deduct remaining butterfat in the opening inventories or received in forms other than milk, cultured or flavored milk drinks, cream, sour cream, frozen cream, plain condensed milk, sweetened condensed milk, milk powder, other concentrated milk products and butter from butterfat in products leaving the plant or in the closing inventories of the plant in which the handler claims to have used such butterfat. Deduct any remaining butterfat in the opening inventories or received in such forms from plant loss.

3. Amend paragraph (o) of section 2 to read as follows:

(o) Deduct remaining butterfat in the opening inventories or received in the form of butter, sweetened condensed milk, milk powder or other concentrated milk products pro rata from the remaining butterfat leaving the plant or in the closing inventories at the plant in the forms of frozen desserts, homogenized mixtures, ice cream powder, or candy products. Deduct any remaining butterfat in the opening inventories or received in such forms from butterfat in products in which the handler claims to have used such butterfat. Deduct any remaining butterfat in the opening inventories or received in such forms from plant loss.

4. Amend paragraph (q) of section 2 to read as follows:

(q) Deduct the butterfat received in form of plain condensed milk pro rata from the classes of butterfat leaving the plant or in the closing inventories at the plant in the form of plain condensed milk. Deduct any remaining butterfat received in the form of plain condensed milk pro rata from butterfat on hand at or leaving the plant in the form of frozen desserts, homogenized mixtures, evaporated milk, sweetened condensed milk, milk powder, other concentrated milk products, or candy products. Deduct remaining butterfat received in the form of plain condensed milk from butterfat in products in which the handler claims to have used such butterfat. If any butterfat received in the form of plain condensed milk remains, it shall be deducted from plant loss and classified as II–B.

5. Amend paragraph (x) of section 2 by changing the words "ice cream powder, malted milk powder" to "other concentrated milk products".

6. Amend paragraph (aa) of section 2 to read as follows:

(aa) Deduct remaining butterfat in the opening inventories or received in the form of frozen cream from butterfat in products in which the handler claims to have used such butterfat. Deduct remaining butterfat in the opening inventories or received in the form of frozen cream from plant loss.

7. Amend paragraph (cc) of section 2 by changing the words "ice cream powder, malted milk powder" to "other concentrated milk products".

8. Amend paragraph (dd) of section 2 to read as follows:

(dd) Deduct remaining butterfat received in the form of cream from butterfat in products in which the handler claims to have used such butterfat. If any butterfat received in the form of cream remains, it shall be deducted from plant loss and classified as II–A.

9. Amend paragraph (jj), section 2, to read as follows: Delete subparagraph (11) and add new subparagraph (11) as follows:

(11) Sweetened, part skim, condensed milk, 2.5 percent;

10. Amend paragraph (pp) of section 2 to read as follows:

(pp) Classification of butterfat deducted pursuant to (cc) may be interchanged with the classification of butterfat deducted pursuant to (nn) from the same products covered by (cc) or with the classification of butterfat in the receipts from dairy farmers classified on the basis of the products covered by (cc). Classification of butterfat deducted pursuant to (q) may be interchanged with the butterfat deducted pursuant to (nn) from the same products covered by (q) or with the classification of butterfat in receipts from dairy farmers classified on the basis of the products covered by (q): *Provided*, That the quantity of butterfat so interchanged shall not exceed any quantity necessary to avoid payments pursuant to § 927.9 (h) of the orders. Such interchange shall be between one or more classes on which payments pursuant to § 927.9 (h) of the orders might be required and one or more other classes, the specific classes to be at the option of the handler.

11. Renumber subparagraph (3) of section 3 (b) to (4) and add new subparagraph (3) as follows:

(3) Classes of butterfat remaining after the assignments pursuant to (2) of this paragraph may be interchanged with classes of butterfat remaining after the assignments pursuant to (d) (3) of this section which are based on the products covered by section 2 (q).

12. Renumber subparagraph (3) of section 3 (c) to (4) and add new subparagraph (3) as follows:

(3) Classes of butterfat remaining after the assignments pursuant to (2) of this paragraph may be interchanged with classes of butterfat remaining after the assignments pursuant to (d) (3) of this section which are based on the products covered by section 2 (cc).

13. Renumber subparagraphs (4) and (5) of section 3 (d) to (5) and (6) respectively and add a new subparagraph (4) as follows:

(4) Classes of butterfat remaining after the assignments pursuant to (3) of this paragraph may be interchanged with classes of butterfat remaining after the assignments pursuant to (b) (2) and (c) (2) of this section in accordance with the provisions of (b) (3) and (c) (3) of this section.

14. Delete the next to last sentence in section 4 and insert in lieu thereof the following: "In the event that the opening inventories of any product were also opening inventories for the previous month, the butterfat in such product shall be deducted pro rata from the butterfat in all products and classes leaving the plant from which butterfat in like form could be deducted. If the butterfat in such products leaving the plant is less than the butterfat in such opening inventories, any remaining butterfat in such opening inventories shall be deducted pro rata from the butterfat in all products and classes in the closing inventories at the plant from which butterfat in like form could be deducted."

15. In paragraph (a) of section 5 amend the provision for establishing butterfat tests of milk shipments as follows:

Milk shipped from a plant or received from another plant (no specific tests shall be recognized for milk shipped except for breed milk and other special milk). Average test of all milk received at the shipping plant from farmers except that if the classification or such milk shipments is assigned pursuant to section 3 to milk received from another plant the test shall be the average test of milk received from farmers at such other plant.

16. Amend subparagraph (1) of section 5 (c) to read as follows:

(1) *Frozen desserts.* The butterfat in a frozen dessert shall be assumed to be the same as the butterfat in the homogenized mixture or other basic mixture used in making such frozen dessert. In addition, the butterfat in cream used to standardize the homogenized mixture or other basic mixture, not to exceed 4 percent of the total butterfat in such mixture, may be included.

17. Amend subparagraph (3) of section 5 (c) by changing the first sentence to read as follows: "The butterfat content of such products shall be assumed to be the same as the butterfat of the milk, cream, plain condensed milk or whole milk powder used in making such product if such butterfat content appears reasonable in the light of the butterfat test of the product."

18. Add new subparagraph (7) to section 5 (c) to read as follows:

(7) *Malted milk products.* The butterfat content of malted milk products shall be assumed to be the same as the butterfat in the products used in making such malted milk products.

19. Add new subparagraph (8) to section 5 (c) to read as follows:

(8) *Frozen cream leaving the plant or in the closing inventories at the plant.* Butterfat will be considered to have left a plant or be in closing inventories at a plant in the form of frozen cream only if the butterfat is so identified in the handler's records that the source of such butterfat as a receipt of milk from producers can be ascertained. In the event that it is not identified it will be considered to have left the plant or be in the closing inventories at the plant in the form of cream rather than frozen cream.

20. Add new section 7 as follows:

SEC. 7. *Assignment of specific butterfat received or in the opening inventories in the form of frozen cream to the uses of butterfat in the form of frozen cream at the plant.* (a) Butterfat received or in the opening inventories in the form of frozen cream shall be assigned to butterfat leaving the plant or in the closing inventories at the plant in the form of frozen cream in accordance with its identification pursuant to section 5 (c) (8).

(b) Remaining butterfat received or in the opening inventories in the form of frozen cream which frozen cream was obtained from milk received from producers in the months of April through September shall be pro rated to uses of butterfat in the form of frozen cream as determined pursuant to section 2 (v), (w), (x), (y), (z), and (aa). The total butterfat derived from milk obtained in each of the months shall be pro rated separately.

(c) After the pro-ration pursuant to (b) of this section specific butterfat received from producers in any month may be assigned at the option of the handler or handlers involved to any of the uses to which the total butterfat received from producers in that month is assigned.

Issued this 16th day of April 1947.

C. J. BLANFORD,
Market Administrator, New York Metropolitan Milk Marketing Area.

[F. R. Doc. 47-4700; Filed, May 19, 1947; 8:51 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 208—ELIGIBILITY FOR AN ANNUITY

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U. S. C. 228j), § 208.13 and § 237.102 (c) of the Regulations of the Railroad Retirement Board under such act (12 F. R. 859, 2017) are amended by Board Order 47-157 dated April 10, 1947, to read as follows:

§ 208.13 *"Any regular employment" defined.* "Regular employment" as used in this part and Part 237 of this chapter means full or part time service for remuneration by an individual in the employ of another on a continuing or recurring basis. For the purposes of this section, an individual performing service for remuneration, whether or not under a contract, shall be deemed to be in the employ of another unless such service is performed as a part of his independently established trade, business or occupation; and in the absence of evidence to the contrary, an individual shall be presumed to be regularly employed if he has been paid remuneration by one or more employers (other than an employer under the act) of not less than $200 in each of two consecutive calendar quarters. (Secs. 1, 2, 10, 50 Stat. 308, 310, 314; as amended by secs. 203, 205, Pub. Law 572, 79th Cong.; 45 U. S. C. 228a, 228b, 228j)

§ 237.102 *Completely insured status.*

* * *

(c) *Current connection with the railroad industry.* A deceased employee had a current connection with the railroad industry at the time of his death if he had had a period of thirty consecutive calendar months which met certain requirements set out in the act. First of all, that period must have been before any retirement annuity began to accrue to the employee, or before the month in which he died, if that occurred first. Secondly, he must during that period have been in service as an employee in at least twelve calendar months. A third requirement must have been met if there was any interval between the end of the thirty-month period in question and the month in which a retirement annuity began to accrue to the employee, or the month in which he died, if that occurred first. In that interval the employee must not have been engaged in any regular employment other than employment for an employer; as here used, "regular employment" means full or part-time service, for remuneration, by an individual in the employ of another on a continuing or recurring basis. For the purpose of determining the existence of a current connection, an individual performing service for remuneration, whether or not under a contract, is deemed to be in the employ of another unless such service is performed as a part of his independently established trade, business, or occupation; and in the absence of evidence to the contrary, an individual is presumed to be regularly employed if he has been paid remuneration by one or more employers (other than an employer under the act) of not less than $200 in each of two consecutive calendar quarters.

Even though the deceased employee had no period of thirty consecutive calendar months which met the requirements discussed above, he may, nevertheless, have had, at the time of his death, a current connection with the railroad industry for the purposes of this part. This will be true if the employee was not fully insured under the Social Security Act, but met all the requirements (aside from that of current connection with the railroad industry) of a completely insured status under paragraph (d) of this section. It will also be true if the employee was neither fully insured nor currently insured under the Social Security Act, but met all the requirements (aside from that of current connection with the railroad industry) of a partially insured status under § 237.103. Finally, it will be true if the employee had no wage quarters of coverage. (Sec. 10, 50 Stat. 314; 45 U. S. C. 228j; interprets and applies sec. 213, Pub. Law 572, 79th Cong.)

Dated: May 9, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-4674; Filed, May 19, 1947; 8:57 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

PART 751—ESTABLISHING THE GENERAL RESPONSIBILITIES AND ORGANIZATION OF THE OFFICE OF THE ADMINISTRATOR, NATIONAL HOUSING AGENCY, INCLUDING DELEGATIONS OF FINAL AUTHORITY

DELEGATION OF AUTHORITY TO FIRST ASSISTANT ADMINISTRATOR

Corrected Reprint

§ 751.9 *Delegation to First Assistant Administrator.* The First Assistant Administrator is hereby delegated the

power to execute war-housing programming documents relating to termination, disposition, and other actions (except transfers of jurisdiction from the National Housing Agency to the War or Navy Departments pursuant to section 4 of the Lanham Act, as amended (54 Stat. 1127, as amended; 42 U. S. C. Sup., 1541), and section 5 of Public Law 137, 77th Congress (55 Stat. 363)) affecting projects constructed or acquired under Titles I and IV of the Lanham Act, as amended, under Public Laws 9, 73, and 353, 77th Congress (Temporary Shelter Acts), (55 Stat. 14, 198, 818), and under Public Laws 671 and 781, 76th Congress, as amended (54 Stat. 681 and 883). (E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

This document shall be effective May 15, 1947.

Issued this 19th day of April 1947.

[SEAL] RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 47-3792; Filed, Apr. 18, 1947; 9:06 a. m.]

PART 751—ESTABLISHING THE GENERAL RESPONSIBILITIES AND ORGANIZATION OF THE OFFICE OF THE ADMINISTRATOR, NATIONAL HOUSING AGENCY, INCLUDING DELEGATIONS OF FINAL AUTHORITY

DELEGATION OF AUTHORITY TO COMMISSIONER AND TO REGIONAL DIRECTORS OF FEDERAL PUBLIC HOUSING AUTHORITY

§ 751.14 *Delegation to commissioner and to regional directors of the Federal Public Housing Authority.* The Commissioner of the Federal Public Housing Authority and each of the several regional directors of the Federal Public Housing Authority are hereby delegated the power to terminate up to 20 units or up to 5 per cent of the units originally developed, whichever number is smaller, in any one temporary war-housing project constructed or acquired by the National Housing Agency under Titles I and IV of the Lanham Act, as amended (54 Stat. 1125, as amended; 42 U. S. C. Sup., 1521), other than housing converted by the Home Owners' Loan Corporation; Public Laws 9, 73, and 353, 77th Congress (55 Stat. 14, 198, 818); and Public Law 781, 76th Congress (54 Stat. 883).

(E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

This document shall be effective May 15, 1947.

[SEAL] RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 47-4684; Filed, May 19, 1947; 8:58 a. m.]

Chapter VIII—Office of Housing Expediter

PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

§ 851.22 *Designation of Acting Housing Expediter.* William E. O'Brien is hereby designated to act as Housing Expediter during my absence on May 16, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Veterans' Emergency Housing Act of 1946, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such date.

(60 Stat. 207, 50 U. S. C. App. Sup. 1821)

Issued this 15th day of May, 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-4683; Filed, May 19, 1947; 8:58 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 14,[1] Revocation of Order 4]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF HIGH-VOLTAGE X-RAY MACHINES

War Assets Administration Regulation 14, Order 4, July 12, 1946, entitled "Disposal of High Voltage X-Ray Machines" (11 F. R. 7775), is hereby revoked and rescinded.

(Surplus Property Act of 1944 as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265))

This revocation shall become effective May 13, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MAY 13, 1947.

[F. R. Doc. 47-4783; Filed, May 19, 1947; 11:52 a. m.]

[Reg. 14,[1] Order 7]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF PERSONAL PROPERTY TO EDUCATIONAL AND PUBLIC-HEALTH INSTITUTIONS AND INSTRUMENTALITIES

War Assets Administration Regulation 14, Order 7, (§ 8314.57) March 3, 1947, as amended April 1, 1947, entitled "Disposal of Personal Property to Educational and Public-Health Institutions and Instrumentalities" (12 F. R. 1805, 2384), is hereby revised and amended as herein set forth.

The War Assets Administrator has determined that there is an urgent need by educational and public-health institutions for various types of equipment, which need in the case of educational institutions has become acute because of an abnormal increase in enrollment in the face of an accelerated obsolescence of existing equipment; that in the case of elementary and secondary educational institutions present facilities are wholly inadequate to provide proper instruction, and existing budgets are insufficient to enable said institutions to purchase the needed equipment; that with respect to public-health institutions a similar situation exists because of increased demands for health services, and the need for suitable equipment is acute.

The War Assets Administrator has further determined that the property which is listed in Exhibit A herein is critically needed by such educational and public-health institutions, that such property is suitable for educational and public-health use, and that it would be of great public benefit to make such property available to said institutions at a nominal price.

In view of the foregoing considerations the War Assets Administrator finds that the benefit which will accrue to the United States from the use of such property by educational and public-health institutions justifies disposal to them of such property at a nominal price, approximately sufficient to cover the cost of disposition, and that such nominal price should be five (5) percent of the fair value of the property as established by the disposal agency.

Pursuant to the foregoing, it is hereby ordered that:

§ 8314.57 *Disposal of personal property to educational and public-health institutions and instrumentalities.* (a) Notwithstanding the provisions of § 8314.9 of this part, disposal agencies, after making such provisions as may be necessary for offerings to priority claimants in accordance with the provisions of Part 8302,[2] are hereby authorized to sell property listed in Exhibit A herein to educational and public-health institutions and instrumentalities, as defined in § 8314.1, whose orders have been approved by the War Assets Administration, at a price equivalent to five (5) percent of the fair value thereof, f. o. b. location.

(b) In considering applications or orders of individual educational institutions or instrumentalities for property listed in Exhibit A, special consideration shall be given to the needs of elementary and secondary educational institutions.

(c) When any of the property listed in Exhibit A herein is or shall be in conflict with any list of property set aside for veterans under § 8302.59[3] as now or hereafter in effect, the provisions of § 8302.59 shall be controlling.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533); 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265))

This revision of this order shall become effective May 13, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MAY 13, 1947.

[1] 11 F. R. 11505; 12 F. R. 257.

[2] Reg. 2 (12 F. R. 1985).

[3] Ref. 2, Order 9 (12 F. R. 3117).

EXHIBIT A

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE

Commodity code classification	
31 1211 200	Steam turbines, mechanical drive, single stage, non-condensing.
31 2200	Pumps (used condition).
32 1200 1- 32 1200 2- 32 1200 3-	Generator sets, 125 kw. and under.
32 1400	Rotary converters.
32 1900	Miscellaneous electrical rotating equipment.
32 2100	Switchgear.
32 3000	Power conversion equipment (non-rotating rectifiers).
32 5000	Secondary distribution equipment and wiring devices.
32 8400	Kitchen cooking appliances.
32 8500	Food preparation appliances, household and commercial.
33 6200	Sawing machines (power saws), except sawmills.
33 6300	Surfacing machines.
33 6400	Lathes, woodworking, except veneer lathes.
33 6500	Jointers, matchers, and molders.
33 6600	Mortisers and tenoners.
33 6800	Veneer and plywood machinery, including veneer lathes.
34 0000	Metalworking machinery.
38 1100	Punched card, bookkeeping, tabulating, and accounting machines and collateral equipment.
38 1200	Billing machines, accounting principles, and collateral equipment, except autographic registers.
38 2100	Adding machines.
38 2200	Calculating machines.
38 5000	Duplicating machines.
41 1000	Radio broadcast receiving equipment.
41 2000	Radio broadcast transmitting apparatus.
41 3000	Commercial and specialized radio communications equipment, except broadcast.
41 4400	Object detection apparatus (radar).
41 4500	Radio goniometer equipment and similar apparatus (direction finders).
41 5000	Electronic tubes.
41 8000	Electronic equipment components and subassemblies.
51 3130	Boilers, gas fired, 50 hp. 600 p. s. i.
51 3831	Pumps, circulating, ½ gal. per min., motor driven.
51 4660	Humidifiers, cabinet type.
51 6000	Cooking and warming equipment, commercial, except electric.
52 2000	Household mechanical refrigerator units (16 cu. ft. or less, self-contained).
52 3200	Commercial reach-in refrigerators, mechanical.
52 8100	Refrigerators, ice, household.
52 8220	Ice refrigeration units, reach-in refrigerators.
54 3000	Office furniture.
54 4200	School furniture.
54 4300	Auditorium furniture.
54 5100	Laboratory furniture.
54 8000	Industrial and factory furniture.
56 3100	Telescopes.
56 6000	Laboratory research and testing instruments and apparatus, optical.
56 7100	Magnifiers (including reading glasses and lenses).
56 7200	Compound microscopes.
56 7300	Stereoscopic microscopes.
56 7400	Petrographic and chemical microscopes.
56 7900	Magnifying instruments, not elsewhere classified.
56 8000	Optical elements and assemblies, except ophthalmic, photographic, and projection.

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE—continued

Commodity code classification	
57 1110	Glass stem thermometers, industrial.
57 1150	Solid expansion thermometers.
57 1160	Pressure tube thermometer systems.
57 1180	Thermometer accessories.
57 1200	Electric resistance temperature instruments and accessories.
57 1310	Pyrometers, electrical type.
57 1320	Pyrometers, radiation type.
57 1330	Pyrometers, thermocouple type.
57 1520	Hygrometric instruments, hygroscopes.
57 1900	Temperature and hygrometric instruments and accessories, not elsewhere classified.
57 2100	Voltmeters and millivoltmeters.
57 2200	Ammeters and milliammeters.
57 2500	Ohmmeters.
57 2900	Electric quantity instruments and accessories, not elsewhere classified.
57 3100	Pressure measuring instruments (pressure gauges) Bourdon tube, bellows and diaphragm types.
57 3300	Barometers.
57 3500	Draft gauges.
57 3900	Pressure measuring instruments, gauges, and accessories, not elsewhere classified.
57 4100	Flow and liquid type level instruments, differential pressure.
57 4200	Flow instruments, differential pressure, dry type.
57 4300	Flow ratio instruments.
57 4600	Anemometers.
57 4700	Area flow meters.
57 4800	Liquid level float instruments.
57 4900	Flow and liquid level instruments and accessories, not elsewhere classified.
57 5220	Position measuring instruments, electrically operated.
57 5300	Tachometers.
57 5400	Timing controls.
57 5500	Cycle controls.
57 5700	Counters.
57 5800	Dial indicators.
57 5900	Mechanical motion, rotation, timing and cycle instruments, and accessories, not elsewhere classified.
57 7000	Control valves and regulators, except voltage.
57 8100	Combination instruments, temperature-pressure.
57 8200	Combination instruments, temperature-humidity.
57 8700	Combination instruments, flow-temperature-pressure.
57 8800	Combination instruments, pressure-vacuum.
57 9110	Hydrometers.
57 9320	Gas analyzers, electrical.
57 9400	Combustion controls.
57 9900	Indicating, recording and controlling instruments and accessories, except watches and clocks, not elsewhere classified.
58 3000	Surgical and medical instruments, except diagnostic (Japanese instruments only).
58 4360	Sterilizers, bacteriology and laboratory.
58 4990	Field hospital food carts.
58 5100	Chemical laboratory apparatus.
58 5200	Laboratory testing instruments and apparatus.
58 5500	Physical chemistry and chemical physics instruments and apparatus.
58 5600	Physics study apparatus.
58 5700	Blowers and vacuum pumps, laboratory.
58 5810	Field hospital laboratory incubators.
58 6000	Balances and weights, laboratory.

CATEGORIES SUITABLE FOR EDUCATIONAL AND PUBLIC-HEALTH USE—continued

Commodity code classification	
58 8100	Drawing instruments and drafting machines.
58 8210	Tracing papers, transparentized.
58 8300	Drafting accessories.
58 8400	Slide rules.
58 8700	Surveying instruments.
58 9000	Miscellaneous professional and scientific instruments and apparatus.
59 1140	Oxygen breathing apparatus, industrial (front type).
59 2100	Mobile and water purification units.
59 2900	Thermo-compression distillation units.
59 5120	Hand fire extinguishers, vaporizing liquid (carbon tetrachloride).
59 5140	Hand fire extinguishers, carbon dioxide.
59 5639	Fire hose nozzles.
75 1100	Cooking and kitchen utensils, household and commercial.
75 1300	Kitchen tools, except cutlery.
75 4100	Table and kitchen cutlery, household and institutional.
75 4200	Food processing cutlery.
77 5000	Technical and scientific laboratory glassware.
77 6130	China and porcelain laboratory ware.
79 7903	Carbon paper.
79 7911	Typewriter ribbons (ink ribbons).
96 5442	Child care equipment units.
96 5450	Clinical and infirmary equipment units.

[F. R. Doc. 47-4784; Filed, May 19, 1947; 11:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 47-31]

PART 12—REGULATIONS FOR BOARD ON CORRECTION OF MILITARY RECORDS OF THE COAST GUARD

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12.20-1 Duties of the Recorder.

AUTHORITY: §§ 12.01-1 to 12.20-1, inclusive, issued under section 207, Pub. Law 601, 79th Cong.; additional authority cited at the end of applicable sections.

SUBPART 12.01—GENERAL PROVISIONS

§ 12.01-1 *Basis and purpose.* Pursuant to the authority of section 207 of Pub. Law 601, 79th Cong., 2d Sess., approved August 2, 1946, regulations are hereby prescribed to provide a procedure to correct any military or naval record wherein it appears that such action is necessary to correct an error or to remove an injustice in accordance with the intent of the statute and to obtain its correct and uniform administration.

§ 12.01-5 *Jurisdiction.* (a) By virtue of the authority of said section 207 a Board for the Correction of Military Records of the Coast Guard, hereinafter known as the Board, has been established within the Office of the Secretary of the Treasury to review, upon its own motion, or upon request by or on behalf of any officer, or enlisted man or woman, or former officer, enlisted man or woman of the Coast Guard (including its reserve components), or, if deceased, by the surviving spouse, next of kin or legal representative concerned, or if incompetent, by the guardian, petitions for the correction of the military record of the individual where an error exists or an injustice is claimed.

(b) The Board shall not review any case which would bring it into conflict with the powers and authority of any statutory board, or with the jurisdiction of any other board which has been empowered by the Secretary of the Treasury or the Commandant, U. S. Coast Guard, to take final action in any class of cases. Thus, the jurisdiction will not include review of reports or decisions of:

(1) Boards of Review:

(i) Of Discharges and Dismissals (Sec. 301, Pub. Law 346, 78th Cong.)

(ii) Retirement Boards and Boards of Medical Survey (Sec. 302a, Pub. Law 346, 78th Cong., as amended by section 302a, Pub. Law 268, 79th Cong.)

(2) Boards for Removal of Disability of Desertion (14 U. S. C. 147)

(3) Retiring Boards (14 U. S. C. 170)

(4) Examining Boards (14 U. S. C. 18)

(5) Coast Guard Personnel Boards (officers 14 U. S. C. 175b)

(6) Coast Guard Enlisted Personnel Board (14 U. S. C. 185)

(7) Involuntary Retirement Boards (Sec. 3, Pub. Law 305, 79th Cong.) or

(8) Medical Survey Boards (Article 3005, Coast Guard Regulations 1940).

§ 12.01-10 *Scope of review.* (a) The scope of the review shall be to determine whether an error has been made in the Coast Guard records, or whether, under normal standards of military and naval law, administration and practice, the petitioner has suffered a wrong as the result of an error of omission or commission in his record, or through some manifest injustice in the treatment accorded him, and if so, to correct the record and remove the injustice, subject to the approval of the Secretary of the Treasury.

(b) The Board has no authority to recall any person to active duty or to set aside the findings of a general court-martial or a general court.

(c) It shall be adequate ground for denial of any application that effective relief cannot be granted or that sufficient basis for review has not been established.

§ 12.01-15 *Request for review.* (a) The petitioner should submit a written request for a review to the Board (addressed to the Commandant, U. S. Coast Guard (Legal)), Washington 25, D. C., along with such evidence, statements and affidavits as may be necessary to establish his case.

(b) The request should state in brief:

(1) The full name, rank or rating (if enlisted, the serial number should be given), of the person whose record is involved;

(2) A description of the record sought to be corrected;

(3) A particular description of the alleged error or injustice sought to be corrected or removed;

(4) The reason in support of the relief requested;

(5) What action is desired of the Board;

(6) Whether the petitioner desires the review on the basis of the petition and accompanying papers, or whether he desires to appear in person before the Board and/or be represented by counsel;

(7) If counsel is desired, the petitioner should designate such counsel by name; and

(8) The place to which any notices in connection with the review should be sent.

(c) Where the petition is presented by a surviving spouse, next of kin, legal representative or guardian, satisfactory evidence of the required relationship or status must be submitted.

(d) The application shall be executed under oath or shall contain a signed provision that the statements submitted in the application are made with full knowledge of the penalty provided for the making of a false statement.

(e) No request for review will be considered by the Board until the applicant has exhausted all remedies afforded him by existing law or regulation.

(f) An application for the correction of a military record as provided in said section 207 may be refused by the Board on the ground that there has been undue delay in filing the application. (R. S. 161, 35 Stat. 1095 as amended; 5 U. S. C. 22, 18 U. S. C. 80)

§ 12.01-20 *Review on own motion.* (a) The Board shall not conduct a review on its own motion without first transmitting a written notice to the person concerned or, if such person is deceased, to his surviving spouse, next of kin, legal representative or, if such person is incompetent, to his guardian, by registered mail to the last known address, return receipt requested.

(b) Such notice shall state that a review is to be held by the Board and shall advise the addressees that evidence may be presented to the Board in the manner prescribed in this part.

§ 12.01-25 *Methods of presenting case.* (a) The petitioner shall present his case:

(1) By letter with accompanying evidence and necessary affidavits, or

(2) If a hearing is granted by the Board, by presenting evidence before the Board, either in person or by counsel.

(b) Upon application in person at the office of the Board, the Board may furnish to the petitioner or his counsel such information from the official records pertaining to his petition as may be necessary in order to permit of a fair and impartial review. However, classified matter will not be disclosed or made available to the applicant or his counsel. When it is necessary in the interests of justice to acquaint the applicant with the substance of such matter, the Board will obtain and make available to the petitioner or his counsel such summary of the classified matter as, in the judgment of the Board, may be relevant to the case and as will not be incompatible with the public interest.

§ 12.01-30 *Counsel.* The term "counsel" as used in this part, shall include members of the federal or state bar in good standing, accredited representatives of veterans' organizations, and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review.

§ 12.01-35 *Witnesses.* (a) All testimony shall be given under oath or affirmation administered by the presiding officer.

(b) Witnesses shall be subject to examination and/or cross-examination as appropriate, by the members of the Board, the petitioner, his counsel or by the Government representative.

(c) The testimony of witnesses may be presented either in person or by affidavits. (R. S. 183, 5 U. S. C. 93)

§ 12.01-40 *Expenses.* No expenses of any nature whatsoever incurred by the petitioner, his counsel, his witnesses, or by any other person on his behalf, shall be paid by the Government.

§ 12.01-45 *Notice of hearing.* If a hearing is granted, the Board shall give a petitioner at least thirty days written notice of the time and the place of the hearing. Such time shall be computed from the time of mailing of the notice. The petitioner may waive such time limit and an earlier hearing date may be set by the Board.

§ 12.01-50 *Continuances.* A continuance may be granted by the Board on its own motion, or at the request of the petitioner, his counsel or the Government Representative, when such continuance appears necessary in order to insure a full and fair hearing.

§ 12.01-55 *Withdrawal.* The Board may, at its discretion and for good cause shown, permit a petitioner to withdraw his request for review without prejudice at any time before the Board makes its final recommendation.

§ 12.01-60 *Failure of petitioner to appear.* A petitioner who requests a hearing and who, after being duly notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel, thereby waives his right to be present and cannot thereafter take exception to the findings or conclusions arrived at in his absence.

§ 12.01-65 *Evidence.* (a) The Board, in its review, shall consider as evidence all available pertinent records of the Coast Guard, together with such evidence as may be submitted by the petitioner and/or his counsel.

(b) Whenever, during a review, it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed in the records and in the testimony and other evidence before the Board, the Board may obtain such further evidence as it may consider essential to a fair and impartial understanding of the facts.

(c) The Board shall not be restricted by legal rules of evidence.

§ 12.01-70 *Duties of Government Representative.* (a) When a Government Representative acts as such before the Board, he may:

(1) Submit to the Recorder of the Board a written brief, when considered warranted, analyzing the evidence presented; or

(2) In cases where the petitioner is present in person or by counsel, submit pertinent evidence in the Government's behalf in proper documentary form, or through witnesses.

(b) In all cases, when he has knowledge of evidence which would substantiate the petitioner's claim he shall disclose such evidence to the Board.

SUBPART 12.05—THE BOARD

§ 12.05-1 *Members.* The Board shall consist of three members, all of whom shall be civilian officers or employees of the Treasury Department.

§ 12.05-5 *Time and place of meeting.* The Board shall be convened at the call of the Senior Member and shall recess and adjourn at his order. The Board shall sit at a time and place to be fixed by the Senior Member.

§ 12.05-10 *Duties of the Board.* (a) The Board shall review, on its own motion or upon the request of an officer, or enlisted man or woman, or former officer, enlisted man or woman of the Coast Guard Service, or if deceased, by the surviving spouse, next of kin, legal representative or if incompetent, by the guardian, the records in question.

(b) In the event a hearing is granted and the petitioner does not appear in person or by counsel, the Board shall review the case on the basis of documentary or oral evidence presented.

(c) In the event a hearing is granted and the petitioner appears in person or by counsel, the Board shall assemble to hear evidence presented.

(d) After the conclusion of such hearings, the Board shall, as soon as practicable, arrive at their findings, conclusions and decisions. Based thereon, the Board shall prepare such orders as may be indicated.

§ 12.05-15 *Changes in procedures of the Board.* The Board may initiate recommendations for such changes in the procedure as established herein as may be deemed necessary for the proper functioning of the Board. Such changes will be subject to the approval of the Secretary of the Treasury.

§ 12.05-20 *Appointing Government Representative.* The Board may, if it appears necessary to the proper presentation of the case, appoint a Government Representative.

SUBPART 12.10—ACTION BY THE BOARD

§ 12.10-1 *Deliberations.* (a) After a full and fair examination of the evidence, the Board shall deliberate in closed session, and shall be governed in its action by the vote of a majority of the Board.

(b) No persons other than members of the Board shall be present at or participate in its deliberations, except the Recorder may be present.

(c) The findings, conclusions, decisions and orders shall be signed by the Senior Member.

(d) In its deliberations the Board shall be guided by the following principles:

(1) Relevant and material allegations appearing in a specification found proved by a general court-martial (or a general court) and the findings of fact of a court of inquiry, board of investigation, or investigation, where the petitioner was in the status of a defendant or interested party, as approved by the reviewing authorities, shall be presumed by the Board as established facts. This shall not preclude consideration by the Board of evidence appearing in the record of proceedings of such a court-martial (or a general court) or investigative body in determining what correction, if any, should be made in respect to the sentence awarded.

(2) Relevant and material allegations appearing in a specification to which the petitioner pleaded guilty in a general court-martial (or a general court), or upon being confronted with such a specification the petitioner elected to resign for the good of the service or to accept a discharge, to escape trial by a general court-martial (or a general court), shall be presumed by the Board as established facts unless the petitioner shall show to the Board's satisfaction, or it shall otherwise appear, that arbitrary or coercive action was taken against him at that time, which was not apparent to the reviewing authority from the face of the record.

(3) The evidence to be considered will be restricted to that covering relevant and material facts concerning the petitioner's Coast Guard service, or his character, conduct, physical condition, or other material matter at the time of his entry into the Coast Guard, during such service, or at the time of separation therefrom.

(4) In order to warrant a change, correction or modification of an original record, it is incumbent on the petitioner to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the entry or omission in the record was improper or inequitable under normal standards of military and naval law, administration, and practice existing at the time, or under such standards differing therefrom in the petitioner's favor which subsequent to his separation were made retroactive.

(5) The normal standards of military and naval law, administration and practice herein contemplated are those standards stated in statutes, regulations, manuals, directives of the Coast Guard and other appropriate authority, together with interpretations thereof by the courts, the Attorney General, the Comptroller General, the Judge Advocate General of the Navy, the General Counsel of the Treasury Department, or the Chief Counsel of the Coast Guard.

§ 12.10-10 *Findings of facts.* The Board shall make findings of facts in each case which shall include the following:

(a) Type and nature of error of record and/or injustice found.

(b) Authority under which such error of record or injustice occurred.

(c) Circumstances surrounding the error of record or injustice as found by the Board to be established from all the evidence considered. This includes material and relevant facts showing in what specific particulars the original error or injustice was or was not proper or equitable under normal standards of military and naval law, administration and practice applicable to the case.

(d) Conduct and character of petitioner during the entire period of his Coast Guard service.

(e) Such other facts as may be disclosed which the Board deems necessary and pertinent to the issue in the particular case under consideration.

§ 12.10-15 *Conclusion.* The Board, on the basis of its findings, shall prepare conclusions which shall state:

(a) Whether or not any change, correction, or modification should be made in the record,

(b) Where pertinent, the particular change, correction or modification that should be made, and

(c) The reasons why a change, correction or modification should or should not be made.

(d) This should not include comments on the actions of others in the Coast Guard Service. Where such comment is warranted, it should be made the subject of an official communication entirely independent of the petitioner's case.

§ 12.10-20 *Decision.* The Board shall next record its decision. The nature of any change, correction or modification of the record shall be specified with particularity, and such other action shall be taken within the Board's authority as may be deemed necessary to correct insofar as practicable the injustice established.

§ 12.10-25 *Minority report.* In case of a disagreement between the members of the Board a minority report may be

submitted, either as to the findings of fact, the conclusion, or the decision. The reasons for the minority report must be clearly stated.

§ 12.10–30 *Orders.* Written orders based on the decision shall be prepared for transmittal to the proper Coast Guard authority.

§ 12.10–35 *Record of proceedings.* (a) When the Board has concluded its proceedings, the Recorder shall prepare a complete original record thereof. Such record shall include:

(1) The petition,

(2) A summary of the hearing, if any,

(3) Affidavits and a list of the papers and documents considered by the Board, and

(4) The findings, conclusions, decisions and orders of the Board.

(b) The record will be authenticated by the Recorder as being true and complete.

(c) The record of proceedings of the Board and the action transmitting the record to the Secretary of the Treasury for action shall not contain recommendations of any character which relate to matters beyond the scope of the Board's authority. To the extent that such recommendations are warranted, they should be made a matter for separate communication with the departmental agency having cognizance of the subject matter but should not be associated with the records of the petitioner before the Board.

§ 12.10–40 *Transmittal of record.* The original record of the proceedings in each case shall be transmitted forthwith by the Senior Member of the Board to the Secretary of the Treasury, via the Commandant, U. S. Coast Guard, for final action.

SUBPART 12.15—THE SECRETARY OF THE TREASURY

§ 12.15–1 *Action by the Secretary of the Treasury.* (a) The Secretary of the Treasury will direct such action in each case as he determines to be appropriate, including the return of the record to the Board for further consideration when deemed necessary.

(b) The procedure of the Board on such further consideration will conform as nearly as practicable to that heretofore prescribed, except that the scope of the action of the Board will be limited to the matters specified by the Secretary of the Treasury in the directive ordering such reconsideration.

(c) The Secretary of the Treasury, after his final action, will return all records to the Board. The Board will notify the petitioner of the action taken in his case, then return all records to the proper Coast Guard authority, for the following administrative acts:

(1) Carry out the orders of the Board in respect to the petition in question.

(2) Place copies of the Board's orders and of the record of proceedings in the service record of the petitioner. A reference shall be made in the copy of the Board's report of all enclosures or exhibits which are to be filed elsewhere.

SUBPART 12.20—THE RECORDER

§ 12.20–1 *Duties of the Recorder.* (a) The Recorder is not a member of the Board. He shall:

(1) Carefully summarize the testimony presented at hearings;

(2) Prepare the findings, conclusions, decisions and orders of the Board; and

(3) Perform such other duties as may be assigned to him by the Senior Member.

(b) In those instances where the petitioner presents his case by letter and affidavits, the Recorder shall act as the petitioner's representative. As such he shall:

(1) Submit pertinent evidence in the petitioner's behalf in proper documentary form, or orally; or

(2) Submit a written brief, when considered warranted, analyzing the evidence presented.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

MAY 15, 1947.

[F. R. Doc. 47–4694; Filed, May 19, 1947; 8:51 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

REMOVAL OF TRESPASSING HORSES IN OCHOCO NATIONAL FOREST AND TEMPORARY CLOSURE FROM LIVESTOCK GRAZING

Whereas a number of horses are trespassing and grazing on land in the Silver Creek-Buck Mountain Cattle Allotment, Snow Mountain Ranger District, Ochoco National Forest, in the State of Oregon; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551) and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of land in the Silver Creek-Buck Mountain Cattle Allotment, Snow Mountain Ranger District, Ochoco National Forest, is issued:

Temporary closure from livestock grazing.[1] (a) The Dairy Creek Unit of the Buck Mountain subcompartment of the Silver Creek C&H Allotment, Snow Mountain Ranger District, Ochoco National Forest, is hereby closed from June 1, 1947, to May 31, 1948, to the grazing of horses, excepting those that are lawfully grazing on or crossing land in such allotment pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notices of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Ochoco National Forest is located.

(30 Stat. 35, 33 Stat. 628; 16 U. S. C. 551, 472)

Done at Washington, D. C., this 14th day of May 1947.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47–4699; Filed, May 19, 1947; 8:51 a. m.]

[1] This affects tabulation contained in 36 CFR, § 261.50.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR 47–29]

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

MERCHANT CARGO AND TANK VESSELS

CONDITIONAL WAIVER OF MANNING REQUIREMENTS

Pursuant to the authority vested in the Commandant, U. S. Coast Guard, by the act of March 31, 1947 (Public Law No. 27, 80th Congress), I hereby find it necessary in the orderly reconversion of the merchant marine from wartime to peacetime operations to cancel, effective June 1, 1947, the order dated April 8, 1943, as amended, (8 F. R. 4736), which conditionally waived certain of the manning requirements with respect to merchant cargo and tank vessels engaged in business connected with the conduct of the war; *Provided*, That nothing herein shall impair the continuing effectiveness of waivers effectuated on or before June 1, 1947 pursuant to said order of April 8, 1943, as amended.

Pursuant to the authority vested in the Commandant, U. S. Coast Guard, by the act of March 31, 1947 (Public Law No. 27, 80th Congress), I find, further, that the waiver of the navigation and vessel inspection laws and regulations administered by the Coast Guard is necessary in the orderly reconversion of the merchant marine from a wartime to normal peacetime basis, to the extent and in the manner and upon the terms and conditions set forth in the succeeding numbered paragraphs.

1. *Purpose of waiver.* It has been determined upon investigation that there is a shortage of experienced and qualified personnel in the merchant marine industry and that as a result of such shortage the masters of merchant cargo vessels and tank vessels engaged in any trade or commerce deemed necessary in the orderly reconversion of the merchant marine from wartime to peacetime operations have been unable to obtain the number of experienced personnel required for their vessels by or pursuant to law or regulation. Therefore, to avoid delays in the sailings of such merchant vessels, to insure that such vessels have on board the best qualified crews available, to provide a simplified and uniform procedure for accomplishing the foregoing and otherwise to further the orderly reconversion of the merchant marine, this Conditional Waiver of Manning Requirements is issued.

2. *Vessels affected.* All merchant cargo and tank vessels registered, or enrolled and licensed under the laws of the United States shall be considered to be engaged in a trade or commerce associated with the reconversion of the merchant marine from wartime to peacetime operations so long as this Conditional Waiver of Manning Requirements remains in effect, or unless a local representative of the United States Maritime Commission informs the appropriate Coast Guard District Commander or Officer in Charge, Marine Inspection, that a particular vessel or vessels in either of such classes should not be so included. This waiver is inapplicable to all ocean and coastwise passenger vessels and vessels carrying troops.

3. *Extent, terms, and conditions of waivers.* The master of any cargo vessel or tank vessel engaged in any trade or commerce associated with the reconversion of the merchant marine from wartime to peacetime operation may if such action is necessary to permit such vessel to sail without delay substitute for any licensed officer required as part of the complement of such vessel by or pursuant to law or regulation, any licensed officer of lower rank who is an American citizen or any certificated seaman who is an American citizen, and, may substitute for any rated seaman required as part of the complement any certificated seaman of lower rating provided that any such substitution is within the citizenship requirements established pursuant to law: *Provided*, That (a) the deficiency in complement is not caused by the consent, fault or collusion of the master, owner or any other person interested in the vessel, (b) the master, over a reasonable period prior to the time fixed for the signing on of his crew, makes every reasonable effort to obtain such required licensed officer or rated seaman, (c) the person substituted for such required licensed officer or rated seaman is, in the opinion of the master, the best qualified substitute therefor that the master could obtain, (d) the master is of the opinion that the vessel is sufficiently manned for the contemplated voyage, and (e) the master, prior to departure prepares, executes, certifies, and files with, or sends to the Shipping Commissioner before whom the crew was signed on or, in cases when the crew is not required to be signed on before a Shipping Commissioner, to the nearest Officer in Charge, Marine Inspection, two copies of a report of each substitution made. One copy of such report shall also be submitted to the Collector of Customs at the time when application for clearance is made. In making such report Coast Guard Form 729 shall be used.

4. *Penalties.* The failure of the master of any vessel departing with a deficiency in the required complement therefor to execute and submit the reports required hereunder, or a false certification in any such report by such master shall be considered misconduct within the meaning of R. S. 4450, as amended, 46 U. S. C. 239, and shall constitute grounds for suspension or revocation of the license of such master; and shall subject him and the owners to all other penalties provided by law. No penalty shall be imposed as a consequence of any substitution made in accordance with this regulation.

5. *Effective date.* This order shall be in effect on and after June 1, 1947. Because of the technical character of this revision of regulations, and because of the urgency of providing waiver authority in order to effectuate the orderly reconversion of the merchant marine to peacetime operations, it is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest.

(Pub. Law 27, 80th Cong.)

Dated: May 14, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 47–4689; Filed, May 19, 1947; 8:59 a. m.]

[CGFR 47–30]

PROCEDURES FOR EFFECTING INDIVIDUAL WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

Pursuant to the authority vested in the Commandant, U. S. Coast Guard, by the act of March 31, 1947 (Public Law No. 27, 80th Congress), I hereby find it necessary in the orderly reconversion of the merchant marine from wartime to peacetime operations to cancel, effective June 1, 1947, the order dated July 1, 1943, as amended (8 F. R. 9164), which, subject to certain conditions, waived compliance with navigation and vessel inspection laws with respect to vessels engaged in business connected with the conduct of the war; provided that nothing herein shall impair the continuing effectiveness of waivers effectuated on or before June 1, 1947, pursuant to said order of July 1, 1943, as amended.

Pursuant to the authority vested in the Commandant, U. S. Coast Guard, by the act of March 31, 1947 (Public Law No. 27, 80th Congress), I find, further, that the waiver of compliance with the navigation and vessel inspection laws administered by the Coast Guard is necessary in the orderly reconversion of the merchant marine from a wartime to normal peacetime basis, to the extent and in the manner and upon the terms and conditions set forth in the succeeding numbered paragraphs:

1. An application requesting that a waiver be made effective with respect to a particular vessel may be made by any authorized representative of an agency of the United States Government or any other interested person (including the master, agent, or owner of the vessel involved). Except as provided in paragraph 3, the application shall be in writing. The application shall be delivered to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In the case of vessels in any port or place of the Canal Zone or in any foreign port or place, the application shall be made to the designated representative of the Commandant at such port or place or if the Coast Guard has not established facilities in such port or place to the nearest designated representative of the Commandant at a port or place where such facilities have been established. Every application shall contain a statement of the particular provisions of law with respect to which waiver of compliance is requested, a certification that the waiver of compliance with such laws with respect to the vessel involved is necessary in the orderly reconversion of the merchant marine, and an outline of the facts upon which such certification is based. The Coast Guard District Commander (or his designated representative, or the designated representative of the Commandant, as the case may be) shall promptly examine every application for the purpose of determining whether the necessity for prompt action is such as to require that the waiver be made effective by him without reference to Headquarters. In any case in which it appears to the Coast Guard officer concerned that reference of the application to Headquarters for action would not delay the sailing of the vessel or otherwise impede the orderly reconversion of the merchant marine, the application shall be so referred. In all other cases such Coast Guard officer shall give immediate consideration to the application and if he reaches the conclusion that urgency of the situation outweighs the marine hazard involved, then such waiver shall be effective in regard to such vessel to the extent and under the circumstances specified by him.

2. The Coast Guard officer making such waiver effective pursuant to paragraph 1 shall immediately prepare, in triplicate, an order setting forth the name of the vessel involved, the laws with respect to which the waiver is effective, the extent to which compliance with such laws is waived, and the period for which the waiver shall be effective. If practicable, one copy of this order shall be delivered to the master of the vessel involved before such vessel sails. In cases where the order is not delivered to the master, it shall be delivered to the owner, operator, or agent of the vessel without delay. One copy of the order shall be transmitted to Coast Guard Headquarters and the remaining copy kept on file.

3. In cases of extreme urgency the application for waiver may be made orally, and if the Coast Guard District Commander or such representative reaches the conclusion referred to in paragraph 1, the waiver shall be effective without further delay, subject to a condition subsequent that the application be reduced to writing and delivered within such period after the date of the oral request as the Coast Guard officer making the waiver effective shall specify in the order.

4. No penalty shall be imposed because of failure to comply with any provision of law the waiver of which has been made effective pursuant hereto.

5. This order shall be in effect on and after June 1, 1947. Because of the technical character of this revision of regulations, and because of the urgency of providing waiver authority in order to effectuate the orderly reconversion of the merchant marine to peacetime operations, it is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest.

(Pub. Law 27, 80th Cong.)

Dated: May 14, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-4690; Filed, May 19, 1947; 8:59 a. m.]

PROPOSED RULE MAKING

FEDERAL POWER COMMISSION

[18 CFR, Part 125]

[Docket No. R-104]

PRESERVATION OF RECORDS OF PUBLIC UTILITIES AND LICENSEES

NOTICE OF PROPOSED RULE MAKING

MAY 13, 1947.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In 1938 the Commission, acting pursuant to authority vested in it by the Federal Power Act, particularly section 301 (a) thereof (49 Stat. 854; 16 U. S. C. 825 (a)), adopted its Order No. 54 prescribing regulations to govern the Preservation of Records of Public Utilities and Licensees, effective August 1, 1938. These regulations or rules were served upon the affected utilities and licensees, and were published in the FEDERAL REGISTER (3 F. R. 2421-29); they were incorporated in the Code of Federal Regulations (1938 Supplement) as "Part 125—Preservation of Records of Public Utilities and Licenses," Subchapter C of Chapter I, Title 18 of the said Code (18 CFR 125.0-125.2).

3. The rules as promulgated in 1938 were developed after consultation and in collaboration with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners. In recent years the foregoing Committee, particularly members of the Commission's staff, acting on behalf of the Committee h[illegible] conferred on numerous occasions with representatives of public utilities and licensees concerning suggested revisions of the rules of the Commission relating to the preservation of records, it being urged by the utility representatives that the problem of retaining old records was becoming a very burdensome and expensive one. After the study of the matter, the Committee on Statistics and Accounts recommended to the National Association that the retention periods for certain types of records should be revised—the periods shortened in most instances. The suggested revisions were approved by the NARUC at its last convention, November 13-15, 1946, San Francisco, California.

4. It appearing that it may be appropriate and consistent with the public interest to revise the retention periods for certain types of records of the public utilities and licensees subject to the jurisdiction of the Commission, it is proposed that the Commission adopt and prescribe by rule the modified retention periods recommended and approved by the NARUC. To make effective such periods, it is proposed to amend § 125.2 "Schedule of records and periods of retention," of the aforesaid Part 125 of Title 18 of the Code of Federal Regulations, to provide for changes as follows:

Items in present rule to be changed	Retention period	
	Present rule	As proposed to be changed
CORPORATE AND GENERAL		
1. Capital stock records:		
(b) Capital stock subscription accounts.	Permanently	3 years.
2. Bond records:		
(a) Registered bond ledgers	do	3 years after redemption.
(b) Stubs or similar records of bonds issued.	5 years after redemption.	Do.
5. Proxies and voting lists:		
(a) Proxies of holders of voting securities.	6 years	3 years.
9. Contracts and agreements (See also item 30):		
(a) Service contracts, such as for management accounting, and financial services.	Permanently	See item 12b (2) if they affect cost of plant; otherwise, 10 years after expiration or cancellation.
(d) Contracts and agreements with individual employees, labor unions, company unions, and other employee organizations relative to wage rates, hours and similar matters.	3 years after expiration or cancellation.	6 years after expiration or cancellation.
(e) Contracts and agreements with employees and associated companies for the purchase or sale of the company's own securities.	10 years after expiration or cancellation.	Do.
12. Journal vouchers and journal entries:		
(b) Material and supplies disbursement and labor distribution records supporting journal vouchers.		
(1) Affecting operations and maintenance only.	6 years	10 years.
(2) Affecting plant	Permanently	10 years if (a) continuing plant inventory records are maintained; (b) chronological distributions appear in work order records or cost ledger; or (c) accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commissions having jurisdiction; otherwise, permanently.
(NOTE. Daily time tickets and material issued tickets may be destroyed at option if the basic information contained thereon is transcribed to other records if such other records are retained in accordance with this instruction.)		

Items in present rule to be changed	Retention period	
	Present rule	As proposed to be changed
CORPORATE AND GENERAL—continued		
15. Vouchers:		
(a) Paid and cancelled vouchers (1 copy), analysis sheets showing detailed distribution of charges on individual vouchers and other supporting papers.	do	Those relating to charges to plant—permanently, others—10 years.
(b) Original bills and invoices for materials, services, etc., paid by vouchers and which should be attached thereto.	do	Those relating to charges to plant, permanently; others, 10 years.
(c) Paid checks and receipts for payments by voucher or otherwise.	10 years	6 years.
(d) Authorizations for the payment of specific vouchers.	Permanently	10 years.
16. Accounts receivable (see items 43 and 44 for accounts with customers for electric service and for merchandise sales):		
(a) Records of accounts receivable pertaining to sales of electric plant.	do	Do.
(c) Accounting department copies of invoices issued and supporting papers which do not accompany the original invoices.	6 years after payment	6 years.
(d) Authorization for charges including supporting papers.	do	Do.
18. Insurance records:		
(b) Records of self-insurance against losses from fire, casualties, and damages to property of others or to persons.	10 years	Do.

Items in present rule to be changed	Retention period	
	Present rule	As proposed to be changed
CORPORATE AND GENERAL—con.		
21. Tabulating machine records (not including billing machine records):		
(a) Tabulating or punched cards used in assembling figures to be posted to an account:		
1. Where a printed sheet or tape showing voucher number, account number, and amount on each sheet is not preserved:		
Affecting operations and maintenance only.	6 years	10 years.
Affecting plant	Permanently	10 years if (a) continuing plant inventory records are maintained; (b) chronological distributions appear in work orders or cost ledger; or (c) accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commissions having jurisdiction; otherwise, permanently.
(b) Printed sheets or tapes showing the details and summaries of accounting data indicated on the punched cards:		
Affecting operations and maintenance only.	6 years	10 years.
Affecting plant	Permanently	10 years if (a) continuing plant inventory records are maintained; (b) chronological distributions appear in work orders or cost ledger; or (c) accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commissions having jurisdiction; otherwise, permanently.
PLANT AND DEPRECIATION RESERVE		
23. Construction work orders and supplemental records:		
(b) Authorizations for expenditures for additions to electric plant, including memoranda showing the detailed estimates of cost and the basis therefor. (Including original and revised or subsequent authorizations.)	6 years after plant is retired.	Relating to production plant, transmission lines, and transmission substations—6 years after plant has been retired. Other plant—10 years.
(c) Requisitions and registers of authorizations for electric plant expenditures.	6 years	Do.
(d) Completion or performance reports showing comparison between authorized estimates and actual expenditures for electric plant additions.	6 years after plant is retired.	Do.
24. Retirement work orders and supplemental records:		
(b) Authorizations for retirement of electric plant, including memoranda showing the basis for determination of cost of plant to be retired and estimates of salvage and removal costs.	do	10 years.
(c) Registers of retirement work orders.	6 years	Do.
27. Book or card records showing description, location, quantities, cost, etc., of physical units (or items) of electric plant owned.	Permanently	Until record is superseded or 6 years after plant is retired, provided mortality data are retained.
28. Maps showing the location and physical characteristics of production, transmission, and distribution systems of the utility.	do	Until map is superseded or 6 years after plant is retired, provided mortality data are retained.
29. Engineering records in connection with construction projects:		
(a) Maps, diagrams, profiles, plans, photographs, records of engineering studies, and similar records in connection with proposed construction projects:		
(1) If construction of project results wholly or in part.	do	Until record is superseded or 6 years after plant is retired.

Items in present rule to be changed	Retention period	
	Present rule	As proposed to be changed
TREASURY		
36. Customers' service applications and contracts:		
(b) Applications for electric service used in lieu of contracts.	3 years after service is discontinued.	1 year after service has been discontinued.
(c) Contracts and card files or other records thereof with customers for electric service (see also item 9 (b)).	3 years after expiration of cancellation.	1 year after expiration or cancellation.
(e) Contracts or sales agreements with customers and others for sale of electric merchandise and appliances.	3 years after sales agreement is discharged.	1 year after sales agreement is discharged.
(f) Contracts for lease of motors, transformers, and other equipment to customers, including receipts for same.	3 years after expiration of contract or return of equipment.	1 year after expiration of contract or return of equipment.
(g) Applications and contracts for extension of lines covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts.	3 years after entire amount is refunded.	1 year after entire amount is refunded.
39. Meter reading sheets and records:		
(a) Superseded meter reading sheets.	6 years	3 years after superseded or service has been discontinued.
(e) Superseded indexes to meter books.	do	3 years after superseded or service has been discontinued.
45. Collection reports and records:		
(b) Bill stubs, copies of bills, collection slips, and other records pertaining to collections, summarized or detailed in daily or periodic cash reports.	3 years	1 year.
(c) Memorandum records of remittances from local or branch offices.	do	Do.
46. Customers' account adjustments:		
(a) Detailed records pertaining to adjustments of customers' accounts for overcharges, undercharges, and other errors, results of which have been transcribed to other records.	3 years, if individual accounts can be identified; Otherwise, 6 years.	Do.
(b) Detailed records of high-bill complaints whether or not resulting in adjustments to customers' accounts.	3 years	Do.
PAY ROLL AND PERSONNEL RECORDS		
48. Pay roll records:		
(b) Records showing the distribution of salaries and wages paid to officers and employees for each monthly, semimonthly, or weekly pay roll period and summaries or recapitulation statements of such distribution.	See item 12 (b)	See item 12 (b).
(c) Time tickets, time sheets, time books, time cards, workmen's reports and other records showing hours worked, description of work, and accounts to be charged.	do	Do.
(d) Paid checks, receipts for wage paid in cash, and other evidences of payments for services rendered by employees.	10 years	3 years.
(f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records.	6 years	Do.
(h) Pay roll authorizations and records of authorized positions.	do	Do.
(i) Records of deductions from pay rolls for social security taxes.	do	4 years.
(k) Pension or annuity pay rolls.	do	10 years.

Items in present rule to be changed	Retention period: Present rule	Retention period: As proposed to be changed
PAY ROLL AND PERSONNEL RECORDS—continued		
51. Employees' welfare and pension records:		
(a) Records pertaining to employees' recreational, educational, hospital, benefit, accident prevention, and similar activities.	.....	6 years.
(1) Supporting entries to operating expenses and other accounts, but not including plant accounts.	.....do.....	Delete items (1), (2), and (3) and substitute 6 years for item 51 (a) after such deletion.
(2) Supporting entries to plant accounts	Permanently.....	
(3) Not supporting entries to the accounts.	Destroy at option.....	
52. Instructions to employees and others:		
(a) Bulletins or memoranda of general instructions to employees pertaining to accounting, engineering, operating, maintenance, or construction methods and procedure.	Permanently.....	Permanently for major broad changes in accounting practices; for other bulletins, memoranda, or general instructions, 6 years after expiration or supersession.
NOTE. If copies of instructions covered by (a) above are kept in the general files of the department in which the complete official file is maintained, other copies in the various departments may be destroyed after expiration or cancellation.		
PURCHASES AND STORES		
54. Purchases:		
(d) Contracts for the purchase of materials and supplies:		
Contracts for materials used directly in construction.	Until plant is retired..	25 years.
Contracts for other material.	6 years.....	6 years.
55. Material ledgers:		
(a) Ledger sheets and card records of materials and supplies received, issued, and on hand.	Permanently.....	See item 12 (b).
PURCHASES AND STORES—con.		
56. Materials and supplies received and issued:		
(c) Records showing the detailed distribution of materials and supplies issued during accounting periods.	See item 12 (b).....	Do.
(d) Material disbursement tickets showing quantities, unit prices, and accounts to be charged for materials and supplies issued from stores for use.	.....do.....	Do.
(e) Materials returned credit slips, showing details of materials returned to stock.	.....do.....	Do.
58. Inventories of materials and supplies:		
(a) General inventories of materials and supplies on hand with records of adjustments of accounts required to bring stores records in to agreement with physical inventories.	6 years.....	3 years.
OPERATIONS		
59. Production:		
(e) Station and system generation reports.	Permanently.....	25 years.
(g) Oil and waste reports	6 years.....	3 years.
(h) Load curves, temperature logs, coal, and water logs.	.....do.....	Do.
(l) Gage-reading reports	.....do.....	3 years except river flow data collected in connection with hydro-operation shall be retained permanently.
60. Transmission and distribution:		
(k) Records of meter tests...	For life of meter.....	Until superseding test but not less than 2 years.
(o) Records of transformer inspections, oil tests.	For life of transformer.	6 years.
NOTE: Life or mortality study data for depreciation purposes shall be retained permanently.		
61. Customers' service:		
(a) Reports of inspections of customers' premises.	6 years.....	3 years.
(b) Records and reports of customers' service complaints.	.....do.....	Do.
(d) Records of installed customers' appliances.	1 year after displaced or superseded.	Do.

5. The amendment is proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301 (a) and 309 thereof (49 Stat. 854, 858; 16 U. S. C. 825 (a), 825 h).

6. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than 30 days from the date of the publication of this notice in the FEDERAL REGISTER, data, views and comments in writing concerning the proposed amendment. The Commission will consider these written submittals before acting upon the proposed amendment.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4734; Filed, May 19, 1947; 8:51 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket 435]

MARKET AGENCIES AT UNION STOCKYARDS, DENVER, COLO.

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture issued an order on August 20, 1946 (5 A. D. 600), providing for certain temporary rates and charges for the respondent market agencies for a period ending June 30, 1947.

By petition filed on May 2, 1947, the respondent has requested that the said temporary rates and charges of the respondent market agencies be further extended.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an extension of temporary rates and charges.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 14th day of May 1947.

[SEAL] H. E. REED, *Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 47-4686; Filed, May 19, 1947; 8:58 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

TERMS AND CONDITIONS OF EMPLOYMENT IN MINING INDUSTRY

ORDER APPOINTING SPECIAL BOARD TO CONSIDER APPLICATIONS FOR APPROVAL OF CHANGES

Pursuant to the authority vested in me by Executive Order 9809, issued December 12, 1946, there is hereby constituted a Special Board consisting of three members selected from the Panel appointed by the President on May 7, 1947. The Special Board shall receive the applications of the Secretary of the Interior for approval of changes in terms and conditions of employment contained in contracts entered into between the Coal Mines Administrator and the United Clerical, Technical and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, which have been approved by the Secretary of the Interior and the President of the United Mine Workers of America. The Special Board shall act upon such applications in accordance with the provisions of section 5 of the War Labor Disputes Act. Any order of the Special Board shall, upon approval by the President, be complied with by the Government agency operating the mines under the authority of Executive Order 9728.

I hereby select Lloyd K. Garrison, New York, N. Y., Dr. William Leiserson, Washington, D. C., and Edward F. McGrady, New York, N. Y., to serve as members of the Special Board.

The members of the Board shall serve without compensation but shall be entitled to such expenses and transportation costs as may be determined by me or by an authorized official of the Department to be satisfactory.

The Department shall furnish the Board with stenographic, investigative and other personnel and facilities as may be necessary, and within the limits of available funds, make such other disbursements as are necessary to effectuate this order.

The Special Board shall meet on May 16, 1947, at the Office of the Secretary of Labor in Washington, D. C.

Signed at Washington, D. C., this 10th day of May 1947.

L. B. SCHWELLENBACH, *Secretary of Labor.*

[F. R. Doc. 47-4680; Filed, May 19, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2910]

COLONIAL AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Colonial Airlines, Inc., under sections 401 and 801 of the Civil Aeronautics Act of 1938, as amended, for amendment of certificate of public convenience and necessity for the operation of scheduled air transportation of persons, property and mail between Massena, N. Y., and Ottawa and Montreal, Canada, and between Burlington, Vt., and Montreal and Ottawa, Canada.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 801 of the said act, that a hearing in the above-entitled matter is assigned to be held on May 22, 1947, at 10 a. m. (daylight saving time) in Room 1508, Department of Commerce Building, 14th Street between Constitution Avenue and E Street, N. W., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed amendment will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing, and able to perform the proposed transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and Canada.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before May 22, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details concerning the proposed amendment and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., May 14, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-4688; Filed, May 19, 1947; 8:59 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-533, G-765]

NORTHERN NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE FOR FURTHER HEARING

It appears to the Commission that:

(a) The Commissioner's order entered January 10, 1946, at Docket No. G-533 granted the application filed by Northern Natural Gas Company (Northern Natural) in said proceeding on December 13, 1945, for rehearing and reconsideration of the order of the Commission entered November 6, 1945, dismissing an application for a certificate of public convenience and necessity filed by Northern Natural, such rehearing to be held on a date to be fixed thereafter by the Commission.[1]

(b) The Commission's order entered September 17, 1946, consolidated the proceeding at Docket No. G-765 with other proceedings[2] for the purpose of hearing, and pursuant to said order, after due notice, the consolidated proceedings came on for public hearing at Kansas City, Missouri. Oral argument in lieu of briefs took place before the Commission on March 14, 1947, respecting the matters involved and issues presented by the applications and amendments thereto at Docket Nos. G-747, G-763 and G-765.[3]

(c) The facilities proposed in Docket No. G-533 involve construction necessary to effect delivery of volumes of gas by Northern Natural from its Boone-Ames, Iowa, 10-inch pipeline, to Iowa Electric Light and Power Company (Iowa Electric) for use at Boone, Iowa.

(d) The facilities proposed in Docket No. G-765 involve construction necessary to extend Northern Natural's Boone-Ames, Iowa, 10-inch pipeline to Marshalltown, Iowa, with intervening connections to the towns of Colo and State Center, Iowa, and with delivery of the volumes of gas necessary to serve these towns to be made to Iowa Electric.

The Commission finds that:

(1) It is necessary and appropriate in the public interest that the record in the proceeding in Docket No. G-765 be reopened for the purpose of receiving additional evidence with respect to the

[1] Leave to intervene in the proceeding at Docket No. G-533 was granted to the following:

National Coal Association;
United Mine Workers of America;
Order of Railway Conductors, Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, and Switchmen's Union of North America;
Coal Trade Association of Indiana, Central Illinois Coal Operators Committee, and Illinois Coal Traffic Bureau;
Northern Illinois Trade Association;
Iowa Railway Association.

[2] In the Matter of Mid-Continent Gas Transmission Company, Docket No. G-699; In the Matter of Cities Service Gas Company, Docket No. G-729; In the Matter of Northern Natural Gas Company, Docket Nos. G-747 and G-763.

[3] Leave to intervene in the proceeding in Docket No. G-765 was granted to the following:

Mid-Continent Gas Transmission Company;
Minnesota Natural Gas Company;
Minneapolis Gas Light Company;
Union Gas System, Incorporated;
Western Railroads;
National Coal Association;
United Mine Workers of America;
Order of Railway Conductors, Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Switchmen's Union of North America;
Central Illinois Coal Operators Committee, Illinois Coal Traffic Bureau, Middle States Fuels, Inc., Northern Illinois Coal Trade Association;
Belleville Fuels, Incorporated;
5th & 9th Districts Coal Traffic Bureau;
24 towns and cities in Iowa, Missouri and South Dakota;
Various Chambers of Commerce, Manufacturers Association, etc.

public convenience and necessity for the project proposed in said matter.

(2) The reopened proceedings referred to in paragraph (1) hereof may present issues and facts substantially similar to those presented in connection with Docket No. G–533, and referred to in paragraphs (a) and (c) hereof, and good cause exists for consolidating the proceedings for purpose of hearing.

The Commission orders that:

(A) The rehearing heretofore granted Northern Natural in Docket No. G–533 shall proceed in the manner and on the date hereinafter fixed for the taking of such additional evidence as may be presented.

(B) The record in the proceeding in Docket No. G–765 be and it is hereby reopened for the purpose of receiving additional evidence with respect to the public convenience and necessity for the project proposed in said matter.

(C) The reopened proceedings in Docket No. G–765 be consolidated for the purpose of hearing with the proceeding in Docket No. G–533.

(D) A public hearing be held in the consolidated proceedings commencing on June 16, 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(E) All interveners in the proceedings in Docket Nos. G–533 and G–765 may participate in the reopened and consolidated proceedings in accordance with leave heretofore granted by the Commission.[1]

(F) Interested State commissions may participate in said hearing as provided in the Commission's rules of practice and procedure.

Date of issuance: May 14, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4691; Filed, May 19, 1947; 8:59 a. m.]

[Docket No. G–867]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 24, 1947, by Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities, subject to the jurisdiction of the Federal Power Commission:

(1) 320 miles of 26-inch pipeline from Garden City, Kansas, to Palmyra, Nebraska.

(2) 47.34 miles of 24-inch loop line from northeast of Palmyra, Nebraska, to Oakland, Iowa, Compressor Station.

(3) 74.28 miles of 24-inch loop line from northeast of Oakland, Iowa, to Ogden, Iowa, Compressor Station.

(4) 42.22 miles of 24-inch loop line from north of Ogden Compressor Station to the Ventura, Iowa, Compressor Station.

(5) 41 miles of 24-inch loop line (3rd line) north of Ventura, Iowa.

(6) 39.45 miles of 24-inch loop line from north of Ventura, Iowa, Compressor Station to Farmington, Minnesota, Regulator Station.

(7) 17.3 miles of 20-inch loop line from Section 27–13–8 to Section 27–16–8, Saunders County, Nebraska.

(8) A new 10,000 horsepower Compressor Station complete with auxiliaries, cooling tower, cooling coils, buildings, and other appurtenances to be located near Garden City, Kansas.

(9) A 3,900 horsepower addition together with other appurtenances and equipment at the Palmyra, Nebraska Compressor Station.

(10) A 2,700 horsepower addition together with other appurtenances and equipment at the Oakland, Iowa Compressor Station.

(11) An 800 horsepower addition together with other appurtenances and equipment at the Ogden, Iowa Compressor Station.

(12) An 800 horsepower addition together with other appurtenances and equipment at the Ventura, Iowa Compressor Station.

(13) A dehydration plant together with all necessary appurtenances and equipment to be located near Garden City, Kansas.

It appearing to the Commission that: Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on March 15, 1947, (12 F. R. 1786). The application and other pleadings filed in this proceeding are on file with the Commission and are open to public inspection.

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a public hearing be held commencing on June 16, 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application and other pleadings in this proceeding.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 14, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4692; Filed, May 19, 1947; 8:59 a. m.]

[1] By Commission's order adopted April 1, 1947, Mid-Continent Gas Transmission Company was denied permission to continue to intervene in Docket No. G–765.

[Project No. 1950]

ELECTRIC POWER CO. OF NEW JERSEY, INC.

NOTICE OF APPLICATION FOR LICENSE

MAY 14, 1947.

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r), that The Electric Power Company of New Jersey, Inc., of Trenton, New Jersey, has made application for license for major Project No. 1950 to be located on Delaware River in Sussex and Warren Counties, New Jersey, Pike, Monroe and Northampton Counties, Pennsylvania and Orange County, New York and to consist of a dam with overall length of about 2,340 feet and about 163 feet high at the Tocks Island site approximately 10.5 miles below the mouth of Bushkill Creek, creating a reservoir with storage capacity of about 679,400 acre-feet, with a powerhouse containing six 24,000-horsepower turbines; a dam with over-all length of about 1,275 feet and about 86 feet high at the Belvidere site approximately one mile above the highway bridge at Belvidere, creating a reservoir with storage capacity of about 38,900 acre-feet, with a powerhouse containing five 11,600-horsepower turbines; a dam with over-all length of about 840 feet and about 72 feet high at the Chestnut Hill site 2.43 miles above the highway bridge between Easton and Phillipsburg, creating a reservoir with capacity of about 10,900 acre-feet, with a powerhouse containing five 8,000-horsepower turbines; a 115-kilovolt transmission line connecting the three plants and a 115-kilovolt transmission line for the purpose of transmitting power from the plants; and appurtenant works.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted before June 26, 1947 to the Federal Power Commission at Washington, D. C.

LEON FUQUAY, *Secretary.*

[SEAL]

[F. R. Doc. 47-4693; Filed, May 19, 1947; 9:00 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 737]

UNLOADING OF LIFT TRUCKS AT NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of May A. D. 1947.

It appearing, that car B & O 106027, containing lift trucks at New York, New York, on the New York Dock Railway, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Lift trucks at New York, N. Y., be unloaded.* The New York Dock Railway, its agents or employees, shall unload immediately car B & O 106027, containing lift trucks, on hand at its Atlantic Terminal, New York, New York, consigned American Stevedores, Inc.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 16, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a), and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4681; Filed, May 19, 1947; 8:58 a. m.]

[S. O. 738]

UNLOADING OF HOUSES AT KENSINGTON, MD.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of May A. D. 1947.

It appearing, that car RI 141733, containing aluminum houses, at Kensington, Maryland, on the Baltimore and Ohio Railroad Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Houses at Kensington, Md., be unloaded.* The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately car RI 141733, containing aluminum houses, now on hand at Kensington, Maryland, consigned to O. L. Murdock.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 16, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a), and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4682; Filed, May 19, 1947; 8:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–1483]

NATIONAL GAS & ELECTRIC CORP. AND INDUSTRIAL GAS CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AMENDED APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of May A. D. 1947.

National Gas & Electric Corporation ("National"), a registered holding company and Industrial Gas Corporation ("Industrial"), a wholly owned nonutility subsidiary company of National, having filed an application-declaration and amendments thereto pursuant to sections 6 (b) and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 promulgated thereunder regarding, among other things, the issuance and sale of $1,750,000 principal amount of Fifteen Year ---% Sinking Fund Debentures dated April 1, 1947, to a group of underwriters headed by G. H. Walker & Company; and

The Commission having issued its findings, opinion and order dated May 9, 1947, granting and permitting to become effective said application-declaration, as amended, including an exemption from the competitive bidding requirements of Rule U-50, subject to the reservation of jurisdiction with respect to the price and interest rate to be paid for the debentures as well as the underwriters' spread and its allocation; and

An amendment to said application-declaration having been filed on May 12, 1947, showing the names of the underwriting firms who will participate in the issue, their address, and the principal amount to be underwritten by each as follows:

Name of underwriter	Address	Amount
G. H. Walker & Co.	New York, N. Y.	$550,000
Estabrook & Co.	Boston, Mass.	400,000
Harris, Hall & Co. (Inc.)	Chicago, Ill.	250,000
Whiting, Weeks & Stubbs	Boston, Mass.	250,000
Hayden, Miller & Co.	Cleveland, Ohio	150,000
H. M. Payson & Co.	Portland, Maine	150,000
Total		1,750,000

The said amendment having stated further that the price to the company will be 100% of the principal amount thereof, plus interest accrued thereon from April 1, 1947, and the interest rate of said debentures will be 4½% and that the debentures will be offered for sale to the public at a price of 103% of the principal amount thereof plus interest accrued thereon from April 1, 1947, resulting in an underwriters' spread of 3% of the principal amount of said debentures; and

A further hearing having been held and the Commission having examined the record herein and finding no basis for imposing terms and conditions with respect to the prices to be paid to Industrial for said debentures, the interest rate thereon, the underwriters' spread and the redemption price:

It is ordered, That the jurisdiction heretofore reserved with respect to the price and interest rate to be paid for the debentures and also the underwriters' spread and its allocation be, and the same hereby is, released and that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4676; Filed, May 19, 1947; 8:57 a. m.]

[File No. 70–1486]

CAMBRIDGE ELECTRIC LIGHT CO. AND CAMBRIDGE GAS LIGHT CO.

MEMORANDUM OPINION AND ORDER APPROVING APPLICATION AND DECLARATION AND PERMITTING THEM TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of May A. D. 1947.

Cambridge Electric Light Company ("Cambridge Electric") and Cambridge Gas Light Company ("Cambridge Gas"),

subsidiaries of New England Gas & Electric Association ("New England"), a registered holding company, have filed an application-declaration pursuant to sections 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to an intercompany sale and purchase of a parcel of land, as more fully described below.

After appropriate notice a public hearing was held and the Commission having considered the record makes the following findings:

New England, organized under the laws of Massachusetts, is solely a holding company owning investments in fourteen subsidiaries which conduct utility operations and own properties in the States of Massachusetts, New Hampshire, and Maine. It owns all of the outstanding securities of the two applicant companies both of which are organized under the laws of Massachusetts.

Cambridge Electric is engaged solely in the generation, distribution, and sale of electricity at retail in the City of Cambridge and wholesale to the Town of Belmont, both in Massachusetts.

Cambridge Gas is engaged solely in the production, distribution, and sale of gas at retail in the Cities of Cambridge and Somerville, Massachusetts.

Cambridge Electric proposes to acquire from Cambridge Gas for $154,388.75 a parcel of land upon which Cambridge Electric proposes to erect a steam generating plant. This land is presently carried on the books of Cambridge Gas at $56,467.21, which amount is stated to be based upon the average cost of the parcels comprising the gas works land. It is stated that the sale and purchase price of this land was established on the basis of an appraisal made by an independent real estate appraiser. Cambridge Gas proposes to credit its surplus with the profit on the sale of the land in the amount of $97,921.54, and Cambridge Electric proposes to debit its property, plant, and equipment account with the cost to it of $154,388.75.

The proposal before us, thus, contemplates the transfer of an asset between one entirely owned subsidiary of a holding company and another entirely owned subsidiary of the same holding company at a profit of approximately 175 percent in excess of the cost to the system. For present purposes, we consider both companies to be merely departments of New England and, viewing the system as a whole, the proposed transfer at a profit must be regarded in the nature of a write-up[1] which would be properly classified in Account 107 of the Uniform System of Accounts prescribed for electric utility companies by the Federal Power Commission and recommended by the National Association of Railroad and Utilities Commissioners. Under the circumstances and considering the potentialities of abuse present in the intrasystem profits of the nature involved here (cf. section 1 (b) of the act), we are of the opinion that the proposed transaction should be so modified as to eliminate its inflationary aspects. Accordingly, we will require, as a condition to our approval of the proposed transaction, pursuant to sections 12 and 10 of the act, that the proposed sale and acquisition be consummated only upon the basis of cost to the vendor company.

[1] Cf. United States, et al. v. New York Telephone Company, 326 U. S. 638 (1945).

It is ordered, That the said application and declaration be, and hereby are, approved and permitted to become effective forthwith, subject to the condition that the proposed sale by Cambridge Gas to Cambridge Electric be consumated only upon the basis of cost to the vendor company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4677; Filed May 19, 1947; 8:57 a. m.]

[File No. 70-1497]

SOUTHERN CALIFORNIA WATER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of May A. D. 1947.

Southern California Water Company ("Southern California"), a public utility subsidiary company of American States Utilities Corporation, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder regarding the issuance and sale at competitive bidding of $5,100,000 principal amount of First Mortgage Bonds, —% Series due May 1, 1977; and

The Commission having by order dated April 28, 1947, granted said application, as amended, subject to the condition that the proposed issuance and sale of bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed and subject further to the reservation of jurisdiction with respect to the fees and expenses in connection with the issuance and sale of the new bonds; and

Southern California having filed an amendment to its application setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids, six bids on said bonds by six groups of underwriters headed by the firms set forth below were received:

Underwriting group	Coupon rate	Price to company (percent of principal amount)	Annual cost to company
	Percent		*Percent*
Blyth & Co., Inc.	2¾	102.08	2.7727
Harris, Hall & Co., Inc.	2¾	101.886	2.7821
The First Boston Corp.	2¾	101.779	2.7874
Halsey, Stuart & Co., Inc.	2¾	101.73	2.7897
Paine, Webber, Jackson & Curtis	2¾	101.5599	2.7980
W. C. Langley & Co.	2¾	100.416	2.8542

The said amendment having stated further that Southern California has accepted the bid of the group headed by Blyth & Co. Inc., as set out above, and that the bonds will be offered for sale to the public at a price of 102.75% of the principal amount thereof, resulting in an underwriters' spread of .67% of the principal amount of said bonds; and

The Commission having examined the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid to Southern California for said bonds, the interest rate thereon, the underwriters' spread and the redemption prices; and the Commission having examined the record with respect to the estimated fees and expenses in connection with said bond issue and the proposed legal fee of Messrs. Davis, Polk, Wardwell, Sunderland & Kiendl, counsel for the successful bidder; and it appearing that the record is incomplete with respect to the legal fees proposed to be paid to Drinker, Biddle & Reath and O'Melveny & Myers, and that jurisdiction should be continued as to such payments, and it further appearing that the other fees and expenses of the company and the legal fees of counsel for the successful bidder are not unreasonable and that jurisdiction with respect to such other fees and expenses should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 be, and the same hereby is, released and that the amendment filed on May 13, 1947, to the application herein be, and hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24; and

It is further ordered, That the jurisdiction heretofore reserved with respect to the fees and expenses in connection with the issuance and sale of the bonds, including the fees payable to counsel for the successful bidder, except the legal fees of Drinker, Biddle & Reath and O'Melveny & Myers, be, and the same hereby is, released, and that as to the legal fees of Drinker, Biddle & Reath and O'Melveny & Myers, jurisdiction be continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4678; Filed, May 19, 1947; 8:57 a. m.]

[File No. 812-492]

FIRST INVESTORS SHARES CORP. ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of May A. D. 1947.

In the matter of First Investors Shares Corporation, American Trustee Share Corporation, Financial Independence Founders Series D Periodic and Fully Paid Plans and The F-I-F Plan Corporation Series XD Periodic and Fully Paid Plans. File No. 812-492.

Notice is hereby given that First Investors Shares Corporation (FISC) and American Trustee Share Corporation (American) have filed an application (1) pursuant to section 11 (a) of the Investment Company Act of 1940 for approval by the Commission of the exchange of Diversified Trustee Shares Series E. (Diversified E), without loading charge but subject to certain adjustments for transfer taxes, for Diversified Trustee Shares Series D (Diversified D), held by Financial Independence Founders Series D Periodic and Fully Paid Plans and by The F-I-F Plan Corporation Series XD Periodic and Fully Paid Plans, prohibited by section 11 (c) of the act; (2) pursuant to section 6 (c) of the act for temporary exemption from the provisions of section 14 (a) of the act with respect to a proposed public offering of Diversified E shares, to more than 25 persons, through the said Series D and Series XD periodic and fully paid plans, for the purpose of acquiring a net worth of at least $100,000; (3) pursuant to section 17 (b) of the act for an order of the Commission exempting from the provisions of section 17 (a) of the act the proposed purchase by American of underlying securities now held in Diversified D against the surrender of Diversified D shares for the purpose of using such underlying shares as the basis for the issuance of Diversified E shares; (4) pursuant to section 17 (b) of the act for an order of the Commission exempting from the provisions of section 17 (a) of the act the proposed purchase by American of Diversified D shares from said Series D and Series XD periodic and fully paid plans under the proposed plan of exchange and substitution; and (5) pursuant to section 17 (b) of the act for an order of the Commission exempting from the provisions of section 17 (a) of the act the proposed sale or sales by American Diversified E shares to said Series D and Series XD periodic and fully paid plans.

FISC is the successor sponsor and depositor of the said Series D and Series XD periodic and fully paid plans and owns and controls all of the stock of American which is the sponsor and depositor of Diversified D which terminates July 15, 1947, and of Diversified E, which is newly created. The said Series D and Series XD periodic and fully paid plans, as well as Diversified D and Diversified E are registered investment trusts. American is therefore an affiliated person of Diversified D and an affiliated person of an affiliated person of the said Series D and Series XD periodic and fully paid plans and the aforesaid transactions by American to effect the substitution of Diversified E shares for Diversified D shares under such plans are prohibited by section 17 (a) of the act.

All interested parties are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transactions and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application it deems the following issues to be raised thereby, without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed exchange of Diversified E shares for Diversified D shares should be approved by the Commission in accordance with the provisions of section 11 (a) of the act;

(2) Whether the proposed public offering of Diversified E shares to more than 25 persons, through the said Series D and Series XD periodic and fully paid plans, for the purpose of acquiring a net worth of at least $100,000, prohibited by section 14 (a) of the act, should be exempted under section 6 (c) of the act as necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act; and

(3) Whether, for the purpose of exempting from the provisions of section 17 (a) of the act the proposed purchase by American of the underlying securities now held in Diversified D, the proposed purchase by American of Diversified D shares from said Series D and Series XD periodic and fully paid plans, and the proposed sale or sales by American of Diversified E shares to such plans,

(a) The proposed transactions are reasonable and fair;

(b) The proposed transactions involve overreaching on the part of any person concerned; and

(c) The proposed transactions are consistent with the policy of the said Series D and Series XD periodic and fully paid plans.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on May 26, 1947, at 10 a. m. eastern daylight-saving time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the said applicants and to The Pennsylvania Company for Banking and Trusts, trustee for said Series D and Series XD periodic and fully paid plans, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before May 23, 1947 his application therefor as provided by Rule XVII of the Rules of Practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4675; Filed, May 19, 1947; 8:57 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981

[Vesting Order CE 384]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR Cum. Supp., 503.6).

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Claudia Chapal	France	Estate of Antonin Chapal, deceased, Surrogate's Court, Nassau County, N. Y.	[illegible]
		Item 2	
Lena Tourallie	do	Same	[illegible]
		Item 3	
Simone Bardinon	do	Same	[illegible]
		Item 4	
Martha Pichard	do	Same	[illegible]
		Item 5	
Odette Pichard	do	Same	[illegible]
		Item 6	
Claude Pichard	do	Same	[illegible]
		Item 7	
Alice Patoia	do	Same	[illegible]
		Item 8	
Basil Narischkine	do	Estate of Sarah Levick Narischkine, deceased. Surrogate's Court, New York County, N. Y. Docket No. 6/2199, 1945.	[illegible]
		Item 9	
Sene Nielsen	Denmark	Estate of Peter Nielsen. Surrogate's Court, Kings County, N. Y. Docket No. 4532/40.	[illegible]
		Item 10	
Bertine Lund	do	Same	[illegible]
		Item 11	
Helene Madsen	do	Same	[illegible]
		Item 12	
Marie Christensen	do	Same	[illegible]
		Item 13	
Peter Nielsen	do	Same	[illegible]
		Item 14	
Hans Nielsen	do	Same	[illegible]
		Item 15	
Louise Jergensen	do	Same	[illegible]
		Item 16	
Lajes Szentgyergyi or his wife and issue, names unknown.	Rumania	Estate of Helen Cznak, deceased. Surrogate's Court, Bronx County, N. Y. Index No. 28/1946.	[illegible]
		Item 17	
Albert Szentgyergyi	do	Same	[illegible]
		Item 18	
Morris Schmuckler	Poland	Estate of Frank Schmuckler, deceased. Surrogate's Court, Kings County, N. Y. Docket No. 8/29-1941	[illegible]
		Item 19	
Henriette Albertina Van Roijen	Holland	Charles William Cox, individually as trustee under the fifth clause of the last will and testament of Kate W. Winthrop, deceased, of the trust therein created for the benefit of Grenville Lindall Winthrop, and as executor of the last will and testament of Grenville Lindall Winthrop, deceased, plaintiff, against Robert Winthrop, Emily Winthrop Miles, Kate Winthrop Morse, John Kean, and others, defendants. Supreme Court, Westchester County, N. Y. Index No. 3670-1944.	[illegible]
		Item 20	
Jan Herman Robert Dudley Van Roijen	do	Same	[illegible]
		Item 21	
Anne Digna Van Roijen	do	Same	[illegible]
		Item 22	
William Jeris John Winthrop Van Roijen	do	Same	[illegible]

[F. R. Doc. 47-4708; Filed, May 19, 1947; 8:52 a. m.]

[Vesting Order CE 385]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CONNECTICUT COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Alex Dittmann	Poland	Estate of Florence Dittman, deceased. Probate Court, District of Berlin, New Britain, Conn.	$62.00
		Item 2	
Sarafinos Belomyzy	do	Estate of Alexander Belomyzy, also known as Alex Belomyzy, deceased. Probate Court, District of Derby, Ansonia, Conn.	52.00
		Item 3	
Amelia Stasiunas	Lithuania	Estate of Stanley Stasiunas, also known as Stanislovas Stasunas, deceased. Probate Court, District of Derby, Ansonia, Conn.	26.00
		Item 4	
Joseph Stasunas	do	Same	26.00
		Item 5	
Heirs within Russia of John Kovalchuck, deceased.	Russia	Estate of John Kovalchuck, deceased. Probate Court, District of Berlin, New Britain, Conn.	112.00
		Item 6	
Lucy Spitzmuller	Austria	Estate of Helena V. Otis, deceased. Probate Court, District of Pomfret, Conn.	544.00

[F. R. Doc. 47-4709; Filed, May 19, 1947; 8:52 a. m.]

[Vesting Order 8817]

TOYOKA NOZAKI

In re: Debt owing to Toyoka Nozaki. D-39-19046-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toyoka Nozaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Toyoka Nozaki by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, % State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $460.10, as of December 31, 1945, arising out of Fixed Deposit Certificate Number 67695, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4701; Filed, May 19, 1947; 8:51 a. m.]

[Vesting Order CE 386]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN DELAWARE, MASSACHUSETTS, NEW JERSEY, AND NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Eugene Charles Lagneau	France	Security Trust Co., executor u/w of Anne Marie Lagneau, deceased vs. Karline Olsen Baardsen et al. Court of Chancery in and for New Castle County, State of Delaware.	$568.06	Wilmington Trust Co., Wilmington, Del.: account No. 6126.	$68.07
		Item 2			
Clemence Adele Thomas	do	Same	568.06	Same account: No. 6127	68.07
		Item 3			
Andre Alphe Lagneau	do	Same	568.06	Same account: No. 6128	68.07
		Item 4			
Louise Adele Legendre	do	Same	568.06	Same account: No. 6129	68.07
		Item 5			
Beretina Olson Larsen	Norway	Same	279.48	Same account: No. 4165	33.57
		Item 6			
Karline Olson Baardsen	do	Same	279.48	Same account: No. 5530	33.57
		Item 7			
Martina Berennen	do	Same	279.48	Same account: No. 3019	33.57
		Item 8			
Yenta Zemilmacher	Russia	Estate of Annie Lyons, deceased, Suffolk County, Probate Court, Boston, Mass. Docket No. 308161.	2,126.67	First Judge of Probate, for County of Suffolk, Boston, Mass.	78.00
		Item 9			
Chia Krechmar	do	Same	2,126.67	do	78.00
		Item 10			
Rizzie Zemilmacher	do	Same	531.67	do	19.00
		Item 11			
Sarah Zemilmacher	do	Same	531.67	do	19.00
		Item 12			
Bella Capren	do	Same	319.00	do	12.00
		Item 13			
Aaron Krechmar	Poland	Same	531.67	do	19.00
		Item 14			
David Krechmar	do	Same	531.67	do	19.00
		Item 15			
Morris Krechmar	do	Same	531.67	do	19.00
		Item 16			
Yenta Rosen	Russia	Same	531.67	do	19.00
		Item 17			
Borach Sosno, Munik Sosno, Rachel Sosno, Sarah Sosno, and Yenta Sosno.	Belgium	Same	1,595.00	do	58.00
		Item 18			
Josef Sanda	Czechoslovakia	Estate of Frank Sanda, deceased, Essex County, Orphans' Court, Essex County Court House, Newark, N. J.	866.88	Mor M. Fast, Esq., executor, 60 Park Pl., Newark 2, N. J.	50.00
		Item 19			
Marie Solc	do	Same	866.89	do	50.00
		Item 20			
Hedrika Horak	do	Same	866.89	do	50.00
		Item 21			
Ruzena Sanda	do	Same	866.89	do	50.00
		Item 22			
Barbara Staller	Austria	Same	866.88	do	50.00
		Item 23			
Max Stross or Adolph Stross	Italy	Estate of Ludwig Stross, deceased, Bergen County Orphans' Court, Bergen County Court House, Hackensack, N. J.	59,579.30	Bergen County, Surrogate, Bergen County Courthouse, Hackensack, N. J.	177.00
		Item 24			
Vittorio De Castro	do	Estate of Ludwig Stross, deceased, Bergen County Courthouse, Hackensack, N. J.	1,103.32	do	5.00
		Item 25			
Guido De Castro	do	Same	1,103.32	do	5.00
		Item 26			
Paul Stross	Czechoslovakia	Same	19,859.77	do	58.00
		Item 27			
Helene Kocholata	do	Same	19,859.77	do	58.00
		Item 28			
Vera Brumlik	do	Same	9,929.81	do	29.00
		Item 29			
Otto Lewit	do	Same	3,309.96	do	10.00
		Item 30			
Viktor Lewit	do	Same	3,309.96	do	10.00
		Item 31			
Marie Weiss	Belgium	Same	3,309.96	do	10.00

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 32			
Alice Gattegno	France	Estate of Ludwig Stross, deceased, Bergen County Courthouse, Hackensack, N. J.	$3,309.96	Bergen County, Surrogate, Bergen County Courthouse, Hackensack, N. J.	$10.00
		Item 33			
Helen Amaragi	do	Same	3,309.96	do	10.00
		Item 34			
Louis Pilz	Austria	Same	9,929.89	Bankers Trust Co., Trustee, 16 Wall St., New York, N. Y.	29.00
		Item 35			
Marianne Beck	do	Same	9,929.89	do	29.00
		Item 36			
Mabelle Densmore	France	Estate of Emmet Densmore, dec'd. Surrogate's Court, New York County, New York Docket No.	[1] 14,000.00	Almon C. Kellogg, 60 Broad St., New York, N. Y., trustee.	210.00
		Item 37			
Sophia Karras	Greece	Estate of Nick Carras, a/k/a Nicholas Karras, deceased, Surrogate's Court, Kings County, New York, N. Y., file No. 7913/1943.	[1] 900.00	Kostis Karras, 51 Clark St., Brooklyn, N. Y., administrator.	26.00
		Item 38			
Maria Karras	do	Same	[1] 900.00	do	26.00
		Item 39			
Frank Labuta, his heirs at law, devisees, grantees, next of kin issue, legatees, and personal representatives whose names are unknown.	Czechoslovakia	Estate of Wenzel or William Labuta, deceased, Hudson County, Orphans' Court, Jersey City, N. J.	351.80	John H. Gavin, Surrogate of Hudson County, Hudson County Courthouse, Jersey City, N. J.	35.00
		Item 40			
Susie Tomasula	do	Estate of John Tomasula, deceased, Surrogate's Court, Union County, N. J.	420.22	Anna Vircik, 115 Main St., Elizabeth, N. J., general administratrix.	62.00
		Item 41			
Susie Balogh	do	Same	280.15	do	42.00

[1] Approximate.

[F. R. Doc. 47-4710; Filed, May 19, 1947; 8:52 a. m.]

[Vesting Order 5008, Amdt.]

ANNA M. HESSE

In re: Estate of Anna M. Hesse, deceased, and trust created by order of Court dated November 10, 1944 in the matter of the estate of Anna M. Hesse, deceased. File D-28-8149; E. T. sec. 9092.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, Vesting Order 5008, dated June 7, 1945, as affirmed by § 500.41 as amended, of the Rules, Office of Alien Property, Department of Justice (11 F. R. 14155), is hereby amended to read as follows:

It is hereby found:

1. That Mathias Kiemes, Elizabeth Liesch and Veronica Vatheuer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the nephews and nieces, names unknown, of Anna M. Hesse, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of Mathias Kiemes, Elizabeth Liesch, Veronica Vatheuer and nephews and nieces, names unknown, of Anna M. Hesse, deceased, and each of them, in and to the estate of Anna M. Hesse, deceased, and in and to the trust created by order of the County Court of Cass County, Nebraska, entered on November 10, 1944 in the matter of the estate of Anna M. Hesse, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Estella L. Rutherford, as executrix and trustee, acting under the judicial supervision of the County Court of Cass County, Nebraska; and it is hereby determined:

5. That to the extent that the above named persons and nephews and nieces, names unknown, of Anna M. Hesse, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it having been and being deemed necessary in the national interest,

There is hereby vested the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein and in said Vesting Order 5008 shall have and had the meanings prescribed in section 10 of Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4707; Filed, May 19, 1947; 8:52 a. m.]

[Vesting Order CE 387]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CONNECTICUT, MASSACHUSETTS, AND NEW JERSEY COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Adelaide Piacentini	Italy	Estate of Carlo Piacentini, deceased, Court of Probate, District of Hartford, State of Connecticut.	$100	Giacinto Piacentini, executor 108 New Britain Ave., Hartford, Conn.	$25.00
		Item 2			
Francesco G. Princi and Maria Princi	do	Estate of Cosmo Princi, deceased, Probate Court, District of Waterbury, State of Connecticut.	Approximately $378.50	Joseph C. LaPorta, administrator, 67 Holmes Ave., Waterbury, Conn.	24.00
		Item 3			
Joshua Crane	do	Trust u/w of Annie E. Crane, deceased, Norfolk County, Probate Court, Dedham, Mass.; No. 98051.	Income of trust u/w of Annie E. Crane, deceased.	State Street Trust Co., State and Congress Sts., Boston, Mass., Trustee.	75.00
		Item 4			
Rosalie Agnes Sanarica	do	Trust u/w of Lucius F. Paullnt, deceased, Probate Court, Middlesex County, Mass.; No. 143230.	Income from trust under will of Lucius F. Paullnt, deceased.	Union National Bank of Lowell, Mass., trustee.	51.00
		Item 5			
Romolo Quazza	do	Estate of Efisio Maronpot, deceased, Passaic County Orphans' Court, Passaic County, N. J.	$261.39	John McNaughton, surrogate and clerk of the Passaic County Orphans' Court, Paterson, N. J.	22.00
		Item 6			
Vincenzo Quazza	do	Same	$261.39	do	22.00
		Item 7			
Emma Piana	do	Same	$261.39	do	22.00
		Item 8			
Quido Maronpot	do	Same	$112.02	do	9.00
		Item 9			
Falmini Maronpot	do	Same	$112.02	do	9.00
		Item 10			
Secondina Maronpot	do	Same	$112.02	do	9.00
		Item 11			
Clelia Fiorillo	do	Estate of Gloria Gould Barker, deceased New Jersey Prerogative Court, Trenton, N. J.	$10,000	Guaranty Trust Co., of New York, 140 Broadway, New York, N. Y., Wallace MacFarlane Barker, P. O. Box 1351, Phoenix, Ariz.; Kingdon Gould, 29 Broadway New York, N. Y. executors.	80.00

[F. R. Doc. 47-4711; Filed, May 19, 1947; 8:52 a. m.]

[Vesting Order CE 388]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN PENNSYLVANIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Augusta Koehler	Poland	Estate of Helene Schmechtig, deceased. Orphans' Court of Philadelphia County, Philadelphia, Pa.; No. 2559 of 1944.	$83.00
		Item 2	
Heirs, next of kin, legatees and distributees of Anna Bata, deceased, within Czechoslovakia.	Czechoslovakia	Estate of Anna Bata, deceased. Orphans' Court of Dauphin County, Harrisburg, Pa.; No. 264 of 1943.	87.00
		Item 3	
Panagiotis Polychronopoulos	Greece	Estate of Panagiotis Polychronopoulos, a minor. Orphans' Court of Philadelphia County, Philadelphia, Pa.; No. 285 of 1924.	25.00
		Item 4	
Anna Holtzman	Austria	Estate of Susana Wolf, deceased. Orphans' Court of Philadelphia County Philadelphia, Pa.; No. 1163 of 1945.	19.00
		Item 5	
Henrietta Knaus	do	Same	19.00
		Item 6	
George Rudo (Rudau)	Romania	Estate of Vilma Rudo, deceased. Orphans' Court of Philadelphia County, Philadelphia, Pa.; No. 1717 of 1945.	121.00

[F. R. Doc. 47-4712; Filed, May 19, 1947; 8:52 a. m.]

[Vesting Order 8847]

TATSUO OHKI AND JUNICHI N. IWAKAMI

In re: Debts owing to Tatsuo Ohki and Junichi N. Iwakami, also known as J. N. Iwakami. D-39-9780-E-1, D-39-4809-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tatsuo Ohki and Junichi N. Iwakami, also known as J. N. Iwakami, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Tatsuo Ohki by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $913.40, as of December 31, 1945, arising out of a commercial checking account entitled Tatsuo Ohki, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Junichi N. Iwakami, also known as J. N. Iwakami, by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $1,927.46, as of December 31, 1945, arising out of a commercial checking account entitled J. N. Iwakami, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy county (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4702; Filed, May 19, 1947; 8:51 a. m.]

[Vesting Order CE 389]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CONNECTICUT COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp. 503.6).

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Natalie Patti	Italy	Estate of Natale Turrisi, deceased, Probate Court, District of New London, Conn.	$99.00
		Item 2	
Maria Grazia Pennachio, also known as Graziella Piras-Castelli.	do	Trust under the will of Stanley Dwight, deceased, Probate Court, New Haven County, Conn.	281.00
		Item 3	
Children of Batista Bellangero, names unknown	do	Estate of Costantino Bellangero, also known as Constantino Bellangero, also known as Bellangero Costantino, deceased, Probate Court, District of Berlin, New Britain, Conn.	105.00
		Item 4	
Felencina Chiesa Doc (married name unknown)	do	Same	21.00
		Item 5	
Ernest Chiesa	do	Same	21.00
		Item 6	
Emilio Andrea Bonesi	do	Estate of Giacomo Bonesi, also known as Jacob B. Jones, deceased, Probate Court, District of Bridgeport, Conn.	125.00
		Item 7	
Pietro Bonesi	do	Same	125.00
		Item 8	
Maria Bonesi	do	Same	125.00
		Item 9	
Heirs, domiciliary personal representatives, next of kin, legatees and distributees of Giacomo Rossi, late of Cattaeggio, in the Province of Sandria, Italy.	do	Same	125.00
		Item 10	
Luigi Bonesi	do	Same	125.00
		Item 11	
Maddalina Bonesi	do	Same	125.00
		Item 12	
Cesare Taeggi	do	Same	127.00
		Item 13	
Domenica Taeggi	do	Same	125.00
		Item 14	
Maria Giuseppa F. Muro	do	Estate of Alfonso Franco, deceased, Probate Court, District of Greenwich, Conn.	82.00
		Item 15	
Vitantonio Franco	do	Same	82.00

[F. R. Doc. 47-4713; Filed, May 19, 1947; 8:52 a. m.]

[Vesting Order 8905]

SHUNICHI MURATA

In re: Debt owing to Shunichi Murata, also known as S. Murata. D-39-8723-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shunichi Murata, also known as S. Murata, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shunichi Murata, also known as S. Murata, by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $1987.29, as of December 31, 1945, arising out of a commercial checking account entitled S. Murata, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4703; Filed, May 19, 1947; 8:51 a. m.]

[Vesting Order CE 390]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interest in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Filomena Guzzi	Italy	Estate of Bruno Vinelli, deceased, Surrogate's Court, Kings County, N. Y.; Docket No. 1329-36.	600.00	Treasurer of the City of New York, Municipal Bldg., New York, N. Y.	$11.00
		Item 2			
Marie Fiorentina	do	Same	581.12	do	11.00
		Item 3			
Concetta Graziano	do	Same	596.33	do	10.00
		Item 4			
Stefano Laricchiuta	do	Estate of Dominick Laricchiuta, deceased, Surrogate's Court, Kings County, State of New York, Docket No. 3125-1943.	2,490.01	do	14.00
		Item 5			
Nicola Laricchiuta	do	Same	2,490.01	do	14.00
		Item 6			
Marie Laricchiuta	do	Same	2,490.01	do	14.00
		Item 7			
Giovanna Laricchiuta	do	Same	2,490.02	do	14.00
		Item 8			
Isabella Giarratano	do	Estate of Rosalia Russo, also known as Rosolia Russo, deceased, Surrogate's Court of Kings County, Brooklyn, N. Y., Court Docket No. 223-39.	184.58	do	25.00
		Item 9			
Margherita Milese	do	Estate of Domenick Milese, deceased, New York County, Surrogate's Court, N. Y., Index No. A447 1943.	12,987.29	do	168.00
		Item 10			
Josephine Loenti	do	Estate of Antonio Leonti, deceased, Surrogate's Court, New York County, N. Y., Docket No. A-1148-1943.	1,950.02	do	70.00
		Item 11			
Mary Knight Mason	do	Estate of Annie H. Thomas, deceased, Surrogate's Court, New York County, N. Y.	158.53	do	75.00
		Item 12			
Giovanni Besutti	do	Estate of Charles Polifeme, a/k/a Carlo Polifeme, deceased, Surrogate's Court, New York County, N. Y., Index No. P243-1943.	1,000.00	do	96.00
		Item 13			
Santina Besutti	do	Same	1,000.00	do	96.00
		Item 14			
Esther Batchman	Russia	Estate of Becky Pollak, deceased, Surrogate's Court, New York County, N. Y., Docket No. P749-1944.	986.42	do	155.00
		Item 15			
Minnie Glazer	do	Same	195.00	do	77.00
		Item 16			
Pessie Kreitstein	do	Same	195.00	do	77.00
		Item 17			
Anna Paskar	do	Same	195.00	do	77.00
		Item 18			
Pincus Schwartz	do	Same	195.00	do	77.00
		Item 19			
Eugen Heimann	France	Estate of Simon Heimann, deceased, Surrogate's Court, County of Kings, New York, N. Y.	3,285.08	do	55.00

[1] Approximate.

[F. R. Doc. 47-4714; Filed, May 19, 1947; 8:52 a. m.]

[Vesting Order 8914]

GEORG AMMON ET AL.

In re: Stock owned by Georg Ammon and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals listed in subparagraph 3 hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Gustav Kunze, Jr., G. m. b. H., the last known address of which is Berlin Tempelhof, Oberlandstrasse 104–107, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

3. That the property described as follows: One hundred and fifty seven (157) shares of $100.00 par value common capital stock of The Baltimore and Ohio Railroad Company, Baltimore & Charles Streets, Baltimore 1, Maryland, a corporation organized under the laws of the States of Maryland and Virginia, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares	OAP file No.
Georg Ammon	A [illegible]	5	F-28-[illegible]-D-1,
Willy A. Boerner	A [illegible]	5	F-28-[illegible]-D-1,
Ferdinand Essinger	A [illegible]	5	F-28-[illegible]-D-1,
Friedrich Grall	A [illegible]	5	F-28-[illegible]-D-1,
Johann Hock	A [illegible]	5	F-28-[illegible]-D-1,
K. Jaffa	A [illegible]	2	F-28-[illegible]-D-1,
Alfred Jurgens	A [illegible]	3	F-28-[illegible]-D-1,
Arno Lincke	D-[illegible]	10	F-28-[illegible]-D-1,
	A [illegible]	5	
	A [illegible]	4	
Mathias Linsenmann	A [illegible]	5	F-28-[illegible]-D-1,
Miss Marianne Lotzsch	D-[illegible]	10	F-28-[illegible]-D-1,
	D-[illegible]	10	
	D-[illegible]	10	
	D-[illegible]	10	
	D-[illegible]	10	
	D-[illegible]	10	
F. W. Maus	A [illegible]	30	F-28-[illegible]-D-1,
Dr. Katharine Schaefe	A [illegible]	5	F-28-[illegible]-D-1,
Walther Schoeller	D-[illegible]	10	F-28-[illegible]-D-1,
Gustav Kunze, Jr., G. m. b. H.	D-[illegible]	10	F-28-[illegible]-D-1,

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons listed in subparagraph 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4704; Filed, May 19, 1947; 8:51 a. m.]

[Vesting Order 8917]

SUZU FUJITA

In re: Bonds owned by and debt owing to Suzu Fujita. F-39-1509-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Suzu Fujita, whose last known address is Yokohama, Japan, is a resident and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Two (2) 2½% United States Treasury Bonds, of $100 face value, bearing the numbers 6017H and 121833C, due March 15, 1960, registered in name of bearer, and presently in the custody of National Savings and Trust Company, Fifteenth Street and New York Avenue, Northwest, Washington 5, District of Columbia, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation owing to Suzu Fujita, by National Savings and Trust Company, Fifteenth Street and New York Avenue, Northwest, Washington 5, District of Columbia, in the total amount of $1,522.19, as of March 24, 1947, representing principal in the sum of $1,386.19 and income in the sum of $136.00, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4706; Filed, May 19, 1947; 8:51 a. m.]

MAY 22 47

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

STATUS OF EMPLOYEE DURING PERIOD OF ADVANCE NOTICE

Section 22.2 (c) is amended to read as follows:

§ 22.2 *Notification of proposed actions; charges and opportunity for answer.* * * *

(c) *Status of employee during period of advance notice.* The advance written notice which is required when a proposed adverse action is sought by an employing agency shall be submitted to the employee at least thirty (30) days before the effective date of such proposed action, and during such thirty (30) day period the employee shall continue in an active duty status; but in cases of furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God or emergencies requiring immediate curtailment of activities, advance notice shall not be necessary.

In exceptional cases where the circumstances are such that the retention of the employee in an active duty status during the thirty (30) day period may result in damage to Government property, would be otherwise detrimental to the interests of the Government, or would be injurious to the employee, his fellow workers or the general public, and the employee cannot during such period be temporarily assigned to duties in which these conditions would not exist, he shall be placed on annual leave, provided he has sufficient annual leave to his credit to cover the required period, and otherwise, suspended for such period or periods during the thirty (30) days as the circumstances warrant. The reasonableness of such exceptions, including suspensions, will be considered in connection with the entire case in the event that the employee subsequently appeals from the final adverse decision reached by the administrative officer.

(Secs. 11 and 14, 58 Stat. 387; 5 U. S. C., Sup., 860, 863)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-4740; Filed, May 20, 1947; 8:51 a. m.]

PART 29—RETIREMENT

BASIC RECORDS

Section 29.101 (b) (6) is amended to read as follows:

§ 29.101 *Basic records.* * * *

(b) *Individual account.* * * *

(6) All periods of leave without pay in excess of an aggregate of six months in any calendar year.

(Sec. 12 (a), 46 Stat. 476; 5 U. S. C. 724)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-4739; Filed, May 20, 1947; 8:51 a. m.]

PART 33—CLAIMS AND APPEALS OF VETERANS; RECOGNITION OF REPRESENTATIVES

Part 33 as set out below is hereby added to the regulations in this chapter.

Sec.
33.1 Appearance.
33.2 Agents.
33.3 Recognition of service organizations.
33.4 Accredited representatives of service organizations.
33.5 Designation of service organizations as representatives.
33.6 General provisions.
33.7 Effective date.

AUTHORITY: §§ 33.1 to 33.7, inclusive, issued under sec. 11, 58 Stat. 390; 5 U. S. C., Sup., 860.

§ 33.1 *Appearance.* Any veteran who has filed a claim or an appeal with the Commission may appear in any proceeding in connection therewith either per-

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FEDERAL REGISTER

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1946 SUPPLEMENT

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sonally or by a representative. Such representative may be any person designated by the veteran, such person being hereinafter referred to as agent, or a service organization designated by him and approved by the Commission.

§ 33.2 *Agents.* Any competent person of good moral character and of good repute who is a citizen of the United States, or who has declared his intention to become a citizen of the United States, may be designated as an agent. A person claiming to act as an agent must submit a written statement from the veteran (CSC Form 307)[1] authorizing him to represent the veteran in his claim or appeal.

§ 33.3 *Recognition of service organizations.* Any service organization approved by the Commission may be recognized in the presentation of claims or appeals under the laws administered by the Commission when the proper officers thereof make application for recognition, and as a part of such application agree and certify that neither the organization nor its representatives will charge claimants or appellants any fee or compensation whatsoever for their services.

In requesting recognition, the following information must be supplied:

(a) Statement outlining the purpose of the organization and need thereof, and manner in which the veteran will be benefited by such recognition.

(b) Names, titles, and addresses of officers.

(c) Number of posts or chapters, and States in which located.

(d) Names, titles, and addresses of full-time paid employees who are qualified to act as accredited representatives.

(e) Copy of constitution or charter and by-laws of the organization.

[1] Filed with the Division of the Federal Register.

§ 33.4 *Accredited representatives of service organizations.* (a) Recognized service organizations shall file with the Commission, on the prescribed form (CSC Form 306),[1] the name of any officer whom it desires to be recognized as its accredited representative and the Commission office or offices to which recognition is to be extended in the presentation of claims or appeals. In proposing a candidate for recognition as a representative the organization, through its appropriate officer, shall certify to the following:

(1) That the applicant is a citizen of the United States, of good character and reputation, is qualified by training or experience to assist in the presentation of claims, and is a member or employee of the organization.

(2) That he is not employed in any civil or military department or agency of the United States, and is not a retired member of the Regular Army, Navy, Marine Corps, Coast Guard, or Public Health Service.

(3) Whether the applicant is a veteran, and if so, that he was honorably discharged from active service.

(b) The application (CSC Form 306)[1] may be filed with the central office of the Commission, or with the regional office where the applicant is to serve.

(c) The central office (Veterans Service Section), or Regional Director, as the case may be, will secure sufficient facts by such investigation as may be deemed necessary to justify a determination whether or not the applicant is qualified. If it is determined that the applicant is qualified, notice to that effect will be issued, the original of which shall be sent to the applicant, and a copy of which shall be sent to the organization. Where the approval is made by a regional office, two copies will be sent to the central office of the Commission, one of which will be retained in the files and the other will be sent to the organization. A record of accredited representatives will be retained in the regional offices and in the Veterans Service section of the central office. If the Regional Director's determination is adverse, or the case is one of doubtful aspect, the entire matter will be referred to the Commission's central office, Veterans Service section.

(d) Recognition may be cancelled at the request of the organization. The central office, or Regional Director may cancel or suspend any recognition for cause. When a Regional Director cancels or suspends any recognition, a report of the facts shall be made to the central office. Notice of cancellation or suspension will be supplied in the same manner as a notice of recognition.

(e) Nominations for accredited representatives of National service organizations will be accepted only if approved by the certifying officer, National headquarters, of such organization.

(f) Letters of recognition issued by the central office to National and field officers of recognized organizations will constitute authorization for their recognition in claims or appeals in any regional office within their respective assignments. Letters of recognition issued by a Regional Director will constitute authorization for the accredited representatives to present claims or appeals in any regional office within their respective assignments.

(g) When a representative has been admitted, a card will be prepared in the Veterans Service Section showing his name, address, organization, and date of admission. Copies of this card will be filed in the central office (Veterans Service Section) of the Commission and in the regional office by which he is admitted or in which he is authorized to act.

§ 33.5 *Designation of service organizations as representatives.* (a) Before a service organization may be recognized in an individual claim or appeal there must be filed a designation duly executed by the claimant or appellant, specifically conferring upon the organization the authority to represent him in the presentation of his claim or appeal, and to receive any information in connection therewith. This designation shall be on the form prescribed by the Commission (CSC Form 307),[1] and shall be presented to the office concerned, to be filed in connection with the claim or appeal. The designation must be signed by the claimant or appellant.

(b) Upon receipt and approval of the designation, the service organization named therein shall be recognized as the sole agency for the presentation of the claim or appeal covered thereby, and no other organization shall be recognized in the presentation of that claim or appeal. The designation made by the claimant may be revoked by him at any time and a subsequent designation made, naming another organization. A subsequently executed designation shall constitute a revocation of any existing designation. A designation may also be revoked by the organization named therein.

§ 33.6 *General provisions.* (a) Nothing in the regulations in this part shall be deemed to permit the unauthorized practice of law in any place or the rendering of any service save the authorized participation in agency proceedings by agents or accredited representatives who have been approved by the Commission.

(b) The regulations in this part shall not apply to adjudications of charges of political activity on the part of officers or employees in the competitive service, or of officers or employees of a State or local government, nor to adjudications of the existence of good cause for the removal of hearing examiners appointed under section 11 of the Administrative Procedure Act.

§ 33.7 *Effective date.* The regulations in this part shall be effective thirty (30) days after publication in the FEDERAL REGISTER.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-4723; Filed, May 20, 1947; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Plum Orders 1 and 3]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Correction

In Federal Register Document 47-4399 (Plum Order 1), appearing at page 3060 of the issue for Friday, May 9, 1947, the term "Beauty plum" in the fifteenth line of § 936.302 (b) (3) should read "Beauty plums."

In Federal Register Document 47-4397 (Plum Order 3), appearing at page 3062 of the May 9, 1947, issue, the term "State Inspection Service" in § 936.304 (b) (6) (iii) should read "Federal-State Inspection Service."

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[W. F. O. 2, Termination]

PART 1401—DAIRY PRODUCTS

BUTTER

War Food Order No. 2 (11 F. R. 4721) and all war food orders pursuant thereto[1] are hereby terminated effective as of 12:01 a. m., e. s. t., May 16, 1947.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under the aforesaid war food orders, prior to the effective time of the provisions hereof, the provisions of said war food orders, in effect prior to the effective time hereof, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp.; E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.)

Issued this 15th day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-4757; Filed, May 20, 1947; 8:56 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 116—CIVIL AIR NAVIGATION

APPLICATION TO CIVIL AIR NAVIGATION OF LAWS AND REGULATIONS RELATING TO CUSTOMS, PUBLIC HEALTH, ENTRY AND CLEARANCE, AND IMMIGRATION

CROSS REFERENCE: For a correction to the regulation amending § 116.4 (c), see Title 19, Chapter I, Part 6, *infra*.

[1] WFO 2.1 to WFO 2.3, inclusive.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter II—Aircraft

PART 201—USE OF ARMY AIRCRAFT

PASSENGERS IN MILITARY AIRCRAFT

Rescind §§ 201.3 and 201.4 and substitute the following:

§ 201.3 *Passengers in military aircraft.* (a) Commanding officers of Army Air Forces, Naval Air, and Marine Corps Air stations, or higher authority in the chain of command, are authorized to permit personnel of the following categories to ride as passengers in aircraft under their control without reimbursement. ("Passenger" is defined as any individual traveling in an aircraft who is not a member of the assigned crew.)

(1) Military personnel on active duty with the armed forces of the United States while in either a duty or a leave status, and upon proper identification.

(2) Military personnel of the National Guard and Reserve components when on matters of concern to the armed forces, and upon proper identification.

(3) Any person in case of an emergency involving catastrophe or possible loss of life when other means of transportation are not available.

(4) Red Cross personnel when serving with the armed forces of the United States in the field, provided they are in uniform, when such flights are in the performance of Red Cross duties.

(5) Fathers, wives, mothers, or children over the age of ten, of military personnel holding a currently effective aeronautical rating and on flying status, when on flights which will not extend beyond the local flying area; these flights not to exceed more than two flights per year for any one person.

(6) Civilian employees of the armed forces of the United States, of other Government agencies, of Government contractors, and technical advisers to military authorities, when engaged in activities for the armed forces which require such flights.

(b) Air attachés or the chiefs of air missions are authorized to permit personnel of the following categories to ride as passengers in aircraft under their control:

(1) Individuals listed in paragraph (a) of this section.

(2) United States ambassadors and ministers or, in their absence, charge d'affaires, and members of their staffs designated by the ambassador or minister for the conduct of urgent Government business.

(3) Distinguished nationals and members of the armed forces of foreign countries.

(c) Upon approval by the Commanding General, Army Air Forces, the Deputy Chief of Naval Operations (Air), or the commanders of any oversea echelon reporting direct to the War or Navy Departments, personnel of the following categories may be permitted to ride as passengers in aircraft of the respective armed service:

(1) Any individual, without reimbursement, when the flight is on matters of concern to the armed forces.

(2) Persons traveling in the interest of other governmental departments or agencies, with reimbursement from the department or agency concerned.

(3) Nongovernmental passengers with reimbursement, upon certification by the Department of State, War, or Navy that the furnishing of such transportation is necessary to facilitate the transition from war to peace and that such transportation by commercial air is not available or not adequate.

(4) Members of Congress, when the travel is certified as necessary by the chairman of the Congressional Committee involved; with reimbursement, when the travel is in the interest of an agency other than the armed services.

§ 201.4 *Release from claim for injury or death.* (a) Civilians specified in paragraphs (a) (5), (b) (3) and (c) (1) of § 201.3 will be required to sign the release form specified in paragraph (b) of this section, unless otherwise exempted, under the provisions of the regulations in this part. Persons specified in § 201.3 (a) (3) will, when practicable, be required to sign the release form unless otherwise exempted under the provisions of the regulations in this part.

(b) The release required in paragraph (a) of this section will be prepared by typewriter as follows:

RELEASE

_____
(Place)

_____
(Date)

Know all men by these presents: Whereas, I, _____ am about to take a
(Full name)
flight or flights as a passenger in certain Army aircraft on _____; and
(Date or dates)

whereas I am doing so entirely upon my own initiative, risk, and responsibility; now, therefore, in consideration of the permission extended to me by the United States through its officers and agents to take said flight or flights, I do hereby, for myself, my heirs, executors, and administrators, remise, release, and forever discharge the Government of the United States and all of its officers, agents, and employees, acting officially or otherwise, from any and all claims, demands, actions, or causes of action, on account of my death or on account of any injury to me which may occur from any cause during said flight or flights or continuances thereof, as well as all ground and flight operations incident thereto.

_____
(Signature)

_____
(Name of person to be notified in emergency)

_____
(Address of person to be notified in emergency)

_____
(Witness)

_____
(Witness)

[AR 95-90, Apr. 28, 1947] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4735; Filed, May 20, 1947; 8:50 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 360—ORGANIZATION, FUNCTIONS AND PROCEDURE OF THE OFFICE OF INTERNATIONAL TRADE

ADMINISTRATION OF EXPORT CONTROL

Section 360.5 *Administration of export control* (11 F. R. 177A-312) is amended by adding thereto the following:

The Sugar Control Extension Act of 1947 (Public Law 30, 80th Congress), transferred the administration of the act of July 2, 1940 (54 Stat. 714) as amended and extended, with respect to sugar to the Department of Agriculture. The Secretary of Agriculture, acting pursuant to the Sugar Control Extension Act of 1947, has delegated, in Sugar Export Control Order 1, to the Office of International Trade, authority to regulate the exportation of sugar-containing products containing less than 70% sugar by weight which are subject to the provisions of the Sugar Control Extension Act of 1947.

(Sec. 3 (a) (1), 60 Stat. 238; 5 U. S. C. 1002)

[SEAL] THOMAS C. BLAISDELL, Jr.,
Director,
Office of International Trade.

[F. R. Doc. 47-4736; Filed, May 20, 1947; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

APPLICATION TO CIVIL AIR NAVIGATION OF LAWS AND REGULATIONS RELATING TO CUSTOMS, PUBLIC HEALTH, ENTRY AND CLEARANCE, AND IMMIGRATION

Correction

In Federal Register Document 47-4570, appearing on page 3172 of the issue for Thursday, May 15, 1947, the date at the end of the document should read "May 9, 1947."

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order S-34]

PART 807—SUSPENSION ORDERS

JAMISON MOTORS, INC.

Jamison Motors, Inc., a corporation, 4112 Spring Grove Avenue, Cincinnati, Ohio, on or about March 10, 1947, without authorization, began and thereafter until about March 20, 1947, carried on construction of a one-story commercial building for use in repairing and servicing cars and trucks, located at 4112 Spring Grove Avenue, Cincinnati, Ohio, the estimated cost of which construction was in excess of $1,000. The beginning and carrying on of construction as aforesaid constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.34 *Suspension Order No. S-34.* (a) Neither Jamison Motors, Inc., a corporation, its successors and assigns, nor any other person shall do any further construction on the one-story commercial building to be used in the repairing and servicing of cars and trucks, located at 4112 Spring Grove Avenue, Cincinnati, Ohio, including the putting up, completing or altering of said structure, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Jamison Motors, Inc., shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Jamison Motors, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4806; Filed, May 20, 1947; 11:35 a. m.]

[Suspension Order S-35]

PART 807—SUSPENSION ORDERS

ALBERT WILLE

Albert Wille, 12 S. Wille Street, Mount Prospect, Illinois, is the owner of the premises at 100 Northwest Highway. On December 9, 1946 construction was begun of an addition to the structure on said premises for use as a warehouse at an estimated cost in excess of $1,000 after application for authorization of such construction had been denied. Albert Wille, in consenting to such construction with knowledge of the denial of such application and of the continued existence of VHP-1, wilfully violated said order. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.35 *Suspension Order No. S-35.* (a) Neither Albert Wille, his successors or assigns, nor any other person shall do any further construction on the premises located at 100 Northwest Highway, Mount Prospect, Illinois, including completing, putting up or altering of any structure located thereon, unless specifically authorized in writing by the Office of the Housing Expediter.

(b) For a period of one month from the effective date of this order, no authorization to carry on construction shall be granted Albert Wille.

(c) Albert Wille shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Albert Wille, his successor or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4807; Filed, May 20, 1947; 11:36 a. m.]

[Suspension Order S-36]

PART 807—SUSPENSION ORDERS

ERNEST M. DALAND

Ernest M. Daland, who resides at 85 Homer Street, Newton Centre, Massachusetts, began construction of a house located on Governor Prince Road in Brewster, Barnstable County, Massachusetts, under authorization from the Federal Housing Administration, which authorization was based upon an application filed by Dr. Ernest M. Daland stating that the house was a year-round dwelling house for personal occupancy, to contain 1,496 square feet. The house was not intended for year-round occupancy within the meaning of HPR and the floor area properly calculated was approximately 1,700 square feet. The construction of this house constituted a violation of HPR and diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.36 *Suspension Order No. S-36.* (a) Neither Ernest M. Daland, his successors or assigns, nor any other person shall do any further construction on the premises located on Governor Prince Road, Brewster, Barnstable County, Massachusetts, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) The provisions of paragraph (a) above shall not apply to work done under specific authorization from the Office of the Housing Expediter issued after this date for the purpose of enabling work to be done to exclude the weather and prevent deterioration.

(c) Ernest M. Daland shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter or any other federal agency for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Ernest M. Daland, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expe-

diter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4808; Filed, May 20, 1947; 11:36 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War, Department of the Interior

[SFAW Order 46]

PART 601—ADMINISTRATIVE; GENERAL

PART 602—GENERAL ORDERS AND DIRECTIVES

ORDER DISSOLVING SFAW ADVISORY AND FUNCTIONAL COUNCILS AND COMMITTEES (EXCEPT BITUMINOUS COAL PRODUCERS ADVISORY BOARDS); TERMINATING APPOINTMENTS OF MEMBERS OF SUCH COUNCILS AND COMMITTEES; AND REVOKING SFC RECOMMENDATION NO. 1 AND SFAW ORDERS NOS. 11, 12, 15 AND 30

All powers and functions of the Solid Fuels Administration for War having been terminated, *It is ordered:*

1. That each of the following named SFAW advisory and functional councils, boards and committees be, and it is hereby dissolved, and its functions and the appointments of its members are hereby terminated:

(a) The Solid Fuels Advisory War Council established pursuant to the President's letter of November 5, 1941, to the Secretary of the Interior and Recommendation No. 1, Solid Fuels Coordinator (7 F. R. 2271);

(b) The Lake Dock Coal Advisory Committee established pursuant to SFAW Order No. 11 (9 F. R. 601);

(c) The Tidewater Dock Coal Advisory Committee established pursuant to SFAW Order No. 11 (9 F. R. 601);

(d) The SFAW National Advisory Committee on Local Distribution established pursuant to SFAW Order No. 12 (9 F. R. 2206);

(e) The SFAW National Advisory Coke Committee established pursuant to SFAW Order No. 15 (9 F. R. 5334);

(f) The National Anthracite Distribution Committee continued by SFAW Order No. 30 (10 F. R. 13262);

(g) The several Regional Anthracite Distribution Committees continued by SFAW Order No. 30 (10 F. R. 13262);

(h) The several SFAW Area Advisory Committees on Local Distribution established pursuant to SFAW Order No. 12 (9 F. R. 2206);

(i) The several SFAW Community Committees on Emergency Distribution established pursuant to SFAW Order No. 12 (9 F. R. 2206); and

(j) Any and all other advisory or functional committees and all subcommittees appointed by any of the aforesaid committees.

2. That §§ 601.1 through 601.4, 601.41, 601.51 through 601.54, 601.61, 602.890 and 602.891, Chapter VI, Title 30 of the Code of Federal Regulations (Recommendation No. 1, Solid Fuels Coordinator and SFAW Orders Nos. 11, 12, 15, and 30) be, and they are hereby revoked.

This order shall become effective immediately.

Issued this 14th day of May 1947.

J. A. KRUG,
Solid Fuels Administrator for War.

[F. R. Doc. 47-4737; Filed, May 20, 1947; 8:50 a. m.]

[Order 47]

PART 601—ADMINISTRATIVE; GENERAL

ORDER DISSOLVING SEVERAL SFAW BITUMINOUS COAL PRODUCERS ADVISORY BOARDS

All powers and functions of the Solid Fuels Administration for War having been terminated, *It is ordered,* That:

1. The SFAW Bituminous Coal Producers Advisory Board for each of Districts Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22 and 23, established pursuant to § 601.11, Chapter VI, Title 30 of the Code of Federal Regulations (SFAW Order No. 2) be, and it is hereby dissolved and the appointment of each of its members is hereby terminated, effective June 30, 1947.

2. Each of said SFAW Bituminous Coal Producers Advisory Boards shall proceed forthwith to wind up its affairs and transmit to the Solid Fuels Administration for War, Washington 25, D. C. before June 30, 1947, all original records of the Board, such as minutes and records relating to actions taken by the Board with respect to fiscal affairs, production and distribution.

3. Sections 601.11 through 601.14, Chapter VI, Title 30 of the Code of Federal Regulations (SFAW Order No. 2) be, and they are hereby revoked.

This order is effective immediately.

Issued this 14th day of May 1947.

J. A. KRUG,
Solid Fuels Administrator for War.

[F. R. Doc. 47-4738; Filed, May 20, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture [1]

[Rev. Gen. RO 18,[2] Amdt. 5]

PART 705—ADMINISTRATION

DISTRIBUTION OF BASES TO CERTAIN FORMER MEMBERS OF THE ARMED FORCES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 18 issued by the Office of Price Administration and amended by the Office of Temporary Controls under § 1305.217 of Title 32, Chapter XI is designated Revised General Ration Order 18, issued under § 705.4, Title 32, Chapter VII pursuant to the authority vested in the Secretary of Agriculture by the "Sugar Control Extension Act of 1947" and is amended in the following respect:

1. Section 4.2 is amended to read as follows:

SEC. 4.2 *Moving of establishment.* (a) A person who is granted a base or an adjustment in base under this order may apply in writing to the Sugar Branch Office which granted the base for permission to move his establishment. The applicant must state the city and the state (also street address, if possible) to which he wishes to move his establishment.

(b) The Sugar Branch Office which originally granted the base shall contact the Sugar Branch Office in the area into which the veteran desires to move his establishment in order that a comparable establishment in that area may be selected.

(1) If the base of the comparable establishment in the new area is the same as or greater than the veteran's base, permission to move into the new area may be granted. However, the veteran's base shall not be increased to that of the comparable establishment in the new area, nor to the maximum base established under the order if the veteran does not have the maximum base.

(2) If the base of the comparable establishment in the new area is less than the veteran's base, unless the veteran is willing to have his base reduced to that of such comparable establishment, permission to move the veteran's establishment into the new area shall be denied.

(c) The provisions of section 18.1 of Third Revised Ration Order 3 and section 12.6 of Revised General Ration Order 5 apply only to a base granted under those orders, and are not applicable to a base or an adjustment in base granted under this order.

2. Section 8.1 (e) is amended to read as follows:

(e) "District Office" means a Branch Office of the Sugar Rationing Administration, Department of Agriculture.

3. Section 8.1 is amended by adding a new paragraph (f) to read as follows:

(f) "Sugar Branch Office" means a Branch Office of the Sugar Rationing Administration, Department of Agriculture.

This amendment shall become effective May 20, 1947.

NOTE.—The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Report Act of 1942.

Issued this 15th day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 5 to Revised General Ration Order 18

Present regulations. The present regulations permit a veteran who has been granted a base or an adjustment in base to apply to the Branch Office for permission to move his establishment.

Proposed amendment. This amendment provides that a veteran who has been granted a base or an adjustment in base may apply in writing to the Sugar Branch Office for permission to move his establishment. The amendment also sets forth certain criteria which the Sugar Branch Office should follow in determining whether or not a veteran should be permitted to move his establishment.

This amendment defines District Office and Sugar Branch Office to mean a Branch Office of the Sugar Rationing Administration, Department of Agriculture.

Reasons for amendment. While it is generally desirable to permit a veteran to move his establishment should he wish to do so, fair dealing and administrative necessity require that certain uniform standards be employed to determine under what conditions permission to move an establishment will be granted or denied. Thus, in the case of the veteran who desires to move his establishment to an area where a comparable establishment has a higher base, permission to move will be granted but the veteran's base will not be increased to that of the comparable establishment. Nor will it be increased to the maximum permitted under the order if the veteran did not obtain the maximum for his establishment prior to moving his establishment. It is not administratively feasible to permit the constant changing of bases which would result if such upward adjustments were permitted. Furthermore, since the veteran could ascertain beforehand the amount of base or adjustment in base he would be granted for any area in which he might desire to open his establishment, he is not being treated unfairly when required to retain the base or adjusted base he obtained for an establishment in the area of his choice even though it is less than that of a comparable establishment in a new area, or less than the maximum permitted under the order.

Fair dealing requires that a veteran who has obtained a base or adjusted base for his establishment in the area of his choice and then desires to move his establishment to an area where the base of a comparable establishment is lower, not be permitted to move unless he is willing to have his base reduced to that of the comparable establishment. Otherwise, a veteran could open an establishment in an area where he could obtain a larger base than that of a comparable establishment in the area in which he actually intended to operate his establishment after obtaining such larger base. If he were then permitted to move to this area where the comparable establishment had a lower base and retain his higher base, he would gain an undeserved business advantage over the comparable establishment and the purpose of the comparable establishment test would be defeated.

This amendment also makes it clear that the moving provisions of Third Revised Ration Order 3 and Revised General Ration Order 5 do not apply to the moving of veterans' establishments.

Since former District Offices and Sugar Branch Offices of the Office of Price Administration are now designated as Branch Offices of the Sugar Rationing Administration, Department of Agriculture, this amendment redefines District Office and Sugar Branch Office to conform with the changed designation of these offices.

[F. R. Doc. 47-4811; Filed, May 20, 1947; 11:55 a. m.]

[1] Formerly Chapter XI, Office of Temporary Controls, Office of Price Administration.

[2] 11 F. R. 7580-10215.

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

NAVAL COMMUNICATIONS SERVICE

Amend § 26.14 (g) of the organization and functions of the Naval Establishment (11 F. R. 177A-159) as follows:

§ 26.14 *Staff of the Chief of Naval Operations.* * * *

(g) The Naval Communications Service is an activity established under the cognizance of the Chief of Naval Operations and is administered by an officer of the Navy detailed to duty as the Chief of Naval Communications. The Chief of Naval Communications plans and supervises all elements of the Naval Communications Service both ashore and afloat; prepares communication operational and logistic plans; develops and prepares all Navy and certain Joint Army and Navy cryptographic aids, Communication Instructions and Call Sign Books; operates the Registered Publications System which distributes all Navy registered and non-registered publications; procures, assigns and protects radio frequencies for naval electronic equipment; supervises naval postal affairs; administers the accounting and disbursing of radio, wire and cable tolls; operates the Navy Department message center; determines the military characteristics, requirements and allowances of naval communication equipment for ships and shore stations; maintains liaison with other activities of the Navy on matters of research, development and procurement of communication equipment; maintains active contact with other branches of the military services, with civil agencies of the United States and with representatives of foreign nations in matters involving communication methods, procedures, and operational techniques; plans for and participates in International Telecommunications Conferences where Navy interests are involved.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-4717; Filed, May 20, 1947; 8:53 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 01.50 to 01.54, inclusive, see Title 43, Part 4, *infra*, authorizing the Director of the National Park Service to approve schedules of rates at which accommodations, goods and services are furnished or sold by concessioners in areas under National Park Service supervision.

PART 20—SPECIAL REGULATIONS

FISHING IN GREAT SMOKY MOUNTAINS NATIONAL PARK

Section 20.14 *Great Smoky Mountains National Park*, paragraphs (a), (b), (c), (d), and (e) are amended to read as follows:

§ 20.14. *Great Smoky Mountains National Park*—(a) *Fishing; open and closed waters.* The following park streams in the States of North Carolina and Tennessee are open to fishing. All other streams are closed.

(1) North Carolina Division:

Big Creek and all its tributaries except Chestnut Branch.

Cataloochee Creek, main stream to Palmer Creek. Palmer Creek and all tributaries. Little Cataloochee Creek and all tributaries.

Oconaluftee River, main stream from Cherokee Indian Reservation to Bradley Fork; main stream and all tributaries above Bradley Fork. Bradley Fork and all its tributaries. Straight Fork to Balsam Corner Creek. Raven Fork from mouth to Indian Boundary and from Indian Boundary to Three Forks.

Deep Creek open to the forks and all waters of the Right Fork Indian Creek.

Noland Creek, entire stream.

Forney Creek and all tributary waters except Bear Creek and Jonas Creek.

Hazel Creek to Proctor Creek. Proctor Creek to Boomer Branch.

Eagle Creek to Tubmill Creek.

(2) Tennessee Division:

Cosby Creek, main stream to head. Rock Creek to head. Greenbrier Creek to head.

In Greenbrier Cove, Middle Prong Little Pigeon River and tributaries below Porters Creek. Porters Creek and all its tributaries to head.

Roaring Fork.

LeConte Creek.

West Prong of Little Pigeon River and all tributaries.

Little River including East Prong, Middle Prong, West Prong and all tributaries.

In Cades Cove, all streams except Anthony Creek above the camp ground.

Abrams Creek from its mouth to Kingfisher Creek.

Panther Creek and its tributaries.

Parsons Branch and all its tributaries.

(b) *Fishing; open season.* Fishing is permitted from sunrise to sunset from May 16 to August 31, inclusive.

(c) *Fishing; restrictions as to use of bait.* Fishing is permitted in all open waters with any artificial flies or lures with one hook. Two or more artificial flies may be attached to the leader if desired. Bait fishing is permitted with the exception of minnows or other bait fish, either dead or alive, in all open waters of the park, except the following:

Little River from Sinks to Elkmont.

West Prong of the Little Pigeon River.

LeConte Creek.

Roaring Fork.
Crosby Creek.
Bradley Fork.
Oconaluftee River from Ravensford to Kephart Prong.

The digging of bait or the gathering of salamanders (spring lizards) within the park is prohibited.

(d) *Fishing; size limits.* Trout under 7 inches in length and black bass under 10 inches in length shall not be retained unless seriously injured in catching. There is no size limit on other species.

(e) *Fishing; limit of catch and in possession.* The maximum catch in any one day, and the maximum number of fish in possession shall be 10 fish of any or all species, except that the maximum catch in any one day and the maximum number of fish in possession of black bass shall be 8. There is no creel limit on carp.

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

Issued this 13th day of May 1947.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-4741; Filed, May 20, 1947; 8:51 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 11—FOREIGN QUARANTINE

APPLICATION TO CIVIL AIR NAVIGATION OF LAWS AND REGULATIONS RELATING TO CUSTOMS, PUBLIC HEALTH, ENTRY AND CLEARANCE, AND IMMIGRATION

CROSS REFERENCE: For a correction to the regulation amending § 11.504 (c), see Title 19, Chapter I, Part 6, *supra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2318]

PART 4—DELEGATIONS OF AUTHORITY

DELEGATION TO DIRECTOR, NATIONAL PARK SERVICE

Section 4.662 is added to Subpart I of 43 CFR, Part 4, as follows, and the following memoranda of the Director of the National Park Service are hereby revoked:

Date of memorandum	Approved by—	Date of approval
May 5, 1942	First Assistant Secretary	June 5, 1942
Apr. 16, 1942	... do ...	Apr. 16, 1942
Nov. 6, 1940	Acting Secretary	Nov. 9, 1940

§ 4.662 *Concessioners' rates.* The Director of the National Park Service is authorized to approve all schedules of rates at which accommodations, goods and services are furnished or sold by concessioners (including permittees and other contractors) in areas under the supervision of the National Park Service, except as otherwise directed by the Secretary of the Interior.

(R. S. 161, secs. 1, 3, 39 Stat. 535; 5 U. S. C. 22, 16 U. S. C. 1–3)

Issued this 8th day of May 1947.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-4742; Filed, May 20, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981

[Vesting Order 8810]

GEORGE SCHOELL

In re: Estate of George Schoell, deceased. D–28–3582; E. T. sec. 5789.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christof Schoell, Bernhard Schoell, Dorothea Huober, Anna Huober Straub, Johann G. Huober, Angelika Huober Frank, Andreas Huober, Maria Huober, Johann G. Schoell also known as Georg Schoell, Caecilie Schoell Shall, Heinrich Schoell and Alfred Walter Schoell, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of George Schoell, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Cook County, Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4744; Filed, May 20, 1947; 8:53 a. m.]

[Vesting Order 8874]

ELIZABETH HEINECKE

In re: Estate of Elizabeth Heinecke, deceased. File No. D–28–9845; E. T. sec. 13886.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kasimer Smyk and Agnes Schonau, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown of Kasimer Smyk, and the children, names unknown of Agnes Schonau, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $1,500.00 was paid to the Alien Property Custodian by John R. Heery, Executor of the estate of Elizabeth Heinecke, deceased;

4. That the said sum of $1,500.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the above named persons and the children, names unknown of Kasimer Smyk, and the children, names unknown of Agnes Schonau, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise

dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 5, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4745; Filed, May 20, 1947; 8:53 a. m.]

[Vesting Order 8875]

CHARLOTTA B. HESS

In re: Estate of Charlotta B. Hess, deceased. File D–6–1257; E. T. sec. 14527.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Hess, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $2,000.00 was paid to the Attorney General of the United States by Arthur Rosenthal, Administrator C. T. A. of the Estate of Charlotta B. Hess, deceased;

3. That the said sum of $2,000.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on December 23, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4747; Filed, May 20, 1947; 8:55 a. m.]

[Vesting Order 8880]

EMIL C. MEGGERS

In re: Estate of Emil C. Meggers, deceased. File D–28–3438; E. T. sec. 5468.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louisa Harrsen (Harssen) and Emma Wiebers Henning, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $96.66 deposited on January 29, 1943 with the Treasurer of Cook County, Illinois, as Depositary, to the credit of Louisa Harrsen (Harssen) and Emma Wiebers Henning pursuant to an order of the Probate Court of Cook County, Illinois, entered on January 26, 1943 in the matter of the Estate of Emil C. Meggers, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Cook County, Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4748; Filed, May 20, 1947; 8:55 a. m.]

[Vesting Order 8882]

PAUL AND EMMA RICHTER

In re: Estates of Paul Richter, deceased, and Emma Richter, deceased. File F–28–13348; E. T. sec. 4552.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Richter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estates of Paul Richter, deceased, and Emma Richter, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in process of administration by the Shoshone National Bank of Cody, Cody, Wyoming, Trustee, acting under the judicial supervision of the District Court of Park County, Wyoming;

4. That real property particularly described as Lots 15 and 16, Block 13, original town of Cody, Wyoming, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4749; Filed, May 20, 1947; 8:55 a. m.]

[Vesting Order 8883]

JOSEPH F. SARTORI

In re: Trust u/w of Joseph F. Sartori, deceased. File D-28-11438; E. T. sec. 15678.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Wangler, Ofra Obert and Rosina Griesbaum, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the will of Joseph F. Sartori, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Security-First National Bank of Los Angeles, as trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4749; Filed, May 20, 1947; 8:55 a. m.]

[Vesting Order 8884]

FRIEDRICH SCHAENZLIN

In re: Estate of Friedrich Schaenzlin, also known as Frederick Schaenzlin, deceased. File D-28-7809; E. T. sec. 8537.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found;

1. That Karoline Schaenzlin, Christiana Schaenzlin Rehm, Paul Schaenzlin, Richard Schaenzlin, Wilhelm Schaenzlin, Fritz Schaenzlin, Wilhelmine Worner, Emilie Kamerle, Maria Siman, George Schaenzlin, Katharina Renz, Lydia Marta Renz, Karl Wilhelm Renz, Marta Renz, Walter Renz, Emma Renz (married name unknown), Gottlieb Renz, Paul Renz, Frieda Renz, Marie Mader, Marta Mader, Vane Mader, Christian Mader, Marie Sautter, Christine Sautter Wille, and Friedricke Ziegelmuller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Friedrich Schaenzlin, also known as Frederick Schaenzlin, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Emanuel F. Kostenbader and Arden W. Wisman, as executors, acting under the judicial supervision of the Probate Court of Crawford County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4750; Filed, May 20, 1947; 8:55 a. m.]

[Vesting Order 8916]

MRS. BERTHA BREUNINGER ET AL.

In re: Stock owned by Mrs. Bertha Breuninger and others.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9193 as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Bertha Breuninger, whose last known address is Kirchberg Jaxt, Wurtemberg, Germany, and Carl C. Bruggmann, whose last known address is c/o Mrs. Kathman, Hellkamp 77, Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That each person whose name and last known address is listed in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: Twenty-two (22) shares of $15 par value capital stock of Socony-Vacuum Oil Company, Incorporated, 26 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite said names as follows:

Registered owner	Certificate No.	Number of shares	File No.
Mrs. Bertha Breuninger	NYL-77984	10	F-28-23548-D-1.
Carl C. Bruggmann	NYL-82518	12	F-28-23549-D-1.

together with all declared and unpaid dividends thereon, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mrs. Bertha Breuninger and Carl C. Bruggmann, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: One thousand twenty-four (1024) shares of $15 par value capital stock of Socony-Vacuum Oil Company, Incorporated, 26 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates whose numbers are set forth in Exhibit A, registered in the names of and owned by the persons listed in Exhibit A in the amounts appearing opposite the names therein, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons named in Exhibit A, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

6. That to the extent the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name of owner	Last known address	Certificate No.	Number of shares	File No.
Tadaichi Kamiya	c/o Standard-Vacuum Oil Co., Kobe, Japan	NYL-92204	30	F-39-4723-D-1.
John A. Muller	No. 4, Mino-Oka-Dori, 1 Chome, Nada-Ku, Kobe, Japan	NYL-99051	50	F-39-546-D-1.
		SFA-3707	100	
		SFL-4203	50	
		SFL-4202	79	
		NYL-125050	50	
		NYA-144238	100	
Sadata Watanabe	c/o Standard-Vacuum Oil Co., No. 8, Yamashita-Cho, Naka-Ku, Yokohama, Japan	NYL-84571	32	F-39-714-D-1.
		NYA-139414	100	
		NYL-120533	17	
Toshio Ishida	c/o Standard Oil Co. of New York, Oyama, Tochigi-Ken, Japan	NYL-91295	47	F-39-4728-D-1.
		NYL-96734	21	
Kazo Iwasaki	c/o Standard Oil Co. of New York, Inc., Kobe, Japan	NYL-96830	11	F-39-4729-D-1.
Sadaichi Kamiya	No. 5 of 29 Aza Juniban, Oishi Nada-Ku, Kobe-Shi, Japan	NYL-142357	25	F-39-4730-D-1
Yoshitaro Kanaike	c/o Vacuum Oil Co., No. 72 Kyo-Machi, Kobe, Japan.	NYL-84572	37	F-39-1063-D-1.
		NYA-129640	100	
		NYL-105901	2	
Ai Kusayagi	c/o Standard Oil Co. of New York, Inc., Kobe, Japan.	NYL-96693	10	F-39-4735-D-1.
Matsutaro Minami	c/o Standard Oil Co of New York, 8 Bund, Yokohama, Japan	NYL-99810	16	F-39-4737-D-1.
		SFL-4219	29	
Shoichi Noda	c/o Vacuum Oil Co., No. 72 Kyo-Machi, Kobe, Japan.	NYL-84554	12	F-39-4741-D-1.
Sataro Oishi	c/o Standard Oil Co. of New York, Inc., Kobe, Japan.	NYL-96745	30	F-39-4742-D-1.
Tokujiro Okano	c/o Standard-Vacuum Oil Co., Hozaki, Mihara, Japan.	NYL-96710	18	F-39-4743-D-1.
Akira Shibata	c/o Vacuum Oil Co., No. 72 Kyo-Machi, Kobe, Japan.	NYL-84560	35	F-39-4744-D-1.
Seiichi Yamanaka	c/o Standard Oil Co. of New York, 8 Bund Yokohama, Japan.	SFL-4227	10	F-39-4751-D-1.
		NYL-96720	4	

[F. R. Doc. 47-4705; Filed, May 19, 1947; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2884]

PACIFIC NORTHERN AIRLINES

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of A. G. Woodley, L. M. Woodley, and M. E. Diamond, d. b. a. Pacific Northern Airlines, over its Anchorage-Juneau route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on May 21, 1947, at 10:00 o'clock a. m. (eastern daylight time), in the Foyer of the Auditorium, Commerce Building, 14th Street at Constitution Avenue NW., Washington, D. C., before Examiner Lawrence J. Kosters.

Dated: Washington, D. C., May 16, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-4727; Filed, May 20, 1947; 8:59 a. m.]

FEDERAL POWER COMMISSION

[Docket No. DI-176]

EASTERN NEW YORK POWER CORP.

NOTICE OF FINDING OF THE COMMISSION

MAY 16, 1947.

Notice is hereby given that, on May 14, 1947, the Federal Power Commission issued its finding of the Commission entered May 13, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4732; Filed, May 20, 1947; 8:59 a. m.]

[Docket No. G-500]

NORTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 16, 1947.

Notice is hereby given that, on May 15, 1947, the Federal Power Commission issued its findings and order entered May 13, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4731; Filed, May 20, 1947; 8:59 a. m.]

[Docket No. G-797]

EQUITABLE GAS CO.

NOTICE OF APPLICATION

MAY 14, 1947.

Notice is hereby given that on October 16, 1946, Equitable Gas Company (Applicant), a Pennsylvania corporation having its principal office in Pittsburgh, Pennsylvania, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities subject to the jurisdiction of the Commission: [1]

A connection with meter gates and fittings on its 16-inch gas transmission pipe line for emergency use in the transportation and sale of natural gas to Waynesburg Home Gas Company, Waynesburg, Pennsylvania.

Applicant states in its application that at the present time it is operating one connection with said Waynesburg Home Gas Company which connection is not adequate to transport the gas needed for distribution. Applicant also states that said Waynesburg Company desires said additional connection as an emergency stand-by facility, and in order to prevent the pressure drops in its system which it has experienced on peak winter days. In addition, the Waynesburg Company states that the existing pipeline is normally used as a discharge line to a field compressor station which it uses to pump gas from field gathering lines connected to its own gas wells. The Waynesburg Company anticipates that withdrawals of gas from Applicant through the existing pipe line connection during periods of peak winter demand may make the pressures in the existing line so high as to retard the procurement of gas from its own wells. The said Waynesburg Company would, if authority is granted to the Applicant, construct approximately 3,150 feet of 2-inch pipe line to connect with Applicant's system at a point approximately five miles south of the present emergency connection.

Applicant further states that Waynesburg Home Gas Company is the sole distribution company for the town of Waynesburg, Pennsylvania, containing approximately 1,900 customers; that most of said customers are residential and utilize the gas for home heating; that there are some commercial customers but no industrial users in Waynesburg. Applicant estimates that the amount of gas delivered through the proposed emergency connection to the Waynesburg Company would be approximately the same amount as presently delivered through the existing connection. Applicant states that the Waynesburg Company expects some normal load growth in the next few years.

Applicant states that the total over-all cost of the proposed facility is $688, and would be financed from available company funds.

[1] On October 28, 1946, the Commission granted temporary authorization for a certificate of public convenience and necessity concerning the facilities described herein.

Any interested State commission is requested to notify the Federal Power Commission whether the applicant should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Equitable Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined.

Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceedings, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4729; Filed, May 20, 1947; 8:59 a. m.]

[Docket No. G-866]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF ORDER MODIFYING INITIAL DECISION OF PRESIDING EXAMINER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 16, 1947.

Notice is hereby given that, on May 15, 1947, the Federal Power Commission issued its order, entered May 13, 1947, modifying initial decision of presiding examiner issuing certificate of public convenience and necessity, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4733; Filed, May 20, 1947; 8:59 a. m.]

[Docket No. G-897]

WEST TEXAS GAS CO.

NOTICE OF APPLICATION

MAY 14, 1947.

Notice is hereby given that on April 30, 1947, West Texas Gas Company (Applicant), a Delaware corporation having its principal office in Lubbock, Texas, and authorized to do business in Texas, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities, subject to the jurisdiction of the Commission:

Two 300 BHP Cooper-Bessemer Type GMX-6, gas engine driven compressor units together with necessary buildings, auxiliary equipment and piping located in Section 113, Block M-7, B. S. & F. Survey, Deaf Smith County, near Hereford, Texas.

Applicant states in its application that the proposed facilities are needed in order for Applicant to supply the demands made on its system. Applicant further states that the firm requirements to be delivered out of Applicant's McSpadden-Farwell 8⅝-inch O. D. transmission line during the 1947-48 heating season are estimated at 11,317 Mcf per 24 hours at 16.4 pounds pressure base, of which 9,400 Mcf daily are the requirements of Southern Union Gas Company, nonaffiliated utility company which distributes gas in Clovis, Portales, Tucumcari, and Texico, New Mexico, as well as in Farwell, Texas. Applicant also states that in order for it to be able to deliver the estimated requirements from this line without exceeding the pressure which it regards as the maximum safe inlet pressure to the line, the proposed intermediate compression is needed. Applicant estimates that the total proposed compressor addition will have a capacity of 12,420 Mcf at 16.4 pounds daily when operating with a suction pressure of 200 pounds gauge and a discharge pressure of 400 pounds gauge.

Applicant states that a purchase contract has been executed with the Cooper-Bessemer Corporation, Mt. Vernon, Ohio, for the delivery of the proposed compressor units and that a contract has been executed with Stearns-Roger Manufacturing Company, Denver, Colorado, for the supply of material for the proposed compressor station. It is proposed to commence construction about July 1, 1947.

Applicant estimates that the total over-all capital cost of the proposed facilities is $131,432 which will be financed from funds presently available to the Applicant. Applicant states that no change in rates is contemplated by virtue of the proposed construction.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of West Texas Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined.

Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4730; Filed, May 20, 1947; 8:59 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 188]

RECONSIGNMENT OF ONIONS AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., May 14, 1947, by Rosenthal Co., of cars PFE 18810, PFE 44909, PFE 17683, MERX 70292 and URT 81666, onions, now on the St. L.-S. W. RR., to Rosenthal Co., Chicago, Ill. (Ill. Cent.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-4725; Filed, May 20, 1947; 8:58 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-25]

KATHERINE WARNOCK

CONSENT ORDER

Katherine Warnock, 63 Bellingham Street, Chelsea, Massachusetts, is charged by the Office of the Housing Expediter with having commenced construction of a house located on Portsmouth Avenue, Seabrook Beach, New Hampshire, without authorization from the Civilian Production Administration or the Office of the Housing Expediter and not permitted under any exemption provided for in Veterans' Housing Program Order, nor within the requirements for a permit under HPR dated February 13, 1947, and, therefore, a violation of Veterans' Housing Program Order 1.

Katherine Warnock admits the violation as charged and consents to the issuance of this order.

Wherefore, upon the agreement and consent of Katherine Warnock, the Regional Compliance Director, and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Katherine Warnock, her successors and assigns, nor any other person shall do any further construction on the building owned by said Katherine Warnock on Portsmouth Avenue, Seabrook Beach, New Hampshire, without specific authorization in writing from the Office of the Housing Expediter.

(b) Katherine Warnock shall refer to this order in any application or appeal which she may file with the Office of the Housing Expediter or any other Federal agency to do any further construction on this project.

(c) Nothing contained in this order shall be deemed to relieve Katherine Warnock, her successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4801; Filed, May 20, 1947; 11:35 a. m.]

[C-27]

GEORGE MYZAL

CONSENT ORDER

George Myzal is the owner of a bar and grill located on Route 30, 4 miles N/O Mayfield, N. Y. He is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about November 15, 1946 he began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located on Route 30, 4 miles N/O Mayfield, N. Y.; (2) on and after November 15, 1946 he carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located on Route 30, 4 miles N/O Mayfield, N. Y.

George Myzal admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of George Myzal, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither George Myzal, his successors and assigns, nor any other person shall do any further construction on the premises located on Route 30, 4 miles N/O Mayfield, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) George Myzal shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve George Myzal, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4802; Filed, May 20, 1947; 11:35 a. m.]

[C-28]

HUBBARD SHOE CO., INC.

CONSENT ORDER

Hubbard Shoe Co., Inc., is a New Hampshire corporation having its principal office in Rochester, New Hampshire. The corporation is charged by the Office of the Housing Expediter with having constructed part of a contemplated 3-story addition to its factory located in Rochester, New Hampshire, without authorization, which construction was not permitted under any exemption provided for in the Order and therefore constituted a violation of Veterans' Housing Program Order 1.

Hubbard Shoe Co., Inc., admits the violation as charged, but states that the violation was due to a misunderstanding and denies that it was wilful and does not choose to contest the charge.

Therefore, upon the agreement and consent of Hubbard Shoe Co., Inc., the Regional Compliance Director, and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Hubbard Shoe Co., Inc., its successors and assigns, nor any other person shall do any further construction on the addition to its factory in Rochester, New Hampshire, including completing, putting up or altering the structure or installing in it any fixtures or mechanical equipment, as defined in Order VHP-1 and Supplement 1 thereto both as amended March 20, 1947, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) The provisions of paragraph (a) above do not apply to the minimum amount of work required for public safety and to prevent the deterioration of materials already incorporated in the addition as specifically authorized in writing by the Office of the Housing Expediter under authorization Serial No. 1-5-635, dated April 22, 1947.

(c) Hubbard Shoe Co., Inc., shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter or any other federal agency to do any further construction on this project.

(d) Nothing contained in this order shall be deemed to relieve Hubbard Shoe Co., Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4803; Filed, May 20, 1947; 11:35 a. m.]

[C-29]

ERNEST P. FOURNIER AND ARTHUR MORRISETTE

CONSENT ORDER

Ernest P. Fournier resides in Pawtucket, Rhode Island, and owns an automobile service station located at the corner of Newport and Pullen Avenues in Pawtucket. Applications to construct an addition, approximately 47' x 92', to this service station were filed by Ernest P. Fournier with the Civilian Production Administration Office at Providence, Rhode Island, on July 2 and again on September 9, 1946. The July application was denied on July 8, 1946, and the September application was denied September 19, 1946. Sometime during the month of October, 1946 construction was begun on this addition at an estimated cost of about $15,000. Arthur Morrisette of 451 Benefit Street, Pawtucket, Rhode Island, is the contractor on this project. Ernest P. Fournier, as owner, and Arthur Morrisette, as contractor, are charged by the Office of the Housing Expediter with a violation of Veterans' Housing Program Order 1 in that they began the above-described construction, which was not exempt under any of the provisions of VHP-1 without authorization.

Ernest P. Fournier, as owner, and Arthur Morrisette, as contractor, admit the violation as charged and consent to the issuance of this order.

Wherefore, upon the agreement and consent of Ernest P. Fournier and Arthur Morrisette, the Regional Compliance Director, and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) The temporary suspension orders issued by the Civilian Production Admin-

istration by telegrams dated November 22, 1946, addressed to Ernest P. Fournier, Newport and Pullen Avenues, Pawtucket, Rhode Island, and Arthur Morrisette, 451 Benefit Street, Pawtucket, Rhode Island, are hereby revoked.

(b) Neither Ernest P. Fournier and Arthur Morrisette, their successors or assigns, nor any other person shall do any further construction on the addition to the automobile service station at the corner of Newport and Pullen Avenues, Pawtucket, Rhode Island, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(c) Ernest P. Fournier and Arthur Morrisette shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to do any further construction on this project.

(d) Nothing contained in this order shall be deemed to relieve Ernest P. Fournier and Arthur Morrisette, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4804; Filed, May 20, 1947; 11:35 a. m.]

[C-33]

ROSCO TOOL & MFG. CO.

CONSENT ORDER

Raymond Cole and William Rose, d/b/a Rosco Tool & Manufacturing Co., are partners, operating a tool and die manufacturing business at 63 South Avenue, Garwood 1, New Jersey. Raymond Cole and William Rose are charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about October 7, 1946 they began construction, repairs, additions and alterations, without authorization and at a cost in excess of $1,000 of a commercial building located at 63 South Avenue, Garwood, New Jersey; (2) on or about October 7, 1946 they carried on construction, repairs, additions and alterations, without authorization and at a cost in excess of $1,000 of a commercial building located at 63 South Avenue, Garwood, New Jersey.

Raymond Cole and William Rose admit the violations charged and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Raymond Cole and William Rose, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Raymond Cole nor William Rose, their successors and assigns, nor any other person shall do any further construction on the premises located at 63 South Avenue, Garwood, New Jersey, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Raymond Cole and William Rose shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Raymond Cole and William Rose, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4805; Filed, May 20, 1947; 11:35 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORP. (DEL.)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 14th day of May 1947

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company. Applicant designates sections 11 and 12 (c) of the act and Rule U-46 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 27, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be given on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application-declaration, as filed or as amended, may be permitted to become effective or may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application-declaration which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of $3 per share or an aggregate of $4,323,741 on the shares of its preferred stock outstanding on April 30, 1947. The dividend was declared on May 13, 1947 and is payable on the 28th day after the date of the order of this Commission permitting such payment of such dividend or on July 1, 1947, whichever date is later, to stockholders of record at the close of business on the 10th day after the date of such order (or if such 10th day is not a business day, the first business day following such 10th day) or on June 10, 1947, whichever date is later. The Commission action requested in the pending application is similar in substance to the Commission action requested in three applications approved by the Commission in 1943, four applications approved in 1944, four applications approved in 1945, four applications approved in 1946, and one approved in 1947, covering proposed distributions to preferred stockholders.

The applicant requests that the Commission's order be issued herein on or before May 29, 1947 and become effective forthwith so that Commonwealth may pay the proposed dividend not later than July 1, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4721; Filed, May 20, 1947; 8:56 a. m.]

[File No. 70-1471]

CONSOLIDATED ELECTRIC AND GAS CO. ET AL.

ORDER PERMITTING APPLICATIONS AND DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of May A. D. 1947.

In the matter of Consolidated Electric and Gas Company, The Middle West Corporation, Upper Peninsula Power Company, File No. 70-1471.

Consolidated Electric and Gas Company and The Middle West Corporation, both registered holding companies, and their subsidiary company, Upper Peninsula Power Company, having filed applications and declarations and amendments thereto pursuant to sections 6, 7, 9, 10, and 12 and the applicable rules promulgated thereunder regarding the following transactions:

(1) The sale by Consolidated Electric and Gas Company and the purchase by Upper Peninsula Power Company of all of the capital stock of Houghton Electric Light Company and all of the capital stock and funded debt of Iron Range Light and Power Company upon the terms and conditions set forth in an amended agreement between Consolidated Electric and Gas Company and Upper Peninsula Power Company;

(2) The sale by The Middle West Corporation and Copper Range Company, and the purchase by Upper Peninsula Power Company, of an aggregate of 18,000 shares of $3 cumulative preferred stock, without nominal or par value, and 34,400 shares of common stock, without nominal or par value, of Copper District Power Company upon the terms and conditions set forth in an amended agreement between The Middle West Corporation, Copper Range Company and Upper Peninsula Power Company;

(3) The purchase by Upper Peninsula Power Company of all or a part, but not less than 4,000 shares, of the outstanding Common Stock of Copper District Power Company held by holders other than The Middle West Corporation and Iron Range Light and Power Company upon the terms and conditions set forth in the form of revised agreement between Upper Peninsula and such holders;

(4) The issuance and sale by Upper Peninsula Power Company through competitive bidding of $3,500,000 principal amount of first mortgage bonds, ----%, series due 1977;

(5) The authorization of 15,000 shares and the issuance and sale of 10,000 shares of cumulative preferred stock, ----% series, of the par value of $100 each by Upper Peninsula Power Company;

(6) The payment by Upper Peninsula Power Company to Houghton Electric Light Company of such amount of cash as may be necessary to redeem the first mortgage bonds, 3¾% sinking fund series due 1962, of Houghton Electric Light Company, outstanding in the principal amount of $1,149,000, at 103% of the principal amount thereof;

(7) The payment by Upper Peninsula Power Company to Copper District Power Company of such amount of cash as may be necessary to redeem the first mortgage bonds, series A. 4½%, due June 1, 1956, of Copper District Power Company, outstanding in the principal amount of $1,360,000, at 103% of the principal amount thereof;

(8) The dissolution of Houghton Electric Light Company, Iron Range Light and Power Company and Copper District Power Company, and the transfer and conveyance to Upper Peninsula Power Company of all of the assets of such companies and the assumption by Upper Peninsula Power Company of all the liabilities of such companies;

(9) The payment by Upper Peninsula Power Company to Consolidated Electric and Gas Company, The Middle West Corporation, Copper Range Company and such other holders of the common stock of Copper District Power Company as shall sell their shares to Upper Peninsula Power Company, of certain amounts of cash in accordance with the provisions of the amended and revised agreements mentioned above;

(10) The authorization of 250,000 shares and the issuance and sale by Upper Peninsula Power Company to Consolidated Electric and Gas Company, The Middle West Corporation and Copper Range Company, respectively, of 119,940, 33,980 and 34,780 shares of the common stock of Upper Peninsula Power Company, and the issuance and sale by Upper Peninsula Power Company to all other holders of the common stock of Copper District Power Company of two shares of its common stock in respect of each share of common stock of Copper District Power Company held by such holders;

(11) The application by Consolidated Electric and Gas Company of the cash proceeds of the sale of the securities of Houghton Electric Light Company and Iron Range Light and Power Company to the partial payment of its bank loan notes outstanding under the loan agreement dated as of November 15, 1945, between Consolidated Electric and Gas Company and the several banks therein named and the pledging under said loan agreement of the 120,000 shares of the common stock of Upper Peninsula Power Company to be acquired by Consolidated Electric and Gas Company.

Public hearings on such transactions having been held after appropriate notice, the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the applications and declarations, as amended, be, and the same hereby are, granted, approved, and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed sale of $3,500,000 first mortgage bonds, due 1977, and 10,000 shares of cumulative preferred stock, $100 par value, shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions, if any, as shall be deemed appropriate, jurisdiction being reserved for the imposition of such conditions;

(2) That jurisdiction be further reserved over the payment of any fees or expenses of counsel including the proposed fee to counsel for the prospective bidder; and

(3) That this order shall be effective only so long as the order of the Public Service Commission of Michigan, expressly authorizing the proposed sale of bonds, preferred stock, and common stock, is not revoked, terminated or otherwise modified.

It is further ordered, Pursuant to the request of Consolidated Electric and Gas Company, that the ten-day period for inviting bids as provided by Rule U-50 be, and the same hereby is, shortened to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4719; Filed, May 20, 1947; 8:54 a. m.]

[File Nos. 70-1494, 70-1495]

STANDARD GAS AND ELECTRIC CO. AND CALIFORNIA OREGON POWER CO.

ORDER GRANTING APPLICATIONS, AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of May 1947.

Standard Gas and Electric Company ("Standard Gas"), a registered holding company, and its subsidiary, The California Oregon Power Company ("Copco"), a public utility company, having on May 2, 1947 filed separate amendments to their declarations and applications herein pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-42 promulgated thereunder with respect to the following transactions (which transactions are in addition to the proposed transactions herein with respect to which applications, as amended, have been granted and declarations, as amended, have previously been permitted to become effective pursuant to order dated May 8, 1947, published in Holding Company Act Release No. 7390):

Standard Gas proposes, prior to the proposed issue and sale by Copco of 60,000 shares of its ----% Cumulative Preferred Stock and 18,000 shares of its Common Stock, par value $20 per share, to acquire in the open market certain shares of the Six Per Cent Preferred Stock, Series of 1927, of Copco, equal in number, as nearly as practicable, to 3,000 shares, and to donate to Copco the shares so acquired as a capital contribution in the amount of $300,000 (assuming 3,000 shares are so acquired by Standard Gas) against which $13,700 discount and expense applicable to such donated shares will be charged immediately by Copco.

Copco proposes to charge to the capital surplus (amounting to approximately $286,300) created by this donation a portion of the total of (a) the amount of capital stock discount and expense relating to its Six Per Cent Preferred Stock, Series of 1927, proposed to be redeemed, (b) the redemption premium on such stock, and (c) the expenses of the redemption of such stock. Copco proposes to charge to earned surplus the balance of approximately $329,592 of these items together with duplicate dividends of $42,761 to be incurred in connection with the redemption of its Six Per Cent Preferred Stock, Series of 1927.

The Public Utilities Commission of the State of California and the Public Utilities Commissioner of Oregon have expressly authorized Copco to consummate its portion of these proposed transactions.

Said amendments to the applications and declarations herein having been filed on May 2, 1947, and further amendments to said applications and declarations having been filed on May 9, 1947, and notice of said amendments filed May 2, 1947 having been duly given in the form and manner prescribed in Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said amendments filed May 2, 1947, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the applications and declarations herein and said amendments thereto filed May 2, 1947, as amended on May 9, 1947, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings thereunder are nec-

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essary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the applications and declarations herein, as amended, in so far as they relate to the transactions hereinabove summarized, be granted and permitted to become effective; and

The applicants-declarants having requested that the Commission's order with respect to said applications and declarations and amendments thereto become effective at an early date so that they may proceed with the proposed sale of securities and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that the said applications and declarations and amendments thereto in so far as they relate to the transactions hereinabove summarized be, and the same are, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4718; Filed, May 20, 1947; 8:54 a. m.]

[File No. 70-1515]

EASTERN KANSAS UTILITIES, INC., AND CONTINENTAL GAS & ELECTRIC CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of May 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Continental Gas & Electric Corporation ("Continental"), a registered holding company, and its public utility subsidiary Eastern Kansas Utilities, Inc. ("Eastern"). Applicants-declarants have designated as applicable sections 6 (b), 9, 10 and 12 (f) of the act together with Rules U-43, U-50 (a) (3) and U-50 (a) (4) promulgated thereunder.

Notice is further given that any interested person may, not later than May 23, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issue of fact or law raised by said joint application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon; that such request should be addressed: Securities and Exchange Commission, 18th & Locust Streets, Philadelphia 3, Pa.; and that at any time after May 26, 1947 said joint application-declaration as filed or is amended may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Eastern proposes to issue and sell to The Northwestern Mutual Life Insurance Company an additional $600,000 principal amount of First Mortgage Bonds at par value. The bonds will be dated March 1, 1947, will mature September 1, 1967, will bear interest at the rate of 2⅞% per annum and will be issued under the existing Indenture and a Supplemental Indenture to be dated March 1, 1947. The Supplemental Indenture will provide for a cash sinking fund of 1% per annum commencing March 1, 1949. Eastern also proposes to issue and sell to Continental, its sole stockholder, and Continental proposes to purchase from Eastern for cash an additional 1500 shares of Eastern's $100 par value common stock at the par value thereof.

The application-declaration states that the proceeds from the sale of such bonds and common shares will be used to finance the construction of additional electric facilities needed in the operation of Eastern's business, and that of the proceeds from the sale of the bonds, approximately $300,000 will be withdrawn on the basis of unbonded net property additions at the date of the sale of the bonds and the remainder will be deposited with the Trustee under the existing Indenture to be withdrawn as provided for in such Indenture.

It is stated that Eastern is organized and doing business in the State of Kansas and that the proposed issue and sale of securities is subject to the approval of the State Corporation Commission of Kansas and that when such approval is obtained a copy thereof will be filed by amendment to the application-declaration.

Applicants-declarants request that the Commission's Order with respect to the transactions proposed herein become effective immediately upon issuance thereof and, in any event, not later than May 26, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4722; Filed, May 20, 1947; 8:56 a. m.]

[File No. 70-1518]

SOUTH CAROLINA POWER CO. AND COMMONWEALTH & SOUTHERN CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 15th day of May 1947.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and its public utility subsidiary, South Carolina Power Company ("South Carolina"), having filed a joint application-declaration pursuant to sections 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder regarding the following proposed transactions:

Commonwealth, which is the owner of all of the presently outstanding common stock of South Carolina consisting of 600,000 shares without par value, proposes to purchase from South Carolina an additional 200,000 shares of its common stock at a price of $12 per share in the event that South Carolina does not receive a bid at competitive bidding pursuant to Rule U-50 of said price or better.

The application-declaration having been filed on the 2d day of May, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration be granted and permitted to become effective, and deeming it appropriate to grant a request of the applicants-declarants that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4720; Filed, May 20, 1947; 8:56 a. m.]

MAY 23 '47

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9856

AUTHORIZING THE APPOINTMENT OF SAMUEL M. SAMPLER TO A POSITION IN THE CLASSIFIED SERVICE WITHOUT REGARD TO THE CIVIL SERVICE RULES

NOTE: Executive Order No. 9856 was filed with the Division of the Federal Register as F. R. Doc. No. 47-4842, on May 21, 1947, at 11:01 a. m.

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 485, 15th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS MODIFYING REQUIREMENTS OF WHITE-FRINGED BEETLE QUARANTINE REGULATIONS

Introductory note. The following administrative instructions lift the certification requirements on a number of articles regulated by the quarantine on account of the white-fringed beetle (Quarantine No. 72) when they have been maintained under conditions that prevent them from becoming infested, and completely exempt certain other articles from the certification requirements. This action is considered safe because present conditions within the infested areas eliminate the danger of spreading infestations by such articles. These administrative instructions also specify the conditions under which soil and similar materials may be certified.

§ 301.72a *Administrative instructions—Modification of certification requirements for specified articles.* (a) Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of the white-fringed beetle quarantine, 7 CFR § 301.72 as revised effective March 15, 1947, 12 F. R. 1667 (Notice of Quarantine No. 72 on account of the white-fringed beetle), the certification requirements of §§ 301.72–4 and 301.72–5 of the regulations supplemental to said quarantine, revised effective March 15, 1947 (12 F. R. 1667) are hereby modified as to interstate movement of the following articles and materials enumerated in § 301.72–3 of said regulations:

(1) The following articles are exempt from the certification requirements of § 301.72–4:

(i) Cordwood.

(ii) Seed cotton, cottonseed, baled cotton lint and linters.

(iii) Processed clay and crude clay for manufacturing purposes when handled to the satisfaction of the inspector.

(2) The following articles and materials are exempt from the certification requirements of § 301.72–4 when they are free from soil and when they have not been exposed to infestation or when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(i) Hay and straw, except that peanut hay is not exempt.

(ii) Uncleaned grass, grain, and legume seed.

(iii) Scrap metal and junk.

(iv) Forest products such as stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(v) Brick, tile, stone, and cinders.

(vi) Concrete slabs, pipe, and building blocks.

(vii) Implements, machinery, equipment, and containers.

(3) Certification will still be required for the following articles and materials:

(i) All soil, sand, gravel, clay, peat, or muck, whether moved independently or in connection with, or attached to nursery stock, plants, products, articles, or things.

(ii) Compost, manure, moss, and leafmold.

(iii) Nursery stock.

(iv) Grass sod.

(v) Plant crowns or roots for propagation.

(vi) Potatoes (Irish), when freshly harvested.

(vii) True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.

(viii) Peanuts in the shell.

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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(ix) Peanut hay.

(b) Certificates or master permits under § 301.72-5 may be issued for the interstate movement of the following materials under the conditions specified below:

(1) Soil, sand, gravel, clay, peat, or muck, when taken from a depth of at least 2 feet below the existing surface, and when entirely free from any surface soil to a depth of 2 feet.

(2) Sand and gravel, when washed, processed, or otherwise treated to the satisfaction of the inspector.

The purpose of this action is thus to relieve commerce in the articles exempted herein from restrictions heretofore imposed. In order to be of maximum benefit to the public, the relief from these restrictions must be made effective as soon as possible. Accordingly, compliance with the rule making procedure of section 4 (a) of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 238) is impracticable and contrary to the public interest, and compliance with the publication requirement of section 4 (c) of that act is unnecessary.

This revision supersedes B. E. P. Q. 485, 14th revision, which became effective December 12, 1945 (7 CFR 1945 Supp. 301.72a).

These instructions shall be effective upon publication in the FEDERAL REGISTER and shall remain in effect until further modified or revoked.

(Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161; 7 CFR 301.72, as revised effective March 15, 1947, 12 F. R. 1667)

Done at Washington, D. C., this 14th day of May 1947.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 47-4780; Filed, May 21, 1947; 8:49 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE WAGE RATES FOR 1947 CROP OF SUGAR BEETS

Pursuant to the provisions of section 301 (b) of the Sugar Act of 1937, as amended, the determination of "Fair and Reasonable Wage Rates for the 1947 Crop of Sugar Beets" issued March 18, 1947 (12 F. R. 1920) is hereby amended by changing footnote 1 of paragraph (b) (1) to read as follows: "Or seed containing 75% or more of single germs; or any other special processed seed if the average earnings per hour on fields planted with such processed seed are not less than the applicable hourly rate specified in paragraph (a) above."

(Sec. 301, 50 Stat. 909; 7 U. S. C. 1131)

Issued this 16th day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-4779; Filed, May 21, 1947; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 390]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

COMPLIANCE WITH AIR CARRIER FIRE PREVENTION REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of May 1947.

Civil Air Regulations Amendments 41-3, 42-2, and 61-2 (11 F. R. 11353, 11354) made effective by the Board on November 1, 1946, prescribed certain fire preventive design changes on airplanes used in passenger air carrier service. The regulations now require that all airplanes used in passenger air carrier service and which are to undergo major overhaul of fuselage or wing center section after May 1, 1947, shall be modified according to amendments 41-3, 42-2, and 61-2. However, the air carriers have notified the Board that certain equipment and parts necessary for installation in compliance with these amendments are unavailable at the present time in sufficient quantity for initial installation and replacement during service. The Administrator has also advised the Board of this condition.

The Civil Aeronautics Board finds that temporary lack of certain equipment and parts required for compliance with Civil Air Regulations amendments Numbers 41-3, 42-2, and 61-2 would force air carriers to take some of their presently operating airplanes out of passenger service after May 1, 1947; that the air carriers have endeavored to obtain all necessary equipment and parts in order to comply with the pertinent requirements; that, notwithstanding the lack of certain equipment and parts, the fire preventive measures of amendments 41-3, 42-2, and 61-2 will be complied with, except with respect to those provisions for which the air carriers have been unable to obtain equipment or parts and have notified the Administrator accordingly; that such provisions will be complied with as soon as practicable after receipt by the air carriers of the necessary equipment and parts; and that for the reasons stated compliance with the notice and procedures required by paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is impracticable, and a delay in the promulgation of this special regulation would not be in the public interest.

Now, therefore: Effective May 14, 1947, compliance with the provisions in Civil Air Regulations Amendments 41-3, 42-2, and 61-2 shall not be required in those instances where the air carrier notifies the Administrator and shows that there exists a lack of equipment or parts necessary for compliance with specific provisions contained in these amendments. However, when such equipment or parts become available the air carrier shall comply with the pertinent provisions as soon thereafter as practicable. This Special Civil Air Regulation and the privileges granted thereby shall terminate November 1, 1947.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4787; Filed, May 21, 1947; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5292]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHARLES A. GEARING

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.72 (c) *Offering deceptive inducements to purchase or deal—Free goods.* In connection with the offering for sale, sale and distribution of flags and banners in commerce, (1) representing that respondent's products are made of silk, unless they are in fact made of such material; (2) representing that the fringes on said products are made of gold; or (3) using the term "free" or "gift", or any other term of similar import, to designate, describe, or refer to any product the price of which is included in the price of other products; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Charles A. Gearing, Docket 5292, March 26, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of March A. D. 1947.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Charles A. Gearing, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of flags and banners in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that respondent's products are made of silk, unless they are in fact made of such material.

2. Representing that the fringes on said products are made of gold.

3. Using the term "free" or "gift", or any other term of similar import, to designate, describe, or refer to any product the price of which is included in the price of other products.

It is further ordered, That said respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-4786; Filed, May 21, 1947; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5562]

PART 101—TAXES ON ADMISSIONS, DUES, AND INITIATION FEES

In order to conform Regulations 43 (26 CFR, Part 101), relating to the taxes on admissions, dues, and initiation fees under the provisions of the Internal Revenue Code, to the Excise Tax Act of 1947 (Public Law 17, 80th Congress, 1st Session), approved March 11, 1947, such regulations are hereby amended as follows:

PARAGRAPH 1. The words appearing in parenthesis in the heading beginning "Part 101" immediately preceding "Subpart A—Introductory," as amended by Treasury Decision 5385, approved June 30, 1944, are further amended to read as follows: "(Chapter 10 of the Internal Revenue Code as Amended by the Revenue Acts of 1941 and 1942; and Chapter 9A of the Internal Revenue Code as Amended by the Revenue Act of 1943, the Public Debt Act of 1944, and the Excise Tax Act of 1947)."

PAR. 2. The first sentence of the first paragraph of § 101.0 *Scope of part*, as amended by Treasury Decision 5385, is further amended by striking out the word "'and" immediately preceding "the Public Debt Act of 1944," changing the period at the end of the sentence to a comma and adding immediately thereafter the following: "and the Excise Tax Act of 1947."

PAR. 3. Immediately following the quotation of section 1655 inserted by Treasury Decision 5349, approved March 17, 1944, under "Definitions" in "Subpart B—General Provisions" there is inserted the following:

SEC. 3. EXCISE TAX ACT OF 1947.
Sections * * * 1655 (definition of "date of the termination of hostilities in the present war") of such Code are hereby repealed.

PAR. 4. Section 101.1, *Effective period*, as amended by Treasury Decision 5385, is further amended as follows:

(A) By changing the third sentence of the second paragraph to read as follows: "The amendments made by the Revenue Act of 1941, and all subsequent amendments relative to these taxes including, by reason of sections 2 and 3 of the Excise Tax Act of 1947, the amendments made by the Revenue Act of 1943, as amended by the Public Debt Act of 1944, apply indefinitely."

(B) By changing the first sentence of the third paragraph to read as follows: "The effective date of the amendments made by the Revenue Act of 1943, and of the amendments of these regulations pursuant to the Revenue Act of 1943, is April 1, 1944."

PAR. 5. Immediately preceding each of the following sections, i. e., § 101.2, § 101.7, § 101.9, § 101.13, and § 101.22, there is inserted the following:

SEC. 2. EXCISE TAX ACT OF 1947.
Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war".

(Sec. 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791))

Because of the technical nature of the amendments made herein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] WM. T. SHERWOOD, *Acting Commissioner of Internal Revenue.*

Approved: May 16, 1947.

JOSEPH J. O'CONNELL, JR., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-4788; Filed, May 21, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 4]

PART 705—ADMINISTRATION

CHANGING REFERENCES TO SPECIFIED OFFICIALS AND OFFICES IN CERTAIN DOCUMENTS DEALING WITH PRICE CONTROL OF SUGAR AND RICE AND RATIONING OR ALLOCATION OF SUGAR

A statement of the considerations involved in the issuance of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

§ 705.104 *Order changing references in certain documents to specified officials and offices.* (a) This general order applies to all maximum price regulations, ration orders, procedural regulations, general orders, supplementary orders, manuals or other internal operating instructions, and other official documents (hereinafter referred to as regulations and orders), heretofore issued by the Office of Price Administration or by the Office of Temporary Controls, and which were in effect on March 31, 1947, insofar as price control and rationing or allocation of sugar are concerned, and which were in effect on May 4, 1947, insofar as price control of rice is concerned. All such regulations and orders which contain references to the Office of Price Administration or the Office of Temporary Controls, or to officials or offices of these agencies as listed in Column A, shall be construed, insofar as they relate to price control of sugar and rice or to rationing or allocation of sugar, to refer to the Sugar Rationing Administration, Department of Agriculture, or to the officials or offices of the Department of Agriculture or of the Sugar Rationing Administration as listed in Column B, whichever is appropriate.

Column A	Column B
1. Price Administrator. Administrator. Temporary Controls Administrator.	1. Secretary of Agriculture.
2. Deputy Commissioner for Sugar. Director of the Sugar Rationing Division. Commissioner.	2. Administrator, Sugar Rationing Administration.
3. Deputy Commissioner for Enforcement. Deputy Administrator for Enforcement.	3. Director, Enforcement Division, Sugar Rationing Administration.
4. Director, Litigation Division.	4. Chief, Litigation Branch, Enforcement Division, Sugar Rationing Administration.
5. General Counsel.	5. General Counsel, Sugar Rationing Administration.
6. Secretary, Office of Price Administration. Office of the Secretary, Office of Price Administration.	6. Registrar, Sugar Rationing Administration.
7. Regional Administrator.	7. Regional Sugar Executive, Sugar Rationing Administration.
8. Regional Enforcement Executive. Regional and District Enforcement Attorney. Regional Litigation Attorney.	8. Enforcement Executive, SRA Field Enforcement Office.
9. Regional Attorney. Regional Price Attorney.	9. Regional Sugar Attorney, Sugar Rationing Administration.
10. District Director. Sugar Branch Office Director.	10. Director, SRA Branch Office.
11. Washington Office. Washington Office of Office of Price Administration. National Office. National Office of Office of Price Administration.	11. Washington Office of Sugar Rationing Administration, Department of Agriculture.
12. Regional Office. Regional Office of Office of Price Administration.	12. SRA Regional Office.
13. District Office. District Office of Office of Price Administration. Sugar Branch Office. Sugar Branch Office of Office of Price Administration.	13. SRA Branch Office.

(b) All of the authority, rights, privileges, powers, duties and functions relating to price control of sugar and rice or to rationing or allocation of sugar, which the regulations and orders referred to in paragraph (a) delegated to or vested in the designated officials or offices of the Office of Price Administration or the Office of Temporary Controls as listed in Column A of paragraph (a), are hereby vested in or delegated to the appropriate official or office of the Department of Agriculture or Sugar Rationing Administration as listed in Column B of that paragraph.

(c) If any of the regulations or orders referred to in paragraph (a) have been amended heretofore to make the same change in reference to specified officials or offices as made by that paragraph, to that extent this order shall not apply to such regulations or orders, nor shall it apply to any regulations or orders which have been superseded heretofore by other regulations or orders issued by the Secretary of Agriculture or by the Sugar Rationing Administration. In addition this order shall cease to apply to any regulation or order which is amended hereafter to accomplish the changes made effective by this order or which is hereafter superseded by an order or regulation issued by the Secretary of Agriculture or by the Sugar Rationing Administration.

(d) The changes made by paragraph (a) shall not be deemed to authorize the Regional Sugar Executive of Region 4 to issue any orders establishing, modifying or adjusting maximum prices of any commodity or to direct formulation of any price policy. With respect to such matters in that region, the references in paragraph (a) to Regional Sugar Executive shall be deemed to be references to the Deputy Regional Sugar Executive.

(e) The terms used herein shall have the same meaning as used in the Sugar Control Extension Act of 1947, and Executive Order 9841.

(Pub. Law 30, 80th Cong., 1st Sess.; E. O. 9841 (12 F. R. 2645))

This order shall become effective May 15, 1947.

Issued this 15th day of May 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

Statement of the Considerations Involved in the Issuance of General Order 4

By the Sugar Control Extension Act of 1947 and Executive Order 9841 there were transferred to the Secretary of Agriculture all functions with respect to price control and rationing and allocation of sugar, and price control on rice, effective March 31, 1947, and May 4, 1947, respectively. The Secretary of Agriculture has delegated his functions in regard to these matters to the Sugar Rationing Administration in the Department of Agriculture. The Sugar Control Extension Act and the Executive Order also continued in effect all orders, directives, rules or regulations relating to the transferred functions, which were issued by any officer, department or agency heretofore performing such functions and which were in force on the effective dates of the transfers of functions. In many of these regulations, orders and other documents, reference is made, or authority is delegated to designated officials or offices of the Office of Price Administration or the Office of Temporary Controls.

It is not administratively feasible at this time to individually amend or reissue each such document to reflect the transfers of these functions. Accordingly, it is deemed appropriate to issue this General Order provicing that all such regulations and orders, insofar as they relate to the powers, functions or duties with respect to price control of sugar and rice and with respect to rationing or allocation of sugar, should now be construed to refer to the appropriate officials or offices of the Department of Agriculture and the Sugar Rationing Administration.

[F. R. Doc. 47-4848; Filed, May 21, 1947; 11:52 a. m.]

[3d Rev. RO 3,[1] Amdt. 47]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. A new Article XXIV is added to read as follows:

ARTICLE XXIV—REVOCATION OF BASE PROCEDURE

Sec. 24.1 *Procedure to be followed before a base may be revoked.* (a) A Sugar Branch Office, after giving a notice and a hearing, or an opportunity for a hearing, as provided in this section, may revoke the base of any person under the provisions of section 1.6 of Revised General Ration Order 18 or section 3.2 of General Ration Order 19.

(b) Before issuing an order under the provisions of this section, the Sugar Branch Office shall comply with the following procedure:

(1) The Sugar Branch Office shall give notice of a hearing to the person (hereinafter called the respondent) against whom the proceedings are instituted at least 3 days before the date set for the hearing.

(2) The notice shall set forth the date, time, place and purpose of the hearing and a specification of the facts on which the proposed revocation is based.

(3) The hearing shall be conducted by the Sugar Branch Office Director as Presiding Officer or by such other officer or employee of the Sugar Rationing Administration as may be designated by the Sugar Branch Office Director as Presiding Officer. The respondent shall have the right to be represented by his own counsel; the rules of evidence prevailing in courts of law or equity shall not be controlling; and a stenographic report of the hearing shall be taken. The stenographic report of the hearing need not be transcribed unless it is requested by one of the parties to the proceeding.

(4) If, after the hearing, or after the respondent's failure to appear at the hearing, the Presiding Officer finds that the charges, as set forth in the specification, are proved, an order revoking the respondent's base shall be issued. A copy of the order shall be served promptly on the respondent personally or by mail directed to his last known address.

(c) No order, issued pursuant to the provisions of this section shall become effective less than five days after the service of such order on the respondent.

(d) Any person, against whom an order has been issued by a Presiding Officer under the provisions of this section, may appeal from such order in accordance with the provisions of Article XXIII of this order.

(e) Nothing in this section shall be considered to waive or exclude any other action which may be taken by the

[1] 11 F. R. 177, 14281.

Sugar Rationing Administration with respect to any violations by an industrial or institutional user of this or any other order.

This order shall become effective May 21, 1947.

Issued this 14th day of May 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 47 to Third Revised Ration Order 3 and Amendment No. 6 to Revised General Ration Order 18

Proposed amendments. These amendments set up a procedure which must be followed before an order revoking the base of any person under the provisions of section 1.6 of Revised General Ration Order 18 or section 3.2 of General Ration Order 19 may be issued. The provisions outlining the procedure under which a notice and a hearing, or an opportunity for a hearing, must be given to a user before his base may be revoked are incorporated in the amendment to Third Revised Ration Order 3 and a cross-reference to such procedure is contained in the amendment to Revised General Ration Order 18.

Reason for amendments. These amendments are being issued in order to insure that a uniform procedure is followed in all cases before an order revoking the base of any person is issued. The procedure adopted in the amendment to Third Revised Ration Order 3 adequately protects the rights of any user by affording such user a hearing, or an opportunity for a hearing, on the issues involved before his base is revoked.

[F. R. Doc. 47-4850; Filed, May 21, 1947; 11:53 a. m.]

[Rev. Gen. RO 18,[1] Amdt. 6]

PART 705—ADMINISTRATION

DISTRIBUTION OF BASES TO CERTAIN FORMER MEMBERS OF THE ARMED FORCES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1.6 (a) of Revised General Ration Order 18 is amended to read as follows:

(a) If at any time within a year after a base is granted under this article any of the following things are done, the Sugar Branch Office may revoke such base after a notice and hearing, or opportunity for a hearing, has been given in accordance with the procedure set forth in Article XXIV of Third Revised Ration Order 3:

(1) Sugar or evidences obtained with respect to that base is transferred (tolled) to another person for industrial or institutional use;

(2) The facts stated in section 1.4 (a), (c) or (d) cease to be true;

(3) The establishment is sold or otherwise transferred except as provided in section 4.1 of this order.

[1] 11 F. R. 7380, 10215.

This amendment shall become effective May 21, 1947.

Issued this 14th day of May 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-4849; Filed, May 21, 1947; 11:52 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

PART 27—PROCEDURES OF THE NAVAL ESTABLISHMENT

MISCELLANEOUS AMENDMENTS

The following changes are authorized to amend the regulations relating to the organization and functions of the Naval Establishment (11 F. R. 177A-159):

1. Amend § 26.1 (c) to read as follows:

§ 26.1 *Creation and authority.* • • •

(c) The present organization and distribution of functions within the Naval Establishment is derived generally from Executive Order No. 9635 dated September 29, 1945 (10 F. R. 12419). The organization and distribution of functions is further outlined in General Order No. 247 dated February 10, 1947, entitled "Policies and Principles Governing the Distribution of Authority and Responsibility for the Administration of the Naval Establishment." Copies of General Orders are available for inspection at the Navy Department, Washington, D. C., and at the offices of each of the naval districts.

2. Delete §§ 26.2, 26.3 and 26.4 and substitute the following:

§ 26.2 *The Naval Establishment.* The Naval Establishment consists of three principal parts:

(a) The Operating Forces are the several fleets, seagoing forces, sea frontier forces, district forces, and such of the shore establishment of the Navy and other forces and activities as may be assigned to the operating forces by the President or Secretary of the Navy.

(b) The Navy Department, the executive part of the Naval Establishment located at the seat of the government, which comprises the bureaus, boards and offices of the Navy Department; the Headquaters of the Marine Corps; and the Headquarters of the Coast Guard (when assigned to the Navy).

(c) The Shore Establishment, which comprises all other activities of the Naval Establishment including all shore activities not assigned to the Operating Forces. [General Order 247, February 10, 1947]

§ 26.3 *The Navy Department.* The executive part of the Naval Establishment, the Navy Department, is organized in terms of its functions which are best understood by reference to the statement of fundamental naval policy: "To maintain the Navy as a thoroughly integrated entity in sufficient strength on the sea and in the air to uphold, in conjunction with our other Armed Forces, our national policies and interests, to support our commerce and our international obligations, and to guard the United States including its overseas possessions and dependencies" (General Order No. 247 dated February 10, 1947). From this fundamental policy evolve four basic tasks or functions, the responsibility for which has been distributed within the Navy Department. These tasks or functions are policy control, naval command, logistics administration and control, and business administration.

(a) *The Secretary.* The Naval Establishment is subject to the direction and control of the President of the United States as Commander-in-Chief. The immediate direction and control, however, are exercised by the Secretary of the Navy, acting as the representative of the President. The Secretary retains the general responsibility for supervision of all naval affairs while delegating certain responsibilities to his naval and civilian executive assistants. The Secretary retains direct control of policy and communicates directly with all principal officials and officers of the Naval Establishment, as necessary or desirable, remaining available for direct consultation by such officials and officers. In the formulation and administration of naval policies, the Secretary avails himself of the advice and assistance of his principal executive assistants: (1) The Civilian Executive Assistants; (2) the Naval Command Assistant; and (3) the Naval Technical Assistants.

(b) *The Naval Command Assistant.* (1) The second of the four basic tasks or functions of the Navy Department is that of Naval Command, which has been assigned to the Naval Command Assistant, whose official title is The Chief of Naval Operations, and who acts as the principal adviser to the President and to the Secretary of the Navy on the conduct of war, and the principal naval adviser and naval executive to the Secretary of the Navy on the conduct of the activities of the Naval Establishment, all as provided in Executive Order No. 9635 dated September 29, 1945 (10 F. R. 12419). Naval Command includes command of the Operating Forces and the maintenance of such Forces in a state of readiness to conduct war. In the accomplishment of the foregoing, the Chief of Naval Operations is responsible under the Secretary of the Navy for the command and administration of the Operating Forces, for the preparation, readiness and logistics support of such Forces, and for the coordination and direction of efforts of the bureaus and offices of the Navy Department with respect to the foregoing. In the discharge of these responsibilities, the Chief of Naval Operations promulgates to the Naval Establishment directives embracing matters of operations, security, intelligence, communications, naval personnel discipline and similar matters affecting the naval maintenance and protection of the Naval Establishment.

(2) The third task in implementing fundamental naval policy, namely, that of Logistics Administration and Control, involves two distinct elements, the logistics of consumption, i. e., the planning, forecasting, determining and distributing of the requirements of the Operating Forces, and the logistics of production, i. e., the development, procurement, and production of the material and personnel required to meet the requirements of the Operating Forces. Although the two elements are interrelated and represent a continuous "cause and effect" relationship, it has been necessary, in the interest of efficient, orderly administration, to divide the responsibility for Logistics Administration and Control between the Chief of Naval Operations and the Civilian Executive Assistants aided by the Naval Technical Assistants. Accordingly, there has been delegated to the Chief of Naval Operations responsibility over the following:

(i) Planning and forecasting the needs of the Operating Forces for finished material, trained personnel and supporting services.

(ii) Issuing statements of these requirements—in terms of what is needed, when it is needed and where it is needed—to the bureaus and offices of the Navy Department, and, through them, to the Shore Establishment. This responsibility encompasses the determination of naval characteristics for material to be procured or developed, and the determination of the training and instruction required to fit naval personnel and commands for service with the Operating Forces.

(iii) Reviewing and evaluating the progress of the bureaus and offices and of the Shore Establishment in fulfilling these requirements, and issuing such instructions as may be required to assure the requirements are met.

(iv) Collaborating with the Civilian Executive Assistants in expediting fulfillment of these requirements, in evaluating and strengthening the policies and procedures governing the determination of stock levels and replenishment requirements, and in the administration of inventory control systems.

(c) *The Civilian Executive Assistants.* The fourth task or function of the Navy Department, Business Administration, and that portion of logistics administration and control not assigned to the Naval Command Assistant are delegated to the Civilian Executive Assistants to the Secretary. These Civilian Executive Assistants are the Under Secretary, the Assistant Secretary, the Assistant Secretary for Air, and the Administrative Assistant to the Secretary.

(1) *The Under Secretary.* The Under Secretary, who is appointed by the President by and with the advice and consent of the Senate and who under present law (54 Stat. 494; 5 U. S. C. 421b) serves during a national emergency only, has been delegated the responsibility in accordance with law and executive orders for: The responsibility for Military Personnel Boards; legislative and legal matters of the Naval Establishment, except such matters as are assigned to the Assistant Secretary; and immediate supervision of the activities of the Executive Office of the Secretary listed under § 26.4 (c).

(2) *The Assistant Secretary.* The Assistant Secretary, appointed by the President by and with the advice and consent of the Senate (26 Stat. 254; 5 U. S. C. 420) has been delegated the responsibility, in accordance with law and executive orders, for that part of the Logistics Administration and Control of the Naval Establishment which relates to the promulgation of policies and general procedures and legal determinations governing (i) the procurement, production and utilization of matériel and facilities; the procurement, administration and utilization of civilian personnel; and (ii) the determination of stock levels and replenishment requirements in collaboration with the Chief of Naval Operations, and the administration of inventory control systems; and immediate supervision of the activities of the Executive Office of the Secretary listed under § 26.4 (d). The Assistant Secretary also is responsible for the presentation of the Navy's procurement requirements to other governmental agencies controlling the availability of products, materials and facilities.

(3) *The Assistant Secretary for Air.* The Assistant Secretary for Air, appointed by the President by and with the advice and consent of the Senate (44 Stat. 767; 5 U. S. C. 421a) has been delegated the responsibility, in accordance with law and Executive orders, for all matters of the Naval Establishment relating to aeronautics (except as otherwise assigned to the Under Secretary and the Assistant Secretary), including the coordination of naval aeronautics with other governmental agencies; the correlation and programming of matériel research, experimental, test and development activities. In this connection, he supervises the Navy's participation on the Aeronautical Board and the Air Coordinating Committee (under § 26.4 (e) (1) and § 26.4 (e) (2)).

(4) *The Administrative Assistant to the Secretary of the Navy.* The Administrative Assistant to the Secretary of the Navy, appointed by the Secretary, has been delegated the responsibility in accordance with law and Executive orders for the following part of the business administration of the Naval Establishment: Responsibility for general supervision of the accounts relating to the fiscal affairs of the Naval Establishment, including the expenditure and budgeting of funds; and the responsibility for matters of organization, staffing, administrative procedures, and the utilization of personnel in the Executive Office of the Secretary; and immediate supervision of the activities of the Executive Office of the Secretary listed under § 26.4 (f).

(d) *Naval Technical Assistants.* The Naval Technical Assistants are the chiefs of bureaus, the Chief of Naval Research, the Chief of the Material Division, the Judge Advocate General, and the Commandant of the Marine Corps, and the Commandant of the Coast Guard (when assigned to the Navy) who are directly responsible for the discharge of all the duties assigned to their respective organizations, in accordance with the orders and directives of the Secretary, the Civilian Executive Assistants, and the Chief of Naval Operations; and are the technical advisers and assistants, in their special fields, to the Secretary, the Civilian Executive Assistants and the Chief of Naval Operations. In pursuance of the foregoing, the Naval Technical Assistants are immediately responsible, within the limits of their respective cognizance, for:

(1) The research in, and the development, procurement, production, utilization, and distribution of, material and facilities.

(2) The procurement, training, and administration, and assignment of personnel.

(3) The operation of all activities under their cognizance.

(4) The sound and legal expenditure of funds appropriated for the performance of their work, including the preparation of estimates for funds required to carry out approved plans and directives.

The Naval Technical Assistants perform these responsibilities through the organization of their respective bureaus and offices, which are described in detail in § 26.6 through § 26.13b, inclusive.

NOTE: The discussion above has outlined in general terms the over-all organization of the Naval Establishment. A more detailed presentation of certain of its component parts is presented below.

§ 26.4 *Executive Office of the Secretary.* (a) To assist the Secretary and the Civilian Executive Assistants in the discharge of their functions and responsibilities, various Offices, Committees, Boards and Divisions have been created, which are directly responsible to and which act for the Secretary and his Assistants and which collectively constitute the Executive Office of the Secretary. Such Boards, Offices, Committees and Divisions generally assist the Secretary and such Assistants in the formulation of policy and in administration, and discharge for the Secretary and such Assistants specific functions as are from time to time assigned.

(b) *Boards, offices and committees under the direct supervision of the Secretary—(1) General Board of the Navy.* The General Board was established March 13, 1900. It acts in an advisory capacity to the Secretary of the Navy. Its composition and duties are set forth in the U. S. Navy Regulations, 1920, Art. 393, par. 4, and Arts. 400-404, inclusive.

(2) *Joint Army and Navy Board (Navy participation).* The Joint Board, which was organized July 17, 1903, is composed of ranking officers of both War and Navy Departments. Any matters which, to either the War Department or the Navy Department, seem to require cooperation between the two services, may be referred by that Department to the Joint Board. It may also originate such consideration of subjects as, in its judgment, is necessary. The Board confers upon, discusses, and reaches such common conclusions as may be practicable. Since the beginning of World War II, most of the functions of the Joint Board have been performed by the Joint Chiefs of Staff.

(3) *Joint Economy Board (Navy participation).* The Joint Economy Board, organized May 13, 1935, is charged with the responsibility of investigating and reporting on economies which can be effected from time to time, without loss of efficiency, by eliminating duplication and simplifying functions in those activities of the War and Navy Departments concerned with joint operations

of the two services or which have approximately parallel functions.

(4) *Joint Chiefs of Staff (Navy participation).* The Joint Chiefs of Staff came into being as a result of the organization of the Combined Chiefs of Staff (British and United States Chiefs of Staff), on February 9, 1942. The Chief of Staff to the Commander in Chief of the Army and Navy; the Chief of Naval Operations; the Chief of Staff, U. S. Army; and the Commanding General, Army Air Forces, comprise the Joint Chiefs of Staff. Under the direction of the President the Joint Chiefs of Staff consult together on matters of joint concern to the armed forces, advise the President as to their use, take appropriate action to implement his plans and policies as Commander in Chief of the Army and Navy, and coordinate the military efforts of the Army and the Navy.

(5) *Office of Public Relations.* The mission of the Office of Public Relations is to keep the public informed of the activities of the Navy as an instrument of national security. Its functions are to advise the Secretary of the Navy on policies relative to public relations and the dissemination of information; to initiate, coordinate and develop channels between the Navy and the public for the accomplishment of its mission; to stimulate public interest in naval activities by liaison with civilian organizations, and to coordinate and prepare for posterity historical accounts of the activities of the Navy and Marine Corps.

The Office of Public Relations is comprised of:

Public Information Division.
Civil Relations Division.
Naval History Division.

(6) *The Patent Royalty Revision Board.* (i) The Royalty Adjustment Act of 1942 (35 U. S. C. 89–96) provides that whenever an invention, whether patented or unpatented, is manufactured, used, sold, or otherwise disposed of for the United States (in this case, the Navy Department) under the conditions set forth in the act, and the license under which this is done includes provisions for the payment of royalties, the rates or amounts of which are believed to be unreasonable or excessive by the Secretary of the Navy or his duly authorized delegate, the Secretary or such delegate shall give written notice of such facts to the licensor and the licensee. The act further provides that within a reasonable time after the effective date of the notice, in no event less than ten days, the Secretary of the Navy or his authorized delegate by order shall fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale, or other disposition. Either the licensor or the licensee is privileged, if he so requests within ten days from the effective date of the notice, to present within 30 days from the date of his request, in writing or in person, any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalties, if any, to be determined, fixed and specified as aforesaid and the order fixing such rates and amounts of royalties shall be issued within a reasonable time after such presentation. The written notice shall be mailed to the last known address of the licensor and the licensee and shall be effective upon receipt, or five days after the mailing thereof, whichever date is earlier. The licensee is forbidden after the effective date of the notice to pay to the licensor or to charge directly or indirectly to the United States, a royalty in excess of that specified in the order. Certain provisions of the act grant an aggrieved licensor remedies which, in general, limit him to a claim against the United States in a suit in the Court of Claims, or in certain instances to a suit brought in a District Court of the United States.

(ii) Pursuant to the provisions of this act the Secretary of the Navy by letter dated March 1, 1943, as amended by letter dated January 2, 1946, established in the Navy Department a Patent Royalty Revision Board which is composed of a chairman and seven members selected and appointed by the Secretary of the Navy to serve for such terms as the Secretary shall designate. Any three members designated by the chairman may act in any matters as and for the entire Board.

(iii) The following powers were delegated to the Board by the Secretary of the Navy:

(*a*) To receive and hear such facts or circumstances as may be presented in writing or in person at a hearing held pursuant to section 1 of the act.

(*b*) To fix and specify by the order, in accordance with Section 1 of the Act, fair and just rates or amounts of royalties and to authorize the payment thereof by the licensee to the licensor. To supplement, modify, or revoke any order heretofore or hereafter issued. Such order, or any supplement, modification, or revocation of any such order may be executed on behalf of the Board by the Chairman or by a member of the Board designated by the Chairman.

(iv) In addition, the Secretary of the Navy delegated the following powers to the Chairman of the Board or to any member of the Board designated by the Chairman:

(*a*) To execute and issue written notice to licensor and licensee pursuant to the provisions of section 1 of the act, and to withdraw any notice heretofore or hereafter issued under said section.

(*b*) To enter into and execute agreements with the owners or licensors of inventions or with contractors and subcontractors by the terms of which unreasonable or excessive rates or amounts are reduced to reasonable or unexcessive rates or amounts.

(*c*) To enter into and execute an agreement before suit against the United States has been instituted with the owner or licensor of an invention in full settlement and compromise of any claim against the United States accruing to such owner or licensor by reason of the manufacture, use, sale, or other disposition referred to in the act and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of such invention.

(*d*) To supplement, modify, or revoke any order, heretofore or hereafter issued, as a term of an agreement entered into under § 26.4 (b) (6) (iv) (*b*) or (*c*).

(v) In directing that bureau assistance be given, the Secretary of the Navy accorded to the Chief of each Bureau or the Commandant of the Marine Corps the right to conduct voluntary negotiations where it had been determined, after investigations, that excessive rates or amounts of royalties were being paid and empowered such officers to enter into and sign agreements of settlement and compromise embodying the terms of such negotiations, subject, however, to the approval of such agreements by the Secretary of the Navy. Should such officers fail to successfully conclude negotiations within a reasonable time, or should they desire not to conduct such negotiations, then they should transmit promptly to the Patents & Inventions Division, of the Office of Naval Research written reports reciting the facts and circumstances surrounding an alleged unreasonable or excessive royalty.

(vi) Any question of unreasonable or excessive royalty coming before the Price Adjustment Board should be referred to the Patent Royalty Revision Board for determination and all findings of the latter Board as to the reasonableness of royalties shall be binding on the Price Adjustment Board.

(7) *War Contracts Relief Board*—(i) *Jurisdiction.* The War Contracts Relief Board was established on April 3, 1947, directly under the Secretary of the Navy with jurisdiction, under the provisions of the act of August 7, 1946 (60 Stat. 902) and Executive Order No. 9786 of October 5, 1946 to consider, adjust and settle equitable claims of contractors, including subcontractors and materialmen performing work or furnishing supplies or services to the contractor or another subcontractor, for losses (not including diminution of anticipated profits) incurred between September 16, 1940 and August 14, 1945 under contracts or subcontracts of any department or agency of the Government, without fault or negligence on their part in the performance of such contracts or subcontracts.

As constituted, the Board is the designated central authority within the Navy Department, with power to consider, adjust and settle such claims and to make or approve the settlement of any such claim in each case in which the Navy Department is the war agency considering the claim pursuant to the Executive order. The Board also has the authority to grant in whole or in part, or to withhold, for the Navy Department, approval of that part of any proposed settlement by any other agency considering a claim which relates to contracts or subcontracts of the Navy Department and to make any and all determinations and findings for the Navy Department required by the act and the Executive order with respect to each claim filed thereunder.

Except for any reconsideration which the Board may in its discretion grant, any approval, finding, determination or settlement by the Board shall be final

subject only to the provisions of section 6 of the act.

(ii) *Organization.* The Navy Department War Contracts Relief Board consists of three part-time members, appointed from time to time by the Secretary of the Navy. The Chairman of the Board is appointed to such capacity by the Secretary of the Navy. A majority of the members of the Board may at any time constitute a quorum thereof for the transaction of business. The Board shall be assisted by a recorder who shall attend all meetings of the Board and prepare and maintain an official minute record of its activities. The Board shall be further assisted by a staff of analysts, headed by a chief analyst to be appointed by the Board from among personnel of the Material Division, Office of the Assistant Secretary of the Navy.

The Board shall refer all questions of interpretation in respect to either the act or the Executive order to the Office of the General Counsel for the Navy Department, which office shall provide the Board with all necessary legal advice and assistance.

The rules and regulations pertaining to the claims for relief by contractors which formerly appeared under Part 29 (12 F. R. 409) are cancelled and superseded by § 27.19 of this chapter which will appear in the FEDERAL REGISTER of May 23, 1947.

(c) *Boards, offices, committees and divisions under the direct supervision of the Under Secretary*—(1) *Office of the Judge Advocate General.* The Office of the Judge Advocate General is under the direct supervision of the Under Secretary of the Navy. The organization and functions of this Office are described in § 26.13.

(2) *Naval Clemency and Prison Inspection Board.* The Naval Clemency and Prison Inspection Board, convened by precept of the Acting Secretary of the Navy, of August 27, 1943, considers applications of naval prisoners for clemency and for restoration to duty. The Board makes recommendations to the Secretary of the Navy on such applications and on matters relating to the treatment of naval prisoners and to naval discipline. Members of the Board make frequent inspections of naval prisons, detention barracks, and brigs, and recommendations upon the organization and conduct of such activities are submitted.

(3) *State - War - Navy Coordinating Committee (Navy participation).* The State-War-Navy Coordinating Committee, organized February 10, 1945, is charged with coordinating the view of the three departments on politico-military matters in which all have a common interest. Particular attention is paid to correlation of national policy with foreign policy.

(4) *Board of Review, Discharges and Dismissals.* The Navy Department Board of Review, Discharges and Dismissals, was established by precept dated July 22, 1944, pursuant to section 301 of the Servicemen's Readjustment Act of 1944, approved June 22, 1944 (58 Stat. 286; as amended 50 U. S. C. 693), for the purpose of reviewing discharges and dismissals (except discharges and dismissals imposed as a result of sentences of general courts martial) of former personnel of the Navy and the Marine Corps to determine whether such discharges and dismissals were in conformity with reasonable standards of naval law and discipline, and where appropriate, to make recommendations to the Secretary of the Navy for modification.

(5) *Naval Retiring Board.* The Naval Retiring Board, organized pursuant to the act of August 3, 1861, as amended (34 U. S. C. 381, et. seq.), conducts the examinations of such officers of the line and staff corps of the U. S. Navy, Naval Reserve, Marine Corps, and Marine Corps Reserve as may be ordered to appear before it, or whose case may be referred to it by the Secretary of the Navy, to determine their physical fitness to perform all of the duties appropriate to their respective ranks or grades (commonly referred to as examinations for physical incapacity retirements).

(6) *Naval Retiring Review Board.* The Naval Retiring Review Board, organized September 6, 1944, pursuant to section 302 (a) of the Servicemen's Readjustment Act of 1944 (58 Stat. 287; 38 U. S. C. 693), was established for the purpose of reviewing and reporting on the findings and decision of any naval retiring board by reason of which any naval officer is retired or released to inactive service without pay. The Board's authority extends only to those individuals who request review within time limits specified in the act.

(7) *Navy Medical Survey Review Board.* The Navy Medical Survey Review Board was established on February 4, 1946, by the Secretary of the Navy in compliance with section 302 (a) of the Servicemen's Readjustment Act of 1944, as amended by section 4 of Public Law 268, 79th Congress. The Board reviews and reports upon the findings and recommendations of any Board of Medical Survey by reason of which any person who, while serving as an officer of the Navy or Marine Corps, or of the reserve components thereof, has been or may be retired or released from active service without pay. By the provisions of 58 Stat. 287; 38 U. S. C. 693i, as amended, the Board's authority is extended only to those individuals who request review within the limit prescribed in that act.

An applicant should address his request for review of his case before this Board to the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate.

(8) *Board of Medical Examiners.* The Board of Medical Examiners, organized pursuant to law (14 Stat. 344; 34 U. S. C. 271), conducts the physical examinations of officers of the line and staff corps, U. S. Navy, Naval Reserve, Marine Corps, and Marine Corps Reserve, to determine their physical qualifications for promotion, appointment or advancement.

(9) *Naval Examining Board (Line).* The Naval Examining Board (Line), organized pursuant to the act of April 21, 1864, as amended (30 Stat. 1005; 34 U. S. C. 274), conducts the professional examinations of line officers, including warrant and chief warrant officers of the U. S. Navy, for promotion; and for appointment, transfer, and promotion of the U. S. Naval Reserve; competitive examinations of warrant and chief warrant officers for appointment to commissioned ranks of ensign, lieutenant (junior grade), and lieutenant of the Regular Navy; competitive examinations of enlisted personnel for appointment to warrant ranks of the Regular Navy; and examinations of records of chief warrant officers, Regular Navy and Naval Reserve for Certificate of Creditability of Record.

(10) *Naval Examining Board (Medical).* The Naval Examining Board (Medical), organized pursuant to the act of April 21, 1864, as amended (34 U. S. C. 271, et seq.), conducts the professional examinations of Medical Corps officers of the U. S. Navy and Naval Reserve for promotion to the grades of commander and captain, Medical Corps. The examinations of officers for promotion to the grade of rear admiral, Medical Corps, are customarily conducted by a special examining board composed of officers of the grade of rear admiral of which the President of this Board is a member.

(11) *Naval Examining Board (Supply).* The Naval Examining Board (Supply Corps), organized pursuant to the act of April 21, 1864, as amended (34 U. S. C. 271, et seq.), conducts examinations of candidates for original appointment to the Supply Corps of the U. S. Navy and the U. S. Naval Reserve, and for appointment as acting pay clerk and pay clerk, U. S. Navy.

(12) *Naval Petroleum Reserves.* The Office of Naval Petroleum Reserves was established in 1927 as a part of the Secretary's Office. A directive dated June 6, 1944, which redefined the duties and functions of this Office, established the Office of the Director of Naval Petroleum and Oil Shale Reserves to take custody and charge on behalf of the Secretary of the reserves created by law; to formulate plans and programs for the exploration, prospecting, protection, conservation, development, use, and operation of such reserves, and for the production of oil therefrom, and to make recommendations to the Secretary with respect thereto; to execute such plans and programs as are duly approved; and to consult with the bureaus and other offices of the Navy Department and other Government departments and agencies to the extent necessary for the administration and control of such reserves, and for obtaining production therefrom.

Jurisdiction over and administration of the naval petroleum and naval oil shale reserves is vested in the Secretary of the Navy by the acts of Congress approved June 4, 1920 (41 Stat. 813), June 30, 1938 (52 Stat. 1252), and June 17, 1944 (58 Stat. 280), all as set forth in 34 U. S. C. 524.

(d) *Boards, offices, committees and divisions under the direct supervision of the Assistant Secretary*—(1) *Army and Navy Munitions Board (Navy participation).* This Board, originally organized in 1922, has for its purpose coordinating the plans of the Army and Navy for the procurement of munitions and supplies for national defense. On August 18, 1945, the Board was reconstituted by an order approved by the President as Com-

mander-in-Chief. As now constituted the Board comprises a Civilian Executive Chairman, the Under Secretary of War, and the Assistant Secretary of the Navy. The Executive Committee consists of the Civilian Executive Chairman, a general officer of the Army, and a flag officer of the Navy, with a secretariat and a staff made up of representatives from each service. In matters of major policy, the Board is advised by a Policy Committee made up of top echelon military representatives of the War and Navy Departments.

The functions of the Board include formulating plans and policies for industrial mobilization in an emergency and coordinating such plans between the Services; coordinating the work of the War and Navy Departments with regard to industrial matters, including procurement plans for the services; supervising such joint bodies as are or may be created to consider any subject falling within the scope of the Board's responsibility; and formulating and expressing the military interest of the War and Navy Departments with respect to our foreign trade.

The Board, in its capacity as representative of the Secretaries of War and Navy, has from time to time been assigned specific duties and functions by statute. Illustrative are the functions assigned to the Board under the Strategic and Critical Materials Stock Piling Act (Public Law 520, 79th Congress).

(2) *Facilities Review Board.* The Board, established November 21, 1945, reviews and approves or disapproves all requests for new facilities projects for continental and overseas shore establishments. The Board may investigate any phase of the operating procedure of the shore establishments to insure more efficient use of facilities and may issue orders necessary or appropriate as a result of such investigation. Orders of the Board are construed as emanating from the Secretary of the Navy.

(3) *Material Division.* The Material Division is under the direct supervision of the Assistant Secretary. The organization and functions of this Office are described under § 26.13a.

(4) *Office of the General Counsel.* The office of the General Counsel provides all legal services for the Navy Department in connection with procurement, contract termination, property disposition, renegotiation and related matters. The Office of the General Counsel has additional legal duties as assigned from time to time by the Secretary and his Civilian Executive Assistants. At the head of the Office of the General Counsel is the General Counsel for the Department of the Navy, under whom are two Assistant General Counsel. A branch office designated the Office of Counsel, exists in each of the contracting bureaus, the Office of Naval Research, the Navy Price Adjustment Board, the Material Division of the Office of the Assistant Secretary, and the Office of the Fiscal Director. At the head of each branch office is a Counsel who reports directly to the Chief of the bureau or the Director of the office concerned, and to the Assistant Secretary of the Navy through the General Counsel. In addition to the foregoing, branch offices have been established in the field at the following activities: Aviation Supply Office, Philadelphia, NMR&DA, New York; Navy Purchasing Office, New York; Army-Navy Medical Procurement Office, New York; and at Ships Store, New York. All such branch offices are available for consultation on the day-to-day legal problems and participate in the day-to-day activities of the bureaus and offices in which they are located, thereby providing direct, on-the-spot legal services and representation, subject to the general supervision and overall coordination of the General Counsel.

(5) *Requirements Review Board.* The Requirements Review Board is responsible for assuring that balance is maintained within and between Navy matériel and personnel procurement programs and for keeping procurement levels consistent with actual needs. The Requirements Review Committee assists the Requirement Review Board in the discharge of its responsibilities by keeping the major matériel and personnel procurement programs of the Navy under constant review. In performing this function, the Committee gives consideration to the conformity of these programs to strategic requirements, to rates of use and attrition and to inventory levels.

(6) *Office of Industrial Relations.* The Office of Industrial Relations, organized January 5, 1944, is responsible for the development of the Navy's personnel program for civilian employees and for advising and assisting bureaus, offices, and shore establishments in the application of the program. It is concerned with all matters relating to the employment, assignment, transfer, promotion, separation, efficiency rating, and training of civilian employees, as well as those relating to wage administration, classification, employee relations, safety engineering and allowances of personnel for civilian billets. It is responsible for coordinating the Department's over-all personnel program so that uniform standards are maintained throughout. Procedures under which this Office operates and compilation of the laws and policies governing its actions are contained in the Navy Civilian Personnel Instructions.

(7) *Industrial Survey Division.* The Industrial Survey Division, organized June 20, 1944, acts to keep the Under Secretary of the Navy informed as to the efficiency of operation and utilization of manpower of the industrial activities of the shore establishments of the Naval Establishment, including the effective use of personnel engaged in industrial work.

(8) *Navy Department Specifications Board.* This Board is charged with the responsibility of fostering standardization and the establishment of uniform specifications for material common to two or more bureaus of the Navy Department.

(9) *Army-Navy Joint Specifications Board (Navy participation).* This Board, established under and directly responsible to the Army and Navy Munitions Board, is charged with the responsibility of fostering standardization and the establishment of uniform specifications for material common to the two services.

(10) *Coal Mines Administration.* Executive Order No. 9728 dated May 21, 1946 authorized the Secretary of the Interior to take possession of and to operate certain coal mines (11 F. R. 5461). The Secretary of the Interior requested Admiral Ben Morcell, C. E. C., U. S. N., to serve as Deputy Coal Mines Administrator in the operation and administration of the bituminous coal mines. The Secretary of the Navy by letter dated May 22, 1946 assigned Admiral Ben Morcell on temporary duty as such Deputy Coal Mines Administrator and authorized him in the performance of his duties to utilize to the extent necessary or appropriate naval officers, enlisted or civilian personnel. The description of the organization, functions and procedures of such Administration will be found in the material relating to the Department of the Interior.

(e) *Boards, offices, and committees under the direct supervision of the Assistant Secretary of the Navy for Air*—(1) *Aeronautical Board (Navy participation).* The Aeronautical Board, reorganized pursuant to General Order No. 224, dated October 26, 1945, is charged with investigation, study and report upon all questions affecting jointly the development of aviation of the Army and of the Navy referred to it by the Secretary of War, the Secretary of the Navy, The Commanding General, Army Air Forces, the Deputy Chief of Naval Operations (Air), or the Chief of the Bureau of Aeronautics, and on its own initiative when in its judgment necessary. The Board is further charged with recommending whatever action it considers essential to establish sufficiency and efficiency of cooperation and coordination of effort between the Army and Navy as to aviation.

(2) *Air Coordinating Committee (Navy participation).* This Committee, established by action of the heads of the Departments concerned on April 19, 1945, includes representatives of the State, War, Navy, Commerce and Post Office Departments and the Civil Aeronautics Board. The Bureau of the Budget has a non-voting representative on this committee. Its purpose is to enable and foster consultation and coordinated action by the departments and agencies of the Federal Government charged with responsibilities in the aviation field. Its functions are to examine international and domestic aviation problems and developments affecting more than one department or agency, to coordinate activities of the interested departments or agencies and to recommend integrated policies and action.

(3) *Office of Naval Research.* The Office of Naval Research is under the direct supervision of the Assistant Secretary of the Navy for Air. The organization and functions of this Office are described in § 26.13b.

(4) *Joint Research and Development Board (Navy participation).* This Board is charged with responsibility for coordinating the conduct of research and development activities by the War and Navy Departments.

(5) *Board of Decorations and Medals.* The Board of Decorations and Medals organized by precept dated December 17, 1942, makes recommendations to the Secretary of the Navy on the award of honors of all types within the naval services; on the legislation, Executive orders, and general orders pertaining to decorations, awards, and campaign medals; and on retirement benefits to personnel with previous commendations. The design of medals and the definition of policies come within the Board's purview. This Board should be distinguished from the Board to Review Recommendations for Awards of Decorations and Medals, established by precept dated December 18, 1945.

(6) *Joint Army and Navy Committee on Welfare and Recreation (Navy participation).* The Joint Army and Navy Committee on Welfare and Recreation, organized January 27, 1944, is responsible for the coordination of policies and programs for the welfare, education, and recreation of service personnel. In carrying out this responsibility the Committee works in close association with the Federal Security Agency, the American Red Cross, the United Service Organizations, and other governmental and private agencies concerned with programs of this character.

(7) *Office of Savings Bonds.* The function of the Office of Savings Bonds is to develop and operate a planned savings program whereby military and civilian personnel may acquire U. S. Savings Bonds through regular reservations through their pay. This office is directed by the Coordinator for Savings Bonds who reports to the Secretary of the Navy in matters pertaining to policy and promotion of Savings Bond investments and to the Chief of Bureau of Supplies and Accounts in matters pertaining to the issue of and accounting for bonds sold.

(f) *Boards, offices, and committees under the direct supervision of the Administrative Assistant to the Secretary of the Navy*—(1) *Administrative Office.* This office was organized July 1, 1941 and assists in the general administration and business management of the Navy Department. It is responsible for Departmental management services, including space, mail, telephone, office equipment and supplies, warehousing, printing and publications, correspondence and records management, microfilming (except V-mail), building security, transportation, rationing, housing, restaurants, civilian payrolls, machine tabulation services, personal business facilities, civilian health services, improvement of working conditions, and related management functions to increase efficiency and economy of operation. It provides the civilian personnel administration for the Navy Department, and the fiscal control over several Naval appropriations. It is responsible for the operation of the records management and disposal program in the field and has technical control over field publications and printing offices.

(2) *Office of the Fiscal Director (Office of Budgets and Reports).* This office, organized December 2, 1944, formulates, establishes, supervises and coordinates all policies and procedures affecting the finance, budgeting, accounting and auditing activities of the Navy Department. With the exception of the Finance Division, the functions of this office relate solely to the internal management of the Navy.

On July 17, 1946, the Office of Budget and Reports was made a part of the Office of Fiscal Director. The Office of Budget and Reports has charge of the preparation and execution of the Navy Department's budget, and analyzes the estimates of the individual bureaus and offices and correlates them into a well-balanced program. After funds have been appropriated by Congress, the office revises the budgetary program to conform to specific funds and follows up the execution of that program.

On December 22, 1945, the Finance Division was placed under the cognizance of the Office of Fiscal Director. The directive bringing about this change delegated the following authorities to the Fiscal Director with power on his part to redelegate the same:

(i) All authority and discretion of the Secretary of the Navy under Executive Order No. 9112 (7 F. R. 2367);

(ii) All authority and discretion of the Secretary of the Navy under Executive Order No. 9001 (6 F. R. 6787) with respect to advance and progress payments;

(iii) All authority and discretion conferred on the Secretary of the Navy or the Navy Department under sections 8, 9, and 10 of the Contract Settlement Act of 1944 (58 Stat. 649; 41 U. S. C. 101) with respect to loans and advance payments; and

(iv) All authority for the establishment, supervision and coordination of policies and procedures with respect to advance and progress payments under Navy contracts.

(3) *Office of the Management Engineer.* The Office of the Management Engineer, formerly a branch of the Industrial Survey Division, was organized as a separate entity on May 29, 1946. This office advises and assists in the discharge of responsibilities with respect to "business administration". It reviews, plans, coordinates, integrates and evaluates on a continuing basis, management planning and control throughout the Navy Department and Shore Establishments; assists the heads of major activities in developing, training and establishing programs for their work, and develops criteria and techniques for appraising performance.

3. Delete § 26.5 (b) and (c) and substitute the following:

§ 26.5 *The Bureaus.* • • •

(b) Collectively, the Chiefs of the Bureaus, together with the Judge Advocate General, the Chief of Naval Research, the Chief of the Material Division, the Commandant of the Marine Corps, and the Commandant of the Coast Guard (when assigned to the Navy) constitute the Secretary's Naval Technical Assistants whose functions are described in § 26.3 (d).

(c) The organization and functions of the Bureaus of the Navy Department, the Marine Corps, the Office of the Judge Advocate General, the Office of Naval Research and the Material Division are described in detail in other sections in this part.

4. Add the following paragraphs after § 26.13:

§ 26.13a *Material Division.* The Chief of the Material Division is charged with the coordination, formulation of policy with respect to, and in certain cases the administration of all the material and procurement activities of the Naval Establishment, including contract termination and property redistribution and disposal, and the performance of such other duties as the Secretary of the Navy may direct. The orders of the Material Division are considered as emanating from the Secretary of the Navy and have full force and effect as such.

The Chief is assisted by the Vice Chief of the Material Division, and by the Deputy Chiefs for Procurement Policy, Production Policy, Field Operations and Material Control Policy, who head respectively the four main branches of the Material Division.

To perform the functions for which the Chief of the Division is responsible, the Material Division is organized and its functions distributed, as follows:

(a) *Procurement Policy Branch.* This Branch formulates and promulgates policies and general procedures governing the activities of the Naval Establishment with respect to: (1) The procurement of material and facilities, including the negotiation of contracts, (2) the allocation of responsibility for procurement of common items among the various bureaus; (3) performance and payment bonds and insurance, (4) contract terminations, and related matters of interminations, and related matters of industrial readjustment. (See § 27.3 *Termination and settlement of war contracts.*) This Branch further reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance.

(b) *Production Policy Branch.* This Branch formulates and promulgates policies and general procedures governing the activities of the Naval Establishment with respect to the production of material. This Branch also reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance.

(c) *Field Operations Branch.* This Branch formulates and promulgates policies and general procedures governing the material inspection activities of the Navy. This Branch further reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance. This Branch also exercises direct control of Supervising Inspectors of Naval Material and Inspectors of Naval Material and coordinate the activities of the foregoing and Bureau of Aeronautics General Representatives, Representatives, and Resident Representatives; Naval Inspectors of Ordnance; Supervisors and Assistant Supervisors of Shipbuilding, Inspectors and Assistant Inspectors of Machinery; Officers in Charge of Construction, Public Works and Public Utilities; and Marine Corps Inspectors. The foregoing Representatives, Inspectors and Supervisors are located in the field and at the

plants of Navy contractors and constitute the Navy Department's immediate point of contact with such contractors and their vendors.

This Branch also exercises administrative control over those functions which are assigned to the Navy Department as an owning agency by the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. 1611) and regulations issued pursuant thereto, regarding the redistribution, disposal and custody of surplus property which originated as contractor inventory or facilities property. The primary responsibilities involve clearance of war contractors' plants, including the disposition of scrap, salvage, waste material and small lots of contractor inventory, and the declaration of usable surplus property to the appropriate disposal agency. This function was formerly performed by the Navy Material Redistribution and Disposal Administration (NMR & DA), located at the New York Naval Shipyard, Brooklyn 1, New York, and its field representatives known as Material Redistribution and Disposal Offices (MRDO). The senior administrative officer (formerly Director, Navy Material Redistribution and Disposal Administration, NMR & DA), is now the Officer-in-Charge of the Property Disposal Unit of the Contract Termination Section, in this Branch (AstSecNav, Mat. Div. (FOB), Washington 25, D. C.). Each field office (formerly Material Redistribution and Disposal Office, MRDO), is now a division of the cognizant Supervising Inspector of Naval Material, known as the Property Disposal Division.

(d) *Material Control ,Policy Branch.* (1) This Branch formulates and promulgates the policies and general procedures governing the activities of the Naval Establishment with respect to facilities, inventory control, and property redistribution and disposal. This Branch also reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance.

(2) The Navy Vessel Disposal Office has been designated as the agency within the Navy Department to carry out, under the supervision of the Material Division, those functions regarding the disposal of surplus vessels which are assigned to the Navy Department as an owning agency by the Surplus Property Act of 1944 (58 Stat. 765, 50 U. S. C. 1611) and regulations issued pursuant thereto. The NVDO's primary responsibility includes the conduct or authorization for sale or disposal where permitted by existing statutes and regulations, of (i) combatant vessels, (ii) non-combatant vessels surveyed and recommended to be abandoned or disposed of as scrap, or salvage (including those vessels returned by disposal agencies with scrap certificates). The NVDO is located at the New York Naval Shipyard, Brooklyn 1, New York.

The disposition of surplus property by the Navy as an owning agency is also participated in by other authorized selling activities of the Naval Establishment which are listed in § 27.5 (a) (7) of this chapter, dealing with the procedures for disposition of Navy Surplus Property.

The following two Boards, Navy Price Adjustment Board and Navy Department Board of Contract Appeals, are part of the Material Division for administrative purposes but exercise authority delegated to them by the Secretary of the Navy directly.

(e) *Navy Price Adjustment Board.* This Board renegotiates war contracts and subcontracts of contractors if and only when assigned to it by the War Contracts Price Adjustment Board under the Renegotiation Act (56 Stat. 245, 982; 58 Stat. 78; 50 U. S. C. 1191 et seq.). Organization functions and procedures of the Navy Price Adjustment Board are more fully described in the Renegotiation Regulations of the War Contracts Price Adjustment Board which have been published from time to time in the FEDERAL REGISTER (10 F. R. 963, 2026, 3236, 6107, 8661, 11515, 13640, 16037; 11 F. R. 3090, 4732, 8032). The Navy Board acts under authority which the War Contracts Price Adjustment Board has delegated to the Secretary of the Navy (10 F. R. 11515). The Secretary of the Navy has redelegated to the Chairman of the Navy Price Adjustment Board final authority with respect to certain matters as set forth in the following directive:

22 AUGUST 1946.

From: The Secretary of the Navy.
To:
All Bureaus, Boards and Offices, Navy Department.
The Commandant, U. S. Marine Corps.
Subject:
Delegation of Authority to Chairman of Navy Price Adjustment Board.
References:
(a) Title XIII, Second War Powers Act, 1942 (Public Law 507, 77th Cong., approved March 27, 1942).
(b) Executive Order 9127, April 10, 1942. 3 CFR, Cum. Supp.
(c) Renegotiation Act of 1943. (Public No. 235, 78th Cong., enacted February 25, 1944).
(d) Delegation by the War Contracts Price Adjustment Board, August 10, 1946. Renegotiation Regulation 821.1. 10 F. R. 1515.
(e) Renegotiation Act of 1942 (Sixth Supplemental National Defense Appropriation Act, 1942, as amended).

(a) The Price Adjustment Board heretofore established in the Navy Department is reconstituted as hereinafter provided. The official title of such Board shall be "Navy Price Adjustment Board" and the same is hereinafter referred to in this directive as "the Board."

(b) The Board shall consist of a Chairman and such members as shall from time to time be appointed by the Secretary of the Navy. Each such appointment shall be made by instrument in writing and shall be accepted in writing by the appointee. Each such appointment shall be effective until revoked in writing by the Secretary of the Navy or until terminated by resignation in writing, delivered to the Secretary of the Navy, or as provided in subsection (c). The Chairman may from time to time designate in writing any member of the Board who shall, in the Chairman's absence, be Acting Chairman of the Board with all of the duties and authority of the Chairman, subject to such limitations as may be provided in such designation.

(c) The Board shall consist of a Washington Division and a New York Division, until the Chairman shall determine that the operations of such New York Division are no longer necessary, at which time he shall have authority to discontinue it by written notice to the Chairman of the Division. Members of the Board shall be assigned by the Secretary of the Navy to each such Division and one such member shall be designated in writing by the Secretary of the Navy to act as Chairman of the New York Division. The Chairman of the New York Division shall be generally responsible for the operations of his Division under the supervision of the Chairman of the Board. The Chairman of the New York Division may from time to time designate in writing any member of such division who shall, in the absence of such Chairman, be Acting Chairman of such Division with all of the duties and authority of the Chairman of such Division subject to such limitations as may be provided in such designation. Upon the discontinuance of the Division the appointments of all Board Members assigned to the Division shall be deemed revoked.

(d) There is hereby delegated to the Chairman of the Board subject to the provisions of reference (d):

(1) All of the powers functions and duties conferred upon the War Contracts Price Adjustment Board by subsections (a) (4) (B); (a) (4) (C); (a) (4) (D); (a) (5) (B), (c) (1); (c) (2); (c) (3); (c) (4); (c) (5) (B); and (h) of reference (c).

(2) All of the powers functions and duties conferred upon the War Contracts Price Adjustment Board to require the furnishing of information, records and data pursuant to the provisions of subsection (c) (5) (A) of reference (c), except the financial statement provided for in the first sentence of said subsection; and

(3) All of the powers, functions and duties conferred upon the War Contracts Price Adjustment Board to interpret and apply the exemptions provided for in subsections (i) (1) (A); (i) (1) (B); (i) (1) (C); (i) (1) (E); and (i) (1) (F), the definition contained in subsection (a) (7) and the provisions of subsection (i) (3) of reference (c) pursuant to such interpretations thereof and regulations relating thereto as may be prescribed by the War Contracts Price Adjustment Board from time to time.

The powers, functions, duties, authority and discretion hereby delegated to the Chairman of the Board may be delegated in whole or in part by him to the Board and to the respective divisions, members and staffs thereof; provided, however, that except as set forth in paragraph 2 hereof, the power and authority to make a determination, by order or agreement, of excessive profits of any contractor or subcontractor shall not be subject to such delegation. In executing the powers, functions, duties, authority and discretion so delegated, and in performing any other duties assigned by the Chairman of the Board, the Board and each division or member and the staff thereof, shall act under the supervision of the Chairman of the Board.

(e) The personnel, authority and functions of the Services and Sales Renegotiation Section, are hereby transferred to the Navy Price Adjustment Board, and the power to make a determination by order or agreement of excessive profits of any contractor or subcontractor heretofore delegated to the Chief of the Services and Sales Renegotiation Section, is hereby transferred to the Chairman of the Price Adjustment Board.

(f) The Chairman of the Board in connection with any investigation deemed necessary to permit him or the Board or any division thereof to carry out the duties delegated to him or it is hereby authorized to exercise the authority conferred upon the Secretary of the Navy by references (a) and (b) to inspect the plant and to examine the books and records of contractors and subcontractors, and he may administer oaths and affirmations and may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be deemed relevant to such investigation; and he shall have the right to demand of any contractor or subcontractor who holds contracts or subcontracts with respect to which the provisions of reference (c) are applicable statements of actual costs of production and such other financial data at such dates and in such form and detail as he may require.

(g) The Board shall, for administrative purposes, be part of the Material Division, Office of the Assistant Secretary. The Chief of the Material Division shall assign or cause to be assigned such personnel and shall provide such facilities and materials as may be required by the Chairman of the Board in connection with the exercise of any of his powers, functions, duties, authority, or discretion.

(h) The General Counsel for the Department of the Navy shall appoint a member of his office to act as Counsel to the Chairman of the Board and shall also assign members of such office to act as assistant counsel and attorneys under the supervision and direction of such Counsel. Such Counsel, and under his supervision, such assistant counsel and attorneys, shall perform all legal services incident to the discharge by the Chairman of the Board, the Board and each division thereof of his or its respective duties and functions and shall prepare and issue such legal interpretations, as may be necessary or desirable, of the statutes, regulations and directives under which the Chairman of the Board, the Board and each division thereof act or which are pertinent to their operations, and of renegotiation agreements and orders. Counsel to the Chief of the Services and Sales Renegotiation Section and Assistant Counsel and attorneys under his direction shall also be attached to the office of Counsel to the Chairman of the Board. In the performance of the foregoing duties such Counsel shall be responsible to the General Counsel for the Department of the Navy.

(i) When a determination of excessive profits has been made by the Chairman of the Navy Price Adjustment Board, whether embodied in an order or an agreement, the Chief of the Bureau of Supplies and Accounts is hereby charged with the responsibility for the elimination of the excessive profits so determined (to the extent that the Secretary of the Navy is charged with the duty of eliminating such excessive profits). Without limiting the generality of the foregoing, the Chief of the Bureau of Supplies and Accounts is particularly authorized and directed:

(a) To receive and collect all payments, reports, financial data and other items, as provided in any such agreement or order, and to transmit all payments received by him to the Treasurer of the United States to be covered into the Treasury as miscellaneous receipts;

(b) When necessary in order to eliminate any such excessive profits (i) to effect the withholding from amounts otherwise due to a contractor or subcontractor of any amount of such excessive profits of such contractor or subcontractor; or (ii) to direct a contractor to withhold for the account of the United States, from amounts otherwise due to a subcontractor, any amount of such excessive profits of such subcontractor determined under the provisions of the Renegotiation Act of 1942; or (iii) to direct a contractor or subcontractor to withhold for the account of the United States, from amounts otherwise due to a subcontractor, any amount of such excessive profits of such subcontractor determined under the provisions of the Renegotiation Act of 1943;

(c) To keep appropriate records with respect to the performance of the terms and provisions of all renegotiation agreements and with respect to the discharge of liability of contractors and subcontractors under orders determining excessive profits made or entered pursuant hereto; and

(d) To advise the Secretary of the Navy as to any unremedied defaults under any such renegotiation agreements or orders and to recommend appropriate action with respect thereto.

In order that the Chief of the Bureau of Supplies and Accounts may expeditiously discharge such responsibility, the Chairman of the Board shall cause to be transmitted to the Chief of the Bureau of Supplies and Accounts a conformed copy of each renegotiation agreement and each order determining excessive profits made or entered pursuant hereto promptly after the same shall have become effective.

The powers, functions, duties, authority and discretion herein vested in the Chief of the Bureau of Supplies and Accounts may be delegated by him in whole or in part to such divisions and officers in the Bureau of Supplies and Accounts as he shall deem necessary or desirable.

(j) With respect to proceedings under the Renegotiation Act of 1942 (Ref. e), the Directive of the Secretary of the Navy dated 23 March 1944 (PM:370:FWRP:ap) (NPD 14201-14212) shall remain in effect until 11 September 1946, and shall thereafter be deemed revoked. As to proceedings under the Renegotiation Act of 1943, it is revoked immediately. All actions taken under and in accordance with its authority are hereby ratified, approved, and confirmed. The Chairman shall have custody of the records of cases under the Renegotiation Act of 1942, and shall have authority with respect to such cases to take any action necessary in view of their having been disposed of by agreement or order, including, without limitation, the power to reopen such cases in the event of a showing of fraud or malfeasance or a willful misrepresentation of a material fact. The directives of the Acting Secretary of the Navy of February 8, 1945 (OGC/CMMcD:ms) (NPD 14241-14246) and of the Chairman of the Price Adjustment Board of February 8, 1945 (OGC/WLH:ss) (NPD 14251-14252) are hereby superseded and cancelled. All actions heretofore taken by the Price Adjustment Board of the Navy Department and any of its divisions and by the Services and Sales Renegotiation Section in accordance with previously applicable directives and delegations are hereby ratified, approved, and confirmed.

W. JOHN KENNEY,
Acting Secretary of the Navy.

(f) *Navy Department Board of Contract Appeals.* This Board, depending upon the applicable provisions of contracts or requirements of law, acts either collectively as a Board or through the Chairman individually as the agent and authorized representative for the Secretary to hear and determine appeals by Navy contractors from decisions by contracting officers on disputed questions and appeals by Navy contractors on decisions of contracting officers on termination claims pursuant to section 13 of the Contract Settlement Act of 1944, (58 Stat. 649; 41 U. S. C. 101) or in an advisory capacity to make findings and recommendations to the Secretary of the Navy. The Board also, upon request of the contracting bureau, determines the fair value of facilities in those cases where the contract provides that such determinations shall be made either by the Compensation Board or by the Board of Contract Appeals, and prepares and submits to the Secretary findings and recommendations with respect to the fair value of facilities in those cases where the Secretary is required to determine such fair value.

§ 26.13b *Office of Naval Research.* (a) The Office of Naval Research was created by the act of Congress of August 1, 1946 (Public Law No. 588, 79th Congress). Its duties are performed under the authority of the Secretary and its orders are considered as emanating from him and have full force and effect as such. The Office of Naval Research is directed by the Chief of Naval Research, appointed by the President, by and with the advice and consent of the Senate, for a term of not to exceed three years. The Assistant Chief of Naval Research performs the duties of the Chief in the event of the latter's absence. The Office of Naval Research performs the following functions: (1) The encouragement, promotion, planning, initiation, and coordination of naval research; (2) the conduct of naval research in augmentation of and in conjunction with the research and development conducted by the respective bureaus and other agencies and offices of the Navy Department; and (3) the supervision, administration, and control of activities within or on behalf of the Navy Department relating to patents, inventions, trade-marks, copyrights, royalty payments; and matters connected therewith; all as prescribed by the Secretary in a directive dated August 21, 1946.

(b) To perform the functions for which the Chief of the Office of Naval Research is responsible, the Office of Naval Research is organized as follows:

The Chief of Naval Research.
The Assistant Chief of Naval Research.
Administrative and Staff Sections, including:
Materiel Branch (Contracts), General Patent Counsel and sections dealing with scientific personnel, publications and inventions.

The Operating Divisions, each under the supervision of a Director as follows:

Planning Division.
Naval Research Laboratory (Washington, D. C.).
Special Devices Division (Sands Point, Port Washington, Long Island, N. Y.).
Patents Division.
Underwater Sound Reference Laboratory.

(c) For information concerning the location and activities of branch offices maintained by the Office of Naval Research, inquiry should be addressed to The Office of Naval Research, Navy Department, Washington 25, D. C.

5. Amend § 27.3 (b) by adding the following sentence: "The Joint Termination Regulation is published in the Code of Federal Regulations, 1944 Supplement, Title 10, Chapter 8, Subchapter C."

6. Delete § 27.3 (c) and substitute the following:

§ 27.3 *Termination and settlement of war contracts.* * * *

(c) *Delegations of authority.* Pursuant to the Joint Termination Regulation, the bureau, office or field activity which entered into the contract is generally authorized to terminate and settle that contract, subject to certain exceptions contained in the Joint Termination Regulation.

7. Amend § 27.5, third paragraph, line 8, by deleting the words "The Navy Material Redistribution and Disposal Administration Handbook has also been published" and substituting therefor "The Bureau of Supplies and Accounts manuals contain information."

8. Amend § 27.5, third paragraph, third line from the end, by deleting the words "Material Redistribution and Disposal Offices listed in 26.20" and substituting therefor "Offices of the Supervising Inspectors of Naval Material (Property Disposal Division)."

9. Amend § 27.5 (a) (1), by deleting "275" and substituting therefor "27.5."

10. Amend § 27.5 (a) (7), by making the following amendments:

a. Under the heading "Other Naval Activities," delete "Naval Air Technical Training Center, Norman, Okla." and "Industrial Manager, Eighth Naval District, Federal Office Building, New Orleans, La."

b. In the twenty-second line of the last paragraph, delete the words "without the approval of the American Red Cross" and substitute therefor "by sale."

11. Amend § 27.5 (b) (3), by making the following amendments:

a. Last line of the first paragraph, delete the word "and," change the period to a comma and add the words "uncompleted hulls, or other vessels converted by the Navy from any of the above types."

b. Third and fourth lines of the second paragraph, delete the words "Navy Material Redistribution and Disposal Administration" and insert "Navy Vessel Disposal Office."

12. Delete the third paragraph and substitute the following:

Surplus noncombatant naval vessels are reported by the Navy Department to the appropriate disposal agency for disposition, but the Navy has been designated the disposal agency for frigates and eagles (patrol vessels) located in the continental United States and not subject to Public Law 305, 78th Congress (requiring certain vessels to be reported to U. S. Maritime Commission for return to the former owners on the conditions stated in such law).

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

W. JOHN KENNEY,
Acting Secretary of the Navy.

[F. R. Doc. 47-4759; Filed, May 21, 1947; 8:46 a. m.]

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

PART 27—PROCEDURES OF THE NAVAL ESTABLISHMENT

PART 29—CLAIMS FOR RELIEF BY CONTRACTORS

MISCELLANEOUS AMENDMENTS

The following changes are authorized to amend the regulations relating to the organization and functions of the Naval Establishment (11 F. R. 177A-159):

1. Add the following sentence to § 26.13 (b) (3) (i): "For information on admiralty claims, see § 27.8 (b) of this chapter."

2. Delete §§ 26.13 (b) (3) (ii) and (iii) and renumber §§ 26.13 (b) (3) (iv), (v), (vi), and (vii) to read §§ 26.13 (b) (3) (ii), (iii), (iv), and (v).

3. Add the following sentence to § 26.13 (b) (3) (ii): "For information on claims, see § 27.8 (a) of this chapter."

4. Delete § 26.13 (b) (3) (iii) and substitute the following:

§ 26.13 *The Office of the Judge Advocate General.* * * *

(b) * * *

(3) *General Law Division III.* * * *

(iii) *International Law.* Advises and maintains liaison with offices of Navy Department affected by international law problems; advises on legal questions incident to operation of Foreign Claims Commissions, Guam Land and Claims Commissions, leased base agreements, military government of occupied areas, prisoners of war and jurisdiction of foreign civil authorities over naval personnel; maintains liaison with State and War Departments. For information on foreign claims and Guam claims, see §§ 27.8 (c) and (d) of this chapter.

5. Amend § 27.8 by changing the title to read as follows:

§ 27.8 *Claims*—(a) *Navy Personnel Claims Regulations and Navy General Claims Regulations.*

6. Add § 27.8 (b), (c) and (d) as follows:

(b) *Admiralty claims*—(1) *Delegation of final authority.* (i) Final authority for the settlement, where the amount paid does not exceed $1,000,000 and where the matter is not in litigation, and direct payment of claims for damage caused by naval vessels and for towage or salvage services rendered to naval vessels are vested in the Secretary of the Navy (58 Stat. 726; 46 U. S. C. 797).

(ii) Final authority for settlement is vested in the Secretary of the Navy, where the matter is not in litigation and where the amount collected does not exceed $1,000,000, of claims of an Admiralty nature or for damage caused by a vessel or floating object to property of the United States, which is under the jurisdiction of the Navy Department or to property for which the Navy Department by contract or otherwise may have assumed responsibility (Act of December 5, 1945, Public Law 246, 79th Congress, 1st Session).

(iii) The Secretary of the Navy is authorized to delegate final authority to such persons as he may designate to settle claims, not exceeding payment or collection of one thousand dollars under the aforesaid statutes. (Public Laws 595 and 598, respectively, 79th Congress.)

(iv) The final authority to settle said claims, not exceeding payment or collection of one thousand dollars under the above statutes, has been delegated by the Secretary of the Navy to the Judge Advocate General, Assistant Judge Advocate General, and the Chief Admiralty Officer.

(2) *Limitation of settlement.* The authority of the Secretary of the Navy to effect settlement of claims under this act is subject to the same limitation as the Public Vessels Act (Act of March 3, 1925, c. 428, 43 Stat. 1112; 46 U. S. C. 781 et seq.), that is, a two-year period from the date of the origin of the cause of action. Settlement must be authorized by the Secretary and accepted by the claimant prior to the expiration of such two-year period; otherwise, thereafter the cause of action ceases to exist and the Secretary has no authority to effect settlement administratively. The "filing" of a claim, or its consideration by the Navy Department or correspondence or negotiation does not waive or extend the two-year limitation. Where damages have not been liquidated, settlements on the issue of liability can be effected during the two-year period, leaving the question of the extent of damage for later determination. A settlement within the two-year period in effect constitutes a contract upon which suit could be maintained in the Court of Claims, subject to its six-year limitation. Payment does not need be accomplished within the two-year period.

The requisite is an agreement between the Navy Department and the claimant prior to the expiration of the period when a suit under the Public Vessels Act would be barred, that is, the two-year period.

This limitation applies to all claims, both of a non-admiralty nature, such as damage to land structures, and to admiralty claims, which are settled under the act of July 3, 1944.

(3) *Public information.* Information as to the status of admiralty claims may be obtained upon application to the Chief Admiralty Officer, Office of the Judge Advocate General, Navy Department, Washington 25, D. C., or upon application to the Admiralty Officer or Legal Officer in the naval district where the matter may have arisen.

(c) *Foreign, non-combat claims.* Foreign, non-combat claims may be allowed by a commission appointed by the Commanding Officer of the area of not more than one member when the amount is not greater than $500.00, and three members when the amount is between $500.00 and $2,500.00. Such commissions have final authority (not subject to review) to approve payments up to $2,500.00 in settlement of claims. Claims between $2,500.00 and $5,000.00 may be paid when the Commanding Officer has approved the award. Awards in excess of $5,000.00 are reviewed by the Judge Advocate General and after appropriate administrative action are reported to the Congress for consideration.

Information relative to claims may be procured by communicating with the Judge Advocate General, Navy Department, Washington 25, D. C.

(d) *Guam claims (Public Law 224, 79th Cong.).* Combat and noncombat claims of permanent residents of Guam for damage to real and personal property may be allowed by the Guam Land and Claims Commission up to $2,500.00 and with approval of the Governor of Guam, up to $5,000.00. Claims for damage to real and personal property in excess of $5,000.00, and all death and injury claims are reviewed by the Judge Advocate General and after appropriate administrative action are reported to the Congress for consideration.

(e) *Claims for relief by contractors.* The rules and regulations in this part pertaining to the claims for relief by contractors which formerly appeared under Part 29 (12 F. R. 409) are cancelled and superseded by § 27.19 which will appear in the FEDERAL REGISTER of May 23, 1947. For statement on the organization of the War Contracts Relief Board which handles this type of claims, see § 26.4 (b) (7) of this chapter.

7. The rules and regulations in this part pertaining to the claims for relief by contractors which formerly appeared under Part 29 (12 F. R. 409) are cancelled and superseded by § 27.19 which will appear in the FEDERAL REGISTER of May 23, 1947.

(Secs. 3, 12, Pub. Law 404, 79th Cong. 60 Stat. 238, 244)

W. JOHN KENNEY,
Acting Secretary of the Navy.

[F. R. Doc. 47-4758; Filed, May 21, 1947; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 12—TREATMENT OF MAIL MATTER AT RECEIVING OFFICES

PENSION LETTERS

In § 12.19 *Pension letters* (39 CFR, Part 12), make the following changes:

Amend paragraph (c) to read as follows:

(c) If the addressee has not died, reenlisted, removed, or, if a widow, remarried, the letters bearing instructions under the act of June 3, 1936, may be delivered to the addressee, or without his or her written order, to any member of his or her family or household, his or her clerk, servant, or agent who has been in the habit of receiving the addressee's ordinary mail with his or her knowledge and consent, or to any responsible person who presents the addressee's written order, except that in no case shall such mail be delivered to a claim agent, attorney, or broker. Such letters shall not be forwarded to another post office. The postmaster of any office to which such a letter has been inadvertently forwarded shall not effect delivery thereof but shall immediately return such letter to the post office of original address, such return to be made in post office penalty envelope together with a memorandum referring to the instructions printed on the Treasury Department envelope.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4760; Filed, May 21, 1947; 8:46 a. m.]

PART 14—DELIVERY SERVICE

DELIVERY OF PENSION MAIL AT RESIDENCE

Section 14.32 *Delivery of pension mail at residence; when required* (39 CFR, Part 14), and the cross reference following the section, are rescinded.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 35; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4761; Filed, May 21, 1947; 8:46 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

LETTERS AND LETTER PACKAGES

In Subpart A, General Provisions, § 21.3 *Letters and letter packages* (39 CFR, Part 21), is amended as follows:

1. In paragraph (f) insert "Poland" after "Peru (registered)".

2. In paragraph (g) delete "Poland".

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4762; Filed, May 21, 1947; 8:46 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

PACKING

In Subpart A, General Provisions, § 21.75 (39 CFR, Part 21), make the following changes:

1. Amend paragraphs (a) and (b) to read as follows:

§ 21.75 *Packing.* (a) Every parcel shall be securely and substantially packed, regard being had to the nature of the contents and climatic conditions, the length of the journey, and the numerous handlings and risks of concussion to which parcels for foreign destinations are unavoidably subjected en route. Packages should be packed in canvas or similar material, double-faced corrugated cardboard boxes, solid fiber boxes or cases, thick cardboard boxes, or strong wooden boxes made of material at least a half inch thick. Ordinary pasteboard containers are wholly inadequate. While it is permissible to use heavy wrapping paper or waterproof paper as the outside covering, for instance, of a carton, it may not be used as the only covering of the contents. Boxes with lids screwed or nailed on and bags closed by means of sewing may be used provided they conform to other conditions prescribed. (See country items (Subpart B) regarding special packing requirements to certain countries.)

(b) Articles of china, crockery, or glass, and hats, radios, or other articles of a fragile or easily breakable nature should be packed in a strong (preferably wooden) box, strong double-faced corrugated cardboard boxes enclosed in strong wooden crates are also preferred, especially in the case of overseas destinations. There should be a space of at least 1½ inches between the article and the top, bottom, and sides of the box. This space may be utilized with excelsior or other effective cushioning material, or, with air-cushioned corrugated riders.

2. Amend paragraph (d) (1) to read as follows:

(d) (1) All mailable liquids and substances which easily liquefy must be packed in two receptacles. Between the first (bottle, flask, etc.) and the second (box of metal, strong wood, strong corrugated cardboard, strong fiberboard, or receptacle of equal strength) there shall be left a space to be filled with sawdust, bran, or other absorbent material in sufficient quantity to absorb all the liquid contents in the case of breakage. It is not considered that excelsior possesses the necessary absorbent quality to meet the special requirements cited for internal packing. In the case of Great Britain and Northern Ireland and those countries receiving parcels via Great Britain, Eire, Leeward Islands, Malaya, and Windward Islands, the outer receptacle should be of strong wood or metal.

3. Subparagraphs (2) and (3) of paragraph (d) are rescinded.

4. Subparagraph (4) of paragraph (d) is renumbered subparagraph (2) of paragraph (d).

5. In subparagraph (3) of paragraph (f) delete "and forwarded to Miami or Tampa, Fla., for onward transmission to Cuba" in last sentence.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4763; Filed, May 21, 1947; 8:46 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; ETHIOPIA (ABYSSINIA)

In Subpart B, the regulations under the country "Ethiopia (Abyssinia)" (39 CFR Part 21), are amended to read as follows:

ETHIOPIA (ABYSSINIA)

Regular mails. See Table No. 1, § 21.116 (39 CFR, Part 21), for classifications, rate, weight limits, and dimensions. Small packets accepted.

Indemnity. Not exceeding $16.33 for Postal Union registered articles.

Special delivery. Fee 20 cents.

Air-mail service. Postage rate, 25 cents one-half ounce.

Money-order service. No provision.

Dutiable articles (merchandise) prepaid at letter rate. Accepted.

Prohibitions. Coins, manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. However, registered letters may contain bank notes, paper money, or values payable to bearer. Also all articles prohibited in the form of parcel post.

Parcel post. (Ethiopia.)

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.45	12	$2.50
2	.59	13	2.64
3	.80	14	2.78
4	.94	15	2.92
5	1.08	16	3.06
6	1.22	17	3.20
7	1.36	18	3.34
8	1.54	19	3.48
9	1.68	20	3.62
10	1.82	21	3.76
11	1.96	22	3.90

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.

Parcel-Post Sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. O. D.: No.
Exchange office: New York.

Indemnity. No provision.

Dimensions. Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

Observations. The service extends to Addis Ababa, Dire Dawa, and Harrar only. Parcels are liable to a charge for delivery. All parcels must be very strongly packed, and those of which the contents are liable to be affected by dampness should be enclosed in two separate waterproof covers.

In order to facilitate customs clearance and delivery, senders should inclose in their parcels a copy of an invoice covering the contents. Such invoices should be attested by an appropriate authority of the country of origin (chamber of commerce, board of trade, etc.).

Prohibitions; for reasons of public safety. Coins, bank-notes, paper money, and values payable to bearer. Platinum, gold and silver, manufactured or not. Jewelry, precious stones, and other precious articles. False and counterfeit coins. Food coloring essences having bases of tar and other minerals, or of poisonous vegetable substances. All food products may be subjected to analysis at the addressee's expense.

For sanitary reasons. Used linen must be accompanied by a certificate of disinfection.

For the protection of plants. Fresh or dried seeds and fruits must be accompanied by a health certificate.

Arms, etc. Admitted only by permit issued by the Ministry of War.

State monopolies, etc. Sea salt and rock salt, tobacco leaves and manufactured tobacco, lighters and flints therefor, require a permit from the competent authorities.

For other reasons. Moving-picture films must be packed in firmly soldered tin boxes, and celluloid articles must be placed in solid wooden boxes. Each such parcel and relative dispatch note must be plainly marked "Films" or "Celluloid".

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4764; Filed, May 21, 1947; 8:46 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; OKINAWA AND THE RYUKYU ISLANDS

In Subpart B of Part 21 (39 CFR), insert the following under "Okinawa and the Ryukyu Islands":

OKINAWA AND THE RYUKYU ISLANDS

Effective May 15, 1947, Postal Union (regular) mail service and ordinary gift parcel service will be resumed to Okinawa and the other islands of the Ryukyu group. The service is available to all islands of the Ryukyu group south of 30° north latitude, including Kuchinoshima.

Regular mail articles (letters, post cards, commercial papers, printed matter, samples of merchandise, and small packets) will be subject to the normal weight limits and conditions set forth in Table No. 1, § 21.116 (39 C. F. R., Part 21). Articles prepaid at the letter rate of postage may not contain merchandise.

Registration, air mail, money order, and special delivery services are not available at this time.

Articles should be addressed in English, but it will be permissible for the address to be shown also in any other language provided those addressed in another language bear an interline translation in English of the name of the post office, island where located, and the words "Ryukyu Islands."

Gift parcels will be subject to the following rates of postage and other conditions:

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.19	7	$1.33
2	.38	8	1.52
3	.57	9	1.71
4	.76	10	1.90
5	.95	11	2.09
6	1.14		

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. O. D.: No.
Exchange office: San Francisco.

Only one gift parcel per week may be mailed by the same sender to or for the same addressee. Such parcels must not measure more than 72 inches in length and girth combined.

Contents of gift parcels are limited to essential relief items such as nonperishable foods, clothing, soap, and mailable medicines.

The parcels and relative customs declaration must be conspicuously marked "Gift Parcel" by the senders, who must itemize the contents and value on the customs declaration.

Parcels which are undeliverable will not be returned to senders but will be disposed of by the postal authorities in the Ryukyu Islands.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4765; Filed, May 21, 1947; 8:46 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; POLAND

In Subpart B, the regulations under the country "Poland" (39 CFR, Part 21), are amended to read as follows:

POLAND

Regular mails. See Table No. 1, § 21.116 (39 CFR, Part 21), for classifications, rates, weight limits, and dimensions. Small packets accepted.

Indemnity. Not exceeding $16.33 for Postal Union registered articles.

Special delivery. Fee, 20 cents.

Air-mail service. Postage rate, 15 cents one-half ounce.

Money-order service. See §§ 17.51 to 17.97 (39 CFR, Part 17).

Dutiable articles (merchandise) prepaid at letter rate. Accepted.

Combination packages. Accepted.

Prohibitions. All articles prohibited in the form of parcel post.

Parcel post. (Poland.)

Pounds:	Rate	Pounds:	Rate
1	$0.14	23	$3.22
2	.28	24	3.36
3	.42	25	3.50
4	.56	26	3.64
5	.70	27	3.78
6	.84	28	3.92
7	.98	29	4.06
8	1.12	30	4.20
9	1.26	31	4.34
10	1.40	32	4.48
11	1.54	33	4.62
12	1.68	34	4.76
13	1.82	35	4.90
14	1.96	36	5.04
15	2.10	37	5.18
16	2.24	38	5.32
17	2.38	39	5.46
18	2.52	40	5.60
19	2.66	41	5.74
20	2.80	42	5.88
21	2.94	43	6.02
22	3.08	44	6.16

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.
Exchange offices: New York, Chicago, Philadelphia.

Indemnity. No provision.

Storage charges. See § 21.98 (39 CFR Part 21), relative to storage charges on returned parcels.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Observations. Packages not properly wrapped when presented for mailing will be refused until they are wrapped or packed in such manner as it is thought will assure their delivery at destination intact. The Warsaw office requests the use of boxes enveloped in cloth or canvas.

Used clothing, underwear, table linen, and bedding, of wool, half-wool, cotton, artificial silk, linen, and other fabrics of vegetable origin (which may be padded but not fur-trimmed), used leather footwear (other than patent leather, alligator-skin, snake-skin, chamois-skin, leather with ornamental designs or other fancy leathers), as well as footwear of rubber, felt, or cloth (except brocade), may be exempted from customs duty if sent as gifts to indigent persons for their own use.

If the sender desires that such articles be exempted from duty, he should enclose in the parcel a list of the articles prepared and certified by himself, with indication of the name and address of the addressee, and attesting that the articles are sent as gifts. The list must also be visaed by a consulate of the Polish Republic.

Addressees desiring exemption from duty must submit, at the time of customs examination, a certificate of indigence. However, if such certificate of indigence has been sent to the mailer it should likewise be submitted to a Polish consulate for visa, after which both the approved certificate of indigence and list of articles being sent may be enclosed in the parcel. The wrappers of such parcels are to be marked to indicate that the approved certificate and list are enclosed.

If the certificate of indigence has not been sent to the mailer, parcels containing used clothing, etc., intended for indigent persons may be accepted only upon a definite understanding with the mailer that the addressee will submit the certificate of indigence to the Polish customs authorities at the time the parcel is examined by them. The wrappers of such parcels must be marked by the sender to show that the certificate of indigence will be submitted by the addressee.

Parcels containing both new and used articles may be accepted for mailing only on condition that they are endorsed by the senders to indicate that the customs duties will be paid by the addressee.

Postmasters will see to it that parcels for Poland are invariably marked by the senders to show the alternative disposition to be made by them in the event they prove to be undeliverable for any reason. In those cases where the nature or value of the contents is such that the senders would not be willing to pay return charges if a parcel is undeliverable they should be instructed to check section "(B) Abandon" on the alternative-disposition sticker and on the customs declarations, and to strike out sections (A) and (C).

The customs may refuse to exempt articles which, due to their quantity or nature, do not correspond to the family condition of the addressee, or if there is reason to believe that such articles are not sent as gifts.

Polish consuls are located in the following cities:

Chicago, Ill.; Pittsburgh, Pa.; New York, N. Y.; and Detroit, Mich.

Import permits are required for all parcels addressed for delivery in Poland which contain articles subject to import restrictions. Persons in Poland desiring to receive merchandise which is subject to import restrictions must obtain from the Ministry of Industry and Commerce of that country an import permit, which permit should be forwarded to the mailers for inclusion in the parcel. The wrappers of such parcels should be marked to indicate that the import permit is enclosed.

The Postal Administration of Poland has advised that while inclusion of the import permit in the parcels greatly simplifies clearance through the Polish customs, there will be no objection to the acceptance of parcels, at the risk of the senders, when they are presented for mailing without the import permits being enclosed, as the addressees are allowed 28 days in which to produce the required documents. Detention of the parcels pending the production of the permit, of course, gives rise to payment of storage charges by the addressee, or by the senders in case the parcels prove to be undeliverable and are returned to origin.

Postmasters are directed to accept for mailing to Poland parcels subject to import restrictions, which are presented without the required import permit being enclosed, only with a definite understanding that if the parcels are returned in consequence of failure of the addressees to obtain the required permit within the 28-day period allowed by Poland, the senders will be expected to pay the return charges due on the parcels.

It is understood that the following are not subject to import restrictions in Poland and do not therefore, require import permits:

1. Outer and inner wrappings usually employed in commerce.
2. Samples of merchandise and models, not intended for sale and not suitable for other use.
3. Small noncommercial shipments (up to 500 grams) of merchandise other than luxury articles.
4. U. N. R. R. A. shipments.
5. Gift parcels.
6. Advertising printed matter.

Prohibitions; For reasons of public safety. Military arms and war material, as well as parts and accessories.

Arms not having a military character imported for industry and commerce are admitted under permit from the provincial government.

Arms not having a military character imported for personal use are admitted under permit from the administrative authorities of the district in which the addressee resides.

For sanitary reasons. Substitutes for saffron.

Wallpaper, printed papers, fabrics, and other articles dyed with colors based on arsenic.

Colors based on aniline containing arsenic (fuchsine and other names), in lumps, powder, or paste (not in crystals).

Beans of the Phaseolus lunatus and Rangoon species, as well as all species of poisonous beans.

Admissible medicines published in special lists by the Ministry of Finance may be imported on presentation of a certificate issued by the provincial government.

Medicines not mentioned in the said lists (preparations of galena, combinations employed in medicine and put up in doses, as well as mixtures of combinations employed in medicine) may be imported under a permit issued separately for each shipment by the Ministry of Finance and a certificate issued by the provincial government.

Medicines, whether or not they appear in the said lists, intended for personal use, may be imported in very small quantities under permit from the Ministry of Finance, without the certificate of the provincial government.

Such permit is issued on presentation of a doctor's prescription attesting the need for using the medicine in question and the impossibility of replacing it by a medicine produced locally. Medicines of this kind which do not exceed the weight of 300 grams may be cleared by first-class customs offices without special authorization. Those offices are also authorized to clear all kinds of medicines and specifics imported in very small quantities for purposes of study by schools, as well as by State and municipal hospitals and by social insurance establishments. Clearance is effected on presentation of a certificate issued by the rector, the dean, or the chief of the clinic, hospital, etc.

Serums and vaccines employed in medicine are admitted under a permit issued separately for each shipment by the Ministry of Health, under the conditions set forth in that permit.

White lead, sulphate of lead, and other products containing lead combinations are admitted under a permit issued jointly by the Ministry of Finance, the Ministry of Health, and the Ministry of Industry. This restriction does not apply to the importation of completely prepared artists' colors.

Serums and vaccines for study may be cleared in the same manner as medicines imported for that purpose.

For the protection of animals. Fish, crawfish, bodies and parts of animals, animal products, used harness, used bee-keeping utensils, forage, bedding, all kinds of articles bearing traces of blood or pus coming from animal excrements or secretions, serums and vaccines for veterinary purposes, as well as biological preparations for the diagnosis of infectious diseases of animals, may be imported under a permit issued by the Ministry of Agriculture, under the conditions set forth in that permit, if the international veterinary conventions signed by Poland do not provide otherwise. The permits may be individual or collective.

For the protection of plants. All varieties of potatoes, including seed potatoes, are admitted under a permit issued jointly by the Ministry of Finance and the Ministry of Agriculture, through the customs offices authorized to that end. They must be enclosed in new (unused) packing and lead-sealed by the sender, who shall attach to each shipment two copies of a certificate issued by the official phytopathological service or by a plant-protection institution of the country of origin. That certificate shall attest that the potatoes and all articles employed for their packing are free from the following diseases and parasites, as well as their eggs and larvae: Synchytrium endobioticum (potato wart disease), Spongospora subterranea (powdery scab), Leptinotarsa decemlineata (Colorado potato beetle), (Phthorimaea) Gnorimoschema operculella (potato tuber worm), and Heterodera Schachtii rostochiensis (potato nematodes); and that such potatoes come from a region free from all the diseases and parasites above mentioned and at least 20 kilometers distant from the nearest focus of Synchytrium endobioticum (potato wart disease) and 50 kilometers from the nearest focus of Leptinotarsa decemlineata (Colorado potato beetle).

The following plant materials may be imported through the authorized customs office, on condition that the shipment is accompanied by two copies of a certificate issued by the official phytopathological service or by a plant-protection institution of the country of origin: (a) Trees, shrubs, layers, and grafts of all kinds; (b) rooted ornamental plants and their seedlings or stocks (bulbs rhizomes, roots); (c) fresh fruits (apples, pears, plums, peaches, and cherries); (d) fresh vegetables of all kinds, as well as their parts growing above and below ground, except seeds and potatoes (see preceding paragraph); (e) seeds of peas, kidney beans, lentils, vetch, Pisum arvense, navy beans, and horsebeans. The certificate of phytopathological inspection must show that the contents of the shipment and all the articles used for its packing have been inspected, that they are not infected by diseases or infested by parasites, as well as their eggs and larvae, and that the plant materials above enumerated come from an establishment or plantation free from such diseases and parasites. In case of importation of trees, shrubs, and rooted plants, as well as all kinds of live plants with their roots or underground parts (bulbs, rhizomes, etc.) with earth or placed in a container filled with earth, the certificate must also show that the plants have been grown in a place free from Synchytrium endobioticum (potato wart disease) and that the earth contained in the shipment does not come from a region infected with that disease.

Potatoes and other plant materials which are not accompanied by a phytopathological inspection certificate can be admitted only upon presentation by the addressee of a certificate issued by a plant-protection institution in Poland showing that the shipment is free of any dangerous disease or injurious pest.

Seeds of clover, lucerne (alfalfa), lupuline (yellow trefoil), sweetclover (bird's-foot trefoil), and timothy must be accompanied by two copies of a certificate, issued by an official seed-examining establishment of the country of origin; stating that they are entirely free from Cuscuta (dodder); otherwise the necessary certificate must be issued by a competent similar establishment in Poland; in any case, the seeds may be subjected to analysis by the Polish authorities, and if found to contain dodder will be rejected. Such seeds, on importation into Poland, must be colored by the customs offices authorized to clear them, following the procedure laid down by the Ministry of Finance and the Ministry of Agriculture jointly, as follows: There is injected into a sack of seeds a solution of 0.9 percent of eosin in denatured alcohol (160 cubic centimeters of solution to 100 kilograms of seed). The expenses of such coloring are charged to the importer. The foregoing restrictions do not apply to samples of seeds not exceeding 100 grams in weight, or to shipments imported by universities or agricultural institutions for scientific purposes.

Beans, other than Phaseolus lunatus and Rangoon, as well as poisonous beans, whose importation is entirely prohibited, may be

imported if accompanied by certificates of origin issued by the State authorities or by agricultural associations of the country of origin. The certificate of origin must indicate the species of bean (botanical name), and show that no poisonous elements are included. That certificate may be replaced by an attestation issued in Poland for the State food-analysis establishment, after examining samples sent to it by the customs office under official seal. The expenses of transmitting and examining the samples are charged to the person authorized to receive the merchandise.

State monopolies, etc. Articles coming under the State monopolies may be imported only by the monopoly Administrations. Private individuals must obtain a permit from the Ministry of Finance, which fixes the conditions for customs clearance. An exception is made for tobacco products intended for personal use not exceeding the weight of one kilogram.

Gold, in the form of coins which are legal tender in any country, or of coins which are not valid in any country, ingots, worked gold or articles not having the character of products ready for use, as well as in the raw state in any form, may not be imported without the authorization of the Currency Commission at Warsaw.

The importation of Polish or foreign negotiable securities and dividend-paying securities, of dividend coupons of such securities, of Polish paper money, and of Czecho-Slovak currency, without the permission of the said Commission, is likewise prohibited.

Persons in Poland violating these provisions are liable to the measures contemplated by article 16 of the decree of the President of the Polish Republic dated April 26, 1936, concerning monetary transactions with foreign countries, as well as the movement of Polish and foreign securities.

For other reasons. Fishberries (Berries of Cocculus [Anamirta] indicus).

Leaves, peelings, and waste of potatoes.

Tokens, counters, and other articles in imitation of Polish or foreign coins. Counterfeit Polish or foreign paper money or securities, as well as articles ornamented with such counterfeits, with the exception of literary or scientific publications.

Single playing cards.

All kinds of labels, caps, corks, empty containers, etc., bearing the firm name of foreign producers, imported without the goods.

Artificial sweetening substances, as well as chemical compounds capable of being transformed by simple chemical processes into saccharine or similar substances, may be imported only by factories or wholesale drug stores under special permits issued in accordance with the domestic regulations.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4766; Filed, May 21, 1947; 8:46 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; GREECE (INCLUDING CRETE)

In Subpart B, the regulations under the country "Greece" (39 CFR, Part 21), are amended to read as follows:

GREECE (INCLUDING CRETE)

Regular mails. See Table No. 1, § 21.116 (39 CFR, Part 21), for classifications, rates, weight limits, and dimensions. Small packets accepted. (See "Observations" under parcel post for quota restrictions.)

Indemnity. Not exceeding $16.33 for Postal Union registered articles.

Special delivery. No service.

Money-order service. See § 17.51 to § 17.97 (39 CFR, Part 17).

Air-mail service. Postage rate, 15 cents one-half ounce.

Prohibitions. Dutiable articles (merchandise) in letters and packages prepaid at letter rate.

Notes of the Hellenic Bank. Coins; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles.

Tobacco, cigarettes, cigars, saccharine, and its products.

Also all articles prohibited in the form of parcel post.

Parcel post. (Greece.)

[Rates include surcharges]

Pounds:	Rate	Pounds:	Rate
1	$0.14	12	$1.93
2	.28	13	2.07
3	.67	14	2.21
4	.81	15	2.35
5	.95	16	2.49
6	1.09	17	2.63
7	1.23	18	2.77
8	1.37	19	2.91
9	1.51	20	3.05
10	1.65	21	3.19
11	1.79	22	3.33

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.
Exchange office: New York.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Storage charges. See § 21.98 (39 CFR, Part 21) relative to storage charges on returned parcels.

Observations. Customs declarations must furnish a detailed description of the contents of the parcels including the exact gross and net weight, and the quantity and value of each kind of merchandise, and, if practicable, be worded in the Greek and French language as well as in English.

According to a decision of the Greek Government, the importation of certain classes of foreign merchandise is permitted only within limits fixed for each kind of merchandise and for each importer. Senders should obtain information in advance.

The delivery of parcels containing articles subject to import quota restrictions is permitted only on authorization of the central distributing committee.

The delivery of parcels imported for personal use is permitted upon presentation of a permit which the addressees must procure from the Ministry of National Economy.

Delivery of parcels containing merchandise imported for commercial purposes, and coming from countries with which Greece has concluded commercial treaties for clearing or exchange of merchandise, is permitted upon presentation of an authorization issued by the Bank of Greece.

It is indispensable that senders enclose a copy of commercial invoices in parcels. The absence of the invoice may result in delay in delivery of parcels, difficulties in customs treatment, or even prejudice against the addressees.

Prohibitions; for sanitary reasons. Fresh meat (including pork), sausage, bologna, etc., raw hides, wool, horns, hoofs, bones, and other parts, by-products and waste from cattle or sheep, as well as crude horsehair, unless accompanied by a certificate of origin issued by the competent authorities showing that the place of origin is not contaminated with trichina.

The importation for commercial purposes of parcels containing old and used articles (rags, underwear, bedding, etc.) is absolutely prohibited.

Used clothing for personal use must be cleaned before mailing.

Cans of condensed milk, unless they have a label in the Greek language affixed giving the directions for use.

The importation of gluten-flour biscuits and gluten flour is permitted on condition that they contain nitrogenized substances, at least 60 percent for biscuits and at least 80 percent for flour. Parcels containing such products must be accompanied by a certificate issued by a chemical laboratory in the country of origin.

Snuff.

Certain pharmaceutical specialties require special authorization.

For the protection of animals or plants. Live plants and parts of plants, such as roots, cuttings, vine shoots, leaves, and grapes, by virtue of the phylloxers law. This prohibition does not apply to Macedonia, Thrace, and the islands of Chios, Samos, Mytilene (Medelin), and Nikaria (Icaria). It is permitted, however, to import exclusively through the offices of Piraeus, Athens, and Patras, grafts and cuttings of plants other than grapevines, by special authorization of the Ministry of Agriculture, after they have been disinfected at the said offices.

Cottonseed as well as unseeded cotton.

Silk cocoons require special authorization.

Parasites and predators of injurious insects, unless intended for the control of those insects and exchanged between officially recognized institutions.

Arms, munitions, etc. Firearms, pistols or revolvers, poniards, swords, and any other articles containing swords, poniards, blades, or guns.

Commercial arms, including hunting arms, are admitted only by special permission, to be obtained by the addressees from the police authorities.

Nonexplosive components of artillery fuses.

State monopolies. Salt, playing cards, amusement devices, petroleum, saccharine, quinine, cigarette papers as well as thin paper which might be used for making cigarettes, weighing up to 30 grams per square meter, if not polished at least on one side, and if it does not contain 2 percent of sulphur. The importation of paper weighing less than 60 grams per square meter is also prohibited without the special permit which the addressees must obtain from the State chemical laboratory.

Leaf tobacco for the making of cigars may be imported only by or for tobacco manufacturers, under special authorization from the Ministry of Finance and subject to the fulfillment of the formalities prescribed by the regulations.

The importation of cigarette papers is permitted only by tobacco manufacturers, subject to authorization from the Ministry of Finance.

Foreign coins of silver, copper, or bronze.

Watermarked paper similar to stamped papers.

Aluminum beaten into sheets intended for the manufacture of tobacco.

Mechanical lighters.

Notes of Hellenic Bank.

The importation of obligations, public securities and paper values of all kinds is subject to special authorization from the Ministries of Finance and National Economy of Greece. In case the addressees do not submit the required authorization packages containing the articles referred to will be returned to origin.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4767; Filed, May 21, 1947; 8:47 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; PHILIPPINES

In Subpart B of Part 21 (39 CFR, Part 21), insert the following under "Philippines (Republic of the)":

PHILIPPINES (REPUBLIC OF THE)

Regular mails. See Table No. 1, § 21.116 (39 CFR, Part 21), for classifications, rates, weight limits, and dimensions. Small packets accepted at the risk of the sender.

Indemnity. Not exceeding $16.33 for Postal Union registered articles.

Special delivery. No service.

Air-mail service. Postage rate, 25 cents one-half ounce.

Money-order service. See §§ 17.51 to 17.97 (39 CFR, Part 17).

Combination packages. Accepted.

Observations. Letters in their usual and ordinary form may be accepted for registration, when addressed for delivery at Manila, at any provincial capital, or at one of the following cities:

City:	Province of
Tabaco	Albay.
Aparri	Cagayan.
Virac	Catanduanes.
Tagaytay City.[1]	
San Pablo City.[1]	
Iligan	Lanao.
San Jose	Mindoro.
Baguio City.[1]	
Dagupan	Pangasinan.
Quezon City.[1]	
Dipolog	Zamboanga.

[1] "Chartered" city, not in any province.

Other registered articles are restricted to those addressed for delivery in Manila only.

Prohibitions. No list.

Parcel post. (Philippines, Republic of the.) (Only one parcel per week may be sent by the same sender to the same addressee.)

Pounds:	Rate	Pounds:	Rate
1	$0.14	12	$1.68
2	.28	13	1.82
3	.42	14	1.96
4	.56	15	2.10
5	.70	16	2.24
6	.84	17	2.38
7	.98	18	2.52
8	1.12	19	2.66
9	1.26	20	2.80
10	1.40	21	2.94
11	1.54	22	3.08

Weight limit: 11,[1] 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

[1] Parcels exceeding 11 lbs. in weight are accepted for Manila, Baguio, Iloilo, Cebu, Zamboanga, and Davao and to the municipality of Tacloban in the Province of Leyte only.

Exchange office: San Francisco.

Indemnity. No provision.

Dimensions. Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

Observations. Certificates of origin must accompany shipments of merchandise of United States origin exceeding $10 in value. No special form is required and the prescribed certificate should be written or hand-stamped on the regular commercial invoices. The certificates should read as follows:

"I hereby certify that the above-described articles are the growth, product, or manufacture of the United States or its possessions, and that no drawback of import duties has been or will be claimed thereon, and that this invoice is true and correct in all particulars."

The invoices bearing such certificate should be prepared in duplicate and signed by a duly authorized agent of the shipper, his title to be shown beneath the signature. The original copy of the certified invoice should be signed before a notary public or a deputy collector of customs authorized to administer oaths.

The certificate of origin is not required for shipments valued at $10 or less and should not be used for articles of foreign origin shipped from the United States to the Republic of the Philippines. Invoices covering articles of foreign origin should state the country of origin.

Prohibitions. No list.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4768; Filed, May 21, 1947; 8:47 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; MEXICO

In Subpart B, the regulations under the country "Mexico" (39 CFR, Part 21), are amended to read as follows:

MEXICO

Regular mails. See Table No. 2, § 21.116 (39 CFR, Part 21), for classifications, rates, weight limits, and dimensions. Small packets accepted.

Indemnity. Not exceeding $3.27 for Postal Union registered articles.

Diplomatic and consular mail. See § 21.32.

Freedom of postage for Government correspondents. See § 21.32.

Special delivery. Fee, 20 cents.

Eight-ounce merchandise packages. Accepted.

Air-mail service. Postage rate, 5 cents per ounce.

C. o. d. service. For information concerning collect-on-delivery service for registered 8-ounce packages of merchandise, small packets, and printed matter, see "collect-on-delivery service."

Money-order service. See § 17.51 to § 17.97 (39 CFR, Part 17).

Dutiable articles (merchandise) prepaid at letter rate. Accepted.

Combination packages. Accepted.

Observations. The postal administration of Mexico has advised that, under the general law for insurance companies issued in Mexico on August 26, 1935, mail matter from insurance companies in the United States not authorized in Mexico and destined for delivery in that country, containing receipts or notices of premiums on policies, will be allowed delivery, provided the envelopes are marked "Esta correspondencia no contiene propaganda para contratar seguros" (this correspondence does not contain advertising for contracting policies).

Advertising matter, yearbooks and directories are liable to customs duties as follows:

Article	Rate of duty, pesos (per gross kilo [1])
Catalogs, yearbooks, and directories, printed, paper bound	0.50
Catalogs, yearbooks, and directories, printed, bound in boards, leather, or cloth	.75
	Rate of duty, pesos (per legal kilo [2])
Advertisements, calendars, and catalogs, printed, engraved, or lithographed, on single sheets of paper or cardboard, even when they have frames, rods, or rollers of any kind	3.00

[1] Gross weight includes total weight of package and outside container.

[2] Legal weight includes inside container and wrappings.

Customs duty can not be prepaid on the above-mentioned articles for Mexico. Information as to arrangements that may be made by the sender for paying the required customs duties may be obtained from the Office of International Trade, Department of Commerce, Washington 25, D. C.

Prohibitions. Coins and bank notes are admitted in registered letters, provided that the total value of the shipment does not exceed 2,000 Mexican pesos.

Persons desiring to transmit medicinal products, toilet preparations, and cosmetics in the mails to Mexico must submit specimens of such articles to the Mexican Department of Public Health for registration, accompanied by a statement of the formula of their composition in the Spanish language. After registration by the Department of Public Health of Mexico, medicinal products may be forwarded to that country provided they bear an indication of their formula in Spanish as well as the registration number, while toilet preparations and cosmetics will be accepted provided they bear an indication of the number under which registered.

Works reprinted abroad in violation of the Mexican copyright laws.

Books relating to magic.

Also all articles prohibited in the form of parcel post.

Parcel post. (Mexico.)

Pounds:	Rate	Pounds:	Rate
1	$0.14	23	$3.22
2	.28	24	3.36
3	.42	25	3.50
4	.56	26	3.64
5	.70	27	3.78
6	.84	28	3.92
7	.98	29	4.06
8	1.12	30	4.20
9	1.26	31	4.34
10	1.40	32	4.48
11	1.54	33	4.62
12	1.68	34	4.76
13	1.82	35	4.90
14	1.96	36	5.04
15	2.10	37	5.18
16	2.24	38	5.32
17	2.38	39	5.46
18	2.52	40	5.60
19	2.66	41	5.74
20	2.80	42	5.88
21	2.94	43	6.02
22	3.08	44	6.16

Weight limit: 44 pounds.
Customs declaration: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Yes.
Registration: Yes. Fee, 20 cents.
Insurance: No.
C. o. d.: Yes.
Exchange offices: Offices authorized.

Receipts for ordinary parcels. See section 104.

Indemnity. See section 106.

Registry return receipt. Requested at time of mailing, 5 cents; after mailing, 10 cents. (See sec. 101, par. 8.)

Storage charges. See section 93 relative to storage charges on returned parcels.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length 3½ feet, except that parcels may measure up to 4 feet in length, on condition parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Collect-on-delivery service. (a) Registered parcel-post packages, printed matter, 8-ounce packages of merchandise, and small packets may be sent collect-on-delivery from any money-order post office in the United States.

(b) Collect-on-delivery shipments shall in all cases be registered and based upon bona-fide orders for the contents of the parcel or in conformity with agreement between the senders and addressees. It is not permissible to use the c. o. d. service as a collection agency.

(c) The amount to be collected on parcels sent to Mexico must be shown on the parcels in pesos and centavos, the centavos to be in even centavos—for instance, 2 pesos 50 centavos, not 2 pesos 49 centavos. "Pesos" and "centavos" must be written out in full. On parcels received from Mexico the c. o. d. amount will be shown in dollars and cents.

(d) The c. o. d. fees (which cover registration) are as follows:

	Cents
For collection of a maximum of 50 pesos and an indemnity (loss only) up to $10	30
For collection of a maximum of 250 pesos and an indemnity (loss only) up to $50	45
For collection of a maximum of 500 pesos and an indemnity (loss only) up to $100	60

(e) While postal employees may acquaint the public upon request with the information published by the Department from time to time regarding the rate of conversion of the Mexican peso, it should be made clear to the public that due to the frequent fluctuations in the conversion rate no responsibility will be assumed by the Postal Service for any quotations furnished and that the fluctuations in the rate of conversion should be taken into consideration by the senders when computing the c. o. d. charges to be collected on delivery so as to insure the receipt of the full amount desired. It should also be made clear that the responsibility of properly indorsing on registered c. o. d. parcels to Mexico the amount in pesos and centavos to be collected rests with the sender and that no indemnity is payable to cover any shortage in the remittance received when such remittance represents the equivalent of the pesos and centavos indorsed on the parcel by the sender. The question of the shortage is then one for adjustment between the sender and the addressee of the c. o. d. parcel involved.

(f) Form 3818 or a letter indicating the nature of any alteration or cancellation of the c. o. d. charges requested by the sender on c. o. d. parcels sent to Mexico shall be sent direct to the postmaster at the United States exchange office from which the parcel concerned was due to be dispatched in a direct mail to Mexico.

(g) If the United States exchange office of dispatch is not definitely known to the postmaster at the office of mailing, the Form 3818 or letter, in order not to delay the matter, should be sent to the postmaster at Laredo or El Paso, Tex., according to whichever of these two offices can be reached more quickly from the office of mailing. In general, El Paso is reached more quickly from places in western United States and Laredo from other places.

(h) Requests for alteration or cancellation of c. o. d. charges in connection with c. o. d. parcels sent from Mexico to this country will be sent by the proper Mexican exchange office to one of the United States exchange offices listed in paragraph (j) below, which in turn will transmit the request to the United States office of destination. Postmasters receiving requests from one of the United States exchange offices referred to for changes in or cancellation of the amounts of c. o. d. charges on c. o. d. articles mailed in Mexico will promptly comply with such requests. (The requests should be filed at the office of destination as a record.) However, such requests which may be erroneously sent from any Mexican post office direct to the office of destination in this country should be sent to the Deputy Second Assistant Postmaster General, International Postal Transport, Washington 25, D. C., to have them verified. The c. o. d. parcels involved should in the meantime be held for further instructions from the Deputy Second Assistant Postmaster General.

(i) The postmarking stamp of the office of mailing must appear at all breaks (cut or torn ends) of the gummed-paper strips employed in the sealing of registered c. o. d. parcel-post packages.

(j) There is shown below a complete list of all the offices in this country and Mexico through which c. o. d. articles may now be exchanged:

Brownsville, Tex., and Matamoros, Tam.
Calexico, Calif., and Mexicali, B. Cfa.
Chicago, Ill., and Alvaro Obregon, Tab.
Chicago, Ill., and Mexico, D. F.
Chicago, Ill., and Nuevo Laredo, Tam.
Chicago, Ill., and Progreso, Yuc.
Chicago, Ill., and Veracruz, Ver.
Eagle Pass, Tex., and Piedraz Negras, Coah.
El Paso, Tex., and Ciudad Juarez, Chih.
El Paso, Tex., and Mexico, D. F.
Laredo, Tex., and Mexico, D. F.
Laredo, Tex., and Nuevo Laredo, Tam.
Laredo, Tex., and Tampico, Tam.
Los Angeles, Calif., and Mexico, D. F.
New Orleans, La., and Campeche, Cam.
New Orleans, La., and Alvaro Obregon, Tab.
New Orleans, La., and Progreso, Yuc.
New Orleans, La., and Veracruz, Ver.
New York, N. Y., and Campeche, Cam.
New York, N. Y., and Mexico, D. F.
New York, N. Y., and Nuevo Laredo, Tam.
New York, N. Y., and Progreso, Yuc.
New York, N. Y., and Tampico, Tam.
New York, N. Y., and Veracruz, Ver.
Nogales, Ariz., and Nogales, Son.
Philadelphia, Pa., and Mexico, D. F.
Philadelphia, Pa., and Nuevo Laredo, Tam.
Rio Grande City, Tex., and Ciudad Camargo, Tam.
St. Louis, Mo., and Mexico, D. F.
St. Louis, Mo., and Nuevo Laredo, Tam.
San Antonio, Tex., and Nuevo Laredo, Tam.
San Diego, Calif., and Ensenada, B. Cfa.
San Diego, Calif., and Tijuana, B. Cfa.

(k) Sanders' return receipts will not be furnished for collect-on-delivery parcels for Mexico.

(l) For further information concerning collect-on-delivery service see §§ 21.108, 21.114.

Observations. Packages, except packages of moving-picture films, automobile tires, and packages of newspapers from news dealers especially marked to go as "outside pieces," will not be accepted for transmission to Mexico when their bulk will prevent their inclosure in mail sacks at the United States exchange post office of dispatch. Automobile tires, up to a weight limit of 44 pounds each, may be accepted for places in Mexico reached by railroad from the United States. The Mexico office will not accept responsibility for any damage that may occur to packages of automobile tires when their transmission is outside of mail sacks. Packages such as herein described will be accepted outside of mail sacks when they originate in Mexico and are destined for the United States.

The Postal Administration of Mexico has requested that it be recommended to senders of parcels destined for that country which are directed to the ultimate addressee through the intermediary of a first addressee (bank or other organization) that the names and addresses of both addresses be indicated on the wrappers of the parcels as well as on the customs declarations.

The Mexican Administration has established a system of advising the second addressee of the arrival of such a parcel at the office of destination. This advice of arrival, which bears a notation that the parcel will not be delivered except upon written authorization from the first addressee, is sent only once. It is sent at the same time as the advice is sent to the first addressee. The Mexican Administration states that, in practice, it has been found that banking institutions are sometimes negligent in advising their client (a second addressee) of the arrival of his merchandise, and that the sending of an advice of arrival to the second addressee serves to notify him that the parcel is on hand.

These instructions contemplate that both addresses appearing on a parcel shall be addressed to a single office. Therefore, parcels should not be accepted for mailing if directed to a first addressee at a certain office and to a second addressee at another office.

For information concerning customs duties on advertising matter, yearbooks, and directories, see "Regular mails."

The Mexican domestic rate of postage will be charged on each parcel-post package which is forwarded from one office to another office in that country when it bears an indication that the mailer desires it tendered for delivery at an alternative address. In the event the parcel can not be delivered at the alternative address indicated, it will be returned to origin rated for the collection of the above-mentioned forwarding charges. These charges, in addition to others which may have accrued on the parcel, will be collected from the mailer at time of return.

Mail should be dispatched according to special instructions issued to cover designated post offices in a particular State. At United States Exchange post offices concerned parcel-post packages for Mexico will not be inclosed in the same sacks with regular mail articles. New York is not the exchange office for Mexico (overland).

Insecticides, fungicides, and germicides shall be prepared for mailing to Mexico as follows:

Each receptacle shall be plainly marked with the word "Poison" and the label or printed name of the manufacturer.

The inner boxes or tubes containing the materials must be of metal, wood, glass, or fiber, and the outer container must be of metal or fiberboard, securely fastened and sealed.

For liquids, an inner container must not only be surrounded by sufficient absorbent material, but must also be enveloped in padding material. Wood shavings cannot be considered as absorbent. The inner packing for insecticides, fungicides and germicides in solid or powder form must likewise be surrounded by packing material.

Prohibitions, for sanitary reasons. Pacifiers for the amusement of babies. For medicines, cosmetics, and toilet articles, see "Regular mails." The customs service requires, from persons receiving by mail from abroad, in small quantities, products of animal origin contained in tin cans, a certificate of sanitary inspection issued by the Department of Agriculture and Fomento. However, with a view to avoiding annoyance and difficulty for importers of such small shipments, the Secretariat of Communications and Public Works, at the request of the said customs service, advises that the products in question may be exempted from the above-mentioned inspection certificate when their weight is less than 5 kilograms (11 pounds); but that shipments of a greater weight will be inspected by a representative of the competent Secretariat, at the request of the interested parties in each case.

For the protection of animals and plants. Cottonseed must be fumigated or certified by the sanitary authorities of the country of origin.

The following are admitted only with special authorization from the Minister of Agriculture and Fomento: Coffee plants and parts thereof (roots, stems, flowers, and fruits) intended for study; rice seed and paddy rice; banana plants and parts thereof; citrus trees and parts thereof (there is no restriction on the fruit); potatoes; fruits and fruit plants intended for study; sugarcane shoots intended for study.

A special permit from the Minister of Agriculture and Fomento is required for corn and other agricultural products from the States of Michigan, Ohio, Pennsylvania, New York, New Hampshire, Massachusetts, Maine, Rhode Island, Connecticut, Vermont, New Jersey, West Virginia, and Indiana.

Live plants, seeds, and herbs in general require sanitary inspection.

Peach, nectarine, almond and chabacano (apricot), trees, as well as their roots, stems, branches, cuttings, shoots, and grafts from the United States, being subject to partial quarantine, require a permit from the Federal Office of Agricultural Defense for importation.

Parasites and predators of injurious insects, unless intended for the control of those insects and exchanged between officially recognized institutions.

Arms, etc. Arms require the special permission of the Secretariat of War and Navy. The importation by mail of pistols, hunting and target arms, is subject to the following conditions: For such importation there is required, in addition to the authorization from the Secretariat of War and Navy, a certificate from the Mexican Consul at the place of shipment establishing that the articles destined for importation into the country are indeed of the authorized kind; this document shall be submitted to the Mexican customs office of entry, which will not permit the importation without it. Moreover, the Secretariat of Finance and Public Credit calls attention to the fact that the absence of the above certificate constitutes a violation of the customs law, and that the prescribed fines will consequently be levied; the customs can permit the forwarding and withdrawal of the arms only after the fine has been paid; pistols and other instruments for the projection of tear gas.

For other reasons. Works violating the Mexican copyright laws.

Banknotes, except those of the Bank of Mexico, coins of all kinds, with the exception of gold coins, and values payable to bearer (checks, etc.) are prohibited admission. As an exception, the Bank of Mexico and the banks associated therewith are authorized to import bank notes exclusively for the purpose of exchange. However, the Secretariat of the Treasury and Public Credit of Mexico may prohibit the Bank of Mexico and its associated banks from importing banknotes into the country when, in the judgment of the National Banking Commission, the importation is excessive, or when the said commission deems it prejudicial to the economics of that country. Prohibited banknotes and coins and values payable to the bearer received in Mexico will be returned only when the Mexican Administration is satisfied that the articles do not have an illegal character. In case the articles are found to have an illegal character they will be confiscated. See regular mail prohibitions concerning the mailing of coins and banknotes in registered letters.

Uncanceled postage stamps are accepted only under registration.

Eggs, except eggs for hatching addressed to places served directly by railroad, are prohibited.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4769; Filed, May 21, 1947; 8:47 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; MAILING OF CIGARETTES AND TOBACCO PRODUCTS TO GERMANY, INCLUDING APO'S, PROHIBITED

Whereas the military authorities have placed an embargo on the transmission of cigarettes and tobacco products for delivery in Germany, both through the Army Postal Service and the international mails, effective May 26, 1947, and have made request of the Post Office Department for a comparable embargo, and it being found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Congress) is impracticable and contrary to the public interest,

Now, therefore, *It is ordered*, That, effective 12:01 a. m., May 26, 1947, and until further notice the regulations under the country "Germany" (39 CFR, Part 21, Subpart B, Service to Foreign Countries), as amended (11 F. R. 14517; 12 F. R. 705, 3151; and by all documents filed with the Division of the Federal Register), are further amended as follows:

1. Amend the item "Prohibitions" (39 CFR, Part 21), by the addition of the following regulations:

Effective 12:01 a. m., May 26, 1947, parcels containing cigarettes and tobacco products for delivery in Germany shall not be accepted for transmission through the Army Postal Service and the international mails.

Postmasters are, therefore, directed to question the mailers as to the contents of parcels addressed for delivery through any of the A. P. O.'s below listed, as well as parcels addressed for delivery in Germany through the international mails, and shall refuse to accept for mailing any containing cigarettes or other tobacco products.

The following A. P. O.'s c/o Postmaster, New York, New York, are currently operating in Germany:

1	114	207	696(A)
46	139	208	742
57	147	225	742(A)
61	154	349	743
62	169	403	751
65	171	403(A)	757
66	172	407	800
69	175	407(A)	807
82	178	633	872
	179	696	

2. Amend paragraph (c) (2) *British-held prisoners of war* (12 F. R. 705, 3151), to read as follows:

(2) Contents permitted are nonperishable foodstuffs, clothing, soap, mailable medical supplies, and similar items for relief of human suffering. No parcel shall contain any written or printed matter of any kind.

Any prohibited articles found in the parcels when they are checked by the British authorities will be liable to be confiscated.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4800; Filed, May 21, 1947; 8:46 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES: RESTRICTED RESUMPTION OF MAIL SERVICE TO ALL OF GERMANY

The regulations under the country "Germany" (39 CFR, Part 21, Subpart B, Service to Foreign Countries), as amended (12 F. R. 706, 1604), are further amended as follows:

Change first sentence of paragraph (a) (12 F. R. 1604) to read:

Restricted resumption of mail service to all of Germany. (a) Effective at once ordinary letters weighing not in excess of one pound and containing merchandise, restricted to gifts and samples and non-illustrated post cards, may be accepted for transmission either by surface means or air to all of Germany.

Mail service to all zones of Germany also is extended to include printed matter for the blind, weighing not in excess of 11 pounds.

Letters written in Braille, and not exceeding the present weight limit of 1 pound may be accepted for mailing to all zones of Germany.

Letters in Braille and printed matter for the blind will be subject to the regulations requiring that only non-transactional correspondence and non-commercial printed matter may be sent to Germany.

The regular rates for sealed letters, and printed matter for the blind, will apply to these articles when sent by surface means. If sent by air the postage rate and weight limit for air mail will apply.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-4770; Filed, May 21, 1947; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 367]

ALASKA

REVOKING EXECUTIVE ORDER OF MARCH 22, 1906, AND EXECUTIVE ORDER 4812 OF FEBRUARY 21, 1928, WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF AGRICULTURE FOR EXPERIMENT STATION PURPOSES

Whereas, by the Executive Order of March 22, 1906, certain unsurveyed lands described by metes and bounds were re-

served and set apart for the use of the Department of Agriculture for the purposes of an agricultural experiment station; and

Whereas, upon the subsequent extension of the rectangular system of public land surveys, such lands comprise portions sec. 31, T. 1 N., R. 1 W., sec. 36, T. 1 N., R. 2 W., sec. 6, T. 1 S., R. 1 W., and sec. 1, T. 1 S., R. 2 W., Fairbanks Meridian; and

Whereas, all of sections 31, 36, 6, and 1, above enumerated were, by section 2 of the act of March 4, 1915, 38 Stat. 1215 (U. S. C. Title 48, sec. 354) granted to the Territory of Alaska as a site for an agricultural college and school of mines: *Provided*, That so much of the land as was used by the Government of the United States as an agricultural experiment station might continue to be used for such purpose until abandoned for that use by an order of the President of the United States or by act of Congress; and

Whereas, so much of the land as was used by the Government of the United States as an agricultural experiment station in the sections six and thirty-one above enumerated were abandoned for that use by an instrument approved by the President of the United States on October 25, 1923; and

Whereas, by Executive Order No. 4812 of February 21, 1928, the E½SW¼, W½SE¼, NE¼SE¼ sec. 2, NW¼NE¼, and NE¼NW¼ sec. 11, T. 1 S., R. 2 W., F. M., were withdrawn for use by the Department of Agriculture for agricultural experiment purposes, which lands were used by the Department of Agriculture as a part of the agricultural experiment station near Fairbanks, Alaska, for the purpose of a yak pasture; and

Whereas, pursuant to the act of February 23, 1931, 46 Stat. 1242, 1245, authorizing the Secretary of Agriculture to turn over to the Agricultural College and School of Mines of Alaska, which has now become the University of Alaska, the tract of land and buildings near Fairbanks, Alaska, occupied and used by the Department of Agriculture as an experiment station, the Assistant Secretary of Agriculture, by an instrument dated May 22, 1946, did turn over to the University of Alaska said land, including the yak pasture, and buildings; and

Whereas, it appears that the transfer of all lands affected by the Executive Order of March 22, 1906, and Executive Order No. 4812 of February 21, 1928, has been completed, and the purpose of the withdrawals has ceased;

Now therefore, by virtue of the authority vested in the President by the act of June 25, 1910, 36 Stat. 847, as amended by the act of August 24, 1912, 37 Stat. 497 (U. S. C. Title 43, secs. 141–143), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, said Executive Order of March 22, 1906, and Executive Order No. 4812 of February 21, 1928, are hereby revoked.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 15, 1947.

[F. R. Doc. 47-4771; Filed, May 21, 1947; 8:48 a. m.]

[Public Land Order 368]

ALASKA

REVOKING EXECUTIVE ORDER OF JULY 18, 1898, WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF AGRICULTURE AS HEADQUARTERS SITE FOR AGRICULTURAL INVESTIGATIONS AND WEATHER SERVICE

Whereas, by the Executive order of July 18, 1898, a tract of land known as Castle Hill, at Sitka, Alaska, was reserved as a building site for the headquarters of the agricultural investigations and weather service of Alaska; and

Whereas, pursuant to the act of July 7, 1932, 47 Stat. 609, 614 (U. S. C., Title 7, sec. 386g) authorizing the Secretary of Agriculture to transfer to any Government department or establishment or to local authorities or institutions property and equipment of the experiment stations in Alaska, and other areas, the Acting Secretary of Agriculture, by an instrument dated November 2, 1932, did transfer to the City of Sitka, Alaska, the land reserved by the Executive order of July 18, 1898, subject to the condition, however, that should the property ever be sold, assigned, transferred, leased or used for commercial purposes, title thereto shall revert to the United States of America; and

Whereas, it appears that the transfer of the land affected by said Executive order has been completed, and the purpose of the reservation has ceased;

Now therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, the Executive order of July 18, 1898, is hereby revoked.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 15, 1947.

[F. R. Doc. 47-4772; Filed, May 21, 1947; 8:48 a. m.]

[Public Land Order 369]

ALASKA

REVOKING EXECUTIVE ORDERS 2247 OF SEPTEMBER 20, 1915, NO. 2658 OF JULY 10, 1917, AND NO. 3924 OF NOVEMBER 9, 1923, WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF AGRICULTURE AS AN AGRICULTURAL EXPERIMENT STATION

Whereas, by Executive Orders No. 2247 of September 20, 1915, No. 2658 of July 10, 1917, and No. 3924 of November 9, 1923, sec. 14, NE¼, E½NW¼, and NW¼SW¼ sec. 15, T. 17 N., R. 1 E., Seward Meridian, Alaska, were withdrawn for the use of the Department of Agriculture as an agricultural experiment station; and

Whereas, pursuant to the act of July 7, 1932, 47 Stat. 609, 614 (U. S. C., Title 7, sec. 386g) authorizing the Secretary of Agriculture to transfer to any Government department or establishment or to local authorities or institutions property and equipment of the experiment stations in Alaska and other areas, the Secretary of Agriculture, by an order dated July 7, 1932, did transfer to the Alaska Agricultural College and School of Mines, now the University of Alaska, the property known as the Matanuska Agricultural Experiment Station, which property is identified in an instrument executed by the Acting Secretary of Agriculture on July 21, 1936, as the lands described in the first paragraph of this order; and

Whereas, it appears that the transfer of all lands affected by Executive Order Nos. 2247, 2658, and 3924 has been completed, and the purpose of the withdrawals has ceased;

Now therefore, by virtue of the authority vested in the President by the act of June 25, 1910, 36 Stat. 847, as amended by the act of August 24, 1912, 37 Stat. 497 (U. S. C. Title 43, secs. 141–143), and pursuant to Executive Order No. 9337 of April 24, 1943, said Executive Orders Nos. 2247, 2658, and 3924 are hereby revoked.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 15, 1947.

[F. R. Doc. 47-4773; Filed, May 21, 1947; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 208—KODIAK AREA FISHERIES

PART 223—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

PART 229—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

MISCELLANEOUS AMENDMENTS

1. Section 208.24 is hereby amended to read as follows:

§ 208.24 *Closed seasons, herring fishing.* Commercial fishing for herring, except for bait and except by gill nets, is prohibited in the hereinafter-described quota area prior to July 1 and after October 15 in each calendar year: *Provided*, That in the waters of the quota area in Shelikof Strait south of the latitude of Cape Uyak such fishing is prohibited prior to June 15 and after October 15 in each calendar year. In the remainder of the Kodiak area, commercial fishing for herring, except for bait and except by gill nets, is prohibited prior to June 1 and after October 15 in each calendar year.

2. Section 223.8a (d) is hereby amended to read as follows:

§ 223.8a *Open seasons, northern section, south of Sullivan Island.* * * *

(d) By gill nets only in Berners Bay from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 20.

3. Section 229.15 (n) is hereby amended to read as follows:

§ 229.15 *Areas open to salmon traps.* * * *

(n) Cape Fox Island and within 1,000 feet of a point on an unnamed island near the western mainland shore at 54 degrees 45 minutes 47 seconds north latitude.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

MAY 14, 1947.

[F. R. Doc. 47-4774; Filed, May 21, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 29]

TOBACCO INSPECTION

REFERENDUM IN CONNECTION WITH PROPOSED DESIGNATION OF TOBACCO AUCTION MARKET AT FAYETTEVILLE, N. C.

Pursuant to the authority vested in the Secretary of Agriculture by the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.), and in accordance with the applicable regulations issued thereunder by the Secretary, notice is given that a referendum of tobacco growers will be conducted from June 5 through June 7, 1947, to determine whether the tobacco auction market at Fayetteville, North Carolina, shall be designated by the Secretary under said Act for the mandatory inspection of tobacco sold thereat.

Growers who sold tobacco at auction on the Fayetteville, North Carolina, market during the 1946 marketing season shall be eligible to vote in said referendum. Ballots for use in said referendum will be mailed to all eligible voters insofar as their names and addresses are known to the Secretary. Eligible voters who do not receive ballots by mail may obtain ballots from their local county agent or from the local office of the County Agricultural Conservation Association. All completed ballots shall be mailed to the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, P. O. Box 549, Raleigh, North Carolina, and, in order to be counted in said referendum, must be postmarked not later than midnight, June 7, 1947.

If, as a result of the aforesaid referendum, it is found that two-thirds or more of the eligible voters participating in the referendum favor the designation of the tobacco auction market at Fayetteville, North Carolina, under the provisions of the Tobacco Inspection Act, it is proposed that the Secretary will so designate such market for the mandatory inspection of tobacco in accordance with the act.

Issued this 16th day of May 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-4790; Filed, May 21, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8876]

HERMAN H. KAHRS

In re: Estate of Herman H. Kahrs, deceased. File D–28–9910; E. T. sec. 14034.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gesche Heitman and Adelheid Boschen, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Herman H. Kahrs, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Anna Elizabeth Bain and Helen Rose Teipel, as executrices and trustees, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4791; Filed, May 21, 1947; 8:50 a. m.]

[Vesting Order 8881]

PRUDENCE BONDS CO.-ETON HOLDING CORP.

In re: Mortgage Certificate Number 236, Prudence Bonds Company-Eton Holding Corporation. File No. F–28–8942; E. T. sec. 5146.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Benno Bretirainer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all rights and interest evidenced by Mortgage Certificate Number 236, Prudence Bonds Company-Eton Holding Corporation and the right to the transfer and possession of any and all instruments evidencing such rights and interest, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Brooklyn Trust Company, as trustee, acting under the judicial supervision of the United States District Court for the Southern District of New York, New York City;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4792; Filed, May 21, 1947; 8:50 a. m.]

[Vesting Order 8885]

BOND AND MORTGAGE GUARANTEE CO. ET AL.

In re: Mortgage Participation Ctf. No. 116985 in Mtge #F-1258 (Guarantee No. 211554) issued by Bond and Mortgage Guarantee Company to Claus R. Stueven and Elizabeth Stueven. File No. D-28-10130, E. T. sec. 14418.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Claus R. Stueven and Elizabeth Stueven, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all rights and interest evidenced by a Mortgage Participation Certificate No. 116985 issued and guaranteed by Bond and Mortgage Guarantee Company under guarantee No. 211554 and the right to the transfer and possession of any and all instruments evidencing such rights and interest, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Manufacturers Trust Company, as trustee, acting under the judicial supervision of the Supreme Court of the State of New York, of Kings County, New York,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4793; Filed, May 21, 1947; 8:50 a. m.]

[Vesting Order 8886]

JOSEPH WACHTELSCHNEIDER

In re: Estate of Joseph Wachtelschneider, also known as Joseph Wachtel, deceased. File No. D-34-826; E. T. sec. 13008.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Pinter, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That the sum of $100.00 was paid to the Allen Property Custodian by Otto M. Sherman, Executor of the Estate of Joseph Wachtelschneider, also known as Joseph Wachtel, deceased;

3. That the said sum of $100.00 was property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country, (Hungary);

4. That the said sum of $100.00 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Otto M. Sherman, Executor of the Estate of Joseph Wachtelschneider, deceased, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 17, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4751; Filed, May 20, 1947; 8:55 a. m.]

[Vesting Order 8887]

GEORGE WESSELS

In re: Estate of George Wessels, deceased. File D-28-11132; E. T. sec. 15549.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth J. Olliges, Marie Schulte, Margaret Schulte, John Schulte, Frances Schulte, Gesina Schulte and Elizabeth (Helen) Schulte, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $741.86 deposited on August 30, 1946, with the Clerk of Jefferson County Court (Probate Division), Louisville, Kentucky, to the credit of the persons named in subparagraph 1 hereof, pursuant to an order of the Jefferson County Court (Probate Division), Louisville, Kentucky, entered on August 30, 1946, in the matter of the Estate of George Wessels, deceased, subject to payment of any lawful fees and disbursements of the Clerk of Jefferson County Court (Probate Division), Louisville, Kentucky, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of Jefferson County Court (Probate Division), Louisville, Kentucky, acting under the judicial supervision of the Jefferson County Court (Probate Division), Louisville, Kentucky;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4752; Filed, May 20, 1947; 8:55 a. m.]

[Vesting Order 8895]

HENRY AFFLERBACH

In re: Trust u/w of Henry Afflerbach, deceased. File No. D-28-7811; E. T. sec. 8177.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Afflerbach, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue and descendants, names unknown, of Ludwig Afflerbach, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Henry Afflerbach, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by North Philadelphia Trust Company, of Philadelphia, Pennsylvania, as Substituted Trustee of the trust created under the will of Henry Afflerbach, deceased, acting under the judicial supervision of the Atlantic County Orphans' Court, Mays Landing, New Jersey;

and it is hereby determined:

5. That to the extent that the above named Ludwig Afflerbach, and his issue and descendants, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4753; Filed, May 20, 1947; 8:55 a. m.]

[Vesting Order 8896]

GEORGE BREISACHER

In re: Estate of George Breisacher, deceased. File D-28-11187; E. T. sec. 15571.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Theodore Schmidt and Bertha Liepert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Franz Theodore Schmidt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of George Breisacher, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by George G. Trautwein, as Substituted Administrator, c. t. a., of the Estate of George Breisacher, deceased, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Franz Theodore Schmidt, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4754; Filed, May 20, 1947; 8:56 a. m.]

[Vesting Order 8898]

JOHN WASARG

In re: Estate of John Wasarg, alias John Wesarg, alias John Wersarg, deceased. D-28-3589; E. T. sec. 5794.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Wesarg, Dora von Roenn (Ronn), Karl (Carl) Wesarg, Karl Heinz Wesarg, Frau Minna Donnerbert (Donnerberg), Dora Otte and Brunhild Wesarg, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of John Wesarg alias John Wasarg alias John Wersarg, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Louis E. Nelson, Treasurer of Cook County, Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4755; Filed, May 20, 1947; 8:56 a. m.]

[Vesting Order 8919]

SHOICHIRO KASHIWAGI

In re: Debt owing to Shoichiro Kashiwagi. D-39-5697-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shoichiro Kashiwagi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shoichiro Kashiwagi by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, in the amount of $148.40, as of December 31, 1945, arising out of an accepted account payable, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Louis E. Nelson, Treasurer of Cook County, Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4793; Filed, May 20, 1947; 8:55 a. m.]

[Vesting Order 8899]

HENRY AFFLERBACH

In re: Trust u/w of Henry Afflerbach, deceased. File No. D-28-7811; E. T. sec. 8177.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Afflerbach, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue and descendants, names unknown, of Ludwig Afflerbach, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Henry Afflerbach, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by North Philadelphia Trust Company, of Philadelphia, Pennsylvania, as Substituted Trustee of the trust created under the will of Henry Afflerbach, deceased, acting under the judicial supervision of the Atlantic County Orphans' Court, Mays Landing, New Jersey;

and it is hereby determined:

5. That to the extent that the above named Ludwig Afflerbach, and his issue and descendants, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4794; Filed, May 20, 1947; 8:55 a. m.]

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4756; Filed, May 20, 1947; 8:56 a. m.]

[Vesting Order 8924]

SHIKAICHIRO YAMASHITA

In re: Stock owned by Shikaichiro Yamashita. D-39-711-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shikaichiro Yamashita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Two Hundred (200) shares of $1.00 par value capital Class "A" stock of Central Public Utility Corporation, 34 Exchange Place, Jersey City 2, N. J., a corporation organized under the laws of the State of Delaware, evidenced by Certificates numbered C73 1and C732 for one hundred (100) shares each, registered in the name of Shikaichiro Yamashita, together with all declared and unpaid dividends thereon,

b. Forty-Five (45) shares of $50.00 par value capital stock of Anaconda Copper Mining Company, 25 Broadway, N. Y. 4, N. Y., a corporation organized under the laws of the State of Montana, evidenced by Certificate Number F706561, and registered in the name of Shikaichiro Yamashita, together with all declared and unpaid dividends thereon,

c. Twenty-One (21) shares of $10.00 par value common capital stock (old) of Cities Service Company, 60 Wall Street, N. Y. 5, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by Certificate Number SL167191, and registered in the name of Shikaichiro Yamashita, together with all declared and unpaid dividends thereon, and

d. Eighteen (18) shares of $2.00 par value capital stock of Transamerica Corp., Montgomery Street at Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Number SF/F43288, and registered in the name of Shikaichiro Yamashita, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4794; Filed, May 21, 1947; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1532]

MARKET AGENCIES AT MISSISSIPPI VALLEY STOCK YARDS

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture issued an order on January 24, 1947 (6 A. D. 5) providing for certain temporary rates and charges for the respondent market agencies for a period ending June 30, 1947.

By petition filed on May 12, 1947, the respondents have requested that the said temporary rates and charges of the respondent market agencies be continued in effect until June 30, 1948.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an extension of temporary rates and charges.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 16th day of May 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-4789; Filed, May 21, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-695]

MICHIGAN GAS STORAGE CO.

NOTICE OF APPLICATION

MAY 15, 1947.

Notice is hereby given that on April 29, 1947, an application was filed with the Federal Power Commission by Michigan Gas Storage Company (Applicant), a Michigan corporation, having its principal place of business at Jackson, Michigan, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to sell natural gas to the Battle Creek Gas Company (Battle Creek) and to utilize its existing facilities for that purpose.

Battle Creek Gas Company heretofore has purchased its natural gas requirements from the Panhandle Eastern Pipe Line Company (Panhandle Eastern) for distribution in Battle Creek, Michigan, and its environs. Panhandle Eastern, under the rate schedule covering such sales, is obligated to deliver to Battle Creek a maximum of 3,500 Mcf in any one day. Applicant, through the utilization of its storage facilities, has agreed to furnish Battle Creek with its full requirements of gas, which, it is estimated, will require in 1947 a maximum delivery in any one day of 6,730 Mcf increasing to 8,195 Mcf in 1950.

The rate proposed to be charged Battle Creek is the same as that proposed to be charged Consumers Power Company, Applicant's only present customer, pursuant to newly filed schedules of rates and charges.

In an agreement dated February 10, 1947, Panhandle Eastern Pipe Line Company has agreed to increase its annual deliveries of gas to Applicant in specified volumes estimated to be sufficient to enable Applicant to adequately supply Battle Creek.

The proposed sale of gas to Battle Creek Gas Company will not entail construction of any additional facilities by Applicant.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Michigan Gas Storage Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the Rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4777; Filed, May 21, 1947; 8:46 a. m.]

[Docket No. IT-6060]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF SUPPLEMENT TO APPLICATION

MAY 16, 1947.

Notice is hereby given that on May 16, 1947, a supplement to its application (12 F. R. 3236), under section 204 of the Federal Power Act, was filed by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Arizona, California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing it to borrow $500,000 from Bank of America National Trust and Savings Association, at an interest rate of 1½% per annum, payable within ten days after the sale of the shares of Cumulative Preferred Stock for which authorization was sought in its application (12 F. R. 3236); all as more fully appears in the supplemental application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said supplemental application should, on or before the 27th day of May 1947, file a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4785; Filed, May 21, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 189]

RECONSIGNMENT OF GRAPEFRUIT AT BUFFALO, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of paragraph (j) of Service Order No. 396 insofar as it applies to the reconsignment at Buffalo, N. Y., May 15, 1947, by Florida Citrus Exchange, of car PFE 51500, grapefruit, now on the N. Y. C. & St. L. RR., to Florida Citrus Exchange, Cleveland, Ohio (NKP).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-4782; Filed, May 21, 1947; 8:49 a. m.]

[S. O. 693-A]

UNLOADING OF LUMBER AT EAST ST. LOUIS, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of May A. D. 1947.

Upon further consideration of Service Order No. 693 (12 F. R. 1763), and good cause appearing therefor: it is ordered, that:

(a) Service Order No. 693, *Lumber at East St. Louis, Ill., on G. M. & O. RR., be unloaded*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 6:00 p. m., May 16, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4781; Filed, May 21, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1502]

VIRGINIA ELECTRIC AND POWER CO.

ORDER GRANTING APPLICATION AND RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of May A. D. 1947.

Virginia Electric and Power Company, a public-utility subsidiary of Engineers Public Service Company, a registered holding company, having filed an application pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 requesting, among other things, approval to qualify as a bidder for 60,000 shares of common stock, $10 par value, and $1,300,000 principal amount of First Mortgage Bonds, Series A, due January 1, 1977, being all the securities of East Coast Electric Company, a public-utility subsidiary of East Coast Public Service Company, a registered holding company; and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

It is ordered, That said application be and it is hereby granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional conditions:

1. That the proposed acquisition of the securities of East Coast shall not be consummated until the proposed purchase prices for such securities shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record as so completed.

2. That jurisdiction is reserved to approved the reasonableness of all fees and expenses claimed by any persons in connection with these transactions.

3. That in the event the securities of East Coast are acquired by VEPCO, jurisdiction is reserved to consider the acquisition of the electric utility assets of East Coast, cancellation of the East Coast securities and dissolution of East Coast as a corporate entity.

4. Jurisdiction is reserved over all proposed accounting entries to be made in connection with these transactions.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4776; Filed, May 21, 1947; 8:48 a. m.]

MAY 26 '47

[File No. 812-493]

SCUDDER, STEVENS AND CLARK FUND, INC.

NOTICE OF APPLICATION STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of May A. D. 1947.

Notice is hereby given that Scudder, Stevens and Clark Fund, Inc., has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 10 (b) (2) of said act a proposed transaction permitting the applicant to use as a principal underwriter of shares of capital stock issued by it, Scudder Fund Distributors, Inc., a Massachusetts Corporation, notwithstanding the fact that a majority of the directors of Applicant are affiliated persons of said principal underwriter, provided that (1) applicant complies with the requirements of clauses (1) to (8) inclusive of said section 10 (d), (2) Scudder Fund Distributors, Inc., is a wholly-owned subsidiary of the investment adviser of Applicant, and (3) at least one of the directors of applicant is a person who is not an affiliated person either of said investment adviser or of said principal underwriter.

All interested persons are referred to said application which is on file in the offices of this Commission for a more detailed statement of the proposed transaction.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that, a public hearing on the aforesaid application be held on the 5th day of June 1947, at 9:45 a. m., eastern daylight saving time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the terms of the proposed transaction, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policy of Scudder, Stevens and Clark Fund, Inc., as recited in its registration statement and reports filed under the act; and

(3) Whether the proposed transaction is consistent with the general purposes of the act.

Notice of such hearing is hereby given to the above-named Scudder, Stevens and Clark Fund, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before June 2, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-4775; Filed, May 21, 1947; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 277—TOBACCO LOANS

SUBPART—1946

Set forth below are the rates, by grades, of advances which will be paid to growers of 1946 crop Wisconsin, type 54, tobacco under the tobacco loan program formulated by Commodity Credit Corporation, published in 11 F. R. 12781.

§ 277.9 *1946 Crop—Wisconsin, Type 54, Tobacco Advance Schedule.*

[Dollars per hundred pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
B1M	40.00	C4M	11.00
B2M	35.00	C5M	9.00
B3M	30.00	X1	17.00
B4M	27.00	X2	14.00
B5M	24.00	X3	13.00
C1MB	22.00	X4	9.00
C2MB	20.00	X5	8.00
C1M	20.00	Y1	10.00
C2M	17.00	Y2	9.00
C3M	15.00	Y3	7.00

Tobacco graded G (green), W (wet), U (unsound), or N (nondescript), will not be accepted.

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

[F. R. Doc. 47-4822; Filed, May 22, 1947; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE SUGARCANE WAGE RATES IN HAWAII FOR 1947

Pursuant to section 310 (b) of the Sugar Act of 1937, as amended, and after investigation and due consideration of the evidence obtained at the public hearings held in Honolulu, on February 25, 1947, and in Hilo on February 27, 1947, the following determination is hereby issued:

§ 802.34j *Fair and reasonable sugarcane wage rates in Hawaii for the calendar year 1947.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production, cultivation or harvesting of sugarcane in Hawaii during the calendar year 1947 if all persons employed on the farm during that period in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer. The producer shall not reduce the wage rates so agreed upon through any subterfuge or device whatsoever. (Sec. 301, 50 Stat. 909; 7 U. S. C. 1131)

Issued this 20th day of May 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-4821; Filed, May 22, 1947; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 391]

PART 202—ACCOUNTS, RECORDS, AND REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of May 1947.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 205 (a) thereof, and for the purpose of implementing section 407 (d) thereof, and having afforded interested persons an opportunity to participate in the making of this revision, and having given full consideration to all relevant matters presented, hereby amends § 202.3 of the Economic Regulations in its entirety, to read as follows, effective immediately:

§ 202.3 *Preservation of accounts, records, and memoranda*—(a) *Definitions.* For the purposes of this section:

(1) "Records" means air carrier records which belong to the categories set

(Continued on next page)

MAY 26 '47

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1946 SUPPLEMENT

to the

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forth in paragraph (d) of this section. The term "records" embraces accounts and memoranda and includes material coming into the possession of an air carrier through acquisition of, or merger with, other air carriers.

(2) "Certified description" means an instrument identifying records by date or period covered and describing them in accordance with paragraph (d) of this section, which instrument has been pronounced correct in a certificate executed by a responsible officer of an air carrier.

(3) "Certified reproduction" means a photographic reproduction of records, which has been pronounced correct in a certificate executed by a responsible officer of an air carrier, after having been made pursuant to an authorization issued by the Director of the Economic Bureau of the Board (i) by circulating, to all air carriers, a communication authorizing the substitution of a photographic reproduction for specified categories of records, or (ii) by approving an "application for substitution" filed with him by an air carrier.

(4) "Application for substitution" means an application setting forth: (i) A "certified description" of records relating to a period for which the Board has completed its audit; (ii) a description of the photographic process proposed for reproducing such records; (iii) a request for approval of the substitution of such reproduction for such records.

(b) *Substitution.* An air carrier may substitute a "certified reproduction" for the records reproduced.

(c) *Preservation.* All records, and all "certified reproductions" which have been substituted for records, shall be preserved by each air carrier for the respective periods prescribed in paragraph (d) of this section. Upon the execution of a "certified description", records which have been replaced by a "certified reproduction", and records and "certified reproductions" which have been preserved for the prescribed, may be destroyed, if further preservation is not necessitated by the requirements of any governmental instrumentality. If, during the prescribed period of preservation, records shall become unavailable through loss, destruction, or otherwise: The air carrier shall, without delay, submit to the Board an explanatory statement and a "certified description" of such records.

(d) *Time for preservation of records.*

PERIODS OF TIME PRESCRIBED FOR THE PRESERVATION OF RESPECTIVE CATEGORIES OF AIR CARRIER RECORDS

Item Nos.

1-18 Administrative and financial.
19 Insurance coverage and claim records.
20-23 Revenues.
24-32 Expenditures.
33-37 Maintenance and overhaul.
38-41 Transportation.
42-46 Passenger service and reservations.
47-56 Miscellaneous.

ADMINISTRATIVE AND FINANCIAL

1. Minute books of directors', stockholders', and other committee meetings: Permanently.

2. Capital stock and bond records: Permanently.

3. Corporate election records, including (A) Official list of voting stockholders; (B) Returned proxies: 1 yr. after expiration of term.

4. Annual and interim reports to stockholders: Permanently.

5. Monthly or other periodical statements and supporting work papers of general balance sheet, income, and profit and loss accounts, comparative or otherwise: 5 yrs.

6. Retired securities: 3 yrs.

7. Ledger or ledger accounts:

A. Permanent: (1) General; (2) Investments and securities; (3) Property and equipment; (4) Revenue and expense: Permanently.

B. Others:

(1) Materials and supplies: 6 yrs.

(2) Bank balances: 3 yrs.

(3) Expense and working fund advances: 1 yr.

(4) Accounts receivable. (General): 6 yrs.

(5) Accounts payable. (General): 6 yrs.

(6) Accounts receivable. (Traffic): 2 yrs.

(7) Accounts payable. (Traffic): 2 yrs.

8. Journals and registers supporting ledger entries: 10 yrs.

A. Journals (including authorizations, work sheets or summaries needed to explain journal entries): (1) Journal vouchers (General); (2) Cash receipts; (3) cash disbursements.

B. Registers: (1) Voucher, (2) Check, (3) Insurance, (4) Deferred charges, (5) Sales, (6) Pay roll, (7) Tax.

9. Deeds and franchises: Permanently.

10. Title papers: Until disposition of property or equipment.

11. Contracts, agreements, releases:

A. Contracts:

(1) Involving an interest in realty: Permanently.

(2) With governmental bodies (major contracts): Permanently.

(3) Involving purchase or sale of equipment: 6 yrs.

(4) Leases: 6 yrs. after termination.

(5) Of agency: 3 yrs. after termination.

(6) Air travel plan (including requests for additional cards): 3 yrs. after termination.

(7) Miscellaneous: Until expiration.

B. Releases from direct or contingent liability arising out of actions in tort: 2 yrs.

12. Tax records:

A. Ad valorem (according to value):

(1) Real estate statements, receipts and assessment appeals); 2 yrs. after disposition of property.

(2) Personal property statements, receipts reports and assessment appeals): 10 yrs.

B. Privilege taxes—statements, receipts, returns or reports, supporting summaries and assessment appeals (franchise, capital stock, licenses): Permanently.

C. Excise taxes on manufacture, sale or consumption (transportation, sales, gasoline and oil):

(1) Statements, receipts, returns or reports, report summaries and assessment appeals: 10 yrs.

(2) Details, supporting report summaries: 4 yrs.

D. Social security taxes:

(1) State and Federal unemployment insurance:

(a) Receipts; returns or reports; report summaries; assessment appeals: 10 yrs.

(b) Details supporting report summaries; removal notice forms: 3 yrs.

(2) Federal old age benefits:

(a) Receipts; returns or reports; report summaries; assessment appeals: Permanently.

(b) Details supporting report summaries: First quarterly returns each year, permanently; other quarterly returns, 10 yrs.

E. Income:

(1) Federal, State and municipal income tax returns, information returns, supporting papers, receipts, papers supporting refunds or legal actions relating to income taxes: Permanently.

(2) Detail supporting forms to Federal, State and municipal information returns: 3 yrs.

13. Fidelity bonds of employees:

A. Individual bonds: 3 yrs. after termination of employment.

B. Blanket bonds: 3 yrs. after expiration of bond.

14. Bulletins, orders, regulations and other communications from Federal and State Regulatory Bodies pertaining to the air carrier: 1 yr. after becoming ineffective or inapplicable.

15. Treasurer's records:

A. Statements and summaries of balances on hand and with depositories or other periodical statements of working cash balances: 1 yr.

B. Statements from depositories of funds received, disbursed and transferred: 3 yrs.

C. Authorities for transfer of funds from one depository to another: 1 yr. after expiration.

D. Daily or other periodical statements of the receipts and disbursements of funds: 1 yr.

E. Bank deposit books and check book stubs: 3 mos. after Bank reconciliation.

F. Slips or statements giving the postings of miscellaneous receipts and payments of funds when the information contained thereon is shown on other records which are retained: 3 yrs.

G. Copies of deposit slips and advices of transfer from one depository to another: 3 mos. after bank reconciliation.

16. Audit reports:

A. Reports, examinations and audits prepared and certified by independent public accountants: Permanently.

B. Reports of examinations and audits by internal auditors and others: 3 yrs.

17. Records pertaining to verifications of treasurers' cash or securities: 3 yrs.

18. Patents and copyright records:

A. Records pertaining to applications on which patents or copyrights issued: Permanently.

B. Records pertaining to applications on which patents or copyrights did not issue: 3 yrs. after abandonment or final rejection.

INSURANCE COVERAGE AND CLAIM RECORDS

19. Insurance coverage and claim records:

A. Insurance: (1) Policies; (2) Underwriters inspection reports of condition of property: Until expiration of policy.

B. Claim files including memoranda and reports in connection with loss, damage, personal injury, fire, etc., except claims for refund of transportation charges: 6 yrs. after settlement or rejection.

C. Assignments, attachments and garnishments involving (1) Employees' salaries or (2) Direct liability of carrier: 3 yrs.

REVENUES

20. Sales and ticket reports and other similar reports from stations, offices and agents: 4 yrs.

21. Tickets and ticket records:

A. Audited ticket coupons: 2 yrs.

B. Perpetual inventory ticket stock: 3 yrs.

C. Requisitions and receipts for tickets furnished agents and ticket selling employees: 3 yrs.

D. Records and reports incident to ticket refund claims: 3 yrs.

E. Lost ticket memoranda, certification of loss and receipt for refund: 3 yrs.

22. Volume travel plan records:

A. Receipts for Air Travel Cards: 1 mo. after expiration or return of card.

B. Receipts for One Trip Travel Orders: 3 mos. after orders are accounted for.

23. Invoices, bills, accounts receivable statements: (A) Transportation Receipts and One Trip Travel Orders; (B) copies of invoices and supporting papers; (C) Credit memoranda; (D) Statements (except when used as ledger): 1 yr. after settlement.

EXPENDITURES

24. Payroll and personnel records:

A. Pay records in general: (1) Control; (2) Individual employee earnings records; (3) Cancelled checks or receipts for payment; (4) Payroll authorization, removal, adjustment notices; (5) Payroll certification; (6) Overtime certification; (7) Absent reports: 6 yrs.

B. Other records:

(1) Employees' payroll deduction authorization: 1 yr. after termination of authority.

(2) Clock cards and flight crews time records: 3 yrs.

(3) Job expense distribution cards: 3 yrs.

(4) Records incident to issuance and control of identification badges and cards: 6 mos. after return of identification media.

C. Personal records: (1) Applications, (2) Contract or employment agreements, (3) Bond record, (4) History: 2 yrs. after termination of employment.

25. Vouchers:

A. File of voucher jackets or other (alphabetical, etc.) indexes to vouchers: 3 yrs.

B. File of voucher jackets with supporting papers attached:

(1) Vouchers involving purchase of property and/or equipment having unit values of $100.00 or more: Permanently.

(2) Vouchers involving payments of workmen's compensation insurance: 10 yrs.
(3) Other vouchers: 6 yrs.

C. Paid drafts, checks and receipts for cash paid out except as otherwise herein provided: 6 yrs.

26. Other equipment and property records:
A. Schedule of budget authorization for retirements: Permanently.
B. Approved authorization for retirements: Permanently.
C. Depreciation schedules: Permanently.
27. Special authorization for expenditures:
A. Equipment and property: Permanently.
B. Other: 3 yrs.
28. Periodical schedules or statements of material and supplies received, issues, and on hand by locations: 3 yrs.
29. Materials and supplies, physical inventory data:
A. Records of inventories on hand: 3 yrs.
B. Reconciliation of physical inventory with book balances by account classification: 3 yrs.
C. Detail inventory cards supporting records of inventories on hand: 1 yr.
30. Stores record of materials received: 2 yrs.
31. Perpetual inventory records and sources of information from which journals for distribution of materials and supplies to expense are prepared:
A. Perpetual inventory cards showing receipts, issues, balances, etc.: 2 yrs. after transfer.
B. Requisitions: 2 yrs.
C. Notices of stores issues and transfers: 2 yrs.
D. Stores bin cards: 3 mos. after discontinuance.
E. Notices of depleted stock: 3 mos. after replenishment.
F. Records and memoranda of consigned materials: 1 yr. after settlement.
32. Gasoline and oil: (A) Requisitions (requests for issue); (B) Notices of issues, transfers, etc.; (C) Daily consumption records and motor readings; (D) Periodical station summaries: 2 yrs.

MAINTENANCE AND OVERHAUL

33. Recommendations and approvals for repairs to property and equipment:
A. Log books: Until equipment is sold or 3 yrs. after retirement.
B. Job or work orders: 2 yrs.
34. Records and reports concerning repairs (excluding job expense distribution detail):
A. Flight equipment
(1) Maintenance work: (a) Line check and work performed reports; (b) Intermediate line engine check and work performed reports: 2 yrs.
(2) Overhaul work: (a) Intermediate main base engine check and work performed reports: (b) Major overhaul check and work performed reports: Until equipment is sold or 3 yrs. after retirement.
B. Ground equipment and property: 2 yrs.
35. Records of inspections made by public authorities:
A. Certificate of aircraft airworthiness: Until equipment is sold or 3 yrs. after retirement.
B. Recurring inspections: 3 yrs. after next inspection.
C. Other inspections: 3 yrs.
36. Flight equipment maintenance service schedule showing by type of equipment the units received, released, and on hand: 1 yr.
37. Maintenance statistical data by individual units of flight equipment including: (A) Accumulated flight time; (B) Periodic inspections; (C) Maintenance service work performed; (D) Mechanical failures, etc.: Until equipment is sold or 3 yrs. after retirement.

TRANSPORTATION

38. System report of airplane movements by trip number showing: (A) Arrivals; (B) Departures; (C) Delays; (D) Related information: 6 yrs.
39. Individual trip reports:
A. Operations Data: (1) Dispatchers clearance forms; (2) Weather forecasts (terminal and intermediate); (3) Flight plan; (4) Radio contacts by or with pilots en route: 3 mos.
B. Other Data: (1) Records of crews by trip numbers; (2) Passenger and cargo manifests; (3) Mail manifest, report of mail pouches received and distributed; (4) Records and reports of irregularities and delays in handling of passengers, mail and other cargo: 1 yr.
40. Records and reports (internal) and memoranda incident to airplane accidents:
A. Major accidents: 6 yrs.
B. Minor accidents: 2 yrs.
41. Air Express (Records and reports of express received and delivered; delays and irregularities, way-bills and related matters): 3 yrs.

PASSENGER SERVICE AND RESERVATIONS

42. Records of comments and complaints from passengers and others: 1 yr.
43. Records and reports of lost and found department: 1 yr.
44. Reports incident to meals prepared and served (For requisitions, notices of issue and commissary inventories, see No. 31): 1 yr.
45. Reservations reports and records:
A. Cards and charts constituting original source of passengers' names, telephone numbers, etc.: 3 mos.
B. Telegrams and radio messages relating to the clearance of space, passenger dispatches, etc.: 3 mos.
C. Records and reports relating to errors or irregularities, oversales, no-show passengers, etc.: 1 yr.
D. Bulletins of instructions dealing with schedule changes, reservations, procedure sales effort, etc.: 6 mos. after expiration.
46. Detective and police service reports and records in connection with policing the company's property, detective service, investigations of robberies, attempts to defraud the company: 1 yr.

MISCELLANEOUS

47. Purchase records:
A. Purchase orders: 3 yrs.
B. Requisitions for purchase orders: 1 yr.
48. Tariff and other rate authorities:
A. Official tariff regulations and amendments thereto: Permanently.
B. Authorizations, records, reports and supporting papers incident to the transportation of persons at reduced rates or free: 6 yrs.
C. Correspondence (including bulletins and circulars) and working papers in connection with the making of rates and compilation and interpretation of tariffs: 1 yr. after cancellation of tariff.
49. Reports to Civil Aeronautics Board, its predecessor (the Civil Aeronautics Authority), and other regulatory bodies:
A. Periodic financial, operating and statistical reports and supporting papers: Permanently.
B. Reports of accidents involving aircraft, mechanical interruption in flight, power plant failure and aircraft structural failure and defects; and supporting papers therefor: 2 yrs. after current yr.
C. Records and reports of petitions and hearings: 5 yrs.
50. Engineering records (maps, profiles, specifications; estimates of work; records of engineering studies; records pertaining to extensions, additions and betterment projects)
A. Projects completed: 6 yrs. after completion.
B. Projects abandoned: 3 yrs. after abandonment.
51. Instructions to employees, agents and others (File copies of books and circulars of instruction on various topics): 2 yrs. after expiration or cancellation.
52. Employees welfare records:
A. Medical:
(1) By individual employee: 2 yrs. after termination of employment.
(2) Other: 1 yr.
B. Retirement Plan: 6 yrs. after termination of employment or 3 yrs. after notice of death of annuitant.
C. Workmen's Compensation:
(1) Accident reports: (a) Major: 10 yrs (b) Minor: 6 yrs.
(2) Pay roll audits: 3 yrs.
D Employees relief, hospital insurance, credit union, other than records pertaining to the receipt and disbursement of funds: 1 yr.
(1) Records pertaining to the receipt and disbursement of funds: same periods as provided for similar records elsewhere herein
53. Advertising and publicity department records pertaining to displays, photographs, publicity, and advertising copy: 1 yr.
54. Records and reports of damage to buildings and equipment not covered by insurance: 3 yrs.
55. Correspondence:
A. Correspondence (including interoffice memoranda) without which the records specified in provisions considered herein would not be complete: The period prescribed for primary records.
B. Other correspondence: 1 yr.
56. Data relating to the destruction of records as provided in this section; authorizations and certificates executed in connection with the reproduction or destruction of records: Permanently.

(Sec. 205 (a), 52 Stat. 984, as amended; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-4818; Filed, May 22, 1947. 8:53 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IV—Military Education

PART 403—PROMOTION OF RIFLE PRACTICE

MISCELLANEOUS AMENDMENTS

Part 403, Chapter IV, Title 10, Code of Federal Regulations is amended in the following respects:

1. In § 403.1 revise paragraphs (b), (d) (1), (d) (4), (e) and (g) and revoke paragraph (f) (4) as set forth below:

§ 403.1 *Issues of rifles, ammunition, etc., to schools.* • • •

(b) *Kinds of equipment to be issued.* (1) The arms to be issued and the accessories, appendages, and pertaining equipment are as follows:

Articles	*Remarks. See § 403.2 (d) (4)*
Rifle, U. S., cal. .30, M1903 or M1903A1	1 per cadet, above the age of 14 years.
Bayonet, M1	1 per rifle.
Cover, front sight	1 per rifle.
Rod, cleaning, cal. .30, M2A1	1 per 8 rifles, cal. .30.
Chest, arm, M1903	1 per 10 rifles or fraction thereof.
Box, packing, bayonet	1 per 100 bayonets.

dividual named as individual principal on the bond. Signature of individual principal must be witnessed. No articles of incorporation are required in case individual acts as principal on bond.

• • • • •

(4) *Lost property surveys.* Government property lost, destroyed, or damaged by fire, flood, theft, tornado, or other similar causes, without fault or neglect on the part of the school, its servants, or employees, or any member of its student body receiving military training, will be replaced at the expense of the United States. To determine whether such loss, destruction, or damage was without fault or neglect on the part of the school, its servants, or employees, or members of its student body receiving military training, a report of survey will be made according to the provisions of AR 35-6600 and §§ 824.111 to 824.115a, Part 824, Chapter VIII—10 CFR.

(e) *Ammunition and supplies.*—(1) *Annual issues.* To each school, so far as appropriations will permit, not more than the following:

Articles	*Remarks. See § 403.2 (d) (4)*
Cartridge, ball, cal. .30	To be issued to nearest full case on basis of 120 pounds per cadet above 14 years of age firing, but not to exceed 12,000 rounds per school.
Cartridge, ball, cal. .22 long rifle	To be issued to nearest full case on basis of 200 rounds per cadet firing, but not to exceed 20,000 rounds per school.
Cloth, target, 72 inches wide	15 yards per school.
Disk, target, spotter, 3-inch	20 per school.
Disk, target, spotter, 5-inch	10 per school.
Spindles, target, spotter	30 per school.
Pasters, target, buff or black	20,000 per school.
Targets, paper, outdoor	As authorized by the Director of Civilian Marksmanship on basis of course of fire.
Centers, repair, target	
Targets, small-bore, qualification	
Targets, gallery, 50 feet	1,000 per school.
Brush, cleaning, cal. .30 M2	1 per 5 rifles, cal. .30.
Brush, cleaning, cal. .22 M3	1 per 2 rifles, cal. .22.
Cleaner, rifle bore, 1 qt. can	2 qts. per 20 rifles, cal. .30.
Compound, rust preventive, light	10 lbs. per school.
Oil, lubricating, preservative, Spl	1 qt. per 20 rifles.
Patches, cut, canton flannel	100 patches per rifle.
Seabard, bayonet, M7	1 per bayonet.
Screwdriver, rifle	1 per 8 rifles, cal. .30.
Sling, gun, M1907, or M1	1 per rifle.
Belt, cartridge, cal. .30, dismounted	1 per rifle, cal. .30.
Rifle, cal. .22 [1]	10 per school.
Rod, cleaning, cal. .22 rifle	1 per 2 rifles, cal. .22.
Carrier, target, outdoor	2 per school.
Marker, target, short range	2 per school.
Marker, target, mid range	2 per school.
Flag, danger	1 per school.
Magazine assembly, extra	1 per .22 cal. rifle.[2]

[1] Rifle, U. S. caliber .22, M2 and/or any rifle, caliber .22 available at time of issue, every effort being made to ascertain that all caliber .22 rifles issued one school will be the same make and model.
[2] To fit model of .22 caliber rifle issued.

(2) School will submit requisition to the Director of Civilian Marksmanship for required quantities of items authorized in subparagraph (1) of this paragraph. Requisition will accompany formal application, accomplished bond, and related papers submitted by school in accordance with the regulations in paragraph (e) (2) (i) of this section.

(3) Only articles listed in this section will be issued. Arms will be issued only for the use of cadets who are receiving adequate military training determined as the result of an inspection made under direction of the adjutant general of the State, Territory, or District of Columbia, and who will engage in target practice in accordance with the regulations prescribed by the National Board for the Promotion of Rifle Practice by firing one of the courses as prescribed in FM 23-10. The cadets qualifying in rifle marksmanship will receive appropriate badges when the qualifications are submitted to the Director of Civilian Marksmanship. Forms for making the report of qualifications will be furnished upon request.

• • • • •

(d) *Bonds, care of property, fire insurance, and lost property surveys.* (1) As a condition precedent to the issue of any Government property under this section, each school will be required to file with the Director of Civilian Marksmanship, on a form to be provided by him, a properly executed bond with good and sufficient surety in a penal sum of $5,000 (or in such larger sum as he may determine necessary for the protection of the Government), providing that the school will take good care of, safely keep, and account for such arms and equipment as may be issued to said school and will, when required, duly return the same within 30 days in good order and condition, to such officer or person as the Secretary of War may designate to receive them, reasonable wear excepted. A list of companies approved by the Treasury Department as acceptable sureties on Federal bonds will be furnished by the Director of Civilian Marksmanship. Such bonds will be submitted to The Judge Advocate General for approval as to legal sufficiency. A school may select any one of the following procedures in executing bonds:

(i) An incorporated school may act as corporate principal on bond. Such bonds must be accompanied by a copy of articles of incorporation authenticated by Secretary of State or other officer having authority in State. Bond must be signed on behalf of corporate principal by a member of school's governing body, and there will be attached to bond a certified copy of so much of the record of the proceedings of the governing body as will give the resolution authorizing the individual, designated by name and title, to obligate the school.

(ii) In the case of a public school or organized pursuant to State statutes, a certificate signed by the proper State or county official that the school is duly organized under such statutes will be accepted in lieu of articles of incorporation, as evidence of its legal entity.

(iii) A legally organized public school district which is incorporated, or organized pursuant to State statutes without articles of incorporation, may act as principal upon the bond of an unincorporated school which is a part of the school system of that district. In such cases a certificate executed by proper State or county official of that district is duly organized pursuant to state statutes, and

(ii) Annual requisitions: (a) Annual allowances are based upon a fiscal or school year from July 1st of one year to June 30th of succeeding year. These allowances are not cumulative.

(b) Requisitions for items authorized by annual allowances and required by school for succeeding year will be based upon pertinent records as to termination of current school year in instant 30th

June or thereabouts. These requisitions will show balances on hand, and in "required" column will show the desired quantities, of authorized items required by school, in amounts which, when added to quantities on hand, will not exceed total authorized in subdivision (a) of this subdivision.

(c) Annual requisitions will be dispatched by school so as to reach the Director of Civilian Marksmanship on or before July 31.

(iii) A supplementary requisition may be submitted during year, if necessary, to meet conditions that differ from projection upon which original requisition was based.

(iv) The number of uniformed cadets over 14 years of age receiving military instruction and participating in target practice must be stated on all requisitions.

(3) *Transportation.* The transportation of ammunition and equipment from the Government arsenals to schools and back to Government arsenals will be without expense to the United States.

(f) *Rifles, appendages, and equipment.* • • •

(4) *Annual returns.* [Revoked]

(g) *Annual reports.* (1) Reports listed below will each cover the period July 1 of one year to June 30 of succeeding year. Reports will be so submitted as to reach the office of the Director of Civilian Marksmanship by July 31 of each year. Forms for these reports will be furnished by the Director of Civilian Marksmanship.

(2) Each school will submit an annual report of firing and report of target practice, through the adjutant general of the State, showing the full name of each student firing and his total score for course fired for record.

(3) An annual inventory of property, issued by the Government to the school, will be submitted by the official accountable for Government property held by school.

(4) Report of inspection made under direction of the adjutant general of State, Territory or District of Columbia, covering qualifications of school to remain eligible for Government assistance, will be forwarded through the adjutant general of State, Territory, or District of Columbia.

(5) Appropriate badges will be issued to cadets qualifying in rifle marksmanship upon application to the Director of Civilian Marksmanship.

(6) Requisition, to be used when requesting annual issues.

2. Amend § 403.2 as follows: Add subdivision (iii) to paragraph (a) (1); delete the word "senior" in the first sentence of paragraph (a) (6); revise paragraphs (a) (7) and (b); revoke paragraph (c) (4); amend paragraph (c) (5) by inserting the headnote "Appropriation by Congress of necessary funds" and redesignate the paragraph (c) (4); revise paragraph (d); amend paragraph (e) (1); revoke paragraph (e) (4); paragraph (e) (5) is redesignated (e) (4); revise paragraph (f); paragraph (g) is redesignated paragraph (h), and new paragraph (g) is added as set forth below:

§ 403.2 *Issues of rifles, ammunition, etc., to civilian rifle clubs*—(a) *Rules for organizing clubs.* • • •

(1) • • •

(iii) Ten or more physically fit male citizens above 14 years and under 18 years of age, residing in any locality, may be organized as a junior rifle division of a senior civilian rifle club and may receive the same issues and privileges as a junior rifle club, provided such sponsoring senior rifle club will be responsible and accountable for all property issued, such property to be secured by the senior club's bond. The senior club will appoint a responsible male citizen above the age of 21 years who will serve as junior division supervisor and instructor in rifle marksmanship. This supervisor and instructor will satisfy the Director of Civilian Marksmanship as to his ability to act in this capacity.

• • • • •

(6) All clubs organized under the • • •.

(7) (i) All eligible members of affiliated senior rifle clubs are authorized to fire for qualification as expert, sharpshooter, or marksman, with both the caliber .22 rifle and the caliber .30 rifle. The courses authorized to be fired will be the same as those currently prescribed for the U. S. Army, except as hereinafter specified. The qualifications when reported to the Director of Civilian Marksmanship, on the forms furnished by him, will be recorded and appropriate badges issued.

(ii) All eligible members of affiliated junior rifle clubs are authorized to fire for qualification as expert, sharpshooter, or marksman, the record junior smallbore course as prescribed by the Director of Civilian Marksmanship. The qualifications, when reported to the Director of Civilian Marksmanship on the forms furnished by him will be recorded and appropriate badges issued.

(iii) The president of a senior civilian rifle club will designate which caliber .22 and/or caliber .30 courses will be fired for record by the members of his club.

(iv) The course or courses so designated may be fired as many times and whenever during the target season as the club president directs, but only the highest complete aggregate score of each individual for each course (caliber .22 and/or caliber .30 rifle) will be reported.

(v) The annual allowance of ammunition will not be increased on account of any rifle club firing the record courses more than once.

(vi) The record practice of a club will be conducted in accordance with the procedure governing record practice as currently prescribed for the U. S. Army, except that any rifle, caliber .22 or caliber .30 having metallic sights and a trigger pull of not less than 3 pounds may be used in firing record practice.

(b) *Issues*—(1) *Arms, ammunition, and appendages.* Arms, ammunition, and appendages will be issued only to such senior rifle clubs as are organized and conduct target practice under the rules of the National Board for the Promotion of Rifle Practice; to such junior clubs as are organized under the rules of the National Board for the Promotion of Rifle Practice and who conduct firing with the caliber .22 rifle; and to organizations sponsoring rifle and pistol tournaments, deemed eligible for such aid by the National Board for the Promotion of Rifle Practice.

(2) *Senior clubs.* To each senior rifle club, so far as appropriations will permit, will be issued not more than the following:

(i) *Initial issue.*

Articles	*Remarks. See § 403.2 (c) (4)*
Rifle, U. S. cal. .30, M1, with accessories, or rifle, U. S., cal. .30, M1903 or M1903A1.	4 per club.[1]
Clips, M1	4 per M1 rifle.
Rod, cleaning, barrack, M1916	1 per club.
Sling, gun, M1907 or M1	1 per rifle.
Rifle, cal. .22	4 per club[2]
Rod, cleaning, cal. .22 rifle	1 per club.[2]
Carrier, target, outdoor	2 per club.
Marker, target, short range	2 per club.
Marker, target, mid range	2 per club.
Flag, danger	1 per club.
Magazine, assembly, extra	1 per rifle.[3]

[1] Where the number of members of any one club who participate in rifle practice in any one year does not exceed 25. If more than 25 members of any club participate in rifle practice in any one year, then 1 additional rifle may be authorized for each additional 10 of such members, or fraction thereof, the total of such rifles issued not to exceed 8 to any one club. Model of rifle issued to be determined by the Director of Civilian Marksmanship.

[2] Only when sufficient quantities are available above the needs of schools and junior rifle clubs.

[3] To fit model of .22 caliber rifle issued.

Additional target carriers, marking disks, and flags may be used when, in the opinion of the Director of Civilian Marksmanship, the range facilities, the membership of the club, and its activities warrant such issue.

(ii) *Annual issue.*

Articles	*Remarks. See § 403.2 (c) (4)*
Cartridges, ball, cal. .30	To be issued to nearest full case on basis of 120 rounds per member firing, but not to exceed 12,000 rounds per club.
Cartridges, ball, cal. .22, long rifle	100 rounds per member firing, but not to exceed 10,000 rounds per club.
Cloth, target, 72 inches wide	15 yards per club.

Articles	*Remarks. See § 403.2 (c) (4)*
Disk, target, spotter, 3-inch	20 per club.
Disk, target, spotter, 5-inch	10 per club.
Spindles, target, spotter	30 per club.
Pasters, target, buff or black	20,000 per club.
Targets, paper, outdoor Centers, repair, target Targets, small-bore, qualification	As authorized by the Director of Civilian Marksmanship on basis of course of fire.
Targets, gallery, 50 foot	1,000 per club.
Brush, artists, flat, bristle, ¾-inch	3 per club.
Brush, cleaning, cal. .22, M3	2 per club.
Brush, cleaning, cal. .30, M2	2 per club.
Cleaner, rifle bore	2 qts. per club.
Grease, lubricating, rifle (RS) 5cc container	2 per M1 rifle.
Oil, linseed, raw	1 qt. per club.
Oil, lubricating, preservative, special (PS)	2 qts. per club.
Patches, cut, canton flannel	400 per weapon.
Soap, saddle	1 lb. per club.

(3) *Junior club.* To each junior rifle club, so far as appropriations will permit, will be issued not more than the following:

(i) *Initial issue.*

Articles	*Remarks. See § 403.2 (c) (4)*
Rifle, cal. .22[1]	2 per club.[2]
Rods, cleaning, cal. .22, M1 or M2	1 per 2 rifles.
Slings, gun, M1907 or M1	1 per rifle.
Magazine, assembly, extra	1 per rifle.[3]

[1] Rifle, U. S. caliber .22 and/or any rifle, caliber .22 available at time of issue, every effort being made to ascertain that all caliber .22 rifles issued to one club will be the same make and model.

[2] If more than 10 members of a junior rifle club participate in target practice in any one year then 1 additional rifle for each additional 5 of such members, the total of such rifles issued not to exceed 10 to any junior club.

[3] To fit model of caliber .22 rifle issued.

(ii) *Annual issue.*

Articles	*Remarks. See § 403.2 (c) (4)*
Cartridges, ball, cal. .22, long rifle	To be issued to nearest full case on basis of 400 pounds per member firing, but not to exceed 40,000 rounds per club.
Targets, gallery, 50 foot	5,000 per club.
Brush, artists, flat, bristle, ¾-inch	3 per club.
Brush, cleaning, cal. .22, M3	1 per 2 rifles.
Cleaner, rifle bore	1 qt. per club.
Oil, lubricating, preservative, spl	1 qt. per club.
Patches, cut, canton flannel	2,000 per club.

(4) *Issues to rifle clubs at schools.* Issues to rifle clubs at schools will be made only upon request of the principal or president of the school.

(5) *Issue of additional equipment.* When considered by the Director of Civilian Marksmanship to be essential, issue of additional equipment may be made to member schools and clubs, for use in tournaments conducted within the intent and scope of the regulations governing the promotion of small arms among civilian citizens. Additional issues also may be made of ammunition, target materials, and range supplies in types and quantities warranted by activities and approved by the Director of Civilian Marksmanship.

(c) *Requisitions.* • • •

(4) *Appropriation by Congress of necessary funds.* The issues • • •.

(d) *Bonds.* No issues of the above equipment will be made to any rifle club until an approved and accepted bond on form provided by the Director of Civilian Marksmanship has been filed, providing that the club will take good care of, safely keep, and account for the property and will, when required by the Secretary of War, duly return the property within 30 days in good order, to the Chief of Ordnance, or to such other officer or person as the Secretary of War may designate. Bond filed by a junior club will be in the penal sum of $500, and hereafter bond filed by a senior club will be in the penal sum of $1,000. The bond submitted as security for issues to an unincorporated rifle club will be executed by an individual as principal. The bond submitted as security for issues to a rifle club duly organized as a corporation under the laws of a State or Territory will be executed by the corporation as principal, the corporation's name thereto to be signed by its president, or other officer so authorized to act, attested by its secretary and the corporate seal duly affixed, pursuant to a resolution duly passed by the corporation's board of directors or other governing body. Whenever a rifle club is sponsored by a parent organization, e. g., an athletic club or fraternal organization, which sponsoring organization is incorporated, the sponsor may execute the bond under the same conditions as set forth above for an incorporated rifle club. If the school, club, or corporate principal has no seal, a statement to that effect must be made on the lower left corner of page 2 of the bond form. A copy of so much of the record of the proceedings of such board of directors or other governing body showing such resolution and its adoption, duly certified by the secretary, and a copy of the articles of incorporation of the club duly certified by the Secretary of the State of incorporation or other comparable officer having custody of the original of such instruments, will accompany such bond. The value of the bond not only will be large enough to cover the value of the initial issue but also such issues as may be made at a later date. Issue of ammunition, paper targets, and other expendable material listed in paragraph (b) (2) (ii) and (b) (3) (ii) of this section will be made without bond.

(e) *Property*—(1) *Transportation.* The transportation of rifles, spare parts, appendages, and other supplies from the Government arsenals to clubs and back to the Government arsenals will be without expense to the United States.

• • • • • •

(4) *Return.* Whenever any club fails to return • • •.

(f) *Annual reports.* Clubs will submit annually, as directed by the Director of Civilian Marksmanship, an inventory of U. S. property and a report of firing. These reports will be rendered by the officer accountable for property of each rifle club, on forms supplied by the Director of Civilian Marksmanship. Where issues are made to schools, the accountable officer will be the president or principal thereof.

(g) *Range facilities.* A description of range facilities will be submitted by each club and school when applying for enrollment and any change of such range facilities will be reported.

(h) *Failure to comply with regulations.* Failure on the part • • •.

3. In § 403.3 (d) add subparagraph (3) to read as follows:

§ 403.3 *Use of rifle ranges for rifle practice by civilians.* • • •

(d) *Issue and care of arms.* • • •

(3) For use of authorized civilian participants in major competitions approved by the army commander, suitable arms will be made available under conditions to be prescribed by the army commander.

[AR 850–100, April 23, 1947] (43 Stat. 510; 32 U. S. C. 181)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4819; Filed, May 22, 1947; 8:54 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 12—DELEGATIONS OF AUTHORITY

APPOINTING AUTHORITY

Section 12.1 *Appointing authority* (11 F. R. 177A-302, 303; 11 F. R. 11270) is rescinded and the following substituted therefor:

§ 12.1 *Appointing authority.* In accordance with the provisions of section 12 of Public Law 600, 79th Congress, Second Session, the Director of Person-

rel of the Department of Commerce is delegated all authority vested by law in the Secretary of Commerce to take final action on matters pertaining to the employment, compensation, and training of employees and the general direction of personnel administration activities in the Department of Commerce, including all primary organization units. In case of the absence of the Director of Personnel, the Acting Director may exercise this authority. Authority to make appointments of personnel in the field service, up to certain grade levels, has been delegated to the heads, executive officers, and personnel officers of primary organization units, to the Personnel Operations Officer and to certain officers in the field service. (Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-4817; Filed, May 22, 1947; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 155—SEA FOOD INSPECTION

INSPECTION OF CANNED OYSTERS

Under the authority of section 702A of the Federal Food, Drug, and Cosmetic Act, as amended (49 Stat. 871; 21 U. S. C., Sup. V, 372a) each of the sections hereinafter specified of the regulations for the inspection of canned oysters published in the FEDERAL REGISTER of January 4, 1944 (9 F. R. 56), and as amended in the FEDERAL REGISTER of February 2, 1944 (9 F. R. 1203), June 15, 1944 (9 F. R. 6584), October 21, 1944 (9 F. R. 12675), June 30, 1945 (10 F. R. 7971), October 13, 1945 (10 F. R. 12800), and October 23, 1946 (11 F. R. 12379), is hereby amended as indicated below:

1. In § 155.30 (a), "$400" is changed to "$600".

2. In § 155.31 (c), the second sentence is changed to read: "In case of such withdrawal, the Administrator shall return to such applicant the payment which accompanied the application, less any salary and other expense incurred by the Administration incident to such application."

3. In § 155.32 (a), "$300" is changed to "$500".

4. Section 155 42 (a) and (b) are hereby repealed and the following is substituted therefor:

§ 155.42 *Inspection fees.* (a) Except as otherwise provided by the regulations in this part, the fee prescribed for inspection service shall be fifteen (15) cents for each case of canned oysters packed under such service in excess of the first 1,000 cases of oysters, or shrimp and oysters where the packer is also receiving inspection service under the regulations for the inspection of canned shrimp (7 F. R. 4945, as amended). For the purpose of this section a case of canned oysters shall be 48 No. 1 cans (211 x 400) or the equivalent thereof. Advance deposits of not less than $300 shall be made whenever necessary to prevent arrears in the payment of fees, unless the Administration on an estimate of output authorizes payment in other amounts. Any excess advance deposits so made for the fiscal years shall be returned to the packer by the Administration after the inspection service is closed in the establishment.

(b) In addition to the fee prescribed by paragraph (a) of this section, as amended, an initial advance deposit of $600 (which includes a minimum case fee of $200 for inspection service for the first 1,000 cases of canned oysters packed under these regulations in this part) shall accompany each application for an initial inspection period; thereafter, three advance monthly deposits of $600 each shall be made on or before the first day of each following consecutive month: *Provided*, That a packer who is concurrently receiving inspection service under the regulations for the inspection of canned shrimp (7 F. R. 4945, as amended) shall not pay any advance deposits under this paragraph. Each application for an extension period shall be accompanied by a deposit of $500, and at subsequent monthly intervals thereafter additional deposits of $500 shall be made; but if the final deposit is to cover a time of less than 30 days, then such deposit shall be at the rate of $16.67 for each day of such time. Advance deposits made under this paragraph shall be charged with the cost of the inspection service which has not been provided for by fees under paragraph (a) of this section and the $200 minimum case fees referred to in this paragraph.

The deposits by each packer shall be so charged in the same ratio to the total deposits made under this paragraph and under § 155.12 (b) for the inspection of canned shrimp as the number of months of inspection service (including number of months, if any, for inspecting canned shrimp) rendered in such packer's establishment bears to the total number of months of inspection service for canned oysters and canned shrimp rendered in all establishments. The balance remaining after such charges have been made shall be returned by the Administration to the packers after the completion of the fiscal year. When inspection service is withdrawn from an establishment as authorized by § 155.43 (a), the Administration shall not return to the packer any of the advance deposits made for such establishments; such deposits shall be applied toward the total cost of the entire inspection service in the same manner as the deposits of all other packers subscribing to the service, as prescribed in this paragraph, and the balance which would have accrued to such packer shall be transferred into the Treasury as a miscellaneous receipt.

These amendments shall become effective on July 1, 1947.

Notice and public procedure are not necessary prerequisites to the promulgation of these regulations, and I so find, since the cost of providing, equipping, and maintaining an edequate and efficient inspection service is readily estimated upon the basis of anticipated applications for inspection service, and since public participation in the formulation of these regulations would be of no affirmative value to interested parties.

(Sec. 702A, 49 Stat. 871; 21 U. S. C., Sup. 372a)

Dated: May 20, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-4841; Filed, May 22, 1947; 8:46 a. m.]

PART 155—SEA FOOD INSPECTION

INSPECTION OF CANNED SHRIMP

Under the authority of section 702A of the Federal Food, Drug, and Cosmetic Act, as amended (49 Stat. 871; 21 U. S. C. Sup. V, 372a), each of the sections hereinafter specified of the regulations for the inspection of canned shrimp published in the FEDERAL REGISTER of July 2, 1942 (7 F. R. 4945), and as amended in the FEDERAL REGISTER of June 10, 1943 (8 F. R. 7751), June 15, 1944 (9 F. R. 6583), June 30, 1945 (10 F. R. 7971), October 13, 1945 (10 F. R. 12800), and June 1, 1946 (11 F. R. 5904), is hereby amended as indicated below:

1. In § 155.00 (a), "$450" is changed to "$600".

2. Section 155.01 (c) is changed to read: "The applicant, by giving written notice to the Administrator, may withdraw his application for inspection service before July 1 preceding the inspection period covered by the application. In case of such withdrawal, the Administrator shall return to such applicant the payment which accompanied the application, less any salary and other expense incurred by the Administration incident to such application."

3. In § 155.02 (a), "$300" is changed to "$500".

4. Section 155.12 (a) and (b) are hereby repealed and the following is substituted therefor:

§ 155.12 *Inspection fees.* (a) Except as otherwise provided by the regulations in this part, the fee prescribed for inspection service shall be fifteen (15) cents for each case of canned shrimp packed under such service in excess of the first 1,000 cases. For the purpose of this section a case of canned shrimp shall be 48 No. 1 cans (211 x 400) or the equivalent thereof. Advance deposits of not less than $300 shall be made whenever necessary to prevent arrears in the payment of fees, unless the Administration on an estimate of output authorizes payment in other amounts. Any excess advance deposits so made for the fiscal year shall be returned to the packer by the Administration after the inspection service is closed in the establishment.

(b) In addition to the fee prescribed by paragraph (a) of this section, as amended, an initial advance deposit of $600 (which includes a minimum case fee of $200 for inspection service for the first 1000 cases of canned shrimp packed under the regulations in this part) shall accompany each application for an initial inspection period; thereafter, seven advance monthly deposits of $600 each shall be made on or before the first day of each month commencing July 1 and continuing through January 1. Each application for an extension inspection period shall be accompanied by a deposit of $500, and at subsequent monthly intervals thereafter additional deposits of $500 shall be made; but if the final deposit is to cover a time of less than 30 days, then such deposit shall be at the rate of $16.67 for each day of such time. Advance deposits made under this paragraph shall be charged with the cost of the inspection service which has not been provided for by fees under paragraph (a) of this section and the $200 minimum case fees referred to in this paragraph. The deposits by each packer shall be so charged in the same ratio to the total deposits made under this paragraph and under § 155.42 (b) for the inspection of canned oysters as the number of months of inspection service (including number of months, if any, for inspecting canned oysters) rendered in such packer's establishment bears to the total number of months of inspection service for canned shrimp and canned oysters rendered in all establishments. The balance remaining after such charges have been made shall be returned by the Administration to the packers after the completion of the fiscal year. When inspection service is withdrawn from an establishment as authorized by § 155.13 (a), the Administration shall not return to the packer any of the advance deposits made for such establishments; such deposits shall be applied toward the total cost of the entire inspection service in the same manner as the deposits of all other packers subscribing to the service, as prescribed in this paragraph, and the balance which would have accrued to such packer shall be transferred into the Treasury as a miscellaneous receipt.

5. In § 155.12 (e), "128013" is changed to "758013".

These amendments shall become effective upon publication in the FEDERAL REGISTER but shall apply only to service to be rendered on or after July 1, 1947. An immediate effective date is necessary, and I so find, since these amendments affect applications for initial inspection periods which must be filed by interested packers on or before June 1, 1947.

Notice and public procedure are not necessary prerequisites to the promulgation of these regulations, and I so find, since the cost of providing, equipping, and maintaining an adequate and efficient inspection service is readily estimated upon the basis of anticipated applications for inspection service, and since public participation in the formulation of these regulations would be of no affirmative value to interested parties.

(Sec. 702A, 49 Stat. 871; 21 U. S. C., Sup. 372a)

Dated: May 20, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-4840; Filed, May 22, 1947; 8:46 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

FIELD ORGANIZATION

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A-886; 12 F. R. 42) is amended, effective April 23, 1947, by:

1. Deleting the address "541-45 Broadway" opposite "Indiana, Gary'" and substituting therefor the following address: "Post Office Building."

(Sec. 1. 48 Stat. 1246; 12 U. S. C. and Sup. 1702)

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner.

MAY 5, 1947.

[F. R. Doc. 47-4797; Filed, May 22, 1947; 8:46 a. m.]

PART 500—GENERAL

FIELD ORGANIZATION

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A-886) is amended, effective May 10, 1947, by:

1. Deleting the address "Columbia Bldg." opposite "Washington, Spokane" and substituting therefor the following address: "Radio Central Building".

(Sec. 1, 48 Stat. 1246; 12 U. S. C. and Sup., 1702)

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner.

MAY 14, 1947.

[F. R. Doc. 47-4796; Filed, May 22, 1947; 8:46 a. m.]

Chapter VIII—Office of Housing Expediter

[Priorities Reg. 33, Revocation of Directions 11 and 13]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

The following directions are revoked:

Direction 11 to Priorities Regulation 33, Veterans' Emergency Housing Program; FPHA Temporary Re-use Housing Projects.

Direction 13 to Priorities Regulation 33, Production and Sale of House Trailers Under the Veterans' Emergency Housing Program.

These revocations do not affect any liabilities incurred for violation of these Directions, or of any action taken by the Civilian Production Administration, Office of Temporary Controls or Office of the Housing Expediter under these Directions.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 22d day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4947; Filed, May 22, 1947; 10:54 a. m.]

[Suspension Order S-37]

PART 807—SUSPENSION ORDERS

JOHN A. PRING AND FLOYD L. KERSEY

John A. Pring, c/o Appleway Motors, East 8500 Sprague Avenue, Dishman, Washington, as owner, and Floyd L. Kersey, North 3420 Pine Road, Opportunity, Washington, as contractor, on or about the 18th day of February, 1947, began the construction of six aircraft hangars, 56' x 56' in size, with office space in one of the hangars, at Felts Field, Spokane, Washington, at an estimated cost of $19,500, although John A. Pring had been authorized by the Civilian Production Administration, under CPA Form 4423, Case No. (Field) 9-3-987-F, on February 11, 1947, to construct only three aircraft hangars at an estimated cost of $7,500. The beginning and carrying on of construction on the three unauthorized hangars was in violation of Veterans' Housing Program Order 1, and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.37 *Suspension Order No. S-37.* (a) Neither John A. Pring nor Floyd L. Kersey, their successors or assigns, nor any other person shall do any further construction upon the three hangars located at Felts Field, Spokane, Washington, which were not authorized, including the putting up, completing or altering of said hangars unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) John A. Pring and Floyd L. Kersey, shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter relating to the above premises.

(c) Nothing contained in this order shall be deemed to relieve John A. Pring or Floyd L. Kersey, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 21st day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4852; Filed, May 21, 1947; 2:44 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5563]

PART 316—MANUFACTURERS' EXCISE TAXES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 46 (1940 edition) (26 CFR, Part 316), relating to excise taxes on sales by the manufacturer under the Internal Revenue

Code, to the Excise Tax Act of 1947 (Public Law 17, 80th Congress, 1st Session), approved March 11, 1947, such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding § 316.180 (26 CFR 316.180), there is inserted the following:

SEC. 2. [EXCISE TAX ACT OF 1947.]
Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war."

PAR. 2. Section 316.181, as amended by Treasury Decision 5348 (26 CFR 316.181), is further amended to read as follows:

§ 316.181 *Rate of tax.* In the case of electric light bulbs and tubes sold on or after April 1, 1944, the tax is payable by the manufacturer at the rate of 20 percent of the sale price. In the case of electric light bulbs and tubes sold during the period October 1, 1941, through March 31, 1944, the tax was payable by the manufacturer at the rate of 5 percent of the sale price. The sale price shall be determined in accordance with the provisions of §§ 316.8 to 316.15, inclusive.

Because of the technical nature of the amendments made herein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(Secs. 3450 and 3791 of the Internal Revenue Code (53 Stat. 418, 467; 26 U. S. C. 3450, 3791))

[SEAL] WM. T. SHERWOOD,
Acting Commissioner of Internal Revenue.

Approved: May 16, 1947.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4795; Filed, May 22, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Adminnistration

[Reg. 1, Amdt. 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

War Assets Administration Regulation 1, March 25, 1947, as amended April 23, 1947, entitled "Designation of Disposal Agencies and Procedures for Reporting Surplus Property Located Within the Continental United States, Its Territories and Possessions" (12 F. R. 2249, 2773), is hereby further amended by changing § 8301.15 to read as follows:

§ 8301.15 *Withdrawals*—(a) *Personal property.* With the consent of the disposal agency, an owning agency may withdraw personal property, including aircraft, aircraft parts and components, and electronics, which it has declared surplus: *Provided, however*, That such withdrawals may be made only (1) on the forms prescribed by Order 3 [1] under this part; (2) by the technical service, bureau, or other constituent part of the owning agency which made the declaration, or its successor; and (3) except in those cases in which withdrawal is for the convenience of the disposal agency, upon the further condition that the withdrawing agency agrees to reimburse, credit or pay the disposal agency for (i) all outhandling costs and freight charges, and (ii) such costs of care and handling of the property (incurred after the filing of the declaration, and for which the War Assets Administrator is responsible for reimbursement to disposal or owning agencies) as the disposal agency may deem appropriate.

(b) *Real property.* A request by an owning agency for the withdrawal of a declaration of surplus real property shall be transmitted to the Administration by the filing of WAA Form 1005 (formerly Form SPB-5) containing complete justification for the requested withdrawal. The Administration, after consideration of the request and any additional evidence deemed appropriate, shall approve or disapprove the request and notify the owning agency accordingly. Except in those cases in which withdrawal is for the convenience of the Administration, approval of such a request shall be upon condition that the Administration be reimbursed by the owning agency for such charges paid or incurred incident to the care, handling, and disposition of the property as the Administration may deem proper.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 [2] (11 F. R. 1265))

This amendment shall become effective May 21, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MAY 21, 1947.

[F. R. Doc. 47-4954; Filed, May 22, 1947; 11:03 a. m.]

[Reg. 13, Order 1]

PART 8313—STANDARD GENERAL PURPOSE AND SPECIAL MACHINERY

COMMERCIALLY UNSALABLE SPECIAL MACHINERY TO BE DISPOSED OF AS SCRAP OR SALVAGE

War Assets Administration Regulation 13, Order 1, August 15, 1946 (11 F. R. 9080) is hereby revised and amended as herein set forth.

Section 8313.5 (b) of this part provides that the Administrator may, from time to time, determine certain types of classes of special machinery to be commercially unsalable, in which case owning and disposal agencies shall dispose of such special machinery in their possession as scrap or salvage. It has been determined that certain types of special machinery having been designed for, and principally used in, the production of war material are not readily adaptable to general purpose use and are commercially unsalable for the reason that the estimated cost of care, handling, and disposition will exceed the estimated proceeds unless such machines are promptly sold as scrap or salvage.

Pursuant to the foregoing, it is hereby ordered, that:

§ 8313.51 *Commercially unsalable special machinery to be disposed of as scrap or salvage.* (a) The Administrator having determined the special machines described herein to be commercially unsalable, owning agencies are authorized to dispose of such special machines in their possession as scrap or salvage, and disposal agencies shall, subject to the provisions of § 8313.5 (d) of this part, dispose of such special machines as scrap or salvage.

(b) Special machines so determined to be commercially unsalable and included in this order are described as follows:

Manufacturer and description

Avey Drilling Machine Co.: No. 4 drills.
Baird Machine Co.: 5-spindle continuously turning machines.
Baker Machine Co.: Single-end horizontal bomb manufacturing machines: No. 3½ and No. 24 floor type, horizontal bomb manufacturing machines. Two-way combination machines—bomb manufacturing machines.
E. W. Bliss Co.: No. 4, 6, 7 headers.
Black Rock Manufacturing Co.: 6" Cannelure slotting machines.
Cleveland Automatic Machine Co.: Special purpose Model B machines.
James Coulter Machine Co.: Model T-1, T-3, T-5 and T-6 cartridge machines.
Cross Gear Machine Co.: Nos. 6, 7, 8, 9 and 10 special shell-making milling machines.
Crown Machine & Tool Co.: 3"-6" shell lathes.
Charles F. Elmes Engineering Co.:
Special cartridge case presses.
Special nosing presses.
Engineering and Research Corp.:
75-ton stretching press.
150-ton stretching press.
300-ton stretching press.
Propeller profiling machines.
Fellows Gear Shaper Co.: Discing shapers.
Ferracute Machine Co.: Horizontal toggle and crank, 50-cal. ammunition press.
Greenlee Brothers Co.: Automatic, horizontal, vertical and angular, hydraulic feed, multiple operation, single purpose, special indexing machines.
Henry & Wright Co.: Primer inserting machines.
Hepburn-American Co.: Shell lathes, sizes A, B, B-heavy duty, and C.
Jones & Lamson Co.: Supercharger bucket grinders.
Landis Machine Co.: "Landmaco" shell tappers—models 1½R, 1½RR, and 1½HO.
Lehmann Machine Co.: All 24" special shell making hydrotel lathes.
Lipe Rollway Corp.: Shell lathes, models B120, B140 and B100.
New Britain Machine Co.: Model 49 chucking machines.
Seneca Falls Machine Co.: Lo-swing lathes, Model LS and special models U and LS.
Sparks Simplex Engineering Co.: Hydromatic simplex lathe for 75-155 mm. shells.
Sunstrand Machine Tool Co.:
Angular sliding head mills.
Duplex spot face mills.
Impeller mills.
Muff mills.
Planetary mills.
Sliding head mills.
Special end mills.
Special single purpose aircraft engine production milling machines:
Mill type planers.
Slotting machines.
Table type milling machines.
Vertical milling machines.
Swivel rotary mills.
Van Norman Machine Tool Co.: No. 100 contour milling machines.

(Surplus Property Act of 1944, as amended; 58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611; Pub. Law 181, 79th Cong.; 59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b; and E. O. 9689, 11 F. R. 1265)

This section shall become effective May 19, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MAY 19, 1947.

[F. R. Doc. 47-4955; Filed, May 22, 1947; 11:03 a. m.]

[1] Order 3 to Reg. 1 (11 F. R. 6774, 9572, 14490).

[2] 12 F. R. 663.

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

PART 27—PROCEDURES OF THE NAVAL ESTABLISHMENT

BOARD FOR THE CORRECTION OF NAVAL RECORDS

1. The following addition to the regulations relating to the organization and functions of the Naval Establishment (11 F. R. 177A-159) is authorized:

§ 26.4 *Executive office of the Secretary.* • • •

(c) *Boards, offices, committees and divisions under the direct supervision of the Under Secretary.* • • •

(13) *Board for the Correction of Naval Records.* The Secretary of the Navy was authorized by section 207 of the Legislative Reorganization Act of 1946 (Public Law 601, 79th Congress), to establish a board of civilian officers or employees of the Navy Department to correct any naval record where in their judgment such action is necessary to correct an error or remove an injustice. The Board for the Correction of Naval Records was established by a precept of the Secretary of the Navy dated February 24, 1947. The administrative regulations and procedures prescribed to carry out the duties authorized by this act are set forth under § 27.18 of this chapter.

2. The following administrative regulations and procedures governing the Board for the Correction of Naval Records established to review naval records pursuant to the provisions of section 207 of the Legislative Reorganization Act of 1946 (Public Law 601, 79th Cong.) are prescribed.

§ 27.18 *Board for the correction of naval records*—(a) *General provisions*—(1) *Jurisdiction.* (i) The Board for the Correction of Naval Records, hereinafter referred to as the Board, has been established within the Navy Department to review, upon its own motion, or upon request by or on behalf of any officer, nurse, or enlisted man or woman, or former officer, nurse, enlisted man or woman of the naval service, or, if deceased, by the surviving spouse, next of kin or legal representative concerned, or if incompetent, by the guardian, petitions for the correction of the naval record of the individual where an error exists or an injustice is claimed. The Board shall not review any case which would bring the Board into conflict with the powers and authority of any statutory board, or with the jurisdiction of any other board which has been empowered by the Secretary of the Navy to take final action in any class of cases. Thus, the jurisdiction will not include review of reports or decisions of Selection Boards, Board of Review of Discharges and Dismissals (except for discharges or dismissals by reason of the sentence of a general court martial), Retiring Boards, Medical Survey Boards, or Boards of Decorations and Medals.

(ii) The scope of the review shall be to determine whether an error has been made in a naval record, or whether, under normal standards of naval law, administration and practice, the petitioner has suffered a wrong as the result of an error of omission or commission in his record, or through some manifest injustice in the treatment accorded him, and if so, to correct the record and remove the injustice, subject to the approval of the Secretary of the Navy.

(iii) It shall be adequate ground for denial of any application that effective relief cannot be granted or that a sufficient basis for review has not been established.

(iv) The Board has no authority to recall any person to active duty or to set aside the findings of a general court martial.

(b) *Procedure*—(1) *Request for review.* (i) The petitioner should submit a written request for a review to the Board, accompanied by such evidence, statements and affidavits as may be necessary to establish his case.

(ii) The request should state in brief: (*a*) The full name, rank or rating and the service or file number of the individual; (*b*) the place to which any notices in connection with the review should be sent; (*c*) the basis of the claim for review; (*d*) what action is desired of the Board; and (*e*) whether the petitioner desires the review on the basis of the petition and accompanying papers, or whether he desires to appear in person before the Board and/or be represented by counsel. (If counsel is desired, the petitioner should designate such counsel by name.)

(iii) When the petition is presented by a surviving spouse or next of kin, satisfactory evidence of the required relationship must be submitted.

(iv) An application for the correction of a naval record may be refused by the Board on the ground that there has been undue delay in filing the application.

(2) *Review on own motion.* (i) The Board shall not conduct a review on its own motion without first transmitting a written notice to the person concerned or, if such person is deceased, to his surviving spouse, next of kin, legal representative or, if such person is incompetent, his guardian, by registered mail to the last known address, return receipt requested.

(ii) Such notice shall state that a review is to be held by the Board, and shall advise the addressee that he may present evidence to the Board in the manner herein prescribed.

(3) *Methods of presenting case.* (i) The petitioner shall present his case (*a*) by letter with accompanying evidence and necessary affidavits, or (*b*) if a hearing is granted by the Board, by presenting evidence before the Board, either in person or by counsel.

(ii) Upon application in person at the office of the Board, the Board may furnish to a petitioner or his counsel such information from the official records pertaining to his petition as may be necessary in order to permit of a fair and impartial review. However, classified matter of the Navy Department will not be disclosed or made available to the applicant or his counsel. When it is necessary in the interests of justice to acquaint the applicant with the substance of such matter, the Board will obtain and make available to the petitioner or his counsel such summary of the classified matter as, in the judgment of the Board, may be relevant to the case and not incompatible with the public interest.

(4) *Counsel.* The term "counsel" as used in this section shall include members of the Federal bar in good standing, the bar of any state in good standing, and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review.

(5) *Witnesses.* (i) The Board shall require that all testimony be given under oath or by affirmation.

(ii) Witnesses shall be subject to examination and/or cross-examination as appropriate, by the members of the Board, the petitioner, his counsel, or by the Government representative.

(iii) The testimony of witnesses may be presented either in person or by affidavits.

(6) *Expenses.* No expenses of any nature whatsoever incurred by the petitioner, his counsel, his witnesses, or by any other person on his behalf, shall be paid by the Government.

(7) *Notice of hearing.* If a hearing is granted, the Board shall give a petitioner at least thirty days written notice of the time and the place of the hearing. Such time shall be computed from the time of mailing of the notice. The petitioner may waive such time limit and an earlier hearing date may be set by the recorder.

(8) *Continuances.* A continuance may be granted by the Board on its own motion, or at the request of the petitioner or Government representative, when such continuance appears necessary in order to insure a full and fair hearing.

(9) *Failure of petitioner to appear.* A petitioner who requests a hearing and who, after being duly notified of the

time and place of hearing, fails to appear at the appointed time, either in person or by counsel, thereby waives his right to be present and cannot thereafter take exception to the findings or conclusions arrived at in his absence.

(10) *Evidence.* (i) The Board, in its review, shall consider as evidence all available pertinent records of the Navy or Marine Corps, and such evidence as may be submitted by the petitioner and/or his counsel.

(ii) Whenever, during a review, it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed in the records and in the testimony and other evidence before the Board, the Board may obtain such further evidence as it may consider essential to a fair and impartial understanding of the facts.

(iii) The Board shall not be restricted by legal rules of evidence.

(11) *Withdrawal.* The Board may, at its discretion and for good cause shown, permit the petitioner to withdraw his request for review without prejudice at any time before the Board begins its deliberations in closed session.

(c) *Action by the Board*—(1) *Deliberations.* (i) After a full and fair examination of the evidence, the Board shall deliberate in closed session, and shall be governed in its action by the vote of a majority of the Board.

(ii) No persons other than members of the Board shall be present at or participate in its deliberations, except that the recorder may be present.

(iii) The findings, conclusions, decisions and orders shall be signed by the chairman and the recorder.

(iv) In its deliberations the Board shall be guided by the following principles:

(*a*) Relevant and material allegations appearing in a specification found proved by a general court martial and the findings of fact of a court of inquiry, board of investigation, or investigation, where petitioner was in the status of a defendant or interested party, as approved by the reviewing authorities, shall be presumed by the Board as established facts. This shall not preclude consideration by the Board of evidence appearing in the record of proceedings of such a court martial or investigative body in determining what correction, if any, should be made in respect to the sentence awarded.

(*b*) Relevant and material allegations appearing in a specification to which the petitioner pleaded guilty in a general court martial, or upon being confronted by which the petitioner elected to resign for the good of the service or to accept a discharge, to escape trial by a general court martial, shall be presumed by the Board as established facts unless the petitioner shall show to the Board's satisfaction, or it shall otherwise appear, that arbitrary or coercive action was taken against him at that time, which was not apparent to the reviewing authority from the face of the record.

(*c*) The evidence to be considered will be restricted to that covering relevant and material facts concerning the petitioner's naval service, or his character, conduct, physical condition, or other material matter at the time of his entry into the naval service, during such service, or at the time of separation therefrom.

(*d*) In order to warrant a change, correction or modification of an original record, it is incumbent on the petitioner to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the entry or omission in the record was improper or inequitable under standards of naval law, administration, and practice existing at the time, or under such standards differing therefrom in the petitioner's favor which subsequent to his separation were made retroactive. The standards of naval law, administration and practice contemplated in this section are those standards stated in statutes, regulations, bureau manuals, directives of the Navy Department and other appropriate authority, together with interpretations thereof by the courts, the Attorney General, the Comptroller General and of the Judge Advocate General of the Navy.

(2) *Findings of facts.* The Board shall make findings of facts in each case which shall include the following:

(i) Type and nature of error of record and/or injustice found.

(ii) Authority under which such error of record or injustice occurred.

(iii) Circumstances surrounding the error of record or injustice as found by the Board to be established from all the evidence considered. This includes material and relevant facts showing in what specific particulars the original error or injustice was or was not proper or equitable under standards of naval law, administration and practice applicable to the case as defined in subparagraph (1) (iv) (*d*) of this paragraph.

(iv) Conduct and character of petitioner during the entire period of his naval service.

(v) Such other facts as may be disclosed which the Board deems necessary and pertinent to the issue in the particular case under consideration.

(3) *Conclusion.* The Board on the basis of its findings, shall prepare conclusions which shall state (i) whether or not any change, correction, or modification should be made in the record, (ii) where pertinent, the particular change, correction or modification that should be made, and (iii) the reasons why a change, correction or modification should or should not be made. This should not include comments on the actions of others in the naval service. Where such comment is warranted, it should be made the subject of an official communication entirely independent of the petitioner's case.

(4) *Decision.* The Board shall next record its decision. The nature of any change, correction or modification to the record shall be specified with particularity, and such other action shall be taken within the Board's authority as may be deemed necessary to correct insofar as practicable the injustice established.

(5) *Orders.* Written orders based on the decision shall be prepared for transmittal to the proper naval authority.

(6) *Record of proceedings.* (i) When the Board has concluded its proceedings, the recorder shall prepare a complete original record thereof. Such record shall include the petition; a summary of the hearing, if any; affidavits and a list of the papers and documents considered by the Board; and the findings, conclusions, decisions, and orders of the Board. The record will be authenticated by the recorder as being true and complete.

(ii) The record of proceedings of the Board and the action transmitting the record to the Secretary of the Navy for action shall not contain recommendations of any character which relate to matters beyond the scope of the Board's authority. To the extent that such recommendations are warranted, they should be made a matter for separate communication with the departmental agency having cognizance of the subject matter but should not be associated with the records of the petitioner before the Board.

(d) *Action by the Secretary of the Navy*—(1) *Transmittal of record.* The original record of the proceedings in each case shall be transmitted forthwith by the chairman of the Board to the Secretary of the Navy for final action.

(2) *Action by the Secretary of the Navy.* (i) The Secretary of the Navy will direct such action in each case as he determines to be appropriate, including the return of the record to the Board for further consideration when deemed necessary.

(ii) The procedure of the Board on such further consideration will conform as nearly as practicable to that heretofore prescribed, except that the scope of the action of the Board will be limited to the matters specified by the Secretary of the Navy in the directive ordering such reconsideration.

(iii) The Secretary of the Navy, after his final action, will return all records to the Board. The Board will notify the petitioner of the action taken in his case, then return all records to the proper naval authority, for the following administrative acts:

(*a*) Carry out the orders of the Board in respect to the petition in question.

(*b*) Place copies of the Board's orders and of the record of proceedings in the service record of the petitioner. A reference shall be made in the copy of the Board's report of all enclosures or exhibits which are to be filed elsewhere.

(e) *The Board*—(1) *Members.* The Board shall consist of civilian officers or employees of the Navy Department in such number, not less than three, as may be assigned. A majority shall constitute a quorum. In event of the absence or incapacity of the chairman, a vice chairman chosen by the Board shall serve as chairman for all purposes.

(2) *Time and place of meeting.* The Board shall be convened at the call of the chairman and shall recess and adjourn at his order. The Board shall sit at a time and place to be fixed by the chairman.

(3) *Duties*—(i) *The Board.* (*a*) The Board shall review, on its own motion or upon the request of an officer, nurse, or enlisted man or woman, or former officer, nurse enlisted man or woman of the naval service, or, if deceased, by the surviving spouse, next of kin, legal representative or if incompetent, by the guardian, the records in question.

(*b*) In the event a hearing is granted and the petitioner does not appear in person or by counsel, the Board shall review the case on the basis of documentary or oral evidence presented by or on behalf of the petitioner and by the Government representative.

(*c*) In the event a hearing is granted and the petitioner appears in person or by counsel, the Board shall assemble to hear evidence offered by or on behalf of the petitioner and by the Government representative. After the conclusion of such hearings, the Board shall, as soon as practicable, arrive at their findings, conclusions and decisions. Based thereon, the Board shall prepare such orders as may be indicated.

(ii) *Recorder.* The Recorder is not a member of the Board. He shall: (*a*) Carefully summarize the testimony presented at hearings; (*b*) prepare the findings, conclusions, decisions and orders of the Board; (*c*) perform such other duties as may be assigned to him by the chairman.

(f) *Representatives*—(1) *Government representative.* Upon the written request of the Board, the Judge Advocate General shall designate a Government representative. When a Government representative appears and acts as such before the Board, he may:

(i) Submit to the recorder of the Board a written brief, when considered warranted, analyzing the evidence presented.

(ii) In cases where the petitioner is present in person or by counsel, submit pertinent evidence in the Government's behalf in proper documentary form, or through witnesses.

(iii) In all cases, when he has knowledge of evidence which would substantiate the petitioner's claim he shall disclose such evidence to the Board.

(2) *Petitioner's representative.* In those instances where the petitioner presents his case by letter and affidavits, the recorder shall act as the petitioner's representative. The petitioner's representative shall:

(i) Submit pertinent evidence in the petitioner's behalf in proper documentary form, or orally.

(ii) Submit a written brief, when considered warranted, analyzing the evidence presented.

(g) *Correspondence.* A request for the correction of an error of record or the removal of an injustice should be addressed to the Secretary of the Navy, (Board for the Correction of Naval Records), Navy Department, Washington, D. C.

(Sec. 207, Pub. Law 601, 79th Cong.)

[SEAL] JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-4798; Filed, May 22, 1947; 8:46 a. m.]

PART 27—PROCEDURES OF THE NAVAL ESTABLISHMENT

WAR CONTRACTS RELIEF BOARD

The following rules and regulations governing the proceedings before the War Contracts Relief Board which relate to the settlement and adjustment of claims submitted by war contractors under the provisions of the act of August 7, 1946 (60 Stat. 902) and Executive Order No. 9786 dated October 5, 1946 (11 F. R. 11553) are prescribed.

§ 27.19 *War Contracts Relief Board*—(a) *General matters.* (1) Each member of the Board and the recorder thereof is authorized to communicate directly with any person whomsoever in regard to any matter which relates to the business of the Board.

(2) Claims and other papers to be submitted to the Board should, wherever practicable, be clearly typewritten upon paper of standard letter size upon one side only.

(3) Claims and other data filed by the claimant, shall be filed in quadruplicate.

(4) The rules relating to the proceedings before the Board and all final opinions and orders in the adjudication of claims shall be available for public inspection at the offices of the Board in the Navy Department, Washington, D. C. Requests for information in connection with proceedings before the Board should be addressed to the War Contracts Relief Board, Navy Department, Washington, D. C.

(5) Meetings of the Board may be held from time to time on the order of the Chairman thereof, and shall be called at the convenience of the members whenever matters requiring the action of the Board are brought to the attention of the Chairman. Meetings in session may be recessed or adjourned from time to time as the Chairman may direct.

(b) *Proceedings preliminary to hearing.* (1) Claims filed with the Navy Department shall be filed with the Bureau or activity under whose contracts and subcontracts the loss is claimed. When the claim is made with respect to contracts and subcontracts of more than one Bureau or activity, the claim shall be filed with the Bureau or activity under whose contracts and subcontracts the largest claim for loss is made.

(2) Claims shall be in writing and shall be in the form prescribed by section 202 of Executive Order No. 9786 of October 5, 1946.

(3) Upon request by the Board or the recorder thereof, the claimant shall furnish promptly additional copies of its claim or any additional evidence which may be requested and which is within the possession of or available to the claimant, bearing upon the claim or any of the matters referred to in section 2 (a) of the act of August 7, 1946 (60 Stat. 902). Such additional evidence shall be verified by the claimant in accordance with subparagraph (n) of section 202 of the Executive order.

(4) When a claim in any form has been filed with any Bureau or activity of the Navy Department under whose contracts or subcontracts the loss or any part thereof is claimed, the Bureau or activity with which the claim was filed shall immediately forward the claim to the Board, together with a certification of the contracting officer as to the date on which such claim was received. Claims referred to such Bureau or activities in connection with the consideration of claims filed with other war agencies shall also be referred to the Board upon receipt thereof.

(5) When a claim is forwarded to the Board which was filed for consideration, adjustment or settlement by the Navy Department, or filed with another war agency involving a claimed loss under a war contract or subcontract with the Navy Department, the Board will, before receiving such claim, cause the same to be examined for the purpose of ascertaining:

(i) Whether or not the claim was filed in accordance with the act and the Executive order on or before February 7, 1947, and

(ii) Whether or not the claimant is entitled to relief under the provisions of the act and the Executive order by reason of losses with respect to which a written request for relief was filed with the Navy Department on or before August 14, 1945.

Should it appear from the preliminary examination that the Board does not have jurisdiction to receive, consider, settle or adjust the claim or to approve that part of any proposed settlement by another agency considering the claim, which relates to contracts or subcontracts of the Navy Department, the Board may reject the claim or in its discretion give the claimant an opportunity to be heard as provided for in paragraph (c) (1) of this section before making a determination as to rejection.

(6) (i) When the Board has received a claim for consideration, settlement or adjustment or for approval of that part of any proposed settlement by another agency which relates to contracts or subcontracts of the Navy Department and which is not rejected by the Board for want of jurisdiction, such claim shall be referred to the recorder of the Board who, with the assistance of the Board's staff of analysts and of the contract officer of the Bureau or other activity of the Navy Department involved, shall examine, review and verify the claim. Where such examination, review and verification requires an audit of the claim, the recorder shall request the assistance of the Navy Cost Inspection Service. Where the claim involves losses related to contracts or subcontracts of Bureaus or activities of the Navy Department other than the Bureau with which the original claim was filed or of other war agencies, the recorder shall also request such Bureau, activities or other war agencies to examine, verify, review and comment thereon.

(ii) In connection with the examination, review and verification of a claim to be considered, settled and adjusted by the Navy Department, the recorder shall also transmit a copy of the claim to the General Accounting Office for verification of the list of contracts and subcontracts set forth therein as required by section 201 of the Executive order:

(7) After the recorder shall have completed the analysis of the claim and obtained the necessary reviews, verifications and comments thereon and the consent of other war agencies involved, the claim shall be submitted to the

Board for consideration, together with the analysis and recommendations of the recorder in writing as to the amount or amounts thereof appearing to be allowable or not allowable, and the reasons therefor. After the Board has considered the claim or the question of the approval of that part of any proposed settlement by any other war agency involving Navy Department contracts or subcontracts, the Board in its discretion may make a preliminary or final determination as to the amount due or as to such approval. The preliminary or final determination of the Board shall be in writing and shall state the reasons therefor and notice thereof shall be given by transmittal of copies thereof to the claimant and other interested agencies.

(c) *Hearings.* (1) If, as provided by paragraph (b) (5) of this section, the Board, before rejecting a claim on jurisdictional grounds, determines in its discretion to grant the claimant an opportunity to appear before the Board, the Board will notify the claimant thereof. The claimant thereafter shall have fifteen days in which to indicate whether he wishes to appear or be represented at a hearing before the Board and any preference he may have for the date of such hearing. If the claimant states that he wishes to appear or be represented at a hearing, a date for such hearing will be assigned, of which at least fifteen days notice shall be given by the recorder of the Board, to the claimant and other contracting Bureaus or activities and agencies involved. If the claimant states that he does not wish to appear or be represented at a hearing, or if he does not reply within fifteen days from the date of the notice first mentioned in this subparagraph, the case will be considered and decided by the Board thereafter at its convenience. The contracting officer of any of the war agencies involved or any person representing him, may appear at any hearing held pursuant to the request of the claimant.

(2) Upon receipt of notice of a preliminary determination as provided for by paragraph (b) (7) of this section, the claimant shall have fifteen days from the date thereof to indicate whether he wishes to appear or be represented at a hearing before the Board and any preference he may have for the date of such hearing. If the claimant states that he wishes to appear or be represented at a hearing, a date for such hearing will be assigned, of which at least fifteen days notice shall be given by the recorder of the Board, to the claimant and other contracting Bureaus and agencies involved. If the claimant states that he does not wish to appear or be represented at a hearing, or if he does not reply within fifteen days from the date of the notice first mentioned in subparagraph (1) of this paragraph, the case will thereafter be considered and finally decided by the Board at its convenience. The contracting officer of any of the war agencies involved or any person representing him, may appear at any hearing held pursuant to the request of the claimant.

(3) The unexcused absence of a party or his counsel at the time and place set for a hearing will not be the occasion for delay, but the hearing will proceed and the case will be regarded as submitted on the part of the absent party or parties.

(4) The parties may file briefs in lieu of personal appearances or in connection therewith. All briefs must be filed at least fifteen days prior to the hearing unless otherwise ordered by the Board.

(5) Hearings will be held at the office of the Board in Washington, D. C. unless otherwise ordered by the Board. Hearings will not ordinarily be held elsewhere, but the Board will consider any such request made by a claimant and received at the office of the Board before notice of a hearing is sent; but the Board may without such a request order a hearing to be held at another place.

(6) A quorum of the Board shall be a majority of the Board. The Board may in any case, with the consent of the claimant, designate one of its members or any other qualified person as an examiner to receive evidence and arguments presented by or on behalf of the claimant, or contracting officer, or both; but in such case the Board shall act on the claim only after the examiner's report and a stenographic transcript of the proceedings before the examiner have been considered by a quorum of the Board.

(7) Hearings before the Board, or an examiner, will be informal, with no fixed form of procedure, the manner in which facts are ascertained and conclusions reached by the Board being, except as otherwise prescribed by these rules, a matter for its discretion. Ordinarily, the contractor and contracting officer or their representatives may offer at a hearing such matter by way of evidence or argument as they see fit; but the extent of such evidence or argument, and the manner of its presentation, may be limited or otherwise controlled by the Board, or the examiner, as the case may be.

(8) The Board may but shall not be required to have all or any part of the proceedings before it taken down stenographically, and to the extent that any proceeding before the Board is taken down stenographically the claimant shall be entitled to a transcript thereof upon request.

(9) No oaths shall be required of persons who present matter orally or in writing to the Board, but the Board, or an examiner may, if it seems expedient, warn persons who make statements in writing or as part of a hearing that such statements may be subject to the provisions of section 35 (a) of the Criminal Code (18 U. S. C. 80), section 19 of the Contract Settlement Act of 1944 (41 U. S. C. 119), and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or within the jurisdiction of any department or agency thereof.

(d) *Representation.* A claimant may be represented by any duly authorized person.

(e) *Decisions.* (1) No decision of the Board shall be conclusive or binding unless concurred in by a majority of the members of the Board.

(2) When the Board approves the settlement of a claim in whole or in part or denies a claim, the recorder will notify the claimant and the interested governmental agency or agencies immediately. When the claim has been settled by agreement or by allowance in full, the recorder will cause to be prepared, the necessary settlement agreement for execution by the parties involved. Prior to submission of the settlement agreement to the claimant for execution the recorder will forward the same to the Office of the Fiscal Director, which will attach a cover sheet indicating the appropriation or appropriations chargeable and the expenditure account or expenditure accounts involved and return the settlement agreement to the Board. The recorder will then forward the settlement agreement to the claimant for execution, and request the claimant to return the same, together with claimant's invoice in triplicate, showing the agreed amount, with the usual Form 1034 certificate endorsed thereon. Upon receipt of the settlement agreement executed by the claimant, together with the invoice, the Chairman of the Board will execute the same, certify the invoice and forward the settlement agreement together with the invoice to the Chief of the Bureau of Supplies and Accounts, Disbursing Division, which will make arrangements for payment after clearing with the General Accounting Office as required by section 301 of the Executive order.

(3) Where the claimant has not requested a hearing under this section and has not indicated agreement with a preliminary determination of the Board, or where after a hearing the claimant has not agreed to the amount found to be due by the Board and the Board and the claimant have not otherwise come into agreement, the Board shall cause to be delivered to the claimant a written statement as to the amount, if any, found to be due on the claim. On the basis thereof the recorder shall ascertain whether or not the claimant will consent to a settlement of the claim on the basis of the amount so found to be due, and if claimant consents shall proceed as outlined in subparagraph (2) of this paragraph. However, no payments shall be made of any amounts so found to be due until the claimant shall have delivered to the Board an unconditional release of all claims whatsoever against the Government or any department or agency thereof as to all contracts and subcontracts involved in consideration of the claim.

(f) *Computation of time.* (1) Whenever this section or any order of the Board prescribe a time within which any act must be performed, Sundays and legal holidays in the District of Columbia shall count the same as other days, except that when the time prescribed for the performance of an act expires on a Sunday or legal holiday in the District of Columbia, such time shall extend to and include the next succeeding day that is not a Sunday or a legal holiday: *Provided*, That when the time for performing any act is prescribed by statute nothing in this section shall be deemed to be a limitation or extension of the statutory time period.

(2) The Board may extend or waive any period of time or other limitation upon its action, except as prevented by law, a contract provision, a directive or other regulation.

(Pub. Law 657, 79th Cong., 60 Stat. 902; E. O. 9786, Oct. 5, 1946, 11 F. R. 11553)

These rules shall become effective as of April 18, 1947.

[SEAL] W. JOHN KENNEY,
Acting Secretary of the Navy.

[F. R. Doc. 47-4799; Filed, May 22, 1947; 8:46 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

KISATCHIE NATIONAL FOREST; TRANSFER OF LAND

CROSS REFERENCE: For transfer of lands from Federal Farm Mortgage Corporation to Forest Service see Surplus Property Transfer Order No. 4 under Federal Farm Mortgage Corporation in Notices section, *infra*.

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8840]

GEBRUEDER MONHEIM AN OFFENER HANDELS GESELLSCHAFT

In re: Interest in contract owned by and debt owing to Gebrueder Monheim An Offener Handels Gesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gebrueder Monheim An Offener Handels Gesellschaft, the last known address of which is Berlin, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of any name or nature whatsoever of Gebrueder Monheim An Offender Handels Gesellschaft in and to any and all obligations, contingent or otherwise and whether or not matured, arising under that certain agreement, dated March 3, 1937, (including all modifications thereof and supplements thereto, if any) by and between A. J. Caley & Son, Ltd. and New England Confectionery Company, and that certain agreement, dated November 3, 1938, (including all modifications thereof and supplements thereto, if any) by and between A. J. Caley and Son, Limited, Gebrueder Monheim An Offener Handels Gesellschaft and New England Confectionery Company, which agreements relate, among other things, to the payment of royalties derived from the sale of candy manufactured on the "Praletta" machine, including particularly that certain debt or other obligation owing to Gebrueder Monheim An Offener Handels Gesellschaft, by New England Confectionery Company, 254 Massachusetts Avenue, Cambridge 39, Massachusetts, in the amount of $53,585.91, as of February 28, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4831; Filed, May 22, 1947; 8:56 a. m.]

[Vesting Order 8925]

OTTO GROSS

In re: Real property, property insurance policies and claim owned by Otto Gross.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Gross, whose last known address is Frankfurterstr. 26, Wetzlar, Greater Hesse, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City of Pittsburgh, County of Allegheny and State of Pennsylvania, and in the City of DeLand, County of Volusia and State of Florida, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All right, title and interest of Otto Gross, in and to the following insurance policies:

Fire Insurance Policy No. 651096, issued by National Union Fire Insurance Company, 139 University Place, Pittsburgh, Pennsylvania, in the amount of $4,000.00, which policy insures the property, situated at 5910 Harvard Street, Pittsburgh, Pennsylvania, and expires November 12, 1949.

Fire Insurance Policy No. 650940, issued by National Union Fire Insurance Company, 139 University Place, Pittsburgh, Pennsylvania, in the amount of $4,000.00, which policy insures the property, situated at 5904 Harvard Street, Pittsburgh, Pennsylvania, and expires October 13, 1948,

Fire Insurance Policy No. 2136, issued by Citizens Insurance Company of New Jersey, 117 Main Street, Flemington, New Jersey, in the amount of $2,000.00, which policy insures the property, situated at 646 East New York Avenue, DeLand, Florida, and expires January 30, 1949, and

Public Liability Policy, issued by United States Guarantee Company, 90 John Street, New York, New York, in the amount of $25,000/50,000, in the name of Fidelity Trust Company, which policy insures the property, situated at 646 East New York Avenue, DeLand, Florida, and expires November 20, 1947, and

c. That certain debt or other obligation owing to Otto Gross by Huss Brothers, 5972 Baum Boulevard, Pittsburgh 6, Pennsylvania, including but not limited to rents collected from the real property described in subparagraph 2–a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Parcel 1. All that certain lot or piece of land situate in the Eleventh Ward of the City of Pittsburgh, County of Allegheny and State of Pennsylvania.

Beginning at a point on the Southerly side of Harvard Street One hundred twenty (120) feet eastwardly from the southeasterly corner of Harvard Street and Beatty Street, or at easterly line of property now or formerly of Letzkus, and thence extending in an easterly direction along Harvard Street Twenty-four (24) feet to Westerly line of property now or formerly of Pillow; thence extending in a southerly direction eighty-seven and eleven hundredths (87.11) feet more or less to the northerly line of property of W. Ryan, preserving the same width of twenty-four (24) feet throughout.

Having erected thereon a frame dwelling known as 5910 Harvard Street.

Parcel 2. All that certain lot or piece of ground situate in the Eleventh (11th) Ward, formerly Nineteenth (19th) Ward of the City of Pittsburgh, County of Allegheny and State of Pennsylvania, bounded and described as follows, to-wit:

Beginning at a point on the southerly side of Harvard Street at the easterly line of lot numbered Eleven (11) in the Plan hereinafter mentioned at a distance of forty-eight (48) feet from Beatty Street, thence southwardly along the line common to lots numbered ten (10) and eleven (11) in said plan and parallel with Beatty Street a distance of eighty-four (84) feet to the center of an outside water closet; thence eastwardly and parallel with Broad Street a distance of twenty-four (24) feet to a point in the line of lots numbered Nine (9) and Ten (10) in said plan; thence along the line of lot numbered Nine (9) and parallel with Beatty Street eighty-four (84) feet to Harvard Street; and thence along said Harvard Street westwardly twenty-four (24) feet to the easterly line of lot numbered Eleven (11), at the place of beginning.

Together with the right of drainage through a sewer running from the rear end of said lot to Broad Street.

Being part of lot numbered Ten (10) in the Dollar Savings Bank Plan of Lots recorded in the Recorder's Office of Allegheny County in Plan Book Volume 67, page 279.

Having thereon erected a two-story frame building known as 5904 Harvard Street.

Parcel 3. Lot three (3) of McBride redivision of a part of E. S. Richardson's subdivision of N½ of NE¼ of NE¼, Section 16, Township 17, South Range 30 East in the city of DeLand, as per map of said subdivision in map book 4, page 58, public records of Volusia County, Florida.

[F. R. Doc. 47-4823; Filed, May 22, 1947; 8:56 a. m.]

[Vesting Order 8934]

WILLIAM KALLENBERGER

In re: Estate of William Kallenberger, deceased. File D-28 11612.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John L. Buehler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of William Kallenberger, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by John L. Clancey, as administrator, acting under the judicial supervision of the Orphans' Court of Delaware County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4824; Filed, May 22, 1947; 8:56 a. m.]

[Vesting Order 8951]

KASPAR ATTENBERGER

In re: Bank account owned by Kaspar Attenberger. F-28-24580-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kaspar Attenberger, whose last known address is Erding, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Kaspar Attenberger, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a compound interest account, account number 17-9180, entitled Kaspar Attenberger, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4825; Filed, May 22, 1947; 8:56 a. m.]

[Vesting Order 8953]

SIEGFRIED FALK

In re: Bank account owned by Siegfried Falk. F-28-25480-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Siegfried Falk, the last known address of which is Dusseldorf, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Siegfried Falk, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed deposit account, entitled Siegfried Falk, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4826; Filed, May 22, 1947; 8:56 a. m.]

[Vesting Order 8954]

ADOLPH GANSHIRT

In re: Debt owing to Adolph Ganshirt. F-28-9081—E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Ganshirt, whose last known address is Eichstetan, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Adolph Ganshirt by Henry J. Geisert, Trustee, 307 West 4th Street, Ogallala, Nebraska, in the amount of $1920.00, as of December 31, 1945, which sum is presently on deposit in a blocked account in the First National Bank in Ogallala, Ogallala, Nebraska, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4827; Filed, May 22, 1947; 8:56 a. m.]

JOSEPH MAHLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Joseph Mahler, Brookline, Mass.; A-273; Property described in Vesting Order No. 676 (8 F. R. 5039, April 17, 1943) relating to United States Letters Patent No. 1,902,872 to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4832; Filed, May 22, 1947; 8:57 a. m.]

FRANCOISE SEIGNOBOSC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Francoise Seignobosc, New York, New York; 5812; Property, to the extent owned by the claimant immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to the literary works "The Gay A B C" and "Story of Collette" (listed in Exhibit A of said vesting order), and described in Vesting Order No. 3918 (9 F. R. 9515, August 4, 1944; 9 F. R. 13773, November 17, 1944), relating to the literary work "Mr. and Mrs. So and So" (listed in Exhibit A of said vesting order), including royalties pertaining thereto, in the amount of $2,198.87.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4833; Filed, May 22, 1947; 8:57 a. m.]

DEPARTMENT OF AGRICULTURE

Sugar Rationing Administration

[MPR 60, Amdt. 1 to Order 18[1]]

NATIONAL SUGAR REFINING CO.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 18 under Sec. 2 (a) (2) (i) (b) of Maximum Price Regulation 60, direct consumption sugar. Docket No. 6034:4.

For the reasons set forth in an opinion issued simultaneously herewith, Order No. 18 under section 2 (a) (2) (i) (b) of Maximum Price Regulation 60 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) *Maximum prices governing sales by primary distributors of certain new grades and packages of direct consumption sugar.* (1) The National Sugar Refining Company is hereby authorized to add a differential of 40 cents per 100 pounds net to the maximum basis price in order to determine a maximum price for a grade of fine granulated sugar sold by it under the trade name "Verifine" when packed in multiwall, asphalt lined paper bags, 11" x 25" x 3" gussett, 25 pounds net weight.

(2) Any other primary distributor is authorized to add a differential of 40 cents per 100 pounds net to the maximum basis price in order to determine his maximum price for sugar of the same grade as that designated as "Verifine" by the

[1] 11 F. R. 10717.

National Sugar Refining Company when sold by him in multiwall, asphalt lined paper bags, 11'' x 25'' x 3'' gussett, 25 pounds net weight.

2. Paragraph (b) is amended to read as follows:

(b) This order may be revoked or amended by the Secretary of Agriculture at any time.

This amendment shall become effective May 21, 1947.

Issued this 15th day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Opinion Accompanying Amendment No. 1 to Order No. 18 Under Section 2 (a) (2) (i) (b) of Maximum Price Regulation 60

Order No. 18 under section 2 (a) (2) (i) (b) of Maximum Price Regulation 60 was originally issued by the Price Administrator upon the written application of the National Sugar Refining Company for the establishment of a price differential to be used by it in the determination of a maximum price for sales of a fine granulated sugar of a grade sold under the trade name "Verifine", when packaged in multiwall, asphalt lined paper bags, 11'' x 25'' x 3'' gussett, 25 pounds net weight. However, the order as issued provided that the differential established was for "fine granulated sugar", without specifically stating that it was applicable only to sales of a grade of fine granulated sugar sold by the National Sugar Refining Company under the trade name "Verifine". The accompanying amendment is issued to clarify the original order, making it clear that the grade of fine granulated sugar referred to is actually that designated by the National Sugar Refining Company as "Verifine".

[F. R. Doc. 47-4812; Filed, May 22, 1947; 8:47 a. m.]

FEDERAL FARM MORTGAGE CORPORATION

[Surplus Property Transfer Order 4]

KISATCHIE NATIONAL FOREST, LOUISIANA

TRANSFER OF JURISDICTION OF SURPLUS FOREST LANDS

Transferring jurisdiction of surplus forest lands within the Kisatchie National Forest, Louisiana, to the Forest Service pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended.

Whereas, the following described lands owned by the United States of America and situated in Grant Parish, Louisiana, within the Kisatchie National Forest have been declared surplus and classified as forest lands pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended:

LOUISIANA MERIDIAN

T. 8 N., R. 1 W.,
Sec. 23, $SW\frac{1}{4}NE\frac{1}{4}$—All of the $SW\frac{1}{4}NE\frac{1}{4}$, Sec. 23, T8N, R1W, lying west of U. S. Highway No. 165, and north of Louisiana State Highway No. 617, and being more particularly described as follows: Beginning at the NW corner of $SW\frac{1}{4}$ of $NE\frac{1}{4}$, Sec. 23, T8N, R1W; thence N. 89°40' E. 20.21 chains to the NE corner of $SW\frac{1}{4}$ of $NE\frac{1}{4}$, Sec. 23; thence S. 00 20' W. 10 chains along the east line of the $SW\frac{1}{4}$ of $NE\frac{1}{4}$ to the intersection of said east line with the west right of way line of U. S. Highway No. 165; thence S. 14°15' W. 8.96 chains along the west right of way line of U. S. Highway No. 165; thence S. 50°00' W. 1.26 chains along said right of way to its intersection with the intersection of the north right of way line of Louisiana State Highway No. 617; thence S. 83°00' W. 2.72 chains along north right of way line of Louisiana State Highway No. 617 to its intersection with the south line of the $SW\frac{1}{4}$ of $NE\frac{1}{4}$, Sec. 23, T8N, R1W; thence S. 89°40' W. 14.47 chains to the north and south midsection line; thence N. 00°20' E. 19.90 chains to the point of beginning and containing 38.89 acres, more or less. Conveyed to the United States of America by deed from Don J. Futrell and Alma Moore Futrell, his wife, dated April 14, 1943 and recorded among the land records of Grant Parish, Louisiana on April 14, 1943 in Book 73 at page 567;
Sec. 32, $NW\frac{1}{4}NE\frac{1}{4}$. Contains 40.08 acres, more or less, and was conveyed to the United States of America by deed from Colfax Banking Company, dated April 14, 1943 and recorded among the land records of Grant Parish, Louisiana on April 14, 1943 in Book 73 at page 559.

T. 8 N., R. 2 W.,
Sec. 24, $W\frac{1}{2}$ $NE\frac{1}{4}$. Contains 79.66 acres, more or less, and was conveyed to the United States of America by deed from George F. McClendon and Ethel C. McClendon, his wife, dated February 16, 1943 and recorded among the land records of Grant Parish, Louisiana on February 17, 1943 in Book 73 at page 282;
Sec. 36, $SW\frac{1}{4}$. Contains 160 acres, more or less, and title was acquired by the United States of America in condemnation proceedings entitled United States of America vs. 4,925 acres of land, more or less, situate in Grant Parish, Louisiana, and W. A. Capps, et al., At Law No. 743.

Containing in all 318.63 acres of land, more or less, and subject to:

1. Existing easements for public roads and highways, public utilities, railroads, and pipe lines; and

2. Reservation and/or exception of all oil, gas, and other mineral rights and other interests of record.

Whereas, the property described above was formerly used by the War Department as an impact area of an artillery (bombing, machine gun, rifle, etc.) range; and

Whereas, such property was subjected to contamination by the introduction of unexploded and dangerous bombs, shells, rockets, mines and charges, either upon or below the surface thereof; and

Whereas, the Federal Farm Mortgage Corporation is unable to certify that the property has been completely and fully cleared and decontaminated and is unable to state whether or not the same is safe for use; and

Whereas, the Forest Service is desirous of acquiring administrative control and jurisdiction over the above described lands for administration as a part of the Kisatchie National Forest with full knowledge of, and notwithstanding, the foregoing; and

Whereas, the acquisition has been approved by the National Forest Reservation Commission, and the Forest Service has caused the sum of $2,750.00, which is the fair value of the land, to be covered into the Treasury of the United States for deposit to the credit of the Federal Farm Mortgage Corporation from funds appropriated by the Congress for the acquisition of lands under the provisions of the act of March 1, 1911 (36 Stat. 961), as amended;

Now, therefore, the Federal Farm Mortgage Corporation, pursuant to the authority vested in it in the disposal of surplus agricultural or forest property, by virtue of delegations of authority issued pursuant to the provisions of the aforementioned act of 1944, does hereby transfer the aforesaid lands to the Forest Service as of this date.

In witness whereof, the Federal Farm Mortgage Corporation has, on this 28th day of April 1947, caused these presents to be duly executed for and in its name and behalf and the seal of the said corporation to be hereunto affixed.

[SEAL] FEDERAL FARM MORTGAGE CORPORATION,
By JACK HIGDON,
Vice President.

Attest:

W. D. JONES, Jr.,
Assistant Secretary.

[F. R. Doc. 47-4820; Filed, May 22, 1947; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. DI-177]

NEW YORK POWER AND LIGHT CORP.

ORDER SETTING HEARING

(1) On February 5, 1947, New York Power and Light Corporation filed a declaration of intention under section 23 (b) of the Federal Power Act to construct a dam and hydroelectric plant on the Sacandaga River at a site generally referred to as Stewarts Bridge in Saratoga County, approximately three miles upstream from its confluence with the Hudson River at Hadley, New York. The declarant has its principal office in Albany, New York, and is an operating public utility subsidiary of Niagara Hudson.

(2) The proposed dam is to be about 1,400 feet in length with a maximum height of approximately 112 feet above the natural bed of the river providing 99 feet of operating head and a normal usable volume of 1,800 acre-feet in the reservoir. One 37,500 kva generating unit is to be installed in the power house, the turbine having a rated capacity of 46,000 hp.

(3) No lands of the United States or Indian lands appear to be involved in the proposed construction but the Commission staff reports that the Sacandaga River has been used for both logging and boat navigation from its mouth upstream for some distance above the proposed dam, and that the Hudson River has been used for both logging and boat navigation for long distances above Hadley down to its mouth, including a connection with Lake Champlain which joins the Hudson River not far below Hadley.

(4) The proposed dam is to be located downstream from the Conklingville dam and reservoir owned and operated by the Hudson River Regulating District, a conservation district organized under State law. This reservoir has a useful capacity of around 690,000 acre-feet and is used to supply water to power plants located on the Sacandaga and Hudson Rivers. The staff also reports that the operators of the Conklingville reservoir and probably the power plants below affect the navigable capacity of the Hudson River.

The Commission finds that:

(5) Sufficient information is not at hand to pass upon the location of the upstream head of navigation on either the Sacandaga River or the Hudson River, nor upon the question of what effect, if any, the proposed construction may have upon the interests of interstate or foreign commerce, and a hearing should be held to afford full opportunity for presentation of all appropriate information which may bear upon these questions.

It is ordered that:

(6) A hearing be held commencing on Monday, July 14, 1947, at 10:00 a. m. (e. d. s. t.), in Court Room No. 2, Post Office and Court House Building, Albany, New York.

Date of issuance: May 19, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4816; Filed, May 22, 1947; 8:48 a. m.]

[Docket Nos. G-585, G-796, G-889]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

ORDER PROVIDING FOR FURTHER CONSOLIDATION OF PROCEEDINGS AND MODIFYING ORDER FIXING DATE OF HEARING

In the matters of Alabama-Tennessee Natural Gas Company, Docket No. G-585; Southern Natural Gas Company, Docket No. G-796; East Tennessee Natural Gas Company, Docket No. G-889.

It appears to the Commission that:

(a) On October 9, 1944, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct and operate approximately 66 miles of $10\frac{3}{4}$-inch O. D. natural-gas transmission pipeline originating at a point of connection to be made with the 24-inch pipeline of Tennessee Gas and Transmission Company near Enville, Tennessee, and extending southeasterly across the Tennessee-Alabama state line to the plant of the Reynolds Metals Company at Listerhill, near Muscle Shoals, Alabama; together with facilities to permit the delivery of natural gas from such pipeline to the National Utilities Company for resale at Florence, Sheffield, and Tuscumbia, Alabama, and to the Tennessee Valley Authority at Muscle Shoals.

(b) Proceedings upon the application of Alabama-Tennessee at Docket No. G-585 have been deferred until the present time upon the request of that Applicant, and because of its failure to furnish requested information in support of such application.

(c) The Commission, by its order of May 6, 1947, consolidated the proceedings at Docket Nos. G-796 and G-889, for the purpose of hearing to commence on May 26, 1947, at Chattanooga, Tennessee.

(d) It may be in the public interest that there be an early disposition as to certain of the facilities, referred to under paragraph (i) (A) and subdivisions (1) to (4) inclusive of paragraph (i) (B) of the Commission's order of May 6, 1947, to provide increased supplies of gas for existing customers.

The Commission finds that:

(1) Good cause exists for consolidating the proceeding at Docket No. G-585 with the consolidated proceedings at Docket Nos. G-796 and G-889 for the purpose of hearing.

(2) It is in the public interest that its order of May 6, 1947, be modified to the extent hereinafter ordered.

The Commission orders that:

(A) The proceedings in Docket Nos. G-585, G-796, and G-889 be and the same are hereby consolidated for the purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on the 26th day of May, 1947, at 10:00 a. m., in Grand Jury Room No. 355, Post Office and Court House Building, Chattanooga, Tennessee, concerning the matters involved and the issues presented by the application and the amendments thereto, and other pleadings in these proceedings.

(C) Paragraph (C) of the Commission's order of May 6, 1947, shall be modified and revised to read as follows:

(C) The officer designated by the Commission to preside at the public hearing may hold a conference of all parties participating in the proceedings, concerning the matters of fact and law asserted in the applications, as amended, and other pleadings filed in the proceedings for the purpose of settling, simplifying or limiting the issues and further apprising the parties of the issues upon which evidence must be adduced at the public hearing.

(D) Thereafter, the hearing shall proceed in the following order, to include complete proceedings upon each application:

Southern Natural Gas Company, Docket No. G-796; Alabama-Tennessee Natural Gas Company, Docket No. G-585; East Tennessee Natural Gas Company, Docket No. G-889.

(E) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of Practice and procedure (effective September 11, 1946).

Date of issuance: May 19, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4815; Filed, May 22, 1947; 8:47 a. m.]

[Docket No. G-606]

TENNESSEE GAS AND TRANSMISSION CO. AND CHICAGO CORP.

ORDER FURTHER POSTPONING HEARING

It appearing to the Commission that:

Good cause exists for further postponing the hearing in the above-docketed matter heretofore set to commence on May 26, 1947; and

The Commission orders that:

The public hearing in the above-docketed matter is hereby postponed to June 30, 1947, commencing at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: May 19, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4813; Filed, May 22, 1947; 8:47 a. m.]

[Docket No. G-826]

MINNESOTA NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

ORDER GRANTING MOTION FOR CONTINUANCE

It appearing to the Commission that:

(a) On February 10, 1947, this proceeding came on for hearing in Kansas City, Missouri, and was, on that date, adjourned by the Trial Examiner to reconvene on February 13, 1947, at Omaha, Nebraska.

(b) On February 13, 1947, this proceeding came on for further hearing in Omaha, Nebraska, in accordance with the directions of the Trial Examiner.

(c) On February 14, 1947, this proceeding was again adjourned by the Trial Examiner to reconvene on May 19, 1947, at Washington, D. C.

(d) On May 12, 1947, the Complainant, Minnesota Natural Gas Company, filed with the Commission a motion for continuance of the hearing in this proceeding, which motion is concurred in by the Defendant, Northern Natural Gas Company.

(e) Good cause exists for continuing the date of hearing as hereinafter provided.

The Commission orders that:

The motion for continuance of the public hearing in this proceeding be and it is hereby granted, and the said hearing is continued to September 8, 1947, to reconvene on that date at 10:00 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: May 16, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4814; Filed, May 22, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 739]

UNLOADING OF MACHINERY AT OAKLAND, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of May A. D. 1947.

It appearing, that car PRR 280847 containing machinery at Oakland, Calif., on the Southern Pacific Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Machinery at Oakland, California, be unloaded.* The Southern Pacific Company, its agents or employees, shall unload immediately car PRR 280847, containing machinery now on hand at Oakland, Calif., consigned to Atkinson Grinding & Machine Works.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 22, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4809; Filed, May 22, 1947; 8:46 a. m.]

[S. O. 740]

UNLOADING OF COAL AT PARIS, ARK.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of May A. D. 1947.

It appearing, that 8 cars containing coal at Paris, Arkansas, on the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) have been on hand for an unreasonable length of time, and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Coal at Paris, Ark., be unloaded.* The Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), its agents or employees, shall unload immediately the following cars, containing coal, now on hand at Paris, Arkansas:

New Union Coal Co.—Car initial and number: MP 56088.

Washery Coal Co.—Car initial and number:

NYC	866181
MP	64115
MP	58365
MP	56525
MP	22176
MP	66160
PS&N	9115

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 21, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4810; Filed, May 22, 1947; 8:47 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-32]

L. A. GILLESPIE

CONSENT ORDER

L. A. Gillespie is charged with having begun construction of a theater building on Lots 5 and 6, Block 10, First Addition to Pateros, Washington, although the said L. A. Gillespie had on the 28th day of January, 1947, been granted authorization by the Civilian Production Administration to construct a one-story frame building for a warehouse and millwork shop, 38' x 110' in size, upon said premises. The construction of a theater, as aforesaid, constituted a violation of Veterans' Housing Program Order 1, as amended October 7, 1946.

L. A. Gillespie does not desire to contest the charge, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of L. A. Gillespie, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither L. A. Gillespie, his successors or assigns, nor any other person shall do any further construction upon the one-story building, 38' x 110' in size, situated on Lots 5 and 6, Block 10, First Addition to Pateros, Washington, including the putting up, completing or altering of the structure unless hereafter specifically authorized by the Office of the Housing Expediter.

(b) L. A. Gillespie shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve L. A. Gillespie, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 21st day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-4851; Filed, May 21, 1947; 2:44 p. m.]

Advance

MAY 26 47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 12 NUMBER 103

Washington, Saturday, May 24, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9857

REGULATIONS FOR CARRYING OUT THE PROVISIONS OF THE ACT ENTITLED "AN ACT TO PROVIDE FOR ASSISTANCE TO GREECE AND TURKEY"

By virtue of the authority vested in me by the act of May 22, 1947, entitled "An Act to provide for assistance to Greece and Turkey," hereinafter referred to as the act, and as President of the United States, I hereby prescribe the following regulations for carrying out the provisions of the act:

1. Subject to such policies as the President may from time to time prescribe, the Secretary of State is hereby authorized, through such departments, agencies, and independent establishments of the Government as he may designate, to exercise any power or authority conferred upon the President by the act, including expenditure of funds made available for the purposes of the act.

2. The Chief of Mission to Greece or Turkey appointed by the President pursuant to section 8 of the act shall, under the guidance and instructions of the Secretary of State, direct United States activities within Greece or Turkey, as the case may be, in furnishing assistance under the act. The Secretary of State may delegate to the Chief of Mission such powers or authority conferred by this order as he may deem necessary and proper to the effective carrying out of the provisions of the act and of the basic agreement with the Government of Greece or Turkey, as the case may be, setting forth the general terms and conditions under which assistance is to be furnished.

3. The Secretary of State shall provide, and at his request other departments, agencies, independent establishments, and officers of the Government shall cooperate in providing to the extent considered feasible in keeping with their other established governmental responsibilities and to the extent that funds may be available therefor, such personnel, together with their compensation, allowances, and expenses, and such administrative supplies, facilities, and services as may be necessary and proper to the effective carrying out of the provisions of the act.

4. Subject to the provisions of paragraph 2 hereof, the powers and authority conferred upon the Secretary of State by this order shall be exercised by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of State as he may designate, in the interest of effective administration and proper coordination of functions under the act.

5. The Secretary of State shall make appropriate arrangements with the Secretaries of War and the Navy, and the heads of other Government departments, agencies, and independent establishments concerned, in order to enable them to fulfill their responsibilities under the act.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 22, 1947.

[F. R. Doc. 47-4993; Filed, May 23, 1947; 10:16 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 223]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.330 *Lemon Regulation 223*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date re-

(Continued on p. 3333)

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FEDERAL REGISTER

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quirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 25, 1947, and ending at 12:01 a. m.; p. s. t., June 1, 1947, is hereby fixed at 525 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 22nd day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage Date: May 18, 1947

[12:01 a. m. May 25, 1947, to 12:01 a. m. June 8, 1947]

Handler	*Prorate base (percent)*
Total	100.000
Allen-Young Citrus Packing Co.	.000
American Fruit Growers, Fullerton	.743
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.475
Consolidated Citrus Growers	.000
Corona Plantation Co.	.448
Hazeltine Packing Co.	.740
Leppla-Pratt, Produce Distributors, Inc.	.000
McKellips, C. H.-Phoenix Citrus Co.	.000
McKellips Mutual Citrus Growers, Inc.	.000
Phoenix Citrus Packing Co.	.000
Ventura Coastal Lemon Co.	1.059
Ventura Pacific Co.	1.343
Total A. F. G.	4.808
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc.	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.641
La Verne Lemon Association	.935
La Habra Citrus Association	2.112
Yorba Linda Citrus Association, The	1.211
Alta Loma Heights Citrus Association	1.115
Etiwanda Citrus Fruit Association	.498
Mountain View Fruit Association	.699
Old Baldy Citrus Association	1.243
Upland Lemon Growers Association	6.343
Central Lemon Association	1.207
Irvine Citrus Association	1.350
Placentia Mutual Orange Association	.483
Corona Citrus Association	.354
Corona Foothill Lemon Co.	1.742
Jameson Company	.941
Arlington Hts. Fruit Co.	.629
College Hts. Orange & Lemon Association	2.929
Chula Vista Citrus Association, The	1.162
El Cajon Valley Citrus Association	.208
Escondido Lemon Association	3.708
Fallbrook Citrus Association	1.588

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Lemon Grove Citrus Association	0.519
San Dimas Lemon Association	2.409
Carpinteria Lemon Association	2.198
Carpinteria Mutual Citrus Association	2.328
Goleta Lemon Association	2.169
Johnston Fruit Co	4.368
North Whittier Heights Citrus Association	1.155
San Fernando Heights Lemon Association	1.197
San Fernando Lemon Association	.918
Sierra Madre-Lamanda Citrus Association	2.139
Tulare County Lemon & Grpfrt Association	.000
Briggs Lemon Association	2.496
Culbertson Investment Co	.503
Culbertson Lemon Association	1.088
Fillmore Lemon Association	1.915
Oxnard Citrus Association No. 1	2.665
Oxnard Citrus Association No. 2	2.615
Rancho Sespe	1.067
Santa Paula Citrus Fruit Association	3.248
Saticoy Lemon Association	2.776
Seaboard Lemon Association	3.276
Somis Lemon Association	2.825
Ventura Citrus Association	.823
Limoneira Company	3.047
Teague-McKevett Association	1.002
East Whittier Citrus Association	.887
Leffingwell Rancho Lemon Association	.921
Murphy Ranch Company	1.918
Whittier Citrus Association	1.019
Whittier Select Citrus Association	.760
Total C. F. G. E.	86.349
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	.780
Escondido CoOp. Citrus Association	.425
Glendora CoOp. Citrus Association	.127
Index Mutual Association	.423
La Verne CoOp. Citrus Association	1.828
Libbey Fruit Packing Company	.000
Orange CoOp. Citrus Association	.265
Pioneer Fruit Co	.000
Tempe Citrus Co	.000
Ventura Co. Orange & Lemon Association	2.268
Whittier Mutual Orange & Lemon Association	.296
Total M. O. D.	6.412
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.009
California Citrus Groves, Inc., Ltd.	.000
El Modena Citrus, Inc	.021
Evans Bros. Pkg. Co., Riverside	.118
Evans Bros. Pkg. Co., Sentinel Butte Ranch	.000
Foothill Packing Co	.160
Granada Packing House	.000
Harding & Leggett	.034
Morris Bros. Fruit Co	.000
Orange Belt Fruit Distributors	1.690
Potato House, The	.000
Raymond Bros	.000
Riverside Growers, Inc	.000
Rooke, B. G. Packing Co	.000
San Antonio Orchard Co	.130
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.269
Western States Fruit & Produce Co	.000
Total independents	2.431

[F. R. Doc. 47-4977; Filed, May 23, 1947; 8:48 a. m.]

[Orange Reg. 179]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.325 *Orange Regulation 179*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., May 25, 1947, and ending at 12:01 a. m., p. s. t., June 1, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1000 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, unlimited movement; and (c) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 22nd day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. May 25, 1947, to 12:01 a. m. June 1, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0586
A. F. G. Fullerton	.8620
A. F. G. Orange	.6300
A. F. G. Redlands	.2241
A. F. G. Riverside	.1556
A. F. G. San Juan Capistrano	.9077
A. F. G. Santa Paula	.3823
Corona Plantation Co	.2580
Hazeltine Packing Co	.3633
Signal Fruit Association	.1002
Azusa Citrus Association	.4509
Azusa Orange Co., Inc	.1356
Damerel-Allison Co	.9305
Glendora Mutual Orange Association	.4056
Irwindale Citrus Association	.3698
Puente Mutual Citrus Association	.1951
Valencia Heights Orchards Association	.4147
Glendora Citrus Association	.3993
Glendora Heights Orange and Lemon Growers Association	.0639
Gold Buckle Association	.5604
La Verne Orange Association	.6716
Anaheim Citrus Fruit Association	1.2518
Anaheim Valencia Orange Association	1.2347
Eadington Fruit Co	1.8989
Fullerton Mutual Orange Association	1.3792
La Habra Citrus Association	1.1405
Orange County Valencia Association	.5949
Orangethorpe Citrus Association	.9976
Placentia Coop. Orange Association	.0943
Yorba Linda Citrus Association, The	.5383
Alta Loma Heights Citrus Association	.1037
Citrus Fruit Growers	.1882
Cucamonga Citrus Association	.1807
Etiwanda Citrus Fruit Association	.0416
Mountain View Fruit Association	.0123
Old Baldy Citrus Association	.1178
Rialto Heights Orange Growers	.0861
Upland Citrus Association	.4327
Upland Heights Orange Association	.1388
Consolidated Orange Growers	1.8552
Frances Citrus Association	1.1081
Garden Grove Citrus Association	1.3617
Goldenwest Citrus Association, The	1.3515
Irvine Valencia Growers	2.3023
Olive Heights Citrus Association	1.5958
Santa Ana-Tustin Mutual Citrus Association	.9482
Santiago Orange Growers Association	3.3077
Tustin Hills Citrus Association	1.8157
Villa Park Orchards Association, The	1.9226
Bradford Brothers, Inc	.6119
Placentia Mutual Orange Association	1.8130
Placentia Orange Growers Association	2.1984
Call Ranch	.0708
Corona Citrus Association	.4677
Jameson Company	.0401
Orange Heights Orange Association	.4024
Break & Son, Allen	.0603
Bryn Mawr Fruit Growers Association	.2760

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Crafton Orange Growers Association	0.3904
E. Highlands Citrus Association	.0849
Fontana Citrus Association	.1093
Highland Fruit Growers Association	.0500
Krinard Packing Co	.2782
Mission Citrus Association	.1414
Redlands Coop. Fruit Association	.4039
Redlands Heights Groves	.2555
Redlands Orange Growers Association	.3311
Redlands Orangedale Association	.2398
Redlands Select Groves	.1878
Rialto Citrus Association	.1721
Rialto Orange Co	.1481
Southern Citrus Association	.2046
United Citrus Growers	.1508
Zilen Citrus Co	.1052
Arlington Heights Fruit Co	.1096
Brown Estate, L. V. W	.1399
Gavilan Citrus Association	.1473
Hemet Mutual Groves	.1083
Highgrove Fruit Association	.0839
McDermont Fruit Co	.1756
Mentone Heights Association	.0615
Monte Vista Citrus Association	.2197
National Orange Co	.0436
Riverside Heights Orange Growers Association	.0907
Sierra Vista Packing Association	.0609
Victoria Avenue Citrus Association	.1788
Claremont Citrus Association	.1597
College Heights Orange and Lemon Association	.2405
El Camino Citrus Association	.0800
Indian Hill Citrus Association	.2022
Pomona Fruit Growers Exchange	.4290
Walnut Fruit Growers Exchange	.4517
West Ontario Citrus Association	.3058
El Cajon Valley Citrus Association	.3487
Escondido Orange Association	2.5606
San Dimas Orange Growers Association	.4870
Covina Citrus Association	.9670
Covina Orange Growers Association	.3931
Duarte-Monrovia Fruit Exchange	.2462
Santa Barbara Orange Association	.0503
Ball & Tweedy Association	.7131
Canoga Citrus Association	.8517
N. Whittier Heights Citrus Association	.9238
San Fernando Fruit Growers Association	.4288
San Fernando Heights Orange Association	.9259
Sierra Madre-Lamanda Citrus Association	.3926
Camarillo Citrus Association	1.4606
Fillmore Citrus Association	3.4778
Mupu Citrus Association	2.5920
Ojai Orange Association	.9574
Piru Citrus Association	1.9580
Santa Paula Orange Association	1.0604
Tapo Citrus Association	1.1244
Limoneira Co	.3878
E. Whittier Citrus Association	.3889
El Ranchito Citrus Association	1.2218
Murphy Ranch Co	.3960
Rivera Citrus Association	.5330
Whittier Citrus Association	.6744
Whittier Select Citrus Association	.4428
Anaheim Coop. Orange Association	1.1229
Bryn Mawr Mutual Orange Association	.0672
Chula Vista Mutual Lemon Association	.0896
Escondido Coop. Citrus Association	.3271
Euclid Avenue Orange Association	.4314
Foothill Citrus Union, Inc	.0325
Fullerton Coop. Orange Association	.3409
Garden Grove Orange Coop., Inc	.7057
Glendora Coop. Citrus Association	.0662

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Golden Orange Groves, Inc	0.2586
Highland Mutual Groves	.0871
Index Mutual Association	.2148
La Verne Coop. Citrus Association	1.3768
Olive Hillside Groves	.7158
Orange Coop. Citrus Association	1.0398
Redlands Foothill Groves	.4735
Redlands Mutual Orange Association	.1811
Riverside Citrus Association	.0706
Ventura County Orange & Lemon Association	.9111
Whittier Mutual Orange & Lemon Association	.1960
Babijuice Corp. of Calif	.5110
Banks Fruit Co	.3190
Banks, L. M	.5329
Borden Fruit Company	.6018
Calif. Fruit Distributors	.5158
Cherokee Citrus Co., Inc	.1449
Chess Company, Meyer W	.2931
El Modena Citrus, Inc	.7869
Escondido Avocado Growers	.0538
Evans Brothers Packing Co	.3039
Gold Banner Association	.2746
Granada Hills Packing Co	.0613
Granada Packing House	2.8514
Hill, Fred A	.0747
Inland Fruit Dealers	.0910
Mills, Edward	.1046
Orange Belt Fruit Distributors	1.8430
Panno Fruit Company, Carlo	.1618
Paramount Citrus Association	.3908
Placentia Orchard Co	.3916
Placentia Pioneer Val. Growers Association	.6337
Riverside Growers, Inc	.1406
San Antonio Orchards Co	.5310
Santa Fe Groves Co	.0495
Snyder & Sons Co., W. A	1.1965
Stephens, T. F	.0852
Sunny Hills Ranch, Inc	.2432
Verity & Sons Co., R. H	.0326
Wall, E. T	.1152
Webb Packing Co	.2712
Western Fruit Growers Inc., Ana	.0799
Western Fruit Growers Inc., Reds	.7511
Yorba Orange Growers Association	.6133

[F. R. Doc. 47-4976; Filed, May 23, 1947; 8:48 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 500—ORGANIZATION OF OFFICE OF ALIEN PROPERTY AND DELEGATIONS OF FINAL AUTHORITY

DELEGATIONS OF AUTHORITY TO CERTAIN DIVISION AND SECTION CHIEFS, AND MANAGER, NEW YORK OFFICE

Part 500 is hereby amended by adding § 500.24 as set out below:

§ 500.24 *Delegation to Chief, Division of Business Management and Control, Chief, Division of Real Estate and Liquidation, Chief, Division of Patent Administration, Chief, Real Estate Section, Division of Real Estate and Liquidation, and Manager, New York Office.* The Chief, Division of Business Management and Control, the Chief, Division of Real Estate and Liquidation, the Chief, Division of Patent Administration, the Chief, Real Estate Section, Division of Real Estate and Liquidation, and the Manager, New York Office are authorized to exercise the powers conferred upon Division Chiefs by § 501.16 (General Order No. 26), 8 F. R. 7628.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. 1, 50 U. S. C. App., Sup. V, 5 (b); E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR Cum. Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 20th day of May 1947.

[SEAL] DONALD C. COOK,
For the Attorney General.
Director.

[F. R. Doc. 47-4874; Filed, May 23, 1947; 8:55 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 700—ARMY NURSES, DIETITIANS AND PHYSICAL THERAPY AIDES

APPOINTMENT OF FEMALE OFFICERS TO ARMY NURSE CORPS AND WOMEN'S MEDICAL SPECIALIST CORPS, REGULAR ARMY

Pursuant to the authority vested in the Secretary of War by Public Law 36, 80th Congress, April 16, 1947 and by virtue of all other authority vested in the Secretary of War, § 700.15 prescribing regulations for appointments in the Army Nurse Corps and the Women's Medical Specialist Corps of the Regular Army is set forth below:

§ 700.15 *Appointment of female officers to the Army Nurse Corps and Women's Medical Specialist Corps, Regular Army*—(a) *Eligibility for appointment.* (1) General provisions governing eligibility for appointment are as follows:

(i) An applicant must be a female citizen of the United States who has attained the age of 21 years.

(ii) An applicant must have served honorably on active duty in the Army of the United States at any time since December 7, 1941, or, in the case of applicants for commission in the Occupational Therapist Section of the Women's Medical Specialist Corps, the applicant must have served honorably at any time since December 7, 1941 as a qualified occupational therapist with the Medical Department of the Army in the status of a civilian employee.

(iii) An applicant must be physically qualified at the time of appointment.

(iv) No officer of the Army Nurse Corps or Women's Medical Specialist Corps may be appointed in a grade higher than that which she held while on active duty or higher than that grade to which she may be promoted prior to appointment.

(2) Specific provisions governing eligibility for appointment in the Army Nurse Corps, Regular Army, are as follows:

(i) An unmarried person with no dependents under 14 years of age who is otherwise qualified, who has not attained the age of 35, and who at any time since December 7, 1941 served honorably on active duty as a commissioned officer of the Army Nurse Corps, is eligible for appointment as a commissioned officer

in the Army Nurse Corps, Regular Army in a grade as prescribed by paragraph (c) of this section.

(ii) A person who at the time of application is serving honorably on active duty as a member, other than as Reserve Nurse, of the Army Nurse Corps created by chapter 5 of the act of July 9, 1918, as amended, may be appointed a commissioned officer in the Army Nurse Corps, Regular Army, in a grade prescribed by paragraph (c) of this section, regardless of whether such person is also serving under an appointment made pursuant to the act of June 22, 1944, and regardless of age, marital status, and age of dependents.

(3) Specific provisions governing eligibility for appointment in the Women's Medical Specialist Corps, Regular Army, are as follows:

(i) Dietitian Section. An unmarried person with no dependents under 14 years of age who is otherwise qualified, who has not attained the age of 45, and who at any time since December 7, 1941, served honorably on active duty as a commissioned officer of the Army of the United States, assigned to the Medical Department as a dietitian, may be appointed a commissioned officer in the Dietitian Section of the Women's Medical Specialist Corps, Regular Army, in a grade as prescribed by paragraph (c) of this section.

(ii) Physical Therapist Section: An unmarried person with no dependents under 14 years of age who is otherwise qualified, who has not attained the age of 45, and who at any time since December 7, 1941, served honorably on active duty as a commissioned officer of the Army of the United States, assigned to the Medical Department as a physical therapist, may be appointed a commissioned officer in the Physical Therapist Section of the Women's Medical Specialist Corps of the Regular Army in a grade as prescribed by paragraph (c) of this section.

(iii) Occupational Therapist Section: An unmarried person with no dependents under 14 years of age who is otherwise qualified, who has not attained the age of 45, and who at any time since December 7, 1941, served honorably as a qualified occupational therapist with the Medical Department of the Army in the status of a civilian employee, may be appointed as a commissioned officer in the Occupational Therapist Section of the Women's Medical Specialist Corps of the Regular Army in a grade as prescribed by paragraph (c) of this section.

(iv) The upper age limitation for integration appointment in the Women's Medical Specialist Corps, Regular Army, may be waived in exceptional cases by the Secretary of War upon the recommendation of The Surgeon General.

(b) *Determination of service credit.* (1) Constructive service credit will be given for the number of years, months, and days by which an applicant's age at the date of appointment in the Regular Army exceeds 25 years.

(2) Actual service to be credited to each applicant will be the number of years, months, and days the applicant was on active Federal military service subsequent to December 7, 1941, with temporary Army of the United States commission as a nurse, dietitian, or physical therapist, or with relative rank as a nurse, as the case may be, provided that in computing the total period of active Federal military service of any person discharged or placed in inactive status subsequent to May 12, 1945, she shall be credited with service from the date of such discharge or relief from active duty to the date of appointment in the Regular Army.

(c) *Determination of grade to which appointed.* The grade in which an individual will be commissioned will be determined by the amount of constructive service or active Federal military service computed, as indicated in paragraph (b) of this section.

Based upon this, appointments will be made as follows:

(1) Army Nurse Corps:

2d lieutenant	Less than 3 years' active or constructive service.
1st lieutenant	Three or more but less than 10 years' active or constructive service.
Captain	Ten or more years' active or constructive service.

(2) Women's Medical Specialist Corps:

(i) Dietitian and Physical Therapist Sections:

2d lieutenant	Less than 3 years' active or constructive service.
1st lieutenant	Three or more but less than 10 years' active or constructive service.
Captain	Ten or more years' active or constructive service.

(ii) Occupational Therapist Sections:

2d lieutenant	Less than 3 years' constructive service.
1st lieutenant	Three or more but less than 10 years' constructive service.
Captain	Ten or more years' constructive service.

(d) *Determination of rank.* (1) Relative rank among commissioned officers of the Army Nurse Corps and the Women's Medical Specialist Corps, Regular Army, within each corps, and between such officers and other commissioned officers of the Regular Army shall be determined in the manner now or hereafter prescribed by law for the determination of relative rank among other commissioned officers of the Regular Army.

(2) Among the newly appointed officers in the same grade wherever two or more are credited with the same amount of service as indicated in paragraph (b) of this section, order of rank in the respective corps will be determined by the following in the priority indicated:

(i) The greater amount of active military commissioned service.

(ii) Seniority of age.

(iii) Higher composite score attained on integration testing.

(e) *Method of applying.* (1) Applications will be made on WD AGO Form 102 (Application for Commission in the Army Nurse Corps or Women's Medical Specialist Corps, Regular Army) and will be prepared in duplicate. The original and duplicate copy of the application will be signed and forwarded as indicated in paragraph (f) of this section, on or before July 31, 1947. Applications forwarded or postmarked after July 31, 1947 will be returned without action.

(2) Forms for submitting formal applications may be obtained from:

(i) Army general hospitals.

(ii) Headquarters, zone of interior armies.

(iii) Placement and counseling services for state and district nursing associations and national associations of dietitians, physical therapists, and occupational therapists.

(iv) The Surgeon General's Office, Attention: MEDCM–B, Washington 25, D. C.

(f) *Method of submitting application.* (1) Application Form WD AGO Form 102 will be submitted in duplicate. Applicants in the category described in paragraph (a) (2) (ii) of this section, will submit applications direct to The Adjutant General, Attention: AGSO–R, Washington 25, D. C.

(2) Applicants on duty or residing in the zone of interior.

(i) Applicants on active duty.

(*a*) The completed application will be directed to the applicant's immediate commanding officer, whose indorsement will include a factual description and opinion of person being rated.

(ii) Applicants on leave prior to separation or inactive status.

The application form will be completed in duplicate and forwarded by the applicant, without indorsement, direct to The Adjutant General, Attention: AGSO–R, Washington 25, D. C.

(3) Applicants on duty or residing in oversea theaters or departments.

(i) Applicants on active duty.

(*a*) The completed application will be directed to the applicant's immediate commanding officer, whose indorsement will include a factual description and opinion of the person being rated.

(ii) Applicants on inactive duty or leave prior to separation.

The application form will be completed in duplicate and forwarded by the applicant without indorsement direct to the theater or department commander within whose area she resides. The theater or department commander will forward the original to The Adjutant General, Attention: AGSO–R, Washington 25, D. C.

(g) *Change of address by applicant.* (1) An applicant for appointment in the Army Nurse Corps or Women's Medical Specialist Corps, Regular Army, who changes residence or receives orders for a change of station within the continental limits of the United States subsequent to filing an application and prior to appearance before an interview board, will be responsible for advising, in writing, such change to The Adjutant General, Attention: AGSO–R, Washington 25, D. C. Applicants stationed or residing in oversea theaters or departments will advise theater or department commanders of changes of address.

(2) It is the responsibility of each applicant to notify The Adjutant General, Attention: AGSO–R, Washington 25, D. C., and theater or department commander of any change of military or home address after she has completed the integration testing. Failure to comply with this may result in the non-

delivery of official notification of appointment.

(h) *Technical specialists.* Appointment of technical specialists in the following categories may be made in the Army Nurse Corps, Regular Army, not in excess of 30 percent of the total number of nurses integrated under the provisions of this section:

(1) An administrator in the nursing service will be a graduate of a school of nursing recognized by The Surgeon General and should hold at least a bachelor's degree from a recognized institution including or supplemented by a program of studies for administration of the nursing service, and a minimum of 5 years' experience in one or more of the following, or submit satisfactory evidence of having demonstrated ability to function in an administrative or teaching position.

(i) Head nurse (may be combined with the position of assistant clinical instructor) or supervisor (may be combined with the position of clinical instructor).

(ii) Instructor in nursing arts, physical and biologic science, or social science.

(iii) Assistant director of nursing service (may be combined with the position of assistant director of nursing school).

(iv) Director of nursing service (may be combined with the position of director of nursing school).

(2) An anesthetist must have had 6 months' postgraduate training in anesthesiology in an Army or civilian hospital approved for teaching anesthetists, or have demonstrated her ability to perform such professional duties. She must be a graduate of a school of nursing recognized by The Surgeon General.

(3) An operating room supervisor must have had 6 months' postgraduate training in the surgical service of an Army or civilian hospital approved for the teaching of operating room nurses, or have demonstrated her ability to perform such professional duties. She must be a graduate of a school of nursing recognized by The Surgeon General.

(4) A neuropsychiatric nurse must have had 5 months' postgraduate training in neuropsychiatry in an Army or civilian hospital approved for training neuropsychiatric nurses, or have demonstrated her ability to perform such professional duties. She must be a graduate of a school of nursing recognized by The Surgeon General.

(i) *Action by the War Department.* (1) Where applicant fails to achieve the requirements of the technical proficiency test, The Adjutant General will advise the applicant by letter that she is disqualified.

(2) When it is determined that an applicant is not physically qualified for appointment, The Adjutant General will advise the applicant of such determination. Decision of the War Department is final.

(3) The records of each applicant will be examined to determine whether there is anything which, in the opinion of the War Department, would make her appointment undesirable. An eligible list will be established showing names, serial numbers, and composite scores, arranged by grades for which eligible, in order of composite scores, for each corps and section. Recommendations for appointment will be made as follows:

(i) Where technical specialists are required as set forth in paragraph (h) of this section, such specialists will be selected by starting from the top of the list and going down until the required number with suitable qualifications have been obtained.

(ii) From those remaining on the list starting with the top of the list and going down until authorized vacancies are filled.

(4) Applicants will be notified of appointment or rejection by The Adjutant General. Cases of those applicants who are neither appointed nor rejected will be retained in order of composite score in the files of The Adjutant General.

[WD Cir 113, 3 May 1947]

(40 Stat. 879, 41 Stat. 767; Pub. Law 36, 80th Cong., 10 U. S. C. 161–164)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4862; Filed, May 23, 1947; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS WAIVERS

Rescind paragraph (c) of § 201.4 and substitute the following in lieu thereof:

§ 201.4 *Waivers.* • • •

(c) *Waiver of age limitations.* Maximum age-in-grade requirements prescribed in § 201.2 (d) (3) will not be waived. Recognition will be extended, in the grade of second lieutenant, to applicants under the age of 21 years if otherwise qualified provided they have previously been commissioned upon graduation from an Officer's Candidate School, hold a corresponding commission in the Officers' Reserve Corps, or have been granted a battlefield commission in the Army of the United States.

[NGR–20, 14 Nov. 1946 as amended by NGB Cir. No. 18, May 7, 1947] (48 Stat. 155; 32 U. S. C. 4)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4875; Filed, May 23, 1947; 8:55 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

AUTHORITY DELEGATED

At a meeting of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of May 1947;

It appearing, that requests submitted by petitioners asking that their respective petitions, be dismissed are required to be decided by the Commission; and

It further appearing, that petitions requiring the consideration of the Commission often contain requests which have become moot; and

It further appearing, that the public interest, convenience and necessity will be served by delegating authority to the Motions Commissioner to act upon requests seeking dismissals of pending petitions or petitions which contain requests which have become moot; and

It further appearing, that the amendment adopted herein is procedural, and that publication of general notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is not required;

It is ordered, That § 1.112 of the Commission's rules and regulations be, and it is hereby, amended to add paragraphs (e) and (f) reading as follows:

§ 1.112 *Authority delegated.* • • •

(e) Petitions requesting the dismissal of other pending petitions filed by the same party.

(f) Petitions containing requests, all of which have become moot.

It is further ordered, That this order shall become effective immediately.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i).)

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4877; Filed, May 23, 1947; 8:54 a. m.]

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of May 1947;

The Commission having under consideration the question of the existence of a shortage of radiotelegraph operators possessing six months' previous service required by section 353 (b) of the Communications Act of 1934, as amended, and further having under consideration the necessity for alleviation of the difficulties which may result therefrom to the public, while at the same time having in mind the safety purposes of section 353 (b) of the act; and

It appearing that there is a current shortage of radiotelegraph operators who have the six months' ship experience required by section 353 (b) of the Communications Act of 1934, as amended; and

It further appearing that this shortage does not exist generally throughout the United States; and

It further appearing that in the areas where the shortage exists ships are from time to time delayed in meeting normal departure schedules; and

It further appearing that in view of the safety purposes of section 353 (b), it is appropriate under the circumstances to consider each case individu-

ally upon its merits with a view to granting where necessary a limited individual waiver of the experience requirement; and

It further appearing that such individual action can be best taken at the ports of scheduled departure of the particular ships through the exercise of delegated authority by the Commission's Engineer in Charge at those ports or in their vicinity; and

It further appearing that general notice of proposed rule making is not required herein under the provisions of section 4 of the Administrative Procedure Act since the amendments of the Commission's Rules and the new Rules ordered herein relate to Commission organization and procedure and are designed to relieve a restriction in that they will expedite action upon applications for individual waivers as hereinbefore referred to;

It is ordered, That new §§ 1.151 and 1.152 of the Commission's rules and regulations be and the same are hereby adopted, reading as follows:

§ 1.151 *Authority delegated to Engineer in Charge of Port Offices.* The Engineer in Charge of each Port Office (or in his absence the Acting Engineer in Charge) is designated to act upon the following matter:

(a) Applications for waiver of the requirement of six months' previous service contained in section 353 (b) of the Communications Act of 1934, as amended, and in paragraphs (c) (3) and (d) (2) of § 13.61 of the rules and regulations of this chapter.

§ 1.152 *Record of actions taken.* Action taken on applications in accordance with § 1.151 shall be recorded each week and a copy thereof forwarded to the Secretary of the Commission to be filed in the official minutes of the Commission.

It is further ordered, That § 1.211 of the Commission's rules and regulations be and it hereby is amended, to read as follows:

§ 1.211 *Applications for exemptions and waivers under Part II of Title III.* (a) Applications filed under the provisions of section 352 (b) for exemption from the requirements of Part II, Title III of the Communications Act of 1934, as amended, shall be filed at the Commission's office in Washington, D. C.

(b) Applications filed under the provisions of section 353 (b) for waiver of the requirements of that section shall be filed at the office of the Commission's Engineer in Charge at or in the vicinity of the port from which the vessel for which the waiver is requested is scheduled to depart. Prior to filing an application for such waiver, the applicant must have exhausted all known sources of ship radio operators within a reasonable distance. The determination of what sources will be considered to be within a reasonable distance will be made by a reference, among other factors, to the date when efforts were commenced by the applicant to secure a fully qualified radio-telegraph operator in relation to the date when the applicant first became aware of the scheduled (or approximate) sailing date of the vessel concerned.

It is further ordered, That § 1.331 of the Commission's rules and regulations be and it hereby is amended, to read as follows:

§ 1.331 *Applications for exemptions and waivers under Part II of Title III.* (a) Applications filed under the provisions of section 352 (b) for exemption from the requirements of Part II, Title III of the Communications Act of 1934, as amended, and Article 27 of the Safety of Life at Sea Convention, London, 1929, shall be submitted on FCC Form 820, entitled "Application for Exemption."

(b) Applications filed under the provisions of section 353 (b) for waiver of the requirements of that section and paragraphs (c) (3) and (d) (2) of § 13.61 of the rules and regulations are not required to be submitted on any numbered or prescribed form. However, all such applications must be submitted in writing by or on behalf of the owner, charter party, or operating agent of the ship, must be signed, must be sworn to either when submitted or by confirmation as set forth below, and must contain a specific request for waiver which specifies at least the following information:

(1) Name of ship and port of scheduled departure.

(2) Date and time of scheduled departure.

(3) Nature of cargo.

(4) Destination.

(5) Statement that all known sources of ship radio operators within a reasonable distance have been exhausted, including both all union and non-union sources and the nearest United States Employment Service local office.

(6) Listing by name, location and date contacted the sources canvassed.

(7) Date that applicant first became aware of the scheduled (or approximate) sailing date of the vessel concerned.

(8) Name and description of qualifications of the radiotelegraph operator presently available and intended to be employed under the requested waiver.

Unsworn applications for waiver under this paragraph may, when necessary, be submitted and acted upon. In each case, however, an applicant must immediately upon filing an unsworn application submit a sworn confirmation thereof.

It is further ordered, That this order shall become effective on the 15th day of May 1947.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4886; Filed, May 23, 1947; 8:56 a. m.]

PART 3—RADIO BROADCAST SERVICES

APPENDIX TO SUBPART B—STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING FM BROADCAST STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of April 1947;

Whereas, sections 16, 17 and 18 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations provide that lists of approved equipment will be issued from time to time for incorporation in these standards, and

Whereas, the Commission has approved certain equipment in accordance with sections 13, 14 and 15 of these standards, and

Whereas, the Commission has found that it will be in the public interest to amend the Standards of Good Engineering Practice concerning FM broadcast stations so as to set forth this equipment approved by the Commission, and

Whereas, these amendments do not preclude the approval of additional equipment in accordance with these standards, and

Whereas, the amendments are issued under the authority of sections 303 (e) and 303 (r) of the Communications Act of 1934, as amended, and

Whereas, in view of the foregoing, the Commission is of the opinion that it is unnecessary that the procedure for proposed rule making prescribed in section 4 of the Administrative Procedure Act be followed and that for the same reasons the amendments may become effective immediately,

It is therefore ordered, That sections 16, 17 and 18 of these Standards be and are hereby amended as follows:

SEC. 16. *Approved transmitters.*

Manufacturer's name	Type No.	Rated power	Type of approval [1]
Collins Radio Company, Cedar Rapids, Iowa	731A	250 watts	Final.
Do	732A	1 kw	Do.
Do	733A	3 kw	Tentative.
Do	734A	10 kw	Do.
Federal Telephone & Radio Corp, Newark, N. J	191A	1 kw	Do.
Do	192A	3 kw	Do.
Do	193A	10 kw	Do.
Do	199A	20 kw	Do.
Do	194A	50 kw	Do.
Gates Radio Co., Quincy, Ill	BF-250A	250 watts	Final.
Do	BF-1A	1 kw	Do.
General Electric Co., Schenectady, N. Y	BT-1-A	250 watts	Do.
Do	BT-2-A	1 kw	Tentative.
Do	BT-3-A	3 kw	Do.
Do	BT-4-A	10 kw	Do.
Do	BT-5-A	50 kw	Do.

[1] Tentative approval indicates that the manufacturer has supplied the Commission with preliminary data, including guaranteed performance of equipment to be constructed or under construction. Final approval indicates that construction details and measured performance data of completed equipment have been supplied.

Manufacturer's name	Type No.	Rated power	Type of approval
Harvey Radio Laboratories, Inc., Cambridge, Mass	FM-500	250 watts	Final.
Radio Corporation of America, New York, N. Y	MI-7016	Exciter	Do.
Do	BTF-250A	250 watts	Do.
Do	BTF-1C	1 kw	Do.
Do	BTF-3B	3 kw	Tentative.
Do	BTF-10B	10 kw	Do.
Radio Engineering Laboratories, Long Island City, N. Y	549A-DL	250 watts	Do.
Do	518A-DL	1 kw	Do.
Raytheon Manufacturing Co., Chicago, Ill	RF-250	250 watts	Do.
Do	RF-1000	1 kw	Do.
Do	RF-3	3 kw	Do.
Western Electric Co., Inc., New York, N. Y	501 B-1	250 watts	Do.
Do	501 B-2	250 watts	Do.
Do	503 B-1	1 kw	Do.
Do	503 B-2	1 kw	Do.
Do	504 B-1	3 kw	Do.
Do	504 B-2	3 kw	Do.
Do	506 B-1	10 kw	Do.
Do	506 B-2	10 kw	Do.
Do	508 B-2	25 kw	Do.
Do	507 B-1	50 kw	Do.
Do	507 B-2	50 kw	Do.
Westinghouse Electric & Mfg. Co., Baltimore, Md	MO/MP	Exciter	Final.
Do	FM-1	1 kw	Do.
Do	FM-3	3 kw	Tentative.
Do	FM-10	10 kw	Do.
Do	FM-50	50 kw	Do.

SEC. 17. *Approved frequency monitors.*

Manufacturer's Name and Type No.

Doolittle Radio, Inc., Chicago, Ill.: FD11.
General Electric Co., Schenectady, N. Y.: BM-1-A.
Radio Engineering Laboratories, Long Island City, N. Y.: 600.

SEC. 18. *Approved modulation monitors.*

Manufacturer's Name and Type No.

Doolittle Radio, Inc., Chicago, Ill.: FD11.
General Electric Co., Schenectady, N. Y.: BM-1-A.
Radio Engineering Laboratories, Long Island City, N. Y.: 600.

(Sec. 303 (e), 48 Stat. 1082; sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (e), 303 (r))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4883; Filed, May 23, 1947; 8:55 a. m.]

[Docket No. 8262]

PART 13—COMMERCIAL RADIO OPERATORS

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of May 1947;

The Commission having under consideration the matter of amending its procedure governing the issuance of restricted radiotelephone operator permits; and

It appearing, that by public notices dated April 4, 1947 and April 10, 1947, both of which were released and duly published in the form of a notice of proposed rule making and a correction thereto, which public notices set forth a proposal for the amendment of Part 13 of the Commission's rules governing commercial radio operators and set April 25, 1947 as the final date for interested parties to submit comments on the proposal; and

It further appearing, that the final date, April 25, 1947, for submitting comments on the proposal has passed without any adverse comments having been received; and

It further appearing, that the purpose of the proposed amendments is to provide for the more expeditious issuance of restricted radiotelephone operator permits to qualified applicants, without changing the qualifications for or the scope of authority of such permits, and without in any way affecting the procedure governing the issuance of any other kind or class of operator license or permit for which examination on any subject matter is required; and

It further appearing, that as the proposed amendments comprise changes in Commission procedure and would relieve a restriction by simplifying operator licensing procedure, and would be in the public interest, convenience, and necessity;

It is ordered, That the following amendments to Part 13 of the Commission's rules governing commercial radio operators be, and they are hereby, adopted, effective May 1, 1947.

1. Section 13.11 is amended to read as follows:

§ 13.11 *Procedure*—(a) *General.* The application, in the prescribed form and including all required subsidiary forms and documents, properly completed and signed shall be submitted in person or by mail to the office at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for renewal of license,[3] it must be submitted during the last year of the license term,[3a] and if all prescribed service requirements are fulfilled,[4] the renewal license may be issued by mail. A renewal application shall also be accompanied by the license to be renewed.

(b) *Restricted radiotelephone operator operator permit.* No oral or written examination is required for this permit. If the application is properly completed and signed, and if the applicant is found to be qualified, the permit may be issued forthwith by personal delivery to the applicant or by mail.

2. Footnote 3a to § 13.11 as hereby amended, is amended to read as follows:

[3a] By order No. 128-B, adopted December 17, 1946, effective January 1, 1947, any application filed or mailed not later than June 30, 1947, for renewal of a commercial radio operator license (other than a Temporary Emergency or Temporary Limited Radiotelegraph Second Class Operator License) which was valid on or after December 7, 1941 and which has expired by its own terms without having been cancelled or suspended, may, until further order of the Commission, be acted upon, notwithstanding the provisions of Section 13.11, if a statement is filed as a part of the renewal application showing that (1) the applicant is serving in the armed forces of the United States or has been honorably discharged therefrom since December 7, 1941; or (2) the applicant is serving in the United States Maritime Service or has voluntarily left that Service since December 7, 1941; or (3) the applicant is or has been employed outside the continental United States and has been unable to file timely application for renewal of license because of such employment outside the continental United States.

3. Paragraph (e) of § 13.22 is amended by deleting everything after the words "operator permit:", and substituting therefor the following: "No oral or written examination is required for this permit. In lieu thereof, applicants will be required to certify in writing to a declaration which states that the applicant has need for the requested permit; can receive and transmit spoken messages in English; can keep at least a rough written log in English or in some other language in general use that can be readily translated into English; is familiar with the provisions of treaties, laws and rules and regulations governing the authority granted under the requested permit; and understands that it is his responsibility to keep currently familiar with all such provisions."

4. Section 13.25 is amended by adding at the end thereof the following: "However, no person holding a new, duplicate, or replacement restricted radiotelephone operator permit issued upon the basis of a declaration, or a renewed restricted radiotelephone operator permit which renews a permit issued upon the basis of a declaration, shall, by reason of the declaration or the issuance of the permit based thereon, be relieved of qualifying by examination on any phase of the subject matter of the declaration when applying for any other operator license or permit for which examination on any subject matter is required."

5. Section 13.28 is amended by deleting, at the beginning of the first sentence, the words "A license," and inserting in lieu thereof the words "A restricted radiotelephone operator permit may be renewed without examination or showing of service and upon the same basis as an original permit of this class is issued. A license of any other class."

6. Footnote 7a to § 13.28 as hereby amended, is amended to read as follows:

[7a] By Order No. 77, dated and effective December 4, 1940, this section was suspended, until further order of the Commission, insofar as the required showing of service or use of license is required. The suspension has been continued by Orders Nos. 77-A through 77-G. Order No. 77-G, adopted December 17, 1946, effective January 1, 1947, extends the suspension until further order of the Commission, but in no event beyond June 30, 1947.

7. Section 13.73 is deleted in its entirety.

8. Sections 13.74 and 13.75 are re-numbered §§ 13.73 and 13.74, respectively.

(Sec. 303 (l), 48 Stat. 1082; sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (l), 303 (r))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4885; Filed, May 23, 1947; 8:56 a. m.]

PART 14—RADIO STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

FREQUENCIES FOR SHIP STATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of May 1947;

The Commission having under consideration the matter of providing an effective radio communication system for vessels operating in Alaskan waters; and

It appearing, that the frequencies presently available to ship stations licensed by this Commission for communication in Alaskan waters with coastal stations of the Alaska Communication System are congested with the result that such ship stations are experiencing difficulty in establishing and maintaining communication with such coastal stations; and

It further appearing, that this difficulty could be alleviated by providing an additional frequency upon which to conduct such communications; and

It further appearing, that upon the condition that no interference would result to other services, the additional frequency 2134 kilocycles could be provided by an amendment to Part 14 of the Commission's rules governing radio stations in Alaska; and

It further appearing, that it would be in the public interest, convenience, and necessity to adopt such an amendment, and that authority for such an amendment is contained in sections 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended; and

It further appearing, that the immediate adoption of such an amendment would relieve an existing restriction on the use of the frequency 2134 kilocycles and would promote the safety of life and property and, therefore, that the general public notice and procedure for rule making and the 30 day advance publication prior to the effective date of an adopted rule, as provided by section 4 of the Administrative Procedure Act, are not required;

It is ordered, That § 14.54 of the Commission's rules and regulations governing radio stations in Alaska be, and it is hereby, amended to read as follows:

§ 14.54 *Frequencies for ship stations.* (a) The following frequencies are allocated for use by ship stations in Alaskan waters in addition to those set forth in the general regulations: 1592 and 2538 kilocycles: A1, A2, A3 emission, maximum power 100 watts.[1]

(b) The frequency 2134 kilocycles is allocated for use by ship stations in Alaskan waters for communication primarily with Government coastal stations for types A1, A2, and A3 emission with a maximum power of 100 watts, upon the condition that no interference will result to other services.

It is further ordered, That this order shall be effective immediately.

(Secs. 303 (b), (c) and (f), 48 Stat. 1082, sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (b), (c), (f), and (r))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4884; Filed, May 23, 1947; 8:55 a. m.]

PART 41—TELEGRAPH AND TELEPHONE FRANKS

FREE SERVICE TO OFFICIAL PARTICIPANTS IN 1947 WORLD TELECOMMUNICATIONS CONFERENCES

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 14th day of May 1947;

The Commission, having under consideration Public Law 48, 80th Congress, 1st session, enacted May 13, 1947, permitting United States communication common carriers to accord free communication privileges to official participants in the world telecommunications conferences to be held in the United States in 1947, subject to such rules and regulations as the Commission may prescribe;

It is ordered, That pursuant to Public Law 48, 80th Congress, 1st Session, and section 4 (i) of the Communications Act of 1934, as amended, Part 41 of the Commission's rules and regulations is amended forthwith by the addition of the following sections:

§ 41.41 *Free service permitted.* For the duration of the world telecommunications conferences to be held in Atlantic City, New Jersey in 1947, United States communication common carriers may render, to official participants in such conferences, free communications services outbound from the United States to the respective foreign countries which the official participants represent at the conferences, provided the foreign connecting carriers involved in each case handle free the portion of such communication service rendered by them. The term "official participants" means persons whose names appear on the list of official participants maintained by the official secretariat of the world telecommunications conferences.

§ 41.42 *Communication common carriers.* The communication common carriers may establish and apply such restrictions on the use of the free communication services provided for in § 41.41 of these rules and regulations as may be necessary to assure the maintenance of adequate communications service to the general public.

Public notice of rule making deemed impracticable. Public Law 48, 80th Congress, was enacted on May 13, 1947. The first of the world telecommunications conferences to be held in the United States in 1947, the Radio Administrative Conference, convenes in Atlantic City, New Jersey, on May 15, 1947. Because of the lack of time between the enactment of the Joint Resolution and the convening of this conference, the Commission finds that the notice and public procedure thereon provided for in the Administrative Procedure Act are impracticable. Accordingly, §§ 41.41 and 41.42 of these rules and regulations are effective immediately.

(Sec. 4 (i), 48 Stat. 1066; Pub. Law 48, 80th Cong., May 13, 1947; 47 U. S. C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4887; Filed, May 23, 1947; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 904]

HANDLING OF MILK IN GREATER BOSTON, MASS., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND AMENDMENT TO ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a marketing agreement and a proposed amended order, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the seventh day after publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate

Preliminary statement. The proceeding was initiated by the Production and Marketing Administration as a result of requests received from cooperative associations of producers and from handlers

of milk in the Boston milk shed. In a letter dated January 17, 1947, the market administrator of the Greater Boston marketing area notified all handlers, cooperative associations, and other interested persons that they should file not later than February 3, 1947, any proposals which they wished to make with respect to amendments to the order. Forty-one proposals were submitted by cooperative associations, handlers, and the market administrator. After consideration of these various proposals, it was concluded that a hearing should be held to accept evidence on all of the proposals except one. It was decided to defer until a later date any hearing on the proposal made by several cooperative associations to enlarge the Greater Boston marketing area to such an extent as to create a New England-wide market pool.

On March 5, 1947, there was issued a notice of hearing which listed all of the proposals on which evidence would be taken. The hearing was held at Burlington, Vermont, on March 14 and 15, 1947, and continued at Boston, Massachusetts, on March 17–19 and 24–26, 1947.

Previously a hearing was held at Boston on November 20, 1946, to consider amendments to Order No. 4, which had been proposed by cooperative associations of producers and by the Dairy Branch. Action was taken at that time with respect to all of the issues except one which were developed at the hearing. No action was taken or has since been taken on a proposal designed to prevent contraseasonal changes in the Class I price which might otherwise occur as a result of the butter-powder formula contained in the order. This issue should be disposed of at this time.

Findings and conclusions. The issues which were listed in the notice and which were developed at the hearing in March 1947 are grouped under the following headings. The issue developed at the hearing held November 20, 1946 is included under the issue "Basis for determining Class I prices."

(1) *Basis for determining Class I prices.* The butter-powder formula for determining the Class I price should be retained in its present form with a provision to prevent contraseasonal changes in the Class I price. In addition, minimum floor prices for the period from July 1947 through December 1947 should be provided.

There is a very serious need for encouraging a shift toward more fall production. During three of the last four years the production of milk in the Boston milk shed has been insufficient in November and December to supply the needs for Class I milk. Production varies seasonally to such an extent that it is nearly twice as great in May and June as in November and December. A price plan to encourage increasing fall production is imperative for the Boston market. Minimum Class I floor prices are required for each month through December 1947 in order to assure a substantial rise in prices from the spring to the fall and thus develop a better seasonal pattern of production.

The uncertainty of economic conditions in the fall and winter requires a safeguard in addition to minimum floor prices for Class I milk. The butter-powder formula should be retained to give producers the benefit of any increase over the floor prices which may be justified by the prices of other dairy products and by the general price level in the fall and winter. The butter-powder formula should be modified to prevent contraseasonal price changes in the months just preceding or during the season of greatest shortage or seasonal flush production. Generally, the Class I price for any of the months of September through December of any year should not be lower than the Class I price in effect for the preceding month and the Class I price for the months of March through June of any year should not be higher than the Class I price in effect for the preceding month.

Producers contended that the butter-powder formula method of determining the Class I price be deleted entirely from the order and fixed prices substituted for it. Exact prices cannot be determined from this record for nine months to a year in advance. The present trend toward increasing production and decreasing consumption and the general uncertainty as to business conditions this fall and winter preclude a fixed guarantee of exact Class I prices. The present butter-powder formula should be retained until some other plan is developed. The formula will establish prices this fall above the floor prices named if conditions warrant higher prices, and will provide a method of pricing after December. The provision to prevent a contraseasonal price change will avoid nullification of the seasonal price plan by movements of the general price level. It is not considered advisable to provide for complete prevention of downward price movements in the last half of the year or upward price movements in the first half because such a provision would hold back unduly adjustments to the general price level.

(2) *Minimum floor prices for Class I milk for the latter half of 1947.* The minimum floor price for Class I milk in the 201–210-mile zone of the Boston milk shed should be $4.77 per hundredweight in July, August, and September 1947. The minimum floor price should be $5.21 in the short production months of October, November, and December 1947. If the butter-powder formula produces a higher price than $5.21 in October, November, or December, this price should continue to the end of the year. The maximum drop in price from either level between December and January or January and February should be 44 cents.

In 1946 a start was made in New England on a program of encouraging the production of more milk in the fall months. Shifting to fall freshening has involved substantial additional costs of producing milk. These special costs include breeding difficulties and the cost of purchasing additional fall-freshening cows. The current prices and rates paid for feed, labor, and farm machinery are higher than last year. These factors indicate that the program to encourage more fall production may be seriously hampered unless producers are assured of absolute floor prices for the last quarter of 1947 as high as the floor established in 1946. Absolute floor prices should be established also for July, August, and September 1947 at 44 cents below the last quarter prices to conform to the seasonal pattern of prices which is necessary to insure an adequate supply of producer milk in the area during the short season. On the other hand, the current trend toward greater milk production this year with some indication of smaller Class I sales does not justify absolute floor prices for Class I milk for the last quarter of 1947 higher than the last quarter of 1946.

A seasonal price spread equivalent to about 40 percent of the May-June price is necessary to encourage fall production. Farmers indicated that at present price levels this would require a price in November as near as possible to $1.50 above the blended price for May and June. Such a spread should encourage farmers who have already started the shift toward more fall production to continue and encourage other farmers to follow their example. The minimum floor price for Class I milk of $5.21 in October, November, and December will provide this encouragement. Following a seasonal pattern, the drop from December 1947 to January 1948 should not exceed 44 cents with a floor price of $4.77 for January and any further drop which might be indicated by the formula for February should be limited to not more than 44 cents. The limitation of any price decrease from December to January and January to February will prevent any precipitous price drop immediately following the period for which greater production is to be encouraged.

(3) *A "take-out" and "pay-back" plan of seasonal pricing.* The proposal to "take-out" of the Class I price during April, May, and June, 44 cents to be paid back according to the amount collected, in equal amounts during October, November, and December should not be adopted.

The seasonal change in Class I prices will accomplish the adjustment in producer prices which proponents of the "take-out" and "pay-back" plan advocated. Since the change in Class I prices was generally supported and better understood than this proposal, it can be expected to encourage producers more effectively to produce more fall milk.

(4) *Reported prices to be used as basis for Class II skim value.* No change should be made at this time in the reported prices used as a basis for Class II skim value.

The proponents of a change to another price series did not show that official prices published by the United States Department of Agriculture for nonfat dry milk solids manufactured by the roller process for human food or animal feed products do not reflect changes in the value of skim milk marketed in Class II milk. Moreover, the prices reported by the United States Department of Agriculture for nonfat dry milk solids, roller process, for human consumption, sold wholesale at New York and the average of commercial quotations for the same product listed as "known brands" and "other brands," have been less than

a cent apart for the years 1941 through 1946.

Prices for nonfat dry milk solids sold for animal feed products should be retained in the Class II skim value formula. The exact amount of the allowance factor to be used if the animal factor were omitted was not established at the hearing. The proposal to use a simple average of quotations for nonfat dry milk solids for human and animal consumption as the basis for pricing Class II skim milk was abandoned by the proponents at the hearing.

(5) *Allowance to handlers to cover freight and administration assessment on Class II milk.* No change should be made in the allowance to cover freight and administration assessment on Class II milk.

The handling allowance is only one of the many factors which are included in the Class II price formula. With so many factors, it is easy for one or more factors to be out of line in one direction while at the same time other factors are out of line in the opposite direction. One group of factors may underprice skim milk somewhat while other factors may overprice Class II milk at the same time. There is no evidence that the total allowance should be changed or that the increase in freight and administration assessment is not offset by other factors in the Class II price. In fact, the proposal to increase the allowance was brought up under the general statement that the several proposals affecting the Class II price formula should be considered in relation to other factors not specifically mentioned in each proposal. The presiding officer ruled that this specific proposal was not covered by the notice. Since the proponent did not establish the merits of the total level of Class II price which his proposal along with others would achieve or relate his proposal to the specific proposals, the presiding officer's ruling did not prejudice the proponent of this proposal.

(6) *Pricing of butterfat made into butter or cheese.* The butter and cheese adjustment provision of the order should be limited to butterfat which is manufactured into salted butter and the named cheeses and which is disposed of as such, and a separate cheese class should not be established.

Plastic cream or cream containing 80 percent butterfat is widely used in ice cream mix and is not eligible for special pricing because the fat in ice cream mix has a value comparable with that of the fat in fluid cream. Sweet butter is interchangeable with plastic cream in making ice cream mix and, therefore, should not be eligible for special pricing. A separate cheese class is not needed to provide an additional outlet for milk and might return to producers less than the butter value of the fat in Class II milk.

(7) *Months in which butter and cheese adjustment should apply.* The months in which the butter and cheese adjustment should apply should not be changed.

The requirements of the marketing area for fluid cream far exceed cream available from producer milk except in a few of the months of flush production. The fluid cream market is generally available to all handlers. The proposed year-around butter price which would permit certain handlers to churn butter and thus keep New England cream off the Boston market could not be expected to influence in any compensating degree the market price of the large volume of cream sold in Boston from western sources.

The proposal to permit a handler to claim the butter price in April and July only if the market administrator could not market his cream in fluid channels would involve special machinery for administration and detailed plans for determining whether the cream was of marketable quality and what price should be considered reasonable. Proponents did not show the details of the plan to carry out their proposal.

(8) *Pricing of skim milk made into casein and animal feed powder.* The special price for skim milk made into casein should be eliminated from the order and there should be no special price provision for skim milk made into animal powder.

Prior to 1942, casein returned a higher skim value than skim milk powder. During the war, casein production was purposely discouraged by a low ceiling price. The casein market has been strong since the end of the war while the powder market is slow and sluggish. A return to the price relationship which existed before the war between the two products may be expected.

The casein adjustment, and any separate adjustment for skim milk made into animal feed powder, tend to remove the incentive to vigorous merchandising which will return to producers the regular Class II price for skim milk. The skim formula is already heavily weighted with animal powder in the months of flush production. The pool should not absorb losses on lower value uses of skim milk when alternative outlets for higher value uses are available. Since it is concluded to eliminate the special price for skim milk made into casein, the proposal to change the quotation on which such price is based becomes a moot issue.

(9) *Transportation differentials on Class II milk shipped to city plants in fluid form.* Class I transportation differentials on Class II milk shipped to city plants in fluid form should not be allowed.

The differential proposed would have the effect of creating a separate class for skim milk which would return less than the regular Class II price for milk shipped to city plants from certain zones. The alternative outlet for this milk would be in fluid cream and manufactured skim products as regular Class II milk at country plants. Since this alternative outlet exists, the value of Class II milk at country plants should not be lower than the regular Class II value. The proposal would also have increased the cost of Class II milk from certain nearby zones but since the Class II milk price covers milk utilized in a number of different ways, some higher and some lower in value than others, there is no good reason to single out this particular use of milk for a higher price. The proposal to achieve more uniformity with respect to the cost of Class II milk moved as milk to city plants was not accompanied by evidence upon which a new class price based upon the value of milk in this particular use could be established.

(10) *Basis of pooling.* The proposed revision of the basis of pooling and related proposals made by the market administrator should be adopted. The revised basis of pooling should permit an individual producer to be retained on the pay roll of a pool plant even if his milk is delivered directly to a nonpool plant of the handler, provided the pool receives full Class I credit for the milk of such producer. The proposal to provide that the operation of the three-day provision in paragraph (c) of § 904.8 be measured from the date on which the plant first becomes a pool plant rather than being measured from August 1 should not be adopted except with regard to New York pool plants.

The adoption of the administrator's proposal would reduce or eliminate the possibility of accidental inclusion or exclusion of a plant from the pool, would curb the movement of plants in and out of the pool to the handler's advantage and loss to the pool, and would promote a more efficient physical handling of milk. The proposal sets up sound basic requirements for the inclusion of country plants in the market pool, which will prevent any plant from participation in the pool unless it is actually qualified to supply fluid milk to the marketing area.

Producer milk and all other sources of milk should be clearly defined and the obligations on handlers with respect to all sources of milk should be stated. Administration expense should be shared by handlers who receive milk which is not a part of the normal supply of the market. This outside milk involves additional administrative cost which should be borne by the handlers who receive it, including producer handlers and handler buyers.

In connection with the proposed change in the section regarding expense of administration, the change in the rate of assessment should be made by the Secretary instead of by the market administrator subject to review by the Secretary. Payments to the producer-settlement fund on outside milk which displaces producer milk in Class I should be made by the handler who receives the milk for disposition in the Boston marketing area. During an emergency period, when supplies of producer milk are not sufficient to meet the needs of the market, the outside milk which is considered emergency milk should not be subject to such payments.

More efficient handling of milk will be provided by allowing an individual producer to be retained on the pay roll of a plant even if his milk is delivered directly to a nonpool plant of the handler, provided the pool receives full Class I credit for the milk of such producer.

The proposal to provide that the operation of the three-day provision in the "Dairy Farmers for Other Markets" paragraph be measured from the date on which the plant first becomes a pool plant rather than being measured from August 1 would apply to plants other than those newly acquired if it were adopted as it was proposed in the notice. If the inclusion were that broad, the provisions to prevent transfers in and out of the pool could be circumvented by this provision. If the proposal were revised to apply only to newly acquired plants, it, too, could provide a vehicle for circumvention if a handler wished to maintain his newly acquired plant as a supply for a Class I outlet in another market outside the pool for several delivery periods. The lapse of time during each calendar month is sufficient for the ordinary acquisition of the plant by passing legal papers and obtaining other evidence of the right to ship milk to the Boston market. In general, under the revised basis of pooling, if a newly acquired plant otherwise qualified makes one shipment of Class I milk to the marketing area in the form of milk during any month, it becomes eligible for pooling for the entire month. However, this is not true in the case of New York pool plants.

In the case of a transfer of a milk plant from the New York pool to the Boston pool, the New York order would require that the plant be pooled for the entire month if it were pooled for any part of the month. The Boston order exempts from pooling any plant which is a New York pool plant. Therefore, the transfer of a plant from New York to Boston would have to be accomplished on the first day of the month to prevent the producers delivering to that plant from being considered "Dairy farmers for other markets" during the following April, May, June, and July.

(11) *Uniform payment of premiums.* The uniform payment of premiums to producers should not be required.

Recurring milk shortages since 1943 have caused an acute increase in the payment of cash premiums and in the building of new plants in the supply area of existing plants as competitive means of securing milk. Hauling subsidies and free use of cans are other forms of premium payments in use in the Boston milk shed. Regulation of cash premiums only would not be an effective solution of the problems involved. The problem will gradually disappear as supplies become more ample. It is possible that the administration of such a provision would discourage the payment of premiums for quality and incentives for seasonal production.

The evidence failed to show that the payment of premiums to producers supplying the Boston market constituted unfair trade practices.

(12) *Permissive variation in butterfat differential.* Handlers should not be allowed to use an adjusted butterfat differential in making payments to producers at any of their plants in any period even if total payments to producers at such a plant during the period were not less than the total payments required by the order.

A permissive variation in the butterfat differential was offered as a device to aid in meeting competition in areas where producers can deliver to handlers subject to the provisions of Order No. 27. If it were adopted, producers delivering milk with a high butterfat content would receive less and producers delivering milk with a low butterfat content to the same plant would receive more than the minimum prices required by the order. The high test producers would, in effect, be paying part of the handler's cost in meeting local competition for milk.

(13) *Months in which milk subject to the New York order is allocated to Class II.* The months in which milk subject to the New York order is allocated to Class II should not be changed.

The record does not show the need for a change. In each of the months of April and July since January 1, 1938, Class II milk has exceeded 42 percent of total producer receipts except during 1946 when Class II exceeded 30 percent of receipts. In case of an emergency, New York milk would be available under the provision discussed in issue 14, which is recommended for adoption. The proposal to extend the months during which New York milk should be allocated entirely to Class II was not in the hearing notice and was not fully developed at the hearing.

(14) *Modification of emergency milk definition and classification.* The provision for classifying emergency milk should apply only to the period within the month during which the handler brings in some emergency milk, and the wording revised to make clear how it is applied. The definitions of emergency period and emergency milk should be revised to delete any reference to the New York milk shed and make any milk outside the regular Boston supply available on an emergency basis.

Since handlers who do not purchase any emergency milk are not limited in the amount of Class II milk they may handle during an emergency period, other handlers who purchase emergency milk only during a part of the period should have the same privilege during the part of the period in which they bring in no emergency milk.

The language of the section which provides for allocating emergency milk to classes should also be worded to make clear that receipts of cream are not used in determining the base or the quantity of Class II milk, and that total receipts of other products are adjusted for inventory variations.

There may be extra milk in the New York milk shed which is not available to Boston handlers because of provisions of health regulations. Boston may need emergency milk even when New York is adequately supplied.

The supply of milk in Boston pool plants should be the basis for determining whether an emergency exists in the Boston market. New York milk should be considered as emergency milk during any emergency which might occur during April, May, June, and July.

(15) *Revision of the definition of producer-handler.* A producer-handler should be defined as any person who is both a dairy farmer and a handler who receives milk of his own production only from farms within 80 miles of Boston and who receives no milk from other dairy farmers except producer-handlers.

The present definition of producer-handler in the order can work a hardship and is not needed to establish the bona fide nature of a producer-handler's operation. The proposed 80-mile limit is consistent with other provisions of the order which grant special pricing to producers within that area and there have never been producer-handlers under Order No. 4 located beyond 80 miles.

(16) *Maintenance of records by handlers.* Handlers should be required to maintain detailed and summary records which will show all receipts, movements, and disposition of milk and milk products.

The order does not now specifically require that records be maintained although proper verification of reports is not possible in the absence of adequate records. The requirement that adequate records be maintained should be set forth in the order so that it could be relied on in legal proceedings to compel a handler to maintain records.

(17) *Reports regarding individual producers.* The section of the order providing for reports regarding individual producers should be clarified and revised to permit handlers to submit such reports only twice a month.

The first subparagraph of paragraph (c) in the reports section has been in the order since August 1, 1937, and was intended for use in connection with base ratings. It has never been used and should be deleted.

Filing reports regarding individual producers twice each month will be a convenience to some handlers and will not create any administrative difficulties.

(18) *Time limit on reaudits and rebillings.* The proposal to provide a time limit with respect to the retention of records and with respect to reaudits and the issuance of revised billings should not be adopted at this time.

The evidence indicated that a limitation of time on the keeping of records involved important collateral issues which were not included in the notice of hearing or fully developed at the hearing. For example, it was pointed out that if there were a time limit on reaudits, it would be necessary to set a companion limit on the time within which handlers be permitted to file revised reports. Safeguards would have to be provided with respect to records which become involved in audit adjustments, ltigation, or where there is fraud or intentional falsification. There is involved also the question of a limitation of time within which the market administrator could enforce a claim against a handler or a handler against the market administrator. The order should not be amended to provide for these matters until a hearing has been held on proposals which contain specific language to cover these collateral issues.

(19) *Time of payment to producers.* An advance payment to producers should not be required if a first and final payment is made on or before the seventeenth day after the end of the delivery period.

A single monthly payment will be advantageous to some handlers in that they can reduce their total pay roll work. Producers will not be inconvenienced and payment by the seventeenth will not require them to extend handlers any more credit than they do now.

(20) *Bring up to date table of transportation differentials and emergency price provision.* The table of plant handling and transportation differentials in the minimum price section should be brought up to date by substituting the table of differentials which has been in use since January 1, 1947, when "New England Joint Tariff M–5" became effective.

The emergency price provision should be revised to delete references to subsidies and maximum uniform prices which were war time measures and are no longer in effect.

Incorporation into the order of these recommendations will require changes in the wording of certain related paragraphs. Several new definitions of terms are needed to give greater clarity to certain sections of the order that are being amended. These newly defined terms can be utilized to advantage in clarifying other paragraphs in which no substantive changes are being made.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Bethel Cooperative Creamery, Grand Isle County Cooperative Creamery, Milton Cooperative Creamery, New England Dairies, Inc., Shelburne Cooperative Creamery, United Farmers' Cooperative Creamery Association, The Independent Cooperative Association, Inc., The Eastern New York Dairy Cooperative Association, Inc., New England Milk Producers' Association, David Buttrick Company, H. P. Hood & Sons, Inc., White Bros. Milk Company, and Whiting Milk Company. The first six cooperative associations named also filed a request that findings be made with respect to specified proposed findings of fact and a ruling upon a ruling made by the presiding officer during the course of the hearing.

The briefs contain statements of fact, conclusions, and arguments with respect to nearly all of the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. Although the briefs do not contain specific requests to make the proposed findings and conclusions stated therein, it is assumed that they were submitted with that intention and are treated accordingly. Some of the proposed findings of fact are immaterial to the issues presented or outweighed by other facts found herein, and some of the proposed conclusions do not logically follow from the proposed findings of fact. To the extent that the proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the implied requests to make such findings are denied because of the reasons stated for the conclusions in this recommended decision.

The ruling complained of by the aforementioned six cooperative associations involved their proposal to increase the allowance for freight and the administrative assessment which are only two of the factors that are included in the 27-cent allowance in the Class II price formula. This proposal was not contained in the notice of hearing. The presiding officer ruled that the proposal could not be made at the hearing as a separate or new proposal, but that evidence thereon would be received for consideration in connection with the proposals which were contained in the notice of hearing. As we have indicated in our discussion of issue No. 5, the evidence offered by the proponent of the disputed proposal became a part of the record and the proposal was considered on its merits. For the reasons stated in connection with this issue, the proposal was rejected. Hence the propriety of the ruling by the presiding officer presents a moot question.

With regard to the request of the aforementioned six cooperative associations that findings be made with respect to specified proposed findings, the following findings are made:

1. There is no evidence in the record concerning the cost of producing milk on September 21, 1946 or on April 11, 1947.

2. The prices or rates paid for feed, labor, and farm machinery were higher during the first quarter of 1947 than they were during the corresponding period of 1946.

3. There is no evidence in the record concerning the exact difference between the cost of producing milk in fall and winter and in the spring months.

4. The Class I price formula was adopted so that any general change on a national basis in the prices of butter and nonfat dry milk solids would be automatically and immediately reflected in the returns to producers in the Boston milk shed and to prevent disparity between the New York and Boston Class I order prices.

5. The payment of premiums to producers supplying the Boston market under the circumstances and for the purposes indicated by the evidence in the record does not constitute an unfair trade practice.

Recommended marketing agreement and order. The following amended order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended. It is further recommended that the recommended amendments changing the basis of pooling be made effective August 1, 1947, the beginning of the "marketing year" under the proposed amendment, but the amendments to the price provisions of the order should be made effective as soon as possible.

§ 904.1 *Definitions.* As used in the regulations in this part the words and phrases defined in this section shall have the meanings herein assigned to them unless the context otherwise requires.

(a) *General.* (1) "Act" means Public Act No. 10, 73d Congress, as amended and re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) "Greater Boston, Massachusetts, marketing area", also referred to in this order as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns.

Arlington.	Marblehead.	Somerville.
Belmont.	Medford.	Stoneham.
Beverly.	Melrose.	Swampscott.
Boston.	Milton.	Wakefield.
Braintree.	Nahant.	Waltham.
Brookline.	Needham.	Watertown.
Cambridge.	Newton.	Wellesley.
Chelsea.	Peabody.	Weymouth.
Dedham.	Quincy.	Winchester.
Everett.	Reading.	Winthrop.
Lexington.	Revere.	Woburn.
Lynn.	Salem.	
Malden.	Saugus.	

(3) "Month" means a calendar month.

(4) "Marketing year" means the twelve months' period from August 1 of each year through July 31 of the following year.

(5) "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

(b) *Persons.* (1) "Person" means any individual, partnership, corporation, association, or any other business unit.

(2) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(3) "Market administrator" means the person designated by the Secretary as the agency for the administration of the regulations in this part.

(4) "Dairy farmer" means any person who delivers milk of his own production to a plant, except a producer-handler in respect to his deliveries in packaged form to another handler.

(5) "Segregated dairy farmer" means a dairy farmer whose milk is kept separate from the supply for the marketing area.

(6) "Dairy farmer for other markets" means any dairy farmer, except a segregated dairy farmer, whose milk is received by a handler at a pool plant during April, May, June, or July from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of August through March. The term shall not include a person who was a producer-handler or a person delivering to a New York order pool plant during any of the preceding months of August through March.

(7) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a segregated dairy farmer. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to one of the handler's nonpool plants, if the handler, in filing his monthly report pursuant to § 904.6 (a), reports the milk as receipts from a producer and as Class I milk at such pool plant.

(8) "Handler" means any person who, in a given month, operates a pool plant, or engages in the handling of milk or other fluid milk products which are received at any plants from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(9) "Pool handler" means any handler who receives milk from producers at a pool plant.

(10) "Buyer-handler" means any handler who operates a bottling or processing plant from which Class I milk is disposed of in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(11) "Producer-handler" means any person who is both a handler and a dairy farmer and who receives milk of his own production only from farms located within 80 miles of the State House in Boston, and who receives no milk from other dairy farmers except producer-handlers.

(12) "Dealer" means any person who engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(13) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

(c) *Plants.* (1) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(2) "City plant" means any plant which is located not more than 40 miles from the State House in Boston.

(3) "Country plant" means any plant which is located more than 40 miles from the State House in Boston.

(4) "Receiving plant" means any milk plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(5) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in § 904.4 for being considered a pool plant in that month.

(6) "Regulated plant" means any pool plant; any of a pool handler's plants which is located in the marketing area and from which Class I milk is disposed of in the marketing area; and any plant operated by a handler in his capacity as a buyer-handler or producer-handler.

(7) "Distributing plant" means any plant from which Class I milk in the form of milk is disposed of to consumers in the marketing area without intermediate movement to another plant.

(8) "New York order pool plant" means any plant designated as a pool plant in accordance with the provisions of Order No. 27, issued by the Secretary, regulating the handling of milk in the New York metropolitan marketing area.

(d) *Milk and milk products.* (1) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(2) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term "cream" also includes sour cream, frozen cream, and milk and cream mixtures containing 16 percent or more of butterfat.

(3) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, and buttermilk, either individually or collectively.

(5) "Pool milk" means milk, including fluid milk products derived therefrom, which a handler has received as milk from producers.

(6) "Outside milk" means (i) All milk received from dairy farmers for other markets; (ii) All nonpool milk, including other fluid milk products derived therefrom except cream, which is received at a regulated plant from any unregulated plant, except receipts from a New York order pool plant and receipts of emergency milk; and (iii) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant without its intermediate movement to another plant.

(7) "Emergency milk" means fluid milk products, other than cream, received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

§ 904.2 *Market administrator*—(a) *Selection, removal, and bond.* The market administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as may be determined by the Secretary.

(c) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person, who within 15 days after the date upon which he is required to perform such acts, has not (i) Made reports pursuant to § 904.6 or (ii) Made payments pursuant to § 904.9;

(6) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status, for the first month of the marketing year in which the plant's status has changed or is changing to that of a nonpool plant;

(7) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(8) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof; and

(9) Pay, out of the funds provided by § 904.11, (i) The cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) His own compensation, and (iii) All other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

(e) *Responsibility.* The market administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler, or to any other person, for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own willful misfeasance, malfeasance, or dishonesty.

§ 904.3 *Classification of milk and other fluid milk products*—(a) *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to the other provisions of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(2) Class II milk shall be all fluid milk products the utilization of which is estab-

lished: (i) As being sold, distributed, or disposed of other than as or in milk; and other than as or in flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and (ii) As plant shrinkage not in excess of 2 percent of the volume handled.

(b) *Classification of milk and milk products utilized at regulated plants of pool handlers.* All milk and milk products received at a regulated plant of any pool handler shall be classified in accordance with their utilization at such plant, except as provided otherwise in paragraph (c) of this section.

(c) *Classification of fluid milk products, other than cream, moved to other plants.* Milk, flavored milk, skim milk, cultured or flavored skim milk, or buttermilk which is moved from the regulated plant of a pool handler to any other plant shall be classified as follows:

(1) If moved to any other regulated plant, it shall be classified in accordance with its utilization at the plant to which it is moved.

(2) If moved to an unregulated plant, it shall be classified as Class I milk up to the total quantity of milk, or the corresponding milk product so moved, which is utilized as Class I milk at the unregulated plant.

(3) If moved to a regulated plant of a nonpool handler or to an unregulated plant, and thence to another such plant, it shall be classified as Class I milk.

(d) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

§ 904.4 *Determination of pool plant status*—(a) *Basic requirements for pool plant status.* Subject to the provisions of paragraph (b) of this section, each receiving plant shall be a pool plant in the first month in which the handler operates it in conformity with the basic requirements specified in this paragraph, and shall thereafter be a pool plant for the remaining months of the marketing year in which it is operated by the same handler. The basic requirements for acquiring pool plant status shall be as follows:

(1) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, Section 16, of the Massachusetts General Laws.

(2) The handler holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, Section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plants are approved by such an inspector as sources of supply for milk for sale in his municipality.

(3) Class I milk in the form of milk is disposed of in the marketing area from the plant.

(4) The handler's total Class I milk in the marketing area exceeds 10 percent of his total receipts of fluid milk products other than cream.

(b) *Conditions resulting in nonpool plant status.* (1) Each plant which has acquired pool plant status but from which no Class I milk in the form of milk is disposed of in the marketing area for two successive months in the marketing year shall be a nonpool plant in the second of the two months and for each consecutive succeeding month of the marketing year during which no such Class I disposition is made.

(2) Each nondistributing plant for which the market administrator has received on or before the 16th day of the preceding month the handler's written request for nonpool plant designation shall be a nonpool plant in each month of the marketing year to which the request applies.

(3) Each city distributing plant operated by a handler who operates no other plant which is a pool plant in the same month shall be a nonpool plant in any month in which the handler's total Class I milk in the marketing area does not exceed 10 percent of his total receipts of fluid milk products other than cream.

(4) Each plant which is operated as the plant of a producer-handler shall be a nonpool plant in any month in which it is so operated.

(5) Each plant which is operated as a New York order pool plant or as a plant from which emergency milk is received shall be a nonpool plant during the month or portion of a month of such operation.

(6) Each of a handler's plants which is a nonpool receiving plant during any of the months of August through March shall be a nonpool plant in any of the months of April through July of the same marketing year in which it is operated by the same handler, an affiliate of the handler or any person who controls or is controlled by the handler, unless its operation during August through March was in the handler's capacity as a producer-handler or as the operator of a New York order pool plant.

(c) *Disposition of Class I milk in the form of milk in the marketing area.* For the purposes of this section, each plant from which milk is moved at some time during the month to another plant from which Class I milk in the form of milk is disposed of in the marketing area shall itself be considered to have made such a disposition, except that no movement of milk to any unregulated nondistributing plant shall be considered a disposition of Class I milk in the form of milk in the marketing area.

(d) *Total receipts of fluid milk products other than cream.* For the purposes of this section, each handler's total receipts of fluid milk products other than cream, referred to in this paragraph as "total reecipts", shall be determined as follows:

(1) For each month of the marketing year until and including the first month in which the handler is a pool handler, his total receipts shall be the receipts at all plants from which Class I milk in the form of milk is disposed of in the marketing area, except his receipts from segregated dairy farmers and his receipts at any plant which fails to meet the applicable standards set forth in subparagraph (1) and (2) of paragraph (a) of this section or which is a nonpool plant pursuant to subparagraph (2) of paragraph (b) of this section.

(2) For each of the other months of the marketing year, the handler's total receipts shall be the total receipts determined pursuant to subparagraph (1) of this paragraph plus the receipts at any other of his plants which is a pool plant in such month.

§ 904.5 *Assignment of receipts to Class I milk and Class II milk*—(a) *General provisions.* Except as provided in the other paragraphs of this section, all receipts of fluid milk products, other than receipts from producers, shall be assigned to Class I milk or Class II milk as follows:

(1) Receipts as to which Class II use is established shall be assigned to Class II milk.

(2) All other receipts shall be assigned to Class I milk.

(b) *Receipts of cream and other milk products.* All receipts of cream, and milk products other than fluid milk products, shall be assigned to Class II milk.

(c) *Receipts of skim milk from producer-handlers.* Skim milk received from a producer-handler shall be assigned to Class II milk, except that if the specific Class I use of the skim milk is established, it shall be assigned to Class I milk.

(d) *Receipts of outside milk.* All receipts of outside milk shall be considered as receipts of Class II milk, and shall be assigned to that class without regard to the specific use of such receipts.

(e) *Receipts from New York order pool plants.* Except as provided in paragraph (f) of this section, receipts of fluid milk products, other than cream, from New York order pool plants shall be assigned to Class I milk or Class II milk as follows:

(1) All receipts during the months of April through July, inclusive, shall be assigned to Class II milk.

(2) Receipts of milk and flavored milk during the months of August through March, inclusive, shall be assigned to Class I milk when classified in Classes I–A, I–B, or I–C under the New York order, except that the quantity as to which specific Class II use is established shall be assigned to Class II milk.

(3) Receipts of skim milk, cultured or flavored skim milk, or buttermilk during the months of August through March, inclusive, shall be assigned to Class II milk, except that if the quantity so received is in excess of the total quantity of the corresponding milk product classified as Class II milk at the plant of receipt, such excess shall be assigned to Class I milk.

(f) *Receipts of emergency milk.* (1) Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products, other than cream, handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this subparagraph, the handler's total Class II milk and total volume handled shall be the total of the respective quantities from the first day on which emergency milk is received by the handler during the month up to and including the last such day in the month.

(2) If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity assigned to Class II milk pursuant to subparagraph (1) of this paragraph, such greater quantity shall be assigned to Class II milk in lieu of the quantity determined under that subparagraph.

(3) Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

§ 904.6 *Reports of handlers*—(a) *Monthly reports of pool handlers.* On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(2) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to § 904.5;

(3) The receipts of outside milk at each plant; and

(4) The respective quantities which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to § 904.3.

(b) *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

(c) *Reports regarding individual producers.* (1) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(2) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(d) *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer pay roll for such month, which shall show for each producer:

(1) The daily and total pounds of milk delivered with the average butterfat test thereof and

(2) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(e) *Outside cream purchases.* Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from nonpool handlers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

(f) *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month.

(g) *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by the regulations in this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in reports submitted in accordance with this section;

(2) Weigh, sample, and test milk and milk products; and

(3) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

§ 904.7 *Minimum class prices*—(a) *Class I prices.* (1) Each pool handler shall pay producers, in the manner set forth in § 904.9 and subject to the differentials set forth in paragraph (c) of this section, for Class I milk delivered by them, not less than the price per hundredweight determined for each month as follows:

(i) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market.

(ii) Using the midpoint of any range as one quotation, compute the average of all the hot roller process dry skim milk quotations per pound for "other brands, animal feed, carlots, bags, or barrels," and for "other brands, human consumption, carlots, bags, or barrels", published during the 30 days ending on the 24th day of the immediately preceding month in "The Producers' Price Current"; subtract 4 cents; and multiply the remainder by 1.8.

(iii) Add the values determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Value computed pursuant to (iii) of this subparagraph (cents)		Class I price (dollars per cwt.)	
At least	But less than—	April through June	July through March
0	25	1.69	2.13
25	30	1.91	2.35
30	35	2.13	2.57
35	40	2.35	2.79
40	45	2.57	3.01
45	50	2.79	3.23
50	55	3.01	3.45
55	60	3.23	3.67
60	65	3.45	3.89
65	70	3.67	4.11
70	75	3.89	4.33
75	80	4.11	4.55
80	85	4.33	4.77
85	90	4.55	4.99
90	95	4.77	5.21
95	100	4.99	5.43
100	105	5.21	5.65

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from further extension of this table.

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month; and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than $4.77 per hundredweight for each of the months of July through September, 1947, and shall not be less than $5.21 per hundredweight for each of the months of October through December, 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

(2) For the purpose of this section, each pool handler's Class I milk during the month, after excluding receipts assigned to Class I milk pursuant to § 904.5, shall be allocated to his plants as follows: (i) His Class I milk first shall be considered to have been the receipts at his city plants of milk from producers' farms, and of outside milk. (ii) Thereafter, his Class I milk shall be considered to have been the receipts at his country plants of that milk received from producers' farms, and that outside milk, which was shipped as fluid milk products, other than cream, from each of his country plants, in the order of the nearness of the plants to Boston. However, shipments to plants located in the States of Maine, New Hampshire, Vermont, or New York, with respect to which utilization as Class II milk is established, shall not be allocated to Class I milk.

(b) *Class II prices.* Each pool handler shall pay producers, in the manner set forth in § 904.9 and subject to the differentials set forth in this section, for Class II milk delivered by them, not less than the price per hundredweight calculated by the market administrator for each month by combining in one sum such of the following computations as apply:

(1) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, multiply this result by 3.7 and subtract 27 cents.

(2) For any month for which no cream price as described in subparagraph (1) of this paragraph is reported, multiply the average price reported for such month by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the Chicago market by 1.4, multiply this result by 3.7, and subtract 27 cents.

(3) Compute any plus amount for skim milk value which results from the following calculation. Using the midpoint in any range as one price, compute the average price per pound of nonfat dry milk solids in carlots for roller process human food products in barrels, and for hot roller process animal feed products in bags, as published during the month by the United States Department of Agriculture for New York City. Multiply each such average price by the applicable percentage indicated for the month in the following table and combine the results; subtract 4 cents; and multiply the remainder by 7.5.

Month	Percent	
	Human food products	Animal feed products
January	100	----------
February	100	----------
March	50	50
April	50	50
May	25	75
June	25	75
July	50	50
August	75	25
September	75	25
October	100	----------
November	100	----------
December	100	----------

(c) *Plant handling and transportation differentials.* The minimum prices set forth in paragraphs (a) and (b) of this section shall be subject to the differentials contained in the following table for the zone applicable to the plant at which the milk is received from producers. For each country plant the zone shall be determined in accordance with the railroad freight mileage distance to Boston from the railroad shipping point for such plant. In case the rail tariff for the transportation of milk in carlots in tank cars, as published in the New England Joint Tariff, M–5, is increased or decreased, the differentials set forth in Column B for zones other than 201–210 miles shall be increased or decreased to the extent of any increase or decrease in the difference between the rail tariff for mileage distances of 201–210 miles inclusive and for the other applicable distances. Such adjustment shall be made to the nearest one-half cent per hundredweight, effective with the first complete month in which such increase or decrease in the rail tariff applies. For the purpose of this paragraph, it shall be considered that the rail tariff on milk received at a city plant is zero.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C
Zone (miles)	Class I price differentials (cents per cwt.)	Class II price differentials (cents per cwt.)
City plant	+46.0	+29.0
41–50	+12.0	+5.0
51–60	+11.0	+5.0
61–70	+10.5	+5.0
71–80	+9.5	+5.0
81–90	+9.0	+5.0
91–100	+8.5	+5.0
101–110	+8.5	+1.5
111–120	+7.5	+1.5
121–130	+7.5	+1.5
131–140	+6.5	+1.5
141–150	+4.5	+1.5
151–160	+3.0	+0.5
161–170	+3.0	+0.5
171–180	+1.0	+0.5
181–190	+1.0	+0.5
191–200	0	+0.5
201–210	(1)	(1)
211–220	−3.5	0
221–230	−4.0	0
231–240	−4.5	0
241–250	−4.5	0
251–260	−5.5	−0.5
261–270	−6.0	−0.5
271–280	−6.5	−0.5
281–290	−7.0	−0.5
291–300	−8.0	−0.5
301–310	−11.0	−1.0
311–320	−11.0	−1.0
321–330	−12.0	−1.0
331–340	−12.0	−1.0
341–350	−12.5	−1.0
351–360	−12.5	−1.5
361–370	−12.5	−1.5
371–380	−13.0	−1.5
381–390	−13.0	−1.5
391 and over	−13.0	−1.5

(1) No differential.

(d) *Butter and cheese adjustment.* During the months of April, May, and June, and July, the value of a pool handler's milk computed pursuant to § 904.8 (a) (2) shall be reduced by an amount determined as follows:

(1) Using the midpoint of any range as one price, compute the average of the daily prices for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market which are reported during the month by the United States Department of Agriculture, deduct 5 cents, and add 20 percent.

(2) Divide by 3.7 the value determined as applicable to milk delivered to country plants in the 201–250 freight mileage zone pursuant to subparagraphs (1) and (2) of paragraph (b) of this section, whichever applies, and subtract therefrom the value determined in subparagraph (1) of this paragraph. The result is the butter and cheese differential.

(3) Determine the pounds of butterfat in Class II milk received from producers, which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(4) Subtract such portion of the quantity determined in subparagraph (3) of this paragraph as was disposed of by the handler or the operator of the plant of the second person in a form other than salted butter or one of the designated types of cheese.

(5) Multiply the pounds of butterfat remaining after subtracting the quantity determined pursuant to subparagraph (4) of this paragraph by the butter and cheese differential determined pursuant to subparagraph (2) of this paragraph.

(e) *Use of equivalent prices in formulas.* If for any reason a price for any milk product specified by the regulations in this part for use in computing class prices and for other purposes is not reported or published in the manner described by the order, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

(f) *Announcement of class prices and differentials.* The market administrator shall make public announcements of the class prices and differentials in effect pursuant to this section, as follows:

(1) He shall announce any change in the Class I price on the 25th day of the month preceding the month in which such change is effective.

(2) He shall announce the Class II price and the butter and cheese differential on or before the 5th day after the end of each month.

§ 904.8 *Minimum blended prices to producers*—(a) *Computation of value of milk received from producers.* For each month, the market administrator shall compute the value of milk received from producers which is sold, distributed, or used by each pool handler, in the following manner:

(1) Multiply the quantity of milk in each class by the price applicable pursuant to paragraphs (a) and (b) of § 904.7; and

(2) Add together the resulting value of each class.

(3) Adjust the value determined in subparagraph (2) hereof as provided in § 904.7 (d).

(b) *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(1) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section, for each pool handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to § 904.9 (b) (2) and (g) for milk received during each month since the effective date of the most recent amendment hereof;

(2) Add the total amount of payments required from handlers pursuant to § 904.9 (g)

(3) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to § 904.9;

(4) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 904.9 (e).

(The report of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, dated February 14, 1947, with respect to Order No. 4, contained recommendations for amendment of the provisions of § 904.9 (b) (5) and (6) of the order, as amended. A decision on these recommendations has not yet been made by the Secretary. Therefore, recommendations regarding those provisions in this report are confined to their renumbering as a part of § 904.8, and to the incidental substitution of references necessary to coordinate them with the amendments recommended herein.)

(c) *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(1) Such of these computations as do not disclose information confidential pursuant to the act;

(2) The zone blended prices per hundredweight resulting from adjustments of the basic blended price by the differentials pursuant to § 904.9 (e); and

(3) The names of the pool handlers, designating those whose milk is not included in the computations.

§ 904.9 *Payments for milk*—(a) *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this paragraph shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by subparagraph (1) of paragraph (b) of this section.

(b) *Final payments.* On or before the 25th day after the end of each month, each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 904.8 (a), as follows:

(a) To each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in paragraphs (d) and (e) of this section, for the quantity of milk delivered by such producer; and

(2) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments required to be made pursuant to subparagraph (1) of this paragraph are less than or exceed the value of milk as required to be computed for such handler pursuant to § 904.8 (a), as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

(c) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to subparagraph (2) of paragraph (b) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of a less amount than is required by this section, the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

(d) *Butterfat differential.* Each pool handler shall, in making the payments to each producer for milk received from him, add for each one-tenth of one percent of average butterfat content above 3.7 percent or deduct for each one-tenth of one percent of average butterfat content below 3.7 percent an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10: *Provided*, That if no such cream price is reported, multiply the average price reported for such period by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the Chicago market by 1.4, subtract 1.5 cents, and divide the result by 10.

(e) *Location differentials.* The payments to be made to producers by handlers pursuant to subparagraph (1) of paragraph (b) of this section shall be subject to the differentials set forth in Column B of the table in § 904.7 (c), and to further differentials as follows:

(1) With respect to milk delivered by a producer whose farm is located more than 40 miles but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to § 904.7 (a) and (c) which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(2) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to § 904.7 (a) and (c) which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(f) *Other differentials.* In making the payments to producers set forth in subparagraph (1) of paragraph (b) of this section, pool handlers may make such deductions as follows:

(1) With respect to milk delivered by producers to a city plant which is located outside the marketing area and more than 14 miles from the State House in Boston, 10 cents per hundredweight;

(2) With respect to milk delivered by producers to a country plant, at which plant the average daily receipts of milk from producers are: (i) Less than 17,000 but greater than 8,500 pounds, 4 cents per hundredweight, and (ii) 8,500 pounds or less, 8 cents per hundredweight.

(g) *Payments on outside milk.* (1) Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity to producers, through the market administrator, at the difference between the price pursuant to § 904.7 (a) and the price pursuant to § 904.7 (b) effective for the location or freight mileage zone of the plant at which the handler received the outside milk.

(2) Within 23 days after the end of each month, each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment to producers, through the market administrator, on the quantity so disposed of. The payment shall be at the difference between the price pursuant to § 904.7 (a) and the price pursuant to § 904.7 (b) effective for the location or freight mileage zone of the handler's plant.

(h) *Adjustment of overdue accounts.* Any balance due pursuant to this section, for any month since August 1, 1937, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of one percent, effective the 11th day of such month.

(i) *Statements to producers.* In making the payments to producers prescribed by subparagraph (1) of paragraph (b) of this section, each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month, and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (b), (d), and (e) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under paragraph (f) of this section and § 904.10 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 904.10 *Payments to cooperative associations.* The report of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, dated February 14, 1947, with respect to Order No. 4, contained recommendations for amendment of the provisions of § 904.11 of the order, as amended. A decision on these recom-

mendations has not yet been made by the Secretary. Therefore, recommendations regarding that section in this report are confined to its renumbering as § 904.10, and to the incidental substitution of references and terms necessary to coordinate it with the amendments recommended herein.

§ 904.11 *Payments of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order. The payment shall be at the rate of 2.5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts of milk from producers and receipts of outside milk during the month.

§ 904.12 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall:

(i) Continue in such capacity until removed by the Secretary,

(ii) From time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and

(iii) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

Filed at Washington, D. C., this 21st day of May 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-4860; Filed, May 23, 1947; 8:52 a. m.]

[7 CFR, Part 944]

HANDLING OF MILK IN QUAD CITIES MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND AMENDMENT TO ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supp., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and to a proposed amendment to the order, as amended, regulating the handling of milk in the Quad Cities marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and the proposed amendment to the order, as amended, were formulated was conducted at Rock Island, Illinois, on February 27, 1947, after the issuance of notice on February 19, 1947 (12 F. R. 1246).

The only issue discussed at the hearing involved the sales of Class I and Class II milk in the marketing area by persons who are handlers under other milk marketing orders issued pursuant to the act.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing it is hereby found and concluded that:

(1) Class I milk and Class II milk are being sold in the marketing area by a person who is a handler under another Federal milk marketing order issued pursuant to the act. This person is able to purchase such milk at minimum prices under the other Federal order of from 20 cents to 40 cents per hundredweight (approximately ½ cent to 1 cent per quart) less than the minimum prices fixed by the Quad Cities order. Thus the handler subject to the other Federal order is able to market milk in the marketing area at a competitive advantage over handler subject to the Quad Cities marketing order, and this situation constitutes a serious threat to the orderly marketing of milk in the Quad Cities marketing area.

(2) In order to place all handlers who market milk in the marketing area on a more equitable competitive basis with respect to the cost of milk, the Quad Cities order, as amended, should be further amended to provide that the order shall not apply to any handler who, as determined by the Secretary, disposes of the greater portion of his milk as Class I and Class II milk in another marketing area regulated by another Federal milk marketing order, except to the extent that: (a) Such handler shall file, with the market administrator for the Quad Cities area, such reports with respect to his total receipts and utilization of milk as the market administrator may require, and allow verification of those reports; and (b) if the price which such handler is required to pay under the other Federal order for milk which would be classified as Class I or Class II milk under the Quad Cities order is less than the price of such milk under the Quad Cities order, such handler shall pay into the producer settlement fund under the Quad Cities order (with respect to all milk disposed of by him as Class I or Class II milk in the Quad Cities market) an amount equal to the difference.

Rulings on requested findings and conclusions. No requested findings or conclusions have been submitted.

Recommended marketing agreement and amendment to the order, as amended. The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be effected. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

Amend § 944.6 by adding at the end thereof the following:

(e) *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with the provisions of § 944.5 (e);

(2) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I or Class II milk under this order is less than the price provided pursuant to §§ 944.4 (a) (1) and (2) and 944.4 (c), such handler shall pay to the market administrator for deposit into the producer settlement fund (with respect to all milk disposed of as Class I milk or Class II milk within this marketing area) an amount equal to the difference between the value of such milk as computed pursuant to §§ 944.4 (a) (1) and (2) and 944.4 (c), and its value as determined pursuant to the other order to which he is subject.

This recommended decision filed at Washington, D. C., this 21st day of May, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-4858; Filed, May 23, 1947; 8:52 a. m.]

[7 CFR, Part 970]

HANDLING OF MILK IN CLINTON, IOWA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND AMENDMENT TO ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and to a proposed amendment to the order, as amended, regulating the handling of milk in the Clinton, Iowa, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and the proposed amendment to the order, as amended, were formulated was conducted at Clinton, Iowa, on February 28, 1947, after the issuance of notice on February 19, 1947 (12 F. R. 1247).

The issues developed at the hearing involved:

(1) The status of handlers who sell milk in Clinton as well as in other marketing areas regulated by Federal milk orders; and

(2) The level of the Class I price.

Findings and conclusions. (1) Handlers, who the Secretary determines have their principal business in another area regulated by another order issued pursuant to the act, should be exempt from most of the provisions of the Clinton, Iowa, order. Such a handler, however, should be required to make reports to the market administrator, and in the event the prices fixed in the Clinton order are higher than those fixed in the other order to which he is subject, he should be required to pay into the producer-settlement fund, an amount equal to the difference in value, as computed under the two orders, of the milk disposed of as Class I milk within the Clinton, Iowa, marketing area. It appears that it would be unreasonable and impractical to pool the milk of a handler under two orders simultaneously. However, if a handler were permitted to purchase milk at a lower price than other handlers by virtue of having his prices fixed by another order he would enjoy a competitive advantage over other handlers in the market. Therefore, he should be required to pay any difference into the producer-settlement fund in order to equalize the buying price of all handlers. Where such a handler is required under the terms of the other order to pay prices equal to or higher than those fixed in the Clinton order, no competitive advantage accrues to him and no payment shall be required.

(2) The price of Class I milk should be increased 20 cents per hundredweight. It appears on the record that producers are entitled to some increase in price but there appears to be no basis for an increase of the amount requested. The City of Clinton recently adopted a new public health ordinance regulating the production and sale of milk in the city. While there seems to be very little difference in the terms of the existing ordinance as compared to that previously in effect, all of the evidence indicates that there is a wide difference in the degree of enforcement. That production costs have increased is evident from the fact that the number of producers has declined from 198 in February 1946 to 146 in January 1947. It was in February 1946 that the new ordinance with its strict enforcement became effective. Most of these producers either had their permits revoked by the health department or withdrew voluntarily because they were unwilling or felt unable to produce milk in accordance with the new requirements.

It appears from the record that producers have been required to make capital expenditures of approximately $400.00 per farm on the average. It appears that an increase of 5 cents per hundredweight would be ample to cover depreciation and interest on this investment. In addition to this capital expenditure producers will incur continuing costs for electricity, supplies and increased labor which were not required previously. Based on the record it appears that an additional 10 cents per hundredweight would cover these costs. In arriving at this figure we have disregarded many of the items mentioned by producers such as disinfectants, cleansers, paint, etc. These are costs which are a part of dairying under any conditions and it is very doubtful that expenditures on these items will be increased materially as a result of the enforcement of the ordinance. Since approximately 75 percent of the milk produced for the Clinton market is disposed of as Class I milk, an increase of 20 cents per hundredweight in the Class I price would return to producers an average of 15 cents per hundredweight on their entire production. Thus it appears that the proposed increase would be ample to compensate producers for the costs incurred by them as a result of the strict enforcement of the local health regulations.

With respect to the proposal that the price for Class I milk sold in other markets regulated by other marketing orders, be either the Clinton price or the price prevailing in the market where sold, whichever is higher, we feel that the record is inadequate and fails to justify such an amendment.

Rulings upon proposed findings or conclusions. Proposed findings and conclusions were submitted by the Clinton Cooperative Milk Producers Association, Inc., Elmwood Dairy Farms, and Golden-Mello Dairies. None of these contained any specific proposals with respect to the status of handlers who dispose of milk in the Clinton marketing area as well as in other marketing areas subject to Federal regulation.

The Clinton Cooperative Milk Producers Association, Inc., urged that the Secretary find that the Class I price be increased 50 cents per hundredweight as they had proposed at the hearing. It is their contention that this increase is justified on the record. However, our analysis of the record as set forth above indicates that an increase of 20 cents per hundredweight in the Class I price would be ample to compensate producers for their increased costs.

Elmwood Dairy Farms recommended that no increase in price be granted, largely on the grounds that the new ordinance is virtually identical with the old, and that many of the costs advanced by producers for disinfectants, scouring powders and the like are costs which they have always had and cannot be attributed to the new ordinance.

Granting that there is little difference between the two ordinances as written the record indicates that there is a considerable degree of difference in the extent of enforcement. In the record Mr. Chester Ryder, proprietor of the Elmwood Dairy Farms, testified that the two ordinances were very closely related "with the exception that one was enforced and the other wasn't." The strict enforcement of the new ordinance has resulted in increased costs to producers.

With respect to the point that many of the costs cited by producers are not new expenses resulting from the ordinance, it has been pointed out above that such costs were disregarded in arriving at the amount of increase which should be granted to producers.

Golden-Mello Dairies proposed that an increase of 20 cents be granted on milk disposed of as fluid milk but that no increase be granted on milk disposed of in other uses. Their contention is that such an increase would amply compensate producers for their added costs.

While it is probable that the proposal suggested by Golden-Mello Dairies would return to producers almost the same increase as has been recommended above, it is impossible to fix definitely what the increase would amount to since the record fails to disclose what percentage of Class I milk is disposed of as fluid milk and what percentage is disposed of as cream and milk drinks. The record also fails to show any basis for dividing the present Class I products into other categories. When the original order was issued all products which were required to meet the same health standards were placed in Class I and all other products which were not required to be made from inspected milk were placed in Class II or Class III. The record indicates that the health regulations are unchanged in this respect, and it contains no evidence in support of a change in classification.

Recommended marketing agreement and amendment to the order as amended. The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be effected. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Amend § 970.4 (a) (1) by deleting therefrom the words, "50 cents," and substituting therefor the words, "70 cents."

2. Amend § 970.6 by adding at the end thereof the following:

(f) *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with the provisions of § 970.5 (e).

(2) If the price which such handler is required to pay for Class I milk under the other Federal order to which he is subject is less than the price provided pursuant to § 970.4 (a) (1), such handler shall pay to the market administrator for deposit into the producer settlement fund (with respect to all milk disposed of by such handler as Class I milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to § 970.4 (a) (1) and its value as determined pursuant to the other order to which he is subject.

This recommended decision filed at Washington, D. C., this 21st day of May 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-4859; Filed, May 23, 1947; 8:52 a. m.]

[7 CFR, Part 974]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND AMENDMENT TO ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, (7 CFR Supp., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and to a proposed amendment to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and the proposed amendment to the order, as amended, were formulated, was held at Columbus, Ohio, on March 10–14, 1947, pursuant to the notice thereof which was published in the FEDERAL REGISTER on February 27, 1947 (12 F. R. 1400).

The material issues presented on the record of the hearing were:

(1) The clarification of the definition of a "fluid milk plant" by the inclusion in the order of a definition covering a "route."

(2) Introduction of a "producer-handler" definition with three conforming changes in the order.

(3) The inclusion of a definition of a "market pool handler" together with conforming changes including a provision for payment to producers by handlers other than market pool handlers on an individual-handler pool basis.

(4) Reports by the market administrator to the cooperative association covering the utilization of producer milk by each handler.

(5) A change in the classification of milk used to produce cottage cheese from Class II milk to Class III milk.

(6) A change in the classification of inventory from Class I milk to Class IV milk.

(7) Revision of the shrinkage provision to permit a cumulative basis for determining shrinkage classification in Class IV milk and a change in the method of allowing shrinkage on milk diverted to the plant of a handler.

(8) The substitution of sworn statements for audits to verify the utilization of milk or cream transferred by handlers to nonhandlers.

(9) Revision of the provisions covering the allocation of milk.

(10) Revision in the method of determining basic price formulas.

(11) A change in the level and seasonal pattern of class prices and in the emergency price provisions.

(12) The determination and announcement of the uniform price to producers on a 3.5 percent butterfat basis replacing the present 4 percent basis.

(13) Replacement of the current market-wide pool by an individual-handler pool.

(14) The inclusion in the order of conversion factors covering certain dairy products.

(15) The elimination of payments into the pool by handlers on receipts from producer-handlers.

(16) Revision of the section providing for administrative assessments.

(17) Revision of the section providing for marketing services.

Findings and conclusions. (1) The term "route" should be defined and the term "fluid milk plant" should be revised in conformance with the new language added by the definition of "route."

There has arisen a question concerning the status as a fluid milk plant, of any plant located outside the marketing area from which Class I milk may be disposed of directly to a state or municipal institution located in the marketing area. The recommended revision will clarify the meaning of "wholesale or retail routes" now contained in the definition of "fluid milk plant" and eliminate any such question.

(2) The inclusion in the order of a definition of "producer-handler" is not necessary at this time.

The inclusion of such a definition would not change the meaning of the the present order, but merely shorten the language in several provisions. It is concluded that this revision should be deferred until such time as the entire order is rewritten. The three other proposals providing for conforming changes with respect to the producer-handler definition should likewise be deferred until such time as an appropriate definition is included in the order.

(3) A definition of a "market pool handler" should not be included in the order.

This definition was intended to distinguish between handlers who sold 25 percent or more of the receipts of their milk from producers and other handlers as Class I milk during the delivery period. Producers furnishing milk to handlers in the former group would receive a uniform price for their milk on the basis of the combined utilization of milk by all handlers in such group while producers supplying the latter handlers would receive a price on the basis of the individual handler's utilization of milk.

There are no handlers marketing less than 25 percent of their producer receipts as Class I milk at the present time. Hence, there is no handler to whom the proposal would apply. There is no substantial evidence to support the percentage proposed or any other specific percentage. A similar proposal was considered at the promulgation hearing, but was not adopted and no evidence was presented to show changed conditions in this respect. For the foregoing reasons, it is concluded also that the four other conforming proposals relative to the proposed pooling arrangements should not be adopted.

(4) The proposal by the Central Ohio Cooperative Milk Producers Association, Inc. that the market administrator should furnish to each cooperative association a monthly report with respect to each handler of "the percent of utilization in each class of milk of producers as qualified in accordance with § 974.9 (b)" should not be adopted at this time.

The health requirements applicable to milk for Class II and Class III uses are the same as those for Class I uses. The recommended price levels for the several classes take this fact into account. There was no evidence to indicate that producer milk is being used in Class III in excessive quantities during the periods when such milk might be used in Class I. In view of this, it does not appear that the adoption of the proposal at this time is necessary to effectuate the market-wide pool provisions of the order or to establish producer prices at the proper level. Likewise the same conclusion and supporting findings are applicable to the alternative proposals offered in this connection.

(5) The proposal with respect to classifying skim milk and butterfat used in cottage cheese as Class III milk rather than as Class II milk should not be adopted.

Cottage cheese is a year-round product which must be made from fresh, inspected milk and cream. There is no evidence to indicate that cottage cheese is utilized merely as an outlet for the "seasonal surplus" milk of the Columbus market, although during the past year larger quantities of cottage cheese were made in May and June than in October and November. The classification of this product in a lower-priced class would tend to encourage the use of milk in cottage cheese when milk is needed for use in the higher-priced classes.

(6) A proposal to classify inventory variation in Class IV milk rather than in Class I milk should not be adopted. The bulk of inventory variation is in the form of whole milk. Its ultimate use has not been determined at the time handlers are required to make reports to the market administrator. Most of inventory variation is ultimately used in and classified as Class I milk. There is no difference in final cost to handlers or in returns to producers resulting from either method of classification.

The reasons given for proposing this change in inventory classification were that the present method results in distorted statistics for the market. The evidence failed to show, however, that the suggested change would lessen this distortion even if inventory were classified in Class IV milk.

(7) (a) The proposal for the accounting for shrinkage in Class IV milk on a cumulative basis from January 1 of each year through the current delivery period should not be adopted.

The proposal has the effect of changing the definition of "delivery period" with respect to the classifying of shrinkage. The great bulk of milk must be utilized within the month during which it is received. The competitive position of handlers relative to milk supplies varies widely from month to month and seasonally. In view of these variations it would appear that the greatest equity would result from the computation of handlers' costs on as current a basis as is practical. The accounting for shrinkage on a cumulative basis would be administratively burdensome because audits would not be closed until the end of the calendar year. Producers recommend that shrinkage classified in Class IV milk should be limited to 1 percent on butterfat and 2 percent on skim milk. The present 2½ percent allowance is reasonable and equitable. In view of these facts there appears to be no substantial reason for changing the present shrinkage allowance at this time.

(b) The shrinkage allowance on milk diverted by a handler to the plant of another handler should be allowed to the latter handler. This would permit the second handler the shrinkage allowance on all milk for which he is the first receiver. This change in shrinkage accounting will not change substantially the total shrinkage of handlers or returns to producers and will provide greater convenience to handlers in settling for interhandler transfers.

(8) The substitution of "sworn statements" for "audits" in the provision covering the transfer of milk and cream by handlers to nonhandlers should not be adopted.

There was no evidence that nonhandlers had refused to buy milk from handlers because of the auditing requirements. Moreover, the evidence indicated that the only practical method of verifying the claimed utilization of milk by a nonhandler is by audit of such nonhandler's accounts.

(9) (a) The proposal to allocate other source milk to Class I milk during the periods when producers fail to deliver milk in an amount equal to 115 percent of the Handlers Class I milk sales should not be adopted.

There is no substantial evidence to support the percentage proposed or any other specific percentage. A portion of "other source milk" received does not meet the health requirements applicable to milk for Class I uses. The only "other source milk" which can be used as Class I milk is controlled by one handler. Under these conditions any preference to other source milk eligible for Class I use would tend to give an undue advantage to the handler controlling it. Other source milk which does not meet the health requirements applicable to milk for Class I uses should not be given preferential treatment over producer milk.

The purpose of the proposal was to encourage producers to supply a quantity of milk sufficient to meet the Class I needs of the market at all times. The Columbus market is available to all dairy farmers who can meet the health requirements and is not limited to the producers now supplying the market. The total milk supply is dependent upon the supply responses of all producers now qualified under prevailing health requirements or who may become so qualified. The proper pricing of milk should do more to bring forth an adequate supply of milk by stimulating an increase in the production of present producers and by providing an incentive for new producers to come on to the market than would the proposals here considered. The seasonal pattern of prices recommended herein should encourage the needed production of milk not only for Class I use but also for all uses requiring qualified milk at all seasons of the year.

(b) The sequence in the allocation provision should not be changed. The current method of allocation is necessary for the proper protection of the classification of producer milk. A change in the sequence would be inconsistent with the classification of producer milk in the higher priced classes. The evidence does not warrant the adoption of the proposed change.

(10) (a) The method of determining the basic formula price for milk should not be changed.

The Columbus basic formula price is based upon the price paid by 18 midwestern condenseries or on a butterfat-nonfat dry milk solids formula price, whichever is the higher. The present basic formula price has reflected very closely the prevailing price for manufacturing milk in the vicinity of the Columbus market. Competitive manufacturing outlets for milk in the Columbus milkshed include condenseries, and butter and powder plants some of which also produce certain specialty milk products. There is little or no direct competition by cheese factories for milk produced in this area. In view of these facts the higher of the condensery pay price or the price resulting from the butter and nonfat dry milk solids formula is currently more representative of competitive manufacturing prices than any combination of formula prices as proposed for the determination of the basic formula price. Moreover, the evidence indicates that Columbus prices must be placed in better alignment with prices in other regulated markets in Ohio in order that Columbus handlers may compete for supplies of milk on an equitable competitive basis. At the present time the class prices in these competitive Federal order markets are based on a for-

mula similar to that contained in the present Columbus order.

(b) The make allowance on butter in the basic formula price should be increased from 3 cents to 3.5 cents per pound, but the present 4 cent make allowance on nonfat dry milk solids should not be changed.

The record indicates the cost of making butter to be slightly above 3 cents per pound and the cost of making nonfat dry milk solids to be approximately 4 cents per pound. The make allowance on butter and nonfat dry milk solids of 3.5 cents and 4 cents per pound, respectively, is therefore reasonable. Except with respect to the make allowance for butter there should be no change in substance of the butter and nonfat dry milk solids formula. However, the language in the current order describing this formula may be simplified and clarified. Since it is recommended that the pricing provisions of the order be revised in the manner hereinafter set forth, it is concluded that, as a part of such revision, the butter-nonfat dry milk solids formula should be rewritten for brevity and to identify more clearly the price quotations for butter and dry milk solids used therein. The latter revision will not change the quotations used or the method of computation.

(c) The respective basic formula prices for skim milk and butterfat should be expressed as direct ratios to the basic formula price per hundredweight of milk.

In the present order the value of butterfat in each class is equivalent to 70 percent of the respective per hundredweight class price of milk (expressed in terms of milk containing 3.5 percent butterfat) and the value of skim milk is the residual amount or 30 percent of such price. Therefore, the per hundredweight price of skim milk in each class is equal to .311 times the respective per hundredweight class price and the per hundredweight price of butterfat is equal to 20 times the per hundredweight class price. The proposed price plan adopts this relationship of skim milk and butterfat prices in the basic formula price. Thus, the basic formula price per hundredweight of skim milk is expressed as .311 times the basic formula price of milk and the basic formula price per hundredweight of butterfat is expressed as 20 times the basic formula price of milk.

To these basic values should be added the appropriate differentials to obtain the class prices which we have found necessary to effectuate the declared policy of the act.[1]

(11) (a) The "bracket" system of establishing Class I, Class II, and Class III prices should be eliminated.

The milk shed for the Columbus marketing area overlaps the milk sheds of other Ohio marketing areas operating under orders issued pursuant to the act and of other alternative outlets for market milk. Price changes resulting from the bracket system have disturbed the balance between the Columbus market price and the prices of such alternative outlets.

[1] See findings and conclusions in paragraph (11).

Moreover, the bracket system has promoted uncertainty with respect to class prices when the basic formula price has fluctuated at a level near the outer limits of a particular bracket.

(b) Class prices for skim milk and butterfat should be established by stated differentials over the basic price for skim milk and butterfat at levels which will result in increased uniform prices to producers.

Practically all costs incurred by producers in the production and marketing of milk, such as feeds, supplies, equipment, and hauling, have increased during the past year and particularly during February and March of this year.

The Columbus market has been short of producer milk in nearly every month of the past year. Substantial quantities of other source milk have been received as supplementary supplies.

Other fluid milk markets and alternative outlets for milk, such as, the Cleveland market, the Dayton-Springfield market, Nestles Milk Products, Inc., and the M & R Dietetics Laboratories, Inc., are in competition with the Columbus market for much of the supply of producer milk. The prices paid farmers for all milk at these outlets ranged from 12 cents to 80 cents per hundredweight over the Columbus order minimum uniform price during the period October, 1946, through February, 1947. Also, at times handlers have paid higher prices for inspected "other source" milk than the minimum uniform price for producer milk.

Columbus handlers paid premiums over the minimum prices to protect supplies during the short production season of 1946.

Economic conditions and business activity in the Columbus market indicates continued strong demand for milk and milk products in the Columbus market. Consumption of fluid milk in the Columbus marketing area during February, 1947, was 3.93 percent higher than during February, 1946.

It is concluded that an increase in the price level to producers of approximately 35 cents per hundredweight for milk of 3.5 percent butterfat content is necessary to insure a sufficient supply of pure and wholesome milk in the Columbus market and will be in the public interest.

The Class I, Class II, and Class III price differentials over the basic formula price on a 3.5 percent butterfat content milk basis should be as follows:

	August through March	April through July
Class I milk	$1.00	$0.75
Class II milk	.75	.50
Class III milk	.60	.35

These proposed class differentials will result in a yearly average increase of approximately 36 cents per hundredweight in each of such classes. The price of Class IV milk should be changed only to provide that butterfat used in the manufacture of butter should be given a make allowance of $4.20 per hundredweight of butterfat so used in conformity with our finding for a 3½ cent per pound make allowance for butterfat in the basic formula. It is estimated that the net result of these price revisions will be an average yearly increase in the price to producers of approximately 35 cents per hundredweight.

The conversion of the class differentials stated above to a skim milk and butterfat price basis (in the same manner as these prices are determined from the basic formula price of milk) results in the following differentials for skim milk and butterfat in Class I milk, Class II milk, and Class III milk:

	Skim milk		Butterfat	
	August through March	April through July	August through March	April through July
Class I milk	$0.311	$0.233	$20.00	$15.00
Class II milk	.233	.156	15.00	10.00
Class III milk	.187	.109	12.00	7.00

(c) The Class I, Class II, and Class III price differentials should be higher during the short production season than during the flush production season.

The four months of relatively high production are April through July. The spread between the high and low production periods in the Columbus market has increased in recent years. There is an extreme shortage of milk in the fall and winter months. The producers association and the handlers have advised producers of the need and benefits of more even production. Other competing markets, such as Cleveland, provide for seasonal pricing of milk. This places the Columbus market in an unfavorable competitive position particularly during the fall and winter months. Handlers of the Columbus market paid premiums during the fall of 1946 to protect their supply. The class differentials should provide higher prices during the short production season than during the flush season to encourage greater production during the fall and winter season.

There usually is a seasonal variation in the basic price and a relatively smaller percentage of milk used in the lower-priced classes during the short season as compared to the flush season. The total effect of all of these factors should result in a seasonal swing in uniform prices received by producers of approximately 75 cents per hundredweight between the highest and the lowest production months. This will be a strong incentive to producers to even out production.

Handlers proposed an even-production incentive plan through a "take-out and pay-back" system of establishing uniform prices on a seasonal basis (sometimes known as "Louisville plan"). Producers objected strenously to this plan. The successful operation of such a plan necessitates wide-spread producer approval and cooperation. For this reason this plan is not recommended for the Columbus market. Many of the objectives of the plan outlined by handlers should be accomplished by the establishment of class prices on a seasonal basis.

(d) The emergency price provision, § 974.5 (g) (2), should be revised to cover Class III milk.

This section provides for the suspension of Class I and Class II milk prices by the Secretary under certain conditions. Under the present wording it would be possible for the Class III milk price to exceed the Class I or Class II price. Such a result would be inconsistent with the classified pricing plan of the order.

The Class IV price should not be included in the emergency price provision. The Class IV price is based upon open market prices of products not requiring inspected milk. No useful purpose could be served by including the Class IV price under this provision.

No change should be made in § 974.5 (g) (1), the general emergency price provision. This provision has not created any problem in the Columbus market.

(12) Uniform prices for milk to producers should be announced on the basis of 3.5 percent butterfat content rather than on a 4 percent basis as in the current order.

This change will not affect the handlers' cost of milk. Because of this the butterfat test upon which the producers' price is announced becomes a matter primarily of concern to the producer. The evidence indicates that producers would prefer to receive payment based on an announced price reflecting a lower butterfat content. Producers' satisfaction with the method of announcing the basis of their payments for milk tends to produce more orderly marketing conditions and should be adopted, particularly when the change in such method of payment does not change in any way the handlers' cost for milk. Moreover, producer prices are announced on the proposed basis in most other Ohio markets as well as many other markets throughout the country. Statistical comparisons of producer prices on the Columbus market and other markets would be facilitated if prices were announced on a 3.5 percent basis.

(13) A proposal under which payments to producers would be computed on the basis of an individual-handler pool should not be adopted.

Under the current market-wide pool all producers receive a uniform price computed on the basis of the combined classification of milk received by all handlers. An individual-handler pool would establish as many different prices as there are handlers. It was indicated this would tend to breed dissatisfaction among Columbus producers. The facilities for handling "surplus" milk are limited to a few plants. Evidence in the hearing record failed to establish any new facts which would change the original conclusions providing for a "market-wide pool" when the original order was promulgated.

(14) A new provision requiring, in connection with the computation of product weights, the use of the "standard of weights" of the Bureau of Dairy Industry, United States Department of Agriculture, should not be included.

The Bureau of Dairy Industry, United States Department of Agriculture, has not issued any official standards of weights for dairy products. The problems indicated in connection with the ascertaining of proper weights by the market administrator are not peculiar to the Columbus market. Weight factors are necessary in the computation of class volumes of milk under any classified price plan. The provisions of several orders under point administration with Columbus are very similar, and appropriate weight factors may better result from rule-making procedure by the market administrator. This will permit a more flexible arrangement for the employment of weight factors to be used under similar order provisions.

(15) The requirement that payments be made into the pool on milk transferred from a producer-handler to a handler should be eliminated.

Producer-handlers transfer an insignificant amount of milk to regular handlers. Most transfers are in the flush season and such milk is used in the lower-priced uses. The milk of producer-handlers is eliminated from the pool in a manner similar to other source milk—in series from the lowest-priced uses. This treatment of producer-handler milk protects adequately the proper classification of producer milk.

(16) The section providing for an assessment covering administrative expense should be revised to provide for (i) changes in the administrative assessment rate below the maximum fixed in such section to be determined by the Secretary rather than by the market administrator (subject to review by the Secretary), and (ii) elimination of the announcement by the market administrator on or before the 10th day after the end of the delivery period of the applicable rate of assessment for the delivery period.

Procedure for making changes in such rates will be less complicated if such rate-making is made a direct function of the Secretary rather than a review function. Since the rate will remain unchanged for each delivery period until altered by a published rule, it will be unnecessary to require monthly public announcements by the market administrator. This revision will simplify the establishment of appropriate rates of assessment any time that the assessment rate must be changed.

(17) The section providing for marketing service deductions should be revised to (i) authorize the Secretary to fix the assessment rate below the maximum prescribed in such section and (ii) eliminate the application of the marketing service deductions to milk of a handler's own production.

The fixing of the rate of marketing service deductions by the Secretary (who must now review the rate established by the market administrator) will simplify the procedure for establishing such rates of assessment below the maximum prescribed in the order.

Marketing service payments are designed primarily to cover the cost of verifying the weights and tests of producer milk. Producers who are not members of a cooperative association usually are not in a position to govern the disposition of milk and it is not practicable for them to verify the weights and tests of deliveries of their own milk. In the case of milk of a handler's own production such service is not necessary as a protection since the handler has full control of the handling of such milk from the farm to its disposition from his plant.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Central of Ohio Cooperative Milk Producers, Inc., and all handlers subject to Order No. 74. The briefs contain statements of fact, conclusions, and arguments with respect to nearly all of the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. Although the briefs do not contain specific requests to make the proposed findings and conclusions stated therein, it is assumed that they were submitted with that intention and are treated accordingly. Some of the proposed findings of fact are immaterial to the issues presented or are outweighed by other facts found herein, and some of the proposed conclusions do not logically follow from the proposed findings of fact. To the extent that the proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions are denied because of the reasons stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Delete § 974.1 (e) and substitute therefor the following:

(e) "Fluid milk plant" means the premises and portions of the building and facilities used in the receipt and processing or packaging of milk all or a portion of which is disposed of from such plant during the delivery period on a route(s), wholly or partially within the marketing area, but not including any portion of such buildings or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

2. Add at the end of § 974.1 the following paragraph:

(l) "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including a State or municipal institution, other than to a fluid milk plant(s) or plant(s) manufacturing milk products.

3. At the end of § 974.4 (b) (4) change the period (.) to a colon (:) and add thereafter the following: "*Provided*, That producer milk transferred by a handler

to any plant of another handler without first having been received for purposes of weighing and testing in the transferring handler's fluid plant, shall be included in the receipts at the plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the fluid milk plant of the transferring handler in computing his plant shrinkage."

4. Delete § 974.5 and substitute therefor the following:

§ 974.5 *Minimum prices*—(a) *Basic formula prices for skim milk and butterfat.* The basic formula prices of skim milk and butterfat respectively shall be computed by the market administrator for each delivery period in the following manner:

(1) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Locations

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) Compute the price per hundredweight by adding together the amounts resulting under subdivisions (i) and (ii) of this subparagraph:

(i) From the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period in which such milk was received, subtract 3.5 cents, add 20 percent, and then multiply the resulting amount by 3.5, and

(ii) From the arithmetical average of the carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), roller and spray process, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture during the delivery period, deduct 4 cents, multiply by 8.5, and multiply by 0.965.

(3) Multiply the higher of the prices resulting from subparagraphs (1) and (2) of this paragraph by 0.311 (which amount shall be known as the basic formula price per hundredweight of skim milk); and

(4) Multiply the higher of the prices resulting from subparagraphs (1) and (2) of this paragraph by 20 (which amount shall be known as the basic formula price per hundredweight of butterfat).

(b) *Class I milk, Class II milk, and Class III milk prices.* Subject to the provisions of paragraphs (d) and (e) of this section, the minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class I milk, Class II milk, and Class III milk, respectively, shall be determined by adding the appropriate amounts set forth in the following schedule to the basic formula prices per hundredweight of skim milk and butterfat, respectively, for the delivery period:

	Skim milk		Butterfat	
	August through March	April through July	August through March	April through July
Class I milk	$0.311	$0.233	$20.00	$15.00
Class II milk	.233	.156	15.00	10.00
Class III milk	.187	.109	12.00	7.00

Provided, That in no event shall the price of skim milk or butterfat in any such class be lower, respectively, than the skim milk and the higher butterfat prices, in Class IV milk.

(c) *Class IV milk prices.* Subject to the provisions of paragraph (e) of this section the minimum prices to be paid by each handler for that portion of skim milk or butterfat in producer milk received at his fluid milk plant and classified as Class IV milk shall be determined as follows:

(1) The price per hundredweight of such skim milk shall be the prices determined pursuant to paragraph (a) (2) (ii) of this section, divided by 0.965; and

(2) The price per hundredweight of such butterfat shall be the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period, multiplied by 120: *Provided*, That the price per hundredweight of butterfat made in butter shall be such price per hundredweight less $4.20.

(d) *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a handler for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Columbus, Ohio, marketing area: *Provided*, That Class I milk or Class II milk disposed of in another marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Columbus, Ohio, marketing area, pursuant to this section, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the price of Class I milk, Class II milk, or Class III milk computed for any delivery period pursuant to paragraph (b) of this section is above a level which is in the public interest, the price of Class I milk, Class II milk, or Class III milk for such delivery period shall be the same as the corresponding price for Class I milk, Class II milk, or Class III milk for the delivery period immediately preceding.

5. Delete from § 974.6 (a) the following proviso: "*Provided*, That if such handler received milk, skim milk, or cream from a handler who received no producer milk other than that of his own production and disposed of the skim milk or butterfat contained therein as other than in the lowest-priced use of the receiving handler, there shall be added an amount equal to the difference between (1) the value of such skim milk or butterfat at the price of such lowest-priced use and (2) the value computed in accordance with its class use."

6. Delete from § 974.6 (c) (3) the term "4 percent" wherever it appears and substitute therefor the term "3.5 percent."

7. Delete from § 974.6 (c) (5) the term "4.0 percent" and substitute the term "3.5 percent."

8. Delete from § 974.7 (f) the section reference "§ 974.5 (e) (2)" and substitute therefor the section reference "§ 974.5 (c) (2)."

9. Delete § 974.8 and substitute therefor the following:

§ 974.8 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 974.2 (c) (3) each handler shall pay the market administrator on or before the 12th day after the end of each delivery period 2 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts of skim milk and butterfat (except receipts from other handlers) in (a) producer milk and (b) other source milk at a fluid milk plant.

10. Delete § 974.9 (a) and substitute therefor the following:

§ 974.9 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section each handler shall deduct from his payments, pursuant to § 974.7 (a), 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all producer milk (except such handler's own production) received during each delivery period, and shall pay such deduction to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of such producer milk and to provide producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

Filed at Washington, D. C., this 21st day of May 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-4876; Filed, May 23, 1947; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

INTERIM POLICY GOVERNING FREQUENCY ASSIGNMENTS IN 30–40 MC BAND

STATIONS IN EMERGENCY, UTILITY, GEOPHYSICAL, SPECIAL PRESS AND INTERMITTENT RADIO SERVICES

MAY 8, 1947.

On February 3, 1947 the Commission heard oral argument on its proposed frequency service allocations to the nongovernment services in the 30–40 Mc band as proposed in Public Notice No. 99168 (October 21, 1946), and later revised in Public Notice No. 2201 (January 7, 1947). Having considered the testimony presented, the Commission issued its final report of frequency service allocations in this band on March 21, 1947 (Public Notice No. 3529). This report, which became effective on April 1, 1947, specifies the particular channels available for use by various radio services and classes of radio stations which will operate between 30 and 40 Mc. The report also states that:

> • • • all services for which channels have been provided in this band will be required to shift no later than July 1, 1950 to frequencies which are in accord with this plan • • •. A committee is to be set up by Panel 13, Radio Technical Planning Board, to study the problems of conversion from the present interspersed service-allocation plan to • • • (the new) plan, and advise the Commission of its findings on or before August 1, 1947.

In accordance with the above, it is necessary to bring all present assignments in the 30–40 Mc band into agreement with the allocations report not later than July 1, 1950. Shifts from the 30–40 Mc band to frequencies above 70 Mc will be required only as provided in item 2 (a) below.

The varying economic and operational factors involved make it necessary to distinguish three general situations in applying the allocations report to particular cases. The policies which govern in these situations are as follows:

1. *Changeover of existing equipment.* (a) It is expected that certain frequency shifts for the services and licensees affected will begin after receipt and study by the Commission of the report of the special committee of Panel 13, Radio Technical Planning Board, which is due August 1, 1947.

(b) All individuals and organizations interested in furthering the objectives of the changeover program for the 30–40 Mc band may submit their written comments and recommendations to the Commission, or they may arrange to participate in the work of the special committee of Panel 13, Radio Technical Planning Board, by communicating with:

Daniel E. Noble
Chairman, Panel 13
Radio Technical Planning Board
4545 Augusta Boulevard
Chicago, Illinois

(c) To allow time for regional and area groups to formulate local allocation plans and changeover schedules, and submit their recommendations, routine requests to change frequency should not be submitted prior to October 1, 1947. However, in cases of severe interference arising from new frequency assignments made in accordance with the allocations report, any licensee who desires to change to a frequency in agreement with the allocations report may file appropriate applications at any time.

(d) To direct the attention of all licensees to the continuing nature of the frequency assignment problem, station authorizations will include, for the present, a statement that the frequency assignment is of a temporary nature and subject to change.

2. *Replacement or addition of equipment for an existing radiocommunication system.* (a) Each licensee (states and territories excepted), presently licensed to operate in the 30–40 Mc band, who requests authority to make additions or replacements which together aggregate 50% or more of the total number of transmitter units authorized on April 1, 1947, must furnish a satisfactory factual showing that a frequency above 70 Mc will not provide adequate radiocommunication.

(b) Subject to the requirement of paragraph 2 (a) above, and prior to July 1, 1950, authority to make transmitter replacements, add transmitter units to an existing system, or add new stations to an existing radiocommunication system will be granted on frequencies previously assigned. However, before requesting such authority, each licensee should first determine whether or not his station (or system) operates on frequencies now allocated to the class of station involved. If any operating frequency is at variance with the allocation report, the licensee is then urged to consider the feasibility of changing to a proper frequency earlier than July 1, 1950, in order to avoid the expense of changing the operating frequency of the new equipment at a later date.

3. *New radiocommunication systems.* Any applicant (states and territories excepted) who seeks to establish a new radiocommunication system to operate in the 30–40 Mc band must furnish a satisfactory factual showing that a frequency above 70 Mc will not provide adequate radiocommunication. If such showing is satisfactorily made, a frequency will be assigned in accordance with the 30–40 Mc allocations report: *Provided, however*, That new applicants who propose a cooperative or coordinated service arrangement with an existing system may be authorized to operate on the frequencies of that system, upon demonstrating the need for such an assignment.

Each applicant for authority to construct, install or operate new, additional or replacement stations, or transmitter units thereof, on a frequency not in accord with the 30–40 Mc allocations report of March 21, 1947, shall submit with the application the following signed statement:

> The undersigned hereby affirms his understanding that all frequency assignments in conflict with the 30–40 Mc frequency allocation report dated March 21, 1947 (Public Notice No. 3529) will be terminated no later than July 1, 1950, and that the application accompanying this statement is in conflict with said allocations report. Further, in the event the application is granted, the undersigned will discontinue operation on the conflicting frequency or frequencies not later than July 1, 1950.

Adopted: May 8, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4879; Filed, May 23, 1947; 8:54 a. m.]

[Docket No. 6651]

ALLOCATION OF FREQUENCIES TO VARIOUS CLASSES OF NON-GOVERNMENTAL SERVICES

ORDER FOR FURTHER HEARING IN RESPECT TO GENERAL MOBILE SERVICE

In the matter of allocation of frequencies to the various classes of nongovernmental services in the radio spectrum from 10 kilocycles to 30,000,000 kilocycles.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 8th day of May 1947;

Whereas, the Commission issued its report of allocations from 25,000 kilocycles to 30,000,000 kilocycles herein on May 25, 1945; and

Whereas, section 17, Part II, of said report provided for the tentative establishment of the General Mobile Service, subject to later consideration on the basis of operational data to be obtained from experimentation in this service; and

It appearing, that the development of service in this field has progressed to the extent that experimental operational data is now available, or will be available at the time stated below for the hearing herein, sufficient to serve as a basis for the determination of the issues relating to the establishment, on a regular basis, of the proposed types of service falling within the general mobile classification;

It is ordered, That a further hearing be held before the Commission, or such members thereof as it may designate, at

the offices of the Commission at Washington, D. C. at 10 a. m. on the 8th day of September 1947, on the following issues:

1. To review the types or classes of General Mobile Service which are being developed on an experimental basis and determine the elements of public interest, convenience and necessity bearing upon the question of recognition of each of such services on a regular or permanent basis.

2. To determine the quality of communications and the efficiency with which radio operations are conducted in the various types of General Mobile Experimental Service.

3. To ascertain whether other General Mobile Services are in prospect of development, although not as yet in operation on an experimental basis.

4. To determine if there is any necessity for establishing specialized categories of service within the general mobile classification and allocating exclusive frequencies to such services.

5. To determine whether, with respect to each type of service, the public interest, convenience and necessity would be best served by permitting uncoordinated private operation, or by requiring service without discrimination to all eligible persons through the medium of nonprofit cooperative organizations, specialized communication common carriers or general communication common carriers.

6. To determine the necessity of providing a general service for miscellaneous users for whom a specialized service has not been provided, and whether such service should be on a common carrier basis.

7. To determine the necessity and propriety of permitting, or requiring, the interconnection of land line facilities of general communication common carriers with the radio facilities of other common carriers competing in the same area in the General Mobile Service.

8. To establish the normal and reliable service range of general mobile operation in the bands 30–40 Mc and 152–162 Mc, and the best method of frequency assignment to avoid mutual interference or interference with other services.

9. To determine whether the General Mobile Service should be confined to land vehicles or should be available, also, to watercraft and aircraft under certain conditions.

10. To determine whether General Mobile Service for the handling of public correspondence of persons on board ships, trains and aircraft should be required to be handled wholly, or in part, on the frequencies allocated to the Maritime Mobile, Railroad Radio and Aeronautical Services, respectively.

11. Whether, and the extent to which, General Mobile Radiocommunication Service is to be authorized in cases where wire or other means of communication may be available.

12. To establish the facts and information necessary to enable the Commission to allocate frequencies and to draft proposed rules and regulations to govern the establishment of, and the operating practices and procedures for, each type of General Mobile Service, on a regular basis.

It is further ordered, That all interested persons may appear and participate fully[5] in such hearing provided, however, that each such person shall file with the Commission, on or before August 15, 1947, a written notice of appearance together with fifteen copies of a statement setting forth the names of the witnesses he intends to call at the hearing and a summary of the testimony and exhibits each witness will offer.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4944; Filed, May 23, 1947; 9:09 a. m.]

[Docket No. 6651]

ALLOCATION OF FREQUENCIES TO VARIOUS CLASSES OF NON-GOVERNMENTAL SERVICES

NOTICE OF FURTHER PROCEEDINGS

MAY 8, 1947.

In the matter of allocation of frequencies to the various classes of non-governmental services in the radio spectrum from 10 kilocycles to 30,000,000 kilocycles.

1. Notice is hereby given of further proceedings in the above-entitled matter involving changes in existing frequency service-allocations.

2. The proposed changes are designed to revise the existing frequency service-allocations to make available the entire band 960–1600 Mc for the aeronautical navigational service. The proposed changes are set forth below.

3. This proposal, if adopted, and after consultation with the Interdepartment Radio Advisory Committee, will modify the Commission's table of frequency service-allocations of February 18, 1947 (#4803), and the Commission's proposal of October 22, 1946 (#99615).

4. These proposed changes are issued under the authority of sections 303 (c) and 303 (r) of the Communications Act of 1934, as amended.

5. A hearing and oral argument on the above matter will be held before the Commission en banc, or such members as may be present, beginning at 10:00 a. m., May 26, 1947. Persons desiring to appear at the hearing and oral argument should file a notice of appearance in duplicate with the Commission on or before May 21, 1947.

Frequency allocations to the Aeronautical Navigational Service. The Commission has studied a comprehensive report of the Radio Technical Commission for Aeronautics (Paper 55–47/DO–3, April 25, 1947), paragraphs 1 through 8 of which are especially relevant to this notice and are quoted herein. The Commission considers it unfortunate that the question raised by the RTCA has not been presented at any of the previous oral arguments in Docket 6651, the last of which was February 4, 1947, but nevertheless believes that, if the attainment of the objective of civil aviation to develop a system of all-weather flying depends, even in part, upon the permanent availability of the entire spectrum 960–1600 Mc for the aeronautical navigational service, there is ample justification in proposing the modification to the table of frequency allocations shown herein.

To determine the extent to which aviation interests, including those manufacturers developing electronic systems of air navigation, support this proposal and to determine the relative needs of the amateur, fixed and mobile services for spectrum space between 1215 and 2100 Mc, the Commission will hold a hearing and oral argument as announced above.

The United States Delegation to the forthcoming Radio Administrative Conference of the International Telecommunications Union has asked the Commission for advice in this matter, and it is urged, therefore, that all interested persons be prepared at the hearing and oral argument to state their views on this proposal in appropriate detail.

Study of aeronautical frequency allocations above 400 Mc. 1. The U. S. proposal to the I. T. U. Conference for frequency service-allocations has been examined in the light of the latest aeronautical telecommunication developments to determine the adequacy and probable utilization of the navigational frequency bands above 400 Mc. It is concluded that the total spectrum space proposed for aeronautical services is adequate, but some rearrangement is desirable to obtain the maximum benefits for aviation. The probable utilization of navigational spectrum space is a matter which this study has indicated should be brought immediately to the attention of the U. S. delegation to I. T. U. in order that the present U. S. position may be reviewed with regard for the aviation requirements described herein.

2. An objective of aviation in the United States is to provide safe and efficient air travel under all conditions of weather. To meet this objective, there is a requirement for a standard integrated system of electronic aids to air navigation and traffic control. Continued study of the objective, both internationally and domestically, has culminated in a setting down, in item 2 (a), the functional requirements for a unified system to facilitate the continuous, safe, and efficient movement of air traffic. The results of several studies which led up to these functional requirements are given in Items 2 (b) and 2 (c). A further study which has detailed certain of the requirements is listed under 2 (d).

(a) "Final Report—First Session, Special Radio Technical Division", Doc. 2553, COT/26, Provisional International Civil Aviation Organization, Montreal, Canada, January, 1947.

(b) "Report of Electronic Subdivision Advisory Group on Air Navigation", Air Materiel Command, Wright Field, Dayton, Ohio, June 1946, including "Third Commonwealth Empire Conference on Radio for Civil Aviation", Summer, 1945.

(c) "Recommended United States Policy, Air Navigation-Communication-Traffic Control", Radio Technical Commission for Aeronautics, Washington, D. C., August 28, 1946.

(d) "Recommendations for Safe Control of Expanding Air Traffic", Air Transport Association of America, Washington, D. C., February, 1947 (Part I).

3. At the present time, no single integrated system, either proposed or in development, is capable of fulfilling all of the functional

requirements set forth. In Civil Aviation, because of the extensive operational, technical, and economic aspects of the complete problem, the over-all system must be obtained through an evolutionary plan. As each aid in the evolutionary plan is adopted, it must be integrated with previously adopted aids; and it must provide a period for obsolescence of older standard aids which will be no longer required from an operational standpoint.

4. The functional requirements for air navigation and traffic control are such that the spectrum allocations therefor should be based upon (a) freedom from severe deteriorating effects of atmospheric and precipitation static and attenuation or "black-outs" or other effects caused by weather (clouds, rain, and snow) or ionospheric behavior; (b) the absence of abnormally long propagation paths which would cause intermittent or sporadic interference in locations which are normally interference-free; (c) the need for multi-channel interference-free transmission and reception in the air and on the ground and rapid "push-button" type change of frequency for airborne transmitters and receivers (the functional requirements primarily call for multi-channel airborne transmission and reception in all directions); and (d) a need for integrated airborne elements which provide the minimum in deterioration of aircraft performance through aerodynamic drag, weight, size, power consumption, etc.

5. In establishing an over-all system, the necessity for continuous and reliable performance under all atmospheric and operational conditions is paramount. This requirement is particularly applicable to the safety of aircraft operations conducted under unfavorable weather conditions when aircraft are wholly dependent on radio aids, or are off their established route, or are required to communicate over maximum operational distances. Conditions dictating the choice of frequency spectrum for the elements of such a system are;

(a) Propagation considerations: Atmospheric and precipitation static are materially reduced above approximately 30 Mc., with the intensity decreasing with increase in frequency. Reflections from concentrations of atmospheric moisture, such as clouds, rain, snow, and fog, constitute a serious deteriorating effect, especially to surveillance radar; this effect increases with increasing frequency and precludes reliable surveillance operations above approximately 2000 Mc. Absorption of radio energy likewise increases with increasing frequency. Furthermore, in order to realize the greatest reliability with the least amount of radio interference, frequencies must be kept low enough to minimize the effects of anomalous propagation.

(b) Equipment considerations: The existing status of electronic equipment development makes multi-channel operation possible, using conventional vacuum tube techniques, up to approximately 2000 Mc.; above this, multi-channel operation meeting system requirements is not attainable in the foreseeable future. Airborne transmission and reception in all directions has increasing limitations with increase in frequency because of the greater shadow effect of the aircraft. Due to the reduced size of the antenna elements with increase in frequency, omni-directional transmission and reception of radio energy are less efficient. Integration of airborne equipment becomes feasible when the various functional requirements are performed in a continuous frequency band. The use of a common antenna, transmission cable, transmitter, receiver, power supply, etc., for performing several functions will make implementation of the over-all system practicable for smaller aircraft and more economical for larger aircraft. Such consolidation of equipment is not practicable when the frequency band is divided for the various functions.

Aviation development agencies have determined the spectrum around 1000 Mc. to be the optimum for meeting the functional requirements. This had not been generally recognized by aviation services until very recently and hence the request for this spectrum space was not transmitted to the appropriate agencies previously.

6. The above considerations indicate requirements for frequencies in the 400–2000 Mc. portion of the spectrum as follows:

Function	Transmission path	Space (mc)	Order of frequency (mc)
A. Distance measuring	Air-ground	255	960–1215
B. Surveillance radar (ground)		65	1215–2000
C. Position, altitude, identity reporting	Air-ground 255 mc [1]	320	1215–2000
D. Air traffic control other than A–C above			
(1) Responder beacon	Air-ground, 20 mc		
(2) Flow control	Ground to air, 150 mc		
(3) Occupancy	Air-ground, 150 mc		
(4) Traffic data relay	Ground to air, 150 mc [2]		
Total		640	

[1] Can be multiplexed in 255 mc with Function A.
[2] Can be multiplexed in 150 mc with Function D (2).

7. The order of importance in providing bands of frequencies for these functions in the spectrum 960–2000 Mc. is the same as the order of listing in paragraph 6. It is considered, for reasons cited above and in order to establish an all-weather system, to be of paramount importance to aviation to provide the 640 Mc. stipulated in paragraph 6. It is also highly important that as much as possible of the 640 Mc. be continuous upward from 960 Mc., and in any event, below 2000 Mc. RTCA recommends against any change in the location of the DME band 960–1215 MC.

8. The requirement for the utilization of the 640 Mc. stipulated in paragraph 6 is based on the following considerations:

(a) The DME band (960–1215 Mc.) will contain 101 frequency channels, corresponding to the ultimate total of localizer and omni-range channels.

(b) The DME band (960–1215 Mc.) will be channeled for high stability equipment, with assignable frequencies separated by 2.5 Mc. or less, and pulse multiplexing will be used to convey the following information:

(1) Distance—referred to omni-range and localizer facilities.
(2) Distance reporting—referred to omni-range and localizer locations.
(3) Bearing (azimuth) reporting—referred to omni-range and localizer locations.
(4) Altitude reporting, and
(5) Identity reporting.

(c) The number of frequency channels for each of the functions 6D (2), 6D (3), and 6D (4) should correspond to the required number of omni-range channels, i. e., 60.

PROPOSED TABLE OF FREQUENCY SERVICE-ALLOCATIONS, 960–2100 Mc

Band, Mc	*U. S. Service-Allocation*
960–1215 (1)	Aeronautical navigational.[1]
1215–1600 (2)	Aeronautical navigational.[1]
1600–1700 (3)	(a) Aeronautical navigational.[1] (b) Amateur.
1700–1750	Meteorological aid (radio sonde).
1750–1880	Nongovernment mobile. 1750–1880 mc. Television pick-up.
1880–2100	Nongovernment fixed. 1880–2100 mc. Fixed circuits except common carrier.

[1] Pulsed navigational aids permitted.

(1) This band is for all the following functions and no other: Distance Measuring (101 channels) multiplexed with Position, Altitude, Identity Reporting.

(2) This band is for the following functions and no other:

	Mc
(a) Surveillance radar (ground)	65
(b) Responder beacon	20
(c) Flow control (60 channels) multiplexed with traffic data relay	150
(d) Occupancy (60 channels)	150

(3) This band is to be used temporarily for Aeronautical Navigational Altimeters and is to be exclusively Amateur when no longer required for Altimeters.

Adopted: May 8, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4882; Filed, May 23, 1947; 8:55 a. m.]

[47 CFR, Part 3]

[Docket No. 8333]

DAYTIME SKYWAVE TRANSMISSIONS OF STANDARD BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

MAY 9, 1947.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Under the Commission's rules and regulations and Standards of Good Engineering Practice, standard broadcast stations are not protected against daytime skywave transmissions nor is there any method prescribed for determining the existence or extent of such transmissions.

3. Affidavits have been filed with the Commission alleging that serious interference is resulting to the daytime service area of stations operating on clear channels as a result of skywave transmissions from Class II stations operating daytime on such frequencies which the Commission has authorized.

4. There are many applications still pending which request authority to operate daytime on clear channels. Appeals have been taken to the United States Court of Appeals for the District of Columbia from some orders of the Commission granting such applications. In one such case an order has been issued by that Court staying the effectiveness of a construction permit issued by the Commission.

5. In view of the foregoing, a hearing in the above-entitled matter will be held before the Commission en banc, or such members as may be present, beginning at 10:00 a. m., June 2, 1947, to receive evidence concerning the existence and extent of daytime skywave transmis-

sions of Standard Broadcast Stations and to promulgate whatever rules and regulations may be necessary.

6. The Clear Channel Broadcasting Service, which filed a petition on February 27, 1947, with respect to the subject matter of this proceeding, is hereby made a party to the proceeding. Any other interested person may appear and participate in the hearing by filing a written appearance in duplicate on or before May 26, 1947.

7. Until the hearing is concluded and a decision is announced, the Commission will defer action on all pending applications which seek daytime or limited time operation on United States I–A or I–B frequencies. The Commission will announce its decision as soon as possible after the proceeding is closed so that the processing of such applications may be resumed at the earliest possible date.

8. Authority to promulgate rules and regulations with respect to the subject matter of this proceeding is contained in sections 303 (c), 303 (f), 303 (h) and 303 (r) of the Communications Act of 1934.

Adopted: May 8, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–4881; Filed, May 23, 1947; 8:55 a. m.]

[47 CFR, Part 43]

[Docket No. 8184]

CHANGES IN DEPRECIATION RATES OF COMMUNICATION COMMON CARRIERS

NOTICE OF PROPOSED RULE MAKING

MAY 9, 1947.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. A new section (§ 43.43) is proposed to be added to Part 43 (Reports) of the Commission's rules and regulations, as follows:

§ 43.43 *Reports of changes in depreciation rates.* (a) Each communication common carrier subject to the Communications Act of 1934, as amended, having annual operating revenues in excess of $250,000 shall, with respect to any proposed change in its depreciation rates, and at least sixty (60) days prior to the last day of the month in the accounts for which the effect of such change is first recorded, file with the Commission, in triplicate, the following information with respect to each depreciation rate proposed to be changed on or after the effective date of this rule:

(1) A statement showing the class or subclass of plant to which applicable, the effective date of the proposed change, the rate in effect immediately before and after such change, and the corresponding service-life and net-salvage estimates;

(2) A general statement describing the method or methods employed in the development of the service-life and the net-salvage estimates, and the reasons for the proposed change in the rate.

(b) When the proposed change in rate applicable to any class or subclass of plant (1) amounts to twenty percent (20%) or more of the rate currently applied thereto, or (2) would have changed by one percent (1%) or more the aggregate annual depreciation charges for all depreciable plant if the new rate applicable to such class or subclass had been in effect during the preceding calendar year, the statements required in foregoing paragraph (a) of this section shall be supplemented by copies of supporting data, calculations, and charts underlying the service-life and net-salvage estimates. (If compliance with this requirement involves submittal of a large volume of data of a repetitive nature, an illustrative portion may be filed.)

(c) The foregoing statements shall be accompanied by a statement, likewise in triplicate, showing the expected net change in the annual depreciation charges resulting from the revised depreciation rates and indicating the basis of determining the expected net change.

3. Excepting the data required with respect to estimates of service lives and net salvage, the foregoing requirements have been in effect since the issuance of Commission Order No. 100, on June 2, 1942. The responses to that order have indicated the need for additional information of the nature specified in the foregoing proposed rule. Such information has been furnished upon request through correspondence with the carriers. It is believed, therefore, that the proposed rule will not impose any unreasonable burden upon the carriers.

4. The proposed rule will be made applicable only to those carriers having annual operating revenues exceeding $250,000, and will thus eliminate from the filing requirements imposed under Commission Order No. 100 and § 1.551 of the Commission's rules and regulations a number of carriers that have annual operating revenues of less than $250,000. Order No. 100 and § 1.551 are proposed to be rescinded upon the adoption by the Commission of proposed § 43.43.

5. This proposed rule is issued under authority of sections 4 (i), 219 (b), and 220 (b) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed rule should not be adopted, or should not be adopted in the form set forth hereinbefore, may file with the Commission on or before June 15, 1947, a written statement or brief setting forth his comments. The Commission will consider these written comments before adopting the proposed rule and if comments are submitted which appear to warrant the Commission in holding an oral argument, notice of the time and place of such oral argument will be given.

Adopted: May 8, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–4878; Filed, May 23, 1947; 8:54 a. m.]

FEDERAL HOME LOAN BANK ADMINISTRATION

[24 CFR, Part 4]

[Bulletin 87]

OPERATION OF BANKS

PROPOSED AMENDMENT RELATING TO DEPOSITS FROM MEMBERS

MAY 21, 1947.

Pursuant to 24 CFR 8.3 (c), notice is hereby given of the proposed amendment of 24 CFR 4.1 (f) to provide as follows:

§ 4.1 *General powers.* • • •

(f) *Deposits from members.* (1) Banks may accept demand deposits from members, but no interest shall be paid thereon. At least 25% of such funds on deposit shall be reserved in the form of cash and/or U. S. Treasury Bills. The remaining 75% of such funds on deposit shall be invested within the provisions of section 11 (g) of the act. The Governor may, in his discretion, upon the application of a Bank, waive all or a part of these reserve requirements, subject to the provisions of the Federal Home Loan Bank Act, as now or hereafter amended. Immediate withdrawal may be permitted in the form of the check of the Bank or as otherwise authorized from time to time by order of the Federal Home Loan Bank Administration.

(2) Banks may accept time deposits from members but shall reserve the right to require, in writing, thirty days' notice of intention to withdraw such deposits or any part thereof. At least 25% of such funds on deposit shall be reserved in the form of cash and/or U. S. Treasury Bills. The remaining 75% of such funds on deposit shall be invested within the provisions of section 11 (g) of the act. The Governor may, in his discretion, upon the application of a Bank, waive all or a part of these reserve requirements, subject to the provisions of the Federal Home Loan Bank Act, as now or hereafter amended. The rates of interest to be paid on such deposits as remain unwithdrawn for periods of thirty days or more may be established by the board of directors of each Bank, within the ranges established by the Federal Home Loan Bank Administration. Withdrawals of such deposits shall be in the form of the check of the Bank, or in such other manner as may from time to time be authorized by order of the Federal Home Loan Bank Administration.

(3) As used in subparagraphs (1) and (2) of this paragraph, the word "cash" shall not include deposits in any other Bank.

The foregoing amendment is proposed to be adopted under the provisions of sections 11 (e), 11 (g), 12 and 16 of the Federal Home Loan Bank Act, as amended (47 Stat. 733, 735, 736; 48 Stat. 1261; 12 U. S. C. 1431 (e) (g), 1432 and 1436) and the Administrative Procedure Act, 60 Stat. 237.

[SEAL] HAROLD LEE,
Governor.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 47–4843; Filed, May 23, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 210]

FORM AND CONTENT OF FINANCIAL STATEMENTS

NOTICE OF PROPOSAL TO ISSUE RELEASE IN ACCOUNTING SERIES REGARDING USE OF PUBLIC ACCOUNTANTS' NAMES IN CONNECTION WITH SUMMARY EARNINGS TABLES INCLUDED IN REGISTRATION STATEMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to issue a release, pursuant to the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a), in its Accounting Series indicating the circumstances under which independent accountants may properly express an opinion, and the form of such opinion, with respect to summary earnings tables to be included in registration statements filed under the Securities Act of 1933.

As its name implies, a summary earnings table is a highly condensed form of profit and loss statement designed to apprise the investor, in a convenient fashion, of the financial results of the operation of the business for a reasonable number of years. Such a summary is not required by the Commission's rules to be certified by independent public or independent certified public accountants but it is, nevertheless, common practice for the registrant to include a summary in the registration statement with the explanation that it has been "reviewed" by independent accountants. This use of accountants' names is designed and tends to give added authority to the material presented. It is important, therefore, to consider the extent of the examination to be made by the accountants in such cases and the extent of the responsibility which they as experts can properly assume.

Persons desiring to comment on the proposed release may obtain copies from the principal office of the Commission at the address indicated below.

All interested persons may submit data, views and comments in writing to Earle C. King, Chief Accountant, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before June 10, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 13, 1947.

[F. R. Doc. 47–4856; Filed, May 23, 1947; 8:51 a. m.]

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of The Public Debt

[1947 Department Circ. 807]

7/8 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES E–1948

OFFERING OF CERTIFICATES

MAY 21, 1947.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated 7/8 percent Treasury Certificates of Indebtedness of Series E–1948, in exchange for Treasury Certificates of Indebtedness of Series E–1947, maturing June 1, 1947. Approximately $1,000,000,000 of the maturing certificates will be retired on cash redemption.

II. *Description of certificates.* 1. The certificates will be dated June 1, 1947, and will bear interest from that date at the rate of 7/8 percent per annum, payable with the principal at maturity on June 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including $25,000 will be allotted in full, and subscriptions for amounts over $25,000 will be allotted to all holders on an equal percentage basis, but not less than $25,000 on any one subscription. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before June 2, 1947, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series E–1947, maturing June 1, 1947, which will be acceptable at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47–4857; Filed, May 23, 1947; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

CLASSIFICATION ORDER

MAY 12, 1947.

1. Pursuant to the authority delegated to me by the Secretary of the Interior (43 CFR 4.275 (a) (39) (iii), Order 2238, August 16, 1946, 11 F. R. 9080), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 54 U. S. C. sec. 682a), for leasing, as hereinafter indicated, the following described public lands in the Phoenix, Arizona, land district, embracing 320 acres:

SMALL TRACT CLASSIFICATION NO. 119

ARIZONA NO. 11

For all of the purposes mentioned in the act except convalescent, business, and combination home and business site purposes.

GILA AND SALT RIVER MERIDIAN

T. 13 S., R. 5 W.,
Sec. 25, N½NW¼, SW¼NW¼, N½SE¼ NW¼, W½NW¼SW¼, S½SW¼ (subject to rights-of-way for State Highway No. 86 and Organ Cactus Pipe National Monument Highway, as to the tracts invaded thereby).

For business and for combination home and business purposes.

Sec. 25, S½SE¼NW¼, NE¼SW¼, E½NW¼ SW¼ (subject to rights-of-way for State Highway No. 86 and Organ Cactus Pipe National Monument Highway, as to the tracts invaded thereby).

2. These lands are located in Pima County, Arizona, about 11 miles south of Ajo, less than a mile from the Papago Indian Reservation, and approximately 5 miles from the Organ Pipe Cactus National Monument. They are accessible over both State Highway No. 86 and the Organ Pipe Cactus National Monument Highway. The towns of Ajo and Rowood offer varied facilities, including a school system. It appears that both electricity and telephone service can be made readily accessible to the lands.

3. The lands are about 1,200 to 1,300 feet above sea level and comprise a rolling to level plain with some rises and sand dunes. The climate of this region is hot and dry with long summers and short mild winters.

4. The water supply for this subdivision must be developed from underground sources. Although there appear to be no wells on the lands at present, their development would seem to be entirely feasible, especially if undertaken as a group project.

5. Pursuant to § 257.8 of the Code of Federal Regulations (43 CFR, Part 257, Cum. Supp., as amended by Circ. 1613, February 27, 1946), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 8:30 a. m. on March 20, 1946, and (b) are for the type of site for which the land subject thereunder has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

6. As to the land not covered by the applications referred to in paragraph 5, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on July 14, 1947. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on July 14, 1947, to close of business on October 11, 1947, inclusive, to (1) application under the small tract act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed at or after 8:30 a. m. on March 20, 1946, together with those presented at 10:00 a. m. on June 24, 1947, shall be treated as simultaneously filed.

(c) *Date for nonpreference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on October 13, 1947, any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous nonpreference-right filings.* Applications under the small tract act by the general public filed at or after 8:30 a. m. on March 20, 1946, together with those presented at 10:00 a. m. on September 23, 1947, shall be treated as simultaneously filed.

7. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

8. All applications for the lands referred to in paragraphs 5 and 6, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

9. Lessees under the small tract act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the Bureau of Land Management officer signing the lease, improvements which under the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of 5 years at an annual rental of $5 for home, cabin, camp, health and recreational sites, payable yearly in advance. The rental for business and for combination home and business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20, payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease.

10. All of the lands classified for all of the purposes in the act except convalescent, business and for combination home and business sites, will be leased in tracts of approximately 5 acres, or aliquot parts thereof, each being approximately 330 by 660 feet, or aliquot dimensions thereof, the longest dimension extending east and west. The lands classified for business and for combination home and business site purposes will be leased in tracts of approximately 2½ acres, or aliquot parts thereof, each being approximately 330 by 330 feet, or aliquot dimensions thereof. The tracts should conform in description with the rectangular system of surveys as one compact unit.

11. Preference right leases referred to in paragraph 5 will be issued for the land described in the application, irrespective of the direction of the tract, provided the tract is made to conform to the areas and dimensions specified above.

12. Where only one 5-acre tract in a 10-acre subdivision or one 2½ acre tract in a 5-acre subdivision is embraced in a preference right application, however, the Acting Manager is authorized to accept applications for the remaining 5-acre, 2½ acre tract or aliquot parts thereof extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified above.

13. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Phoenix, Arizona.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47–4834; Filed, May 23, 1947; 8:46 a. m.]

Office of the Secretary

COLORADO

NOTICE FOR FILING OBJECTIONS TO ORDER OF MAY 16, 1947, WITHDRAWING PUBLIC LANDS FOR GERRARD RESERVOIR SITE, SAN LUIS RECLAMATION PROJECT, COLORADO

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of said order of January 30, 1947, withdrawing the NE¼NW¼, Sec. 25, SE¼NE¼, W½W½, NE¼SE¼, Sec. 26, NE¼, E½NW¼, NE¼SW¼, SE¼, Sec. 27, T. 40 N., R. 3 E., N. M. P. M., Colorado, for the construction of the proposed Gerrard Reservoir of the San Luis Valley Reclamation Project, Colorado, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 16, 1947.

[F. R. Doc. 47–4835; Filed, May 23, 1947; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA–143]

ACCIDENT AT CAPE MAY, N. J.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry No. 86508 which occurred at Cape May, New Jersey, on May 11, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday and Wednesday, May 27 and 28, 1947, at 9:30 a. m. (local time) in Public Building, City Hall, City Council Chamber, Room 373, Wilmington, Delaware.

Dated at Washington, D. C., May 21, 1947.

[SEAL] R. W. CHRISP,
Presiding Officer.

[F. R. Doc. 47–4861; Filed, May 23, 1947; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

SOUTHWEST BROADCASTING CO.

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on April 28, 1947 there was filed with it an application (BAL–601) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of WPUV, Pulaski, Virginia, from Howard R. Imboden, trading as Southwest Broadcasting Company to Southwest Broadcasting Corporation, 225 North Washington Avenue, Pulaski, Virginia.

The proposal to assign the license arises out of a contract of February 15, 1947 pursuant to which a 50% stock interest in and to the station, its properties and equipment would be acquired by W. F. White and Allan S. Aden for a consideration of $25,000 in cash. The station, its properties and license would be transferred to Southwestern Broadcasting Corporation, from which would be exempted, however, all cash on hand at the time of transfer and accounts receivable for services to said time. Assignor would assume all liabilities. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application the Commission was advised by applicants on April 28, 1947 that starting on May 5, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Pulaski, Virginia, in accordance with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from May 5, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–4880; Filed, May 23, 1947; 8:55 a. m.]

[Docket Nos. 7125, 7601]

J. E. RODMAN (KFRE) AND TULARE-KINGS COUNTIES RADIO ASSOCIATES (KTKC)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of J. E. Rodman (KFRE), Fresno, California, Docket No. 7125, File No. BP–3757; J. E. Richmond, Percy M. Whiteside, Homer W. Wood, Charles A. Whitmore and Morley M. Maddox, d/b as Tulare-Kings Counties Radio Associates (KTKC), Visalia, California, Docket No. 7601, File No. BP–3909; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled applications of J. E. Rodman, requesting a construction permit to change the facilities of Station KFRE, Fresno, California, from 1340 kc, 250 w power, unlimited time, to 970 kc, 1 kw power, unlimited time, employing a directional antenna, and J. E. Richmond, Percy M. Whiteside, Homer W. Wood, Charles A. Whitmore and Morley M. Maddox, d/b as Tulare-Kings Counties Radio Associates, requesting a construction permit to change the facilities of Station KTKC, Visalia, California from 940 kc, 5 kw power, unlimited time, employing a directional antenna to 940 kc, 50 kw power, unlimited time, employing a directional antenna and to change transmitter location, install a new transmitter and directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate Stations KFRE and KTKC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of Stations KFRE and KTKC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of Stations KFRE and KTKC as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of Stations KFRE and KTKC as proposed would involve objectionable interference, each with each other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of Stations KFRE and KTKC as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–4929; Filed, May 23, 1947; 9:06 a. m.]

[Docket No. 7484]

EUGENE BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Eugene Broadcasters, Inc., Eugene, Oregon, Docket No. 7484, File No. BP–4259; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1280

[1] Section 1.321, Part I, Rules of Practice and Procedure.

kc, 1 kw, using a directional antenna, unlimited time, at Eugene, Oregon, together with a petition of Carl E. Haymond, licensee of station KIT, Yakima, Washington, requesting that the above application be designated for hearing and that he be made a party to such hearing on the ground that a grant of the above application would cause objectionable interference to the area now served by station KIT;

Now, therefore, *It is ordered*, That the petition of Carl E. Haymond, be, and it is hereby, granted;

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Eugene Broadcasters, Inc., be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KIT, Yakima, Washington or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the extent of Station KIT's present interference free service areas, the nature and extent of the primary interference free service that it renders beyond its normally protected contours, the character of its program service to those areas, the populations involved and the character of other broadcast service available thereto and whether, and to what extent, such service should receive protection.

It is further ordered, That Carl E. Hammond, licensee of Station KIT, Yakima, Washington be, and he is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4912; Filed, May 23, 1947; 9:03 a. m.]

[Docket No. 7559]

AMARILLO BROADCASTING CORP. (KFDA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Amarillo Broadcasting Corporation (KFDA), Amarillo, Texas, Docket No. 7559, File No. BP-4353; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the frequency of station KFDA, Amarillo, Texas, to 1440 kc, increase power to 1 kw nighttime and 5 kw daytime, change transmitter site, install a new transmitter, and erect a new directional antenna for nighttime use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KFDA as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KFDA as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KFDA as proposed would involve objectionable interference with station KILO, Grand Forks, North Dakota, or with any other existing or authorized broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KFDA as proposed would involve objectionable interference, as defined in the North American Regional Broadcasting Agreement, with Mexican station XEFI, Chihuahua, Chihuahua, or any other existing foreign broadcast station, and the nature and extent of such interference.

6. To determine whether the operation of station KFDA as proposed would involve objectionable interference with the services proposed in the pending application for change in facilities of KEYS, Corpus Christi, Texas (File No. BP-3999: Docket No. 7561), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of station KFDA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, especially with section 4 of the Standards.

It is further ordered, That Dalton Le Masurier, licensee of station KILO, Grand Forks, North Dakota, be, and he is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4921; Filed, May 23, 1947; 9:05 a. m.]

[Docket No. 7810]

MIAMI BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Miami Broadcasting Company, Miami, Oklahoma, Docket No. 7810, File No. BP-4987; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 910 kc, with 1 kw power, unlimited time, employing a directional antenna for use day and night, at Miami, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WCOC, Meridian, Miss. or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Mississippi Broadcasting Company, Inc., licensee of Station WCOC, Meridian, Mississippi, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4909; Filed, May 23, 1947; 9:03 a. m.]

[Docket Nos. 7830, 8389]

FRANK M. HELM AND ALBERT ALVIN ALMADA

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Frank M. Helm, Modesto, California, Docket No. 7830, File No. BP-5184; Albert Alvin Almada, Sacramento, California, Docket No. 8389, File No. BP-5494; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of Frank M. Helm, requesting a construction permit for a new standard broadcast station to operate on 1390 kc, with 1 kw power and nighttime directional antenna at Modesto, California, and that of Albert Alvin Almada requesting a construction permit for a new standard broadcast station to operate on 1390 kc, with 1 kw power, unlimited time, using directional antenna night and day at Sacramento, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with Station XEM, Chihuahua, Mexico or any other existing foreign broadcast station as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference, if any.

6. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4932; Filed, May 23, 1947; 9:07 a. m.]

[Docket No. 7895]

HOLLAND BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Holland Broadcasting Company, Holland, Michigan, Docket No. 7895, File No. BP-5379; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1450 kc, with 250 w power, unlimited time, at Holland, Michigan;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WKLA, Ludington, Michigan, WIBM, Jackson, Michigan, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Karl L. Ashbacker and Grant F. Ashbacker, d/b as Ludington Broadcasting Company, licensee of Station WKLA, Ludington, Michigan, and WIBM, Inc., licensee of Station WIBM, Jackson, Michigan, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4922; Filed, May 23, 1947; 9:05 a. m.]

[Docket Nos. 7937, 8185, 8186]

E. F. PEFFER (KGDM) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of E. F. Peffer (KGDM), Stockton, California, Docket No. 8185, File No. BP-5554; Contra Costa Broadcasting Company, Richmond, California, Docket No. 7937, File No. BP-5106; Sacramento Broadcasters, Inc., Chico, California, Docket No. 8186; File No. BP-5745; for construction permits.

At a session of the Federal Communications Commission, held at its offices

in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled applications of E. F. Peffer (KGDM), presently operating on 1140 kc, 5 kw, unlimited time, using a directional antenna at night, for a construction permit to increase power to 10 kw, make changes in the directional antenna, and install a new transmitter; Contra Costa Broadcasting Company, for a construction permit for a new standard broadcast station to operate on 1150 kc, with 250 w power, daytime only, at Richmond, California, and Sacramento Broadcasters, Inc., for a construction permit for a new standard broadcast station to operate on 1150 kc, with 1 kw power daytime only, at Chico, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholder to construct and operate their proposed stations and the technical, financial and other qualifications of the individual applicant to construct and operate Station KGDM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations or any one of them would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations proposed by the applicants would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4936; Filed, May 23, 1947; 9:07 a. m.]

[Docket Nos. 7952, 8370]

KANSAS BROADCASTING, INC., AND LINCOLN BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Kansas Broadcasting, Inc (KANS), Wichita, Kansas, Docket No. 7952, File No. BP-5159; Lincoln Broadcasting Corp., Lincoln, Nebraska, Docket No. 8370, File No. BP-4985; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of Kansas Broadcasting, Inc. (KANS), for a construction permit to change frequency to 1480 kc, using 1 kw power, 5 kw-LS, unlimited time, using a directional antenna at night at Wichita, Kansas; a petition of Kansas Broadcasting, Inc., (KANS) to waive a hearing of said application; and the above-entitled application of Lincoln Broadcasting Corp. for a construction permit for a new standard broadcast station to operate on the frequency 1480 kc, with 1 kw power, unlimited time, using directional antenna arrays day and night, at Lincoln, Nebraska;

It appearing that the above-entitled applications involve objectionable daytime interference; and

It further appearing that the above-entitled application of Lincoln Broadcasting Corp. will involve objectionable daytime interference to and from Station KBON, Omaha, Nebraska, operating on 1490 kc, with 250 w power, unlimited time; and

It further appearing that the Commission on November 7, 1946, designated for hearing the above-entitled application of Kansas Broadcasting, Inc., (KANS);

It is ordered, That the aforesaid petition of Kansas Broadcasting, Inc., (KANS) be, and it is hereby, denied; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of Lincoln Broadcasting Corp. be, and it is hereby, designated for hearing in a consolidated proceeding with the said application of Kansas Broadcasting, Inc., (KANS) at a time and place to be designated by subsequent order of the Commission, the said applications to be heard upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of Lincoln Broadcasting Corp., its officers, directors and stockholders and the technical, financial and other qualifications of Kansas Broadcasting, Inc., its officers, directors and stockholders to construct and operate the proposed Lincoln station and Station KANS as proposed respectively.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed Lincoln station and Station KANS as proposed respectively and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed Lincoln station would involve objectionable interference with Station KBON, Omaha, Nebraska, and whether the operation of the proposed Lincoln station and Station KANS as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed Lincoln station and Station KANS as proposed would involve objectionable interference with each other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed Lincoln station and Station KANS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of November 7, 1946, designating the above-entitled application of Kansas Broadcasting, Inc. (KANS) for hearing be, and it is hereby amended, to delete the issues therein specified.

It is further ordered, That Inland Broadcasting Company, licensee of Station KBON, Omaha, Nebraska, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4931; Filed, May 23, 1947; 9:06 a. m.]

[Docket No. 7974]

RADIOTELEGRAPH SERVICE BETWEEN UNITED STATES AND FOREIGN AND OVERSEAS POINTS AND ASSIGNMENT OF FREQUENCIES FOR SUCH SERVICE

ORDER SETTING HEARING DATE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of May 1947;

The Commission, having under consideration its order of November 27, 1946 herein;

It is ordered, That the proceedings herein are assigned for hearing beginning at 10:00 a. m. on the 6th day of October 1947, at the offices of the Federal Communications Commission in Washington, D. C.;

It is further ordered, That the Commission's Telegraph Committee, is authorized to preside at the hearings, and otherwise to conduct the proceedings herein;

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4888; Filed, May 23, 1947; 8:56 a. m.]

[Docket No. 8005]

KJAN BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KJAN Broadcasting Company, Inc., Opelousas, Louisiana, Docket No. 8005, File No. BP-5143; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 910 kc, with 1 kw power, unlimited time, at Opelousas, Louisiana, employing a directional antenna for night use.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4910; Filed, May 23, 1947; 9:03 a. m.]

[Docket No. 8008]

EUGENE BROADCAST STATION (KORE)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Violet G. Hill Motter and Violet G. Hill Motter, Administratrix of the Estate of Frank L. Hill, deceased, d/b as Eugene Broadcast Station (KORE), Eugene, Oregon, Docket No. 8008, File No. BP-5470; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change frequency from 1450 kc to 1460 kc, to increase power from 250 w to 1 kw, to install new transmitter and directional antenna for day and night use and to change transmitter location;

It is ordered, That, pursuant to Section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate station KORE as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KORE as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the station as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the station as proposed would involve objectionable interference with the services proposed in the pending application of KSAN, in San Francisco, California, (BP-3913) and an application for Santa Cruz, California (BP-4150) or either of them, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KORE as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4897; Filed, May 23, 1947; 9:01 a. m.]

[Docket Nos. 8011, 8012, 8162, 8338, 8339]

AMERICAN BROADCASTING CO., INC. (KGO) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED MEETING ON STATED ISSUES

In the matter of applications of American Broadcasting Company, Inc. (KGO), San Francisco, California, docket No. 8011, file No. BMP-2157; for modification of construction permit; Denver Broadcasting Company, Denver, Colorado, Docket No. 8012, file No. BP-5141; for construction permit; modification of broadcast license of General Electric Company (WGY), Schenectady, New York, Docket No. 8162, file No. BS-264; KCMO Broadcasting Company (KCMO), Kansas City, Missouri, Docket No. 8338, file No. BMP-2556; for modification of construction permit; A. Frank Katzentine (WKAT), Miami Beach, Florida, Docket No. 8339, file No. BP-5973.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled applications of KCMO Broadcasting Company requesting a modification of construction permit to authorize a change in the facilities of Station KCMO, Kansas City, Missouri, from 810 kc, 10 kw, 50 kw local sunset power, unlimited time, employing a directional antenna at night to 810 kc, 50 kw power, unlimited time, and changes in the directional antenna, and A. Frank Katzentine requesting a construction permit to change the facilities of Station WKAT, Miami Beach, Florida from 1360 kc, 1kw, 5kw local sunset power, unlimited time to 810 kc, 50 kw power, unlimited time, employing a directional antenna at night;

It appearing, that the Commission on December 17, 1946, designated for hear-

ing in a consolidated proceeding the applications of American Broadcasting Company, Inc. (KGO) (File No. BMP-2157; Docket No. 8011), requesting a modification of construction permit to authorize changes in the directional antenna of Station KGO, San Francisco, California and Denver Broadcasting Company (File No. BP-5141; Docket No. 8012), requesting a construction permit for a new standard broadcast station to operate on 810 kc, 25 kw, 50 kw local sunset power, unlimited time, employing a directional antenna day and night, at Denver, Colorado and the request of American Broadcasting Company, Inc. (KGO) that Station WGY, Schenectady, New York, be required to install a directional antenna which would afford nighttime protection to Station KGO operating as proposed and General Electric Company, licensee of Station WGY was, in such order and as a part of said proceeding, afforded the opportunity to show cause why its license should not be so modified;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of KCMO Broadcasting Company and A. Frank Katzentine be, and they are hereby, designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate Stations KCMO and WKAT as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of Stations KCMO and WKAT as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of Stations KCMO and WKAT as proposed would involve objectionable interference with Station WGY, Schenectady, New York, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of Stations KCMO and WKAT as proposed would involve objectionable interference, each with the other, or with the services proposed in the other pending applications in this proceeding, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of Stations KCMO and WKAT as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order, dated December 17, 1946, designating the aforementioned applications of American Broadcasting Company, Inc. (KGO) and Denver Broadcasting Company and the show cause order of General Electric Company (WGY) for modification of license, be, and it is hereby, amended to include the aforementioned applications of KCMO Broadcasting Company (KCMO) and A. Frank Katzentine (WKAT), and to include among the issues for hearing, Issue No. 7, stated above.

It is further ordered, That General Electric Company, licensee of Station WGY, Schenectady, New York, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4943; Filed, May 23, 1947; 9:09 a. m.]

[Docket Nos. 8025, 8257, 8258, 8369]

SEMINOLE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louis F. Leurig and F. F. McNaughton, d/b as Seminole Broadcasting Company, Wewoka, Oklahoma, Docket No. 8025, File No. BP-5270; Ellis County Broadcasting Company, Waxahachie, Texas, Docket No. 8257, File No. BP-5339; Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP-5820; West Central Broadcasting Company, Tulsa, Oklahoma, Docket No. 8369, File No. BP-4797; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of April 1947;

The Commission having under consideration the above entitled applications of Louis F. Leurig and F. F. McNaughton, d/b as Seminole Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 720 kc, 250 w power, daytime only, at Wewoka, Oklahoma and West Central Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 740 kc, 25 kw, 50 kw local sunset power, unlimited time, employing a directional antenna, at Tulsa, Oklahoma;

It appearing that the Commission on March 20, 1947, designated for hearing in a consolidated proceeding the application of Ellis County Broadcasting Company (File No. BP-5339; Docket No. 8257) requesting a construction permit for a new standard broadcast station to operate on 730 kc, 250 w power, daytime only, at Waxahachie, Texas, and Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company (File No. BP-5820; Docket No. 8258) requesting a construction permit for a new standard broadcast station to operate on 740 kc, with 5 kw, 10 kw local sunset power, unlimited time, employing a directional antenna, at Dallas, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Louis F. Leurig and F. F. McNaughton, d/b as Seminole Broadcasting Company and West Central Broadcasting Company be, and they are hereby, designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners, and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, with the services proposed in the other pending applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station of West Central Broadcasting Company and of station WKY at Oklahoma City, Oklahoma, the nature and extent thereof and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the Commission's order, dated March 20, 1947, designating the above entitled applications of Ellis County Broadcasting Company and Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, for hearing in a consolidated proceeding be, and it is hereby, amended to include the above entitled applications of Louis F. Leurig and F. F. McNaughton, d/b as Seminole Broadcasting Company and West Central Broadcasting Company and to include among the issues for hearing, Issue No. 8, stated above.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4928; Filed, May 23, 1947; 9:06 a. m.]

[Docket Nos. 8170, 8171, 8348]

WESTERN PENNSYLVANIA BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Western Pennsylvania Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 8170, File No. BP-5344; East Liverpool Broadcasting Company, East Liverpool, Ohio, Docket No. 8171, File No. BP-5799; United Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 8348, File No. BP-5863; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application of United Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1470 kc, with 5 kw power, unlimited time, using a directional antenna, at Pittsburgh, Pennsylvania, and also having under consideration a petition filed March 17, 1947 by Lehigh Valley Broadcasting Company, licensee of station WSAN, Allentown, Pennsylvania, requesting that said application be designated for hearing, and a similar petition filed April 25, 1947 by Calcasieu Broadcasting Company, licensee of station KPLC, Lake Charles, Louisiana;

It appearing that the Commission on March 6, 1947, designated for hearing in a consolidated proceeding the applications of Western Pennsylvania Broadcasting Corporation (File No. BP-5344; Docket No. 8170) requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, in Pittsburgh, Pennsylvania, and East Liverpool Broadcasting Company (File No. BP-5799; Docket No. 8171) requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Liverpool, Ohio;

It is ordered, That the said petitions of Lehigh Valley Broadcasting Company and Calcasieu Broadcasting Company be, and they are hereby, granted, and that pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of United Broadcasting Corporation be, and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WSAN, Allentown, Pennsylvania, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any of the other applications in the consolidated proceeding, in the pending applications of Calcasieu Broadcasting Company (KPLC) (File No. BP-3623; Docket No. 6664), KRIC, Inc. (KRIC) (File No. BP-4410; Docket No. 7321), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference, as defined in the North American Regional Broadcasting Agreement, with Canadian station CFOS, Owen Sound, Ontario, or any other existing foreign broadcast station, and the nature and extent of such interference.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated March 6, 1947, designating for hearing the applications of Western Pennsylvania Broadcasting Corporation and East Liverpool Broadcasting Company, be, and it is hereby, amended to include said application of United Broadcasting Corporation and to change Issue No. 7 of said order to read as issue No. 8 above stated.

It is further ordered, That Lehigh Valley Broadcasting Company, licensee of station WSAN, Allentown, Pennsylvania, Calcasieu Broadcasting Company, licensee of station KPLC, Lake Charles, Louisiana, and KRIC, Inc., licensee of station KRIC, Beaumont, Texas, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4930; Filed, May 23, 1947; 9:06 a. m.]

[Docket No. 8313]

LOUIS WASMER (KGA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Louis Wasmer (KGA), Spokane, Washington, Docket No. 8313, File No. BP-4647; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit to increase power of Station KGA, Spokane, Washington, currently operating on 1510 kc, 10 kw, DA-N, unlimited time, to 50 kw, using a directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant to construct and operate Station KGA as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KGA as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KGA as proposed would involve objectionable interference with Station WLAC, Nashville, Tennessee, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KGA as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and

the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KGA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That J. T. Ward, trading as WLAC Broadcasting Service, be, and he is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4920; Filed, May 23, 1947; 9:05 a. m.]

[Docket No. 8315]

ROCKFORD BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Rockford Broadcasters, Inc. (WROK), Rockford, Illinois, Docket No. 8315, File No. BP-5555; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change transmitter site, increase height of vertical antenna and use new radiator as a support for an FM antenna, for Station WROK, Rockford, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WROK as proposed and the character of other broadcast service available to those areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of Station WROK as proposed would involve objectionable interference with Station WBCM, Bay City, Michigan, or with any other existing or authorized broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of Station WROK as proposed would involve objectionable interference, as defined in the North American Regional Broadcasting Agreement, with Canadian station CHNO, Sudbury, Ontario, or any other existing foreign broadcast station, and the nature and extent of such interference.

5. To determine whether the operation of Station WROK as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WROK as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Bay Broadcasting Company, Inc., licensee of Station WBCM, Bay City, Michigan, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4926; Filed, May 23, 1947; 9:05 a. m.]

[Docket No. 8316]

WMPS INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WMPS, Inc., Memphis, Tennessee, Docket No. 8316, File No. BMP-2388; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of April 1947;

The Commission having under consideration: (1) The above-entitled application (File No. BMP-2388) for modification of construction permit. File No. BP-4310 as modified (which authorized this applicant to change the operating frequency of WMPS, Memphis, Tennessee, from 1460 kc to 680 kc to increase power from 500 w night and 1 kw day to 5 kw night and 10 kw day, to install a new transmitter and directional antenna for night use, and to change transmitter location), so as to increase nighttime operating power from 5 kw to 10 kw using a directional antenna at night; (2) a petition and a corrected petition of KFEQ, Inc., licensee of Station KFEQ (680 kc, 5 kw, U, DA-2), St. Joseph, Missouri, alleging that a grant of the above application would cause objectionable interference within the protected service area of Station KFEQ, and requesting that said application be designated for hearing and that KFEQ, Inc., be made a party to such proceedings; (3) the above applicant's opposition to the KFEQ, Inc., petition and corrected petition; (4) petitioner's reply to applicant's opposition to petition; and (5) applicant's answer to the reply to the opposition to the petition to designate; and

It appearing, that from an examination of the above application and the respective pleadings, together with the exhibits filed in support thereof, the Commission is unable to determine the objectionable interference, if any, that would occur within the KFEQ service area by the operation of WMPS as proposed;

Now, therefore, it is ordered, That the petition of WFEQ, Inc., be, and it is hereby, granted: and

It is further ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application of WMPS, Inc., be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WMPS as proposed and the character of other broadcast services available to those areas and populations.

2. To determine whether the operation of Station WMPS as proposed would involve objectionable interference with Station KFEQ, St. Joseph, Missouri, or with Station WPTF, Raleigh, North Carolina, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station WMPS as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of Station WMPS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That KFEQ, Inc., licensee of Station KFEQ, St. Joseph, Missouri, and WPTF Radio Company, licensee of Station WPTF, Raleigh, North Carolina, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4923; Filed, May 23, 1947; 9:05 a. m.]

[Docket Nos. 8318-8332]

SAN PEDRO PRINTING AND PUBLISHING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARINGS ON STATED ISSUES

In re applications of San Pedro Printing and Publishing Company, San Pedro, California, File No. BPH-488, Docket No. 8318; Southern California Associated Newspapers, Glendale, California, File No. BPH-490, Docket No. 8319; Walter Muller and Frank Muller d/b as Muller Brothers, Hollywood, California, File No. BPH-1092, Docket No. 8320; Don C. Martin tr/as School of Radio Arts, Beverly Hills, California, File No. BPH-1105, Docket No. 8321; Robert Burdette, San Fernando, California, File No. BPH-1124, Docket No. 8322; William R. Haupt, Inglewood, California, File No. BPH-1162, Docket No. 8323; Airtone Company, Long Beach, California, File No. BPH-1166, Docket No. 8324; Edward J. Murset et al. d/b as California Broadcasting Company, Santa Monica, California, File No. BPH-1170, Docket No. 8325; Arthur H. Croghan, Santa Monica, California, File No. BPH-1175, Docket No. 8326; Rodgers and McDonald Newspapers, Inglewood, California, File No. BPH-1182, Docket No. 8327; Nichols and Warinner, Incorporated, Long Beach, California, File No. BPH-1196, Docket No. 8328; San Fernando Valley Broadcasting Company, San Fernando, California, File No. BPH-1212, Docket No. 8329; Centinela Valley Broadcasting Company, Inglewood, California, File No. BPH-1214, Docket No. 8330; Alhambra Broadcasters, Inc., Alhambra, California, File No. BPH-1227, Docket No. 8331; Angelus Broadcasting Company, a copartnership composed of Gomer Cool, A. L. Nunamaker and Blaine O. Bender, Temple City, California, File No. BPH-1237, Docket No. 8332.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of April 1947;

The Commission having under consideration the above-entitled applications requesting construction permits for new Class A FM stations in the vicinity of Los Angeles;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by a subsequent order of the Commission each upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant, its officers, directors and stockholders or partners to construct and operate the proposed station.

2. To obtain full information with respect to the character of the proposed program service.

3. To determine the areas and population which may be expected to receive service from the proposed station.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing FM broadcast station and, if so, the nature and extent thereof, the areas and populations effected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of the other parties to this proceeding or in any other pending applications for FM broadcast facilities and, if so, the nature and extent thereof, the areas and populations effected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the applications of Southern California Associated Newspapers, Glendale, California (BPH-490) and San Pedro Printing and Publishing Company, San Pedro, California (BPH-488), be heard upon the following additional issue.

7. To determine what overlap of service areas, if any, exists between the proposed station and any other existing or proposed stations owned, operated or controlled by the same interests as the proposed station, and whether such overlap, if any, is in contravention of § 3.240 of the Commission's rules and regulations.

It is further ordered, That, the applications of Walter Muller and Frank Muller, d/b as Muller Brothers, Hollywood, California (BPH-1092) and San Pedro Printing and Publishing Company, San Pedro, California (BPH-488) be heard upon the following additional issue:

8. To determine whether a grant of the application would be in contravention of § 3.203 (b) of the Commission's rules and regulations and if so, whether the public interest, convenience and necessity would be served by a waiver of § 3.203 (b).

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4927; Filed, May 23, 1947; 9:06 a. m.]

[Docket No. 8335]

UNIVERSITY OF FLORIDA (WRUF)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of University of Florida (WRUF), Gainesville, Florida, Docket No. 8335, File No. BP-4682; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for an increase in nighttime operating power of standard broadcast station WRUF at Gainesville, Florida, from 100 watts to 5 kw using a directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WRUF as proposed and the character of other broadcast service available to those areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of station WRUF as proposed would involve objectionable interference with stations WHDH, Boston, Massachusetts, or with WNAO, Raleigh, North Carolina (construction permit) or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of station WRUF as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of station WRUF as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

6. To determine whether the operation of Station WRUF as proposed would involve objectionable interference with the operation of a proposed Class II Cuban station, to operate at Santiago, Oriente, on the frequency 850 kc, with 2 kw power, or with any other proposed or existing foreign broadcast station, under the provisions of the North American Regional Broadcasting Agreement, and, if so, the nature and extent thereof.

It is further ordered, That Matheson Radio Company, Inc., licensee of Station WHDH, Boston, Massachusetts, and The News and Observer Publishing Company, permittee of station WNAO, Raleigh, North Carolina, be, and they are hereby made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4924; Filed, May 23, 1947; 9:05 a. m.]

[Docket No. 8336]

BREMER BROADCASTING CORP. (WAAT)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Bremer Broadcasting Corporation (WAAT), Newark, New Jersey, Docket No. 8336, File No. BP-4691; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to in-

crease the power of station WAAT, Newark, New Jersey, from 1 kw to 5 kw, to make changes in directional antenna, and to install a new transmitter;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WAAT as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WAAT as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WAAT as proposed would involve objectionable interference with stations WEBR, Buffalo, New York, as authorized to operate on 970 kc under construction permit, WELI, New Haven, Connecticut, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WAAT as proposed would involve objectionable interference with Canadian station CKCH, Hull, Quebec, Cuban station CMKU, Santiago de Cuba, or any other existing foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference.

6. To determine whether the operation of station WAAT as proposed would involve objectionable interference with the services proposed in the pending application of Viking Broadcasting Company, Newport, Rhode Island (File No. BP-5953; Docket No. 8284), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of station WAAT as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WEBR, Inc., licensee of station WEBR, Buffalo, New York, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4925; Filed, May 23, 1947; 9:05 a. m.]

[Docket No. 8341]

RADIO BROADCASTERS, INC. (KRKD)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Broadcasters, Incorporated, Los Angeles, California (KRKD), Docket No. 8341, File No. BML-1242; for modification of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application requesting authorization to increase nighttime power to 2.5 kw;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KRKD as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KRKD as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KRKD as proposed would involve objectionable interference with station KRSC, Seattle, Washington, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KRKD as proposed would involve objectionable interference with the services proposed in the pending applications of KSAL, Inc., licensee of KSAL, Salina, Kansas (File No. BP-4364, Docket No. 7490); KFJI Broadcasters, licensee of KFJI, Klamath Falls, Oregon (File No. BP-4573); and Gila Broadcasting Company, Coolidge, Arizona (File No. BP-4677) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KRKD as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4913; Filed, May 23, 1947; 9:04 a. m.]

[Docket No. 8342]

PEKIN BROADCASTING CO., INC. (WSIV)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Pekin Broadcasting Co., Inc. (WSIV), Pekin, Illinois, Docket No. 8342, File No. BMP-2561; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application for modification of construction permit to change frequency to 1150 kc, with 500 watts power nighttime and 1 kw daytime, using a directional antenna day and night.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WSIV as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WSIV as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station WSIV as proposed would involve objectionable interference with station WJBO, Baton Rouge, Louisiana, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the Canadian Station CKX, Brandon, Manitoba, under the provisions of the North American Regional Broadcasting Agreement, and the nature and extent thereof.

6. To determine whether the operation of station WSIV as proposed would involve objectionable interference with the services proposed in the pending application of Des Moines Broadcasting Corporation, Des Moines, Iowa (File No. BP-4940; Docket No. 7827), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of station WSIV as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Baton Rouge Broadcasting Co., Inc., licensee of Station WJBO, Baton Rouge, Louisiana be and it is hereby made a party to this proceeding. Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4914; Filed, May 23, 1947; 9:04 a. m.]

[Docket Nos. 8343, 8365, 8366]

COPPER BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Frank C. Carman, David G. Smith, Frank C. Carman, administrator of the estate of Jack L. Powers, and Grant R. Wrathall, d/b as Copper Broadcasting Company (KOPR), Butte, Montana, Docket No. 8365, File No. BMP-2567; for modification of construction permit; and Treasure State Broadcasting Company, Inc., Butte, Montana, Docket No. 8366, File No. BP-5943; for construction permit; and Eastern Idaho Broadcasting and Television Company (KIFI), Idaho Falls, Idaho, Docket No. 8343, File No. BP-5978; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above entitled applications of Copper Broadcasting Company (KOPR) for a modification of construction permit to authorize Station KOPR, Butte, Montana, to operate on the frequency 580 kc with 1 kw power, unlimited time, with directional antenna at night, instead of on the frequency 550 kc as presently authorized; of Treasure State Broadcasting Company, Inc., for a construction permit for a new standard broadcast station to operate on the frequency 610 kc with 1 kw power, unlimited time, with directional antenna at night, at Butte, Montana; and of Eastern Idaho Broadcasting and Television Company (KIFI) for a construction permit to authorize Station KIFI, Idaho Falls, to change frequency from 1400 kc to 550 kc, increase power to 1 kw, install new transmitter at a new location, and to use directional antenna at night; and also having under consideration a petition filed by Treasure State Broadcasting Company, Inc., requesting that its said application be conditionally granted, pursuant to § 1.385 (e) (2) of the Commission's rules and regulations; and

It appearing that the above-entitled application of Eastern Idaho Broadcasting and Television Company (KIFI) was, pursuant to section 309 (a) of the Communciations Act of 1934, as amended, designated for separate hearing on April 25, 1947, but that no order or issues relative to such hearing have been published; and

It further appearing that the proposed operation of Station KIFI at Idaho Falls, Idaho, would involve problems of objectionable interference with the proposed operation of Station KOPR as presently authorized on 550 kc at Butte, Montana, and that the public interest would be served by hearing the said application of Eastern Idaho Broadcasting and Television Company (KIFI) in a consolidated proceeding with the other above entitled applications; and

It further appearing that the city of Butte, Montana, presently receives local broadcast service from two standard broadcast stations and that the public interest does not require the prompt establishment of new or additional service to that city within the meaning of § 1.385 (e) (2) of the Commission's rules and regulations; but that, in view of the nature of the allegations contained in the said petition of Treasure State Broadcasting Company, Inc., and the fact that Copper Broadcasting Company, by its construction permit and its above-entitled application, is forestalling the utilization of a number of standard broadcast frequencies which would otherwise be available at Butte, an early hearing upon the merits of the aforesaid applications is warranted and would be in the public interest;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Copper Broadcasting Company (KOPR) (File No. BMP-2567) and Treasure State Broadcasting Company, Inc., (File No. BP-5943) be, and they are hereby, designated for hearing to be heard in a consolidated proceeding with the said application of Eastern Idaho Broadcasting and Television Company (KIFI) (File No. BP-5978), and that the three applications be heard upon the following issues:

1. To determine the legal qualifications of the applicant, Treasure State Broadcasting Company, Inc., its officers, directors and stockholders, and the technical, financial and other qualifications of all the applicants, including the individual partners of the applicant partnership and the officers, directors and stockholders of the several corporations, to construct and operate the stations as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations would involve objectionable interference with any existing or authorized broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the said hearing upon the above entitled applications, for reasons aforesaid, be, and it is hereby, scheduled to commence at 10 a. m., June 2, 1947, at Washington, D. C.

It is further ordered, That, for the reasons aforesaid, the said petition of Treasure State Broadcasting Company, Inc., for conditional grant of its said application be, and it is hereby, denied.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4941; Filed, May 23, 1947; 9:09 a. m.]

[Docket No. 8345]

MONTANA NETWORK

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Montana Network, Billings, Montana, Docket No. 8345, File No. BP-5716; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1550 kc., 1 kilowatt, 5 kw-LS, unlimited time, at Billings, Montana;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any ex-

isting broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the operation of the proposed station would be in accordance with the terms of the North American Regional Broadcasting Agreement and particularly whether the proposed operation would cause objectionable interference to those stations in Canada and Mexico afforded priority on the 1550 kc channel, as defined in such Agreement.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4916; Filed, May 23, 1947; 9:04 a. m.]

[Docket No. 8346]

MATTA BROADCASTING CO. (WLOA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Matta Broadcasting Company (WLOA), Braddock, Pennsylvania, Docket No. 8346, File No. BMP-2478; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application for modification of construction permit to increase power and hours of operation of Station WLOA, Braddock, Pennsylvania, now operating on 1550 kc, 1 kw, daytime only, to 5 kw, using a directional antenna at night, unlimited time.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station WLOA as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WLOA as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WLOA as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WLOA as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WLOA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the operation of the proposed station would be in accordance with the terms of the North American Regional Broadcasting Agreement and particularly whether the proposed operation would cause objectionable interference to those stations in Canada and Mexico afforded priority on the 1550 kc channel, as defined in such Agreement.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4917; Filed, May 23, 1947; 9:04 a. m.]

[Docket No. 8347]

DALRAD ASSOCIATES

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Baird Bishop and Ed Bishop, d/b as Dalrad Associates, Dalhart, Texas, Docket No. 8347, File No. BP-4919; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1410 kc, 250 w., power, unlimited time, at Dalhart, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be incompliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the assignment of Class IV stations to regional channels.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4919; Filed, May 23, 1947; 9:05 a. m.]

[Docket No. 8349]

MCCLATCHY BROADCASTING CO. (KERN)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of McClatchy Broadcasting Company (KERN), Bakersfield, California, Docket No. 8349, File No. BP-5974; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station KERN, Bakersfield, California, from 1410 kc, with 1 kw. power, unlimited time to 1410 kc., with 5 kw. power, unlimited time, employing a directional antenna and to install a new transmitter and directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station KERN as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KERN as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KERN as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KERN as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KERN as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the proposed transmitter site.

7. To determine the overlap, if any, that will exist between the service areas of Station KERN as proposed and of Station KMJ at Fresno, California, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4918; Filed, May 23, 1947; 9:04 a. m.]

[Docket Nos. 8350, 8351]

WOODWARD BROADCASTING CO. AND LINCOLN BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Wooward Broadcasting Company, Detroit, Michigan, Docket No. 8351, File No. BPH-1240; Ellis C. Thompson, Harold I. Tanner and John A. Ross d/b as Lincoln Broadcasting Company, Detroit, Michigan, Docket No. 8350, File No. BPH-1231; for FM construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled applications for construction permits for Class B FM broadcast stations in Detroit, Michigan; and

It appearing that a maximum of one Class B channel is available for immediate assignment in the vicinity of Detroit;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications be, and they are hereby designated for hearing in a consolidated proceeding at a time and place to be specified by a subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical and other qualifications of the applicant, its officers, directors and stockholders or partners to construct and operate the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable for this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4942; Filed, May 23, 1947; 9:09 a. m.]

[Docket Nos. 8353, 8354]

RADIO MODESTO, INC., AND MERCED BROADCASTING CO. (KYOS)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Modesto, Inc., Modesto, California, Docket No. 8353, File No. BP-5885; Merced Broadcasting Company (KYOS), Merced, California, Docket No. 8354, File No. BP-5886; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above entitled application of Radio Modesto, Inc., requesting a construction permit for new standard broadcast station to operate on 1360 kc, with 1 kw power, unlimited time, employing a directional antenna for day and night use; and the application of Merced Broadcasting Company (KYOS) for construction permit to change the operating assignment of station KYOS from 1490 kc, with 250 watts power, unlimited time to 1360 kc, with 1 kw power, unlimited time, to install new transmitter and directional antenna for nighttime use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant, Radio Modesto, Inc., its officers, directors and stockholders to construct and operate its proposed station, and the technical, financial, and other qualifications of the applicant, Merced Broadcasting Company, its officers, directors and stockholders, to construct and operate station KYOS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations, or either of them, would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations, or either of them, would involve objectionable interference, each with the other, or with the services proposed in the pending application of Don Lee Broadcasting System (KGB), (File No. BP-4330; Docket No. 7497) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations proposed by the applicants would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4938; Filed, May 23, 1947; 9:08 a. m.]

[Docket No. 8355]

LAKE COUNTY BROADCASTERS

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of C. Harold Ferran, E. L. Ferran, Harvey K. Glass, R. J. Schneider and Frank W. Stebbins, d/b as Lake County Broadcasters, Eustis, Florida, Docket No. 8355, File No. BP-5193; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947:

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 790 kilocycles with 1 kilowatt power, unlimited time at Eustis, Florida, using a directional antenna (DA-1) day and night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WWPF, Palatka, Florida, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the operation of the proposed station would involve objectionable interference with Station CMCH, Havana, Cuba, or with any other foreign broadcast station, contrary to the provision of the North American Regional Broadcasting Agreement and, if so, the nature and extent thereof.

It is further ordered, That J. E. Massey and L. C. McCall d/b as Palatka Broadcasting Company, licensee of station WWPF be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4907; Filed, May 23, 1947; 9:03 a. m.]

[Docket No. 8357]

RAOUL A. CORTEZ (KCOR)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Raoul A. Cortez (KCOR), San Antonio, Texas, Docket No. 8357, File No. BP-5472; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application, requesting a construction permit to change the facilities of Station KCOR, San Antonio, Texas, from 1350 kc, 1 kw power, daytime only, to 1350 kc, 5 kw power, unlimited time, employing a directional antenna day and night, to install a new transmitter and change transmitter location;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate Station KCOR as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KCOR as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KCOR as proposed would involve objectionable interference with Stations WSMB, New Orleans, Louisiana; KVIC, Victoria, Texas; KRIS, Corpus Christi, Texas; or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KCOR as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KCOR as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WSMB, Inc., licensee of Station WSMB, New Orleans, Louisiana; Radio Enterprises, Inc., licensee of Station KVIC, Victoria, Texas; and Gulf Coast Broadcasting Company, licensee of Station KRIS, Corpus Christi, Texas, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4891; Filed, May 23, 1947; 8:57 a. m.]

[Docket No. 8359]

KUOA, INC.

ORDER DESIGNATING APPLICATION FOR HEARING STATED ISSUES

In re application of KUOA, Inc. (KUOA), Siloam Springs, Arkansas, Docket No. 8359, File No. BP 5400; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station KUOA, Siloam Springs, Ark., from 1290 kc, 5 kw, daytime only to 500 w, 5 kw-LS, unlimited time, using a directional antenna at night and to install a new antenna system.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station KUOA as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KUOA as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KUOA as proposed would involve objectionable interference with stations KOIN, Omaha, Nebraska, or WIRL, Peoria, Illinois, or KRGV, Weslaco, Texas or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KUOA as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KUOA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Central States Broadcasting Company, licensee of station KOIL, E. J. and J. H. Altorfer, and J. M. Camp, K. A. and T. W. Swain, Doing Business As Illinois Valley Broadcasting Company, licensee of station WIRL and KRGV, Inc., licensee of station KRGV, be, and they are hereby made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4890; Filed, May 23, 1947; 8:57 a. m.]

[Docket No. 8360]

KRGV, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KRGV, Inc. (KRGV), Weslaco, Texas, Docket No. 8360, File No. BP-5734; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit: to increase the power of station KRGV at Weslaco, Texas, from 1 kilowatt unlimited time, 1290 kc, to 5 kilowatts, unlimited time, 1290 kc; to install a directional antenna for day and night use (DA-1), and to make changes in transmitter and studio locations and equipment;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KRGV as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KRGV as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the population and areas proposed to be served.

4. To determine whether the operation of station KRGV as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KRGV as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the operation of station KRGV as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine the overlap, if any, that will exist between the service areas of station KRGV as proposed and of station KTSA at San Antonio, Texas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4889; Filed, May 23, 1947; 8:57 a. m.]

[Docket Nos. 8361, 8362]

SILVER GATE BROADCASTING CO. (KYOR) AND LUTHER E. GIBSON (KHUB)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Albert E. Furlow, Frank G. Forward, Roy M. Ledford, Fred H. Rohr and Mary W. Hetzler, 4/b as Silver Gate Broadcasting Company (KYOR), San Diego, California, Docket No. 8361, File No. BP-5438; Luther E. Gibson (KHUB), Watsonville, California, Docket No. 8362, File No. BP-5586; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled applications of Silver Gate Broadcasting Company (File No. BP-5438) requesting a construction permit to increase power of station KYOR, operating on 1130 kc at San Diego, California, from 250 watts to 5 kw, extend operating time to unlimited and install directional antenna, and of Luther E. Gibson (File No. BP-5586) for construction permit to authorize station KHUB, Watsonville, California, to operate on 1130 kc with 5 kw power, unlimited time using a directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the stations as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the stations as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the stations as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the stations as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4940; Filed, May 23, 1947; 9:08 a. m.]

[Docket Nos. 8363, 8364]

TWIN CITIES BROADCASTING CORP. (WDGY) AND PONTIAC BROADCASTING CO. (WCAR)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Twin Cities Broadcasting Corporation (WDGY), Minneapolis, Minnesota, Docket No. 8363, File No. BP-5429; Pontiac Broadcasting Company (WCAR), Detroit, Michigan, Docket No. 8364, File No. BP-5971; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1946;

The Commission having under consideration the above-entitled applications of Twin Cities Broadcasting Corporation for a construction permit to authorize station WDGY, Minneapolis, Minnesota, to operate on the frequency 1130 kc, with 50 kw power, unlimited time using a directional antenna and of Pontiac Broadcasting Company for a construction permit to authorize station WCAR to operate on the frequency 1130 kc with 50 kw power, unlimited time, using directional antenna at Detroit, Michigan.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the stations as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the stations as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the stations as proposed would involve objectionable interference with Station WNEW, New York, N. Y., or any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the stations as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Greater New York Broadcasting Corporation, licensee of Station WNEW, New York, N. Y., be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4939; Filed, May 23, 1947; 9:08 a. m.]

[Docket No. 8368]

COURIER BROADCASTING SERVICE, INC. (WKAX)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Courier Broadcasting Service, Inc., (WKAX), Birmingham, Alabama, Docket No. 8368, File No. BP-5464; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of Courier Broadcasting Service, Inc. (WKAX), for a construction permit to change facilities from 900 kc, 1 kw, daytime only, at 1140 kc, 1 kw, unlimited time, using a directional antenna at night, at Birmingham, Alabama;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WKAX as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WKAX as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WKAX as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WKAX as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WKAX as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4896; Filed, May 23, 1947; 9:01 a. m.]

[Docket No. 8371]

TRI-COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of H. Miller Ainsworth, A. G. Ainsworth, J. Edward Johnson, Ross Bohannon, a partnership, doing business as Tri-County Broadcasting Company, Luling, Texas, Docket No. 8371, file No. BP-5636; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1420 kc, 1 kw, employing a directional antenna at night, unlimited time, at Luling, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations are not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4906; Filed, May 23, 1947; 9:03 a. m.]

[Docket No. 8372]

INTER-CITY ADVERTISING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Inter-City Advertising Company, Greensboro, North Carolina, Docket No. 8372, File No. BP-5915; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1320 kc, with 1 kw power, unlimited time, directional antenna day and night, at Greensboro, North Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WBTM, Danville, Virginia, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Piedmont Broadcasting Corporation, licensee of Station WBTM, Danville, Virginia, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4895; Filed, May 23, 1947; 9:01 a. m.]

[Docket No. 8373]

INTER-CITY ADVERTISING CO. (WKIX)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Inter-City Advertising Company (WKIX), Columbia, South Carolina, Docket No. 8373, File No. BP-5023; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change frequency from 1490 kc to 1320 kc, to increase power from 250 w to 500 w at night and 1 kw daytime, using a directional antenna day and night, and to install a new transmitter;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WKIX as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WKIX as proposed and the character of other broadcast service available to these areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the station as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the station as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WKIX as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the transmitter site and antenna system.

Notice is hereby given that § 1.857 of the Commission's rules and standards is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4894; Filed, May 23, 1947; 9:01 a. m.]

[Docket No. 8374]

KXRO, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KXRO, Incorporated (KXRO), Aberdeen, Washington, Docket No. 8374, File No. BP-5568; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1946;

The Commission having under consideration the above-entitled application requesting a construction permit to change frequency from 1340 kc to 1320 kc, to increase power from 250 w to 1 kw, using directional antenna day and night and to install a new transmitter at Station KXRO, Aberdeen, Washington;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KXRO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KXRO as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the station as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the station as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KXRO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concern-

ing Standard Broadcast Stations, with particular reference to the proposed transmitter site and antenna system.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4893; Filed, May 23, 1947; 9:01 a. m.]

[Docket No. 8375]

METROPOLITAN HOUSTON BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of E. H. Rowley, Glen H. McClain, L. M. Rice and James A. Clements, a partnership d/b as Metropolitan Houston Broadcasting Company, Houston, Texas, Docket No. 8375, File No. BP-5175; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station at Houston, Texas, to operate on 1060 kc, with 1 kw power, 5 kw-LS, unlimited time, during a directional antenna day and night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and, it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with Station CFCW, Calgary, Alberta, Canada, Station CMCM, Havana, Cuba, Station CMJA, Camaguey, Cuba, or with any other foreign station, within the meaning of the North American Regional Broadcasting Agreement.

7. To determine whether the operation of the proposed station would protect the secondary service area of Station XEDP, Mexico, if that station were to increase its power so as to radiate 1000 mv/m toward Station KYW, Philadelphia, Pa.

8. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

9. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KIOX at Bay City, Texas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4892; Filed, May 23, 1947; 9:01 a. m.]

[Docket Nos. 8376, 8377]

POTTSVILLE BROADCASTING CO. (WPPA) AND COMMUNITY BROADCASTING SERVICE, INC. (WWBZ)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of A. V. Tidmore tr/as Pottsville Broadcasting Company (WPPA), Pottsville, Pa., Docket No. 8377, file No. BP-5596; Community Broadcasting Service, Inc. (WWBZ), Vineland, N. J., Docket No. 8376, File No. BP-5696; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of A. V. Tidmore tr/as Pottsville Broadcasting Company requesting a construction permit to change the operating assignment of Station WPPA, Pottsville, Pa. from 1360 kc, with 500 watts power, daytime only, to 1360 kc, with power of 1 kw daytime and 500 watts at night, unlimited time, to install a directional antenna for nighttime use and make changes in transmitter, and the application of Community Broadcasting Service, Inc., requesting a construction permit to change the operating assignment of Station WWBZ, Vineland, N. J. from 1360 kc, with 1 kw power, daytime only, to 1360 kc with 1 kw power, unlimited time and install a directional antenna for use at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant A. V. Tidmore tr/as Pottsville Broadcasting Company (WPPA), and of the corporate applicant Community Broadcasting Service, Inc. (WWBZ) its officers, directors and stockholders to construct and operate their respective stations as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether either of the proposed operations would involve objectionable interference with stations WDRC, Hartford, Connecticut and WMCK, McKeesport, Pa., or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable intereference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4937; Filed, May 23, 1947; 9:07 a. m.]

[Docket No. 8379]

TRIBUNE BUILDING CO. (KLX)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Tribune Building Company (KLX), Oakland, California, Docket No. 8379, File No. BP-5293; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to increase the power of Station KLX, Oakland, California, operating on 910 kc unlimited time, from 1 kw to 5 kw to change transmitter site and install new transmitter and directional antenna;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station KLX as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KLX as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KLX as proposed would involve objectionable interference with Station KALL, Salt Lake City, Utah, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KLX as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KLX as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Salt Lake City Broadcasting Company, Inc., licensee of Station KALL, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that, § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4911; Filed, May 23, 1947; 9:03 a. m.]

[Docket No. 8380]

OZARKS BROADCASTING CO. (KWTO)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Ozarks Broadcasting Company (KWTO), Springfield, Missouri, Docket No. 8380, File No. BP-5259; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application to increase the nighttime power of Station KWTO, Springfield, Missouri, presently operating on 560 kc, 1 kw, 5 kw-LS, to 5 kw and to make changes in directional antenna for night use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KWTO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KWTO as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KWTO as proposed would involve objectionable interference with station WIND, Chicago, Illinois, KFDM, Beaumont, Texas and KLZ, Denver, Colorado, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KWTO as proposed would involve objectionable interference with the services proposed in the pending application of Harding College (WHBQ), Memphis, Tennessee (File No. BP-5405) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KWTO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of station KWTO, as proposed, and of stations KCMO, Kansas City, Missouri and KOAM, Pittsburg, Kansas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That Johnson-Kennedy Radio Corporation, licensee of Station WIND, Chicago, Illinois, Beaumont Broadcasting Corp., licensee of Station KFDM, Beaumont, Texas and KLZ Broadcasting Co., licensee of Station KLZ, Denver, Colorado, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4899; Filed, May 23, 1947; 9:02 a. m.]

[Docket No. 8381]

GILA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Gila Broadcasting Co., Winslow, Arizona, Docket No. 8381, File No. BP-5406; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1580 kilocycles with 1 kilowatt power, unlimited time, using a directional antenna (DA-1) at Winslow, Arizona;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning

Standard Broadcast Stations, with particular reference to the interference limitation expected to be received to the proposed service from the operation of a proposed Station at Cuidad Obregon, Sonora, Mexico, using the frequency 1580 kc with power of 50 kw, unlimited time.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4915; Filed, May 23, 1947; 9:04 a. m.]

[Docket Nos. 8383, 8384, 8385]

ORVILLE W. LYERLA (WJPF) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Orville W. Lyerla (WJPF), Herrin, Illinois, Docket No. 8385, File No. BP-5162; Birney Imes, Jr. (WELO), Tupelo, Mississippi, Docket No. 8384, File No. BP-4719; Muscle Shoals Broadcasting Corp. (WLAY), Muscle Shoals, Alabama, Docket No. 8383, File No. BP-4684; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled applications of Orville W. Lyerla requesting a construction permit for a change of frequency from 1340 kc to 1460 kc, increase of power from 250 w to 1 kw, unlimited time, directional antenna at night, at Station WJPF, Herrin, Illinois, of Birney Imes, Jr., requesting a construction permit to change frequency from 1490 kc to 1460 kc, to increase power from 250 w to 500 w, 1 kw-LS, unlimited time, at Station WELO, Tupelo, Mississippi, and of Muscle Shoals Broadcasting Corporation requesting a construction permit to change frequency from 1450 kc to 1460 kc, to increase power from 250 w to 1 kw, unlimited time, directional antenna at night, at Station WLAY, Muscle Shoals, Alabama;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the individual applicants and of the applicant corporation, its officers, directors and stockholders to construct and operate stations WJPF, WELO and WLAY as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the stations as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the stations as proposed would involve objectionable interference with stations WMBR, Jacksonville, Florida, WSAC, Columbus, Georgia, KSO, Des Moines, Iowa, and WBNS, Columbus, Ohio, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the stations as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the stations as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Murphy Broadcasting Company, licensee of Station KSO, Des Moines, Iowa, Florida Broadcasting Company, licensee of Station WMBR, Jacksonville, Florida, Chattahoochee Broadcasting Company, Inc., permittee of Station WSAC, Columbus, Georgia, and RadiOhio, Incorporated, licensee of Station WBNS, Columbus, Ohio, be and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4935; Filed, May 23, 1947; 9:07 a. m.]

[Docket No. 8386]

EASTERN OKLAHOMA BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Eastern Oklahoma Broadcasting Corporation, Muskogee, Oklahoma, Docket No. 8386, File No. BP-4996; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 990 kc, with 1 kw power, unlimited time, employing a directional antenna for night use, at Muskogee, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with the new station authorized to operate at Wichita Falls, Texas (construction permit, File No. BP-3981, Docket No. 7127) or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Darrold Alexander Cannan, tr/as Wichtex Broadcasting Company, permittee of the new station authorized to operate at Wichita Falls, Texas, be, and he is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4906; Filed, May 23, 1947; 9:03 a. m.]

[Docket No. 8387]

PEACH BOWL BROADCASTERS

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Peach Bowl Broadcasters, a partnership composed of Beverly B. Ballard, Dewey Allread, Jr., Clyde L. Goodhight, Raymond F. Linn, and Chester V. Ullom, Yuba City, California, (KUBA), Docket No. 8387, File No. BMP-2642; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting modification of construction permit to change type of transmitter, install a directional antenna for day and night use, and change transmitter and studio locations for newly authorized station KUBA, Yuba City, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KUBA as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of station KUBA as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of station KUBA as proposed would raise the existing RSS limitations of stations KPMO, Pomona, California, or KASH, Eugene, Oregon, and, if so, whether such increase or increases are in accord with the condition imposed upon the applicant in the grant of its application for construction permit.

4. To determine whether the operation of station KUBA as proposed would involve objectionable interference, as defined in the North American Regional Broadcasting Agreement, with Mexican station XEAB, Villa Acuna, Coahuila, or any other existing foreign broadcast station, and the nature and extent of such interference.

5. To determine whether the operation of station KUBA as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KUBA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4905; Filed, May 23, 1947; 9:02 a. m.]

[Docket No. 8388]

MODEL CITY BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Model City Broadcasting Co., Inc., Anniston, Alabama, Docket No. 8388, File No. BP-5250; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station operating on a frequency of 1390 kc, with 1 kw power, using a directional antenna night and day at Anniston, Alabama;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with Stations CMBQ and CMBX, Havana, Cuba and Stations XEKN, XEM, XERW, XETK and XETL, all of Mexico, or any other existing foreign broadcast station as defined in the North American Regional Broadcasting Agreement, and the nature and extent of such interference, if any.

6. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of the WFMJ Broadcasting Company (WFMJ), Youngstown, Ohio and James A. Noe (KNOE), Monroe, Louisiana, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Comission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4904; Filed, May 23, 1947; 9:02 a. m.]

[Docket Nos. 8390, 8391]

PEOPLES BROADCASTING CO. (WLAN) AND ARLINGTON-FAIRFAX BROADCASTING CO., INC. (WEAM)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Peoples Broadcasing Company, Lancaster, Pennsylvania (WLAN), Docket No. 8390, File No. BP-5961; Arlington-Fairfax Broadcasting Company, Inc., Arlington, Virginia (WEAM), Docket No. 8391, File No. BP-5975; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of Peoples Broadcasting Company (WLAN) requesting a construction permit to change frequency to 1390 kc, change hours of operation to unlimited, operate with 1 kw power and install directional antenna for day and night use at Lancaster, Pennsylvania, and that of Arlington-Fairfax Broadcasting Company, Inc. (WEAM) requesting a construction permit to continue operating on 1390 kc, increase power to 5 kw, install directional antenna for day and night use and change hours of operation to unlimited at Arlington, Virginia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate stations WLAN and WEAM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of stations WLAN and WEAM as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of stations WLAN and WEAM as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the avail-

ability of other broadcast service to such areas and populations.

5. To determine whether the operation of stations WLAN and WEAM as proposed would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of stations WLAN and WEAM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4933; Filed, May 23, 1947; 9:07 a. m.]

[Docket No. 8392]

WFMJ BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The WFMJ Broadcasting Company, Youngstown, Ohio (WFMJ), Docket No. 8392, File No. BMP-2440; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting modification of construction permit for approval of directional antenna and change in type of transmitter;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WFMJ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WFMJ as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WFMJ as proposed would involve objectionable interference with stations WWOD, Lynchburg, Virginia, WCSC, Charleston, South Carolina, WGES, Chicago, Illinois and KLPM, Minot, North Dakota, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WFMJ as proposed would involve objectionable interference with the services proposed in the pending application of Model City Broadcasting Company, Inc., Anniston, Alabama, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WFMJ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Old Dominion Broadcasting Corporation, licensee of Station WWOD, Lynchburg, Virginia, John M. Rivers, licensee of Station WCSC, Charleston, South Carolina, John A. Dyer, et al., doing business as Radio Station WGES, licensee of Station WGES, Chicago, Illinois, and John B. Cooley, licensee of Station KLPM, Minot, North Dakota, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4903; Filed, May 23, 1947; 9:02 a. m.]

[Docket No. 8394]

HERMAN ANDERSON (KCOK)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Herman Anderson (KCOK), Tulare, California, Docket No. 8394, File No. BP-5050; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit to change frequency and power of Station KCOK, Tulare, California, presently operating on 1240 kc, 250 w, unlimited time, to 1270 kc, 1 kw, using a directional antenna at night, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant to construct and operate Station KCOK as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KCOK as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KCOK as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KCOK as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KCOK as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the proposed transmitter site.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4902; Filed, May 23, 1947; 9:02 a. m.]

[Docket No. 8396]

WDUK, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WDUK, Inc. (WDUK), Durham, North Carolina, Docket No. 8396, File No. BP-5652; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of WDUK, Inc., for a construction permit to change frequency and power of Station WDUK, Durham, North Carolina, from 1310 kc, 1 kw day, to 1270 kc, 500 watts, 1 kw-LS, unlimited time, together with petitions filed by Rock Island Broadcasting Company, licensee of Station WHBF, Rock Island, Illinois, and King-Trendle Corporation, licensee of Station WXYZ, Detroit, Michigan, requesting that the above application be designated for hearing and that said petitioners be made parties to such proceeding, on the ground that a grant of such application would cause objectionable interference to the operation of Stations WHBF and WXYZ;

Now, therefore, it is ordered, That said petitions be, and they are hereby, granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WDUK as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WDUK as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WDUK as proposed would involve objectionable interference with Station WHBF, Rock Island, Illinois, WXYZ, Detroit, Michigan, and WRAL, Raleigh, North Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WDUK as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WDUK as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Rock Island Broadcasting Company, licensee of Station WHBF, Rock Island, Illinois, King-Trendle Corporation, licensee of Station WXYZ, Detroit, Michigan, and Capital Broadcasting Company, Inc., licensee of Station WRAL, Raleigh, North Carolina, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4901; Filed, May 23, 1947; 9:02 a. m.]

[Docket Nos. 8397, 8398]

KIDO, INC. AND EVERETT BROADCASTING CO., INC. (KRKO)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KIDO, Inc. (KIDO), Boise, Idaho, Docket No. 8397, File No. BP-5017; The Everett Broadcasting Company, Incorporated (KRKO) Everett, Washington, Docket No. 8398, File No. BP-5030; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application of KIDO, Inc., for a construction permit to authorize Station KIDO at Boise, Idaho, to operate on the frequency 1380 kc with 5 kw power, using directional antenna unlimited time, and that of The Everett Broadcasting Company, Incorporated, for a construction permit to authorize Station KRKO at Everett, Washington, to operate on the same frequency with 1 kw power, unlimited time, using a directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the stations as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the stations as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the stations as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the stations as proposed would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4934; Filed, May 23, 1947; 9:07 a. m.]

[Docket No. 8399]

YUMA BROADCASTING CO. (KYUM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Yuma Broadcasting Company (KYUM), Yuma, Arizona, Docket No. 8399, File No. BP-5977; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for construction permit to change frequency and power of station KYUM, Yuma, Arizona, presently operating on 1240 kc, 250 w power, unlimited time, to 560 kc, 1 kw, employing a directional antenna at night, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KYUM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KYUM as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KYUM as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KYUM as proposed would involve objectionable interference with the services proposed in the pending application of Salt River Valley Broadcasting Company (KOY) Phoenix, Arizona (File No. BP-5733) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KYUM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the proposed transmitter site.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4900; Filed, May 23, 1947; 9:02 a. m.]

[Docket No. 8400]

DROVERS JOURNAL PUBLISHING CO. (WAAF)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Drovers Journal Publishing Company (WAAF), Chicago, Illinois, Docket No. 8400, File No. BP-4796; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station WAAF, Chicago, Illinois from 950 kc, with 1 kw power, daytime only to 950 kc, with 1 kw, 5 kw local sunset power, unlimited time, employing a directional antenna, to install a new transmitter and directional antenna and change transmitter location and a petition by Eugene P. O'Fallon, Inc., licensee of Station KFEL, Denver, Colorado, filed April 11, 1947, requesting that the above entitled application be designated for hearing because of interference such proposal would cause to Station KFEL, and that petitioner be made a party to such proceeding;

It is ordered, That the petition of Eugene P. O'Fallon, Inc., be, and it is hereby, granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station WAAF as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WAAF as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WAAF as proposed would involve objectionable interference with Stations WWJ, Detroit, Michigan; WSPA, Spartanburg, South Carolina; WKNA, Charleston, West Virginia; KFEL, Denver, Colorado; and WSBT, South Bend, Indiana; or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WAAF as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WAAF as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That The Evening News Association, licensee of Station WWJ, Detroit, Michigan; Spartanburg Advertising Company, licensee of Station WSPA, Spartanburg, South Carolina; Joe L. Smith, Jr., licensee of Station WKNA, Charleston, West Virginia; Eugene P. O'Fallon, Inc., licensee of Station KFEL, Denver, Colorado; and The South Bend Tribune, licensee of Station WSBT, South Bend, Indiana, be, and they are hereby made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-4898; Filed, May 23, 1947; 9:01 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-704]

TRANS-CONTINENTAL GAS PIPE LINE CO., INC.

ORDER FIXING DATE OF HEARING

Upon consideration of the first amended application filed in this matter on December 11, 1946, in lieu of the original application filed on March 1, 1946, by Trans-Continental Gas Pipe Line Company, Inc., (Applicant), a Texas corporation with its principal place of business at Longview, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct and operate the following described natural-gas pipeline facilities (including all necessary meter stations and other appurtenant facilities) subject to the jurisdiction of the Commission:

1,380 miles of 26-inch natural-gas transmission pipeline beginning at Applicant's proposed #1 compressor station near Hemphill, Sabine County, Texas, and extending in a northeasterly direction to various points of delivery located in the States of Maryland, Delaware, Pennsylvania, New Jersey and New York.

200 miles of 26-inch transmission line from the Old Ocean gas field in Brazoria County, Texas, to the #1 compressor station at Hemphill, Texas.

65 miles of 20-inch transmission line from the Carthage gas field, Panola County, Texas, extending in a southeasterly direction to the #1 compressor station at Hemphill, Texas.

7 miles of 12-inch transmission line from the Pledger gas field and 24 miles of 16-inch transmission line from the Chocolate Bayou gas field, both in Brazoria County, Texas, extending in a southeasterly and northwesterly direction respectively to intersections with the 26-inch transmission line from the Old Ocean gas field to the #1 compressor station at Hemphill, Texas.

5 miles of 14-inch transmission line extending from Applicant's main transmission line to a point near the city limits of Baltimore, Maryland.

12 miles of 10-inch transmission line extending from Applicant's main transmission line to a point near the city limits of Wilmington, Delaware.

10 miles of 12-inch transmission line extending from Applicant's main transmission line to a point near the south city limits of Philadelphia, Pennsylvania.

10 miles of 12-inch transmission line extending from Applicant's main transmission line to a point near the north city limits of Philadelphia, Pennsylvania.

8 miles of 8-inch transmission line extending from Applicant's main transmission line to a point near the city limits of Trenton, New Jersey.

Compressor stations. One compressor station having eleven 1,000 H. P. units, to be located near Hemphill, Texas.

Thirteen compressor stations each having ten 1,000 H. P. units to be located in the vicinity of the following towns: Winfield, Tallulah, Louisiana; Canton, Macon, Mississippi; Bessemer, Edwardsville, Alabama; Buford, Georgia; Piedmont, South Carolina; Lincolnton, Reidsville, North Carolina; Buckingham, Manassas, Virginia; Dublin, Maryland.

Gas dehydration plants. Two gas dehydration plants in the Carthage gas field, and one each in the Old Ocean, Chocolate Bayou and Pledger gas fields, all in Texas.

It appears to the Commission that:

(a) Due notice of the filing of the first amended application at Docket No. G-704 has been given, including publication thereof in the FEDERAL REGISTER on January 16, 1947 (12 F. R. 330, 331, 332).

(b) Among the issues presented by such application, and other pleadings filed in connection therewith, are the following:

(1) Whether the proposed facilities as designed and the proposed method of operation thereof are adequate to render the service proposed.

(2) Whether the construction and operation of the proposed facilities by the Applicant is economically feasible.

(3) Whether the construction and operation of the proposed facilities is in the public interest.

(4) Whether the estimated cost of constructing the proposed facilities is reasonable.

(5) Whether the Applicant has available sufficient financial resources to construct, operate and maintain the facilities proposed.

(6) Whether Applicant has a reasonably adequate natural gas reserve dedicated to assure a continuing natural gas supply for the proposed pipeline project.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on the 9th day of June, 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the first amended application, and other pleadings herein.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 20, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4836; Filed, May 23, 1947; 8:46 a. m.]

[Docket No. G-896]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

MAY 19, 1947.

Notice is hereby given that on April 29, 1947, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, and authorized to do business in the States of Alabama, Louisiana, Mississippi and Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, approving the construction and authorizing the continued operation of certain facilities already installed and described as follows:

(a) A sales meter constructed at Station 3740+50 on Applicant's Latex-Port Neches Line serving the Village of Bronson, Sabine County, Texas.

(b) A sales meter on Temple Lumber Company's 2-inch gas line to measure gas delivered to the City of Pineland, Texas, at a point near Station 4112 +79 on Applicant's said Latex-Port Neches Line.

The application recites that on November 16, 1944, Applicant began selling natural gas to the City of Pineland (now Temple Lumber Company) at the point described above, for resale in the City of Pineland, which City in 1945 had a population of approximately 1,410. The application further recites that on September 15, 1945, Applicant also began selling natural gas to Hugh N. Wood at the point described above for resale in the Village of Bronson, which village in 1945 had a population of approximately 500.

Applicant states that the application is filed for the sole purpose of complying with the Commission's request and is filed without prejudice to the position heretofore taken by Applicant, i. e., that no certificate was necessary before installation of said facilities since these facilities were constructed on one of Applicant's "grandfather" lines, and without in any manner conceding that Applicant has in any way not complied with the Natural Gas Act and the rules and regulations of the Federal Power Commission thereunder.

The over-all capital cost of the facilities constructed was $1,232.91, all of which Applicant financed out of cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of United Gas Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contention of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4853; Filed, May 23, 1947; 8:51 a. m.]

[Project No. 1080]

HOOK-ASTON MILLING CO.

NOTICE OF APPLICATION FOR RENEWAL OF LICENSE

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that George H. Wilking, of Zanesville, Ohio, doing business as The Hook-Aston Milling Co., has made application for renewal of his annual license for Project No. 1080 on the Muskingum River near United States Dam No. 10, at Zanesville, Muskingum County, Ohio, consisting of an intake structure diverting water from pool above Dam No. 10, a short penstock, a two-turbine hydro-mechanical plant with installed capacity of 234 horsepower, and a covered tailrace discharging into the river below the dam.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before June 23, 1947, to the Federal Power Commission, at Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4838; Filed, May 23, 1947; 8:46 a. m.]

[Project No. 1087]

RECHSTEINER MILLING CO.

NOTICE OF APPLICATION FOR RENEWAL OF LICENSE

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that Rechsteiner Milling Company, of Lowell, Ohio, has made application for renewal of its annual license for Project No. 1087 on the Muskingum River near United States Dam No. 3, at Lowell, Washington County, Ohio, consisting of an intake structure located about 400 feet upstream from United States Lock No. 3, diverting water from navigation canal; a wooden flume; and a hydro-mechanical plant with an installed capacity of approximately 132 horsepower.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the or party parties so protesting or requesting, should be submitted before June 23, 1947, to the Federal Power Commission, at Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4839; Filed, May 23, 1947; 8:46 a. m.]

[Project No. 1942]

PUBLIC UTILITY DISTRICT NO. 1 OF CLALLAM COUNTY, WASH.

ORDER FIXING HEARING

On October 15, 1945, Public Utility District No. 1 of Clallam County, Washington, filed an application for preliminary permit under the Federal Power Act for proposed Project No. 1942 to be located on the Hoh River in Jefferson County, Washington, affecting lands of the United States within Olympic National Forest.

Both Federal and State agencies have expressed an interest in or objections to the issuance of a permit for the proposed development.

The Commission finds that: The applicant and all other interested persons should be afforded an opportunity to present their views in connection with the development proposed in the aforementioned application.

The Commission orders that: A public hearing be held in Seattle, Washington,

at a place and time hereafter to be designated, concerning the above matters.

Date of issuance: May 21, 1947.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-4837; Filed, May 23, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 9200]

RAILWAY MAIL PAY

ORDER REOPENING HEARING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 5th day of May A. D. 1947.

Upon consideration of petition dated February 19, 1947, and of supplemental petition dated April 17, 1947, by railroad companies as listed in said petitions, requesting reopening of the above-entitled proceeding and an order fixing, as fair and reasonable for the transportation by petitioners of the United States mail and performance of the service connected therewith, from and after February 19, 1947, rates and compensation which shall be not less than 45 percent in excess of the present rates; and upon consideration of the provisions of U. S. Code, title 39, sections 542 to 554, inclusive (Railway Mail Service Pay):

It is ordered, That the above-entitled proceeding be, and it is hereby, reopened for hearing, at such times and places as the Commission may hereafter direct, upon the issues raised by the aforesaid petitions.

It is further ordered, That a copy of this order be served upon said petitioners and upon the Postmaster General of the United States, and that notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4844; Filed, May 23, 1947; 8:51 a. m.]

[S. O. 741]

UNLOADING OF STEEL AT JERSEY CITY, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of May A. D. 1947.

It appearing, that 2 cars containing steel bars and pipe at Jersey City, New Jersey, on the Baltimore and Ohio Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Steel at Jersey City, N. J., be unloaded.* The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately the following cars, now on hand at Jersey City Terminal, Jersey City, New Jersey:

Car Initial and No., Commodity and Consignee
NH 58237, Pipe, Ore S. S. Co.
IC 96815, Steel bars, Globe Shipping Co.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 22, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4845; Filed, May 23, 1947; 8:47 a. m.]

[S. O. 742]

UNLOADING OF IMPLEMENTS AT WEEHAWKEN, N. J., AND NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of May A. D. 1947.

It appearing that 3 cars containing agricultural implements, at Weehawken, New Jersey, and at New York, N. Y., on The New York Central Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Implements at Weehawken, N. J., and New York, N. Y., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately cars CN 141743 and CN 142076, containing agricultural implements, on hand at Weehawken, N. J., consigned to Baker, Irons and Dockstader, Inc., also cars CBQ 21006, containing agricultural implements, on hand at 60th Street, New York, N. Y., consigned to Baker, Irons and Dockstader, Inc.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 22, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4846; Filed, May 23, 1947; 8:47 a. m.]

[S. O. 743]

UNLOADING OF FERTILIZER AT GALVESTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of May A. D. 1947.

It appearing, that 3 cars, containing fertilizer, at Galveston, Texas, on the International-Great Northern Railroad Company (Guy A. Thompson, Trustee), have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Fertilizer at Galveston, Tex., be unloaded.* The International - Great Northern Railroad Company, (Guy A. Thompson, Trustee), its agents or employees, shall unload immediately cars PRR 55855, PRR 573269 and NYC 181454, loaded with fertilizer, now on hand at Galveston, Texas, consigned J. D. Latta.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 22, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-4847; Filed, May 23, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-988]

LIGGETT & MYERS TOBACCO CO.

ORDER ADMITTING COMMON STOCK TO UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of May A. D. 1947.

The Baltimore Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the common stock, $25 par value, of Liggett & Myers Tobacco Company is substantially equivalent to the common stock B, $25 par value, of that company, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the common stock, $25 par value, of Liggett & Myers Tobacco Company is hereby determined to be substantially equivalent to the common stock B, $25 par value, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-4851; Filed, May 23, 1947; 8:51 a. m.]

[File No. 70-1492]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF MARYLAND

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of May A. D. 1947.

Delaware Power & Light Company ("Delaware"), a registered holding company, and its subsidiary, Eastern Shore Public Service Company of Maryland ("Eastern Shore"), a public utility company, having filed a joint application-declaration, with amendments thereto, pursuant to sections 6 (b), 9 (a), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-44 promulgated thereunder with respect to the following transactions:

Eastern Shore will issue and sell, from time to time, but not later than December 31, 1948, up to $2,000,000 principal amount of its 3½% promissory notes due October 1, 1973 and 20,000 shares of its common stock of the par value of $100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The major portion of the proceeds from the sale of said notes and common stock, which will not exceed $4,000,000 is to be used to finance its construction program and the remaining portion will be used to reimburse Eastern Shore's treasury for money previously expended for such construction program. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943 in accordance with the provisions of the Indenture of Mortgage.

The proposed issue and sale of securities by Eastern Shore have been approved by the Public Service Commission of Maryland.

The application-declaration having been filed March 24, 1947 and amendments thereto subsequently having been filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective and deeming it appropriate to grant the request of declarants that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-4855; Filed, May 23, 1947; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 4970, Amdt.]

HELEN POLKA

In re: Objects of art owned by Helen Polka.

Vesting Order 4970, dated May 26, 1945, is hereby amended as follows and not otherwise:

By deleting items 5 and 12 from Exhibit A which is attached thereto and made a part thereof and substituting therefor the following:

5. One oil painting, "Battle Scene" by Giacomo Cortesf Bourguignon (Duke of Tuscany Collection—1621-1676)

All other provisions of said Vesting Order 4970 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4869; Filed, May 23, 1947; 8:54 a. m.]

[Vesting Order 7752, Amdt.]

MUNENOBU UOMOTO

In re: Stock owned by and debt owing to Munenobu Uomoto, also known as Munemubo Uomoto.

Vesting Order 7752, dated September 25, 1946, is hereby amended as follows and not otherwise:

A. By deleting from Exhibit A, attached thereto and by reference made a part thereof, 6/12ths of a share of the common capital stock of the Public Service Corporation of New Jersey, 80 Park Place, Newark 1, New Jersey, evidenced by a certificate numbered 569085, and substituting therefor the following clause to subparagraph 2 of said vesting order:

c. One scrip certificate issued by The United Gas Improvement Company, bearing the number S69085, dated August 20, 1943, for 6/12ths of a share of common stock of the Public Service Corporation of New Jersey, and presently in the custody of Williams and Southgate, 14 Wall Street, New York 5, New York, together with any and all rights thereunder the thereto,

B. By deleting from Exhibit A, attached thereto and by reference made a part thereof, the no par value set forth with respect to the common capital stock of the Mead Johnson & Company, Evansville, Indiana, and substituting therefor the par value of $1.00.

All other provisions of said Vesting Order 7752 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4870; Filed, May 23, 1947; 8:54 a. m.]

[Vesting Order 8930]

NANNY C. HAACKE

In re: Estate of Nanny C. Haacke, deceased. File No. D-28-11193; E. T. sec. 15574.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Rengert and Clara Kluge, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Nanny C. Haacke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John H. Haacke, as executor, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on April 10, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4664; Filed, May 23, 1947; 8:53 a. m.]

[Vesting Order 8933]

THERESA JOHNSON

In re: Estate of Theresa Johnson, deceased. File D-28-10193; E. T. sec. 14530.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Rullick, Mrs. Anna Weber, Mrs. Anna Schernstein, Franz Schernstein and Franz Lobel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the brothers and sisters, names unknown, of Joseph Vogel, deceased, surviving children, names unknown, of Mrs. Anna Weber, surviving children, names unknown, of Mrs. Anna Schernstein, surviving wife, name unknown, and surviving children, names unknown, and surviving brothers and sisters, names unknown, of Franz Lobel, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Theresa Johnson, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Bessie Foster, as Executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the brothers and sisters, names unknown, of Joseph Vogel, deceased, surviving children, names unknown, of Mrs. Anna Weber, surviving children, names unknown, of Mrs. Anna Schernstein, surviving wife, name unknown, and surviving children, names unknown, of Franz Schernstein, and surviving children, names unknown, and surviving brothers and sisters, names unknown, of Franz Lobel, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4865; Filed, May 23, 1947; 8:53 a. m.]

[Vesting Order 8935]

HERMANN KIRCHNER

In re: Estate of Hermann Kirchner, also known as Herman Kirchner, deceased. File D-28-10292; E. T. sec. 14668.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Kirchner and Johanna Kirchner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That the issue, names unknown, of Heinrich Kirchner, and the issue, names unknown, of Johanna Kirchner, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them in and to the estate of Hermann Kirchner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany);

4. That such property is in the process of administration by John Becker and Emma Becker as co-executors, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Heinrich Kirchner, and the issue, names unknown, of Johanna Kirchner, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4866; Filed, May 23, 1947; 8:53 a. m.]

[Vesting Order 8947]

JO SUZUKI

In re: Estate of Jo Suzuki, deceased. File D-39-19041; E. T. sec. 15850.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hisa Suzuki, Shigeko Suzuki Hayazuki, Yasuko, Suzuki Iasuko, Toshiko Suzuki Tanaka, Takao Suzuki Rinko Mathuhara, Sethuji Suzuki, Shozo Suzuki, Nao (or Tadashi) Suzuki, Kanji Suzuki and Yugo (or Imgo) Suzuki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Jo Suzuki, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Japan);

3. That such property is in the process of administration by Horace R. Dougherty, as Administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4867; Filed, May 23, 1947; 8:53 a. m.]

[Vesting Order 8956]

LUDWIG KRUMM A. G.

In re: Bank account owned by Ludwig Krumm A. G. F-28-26265-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Krumm A. G., the last known address of which is Offenbach, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ludwig Krumm A. G., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of an unpresented draft account, entitled Ludwig Krumm A/G, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4828; Filed, May 22, 1947; 8:56 a. m.]

[Vesting Order 8957]

FERDINAND MANTAI AND HELEN MANTAI

In re: Claim owned by Ferdinand Mantai and Helen Mantai. F-28-28156-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Mantai and Helen Mantai, whose last known address is Klosterstr. 7, Konigslutter am Elm, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: The claim of Ferdinand Mantai and Helen Mantai against the State of Wisconsin and the Treasurer of the State of Wisconsin, arising by reason of the collection or receipt by said Treasurer of the final dividend due on the claim of Ferdinand and Helen Mantai against the delinquent Peoples Savings Bank of Sheboygan, Wisconsin, and any and all rights to demand, enforce and collect said claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4829; Filed, May 22, 1947; 8:56 a. m.]

[Vesting Order 8960]

VALLIE T. OHL

In re: Bank account and stock owned by Vallie T. Ohl. F-28-442-E-1, F-28-442-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vallie T. Ohl, whose last known address is 2 Frau von Utastrasse, Kirchtrudering, bei Munchen, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Citizens Savings Bank of Baltimore City, Baltimore and Eutaw Streets, Baltimore 1, Maryland, arising out of a savings account, Account Number 73046, entitled Vallie T. Ohl in trust for herself and Miss Rosina Ohl, joint owners, subject to the order of either; balance at the death of either to belong to the survivor, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. Ten (10) shares of $100 par value 6% cumulative preferred capital stock of Eastman Kodak Company, 343 State Street, Rochester, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered R9093, R9103, R9332 and R9567, for 4, 3, 2 and 1 shares respectively, which certificates are presently in the custody of Citizens Savings Bank of Baltimore City, Baltimore and Eutaw Streets, Baltimore 1, Maryland, and registered in the name of Miss Vallie T. Ohl, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Vallie T. Ohl, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4868; Filed, May 23, 1947; 8:53 a. m.]

[Return Order 15]

CLAIR L. FARRAND ET AL.

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the determinations and allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim number	Notice of intention to return published	Property
Clair L. Farrand, Scarsdale, N. Y.; Claim No. A-360.	12 F. R. 2366, Mar. 29, 1947.	Property described in Vesting Order No. 664 (8 F. R. 4889, Apr. 17, 1943), relating to U. S. Letters Patent No. 1,821,353, to the extent owned by claimant immediately prior to the vesting thereof.
Andrew A. Kramer, Kansas City, Mo.; Claim No. A-279.	12 F. R. 2368, Mar. 29, 1947.	Property described in Vesting Order No. 27 (7 F. R. 4626, June 29, 1942), relating to U. S. Letters Patent No. 2,135,574, to the extent owned by claimant immediately prior to the vesting thereof.
Dr. Walter R. Hearst (formerly Dr. Walter Herz), San Francisco, Calif.; Claim No. A-297.	12 F. R. 2368, Mar. 29, 1947.	Property described in Vesting Order No. 201 (8 F. R. 667, Jan. 16, 1943), relating to U. S. Letters Patent No. 2,225,581, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 21, 1947.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4873; Filed, May 23, 1947; 8:54 a. m.]

[Vesting Order CE 391]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

[1] Filed as part of the original document.

account of, or owing to, or which is evidence of ownership or control by the persons listed in the aforesaid Exhibit A, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

[Vesting Order 8960]

FRIEDRICH ARTHUR MARTIN STRIECKE ET AL.

In re: Bank accounts owned by Friedrich Arthur Martin Striecke, also known as Friederich Arthur Martin Striecke, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is set forth therein, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of the Savings Accounts numbered and entitled as set forth in Exhibit A, attached hereto and by reference made a part hereof, maintained at the branch office of the aforesaid bank located at Market and New Montgomery Office, San Francisco 20, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name of national and last known address	Title of account	Account No.	OAP file No.
Friedrich Arthur Martin Striecke, also known as Friederich Arthur Martin Striecke, Germany.	1. F. or Tom F. Chapman, joint tenants as trustees for Friederich Arthur Martin Striecke.	5552	F-28-29882 (-1, F. 28-29882 E-1.
Friedrich Walter August Striecke, Germany.	1. F. or Tom F. Chapman, joint tenants as trustees for Friedrich Walter August Striecke.	5554	F-28-29883 (-1, F. 28-29883 E-1.
Friederich Wilhelm Gerhard Striecke, Germany.	1. F. or Tom F. Chapman, joint tenants as trustees for Friederich Wilhelm Gerhard Striecke.	5547	F-28-29884 (-1, F. 28-29884 E-1.
Friedrich Heinrich Gustav Schulze, Neustadt, No. 8, Germany.	1. F. or Tom F. Chapman, joint tenants as trustees for Friedrich Heinrich Gustav Schulze.	5633	F-28-29045 (-1, F. 28-29045 E-1.
Erna Klara Hildegard Schulz, Muldenburg, Germany.	1. F. or Tom F. Chapman, joint tenants as trustees for Erna Klara Hildegard Schulz.	5478	F-28-28855 (-1, F. 28-28855 E-1.
Emma Wilhelmine Marie Jordan, Julian, Altmark, Germany.	1. F. or Tom F. Chapman, joint tenants as trustees for Emma Wilhelmine Marie Jordan.	5538	F-28-11715 (-1, F. 28-11715 E-1.
Friedrich Ernst Martin Schulze, Germany.	1. F. or Tom F. Chapman, joint tenants as trustees for Friedrich Ernst Martin Schulze.	5569	F-28-12188 (-1, F. 28-12188 E-1.
Helene Amanda Ottilie Schwerin, Korbau, Germany.	1. F. or Tom F. Chapman, joint tenants as trustees for Helene Amanda Ottilie Schwerin.	5535	F-28-12259 (-1, F. 28-12259 E-1.
Elise Marie Emilie Lilge, Jubar, Altmark, Germany.	1. F. or Tom F. Chapman, joint tenants as trustees for Elise Marie Emilie Lilge.	5556	F-28-12875 (-1, F. 28-12875 E-1.
Anna Pauline Clara Neuling, Bretzendorf, Germany.	1. F. or Tom F. Chapman, joint tenants as trustees for Anna Pauline Clara Neuling.	5496	F-28-11230 (-1, F. 28-11230 E-1.

[F. R. Doc. 47-4830; Filed, May 22, 1947; 8:56 a. m.]

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Catherine Vasili	Albania	Estate of Mike Vasili, also called Mike Vasili, Mike Vassili, Mike Vassilopoulos, Michael Vasili, deceased. In the Superior Court of the State of California, in and for the City and County of San Francisco, No. 9698.	$29 00
		Item 2	
Fannie Pawla	Austria	Estate of Alois Pawla, deceased. In the Superior Court of the State of California, in and for the County of Santa Cruz, No. 8835.	111 00
		Item 3	
Children, names unknown, of Mary Pauza.	Lithuania	Estate of Lily Taylor Bronisere, deceased. In the Superior Court of the State of California, in and for the City and County of San Francisco, No. 69671.	133 00
		Item 4	
Charles Kelser or his issue	France	Estate of William Kelser, also known as Wm. Kelser, deceased. In the Superior Court of the State of California, in and for the County of Santa Clara, No. 29862.	67 00
		Item 5	
Virginia C. Good or Marion V. Good.	France	Estate of Thomas P. Newton, deceased. In the Superior Court of the State of California in and for the County of Los Angeles; No. 59625, Dept. 24.	25 00

[F. R. Doc. 47-4871; Filed, May 23, 1947; 8:54 a. m.]

MAY 26 47

FILING OF CLAIMS IN RESPECT OF CERTAIN DEBTORS

EXTENSION OF TIME FIXED BY BAR ORDER 1

In accordance with section 34 (b) of the Trading with the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order 9788, the time fixed by Bar Order No. 1 (12 F. R. 1448, March 1, 1947) for the filing of debt claims in respect of debtors, any of whose property was vested in or transferred to the Alien Property Custodian or the Attorney General between December 18, 1941 and December 31, 1946, inclusive, is hereby extended to September 2, 1947.

Executed at Washington, D. C., this 20th day of May 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4872; Filed, May 23, 1947; 8:54 a. m.]

MAY 28 '47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 12 NUMBER 104

Washington, Tuesday, May 27, 1947

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

PART 1596—FOOD IMPORTS

STATEMENT OF POLICY RE ISSUANCE OF IMPORT AUTHORIZATIONS FOR BABASSU KERNELS AND BABASSU OIL FROM BRAZIL

Pursuant to the authority vested in me under the provisions of War Food Order No. 65, as amended (12 F. R. 459) and in order to assure equitable distribution of available supplies of imported Babassu kernels and Babassu oil, it is hereby declared to be the policy of the United States Department of Agriculture to issue or deny the issuance of import authorizations for Babassu kernels and Babassu oil from Brazil under said War Food Order No. 63 as provided herein.

§ 1596.6 *Statement of policy re issuance of import authorizations for Babassu kernels and Babassu oil from Brazil under War Food Order No. 63*—(a) *Conditions of issuance.* An initial authorization to import Babassu kernels or Babassu oil, or both, from Brazil for domestic consumption, will be granted, within the limits of the 1947 allocations to the United States by the International Emergency Food Council, to any person, upon application, in any amount not in excess of 250 tons. Second and subsequent authorizations not in excess of 250 tons each will be granted to any person to import Babassu kernels or Babassu oil, or both, from Brazil for domestic consumption, within the limits of the 1947 allocations to the United States by the International Emergency Food Council, if such person makes application therefor and presents to the Administrator of War Food Order No. 63 satisfactory evidence that the quantity of Babassu kernels and Babassu oil covered by the preceding authorization granted to him has been purchased for importation in accordance with such authorization.

(b) *Procedure.* Applications for import authorizations under this section for Babassu kernels or Babassu oil, or both, may be made by properly executing and filing with the Administrator of War Food Order No. 63, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Form WFO 63-2, obtainable from said Order Administrator.

(c) *Petition for relief from hardship.* Any person who considers that the policy and procedure set forth in this section work an exceptional or unreasonable hardship on him may file a petition for relief with the Administrator of War Food Order No. 63, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any lawful action with reference to such petitions which is consistent with the authority delegated to him by the Administrator of the Production and Marketing Administration, United States Department of Agriculture. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Administrator of the Production and Marketing Administration. After said review, the Administrator may take such lawful action as he deems appropriate, which action shall be final.

(d) *Effective date.* The policy and procedure set forth in this section shall be effective upon publication hereof in the FEDERAL REGISTER.

(Secs. 301 and 1501, 56 Stat. 177 and 187, as amended, 50 U. S. C. App. Supp. 633 and 645; E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp.; E. O. 9577, June 29, 1945, 3 CFR 1945 Supp.; W. F. O. 63, 12 F. R. 459)

Issued this 22d day of May 1947.

[SEAL] RALPH S. TRIGG, *Deputy Administrator.*

[F. R. Doc. 47-4975; Filed, May 26, 1947; 8:58 a. m.]

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FEDERAL REGISTER

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1946 SUPPLEMENT
to the
CODE OF FEDERAL REGULATIONS

The following book is now available:

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TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 60]

PART 30—FOREIGN TRADE STATISTICS

BOND TO PRODUCE COMPLETE CARGO MANIFEST AND EXPORT DECLARATIONS AFTER CLEARANCE OF VESSEL REINSTITUTED; DUPLICATE COPIES OF EXPORT DECLARATIONS TO BE FILED FOR VESSEL SHIPMENTS

1. Section 30.30 (a) is amended to read as follows:

§ 30.30 *Manifests of vessels; Shipper's Export Declarations; clearance.* (a) Before clearance shall be granted to any vessel bound to a foreign place or noncontiguous territory of the United States, the master shall file a manifest with the Collector of Customs on Customs Form 1374 of all cargo on board his vessel. There shall also be filed with the Collector declarations of the owners, shippers, or consignors of the cargo shipped by them, specifying the kinds, quantities, values, and the places to which ultimately destined. These declarations will be made in duplicate on Commerce Form 7525 in accordance with the instructions printed thereon, and the original copy of every declaration shall be verified by oath before a customs officer, notary public, or other authorized person. The oath is not required on Shipper's Export Declarations covering shipments made between the United States and its territories and possessions.

2. Section 30.31 is amended to read as follows:

§ 30.31 *Clearance on incomplete manifest under bond.* Clearance may be granted on incomplete cargo manifest and before all Shipper's Export Declarations have been filed, upon the application to the Collector of Customs on Customs Form 7301 and the execution of the bond printed thereon. The condition of the bond is that a complete outward manifest of all cargo laden on board the vessel, together with all the export declarations covering all cargo, shall be filed with the Collector of Customs not later than the fourth business day (T. D. 51504) after clearance of the vessel. If required by the Collector, pro forma declarations on Customs Form 7303 must be filed enumerating shipments for which declarations are missing.

3. Paragraphs (a), (c) and (e) of § 30.42 are amended to read as follows:

§ 30.42 *Shipments from the interior for export; shipments or declarations originating at a port of exportation.* (a) For goods shipped on a through export bill of lading from an interior point to a foreign country or to a noncontiguous territory of the United States, the shipper must prepare and deliver to the carrier the export declaration in duplicate to accompany the waybill to the seaport, airport, or border port of exportation.

* * * * * *

(c) Upon arrival of the goods at the seaboard, or airport, the carrier will deliver two copies of the Shipper's Export Declaration to the Collector of Customs who will retain the original, certify and deliver the duplicate to the party designated to attend to the exportation, to be delivered to the exporting vessel or aircraft as a permit to export and evidence that the original Shipper's Export Declaration has been filed with the Collector.

* * * * * *

(e) If the shipment originates or the Shipper's Export Declaration is prepared at the port of exportation, the shipper must deliver the declaration in duplicate to the Collector of Customs. Collectors shall retain the original and indicate on the duplicate copy, which is for presentation by the shipper to the transportation company to be attached to the outward vessel, aircraft, or car manifest, that it has been verified as a copy of the declaration retained by the Collector. This duplicate copy when returned to the Collector shall be forwarded by the Collector to the Customs Statistics Section, Foreign Trade Division, Bureau of the Census, Customhouse, New York 4, New York.

4. Section 30.43 is amended to read as follows:

§ 30.43 *Divided shipments.* If a shipment is divided at the port of exit by accident or intention, part being exported in one vessel, airplane, or car and part in another, the agent of the carrier will note the amount shipped on the declaration attached to the vessel, air, or car manifest. Declarations covering subsequent shipments must be prepared by the carrier's agent in duplicate from records of the previous shipment and be presented to the Collector when the remainder is shipped. The number of the original declaration must be noted on the original and duplicate copy of the declaration covering the remainder of the shipment.

5. Section 30.44 is amended to read as follows:

§ 30.44 *Exportations from Alaska, Hawaii, and Puerto Rico via the United States.* Shipper's Export Declarations in duplicate must accompany merchandise shipped from Alaska, Hawaii, and Puerto Rico for transshipment and exportation from a port in the United States and be delivered by the shipping agent to the Collector of Customs at such port of exportation, with the name of the exporting vessel noted thereon.

This decision is effective immediately, and Foreign Commerce Statistical Decisions 2, 3, 6, 9, 33, 36 and 46 are accordingly amended.

(R. S. 161, sec. 4, 32 Stat. 826; 5 U. S. C. 22, 601)

J. C. CAPT,
Director.

Approved:

W. A. HARRIMAN,
Secretary of Commerce.

[F. R. Doc. 47-4948; Filed, May 26, 1947; 9:25 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Priorities Reg. 28, as Amended May 9, 1947, Direction 26]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

USE OF MATERIALS AND EQUIPMENT OBTAINED WITH CC RATINGS

The following amended direction is issued pursuant to Priorities Regulation 28:

(a) *What this direction does.* Priorities Regulation 28 and Direction 18 to PR-28 formerly provided for the issuance of CC ratings to obtain materials and equipment required by manufacturers of critical building products, and by certain other persons. Issuance of CC ratings was discontinued at the end of the 1st quarter of 1947.

Materials and equipment obtained with CC priorities assistance were required to be used if possible for the production of the specific item or items for which the assistance was granted. This direction provides that if it becomes impossible for a building product manufacturer who obtained materials and equipment with CC priorities assistance to use the materials and equipment in the kind of production for which the assistance was given, he may use them instead for the production of any of the housing items listed on Schedule A to PR-33. If even this use is impossible for the manufacturer, he may appeal for relief in accordance with the Appeals Order.

(b) *Use of materials or equipment obtained with CC ratings.* Materials and equipment obtained with CC priorities assistance under Priorities Regulation 28 or Direction 18 to PR-28 by producers of building products must be used if possible for the production of the specific item or items for which the priorities assistance was granted. If this becomes impossible, such materials or equipment may be used for the production of any of the items listed on Schedule A to PR-33. (12 F. R. 2118)

(c) *Appeals.* Any person who is unable to comply with the provisions of paragraph (b) of this direction may appeal for relief in accordance with the Housing Expediter Appeals Order. (12 F. R. 2121)

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 23d day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5005; Filed, May 23, 1947; 12:16 p. m.]

[Suspension Order S-29]

PART 807—SUSPENSION ORDERS

ELMER W. MOTTERN

Elmer W. Mottern, 702 Trail Avenue, Frederick, Maryland, on March 21, 1947, filed with the Federal Housing Administration, application Form OHE 14-56 for authorization to construct a single-person dwelling, located at 28 Rosemont Avenue, Frederick, Maryland. In the said application, he represented the proposed structure would have a floor area of 1,480 square feet. Based upon this representation, the Federal Housing Administration authorized construction of the dwelling. In submitting the application, Elmer W. Mottern wilfully made false and misleading statements, and concealed material facts from the Federal Housing Administration, in that he failed to disclose the building was more than 50% completed, and had a floor area amounting to 2,281 square feet. This misrepresentation and concealment subjected Elmer W. Mottern to action provided in paragraph (j) of Veterans' Housing Program Order 1. This action has diverted critical materials to uses not authorized by the Office of t[illegible] Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.29 *Suspension Order No. S-29.* (a) The authorization granted Elmer W. Mottern on Form OHE 14-56, dated March 25, 1947, is hereby revoked.

(b) Neither Elmer W. Mottern, his successors or assigns, nor any other person shall do any further construction on the premises located at 28 Rosemont Avenue, Frederick, Maryland, including putting up, completing or altering the structure.

unless specifically authorized in writing by the Federal Housing Administration o. the Office of the Housing Expediter.

(c) Elmer W. Mottern shall refer to this order in any application or appeal which he may file with the Federal Housing Administration or the Office of the Housing Expediter for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Elmer W. Mottern, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5009; Filed, May 23, 1947; 12:16 p. m.]

[Housing Expediter Rent Control Order 2]

PART 820—RENT CONTROL ORDERS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942 AS AMENDED

ISSUANCE OF ACTIONS BY DIRECTION OF THE HOUSING EXPEDITER

§ 820.2 *Issuance of actions by direction of the Housing Expediter.* (a) In addition to the methods prescribed by paragraph "(m)" of Housing Expediter Rent Control Order 1, all actions in performance of the functions of the Housing Expediter set forth in section 203 of the Emergency Price Control Act of 1942, as amended, may be taken and issued by direction of the Housing Expediter, and signed by the Deputy Housing Expediter, Rent Control, which actions may be evidenced in substantially the following form:

By direction of the Housing Expediter:

Deputy Housing Expediter, Rent Control

(b) *Effective date.* This section, Housing Expediter Rent Control Order 2, shall become effective May 23, 1947.

(56 Stat. 23; 56 Stat. 767; 58 Stat. 632; 59 Stat. 306; 60 Stat. 664; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645; R. C. O. 1, 12 F. R. 2986)

Issued this 23d day of May 1947.

WILLIAM E. O'BRIEN,
Acting Housing Expediter.

[F. R. Doc. 47-5008; Filed, May 26, 1947; 11:45 a. m.]

[Housing Expediter Rent Control Order 3]

PART 820—RENT CONTROL ORDERS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942 AS AMENDED

OFFICIAL SIGNATURE FOR OFFICE OF HOUSING EXPEDITER

§ 820.3 *Official signature for Office of Housing Expediter.* (a) The Housing Expediter may take and issue in his own name any action in performance of the functions vested in him under the Emergency Price Control Act of 1942, as amended, and Executive Order 9841.

Except as otherwise provided in this section all actions in performance of the functions vested in the Housing Expediter under the Emergency Price Control Act of 1942, as amended, and Executive Order 9841 (but not including delegations of authority) shall be taken and issued in the name of the Office of the Housing Expediter, countersigned or attested by the authorizing officer in substantially the following form:

Office of the Housing Expediter

by----------
Authorizing Officer

Unless authorized or directed by the Housing Expediter to take official action in his own name, every officer and employee of the Office of the Housing Expediter shall be governed by the provisions of this section in taking action requiring the official signature of the Office of the Housing Expediter.

(b) Appointment of the Authorizing Officer: James V. Sarcone has been appointed Authorizing Officer for the Office of the Housing Expediter. The Authorizing Officer will be governed by instructions of the Housing Expediter or his duly authorized representative in countersigning, attesting, or issuing any action of the Office of the Housing Expediter.

(c) *Effective date.* This section, Housing Expediter Rent Control Order 3, shall become effective May 23, 1947.

(56 Stat. 23; 56 Stat. 767; 58 Stat. 632; 59 Stat. 306; 60 Stat. 664; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645; R. C. O. 112 F. R. 2986)

Issued this 23d day of May 1947.

WILLIAM E. O'BRIEN,
Acting Housing Expediter.

[F. R. Doc. 47-5089; Filed, May 26, 1947; 11:45 a. m.]

PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

§ 851.22 *Designation of Acting Housing Expediter.* William E. O'Brien is hereby designated to act as Housing Expediter during my absence on May 23, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Veterans' Emergency Housing Act of 1946, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such date.

(60 Stat. 207, 50 U. S. C. App. Sup. 1821)

Issued this 21st day of May 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-4982; Filed, May 26, 1947; 8:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. RO 19]

PART 705—ADMINISTRATION

DISTRIBUTION OF BASES TO CERTAIN NEW USERS

General Ration Order 19 is issued to read as follows:

Preamble. Section 1 (b) (3) of the Sugar Control Extension Act of 1947 provides that the Secretary of Agriculture shall "in a manner consistent with the maintenance of an effective national allocation and rationing program, make available, for other than provisional allotment users, not less than 12,500 tons of refined sugar during the period from the date of enactment of this act to and including June 30, 1947, and not less than 12,500 tons of refined sugar during the period from July 1, 1947 to and including October 31, 1947, to provide for the needs of hardship cases, for the needs of new industrial sugar users (with particular reference to the needs of shortage areas caused by population shifts) and for the needs of those who have an insufficient base period history to operate currently at competitive levels (and shall consider, as a determining factor in those cases where there is such insufficient base period history, the rate of growth of such user prior to the base period year)." This general ration order and companion amendments to the sugar rationing regulations are designed to effectuate this mandate.

New businesses. The sugar rationing regulations permit any person to apply for and obtain sugar for a new business which will be engaged in canning of fruits and vegetables and for the processing of certain other foods. Unrestricted entry into such businesses is designed to permit preservation of important food commodities in ways which require relatively small use of sugar in relation to total food involved. In addition, anyone may obtain sugar for the serving of meals. Such rations are obtained at a limited rate for each meal service. This was designed to facilitate expansion of necessary public feeding facilities during the war and to fit the issuance of rations for that purpose to the needs of a rapidly shifting population. Moreover, anyone may open an establishment for the production or distribution of sugar. Thus, any person may open a retail, wholesale or primary distributor establishment to deal in or produce sugar.

The short supply situation, however, required that the total amount allocated for most industrial uses and for refreshment services be curtailed. This curtailment was accomplished by giving such businesses a percentage of their use during the base period prior to the rationing of that food. Since established businesses were thus restricted, it was felt inequitable to permit free opening of new businesses. On March 22, 1945, however, in order to give recognition to the intent of Congress as indicated in "The Servicemen's Readjustment Act of 1944", General Ration Order 18 provided for the establishment of bases to certain former members of the armed forces for industrial use and for the service of refreshments. In addition, throughout the period of rationing, sugar was made available for use in connection with the needs of the national defense, as for example, for use in production of bomber parts, even though no base period use for such purpose existed. However, aside from these provisions, there were no generally applicable methods provided by which any person, not a veteran, could enter into such businesses.

Congress, however, in the Sugar Control Extension Act, set forth its intention that, at this stage in the general reconversion from a war-time to a civilian economy, persons other than veterans should also be permitted to enter into sugar using businesses. It was recognized, however, that only a limited amount of sugar could be made available for this purpose without seriously impairing the effectiveness of the rationing program. Provision was therefore made, as stated above, that 25,000 tons of sugar should be available for such new users (and for the other specified cases) during the period from April 1, 1947, through October 31, 1947. Of course, if sugar is distributed to the extent provided during the second quarter of 1947 for "new businesses," it must be assumed that these same new businesses must be provided with a similar amount for the period July 1 to October 31, 1947, if they are to be permitted to continue in operation. Therefore, issuance of sugar during the second quarter for this purpose will almost automatically create a charge against, and a using of, the allocation for the same purpose for the remaining life of the rationing program.

This order, therefore, provides that, within the limited quantity available, any person who wishes to enter into a sugar using business may apply for a sugar base for such purpose.

There have been two major possible ways suggested for determining sugar bases for new users:

(1) The productive capacity of the new user could be determined. This capacity, or a reasonable percentage thereof, could be set up as the new user's base, and allotments granted by application to that base of a percentage factor in light of the sugar supply available for such use.

(2) A procedure similar to that used for veterans under Revised General Order 18 could be adopted. Under this method, fixed bases would be set up for the production of various products or groups of products, without regard to the productive capacity of, number of employees, or investment made in the business.

Either of these methods could be used on a "first come—first served" basis, permitting issuance of bases to new users only up to a fixed over-all amount available for that purpose, rather than free entry of all new users without over-all quantity limitation.

Experience has shown that the first plan, "the capacity formula", is extremely difficult of administration and that it is time-consuming if properly applied. If, as is expected, many thousands of new users would enter business if permitted so to do, the administrative job of individual capacity determination in these thousands of cases would be so great that many applicants would not receive bases and allotments without long delays up to many months in length. In practice then, this breakdown in the "capacity formula" could be avoided only by acceptance of the capacity claims of the users themselves, without investigation into the bona fides of these claims. In view of the multitude of methods for determining "capacity" this would inevitably lead to grave inequities among such new users, and, equally clearly, as between new users and established users.

It is clear also that if the capacity formula for all new users were adopted, only a small number of new users could enter into business within the limited amounts of sugar allotted to that purpose, unless there were a limitation on the amount each user could obtain, which in practice would reduce this plan to a mere variation of the other. Moreover, it is clear from the legislative debates and hearings that Congress intended to encourage the development of as many new businesses as the limited amount of sugar available could accomplish. Experience under the veterans' regulations has demonstrated that the amounts available thereunder are sufficient to establish new businesses and will provide for a maximum number of new businesses. This order therefore provides, as does the veterans' order, that a new user who applies for a sugar base will be granted a base in the amount of the sugar requested, that of a comparable establishment in the same area serving the same class of customers, or the maximum set up in the order for that class of product, whichever is smaller.

Since it is clear that Congress intended sugar bases to be distributed to new industrial and refreshment service users, and not for the purpose of increasing supplies of existing users, these regulations also provide, as does the veterans' order, that, generally, a person who now has a sugar using establishment or who has had a sugar using establishment under rationing will not be eligible to obtain a base hereunder. For similar reasons this order provides that a new user who is financed or otherwise controlled by established industrial or institutional users is not eligible for a new user base, nor will new users be permitted to make products which are generally destined for industrial or institutional user rather than for consumer use. Thus, an applicant will not be permitted to establish a base for making fondant, which is a product generally sold only to bakers and other industrial users, nor would the applicant be permitted to make fountain syrup other than that which he would package in consumer size containers. Various other restrictions which experience under the veterans' order has indicated are necessary in order to guard against fraud in the obtaining of allotments and use of sugar by established industrial users under the guise of new users are also made a part of this regulation. Thus, there are provisions against tolling, use of the premises and equipment of established users, and limitations on the transfer of business.

Congress was interested not only in the granting of sugar bases to new users, but also with the geographical distribution of the new bases. In the express terms of the act the new bases should be allocated "with particular reference to the needs of shortage areas caused by population shifts." In order to effectuate this intent the sugar available for this purpose is being apportioned to the various Branch Offices of the Sugar Rationing Administration in proportion to the population of the areas served by them. It is believed that processing at the Branch Offices will afford the most expeditious method of handling the issuance of the sugar allocations in the proper geographical proportions. The population figures are computed in accordance with the latest information available to the Sugar Rationing Administration, from the registration figures for War Ration Book Four in 1945, adjusted in accordance with information supplied by other government agencies, State Boards of Education and other reliable data submitted by various state and county organizations since that time. To assure that both types of operations are taken care of in the distribution of sugar bases, each Branch Office's quota is further divided into quotas for industrial use and quotas for institutional refreshment bases in the same proportion that the amount of sugar for industrial use granted under General Ration Order 18 bears to the amounts granted for institutional refreshment use.

Obviously the amount of sugar available for this purpose will not be sufficient to provide bases for every individual who wishes to enter into a sugar using business. The most reasonable method for handling applications, therefore, seems to be to consider only those applications filed since March 31, 1947 on the basis of "first come—first served" until all of the sugar available for this purpose has been allocated. Each other method considered presents insurmountable administrative difficulties or inequitable results. For example, all applications filed for new businesses since the beginning of the rationing program could have been revived and considered in connection with this new program. Even assuming that it would be administratively possible to identify all of the thousands of applications for this purpose which were made during the past five years the rationing program has been in effect, it is clear that, in view of the great number of such applications, all the sugar allocated for this purpose would be used up in supplying these applicants without recognition of the claims of persons who applied for the first time with specific knowledge of and specific reference to the mandate stated, for the first time, in the Sugar Control Extension Act of 1947. On the other hand, consideration, in addition to those made on or after March 31, 1947, of only those applications filed prior to that

date on which decision had not yet been rendered, creates, first, an inequity in favor of such persons against the multitude who applied previously and were denied, and, second, a lesser but still real inequity against those persons who applied, and would apply, for the first time in contemplation of the new legislative provisions. Accordingly, it was believed most equitable to consider for this purpose only those applications as to which a reasonable presumption could be indulged that they had been filed with knowledge of and in contemplation of the mandate requiring establishment of new sugar using businesses. It is, therefore, provided that all applications made on or after March 31, 1947, the date of enactment of the Sugar Control Extension Act, shall be processed in the order of their filing on and after that date

Hardship and insufficient base period history adjustments. The act also requires the Secretary of Agriculture to provide "in a manner consistent with maintenance of the national allocation and rationing program . . . for the needs of hardship cases . . . and for the needs of those who have an insufficient base period history to operate currently at competitive levels . . .". Since the inception of the sugar rationing program adjustments of various kinds have been granted to persons who were found to suffer hardships imposed by the operation of the rationing system, or to be placed thereby in an unrepresentative competitive position. Thus, for example, a person whose sugar use during the base period, 1941, was curtailed by a fire, strike or other catastrophe was granted an adjustment to compensate for the unrepresentative nature of his base period history occasioned thereby. In the case of persons who, during the base period, invested in productive equipment and facilities it was clear that their base period history could not adequately reflect utilization of such new equipment or facilities, and that allotment of sugar to them on the basis of their actual base period usage was unrepresentative of their proper competitive position in the industry, and caused hardship. Accordingly, a pre-rationing investment adjustment which permitted increases in base period usage to reflect the additional sugar using capacity thus acquired by such individuals was made. These are merely two examples of the various kinds of adjustments which have been made from time to time in the course of the sugar rationing program to mitigate hardship caused by the operation of that program, other than the general hardship necessarily imposed by the shortage of sugar itself, and to equalize the competitive positions of persons who, as of the inception of the rationing program, possessed similar facilities and equipment.

No hardship has generally been deemed to be imposed by the operation of the rationing program upon persons who, during the course of such program, purchased additional equipment or set up a new plant, since they did so with full knowledge of the existence of the limitations imposed by the rationing program. It is the opinion of the Secretary of Agriculture that, as a general rule, such situations still do not constitute hardship cases within the meaning of the statutory mandate to make some provision for such cases, and that treatment at this time of such situations as constituting an insufficient base period history for current operation at competitive levels would be inconsistent with maintenance of the national allocation and rationing program.

On the other hand, many industrial users who have been in business since before 1941, the base period for the rationing program, operated during 1941 at a level which, in terms of the capacity of their equipment, was below that of the lowest percentage of operation of a substantial portion of the industry. Continued operation during rationing on an allotment which reflected this very low rate of use during their base period can be presumed to impose hardship upon them in that their rate of operations seems clearly unrepresentative of the normal rate of operation of the industry of which they are a part. Whether such cases be considered to fall within the "hardship" or the "insufficient base period history" cases envisaged by the Sugar Control Extension Act, it seems clear that this is one of the types of situations that Congress had in mind for correction by that act.

Under the rationing program individuals who purchased sugar using businesses for continued operation received the bases which were then assigned to the businesses purchased. In many cases, however, although the business which was purchased was entitled to receive an increased base by way of adjustment under one or another of the adjustment rules outlined above, no application therefor had been made by the original owner up to the time the business was sold. It was believed that since the purchaser knew the size of the business and of its base which he was purchasing, he suffered no hardship in being required to continue to operate on that base without adjustment, and, accordingly no adjustment in base was made in such a case to the purchaser of a business. It seems clear however that such businesses are, by operation of this rule, caused to operate at levels below the normal competitive level which they would have achieved but for the institution of rationing, since the base period history of the purchased business had been rendered unrepresentative of its true competitive position in the industry by virtue of the fire, strike, pre-rationing investment or other circumstance which would have entitled the original owner of that business to receive an adjustment.

It is the opinion of the Secretary of Agriculture that granting of appropriate adjustments to any person whose base is below the level at which, in terms of the productive capacity of his facilities, the lowest substantial segment of his industry operated in 1941, to increase his base to that level, and to any person now owning a business which, because of an unrepresentative or insufficient base period history, would have been entitled to an adjustment had the original owner thereof applied for such adjustment, will relieve many hardship cases heretofore unrecognized, and will permit current operation of such businesses at the competitive levels which they could have attained but for rationing.

It is further the opinion of the Secretary that these adjustments give as full consideration to the "rate of growth" of such users prior to 1941 as is administratively practicable, consistent with effective maintenance through October 1947 of the rationing program. The potential business growth factor inherent in changes in investments is fully recognized in the adjustments hereby provided and those already in effect.

The Secretary is of the opinion, therefore, that the adjustments hereby authorized satisfy fully the requirements respecting "hardship" and "insufficient base period history" cases contained in section 1 (b) (3) of the Sugar Control Extension Act of 1947.

The statutory mandate requires allocation of not less than 12,500 tons of refined sugar for all the declared purposes for each of the periods designated. It has been impossible to calculate how this amount could be so divided among the various purposes for which, under the new program, it is required to be allocated, as to give a fair share thereof of each purpose. Accordingly, since a major concern of the Congress was with the establishment of new businesses, the Secretary has concluded that full compliance with the statutory intention, so far as new businesses are concerned, can best be assured by assigning, for that purpose alone, the full minimum allocation of 12,500 tons of sugar per quarter. In order to permit uniform processing of all allotment issuances for established and for these new users, this quantity is being issued in the form of bases rather than allotments, so calculated that, at the current allotment rates, the issuances will result in a total actual issuance of 12,500 tons. For the other program changes additional sugar will be made available above this minimum amount so long as such additional allocations will not endanger effective operation of the rationing program itself. In this way, in the opinion of the Secretary of Agriculture, there can be no question but that there will be made available for these special purposes at least as much sugar as was intended to be made available under the terms and intention of the legislation.

ARTICLE I—NEW BUSINESS

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ARTICLE V—APPEALS

5.1 Appeals.

ARTICLE VI—DEFINITIONS

6.1 Definitions.

AUTHORITY: Section 705.5 issued pursuant to the authority vested in the Secretary of Agriculture by the "Sugar Control Extension Act of 1947."

ARTICLE I—NEW BUSINESS

SECTION 1.1 *Who may apply.* (a) Any person who qualifies under the provisions of section 1.4 of this order and who wishes to open an industrial user establishment or to obtain a base for refreshment services, or a combination of both, may apply for registration and a base or bases for one or both of these purposes. However, any person who, at the time of application, has a administrative order or a court order outstanding against him which suspends his right to deal in sugar or prohibits him from dealing in sugar may not apply under this order.

SEC. 1.2 *Where he applies.* (a) Application must be made to the Branch Office for the place where his establishment will be located.

SEC. 1.3 *How application is made.* (a) Application may be made on or after March 31, 1947. The application must be in writing and may be either on SRA Form R–1234 or in any written form. However, if an application is not made on SRA Form R–1234, all of the information required by that form, as set forth in section 4.5 of this order, must be submitted by the applicant in accordance with the provisions of section 1.5 of this order before final action will be taken.

SEC. 1.4 *Eligibility requirements.* No person may be granted on his application a base under this order unless he meets the following requirements:

(a) The applicant is or will be either the principal owner and active head of the business covered by the application, or is or will be a joint owner of the business and will be actively engaged in the operation of such business and the financial interest held by himself and by members of his immediate family or persons who are themselves eligible for a base under this order aggregate the principal ownership of the business. (Principal ownership means that the applicant himself or the applicant along with members of his immediate family or other eligible persons owns more than 50% interest in the proposed establishment.)

(b) He must have or will acquire the premises and equipment needed for the operation of the business for which he is applying. The equipment must consist of the size and type of productive sugar using equipment necessary to produce the type of product and to utilize the amount of sugar for which a base is requested. If a person make application for a base before he acquires such premises and equipment, he must state the size and type of equipment and premises which he will obtain if he is granted a base under this Order and he will be given a written statement as to the amount of the base he may obtain upon acquiring the equipment and premises as stated in the application. However, allotments will not be issued until the applicant notifies the Branch Office that he has obtained the necessary premises and equipment. If it is found that the productive equipment for the establishment for which the base has been granted is not sufficient to utilize the amount of sugar obtained with respect to the base which has been granted, the Branch Office may reduce the base so that the amount of sugar obtained with respect to such reduced base can be utilized with the productive equipment which the registrant has or acquires.

(c) He must not be financed directly or indirectly in the operation of his business by any person already registered as an industrial user under Third Revised Ration Order 3, Revised General Ration Order 18, or as an institutional user under Revised General Ration Order 5, or Revised General Ration Order 18. (An industrial or institutional user may not have any financial interest in the applicant's business, or profits derived therefrom. Thus, the applicant may not owe an industrial or institutional user money under any arrangement where such person supplies on credit to him premises, equipment or materials needed to operate the applicant's business. However, an industrial or institutional user may sell or deliver to a person who has been granted a base under this Order the ingredients contained in products such person will make or serve under an arrangement whereby payment in full is made within a period not exceeding thirty days after each separate delivery of such ingredients. Moreover, a bona fide lease between the applicant and such persons for premises or equipment is permissible under the order).

(d) He will not use the premises in use by an industrial or institutional user and he will not use the equipment in use by any person for commercial purposes. (For example, he may not lease equipment for only part time use by himself).

(e) Except as otherwise provided herein and in paragraph (f), he must not at the time of application have any sugar using business for which he receives an allotment or allowance under Third Revised Ration Order 3, Revised General Ration Order 18, or Revised General Ration Order 5 and must not have had any sugar using business at any time since April 20, 1942 for which he received an allotment or allowance which he was entitled to receive as an industrial or institutional user under the Sugar Rationing Regulations. (The provisions of this paragraph do not apply to persons who receive or have received allotments for experimental, testing or educational purposes, persons who receive or have received sugar or evidences for industrial use under a tolling arrangement, persons who receive or have received sugar or evidences for manufacturing products for an exempt agency).

(f) Even though a person has an institutional user meal service base under the provisions of Revised General Ration Order 5, he may apply for an incidental refrshment base for his establishment. If a person has had at any time since April 20, 1942, a meal service base, but has not had a refreshment base, he may apply only for a refreshment base under this order and is not eligible for a base as an industrial user.

SEC. 1.5 *Action on the application.* (a) The Branch Office shall accept applications under this order only if filed in writing on or after March 31, 1947. Applications shall be considered and determined in the order they are filed. For the purposes of determining the order of filing, the postmark date shall be used if the application was mailed, the date of receipt if the application was personally delivered or made by telegraph. If, after the effective date of this Order, any application is received at the National Office, Regional Office, or any Branch Office other than the one at which the application should properly be filed, the date of filing of such application will be the date on which it is received by the Branch Office at which it should have been filed, after forwarding by the Office at which it was originally received. If it is necessary, in order to process applications filed on or after March 31, 1947, to have additional information, the Branch Office shall send to the applicant by registered mail, return receipt requested, a copy of SRA Form R–1234 which shall be completed and returned by the applicant within 14 days after such application form has been received by him. However, if such application form, or any written document containing all of the information required in section 4.5 of this order, is not returned to the Branch Office within the 14 day period, the submission of the additional information must be treated as the filing of a new application by the applicant. Completed information returned to the Branch Office within the 14 day period shall be deemed to have been filed as of the time the original application was filed.

(b) If the Branch Office finds that the applicant qualifies under the provisions of this order, it shall establish a base or bases in accordance with the following procedure:

(1) If the person applies for a base for industrial use to make one of the products or uses listed in section 4.3, it shall register the applicant on OPA Form R–1200 and grant him a base. The base granted, however shall be the base of a comparable establishment in the area in which his establishment is located, the amount requested, or the maximum for that group of products as listed in section 4.3, whichever is smallest. If the products or uses which the applicant wishes to make are not included in section 4.3, the Branch Office may not act upon the application but must send it, together with any other

information received, to the Washington Office for decision, or take such other action as the Washington Office may authorize or direct.

(2) If the person applies for a base to make refreshment services of a type listed in section 4.4, it shall register him as an institutional user and grant him a refreshment base. The base granted, however, shall be the base of a comparable establishment in the area in which his establishment is located, the amount requested or the maximum for his type of refreshment service as listed in section 4.4, whichever is smallest. If the type of refreshment service which the applicant wishes to make is not included in section 4.4, the Branch Office may not act upon the application but must send it, together with any other information received, to the Washington Office for decision, or take such other action as the Washington Office may authorize or direct.

(3) If the person applies for bases to make more than one group of products or uses listed in section 4.3, or to make more than one type of refreshment services listed in section 4.4 or for a combination industrial and institutional use, it shall register the applicant as an industrial user or as an institutional user, or both, as the case may be, and grant him a base or bases for the operations for which he applies. However, the base or bases granted shall be the smallest of the following:

Base or bases of a comparable establishment in the area in which the establishment is located, the amount requested, or with respect to each group of products or type of refreshment service for which he requests a base, the percentage requested by him of the base for that group of products or type of refreshment service which he could obtain under subparagraph (1) or (2) of this section, if he were to engage only in making that group of products or providing that type of refreshment service.

In no event, however, shall the Branch Office establish a base or bases for any applicant where the establishment of such base or bases would exceed the quota of sugar authorized to be distributed by the Branch Office under this order. (Thus, if only 20,000 pounds in base quota for industrial use remains available for distribution by a Branch Office, the base established for the applicant, who is then eligible for a base, may not exceed 20,000 pounds. If that applicant refuses to accept this amount, the next eligible applicant shall be granted the amount of base to which he is entitled but not in excess of 20,000 pounds, and so on, until the 20,000 pounds is fully distributed.)

(c) The filing of an application for the establishment of a base under this order will also be deemed to be an application for the allotment to be issued during the quarter in which the base is established. The issuance of an allotment during the quarter in which the base is established will not be subject to the provisions of section 2.2 (b) of Third Revised Ration Order 3 or section 5.3 (c) of Revised General Ration Order 5.

(d) If two or more persons eligible for a base under this order apply for a base for the same establishment, the base granted for the establishment may not be larger than if only one applies.

SEC. 1.6 *Use of allotments.* (a) No person who obtains a base under this order may use his allotments of sugar for any product or refreshment service, not included in the group of products or type of refreshment service, for which he was granted the base or bases. Furthermore, no such person may use more sugar in an allotment period for any group of products or type of refreshment service, for which he has been granted a base, than his allotment for that period plus any unused part of his allotments for earlier periods.

SEC. 1.7 *Excess inventory.* (a) The determination of excess inventory and the manner in which adjustments and charges for such excess inventory are made, as set forth in section 2.8 of Third Revised Ration Order 3 and 9.7 of Revised General Ration Order 5, shall apply with equal force and effect in this order.

ARTICLE II—TRANSFER AND MOVING

SEC. 2.1 *Transfer of establishment.* (a) If an establishment for which a base has been granted under this order is transferred after registration, the transferee may not receive the base granted pursuant to this order or the current allotment or any unused parts of prior allotments issued with respect to that base for the transferred establishment. However, if the registrant dies after the registration the transferee of the establishment may be granted the base and the current allotment and unused parts of prior allotments, and the transferee is not subject to the restrictions of this order but is subject to the provisions of Third Revised Ration Order 3 or Revised General Ration Order 5, whichever is applicable.

SEC. 2.2 *Moving of establishment.* (a) A person who is granted a base under this order may move that establishment only if he gets permission from the Branch Office with which he is registered. The applicant must apply in writing to the Branch Office with which he is registered and must state the city and state to which he wishes to move his establishment. Permission to move an establishment shall not be granted in any case unless the new location to which the applicant wishes to move is in the area over which the Branch Office from whose quota his base was established had jurisdiction on April 1, 1947.

(1) If the base of a comparable establishment in the new location to which the applicant wishes to move is the same as or greater than the applicant's base, permission to move shall be granted. However, the applicant's base shall not be increased to that of the comparable establishment in the new location nor to the maximum base established under the order if the applicant does not have the maximum base.

(2) If the base of a comparable establishment in the new location is less than the applicant's base, permission to move shall be granted but his base shall be reduced to that of the comparable establishment.

ARTICLE III—PROHIBITIONS AND REVOCATION

SEC. 3.1 *Prohibitions and restrictions.* (a) A person who has been granted a base under this order shall not do any of the following:

(1) Transfer (toll) any sugar or evidences obtained on the base received under this order to another person for industrial or institutional use;

(2) Use the premises in use by an industrial or institutional user or use the equipment in use by any person for commercial purposes;

(3) Be financed directly or indirectly in the operation of his business by any industrial or institutional user so that the conditions imposed by section 1.4 (c) are no longer true;

(4) Transfer the ownership interest in the business or cease to be actively engaged in the operation of the business so that the conditions imposed by section 1.4 (a) are no longer true;

(5) Use his allotments of sugar for any product, or refreshment service, not included in the group of products or type of refreshment service for which he was granted a base or bases;

(6) Package the finished product, for which he was granted the base or bases, in a container greater than the maximum consumer size authorized for such product.

(b) In addition, the record-keeping requirements, the restrictions, prohibitions and conditions of Revised General Ration Order 5, General Ration Order 8 and Third Revised Ration Order 3 apply with respect to any base granted under this order except where otherwise specifically provided by this order.

SEC. 3.2 *Revocation of base.* (a) Whenever a person who has been granted a base under this order, does any of the things prohibited by paragraph (a) of section 3.1 of this order, the Branch Office may revoke such base after a notice and hearing, or opportunity for a hearing, has been given in accordance with the procedure set forth in Article XXIV of Third Revised Ration Order 3.

ARTICLE IV—MISCELLANEOUS

SEC. 4.1 *Population increase adjustment not permitted.* (a) Population increase adjustments under section 2.3 of Third Revised Ration Order 3 may not be granted to persons receiving a base under this order.

SEC. 4.2 *Adjustment under section 17.7 of Third Revised Ration Order 3.* (a) Any person who is eligible to and does receive a base or adjustment under section 17.7 of Third Revised Ration Order 3, after having received a base under this order, will no longer be entitled to the base which he received under this order.

SEC. 4.3 *Group of products, maximum sizes, and maximum annual industrial user base for such products authorized to be established.*

INDUSTRIAL USERS

Group of products	Maximum consumer size container permitted (ounces)	Maximum annual base permitted (number of pounds of sugar)
1. Bread and rolls only	(1)	12,800
2. General baking (products (excluding bread and rolls)	(1)	28,200
3. Ice cream, ices, sherbets, frozen custards (excluding mixes used for any of these products)	(1)	40,000
4. Bottled beverages (nonalcoholic)	(1)	80,000
5. Candy	(1)	31,300
6. Caramel popcorn	(1)	16,600
7. Mayonnaise to be packed in containers of one quart or less		600
8. Salad dressing to be packed in containers of one quart or less		1,200
9. Baker's mixes	16	78,200
10. Fruit compote	18	20,000
11. Gelatins, puddings, powdered desserts		
(a) In powder form	8	80,000
(b) In prepared form	16	80,000
12. Insecticides	(2)	1,200
13. Jams, jellies, marmalades, preserves, fruit butters	32	80,000
14. Meat spreads	32	1,500
15. Peanut butter	16	6,000

(1) No restriction.

INDUSTRIAL USERS—Continued

Group of products	Maximum consumer size container permitted (ounces)	Maximum annual base permitted (number of pounds of sugar)
16. Pharmaceuticals:		
(a) Cough drops	3	27,000
(b) Cough syrups	(1)	9,200
(c) General	(1)	1,400
17. Sauces (for meat, fish, poultry, etc.)	14	9,800
18. Spaghetti, macaroni, and noodle products packed in sauce	20	14,000
19. Stews (brunswick, etc.)	24	3,600
20. Flavoring extracts	8	80,000
21. Glazed fruits for baking purposes	32	80,000
22. Pickles, relishes, etc.	32	80,000
23. Shredded sweetened coconut	8	58,000
24. Syrup:		
(a) Table, except chocolate	32	80,000
(b) Chocolate	16	80,000
(c) Concentrate (liquid or powdered)	8	80,000
25. Maraschino cherries	16	80,000
26. Other (specify) (consumer sizes for direct consumer use only)	(2)	(2)

(2) To be determined by Washington Office.

SEC. 4.4 *Type of refreshment service and maximum monthly institutional user refreshment base for each type of refreshment service authorized to be established.*

INSTITUTIONAL USERS

Type of refreshment service	Maximum monthly refreshment base permitted (number of pounds of sugar)
1. General fountain services (can not be combined with 3, 5 or 7)	400
2. Snow balls or snow cones	100
3. Fruit juices or vegetable juices	100
4. Ice cream, sherbets, or frozen custard	720
5. Coffee, tea, lemonade or orangeade	400
6. Alcoholic beverages	80
7. Carbonated beverages	400
8. Incidental refreshment base for establishment with meal service base (can not be combined with any other type of refreshment service)	120
9. Caramel popcorn	200
10. Candied apples	320
11. Candy bars	200
12. Other (specify)	(1)

(1) To be determined by the Washington office.

SEC. 4.5 *Application form.*

SRA Form R-1234 (5-47)

Form approved Budget Bureau No. 40-R1625

This form may be reproduced without change

U. S. DEPARTMENT OF AGRICULTURE
SUGAR RATIONING ADMINISTRATION

APPLICATION FOR A SUGAR BASE

(Pursuant to General Ration Order 19)

	Serial number
Name of applicant	
City, postal zone number, State	
Name of establishment you will operate	
Address—Number and Street	
City, postal zone number, State	

INSTRUCTIONS

Who may apply for a base

You may use this form in applying for a base as a new industrial user of sugar or an institutional user refreshment base provided that:

1. You do not have a sugar base business as of the time of application, and you have not operated a business at any time since April 26, 1942 for which you were entitled to and did receive an allotment or personal allowance of sugar under the Sugar Rationing Regulations except as it has been used sugar or sugar ration evidence that you received

(a) as a follow-up person who received sugar or sugar ration evidence for the purpose of manufacturing a product for another industrial user, or
(b) for educational, experimental, or testing purposes, or
(c) from an overseas business outside the Army or Navy) for industrial use, or
(d) for a charitable use in the service of meals, and

2. You do not have an administrative order or a court order outstanding against you which suspends your right to deal in sugar or prohibits you from dealing in sugar.

Where to file application

File your application (original only) with the SRA Branch Office serving the area in which your establishment is or will be located.

Caution

You are advised NOT to invest in premises and equipment until notified by the SRA Branch Office that your request for a base will be granted.

Your base may be revoked

Your base may be revoked if you do not comply with the provisions of GRO 19. To insure your full understanding of the duty requirements of a sugar base become to read the Order.

Explanation of terms

An "institutional user" or an "industrial user" is a person who uses sugar to make a product which he will sell. If the product is made for consumption on the premises, he is generally an *institutional* user. If the product is made for consumption off the premises he is generally an *industrial* user. Thus, a person who makes and sells ice cream which he serves in dishes or cones is an institutional user, but if he packages ice cream in bulk containers for consumption off his premises he is an industrial user with respect to the sugar used in producing that ice cream.

"*Base*." The industrial user "base" is not the amount of sugar you will receive as an allotment, but is the basis upon which an allotment is computed. The annual base for industrial users will be divided into four equal quarterly amounts. An institutional user refreshment base is established on a monthly rather than an annual basis.

The base established for you will be the lowest of (1) the amount requested or (2) the base of a comparable establishment or (3) the maximum amount established by GRO 19 for the product(s) you will make or serve.

Allotment

Industrial user allotments are issued for a quarterly period of three months. The percentages in effect for all industrial users during the quarter in which your allotments are issued will be applied to your base.

Institutional user refreshment allotments are issued for a two-month period.

PART I—GENERAL

1	Are you now receiving, or have you ever received an institutional or industrial allotment or prior personal allowance of sugar (to which you were entitled) under sugar rationing? If "Yes," explain	Yes ☐ No ☐	5		Have you been, or will you be financed directly or indirectly in the operation of your establishment by an industrial or institutional user? *Example.* Purchase of equipment or premises from an industrial or institutional user on the installment plan or any other credit arrangement is indirect financing. Borrowing money or credit from an industrial or institutional user is direct financing.	Yes ☐ No ☐
2	Is there an administrative order or a court order outstanding against you which suspends your right to deal in sugar or prohibits you from dealing in sugar?	Yes ☐ No ☐	6	a	Will you share premises with another industrial or institutional user?	Yes ☐ No ☐
3	Will you be actively engaged in the operation of the proposed establishment?	Yes ☐ No ☐		b	Will the equipment that you will use be used by any other person for commercial purposes?	Yes ☐ No ☐
4	Do you (and members of your immediate family or other persons eligible for a base under General Ration Order 19) own more than 50% interest in the proposed establishment? NOTE: Immediate family means wife, husband, mother, father, daughter, son, brother or sister of the applicant.	Yes ☐ No ☐	7		Do you have another application for a base pending? If "Yes," give the address of the Office where filed. _____ (Number and Street) _____ (City and State)	Yes ☐ No ☐

If you are applying for an industrial user base, fill in Part II. If you are applying for an institutional user refreshment base, fill in Part III. If you are applying for a combined industrial-institutional user operation, fill in Part II and Part III.

PART II—INDUSTRIAL USER

8 *Instructions.* Bases may be granted for making one or more groups of products. If you will produce only one group of products read the instructions designated (a); more than one, read (b); combined industrial-institutional use, read (c). Obtain from your SRA branch office maximum bases allowed for each product or group of products, and the package sizes permitted for certain products.

(a) *One group of products.* Enter the group of products you will produce in Column A and in Column B the size in which the product will be packaged, if applicable. Enter in Column C the amount of sugar base you wish and in Column D enter 100%.

(b) *More than one group of products.* Enter the groups of products you will produce in Column A. Enter the size in which the product will be packaged (if applicable) in Column B. Determine the percentage of the maximum base that you wish for each product and enter the amount of sugar base that you wish for each group of products in Column D. The total of the percentage figures in Column D must not be more than 100%. *Example:* X applies for bases to operate a bakery. The major portion of his business will be devoted to making sweet goods. He will also make bread and rolls. He decides that he wants a base of 25,380 lbs. of sugar per year for his sweet goods operation. This is 80% of the maximum base allowed by SRA for this product. Since 80% of his total operation is to be given over to the production of sweet goods, he can not apply for more than 10% of the maximum amount allowed for bread and rolls, or a base of 1,280 lbs. of sugar. He therefore makes the following entries in Item 8: In Column A he writes "Bread and rolls only;" in Column B he makes no entry; in Column C he writes "1,280 lbs.;" and in Column D, "80%." On the next line, in Column A, he writes "General baking products;" in Column B he makes no entry; in Column C he writes "25,380 lbs.;" in Column D, "10%." The total of the percentage figures therefore equals 100%.

(c) *Combined industrial-institutional user operation.* Give the information required in Items 8 and 12. The total of the percentage figures in Column D for Items 8 and Column C for Item 12 must not be more than 100%. *Example:* Z wishes to operate an establishment manufacturing candy and serving fruitades. He decides that he wants a base of 23,175 lbs. of sugar annually for making candy. This is equal to 75% of the maximum base allowed. He therefore enters in Item 8, Column A "Candy," in Column C, "23,175 lbs.," and in Column D "75%." Since 75% of his business will be given over to the manufacture of candy, his monthly base for serving fruitades cannot exceed 25% of the maximum base for this item, or 100 lbs. (25% of 400 lbs. equals 100 lbs.). He therefore enters in Item 12, Line 5, Column B, "100 lbs." and in Column C, "25%." The combined total of the percentage figures in Items 8 and 12 therefore equals 100%.

GROUPS OF PRODUCTS

1 Bread and rolls only
2 General baking products (excluding bread and rolls)
3 Ice cream, ices, sherbets, frozen custards (excluding mixes used for any of these products)
4 Bottled beverages (non-alcoholic)
5 Candy
6 Caramel popcorn
7* Mayonnaise
8* Salad dressing
9* Baking mixes
10* Fruit compote
11* Gelatins, puddings, powdered desserts (a) in powder form (b) in prepared form
12* Insecticides
13* Jams, jellies, marmalades, preserves, fruit butters
14* Meat spreads
15* Peanut butter
16* Pharmaceuticals (a)* cough drops, (b) cough syrups, (c) general
17* Sauces (for meat, fish, poultry, etc.)
18* Spaghetti, macaroni, and noodle products packed in sauce
19* Stews (Brunswick, etc.)
20* Flavoring extracts
21* Glaced fruit for baking purposes
22* Pickles, relishes, etc.
23* Shredded sweetened coconut
24* Syrups (a) table, except chocolate (b) chocolate (c) concentrated (liquid or powder)
25* Maraschino cherries
26* Other—Specify

*Limited to consumer size packages as shown in GRO 19.

Product	Package size	Amount of sugar base requested per year	Percent of maximum base for each group of products for which sugar is requested
A	B	C	D
		Total	%

9 Give below the estimated hourly capacity of your operation for each type of product that you expect to make. *Example:* Bread and rolls, 30 lbs. per hour; bottle beverages 20 cases per hour, etc.

Group(s) of products	Estimated hourly capacity

10 Report in Column A the name of each major piece of sugar using equipment to be used in actual production of finished products in your operation. *Example:* For a bakery operation, list ovens, mixers, etc., for beverage operation, list washers and filling machines; for candy, list kettles, enrobers, etc.; for ice cream, list freezers; for doughnuts, list frying kettles and frying machines, etc.

Report in Column B the type, size and/or capacity of the equipment listed in Column A.

Example:

Column A	*Column B*
Mixer	40 quart
Filler	CEM 14 spout
Freezer	5 gal. batch type

In Columns C and D—Place a check mark (✓) indicating whether the equipment is on hand or to be acquired.

Name of equipment	Type, size and/or capacity of equipment	On hand (check)	To be acquired (check)
A	B	C	D

11 Describe the type of premises you will occupy. *Example:* Home bakery—Kitchen operation. Candy operation—Shop 15' x 20' in rear of store.

Description: .....

.....

Do not write in this space—To be filled in by SRA Branch Office

Industrial User—Give the information indicated for the comparable establishment selected. Enter in the space provided the base(s) granted.

COMPARABLE ESTABLISHMENT(S)

Name	Name
Address	Address

Product(s) made by comparable establishment	Amount of annual base	Product(s) made by comparable establishment	Amount of annual base

Product	Amount of sugar base granted

NOTE: Applications for bases for "Other" or the most listed in Items 8 and 12 forwarded by the SRA Branch Office to the Washington Office. Before forwarding such applications be sure that the information for the comparable establishment has been obtained. Applications for "Other" must also include the information that the products are to be packaged in consumer sizes for direct consumer use only.

PART III—INSTITUTIONAL USER

12 *Instructions.* Refreshment bases may be granted for institutional use establishment for the service of one or more types of refreshment services listed below in Column A. If you will serve only one type of refreshment read the instructions designated (a); more than one, read (b). Obtain from your SRA branch office maximum bases allowed for each type of refreshment.

(a) *One type of refreshment service.*—Select in Column A the type of refreshment you will serve. Enter in Column B the amount of sugar base you wish and in Column C write 100%.

(b) *More than one type of refreshment service.*—Select in Column A the types of refreshments you will serve. Determine the percent of the maximum base that you wish for each type of refreshment service and enter this percentage figure in Column C. In Column B enter the amount of sugar base requested per month for each type of refreshment. If your operation is confined to institutional use only, the total of the percentages in Column C must not be more than 100%. *Example:* Y wishes to prepare and serve snow balls. He will also serve candy floss. The major portion of his business will consist of the preparation and service of snow balls. He decides that he wants a base of 75 percent for snow balls. Since 75% of his total operation is to be given over to snow balls, he cannot apply for more than 25% of the maximum amount allowed for candy floss, or a base of 50 lbs. per month. He therefore makes the following entries. In Line 2, Column B he writes "50 lbs." and in Column C "75%." In Line 11, Column B he writes "50 lbs." and in Column C, "25%." The total of the percentage items in Column C therefore equals 100%.

(c) *Combined industrial-institutional user operation.*—Refer to the instructions in Part II for this type of operation.

	Types of refreshments to be served	Amount of sugar base requested per month (pounds)	Percent of maximum base for each type of refreshment service for which sugar is requested
	A	B	C
1	General fountain service (cannot be combined with 3, 4, or 7)		
2	Snow balls or snow cones		
3	Fruit juices, vegetable juices		
4	Ice cream, sherbets, or frozen custard		
5	Coffee, tea, lemonade or equivalent		
6	Alcoholic beverages		
7	Carbonated beverages		
8	Incidental refreshment base for establishments with meal service base*		
9	Caramel popcorn		
10	Candied apples		
11	Candy floss		
12	Other (specify)		
		Total lbs.	Total %

*Cannot be combined with any other type of refreshment service.

13 PREMISES AND EQUIPMENT

13 a Describe briefly the premises, equipment that you now have.

13 b Are these sufficient to start operation? Yes ☐ No ☐
If "No," list the other necessary premises and equipment that you need.

14 What is or will be the seating capacity of your establishment? Number of persons

15 b If on a seasonal basis, state the period that establishment will be in operation.
_____ Period

16 How many servings of refreshments do you expect to make during your first 30 days of operation? Number of servings

17 a Will the establishment be operated on a year-round or on a seasonal basis (*check one*) ☐ Year-round ☐ Seasonal

Do not write in this space—To be filled in by SRA Branch Office

Institutional User—Give the information indicated for the comparable establishment selected. Enter in the space provided refreshment base(s) granted.

COMPARABLE ESTABLISHMENT(S)

Name		Name	
Address		Address	
Refreshments served by comparable establishment	Amount of sugar base	Refreshments served by comparable establishment	Amount of sugar base

Type of refreshment(s)	Amount of sugar base granted

NOTE: Applications for bases for "Other" (item 11, line 12) must be forwarded by the SRA Branch Office to the Washington Office. Before forwarding such application be sure that the information of the comparable establishment has been filled in.

Application is ☐ Granted ☐ Denied	Date	SRA branch office	State	Signature

I certify that the above statements are true and correct to the best of my knowledge and belief.

Sign here ..... (Name of applicant) ..... (Date)

A WILLFULLY FALSE CERTIFICATION IS A CRIMINAL OFFENSE

SEC. 4.6 *Quotas established for branch offices.*

Branch Office	Industrial base quota (pounds)	Institutional refreshment base quota (pounds)
	Annually	*Monthly*
Hartford, Conn.	1,665,095	3,015
Augusta, Maine	770,075	2,321
Boston, Mass.	4,009,504	12,076
Concord, N. H.	440,920	1,328
Providence, R. I.	680,741	2,050
Montpelier, Vt.	308,520	929
Baltimore, Md.	3,045,224	9,171
Newark, N. J.	4,019,496	12,106
New York City, N. Y.	7,471,992	22,503
Syracuse, N. Y.	4,180,627	12,591
Philadelphia, Pa.	5,528,369	16,650
Pittsburgh, Pa.	3,280,941	9,879
Indianapolis, Ind.	3,095,280	9,058
Louisville, Ky.	2,510,824	7,561
Detroit, Mich.	5,089,583	15,992
Cleveland, Ohio	3,496,257	10,048
Cincinnati, Ohio	2,751,619	8,288
Charleston, W. Va.	1,732,484	5,218
Birmingham, Ala.	2,673,003	8,050
Miami, Fla.	2,075,949	6,252
Atlanta, Ga.	3,013,997	9,077
Jackson, Miss.	2,091,005	6,027
Raleigh, N. C.	3,347,499	10,082
Columbia, S. C.	1,784,667	5,372
Memphis, Tenn.	2,780,698	8,292
Richmond, Va.	2,781,872	8,378
Little Rock, Ark.	1,725,712	5,194
Wichita, Kans.	1,441,122	4,341
New Orleans, La.	2,340,751	7,050
Kansas City, Mo.	1,503,950	4,529
St. Louis, Mo.	2,124,644	6,399
Oklahoma City, Okla.	1,972,276	5,940
Houston, Tex.	1,515,847	4,659
San Antonio, Tex.	1,537,408	4,691
Dallas, Tex.	3,182,823	9,585
Omaha, Nebr.	1,175,621	3,544
Fargo, N. Dak.	764,429	2,302
Sioux Falls, S. Dak.	674,496	2,031
Milwaukee, Wis.	2,871,604	8,649
Chicago, Ill.	4,288,645	12,915
Springfield, Ill.	3,088,941	9,305
Des Moines, Iowa	2,185,868	6,584
St. Paul, Minn.	2,104,677	6,339
Denver, Colo.	1,032,979	3,112
Boise, Idaho	350,988	1,057
Helena, Mont.	474,645	1,429
Albuquerque, N. Mex.	480,632	1,475
Salt Lake City, Utah	580,808	1,750
Cheyenne, Wyo.	226,081	681
Phoenix, Ariz.	575,669	1,735
Los Angeles, Calif.	4,685,230	14,111
San Francisco, Calif.	3,709,691	11,329
Reno, Nev.	131,152	395
Portland, Oreg.	1,581,468	4,101
Seattle, Wash.	1,527,608	4,601
Spokane, Wash.	442,169	1,332

NOTE: Area quotas as set forth in this section will continue in effect for the same area even though the Branch Office having jurisdiction over such area is discontinued.

ARTICLE V—APPEALS

SEC. 5.1 *Appeals.* Any person may appeal from any action of the Branch Office or the Regional Office adverse to such person. Such appeal shall be made in accordance with the provisions of Article XXIII of Third Revised Ration Order 3.

ARTICLE VI—DEFINITIONS

SEC. 6.1 *Definitions.* (a) "Washington Office" means the national headquarters of the Sugar Rationing Administration, Department of Agriculture, Washington, D. C.

(b) "Branch Office" means a branch office of the Sugar Rationing Administration, Department of Agriculture.

(c) The terms "allotments", "allotment period", "allowances", "base", when used with respect to industrial users and the terms "industrial user" and "industrial user establishment" have the meaning which they have in Third Revised Ration Order 3.

(d) The terms "allotment", "allotment period", "base", when used with respect to institutional users and the terms "institutional user" "institutional user establishment" and "refreshment service allotment" have the meaning which they have in Revised General Ration Order 5.

(e) "Members of his immediate family" means the wife, husband, mother, father, son, daughter, brother or sister of the applicant.

This order shall become effective this 21st day of May 1947.

NOTE: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 15th day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5059; Filed, May 23, 1947; 5.03 p. m.]

[3d Rev. R. O. 3,[1] Amdt. 46]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 17.1 (b) (3) is amended to read as follows:

(3) A transferee of such user or his successor may apply under the provisions of this section.

2. Section 17.3 (c) is amended to read as follows:

(c) A transferee of such person or his successor may apply under the provisions of this section.

3. Section 17.7 (c) is amended to read as follows:

(c) A transferee of such person or his successor may apply under the provisions of this section.

4. A new section 17.8 is added to read as follows:

SEC. 17.8 *Certain persons may apply for a base or an adjustment in base.* (a) The following persons may apply for a base or adjustment in base under the provisions of this section:

[1] 11 F. R. 177, 14281.

(1) Any registered industrial user who used sugar during the base period and whose sugar base, less any adjustment granted under the provisions of section 17.7, is lower than it would have been if his sugar base had been established on the basis of the capacity of the plant as of April 20, 1942, may apply for an adjustment in such base.

(2) Any person who used sugar-containing products in the manufacture of other products for sale or transfer between January 1, 1941 and April 20, 1942, may apply for a base, or for an increase in his base, if the amount of sugar contained in such sugar-containing products is less than the sugar base computed under the provisions of this section on the basis of the capacity of the plant as of April 20, 1942.

(b) Application shall be made on SRA Form R-1235 and the applicant must give all of the information required by the form. The application must be filed:

(1) At the Sugar Branch Office for the place where the industrial user establishment is registered if the application is for an adjustment in base of a registered industrial user establishment;

(2) With the Sugar Branch Office serving the area in which the applicant's establishment is located if:

(i) He does not have a registered establishment and the application covers only one establishment;

(ii) He has one establishment already registered and wishes to register separately the establishment for which application is made. (If the applicant desires to register more than one establishment and desires to register them separately, a separate application must be filed for each such establishment).

(3) With the Sugar Branch Office serving the area in which the applicant's principal office is located, if:

(i) The application covers more than one establishment and the applicant desires to register such establishments together; or

(ii) If he has more than one establishment already registered and they are registered together; or

(iii) If he has one establishment already registered and wishes to register the establishment for which application is made with it.

(c) From the information given on SRA Form R-1235 the capacity of the plant as of April 20, 1942, will be computed. For the purposes of this computation, "Capacity of the plant" means the maximum amount in units, e. g., cases, pounds, etc., of products that could be produced per hour on April 20, 1942, using all of the equipment normally used for the production of such product in the way such equipment was used on that date. In determining capacity of machinery, the manufacturer's rated capacity must be used where available. The following formula, adjusted for each individual case, will be used in computing the base or adjustment in base to be established on the basis of the capacity of the plant as of April 20, 1942:

(1) The capacity (as defined above) multiplied by the sugar content equals the capacity in pounds of sugar per hour;

(2) The capacity of sugar in pounds per hour multiplied by the number of hours per normal work week in 1941 for that industry, multiplied by 52 equals the capacity of the plant in pounds of sugar per year;

(3) Capacity of the plant in pounds of sugar per year multiplied by the figure representing the lowest percent of operation of a substantial number of firms in the industry equals the base which would be established on the basis of the capacity of the plant as of April 20, 1942. (However, if sugar-containing products were used in the base period, the amount determined herein will be reduced by the amount of sugar contained in such products).

NOTE: A similar formula is used in determining the capacity as of April 20, 1942 for using sugar-containing products, rather than sugar in producing products.

(d) The amount of adjustment, if any, to be granted under the provisions of this section shall be determined as follows:

(1) The amount by which the capacity base of the plant as of April 20, 1942, for using sugar or sugar-containing products, as determined in paragraph (c), exceeds the amount of his present base (excluding the amount of any adjustment received under section 17.7); or

(2) If the applicant does not have a sugar base, the amount by which the capacity base of his plant for using sugar-containing products as of April 20, 1942, as determined in paragraph (c), exceeds the amount of sugar used in sugar-containing products between January 1, 1941 and April 20, 1942.

(e) A person may not receive a base or adjustment under this section with respect to:

(1) His use of jams, jellies, preserves, marmalades or fruit butters as a sugar-containing product for the manufacture of any other product;

(2) His use of equipment for the production of jams, jellies, preserves, marmalades or fruit butters;

(3) His use of a sugar-containing product for which a provisional allowance may be obtained in making his product; and

(4) His use of equipment for the production of a sugar-containing product for which a provisional allowance may be obtained.

(f) A Sugar Branch Office may not act on an application filed under this section but must send the application, together with all other information received, including the entire file, to the Regional Office for decision.

(g) Any person who has received a base under the provisions of General Ration Order 19 and who is eligible for a base or an adjustment in base under this section, must give up the base which was established for him under the provisions of General Ration Order 19 before he may receive a base or adjustment in base under this section.

This amendment shall become effective May 21, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of May 1947.

N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 46 to Third Revised Ration Order 3

Proposed amendment. 1. This amendment deletes the provision that a transferee of the person who had the industrial user establishment on April 20, 1942 may not apply for an adjustment under section 17.1 (b) or section 17.3 unless: (1) he obtained the establishment by inheritance or will; (2) the change in ownership is only as to the form of the business organization; (3) he is a member of the immediate family of the transferor who was the owner or part owner of the establishment on April 20, 1942; or (4) one or more of the owners of the establishment at the time of application for an adjustment is a person who had an ownership interest in the establishment continuously from April 20, 1942 to the date of application.

2. Section 17.7 is similarly amended by deleting the restriction that a transferee may not apply for an adjustment under the provisions of that section.

3. A new section 17.8 is added which provides that any registered industrial user whose sugar base, less any adjustment granted under the provisions of section 17.7, is lower than it would have been if his sugar base had been established on the basis of the capacity of the plant as of April 20, 1942, may apply for an adjustment in base and any person who used sugar containing products in the manufacture of other products between January 1, 1941 and April 20, 1942 may apply for a sugar base if the amount of sugar in such sugar-containing products is less than the sugar base computed under this section on the basis of the capacity of the plant as of April 20, 1942. The amount of sugar base or the amount of adjustment in sugar base to be granted to these persons is computed on the same basis as adjustments are granted to persons who invested in productive equipment during the base period or who invested in productive equipment during the war for the purpose of manufacturing sugar-containing products for the armed forces and other designated agencies.

4. A person who used jams, jellies, preserves, marmalades or fruit butters or used a sugar-containing product for which a provisional allowance may be obtained in making his product or who made jams, jellies, preserves, marmalades or fruit butters or any product for which a provisional allowance may be obtained may not receive a base or adjustment in base for such products under the provisions of this action.

5. Application for a base or adjustment in base under this section may be made on SRA Form R-1235 at the Branch Office of the Sugar Rationing Administration.

Reasons for amendment. This amendment is issued in conjunction with General Ration Order 19, the order establishing bases for new sugar businesses,

and implements the provisions contained in that order to provide for hardship and insufficient base period history adjustments under the requirements of the Sugar Control Extension Act of 1947. The reasons for the adoption of the type of adjustment, as provided by this amendment, and the justification for this type of adjustment under the express terms of the act, are fully explained in the preamble to General Ration Order 19 which is issued simultaneously with this amendment.

However, the exclusion from this adjustment provision of manufacturers who used or made jams or jellies in making their product needs further clarification herein. During 1944, manufacturers of preserves, jams, jellies, etc., were encouraged to increase the over-all supply of such items and in order to provide for such increase in supply in these items, were permitted to receive a provisional allowance of sugar for the production of fruit spreads. This meant that such persons were able to operate their plants at full capacity without restrictions as to the amount of sugar which they could obtain for this purpose. The present sugar base for such manufacturers is established on the amount of sugar used in producing these items for civilians in 1941 or the amount of sugar used in producing these items for civilians in 1944 plus 50% of the amount of sugar used in 1944 for making these products for exempt agencies, whichever is greater. Since such manufacturers were able to operate in 1944 at a level commensurate with the capacity of their plant and were not restricted in their operations, as were other industrial users, by the sugar rationing regulations, it is not necessary to grant them an adjustment based on the capacity of the plant as of April 20, 1942.

[F. R. Doc. 47-5058; Filed, May 23, 1947; 5:03 p. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

PART 800—ORDERS AND DELEGATIONS OF AUTHORITY

ORDER PROHIBITING EXPORTATION OF CIGARETTES TO GERMANY

It is hereby ordered, That, effective May 26, 1947, notwithstanding the provisions of any of the general licenses contained in Part 802 of this chapter, no cigarettes or tobacco products shall be exported to Germany from the United States. The provisions of this order shall not apply to shipments by the United States armed forces.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463; 58 Stat. 671, 59 Stat. 270, 60 Stat 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: May 22, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-4979; Filed, May 26, 1947; 8:58 a. m.]

PART 802—GENERAL LICENSES

ORDER PROHIBITING EXPORTATION OF CIGARETTES TO GERMANY

CROSS REFERENCE: For exception to the provisions of certain general licenses contained in this part, see Part 800 of this chapter, *supra*, prohibiting exportation of cigarettes or tobacco products to Germany from the United States.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Coast Guard: Navigational Aids

[CGFR 47-28]

PART 402—AIDS TO NAVIGATION

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 4 of the Administrative Procedure Act (June 11, 1946, 60 Stat. 237), a notice of a public hearing to consider regulations for lights, signals and colors for mooring buoys was published in the FEDERAL REGISTER, dated April 12, 1947 (12 F. R. 2410). The proposed amendments were published in that Notice, and since no comments were submitted and no one attended the public hearing, I therefore, by virtue of the authority vested in me by the act of June 17, 1910, as amended (33 U. S. C. 713, 759) prescribe the following amendments to the regulations to become effective on the thirty-first day after the date of publication in the FEDERAL REGISTER.

Part 402 is amended by the addition of two new sections, reading as follows:

§ 402.01 *Basis and purpose.* Pursuant to the authority in the act of June 17, 1910, as amended (33 U. S. C. 713, 759) the regulations in this part are prescribed to provide a standard by which devices relating to the general safety of navigation are established and maintained, also to provide an efficient, uniform and economic administration of this service.

§ 402.17 *Mooring buoys: lights, signals and colors.* The approval of lights, signals and colors for properly authorized mooring buoys (33 U. S. C. 403) must be obtained, prior to establishment, from the District Commander of the Coast Guard district in which the structure will be situated. Applications for such approval shall be submitted on Coast Guard Form 2554 in accordance with the procedure set forth in § 402.4, insofar as they are applicable to the particular case.

(34 Stat. 324 as amended; 33 U. S. C. 759)

Dated: May 21, 1947.

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4959; Filed, May 26, 1947; 8:59 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

COLORADO GRAZING DISTRICT NO. 8

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see F. R. Doc. 47-4945 under Department of the Interior, Bureau of Reclamation, in the Notices section, *infra*, amending Departmental Order of November 25, 1941, which established Colorado Grazing District No. 8.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 16—RAILROAD RADIO SERVICE

FREQUENCIES

In the matter of amendment to § 16.61 of the Commission's rules and regulations governing Railroad Radio Service.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of May 1947;

It appearing, that, pursuant to proceedings in Docket No. 6651, a final decision was rendered by the Commission on May 25, 1945, allocating a stated number of channels in the frequency spectrum from 25,000 to 30,000,000 kilocycles to the various nongovernment radio services, and providing that further reports allocating specific frequencies in these bands would be made at a later date; and

It further appearing, that on July 12, 1946, the Commission issued its proposal for the final allocation of specific frequencies in the band 152–162 megacycles; that copies of this proposal were served upon all interested parties; and

It further appearing, that written comments, briefs and recommendations were filed by interested parties, and oral argument was held on February 3, 1947, and

It further appearing, that some of the recommendations were adopted and others were rejected; and that on March 20, 1947, a final decision was rendered by the Commission allocating specific frequencies in the band 152–162 megacycles to the various nongovernment radio services; and

It further appearing, that a part of the frequency allocations made by the report of March 20, 1947 is at variance with existing provisions of § 16.61 of the Commission's rules and regulations governing Railroad Radio Service, which enumerates the frequencies available for use of railroad radio stations; wherefore it is necessary that § 16.61 be amended to conform with the frequency allocations in the Commission's report of March 20, 1947;

It is ordered, That effective June 15, 1947,[1] § 16.61 of the Commission's rules and regulations governing Railroad Radio Service be and it is hereby amended to read as follows:

§ 16.61 *Frequencies.* The following frequencies (in megacycles) are allocated to the following classes of stations in the Railroad Radio Service:

(a) To train radio stations primarily for stations on board railroad rolling stock and for land stations primarily for use in communicating with stations on board railroad rolling stock:

158.37	159.09	159.81	160.53	161.25
158.43	159.15	159.87	160.59	161.31
158.49	159.21	159.93	160.65	161.37
158.55	159.27	159.99	160.71	161.43
158.61	159.33	160.05	160.77	161.49
158.67	159.39	160.11	160.83	161.55
158.73	159.45	160.17	160.89	161.61
158.79	159.51	160.23	160.95	161.67
158.85	159.57	160.29	161.01	161.73
158.91	159.63	160.35	161.07	161.79
158.97	159.69	160.41	161.13	161.85
159.03	159.75	160.47	161.19	161.91

These frequencies may also be used on a secondary basis for intercommunication between adjacent land stations provided interference is not caused to communications involving mobile train radio stations.

(b) To yard and terminal and to railroad utility radio stations:

(1) All frequencies in paragraph (a) of this section except 158.43, 159.09, 159.57, 159.81, 160.53 and 161.01 Mc, provided interference is not caused to train radio stations. Each application requesting assignment of one or more of these six frequencies for use by yard and terminal or by railroad utility stations shall show why interference will not be caused to train radio stations.

(2) Specific frequencies to be designated within the following television channels: 44–50; 54–60; 60–66; 66–72; 76–82; 186–192; 192–198; 198–204; 204–210, and 210–216 Mc. Frequencies so designated will be assigned on a mutually noninterfering basis subject to such additional limitations and restrictions as may be deemed necessary.

(c) The assignment of any of the frequencies enumerated in paragraphs (a) and (b) of this section may be restricted in use to one or more specified geographic areas, and may be authorized for use by one or more licensees.

(d) The frequency or frequencies immediately available for assignment to any particular area or railroad may be ascertained by communicating with the Secretary of the Federal Communications Commission Washington 25, D. C.

(Sec. 303 (e), 303 (f), 48 Stat. 1082; 47 U. S. C. 303 (e), 303 (f))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4967; Filed, May 26, 1947; 9:25 a. m.]

[1] See F. R. Doc. 47-4968, *infra*.

[Docket No. 7858]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

ORDER WITH RESPECT TO MEDICAL DIATHERMY AND INDUSTRIAL HEATING EQUIPMENT AND NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO MISCELLANEOUS EQUIPMENT

At a session of the Federal Communications Commission at its offices in Washington, D. C., on May 8, 1947;

The Commission having under consideration its proposed rules "In the Matter of Promulgation of Rules and Regulations Governing Medical Diathermy Equipment and Industrial Heating Equipment" (Docket No. 7858) which were the subject of hearing and oral argument on December 18 and 19, 1946; and

The Commission having under study and consideration the testimony and other evidence received during the said hearing and oral argument, and having revised the said proposed rules in certain respects upon the basis of such study and consideration, including among such revisions the addition of certain provisions which would make the said rules applicable in part to miscellaneous equipment as defined in § 18.2 (d) thereof; and

The Commission having determined that the said rules as revised should be adopted in final form insofar as they are applicable to the operation of medical diathermy equipment and industrial heating equipment, and that the said rules should be adopted as proposed rules insofar as they would be applicable to the operation of miscellaneous equipment as defined in § 18.2 (d) of such rules; now, therefore, *It is hereby ordered*, That:

1. The rules set forth in the annexed Part 18 of the Commission's rules and regulations be, and the same are hereby, adopted as final insofar as they are applicable to the operation of medical diathermy and industrial heating equipment, effective June 15, 1947.[1]

2. Pursuant to sections 4 (i), 301, and 303 of the Communications Act, the rules set forth in the annexed Part 18 of the Commission's rules and regulations be, and the same are hereby, adopted as proposed rules insofar as the rules therein are applicable to the operation of miscellaneous equipment as defined in § 18.2 (d) of the annexed rules.

Interested parties are given until May 31, 1947,[1] to submit such briefs, comments, or statements with respect to the said proposed rules as they may deem appropriate for consideration by the Commission in a determination whether rules with respect to miscellaneous equipment should be adopted and if so whether such rules should be made final in their present form or whether changes in the said rules should be made before they are made final.

GENERAL

Sec.
18.1 Statement of basis and purpose.
18.2 Definitions.

[1] See F. R. Doc. 47-4968, *infra*.

Sec.
18.3 When license is required.
18.4 Full information; inspection by Commission representatives.

OPERATION WITHOUT A LICENSE; MEDICAL DIATHERMY EQUIPMENT

18.11 Operation within assigned frequency bands.
18.12 Operation outside of assigned frequency bands.
18.13 Measurement of field intensity.
18.14 Submission of equipment for type approval tests.
18.15 Effect of certificate of type approval.
18.16 Withdrawal of certificate of type approval.
18.17 Interference from equipment operated in accordance with §§ 18.11 and 18.12.

OPERATION WITHOUT A LICENSE; INDUSTRIAL HEATING EQUIPMENT

18.21 Operation within assigned frequencies.
18.22 Operation outside of assigned frequency bands.
18.23 Measurement of field intensity.
18.24 Interference from equipment operated in accordance with § 18.21 or 18.22.

OPERATION WITHOUT A LICENSE; MISCELLANEOUS EQUIPMENT

18.31 Miscellaneous equipment.

OPERATION FOR WHICH A LICENSE IS REQUIRED

18.41 When a license is required.
18.42 Showing required.
18.43 Applications for station licenses.
18.44 Full information.
18.45 License period.
18.46 Renewal of license.
18.47 Station license, posting of.
18.48 Operator requirements.
18.49 Cessation of operation pursuant to license.
18.51 Existing equipment.

AUTHORITY: §§ 181.1 to 18.51, inclusive, issued under secs. 4 (i), 301, 303, 48 Stat. 1066, 1081, 1082; 47 U. S. C. 154 (i), 301, 303.

GENERAL

§ 18.1 *Statement of basis and purpose.* (a) Section 301 of the Communications Act of 1934, as amended, provides for the control by the Federal Government over all the channels of interstate and foreign radio communication and further provides, in part, that no person shall use or operate apparatus for the transmission of energy, communications, or signals by radio when the effects of such operation extend beyond state lines or cause interference with the transmission or reception of energy, communications, or signals, of any interstate or foreign character by radio, except under and in accordance with the Communications Act and a license granted under the provisions of that act. The operation in the industrial, scientific and medical service of medical diathermy equipment, industrial heating equipment and miscellaneous equipment of a type which emits radiofrequency energy upon frequencies within the radio spectrum constitutes a serious source of interference to authorized radio communication services operating upon the channels of interstate and foreign communication unless precautions are taken which will prevent the creation of any substantial amount of such interference.

(b) The following rules and regulations are designed to have a twofold effect:

(1) They set forth the conditions under which the operation of the equipment in question is not regarded as a cause of interference to the authorized radio communication services and is therefore not required to be operated pursuant to license under the Communications Act.

(2) They provide a procedure for the licensing of medical diathermy, industrial heating and miscellaneous equipment which in operation constitute a source of interference to authorized communication services, directly affect the control of the Federal Government over the channels of interstate and foreign radio communication, and are therefore required to be licensed.

§ 18.2 *Definitions.* For purposes of the provisions of this part of the rules and regulations the following definitions in the industrial, scientific, and medical service shall be applicable.

(a) "Radiofrequency energy" shall include electromagnetic energy generated at any frequency in the radio spectrum between 10 kilocycles and 30,000 megacycles.

(b) "Medical diathermy equipment" shall include any apparatus (other than surgical diathermy apparatus designed for intermittent operation with low power) which utilizes a radiofrequency oscillator or any other type of radiofrequency generator and transmits radiofrequency energy used for therapeutic purposes.

(c) "Industrial heating equipment" shall include any apparatus which utilizes a radiofrequency oscillator or any other type of radiofrequency generator and transmits radiofrequency energy used for or in connection with industrial heating operations utilized in a manufacturing or production process.

(d) "Miscellaneous equipment" shall include apparatus other than that defined in or excepted in paragraphs (b) and (c) of this section which uses radiofrequency energy for heating, ionization of gases, or other purposes in which the action of the energy emitted is directly upon the work load and does not involve the use of associated radio receiving equipment.

§ 18.3 *When license is required.* Any medical diathermy equipment, industrial heating equipment or miscellaneous equipment which complies with the provisions of §§ 18.11 to 18.17, inclusive, 18.21 to 18.24, inclusive, or 18.31 for operation without a license may be operated without a station license. A license is required for any such equipment operated otherwise.

§ 18.4 *Full information; inspection by Commission representatives.* Upon request by the Commission the owner or operator of any medical diathermy equipment, industrial heating equipment, or miscellaneous equipment shall promptly furnish the Commission with such information as may be requested concerning the operation of such equipment. The premises in which medical diathermy, industrial heating, or miscellaneous equipment are operated, and any license or certification required hereby, shall be available for inspection by representatives of the Commission at all reasonable hours.

OPERATION WITHOUT A LICENSE; MEDICAL DIATHERMY EQUIPMENT

§ 18.11 *Operation within assigned frequency bands.* A station license is not required for the operation of medical diathermy equipment within assigned frequency bands provided such operation meets the following conditions:

(a) Such operation shall be confined to one or more of the following bands of frequencies and in accordance with the general conditions of operation set out in the guarantee or certification required by paragraphs (c) or (d) of this section.

Assigned band	Center frequency of channel	Tolerance (from center frequency)
	Mc	*Kc*
13.6525–13.6775 mc	13.66	±7.5
27.160–27.480 mc	27.32	±160
40.960–41.000 mc	40.98	±20

[1] By public notice and order dated December 26, 1946, the Commission also announced the availability of the frequency 2450 mc±50 mc as being available for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of the frequency 2450 mc would be governed by the conditions set forth in that order and set out as Appendix A hereto rather than Part 18 of the Commission's rules.

(b) Such operation may be without regard to the type or power of emissions being radiated. Spurious and harmonic radiations on frequencies other than those specified above shall be suppressed so that such radiations do not exceed a strength of 25 microvolts per meter at a distance of 1000 feet or more from the medical diathermy equipment causing such radiations.

(c) With respect to equipment for which type approval has been received from the Commission in accordance with §§ 18.14 to 18.16, inclusive, hereof there shall be affixed to each unit of equipment operated in accordance with paragraphs (a) and (b) of this section, or posted in the room in which such operation occurs, a dated certificate of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment; setting forth the F. C. C. type approval number for such equipment, the general conditions under which such equipment should be operated, and certifying that the equipment involved may reasonably be expected to meet the requirements of this section under the described conditions of operation for a period of at least three years. The certification required in this section shall describe with certainty the apparatus covered thereby.

(d) The owners or operators of equipment which has not received type approval but which is manufactured for operation without a license and designed to meet the technical requirements set forth under § 18.11 (a) and (b) shall have posted in the room in which such equipment is operated a dated certificate of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment, setting forth the general conditions under which such equipment should be operated and certifying that the equipment involved may reasonably be expected to meet the requirements of this section for a period of at least three years under the described conditions of operation. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the egineering tests upon which such certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with § 18.13.

(e) No regular renewal of certification is required for equipment covered in paragraph (c) of this section. The certification required in paragraph (d) of this section shall be renewed at intervals of three years. Notwithstanding the above provisions with respect to renewal of certification, the certification required by paragraph (c) or (d) of this section shall be renewed for particular equipment by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with provisions of these rules or the source of interference to radio communication.

§ 18.12 *Operation outside of assigned frequency bands.* A station license is not required for the operation of medical diathermy equipment outside of the frequency bands specified in § 18.11 (a) provided such operation is in accordance with the general conditions of operation set out in the certification required in paragraph (c) of this section, and meets the following conditions:

(a) The equipment used in such operation shall be provided with a rectified and filtered plate power supply, power line filters, and shall be operated in a completely shielded room or space.

(b) The emission of radio frequency energy generated by such operation, including spurious and harmonic emissions, shall not exceed a strength in excess of 15 microvolts per meter at a distance of 1000 feet or more from the medical diathermy equipment on frequencies other than those specified in § 18.11 (a).

(c) There shall be affixed to each unit of equipment so operated, or posted in the room in which such operation occurs, a dated certification of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment setting forth the general conditions under which such equipment should be operated and certifying that under the described conditions of operation the requirements of this section may reasonably be expected to be met for a period of at least three years. The certification required by this section shall describe with certainty the equipment covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with the provisions of § 18.13.

(d) The certification required in paragraph (c) of this section shall be renewed every three years; *Provided*, That such certification shall be renewed for particular equipment by such earlier date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with the provisions of these rules or a source of interference to radio communication.

§ 18.13 *Measurement of field intensity.* Measurements to determine the field intensity of radio frequency energy generated by medical diathermy equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) An approved type of field intensity meter using loop pickup shall be used for measurements on frequencies below and including 18 mc, and such a meter with a doublet antenna shall be used for measurements for frequencies above 18 mc. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

(b) The field intensity at 1,000 feet from the medical diathermy equipment, or at any other point at which it becomes necessary to determine such intensity, shall be determined by measurements at approximately 100 feet intervals along 5 radials approximately 72° apart, provided that additional measurements shall be taken when necessary in particular cases. An average curve shall be drawn through the points obtained for each radial and then either (1) the field intensity at 1,000 feet taken from the curve or (2) the curve extended to the 1,000 feet point to obtain the field intensity at that point. If points of measurement along a radial are such that marked changes of field intensity over short distances are noted because of standing waves, multipaths, etc., continuous measurements shall be made along any such radial at points 100 feet apart in order to obtain average values for such points.

(c) The field intensities specified herein refer to the maximum field intensity regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field intensity may exceed that at 12 feet.

(d) If due to the location of equipment in a large city, or for some other reason, measurements as outlined above are impractical because of shadows or shielding of large buildings or other objects, every effort should be made to obtain necessary measurements at clear locations such as atop adjacent buildings, etc., with the measurements corrected to the height specified in paragraph (c) of this section in accordance with best available engineering information.

§ 18.14 *Submission of equipment for type approval tests.*[2] (a) Manufacturers of medical diathermy equipment designed to operate within the frequency bands specified in § 18.11 (a) may submit units of such equipment to this Commission for type approval upon the grant of request therefor made in writing by the manufacturer to the Secretary of the Commission. Such a request will not be granted unless at least 5 units of the model to be submitted are scheduled for manufacture and the manufacturer agrees to bear all forwarding and return charges in connection with the shipment of the unit to be tested between the Federal Communications Commission, Laboratory Division, Laurel, Maryland, and the manufacturer.

(b) Any such equipment which is submitted will be tested and a certificate of type approval will be issued to the manufacturer for each type of equipment which meets the following tests:

(1) The frequency at all times during the tests below shall be within the middle 70% of the frequency bands specified in § 18.11 (a).

(i) From a cold start the machine will be operated continuously at full load for 6 hours, except that machines classified as portable will be subject to a 2 hour test.

(ii) From a cold start the machine will be operated at no load for 5 minutes and then the frequency deviation determined over a normal treatment cycle. A treatment cycle will be simulated by artificial varying loads and varying settings of the resonance and other operating controls. Similar treatment cycle tests will be conducted after periods of continuous full load operations up to six hours (2 hours for portable operation) to determine the maximum deviation. The number of such tests normally will be determined by the results of test a. *Provided, however,* That equipment designed to operate within the frequency bands set forth in § 18.11 (a) may be granted type approval regardless of frequency stability, provided such equipment meets the other requirements hereof and contains a power cut-off mechanism which is effective in rendering the machine inoperative when the deviation from the assigned center frequency exceeds 70% of the tolerance provided for.

(2) The equipment must be designed to prevent the emission of spurious and harmonic radiations to the extent required in § 18.11 (b).

(3) The electrical and mechanical components of the machine and their installation must be such as to give reasonable assurance of compliance with the requirements of permissible frequency tolerance for at least 5 years.

(4) In the case of withdrawal of a certificate of type approval as hereinafter provided for the manufacturer shall make no further sale of equipment under such certificate.

§ 18.15 *Effect of certificate of type approval.* A certificate of type approval constitutes a recognition that on the basis of the tests made the equipment appears to have the capability of functioning in accordance with the provisions of § 18.11 (a) and (b) provided such equipment is properly constructed, maintained and operated, and no change whatsoever is made in the construction of equipment sold under the Certificate of Type Approval issued by the Commission except on specific approval by the Commission to any changes made.

§ 18.16 *Withdrawal of certificate of type approval.* A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved.

§ 18.17 *Interference from equipment operated in accordance with §§ 18.11 and 18.12.* In the event of interference to any authorized radio service caused by the equipment operated in accordance with the provisions of §§ 18.11 and 18.12, such steps as may be necessary to remedy such interference condition shall promptly be taken.

OPERATION WITHOUT A LICENSE; INDUSTRIAL HEATING EQUIPMENT

§ 18.21 *Operation within assigned frequencies.* A station license is not required for the operation of industrial heating equipment within assigned frequency bands provided such operation meets the following conditions.

(a) Such operation shall be confined to one or more of the following bands of frequencies and in accordance with the general conditions of operation set out in the certification required by paragraph (c) of this section:

Assigned band [1]	Center frequency of channel	Band width of channel (from center frequency)
	Mc	*Kc*
13.6525–13.6775 mc	13.66	±7.5
27.160–27.480 mc	27.32	±160
40.960–41.000 mc	40.98	±20

[1] See footnote to table in § 18.11 (a).

(b) Such operation may be without regard to the type or power of emissions being radiated. However, spurious and harmonic radiations shall be suppressed so that such radiations do not exceed a strength of 10 microvolts per meter at a distance of one mile or more from the radiating equipment. Filtering between the radiating equipment and power lines must be provided to the extent necessary to prevent the radiation of energy from power lines on frequencies outside of the assigned bands with a strength in excess of 10 microvolts per meter at a distance of one mile or more from the industrial heating equipment, when measured at a distance of 50 feet from the power line.

(c) There shall be affixed to each unit of equipment so operated, or posted in the room in which such operation occurs, a dated certificate of a duly qualified engineer, or a dated certificate or name plate of the manufacturer of the equipment, setting forth the general conditions under which such equipment should be operated, and certifying that the equipment involved may reasonably be expected to meet the requirements of this section under the described conditions of operation for a period of at least

[2] Medical diathermy equipment operated on the frequency 2450 mc as indicated in note 2, *supra*, will be eligible for type approval upon a determination by the Laboratory Division of compliance with the requirements of the public notice and order referred to in footnote to table in § 18.11 (a).

three years. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with the provisions of § 18.23.

(d) The certification required in paragraph (c) of this section shall be renewed for particular equipment, by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with the provisions of these rules or the source of interference to radio communication.

§ 18.22 *Operation outside of assigned frequency bands.* A station license is not required for the operation of industrial heating equipment outside of the frequency bands specified in § 18.21 (a), provided such operation is in accordance with the general conditions of operation set out in the guarantee or certificate required in paragraph (b) of this section, and meets the following conditions:

(a) The equipment used in such operation shall be operated within a room or space with sufficient shielding and power line filtering so that the emissions of radiofrequency energy generated by such operation, including spurious and harmonic emissions will not exceed a strength of 10 microvolts per meter at a distance of one mile from the industrial heating equipment on frequencies other than those specified in § 18.21 (a). The radiofrequency field from power lines due to radiofrequency energy originating with such equipment at distances beyond one mile must be less than 10 microvolts per meter when measured at one mile from such equipment and 50 feet from the power line.

(b) There shall be affixed to each unit of equipment so operated or posted in the room in which such operation occurs, a dated certificate of a duly qualified engineer, or a dated certificate or name plate of the manufacturer of such equipment, setting forth the general conditions under which such equipment should be operated and certifying that the equipment involved may reasonably be expected to meet the requirements of this section under the described conditions of operation for at least three years. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with the provisions of § 18.23.

(c) The certification required in paragraph (b) of this section shall be renewed for particular equipment by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with the provisions of these rules or source of interference to radio communication.

§ 18.23 *Measurement of field intensity.* Measurements to determine the field intensity of radiofrequency energy generated by industrial heating equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) An approved type of field intensity meter employing loop pickup shall be used for measurements on the frequencies of 18 mc and below, and such a meter with a doublet antenna shall be used for measurements on frequencies above 18 mc. Appropriate techniques shall be resorted to for measurements in the micro-wave region of the spectrum.

(b) Prior to the determination of the maximum field intensity at one mile, a sufficient number of measurements shall be made in the vicinity of the industrial heating equipment to enable plotting of the polar radiation pattern. Where conditions permit, these measurements shall be made at intervals of not more than 20 degrees in azimuthal directions and at distances not exceeding 1000 feet from the equipment. The measurements so obtained shall be reduced to the equivalent field intensities at 1000 feet.

(c) The measurements for the maximum field intensity at one mile shall be made along the radial corresponding to the lobe of maximum radiation as determined from the polar radiation pattern. If two or more lobes of radiation of approximately the same intensity are present, measurements to determine field intensity shall be made along the several radials for such lobes. Where possible, field intensity measurements shall be made along each radial at intervals of not greater than 500 feet and an average curve drawn for measured field intensity in microvolts per meter versus distance in feet. Where necessary, the average curve shall be extended to show the extrapolated field intensity at one mile. In those cases where it is impractical to conduct measurements along the radial of maximum radiation a sufficient number of field intensity measurements will be made to clearly indicate the magnitude of the radiation field in the sector containing the lobe of maximum radiation.

(d) Where there is evidence of radiation from power lines field intensity measurements shall be made at not less than three points along the power line located approximately one mile from the industrial heating equipment causing such radiation and to include a length of power line not less than 500 feet. One point of measurement shall lie within the one-mile distance and the other beyond. At each of these points at least three measurements of field intensity shall be made along a line normal to the power line and out to a distance from the power line not exceeding 50 feet.

(e) The field intensities specified herein refer to the maximum field intensity, regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field intensity may exceed that at 12 feet.

§ 18.24 *Interference from equipment operated in accordance with §§ 18.21 or 18.22.* In the event of interference to any authorized radio service from equipment operated in accordance with the provisions of §§ 18.21 and 18.22, steps to remedy such interference condition shall promptly be taken.

OPERATION WITHOUT A LICENSE; MISCELLANEOUS EQUIPMENT

§ 18.31 *Miscellaneous equipment.* The operation without a license of miscellaneous equipment, as defined in § 18.2 (d), generating radiofrequency power of 500 watts or less, shall be in compliance with the provisions of these rules for medical diathermy apparatus. Operation of such equipment generating radiofrequency power in excess of 500 watts shall be in compliance with the requirements for medical diathermy apparatus except that the maximum radiated field permitted shall be increased as the square root of the ratio of the generated power to 500 watts; *Provided*, That the radiated field shall in no case exceed the fields permitted industrial heating apparatus; *Provided further*, That equipment used in predominantly residential areas and operating on frequencies below 1,000 mc shall not be permitted the increase in field with power as indicated above, but shall be subject to the restrictions contained herein for diathermy equipment. Miscellaneous equipment, as defined in § 18.2 (d), may be type approved under procedures similar to that for diathermy equipment with such changes in the above procedure as may be required because of the nature of the partcular equipment involved.

OPERATION FOR WHICH A LICENSE IS REQUIRED

§ 18.41 *When a license is required.* (a) No medical diathermy equipment, industrial heating equipment or miscellaneous equipment which does not comply with §§ 18.11 to 18.17, inclusive, or 18.21 to 18.31, inclusive, shall be operated except pursuant to a station license issued by the Commission authorizing such operation.

(b) Whenever the Commission on complaint or on its own motion determines that medical diathermy equipment, industrial heating equipment or miscellaneous equipment is not in fact operating in compliance with the provisions of §§ 18.11 to 18.17, inclusive, or 18.21 to 18.31, inclusive, and so advises the operator of such equipment, further operation of such equipment without a station license shall be unlawful unless within 10 days of the receipt of such notice, or within such further time as the Commission may for good cause allow, the operator of such equipment shall file with the Commission a certificate of a competent engineer stating that the equipment is now capable of complying with the requirements of the rules.

§ 18.42 *Showing required.* A station license for the operation of medical diathermy equipment, industrial heating equipment or miscellaneous equipment will be granted upon proper application therefor in accordance with the provisions of this part and a showing that in the light of the following considerations the public interest, convenience, and necessity would be served by such a grant: (a) The purpose for which the equipment sought to be licensed will be used; (b) the reasons why the equipment involved may not be operated in compliance with the provisions of this part for the operation of such equipment without a license; and (c) the nature and extent of interference that may be caused to authorized communication services by the operation of such equipment.

§ 18.43 *Applications for station licenses.* Each applicant for a station license authorizing the operation of medical diathermy, industrial heating equipment, or miscellaneous equipment, or requesting the modification or renewal of such a license, shall file with the Commission in Washington, D. C., three copies of each application on the appropriate form designated by the Commission and a like number of any exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. Application for a license shall be made up on the appropriate form prescribed by the Commission, and separate application should be made for each unit of equipment for which a license is sought. Application for modification or renewal of a license shall also be upon appropriate form prescribed by the Commission.

§ 18.44 *Full information.* Each application for a license authorizing the operating of medical diathermy, industrial heating equipment or miscellaneous equipment shall contain full and complete information concerning all matters and things required to be disclosed by the application form.

§ 18.45 *License period.* Each station license authorizing the operation of medical diathermy, industrial equipment or miscellaneous equipment will expire at the hour of 3 a. m. and will be issued for a normal license period of five years or such other period as the Commission may specify upon consideration of the facts in a particular case. Each such license shall be non-transferable.

§ 18.46 *Renewal of license.* Unless otherwise directed or permitted by the Commission, applications for renewal of a station license for the operation of medical diathermy, industrial heating equipment or miscellaneous equipment shall be filed with the Commission upon prescribed forms at least 60 days prior to the expiration date of such license.

§ 18.47 *Station license, posting of.* The original of each station license shall be posted in the room in which the equipment is operated. Licenses covering equipment not used in a fixed place shall be attached to the equipment itself.

§ 18.48 *Operator requirements.* Equipment for which a station license is issued pursuant to the provisions of this part of the Commission's rules and regulations may be operated by persons who do not hold an operator license or permit issued by this agency.

§ 18.49 *Cessation of operation pursuant to license.* If any equipment for which a license has been issued hereunder shall cease to be operated pursuant to such license, or is transferred, sold, assigned, leased, loaned, stolen, destroyed, or otherwise removed from the possession of the licensee, the licensee shall within five days of such occurrence notify the Commission thereof and, where possible, include in such notification the name and address of the recipient of such equipment.

§ 18.51 *Existing equipment.* The provisions of this part shall not be applicable for a period of five years from the effective date hereof to the operation of equipment, the manufacture and assembly of which is completed prior to July 1, 1947, *Provided*, That the foregoing provisions of this section shall be applicable only if in the event of interference to authorized radio services resulting from the operation of equipment manufactured prior to July 1, 1947 such steps as may be suitable under the circumstances are promptly taken to eliminate such interference.

By direction of the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX A

PUBLIC NOTICE AND ORDER WITH RESPECT TO PROMULGATION OF RULES AND REGULATIONS GOVERNING MEDICAL DIATHERMY EQUIPMENT AND INDUSTRIAL HEATING EQUIPMENT

Public notice. By public notice of September 20, 1946, the Commission announced proposed rules and regulations governing the operation of medical diathermy equipment and industrial heating equipment and specified November 6, 1946, for oral argument and hearing on such proposed rules and regulations. In its public notice of September 20, 1946, the Commission also stated that in the oral argument and hearing referred to above consideration would be given to the question whether an additional frequency band should be assigned for the operation of medical diathermy equipment and industrial heating equipment in the 3000 megacycle region of the spectrum. By subsequent notice dated October 9, 1946, the said oral argument and hearing was postponed to December 18, 1946, and in a further notice of November 14, 1946, particular attention was called to the fact that consideration would be given to allocation of a frequency in the 3000 megacycle region of the spectrum for industrial, medical, and scientific purposes and all interested parties were invited to submit comments and participate in the scheduled oral argument and hearing.

The oral argument and hearing referred to above was held on December 18 and 19, 1946, and upon the basis of the evidence received at that time the Commission has determined that the public interest would be served by a grant of the request for allocation of space in the 3000 megacycle region of the spectrum which would be available for industrial, medical, and scientific purposes. Accordingly, the Commission has adopted the order set out below providing for allocation of the frequency 2450 megacycles for such purposes and requiring that emissions radiated in the course of operation on that frequency be confined within the range 2400–2500 megacycles.

The regulations under consideration in Docket 7858 with respect to operation of industrial heating and medical diathermy equipment in the 13, 27, and 40 megacycle regions of the spectrum are inapplicable to this operation on 2450 megacycles and detailed regulations with respect to operation on that frequency have not yet been promulgated. However, rather than postpone the availability of the ferquency in question for general use until such standards have been determined, the Commission is making the frequency 2450 megacycles available for immediate nonexclusive use without a license for industrial, medical, and scientific purposes in compliance with certain conditions set forth in the order. It should be noted particularly that operation at this time rather than at a later date after the promulgation of engineering standards is expressly made subject to such regulations as the Commission may in the future decide to be appropriate with respect to operation upon the frequency in question. Persons who make use of that frequency now are accordingly placed on notice that such regulations may be adopted and be applicable to their operation.

Order. At a meeting of the Federal Communications Commission in its offices in Washington, D. C. on December 26, 1946.

The Commission having under consideration a request for assignment of a frequency in the 3000 megacycle region of the radio spectrum for industrial, medical, and scientific purposes without a license, and

The Commission on December 18 and 19, 1946, having held a public hearing, after due notice to all interested parties, to receive evidence upon the question whether such a band should be assigned for such purposes; and

The Commission having considered the evidence presented during such hearing and having determined upon such consideration that the public interest, convenience, and necessity would be served by such an allocation:

Now, therefore, *It is hereby ordered*, That the frequency 2450 megacycles be, and the same is hereby, assigned, for industrial, medical, and scientific purposes upon a nonexclusive basis. Operation for such purposes upon the frequency 2450 megacycles may be conducted without a license only upon the following conditions:

(1) The emissions of radiofrequency energy resulting from such operation shall be confined to that portion of the spectrum between 2400–2500 megacycles.

(2) The energy radiated and the band width of emissions of all industrial, medical and scientific equipment operated as provided for herein shall be reduced to the greatest extent practicable. No interference shall be caused to authorized communication services from spurious or harmonic radiations. In the event of such interference from spurious or harmonic radiations, operation of the equipment causing such interference shall cease and shall not be resumed until steps necessary to eliminate such interference have been taken.

(3) Operation upon the assigned frequency as specified above shall be subject to such future regulations as may be found by the Commission to be appropriate.

By direction of the Commission.

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4966; Filed, May 26, 1947; 9:25 a. m.]

[Docket No. 7858]

PART 16—RAILROAD RADIO SERVICE

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

ORDER EXTENDING EFFECTIVE DATE[1]

In the matter of amendment of § 16.61 of the Commission's rules and regulations governing Railroad Radio Service.

In the matter of promulgation of rules and regulations relating to Industrial, Scientific and Medical Service (Part 18).

[1] See F. R. Docs. 47-4966 and 47-4967, *supra*.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of May 1947;

The Commission having, on May 8, 1947, adopted orders in the above-captioned matters to become effective on June 15, 1947, and also adopted a notice of Proposed Rule Making in Docket No. 7858 providing for the submission of comments by May 31, 1947; and

It appearing, that, in order to effectuate said actions of the Commission by publication in the FEDERAL REGISTER it is necessary to extend said dates;

It is ordered, That, the effective dates of said orders be extended to June 30, 1947, and that the date for submission of comments with respect to said Notice of Proposed Rule Making be extended to June 5, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4968; Filed, May 26, 1947; 9:25 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Ch. IX]

[Docket No. AO-184]

HANDLING OF MILK IN NASHVILLE, TENN., MARKETING AREA

PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of a public hearing to be held at the Andrew Jackson Hotel, Nashville, Tennessee, beginning at 9:00 a. m., c. s. t., June 23, 1947.

This public hearing is for the purpose of receiving evidence with respect to a proposed marketing agreement and order, regulating the handling of milk in the Nashville, Tennessee, marketing area, the provisions of which are hereinafter set forth, and any modifications thereof. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposed marketing agreement and order and any modifications thereof. The provisions of the proposals for a marketing agreement and order, heretofore filed with the undersigned, are as follows:

Marketing Agreement and Order Proposed by the Nashville Milk Producers, Inc., Nashville, Tennessee

SECTION 1. *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Nashville marketing area," hereinafter called the "marketing area," means all the territory within the corporate limits of the cities of Nashville, and Belle Meade, and the territory within the civil districts Nos. 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, and 13, all located in Davidson County, Tennessee.

(f) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers.

(h) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

(i) "Fluid milk plant" means the premises and the portions of the building and facilities used in the receipt and processing or packaging of milk, all, or a portion of which is disposed of from such plant within the delivery period as Class I milk in the marketing area, but not including any portion of such building or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

(j) "Producer" means any person who produces, under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, milk which is:

(1) Received at a plant from which milk or cream is disposed of in the marketing area for human consumption as fluid milk or fluid cream;

(2) Received at a plant approved by the appropriate health authority in the marketing area to furnish milk or cream to a plant described under subparagraph (1) of this paragraph; or

(3) Diverted from any plant described under either subparagraph (1) or subparagraph (2) of this paragraph to any other milk distributing or milk manufacturing plant, including any plant described under subparagraphs (1) or (2) of this paragraph: *Provided*, That any such milk so diverted shall be deemed to have been received at the plant from which it was diverted.

(k) "Handler" means:

(1) Any person who receives milk, produced under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, at a plant described in paragraphs (j) (1) or (j) (2) of this section; and

(2) Any cooperative association of producers with respect to milk diverted from a plant described under subparagraphs (1) or (2) of paragraph (j) of this section to any milk distributing or milk manufacturing plant not operated by a handler, for the account of such association.

(l) "Non-handler" means any person who is not a handler but who operates a milk manufacturing, processing, or bottling plant.

(m) "Other source milk" means all skim milk (including reconstituted skim milk) and butterfat not derived from producer milk;

(1) Contained in milk, skim milk, or cream, or

(2) Used to produce any milk product. "Other source milk" shall include milk, skim milk, cream, or any milk product received at a fluid milk plant under an emergency permit issued by the appropriate health authorities in the marketing area.

(n) "Producer milk" means milk produced by one or more producers under the conditions set forth in paragraph (j) of this section.

SEC. 2. *Market Administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the power to:

(1) Administer the terms and provisions hereof,

(2) Report to the Secretary complaints of violations hereof,

(3) Make rules and regulations to effectuate the terms and provisions hereof, and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Within 45 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(3) Pay, out of the funds provided by section 10:

(i) The cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator,

(ii) His own compensation, and

(iii) All other expenses, except those incurred under section 11 hereof, which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(4) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made;

(i) Reports pursuant to section 3 (a), or

(ii) Payments pursuant to section 9;

(6) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(7) Prepare and disseminate for the benefit of producers, consumers, and handlers, such statistics and information concerning the operations hereunder as do not reveal confidential information;

(8) Audit all reports and payments by each handler by inspection of each handlers records and of the records of any person upon whose utilization the classification of milk depends;

(9) Publicly announce prices and butterfat differentials for each delivery period, as follows:

(i) On or before the 6th day after the end of each delivery period the class prices and butterfat differentials computed pursuant to section 5; and

(ii) On or before the 10th day after the end of each delivery period, the uniform prices computed pursuant to section 8 (b) and the butterfat differential to be paid pursuant to section 9 (f).

SEC. 3. *Reports of handlers*—(a) *Periodic reports.* On or before the 6th day after the end of each delivery period, each handler, who purchases or receives milk from producers, with respect to all skim milk and butterfat contained in milk, skim milk, cream, and milk products which were, during each delivery period received from (1) producers; (2) other handlers; (3) own farm production; (4) any other sources, shall report to the market administrator in the detail and on forms prescribed by him as follows:

(i) The receipts at each plant from producers who are not handlers;

(ii) The receipts at each plant from any other handler;

(iii) The receipts at each plant from producer-handlers;

(iv) The receipts at each plant from such handler's own farm production;

(v) The receipts at each plant from any other source;

(vi) The utilization of all skim milk and butterfat disposed of; and

(vii) The quantity of skim milk and butterfat on hand at the beginning and end of the delivery period.

(b) *Reports of producer-handlers and handlers who receive no milk from producers.* Producer-handlers and handlers who receive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) *Reports as to producers.* Each handler shall within 20 days after the end of the delivery period, submit to the market administrator his producer pay roll for such delivery period which shall show for each producer (1) the total pounds of milk delivered with the average butterfat test thereof, and (2) the net amount of such handler's payments to such producer together with the prices, deductions, and charges involved.

(d) *Other reports.* On or before the day a handler receives "other source" milk, he shall report to the market administrator his intentions to receive such milk.

(e) *Verification of reports.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records, and the records of any other handler or person upon whose utilization the classification of milk depends. Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and utilization of all skim milk and butterfat and in the case of errors or omissions, ascertain the correct figures.

(2) Weigh, sample, and test for butterfat content, milk and milk products;

(3) Verify payments to producers; and

(4) Make such examinations of operations, equipment, and facilities as the market administrator deems necessary.

SEC. 4. *Classification of milk*—(a) *Basis of classification.* All skim milk and butterfat received in milk, (including producer milk diverted) skim milk, cream, and milk products purchased or received by a handler at a fluid milk plant shall be reported by the handler and shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (a), (d), and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of (i) milk, skim milk (including reconstituted skim milk), cream, sweet or sour (including any mixture of cream and milk or skim milk), buttermilk, and flavored milk drinks, and (ii) all skim milk and butterfat not specifically accounted for as Class II milk.

(2) Class II milk shall be all skim milk and butterfat specifically accounted for as disposed of (i) in a milk product other than those specified in (1) of this paragraph, (ii) inventory variations, and (iii) as actual plant shrinkage not in excess of 1 percent of the total receipts of skim milk and butterfat from producers, hereinafter known as allowable shrinkage.

(c) *Responsibility of handlers.* In establishing the classification of milk as required in paragraph (b) of this section the burden rests upon the handler, who first receives or diverts milk from producers, to account for the skim milk and butterfat contained in such milk and to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(d) *Transfers of milk and cream.* (1) Skim milk and butterfat shall be classified as Class I milk when disposed of in the form of any item specified in paragraph (b) (1) of this section by a handler (i) to other handlers who receive milk from producers: *Provided*, That if the market administrator is furnished with a statement signed by both the buying and the selling handler that such skim milk or butterfat was used to produce a Class II item, it shall be classified accordingly subject to verification by the market administrator; (ii) to a producer-handler; and (iii) to a handler who purchases or receives no producer milk.

(2) Skim milk and butterfat contained in skim milk, milk or cream when disposed of by a handler to a plant of a "non-handler" shall be Class I milk, except where during the delivery period ice cream, ice cream mix, evaporated or condensed milk, butter, milk powder, or cheese (including cottage cheese) is manufactured such milk shall be classified under paragraph (b) of this section according to its use at such latter plant: *Provided*, That, if such milk is disposed of more than 50 miles from the Nashville, Tennessee, City Hall it shall be classified Class I milk.

(e) *Correction of classification and reclassification of milk.* (1) The classification of any skim milk and butterfat shall be corrected by the market administrator if upon his audit it is found that such classification was reported incorrectly or incompletely by the handler.

(2) Any skim milk or butterfat reported by a handler as having been disposed of in any class which is found by the market administrator to have been redisposed of (whether in original or other form) in a different class by such handler, by other handler(s) or by any nonhandler(s) shall be reclassified by the market administrator in accordance with such latter use or disposition.

(f) *Computation of the milk in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the report submitted by each handler and shall compute on the basis of the corrected report the amount of milk disposed of in each class as defined in paragraph (b) of this section as follows:

(1) Determine the total pounds of milk received by adding into one sum the total pounds of skim milk and butterfat contained in the milk, skim milk, cream, and milk products received from all sources;

(2) Determine the total pounds of milk in Class I by adding into one sum the total pounds of skim milk and butterfat disposed of in each of the several products of Class I, and the total pounds of skim milk and butterfat unaccounted for or accounted for as actual plant shrinkage in excess of allowable shrinkage;

(3) Determine the total pounds of milk in Class II by (i) adding into one sum the pounds of skim milk and butterfat disposed of in each of the several products of Class II and (ii) the pounds of skim milk and butterfat accounted for as actual plant shrinkage not in excess of allowable shrinkage.

(g) *Allocation of milk classified.* The pounds of skim milk and butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(1) Subtract from the pounds of skim milk and butterfat in Class II milk the pounds of allowable shrinkage pursuant to paragraph (b) (2) of this section;

(2) Subtract from the pounds of skim milk and butterfat in Class II the pounds of skim milk and butterfat which were received from sources other than producers, and other handlers: *Provided,* That if the receipts of skim milk or butterfat from other sources other than producers, and other handlers are greater than the remaining pounds of skim milk or butterfat in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk or butterfat in Class I;

(3) Subtract from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat which were received from other handlers and allocated to each class pursuant to paragraph (d) (1) (i) of this section;

(4) Add to the remaining pounds of skim milk and butterfat in Class II the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk and butterfat in both classes exceed the pounds of skim milk and butterfat in milk received from producers, subtract such excess from the remaining pounds in each class in series beginning with the lower price class;

(5) Add the pounds of skim milk and butterfat in each class and determine the percentage of butterfat for each class; and

(6) The result shall be known as the "net pooled milk" in each class.

SEC. 5. *Minimum prices*—(a) *Basic Class I formula price.* For each delivery period the basic formula price to be used in determining the prices of Class I milk shall be the highest prices per hundredweight of milk of 4.0 percent butterfat content computed by the market administrator pursuant to subparagraphs (1), (2) and (3) of this paragraph or paragraph (b) of this section;

(1) The arithmetical average of the basic (field) prices per hundredweight reported to have been paid or to be paid during such delivery period to farmers for milk containing 3.5 percent butterfat at each of the following listed plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator;

Concern and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopervilie, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

To convert the price computed under subparagraph (1) of this paragraph to a 4.0 percent basis there shall be added $0.40 per hundredweight of milk.

(2) The price per hundredweight resulting from the following formula:

(i) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture, by six (6);

(ii) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula:

(iii) Divide by seven (7),

(iv) Add 30 percent thereof; and

(v) Multiply by 4.0.

(3) The price per hundredweight computed by the market administrator by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, add 20 percent thereof and then multiply by 4.0; and

(ii) From the average of the carlot prices per pound of non-fat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determinations of such non-fat dry milk solids for the previous delivery period, deduct 3.0 cents, multiply by 8.5 and then multiply by 0.96.

(b) *Basic Class II formula price.* For each delivery period the basic formula price to be used in determining the prices of Class II milk shall be the arithmetical average of the basic (field) prices per hundredweight reported to have been paid or to be paid during such delivery period to farmers for milk containing 4.0 percent butterfat at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Concern and Location
Carnation Co., Murfreesboro, Tenn.
Borden Co., Lewisburg, Tenn.
Pet Milk Co., Mayfield, Ky.
Kraft Cheese Co., Gallatin, Tenn.
Wilson and Co., Murfreesboro, Tenn.
Giles County Dairy Products, Pulaski, Tenn.
Swift and Co., Lebanon, Tenn.

(c) *Class prices*—(1) *Class I milk.* The price for Class I milk shall be the Class I basic formula price plus $1.35: *Provided,* The Class I price shall not be less than $5.35 per hundredweight of milk 4.0 percent basis.

(2) *Class II milk.* The price for Class II milk shall be the Class II basic formula price plus $0.15.

(3) Prices set out in subparagraphs (1) and (2) of this paragraph are minimum prices and any handler may make payments in excess of the minimum price: *Provided,* That any payments so made shall be made to all producers delivering milk of the same grade and quality to that handler.

(d) *Butterfat differential to handlers.* If the average butterfat content of the milk disposed of by any handler as the net pooled milk in any class of utilization is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below, respectively, 4.0 percent, an amount computed by the market administrator for each class of utilization as follows:

(1) *Class I milk.* Multiply by 1.4 the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, and divide the result by 10;

(2) *Class II milk.* Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, and divide the result by 10.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or for any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specific price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

SEC. 6. *New producers.* Any producer who did not regularly sell milk during a period of 30 days next proceeding the effective date of this order for consumption in the marketing area as defined in section (1) (e), payments to such producers for the period beginning with the first regular delivery by such producer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month, shall be made at the price for the lowest use classifications specified in section (4).

SEC. 7. *Application of provisions*—(a) *Handlers who receive no milk from producers.* Sections 4, 5, 8, 9, 10, and 11 shall not apply to the handling of milk by producer-handlers or by handlers whose sole source of supply are receipts from other handlers.

(b) *Producer-handlers.* Producer-handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to section 1 (g), as of the effective date hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing that milk that affects their qualification as producer-handlers.

(c) Milk received by a handler from his own farm production shall be considered as "producer milk."

(d) Milk received from handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area shall be considered as "other source milk."

SEC. 8. *Determination of uniform prices to producers*—(a) *Computation of the value of the milk of each handler.* For each delivery period the market administrator shall compute the value of producer milk received by each handler in the following manner:

(1) Multiply the net pooled milk in each class computed pursuant to section 4 (g) (6) by the class prices computed pursuant to section 5 (c) subject to the differentials set forth in section 5 (d);

(2) Add an amount calculated by multiplying the applicable class prices by the pounds subtracted pursuant to section 4 (g) (4); and

(3) Add together the resulting amounts.

(b) *Computation of the uniform price.* The market administrator shall compute the uniform price per hundredweight of producer milk containing 4 percent of butterfat for each delivery period, as follows:

(1) Combine into one total the respective values computed pursuant to paragraph (a) of this section, for all handlers who made the report prescribed by section 3 (a) for such delivery period, except those in default of payments required pursuant to section 9 (c) for the preceding delivery period;

(2) Subtract, if the average butterfat content of all milk received from producers is in excess of 4 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to section 9 (f) and multiply the result by the total hundredweight of milk received from producers;

(3) Add an amount representing the unobligated balance in the producer-settlement fund;

(4) Divide the amount computed pursuant to subparagraph (3) of this paragraph by the total hundredweight of milk received from producers;

(5) Subtract from the figure computed pursuant to subparagraph (4) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payment by handlers. This result shall be known as the uniform price for such delivery period for milk of producers containing 4 percent butterfat content f. o. b. fluid milk plant.

(c) *Announcement of uniform prices.* On or before the 10th day after the end of each delivery period the market administrator shall notify each handler of his uniform price computed pursuant to paragraph (b) of this section and the butterfat differentials pursuant to section 9 (f).

SEC. 9. *Payments to producers*—(a) *Time and method of payment.* (1) On or before the last day of each delivery period each handler shall make payment to each producer at not less than $3.00 per hundredweight for the milk received from each producer, delivering to such handler on that date, during the first 15 days of such delivery period.

(2) On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer for milk received from him during the delivery period at not less than the uniform price per hundredweight computed by the market administrator pursuant to section 8 (b), subject to the following adjustments:

(i) The butterfat differential pursuant to paragraph (f) of this section,

(ii) Less payment made pursuant to subparagraph (1) of this paragraph,

(iii) Less marketing service deductions pursuant to section 11,

(iv) Less deductions authorized by the producer, and

(v) Any error in calculating payments to such individual producer for past delivery periods.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to paragraphs (c) and (e) of this section and out of which he shall make all payments pursuant to paragraphs (d) and (e) of this section: *Provided,* That payments to any handler shall be offset by payments due from such handler.

(c) *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period each handler shall pay to the market administrator the amount by which the total value of milk received by him from producers during the delivery period is greater than the amount of the minimum required to be made by such handler pursuant to paragraph (a) of this section.

(d) *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period the market administrator shall pay to each handler for payment to producers the amount, if any, by which the total value of the milk received from producers by such handler is less than the amount of the minimum payments required to be made by such handler pursuant to paragraph (a) of this section. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who on the 15th day after the end of each delivery period has not received the balance of payment due him from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund. However, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(e) *Adjustment of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (d) of this section the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(f) *Butterfat differential to producers.* If, during the delivery period, any han-

dler has purchased or received from any producer, milk having an average butterfat content other than 4.0 percent, such handler in making the payments prescribed in paragraph (a) (2) of this section, shall add to the uniform price per hundredweight paid to such producer for each one-tenth of one percent of butterfat content in milk above 4.0 percent not less than, or shall deduct from the uniform price per hundredweight for each one-tenth of one percent of butterfat content in milk below 4.0 percent not more than an amount computed by the market administrator as follows: multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, and divide the result by 10, and adjust to the nearest one-tenth of a cent.

(g) *Statement to producers.* In making the payments required by paragraph (a) (2) of this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (a) and (f) of this section;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction made pursuant to section 11, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

SEC. 10. *Expenses of administration.* As his pro rata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator a sum not exceeding 6 cents per hundredweight with respect to all skim milk and butterfat received from producers except that the Secretary may prescribe a lesser rate.

SEC. 11. *Marketing service*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 6 cents per hundredweight (the exact rate to be determined by the market administrator subject to review by the Secretary) from the payments made to producers pursuant to section 9 with respect to all milk received by such handler from producers during the delivery period and shall pay such deductions to the market administrator not later than the 15th day after the end of the delivery period. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to section 9, as are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

SEC. 12. *Effective time, suspension, and termination*—(a) *Effective time.* The provisions hereof or any amendments hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions hereof, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate (1) shall continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so desired by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

SEC. 13. *Separability of provisions.* If any provisions hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

SEC. 14. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Proposal by Certain Handlers in the Nashville, Tennessee, Marketing Area

SEC. 1. *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal Agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Milk" means whole milk, skim milk, cream, butterfat, and all dairy products, unless the context manifests a different meaning.

(f) "Nashville marketing area," hereinafter called the "marketing area" means all the territory within the corporate limits of the cities of Nashville, and Belle Meade, and all the territory located in Davidson County, Tennessee.

(g) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(h) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers.

(i) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

(j) "Fluid milk plant" means the premises and the portions of the building and facilities used in the receipt and processing or packaging of milk, all, or a portion of which is disposed of from such plant within the delivery period as Class I milk in the marketing area, but not including any portion of such building or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

(k) "Producers" means a person who, under a dairy farm permit issued by the appropriate health authority in the marketing area produces milk:

(1) Which is received at a fluid milk plant, or

(2) Which is caused by a handler to be diverted from a fluid milk plant to another plant not a fluid milk plant for the account of such handler.

(l) "Handler" means:

(1) Any person who operates a fluid milk plant, or

(2) Any person pursuant to subparagraph (1) of this paragraph who with respect to the milk of any producer who, under a dairy farm permit issued by the appropriate health authority in the marketing area, produces milk which is part of the dairy farm supply of a fluid milk plant, but which is caused to be diverted from a fluid milk plant to any other plant not a fluid milk plant for the account of such person.

(m) "Nonhandler" means any person who is not a handler but who operates a milk manufacturing, processing, or bottling plant.

(n) "Other source milk" means all skim milk (including reconstituted skim milk) and butterfat not derived from producer milk:

(1) Contained in milk, skim milk, or cream, or

(2) Used to produce any milk product. "Other source milk" shall include milk, skim milk, cream, or any milk product received at a fluid milk plant under an emergency permit issued by the appropriate health authorities in the marketing area.

(o) "Producer milk" means milk produced by one or more producers under the conditions set forth in paragraph (k) of this section.

(p) "Frozen cream" means milk, the butterfat from which is held in an approved cold storage warehouse at an average temperature below zero degrees Fahrenheit for seven (7) consecutive days, as shown by charts of a recording thermometer.

(q) "Out-of-area sales" means sales of "milk" in the cities of:

Columbia, Tenn.
Springfield, Tenn.
Ashland City, Tenn.
Dickson, Tenn.
Murfreesboro, Tenn.

SEC. 2. *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the power to:

(1) Administer the terms and provisions hereof,

(2) Report to the Secretary, complaints of violations hereof,

(3) Make rules and regulations to effectuate the terms and provisions hereof, and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Within 45 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(3) Pay, out of the funds provided by section 9,

(i) The cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator,

(ii) His own compensation, and

(iii) All other expenses, except those incurred under section 10 hereof, which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(4) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made:

(i) Reports pursuant to section 3 (a) or

(ii) Payments pursuant to section 8;

(6) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(7) Prepare and make available for the benefit of producers and handlers, such statistics and information concerning the operations hereunder as are necessary and essential to the proper functioning of this marketing order, provided such statistics and information do not reveal confidential information;

(8) Verify the information contained in the reports submitted by handlers.

(9) Notify each handler in writing and publicly announce the prices and butterfat differentials for each delivery period, as follows:

(i) On or before the 6th day after the end of each delivery period, the minimum prices for skim milk and butterfat in each class computed pursuant to section 5, and

(ii) On or before the 14th day after the end of each delivery period, the uniform prices computed pursuant to section 7 (b).

SEC. 3. *Reports of Handlers*—(a) *Periodic reports.* On or before the 10th day after the end of each delivery period, each handler, who purchases or receives milk from producers, with respect to all skim milk and butterfat contained in milk, skim milk, cream, and milk products which were, during such delivery period received from (1) producers; (2) other handlers; (3) own farm production; (4) any other sources, shall report to the market administrator in the detail and on forms prescribed by him as follows:

(i) The receipts at each plant from producers who are not handlers;

(ii) The receipts at each plant from any other handler;

(iii) The receipts at each plant from producer-handlers;

(iv) The receipts at each plant from such handler's own farm production;

(v) The receipts at each plant from any other source;

(vi) The utilization of all skim milk and butterfat disposed of, indicating those portions disposed of as out-of-area sales; and

(vii) The quantity of skim milk and butterfat on hand at the beginning and end of the delivery period.

(b) *Reports of producer-handlers and handlers who receive no milk from producers.* Producer-handlers and handlers who receive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) *Reports as to producers.* Each handler, upon the request of the market administrator shall, within 20 days after the end of the delivery period, submit to the market administrator his producer payroll for such delivery period which shall show for each producer (1) the total pounds of milk delivered with the average butterfat test thereof, and (2) the net amount of such handler's payment to such producer together with the prices, deductions, and charges involved.

(d) *Other reports.* On or before the day a handler receives "other source" milk, he shall report his intentions to receive such milk.

(e) *Verification of reports.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records, and the records of any other handler or person upon whose utilization the classification of milk depends. Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and utilization of all skim milk and butterfat and, in the case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content, milk and milk products;

(3) Verify payments to producers.

SEC. 4. *Classification of milk*—(a) *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream, used to produce milk products, received from all sources by each handler at a fluid milk plant shall be classified separately (as skim milk or butterfat) pursuant to the following provisions of this section.

(b) *Classes of utilization.* Skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following utilization:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

Disposed of in fluid form as milk; skim milk; and as buttermilk and flavored milk or flavored milk drinks having a butterfat content in excess of 1 percent; excepting livestock feed; and all milk not specifically accounted for as Class II milk, Class III milk, and Class IV milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as cream (for consumption as cream) including any cream disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream, and all skim milk and butterfat disposed of as buttermilk or milk drinks, whether plain or flavored not disposed of in Class I.

(3) Class III milk shall be all skim milk and butterfat:

(i) Used to produce ice cream, imitation ice cream, and other frozen desserts and mixes for similar products (liquid or powdered); or frozen cream; cheese (including cottage cheese), bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; nonfat dry milk solids; dry whole milk; powdered malted milk; and all products other than those specified in Class I milk, Class II milk, and Class IV milk.

(4) Class IV milk shall be the skim milk and butterfat accounted for as:

(i) Used to produce butter, butter oil, casein, lactose, condensed or dry buttermilk; whey; and skim milk or buttermilk disposed of for livestock feed; and

(ii) Actual plant shrinkage not in excess of 3 percent of the total receipts of skim milk and butterfat from all sources.

(c) *Responsibility of handlers.* In establishing the classification of milk as required in paragraph (b) of this section the burden rests upon the handler, who first receives or diverts milk from producers, to account for the skim milk and butterfat contained in such milk and to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(d) *Transfers of milk and cream.* For skim milk and butterfat disposed of in the form of any item specified in paragraph (b) (1) of this section by a handler;

(i) To other handlers who receive milk from producers,

(ii) To a producer-handler,

(iii) To a handler who purchases or receives no producer milk, or

(iv) to a nonhandler,

the market administrator must be furnished with a statement by both the selling handler and the buyer as to disposition of the milk with respect to classification, whether as Classification I, Classification II, Classification III, or Classification IV, and it shall be classified accordingly, subject to verification by the market administrator.

In the absence of such statement to the administrator, such skim milk and butterfat shall be classified as Class I.

(e) *Correction of classification and reclassification of milk.* (1) The classification of any milk and butterfat shall be corrected by the market administrator if upon his audit it is found that such classification was reported incorrectly or incompletely by the handler.

(2) Any skim milk or butterfat reported by a handler as having been used or disposed of in any class which is found by the market administrator to have been reused or redisposed of (whether in original or other form) in a different class by such handler, by other handler(s) or by any nonhandler(s) shall be reclassified by the market administrator in accordance with such latter use or disposition.

(3) *Provided,* That no such correction of classification or reclassification shall be made or billing thereon issued after the expiration of 90 days from the close of the delivery period, except only in the event of intentional falsification of handlers' reports.

(f) *Computation of the skim milk and butterfat in each class.* (1) For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk, and Class IV milk for such handler.

(2) Should the actual plant shrinkage of the total receipts of skim milk and butterfat from all sources exceed the allowable 3 percent, the amount in excess shall be prorated into four portions according to the total quantities represented in the four classifications, and these prorated quantities shall be added to the amounts in the classifications.

(3) If the total utilization of skim milk and butterfat in the various classes, for any handler, is less or more than the actual receipts by the handler, the market administrator shall increase or decrease the amounts in the classification by a pro rata amount to make the utilization conform to total receipts by the handler.

(g) *Allocation of butterfat classified.* The pounds of butterfat in each classification allocated to milk received from producers shall be determined as follows:

From the total butterfat in each classification deduct therefrom the quantities obtained from other source milk, and the remainder will represent the quantity allocable to milk received from producers.

If adequate records are not available to determine the distribution of butterfat from other source milk into the classifications, the amount of butterfat in each classification allocable to producer milk shall be determined as follows:

From the total quantity of butterfat from all sources in Class II milk subtract the pounds of butterfat obtained in other source milk: *Provided,* That if the receipts of butterfat from other source milk are greater than the total pounds of butterfat in Class II, the excess quantity of butterfat from other source milk shall be deducted from the total quantity of butterfat in Class III.

Should that portion of butterfat from other source milk which is in excess of the total butterfat in Class II be greater than the total pounds of butterfat in Class III the difference between these two quantities shall be subtracted from the total butterfat in Class I.

After making the deductions as provided for above in the appropriate classifications the quantities of butterfat remaining in each classification will represent the butterfat to be allocated to producer milk.

(h) *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in paragraph (g) of this section.

If adequate records are not available and milk solids nonfat are received in form other than whole milk or skim milk, a conversion factor of 8.5 percent of nonfat solids shall be used.

SEC. 5. *Minimum prices*—(a) *Basic formula price.* For each delivery period the basic formula price to be used in determining the prices of Class I milk, in Class II milk and Class III milk, shall be the average of the prices per hundredweight of milk of 4.0 percent butterfat content computed by the market administrator pursuant to subparagraphs (1), (2), and (3) of this paragraph:

(1) The arithmetical average of the basic (or field) prices, delivery plant, per hundredweight ascertained to have been paid or to be paid during the preceding delivery period to farmers for milk containing 4.0 percent butterfat at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Concern and Location

Cudahy Packing Co., Lafayette, Tenn
Lakeshire Marty Cheese Co., Carthage, Tenn.
Carnation Co., Murfreesboro, Tenn.
Kraft Cheese Co., Gallatin, Tenn.
Wilson and Co., Murfreesboro, Tenn.
Borden Co., Fayetteville, Tenn.
Swift and Co., Lebanon, Tenn.
Swift and Co., Lawrenceburg, Tenn.
Borden Co., Lewisburg, Tenn.
Giles County Dairy Products, Pulaski, Tenn.

(2) The price per hundredweight resulting from the following formula:

(i) Multiply the average wholesale price per pound of 92-score butter at Chicago for the preceding delivery period as reported by the United States Department of Agriculture, by six (6);

(ii) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the preceding delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

(iii) Divide by seven (7);

(iv) Add 30 percent thereof; and

(v) Multiply by 4.0.

(3) The price per hundredweight computed as follows:

(i) From the average wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the preceding delivery period, subtract one cent;

(ii) Multiply by 4;

(iii) Add 20 percent thereof; and

(iv) Add 3½ cents per hundredweight for each full ½ cent that the price per pound of nonfat dry milk solids by roller process for human consumption is above 5½ cents, or subtract 3½ cents per hundredweight for each full ½ cent that the price per pound of nonfat dry milk solids by roller process for human consumption is below 5½ cents. For the purpose of determining this adjustment the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids by roller process for human consumption, f. o. b. manufacturing plants, as published by the agency described in subdivision (i) of this subparagraph, for the Chicago market during the preceding delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available at the time such average price was determined for the previous delivery period. In the event the carlot prices for nonfat dry milk solids by roller process for human consumption, f. o. b. manufacturing plants, for such delivery period, are not so published, the price of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids for human consumption, delivered at Chicago, during such delivery period, as published by such agency, and the adjustment to be made be as follows: Add 3½ cents per hundredweight for each full ½ cent that such price is above 6½ cents per pound, or subtract 3½ cents per hundredweight for each full ½ cent that such price is below 6½ cents per pound.

(b) *Class I milk prices.* The respective minimum prices per hundredweight, to be paid by each handler, f. o. b. his plant, for skim milk and butterfat received from producers, which is classified as Class I milk, shall be as follows, as computed by the market administrator:

(1) Add $0.90 to the basic formula price.

(2) The price of butterfat shall be the sum obtained in subparagraph (1) of this paragraph, multiplied by 20.

(3) The price of skim milk shall be computed by:

(i) Multiplying the price of butterfat pursuant to subparagraph (2) of this paragraph by 0.040;

(ii) Subtracting such amount from the sum obtained in subparagraph (1) of this paragraph;

(iii) Dividing such net amount by 0.96; and

(iv) Rounding off to the nearest full cent.

(c) *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers, which is classified as Class II milk shall be as follows, as computed by the market administrator;

(1) Add $0.40 to the basic formula price.

(2) The price of butterfat shall be the sum obtained in subparagraph (1) of this paragraph, multiplied by 20.

(3) The price of skim milk shall be computed by:

(i) Multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.040;

(ii) Subtracting such amount from the sum obtained in subparagraph (1) of this paragraph;

(iii) Dividing such net amount by 0.96; and

(iv) Rounding off to the nearest full cent.

(d) *Class III milk prices.* The respective minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers, which is classified as Class III milk, shall be as follows, as computed by the market administrator:

(1) Use the basic formula price.

(2) The price of butterfat shall be the amount in subparagraph (1) of this paragraph, multiplied by 20.

(3) The price of skim milk shall be computed by:

(i) Multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.040;

(ii) Subtracting such amount from the sum obtained in subparagraph (1) of this paragraph;

(iii) Dividing such net amount by 0.96; and

(iv) Rounding off to the nearest full cent.

(e) *Class IV milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers which is classified as Class IV milk shall be as follows, as computed by the market administrator:

(1) The price per hundredweight of butterfat shall be the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the preceding delivery period, multiplied by 110.

(2) The price per hundredweight of skim milk (calculated to the nearest full cent) shall be determined as follows:

Subtract 5½ cents from the average carlot price per pound of nonfat dry milk solids for human consumption, roller process, f. o. b. manufacturing plants, as published for the Chicago area for the preceding delivery period by the Department of Agriculture; divide this difference by 0.5; multiply by 3.5; then multiply by 0.96.

SEC. 6. *Application of provisions*—(a) *Handlers who receive no milk from producers.* Sections 4, 5, 7, 8, 9, and 10 shall not apply to the handling of milk by producer-handlers or by handlers whose sole source of supply is receipts from other handlers.

(b) *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualification as producer-handlers pursuant to section 1 (h), as of the effective date hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing that milk that affects their qualification as producer-handlers.

(c) Milk received by a handler from his own farm production shall be considered as "producer milk."

(d) Milk received from handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area shall be considered as "other source milk."

SEC. 7. *Determination of uniform price to producers*—(a) *Computation of the value of the milk of each handler.* The pool value for each delivery period of each handler shall be a sum of money computed by the market administrator by adding the quantities computed in subparagraphs (1) and (2) of this paragraph.

(1) The total skim milk and butterfat in each classification from producers (excluding those quantities disposed of as out-of-area sales) shall be multiplied by the applicable prices for skim milk and butterfat in each class pursuant to section 5 (b), and the resulting amounts added together.

(2) (i) Compute the average price paid by the following dairy plants per hundredweight of 4 percent butterfat milk for the preceding delivery period.

Murfreesboro Pure Milk Co., Murfreesboro, Tennessee
Jersey Pride Products Co., Columbia, Tennessee
Tuell Dairy Products Co., Columbia, Tennessee
Supreme Dairy Products Co., Springfield, Tennessee
Avon Dairies, Inc., Dickson, Tennessee
Castlewood Dairy, Murfreesboro, Tennessee

(ii) The price of butterfat to be applied to out-of-area sales shall be the average figure from subdivision (i) above multiplied by 20.

(iii) The price of skim milk to be applied to out-of-area sales shall be computed by:

Multiplying the price for butterfat pursuant to subdivision (ii) of this subparagraph by 0.40; subtracting such amount from the average price found in subdivision (i) of this subparagraph; dividing such net amount by 0.96; and rounding off to the nearest full cent.

(iv) Multiply the total quantity of skim milk and of butterfat disposed of as out-of-area sales by the applicable prices from subdivisions (ii) and (iii) of this subparagraph and add the resulting amounts.

(b) *Computation and announcement of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 4.0 percent but-

terfat content received from producers by:

(1) Combining into one total the pool values computed under paragraph (a) of this section for all handlers for such delivery period;

(2) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in subparagraph (1) of this paragraph is greater than 4.0 percent, or adding, if the weighted average butterfat test of such milk is less than 4.0 percent, for each one-tenth percent difference, an amount obtained by multiplying the total hundredweight of milk received from all producers by a factor obtained as follows:

Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the preceding delivery period, divide the result by 10, and adjust to the nearest one-tenth of a cent.

(3) (i) For each of the delivery periods of April, May, and June, subtract an amount equal to 20 cents per hundredweight of the total amount of milk received from producers by the handlers whose milk values are included under subparagraph (1) of this paragraph.

(ii) Add for each of the delivery periods of September, October, and November an amount equal to one-third of the aggregate amount withheld pursuant to section 7 (b) (3) (i).

(4) Add an amount representing the cash balance in the producer-settlement fund, less the amount due handlers pursuant to section 8 (f) and less the aggregate of the amount held pursuant to subparagraph (3) of this paragraph.

(5) Divide the amount computed pursuant to subparagraph (4) of this paragraph by a figure equal to the total hundredweight of milk received by handlers from producers.

(6) Subtract from the figures computed pursuant to subparagraph (5) of this paragraph not less than 4 cents nor more than 5 cents, for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price per hundred weight of producer milk of 4.0 percent butterfat content for such delivery period.

(7) On or before the 14th day after the end of each delivery period the market administrator shall notify each handler of such uniform price, and the butterfat differential.

SEC. 8. *Payment to producers.* (a) On or before the last day of each delivery period each handler shall make payment to each producer on a basis of not less than 70 percent of the price established for the preceding delivery period, for the milk received from each producer, and delivered to such handler during the first 15 days of the current delivery period.

(b) (1) On or before the 20th day after the end of each delivery period each handler shall make payment to each producer for milk received from such producer, on the basis of the total hundredweight received from such producer and the "uniform price," basis 4 percent butterfat, subject to the following adjustments:

(i) The butterfat differential pursuant to section 7 (b) (2),

(ii) Less payment made pursuant to paragraph (a) of this section,

(iii) Less marketing service deductions pursuant to section 10,

(iv) Less deductions authorized by the producer,

(v) Adjustments of error in calculating payments to such individual producer pursuant to section 8 (f).

(2) *Provided*, That if by such date such handler has not received final payment for such delivery period pursuant to paragraph (e) of this section, he shall not be deemed to be in violation of this paragraph if he reduces uniformly to all producers his payments per hundredweight by a total amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (d) and (f) of this section, and out of which he shall make payments pursuant to paragraphs (e) and (f) of this section.

(d) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the classification value of his milk, computed pursuant to section 7 (a) for the delivery period, is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period at the uniform price corrected for butterfat differential.

(e) *Payments out of the producer-settlement fund.* (1) On or before the 18th day after the end of such delivery period, the market administrator shall pay to each handler for payment to producers any amount by which the classification value of his milk, computed pursuant to section 7 (a) for the delivery period, is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price, corrected for butterfat differential. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(f) *Adjustment of errors in payments.* Whenever verification by the market administrator of payments by and handler discloses any errors made in payments to the producer-settlement fund pursuant to paragraph (d) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (e) of this section, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, an adjustment therefor shall be made not later than the time of making payment to producers next following such disclosure: *Provided*, That there shall be no adjustment of errors as herein described in section 8 (f) after the expiration of 90 days from the date of the error, except only in the case of fraud or intentional falsification.

(g) *Statement to producers.* In making payment to producers, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk delivered by the producer;

(3) The rate per hundredweight used in computing the payment;

(4) Such deductions or adjustments as have been made to arrive at the net amount of payment to the producer;

(5) The net amount of payment to the producer;

(6) *Producers cooperative associations.* In the case of producers for whom a cooperative association, which the secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in section 10 (a), each handler shall make, in lieu of the deductions specified in paragraph (a) of section 10, such deductions from the payments to be made directly to producers pursuant to section 8, as are authorized by such producers, and, on or before the 22d day after the end of each delivery period, pay over such deductions to the association rendering such service.

SEC. 9. *Expenses of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator a sum not exceeding 2 cents per hundredweight with respect to all skim milk and butterfat received from producers except that the Secretary may prescribe a lesser rate.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense set forth in this section.

SEC. 10. *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in section 8 (g) (6), each handler shall deduct an amount not exceeding 3 cents per hundredweight (the exact rate to be determined by the market administrator subject to review by the Secretary) from the payments made to producers pursuant to section 8 with respect to all milk received by such handler from producers during the delivery period and shall pay such deductions to the market administrator not later than the 22d day after the end of the delivery period. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

SEC. 11. *Auditing accounts of the market administrator.* During each yearly period after the effective date of this order, there shall be an audit of the records and the accounts of the market administrator for their correctness, such audit to be made by a licensed auditing firm in the State of Tennessee, and to be paid for out of the funds controlled by the market administrator.

SEC. 12. *Effective time, suspension and termination*—(a) *Effective time.* The provisions hereof or any amendments hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions hereof, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which require further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate (1) shall continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so desired by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

SEC. 12. *Separability of provisions.* If any provisions hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

SEC. 13. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Copies of this notice of hearing may be procured from the Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: May 20, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-4978; Filed, May 26, 1947; 8:58 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 60]

AIR TRAFFIC RULES

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, the Safety Bureau of the Civil Aeronautics Board hereby gives public notice that the Bureau, immediately after 30 days from date of this notice, will recommend to the Board that Part 60 of the Civil Air Regulations, Air Traffic Rules, be revised.

On October 1, 1946, the Safety Bureau circulated to the aviation industry for comment Draft Releases No. 46-5, Proposed Revision of Part 60, Air Traffic Rules. Comments received concerning that draft release have been carefully considered. The proposed regulations published herein have been developed after many conferences with representatives of all branches of the aviation industry. This study, together with experience gained with existing air traffic rules since the last revision on August 1, 1945, indicate that certain modification and clarification are necessary in the interest of safety, and that rules should be promulgated to provide for increasing helicopter operations, for the operation of aircraft on the surface of the water, and for certain essential minimums for instrument flight.

The proposed air traffic rules are as follows:

§ 60.0 *General.*

§ 60.00 *Scope.* The following air traffic rules shall apply to aircraft operated anywhere in the United States, including the several States, the District of Columbia, and the several territories and possessions of the United States, including the territorial waters and the overlying airspace thereof, except:

(a) Military aircraft of the United States armed forces when appropriate military authority determines that noncompliance with the regulations in this part is required and prior notice thereof is given to the Administrator, or

(b) Aircraft engaged in special flight operations, requiring deviation from the regulations in this part, which are conducted in accordance with the terms and conditions of a certificate of waiver issued by the Administrator.

§ 60.01 *Authority of the pilot.* The pilot in command of the aircraft shall be directly responsible for its operation and shall have final authority as to operation of the aircraft. In emergency situations which require immediate decision and action the pilot may deviate from the regulations prescribed in this part to the extent required by considerations of safety. When such emergency authority is exercised, the pilot, upon request of the Administrator, shall file a written report of such deviation.

§ 60.1 *General flight rules (GFR).*

§ 60.100 *Application.* Aircraft shall be operated at all times in compliance with the following general flight rules and also in compliance with either the visual flight rules or the instrument flight rules, whichever are applicable.

§ 60.101 *Preflight action.* Before beginning a flight, the pilot in command of the aircraft shall familiarize himself with all available information appropriate to the intended operation. Preflight action for flights away from the vicinity of an airport, and for all IFR flights, shall include a careful study of available current weather reports and forecasts, taking into consideration fuel requirements and an alternate course of action, if the flight cannot be completed as planned.

§ 60.102 *Careless or reckless operation.* No person shall operate an aircraft in a careless or reckless manner so as to endanger the life or property of others.

§ 60.103 *Airspace restricted areas.* No person shall operate an aircraft within an airspace reservation or danger

area unless permission for such operation has been issued by appropriate authority.

§ 60.104 *Right-of-way.* An aircraft which is obliged by the following rules to keep out of the way of another shall avoid passing over or under the other, or crossing ahead of it, unless passing well clear.

(a) *Distress.* An aircraft in distress has the right-of-way over all other air traffic.

(b) *Converging.* Aircraft converging shall give way to other aircraft of a different category in the following order: airplanes and rotorcraft shall give to airships, gliders, and balloons; airships shall give way to gliders and balloons; gliders shall give way to balloons. When two or more aircraft of the same category are converging at approximately the same altitude, each shall give way to the other on its right. In any event, mechanically driven aircraft shall give way to aircraft which are seen to be towing other aircraft.

(c) *Approaching head-on.* When two aircraft are approaching head-on, or approximately so, each shall alter its course to the right.

(d) *Overtaking.* An aircraft that is being overtaken has the right-of-way, and the overtaking aircraft, whether climbing, descending, or in horizontal flight, shall keep out of the way of the other aircraft by altering its course to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear.

(e) *Landing.* Aircraft, while landing or on final approach to land, have the right-of-way over other aircraft in flight or operating on the surface. When two or more aircraft are approaching an airport for the purpose of landing, the aircraft at the lower altitude has the right-of-way, but it shall not take advantage of this rule to cut-in in front of another which is on final approach to land, or to overtake that aircraft.

§ 60.105 *Proximity of aircraft.* No person shall operate an aircraft in such proximity to other aircraft as to create a collision hazard. No person shall operate an aircraft in formation flight when passengers are carried for hire. No aircraft shall be operated in formation flight except by prearrangement between the pilots in command of such aircraft.

§ 60.106 *Acrobatic flight.* No person shall engage in acrobatic flight:

(a) Over congested areas of cities, towns, settlements, or over an open-air assembly of persons, or

(b) Within any control zone, or in any area or lane of high traffic density, or

(c) When the flight visibility is less than 3 miles, or

(d) Below an altitude of 1,500 feet above the surface.

§ 60.107 *Minimum safe altitudes.* Except when necessary for landing or taking off, no person shall operate aircraft:

(a) Over the congested areas of cities, towns, or settlements, or over an open-air assembly of persons, except at such an altitude as will permit, in the event of the failure of a power unit, an emergency landing without undue hazard to persons or property on the surface, and such altitude, except for helicopters, shall not be less than 1,000 feet above the highest obstacle within a radius of 2,000 feet from the aircraft;

(b) When elsewhere than specified in paragraph (a) of this section, at an altitude of less than 500 feet above the surface, except when over open water or sparsely populated areas. In such event, the aircraft shall not be operated closer than 500 feet to any person, or to any vessel, vehicle, structure, livestock, or other similar property of others on the surface.

§ 60.108 *Operation on and in the vicinity of an airport.* Aircraft shall be operated on and in the vicinity of an airport in accordance with the following rules:

(a) When approaching for landing, all turns shall be made to the left unless the airport displays standard visual markings approved by the Administrator and which indicate that all turns are to be made to the right, or unless otherwise authorized by air traffic control.

(b) If air traffic control is in operation at the airport, contact shall be maintained with such control, either visually or by radio, to receive any air traffic control instructions which may be issued.

(c) Aircraft operating on or from an airport shall conform to the traffic patterns prescribed for that airport. The Administrator may, when necessary in the interest of safety, prescribe traffic patterns for an airport which shall supersede any other traffic patterns previously prescribed.

(d) When light signals are used for the control of air traffic, they shall be of the color and have the meaning prescribed by the Administrator.

NOTE: Light signals and their meanings are published in the CAA Flight Information Manual.

§ 60.109 *Air traffic control instructions.* No person shall operate an aircraft in areas where air traffic control is exercised except in accordance with air traffic control instructions.

§ 60.110 *Notification of arrival.* If a flight plan has been filed, the pilot in command of the aircraft, upon landing or completion of the flight, shall file an arrival or completion notice with the nearest Civil Aeronautics Administration communications station or control tower.

§ 60.111 *Adherence to air traffic clearances.* When an air traffic clearance has been obtained under either the VFR or IFR rules, the pilot in command of the aircraft shall not deviate from the provisions thereof unless an amended clearance is obtained. In case emergency authority is used to deviate from the provisions of an air traffic clearance, the pilot in command shall notify air traffic control as soon as possible and, if necessary, obtain an amended clearance.

§ 60.112 *Water operations.* An aircraft operated on the water shall, insofar as possible, keep clear of all vessels and avoid impeding their navigation. The following rules shall be observed with respect to other aircraft or vessels operated on the water:

(a) *Crossing.* The aircraft or vessel which has the other on its right shall give way so as to keep well clear.

(b) *Approaching head-on.* When aircraft, or an aircraft and vessel, approach head-on, or approximately so, each shall alter its course to the right to keep well clear.

(c) *Overtaking.* The aircraft or vessel which is being overtaken has the right-of-way, and the one overtaking shall alter its course to keep well clear.

(d) *Special circumstances.* When two aircraft, or an aircraft and vessel, approach so as to involve risk of collision, each shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

§ 60.113 *Aircraft lights.* During the hours of darkness:

(a) All aircraft in flight or operated on the ground shall display position lights.

(b) All aircraft parked or moved within or in dangerous proximity to that portion of any airport used for, or available to, night flight operations shall be clearly illuminated or lighted, unless the aircraft is parked or moved in an area marked with obstruction lights.

(c) All aircraft under way on the water shall display position lights.

(d) All aircraft at anchor shall display an anchor light, or anchor lights, unless in an area within which lights are not required for vessels at anchor.

§ 60.2 *Visual flight rules (VFR).*

§ 60.200 *Distance from clouds.* Aircraft shall be flown:

(a) *Within control zones.* Not less than 500 feet vertically and 2,000 feet horizontally from any cloud formation, unless air traffic control has authorized flight clear of clouds; and

(b) *Elsewhere.* At any altitude more than 700 feet above the surface, 500 feet vertically and 2,000 feet horizontally from any cloud formation; at an altitude of 700 feet or less above the surface, clear of clouds.

§ 60.201 *Visibility*—(a) *Ground visibility within control zones.* When the ground visibility is less than 3 miles, no person shall take off or land an aircraft at an airport within a control zone, or enter the traffic pattern of such an airport, unless an air traffic clearance is obtained from air traffic control.

(b) *Flight visibility within control zones.* When the flight visibility is less than 3 miles, no person shall operate an aircraft in flight within a control zone, unless an air traffic clearance is obtained from air traffic control.

(c) *Flight visibility within control areas.* When the flight visibility is less than 3 miles, no person shall operate an aircraft in flight within a control area.

(d) *Flight visibility elsewhere.* When outside of control zones and control areas, no person shall operate an aircraft in flight when the flight visibility is less than one mile. However, helicopters may be flown at or below 700 feet above the surface when the flight visibility is less than one mile if operated at a reduced speed which will give the pilot of such helicopter adequate opportunity to see other air traffic or any obstacle to flight in time to avoid hazard of collision.

NOTE: When traffic conditions permit, air traffic control will issue an air traffic clearance for flights within, entering, or departing control zones when the ground visibility or the flight visibility is less than 3 miles.

§ 60.202 *Cruising altitudes.* Outside of control zones and control areas, at any altitude of 2,000 feet or more above the surface when the flight visibility is less than 3 miles, aircraft shall be operated at cruising altitudes above set level appropriate to the magnetic course being flown as follows:

(a) 0° to 89° inclusive, at odd thousands (3,000; 5,000; etc.),
(b) 90° to 179° inclusive, at odd thousands plus 500 (3,500; 5,500; etc.),
(c) 180° to 269° inclusive, at even thousands (2,000; 4,000; etc.),
(d) 270° to 359° inclusive, at even thousands plus 500 (2,500; 4,500; etc.).

§ 60.203 *VFR flight plan.* If a VFR flight plan is filed, it shall contain such of the information listed in § 60.300 as air traffic control may require.

§ 60.3 *Instrument flight rules (IFR).*

§ 60.300 *Application.* When aircraft cannot be flown in accordance with the distance-from-cloud and visibility rules prescribed in the visual flight rules (§ 60.2), aircraft shall be flown in accordance with the following rules.

§ 60.301 *IFR flight plan.* Prior to take-off from a point within a control zone or prior to entering a control area or control zone, a flight plan shall be filed with air traffic control. Such a flight plan shall contain the following information unless otherwise authorized by air traffic control:

(a) Aircraft identification, and if necessary, radio call sign,
(b) Type of aircraft, or in the case of a formation flight, the types and number involved,
(c) Full name, address, and number of pilot certificate of pilot in command of the aircraft, or of the flight commander if a formation flight is involved,
(d) Point of departure,
(e) Cruising altitude, or altitudes, and the route to be followed,
(f) Point of first intended landing,
(g) Proposed true air speed at cruising altitude,
(h) Radio transmitting and receiving frequencies to be used,
(i) Proposed time of departure,
(j) Estimated elapsed time until arrival over the point of first intended landing,
(k) Alternate airport or airports, in accordance with the requirements of § 60.301,
(l) Amount of fuel on board expressed in hours,
(m) Any other information which the pilot in command of the aircraft, or air traffic control, deems necessary for air traffic control purposes.

§ 60.302 *Alternate airport.* An airport shall not be listed in the flight plan as an alternate airport unless current weather reports and forecasts show a trend indicating that the ceiling and visibility at such airport will be at or above the following minimums at the time of arrival:

(a) *Airport served by radio directional facility.* Ceiling 1,000 feet, visibility one mile; or, ceiling 900 feet, visibility 1½ miles; or, ceiling 800 feet, visibility 2 miles;

(b) *Airport not served by radio directional facility.* Ceiling 1,000 feet with broken clouds or better, visibility 2 miles.

§ 60.303 *Fuel supply.* Sufficient fuel and oil, considering weather and other factors, shall be carried to:

(a) Complete the flight to the point of first intended landing, and thereafter

(b) Fly to the alternate airport, and thereafter

(c) Fly at normal cruising consumption for 45 minutes.

§ 60.304 *Air traffic clearance.* Prior to take-off from a point within a control zone or prior to entering a control area or control zone, an air traffic clearance shall be obtained from air traffic control.

§ 60.305 *Minimum altitude.* Except during take-off or landing or when operating in accordance with procedures approved by the Administrator, no person shall operate an aircraft in flight at an altitude of less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the aircraft in flight.

§ 60.306 *Cruising altitudes.* Aircraft shall be flown at the following cruising altitudes:

(a) *Within control areas and control zones.* At altitudes authorized by air traffic control.

(b) *Elsewhere.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at odd thousands (1,000; 3,000; etc.),
(2) 90° to 179° inclusive, at odd thousands plus 500 (1,500; 3,500; etc.),
(3) 180° to 269° inclusive, at even thousands (2,000; 4,000; etc.),
(4) 270° to 359° inclusive, at even thousands plus 500 (2,500; 4,500; etc.).

§ 60.307 *Right-side traffic.* Aircraft operating along a civil airway shall be flown to the right of the center line of such airway, unless otherwise authorized by air traffic control.

§ 60.308 *Landing minimums.* No person shall land an aircraft at an airport for which the Administrator has prescribed ceiling and visibility minimums unless the ceiling and visibility minimums are at or above those minimums, or unless otherwise authorized by the Administrator.

NOTE: Airport landing minimums prescribed by the Administrator are published in the CAA Flight Information Manual.

§ 60.309 *Instrument approach procedure.* When instrument letdown to an airport is necessary, a standard instrument approach procedure prescribed for that airport by the Administrator shall be used, unless:

(a) A different instrument approach procedure specifically authorized by the Administrator is used, or

(b) A different instrument approach procedure is authorized by air traffic control for the particular approach.

NOTE: Standard instrument approach prescribed by the Administrator are published in the CAA Flight Information Manual.

§ 60.310 *Radio communications.* Within control zones and control areas the pilot in command of the aircraft shall ensure that a continuous watch is maintained on the appropriate radio frequencies and shall report by radio as soon as possible the time and altitude of passing each designated reporting point, or the reporting points specified by air traffic control, together with unanticipated weather conditions being encountered and other information pertinent to the safety of flight.

NOTE: Designated reporting points are published in the CAA Airman's Guide, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

§ 60.311 *Radio failure.* If unable to maintain two-way radio communication, the pilot in command of the aircraft shall:

(a) Proceed under VFR conditions, or
(b) Land as soon as practicable, or
(c) Proceed according to the latest traffic clearance to the airport of intended landing, maintaining the minimum safe altitude or the last acknowledged assigned altitude, whichever is higher. Descent shall start at approach time last authorized or, if not received and acknowledged, at the estimated time of arrival indicated by the elapsed time specified in the flight plan.

§ 60.9 *Definitions.*

§ 60.900 *Acrobatic flight.* Maneuvers intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal acceleration.

§ 60.901 *Aircraft.* Any contrivance invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

§ 60.902 *Airplane.* A mechanically propelled aircraft the support of which in flight is derived dynamically from the reaction on surfaces in a fixed position relative to the aircraft but in motion relative to the air.

§ 60.903 *Airport.* A defined area on land or water, including any buildings and installations, normally used for the take-off and landing of aircraft.

§ 60.904 *Airship.* A mechanically propelled aircraft whose support is derived from lighter-than-air gas.

§ 60.905 *Airspace restricted areas.* Designated areas in which flight is restricted, which are established by appropriate authority, and are shown on aeronautical charts and published in notices to airmen and aids to air navigation:

(a) *Airspace reservation.* An area established by Executive Order of the Pres-

ident of the United States or by any State of the United States.

(b) *Danger area.* An area designated by the Administrator within which an invisible hazard to aircraft in flight exists.

§ 60.906 *Air traffic.* Aircraft in operation anywhere in the airspace and on that area of an airport normally used for the movement of aircraft.

§ 60.907 *Air traffic clearance.* Authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified conditions within a control zone or a control area.

§ 60.908 *Air traffic control.* A service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

§ 60.909 *Alternate airport.* An airport specified in the flight plan to which a flight may proceed when a landing at the point of first intended landing becomes inadvisable.

§ 60.910 *Approach time.* The time at which an aircraft is expected to commence its approach procedure preparatory to landing.

§ 60.911 *Balloon.* An aircraft, excluding moored balloons, without mechanical means of propulsion, the support of which is derived from lighter-than-air gas.

§ 60.912 *Ceiling.* The distance from the surface of the ground or water to the lowest cloud layer reported as "broken clouds" or "overcast."

§ 60.913 *Control area.* An airspace of defined dimensions, designated by the Administrator, extending upwards from an altitude of 700 feet above the surface, within which air traffic control is exercised.

§ 60.914 *Control zone.* An airspace of defined dimensions, designated by the Administrator, extending upwards from the surface, to include one or more airports, and within which rules additional to those governing flight in control areas apply for the protection of air traffic.

§ 60.915 *Cruising altitude.* A constant altimeter indication, in relation to sea level, maintained during a flight or portion thereof.

§ 60.916 *Flight plan.* Specified information filed either verbally or in writing with air traffic control relative to the intended flight of an aircraft.

§ 60.917 *Flight visibility.* The horizontal distance that prominent objects may be seen from the cockpit.

§ 60.918 *Glider.* An aircraft without mechanical means of propulsion the support of which in flight is derived dynamically from the reaction on surfaces in motion relative to the air.

§ 60.919 *Ground visibility.* The average range of vision in the vicinity of an airport as reported by the U. S. Weather Bureau or, if unavailable, by an accredited observer.

§ 60.920 *Helicopter.* A type of rotorcraft the support of which in the air is normally derived from airfoils mechanically rotated about an approximately vertical axis.

§ 60.921 *Hours of darkness.* The hours between sunset and sunrise during which any unlighted aircraft or other unlighted prominent objects cannot readily be seen beyond a distance of 3 miles. In any case, "hours of darkness" shall extend from 30 minutes after sunset to 30 minutes before sunrise. Within the Territory of Alaska "hours of darkness" shall constitute those hours specified and published by the Administrator.

§ 60.922 *IFR.* The symbol used to designate instrument flight rules.

§ 60.923 *IFR conditions.* Weather conditions below the minimum prescribed for flights under VFR.

§ 60.924 *Magnetic course.* The true course or track, corrected for magnetic variation, between two points on the surface of the earth.

§ 60.925 *Reporting point.* A geographical location in relation to which the position of an aircraft is reported.

§ 60.926 *Rotorcraft.* An aircraft whose support in the air is chiefly derived from the vertical component of the force produced by rotating airfoils.

§ 60.927 *Traffic pattern.* The flow of aircraft operating on and in the vicinity of an airport during specified wind conditions as established by appropriate authority.

§ 60.928 *VFR.* The symbol used to designate visual flight rules.

§ 60.929 *VFR conditions.* Weather conditions equal to or above the minimums prescribed for flights under VFR.

These rules are proposed under authority of Title VI of the Civil Aeronautics Act of 1938. All interested persons may submit in writing any data, views, and argument concerning this proposal. Such material should be sent to reach the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., not later than June 27, 1947.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON, *Director.*

[F. R. Doc. 47-4980; Filed, May 26, 1947; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 18]

INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO MISCELLANEOUS EQUIPMENT

CROSS REFERENCE: For notice of proposed rule making with respect to miscellaneous equipment as defined in § 18.2 (d), see Federal Register Documents 47-4966 and 47-4968, Title 47, Part 18, *supra.*

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8936]

KATIE LOHRER

In re: Trusts under the will of Katie Lohrer, also known as Catherine Lohrer and Katherine Lohrer, deceased. File D-28-10049; E. T. sec. 14263.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Gries, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Trusts created under the will of Katie Lohrer (also known as Catherine Lohrer and Katherine Lohrer), deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by St. Louis Union Trust Company, Mrs. Katherine Dickinson and Mrs. Lillian Kniest, Administrator and Administratrices, cum testamento annexo, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri, File No. 98715; and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4949; Filed, May 26, 1947; 8:57 a. m.]

[Vesting Order 8937]

EMIL LOHRISCH

In re: Estate of Emil Lohrisch, deceased. D-28-10107; E. T. sec. 14380.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Lohrisch, Paul Lohrisch, Karl Lohrisch, Ida Lindner nee Lohrisch, Marie Borchard nee Lohrisch, Max Lohrisch, Gustav Lohrisch and Otto Lohrisch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $9,432.40 was paid to the Attorney General of the United States by the State Bank and Trust Company, Executor of the Estate of Emil Lohrisch, deceased;

3. That the said sum of $9,432.40 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on February 19, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4950; Filed, May 26, 1947; 8:57 a. m.]

[Vesting Order 8938]

GEORGE LUTZ

In re: Estate of George Lutz, deceased. D-28-8616; E. T. sec. 10288.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Rueger and Johanna Honing alias Hannah Henning, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,381.42 was paid to the Alien Property Custodian by Otto Lutz, Administrator With Will Annexed of the Estate of George Lutz, deceased;

3. That the said sum of $2,381.42 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of said property in the Alien Property Custodian by acceptance thereof on December 17, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4951; Filed, May 26, 1947; 8:57 a. m.]

[Vesting Order 8939]

LEON MAGIDMAN

In re: Estate of Leon Magidman, deceased. File No. D-65-160; E. T. Sec. 9045.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jacob (Yankel) Magidman whose last known address is Rumania, is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Leon Magidman, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Rumania);

3. That such property is in the process of administration by Arthur Knaster, as administrator, acting under the judicial supervision of the Monmouth County Orphans' Court, Freehold, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-4952; Filed, May 26, 1947; 8:57 a. m.]

[Vesting Order 8945]

FERDINAND WILHELM SCHNEIDER

In re: Estate of Ferdinand Wilhelm Schneider, deceased. File No. D-28-11415; E. T. sec. 15654.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Schneider and Anton Schneider, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Ferdinand Wilhelm Schneider, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Caroline Litschauer Fetish, as Executrix, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4969; Filed, May 26, 1947; 8:57 a. m.]

[Vesting Order 8946]

GABRIEL SCHWANER

In re: Estate of Gabriel Schwaner, deceased. File No. D-28-8716; E. T. sec. 10563.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Muth, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Gabriel Schwaner, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry Schwaner, as administrator c. t. a. of the estate of Gabriel Schwaner, deceased, acting under the judicial supervision of the Court of Probate, District of Fairfield, State of Connecticut;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4970; Filed, May 26, 1947; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SAN LUIS VALLEY PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 30, 1947.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the act of June 17, 1902 (32 Stat. 388), and that Departmental Order of November 25, 1941, establishing Colorado Grazing District No. 8, be amended to permit the withdrawal effected by this order.

SAN LUIS VALLEY PROJECT

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 3 E.,
Sec. 25, NE¼NW¼;
Sec. 26, SE¼NE¼, W½W½, NE¼SE¼;
Sec. 27, NE¼, E½NW¼, NE¼SW¼, SE¼.
The above areas aggregate 720 acres.

Respectfully,

WILLIAM E. WARNE,
Acting Commissioner.

I concur: February 12, 1947.

FRED W. JOHNSON,
Director, Bureau of Land Management.

The foregoing recommendation is hereby approved, as recommended, and the Director, Bureau of Land Management, will cause the records of his office and the local land office to be noted accordingly.

C. GIRARD DAVIDSON,
Assistant Secretary.

MAY 16, 1947.

[F. R. Doc. 47-4945; Filed, May 26, 1947; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2931]

AVIATION ENTERPRISES, INC.

NOTICE OF HEARING

In the matter of the petition of Aviation Enterprises, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for an order temporarily fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its route No. 82.

Notice is hereby given that hearing in the above-entitled proceeding is assigned to be held on May 28, 1947, at 10:00 a. m. (eastern daylight saving time), in Room 1302, Temporary "T" Building, Constitution Avenue between 12th and 14th Streets, NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., May 21, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-4946; Filed, May 26, 1947; 8:59 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-741]

KANSAS POWER AND LIGHT CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING AND APPROVING ABANDONMENT OF FACILITIES

MAY 22, 1947.

Notice is hereby given that, on May 21, 1947, the Federal Power Commission issued its findings and order entered May 20, 1947, issuing certificate of public convenience and necessity and authorizing and approving abandonment of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4961; Filed, May 26, 1947; 9:00 a. m.]

[Docket No. G-777]

NORTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING AND APPROVING ABANDONMENT OF FACILITIES

MAY 22, 1947.

Notice is hereby given that, on May 21, 1947, the Federal Power Commission issued its findings and order entered May 20, 1947, issuing certificate of public convenience and necessity and authorizing and approving abandonment of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4962; Filed, May 26, 1947; 9:00 a. m.]

[Docket No. G-847]

TENNESSEE NATURAL GAS LINES, INC.

NOTICE OF ORDER DISMISSING APPLICATION

MAY 22, 1947.

Notice is hereby given that, on May 21, 1947, the Federal Power Commission issued its order entered May 20, 1947, dismissing application, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4964; Filed, May 26, 1947; 9:00 a. m.]

[Docket No. G-868]

CANADIAN RIVER GAS CO.

NOTICE OF ORDER APPROVING TRANSFER OF AMOUNTS FROM DEPRECIATION, AMORTIZATION AND DEPLETION RESERVES TO EARNED SURPLUS

MAY 22, 1947.

Notice is hereby given that, on May 21, 1947, the Federal Power Commission issued its order entered May 20, 1947, approving transfer of amounts from depreciation, amortization and depletion reserves to earned surplus in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4963; Filed, May 26, 1947; 9:00 a. m.]

[Docket No. G-899]

R. J. AND D. E. WHELAN

NOTICE OF FINDING UPON APPLICATION FOR STATUS DETERMINATION

MAY 22, 1947.

Notice is hereby given that, on May 21, 1947, the Federal Power Commission issued its finding upon application for status determination entered May 20, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4965; Filed, May 26, 1947; 9:00 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5421]

CROWN ZELLERBACH CORP. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of May A. D. 1947.

In the matter of Crown Zellerbach Corporation, a corporation, Zellerbach Paper Company, a corporation, and General Paper Company, a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Everett F. Haycraft, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, July 1, 1947, at ten o'clock in the forenoon of that day (Pacific standard time), in Room 449, Post Office Building, San Francisco, California.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-4960; Filed, May 26, 1947; 9:00 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 190]

RECONSIGNMENT OF POTATOES AT PITTSBURGH, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of paragraph (j) of Service Order No. 396 insofar as it applies to the reconsignment at Pittsburgh, Pa., May 20 or 21, 1947, by S. Nightingale & Co., of car WFEX 67610, potatoes, now on the Pennsylvania RR., to Pittsburgh Cash Produce Co., McKeesport, Pa., (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-4956; Filed, May 26, 1947; 8:59 a. m.]

[S. O. 396, Special Permit 191]

RECONSIGNMENT OF POTATOES AT INDIANAPOLIS, IND.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Indianapolis, Ind., May 21, 1947, by National Produce Co., of car PFE 51364, potatoes, now on the New York Central R. R., to Max Loefsky, Pittsburgh, Pa. (NYC-PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-4957; Filed, May 26, 1947; 8:59 a. m.]

[Rev. S. O. 620, Special Permit 5]

LIGHTWEIGHING OF IMPORTED LIQUID LATEX AT BOSTON, MASS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the lightweighing at its Yard No. 5, at Boston, Massachusetts, by the New York, New Haven and Hartford Railroad Company, of railroad tank cars to be loaded with imported liquid latex by the Charles T. Wilson Company, Inc., at the Boston Army Base, 666 Summer Street, Boston, Massachusetts, provided the said company surrenders a written order to the carrier for such lightweighing on which it certifies that the cars ordered to be lightweighed will be loaded only with imported liquid latex.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it

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with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-4958; Filed, May 26, 1947; 8:59 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-24]

SACHS, INC.

CONSENT ORDER

Sachs, Inc., 27 West High Street, Springfield, Ohio, is an Ohio corporation engaged in the business of retailing men's furnishings. Herman Sachs is the President of said corporation. Sachs, Inc. is charged by the Office of the Housing Expediter with a violation of Veterans' Housing Program Order 1 in that on or about February 19, 1947, without authorization of the Civilian Production Administration or the Office of the Housing Expediter, it began construction and thereafter carried on and participated in construction in connection with the remodeling of a building used as a clothing store located at 25–27–29 West High Street, Springfield, Ohio, at an estimated cost in excess of $1,000.

Sachs, Inc. admits the violation as charged but denies that it was wilful and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Sachs, Inc., the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Sachs, Inc., its successors and assigns, nor any other person shall do any further construction in connection with the remodeling of the building used as a clothing store located at 25–27–29 West High Street, Springfield, Ohio, including the completing or further altering of said structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Sachs, Inc. shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authority to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Sachs, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5006; Filed, May 23, 1947; 12:16 p. m.]

[C-30]

BEATRICE FOODS CO.

CONSENT ORDER

Beatrice Foods Company, a corporation, is located at 841 South High Street, Akron, Ohio. Walter L. Dilger is Secretary of said corporation. Beatrice Foods Company is charged by the Office of the Housing Expediter with violating Veterans' Housing Program Order 1 in that on or about October 16, 1946, it began construction and thereafter carried on and participated in construction in connection with the remodeling, altering and repairing of a building to be used as a warehouse for creamery products, located at 841 South High Street, Akron, Ohio, at a cost in excess of $1,000, without authorization of the Civilian Production Administration or the Office of the Housing Expediter.

The Beatrice Foods Company admits the violation as charged but denies that it was wilful and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of the Beatrice Foods Company, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Beatrice Foods Company, its successors and assigns, nor any other person shall do any further construction on the premises at 841 South High Street, Akron, Ohio, including completing or further altering or remodeling or repairing the building used as a warehouse for creamery products, located on said premises unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Beatrice Foods Company shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve the Beatrice Foods Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5007; Filed, May 23, 1947; 12:16 p. m.]

[C-34]

DANIEL CARVALHO AND MANUEL DUTRA

CONSENT ORDER

Daniel Carvalho is the owner of a building located at 49 Columbia Street, Fall River, Massachusetts, and Manuel Dutra of Sprague Street, Portsmouth, Rhode Island, is the contractor engaged by Daniel Carvalho to perform work on the premises at 49 Columbia Street, Fall River, Massachusetts. Daniel Carvalho and Manuel Dutra are charged by the Office of the Housing Expediter with having begun alterations and an addition to the above described building for the purpose of enlarging the building and making increased space for two stores, without authorization from the Civilian Production Administration or the Office of the Housing Expediter. Most of the work accomplished to date consists of demolition and excavation and only a small part is construction within the meaning of VHP–1. The construction done was not permitted under any exemption provided for in the Order and, therefore, constituted a violation of Veterans' Housing Program Order 1.

Daniel Carvalho and Manuel Dutra admit the violation as charged but state that the violation was due to a misunderstanding and deny that it was willful.

Wherefore, upon the agreement and consent of Daniel Carvalho and Manuel Dutra, the Regional Compliance Director, and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) The temporary suspension order issued by the Civilian Production Administration by telegram dated March 6, 1947, is hereby revoked.

(b) Neither Daniel Carvalho nor Manuel Dutra, their successors or assigns, nor any other person shall do any further construction on the alterations or additions to the building at 49 Columbia Street, Fall River, Massachusetts, including completing or altering the structure in any way, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(c) Daniel Carvalho and Manuel Dutra shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter or any other federal agency to do any further construction on this project.

(d) Nothing contained in this order shall be deemed to relieve Daniel Carvalho and Manuel Dutra, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5008; Filed, May 23, 1947; 12:16 p. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 12 NUMBER 105

Washington, Wednesday, May 28, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

METALLURGIST POSITIONS AND ENGINEER TRAINEE

The following sections are added to this part:

§ 24.45 *Metallurgist positions (P-2 through P-8) involving highly complicated or fundamental scientific research or similar difficult scientific duties*—(a) *Educational requirement.* Certification for these positions will be restricted to those eligibles who show the successful completion of a four-year course in a college or university of recognized standing, leading to a bachelor's degree in metallurgy or metallurgical engineering. This study must have included courses in metallurgical subjects consisting of lectures, recitations, and practical laboratory work totaling at least 20 semester hours.

(b) *Duties.* The duties of these positions are as follows:

(1) Critical investigative work requiring a sound knowledge of the fundamental principles, theories, practices, and terminology of metallurgy and related sciences and having for its objective the development or extension of new theories or principles, or a new interpretation of known facts leading to a revision of accepted theories and practices.

(2) The application of the known laws and facts of the physical sciences and principles of metallurgy to the development of new processes or products.

(3) The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the metallurgical principles, practices, and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The advances in metallurgy have been dependent upon and related to the advances made in the various physical sciences. A knowledge of the principles and theories of metallurgy and of the related physical sciences, particularly physics and chemistry, is indispensable in formulating new concepts in metallurgy, in interpreting experimental data, in establishing new processes, and in developing new products. Further advances in metallurgy will be dependent upon the number of highly qualified and properly trained metallurgists who are competent to explore the field and are able to bring new scientific knowledge or established scientific concepts to bear on the problems met in research. Consequently those engaged in highly complicated fundamental research or similar difficult scientific duties in metallurgy must of necessity possess a fundamental knowledge of metallurgy, chemistry, physics, mathematics, and in addition that of pertinent allied fields in order that they may successfully attack complex problems.

Private industry using metallurgists for research positions has long recognized the necessity for broadly trained men for professional metallurgist positions who are well grounded in the fundamentals of the related sciences. They are required to have education represented by at least the attainment of a Bachelor's degree in metallurgy, and in many cases, a higher degree with specialization in a particular field is demanded.

(d) *Method of obtaining basic knowledge and training.* The above are statements of the minimum knowledge and training required to carry on successfully professional research work in the field of metallurgy. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule, and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.46 *Engineer Trainee, Bureau of Reclamation*—(a) *Educational requirement.* Applicants must have successfully completed two years of a standard professional engineering curriculum leading to a bachelor's degree in engineering, in

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to the
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a college or university of recognized standing.

(b) *Duties.* The duties of an engineer trainee will consist of a combination of on-the-job training in one of the branches of engineering by the Bureau of Reclamation, and scholastic training in the last two years of a college engineering curriculum in a college or university designated by the Bureau of Reclamation. Upon successful completion of the program, trainees will be considered for advancement to the professional engineering service in the Bureau of Reclamation.

(c) *Justification for educational requirement.* Since the duties of the position are twofold—to perform actual engineering work while in training, and to pursue academic studies in the last two years of a college engineering curriculum in order to attain the capacity needed to perform successfully duties at the professional engineering level in the Bureau of Reclamation—applicants must have the education specified in order to be qualified to enroll in the third year of a standard college engineering curriculum in a college or university designated by the Bureau of Reclamation.

(Sec. 5, 58 Stat. 388; 5 U. S. C., Sup. 854)

The United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-4998; Filed, May 27, 1947; 8:53 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IV—Military Education

PART 403—PROMOTION OF RIFLE PRACTICE

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 47-4819, appearing at page 3314 of the issue for Friday, May 23, 1947, the following changes are made:

In the table under paragraph (e) (1) of § 403.1, the phrase "120 pounds" in the first line should read "120 rounds".

In the table under paragraph (b) (3) (ii) of § 403.2, the phrase "400 pounds" in the first and second lines should read "400 rounds".

Chapter V—Military Reservations and National Cemeteries

PART 502—MILITARY RESERVATIONS

POST COMMANDER

Section 502.18, Part 502, Chapter V, Title 10, Code of Federal Regulations, is superseded by the following:

§ 502.18 *General duties*—(a) *Assignment of quarters, civilians.* The post commander may grant permission to civilian employees and other civilians whose presence on the post is desirable because of the nature of their duties, to occupy such quarters as are available, and will be responsible that payment for or deduction from salary of the value of such quarters is affected as prescribed in Civilian Personnel Regulations. Bona fide servants occupying rooms built in existing quarters for such purpose will not be required to pay rental.

(b) *Employment of civilian mess attendants*—(1) *Units stationed outside the zone of interior.* The employment and payment from voluntary contributions of civilians as mess attendants is authorized in Army messes of units stationed outside the zone of interior under the following conditions:

(i) When the oversea commander determines that local conditions are favorable and such employment is in the best interest of the service.

(ii) Payment for such employment will be from moneys contributed, strictly on a voluntary basis, from military personnel using the mess.

(iii) The contributions collected will be taken into and disbursed from unit funds in order to insure adequate control.

(iv) Such attendants will be used only as KP's, dining room orderlies, dishwashers, and other personnel who do not perform duties of cooks, cook's helpers, bakers, and butchers.

(2) *Units stationed within zone of interior.* The employment and payment from voluntary contributions of civilians as mess attendants is not authorized in Army messes of units stationed within the zone of interior.

(c) *Welfare*—(1) *Young Men's Christian Association.* At posts where Young Men's Christian Association buildings

have been constructed pursuant to the act of 31 May, 1902 (32 Stat. 282); 10 U. S. C. 1346; M. L. 1939, sec. 1001, the Young Men's Christian Association will be permitted to continue to conduct thereat helpful physical, intellectual, and nonsectarian religious activities. The post commander will assist and facilitate these activities in such ways as he may deem appropriate and desirable.

(2) *American National Red Cross.* The activities of the American National Red Cross at posts will be as prescribed or implied in AR 850–75, and the post commander will assist and facilitate such activities in every appropriate manner.

(d) *Competition with civilian enterprises.* The post commander is charged with the responsibility that no military member of his command will be detailed, ordered, or permitted to leave his post to engage in any pursuit, business or performance in civil life, for emoluments, hire, or otherwise, when it will interfere with the customary employment and regular engagement of local civilians in the respective arts, trades or professions. He will prohibit the use of military personnel or civilian employees of the Army during normal working hours, in conducting cooperatives (other than Army exchanges and Army Motion Picture Service) which operate in competition with civilian enterprises.

(e) *Construction*—(1) *New construction.* New construction will be performed only in accordance with and within limitations of War Department and implementing directives. See AR 100–70, AR 100–80, and TM 5–600 (administrative regulations relative to the Corps of Engineers.)

(2) *Construction of buildings other than public.* No buildings other than public will be erected or constructed on military reservations unless authority is granted by the Secretary of War under a revocable license in which the conditions for occupancy will be clearly set forth. Exceptions may be made with respect to unimportant or temporary structures such as are necessary and incident to the work of contractors on Government work, provided that such temporary buildings will be removed at the expiration of the permit. Construction outside the continental United States will conform to such instructions as may be issued by the War Department from time to time. [AR 210–10, May 6, 1947] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4994; Filed, May 27, 1947; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 03—AIRPLANE AIRWORTHINESS: NORMAL, UTILITY, ACROBATIC, AND RESTRICTED PURPOSE CATEGORIES

INTERPRETATIONS AND STATEMENTS OF POLICY

The following interpretations and statements of policy relating to Part 03 of the Civil Air Regulations (11 F. R. 13368) were issued by the Administrator of Civil Aeronautics on May 15, 1947:

§ 03.02 *Airplane categories.* • • •

Utility—Suffix "U"

• • • • • •

(CAA Interpretation)

The phrase "limited acrobatic maneuvers" as used in § 03.02 of the Civil Air Regulations (14 CFR § 03.02, 11 F. R. 13368) is interpreted to include steep turns, spins, stalls (except whip stalls), lazy eights and chandelles.

§ 03.05 *Changes.* • • •

(CAA Statement of Policy)

There are currently available newly designed engines of approximately the same size and weight as previously designed engines, but with considerable variations in power. It is possible to interchange these engines with little or no installation changes, and although minor changes in engine weight may be involved, it will still be practical to operate the aircraft at the originally approved gross weight. Under § 03.2111 of the Civil Air Regulations (14 CFR § 03.2111, 11 F. R. 13374), the maneuvering load factor is not dependent upon engine power, and under § 03.2110 of the Civil Air Regulations (14 CFR § 03.2110, 11 F. R. 13374), the design airspeeds can be independent of engine power. Therefore, a change which involves or permits a practical power increase by exchange of engines shall be approved by the Administrator: *Provided*, That such exchange of engines is not accompanied by increase in the gross weight of the aircraft or an increase in placard speeds. Under these conditions it will not be necessary to restrict the maximum continuous horsepower by a placard because of the airplane speed limitations, since the latter are indicated on the speed placards. Aircraft alterations involving weight or speed changes beyond those set forth above will be approved by the Administrator only if the applicant shows compliance with all of the applicable sections of Part 04a of the Civil Air Regulations (14 CFR Part 04a), or all of the applicable sections of Part 03 of the Civil Air Regulations (14 CFR Part 03, 11 F. R. 13368), or relies on the provisions of § 03.01 of the Civil Air Regulations (14 CFR § 03.01, 11 F. R. 13368) by complying with certain particular and related items of the requirements under Part 03 of the Civil Air Regulations, and certain of the requirements under Part 04a of the Civil Air Regulations, i. e., the level of safety for certain particular and related items is equivalent to the requirements under Part 03 of the Civil Air Regulations and the level of safety for the remaining items is equivalent to the requirements under Part 04a of the Civil Air Regulations. Under § 03.05 of the Civil Air Regulations (14 CFR § 03.05, 11 F. R. 13369) it will be necessary to require such investigations of local structure, weight and balance, powerplant installations and flight tests as are normally involved in a change of engine type.

§ 03.121 *Definition of stalling speeds.* • • •

(a) • • •

(CAA Interpretation)

As used in §§ 03.121 (a) (1) and (b) (1) of the Civil Air Regulations (14 CFR §§ 03.121 (a) (1) and (b) (1), 11 F. R. 13370) the term "zero thrust" contained in the phrase "engines idling, throttles closed (or not more than sufficient power for zero thrust)" is interpreted to permit "zero thrust at a speed not greater than 110% of the stalling speed."

§ 03.1210 *Stalling speed.* • • •

(CAA Interpretation)

In connection with any application to have an aircraft certificated for airworthiness under a combination of the requirements of Part 03 of the Civil Air Regulations (14 CFR Part 03, 11 F. R. 13368), and Part 04A of the Civil Air Regulations (14 CFR Part 04a) as authorized by the provisions of § 03.01 of the Civil Air Regulations, the stalling speed of "not to exceed 70 M. P. H." established in § 03.1210 of the Civil Air Regulations (14 CFR § 03.1210, 11 F. R. 13371) is interpreted to apply only to airplanes which comply with all of the following sections of the Civil Air Regulations which are construed by the Administrator to cover "related items:"

§ 03.122 (Takeoff) (14 CFR § 03.122, 11 F. R. 13371); § 03.124 (Landing) (14 CFR § 03.124, 11 F. R. 13371); § 03.134 (Stalling) (14 CFR § 03.134, 11 F. R. 13373); § 03.1340 (Climbing Stalls) (14 CFR § 03.1340, 11 F. R. 13373); § 03.1341 (Turning Flight Stalls) (14 CFR § 03.1341, 11 F. R. 13373); § 03.1342 (One-engine-inoperative Stalls) (14 CFR § 03.1342, 11 F. R. 13373); § 03.14 (Ground and Water Characteristics) (14 CFR § 03.14, 11 F. R. 13373).

§ 03.122 *Takeoff.* • • •

(CAA Statement of Policy)

To meet the requirements of § 03.122 of the Civil Air Regulations (14 CFR § 03.122, 11 F. R. 13371) pertaining to certification of takeoff performance and to provide the Airplane Flight Manual performance data required in §§ 03.632 (c) and (d) of the Civil Air Regulations (14 CFR §§ 03.632 (c) and (d)) (11 F. R. 13397), it is necesary that a suitable method be used for the purpose of determining these items during official type tests. The Administrator will accept the following procedure for this purpose:

The ground and climb distances may be determined separately and the corrected data placed together (as is now done in the transport category). Thus, for the simplest procedure, the airplane shall be accelerated on (or near) the ground with gear extended to a speed not less than 1.3 V_{s_1}, and a climb segment to the 50 ft. height point with gear extended shall be determined by saw-tooth climb data. If it is desired to assume retraction of the landing gear at an earlier point, such point shall be assured to occur not earlier than that which would be used in normal takeoffs. The acceleration to 1.3 V_{s_1}, shall then be measured as above, with gear retraction being initiated at the selected speed. If gear retraction is completed before reaching 1.3 V_{s_1}, only one climb segment, with gear retracted, need be determined. If retraction is not completed during acceleration to 1.3 V_{s_1}, two climb segments shall be determined; one with gear extended for the time period necessary to complete retraction; the second with gear retracted. The acceleration segment shall be determined photographically, and a minimum of three trials shall be made up to speeds equal to or greater than 1.3 V_{s_1}.

NOTE: (CAA camera equipment may be obtained on a loan basis).

NOTE: It is permissible for other methods to be used in accomplishing these tests, providing that any method used is one which the average pilot may be reasonably expected to duplicate without use of unusual skill or experience, and one which produces equivalent accuracy. The operating procedure which must be followed to achieve the measured performance, shall in all cases be described in the Airplane Flight Manual.

§ 03.123 *Climb.* • • •

(CAA Statement of Policy)

To meet the requirements of § 03.123 of the Civil Air Regulations (14 CFR § 03.123, 11 F. R. 13371) it is necessary that a suitable method be employed for the purpose of determining the rates of climb. The Administrator will accept the following procedure for this purpose:

This method of obtaining rates of climb is through the derivation of a polar curve obtained from a series of sawtooth climbs at various speeds. When sawtooth climbs are employed, a minimum of five different speeds is required. However, demonstration climbs to prove the article meets the minimum climb requirement may be made at one given airspeed. In such cases, the minimum number of climbs at one airspeed shall be not less than three. This may not be interpreted to mean the best three of a number of climbs. In the event additional climbs are made the average of the total shall be the value to be accepted. It shall be permissible, however, to discard any climbs which are obviously in error due to such factors as turbulent air.

§ 03.123 *Climb*—(a) *Normal climb condition.* • • •

(CAA Interpretation)

In connection with any application to have an aircraft certified for airworthiness under a combination of the requirements of Part 03 of the Civil Air Regulations (14 CFR, Part 03, 11 F. R. 13368), and Part 04a of the Civil Air Regulations (14 CFR, Part 04a) as authorized by the provisions of § 03.01 of the Civil Air Regulations (14 CFR, § 03.01, 11 F. R. 13373) the items of "normal climb" (14 CFR, § 03.123 (a), 11 F. R. 13371) and "cooling test procedure for single-engine airplanes" (14 CFR, § 03 4403, 11 F. R. 13390) shall be construed by the Administrator as "related items."

§ 03.123 *Climb.* • • •

(c) *Balked landing conditions.* • • •

(CAA Interpretation)

The Administrator will consider retraction of flaps in two seconds or less as compliance with the factor of "rapid retraction" as that phrase is used in § 03.123 (c) of the Civil Air Regulations (14 CFR, § 03.123 (c), 11 F. R. 13371).

For multi-engine airplanes in which the design landing weight (14 CFR, § 03.240, 11 F. R. 13379) is less than the maximum weight (14 CFR, § 03.113, 11 F. R. 13370) for which certification is desired, the weight for items of performance and flight characteristics shall be construed by the Administrator as the maximum weight defined in 14 CFR, § 03.113. Such items of performance and flight characteristics shall consist of balked landing (climb) conditions (14 CFR, § 03.113, 11 F. R. 13370), landing over 50 foot obstacles (14 CFR, § 03.124, 11 F. R. 13371), and all flight characteristics tests in the landing configuration. The design weight covered in § 03.240 of the Civil Air Regulations (14 CFR, § 03.240, 11 F. R. 13379) is intended for use for structural design purposes only.

§ 03.132 *Trim.* • • •

(b) • • •

(CAA Interpretation)

(2) Section 03.132 (b) (2) of the Civil Air Regulations (14 CFR § 03.132 (b) (2), 11 F. R. 13372) provides that for airworthiness certification an airplane must maintain longitudinal trim under the following conditions: During a glide with power off at a speed not in excess of 1.4 times stall speed, landing gear extended, wing flaps both retracted and extended under the forward center of gravity position approved with the maximum authorized weight and under the most forward center of gravity position approved, regardless of weight.

In the case of new airplane designs which, due to their being equipped with high life devices, cannot meet the required trim at 1.4 times stall speed with the landing gear and flaps extended, the Administrator, as authorized in § 03.00 of the Civil Air Regulations (14 CFR § 03.00, 11 F. R. 13368), will accept, as being of equivalent safety, performance with the flaps extended based on the following standards:

(a) The flap down, power off, stalling speed shall not exceed 90% of the flap retracted, power off, stalling speed.

(b) The minimum trim speed with power off, flaps and landing gear extended, under the forward center of gravity position approved with the maximum authorized weight, and under the most forward center of gravity position approved, regardless of weight, shall not exceed 1.5 times the stall speed for that configuration.

(c) The force required to maintain steady flight in this configuration at 1.4 V_{s_1}, shall not exceed 10 pounds.

(d) It shall be possible trimmed in this configuration to execute a normal power off landing without exceeding a stick force of 40 pounds.

(e) It shall be possible with the stick free, to reduce the rate of descent to zero and simultaneously bring the airplane to an attitude suitable for landing, using not more than maximum continuous power. During this demonstration the flaps extended speed shall not be exceeded.

When the standards set forth above are relied upon to determine compliance with this section of the Civil Air Regulations, the Administrator will accept as equivalent safety a demonstration of the following items at 1.5 times stall speed instead of 1.4 times stall speed:

Longitudinal control (14 CFR §§ 03.13100, 03.13101 (a) (2), (b) (2) and (c), 11 F. R. 13371).

Specific Conditions (14 CFR § 03.13310 (a), 11 F. R. 13372).

§ 03.13330 *Three control airplanes.* • • •

(CAA Statement of Policy)

(e) The tests made necessary in § 03.13330 (c) of the Civil Air Regulations (14 CFR § 03.13330 (c), 11 F. R. 13372) may be conducted at speeds up to 1.2 times stall speed, flaps up and down, and with power up to 75% of maximum continuous rating.

§ 03.134 *Stalling.* • • •

(CAA Statement of Policy)

To meet the requirements of § 03.134 of the Civil Air Regulations (14 CFR § 03.134, 11 F. R. 13373) pertaining to the maximum loss of altitude permitted during the stall, it is necessary that a suitable method be used for the purpose of measuring such loss during the investigation of stalls. Unless special features of an individual type being investigated render the following instructions inapplicable, the procedure described shall be used for this purpose:

(a) The standard procedure for approaching a stall shall be used as specified in § 03.134 of the Civil Air Regulations (14 CFR § 03.134, 11 F. R. 13373).

(b) The loss of altitude encountered in the stall (power on or power off) shall be the distance as observed on the sensitive altimeter testing installation from the moment the airplane pitches to the observed altitude reading at which horizontal flight has been regained.

(c) Power used during the recovery portions of a stall maneuver may be that which, at the discretion of the inspector, would be likely used by a pilot under normal operating conditions when executing this particular maneuver. However, the power used to regain level flight shall not be applied until the airplane has regained flying control at a speed of approximately 1.2 V_{s_1}. This means that in the investigation of stalls with the critical engine inoperative, the power may be reduced on the operating engine (S) before re-applying power on the operating engine or engines for the purpose of regaining level flight.

§ 03.202 *Strength and deformations.* • • •

(CAA Statement of Policy)

Section 03.202 of the Civil Air Regulations (14 CFR § 03.202, 11 F. R. 13374) permits dynamic testing in lieu of stress analysis or static testing in the proof of compliance of the structure with strength and deformation requirements. In demonstrating, by dynamic tests, proof of strength of landing gears for the stipulated landing conditions contained in §§ 03.2421, 03.2422, and 03.2423 of the Civil Air Regulations (14 CFR §§ 03.2421, 03.2422, and 03.2423, 11 F. R. 13380), it is necessary to employ a procedure which will not result in the accepting of landing gears weaker than those qualified for acceptance under present procedures, i. e., stress analysis or static testing. The Administrator will accept, as an adequate procedure for this purpose, the following dynamic tests:

The structure shall be dropped a minimum of ten times from the limit drop height, and at least one time from the ultimate drop height, for each basic design condition for which proof of strength is being made by drop tests.

With regard to the extent to which the structure can be proved by dynamic tests, such dynamic tests shall be accepted as proof of strength for only those elements of the structure for which it can be shown that the critical limit and ultimate loads have been reproduced.

§ 03.21110 *Maneuvering load factors.* • • •

(CAA Statement of Policy)

In connection with any application to have an aircraft certified for airworthiness under a combination of the requirements of Part 03 of the Civil Air Regulations (14 CFR Part 03, 11 F. R. 13368), and Part 04a of the Civil Air Regulations (14 CFR Part 04a) as authorized by the provisions of § 03.01 of the Civil Air Regulations (14 CFR § 03.01, 11 F. R. 13373), reduced maneuvering load factors may be used provided it is shown: (a) that the basic flight envelope for the airplane meets the requirements of the applicable provisions of Part 03 of the Civil Air Regulations (14 CFR Part 03, 11 F. R. 13368) and, (b) that the related operating limitations found in § 03.6 of the Civil Air Regulations (14 CFR § 03.6, 11 F. R. 13395) are complied with. The actual analysis may be done on the basis of the requirements contained in Part 04a of the Civil Air Regulations. These requirements specify wing load factors. The net load factor for each condition, n_n, should be determined from the balancing computations. This net load factor shall be equal or greater than the airplane load factor as determined from the Part 03, Civil Air Regulations flight envelope. This analysis procedure may also be used for airplanes certificated entirely under Part 03, Civil Air Regulations.

§ 03.21120 *Gust load factors.* • • •

(CAA Statement of Policy)

For purposes of gust load computations as required in § 03.21120 of the Civil Air Regulations (14 CFR § 03.21120, 11 F. R. 13375) the slope of the lift curve may be assumed equal to that of the wing alone.

§ 03.2131 *Rolling conditions.* • • •

(b) • • •

(CAA Statement of Policy)

Aileron Rolling Conditions

Section 03.2131 of the Civil Air Regulations (14 CFR § 03.2131, 11 F. R. 13375) requires that airplane structure be investigated for the loads resulting from the aileron deflections and speeds specified in § 03.223 (11 F. R. 13378), in combination with an airplane load factor of at least two-thirds of the positive

maneuvering factor used in the design of the airplane. The Administrator will accept the following simplified procedure as complying with this action in the investigation of airplanes of small to medium size and speed:

(1) *Steady roll.* Determine the C_n value, corresponding to $\frac{2}{3}$ the symmetrical maneuvering load factor. The C_n distribution over the span may be assumed the same as that for the symmetrical flight conditions. Modify the wing moment coefficient over the aileron portions of the span, as described in the "note" under § 03.2131 of Civil Air Regulations (14 CFR § 03.2131, 11 F. R. 13375), corresponding to the required aileron deflections. The wing may be critical in torsion on the up as well as the down aileron side, depending upon airfoil section, elastic axis location, aileron differential, etc. (For the up aileron, the moment coefficient increment will be positive).

(2) *Maximum angular acceleration.* This condition need be investigated only for wings carrying large mass items outboard. In such cases instantaneous aileron deflection (zero rolling velocity) may be assumed and the local value of C_n and C_{m} over the aileron portions of the span modified accordingly to obtain the spanwise airload distribution. The average C_n of the entire wing should correspond to $\frac{2}{3}$ of the symmetrical maneuvering load factor. The resulting rolling moment should be resisted by the rolling inertia of the entire airplane.

§ 03.2201 *Pilot effort.* • • •

(CAA Statement of Policy)

Section 03.2201 of the Civil Air Regulations (14 CFR § 03.2201, 11 F. R. 13576) establishes a criterion for the pilot control forces used in determining the loads on control surfaces, and provides that "in applying this criterion, proper consideration shall be given to the effects of • • •, and automatic pilot systems in assisting the pilot." The Administrator will accept the following procedure as giving proper consideration of automatic pilot systems in assisting the pilot under this section: the autopilot effort need not be added to human pilot effort but the autopilot effort shall be used for design if it alone can produce greater control surface loads than the human pilot.

§ 03.230 *Primary flight controls and systems.* • • •

(CAA Statement of Policy)

Section 03.230 of the Civil Air Regulations (14 CFR § 03.230, 11 F. R. 13379) requires that flight control systems and supporting structures shall be designed for loads corresponding to 125% of the computed hinge moments of the movable control surface in the conditions prescribed in § 03.22, subject to certain maxima and minima.

The 125% factor on computed hinge moments need be applied only to elevator, aileron and rudder systems. The Administrator will accept a factor as low as 1.0 when hinge moments are based on test data, the exact reduction which the Administrator will accept, depending to an extent upon the accuracy and reliability of the data.

§ 03.230 *Primary flight controls and systems.* • • •

(a) • • •

(CAA Statement of Policy)

Section 03.230 (a) of the Civil Air Regulations (14 CFR § 03.230 (a), 11 F. R. 13379) provides that the system limit loads need not exceed those which can be produced by the pilot and automatic devices operating the controls. The Administrator will accept the following procedure as compliance with this section:

When the autopilot is acting in conjunction with the human pilot, the autopilot effort need not be added to human pilot effort but the autopilot effort shall be used for design if it alone can produce greater control surface loads than the human pilot. When the human pilot acts in opposition to the autopilot, that portion of the system between them shall be designed for the maximum effort of human pilot or autopilot, whichever is the lesser.

§ 03.231 *Ground gust conditions.* • • •

(CAA Interpretation)

Section 03.231 of the Civil Air Regulations (14 CFR § 03.231, 11 F. R. 13379) requires ground gust loads to be investigated when a reduction in minimum pilot effort loads is desired. In such cases the entire system shall be investigated for ground gust loads. However, in instances where the designer desires to investigate ground gust loads without intending to reduce pilot effort loads, the ground gust load need be carried only from the control surface horn to the nearest stops or gust locks, including the stops or locks and their supporting structures.

§ 03.2421 *Level landing.* • • •

(CAA Statement of Policy)

Section 03.2421 of the Civil Air Regulations (14 CFR § 03.2421, 11 F. R. 13380), requires that spin-up loads be taken into account in structural designs.

Section 03.242 of the Civil Air Regulations (14 CFR § 03.242, 11 F. R. 13380), permits the use of arbitrary drag loads for this purpose. If it is desired to use a method more rational than the arbitrary drag components, referred to in § 03.242, in determining the wheel spin-up loads for landing conditions, the Administrator will accept the following method from NACA T. N. 663 for this purpose: (However, the minimum drag component of 0.25 times the vertical will still apply).

$$F_{H_{\max}} = \frac{1}{r_e}\sqrt{\frac{2I_w (V_H - V_c)\ nF_{V_{\max}}}{t_z}}$$

$F_{H_{\max}}$ = maximum rearward horizontal force acting on the wheel-pounds.

r_e = effective rolling radius of wheel under impact-feet based on recommended operating tire pressure (may be assumed equal to the rolling radius under a static load of $n_j W_e$).

I_w = rotational mass moment of inertia of rolling assembly slug feet required.

V_H = linear velocity of airplane parallel to ground at instant of contact, assumed $1.2V_{s_0}$, in feet/sec.

V_c = peripheral speed of tire if pre-rotation is used (feet per second)—a positive means of pre-rotation should be provided before pre-rotation can be considered.

= effective coefficient of friction, 0.80 is acceptable.

$F_{V_{\max}}$ = maximum vertical force on wheel, (pounds) = $n_j W_e$, where W_e and n_j are defined in §§ 03.3611 and 03.3612 of the Civil Air Regulations (14 CFR §§ 03.3611 and 03.3612, 11 F. R. 13384).

t_z = time interval between ground contact and attainment of maximum vertical force on wheel (seconds). If the value of $F_{H_{\max}}$ from the above equation exceeds $0.8F_{V_{\max}}$, the latter value should be used for $F_{H_{\max}}$.

NOTE: This equation assumes a linear variation of load factor with time until the peak load is reached and under this assumption determines the drag force at the time that the wheel peripheral velocity at radius r_e equals the airplane velocity. Most shock absorbers do not exactly follow a linear variation of load factor with time. Hence, rational or conservative allowances should be made to compensate for these variations. On most landing gears the time for wheel spin up will be less than the time required to develop maximum vertical load factor for the specified rate of descent and forward velocity. However, for exceptionally large wheels, a wheel peripheral velocity equal to the ground speed may not have been attained at time of maximum vertical gear load. This case is covered by the statement above that the drag spin up load need not exceed 0.8 of the maximum vertical load.

Dynamic spring back of the landing gear and adjacent structure at the instant just after the wheels come up to speed may result in dynamic forward acting loads of considerable magnitude. This effect may be simulated in the level landing condition by assuming that the wheel spin up loads are reversed. Dynamic spring back is likely to be critical only for landing gear units having wheels of large mass supported by relatively flexible cantilever struts.

The arbitrary drag loads referred to in § 03.242 (Fig. 03–12) are usually sufficient to provide for wheel spin-up except for airplanes having large diameter wheels or high stalling speeds. For the latter, it is recommended that a more rational investigation, such as that described above, be made.

§ 03.310 *Material strength properties and design values.* • • •

(CAA Statement of Policy)

Section 03.310 of the Civil Air Regulations (14 CFR § 03.310, 11 F. R. 13382) provides: (a) that strength properties shall be based on a sufficient number of tests of material conforming to specifications to establish design values on a statistical basis, and (b) that the design values shall be so chosen that the probability of any structure being understrength because of material variability is extremely remote.

With reference to section 5.00 of ANC–5, Amendment No. 1, it will be noted that allowable design property columns headed "Army-Navy" represent design properties which will be equalled or exceeded by the properties possessed by approximately 90% of the material. All other allowable design property columns relate to the minimum guaranteed properties and are based on values given in the various material specifications. The Administrator will permit uses of these design properties as outlined in I and II below, based on the objectives of § 03.310.

I. In the case of structures where the applied loads are eventually distributed through single members within an assembly, the failure of which would result in the loss of the structural integrity of the component involved, the guaranteed minimum design mechanical properties listed in ANC–5 shall be used.

NOTE: Typical examples of such items are:
1. Wing lift struts
2. Spars in two-spar wings
3. Sparcaps in regions such as wing cutouts and wing center sections where loads are transmitted through caps only
4. Primary attachment fittings dependent on single bolts for load transfer.

II. Redundant structures wherein partial failure of individual elements would result in the applied load being safely distributed to other load carrying members, may be designed on the basis of the "90% probability" allowable.

NOTE: Typical examples of such items are:
1. Sheet-stiffener combinations
2. Multi-rivet or multiple bolt connections.

Certain manufacturers have indicated a desire to use design value greater than the guaranteed minimums even in applications where only guaranteed minimum values would be permitted under I above, and have advocated that such allowables be based on "premium selection" of the material. Such increased design allowables will be acceptable to the Administrator: *Provided*, That a specimen or specimens of each individual item are tested prior to its use, to determine that the actual strength properties of that particular item will equal or exceed the properties used in design. This, in effect, results in the airplane or materials manufacturer guaranteeing higher minimum properties than those given in the basic procurement specifications.

When strength testing is employed to establish design allowables, (such as in the case of sheet-stiffener compression tests) the test results shall be reduced to values which would be met by material having the design allowable material properties for the part under consideration, as covered in I and II above.

NOTE: Sections 1.543 and 1.544 of ANC–5 outline two means of accomplishing this, but are by no means considered as the only methods available.

§ 03.31100 *Castings.* • • •

(CAA Statement of Policy)

With reference to paragraphs (b) and (c) of § 03.31100 of the Civil Air Regulations (14 CFR § 03.31100, 11 F. R. 13383), the Administrator has approved specific proposals which permit the use of lower casting factors as specified in (b), with 100% radiographic inspection on initial runs, but with radiographic inspection gradually reduced on production lots as it becomes evident that adequate quality control has been established. All such procedures require the submittal and execution of a satisfactory process specification and statistical proof that adequate quality control has been achieved.

§ 03.3300 *Ribs.* • • •

(CAA Statement of Policy)

Section 03.3300 of the Civil Air Regulations (14 CFR § 03.3300, 11 F. R. 13383) was drafted so as to allow the proof of strength of ribs in stressed skin wings to be made as part of 100% ultimate load test of the wings, in cases where the complete wing is tested in such a manner as to stimulate the actual air load distribution. In such cases the Administrator will not require that separate rib tests be made. When ribs of stressed skin wings are tested separately from the wing and a rational load distribution is made, a suitable variability factor (see § 03.8110 of the Civil Air Regulations (14 CFR § 03.8110, 11 F. R. 13383)) shall be employed in determining the test loads. Although no specific value is stated in § 03.8110 of the Civil Air Regulations, a factor of 1.15 is considered acceptable. However, consideration may be given to a lower factor if such lower factor were substantiated by tests on a large number of ribs.

§ 03.3571 *Cable systems.* • • •

(CAA Interpretation)

Section 03.3571 of the Civil Air Regulations provides that "cables smaller than $\frac{1}{8}$-inch diameter shall not be used in primary control systems". Primary control systems are normally considered to be the aileron, rudder, and elevator control systems. Hence this minimum of $\frac{1}{8}$ inch need not be applied to tab control cables having high strength margins. However, in cases where the airplane would not be safely controllable in flight and landing with tabs in the most adverse positions required for the various critical trim, weight and center of gravity conditions, the Administrator will require that tab systems be so designed as to provide reliability equivalent to that required for primary systems. Examples are pulley sizes, guards, use of fairleads, inspection provisions, etc.

§ 03.3610 *Shock absorption tests.* • • •

(CAA Statement of Policy)

Landing Gear Drop Tests

Section 03.3610 of the Civil Air Regulations (14 CFR § 03.3610, 11 F. R. 13384) provides: "It shall be demonstrated by energy absorption tests that the limit load factors selected for design in accordance with § 03.241 (14 CFR § 03.241, 11 F. R. 13379) will not be exceeded in landings with the limit descent velocity specified in that section."

Several questions concerning landing gear drop tests have been received recently.

(a) The first question concerns acceptable methods of determining the effective mass to be dropped in drop tests of nose wheel landing gear assemblies. The Administrator has approved the following method as acceptable for this purpose:

For aircraft with nose wheel type gear, the effective mass to be used in free drop test of the nose wheel shall be determined from the formula for W_e (sections 03.3611 and 03.3613 of the Civil Air Regulations) using $W = W_n$ where W_n is equal to the vertical components of the resultant force acting on the nose wheel, computed under the following assumptions: (1) the mass of the airplane concentrated at the c. g. and exerting a force of 1.0 g downward and 0.33 g forward, (2) the nose and the main gears and tires in static position, and (3) the resultant reactions at the main and nose gears acting through the axles and parallel to the resultant force at the airplane c. g.

NOTE: By way of explanation, the use of an inclined reactions condition as the basis for determining the mass to be dropped with a nose wheel unit is based on rational dynamic investigation of the landing condition, assuming the landing is made with simultaneous three point contact, zero pitching velocity, and a drag component representing the average wheel spin-up reactions during the landing impact. Although spin-up loads on small airplanes may be less than the value implied by the formula, such airplanes are more likely to be landed with a nose dropping pitching velocity, or in soft ground. The vertical component of the ground reaction is specified above because the method of defining the direction of the inertia force at the c. g. gives a resultant effective mass greater than that of the airplane.

(b) The second question concerns the attitude in which the landing gear unit is dropped. The Administrator has approved the following procedure as acceptable for this purpose:

The attitude in which a landing gear unit is dropped shall be that which simulates the airplane landing condition which is critical from the standpoint of energy to be absorbed by the particular unit, thus: (1) For nose wheel type landing gear, the nose wheel gear shall be drop tested in an attitude which simulates the three point landing inclined reaction condition. (2) The attitude selected for main gear drop tests shall be that which simulates the two-wheel level landing with inclined reactions condition.

NOTE: In addition, it is recommended that the main gear be dropped in an attitude simulating the tail down landing with vertical reactions condition if the geometry of the gear is such that this condition is likely to result in shock strut action appreciably different from that obtained in level attitude drop tests; for example, when a cantilever shock strut has a large inclination with respect to the direction of the ground reaction.

(3) Tail wheel units shall be tested in such a manner as to simulate the tail down landing condition (3 point contact). Drag components may be covered separately by the tail wheel "obstruction" condition.

(c) The third question concerns the use and determination of slopes of inclined platforms when such are used in drop tests. The Administrator has approved the following procedure as acceptable for this purpose:

When the arbitrary drag components given on Fig. 03–12 (a), Part 03, Civil Air Regulations, are used for the design of the landing gear in the level landing conditions, the drag loads in the drop tests for these conditions may be simulated by dropping the units onto inclined platforms, so arranged as to obtain the proper direction of the resultant ground reactions in relation to the landing gear. (If wheel spin-up loads for these conditions are determined by rational methods and found to be more severe than the arbitrary drag loads, it is suggested that the spin-up loads be simulated by dropping the gear onto a level platform with wheels spinning.) In at least one limit drop test the platform should simulate the friction characteristics of paved runways and the rotational speed of the wheel just prior to contact should correspond to an airplane ground speed of 1.2 V_{s_0}. (It is suggested that additional limit drops be made onto surfaces of lower friction coefficient and at several wheel rotational speeds; coefficients for example, corresponding to 0.6, 0.8, and 1.0 V_{s_0}.) The direction of wheel rotation in the drop test should be opposite to that which would occur in landing the airplane. Spin up loads which are slightly greater than the arbitrary drag loads can probably be simulated satisfactorily by inclined platforms, but platforms having greater inclinations may not simulate spin up loads correctly and are not recommended.

§ 03.3622 *Position indicator and warning device.* • • •

(CAA Interpretation)

Section 03.3622 of the Civil Air Regulations (14 CFR § 03.3622, 11 F. R. 13385) requires that when retractable landing wheels are used, means shall be provided for indicating to the pilot when the wheels are secured in the extreme positions. These means may consist of lights of various colors. The signal "all lights out" will be considered by the Administrator as satisfactory if used to indicate intermediate gear positions but it will not be considered as providing adequate safety if used to indicate either extreme gear locked position.

§ 03.4 *Power-plant installation, reciprocating engines.*

§ 03.40 *General.* • • •
(b) • • •

(CAA Statement of Policy)

Section 03.40 (b) of the Civil Air Regulations (14 CFR § 03.40 (b), 11 F. R. 13386) requires that: "All components of the power-plant installation shall be constructed, arranged, and installed in a manner which will assure the continued safe operation of the airplane and power plant. Accessibility shall be provided to permit such inspection and maintenance as is necessary to assure continued airworthiness."

(a) The Administrator has received numerous requests and applications for permission to install reverse thrust propeller installations in various types of aircraft. The Administrator will approve as providing adequate safety only those reverse thrust propeller installations which conform in all details with the following standards:

(1) Exceptional pilot skill shall not be required in taxiing or any condition in which reverse thrust is to be used.

(2) Recommended operating procedures and operating limitations and placards shall be established.

(3) Throttle movement shall be such that the motion is in the direction of the desired acceleration of the airplane.

(4) The airplane control characteristics shall be satisfactory with regard to control forces encountered, and buffeting shall not be such as to be likely to cause structural damage.

(5) The directional control shall be adequate using normal piloting skill.

(6) It shall be determined that no dangerous condition is encountered in the event of a sudden failure of one engine in any likely operating condition.

(7) The operating procedures and airplane configuration shall be such as to provide a reasonable safe-guard against serious structural damage to parts of the airplane due to the reverse airflow.

(8) It shall be determined that the pilot's vision is not dangerously obscured under normal operating conditions on dusty or wet runways and where light snow is on the runway.

(9) It shall be impossible to place the propellers in the reverse thrust position until the airplane is on the ground, unless it is demonstrated that it is safe to reverse the propellers in any likely flight condition. Consideration shall be given to possible rebound of the airplane following initial contact, at which point propeller reversal has taken place.

(10) The mechanism actuating the propeller and controlling the engine shall maintain sufficient power to keep the engine running at an adequate speed to prevent engine stalling during or after the propeller reversing operation.

(11) It shall not be possible under any likely condition to cause excessive overspeed of the propeller during the propeller reversing operation.

(12) The propeller control arrangement shall be such as to provide adequate safeguards against inadvertent reversal of propellers.

(13) The engine cooling characteristics shall be satisfactory when operated within the operating limitations.

(14) If it is desired to certificate reverse thrust for use in taxiing only, it will be permissible to omit requirement of items 3 and 9, if the following are complied with.

a. Deliberate action with intent to reverse the propellers is required.

b. Placard in plain view of pilot must warn not to reverse the propellers in the air and to be used for taxiing only.

(b) The Administrator also has received requests and applications for permission to use reverse thrust in the performance item of determining the landing distance to be used in establishing airport lengths. (See § 03.124 Civil Air Regulations, 14 CFR § 03.124, 11 F. R. 13371.) The Administrator will not approve the use of landing distances obtainable with reverse thrust propellers in establishing landing field lengths until such time as sufficient experience with their use is available for proper consideration of all related factors involved in the establishment of adequate airport lengths for routine landings.

§ 03.43 *Oil system.* * * *

(CAA Interpretation)

The word "capacity" as used in § 03.43 of the Civil Air Regulations (14 CFR § 03.43, 11 F. R. 13389–13390) is interpreted by the Administrator as follows:

(a) Only the usable fuel system capacity need be considered.

(b) In a conventional oil system (no transfer system provided) only the usable oil tank capacity shall be considered. The quantity of oil in the engine oil lines, the oil radiator, or in the feathering reserve shall not be included. When an oil transfer system is installed, and the transfer pump is so located that it can pump some of the oil in the transfer lines into the main engine oil tanks, the quantity of oil in these lines which can be pumped by the transfer pump may be added to the oil capacity.

§ 03.5222 *Fuel quantity indicator.* * * *

(CAA Interpretation)

Section 03.5222 of the Civil Air Regulations (14 CFR § 03.5222, 11 F. R. 13393) provides: "Means shall be provided to indicate to the flight personnel the quantity of fuel in each tank during flight."

The Administrator will accept, as compliance with this provision, a fuel tank calibrated to read in either gallons or pounds, providing the gage is clearly marked to indicate which scale is being used.

§ 03.632 *Performance information.* * * *

(CAA Statement of Policy)

Section 03.632 of the Civil Air Regulations (14 CFR § 03.632, 11 F. R. 13397) requires that the calculated effects of variations in temperature and altitude on: (a) the take-off distance (14 CFR § 03.122, 11 F. R. 13371), (b) the landing distance (14 CFR § 03.124, 11 F. R. 13371), and (c) the steady rate of climb (14 CFR § 03.123 (a), (b), and (c), 11 F. R. 13371), shall be included in the airplane flight manual. The following ranges of these variables will be considered acceptable by the Administrator:

(1) The altitudes and temperatures for which performance in take-off distance, landing distance, take-off climb and balked landing climb shall be calculated are sea-level to 7,000 ft. and 0° F. to 100° F. respectively, except that take-off and landing distances for a seaplane need not show temperatures below 30° F. at altitudes above 1,000 ft.

(2) For multi-engined aircraft, the climb with the critical engine inoperative shall be calculated for an altitude range of sea-level to absolute ceiling and a temperature range from 60° F. below the standard temperature to 40° F. above the standard temperature at the altitude involved.

(52 Stat. 977–1030; 49 U. S. C. 401–481, 485; Sec. 7, Reorganization Plan No. III approved April 3, 1939, sec. 7 (c) Reorganization Plan No. IV approved April 3, 1939; 54 Stat. 1233, 1236; Letter of the Director of the Bureau of the Budget construing Reorganization Plans No. III and IV dated May 2, 1940).

Issued this 15th day of May, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-5016; Filed, May 27, 1947; 8:59 a. m.]

PART 04b—AIRPLANE AIRWORTHINESS REGULATIONS EFFECTIVE ON NOVEMBER 9, 1945

STATEMENT OF POLICY

The following statement of policy relating to Part 04b of the Civil Air Regulations (14 CFR Part 04b) was issued by the Administrator of Civil Aeronautics on May 15, 1947.

§ 04b.4 *Power plant installation; reciprocating engines.*

§ 04b.40 *General.* * * *
(b) * * *

(CAA Statement of Policy)

Section 04b.40 (b) of the Civil Air Regulations (14 CFR § 04b.40 (b)) requires that: "All components of the power plant installation shall be constructed, arranged, and installed in a manner that will assure their continued safe operation between normal inspections or overhaul periods. Accessibility shall be provided to permit such inspection and maintenance as is necessary to assure continued airworthiness."

(a) The Administrator has received numerous requests and applications for permission to install reverse thrust propeller installation in various types of aircraft. The Administrator will approve, as providing adequate safety, only those reverse thrust propeller installations which conform in all details with the following standards:

(1) Exceptional pilot skill shall not be required in taxiing or any condition in which reverse thrust is to be used.

(2) Recommended operating procedures and operating limitations and placards shall be established.

(3) Throttle movement shall be such that the motion is in the direction of the desired acceleration of the airplane.

(4) The airplane control characteristics shall be satisfactory with regard to control forces encountered, and buffeting shall not be such as to be likely to cause structural damage.

(5) The directional control shall be adequate using normal piloting skill.

(6) It shall be determined that no dangerous condition is encountered in the event of a sudden failure of one engine in any likely operating condition.

(7) The operating procedures and airplane configuration shall be such as to provide a reasonable safeguard against serious structural damage to parts of the airplane due to the reverse airflow.

(8) It shall be determined that the pilot's vision is not dangerously obscured under normal operating conditions on dusty or wet runways and where light snow is on the runway.

(9) It shall be impossible to place the propellers in the reverse thrust position until the airplane is on the ground, unless it is demonstrated that it is safe to reverse the propellers in any likely flight condition. Consideration shall be given to possible rebound of the airplane following initial contact, at which point propeller reversal has taken place.

(10) The mechanism actuating the propeller and controlling the engine shall maintain sufficient power to keep the engine running at an adequate speed to prevent engine stalling during or after the propeller reversing operation.

(11) It shall not be possible under any likely condition to cause excessive overspeed of the propeller during the propeller reversing operation.

(12) The propeller control arrangement shall be such as to provide adequate safeguards against inadvertent reversal of propellers.

(13) The engine cooling characteristics shall be satisfactory when operated within the operating limitations.

(14) If it is desired to certificate reverse thrust for use in taxiing only, it will be permissible to omit requirement of items 3 and 9, if the following are complied with.

a. Deliberate action with intent to reverse the propellers is required.

b. Placard in plain view of pilot must warn not to reverse the propellers in the air and to be used for taxiing only.

(b) The Administrator also has received requests and applications for permission to use reverse thrust in the following performance items: (1) Showing that a duplicate set of wheel brakes is unnecessary (§ 04b.365 of Civil Air Regulations, 14 CFR § 04b.365), (2) Establishment of the accelerate-stop distance in combination with the brakes installed (§ 04b.1221 of Civil Air Regulations, 14 CFR § 04b.1221) and (3) Determination

of the landing distance to be used in establishing airport lengths (§ 04b.1240 (c) of the Civil Air Regulations, 14 CFR § 04b.1240 (c)).

The Administrator will approve, as providing adequate safety, reverse thrust for the purposes outlined in b (1) and (2) above only in instances when it is shown that such use provides a level of safety equivalent to that contemplated by the present regulations when wheel brakes alone are used, including proper consideration of pilot skill required and likelihood of attaining the necessary performance under conditions of simulated brake failure in item b (1) above and engine failure in item b (2) above.

The Administrator will not approve the use of landing distances obtainable with reverse thrust propellers in establishing landing field lengths until such time as sufficient experience with their use is available for proper consideration of all related factors involved in the establishment of adequate airport lengths for routine landings.

Issued this 15th day of May 1947.

(52 Stat. 977–1030; 49 U. S. C. 401–481, 485; sec. 7, Reorganization Plan No. III approved April 3, 1939, sec. 7 (c) Reorganization Plan No. IV approved April 3, 1939; 54 Stat. 1233, 1236; Letter of the Director of the Bureau of the Budget construing Reorganization Plans No. III and IV dated May 2, 1940).

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-5017; Filed, May 27, 1947; 9:00 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4168]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL RETAIL LIQUOR PACKAGE STORES ASSN., INC., ET AL.

§ 3.24 (d 10) *Coercing and intimidating—Suppliers and sellers—To adopt resale price program, contracts and agreements:* § 3.24 (d 10) *Coercing and intimidating—Suppliers and sellers—To cut off supplies of or otherwise discipline price cutters:* § 3.25 (d 10) *Coercing and intimidating—Suppliers and sellers—To grant uniform discounts and allowances:* § 3.27 (c 10) *Combining or conspiring—To enforce or bring about resale price maintenance:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.63 (c) *Maintaining resale prices—Combination:* § 3.63 (d) *Maintaining resale prices—Contracts and agreements:* § 3.63 (e) *Maintaining resale prices—Cutting off supplies:* § 3.63 (g) *Maintaining resale prices—Penalties:* § 3.63 (i) *Maintaining resale prices—Refusal to sell:* § 3.63 (j) *Maintaining resale prices—Systems of espionage—Spying on and reporting price cutters, in general:* § 3.90 (c 5) *Spying on competitors or customers—In concert or cooperatively.* In connection with the sale and distribution of wines, spirits, and liquors in commerce, and on the part of respondent association, its officers, etc., entering into, continuing, cooperating in, or carrying out any agreement, understanding, combination, or conspiracy with any one or more of its membership associations, respective members or others to act as a medium or central agency for the purpose of cooperation with or assisting said associations, the members thereof, or others to (1) establish, fix, or maintain prices for wines, spirits, or liquors or adhere to or promise to adhere to the prices so fixed; (2) maintain or attempt to maintain uniform prices for the resale of wines, spirits, and liquors by retail liquor dealers; (3) fix, under threats of boycott, the prices at which manufacturers and importers of wines, spirits, and liquors shall sell their products, the prices at which such wholesalers thereof shall resell, and the prices at which retail dealers shall resell such products; (4) compel or attempt to compel manufacturers or importers of wines, spirits, and liquors, by threats of boycott, to sell such products in states having fair trade acts only under resale-price-maintenance contracts and at prices and differentials fixed by the respondent National Retail Liquor Package Stores Association, Inc., and its members; (5) compel or attempt to compel manufacturers, importers and wholesalers of wines, spirits, and liquors, by threats of boycott, not to sell to retailers reselling or offering to resell wines, spirits, and liquors at prices less than those fixed by the members of respondent National Retail Liquor Package Stores Association, Inc., and fixed by resale-price-maintenance contracts in states having fair trade acts; (6) compel or attempt to compel manufacturers, importers and wholesalers of wines, spirits, and liquors, by threats of boycott, not to sell to retailers reselling and offering to resell wines, spirits, and liquors at prices less than those fixed by the members of respondent National Retail Liquor Package Stores Association, Inc.; (7) compel or attempt to compel manufacturers, importers and wholesalers of wines, spirits, and liquors by threats of boycott, to grant to retail liquor dealers who are members directly, or indirectly as members of membership associations of respondent National Retail Liquor Package Stores Association, Inc., uniform discounts and allowances in the purchase by them of wines, spirits, and liquors; (8) compel or attempt to compel manufacturers, importers and wholesalers of wines, spirits, and liquors, by threats of boycott, to institute and prosecute suits against retailers for reselling wines, spirits, and liquors at prices less than those provided for in fair trade contracts; (9) spy upon and report to manufacturers, importers, and wholesalers of wines, spirits, and liquors retailers selling below the prices fixed by respondent National Retail Liquor Package Stores Association, Inc., and its members, and demand, under threats of boycott, such manufacturers, importers and wholesalers refuse to supply further such price cutting retailers; and (10) bring about or attempt to bring about the revocation or suspension of the licenses of retailers reselling wines, spirits, and liquors at prices lower than those fixed by respondent National Retail Liquor Package Stores Association, Inc., and its members; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, National Retail Liquor Package Stores Association, Inc. et al., Docket 4168, April 9, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of April A. D. 1947.

In the matter of National Retail Liquor Package Stores Association, Inc., a corporation, its officers, directors, and members:

William Steinberg, Barney Needleman, Theodore A. Jaffee, Peter H. Agins, and Ruth Schlanger, individually, as president, first vice-president, second vice-president, treasurer, and secretary, respectively, and as representatives of the entire membership of, National Retail Liquor Package Stores Association, Inc.;

John Megson, individually, as vice-president of National Retail Liquor Package Stores Association, Inc., as president of, and as representative of the entire membership of, Minnesota Council of Wine and Spirits Merchants, Inc.;

I. E. Eber, individually, as vice-president of National Retail Liquor Package Stores Association, Inc., as president of, and as representative of the entire membership of, Colorado Package Liquor Association;

Gerald F. Dunne, individually, as chairman of the board of directors of National Retail Liquor Package Stores Association, Inc., as president of, and as representative of the entire membership of, Federated Retail Liquor Dealers of King's County;

Fred Scharfenstein, individually, as a director of National Retail Liquor Package Stores Association, Inc., as president of, and as representative of the entire membership of, Retail Liquor Dealers Association of Louisiana;

M. H. Block, individually, as a director of National Retail Liquor Package Stores Association, Inc., and as executive secretary of Colorado Package Liquor Association;

J. Fitzsimmons, individually, as a director of National Retail Liquor Package Stores Association, Inc., as president of, and as representative of the entire membership of, New Jersey Retail Liquor Package Stores Association;

Irving Wilchins, individually, as a director of National Retail Liquor Package Stores Association, Inc., as president of, and as representative of the entire membership of, Illinois Retail Liquor Package Stores Association;

Manuel Lipsky, individually, as a director of National Retail Liquor Package Stores Association, Inc., as president of, and as representative of the entire membership of, D. C. Retail Liquor Dealers Association;

Joseph L. Regan, individually, as a director of National Retail Liquor Package Stores Association, Inc., as president of, and as representative of the entire membership of, Massachusetts Federation of Retail Package Stores Association;

S. J. Kahn, individually, as a director of National Retail Liquor Package Stores Association, Inc., as secretary of, and as representative of the entire membership of, Wisconsin Retail Liquor Dealers Association;

Henry McCusker, individually, as a director of National Retail Liquor Package Stores Association, Inc., as president, and as representative of the entire membership of, Rhode Island Retail Liquor Dealers Association;

Abe Shapiro, individually, as a director of National Retail Liquor Package Stores Association, Inc., as president of, and as representative of the entire membership of, Long Island Wine and Liquor Dealers Association;

Adam Gander, individually, as a director of National Retail Liquor Package Stores Association, Inc., as president of, and as representative of the entire membership of, Capitol District Liquor Stores Association, Inc.;

Theodore I. Taylor, individually, as a director of National Retail Liquor Package Stores Association, Inc., as executive secretary of, and as representative of the entire membership of, Connecticut Retail Liquor Package Stores Association;

Charles O. Needles, individually, as a director of National Retail Liquor Package Stores Association, Inc., as secretary of, and as representative of the entire membership of, Baltimore Retail Liquor Dealers Association;

Gerald Rosenberg, Sam Rosen, Paul Pickett, A. P. Nolander, Joe Gordon, G. Wagner, David Shir, Adam Gordon, Phil Schwartz, Mel Flocks, Philip Ryan, J. Dworkus, R. J. Dwyer, Louis Brown, Tom Engle, A. L. Waldron, William Weber, Bill Stein, and Ashton Blum, individually and as directors of National Retail Liquor Package Stores Association, Inc.;

Connecticut Retail Liquor Package Stores Association, a corporation;

Greater New York Licensed Liquor Stores Association, a corporation;

D. C. Retail Liquor Dealers Association, a corporation;

New Jersey Retail Liquor Package Stores Association, a corporation;

Harold Lawson and Carl E. Bopp, individually, as president and secretary, respectively, and as representatives of the entire membership of, Arkansas Retail Liquor Dealers Association;

William E. Stern, individually, and as treasurer of Colorado Package Liquor Association;

Edward Broff, individually, and as president of Connecticut Retail Liquor Package Stores Association;

Richard Birch, individually, and as secretary of Illinois Retail Liquor Package Stores Association;

Jack Posner and M. L. Ehrman, individually, as president and secretary, respectively, and as representatives of the entire membership of Atlanta Retail Liquor Package Stores Association;

R. G. Drown, Jr., individually, as secretary of, and as representative of the entire membership of, Retail Liquor Dealers Association of Louisiana;

Edward Ogle, individually, as president, and as representative of the entire membership of Indiana Retail Liquor Dealers Association;

Samuel Levey, individually, and as secretary of Massachusetts Federation of Retail Package Stores Association;

Fred Garling, individually and as executive secretary of the Minnesota Council of Wine and Spirits Merchants, Inc.;

R. W. Schwartz, individually and as secretary of Capitol District Liquor Stores Association, Inc.;

Adolph Halperin, Murray Bernhard, and Sidney Weisfeld, individually, as president, treasurer, and secretary, respectively, and as representatives of the entire membership of Bronx Wine and Liquor Stores Associates, Inc.;

Paul V. O'Neill and Fred J. Larock, individually, as president and secretary, respectively, and as representatives of the entire membership of Central New York Liquor Dealers Association;

Marcel Krone, individually, as secretary of, and as representative of the entire membership of, Federated Retail Liquor Dealers of King's County;

David Herman and George Winkler, individually, as president and secretary, respectively, and as representatives of the entire membership of Greater New York Licensed Liquor Stores Association;

George Amato and Frank Degilio, individually, as president and secretary-treasurer, respectively, and as representatives of the entire membership of Dutchess County Retail Liquor Dealers Association;

Harry L. Dougherty, individually and as secretary of Long Island Wine and Liquor Dealers Association;

Leon Wylegalo and William Tenjost, individually, as president and secretary, respectively, and as representatives of the entire membership of Retail Liquor Stores Association of Western New York;

Joseph B. Roach and J. Leo McGreal, individually, as president and secretary, respectively, and as representatives of the entire membership of Genesee Valley Retail Liquor Stores Association;

Thomas J. McAvoy, Paul Hilbert, and Abraham Aron, individually, as president, secretary and treasurer, respectively, and as representatives of the entire membership of Southern Tier Retail Liquor Stores Association;

Abe Levine and Joseph Gioffre, individually, as president and secretary, respectively, and as representatives of the entire membership of Westchester Package Stores Association;

Phil Taylor and Leon Seidman, individually, as president and executive secretary, respectively, and as representatives of the entire membership of Louisville Retail Liquor Package Stores Association;

Aaron Bilgor, individually, as secretary of, and as representative of the entire membership of, Rhode Island Retail Liquor Dealers Association;

Thomas Gaffney and Edward Townsend, individually, as president and secretary, respectively, and as representatives of the entire membership of South Dakota Retail Liquor Dealers Association;

A. Bernard Cohn, individually and as president of Wisconsin Retail Liquor Dealers Association;

A. V. Rettaliata, individually and as president of Baltimore Retail Liquor Dealers Association;

William G. Wellhofer, individually and as an officer of New Jersey Licensed Beverage Association;

Herman Silverstein, John J. Callahan, and John J. Daly, individually, as officers of, and as representatives of the entire membership of, National Council of State Liquor Dealers Association;

Neil F. Deighan, individually, as president of, as representative of the entire membership of, New Jersey Licensed Beverage Association, and as an officer of National Council of State Liquor Dealers Association;

Minnesota Council of Wine and Spirits Merchants, Inc.;

Colorado Package Liquor Association;

Federated Retail Liquor Dealers of King's County;

Retail Liquor Dealers Association of Louisiana;

Illinois Retail Liquor Package Stores Association;

Massachusetts Federation of Retail Package Stores Association;

Wisconsin Retail Liquor Dealers Association;

Rhode Island Retail Liquor Dealers Association;

Long Island Wine and Liquor Dealers Association;

Capitol District Liquor Stores Association, Inc.;

Baltimore Retail Liquor Dealers Association;

Arkansas Retail Liquor Dealers Association;

Atlanta Retail Liquor Package Stores Association;

Indiana Retail Liquor Dealers Association;

Bronx Wine and Liquor Stores Associates, Inc.;

Central New York Liquor Dealers Association;

Dutchess County Retail Liquor Dealers Association;

Retail Liquor Stores Association of Western New York;

Genesee Valley Retail Liquor Stores Association;

Southern Tier Retail Liquor Stores Association;

Westchester Package Stores Association;

Louisville Retail Liquor Package Stores Association;

South Dakota Retail Liquor Dealers Association;

New Jersey Licensed Beverage Association; and

National Council of State Liquor Dealers Association.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answers filed by the respondents National Retail Liquor Package Stores Association, Inc., a corporation; I. E. Eber, individually and as vice president of National Retail Liquor Package Stores Association, Inc., and as president of, and as representative of the entire membership of, the Colorado Package Liquor Association; M. H. Block, individually and as a director of National Retail Liquor Package Stores Association, Inc., and as executive secretary of Colorado Package Liquor Association; and William E. Stein (named in the complaint herein as William E. Stern), individually and as director of National Retail Liquor Package Stores Association, Inc., and as treasurer of Colorado Package Liquor Association, in which substitute answers said respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that the respondent National Retail Liquor Package Stores Association, Inc., a corporation, has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent National Retail Liquor Package Stores Association, Inc., a corporation, and its officers, directors, representatives, agents, and employees in connection with the sale and distribution of wines, spirits, and liquors in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from either directly or indirectly entering into, continuing, cooperating in, or carrying out any agreement, understanding, combination, or conspiracy with any one or more of its membership associations, their respective members, or others to act as a medium or central agency for the purpose of cooperating with or assisting said associations, the members thereof, or others to do or perform any of the following acts or practices:

1. Establishing, fixing, or maintaining prices for wines, spirits, or liquors or adhering to or promising to adhere to the prices so fixed.

2. Maintaining or attempting to maintain uniform prices for the resale of wines, spirits, and liquors by retail liquor dealers.

3. Fixing, under threat of boycott, the prices at which manufacturers and importers of wines, spirits, and liquors shall sell their products, the prices at which such wholesalers thereof shall resell, and the prices at which retail dealers shall resell such products.

4. Compelling or attempting to compel manufacturers and importers of wines, spirits, and liquors by threats of boycott to sell such products in states having fair trade acts only under resale-price-maintenance contracts and at prices and differentials fixed by the respondent National Retail Liquor Package Stores Association, Inc., and its members.

5. Compelling or attempting to compel manufacturers, importers, and wholesalers of wines, spirits, and liquors by threats of boycott not to sell to retailers reselling or offering to resell wines, spirits, and liquors at prices less than those fixed by the members of respondent National Retail Liquor Package Stores Association, Inc., and fixed by resale-price-maintenance contracts in states having fair trade acts.

6. Compelling or attempting to compel manufacturers, importers, and wholesalers of wines, spirits, and liquors by threats of boycott not to sell to retailers reselling and offering to resell wines, spirits, and liquors at prices less than those fixed by the members of respondent National Retail Liquor Package Stores Association, Inc.

7. Compelling or attempting to compel manufacturers, importers, and wholesalers of wines, spirits, and liquors by threats of boycott to grant to retail liquor dealers who are members directly, or indirectly as members of membership associations of respondent National Retail Liquor Package Stores Association, Inc., uniform discounts and allowances in the purchase by them of wines, spirits, and liquors.

8. Compelling or attempting to compel manufacturers, importers, and wholesalers of wines, spirits, and liquors by threats of boycott to institute and prosecute suits against retailers for reselling wines, spirits, and liquors at prices less than those provided for in fair trade contracts.

9. Spying upon, and reporting to manufacturers, importers, and wholesalers of wines, spirits, and liquors, retailers selling below the prices fixed by respondent National Retail Liquor Package Stores Association, Inc., and its members, and demanding, under threats of boycott, that such manufacturers, importers, and wholesalers refuse to supply further such price-cutting retailers.

10. Bringing about or attempting to bring about the revocation or suspension of the licenses of retailers reselling wines, spirits, and liquors at prices lower than those fixed by respondent National Retail Liquor Package Stores Association, Inc., and its members.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to the following named respondents: William Steinberg, Barney Needleman, Theodore A. Jaffee, Peter H. Agins, Ruth Schlanger, John Megson, I. E. Eber, Gerald F. Dunne, Fred Scharfenstein, M. H. Block, J. Fitzsimmons, Irving Wilchins, Manuel Lipsky, Joseph L. Regan, S. J. Kahn, Henry McCusker, Abe Shapiro, Adam Gander, Theodore I. Taylor, Charles O. Needles, Gerald Rosenberg, San Rosen, Paul Pickett, A. P. Nolander, Joe Gordon, G. Wagner, David Shir, Adam Gordon, Phil Schwartz, Mel Flocks, Philip Ryan, J. Dworkus, R. J. Dwyer, Louis Brown, Tom Engle, A. L. Waldron, William Weber, Bill Stein, Ashton Blum, Connecticut Retail Liquor Package Stores Association, Greater New York Licensed Liquor Stores Association, D. C. Retail Liquor Dealers Association, New Jersey Retail Liquor Package Stores Association, Harold Lawson, Carl E. Bopp, William E. Stein (named in the complaint as William E. Stern), Edward Broff, Richard Birch, Jack Posner, M. L. Ehrman, R. G. Drown, Jr., Edward Ogle, Samuel Levey, Fred Garling, R. W. Schwarz, Adolph Halperin, Murray Bernhard, Sidney Weisfeld, Paul V. O'Neill, Fred J. Larock, Marcel Krone, David Herman, George Winkler, George Amato, Frank Degilio, Harry L. Dougherty, Leon Wylegalo, William Tenjost, Joseph B. Roach, J. Leo McGreal, Thomas J. McAvoy, Paul Hilbert, Abraham Aron, Abe Levine, Joseph Gioffre, Phil Taylor, Leon Seidman, Aaron Bilgor, Thomas Gaffney, Edward Townsend, A. Bernard Cohn, A. V. Rettaliata, William G. Wellhofer, Herman Silverstein, John J. Callahan, John J. Daly, Neil F. Deighan, Minnesota Council of Wine and Spirits Merchants, Inc., Colorado Package Liquor Association, Federated Retail Liquor Dealers of King's County, Retail Liquor Dealers Association of Louisiana, Illinois Retail Liquor Package Stores Association, Massachusetts Federation of Retail Package Stores Association, Wisconsin Retail Liquor Dealers Association, Rhode Island Retail Liquor Dealers Association, Long Island Wine and Liquor Dealers Association, Capitol District Liquor Stores Association, Inc., Baltimore Retail Liquor Dealers Association, Arkansas Retail Liquor Dealers Association, Atlanta Retail Liquor Package Stores Association, Indiana Retail Liquor Dealers Association, Bronx Wine and Liquor Stores Associates, Inc., Central New York Liquor Dealers Association, Dutchess County Retail Liquor Dealers Association, Retail Liquor Stores Association of Western New York, Genesee Valley Retail Liquor Stores Association, Southern Tier Retail Liquor Stores Association, Westchester Package Stores Association, Louisville Retail Liquor Package Stores Association, South Dakota Retail Liquor Dealers Association, New Jersey Licensed Beverage Association, and National Council of State Liquor Dealers Association.

It is further ordered, That the respondent National Retail Liquor Package Stores Association, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

(SEAL) OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-5018; Filed, May 27, 1947; 8:56 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

APPLICATIONS AND EXEMPTION OF TRANSACTIONS BETWEEN REGISTERED INVESTMENT COMPANIES AND FULLY OWNED SUBSIDIARIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Investment Company Act of 1940, particularly sections 6 (c), 17 (a), 17 (b), 17 (d) and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby takes the following action:

1. The following new § 270.0–5 (Rule N–5) and § 270.17a–3 (Rule N–17A–3) are hereby adopted:

§ 270.0–5 *Procedure with respect to applications and other matters.* The procedure set forth in this section will be followed with respect to any proceeding initiated by the filing of an application, or upon the Commission's own motion, pursuant to any section of the act or any rule or regulation thereunder, unless in the particular case a different procedure is provided:

(a) Notice of the initiation of the proceeding will be published in the FEDERAL REGISTER and will indicate the earliest date upon which an order disposing of

the matter may be entered. The notice will also provide that any interested person may, within the period of time specified therein, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, stating his reasons therefor and the nature of his interest in the matter.

(b) An order disposing of the matter will be issued as of course on a date to be specified in the notice, unless prior to such date the Commission orders a hearing on the matter.

(c) The Commission will order a hearing on the matter (1) upon the request of any interested person; or (2) upon its own motion if it appears that a hearing is necessary or appropriate in the public interest or for the protection of investors. In such case the hearing and all further procedure with respect to the matter will be conducted in accordance with the Commission's rules of practice.

§ 270.17a-3 *Exemption of transactions with fully owned subsidiaries.* (a) The following transactions shall be exempt from section 17 (a) of the act:

(1) Transactions solely between a registered investment company and one or more of its fully owned subsidiaries or solely between two or more fully owned subsidiaries of such company.

(2) Transactions solely between any subsidiary of a registered investment company and one or more fully owned subsidiaries of such subsidiary or solely between two or more fully owned subsidiaries of such subsidiary.

(b) The term "fully-owned subsidiary" as used in this section, means a subsidiary (1) all of whose outstanding securities, other than directors' qualifying shares, are owned by its parent and/or the parent's other fully-owned subsidiaries, and (2) which is not indebted to any person other than its parent and/or the parent's other fully-owned subsidiaries in an amount which is material in relation to the particular subsidiary, excepting (i) indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and (ii) any other indebtedness to one or more banks or insurance companies.

2. Section 270.17d-1 (Rule N-17D-1) is amended to read as follows:

§ 270.17d-1 *Applications regarding bonus, profit-sharing and pension plans and arrangements.* (a) No affiliated person of any registered investment company, or of any company controlled by any such registered company, shall participate in, or effect any transaction in connection with, any bonus, profit-sharing or pension plan or arrangement in which any such registered or controlled company is a participant unless an application regarding such plan or arrangement has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or arrangement to security holders for approval, or prior to the adoption thereof if not so submitted.

(b) In passing upon such applications the Commission will consider:

(1) Whether participation in the plan or arrangement by any such registered or controlled company is on a basis substantially different from or less advantageous than that of other participants therein;

(2) Whether the provisions of the plan or arrangement are consistent with the policy and purposes set forth in section 1 (b) of the act; and

(3) Whether the provisions of the plan or arrangements are in contravention of sections 18 or 23 (a) of the act or any other provisions of the act.

(Secs. 6 (c), 17 (a), 17 (b), 17 (d), 38 (a), 54 Stat. 802, 815, 816, 841; 15 U. S. C. 80a-6, 80a-17, 80a-37)

The foregoing action shall become effective June 23, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 21, 1947.

[F. R. Doc. 47-4992; Filed, May 27, 1947; 8:51 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg. 1, as Amended January 27, 1947, Revocation]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SURPLUS BUILDING MATERIALS AND EQUIPMENT

Section 803.1, Housing Expediter Priorities Regulation 1, is revoked effective June 1, 1947 with the exception that (i) materials and equipment publicly advertised under this section prior to June 1, 1947 for sale after that date will be sold in accordance with this section, (ii) materials and equipment obtained under this section must continue to be used or disposed of after June 1, 1947 in accordance with requirements imposed at the time the property was acquired under this section and (iii) this revocation does not affect the right to institute or maintain enforcement actions for any liabilities incurred for violations of this section, or for violations of orders issued by the Housing Expediter under this section.

(60 Stat. 207; 50 U. S. C. App. Supp. 1821)

Issued this 27th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5144; Filed, May 27, 1947; 10:52 a. m.]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Housing Expediter Priorities Reg. 2, as Amended January 27, 1947, Revocation]

SURPLUS BUILDING MATERIALS AND EQUIPMENT

Section 803.2, Housing Expediter Priorities Regulation 2, is revoked effective June 1, 1947 with the exception that (i) materials and equipment publicly advertised under this section prior to June 1, 1947 for sale after that date will be sold in accordance with this section, (ii) materials and equipment obtained under this section must continue to be used or disposed of after June 1, 1947 in accordance with requirements imposed at the time the property was acquired under this section and (iii) this revocation does not affect the right to institute or maintain enforcement actions for any liabilities incurred for violations of this section, or for violations of orders issued by the Housing Expediter under this section.

(60 Stat. 207; 50 U. S. C. App. Supp. 1821)

Issued this 27th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5148; Filed, May 27, 1947; 10:52 a. m.]

[Suspension Order S-27]

PART 807—SUSPENSION ORDERS

LELAND Z. ARTHUR

Leland Z. Arthur, 185 Athens Street, Jackson, Ohio, during August, 1946, without authorization therefor under Veterans' Housing Program Order 1, began and thereafter carried on the construction of a frozen food locker plant, located at 185 Athens Street, Jackson, Ohio, at an estimated cost in excess of $1,000. The beginning and carrying on of construction as aforesaid constituted a violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.27 *Suspension Order No. S-27.* (a) Neither Leland Z. Arthur, his successors or assigns, nor any other person shall do any further construction on the frozen food locker plant located at 185 Athens Street, Jackson, Ohio, including completing, putting up or altering the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Leland Z. Arthur shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Leland Z. Arthur, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 27th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5145; Filed, May 27, 1947; 10:52 a. m.]

[Suspension Order S-38]

PART 807—SUSPENSION ORDERS

GEORGE ROKRICH

George Rokrich, Belle, West Virginia, on or about September 15, 1946, without authorization of the Civilian Production Administration or Office of the Housing Expediter, began construction and thereafter carried on construction until about March 4, 1947 of a two-story combination commercial and residential building located at the corner of Route 60 and 8th Street, Belle, West Virginia, at an estimated cost of $15,000. This was a violation of Veterans' Housing Program Order 1 and has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.38 *Suspension Order No. S-38.* (a) Neither George Rokrich, his successors or assigns, nor any other person shall do any further construction on the structure located at the corner of Route 60 and 8th Street, Belle, West Virginia, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) George Rokrich shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve George Rokrich, his successors or assigns, nor any other person from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 27th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5149; Filed, May 27, 1947; 10:52 a. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

PART 204—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

AGREEMENT WITH NEW YORK STATE LABOR RELATIONS BOARD

Pursuant to the provisions of section 3 (a) (3) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and currently publishes in the FEDERAL REGISTER the following statement of general policy or interpretation formulated and adopted by the agency for the guidance of the public.

§ 204.1 *Agreement with New York State Labor Relations Board.* The National Labor Relations Board has agreed with the New York State Labor Relations Board as follows:

(a) In the opinion of both Boards, there is nothing in the decision of the Supreme Court in the cases of Bethlehem Steel Co. v. New York State Labor Relations Board, and Allegheny Ludlum Steel Corp. v. William J. Kelley, et al., Nos. 55 and 76, October Term, 1946, decided April 7, 1947, forbidding or disapproving such collaborative arrangements as are contained in the existing understanding between the New York State Labor Relations Board and the National Labor Relations Board set forth in the appendix to the separate opinion of Mr. Justice Frankfurter in the above cases.

(b) The existing understanding shall be continued in full force and effect in its present form until revoked, modified, or superseded by a new agreement between the Boards. (Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Signed at Washington, D. C., this 22d day of May 1947.

[SEAL] NATIONAL LABOR RELATIONS BOARD,
PAUL M. HERZOG, *Chairman.*
JOHN M. HOUSTON, *Member.*
JAMES J. REYNOLDS, Jr., *Member.*

[F. R. Doc. 47-4997; Filed, May 27, 1947; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

MAIN OFFICES; HOURS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of May 1947;

The Commission having under consideration a proposal to change the hours of the Commission at its offices in Washington, D. C., and at its offices outside of Washington, D. C., from the hours of 9:15 a. m. to 5:45 p. m., to the hours of 8:30 a. m. to 5 p. m., Monday through Friday, except on legal holidays; and

It appearing, that such change in hours appears to be conducive to the best interests of the Commission and will be in the public interest;

It is ordered, That, effective on June 2, 1947, § 1.201 *Main offices,* of the Commission's rules and regulations be, and it hereby is, amended so that the last sentence of said section will read as follows: "The hours of the Commission are from 8:30 a. m. to 5 p. m., Monday through Friday, except on legal holidays."

(R. S. 161, secs. 3, 12, Pub. Law 404, 79th Cong. 60 Stat. 238, 244; 5 U. S. C. 22)

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-4996; Filed, May 27, 1947; 8:52 a. m.]

PART 14—RADIO STATIONS IN ALASKA, OTHER THAN AMATEUR AND BROADCAST

FREQUENCIES FOR SHIP STATIONS

In the matter of amendment of Part 14 of the Commission's rules and regulations: Implementing the amended § 14.54.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of May 1947;

The Commission having under consideration the matter of providing a more effective radio communication system for vessels operating in Alaskan waters, and on May 8, 1947, having adopted an order amending § 14.54 of the Commission's rules to read as follows:

§ 14.54 *Frequencies for ship stations.* (a) The following frequencies are allocated for use by ship stations in Alaskan waters in addition to those set forth in the general regulations: 1892 and 2538 kilocycles; A1, A2, A3 emission, maximum power 100 watts.[1]

(b) The frequency 2134 kilocycles is allocated for use by ship stations in Alaskan waters for communication primarily with Government coastal stations for types A1, A2, and A3 emission with a maximum power of 100 watts, upon the condition that no interference will result to other services. And,

It appearing, that an immediate need exists for use of the additional frequency 2134 kilocycles provided in the amended § 14.54; and,

It further appearing, that there is insufficient time for the filing and processing of individual applications for authorization of the additional frequency to ships operating in Alaskan waters prior to their departure for 1947 seasonal fishing operations;

It is ordered, That the licensees of all presently outstanding valid Alaskan ship station licenses authorizing the use of any one or more of the frequencies specified in §§ 14.51, 14.53 or 14.54 (a) of the Commission's rules be, and they are hereby, authorized immediately to use the frequency 2134 kc in accordance with the provisions of the hereinbefore referred to § 14.54 (b) of the Commission's rules.

It is further ordered, That this order shall be effective immediately.

(§ 303 (b), (c), and (f), 48 Stat. 1082, § 303 (r), 50 Stat. 191; 47 U. S. C. 303 (b), (c), (f), (r))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5055; Filed, May 27, 1947; 8:51 a. m.]

[1] See § 8.81 of this chapter.

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 335]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

Paragraph (b) is amended to read as follows:

§ 801.2 *Prohibited exportations.* • • •

(b) The following commodities may not be exported from the United States to any destination unless and until a validated license authorizing the exportation shall have been applied for and granted by the Office of International Trade, Department of Commerce, except where exportation of such commodities is made in accordance with the provisions of General License "GLV" as set forth in § 802.10 of this subchapter, and except where the prohibition herein imposed is modified with respect to exportation of certain commodities to certain destinations or country groups by the provisions of a footnote relating to such commodity or commodities.

NOTE.—When an asterisk precedes the GLV dollar-value limit for any commodity, all forms, conversions, and derivatives of the commodity, even though not covered by the Schedule B number for the entry, are subject to the value limitations specified.

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	Animals, edible			
001200	Cattle other than for breeding	Unit	500	25
001300	Hogs (swine)	Unit	100	100
	Meat products			
	Beef & veal, except canned:			
002000	Fresh or frozen	Lb.	10	1
002100	Pickled or cured	Lb.	10	1
	Pork, except canned:			
002700	Fresh or froen pork, except pigs' feet (report pickled or salted in 003200 & canned in 003700).	Lb.	25	1
002800	Hams & shoulders, cured (include cooked)	Lb.	25	1
002900	Bacon	Lb.	25	1
003000	Cumberland and Wiltshire sides	Lb.	25	1
003200	Other pork, pickled or salted, except dry salted ears, tails, neck bones, neck ribs and pigs' feet.	Lb.	25	25
003400	Mutton and lamb (report canned in 003909)	Lb.	25	25
003500	Sausage, bologna & frankfurters, except liver cheese (including Lakewood liver cheese) and liverwurst (reported canned in 003800).	Lb.	25	1
003600	Beef, canned, except beef tongue, beef tripe, oxtails and ox tongue.	Lb.	10	10
003700	Pork, canned, except pigs' feet and pork tongue, lunch, pickled, cooked or spiced (include canned hams & canned bacon).	Lb.	25	1
003800	Sausage, bologna & frankfurters, canned, except liver cheese (including Lakewood liver cheese) and liverwurst (include luncheon meats, except pork).	Lb.	25	1
003907	Tushonka, canned	Lb.	25	25
	Other canned meat (report chicken, canned, in 003501):			
003909	Mutton, boiled, corned, or roasted	Lb.	25	25
003909	Veal (include cured)	Lb.	25	25
003909	Lamb	Lb.	25	25
003909	Ration C; Ration RR	Lb.	25	25
003909	Meat and vegetable hash	Lb.	25	25
	Animal oils & fats, edible			
005000	Oleo oil	Lb.	1	1
005100	Oleo stock	Lb.	1	1
005200	Tallow (report inedible tallow in 085700)	Lb.	1	1
005300	Lard, including neutral lard (report lard substitutes in 144700).	Lb.	5	1
005600	Oleo stearin (report lard stearin in 084300)	Lb.	1	1
005900	Oleomargarine of animal or vegetable fats	Lb.	5	1
	Dairy products			
006550	Butter, natural	Lb.	1	1
006570	Butter oil	Lb.	1	1
006590	Butter spreads	Lb.	1	1
	Fish & fish products			
	Fish, salted, pickled or dry-cured:			
007800	Cod, haddock, hake, pollock & cusk	Lb.	1	1
	Other edible animal products			
009400	Meat extracts,[1] except bouillon cubes	Lb.	100	25
009800	Beef scraps, dried [1]	Lb.	100	25
009900	Blood flour	Lb.	100	25
009900	Bone scraps [1]	Lb.	100	25
009900	Dog foods, chief ingredient meat [1]	Lb.	100	25
009900	Meat scraps	Lb.	100	25

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	Hides & skins, raw, except furs			
020104	Cattle hides, wet, under 55 lbs	Piece	100	25
020402	Calf skins, dry	Piece	100	25
020604	Calf skins, wet	Piece	100	25
020702	Kip skins, dry [2]	Piece	100	25
020704	Kip skins, wet	Piece	100	25
025012	Goat skins	Piece	100	25
025016	Kid skins	Piece	100	25
	Leather			
	Upper leather (except lining and patent):			
	Cattle, side upper:			
030000	Grain, black	Sq. ft.	100	25
030100	Grain, other	Sq. ft.	100	25
	Calf & kip:			
030410	Sides, black	Sq. ft.	100	25
030420	Whole skins, black	Sq. ft.	100	25
030510	Sides, other	Sq. ft.	100	25
030520	Whole skins, other	Sq. ft.	100	25
030800	Goat & kid (include glazed kid): Black	Sq. ft.	100	25
030900	Other	Sq. ft.	100	25
	Patent upper leather:			
031210	Cattle (include kip & calf side)	Sq. ft.	100	25
031950	Goat & kid	Sq. ft.	100	25
031950	Whole calf & whole kip	Sq. ft.	100	25
	Lining leathers:			
032300	Calf & kip	Sq. ft.	100	25
032300	Cattle	Sq. ft.	100	25
032300	Goat & kid	Sq. ft.	100	25
	Boot & shoe cut stock:			
	Cut stock other than outer soles (include inner soles, heels, lifts, counters, box toes, rands, uppers, etc.; specify by name):			
032800	Calf & kip		100	25
032800	Goat & Kid		100	25
	Glove & garment leather (hat leather included):			
033950	Calf & kip	Sq. ft.	100	25
033950	Cattle	Sq. ft.	100	25
033950	Goat	Sq. ft.	100	25
	Handbag leather (report reptilian, aquatic & fancy leather in 035700):			
035650	Cattle	Sq. ft.	100	25
035650	Goat & kid	Sq. ft.	100	25
035650	Other handbag leather, except lamb and sheep	Sq. ft.	100	25
	Animal & fish oils & grease, inedible			
084000	Neat's-foot oil	Lb.	1	1
084901	Lard oil	Lb.	25	1
084905	Sperm & whale oil	Lb.	1	1
084998	Inedible animal oils, n. e. s. (report oleo oil in 005600).	Lb.	1	1
084900	Fish oils (report medicinal in 811900)	Lb.	1	1
084300	Grease stearin (include lard stearin)	Lb.	1	1
084700	Oleic acid, or red oil	Lb.	25	1
084900	Stearic acid	Lb.	5	5
085700	Tallow, inedible (report ring grease in 085898)	Lb.	10	1
085805	Pig's-foot grease	Lb.	10	1
085865	Other hog grease	Lb.	1	1
085898	Beef suet	Lb.	1	1
085898	Ring grease	Lb.	10	1
085898	Other inedible animal greases & fats, n. e. s. (report lubricating greases in 504100).	Lb.	25	25
	Other inedible animals & animal products			
099998	Blood albumen		100	25
099998	Dry blood, soluble		100	25
099998	Blood meal [1]		100	25
099998	Bone scrap [1]		100	25
099998	Liver meals [1]		100	25

[1] May be exported under general license to the Phillipine Islands and to all destinations in North America and South America as listed in Schedule C of the Bureau of the Census.

[2] May be exported under general license to the other American Republics.

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	Grains & preparations			
101100	Barley (bu. 48 lbs.), except seed	Bu.	100	25
101100	Barley for seed	Bu.	100	25
103100	Corn for seed except popcorn	Bu.	100	25
103100	Corn, other, except popcorn (bu. 56 lbs.)	Bu.	100	25
103700	Grain sorghums (bu. 56 lbs.) except seed (report grain sorghum for seed under 241990).[1]	Bu.	100	25
104100	Oats [1]	Bu.	100	25
105700	Paddy or rough rice, except seed	Lb.	100	25
105700	Paddy or rough rice for seed	Bu.	100	25
105700	Milled rice, including brown rice, brown rice and rice screenings.	Cwt.	100	25
105800	Rice flour, meal & polish	Lb.	100	25
106100	Rye (bu. 56 lb.), except seed	Bu.	100	25
106100	Rye for seed	Bu.	100	25
107100	Wheat (bu. 60 lbs.) (include seed)	Bu.	100	25
107300	Wheat flour, wholly of U. S. wheat (except in cases or in small packages) (include graham, malt, pastry & macaroni flours).	Cwt.	100	25
107400	Wheat flour, not wholly of U. S. wheat (except in cases or in small packages) (include graham, malt, pastry & macaroni flours).	Cwt.	100	25
108100	Farina only	Lb.	100	25
108900	Wheat semolina	Lb.	100	25
109900	Wheat flour in cases or small packages and all preparations containing wheat flour classified under Schedule B No. 109900.		100	25
106400	Rye flour		100	25
105500	Unhulled ground oats [1]		100	25
	Fodders & feeds, n. e. s.			
	Oil cake & oil-cake meal:			
111300	Cottonseed	L. ton	100	25
111400	Linseed	L. ton	100	25
111700	Peanut	L. ton	100	25
111800	Soybean	L. ton	100	25
112065	Copra	L. ton	100	25
112099	Other oil cake and oil-cake meal, except castor-bean oil cake and oil cake meal and cocoa press cake.	L. ton	100	25
114000	Fish meal for feed	L. ton	100	25
118900	Bone meal and meat meal, regardless of protein content.	L. ton	100	25
118000	Mixed dairy and poultry feeds with crude protein content above 25%.	L. ton	100	25
118900	Mixed dairy and poultry feeds with crude protein content of 25% or less [1]	L. ton	100	25
118500	Dried, powdered, or condensed milk or buttermilk products for feed, regardless of protein content.	L. ton	100	25
118500	Milk sugar feed, regardless of protein content	L. ton	100	25
118500	Other prepared and mixed feeds with crude protein content above 25%.	L. ton	100	25
118500	Other prepared and mixed feeds with crude protein content of 25% or less.[1]	L. ton	100	25
118710	Rolled barley for feed [1]	L. ton	100	25
118500	Cracked or crushed wheat for feed	L. ton	100	25
119400	Other wheat feeds [1]	L. ton	100	25
119400	Bone meal [1]	L. ton	100	25
119800	Brewers' grain, dried [1]	L. ton	100	25
119900	Corn gluten meal	L. ton	100	25
119500	Corn grits and corn meal [1]	L. ton	100	25
119600	Cracked corn [1]	L. ton	100	25
119900	Cull beans [1]	L. ton	1	1
119900	Dried beet pulp [1]	L. ton	100	25
119900	Dried molasses pulp [1]	L. ton	100	25
119600	Grain screenings [1]	L. ton	100	25
119600	Gluten corn feed [1]	L. ton	100	25
119900	Hominy feeds [1]	L. ton	100	25
119600	Hulled oats [1]	L. ton	100	25
119900	Oat feed [1]	L. ton	100	25
119600	Rice mill feeds [1]	L. ton	100	25
119600	Rye mill feeds [1]	L. ton	100	25
119900	Stimuflow [1]	L. ton	100	25
119900	Tankage	L. ton	100	25
	Vegetables & preparations, edible			
120110	Beans, dry, ripe [1]	Lb.	1	1
120120	Seed beans, field varieties only [1]	Lb.	100	25
120219	Peas, dry, ripe (except cowpeas & chickpeas) [1]	Lb.	100	10
	Nuts and preparations			
137510	Peanuts, shelled, for planting	Lb.	10	5
137540	Peanuts, shelled, other	Lb.	10	5
137550	Peanuts, not shelled, for planting	Lb.	10	5
137550	Peanuts, not shelled, other	Lb.	10	5
	Vegetable oils & fats, edible			
142000	Coconut oil, refined (include solidified or hardened oil & coconut fat).	Lb.	1	1
142500	Cottonseed oil, refined (include Wesson oil & hydrogenated cottonseed oil).	Lb.	1	1
143000	Soybean oil, refined (report crude soybean oil in 224912).	Lb.	10	1
143100	Peanut oil	Lb.	1	1
144100	Corn oil (include Mazola & Amaizo)	Lb.	1	1
144700	Cooking fats, except lard (include Crisco, Snowdrift & all lard substitutes of animal or vegetable origin).	Lb.	5	1
144901	Olive oil, edible	Lb.	1	1

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	Vegetable oils & fats, edible—Continued			
144902	Sunflower seed oil, edible	Lb.	1	1
144903	Palm & palm-kernel oil, edible or refined (all varieties).	Lb.	1	1
144904	Rapeseed oil, refined	Lb.	1	1
144905	Vegetable stearin	Lb.	1	1
144998	Edible vegetable oils & fats, n. e. s.	Lb.	1	1
	Rubber (natural, allied gums, & synthetics) & manufactures			
	Crude rubber & allied gums:			
200100	Crude rubber (dry rubber content) (include Heven, Caucho, Guayule, Para, smoked ribbed sheets, crepe rubber & milk or latex).	Lb.	1	1
209800	Liquid rubber compounds of natural rubber	Lb.	25	25
	Drugs, herbs, leaves, & roots, crude			
220604	Cinchona bark	Lb.	None	None
	Oilseeds			
221600	Soy beans for planting	Lb.	10	5
221000	Soy beans, other, except canned	Lb.	1	1
222001	Castor beans for planting	Lb.	1	1
222001	Castor beans, other	Lb.	1	1
222002	Cottonseed for planting	Lb.	100	25
222702	Cottonseed, other	Lb.	25	5
222603	Flaxseed for planting	Lb.	10	5
222603	Flaxseed, other	Lb.	10	5
222020	Hemp seed for planting	Lb.	None	None
222020	Hemp seed, other	Lb.	None	None
222020	Rapeseed for planting	Lb.	1	1
222020	Rapeseed, other	Lb.	1	1
222020	Sunflower seed for planting	Lb.	25	5
222020	Sunflower seed, other	Lb.	25	5
222020	Palm nuts & kernels	Lb.	1	1
222050	Copra	Lb.	None	None
222098	Other oilseeds for planting	Lb.	25	25
222098	Other oilseeds	Lb.	25	25
	Vegetable oils and fats, inedible			
	Expressed oils (except essential), & fats, inedible:			
223000	Coconut oil, crude	Lb.	1	1
223100	Cottonseed oil, crude	Lb.	10	1
223200	Linseed oil	Lb.	1	1
224801	Fatty acids of vegetable origin	Lb.	1	1
	Vegetable oil foots:			
224803	Olive oil	Lb.	1	1
224805	Other	Lb.	1	1
224898	Vegetable soap stock (include vegetable tallow if used for soap stock).	Lb.	1	1
224901	Castor oil, commercial	Lb.	1	1
224902	Corn oil, crude	Lb.	1	1
224903	Peanut oil, crude	Lb.	1	1
224906	Rapeseed & oiticica oil, inedible	Lb.	1	1
224912	Soybean oil, crude (report soybean oil, refined, in 143000).	Lb.	10	1
224915	Olive oil, inedible, except sulfured or foots	Lb.	1	1
224925	Palm & palm-kernel oil, crude (all varieties)	Lb.	1	1
224950	Sunflower seed oil, inedible	Lb.	1	1
224998	Babassu nut oil	Lb.	1	1
224998	Sesame oil	Lb.	1	1
	Seeds, except oilseeds			
	Grass and field seeds:			
240200	Red clover	Lb.	25	25
240300	Alsike clover	Lb.	25	25
240400	Crimson, white, and ladino clover	Lb.	25	25
240400	Clover seed mixtures	Lb.	25	25
241900	Sorghum [1]	Lb.	100	25
241900	Vetch	Lb.	100	25
	Miscellaneous vegetable products, inedible			
299998	Soybean flour	Lb.	100	25
299998	Soybean meal and cake	Lb.	100	25
299998	Cottonseed flour	Lb.	100	25
299998	Cottonseed meal and cake	Lb.	100	25
299998	Peanut flour	Lb.	100	25
299998	Peanut meal and cake	Lb.	100	25
	Cotton, unmanufactured			
	Linters:			
300401	Other than first cut grades 1 to 3, inclusive (U. S. official standard) (include cottonseed hull fiber & motes).	Bale	100	25
	Cotton semimanufactures			
300600	Cotton pulp (include cottonseed hull shavings pulp, cotton pulpboard & bleached & purified linters).	Lb.	100	25
	Vegetable fibers & manufactures			
320509	Jute	L. ton	25	25
320515	Manila or abaca	L. ton	25	25
320519	Sisal or henequen	L. ton	25	25
321100	Jute yarn, cordage and twine	Lb.	25	25

[1] May be exported under general license to the Philippine Islands and to all destinations in North and South America as listed in Schedule C of the Bureau of the Census.

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	Vegetable fibers & manufactures—Continued			
322401	Used jute bags weighing less than 2 pounds, used burlap bags of any weight, and new jute and burlap bags of any weight.	Unit	25	25
322605	Jute burlaps	Lb.	25	25
341100	Binder twine and baler twine except of cotton or jute.	Lb.	25	25
341400	Manila cordage	Lb.	25	25
341609	Sisal twine, cord & cordage	Lb.	25	25
349909	Sisal yarns	Lb.	25	25
	Wood, unmanufactured			
	Logs & hewn timber (indicate quantity scale) (include stumps & burls):			
	Softwoods:			
401200	Douglas fir	M. b. f.	None	None
401400	Hemlock	M. b. f.	None	None
401700	Port Orford cedar	M. b. f.	None	None
401900	Other softwood logs & timber (include southern pine) (report western red cedar in 401600, Port Orford cedar in 401700, and other cedar, including eastern, in 401800).	M. b. f.	None	None
	Railroad ties, hewn (report sawed in 415600 & 415000):			
402600	Creosoted or otherwise treated	M. b. f.	None	None
403400	Telegraph, trolley, & electric light poles	Unit & lin. ft.	None	None
	Sawmill products (lumber)			
	Sawed timber, 5" or larger in least dimension:			
	Softwoods, not treated:			
406000	Southern pine	M. b. f.	None	None
406200	Douglas fir	M. b. f.	None	None
406500	Cedar	M. b. f.	None	None
406800	Other softwoods (include hemlock & Sitka spruce).	M. b. f.	None	None
407000	Hardwoods, not treated	M. b. f.	None	None
	Creosoted or otherwise treated:			
408000	Southern pine	M. b. f.	None	None
408500	Other	M. b. f.	None	None
	Boards, planks & scantlings, less than 5" in least dimension:			
	Softwoods:			
410000	Cypress	M. b. f.	None	None
410100	Douglas fir, rough	M. b. f.	None	None
410200	Douglas fir, dressed	M. b. f.	None	None
410300	Southern pine, rough	M. b. f.	None	None
410400	Southern pine, dressed	M. b. f.	None	None
410610	Ponderosa pine	M. b. f.	None	None
410650	White pine (include northern white, Norway, Idaho white & sugar pine).	M. b. f.	None	None
410720	Port Orford cedar	M. b. f.	None	None
410790	Other cedar (include western red)	M. b. f.	None	None
410800	Redwood	M. b. f.	None	None
410900	Spruce	M. b. f.	None	None
411200	Hemlock	M. b. f.	None	None
411600	Other softwoods	M. b. f.	None	None
	Hardwoods:			
411800	Birch, beech & maple	M. b. f.	None	None
412100	Gum, red & sap	M. b. f.	None	None
412400	Oak	M. b. f.	None	None
412500	Poplar	M. b. f.	None	None
413100	Oak flooring	M. b. f.	None	None
413200	Other hardwood flooring	M. b. f.	None	None
	Small hardwood dimension stock:			
413600	Except squares, other than handle blanks, picker stick blanks, and shuttle block blanks.	M. b. f. & unit	None	None
413700	Oak squares	M. b. f. & unit	None	None
413800	Other squares	M. b. f. & unit	None	None
413900	Other hardwoods (report ash in 411700; chestnut in 411900; hickory in 412300; magnolia in 412800; lignum-vitae in 412900; teak in 413000; and walnut-oak planks in 413400).	M. b. f.	None	None
	Railroad ties, sawed (one tie equals 35 bd. ft.) (report hewn in 402600 & 402900):			
415600	Creosoted or otherwise treated	M. b. f.	None	None
	Wood manufactures			
421407	Plywood, Douglas fir, except aero grade	Sq. ft.	None	None
421603	Port Orford cedar veneers only, utility or commercial grade.	Sq. ft.	None	None
422900	Doors	Unit	None	None
422800	Trim & moldings	Lin. ft.	None	None
423200	Sash & blinds, n. e. s.	Unit	None	None
423950	Prefabricated and ready-cut houses (include portable houses, knockdown, wood).	Unit	None	None
	Other millwork & house fixtures:			
423990	Prefabricated panels (any floor, wall, partition, ceiling, roof or truss panel which is manufactured in a factory and may, in combination with other prefabricated panels or sections of a house, or in combination with conventionally constructed elements produce housing accommodations. Prefabricated panels may, but need not, incorporate window and door frames, sash, doors, builders' hardware, wiring, piping, etc.). (Report prefabricated panels forming a complete housing unit in 423950.)	Bd. ft.	None	None

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group K	GLV dollar value limits country group E
	Wood manufactures—Continued			
423990	Other millwork & house fixtures—Continued			
	Prefabricated sections (house sections manufactured in a factory and ready for use when attached to another section or sections of a house, or used in combination with prefabricated panels or conventionally constructed elements or both) (report prefabricated sections forming a complete housing unit in 423950).	Bd. ft.	None	None
423990	Other millwork & house fixtures (include cupboards, cabinets, mantels, grilles, panels (except plywood), partitions, stairs, columns, window & door frames & other built-in house fixtures, made-up or knock-down).	Bd. ft.	None	None
429900	Port Orford cedar battery separators		None	None
	Paper, related products & manufactures			
473500	Sheathing and building paper:			
473501	Gypsum lining paper	Lb.	25	25
473600	Roofing felt paper	Lb.	25	25
473800	Fibre insulation board, 5/16" & over in thickness, except quilt or blanket types (include of cane & other fiber).	Sq. ft.	25	25
	Wallboard, paper or pulp, 3/8" to less than 5/16" in thickness (include of cane & other fiber).	Sq. ft.	25	25
	Coal & related fuels			
500100				
500200	Coal, anthracite	L. ton	100	25
500300	Coal, bituminous	L. ton	100	25
500400	Coal & coke briquets	L. ton	100	25
	Coke (include coal-tar coke) (report petroleum coke in 504800).	L. ton	100	25
	Petroleum & products			
504500	Paraffin wax:			
504600	Unrefined, including slack wax	Lb.	None	None
504800	Refined and semi-refined	Lb.	None	None
505000	Petroleum coke	L. ton	100	25
505600	Indralatum wax	Gal. & lb.	None	None
505900	Plasticrude wax	Gal. & lb.	None	None
505900	Substitute mineral waxes derived from petroleum bases (including substitutes for microcrystalline waxes, petrolatum waxes, and tank bottom short fiber waxes).	Gal. & lb.	None	None
	All other slop waxes	Gal. & lb.	None	None
	Stone, hydraulic cement, and lime			
516400	Standard Portland cement	Bbl.	None	None
	Clay & clay products			
533200				
533300	Closet bowls & water-closet sets (include tanks)	Piece	100	25
	Lavatories and wall lavatories	Piece	100	25
	Other nonmetallic minerals, including precious			
545915	Asbestos cement sheets 1/4" thick and under, other than electrical or insulating.	Lb.	25	25
548500	Gypsum, and manufactures:			
596025	Plaster board and wallboard (include lath)	Sq. ft.	50	25
	Mineral wax	Lb.	None	None
	Steel mill products			
600700	Pig iron	L. ton	None	None
	Iron and steel scrap:			
601020	No. 1 heavy melting steel scrap	L. ton	100	25
601030	No. 2 melting steel scrap	L. ton	100	25
601040	Hydraulically compressed and baled sheet scrap.	L. ton	100	25
601070	Cast and burnt iron scrap	L. ton	100	25
601090	Other (include heavy shoveling steel, selected rail scrap, machine-shop turnings, wire shorts, etc.).	L. ton	100	25
601300	Tinplate circles, strips, cobbles, and scrollshear butts.	L. ton	1	1
601400	Waste—waste tinplate	L. ton	1	1
601609	Steel sheet bars, and tin-plate bars containing no alloy.	L. ton	100	25
602000	Steel bars, cold finished, nonalloy, 1 inch and under.	Lb.	100	25
602200	Concrete reinforcement bars	Lb.	100	25
602300	Other steel bars (hot rolled), containing no alloy, 1 inch and under, except tool steel and specialty steel.	Lb.	100	25
602900	Wire rods except specialty steel	Lb.	100	25
603000	Boiler plate	Lb.	100	25
603110	Other plates, except fabricated (hot and cold rolled included) containing no alloy.	Lb.	100	25
603300	Iron sheets, galvanized	Lb.	1	1
603400	Steel sheets, galvanized	Lb.	1	1
603510	Steel sheets, black, ungalvanized, (hot and cold rolled included) containing no alloy; with less than .40% carbon content.	Lb.	100	25
603600	Iron sheets, black	Lb.	100	25
603711	Iron and steel strip (cold rolled, containing no alloy), with less than .40% carbon content, except strapping.	Lb.	100	25
603811	Iron and steel strip, hot rolled, containing no alloy, with less than .40% carbon content.	Lb.	100	25

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	Steel mill products—Continued			
604100	Tinplate and taggers' tin	Lb.	1	1
604200	Terneplate, including long ternes	Lb.	1	1
	Structural iron and steel, structural shapes:			
	Except fabricated:			
604500	Angles (except bulb angles), channels and beams, 6 inches and under.	L. ton	100	25
	Fabricated:			
604600	Prefabricated houses (chief value steel)	L. ton	100	25
604840	Metal lath (expanded metal)	Lb.	100	25
	Structural iron and steel—sash and frames:			
604900	Metal window frames	Lb.	100	25
604980	Metal window sash	Lb.	100	25
604990	Metal fabricated door frames	Lb.	100	25
605700	Welded oilline pipe	Lb.	100	25
606040	Malleable iron screwed pipe fittings, 150-lb. pressure and under.	Lb.	100	25
606705	Cast-iron pressure pipe	Lb.	100	25
606798	Cast-iron pressure pipe fittings	Lb.	100	25
606805	Cast-iron soil pipe	Lb.	25	10
606898	Cast-iron soil pipe fittings	Lb.	25	10
607060	Welded black pipe, steel	Lb.	100	25
607100	Welded black pipe, wrought iron	Lb.	100	25
607250	Welded galvanized pipe, steel	Lb.	100	25
607300	Welded galvanized pipe, wrought iron	Lb.	100	25
607798	Couplings; floor drains, cast iron; galvanized pipe fittings; malleable iron pipe fittings; pipe joints, grey iron, extension; pipe nipples, lap-welded, black; pipe plugs; pipe unions; screw elbows; swage nipples.	Lb.	100	25
608100	Iron and steel wire, uncoated (plain, stainless and alloy steel included).	Lb.	1	1
	Woven-wire screen cloth, of all metals and alloys:			
608610	Insect	Lb.	None	None
609101	Bale ties, wire, iron and steel	Lb.	100	25
609200	Wire nails	Lb.	1	1
609500	Nails: asbestos shingle; cut; roofing, lead-headed; shingle; siding, zinc-coated; smooth, flat head, cement-coated.	Lb.	1	1
	Iron & steel manufactures			
612400	Bathtubs, cast iron and steel, enameled	Unit	100	25
612500	Lavatories and wall lavatories	Unit	50	25
	Central heating equipment:			
615000	Domestic conversion oil burners up to and including 6 gallons hourly capacity.	Unit	50	25
	Other domestic cooking or heating equipment:			
615280	Warm-air distribution pipe and fittings		50	25
615507	Circular saws, not metal cutting, except diamond	Unit	25	25
615520	Steel band, pit drag, and mill saws, woodworking.	Unit	25	25
618000	Door locks and lock sets of iron, steel, brass and bronze, except panic bolts, prison locks, rim deadlocks and heavy knob lock sets of brass or bronze.	Doz.	100	25
618200	Hinges and butts, iron and steel, except cabinet and furniture hinges.	Doz. prs	100	25
618300	Other builders' hardware, including only door knobs, mortise latches, lock parts, sash balances.		100	25
	Aluminum and manufactures			
630998	Aluminum prefabricated houses (aluminum chief value).		100	25
	Copper and manufactures			
640100	Copper matte, unrefined copper as blister, converter copper, or anodes (copper content).	Lb.	25	25
641200	Refined copper in cathodes, billets, ingots, bars, or other forms (include wire bars).	Lb.	1	1
641300	Old and scrap copper	Lb.	1	1
642200	Copper pipes and tubes	Lb.	1	1
642300	Copper plates, sheets and strips	Lb.	1	1
642400	Copper rods (report copper weld rods in 664998)	Lb.	1	1
642500	Copper wire, bare	Lb.	1	1
	Insulated copper wire and cable:			
643000	Rubber-covered wire	Lb.	1	1
643100	Weatherproof wire	Lb.	1	1
643500	Other insulated copper wire	Lb.	1	1
	Brass and bronze manufactures			
644000	Brass and bronze, scrap and old	Lb.	1	1
644100	Brass & bronze ingots	Lb.	1	1
644801	Brass & bronze bars, rods & unfinished shafting	Lb.	1	1
644805	Brass and bronze blanks	Lb.	25	25
645000	Brass and bronze plates, sheets, and strips (report window strip and shapes in 647998).	Lb.	100	50
645300	Brass and bronze pipes and tubes (including pipe coils).	Lb.	100	50
645430	Brass and bronze pipe fittings	Lb.	100	50
645600	Plumbers' brass goods except flushometers and thermostatic water mixing valves (include faucets, cocks, shower and bath fittings, and other brass plumbing fixtures).	Lb.	50	25
645700	Wire, bare and insulated, brass and bronze	Lb.	100	50
647906	Bronze structural shapes	Lb.	1	1
647913	Brass and bronze castings and forgings	Lb.	25	25
647919	Bronze circles	Lb.	1	1

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	Lead and manufactures			
650406	Lead ore, matte, and base bullion (lead content)		25	25
650700	Pigs & bars (include blocks & ingots)	Lb.	100	25
650800	Sheets & pipes (include bends)	Lb.	100	25
651200	Solder	Lb.	1	1
651205	Type metal (antimonial lead)	Lb.	100	25
651520	Lead anodes	Lb.	1	1
651530	Foil, lead, and lead-tin	Lb.	25	25
651537	Lead plate, or battery plate, not assembled as complete battery units.	Lb.	25	25
651598	Lead scrap & residues		1	1
651598	Castings; caulking yarn; circles; disks; flanges; plugs; powder; rings; metal packing rings; roof flanges; sash weights; scale weights; shots; shrapnel; sinkers; strips; tape; washers; weights; wire; wool.		25	25
	Tin and manufactures			
656502	Collapsible tubes		1	1
656503	Tin foil	Lb.	1	1
656507	Tin, metal in ingots, pigs, bars, blocks, slabs & other forms.	Lb.	1	1
656508	Tin scrap & waste (include dross)	Lb.	1	1
656598	Other tin & manufactures		1	1
	Zinc and manufactures			
	Zinc cast in slabs, pigs, or blocks.			
657101	Special high grade, containing not over .007% lead, not over .003% iron, not over .005% cadmium, no aluminum, and at least 99.99% zinc.	Lb	50	25
657103	High grade, containing not over .07% lead, not over .02% iron, not over .07% cadmium, no aluminum and at least 99.90% zinc	Lb	50	25
657105	Intermediate, containing not over .20% lead, not over .03% iron, not over .50% cadmium, no aluminum and at least 99.50% zinc.	Lb.	50	25
657111	Brass special, containing not over .60% lead, not over .03% iron, not over .50% cadmium, no aluminum, and at least 99.00% zinc.	Lb.	50	25
657121	Selected, containing not over .80% lead, not over .04% iron, not over .75% cadmium, no aluminum, and at least 98.75% zinc.	Lb.	50	25
657125	Prime western, containing not over 1.60% lead and not over .08% iron.	Lb.	50	25
657198	Other zinc cast in slabs, pigs, or blocks	Lb.	50	25
657205	Zinc photoengraving sheets	Lb.	25	25
657209	Zinc sheets, n. e. s., and strip	Lb.	25	25
657307	Zinc die castings	Lb.	25	25
658003	Zinc photoengraving plates, unfinished (include plates containing 20% or more zinc).	Lb	25	25
	Other nonferrous ores, metals & alloys, except precious			
662000	Babbitt metal (report scrap & dross in 664998)	Lb.	1	1
664501	Antimony ores and concentrates (antimony matter containing lead).	Lb.	50	25
664510	Bismuth matte, slimes, residues and base bullion.	Lb	1	1
664508	Monazite sands		None	None
664598	Thorium ores and concentrates	Lb.	None	None
664598	Uranium ores & concentrates	Lb.	None	None
664901	Antimony (include metals or regulus, needle or liquated antimony, alloys & antimony-bearing scrap metal).	Lb.	1	1
664905	Beryllium metal	Lb.	None	None
664910	Bismuth metals and alloys	Lb.	1	1
664915	Cadmium metals (include metallic shapes)	Lb.	1	1
664917	Cadmium alloys	Lb.	100	25
664950	Radium metal (radium content)	Mg.	None	None
664998	Babbitt metal, dross and scrap	Lb.	1	1
664998	Copper alloys in primary forms, except brass, bronze, nickel, or gold.	Lb.	25	25
664998	Gallium metal	Lb.	None	None
664998	Polonium metal	Lb.	None	None
664998	Thorium metals and alloys	Lb.	None	None
664998	Uranium metal	Lb.	None	None
667000	Type (include multigraph type) (report type metal in 651505).	Lb.	100	25
	Electrical machinery & apparatus			
701300	Batteries, storage, 6 & 12 volt, include aircraft, automotive, and radio batteries and knocked-down assemblies.	Unit	None	None
701000	Motors, ⅛ horsepower and over but not exceeding ½ horsepower.	Unit	25	25
707410	Induction furnaces, vacuum metal-melting only, and component parts therefor.		None	None
709415	Rigid metal conduit, iron or steel	Lb.	25	1
709418	Rigid metal conduit, other than iron or steel	Lb.	25	1
709490	Other metal conduit, outlet and switch boxes		25	1
709500	Sockets, outlets, fuse blocks, lighting switches and parts, n. e. s.		25	1
	Other industrial machinery			
759300	Milk shipping containers	Lb. & unit.	100	26

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group K	E
	Other industrial machinery—Continued			
763100	Sawmill machinery and parts		100	25
763600	Planers, matchers, jointers and molders having a unit value of more than $1,000.	Unit	100	25
763800	Veneer machinery, and parts		100	25
763900	Other woodworking machinery and parts having a unit value of more than $1,000.		100	25
	Agricultural machinery & implements			
780200	Milk shipping cans	Lb. & unit.	100	25
	Coal-tar products			
800500	Crude & refined coal tar	Gal.	100	25
800600	Benzol	Gal.	100	25
800700	Coal-tar pitch	L. ton	100	25
801000	Creosote or dead oil	Gal.	100	25
802000	Naphthalene	Lb.	100	25
802000	Tar acid oil	Lb.	100	25
802700	Phenol	Lb.	100	25
802400	Cresylic acid & cresols	Lb.	1	1
802590	Dimethyl phthalate	Lb.	100	25
802590	Meta cresol	Lb.	1	1
802590	Ortho cresol	Lb.	1	1
802590	Para cresol	Lb.	1	1
	Medicinal and pharmaceutical preparations			
811100	Castor oil (report commercial grades in 224501)	Gal.	25	25
812300	Insulin		1	1
812730	Quinine sulfate	Av. oz.	*None	*None
812750	Cinchona salts, except totaquine	Av. oz.	*None	*None
812750	Quinine salts & compounds (quinine sulfate content).	Av. oz.	*None	*None
812750	Quinidine alkaloid	Av. oz.	*None	*None
812750	Quinidine salts & compounds	Av. oz.	*None	*None
813575	Streptomycin		None	None
813590	Bismuth sub-carbonate		1	1
813590	Bismuth sub-gallate		1	1
813590	Bismuth sub-nitrate		1	1
813590	Bismuth sub-salicylate		1	1
813590	Radium salts & compounds for medical use (state radium content).		None	None
813590	Radon (radium emanations)		None	None
815700	Malaria chill & fever remedies containing quinine.		None	None
	Chemical specialties			
820200	Lead arsenate	Lb.	100	25
820600	Napthalene balls and flakes	Lb.	100	25
823000	Chromium tanning mixtures	Lb.	1	1
	Synthetic gums and resins:			
	In powder, flake or liquid form (scrap included):			
	Tar-acid resins:			
825500	Phenol-formaldehyde resins	Lb.	100	25
825800	Resin-modified phenolic resins	Lb.	100	25
	Sheets, plates, rods, tubes, and other unfinished forms:			
	Laminated.			
826000	Phenol-formaldehyde resins	Lb.	100	25
	Not laminated.			
826100	Phenol-formaldehyde resins	Lb.	100	25
	Industrial chemicals			
830910	Chromic acid	Lb.	1	1
831100	Ethylene glycol	Lb.	25	25
831400	Glycerin (100% glycerin basis)	Lb.	100	25
831500	Crude glycerin	Lb.	100	25
831500	Glycols	Lb.	100	25
831500	Glycols, mixed	Lb.	100	25
831500	Lauryl alcohol	Lb.	100	25
831600	Acetone	Lb.	100	25
832690	Lead acetate	Lb.	100	25
	Potassium compounds, except fertilizers (report potassic fertilizer materials in 853000 and 853100):			
835700	Potassium bichromate & chromate	Lb.	1	1
835800	Potassium hydroxide or caustic potash	Lb.	100	25
835900	Potassium carbonate and mixtures	Lb.	100	25
835900	Potassium nitrate	Lb.	100	25
835900	Potassium nitrate mixtures except potassium nitrate powders (black saltpeter powder).		100	25
835900	Potassium chlorate and mixtures	Lb.	25	25
835900	Potassium perchlorate and mixtures	Lb.	25	25
835900	Potassium sulfate, technical grade	Lb.	100	25
835900	Potassium chloride, technical grade	Lb.	100	25
835900	Superphosphates	Lb.	100	25
835900	Carbonate, calcined or soda ash	Lb.	100	25
836500	Sodium bichromate & chromate	Lb.	1	1
837300	Sodium hydroxide or caustic soda, except in small packages.	Lb.	100	25
837700	Sodium phosphate, tri- or pyro-	Lb.	1	1
837900	Soda ash, causticized	Lb.	100	25
837900	Sodium nitrate	Lb.	1	1
837900	Sodium bismuthate	Lb.	None	None
838400	Ammonium nitrate	Lb.	100	25
838500	Ammonium sulfate		100	25
838500	Urea (except synthetic resins and fertilizers)		100	25
838500	Urea ammonium salts		100	25
838800	Actinium bearing salts & compounds		None	None
838800	Antimony oxides (tri-, tetra-, penta-)		100	25
839000	Antimony sulfide		100	25
839900	Beryllium salts and compounds, including beryllium carbonate and beryllium oxide.		None	None
	Bismuth salts and compounds: [1]			
839500	Bismuth sub-carbonate		1	1
839600	Bismuth sub-nitrate		1	1
839600	Bismuth sub-salicylate		1	1
839500	Chemicals containing artificial radioactive isotopes.		None	None
8359-	Chromium salts & compounds (except chemical pigments.)		1	1
836500	Gallium salts and compounds		None	None
836600	Lead antimonate		100	25
836900	Lead arsenate		100	25
836600	Lead dioxide		100	25
836600	Polonium bearing salts & compounds		None	None
836600	Radium ore concentrates		None	None
836900	Radium salts & compounds (radium content)		None	None
836600	Thorium salts & compounds, including thorium oxide & thorium nitrate.		None	None
836900	Tin compounds		1	1
836800	Uranium acetate		None	None
839900	Uranium salts and compounds		None	None
	Pigments, paints, and varnishes			
841400	Lithopone	Lb.	100	25
842300	Carbon black, channel type, for rubber end use	Lb.	100	25
842300	Carbon black, channel type for end use other than rubber.	Lb.	100	25
842400	Red lead, dry (report red lead in oil in 843100)	Lb.	100	25
842500	Litharge	Lb.	100	25
842500	White lead, dry (basic lead carbonate)	Lb.	100	25
842700	White lead, in oil	Lb.	100	25
842590	Basic sulfate of white lead	Lb.	100	25
842600	Chrome pigments containing 10% or more chromium, including chromium oxide, chromic oxide (chrome green), lead chromate (chrome yellow) and zinc chromate.	Lb.	1	1
842600	Cadmium lithopone	Lb.	100	25
842600	Lead pigments, including blue lead and lead sulphate.		100	25
843100	Lead sublimed in oil		100	25
843100	Red lead in oil	Lb.	100	25
843800	Paints containing radium	Gal.	None	None
	Fertilizers & fertilizer materials			
	Nitrogenous fertilizer materials			
850500	Ammonium sulfate	Lb.	100	25
850700	Sodium nitrate, n. e. s.	Lb.	100	25
850500	Ammonium nitrate as fertilizer	Lb.	100	25
850900	Calcium cyanamide	Lb.	1	1
850900	Calcium nitrate	Lb.	100	25
850900	Urea	Lb.	100	25
851000	Nitrogenous organic waste materials (include fish meal, hoof meal, guano, castor-bean pomace, manures, packing-house offal intended for fertilizer).	Lb.	100	25
	Phosphatic fertilizer materials:			
851901	Normal (standard) superphosphate, containing not more than 25% available phosphoric acid (P_2O_5).	Lb.	100	25
851909	Concentrated superphosphate, containing more than 25% available phosphoric acid (P_2O_5).	Lb.	100	25
852000	Bone ash, dust & meal	Lb.	100	25
	Potassic fertilizer materials:			
853000	Potassium chloride	Lb.	100	25
853100	Potassium sulfate	Lb.	100	25
854000	Nitrogenous phosphatic types (concentrated chemical fertilizers) (include ammonium phosphate).	Lb.	100	25
855100	Other prepared fertilizer mixtures	Lb.	300	25
	Soap & toilet preparations			
	Soap:			
871200	Toilet or fancy (include gift sets of toilet preparations where value of soap exceeds value of other items).	Lb.	1	1
871300	Laundry	Lb.	1	1
	Powdered or flaked (include Lux, Fab, Chipso, Ivory Flakes, Beads, Rinso, etc.):			
871600	Industrial soap powders	Lb.	1	1
871600	Other	Lb.	1	1
871800	Shaving creams, in bulk only	Lb.	1	1
871900	Shaving powders, in bulk only	Lb.	1	1
872400	Nonabrasive types of pastes, powders, and household washing powders (fat content not over 25%) (report household washing powders, fat content over 25%, in 871600).	Lb	1	1
872400	Abrasive types of soaps (fat content above 10%) other than pastes and powders.	Lb.	1	1
872900	Other soap	Lb.	1	1
	Scientific and professional instruments, apparatus and supplies			
919098	Radiation detection instruments containing the following: Geiger-Mueller counters, proportional counters, ionization chambers, electroscopes, scaling units, and count rate meters.		None	None

[1] Bismuth sub-gallate is not classified as an industrial chemical under Schedule B No. 839900.

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group K	E
	Miscellaneous commodities, N. E. S.			
966600	Roofing, asbestos	Square	25	25
985200	Candles	Lb.	1	1
	Commodities exported for relief or charity by individuals and private agencies: (The following classifications are not used for exports for relief or charity by U. S. Government agencies or by UNRRA, except for exports of used clothing, blankets and bedding by such agencies, which are reported under 999820 or 999830. All other exports by U. S. Government agencies or by UNRRA, including new clothing, blankets, and bedding are reported under their specific Schedule B Numbers):			
999810	Food	Export controls applicable to each commodity under these classifications are those which apply to the commodity when exported commercially under its individual Schedule B number.		
999820	Clothing			
999830	Blankets and bedding			
999840	Drugs and biological supplies			
999850	Surgical, sanitary and hospital supplies and equipment.			
999860	Ambulances and other motor equipment			
999890	Other			
999910	General merchandise valued at less than $50	Export controls applicable to each commodity under this classification are those which apply to the commodity when exported under its individual Schedule B number.		
	This commodity number is applied to: (a) All single items of Schedule B commodities valued at less than $50. (b) All totals of Schedule B commodities, single items of which are valued at less than $50, including shipments to Postmasters or other agents for distribution at destination.			

This amendment shall become effective immediately.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: May 23, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-4995; Filed, May 27, 1947; 8:52 a. m.]

Chapter XXIII—War Assets Administration

[Operations Notice 1, Amdt. 1]

PART 8401—ORGANIZATION OF WASHINGTON OFFICE OF WAR ASSETS ADMINISTRATION

RULES PERTAINING TO OFFICIAL DOCUMENTS AND DISCLOSURE OF INFORMATION

Part 8401, August 28, 1946, entitled "Organization of the Washington Office of War Assets Administration" (11 F. R. 177A-750) is hereby amended by adding a new § 8401.14a as follows:

§ 8401.14a *Rules pertaining to official documents and the disclosure of information*—(a) *Disposal of documents.* All records, opinions, claims, accounts, correspondence and other official documents and exhibits attached or pertaining thereto, and copies thereof are the property of the Government. While copies of such documents may be temporarily kept in so-called personal custody of officials and employees to provide information for official use, they cannot be construed to be the personal property of officials and employees having such custody even though other copies of such documents may be located in official files or elsewhere. Upon termination of employment in the War Assets Administration any official or employee shall surrender all official documents to his successor or to his immediate superior.

(b) *Confidential material.* No copy of, or information relative to, any such document or to any other official business of the Administration which appears to be of a confidential nature, shall be given to any person unless such person obtains a court order or subpoena therefor, or makes application therefor in the manner prescribed in this section, and it appears to the Administrator, Associate Administrator, or General Counsel, or to the Deputy Administrator, that the furnishing thereof would not be contrary to the public interest. Applications need follow no standard form but shall be addressed to the General Counsel, and must set forth under oath the interest of the applicant in the subject matter and the purpose for which such copy or information is desired. Applications by duly accredited governmental officials need not be under oath.

(c) *Testifying before courts, etc. (excluding Congressional committees).* War Assets Administration officials and employees are prohibited from testifying in court or otherwise with respect to information obtained in their official capacities, without the prior approval of the Administrator, Associate Administrator, or General Counsel.

(d) *Congressional committees.* (1) In order to give direction and coordination to statements reflecting the official policies of the Administration and to assure that such statements truly and adequately reflect such official policies, officials or employees shall coordinate such statements with the General Counsel or his designated representative before making such statements or appearing before any Congressional committees. In those instances where the exigencies of the situation do not permit such coordination, any official or employee concerned shall transmit promptly to the Office of General Counsel a memorandum setting forth the statements furnished and the names of the persons seeking the statements, the committee with which that person is associated and such other relevant facts as may be deemed necessary to reflect a true statement of the information furnished.

(2) In order that the responsible heads of offices may know the whereabouts and activities of employees while on duty during office hours, any employee of this Administration who receives a request or subpoena from an authorized representative of a Congressional committee or any member thereof to appear and give information before such committee, or members of its staff, shall report the receipt of such request to the immediate supervisor of the office or project upon which such employee is engaged.

(3) The provisions of this section shall not impair or affect the right or duty as may be fixed by law of any official or employee of the Administration to testify before or give information to any duly authorized Congressional committee or member thereof; nor shall this regulation require any coordination of information given to Congressional committees with the office of general counsel except as provided above for statements reflecting the official policies of the Administration.

(e) *Application of this section to other Government agencies.* This section shall not be applicable to official requests of other Government agencies or officers thereof acting in their official capacities unless it appears that compliance with such requests would be in violation of law, or contrary to the public interest. Cases of doubt should be referred to the administrator, associate administrator, or general counsel.

(f) *Authority to waive this section.* The provisions of this section may be waived in proper cases by the Administrator, Associate Administrator, or General Counsel, or by the Deputy Administrator in charge of the subject matter involved.

This amendment shall become effective the 20th day of May 1947.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

ROBERT M. LITTLEJOHN,
Administrator.

MAY 20, 1947.

[F. R. Doc. 47-5003; Filed, May 27, 1947; 8:54 a. m.]

[Operations Notice 2, Amdt. 1]

PART 8402—FIELD ORGANIZATION OF WAR ASSETS ADMINISTRATION

RULES PERTAINING TO OFFICIAL DOCUMENTS AND DISCLOSURE OF INFORMATION

Part 8402, August 28, 1946, entitled "Field Organization of the War Assets Administration" (11 F. R. 177A-753) is hereby amended by adding a new § 8402.8 as follows:

§ 8402.8 *Rules pertaining to official documents and the disclosure of information*—(a) *Disposal of documents.* All records, opinions, claims, accounts, correspondence and other official documents and exhibits attached or pertaining thereto, and copies thereof are the property of the Government. While copies of such documents may be temporarily kept in so-called personal custody of officials and employees to provide information for official use, they cannot be construed to be the personal property of officials and employees having such custody even though other copies of such documents may be located in official files or elsewhere. Upon termination of employment in the War Assets Administration any official or employee shall surrender all official documents to his successor or to his immediate superior.

(b) *Confidential material.* No copy of, or information relative to, any such document or to any other official business of the Administration which appears to be of a confidential nature, shall be given to any person unless such person obtains a court order or subpoena therefor, or makes application therefor in the manner prescribed in this section, and it appears to the Administrator, Associate Administrator, or General Counsel, or to the Deputy Administrator, Regional Director, or Regional Counsel having charge of the subject matter involved that the furnishing thereof would not be contrary to the public interest. Applications need follow no standard form but shall be addressed to the General Counsel, or to the Regional Counsel of the region having charge of the subject matter, and must set forth under oath the interest of the applicant in the subject matter and the purpose for which such copy or information is desired. Applications by duly accredited governmental officials need not be under oath.

(c) *Testifying before courts, etc. (excluding Congressional committees).* War Assets Administration officials and employees are prohibited from testifying in court or otherwise with respect to information obtained in their official capacities, without the prior approval of the Administrator, Associate Administrator, or General Counsel, or of the Deputy Administrator, Regional Director, or Regional Counsel in whose office such official or employee is employed.

(d) *Congressional committees.* (1) In order to give direction and coordination to statements reflecting the official policies of the Administration and to assure that such statements truly and adequately reflect such official policies, officials or employees shall coordinate such statements with the General Counsel or his designated representative before making such statements or appearing before any Congressional committees. In those instances where the exigencies of the situation do not permit such coordination, any official or employee concerned shall transmit promptly to the Office of General Counsel a memorandum setting forth the statements furnished and the names of the persons seeking the statements, the committee with which that person is associated and such other relevant facts as may be deemed necessary to reflect a true statement of the information furnished.

(2) In order that the responsible heads of offices may know the whereabouts and activities of employees while on duty during office hours, any employee of this Administration who receives a request or subpoena from an authorized representative of a Congressional committee or any member thereof to appear and give information before such committee, or members of its staff, shall report the receipt of such request to the immediate supervisor of the office or project upon which such employee is engaged.

(3) The provisions of this section shall not impair or affect the right or duty as may be fixed by law of any official or employee of the Administration to testify before or give information to any duly authorized Congressional committee or member thereof; nor shall this regulation require any coordination of information given to Congressional committees with the Office of General Counsel except as provided above for statements reflecting the official policies of the Administration.

(e) *Application of this section to other government agencies.* This section shall not be applicable to official requests of other governmental agencies or officers thereof acting in their official capacities unless it appears that compliance with such requests would be in violation of law, or contrary to the public interest. Cases of doubt should be referred to the Administrator, Associate Administrator, or General Counsel, or to the Deputy Administrator, Regional Director or Regional Counsel having charge of the subject matter involved.

(f) *Authority to waive this section.* The provisions of this section may be waived in proper cases by the Administrator, Associate Administrator, or General Counsel, or by the Deputy Administrator, Regional Director or Regional Counsel in charge of the subject matter involved.

This amendment shall become effective the 20th day of May 1947.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

ROBERT M. LITTLEJOHN,
Administrator.

MAY 22, 1947.

[F. R. Doc. 47-5002; Filed, May 27, 1947; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 370]

UTAH

REVOKING PUBLIC LAND ORDERS 256 AND 273, WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION UNDER JURISDICTION OF SECRETARY OF INTERIOR

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Orders Nos. 256 and 273 of January 4, 1945 and April 17, 1945, respectively, withdrawing certain public lands from all forms of appropriation under the public land laws and reserving such lands for classification under the jurisdiction of the Secretary of the Interior are hereby revoked.

Applications for these lands which are reported to be rough and broken desert lands may be presented under any applicable public land law as hereinafter provided. Non-mineral applications for lands which contain minerals are allowable only if there is authority for the reservation of the minerals to the United States.

This order shall become effective immediately so as to permit the issuance of mineral prospecting permits and leases upon applications which were filed prior to the dates of the respective withdrawals and which are still pending in the Bureau of Land Management or have been rejected solely because of the withdrawals provided such rejected applications are reinstated upon petitions timely filed.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on July 23, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from July 23, 1947, to October 22, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from July 2, 1947, to July 22, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on July 23, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on October 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from October 1, 1947, to October 21, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on October 22, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the district land office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the district land office at Salt Lake City, Utah.

The lands affected by this order are described as follows:

SALT LAKE MERIDIAN

T. 21 S., R. 19 E.,
Sec. 33.
T. 22 S., R. 19 E.,
Secs. 4 and 9.
T. 22 S., R. 19 E.,
Secs. 10, 11, 14, 15, Secs. 22 to 27, inclusive; Sec. 36.
T. 22 S., R. 20 E.,
Secs. 30, 31, and 32.
T. 23 S., R. 20 E.,
Secs. 3 to 6, secs. 8 to 17, and secs. 21 to 27, inclusive;
Secs. 34, 35, and 36.
T. 24 S., R. 20 E.,
Secs. 34, 35, and 36.
T. 25 S., R. 20 E.,
Secs. 1, 2, 3, 11, 12, 13, 14 and 24.
T. 26 S., R. 20 E.,
Secs. 22 to 26, inclusive;
Sec. 27, E½;
Sec. 34, E½;
Secs. 35 and 36.
T. 27 S., R. 20 E.,
Secs. 1 and 2;
Sec. 7, S½;
Sec. 8, S½;
Secs. 9 to 24, inclusive.
T. 28 S., R. 20 E.,
Secs. 14 to 23, and secs. 26 to 32, inclusive.
T. 29 S., R. 20 E.,
Secs. 5, 6, and secs. 32 to 36, inclusive.
T. 29½ S., R. 20 E.,
Secs. 33 to 36, inclusive.
T. 30 S., R. 20 E.,
Secs. 1, 2, and 3.
T. 23 S., R. 21 E.,
Secs. 17 to 36, inclusive.
T. 24 S., R. 21 E., unsur.
Secs. 1 to 18, inclusive.
T. 25 S., R. 21 E.,
Sec. 7, secs. 17 to 23, and secs. 26 to 30, inclusive.
Secs. 32 to 36, inclusive.
T. 26 S., R. 21 E.,
Secs. 1, 2, 3, 4, 11, 12, 13, 30, 31, 32, and 33.
T. 27 S., R. 21 E.,
Secs. 3 to 10, inclusive.
T. 30 S., R. 21 E.,
Sec. 6.
T. 24 S., R. 22 E.,
Secs. 1, 2, 3, and secs. 10 to 15, inclusive.
T. 25 S., R. 22 E.,
Secs. 1 and 12.
T. 26 S., R. 22 E.,
Secs. 5 to 10, secs. 14 to 29, and secs. 33 to 36, inclusive.
T. 24 S., R. 23 E.,
Secs. 1, 2, 3, secs. 7 to 18, secs. 21 to 28, and secs. 33 to 36, inclusive.
T. 25 S., R. 23 E.,
Secs. 1 to 12, secs. 14 to 18, secs. 20 to 23, and secs. 26, 27, 28, 34, and 35.
T. 24 S., R. 24E., partly unsur.
Secs. 6, 7, and secs. 15 to 36, inclusive.
T. 29 S., R. 24 E.,
Secs. 34 and 35.
T. 29½ S., R. 24 E.,
Secs. 25, 26, 35, and 36.
T. 30 S., R. 24 E.,
Secs. 1 and 12.
T. 30 S., R. 25 E.,
Secs. 5 to 9, 15 to 18, 20 to 23, inclusive, 26 and 27.

The gross area of the public and nonpublic lands aggregates approximately 212,627.52 acres, of which 181,544.20 acres are undisposed of public domain and 2,321.64 acres have been patented with some mineral reservation to the United States.

This revocation shall not have the effect of reinstating Public Land Order No. 130, which was revoked by Public Land Order No. 256.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 21, 1947.

[F. R. Doc. 47-4983; Filed, May 27, 1947; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CROSS REFERENCE: For exceptions to the provisions of §§ 500.3 and 500.72, see F. R. Doc. Nos. 47-5019, 47-5020 and 47-5021, Part 520 of this chapter, *infra.*

[General Permit ODT 1, Rev. 12]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

MERCHANDISE SHIPMENTS LOADED IN CARS EQUIPPED WITH AUTOMOBILE LOADING DEVICES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 1, Revised, as amended, it is hereby ordered, that:

§ 520.14 *Merchandise in automobile device cars.* Notwithstanding the restrictions contained in § 500.3 of General Order ODT 1, Revised, as amended (11 F. R. 8228, 8740, 9040, 10616), any common carrier by railroad may accept from a shipper, or load and forward from or within any city or town, any shipment of merchandise loaded in a railway car equipped with an automobile loading device when such shipment weighs 5,000 pounds or more, is consigned to a destination in the States of Illinois, Indiana, Ohio, or Michigan, or to St. Louis, Missouri, and is for movement from point of origin direct to point of destination, by-passing all transfer stations en route.

This General Permit ODT 1, Revised-12, shall become effective May 24, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 22d day of May 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47-5019; Filed, May 27, 1947; 8:56 a. m.]

[General Permit ODT 18A, Rev. 21A]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF GRAPES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.519 *Shipments of grapes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8629, 10616, 13320, 14172; 12 F. R. 1034, 2386), or Item 375 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point

of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of table grapes:

(a) When such freight consists of Thompson Seedless grapes or Malaga grapes originating at a point in the States of Arizona or California, and the quantity loaded in each car is not less than 27,500 pounds; or

(b) When such freight consists of any variety of table grapes other than Thompson Seedless or Malaga originating at a point in the States of Arizona or California, and the quantity loaded in each car is not less than 32,000 pounds.

This General Permit ODT 18A, Revised–21A, shall become effective May 24, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 22d day of May 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47-5021; Filed, May 27, 1947; 8:56 a. m.]

[General Permit ODT 18A, Rev. 24A]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF APPLES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby ordered, That:

§ 520.524 *Shipments of apples.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of apples:

(a) When the origin of such freight is in the State of Kansas (or is any point or place east of a line consisting of the eastern boundary of the State of Minnesota and the Mississippi River south to New Orleans, Louisiana, such freight is packed in boxes, and the quantity loaded in each car is not less than 30,000 pounds; or

(b) When the origin of such freight is in the State of Kansas, or is any point or place east of a line consisting of the eastern boundary of the State of Minnesota and the Mississippi River south to New Orleans, Louisiana, such freight is packed in bushel baskets, and each car is loaded to an elevation of not less than four complete tiers of such baskets, each tier extending the full length of the car, and when loaded the entire floor space of the car is occupied; or

(c) When the origin is any point or place in the States of California, Oregon or Washington, irrespective of whether such freight is packed in boxes or baskets, the quantity loaded in each car is not less than 35,000 pounds: *Provided*, That if any such freight consists of Gravenstein apples the quantity loaded in each car is not less than 30,000 pounds.

This General Permit ODT 18A, Revised–24A, shall become effective May 24, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F R. 5641)

Issued at Washington, D. C, this 22d day of May 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47-5020; Filed, May 27, 1947; 8:56 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 5, 10, 11, 13, 16, 17]

[Docket No. 8288]

OPERATION OF CERTAIN LICENSED RADIO STATIONS BY UNLICENSED PERSONNEL

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

1. Supplemental notice is hereby given of proposed rule making in the above-entitled matter.

2. On April 25, 1947, the Commission released a notice of proposed rule making (Mimeograph #7414) to which was attached as an appendix a proposal for the amendment of Commission Order 133, adopted May 10, 1946. The final date for submitting comments on this proposal was set in the notice at May 25, 1947.

3. Order 133, and the outstanding proposal for the amendment of that order, are intended by the Commission to constitute a waiver of the operator license requirements of section 318 of the Communications Act of 1934, as amended, only as to persons who operate a portable or mobile station with the authority and on behalf of the station licensee. In order to clarify this intention, it is proposed to add an additional numbered paragraph to the outstanding proposal for the amendment of Order 133, namely:

"8. This order, insofar as it constitutes a waiver of the operator license requirements of section 318 of the Communications Act of 1934, as amended, applies only to persons whose operation (including the adjustments authorized by paragraphs numbered 6 and 7, above) of a station is with the authority and on behalf of the station licensee."

4. The proposal herein is authorized by sections 303 (f), (l), and (r), and section 318 of the Communications Act of 1934, as amended.

5. In view of the fact that the proposal herein constitutes in effect an interpretation by the Commission of its Order 133 and of its proposal for the amendment of Order 133, it is considered to be unnecessary and not in the public interest to defer beyond May 25, 1947, the final date for submitting comments upon the proposal as herein supplemented for the amendment of Order 133.

6. Except as hereinabove set forth, the notice of proposed rule making released April 25, 1947, in the above-entitled matter is unchanged.

Adopted: May 15, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5056; Filed, May 27, 1947; 8:51 a. m.]

[47 CFR, Parts 5, 10, 11, 16, 17]

[Docket No. 8294]

EXPERIMENTAL, EMERGENCY, MISCELLANEOUS, RAILROAD AND UTILITY RADIO SERVICES

ORDER EXTENDING TIME FOR SUBMISSION OF COMMENTS AND BRIEFS IN PROPOSED RULE MAKING

In the matter of amendment of §§ 5.22, 5.23, 5.25 and 5.28 of Part 5, amendment of §§ 10.61, 10.62, 10.66 and 10.101 of Part 10, amendment of §§ 11.45, 11.51, 11.52 and 11.56 of Part 11, amendment of §§ 16.23, 16.65, and 16.101 of Part 16, amendment of §§ 17.143, 17.146, 17.147 and 17.161 of Part 17, adding new §§ 5.34 and 5.35 of Part 5, adding new §§ 10.65, 10.73 and 10.114 of Part 10, adding new §§ 11.55, 11.63 and 11.72 of Part 11, adding new §§ 16.144, 16.145 and 16.146 of Part 16, and deleting § 17.148 of Part 17 for the purpose of changing and standardizing requirements regarding transmitter emission measurements, changes in equipment, keeping of station records, channel width and modulation, frequency stability, inspection of tower lights and associated control equipment, and remote control in the Experimental, Emergency, Miscellaneous, Railroad and Utility Radio Services.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of May 1947;

The Commission having under consideration its notice of proposed rule making issued on April 11, 1947 (12 F. R. 2498) setting forth proposed changes and amendments in Parts 5, 10, 11, 16 and 17 of its rules and regulations, for the purpose of changing and standardizing requirements regarding transmitter emission measurements, changes in equipment, keeping of station records, channel width and modulation, frequency stability, inspection of tower lights and associated control equipment, and remote control in the Experimental, Emergency, Miscellaneous, Railroad and Utility Radio Services, which Notice provided for the submission of statements, briefs or comments on or before May 20, 1947; and

It appearing, that proposals are before the Commission requesting that the time for the submission of statements, comments and briefs be extended; and

It further appearing, that a grant of such extention will be in the public interest;

It is ordered, That the time for submission of comments, statements or briefs, with respect to the proposed amendments of the provisions of the above-captioned sections, be and the same is hereby extended to and including June 1, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5057; Filed, May 27, 1947; 8:56 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6651]

ALLOCATION OF FREQUENCIES TO VARIOUS CLASSES OF NON-GOVERNMENTAL SERVICES IN DESIGNATED RADIO SPECTRUM

ORDER ADOPTING FREQUENCY ALLOCATION PLAN

In the matter of allocation of frequencies to the various classes of non-governmental services in the radio spectrum from 10 kilocycles to 30,000,000 kilocycles.

At a meeting of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of May 1947;

The Commission having under consideration frequencies for the industrial, scientific, medical service [1] proposed in Public Notices 7125 and 7126, dated April 14, 1947, which public notices made provisions for comments or requests for oral argument from interested persons; and

The Commission having received and considered all comments submitted in connection with this proposal; and

The Commission having determined that the public interest, convenience and necessity would be served by allocation for use in the United States by industrial, scientific and medical devices of the frequencies 915 Mc, 5850 Mc, 10,600 Mc, 18,000 Mc, and a frequency at approximately 6 Mc (specific frequency to be announced later) as set forth in the proposal referred to above;

Now, therefore, *It is hereby ordered*, That the frequency allocation plan set out below be, and the same is hereby, adopted, effective June 23, 1947, to supersede any plan heretofore adopted for the said frequency bands, or any portion thereof, and the Commission's proposal of Revised Frequency Service-Allocations Between 1000 and 13000 Megacycles to Non-Government Fixed and Mobile Services (Public Notice 99615) is amended accordingly:

Frequency (mc.)	Band (mc.)	U. S. service-allocation
6 mc. (specific frequency to be announced later).	470–480	Broadcasting: 470–475 mc.: Facsimile. 475–500 mc.: (a) Facsimile.[1] (b) Developmental, Broadcasting. (c) Television.[2]
915	[3] 890–940	500–890 mc.:[3] Television, Broadcasting.
	[4] 940–960	(a) Broadcasting.[5] (b) Fixed.[6] 940–952 mc.: FM studio transmitter links.[7] 952–960 mc.: Fixed circuits except common carrier and television STL.[8]

[1] Assignments to this service may be made in any area from 475 mc. progressing upward whenever the band 470–475 mc. is utilized fully in that area.

[2] Assignments to this service may be made in any area whenever the band 500–890 mc. is utilized fully in that area.

[3] Frequencies for experimental television stations may be made available in any area until they are required in that area for television broadcasting.

[4] The frequency 915 mc. is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 890–940 mc.

[5] This service recognizes that interference to its operations within this band may result from the emissions on the frequency 915 mc. of industrial, scientific and medical devices. Separations between assigned frequencies will be 100 kc. and exact multiples thereof, and assignments will be made, in any area, progressively upward from 890 mc.

[6] This service recognizes that interference to its operations within this band may result from the emissions on the frequency 915 mc. of industrial, scientific and medical devices. Separations between assigned frequencies will be 100 kc. and exact multiples thereof, and assignments will be made, in any area, progressively downward from 940 mc. Assignments to FM studio-to-transmitter links may be made in any area in this band where insufficient space in that area is available in the band 940–952 mc.

[7] Separations between assigned frequencies will be 100 kc. and exact multiples thereof.

[8] Assignments in any area will be made progressively upward from 940 mc.

[9] Assignments in any area will be made progressively downward from 960 mc.

Frequency (mc.)	Band (mc.)	U. S. service-allocation
5850	[1] 5650–5925	Amateur.[2]
	5925–7125	Nongovernment; fixed and mobile.
	7125–8500	Government; fixed and mobile.

[1] The frequency 5850 mc. is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 5775–5925 mc.

[2] This service recognizes that interference to its operations on frequencies within 75 mc. of 5850 mc. may result from emissions on the frequency 5850 mc. of industrial, scientific and medical devices.

[1] Industrial, scientific, medical service: A service other than a radiocommunication service, for industrial, scientific, or medical uses, which results in the transmission of energy by radio.

Frequency (mc.)	Band (mc.)	U. S. service-allocation
10600	[1] 10500–10700	Industrial, scientific, medical.[2]
	10700–13200	Nongovernment; fixed and mobile.
	13200–14000	Government; fixed and mobile.

[1] The frequency 10600 mc. is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 10600–10700 mc.

[2] Sharing by communications services to be determined at a later date.

Frequency (mc.)	Band (mc.)	U. S. service-allocation
18000	[1] 16000–21000	(a) Fixed.[2] (b) Mobile.[2] 16000–18000 mc.—Nongovernment. 18000–21000 mc.—Government.

[1] The frequency 18000 mc. is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 17850–18150.

[2] This service recognizes that interference to its operations on frequencies within 150 mc. of 18000 mc. may result from emissions on the frequency 18000 mc. of industrial, scientific and medical devices.

It is further ordered, That the provisions of the Commission's public notice and order, dated December 26, 1946, governing the operation of industrial, scientific and medical devices upon the frequency 2450 Mc, be and the same are hereby made applicable to operation of such devices on the frequencies 915 Mc, 5850 Mc, 10,600 Mc and 18,000 Mc.

By direction of the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5054; Filed, May 27, 1947; 8:49 a. m.]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

ORDER CONTINUING HEARING DATE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1947;

The Commission having under consideration a petition filed May 9, 1947, by

The Clear Channel Broadcasting Service for continuance to a date not earlier than October 15, 1947, of the hearing now scheduled for June 2, 1947, in the matter of Clear Channel Broadcasting in the Standard Broadcast Band (Docket No. 6741);

It is ordered, That the petition be, and it is hereby, granted in part; and the hearing in the above-entitled matter of the Clear Channel Broadcasting in the Standard Broadcast Band be, and it is hereby, continued to 10 o'clock a. m., Monday, July 7, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-5049; Filed, May 27, 1947; 8:50 a. m.]

[Docket Nos. 7273, 8287]

DAILY NEWS TELEVISION CO. AND PENNSYLVANIA BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Daily News Television Company, Philadelphia, Pennsylvania, Docket No. 7273, File No. BPCT-119; Pennsylvania Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 8287, File No. BPCT-185; for construction permit for television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of May 1947.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station in Philadelphia, Pennsylvania, to operate on the same and only unassigned television channel allocated to the Philadelphia metropolitan area;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Daily News Television Company (File No. BPCT-119) and Pennsylvania Broadcasting Company (File No. BPCT-185) be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be named by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5046; Filed, May 27, 1947; 8:57 a. m.]

[Docket Nos. 7941, 8167]

HILLSDALE BROADCASTING CO., INC., AND WOODWARD BROADCASTING CO.

ORDER AMENDING AND ENLARGING ISSUES

In re applications of Hillsdale Broadcasting Company, Inc., Hillsdale, Michigan, Docket No. 7941, File No. BP-5281; for construction permit. Woodward Broadcasting Company, Detroit, Michigan, Docket No. 8167, File No. BP-5827; for construction permit.

The Commission having under consideration a reply filed April 9, 1947, by Woodward Broadcasting Company, Detroit, Michigan, to the petition of Courier Journal and Louisville Times, Inc. (WHAS), Louisville, Kentucky, for intervention in the hearing upon the above-entitled applications, in which reply it is requested that if the Commission allows the intervention requested by WHAS, that the issues upon which the applications have been designated for hearing be enlarged to include the following issue:

To determine the type and character of program service rendered by WHAS to the areas and populations that would be lost if the application of Woodward Broadcasting Company were granted and the character of other broadcast services available to those areas and populations;

and an opposition thereto filed May 1, 1947, by Courier Journal and Louisville Times, Inc. (WHAS); and

It appearing, That the Commission on May 2, 1947, allowed intervention by Courier Journal and Louisville Times, Inc. (WHAS), Louisville, Kentucky, in the hearing upon the above-entitled applications for the purpose of showing groundwave interference only to the normally protected contour of petitioner's Station WHAS from operation as proposed by Woodward Broadcasting Company by its application for construction permit (File No. BP-5827);

It is ordered, This 2d day of May, 1947, that the request of Woodward Broadcasting Company, Detroit Michigan, for enlargement of issues, be, and it is hereby granted; and the issues dated February 27, 1947, upon which the above-entitled applications have been designated for hearing, be, and they are hereby, enlarged, to include the following:

To determine the type and character of program service rendered by WHAS to the areas and populations that would be lost if the application of Woodward Broadcasting Company were granted and the character of other broadcast services available to those areas and populations.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5050; Filed, May 27, 1947; 8:50 a. m.]

[Docket Nos. 6222, 7185, 7533, 8000-8002, 8299]

INTERSTATE BROADCASTING CO., INC. (WQXR) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Interstate Broadcasting Company, Inc. (WQXR), New York, N. Y., Docket No. 8002, File No. BP-4506; Washita Valley Broadcasting Corporation (KWCO), Chickasha, Oklahoma, Docket No. 8000, File Nos. BP-4373, BMP-1919, BL-2129; El Paso Broadcasting Company (new), El Paso, Texas, Docket No. 7533, File No. BP-4634; Lake Broadcasting Company, Inc. (new), Gary, Indiana, Docket No. 7185, File No. BP-4341; Unity Corporation, Inc. (WTOD), Toledo, Ohio, Docket No. 8001, File No. BP-5071; Pioneer Mercantile Company (KPMC), Bakersfield, California, Docket No. 6222, File Nos. BP-3118, BP-4868; The Montana Network, Butte, Montana, Docket No. 8299, File No. BP-5771; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application of The Montana Network requesting a construction permit for a new standard broadcast station to operate unlimited time on the frequency 1560 kc with 1 kw power at Butte, Montana; and

It appearing, that the Commission on December 5, 1946, designated for hearing in a consolidated proceeding the other above-entitled applications, all requesting unlimited time operation on the frequency 1560 kc, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of each applicant, and, if a corporation, its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which would gain primary service through the operation of each of the proposed stations and what other broadcast services are available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered by each of the applicants and whether such service would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing or proposed broadcast service and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations; or would involve objectionable interference with broadcast service authorized in a foreign country pursuant to the provisions of International Agreements to which the United States is a party.

5. To determine whether any existing or proposed operation on the frequency 1560 kilocycles is, or may be, entitled to protection as a Class I-B station under the Commission's rules and regulations, and the provisions of the North American Regional Broadcasting Agreement and the Interim Agreement (Modus Vivendi) of February 25, 1946.

6. To determine whether, if any existing or proposed operation on the frequency 1560 kilocycles may be afforded Class I-B protection, the according of such I-B classification to any existing or proposed station or stations would contribute to an equitable allocation of facilities and otherwise serve the public interest, convenience, or necessity.

7. To determine which, if any, of the applications in this consolidated proceeding should be granted.

And it further appearing, that the said application of The Montana Network, like the other above entitled applications, involves common issues concerning the availability of the frequency 1560 kilocycles for allocation for Class I-B operation, and the manner in which allocation of stations on the frequency 1560 kilocycles would best serve the public interest and contribute to an equitable distribution of facilities in accordance with the provisions of section 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That the said application of The Montana Network be, and it is hereby, designated for hearing in the same consolidated proceeding and upon the same, above specified, issues as the other above entitled applications, at a time and place to be designated by subsequent order of the Commission.

It is further ordered, That the order of the Commission dated December 5, 1946, designating for hearing in a consolidated proceeding, as aforesaid, the above-entitled applications of Interstate Broadcasting Company, Inc. (WQXR), Washita Valley Broadcasting Corporation (KWCO), El Paso Broadcasting Company, Lake Broadcasting Company, Inc., Unity Corporation, Inc. (WTOD), and Pioneer Mercantile Company (KPMC), be, and it is hereby, amended to include the said application of The Montana Network.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5053; Filed, May 27, 1947; 8:49 a. m.]

[Docket No. 8307]

SHAWANO COUNTY LEADER PUBLISHING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Shawano County Leader Publishing Company, Shawano, Wisconsin, Docket No. 8307, File No. BP-5518; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station in Shawano, Wisconsin, to operate unlimited time on the frequency 550 kc with power of 250 watts daytime and 100 watts at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations KSD, St. Louis, Mo. (550 kc, 5 kw, DA-N) or WJIM, Lansing, Mich. (550 kc, 1 kw, DA-1) or WIND, Chicago, Ill. (560 kc, 5 kw, DA-2), or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular respect to the operation of a Class IV station on a regional channel (see footnote 4, section 1).

It is further ordered, That The Pulitzer Publishing Company, licensee of Station KSD, St. Louis, Mo., and WJIM, Inc., licensee of Station WJIM, Lansing, Michigan, and Johnson-Kennedy Radio Corporation, licensee of Station WIND, Chicago, Illinois, be, and they are hereby made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5047; Filed, May 27, 1947; 8:50 a. m.]

[Docket No. 8340]

TRIANGLE BROADCASTING ASSOCIATES, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Triangle Broadcasting Associates, Inc., Hackensack, New Jersey, Docket No. 8340, File No. BP-4956; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 620 kc, with 250 w power, unlimited time, at Hackensack, New Jersey.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with the newly authorized station at Newark, New Jersey, operating on 620 kc, with 5 kw power, using a directional antenna, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Newark Broadcasting Corporation, permittee of the newly authorized station at Newark, New Jersey, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5045; Filed, May 27, 1947; 8:57 a. m.]

[Docket No. 8341]

RADIO BROADCASTERS, INC. (KRKD)

CORRECTED ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Broadcasters, Incorporated, Los Angeles, California (KRKD), Docket No. 8341, File No. BML-1242; for modification of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1947;

The Commission having under consideration the above-entitled application requesting authorization to increase nighttime power to 2.5 kw;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KRKD as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KRKD as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KRKD as proposed would involve objectionable interference with station KRSC, Seattle, Washington, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KRKD as proposed would involve objectionable interference with the services proposed in the pending applications of KSAL, Inc., licensee of KSAL, Salina, Kansas (File No. BP-4364, Docket No. 7490); KFJI Broadcasters, licensee of KFJI, Klamath Falls, Oregon (File No. BP-4573); and Gila Broadcasting Company, Coolidge, Arizona (File No. BP-4677) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KRKD as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Radio Sales Corporation, licensee of Station KRSC, Seattle, Washington, be, and it is hereby made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5051; Filed, May 27, 1947; 8:50 a. m.]

[Docket No. 8352]

BAY BROADCASTING CO., INC. (WBCM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Bay Broadcasting Company, Inc. (WBCM), Bay City, Michigan, Docket No. 8352, File No. BP-5662; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to change transmitter site and install new vertical radiator surmounded by an FM antenna, increasing effective height of tower from 168' to 427', for Station WBCM, Bay City, Michigan;

It is ordered, That, pursuant to section 309 (a) of the Communication Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WBCM as proposed and the character of other broadcast service available to those areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of Station WBCM as proposed would involve objectionable interference with Stations WAAB, Worcester, Massachusetts; WSFA, Montgomery, Alabama; WROK, Rockford, Illinois, or with any other existing or authorized broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of Station WBCM as proposed would involve objectionable interference with the services proposed in the pending application of Rockford Broadcasters, Inc. (WROK) (File No. BP-5955), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of Station WBCM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That The Yankee Network, Inc., licensee of Station WAAB, Worcester, Massachusetts, Montgomery Broadcasting Company, Inc., licensee of Station WSFA, Montgomery, Alabama, and Rockford Broadcasters, Inc., licensee of Station WROK, Rockford, Illinois, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5052; Filed, May 27, 1947; 8:50 a. m.]

[Docekt No. 8367]

KFEQ, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KFEQ, Inc. (KFEQ), St. Joseph, Missouri, Docket No. 8367, File No. BP-4810; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application requesting a construction permit to increase the daytime power of Station KFEQ, St. Joseph, Missouri, to 10 kw, to operate with a non-directional antenna daytime, and to install a new transmitter, and also having under consideration a petition filed April 23, 1947 by World Publishing Company, licensee of Station KOWH, Omaha, Nebraska, requesting that said application be designated for hearing;

It is ordered, That said petition by World Publishing Company (KOWH) be, and it is hereby, granted, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of KFEQ, Inc., be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station KFEQ as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KFEQ as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KFEQ as proposed would involve objectionable interference with Stations KOWH, Omaha, Nebraska; WMAQ, Chicago, Illinois; KGGF, Coffeyville, Kansas; or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KFEQ as proposed would involve objectionable interference with the services proposed in the pending application of Hugh J. Powell (KGGF), or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KFEQ as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That World Publishing Company, licensee of Station KOWH, Omaha, Nebraska; National Broadcasting Company, Inc., licensee of Station WMAQ, Chicago, Illinois; and Hugh J. Powell, licensee of station KGGF, Coffeyville, Kansas, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5048; Filed, May 27, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 192]

RECONSIGNMENT OF APPLES AT PITTSBURGH, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Pittsburgh, Pa., May 21, 1947, by Dugan & Dugan, of car PFE 51862, apples, now on the Pennsylvania RR., to M. Rosen Co., Philadelphia, Pa. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of May 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-5000; Filed, May 27, 1947; 8:53 a. m.]

[S. O. 396, Special Permit 193]

RECONSIGNMENT OF TOMATOES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., May 21, 1947, by E. E. Fadler Co., of car PFE 40850, tomatoes, now on the M.-K.-T. RR., to Chicago, Ill. (CB&Q).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of May 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-5000; Filed, May 27, 1947; 8:53 a. m.]

[S. O. 396, Special Permit 194]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., May 21, 1947, by Louis Goldstein, of cars PFE 40347, WFE 66425, ART 23433 and PFE 75892, potatoes, now on the Pennsylvania RR., to P. C. Mendelson Co., New York, N. Y. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of May 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-5001; Filed, May 27, 1947; 8:53 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-36]

JACOB NOVICK

CONSENT ORDER

Jacob Novick is the owner of a hotel located at 3-5 Hawthorn Avenue, Yonkers, N. Y. He is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about January 7, 1947 he began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 3-5 Hawthorn Avenue, Yonkers, N. Y.; (2) on and after January 7, 1947 he carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 3-5 Hawthorn Avenue, Yonkers, N. Y.

Jacob Novick admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Jacob Novick, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Jacob Novick, his successors and assigns, nor any other person shall do any further construction on the premises located at 3-5 Hawthorn Avenue, Yonkers, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Jacob Novick shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Jacob Novick, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 27th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE, *Authorizing Officer.*

[F. R. Doc. 47-5146; Filed, May 27, 1947; 10:52 a. m.]

[C-37]

CHARLES REDER, HAROLD REDER & GILMORE RUDNICK

CONSENT ORDER

Charles Reder, Harold Reder and Gilmore Rudnick, all of North Adams, Massachusetts, are the owners of a restaurant and bar known as the "1896 House" located on Cold Spring Road, Williamstown, Massachusetts. Charles Reder, Harold Reder and Gilmore Rudnick are charged by the Office of the Housing Expediter with having commenced in July of 1946 the construction of cinder block boiler shed and of an addition to the restaurant at an estimated cost of $5 000 without authorization, which construction was not permitted under any exemption provided for in the Order and therefore constituted a violation of Veterans' Housing Program Order 1.

An authorization from the Civilian Production Administration was obtained to "install a complete heating system utilizing one 1200 square feet capacity boiler and 1,829 square feet of radiation." Under this authorization the boiler shed and addition were completed except for the applying of clapboards to the outside of the addition and except for certain interior alterations. This construction of this addition and boiler shed which were not covered by the authorization granted by the Civilian Production Administration constituted a violation of paragraph (i) of Veterans' Housing Program Order 1.

Charles Reder, Harold Reder and Gilmore Rudnick admit the violations as charged and consent to the issuance of this order.

Wherefore, upon the agreement and consent of Charles Reder, Harold Reder and Gilmore Rudnick, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Charles Reder, Harold Reder nor Gilmore Rudnick, their successors or assigns, nor any other person shall do any further construction on the premises known as the "1896 House" on Cold Spring Road, Williamstown, Massachusetts, including the applying of clapboards or altering the interior unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) The provisions of paragraph (a) above do not apply to the work to be done under CPA authorization dated September 4, 1946, and carried as Case No. 1-2-478.

(c) Charles Reder, Harold Reder, and Gilmore Rudnick shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter or any other federal agency to do any further construction on this project.

(d) Nothing contained in this order shall be deemed to relieve Charles Reder, Harold Reder, and Gilmore Rudnick, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 27th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5147; Filed, May 27, 1947; 10:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-175]

KEN-RAD TUBE & LAMP CORP.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 22d day of May A. D. 1947.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Class A Common Stock, No Par Value, of Ken-Rad Tube & Lamp Corporation;

Appropriate notice and opportunity for hearing having been given to interested persons and the public generally;

No request having been received from any interested person for a hearing in this matter; and

The Commission having duly considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on June 2, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4988; Filed, May 27, 1947; 8:51 a. m.]

[File No. 7-978]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. VOTING TRUST, EXPIRING JANUARY 1, 1952

FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of May A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Voting Trust Certificates for Common Stock, No Par Value, of the St. Louis-San Francisco Railway Company Voting Trust, Expiring January 1, 1952.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange for the purpose of this application is the New England States exclusive of Fairfield County, Connecticut; that out of a total of voting trust certificates outstanding covering 1,241,157 shares, voting trust certificates covering 10,306 shares are outstanding in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 222 transactions involving voting trust certificates covering 56,238 shares from January 1, 1946 to December 31, 1946;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Voting Trust Certificates for Common Stock, No Par Value, of the St. Louis-San Francisco Railway Company Voting Trust, Expiring January 1, 1952, be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4989; Filed, May 27, 1947; 8:51 a. m.]

[File Nos. 54-85, 59-90]

EAST COAST PUBLIC SERVICE CO. ET AL.

FINDINGS AND ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of May 1947.

In the matters of East Coast Public Service Company, Virginia East Coast Utilities, Incorporated, Tidewater Electric Service Company, Floyd W. Woodcock, Applicants, File No. 54-85; East Coast Public Service Company, Virginia East Coast Utilities, Incorporated, Tidewater Electric Service Company, Respondents, File No. 59-90.

The Commission in its findings, opinion and order dated April 2, 1947,[1] approved the Plan, as amended, of East Coast Public Service Company ("East Coast"), Virginia East Coast Utilities, Incorporated ("Virginia"), Tidewater Electric Service Company ("Tidewater"),[2] and Floyd W. Woodcock under section 11 (e) of the Public Utility Holding Company Act of 1935. Our order reserved jurisdiction, among other things, with respect to the terms of the proposed issuance and sale by Virginia at competitive bidding of $1,300,000 principal amount of First Mortgage Bonds, Series A, due in 1977, and 60,000 shares of common stock, and with respect to all the fees and expenses to be paid in connection with the plan. Subsequently, by order dated April 29, 1947, the United States District Court for the District of Delaware approved the plan, as amended, of East Coast and its subsidiary companies.

In its order dated May 8, 1947,[3] the Commission permitted the amended declaration to become effective, with respect to the issuance and sale of the said bonds and common stock, subject to the condition that the proposed public sales of such securities of Virginia shall not be consummated until the results of the competitive bidding have been made a matter of record in these proceedings and a further order shall have been entered by this Commission in the light of the record so completed.

A further amendment has been filed herein and the hearing was reconvened for the purpose of completing the record with respect to the results of the competitive bidding, pursuant to Rule U-50. The record shows that pursuant to the invitation for competitive bids, two bids for the said $1,300,000 principal amount of First Mortgage Bonds of Virginia[4] were submitted as follows:

Underwriter	Coupon rate	Price to company (percent of principal amount)	Annual cost to company
	Percent		*Percent*
Woodcock, McLear & Co....	3¼	102.051	3.02965
Halsey, Stuart & Co., Inc...	3¼	101.079	3.09995

The record shows that East Coast and Virginia have accepted the bid of Woodcock, McLear & Co. for the bonds, as set forth above. The record further shows that Woodcock, McLear & Co. was bidding as the agent for the Provident Mutual Life Insurance Company of Philadelphia, which latter company is acquiring said bonds as an investment and not for resale or distribution. As a result of this transaction the Provident Mutual Life Insurance Company proposes to pay Woodcock, McLear & Co. a fee of $6,000, of which $2,750 is to be paid to Morris, Steel, Nichols and Arsht, counsel for the underwriters. We have examined the record herein and find no basis for imposing terms or conditions with respect to the price to be paid to East Coast and Virginia for said bonds, the interest rate thereon or the redemption prices. The fee to be paid Woodcock, McLear & Co. and its counsel does not appear to be unreasonable.

A witness for the company testified that East Coast publicly invited bids for the common stock at the same time that bids were invited for the bonds, and that as a result three bidders were qualified to submit bids for the common stock, but only one bid was received. Upon learning that certain prospective bidders had decided not to submit bids, the company determined to return the one bid unopened and to postpone the sale of the common stock. While in our opinion this does not amount to a modification of the plan of East Coast and its subsidiaries,[5] but is rather a change in the timing of the proposed transactions, the Commission has been requested to petition the United States District Court for the District of Delaware for a supplemental order approving the action of the company as a procedural matter. We think such action is appropriate and we shall grant the request.

The estimated fees and expenses to be paid by Virginia in connection with the issuance and sale of the bonds are as follows:

Registration fee—S. E. C.	$134
Trustees' fees and expenses	1,600
Counsel to Trustees	1,500
Printing	9,350
Company expenses	4,976
General counsel:	
Miles, Walsh, O'Brien & Morris	6,500
Virginia counsel:	
Frank P. Pulley, Jr.	3,500
Disbursements of counsel	1,500
	29,060

The above fees and expenses do not appear to be unreasonable and jurisdiction with respect to them will be released. All other fees and expenses in connection with the section 11 (e) plan including the merger of Tidewater into Virginia, the recapitalization of Virginia and the liquidation and dissolution of East Coast are to be paid by East Coast, and the reservation of jurisdiction with respect thereto will continue.

It is therefore ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for the First Mortgage Bonds of Virginia under Rule U-50 be, and the same hereby is, released and that the amendment filed on May 20, 1947, to the declaration herein be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to the payment by Virginia of all the fees and expenses in connection with the issuance and sale of the bonds and the legal fee for counsel to the successful bidder be, and the same hereby is, released.

It is further ordered, That the jurisdiction heretofore reserved with respect to (1) the proposed sale by East Coast of the common stock of Virginia, (2) the amount and allocation of all other fees and other compensation and expenses to be paid in connection with the plan, the transactions incident thereto and the consummation thereof, (3) the proceedings instituted by the Commission under section 11 (b) (2) of the act, and (4) such further proceedings and the making of such supplemental findings and the taking of such further action as the Commission may deem appropriate in connection with the plan, as amended, the transactions incident thereto, and the consummation thereof, be and it is hereby continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-4990; Filed, May 27, 1947; 8:51 a. m.]

[File No. 54-157]

UNITED GAS IMPROVEMENT CO. AND CONNECTICUT GAS & COKE SECURITIES CO.

NOTICE OF FILING OF PLAN AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of May 1947.

Notice is hereby given that The United Gas Improvement Company ("UGI") and its subsidiary holding company, The Connecticut Gas & Coke Securities Company ("Coke Company"), have filed a joint application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan, designed to effectuate partial compliance with that portion of an order issued by the Commission on May 7, 1942, directing UGI to sever its relationship with New Haven Gas Light Company ("New Haven") and The Hartford Gas Company ("Hartford"), both of which are public utility subsidiaries of Coke Company.

In general, the plan provides for (1) the dissolution of Coke Company and the distribution of its assets, consisting principally of holdings of securities of New Haven and Hartford, to Coke Company's preferred stockholders; the common stockholders of Coke Company receiving nothing in the liquidation, and (2) the transfer by UGI of all its direct holdings of securities of New Haven and part of its holdings of Hartford to Coke Company, the elimination of claims for indebtedness allegedly owned by Coke Company to UGI, and the release and discharge of UGI and Koppers Company, Inc. ("Koppers") of obligations and agreements relating to the guaranty of dividend payments on Coke Company's outstanding preferred stock.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

Coke Company, solely a holding company incorporated in 1926 under the

[1] East Coast Public Service Company et al., — S. E. C. — (1947), Holding Company Act Release No. 7326.

[2] On April 30, 1947, Tidewater was merged into Virginia, and on May 1, 1947, Virginia, the surviving company, changed its name to East Coast Electric Company which, for purposes of this findings and order, we shall refer to as "Virginia".

[3] Holding Company Act Release No. 7392.

[4] Of the total, $800,000 principal amount was offered by East Coast and $500,000 principal amount by Virginia.

[5] The record before both this Commission and the United States District Court for the District of Delaware shows that the applicants originally contemplated a simultaneous sale of Virginia's bonds and common stock.

laws of the State of Connecticut, has outstanding 198,997 shares of $3 Cumulative Preferred Stock and 299,498 shares of no par common stock, which securities are owned as follows:

Owner	Preferred shares	Percent	Common shares	Percent
UGI	----	----	210,617	70.3
New Haven	597	0.3	631	.2
Public	198,400	99.7	88,250	29.5
Total	198,977	100	299,498	100

Coke Company also has open account indebtedness of $171,173.38 owing to UGI for cash loans advanced by it in 1935. It is alleged that Coke Company also has contingent liabilities at March 31, 1947 for $1,326,484.41, representing amounts paid by UGI under the terms of an indemnification agreement made January 11, 1935 between UGI and Koppers. Under this agreement, UGI agreed to indemnify and hold Koppers harmless on account of a guaranty agreement entered into by a predecessor of Koppers in 1926, guaranteeing every future holder of the preferred stock of Coke Company the payment of dividends as provided for in their certificates for a period of 25 years from October 1, 1926. It is stated that this indemnification agreement resulted from the acquisition of the controlling interest in Coke Company by UGI from a predecessor of Koppers in 1927.

Coke Company's principal assets consist of 273,911 shares (99.6%) of the capital stock of New Haven and 20,999 shares (14.00%) of common stock of Hartford.

New Haven and Hartford are both incorporated under the laws of the State of Connecticut and are engaged in the business of rendering gas utility service in and around New Haven and Hartford, Connecticut. New Haven has outstanding 275,000 shares of capital stock with an aggregate par value of $6,875,000, or $25 per share. Hartford has outstanding 30,000 shares of 8% Non-Callable Preferred Stock (par value $25) and 150 000 shares of common stock (par value $25), each of which has equal voting rights.

The outstanding securities of New Haven and Hartford are owned as follows:

	New Haven		Hartford			
	Common	Percent	Preferred	Percent	Common	Percent
UGI	350	0.1	----	----	18,565	12.38
Coke Co	273,911	99.6	----	----	20,999	14.00
Public	739	.3	30,000	100	110,436	73.62
Total	275,000	100	30,000	100	150,000	100

Under the provisions of the plan, both Koppers and UGI would be released and discharged of all obligations in respect of the guaranty of dividend payments on the preferred stock of Coke Company in consideration for delivery by UGI to Coke Company of 10,841 shares of common stock of Hartford, 350 shares of the capital stock of New Haven, the payment of cash for liquidating expenses of Coke Company not in excess of $30,000, and the release by UGI of its claim against Coke Company on account of (a) open account indebtedness of $171,173.38 and interest thereon; and (b) the sum of $1,326,484.41 paid out under UGI's indemnification agreement referred to above.

Coke Company is to be dissolved as of July 1, 1947 and in connection therewith will pay and discharge its debts, if any, and will distribute as full payment and satisfaction of all rights and interests of its preferred stockholders against surrender of their certificates 1⅜ shares of the capital stock of New Haven and 1/25 of a share of common stock of Hartford for each share of preferred stock of Coke Company; no distribution of assets is to be made by Coke Company to the holders of its common stock, whose rights are to cease and become void at the effective date of the dissolution of Coke Company.

Each holder of the preferred stock of Coke Company who is entitled to a fractional share either of the capital stock of New Haven or the common stock of Hartford is to receive in lieu thereof nonvoting scrip in bearer form which, when combined in amounts aggregating one or more full shares of the same stock, may be surrendered within three months after the issuance of such scrip in exchange for full shares of the capital stock covered thereby. The scrip will provide that, as soon as practicable after the expiration of the three months' period, any shares covered by the then outstanding scrip are to be sold and the proceeds held for account of the holders of the scrip without interest, the bearer of the scrip to be entitled to no other rights in respect thereof.

The plan further provides that, after July 1, 1947, the outstanding shares of preferred stock of Coke Company shall represent no rights other than the rights of the holders thereof to receive, on surrender thereof, shares of stock of New Haven and Hartford and scrip therefor and any accrued and unpaid dividends on such preferred stock to July 1, 1947. Pending consummation of this plan, dividends received by Coke Company on the stocks of New Haven and Hartford subsequent to July 1, 1947, less deductions for Coke Company's ordinary expenses, including provision for taxes, are to be paid out by Coke Company quarter annually to the holders of record of its preferred stock, such quarterly payments, however, not to exceed 75¢ per share of preferred stock. All other rights of Coke Company's preferred stockholders against or with respect to Coke Company and the guaranty of any dividends on such stock by UGI or Koppers shall cease and become void. The plan further provides for the discretionary appointment by Coke Company of an exchange agent for the purpose of the plan in connection with the distribution of stock of New Haven and Hartford, the issuance of scrip, the distribution of dividends received on shares of New Haven and Hartford, and the distribution of such stock, and other related matters incident to the effectuation of the plan.

Coke Company will pay such fees, expenses and remuneration in connection with the plan and any amendments thereto as the Commission may duly approve.

Consummation of the plan is subject to the following conditions: (a) the Commission shall find the plan and any amendments thereto necessary to effectuate the provisions of section 11 of the act and fair and equitable to the persons affected thereby and enter an order of approval, such order to conform to the pertinent requirements of the Internal Revenue Code, as amended, including Supplement R of Chapter I and section 1808 (f) of Chapter II thereof; (b) the Commission, shall have instituted proceedings in a court of competent jurisdiction, pursuant to section 18 (f) of the act, and such court shall have entered a decree or order to enforce and carry out the terms of the plan and any amendments thereto.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that notice be given and a hearing be held on the plan filed by UGI and Coke Company to afford all interested persons an opportunity to be heard with respect thereto:

It is ordered, That a hearing on said application, pursuant to applicable provisions of the act and the rules and regulations thereunder be held on June 10, 1947, at 10 a. m. e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. In the event that amendments to the plan are filed during the course of said proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of any additional plans or amendments should file an appearance in these proceedings or otherwise specifically request such notice.

It is further ordered, That Richard Townsend, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and amended plan and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the plan, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act and constitutes an appropriate step toward compliance with the Commission's order of May 7, 1942 issued pursuant to section 11 (b) (1) of the act;

(2) Whether the proposed amended plan, as submitted or as hereafter modified, is fair and equitable to the persons affected thereby, and more particularly, whether the allocation proposed among the preferred stockholders of Coke Company and the treatment accorded the holders of its common stock are fair and equitable;

(3) Whether the terms and conditions with respect to the proposed issuance of scrip and exchange of such scrip are fair and reasonable and in the public interest and interest of investors, and meet the applicable requirements of the act;

(4) Whether the fees, expenses and other remuneration which may be claimed in connection with the amended plan and transactions incident thereto are for necessary services and are reasonable in amount;

(5) Whether the accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles and the Commission's Uniform System of Accounts for public utility holding companies;

(6) Whether the proposed transactions incident to consummation of the plan, and particularly the proposed sales and acquisitions, are consistent with and meet the requirements of the applicable provisions of the act and rules promulgated thereunder;

(7) Whether, and to what extent, the amended plan should be modified, or terms and conditions imposed, to ensure adequate protection of the public interest and interests of investors and consumers and to prevent the circumvention of the provisions of the act and rules and regulations thereunder;

(8) Whether this amended plan, as submitted or as hereafter modified, or a plan proposed by the Commission, or any person having a bona fide interest, in accordance with the provisions of section 11 (d) of the act, should be approved for the purpose of effectuating the order of the Commission of May 7, 1942, and if proposed by the Commission or a person having a bona fide interest, what the terms and provisions of such plan should be.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with this proceeding, or proposing to intervene herein, shall file with the Secretary of the Commission on or before June 5, 1947, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on the applicants herein (UGI and Coke Company) New Haven, Hartford and the Public Utilities Commission of the State of Connecticut, and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER, and by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered, That The Connecticut Gas & Coke Securities Company shall give further notice of this hearing to all of its preferred and common stockholders of record by mailing to each of said persons at his last known address a copy of this notice and order for hearing, at least fifteen days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4985; Filed, May 27, 1947; 8:50 a. m.]

[File No. 70-1186]

AMERICAN WATER WORKS AND ELECTRIC CO., INC.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of May A. D. 1947.

The Commission on November 29, 1945, having adopted findings and opinion and having issued an order in the above captioned matter, which is concerned primarily with the issuance and sale privately to various banks by American Water Works and Electric Company, Incorporated ("American"), a registered holding company, of short term notes and the application of the proceeds derived therefrom to the discharge of previously outstanding debt obligations of American; said order, among other things, having provided "... that jurisdiction be and it is hereby reserved with respect to American's request herein regarding the proposed allocation of tax reductions to result from the redemption of its outstanding debenture bonds"; American having on May 15, 1947 filed an amendment to its application-declaration in this matter wherein the provisions proposing a special allocation of tax reductions is eliminated;

It is ordered, That jurisdiction heretofore reserved in this matter be and the same hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5013; Filed, May 27, 1947; 8:59 a. m.]

[File No. 70-1472]

AMERICAN POWER & LIGHT CO. and TEXAS PUBLIC UTILITIES CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of May A. D. 1947.

Notice is hereby given that a joint declaration and amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's non-utility subsidiary, Texas Public Utilities Corporation ("Texas"). Declarants designate sections 12 (b) and 12 (f) of the act and Rules U-44 and U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 29, 1947 at 11:30 a. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after May 29, 1947 at 11:30 a. m., e. d. s. t., said joint declaration, as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Texas is a corporation organized under the laws of the State of Texas and owns and operates certain ice and cold storage facilities in that State. All of its issued and outstanding securities, consisting of 10,000 shares of common stock without par value and a past-due 7% income note in the principal amount of $2,200,000, are owned by American. American states that it has invited bids from a limited number of prospective purchasers for the securities of Texas and accepted the highest of six bids submitted, namely, that of a group consisting of 20 residents of Texas ("Thompson Group"), none of whom is affiliated or associated with declarants. American has entered into an agreement with the Thompson Group whereby American will sell and the Thompson Group will purchase the securities of Texas for a cash consideration of $711,000 plus $118.50 for each day elapsed from March 31, 1947 to the closing date. Prior to consummation of the proposed transactions, Texas will pay to American its accumulated cash amounting to $160,556.13.

American has further entered into an agreement with Texas under which Texas agrees to assign to American its claims against Electric Bond and Share Company and the latter's present or former subsidiary service companies and American agrees to reimburse Texas out of any proceeds from such claims for all amounts subsequently paid by Texas as State or Federal income or excess profits taxes on account of the proceeds of such claims and all expenses incurred by

Texas in connection with the claims so assigned. American further agrees to indemnify Texas against liability for Federal income or excess profits taxes in excess of the amounts shown therefor on the books of Texas for the years ended December 31, 1942 to 1946, inclusive, and that portion of 1947 ended the last day of the month preceding the sale of the securities. It is further agreed that American may include Texas in a consolidated income tax return up to the date last above mentioned.

It is stated that no commission was paid or is to be paid in connection with the sale of the securities.

American requests that the order permitting the declaration herein to become effective recite that the proposed sale of the securities of Texas is necessary or appropriate to the integration or simplification of the holding company system of which American is a member and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

The joint declaration states that it is desired to consummate this transaction before the end of May, 1947 and requests that the Commission's order permitting the declaration to become effective be issued as soon as may be practicable and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5015; Filed, May 27, 1947; 8:59 a. m.]

[File No. 70-1488]

SOUTH CAROLINA POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of May 1947.

South Carolina Power Company ("South Carolina"), a public utility subsidiary of The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder regarding the sale by it to the public at competitive bidding of 200,000 shares of its common stock, at a price of not less than $12 per share, and $4,000,000 principal amount of its First and Refunding Mortgage Bonds due 1977; and

This Commission, by order entered herein under date of May 9, 1947, having granted said application, as amended, subject however, to the condition, among others, that the sale should not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed, jurisdiction being reserved for this purpose; and

By order dated May 15, 1947, the Commission having granted an application-declaration filed jointly by Commonwealth and by South Carolina proposing that Commonwealth would enter into a contract to purchase said 200,000 shares of said South Carolina common stock for $12 per share, provided that a bid of $12 per share or more should not be received; and

South Carolina having filed a further amendment to its application in which it is stated that in accordance with the permission granted by the said order of the Commission dated May 9, 1947, South Carolina has offered its First and Refunding Mortgage Bonds and its common stock for sale pursuant to the competitive bidding requirements of Rule U-50; and

The amendment further stating that no bids were received for the stock and that Commonwealth has entered into a contract to purchase said common stock at $12 per share; and

The amendment further stating that South Carolina has received the following bids with respect to the bonds:

	Price to company	Coupon rate	Cost to company
	Percent	*Percent*	*Percent*
The First Boston Corp.[1]	102.19	3	2.8503
W. C. Langley & Co.[1]	102.069	3	2.8563
Halsey, Stuart & Co., Inc.[1]	102.019	3	2.8988
Harriman, Ripley & Co., Inc.	101.12	3	2.9435
Blyth & Co., Inc.	100.28	3	2.9858

[1] Bidding group headed by.

The amendment further stating that South Carolina has accepted the bid of The First Boston Corporation as set out above, and that said First and Refunding Mortgage Bonds of South Carolina will be offered for sale to the public at a price of 103% of the principal amount thereof, resulting in an underwriter's spread of .81%; and

Revised estimates of fees and expenses totaling $58,766 having been filed, including $12,000 legal fees for Winthrop, Stimson, Putnam & Roberts, counsel to South Carolina, and $7,500 legal fees of Reid & Priest, counsel to the prospective bidders, of which $4;500 is for services in relation to the bonds and $3,000 for services in relation to the common stock; and

South Carolina having agreed to pay the legal fees of counsel for the prospective bidders in the amount of $3,000 for services with regard to its common stock, as to which no bid was received; and

The Commission having been furnished with information with respect to the fees of the aforenamed counsel; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to such matters:

It is ordered, That the jurisdiction heretofore reserved with respect to the results of competitive bidding for the First and Refunding Mortgage Bonds and the common stock and with respect to the fees and expenses of counsel be, and the same hereby are, released, and that the aforesaid application, as amended, be, and hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24 and to the other conditions set forth in our order dated May 9, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4991; Filed, May 27, 1947; 8:51 a. m.]

[File No. 70-1512]

LONG ISLAND LIGHTING CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of May 1947.

Long Island Lighting Company ("Long Island"), a registered holding company, having filed a declaration, as amended, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transaction:

Long Island proposes to issue and sell for cash at principal amount to four commercial banks an aggregate of $5,000,000 principal amount of eleven month notes which will bear interest at the rate of 1¾% per annum. The net cash proceeds of the sale of the notes are to be used for construction requirements of the company and to repay such other notes as may be outstanding on the fifth day after the date of the Commission order.

Such declaration, as amended, having been duly filed, and notices of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, as amended, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, and deeming it appropriate to grant a request of declarant that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5011; Filed, May 27, 1947; 8:59 a. m.]

[File No. 70-1513]

NASSAU & SUFFOLK LIGHTING CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of May 1947.

Nassau & Suffolk Lighting Company ("Nassau & Suffolk"), an indirect subsidiary of Long Island Lighting Company, a registered holding company, having filed a declaration, as amended, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transaction:

Declarant proposes to issue and sell for cash at principal amount to two commercial banks an aggregate of $500,000 principal amount of eleven month notes which will bear interest at the rate of 2% per annum. The net cash proceeds of the sale of the notes are to be used for construction requirements of the declarant and to repay such other notes as may be outstanding on the fifth day after the date of the Commission order.

Such declaration, as amended, having been duly filed, and notices of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, as amended, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, and deeming it appropriate to grant a request of declarant that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5012; Filed, May 27, 1947; 8:59 a. m.]

[File No. 70-1523]

NEW ENGLAND POWER ASSN.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of May A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Power Association, a registered holding company. Declarant designates section 12 (b) of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 9, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, 3, Pennsylvania. At any time after June 9, 1947, said declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

New England Power Association proposes to guarantee performance of a lease to be entered into between Dartmouth Corporation, a nonaffiliated company, and New England Power Service Company, a wholly-owned subsidiary of declarant, of certain premises located at 441 Stuart Street, Boston, Massachusetts, which declarant now occupies. The proposed new lease is for a term of 15 years commencing July 1, 1947, with an option to renew for a further period of 5 years or 10 years, as New England Power Service Company elects by July 1, 1961 with the assent of New England Power Association. The stipulated rental for the initial 15 year term is to be $207,000 annually and thereafter $207,000 plus any amount by which the then fair yearly rental value of the space, as determined by appraisers, exceeds such yearly rental during the initial term.

It is requested that the Commission's order granting the declaration herein become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5014; Filed, May 27, 1947; 8:59 a. m.]

[File No. 70-1524]

COLUMBIA GAS & ELECTRIC CORP. AND UNITED FUEL GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of May 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its subsidiary United Fuel Gas Company ("United Fuel"). Applicants-declarants have designated sections 6, 7, 9, 10 and 12 of the act and Rules U-42, U-44, and U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 4, 1947, at 5:30 p. m., e. d. s. t. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 4, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

(a) United Fuel will issue and sell to Columbia $22,500,000 principal amount of 3¼% Installment Promissory Notes.

(b) Columbia will make a capital contribution of $1,525,0000 to United Fuel. Such contribution will be credited by United Fuel to Capital Surplus.

(c) From the proceeds of the sale 3¼% notes and the capital contribution, United Fuel will retire its $21,825,000 principal amount of 6% demand notes and will repay its $2,200,000 of 6% demand loans all of which are held by Columbia.

(d) United Fuel will issue and sell to Columbia an additional $6,400,000 principal amount of 3¼% notes, the proceeds of which will be used by United Fuel for the purpose of financing its 1947 construction program estimated in the amount of $9,974,000.

The notes to be issued by United Fuel to Columbia are to be unsecured and non-negotiable. The principal amounts thereof are to be payable in equal annual installments on August 15 of each of the years 1950 to 1974, inclusive. Interest on the unpaid principal thereof is to be payable semi-annually on February 15 and August 15. The $6,400,000 principal amount of notes to be issued by United Fuel for construction purposes are to be issued at such time and in such amounts as funds are required in connection therewith but none of such notes will be issued and sold subsequent to December 31, 1947.

Applicants-declarants state that the Public Service Commission of West Virginia has assumed jurisdiction over the proposed transactions and that the order of approval of such Commission will be supplied by amendment.

Applicants-declarants have requested that the order of the Commission granting and permitting the application-declaration to become effective with respect to transactions (a), (b) and (c) above conform to the provisions of sections 371, 373 and 1808 (f) of the Internal Revenue Code and contain the terms and recitals provided for in said sections.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5010; Filed, May 27, 1947; 8:54 a. m.]

[File No. 70-1525]

COLUMBIA GAS & ELECTRIC CORP. AND ATLANTIC SEABOARD CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of May 1947.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its wholly-owned subsidiary, Atlantic Seaboard Corporation ("Seaboard"), also a registered holding company. Declarants have designated section 12 of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 4, 1947, at 5:30 p. m., e. d. s. t. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 4, 1947, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Columbia proposes to make a capital contribution of $1,935,000 to Seaboard, which, in turn, proposes to make a capital contribution of $150,000 to Amere Gas Utilities Company ("Amere"), $75,000 to Virginia Gas Distribution Corporation ("Distribution") and $560,000 to Virginia Gas Transmission Corporation ("Transmission"), said companies being wholly owned subsidiaries of Seaboard. The remaining cash, amounting to $750,000 will be used by Seaboard for the purpose of financing its 1947 construction program. The cash to be contributed by Seaboard to its three subsidiaries will be used by them to finance their construction programs. Columbia proposes to add the amount of its contribution to the book value of its investment in the common stock of Seaboard, and Seaboard proposes to increase its investments in the common stocks of its three subsidiaries in like manner. Both Seaboard and its three subsidiaries will credit the capital contributions to "paid-in capital surplus."

Declarants state that the financing of Distribution's and Transmission's cash requirements by means of a cash contribution is subject to the jurisdiction of the State Corporation Commission of Virginia and the order of approval of such commission shall be supplied by amendment.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4986; Filed, May 27, 1947; 8:50 a. m.]

[File No. 70-1526]

COLUMBIA GAS & ELECTRIC CORP. and CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of May 1947.

Notice is hereby given that a joint application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its subsidiary, Central Kentucky Natural Gas Company ("Central Kentucky"). Applicants have designated sections 6, 9, and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 4, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 4, 1947, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central Kentucky proposes to issue and sell to Columbia $2,300,000 principal amount of 3¼% Installment Promissory Notes, such notes to be unsecured and non-negotiable. The principal amounts thereof are to be payable in equal annual installments on August 15 of each of the years 1950 to 1974, inclusive; interest upon the unpaid principal amount thereof is to be payable semi-annually on February 15 and August 15. The proceeds of such sale are to be used by Central Kentucky to finance its 1947 construction program, which, it is estimated, will involve expenditures of approximately $2,583,000. The notes are to be issued by Central Kentucky at such time and in such amounts as funds are required in connection with the construction program, but none of such notes will be issued and sold subsequent to December 31, 1947. It is stated that no state commission or other Federal commission has jurisdiction over the issuance and sale by Central Kentucky of such notes.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4987; Filed, May 27, 1947; 8:51 a. m.]

[File No. 70-1528]

AMERICAN WATER WORKS AND ELECTRIC CO., INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of May A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder by American Water Works and Electric Company, Incorporated, ("American"), a registered holding company.

Notice is further given that any interested person may not later than June 12, 1947 at 5:30 p. m., e. d. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th & Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 12, 1947 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized below:

American proposes to make a capital contribution of $125,000 in cash to its subsidiary, Joplin Water Works Company ("Joplin"). American owns all of the issued and outstanding common stock of Joplin, consisting of 10 000 shares, no par value. The proposed capital contribution is to be added by American to its investment in the common stock of Joplin and is to be credited by Joplin to its capital surplus.

Joplin is to use this cash, together with other funds, to carry out a proposed construction program "* * * designed to meet adequately the demand for water service in its territory." It is estimated that the total cost of such construction program during the year 1947 is to be $245,000. It is represented that no expenses are to be incurred in connection with the proposed transaction.

The filing requests that the Commission's order permitting the declaration to become effective be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-4984; Filed, May 27, 1947; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 2257, Amdt.]

ERMINIA BINDA

In re: Real property and claims owned by Erminia Binda, also known as Mrs. E. Binda.

Vesting Order 2257, dated September 22, 1943, is hereby amended as follows and not otherwise:

By deleting therefrom items entitled Parcel II and Parcel VII of Exhibit A which is attached thereto and made a part thereof and substituting therefor items entitled Parcel II and Parcel VII, as follows:

Parcel II. Lots Number three, five and eleven in Block B and lot number five in Block C of the sub-division of the O'Connell property, located on the East Side of the Ockulgee River in the City of Macon, plat of said sub-division recorded in the Clerk's Office Bibb Superior Court, Book 72 Page 265 to which tract reference is hereby made for more complete description. Said lot no. 3 faces Main Street, sixty two feet, and extends back along a thirty foot street seventy five feet. Lots five and eleven in Block B are fifty feet wide and ninety six feet deep. Lot five in block C is fifty feet wide and extends back fifty-seven and one half (57½) feet. Being part of the property conveyed by Mary C. Groves Administratrix of the estate of Cornelius O'Donnell to J. R. Hicks, Jr. and J. L. Mullally by deed dated Oct. 7-1916 recorded in book 222 folio 77, Clerk's Office Bibb Superior Court and by them conveyed to A. Binda by warranty deed dated Dec. 26-1918 and recorded in Book 238, folio 254 Clerk's Office, Bibb Superior Court.

Parcel VII. All that tract or parcel of land lying and being in East Macon district, Bibb County, Georgia, being in lot thirty one (31) of the Woolfolk property, consisting of five houses and lots, in said block; the first of said tracts fronting fifty two and one half feet on Woolfolk Street in Southeast quarter of said block thirty one, and running back on East side of a 17 ft. alley running through said block 210 ft. to another 17 ft. alley on the North of the property conveyed, with equal width, said tract having three houses thereon, also a tract in the Southwest quarter of said block thirty one, fronting on a 17 ft. alley on the North 52½ ft., and running back with equal width 110 feet, having two houses thereon, bounded South by property of W. E. Edwards, formerly, bounded East by J. W. Howard lot, and North by said alley; said lot being 52½ ft. West of the 17 ft. alley which runs North and South through said block.

All other provisions of said Vesting Order 2257 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5037; Filed, May 27, 1947; 8:47 a. m.]

[Vesting Order 8086, Amdt.]

E. HEIMANN

In re: Stock, bond coupons and bank account owned by E. Heimann. F-28-25363-A-1.

Vesting Order 8086, dated January 24, 1947, is hereby amended as follows and not otherwise:

By deleting clause (c) from subparagraph 2 of said vesting order and substituting therefor the following:

c. Ninety-one (91) coupons, of $10 face value each, detached from each of four (4) St. Louis Southwestern Railway Company second mortgage gold income bond certificates, bearing numbers 3450, 2841, 307 and 3856, being three hundred sixty-four (364) coupons in all, said coupons being presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, and

All other provisions of said Vesting Order 8086 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5039; Filed, May 27, 1947; 8:47 a. m.]

[Vesting Order 8499, Amdt.]

CONRAD WINKLER

In re: Stock owned by Conrad Winkler, also known as C. Winkler. F-28-1715-D-1/4.

Vesting Order 8499, dated March 20, 1947, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, so much of the description of the United States Steel Corporation stock as sets forth the number of shares, the certificate numbers and the name in which registered, and substituting therefor the following:

Number of shares	Certificate numbers	Name in which registered
41	P-22872	C. Winkler.

All other provisions of said Vesting Order 8499 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5040; Filed, May 27, 1947; 8:47 a. m.]

[Vesting Order 8931]

HENRY N. HELVST

In re: Estate of Henry N. Helvst, deceased. File No. D-28-2229; E. T. sec. 3905.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter W. Helvst, Gretchen Meyer, also known as Margareta Johanne Meyer and Anne Brunning, also known as Anne Christine Marie Bruening, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Henry N. Helvst, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The National Bank of New Jersey and Fred Eichmann, as Co-Executors, acting under the judicial supervision of the Somerset County Orphans' Court, Somerville, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5022; Filed, May 27, 1947; 8:45 a. m.]

[Vesting Order 8940]

AUGUST MERKEL

In re: Trust under the last will and testament of August Merkel, deceased. File D-28-2519; E. T. sec. 3769.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Koht, Hans Merkel, Otto Merkel, Hermann Merkel, Emma Merkel, Emil Merkel, Georg Wessberge, Otto Wessberge, Anna Trepper, Louis Kubel, Johann Kubel, Elisabeth Kubel, Dr. Andrae (Judge), Dr. Gustav Andrae, Auguste Eicke, Heinz Merkel, Guenther Merkel, Anna Merkel, Frieda Schormann, Else Merkel, Erika Schilaski, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, next of kin, legatees, distributees, and personal representatives, names unknown, of Carl Kohli, deceased, and the heirs, next of kin, legatees, distributees and personal representatives, names unknown, of Willy Kohli, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the City of Neubuckow, Mecklenburg, Germany, is a political subdivision of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and the City of Neubuckow, and each of them in and to the trust created under the will of August Merkel, deceased, is property payable or distributable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany) and the aforesaid political subdivision of a designated enemy country (Germany).

5. That such property is in the process of administration by The German Society of the City of New York, as trustee, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

6. That to the extent that the persons identified in subparagraph 1 hereof, and the heirs, next of kin, legatees distributees, and personal representatives, names unknown, of Carl Kohli, deceased, and the heirs, next of kin, legatees, distributees, and personal representatives, names unknown, of Willy Kohli, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5023; Filed, May 27, 1947; 8:45 a. m.]

[Vesting Order 8941]

JOHANN HENRY M. MICHAELSEN

In re: Estate of Johann Henry M. Michaelsen, deceased. File D-66-575; E. T. sec. 4342.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Michaelsen, Antonie Voller (nee Michaelsen), Karl Michaelsen, William Michaelsen, Emilie Rickmann, Johanne Gorke, Helene Knust, Anna Michaelsen, and Dr. G. Stalling, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Rosenbohm, Tischleri & Polsterwerkstuff (Rosenbohm, Tischleret & Polsterwerkstatt) is a partnership, association, corporation or other business organization organized under the laws of, and which has, or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof in, to and against the estate of Johann Henry M. Michaelsen, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Joseph A. Reiman and Jens P. Jensen, Co-Executors, acting under the judicial supervision of the County Court of Box Butte County, Nebraska;

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5024; Filed, May 27, 1947; 8:45 a. m.]

[Vesting Order 8942]

PAUL PFOTENHAUER

In re: Estate of Paul Pfotenhauer, deceased, and Trust under the will of Paul Pfotenhauer, deceased. File D-28-6648; E. T. sec. 4880.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Pfotenhauer, Meta Zimmerman, Georg Pfotenhauer, Herbert Pfotenhauer, Werner Pfotenhauer, Eugen Pfotenhauer, Wolfgang Pfotenhauer, Lydia P. Neugebauer, Irene Gritzner, Kurt Wilgenroth whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Max Pfotenhauer, deceased, issue, names unknown, of Eugene Pfotenhauer, deceased, issue, names unknown, of Georg Pfotenhauer, deceased, issue, names unknown, of Ernst Pfotenhauer, deceased, and the issue, names unknown, of Alice Wilgenroth, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate and trust created under the will of Paul Pfotenhauer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Bankers Trust Company, as trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Max Pfotenhauer, deceased, issue, names unknown, of Eugene Pfotenhauer, deceased, issue, names unknown, of Georg Pfotenhauer, deceased, issue, names unknown, of Ernst Pfotenhauer, and issue, names unknown, of Alice Wilgenroth, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5025; Filed, May 27, 1947; 8:45 a. m.]

[Vesting Order 8943]

AMANDA J. C. REINTHALER

In re: Estate of Amanda J. C. Reinthaler, deceased. File No. D-66-1725; E. T. sec. 10422.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amanda Schultz and Sophia Püstow, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Amanda J. C. Reinthaler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Frank Vogel, as Executor, acting under the judicial supervision of the Morris County Orphans' Court, Morris County Court House, Morristown, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5026; Filed, May 27, 1947; 8:45 a. m.]

[Vesting Order 8944]

LOUISA SCHAMER

In re: Estate of Louisa Schamer, deceased. File No. F-28-15115; E. T. sec. 11804.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Johann Ebel (Also known as Augustine Ebel) (Also known as August Ebel), Karl Adam Ebel, Wilhelm Ebel, Elizabeth Ebel Weigand, Auguste Ebel Feller, Wilhelmina Ebel Lenau, Rudolph Ebel and Karl Ebel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Louisa Schamer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Howard S. Howell, County Treasurer of the County of Schenectady, as Administrator de bonis non, acting under the judicial supervision of the Surrogate's Court of Schenectady County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5027; Filed, May 27, 1947; 8:46 a. m.]

[Vesting Order 8950]

RINICHI AKINAKA

In re: Bank accounts, a claim and securities owned by Rinichi Akinaka. D-39-749-A-1, D-39-749-D-1, D-39-749-D-2, D-39-749-E-1, D-39-749-E-2, D-39-658-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rinichi Akinaka, whose last known address is 39 Itakuracho, Koya-

masnita, Kamikyoku, Kyoto, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Rinichi Akinaka, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a checking account, entitled Rinichi Akinaka, and any and all rights to demand, enforce and collect the same,

b. 81 shares of $5 par value common capital stock of Sunrise Soda Water Works Company, Limited, 967 Robello Lane, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificates Numbers 380, 459 and 672, and registered in the name of Rinichi Akinaka, together with all declared and unpaid dividends thereon,

c. 25 shares of $20 par value 7 per cent cumulative preferred capital stock of Hawaii Brewing Corporation, Limited, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 130, dated February, 1934, and registered in the name of Rinichi Akinaka, together with all declared and unpaid dividends thereon,

d. 25 shares of $0.001 par value common capital stock of Hawaii Brewing Corporation, Limited, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 160, dated February, 1934, and registered in the name of Rinichi Akinaka, together with all declared and unpaid dividends thereon,

e. That certain debt or other obligation owing to Rinichi Akinaka, by Sunrise Soda Water Works Company, Limited, 967 Robello Lane, Honolulu, T. H., in the amount of $60.45, as of January 21, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

f. All those debts or other obligations owing to Rinichi Akinaka, by Sunrise Soda Water Works Company, Limited, 967 Robello Lane, Honolulu, T. H., including particularly but not limited to a portion of the sum of money on deposit with Bishop National Bank of Hawaii, Honolulu, T. H., in Time Certificate of Deposit, Number 3615, entitled Sunrise Soda Water Works Company, Limited, Non-Resident Alien Dividend Account, and any and all rights to demand, enforce and collect the same,

g. All those debts or other obligations owing to Rinichi Akinaka, by Sunrise Soda Water Works Company, Limited, 967 Robello Lane, Honolulu, T. H., including particularly but not limited to a portion of the sum of money on deposit with Bishop National Bank of Hawaii, Honolulu, T. H., in Time Certificate of Deposit, Number 3469, entitled Sunrise Soda Water Works Company, Limited, Non-Residents Dividend Account, and any and all rights to demand, enforce and collect the same,

h. All those debts or other obligations owing to Rinichi Akinaka, by Sunrise Soda Water Works Company, Limited, 967 Robello Lane, Honolulu, T. H., including particularly but not limited to a portion of the sum of money on deposit with Bishop National Bank of Hawaii, Honolulu, T. H., in Time Certificate of Deposit, Number 3571, entitled Sunrise Soda Water Works Company, Limited, and any and all rights to demand, enforce and collect the same,

i. That certain debt or other obligation owing to Rinichi Akinaka, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, evidenced by Receiver's Liability Number 254, entitled Rinichi Akinaka, and any and all rights to demand, enforce and collect the same, and

j. That certain debt or other obligation owing to Rinichi Akinaka, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of the proceeds of coupons of The Daizo Electric Co., evidenced by Receiver's Liability Number 4161, entitled Rinichi Akinaka, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5028; Filed, May 27, 1947; 8:46 a. m.]

[Vesting Order 8.]

AYAKO EKI

In re: Bank account owned by Ayako Eki, also known as Ayako Fujisaka. F-39-1478-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ayako Eki, also known as Ayako Fujisaka, whose last known address is Yanai, Yamaguchi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, Account Number 3401, entitled Ayako Eki by Toichi Eki, her Guardian, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ayako Eki, also known as Ayako Fujisaka, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5029; Filed, May 27, 1947; 8:46 a. m.]

[Vesting Order 8961]

KYUGO OHTA AND KATSUMI OHTA

In re: Bank account owned by Kyugo Ohta and Katsumi Ohta and bonds owned by Kyugo Ohta. F-39-1225-A-1, F-39-1225-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kyugo Ohta and Katsumi Ohta, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Kyugo Ohta and Katsumi Ohta, by Cooke Trust Co., Ltd., 926 Fort Street, Honolulu, T. H., arising out of an agency account, entitled Mr. Kyugo Ohta and Mrs. Katsumi Ohta, and any and all rights to demand, enforce and collect the same,

b. Ten (10) Oriental Development Company, 6% Bonds due March 15, 1953 payable to bearer, each of the face value of $1,000, with March 1942 ASCA, bearing the following numbers:

M123	M9112	M13203
M130	M16865	M14935
M2765	M12591	M16195
M3673		

together with any and all rights thereunder and thereto, and,

c. Six (6) Oriental Development Company, 5½% Bonds due November 1, 1958, payable to bearer, each of the face value of $1,000, with May 1942 ASCA, bearing the following numbers:

M9402	M9404	M9651
M9403	M1556	M8403

together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5030; Filed, May 27, 1947; 8:46 a. m.]

[Vesting Order 8974]

MATHILDE BASENACH ET AL.

In re: Real property owned by Mathilde Basenach, Elsa Muehlhoff and Carl Rudolph Basenach.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilde Basenach, Elsa Muehlhoff and Carl Rudolph Basenach, whose last known addresses are Besirk, Trier, Losheim, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the City of Chicago, County of Cook, State of Illinois, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mathilde Basenach, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: Real property situated in the City of Chicago, County of Cook, State of Illinois, particularly described in Exhibit B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elsa Muehlhoff, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: Real property situated in the City of Chicago, County of Cook, State of Illinois, particularly described in Exhibit C, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Carl Rudolph Basenach, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2, 3 and 4 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

DONALD C. COOK,
Director.

EXHIBIT A

Parcel 1. That part of Lots One (1), Two (2) and Three (3) in William Barry's Subdivision of Block Four (4) in Canal Trustee's Subdivision of Section Thirty-three (33), Township Forty (40) North, Range Fourteen (14) East of the Third Principal Meridian, described as follows to wit: Beginning in the north line of said Lot One (1) at a point Fifty-five (55) feet east of the northwest corner of said Lot One (1) running thence south parallel with the west line of said Lots One (1) and Two (2), one hundred fourteen and forty-five one-hundredths (114.45) feet, thence southwesterly to a point in the south line of said Lot Two (2), forty and five one-hundredths (40.05) feet east of the southwest corner of said Lot Two (2); thence east along the south line of said Lot Two (2), one tenth (1/10) foot, thence southwesterly to a point in the westerly line of said Lot Three (3), which is five and eighty-five one-hundredths (5.85) feet southeasterly from the northwesterly corner of said Lot Three (3), thence southeasterly in the westerly line of said Lot Three (3) to a point fifty-nine (59) feet southeasterly from the northwesterly corner of said Lot Three (3); thence northeasterly to the southeast corner of said Lot Two (2); thence northwesterly in the easterly line of said Lots One (1) and Two (2), to the northeast corner of said Lot One (1); thence west in the north line of said Lot One (1) to the place of beginning.

Parcel 2. The North Forty-nine (49) feet of Lots Fifteen (15) and Sixteen (16) in Block Fifteen (15) in Wolcott's Addition in Section Nine (9), Township Thirty-nine (39) North, Range Fourteen (14), East of the Third Principal Meridian.

EXHIBIT B

Parcel 1. All of Lot 26 and that part of Lot 27 lying East of a line 50 feet East of and parallel with the West line of Section 7 in E. Manchester Nichols' Addition to Chicago, being a subdivision of (except the South 29.5 feet thereof) North ½ of Block 8 in Canal Trustees' Subdivision of Section 7, Township 39 North, Range 14, East of the Third Principal Meridian.

Parcel 2. Lot Seven (7) in Block Three (3) in Argyle, a Subdivision of Lots One (1) and Two (2) of Fussey and Fennimore's Subdivision of the Southeast fractional Quarter of Section Eight (8) Township Forty (40) North, Range Fourteen (14) East of the Third Principal Meridian and of Lots One (1) and Two (2) of Colehour and Conarroo's Subdivision of Lot Three (3) in Fussey and Fennimore's Subdivision aforesaid, in Cook County, Illinois.

EXHIBIT C

The East Ninety (90) feet of the North One Hundred Sixty-Eight and Eighty-four One hundredths (168.84) feet (except streets) of Lot Two (2) in the subdivision of that part of the East two thirds of the East half of the Northeast quarter (E ⅔ E ½ NE ¼) of Section Twenty-seven (27) Township Thirty-nine (39) North, Range Thirteen (13) East of the Third Principal Meridian (lying North of the Chicago, Burlington and Quincy Railroad).

[F. R. Doc. 47-8974; Filed, May 27, 1947; 8:46 a. m.]

[Vesting Order 8975]

DOROTHEA DREWS

In re: Bond and mortgage, property insurance policy and bank account owned by Dorothea Drews.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorothea Drews, whose last known address is 18 Ettlinger Strasse, Karlsruhe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. A mortgage executed January 25, 1910, by Morris L. Baird and Rose Baird, his wife, to Barbara Schmidt, and recorded on January 26, 1910, in the Office of the Register of Kings County, New York, in Liber 3407 of Mortgages, at Page 219, which mortgage was assigned by Joseph F. Breslin, as Executor under the Last Will and Testament of Patrick Breslin, deceased, to Dorothea Drews, by instrument, dated December 19, 1927, and recorded in the Office of the Register of Kings County, New York, on December 21, 1927, in Liber 6844 of Mortgages, at Page 463, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

b. All right, title and interest of Dorothea Drews, in and to Fire Insurance Policy No. 24357, issued by the Firemen's Insurance Company of Newark, New Jersey, insuring the premises subject to the mortgage described in subparagraph 2–a hereof, and

c. That certain debt or obligation of Brooklyn Trust Company, 177 Montague Street, Brooklyn, New York, arising out of an account entitled, "Mrs. Dorothea Drews", and any and all right to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–a to 2–c above, inclusive, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–5032; Filed, May 27, 1947; 8:46 a. m.]

[Vesting Order 8976]

VOLKMAR STEINERT

In re: Real property, bank account and claim owned by Volkmar Steinert, also known as V. Steinert.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Volkmar Steinert, also known as V. Steinert, whose last known address is Floha-Sa, Am Pfarrwald–3, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City of Wilmington, County of Los Angeles, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. That certain debt or other obligation of Bank of America National Trust and Savings Association, 1 Powell Street, San Francisco, California, arising out of Savings Account No. A–31466 entitled "Vera I. Muhler or Adolph Muhler, Trustees for Volkmar Steinert," and any and all rights to demand, enforce and collect the same, and

c. That certain claim for just compensation arising by reason of the condemnation of the real property identified as Parcel No. 1 in the aforesaid Exhibit A, pursuant to an Order for immediate possession and Declaration of Taking filed September 30, 1943, in the action in the United States District Court, Southern District of California, entitled United States of America vs. V. Steinert, et al., 2819–PH Civil, and that sum of money awarded as compensation therefor, which was deposited with the Office of the Clerk of the District Court of the United States, Southern District of California, Los Angeles, California, by the Lands Division, United States Department of Justice, and any and all rights to demand and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany), and is property in condemnation proceedings which is payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–b and 2–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Parcel No. 1. Lot 9 of the Resubdivision of Block 3, Range 3, of the City of Wilmington, as per map recorded in Book 4, Page 41 of Maps, in the office of the County Recorder.

Parcel No. 2. Lot 15 of the Resubdivision of Block 11, Range 7, of the City of Wilmington, as per map recorded in Book 4, Page 41 of Maps, in the Office of the County Recorder.

[R. R. Doc. 47–5033; Filed, May 27, 1947; 8:46 a. m.]

[Vesting Order 8978]

NETTIE BIESER

In re: Estate of Nettie Bieser, deceased. File D–28–9955; E. T. sec. 14123.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Nettie Fisch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Nettie Bieser, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Louis A. Dammert, as executor, acting under the judicial supervision of the Probate Court of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national' 'and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–5034; Filed, May 27, 1947; 8:47 a. m.]

[Vesting Order 8987]

FRIEDA NAGEL

In re: Estate of Frieda Nagel, deceased. File No. D–28–9517; E. T. sec. 12911.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Caroline Mäule, Lena Zimmerman, Elizabeth Etschmann, Lena Etschmann and Friedrich Etschmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Frieda Nagel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The Tompkins County Trust Company, as Executor, acting under the judicial supervision of the Surrogate's Court of Tompkins County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–5035; Filed, May 27, 1947; 8:47 a. m.]

[Vesting Order 8993]

MAGDALENE TRAUB

In re: Estate of Magdalene Traub, deceased. File No. D–28–11716; E. T. sec. 15935.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Bohm, Pauline Traub, Sofie Schleicher, Jakob Traub, Friedrich Traub, Rosine Dinkel, Nane Grau, Karl Traub, Rosie Hofman, Christian Bender, Marie Giebler, Marie Klein, Christian Traub and Line Jishofer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Magdalene Traub, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–5036; Filed, May 27, 1947; 8:47 a. m.]

EMMA LOCHNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Emma Lochner, Rockville Centre, N. Y.	2393	$12,853.58 in the Treasury of the United States, representing property and proceeds of property vested by Vesting Orders Nos. 2197, as amended (8 F. R. 15598, November 9, 1943; 9 F. R. 819, Jan. 21, 1944), and 6248 (11 F. R. 5553, May 22, 1946).

Executed at Washington, D. C., on May 23, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–5041; Filed, May 27, 1947; 8:47 a. m.]

KARL W. POSNANSKY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatroy expenses:

Claimant	Claim No.	Property
Karl W. Posnansky (Karl Werner Posnansky), Stamford, Conn.	A-266	Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,152,185, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

DONALD C. COOK,
Director.

[F. R. Doc. 47-5042; Filed, May 27, 1947; 8:47 a. m.]

HERMAN FRISCHER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Herman H. Frischer, New York, N. Y.	A-170	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent Nos. 1,711,638; 1,733,152; 1,751,156; 1,884,666; 1,910,101; 1,924,312; and 1,929,800; to the extent owned by claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on May 23, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5043; Filed, May 27, 1947; 8:47 a. m.]

[Vesting Order 8948]

KLAUS UHLHORN

In re: Estate of Klaus Uhlhorn, deceased. D-28-11077; E. T. sec. 15501.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Diedrich Uhlhorn, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $660.63 was paid to the Attorney General of the United States by Harry Theidel, Administrator of the Estate of Klaus Uhlhorn, deceased;

3. That the said sum of $660.63 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 3, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4971; Filed, May 26, 1947; 8:57 a. m.]

[Vesting Order 8955]

MARIA JAKOB ET AL.

In re: Bank accounts owned by Maria Jakob, Maria Hall and Albert Hall. F-28-4940-C-1, F-28-4940-E-1, F-28-6259-C-1, F-28-6259-E-1, F-28-6260-C-1, F-28-6260-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Exccutive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Jakob, Maria Hall and Albert Hall, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Central Bank, 436 14th Street, Oakland, California, arising out of a savings account, Account Number A47360, entitled Maria Jakob by I. F. Chapman, her attorney in fact, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Central Bank, 436 14th Street, Oakland, California, arising out of a savings account, Account Number A47358, entitled Maria Hall by I. F. Chapman, her attorney in fact, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Central Bank, 436 14th Street, Oakland, California, arising out of a savings account, Account Number A47359, entitled Albert Hall by I. F. Chapman, his attorney in fact, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Maria Jakob, Maria Hall and Albert Hall, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4972; Filed, May 26, 1947; 8:58 a. m.]

[Vesting Order 8963]

DR. G. AND MARIE SCHLUETER

In re: Debt owing to and stock, bonds and a mortgage participation certificate owned by Dr. G. Schlueter and Marie Schlueter. F-28-23516-A-1, F-28-23516-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. G. Schlueter and Marie Schlueter, whose last known address is Frickastrasse 12, Munchen 38, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Hallgarten & Co., 44 Wall Street, New York 5, New York, in the amount of $313.28, as of December 31, 1945, representing a credit balance in the name of Dr. G. Schlueter, on the books of the aforesaid Hallgarten & Co., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same.

b. Ten (10) shares of the capital stock of Cortlandt and Dey Streets Corp., evidenced by a certificate numbered 261, registered in the name of Marie Schlueter, and presently in the custody of Hallgarten & Co., 44 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

c. One (1) Cortlandt and Dey Streets Corp. 4% Debenture, due 1952, $600.00 face value, bearing the number 256, registered in the name of Marie Schlueter and presently in the custody of Hallgarten & Co., 44 Wall Street, New York 5, New York, together with any and all rights thereunder and thereto; and

d. One certificate of participating interest in a bond and mortgage secured by the property located at 471/477, 5th Avenue and 4 6 East 41st Street, New York, New York, of $1,833.00 face value, bearing the number 7746, registered in the name of Marie Schlueter, and presently in the custody of Hallgarten & Co., 44 Wall Street, New York 5, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. G. Schlueter and Marie Schlueter, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4973; Filed, May 26, 1947; 8:58 a. m.]

[Vesting Order 8980]

FRIEDRICH FOELLNER

In re: Estate of Friedrich Foellner, deceased. File No. 017-19114.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9193 as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Strafer, Wilhelm Foellner, Meta Muller, Anna Geyer and Bertha Nickel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Friedrich Foellner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Otto Cooper, as Executor, acting under the judicial supervision of the Hudson County Orphans' Court, Hudson County Courthouse, Jersey City, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4974; Filed, May 26, 1947; 8:58 a. m.]

FEDERAL REGISTER

VOLUME 12 NUMBER 106

Washington, Thursday, May 29, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LIST OF POSITIONS EXCEPTED

The Commission has considered the request of the Secretary of War and has determined that the positions of Civilian Directors of Studies employed for not to exceed six months in any twelve-month period for service at The National War College, Washington, D. C., should be excepted from the competitive service and appointments thereto made in the same manner as appointments are made to positions under Schedule A. These positions are, therefore, added to the list of positions excepted from the competitive service, effective upon publication in the FEDERAL REGISTER.

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(4) *War Department.* • • •

(xv) Civilian Directors of Studies employed for not to exceed six months in any twelve-month period for service at The National War College, Washington, D. C.

(Sec. 6.1 (a) E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5067; Filed, May 28, 1947; 8:57 a. m.]

PART 7—REINSTATEMENT

GENERAL REQUIREMENTS FOR REINSTATEMENT OF PERSONS WHO HAVE COMPETITIVE STATUS

Section 7.101 (a) (2) is amended to read as follows:

§ 7.101 *General requirements for reinstatement of persons who have competitive status.* (a) • • •

(2) If separated during his probationary period, reinstatement must be made within one year of separation, but such reinstatement shall be subject to completion of probation and may be made only in the same agency and in the same type of position, grade, and locality, except that a probationer separated through reduction in force may be reinstated in any agency and to any position in any locality if he meets the qualifications standards for promotion or reassignment to the position.

(R. S. 1753, sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5103; Filed, May 28, 1947; 8:48 a. m.]

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

MISCELLANEOUS AMENDMENTS

1. The material under the heading "Group C" in § 20.3 (12 F. R. 2850) is amended to read as follows:

§ 20.3 *Retention preference; classification.* • • •

Group C: All employees serving under appointments specifically limited to one year or less, all non-citizen employees serving within the continental limits of the United States (effective July 1, 1947, citizens of the Republic of the Philippines appointed to positions in the Federal service prior to July 1, 1946, serving within the continental limits of the United States will be included in this group. Citizens of the Republic of the Philippines appointed or reappointed after a break in service of more than 30 days since July 1, 1946, will be included in this group immediately), all employees continuing beyond the automatic retirement age, and all annuitants appointed under section 2 (b) of the Civil Service Retirement Act, as amended.

2. Paragraph (c) of § 20.10 (12 F. R. 2852) is amended to read as follows:

§ 20.10 *Notice to employees.* • • •

(c) His right to appeal the proposed action to the Commission (departmental employees in the Washington area to the central office, and others to the appropriate regional or branch office) within 10 days from the receipt of notice, and

(Sec. 12, 58 Stat. 390; 5 U. S. C., Sup., 861)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5104; Filed, May 28, 1947; 8:48 a. m.]

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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PART 33—CLAIMS AND APPEALS OF VETERANS; RECOGNITION OF REPRESENTATIVES

AGENTS

Section 33.2 is amended to read as follows:

§ 33.2 *Agents.* Any competent person of good moral character and of good repute who is a citizen of the United States, or who has declared his intention to become a citizen of the United States, may be designated as an agent. A person (other than a member of Congress) claiming to act as an agent must submit a written statement from the veteran (CSC Form 307)[1] authorizing him to represent the veteran in his claim or appeal. A written statement shall not be required of a member of Congress claiming to act as an agent to represent a veteran in his claim or appeal. (Sec. 11, 58 Stat. 390; 5 U. S. C., Sup., 860)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5066; Filed, May 28, 1947; 8:57 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[FCA Order 451]

PART 70—LOAN INTEREST RATES AND SECURITY

INTEREST RATE ON LOANS SECURED BY COMMODITY CREDIT CORPORATION LOAN DOCUMENTS

Section 70.90-51 of Title 6 of the Code of Federal Regulations, is hereby amended, effective May 21, 1947, to read as follows:

§ 70.90-51 *Interest rate on loans secured by Commodity Credit Corporation loan documents.* Except as specified in paragraph (c) of this section, the rate of interest on loans made on or after May 10, 1944, by any district bank for cooperatives or the Central Bank for Cooperatives to eligible farmers' cooperatives, upon the security of the following types of Commodity Credit Corporation loan documents, shall be 1.00 per centum per annum:

(a) Those representing loans made by such farmers' cooperatives as lending agents pursuant to agreements entered into with Commodity Credit Corporation and which are evidenced by notes of their producer members or farmer patrons, and qualified for purchase by and sale to Commodity Credit Corporation;

(b) Those representing cotton qualified for loans from Commodity Credit Corporation to such farmers' cooperatives pursuant to agreements entered into with Commodity Credit Corporation.

(c) On those loans made to such farmers' cooperatives on or after May 21, 1947, upon the security of Commodity Credit Corporation loan documents covering commodities in which the producer members or farmer patrons of such associations do not have the right to redeem commodities delivered by them and covered by such Commodity Credit Corporation loan documents, the rate of interest shall be 1.5 per centum per annum for the first 6 months, and 1.00 per centum per annum thereafter. (Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f).

[SEAL] I. W. DUGGAN,
Governor.

MAY 22, 1947.

[F. R. Doc. 47-5106; Filed, May 28, 1947; 8:48 a. m.]

[1] Filed with the Division of the Federal Register.

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 501—RULES OF PROCEDURE

TIME FOR FILING DEBT CLAIMS

1. Paragraph (b) (2) of § 501.5 is hereby amended to read as follows:

§ 501.5 *Time for filing claims.* * * *
(b) *Debt claims.* * * *

(2) By order (12 F. R. 3394, May 24, 1947) the time fixed for the filing of debt claims by Bar Order No. 1 (12 F. R. 1448, March 1, 1947) has been extended and September 2, 1947 has been fixed as the date after which the filing of debt claims shall be barred in respect of debtors, any of whose property was vested in or transferred to the Attorney General of the United States or his predecessor, the Alien Property Custodian, between December 18, 1941, and December 31, 1946, inclusive.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. and Sup. 1, 616; E. O. 9142, Apr. 21, 1942, 3 CFR, Cum. Supp., E. O. 9725, May 16, 1946, 11 F. R. 5381, E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 20th day of May 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47-5135; Filed, May 28, 1947; 9:01 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

SALES OF MORTGAGES BY STATE MEMBER BANKS

The following interpretation under this part relating to membership of State banking institutions in the Federal Reserve System was issued by the Board of Governors of the Federal Reserve System on May 13, 1947.

§ 208.101 *Sales of mortgages by State member banks.* The Board of Governors has given consideration to an inquiry with regard to the applicability of standard condition of membership numbered 3, (§ 208.6 (a) (3)) or a similar condition of membership, to the activity of State member banks in selling to other banks in some volume, without recourse, real estate mortgages which they will continue to service for a consideration.

It is noted that the member banks are selling such mortgages at no premium, that each bank has now invested the aggregate amount in real estate mortgages it is permitted to invest under the

limitations imposed by State law and that an active demand for such loans continues in the community served by each. However, these considerations do not appear to have a direct bearing upon the applicability of the condition of membership.

Standard condition of membership numbered 3 reads as follows:

3. Such bank shall not engage as a business in issuing or selling either directly or indirectly (through affiliated corporations or otherwise) notes, bonds, mortgages, certificates, or other evidences of indebtedness representing real estate loans or participations therein, either with or without a guarantee, indorsement, or other obligation of such bank or an affiliated corporation.

A condition of membership having substantially the same effect as the present standard condition numbered 3 has been prescribed for all State banks applying for membership since March 1933. One of the practices that proved most harmful to a number of banks in some sections had been that of selling real estate mortgages or participations therein to the general public with a guarantee expressed or implied, or in circumstances causing the purchasers to assume that such mortgages would be repurchased upon request. Often such obligations were sold without an expressed guarantee or even with the provision that they were sold without recourse but the issuing or selling bank had freely repurchased them upon demand over so long a time that the holders had been led to believe that they were, in fact, obligations of the bank payable on demand. In prescribing the condition of membership, the Board had in mind particularly sales of mortgages to the general public who were not in a position to evaluate real estate loans and might consider the bank at least morally obligated to make good any loss sustained.

It is to be assumed that a bank or other financial institution, such as an insurance company, purchasing real estate loans from a bank, without recourse, is qualified to appraise such loans and would have no reason to feel that the selling bank acts as guarantor of the soundness of the investment. Therefore, the Board of Governors will not consider the sale of real estate mortgages by a State member bank to other banks or financial institutions, such as insurance companies, without recourse, as coming within the purview of standard condition of membership numbered 3, or a similar condition of membership.

While the purpose and effect of the foregoing is to remove from the scope of the condition of membership transactions of the kind set forth, it should be noted that any abuses or unsafe or unsound practices arising in such activity remain subject to supervisory criticism and correction.

(Sec. 11 (i), 38 Stat. 262, sec. 3, 40 Stat. 232, 42 Stat. 821, sec. 17 (b), 48 Stat. 185, sec. 9, 44 Stat. 1229, 45 Stat. 492, 46 Stat. 170, sec. 2, 46 Stat. 251, sec. 1, 46 Stat. 814, sec. 5, 48 Stat. 164, sec. 2, 48 Stat. 971, sec. 202, 49 Stat. 704, sec. 310 (b), 49 Stat. 710, sec. 320, 49 Stat. 713, sec. 338, 49 Stat. 721, sec. 12B (e), (g), (y), 49 Stat. 687, 688, 703, secs. 325, 345, 49 Stat. 715, 722; 12 U. S. C. and Sup. 248 (i), 321–338, 264 (e), (g), (y), 486, 51b–1)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-5060; Filed, May 28, 1947; 8:57 a. m.]

PART 222—CONSUMER CREDIT

AUTOMOBILE APPRAISAL GUIDES

The following interpretation under this part relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on April 25, 1947:

§ 222.113 *Automobile appraisal guides.* The Board has been asked whether the provisions of § 222.9 (d), which require reference to an automobile appraisal guide in determining the minimum down payment to be obtained on used automobiles, are applicable to credits extended for used 1947 model automobiles. The question arises because a number of the designated appraisal guides are not at present publishing retail values for such models.

The Board has ruled that no such reference need be made until all designated appraisal guides publish retail values for used 1947 automobiles. When such publication occurs, notice will be given in all appraisal guides. This means that the maximum amount of credit which can be extended for used 1947 automobiles at present is two-thirds of the cash price. The rule is the same as that applicable to 1936 and older models for which retail values are published in some of the guides but not in others. In the case of the 1937 to 1946 model automobiles, the maximum amount of credit is two-thirds of the cash price or the appraisal guide value, whichever is lower.

(Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. and Sup. 95 (a), 50 U. S. C. App. 616, 617; E. O. 8843, Aug. 9, 1941, 3 CFR Cum. Supp.)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-5044; Filed, May 28, 1947; 8:57 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-402]

PART 171—TRADE PRACTICE RULES FOR THE HOUSEHOLD FABRIC DYE INDUSTRY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 22d day of May 1947.

Due proceedings having been held under the Trade Practice Conference procedure, in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the Trade Practice Rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of May 29, 1947.

Statement by the Commission. Trade practice rules for the Household Fabric Dye Industry are approved and promulgated by the Federal Trade Commission as hereinafter set forth.

The Industry and its products. The industry to which the rules relate is composed of the persons, firms, and corporations engaged in the business of placing on the market household fabric dyes, tints, and color remover. The dyes and tints are those which are blended, prepared, and packaged for use in the home in dyeing, redyeing, coloring, tinting, or retinting fabrics and textile materials used in wearing apparel, home furnishings or home decorations. The color remover products of the industry are marketed for use in the home to remove stains from fabrics and to remove color and stains from fabric material preparatory to redyeing or retinting such material.

Proceedings. Proceedings for establishment of rules for the industry were instituted by the Commission after a general investigation of the practices prevalent in the industry. Thereafter a trade practice conference of the entire industry was held in Washington, D. C., at which suggestions by members of the industry and proposals for rules in respect of the matter were considered and discussed. Following such conference, a consolidated and revised draft of proposed rules under discussion was prepared and made available to all members of the industry and all interested or affected parties and public notice was issued under which all persons concerned were afforded opportunity to study the proposed rules and to submit for consideration of the Commission their views, suggestions, or objections in the premises and to be heard at a time and place of hearing designated in such notice. Accordingly, public hearings were held in Washington, D. C., on February 13, 20, and 27, 1947.

All matters presented at such hearings or received in the proceedings were fully considered. The Commission thereupon approved the rules in the form hereinafter set forth and directed their promulgation.

Objectives of the rules and utilization of cooperative action therein. The rules are designed to foster and promote the maintenance of fair competitive conditions in the industry, to aid in maintaining high standards of ethical business conduct throughout the industry, and to protect purchasers, prospective purchasers, and the public. The unfair practices specified in the rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices of the type prohibited in respect of interstate commerce under laws administered by the Federal Trade Commission. The provisions of the rules are to be construed in the direction of preventing such practices in harmony with the requirements of law and the public interest.

To the end of maintaining such objectives and purposes, proper cooperative effort may be utilized in applying the rules toward effecting voluntary compliance equitably promptly, and economically throughout the industry in order that the necessity of having to resort to adversary proceedings in individual cases may be minimized.

In furtherance of such cooperative effort and for the purpose of voluntary adjustment and compliance, members of the industry are invited to consult freely with the Commission from time to time relative to matters respecting the operation of the rules in their businesses, and with the view of affording the fullest measure of benefits in preventing the growth or inception of conditions or practices which would be in conflict with the rules and the applicable provisions of law.

In the event any unfair trade practice is not promptly and effectively prevented through such voluntary action and cooperative effort, or where otherwise deemed necessary, appropriate mandatory proceedings in the public interest will be employed by the Commission in accordance with the requirements of law to prevent the use in commerce of the unlawful and unfair practices specified.

Amendments. Proceedings to amend the rules may be authorized in accordance with the Commission's trade practice conference procedure when necessary to deal with new conditions which may arise from time to time in the industry, or when otherwise deemed warranted or required.

Effective date of rules. Members of the industry are afforded opportunity to confer with the Director of Trade Practice Conferences and determine, subject to the Commission's approval, upon such reasonable period of time for making, promptly and diligently, whatever changes or adjustments in their advertising, labeling, and selling programs may be necessary under these rules. Subject thereto, the rules as set forth below become operative thirty (30) days from date of promulgation.

Being directed to the maintenance of fair competititon, the rules do not permit of any agreement, understanding, combination, conspiracy, or concert of action between two or more members of the industry or with one or more other persons to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade.

Sec.
171.0 Definitions.
171.1 Misuse of the terms "all fabric", "all purpose", and similar representations, as applied to industry dyes or tints.
171.2 Misrepresentations as to coverage of dyes or tints.
171.3 Misrepresentations as to colors or shades obtainable.
171.4 Use of the words "fast", "fadeless", "fade-proof", "unfadable", "sun-fast", "wash-fast", and representations of similar import.
171.5 Deception respecting efficacy of color removers.

Sec.
171.6 Disclosure of sponsor and other information.
171.7 Guarantees, warranties, etc.
171.8 Confusion as to "tint" and "dye".
171.9 Other forms of deception.
171.10 Improper use of demonstrators and payment of spiffs, push money, etc.
171.11 Exclusive or pre-emptive deals to eliminate or suppress competition.
171.12 Advertising or promotional allowances.
171.13 Other discriminations contrary to law.
171.14 Miscellaneous unfair trade practices.
171.15 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 171.0 to 171.15, inclusive, issued under 38 Stat. 717, as amended; 15 U. S. C. 41, et seq.

§ 171.0 *Definitions.* As used in this part, the following terms shall have the respective definitions set forth below:

(a) *Industry product.* Shall mean any dye, tint, or color remover marketed for use in the home in connection with fabrics.

(b) *Fabric.* Shall mean any material (including yarn) which is spun, woven, knitted, or felted from natural and/or man-made textile fibers or filaments, which material is commercially produced and used in garments, household furnishings or decorations in the home.

(c) *Dye.* Shall mean a preparation marketed by industry members for home use in restoring color or imparting a new or different color to fabrics by dyeing or tinting them.

(d) *Color remover.* Shall mean a preparation marketed by industry members for home use in removing color and/or removing stains from fabrics preparatory to re-dyeing or re-tinting them, or for home use in removing stains from white fabrics.

§ 171.1 *Misuse of the terms "all fabric", "all purpose" and similar representations, as applied to industry dyes or tints*—(a) *"All fabric"; unqualified use.* It is an unfair trade practice to use the term "all fabric", or representations of similar import, as descriptive of a dye or tint which, applied as directed, will not dye or tint to the specified or represented color or shade, or to a close simulation thereof, all types and kinds of fabrics commercially produced and used in garments, household furnishings or home decorations; subject, however, to the following:

(1) *"All fabric"; qualified use.* When the product, applied as directed, will effectively dye or tint to the specified or represented color or shade, or to a close simulation thereof, all types and kinds of fabrics commercially produced and in use in garments, household furnishings or home decorations, with the exception of certain fabrics which are commercially produced and in such use in minor proportion, nothing in this section shall be construed as prohibiting the use as descriptive of such dye or tint of the term "all fabric", provided it is accompanied with a statement and qualification in close conjunction which nondeceptively discloses such fabric limitation or exceptions, as for example:

All Fabric
Except Fiber Glass
or

All fabric dye for wool, cotton, linen, rayon, nylon, and silk. Not recommended for use on any other fibers or fabrics than those named.

(2) *Disclosure as to necessity for removal of color.* If to produce any specified or represented color or shade, or close simulation thereof, it is necessary that the fabric to be dyed or tinted be, or be reduced to, white or nearly white, or be of a certain color, nothing in this section shall be construed as prohibiting use of the term "all fabric" by reason of such fact, provided disclosure thereof is made reasonably sufficient to inform the buying public and avoid misunderstanding and deception of purchasers, either by statement on the consumer package, in color cards and instructions, or otherwise.

(b) *"All purpose".* All the foregoing provisions with respect to the term "all fabric" shall also be applicable with like force and effect to the term "all purpose", and representations of similar import, as applied to any dye or tint of this industry: *Provided, however,* That in connection with the use of the term "All Purpose" it shall also be clearly and conspicuously stated that the product is a dye or tint for fabric. It is an unfair trade practice to use the term "all purpose", or representations of similar import, contrary to any of the requirements of this section as herein specified. [Rule 1]

§ 171.2 *Misrepresentations as to coverage of dyes or tints.* It is an unfair trade practice for any member of the industry to give a false or misleading statement or approximation of the size of article or quantity of fabric which the dye or tint in the respective packages offered for sale by such member will satisfactorily color to the respective shades or colors designated: *Provided, however,* That reasonable approximations, truthfully and nondeceptively stated may be given.

NOTE: As to misrepresentation regarding coverage or efficacy of color remover, see § 171.5 (Rule 5).

[Rule 2]

§ 171.3 *Misrepresentations as to colors or shades obtainable.* It is an unfair trade practice to use any form of representation respecting color or shade which directly or by implication is false, misleading, or deceptive. Pursuant to this section:

(a) It is an unfair trade practice, in selling or promoting the sale of packages of dye or tint, to use color cards or color illustrations of any kind in relation to such packages when the respective colors and shades shown by such color cards or illustrations do not accurately represent or closely simulate the colors and shades which the contents of the respective packages produce when applied as directed.

(b) If to obtain any specified or represented color or shade, or close simulation thereof, it is necessary that the fabric to be dyed or tinted be, or be reduced to, white or nearly white, or be of a certain color, this fact is to be truthfully and nondeceptively disclosed in a man-

ner reasonably sufficient to inform the buying public and avoid misunderstanding or deception of purchasers of the product. [Rule 3]

§ 171.4 *Use of the words "fast", "fadeless", "fade-proof", "unfadable", "sunfast", "wash-fast", and representations of similar import.* (a) In respect of any dye or tint, or the color or shade to be produced thereby, it is an unfair trade practice:

(1) To describe such as being "fast", "fadeless", "fade-proof", "unfadable", or by representation of similar import, unless the color and shade produced by such dye or tint, applied as directed, will not show any substantial change, fading, or deterioration of color throughout the useful life of the dyed or tinted article under ordinary conditions of use or

(2) To describe such as being "washfast", "sunfast", or by representations of similar import, unless the color and shade produced by such dye or tint, applied as directed, will show no substantial change, fading, or deterioration of color throughout the useful life of the dyed or tinted article from such washing or exposure to sunlight, respectively, as such article is likely to be subjected to during its useful life.

(b) It is an unfair trade practice to use any other false, misleading, or deceptive representations respecting the fastness or durability of the color or shade produced or to be produced by any dye or tint.

(c) Nothing in this section shall be construed as prohibiting use of the word "fast" as part of the description of the durability of the color or shade produced or to be produced by any dye or tint when used in a representation which clearly, truthfully, and nondeceptively sets forth the measurable minimum degree of fastness or durability of the dye or shade to the respective color-destroying contingencies, factors, or agencies which the fabrics, or products made therefrom, may be or are likely to be subjected, as for example:

Fast to 30 hours exposure to sunlight; or
Fast to perspiration; or
Fast to hand-washing in lukewarm water.

[Rule 4]

§ 171.5 *Deception respecting efficacy of color removers.* It is an unfair trade practice to misrepresent, directly or indirectly, the effectiveness of a color remover, either as to the types or quantity of dyestuffs it will remove or the kinds, types, or quantity of fabric upon which it is effective. Under this section no representation shall be made that a color remover will remove all color or stain from a fabric, or will make a fabric white, or will restore a fabric to its original color, unless such representation be unequivocally true and nondeceptive. [Rule 5]

§ 171.6 *Disclosure of sponsor and other information.* (a) In the interest of avoiding irresponsible and anonymous products, the outside of the packages in which the industry's products are sold to the consuming public should bear the name and location of the place of business of the manufacturer or producer, or of the person or concern placing the product on the market.

(b) Directions for use of industry products should be placed on the outside of the package in which the product is sold or a clear statement placed on the outside of the package that directions for use are contained inside. In the event any special equipment not ordinarily found in the home is required for satisfactory application, such fact should be stated on the outside of the package.

(c) The practice of omitting from the outside of the package the information specified in paragraphs (a) and (b) of this section, with the capacity and tendency or effect of thereby misleading or deceiving the public, is an unfair trade practice. [Rule 6]

§ 171.7 *Guarantees, warranties, etc.* (a) It is unfair trade practice to use any guarantee respecting an industry product, or advertisement or representation in relation thereto, which is false, misleading, or deceptive because it does not make reasonable disclosure of the conditions or limitations of the guarantee or which is false, misleading, or deceptive for any other reason.

(b) Without in any way limiting the foregoing provisions of this section, guarantees of the following type or character shall not be used:

(1) Guarantees containing statements, promises, or assertions which have the capacity or tendency to mislead or deceive any purchaser in any material respect as to the utility or efficacy of the industry product.

(2) Guarantees which are so used or which are of such form, text, or character as to import, imply, or represent that the guarantee is broader or will afford more protection to purchasers or users than is in fact true.

(3) Guarantees in which any condition, qualification, or contingency applied in practice by the guarantor is deceptively concealed and is not fully and nondeceptively stated therein or is stated in such manner or form as to be deceptively minimized, obscured, or concealed in whole or in part.

(4) Guarantees which are stated, phrased, or set forth in such manner that although the words used are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions which are applicable to such guarantees and which materially lessen the value thereof as a guarantee to purchasers or users.

(5) Guarantees which purportedly extend for such indefinite or unlimited period of time or for such long period of years as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or users into the belief that the product has or is definitely known to have a greater degree of serviceability, utility, or efficacy in actual use than is in fact true.

(6) Guarantees issued, or directly or indirectly caused to be used, in respect of an industry product, when or under which the guarantor fails or refuses to observe scrupulously his obligations thereunder or fails or refuses to make good on claims coming reasonably within the terms of the guarantee.

(7) Guarantees which in themselves, or in the manner of their use, are otherwise false, misleading, or deceptive in any material respect.

(c) This section shall be applicable not only to guarantees, but also to warranties, purported warranties and guarantees, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 7]

§ 171.8 *Confusion as to "tint" and "dye".* It appears that through the years during which the public has been supplied with home dyes and tints by this industry there has grown up a substantial understanding on the part of consumers that in the main "tinting" requires a dye bath of lesser temperature than does "dyeing;" that, therefore, a tint is in general regarded as easier to apply than a dye and less likely to be injurious to fabrics which may be adversely affected by high temperatures. In view of this situation, it is important that members of the industry safeguard their advertising, labeling, and selling practices against the possibility of misleading or deceiving the public through representations that any of their products is as easy to apply and as harmless to all fabrics as a tint where such is not the fact, or by other use of the words "tint" and "dye" in such manner as to be confusing or misleading to the public. It is an unfair trade practice to mislead or deceive the public in any such respect.

Likewise, it appears to be the consensus of opinion that "dyeing" may be expected to achieve, in most cases, a substantially greater degree of durability of color than "tinting." It is an unfair trade practice to represent that "tinting" achieves durability of color equivalent to the durability of color achieved by "dyeing" except in those cases in which such representation is unequivocally true. [Rule 8]

§ 171.9 *Other forms of deception.* It is an unfair trade practice to offer for sale, sell, or distribute any industry product, or to promote the sale or use thereof, by any method or under any circumstance or condition which has the capacity and tendency to mislead or deceive purchasers, prospective purchasers, or the public, in any material respect, whether concerning the utility or efficacy of the product, its newness or exclusive character, or the results to be achieved by its use, the quantity to be used, the grade, composition, ingredients, ease or method of application, safety, origin, sources of manufacture of the product, or concerning any other matter. [Rule 9]

§ 171.10 *Improper use of demonstrators and payment of spiffs, push money, etc.* (a) It is unfair trade practice for any member of the industry to furnish demonstrators, or pay, reimburse, or allow in whole or in part the compensation of demonstrators, or to pay or grant "push money," "spiffs," or any other bonus, gratuity, payment, or allowance to any dealer or distributor or to any clerk, salesperson, or employee of a dealer or distributor, with the purpose or effect of inducing, encouraging, or causing such customer-dealer, or his clerk, salesperson, or employee, to give preferential sales effort to such member's products over competing industry products or to discourage the purchase of a competitor's products by the public:

(1) Where the capacity and tendency or effect of such practices is to cause the public when making purchases of industry products to be misled or deceived into the erroneous belief that said demonstrators, dealers, or salespersons are free from such special interest or influence or are not so subsidized, paid, or employed by such industry member; [1]

(2) Where the effect of any such practice is to hamper and unduly restrict the legitimate, free, and full use and enjoyment of such trade outlets for the distribution of competing industry products; or

(3) Where the purpose or effect of any such practice is to substantially lessen competition or unreasonably restrain trade or tend to create a monopoly in the marketing of industry products; or

(4) Where the effect of such practices is to bring about, or to serve as a means of bringing about, a discrimination in price, service, facilities, or other practice contrary to the provision of the Robinson-Patman Act.

(b) Nothing in this section shall be construed as prohibiting the furnishing of actual demonstrators, namely, persons who are skilled in the demonstration of, and in educating the public in respect to, the application and use of the product and who actually perform such demonstrations, when such demonstrators are furnished and employed in such manner and under such conditions as not to involve any of the inhibited tendencies, results, or effects specified in paragraph (a), (1), (2), (3), and (4) of this section. [Rule 10]

§ 171.11 *Exclusive or pre-emptive deals to eliminate or suppress competition.* Wherever the effect may be to substantially lessen competition, or tend to create a monopoly, it is an unfair trade practice for any member of the industry to purchase or otherwise acquire, in whole or in part, from a distributor or dealer the stock of competing products of any competitor of such industry member, to make loans to a distributor or dealer, to guarantee a distributor or dealer increased profits as compared with profits previously obtained in the handling of competitive industry products, or to furnish or promise to furnish to a distributor or dealer anything of value, when such acts or practices are done:

(a) Upon any express or implied condition, agreement, or understanding, that the distributor or dealer will discontinue handling competitive industry products and will handle such member's industry products exclusively; or

(b) As an inducement to the distributor or dealer to discontinue handling competitive industry products; or

(c) As an inducement to the distributor or dealer to eliminate or reduce the display space accorded to, or derogate the display of, competing industry products and to grant a greater amount of display space, or accord a more favorable display, to such industry member's products. [Rule 11]

§ 171.12 *Advertising or promotional allowances.* (a) It is an unfair trade practice for any member of the industry to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of any of his customers as a compensation or in consideration for certain services or facilities, unless such payment or consideration is available on proportionally equal terms to all his other customers competing in the distribution of his products or commodities.

(1) Said certain services or facilities referred to in the foregoing paragraph of this section are such as are furnished by or through the customer in connection with the processing, handling, sale, or offering for sale of any product or commodity manufactured, sold, or offered for sale by such industry member in the course of his commerce.[2] [Rule 12]

§ 171.13 *Other discriminations contrary to law.* In the course of marketing industry products in commerce,[2] it is an unfair trade practice to discriminate in price directly or by means of discriminatory discounts, rebates, refunds, or other means; to pay or receive certain brokerage or commissions; or to furnish services or facilities on terms not accorded to all customers on proportionally equal terms; if and when such respective practices are pursued under the circumstances and conditions bringing the practices within the inhibitions of the Robinson-Patman Act as amended. (49 Stat. 1526–1528; 52 Stat. 446). [Rule 13]

§ 171.14 *Miscellaneous unfair trade practices.* It is an unfair trade practice:

(a) To refer, in advertisements or representations in respect of a dye or tint, to weaves or fabrics in such manner as to confuse and mislead or deceive purchasers or prospective purchasers;

(b) To use any trade name, corporate name, trade-mark, or other trade designation in such a manner as to have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public as to the character, name, nature, or origin of any product of the industry, or any material used therein, or in any other material respect;

(c) For any concern, in the course of or in connection with the distribution of industry products, to represent, directly or indirectly, that it is a manufacturer of industry products, or that it owns or controls a factory or laboratory making such products, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of its business;

(d) To defame competitors by imputing to them falsely any dishonorable conduct, inability to perform contracts, questionable credit standing, or to make any other false representation or false disparagement of such competitor or of any industry product of any such competitor in any respect, or of such competitor's business methods, selling prices, values, credit terms, policies, or services;

(e) Unlawfully to induce or attempt to induce the breach of existing lawful contracts between his industry member and any customer or supplier by any means whatsoever or to interfere with or obstruct the performance of any such contractual duties or services by any such means;

(f) Directly or indirectly to give, offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of any other industry member's customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by any industry member, or to influence such employers or principals to refrain from dealing in the products of any other industry member or from dealing or contracting to deal with any other industry member;

(g) To employ or otherwise procure any person to disparage deceptively any other industry member or the industry product of any industry member. [Rule 14]

§ 171.15 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 15]

Promulgated and issued by the Federal Trade Commission May 29, 1947.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-4981; Filed, May 28, 1947; 8:49 a. m.]

[1] Means or methods employed to prevent deceptive tendencies or effects in the use of demonstrators or the payment of push money, spiffs, etc., must be such as will permit of full compliance with the Robinson-Patman Act.

[2] As used in §§ 171.12 and 171.13 (Rules 12 and 13) and as defined in the Clayton Act, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg. 4 as Amended January 27, 1947, Amdt. 3]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

CERTIFICATES AND DIRECTIVES FOR SURPLUS MATERIALS AND EQUIPMENT

Section 803.4, Housing Expediter Priorities Regulation 4, as amended Janu-

ary 27, 1947, is amended in the following respects:

1. Paragraph (o) (1) is amended to read as follows:

(1) *Valid for sixty days.* A Housing Expediter certificate shall be valid for sixty days after its date of issuance, and for an additional sixty days if it is renewed. Housing Expediter certificates which are due to expire during the period May 1 to June 30, 1947 inclusive shall remain in effect through June 30, 1947.

2. Paragraph (o) (5) is amended by deleting from the list contained therein the following items of equipment.

Batching plants.
Portable air compressors from 105 c. f. m. to 500 c. f. m. inclusive.
Rock crushers, 35 tons per hour or under.
Tractor type scrapers.
Wheel tractors 100 h. p. or over.

(60 Stat. 207; 50 U. S. C. App. Supp. 1821)

Issued this 28th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5218; Filed, May 28, 1947; 11:42 a. m.]

[Priorities Reg. 28, as amended May 9, 1947, Direction 26]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

USE OF MATERIALS AND EQUIPMENT OBTAINED WITH CC RATINGS

Correction

In Federal Register Document 47-5005, appearing on page 3397 of the issue for Tuesday, May, 27, 1947, the introductory sentence should read: "The following direction is issued pursuant to Priorities Regulation 28:".

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5564]

PART 315—LICENSING UNDER THE FEDERAL FIREARMS ACT OF MANUFACTURERS OF, AND DEALERS IN, FIREARMS OR AMMUNITION

MISCELLANEOUS AMENDMENTS

MAY 23, 1947.

In order to give effect to the provisions of the act approved March 10, 1947 (Public Law 15, 80th Cong., 1st session), amending the Federal Firearms Act, as amended (52 Stat. 1250, 53 Stat. 1222; 15 U. S. C. 901-909), Treasury Decision 4898 approved May 1, 1939, as amended by Treasury Decision 4946, approved September 23, 1939 (26 CFR, Part 315), is further amended as follows:

PARAGRAPH 1. The statement at the beginning of § 315.0 is amended to read as follows:

§ 315.0 *Introductory.* The Federal Firearms Act approved June 30, 1938, as amended August 6, 1939, and March 10, 1947 (52 Stat. 1250, 53 Stat. 1222; 15 U. S. C. 901-909; Public Law 15, 80th Cong., 1st Sess.), provides:

PAR. 2. The quotation in § 315.0 of section 1 (6) of the Federal Firearms Act is amended to read as follows:

(6) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, robbery, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

PAR. 3. There is inserted immediately preceding the last paragraph of § 315.0 the following:

Section 1 (8) of the Federal Firearms Act as above-quoted reflects the amendment made by the Act approved August 6, 1939 (53 Stat. 1222), and that amendment is effective as of August 6, 1939; and section 1 (6) of the Federal Firearms Act as above-quoted reflects the amendment made by the Act approved March 10, 1947 (Public Law 15, 80th Cong.), and that amendment is effective as of March 10, 1947.

Because the amendment made to the Federal Firearms Act by Public Law 15, 80th Congress, 1st Session, became effective on March 10, 1947, the date of enactment of such Public Law, it is found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(Sec. 7, 52 Stat. 1252; 15 U. S. C. 907)

[SEAL] JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-5137; Filed, May 28, 1947; 9:01 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[3d Rev. RO 3,[1] Amdt. 48]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 8.1 is amended to read as follows:

SEC. 8.1 *Delivery of sugar for carriage or storage without giving up evidences.* (a) Any person may deliver sugar to another person for carriage or storage only, without getting evidences.

The sugar may thereafter be delivered by such other person, without getting evidences, either to the person from whom the sugar was received, or to a person to whom the right to receive such sugar has been transferred under this order.

(b) Delivery may not be made under paragraph (a) without getting evidences: (1) Where such delivery is made to any person who is registered as a wholesaler, retailer, industrial user or institutional user, unless he is engaged at a place other than his registered establishment and accepts delivery in his capacity as a public carrier, general warehouseman or operator of general storage facilities; or

(2) Where there is a contract, arrangement, or understanding under which (whether or not conditioned on any contingency), such other person has or is to have any interest in such sugar beyond that of a carrier or warehouseman.

2. Section 8.2 is amended to read as follows:

SEC. 8.2 *Security interests in sugar may be created and released without giving up evidences.* (a) Any person may deliver sugar to another person for security purposes only, without giving up evidences.

The sugar may thereafter be released or returned to the person who originally delivered it for security purposes without the receipt or surrender of evidences.

(b) Delivery may not be made under paragraph (a) without getting evidences: (1) Where such delivery is made to any person who is registered as a wholesaler, retailer, industrial user or institutional user, unless he is engaged publicly at a place other than his registered establishment, in the business of lending money; or

(2) Where there is a contract, arrangement, or understanding under which (whether or not conditioned on any contingency), such other person has or is to have an interest in such sugar beyond that of a pledgee or mortgagee.

3. Section 25.1 (c) (8) is amended to read as follows:

(8) "Delivery" means the transfer of physical possession or the transfer of a document of title. Possession of sugar shall be deemed to be so transferred to another person:

(i) When the sugar comes into the physical possession or control of such person or his agent or representative.

(ii) When the sugar is placed in any plant, warehouse or other place owned or controlled directly or indirectly by such person; or

(iii) When particular sugar wherever located or an undivided interest in such sugar becomes the subject of any contract, arrangement or understanding under which (whether or not conditioned on any contingency) it is sold or is to be sold to such person or disposed of as such person may direct.

The use by any person of sugar which he produces or holds for sale or delivery is considered a delivery of sugar to himself.

This amendment shall become effective May 27, 1947.

Issued this 22d day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[1] 11 F. R. 177, 14281.

Rationale Accompanying Amendment No. 48 to Third Revised Ration Order 3

Sections 8.1 and 8.2 permit delivery of sugar without getting evidences where the sugar is delivered to another person for carriage, storage, or security purposes only. Under these provisions, a person who was registered as a wholesaler, retailer, industrial user or institutional user, was not permitted to obtain delivery without the surrender of ration evidences unless he was engaged publicly at a place other than his registered establishment as a carrier, general warehouseman or operator of general storage facilities, or engaged in the business of lending money.

In view of the fact that the termination of sugar rationing is now foreseeable, many questions are being raised as to whether or not it is permissible for a dealer in sugar or a user of sugar to take delivery of sugar in his registered establishment for storage, for his ultimate use or resale, without the surrender of ration evidences. Since numerous questions have arisen regarding this matter recently, it is deemed advisable to incorporate the interpretation of the provisions of sections 8.1 and 8.2 in the regulations for the purpose of clarity. In addition, in order to prevent indirect evasions of the purposes of these provisions, it is also provided that delivery to another person for "storage" or "security" may not be made without surrender of evidences, where there is a contract or arrangement under which such other person has or is to have any interest in the sugar beyond that of a carrier, warehouseman, pledgee, or mortgagee.

Further in the interest of clarification, the definition of "delivery" is revised to make it clear that delivery to a person takes place when sugar is placed in any plant or place owned or controlled by him, or when the sugar becomes the subject of a contract or arrangement under which it is to be sold to him or disposed of as he directs.

[F. R. Doc. 47-5190; Filed, May 27, 1947; 5:02 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

MONTANA GRAZING DISTRICT NO. 5

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see Air-Navigation Site Withdrawal No. 236 under Department of the Interior, Bureau of Land Management, in the Notices section, *infra*, which takes precedence over, but does not modify, the order of the Acting Secretary of the Interior of November 3, 1936, establishing Montana Grazing District No. 5.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Ch. IX]

[Docket No. AO-183]

HANDLING OF MILK IN PADUCAH, KY., MARKETING AREA

PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of a public hearing to be held in Assembly Room, McCracken County Court House, Paducah, Kentucky, beginning at 10:00 a. m., c. s. t., June 16, 1947.

This public hearing is for the purpose of receiving evidence with respect to a proposed marketing agreement and order, regulating the handling of milk in the Paducah, Kentucky, marketing area, the provisions of which are hereinafter set forth, and any modification thereof. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposed marketing agreement and order and any modifications thereof. The provisions of the proposed marketing agreement and order, heretofore filed with the undersigned, are as follows:

Marketing Agreement and Order Proposed by the Paducah Graded Milk Producers Association, Paducah, Kentucky

SECTION 1. *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Paducah, Kentucky, marketing area," hereinafter called the "marketing area," means the territory within McCracken County.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether any such person is also a handler, who produces in conformity with or subject to the applicable health regulations, milk which is:

(1) Received at a plant from which milk or cream is disposed of in the marketing area for human consumption as fluid milk or fluid cream;

(2) Received at a plant approved by the appropriate health authority in the marketing area to furnish milk or cream to a plant described under subparagraph (1) of this paragraph;

(3) Diverted from any plant described under either subparagraphs (1) or (2) of this paragraph to any other milk distributing or milk manufacturing plant including any plant described under subparagraphs (1) or (2) of this paragraph: *Provided*, That any such milk so diverted shall be deemed to have been received at a plant from which it was diverted;

(4) Caused to be delivered by a cooperative association of producers as defined in section 10 (b) to any other milk distributing or milk manufacturing plant, wherever located.

(f) "Handler" means: (1) Any person who, on his own behalf or on behalf of others, receives milk from producers, associations of producers, or other handlers at a plant described in paragraphs (e) (1) or (e) (2) of this section; (2) any cooperative association of producers as defined in section 10 (b) with respect to milk diverted from a plant described under paragraphs (e) (1) or (e) (2) of this section to any milk distributing or milk manufacturing plant not operated by a handler, for the account of such association; (3) any cooperative association of producers as defined in section 10 (b) with respect to milk produced under appropriate health regulations applicable in the marketing area and caused to be diverted or delivered for the account of such association, to any other milk distributing or milk manufacturing plant, wherever located.

(g) "Market administrator" means the person designated pursuant to section 2 as the agency for the administration hereof.

(h) "Delivery period" means the calendar month, or the total portion thereof, during which the provisions herein are in effect.

(i) "Other source milk" means milk, skim milk, cream or any milk product received at a plant described in paragraph (e) of this section, from sources other than producers or other handlers. Other source milk shall include, but shall not be limited to milk, skim milk, cream or any milk product received at such plants, under an emergency permit in writing issued by the appropriate health authorities in the marketing area.

(j) "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency authorized to perform the price reporting function specified in section 5.

SEC. 2. *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary,

who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this part:

(1) To administer its terms and provisions;

(2) To make rules and regulations to effectuate its terms and provisions;

(3) To receive, investigate, and report to the Secretary complaints of violations; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by section 9:

(i) The cost of his bond and of the bonds of his employees;

(ii) His own compensation; and

(iii) All other expenses, except those incurred under section 10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 5 days after the day upon which he is required to perform such acts, has not made reports and payments pursuant to this part;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Upon request, supply on or before the 25th day after the end of each delivery period to each cooperative association, with respect to producers milk or any portion thereof for which the Association was not a handler during the delivery period and whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(9) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part;

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 6th day after the end of such delivery period, the minimum class prices, pursuant to section 5, and butterfat differential pursuant to section 8.

(ii) On or before the 14th day after the end of such delivery period, the uniform prices computed pursuant to section 7; and

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

SEC. 3. *Report of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 6th day after the end of each delivery period:

(i) The receipts at each plant of milk and milk products, with butterfat tests, from all sources, including own production;

(ii) The utilization of all milk, and milk products, received, computed pursuant to section 4, including a separate statement of the disposition of Class I milk outside the marketing area;

(iii) The name and address of each producer from whom milk is received for the first time, and the date on which such milk was first received; and

(iv) The name and address of each producer who discontinues deliveries of milk and the date on which the milk of such producer was last received.

(2) Within 20 days after the end of each delivery period, his producer pay roll, which shall show for such delivery period and for each and every producer:

(i) His total delivery of milk with the average butterfat test thereof; and

(ii) The net amount of the payment made to him with the price, deductions, and charges involved.

(b) *Verification of reports and payments.* (1) The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler upon whose disposition of milk and milk products such handler claims classification. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records, reports and facilities as will enable the market administrator to:

(i) Verify the receipts and disposition of all milk, and milk products, required to be reported pursuant to this section, and, in case of errors, or omissions, ascertain the correct figures;

(ii) Weigh, sample and test for butterfat content the milk received from producers and any milk product upon which classification depends; and

(iii) Verify the payments to producers prescribed in section 8.

(2) If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, it is necessary for the market administrator to examine the records of milk and milk products handled in a plant of a handler from which no milk is disposed of in the marketing area, such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, the market administrator finds that, subsequent to the delivery period for which the verification is being made, any milk of producers received during such delivery period was used in a class other than that in which it was first disposed of, such milk shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk shall be made in the billing computed for such handler for the delivery period following such reclassification.

SEC. 4. *Classification of milk*—(a) *Basis of classification.* The market administrator shall classify on the basis of the classes set forth in paragraph (b) of this section and subject to the conditions of paragraphs (c), (d), and (e), of this section, milk, skim milk, and cream from all sources received by a handler at a plant described under paragraphs (e) (1) and (e) (2) of section 1 and milk handled pursuant to paragraphs (e) (3), (f) (2), and (f) (3) of section 1. In establishing the classification as required in paragraph (b) of this section, the burden rests upon the handler who is the first receiver to account for all milk, skim milk, and cream received and to provide that such milk, skim milk, and cream has been utilized in a class other than in Class I.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk, skim milk, and cream disposed of in fluid form as milk, buttermilk, milk drinks (whether plain or flavored) and cream disposed of as fluid cream (including any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream), and all milk, skim milk, and cream not specifically accounted for as Class II milk.

(2) Class II milk shall be all milk, skim milk, and cream accounted for:

(i) As used to produce a product other than those specified in Class I milk;

(ii) As actual plant shrinkage, but not to exceed 1 percent of the total receipts of milk from producers; and

(iii) As actual plant shrinkage of milk received from sources other than producers and handlers: *Provided*, That if milk from producers is utilized in conjunction with other source milk, the shrinkage allocated to the milk received from producers shall not exceed its pro rata share computed on the basis of the proportion of the volumes received from the various sources to their total.

(c) *Interhandler and nonhandler transfers.* (1) Milk, skim milk, and cream disposed of, either by transfer or diversion, by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products shall be Class I milk: *Provided*, That if a different classification is agreed upon in writing signed by both the transferring handler and receiver and submitted to the market administrator on or before the 6th day after the end of the delivery period, then such milk shall be classified accordingly subject to verification by the market administrator. *And provided, further*, That in no event shall the amount allocated to any class be greater than the amount used in such class by the receiver; *And provided further*, That the classification of any such transfer or diversion of milk, skim milk, or cream between handlers shall be subject to allocation for each handler in the sequence set forth in paragraph (g) of this section.

(2) Milk or skim milk moved in fluid form from a plant of a handler to a plant from which no milk, skim milk, or cream is disposed of for fluid consumption (regardless of whether the latter plant is operated by such handler or a nonhandler) shall be Class II milk. Milk, skim milk, or cream moved in fluid form from the plant of a handler to a nonhandler's plant from which fluid milk, skim milk, or cream is distributed shall be Class I milk, except that any of this milk, skim milk, or cream shall be classified as Class II milk if used or disposed of by such establishment in other than fluid form, provided such use or disposition is made subject to verification by the market administrator.

(d) *Computation of class volumes.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute from the corrected report the amount of Class I milk and Class II milk as follows:

(1) Determine:

(i) The total pounds of milk received from producers (including the handler's own production); and

(ii) The total pounds of milk, skim milk, and other milk products received from other handlers and milk received from sources other than producers and other handlers as defined in section 1 (i); add together the resulting amounts.

(2) Determine the total pounds of butterfat received by multiplying by its respective average butterfat test the milk, skim milk, and other milk products determined under subparagraph (1) of this paragraph; add together the resulting amounts.

(3) Determine the total pounds of Class I milk as follows:

(i) Convert to quarts the quantity of milk and skim milk disposed of in fluid form as milk, buttermilk, and milk drinks, whether plain or flavored, and multiply by 2.15.

(ii) Multiply the result computed pursuant to subdivision (i) of this subparagraph by the average butterfat test thereof;

(iii) Multiply the actual weight of cream and cream products by their respective average butterfat tests;

(iv) Add together the resulting amounts computed pursuant to subdivision (iii) of this subparagraph;

(v) Divide the result obtained in subdivision (iii) of this subparagraph by 4 percent;

(vi) If the sum of the quantities of butterfat computed pursuant to subdivisions (ii) and (iv) of this subparagraph when added to the pounds of butterfat in Class II milk computed pursuant to subparagraph (4) (ii) of this paragraph is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, the butterfat shrinkage on milk from producers which exceeds 1 percent of such butterfat shall be divided by 4 percent;

(vii) Add together the resulting amounts computed pursuant to subdivisions (i), (v), and (vi) of this subparagraph.

(4) Determine the total pounds of Class II milk as follows:

(i) Compute the total pounds of butterfat used to produce a product other than those specified in Class I;

(ii) Add together the resulting amounts;

(iii) Subtract the total pounds of butterfat in Class I computed pursuant to subparagraphs (3) (ii) and (3) (iv) of this paragraph and the total pounds of butterfat computed pursuant to subdivision (ii) of this subparagraph, from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purpose of this paragraph (but in no event shall such plant shrinkage allowance exceed 1 percent of the butterfat in milk received from producers, plus actual plant shrinkage of butterfat received from sources other than producers and handlers) and shall be added to the result obtained in subdivision (ii) of this subparagraph; and

(iv) Divide the result obtained in subdivision (iii) of this subparagraph by 4 percent.

(e) *Reconciliation of utilization of milk by classes with receipts from producers.* (1) If the total utilization in the two classes for any handler as computed pursuant to paragraph (d) of this section, is less than the actual receipts (not including excess pursuant to section 6 (b)) the market administrator shall increase the total pounds of Class II milk for such handler by an amount equal to the difference.

(2) If the total utilization in the various classes for any handlers, as computed pursuant to paragraph (d) of this section, is greater than the actual receipts (not including excess pursuant to section 6 (b)), the market administrator shall decrease the total pounds of Class II milk for each handler by an amount equal to the difference.

(f) *Classification of producer milk.* The market administrator shall determine the classification of milk received by each handler from producers as follows:

(1) Subtract from the total pounds of milk in each class the total pounds of milk, skim milk, and cream received from other handlers and allocated to such class pursuant to paragraph (c) of this section; (2) Subtract from the remaining pounds of milk in each class, in series beginning with the lower-priced Class II milk, the total pounds of other source milk.

SEC. 5. *Minimum prices*—(a) *Class prices.* Subject to the provisions of section 8, each handler shall pay producers not less than the prices per hundredweight computed by the market administrator as follows:

(1) *Class I milk.* The price for Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amounts per hundredweight: $1.15 for the delivery periods of August, September, October, November, and December; $0.90 for the delivery periods July, January, February, and March; and $0.65 for the delivery periods of April, May, and June.

(2) *Class II milk.* The price for Class II milk shall be the price computed under subparagraph (3) of this paragraph.

(3) *Basic formula price.* The basic formula price to be used in determining the price for Class I and Class II milk pursuant to subparagraph (1) and (2) of this paragraph, shall be the price resulting from the following computation by the market administrator:

Determine, on the basis of milk of 4 percent butterfat content, the arithmetic average of the basic, or field, price per hundredweight reported by, and ascertained by the market administrator to have been paid by the following concerns at the manufacturing plants or places listed below for ungraded milk received during the delivery period:

Concern and Location
Pet Milk Company, Mayfield, Ky.
Ryan Milk Company, Murray, Ky.

Provided, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, then the higher of the following formula prices as computed under subdivisions (i) and (ii) of this subparagraph shall be used:

(i) (*a*) Multiply by 4.0 the average wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform the price reporting function) for the delivery period during which such milk was received;

(*b*) Add 20 percent thereof; and

(*c*) Add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids by spray process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by spray process for human consumption, published by the Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this

price reporting function) for the Chicago market during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such milk solids for the previous delivery period. In the event the carlot prices for nonfat dry milk solids by spray process for human consumption, f. o. b. manufacturing plant, are not so published, the average of the carlot prices for such milk solids delivered at Chicago, as published by any such agency, shall be used, and the following shall be used in lieu of the computation provided under subdivision (c): Add 3½ cents per hundred weight for each full one-half cent that the price of such nonfat dry milk solids for human consumption, delivered at Chicago, is above 6½ cents per pound.

(ii) To the average of the basic (or field) prices reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received during the delivery period at the following places for which prices are reported to the market administrator by the companies listed below or by the agency described in subdivision (i) (a) of this subparagraph:

Companies and Locations

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Wis.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add the higher of either of the amounts computed as follows:

(a) The butterfat differential determined pursuant to section (8) (f) multiplied by 5 or,

(b) The basic (or field) hundredweight prices paid for milk of 3.5 percent butterfat content received during the delivery period at the places listed in subdivision (ii) of this subparagraph divided by 35 and the result multiplied by 5.

(4) The prices used in determining the average manufacturing plant price pursuant to subparagraph (3) or (3) (ii) of this paragraph shall be those quoted for milk received at the respective plants, without deduction for hauling or other charges to be paid by the farm shipper.

(b) *Butterfat differential to handlers.* If any handler has received from producers milk containing more or less than 4 percent of butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 4 percent an amount computed by the market administrator as follows: to the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the agency described in paragraph (a) (3) (i) (a) of this section for the delivery period during which the milk was received, add 20 percent, and divide the result by 10.

(c) *Class volume reconciliation adjustment.* For the amount of milk involved in any reconciliation of class volume of milk, pursuant to section 4 (e) the handler shall be debited or credited, as the case may be, at the higher Class II price: *Provided,* That if such handler received from producers milk with an average test of butterfat of 4 percent or less and disposed of no milk, skim milk, or cream as a Class II milk product, such debit or credit, as the case may be, shall be made at the Class I price.

SEC. 6. *Application of provisions*—(a) *Handlers who are also producers.* No provisions hereof shall apply to a handler who is also a producer and who receives no milk from producers or an association of producers other than that of his own production, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

(b) *Payment for excess milk or butterfat.* In the event that a handler, after subtracting receipts from other handlers and receipts from sources determined as other than producers or handlers, has disposed of milk or butterfat, in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been received from them, such handler shall pay to producers, through the producer-settlement fund, the value of such milk or the milk equivalent of such butterfat in accordance with its utilization.

SEC. 7. *Determination of uniform prices to producers*—(a) *Computation of value for each handler.* For each delivery period the market administrator shall compute the value of milk of producers received by each handler, by multiplying the quantity in each class by the price applicable to such class and by adding together the resulting class values.

(b) *Computation and announcement of uniform prices.* The market administrator shall compute and announce the uniform price per hundredweight of producer milk containing 4 percent of butterfat for each delivery period, as follows:

(1) Combine into one total the respective values computed pursuant to (a) of this section, for all handlers who made the report prescribed by section 3 (a) for such delivery period, except those in default of payments required pursuant to section 8 (c) for the preceding delivery period;

(2) Subtract, if the average butterfat content of all milk received from producers is in excess of 4 percent or add, if such average butterfat content is less than 4 percent, the total value of the butterfat differential applicable pursuant to section 8 (f);

(3) Subtract for each delivery period an amount representing 60 cents per hundredweight of milk received by handlers, whose milk values are included under subparagraph (1) of this paragraph, from producers who produced under a dairy farm permit or rating issued or publicly designated by the proper health authorities for the production of Grade A milk;

(4) Add an amount representing the cash balance in the producer-settlement fund;

(5) Divide the amount computed pursuant to subparagraph (4) of this paragraph by the total hundredweight of milk of producers;

(6) Subtract from the figure computed pursuant to subparagraph (5) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers.

SEC. 8. *Payment for milk*—(a) *Time and method of payment.* Each handler shall make payment for milk received from producers during each delivery period as follows:

(1) *Partial payment.* On or before the 25th day of each delivery period each handler shall make payment to each producer at not less than the applicable uniform price of the preceding delivery period for the milk of such producer which was received by such handler during the first 15 days of the current delivery period.

(2) *Final payment.* On or before the 15th day after the end of each delivery period each handler shall make payment, subject to the butterfat differential in paragraph (f) of this section and less the payment made pursuant to subparagraph (1) of this paragraph, to each producer for the milk of such producer received by such handler, an amount computed by multiplying the hundredweight of such milk by the price computed pursuant to section 7 (b) (6).

(3) *Premiums for graded milk.* With respect to milk received by a handler from producers who produced milk during such delivery period under a dairy farm permit or rating issued or publicly designated by the proper health authorities for the production of Grade A, each handler shall pay such producer 60 cents per hundredweight in addition to payments made pursuant to subparagraph (2) of this paragraph.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain in a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to paragraphs (c) and (e) of this section, and out of which he shall make all payments pursuant to paragraphs (d) and (e) of this section: *Provided,* That payments due any handler shall be offset by payments due from such handler.

(c) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the classification value of his milk, computed pursuant to section 7 (a), for the delivery period is greater than the payments made to producers for such delivery period pursuant to paragraph (a) of this section.

(d) *Payments out of the producer-settlement fund.* On or before the 20th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers any amount by which the classification value of his milk, computed pursuant to section 7 (a), for the delivery period is less than the payments made to producers for such delivery period, pursuant to paragraph (a) of this section. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(e) *Adjustments of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (d) of this section the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(f) *Butterfat differential.* In making payments to each producer pursuant to paragraph (a) of this section, each handler shall add to the uniform price not less than or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent of butterfat content above or below 4 percent in milk received from such producer, the amount as shown in the following schedule for the butter price range in which falls the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture or other authorized federal agency, for the delivery period during which such milk was received:

Butter price range (cents):	*Butterfat differential (cents)*
17.499 or less	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

SEC. 9. *Expense of administration.* As his pro rata share of the expense incurred pursuant to section 2 (c) (4), each handler shall pay the market administrator on or before the 20th day after the end of each delivery period, five cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 6th day after the end of such delivery period, with respect to all receipts within the delivery period, of milk from producers (including such handler's own production). Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be delivered by it to plants from which no milk is disposed of in the marketing area.

SEC. 10. *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to paragraph (a) of section 8, with respect to all milk received from each producer, shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 6th day after the end of each delivery period; and, on or before the 20th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of September 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to section 8, as are authorized by such producers, and, on or before the 20th day after the end of each delivery period, pay over such deductions to the association rendering such services.

SEC. 11. *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

SEC. 12. *Suspension or termination*—(a) *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

SEC. 13. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

SEC. 14. *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Dated: May 23, 1947.

NOTE: Copies of this notice of hearing may be procured from the Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-5071; Filed, May 28, 1947; 8:54 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-403]

DOLL AND STUFFED TOY INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 20th day of May A. D. 1947.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Doll and Stuffed Toy Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than June 19, 1947. Opportunity to be heard orally will be afforded at the hearing beginning at 10:00 a. m., June 19, 1947, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street, N. W., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-5004; Filed, May 28, 1947; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Parts 230, 240, 250]

DISCLOSURES CONTRAVENING CODE OF WARTIME PRACTICES

PROPOSED REPEAL OF CERTAIN RULES

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to repeal § 230.171 (Rule 171) under the Securities Act of 1933, § 240.0-6 (Rule X-6) under the Securities Exchange Act of 1934, and § 250.105 (Rule U-105) under the Public Utility Holding Company Act of 1935, all of which relate to disclosures contravening the Code of Wartime Practices.

The foregoing action is proposed pursuant to the Securities Act of 1933, particularly section 19 (a) thereof, the Securities Exchange Act of 1934, particularly section 23 (a) thereof, and the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof.

The rules proposed to be repealed no longer appear to serve any useful purpose. In this connection it should be noted that § 230.581 (Rule 581) under the Securities Act of 1933, relating to contracts affecting the national defense, is not proposed to be repealed.

It is contemplated that information which has been filed with the Commission under separate confidential cover pursuant to §§ 230.171, 240.0-6 and 250.105 (Rules 171, X-6, U-105) may be made available from time to time by the Commission to the extent permitted by the declassification program of the War and Navy Departments.

All interested persons may submit data, views, and comments in writing to the Securities and Exchange Commission at its main office, 18th and Locust Streets, Philadelphia, 3, Pennsylvania, on or before June 11, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 21, 1947.

[F. R. Doc. 47-5062; Filed, May 28, 1947; 8:47 a. m.]

NOTICES

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51682]

EASTPORT STEAMSHIP CORP.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

MAY 23, 1947.

House flag and funnel mark of Eastport Steamship Corporation registered in accordance with § 3.81 (a), Customs Regulations of 1943.

The Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 28, 1908 (U. S. C., title 46, sec. 49), as modified by section 102, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), and in accordance with § 3.81 (a) of the Customs Regulations of 1943 (19 CFR 3.61 (a)), has registered the house flag and funnel mark of the Eastport Steamship Corporation described below:

(a) *House flag.* The house flag is rectangular in shap having a Prussian blue field with a white ball on which there is superimposed a Prussian blue letter "E." The hoist is 4 feet in height; the fly is 6 feet. The white ball in the center is approximately 3 feet in diameter. The initial letter "E" is 2½ feet in height, 1 foot in width, and has a stroke of 4 inches.

(b) *Funnel mark.* The funnel mark is to appear on a funnel of a dark yellow color which is 32 feet in height over all. The stack has a black band around the top which is 4 feet in width, including the collar on the stack, followed by a dark yellow band measuring 1 foot in width. The mark itself appears on each side of the stack centered in a fore-and-aft direction and consists of a white ball on a Prussian blue band on which there is superimposed a Prussian blue initial letter "E." The band on which that mark appears is 7 feet in width. The white ball is 5 feet in diameter. The initial letter "E" is 4 feet in heights, 2½ feet in width, and has a stroke of 5 inches.

Colored scale replica drawings of the house flag and of the funnel mark described above are on file with the Division of the Federal Register.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 47-5136; Filed, May 28, 1947; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

AIR-NAVIGATION SITE WITHDRAWAL NO. 236

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public land in Montana is hereby withdrawn from all forms of appropriation under the public land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 236.

PRINCIPAL MERIDIAN

T. 3 N., R. 9 W.,
Sec. 8, N½N½.

The area described contains 160 acres.

This order shall take precedence over, but shall not modify the order of the Acting Secretary of the Interior of November 3, 1936, establishing Montana Grazing District No. 5, so far as it affects the above-described land.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

MAY 1, 1947.

[F. R. Doc. 47-5061; Filed, May 28, 1947; 8:47 a. m.]

Coal Mines Administration

[Order CMAN-17]

FORD COLLIERIES CO.

CHANGES IN TERMS AND CONDITIONS OF EMPLOYMENT OF SUPERVISORY EMPLOYEES

By agreement dated April 7, 1947, between the Coal Mines Administrator and the United Clerical, Technical and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, and approved by the Secretary of the Interior and the President, United Mine Workers of America, certain changes in terms and conditions of employment of certain supervisory employees of the Francis and Berry Mines of the Ford Collieries Company were agreed upon. Such changes in terms and conditions of employment were ordered by a Special Board, appointed by the Secretary of Labor pursuant to Executive Order No. 9809, pursuant to section 5 of the War Labor Disputes Act which order was approved by the President on May 17, 1947.

Now therefore, pursuant to section 5 of the War Labor Disputes Act and the order of said Board, the Operating Manager for the United States is hereby directed to place into effect the changes in terms and conditions of employment of supervisory employees at the Francis and Berry Mines of the Ford Collieries Company embodied and provided for in the said agreement of April 7, 1947.

Attached hereto and made a part hereof is a copy of said agreement of April 7, 1947.

The changes in terms and conditions of employment covered by this order shall be effective as of April 7, 1947.

This order shall be deemed to be a specific direction or order within the meaning of the terms and provisions of the Revised Regulations for the Operation of Coal Mines Under Government Control. (11 F. R. 7567).

N. H. COLLISSON,
Captain, U. S. N. R.,
Coal Mines Administrator.

MAY 24, 1947.

AGREEMENT

This agreement between the Coal Mines Administrator under the authority of Executive Order No. 9728 (dated May 21, 1946, 11 F. R. 5593) and pursuant to the provision of section 11 of the Krug-Lewis Agreement of May 29, 1946, and the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, (hereinafter referred to as the Union) covers for the period of Government possession the terms and conditions of employment with respect to the Francis and Berry Mines of the Ford Collieries Company, Detroit, Michigan.

The term "supervisory employees", as used in this agreement, means only those supervisors of production and maintenance employees of the Francis and Berry Mines of the Ford Collieries Company, as defined and described in the Certification of Representatives and Order of the National Labor Relations Board, dated October 15, 1946, in Case No. 6-R-1213.

1. *Existing terms and conditions of employment preserved.* Except as amended and supplemented herein, this agreement carries forward and preserves the terms and conditions of employment for supervisory employees as they existed on May 22, 1946.

2. *Union recognition.* With respect to recognition of the Union as the sole and exclusive agency and representative of the supervisory employees, the Coal Mines Administrator will be guided by the decisions and procedure laid down by the National Labor Relations Board.

3. *Check off.* The Coal Mines Administrator will direct the operating manager that the Union dues of supervisory employees who are members of the Union, not exceeding Two Dollars ($2.00) per month, shall be checked off the wages of such supervisory employees (subject to the individual consent of such employees, the continuance of said consent being at the option of such employees but the option being exercisable only on one month's written notice to the management and the International Union) at a rate not to exceed One Dollar ($1.00) per pay period and shall be remitted to the Secretary-Treasurer of the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, not later than the first and sixteenth of each month and that no other assessments shall be so checked off except upon the written authorization of the International Executive Board of the United Mine Workers of America.

The Coal Mines Administrator will direct the operating manager that initiation fees of the Union, in sums not to exceed One Dollar ($1.00) per supervisory employee Union member in any one pay period, shall (subject to the individual consent of the supervisory employee) be deducted and remitted to the financial secretary of the local Union, in the same manner and subject to the same conditions as dues deductions. Under no circumstances shall the total initiation fee for any one man exceed Ten Dollars ($10.00).

4. *Discrimination and coercion.* The Coal Mines Administrator will use his good offices to the end that there shall be no discrimination, interference, restraint, or coercion directed by management or any of its agents against any supervisory employees because of Union membership or appropriate Union activities.

5. *Vacations.* Practice, as of the date of execution of this agreement, with respect to vacation pay of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

In accordance with and to the extent consistent with existing practice, vacations will, so far as practical, be granted at times most desired by the supervisory employees; *Provided*, That it does not interfere with the orderly operation of the mine.

6. *Seniority.* In accordance with and to the extent consistent with the practice now followed at each mine specified above, in all cases of promotion, demotion, increase or decrease of force, or lay-off, length of service and ability to perform the work shall be the determining factors.

Seniority shall be applied separately at each mine specified above.

Any supervisory employee, who (a) voluntarily leaves his employment, (b) fails to return to work without just cause within seven (7) days after notice to do so, or (c) is discharged for just cause, shall lose his seniority rights.

7. *Changes in classification of work.* In accordance with and to the extent consistent with existing practice, when a supervisory employee is required to fill the place of another employee receiving a higher rate of pay, he shall receive the higher rate of pay. Under no circumstances shall he receive a reduction in pay, when required temporarily to fill another job.

8. *Safety and health.* The Coal Mines Administrator will direct the operating manager to continue to make reasonable provisions for the safety and health of its supervisory employees and to operate the mines specified above in accordance with applicable mining laws of the state, the Federal Mine Safety Code, and other applicable safety rules.

9. *Supervisors' Mine Committee.* A supervisors' Mine Committee of three (3) members of each mine specified above shall be selected by the Union. Only supervisory employees may be members of this Committee and each member shall be eligible to serve as such only so long as he continues to be a supervisory employee. The functions of the Supervisors' Mine Committee are as described in section 10 of this agreement.

10. *Settlement of disputes.* Should differences arise between the Supervisory employees and the employer as to the meaning and application of the provisions of this agreement (including section 1 hereof), there shall be no suspension of or interference with work on account of such differences but an earnest effort shall be made to settle such differences immediately:

First. Between the aggrieved party and a representative of the Coal Mines Administrator.

Second. Through the Supervisors' Mine Committee and a representative of the Coal Mines Administrator.

Third. Through a representative of the Union and a representative of the Coal Mines Administrator.

Fourth. By a board consisting of four members, two of whom shall be designated by the Union and two by a representative of the Coal Mines Administrator.

Should the board fail to agree, the matter shall be referred to an arbitrator selected by the board. Should the board be unable to agree upon the selection of an arbitrator, he shall be designated by the International President of the Union and the Coal Mines Administrator or his representative.

In case either party shall request it prior to agreement upon a single arbitrator, a three man board of arbitration rather than a single arbitrator shall be constituted. This board shall consist of a chairman who shall be agreed upon in exactly the same manner as the single arbitrator above provided for, a representative chosen by the Union, and a representative chosen by the Coal Mines Administrator.

The arbitrator or the board of arbitration shall render in writing a decision which shall be final and conclusively binding upon the parties.

In the event that either party has requested arbitration by a three man board, the majority decision of such a board or, if a majority decision cannot be reached, the decision of the chairman shall be final and conclusively binding upon the parties.

11. *Discharge cases.* When a supervisory employee has been discharged from his employment and he believes that he has been unjustly dealt with, it shall be a case arising under the method of settling disputes provided in section 10 of this agrement. If, in any discharge case, it should be decided that an injustice has been dealt the supervisory employee, he shall be reinstated with or without back pay, in whole or in part; *Provided, however*, That any such case shall be taken up and disposed of within five (5) days from the date of discharge or as soon thereafter as possible.

12. *Wages.* Practice, as of the date of execution of this agreement, with respect to wages and hours of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

13. *Legal rights preserved.* (a) This agreement, directions of the Coal Mines Administrator hereunder, or compliance therewith by the management, shall in no sense be viewed as a waiver by the affected coal company or the Union of such rights as may be possessed by them including the right to a final judicial determination of the rights of supervisors under the National Labor Relations Act.

(b) The Union agrees that, in accordance with the procedure of the National Labor Relations Board, it will file as soon as practicable (but in no event later than 10 days after it receives a written notice from the Coal Mines Administrator to do so) a charge of refusal to bargain against Ford Collieries Company to the end that that company may have an opportunity to obtain a final judicial determination of the rights of supervisors at its mines under the National Labor Relations Act.

14. *Responsibilities of supervisory employees to management.* Supervisory employees shall at all times conduct themselves in a manner wholly consistent with the proper performance of the duties assigned to them. They shall not engage in any conduct which would directly or indirectly impair the lawful position of management in its relationship to any person or persons whose work is directed by management or any union which may represent such person or persons. The Union will use its best efforts to assure that the provisions of this section of the agreement are observed by the supervisory employees.

15. *Safety laws.* Nothing in this agreement shall be construed to modify existing obligations of the supervisory employees to conform to the requirements of applicable State or Federal safety laws or rules.

16. *Changes in law.* In the event that legislation, ultimate court decision, or action of the National Labor Relations Board nullifies or reverses the ruling of said Board in Case No. 6–R–1213, the Coal Mines Administrator reserves the right, on such notice as he may deem appropriate, to terminate this agreement. The Union reserves the same right.

In the event that legislation, ultimate court decision, or action of the National Labor Relations Board modifies the ruling of said Board in Case No. 6–R–1213, the Coal Mines Administrator and the Union agree that further discussion shall be had looking toward appropriate modification of this agreement. In the event that such modification is not agreed upon within what he may deem to be a reasonable time, the Coal Mines Administrator reserves the right to terminate this agreement on such notice as he may deem appropriate. The Union reserves the same right.

17. *General change in hours or wages or other monetary considerations of employment.* The parties to this agreement agree to meet in the city of Washington, D. C., within ten days of the date of execution of any agreement effecting a general change in the hours or wages or other monetary considerations of employment of rank and file employees in the mines specified above, for the purpose of negotiating a general change in the hours or wages or other monetary considerations of employment of supervisory employees.

Any change in the hours or wages or other monetary considerations of employment of supervisory employees, which is negotiated in accordance with the provisions of this section, shall be effective as of the effective date of the general change in the hours or wages or other monetary considerations of employment of rank and file employees which it is designed to accompany.

18. *Effective date.* This agreement is effective as of April 7, 1947 subject to the approval of appropriate Government agencies.

Signed at Washington, D. C., on the 7th day of April 1947.

N. H. COLLISSON,
Coal Mines Administrator.
JOHN MCALPINE,
President, The United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America.

Approved:

J. A. KRUG,
Secretary of the Interior.
JOHN L. LEWIS,
President, United Mine Workers of America.

[F. R. Doc. 47–5090; Filed, May 28, 1947; 8:46 a. m.]

NOTICES

[Order CMAN–18]

BUCKEYE COAL CO.

CHANGES IN TERMS AND CONDITIONS OF EMPLOYMENT OF SUPERVISORY EMPLOYEES

By agreement dated April 26, 1947, between the Coal Mines Administrator and the United Clerical, Technical and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, and approved by the Secretary of the Interior and the President, United Mine Workers of America, certain changes in terms and conditions of employment of certain supervisory employees of the Nemacolin Mine of the Buckeye Coal Company were agreed upon. Such changes in terms and conditions of employment were ordered by a Special Board, appointed by the Secretary of Labor pursuant to Executive Order No. 9809, pursuant to section 5 of the War Labor Disputes Act which order was approved by the President on May 17, 1947.

Now therefore, pursuant to section 5 of the War Labor Disputes Act and the order of said Board, the Operating Manager for the United States is hereby directed to place into effect the changes in terms and conditions of employment of supervisory employees at the Nemacolin Mine of the Buckeye Coal Company embodied and provided for in the said agreement of April 26, 1947.

Attached hereto and made a part hereof is a copy of said agreement of April 26, 1947.

The changes in terms and conditions of employment covered by this order shall be effective as of April 26, 1947.

This order shall be deemed to be a specific direction or order within the meaning of the terms and provisions of the Revised Regulations for the Operation of Coal Mines Under Government Control (11 F. R. 7567).

N. H. COLLISSON,
Captain, U. S. N. R.,
Coal Mines Administrator.

MAY 24, 1947.

AGREEMENT

This agreement between the Coal Mines Administrator under the authority of Executive Order No. 9728 (dated May 21, 1946, 11 F. R. 5593) and pursuant to the provision of section 11 of the Krug-Lewis Agreement of May 29, 1946, and the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America (hereinafter referred to as the Union), covers for the period of Government possession the terms and conditions of employment with respect to the Nemacolin Mine of the Buckeye Coal Company, Youngstown, Ohio.

The term "supervisory employees", as used in this agreement, means only those supervisors of production and maintenance employees of the Nemacolin Mine of the Buckeye Coal Company, as defined and described in the Certification of Representatives and Order of the National Labor Relations Board, dated January 9, 1947, in Case No. 6–R–1496.

1. *Existing terms and conditions of employment preserved.* Except as amended and supplemented herein, this agreement carries forward and preserves the terms and conditions of employment for supervisory employees as they existed on May 22, 1946.

2. *Union recognition.* With respect to recognition of the Union as the sole and exclusive agency and representative of the supervisory employees, the Coal Mines Administrator will be guided by the decisions and procedure laid down by the National Labor Relations Board.

3. *Check off.* The Coal Mines Administrator will direct the Operating Manager that the Union dues of supervisory employees who are members of the Union, not exceeding Two Dollars ($2.00) per month, shall be checked off the wages of such supervisory employees (subject to the individual consent of such employees, the continuance of said consent being at the option of such employees but the option being exercisable only on one month's written notice to the management and the International Union) at a rate not to exceed One Dollar ($1.00) per pay period and shall be remitted to the Secretary-Treasurer of the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, not later than the first and sixteenth of each month and that no other assessments shall be so checked off except upon the written authorization of the International Executive Board of the United Mine Workers of America.

The Coal Mines Administrator will direct the operating manager that initiation fees of the Union, in sums not to exceed One Dollar ($1.00) per supervisory employee Union member in any one pay period, shall (subject to the individual consent of the supervisory employee) be deducted and remitted to the financial secretary of the local Union, in the same manner and subject to the same conditions as dues deductions. Under no circumstances shall the total initiation fee for any one man exceed Ten Dollars ($10.00).

4. *Discrimination and coercion.* The Coal Mines Administrator will use his good offices to the end that there shall be no discrimination, interference, restraint, or coercion directed by management or any of its agents against any supervisory employee because of Union membership or appropriate Union activities.

5. *Vacations.* Practice, as of the date of execution of this agreement, with respect to vacation pay of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

In accordance with and to the extent consistent with existing practice, vacations will, so far as practical, be granted at times most desired by the supervisory employees, *Provided*, That it does not interfere with the orderly operation of the mine.

6. *Seniority.* In accordance with and to the extent consistent with the practice now followed at the mine specified above, in all cases of promotion, demotion, increase or decrease of force, or lay-off, length of service and ability to perform the work shall be the determining factors.

Any supervisory employee, who (a) voluntarily leaves his employment, (b) fails to return to work without just cause within seven (7) days after notice to do so, or (c) is discharged for just cause, shall lose his seniority rights.

7. *Changes in classification of work.* In accordance with and to the extent consistent with existing practice, when a supervisory employee is required to fill the place of another employee receiving a higher rate of pay, he shall receive the higher rate of pay. Under no circumstances shall he receive a reduction in pay, when required temporarily to fill another job.

8. *Safety and health.* The Coal Mines Administrator will direct the operating manager to continue to make reasonable provisions for the safety and health of the supervisory employees and to operate the mine specified above in accordance with applicable mining laws of the state, the Federal Mine Safety Code, and other applicable safety rules.

9. *Supervisors' Mine Committee.* A Supervisors' Mine Committee of three (3) members at the mine specified above shall be selected by the Union. Only supervisory employees may be members of this Committee and each member shall be eligible to serve as such only so long as he continues to be a supervisory employee. The functions of the Supervisors' Mine Committee are as described in section 10 of this agreement.

10. *Settlement of disputes.* Should differences arise between the supervisory employees and the employer as to the meaning and application of the provisions of this agreement (including section 1 hereof), there shall be no suspension of or interference with work on account of such differences but an earnest effort shall be made to settle such differences immediately:

First. Between the aggrieved party and a representative of the Coal Mines Administrator.

Second. Through the Supervisors' Mine Committee and a representative of the Coal Mines Administrator.

Third. Through a representative of the Union and a representative of the Coal Mines Administrator.

Fourth. By a board consisting of four members, two of whom shall be designated by the Union and two by a representative of the Coal Mines Administrator.

Should the board fail to agree, the matter shall be referred to an arbitrator selected by the board. Should the board be unable to agree upon the selection of an arbitrator, he shall be designated by the International President of the Union and the Coal Mines Administrator or his representative.

In case either party shall request it prior to agreement upon a single arbitrator, a three man board of arbitration rather than a single arbitrator shall be constituted. This board shall consist of a chairman who shall be agreed upon in exactly the same manner as the single arbitrator above provided for, a representative chosen by the Union, and a representative chosen by the Coal Mines Administrator.

The arbitrator or the board of arbitration shall render in writing a decision which shall be final and conclusively binding upon the parties.

In the event that either party has requested arbitration by a three man board, the majority decision of such a board or, if a majority decision cannot be reached, the decision of the chairman shall be final and conclusively binding upon the parties.

11. *Discharge cases.* When a supervisory employee has been discharged from his employment and he believes that he has been unjustly dealt with, it shall be a case arising under the method of settling disputes provided in section 10 of this agreement. If, in any discharge case, it should be decided that an injustice has been dealt the supervisory employee, he shall be reinstated with or without back pay, in whole or in part: *Provided, however*, That any such case shall be taken up and disposed of within five (5) days from the date of discharge or as soon thereafter as possible.

12. *Wages.* Practice, as of the date of execution of this agreement, with respect to wages and hours of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

13. *Legal rights preserved.* (a) This agreement, directions of the Coal Mines Administrator hereunder, or compliance therewith by the management, shall in no sense be viewed as a waiver by the affected coal company or the Union of such rights as may be possessed by them including the right to a final judicial determination of the rights of supervisors under the National Labor Relations Act.

(b) The Union agrees that, in accordance with the procedure of the National Labor Relations Board, it will file as soon as practicable (but in no event later than 10 days after it receives a written notice from the Coal Mines Administrator to do so) a charge of refusal to bargain against Buckeye Coal Company to the end that that company may have an opportunity to obtain a final judicial determination of the rights of supervisors at its mine under the National Labor Relations Act.

14. *Responsibilities of supervisory employees to management.* Supervisory employees shall at all times conduct themselves in a manner wholly consistent with the proper performance of the duties assigned to them. They shall not engage in any conduct which would directly or indirectly impair the lawful position of management in its relationship to any person or persons whose work is directed by management or any union which may represent such person or persons. The Union will use its best efforts to assure that the provisions of this section of the agreement are observed by the supervisory employees.

15. *Safety laws.* Nothing in this agreement shall be construed to modify existing obligations of the supervisory employees to conform to the requirements of applicable state or Federal safety laws or rules.

16. *Changes in law.* In the event that legislation, ultimate court decision, or action of the National Labor Relations Board nullifies or reverses the ruling of said Board in Case No. 6–R–1496, the Coal Mines Administrator reserves the right, on such notice as he may deem appropriate, to terminate this agreement. The Union reserves the same right.

In the event that legislation, ultimate court decision, or action of the National Labor Relations Board modifies the ruling of said Board in Case No. 6–R–1496, the Coal Mines Administrator and the Union agree that further discussion shall be had looking toward appropriate modification of this agreement. In the event that such modification is not agreed upon within what he may deem to be a reasonable time, the Coal Mines Administration reserves the right to terminate this agreement on such notice as he may deem appropriate. The Union reserves the same right.

17. *General change in hours or wages or other monetary considerations of employment.* The parties to this agreement agree to meet in the city of Washington, D. C., within ten days of the date of execution of any agreement effecting a general change in the hours or wages or other monetary considerations of employment of rank and file employees in the mine specified above, for the purpose of negotiating a general change in the hours or wages or other monetary considerations of employment of supervisory employees.

Any change in the hours or wages or other monetary considerations of employment of supervisory employees, which is negotiated in accordance with the provisions of this section, shall be effective as of the effective date of the general change in the hours or wages or other monetary considerations of employment of rank and file employees which it is designed to accompany.

18. *Effective date.* This agreement is effective as of April 26, 1947 subject to the approval of appropriate Government agencies.

Signed at Washington, D. C., on the 26th day of April 1947.

N. H. COLLISSON,
Coal Mines Administrator.
JOHN MCALPINE,
President, The United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America.

Approved:

J. A. KRUG,
Secretary of the Interior.
JOHN L. LEWIS,
President, United Mine Workers of America.

[F. R. Doc. 47–5091; Filed, May 28, 1947; 8:46 a. m.]

[Order CMAN–19]

WENDEL COAL CO.

CHANGES IN TERMS AND CONDITIONS OF EMPLOYMENT OF SUPERVISORY EMPLOYEES

By agreement dated April 26, 1947, between the Coal Mines Administrator and the United Clerical, Technical and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, and approved by the Secretary of the Interior and the President, United Mine Workers of America, certain changes in terms and conditions of employment of certain supervisory employees of the No. 1 and No. 2 Mines of the Wendel Coal Company were agreed upon. Such changes in terms and conditions of employment were ordered by a Special Board, appointed by the Secretary of Labor pursuant to Executive Order No. 9809, pursuant to section 5 of the War Labor Disputes Act which order was approved by the President on May 17, 1947.

Now therefore, pursuant to section 5 of the War Labor Disputes Act and the order of said Board, the Operating Manager for the United States is hereby directed to place into effect the changes in terms and conditions of employment of supervisory employees at the No. 1 and No. 2 Mines of the Wendel Coal Company embodied and provided for in the said agreement of April 26, 1947.

Attached hereto and made a part hereof is a copy of said agreement of April 26, 1947.

The changes in terms and conditions of employment covered by this order shall be effective as of April 26, 1947.

This order shall be deemed to be a specific direction or order within the meaning of the terms and provisions of the Revised Regulations for the Operation of Coal Mines Under Government Control. (11 F. R. 7567)

N. H. COLLISSON,
Captain, U. S. N. R.,
Coal Mines Administrator.

MAY 24, 1947.

AGREEMENT

This agreement between the Coal Mines Administrator under the authority of Executive Order No. 9728 (dated May 21, 1946, 11 F. R. 5593) and pursuant to the provision of section 11 of the Krug-Lewis Agreement of May 29, 1946, and the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America (hereinafter referred to as the Union), covers for the period of Government possession the terms and conditions of employment with respect to the No. 1 and No. 2 Mines of the Wendel Coal Company, Wendel, West Virginia.

The term "supervisory employees", as used in this agreement, means only those supervisors of production and maintenance employees of the No. 1 and No. 2 Mines of the Wendel Coal Company, as referred to in the finding and determination in the Report On Cross Check of the National Labor Relations Board, dated October 24, 1946 in Case No. 6–R–1598.

1. *Existing terms and conditions of employment preserved.* Except as amended and supplemented herein, this agreement carries forward and preserves the terms and conditions of employment for supervisory employees as they existed on May 22, 1946.

2. *Union recognition.* With respect to recognition of the Union as the sole and

exclusive agency and representative of the supervisory employees, the Coal Mines Administrator will be guided by the decisions and procedure laid down by the National Labor Relations Board.

3. *Check off.* The Coal Mines Administrator will direct the operating manager that the Union dues of supervisory employees who are members of the Union, not exceeding Two Dollars ($2.00) per month, shall be checked off the wages of such supervisory employees (subject to the individual consent of such employees, the continuance of said consent being at the option of such employees but the option being exercisable only on one month's written notice to the management and the International Union) at a rate not to exceed One Dollar ($1.00) per pay period and shall be remitted to the Secretary-Treasurer of the United Clerical, Technical and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, not later than the first and sixteenth of each month and that no other assessments shall be so checked off except upon the written authorization of the International Executive Board of the United Mine Workers of America.

The Coal Mines Administrator will direct the operating manager that initiation fees of the Union, in sums not to exceed One Dollar ($1.00) per supervisory employee Union member in any one pay period, shall (subject to the individual consent of the supervisory employee) be deducted and remitted to the financial secretary of the local Union, in the same manner and subject to the same conditions as dues deductions. Under no circumstances shall the total initiation fee for any one man exceed Ten Dollars ($10.00).

4. *Discrimination and coercion.* The Coal Mines Administrator will use his good offices to the end that there shall be no discrimination, interference, restraint, or coercion directed by management or any of its agents against any supervisory employees because of Union membership or appropriate Union activities.

5. *Vacations.* Practice, as of the date of execution of this agreement, with respect to vacation pay of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

In accordance with and to the extent consistent with existing practice, vacations will, so far as practical, be granted at times most desired by the supervisory employees, *Provided*, That it does not interfere with the orderly operation of the mine.

6. *Seniority.* In accordance with and to the extent consistent with the practice now followed at each mine specified above, in all cases of promotion, demotion, increase or decrease of force, or lay-off, length of service and ability to perform the work shall be the determining factors.

Seniority shall be applied separately at each mine specified above.

Any supervisory employee, who (a) voluntarily leaves his employment, (b) fails to return to work without just cause within seven (7) days after notice to do so, or (c) is discharged for just cause, shall lose his seniority rights.

7. *Changes in classification of work.* In accordance with and to the extent consistent with existing practice, when a supervisory employee is required to fill the place of another employee receiving a higher rate of pay, he shall receive the higher rate of pay. Under no circumstances shall he receive a reduction in pay, when required temporarily to fill another job.

8. *Safety and health.* The Coal Mines Administrator will direct the operating manager to continue to make reasonable provisions for the safety and health of the supervisory employees and to operate the mines specified above in accordance with applicable mining laws of the state, the Federal Mine Safety Code, and other applicable safety rules.

9. *Supervisors' Mine Committee.* A Supervisors' Mine Committee of three (3) members at each mine specified above shall be selected by the Union. Only supervisory employees may be members of this Committee and each member shall be eligible to serve as such only so long as he continues to be a supervisory employee. The functions of the Supervisors' Mine Committee are as described in section 10 of this agreement.

10. *Settlement of disputes.* Should differences arise between the supervisory employees and the employer as to the meaning and application of the provisions of this agreement (including section 1 hereof), there shall be no suspension of or interference with work on account of such differences but an earnest effort shall be made to settle such differences immediately:

First. Between the aggrieved party and a representative of the Coal Mines Administrator.

Second. Through the Supervisors' Mine Committee and a representative of the Coal Mines Administrator.

Third. Through a representative of the Union and a representative of the Coal Mines Administrator.

Fourth. By a board consisting of four members, two of whom shall be designated by the Union and two by a representative of the Coal Mines Administrator.

Should the board fail to agree, the matter shall be referred to an arbitrator selected by the board. Should the board be unable to agree upon the selection of an arbitrator, he shall be designated by the International President of the Union and the Coal Mines Administrator or his representative.

In case either party shall request it prior to agreement upon a single arbitrator, a three man board of arbitration rather than a single arbitrator shall be constituted. This board shall consist of a chairman who shall be agreed upon in exactly the same manner as the single arbitrator above provided for, a representative chosen by the Union, and a representative chosen by the Coal Mines Administrator.

The arbitrator or the board of arbitration shall render in writing a decision which shall be final and conclusively binding upon the parties.

In the event that either party has requested arbitration by a three man board, the majority decision of such a board or, if a majority decision cannot be reached, the decision of the chairman shall be final and conclusively binding upon the parties.

11. *Discharge cases.* When a supervisory employee has been discharged from his employment and he believes that he has been unjustly dealt with, it shall be a case arising under the method of settling disputes provided in section 10 of this agreement. If, in any discharge case, it should be decided that an injustice has been dealt the supervisory employee, he shall be reinstated with or without back pay, in whole or in part: *Provided, however,* That any such case shall be taken up and disposed of within five (5) days from the date of discharge or as soon thereafter as possible.

12. *Wages.* Practice, as of the date of execution of this agreement, with respect to wages and hours of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with Section 17 of this agreement.

13. *Legal rights preserved.* (a) This agreement, directions of the Coal Mines Administrator hereinunder, or compliance therewith by the management, shall in no sense be viewed as a waiver by the affected coal company or the Union of such rights as may be possessed by them including the right to a final judicial determination of the rights of supervisors under the National Labor Relations Act.

(b) The Union agrees that, in accordance with the procedure of the National Labor Relations Board, it will file as soon as practicable (but in no event later than 10 days after it receives a written notice from the Coal Mines Administrator to do so a charge of refusal to bargain against Wendel Coal Company to the end that that company may have an opportunity to obtain a final judicial determination of the rights of supervisors at its mines under the National Labor Relations Act.

14. *Responsibilities of supervisory employees to management.* Supervisory employees shall at all times conduct themselves in a manner wholly consistent with the proper performance of the duties assigned to them. They shall not engage in any conduct which would directly or indirectly impair the lawful position of management in its relationship to any person or persons whose work is directed by management or any union which may represent such person or persons. The Union will use its best efforts to assure that the provisions of this section of the agreement are observed by the supervisory employees.

15. *Safety laws.* Nothing in this agreement shall be construed to modify existing obligations of the supervisory employees to conform to the requirements of applicable state or Federal safety laws or rules.

16. *Changes in law.* In the event that legislation, ultimate court decision, or action of the National Labor Relations Board nullifies or reverses the finding and determination of said Board in Case No. 6–R–1598, the Coal Mines Administrator reserves the right, on such notice as he may deem appropriate, to terminate this agreement. The Union reserves the same right.

In the event that legislation, ultimate court decision, or action of the National Labor Relations Board modifies the finding and determination of said Board in Case No. 6–R–1598, the Coal Mines Administrator and the Union agree that further discussion shall be had looking toward appropriate modification of this agreement. In the event that such modification is not agreed upon within what he may deem to be a reasonable time, the Coal Mines Administrator reserves the right to terminate this agreement on such notice as he may deem appropriate. The Union reserves the same right.

17. *General change in hours or wages or other monetary considerations of employment.* The parties to this agreement agree to meet in the city of Washington, D. C., within ten days of the date of execution of any agreement effecting a general change in the hours or wages or other monetary considerations of employment of rank and file employees in the mines specified above, for the purpose of negotiating a general change in the hours or wages or other monetary considerations of employment of supervisory employees.

Any change in the hours or wages or other monetary considerations of employment of supervisory employees, which is negotiated in accordance with the provisions of this section, shall be effective as of the effective date of the general change in the hours or wages or other monetary considerations of employment of rank and file employees which it is designed to accompany.

18. *Effective date.* This agreement is effective as of April 26, 1947 subject to the approval of appropriate Government agencies.

Signed at Washington, D. C., on the 26th day of April 1947.

N. H. COLLISSON,
Coal Mines Administrator.
JOHN McALPINE,
President, The United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America.

Approved.

J. A. KRUG,
Secretary of the Interior.
JOHN L. LEWIS,
President, United Mine Workers of America.

[F. R. Doc. 47-5092; Filed, May 28, 1947; 8:46 a. m.]

[Order CMAN-20]

PENNSYLVANIA COAL AND COKE CORP.

CHANGES IN TERMS AND CONDITIONS OF EMPLOYMENT OF SUPERVISORY EMPLOYEES

By agreement dated April 26, 1947, between the Coal Mines Administrator and the United Clerical, Technical and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, and approved by the Secretary of the Interior and the President, United Mine Workers of America, certain changes in terms and conditions of employment of certain supervisory employees of the Ehrenfeld No. 3, Ehrenfeld No. 8 and Marsteller No. 22 Mines of the Pennsylvania Coal and Coke Corporation were agreed upon. Such changes in terms and conditions of employment were ordered by a Special Board, appointed by the Secretary of Labor pursuant to Executive Order No. 9809, pursuant to section 5 of the War Labor Disputes Act which order was approved by the President on May 17, 1947.

Now therefore, pursuant to section 5 of the War Labor Disputes Act and the order of said Board, the Operating Manager for the United States is hereby directed to place into effect the changes in terms and conditions of employment of supervisory employees at the Ehrenfeld No. 3, Ehrenfeld No. 8, and Marsteller No. 22 Mines of the Pennsylvania Coal and Coke Corporation embodied and provided for in the said Agreement of April 26, 1947.

Attached hereto and made a part hereof is a copy of said agreement of April 26, 1947.

The changes in terms and conditions of employment covered by this order shall be effective as of April 26, 1947.

This order shall be deemed to be a specific direction or order within the meaning of the terms and provisions of the Revised Regulations for the Operation of Coal Mines Under Government Control. (11 F. R. 7567).

N. H. COLLISSON,
Captain, U. S. N. R.,
Coal Mines Administrator.

MAY 24, 1947.

AGREEMENT

This agreement between the Coal Mines Administrator under the authority of Executive Order No. 9728 (dated May 21, 1946, 11 F. R. 5593) and pursuant to the provision of section 11 of the Krug-Lewis Agreement of May 29, 1946, and the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America (hereinafter referred to as the Union), covers for the period of Government possession the terms and conditions of employment with respect to the Ehrenfeld No. 3, Ehrenfeld No. 8, and Marsteller No. 22 Mines of the Pennsylvania Coal and Coke Corporation, New York, New York.

The term "supervisory employees," as used in this agreement, means only those supervisors of production and maintenance employees of the Ehrenfeld No. 3, Ehrenfeld No. 8, and Marsteller No. 22 Mines of the Pennsylvania Coal and Coke Corporation, New York, New York, as defined and described in the Certification of Representatives and Order of the National Labor Relations Board, dated October 15, 1946, in Case No. 6–R–1211.

1. *Existing terms and conditions of employment preserved.* Except as amended and supplemented herein, this agreement carries forward and preserves the terms and conditions of employment for supervisory employees as they existed on May 22, 1946.

2. *Union recognition.* With respect to recognition of the Union as the sole and exclusive agency and representative of the Supervisory employees, the Coal Mines Administrator will be guided by the decisions and procedure laid down by the National Labor Relations Board.

3. *Check off.* The Coal Mines Administrator will direct the operating manager that the Union dues of supervisory employees who are members of the Union, not exceeding Two Dollars ($2.00) per month, shall be checked off the wages of such supervisory employees (subject to the individual consent of such employees, the continuance of said consent being at the option of such employees but the option being exercisable only on one month's written notice to the management and the International Union) at a rate not to exceed One Dollar ($1.00) per pay period and shall be remitted to the Secretary-Treasurer of the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, not later than the first and sixteenth of each month and that no other assessments shall be so checked off except upon the written authorization of the International Executive Board of the United Mine Workers of America.

The Coal Mines Administrator will direct the operating manager that initiation fees of the Union, in sums not to exceed One Dollar ($1.00) per supervisory employee Union member in any one pay period, shall (subject to the individual consent of the supervisory employee) be deducted and remitted to the financial secretary of the local Union, in the same manner and subject to the same conditions as dues deductions. Under no circumstances shall the total initiation fee for any one man exceed Ten Dollars ($10.00).

4. *Discrimination and coercion.* The Coal Mines Administrator will use his good offices to the end that there shall be no discrimination, interference, restraint, or coercion directed by management or any of its agents against any supervisory employees because of Union membership or appropriate Union activities.

5. *Vacations.* Practice, as of the date of execution of this agreement, with respect to vacation pay of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

In accordance with and to the extent consistent with existing practice, vacations will, so far as practical, be granted at times most desired by the supervisory employees, *Provided*, That it does not interfere with the orderly operation of the mines.

6. *Seniority.* In accordance with and to the extent consistent with the practice now followed at each mine specified above, in all cases of promotion, demotion, increase or decrease of force, or lay-off, length of service and ability to perform the work shall be the determining factors.

Seniority shall be applied separately at each mine specified above.

Any supervisory employee, who (a) voluntarily leaves his employment, (b) fails to return to work without just cause within seven (7) days after notice to do so, or (c) is discharged for just cause, shall lose his seniority rights.

7. *Changes in classification of work.* In accordance with and to the extent consistent with existing practice, when a supervisory employee is required to fill the place of another employee receiving a higher rate of pay, he shall receive the higher rate of pay. Under no circumstances shall he receive a reduction in pay, when required temporarily to fill another job.

8. *Safety and health.* The Coal Mines Administrator will direct the operating manager to continue to make reasonable provisions for the safety and health of the supervisory employees and to operate the mines specified above in accordance with applicable mining laws of the state, the Federal Mine Safety Code, and other applicable safety rules.

9. *Supervisors' mine committee.* A Supervisors' Mine Committee of three (3) members at each mine specified above shall be selected by the Union. Only supervisory employees may be members of this Committee and each member shall be eligible to serve as such only so long as he continues to be a supervisory employee. The functions of the Supervisors' Mine Committee are as described in section 10 of this agreement.

10. *Settlement of disputes.* Should differences arise between the supervisory employees and the employer as to the meaning and application of the provisions of this agreement (including section 1 hereof), there shall be no suspension of or interference with work on account of such differences but an earnest effort shall be made to settle such differences immediately:

First. Between the aggrieved party and a representative of the Coal Mines Administrator.

Second. Through the Supervisors' Mine Committee and a representative of the Coal Mines Administrator.

Third. Through a representative of the Union and a representative of the Coal Mines Administrator.

Fourth. By a board consisting of four members, two of whom shall be designated by the Union and two by a representative of the Coal Mines Administrator.

Should the board fail to agree, the matter shall be referred to an arbitrator selected by the board. Should the board be unable to agree upon the selection of an arbitrator, he shall be designated by the International President of the Union and the Coal Mines Administrator or his representative.

In case either party shall request it prior to agreement upon a single arbitrator, a three man board of arbitration rather than a single arbitrator shall be constituted. This board shall consist of a chairman who shall be agreed upon in exactly the same manner as the single arbitrator above provided for, a representative chosen by the Union, and a representative chosen by the Coal Mines Administrator.

The arbitrator or the board of arbitration shall render in writing a decision which shall be final and conclusively binding upon the parties.

In the event that either party has requested arbitration by a three man board,

the majority decision of such a board or, if a majority decision cannot be reached, the decision of the chairman shall be final and conclusively binding upon the parties.

11. *Discharge cases.* When a supervisory employee has been discharged from his employment and he believes that he has been unjustly dealt with, it shall be a case arising under the method of settling disputes provided in Section 10 of this agreement. If, in any discharge case, it should be decided that an injustice has been dealt the supervisory employee, he shall be reinstated with or without back pay, in whole or in part, *Provided, however,* That any such case shall be taken up and disposed of within five (5) days from the date of discharge or as soon thereafter as possible.

12. *Wages.* Practice, as of the date of execution of this agreement, with respect to wages and hours of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

13. *Legal rights preserved.* (a) This agreement, directions of the Coal Mines Administrator hereunder, or compliance therewith by the management, shall in no sense be viewed as a waiver by the affected coal company or the Union of such rights as may be possessed by them including the right to a final judicial determination of the rights of supervisors under the National Labor Relations Act.

(b) The Union agrees that, in accordance with the procedure of the National Labor Relations Board, it will file as soon as practicable (but in no event later than 10 days after it receives a written notice from the Coal Mines Administrator to do so) a charge of refusal to bargain against Pennsylvania Coal and Coke Corporation to the end that that company may have an opportunity to obtain a final judicial determination of the rights of supervisors at its mines under the National Labor Relations Act.

14. *Responsibilities of supervisory employees to management.* Supervisory employees shall at all times conduct themselves in a manner wholly consistent with the proper performance of the duties assigned to them. They shall not engage in any conduct which would directly or indirectly impair the lawful position of management in its relationship to any person or persons whose work is directed by management or any union which may represent such person or persons. The Union will use its best efforts to assure that the provisions of this section of the agreement are observed by the supervisory employees.

15. *Safety laws.* Nothing in this agreement shall be construed to modify existing obligations of the supervisory employees to conform to the requirements of applicable state or Federal safety laws or rules.

16. *Changes in law.* In the event that legislation, ultimate court decision, or action of the National Labor Relations Board nullifies or reverses the ruling of said Board in Case No. 6–R–1211, the Coal Mines Administrator reserves the right, on such notice as he may deem appropriate, to terminate this agreement. The Union reserves the same right.

In the event that legislation, ultimate court decision, or action of the National Labor Relations Board modifies the ruling of said Board in Case No. 6–R–1211, the Coal Mines Administrator and the Union agree that further discussion shall be had looking toward appropriate modification of this agreement. In the event that such modification is not agreed upon within what he may deem to be a reasonable time, the Coal Mines Administrator reserves the right to terminate this agreement on such notice as he may deem appropriate. The Union reserves the same right.

17. *General change in hours or wages or other monetary considerations of employment.* The parties to this agreement agree to meet in the city of Washington, D. C., within ten days of the date of execution of any agreement effecting a general change in the hours or wages or other monetary considerations of employment of rank and file employees in the mines specified above, for the purpose of negotiating a general change in the hours or wages or other monetary considerations of employment of supervisory employees.

Any change in the hours or wages or other monetary considerations of employment of supervisory employees, which is negotiated in accordance with the provisions of this section, shall be effective as of the effective date of the general change in the hours or wages or other monetary considerations of employment of rank and file employees which it is designed to accompany.

18. *Effective date.* This agreement is effective as of April 26, 1947 subject to the approval of appropriate Government agencies.

Signed at Washington, D. C., on the 26th day of April 1947.

N. H. COLLISSON,
Coal Mines Administrator.
JOHN McALPINE,
President, The United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America.

Approved:
J. A. KRUG,
Secretary of the Interior.
JOHN L. LEWIS,
President, United Mine Workers of America.

[F. R. Doc. 47–5093; Filed, May 28, 1947; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1262]

ALLOCATION OF FUNDS FOR LOANS

APRIL 30, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Colorado 7M Mesa	$125,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5072; Filed, May 28, 1947; 8:54 a. m.]

[Administrative Order 1263]

ALLOCATION OF FUNDS FOR LOANS

MAY 2, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kentucky 20K McCracken	$330,000
Kentucky 33M Daviess	400,000
Louisiana 9R Lafayette	350,000
North Dakota 26B LaMoure	300,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5073; Filed, May 28, 1947; 8:54 a. m.]

[Administrative Order 1264]

ALLOCATION OF FUNDS FOR LOANS

MAY 2, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 47A Arab	$645,000
Colorado 22L Boulder	164,000
Kansas 32S Reno	407,000
North Carolina 43N Jones	296,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5074; Filed, May 28, 1947; 8:54 a. m.]

[Administrative Order 1265]

ALLOCATION OF FUNDS FOR LOANS

MAY 2, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kansas 14P Sumner-Cowley	$480,000
Nebraska 91B Franklin	251,600
North Carolina 35K Davidson	60,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5075; Filed, May 28, 1947; 8:54 a. m.]

[Administrative Order 1266]

ALLOCATION OF FUNDS FOR LOANS

MAY 2, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 26L Fulton	$377,000
Illinois 44K Carroll	162,000
Montana 28B McCone	225,000
Oklahoma 25N Rogers	211,000
Wyoming 14L Laramie	138,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5076; Filed, May 28, 1947; 8:55 a. m.]

[Administrative Order 1267]

ALLOCATION OF FUNDS FOR LOANS

MAY 2, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Missouri 49M Howell	$785,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5077; Filed, May 28, 1947; 8:55 a. m.]

[Administrative Order 1268]

ALLOCATION OF FUNDS FOR LOANS

MAY 2, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Minnesota 63T Scott	$110,000
Missouri 56K Sullivan	105,000
Montana 25D Sheridan	87,000
South Carolina 22L Fairfield	355,000
Texas 100N Washington	435,000
Virginia 29U Nelson	373,000
Wisconsin 19N Chippewa	493,000
Wisconsin 21F Taylor	255,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5078; Filed, May 28, 1947; 8:55 a. m.]

[Administrative Order 1269]

ALLOCATION OF FUNDS FOR LOANS

MAY 5, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Maine 2L Penobscot	$186,000
Missouri 38H Reynolds	288,000
Missouri 47L Cooper	84,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5079; Filed, May 28, 1947; 8:55 a. m.]

[Administrative Order 1270]

ALLOCATION OF FUNDS FOR LOANS

MAY 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Florida 26K Hardee	$75,000
Georgia 86N Seminole	420,000
North Carolina 37L Davie	22,000
North Carolina 51F Hoke	680,000
Oklahoma 33F Latimer	242,000
South Dakota 12K Minnehaha	350,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5080; Filed, May 28, 1947; 8:55 a. m.]

[Administrative Order 1271]

ALLOCATION OF FUNDS FOR LOANS

MAY 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
South Dakota 36A Edmunds	$610,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5081; Filed, May 28, 1947; 8:55 a. m.]

[Administrative Order 1272]

ALLOCATION OF FUNDS FOR LOANS

MAY 7, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount set forth in the following schedule:

Project designation:	*Amount*
Louisiana 13M East Baton Rouge	$270,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5082; Filed, May 28, 1947; 8:55 a. m.]

[Administrative Order No. 1273]

ALLOCATION OF FUNDS FOR LOANS

MAY 8, 1947.

By virtue of the authority vested in my by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Missouri 26K Ralls	$433,000
Missouri 36H Audrain	610,000
Missouri 57E Lincoln	2,279,000
Missouri 64A Pike	576,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5083; Filed, May 28, 1947; 8:56 a. m.]

[Administrative Order 1274]

ALLOCATION OF FUNDS FOR LOANS

MAY 9, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 15M Woodruff	$130,000
Kansas 13M Brown	175,000
Kansas 40D Leavenworth	230,000
Michigan 43F Chippewa	370,000
Montana 21H Big Horn	150,000
North Dakota 36C Mountrail	300,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47–5084; Filed, May 28, 1947; 8:56 a. m.]

[Administrative Order 1275]

ALLOCATION OF FUNDS FOR LOANS

MAY 9, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 88P Telfair	$140,000
Kansas 48C Ford	620,000
South Dakota 32A Charles Mix	425,000
Texas 99K Jones	295,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47–5085; Filed, May 28, 1947; 8:56 a. m.]

[Administrative Order 1276]

ALLOCATION OF FUNDS FOR LOANS

MAY 9, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arizona 14K Cochise	$440,000
Florida 14W Clay	600,000
Kansas 41B Wilson	425,000
Louisiana 15H Pointe Coupee	110,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 47–5086; Filed, May 28, 1947; 8:56 a. m.]

[Administrative Order 1277]

ALLOCATION OF FUNDS FOR LOANS

MAY 14, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alaska 3D Kodiak	$310,000
Nebraska 77AF Norris District Public	235,000
North Carolina 46M Madison	710,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 47–5087; Filed, May 28, 1947; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2945]

TRANS-CANADA AIR LINES

NOTICE OF HEARING

In the matter of the application of Trans-Canada Air Lines under section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing foreign air transportation of persons, property and mail between Winnipeg, Manitoba, Canada and Toronto, Ontario, Canada, via Sault Ste. Marie, Michigan.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of the said act, that a hearing in the above-entitled matter is assigned to be held on May 29, 1947, at 10 a. m. (eastern daylight saving time) in Room 1302, Temporary "T" Building, Constitution Avenue between 12th and 14th Streets, NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing, and able to perform the proposed transaction and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention, or agreement in force between the United States and the Dominion of Canada.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before May 29, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details concerning the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., May 22, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5102; Filed, May 28, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

KVAK, ATCHISON, KANS.

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on April 15, 1947, there was filed with it an application (BAPL-23) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of AM Station KVAK, Atchison, Kansas, from S. H. Patterson to A. A. Almada. The proposal to assign the license arises out of an agreement pursuant to which Patterson agrees to sell and Almada agrees to buy all the assets and properties used or useful in the operation of AM Station KVAK, Atchison, Kansas, for a total consideration of $80,000. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321, which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicants on May 16, 1947, that starting on May 16, 1947, notice of the filing of the application would be inserted in The Atchison Globe, a newspaper of general circulation at Atchison, Kansas, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from May 16, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5138; Filed, May 28, 1947; 9:01 a. m.]

[1] Section 1.321, Part I, Rules of practice and procedure.

FEDERAL POWER COMMISSION

[Docket No. G-352]

FIN-KER OIL AND GAS PRODUCTION CO.

NOTICE OF OPINION AND ORDER DISMISSING APPLICATION FOR WANT OF JURISDICTION

MAY 26, 1947.

Notice is hereby given that, on May 22, 1947, the Federal Power Commission issued its Opinion No. 149 and order entered May 20, 1947, dismissing application for want of jurisdiction in the above-designated matter.

[SEAL] LEO M. FUQUAY,
Secretary.

[F. R. Doc. 47-5100; Filed, May 28, 1947; 8:47 a. m.]

[Docket No. G-481]

HOPE NATURAL GAS CO.

NOTICE OF ORDER DISMISSING APPLICATION

MAY 26, 1947.

Notice is hereby given that, on May 19, 1947, the Federal Power Commission issued its order dismissing application, entered May 13, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5099; Filed, May 28, 1947; 8:47 a. m.]

[Docket No. G-601]

IROQUOIS GAS CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 26, 1947.

Notice is hereby given that, on May 23, 1947, the Federal Power Commission issued its findings and order entered May 22, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5096; Filed, May 28, 1947; 8:47 a. m.]

[Docket Nos. G-856, G-494]

KANSAS-NEBRASKA NATURAL GAS CO., INC. AND KANSAS NATURAL GAS, INC.

NOTICE OF ORDER DISMISSING APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR WANT OF JURISDICTION

MAY 26, 1947.

Notice is hereby given that, on May 22, 1947, the Federal Power Commission issued its order entered May 20, 1947, dismissing applications for certificates of public convenience and necessity for want of jurisdiction in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5101; Filed, May 28, 1947; 8:47 a. m.]

[Docket No. G-857]

UNITED FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 26, 1947.

Notice is hereby given that, on May 23, 1947, the Federal Power Commission issued its findings and order entered May 20, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5097; Filed, May 28, 1947; 8:47 a. m.]

[Docket No. G-858]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND PERMITTING ABANDONMENT OF FACILITIES

MAY 26, 1947.

Notice is hereby given that, on May 23, 1947, the Federal Power Commission issued its findings and order entered May 20, 1947, issuing certificate of public convenience and necessity and permitting abandonment of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5094; Filed, May 28, 1947; 8:46 a. m.]

[Docket No. G-881]

EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 26, 1947.

Notice is hereby given that, on May 23, 1947, the Federal Power Commission issued its findings and order entered May 20, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5098; Filed, May 28, 1947; 8:47 a. m.]

[Docket No. IT-8008]

NORTHWESTERN ELECTRIC CO.

NOTICE OF ORDER APPROVING AMENDMENT TO ALTERNATIVE PLAN OF DISPOSITION OF AMOUNT CLASSIFIED IN ACCOUNT 107, ELECTRIC PLANT ADJUSTMENTS

MAY 26, 1947.

Notice is hereby given that, on May 22, 1947, the Federal Power Commission issued its order entered May 20, 1947, approving amendment to alternative plan of disposition of amount classified in Account 107, Electric Plant Adjustments in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5095; Filed, May 28, 1947; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5471]

NEW ENGLAND FISH CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of May A. D. 1947.

In the matter of New England Fish Company, a corporation, Alvah L. Hager, David F. Choate, James S. Eckman, Harald Synnestvedt, and William J. Rich, individually and as officers of the New England Fish Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Everett F. Haycraft, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, July 29, 1947, at ten o'clock in the forenoon of that day (Pacific standard time), in Room 117, Federal Office Building, 1st Avenue & Madison Street, Seattle, Washington.

Upon the completion of taking of testimony and receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-5105; Filed, May 28, 1947; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 195]

RECONSIGNMENT OF PEAS AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minn., May 22, 1947, by Fry Distributing Co., of cars PFE 95747, SFRD 33587, PFE 74344 and PFE 31942, peas, now on the Great Northern Ry., to Fry Distributing Co., Chicago, Ill. (Milw-IC).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of May, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5069; Filed, May 28, 1947; 8:54 a. m.]

[S. O. 396, Special Permit 196]

RECONSIGNMENT OF CARROTS AT BOSTON, MASS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Boston, Mass., May 23, 1947, by Tassini & Salisch, of car PFE 31035, carrots, now on the NYNH&H to New York, N. Y.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of May, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5070; Filed, May 28, 1947; 8:54 a. m.]

[S. O. 744]

UNLOADING OF SHINGLES AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of May A. D. 1947.

It appearing, that car ATSF 125464, containing shingles, at Los Angeles, California, on the Southern Pacific Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Shingles at Los Angeles, Calif., be unloaded.* The Southern Pacific Company, its agents or employees, shall unload immediately car ATSF 125464, loaded with shingles, now on hand at Los Angeles, California, consigned shippers order, notify E. N. Funk, Seattle, Washington.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 26, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5068; Filed, May 28, 1947; 8:53 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-18]

POLLY BLITZ

CONSENT ORDER

Polly Blitz is the operator of a real estate agency located at 1750 North Bronson Avenue, Los Angeles, California. She is charged by the Office of the Housing Expediter with a violation of Veterans' Housing Program Order 1 in that on or about December 4, 1946 she began construction, without authorization and at a cost in excess of $2,000 of an eight unit motel structure and of a three-room manager's quarters located at 12135 Branford Street, Pacoima, California. Polly Blitz admits the violation charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Polly Blitz, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Polly Blitz, her successors and assigns, nor any other person shall do any further construction on the premises located at 12135 Branford Street, Pacoima, California, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Polly Blitz shall refer to this order in any application or appeal which she may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Polly Blitz, her successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5219; Filed, May 28, 1947; 11:42 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-989]

PACIFIC POWER & LIGHT CO.

ORDER DETERMINING EQUIVALENT VALUE OF PREFERRED STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of May A. D. 1947

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the 5% Preferred Stock, Par Value $100, of Pacific Power & Light Company is substantially equivalent to the 7% Preferred Stock, Par Value $100, of that company, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the 5% Preferred Stock, Par Value $100, of Pacific Power & Light Company is hereby determined to be substantially equivalent to the 7% Preferred Stock, Par Value $100, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5063; Filed, May 28, 1947; 8:47 a. m.]

[File No. 70-1521]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of May A. D. 1947.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Public Service Company of New Hampshire ("New Hampshire"), a public utility company and a subsidiary of New England Public Service Company, a registered holding company. Applicant designates section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 9, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 9, 1947, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

New Hampshire proposes to issue and sell at competitive bidding, pursuant to the provisions of Rule U-50, $4,500,000 principal amount of First Mortgage Bonds, Series B, —% due 1977. The bonds are to be issued under and secured by the company's presently outstanding Mortgage dated as of January 1, 1943, as supplemented by the First Supplemental Indenture dated as of December 1, 1943 and the Second Supplemental Indenture to be dated as of June 1, 1947. The interest rate of said bonds (which shall be a multiple of ⅛ of 1% and shall not exceed 3%) and the price, exclusive of accrued interest, to be paid to New Hampshire (which shall not be less than the principal amount of said bonds and not more than 102.75% of such principal amount) are to be determined by competitive bidding. The proceeds (excluding accrued interest) from the sale of the bonds, after the payment of expenses, will be used by New Hampshire to reimburse its treasury for amounts expended in the purchase and construction of property and facilities used in its business and for other corporate purposes.

Applicant states that the proposed transactions are subject to the jurisdiction of the New Hampshire Public Service Commission and the Vermont Public Service Commission, and that when such approvals are obtained, copies of the orders will be filed by amendment to the application.

It is requested that the Commission's order granting the application herein become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-5064; Filed, May 28, 1947; 8:47 a. m.]

[File No. 70-1522]

UNITED GAS CORP. AND UNITED OIL PIPE LINE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of May A. D. 1947.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Gas Corporation ("United"), a gas utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and United's wholly-owned nonutility subsidiary, United Oil Pipe Line Company ("Pipe Line"). Declarants have designated section 12 (c) of the act and Rule U-46 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 9, 1947 at 5:30 p. m., e. d. s. t, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 2, 1947 said joint declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule-100 thereof.

All interested persons are referred to said joint declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

The outstanding securities of Pipe Line consist of 5,000 shares of no par value capital stock, all of which are pledged under the Mortgage and Deed of Trust dated as of October 1, 1944 securing United's outstanding bonds. As of March 31, 1947 Pipe Line's assets consisted solely of cash in the amount of $1,313,360. As of the same date, Pipe Line's liabilities amounted to $112,579 of which $112,079 represented accrued taxes.

Pipe Line will be merged into United pursuant to the provisions of section 58A of Chapter 65 of the Revised Code of Delaware, as amended, and under such merger United will acquire all of the property and assets of Pipe Line and will assume all of its obligations. It is stated in the declaration that upon consummation of the merger United will be required to deposit $400,000 with its Mortgage Trustee which amount represents the proceeds from the sale of physical assets by Pipe Line to non-affiliated interests.

The declarants have requested that the Commission's order herein be issued as soon as may be practicable and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5065; Filed, May 28, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8958]

LENA MATTERN

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Lena Mattern, deceased. F-28-23282-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Lena Mattern, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Lena Mattern, deceased, by Wells Fargo Bank & Union Trust Co., 4 Montgomery Street, San Francisco, California, arising out of a savings account, account number 19599, entitled Estate of Lena Mattern, deceased, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Lena Mattern, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5107; Filed, May 28, 1947; 8:57 a. m.]

[Vesting Order 8959]

MUENCHMEYER & CO.

In re: Bank account owned by Muenchmeyer & Co. F-28-1486-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Muenchmeyer & Co., the last known address of which is Hamburg 1, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Muenchmeyer & Co., by Bank of the Manhattan Company, 40 Wall Street, New York, N. Y., arising out of a Checking Account, entitled Muenchmeyer & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5108; Filed, May 28, 1947; 8:57 a. m.]

[Vesting Order 8962]

ANTON REINERT ET AL.

In re: Bank accounts owned by Anton Reinert and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is as set forth in Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons listed in the aforesaid Exhibit A, by Provident Savings Bank & Trust Co., 7th and Vine Streets, Cincinnati 2, Ohio, arising out of the accounts, entitled and numbered as set forth opposite the names of the persons listed in the aforesaid Exhibit A, maintained at the branch office of the aforesaid bank located at 4th and Main Streets, Cincinnati, Ohio, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons listed in Exhibit A, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and last known address of owner	Title of account	Account No.	Alien Property file No.
Anton Reinert, Menden, Germany...	Paul V. Connolly, attorney in fact for Anton Reinert.	18655	F-28-3378-C-1.
Christine Wilch Ebert, Eberstadt, Germany.	Paul V. Connolly, attorney in fact for Christine Wilch Ebert.	18574	F-28-25163-C-1.
Marie Wilch Hechler, Eberstadt, Germany.	Paul V. Connolly, attorney in fact for Marie Wilch Hechler.	18573	F-28-25380-C-1.
Ludwig Wilch, Pfungstadt, Germany.	Paul V. Connolly, attorney in fact for Ludwig Wilch.	18600	F-28-25681-C-1.
Christian Wilch, Eberstadt, Germany.	Paul V. Connolly, attorney in fact for Christian Wilch.	18599	F-28-25686-C-1.
Lina Meyer Seeger, Wilmshausen, Germany.	Paul V. Connolly, attorney in fact for Lina Meyer Seeger.	18597	F-28-26109-C-1.
Fredericka Moeller, Essen-Ruhr, Stadtwald, Germany.	Paul V. Connolly, attorney in fact for Fredericka Moeller.	18217	F-28-26357-C-1.
Heinrich Meyer, Eberstadt, Germany.	Paul V. Connolly, attorney in fact for Heinrich Meyer.	18582	F-28-26372-C-1.
Wilhelm Christian Meyer, Eberstadt, Germany.	Paul V. Connolly, attorney in fact for Wilhelm Christian Meyer.	18575	F-28-26374-C-1.
Christine Meyer Weber, Muehlberg, Germany.	Paul V. Connolly, attorney in fact for Christine Meyer Weber.	18596	F-28-26527-C-1.
Pauline Wilch Walke, Eberstadt, Germany.	Paul V. Connolly, attorney in fact for Pauline Wilch Walke.	18598	F-28-26536-C-1.
Maria Meyer Voller, Vibel, Germany...	Paul V. Connolly, attorney in fact for Maria Meyer Voller.	18583	F-28-26553-C-1.

[F. R. Doc. 47-5109; Filed, May 28, 1947; 8:57 a. m.]

[Vesting Order 8964]

ELISABETH WILHELMINA SCHMIEDELL

In re: Stock owned by Elisabeth Wilhelmina Schmiedell, nee Lotze, also known as Elisabeth Wilhelmina Schmiedell, nee Lotze. F-28-1830-D-1/3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Wilhelmina Schmiedell, nee Lotze, also known as Elisebeth Wilhelmina Schmiedell, nee Lotze, whose last known address is Osterdeich 56, Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

(a) Thirty (30) shares of $100 par value preferred capital stock of The Baltimore and Ohio Railroad Company, Baltimore, Maryland, a corporation organized under the laws of the State of Maryland, evidenced by certificate number B-110549, registered in the name of Elisabeth Wilhelmina Schmiedell—nee Lotze, together with all declared and unpaid dividends thereon.

b. Fifty-six (56) shares of $100 par value common capital stock of The Baltimore and Ohio Railroad Company, Baltimore, Maryland, a corporation organized under the laws of the State of Maryland, evidenced by certificate number A493753, registered in the name of Elisebeth Wilhelmina Schmiedell—nee Lotze,

together with all declared and unpaid dividends thereon,

c. Two hundred fifty (250) shares of $100 par value common capital stock of Union Pacific Railroad Company, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Utah, evidenced by certificate number A497884 for fifty (50) shares and certificates numbered 424783 and 424784 for one hundred (100) shares each, registered in the name of Mrs. Elisabeth Wilhelmina Schmiedell nee Lotze, together with all declared and unpaid dividends thereon, and

d. Twenty (20) shares of no par value common capital stock of Southern Pacific Company, 165 Broadway, New York, New York, a corporation organized under the laws of the State of Kentucky, evidenced by certificate F487334, registered in the name of Mrs. Elisabeth Wilhelmina Schmiedell, nee Lotze, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5110; Filed, May 28, 1947; 8:57 a. m.]

[Vesting Order 8965]

ELIZABETH SCHRECK

In re: Personal property and a participation certificate owned by Elizabeth Schreck. F-28-22589-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Schreck, whose last known address is Friedenstrasse 36, Wurzburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) Hamilton man's watch with gold case and chain, presently held for Elizabeth Schreck, in the custody of the safekeeping Department of the First Napa Branch of the Bank of America National Trust and Savings Association, Napa, California,

b. Two (2) gold stick pins, presently held for Elizabeth Schreck, in the custody of the Safekeeping Department of the First Napa Branch of the Bank of America National Trust and Savings Association, Napa, California, and

c. One (1) participation certificate, dated July 1, 1932, of $2,222.87 face value, bearing the number 78288, issued by the National Bank of Bay City, Bay City, Michigan, and presently in the custody of the Safekeeping Department of the First Napa Branch of the Bank of America National Trust and Savings Association, Napa, California, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elizabeth Schreck, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5111; Filed, May 28, 1947; 8:57 a. m.]

[Vesting Order 8967]

ELLI HILMA THIEME

In re: Bank account owned by Elli Hilma Thieme. F-28-26326-C-1, F-28-26326-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elli Hilma Thieme, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 22737, entitled I. F. Chapman or Tom F. Chapman, Trustees for Elli Hilma Thieme, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elli Hilma Thieme, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5112; Filed, May 28, 1947; 8:57 a. m.]

[Vesting Order 8968]

ELISE WAGNER

In re: Bank account owned by Elise Wagner. F-28-26539-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elise Wagner, whose last known address is Ernstmuhl, Post Office Herasu, Wurttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elise Wagner, by Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, arising out of a cash custodian account, entitled Swiss Bank Corporation Zurich, Switzerland Special Blocked Account Mrs. Elise Wagner, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5113; Filed, May 28, 1947; 8:57 a. m.]

[Vesting Order 8969]

SIMON WESTERMEIR

In re: Stock owned by Simon Westermeir. F-28-2706-D-1, F-28-2706-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Simon Westermeir, whose last known address is 8 Kirch Street, Trudering by Muenchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-Five (25) shares of $20.00 par value common capital stock of Mohawk Carpet Mills, Inc., Amsterdam, New York, a corporation organized under the laws of the State of New York, evidenced by Certificate number 13909, registered in the name of Simon Westermeir, together with all declared and unpaid dividends thereon, and

b. One (1) and Two-tenths (2 10) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by Certificates numbered 456903 for one (1)

share and 297627 for two-tenths (2/10) of one (1) share, registered in the name of Simon Westermeir, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5114; Filed, May 28, 1947; 8:57 a. m.]

[Vesting Order 8970]

PHILIPP WEYERHAEUSER

In re: Bank account owned by Philipp Weyerhaeuser. F-28-25704-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Philipp Weyerhaeuser, whose last known address is Nieder Saulheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Philipp Weyerhaeuser, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of a savings account, account number 1,350,079, entitled Philipp Weyerhaeuser, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5115; Filed, May 28, 1947; 8:58 a. m.]

[Vesting Order 8971]

JOHANNA WIEBERS

In re: Bank account owned by Johanna Wiebers. F-28-25678-C-1, F-28-25678-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Wiebers, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 20710, entitled Tom F. Chapman or I. F. Chapman, Trustees for Johanna Wiebers, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johanna Wiebers, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5116; Filed, May 28, 1947; 8:58 a. m.]

[Vesting Order 8972]

MARTHA ELISABETH WILCKENS

In re: Bank account owned by Martha Elisabeth Wilckens. F-28-25682-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Elisabeth Wilckens, whose last known address is Hamburg, Gr. Borstel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Martha Elisabeth Wilckens, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of a savings account, account number 1,351,995, entitled Martha Elisabeth Wilckens, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5117; Filed, May 28, 1947; 8:58 a. m.]

[Vesting Order 8973]

ZENTRALKASSE WUERTTEMBERGISCHER GENOSSENSCHAFTEN

In re: Bank account owned by Zentralkasse Wuerttembergischer Genossenschaften. F-28-25877-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Zentralkasse Wuerttembergischer Genossenschaften, the last known address of which is Stuttgart, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Zentralkasse Wuerttembergischer Genossenschaften, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an old checks outstanding account, entitled Zentralkasse Wuerttembergischer Genossenschaften, Stuttgart, Germany, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5118; Filed, May 28, 1947; 8:58 a. m.]

[Vesting Order 8981]

EIMO GERDES

In re: Estate of Eimo Gerdes, deceased. File D-28-8208; E. T. sec. 9243.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Sassen, Henry Mammen, John Mammen, Tjardo Osterkamp, Johann Osterkamp, Marie Daniels and Erna Garrels, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $936.78 was paid to the Alien Property Custodian by W. F. Mammen, Administrator of the estate of Eimo Gerdes, deceased;

3. That the said sum of $936.78 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on July 17, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5119; Filed, May 28, 1947; 8:58 a. m.]

[Vesting Order 8985]

MARGARET KONZ

In re: Estate of Margaret Konz, deceased. File D-28-10207; E. T. sec. 14547.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margareta Taubmann, nee Spath, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Margaret Konz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Frederick Dorr and John Steneck, as Executors, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5120; Filed May 28, 1947; 8:58 a. m.]

[Vesting Order 8989]

AUGUST H. REINECKE

In re: Estate of August H. Reinecke, also known as A. H. Reinecke, deceased. File D-28-10825; E. T. sec. 15248.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Gunther and Ilsa Gunther, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of August H. Reinecke, also known as A. H. Reinecke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Bank of America National Trust and Savings Association, as executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5121; Filed, May 28, 1947; 8:58 a. m.]

[Vesting Order 8994]

EMILIE ANNA WEMME

In re: Estate of Emilie Anna Wemme, deceased. File D-28-11324; E. T. sec. 15638.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Felix Arthur Wemme and Hildegard Quint, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Emilie Anna Wemme, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Portland Trust and Savings Bank, as Administrator, acting under the judicial supervision of the Circuit Court of the State of Oregon for the County of Multnomah, Department of Probate;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5122; Filed, May 28, 1947; 8:58 a. m.]

[Vesting Order 9001]

RITA VON KLEIST BODIKER

In re: Stock owned by and debt owing to Rita Von Kleist Bodiker, also known as Rita Von Kleist. F-28-22769-A-1, F-28-22769-D-1/4.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9193 as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rita Von Kleist Bodiker, also known as Rita Von Kleist, whose last known address is 103 Oberstrasse, Hamburg 13, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Miss Rita Von Kleist, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Rita Von Kleist Bodiker, also known as Rita Von Kleist, by The Stevensville Bank of Maryland, Stevensville, Maryland, arising out of an account entitled Rita Von Kleist Bodiker, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Certificate No.	Number of shares
Texas Gulf Sulphur Co., 75 East 45th St., New York, N. Y.	Texas	No par value capital	275520	6
General Electric Co., 1 River Road, Schenectady, N. Y.	New York	No par value common	NYE-65903	8
Chicago Pneumatic Tool Co., 6 East 44th St., New York, N. Y.	New Jersey	No par value prior preferred	PPO-248	8
The American Rolling Mill Co., 703 Curtis St., Middletown, Ohio.	Ohio	$100 par value 4½ percent cumulative convertible preferred.	NPO5203	5

[F. R. Doc. 47-5123; Filed, May 28, 1947; 8:58 a. m.]

[Vesting Order 9005]

FRIEDA FEYERABEND

In re: Bank account and stock owned by Frieda Feyerabend. F-28-9692-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Feyerabend, whose last known address is Auguste Viktoria Strasse, Berlin-Schmorgendorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Frieda Feyerabend, by Central National Bank of Cleveland, 308 Euclid Avenue, Cleveland 1, Ohio, arising out of an Estates Trust Department account, account number A-2824, entitled Frieda Feyerabend Agency, and any and all rights to demand, enforce and collect the same, and

b. Thirteen (13) shares of $100 par value capital stock of Bedford Land and Improvement Company, Cleveland, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number 33, and presently in the custody of Central National Bank of Cleveland, 308 Euclid Avenue, Cleveland 1, Ohio, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5125; Filed, May 28, 1947; 8:59 a. m.]

[Vesting Order 9008]

OSAKA HATUBAISYO

In re: Stock owned by a debt owing to Osaka Hatubaisyo, also known as Osaka Sales Guild. F-39-5805-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Osaka Hatubaisyo, also known as Osaka Sales Guild, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Four hundred (400) shares of $15 par value capital stock of Socony Vacuum Oil Co., Inc., 26 Broadway, New York 4, New York, a corporation organized under the laws of the State of New York, evidenced by Certificates Numbered 313432, 313433, 313434 and 313435 for 100 shares each, registered in the name of Hurley & Co., presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Osaka Hatubaisyo, also known as Osaka Sales Guild by The National City Bank of New York, 55 Wall Street, New York, New York, in the amount of $817.00, as of December 4, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5126; Filed, May 28, 1947; 8:59 a. m.]

[Vesting Order 9017]

HEINRICH MEYER AND JAKOB STRAUSS

In re: Stock owned by Heinrich Meyer and Jakob Strauss. F-28-1129-D-1, F-28-23223-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Meyer, whose last known address is Leeste 34, Bremen 5, Hannover, Germany, and Jakob Strauss, whose last known address is Martin Lutherstrasse 95, Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Fifty-three (53) shares of no par value capital stock of Kennecott Copper Corporation, 120 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Heinrich Meyer	O 303709	50
Jakob Strauss	O 344358	3

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5128; Filed, May 28, 1947; 9:00 a. m.]

[Vesting Order 9019]

DR. JUR. HANS NAUMANN

In re: Stock owned by Dr. Jur. Hans Naumann. F-28-1356-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

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1. That Dr. Jur. Hans Naumann, whose last known address is Celle, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One hundred and fifty (150) shares of $100 par value common capital stock of Union Pacific Railroad Company, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Utah, evidenced by certificates numbered B341045/51 for ten (10) shares each and certificate number A356709 for eighty (80) shares, registered in the name of Dr. Jur. Hans Naumann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5129; Filed, May 28, 1947; 9:00 a. m.]

[Vesting Order 9024]

ELISABETH ROSSKOTHEN

In re: Stock owned by Mrs. Elisabeth Rosskothen. F-28-8877-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Elisabeth Rosskothen, whose last known address is Schevenstrasse 15, Dresden, Loschwitz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five thousand and three (5003) shares of $10.00 par value preferred capital stock of H & B American Machine Company, Pawtucket, Rhode Island, a corporation organized under the laws of the State of Maine, evidenced by certificates numbered 3110, 3111 and 3112 for 1000 shares each, 3113 for 1003 shares, and 3114 and 3115 for 500 shares each, and registered in the name of Mrs. Elisabeth Rosskothen, together with all declared and unpaid dividends thereon, and any and all rights to convert said five thousand and three (5003) shares of preferred stock into three thousand seven hundred and fifty two and ten fortieths (3752 10/40) shares of the new common no par value shares of the aforesaid company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5130; Filed, May 28, 1947; 9:00 a. m.]

[Vesting Order 9028]

LUZIA SCHWARZ

In re: Stock owned by Luzia Schwarz. F-28-24129-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Luzia Schwarz, whose last known address is Zimmern u/d Burg, Amt Rottweil, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number NYE-255564, registered in the name of Mrs. Emma Mesnig and presently in the custody of J. S. Bache and Company, Schenectady, New York, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of O. E. Heck, 151 Barrett Street, Schenectady, New York, in the amount of $16.38, as of April 19, 1947, arising out of certain funds received on behalf of Mrs. Emma Mesnig, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Luzia Schwarz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5131; Filed, May 28, 1947; 9:00 a. m.]

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FEDERAL REGISTER

VOLUME 12 NUMBER 107

Washington, Friday, May 30, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

CONDITIONAL REAPPOINTMENT OF HEARING EXAMINERS

Section 34.1 as set out below is hereby added to the regulations in part 34.

§ 34.1 *Conditional reappointment of hearing examiners.* Pending promulgation of final regulations by the Commission, incumbents of positions that are hearing examiner positions on June 11, 1947, may be reappointed conditionally on that date. Any eligibility for permanent appointment of incumbents that may be granted in the final regulations shall be based on the status of incumbents on June 11, 1947. (Sec. 11, 60 Stat. 244; 5 U. S. C. Sup. 1010)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5143; Filed, May 29, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 121]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.347 *Orange Regulation 121*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 2, 1947, and ending at 12:01 a. m., e. s. t., June 16, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5236; Filed, May 29, 1947; 9:43 a. m.]

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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[Lemon Reg. 223, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.330 *Lemon Regulation 223, as amended*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* Lemon Regulation 223 (12 F. R. 3331) is hereby amended as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 25, 1947, and ending at 12:01 a. m., P. s. t., June 1, 1947, is hereby fixed at 600 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 223 (12 F. R. 3331) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5237; Filed, May 29, 1947; 9:43 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-32]

PART 102—PERSONNEL ADMINISTRATION

CLASSES AND COMPENSATION OF CONSULAR AGENTS

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to sections 302, 418, 441, and 445 of the Foreign Service Act of 1946 (60 Stat. 1001, 1004, 1005, 1006), the Foreign Service Regulations comprising Part 102 of Title 22 of the Code of Federal Regulations are amended by adding the following section:

§ 102.80 *Classes and compensation of consular agents*—(a) *Compensation of consular agents.* Consular agents shall receive compensation based upon the nature and volume of work performed at the consular agency of which they are in charge.

(b) *Classification.* For the purpose of administrative convenience, the various consular agencies shall be divided into three classes. Consular agents at a class 1 consular agency shall receive compensation at the rate of $1,040 per annum; consular agents at a class 2 consular agency, at the rate of $780 per annum; and consular agents at a class 3 consular agency, at the rate of $520 per annum.

(c) *Delegation of authority to assign consular agencies to classes.* The Chief of the Division of Foreign Service Personnel is hereby authorized to assign the positions occupied by consular agents to one of the three classes set forth in paragraph (b) of this section in accordance with the principles of paragraph (a) of this section.

(R. S. 161, secs. 302, 418, 441, 445, 60 Stat. 1001, 1004, 1005, 1006; 5 U. S. C. 22)

This section shall become effective beginning with the first pay period commencing on or after the date of publication in the FEDERAL REGISTER.

For the Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

MAY 23, 1947.

[F. R. Doc. 47-5217; Filed, May 29, 1947; 8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Designation and Rent Declaration 25,[1] Amdt. 43]

PART 821—RENT REGULATIONS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942, AS AMENDED

CONSOLIDATION OF AREAS

In § 821.101 of Designation and Rent Declaration 25, Item 184 is revoked and Item 179 is amended to read as follows:

[1] 9 F. R. 5820, 11540, 11798, 12865, 12967, 14060, 10 F. R. 2407, 4714, 5576, 7854, 11294, 12446, 13545; 11 F. R. 248, 6762, 9687, 13026.

(179)	Lancaster-York-Reading	Pennsylvania	Counties of Berks, Lancaster, and York			

This amendment shall become effective June 1, 1947.

(56 Stat. 23; 60 Stat. 664; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645)

Issued this 29th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

Statement To Accompany Amendment 116 to the Rent Regulation for Housing, Amendment 108 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, and Amendment 43 to Designation and Rent Declaration No. 25

By these amendments the application of the rent regulations is terminated in a portion of the San Francisco Bay defense-rental area in California, consisting of the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) in Sonoma County, in the Salida defense-rental area in Colorado, consisting of Chaffee County; in a portion of the St. Petersburg defense-rental area in Florida, consisting of the Islands lying immediately off the mainland which are known as the Gulf Beaches, extending from Pass-A-Grille Beach northward to and including Clearwater Beach; in the Brunswick defense-rental area in Georgia, consisting of Glynn, Camden, and McIntosh Counties (except Sea and St. Simons Islands which have already been decontrolled); in the Pike defense-rental area in Illinois and Missouri, consisting of Pike County in Illinois and Pike County in Missouri; in a portion of the Quincy defense-rental area, consisting of Lewis County in Missouri; in a portion of the Alexandria-Leesville defense-rental area in Louisiana, consisting of Vernon Parish; in the Lamar defense-rental area in Mississippi, consisting of Lamar County; in the Lewistown defense-rental area in Montana, consisting of Fergus County; and in a portion of the Marshall defense-rental area in Texas, consisting of Cass and Red River Counties.

Also by these amendments the Lancaster-York defense-rental area in Pennsylvania, consisting of Lancaster and York Counties, and the Reading defense-rental area in Pennsylvania, consisting of Berks County, are hereafter combined to form the new Lancaster-York-Reading defense-rental area in Pennsylvania.

It is the judgment of the Housing Expediter, that these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R Doc. 47-5257; Filed, May 29, 1947; 10:08 a. m.]

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts,[1] Amdt. 108 (§ 821.2)]

PART 821—RENT REGULATIONS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942, AS AMENDED

DECONTROL ACTIONS AND CONSOLIDATION OF AREAS

The rent regulation for transient hotels, residential hotels, rooming houses and motor courts is amended in the following respects:

1. The Lancaster-York-Reading defense-rental area is formed by the consolidation of the Lancaster-York defense-rental area and the Reading defense-rental area.

2. The application of the rent regulation for housing is terminated in a portion of the San Francisco Bay defense-rental area; in the Salida defense-rental area; in a portion of the St. Petersburg defense-rental area; in the Brunswick defense-rental area; in the Pike defense-rental area; in a portion of the Quincy defense-rental area; in a portion of the Alexandria-Leesville defense-rental area; in the Lamar defense-rental area; in the Lewistown defense-rental area; in a portion of the Marshall defense-rental area, and consequently the above-named areas and portions of areas are decontrolled.

3. In Schedule A of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts, Items 45, 73, 167b, 171, 175h and 268 are revoked and Items 38, 64c, 90, 129, 263, and 324 are amended to read as follows:

(38)	San Francisco Bay	California	Marin, San Francisco, San Mateo, and Sonoma, except the Judicial Townships of Redwood and Sonoma (including the City of Sonoma).	Mar. 1, 1942	July 1, 1942	Sept. 15, 1942
(64c)	St. Petersburg	Florida	Pinellas County, except the Islands lying immediately off the mainland which are known as the Gulf Beaches extending from Pass-A-Grille Beach northward to and including Clearwater Beach.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(90)	Quincy	Illinois	Adams	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
		Missouri	Marion	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(129)	Alexandria-Leesville	Louisiana	Parishes of Beauregard and Rapides	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(263)	Lancaster-York-Reading	Pennsylvania	Berks, Lancaster, and York	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(324)	Marshall	Texas	Harrison, Marion, and Upshur	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
		Texas	Camp, Morris, and Titus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943

This amendment shall become effective June 1, 1947.

(56 Stat. 23, 60 Stat. 664; E. O. 9809, 11 F. R. 14281, E. O. 9841, 12 F. R. 2645)

Issued this 29th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

Statement To Accompany Amendment 116 to the Rent Regulation for Housing, Amendment 108 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, and Amendment 43 to Designation and Rent Declaration No. 25

By these amendments the application of the rent regulations is terminated in a portion of the San Francisco Bay defense-rental area in California, consisting of the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) in Sonoma County; in the Salida defense-rental area in Colorado, consisting of Chaffee County; in a portion of the St. Petersburg defense-rental area in Florida, consisting of the Islands lying immediately off the mainland which are known as the Gulf Beaches, extending from Pass-A-Grille Beach northward to and including Clearwater Beach; in the Brunswick defense-rental area in Georgia, consisting of Glynn, Camden, and McIntosh Counties (except Sea and St. Simons Islands which have already been decontrolled); in the Pike defense-rental area in Illinois and Missouri, consisting of Pike County in Illinois and Pike County in Missouri; in a portion of the Quincy defense-rental area, consisting of Lewis County in Missouri; in a portion of the Alexandria-Leesville defense-rental area in Louisiana, consisting of Vernon Parish; in the Lamar defense-rental area in Mississippi, consisting of Lamar County; in the Lewistown defense-rental area in Montana, consisting of Fergus County; and in a portion of the Marshall defense-rental area in Texas, consisting of Cass and Red River Counties.

Also by these amendments the Lancaster-York defense-rental area in Pennsylvania, consisting of Lancaster and York Counties, and the Reading defense-rental area in Pennsylvania, consisting of Berks County, are hereafter combined to form the new Lancaster-York-Reading defense-rental area in Pennsylvania.

It is the judgment of the Housing Expediter, that these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

[1] 11 F. R. 12055, 13028, 13309, 14013, 14189; 12 F. R. 229, 420, 1443, 1984, 2167, 2772, 2986, 3220.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-5283; Filed, May 29, 1947; 10:08 a. m.]

[Housing,[1] Amdt. 116 (§ 821.1)]

PART 821—RENT REGULATIONS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942, AS AMENDED

DECONTROL ACTIONS AND CONSOLIDATION OF AREAS

The rent regulation for housing is amended in the following respects:

1. The Lancaster-York-Reading defense-rental area is formed by the consolidation of the Lancaster-York defense-rental area and the Reading defense-rental area.

2. The application of the rent regulation for housing is terminated in a portion of the San Francisco Bay defense-rental area; in the Salida defense-rental area; in a portion of the St. Petersburg defense-rental area; in the Brunswick defense-rental area; in the Pike defense-rental area; in a portion of the Quincy defense-rental area; in a portion of the Alexandria-Leesville defense-rental area; in the Lamar defense-rental area; in the Lewistown defense-rental area; in a portion of the Marshall defense-rental area, and consequently the above-named areas and portions of areas are decontrolled.

3. In Schedule A of the rent regulation for housing, Items 45, 73, 167b, 171, 175h and 268 are revoked, and Items 38, 64c, 90, 129, 263, and 324 are amended to read as follows:

(38)	San Francisco Bay	California	Marin, San Francisco, San Mateo, and Sonoma, except the Judicial Townships of Redwood and Sonoma (including the City of Sonoma).	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(64c)	St. Petersburg	Florida	Pinellas County, except the Islands lying immediately off the mainland which are known as the Gulf Beaches extending from Pass-A-Grille Beach northward to and including Clearwater Beach.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(90)	Quincy	Illinois	Adams	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
		Missouri	Marion	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(129)	Alexandria-Leesville	Louisiana	Parishes of Beauregard and Rapides	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(263)	Lancaster-York-Reading	Pennsylvania	Berks, Lancaster, and York	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(324)	Marshall	Texas	Harrison, Marion and Upshur	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
		Texas	Camp, Morris, and Titus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943

This amendment shall become effective June 1, 1947.

(56 Stat. 23, 60 Stat 664; E. O. 9809, 11 F. R. 14281, E. O. 9841, 12 F. R. 2645)

Issued this 29th day of May 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

Statement to Accompany Amendment 116 to the Rent Regulation for Housing, Amendment 108 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, and Amendment 43 to Designation and Rent Declaration No. 25

By these amendments the application of the rent regulations is terminated in a portion of the San Francisco Bay defense-rental area in California, consisting of the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) in Sonoma County; in the Salida defense-rental area, in Colorado, consisting of Chaffee County; in a portion of the St. Petersburg defense-rental area in Florida, consisting of the Islands lying immediately off the mainland which are known as the Gulf Beaches, extending from Pass-A-Grille Beach northward to and including Clearwater Beach; in the Brunswick defense-rental area in Georgia, consisting of Glynn, Camden, and McIntosh Counties (except Sea and St. Simons Islands which have already been decontrolled); in the Pike defense-rental area in Illinois and Missouri, consisting of Pike County in Illinois and Pike County in Missouri; in a portion of the Quincy defense-rental area, consisting of Lewis County in Missouri; in a portion of the Alexandria-Leesville defense-rental area in Louisiana, consisting of Vernon Parish; in the Lamar defense-rental area in Mississippi, consisting of Lamar County; in the Lewistown defense-rental area in Montana, consisting of Fergus County; and in a portion of the Marshall defense-rental area in Texas, consisting of Cass and Red River Counties.

Also by these amendments the Lancaster-York defense-rental area in Pennsylvania, consisting of Lancaster and York Counties, and the Reading defense-rental area in Pennsylvania, consisting of Berks County, are hereafter combined to form the new Lancaster-York-Reading defense-rental area in Pennsylvania.

It is the judgment of the Housing Expediter, that these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-5259; Filed, May 29, 1947; 10:08 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Sugar Rationing Administration Delegation Order 4]

PART 705—ADMINISTRATION

DELEGATION OF AUTHORITY TO REGIONAL SUGAR EXECUTIVES AND BRANCH OFFICE DIRECTORS TO SIGN AND ISSUE SUBPOENAS AND INSPECTION REQUIREMENTS IN CONNECTION WITH RICE PRICE CONTROL FUNCTIONS

Pursuant to the authority conferred upon the Administrator, Sugar Rationing Administration, in General Order 3, and by Executive Order 9841, it is ordered:

§ 705.204 *Order delegating authority to sign and issue subpoenas and inspection requirements in connection with price investigations.* (a) In connection with any investigation related to the administration or enforcement of the authority of the Secretary of Agriculture and the Administrator of the Sugar Rationing Administration under the Emergency Price Control Act of 1942, as amended, and under Executive Order 9841, with respect to price control of rice, or any regulation or order issued or continued in force and effect pursuant to that Executive Order, the several Regional Sugar Executives and Branch Office Directors are each authorized within their respective regions or branches to sign and issue: (1) subpoenas requiring any person to appear and testify, or to appear and produce documents, or both, at any designated place; (2) inspection requirements requiring any person who is engaged in the business of dealing in rice, or who uses rice, to permit the inspection and copying of records and any other documents, and to permit the inspection of inventories, property and premises.

(b) *Meaning of terms.* The terms issued herein shall have the same meaning as in the Emergency Price Control Act of 1942, as amended.

(c) *What this order supersedes.* This order supersedes Revised General Order 53 issued, by the Office of Price Administration on May 13, 1944 (9 F. R. 5191), and General Order 75 issued by the Office of Price Administration on November 25, 1946 (11 F. R. 13834), insofar as they relate to the authority to sign and issue subpoenas and inspection requirements with respect to the price control of rice. However, those orders shall remain in full force and effect with respect to any action taken thereunder prior to the effective date of this order.

This order shall become effective May 28, 1947.

[1] 11 F. R. 12055, 13028, 13309, 14013, 14189; 12 F. R. 229, 920, 1443, 1984, 2167, 2772, 2986, 3219.

(Sec. 705.204 issued under E. O. 9841, 12 F. R. 2645; Gen. Order 3, issued by the Secretary of Agriculture May 9, 1947, 12 F. R. 3150)

Issued this 28th day of May 1947.

IRVIN L. RICE,
Acting Administrator,
Sugar Rationing Administration.

[F. R. Doc. 47-5264; Filed, May 29, 1947; 11:54 a. m.]

[3d Rev. RO 3,[1] Amdt. 49]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 1.4 (a) (2) is amended to read as follows:

(2) 25 pounds for each acre of sugarcane or sugar beets grown on a farm where he resides or works more than six months a year and harvested from the "1946 crop" or "1947 crop" as the case may be. However, if, at the time of harvest, more than one consumer eligible under this section is entitled to a share of that crop, the per acre allowance for such consumer may be no greater than the proportion of 25 pounds that his share of the crop bears to the total shares of all eligible consumers. (For example, if two sharecropping tenants, both living on a farm on which sugar beets are produced from the "1947 crop" are entitled to 40 percent and 60 percent respectively of the crop, their per acre allowances would be 10 and 15 pounds respectively.)

2. Section 1.4 (b) (3) is amended to read as follows:

(3) The sugarcane or sugar beets must have been harvested from the 1946 crop, or 1947 crop, as the case may be, grown on that farm. (As used in this section, the "1946 crop" of sugarcane means sugarcane harvested between October 1, 1946, and September 30, 1947, inclusive, and the "1946 crop" of sugar beets means sugar beets planted for harvest in the calendar year 1946, except that with respect to sugar beets grown in Yuma County, Arizona, in Imperial County, California, and in those parts of the Imperial and Coachella Valleys which are included in Riverside County, California, the "1946 crop" of sugar beets does not include sugar beets planted for harvest in the calendar year 1946 but includes sugar beets planted for harvest in the calendar year 1947. The "1947 crop" is the crop for the next 12 months following the "1946 crop".)

3. Section 1.4(c)(3) is amended to read as follows:

(3) The number of acres of sugarcane or sugar beets harvested from the 1946 or 1947 crop, as the case may be, grown on a farm where he resides or works more than six months a year

(If, at the time of harvest, more than one consumer, eligible under this section is entitled to a share of that crop, the applicant must state the proportion that his share bears to the total shares of all such consumers);

4. Section 25.1(c)(10) is amended to read as follows:

(10) "District Office" means a Branch Office of the Sugar Rationing Administration, Department of Agriculture.

5. Section 25.1(c) is amended by adding two new subparagraphs (30) and (31) to read as follows:

(30) "Sugar Branch Office" means a Branch Office of the Sugar Rationing Administration, Department of Agriculture.

(31) "Member of the immediate family" means the wife, husband, mother, father, son, daughter, brother or sister of the applicant.

This amendment shall become effective June 2, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 49 to Third Revised Ration Order 3

Present regulations. The grower of a 1946 crop of sugarcane or sugar beets, under certain conditions may receive, from a primary distributor, without giving up evidences, limited amounts of sugar produced from the sugarcane or sugar beets harvested by him for consumption by him, the members of his family unit, and the employees who work on his sugarcane or sugar beet farm for more than six months a year and for whom he regularly provides meals.

Proposed amendment. This amendment provides that, under the same conditions as prevailed in 1946, the grower of a 1947 crop of sugarcane or sugar beets may receive, from a primary distributor, without giving up evidences, limited amounts of sugar produced from the sugarcane or sugar beets harvested by him for consumption by him, the members of his family unit, and the employees who work on his sugarcane or sugar beet farm for more than six months a year and for whom he regularly provides meals. This amendment also redefines District Office and Sugar Branch Office to mean a Branch Office of the Sugar Rationing Administration, Department of Agriculture.

Reason for amendment. In order to stimulate larger plantings of domestic sugarcane and sugar beets in 1947, the privilege granted to a grower of sugarcane or sugar beets in 1946 to receive, from a primary distributor, either 25 pounds of tax free sugar for each member of his family unit, and 25 pounds for each employee who works more than six months a year on the farm where the sugarcane or sugar beets were produced and for whom he regularly provides meals, or 25 pounds for each acre of sugarcane or sugar beets, whichever is smaller, should be extended to apply to the 1947 crop. Such ration-free deliveries of sugar will be in conformity with the Sugar Act of 1937, which permits the tax-free manufacture of such sugar and will encourage the domestic production of sugar.

Former District Offices and Sugar Branch Offices of the Office of Price Administration are now designated as Branch Offices of the Sugar Rationing Administration, Department of Agriculture. Since the regulations still refer to these offices as District Offices or Sugar Branch Offices, this amendment defines District Offices or Sugar Branch Offices to mean Branch Offices of the Sugar Rationing Administration, Department of Agriculture.

[F. R. Doc. 47-5265; Filed, May 29, 1947; 11:54 a. m.]

[3d Rev. RO 3,[1] Amdt. 24 to Supp. 1]

PART 707—RATIONING OF SUGAR

SUGAR

Supplement 1 to Third Revised Ration Order 3 is amended in the following respects:

Section 3.1 is amended by deleting the date "September 30, 1947" in item No. 30 and substituting in place therof the date "October 31, 1947."

Section 3.1 is further amended by adding item No. 31 to read as follows:

Ration period	Stamp valid during ration period	Weight value of stamp
No. 31 (May 26, 1947 through October 31, 1947).	Sugar Ration Book Four and Book 4, Spare Stamp 12	10

This amendment shall become effective May 26, 1947.

Issued this 22d day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5189; Filed, May 29, 1947; 8:50 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

[Amdt. 4]

PART 1300—PROCEDURE

ENFORCEMENT EXCEPTIONS GRANTED OR DENIED

The statement of procedures as required by section 3 (a) (2) of the Administrative Procedure Act (11 F. R. 177A-634 to 177A-640, inclusive, 12 F. R. 2951 to 2957, inclusive, of the FEDERAL REGISTER of September 11, 1946, and May 2, 1947) is amended in the following respect:

1. In § 1300.1104 (b) the following subparagraphs are added:

(20) *Case No. 21: Enforcement exception granted—C-3.*

Facts. In July 1945 a manufacturer of phonographs received an order from the National Office establishing ceilings for its products at the manufacturing, wholesale and retail levels, and requiring that the phonographs be pre-ticketed by the manufacturer with the correct retail ceiling price. This order was published in the FEDERAL REGISTER and the manufacturer knew of its provisions. Nevertheless he failed to pre-ticket, he notified his wholesale distributors of his suggested resale prices (at wholesale and at retail), which were in excess of the ceilings established by OPA, and, in fact, represented to his wholesale distributors that OPA had not yet established ceilings for his phonographs at the various distributive levels, but that OPA would probably approve his suggested resale prices.

Several months after issuance of the pricing order to the manufacturer, a retailer purchased a number of these phonographs from a wholesale distributor to whom the manufacturer had made the above representations. The retailer paid a price higher than that at which he was permitted to resell under the order. The phonographs were not pre-ticketed and the retailer was not advised by either his supplier or the manufacturer that OPA had issued any order affecting these phonographs.

The retailer established his selling prices under section 3 (a) of the GMPR, using his cost as a base, and filed with his district office the report required under section 3 (a).

When informed of the existence of the OPA order establishing retail ceilings for these phonographs, the retailer stopped selling at once. A treble damage action has been filed for overcharges during the period before the retailer knew of the order.

Decision. Enforcement exception is granted.

Basis. The only distinction between the facts of this case and those in Enforcement Exception C-2 is that in C-2 the retailer originally established a proper ceiling at the outset, and only fell into violation because an order was issued to the manufacturer after the retailer began making sales, while in this case the manufacturer had received his order before the retailer made any sales or established any price, so that the price he attempted to establish under section 3 (a) of GMPR was never a correct ceiling. However, in neither case did the retailer actually know that his retail ceiling had been fixed by an order issued to the manufacturer, nor had he any reason to inquire. Indeed, in this case the manufacturer had falsely advised the retailer's supplier that no order had yet been issued. The reasoning of Enforcement Exception C-2 applies in all respects to this case.

As in Enforcement Exceptions C-1 and C-2, the exception does not apply to merchandise remaining unsold after the seller has been told or has otherwise learned what the correct legal price is.

Rule. Where the seller's supplier has received from the OPA an order establishing a ceiling price, which order also fixes a price for the seller, and where the seller does not know and has no reason to make further inquiry to determine that such order has been issued, enforcement exception granted as to all sales by seller insofar as seller's price was legal but for such order. No exception as to any sales made after seller learned of the correct ceiling price.

WASHINGTON, D. C., *April 18, 1947.*

(21) *Case No. 22: Enforcement exception denied.*

Facts. RMPR 287 provides a cost plus formula and a highest price line limitation for manufacturers of women's outerwear garments. A manufacturer subject to RMPR 287 abided by his highest price line limitation until July 1, 1946, when the Emergency Price Control Act of 1942 lapsed. During the hiatus in price control from July 1 to July 25, 1946, and for about two weeks after extension of the Emergency Price Control Act, the manufacturer sold garments at $1.00 or $2.00 higher than his highest price line limitation. About August 14, the president of the company, who had been on vacation since the hiatus period, returned and discovered that sales were still being made above the highest price line limitation. He immediately ordered refunds to be credited to purchasers to whom deliveries had been made after July 1945 and ordered that all garments delivered from then on be sold at ceiling. The refunds were credited and the overceiling sales stopped before any investigation was made by OPA. A substantial number of garments were sold over ceiling between July 25 and August 14.

Decision. Enforcement exception is denied.

Basis. The only possible argument for an exception in this case is that the seller acted in good faith, that the overcharges were inadvertent and that refunds were made on the seller's own initiative before there was a threat of enforcement action. The fact that the violations took place immediately after the hiatus period is relevant only to show that the violations were not wilful. These circumstances, perhaps, constitute the Chandler Defense and reduce the Administrator's claim to single damages, but do not make out a case for enforcement exception unless it should be decided to make exceptions in all cases of non-wilful violations accompanied by refunds. We are not prepared to grant so bread an exception.

Rule. Enforcement exception will be denied where the only reason for the exception is that the seller in good faith continued to sell over ceiling after resumption of price control on July 25, 1946, and ceased to overcharge and made refunds as soon as he learned of the violation, even where this occurred prior to discovery of the overcharge by OPA.

WASHINGTON, D. C., *April 22, 1947.*

(22) *Case No. 23: Enforcement exception granted.*

Facts. In the Cluett Peabody & Co. and David D. Doniger Co. cases the regulations (MPR 572, 605, and 607) required the calculation of a division factor by dividing total net sales during 1943 of items covered by the regulation by total direct cost of such items. This has been interpreted as requiring the inclusion of the actual selling price of "seconds" or imperfect garments in total net sales. The regulations required that this division factor be applied to the direct cost of current garments to establish the ceiling price. There was a further provision that under the regulation seconds garments currently being sold be priced by allowing the seller's customary base period discount off the ceiling price for first quality garments calculated as described above.

One of the companies calculated its total net sales by adding to its actual 1943 net sales figure the difference between its actual selling price for "seconds" and the price at which it would have sold those garments if they had been first quality merchandise. In other words, the company added back to its sales figure the amount which it failed to realize because of defects in some of its garments.

The other company eliminated entirely both the direct cost and the selling price of all its "seconds" sold during 1943 in calculating the division factor.

Decision. Enforcement exception is granted.

Basis. The combination of the two described provisions of the regulation results in a "double squeeze". The original calculation of the division factor reflects the seller's base period loss on seconds and to that extent reduces his current price under the regulation for first quality garments. Having thus taken the base period seconds discount into effect, the regulations still require the seller to make an additional reduction in his price for seconds by allowing his customary discount from the first quality prices.

Rule. Where a seller has calculated his division factor under MPR 572, 605 or 607, either by omitting both the costs and selling prices of second quality garments, or by adding back to his actual selling price the amount of the discount which he allowed in the base period for second quality garments, no enforcement suit shall be instituted and enforcement suits—to the extent that they charge violations arising out of calculations made in this manner—shall be dismissed.

Coverage. This exception applies only to violations caused by the miscalculation of division factors described in the statements of facts, and is limited to MPR 572, 605 and 607.

WASHINGTON, D. C., *May 19, 1947.*

Dated: May 27, 1947.

(Secs. 3, 12 Pub. Law 404, 79th Cong. 60 Stat. 238, 244)

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-5154; Filed, May 29, 1947; 8:46 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 1,[1] Amdt. 3 to Order 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

LOCATION OF DISPOSAL AGENCY OFFICES FOR FILING DECLARATIONS OF SURPLUS PROPERTY BY OWNING AGENCIES

War Assets Administration Regulation 1, Order 2, April 7, 1947, as amended April 23, 1947 and May 1, 1947, entitled "Location of Disposal Agency Offices for Filing Declarations of Surplus Property by Owning Agencies" (12 F. R. 2515, 2773, 3064), is hereby further amended by making the following changes in Regions 8 and 22 under § 8301.52 (c) thereof:

1. *Region 8.* Kansas City, Mo. (Address—Troost & Bannister Rd. (95th St.), P. O. Box 1037, Kansas City, Mo.) Territory:—Missouri; Illinois (southern part), counties of: Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, Williamson; Iowa; Kansas; Nebraska; and Wyoming.

2. *Region 22.* St. Louis, Mo. (Address—505 North 7th St., St. Louis, Mo.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 8, Troost & Bannister Rd. (95th St.) P. O. Box 1037, Kansas City, Mo.)

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup.

[1] Reg. 1 (12 F. R. 2249, 2773).

[1] 11 F. R. 177, 14281.

1614a, 1614b); and E. O. 9689 (11 F. R. 1265))

This amendment shall become effective June 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MAY 28, 1947.

[F. R. Doc. 47-5263; Filed, May 29, 1947; 11:29 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 2—OFFICER PERSONNEL

PART 3—ENLISTMENTS

PART 4—ADMISSION OF CANDIDATES INTO THE NAVAL ACADEMY AS MIDSHIPMEN

PART 5—NAVAL RESERVE OFFICERS' TRAINING CORPS

PART 13—SERVICEMEN'S DEPENDENTS ALLOWANCES

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ACADEMY

PART 27—PROCEDURES OF THE NAVAL ESTABLISHMENT

MISCELLANEOUS AMENDMENTS

1. Section 2.8003 is transferred to Part 1 and renumbered as § 1.8003. The remainder of Part 2 is cancelled and superseded by § 27.9 (11 F. R. 177A-187, as amended).

2. Part 3 is cancelled and superseded by § 27.9 (11 F. R. 177A-187, as amended).

3. Part 4 is cancelled and superseded by § 27.9 (11 F. R. 177A-187, as amended).

4. Part 5 is cancelled and superseded by § 27.9 (11 F. R. 177A-187, as amended).

5. Part 13 is cancelled and superseded by § 27.10 (11 F. R. 177A-187).

6. The following changes relating to the organization and functions of the Naval Establishment (11 F. R. 177A-159) are authorized: Amend § 26.7 (b) (4), § 26.9 (b) (1), (3), (6), (8), (14), (15), (16), (19), (21), § 26.9 (c), (d), (e), and (f), to read as set forth below (§ 26.9 (b) (17), (18), (19), (20), (21), (22), and (23) are renumbered to read § 26.9 (b) (16), (17), (18), (19), (20), (21) and (22)):

§ 26.7 *Bureau of Medicine and Surgery.* • • •

(b) • • •

(4) It provides for the physical examination of officers, nurses and enlisted personnel with a view to the selection or retention of only those whose physical condition is such as to maintain or improve the military efficiency of the service if admitted or retained therein; it passes upon the professional competence of all personnel of the Hospital Corps and upon the provisions for enrollment in, transfer to, and promotion in this Corps.

§ 26.9 *Bureau of Naval Personnel.* • • •

(b) • • •

(1) The Bureau of Naval Personnel is charged with, and responsible for, the procurement, education, training, discipline, promotion, welfare and morale, and distribution of officers and enlisted personnel of the Navy, including the Naval Reserve and the Reserve Officers' Training Corps, except the professional education of officers, nurses, and enlisted personnel of the Medical Department and except all phases of aviation training and the operational training of personnel as units of a ship's company.

• • • • •

(3) It is charged with the upkeep and operation of the following, and with their repair:

Naval Academy.
Postgraduate Schools.
Naval War College.
Schools for the training of naval personnel.
Training stations.
Naval Home.
Naval Reserve Shore Activities.
Armed Forces Staff College.

and with the direction of receiving ships and stations.

• • • • •

(6) It is charged with the operation of the Navy Separation Activities.

• • • • •

(8) It has cognizance of transportation for all naval personnel and dependents except Marine Corps personnel and dependents.

• • • • •

(14) It receives all reports of service performed by individual officers or enlisted personnel.

(15) It is charged with the establishment of regulations and instructions regarding naval ceremonies and naval etiquette.

(16) [Deleted].

• • • • •

(18) It is charged with the supervision and control of naval places of confinement and prisoners, including prisoners of war, and with the cognizance and responsibility for the preparation of the estimates, the justifications, and the administration of that part of the appropriation "Miscellaneous Expenses, Subhead", relating thereto.

• • • • •

(20) It is charged with the cognizance of and the responsibility for the preparation of the estimates, justification, and the administration of that part of the appropriation "Pay, Subsistence of Naval Personnel" relating to pay, and all of the appropriation "Transportation and Recruiting of Naval Personnel".

• • • • •

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of Naval Personnel:
Deputy and Assistant Chief of Naval Personnel.
Management Adviser.
General Inspector.
Director of Research.
Director of Women's Reserve.
Director of Public Information.
Director of Congressional Liaison.
Chief of Chaplains and Director of Chaplain Activity.
Bureau Counsel.
Assistant Chief of Navel Personnel (Plans).
Planning and Control Activity.
Finance and Material Division.
Plans and Operations Division.
Records Activity.
Naval Academy.
Tabulated Records Division.
Officer Records Division.
Enlisted Records Division.
Miscellaneous Records Division.
Assistant Chief of Naval Personnel (Operations).
Separation Activity.
Officer Personnel Activity.
Officer Distribution Division.
Officer Performance Division.
Officer Procurement Division.
Enlisted Personnel Activity.
Recruiting Division.
Enlisted Distribution Division.
Enlisted Performance Division.
Medals and Awards Activity.
Officers Processing and Transmittal Division.
Enlisted Processing and Transmittal Division.
Transportation Activity.
Traffic Division.
Claims Division.
Assistant Chief of Naval Personnel (Training and Welfare).
Training Activity.
Field Administration Division.
Standards and Curriculum Division.
Training Aids Division.
Welfare Activity.
Corrective Services Division.
Special Services Division.
Informational Services Division.
Dependents Welfare Division.
Assistant Chief of Naval Personnel (Reserves).

Each activity and each division in the Bureau is headed by a director and each division is further subdivided into sections and units of the sections. In addition to the foregoing, the Bureau of Naval Personnel is represented in the field by certain individuals and activities generally constituting a part of the Shore Establishment. (See § 26.15.)

(d) In each of the Naval Districts, on the staff of the Commandant is an Assistant Chief of Staff (Personnel) who represents the Chief of the Bureau in the field and advises the Commandant on matters pertaining to functions within the cognizance of the Bureau. The Assistant Chief of Staff (Personnel) is in turn assisted by the following officers: (1) Director of Distribution, (2) Director of Training, (3) Director of Naval Reserve, (4) Director of Welfare, (5) Director of Chaplains, and (6) District Director of Women's Reserve, who act as liaison officers between the Bureau in Washington and the activities in the Naval Districts.

(e) Offices of the Naval Officer Procurement, located throughout the country receive and process applications for enrollment from civil life of candidates for the Naval Aviation College Program, and Naval Reserve Officers Training Corps and for enlistment and appointment in the Waves and do the preliminary processing of applications for commissions in the Naval Service. These offices also receive applications for enrollment as midshipmen (inactive) of the Naval Reserve, of enrollees and accepted candidates of the U. S. Merchant Marine Academy and Cadet Schools and the various State Merchant Marine Academies.

(f) Receiving Stations, located throughout the country, are also under the management and technical control

of the Chief of Naval Personnel and constitute a part of the field organization of the Bureau. In addition the Bureau operates and maintains, in various centers in the United States, Navy and Fleet motion picture exchanges.

7a. Amend § 27.9 to read as follows:

§ 27.9 *Procurement of officers and enlisted personnel*—(a) *Statutory authority.* The Navy Department is authorized by various statutes including the act of August 13, 1946 (Public Law 729, 79th Congress; 60 Stat. 1057, 34 U. S. C. 61, 405a, 821, 1020, 1020a-1, 1039, 1040, 1045a); the act of August 10, 1946 (Public Law 720, 79th Congress; 60 Stat. 993; 34 U. S. C. 339, 350g, 853b, 854c, 854g, 854 note); the act of April 18, 1946 (Public Law 347, 79th Congress; 60 Stat. 92, 34 U. S. C. 2, 15, 16, 151, 153, 228a, 272a, 691); the act of July 30, 1942 (56 Stat. 730-731; 34 U. S. C. 857-857g); the act of June 27, 1942 (56 Stat. 422; 34 U. S. C. 338); the act of August 27, 1940 (54 Stat. 864, as amended; 34 U. S. C. 737); the act of August 29, 1916 (39 Stat. 610; 34 U. S. C. 632, 633, 636, 639, 667); the act of July 9, 1913 (38 Stat. 103; 34 U. S. C. 634, 1057); the act of May 13, 1908, as amended (35 Stat. 146; 34 U. S. C. 887), and the act of March 3, 1899 (30 Stat. 1008; 34 U. S. C. 634), to procure officers and enlisted personnel for the Naval Service including the Marine Corps, Marine Corps Women's Reserve, Navy Nurse Corps and the WAVES.

(b) *Method of procurement*—(1) *Enlisted personnel, Regular Navy.* (i) The Navy Department maintains recruiting stations in various parts of the country which will receive and process applications for enlistment in the Naval Service.

(ii) Information as to the location of the nearest recruiting station may be obtained from any post office or by writing the Director, Recruiting Division, Bureau of Naval Personnel, Navy Department, Washington 25, D. C.

(2) *Enlisted personnel, Marine Corps.* (i) The Marine Corps maintains recruiting stations in the major centers of population throughout the country which will receive and process applications for the Marine Corps.

(ii) Information as to the location of the nearest recruiting station may be obtained from any post office or by writing the Director of Recruiting, Headquarters U. S. Marine Corps, Washington 25, D. C.

(3) *Officers of the Navy.* The Navy Department maintains ten main offices and seven branch offices of Naval Officer Procurement in the larger cities throughout the country which will receive and process applications for commissions in the Naval Service and applications for enlistment and appointment in the WAVES.

(i) *Naval Reserve Officers' Training Corps, Navy Aviation College Program, and direct appointments from civil life in accordance with section 6 (b) of the act of August 10, 1946, supra.* Information concerning these programs may be obtained by writing to Director of Officer Procurement, Bureau of Naval Personnel, Navy Department, Washington 25, D. C.

(ii) *Admission to the Naval Academy.* Appointments to the Naval Academy at Annapolis are made by the President, Vice-President, Secretary of the Navy, each Senator, Representative and Delegate to Congress. In addition, appointments are made as a result of competitive examination from the Regular Navy and Marine Corps. Regulations governing the admission of candidates into the U. S. Naval Academy as midshipmen and sample examination questions may be obtained from the Bureau of Naval Personnel, Navy Department, Washington 25, D. C.

(iii) *Candidates for assistant surgeon.* (a) Appointees to the grade of assistant surgeon must be between the ages of 21 and 32 at the time of appointment. Their physical, moral, mental, and professional qualifications must be approved by a board of medical officers.

(b) Acting assistant surgeons may be appointed for temporary service after such examination as the Secretary of the Navy may prescribe. (Art. 1636, U. S. Navy Regulations, 1920.)

(iv) *Candidates for assistant dental surgeon.* (a) Appointees to the grade of assistant dental surgeon must be between the ages of 21 and 32 at the time of appointment. They must be graduates of standard medical or dental colleges and trained in the several branches of dentistry. Before appointment they must successfully pass mental, moral, physical and professional examinations before medical and professional examining boards.

(b) The professional board shall consist of one medical officer, who shall be senior member thereof, and two officers of the dental corps. (Art. 1637, U. S. Navy Regulations, 1920.)

(v) *Candidates for assistant paymaster.* (a) A candidate from civil life for original appointment to the Supply Corps of the Navy must be not less than 21 nor more than 25 years of age. His physical, mental, and moral qualifications must be examined and approved by a board of officers of the Supply Corps.

(b) The physical examination of the candidates shall be conducted by a board of medical officers, who shall report the result thereof to the board of officers of the Supply Corps, certifying as to the physical qualifications of the candidate for appointment as assistant paymaster, and such report shall form a part of the record of said board of officers of the Supply Corps.

(c) A chief pay clerk or pay clerk who is a candidate must be between the ages of 21 and 35. He shall fulfill such requirements as the Secretary of the Navy may prescribe. (Art. 1638, U. S. Navy Regulations, 1920.)

(vi) *Candidates for chaplain.* (a) A candidate for the office of chaplain must be not less than 21 nor more than 35 years of age at the time of his appointment. He must be a regularly ordained minister of good standing in his denomination. His moral character, general fitness, and experience shall be established to the satisfaction of a board of chaplains, which shall conduct a written examination to determine his mental attainments. The physical examination of the candidate shall be conducted by a board of medical officers.

(b) Original appointments shall be made to the grade of acting chaplain after such examination as may be prescribed by the Secretary of the Navy, and while so serving acting chaplains shall have the rank of lieutenant (junior grade).

(c) After three years' service each acting chaplain before receiving a commission in the Navy shall establish to the satisfaction of the Secretary of the Navy by examination by a board of chaplains and medical officers of the Navy his physical, mental, moral, and professional fitness to perform the duties of chaplain in the Navy with the rank of lieutenant (junior grade). Acting chaplains shall be commissioned as chaplains when advanced to the rank of lieutenant. (Art. 1659, U. S. Navy Regulations, 1920.)

(vii) *Candidates for Assistant Civil engineer.* A candidate from civil life for the office of assistant civil engineer must be not less than 22 nor more than 30 years of age, must be a graduate in engineering from a technical school or university of approved standing, and must show evidence that he is proficient in the practice of his profession. He shall be required to pass a physical examination and such mental and professional examinations as the Secretary of the Navy may direct. (Art. 1640, U. S. Navy Regulations, 1920.)

(viii) *Appointment of warrant officers.* (a) Appointments as warrant officers shall be made only after competitive professional examination before boards consisting of at least three commissioned officers, from candidates who fulfill all requirements prescribed by the Navy Department.

(b) The qualifications to be possessed by candidates for appointment as warrant officers shall be prescribed by the Bureau of Naval Personnel after consultation with other bureaus concerned. The Bureau of Naval Personnel shall determine the time and manner of holding examinations for warrant officers. (Art. 1641, U. S. Navy Regulations, 1920.)

(ix) *Nurse Corps.* The regulations relating to the Nurse Corps are being changed in accordance with the provisions of the act of April 16, 1947, and will be published in the FEDERAL REGISTER at a later date.

(x) *General*—(a) *Appointment made subject to examination.* No person shall be appointed to any office in the Navy unless he is a citizen of the United States nor until he shall have passed a physical, a mental, and a professional examination.

The physical examination shall precede the mental and professional, and if a candidate be physically unfit he shall not be examined otherwise.

The oath to be taken by any person appointed to any office of honor or profit in the naval service shall be prescribed in section 1757 of the Revised Statutes.

Each candidate shall, before appointment, be required to submit, in addition to his sworn statement, satisfactory proof of citizenship, which proof will be filed with the record of his examination. (Art. 1631, U. S. Navy Regulations, 1920.)

(b) *Persons not presenting themselves for examination.* Any person who fails to present himself for examination for appointment at the time specified after having obtained permission shall not thereafter be examined except upon authority of the Secretary of the Navy. (Art. 1643, U. S. Navy Regulations, 1920.)

(c) *Penalty for giving false certificates, etc.* Any candidate who gives a false certificate of age, time of service, or character, or makes a false statement to a board of examiners, shall be regarded as disqualified. (Art. 1644, U. S. Navy Regulations, 1920.)

(d) *Acceptance and oath.* Every person on receiving an appointment from the Navy Department to any office in the Navy, shall immediately forward a letter of acceptance, together with the oath of office duly signed and certified. (Art. 1645, U. S. Navy Regulations, 1920.)

(4) *Officers of the Marine Corps.* Information concerning appointment to commissioned rank in the Marine Corps may be obtained by writing to the Director of Personnel, Marine Corps, Washington 25, D. C. Officers in Charge of Recruiting Divisions and Districts, Directors of Marine Corps Reserve Districts, and Commanding Officers and Inspector-Instructors of Marine Corps Reserve activities are cognizant of Marine Corps officer procurement programs.

(i) *General qualifications.* (a) Be a male citizen of the United States.

(b) Be more than twenty (20) years of age on appointment, and if from the Naval Reserve Officers Training Corps or from civil life, be not more than twenty-five (25) years of age on 1 July of the calendar year in which appointed.

(c) Be mentally, morally, professionally, and physically qualified.

(ii) *Sources.* (a) The Naval Academy, the Naval Reserve Officers Training Corps, and the Navy Aviation College Program (Aviation Cadet Program).

Admission: Annually, enlisted men are given the opportunity to compete by written examinations for assignment to these officer candidate training programs.

Commissioning upon graduation: Qualified graduates may be commissioned as Second Lieutenant, U. S. Marine Corps, on a voluntary basis.

(b) Commissioned Warrant, Warrant Officers, and Enlisted Men of the Marine Corps.

Qualified enlisted men who have successfully completed a four-year course of instruction at an accredited college or university or demonstrated by test the attainment of an equivalent educational level may be commissioned Second Lieutenant, U. S. Marine Corps (Public Law 729—79th Congress).

Commissioned Warrant Officers, Warrant Officers, and first pay grade noncommissioned officers and other enlisted men who have sufficient previous service and are otherwise qualified may be commissioned (Act of June 27, 1942 56 Stat. 422, and the act of August 10, 1946, Public Law 720—79th Congress).

(c) Civil life.

Graduates of accredited colleges and universities may be appointed as Second Lieutenant, U. S. Marine Corps, provided otherwise qualified (act of August 13, 1946, Pub. Law 729, 79th Cong.).

(c) *Benefit Guide.* (1) The pamphlet Benefit Guide for Officers and Enlisted Men, United States Navy and United States Naval Reserve, is published by the Bureau and contains all information regarding benefits to which beneficiaries of officers and enlisted men of the Regular Navy and Naval Reserve are entitled. This pamphlet describes all papers, documents, etc., that are necessary to substantiate claims, and also gives a list of charitable organizations which furnish emergency aid to families of deceased officers and men.

(2) The many cases handled by the Bureau show that in the majority of cases the beneficiaries are unaware or have incorrect information of the benefits accruing to them, sometimes to their inconvenience and pecuniary loss. (Art. C-8002, Bureau of Naval Personnel Manual.)

b. Amend § 27.10 (a), line 15, by inserting the word "chief" between "their" and "support."

c. Amend the first and second paragraphs of § 27.11 to read as follows:

§ 27.11 *Missing Persons Act.* Under the provisions of the Missing Persons Act, Public Law 490, 77th Congress (56 Stat. 143; 50 App. U. S. C. 1001–1018), as amended by Public Law 408, 78th Congress (58 Stat. 676; 50 App. U. S. C. 1001–1018), a finding of presumptive death is made by the Secretary of the Navy when a survey of all available sources of information indicates beyond doubt that the presumption of continuance of life has been overcome. When a finding of presumptive death is made, a man's pay accounts are closed as of the presumptive date of death, that is the day following the expiration of the 12 months' absence or a longer period when justified, and the various benefits, such as the six months' gratuity, become payable. A finding of presumptive death concerning an officer or enlisted man of the Navy means simply that as of the date thereof he is for the purposes of Naval administration no longer alive. It does not mean that death occurred on that or on any other certain date. For purposes other than Naval administration, the law does not make these findings binding or conclusive but commercial insurance companies have, almost without exception, accepted them as evidence of the fact of death and have paid insurance claims on the basis thereof.

Findings of presumptive death are never made when the "missing" status has not continued for at least 12 months. Whenever, subsequent to the expiration of the 12th months, cumulative or other evidence establishes beyond doubt that a "missing" person is no longer alive, a prompt finding of presumptive death will be made. Also, such a finding will be made whenever justified by the lapse of time beyond the 12 months' absence without specific information being received.

d. Amend § 27.12 (a) to read as follows:

§ 27.12 *Mustering-out payments*—(a) *Statutory authority.* The Mustering-Out Payment Act of 1944 provides for mustering-out payments for each member of the armed forces otherwise entitled who shall have been engaged in active service in the present war, and who is discharged or relieved from active service under honorable conditions on or after December 7, 1941.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-5142; Filed, May 29, 1947; 8:47 a. m.]

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

BUREAU OF MEDICINE AND SURGERY

Amend § 26.7 (c) of the regulations relating to the organization and functions of the Naval Establishment (11 F. R. 177A-168) to read as follows:

§ 26.7 *Bureau of Medicine and Surgery.* * * *

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau of Medicine and Surgery (The Surgeon General).
- Legal Assistant to the Surgeon General.
- General Inspector, Medical Department.
- General Inspector, Dental Service.
- Red Cross Liaison Office.

Deputy and Assistant Chief of Bureau.
- Administration Division.
- Office of Public Information.
- Finance Division.
- Medical Statistics Division.

Assistant Chief of Bureau for Professional and Personnel Operations.
- Professional Division.
- Preventive Medicine Division.
- Physical Qualifications and Medical Records Division.
- Personnel Division.
- Publications Divisions.

Assistant Chief of Bureau for Planning and Logistics.
- Planning Division.

Matériel Division.

Naval Medical Matériel Board.
- Army-Navy Medical Procurement Agency.

Assistant Chief of Bureau for Dentistry
- Dental Division.

Assistant Chief of Bureau for Research and Medical Specialties.
- Research Division.
- Amphibious and Marine Corps Field Medicine Division.
- Submarine Medicine Division.

Aviation Medicine Division.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-5141; Filed, May 29, 1947; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 01—ORGANIZATION

CENTRAL AND BRANCH OFFICES

1. Section 01.2 is revised to read as follows:

§ 01.2 *Organization of the Office of the Executive Assistant Administrator.*

(a) The Executive Assistant Administrator is the principal Assistant of the Administrator. He takes independent action in the name of the Administrator with respect to all problems affecting the VA which do not require the Administrator's personal attention. During the absence of the Administrator he acts as Administrator in all matters affecting the VA within the limits of the authority delegated to him by the Administrator.

(b) The Executive Assistant Administrator supervises and coordinates the activities of the Special Assistants to the Administrator, the Deputy Administrators, and the Assistant Administrators. All of the mentioned officials report to the Administrator through the Executive Assistant Administrator.

(c) The Executive Assistant Administrator authenticates the decisions of the Administrator and assures the dissemination of the resulting directives throughout the VA.

(d) The Office of the Executive Assistant Administrator is composed of the Budget Service, Coordination Service, Foreign Relations Service, Inspection and Investigation Service and Public Relations Service.

(1) *Budget Service.* (i) The Director of the Budget Service is also the Budget Officer of the VA.

(ii) Prepares the VA Budget and any supplemental or deficiency estimates, including justification and supporting data, for submission to the Bureau of the Budget and to the appropriations committees of the Congress.

(iii) Acts as liaison officer between VA and the Bureau of the Budget and the appropriations committees of the Congress on matters affecting fiscal and budgetary policies; and participates in budget hearings before Bureau of the Budget and appropriations committees of Congress.

(iv) Formulates budget policies and procedures for the preparation and submission of appropriation estimates by Assistant Administrators and comparable officials in the Central Office, by Branch Offices and by field stations; reviews all budget requests and justifications for consistenty with over-all plans and objectives.

(v) Assists in the formulation of the fiscal program of the VA; allocates and controls appropriated funds.

(vi) Formulates policies and procedures for the budgetary control; administers a system of reports designed to provide basic data for budget estimates and other reporting requirements and a system of analysis and current reports of the budgetary position of the VA.

(vii) Maintains technical supervision of budgetary activities of the VA.

(viii) Reviews legislation, executive orders, and other legislative and executive actions affecting the VA to determine budgetary and fiscal effect; and reviews proposed VA issues for budget implications.

(2) *Coordination Service.* (i) Develops and recommends for approval of the Executive Assistant Administrator policies, plans, and procedures (including media) to insure an adequate system for the coordination of all administrative issues with Central Office staff officials concerned; insures compliance with the approved system, makes review and obtains approval prior to release for publication; maintains the historical records of all issues.

(ii) Assembles and submits material for the FEDERAL REGISTER and Code of Federal Regulations.

(iii) Coordinates the preparation and maintains the VA organization manual and overall organization charts for all VA functional areas; makes recommendations to the Executive Assistant Administrator concerning the establishment of standard organization terminology and structure.

(iv) Coordinates the work measurement, work simplification, and management techniques programs to the extent specifically directed by the Administrator or requested by Assistant Administrators.

(v) Maintains the correspondence manual.

(vi) Reviews and clears with the Bureau of the Budget, all recurring and nonrecurring reports (including the report forms) imposed by any VA installation, subject to the Federal Reports Act; clears with the Comptroller General such forms and reports which must be approved by that office.

(vii) Maintains liaison for VA with the War and Navy Departments and other agencies for the purpose of insuring receipt of timely information on accessions and separations; reports statistically the official data on trends, characteristics and projections of the veteran population.

(viii) Operates a reports control system; reviews technically basic reporting systems developed by Assistant Administrators; and acts as consultant on statistical and other research methods.

(ix) Coordinates new and revised forms and maintains continuous study of all VA forms for the purpose of standardization and simplification.

(x) Analyzes available data, designs and prepares certain periodic reports, such as a review of the month's operations; recommends the content and assembles other periodic reports containing information furnished by two or more Assistant Administrators, such as a VA statistical summary; a regional office, branch office and hospital summary; the annual report to Congress; and reports to other governmental or private organizations.

(xi) Makes studies and recommendations concerning establishment, continuation, location and termination of field installations other than hospitals; compiles bulletins announcing names, jurisdictions and official addresses of all VA installations and key personnel.

(xii) Arranges for conferences of Deputy Administrators.

(xiii) When directed by the Executive Assistant Administrator or requested by an Assistant Administrator:

(a) Designs, conducts, coordinates, reviews technically or provides technical assistance or advice concerning statistical and research publications.

(b) Maintains liaison with other agencies and serves on inter-agency committees involved in statistical activities concerning veterans; reviews and recommends action on all reports, including all studies for which VA must make reimbursement, which may be requested by the VA from any governmental or private organization.

(c) Supplies technical advice and assistance in the development, installation and maintenance of methods designed to improve the quality of correspondence.

(d) Makes studies and evaluates proposals concerning VA organization policy and structure; prepares analyses and recommendations relating to matters involving disagreement concerning assignment of administrative responsibilities; coordinates and reviews delegations and cancellations of authority.

(e) Conducts or coordinates studies, such as those concerning efficiency of operating methods, uniformity of action taken, implications in current operating policies, extent to which programs are achieving desired objectives, and prepares the necessary administrative issuances.

(3) *Foreign Relations Service.* (i) Supervises the operation of the VA Regional Office in the Republic of the Philippines and such other activities in other foreign countries as may be hereafter specifically designated; coordinates these activities in the Central Office of the VA.

(ii) Supervises the operation of VA activities in the Panama Canal Zone and in such other U. S. possessions as may be hereafter specifically designated; coordinates these activities in the Central Office of the VA.

(iii) Maintains liaison with the Department of State relative to the operation of veterans' programs in foreign countries and coordinates with appropriate activities within the VA matters referred by that Department.

(iv) Provides service to the Department of State in (a) the nomination of qualified VA personnel to serve as attachés and staff officers handling veterans' affairs in American Embassies and Legations abroad, when requested; (b) the supervision of such personnel while undergoing training for assignment; and (c) the development, in collaboration with the Assistant Administrators concerned, of adequate instructions to guide diplomatic and consular officers in the operation of VA programs abroad.

(v) Maintains liaison directly with the Department of Veterans Affairs, Dominion of Canada, on matters relating to VA activities in the Dominion of Canada and to activities of that Department in the United States; coordinates such matters with appropriate VA officials.

(vi) Develops and recommends reciprocal agreements with foreign countries for the furnishing of certain services to veterans under the provisions of Public Law 499, Seventy-ninth Congress.

(vii) Verifies service of American veterans in Allied forces upon request of any office of the VA; verifies service of nationals of Allied countries in the Armed Forces of the United States upon request of their respective governments.

(viii) Performs continuing study of the problems involved in the administration of veterans programs in U. S. possessions (except Alaska, Hawaii and Puerto Rico) and in foreign countries; recommends necessary policy revisions.

(4) *Inspection and Investigation Service.* (i) Directs and conducts administrative inspections, regular and special, of any VA activities and functions at Central Office and all other levels when authorized by the Administrator or his designate.

(ii) Directs and conducts investigations of any VA activities and functions at Central Office and all other levels, when authorized by the Administrator or his designate.

(iii) Directs and conducts special studies or inquiries when authorized by the Administrator or his designate.

(iv) Directs and conducts inspections and investigations of public, quasi-public, and private agencies, corporations, associations, or individuals rendering or seeking to render paid or gratuitous services to the VA or its beneficiaries, when authorized by the Administrator or his designate.

(v) Recommends policies, procedures, and directives governing the conduct of inspections, investigations, the form of reports, the processing of reports, and the administration of the Inspection and Investigation Service.

(vi) Submits reports of inspection and investigation to the Administrator or his designate, and establishes control of reports to assure that action is taken upon matters reported in accordance with the instructions of the Administrator or his designate.

(vii) Disseminates information contained in reports of inspection and investigation to Assistant Administrators and Deputy Administrators.

(viii) Exercises technical supervision over and coordinates inspection and investigation functions of the Branch Offices.

(ix) Operates an Identification and Detection Division for the examination of handwriting, typewriting, questioned documents, fingerprints, and other material subject to laboratory analysis.

(x) Collects, reviews, assembles and coordinates data concerning veterans believed to be missing; disseminates information concerning these persons through circular letters.

(xi) Performs liaison with officials of other departments and agencies of the government who have responsibility for inspection and investigation functions.

(5) *Public Relations Service.* (i) Counsels and advises the Administrator and his assistants where public interest is involved in the determination of VA policy.

(ii) Assembles, prepares and coordinates information for release through newspapers, magazines, radio and motion picture to advise veterans and dependents as to the benefits administered by the VA and to provide information concerning the offices where applications for benefits may be made.

(iii) Assembles, prepares and coordinates information for release through newspapers, magazines, radio and motion picture concerning the current operations of the VA.

(iv) Maintains liaison with newspapers, magazines, radio and motion picture and releases or clears all statements by VA personnel which are to be made available to newspapers, magazines, motion picture or radio.

(v) Acts as liaison with all public or private agencies with respect to the release of information pertaining to VA activities through newspapers, magazines, motion picture or radio.

(vi) Renders technical advice and assistance, when requested or directed, in preparing material relating to VA policy or operations which is to be made available to the public.

2. Section 01.3 *Organization of Office of Director of Public Relations* is canceled as of April 4, 1947.

3. Section 01.4 is revised to read as follows:

§ 01.4 *Organization of the Office of the Solicitor*—(a) *Mission.* As chief law officer of the VA, advises the Administrator, staff members, and heads of operating agencies on all law matters; formulates policies and procedures as to all legal matters—including litigation and guardianship and exercises staff (technical) supervision over such activities located in branch offices and through them in field stations.

(b) *Major functions.* The Office of the Solicitor performs the following major functions:

(1) Renders opinions on legal matters, prepares or approves submissions to the Attorney General and Comptroller General, cooperates with the Department of Justice, et al, regarding civil and criminal actions in Federal courts, participates in litigation and State courts, as necessary, and makes final disposition of damage and other claims.

(2) Provides general policy and furnishes staff (technical) supervision over all guardianship and field examination functions of chief attorneys in the branch offices and through them the field stations.

(c) *Organization.* The Office of the Solicitor consists of the Deputy Solicitor, the Executive Office, Legal Service and Guardianship Service.

(1) *Deputy Solicitor.* The Deputy Solicitor acts for the Solicitor or for any Associate Solicitor, as directed by the Solicitor.

(2) *Executive Office.* The Executive Officer, responsible to the Solicitor, performs the following:

(i) Executive and Administrative functions of the Office of Solicitor.

(ii) Supervision of Law Library, including precedent files, digests of precedent decisions and other files in the Executive Office.

(iii) Personnel, travel and budget functions, Office of Solicitor, and budget matters involved in the purchase and maintenance of law libraries in the Solicitor's Office and the field offices.

(iv) Digest, Research, and Publications Control operations.

(v) Recognition, suspension or disbarment of attorneys or agents practicing before the Veterans' Administration and recognition of Service Organizations and accreditation of their representatives.

(3) *Legal Service.* The Legal Service, under an Associate Solicitor, responsible to the Solicitor, performs the following functions:

(i) Renders opinions on all legal matters presented to the Solicitor.

(ii) Provides staff (technical) supervision over legal work of chief attorneys in the branch offices, and through them, the legal and litigation other than guardianship responsibilities of the chief attorneys in the field stations.

(iii) Cooperates with the Department of Justice in civil litigation in Federal courts involving either the VA, or its officials in their official capacity, and in criminal actions arising under veterans' laws: participates in litigation in State courts, as necessary.

(4) *Guardianship Service.* The Guardianship Service, under an Associate Solicitor, responsible to the Solicitor, performs the following functions:

(i) Formulates general policy and provides staff (technical) supervision of all guardianship affairs of the VA in the continental United States, insular and territorial possessions thereof, and foreign countries, including litigation arising therefrom in State and other appropriate courts, and cooperates with the Department of Justice in cases in Federal courts arising incident to guardianship activities.

(ii) Provides staff (technical) supervision of guardianship and field examination functions of chief attorneys in the branch offices.

(iii) Through the branch office chief attorneys:

(*a*) Provides staff (technical) supervision and training of field examiners in the field stations.

(*b*) Provides staff (technical) supervision of all guardianship functions of offices of chief attorneys in the field stations.

(iv) Cooperates with officials and organizations in connection with State legislation affecting the VA.

4. Section 01.8 is revised to read as follows:

§ 01.8 *Organization of the Office of the Assistant Administrator for Insurance*—(a) *Mission.* The Assistant Administrator for Insurance has staff responsibility to the Administrator for the proper conduct of the activities set forth herein. The activities include:

(1) The administration of all laws relating to insurance granted under the War Risk Insurance Act, as amended; the World War Veterans' Act, 1924, as amended; the National Service Life Insurance Act of 1940, as amended; Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, and the amendments thereto; subsection 6 (d) of the Armed Forces Leave Act of 1946, and those provisions of the World War Adjusted Compensation Act applicable to the VA excluding the loan provisions. Excepted from the foregoing functions is the adjudication of death claims and awarding or disallowing of death benefits.

(b) *Major functions.* The Office of the Assistant Administrator for Insurance performs the following major functions:

(1) Conducts studies of insurance experience and practices on a broad scale throughout the field of commercial life insurance as well as within the Government; and develops over-all policy in connection with the Government insurance program.

(2) Develops policies, standards and procedures for granting or making

changes in contracts for life and disability insurance, conducts such functions when the operations are directly under the jurisdiction of Central Office and exercises staff supervision over such functions when the operations are under the jurisdiction of the branch offices.

(3) Develops policies, standards and procedures for making determinations for total or total permanent disability for insurance purposes and awarding and terminating such benefits, conducts such functions when the operations are directly under the jurisdiction of Central Office and exercises staff supervision over such functions when the operations are under the jurisdiction of the branch offices.

(4) Conducts actuarial functions and maintains necessary accounts and records.

(5) Develops policies, standards and procedures for the collection and disposition of insurance premiums and the maintenance of insurance premium accounts, conducts such functions when the operations are directly under the jurisdiction of Central Office and exercises staff supervision over such functions when the operations are under the jurisdiction of the branch offices.

(c) *Organization.* The Office of the Assistant Administrator for Insurance consists of the Executive Assistant, the Coordinating Staff, the Underwriting Service, the Disability Insurance Claims Service, the Actuarial Service, the Insurance Accounts Service and the Field Operations Service, the heads of which will be responsible to the Assistant Administrator.

(1) *Executive Assistant.* The Executive Assistant acts as general assistant and is responsible to the Assistant Administrator for the coordination and general staff supervision of insurance activities, including planning and research to develop the necessity and advisability of changes in laws, policies, procedures and organization. He acts as Assistant Administrator in the latter's absence.

(2) *Coordinating Staff.* The Coordinating Staff under the Chief Coordinating Officer conducts the following functions.

(i) Consolidates, compiles, analyzes and evaluates data relative to the efficiency of insurance operations.

(ii) Reviews, evaluates and makes recommendations to the Assistant Administrator on program plans, policies and procedures submitted by the various services.

(iii) Correlates current and long-range program plans formulated by the operating services and coordinates plans with other offices of the VA affected by such plans.

(iv) Operates the Employees' Suggestion Program in the Office.

(v) Participates in the designing and installing of systems and procedures, and when the occasion so indicates, initiates action in regard thereto.

(vi) Participates in the establishment of objectives and goals against which to measure the effect of operations and the success of management, and when the occasion so indicates initiates action in regard thereto.

(vii) Reviews and analyzes the organization structure of the office to insure that the organizational policies of the VA are effectuated and, where appropriate, institutes organizational changes according to prescribed procedures.

(viii) In accordance with established policies administers the work simplification and work measurement programs to improve and compare performance of all elements of the Office.

(ix) Participates in designing and installing reporting systems.

(x) Prepares special reports for the Assistant Administrator for use in policy making, management and budget preparation.

(xi) Prepares special reports and studies, including reports required for Congressional purposes.

(xii) Applies the principles of the reports control system to the internal reports in the Office of the Assistant Administrator.

(xiii) Participates in the forms control program by determination of essentiality and approval for all printed or reproduced VA forms and Central Office forms applicable to the Office before these forms are forwarded to Forms Control and Standardization Division.

(xiv) Compiles historical data as requested.

(xv) Maintains liaison with the offices of Central Office for statistical and planning purposes.

(xvi) Operates a publications control program within the office in accordance with present directives.

(3) *Underwriting Service.* The Underwriting Service, under a Director, develops policies, standards and procedures governing the following functions, conducts such functions when the operations are directly under the jurisdiction of Central Office and exercises staff supervision over such functions when the operations are under the jurisdiction of the branch offices.

(i) Formulates current and long-range program plans for underwriting activities based upon current and future objectives and prepares detailed operational plans for the accomplishment of the mission of underwriting activities; revises plans as required by changed requirements or budgetary limitations;

(ii) Grants contracts of life and disability insurance under the authority of the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, laws pertaining to Naval Aviation Cadets, and the National Service Life Insurance Act of 1940, as amended;

(iii) Determines the acceptability and sufficiency of all medical evidence submitted in connection with: (*a*) Applications for new insurance under sections 310 and 311, World War Veterans' Act, 1924, as amended, and section 602, National Service Life Insurance Act of 1940, as amended; (*b*) applications for reinstatement and change in plan of insurance, ordering physical and mental examinations whenever deemed necessary in connection with any such application;

(iv) Approves conversions and contract changes under insurance contracts such as changes in plan, effective date, age at issue, and requests for changes of beneficiary, optional settlement, reduction in amount of insurance, and re-establishes records after termination of total or total and permanent disability awards;

(v) Authorizes adjustments and refunds in effecting issues, disapprovals, and contract changes;

(vi) Makes decisions and authorizes for payment vouchers payable from the Military and Naval Insurance appropriation, the National Service Life Insurance appropriation and from the United States Government Life Insurance Fund and National Service Life Insurance Fund, covering adjustments and refunds;

(vii) Establishes records of War Risk (yearly renewable) term insurance, and maintains premium records thereof;

(viii) Issues original and duplicate Adjusted Service Certificates under the World War Adjusted Compensation Act;

(ix) Authorizes payment of Adjusted Service Credit to the veteran if amount due is $50 or less;

(x) Approves requests for change of beneficiary under Adjusted Service Certificates;

(xi) Handles all matters relating to Marine and Seamen Insurance;

(xii) Maintains continuing staff supervision and appraisal of underwriting operations in the branch offices to insure conformity with established policies, standards and procedures and to determine the possibility of increased efficiency in operation through procedural or organizational changes;

(xiii) Develops policies and procedures for standardization of operations;

(xiv) Receives and analyzes reports submitted by branch offices to determine progress made or possible development of backlog and determines necessary action for the elimination of backlog.

(4) *Disability insurance claims service.* The Disability Insurance Claims Service, under a Director, develops policies, standards and procedures governing the following functions, conducts such functions when the operations are directly under the jurisdiction of Central Office and exercises staff supervision over such functions when the operations are under the jurisdiction of the branch offices:

(i) Formulates current and long-range program plans for Disability Insurance Claims activities based upon current and future objectives and prepares detailed operational plans for the accomplishment of the mission of disability insurance claims activities; revises plans as required by changed requirements or budgetary limitations;

(ii) Makes determinations of total or total permanent disability for insurance purposes and adjudicates all claims for disability benefits including waiver of premiums under contracts or policies of insurance issued or granted under laws administered by the VA; awards or disallows benefits in such cases; issues denials in disallowed cases;

(iii) Reviews cases in which such benefits including waiver of premiums have been allowed and determines the right to continuance thereof; terminates awards in cases wherein insured is found no longer totally or totally permanently disabled;

(iv) Determines the question of mental competency or incompetency for the purpose of establishing insured's rights to waiver of payment of premiums on due date under subparagraph (c) of section 306, World War Veterans' Act, 1924, as amended, and makes decisions thereon; determines from time to time upon basis of evidence received subsequent to granting of such waiver, the right of insured to continuance thereof;

(v) Determines if there was fraud in procurement or reinstatement of a contract of insurance or if a contract of insurance is contestable either before maturity of said contract or after maturity as a claim;

(vi) Orders physical and mental examinations whenever found necessary in connection with the functions of the Service;

(vii) Makes final decisions and authorizes for payment vouchers payable from Military and Naval Insurance appropriation, United States Government Life Insurance Fund, National Service Life Insurance appropriation and from the National Service Life Insurance Fund covering awards of total and permanent disability or total disability benefits under Yearly Renewable Term Insurance, United States Government Life Insurance and National Service Life Insurance;

(viii) Conducts a review of the record and prepares recommendations on appeals, taken from the original decision;

(ix) Determines the liability of the United States and the United States Government Life Insurance Fund under contracts of United States Government Life Insurance that mature as total and permanent disability or death claims; determines the liability of the United States and the National Service Life Insurance Fund under contracts of National Service Life Insurance that mature as total disability or death claims, or where a waiver of premiums is granted by reason of the total disability of the insured; issues certificates of liability and otherwise performs the duties under the provisions of sections 302 and 313 of the World War Veterans' Act, 1924, as amended, and under sections 607 and 602 (v) (2) of the National Service Life Insurance Act of 1940, as amended;

(x) Maintains continuing staff supervision and appraisal of disability insurance claims operations in the branch offices to insure conformity with established policies, standards and procedures and to determine the possibility of increased efficiency in operation through procedural or organizational changes;

(xi) Develops policies and procedures for standardization of operations;

(xii) Receives and analyzes reports submitted by branch offices to determine progress made or possible development of backlog and determines necessary action for the elimination of backlog.

(5) *Actuarial Service.* The Actuarial Service, under a Director, conducts the following functions:

(i) Formulates current and long-range program plans for Actuarial activities based upon current and future objectives and prepares detailed operational plans for the accomplishment of the mission of actuarial activities; revises plans as required by changed requirements or budgetary limitations;

(ii) Makes valuations, estimates and studies of the condition of the United States Government Life Insurance Fund and the National Service Life Insurance Fund, and of the appropriations and for other insurance purposes;

(iii) Furnishes technical advice and instructions on all technical actuarial matters, calculates and prepares tables of values, dividends, interest factors, premium rates, etc., and makes such special calculations in individual cases as may be required;

(iv) Maintains records and prepares reports and exhibits covering insurance in force, issues, terminations, claims, maturities, changes and such other records as are necessary for actuarial purposes;

(v) Prepares estimates relative to dividends on insurance, schedules same for payment, deposit or credit to account, and maintains record of dividends paid or deposited.

(vi) Handles all matters relating to Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 and the amendments thereto;

(vii) Makes decisions and authorizes for payment vouchers payable from the United States Government Life Insurance Fund and National Service Life Insurance Fund covering dividends;

(viii) Establishes and maintains records for statistical purposes in those cases where a waiver of premiums is granted under National Service Life Insurance;

(ix) Maintains books on the United States Government Life Insurance fund and the National Service Life Insurance Fund on accrual basis involving premium receipts, investments, cash surrenders, dividends, death claims, etc., and records showing investments on account of such trust funds;

(x) Punches cards on individual insurance accounts and tabulates same for control of such accounts;

(xi) Maintains books and prepares statements on the condition of the National Service Life Insurance appropriation.

(6) *Insurance Accounts Service.* The Insurance Accounts Service, under a Director develops policies, standards and procedures governing the following functions, conducts such functions when the operations are directly under the jurisdiction of Central Office and exercises staff supervision over such functions when the operations are under the jurisdiction of branch offices:

(i) Formulates current and long-range program plans for Insurance Accounts activities based upon current and future objectives and prepares detailed operational plans for the accomplishment of the mission of insurance accounts activities; revises plans as required by changed requirements or budgetary limitations;

(ii) Maintains premium records on insurance accounts;

(iii) Authorizes disposition of insurance premiums;

(iv) Prepares annual inventory of premiums and total disability accounting records;

(v) Authorizes settlement on cash surrenders, matured endowments and refunds of premiums;

(vi) Furnishes premium, loan and lien status on death and total or total permanent disability cases;

(vii) Reports lapsed insurance, effecting reinstatements, etc.;

(viii) Authorizes policy loans and maintains loan records;

(ix) Issues premium notices and receipts, loan-interest notices, etc.;

(x) Furnishes data for authorizing dividends;

(xi) Maintains records of dividend deposits and authorizes dividend withdrawals;

(xii) Maintains addressograph plate file for all policies;

(xiii) Makes calculations in individual cases as required;

(xiv) Receives, accounts for and disposes of all moneys received in Central Office and the Branches thereof for the credit of the United States Government Life Insurance Fund, the National Service Life Insurance Fund and the National Service Life Insurance appropriation;

(xv) Maintains records of Armed Forces Leave Bonds assigned to the Administrator of Veterans Affairs for payments on Government life insurance, as authorized by subsection 6 (d) of the Armed Forces Leave Act of 1946, and properly credits the proceeds of such bonds to the insured's account upon their redemption by the Secretary of the Treasury and their payment and crediting to the appropriate insurance fund or appropriation and/or special deposit account;

(xvi) Maintains continuing staff supervision and appraisal of insurance accounting and collection operations in the branch offices to insure conformity with established policies, standards and procedures and to determine the possibility of increased efficiency in operation through procedural or organizational changes;

(xvii) Develops policies and procedures for standardization of operations;

(xviii) Receives and analyzes reports submitted by branch offices to determine progress made or possible development of backlog and determines necessary action for the elimination of backlog.

(7) *Field Operations Service.* The Field Operations Service, under a Director, conducts the following functions:

(i) Correlates the continuing staff supervision and appraisal of insurance operations in the branch offices by representatives of the operating services of Central Office concerned, to insure conformity with established policy, standards and procedures; and to make certain that such operations are conducted in a uniform, effective and economical manner;

(ii) Assures, upon request from the branch offices, prompt advice and assistance in all their problems pertaining to the insurance operations from the operating services concerned and when the problem concerns more than one service, coordinates the action taken;

(iii) Coordinates new policies, standards and procedures in connection with insurance activities recommended by the services concerned as the necessity is developed by findings during periodic staff supervision trips or communications from the branch offices;

(iv) Coordinates and supervises periodic or special field trips performed by personnel of Central Office Insurance Services and provides a group supervisor for such teams when field trips are made;

(v) Controls and coordinates, when necessary, replies to correspondence emanating from branch offices with respect to insurance policy, standards and procedures of any or all of the operating services to assure that uniform information is furnished to all branch offices; formulates replies to all such correspondence involving matters of general policy;

(vi) Assures that the branch offices are advised promptly of all changes in policy;

(vii) Prepares complete reports of a general nature for submission to the Assistant Administrator concerning field operations in addition to other information regarding adherence to policy, standards and procedures as requested; obtains such reports specifically relating to the operations of each from the services concerned;

(viii) Plans and coordinates information, educational and liaison programs, both through organization units within the VA and with outside organizations, veterans and the general public, designed for keeping veterans informed of the provisions and advantages of National Service Life Insurance and United States Government Life Insurance and secures the cooperation of all concerned in encouraging and assisting veterans to retain policies now in effect or reinstate lapsed policies;

(ix) Develops, plans and places into operation insurance conservation policies, procedures and practices;

(x) In cooperation with the Office of the Assistant Administrator for Personnel, conducts courses on the technical aspects of Government insurance for VA insurance personnel to insure a thorough knowledge of National Service Life Insurance and United States Government Life Insurance;

(xi) Prepares instructional manuals on insurance, and maintains a constant check to assure that accurate up-to-date information is contained therein;

(xii) Arranges special courses in insurance where necessary, either in Central Office, branch offices, or field stations; and prepares and distributes visual aid material for use in such courses;

(xiii) Secures reports from services and other relevant sources relative to insurance training on-the-job; maintains continuous follow-up so that insurance personnel will be well trained at all times on the necessary aspects of the operation to which assigned;

(xiv) Furnishes upon request from branch offices and field stations, material for the training of insurance personnel.

5. Section 01.15 *Organization of Office of Insular and Foreign Relations* is canceled as of March 5, 1947.

6. Section 01.31 is revised to read as follows:

§ 01.31 *Branch office organization of the Office of the Assistant Deputy Administrator.* (a) The Assistant Deputy Administrator is the principal assistant of the Deputy Administrator. He takes independent action in the name of the Deputy Administrator with respect to all problems affecting the branch area which do not require the Deputy Administrator's personal attention.

(b) The Assistant Deputy Administrator supervises and coordinates the activities of the Service Directors and field station Managers. The mentioned officials report to the Deputy Administrator through the Assistant Deputy Administrator. During the absence of the Deputy Administrator, he acts in all matters affecting the branch area within the limits of authority delegated to him by the Deputy Administrator.

(c) The Office of the Assistant Deputy Administrator is composed of the Budget Division, Coordination Division, Inspection and Investigation Division and Public Relations Division.

(1) *Budget Division.* (i) Reviews VA issuances and executive actions affecting the branch area to determine budgetary effect; reviews proposed branch office issuances for budget implications.

(ii) Maintains technical supervision of budgetary activities of the branch area.

(iii) Conducts a continuing system of analysis of current budgetary and financial reports for the branch area in order to determine the budgetary position and future requirements of individual field stations and of the branch area as a whole.

(iv) Coordinates the preparation of branch area estimates and any supplemental information including justifications and supporting data for submission to the VA budget officer.

(v) Issues interpretations and necessary implementations of budget procedures to field stations and branch office officials; furnishes advice on budget problems to such station officials, as required.

(vi) Reviews, coordinates and summarizes appropriation estimates and budget requests from field stations and branch office officials; recommends appropriate adjustments in such estimates and requests.

(vii) Maintains records of such lump-sum allocations as may be made for the branch area as a whole and of allotments issued under such allocations, by direction of the Deputy Administrator; prepares and issues allotments under branch area allocations.

(2) *Coordination Division.* (i) Develops and recommends for the approval of the Assistant Deputy Administrator necessary plans and procedures to insure an adequate system for the coordination of all branch office administrative issues with staff officials concerned; insures compliance with the approved system, makes review and obtains approval prior to release for publication; maintains historical records of all such issues.

(ii) Coordinates the preparation, and maintains branch area organization charts; in accordance with established policy, makes recommendations concerning the establishment of branch organization structure.

(iii) Coordinates the branch work measurement, work simplification and management techniques programs to the extent specifically directed by the Deputy Administrator or requested by Service Directors.

(iv) Operates the branch reports control system and acts as consultant to branch officials on statistical and other research methods.

(v) Maintains a continuous study of all forms for the purpose of making recommendations concerning standardization and simplification.

(vi) Analyzes available data concerning branch operations, coordinates, prepares and assembles material for certain periodic reports, such as material for periodic review of operations or a statistical summary; recommends the content and assembles other periodic reports containing information furnished by two or more Service Directors.

(vii) Makes studies and recommendations concerning establishment, continuation, location and termination of field installations other than hospitals.

(viii) Maintains, in accordance with established policies and procedures, a statistical reporting system in the branch office area.

(ix) When directed by the Deputy Administrator or requested by a Service Director:

(*a*) Designs, conducts, coordinates, reviews technically or provides technical assistance or advice concerning statistical or research publications.

(*b*) Supplies technical advice and assistance in the development, installation and maintenance of methods designed to improve the quality of correspondence.

(*c*) Prepares analyses and recommendations relating to matters involving disagreement concerning assignment of administrative responsibilities; coordinates and reviews delegations and cancellations of authority.

(*d*) Conducts or coordinates studies such as those concerning efficiency of branch operating methods, uniformity of action taken, implications of current operating policy, extent to which programs are achieving desired objectives and, within limits of established policy, prepares any necessary administrative issuances.

(3) *Inspection and Investigation Division.* (i) When authorized by the Deputy Administrator or the Assistant Deputy Administrator:

(*a*) Directs and conducts administrative inspections, regular and special, of any VA activities and functions within the jurisdiction of the Deputy Administrator.

(*b*) Directs and conducts investigations of any VA activities or functions within the jurisdiction of the Deputy Administrator.

(*c*) Directs and conducts special inquiries.

(*d*) Directs and conducts inspections and investigations of public, quasi-public and private agencies, corporations, associations or individuals rendering or seeking to render aid or gratuitous services to the VA or its beneficiaries.

(ii) Submits reports of inspection and investigation to the Deputy Administra-

tor or the Assistant Deputy Administrator and establishes control over reports to assure that action is taken upon matters reported, in accordance with the instructions of the Deputy Administrator or the Assistant Deputy Administrator.

(iii) Disseminates information contained in reports of inspection and investigation to directors of services.

(4) *Public Relations Division.* (i) Advises the Deputy Administrators and Assistant Deputy Administrators where public interest is involved in the determination of branch area activities.

(ii) Obtains, assembles, prepares and coordinates information for release through newspapers, magazines, visual aids, and radio to advise veterans and dependents as to the benefits administered by the VA under the jurisdiction of the branch office and provides information concerning the offices where applications for benefits may be made.

(iii) Obtains, assembles, prepares and coordinates information for release through newspapers, magazines and radio concerning current operations under the jurisdiction of the branch office.

(iv) Maintains liaison with newspapers, magazines, and radio and releases or clears all statements by branch area personnel which are to be made available to newspapers, magazines or radio.

(v) Acts as liaison with public or private agencies with respect to branch area activities through newspapers, magazines, or radio.

(vi) Renders technical advice and assistance in preparing material relating to branch office policy or operations which is to be made available to the public.

7. Section 01.32 *Branch Office Organization of the Public Relations Service* is canceled as of March 5, 1947.

8. Section 01.36 is revised to read as follows:

§ 01.36 *Branch office organization of the Insurance Service*—(a) *Mission.* Implements established policies, plans, and procedures for the insurance program of the VA in the branch area; exercises direct supervision over activities under immediate jurisdiction of the branch office; and maintains staff supervision over activities located in field stations.

(b) *Major functions.* The Office of the Director, Insurance Service, performs the following major functions:

(1) Grants contracts of National Service Life Insurance under the laws administered by the VA to applicants separated from active military service and to those in service remitting premiums direct; handles reinstatements, conversions, and changes affecting insurance policies.

(2) Receives, accounts for, and disposes of insurance remittances and payments received in the branch office; maintains premium records on National Service Life Insurance accounts.

(3) Makes determinations and awards benefits in National Service Life Insurance disability insurance claims.

(c) *Organization.* The Office of the Director, Insurance Service, consists of the Assistant Director, the Insurance Conservation Officer, the Underwriting and Insurance Accounts Division, the Disability Insurance Claims Division, and the Insurance Medical Division.

(1) *Assistant director.* The Assistant Director acts as full assistant to the Director in the discharge of his responsibilities and acts for the Director in the latter's absence.

(2) *Insurance Conservation Officer.* The Insurance Conservation Officer performs the following functions:

(i) Coordinates and assists in the activities of regional office insurance officers in implementing and executing the Insurance Conservation Program within the branch area, under the supervision of the Director and Assistant Director, Insurance Service, and in accordance with policies, plans, and procedures received from higher authority.

(ii) Establishes and maintains contact with government field activities, commercial insurance agencies, and private organizations within the branch area as necessary to accomplish the objectives of the Insurance Conservation Program.

(iii) Analyzes and interprets reports from field activities within the branch area to determine the effectiveness of the Insurance Conservation Program and makes any adjustment necessary to accomplish program objectives.

(iv) Coordinates and cooperates with the Chief, Public Relations Division; Chief, Coordination Division; and the Director, Contact and Administrative Service, in the publication or dissemination of informational or instructional material received from higher authority. With respect to the dissemination of informational material to the public, the provisions of section V, Circular 26, January 31, 1946, will apply.

(3) *Underwriting and Insurance Accounts Division.* The Underwriting and Insurance Accounts Division, under a Chief, performs the following functions:

(i) Grants contracts of National Service Life Insurance under the laws administered by the VA to applicants separated from active military service and those in service remitting premiums direct.

(ii) Approves or disapproves conversions and contract changes under National Service Life Insurance contracts, such as changes in plan, effective date, age at issue, and requests for changes of beneficiary, optional settlement, reduction in amount of insurance; re-establishes records after termination of total disability awards.

(iii) Authorizes adjustments and refunds in effecting issues, disapprovals, and contract changes.

(iv) Makes decisions and authorizes for payment vouchers payable from the National Service Life Insurance appropriation and National Service Life Insurance Fund, covering adjustments and refunds.

(v) Maintains premium records on National Service Life Insurance accounts.

(vi) Authorizes disposition of insurance premiums; prepares annual inventory of premiums and total disability accounting records.

(vii) Furnishes premium, loan, and lien status on death and total disability cases; reports lapsed insurance, effecting reinstatement when required; authorizes policy loans and maintains loan accounts; and furnishes data for authorizing dividends.

(viii) Issues premium notices, receipts, lapse notices, loan notices and receipts; authorizes dividend withdrawals and maintains record of dividend deposits.

(ix) Establishes and maintains files of addressograph plates for all direct pay accounts; authorizes all refund payments due insured or their beneficiaries; receives, classifies, deposits, and reports monies and/or Armed Forces Leave Bonds received as payments on insurance premiums, insurance loans, and interest payments pertaining to the National Service Life Insurance Appropriation and National Service Life Insurance Fund.

(x) Authorizes settlement on cash surrenders and matured endowments.

(4) *Disability Insurance Claims Division.* The Disability Insurance Claims Division, under a Chief, performs the following functions:

(i) Makes determinations and adjudicates claims for National Service Life Insurance benefits because of total disability in cases where veterans have been discharged from the service, including waiver of premiums under contracts or policies of insurance issued under the National Service Life Insurance Act (except claims for gratuitous disability insurance); makes awards and disallowances incident thereto, and issues denial of claims for disability benefits under insurance contracts, and gives notice thereof under section 617 of the National Service Life Insurance Act of 1940, as amended.

(ii) Reviews cases in which such benefits, including waiver of premiums, have been allowed and determines the right of continuance thereof.

(iii) Conducts a review of the record and prepares recommendations on appeals taken from the original decision, awarding or disallowing benefits in such cases.

(iv) Terminates awards in cases wherein insured is found no longer totally disabled.

(v) Makes determinations under sections 607 and 602 (v) (2), National Service Life Insurance Act of 1940, as amended, as to whether disability or death of an insured is traceable to the extra hazards of military or naval service.

(vi) Determines if there was fraud in procurement or reinstatement of a contract of insurance or if a contract of insurance is contestable either before maturity of said contract or after maturity as a claim.

(vii) Makes decisions and authorizes for payment vouchers payable from the National Service Life Insurance Appropriation and National Service Life Insurance Fund covering payment of monthly benefits and refund of premiums under section 602 (v), National Service Life Insurance Act, as amended.

(viii) Initiates requests for reports of physical examinations, field investigations of an insured's employment and industrial activities, and medical history and social survey investigations when necessary to carry out the functions of the Division.

(5) *Insurance Medical Division.* The Insurance Medical Division, under a Chief, performs the following functions:

(i) Determines the acceptability and sufficiency of medical evidence submitted in connection with applications for new insurance, reinstatement and change in plan of insurance and total disability insurance, under the National Service Life Insurance Act of 1940, as amended.

(ii) Orders physical and mental examinations or re-examinations when deemed necessary in connection with any such applications.

9. Section 01.38 is revised to read as follows:

§ 01.38 *Branch office organization of the Personnel Service.* (a) Subject to publication of the Veterans' Administration Organization Manual, this Organization Order establishes the branch office functions and organization of the Personnel Service, unless otherwise specifically authorized.

(b) This service is under a Director who is directly responsible to the Deputy Administrator for the proper planning and administration of all activities under his charge which are set forth in this Organization Order.

(c) An Assistant Director acts as general assistant in the administration of the personnel program and is responsible to the Director for the coordination and general supervision of the activities of the Service. He acts for the Director in the latter's absence. Any special responsibilities may be assigned to the Assistant Director at the discretion of the Director.

(d) A Chief of each Division in the Service is responsible to the Director for the performance of the functions assigned to his Division as delineated in this Organization Order.

(1) *Mission.* To carry out the personnel administration program of the Veterans' Administration in the area under the jurisdiction of the branch office within the framework of policies, systems, regulations, and procedures prescribed by the Central Office. The mission is primarily, as a staff arm of the Deputy Administrator, to advise him on all aspects of personnel administration, to implement within prescribed limits personnel policies, systems, regulations, and procedures established by the Central Office; to supervise the personnel administration program within the area covered by the branch office; and to administer the personnel program for the branch office, itself.

(2) *Major functions.* The Personnel Service is responsible for the following functions within the limits prescribed by the Central Office:

(i) Provides leadership, technical advice, and staff assistance to field stations on the establishment and effective administration of a comprehensive personnel program.

(ii) Interprets, develops, and promulgates personnel policies, systems, regulations, and procedures for the field stations.

(iii) Reviews and evaluates personnel administration in the field stations comprising the branch area; determines extent and effectiveness of the personnel program, including compliance with prescribed policies, systems, regulations and procedures; recommends to field station managers appropriate modifications to improve existing programs, including corrective actions deemed necessary.

(iv) Recommends to the Central Office new or changed policies, systems, regulations, and procedures that should be developed or adopted.

(v) Processes certain phases of personnel actions such as approval of appointments and position allocations for field stations for activities not as yet delegated to the field stations.

(vi) Consults and collaborates with other offices in exercising the personnel administration responsibility; and maintains effective liaison with other governmental and private agencies concerned with personnel administration, such as the Civil Service Commission and local offices of the U. S. Employment Service.

(vii) Conducts the personnel administration program for the branch office, itself, in accordance with the provisions of Veterans' Administration Manual M5-2, as well as other instructions for personnel Administration.

(3) *Organization.* (i) The Personnel Service is comprised of the following divisions: Classification Division, Recruitment and Placement Division, Personnel Relations and Training Division, and Branch Office Personnel Division. The Branch Office Personnel Division will be organized in accordance with instructions contained in Veterans' Administration Manual M5-2.

(ii) *Classification Division—(a) Position classification:*

(1) Implements classification policies, regulations, and procedures for the branch area.

(2) Recommends to the Central Office, policies, regulations, and procedures that should be developed for application in the field, as well as those that should be amended.

(3) Participates with the Central Office in the development of classification standards and guides for use throughout VA in evaluating and classifying positions.

(4) Determines classification training needs in the branch area, and makes training plans and conducts training programs for the development of classification, technicians, using whatever material and assistance that may be provided by the Central Office.

(5) Applies and interprets Central Office and branch office policies, regulations, and procedures with respect to position classification, as well as basic laws, Executive Orders, and Comptroller General's Decisions.

(6) Administers specific classification actions not yet delegated to the field station level.

(7) Evaluates field station position classification programs on a regular basis, including field visitation and other means of contact and reporting; may conduct station-wide position classification surveys where the urgency of the classification situation at local stations requires it; and makes position classification spot checks on a sampling basis by station, by organization, or by series.

(8) Reviews and evaluates position classification appeals submitted by employees of the branch office and field stations within the area.

(b) *Efficiency rating.* (1) Administers the efficiency rating program for the branch area by interpreting policies, regulations, and procedures; suggesting improvements to the Central Office, and assuring the proper maintenance of the program throughout the area.

(2) Participates in the development of standards of performance to be used as the basis for efficiency rating.

(3) Encourages the use of efficiency rating data for personnel administration and general management purposes.

(4) Plans, develops, and conducts the training program for efficiency rating technicians in the area, including the development of means to be employed by field station personnel offices in the instruction of rating officials.

(5) Supervises the efficiency rating appeals procedure in the branch area; reviews decisions of intermediate efficiency rating committees and station efficiency rating committees; and develops recommendations for the disposition of appeals.

(6) Analyzes the efficiency rating program throughout the area to determine its efficacy and recommends remedial action to station personnel offices and to the Central Office.

(iii) *Recruitment and Placement Division.* (a) Plans, develops, and supervises a comprehensive placement program for the branch area designed to make the most effective utilization of available skills through initial placement of personnel, follow-up during trial period, conduct of an in-service placement program, including continuous employee evaluation and the planning of personnel moves with operating officials, administration of an effective program of promotion from within, development and administration of a program for the utilization of the physically impaired, and the maintenance of skills registers.

(b) Plans, develops, and supervises a recruitment program for the branch area to provide sufficient qualified candidates to meet employment needs, including development of adequate sources of recruitment, determination of minimum number of new workers required, determination of eligibility for employment, selection through interview, testing, etc., approving appointments of personnel for positions centralized to the branch office and recommendation to the Central Office of appointments for positions centralized to the Central Office; conducts actual recruitment campaigns for the branch area when centralized effort is required.

(c) Plans, develops, and supervises for the branch area the Civil Service Commission's decentralized examining program through boards of Civil Service Examiners, including the establishment of boards, nomination of members to the Civil Service Commission, supervision of board operations and providing technical assistance to boards as necessary; operates such portions of the program pertaining to field station positions as the branch office deems cannot be decentralized.

(*d*) Administers for the branch area a program of qualifications, character, and suitability investigations of applicants and appointees.

(*e*) Participates with the Central Office in the development and validation of qualification standards, rating schedules, and qualification inquiries to be used in the selection of personnel; and interprets and applies such standards to the branch area.

(*f*) Supervises all personnel activities in the branch area involving return from military furlough, reemployment, reinstatement, promotion, reassignment, transfer (inter and intra-agency), reduction in force and grade, separation actions, except for final approval of actions involving positions centralized to the Central Office and except for the routine processing involved in such actions.

(*g*) Supervises personnel activities in the branch area pertaining to retirement, time, leave, (excluding maintenance of time and leave cards), hours of work, status, automatic within-grade salary advancement, and salary advancement for superior accomplishment.

(*h*) Interprets and insures proper application within the area laws, executive orders, Civil Service Commission rules and regulations, Comptroller General's Decisions and VA policies, regulations, and procedures pertaining to all aspects of the functions enumerated above.

(*i*) Maintains cooperative relationships with the Civil Service Commission as well as governmental and private agencies that are concerned with, or may be of help in, the functions enumerated above.

(*j*) Evaluates field programs in recruitment, examining, and placement, and recommends improvements; recommends to the Central Office improvements in policies, regulations, and procedures on recruitment, examining, and placement.

(iv) *Personnel Relations and Training Division—(a) Training.* (*1*) Plans, develops, and supervises the training program for the branch area within the framework of Central Office policies, regulations, and procedures dealing with the training of employees.

(*2*) Determines area-wide training needs and aids local stations in conducting training to meet these needs.

(*3*) Distributes to local stations training material provided by the Central Office and aids them in developing and acquiring other training material.

(*4*) Assists staff services at the branch level in formulating and conducting training programs throughout the branch area in the programs and procedures with which the staff services are concerned. In this connection, advises on training methods, materials, and aids to be employed.

(*5*) Recommends to the Central Office new and revised policies, procedures, and regulations on training.

(*6*) Evaluates the training programs in the field stations to determine the extent to which training needs are analyzed and are met; makes recommendations to the field station personnel officers for the use of better training techniques.

(*b*) *Personnel relations.* (*1*) Within the framework of the policies and program developed by the Central Office, plans, develops, evaluates, and provides staff guidance for the personnel relations program of the branch area.

(*2*) Advises the Deputy Administrator, Directors of Services, Station Managers and other supervisors on effective personnel relations for the branch area.

(*3*) Consistent with the policies, regulations and procedures established by the Central Office, develops regulations and procedures on personnel relations activities for the branch area.

(*4*) Makes analyses and special studies of personnel relations problems within the branch area; recommends corrective action, new regulations and procedures, or more effective personnel relations practices as a result of such analyses and special studies.

(*5*) Recommends to the Central Office improvements in general personnel relations policies and procedures.

(*6*) Plans and conducts training programs for personnel relations staffs in the branch area.

(*7*) Conducts a continuing study of supervisory methods, practices and procedures in the branch area to determine the extent of understanding and use of effective personnel relations practices; in this connection collaborates with the training staff in planning and conducting supervisory training programs.

(*8*) In accordance with the policies and procedures established by the Central Office, fosters good practices in connection with grievances, complaints and discipline by advising management on proper procedure and principles.

(*9*) Consistent with policy established by the Central Office, develops local procedures and regulations for the conduct and maintenance of satisfactory and effective relations with employee groups and organizations within the branch area; and participates and assists in consultations with such groups and organizations.

(*10*) Recommends and develops methods and procedures for, and helps promote, management-employee intercommunication within the branch area.

(*11*) In accordance with policy established by the Central Office, studies the need for and develops branch area regulations and procedures concerning employee counseling and employee services such as transportation, housing, and group hospitalization. Collaborates with Special Services in devising plans for employee recreation programs to be conducted by Special Services.

(c) *Health and employees' compensation.* (*1*) Studies the need for and, within the framework of policies and procedures of the Central Office, develops area regulations and procedures for employee first aid services.

(*2*) With the cooperation of the branch medical department develops area plans in connection with employee occupational disease problems; and cooperates with the Construction, Supply and Real Estate Service in the integration of employee health and first aid services with the fire and accident prevention programs.

(*3*) If necessary and required, makes inspections in the branch area of employee environmental health conditions and first aid service and develops recommendations for improvement where necessary.

(*4*) Administers the United States Employees' Compensation Act and its attendant reporting system for the branch area; provides technical guidance for the area concerning administration of the Act.

(*5*) Consistent with Central Office directives, maintains liaison with government and private organizations in the area engaged in employee health education activities and initiates health promotion efforts.

(*d*) *Employees suggestion program.* Within the framework of policies and procedures promulgated by the Central Office, supervises the employee suggestion system; develops regulations and procedures, evaluates the program, makes recommendations for improvement and provides staff guidance.

(v) *Branch Office Personnel Division.* The functions of this division are as described in VA Manual M5–2, Personnel Procedures for Branch Offices and Field Stations (See Figure 2.01). The responsibility of this division is to operate the personnel administration program for the branch office, itself.

10. Section 01.50 is revised to read as follows:

01.50 *Alphabetical list of stations by location.*

Address and Type of Station

Albany 1, N. Y., Watervliet Arsenal; regional office.
Albuquerque, N. Mex., 115 South Third Street (For Mail: P. O. Box 527); regional office.
Albuquerque, N. Mex., P. O. Box 1344; hospital.
Alexandria, La.; hospital.
Amarillo, Tex.; hospital.
American Lake, Wash.; hospital.
Aspinwall 15, Pa.; hospital.
Atlanta 3, Ga.; Branch No. 5.
Atlanta 3, Ga., 105 Pryor Street NE.; regional office.
Atlanta, Ga., 5998 Peachtree Road NE.; hospital.
Augusta, Ga.; hospital.
Balboa, Canal Zone, Room 3, Building 705 (Mail: P. O. Box 3672); Veterans' Administration office.
Baltimore 2, Md., 1315 St. Paul Street; regional office.
Batavia, N. Y.; hospital.
Bath, N. Y.; center (hospital and domiciliary).
Bay Pines, Fla.; center (hospital and domiciliary).
Bedford, Mass.; hospital.
Biloxi, Miss.; center (hospital and domiciliary).
Boise, Idaho, National Guard Barracks Building; regional office.
Boise, Idaho; hospital.
Boston 8, Mass., 55 Tremont Street; branch No. 1.
Boston 8, Mass., 17 Court Street; regional office.
Brecksville, Ohio; hospital.
Bronx 63, N. Y., 130 West Kingsbridge Road; hospital.
Brooklyn 5, N. Y., 35 Ryerson Street; regional office (open about 5–5–47).
Brooklyn 29, N. Y., Manhattan Beach; hospital.
Buffalo 1, N. Y., 151 West Mohawk Street; regional office.
Butler, Pa.; hospital.
Canandaigua, N. Y.; hospital.
Castle Point, N. Y.; hospital.
Chamblee, Ga.; hospital.

Cheyenne, Wyo.; center (hospital and regional office).
Chicago 6, Ill., 226 West Jackson Boulevard; branch No. 7.
Chicago 6, Ill., 366 West Adams Street; regional office.
Chillicothe, Ohio; hospital.
Cincinnati 2, Ohio, 209 East Sixth Street; regional office.
Cleveland 14, Ohio, Cuyahoga Building; regional office.
Cleveland 9, Ohio, 7300 York Road; hospital.
Coatesville, Pa.; hospital.
Columbia, S. C.; hospital.
Columbus 8, Ohio, 52 S. Starling Street; branch No. 6.
Dallas 2, Tex., 1114 Commerce Street; branch No. 10.
Dallas 9, Tex., Love Field; regional office.
Dallas 2, Tex.; hospital.
Danville, Ill.; hospital.
Dayton, Ohio; center (hospital and domiciliary).
Dearborn, Mich.; hospital.
Denver 1, Colo. (P. O. Box 1260), Denver Federal Center; branch No. 13.
Denver 2, Colo., 1108 Fifteenth Street; regional office.
Denver 5, Colo., 3800 York Street; supply depot.
Des Moines 10, Iowa; center (hospital and regional office).
Detroit 26, Mich.; Guardian Building, regional office.
Downey, Ill.; hospital.
Dwight, Ill.; hospital.
Excelsior Springs, Mo.; hospital.
Fargo, N. Dak.; center (hospital and regional office).
Fayetteville, Ark.; hospital.
Fayetteville, N. C.; hospital.
Fort Bayard, N. Mex.; hospital.
Fort Benjamin Harrison, Ind.; hospital.
Fort Custer, Mich.; hospital.
Fort Harrison, Mont.; regional office.
Fort Harrison, Mont.; hospital.
Fort Howard, Md.; hospital.
Fort Jackson, S. C.; regional office.
Fort Logan, Colo.; hospital.
Fort Lyon, Colo.; hospital.
Fort Meade, S. Dak.; hospital.
Fort Thomas, Ky.; hospital (date of opening for patients to be announced).
Framingham, Mass.; hospital.
Gulfport, Miss.; hospital.
Hartford 4, Conn., 95 Pearl Street; regional office.
Hines, Ill.; hospital.
Hines, Ill.; supply depot.
Honolulu 1, Hawaii. (P. O. Box 3198. All Veterans' Administration mail to be sent Air Mail; C-files by registered regular mail; radios to be sent c/o Mitsukoshi Bldg.); regional office.
Horseheads, N. Y., c/o Army Quartermaster Depot; supply depot.
Hot Springs, S. Dak.; center (hospital and domiciliary).
Houston 2 Tex., Federal Office Building; regional office.
Huntington 1, W. Va., 824 Fifth Avenue; regional office.
Huntington 1, W. Va., 1540 Spring Valley Drive; hospital.
Indianapolis 9, Ind., 36 South Pennsylvania Street; regional office.
Indianapolis 44, Ind., 2601 Cold Spring Road; hospital.
Jackson, Miss.; regional office.
Jackson, Miss.; hospital.
Jefferson Barracks 23, Mo.; hospital.
Juneau, Alaska, Goldstein Building (all mail, including C-files, to be sent air mail); regional office.
Kansas City 6, Mo., Municipal Auditorium, Thirteenth and Wyandotte Streets; regional office.
Kecoughtan, Va.; center (hospital and domiciliary).
Knoxville, Iowa; hospital.
Lake Clay, Fla.; hospital.
Legion, Tex.; hospital.
Lexington, Ky.; hospital.
Lincoln 8, Nebr., Sharp Building; regional office.
Lincoln 1, Nebr.; hospital.
Little Rock, Ark., Federal Building; regional office.
Livermore, Calif.; hospital.
Louisville 3, Ky., 1405 West Broadway; regional office.
Louisville, Ky.; hospital.
Los Angeles 25, Calif., 1380 South Sepulveda Boulevard; regional office.
Los Angeles 25, Calif., Sawtelle and Wilshire Boulevards; center (hospital and domiciliary).
Lubbock, Tex., Lubbock Army Air Field; regional office.
Lyons, N. J.; hospital.
Manchestr, N. H., Federal Building; regional office.
Manila, Philippines, A. P. O. 909, c/o Postmaster, San Francisco, Calif. (all mail to be sent Air Mail; C-files by registered regular mail. Radios only—send to: T. V. T. Building, Manila, Philippines); regional office.
Marion, Ill.; hospital.
Marion, Ind.; hospital.
Martinsburg, W. Va.; center (hospital and domiciliary).
McKinney, Tex.; hospital.
Memphis 4, Tenn., 1025 La Mar Avenue; hospital.
Memphis 15, Tenn., Park Avenue and Getwell Street; hospital.
Mendota, Wis.; hospital.
Miami 10, Fla., Post Office Box 1791; regional office.
Miami Beach 40, Fla., 4300 Alton Road; hospital.
Milwaukee 2, Wisc., 342 North Water Street; regional office.
Minneapolis 8, Minn., 1006 West Lake Street; regional office.
Minneapolis 6, Minn.; hospital.
Montgomery 10, Ala., Perry Hill Road; hospital (changed from center 3–30–47).
Montgomery 4, Ala., 400 Lee Street; regional office (separated from center 3–30–47).
Montgomery, Ala., c/o Army Quartermaster Depot; supply depot.
Mountain Home, Tenn.; center (hospital and domiciliary).
Murfreesboro, Tenn.; hospital.
Muskogee, Okla., Second and Court Streets; regional office.
Muskogee, Okla., Memorial Station, Honor Heights Drive; hospital.
Nashville 5, Tenn., White Bridge Road; regional office.
Nashville 5, Tenn., White Bridge Road; hospital.
Newark 2, N. J., 20 Washington Place; regional office.
Newington 11, Conn.; hospital.
New Orleans 12, La., 333 Saint Charles Street; regional office.
New Orleans 12, La.; hospital.
New York 13, N. Y., 346 Broadway; branch No. 2.
New York 1, N. Y., 252 Seventh Avenue; regional office.
New York 13, N. Y., 80 Lafayette Street; branch of C. O.
Northampton, Mass.; hospital.
North Little Rock, Ark.; hospital.
Northport, Long Island, N. Y.; hospital.
Oakland, Calif., Taft-Pennoyer Building, Fifteenth and Clay Streets; Western Forms Depot (opening 5–1–47).
Oakland, Calif., Thirteenth and Harrison Streets; hospital.
Oklahoma City, Okla., 1101 North Broadway; regional office.
Oklahoma City, Okla.; hospital.
Oteen, N. C.; hospital.
Outwood, Ky.; hospital.
Palo Alto, Calif.; hospital.
Passe-A-Grille Beach, Fla., (Mailing address: Manager, Pass-A-Grille Beach Regional Office, Post Office Box 1437, St. Petersburg, Fla.); regional office.
Perry Point, Md.; hospital.
Perry Point, Md.; supply depot.
Philadelphia 2, Pa., 129 North Broad Street; branch No. 3.
Philadelphia 6, Pa., New Customs House; regional office.
Phoenix, Ariz., Ellis Building, 137 North Second Avenue; regional office.
Phoenix, Ariz., Post Office Box 2280, hospital.
Phoenixville, Pa.; hospital (date of opening for patients to be announced).
Pittsburgh 22, Pa., 107 Sixth Street; regional office.
Portland 5, Ore., 1019 South West Tenth Avenue; regional office.
Portland 7, Ore.; hospital.
Providence 3, R. I., 109 Fountain Street; regional office.
Reno, Nev.; center (hospital and regional office).
Richmond 20, Va., 920 North Lombardy Street; branch No. 4.
Richmond 19, Va.; hospital.
Roanoke 11, Va., 211 West Campbell Avenue; regional office.
Roanoke 17, Va.; hospital.
Roseburg, Oreg.; hospital.
Rutland Heights, Mass.; hospital.
Salt Lake City 4, Utah, 1710 South Redwood Road; regional office.
Salt Lake City 3, Utah; hospital.
Sampson, N. Y.; hospital.
San Antonio 5, Tex., 102 West Crockett Street; regional office.
San Diego 12, Calif., Post Office Box 1111 (for mail); regional office.
San Fernando, Calif.; hospital.
San Francisco 5, Calif., 180 New Montgomery Street; branch No. 12.
San Francisco 3, Calif., 49 Fourth Street; regional office.
San Francisco 21, Calif., Forty-second and Clement Streets; hospital.
San Juan, P. R., Post Office Box 4424 (all mail to be sent air mail; C-files by registered regular mail); center (hospital and regional office).
Saratoga Springs, N. Y.; hospital.
Seattle 4, Wash., 821 Second Avenue; branch No. 11.
Seattle 4, Wash., Federal Office Building; regional office.
Sheridan, Wyo.; hospital.
Shreveport 63, La., 501 Ockley Drive; regional office.
Sioux Falls, S. Dak.; regional office.
Somerville, N. J., c/o Somerville subdepot of Belle Meade General Depot; supply depot (3–10–47).
Springfield, Mo.; hospital.
Staten Island, N. Y.; hospital.
St. Cloud, Minn.; hospital.
St. Louis 2, Mo., 420 Locust Street; branch No. 9.
St. Louis 2, Mo., 415 Pine Street; regional office.
St. Paul 11, Minn., Fort Snelling; branch No. 8.
Sunmount, N. Y.; hospital.
Swannanoa, N. C.; hospital.
Syracuse 2, N. Y., Chimes Building, 500 South Salina Street; regional office (3–31–47).
Temple, Tex.; hospital.
Thomasville, Ga.; hospital.
Togus, Maine; center (hospital and regional office.
Tomah, Wis.; hospital (open for patients 3–4–47).
Topeka, Kans.; hospital.
Tucson, Ariz.; hospital.
Tuscaloosa, Ala.; hospital.
Tuskegee, Ala.; hospital.
Van Nuys, Calif.; hospital.
Waco, Tex.; center (hospital and regional office).
Wadsworth 2, Kans.; center (hospital and domiciliary).
Walla Walla, Wash.; hospital.
Washington 25, D. C., 1825 H street NW.; regional office.
Washington 7, D. C., 2650 Wisconsin Avenue, NW.; hospital.

Waukesha, Wis.; hospital.
West Roxbury 32, Mass.; hospital.
Whipple, Ariz.; center (hospital and domiciliary).
White River Junction, Vt.; center (hospital and regional office).
Wichita 15, Kans., 3801 South Oliver street; regional office.
Wichita 8, Kans., Kellogg and Bleckley Drive; hospital.
Wilkes-Barre, Pa., 18 South Franklin Street; regional office.
Wilmington, Calif., Post Office Box 385; supply depot.
Wilmington 50, Del., Dravo Building; regional office.
Wilmington, Del.; hospital.
Winston-Salem, N. C., 310 West Fourth Street; regional office.
Wood, Wis.; center (hospital and domiciliary).

11. Sections 01.60 to 01.72, inclusive, are revised to read as follows:

ADDRESSES OF VETERANS' ADMINISTRATION REGIONAL OFFICES, SUBREGIONAL OFFICES, CONTACT OFFICES, CENTERS AND HOSPITALS

§ 01.60 *Branch No. 1 area (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont).* (a) Address of Branch Office No. 1: Deputy Administrator, Veterans' Administration Branch Office No. 1, 55 Tremont Street, Boston 8, Mass.

(b) This is a guide to the location of all VA regional offices and centers, the subregional offices and contact offices thereunder, and hospitals, in Branch No. 1 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

CONNECTICUT

Type of Activity, Location, and Address

Regional office: Hartford 4, 95 Pearl Street.
Contact offices:
Bristol, Veterans' Service Center.
Manchester, 69 Center Street.
Middletown, 505 Main Street.
New Britain, Burritt School.
Torrington, City Hall.
Winsted, Town Hall, 338 Main Street.
Subregional office: Bridgeport 4, 355 Fairfield Street.
Contact offices:
Danbury, 44 Elm Street.
South Norwalk, City Hall.
Stamford, 1 Grove Street.
Subregional office: New Haven 11, 294 Cedar Street.
Contact offices:
Derby, 116 Derby Avenue.
Meriden, 22 Liberty Street.
New London, 47 Coit Street.
Norwich, Post Office Building.
Waterbury 20, 195 Grove Street.
Hospital: Newington 11, Veterans' Administration Hospital.

MAINE

Center (regional office and hospital): Togus, Veterans' Administration Center.
Contact offices:
Rockland, Community Building.
Skowhegan, Strand Theatre Building.
Waterville, 44 Main Street.
Subregional office: Bangor, 46 Columbia Street.
Contact offices:
Calais, Post Office Building.
Fort Kent, 195 Main Street.
Houlton, 109 Main Street.
Machias, Post Office Building.
Presque Isle, 286 Main Street.
Subregional office: Portland 3, 477 Congress Street.
Contact offices:
Bath, 192 Front Street.
Biddeford, 140 Elm Street.
Lewiston, 14 Lisbon Street.
Rumford, 91 Congress Street.
Sanford, 143 Main Street.

MASSACHUSETTS

Regional office: Boston 8, 17 Court Street.
Contact offices:
Cambridge, 57 Inman Street.
Chelsea, City Hall.
Framingham, Memorial Building.
Lynn, 14 Central Avenue.
Malden, City Hall Annex, Ferry Street.
Newton, 277 Washington Street.
Quincy, Adams Academy, 8 Adams Street.
Salem, 150 Washington Street.
Somerville, Post Office Building, Union Square.
Waltham, Robbins School, Chestnut Street.
Subregional offices:
Brockton,[1] Post Office Building.
Lawrence, 477 Essex Street.
Contact office:
Haverhill, 37 Main Street.
Subregional office:
Lowell, 24 Merrimac Street.
Springfield, 1200 Main Street.
Contact offices:
Greenfield, 287 Main Street, Burnham Building.
Holyoke, War Memorial Building.
North Adams, 85 Main Street.
Northampton, 25 Main Street.
Pittsfield, 246 North Street.
Subregional office: Worcester, 9 Walnut Street.
Contact office: Fitchburg, 280 Main Street.
Hospitals:
Bedford, Veterans' Administration Hospital.
Framingham, Veterans' Administration Hospital.
Northampton, Veterans' Administration Hospital.
Rutland Heights, Veterans' Administration Hospital.
West Roxbury 32, Veterans' Administration Hospital.

NEW HAMPSHIRE

Regional office: Manchester, Federal Building.
Contact offices:
Berlin, 162 Main Street.
Claremont, 34 Tremont Square.
Concord, 7 Pleasant Street.
Dover, 125 Washington Street.
Keene, 15 Court Street.
Laconia, 31 Hanover Street.
Littleton, Federal Building.
Nashua, 21 East Hollis Street.
Portsmouth, 364 State Street.
Rochester, 25 Portland Street.

RHODE ISLAND

Regional office: Providence 3, 100 Fountain Street.
Contact offices:
Attleboro, Mass., 15 Railroad Avenue.
Cranston, City Hall, Park Avenue.
East Providence, Town Hall.
Fall River, Mass., 146 North Main Street.
Newport, Post Office Building.
Pawtucket, 35 High Street.
Taunton, Mass., 26 Taunton Green.
Warren, Federal Building.
Warwick, City Hall, Apponaug.
Westerly, 23 Broad Street.
Woonsocket, Stadium Building.
Subregional office: New Bedford, Mass., 888 Purchase Street.
Contact offices:
Falmouth, Mass., Town House.
Hyannis, Mass., 354 Main Street.

VERMONT

Center (regional office and hospital): White River Junction, Veterans' Administration Center.
Contact office: Brattleboro, 10 Main Street.
Subregional office: Burlington, 172 South Winooski Avenue.
Contact office: St. Albans, 19 Kingman Street.
Subregional office: Montpelier, 64 South Main Street.
Contact office: St. Johnsbury, 95 Eastern Avenue.
Subregional office: Rutland, 33 Cottage Street.
Contact office: Bennington, 422 Main Street.

[1] Now operating as a contact office.

§ 01.61 *Branch No. 2 Area (New York State, Puerto Rico).* (a) Address of Branch Office No. 2: Deputy Administrator, Veterans' Administration Branch Office No. 2; 346 Broadway, New York 13, N. Y.

(b) This is a guide to the location of all VA centers, regional offices and hospitals, the subregional offices and contact offices thereunder, in Branch No. 2 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

NEW YORK STATE

Type of Activity, Location, and Address

Regional office, Albany 1, Watervliet Arsenal.
Contact offices:
Albany 7, 112 State Street.
Amsterdam, 20 Market Street.
Glens Falls, 35 Ridge Street.
Gloversville, 33 Bleeker Street.
Kingston, 286 Fair Street.
Liberty, 111 North Main Street.
Oneonta, Post Office Building.
Plattsburg, Post Office Building.
Poughkeepsie, 13 Washington Street.
Saratoga Springs, 374-376 Broadway.
Schenectady, 9-11 Yates Street.
Troy, 297 River Street.
Regional office: Buffalo 1, 151 West Mohawk Street.
Contact offices:
Binghamton, 64 Henry Street.
Buffalo, Ellicott Square Building.
Dunkirk, Elem. School Number 7, Lake Shore Drive East.
Endicott, 131 Washington Avenue.
Elmira, 170 Lake Street.
Ithaca, Masonic Temple.
Lockport, P. O Building.
Jamestown, 101 West Third Street.
Lackawanna, 7706 Ridge Road.
Niagara Falls, 42 Falls Street.
North Tonawanda, City Hall Building.
Olean, City Building, 108 North Union Street.
Subregional office:[1] Rochester, 39 State Street.
Contact offices:
Geneva, 380 Main Street.
Hornell, Federal Building, 38-46 Broadway.
Corning, Veterans' Administration.
Subregional office:[2] Syracuse, 428 South Warren Street.
Contact offices:
Auburn, 22 North Street.
Cortland, Post Office Building.
Herkimer, VA Contact Office.
Newark, VA Contact Office.
Ogdensburg, 301-305 Crescent Street.
Oswego, Post Office Building.
Rome, YWCA, 105 West Liberty Street.
Utica 2, 110 Genesee Street.
Watertown, Post Office, 163 Arsenal Street.
Regional office: New York City 1, 252 Seventh Avenue.
Contact offices:
Bronx, 851 Grand Concourse.
Flushing, 39-15 Union Street.
Harlem District, 271 West 125 Street, New York 27.
Huntington, Long Island, 375 New York Avenue.
Jamaica, Long Island, 92-32 Union Hall Street.
Middletown, 16 Mulberry Street.
Mineola, Long Island, Old Nassau County Courthouse.
Mount Vernon, 3 North Third Street.
Newburgh, Post Office Building.
Patchogue, Long Island, Brookhaven Town Hall.
Peekskill, City Hall, 840 Main Street.
St. George, Staten Island 1, 25 Hyatt Street.
White Plains, County Office Building.
Yonkers, 20 South Broadway.
Subregional office:[1] Brooklyn 17, 1 Hanson Place.
Contact office:
Brooklyn, Kings County Hospital, 451 Clarkson Avenue.
Branch of central office: New York 13, 80 Lafayette Street.
Hospitals:
Batavia, Veterans' Administration Hospital.
Bronx 63, 130 West Kingsbridge Road.
Brooklyn 20, Manhattan Beach.
Canandaigua, Veterans' Administration Hospital.
Castle Point, Veterans' Administration Hospital.
Northport, Long Island, Veterans' Administration Hospital.
Sampson, Veterans' Administration Hospital.
Saratoga Springs, Veterans' Administration Hospital.
Staten Island, Veterans' Administration Hospital.
Sunmount, Veterans' Administration Hospital.
Center (hospital and domiciliary):
Bath, Veterans' Administration Center.
Supply depot:
Horseheads, c/o A. S. F. Depot.

[1] Syracuse regional office to be activated about March 31, 1947, at 500 South Salina Street.

[1] Brooklyn regional office to be activated about March 31, 1947, at 35 Ryerson Street, Brooklyn 5.

PUERTO RICO

(Including the Virgin Islands)

Center (hospital and regional office): San Juan, P. O. Box 4424 (All VA mail to be sent air mail; C-files by registered regular mail).
Contact offices:
Aguadilla, VA Contact Office.
Arecibo, 8 Nicolas Frese Street.
Barranquitas, Munoz Rivera Street.
Bayamon, 115 Dr. Veve Street.
Cabo Rojo, Logia Cuna de Betances, 30 Betances Street.
Caguas, Aldrich Building.
Cayey, 45 Santiago Palmer Street.
Fajardo, VA Contact Office.
Guayama, 21 North Hostos Street.
Humacao, 6 Isidro A. Vidal Street.
Mayaguez, 200 Mendez Vigo Street.
Ponce, 106 Commercio Street.
Rio Piedras, Palma and Garcia Moreno Street.
St. Thomas (Virgin Islands), Charlotte Amalie.
Vega Baja, VA Contact Office.
Yauco, City Hall.

§ 01.62 *Branch No. 3 Area (Delaware, New Jersey, Pennsylvania).* (a) Address of Branch Office No. 3: Deputy Administrator, Veterans' Administration Branch Office No. 3, 128 N. Broad St., Philadelphia 2, Pa.

(b) This is a guide to the location of all VA regional offices, the sub-regional offices and contact offices thereunder, and hospitals, in Branch No. 3 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

DELAWARE

Type of Activity, Location, and Address

Regional Office: Wilmington 50, Dravo Building.
Contact offices:
Dover, Murphy School, Kings Highway.
Newark, Del., Library Building, University of Delaware.
Hospital: Wilmington, Veterans' Administration Hospital.

NEW JERSEY

Regional office: Newark 2, 20 Washington Place.
Contact offices:
Dover, Bergen Building, 45 East Blackwell Street.
Elizabeth, Miller Building, 275 Morris Avenue.
Norristown, Silk Building, 17 South Street.
New Brunswick, City Hall, 78 Bayard Street.
Perth Amboy, 214 Smith Street.
Phillipsburg, 101 South Main Street.
Somerville, 85 West Main Street.
Subregional office: Camden, Broadway Stevens Building, 300 Broadway.
Contact offices:
Atlantic City, Post Office Building.
Bridgeton, City Hall, 168 East Commerce Street.
Burlington, 428 East High Street.
Cape May Courthouse, Old Courthouse Building.
Hammonton, 124 Bellevue Avenue.
Pitman, 13½ Broadway.
Salem, Mecum Building, 223 East Broadway.
Toms River, Courthouse Annex, 110 Hooper Avenue.
Subregional office: Paterson, Fabian Building, 45 Church Street.
Contact offices:
Hackensack, Court House, Court and Main Streets.
Newton, 172 Spring Street.
Subregional office:[1] Trenton, Federal Building.
Contact offices:
Princeton, Veterans Service Center, Borough Hall.
Red Bank, 12 Broad Street.
Subregional office: Union City (overflow of regional offices), Elks Club Building, 3211-13 Hudson Boulevard.
Contact offices:
Hoboken, Terminal Building, 63 Hudson Street.
Jersey City, Commerce Building, 1 Newark Avenue.
Hospital: Lyons, Veterans' Administration Hospital.

PENNSYLVANIA

Regional office: Philadelphia 6, New Customs House.
Contact offices:
Doylestown, 40 East Court Street.
Frankford, 1537 Orthodox Street, Philadelphia 24.
Germantown, 115 West Chelton Avenue, Philadelphia 44.
North Philadelphia, Grange Building, 5601 North Broad Street, Philadelphia 41.
Philadelphia 7, 1127 Walnut Street.
South Philadelphia, 111th Regiment Armory, 1231 South Broad Street, Philadelphia 47.
West Philadelphia, 137 South Fifty-second Street, Philadelphia 39.
Subregional office: Upper Darby (overflow of Philadelphia regional office), Terminal Motors Building, 17 Brief Street.
Contact offices:
Chester, Lerman Building, Seventh and Sproul Streets.
Norristown, 319 DeKalb Street.
Pottstown, Y. M. C. A., 338 King Street.
Subregional office: Reading, Rajah Temple, 136 North Sixth Street.
Contact offices:
Allentown, McKinley School, 1124 Turner Street.
Bethlehem, Odd Fellows Building, 6 West Broad Street.
Easton, First National Bank Building.
Regional office: Pittsburgh 22, 107 Sixth Street.
Contact offices:
Beaver Falls, 1025 Seventh Avenue.
Butler, Butler County, National Bank Building, Main and West Streets.
Greensburg, 301 South Main Street.
Kittanning, 133 West Jefferson Street.
McKeesport, Post Office Building, 8th and Walnut Streets.
Monessen, 279 Schoonmaker Avenue.
New Castle, 223 East Washington Street.
New Kensington, Federal Building, Corner 5th and 11th Streets.
Uniontown, 37 Main Street, Union Trust Building.
Subregional office: Erie, Baldwin Building, 1005 State Street.
Contact offices:
Bradford, Hooker Fulton Building, 119 Main Street.
Meadville, Crawford County Trust Co. Building.
Meadville, 231 Chestnut Street.
Oil City, Fair Building, 15 Seneca Street.
Ridgway, Masonic Temple, 10-14 Court Street.
Sharon, Bastress Building, Shenango and Pitt Streets.
Warren, National Bank Building, Liberty and Second Avenue.
Subregional office: Johnstown, Old Post Office Building, Market and Locust Streets.
Contact offices:
Altoona, Kaufman Building, 1301-03 Eleventh Avenue.
Bedford, Oppenheimer Building, 103 South Richard Street.
Clearfield, County National Bank Building, 137 Market Street.
Du Bois, Deposit National Bank Building, Indiana, Indiana Theatre Building.
Punxsutawney, Spirit Building, 105 North Findley Street.
Somerset, 116 West Main Street.
Subregional office: Wheeling, W. Va., Fidelity Building, Eleventh and Chapline Streets.
Contact offices:
Charleroi, Pa., 334 Fallowfield Avenue.
Holidays Cove, W. Va., 3230 Main Street.
Washington, Pa., Trades & Labor Building, No. 1 South College Street.
Waynesburg, Pa., Peoples Bank Building, 59 East High Street.
Regional office: Wilkes-Barre, Pa., 18 South Franklin Street.
Contact offices:
Berwick, Berwick Bank Building, 123 West Front Street.
Hazelton, Hazelton National Bank Building.
Mauch Chunk, Navigation Building.
Pottsville, Thompson Building, 23-27 North Centre Street.
Subregional office: Scranton 3 (overflow of Wilkes-Barre regional office), Select Building, 116 North Washington Avenue.
Contact offices:
Carbondale, First National Bank Building, 41 North Main Street.
Stroudsburg, 553 Main Street.
Towanda, 607 Main Street.
Subregional office: Harrisburg, 205 Senate Office Building, State Capitol.
Contact offices:
Chambersburg, Craft Press Building, Lincoln Way East.
Lancaster, Manufacturers Association Building, 26 East Orange Street.
Lebanon, 50 North Ninth Street.
York, 38 South George Street.

[1] Now operating as a contact office.

Subregional office: Williamsport, Susquehanna Trust Building, 108–120 West Fourth Street.
Contact offices:
Lewisburg, Post Office, 301 Market Street.
Lock Haven, Hopkins Building, 146 East Water Street.
Shamokin, 24 South Market Street.
State College, Cathaum Theatre, 118 West College Avenue.
Sunbury, Courthouse Annex, Chestnut and Second Streets.
Hospitals:
Aspinwall 15, Veterans' Administration Hospital.
Beaver, Veterans' Administration Hospital.
Contesville, Veterans' Administration Hospital.
Phoenixville, Veterans' Administration Hospital (date of opening for patients to be announced).

§ 01.63 *Branch No. 4 Area (District of Columbia, Maryland, North Carolina, Virginia, West Virginia).* (a) Address of Branch Office No. 4: Deputy Administrator, Veterans' Administration Branch Office No. 4, 900 North Lombardy Street, Richmond 20, Va.

(b) This is a guide to the location of all VA centers, regional offices; the subregional offices and contact offices thereunder, and hospitals in Branch No. 4 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

DISTRICT OF COLUMBIA

Type of Activity, Location, and Address

Regional office: Washington 25, 1625 H Street NW.
Contact offices:
Alexandria, Va., 815 King Street.
Arlington, Va., Ball Building, Courthouse Square.
Rockville, Md., Farmers Bank Building.
Hospital: Washington 7, 2650 Wisconsin Avenue, NW.

MARYLAND

Regional office: Baltimore 2, 1315 St. Paul Street.
Contact offices:
Annapolis, Post Office Building.
Elkton, 129 East Main Street.
Subregional office: Cambridge, Seminary Building, Market Street.
Contact office: Salisbury, Post Office Building.
Subregional office: Hagerstown, Earle Building, 74 West Washington Street.
Contact offices:
Cumberland, 111 Union Street.
Frederick, Winchester Halls.
Hospitals:
Fort Howard, Veterans' Administration Hospital.
Perry Point, Veterans' Administration Hospital.
Supply depot: Perry Point, Veterans' Administration Supply Depot.

NORTH CAROLINA

Regional office: Winston-Salem, 310 West Fourth Street.
Contact offices:
Asheboro, 149 North Fayetteville Street.
Greensboro, 218 South Greene Street.
High Point, Post Office Building.
North Wilkesboro, Bank of North Wilkesboro Building.
Salisbury, Post Office Building.
Subregional office: Asheville, City Hall Building, P. O. Box 7036.
Contact office: Andrews, Andrews Library Building.
Subregional office: Charlotte 2 (overflow regional office), 127 West 7th Street.
Contact offices:
Gastonia, Masonic Temple, 214 South Street.
Hickory, 1355 Union Square.
Morgantown, County Courthouse.
Subregional office: Durham, 302 Morris Street.
Contact offices: Raleigh, 201 Capitol Club Building, and P. O. Box 5065 State College Station.
Subregional office: Fayetteville, 218 Winslow Street.
Contact Offices:
Goldsboro, County Courthouse.
Lumberton, Fourth and Water Streets.
Sanford, National Bank Building.
Wilmington, 125 Customhouse.
Subregional office:[1] New Bern, Post Office Building.
Contact offices:
Edenton, Citizens Bank Building.
Elizabeth City, Post Office Building.
Greenville, Armory, Second and Evans Street.
Rocky Mount, Municipal Building.
Hospitals:
Fayetteville, Veterans' Administration Hospital.
Oteen (near Asheville), Veterans' Administration Hospital.
Swannanoa, Veterans' Administration Hospital.

VIRGINIA

Regional office: Roanoke 11, 211 West Campbell Avenue.
Contact offices:
Bristol, Reynolds Arcade Building, 512 Cumberland Street.
Danville, Post Office Building.
Lynchburg, 719 Church Street.
Marion, Marion Drug Co. Building.
Norton, Cury Building, 10 Seventh Street.
Radford, 1049 Norwood Street.
Tazewell, Ward Building, Main Street.
Subregional office: Norfolk, Post Office Building.
Contact offices:
Exmore, U. S. E. S. Office.
Newport News, 2710 Huntington Avenue.
Suffolk, 147½ East Washington Street.
Subregional office: Richmond, P. O. Box 5246, 906 North Lombardy Street.
Contact offices:
Richmond, 902 St. James Street.
Farmville, 116 Third Street.
Fredericksburg, 1101 Caroline Street.
Lawrenceville, County Courthouse.
Petersburg, 34 Franklin Street.
Subregional office: Staunton, 302 West Beverly St.
Contact offices:
Charlottesville, 123 East Main Street.
Covington, County Courthouse.
Harrisonburg, 2 South Main Street.
Winchester, 201 North Loudoun Street.
Center (hospital and domiciliary): Kecoughtan, Veterans' Administration Center.
Hospitals:
Richmond 19, Veterans' Administration Hospital.
Roanoke 17, Veterans' Administration Hospital.

WEST VIRGINIA

Regional office: Huntington 1, 824 Fifth Avenue.
Contact offices:
Beckley, 114 Main Street.
Bluefield, 318 Federal Street.
Charleston 1, 812 Kanawha Boulevard.
Hinton, Memorial Building.
Logan, Elks Club Building.
Parkersburg, 420 Market Street.
Richwood, No. 1 Oakford Avenue.
Welch, Consolidated Bus Terminal.
Williamson, Mingo County Courthouse.
Subregional office: Clarksburg, 209 West Pike Street.
Contact offices:
Elkins, 401 Davis Avenue.
Fairmont, 223-225 Monroe Street.
Grafton, 201 West Main Street.
Keyser, 125 Armstrong Street.
Martinsburg, Boyd Building.
Morgantown, 823 Fayette Street.
Weston, 238–242 East Second Street.
Hospital, Huntington 1, 1540 Spring Valley Drive.
Center (hospital and domiciliary), Martinsburg, Veterans' Administration Center.

[1] Now operating as contact office.

§ 01.64 *Branch No. 5 Area (Alabama Florida, Georgia, South Carolina, Tennessee.)* (a) Address of Branch Office No. 5: Deputy Administrator, Veterans' Administration Branch Office No. 5. Atlanta 3, Ga.

(b) This is a guide to the location of all VA regional offices and centers, the subregional offices and contact offices thereunder and hospitals, in Branch No. 5 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

ALABAMA

Type of Activity, Location, and Address

Regional office: Montgomery 4, 400 Lee Street.
Contact offices:
Andalusia, 1 East Three Notch Street.
Demopolis, Masonic Temple Building.
Dothan, Merrill Building, 200 North Foster Street.
Eufaula, 131 Randolph Street.
Greenville, 104 West Commerce Street.
Montgomery, 300 Dexter Avenue.
Opelika, 213 South Eighth Street.
Selma, 113 Broad Street.
Subregional office: Birmingham 3, 706 North Twenty-first Street.
Contact offices:
Anniston, Boozer Building, Thirteenth and Moore Avenue.
Cullman, Fuller Building.
Gadsden, 502 Broad Street.
Jasper, 1814 Third Avenue.
Sylacauga, Post Office Building.
Talladega, City Hall.
Tuscaloosa, 2328 Broad Street.
Subregional office: Decatur, 201 Gordon Drive.
Contact offices:
Florence, 212 South Court Street.
Huntsville, 102 West Clinton Street.
Subregional office: Mobile, City Hall Annex, Royal and Church Streets.
Contact office: Brewton, City Hall.
Hospitals:
Tuscaloosa, Veterans' Administration Hospital.
Tuskegee, Veterans' Administration Hospital.
Montgomery 10, Perry Hill Road.
Supply depot: Montgomery, 5, Army Quartermaster Depot.

FLORIDA

Regional office: Miami 10, P. O. Box 1791.
Contact offices:
Fort Lauderdale, County Courthouse.
Key West, Post Office Building.
West Palm Beach, 712 Comeau Building.
Regional office: Pass-A-Grille Beach, Pass-A-Grille Beach Regional Office, Post Office Box 1437, St. Petersburg, Fla.
Contact offices:
Fort Myers, 2237 Hendry Street.
Lakeland, 306½ South Kentucky Avenue.
Sarasota, 225 Central Avenue.
St. Petersburg, 300 Central Avenue.
Tampa, 608 Tampa Street.
Subregional office: Jacksonville, Haverty Building, 317 Main Street.
Contact offices:
Gainesville, Seagle Building.
Ocala, 1 North Main Street.
Subregional office: Orlando, 138 North Orange Avenue.
Contact office: Daytona Beach, 120 Volusia Avenue.
Subregional office: Tallahassee, 1437 South Monroe Street.
Contact offices:
Marianna, 101½ North Caledonia.
Panama City, Post Office Building.
Pensacola, 114 East Gregory Street.
Center (hospital and domiciliary): Bay Pines, Veterans' Administration center.
Hospitals:
Lake City, Veterans' Administration hospital.
Miami Beach 40, 4300 Alton Road.

GEORGIA

Regional Office, Atlanta 3, 105 Pryor Street NE.
Contact offices:
Athens, 144 North Jackson Street.
Dalton, City Hall.
Gainesville, 311 South Green Street.
Griffin, 265 Meriwether Street.
La Grange, La Grange Banking & Trust Co.
Lawrenceville, County Courthouse Square.
Rome, West Building.
Subregional office: Macon, 612 Mulberry Street.
Contact offices:
Americus, 104 Forsyth Street.
Columbus, First National Bank Building.
Dublin, 200 South Jefferson Street.
Milledgeville, 75 Hancock Street.
Subregional office: Savannah, Blun Building, 35 Bull Street.
Contact offices:
Augusta, 712 Telfair Street.
Brunswick, P. O. Box 262, Post Office Building.
Louisville, 112½ West Broad Street.
Statesboro, 21½ East Main Street.
Subregional office: Valdosta, 412 West Central Avenue.
Contact offices:
Albany, 135 Flint Avenue.
Fitzgerald, Grant and Pine Streets.
Moultrie, County Courthouse.
Thomasville, 137 East Jackson Street.
Waycross, 509 Elizabeth Street.
Hospitals:
Atlanta, 5998 Peachtree Road NE.
Augusta, Veterans' Administration Hospital.
Chamblee, Veterans' Administration Hospital.
Thomasville, Veterans' Administration Hospital.

SOUTH CAROLINA

Regional Office, Fort Jackson, Veterans' Administration Regional Office.
Contact offices:
Aiken, Bank of Aiken Building.
Charleston 10, The Old Citadel Building.
Greenwood, Post Office Building.
Hampton, County Office Building.
Orangeburg, 26 St. Paul Street.
Rock Hill, 203–206 Phillips Building.
Newberry, 113 Boyce Street.
Sumter, County Courthouse.
Union, Little Building, Main and South Gadberry Streets.
Subregional office: Greenville, Post Office Building.
Contact offices:
Anderson, 209 North Main Street.
Spartanburg, 187 North Church Street.
Subregional office: Florence, 115 South Irby Street.
Contact offices:
Cheraw, 123 Market Street.
Conway, Courthouse Building.
Georgetown, Post Office Building.
Marion, 206 Harllee Street.
Hospital, Columbia, Veterans' Administration Hospital.

TENNESSEE

Regional office: Nashville 5 White Bridge Road.
Contact offices:
Clarksville, City Hall.
Cookeville, Terry Brothers Building, 100 Public Square.
Lawrenceburg, City Hall, East Gaines Street.
Murfreesboro, 9 Public Square.
Nashville, Cotton States Life Building.
Winchester, Post Office Building.
Subregional office: Chattanooga, 832 Georgia Avenue.
Contact office: Athens, 103 South White Street.
Subregional office: Jackson, 408 East Main Street.
Contact offices:
Dyersburg, County Courthouse.
Paris, 112½ Market Street.
Union City, 204 Washington Avenue.
Subregional office: Knoxville 10, 307 Commerce Street.
Contact offices:
Harriman, 607–9 Morgan Street.
Johnson City, 303 West Walnut Street.
Morristown, Old City National Bank Building.
Oak Ridge, 102 Town Hall.
Oneida, Cooper Building, 43½ Depot Street.
Subregional office: Memphis, 30 North Second Street.
Hospitals:
Memphis 4, 1025 La Mar Avenue.
Memphis 15, Park Avenue and Getwell Street.
Murfreesboro, Veterans' Administration Hospital
Center (hospital and domiciliary): Mountain Home, Veterans' Administration Center.
Hospital: Nashville 5, White Bridge Road.

§ 01.65 *Branch No. 6 Area (Kentucky, Michigan, Ohio).* (a) Address of Branch Office No. 6: Deputy Administrator, Veterans' Administration Branch Office No. 6, 52 S. Starling St., Columbus 8, Ohio.

(b) This is a guide to the location of all VA regional offices and centers, subregional offices and contact offices thereunder, and hospitals, in Branch No. 6 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

KENTUCKY

Type of Activity, Location, and Address

Regional office: Louisville 3, 1405 West Broadway.
Contact offices:
Louisville, Federal Building, Room 434.
Carrollton, Post Office Building, Highland Avenue.
Elizabethtown, City Building.
Glasgow, 108 South Green Street.
Shelbyville, 537 Main Street.
Subregional office: Ashland, 1516 Bath Avenue.
Contact offices:
Louisa, Elswick Building.
Morehead, 369 Main Street.
Pikesville, Connelly Building.
Prestonburg, Midland Building.
Subregional office: Corbin, Walter Wanger Hospital Building.
Contact offices:
Barbourville, Union College.
Harlan, U. S. E. S. Central Street.
Somerset, Baisley Building, Market and Maple Streets.
Whitesburg, U. S. E. S., Main Street.
Subregional office: Covington, 440 Scott Street.
Subregional office: Hopkinsville, 204 East Sixth Street.
Contact offices:
Bowling Green, Courthouse, 401 Tenth Street.
Henderson, 415 North Main Street.
Madisonville, County Court House.
Mayfield, Post Office Building.
Murray, Gatlin-Swann Building, Fourth and Main Streets.
Owensboro, 214½ West Third Street.
Paducah, 224½ South Sixth Street.
Subregional office: Lexington, 508 West Main Street.
Contact offices:
Columbia, Campbellsville Street.
Danville, 120 South Fourth Street.
Frankfort, 107 St. Clair Street.
Hazard, Chamber of Commerce Building.
Jackson, Main Street.
Maysville, 209 Sutton Street.
Richmond, Taylor Building, West Main Street.
Hospitals:
Fort Thomas, Veterans' Administration Hospital (date of opening for patients indefinite).
Lexington, Veterans' Administration Hospital.
Louisville, Veterans' Administration Hospital.
Outwood (near Dawson Springs), Veterans' Administration Hospital.

MICHIGAN

Regional office: Detroit 26, Guardian Building.
Contact offices:
Monroe, 30 South Washington Street.
Pontiac 15, 28 North Saginaw Street.
Port Huron, Post Office Building.
Subregional office: Escanaba, First National Bank Building, 621 Ludington Street.
Contact offices:
Houghton, Michigan College of M & T.
Ironwood, 107 North Lowell Street.
Marquette, 210 West Front Street.
Sault Sainte Marie, Post Office Building.
Subregional offices:
Flint 5, 109 West Third Avenue.
Grand Rapids 2, Keeler Building.
Contact offices:
Cadillac, 104 West Pine Street.
Ludington, Post Office Building.
Muskegon, Terminal Arcade Building, Clay Avenue.
Traverse City, 246 East Front Street.
Subregional office: Jackson, 312 South Jackson Street.
Contact offices:
Ann Arbor, Rackham Building.
Lansing 2, 215 South Washington Avenue.
Subregional office: Kalamazoo 47, 135 North Westnedge.
Contact offices:
Battle Creek, 70 West Michigan Avenue.
St. Joseph, 503 North Pleasant Street.
Subregional office: Saginaw, Board of Commerce Building.
Contact offices:
Alpena, 410 North Second Street.
Bay City, Post Office Building.
Mt. Pleasant, Central Michigan College.
Hospitals:
Dearborn: Veterans' Administration Hospital.
Fort Custer (near Battle Creek): Veterans' Administration Hospital.

OHIO

Regional office: Cincinnati 2, 209 East Sixth Street.
Contact offices:
Cincinnati, University of Cincinnati.
Hamilton, Anthony Wayne Hotel Building.
Middletown, Veterans' Service Center, 116 South Main Street.
Subregional office: Columbus 15, 209 South High Street.
Contact offices:
Columbus, Ohio State University, High Street.
Lancaster, 201 South Broad Street.
Zanesville, 416 Market Street.
Subregional office: Dayton 2, 120 West Second Street.
Contact offices:
Piqua, 228 West Green Street.
Sidney, 113 North Ohio Street.

Springfield, 136 East High Street.
Subregional office: Lima, 209 North Main Street.
Contact offices:
Findlay, Niles Building, East Sandusky Street.
Van Wert, 116½ East Main Street.
Subregional office: Marietta, 116 Front Street.
Contact offices:
Athens, 8 President Street.
Marietta, Veterans' Service Office, Courthouse.
Cambridge, 118½ North Ninth Street.
Subregional office: Portsmouth, 604 Chillicothe Street.
Contact offices:
Chillicothe, 22 West Second Street.
Ironton, 306 Park Avenue.
Regional office: Cleveland 14, Cuyahoga Building.
Contact offices:
Ashtabula, Post Office Building.
Cleveland, 13701 Saint Clair Avenue.
Elyria, Elyria Savings and Trust Company Building.
Lorain, 305 Broadway Avenue.
Subregional office: Akron, 72-76 High Street.
Contact offices:
Canton 2, 117 Walnut Avenue.
Kent, 136 North Water Street.
New Philadelphia, 152 North Broadway.
Wooster, 214 North Market Street.
Subregional office: Mansfield, 115 Park Avenue, West.
Contact office: Marion, 196 South Main Street.
Subregional office: Steubenville, 224 North Fifth Street.
Contact offices:
East Liverpool, Municipal Building, 130 West Sixth Street.
St. Clairsville, Masonic Temple Building.
Subregional office: Toledo 4, 501 Huron Street, Veterans Building.
Contact offices:
Defiance, 408½ Clinton Street.
Fremont, 109-111 South Arch Street.
Sandusky, Felck Building, 158 East Market Street.
Tiffin, 84½ South Washington Street.
Subregional office: Youngstown 3, 6 West Federal Street.
Contact office: Warren, Post Office Building.
Hospitals:
Brecksville, Veterans' Administration Hospital.
Chillicothe, Veterans' Administration Hospital.
Cleveland 9, 7300 York Road.
Center (hospital and domiciliary), Dayton, Veterans' Administration Center.

§ 01.66 *Branch office No. 7 Area (Illinois, Indiana, Wisconsin).* (a) Address of Branch Office No. 7: Deputy Administrator, Veterans' Administration Branch Office No. 7, 226 West Jackson Boulevard, Chicago 6, Ill.

(b) This is a guide to the location of all VA regional offices and centers, subregional offices and contact offices thereunder, and hospitals, in Branch No. 7 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

ILLINOIS

Type of Activity, Location, and Address

Regional office: Chicago 6, 366 West Adams Street.
Contact offices:
Aurora, 44½ Downer Place.
Chicago, 6625 Cottage Grove Avenue.
Elgin, 11 South Spring Street.
Evanston, 823 Davis Street.
Joliet, 58 Chicago Street.
Kankakee, Arcade Building.
Oak Park, 4 Madison Street.
Waukegan, 325 Washington Street.
Subregional office: Centralia, 137-9 North Locust Street.
Contact office:
Effingham, National Hotel Building.
Harrisburg, 1 North Vine Street.
Metropolis, County Courthouse.
Mount Vernon, Grigg Building, Eleventh and Main Streets.
Olney, Negley Building, 108 York Street.
Subregional office: Danville, 6 West Seminary Street.
Contact offices:
Champaign, 249 Armory Street.
Mattoon, 1521 Charleston Avenue.
Urbana, 301 West Main Street.
Subregional office: East St. Louis, 435 Missouri Avenue.
Contact offices:
Alton, Luly Building, 123 West Third Street.
Cairo, Post Office Building.
Carbondale, 205½ West Main Street.
Litchfield, 108 East Kirkham Street.
Subregional office: Gary, Ind., City Hall, Fourth Avenue and Broadway.
Contact offices:
East Chicago, Ind., Post Office Building.
Gary, Ind., Post Office Building.
Hammond, Ind., 5236 Hohman Avenue.
LaPorte, Ind., First National Bank Building.
Subregional offices:
Moline, 1630 Fifth Avenue.
Peoria, 517 Fulton Street.
Contact office: Bloomington, 427 North Main Street.
Contact office: Galesburg, 311 East Main Street.
Subregional office:[1] Quincy, 801-3 Maine Street.
Contact office: Macomb, 232 East Jackson Street.
Subregional office: Rockford, 301 South Main Street.
Contact offices:
De Kalb, First National Bank Building.
Dixon, 119 Hennepin Avenue.
Freeport, 2-4-6 East Stephenson Street.
La Salle, 206 Marquette Street.
Subregional office: Springfield, 400-410 East Monroe Street.
Contact offices:
Decatur, County Building.
Jacksonville, 205 East Morgan Street.
Hospitals:
Danville, Veterans' Administration Hospital.
Downey (near Waukegan), Veterans' Administration Hospital.
Dwight, Veterans' Administration Hospital.
Hines (near Maywood), Veterans' Administration Hospital.
Marion, Veterans' Administration Hospital.
Supply depot: Hines, Veterans' Administration Supply Depot.

INDIANA

Regional office: Indianapolis 9, 36 South Pennsylvania Street.
Contact offices:
Anderson, 27 West Twelfth Street.
Bedford, 929 Fifteenth Street.
Bloomington, 114 East Fourth Street.
Greensburg, 105 East Main Street.
Kokomo, 221½ North Main Street.
Madison, 416 North Jefferson Street.
New Albany, Division Street, School Building.
Seymour, 300 North Chestnut Street.
Subregional office:[1] Evansville, Post Office Building.
Contact offices:
Jasper, County Courthouse.
Vincennes, City Hall Building.
Subregional offices:[1]
Fort Wayne, 116 East Wayne Street.
La Fayette, Post Office Building.
Contact office: Logansport, Barnes Building, Third and Broadway.

[1] Now operating as a contact office.

Subregional office: Muncie, 1128 South Mulberry Street.
Contact office: Richmond, Morton Center, Ninth and B Streets.
Subregional office: South Bend 2, 224 West Jefferson Street.
Contact office: Goshen, 202 North Main Street.
Subregional office:[1] Terre Haute, 601 Ohio Street.
Contact office: Greencastle, 12 South Jackson Street.
Hospitals:
Indianapolis 44, 2601 Cold Spring Road.
Marion, Veterans' Administration Hospital.
Fort Benjamin Harrison, Veterans' Administration Hospital.

MILWAUKEE 2

Regional office: Milwaukee 2, 242 North Water Street.
Contact offices:
Kenosha, 520 Fifty-eighth Street.
Milwaukee, Marquette University.
Racine, Post Office Building.
Subregional office: Eau Claire, Mappa School, 118 Mappa Street.
Contact office: Rice Lake, 102½ Main Street.
Subregional office: Green Bay, Northern Building.
Contact offices:
Appleton, Court House Building.
Fond du Lac, City Hall, 76 East Second Street.
Green Bay, 112 North Washington Street.
Marinette, 1825½ Hall Avenue.
Oshkosh, 80 Washington Boulevard.
Sheboygan, 601 North Eighth Street.
Subregional offices:
La Crosse, 408 South Fourth Street.
Madison 3, 448 State Street.
Contact offices:
Beloit, 603 East Grand Avenue.
Janesville, National Guard Armory, 10 South High Street.
Platteville, City Hall.
Subregional office: Superior, 805 East Belknap Street.
Contact office: Ashland, 209 Vaughn Avenue.
Subregional office: Wausau, Courthouse Annex, Fourth and Scott.
Contact offices:
Rhinelander, 8-A South Brown Street.
Stevens Point, 610 Clark Street.
Hospitals:
Mendota, Veterans' Administration Hospital.
Tomah, Veterans' Administration Hospital (date of opening for patients to be announced).
Waukesha, Veterans' Administration Hospital.
Center (hospital and domiciliary): Wood, Veterans' Administration Center.

§ 01.67 *Branch No. 8 Area (Iowa, Minnesota, Nebraska, North Dakota, South Dakota).* (a) Address of Branch Office No. 8: Deputy Administrator, Veterans' Administration Branch Office No. 8, Fort Snelling, St. Paul 11, Minn.

(b) This is a guide to the location of all VA regional offices and centers, subregional offices and contact offices thereunder, and hospitals, in Branch No. 8 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

IOWA

Type of Activity, Location, and Address

Center (regional office and hospital): Des Moines 10, Veterans' Administration Hospital.
Contact offices:
Algona, McEnroe Building, State and Thorington Streets.
Ames, 131 Main Street.
Atlantic, 15-17 East 6th Street.

Centerville, 100 West Van Buren Street.
Chariton, 107½ North Main Street.
Creston, 114 North Maple Street.
Fort Dodge, Snell Building, 803 Central Avenue.
Newton, Jasper County Court House.
Iowa Falls, 511½ Washington Avenue.
Jefferson, 202½ East State Street.
Marshalltown, 102½ West Main Street.
Mason City, 115 First Street Southeast.
Oskaloosa, 204½ First Avenue, East.
Ottumwa, Y. M. C. A. (temporary).
Shenandoah, 812 West Sheridan Street.
Webster City, 544½ Second Street.
Subregional office: Cedar Rapids, 111 Third Avenue Southwest.
Contact offices:
Burlington, Farmers & Merchants Bank Building.
Clinton, Howes Building, 419 South Second Street.
Davenport, Union Bank Building, 229 Brady Street.
Decorah, Utilities Building.
Dubuque, Bank and Insurance Building.
Iowa City, 104 South Clinton Street.
Keokuk, 402 Blondeau Street.
Muscatine, American Bank Building, 200 East Second Street.
Waterloo, 625 Lafayette Street.
Subregional office: Sioux City 9, Badgerow Building, 632 Fourth Street.
Contact offices:
Cherokee, 219 West Main Street.
Council Bluffs, Savings Bank Building.
Denison, 1312 Broadway.
Sheldon, 416—9th Street.
Spencer, 13 West Sixth Street.
Hospital: Knoxville, Veterans' Administration Hospital.

MINNESOTA

Regional office: Minneapolis 8, 1036 West Lake Street.
Contact offices:
Albert Lea, 243 South Broadway.
Alexandria, Chamber of Commerce Building, 608 Broadway.
Austin, 100 West Oakland.
Brainerd, Parker Building, 623 Laurel Street.
Faribault, 229 Central Avenue.
Mankato, 203 South Second Street.
Marshall, 410 West Main Street.
Montevideo, 304 First Street.
Rochester, 332 First Avenue SW.
St. Cloud, Grand Central Hotel, Number 2 Fifth Avenue.
Tracy, City Hall.
Willmar, 512 Benson Avenue West.
Winona, Choate Building, 51 East Third Street.
Worthington, 906 Third Avenue.
Subregional office: Duluth 2, Christie Building, 120 North Fourth Avenue, West.
Contact offices:
Grand Rapids, City Hall, Pokegema Avenue.
Hibbing, 1937 Fifth Avenue, East.
International Falls, 345 Third Street.
Sandstone, Jack Spratt Store, Building, Main Street.
Virginia, 302 Chestnut Street.
Subregional office: St. Paul 1,[2] Commerce Building, Fourth and Wabasha.
Contact Office: South St. Paul, 210 Third Avenue N.
Hospitals:
Minneapolis 6, Veterans' Administration Hospital.
St. Cloud, Veterans' Administration Hospital.

NEBRASKA

Regional office: Lincoln 8, Sharp Building.
Contact offices:
Ainsworth, 155 Main Street.
Alliance, 144 East 4th Street.
Beatrice, Post Office Building.
Falls City, 1711½ Stone Street.
Grand Island, 314½ North Locust Street.
Hastings, Post Office Building.
Kearney, City Hall Building.
McCook, City Auditorium, 300 West Fifth.
Nebraska City, 601 First Corso.
North Platte, 118½ East Sixth Street.
Scottsbluff, 1604 Broadway.
Subregional office: Omaha (overflow of regional office), Federal Office Building, Fifteenth and Dodge Streets.
Contact offices:
Columbus, City Hall, 2522 Fourteenth Street.
Fremont, Auditorium Building.
Hartington, City Auditorium.
Norfolk, 111 South First Street.
Hospital: Lincoln 1, Veterans' Administration Hospital.

NORTH DAKOTA

Center (regional office and hospital): Fargo, Veterans' Administration Center.
Contact offices:
Bemidji, Minn., 302 Third Street.
Bismarck, 318 Main Street.
Detroit Lakes, Minn., 112½ Front Street.
Devils Lake, 202 Fourth Street.
Fargo, 114½ Roberts Street, also Universal Building, 510 Fourth Avenue, North.
Fergus Falls, Minn., 104 South Court Street.
Grand Forks, 102 North 4th Street.
Jamestown, 222½ First Avenue, South.
Minot, 104 First Avenue, Southwest.
Thief River Falls, Minn., 114 North La Bree Avenue.
Williston, Federal Building.

SOUTH DAKOTA

Regional office: Sioux Falls, Veterans' Administration Regional Office.
Contact offices:
Aberdeen, 422½ South Main Street.
Brookings, 321 Main Avenue.
Deadwood, 31 Deadwood Street.
Mitchell, 221-223 North Main.
Pierre, 101 East Capital Avenue.
Rapid City, 521 South Eighth Avenue.
Watertown, 5 West Kemp Avenue.
Yankton, City Hall.
Hospital: Fort Meade, Veterans' Administration Hospital.
Center (hospital and domiciliary): Hot Springs, Veterans' Administration Center.

§ 01.68 *Branch No. 9 Area (Arkansas, Kansas, Missouri, Oklahoma).* (a) Address of Branch Office No. 9: Deputy Administrator, Veterans' Administration Branch Office No. 9, Boatmen's Bank Bldg., 420 Locust St., St. Louis 2, Mo.

(b) This is a guide to the location of all VA regional offices, the subregional offices and contact offices thereunder, and hospitals, in Branch No. 9 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

ARKANSAS

Type of Activity, Location and Address

Regional office: Little Rock, Federal Building.
Contact offices:
Arkadelphia, 1010 Sixth Street.
Batesville, 113 West Main Street.
Fordyce, Banks Building, 302 Main Street.
Forrest City, Planters Bank Building.
Harrison, Seville Hotel.
Helena, Solomon Building.
Hot Springs, Citizens Building.
McGehee, 108 South First Street.
Morrilton, 1st State Bank Building.
Mountain Home Dyer Building.
Pine Bluff, 502½ West Fifth Street.
Russellville, Courthouse, 100 Main Street.
Searcy, Community Building.
Stuttgart, Seth Hastings Building, Third and College Streets.
Subregional office: Fort Smith, South Twelfth and A Streets.
Contact offices:
Fayetteville, 14 South East Street.
Mena, 606 Mena Street.
Subregional office: Jonesboro, Jonesboro, Clinic Building.
Contact offices:
Blytheville, 116 South Second Street.
Pocahontas, New County Courthouse.
Subregional office: Texarkana, Old Federal Court, Fourth and Texas Avenue.
Contact offices:
Camden, Camden Drug Building.
El Dorado, Federal Building.
Hope, County Courthouse.
Magnolia, 201 Main Street.
Hospitals:
Fayetteville, Veterans' Administration Hospital.
North Little Rock, Veterans' Administration Hospital.

KANSAS

Regional office: Wichita 15, 3801 South Oliver Street.
Contact offices:
Dodge City, Post Office Building.
Goodland, Hunt-Ennis Building, Twelfth and Main Streets.
Hays, City Hall, 135 West Eleventh Street.
Hutchinson, 14 West First Street.
Independence, Citizens National Bank Building.
Iola, 108½ South Jefferson.
Pittsburg, City Auditorium, Fifth and Pine Streets.
Salina, 114½ West Iron Street.
Wichita 2, 203 East Williams Street.
Subregional office, Topeka, Municipal Auditorium, 215 West Seventh Street.
Contact offices:
Concordia, Masonic Building, Eighth and Washington.
Emporia, I. O. O. F. Building, 24 West Fifth Street.
Manhattan, 405A Poyntz Avenue.
Hospital: Wichita 8, Kellogg and Beckley Drive.
Center (Hospital and Domiciliary): Wadsworth 2, Veterans' Administration Center.
Hospital: Topeka, Veterans' Administration Hospital.

MISSOURI

Regional office: Kansas City 6, Municipal Auditorium, Thirteenth and Wyandotte Streets.
Contact offices:
Lawrence, Kans., 1035 Massachusetts Street.
Nevada, 229 West Cherry Street.
Sedalia, 511 South Ohio Street.
Subregional office: Springfield, 302½ East Pershing.
Contact offices:
Joplin, 223 West Third Street.
Lebanon, 208 West Commercial Street.
West Plains, Courthouse Building.
Subregional office: St. Joseph 7, Ninth and Felix Streets.
Contact offices:
Chillicothe, 619-621 Locust Street, P. O. Box 411.
Horton, Kans., 115 East Tenth Street.
Maryville, 115 West Fourth Street.
Regional office: St. Louis 2, 415 Pine Street.
Contact offices:
Flat River, 308 East Main Street.
St. Charles, 121-3 North Main Street.
Washington, 205 Elm Street.
Subregional office: Jefferson City, Post Office Building.
Contact offices:
Boonville, 417 East Spring Street.
Columbia, 715-A Broadway.
Mexico, 105 North Olive Street.
Rolla, 702 Pine Street.
Subregional office: Moberly, Public Library, 111 North Fourth Street.

[2] Overflow of regional office.

Contact offices:
Hannibal, 1020 Broadway.
Kirksville, 106 South Main Street.
Subregional office: Poplar Bluff, New State Bank Building, Main and Vine Streets.
Contact offices:
Cape Girardeau, 400–416 Broadway.
Caruthersville, 301 Ward Street.
Charleston, Buckner-Ragsdale Building, Main and Market.
Kennett, Post Office Building.
Sikeston, P. O. Building, 215 North New Madrid Street.
Hospitals:
Excelsior Spring, Veterans' Administration Hospital.
Jefferson Barracks 23, Veterans' Administration Hospital.
Springfield, Veterans' Administration Hospital.

OKLAHOMA

Regional office: Muskogee, Owen Building, Fifth and Okmulgee Streets.
Contact office: Okmulgee, McCulloch Building, Fifth and Grand Avenue.
Subregional office: [1] McAlester, Federal Building.
Contact office: Durant, Municipal Building.
Subregional office: Tulsa 3, Bethlehem Building, Second and Boston Streets.
Contact offices:
Bartlesville, Post Office Building.
Vinita, Federal Building.
Regional office: Oklahoma City, 1101 North Broadway.
Contact offices:
Ada, Federal Building, 131 East 12th Street.
Ardmore, VA Contact Office.
Clinton, Calmez Hotel, P. O Box 97.
Norman, Woodrow Wilson Center, Lindsey and Jenkins Streets.
Shawnee, 107 North Broadway.
Stillwater, Stillwater National Bank Building.
Subregional office: Enid, Old Post Office Building.
Contact offices:
Ponca City, 402 East Grand Street.
Woodward, Old County Courthouse.
Subregional office: [1] Lawton, Federal Building, P. O. Box 1185.
Contact offices:
Altus, Badger-Henry Building.
Chickasha, Oklahoma National Bank Building.
Hospitals:
Muskogee, Memorial Station, Honor Heights Drive.
Oklahoma City, Veterans' Administration Hospital.

§ 01.69 *Branch No. 10 Area (Louisiana, Mississippi, Texas).* (a) Address of Branch Office No. 10; Deputy Administrator, Veterans' Administration Branch Office No. 10, 1114 Commerce St., Dallas 2, Texas.

(b) This is a guide to the location of all VA regional offices and centers, the subregional offices and contact offices thereunder, and hospitals, to Branch No. 10 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

LOUISIANA

Type of Activity, Location, and Address

Regional office: New Orleans 12, 333 Saint Charles Street.
Contact offices:
Baton Rouge, 701–703 Laurel Street.
Bogalusa, 110 Louisiana Avenue.
Hammond, City Hall.
Houma, 316 Church Street.

[1] Now operating as a Contact Office.

Subregional office: Lafayette, 216 Jefferson Street.
Contact offices:
Franklin, Seiler Building, Willow and First Streets.
Lake Charles, 429 Broad Street.
Opelousas, Courthouse.
Regional office: Shreveport 63, 501 Ockley Drive.
Contact offices:
Bastrop, 225 East Madison Street.
Mansfield, Post Office, Jefferson and Texas Streets.
Minden, 101½ North Broadway Street.
Monroe, 136 South Grand Street.
Natchitoches, 514 Second Avenue.
Ruston, 102 West Alabama Avenue.
Subregional office: Alexandria 3, 1201 Sixth Street.
Contact offices:
Bunkie, 105 West Magnolia Street.
Leesville, 410 Third Street.
Winnfield, Winn Parish Courthouse.
Winnsboro, Municipal Building.
Hospitals:
Alexandria, Veterans' Administration Hospital.
New Orleans 12, Veterans' Administration Hospital.

MISSISSIPPI

Regional office: Jackson, Veterans' Administration Regional Office.
Contact offices:
Forest, Masonic Building.
Brookhaven, 121–125 South Railroad Street.
Kosciusko, Potts Building.
McComb, 106–108 Main Street.
Natchez, City Auditorium, Jackson Street.
Vicksburg, 1323 Washington Street.
Yazoo City, Yazoo City Hall.
Subregional office, Greenwood, 315 Howard Street.
Contact offices:
Clarksdale, McWilliams Building.
Cleveland, 102 Sharpe Avenue.
Greenville 1, Paxton Building.
Grenada, 110 First Street.
Indianola, 126½ Main Street.
Senatobia, William Jaffe Building.
Subregional office: Hattiesburg, 723 Main Street.
Contact offices:
Gulfport, U. S. E. S. Office.
Columbia, Newsom Building, 702½ Main Street.
Laurel, 408 North Magnolia Street.
Pascagoula, Bacot Building, 262 Delmas Avenue.
Subregional office: Meridian, 814–818 Twenty-second Avenue.
Contact offices:
Columbus, City Auditorium, 605 Second Avenue.
Louisville, Ford Building.
Philadelphia, Stubbs Building.
Starkville, Merchants & Farmers Bank Building.
Subregional office: Tupelo, 409 South Spring Street.
Contact offices:
Corinth, County Courthouse.
Holly Springs, 363 College Street.
Oxford, 116–117 Jackson Avenue.
Center (hospital and domiciliary): Biloxi, Veterans' Administration Center.
Hospitals:
Gulfport, Veterans' Administration Hospital.
Jackson, Veterans' Administration Hospital.

TEXAS

Regional office: Dallas 9, Love Field.
Contact offices:
Greenville, 2716 Lee Street.
Paris, 231 Lamar Avenue.
Sherman, Post Office Building.
Subregional office: Ft. Worth, [1] 1107 Commerce Street.
Contact offices:
Cleburne, 111½ East Henderson.
Denton, 107 East Oak Street.
Eastland, Sinclair-Prairie Building, South Seaman Street.
Graham, Boaz Building, 507 Elm Street.
Mineral Wells, 207 South West First Avenue.
Vernon, County Courthouse.
Wichita Falls, 903 Indiana Avenue.
Subregional office: [1] Longview, Building 78 and T–79, Letourneau Technical Institute.
Contact offices:
Marshall, Mahon Building.
Mount Pleasant, 105 West Fourth Street.
New Boston, U. S. O. Building.
Tyler, American Legion Building.
Regional office: Houston 2, Federal Office Building.
Contact offices:
Angleton, County Courthouse.
Brenham, 105 East Main Street.
Galveston, Twenty-fifth and Church Streets.
Goose Creek, 114 North Ashbel Street.
Huntsville, 1019½ Twelfth Street.
Lufkin, Denman Building.
Wharton, 101 Burleson Street.
Subregional office: [1] Beaumont, 450 Tevis Street.
Contact offices:
Center, County Courthouse.
Orange, 116 Market Street.
Port Arthur, Post Office Building.
Regional office: Lubbock, Lubbock Army Air Field.
Contact offices:
Abilene, 104 Pine Street.
Big Spring, 116 West Second Street.
Odessa, County Courthouse.
San Angelo, Post Office Building.
Subregional office, Amarillo, Oliver-Eakle Building.
Contact offices:
Borger, Borger City Hall.
Childress, County Courthouse.
Subregional office, El Paso, 109 North Oregon Street.
Contact office: Pecos, 243 South Oak Street.
Regional office: San Antonio 5, 102 West Crockett Street.
Contact offices:
Alpine, Holland Hotel Building.
Del Rio, Post Office Building.
Luling, 203 South Laurel Avenue.
Subregional office: [1] Corpus Christi, 400 Peoples Street.
Contact offices:
Harlingen, 210 East Harrison Street.
Laredo, Post Office Building.
Victoria, Federal Building.
Weslaco, 516 Texas Avenue.
Center (Regional office and hospital): Waco, Veterans' Administration Center.
Contact offices:
Austin 15, 106 East Sixth Street.
Brownwood, 200 East Baker Street.
Bryan, Bryan City Hall.
Cameron, 206 North Central Street.
Corsicana, 101 North Beaton Street.
Georgetown, 114 East Eighth Street.
Mexia, Kendrick Building.
Palestine, Post Office Building.
Stephenville, Farmers National Bank Building.
Temple, Municipal Building.
Hospitals:
Amarillo, Veterans' Administration Hospital.
Dallas 2, Veterans' Administration Hospital.
Legion (near Kerrville), Veterans' Administration Hospital.
McKinney, Veterans' Administration Hospital.
Temple, Veterans' Administration Hospital.

§ 01.70 *Branch No. 11 Area (Alaska, Idaho, Montana, Oregon, Washington).* (a) Address of Branch Office No. 11: Deputy Administrator, Veterans' Administration Branch Office No. 11, 821 Second Avenue, Seattle 4, Wash.

(b) This is a guide to the location of all VA regional offices and centers, subregional offices and contact offices thereunder, and hospitals, in Branch No. 11 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

ALASKA

Type of Activity, Location, and Address

Regional office: Juneau, Goldstein Building, (all mail, including C-files to be sent air mail).
Contact office: Ketchikan, Commercial Building (P. O. Box 2621).
Subregional office: Anchorage, P. O. Box 1399, Federal Building.
Contact office: Fairbanks, Federal Building.

IDAHO

Regional office: Boise, National Guard Barracks Building.
Contact offices:
Blackfoot, 302 West Bridge Street.
Boise, City Hall.
Burley, 212 South Conant Street.
Idaho Falls, Post Office Building.
Nampa, Post Office Building.
Pocatello, 403 North Main Street.
Preston, Larson Building.
Twin Falls, 249 Main Avenue East.
Weiser, Post Office Building.
Subregional office: Moscow, 113 Main Street.
Contact offices:
Coeur d'Alene, 214 Third Street.
Grangeville, Riggs Building, 210 Main Street.
Kellogg, Hutton Building.
Lewiston, Weisberger Building.
Sandpoint, Post Office Building.
Hospital: Boise, Veterans' Administration Hospital.

MONTANA

Regional office: Fort Harrison, Veterans' Administration Regional Office.
Contact offices:
Anaconda, 123 Main Street.
Bozeman, 2 West Main Street.
Butte, Owsley Building, Park and Main Streets.
Glasgow, 501 First Avenue South.
Great Falls, 300 Central Avenue.
Havre, Hill County Bank, 201 Third Avenue.
Kalispell, Whipps Block, Third and Main.
Missoula, 240 North Higgins Avenue.
Subregional office: Billings, Post Office Building.
Contact offices:
Glendive, 100 South Merrill Avenue.
Lewistown, 5-5 West Main.
Miles City, 10 North Sixth Street.
Hospital: Fort Harrison, Veterans' Administration Hospital.

OREGON

Regional office: Portland 5, 1019 South West Tenth Avenue.
Contact offices:
Astoria, Post Office Building.
Baker, 1812 Washington Avenue.
Bend, 1010 Wall Street.
Corvallis, 306 North Madison.
Eugene, 41 West Eighth Street.
La Grande, 1118½ Adams Avenue.
McMinnville, 239 Main Street.
Ontario, 125 South West First Street.
Pendleton, 157 South Main Street.
Salem, 167 South High Street.
The Dalles, 300 East Second Street.
Subregional office: Medford, 33 North Riverside Avenue.
Contact offices:
Coos Bay (Marshfield), Hall Building, Third and Central.
Grants Pass, 605½ East G Street.
Klamath Falls, Courthouse Building, Fourth and Main.
Hospitals:
Portland 7, Veterans' Administration Hospital.
Roseburg, Veterans' Administration Hospital.

WASHINGTON

Regional office: Seattle 4, Federal Office Building.
Contact offices:
Aberdeen, Finch Building, Heron and H Streets.
Bellingham, 314 East Holly Street.
Bremerton, 211 Second Avenue.
Centralia, Post Office Building.
Everett, 2229 Rockefeller.
Longview, Post Office Building.
Mount Vernon, Hylton Building, Second and Montgomery.
Olympia, County Courthouse.
Port Angeles, 124 South Lincoln Street.
Tacoma, Jones Bldg., 909 Broadway.
Vancouver, 504 Washington Street.
Wenatchee, Chelan County Courthouse.
Yakima, 32 North Third St.
Subregional office: Spokane 8, Hutton Building, Sprague and Washington Streets.
Contact offices:
Colfax, Post Office Box 299.
Omak, 115 North Main Street.
Pullman, Services Building, State College.
Richland, 329 Collum Street, Box 1101.
Walla Walla, Veterans' Administration Contact Office.
Hospitals:
American Lake, Veterans' Administration Hospital.
Walla Walla, Veterans' Administration Hospital.

§ 01.71 *Branch No. 12 Area (Arizona, California, Nevada, Territory of Hawaii).* (a) Address of Branch Office No. 12: Deputy Administrator, Veterans' Administration Branch Office No. 12, 180 New Montgomery Street, San Francisco 5, Calif.

(b) This is a guide to the location of all VA regional offices and centers, the subregional offices and contact offices thereunder, and hospitals, in Branch No. 12 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

ARIZONA

Type of Activity, Location, and Address

Regional office: Phoenix, Ellis Building, 137 North 2d Avenue.
Contact offices:
Douglas, 433 Tenth Street.
Flagstaff, Arizona State College.
Globe, 106 North Broad Street.
Tucson, Greenway Station.
Window Rock, Veterans' Administration Contact Office.
Yuma, 198 Main Street.
Hospitals:
Phoenix, Veterans' Administration Hospital.
Tucson, Veterans' Administration Hospital.
Center (hospital and domiciliary), Whipple, Veterans' Administration Center.

CALIFORNIA

Regional office: Los Angeles 25, 1380 South Sepulveda Boulevard.
Contact offices:
Pasadena, 137 North Marengo Avenue.
Pomona, 440 South Thomas Street.
Subregional office: Bakersfield, 1100 Golden State Highway.
Contact office: Bishop, 127 West Lime Street.
Subregional office: Long Beach, 215 American Avenue.
Contact office: Santa Ana, 104 West Fourth Street.
Subregional office: San Bernardino, 1120 North F Street.
Contact offices:
Las Vegas, Nev., 209 South Third Street.
Riverside, Post Office Building, 9th and Orange Streets.
Subregional office: Santa Barbara, 735 State Street.
Contact offices:
San Luis Obispo, c o California Polytechnic School.
Santa Maria, 125 West Church Street.
Ventura, 150 South California Street.
Regional office: San Diego, P. O. Box 1111 (Telegraphic Address: 325 B Street).
Contact office:
El Centro, Sixth and Main Streets.
Oceanside, 122 North Cleveland Street.
San Diego, 5432 College Avenue.
Regional office: San Francisco 3, 49 Fourth Street.
Contact offices:
Redwood City, 527 Marshall Street.
San Mateo, City Hall, Baldwin Avenue and San Mateo Drive.
San Rafael, Masonic Building, Lootins Place.
Subregional offices:
Eureka, Courthouse Building.
Fresno 1, 2145 Fresno Street.
Contact offices:
Madera, 124 East Yosemite.
Merced, 709 Seventeenth Street.
Subregional office: Oakland, 1305 Franklin Street.
Contact offices:
Berkeley 4, 2168 Shattuck Avenue.
Richmond, 4113 MacDonald Avenue.
Subregional office: [1] Redding, 1407 California Street.
Contact offices:
Chico, 329 Salem Street.
Red Bluff, 644 Main Street.
Subregional office: [1] Sacramento, 1107 Ninth Street.
Contact offices:
Marysville, Post Office Building, 321 "C" Street.
Vallejo, 342 Virginia Street.
Subregional office: [1] San Jose, 246 South First Street.
Contact offices:
Monterey, 465 Pacific Street.
Palo Alto, Room D, Community Center Building.
Salinas, 6 West Gabilan Street.
Santa Cruz, 54 Pacific Avenue.
Watsonville, 215 Third Street.
Subregional office: [1] Santa Rosa, Rosenberg Building.
Contact office: Ukiah, 107 West Perkins Street.
Subregional office: [1] Stockton, 237 East Miner Avenue.
Contact office: Modesto, 901 "I" Street.
Hospital: Livermore, Veterans' Administration Hospital.
Center (hospital and domiciliary): Los Angeles 25, Sawtelle and Wilshire Boulevards.
Hospitals:
Oakland 12, Thirteenth and Harrison Streets.
Palo Alto, Veterans' Administration Hospital.
San Fernando, Veterans' Administration Hospital.
San Francisco 21, Forty-second and Clement Streets.
Van Nuys, Veterans' Administration Hospital.
Supply depot: Wilmington, P. O. Box No. 365.

NEVADA

Center (regional office and hospital): Reno, Veterans' Administration Center.
Contact offices:
Elko, 470 Commercial Street.
Ely, 612 Aultman Street.
Susanville, Calif., 822 Lassen Street.
Winnemucca, 345 Bridge Street.

[1] Now operating as a Contact Office.

TERRITORY OF HAWAII

Regional office: Honolulu 1, P. O. Box 3198 (all VA mail to be sent air mail; C-files by registered regular mail; radios: c/o Mitsukoshi Building).
Contact offices:
Hilo, Hawaii, P. O. Box 1779 (Post Office Building).
Lihue, Kauai, P. O. Box 508 (Royal Theatre Building).
Wailuku, Maul, P. O. Box 1731 (Wadsworth Federal Building).

§ 01.72 *Branch No. 13 Area (Colorado, New Mexico, Utah, Wyoming).* (a) Address of Branch Office No. 13: Deputy Administrator, Veterans' Administration Branch Office No. 13, P. O. Box 1260, (Denver Federal Center), Denver 1, Colo.

(b) This is a guide to the location of all VA regional offices and centers, the subregional offices and contact offices thereunder, and hospitals, in Branch No. 13 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

COLORADO

Type of Activity, Location, and Address

Regional office: Denver 2, 1108 Fifteenth Street.
Contact offices:
Boulder, 142½ Pearl Street.
Colorado Springs, 121 East Pikes Peak Avenue.
Fort Collins, 125 Linden Street.
Grand Junction, 308½ Main Street.
Greeley, Twelfth Street and Eleventh Avenue.
Sterling, Federal Building.
Subregional office: Pueblo, 120 North Main Street.
Contact offices:
Alamosa, 624 Fourth Street.
Durango, Federal Building.
Trinidad, 108 South Commercial Street.
Hospitals:
Fort Logan, Veterans' Administration Hospital.
Fort Lyon, Veterans' Administration Hospital (near Las Animas, Bent County).
Supply depot: Denver 5, 3800 York Street.

NEW MEXICO

Regional office: Albuquerque, 115 South Third Street (for mail: P. O. Box 527).
Contact offices:
Albuquerque, 400 West Gold Avenue.
Carlsbad, County Courthouse.
Clovis, City Hall.
Gallup, Post Office Building.
Hobbs, 101 North Turner.
Las Cruces, County Courthouse.
Las Vegas, Post Office Building.
Raton, Post Office Building.
Roswell, City Hall.
Santa Fe, 208 East Marcy Street.
Hospitals:
Albuquerque, P. O. Box 1344.
Fort Bayard (near Silver City, Grant County), Veterans' Administration Hospital.

UTAH

Regional office: Salt Lake City 4, 1710 South Redwood Road.
Contact offices:
Beaver, 815 North Main Street.
Logan, Thatcher Building, 33 South Main Street.
Manti, Manti Grocery Building, 01 East Union Street.
Ogden, 2411 Kiesel Avenue.
Price, Post Office Building.
Provo, 287 East First North Street.
Richfield, 112 North Main Street.
Roosevelt, Shurtleff Hotel.
Salt Lake City 1, 212 Southwest Temple Street.
Hospital: Salt Lake City 8, Veterans' Administration Hospital.

WYOMING

Center (regional office and hospital): Cheyenne, Veterans' Administration Center.
Contact offices:
Laramie, 209 Grand Avenue
Rock Springs, 307 C Street
Torrington, County Courthouse, 216 East Twenty-first Street
Worland, County Courthouse.
Subregional office: Casper, 124 West Second Street
Contact offices:
Gillette, Post Office Box 712, 444 Gillette Avenue
Powell, 118-120 Bent Street
Sheridan, 3 North Main Street
Hospital: Sheridan, Veterans' Administration Hospital.

(Secs. 3, 12, Pub. Law 404, 79th Cong. 60 Stat., 238, 244)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

[F. R. Doc. 47-5164; Filed, May 29, 1947; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2323]

PART 4—DELEGATIONS OF AUTHORITY

CONDEMNATION PROCEEDINGS

Section 4.90 of Part 4 (12 F. R. 1929) is amended by striking out the period immediately following the word "approval" and by inserting in lieu thereof a colon and the following provision: "*Provided*, That this section shall not be construed as a limitation upon the authority of the Administrator of the Bonneville Power Administration with respect to the institution of condemnation proceedings and the execution of declarations of taking under section 12 (b) of the Bonneville Project Act, as amended by the act approved July 26, 1946 (Public Law No. 550, 79th Cong.)."

(R. S. 161, Public Law 550, 79th Cong.; 5 U. S. C. 22)

J. A. KRUG,
Secretary of the Interior.

MAY 22, 1947.

[F. R. Doc. 47-5139; Filed, May 29, 1947; 8:47 a. m.]

[Order 2324]

PART 4—DELEGATIONS OF AUTHORITY

ALASKA COMMERCIAL FISHERIES

Section 4.560 is added to Subpart G, Fish and Wildlife, to read as follows:

§ 4.560 *Alaska commercial fisheries.* Pursuant to 50 CFR 201.21c, the Assistant Directors and the Chief, Division of Alaska Fisheries, of the Fish and Wildlife Service, are designated as persons to obtain and record the facts as to the existence of a continuing intensity of a run of fish in waters of Alaska, and the escapement thereof, sufficient to permit of an additional take, or as to the existence of a diminishing intensity requiring an additional escapement, and to announce the limits of the period or periods during which such an additional take may be made or during which no take may be made.

(R. S. 161, 5 U. S. C. 522)

WARNER W. GARDNER,
Assistant Secretary of the Interior.

MAY 23, 1947.

[F. R. Doc. 47-5194; Filed, May 29, 1947; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 01.50 to 01.54, inclusive, see Part 4 of Title 43, *supra*, designating the Assistant Directors and the Chief, Division of Alaska Fisheries, as persons to obtain and record facts concerning the run of fish in Alaskan waters and to announce periods during which additional takes may be made.

Subchapter K—Alaska Wildlife Protection

PART 92.—ALASKA GAME COMMISSION; GUIDES, POISONS, AND RESIDENT TRAPPING, HUNTING AND FISHING LICENSES

ESTABLISHMENT OF ARCTIC SLOPE FUR MANAGEMENT AREA

Pursuant to the authority conferred upon the Alaska Game Commission by section 10, subdivision M of the Alaska Game Law of July 1, 1943 (57 Stat. 301–310) the following regulation is hereby adopted effective July 1, 1947, to continue in effect from year to year until otherwise modified or rescinded.

§ 92.5a *Establishing the Arctic Slope Fur Management Area.* There is hereby set aside an area that hereafter, and for the purpose of this section, shall be known as the Arctic Slope Fur Management Area, more particularly described as follows:

Beginning at the Village of Sinaru and running due south to the divide between the Colville and Noatak Rivers; thence easterly along the divide separating the waters flowing into the Arctic Ocean from the waters flowing into the Noatak and Yukon River drainages to the International Boundary; thence north along the International Boundary to the Arctic Ocean; thence westerly along the shores of the Arctic Ocean to the Village of Sinaru, or place of beginning.

The seasons and limits on fur animals as prescribed in the annual regulations of the Secretary of the Interior under the Alaska Game Law shall be effective on the Arctic Slope Fur Management Area. The seasons and limits as prescribed by the Secretary, and then in effect, for Fur District 8, shall be applicable.

No fur animals may be taken except by the methods, means and numbers provided in the general regulations of the Secretary of the Interior.

No person shall take any fur animal within the Arctic Slope Fur Mnagement Area without first being in possession of a valid subsisting Special License permitting the taking of such animals in this area.

A special license permitting trapping in the Arctic Slope Fur Management Area will be issued by the Executive Officer of the Commission to a qualified applicant for a fee of $1.00. Licenses will be issued in the order of receipt of applications in proper form. Not more than 400 special licenses will be issued in any one year.

In order to obtain the special license provided for in this section, to take fur animals in the Arctic Slope Fur Management Area a person must:

(a) Have resided within the boundaries of this area continuously for not less than one year immediately preceding the date of application for said license; and

(b) Except as to native Indians, Eskimos and residents under 16 years of age be in possession of a current resident license to take fur animals in the Territory of Alaska at large.

In testimony whereof, we have set our hands and caused the official seal of the Commission to be affixed in the City of Juneau, Alaska, this 17th day of February 1947.

(Sec. 10, Subdivision M, 57 Stat. 310; 48 U. S. C. Supp. 199 (Subdivision M))

[SEAL] EARL N. OHMER,
Commissioner, First Judicial Division, and Chairman.
GARNET MARTIN,
Commissioner, Second Judicial Division.
ANDREW A. SIMONS,
Commissioner, Third Judicial Division.
FORBES L. BAKER,
Commissioner, Fourth Judicial Division.
FRANK W. HYNES,
Executive Officer.

[F. R. Doc. 47-5140; Filed, May 29, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[50 CFR, Part 91]

PROTECTION OF ANIMALS, BIRDS, AND GAME FISHES IN ALASKA

NOTICE OF INTENTION TO ADOPT AMENDMENTS TO EXISTING REGULATIONS

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong.), and the authority contained in section 9 of the Alaska Game Law (57 Stat. 306; 48 U. S. C. 198) and the act of April 30, 1946 (Public Law 369, 79th Cong.), notice is hereby given that the Secretary of the Interior and the Secretary of Agriculture intend to take the following action:

Adopt amendments to the Alaska Game Regulations modifying existing seasons and bag limits wherever necessary to insure proper conservation and utilization of the Wildlife resources of Alaska. In some instances an increased take of animals and birds will be permitted but with respect to other species further protection must be afforded. In addition, a number of provisions relating primarily to the administration of the Alaska Game Law will be amended in minor respects for the purpose of clarifying the application of the regulations and to facilitate the administration of the Alaska Game Law.

The foregoing regulations are to be effective beginning July 1, 1947.

Interested persons are hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington, D. C.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

MAY 28, 1947.

[F. R. Doc. 47-5260, Filed, May 29, 1947; 10:32 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 934]

MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND AMENDMENT TO ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 C. F. R., Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a marketing agreement and an amendment to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the seventh day after publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The proceeding was initiated by the Production and Marketing Administration as a result of a request received from the New England Milk Producers' Association. In a letter dated January 17, 1947, the market administrator of the Lowell-Lawrence marketing area notified all handlers, cooperative associations, and other interested persons that they should file not later than February 3, 1947, any proposals which they wish to make with respect to amendments to the order. Seven proposals were submitted by the New England Milk Producers' Association, the market administrator, and the Dairy Branch.

On March 10, 1947, a notice of hearing was issued which listed all of the proposals submitted. The hearing was held at Lawrence, Massachusetts, on March 20, 1947.

Previously a hearing was held at Boston on November 20, 1946, to consider amendments to Order No. 34, which had been proposed by the New England Milk Producers' Association and by the Dairy Branch. Action was taken at that time with respect to all of the issues except one which were developed at the hearing. No action was taken then or has since been taken on a proposal designed to prevent contraseasonal changes in the Class I price which might otherwise occur as a result of the butter-powder formula contained in the order. This issue should be disposed of at this time.

Findings and conclusions. The issues which were listed in the notice and which were developed at the hearing in March 1947 are grouped under the following headings. The issue developed at the hearing held on November 20, 1946, is included under the issue "Determination of Class I Prices".

(1) *Determination of Class I prices.* The butter-powder formula for determining the Class I price should be retained in its present form but minimum floor prices for the period from July 1947 through December 1947 should be provided and there should be a provision to prevent contraseasonal changes in the Class I price. It is recommended that a floor price of $5.23 should be provided for the months of July, August, and September 1947 and a floor price of $5.67 for the months of October, November, and December 1947. If the butter-powder formula produces a higher price than $5.67 in October, November, or December, this price should continue to the end of the year. The maximum drop between December and January and between January and February should be 44 cents. These recommendations are in conformity with recommendations made with re-

spect to the Class I prices for the Greater Boston marketing area.

There is a serious need for encouraging a shift toward more fall production in New England. Minimum Class I floor prices are required for each month through December 1947 in order to assure a substantial rise in prices from the spring to the fall and thus develop a better seasonal pattern of production in this area. A price plan to encourage increasing fall production has been recommended for the Boston market. The closeness of the Boston and the Lowell-Lawrence marketing areas and the overlapping of milksheds necessitate a close correlation of price plans and consequently of the actual Class I prices. The basic Class I price under the Lowell-Lawrence order should reflect the higher differential now applicable at Boston city plants as a result of the increase in freight rates effective January 1, 1947.

In 1946 a start was made in New England on a program of encouraging the production of more milk in the fall months. The current prices and rates paid for feed, labor, and farm machinery are higher than last year. These factors indicate that the program to encourage more fall production may be seriously hampered unless producers are assured of absolute floor prices for the last quarter of 1947 as high as the floor established in 1946. Absolute floor prices should be established also for July, August, and September 1947 at 44 cents below the last quarter prices to conform to the seasonal pattern of prices which is necessary to insure an adequate supply of producer milk during the short season. On the other hand, the current trend towards greater milk production this year with some indication of smaller Class I sales does not justify absolute floor prices for Class I milk for the last quarter of 1947 higher than the last quarter of 1946.

The uncertainty of economic conditions in the fall and winter requires a safeguard in addition to minimum floor prices on Class I milk. The butter-powder formula should be retained to give producers the benefit of any increase over the floor prices which may be justified by the prices of other dairy products and by the general price level in the fall and winter. The butter-powder formula should be modified to prevent contraseasonal price changes in the months just preceding or during the season of greatest shortage or seasonal flush production. Generally, the Class I price for any of the months of September through December of any year should not be lower than the Class I price in effect for the preceding month and the Class I price for the months of March through June of any year should not be higher than the Class I price in effect for the preceding month.

Producers contended that the butter-powder formula method of determining the Class I price should be deleted entirely from the order and fixed prices substituted for it. Exact prices cannot be determined from this record for nine months to a year in advance. The present trend toward increasing production and decreasing consumption and the general uncertainty as to business conditions this fall and winter preclude a fixed guarantee of exact Class I prices. The present butter-powder formula will establish prices this fall above the floor prices named if conditions warrant higher prices, and will provide a method of pricing after December. The provision to prevent a contraseasonal price change will avoid nullification of the seasonal price plan by movements of the general price level. It is not considered advisable to provide for complete prevention of downward price movements in the last half of the year or upward price movements in the first half because such a provision would hold back unduly adjustments to the general price level.

(2) *Emergency price provision.* The emergency price provision should be revised to delete references to subsidies and maximum uniform prices which were wartime measures and are no longer in effect.

(3) *Reports regarding individual producers.* Subparagraphs (1), (3), and (4) of paragraph (c) and paragraph (d) of § 934.7 should be deleted. It is recommended that a new § 934.7 (c) be incorporated in the order and that it require submission of individual producer reports within five days of the events specified.

Section 934.7 (c) (1) was originally put in the order for use in connection with base ratings. It has never been used and should be deleted. Section 934.7 (c) (3) provides for the reporting by handlers of a schedule of transportation rates and paragraph (c) (4) provides for the reporting of any changes in the rates charged to producers for moving their milk from the farm to the handler's plant. Section 934.7 (d) provides for the announcement of these rates and rate changes. The reporting, compilation, and publication of information on these transportation rates constitute a burden upon the market administrator and upon the handlers. The information is not sufficiently illuminating to justify the burden. Each producer is in a position to appraise his own rates and, if dissatisfied, can make changes in his hauling arrangements.

The order does not now provide specifically for the submission by handlers of reports respecting individual producers when they start or resume deliveries, move from one farm to another, or stop deliveries. This information is needed to facilitate the auditing of handlers' reports and is now being submitted but it is desirable that the order specifically require such information, the same as the Boston order does. Inasmuch as the market administrator has a butterfat testing program under the Lowell-Lawrence order and needs to know promptly of any new producers who begin deliveries to handlers, it is recommended that these reports be required within five days.

(4) *Reports of payments to producers.* Each handler should be required to submit his producer pay roll to the market administrator within five days after his request, made not earlier than 14 days after the end of the delivery period. For the sake of clarity this requirement should be a separate paragraph designated as § 934.7 (d).

A handler can meet the present requirements of § 934.7 (c) (2) by submitting his producer pay roll by the twenty-fifth of each month. Since under § 934.10 (a) a handler must pay producers by the eighteenth of each month, there is no reason why he should not be able to submit his pay roll at any time after the eighteenth of each month.

(5) *Maintenance of records by handlers.* Handlers should be required to maintain detailed and summary records which will show all receipts, movements, and disposition of milk and milk products.

The order does not now specifically require that records be maintained although proper verification of reports is not possible in the absence of adequate records. The requirement that adequate records be maintained should be set forth in the order so that it could be relied on in legal proceedings to compel a handler to maintain records.

(6) *Expense of administration.* The Lowell-Lawrence order should be made to conform with other Federal orders in providing that the Secretary, rather than the market administrator, determine the use of a lower assessment rate than the maximum provided under the order. Inasmuch as the market administrator clears the use of a lower rate with the Secretary, it is proper that the Secretary's determination be recognized in the order.

Under § 934.12 (a) reference to assessments paid the market administrator by the Massachusetts Milk Control Board should be deleted. No such assessments have been paid for several years and no payments are contemplated.

Announcement of the assessment rate should be required only as the rate is changed. This is the present method and it has proved satisfactory.

In connection with this proposal, § 934.12 (b) should be deleted. This section expresses the right of the market administrator to maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense. As this provision is also made in the Agricultural Marketing Agreement Act under section 10 (b) (2), it is unnecessary to restate the right in Order No. 34. The market administrator has never maintained a suit in his own name since the order first became effective.

(7) *Relationship between Class II prices in Boston and in Lowell-Lawrence.* Since no change is being recommended at this time in the regular Class II price under the Boston order, there is no question of making changes in the Class II price for the Lowell-Lawrence market to correspond with changes in Boston.

Changes being recommended in the Boston order would require a rephrasing of §§ 934.8 (c) and 934.9 (b) (2). These sections provide that the Lowell-Lawrence order shall not apply to milk fully subject to the Boston order. The new wording in these sections would preserve this effect.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which these conclusions may be carried out.

The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended. It is further recommended that the recommended amendment to the price provisions of the order, and such other recommended amendments as are similar to amendments recommended for the Boston order, should be made effective on the same date in the Lowell-Lawrence and the Greater Boston marketing areas.

1. In § 934.6 (a) (1) delete the words "except that from the effective date hereof through February 1947 the price shall be not less than $5.70 per hundredweight: *Provided*, That for each delivery period or part thereof prior to February 1, 1947, which falls within any emergency period declared by market administrator of the order, as amended, regulating the handling of milk in the Greater Boston marketing area pursuant to § 904.3 (a) (14) of that order, the price shall be not less than $6.09."

2. Delete § 934.6 (a) (1) (iv) and substitute the following:

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Value computed pursuant to (iii) of this subparagraph (cents)		Class I price (dollars per cwt.)	
At least—	But less than—	April through June	July through March
0	25	2.15	2.59
25	30	2.37	2.81
30	35	2.59	3.03
35	40	2.81	3.25
40	45	3.03	3.47
45	50	3.25	3.69
50	55	3.47	3.91
55	60	3.69	4.13
60	65	3.91	4.35
65	70	4.13	4.57
70	75	4.35	4.79
75	80	4.57	5.01
80	85	4.79	5.23
85	90	5.01	5.45
90	95	5.23	5.67
95	100	5.45	5.89
100	105	5.67	6.11

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from an extension of this table.

3. Add three new subdivisions to § 934.6 (a) (1) as follows:

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month; and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than $5.23 per hundredweight for each of the months of July through September 1947 and shall not be less than $5.67 per hundredweight for each of the months of October through December 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

4. In § 934.6 add a new paragraph as as follows:

(d) *Use of equivalent prices in formulas.* If for any reason a price for any milk product specified by the regulations in this part for use in computing class prices and for other purposes is not reported or published in the manner described by this part, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

5. In § 934.7 *Reports of handlers.* Renumber paragraph (e) as (f), delete paragraphs (c) and (d), and add new paragraphs (c), (d), and (e) to read as follows:

(c) *Reports regarding individual producers.* (1) Within 5 days after a producer moves from one farm to another, or starts or resumes deliveries to a handler's plant, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering immediately prior to starting or resuming deliveries.

(2) Within 5 days after the 5th consecutive day on which a producer has failed to deliver to a handler's plant, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(d) *Reports of payments to producers.* Each handler shall submit to the market administrator within 5 days after his request, made not earlier than 14 days after the end of the delivery period, his producer pay roll for such delivery period which shall show for each producer:

(1) The daily and total pounds of milk delivered with the average butterfat test thereof and

(2) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(e) *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month.

6. Revise § 934.8 (c) to read as follows:

(c) *Milk subject to the Greater Boston order.* The provisions of this part shall not apply, except as provided in §§ 934.5 and 934.7, to the handling of milk which is received from a plant which is a regulated plant, as defined in § 904.1 (c) (6) of the order of the Secretary regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, or which is received from a person who is a producer, as defined in § 904.1 (b) (7) thereof.

7. Revise § 934.9 (b) (2) to read as follows:

(2) Subtract any amounts which he is required to pay on such milk pursuant to §§ 904.9 (g) (2) and 904.11 of the order of the Secretary regulating the handling of milk in the Greater Boston, Massachusetts, marketing area; and

8. Delete § 934.12 and substitute therefor the following:

§ 934.12 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler, except as set forth in § 934.8 (a) shall, on or before the 18th day after the end of each delivery period, pay to the market administrator 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all milk received by him during such delivery period, from producers, from his own production, and with respect to milk or skim milk received from the type of handler described in § 934.8 (f) and moved to the marketing area.

9. Delete § 934.15.

Filed at Washington, D. C., this 27th day of May 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-5187; Filed, May 29, 1947; 8:50 a. m.]

[7 CFR, Part 951]

TOKAY GRAPES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1947–48 SEASON

Consideration is being given to the following proposals, submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California, as the agency to administer the terms and provisions thereof;

(a) That the Secretary of Agriculture find that expenses not to exceed $21,021.00 will necessarily be incurred during the season beginning April 1, 1947, and ending March 31, 1948, both dates inclusive, in order to enable said Industry Committee to perform its functions under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles Tokay grapes shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid season, the rate of assessment at $0.014 per each 100 pounds, billing weight, of Tokay grapes shipped by him as the first shipper thereof during said season.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall mail the same to the Hearing Clerk, United States Department of Agriculture, Room 0308, South Building, Wash-

ington 25, D. C., not later than midnight of the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents should be submitted in quadruplicate.

As used herein, "handler," "shipped," and "season" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 951.3)

Issued this 27th day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5151; Filed, May 29, 1947; 8:47 a. m.]

[7 CFR, Part 962]

FRESH PEACHES GROWN IN GEORGIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1947–48 SEASON

Consideration is being given to the following proposals, submitted by the Industry Committee, established under the marketing agreement and Order No. 62 (7 CFR, Cum. Supp., 962.1 et seq.), regulating the handling of fresh peaches grown in the State of Georgia, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $21,672.00 will necessarily be incurred during the fiscal period beginning March 1, 1947, and ending on the last day of February 1948, both dates inclusive, in order to enable the committee to perform its functions in accordance with the provisions of the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles peaches shall pay in accordance with the provisions of the aforesaid marketing agreement and order during the aforesaid fiscal period, the rate of assessment of $0.008 per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk, shipped by him as the first shipper thereof during said fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall mail the same to the Hearing Clerk, United States Department of Agriculture, Room 0308, South Building, Washington 25, D. C., not later than midnight of the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents shall be submitted in quadruplicate.

As used herein, "handler," "shipped," "peaches," and "fiscal period" shall have the same meaning as is given to each such term in the said marketing agreement and order.

(48 Stat. 31, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 962.5)

Issued this 27th day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5152; Filed, May 29, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 20]

ISSUANCE OF STUDENT PILOT CERTIFICATES AND DURATION OF PILOT CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

MAY 23, 1947.

Civil Air Regulations pertaining to airman certificates other than pilot certificates now provide that such certificates do not have a prescribed expiration date. Pilot certificates should also be of indefinite duration.

The regulations also require that the Administrator shall issue student pilot certificates. It would facilitate the issuance of student pilot certificates if provision were made in the regulations whereby an authorized representative of the Administrator as well as the Administrator would be permitted to issue these certificates.

The following amendments to Part 20 of the Civil Air Regulations are therefore proposed:

1. Amend § 20.00 *Issuance* to read as follows:

§ 20.00 *Issuance.* A student pilot certificate will be issued by the Administrator or his authorized representative to an applicant who meets the following applicable requirements.

2. Amend § 20.51 *Duration* to read as follows:

§ 20.51 *Duration.* (a) A student pilot certificate shall expire 24 calendar months after the month of issuance.

(b) A pilot certificate with a private or commercial rating shall remain in effect until a termination date is fixed by the Board, unless it is suspended or revoked.

3. Amend § 20.52 *Renewals* to read as follows:

§ 20.52 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary student pilot certificate or a temporary pilot certificate with a private or commercial rating for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

4. Delete § 20.53.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will recommend to the Board that these amendments be adopted with an effective date of July 1, 1947. It is the desire of the Bureau that those interested submit written comments or suggestions regarding the proposed amendment addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON,
Director.

[F. R. Doc. 47-5157; Filed, May 29, 1947; 8:48 a. m.]

[14 CFR, Parts 24, 27, and 51]

TEMPORARY MECHANIC CERTIFICATES, GROUND INSTRUCTOR CERTIFICATES, AND AIRCRAFT DISPATCHER CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

MAY 23, 1947.

After June 30, 1947, the Civil Aeronautics Administration will issue certificates from the Washington, D. C. office. Applicants outside the Washington area who successfully accomplish the prescribed tests would then be subjected to undue delay in the receipt of their permanent certificates. During such period they will be prevented from exercising the privileges of their certificates since the Civil Air Regulations require that all persons must have in their possession a certificate when acting as an airman. The issuance of temporary certificates covering this interim period will correct this difficulty. Therefore, it is proposed to amend the Civil Air Regulations to provide for the immediate issuance of a temporary certificate to permit the holders to exercise the privileges of such certificate during the interval between successful completion of the prescribed tests and receipt of the permanent certificate.

Pursuant to section 4 (a) of the Administrative Procedure Act, the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will propose to the Board amendments to Parts 24, 27, and 51 of the Civil Air Regulations as follows:

1. By adding a new § 24.33 to read as follows:

§ 24.33 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary mechanic certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

2. By inserting a new § 27.220 to read as follows:

§ 27.220 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary aircraft dispatcher certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

3. By inserting a new § 51.220 to read as follows:

§ 51.220 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary ground instructor certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON,
Director.

[F. R. Doc. 47-5155; Filed, May 29, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 5, 10, 11, 13, 16, 17]

[Docket No. 8288]

OPERATION OF CERTAIN LICENSED RADIO STATIONS BY UNLICENSED PERSONNEL

SECOND SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

MAY 26, 1947.

1. Supplemental notice is hereby given of proposed rule making in the above-entitled matter.

2. On April 25, 1947 (12 F. R. 3020), the Commission released a notice of proposed rule making (Mimeograph =7414) to which was attached as an appendix a proposal for the amendment of Commission Order 133, adopted May 10, 1946. The final date for submitting comments on this proposal was set in the notice at May 25, 1947.

3. On May 16, 1947 (12 F. R. 3452), the Commission released a supplemental notice of proposed rule making (Mimeograph =6705) supplementing the original proposal by adding thereto an additional paragraph numbered 8. The final date, May 25, 1947, for submitting comments on the proposal was unchanged.

4. The Commission has been made aware of a desire on the part of interested persons for additional time for submitting comments on the proposal referred to herein. In view of this fact, the final date for submitting comments is hereby extended to and including June 16, 1947.

5. Except as hereinabove set forth, the notice of proposed rule making released April 25, 1947, as supplemented by the supplemental notice of proposed rule making, released May 16, 1947 in the above-entitled matter, is unchanged.

Adopted: May 23, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5188; Filed, May 29, 1947; 8:50 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8823]

LINGNER WERKE A. G. AND ODOL CORP.

In re: Interests of Lingner Werke A. G. in an agreement with the Odol Corporation New York, dated May 14, 1925.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lingner Werke A. G. is a corporation organized under the laws of, and maintaining its principal place of business in, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All interests and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described together with the right to sue therefor) created in Lingner Werke A. G. by virtue of an agreement dated May 14, 1925 (including all modifications and assignments thereof and supplements thereto, if any) between Odol Corporation New York and Lingner Werke A. G., relating among other things, to "Lingner Articles,"

is property payable or held with respect to trademarks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a designated enemy country (Germany) and is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5165; Filed, May 29, 1947; 8:47 a. m.]

[Vesting Order 8824]

JULIUS AND JOSEF PUSCHNER ET AL

In re: Interests of Josef and Julius Puschner in certain patents and in an agreement with Lightning Fasteners, Ltd.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Puschner and Josef Puschner are residents of Germany and are nationals of a foreign country (Germany);

2. That the property described as follows:

(a) All right, title and interest (including all accrued royalties and damages and profits recoverable at law or in equity from any person, firm, corporation or government for the past infringement thereof) of Julius Puschner and Josef Puschner in and to the following United States Letters Patent:

Patent No.	Date	Inventor	Title
2,242,791	5/20/41	Josef and Julius Puschner	Method of producing separable fasteners.
2,252,305	8/12/41	do	Separable fasteners.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests or rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Julius and Josef Puschner by virtue of an agreement dated June 16 and 23, 1939 (including all modifications thereof and supplements thereto, if any)

by and between Julius and Josef Puschner and Lightning Fasteners, Ltd. which agreement relates, among other things, to United States Patent Application Serial No. 282,556.

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a foreign country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5166; Filed, May 29, 1947; 8:47 a. m.]

[Vesting Order 8926]

AKTIENBRAUEREI ZUM LOWENBRAU IN MUENCHEN ET AL.

In re: Interest of Aktienbrauerei zum Lowenbrau in Muenchen in agreements between it, Hans Holterbosch, Inc., and The Burger Brewing Company.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Aktienbrauerei zum Lowenbrau in Muenchen is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That the property described as follows:

a. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Aktienbrauerei zum Lowenbrau in Muenchen by virtue of an agreement dated July 15, 1940 (including all modifications thereof and supplements thereto, if any) by and between Aktienbrauerei zum Lowenbrau in Muenchen and The Burger Brewing Company, relating, among others, to United States Registered Trademark No. 328,194; and

b. All interests and rights, including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Aktienbrauerei zum Lowenbrau in Muenchen by virtue of an agreement dated July 15, 1940 (including all modifications thereof and supplements thereto, if any) by and between The Burger Brewing Company and Hans Holterbosch, Inc., relating among others, to United States registered Trademark No. 328,194,

is property payable or held with respect to trademarks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" and as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5167; Filed, May 29, 1947; 8:47 a. m.]

[Vesting Order 8927]

ROBERT BOSCH A. G. AND RAJAH CO.

In re: Interests of Robert Bosch A. G. in an agreement with the Rajah Company, dated March 20, 1934, relating, among other things, to U. S. Letters Patent 1,965,270.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Bosch A. G. is a corporation organized under the laws of, and having its principal place of business in, Germany, and is a national of a foreign country (Germany);

2. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Robert Bosch A. G. by virtue of an agreement dated March 20, 1934, by and between Robert Bosch A. G. and the Rajah Company, which agreement relates, among other things, to U. S. Letters Patent No. 1,965,270,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5168; Filed, May 29, 1947; 8:48 a. m.]

[Vesting Order 8928]

JAKOB DICHTER

In re: U. S. Patent No. 2,327,179 of Jakob Dichter.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jakob Dichter, whose last known address is Germany, is a resident of Germany and a national of a foreign country (Germany);

2. That the property described as follows: All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No.	Date	Inventor	Title
2,327,179	8-17-43	Jakob Dichter	Apparatus for sorting ampules.

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5169; Filed, May 29, 1947; 8:48 a. m.]

[Vesting Order 8929]

SEISMOS GESELLSCHAFT M. B. H. ZUR ERFORSCHUNG VON GEBIRGSCHICHTEN UND NUTZBAREN LAGERSTATTEN

In re: Patents and interests in agreements related thereto of, Seismos Gesellschaft m. b. H. zur Erforschung von Gebirgschichten und nutzbaren Lagerstatten, of Hanover, Germany.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Stephan B von Thyssen-Bornemisza is a resident of Germany and is a national of a foreign country (Germany);

2. That Seismos Gesellschaft m. b. H. zur Erforschung von Gebirgschichten und nutzbaren Lagerstatten is a corporation organized and existing under the laws of Germany and is a national of a foreign country (Germany);

3. That the property described as follows: Property described in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

(a) All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity, from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No.	Date	Inventor	Title
2,141,628	12-27-38	Stephan B. von Thyssen-Bornemisza	Gravity measuring instrument.
2,190,959	2-20-40	do	Do.
2,108,121	2-15-38	do	Gravitational instrument.
2,132,865	10-11-38	do	Do.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Seismos Gesellschaft m. b. H. zur Erforschung von Gebirgschichten und nutzbaren Lagerstatten of Hanover, Germany, by virtue of an agreement dated September 11, 1935 (including all modifications thereof and supplements thereto, if any) by and between Asiatic Petroleum Company, Ltd. of London, England and Seismos G. m. b. H. which agreement relates, among other things to United States Patent Application S. N. 742,878, which Application matured into United States Letters Patent No. 2,141,628, and, upon continuation in part, into United States Letters Patent No. 2,190,959.

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Seismos Gesellschaft m. b. H. zur Erforschung von Gebirgschichten und nutzbaren Lagerstatten of Hanover, Germany, by virtue of an agreement dated October 1, 1935 (including all modifications thereof and supplements thereto, if any) by and between Asiatic Petroleum Company, Ltd. of London, England and Shell Development Company, a Delaware corporation, whereby said Asiatic Petroleum Company, Ltd. transferred to said Shell Development Company certain rights and benefits created in said Asiatic Petroleum Company, Ltd. by, and said Shell Development Company assumed certain obligations owing to said Seismos Gesellschaft m. b. H. zur Erforschung von Gebirgschichten und nutzbaren Lagerstatten of Hanover, Germany, under, an agreement dated September 11, 1935 (including all modifications thereof and supplements thereto, if any) by and between Asiatic Petroleum Company, Ltd. of London, England and Seismos G. m. b. H. which agreement relates, among other things to United States Patent Application S. N. 742,878, which Application matured into United States Letters Patent No. 2,141,628 and, upon continuation in part, into United States Letters Patent No. 2,190,959.

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Seismos Gesellschaft m. b. H. zur Erforschung von Gebirgschichten und nutzbaren Lagerstatten of Hanover, Germany, by virtue of an agreement dated October 1, 1935 (including all modifications thereof and supplements thereto, if any) by and between Shell Development Company and Shell Petroleum Corporation, which agreement relates, among other things to United States Patent Application S. N. 742,878, which Application matured into United States Letters Patent No. 2,141,628, and, upon continuation in part, into United States Letters Patent No. 2,190,959.

(e) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Seismos Gesellschaft m. b. H. zur Erforschung von Gebirgschichten und nutzbaren Lagerstatten of Hanover, Germany, by virtue of an agreement dated October 1, 1935 (including all modifications thereof and supplements thereto, if any) by and between Shell Development Company and Shell Oil Company, which agreement relates, among other things to United States Patent Application S. N. 742,878, which Application matured into United States Letters Patent No. 2,141,628 and, upon continuation in part, into United States Letters Patent No. 2,190,959.

[F. R. Doc. 47-5170; Filed, May 29, 1947; 8:48 a. m.]

[Vesting Order 8977]

KANICHI ANDO

In re: Estate of Kanichi Ando, deceased. File D-39-2454; E. T. sec. 15612.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kuriuyemon Ando, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Kanichi Ando, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan);

3. That such property is in the process of administration by J. A. Cornett, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Monterey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5171; Filed, May 29, 1947; 8:48 a. m.]

[Vesting Order 8979]

AUGUST KARL BOEHLKEN

In re: Estate of August Karl Boehlken, deceased. File No. D-28-11261; E. T. sec. 15616.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Exec-

utive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alma Franke Boehlken, Welmar Boehlken, and Rolf Boehlken, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of August Karl Boehlken, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John Weber, as Administrator, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey; and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5172; Filed, May 29, 1947; 8:48 a. m.]

[Vesting Order 8982]

SOPHIE K. HAUSMAN

In re: Estate of Sophie K. Hausman, deceased. File D-28-11215; E. T. sec. 15583.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Auguste Koeppen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Sophie K. Hausman, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Amanda J. Bahnsen, as executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco; and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5173; Filed, May 29, 1947; 8:48 a. m.]

[Vesting Order 8983]

KILIAN HOHL

In re: Kilian Hohl, deceased. File D-28-11566; E. T. sec. 15783.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernhard Hohl, Sebastian Hohl and Vinzenz Hohl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $288.75 was paid to the Attorney General of the United States by Marie Hohl, Administratrix of the Estate of Kilian Hohl, deceased;

3. That the said sum of $288.75 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany); and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 17, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5174; Filed, May 29, 1947; 8:48 a. m.]

[Vesting Order 8986]

ROBERT LAVNER

In re: Estate of Robert Lavner, deceased. File D-28-11220; E. T. sec. 15579.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Staak, Frieda Hinkel and Hannah Loree-Hinkel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $1,580.44 was paid to the Attorney General of the United States by David Talbot, Executor of the Estate of Robert Lavner, deceased;

3. That the said sum of $1,580.44 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany); and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on November 19, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5175; Filed, May 29, 1947; 8:48 a. m.]

[Vesting Order 8988]

MARIE OLDENDORF

In re: Insurance policy rights owned by Marie Oldendorf. File D-28-9566; E. T. sec. 13118.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Oldendorf, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the net proceeds due or to become due under a contract of insurance evidenced by Certificate No. 286658 issued by Insurance Department, Supreme Lodge Knights of Pythias, predecessor of American United Life Insurance Company on June 9, 1920 on the life of Charles A. H. Oldendorf, deceased, wherein Marie Oldendorf is designated beneficiary, and any other benefits and rights of any name or nature whatsoever under or arising out of said contract of insurance which are or were held by Marie Oldendorf together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contract of insurance, is property payable within the United States owned or controlled by, payable or deliverable to, held on behalf of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5176; Filed, May 29, 1947; 8:49 a. m.]

[Vesting Order 8991]

ANNA SCHMIDT

In re: Estate of Anna Schmidt, deceased. File D-28-9864; E. T. sec. 13909.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Helene Rauprich and Felix Rauprich, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Anna Schmidt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Alden H. Jones, as Administrator C. T. A., acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Lake; and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5177; Filed, May 29, 1947; 8:49 a. m.]

[Vesting Order 8990]

HEINRICH E. F. SANDHAGEN

In re: Trust under the will of Heinrich E. F. Sandhagen, deceased. File No. D-28-1739; E. T. sec. 835.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Elisabeth d'Orville, Hans d'Orville and Maria d'Orville, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust under the Will of Heinrich E. F. Sandhagen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Central Hanover Bank and Trust Company, as trustee, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York; and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5186; Filed, May 29, 1947; 8:50 a. m.]

[Vesting Order 8992]

HARRY JOHN SCHMIDT

In re: Estate of Harry John Schmidt, also known as Harry J. Schmidt, deceased. File D-28-11226; E. T. sec. 15633.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Metzler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $746.11 was paid to the Attorney General of the United States by Anna S. Koch, Executrix of the Estate of Harry John Schmidt, also known as Harry J. Schmidt, deceased;

3. That the said sum of $746.11 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 4, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5178; Filed, May 29, 1947; 8:49 a. m.]

[Vesting Order 8996]

AGRAR & COMMERZ BANK

In re: Bank account owned by Agrar & Commerz Bank. F-28-24855-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Agrar & Commerz Bank, the last known address of which is Berlin, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8589, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Agrar & Commerz Bank, by Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of an unpresented foreign draft account, entitled Agrar & Commerz Bank, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5179; Filed, May 29, 1947; 8:49 a. m.]

[Vesting Order 8997]

IRMGARD AHRBERG

In re: Debt or other obligation owing to Irmgard Ahrberg.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9193 as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irmgard Ahrberg, whose last known address is Kroogblöcke 6, Hamburg 34, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank in the City of New York, Broadway at 73d Street, New York, New York, arising out of a savings account, account number 1,049,270, entitled Irmgard Ahrberg in trust for Fritz Ahrberg, maintained at the branch office of the aforesaid bank located at 157 4th Avenue, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Irmgard Ahrberg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5180; Filed, May 29, 1947; 8:49 a. m.]

[Vesting Order 9000]

HEINRICH F. BODE

In re: Debt owing to Heinrich F. Bode. F-28-23768-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich F. Bode, whose last known address is Hamburg 1, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Heinrich F. Bode, by Walter C. Cox, 208 S. La Salle St., Suite 1802-06, Chicago 4, Illinois, including particularly but not limited to a portion of the sum of money on deposit with City National Bank & Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, in a Special Account, entitled W. C. Cox & Company, Special Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5181; Filed, May 29, 1947; 8:49 a. m.]

[Vesting Order 9002]

ALOISE BORST AND CECELIA GREINER

In re: Bank accounts owned by Aloise Borst, also known as Alois Borst and Cecelia Greiner. F-28-9338-E-1, F-28-9305-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Aloise Borst, also known as Alois Borst and Cecelia Greiner, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Aloise Borst, also known as Alois Borst, by Commonwealth Bank, Detroit, Michigan, arising out of a commercial account, Account Number C14-166, entitled Aloise (Alois) Borst, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Cecelia Greiner, by Commonwealth Bank, Detroit, Michigan, arising out of a commercial account, Account Number C14-165, entitled Cecelia Greiner, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5182; Filed, May 29, 1947; 8:49 a. m.]

[Vesting Order 9003]

FRIEDRICH HEINRICH FERDINAND CORDS

In re: Stock and bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Heinrich Ferdinand Cords, also known as F. H. F. Cords, deceased. F-39-3037-D-1/2, F-39-3037-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That certain of the persons who comprise the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Heinrich Ferdinand Cords, also known as F. H. F. Cords, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the remainder of the aforesaid persons who comprise the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Heinrich Ferdinand Cords, also known as F. H. F. Cords, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Twenty (20) shares of $10 par value common capital stock of General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number C 99338, registered in the name of Estate of Friedrich Heinrich Ferdinand Cords, together with all declared and unpaid dividends thereon,

b. Twenty (20) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number NYD-502675, registered in the name of Executors of the Estate of Friedrich Heinrich Ferdinand Cords, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of Wells Fargo Bank & Union Trust Co., 4 Montgomery Street, San Francisco, California, arising out of a checking account entitled F. H. F. Cords, together with any all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of designated enemy countries (Japan and Germany);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

5. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK.
Director.

[F. R. Doc. 47-5124; Filed, May 28, 1947; 8:59 a. m.]

[Vesting Order 9006]

MARIA OEHMANN

In re: Bank account owned by Maria Oehmann nee Freitag. F-28-23959-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Oehmann nee Freitag, whose last known address is Koenigshofen, an der Taube, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Maria Oehmann nee Freitag, by American Trust Company, 464 California Street, San Francisco, California, arising out of a savings account, Account Number 3360, entitled Maria Oehmann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evi-

dence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5183; Filed, May 29, 1947; 8:49 a. m.]

[Vesting Order 9007]

HERMAN GERSTING ET AL.

In re: Bank accounts owned by Herman Gersting, Alber Glorian and Robert Glorian. F-28-25470-E-1, F-28-25474-E-1, F-28-25475-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Gersting, Alber Glorian and Robert Glorian, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Herman Gersting, by Commonwealth Bank, Detroit, Michigan, arising out of a commercial account, Account Number C13-914, entitled Herman Gersting, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Robert Glorian, by Commonwealth Bank, Detroit, Michigan, arising out of a commercial account, Account Number C11-634, entitled Robert Glorian, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Alber Glorian, by Commonwealth Bank, Detroit, Michigan, arising out of a commercial account, Account Number C11-635, entitled Alber Glorian, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons listed in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5184; Filed, May 29, 1947; 8:50 a. m.]

[Vesting Order 9010]

KLARA HENSEL AND MARGARET REIGER

In re: Debts owing to and stock owned by Klara Hensel and Margaret Reiger, also known as Margaret Rieger. F-28-14678-C-1, F-28-14678-D-1, F-28-15072-C-1, F-28-15072-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Klara Hensel and Margaret Reiger, also known as Margaret Rieger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All those debts or other obligations owing to Klara Hensel, by J. Edgar Small, 31 South Duke Street, York, Pennsylvania, including particularly but not limited to a portion of the sum of money on deposit with York County National Bank, York, Pennsylvania, in an account, Account Number 1664, entitled J. Edgar Small, Voluntary Trustee Account, and any and all rights to demand, enforce and collect the same,

b. All those debts or other obligations owing to Margaret Reiger, also known as Margaret Rieger, by J. Edgar Small, 31 South Duke Street, York, Pennsylvania, including particularly but not limited to a portion of the sum of money on deposit with York County National Bank, York, Pennsylvania, in an account, Account Number 1664, entitled J. Edgar Small, Voluntary Trustee Account, and any and all rights to demand, enforce and collect the same,

c. Seven (7) shares of $50.00 par value common capital stock of Elmwood Improvement Company, 31 South Duke Street, York, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered 22, and registered in the name of Klara Hensel, together with all declared and unpaid dividends thereon, and

d. Seven (7) shares of $50.00 par value common capital stock of Elmwood Improvement Company, 31 South Duke Street, York, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered 21, and registered in the name of Margaret Reiger, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Klara Hensel and Margaret Reiger, also known as Margaret Rieger, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5127; Filed, May 28, 1947; 8:59 a. m.]

[Vesting Order 9011]

R. HOSHINO

In re: Bank accounts owned by R. Hoshino, also known as Reiji Hoshino. D-39-1931-E-1, D-39-1931-E-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That R. Hoshino, also known as Reiji Hoshino, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to R. Hoshino, also known as Reiji Hoshino, by Wells Fargo Bank & Union Trust Co., 4 Montgomery Street, San Francisco, California, arising out of a checking account, entitled R. Hoshino, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to R. Hoshino, also known as Reiji Hoshino, by American Trust Company, 464 California Street, San Francisco, California, arising out of a savings account, Account Number 4156, entitled R. Hoshino, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5185; Filed, May 29, 1947; 8:50 a. m.]

[Vesting Order 9029]

EMIL SEIDEL

In re: Stock owned by personal representatives, heirs, next of kin, legatees and distributees of Emil Seidel, deceased. F-28-28259-D-1, F-28-28259-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Emil Seidel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) share of $15 par value capital stock of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 096644, registered in the name of Emil Seidel, together with all declared and unpaid dividends thereon, and

b. Eleven (11) shares of $25.00 par value capital stock of Standard Oil Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered SC41987 and SC24781 for four (4) and seven (7) shares respectively, registered in the name of Emil Seidel, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5132; Filed, May 28, 1947; 9:00 a. m.]

[Vesting Order 9030]

LENA THOSS

In re: Debt owing to Lena Thoss. F-28-2567-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lena Thoss, whose last known address is Eibenstrock Ierzgeb, Am Der Bergstrabe, Saxony, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Lena Thoss, by Lexington Avenue and 42nd Street Corporation, 122 East 42nd Street, New York, N. Y., evidenced by Two (2) 42nd Street and Lexington Avenue Office Building, Inc. (presently known as Lexington Avenue and 42nd Street Corporation) 6½% First Mortgage Leasehold Bonds, of $500.00 face value each, bearing the numbers D8601 and D8602 registered in the name of Lena Thoss, Eibenstrock Ierzgeb, Am Der Bergstrabe, Saxony, Germany, together with any and all rights to demand, enforce and collect the aforesaid debt, and any and all rights under a plan of reorganization dated 1934 of the Lexington Avenue and 42nd Street Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5133; Filed, May 28, 1947; 9:00 a. m.]

[Vesting Order 9036]

GUENTER ZIMMERMANN

In re: Bank account and stock owned by Guenter Zimmermann. F-28-22788-A-1, F-28-22788-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Guenter Zimmermann, whose last known address is Koln, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Guenter Zimmermann, by Saving Fund Society of Germantown and Its Vicinity, 5458 Germantown Avenue, Philadelphia 44, Pennsylvania, arising out of a savings account, account number 072, entitled Geunter Zimmermann, and any and all rights to demand, enforce and collect the same.

b. Three (3) shares of no par value common capital stock of Montgomery Ward & Co., Incorporated, a corporation organized under the laws of the State of Illinois, evidenced by certificate number NC0576922, dated December 8, 1938, registered in the name of Guenter Zimmermann, together with all declared and unpaid dividends thereon, and

c. Two (2) shares of no par value common capital stock of Kennecott Copper Corporation, a corporation organized under the laws of the State of New York, evidenced by certificate number 0428574, dated December 8, 1938, registered in the name of Guenter Zimmermann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5134; Filed, May 28, 1947; 9:01 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2497]

A. FELIX DU PONT, JR., AND ALL AMERICAN AVIATION, INC.

NOTICE OF HEARING

In the matter of joint application of A. Felix du Pont, Jr., and All American Aviation, Inc., for approval of certain interlocking relationships under section 409 (a) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 409 (a) and 1001 of said act, that hearing in the above entitled proceeding to determine whether the public interest will not be adversely affected by the holding by A. Felix du Pont, Jr. of the position of director of All American Aviation, Inc., and the position of director, either in person or by nominee, of the Piasecki Helicopter Corporation, is assigned to be held on Friday, June 6, 1947, at 10:00 a. m. (eastern daylight time) in Room 1302, Temporary "T" Building, Constitution Avenue between 13th and 14th Streets NW., Washington, D. C., before Examiner Charles J. Frederick.

Dated at Washington, D. C., May 23, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5156; Filed, May 29, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-837]

COLORADO INTERSTATE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 27, 1947.

Notice is hereby given that, on May 26, 1947, the Federal Power Commission issued its findings and order entered May 23, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5153; Filed, May 29, 1947; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 620, Special Permit 6]

LIGHTWEIGHING OF CARS AT WEEHAWKEN, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the lightweighing, one time only, by The New York Central Railroad Company at Weehawken, New Jersey, the following cars owned or leased by the U. S. Rubber Company:

USRX 20	SHPX 17091
USRX 31	SHPX 17333
USRX 32	SHPX 17353
USRX 33	SHPX 17393
USRX 34	SHPX 17449
USRX 35	SHPX 17462
USRX 36	SHPX 17536
USRX 37	SHPX 17537
USRX 39	SHPX 17631
SHPX 17025	SHPX 17649
SHPX 17065	SHPX 17679
SHPX 17071	SHPX 17751

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5150; Filed, May 29, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-98, 59-87]

WASHINGTON RAILWAY AND ELECTRIC CO. ET AL.

ORDER PERMITTING PLAN TO BECOME EFFECTIVE SUBJECT TO CONDITIONS AND RESERVATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of May A. D. 1947.

In the matter of Washington Railway and Electric Company, File No. 54-98; Washington Railway and Electric Company, The Washington and Rockville Railway Company of Montgomery County, and their subsidiary companies, and The North American Company, File No. 59-87.

Washington Railway and Electric Company ("Washington Railway"), a subsidiary of The North American Company, both registered holding companies, having filed an amended plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the Act"), such plan providing, in general, for the redemption of its outstanding bank loan notes in principal amount of $2,800,000; the retirement of its remaining outstanding securities by exchanging therefor the reclassified shares of its subsidiary, Potomac Electric Power Company ("Pepco"), on the basis of one share of new $50 par value preferred stock plus 4¼ shares of reclassified common stock of Pepco for each preferred share of Washington Railway, and of 40 shares of reclassified common stock of Pepco for each common share of Washington Railway; the sale at competitive bidding of 140,000 shares of new $50 par value preferred stock of Pepco; the redemption of Pepco's presently outstanding preferred stock having an aggregate par value of $7,000,000; the sale of Washington Railway's interest in the Capital Transit Company; the transfer of the properties of Great Falls Power Company ("Great Falls") to Pepco; and for the liquidation and dissolution of Great Falls, Washington and Rockville Railway Company of Montgomery County ("Rockville Railway") and Washington Railway; and

The Commission having instituted proceedings under section 11 (b) (2) of the act with respect to Washington Railway, and the two proceedings having been consolidated for purposes of hearing and disposition; and

The Commission having issued its notice of filing and order for hearing on said plan and on said proceeding instituted pursuant to section 11 (b) (2) of the act; and

Copies of said notice of filing and order for hearing and copies of said plan having been mailed to each of the security holders of Washington Railway (insofar as their identity was known and available), notice having been given to all interested persons, public hearings having been held at which hearings security holders of Washington Railway and other interested persons were afforded an opportunity to be heard, and the filing of briefs having been waived and oral argument not having been requested; and

Washington Railway having requested that the Commission enter an order finding that the transactions proposed in the plan are necessary and appropriate to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby, and that the order conform to the pertinent requirements of Supplement R and section 1808 (f) of the Internal Revenue Code and contain the recitals, specifications and itemizations therein required; and

The Commission having considered the record and having this date issued its findings and opinion in respect to such consolidated proceedings;

I. *It is ordered*, In accordance with said findings and opinion, that said plan is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby, and the plan and the proposed transactions incident thereto are approved and permitted to become effective pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, subject to the following terms, conditions and reservations:

1. That Washington Railway shall request the Commission to apply, pursuant to sections 11 (e) and 18 (f) of the act, to an appropriate United States District Court for approval and enforcement of said plan and that upon such application the said United States District Court shall enter an order approving such plan and directing enforcement thereof.

2. That said plan be amended to make appropriate provision for payment of all reasonable fees and expenses incurred in connection with these proceedings and jurisdiction is hereby reserved to the Commission to pass upon all such fees and expenses and to make such further order or orders as it may deem appropriate with respect thereto.

3. That jurisdiction is hereby reserved to the Commission in accordance with applicable provisions of the act and rules and regulations promulgated thereunder over the issuance and sale of any securities by Pepco under the provisions of said plan.

4. That jurisdiction is hereby reserved to the Commission over the sale or other disposition by Washington Railway of its holdings of securities of Capital Transit Company, together with the recording of any accounting entries by such company in connection therewith.

5. That jurisdiction is hereby reserved to the Commission with respect to the acquisition and retention by Pepco of the properties of Great Falls Power Company.

It is further ordered, In accordance with said findings and opinion, that with respect to the proceedings instituted pursuant to section 11 (b) (2) of the act regarding Washington Railway and Electric Company and The Washington and Rockville Railway Company of Montgomery County, that such companies shall be liquidated and dissolved, and that each shall take such steps or action, not inconsistent with the applicable provisions of the act and the rules and regulations promulgated thereunder, as may be necessary to effectuate such liquidation and dissolution.

It is further ordered, That jurisdiction be and it hereby is reserved to take such further action and to enter such further order or orders as the Commission may deem necessary or appropriate in these consolidated proceedings with respect to Washington Railway and Electric Company and The Washington and Rockville Railway Company of Montgomery County and each of their subsidiary companies.

II. *It is further ordered and recited*, That the following specific transactions involved in the consummation of the plan are approved or permitted and found to be necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and necessary or appropriate to the simplification of the Washington Railway holding company system:

(1) The sale, transfer and delivery by Washington Railway of all of the 120,000 shares of Capital Stock, of the par value of $100 per share, of Capital Transit Company owned by it either to purchasers pursuant to competitive bidding or to such other persons pursuant to such method of sale as this Commission may hereafter approve, and the expenditure by Washington Railway of the proceeds of such sale, together with other funds of Washington Railway to the extent necessary toward the payment of that company's outstanding 1¾% Bank Loan Notes due January 31, 1949, in the aggregate principal amount of $2,800,000;

(2) The recapitalization of Pepco and, pursuant to such recapitalization (i) the amendment of the charter of Pepco so as to increase its authorized capital stock from $30,000,000 to $75,000,000, consisting of 400,000 shares of preferred stock, of the par value of $50 per share, and 5,500,000 shares of common stock, of the par value of $10 each, (ii) the transfer by Pepco of the necessary sum from surplus to capital so that its capital will be increased to $33,862,500, (iii) the reclassification and conversion as an entirety of the 90,000 shares of common stock, of the par value of $100 per share, of Pepco issued and outstanding and owned by Washington Railway, into 85,000 shares of new preferred stock, of the par value of $50 per share, and 2,961,250 shares of common stock, of the par value of $10 per share (the dividend rate on the preferred stock will be 3.60% or such higher rate approved by this Commission as may be deemed necessary by Pepco in order to obtain a price to it of not less than $50 per share for the 140,000 shares of such stock to be sold at competitive bidding for the purpose of financing the redemption of the presently outstanding preferred stock of Pepco and the 85,000 shares of new preferred stock are to be represented by certificates bearing the symbol B and of a distinctive color to distinguish them from the certificates for the above mentioned 140,000 shares of such stock), (iv) the issue, exchange, and delivery by Pepco to Washington Railway of certificates to represent said 85,000 shares of preferred stock and 2,961,250 shares of common stock of Pepco and the acquisition thereof by Washington Railway, and (v) the exchange, transfer and delivery by Washington Railway to Pepco of the certificate representing the presently outstanding 90,000 shares of common stock, of the par value of $100 per share, of Pepco and the acquisition and cancellation thereof by Pepco;

(3) The dissolution and liquidation of Rockville Railway and, pursuant to such liquidation (i) the transfer and delivery to Washington Railway and the acquisition by Washington Railway of all the 1,666 shares of capital stock, of the par value of $100 per share, of Great Falls owned by Rockville Railway; (ii) the cancellation by Washington Railway of all indebtedness of Rockville Railway to it; (iii) the transfer and delivery by Rockville Railway and the acquisition by Washington Railway of all remaining assets of Rockville Railway; (iv) the assumption by Washington Railway of all the liabilities of Rockville Railway; (v) the transfer and delivery by Washington Railway to Rockville Railway of the entire outstanding 5,500 shares of capital stock, without par value, of Rockville Railway; and (vi) the acquisition and cancellation by Rockville Railway of such shares of its outstanding stock;

(4) The dissolution and liquidation of Great Falls, and, pursuant to such liquidation (i) the conveyance, transfer and delivery by Great Falls of all of its assets, including cash, accounts receivable, and approximately 1,050 acres of undeveloped land at the Great Falls of the Potomac River and the acquisition by Washington Railway of all of such assets, (ii) the assumption by Washington Railway of the note of Great Falls payable to Pepco in the principal amount of $15,000 and of any remaining obligations and liabilities of Great Falls, (iii) the cancellation by Washington Railway of all indebtedness owing to it by Great Falls, (iv) the transfer and delivery by Washington Railway to Great Falls of the entire outstanding 5,000 shares of capital stock, of the par value of $100 per share, of Great Falls, and (v) the acquisition and cancellation by Great Falls of such shares of its outstanding stock;

(5) The payment of Washington Railway to Pepco of the note of Great Falls in the principal amount of $15,000 to be

assumed by Washington Railway as described in paragraph (4) above and the cancellation by Pepco of such note and the delivery thereof to Washington Railway; and the conveyance by Washington Railway to Pepco of all real property previously transferred to it by Great Falls in the transaction referred to in paragraph (4) above in satisfaction of the agreement dated May 27, 1912 (as modified April 23, 1936), providing for the conveyance by Washington Railway to Pepco of such real property, and the acquisition of such real property by Pepco;

(6) The investment by Washington Railway as a contribution to capital or as paid-in surplus of Pepco of all assets of Washington Railway (other than $10,000 of its cash and any securities of Pepco held by Washington Railway), including, but without limitation, in such assets to be so invested, cash, in excess of $10,000, obligations of the United States, accounts and interest receivable, and prepaid insurance and taxes; the acquisition of such assets by Pepco, and the assumption by Pepco of all liabilities of Washington Railway including any liabilities of Rockville Railway and Great Falls assumed by Washington Railway in the transactions referred to in paragraphs (3) and (4) above;

(7) The dissolution and liquidation of Washington Railway, as follows:

(i) The transfer and delivery by Washington Railway of an aggregate of 361,250 shares of the common stock, of the par value of $10 per share, of Pepco and of 85,000 shares of the new preferred stock, of the par value of $50 per share, of Pepco (to be acquired by Washington Railway in the transaction described in paragraph (2) above), together with the appropriate adjustment for dividends as described in paragraph 8 of section III of the plan, in exchange for the 85,000 shares of the presently outstanding 5% preferred stock, of the par value of $100 per share, of Washington Railway, such exchange to be at the rate of (a) one share of new preferred stock of Pepco, (b) $4\frac{1}{4}$ shares of common stock, of the par value of $10 per share, of Pepco and (c) an amount equal to accrued dividends on a share of 5% preferred stock of Washington Railway to the date upon which the plan is declared effective less the amount of dividends accruing on a share of the new preferred stock of Pepco to that date, for each share of 5% preferred stock of Washington Railway; the acquisition and cancellation by Washington Railway of such shares of 5% preferred stock; the issue by Washington Railway and the transfer and delivery of scrip in lieu of the transfer and delivery of fractional shares of common stock, of the par value of $10 per share, of Pepco in such exchange, such scrip to have the terms and provisions described in the plan; the transfer and delivery of shares of common stock, of the par value of $10 per share, of Pepco to the scrip agent and the sale, exchange, transfer and delivery of such shares by the scrip agent, either to the holders of scrip certificates in exchange therefor, or to purchasers of such shares pursuant to any sales thereof made in accordance with the terms and provisions of such scrip certificates; the expenditure of funds by Washington Railway for the payment of the dividend adjustment referred to above in this subparagraph (i); the transfer and delivery of the 5% preferred stock by the holders thereof to Washington Railway in the exchange described in this subparagraph (i); and the acquisition by such holders of such new preferred stock, of the par value of $50 per share, and common stock, of the par value of $10 per share, of Pepco and of scrip in lieu of fractional shares of common stock in such exchange, and the combination and surrender of scrip certificates in exchange for shares of common stock, of the par value of $10 per share, of Pepco or cash in accordance with the terms of such scrip. The exchange described in this subparagraph (i) shall be in full satisfaction of all rights of the holders of the 5% preferred stock of Washington Railway and such holders shall, upon the Plan being declared effective, cease to have any rights or interests whatsoever in Washington Railway or any of its assets, except the right to make the exchange described in this subparagraph (i);

(ii) The transfer and delivery by Washington Railway of an aggregate of 2,600,000 shares of the common stock, of the par value of $10 per share, of Pepco (to be acquired by Washington Railway in the transaction described in paragraph (2) above), in exchange for the 65,000 outstanding shares of the common stock, of the par value of $100 per share, of Washington Railway and/or Participating Units of Beneficial Ownership of Deposited Shares of such stock, such exchange to be at the rate of 40 shares of the common stock, of the par value of $10 per share, of Pepco for each share of outstanding common stock of Washington Railway and one share of common stock, of the par value of $10 per share, of Pepco for each Participating Unit; the surrender of the Participating Units by the holders thereof to the Depositary under the agreement, pursuant to which such Units were issued, against receipt of one share of common stock of Washington Railway in exchange for each 40 Participating Units so surrendered; the acquisition by Washington Railway of its entire outstanding 65,000 shares of common stock, of the par value of $100 per share, in the manner heretofore described in this subparagraph (ii) and the cancellation thereof when so acquired; the transfer and delivery of the common stock of Washington Railway by the holders thereof to Washington Railway in the exchange described in this subparagraph (ii); and the acquisition by such holders of common stock, of the par value of $10 per share, of Pepco as described in this subparagraph (ii). The exchange described in this subparagraph (ii) shall be in full satisfaction of all rights of the holders of the common stock of Washington Railway and such holders shall, upon the Plan being declared effective, cease to have any rights or interests whatsoever in Washington Railway or any of its assets, except the right to make the exchange described in this subparagraph (ii);

(iii) The transfer and delivery of all assets of Washington Railway to Pepco, such assets to consist principally of such securities of Pepco as have not been delivered pursuant to the exchanges described in subparagraphs (i) and (ii) above and any cash held by Washington Railway; the acquisition by Pepco of such securities, cash and other assets and the assumption by Pepco of the obligation to continue to make the exchanges described in subparagraphs (i) and (ii) above and the carrying out by Pepco of all the steps in such exchanges described in said paragraphs as to be taken by Washington Railway.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5161; Filed, May 29, 1947; 8:46 a. m.]

[File Nos. 54-92, 59 14, 54-19]

NEW ENGLAND POWER ASSN. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of May A. D. 1947.

In the matter of New England Power Association, Massachusetts Power and Light Associates, North Boston Lighting Properties, The Rhode Island Public Service Company, Massachusetts Utilities Associates Common Voting Trust, Massachusetts Utilities Associates, File No. 54-92, File No. 59-14, File No. 54-19.

New England Power Association, a registered holding company, the name of which is to be changed to New England Electric System, having filed a declaration under sections 6 (a), 7 and 11 of the Public Utility Holding Company Act of 1935 regarding the issuance and sale pursuant to the competitive bidding requirements of Rule U-50 of $25,000,000 principal amount of --% debentures, due 1967, and $50,000,000 principal amount of --% debentures, due 1977, and the issuance of $10,000,000 principal amount of 10-year serial notes to certain banks, the proceeds of all of which debentures and notes, together with treasury funds, are to be applied to the prepayment of New England Power Association's two series of outstanding debentures, to the prepayment of 2 bank loans and to certain cash payments to public holders of preferred stocks of four of its subsidiary holding companies;

A public hearing having been held after appropriate notice and the Commission having made and filed its findings and opinion herein:

It is ordered, That said declaration be and become effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject further to the following terms and conditions:

1. That the said proposed issuance and sale of --% debentures, due 1967, in the principal amount of $25,000,000 and --% debentures, due 1977, in the principal amount of $50,000,000 shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record as so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose; and

2. That jurisdiction be reserved over all legal fees and expenses and the fees and expenses of the financial advisers.

It is further ordered, Pursuant to the provisions of Rule U-100 (a), that the ten-day period for inviting bids as provided in Rule U-50 be and the same is hereby reduced to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5162; Filed, May 29, 1947; 8:47 a. m.]

[File No. 68-84]

MARKET STREET RAILWAY CO.

ORDER TO SHOW CAUSE WHY STOCKHOLDERS' LIST SHOULD NOT BE FURNISHED

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of May 1947.

In the matter of Russell M. Van Kirk, Bloomfield Hulick, Edmund T. Willetts, committee for the Market Street Railway Company prior preference capital stock, File No. 68-84.

Russell M. Van Kirk, Bloomfield Hulick and Edmund T. Willetts ("petitioners"), the owners and holders of shares of Prior Preference Capital Stock of Market Street Railway Company ("Market Street") a nonutility subsidiary of Standard Gas and Electric Company ("Standard Gas"), a registered holding company, having filed a petition and a memorandum and supplement to petition with the Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and having requested in said filings various relief with respect to Market Street, including, inter alia, an order from this Commission directing the management of Market Street to provide said petitioners with a complete list of the names and addresses of all stockholders of Market Street; and

Said petitioners, by their attorney, having further advised the Commission that they have requested and demanded such a stockholders' list from Market Street and have not been furnished with same; and

The Commission having considered said petition and said memorandum and supplement to petition and such additional information as has been presented to it by the petitioners and being of the opinion that Market Street should show cause pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder why it should not provide the petitioners with a complete list of the names and addresses of all stockholders of Market Street, and that an opportunity for hearing should be afforded for that purpose;

It is hereby ordered, That a hearing should be held at 10:00 a. m., e. d. s. t., on the 4th day of June 1947, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that date by the hearing room clerk in Room 318, at which time Market Street shall show cause why it shall not provide petitioners with a complete list of the names and addresses of all stockholders of Market Street; and

It is further ordered, That Richard Townsend or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That jurisdiction be and hereby is reserved to enter such further order as the Commission may consider necessary or appropriate with respect to any other relief that the petitioners have requested in their petition and memorandum and supplement to petition; and

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order, by registered mail, to Market Street Railway Company, Standard Gas and Electric Company and Russell M. Van Kirk, Bloomfield Hulick and Edmund T. Willetts, and that notice shall be given to all other persons by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5163; Filed, May 29, 1947; 8:47 a. m.]

[File Nos. 4-63, 68-84]

MARKET STREET RAILWAY CO. ET AL.

NOTICE OF AND ORDER FOR PUBLIC HEARING AND DESIGNATING OFFICER FOR TAKING TESTIMONY, AND ORDER TEMPORARILY PROHIBITING CERTAIN PAYMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of May 1947.

In the matter of Market Street Railway Company, and Standard Gas and Electric Co. and certain of its subsidiary companies, File No. 4-63; Russell M. Van Kirk, Bloomfield Hulick, Edmund T. Willetts, committee for the Market Street Railway Company prior preference capital stock, File No. 68-84.

The Commission having heretofore received a petition and a memorandum and supplement to petition filed by Russell M. Van Kirk, Bloomfield Hulick, and Edmund T. Willetts ("petitioners"), holders and owners of and acting on behalf of the holders and owners of shares of Prior Preference Capital Stock of Market Street Railway Company ("Market Street"), a non-utility subsidiary of Standard Gas and Electric Company ("Standard Gas"), a registered holding company, and said petition and memorandum and supplement to petition reciting certain allegations with respect to Market Street and Standard Gas and its subsidiary, Public Utility Engineering and Service Corporation ("Public Utility Engineering"), formerly known as Byllesby Engineering and Service Company ("Byllesby Engineering") and requesting: that the Commission take jurisdiction and direct that an investigation be made and proceedings be had before the Commission to determine the legal and equitable rights of Standard Gas and the petitioners in the assets of Market Street; that the Commission direct the management of Market Street to provide petitioners with a complete list of the names and addresses of all stockholders of Market Street; that the Commission enjoin and restrain Standard Gas from voting any of its shares of stock of Market Street at the next annual meeting thereof; that the Commission enjoin and restrain Standard Gas and/or Market Street from proceeding with an action filed in the District Court of the United States for the Northern District of California, Southern Division, on January 20, 1947 wherein Standard Gas is plaintiff and Market Street is defendant; and that petitioners be granted certain other relief, as prayed in said petition; and

The Commission having been advised by its Public Utilities Division that an examination of the corporate structure of Market Street and of its parent Standard Gas, and of the relationships between said companies, has disclosed data establishing or tending to establish the following:

1. Market Street is a corporation organized under the laws of the State of California. It was engaged in the business of operating a street railway transportation system until the year 1944, when it sold its major physical assets to the City of San Francisco, California. Since that time it has been in the process of liquidation.

2. Standard Gas is a corporation organized under the laws of Delaware and is a registered holding company. Market Street is a subsidiary of Standard Gas by virtue of the fact that Standard Gas owns 39,250 shares 6% Cumulative Preferred, $100 par, 25,500 shares of 6% Non-Cumulative 2d Preferred, $100 par, and 61,900 shares Common, $100 par, of Market Street, which, together, constitute 39.67% of the voting securities.

3. The Prior Preference Stock of Market Street is all owned by the public. Standard Gas owns substantial portions of the 6% Cumulative Preferred Stock, of the Second Preferred, and of the Common Stock of Market Street. There exists on the books of Market Street an open account in favor of Standard Gas which aggregated $920,151 as of December 31, 1945.

4. Dividends on the 6% prior preferred stock were paid commencing on April 1, 1922 until January 1924, and

since that time no dividends have been paid. No dividends have ever been paid on the 6% cumulative preferred stock, the second preferred stock, or the common stock.

5. Accumulated dividend arrearages on the preferred stocks of Market Street as of December 31, 1945 aggregate $16,556,362.50 on the Prior Preference Stock and $7,405,472.25 on the Preferred Stock 6% Cumulative. The Second Preferred Stock is Non-Cumulative.

6. On or about September 29, 1944, Market Street sold its transportation properties to the City and County of San Francisco for the sum of $7,500,000. Of that amount $2,000,000 was paid to Market Street at the time of purchase, and the remaining $5,500,000 was to be paid in installments as earnings became available. The initial proceeds of the sale plus the proceeds of a bank loan were used to redeem the then outstanding bonds of Market Street. Since the transfer of the properties, additional payments have been received aggregating $2,500,000, and the bank loan has been repaid. As of December 31, 1946 there remains due and owing from the City on account of the balance of the purchase price the sum of $2,500,000. Market Street has pending against it various law suits and other claims arising out of the operations of the Company prior to the sale of its properties.

The Commission having by separate order directed that a hearing be held as to whether Market Street should be required to provide petitioners with a stockholders' list, and it appearing appropriate to the Commission that the prayer of said petition requesting an investigation should be granted at this time, and that action with respect to the remaining prayers of said petition should presently be deferred pending the initiation of hearings upon such investigation; and it further appearing to the Commission that it is necessary and appropriate in the public interest and in the interests of investors and consumers, and in order that the Commission may properly perform its duties and responsibilities under section 11 of the Public Utility Holding Company Act of 1935 that, pursuant to the provisions of sections 11 (a), 18 (a), and 18 (b) of said act, a public investigation be held and an officer designated for the purpose of taking testimony, for the purposes hereinafter more fully set forth;

It is therefore ordered, Pursuant to sections 11 (a), 18 (a), and 18 (b) of the Public Utility Holding Company Act, that a public hearing be held the 24th day of June 1947, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At said hearing inquiry will be made into and evidence will be received concerning the following matters:

(a) The relationships, past and present, between Market Street and its associate companies and affiliates, including particularly the relationships, past and present, between Market Street and Standard Gas, Byllesby Engineering, and Public Utility Engineering;

(b) The character of the interests of Standard Gas in Market Street, including, without limiting the generality of the foregoing, the facts and circumstances giving rise to the open account now on the books of Market Street in favor of Standard Gas;

(c) In connection with the foregoing, and without limiting the generality thereof, the facts and circumstances concerning charges for services made by Bylesby Engineering and by Public Utility Engineering against Market Street, and particularly any such charges giving rise to and any transactions in connection with the issuance of securities, or the creation of an open account, by Market Street, to or in favor of Standard Gas or other past or present associate companies or affiliates of Standard Gas.

It is further ordered, That Richard Townsend or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It further appearing that it is appropriate in the public interest and in the interests of investors or consumers that the status quo should be maintained pending the conduct of said investigation, but for not longer than a reasonable period, subject to further extensions by the Commission, and that for that purpose an order should be entered prohibiting payments by Market Street to Standard Gas as hereinafter provided, subject to the right of Standard Gas to seek vacation of such order upon proper showing;

It is further ordered, That, prior to said hearing and until the expiration of a period of 60 days following the date for hearing hereinbefore fixed, Market Street shall not pay to Standard Gas or to any person or corporation for the account of Standard Gas any sums of money or other property, and that Standard Gas shall not cause Market Street to make any such payment or transfer, and that Standard Gas shall not receive directly or indirectly any sums of money or transfers of property from Market Street except after application to the Commission and the entry of an order by the Commission approving any such payment or transfer of such property; provided, however, that said 60-day period may be extended or shortened by further order of the Commission, and provided further that Standard Gas or other interested persons will be offered an opportunity, at the aforesaid hearing, to seek the vacation of this paragraph of this order upon a proper showing.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Standard Gas and Electric Company, Market Street Railway Company, Public Utility Engineering and Service Corporation, and Russell M. Van Kirk, Bloomfield Hulick, Edmund T. Willetts, as a Committee for the Market Street Railway Company Prior Preference Capital Stock, and that notice of this proceeding shall be given to all other persons by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under said act, and by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That jurisdiction be and hereby is reserved to separate either in whole or in part or for disposition in whole or in part any of the issues or questions which may arise in these proceedings and to take such other action as may appear necessary or appropriate pursuant to the provisions of the act and the rules and regulations thereunder, or that may appear conducive to an orderly, prompt and economic disposition of the matters involved herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5160; Filed, May 29, 1947; 8:46 a. m.]

[File No. 70-1466]

MICHIGAN CONSOLIDATED GAS CO. AND AMERICAN LIGHT & TRACTION CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of May 1947.

American Light & Traction Company ("American Light"), a registered holding company, and its subsidiary, Michigan Consolidated Gas Company ("Michigan Consolidated"), having filed a joint application-declaration and amendments thereto, under the Public Utility Holding Company Act of 1935, designating as applicable sections 6 (b), 7, 9, 10 and 12 (f) of the act and Rules U-43 and U-50 promulgated thereunder, with respect to proposed transactions as follows:

Michigan Consolidated proposes to issue and sell at competitive bidding an additional $6,000,000 principal amount of its First Mortgage Bonds, --% Series, due 1969, under an Indenture supplemental to the Indenture securing the $38,000,000 principal amount of First Mortgage Bonds outstanding. Michigan Consolidated also proposes to issue and sell at par to American Light, the owner of all of the outstanding common stock of Michigan Consolidated, and American Light proposes to purchase 276,805 shares of $14 par value common stock for a cash consideration of $3,875,270. American Light proposes to use treasury funds to make this purchase. The application-declaration states that the proceeds from the sale of the additional bonds and common stock will be used for the construction of property, the reimbursement of the corporate treasury for expenditures heretofore made for property additions and the retirement of

$1,750,000 principal amount of temporary bank loans. It is also stated that $2,500,000 of the proceeds of the sale of the bonds will be deposited with the Trustees under the Trust Indenture and the Supplemental Indenture securing the bonds, subject to withdrawal pursuant to the terms of the Indentures.

A public hearing having been held after appropriate notice, briefs having been filed and oral argument heard, and the Commission having considered the facts, briefs and oral argument, having filed its findings and opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration be granted and permitted to become effective:

It is ordered, That the application-declaration is hereby granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed by Rule U-24 and subject also to additional terms and conditions as follows:

The proposed issuance and sale of the $6,000,000 principal amount of bonds shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission upon the record as so completed, which order may contain such further terms and conditions as may be deemed appropriate, jurisdiction being reserved for this purpose.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5158; Filed, May 29, 1947; 8:46 a. m.]

[File No. 70-1514]

SOUTHERN NATURAL GAS CO. AND FEDERAL WATER AND GAS CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of May A. D. 1947.

Southern Natural Gas Company ("Southern Natural"), a registered holding Company and a subsidiary of Federal Water and Gas Corporation ("Federal"), a registered holding company, and Federal having filed, respectively, a declaration and an application pursuant to sections 12 (f) and 10 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-43 promulgated thereunder with respect to the transactions summarized below:

Southern owns, among other things, all the outstanding common stock, consisting of 1,409,212 shares, of its nonutility subsidiary, Southern Production Company, Inc. ("Production"). Southern has outstanding a corresponding number of shares of common stock. It is contemplated that the Board of Directors of Southern will declare a dividend consisting of all the shares of common stock of Production payable pro rata at the rate of one share of the common stock of Production for each share of the common stock of Southern. Said dividend will be charged to earned surplus. Federal, as the owner of 765,022 shares of the common stock of Southern, will thereby receive a like number of shares of Production. Federal states that it intends to retain such shares of the common stock of Production for such period of time as would be required to effectuate the dissolution of Federal pursuant to a plan to be filed with this Commission as soon as possible after the United States Supreme Court hands down its decision in "Securities and Exchange Commission v. Chenery Corporation, et al."

Said declaration and application having been filed, respectively, on April 25, 1947, and April 28, 1947, and notice of said filings having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration and application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The declarant and applicant having requested that the Commission's order herein become effective forthwith, and the Commission deeming it appropriate to grant said request; and

The Commission finding with respect to said declaration and application that the requirements of the applicable provisions of the Act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration and application respectively, be permitted to become effective and granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and provisions prescribed in Rule U-24, that said declaration and application be, and the same hereby are, respectively, permitted to become effective and granted forthwith.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5159; Filed, May 29, 1947; 8:46 a. m.]

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FEDERAL REGISTER

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Washington, Tuesday, June 3, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2731

FLAG DAY, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it has become our hallowed custom to observe June 14 of each year as Flag Day by engaging in patriotic exercises and by displaying the American flag proudly in commemoration of its adoption on June 14 in the year 1777; and

WHEREAS this symbol of our national strength, our national unity, and our national integrity now flies with the flags of all the other United Nations as an earnest of newly achieved international strength, unity, and integrity; and

WHEREAS, in the words of President Wilson set forth in his Flag Day proclamation of 1916, the anniversary of the adoption of the Stars and Stripes as our national emblem "should this year and in the years to come be given special significance as a day of renewal and reminder, a day upon which we should direct our minds . . . to thoughts of the ideals and principles of which we have sought to make our great Government the embodiment":

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate June 14, 1947, as Flag Day; and I direct the officials of the Federal Government and request the officials of the State and local governments to have our colors displayed on all public buildings on that day.

I also urge the people of the United States to fly the American flag from their homes on June 14, and I suggest that civic groups and individuals arrange, where feasible, for joint displays of the emblems of the United Nations in recognition of our joint dedication to the freedom of mankind.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of May in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-5271; Filed, May 29, 1947; 3:19 p. m.]

EXECUTIVE ORDER 9858

APPOINTMENT OF THE MEMBERS AND THE ALTERNATE MEMBER OF A MILITARY TRIBUNAL ESTABLISHED FOR THE TRIAL AND PUNISHMENT OF MAJOR WAR CRIMINALS IN GERMANY

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. I hereby designate Charles B. Sears, formerly Associate Judge of the Court of Appeals of New York, William C. Christianson, formerly Associate Justice of the Supreme Court of Minnesota, and Frank N. Richman, formerly Judge of the Supreme Court of Indiana, as the members, and Richard Dillard Dixon, formerly Judge of Superior Court, North Carolina, as the alternate member, of one of the several military tribunals established by the Military Governor for the United States Zone of Occupation within Germany pursuant to the quadripartite agreement of the Control Council for Germany, enacted December 20, 1945, as Control Council Law No. 10, and pursuant to Articles 10 and 11 of the Charter of the International Military Tribunal, which tribunal was established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, for the trial and punishment of major war criminals of the European Axis. Such members and alternate member may, at the direction of the Military Governor of the United States Zone of Occupation, serve on any of the several military tribunals above mentioned.

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Part 4—Delegations of authority (2 documents) — 3566, 3567
Chapter I—Bureau of Land Management, Department of the Interior:
Part 50—Organization and procedure — 3567

2. The members and the alternate member herein designated shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes.

3. The Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the members and the alternate member herein designated in the performance of their duties and may assign or detail such personnel under their respective jurisdictions, including members of the armed forces, as may be requested for the purpose. Personnel so assigned or detailed shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that personnel assigned or detailed from the Navy Department shall receive such compensation and allowances for expenses to which they may be entitled by reason of their grade and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 31, 1947.

[F. R. Doc. 47-5291; Filed, June 2, 1947; 10:20 a. m.]

EXECUTIVE ORDER 9859

REVOKING EXECUTIVE ORDER NO. 9196 OF JULY 9, 1942

Under and by virtue of the authority vested in me as President of the United States, Executive Order No. 9196 of July 9, 1942, entitled "Government Purchases of Prison-made Goods" is hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 31, 1947.

[F. R. Doc. 47-5289; Filed, June 2, 1947; 10:20 a. m.]

EXECUTIVE ORDER 9860

RESTORING CERTAIN LAND, AND GRANTING AN EASEMENT IN CERTAIN OTHER LAND, TO THE TERRITORY OF HAWAII

WHEREAS by Executive Order No. 3358 of November 24, 1920, two tracts of land on Sand and Quarantine Islands, Oahu, Hawaii, designated as Tract No. 1 and Tract No. 2, respectively, were set aside for military purposes; and

WHEREAS a certain parcel contained in the said Tract No. 1 is no longer needed for the use of the War Department, and it is deemed advisable and in the public interest that it be restored to the jurisdiction of the Territory of Hawaii for use in connection with the construction of the Keehi Lagoon Seaplane Harbor; and

WHEREAS the War Department has a continuing need for the use of another parcel contained in the said Tract No. 1, but such parcel may be made subject to an easement to the Territory of Hawaii for the construction and maintenance of a breakwater without interference with the use for which the parcel is needed by the War Department:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, and as President of the United States, it is ordered as follows:

1. The following-described parcel of land at Sand Island, Oahu, Hawaii, comprising a part of the above-mentioned Tract No. 1, is hereby restored to the jurisdiction of the Territory of Hawaii:

Beginning at the North corner of this piece of land on the Northeast boundary of Keehi Lagoon Seaplane Runway "D" and also on the boundary between Mokauea Fishery, Territorial Condemnation, Law No. 16696 (Governor's Executive Order No. 1016), and Tract No. 1 of Presidential Executive Order No. 3358 (formerly Kohola1oa Fishery) the true azimuth and distance from a concrete monument marking the end of course No. 17 of Tract No. 1 of Presidential Executive Order No. 3358, the end of course No. 31 of Territorial Condemnation, Law No. 16696 (Mokauea Fishery), and the end of course No. 60 of Governor's Executive Order No. 1016 (Keehi Lagoon), being 15°55' 2707.96 feet and the coordinates of said point of beginning referred to Government Survey Triangulation Station "U. S. E. North Base" being 106.38 feet South and 4,627.22 feet West, thence running by azimuths measured clockwise from true South:

1. 334°00'10" 645.17 feet along the remainder of Tract No. 1 of Presidential Executive Order No. 3358;

2. 64°00'10" 579.16 feet along same;

3. 195°55' 866.99 feet along the remainder of Keehi Lagoon Seaplane Runway "D", along the perimeter of the land described in Governor's Executive Order No. 1016 (Mokauea Fishery, Territorial Condemnation, Law No. 16696) to the point of beginning, and containing an area of 4.289 Acres.

2. The following-described parcel of land at Sand Island, Oahu, Hawaii, comprising a part of the above-mentioned Tract No. 1, is hereby made subject to an easement in favor of the Territory of Hawaii for the construction and maintenance of a breakwater:

Beginning at the Northwest corner of this piece of land on the Southeast boundary of Keehi Lagoon Seaplane Runway "D" and also on the boundary between Mokauea Fishery, Territorial Condemnation, Law No. 16696 (Governor's Executive Order No. 1016), and Tract No. 1 of Presidential Executive Order No. 3358 (formerly Koholalea Fishery) the true azimuth and distance from a concrete monument marking the end of course No. 17 of Tract No. 1, Presidential Executive Order No. 3358, the end of course No. 31 of Territorial Condemnation, Law No. 16696 (Mokauea Fishery), and the end of course No. 60 of Governor's Executive Order No. 1016 (Keehi Lagoon, being 15°55' 3,574.95 feet and the coordinates of said point of beginning referred to Government Survey Triangulation Station "U. S. E. North Base" being 940.13 feet South and 4,865.08 feet West, thence running by azimuths measured clockwise from true South:

1. 244°00'10" 579.16 feet along the Southeast boundary of Keehi Lagoon Seaplane Runway "D", along the remainder of Tract No. 1 of Presidential Executive Order No. 3358;

2. 334°00'10" 686.00 feet along the remainder of Tract No. 1 of Presidential Executive Order No. 3358, to shore line;

3. Thence following along shore line, the direct azimuth and distance being 89°03'45" 929.15 feet;

4. 195°55' 393.00 feet along the perimeter of the land described in Governor's Executive Order No. 1016 (Mokauea Fishery, Territorial Condemnation, Law No. 16696) to the point of beginning and containing an area of 7.25 Acres.

The said Executive Order No. 3358 of November 24, 1920, is modified accordingly.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 31, 1947.

[F. R. Doc. 47-5290; Filed, June 2, 1947; 10:20 a. m.]

EXECUTIVE ORDER 9861

RESTORING CERTAIN LANDS OF THE FORT ARMSTRONG MILITARY RESERVATION TO THE USE OF THE TERRITORY OF HAWAII

WHEREAS by Proclamation No. 22 of November 2, 1898, and by Proclamation No. 8 of November 10, 1899, certain lands in Honolulu, Territory of Hawaii, were reserved for naval purposes, portions of which land were by Executive Order No. 2323 of February 21, 1916, transferred and placed under the control of the War Department; and

WHEREAS certain other lands in Honolulu, Territory of Hawaii, were set aside for military purposes by Executive Order No. 2335 of March 6, 1916; and

WHEREAS all of the said lands now comprise a portion of the Fort Armstrong Military Reservation; and

WHEREAS it is deemed advisable and in the public interest that a part of such lands, hereinafter described, be restored to the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, and the act of June 19, 1930, 46 Stat. 789, it is ordered as follows:

The following parcels of land comprising a part of the Fort Armstrong Military Reservation, Oahu, Territory of Hawaii, are hereby restored to their previous status for the use of the Territory of Hawaii for road purposes, subject to the terms and conditions hereinafter stated:

Beginning at the north corner of the parcel of land located on the present southwest side of Halekauwila Street, between Richards and Punchbowl Streets, Honolulu, Oahu, Territory of Hawaii, being also the present south corner of Halekauwila and Richards Streets, the true azimuth and distance from a survey street monument near the south corner of Halekauwila and Richards Streets, being 352°08'40", 25.99 feet; said survey street monument being set on an offset of 10.00 feet to the southwest side of Halekauwila Street and on an offset of 23.04 feet to the southeast side of Richards Street, and the coordinates of said survey street monument referred to Government Survey triangulation station "Punchbowl" being 2,446.43 feet south and 4,588.23 feet west, thence running by azimuths measured clockwise from true south:

1. 329°31' 642.50 feet along the present southwest side of Halekauwila Street;

2. 77°51'30" 92.79 feet along the present northwest side of Punchbowl Street;

3. 205°35' 19.27 feet along the perimeter of the land described as Tract 2 in Executive Order No. 2323 of February 21, 1916;

4. Thence along same on a curve to the left with a radius of 50.00 feet, the chord azimuth and distance being 177°33', 47.00 feet;

5. 149°31' 502.21 feet along the perimeter of the land described as Tract 2 in Executive Order No. 2323 of February 21, 1916;

6. Thence along same on a curve to the left with a radius of 50.00 feet, the chord azimuth and distance being 102°02'30", 73.70 feet;

7. 234°34' 104.71 feet along the present southeast side of Richards Street to the point of beginning. Area 33,093 square feet.

Beginning at the north corner of the parcel of land located on the present southwest side of Halekauwila Street, between Alakea and Richards Streets, Honolulu, Oahu, Territory of Hawaii, being also the present south corner of Halekauwila and Alakea Streets, the true azimuth and distance from a survey street monument near the west corner of Halekauwila and Alakea Streets, being 342°18'20", 45.16 feet; said survey street monument being set on an offset of 10.00 feet to the southwest side of Halekauwila Street (running southeasterly) and on an offset of 44.05 feet to the southeast side of Alakea Street (running southwesterly) and the coordinates of said survey street monument referred to Government Survey triangulation station "Punchbowl" being 2,184.60 feet south and 4,742.33 feet west, thence running by azimuths measured clockwise from true south:

1. 329°31' 219.00 feet along the present southwest side of Halekauwila Street;

2. 59°35' 100.06 feet along the present northwest side of Richards Street;

3. Thence on a curve to the left with a radius of 50.00 feet along the perimeter of the land described in Executive Order No. 2335 of March 6, 1916, the chord azimuth and distance being 194°33', 70.75 feet;

4. 149°31' 119.00 feet along the perimeter of the land described in Executive Order No. 2335 of March 6, 1916;

5. Thence along same on a curve to the left with a radius of 50.00 feet, the chord azimuth and distance being 104°33', 70.67 feet;

6. 239°35' 99.94 feet along the present southeast side of Alakea Street to the point of beginning. Area 12,025 square feet.

The aggregate area of the two parcels is 45,118 square feet or 1.036 acres, more or less.

For the purpose of utilizing the above-described parcels of land for road purposes, the Territory of Hawaii shall have the right to remove or destroy any buildings or other improvements or portions thereof located on the above lands: *Provided, however,* That the Territory of Hawaii shall bear all expenses in connection therewith; shall repair, in a manner satisfactory to the Commanding Officer of the Fort Armstrong Military Reservation any buildings or other improvements located on adjoining lands of the United States damaged in connection with such removal or destruction; and shall pay to the United States the value of any buildings or other improvements removed or destroyed to such an extent as to be no longer capable of repair or rehabilitation, such value to be determined by an impartial appraisal made at the time of removal or destruction.

The said Executive Orders No. 2323 and No. 2335 are modified accordingly.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 31, 1947.

[F. R. Doc. 47-5292; Filed, June 2, 1947; 10:21 a. m.]

EXECUTIVE ORDER 9862

PROVIDING FOR THE TRANSFER OF PERSONNEL TO THE AMERICAN MISSION FOR AID TO GREECE AND THE AMERICAN MISSION FOR AID TO TURKEY

By virtue of the authority vested in me by the act of May 22, 1947, entitled "An Act to Provide for Assistance to Greece and Turkey," the Civil Service Act (22 Stat. 403), and section 1753 of the Revised Statutes, and as President of the United States, it is hereby ordered as follows:

1. Upon the request of the Secretary of State or his duly authorized representative, and with the consent of the employee and of the head of the department or agency concerned, any civilian employee of a department or agency in the Executive branch of the Federal Government who is serving under an appointment not limited to one year or less may be transferred to the American Mission for Aid to Greece or to the American Mission for Aid to Turkey.

2. The provisions of Executive Order No. 9721 of May 10, 1946, and regulations prescribed by the Civil Service Commission pursuant thereto, with respect to the transfer of personnel from the Executive branch of the Federal Government to public international organizations in which the United States Government participates, shall be applicable to the transfer of personnel under this order to the American Mission for Aid to Greece and the American Mission for Aid to Turkey.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 31, 1947.

[F. R. Doc 47-5286; Filed, June 2, 1947; 10:20 a. m.]

EXECUTIVE ORDER 9863

DESIGNATING PUBLIC INTERNATIONAL ORGANIZATIONS ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), and having found that the United States participates in the following-named international organizations pursuant to a treaty or under the authority of an act of Congress authorizing such participation or making an appropriation therefor, I hereby designate such organizations as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the said Act:

1. United Nations Educational, Scientific, and Cultural Organization
2. International Civil Aviation Organization
3. International Telecommunication Union

The designation of the above-named organizations as public international organizations within the meaning of the said International Organizations Immunities Act is not intended to abridge in any respect privileges and immunities which such organizations may have acquired or may acquire by treaty or Congressional action.

This order supplements Executive Orders No. 9698 of February 19, 1946, No. 9751 of July 11, 1946, and No. 9823 of January 24, 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 31, 1947.

[F. R. Doc. 47-5287; Filed, June 2, 1947; 10:20 a. m.]

EXECUTIVE ORDER 9864

REGULATIONS FOR CARRYING OUT THE PROVISIONS OF THE JOINT RESOLUTION ENTITLED "JOINT RESOLUTION PROVIDING FOR RELIEF ASSISTANCE TO THE PEOPLE OF COUNTRIES DEVASTATED BY WAR"

By virtue of the authority vested in me by the joint resolution of May 31, 1947, entitled "Joint Resolution Providing for Relief Assistance to the People of Countries Devastated by War," hereinafter referred to as the joint resolution, and section 202 of the Revised Statutes, and as President of the United States, I hereby prescribe the following regulations for carrying out the provisions of the joint resolution:

1. The Secretary of State is hereby authorized:

(a) To exercise the authority vested in the President by sections 2, 3, and 4 of the joint resolution, except with respect to the appointment of the field administrator pursuant to section 4.

(b) To take such other action, not inconsistent with the authority reserved to the President, as may be necessary for providing relief assistance in accordance with the terms of the joint resolution, including the making of such arrangements with the heads of other Executive departments, agencies, and independent establishments of the Government as may be necessary and proper for carrying out the provisions of the joint resolution.

(c) To exercise the authority vested in him by this order directly or through the field administrator appointed pursuant to section 4 of the joint resolution or through such officers and employees of the Department of State, including those of the Foreign Service, as he may designate to act on his behalf.

2. The field administrator shall act under the guidance and in accordance with the instructions of the Secretary of State.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 31, 1947.

[F. R. Doc. 47-5288; Filed, June 2, 1947; 10:20 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 26—TRANSFER OF PERSONNEL TO PUBLIC INTERNATIONAL ORGANIZATIONS IN WHICH THE UNITED STATES GOVERNMENT PARTICIPATES

CROSS REFERENCE: The provisions of this part are made applicable to the transfer of personnel to the American Mission for Aid to Greece and the American Mission for Aid to Turkey by Executive Order 9862, which appears under Title 3, *supra*.

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

Correction

In Federal Register Document No. 47-4069 appearing at page 2679 of the issue for Saturday, April 26, 1947, "§ 11.932" should read "§ 11.392".

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 224]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.331 *Lemon Regulation 224*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 1, 1947, and ending at 12:01 a. m., P. s. t., June 8, 1947, is hereby fixed at 600 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 223 (12 F. R. 3331) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 29th day of May 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-5282; Filed, June 2, 1947; 8:58 a. m.]

[Orange Reg. 180]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.326 *Orange Regulation 180*—(a) *Findings.* (1) Pursuant to the provi-

sions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 1, 1947, and ending at 12:01 a. m., P. s. t., June 8, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1100 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, none; (*b*) Prorate District No. 2, unlimited movement; and (*c*) Prorate District No. 3, none.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1" "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 29th day of May 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

PRORATE BASE SCHEDULE

[12:01 A. M. June 1, 1947 to 12:01 A. M. June 8, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0654
A. F. G. Fullerton	.8600
A. F. G. Orange	.6197
A. F. G. Redlands	.2236
A. F. G. Riverside	.1552
A. F. G. San Juan Capistrano	.9055
A. F. G. Santa Paula	.3814
Corona Plantation Co	.2574
Hazeltine Packing Co	.3625
Signal Fruit Association	.0999
Azusa Citrus Association	.4797
Azusa Orange Co., Inc	.1371
Damerel-Allison Co	.9282
Glendora Mutual Orange Association	.4046
Irwindale Citrus Association	.3690
Puente Mutual Citrus Association	.1946
Valencia Heights Orchards Association	.4138
Glendora Citrus Association	.3983
Glendora Heights Orange and Lemon Growers Association	.0937
Gold Buckle Association	.5591
La Verne Orange Association	.6700
Anaheim Citrus Fruit Association	1.2488
Anaheim Valencia Orange Association	1.2318
Eadington Fruit Co	1.8943
Fullerton Mutual Orange Association	1.3760
La Habra Citrus Association	1.1378
Orange County Valencia Association	.6141
Orangethorpe Citrus Association	.9952
Placentia Cooperative Orange Association	.6927
Yorba Linda Citrus Association, The	.5370
Alta Loma Heights Citrus Association	.1034
Citrus Fruit Growers	.1878
Cucamonga Citrus Association	.1803
Etiwanda Citrus Fruit Association	.0415
Mountain View Fruit Association	.0122
Old Baldy Citrus Association	.1176
Rialto Heights Orange Growers	.0849
Upland Citrus Association	.4317
Upland Heights Orange Association	.1384
Consolidated Orange Growers	1.8508
Frances Citrus Association	1.1055
Garden Grove Citrus Association	1.3585
Goldenwest Citrus Association, The	1.3482
Irvine Valencia Growers	2.2970
Olive Heights Citrus Association	1.5919
Santa Ana-Tustin Mutual Citrus Association	.9460
Santiago Orange Growers Association	3.5308
Tustin Hills Citrus Association	1.8114
Villa Park Orchards Association, The	1.9180
Bradford Brothers, Incorporated	.6105
Placentia Mutual Orange Association	1.8086
Placentia Orange Growers Association	2.1933
Call Ranch	.0706
Corona Citrus Association	.4666
Jameson Company	.0400
Orange Heights Orange Association	.4014
Break & Son, Allen	.0602
Bryn Mawr Fruit Growers Association	.2753
Crafton Orange Growers Association	.3895
E. Highlands Citrus Association	.0847
Fontana Citrus Association	.1090
Highland Fruit Growers Association	.0500
Krinard Packing Company	.2774
Mission Citrus Association	.1411
Redlands Cooperative Fruit Association	0.4030
Redlands Heights Groves	.2549
Redlands Orange Growers Association	.3302
Redlands Orangedale Association	.2449
Redlands Select Groves	.1872
Rialto Citrus Association	.1717
Rialto Orange Company	.1477
Southern Citrus Association	.2041
United Citrus Growers	.1513
Zilen Citrus Company	.1051
Arlington Heights Fruit Company	.1093
Brown Estate, L. V. W	.1396
Gavilan Citrus Association	.1469
Hemet Mutual Groves	.1081
Highgrove Fruit Association	.0837
McDermont Fruit Company	.1752
Mentone Heights Association	.0613
Monte Vista Citrus Association	.2191
National Orange Co	.0435
Riverside Heights Orange Growers Association	.0905
Sierra Vista Packing Association	.0608
Victoria Avenue Citrus Association	.1784
Claremont Citrus Association	.1593
College Heights Orange and Lemon Association	.2399
El Camino Citrus Association	.0807
Indian Hill Citrus Association	.2017
Pomona Fruit Growers Exchange	.4280
Walnut Fruit Growers Exchange	.4506
West Ontario Citrus Association	.3049
El Cajon Valley Citrus Association	.3478
Escondido Orange Association	2.5546
San Dimas Orange Growers Association	.4858
Covina Citrus Association	.9941
Covina Orange Growers Association	.3922
Duarte-Monrovia Fruit Exchange	.2457
Santa Barbara Orange Association	.0501
Ball & Tweedy Association	.6403
Canoga Citrus Association	.8496
North Whittier Heights Citrus Association	.9217
San Fernando Fruit Growers Association	.4277
San Fernando Heights Orange Association	.9238
Sierra Madre-Lamanda Citrus Association	.3916
Camarillo Citrus Association	1.4571
Fillmore Citrus Association	3.4695
Mupu Citrus Association	2.5859
Ojai Orange Association	.9551
Piru Citrus Association	1.9534
Santa Paula Orange Association	1.0579
Tapo Citrus Association	1.0783
Limoneira Co	.3869
East Whittier Citrus Association	.3930
El Ranchito Citrus Association	1.2189
Murphy Ranch Co	.3951
Rivera Citrus Association	.5317
Whittier Citrus Association	.6728
Whittier Select Citrus Association	.4418
Anaheim Cooperative Orange Association	1.1202
Bryn Mawr Mutual Orange Association	.0845
Chula Vista Mutual Lemon Association	.0894
Escondido Cooperative Citrus Association	.3263
Euclid Avenue Orange Association	.4304
Foothill Citrus Union, Inc	.0324
Fullerton Cooperative Orange Association	.3400
Garden Grove Orange Cooperative, Inc	.7041
Glendora Cooperative Citrus Association	.0660
Golden Orange Groves, Inc	.2580
Highland Mutual Groves	.0869
Index Mutual Association	.2143

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
La Verne Cooperative Citrus Association	1.8735
Olive Hillside Groves	.7318
Orange Cooperative Citrus Association	1.0373
Redlands Foothill Groves	.4724
Redlands Mutual Orange Association	.1750
Riverside Citrus Association	.0705
Ventura County Orange & Lemon Association	.9119
Whittier Mutual Orange & Lemon Association	.1956
Babijuice Corporation of California	.4966
Banks Fruit Co	.3184
Banks, L. M	.5316
Borden Fruit Co	.6003
California Fruit Distributors	.5146
Cherokee Citrus Co., Inc	.1446
Chess Co., Meyer W	.2973
Eld Modena Citrus, Inc	.7850
Escondido Avocado Growers	.0538
Evans Brothers Packing Co	.8164
Gold Banner Association	.2740
Granada Hills Packing Co	.0612
Granada Packing House	2.9016
Hill, Fred A	.0746
Inland Fruit Dealers	.0898
Mills, Edward	.1044
Orange Belt Fruit Distributors	1.8497
Panno Fruit Company, Carlo	.1614
Paramount Citrus Association	.3899
Placentia Orchard Co	.3907
Placentia Pioneer Valley Growers Association	.6322
Riverside Growers, Inc	.1403
San Antonio Orchards Co	.5297
Santa Fe Groves Co	.0494
Snyder & Sons Co., W. A	1.2011
Stephens, T. F	.0851
Sunny Hills Ranch, Inc	.2425
Verity & Sons Co., R. H	.0325
Wall, E. T	.1150
Webb Packing Co	.2706
Western Fruit Growers, Inc., Ana	.0797
Western Fruit Growers, Inc., Reds	.6991
Yorba Orange Growers Association	.8118

[F. R. Doc. 47-5283; Filed, June 2, 1947; 8:58 a. m.]

Chapter XXI—Organization, Functions, and Procedures

Subchapter C—Production and Marketing Administration

PART 2303—DAIRY BRANCH

FIELD OFFICES

The provisions in paragraph (a) of § 2303.2 *Field Offices* (11 F. R. 177A-265) are hereby deleted and the following substituted therefor:

§ 2303.2 *Field Offices*—(a) *Dairy and Poultry Grading and Inspection; Field Offices.* Offices are located in Little Rock, Arkansas, Los Angeles, California, San Francisco, California, Chicago, Illinois, Des Moines, Iowa, Topeka, Kansas, Baton Rouge, Louisiana, Boston, Massachusetts, Lansing, Michigan, Minneapolis, Minnesota, Kansas City, Missouri, St. Louis, Missouri, Omaha, Nebraska, New York, New York, Columbus, Ohio, Oklahoma City, Oklahoma, Portland, Oregon, Philadelphia, Pennsylvania, Aberdeen, South Dakota, Dallas, Texas, Houston, Texas, Seattle, Washington, and Milwaukee, Wisconsin. Under the immediate supervision of the Grading and Inspection Division, these offices provide inspection and grading services, including laboratory analysis of dairy and poultry products. Laboratory facilities are maintained in San Francisco, California and Chicago, Illinois. Regional supervisors are located as follows:

(1) Dairy products—San Francisco, California, Chicago, Illinois, and New York, New York.

(2) Poultry products—San Francisco, California, Chicago, Illinois, Des Moines, Iowa, New York, New York, and Dallas, Texas.

(3) Poultry Inspection Service—Sacramento, California, Chicago, Illinois, Omaha, Nebraska, and Philadelphia, Pennsylvania.

The addresses of these officers may be ascertained by inquiry of the Chief, Dairy and Poultry Grading and Inspection Division, South Agriculture Building, Washington, D. C.

(R. S. 161; secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 5 U. S. C. 22)

Issued this 28th day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5216; Filed, June 2, 1947; 8:48 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF BOUNDARY, ALASKA, AS CLASS A PORT OF ENTRY

MAY 9, 1947.

Section 110.1 *Ports of entry for aliens*, Chapter I, Title 8, Code of Federal Regulations is amended by inserting "Boundary, Alaska" before "Eagle, Alaska" in the list of Class A ports of entry in District No. 12.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The publication of notice, the public procedure, and the delayed effective date prescribed by section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) are found unnecessary and contrary to the public interest for the reasons that (1) interested persons have recently made representations as to the need for a port of entry at Boundary, Alaska; (2) customs facilities have already been established at Boundary, Alaska; and (3) it is found that commerce between Canada and the United States would be hindered by a delay in the opening of that port.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV, 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: May 22, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-5208; Filed, June 2, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

CROSS REFERENCE: For orders affecting the tabulation contained in § 501.1, see Executive Orders 9860 and 9861 under Title 3, *supra*, removing certain lands in Hawaii from the control of the War Department and restoring them to the jurisdiction of the Territory of Hawaii.

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 320—GENERAL ORGANIZATION AND FUNCTIONS

PART 321—FUNCTIONS OF DIVISIONS

OFFICE OF BUSINESS ECONOMICS

Parts 320 and 321 (11 F. R. 177A-306, 307) are amended as follows:

1. Section 320.3 *Organization* is amended by deleting "Regional Economics Division" and substituting therefor the "National Economics Division."

2. Section 321.3 *Current Business Analysis Division* is amended to read as follows:

§ 321.3 *Current Business Analysis Division.* The Current Business Analysis Division is responsible for preparing current analyses of business conditions and for developing basic economic indicators for business and Government. It conducts a continuing study of business activity; prepares analyses of current economic developments and trends and of the forces influencing and contributing to such movements; develops quantitative indexes and basic measures of changes in the economy; analyzes basic regional development in terms of markets, market potentialities, resource use, and methods of promoting regional economic progress so as to foster the expansion of the national economy; develops basic measures required for evaluation of the position of these regions, and analyzes the effects of regional differences upon the national economy; and prepares reports on regional business conditions and trends consistent with the national economic analyses and integrates these reports in a manner which will provide

comprehensive analyses of wide regional application by business.

3. The Regional Economics Division has been abolished and its functions transferred to the Current Business Analysis Division (see § 321.3). Therefore, § 321.4, *Regional Economics Division*, is deleted, and a new § 321.4 is added as follows:

§ 321.4 *National Economics Division.* The National Economics Division coordinates and analyzes data relating to Government fiscal and economic policies as they effect business conditions and prospects. It conducts research and prepares analyses of the major economic programs of the Government as they affect business; prepares data and develops their application to Government fiscal and other policies; analyzes the available basic data on overall economic activity, establishes and applies techniques for the development of economic series so as to provide quantitative extensions of the major economic measures, and consequently to establish a groundwork for qualitative evaluation of the major tendencies in the economy and to furnish basic guides to their effects upon Government programs and general business activity; assists in the formulation of policies and programs for coordinated Government action; and develops ways and means of effective cooperation with business and advises with business on the Government's objectives and methods.

4. Section 321.5 *Business Structure Division* is amended to read as follows:

§ 321.5 *Business Structure Division.* The Business Structure Division establishes functional relationships within and among major segments of the national economy and analyzes the nature of the prevailing organization and use of productive and distributive resources. It analyzes the effects of structural organization upon the economy and the volume of business operations; this embraces the organization and structure of production and distribution, including the influence of size or concentration, location, and markets, the structure of cost factors, the structure of the materials flow, and the institutional set-up as determined by market laws and regulations; compiles and maintains data on the size of the business population, mergers and life expectancy, prepares analyses of the significance of changes in the rate of movement and the reasons therefor; appraises the comparative operating patterns of business firms by industry and by type and size of establishment; establishes means and methods of analyzing the production and consumption requirements of the economy at various levels of economic activity or patterns of consumption, develops measures and initiates a basis for the study of fluctuations in plant and equipment expenditures by industry.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

AMOS E. TAYLOR,
Director,
Office of Business Economics.

[F. R. Doc. 47-5225; Filed, June 2, 1947; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter II—United States Tariff Commission

PART 200—ORGANIZATION AND FUNCTIONS

PART 201—RULES OF GENERAL APPLICATION

TERMINATION OF PUBLICATION OF NOTICES AND ANNOUNCEMENTS IN FOREIGN COMMERCE WEEKLY

The rules of practice and procedure of the Tariff Commission (11 F. R. 177A-741 et seq.; 11 F. R. 10822; 12 F. R. 4) are hereby amended as follows:

1. Amend the second sentence of § 200.5 (c) to read as follows: "These appear generally in the various trade journals."

2. Delete the penultimate sentence of § 200.5 (d).

3. Substitute the word "and" for the comma after the word "Register" in § 201.8 (b); substitute a period for the comma after "Treasury Department," and delete "and in the Foreign Commerce Weekly of the Department of Commerce."

4. Substitute a period for the semicolon after the word "Register" in § 201.10, and delete "and by an announcement regarding the notice in Foreign Commerce Weekly."

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] LYNN R. EDMINSTER,
Acting Chairman,
United States Tariff Commission.

[F. R. Doc. 47-5226; Filed, June 2, 1947; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 01.100 to 01.145, inclusive, see F. R. Doc. 47-5195 under Title 43, Part 4, *infra*, delegating to the Commissioner of Indian Affairs certain functions relating to tribal ordinances and resolutions.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 203—SPECIAL DEPOSITS OF PUBLIC MONEYS UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

MISCELLANEOUS AMENDMENTS

MAY 27, 1947.

Part 203 (appearing also as Treasury Department Circular No. 92, Revised (31 CFR, 1943 Supp.)) is hereby amended as follows:

1. Section 203.0 is hereby amended by deleting the final sentence thereof which reads as follows:

§ 203.0 *Introductory.* • • • Pursuant to recent amendments to the Federal Reserve Act, these deposit accounts will, for the duration of the war and for six months after the cessation of hostilities, be exempt from insurance assessments of the Federal Deposit Insurance Corporation and from the reserve requirements of the Federal Reserve System.

2. Section 203.16 and the caption preceding that section entitled "Exemption from Insurance Assessments and Reserve Requirements" are hereby deleted and the following § 203.16 and caption substituted in lieu thereof:

INSURANCE ASSESSMENTS AND RESERVE REQUIREMENTS

§ 203.16 *Deposits subject to insurance assessments and reserve requirements.* By virtue of the expiration of the period of exemption provided by the act of April 13, 1943, of "War Loan Deposits" from insurance assessments and reserve requirements, these deposits will, on and after July 1, 1947, be subject to the normal assessments for insurance by the Federal Deposit Insurance Corporation and to reserve requirements of member banks of the Federal Reserve System.

(40 Stat. 291, 504, 48 Stat. 343; 31 U. S. C. 771)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-5224; Filed, June 2, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[3d Rev. RO 3,[1] Amdt. 50]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. The second sentence of section 2.2 (b) is amended to read as follows: "The application must be made on or after the first day of the month preceding the beginning of the allotment period but not more than 5 days after the beginning of the allotment period."

2. Section 2.13 is revoked.

This amendment shall become effective June 1, 1947.

Issued this 28th day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 50 to Third Revised Ration Order 3

The present regulations provide that the application for an allotment by an industrial user must be made on or after

[1] 11 F. R. 177, 14281.

the 10th day of the month preceding the beginning of the allotment period but not more than 5 days after the beginning of the allotment period and impose a general limitation on the acquisition of sugar by an industrial user when he has on hand an amount of sugar equal to or more than one-third of his allotment.

This amendment advances the application date from the 10th to the first day of the month preceding the beginning of the allotment period and removes the general limitation on the acquisition of sugar by industrial users.

Advancing the regular application date will result in earlier issuance of allotments to industrial users, thus permitting them to buy sugar in advance of the customary time. Due to the continued depletion of box-car facilities and in anticipation that this year's expected record grain crop will add to the transportation problems just at the time when the heaviest sugar movement generally occurs, it is considered desirable to encourage industrial users to draw upon the existing stocks of their sugar suppliers earlier than would otherwise be possible. Increasing the flow of sugar from warehouses into industrial users' inventories will also release needed warehousing facilities for the incoming sugar crop.

The general limitation on the acquisition of sugar by industrial users is removed in order to enable them to purchase their entire allotment as soon as it is granted.

[F. R. Doc. 47-5310; Filed, June 2, 1947; 12:19 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

FORMS OF APPLICATION FOR USE BY PUBLIC

Subpart B, Part 01, is amended by adding a new § 01.103, reading as follows:

§ 01.103 *Forms of application for use by the public.* The following application forms are required by the National Park Service for use by the public in securing permission to exercise certain privileges in the areas of the National Park System. Except for the forms listed below, application for desired privileges in areas administered by the National Park Service may be made by letter or personal interview in accordance with the foregoing section. Application forms listed in this section may be obtained from the offices and areas indicated opposite each form as follows:

Description of form	Form No.	Where obtained
Application for baths, free bathhouses	10-31	Hot Springs National Park.
Application for seasonal camping permit, recreational demonstration areas.	10-347	Recreational Demonstration Areas.
Application for registration of physicians	10-601	Hot Springs National Park.
Application for permission to collect specimens of invertebrate animals, rocks, and minerals.	10-741	All areas, Director's Office, and Washington Liaison Office.
Application for private boat permit	10-752	Shasta and Millerton Lakes Recreational Areas.
Application for permission to take a motion or a motion and sound picture.	10-753	Grand Canyon National Park.
Application and permit for burial	10-754	Shenandoah National Park.
Application for special privileges	10-755	Natchez Trace Parkway.
Application to rent residence	10-756	Natchez Trace Parkway.
Application for special use permit	10-757	Blue Ridge Parkway.
Application for water service	10-758	Colonial National Historical Park.
Application for grazing permit	10-759	Grand Teton National Park.
Application for admittance of motor tour	10-760	Zion and Bryce Canyon National Parks.
Application for grazing permit	10-761	Zion and Bryce Canyon National Parks.
Application for permit to launch and operate private boat on Lake Mead.	10-762	Boulder Dam Recreational Area.
Application for permit to operate livery stock in Rocky Mountain National Park.	10-763	Rocky Mountain National Park.
Application for motorway use permit	10-764	Crater Lake National Park.
Application for free automobile admittance to Crater Lake National Park.	10-765	Crater Lake National Park.
Application to operate commercial passenger-carrying vehicle on the Colonial Parkway.	10-766	Colonial National Historical Park.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Issued this 21st day of May 1947.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 41-5192; Filed, June 2, 1947; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO CERTAIN FOREIGN COUNTRIES

In Subpart B of Part 21 (39 CFR) make the following changes:

1. The regulations under the country "Union of Soviet Socialist Republics" are amended to read as follows:

UNION OF SOVIET SOCIALIST REPUBLICS

Regular mails. See Table No. 1, § 21.116 (39 CFR, Part 21) for classifications, rates, weight limits and dimensions: Small packets not accepted.

Indemnity. Not exceeding $16.33 for Postal Union Registered articles.

Special delivery. No service.

Money-order service. No provision.

Air mail service. Postage rate, 15 cents one-half ounce.

Observations. The postal administration of the Union of Soviet Socialist Republics has advised that a large number of newspapers from abrond arrive in that country without address, due to the fact that the wrappers are generally made of paper not strong enough to withstand the long voyage and repeated handlings, and must therefore be sent to the dead letter office by that service; and has requested that publishers use only very strong paper for making address wrappers and that the address be reproduced on the article itself, in order to insure its delivery in case the wrapper is torn off en route.

The following regulations govern the admission of "prints" containing literary publications and fashion journals addressed to private individuals:

Fashion journals sent singly to state enterprises engaged in garment making or the sale of clothing, or to private individuals, are admitted without hindrance: *Provided*, That the regulations in force relative to printed matter are observed.

Printed articles containing fashion journals addressed to private persons are to be delivered to the addressees only if the respective licenses are presented, regardless of the sender (private person or firm). If such licenses are not submitted, the articles in question will be returned to origin.

Articles of printed matter and any other articles containing periodical or nonperiodical literature, sent by bookstores or other firms to individuals are admitted without a license only if they contain a single copy of each publication (book, magazine, or newspaper).

Packages containing seeds, plants, and parts of plants intended for propagation are subject, after their arrival in the Union of Soviet Socialist Republics, to an examination by the Quarantine Inspection Service which shall decide whether or not such shipments are admissible. Shipments which do not conform to the regulations will either be returned to the country of origin or destroyed.

Prohibitions. Dutiable articles (merchandise) in letters and packages prepaid at letter rate.

Values payable to the bearer, coins, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry and other precious articles.

The importation by mail in the Union of Soviet Socialist Republics of State bank notes of the country named, of Treasury notes and specie of that country, is prohibited.

It is also forbidden to import means of payment (drafts, etc.) made up in money of the Union of Soviet Socialist Republics, with the exception of checks and other remittances made up in money of the Union of Soviet Socialist Republics to the open accounts current in the credit establishments of the Union of Soviet Socialist Republics expressly for accounts relative to foreign commerce; checks and other remittances to the accounts of foreign correspondents in the credit establishments of the Union of Soviet Socialist Republics ("Loro" accounts), as well as travelers' checks of the State Bank of the Union of Soviet Socialist Republics.

The importation by mail of foreign obligations of public loans, as well as of stocks and obligations of foreign State establishments and enterprises, public and private; and of coupons, is admitted if a permit is presented from the Values Section of the People's Commissariat for Finance of the Union of Soviet Socialist Republics at Moscow.

The prohibition against importing Soviet State bank notes and Soviet treasury notes and species, as well as means of payment (drafts, etc.) in Soviet money, does not extend to those which were exported from the Union of Soviet Socialist Republics up until August 1, 1926.

Anyone desiring to send such values by mail is bound to present in advance to the administration of values of the People's Commissariat for Finance of the Union of Soviet Socialist Republics the respective proofs as to the date of exportation of the said values, and must obtain the opinion of the said administration that the proofs are sufficient.

The importation by mail of sight drafts drawn in money of the Union of Soviet Socialist Republics and exported with the permission of the Values Section of the People's Commissariat for Values is admitted without restriction as to the amounts, and independently of the date of their exportation abroad.

Void paper values, obligations issued by private persons, companies, and cities.

Mail articles of all kinds destined for the Union of Soviet Socialist Republics, in which the inclusion of various values and securities has been effected without observing the above conditions, will be confiscated.

The importation from foreign countries of bank notes of the former Polish Bank, as well as bills of the state treasury and coins of the former Government of Poland, is prohibited.

Documents, prints, engravings, photographs, films, manuscripts, drawings, and designs, which may injure the Union of Soviet Socialist Republics politically or economically.

Prints, engravings, photographs, films, manuscripts, drawings, designs, photographs, printing plates, phonograph records, and materials for their manufacture, may be admitted, provided they have been previously authorized by the Soviet Government.

On imported prints it is also temporarily prohibited to correct mistake in printing, or to bring out, by means of point or dashes, traced by hand or machinery, and isolated words or sentences.

Postage stamps, cancelled or not, philatelic collections, bonds, and bills of exchange, no longer valid, when sent by mail to private individuals.

Articles containing match-box labels for collectors may be imported without special license only when they contain but a single specimen of each kind. If more than one specimen of a kind is inclosed, a special permit must be obtained from the People's Commissariat for Foreign Commerce.

The articles prohibited importation are also prohibited transmission through the country.

Also all articles prohibited in the form of parcel post.

Parcel post. (Union of Soviet Socialist Republics.)

[Rates include transit charges]

UNION OF SOVIET SOCIALIST REPUBLICS IN EUROPE

Pounds:	Rate	Pounds:	Rate
1	$0.59	12	$2.34
2	.73	13	2.48
3	.81	14	2.62
4	.95	15	2.76
5	1.09	16	2.90
6	1.23	17	3.04
7	1.37	18	3.18
8	1.44	19	3.32
9	1.58	20	3.46
10	1.72	21	3.60
11	1.86	22	3.74

UNION OF SOVIET SOCIALIST REPUBLICS IN ASIA

Pounds:	Rate	Pounds:	Rate
1	$1.25	12	$3.64
2	1.39	13	3.78
3	1.47	14	3.92
4	1.61	15	4.06
5	1.75	16	4.20
6	1.89	17	4.34
7	2.03	18	4.48
8	2.10	19	4.62
9	2.24	20	4.76
10	2.38	21	4.90
11	2.52	22	5.04

Weight limit: 22 pounds.
Customs declarations: 3 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d: No.
Exchange office: New York.

Storage charges. See § 21.98 (39 CFR, Part 21) relative to storage charges on returned parcels.

Indemnity. No provision.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Observations. Parcels containing used clothing and used shoes are admitted only on the condition that the articles are fit for use and are accompanied by certificates from a commercial firm attesting that the said articles have been subjected to disinfection. The certificates must be dated and the relative articles should be mailed as soon after such date as possible. The wrapper of each such parcel must be endorsed to indicate that the certificate of disinfection is enclosed. Parcels not accompanied with disinfection certificates will be returned to origin.

Parcels, even though containing used clothing, are delivered to the addressee only upon the payment of the customs duties levied thereon.

The customs declaration accompanying a parcel for personal use shall contain besides the usual information, a note indicating that the parcel is absolutely intended for the personal use of the addressee and has no commercial value for the sender.

In case of discovery, in parcels for personal use and parcels of merchandise, or articles concealed against customs inspection or not indicated in the customs declarations, not only the said articles, but the entire parcel in which they are found, will be confiscated. Prohibited articles listed on the customs declaration are returned to origin; those not listed are confiscated.

Prohibitions. All parcel-post packages, regardless of weight, if they contain articles with a mercantile value, are delivered to the addressees only upon the presentation of permits issued by a Commissariat of Foreign Trade or its branches.

Parcel-post packages not forwarded for commercial purposes, and containing only such articles as shown in the following list in quantities not exceeding those indicated therein, are admitted importation without production of a permit from the People's Commissariat for Commerce.

LIST OF ARTICLES ALLOWED TO ENTER WITHOUT A PERMIT WHEN INTENDED FOR PERSONAL USE:

List of Articles and Gross Weight Limit or Total Number of Articles Per Year

Absorbent and antiseptic cotton: 2 pounds.
Articles of gold, silver, and platinum: 22 pounds.
Bags, reticules, purses, and brief cases: 1 piece of each kind.
Books, pictures, maps, sheet music, and other prints, with the exception of fashion magazines: 2 copies of each title.
Capers: 2 pounds.
Cheese, margarine: 6 pounds.
Cod-liver oil, transparent (Medicinal): 4 pounds.
Colors in the form of tablets or powder, in boxes, cups, tubes, or capsules, mixed India ink: 7 ounces of each color.
Compound pharmaceutical products, medicines and medicinal preparations, in doses or quantities in doctors' prescriptions: 2 pounds.
Confectionery, pastry, biscuits, spiced rolls, aromatic pellets for chewing, condensed and preserved milk and cream: 11 pounds.
Cooking or table salt: 11 pounds.
Cosmetics and perfumes: 1 piece of each kind, 1 pound in all.
Cut tobacco and its products: 2 pounds.
Dried or ground mustard: 4 pounds.
Dried vegetables: 11 pounds.
Eyeglasses: 1 pair.
Fish and caviar: 11 pounds.
Flints for lighters: 1 ounce.
Flour and gruel for infants of the Nestle, Kufke, and Hercules types: 11 pounds.
Foodstuffs hermetically sealed (conserved), prepared mustard, soya and other condiments, pastes packed in any manner: 2 boxes of each kind, 11 pounds in all.
Footwear: 1 pair.
Fruits and berries dried, 11 pounds.
Fruits and berries in oil or vinegar: 2 boxes of each kind, 11 pounds in all.
Gloves: 3 pairs.
Ground chicory: 4 pounds.
Ground cocoa: 2 pounds.
Haberdashery and toilet articles, i. e. cigarette holders, pipes, cigar holders, ash trays, lighters, match boxes, boxes, fans, bracelets, earrings, rings, watch chains, soap boxes, shaving brushes, hair brushes, combs (large and fine toothed): 1 article of each kind.
Hats, bonnets, and caps, prepared and made up: 2 pieces.
Honey, maltose and malt extracts, potato molasses, refined sugar molasses, grape sugar or starch sugar, sugar sirups: 11 pounds.
Knitted goods: 1 knitted suit; other articles, 1 piece or 1 pair of each kind.
Linen (body, table, and bed), made-up clothing, and pillow cases: 1 suit (man's suit may have 2 pairs of pants); body linen, 6 suits; bed linen, 2 pieces each kind; table linen, 1 set (6 napkins, 1 tablecloth); 1 pair suspenders; 3 neckties; 2 pillowcases.
Live plants, flower bulbs, rhizomes, and roots of decorative and floral plants; flowers, leaves, and other parts cut from plants used for decoration: 11 pounds.
Malt: 11 pounds.
Meat extracts (condensed bouillon): 11 pounds.
Mineral waters, natural and artificial: 11 pounds.
Mushrooms: 11 pounds.
Needles of all kinds: 1 ounce.
Office, drawing, and painting supplies: 1 dozen pencils.
Optical, physical, and medical instruments for sick persons (protheses, artificial eyes, surgical corsets, apparatus for the deaf, etc.), on prescription of Soviet doctors: 1 article or 1 set.
Razor blades: 1 dozen.
Razors of all kinds; hair clippers: 1 piece of each kind.
Roasted and ground coffee: 2 pounds.
Samples of products and materials not having a salable value addressed to State and cooperative institutions, or to representatives of foreign firms: 22 pounds.
Seeds of all kinds, with the exception of cottonseed: 1 pound.
Spectacles and nose glasses: 1 pair of either kind.
Spices; vanilla, saffron, pepper, cinnamon, cloves, etc.: 1¾ ounces of each kind.
Starch, dextrine, and leiocome: 11 pounds.
Tableware; crockery, porcelain, and glass: 11 pounds.
Toys: 2 pieces or 2 complete sets or games.
Umbrellas and umbrella canes: 1 piece.
Vermicelli and macaroni: 4 pounds.
Vinegars of all kinds, with the exception of vinegar for toilet purposes: 11 pounds.

Parcels not coming within the exemptions above referred to will be admitted only upon production of the permit of importation delivered by the People's Commissariat for Commerce, or for want thereof, they will be returned to their origin.

The Postal Administration of the Union of Soviet Socialist Republics has advised that in addition to the articles listed above, it is permissible to send, until the end of 1947, the following foodstuffs:

List of Articles and Gross Weight Limit or Total Number of Articles per Year

Flour: No limit.
Gruel (cereals to be cooked, such as oatmeal, rice, cream of wheat, etc.): No limit.
Fatty substances: No limit.
Sweets (candy, sugar, chocolate, etc.): No limit.

Parcel-post packages meeting the provisions above mentioned are delivered to the addressee upon payment of the customs duties. Each parcel containing such articles in quantities exceeding those specified, is also admitted but charges with five times the amount of duties for the excess besides the ordinary customs charges.

If the addressee abuses the facilities granted to receive parcels for personal use by receiving parcels of commercial value, he will be prosecuted by the civil courts.

Articles considered as parcels intended for commercial use are:

(a) Those sent by a commercial firm to another commercial firm.

(b) Those sent by an individual to a commercial firm.

(c) Those sent by a commercial firm to an individual.

(d) Parcels having the character of a collective shipment even when intended for several persons when each of these addressees, taken as an individual, is not to receive articles in excess of those provided for above for his or her personal use.

Parcels addressed to State institutions or cooperative associations are admitted without the presentation of an importation permit delivered by the People's Commissariat for Commerce or by its offices, only in case they contain samples without commercial value. No such permit delivered by the People's Commissariat, or its offices is required for parcels addressed to universities (clinics, scientific studies, and laboratories) and other scientific institutions of higher learning as well as to their laboratories and to their scientific studies, and containing books or apparatus and instruments necessary to instruction and study.

Arms, parts of military equipment (including field glasses), parts of airships, portions of machine guns, etc.; playing cards of all kinds; anamirta fish berries (Baccae cocculi indici); double-bottomed containers and other receptacles with secret compartments; labels and all sorts of envelopes and packing materials, such as bottles, etc., bearing foreign trade-marks, sent apart from the goods for which intended; blue vitriol of all kinds.

The following articles may be dispatched in the parcel-post mails under the following conditions:

Hunting arms are admitted upon official permit from the Soviet Government.

Medicines addressed to private persons are admitted only under orders by doctors of the public health commissariat.

Live plants or their parts, such as roots, cuttings, branches, or even leaves, must be accompanied by the following documents, to be attached to the customs declarations:

(1) A special declaration signed by the sender (a) certifying that the contents of the parcel actually come from his establishment; (b) indicating the place of destination and the address of the addressee; (c) certifying that the parcel contains no grapevines; (d) certifying that the plants sent do not contain any harmful insects and are not affected by diseases; (e) indicating that the parcel does not contain any plants with clods of earth; (2) a phylloxera certificate attesting (a) that the plant sent comes from a place situated at least 20 meters from any grapevine or separated from it by some obstacle preventing the extension of the roots; (b) that there are no grapevines in the establishment in question; (c) that no grapevines are stored therein; (d) that, if stocks infected by phylloxera were formerly found in the said establishment, experience for 3 years after pulling up all the roots and poisoning the ground has shown the complete destruction of the phylloxera; (e) that the plants imported do not contain any harmful insects and are not infected with diseases.

Parcels containing seeds, plants, and parts of plants destined for planting are subject on arrival in the U. S. S. R. to expert inspection by the Quarantine Inspection Service, which decides whether or not they will be admitted. Accordingly, the seeds, plants, and parts of plants in question may be returned to origin, or even destroyed if necessary.

Cotton may not be addressed to the cotton districts unless a certificate is presented attesting that it is not infested by harmful insects. These certificates are delivered to the senders when previously requested of the competent authorities.

By the word "cotton" is meant: All raw cotton, unmanufactured cotton wool, as well as cotton waste obtained at the time of spinning, and other waste of any kind known under any commercial name.

Cottonseed, bolls, and plants must be disinfected at the expense of the addressee.

In case that the addressee refuses to pay for disinfection, the parcel, at the expiration of the period fixed, is returned to origin.

All parcels containing meat and any meat products, as well as smoked meat, sausages, and other mixtures of meat prepared by means of heat, are subject to veterinary sanitary inspection.

In accordance with this provision, each parcel whose contents consist wholly or partially of the products mentioned in the preceding paragraph must be accompanied by a veterinary certificate containing the following information:

(a) Nature of contents.

(b) Weight.

(c) Names and addresses of sender and addressee.

(d) A statement that the contents comes from animals subjected to veterinary inspection and which were healthy at the time of butchering; that they contain no antiseptic substance; and that they are prepared and shipped in accordance with the requirements of alimentary hygiene.

(e) Signature of official veterinarian, confirmed by an official seal.

NOTE: Parcels received without veterinary certificates may be destroyed.

Those articles which are prohibited or admitted conditionally in the regular mails are likewise prohibited or admitted conditionally when sent in the parcel-post mails.

2. The regulations under the country "Estonia" are amended to read as follows:

ESTONIA

NOTE: The regulations mentioned below are as prescribed by the Soviet authorities who are, as a practical matter, in a position to refuse the entry into Estonia of mail unless such mail complies with the Soviet postal regulations.

Regular mails. See Table No. 1, § 21.116 (39 CFR, Part 21) for classifications, rates, weight limits, and dimensions. Small packets not accepted.

Indemnity. Indemnity not exceeding $16.33 for Postal Union Registered Articles.

Special delivery. No service.

Air mail service. Postage rate, 15 cents one-half ounce.

Money-order service. No provision.

Observations. Same as those governing mail service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." should be included as part of the address of mail articles.

Prohibitions. Same as those governing parcel post service with the Union of Soviet Socialist Republics.

Parcel Post. (Estonia.)

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.59	12	$2.34
2	.73	13	2.48
3	.81	14	2.62
4	.95	15	2.76
5	1.09	16	2.90
6	1.23	17	3.04
7	1.37	18	3.18
8	1.44	19	8.32
9	1.58	20	3.46
10	1.72	21	3.60
11	1.86	22	3.74

Weight limit: 22 pounds.
Customs declarations: 3 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. O. D.: No.
Exchange office: New York.

Indemnity. No provisions.

Storage charges. See § 21.98 (39 CFR, Part 21) relative to storage charges on returned parcels.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Observations. Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." should be included as part of the address of mail articles.

Prohibition. Same as those governing parcel post service with the Union of Soviet Socialist Republics.

3. The regulations under the country "Latvia" are amended to read as follows:

LATVIA

NOTE: The regulations mentioned below are as prescribed by the Soviet authorities who are, as a practical matter, in a position to refuse the entry into Latvia of mail unless such mail complies with the Soviet postal regulations.

Regular Mails. See Table No. 1, § 21.116 (39 CFR, Part 21), for classifications, rates, weight limits, and dimensions. Small packets not accepted.

Indemnity. Not exceeding $16.33 for Postal Union Registered Articles.

Air mail service. Postage rate, 15 cents one-half ounce.

Special delivery. No service.

Money-order service. No provision.

Observations. Same as those governing mail service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." should be included as part of the address of mail articles.

Prohibitions. Same as those governing mail service with the Union of Soviet Socialist Republics.

Parcel Post. (Latvia).

[Rates include transit charges]

Pound:	Rate	Pound:	Rate
1	$0.59	12	$2.34
2	.73	13	2.48
3	.81	14	2.62
4	.95	15	2.76
5	1.09	16	2.90
6	1.23	17	3.04
7	1.37	18	3.18
8	1.44	19	3.32
9	1.58	20	3.46
10	1.72	21	3.60
11	1.86	22	3.74

Weight limit: 22 pounds.
Customs declarations: 3 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. O. D.: No.
Exchange office: New York.

Indemnity. No provisions.

Storage charges. See § 21.98 (39 CFR, Part 21) relative to storage charges on returned parcels.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Observations. Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." should be included as part of the address of parcels.

Prohibitions. Same as those governing parcel post service with the Union of Soviet Socialist Republics.

4. The regulations under the country "Lithuania" are amended to read as follows:

LITHUANIA

NOTE: The regulations mentioned below are as prescribed by the Soviet authorities who are, as a practical matter, in a position to refuse the entry into Lithuania of mail unless such mail complies with the Soviet postal regulations.

Regular mails. See Table No. 1, § 21.116 (39 CFR, Part 21) for classifications, rates, weight limits, and dimensions. Small packets not accepted.

Indemnity. Not exceeding $16.33 for Postal Union Registered Mail.

Air mail service. Postage rate, 15 cents one-half ounce.

Special delivery. No service.

Money-order service. No provision.

Observations. Same as those governing mail service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." should be included as part of the address of mail articles.

Prohibitions. Same as those governing mail service with the Union of Soviet Socialist Republics.

Parcel Post. (Lithuania):

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.59	12	$2.34
2	.73	13	2.48
3	.81	14	2.62
4	.95	15	2.76
5	1.09	16	2.90
6	1.23	17	3.04
7	1.37	18	3.18
8	1.44	19	3.32
9	1.58	20	3.46
10	1.72	21	3.60
11	1.86	22	3.74

Weight limit: 22 pounds.
Customs declarations: 3 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. O. D.: No.
Exchange office: New York.

Storage charges. See § 21.98 (39 CFR, Part 21) relative to storage charges on returned parcels.

Indemnity. No provisions.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Observations. Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." should be included as part of the address of parcels.

Prohibitions. Same as those governing parcel post service with the Union of Soviet Socialist Republics.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-5191; Filed, June 2, 1947; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2325]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO DIRECTOR IN SPECIFIED MATTERS

1. The introductory portion of paragraph (a) of § 4.275 (see Order No. 2238, 11 F. R. 9080) and subparagraphs (12), (27), (36), (37), and (39) of that paragraph are amended, and new subparagraphs numbered from (46) to (57), inclusive, are added to paragraph (a), all to read as follows:

§ 4.275 *Functions with respect to various statutes.* (a) The Director of the Bureau of Land Management, and the several regional administrators and district managers of that bureau when authorized to do so by an order of the Director published in the FEDERAL REGISTER, may act in relation to the following classes of matters without obtaining Secretarial approval, unless the Secretary in any particular determines otherwise, and subject in any event to an appeal to the Secretary according to the rules of practice (43 CFR, Part 221):

* * * * *

(12) Applications for selections of land by States under 43 CFR, Parts 270 and 271, including the approval of clear lists under those regulations and section 2449 of the Revised Statutes (43 U. S. C. 859).

* * * * *

(27) Execution of agreements for payment, because of drainage, of compensatory royalties.

* * * * *

(36) Sales of isolated or rough and mountainous tracts under section 2455 of the Revised Statutes, as amended (48 Stat. 1269, 1274; 43 U. S. C. 1171), in accordance with existing policies.

(37) Applications for exchanges under 43 CFR, Parts 146, 147, and 149 to 152, inclusive, and the approval of such applications.

* * * * *

(39) Applications for permission to film motion or sound pictures with respect to areas under the jurisdiction of the Bureau of Land Management, in accordance with 43 CFR, Part 5.

* * * * *

(46) Applications for the lease or sale of lands in the Matanuska Valley, Alaska, under the act of October 17, 1940 (54 Stat. 1191; 48 U. S. C. 353 note), including the approval of such applications, and the issuance, assignment, modification or cancellation of such leases.

(47) Applications for the exchange of reclamation lands under the act of March 4, 1915 (38 Stat. 1215, 43 U. S. C. 447) and under section 44 of the act of May 25, 1926 (44 Stat. 648; 43 U. S. C. 423c), including their approval.

(48) Applications and permits for the development of underground water in Nevada under 43 CFR, Part 234.

(49) Applications for selections of lands by the States of Utah and Arizona for miners' hospitals under the act of February 20, 1929 (45 Stat. 1252), including the approval of clear lists.

(50) The modification or revocation of Departmental orders as to the application to particular lands of the Executive order of April 17, 1926, creating Public Water Reserve No. 107.

(51) Applications for preference right leases to entrymen, or patentees or assigns where the lands are on a producing structure, under section 20 of the act of February 25, 1920 (41 Stat. 437, 445; 30 U. S. C. 229), the issuance of such leases, and consolidations, modifications, revocations and cancellations relating thereto.

(52) Applications for coal leases under sections 2 to 8, inclusive, of the act of February 25, 1920 (41 Stat. 438; 30 U. S. C. 201, 202–208), the issuance and renewal of such leases, and consolidations, modifications, revocations and cancellations relating thereto.

(53) Applications for coal permits in Alaska under the act of March 4, 1921 (41 Stat. 1363; 48 U. S. C. 444) and applications for coal leases in Alaska under the act of October 20, 1914 (38 Stat. 741; 48 U. S. C. 432 to 445, 446 to 452), the issuance of such permits and leases, the award and renewal of leases, and consolidations, modifications, revocations and cancellations relating thereto.

(54) Applications for oil and gas noncompetitive leases and the offering of units and the acceptance of bids for competitive oil and gas mineral leasing in acquired lands transferred to the Department of the Interior from the Department of Agriculture by the President's Reorganization Plan No. 3 of 1946 and in acquired lands under the jurisdiction of the bureaus and other agencies of the Department of the Interior, except Indian lands; the issuance of such leases and the approval of assignments or royalty interests therein, operating agreements and assignments of such agreements, and subleases; the execution of agreements for payment, because of drainage, of compensatory royalties; the acceptance of surrenders of parts or all of such leases and the cancellation of such leases; and the approval of all bonds filed in connection with leases of this kind.

(55) Applications for water well leases pursuant to section 40 of the Mineral Leasing Act (48 Stat. 977; 30 U. S. C. 229a); and 30 CFR 241.6, and the issuance, assignment, modification or cancellation of such leases.

(56) Waiver of the 160-rod restriction as to length of claims or restoration to

entry and disposition of the reserved shore spaces in Alaska, under the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372).

(57) The execution, modification, rescinding, terminating and extending of contracts for the protection of the public domain, including the Oregon revested and reconveyed lands from fire.

2. Paragraph (b) of § 4.275 is relettered (c), and a new paragraph (b) reading as follows is added to the section:

(b) The Director of the Bureau of Land Management, and the several regional administrators and district managers of that bureau when authorized to do so by an order of the Director published in the FEDERAL REGISTER, may classify under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269, 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315f), or pursuant to other laws, land as being suitable for the following types of disposition, without obtaining Secretarial approval, unless the Secretary in any particular matter determines otherwise, and subject in any event to an appeal to the Secretary according to the rules of practice (43 CFR, Part 221):

(1) Under the homestead laws or the desert land laws.

(2) As an isolated or rough and mountainous tract under section 2455 of the Revised Statutes as amended (48 Stat. 1269, 1274; 43 U. S. C. 1171).

(3) Under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a).

(4) Exchanges under 43 CFR, Parts 146, 147 and 149 to 152, inclusive.

(5) Indian allotments, with the concurrence of the Commissioner or Assistant Commissioner of Indian Affairs.

(6) Leasing for public airport purposes under the act of May 29, 1928 (45 Stat. 728; 49 U. S. C. 211), as amended.

(7) Under 43 CFR, Part 234, relating to the development of underground water in Nevada.

(8) Under the act of February 20, 1929 (45 Stat. 1252), providing for selections by the States of Utah and Arizona for miners' hospitals.

(9) Under 43 CFR, Part 270, relating to selections by States under grants for educational, institutional, and park purposes.

(10) Lands in abandoned military reservations, either under section 2 of the act of July 5, 1884 (23 Stat. 103; 43 U. S. C. 1072), or under section 2455 of the Revised Statutes, as amended (48 Stat. 1269, 1274; 43 U. S. C. 1171).

(11) Under 43 CFR, Parts 130 to 133, inclusive, relating to certificates or scrip.

(12) Under 43 CFR, Parts 253 and 254, relating to parks, cemetery, or recreational sites.

3. Section 4.279 relating to fire protection contracts, contained in Order No. 2254 of September 19, 1946 (11 F. R. 10770), is revoked.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201; Reorg. Plan No. 3, 1946, 11 F. R. 7875)

J. A. KRUG,
Secretary of the Interior.

MAY 24, 1947.

[F. R. Doc. 47-5193; Filed, June 2, 1947; 8:45 a. m.]

[Order 2326]

PART 4—DELEGATION OF AUTHORITY

BUREAU OF INDIAN AFFAIRS, FUNCTIONS RELATING TO TRIBAL ORDINANCES AND RESOLUTIONS

The following section is added to Part 4:

§ 4.716 *Functions relating to tribal ordinances and resolutions.* (a) To the extent indicated in this section, the Commissioner of Indian Affairs is authorized to exercise the powers and to perform the duties of the Secretary of the Interior with respect to passing upon tribal ordinances or resolutions adopted, subject to Secretarial review or approval, pursuant to constitutions approved or charters issued under section 16 or section 17 of the act of June 18, 1934, as amended (25 U. S. C. 476, 477).

(b) The Commissioner of Indian Affairs may approve any such ordinance or resolution which in his judgment, is not inconsistent with the provisions of any act of Congress or of any treaty or of the tribal constitution or charter under which the ordinance or resolution was adopted, and such approval shall have the same force and effect as if given by the Secretary of the Interior. As used in this paragraph, the word "approve" includes, but is not limited to, the confirmation of an approval given by a subordinate official and the rescission of a disapproval given by a subordinate official.

(c) The Commissioner of Indian Affairs shall forward to the Secretary of the Interior, with his recommendation, any such ordinance or resolution which he believes to be inconsistent with an act of Congress or with a treaty or with the tribal constitution or charter under which the ordinance or resolution was adopted, or which, in his opinion, should be disapproved or rescinded for any other reason.

(d) In subdelegating, pursuant to § 4.725, the powers and duties vested in him by this section, the Commissioner of Indian Affairs shall not, where a tribal constitution or charter provides for the consideration of ordinances or resolutions by the local superintendent or other specified official of the Bureau of Indian Affairs, subject to Secretarial review, delegate power with respect to such ordinances or resolutions to the official originally passing upon such ordinances or resolutions.

(e) The authority delegated to the Commissioner of Indian Affairs in this section is in addition to, and not a limitation upon, other delegations of authority made to the Commissioner. (R. S. 161, 463; Pub. Law 687, 79th Cong.; 5 U. S. C. 22, 25 U. S. C. 2)

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 26, 1947.

[F. R. Doc. 47-5195; Filed, June 2, 1947; 8:46 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For amendments of the list of delegations of authority contained in §§ 50.75 to 50.81, inclusive, see F. R. Doc. 47-5193 under Part 4 of this title, *supra*, delegating to the Director, regional administrators, and district managers of the Bureau of Land Management certain functions with respect to various statutes, and revoking certain provisions concerning fire protection contracts.

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 41 and 61]

AIR CARRIER FLIGHT ENGINEERS

MINIMUM RECENT EXPERIENCE REQUIREMENTS

MAY 28, 1947.

The Safety Bureau of the Civil Aeronautics Board is presenting proposed amendments to Parts 41 and 61 of the Civil Air Regulations specifying the minimum recent experience a flight engineer is required to have before he may serve in air carrier operation.

The proposed amendments have not been considered by the Board and are being published to provide an opportunity for those interested to submit any comments, suggestions, or changes which they believe desirable. The Safety Bureau will give careful consideration to all replies received and, after making any changes which appear to be appropriate, will present the proposed amendments to the Board for adoption. Any substantial objections to this proposal will be brought to the attention of the Board.

These amendments, in addition to supplying the requirements specified by ICAO, furnish a means to insure continued competency, and provide the requirements for checkout in a new make or model of aircraft.

The proposed amendments are as follows:

§§ 41.322 and 61.561 *Qualification for duty.* An airman shall not serve as a flight engineer unless he has:

(a) Within the preceding 12-month period had at least 50 hours of experience as a flight engineer on the make and model aircraft on which he is to serve, or

(b) Familiarized himself with all current information and operating procedures relating to the make and model aircraft to which he is to be assigned and has demonstrated his competency on such aircraft to an authorized representative of the Administrator.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON, *Director.*

[F. R. Doc. 47-5227; Filed, June 2, 1947; 8:49 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-606]

TENNESSEE GAS AND TRANSMISSION CO. AND CHICAGO CORP.

NOTICE OF OPINION AND ORDER DISMISSING, IN PART, PROCEEDING FOR WANT OF JURISDICTION

MAY 28, 1947.

Notice is hereby given that, on May 28, 1947, the Federal Power Commission issued its Opinion No. 150 and order entered May 27, 1947, dismissing, in part, proceeding for want of jurisdiction in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5222; Filed, June 2, 1947; 8:49 a. m.]

[Docket No. IT-6060]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

MAY 28, 1947.

Notice is hereby given that, on May 22, 1947, the Federal Power Commission issued its order entered May 22, 1947, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5220; Filed, June 2, 1947; 8:48 a. m.]

[Project No. 1888]

METROPOLITAN EDISON CO.

ORDER ENLARGING ISSUES

Upon consideration of an application filed December 6, 1944, by Metropolitan Edison Company for a rehearing on the Commission's order of November 7, 1944 authorizing the issuance of a license for a constructed power project on the Susquehanna River near York Haven, Pennsylvania, Project No. 1888;

It appearing that:

(a) Among other items applicant objected to the requirement prescribed in paragraph (B) of said order that amortization reserves created pursuant to section 10 (d) of the Federal Power Act should be set aside from earnings "received in any calendar year," whereas applicant says that such reserves should be set aside only from "accumulated" earnings or earnings averaged over a reasonable period;

(b) The amortization reserve is only one of several reserves which are to be deducted from the actual legitimate original cost of a licensed project when the net investment is determined under section 3 (13) of the act and such deductions from cost are to be made if and to the extent that they have been accumulated during the period of the license from earnings in excess of a fair return on the investment in the property;

(c) Consideration should be given to the inclusion of the following special condition in the license for Project No. 1888:

During the entire period of the license, all project earnings in excess of a fair return upon the net investment in said project and which have not been appropriated to amortization, sinking fund, or similar reserves, shall be appropriated annually to a special reserve under Account 258.1, Amortization Reserve—Federal, the credit balance in such special reserve to be applied annually as a deduction from actual legitimate original cost in determining net investment in accordance with section 3 (13) of the act.

The Commission finds that:

The rehearing upon the license for Project No. 1888 should be reopened for the presentation of evidence and arguments with respect to the inclusion in the license of the special condition set forth in paragraph (c) above.

Upon its own motion the Commission orders that:

A public hearing on inclusion of the special condition set forth in paragraph (c) above be held in the Commission's Hearing Room on the 12th Floor of the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., beginning at 10 o'clock a. m. (e. d. s. t.) on July 28, 1947.

Date of issuance: May 28, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5221; Filed, June 2, 1947; 8:48 a. m.]

[Docket No. IT-6056]

SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER

MAY 26, 1947.

Notice is hereby given that pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 890) the Administrator of the Southwestern Power Administration filed with the Federal Power Commission, for approval, certain rates and charges for the sale of electric energy generated at the Denison Dam Project on the Red River between the States of Oklahoma and Texas, as set forth in a proposed agreement between Southwestern Power Administration, an agency of the Department of Interior, and Texas Power & Light Company.

The proposed agreement contains in its preamble the following paragraphs, among others:

Whereas, there is now allocated at the Denison Dam Project reservoir storage between elevation 590 feet and 617 feet for power production, and

Whereas, competent engineering studies, based upon the best available records of river flow, indicate that with one generating unit and the utilization of the reservoir capacity now allocated to power there can be produced at the Denison Dam Project 140,000,000 kwh of primary and an average of 78,000,000 kwh of secondary energy per year, with a second generating unit installed there can be produced the same amount of primary and an average of 127,000,000 kwh of secondary energy per year and with a third generating unit installed there can be produced the same amount of primary and an average of 156,000,000 kwh of secondary energy per year, and

Whereas, present estimates of primary and secondary energy that can be produced by the Denison Dam Project will probably be increased through the effects of integrated operation, and

Whereas, the amounts of the primary and secondary energy that can be produced by the Denison Dam Project might be changed by (a) a revision in the operating policy of the War Department, (b) the possible future construction of additional reservoir storage on the Red River above the Denison reservoir or (c) other factors entering into their destination. • • •

The agreement provides that the Government shall furnish the following services, among others, to the Company:

(a) Until the completion of the second generating unit at the Denison Dam, the continuation of the present delivery of 120,000,000 kwh primary energy per year taken at a rate not to exceed the capacity of the unit minus 5,000 kw plus such secondary energy as the Government elects to deliver to the Company.

(b) After the completion of the second generating unit, the delivery of 70,000,000 kwh of primary energy per year taken at a rate not to exceed the capacity of one unit plus half the secondary energy of the project, provided that when the reservoir level is below the top of the power storage allocation, the Company may schedule its receipt of secondary energy but it shall assume the responsibility for any loss by the Company of secondary energy by reason of the discharge of the water representing such stored energy in order to meet the requirements of flood control.

(c) After the completion of the third generating unit, the Government shall make half the capacity of such unit available to the Company except when such unit is required as reserve capacity for the other two units; in addition, the Government shall make the other half available except when needed for service to the Government's other customers, all of which is in addition to the capacity and energy covered by item (b), above.

The proposed agreement further provides that the Government shall have the right to take out of the Company's system, at any points designated by the Government, power and energy in wholesale quantities to serve its own customers, as authorized under section 5 of the Flood Control Act of 1944, subject to the following conditions:

(a) The parties agree that the right of the Government created by the contract to take power and energy out of the Company's system is primarily for the purpose of serving public bodies and cooperatives which have preference as to service under the Flood Control Act of 1944. The Government agrees that it will not dispose of any such power and energy to any customer outside such preferred class until after the expiration of 18 months from the date on which service begins. Should the Government thereafter dispose of such power and energy to a customer outside the preferred class, the Company may at its election terminate the agreement by three years' written notice.

(b) The maximum demand of the Government shall not exceed 20,000 kw until the third generating unit at the Denison Dam is installed and ready for commercial operation and 25,000 kw thereafter.

(c) The Government shall give the Company 30 days' written notice of its intention to take out of the Company's system power and energy and of the date on which such withdrawal shall begin.

(d) The Company shall not be required to deliver power and energy to the Government requiring the installation of new facilities until the Company shall have had reasonable time in which to install such facilities.

(e) The Company shall not be required to deliver power and energy to the Government or its customers for service in any town or municipality in which the Company is now serving or may hereafter serve customers at retail: *Provided*, That the Company may be required to deliver power and energy from the Company's 138-KV bus at its Payne Substation for delivery by the Government over the Government's own lines to such towns or municipalities now owning and operating their own electric distribution systems, subject to the provisions in the next paragraph.

(f) If the Government serves customers now or hereafter supplied by the Company excluding establishments operated by or for the account of the Government or rural electric cooperatives incorporated under the Texas Electric Cooperative Corporation Act and serving only customers authorized to be served under said act, the Government shall deduct from the Company's monthly payment a credit equal to the difference between the cost of such power and energy computed at the lowest then effective rate of the Government and the cost of such power and energy computed at the lowest then effective rate of the Company applicable to the service to such customers.

(g) The Company shall not be required to deliver power and energy to the Government or its customers for delivery to any customer of any other privately owned utility company having electric facilities directly interconnected with the transmission lines of the Company and purchasing power and energy from, or interchanging the same with, the Company.

The agreement further provides that the Government shall not at any time enter into contracts with customers or render service to its customers to an extent which will result in the maximum demand of the Government exceeding 20,000 kw until the third generating unit is ready for commercial operation, and 25,000 kw thereafter. The Company shall not be obligated to extend its facilities to or establish service to any additional customers or at any additional delivery points if this would result in the maximum demand of the Government exceeding the number of kilowatts specified above. In the event the maximum demand of the Government during any month shall exceed the specified number of kilowatts, the Company shall promptly notify the Government, and the Government shall within 30 days after receipt of such notice direct the Company to discontinue service to specified customers to the extent necessary to reduce the maximum demand of the Government to its specified number of kilowatts. In the event the Government does not so direct the Company within such period, the Company shall have the right to disconnect the necessary number of customers of the Government, and shall disconnect them in the reverse order of the dates of their existing contracts with the Government.

The proposed agreement further provides that the Government, upon request of the Company, shall operate any of the generating units at no load as condensers to the extent that such operation does not unreasonably interfere with the Government's commitments and operating practices.

The agreement further provides that the Company shall pay the Government for power and energy delivered into the Company's system $59,000 per month with one unit in operation and $52,000 per month with two units in operation, less $1.55 per kilowatt per month of the maximum demand of the Government for such month and less 4 mills per kilowatt for all the kilowatt hours of energy taken out of the Company's system by the Government in excess of 250 kilowatt hours per kilowatt of maximum demand of the Government for such month. "Maximum demand of the Government" for any month shall mean the total of the 30-minute demands of individual customers during the past 12 months' period adjusted for a power factor below 85 percent. The Company shall pay to the Government, moreover, for the period after all three generating units are available for commercial operation an additional sum of $6,000 per month. If all three generating units are not available for commercial operation during any month (excluding periods for inspection, maintenance and repairs scheduled in advance by mutual agreement of the parties), the $6,000 payment shall be ratably reduced.

The agreement further provides that in the event the amounts of the various classifications of energy presently determined by the Government to be available from the Denison Dam Project are changed at any time through the integration of the Denison Dam Project with other hydro-electric projects in the area, change in War Department policy in operation of the Denison reservoir, the construction of additional reserve storage in the Red River Basin above the Denison reservoir, or other factors affecting such amounts, the Government shall, not oftener than one a year excepting on its own volition, make a proper redetermination of such amounts and notify the Company promptly of the results thereof. If, after such redetermination, the Government notifies the Company that the primary energy available from the Denison Dam Project has been increased, the commitment of the parties for delivery and receipt of primary energy shall be increased by an amount equivalent to half this increase. Furthermore, if the Government finds that it has additional primary energy available for sale in Texas from the Denison Dam Project it may, at its election, increase the commitment of the parties for the delivery and receipt of primary energy as it may specify to the Company in writing; *Provided*, That the total of all increases in primary energy shall not exceed 30,000,000 kwh per year without the consent of the Company. In the event the amount of primary energy delivered to the Company is increased, as described above, or 70,000,000 kilowatt hours of primary energy per year are not available from the Denison Dam Project for sale in Texas, the Company's payment to the Government for power and energy shall be adjusted appropriately by 4 mills for each kilowatt hour that the primary energy delivered under this agreement differs from 70,000,000 kilowatt hours.

The agreement further provides that the Company shall take power and energy from the Government at the Company's Payne Substation at such power factor as will best serve the Company's

system; *Provided*, That the Company shall not intentionally impose any power factor on the Government's system which would overload or impair the Government facilities or unreasonably interfere with the Government's commitments. The Government, on the other hand, shall take power and energy from the Company at the power factor which the loads of the Government's customers impose on the Company's system.

The power and energy delivered by the Government into the Company's system shall be delivered as three phase alternating current at 60 cycles at 138-kv to the Company's Payne Substation. The Company shall deliver power and energy to the Government at such points on the Company's system which shall accord with the Company's usual wholesale practice.

The agreement further provides that in the event the Company disposes of any substantial part of its facilities it shall make adequate provision for delivery to the Government and its customers of so much of the power and energy as may be necessary to supply the requirements of the Government and its customers in the area served by these facilities. The Company shall not be obligated to install or construct new transmission or related facilities solely for the purpose of delivering power and energy to the Government or its customers, the cost of which would, in the opinion of the Company, result in an excessive financial burden to the Company and the Company shall not be required to furnish any transmission or related facilities which the Government could not construct or acquire under the authorization of the Flood Control Act of 1944 if funds therefor were provided by the Congress.

The agreement further provides for proper meter readings and adjustments.

The agreement further provides that the power and energy delivered by the Government to the Company's system and the power and energy delivered to the Government for its customers shall be made available continuously except for interruptions due to uncontrollable forces, or for temporary interruptions which in the opinion of the party owning the facilities in which such interruptions occur, may be necessary or desirable for purposes of maintenance, repairs, replacements, installation of equipment, investigations and inspections.

The agreement further provides that the existing contract between the parties dated May 3, 1944, as amended and modified, for the sale of power and energy shall terminate instantaneously with the beginning of service under this agreement.

The agreement further provides that the Company shall terminate any contract it has with any customer entitled to receive service from the Government under this agreement if requested to do so by such customer who has entered into a contract with the Government for the service covered by the Company's contract, but service shall continue under the terms of the Company's contract until service begins under the Government contract.

The agreement further provides that the failure of either party to pay to the other any amount due under this agreement shall entitle such other party to discontinue the delivery of power or energy upon giving 20 days' prior written notice to the defaulting party, unless such payment is made before the discontinuance of such delivery.

The agreement further provides that the performance of the Government's obligations hereunder is contingent upon the Congress making the necessary appropriations for the expenditures incident to the performance of this agreement.

The agreement further provides that it is the purpose of the parties that their system shall be so operated that power and energy shall not flow from the Company's system to points outside the State of Texas or from points outside the State of Texas into the Company's system.

The agreement further provides that it shall become effective upon the date of its execution, and service shall begin on the first day of the month following the date of the confirmation and approval of rates by the Federal Power Commission and shall remain in force and effect for a period of 20 years unless sooner terminated. Either party may terminate this agreement at any time by giving 6 years' written notice to the other party in advance of the effective date of termination thereof.

The agreement further provides that before the Government shall sell for use in the State of Texas, to any party other than the Company, any of the power and energy generated at the Denison Dam Power Plant, other than that delivered to the Company under this agreement, the Company shall have the opportunity to purchase such power and energy under terms and conditions similar to those provided in this agreement.

Any person desiring to make comments or suggestions for Commission consideration with respect to the proposed rates and charges set forth in the contract, the main provisions of which have been set out above, shall on or before June 18, 1947, submit such comments or suggestions in writing to the Federal Power Commission, Washington 25, D. C. The proposed contract agreement in its entirety is on file with the Commission and available for inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5223; Filed, June 2, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 197]

RECONSIGNMENT OF ONIONS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., May 24, 1947, by I. Meltzer & Son, of cars MDT 45999 and RD 24594, onions, now on the PRR to Joe Fierman, New York, N. Y.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5212; Filed, June 2, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 198]

RECONSIGNMENT OF CARROTS AT BALTIMORE, MD.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Baltimore, Md., May 26, 1947, by H. Rothstein, of car PFE 63163, carrots, now on the PRR to New York, N. Y. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5213; Filed, June 2, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 199]

RECONSIGNMENT OF ORANGES AT BUFFALO, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of paragraph (j) of Service Order No. 396 insofar as it applies to the reconsignment at Buffalo, N. Y., May 26, 1947, by Florida Citrus Exchange, of car MDT 3350, oranges, now on the N. Y., C. & St. L. RR., to Florida Citrus Exchange, Cleveland, Ohio (NKP).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5214; Filed, June 2, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 200]

RECONSIGNMENT OF APPLES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minn., May 26, 1947, of car FGE 43754, apples, now on the Great Northern Ry., to Auster Co., Milwaukee, Wis. (C. & N. W.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5215; Filed, June 2, 1947; 8:48 a. m.]

[S. O. 745]

UNLOADING OF CARS AT WEEHAWKEN, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of May A. D. 1947.

It appearing, that 8 cars containing various commodities, at Weehawken, New Jersey, on the Erie Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Cars at Weehawken, N. J., on Erie RR., be unloaded.* The Erie Railroad Company, its agents or employees, shall unload immediately the following cars, containing various commodities, on hand at Weehawken, N. J.:

Car initial and No.	Contents	Consignee
NYC 604473	Steel pipe	Asiatic Petroleum Co.
ATSF 174331	do	Do.
B&M 92413	do	Do.
NYC 637911	do	Do.
RI 8033	Freight bodies	Kramer Body & Equipment Co.
PRR 278099	do	Do.
DRGW 2359	Power shovel	Knickerbocker Export Co.
PR R335003	Freight bodies	Kramer Body & Equipment Co.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 29, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5209; Filed, June 2, 1947; 8:46 a. m.]

[S. O. 746]

UNLOADING OF AUTO PARTS AT JERSEY CITY, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of May A. D. 1947.

It appearing, that car PMCKY 91908 containing auto parts at Jersey City, New Jersey, on the Baltimore and Ohio Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Auto parts at Jersey City, N. J., be unloaded.* The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately car PMCKY 91908, containing auto chassis and parts, now on hand at Jersey City Terminal, Jersey City, New Jersey, consigned D. C. Andrews Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 29, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2)).

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5210; Filed, June 2, 1947; 8:46 a. m.]

[S. O. 747]

UNLOADING OF LUMBER AT RICHMOND, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its

office in Washington, D. C., on the 27th day of May A. D. 1947.

It appearing, that 5 cars containing lumber at Richmond, California, on the Southern Pacific Company have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Lumber at Richmond, Calif., be unloaded.* The Southern Pacific Company, its agents or employees, shall unload immediately cars Milw 66061, RI 90842, CB&Q 98084, CB&Q 91514 and NP 61386, on hand at Richmond, California, consigned G. C. Lumber Company, in care of Richmond Lumber Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 30, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice to this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5211; Filed, June 2, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2687]

TEXAS HYDRO-ELECTRIC CORP.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of May A. D. 1947.

Texas Hydro-Electric Corporation having filed an application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 thereunder, to withdraw its $3.50 Cumulative Preferred Stock, No Par Value, from listing and registration on the Chicago Board of Trade;

A hearing having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion and pursuant to section 12 (d) of said act;

It is ordered, That the application be, and hereby is, granted; *Provided*, That the withdrawal of this security from listing and registration shall not become effective until sixty days from the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5201; Filed, June 2, 1947; 8:47 a. m.]

[File No. 55-93]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of May A. D. 1947.

Notice is hereby given that various persons have filed applications with this Commission, pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 and Rule U-63 promulgated thereunder, for approval of the maximum amounts for which they may apply to the District Court of the United States for the District of Massachusetts, for fees and reimbursement of expenditures in connection with the prosecution of the claim of International Hydro-Electric System, a registered holding company, against International Paper Company, and the settlement thereof. Proceedings with respect to said International Hydro-Electric System, pursuant to section 11 (d) of said act, are now pending in said District Court.

All interested persons are referred to said applications, which are on file in the office of the Commission for a full statement of the claims for fees or for reimbursement of expenditures, which may be summarized as follows:

1. Bartholomew A. Brickley, Trustee of International Hydro-Electric System, together with Edward R. Langenbach and Samuel Hoar, his counsel—for fees, $500,000 less $70,000 already received, or $430,000; for disbursements, $2,691.34, or a total of $432,691.34.

2. Paul H. Todd, a holder of the Class A stock of International Hydro-Electric System, and Howell Van Auken, his counsel, for fees of Van Auken—$250,000 less $8,000 received on account, or $242,000; for disbursements of Todd, $21,611.14, or a total of $263,611.14.

3. Joseph Nemerov, representing Ethel Kresberg, Samuel Kresberg and other debenture holders—for fees, $150,000; for disbursements, $1,200, or a total of $151,200.

4. Hugh F. O'Donnell, Alexander Whiteside, and Warren, Garfield, Whiteside & Lamson, representing Paul H. Todd, Janet M. Condon and Osmond Y. Ladd, holders of the Class A stock of International Hydro-Electric System—for fees, $125,000.

5. Richard A. Sullivan, employed by Paul E. Todd and Howell Van Auken to make certain studies of the properties of International Hydro-Electric System—for fees $47,500; for disbursements, $590.14 or a total of $48,090.14.

6. Archibald Palmer, Friedman, Atherton, King & Turner, and Bennett E. Aron, representing Mildred Howard, a holder of the preferred stock of International Hydro-Electric System—for fees, $25,000; for disbursements, $169.27, or a total of $25,169.27.

7. Erwin N. Griswold, tax counsel to Bartholomew A. Brickley, Trustee—for fees, $15,000.

8. Paul A. Dever, Steinberg & Spelfogel, and Weinstein & Levinson, representing certain debenture holders—for fees, $6,000; and

The Commission deeming it appropriate in the public interest and in the interest of investors that a hearing be held with respect to said applications:

It is ordered, Pursuant to sections 11 (f) and 18 of said act that a hearing be held on said applications on June 10, 1947, at 10 a. m. (e. d. s. t.) at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and on such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all such powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of said applications and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the services and disbursements for which remuneration is asked are compensable.

2. Whether the maximum amounts, the approval of which are requested, are fair and reasonable, and if not, what maximum amounts should be fixed by the Commission.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with this proceeding, or proposing to intervene herein, shall file with the Secretary of the Commission on or before June 9, 1947 his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to the applicants herein, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Bartholomew A. Brickley, as Trustee, give further notice of this hearing by publishing a copy of this order not later than May 29, 1947, in two daily newspapers of general circulation, one published in Boston, Massachusetts, and one in New York, N. Y.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5200; Filed, June 2, 1947; 8:47 a. m.]

[File No. 68-85]

PHILADELPHIA CO.

ORDER ACCELERATING EFFECTIVENESS OF DECLARATION AND GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of May 1947.

In the matter of Roman Olesnicki, Frederick Peirce, Jr., and William A. McCormick, Jr., Protective Committee of Public Holders of no par Common Stock of Philadelphia Company, File No. 68-85.

A declaration and amendments thereto with respect to the solicitation of the holders of the publicly held no par value common stock of Philadelphia Company pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935 ("Act") and an application for an exemption pursuant to Rule U-100 promulgated under the act having been filed by Roman Olesnicki, Frederick Peirce, Jr., and William A. McCormick, Jr., members of a Protective Committee of Public Holders of no par value Common Stock of Philadelphia Company, a registered holding company and a subsidiary of Standard Gas and Electric Company, also a registered holding company; and

Said application for exemption pursuant to Rule U-100 reciting that certain partners of the firm of White & Williams of which James E. Riely, Esquire, and Thomas Raeburn White, Jr., Esquire, counsel for declarants, are members, serve as directors or trustees of and counsel for various financial, educational, charitable or similar institutions which either presently own or may hereafter desire to buy or sell stock or securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, or affiliated or associated companies; and

Said application further reciting that the partners of said firm of White & Williams have agreed that during the period of the proceedings with respect to Philadelphia Company, et al. (File Nos. 59-88 and 59-9) to refrain from the purchase or sale of securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, or its affiliated or associated companies and that the partners of said law firm who serve as directors have also agreed not to participate in any discussions of committees or boards of directors or trustees of such institutions with respect to the securities of Philadelphia Company, its parent, Standard Gas and Electric Company, or affiliated or associated companies; and

Said applicants-declarants having requested that the financial, educational, charitable or similar institutions as aforesaid be exempt from the application of subdivision g (2) of Rule U-62 promulgated under the act, with respect to the purchase or sale of securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, or affiliated or associated companies; and

The applicants-declarants herein having requested that the declaration, as amended, for the solicitation of the holders of the no par value common stock of Philadelphia Company be permitted to become effective prior to the effective date as provided for by the provisions of Rule U-62 (d); and

It appearing to the Commission that it is appropriate to accelerate the effectiveness of the declaration and application, as amended, filed pursuant to Rule U-62 and that the requirements of subdivision g (2) of Rule U-62, as applied to the aforesaid institutions are not necessary or appropriate in the public interest or for the protection of investors and consumers;

It is ordered, Pursuant to subdivision d (2) of Rule U-62 that said declaration, as amended, for the solicitation of the holders of the publicly held no par value common stock of Philadelphia Company, be, and the same hereby is, permitted to become effective forthwith; and

It is further ordered, Pursuant to Rule U-100 (a) that said application for the exemption of the financial, educational, charitable or similar institutions as aforesaid from the provisions of subdivision g (2) of Rule U-62 with respect to the purchase or sale of securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, or its affiliated or associated companies be, and the same hereby is, granted subject to the conditions contained in said application and declaration, as amended, and referred to above.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5197; Filed, June 2, 1947; 8:45 a. m.]

[File No. 68-87]

PHILADELPHIA CO.

ORDER ACCELERATING EFFECTIVENESS OF DECLARATION AND GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of May 1947.

In the matter of Roderick G. Kellett, George F. Tyler, Jr. and Robert S. Ingersoll, Jr., Philadelphia Company, Common Stockholders Protective Committee, File No. 68-87.

A declaration and amendment thereto with respect to the solicitation of the holders of the publicly held no par value common stock of Philadelphia Company pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935 ("Act") and an application for an exemption pursuant to Rule U-100 promulgated under the act having been filed by Roderick G. Kellett, George F. Tyler, Jr., and Robert S. Ingersoll, Jr., members of a Common Stockholders Protective Committee of Philadelphia Company, a registered holding company, and subsidiary of Standard Gas and Electric Company, also a registered holding company; and

Said application for exemption pursuant to Rule U-100 reciting that Charles I. Thompson, Esquire, counsel to said Committee, and certain of his partners in the law firm of Ballard, Spahr, Andrews & Ingersoll of Philadelphia, Pennsylvania, serve as directors of certain trust companies, saving fund societies, life insurance companies, educational institutions and hospitals, some of which presently hold, or may hereafter desire to acquire or sell, in trust or corporate capacities, securities issued by Philadelphia Company, its parent, subsidiary and associated companies; and

Said application further reciting that the partners of said law firm of Ballard, Spahr, Andrews & Ingersoll are presently refraining from and, during the period of the proceedings with respect to Philadelphia Company, et al. (File Nos. 59-88 and 59-9) have agreed to refrain from the purchase or sale of securities of Philadelphia Company or its subsidiaries and that the partners of said law firm who serve as directors as aforesaid have agreed not to participate in any discussions of committees or boards of such institutions with respect to the securities of Philadelphia Company or its parent, subsidiary or associated companies; and

Said applicants-declarants having requested that the trust companies, saving fund societies, life insurance companies, educational institutions and hospitals as aforesaid be exempt from the application of subdivision g (2) of Rule U-62 promulgated under the act, with respect to the purchase or sales of securities issued by Philadelphia Company, its parent, subsidiary or associated companies; and

The applicants-declarants herein having requested that the declaration, as amended, for the solicitation of the holders of the no par value common stock of Philadelphia Company be permitted to become effective prior to the expiration of the 11 days from the filing of said declaration and the amendment thereto; and

It appearing to the Commission that it is appropriate to accelerate the effectiveness of the declaration, as amended, filed pursuant to Rule U-62 and that the requirements of subdivision g (2) of Rule U-62, as applied to the aforesaid institutions are not necessary or appropriate in the public interest or for the protection of investors and consumers;

It is ordered, Pursuant to subdivision d (2) of Rule U-6 that said declaration, as amended, for the solicitation of the holders of the publicly held no par value common stock of Philadelphia Company, be, and the same hereby is, permitted to become effective forthwith; and

It is further ordered, Pursuant to Rule U-100 (a) that said application for the exemption of the trust companies, saving fund societies, life insurance companies, educational institutions, and hospitals as aforesaid from the provisions of subdivision g (2) of Rule U-62 with respect to the purchase or sales of securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, subsidiary or associated companies, be, and the same hereby is, granted subject to the conditions contained in said application and declaration, as amended, and referred to above.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5196; Filed, June 2, 1947; 8:45 a. m.]

[File No. 70-1504]

APPALACHIAN ELECTRIC POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of May A. D. 1947.

Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, having filed an application-declaration and amendments thereto pursuant to sections 6 (b) and 7 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Appalachian has entered into a credit agreement whereby the banks named below will make loans to Appalachian in the amounts shown during the period from the effective date of the agreement to July 1, 1950. Of the aggregate amount of $12,600,000 which the banks are obligated to lend, $5,000,000 will be borrowed and notes will be issued therefor within 10 days after the effective date of the agreement in the amounts shown below:

Name of bank	Amount of commitment	Amount of immediate loan
Guaranty Trust Co. of New York	$2,520,000	$1,000,000
Irving Trust Co	2,520,000	1,000,000
Mellon Bank & Trust Co	1,890,000	750,000
Bankers Trust Co	1,890,000	750,000
Central Hanover Bank & Trust Co	1,260,000	500,000
Chemical Bank & Trust Co	1,260,000	500,000
The Philadelphia National Bank	1,260,000	500,000

The proposed loans will be evidenced by promissory notes maturing December 31, 1950, and are to bear interest from their respective issue dates at the rate of 1½% per annum for a period from from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the perod commencing two years from the effective date to maturity. Appalachian will pay to each bank a commitment fee of ¼ of 1% per annum until June 30, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on 10 days' notice and may be prepaid on similar notice, such loans and prepayments to be borne or made ratably to all banks. Appalachian may, on 10 days' notice, terminate or reduce pro-rata in the aggregate amount of $1,000,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

The application-declaration, as amended, represents that Appalachian will increase its common stock equity by December 31, 1948 by the amount of $5,000,000 over the amount shown on its books of account as of December 31, 1946, said increase in common stock equity to be achieved by either the sale of additional common stock or the retention of earnings. It is further represented that by December 31, 1950 the ratio of common stock equity to total capitalization will be increased to 25%. In the event that Appalachian's equity is not increased in the manner stated above by December 31, 1948, and/or the ratio of common stock equity to total capitalization will be less than 25% at December 31, 1950, a dividend restriction will become operative whereby not more than 75% of the earnings available to the common stock may be paid out as dividends on common stock when the ratio of common stock equity (including surplus) is between 20% and 25% of total capitalization, and not more than 50% of such earnings may be paid out as dividends when the ratio falls below 20%.

Appalachian states that the proposed loans are necessary to provide funds to enable it to proceed with its construction program, and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the credit agreement.

The proposed transactions have been approved by the State Corporation Commission of the State of Virginia, the State in which Appalachian was organized and is doing business, and by the Railroad and Public Utilities Commission of the State of Tennessee, the State in which Appalachian also does business.

The application-declaration having been filed April 18, 1947, and amendments thereto having been filed on May 2, 1947 and May 7, 1947, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective, and deeming it appropriate to grant the request of applicant-declarant that the order become effective at the earliest date possible;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5206; Filed, June 2, 1947; 8:48 a. m.]

[File No. 70-1506]

KENTUCKY AND WEST VIRGINIA POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of May A. D. 1947.

American Gas and Electric Company ("American Gas"), a registered holding company, and its wholly-owned utility subsidiary, Kentucky and West Virginia Power Company ("Kentucky"), having filed a joint application-declaration and amendment thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Kentucky has entered into a credit agreement whereby the banks named below will make loans to Kentucky in the aggregate amounts shown below during the period from the effective date of said agreement to July 1, 1950. Of the aggregate amount of $7,500,000 which the banks are obligated to lend, $1,500,000 will be borrowed and notes will be issued therefor within 10 days after the effective date of the agreement in the amounts shown below:

Name of bank	Amount of commitment	Amount of immediate loan
Guaranty Trust Co. of New York	$1,500,000	$300,000
Irving Trust Co	1,500,000	300,000
Mellon Bank & Trust Co	1,125,000	225,000
Bankers Trust Co	1,125,000	225,000
Central Hanover Bank & Trust Co.	750,000	150,000
Chemical Bank & Trust Co	750,000	150,000
The Philadelphia National Bank	750,000	150,000

The proposed loans will be evidenced by promissory notes maturing December 31, 1950, and are to bear interest from their respective issue dates at the rate of 1½% per annum for a period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Kentucky will pay to each bank a commitment fee of ¼ of 1% per annum until June 30, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on 10 days' notice, and may be prepaid on similar notice, such loans and prepayments to be borne or made ratably to all banks. Kentucky may, on 10 days' notice, terminate or reduce pro rata in the aggregate amount of $1,000,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

Kentucky now has outstanding $8,499,000 principal amount of First Mortgage Bonds 5% Series due 1956, all of which are owned by American Gas. In connection with the execution of the agreement, American Gas and Kentucky agree to expressly subordinate the $8,499,000 principal amount of such bonds as to payment of the principal of and interest on (but not the lien of) such bonds to the payment of the principal of and interest on the notes to be issued pursuant to the agreement.

It is stated that the proposed loans are necessary to provide funds to enable Kentucky to proceed with its construction program and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the credit agreement. It is represented that after the completion of such permanent financing, or in any event before December 31, 1950, Kentucky's common stock equity will equal at least 35% of its total capitalization.

The application-declaration having been filed April 18, 1947, and an amendment thereto having been filed on May 2, 1947, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective and deeming it appropriate to grant the request of applicants-declarants that the order become effective at the earliest date possible;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5205; Filed, June 2, 1947; 8:48 a. m.]

[File No. 70-1507]

WHEELING ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of May A. D. 1947.

Wheeling Electric Company ("Wheeling"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, having filed a declaration and amendment thereto pursuant to sections 7 and 12 (c) of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Wheeling has entered into a credit agreement whereby the banks named below will make loans to Wheeling in the aggregate amounts shown below during the period from the effective date of said agreement to July 1, 1950. Of the aggregate amount of $2,500,000 which the banks are obligated to lend, $1,500,000 will be borrowed and notes will be issued therefor within 10 days after the effective date of the agreement in the amounts shown below:

Name of bank	Amount of commitment	Amount of immediate loan
Guaranty Trust Co. of New York	$833,334	$500,000
Irving Trust Co	833,333	500,000
Bankers Trust Co	833,333	500,000

The proposed loans will be evidenced by promissory notes maturing December 31, 1950 and are to bear interest from their respectve issue dates at the rate of 1½% per annum for a period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Wheeling will pay to each bank a commitment fee of ¼ of 1% per annum until June 30, 1950, on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on 10 days' notice, and may be prepaid on similar notice, such loans and prepayments to be borne or made ratably to all banks. Wheeling may, on 10 days' notice, terminate or reduce pro rata in the aggregate amount of $300,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

Declarant states that from the proceeds of the immediate borrowing in the amount of $1,500,000 it will repay its 2% notes in the amount of $1,167,500 due May 1, 1950. It is further stated that the proposed loans are necessary to provide funds to enable declarant to proceed with its construction program, and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the credit agreement.

The proposed transactions have been approved by the Public Utilities Commission of Ohio, a State wherein declarant does business.

The declaration having been filed April 18, 1947, and an amendment thereto having been filed on May 7, 1947, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration as amended within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said declaration, as amended, be permitted to become effective, and deeming it appropriate to grant the request of applicants-declarants that the order become effective at the earliest date possible;

It is hereby ordered, pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5203; Filed, June 2, 1947; 8:47 a. m.]

[File No. 70-1508]

OHIO POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of May A. D. 1947.

The Ohio Power Company ("Ohio"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, having filed an application-declaration and amendment thereto pursuant to sections 6 (b) and 7 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Ohio has entered into a credit agreement whereby the banks named below will make loans to Ohio in the amounts shown during the preiod from the effective date of the agreement to July 1, 1950. Of the aggregate amount of $13,000,000 which the banks are obligated to lend, $6,500,000 will be borrowed, and notice will be issued therefor within 10 days after the effective date of the agreement in the amounts shown below:

Name of bank	Amount of commitment	Amount of immediate loan
Guaranty Trust Co. of New York	$2,600,000	$1,300,000
Irving Trust Co	2,600,000	1,300,000
Mellon Bank & Trust Co	1,950,000	975,000
Bankers Trust Co	1,950,000	975,000
Central Hanover Bank & Trust Co	1,300,000	650,000
Chemical Bank & Trust Co	1,300,000	650,000
The Philadelphia National Bank	1,300,000	650,000

The proposed loans will be evidenced by promissory notes maturing December 31, 1950, and are to bear interest from their respective issue dates at the rate of 1½% per annum for a period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Ohio will pay to each bank a commitment fee of ¼ of 1% per annum until June 30, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on 10 days' notice and may be prepaid on similar notice, such loans and prepayments to be borne or made ratably to all banks. Ohio may, on 10 days' notice, terminate or reduce pro-rata in the aggregate amount of $1,000,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

Ohio states that the proposed loans are necessary to provide funds to enable it to proceed with its construction program, and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the Credit Agreement.

The proposed transactions have been approved by the Public Utilities Commission of the State of Ohio, the State in which Ohio was organized and is doing business.

The application-declaration having been filed April 18, 1947 and an amendment thereto having been filed on May 7, 1947, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective, and deeming it appropriate to grant the request of applicant-declarant that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5204; Filed, June 2, 1947; 8:47 a. m.]

[File No. 70-1527]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of May 1947.

In the matter of Consolidated Natural Gas Company, Hope Natural Gas Company, The East Ohio Gas Company, The Peoples Natural Gas Company, The New York State Natural Gas Corporation, File No. 70-1527.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, Hope Natural Gas Company ("Hope"), The East Ohio Gas Company ("East Ohio"), The Peoples Natural Gas Company ("Peoples"), and New York State Natural Gas Corporation ("New York"), have filed a joint application-declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935, designating sections 6, 7, 9, 10 and 12 and Rules U-43 and U-50 of the general rules and regulations promulgated thereunder as being applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

(1) Consolidated will offer to its stockholders, on a pro rata basis, the right to purchase 545,672 additional shares of its common stock at a price to be determined by Consolidated on the basis of the market price prevailing at the time of the offering. The right to purchase shares will be evidenced by transferable warrants on the basis of one share of additional common stock for each 5 shares of common stock presently owned.

(2) The proceeds of the sale of common stock by Consolidated will be used, together with treasury cash to purchase at par value, during the years 1947 and 1948, additional shares of the common stocks of Consolidated's subsidiaries, which stocks such subsidiaries respectively proposed to issue and sell in the amount and for the consideration set forth below:

Issuing company	Par value	Number of shares	Total consideration
Hope	$100	100,307	$10,030,700
East Ohio	100	80,000	8,000,000
Peoples	100	70,000	7,000,000
New York Natural	100	52,000	5,200,000
		302,307	30,230,700

The proceeds realized by the subsidiary companies from the sale of their stocks will be used by them, together with other corporate funds, for the construction of additional plant facilities and to reimburse their respective treasuries for property additions heretofore made.

The issuance and sale of common stock by Hope, East Ohio and Peoples have in each case been approved by the public utility commissions of the respective states in which those companies are organized and doing business.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said application-declaration, and that said application-declaration should not be granted nor permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said application-declaration under the applicable provisions of the act and rules and regulations promulgated thereunder be held at 10:00 a. m., e. d. s. t., on the 2d day of June, 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why said application-declaration should be granted and permitted to become effective.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed purchase by Consolidated of shares of stock of its subsidiary companies is in compliance with the statutory standards and whether it is necessary or appropriate to impose any terms or conditions with respect thereto;

(2) Whether the proposed issue and sale of common stock by the subsidiary corporations is solely for the purpose of financing the business of each of said subsidiary corporations;

(3) Whether the fees or other remunerations to be paid in connection with the issue, sale or distribution of said securities are reasonable;

(4) Whether the terms and conditions of the issue of said securities are detrimental to the public interest or the interests of investors or consumers;

(5) Generally, whether the proposed transactions comply with the applicable provisions of the act and rules, regulations or orders promulgated thereunder;

(6) Whether in the event the application-declaration shall be granted and permitted to become effective, it is necessary to impose any terms or conditions to ensure compliance with the standards of the act.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before May 29, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Consolidated, Hope, East Ohio, Peoples, New York, and to the Public Service Commission of West Virginia, the Public Utilities Commission of Ohio, the Pennsylvania Public Utilities Commission, the New York Public Service Commission and the Federal Power Commission, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5207; Filed, June 2, 1947; 8:48 a. m.]

[File No. 70-1529]

ROCHESTER GAS AND ELECTRIC CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of May 1947.

Notice is hereby given that Rochester Gas and Electric Corporation ("Rochester"), a subsidiary of General Public Utilities Corporation, a registered holding company, has filed an application-declaration, as amended, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicant-declarant has designated sections 6 (a), 6 (b), 7 and 12 (c) of the act and Rules U-42 and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

(a) Rochester will issue and sell, pursuant to the competitive bidding requirements of Rule U-50 of the rules and regulations promulgated under the act, $16,677,000 principal amount of __% Series L First Mortgage Bonds due 1977.

(b) Rochester will thereupon redeem all of its issued and outstanding $3,000,000 principal amount of 3¾% Series G Gold Bonds due 1966; $3,000,000 principal amount of 3¾% Series H bonds due 1967; and $1,657,000 principal amount of 3½% Series I bonds due 1967.

(c) Upon completion of the foregoing bond financing Rochester will issue and sell, pursuant to the Competitive bidding requirements of Rule U-50, 50,000 shares of its $100 par value __% Series G cumulative preferred stock;

(d) Beginning July 1, 1947, Rochester will set aside monthly from income not less than $50,000 and credit that amount to a special account to be designated as "Appropriated Earned Surplus", such charges to continue until an aggregate of $3,045,592 has been credited thereto: *Provided, however*, That if the owners of the company's common stock make a capital contribution to the company, such monthly reservations of net income will be suspended in an amount equivalent to such contribution;

(e) Upon completion of the preferred stock financing, Rochester will designate the balance of $9,578,951 of earned surplus at December 31, 1946 as "Earned Surplus-Special".

(f) Upon completion of all the above previous steps, the company will amend its certificate of incorporation so as to reduce the stated value of its common stock from $14,383,208 to $9,679,906 and the difference of $4,703,302 will be designated as "Unearned Surplus-Special".

(g) The Appropriated Earned Surplus to be accumulated, the Earned Surplus-Special account and Unearned Surplus-Special account to be created will provide a total of $17,327,845 which will be available, if required, to dispose of amounts now included in the company's plant account which the New York Public Service Commission states is overstated and to increase the reserve for depreciation which the New York Public Service Commission states is deficient: *Provided, however*, That when the propriety of the contentions of the New York Public Service Commission is finally decided, and any necessary items are appropriately disposed of, the balance will become available for any purpose for which surplus is available except the payment of dividends upon common stock;

(h) The proceeds from the sale of the new bonds and new preferred stock which will remain after redeeming the bonds, as noted, above, will be applied to the payment of costs and expenses in connection with the financings, to the repayment of bank loans in the amount of approximately $3,500,000 incurred to pay for construction costs since January 1, 1947, and approximately $9,676,700 will be utilized for new construction.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration, as amended, and that said application-declaration, as amended, shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, Pursuant to sections 6 (a), 6 (b), 7, 12 (c) and 18 of the act, that a hearing be held on said application-declaration, as amended, on June 5, 1947, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before June 3, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration, as amended, and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether or not the proposed issue and sale of first mortgage bonds and preferred stock are solely for the purpose of financing the business of Rochester;

(2) Whether or not the fees, commissions, or other remuneration to be paid in connection with the issue, sale, or distribution of the first mortgage bonds and preferred stock and the other proposed transactions are reasonable;

(3) Whether or not the proposed reduction in the stated value of Rochester's common stock will result in an unfair or inequitable distribution of voting power among the holders of its securities or is otherwise detrimental to the public interest or the interest of investors or consumers;

(4) Whether or not the proposed accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles;

(5) Whether or not there will have been compliance with Rule U-50 promulgated under the act;

(6) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers, and, in particular, what, if any, terms and conditions are necessary or appropriate to protect the financial integrity of Rochester.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to Rochester Gas and Electric Corporation, the Public Service Commission of the State of New York, and the City of Rochester, New York, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5202; Filed, June 2, 1947; 8:47 a. m.]

[File No. 70-1536]

NORTH PENN GAS CO. AND PENNSYLVANIA GAS AND ELECTRIC CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of May A. D. 1947.

In the matter of North Penn Gas Company and Pennsylvania Gas & Electric Corporation, File No. 70-1536.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by North Penn Gas Company ("North Penn"), a gas utility company and a registered holding company, and its parent, Pennsylvania Gas & Electric Corporation ("Penn Corp"), also a registered holding company. Applicants-declarants designate sections 9 (a), 10 and 12 (c) of the act and Rule U-42 thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than June 9, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be given on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application-declaration, as filed or as amended, may be permitted to become effective or may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application-declaration which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

North Penn proposes, subject to the approval of the Commission, to redeem all of its presently outstanding $7.00 Prior Preferred Stock, consisting of 6,188 shares, at the redemption price of $107.50 per share and to retire such stock, including 267 shares thereof presently held in North Penn's treasury. North Penn proposes to use treasury cash for this purpose. The application-declaration states that dividends on such preferred stock have been paid regularly since its original issuance.

It is further proposed to amend North Penn's charter in order to eliminate therefrom authorization for the $7.00 Prior Preferred Stock and the two other classes of preferred stock of which no shares are issued or outstanding. As a result of such amendment, common stock, all of which is owned by Penn Corp will be the only authorized capital stock of North Penn.

The applicants-declarants request that the Commission's order be issued herein on or before June 10, 1947, and become effective forthwith in order that notice of redemption may be sent to the stockholders on or before June 15, 1947, so as to permit the retirement of the $7.00 Prior Preferred Stock on the next dividend payment date, July 15, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5199; Filed, June 2, 1947; 8:46 a. m.]

[File Nos. 59-39, 54-50, 59-10, 54-82, 54-147]

NORTH AMERICAN LIGHT & POWER CO. ET AL.

MEMORANDUM OPINION AND ORDER WITH RESPECT TO FUNDS OR SECURITIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of May 1947.

In the matter of North American Light & Power Company, Holding Company System and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; The North American Company and its subsidiary companies, File No. 59-10; The North American Company, File No. 54-82; Illinois Power Company, File No. 54-147.

On December 28, 1942, we entered an interim order[1] suspending the payment of interest due January 1, 1943 by North American Light & Power Company (Light & Power), a registered holding company, on $5,623,500 principal amount of its debentures[2] owned by its parent, The North American Company (North American), also a registered holding company. Light & Power then deposited in a non-interest bearing special deposit the interest which was due on January 1, 1943. Prior to the next interest date on July 1, 1943, we again considered the question of payment of interest by Light & Power on its debentures. On June 29, 1943, we entered an order:[3] (a) Prohibiting Light & Power from paying interest on its debentures to North American until further order of the Commission; and (b) requiring Light & Power to segregate from its other funds a sum equal to the interest so to be withheld subject to further order of the Commission. We also provided that such segregated funds (including those pursuant to our order of December 28, 1942) were permitted to be invested in obligations of the United States Government.

The reasons which caused us to take the foregoing action are set forth in the opinions accompanying each of the aforementioned orders and are still apposite. The question whether it is fair and equitable for North American to receive either principal or interest on debentures of Light & Power which it holds, is one which we have presently under advisement.

Recently, we approved a portion of a plan (designated as Plan I) pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 which provided for a settlement by North American, Light & Power, and their subsidiary, Illinois Power Company (Illinois Power) of all claims and counterclaims affecting Illinois Power.[4] Among other provisions, the plan provides that Light & Power will pay Illinois Power in cash a sum aggregating $11,300,000.[5]

Light & Power now requests that we modify our order of June 29, 1943, to the extent necessary, to permit Light & Power to release its segregated funds representing accrued interest on its debentures so that the funds may be applied toward the payment to be made to Illinois Power as part of the settlement. It appears that the segregated funds presently amount to $1,391,818 which reflects interest payable to and including January 1, 1947. North American has joined in Light & Power's request, subject to the reservation that the requested release be without prejudice to North American's rights to receive full payment for all accrued interest.

Light & Power states that it will continue in the future to segregate from its funds sums equal to interest payments on its debentures as they become due, but that it will not replace in the future the segregated funds which it now seeks to use except with the express consent of this Commission.

It appears to us that under the circumstances it is appropriate to permit Light & Power to use its segregated funds representing accrued interest on its debentures for the purpose announced. The alternatives would be for Light & Power to borrow money or to sell assets in approximately the amount of the segregated funds; neither of the alternatives could be availed of under the present time schedule for consummation of the plan. If permitted to use the segregated funds, it appears that Light & Power will be able to meet its obligations under the plan without recourse to any borrowing. Security holders of Light & Power other than North American do not appear to be adversely affected and North American has specifically assented.

Insofar as Light & Power will not replace in the future the segregated funds which it now will use, North American exchanges its claim to interest on the debentures for the period covered by the segregated funds from one which is secured to one which is unsecured. In view of the present value of Light & Power's assets, it does not appear that North American will be prejudiced if it is subsequently found to be entitled to interest on the debentures.

It is therefore ordered, That North American Light & Power Company be, and it hereby is permitted to apply toward payment of its obligations to Illinois Power Company pursuant to that

[1] 12 S. E. C. 621, Holding Company Act, Release No. 4023.

[2] These debentures represent all the outstanding funded debt of Light & Power.

[3] 13 S. E. C. 518.

[4] — S. E. C. — (1947), Holding Company Act Release No. 7238; our findings and opinion were published as Holding Company Act Release No. 7375. Pursuant to request of the parties, we have sought judicial enforcement of the plan. A hearing is presently scheduled for May 28, 1947 in the District Court of the United States for the District of Delaware.

[5] In our order approving the plan we reserved jurisdiction to determine ultimately the rights of Light & Power and its various security holders, including North American.

portion of the plan approved by order of this Commission dated February 28, 1947, such funds or securities representing accrued interest on its debentures which it has segregated from its other funds in accordance with orders of this Commission dated December 28, 1942, and June 29, 1943.

It is further ordered, That interest due July 1, 1947 and all interest which may thereafter become payable on the outstanding debentures of North American Light & Power Company, shall be and hereby is made subject to the provisions of the order of this Commission dated June 29, 1943.

It is further ordered, That North American Light & Power Company shall not replace the segregated funds or securities which may be used as hereinabove permitted except pursuant to further order of this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5198; Filed, June 2, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

HENRI WOUTER JONKHOFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Henri Wouter Jonkhoff; A-262-265, inclusive; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to U. S. Letters Patents Nos. 1,918,108, 2,015,310, 2,015,311 and 2,083,166 to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5234; Filed, June 2, 1947; 8:50 a. m.]

STEPHANIE SCHYBILSKY POSAMENT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Stephanie Schybilsky Posament, Newark, New Jersey; 5902; $2,666.99 in the Treasury of the United States.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5235; Filed, June 2, 1947; 8:50 a. m.]

[Dissolution Order 46, Amdt.]

H. MOLSEN & CO.

Dissolution Order No. 46, dated February 12, 1947, is hereby amended as follows and not otherwise:

By deleting paragraph (c) and substituting therefor the following:

(c) They shall then pay each of the above-mentioned accounts payable to nationals of foreign countries other than designated enemy countries, and each of the above-mentioned accounts payable to nationals of a designated enemy country which shall not have been previously vested by the Attorney General of the United States, to the Property Division of the Office of Alien Property, Department of Justice, for safekeeping. Such payment shall not transfer title to such accounts to the Attorney General but such accounts shall be subject to his authorization. The payment of said accounts as herein directed to the Property Division, Office of Alien Property, Department of Justice, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligations of H. Molsen & Company.

All other provisions of said Dissolution Order No. 46 are hereby confirmed.

Executed at Washington, D. C., on May 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5233; Filed, June 2, 1947; 8:50 a. m.]

[Vesting Order 8999]

KONRAD BINGOLD ET AL

In re: Stock owned by Konrad Bingold and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in subparagraph 2 hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Three hundred and thirty-one (331) shares of $50.00 par value capital stock of Anaconda Copper Mining Company, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Montana, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name:

Registered owner	Certificate No.	Number of shares	OAP file No.
Konrad Bingold	180752	18	F-28-23468-D-1.
Dr. Paul Dahm	425147	100	F-28-1264-D-1.
Richard Elmer	170201	10	F-28-23470-D-1.
	170202	10	
	553307	5	
Johan Haberpointner	88067	25	F-28-23475-D-1.
Fritz Hacke	11224	10	F-28-23476-D-1.
	367621	4	
Carl Huschke	176948	10	F-28-23477-D-1.
Frau Helene Mengel	60101	2	F-28-23472-D-1.
Wilhelm Nachtigall	215504	48	F-28-1945-D-1.
	58344	10	
August Schardt	221856	1	F-28-23473-D-1.
	221855	1	
George Smidt	193701	50	F-28-1857-D-1.
Mathias Urban	602284	3	F-28-23479-D-1.
Mrs. Louise Von Walzdorf	386304	40	F-28-1677-D-1.

3. That the property described above, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons listed in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5228; Filed, June 2, 1947; 8:49 a. m.]

[Vesting Order 9014]

ELLEN KUERBS AND EMMI ZISKOVEN

In re: Bonds owned by Ellen Kuerbs and Emmi Ziskoven. D-28-9895-G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ellen Kuerbs and Emmi Ziskoven, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) United States Savings Bond, Series D, issued March, 1939, of $100.00 face value, bearing the number C418296D, payable to Ellen Kuerbs, together with any and all rights thereunder and thereto.

b. Two (2) United States Savings Bonds, Series D, issued April, 1939, of $100.00 face value each, bearing the numbers C478564D and C478572D, payable to Ellen Kuerbs, together with any and all rights thereunder and thereto.

c. Three (3) United States Savings Bonds, Series D, issued May, 1939, of $100.00 face value each, bearing the numbers C538956D, C538957D and C538958D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto.

d. Three (3) United States Savings Bonds, Series D, issued June 1939, of $100.00 face value each, bearing the numbers C624097D, C624098D and C624096D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto.

e. Three (3) United States Savings Bonds, Series D, issued July, 1939, of $100.00 face value each, bearing the numbers C757266D, C757267D and C757268D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto,

f. Two (2) United States Savings Bonds, Series D, issued August 1939, of $100.00 face value each, bearing the numbers C916172D and C916170D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto,

g. Two (2) United States Savings Bonds, Series D, issued September 1939, of $100.00 face value each, bearing the numbers C985287D and C985286D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto,

h. Three (3) United States Savings Bonds, Series D, issued October 1939, of $100.00 face value each, bearing the numbers C1036298D, C1036299D and C1036300D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto,

i. One (1) United States Savings Bond, Series D, issued November 1939, of $100.00 face value, bearing the number C1152730D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto,

j. Three (3) United States Savings Bonds, Series D, issued December 1939, of $100.00 face value each, bearing the numbers C1201650D, C12011652D and C1201653D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto,

k. Four (4) United States Savings Bonds, Series D, issued February, 1940, of $100.00 face value each, bearing the numbers C1655572D, C1655573D, C1655574D and C1655575D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto.

l. One (1) United States Savings Bond, Series D, issued March, 1940, of $100.00 face value, bearing the number C1772189D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto,

m. One (1) United States Savings Bond, Series D, issued April, 1940, of $100.00 face value, bearing the number C1850537D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto,

n. One (1) United States Savings Bond, Series D, issued May, 1940, of $100.00 face value, bearing the number C1942687D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto.

o. Three (3) United States Savings Bonds, Series D, issued June, 1940, of $100.00 face value each, bearing the numbers C2019806D, C2019807D and C2180859D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto.

p. One (1) United States Savings Bond, Series D, issued July, 1940, of $100.00 face value, bearing the number C2180860D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto, and

q. One (1) United States Savings Bond, Series D, issued August, 1940, of $100.00 face value, bearing the number C2254589D, payable to Emmi Ziskoven, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5229; Filed, June 2, 1947; 8:49 a. m.]

[Vesting Order 9035]

DR. TANZO YOSHINAGA

In re: Bank account and stock owned by Dr. Tanzo Yoshinaga, also known as Dr. T. Yoshinaga, also known as T. Yoshinaga, M. D. F-39-764-E-1, F-39-764-D-1, F-39-764-D-2, F-39-764-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Tanzo Yoshinaga, also known as Dr. T. Yoshinaga, also known as T. Yoshinaga, M. D., whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Dr. Tanzo Yoshinaga, also known as Dr. T. Yoshinaga, also known as T. Yoshinaga, M. D., by Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of a checking account, entitled Dr. T. Yoshinaga, maintained at the branch office of the aforesaid bank located at 110 South Spring Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same.

b. Fifty (50) shares of $100.00 par value, Series "B" 6% preferred capital stock of Southern California Edison Company Ltd., 601 W. 5th Street, Los Angeles, California, a corporation organized under the laws of the State of California, evidenced by certificate number LO 19124, and registered in the name of T. Yoshinaga, M. D., Kumamato, Japan, together with all declared and unpaid dividends thereon, subscription rights thereunder, and any and all rights arising from a plan of recapitalization effected March 19, 1926 by the aforesaid company,

c. Fifty-two (52) shares of no par value common capital stock of Standard Oil Company of California, 225 Bush Street, San Francisco 20, California, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NYC 17192 for 50 shares, SFC 87018 for 1 share and SFC 124618 for 1 share, registered in the name of Tanzo Yoshinaga, together with all declared and unpaid dividends thereon and

d. Two Hundred (200) shares of $15.00 par value common capital stock of Shell Union Oil Corporation, 50 West 50th Street, New York 20, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 175 for 100 shares, 6592 for 25 shares, 6593 for 25 shares, 6594 for 25 shares, 6595 for 15 shares and 6596 for 10 shares, registered in the name of Tanzo Yoshinaga, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5230; Filed, June 2, 1947; 8:49 a. m.]

[Vesting Order 9044]

S. FRENKEL

In re: Stock owned by S. Frenkel. F-28-23352-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Frenkel, the last known address of which is Unter Den Linden 57-58, Berlin, Germany, is a partnership organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty (50) shares of No par value common capital stock of Texas & Pacific Railway Company, Texas & Pacific Building, Dallas, Texas, a corporation incorporated by Act of Congress, evidenced by Certificate numbered 8400, registered in the name of S. Frenkel, together with all declared and unpaid dividends thereon;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5231; Filed, June 2, 1947; 8:49 a. m.]

[Vesting Order 9081]

BERNHARD WANNER ET AL.

In re: Interests in real property, insurance policies and claim owned by Bernhard Wanner, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

Name and Address

Bernhard Wanner: Koeln, Germany.
Karl Wanner: Aalen, Wuerttemberg, Germany.
Wilhelm Spiegler: Aalen, Wuerttemberg, Germany.
Rosa Spiegler: Aalen, Wuerttemberg, Germany.
Marie Meier: Aalen, Wuerttemberg, Germany.

2. That the property described as follows:

a. An undivided ¾ths interest in real property situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1 in and to the following insurance policies:

Fire Insurance Policy No. 541002, issued by Reliable Fire Insurance Co., Dayton, Ohio, in the name of Weniger & Walter, Inc., as attorneys-in-fact, for the heirs of Katie Baldinger, deceased, which policy insures the property described in subparagraph 2-a hereof,

Residential Liability Insurance Policy, No. RL-341034, and any extensions or renewals thereof, issued by Hartford Accident & Indemnity Company, Hartford, Connecticut, in the name of Alexander Walter, Administrator of Katie Baldinger Estate, which policy insures the property described in subparagraph 2-a hereof, and

c. Those certain debts or other obligations, owing to the persons named in subparagraph 1 hereof by Weniger & Walter, Inc., 215 East Penn Street, Philadelphia 44, Pennsylvania, including particularly but not limited to rents collected from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

All that certain lot or piece of ground with the buildings and improvements thereon erected situate on the West side of Stanley Street No. 2534 at the distance of Two hundred and forty-two feet eleven inches Northward from the North side of Cumberland

Street in the Twenty-eighth Ward of the City of Philadelphia.

Containing in front or breadth on the said Stanley Street Fourteen feet Two inches and extending in length or depth Westward of that width between lines at right angles to said Stanley Street Fifty feet to a three feet wide alley extending from said Cumberland Street to Huntingdon Street.

Together with the free and common use right, liberty, and privilege of the said three feet wide alley and as for a passageway and water-course at all times hereafter forever in common with the owners, tenants, and occupiers of the other lots of ground bounding thereon.

[F. R. Doc. 47-5232; Filed, June 2, 1947; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 12 NUMBER 109

Washington, Wednesday, June 4, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2732

REVOCATION OF PROCLAMATION NO. 2412, RELATING TO THE CONTROL OF VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by Proclamation No. 2412, issued June 27, 1940, the President consented to the exercise, with respect to foreign and domestic vessels, by the Secretary of the Treasury and the Governor of the Panama Canal of all the powers conferred by section 1 of Title II of the act of Congress approved June 15, 1917, 40 Stat. 220 (50 U. S. C. 191), upon the President, the Secretary of the Treasury, and the Governor of the Panama Canal; and

WHEREAS the conditions which necessitated the issuance of the proclamation no longer exist:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority conferred upon me by the said act of June 15, 1917, do hereby revoke the said Proclamation No. 2412 of June 27, 1940.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 31st day of May in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-5347; Filed, June 2, 1947; 4:51 p. m.]

EXECUTIVE ORDER 9857A

MEDAL FOR MERIT

By virtue of and pursuant to the authority vested in me by section 2 of the act of July 20, 1942, 56 Stat. 662, Executive Order No. 9637 of October 3, 1945, prescribing rules and regulations for the award of the decoration of the Medal for Merit, created by the said act, is hereby amended to read as follows:

1. The decoration of the Medal for Merit shall be awarded only by the President of the United States or at his direction. Awards of the Medal for Merit may be made to such civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations as have distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services since the proclamation of an emergency by the President on September 8, 1939. Awards of the Medal for Merit made to civilians of foreign nations shall be for the performance of an exceptionally meritorious or courageous act or acts in furtherance of the war efforts of the United Nations.

2. There is hereby established the Medal for Merit Board, which shall be composed of three members appointed by the President, one of whom shall be designated by the President to act as Chairman of the Board.

3. The Medal for Merit Board shall receive and consider proposals for the award of the decoration of the Medal for Merit and submit to the President the recommendations of the Board with respect thereto. In the case of proposed awards to civilians of foreign nations, such recommendations shall include the recommendations of the Secretary of State.

4. The Medal for Merit Board is authorized to prescribe, with the approval of the President, such rules and regulations not inconsistent with the provisions of this order as may be necessary to accomplish its purposes.

5. Executive Order 9331 of April 19, 1943 and the Medal for Merit Board created thereby, are superseded by this order.

6. The Medal for Merit shall not be awarded for any services relating to the prosecution of World War II performed subsequent to the cessation of hostilities, as proclaimed by Proclamation No. 2714 of December 31, 1946, and no proposal for an award for such services submitted

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to the
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[1] P. L. O. 373.

after June 30, 1947, shall be considered by the Medal for Merit Board.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 27, 1947.

[F. R. Doc. 47-5285; Filed, May 29, 1947; 4:50 p. m.]

EXECUTIVE ORDER 9857B

AMENDMENT OF EXECUTIVE ORDER NO. 9734 OF JUNE 6, 1946, ESTABLISHING THE PRESIDENT'S CERTIFICATE OF MERIT

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered that Executive Order No. 9734 of June 6, 1946, which established the President's Certificate of Merit and prescribed rules governing the award thereof, be, and it is hereby, amended by the addition thereto of the following paragraph:

The President's Certificate of Merit shall not be awarded for any act or service performed subsequent to the cessation of hostilities of World War II, as proclaimed by Proclamation No. 2714 of December 31, 1946, and no proposals for such award submitted after June 30, 1947, shall be considered by the Medal for Merit Board.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 27, 1947.

[F. R. Doc. 47-5284; Filed, May 29, 1947; 4:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration

Subchapter F—Project Liquidation

PART 352—PUBLIC FACILITIES, EASEMENTS, AND RIGHTS-OF-WAY

Subchapter G—Farm Ownership

PART 362—PURPOSES

PART 363—APPLICATIONS

PART 364—REGULATIONS

PART 366—FARMS

PART 367—LOAN PROCESSING

MISCELLANEOUS AMENDMENTS

1. Subchapter F, "Management" in Chapter III of Title 6, Code of Federal Regulations (6 CFR, Cum. Supp., Chapter III, Subchapter F), is redesignated "Project Liquidation"; Part 352, "Easements and Licenses" (ibid.) is redesignated "Public Facilities, Easements, and Rights-of-Way"; and § 352.61 (ibid.) is revised to read as follows:

§ 352.61 *Grants and dedications of public facilities, and granting of easements and rights-of-way*—(a) *General.* Public facilities, such as electric light, water and sewage systems, buildings and lands for schools and churches, and land for public roads, streets and alleys, may be granted or dedicated to public or semi-public institutions or granted to public or private organizations only under the conditions specified in this section.

(b) *Requirements for approval.* State FHA directors will submit to the Administrator, for his approval, all requests for grants or dedications of surplus real and personal property. The submission will contain the following:

(1) The request for dedication, accompanied by a duly adopted resolution or other authorization under which the recipient agrees to operate and maintain the property for public purposes as the type of facility which the property constitutes, or for which it is being granted or dedicated, and to relieve the Government of all responsibility in connection therewith. In the case of grants of public facilities, such as electricity, water

and sewage systems, of the nature of a business enterprise, the recipient should further agree that it will not use the facilities in competition with companies or organizations in the area furnishing adequate services to the inhabitants upon reasonable rates and terms.

(2) An opinion of the representative of the office of the Solicitor indicating the following information:

(i) The grantee's authority to accept the transfer of such property subject to the conditions which the Government will impose.

(ii) The authority of the grantee to levy and collect assessments or otherwise raise funds for the proper operation and maintenance of the property to be transferred.

(iii) The effect, if any, of the proposed conveyance on the rights of the inhabitants of the area.

(3) Original and four copies of the quitclaim deed and a copy of the plat, when necessary, approved by the representative of the office of the Solicitor for legal sufficiency.

(4) A statement by the state FHA director containing, and indicating in detail, the basis for:

(i) A finding that the facilities or lands cannot be sold at reasonable prices.

(ii) A finding that similar facilities or lands are not available at reasonable rates and terms to the inhabitants of the particular area.

(iii) Recommendations as to precautions that can be taken to provide that the facilities will not be used in competition with companies or organizations in the area furnishing adequate services to the inhabitants upon reasonable rates and terms.

(iv) A finding that due consideration has been given to all applications for the particular grant or dedication.

(v) A finding that the particular organization or institution recommended as the recipient would be most capable of maintaining and operating the property.

(vi) A finding as to the effect of the proposed conveyance of the facility on the inhabitants of the particular area.

(5) In addition to the above, the following data should be submitted:

(i) A statement as to the present use of the facility.

(ii) Cost of the property and a fair-market value appraisal.

(iii) Possibilities of other disposition, including sale, for cash or on credit.

(iv) A description of the facility, including all improvements, and an inventory of equipment and other personal property, with property or serial numbers, included in the transfer.

(c) *Corporation trust property.* Grants or dedications of State Rural Rehabilitation Corporation Trust Fund facilities, buildings, or lands will be made in accordance with the conditions and requirements in this section. The data mentioned in paragraph (b) (5) of this section, however, will be augmented by additional information to support a finding that the conveyance will be in furtherance of rural rehabilitation in the particular state in which the property is located.

(d) *Approval and distribution of deeds.* Upon approval by the Administrator, the deed will be forwarded to the appropriate Area Finance Office, Attention: Administrative Services Division, for the assignment of contract number, distribution of copies, and such action as may be required for clearance of property accountability. The original will be forwarded to the grantee or purchaser, and one conformed copy will be forwarded to each of the following:

(1) General Accounting Office.

(2) Area Finance Office.

(3) State Office.

(4) Communications and Records Management Section of the Administrative Services Division in the National Office.

(e) *Easements.* (1) Grants of rights-of-way will be made in accordance with the foregoing provisions, with the following exceptions:

(i) In cases in which the purpose of the right-of-way is to supply electricity by means of a primary line, the Federal Power Commission alone has jurisdiction to grant such rights-of-way pursuant to section 4 of the Federal Power Act (16 U. S. C. 797). Under the act, the Commission will insert into the agreement such conditions as the Secretary may designate for the protection of the project. In all cases involving rights-of-way for power lines, the State office will require each applicant to submit a written statement of whether or not the proposed line is to be a primary line within the meaning of the Federal Power Act. If the line is to be a primary line, the State office will refer the request to the Washington office.

(ii) Where a requested right-of-way is determined by the State FHA director to be of benefit to the public in general or to the Government, he may execute, under the authority of section 161 of the Revised Statutes (5 U. S. C. 22), a "Revocable License," as distinguished from a grant of the right-of-way, in form approved by a representative of the office of the Solicitor.

(2) In addition to the applicable information and determinations required in this section, a grant docket should contain the following information:

(i) The name and number of the project in connection with which the right-of-way is requested.

(ii) The name and address of the public agency, corporation or individual requesting the right-of-way, together with a statement regarding the purpose and nature of the right-of-way.

(iii) The tract numbers and the names of the vendors of the land to be affected by the right-of-way, indicating the status of ownership of the land and whether the land was purchased with Federally appropriated funds or with State RR Corporation funds (managed or transferred in trust).

(iv) The project unit number(s) of the land to be affected by the right-of-way, the type of occupancy agreement(s) in force, and the date(s) of expiration of such agreement(s).

(v) The written consent of any occupant of the land which is to be made subject to the right-of-way, if the occupant holds the land or any part thereof under any type of purchase agreement. If the occupant's spouse or some other person or persons joined in the execution of the purchase contract, the consent should be signed by all. Any consideration to be paid to the occupant will be applied in accordance with the terms of a supplemental agreement executed prior to the granting of the right-of-way.

(vi) The quitclaim deed specified in paragraph (b) (3) of this section, should describe the easement or right-of-way by either the center line (together with the width) or metes and bounds, with the point of beginning tied to a permanent reference point. Where necessary, the quitclaim deed should be accompanied by a plat, satisfactory to the state FHA director, showing the exact area to be covered in relation to the remainder of the tract. To the extent appropriate, the Government expressly should reserve the right to use the surface over which the easement or right-of-way is granted, the air space above and the subsurface, for any purpose and in any manner which will not interfere with the rights of the grantee.

(vii) The amount of the financial consideration, if any, to be paid for the right-of-way.

(viii) Written recommendations of the FHA Supervisor regarding the granting of the right-of-way.

(ix) In the case of rights-of-way for the purpose of erecting power lines, a determination of whether or not the line is to be a primary line.

(x) A listing of any other pertinent facts disclosed by the investigation.

2. Part 362, "Purposes" in Chapter III of Title 6, Code of Federal Regulations (6 CFR, Cum. Supp., Chapter III, Subchapter G), including § 362.11 (ibid.), and Part 363, "Applications" (ibid.), including § 363.11 (ibid.), are revoked.

3. Paragraphs (a), (c), and (d) of § 364.11 *General Regulations* in Chapter III of Title 6, Code of Federal Regulations (6 CFR, Cum. Supp., Chapter III, Subchapter G) are revoked, and §§ 364.1, 364.2, and 364.3 are added as follows:

§ 364.1 *General regulations.*—(a) *General.* (1) The word "farm" as used in procedure relating to Farm Ownership loans includes the land, buildings, fences, water appurtenances, and other improvement items generally considered a part of the real estate. Funds for such items, as needed, should be provided in Farm Ownership loans. In some States, certain improvement items or appurtenances which ordinarily would be considered a part of the real estate may, by agreement between the owner of the land and the person furnishing or using such appurtenances, remain personal property. Such an agreement would be binding on a Farm Ownership borrower who purchases the land. In all cases where funds are included in a Farm Ownership loan to purchase such improvements or appurtenances, the FHA Supervisor, with the advice of the representative of the office of the Solicitor, will ascertain that such appurtenances are free from any liens or encumbrances and are covered adequately by the first mortgage or deed of trust to be taken on the real property.

(2) When a Farm Ownership applicant has funds of his own to apply toward the purchase, enlargement, or development of a farm, such funds will be deposited in a supervised bank account as soon as possible but not later than the time the Farm Ownership loan funds are deposited. Such funds will not be held back for making additional and unapproved expenditures.

(3) Any existing liens on a farm which is to be enlarged or developed will be paid off with the proceeds of a Farm Enlargement or Farm Development loan, so that there will be no liens on the farm other than the first mortgage or deed of trust securing the loan.

(4) Except as otherwise authorized by the Administrator, arrangements will not be made with sellers to construct new or repair old buildings in order to comply with the anticipated needs of Farm Ownership applicants. Construction work will be financed with Farm Ownership loan funds and will be subject to established Farm Ownership regulations.

(5) There may be included in each Farm Ownership loan a service fee in an amount sufficient to pay for (i) recordation of the deed and mortgage or deed of trust, (ii) any portion of the expense of title examination and title insurance chargeable to the borrower, (iii) bank charges for handling deposits in connection with the loan, (iv) health examination, if required, and (v) other expenses necessary in connection with the acquisition of the land and the closing of the loan. A sum of five dollars ($5) will be added to the sum of these charges to cover possible underestimates. Any questionable items included in the service fee will be referred to the representative of the office of the Solicitor for advice.

(6) Promptly after completion of the planned expenditures, any remaining balance of a Farm Ownership loan will be applied on the borrower's Farm Ownership loan account as a refund.

(7) No Farm Ownership loan will be made unless it has been determined, after representation by the applicant on Form FHA–5, "Loan Voucher," and certification to such effect by the County FHA Committee on Form FHA–491, "County Committee Certification," that credit sufficient in amount to finance the actual needs of the applicant is not available to him, at a rate of interest not exceeding five per centum per annum and on terms prevailing in the community, in or near which the applicant resides, for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source.

(b) *Restrictions on loans.* Farm Ownership loans will not be made:

(1) To any corporation, partnership, or cooperative association.

(2) To carry on any operations in collective farming or cooperative farming.

(3) To carry on any Government land-purchase or land-leasing program, or to organize, promote or manage homestead associations, land-purchasing associations, or cooperative land-purchasing for colonies of rehabilitants and tenant purchasers.

(4) To purchase or refinance indebtedness against machinery, tools, equipment, livestock and similar items not legally considered real property. A Production and Subsistence loan will not be made to pay the principal or interest on a Farm Ownership loan.

(5) To finance any farm development not located on the property covered by the mortgage or deed of trust.

(6) To pay real property insurance premiums.

(7) To purchase a building located on an outside tract to be moved to a Farm Ownership farm, unless an exception is made in a particular case by the state FHA director. Such an exception will be granted by the state FHA director only upon condition that the building purchased is, in the opinion of the representative of the office of the Solicitor, properly released from any liens or mortgages outstanding against the property upon which it is located, and the further condition that it is definitely more advantageous to the borrower to purchase and move a building to a Farm Ownership farm than it is to construct or repair a building on the Farm Ownership farm.

(c) *Disabled Veterans.* No Farm Ownership loan will be made to a disabled veteran with a pensionable disability to enable him to acquire, enlarge, or improve a farm which is less than an efficient family-type farm unless the unit as acquired, enlarged, or improved is of sufficient size and character to meet the farming capabilities of such a veteran and will afford him an income which, together with his pension, will enable him to meet his living and operating expenses and repay the loan.

(d) *Additional limitations for farm enlargement and farm development loans.* (1) No Farm Enlargement or Farm Development loan will be made if the indebtedness to be refinanced plus the costs incident to such refinancing exceeds the determination by the County FHA Committee of the value less planned improvements of the applicant's unit.

(2) With the exception of Farm Development loans to disabled veterans as provided in paragraph (c) of this section, no Farm Development loan will be made except for improving a farm of such size that it can be developed into an efficient family-type farm and for refinancing such indebtedness as is necessary against such a farm.

(e) *Terms of loans.* (1) Farm Ownership loans will be amortized over a period not to exceed forty years.

(2) Interest will be charged at three percent (3%) per annum on the unpaid principal of Farm Ownership loans approved prior to November 1, 1946. Interest will be charged at three and one-half percent (3½%) per annum on the unpaid principal of Farm Ownership loans approved subsequent to October 31, 1946.

(3) Farm Ownership loans will be secured by a first mortgage or deed of trust on the farm. The mortgage or deed of trust securing the debt will specify the terms and conditions under which the funds were advanced to the borrower. In addition to the repayment period and the interest rate, as indicated above, such instruments will provide, among other conditions, that:

(i) The borrower will repay the unpaid balance of the loan, with interest, in installments based upon prescribed amortization schedules.

(ii) The borrower will keep the property insured against loss by fire or other casualty, and will pay taxes, assessments and other charges against the farm to the proper taxing authorities.

(iii) The borrower personally and continuously will use the property as a farm and for no other purpose.

(iv) The farm will be maintained in good condition; waste and exhaustion of the property will be prevented; required repairs will be made; and farming conservation practices as prescribed by the Secretary of Agriculture will be carried out.

(v) Final payment on the loan will not be accepted in less than five years, without written consent of the Farmers Home Administration.

(vi) The entire amount due on the loan, for violation of certain agreements, may be declared immediately due and payable.

(vii) The borrower will apply for and accept a refinancing loan from a Federal land bank, or other responsible cooperative or private credit source, if at any time it shall appear to the Secretary that the borrower is able to obtain such a loan at a rate of interest not in excess of five per centum per annum and on terms for loans for similar periods of time and purposes prevailing in the area in which the loan is made.

§ 364.2 *Loan limitations.*—(a) *General.* The Secretary of Agriculture has determined the average values of efficient family-type farm-management units and loan limits for most of the counties and parishes of the United States, Hawaii and Puerto Rico. Farm Ownership loans will not be made in any county, parish, or locality until such determinations have been made for the county, parish or locality. (See paragraph (b) of § 364.11 for average values and loan limits.)

(b) *Average value.* "Average value" means the average value of efficient family-type farm-management units, as determined by the Secretary, in the county, parish, or locality where the farm is located.

(c) *Loan limit.* The county or parish loan limit, as determined by the Secretary, is the maximum limit on the total investment of a Farm Ownership applicant in a complete farm unit, computed in accordance with paragraph (e) of this section. Generally, in counties and parishes where the average value is $12,000 or less, the loan limit and the average value are the same. In counties and parishes where the average value is in excess of $12,000, the loan limit is $12,000.

(d) *Value certified by County FHA Committee.* The fair and reasonable value of a farm is the amount which, in the best judgment of the County FHA Committee, the farm is worth, after taking into consideration Form FHA–596, "Earning-Capacity Report," the improvements to be made and the fair

market value, after a personal inspection of the property and the plans for improvements.

(e) *Total investment in farm.* The total investment of a Farm Ownership applicant in a complete farm unit will consist of the following:

(1) The option price of all land to be acquired.

(2) The amount necessary for all planned repairs and improvements, both immediate and deferred, to be derived from Farm Ownership loan funds or from any other source.

(3) The amount of any necessary expenses of land acquisition, whether included in the Farm Ownership loan as a service fee or paid by the applicant from personal funds.

(4) For Farm Enlargement and Farm Development loans, the value of the applicant's equity, as determined by the County FHA Committee, in land owned by him.

(5) For Farm Enlargement and Farm Development loans, any amount necessary for refinancing purposes.

(f) *Application of loan limitations.* (1) No Farm Ownership loan will be approved for the acquisition, enlargement, or development of any farm:

(i) If the fair and reasonable value of the farm, as certified by the County FHA Committee on item 6 of Form FHA–491, "County Committee Certification," exceeds the average value, as determined by the Secretary, for the county or parish (see paragraph (b) of § 364.11), or

(ii) If the total investment of the Farm Ownership applicant in the complete farm unit, computed as in paragraph (e) of this section, exceeds either the loan limit for the county or parish, as determined by the Secretary (see paragraph (b) of § 364.11), or the fair and reasonable value of the farm, as certified by the County FHA Committee on item 6 of Form FHA–491.

(2) In some counties and parishes, the average value, as determined by the Secretary, is greater than $12,000. In such counties and parishes, a loan may be made with respect to a farm which has a value, as certified by the County FHA Committee, in excess of $12,000 provided:

(i) The value, as certified by the County FHA Committee, does not exceed the average value, as determined by the Secretary, and

(ii) The total investment of the Farm Ownership applicant in the complete farm unit, computed as in paragraph (e) of this section, does not exceed either $12,000 or the value of the farm, as certified by the County FHA Committee on item 6 of Form FHA–491, whichever is the lesser.

(3) For the purposes of applying the limitations of this paragraph, if a farm lies in more than one county, it will be deemed to be located in the county in which the residence building of the farm is located or is to be constructed.

§ 364.3 *Purposes of Farm Ownership Loans*—(a) *General.* The broad purposes of Farm Ownership (FO) loans are to:

(1) Provide credit which is not otherwise available to promote more secure occupancy of farms and farm homes by families who derive the major portion of their income from farming operations.

(2) Correct the economic instability resulting from some present forms of farm tenancy by substituting farm ownership for farm tenancy.

(3) Promote farm ownership by making loans and insuring mortgages to enable qualified farm tenants, farm laborers, sharecroppers, veterans and other individuals to acquire, repair or improve family-size farms or to enlarge, repair, or improve farms which are undersized or underimproved and which can be enlarged, repaired, or improved so as to constitute efficient family-type farm-management units. (See § 366.1 of this chapter.)

(4) Promote farm ownership by making loans and insuring mortgages to enable qualified disabled veterans to acquire, enlarge, repair, or improve farm units of sufficient size to meet their needs and farming capabilities.

(5) Preserve the family-type farm in the continental United States and in Alaska, Hawaii and Puerto Rico by providing the type of real estate credit necessary to permit eligible persons who cannot secure such credit elsewhere to acquire, enlarge, or improve farms so that such farms will constitute family-type farms. (See § 366.1 of this chapter.)

(b) *Source of funds*—(1) *Public.* Farm Ownership direct loans are made from funds authorized to be appropriated by Title I of the Bankhead-Jones Farm Tenant Act, as amended by the Farmers Home Administration Act of 1946. Such funds are appropriated by Congress in the annual Department of Agriculture Appropriation Acts.

(2) *Private.* Farm Ownership insured mortgage loans are made from funds furnished by private lenders. The utilization of such funds is authorized by Title I of the Bankhead-Jones Farm Tenant Act, as amended by the Farmers Home Administration Act of 1946. Upon appropriation of the sum authorized to be appropriated for the farm tenant mortgage insurance fund, eligible mortgages or deeds of trust securing loans made by private lenders may be insured by the Farmers Home Administration.

(c) *Types of loans.* There are three types of Farm Ownership loans; Tenant Purchase (TP) loans, Farm Enlargement (FE) loans, and Farm Development (FD) loans.

(1) Tenant Purchase loans are loans made or insured to enable eligible persons who do not own farms to purchase and improve family-type farms. (See § 366.1 of this chapter.) The proceeds of such loans may be used to:

(i) Purchase family-type farms, and in connection therewith to:

(a) Repair and improve family-type farms to meet established standards of health, safety, comfort and convenience, and otherwise put them in livable and operable condition.

(b) Provide for such basic land and soil improvements, as properly do not belong to recurring year-to-year operation of the farms, necessary to make the farms family-type farms.

(c) Provide for necessary water and water facilities.

(d) Pay all authorized fees and expenses incident to the making or insuring of the loans which are required to be paid by the purchaser and which he cannot pay from other funds.

(ii) Purchase, in certain specially defined cases in which it is economically unsound to acquire the land necessary to the farming operation, headquarters units which, when operated with adjacent lands dependably available to the operator for the term of the loan, will constitute family-type farms.

(2) Farm Enlargement loans are loans made or insured to enable eligible persons who own farms which are definitely too small and inadequate to constitute family-type farms, to enlarge, repair, or improve such farms so that they will definitely constitute family-type farms. (See § 366.1 of this chapter.) The proceeds of such loans may be used to purchase sufficient additional land to enlarge undersized farms into family-sized farms, and in connection therewith to:

(i) Repair and improve the enlarged farms to meet established standards of health, safety, comfort and convenience, and otherwise put them in livable and operable condition.

(ii) Provide for such basic land and soil improvements, as properly do not belong to recurring year-to-year operation of the farms, necessary to make the farms family-type farms.

(iii) Provide for necessary water and water facilities.

(iv) Refinance existing debts on farms to be enlarged provided that such refinancing is incidental to the primary purpose of enlargement of undersized farms.

(v) Pay all authorized fees and expenses incident to the making or insuring of the loans which are required to be paid by the purchaser and which he cannot pay from other funds.

(3) Farm Development loans are loans made or insured to enable eligible persons who own farms of adequate acreage to constitute family-size farms, but which, because of under-improvement are definitely not sufficiently productive to constitute family-type farms (see § 366.1 of this chapter), but can definitely be made sufficiently productive by proper repair and improvement to constitute family-type farms. When Farm Development loans are made or insured to finance major land or building improvements, funds for minor repairs or improvements may be included, but such loans will not be made solely for the purpose of minor and incidental repairs and improvements. In observing these principles, Farm Development loans, irrespective of refinancing incidental thereto, rarely will be for improvements costing less than $800 or $1,000. No land will ever be purchased with the proceeds of Farm Development loans. The proceeds of such loans may be used to repair and improve underimproved family-size farms to meet established standards of health, safety, comfort and convenience, and otherwise put them in livable and operable condition, and in connection therewith to:

(i) Provide for such basic land and soil improvements, as do not properly belong to recurring year-to-year operation

of the farms, necessary to make the farms family-type farms.

(ii) Provide for necessary water and water facilities.

(iii) Refinance existing debts on underimproved family-size farms; *Provided*, That such refinancing is incidental to the primary purpose of development of the underimproved farms.

(iv) Pay all authorized fees and expenses incident to the making or insuring of the loans which are required to be paid by the borrower and which he cannot pay out of other funds.

(d) *Farm Ownership loans to Disabled Veterans.* Tenant Purchase, Farm Enlargement or Farm Development loans may be made or insured to enable eligible veterans drawing disability pensions to acquire, enlarge, or improve farm units of sufficient size to meet the farming capabilities of such veterans and afford them income which, together with their pensions, will enable them to meet living and operating expenses and the amounts due on their loans.

4. Section 366.11 *Criteria for selection of farms* in Chapter III of Title 6, Code of Federal Regulation (6 CFR, Cum. Supp., Chapter III, Subchapter G), is revoked, and §§ 366.1, 366.2, and 366.3 are added as follows:

§ 366.1 *Selection of Farms*—(a) *General.* (1) Farm selection is a fundamental step in making direct or insured Farm Ownership loans. It is essential that applicants, FHA Supervisors and County FHA Committeemen understand thoroughly the standards to be considered in farm selection. After applicants have acquired a property understanding regarding the basic objectives of the Farm Ownership program, they will be given wide latitude in the selection of farms they desire to purchase.

(2) Under the FO program, either efficient family-type farm-management units will be acquired or improved, or undersized or under-improved farms will be enlarged or improved into efficient family-type farm-management units. The one exception to this requirement will be in the case of disabled veterans who, under certain conditions, may acquire, enlarge or improve farms which are less than efficient family-type farm-management units.

(b) *Standings for selection of efficient family-type farm-management units.* (1) Definition: An efficient family-type farm-management unit is a farm which furnishes full, productive, year-round employment for an average farm family and one which an average farm family can operate successfully without employing outside labor, except during brief peak-load periods at planting or harvest time. Such a farm must have the capacity to yield income on the basis of long-time prices which will maintain an average farm family according to acceptable living standards, pay annual operating expenses, pay for and maintain necessary livestock and farm and home equipment and pay off the loan.

(i) In individual cases, allowances may be made with respect to employing outside labor while children are too young to be of such assistance or after they have grown up and left home.

(ii) A farm on which a tenant family will be expected to reside and supplement the labor of the owner and his family, or on which an average family would require hired help a considerable part of the time, is not an efficient family-type farm-management unit and will not be approved.

(iii) Nonfarm income will not be considered in determining whether a farm, as finally developed, will be an efficient family-type farm-management unit.

(2) As used in Chapter III of Title 6 in the Code of Federal Regulations, the term "family-type farm" will mean an efficient family-type farm-management unit.

(c) *Standards for selection of farms which are less than efficient family-type farm-management units in cases of disabled veterans.* Farms that are less than efficient family-type farm-management units may be acquired, enlarged or improved by eligible war veterans who are receiving disability pensions, *Provided*, That:

(1) The size and character of the farm are suitable to the particular needs and capabilities of the disabled veteran.

(2) The farm has the capacity to produce an annual income which, together with the veteran's disability pension, will enable him to meet his normal obligations. These obligations will include family-living expenditures which will maintain acceptable standards of living for the veteran and his family, as well as operating expenses, and amounts due on his loan.

(3) The unit is larger than a mere garden plot or rural residence.

(4) A satisfactory farm plan can be carried out with the available family labor.

(5) The unit is of such character and productivity that it will not be necessary for the disabled veteran to use all or part of his pension to support unprofitable farming operations. In other words, the income from the operation of the unit as a farm, including the value of food produced for home use, should at least offset the actual operating expenses chargeable to farm operations such as seed, fertilizer and repayment of that portion of the loan represented by the farming operations. Such expenses, however, need not include cash family-living costs or maintenance, taxes, insurance and loan costs chargeable to the residence. In determining the loan and other costs chargeable to the residence, the valuation of the residence should be consistent with the depreciated value shown on Form FHA–43, "Appraisal of Buildings for Insurance."

(6) Farm income and disability compensation will constitute the major sources of income. Part-time farms, on which disabled veterans plan to live and devote most of their activity to nonfarm employment, should not be approved.

(d) *General criteria for selection of Farm Ownership farms.* (1) The making or insuring of a Farm Ownership loan depends upon a satisfactory title to the farm being vested in the borrower in order to secure a first mortgage or deed of trust on the farm. For this reason, a careful inquiry should be made relative to the title, legal description and boundaries of any land to be purchased, as well as any land already owned by the applicant, before time is lost in considering other aspects of the farm.

(2) In selecting farms for Farm Ownership loans, consideration should be given to base acreage allotments and assigned yields or productivity indexes upon which soil conservation payments are made.

(3) If a Farm Ownership farm is to be formed by combining separate tracts of land, the tracts preferably should be contiguous. However, a farm may consist of noncontiguous tracts if they are so situated with respect to each other that the combined unit can be operated conveniently and efficiently as a family-type farm. This is especially important in making Farm Enlargement loans, since the question of operating noncontiguous tracts is more likely to arise in connection with this type of loan.

(4) Farms approved for Farm Enlargement or Farm Development loans, as defined in § 364.3 of this chapter should be definitely undersized or underdeveloped and in their present state constitute definitely less than efficient family-type farm-management units.

(i) Enlargement or development of farms should constitute the primary purpose of Farm Enlargement or Farm Development loans. Refinancing in connection with Farm Enlargement and Farm Development loans must not constitute the primary purpose of the loans. However, since it is necessary to obtain a first mortgage or deed of trust on farms, funds for refinancing purposes may be included in Farm Enlargement and Farm Development loans.

(ii) In connection with Farm Development loans, consideration should be given to all types of improvements that may be needed to make the farm an efficient family-type farm-management unit. This will include such needed land improvements as irrigation, drainage, land clearing, terracing and basic soil treatment, as well as needed construction and repair of buildings. In some cases, a farm may be approved which needs only one type of improvement, such as construction or major repair of a building, in order to make it an efficient family-type farm-management unit. Usually, however, more than one type of improvement will be needed. Farms needing only minor building repairs or minor land improvements which are not essential to making the farm an efficient family-type farm-management unit will not be approved for Farm Development loans.

(5) Farms should not be approved which consist almost wholly of undeveloped land that requires an excessive amount of expense or labor for land improvement, and which will not produce an income sufficient to support the family, meet operating expenses and payments on the loan the first year of operation.

(6) When individual family-type farms are not available in any area, consideration should be given to the subdivision of large tracts.

(7) Farms will not be approved in areas designated for retirement from agriculture by Federal, State or county

land use planning agencies, or areas so poor that they are likely to be so designated. Outside of such areas, it will be necessary, in order to assist persons in greatest need of Farm Ownership loans, to make such loans in areas including poor as well as good land. When loans are made for the purchase of poorer grades of land, unusual care must be exercised to see that it is purchased at a price in line with its earning capacity. Land that is worn out, eroded, foul and weedy cannot be restored to productivity quickly or without great effort and expense. This fact should be taken into account in determining the present value of the land.

(8) In farm selection and approval, due consideration should be given to roads, schools, markets, and other community facilities. The tax rate on farms, the bonded indebtedness and other costs incident to irrigation and drainage, or other types of improvements, should also be considered. In irrigation areas, careful consideration should be given to the adequacy of the water supply and water rights.

(9) When a farm is not on a public road, it is essential that there be a satisfactory legal right-of-way from the farm to a public road.

(e) *Limitations in selection of Farm Ownership farms because of interest of sellers.* (1) No Farm Ownership loan will be made or insured if any member of the County FHA Committee participates in, or attempts to influence, in any manner, the selection, consideration, discussion or certification with respect to a farm in which such member, or any person related to such member within the third degree of consanguinity or affinity, has any pecuniary interest, direct or indirect, or in which any of them had such interest within one year prior to the date of certification.

(2) Unless an exception is made as provided below, a Farm Ownership loan will not be made or insured for the purchase or improvement of land when an FHA employee has an interest, direct or indirect, or when a person related to that employee by blood or marriage has an interest, direct or indirect, in the land to be purchased or improved and when an FHA employee is officially, through his FHA employment, connected with the processing, handling or approval of such loan in a manner as to enable him directly or indirectly to influence FHA decisions with respect to the processing, handling or approval of the loan. The state FHA director may make the exception and give the reasons therefor in writing, unless he is the interested FHA employee, in which case the Administrator will make and sign the exception.

(3) Farms will not be approved for Tenant Purchase or Farm Enlargement loans which involve the purchase of land owned by a parent or other near relative of an applicant, nor will a farm be approved for a Farm Enlargement or Farm Development loan on which a parent or near relative holds a mortgage, unless the state FHA director has determined before approval of the loan:

(i) That the applicant is unlikely to receive an inheritance in a short time either of title to the property or of sufficient funds to make a Farm Ownership loan unnecessary, and

(ii) That the seller's circumstances are such as to make it impracticable for him to sell the property to the applicant or to advance additional funds that would make a Farm Ownership loan unnecessary.

(f) *Preliminary farm selection*—(1) *Listing and studying farms for farm ownership applicants.* (i) When it appears that Farm Ownership applicants may have difficulty in locating and selecting desirable farms, the FHA supervisor may prepare a preliminary list of farms which he has learned are for sale. To help in the preparation of this list, a carefully worded press release may be issued. This press release may indicate that Farm Ownership loans will be made or insured in the county to eligible war veterans and other qualified persons for the purchase, enlargement or improvement of farms. It also may suggest that owners having farms for sale which may qualify for the Farm Ownership program may list them with the FHA supervisor. In addition to such press release, the FHA supervisor may learn of farms for sale through contacts with landowners, county agents, banks, insurance companies, secretaries of Federal Land Bank Associations, county recorders' offices, and others. Although tracts of land suitable for subdivision into family-type farms will be considered, large tracts of raw, undeveloped land usually are not acceptable for the Farm Ownership program. The FHA supervisor will not promote the sale of any particular farm or group of farms and will avoid commitments as to price, but he will obtain all information that is available on this subject.

(ii) Upon request of the FHA supervisor, a state Farm Ownership representative will visit a county for the purpose of assisting the County FHA Committee in the study of listed farms. The Farm Ownership representative will explain to the Committee the FHA standards for farms and the use of Form FHA–596, "Earning Capacity Report." If a study of the farms listed indicates that there is not an adequate number of of acceptable farms, the Committee, with the aid of the Farm Ownership representative, may make further efforts to discover desirable farms which are for sale. The Committee will authorize the inclusion of such farms on the tentatively approved list as appear upon preliminary examinations to be acceptable, provided it is reasonable to assume that they may be obtained at justifiable prices. Commitments as to prices should be avoided in this preliminary listing of farms.

(iii) In order to keep requests for appraisal services to a minimum, the FHA supervisor and County FHA Committees should assist and advise applicants in the selection of farms so that such requests will be limited, to the fullest extent practicable, to farms which are reasonably certain to qualify for the Farm Ownership program.

(2) *Selection of farms by Farm Ownership applicants.* In the course of reaching a proper understanding with applicants, they should be informed of the type, size and general characteristics of farms which are suitable to them and acceptable for the program in the particular area. Applicants may select a farm previously approved by the County FHA Committee, or any other farm which later may be approved by the Committee. County FHA Committeemen, state Farm Ownership representatives and FHA supervisors should render assistance to applicants in this preliminary selection of farms. In this connection, any commitment to sellers regarding price will be avoided.

(g) *Preliminary approval of farms.* When a Farm Ownership applicant who is viewed with favor has selected a farm, the FHA supervisor will arrange for a preliminary inspection of the farm. Upon preliminary approval of the farm by the County FHA Committee, the FHA supervisor will request the services of the FHA employee authorized to appraise farms for the preparation of Form FHA–596. It is generally advisable to obtain an option before requesting such services.

(h) *Preference to war veterans.* When both a veteran and a nonveteran have been viewed with favor and are interested in the same farm at the same time, preference will be given to the veteran, provided the seller is willing to sell to either person.

§ 366.2 *Optioning of farms*—(a) *General.* (1) An option will be taken in the name of the Tenant Purchase or Farm Enlargement applicant, unless the land to be optioned consists of a tract to be subdivided. In the process of obtaining an option, any qualified person may render assistance.

(2) While the information in Form FHA–596, "Earning Capacity Report," will furnish a basis for arriving at a fair option price, it is generally advisable to obtain an option prior to the preparation of Form FHA–596. This is a safeguard against incurring the expense of appraisal and other work in connection with a farm which it may not be possible to purchase.

(3) Farms should not be optioned at prices that are believed to be in excess of the actual earning capacity values or when it appears that the total investment in the complete farm unit will exceed the loan limit in the county. Even though loans for the purchase of farms so optioned may not be approved, an objectionable precedent may be established that will affect adversely negotiations in connection with other properties in the community. Prior to optioning, the FHA supervisor or one or more members of the County FHA Committee should look over the farm to make certain that there is a reasonable probability that it will "appraise out". The effect on the option price of such factors as mineral rights, Agricultural Conservation Program payments and outstanding leases should be determined as promptly as possible and every effort should be made to secure the option at the lowest cash figure that the seller will accept.

(b) *Preparation of option*—(1) *Use of option forms.* (i) Options for individual units will be taken on Form FHA–188A, or Form FHA–188B, "Option for Purchase of Farm." The FHA Supervisor will be advised by the state office whether Form FHA–188A or Form FHA–188B is to be used. When possible, it is desirable to insert in the option the time and conditions under which the applicant will be given possession of the property. It will be noted that Form FHA–188A requires the seller to furnish an abstract of title, and Form FHA–188B requires him to furnish a policy of title insurance. Title insurance will be used when it is available, and the seller will be requested to fill out an application for title insurance at the same time he signs the option. The seller will be given the choice of any title insurance company which has been approved for issuing title insurance policies in the county. In the case of a Farm Enlargement loan, the seller will select the title insurance company and will apply for title insurance on the tract which he is selling; at the same time the applicant will apply for title insurance from the same company on the tract which he owns.

(ii) Options taken by Farm Enlargement applicants will contain the following clause, inserted in the space provided for conditions peculiar to a particular transaction:

> The seller agrees that, irrespective of any other provision in this option, the buyer, or his assignees may, if the option is accepted, without any liability therefor, refuse to accept conveyance of the property described herein if the Government or other prospective Mortgagee fails or refuses to make the aforesaid loan because of defects in the title to land now owned by the buyer.
>
> The inclusion of this paragraph will relieve the applicant of his obligation to purchase and will absolve him from possible liability for damages whenever incurable defects in the title to the original tract are disclosed, subsequent to the acceptance of the option, which prevent the closing of the loan.

(iii) Options will be prepared in an original and two copies. The seller will sign the original only, and his name will be typed on all copies. The type of loan (Tenant Purchase or Farm Enlargement) will be indicated in the upper left corner of the original and all copies. As soon as the option has been signed by the seller, it will be transmitted by the FHA supervisor to the state office as provided by § 367.1 of this chapter. One copy will be placed in the county office copy of the loan docket, and one copy will be retained by the seller.

(2) *Listing complete information on options.* Options should contain complete and accurate information on all reservations, easements, leases, water rights, or other conditions peculiar to the transaction. Such items as dates of execution and expiration, names of lessees, lessors, and areas involved, and amounts of compensation should be stated clearly. If the spaces provided on the option are insufficient for such information, extra sheets should be used and stapled to the form. Disclosure of such information at a later date causes undue delay in closing the loan. If the applicant is related to the seller, the relationship should be explained fully on an extra sheet, so that the state FHA director can make the determination required in § 366.1.

(3) *Agricultural conservation program payments.* Options should not contain assignments of Agricultural Conservation Program payments, since the Soil Conservation and Domestic Allotment Act forbids such assignments. However, the cash equivalent of the anticipated Agricultural Conservation Program payment may be taken into account in arriving at the option price, since the amount of such payment and the individuals to whom it will accrue legally can be determined readily.

(c) *Mineral rights.* (1) It is the general policy of the FHA that borrowers will hold all of the mineral rights in land purchased, improved, or refinanced with the proceeds of Farm Ownership loans. In some instances, however, sellers may refuse to transfer mineral rights, or such rights may be vested wholly or partially in third parties. In such situations, field officials are to be guided by the principle that, with respect to the minerals, the applicant should make as good a bargain as is possible in the circumstances. When an option is submitted to the state office which does not propose to convey all of the mineral rights to the applicant, the representative of the office of the Solicitor will advise the state FHA director of the facts in the case. The state FHA director, after satisfying himself that all practical efforts to obtain 100% of the mineral rights have been made, may approve the option if:

(i) The applicant has obtained, or is able to obtain, a portion of the mineral rights or guaranties of compensation, either of which is deemed adequate protection against loss in the event that the minerals are developed.

(ii) The state FHA director determines that there is little likelihood that the minerals will be developed. (This determination may be made by the state FHA director on a county basis or for a group of counties, provided the situation with respect to minerals is similar or widespread in the county or group of counties.)

(2) If the applicant does not have or cannot obtain either a sufficient portion of the mineral rights or adequate guaranties of compensation, and the state FHA director cannot determine that there is little likelihood of development of the minerals, the option may be approved only if the state FHA director finds:

(i) That the situation with respect to the minerals will not jeopardize the security interest of the mortgagee.

(ii) That it is not practicable for the applicant to select another farm.

(3) Reservations authorized on behalf of the seller should embrace the smallest fraction of the mineral rights and run for the shortest time to which the seller will agree. Where minerals are reserved by the seller, they should be named specifically in the option, and the term "other minerals" should be avoided when possible.

(i) When a family-type farm is subject to mineral reservations, approval of the option will be dependent upon a finding by the state FHA director that the reservation in question will not render the farm less than an efficient family-type farm-management unit.

(ii) When a farm which is less than an efficient family-type farm-management unit has been selected by a disabled veteran and is subject to mineral reservations, the option will not be approved unless the state FHA director finds that such a reservation does not constitute a potential impairment of the income-producing ability of the farm, or will not otherwise render the farm unsuitable for the disabled veteran.

(4) The FHA Supervisor should ascertain whether the option includes all mineral rights or whether the seller or some prior owner of the property has deeded, leased, or otherwise conveyed the whole or a part of the mineral rights. If the seller is in doubt as to whether a conveyance or lease of any part of the mineral rights has been made, or if there is a possibility that a deed, lease, or any other type of conveyance of mineral rights exists, a check will be made of the public records to determine whether there are such outstanding conveyances. If there is an outstanding deed, lease, or other conveyance of the mineral rights, the FHA supervisor will forward to the state office with the option a copy of such instrument, secured either from the seller or from the public records.

(d) *Side agreements.* (1) Side agreements between applicants and sellers involving a purchase price greater or less than the option price or any additional consideration whatsoever are in violation of the Farmers Home Administration Act. Any party entering into such side agreements or misrepresenting in any way the purchase price is subject, upon conviction, to a $2,000 fine or imprisonment for two years or both, as provided in the act and specified in the option. The FHA supervisor is responsible for informing applicants and sellers regarding these penalties.

(i) If the FHA supervisor or any employee becomes aware of a side agreement before a Farm Ownership loan is closed, the FHA supervisor will suspend processing of the loan and report the facts in the case to the state FHA director.

(ii) If the FHA supervisor or any employee becomes aware of a side agreement after a Farm Ownership loan is closed, a report of the facts in the case will be made to the state FHA director.

(iii) Further action in either case will be governed by advice received from the state FHA director, who will report the facts to the representative of the office of the Solicitor and to the representative of the Examination Division. If the representative of the office of the Solicitor finds that probable financial or criminal liability is involved, he will report his findings to the state FHA director, who will report the facts in the case to the Administrator. If the representative of the office of the Solicitor finds that probable financial or criminal liability is not involved, he will report his findings to the state FHA director who will take appropriate administrative action. Failure on the part of FHA employees to carry out the spirit and intent of these provisions with respect to side agreements will

constitute an offense of serious gravity and will be dealt with accordingly.

(2) The following courses of action are among those which may be taken by the State FHA director in cases involving side agreements after careful review of the circumstances involved:

(i) Refuse to make the loan, if it is not closed.

(ii) Return to the borrower any funds paid by or for the borrower as a result of the side agreement.

(iii) Foreclose the loan.

(iv) Recommend to the Administrator proceeding under penalty provisions of the act.

(v) Recommend appropriate disciplinary action with respect to FHA employees in cases in which they have been remiss in discharging their responsibilities or have been implicated personally in the offense committed.

(e) *Payment of one dollar consideration.* The option requires payment of one dollar ($1) by the applicant, and the money actually should be paid to the seller, since a receipt for the payment of one dollar ($1) is acknowledged specifically in the option.

(f) *Recording of option.* In some cases, it may be desirable to record the option after State office approval to prevent third parties from acquiring an interest in the optioned property. The FHA supervisor will be informed by the State office of the circumstances under which recordation is advisable. If the option is recorded, the fee will be paid by the applicant.

(g) *Assignment of option.* If paragraph 10 of Form FHA–188A or FHA–188B has not been stricken by the seller, Form FHA–188H, "Assignment of option," will be used when it is desirable to assign the option to a new Farm Ownership applicant. If the option is assigned, the FHA supervisor should send a copy of Form FHA–188H to the seller when it is completed.

(h) *Expiration of option.* (1) If in unusual circumstances the FHA supervisor is unable to send the option to the state office three weeks before the irrevocable period expires, he should send it as promptly as possible and request that it be given preferential consideration.

(2) If it becomes necessary to extend the time of expiration of the original option beyond one year, a new option will be secured by the applicant.

(3) If an option is in the state office and the seller gives ten days' written notice of termination, in accordance with the terms of the option, the FHA supervisor will wire the state office promptly so that special consideration may be given to such an option.

§ 366.3 *Certification of farms*—(a) *General.* The FHA supervisor will arrange for a meeting of the County FHA Committee to consider Form FHA–596, "Earning-Capacity Report," Form FHA–14, "Our Farm and Home Plan for 19--," Form FHA–14C, "Long-time Farm and Home Plan," and Form FHA–643, "Farm Development Plan." After they have made an examination of the farm and have given proper consideration to these forms, the Committee is ready to prepare Form FHA–491, "County Committee Certification," with respect to the certification of the farm.

(b) *Certification of farm by County FHA Committee.*

(1) The County FHA Committee legally is responsible for determining that each farm to be financed with the proceeds of a Farm Ownership loan or of a loan insured under Title I of the Bankhead-Jones Farm Tenant Act, as amended, is of such character that there is reasonable likelihood that the making or insuring of the loan with respect to the farm will carry out the purposes of the act. The County FHA Committee also is responsible for determining the amount which it finds to be the fair and reasonable value of the farm based upon its normal earning capacity, after contemplated improvements or enlargements are made. In addition, the County FHA Committee is responsible for recommending the amount and purposes of the loan and for determining that the value of the farm, as acquired, enlarged, or improved will not be in excess of the average value of efficient family-type farm-management units in the county. The County FHA Committee will certify to the above determinations on Form FHA–491.

(i) When a farm proposed for purchase by a Tenant Purchase borrower consists of separate tracts, the County FHA Committee will certify as to the fair and reasonable value of the complete farm unit, as combined and improved.

(ii) When a farm is to be enlarged by a Farm Enlargement borrower, the County FHA Committee will certify as to the fair and reasonable value of the farm, as enlarged and improved.

(iii) When a farm is to be developed by a Farm Development borrower, the County FHA Committee will certify as to the fair and reasonable value of the farm, as improved.

(2) Efficient family-type farm-management units: The total investment in a farm, as computed in § 364.2 of this chapter, should not be greater than is justified on the basis of its normal earning capacity, after contemplated improvements are made. The following determinations will be made by the County FHA Committee in certifying family-type farms:

(i) *Determination of fair and reasonable value (Farm Ownership loans).* The County FHA Committee will enter its determination of the fair and reasonable value of the farm based on its normal earning capacity, after contemplated improvements or enlargements are made, on Form FHA–491. The County FHA Committee should give due consideration to the "Earning-Capacity Report" prepared by FHA employees authorized to appraise farms. The normal earning capacity, after contemplated improvements are made, rather than income producing ability of the farm as indicated on Form FHA–14 and Form FHA–14C should be considered in arriving at this determination. The County FHA Committee should not be influenced by the amount of the proposed loan or the average value of efficient family-type farm-management units in the county, as determined by the Secretary, in making their determination, based on the "Earning-Capacity Report," and their examination of the farm. In other words, the County Committee's determination of their fair and reasonable value should represent its actual bona fide determination with respect to the particular farm under consideration.

(ii) *Determination of acquisition and refinancing costs (Farm Ownership loans).* The County FHA Committee will indicate on Form FHA–491 the amount necessary to acquire the land, free and clear of all encumbrances, to refinance any existing indebtedness on the farm, and to pay necessary fees. When Form FHA–14 and Form FHA–14C show definite possibilities of increased income under good management, the amount that can be paid for the farm or used for refinancing purposes may be slightly higher than the recommended purchase or refinancing price shown on the "Earning-Capacity Report," when necessary to acquire or enlarge a particularly desirable farm. However, the benefits of increased income, in general, should accrue to the borrower and should not be bartered away through excessive price to the seller or through unjustified payment to a lien holder.

(iii) *Determination of value less planned improvements (Farm Enlargement and Farm Development loans).* The County FHA Committee will enter its determination of "Value Less Planned Improvements" of the "Tract Owned by the Applicant" and the "Tract to be Purchased, if any," on Form FHA–493, "Value of Applicant's Unit," after a review of the recommendations of the FHA employees authorized to appraise farms.

(3) Less than efficient family-type farm-management units for disabled veterans: The total investment in a farm, as computed in § 364.2 of this chapter, for a disabled veteran should not be greater than is justified by the cash income available after farm-operating and family-living expenses are deducted from the sum of farm earnings and pension payments. The following determinations will be made by the County FHA Committee in certifying farms for disabled veterans which are less than efficient family-type farm-management units:

(i) *Determination of fair and reasonable value (Farm Ownership loans).* The County FHA Committee will enter its determination of the fair and reasonable value of the farm after contemplated improvements or enlargements are made. The County FHA Committee should give due consideration to (*a*) the "Earning-Capacity Report" prepared by FHA employees authorized to appraise farms, (*b*) the suitability of the unit to the farming capabilities of the disabled veteran and his family, (*c*) the normal market value of the farm and (*d*) other pertinent factors, such as the "Long-Time Farm and Home Plan" and the "Farm Development Plan."

(ii) *Determination of acquisition and refinancing costs (Farm Ownership loans).* The County FHA Committee will indicate on Form FHA–491 the amount necessary to acquire the land, free and clear of all encumbrances, to refinance any existing indebtedness on the farm and to pay necessary fees. Special caution should be exercised to avoid obligating a disabled veteran beyond his capacity to pay by paying more than the farm is worth or by investing more in improvements than is justified. Exploitation of the disabled veteran's pension by paying too much for the farm should be avoided.

(iii) *Determination of value less planned improvements (Farm Enlargement and Farm Development loans).* The County FHA Committee will enter its determination of "Value Less Planned Improvements" of the "Tract owned by Applicant" and the "Tract to be purchased, if any," on Form FHA–493, "Value of Applicant's Unit," after a review of the recommendations of the FHA employee authorized to appraise farms.

(c) *Distribution of Form FHA–491.* Form FHA–491 will be prepared in an original and two copies. The original and one copy will be placed in the original loan docket, and a copy will be filed in the County Office copy of the loan docket. The original will be signed by at least two County FHA Committeemen. The names of the Committeemen who sign Form FHA–491 will be typed on all copies.

(d) *Distribution of Form FHA–493.* Form FHA–493 will be prepared in an original and one copy. The original will be placed in the original loan docket and a copy will be filed in the County Office copy of the loan docket. The original will be signed by at least two County FHA Committeemen. The names of the Committeemen who sign Form FHA–493 will be typed on the copy.

5. Subchapter G, "Farm Ownership" in Chapter III of Title 6, Code of Federal Regulations (6 CFR, Cum. Supp., Chapter III, Subchapter C), is amended to add the following part, Part 367 "Loan Processing":

§ 367.1 *County Office Routine*—(a) *Preliminary submission of option and title insurance application.* Except for Farm Development loans, the original of the option and the signed application for title insurance will be forwarded to the state office, Attention: Farm Ownership, as soon as they have been signed by the seller. When they are returned by the state office, they will be held in the applicant's file, unless corrections are indicated and resubmission is required. The option, together with the letter of approval from the representative of the office of the Solicitor, will be placed in the original loan docket when it is finally assembled. The title insurance application will be transmitted to the company or its local representative when the loan has been approved and the option accepted. (Where title insurance is not available, the title insurance application will be eliminated.) In the case of a Farm Development loan, the signed title insurance application will be held by the FHA supervisor until notification of approval of the loan is received from the district FHA supervisor.

(b) *Special items in execution and preparation of forms.* On all copies of all forms providing a space for the designation of the state and county, there will be inserted in the upper right corner the names of the state and county in which the farm to be purchased, enlarged or developed, is situated. The case number will be inserted by the county office in the space provided only when the applicant previously has been assigned an FSA or an FHA case number. The words, "Veteran" or "Nonveteran," whichever is applicable, will be typed or stamped above the heading on all copies of all forms. In the case of a disabled veteran purchasing a farm which is less than an efficient family-type farm, the words, "Disabled Veteran," will be used.

(1) *Form FHA–5, "Loan Voucher."* The type of loan (TP, FE, or FD) will be inserted on the appropriate line. The applicant will sign the original of Form FHA–5 in the space provided, and his name will be typed above his signature. The FHA supervisor will not sign the form.

(2) *Form FHA–668, "Loan Agreement and Request for Funds."* The applicant, his wife and the FHA supervisor will sign the original and one copy of Form FHA–668. The FHA supervisor will delete the inapplicable paragraph appearing in his certification on the reverse of the form. The same will apply to Form FHA–668, "Loan Agreement and Request for Funds (Deferred Advance)," when deferred construction is involved.

(3) *Form FHA–190, "Promissory Note."* The date of the promissory note, the amount of the first installment and the year in which the first installment will become due will be left blank. The remainder of the Form will be completed by the FHA supervisor. The amount of each of "the next succeeding thirty-nine installments" to be inserted will be 4.683 percent of the sum inserted as the total loan. Thereafter, the applicant and his wife will sign the original of Form FHA–190. At the time of signing, the FHA supervisor will explain to the applicant that the amount of the first installment will be determined at the time of loan closing. The amount thereof may be less, but not more, than a regular installment.

(4) *Form FHA–491, "County Committee Certification."* At least two of the three County FHA Committeemen will sign the original of Form FHA–491. The original and all copies of the form will be dated. Under items 5 and 9, the inapplicable language will be deleted. The total amount of the loan will be inserted under item 9A or 9B.

(5) *Form FHA–476, "Transmittal and Flow Sheet."* Under "Type of Submission" in the upper right corner, a check will be placed in the space provided to identify the loan as initial, subsequent, or deferred advance. If submission is of any other type, it will be specified in the space provided. The loan type will be identified by checking the appropriate type of loan or by specifying the type in the space provided.

(c) *Execution of informal agreement.* Each new Farm Ownership borrower and his wife will be required to sign Form FHA–317, "Agreement." This informal agreement with the FHA sets forth obligations which the applicant and his wife assume when they accept a Farm Ownership loan. Its purpose is to give the applicant and his wife a clear understanding of what is expected of those who obtain Farm Ownership loans, and it should be signed by them with full knowledge of what it contains. Form FHA–317 will be signed in duplicate not later than the signing of Form FHA–668, "Loan Agreement and Request for Funds." The original will be retained by the applicant, and the copy will be placed in the county office file. The FHA supervisor will sign as representative of the FHA.

(d) *Preparation of loan docket.* (1) The FHA supervisor will assemble the loan docket when the County FHA Committee has certified on Form FHA–491 to the eligibility of the applicant and the reasonable value of the farm.

(2) The loan docket will be checked thoroughly by a competent person in the county office to determine whether the requirements with respect to mechanical accuracy have been met fully.

(e) *Action by district FHA supervisor.* (1) Analysis of loan: It is the responsibility of the district FHA supervisor to determine that each Farm Ownership loan is sound and that there is a reasonable likelihood that the family will be successful on the farm. Before approving any Farm Ownership loan, he will make a comprehensive and objective analysis of the loan, utilizing all available information regarding the family, the farm and the plans of operation. Special attention will be necessary with respect to applications for Farm Ownership loans to disabled veterans who desire to purchase less than efficent family-type farm-management units.

(2) Check of loan limits: The district FHA supervisor will ascertain for all Farm Ownership loans that the total proposed investment in the farm does not exceed the county loan limit. He will check also the fair and reasonable value of the farm as certified by the County FHA Committee to ascertain that such certified value does not exceed the average value of efficient family-type farm-management units in the county, as determined by the Secretary of Agriculture.

(3) For all loans to veterans, the district FHA supervisor will check the evidence of discharge or release, and attach it to the loan approval letter provided in subparagraph (4) (ii) of this paragraph, for the county office copy of the loan docket. In the case of a veteran with pensionable disability, he will check also the written evidence from the Veterans' Administration to verify the amount of and the reason for the pension.

(4) Approval of loan and notification to FHA supervisor:

(i) It is intended that approval or disapproval of loans by the district FHA supervisor generally will be based upon an "on-the-ground" review. The ordinary practice, therefore, will be for the district FHA supervisor to pass upon the loan in the county office after visiting the farm and family. There may be circumstances, however, which make it impossible or unnecessary for the district FHA supervisor to pass upon loans in the county office. When justified, State FHA

directors may authorize the district FHA supervisor to have Farm Ownership loan dockets mailed to the district office for review.

(ii) If the loan is approved, the district FHA supervisor will sign the original and one copy of Form FHA–643, the original and one copy of Form FHA–668, the original and one copy of Form FHA–668 (Deferred Advance), if any, and will initial Form FHA–476. He will also furnish the FHA supervisor with a letter tentatively approving the loan and, except for a Farm Development loan, authorizing him to notify the applicant to accept the option. The loan docket then will be forwarded to the area finance office for mechanical examination and obligation of funds.

(iii) If the loan is disapproved, the district FHA supervisor will return the loan docket to the FHA supervisor with a letter explaining the reasons for disapproval and giving appropriate suggestions for correction of the loan docket, if possible. The FHA supervisor will notify the applicant of the disapproval of the loan and the reasons therefor.

(f) *Corrections of errors.* If a loan docket is returned from the area finance office for correction, the FHA supervisor will make such corrections as are indicated and forward the docket as directed.

(g) *Accepting option and ordering title insurance.* When the FHA supervisor has been notified by the district FHA supervisor of the tentative approval of a Tenant Purchase or Farm Enlargement loan, he will prepare the acceptance of option letter, Form FHA–191, "Acceptance of Option (Vendor to furnish Abstract)," or Form FHA–191B, "Acceptance of Option (Vendor to furnish Title Insurance)," in an original and two copies, as soon as he has ascertained definitely that the applicant intends to proceed with the loan as planned. The original of the option acceptance letter will be signed by the applicant, and by his wife if she is named in the option, and mailed to the seller. One copy will be forwarded to the state office and one copy retained in the county office. If it is necessary that the seller submit a deposit for furnishing an abstract in connection with placing the order for title insurance, information to that effect will be added to the option acceptance letter, and it will be the responsibility of the FHA supervisor to see that the necessary action is taken by the seller. The signed application for title insurance will be removed from the file, where it has been held pending approval of the loan, and transmitted by the FHA supervisor to the local representative of the title insurance company or to the central office of the company, whichever is customary.

(1) On the copy of the option acceptance letter which is forwarded to the state office, the FHA supervisor will indicate:

(i) The total amount of the loan. He will show in parentheses the breakdown of the total amount between the immediate advance and the deferred advance, if any.

(ii) The date of mailing of the title insurance application.

(iii) The name of the title insurance company.

(2) If title insurance is not used, subparagraph (1) (ii) and (iii) of this paragraph will be omitted.

(3) In the case of a Farm Development loan, the signed application for title insurance will be transmitted in the usual manner. The information required by subparagraph (1) of this paragraph, will be forwarded to the State Office by separate letter.

(h) *Cancellation of loan.* If a borrower requests that his loan be canceled or if it becomes necessary for the state FHA director or his designee to order the cancellation of a loan after approval and prior to closing, every effort will be made to secure the execution of Form FHA–668B, "Cancellation of Loan Agreement." Form FHA–668B will be prepared in an original and three copies. The original will be signed by the borrower and the district FHA supervisor. One copy will be filed in the county office copy of the loan docket and one copy given to the borrower. The original and remaining copy will be sent to the state office, Attention: Farm Ownership. If it is impossible to secure the execution of Form FHA–668B, a letter requesting cancellation of the loan and stating the facts in the case will be sent to the state office, Attention: Farm Ownership. If the check is received subsequently in the county office, it will be returned to the U. S. Treasury Regional Disbursing Office with Treasury Form 1725, "Designation as agent and receipt for checks." A request for cancellation and a definite statement of reasons therefor will be written on Treasury Form 1725. If a check has been received but not cashed, it will be returned to the Disbursing Office with a letter containing a request for cancellation and giving the reasons therefor. A copy of the letter to the Disbursing Office will be forwarded to the state office. If the check has been cashed, the borrower will refund the loan by remitting a check payable to the Treasurer of the United States and countersigned by the FHA supervisor; and the items will be scheduled to the disbursing officer's special deposits account. No interest will be charged in a case of this kind. When the original note stamped "Canceled" is received in the county office, the original note will be returned to the borrower.

(i) *Reduction in amount of loan.* (1) If the original estimate for any Farm Ownership loan is found to be too high, before the check has been delivered to the borrower, the borrower, his wife, and the district FHA supervisor will execute Form FHA–668A, "Amendment to Loan Agreement." Form FHA–668A will be prepared in the same number of copies and distributed as outlined in paragraph (d) of this section, for Form FHA–668. Form FHA–668A will be transmitted to the state office for forwarding to the area finance office so that the obligation may be reduced. If the check has been issued, it must be returned for cancellation. A new Form FHA–190, Form FHA–5, Form FHA–643, and Form FHA–491 will be submitted for the reduced amount of the loan.

(2) If the check has been deposited in the borrower's supervised bank account, the excess will be refunded by certified check. The amortization schedule may be recalculated if requested by the borrower.

(j) *Increase in amount of loan.* (1) If the original estimate for any Farm Ownership loan is found to be too low before the check has been deposited in a supervised bank account, and before the fiscal year during which the funds for the original loan were obligated has expired, a request, properly explained, should be sent immediately to the state office for the return of the original docket. The borrower and his wife will execute Form FHA–668B (See paragraph (h) of this section). The check, if it has been issued, should be canceled and a new Form FHA–491, Form FHA–5, Form FHA–668, Form FHA–190, Form FHA–43, and Form FHA–643, should be submitted for the total amount of the loan as increased.

(2) If the original estimate for any Farm Ownership loan is found to be too low and the check has not been received, but the fiscal year during which the funds for the original loan were obligated has expired, a subsequent loan should be requested.

(3) If the original estimate for any Farm Ownership loan is found to be too low, but the check has been received and deposited in a supervised bank account, a subsequent loan should be requested.

(k) *Loss by fire between acceptance of option and closing of loan.* If there is an unreplaced loss or damage to the optioned property by fire or other casualty between the date of the option and the closing of a Tenant Purchase or Farm Enlargement loan, the following actions may be taken:

(1) The borrower may accept conveyance of title, provided the purchase price is adjusted adequately to compensate for the loss. This adjustment should be in writing and should be submitted to the state director or his designee, who will determine (i) that the farm and home plans are not affected adversely and (ii) that the adjustment is sufficient to enable the borrower by means of the initial loan to purchase the land and to repair or replace the damaged or destroyed buildings in accordance with the minimum standards for construction. In the event the proposed adjustments require a substantial increase in the amount of the loan for repairs and construction and a smaller amount for the purchase price of the land, the state FHA director shall request another certification by the County FHA Committee on Form FHA–491.

(2) When adjustments cannot be made on the above basis, the borrower should refuse to accept conveyance under the terms of Form FHA–188A or Form FHA–188B.

(l) *Occupancy of farms by tenant purchase and farm enlargement borrowers.* The acceptance of the option makes the sale of the farm conditional upon delivery of satisfactory title by the seller. When the acceptance of option letter Form FHA–191 or Form FHA–191B has been mailed to the seller, the borrower will arrange to occupy and operate the farm as soon as practicable, under either of the following circumstances.

(1) Possession between acceptance of option and closing of loan: When it is desirable for the borrower to start farming operations in the period between acceptance of the option and closing of the loan, he may lease the farm from the seller by using Form FHA–189, "Short-Term Lease of Optioned Land." This lease adjusts the rent to be paid by the borrower to that portion of the crop year during which the seller retains title to the farm, and provides for payment by the seller of maintenance costs during the same period. Provisions for proration of taxes are contained in the option, Form FHA–188A or Form FHA–188B, which also contemplates that any insurance coverage prior to conveyance is a responsibility of the seller.

(2) Possession after closing of loan: In the event the borrower cannot occupy the farm during the crop year in which the loan is closed, an understanding should be reached with the seller regarding rents, right of entry, and other pertinent questions in connection with loan closing. In cases where the seller is to remain on the farm, Form FHA–198, "Short-Term Lease (Between Purchaser and Seller)," shall be executed. In cases where the seller desires to reserve certain rights, Form FHA–129, "Temporary Cropping License," shall be executed. In cases where a tenant is occupying the farm and will not give possession, Form FHA–199, "Agreement (Between Seller, Purchaser and Tenant)," should be executed.

(3) Forms FHA–189, FHA–129, and FHA–198 will be prepared and signed in an original and three copies. The original will be retained by the seller, one copy will be retained by the borrower, one copy will be filed in the county office loan docket, and one copy will be sent to the state office to be filed in the borrower's case file. Form FHA–199 will be prepared and signed in an original and four copies. The original and first three copies will be distributed in the same manner as Form FHA–189 and one copy will be retained by the tenant.

(m) *Closing of the loan.* (1) No loan will be closed until closing instructions have been received from the representative of the office of the Solicitor and it is ascertained definitely that the borrower intends to live on and operate the farm as planned. No loan will be closed when it is intended to transfer the farm to another applicant nor where it is known that the borrower does not intend to fulfill his loan agreement.

(2) Deposit of check: The check issued to the borrower in care of the FHA supervisor will be deposited in a supervised bank account.

(i) When a Farm Ownership loan check has been issued and for any reason cannot be delivered within 21 days from the date of the check, or there is reasonable doubt as to whether the loan can be closed, the loan check will be returned to the U. S. Treasury Regional Disbursing Office with Treasury Form 1725. If the loan check is to be returned to the county office on a specific date, such date must be stipulated on Treasury Form 1725 and must be within 90 days from the original date of the check. If the loan check is to be held for an indefinite period, a statement to that effect should be written on Treasury Form 1725, and the area finance office should be informed as to the desired disposition of the check within 75 days from its date; otherwise automatic cancellation will be effected.

(ii) When a Farm Ownership loan check, which has been received in the county office, is lost or destroyed before delivery to the payee, the FHA supervisor immediately will notify the appropriate U. S. Treasury Regional Disbursing Officer in writing to stop payment and will request the forms necessary for the issuance of a substitute check. The notification will be forwarded to the regional disbursing officer through the area finance office. Upon receipt of these forms, the FHA supervisor will have them executed and returned to the disbursing office so that a substitute check may be issued. Under no circumstances will the FHA supervisor process a new loan voucher for a substitute check.

(3) In a case where title insurance is used, a check for the amount due the seller on the purchase price will be drawn by the borrower, countersigned by the FHA supervisor, and given to the local title attorney of the insurance company for delivery to the seller at the proper time in the closing of the loan. In a case where title insurance is not available, the closing instructions from the representative of the office of the Solicitor will include advice to the FHA supervisor as to payment to the seller.

(4) In cases in which income is to be derived by the borrower from a mineral lease or other existing agreement pertaining to the property at the time of purchase, the state FHA director will determine the percentage or share of the income which equitably should be paid to the Government as "extra payments" on the loan. Form FHA–253A, "Assignment of Income From Property to be Mortgaged," will be prepared in an original and three copies and executed by the borrower and his wife in an original and one copy at the time of loan closing. The original will be forwarded to the state office and the executed copy and a conformed copy will be sent to the lessee with the request that the conformed copy be signed, and returned to the county office. Upon receipt of the conformed copy signed by the lessee, the FHA supervisor will forward it to the state office. The remaining copy should be retained in the county office loan docket. If he deems it advisable, the state FHA director, upon advice of the representatives of the office of the Solicitor, may require the acknowledgment or recordation of the assignment. Any cost incident thereto shall be borne by the borrower. At the time Form FHA–253A is executed, appropriate notations will be made on Form FHA–473, "Area Guide Card," to insure that the proceeds, or a portion of the proceeds, from the transaction are remitted at the proper time.

(5) The amount of the first installment on the loan and the year in which it will become due will be inserted on Form FHA–497, "Notification of First Payment Date," at the time the borrower and his wife sign the mortgage or deed trust. The amount of the first installment, not to exceed 4.683% of the loan, will be agreed upon mutually by the FHA supervisor and the borrower, taking into consideration the borrower's financial circumstances, and the extent to which he has received income from the farm during the calendar year preceding the date of the first installment. The FHA supervisor should advise the borrower, in the event of disagreement, that it is the duty of the FHA supervisor to determine the amount of the first installment based on the foregoing conditions. The date of the first installment will be the first March 31 following the date of the borrower's loan check, regardless of the date on which the loan is closed. For example, if a loan check is issued in September 1947 and the loan is closed in October 1947, the date of the first payment will be March 31, 1948. However, if a loan check is issued in February 1947 and the loan is not closed until April 1947, the date of the first payment will be March 31, 1947. In this case a nominal first installment such as one dollar would be sufficient, unless the borrower desires to pay more. This first installment will be scheduled to the Treasury at the same time Form FHA–497 is sent to the state office. Form FHA–497 will be completed in an original and one copy both of which will be signed by the borrower, his wife and the FHA supervisor. It is important that the original be transmitted to the state office immediately after the closing of the loan. The copy will be filed in the borrower's county office case file. The amount of the first installment and the year in which it is payable will be inserted on the county office copy of Form FHA–190, "Promissory Note," and the note will also be dated to conform with the date of the check.

(6) When there are insurable buildings on the farm, the FHA supervisor will attach to Form FHA–497 either a standard insurance policy submitted by the borrower, or Form FHA–42, "Valuation Report for Insurance," with the borrower's check for the premium.

(7) When the closing instructions from the representative of the office of the Solicitor include a recommendation that a homestead declaration be filed, the FHA supervisor will inform the borrower accordingly and see that he thoroughly understands the advantages as outlined by the representative of the office of the Solicitor. In the event the borrower elects to file a homestead declaration, the FHA supervisor will assist him in taking the necessary steps.

(8) For purposes of the Farm Ownership program, a Tenant Purchase or a Farm Enlargement loan is considered closed when the deed and mortgage (or deed of trust) are filed for record. A Farm Development loan is considered closed when the mortgage or deed of trust is filed for record. As soon as the recorded mortgage is received in the county office, it will be sent to the representative of the office of the Solicitor.

(n) *Notification of borrower's new address.* As soon as a Farm Ownership borrower has occupied his farm, the FHA supervisor will complete Form FHA–113, "Advice of Borrower's Change of Ad-

dress," in an original and three copies; the original and one copy will be transmitted to the area finance office, one copy to the state office, and one copy will be retained in the county office.

(60 Stat. 1062; Order, Secretary of Agriculture, Oct. 14, 1946, 11 F. R. 12520)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

MAY 15, 1947.

Approved: May 28, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5262; Filed, June 3, 1947; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 942—MILK IN NEW ORLEANS, LA., MARKETING AREA

Sec.
942.0 Findings and determinations.
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942.12 Agents.
942.13 Separability of provisions.

AUTHORITY: §§ 942.0 to 942.13, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.

§ 942.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737), a public hearing was held December 19–20, 1946, inclusive, upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. It is hereby found upon the basis of the evidence introduced at such hearing, in addition to the other findings made prior to or at the time of the original issuance of said order and of each amendment thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth), that:

(1) The order regulating the handling of milk in the said marketing area, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* The necessity of the immediate revision of the pricing provisions of this order, as amended, to reflect current marketing conditions is evidenced by the recent disorder in the New Orleans, Louisiana, milk marketing area. Since the publication in the FEDERAL REGISTER, on March 14, 1947 (12 F. R. 1753), of the Acting Assistant Administrator's Report, handlers have been paying the prices proposed therein, which are the same as the prices contained in this part.

In view of the foregoing any delay in the effective date of this order, as amended and as hereby amended, beyond that specified in this part, will seriously threaten the supply of milk for the New Orleans, Louisiana, marketing area and therefore publication of this order not less than 30 days prior to its effective date (see § 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of at least 50 percent of the volume of milk covered by this order, as amended, and as hereby further amended, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (February, 1947), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That such handling of milk in the New Orleans, Louisiana, marketing area as is in the current of interstate or foreign commerce or as directly burdens, obstructs, or affects such commerce, shall from the effective date hereof be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 942.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "New Orleans, Louisiana, marketing area," hereinafter called the "marketing area," means the cities, towns, and villages of New Orleans in Orleans Parish; Gretna, Westwego, Marrero, Harvey, Metairie, and Belle Chasse in Jefferson Parish; Poydras, St. Bernard, Violet, Meraux, Chalmette, and Arabi in St. Bernard Parish; all in the State of Louisiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means a person who in conformity with the applicable health regulations for milk for consumption as milk in the marketing area produces milk which is received at a city or country plant.

(f) "Handler" means a person who operates a city or country plant.

(g) "City plant" means a plant where milk is processed and packaged and from which milk is distributed as Class I milk in the marketing area.

(h) "Country plant" means a plant at which milk is received from producers and from which milk or cream is received at a city plant.

(i) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(j) "Market administrator" means the agency which is described in § 942.2.

(k) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in sale of milk of its members.

(l) "Other sources" means sources other than producers or other handlers.

(m) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or from other producer-handlers in bulk: *Provided,* That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 942.2 *Market administrator*—(a) *Designation.* The agency for the administration in this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions in this part.

(2) Report to the Secretary complaints of violations of the provisions in this part.

(3) Make rules and regulations to effectuate the terms and provisions in this part.

(4) Recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay out of the funds provided by § 942.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 942.3 or (ii) made payments pursuant to § 942.8 and § 942.9.

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 942.3 *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day of each delivery period, each handler, except as set forth in paragraph (c) of this section, shall report to the market administrator in the detail and on forms prescribed by the market administrator, with respect to all milk and any skim milk, cream, or other milk products which were, during the preceding delivery period, purchased or received from (1) producers, (2) other handlers, and (3) other sources; the receipts at each plant; the butterfat content; and the utilization thereof.

(b) *Reports of payments to producers.* On or before the 20th day of each delivery period, each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show the total pounds of milk received from each producer, the average butterfat content of such milk, and the net amount of payment to such producer with the prices, deductions, and charges involved.

(c) *Reports of producer-handlers.* Producer-handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audits of such handler's records and the records of any other handler or person upon whose utilization the classification of milk depends. Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and utilization of all skim milk and butterfat and, in the case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content milk and milk products; and

(3) Verify payments to producers.

§ 942.4 *Classification*—(a) *Basis of classification.* All skim milk and butterfat contained in milk, skim milk, cream, and other milk products required to be reported shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c) and (d) of this section, the classes of utilization of milk shall be as set forth in this paragraph: *Provided,* That no skim milk or butterfat, as the case may be, shall be classified as Class II or Class III, during any of the delivery periods of August through March if the total receipts of skim milk or butterfat in milk received from producers during the preceding delivery period is less than 90 percent of the utilization of skim milk or butterfat, respectively, by all handlers, in Class I (determined in accordance with subparagraphs (1), (2), and (3) of this paragraph):

(1) Class I shall be all skim milk and butterfat the utilization of which is not established as Class II or Class III.

(2) Class II shall be all skim milk and butterfat used in cheese other than Cheddar, ice cream, and ice cream mix.

(3) Class III shall be all skim milk and butterfat (i) disposed of other than in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream (for consumption as cream, including any mixture of cream and milk or skim milk, in fluid form irrespective of the butterfat content), cheese other than Cheddar, ice cream, and ice cream mix; and (ii) accounted for as actual plant shrinkage, but not in excess of 2 percent respectively of the total receipts of skim milk and butterfat from producers.

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in paragraphs (b) and (d) of this section, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if such skim milk or butterfat is later used or disposed of (whether in original or other form) by any handler in another class, in accordance with such latter use or disposition.

(d) *Transfers.* (1) Subject to the conditions set forth in paragraph (c) of this section, and subparagraph (2) of this paragraph, skim milk and butterfat, when transferred in the form of milk, skim milk, or cream from a handler who purchases or receives milk from producers shall be classified (i) in the class in which such skim milk and butterfat was used if transferred to a handler who is not a producer-handler; (ii) as Class I, if transferred to a producer-handler; (iii) as Class I, if transferred to a person, other than a handler, who distributes milk or cream in fluid form for consumption as such; and (iv) in the class in which the market administrator determines such skim milk or butterfat was used, if transferred to a person, other than a handler, who does not distribute milk or cream in fluid form for consumption as such.

(2) No provision relative to transfers provided for in subparagraph (1) of this paragraph shall operate to deter the prior subtraction of skim milk or butterfat from other sources pursuant to paragraph (f) of this section. Any quantity reported for assignment to a particular class but not eligible therefor because of paragraph (f) of this section shall be assigned by the market administrator as Class I skim milk or Class I butterfat pending verification and appropriate allocation.

(e) *Computation of the skim milk and butterfat in each class.* For each delivery period, the market administrator in the case of each handler shall determine:

(1) The total pounds of skim milk received by adding together the total pounds of milk, skim milk, and cream received, and the pounds of butterfat and skim milk used to produce any milk products received, and subtracting therefrom the total pounds of butterfat determined pursuant to subparagraph (2) of this paragraph.

(2) The total pounds of utterfat received by adding into one sum the pounds of butterfat received from (i) producers; (ii) other handlers; and (iii) other sources.

(3) The total pounds of skim milk in Class I by (i) adding together the pounds of milk, skim milk, and cream disposed of in each of the several products of Class I, (ii) subtracting the result obtained in subparagraph (4) (i) of this paragraph; and (iii) adding together the result obtained in subdivision (ii) of this subparagraph and the result obtained in subparagraph (7) (iii) (b) of this paragraph.

(4) The total pounds of butterfat in Class I by (i) adding together the pounds of butterfat in each of the several prod-

ucts of Class I; and (ii) adding together the result obtained in subdivision (i) of this subparagraph and the result obtained in subparagraph (8) (ii) (*b*) of this paragraph.

(5) The total pounds of skim milk in Class II by (i) adding together the pounds of milk, skim milk, and cream which are used to produce each of the several products of Class II; and (ii) subtracting the result obtained in subparagraph (6) of this paragraph.

(6) The total pounds of butterfat in Class II by adding together the pounds of butterfat used in each of the several products of Class II.

(7) The total pounds of skim milk in Class III by (i) adding together the pounds of milk, skim milk, and cream which were used to produce each of the several products of Class III; (ii) subtracting the result obtained in subparagraph (8) (i) of this paragraph; (iii) subtracting from the result obtained in subparagraph (1) of this paragraph the results obtained in subparagraphs (3) (ii) and (5) (ii) of this paragraph and subdivision (ii) of this subparagraph, which resulting amount shall be classified as follows: (*a*) That portion not in excess of 2 percent of total receipts of skim milk from producers shall be considered as plant shrinkage and classified as Class III, and (*b*) that portion in excess of 2 percent of total receipts of skim milk from producers shall be classified as Class I: *Provided*, That any skim milk which has been accounted for as having been dumped by a handler shall be classified as Class III; and (iv) adding together the pounds of skim milk obtained in subdivision (ii) of this subparagraph and the pounds of skim milk allocated to Class III pursuant to subdivision (iii) of this subparagraph.

(8) The total pounds of butterfat in Class III by (i) adding together the pounds of butterfat used in each of the several products of Class III; (ii) subtracting from the result obtained in subparagraph (2) of this paragraph the results obtained in subparagraphs (4) (i) and (6) of this paragraph and subdivision (i) of this subparagraph, which resulting amount shall be classified as follows: (*a*) that portion not in excess of 2 percent of total receipts of butterfat from producers shall be considered as plant shrinkage and classified as Class III, and (*b*) that portion in excess of 2 percent of total receipts of butterfat from producers shall be classified as Class I; and (iii) adding together the results obtained in subdivisions (i) and (ii) (*a*) of this subparagraph.

(f) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds allocated to milk received from producers, and shall be known as the "net pooled skim milk" in such class for such handler:

(i) Subtract from the total pounds of skim milk in Class III the plant shrinkage of skim milk in Class III, computed pursuant to paragraph (e) (7) (iii) (*a*) of this section;

(ii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available class, the pounds of skim milk received from other sources;

(iii) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers and used in such class; and

(iv) Add to the remaining pounds of skim milk in Class III the amount subtracted pursuant to subdivision (i) of this subparagraph. If the remaining total pounds of skim milk in all classes exceed the total pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available class.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk (except that the reference paragraph (e) (8) (ii) (*a*) shall be substituted for the designated reference paragraph (e) (7) (iii) (*a*) set forth in subparagraph (1) (i) of this paragraph). The resulting pounds of butterfat in each class shall be known as the "net pooled butterfat" in such class.

(g) *Announcement of utilization of skim milk and butterfat.* The market administrator may from time to time as conditions in the market warrant:

(1) Obtain reports in the manner and on forms prescribed by him from handlers with respect to their receipts and utilization of skim milk and butterfat; and

(2) Publicly announce (i) the name of each handler whose receipts of skim milk or butterfat in milk received from producers are more than 105 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, computed in the manner prescribed in subparagraphs (3) and (4) of paragraph (e) of this section, (ii) the name of each handler whose receipts of skim milk or butterfat in milk received from producers is less than 95 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, computed in the manner prescribed in subparagraphs (3) and (4) of paragraph (e) of this section, and (iii) the percent that the total receipts of skim milk and butterfat in milk received from producers is of the utilization of skim milk and butterfat, respectively, by all handlers, in Class I (determined in accordance with subparagraphs (1), (2), and (3) of paragraph (b) of this section).

§ 942.5 *Minimum prices*—(a) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price per hundredweight of milk to be used in determining the Class I and Class II prices set forth in this section shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this paragraph.

(1) To the average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the United States Department of Agriculture by the companies listed below:

Companies and Location

Borden Co.: Black Creek, Wis.
Borden Co.: Greenville, Wis.
Borden Co.: Mt. Pleasant, Mich.
Borden Co.: New London, Wis.
Borden Co.: Orfordville, Wis.
Carnation Co.: Berlin, Wis.
Carnation Co.: Jefferson, Wis.
Carnation Co.: Chilton, Wis.
Carnation Co.: Oconomowoc, Wis.
Carnation Co.: Richland, Wis.
Carnation Co.: Sparta, Mich.
Pet Milk Co.: Belleville, Wis.
Pet Milk Co.: Coopersville, Mich.
Pet Milk Co.: Hudson, Mich.
Pet Milk Co.: New Glarus, Wis.
Pet Milk Co.: Wayland, Mich.
White House Milk Co.: Manitowoc, Wis.
White House Milk Co.: West Bend, Wis.

Add an amount computed as follows: From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, subtract 3 cents, add 20 percent thereof, and then multiply by 0.5.

(2) (i) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" on such Exchange shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.0.

(3) The price computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, add 20 percent thereof, and then multiply by 4.0; and

(ii) From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period, deduct 4 cents, multiply by 8.5, and then multiply by 0.96.

(b) *Class I prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class I skim milk and net pooled Class I butterfat, not less than the following prices per hundredweight:

(1) For such skim milk and butterfat received at such handler's plant located in the 61–70 mile zone, the minimum prices shall be as follows:

(i) To the basic formula price add $0.85 for the delivery periods of April through July and $1.25 for the delivery periods of August through March: *Provided*, That from the effective date hereof to and including the delivery period of March, 1948, the amount to be added to the basic formula price shall be $1.25.

(ii) The price of butterfat shall be the sum obtained in subdivision (i) of this subparagraph multiplied by 17.5.

(iii) The price of skim milk shall be computed by (*a*) multiplying the price of butterfat pursuant to subdivision (ii) of this subparagraph by 0.04; (*b*) subtracting such amount from the sum obtained in subdivision (i) of this subparagraph; (*c*) dividing such net amount by 0.96; and (*d*) rounding off to the nearest full cent.

(2) For skim milk and butterfat received at such handler's plant located in a freight zone other than the 61–70 mile zone, the prices shall be those effective pursuant to subparagraph (1) of this paragraph adjusted by the respective amount indicated in the following schedule for the freight zone in which such plant is located:

Freight zone (miles)	*Cents per hundredweight*
Not more than 20	+28.0
More than 20 but not more than 30	+8.0
More than 30 but not more than 40	+6.0
More than 40 but not more than 50	+4.0
More than 50 but not more than 60	+2.0
More than 60 but not more than 70	0.0
More than 70 but not more than 80	−2.0
More than 80 but not more than 90	−4.0
More than 90 but not more than 100	−6.0
More than 100 but not more than 110	−7.0
More than 110	−8.0

(3) The market administrator shall from time to time determine and publicly announce the freight zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(4) For the purpose of this paragraph, the skim milk and butterfat which was classified as net pooled Class I skim milk and net pooled Class I butterfat during each delivery period shall be considered to have been first that skim milk and butterfat which was received from producers at such handler's plant located in the 0–20 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the freight zone nearest to New Orleans.

(c) *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class II skim milk and net pooled Class II butterfat, not less than the following prices per hundredweight:

(1) To the basic formula price add $0.35 for the delivery periods of April through July and $0.55 for the delivery periods of August through March: *Provided*, That from the effective date hereof to and including the delivery period of March, 1948, the amount to be added to the basic formula price shall be $0.55.

(2) The price of butterfat shall be the sum obtained in subparagraph (1) of this paragraph, multiplied by 17.5.

(3) The price of skim milk shall be computed by (i) multiplying the price of butterfat pursuant to subparagraph (2) of this paragraph by 0.04; (ii) subtracting such amount from the sum obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.96; and (iv) rounding off to the nearest full cent.

(d) *Class III prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class III skim milk and net pooled Class III butterfat, not less than the following prices per hundredweight:

(1) The price per hundredweight of skim milk shall be any plus amount resulting from the following computation: From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), roller process, delivered at Chicago, as reported by the United States Department of Agriculture during the delivery period preceding that in which such skim milk was received, deduct 7 cents, and then multiply by 7.5.

(2) The price per hundredweight of butterfat shall be computed as follows: Multiply by 100 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture during the delivery period preceding that in which such butterfat was received.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period pursuant to paragraphs (b) and (c) of this section are not in the public interest, the Class I and Class II prices for such delivery period shall be the same as the Class I and Class II prices for the previous delivery period.

§ 942.6 *Application of provisions*—(a) *Exceptions.* (1) Sections 942.5, 942.7, 942.8, and 942.9 shall not apply to any handler (i) whose sole source of supply is from other handlers (except producer-handlers) or (ii) who is a producer-handler pursuant to § 942.1 (m) as verified in the manner provided in subparagraph (2) of this paragraph.

(2) Producer-handlers shall furnish the market administrator for his verification evidence of their qualifications as such pursuant to § 942.1 (m).

(3) Milk received at the plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions in this part.

(b) *Payment for excess skim milk or butterfat.* If, after subtracting receipts from other sources, and from other handlers (including receipts in packaged form from producer-handlers), a handler has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been purchased or received from them, the market administrator in computing the net pool obligation of such handler, pursuant to § 942.7 (a) shall add an amount equal to the value of such skim milk or butterfat in accordance with its value at the price for the class from which such skim milk or butterfat was subtracted pursuant to § 942.4 (f).

(c) *Skim milk and butterfat disposed of by a producer-handler.* A producer-handler shall be considered as a producer with respect to skim milk and butterfat disposed of in bulk as milk, skim milk, or cream to a handler (including another producer-handler), but as a handler with respect to skim milk and butterfat disposed of in packaged form to a handler (including another producer-handler).

§ 942.7 *Determination of uniform price to producers*—(a) *Net pool obligation of handlers.* The net pool obligation of each handler for skim milk and butterfat received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator by: multiplying, respectively, the pounds of "net pooled skim milk" and "net pooled butterfat" in each class by the respective class prices, and adding, respectively, any amount pursuant to § 942.6 (b). The sum of the two amounts shall be such handler's total pool obligation.

(b) *Computation of the uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of skim milk, butterfat, and milk by:

(1) Combining the net pool obligations, computed pursuant to paragraph (a) of this section, for skim milk and butterfat, respectively, of all handlers who reported pursuant to § 942.3 (a) for such delivery period, except those in default of payments pursuant to § 942.8 (a) (3) for the preceding delivery period.

(2) Adding, respectively, the amounts computed by multiplying, respectively, the total hundredweight of skim milk and butterfat received from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2);

(3) Subtracting, respectively, the amounts computed by multiplying, respectively, the total hundredweight of skim milk and butterfat received from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2);

(4) Adding, respectively, an amount equal to one-half the unobligated balance in the producer-settlement fund;

(5) Dividing, respectively, the resulting sums by the hundredweight of "net pooled skim milk" and "net pooled butterfat"; and

(6) Subtracting, respectively, not less than 4 cents nor more than 5 cents. The results shall be known, respectively, as the uniform price per hundredweight for (i) skim milk and (ii) butterfat purchased or received from producers at plants located in the 61–70 mile zone. The uniform price for milk containing 4.0 percent butterfat received from producers at plants located in the 61–70 mile zone shall be the sum of the values of 96 pounds of skim milk and 4 pounds of butterfat at the respective uniform prices.

(c) *Butterfat differential.* For each delivery period the market administrator shall compute to the nearest one-tenth cent a butterfat differential as follows: subtract from the uniform price per hundredweight of butterfat the uniform price per hundredweight of skim milk and divide the result by 1,000.

(d) *Announcement of prices.* (1) On or before the 6th day of each delivery period, the market administrator shall notify all handlers and make public announcement of the class prices for skim milk and butterfat received from producers during the current delivery period.

(2) On or before the 10th day of each delivery period the market administrator shall notify all handlers and make public announcement of the computations pursuant to paragraph (b) of this section, of the butterfat differential computed pursuant to paragraph (c) of this section, and of the uniform price per hundredweight of skim milk, butterfat, and milk containing 4.0 percent butterfat received from producers during the preceding delivery period.

(e) *Computation of pool debits and pool credits.* On or before the 10th day after the end of each delivery period the market administrator shall:

(1) Compute the amount by which the sum of each handler's net pool obligations for skim milk and butterfat is greater or less than the amount computed for payment to producers by such handler pursuant to § 942.8 (a) (1) and (2), including the location adjustment to be made pursuant to § 942.8 (b). This amount shall be known as such handler's pool debit or pool credit, as the case may be, and shall be entered upon such handler's account.

(2) Notify each handler of the amount of such handler's (i) net pool obligation and (ii) pool debit or pool credit.

§ 942.8 *Payment for milk*—(a) *Payments to producers.* The amount of each handler's total pool obligation shall be distributed among producers in the following manner:

(1) On or before the last day of each delivery period, each handler shall make payment to each producer at not less than $3 per hundredweight for the milk received from each producer during the first 15 days of such delivery period.

(2) On or before the 15th day of each delivery period, each handler shall make payment to each producer for milk received from such producer during the preceding delivery period at not less than the uniform price for milk containing 4 percent butterfat announced pursuant to § 942.7 (d), adjusted as follows: if the average butterfat content of the milk received from any producer varies from 4 percent subtract for each one-tenth of 1 percent that the average butterfat content of such milk is less than 4 percent, or add for each one-tenth of 1 percent that the average butterfat content of such milk is more than 4 percent, an amount equal to the butterfat differential computed pursuant to § 942.7 (c): *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to subparagraph (4) of this paragraph, he shall not be deemed to be in violation of this subparagraph if he reduces uniformly for all producers his payment per hundredweight by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this subparagraph next following that on which such balance of payment is received from the market administrator.

(3) On or before the 12th day of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund the amount of such handler's pool debit for the previous delivery period.

(4) On or before the 15th day of each delivery period, the market administrator shall pay from the producer-settlement fund to each handler for payment to producers the amount of such handler's pool credit for the previous delivery period. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this subparagraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available: *Provided*, That the market administrator may offset any such payment due to any handler against payments due from such handler.

(b) *Location differentials.* Each handler, in making the payments prescribed in paragraph (a) of this section, shall adjust the uniform price with respect to all skim milk and butterfat received from each producer at such handler's plant not located in the 61–70 mile zone by the amount per hundredweight specified in the table pursuant to § 942.5 (b) (2).

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (a) (3) and (d) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (a) (4) and (d) of this section.

(d) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to paragraph (a) (3) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (a) (4) of this section, the market administrator shall, within 5 days, make such payment to such handler: *Provided*, That the market administrator may offset any such payment to any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

(e) *Adjustment of overdue accounts.* Any balance due pursuant to this section to or from the market administrator on the 25th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 26th day of each month.

§ 942.9 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period, with respect to all skim milk and butterfat purchased or received by such handler, during such delivery period, from producers, including that received from such handler's own farm production.

§ 942.10 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions in this part, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* Any or all of the provisions in this part, or any amendment hereto, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

(c) *Continuing power and duty of the market administrator.* (1) If, upon the suspension or termination of any or all provisions in this part, are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions in this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions in this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 942.11 *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

§ 942.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions in this part.

§ 942.13 *Separability of provisions.* If any provision in this part, or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions in this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 22d day of May 1947, to be effective on and after the 1st day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: May 27, 1947.

HARRY S. TRUMAN,
President.

[F. R. Doc. 47-5281; Filed, June 3, 1947; 8:51 a. m.]

[Peach Order 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY GRADE

§ 962.301 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement and order No. 62 (7 CFR, Cum. Supp., 962.1 et seq.), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Industry Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 5, 1947, and ending at 12:01 a. m., e. s. t., September 1, 1947, no handler shall, unless otherwise authorized pursuant to the provisions of this paragraph, ship any peaches which do not meet the requirements of U. S. No. 1 grade (as such grade is defined in the U. S. Standards for Peaches, issued by the United States Department of Agriculture, effective April 22, 1933, and as reissued on February 4, 1946), except that peaches with split pits or healed hail marks not causing serious damage may be shipped if such peaches meet all other requirements of the aforesaid U. S. No. 1 grade; and

(i) Not more than a total of fifteen (15) percent, by count, of the peaches contained in any bulk lot or in any lot of packages may consist of peaches with defects, other than split pits or healed hail marks as aforesaid, causing either damage or serious damage: *Provided*, That not more than two-thirds of this amount or ten (10) percent, by count, of the peaches in any such bulk lot, or lot of packages, may consist of peaches which are not free from worms or worm holes, and not more than one-fifteenth, or one (1) percent, by count, of the peaches in any such bulk lot, or lot of packages, may consist of peaches which are not free from decay; and

(ii) Not more than twenty-two (22) percent, by count, of the peaches contained in any individual package in any lot may consist of peaches with defects, other than split pits or healed hail marks as aforesaid, causing either damage or serious damage: *Provided*, That not more than fifteen (15) percent, by count, of the peaches contained in any such individual package may consist of peaches which are not free from worms or worm holes, and not more than two (2) percent, by count, of the peaches contained in any such individual package may consist of peaches which are not free from decay.

(2) The maturity regulations contained in § 962.107 of this part are hereby suspended during the period specified in subparagraph (1) of this paragraph.

(3) When used in this section, the terms "handler," "ship," and "peaches" shall have the same meaning as when used in the aforesaid marketing agreement and order; and the terms "serious damage," "split pits," "damage," "worms," "worm holes," and "decay" shall have the same meaning as when used in the aforesaid U. S. Standards.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 962.1 et seq.)

Done at Washington, D. C., this 29th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5321; Filed, June 3, 1947; 11:11 a. m.]

[Peach Order 2]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY SIZE

§ 962.302 *Peach Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 62 (7 CFR, Cum. Supp., 962.1 et seq.), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Industry Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time

intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 5, 1947, and ending at 12:01 a. m., e. s. t., July 1, 1947, no handler shall ship any peaches of any variety (except Early Hiley peaches and peaches of the Hiley type) of a size smaller than $1^5/_8$ inches in diameter (as "diameter" is defined in the U. S. Standards for Peaches, issued by the United States Department of Agriculture, effective April 22, 1933, and as reissued on February 4, 1946), except that not more than ten (10) percent, by count, of the peaches contained in any bulk lot or in any lot of packages may be of a size smaller than $1^5/_8$ inches in diameter, as aforesaid, but not more than fifteen (15) percent, by count, of the peaches contained in any individual package in any lot may be of a size smaller than $1^5/_8$ inches in diameter, as aforesaid.

(2) When used in this section, the terms "handler," "ship," and "peaches" shall have the same meaning as when used in the aforesaid marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 962.1 et seq.)

Done at Washington, D. C., this 29th day of May 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5320; Filed, June 3, 1947; 11:11 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 500—ORGANIZATION OF OFFICE OF ALIEN PROPERTY AND DELEGATION OF FINAL AUTHORITY

SEAL OF THE OFFICE OF ALIEN PROPERTY

Under the authority of the Trading with the Enemy Act, as amended, and Executive orders issued thereunder, and pursuant to law, the following regulation is hereby issued:

§ 500.2 *Seal of the Office of Alien Property, Department of Justice.* (a) There is hereby established in and for the Office of Alien Property, Department of Justice, an official seal. The seal is described as follows, and illustrated below: A circle within which shall appear an eagle, with wings displayed, resting upon a building, the Scales of Justice suspended between the wing-tips. Exterior to this circle and within a circumscribed circle shall appear in the upper part, the words "Department of Justice" and in the lower part, the words "Office of Alien Property".



(b) The seal shall be in the custody of the Secretary. The Secretary and the Assistant Secretary for Records are hereby authorized to affix the seal in certifying, attesting, acknowledging, or otherwise authenticating documents, or copies of documents, issued by, or by authority of, the Office of Alien Property, Department of Justice, or the Director of said Office, when such authentication under seal is required or appropriate.

(c) Failure to affix the seal provided for in this section shall not affect the validity of any document not otherwise required to be under seal.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. App. and Sup. 1, 5 (b); E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR Cum. Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 28th day of May 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director, Office of Alien Property.

[F. R. Doc. 47-5266; Filed, June 3, 1947; 8:48 a. m.]

PART 500—ORGANIZATION OF OFFICE OF ALIEN PROPERTY AND DELEGATIONS OF FINAL AUTHORITY

MISCELLANEOUS AMENDMENTS

1. Section 500.1 (a) is amended as set out below.

§ 500.1 *Central and field organization*—(a) *Direction.* The President, pursuant to the Trading with the Enemy Act, as amended, has conferred upon the Attorney General the functions formerly vested in the Alien Property Custodian and the Office of Alien Property Custodian. The Attorney General has placed these functions in an Office, created by him in the Department of Justice, which shall be known as "Office of Alien Property." The Office of Alien Property is under the direction of an Assistant Attorney General who is the Director, Office of Alien Property, and who is responsible to the Attorney General. The chain of delegation is set forth in § 500.20. All of the authority, rights, privileges, powers, duties, and functions of the Office of Alien Property may be exercised by the Director or by any agencies, instrumentalities, agents, delegates, assistants, or other personnel, appointed or designated by him. The Director will act for and on behalf of the Attorney General and will sign in the following form:

For the Attorney General.

_____,
(Name)
Assistant Attorney General, Director, Office of Alien Property.

Duly authorized persons appointed or designated by the Director will act for and on behalf of the Attorney General. Delegations of final authority are set forth in this part.

2. Section 500.20 (c) is amended as set out below.

§ 500.20 *Delegation to Office of Alien Property.* • • •

(c) Reference is made to Title 28, § 51.81, as amended,[1] providing for the establishment of the Office of Alien Property in the Department of Justice. David L. Bazelon, Assistant Attorney General, has been designated as Director.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. and Sup. 1, 5 (b); E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR Cum. Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 1st day of June 1947.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

Approved:

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-5315; Filed, June 3, 1947; 10:04 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

PART 131—ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING RATES OF ASSESSMENT FOR THE CALENDAR YEAR 1947

On April 30, 1947, a notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 2809) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1947 under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pusuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U. S. C. 851 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

[1] See F. R. Doc. 47-5314, *infra*.

§ 131.101 *Budget of expenses and rates of assessment for the calendar year 1947*—(a) *Budget of expenses.* The expenses which will necessarily be incurred by the control agency, established pursuant to the provisions of the marketing agreement and of the marketing order (9 CFR 131.1 et seq.), for the maintenance and functioning of said control agency during the calendar year 1947, will amount to $31,525, from which shall be deducted the unexpended balance of $4,269.77 on hand with said control agency on January 1, 1947, from assessments collected during the calendar year 1946, leaving a balance of $27,255.23 to be collected during the calendar year 1947.

(b) *Rates of assessment.* Of the amount of $27,255.23 to be collected during the calendar year 1947, the sum of $26,255.23 shall be assessed against handlers who are manufacturers, and $1,000 shall be assessed against handlers who, as distributors, market their products principally through veterinarians or other channels. The pro rata share of the expenses of the control agency to be paid for the calendar year 1947 by each handler who is a manufacturer shall be $17.45 per million cubic centimeters (determined by the nearest whole number) of hyperimmune blood collected by such handler during the calendar year 1946; and the pro rata share of such expenses to be paid for the calendar year 1947 by each handler who, as a distributor, markets his products principally through veterinarians or other channels shall be $2.25 per million cubic centimeters (determined by the nearest whole number) of serum sold by such handler during the calendar year 1946. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and the marketing order.

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "distributor", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

(d) *Findings relative to effective date.* Compliance with the effective date requirements of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d Sess.) is impracticable, unnecessary, and contrary to the public interest, in that (1) the fiscal year of the control agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1947 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1947, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1946; (3) all such funds have already been expended; and (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be issued immediately so as to enable the control agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order. (49 Stat. 781; 7 U. S. C. 851 et seq.)

Done at Washington, D. C., this 28th day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5261; Filed, June 3, 1947; 8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. OR 2]

PART 1—FUNCTIONS AND ORGANIZATION

MISCELLANEOUS AMENDMENTS

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 237), the following sections of Part 1 of Title 22 of the Code of Federal Regulations (DR–OR 1; 12 F. R. 2345) are amended as indicated hereunder:

1. Paragraph (c) of § 1.500 is amended as follows:

§ 1.500 *Assistant Secretary; economic affairs.* • • •

(c) *Organization.* The office of the Assistant Secretary consists of the Assistant Secretary, Special Assistant for Economic and Social Council Affairs, Adviser on Relief and Rehabilitation Policy, Economic Policy Information Service, and Secretariat for the Executive Committee on Economic Foreign Policy, and has jurisdiction over the Office of International Trade Policy, Office of Financial and Development Policy, Office of Economic Security Policy, and Office of the Foreign Liquidation Commissioner.

2. Section 1.520 is amended by adding paragraphs (b) (9) and (d) (9) as follows:

§ 1.520 *Office of financial and development policy.* • • •

(b) *Major functions.* • • •

(9) Exercises the authorities conferred upon the Secretary of State by paragraph 2 (a) of Executive Order 9630, dated September 27, 1945, with respect to the administration of the Lend-Lease Act of March 11, 1941, as amended.

• • • • • •

(d) *Relationships with other agencies.* • • •

(9) With the United States Lend-Lease and Surplus Settlement Committee, of which the Director acts as Chairman.

3. Section 1.570 is redesignated § 1.610.

4. Section 1.600 is added to read as follows:

§ 1.600 *Assistant Secretary*—(a) *Purpose.* To advise and assist the Secretary in the development and implementation of foreign economic policy principally with respect to transport and communications affairs.

(b) *Major functions.* The Office of the Assistant Secretary performs the following functions:

(1) Initiates, formulates, and coordinates transport and communications aspects of foreign economic policy and action.

(2) Guides and directs economic planning and policy development in the Office of Transport and Communications.

(c) *Organization.* The Office of the Assistant Secretary is responsible primarily for the administration of the Office of Transport and Communications.

5. Paragraphs (b) (10) and (c) of § 1.1850 are amended as follows:

§ 1.1850 *Office of Departmental Administration.* • • •

(b) *Major functions.* • • •

(10) Provides special services for graphic presentation and other related activities, including exhibits, displays, and other media.

• • • • • •

(c) *Organization.* The Office consists of the Division of International Conferences, Central Translating Division, Division of Departmental Personnel, Division of Management Planning, Division of Central Services, Division of Communications and Records, Division of Cryptography, and New York Regional Administrative Office.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

For the Secretary of State.

Approved: May 15, 1947.

[SEAL] H. M. KURTH,
Director, Office of Budget and Planning.

[F. R. Doc. 47-5272; Filed, June 3, 1947; 8:51 a. m.]

Chapter II—Commissions, Boards, Institutes, and Foundations

Subchapter D—Medal for Merit Board

PRESIDENT'S CERTIFICATE OF MERIT

CROSS REFERENCE: For amendment of Executive Order 9734, prescribing rules with respect to the President's Certificate of Merit, see Executive Order 9857B under Title 3, *supra*.

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

FIELD ORGANIZATION; LOCATIONS

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A–886) is amended, effective June 1, 1947, by: Opposite the State of Arizona, in the column headed *City*, and directly below "Phoenix" adding "Tucson[1]" and, on the same horizontal line, in the column headed *Address*, adding "68 East Congress St."; and in the column headed *Jurisdiction*, adding "(See Phoenix)".

(Sec. 1, 48 Stat. 1246, secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 12 U. S. C. and Sup., 1702)

R. WINTON ELLIOTT,
Assistant Commissioner.

MAY 22, 1947.

[F. R. Doc. 47-5239; Filed, June 3, 1947; 8:47 a. m.]

PART 500—GENERAL

FIELD ORGANIZATION; LOCATIONS

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A-886) is amended, effective May 19, 1947, by: Opposite the State of Washington, in the column headed *City*, and directly below "Spokane" adding "Tacoma'" and, on the same horizontal line, in the column headed *Address*, adding "South 11th Street"; and in the column headed *Jurisdiction*, adding "(See Seattle)".

(Sec. 1, 48 Stat. 1246, secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 12 U. S. C. and Sup., 1702)

R. WINTON ELLIOTT,
Assistant Commissioner.

MAY 22, 1947.

[F. R. Doc. 47-5238; Filed, June 3, 1947; 8:47 a. m.]

Chapter VIII—Office of Housing Expediter

[Priorities Order 2, as Amended June 1, 1947]

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DELEGATION OF AUTHORITY

§ 801.2 *Delegation of authority*—(a) *What this section provides.* This section delegates to specified agencies and officials authority to process maximum rent applications under § 806.1 (Housing Permit Regulation) and to approve or deny appeals and changes in applications made under § 806.1 (Housing Permit Regulation), § 803.5 (Housing Expediter Priorities Regulation 5), and Priorities Regulation 33 (formerly § 944.54).

(b) *Processing applications and appeals.* (1) The Federal Housing Administration (through the Federal Housing Commissioner or his designated representatives) is hereby authorized (i) to approve maximum rents for dwellings, in accordance with the Housing Permit Regulation, where that regulation provides that applications to have maximum rents approved may be filed with appropriate State and District Offices of the Federal Housing Administration, and (ii) to approve or deny, in accordance with the Housing Permit Regulation, Housing Expediter Priorities Regulation 5, and Priorities Regulation 33, appeals and changes in applications which these regulations authorize to be filed with the appropriate State and District Offices of the Federal Housing Administration.

(2) The Federal Public Housing Authority (through the Federal Public Housing Commissioner or his designated representatives) is hereby authorized (i) to approve maximum rents for dwellings, in accordance with the Housing Permit Regulation, where that regulation provides that applications to have maximum rents approved may be filed with appropriate Regional Offices of the Federal Public Housing Authority, and (ii) to approve or deny, in accordance with the Housing Permit Regulation, Housing Expediter Priorities Regulation 5, and Priorities Regulation 33, appeals and changes in applications which those regulations authorize to be filed with appropriate Regional Offices of the Federal Public Housing Authority.

(3) The Director of the Technical Office of the Office of the Administrator of the National Housing Agency is hereby authorized to approve or deny, in accordance with the Housing Permit Regulation, Housing Expediter Priorities Regulation 5, and Priorities Regulation 33, appeals and changes in applications which those regulations authorize to be filed with the Technical Office.

(4) The Federal Housing Administration and the Federal Public Housing Authority shall furnish the Housing Expediter with copies of approved applications and with such reports and other information as may be requested. All general instructions and operating procedures to be issued under the delegations in the paragraph shall be submitted to the Housing Expediter for prior approval.

(c) *Prior delegations continue in effect.* Any delegation heretofore made in connection with Housing Expediter Priorities Regulation 5 or Priorities Regulation 33 shall continue in full force and effect with respect to any civil action or criminal prosecution heretofore initiated pursuant to such prior delegation.

This section, as amended, shall become effective June 1, 1947.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 1st day of June 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-5333; Filed, June 2, 1947; 4:19 p. m.]

[Priorities Reg. 1, as Amended Mar. 4, 1947, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

Section 803.10 *Priorities Regulation 1* (formerly §§ 944.1 through 944.20) is amended in the following respects:

1. Redesignate §§ 944.1 through 944.5 as paragraphs (a) through (f) of § 803.10.

2. After the new paragraph (f), insert new paragraphs (g) and (h) to read as follows:

(g) *Status of certain ratings.* All AAA, MM and CC ratings expired on March 31, 1947, except where such ratings were for construction items on Schedule A to PR-33 (exclusive of any such construction items indicated under "Steel" on List B to PR-3). Any AAA, MM or CC rated order which had been properly re-rated RR or RRR before April 1, 1947, shall be treated by the person with whom the order was placed as if it had carried the new rating at the time the original rated order was received by him.

(h) *Export certificates issued by the Office of Materials Distribution.* In carrying out its functions under the First Decontrol Act of 1947, the Office of Materials Distribution of the Department of Commerce may issue "export preference certificates," which permit authorized persons to place "certified orders" for export purposes. As provided in Allocations Regulation 2 of the Office of Materials Distribution, an order bearing an export preference certification is equal in precedence to an order bearing a RR (or CC) preference rating, unless otherwise directed in writing by the Office of Materials Distribution of the Department of Commerce.

3. Redesignate §§ 944.6 through 944.14a as paragraphs (i) through (t) of § 803.10.

4. After the new paragraph (t), insert a new paragraph (u) to read as follows:

(u) *Transfers of rights under rated or certified orders.* No person may transfer to another a right to place, or receive delivery on, a rated or certified order authorized under OHE regulations or orders.

5. Redesignate §§ 944.15 and 944.16 as paragraphs (v) and (w) of § 803.10.

6. Redesignate § 944.17 as paragraph (x) of § 803.10, and amend it to read as follows:

(x) *Reports.* Every person shall execute and file with the OHE such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942. These reports may be required in connection with OHE regulations or orders or may call for information not required under a specific regulation or order.

7. After the new paragraph (x), insert a new paragraph (y) to read as follows:

(y) *Reproduction of regulations and forms.* Any person may reproduce any OHE regulations or forms. Reproduction may be by any process. Forms reproduced for filing with the Office of the Housing Expediter or its representatives must be exactly like the officially published forms as to paper size, format, and arrangement of paragraphs or tables on each page. The paper color must be approximately the same as the official copy.

8. Redesignate §§ 944.18 through 944.20 as paragraphs (z) through (bb) of § 803.10.

(60 Stat. 207; 50 U. S. C. App. Supp. 1821)

Issued this 1st day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5334; Filed, June 2, 1947; 4:20 p. m.]

[Priorities Reg. 3, as Amended March 4, 1947, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

Section 803.11 Priorities Regulation 3 (formerly § 944.23) is amended in the following respects:

1. A new paragraph (d-2) is added following paragraph (d-1), to read as follows:

(d-2) *Extendability of HH Ratings.* HH ratings shall be extended only in accordance with the provisions of Schedule B to Priorities Regulation 33.

2. The introductory text of paragraph (e) starting with "Because of" through "as follows" is deleted.

3. A new paragraph (e) (4) is added following paragraph (e) (3) to read as follows:

(4) *Special rules: List B.* A preference rating shall not be used to obtain a product in Column I of List B if such use is prohibited by the special rules shown opposite the product in Column II.

4. The following items are added to List A:

Gypsum liner paper
Phenolic resin molding compounds

5. A new List B is added following List A, to read as follows:

LIST B

A preference rating shall not be used to obtain a product in Column I if such use is prohibited by the special rules shown opposite the product in Column II.

Products (I)	*Special Rules (II)*
Construction machinery of the following types: (i) Construction equipment, tractor mounted. (ii) Construction machinery, specialized. (iii) Construction material mixers, pavers, spreaders and related equipment. (iv) Construction material processing equipment. (v) Power cranes, derricks, draglines, dredges, shovels and related equipment. (vi) Scrapers, maintainers and graders. (vii) Contractors' elevating winches and hoists. (viii) Earth, rock and water well drilling and boring machinery. (ix) Tracklaying tractors.	No dealer, distributor or branch sales office of a producer shall extend an RR rating to a producer. "Producer" means any person to the extent he is engaged in the manufacture of construction machinery; it does not include a branch sales office of a producer. A producer shall treat as unrated any orders bearing RR ratings which he receives from dealers, distributors or branch sales office. Also, any producer who regularly sells a given type or types of construction machinery only through dealers, distributors or branch sales offices, either for all sales or for sales in a particular territory, may reject any RR rated orders for those types. A dealer, distributor or branch sales office must treat an RR rated order according to the rules of Priorities Regulation 1, irrespective of the fact that it may be his practice to have the producer ship an item direct to his customer. No distributor or dealer shall extend an RR rating for trucks. No person shall use an RR rating except to purchase new trucks from a distributor or dealer. Ordinarily, an RR rating for a truck will be assigned only to a producer of a critical building product who is eligible under Priorities Regulation 28.
Trucks (This means any new light, medium, or heavy motor truck, truck-tractor or the chassis therefor, or any chassis on which a bus body is to be mounted and which (1) was designed to be propelled or drawn by mechanical power; (2) was designed for use on or off-the-highway, for transportation of property or persons. This definition includes vehicles of the following types: trucks, truck chassis, truck tractors, off-the-highway motor vehicles, bus chassis, carry-all suburbans, sedan deliveries and cab pickups, but does not include station wagons, coupes fitted with pickup boxes, ambulances, hearses, taxicabs and integral type busses.)	
Pig Iron.	No person shall apply or extend a preference rating to obtain pig iron. This does not affect the validity of any certified order placed in accordance with Direction 25 to PR-28. No person shall apply or extend an AAA, RRR, RR, MM or CC rating to obtain any of the forms and shapes of steel shown in Column I. This does not affect the validity of an outstanding HH rated order for any steel item on Schedule A to PR-33.
Steel, in the following forms and shapes: Bars, Cold-Finished. Bars, Hot-Rolled or Forged. Ingots, Billets, Blooms, Slabs, Die Blocks, Tube Rounds, Sheet Bars, Tin Bar, and Skelp. Pipe, including Threaded Couplings of the type normally supplied for Threaded Pipe. Plates, all Plates (including Rolled Armored Plate in the form and shape to which it is rolled by the Steel Mill and prior to any subsequent fabrication), and including Nickel Clad and Stainless Clad. Rail and Track Accessories. Sheet and Strip. Steel Castings (rough as cast). Steel Forgings (rough as forged). Structural Shapes and Piling. Tinplate, Terneplate, and Tin Mill Black Plate. Tubing. Wheels, Tires, and Axles. Wire Rods, Wire and Wire Products.	

NOTE: The following regulation and directions are being revoked simultaneously with the issuance of this amendment:

PR-35.
Direction 15 to PR-3.
Direction 16 to PR-3.
Direction 6 to PR-28.

(60 Stat. 207, 50 U. S. C. App. Sup. 1821)

Issued this 1st day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5337; Filed, June 2, 1947; 4:20 p. m.]

[PR 3, Revocation of Directions 15 and 16; PR 28, Revocation of Direction 6]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

Directions 15 and 16 to PR-3 and Direction 6 to PR-28 are hereby revoked. Simplified provisions restricting the use of preference ratings to obtain construction machinery, pig iron, and trucks are now contained in PR-3, as amended June 1, 1947 (see especially List B to PR-3).

This revocation does not affect any liabilities incurred for violation of any of these directions or of any actions taken by the Civilian Production Administration, Office of Temporary Controls or the Office of the Housing Expediter under any of these directions.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 1st day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F R. Doc. 47-5327; Filed, June 2, 1947; 4:18 p. m.]

[Priorities Reg. 5, Revocation]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

Priorities Regulation 5 is hereby revoked. Authorization for the reproduction of regulations and forms is now contained in paragraph (y) of PR-1, as amended June 1, 1947.

(60 Stat. 207; 50 U. S. C. App. Supp. 1821)

Issued this 1st day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5328; Filed, June 2, 1947; 4:18 p. m.]

[Priorities Reg. 7A, Revocation]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

TRANSFERS OF QUOTAS PREFERENCE RATINGS; TRANSFER OF A BUSINESS AS A GOING CONCERN

Priorities Regulation 7A is hereby revoked. However, a simplified provision

prohibiting transfers of the right to place, or receive delivery on, rated or certified orders is now contained in paragraph (u) of PR–1, as amended June 1, 1947.

This revocation does not affect any liability incurred for violation of this regulation or any action taken by the Civilian Production Administration, Office of Temporary Controls, or the Office of the Housing Expediter under this regulation.

(60 Stat. 207; 50 U. S. C. App. Supp. 1821)

Issued this 1st day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5330; Filed, June 2, 1947; 4:19 p. m.]

[Priorities Reg. 8, Revocation]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

REPORTS

Priorities Regulation 8 is hereby revoked. However, a simplified reporting provision is now contained in paragraph (x) of PR–1, as amended June 1, 1947.

This revocation does not affect any liability incurred for violation of this regulation or any action taken by the Civilian Production Administration, Office of Temporary Controls, or the Office of the Housing Expediter under this regulation.

(60 Stat. 207; 50 U. S. C. App. Supp. 1821)

Issued this 1st day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5329; Filed, June 2, 1947; 4:18 p. m.]

[Priorities Reg. 35, Revocation]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

REVISED PRIORITIES RATING SYSTEM

Priorities Regulation 35 is hereby revoked. The status of AAA, MM and CC ratings and properly re-rated AAA, MM and CC orders, is now explained in PR–1, as amended June 1, 1947 (see especially paragraph (g) of PR–1).

This revocation does not affect any liability incurred for violation of this regulation or any action taken by the Civilian Production Administration, Office of Temporary Controls, or the Office of the Housing Expediter under this regulation.

(60 Stat. 207; 50 U. S. C. App. Supp. 1821)

Issued this 1st day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5326; Filed, June 2, 1947; 4:18 p. m.]

PART 806—HOUSING PERMIT REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Housing Permit Reg., as Amended, June 1, 1947]

AUTOMATIC AUTHORIZATION FOR HOUSING

Par.
(a) What this section provides.
(b) Effect on previous authorizations.
(c) Construction covered.
(d) Construction not covered.

AUTHORIZATIONS

(e) Automatic authorization for dwellings.
(f) Automatic authorization for subsidiary residential structures.
(g) May not add small job allowance.

CONSTRUCTION

(h) Construction limitations.
(i) Posting of placards or signs.

RENTS

(j) Applicability of rules on maximum rents.
(k) Maximum rents must be approved.
(l) Amounts which may be approved.
(m) Maximum rent not to be exceeded.
(n) Requests for increases.

PREFERENCES FOR VETERANS

(o) Veterans' preference for family dwellings.
(p) Veterans' preference for dormitories or other single-person housing facilities.

DEFINITIONS

(q) Definitions.

OTHER PROVISIONS

(r) Advertisements.
(s) Transfer of authorization prohibited.
(t) Appeals.
(u) Communications.
(v) Violations and enforcement.
(w) Records and reports.

§ 806.1 *Automatic authorization for housing—(a) What this section provides.* This section of the Code of Federal Regulations, § 806.1, is called the "Housing Permit Regulation." It is issued in accordance with the Veterans' Emergency Housing Program for 1947.

NOTE: When the term "this section" is used in this Housing Permit Regulation, it means this entire regulation and not just a part of it. The regulation is divided into paragraphs marked with small letters; these are divided into subparagraphs marked with numbers.

Anyone who wished to construct housing accommodations was formerly required to file an application under this section and get a construction permit before beginning construction. However, after this amendment of June 1, it is no longer necessary to file an application, and no specific permit is issued. If you are in one of the eligible classes automatically authorized under this section, and wish to construct housing accommodations of the kind permitted under this section, you may begin such construction immediately.

This section explains:

(i) Who is authorized to construct housing accommodations.

(ii) What kind of housing accommodations may be constructed.

(iii) The conditions imposed on a person constructing housing accommodations under this section (and on succeeding owners) as long as this section is in effect.

(iv) How a person who wishes to offer new housing accommodations for rent shall obtain approval of a maximum rent.

This section also applies to persons who wish to repair, make additions to, alter, install fixtures in, improve, or convert housing accommodations.

(b) *Effect on previous authorizations.* The effect of this section on authorizations already granted for housing construction is explained below:

(1) *Effect on approved priority applications.* This section does not affect applications or housing accommodations already approved under Priorities Regulation 33 or Housing Expediter Priorities Regulation 5. For this reason, this amendment of June 1 does not authorize you to do any additional construction in connection with housing accommodations already specifically authorized under PR–33 or HEPR–5. If you wish to request any changes in an application approved under one of those regulations, you must make the request in accordance with PR–33 or HEPR–5, whichever is applicable.

(2) *Effect of June 1 amendment on permits previously issued under HPR.* Any person to whom a construction permit has previously been issued under this section remains subject to the conditions and limitations imposed upon him by the section prior to this amendment of June 1, 1947.

However, if a particular provision of this section as amended June 1 is less restrictive than the corresponding provision before the amendment, the less restrictive provision applies. Thus, if you hold a construction permit issued before June 1, you are now authorized to do any construction, in connection with the dwellings covered by such permits, which would be authorized under the provisions of this section as amended June 1, 1947. This includes increasing the floor area to not more than 2,000 square feet, and installing additional bathroom fixtures (see paragraph (h) of this section). Construction permits previously issued under this section are considered to be amended to the extent necessary to permit such additional construction.

(c) *Construction covered.* This paragraph lists the kinds of construction, alteration or repair which are covered by this section (unless exempt as explained in paragraph (d) (2) of this section).

This section is the regulation which will tell you in what cases these kinds of work are authorized. They are automatically authorized under this section only if the builder and the construction qualify under paragraphs (e) through (h) of this section. If you have any questions about federal control of these kinds of construction under the Veterans' Emergency Housing Program, you should submit them to the Federal Housing Administration or Federal Public Housing Authority, not to the OHE District Construction Offices.

(1) *Construction of residential buildings.* The construction of any building in which 75% or more of the floor space involved is to be used for residential purposes (except where the purpose is primarily for the accommodation of transients or overnight guests).

This includes dining halls, and other essential residential accommodations, used entirely as part of single-person accommodations (such as a dormitory) covered by an automatic authorization under this section. It also includes farm houses and other farm living accommodations, and bunkhouses for transitory farm labor.

However, this does not include hotels or tourist camps primarily for transients and overnight guests, nor does it include summer or winter camps. Housing of the War and Navy Departments is also not included.

(2) *Construction of subsidiary residential structures.* The construction of a subsidiary structure (such as a private garage, tool shed, greenhouse, fence, or the like) used for residential purposes in connection with any building of the kind covered by subparagraph (1) of this paragraph.

(3) *Additions, alterations and repairs.* Additions, alterations, or repairs to a building of the kind covered by subparagraph (1) or (2) of this paragraph, if 75% or more of the floor area involved in the additions, alterations, or repairs will be used for residential purposes.

(d) *Construction not covered.* The following rules relate to construction not covered by this section:

(1) *Non-housing construction.* Applications for specific authorization to begin construction (including alterations or repairs) not covered by this section shall be made in accordance with Veterans' Housing Program Order 1 and its directions and supplements (unless the construction is exempt under the terms of those regulations). Such applications shall be filed with the appropriate OHE District Construction Office.

(2) *Exempt construction.* Certain small construction jobs are exempt from the restrictions of Veterans' Housing Program Order 1, and therefore are exempt from this section. As provided in Supplement 3 to VHP–1, the small job allowance for any individual house designed for occupancy by five families or less is $1000 per structure. Therefore, even though you do not qualify under this section for an automatic authorization to do a larger construction job, you may begin any job on such an individual house if the cost of the job is not more than $1000.

AUTHORIZATIONS

(e) *Automatic authorization for dwellings.* Authorization to construct housing accommodations under this section is hereby granted to the persons listed in this paragraph (e). If you fall in one of these classes, you are not required to file an application, and may begin work of the specified kind immediately. However, the work must meet the construction requirements of paragraph (h) of this section.

(1) *Veteran.* Any veteran may build, complete, alter, or repair a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner.

The total cost of any alteration and repair under this subparagraph (1) and any construction, alteration, and repair of subsidiary structures under paragraph (f) (1) of this section may not exceed $10,000. This limitation does not apply in the case of an additional dwelling resulting from conversion.

(2) *Builder for veterans.* Any person may build or complete one or more family dwellings (or convert dwellings or other structures into family dwellings) to which veterans will be given preference in selling or renting as provided in this section. Any builder, although not a veteran, may initially occupy a dwelling in two-family or multiple-family housing accommodations owned by him and constructed under this section.

(3) *Non-veteran building for own occupancy.* Any person may build a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner.

NOTE: A non-veteran may repair an existing dwelling for his own occupancy only in accordance with subparagraph (4) or (5) of this paragraph, or in accordance with the small job allowance of Supplement 3 to VHP–1.

(4) *Disaster.* Any person may reconstruct (or build on another site, in event of total destruction) or repair a dwelling destroyed or damaged by fire, flood, tornado, or other similar disaster. Such a person is authorized only if the reconstruction or repair is necessary to the continuance of year-round occupancy by him or his tenant. Construction or repair under this subparagraph (4) must be started not later than 6 months after such destruction or damage.

(5) *Repairs or alterations to make a dwelling habitable or to provide space for additional persons.* Any person may make repairs or alterations to a dwelling necessary in order (i) to maintain it in a habitable condition or to return it to a habitable condition, or (ii) to make a summer home habitable for winter occupancy by a veteran, or (iii) to provide space for additional persons who are either veterans or members of the immediate family of the owner.

If space for additional persons is provided under subdivision (iii) of this subparagraph, the cost of the construction shall not exceed $1500 per person. In the event that such additional space is vacated, the builder or a subsequent owner or other person must not, while this section is in effect, rent it to any person other than a member of his immediate family or a veteran unless it has been publicly offered for rent to veterans for at least 30 days on the same or more favorable terms.

(6) *Housing for student veterans.* Any educational institution (or any person under its sponsorship) or any public organization may construct, repair, or alter a dormitory or other single-person housing facility (or repair or alter any family dwelling) for student veterans.

No single-person housing facilities or family dwellings may be constructed under this subparagraph (6) if the maximum rent to be charged is more than the amount charged for comparable accommodations in the area.

Before starting construction under this subparagraph (6), a person under the sponsorship of an educational institution must obtain a letter from that institution which (i) requests that the person sponsored construct a certain number of units for student occupancy, (ii) states that there is not a sufficient number of available rooms in the community for its student veterans, and (iii) represents that the institution will refer student veterans to the proposed accommodations as long as this section is in effect. He must keep this letter on file for at least 2 years after construction is begun.

Accommodations provided by persons under the sponsorship of an educational institution must be made available during the institution's school year only to student veterans and their dependents referred by the institution.

NOTE: For the purposes of this section, dwellings constructed, altered or repaired under former paragraph (c) of this section are deemed to be constructed, altered or repaired under the corresponding subparagraph of paragraph (e) of this section as amended June 1, 1947. However, this does not apply to former paragraph (c) (7).

(f) *Automatic authorization for subsidiary residential structures.* Authorization to construct subsidiary residential structures (such as private garages, fences, etc.) under this section is hereby granted to the persons listed in this paragraph (f).

(1) *Veteran.* Any veteran may build, complete, alter, or repair the following kinds of subsidiary residential structures in connection with his family dwelling: (i) Sanitary facilities, (ii) private garage, (iii) tool shed, and (iv) walls and fences. The family dwelling may be an existing dwelling or one being newly constructed.

The total cost of any construction, alteration and repair under this subparagraph (1) and any alteration and repair under paragraph (e) (1) of this section may not exceed $10,000. This limitation does not apply in the case of an additional dwelling resulting from conversion.

(2) *Non-veteran constructing in connection with new dwelling.* Any person authorized under paragraphs (e) (2) through (e) (6) of this section to construct a new dwelling may also construct the following kinds of subsidiary residential structures in connection with the new dwelling: (i) Sanitary facilities, (ii) private garage, (iii) tool shed, and (iv) walls and fences. This does not apply to conversions. In connection with the construction of the new dwelling he may not construct a greenhouse, swimming pool, or any other subsidiary residential structure except these four kinds.

A non-veteran is not given authorization by this section to construct, alter, or repair subsidiary structures of any kind in connection with his existing dwelling. However, if the cost of such work is not over $1000, it may come under the small job allowance referred to in paragraph (d) (2) of this section.

(3) *Housing for student veterans.* Any person authorized under paragraph (e) (6) of this section to construct a "single-person housing facility" may also construct separate dining halls and other essential residential accommodations to be used entirely as a part of the facility.

(g) *May not add small job allowance.* No person who is given an authorization under paragraph (e) or (f) of this section may, in connection with the job authorized, do any additional work under the small job allowance provided by Supplement 3 to Veterans' Housing Program Order 1.

For example, if a non-veteran undertakes repairs to his house which are needed to keep it habitable (under paragraph (c) (5) of this section), he is not allowed in connection with that job to do additional work under the $1000 small job allowance.

CONSTRUCTION

(h) *Construction limitations.* All work done under this section must comply with the following construction limitations:

(1) *Suitability for year-round occupancy.* No person shall build or convert any housing accommodations under this section except accommodations which are suitable and intended for year-round occupancy.

(2) *Maximum floor area.* No person shall build or convert any housing accommodations under this section in which the total calculated floor area of any dwelling unit exceeds 2000 square feet.

"Calculated floor area" comprises the square foot area of spaces above basement or foundation including utility rooms, vestibules, halls, closets, stair wells and interior chimneys and fireplaces. However, in the case of a house without a basement, a maximum of 150 square feet of the floor area of a utility room may be excluded from the calculated floor area. Calculated floor area does not include garages, unfinished attics, open porches, attached terraces, balconies and projecting fireplaces or chimneys outside the exterior walls. Measurements are taken to the outside surfaces of exterior walls. In a half story, measurements are taken to the outside surfaces of exterior walls or partitions enclosing the areas, but any area where the ceiling height is less than five feet is not included.

(3) *Plans and specifications for rental housing.* Any person who has submitted plans and outline specifications on the basis of which a maximum rent or maximum shelter rent was approved under this section must construct the housing accommodations in accordance with those plans and specifications, unless he submits new plans and specifications and has a new maximum rent and maximum shelter rent approved.

(i) *Posting of placards or signs.* When housing accommodations are constructed under paragraph (e) (2) or (e) (6) of this section, the builder must post either placards or signs as explained in this paragraph:

(1) *Placards.* Placards indicating that dwellings are being built for sale or rent to veterans under the Veterans' Emergency Housing Program are available at the State or District Offices of the Federal Housing Administration, and at the Regional Offices of the Federal Public Housing Authority. If the builder elects to post a placard or placards, the builder must obtain an appropriate placard (sale or rent, as the case may be) for each building constructed under paragraph (e) (2) or (e) (6) of this section.

He must post such a placard in a conspicuous location in front of each separate residential building within five days after the time construction is begun, and must continue to post the placard at least until completion of the building. In addition, unless all the accommodations in the building have been sold or rented to veterans, the builder must continue to post the placard for 60 days after completion of the building in the case of offer for sale, or 30 days afterwards in the case of offer for rent.

Rent placards contain a space for the maximum rent. In the case of dwellings offered for rent, the builder must legibly and permanently insert in this space the appropriate rent, not to exceed the maximum permitted under paragraphs (j) through (n) of this section. He must do this not later than the date on which construction of the dwellings is completed.

(2) *Signs.* If the builder elects to post a project sign in lieu of the placards, he must post a sign having the approximate dimensions of three by five feet (or greater) in a conspicuous location on the site of each project. In the case of a project comprised of only one dwelling, the sign need not meet these dimension requirements. Such a sign must contain the same information and be posted during the same period as is required under subparagraph (1) of this paragraph in the case of placards.

RENTS

(j) *Applicability of rules on maximum rents.* The restrictions on rents contained in paragraphs (j) through (n) of this section apply to all newly constructed dwellings built under this section for which a proposed maximum rent or maximum shelter rent must be stated under paragraph (k) of this section. They also apply to all newly constructed dwellings for which a proposed maximum rent or maximum shelter rent was required to be stated in an application upon which a construction permit was issued before June 1, 1947. These restrictions must be observed as long as this section is in effect.

(k) *Maximum rents must be approved.* If any person wishes to rent any newly constructed dwelling built under this section (except a dwelling built under paragraph (e) (4) of this section), he must have a maximum rent and maximum shelter rent approved for the dwelling as provided in this paragraph (k). (See paragraph (q) of this section for definitions of "dwelling," "maximum rent," and "maximum shelter rent.") In addition to dwellings built for rent, this applies to dwellings built for owner occupancy or for sale, if such dwellings are offered for rent without having been previously occupied.

(1) *What to file.* In order to get his rents approved, the person wishing to rent must submit plans and outline specifications, and a letter in triplicate stating his proposed maximum rent and maximum shelter rent for each new dwelling. In the case of family dwellings, he must state the proposed amounts for each family unit. In the case of single-person housing accommodations, he must state the proposed amounts to be charged each person. Any tenant services, and any garage space, for which a charge is proposed must be described separately.

NOTE: Newly constructed dwellings and dwellings resulting from conversions located in defense rental areas must be registered with the appropriate Area Rent Office in accordance with the rent regulations issued under the Emergency Price Control Act of 1942, as amended. Maximum rents for dwellings resulting from conversions are not approved under this section, but will be established under those rent regulations.

(2) *Where to file.* This information must be filed with the appropriate State or District Office of the Federal Housing Administration, except that in the case of construction (whether under paragraph (e) (6) or other paragraph of this section) by educational institutions, persons under their sponsorship, or public organizations, the information must be filed with the appropriate Regional Office of the Federal Public Housing Authority. If the person who wishes to rent a new dwelling constructed under this section has already submitted the information required by this paragraph (k) in connection with an application for FHA mortgage insurance, he need not resubmit the information.

(3) *When to file.* Since a builder must know his maximum rent in order to comply with paragraph (i) of this section and to start the 30-day offering period running under paragraph (o) of this section, he should submit the required information at least 30 days before the estimated time of completion of the dwellings he is constructing.

(4) *Notification by FHA or FPHA.* Based on the information submitted, FHA or FPHA will notify the person in writing as to the maximum rent and maximum shelter rent which may be charged. In case the information was filed in connection with a mortgage insurance application, notification of the approved amounts will be sent to the builder by FHA at the same time that he is notified of the action taken on his application for mortgage insurance.

(5) *Rents previously approved.* Maximum rents and maximum shelter rents approved in connection with construction permits issued before June 1, 1947, shall be deemed to have been approved under this paragraph (k).

(l) *Amounts which may be approved.* No maximum shelter rent exceeding $80 per month may be approved for a dwelling under this section unless the average of all maximum shelter rents approved for dwellings in the project in which the dwelling is located is $80 per month or less.

As provided in paragraph (q) (3) of this section, the maximum rent for a dwelling may include, in addition to the maximum shelter rent, a charge for tenant services and a charge for garage space. However, the total charge for tenant services will not be approved if more than $3 per room per month. The charge for garage space will not be approved if more than $10 per month, and will be allowed only for dwellings in multiple-family housing accommodations.

Maximum rents and maximum shelter rents may be approved under this section only if they are reasonably related to the housing accommodations, the tenant services, and the garage space involved. However, approval of a proposed maximum rent or maximum shelter rent should not be considered as a representation by the processing agency that the rent represents the value of the dwelling for other purposes.

(m) *Maximum rent not to be exceeded.* No person shall rent any dwelling for which a maximum rent or maximum shelter rent has been approved under this section for more than the approved maximum rent or maximum shelter rent, respectively.

(n) *Requests for increases.* The following are the rules governing requests for increases in maximum rents or maximum shelter rents approved under this section:

(1) *Because of increased costs.* Before a dwelling is initially rented, a person may request an increase in his maximum rent or maximum shelter rent (whether approved before or after this amendment of June 1, 1947) on the grounds of an increase in his costs. Such request should be made by sending a letter in triplicate to the agency that originally established the maximum rent or maximum shelter rent.

The increase will not be approved unless it can be shown (i) that the owner has incurred additional or increased costs in the construction over which he had no control, and which could not reasonably have been anticipated by him at the time of the initial request for approval, or (ii) that he will incur additional or increased costs in operation over which he has no control. He must also show that these additional or increased costs of construction or operation will make it unreasonable to require him to rent at the amount previously approved. No increase in rent will be granted unless reasonably related to the increase in construction costs or the increase in operating costs.

PREFERENCE FOR VETERANS

(o) *Veterans' preference for family dwellings.* If a family dwelling built or converted under this section is being offered for sale or rent, the owner (whether the builder or any subsequent owner) or any other person must not sell, rent or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale or rent, as the case may be, to veterans for their own occupancy.

In the case of sale, this offer must be made to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of a builder under paragraph (e) (2) of this section). In the case of rent, this offer must be made to veterans for at least 30 days at not more than the maximum rent approved under paragraph (k) of this section (or during construction and for 30 days afterwards at not more than such approved maximum rent, in the case of a builder under paragraph (e) (2) or paragraph (e) (6) of this section).

A person who has built or converted a family dwelling for rent or sale under this section must, for these periods of time, publicly offer it for sale or for rent to veterans for their own occupancy.

No person may sell or rent or otherwise dispose of a dwelling built or converted under this section to a person other than a veteran on terms or at a price more favorable than offered to veterans during the time a public offering must be made to veterans under this paragraph (o).

However, this paragraph (o) does not apply to:

(i) Dwellings built in disaster cases under paragraph (e) (4) of this section;

(ii) The initial occupancy of a dwelling built or converted under this section for the occupancy of the builder or the continued occupancy of his tenant;

(iii) The occupancy of a dwelling in two-family or multiple-family housing accommodations by the owner of the entire structure;

(iv) Sales in the course of judicial or statutory proceedings in connection with foreclosures (sales subsequent to such judicial or statutory sales are subject to the provisions of this paragraph (o));

(v) Sales of multiple-family housing accommodations for investment purposes rather than for occupancy by the purchaser; or

(vi) The occupancy of a dwelling by a building service employee which does not exceed 15 percent of the residential floor space of the structure or project.

(p) *Veterans preference for dormitories or other single-person housing facilities.* A person who has built or converted a dormitory or other single-person housing facility under this section must make the accommodations available exclusively for veterans and their dependents otherwise eligible to occupy the housing accommodations. However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to non-veterans if it makes available to veterans an equivalent number of similar or better accommodations in other dormitories at rents not higher than the rents to be charged for the new dormitory accommodations. It may also make not more than 15 percent of the residential floor space of any dormitory or dormitory project available to building service employees.

DEFINITIONS

(q) *Definitions.* As used in this section:

(1) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodation for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations as approved under paragraph (k) of this section. This includes charges paid by the tenant for tenant services and charges paid by the tenant for garage space. However, it does not include charges for the rental of furniture or charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes.

(3) "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage space.

(4) "Person" means an individual, corporation, partnership, association, public organization, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(5) "Public organization" means a governing body such as the United States Government, a State, county, city, town, village or other municipal government or an agency, instrumentality, or authority of such a governing body.

(6) "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(7) "Dwelling" means separate living accommodations which are occupied, rented, or sold as a unit. This may be a detached house, semi-detached house, row house, an apartment whether in two-family or multiple-family housing accommodations, or a room or apartment in housing accommodations designed for occupancy by single persons. The term does not include any subsidiary residential structures, such as private garages, sheds, fences, and the like.

(8) "Project" means construction authorized on a single site, or contiguous sites except for streets, roads and alleyways.

(9) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(10) "This section" means this Housing Permit Regulation, § 806.1 of the Code of Federal Regulations.

OTHER PROVISIONS

(r) *Advertisements.* The builder and every subsequent owner and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which housing accommodations built under paragraph (e) (1), (2), (3), or (6) of this section are offered for sale or for rent:

Built under the Veterans' Emergency Housing Program. For sale (for rent at $_____). It is being offered for sale (for rent) only to veterans during construction and for 60 (30 in case of rent) days after completion (or for 60 days in case of subsequent sale or 30 days in case of subsequent rent).

(s) *Transfer of authorization prohibited.* No person to whom a permit or authorization has been given under this section shall transfer the permit or authorization to any other person and any transfer attempted is void.

(t) *Appeals.* Any person who considers that compliance with any provision of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in duplicate and should be filed with the appropriate local office of the Federal Housing Administration or the Federal Public Housing Authority, as indicated in paragraph (k) of this section. The letter must state clearly the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(u) *Communications.* All communications concerning this section should be addressed to the local office of the Federal Housing Administration or the Federal Public Housing Authority, as indicated in paragraph (k) of this section.

(v) *Violations and enforcement*—(1) *General.* The veterans' preference, maximum rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a rental of any dwelling at a rent in excess of the maximum rent applicable to such rental under the provisions of this section, or to solicit or attempt, offer, or agree to make any such rental. It shall also be unlawful for any such person to condition a rental of any dwelling upon the purchase of, or agreement to purchase, any commodity, service or property interest, except tenant services and garage space included in the approved maximum rent, the rental of furniture or an investment interest in the housing accommodations.

The restrictions in paragraphs (o) and (p) of this section apply to the builder and subsequent owners of all housing accommodations constructed in violation of VHP–1. However, this does not relieve the builder of any penalty to which he may be subject by reason of the violation of VHP–1.

(2) *Penalties.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, or who willfully conceals a material fact, in any description or statement required to be filed under this section, shall upon conviction thereof be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section, or any regulation or other issuance under the Veterans' Emergency Housing Act of 1946 relating to the construction or disposition of housing accommodations may be denied authorization under this section.

(w) *Records and reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting and record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 1st day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5332; Filed, June 2, 1947; 4:19 p. m.]

[Suspension Order S–39]

PART 807—SUSPENSION ORDERS

ALFRED H. WILSON

Alfred H. Wilson, 1014 North Main Street, Marion, Ohio, on or about January 11, 1947, without authorization, began construction and thereafter carried on construction of a one-story commercial building to be used as a supermarket for groceries, meats, and vegetables, located on the west side of North Main Street (U. S. Route 23) immediately north of the corporation limits of Marion, Ohio, at an estimated cost of $7,000. The beginning and carrying on of construction as aforesaid constituted a violation of Veterans' Housing Program Order 1. This violation has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.39 *Suspension Order No. S–39.* (a) Neither Alfred H. Wilson, 1014 North Main Street, Marion, Ohio, his successors or assigns, nor any other person shall do any further construction on the one-story commercial building to be used as a supermarket for groceries, meats and vegetables, located on the west side of North Main Street (U. S. Route 23) immediately north of the corporation limits of Marion, Ohio, including the putting up, completing or altering said structure, unless specifically authorized in writing by the Office of the Housing Expediter.

(b) Alfred H. Wilson shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Alfred H. Wilson, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 2d day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5338; Filed, June 2, 1947; 4:21 p. m.]

[Suspension Order S–40]

PART 807—SUSPENSION ORDERS

JAMES H. PFLANZ

James H. Pflanz, residing at 1510 Sunset Avenue, Utica, New York, violated Veterans' Housing Program Order 1 by beginning on or about September 18, 1946; and carrying on thereafter, construction, repairs, additions and alterations to a commercial building without authorization and at a cost in excess of $1,000, located at 1700 Block Oriskany Street, Utica, New York. These violations have diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.40 *Suspension Order No. S–40.* (a) Neither James H. Pflanz, his successors or assigns, nor any other person shall do any further construction on the premises located at 1700 Block Oriskany Street West, Utica, New York, including the putting up, completing, or altering of any of the structures located thereon, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) James H. Pflanz shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve James H. Pflanz, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 2d day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5339; Filed, June 2, 1947; 4:21 p. m.]

[Suspension Order S–41]

PART 807—SUSPENSION ORDERS

WILLIS E. MILLER AND KRAUSE AND PAGURA

Willis E. Miller, d/b/a Wm. Miller Coal and Supply Co., 1736 McKinley Avenue, Columbus, Ohio, as owner, and Krause and Pagura, 538 East Town Street, Columbus, Ohio, as contractors, on or about December 14, 1946, without authorization, began construction and thereafter carried on and participated in the construction of a garage and warehouse building located at 1736 McKinley Avenue, Columbus, Ohio, at an estimated cost of $12,000. The beginning and carrying on and participating in such construction without authorization constituted a wilful violation of Veterans' Housing Program Order 1, and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, is is hereby ordered that:

§ 807.41 *Suspension Order No. S–41.* (a) Neither Willis E. Miller, d/b/a Wm. Miller Coal and Supply Co., nor Krause and Pagura, their successors and assigns, nor any other person shall do any further construction on the garage and warehouse building located at 1736 McKinley Avenue, Columbus, Ohio, including putting up, completing or altering the structure unless authorized in writing by the Officer of the Housing Expediter.

(b) Willis E. Miller, d/b/a Wm. Miller Coal and Supply Co., and Krause and Pagura shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve Willis E. Miller, d/b/a Wm. Miller Coal and Supply Co. and Krause and Pagura from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 2d day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5340; Filed, June 2, 1947; 4:22 p. m.]

[Suspension Order S–42]

PART 807—SUSPENSION ORDERS

WILLIAM E. SCHOTT AND CLARENCE A. SCHOTT

William E. Schott and Clarence A. Schott, as owners, are constructing a commercial structure to be used as an auto garage and service station located at 1128–1132 El Camino Real, San Carlos, California, the estimated cost of which is $12,200, or $11,200, in excess of the small job exemption as provided by paragraph (b) (2) of Supplement 3 of VHP–1, as amended May 28, 1946 (VHP–1, paragraph (c) (1) as issued March 28, 1946, and as subsequently amended). Construction commenced on or about November 15, 1946, without authorization, and continued in violation of Veterans' Housing Program Order 1 through May 1, 1947. This violation has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.42 *Suspension Order No. S–42.* (a) Neither William E. Schott nor Clarence A. Schott, their successors or assigns, nor any other person shall do any further construction on the project located at 1128–1132 El Camino Real, San Carlos, California, including putting up, completing, or altering the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) William E. Schott and Clarence A. Schott shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve William E. Schott and Clarence A. Schott, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 2d day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5341; Filed, June 2, 1947; 4:22 p. m.]

[Suspension Order S–44]

PART 807—SUSPENSION ORDERS

SAMUEL B. MEISER

Samuel B. Meiser, Connell, Washington, in the latter part of November or the early part of December, 1946, began the construction of a one-story pumic block building 28' x 32' in size, to be used as a service station at the corner of Main and "C" Streets in Connell, Washington, at an estimated cost of $5,000, without authorization. The beginning and carrying on of construction, as aforesaid, was in violation of Veterans' Housing Program Order 1 and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.44 *Suspension Order No. S–44.* (a) Neither Samuel B. Meiser, his successors or assigns, nor any other person shall do any further construction upon the one-story pumic block building, 28' x 32' in size, to be used as a service station at the corner of Main and "C" Streets in Connell, Washington, including the putting up, completing or altering of the structure, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Samuel B. Meiser shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter relating to the above premises.

(c) Nothing contained in this order shall be deemed to relieve Samuel B. Meiser, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 2d day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5342; Filed, June 2, 1947; 4:22 p. m.]

[Veterans' Housing Program Order 1, as amended, June 1, 1947]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

GENERAL RESTRICTIONS ON CONSTRUCTION AND REPAIRS

The Veterans' Emergency Housing Program calls for the construction of a large number of housing accommodations to meet the needs of returning veterans. There is a shortage in the supply of materials and facilities suitable for the construction and/or completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. It will be impossible to carry out the Veterans' Emergency Housing Program without diverting these critical materials from deferrable or less essential construction. The following order is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

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§ 809.1 *Veterans' Housing Program Order 1*—(a) *What this order does.* In order to carry out the Veterans' Emergency Housing Program, this order forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization under paragraph (h) of the order or automatic authorization under the Housing Permit Regulation (12 F. R. 1082, 2027, 2120), with the exception of certain small jobs and other work covered by paragraphs (d), (e), and (f) of this order. The restrictions of the order apply whether or not the materials needed are on hand or are available without priorities assistance.

(b) *Structures and work covered by this order*—(1) *Kind of structures.* The restrictions of this order apply to certain kinds of work on structures.

As used in the order, "structure" means any of the following, whether of a temporary or permanent nature (See Interpretation 3 as to portable structures):

A building.
An arena, stadium or grandstand, including bleachers or similar seating arrangements.
A commercial amusement pier.
A boardwalk (not including wooden walks used in winter or bad weather).
A moving picture set.
A roller coaster or similar device of a kind ordinarily used in amusement parks.
A swimming pool.
A wall or fence built principally of wood.

The erection of stands or other structures which have been used before and are being erected only for a temporary purpose and are to be taken down after the temporary purpose is served is not covered by the order.

The term "structure" does not include any kind of equipment or furniture that is not attached to a building or other structure, whether or not it is inside a structure. Supplement 4 to VHP–1 contains examples of things which do not fall within the term "structure" as defined above.

(2) *Kinds of work.* The restrictions of this order apply to constructing, repairing, making additions or alterations (including alterations incidental to installing any kind of equipment), improving or converting structures, or installing or relocating fixtures or mechanical equipment in structures. These terms include any kind of work on a structure which involves the putting up or putting together of processed materials, products, fixtures or mechanical equipment, if the processed materials, products, fixtures or mechanical equipment are attached to a structure and used as a functional part of the structure, or are attached so firmly to the structure that removal would injure the material, product, fixture or mechanical equipment or the structure. However, the following kinds of work are not covered by the order:

Greasing, overhauling or repairing existing mechanical equipment or installing repair or replacement parts in existing mechanical equipment.
Sanding floors and sand blasting buildings.
Painting or papering an existing structure or applying waterproofing to an existing structure by painting or spraying where no work covered by the order is done in connection with the painting, papering or waterproofing.
Pointing bricks, sparkling plaster and caulking windows.
Installing loose fill, blanket, or batt insulation in existing buildings or installing insulation on existing equipment or piping.
Laying asphalt or other floor tile or linoleum or installing cork block insulation, in existing buildings (whether or not cemented to the building).

NOTE: The exemptions given above for work done in existing buildings does not apply to work done in connection with the original construction of the building or to work done in order to complete a building immediately after its original construction.

(3) *Fixtures and mechanical equipment.* In general the term "fixture" means any article attached to a building or structure and used as part of it and the term "mechanical equipment" means plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it. Supplement 1 to VHP–1 contains lists of articles which are considered fixtures or mechanical equipment when attached to a structure in the manner described in that supplement and a list of other articles which are never considered fixtures or mechanical equipment.

(c) *Prohibition on construction and repairs.* (1) No person shall begin to construct, to repair, to make additions or alterations to, to improve, to convert from one purpose to another, or to install or to relocate fixtures or mechanical equipment in any structure, public or private, in the forty-eight States, the District of Columbia, Puerto Rico, the Virgin Islands or the Territory of Hawaii, except to the extent permitted under paragraphs (d), (e) and (f), or when and to the extent specifically authorized under paragraph (h) or automatically authorized under the Housing Permit Regulation. No person shall carry on or participate in any construction, repair work, addition, improvement, conversion, alteration, installation or relocation of fixtures or mechanical equipment prohibited by this order. The prohibitions of this paragraph apply to a person who does his own construction work, to a person who gets a contractor to do the work, to contractors, sub-contractors, architects and engineers working on a job which is being carried on in violation of this order or getting others to work on it or to supply materials for it.

(2) This order forbids the beginning of certain kinds of work. To "begin" work on a structure means to incorporate into a structure on the site materials which are to be an integral part of the structure in question. Demolition, excavation and similar site preparation do not constitute beginning construction. The order does not apply to work which was begun before the order became effective and which was being carried on on that date and which is carried on normally after that date. However, this rule only applies to the particular building or other structure begun at that time. It does not apply to any other building or structure which had not itself been begun by that date even though the two are closely related. Supplement 2 to this order contains further provisions concerning the effective date of the order and concerning the beginning of construction. It also contains examples of work which constitute beginning construction, and examples of other work which do not constitute beginning construction.

(d) *Small job allowances.* This order does not prohibit the performance of any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given in Supplement 3 to VHP–1 for the particular kind of structure or job involved. Supplement 3 lists various kinds of structures and states what the small job allowance is for each kind of structure or job. Supplement 3 also contains provisions as to the method of calculating the cost of a job for the purpose of this exemption, and also provides when a job is a separate job.

(e) *Exemption for repair and maintenance work in industrial, utility and transportation structures.* The prohibitions of this order do not apply to maintenance and repair work in structures listed in paragraph (b) (3) of Supplement 3 to this order. For the purpose of the exemption given by this paragraph, "maintenance" means the minimum upkeep necessary to keep a structure in sound working condition and "repair" means the restoration of a structure to sound working condition when the structure has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. However, neither maintenance nor repair includes the improvement of any structure by replacing material which is still usable with material of a better kind, quality or design. Alterations to a building or other structure covered by paragraph (b) (3) of Supplement 3, including alterations incidental to installation of equipment, are not exempted by this paragraph, and may only be done when and to the extent permitted under Supplement 3 or when specifically authorized.

(f) *Other exemptions*—(1) *Disasters.* (i) The prohibitions of this order do not apply to the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by flood, fire, tornado, or similar disaster. This does not include the restoration of the structure to its former condition.

(ii) The prohibitions of this order do not apply to the repair, rebuilding or reconstruction of any house (including a farmhouse) or any farm building which was destroyed or damaged by fire, flood, tornado or similar disaster, if the total cost of the repairs, rebuilding or reconstruction does not exceed $6,000 and if the reconstruction is started within sixty days of the occurrence of the disaster.

(2) *Military construction.* The prohibitions of this order do not apply to work by or for the account of the U. S. Army or Navy.

(3) *Veterans' Administration.* The prohibitions of this order do not apply to work on construction projects of the Veterans' Administration, including projects being built by the Corps of Engineers for the Veterans' Administration, or to the remodeling of a building or any part of a building which has been leased to the Veterans' Administration or to Public Buildings Administration for occupancy or use by the Veterans' Administration.

(g) *Prohibited receipts and deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order. Paragraph (d) (3) of Priorities Regulation 32 provides that no person may receive any material listed in Table I of that regulation for use in a construction project for which an authorization under VHP–1 is necessary unless an authorization for the project has already been obtained. Paragraph (c) of PR–32 contains a prohibition on deliveries made by a person who knows or has reason to believe that the receipt would be a violation of PR 32.

(h) *Specific authorization.* Persons who wish to begin housing construction work of the kind prohibited by this order should read the Housing Permit Regulation to determine whether they are eligible for automatic authorization under that regulation. Persons who wish to begin construction work of the kind prohibited by this order but not covered by the Housing Permit Regulation may apply for specific authorization as provided in Supplement 5 to this order. Supplement 5 states what forms should be used and where the applications should be filed. Applications for non-housing construction will be reviewed to determine whether they meet the standards set forth in Direction 3 to VHP–1.

The assignment of priorities assistance or the approval of housing accommodations under Priorities Regulation 33, whether before or after the time when this order became effective, or under Housing Expediter Priorities Regulation 5 or other applicable regulation of the Housing Expediter, constitutes an authorization under this order to do the work for which priorities assistance or approval was given.

(i) *Construction under authorizations.* The following rules govern construction authorized under this order:

(1) *Specific authorization.* When a person is specifically authorized, either by approval of Form CPA–4423 or Form OHE 14–171 (formerly CPA–4423) or Form CPA–4386 or otherwise, to do work restricted by this order, he must observe the restrictions imposed on him by the authorization, and in doing the authorized work, he must not do any work of the kinds covered by the order unless it is specifically covered by the authorization. He may not, in connection with a job which has been specifically authorized, do additional work under the exemption given by Supplement 3 to VHP–1.

When an application on Form CPA–4423 or Form OHE 14–171 (formerly CPA–4423) has been approved a placard will be sent to the applicant stating that the construction has been approved under this order. The applicant must place in the placard the project serial number and must set up the placard in front of the project site in a conspicuous location within five days after construction has been started and he must keep the placard there until completion of the work.

If for any reason a builder wishes to abandon a project and another builder wishes to continue it, the new builder should apply to the appropriate office, attaching to his application a letter from the former builder joining in the request for the issuance of the new authorization.

(2) *Automatic HPR authorization.* If a person is automatically authorized under the Housing Permit Regulation to do work restricted by this order, he must observe the restrictions imposed on him by the Housing Permit Regulation, and in doing the authorized work he must not do any other work of the kinds covered by this order which is not included in his automatic authorization. He may not, in connection with a job which has been automatically authorized under HPR, do additional work under the exemption given by Supplement 3 to VHP–1.

(3) *Authorizations not transferrable.* No person to whom an authorization under VHP–1 has been issued shall transfer the authorization.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(k) *Communications.* All communications concerning this order, except communications about applications for residential construction, should be addressed to the appropriate District Construction Office of the Office of the Housing Expediter or to the Office of the Housing Expediter, Washington 25, D. C., Ref.: VHP–1.

(l) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the Office of the Housing Expediter, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 1st day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

INTERPRETATION 1: Revoked July 2, 1946

INTERPRETATION 2

PROHIBITED DELIVERIES

(a) Paragraph (g) of VHP–1 provides as follows: "(g) *Prohibited deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order." Paragraph (c) of PR–32 provides as follows: "(c) *Restrictions on delivery.* No person may deliver any Table 1 material if he knows or has reason to believe that acceptance of the delivery would be in violation of this section."

(b) The purpose of paragraph (g) of VHP–1 and paragraph (c) of PR–32 is to prohibit the sale or delivery of materials by a supplier if he knows or has reason to believe that the materials supplied will be used in violation of VHP–1 or are for use in a job for which authorization under VHP–1 should, but has not, been obtained. These provisions do not impose on a fabricator or supplier any duty to investigate whether a proposed construction job for which he is asked to supply materials will be begun or carried on in violation of VHP–1, or whether it is specifically authorized or is exempt under that order. Mere knowledge that the kind of work involved is a kind which ordinarily would require authorization under the order does not constitute reason to believe that the work will be begun or carried on in violation of the order, and, in the absence of information to the contrary, the supplier may rely on the builder to get an authorization if authorization is required.

(c) Neither paragraph (g) of VHP–1 nor paragraph (c) of PR–32 requires a supplier to get from his customer a certificate to the effect that the customer is not violating and will not violate VHP–1, or a certificate to the effect that the job for which the materials will be used is exempt under the order or has been authorized under the order. (As amended April 30, 1947)

INTERPRETATION 3

PORTABLE AND PREFABRICATED STRUCTURES

(a) The erection of a "portable" or prefabricated building or other structure is construction and is restricted by Veterans' Housing Program Order 1, if the structure is placed on a foundation constructed on the site, or if the structure is connected to the ground by plumbing, wiring or other utility connection, or if the structure is placed on the ground on a spot where it is intended to remain for an undetermined time.

(b) Erection of a "portable" or prefabricated structure is not construction and is not covered by VHP–1 only if the structure is placed on a temporary site for the purpose of moving it from time to time, without any foundation or other connection with the ground. For example, the erection of a shelter to be moved around frequently for use on different parts of a farm from time to time is not construction, while the erection of a prefabricated or "portable" structure for use as a garage on a house lot is construction, and is restricted by VHP–1.

(c) If the erection of a "portable" or prefabricated building constitutes construction, as indicated above, the cost of the job must be computed in accordance with Supplement 3 to VHP–1. If the cost of the job exceeds the applicable allowance under that supplement, authorization for the job must be obtained.

INTERPRETATION 4

SMALL JOB ALLOWANCES FOR INDUSTRIAL UTILITY AND TRANSPORTATION STRUCTURES

(a) Paragraph (b) (3) of Supplement 3 to VHP-1 provides for small job allowances for certain industrial, utility and transportation structures. The small job allowance for one of these structures (with certain exceptions specified in the paragraph) depends upon the floor area which the particular structure has or will have. If the floor area of the particular building being built or altered is or will be 10,000 square feet or more, the allowance for alterations or additions or new construction is $15,000. On the other hand, if the floor area of the structure involved is and will be less than 10,000 square feet, the allowance is $2,500. If the cost of the proposed job, figured in accordance with paragraph (g) of Supplement 3, exceeds the small job allowance, authorization under VHP-1 must be obtained before starting the job.

(b) The following examples will explain the effect of this provision:

(1) A person proposes to construct a building to be used primarily as a factory. The floor area will be 1,500 square feet. The allowance for the job is $2,500.

(2) Any person owns a building which is used primarily as a factory and which has a floor area of 6,000 square feet. He proposes to make an alteration in the building. The allowance for this job is $2,500.

(3) A person owns a building which is used primarily for a factory and which has a floor area of 6,000 square feet. He proposes to build a wing on the building which will add 1,000 square feet, making a total of 7,000 square feet. The allowance for this job is $2,500.

(4) A person owns a building which is used primarily for a factory and which has a floor area of 8,000 square feet. He proposes to build a wing on the building which will add 2,000 square feet, making a total of 10,000 square feet. The allowance for this job is $15,000.

(5) A person owns a building which is used primarily for a factory and which has a floor area of 10,000 square feet or more. He proposes to make an alteration to the building. The allowance for this job is $15,000.

(6) A person proposes to build a building which will be used primarily for a factory and which will have a floor area of 10,000 square feet or more. The allowance for this job is $15,000.

(c) The floor area of the particular building which is to be built, in which the alteration is to be performed or to which the addition is to be built (including the floor area of any proposed addition) is the only floor area to be considered. The floor area of any other buildings may not be counted toward the 10,000 square feet, even though they are situated near to the building involved and are used for the same purpose.

(d) A building is considered a separate building from the one in which the construction is being done, if there are outside walls or party walls between the two buildings, even though the two are to be used for the same purpose, even though the two have common services, even though the two are connected by common roofs, continuous foundations, connecting passageways, covered passages, bridges, arcades or the like and even though the two have doorways or other openings providing for communication between the two buildings.

(e) The small job allowances provided in paragraph (b) (3) do not apply to structures of the kinds listed in paragraph (b) (4), and do not apply under the circumstances covered by paragraph (c) of Supplement 3. (As amended June 1, 1947.)

INTERPRETATION 5

WORK COVERED BY AUTHORIZATIONS: TEMPORARY CONSTRUCTION BUILDINGS

(a) When an authorization is issued for the construction of a building or other structure described in the approved application, the builder may construct temporary structures on the site of the approved project which are necessary for its construction. For example, an authorization for a building includes authorization to put up temporary fences around the excavation, and temporary buildings for the purpose of storing materials for use as work rooms for architects or engineers on the job or to provide toilet facilities or dressing rooms for people working on the job or shacks for watchmen. These temporary buildings are covered by the authorization, whether or not they are placed upon temporary foundations or have lighting or plumbing connections.

(b) An authorization to construct a building or other structure does not give permission to put up buildings or other structures off the site of the approved project nor does it include permission to put up permanent buildings or other structures which will remain after the completion of the construction job, except those specifically covered by the authorization. This is true even though the structures are of a kind which were exempt from the order at the time the original authorization was issued and were, therefore, not included in the original application.

(c) Where temporary construction buildings are put up in the course of building something which itself is not covered by the order, such as a bridge or dam, the usual rules set forth in VHP-1, as explained in Interpretation 3, apply. Authorization must be obtained if the proposed structure is covered by VHP-1 even though the structure is temporary and is to be removed when the job is finished.

[F. R. Doc. 47-5336; Filed, June 2, 1947; 4:20 p. m.]

[Veterans' Housing Program Order 1, Direction 5]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

RECONSTRUCTION IN WOODWARD, OKLAHOMA

The following direction is issued pursuant to Veterans' Housing Program Order 1:

Until further notice, it is not necessary to get authorization under Veterans' Housing Program Order 1 for restoration jobs on buildings or other structures covered by VHP-1 in the Woodward, Oklahoma area, if the restoration is made necessary by damage caused by the tornado which occurred on April 9, 1947. This direction is limited to the restoration of structures to substantially the same size and condition as on April 8, 1947.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 1st day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5325; Filed, June 2, 1947; 4:18 p. m.]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Housing Program Order 1, Supp. 3 as Amended June 1, 1947]

SMALL JOB ALLOWANCES

§ 809.4 (a) *What this supplement does.* Paragraph (d) of Veterans' Housing Program Order 1 provides an exemption from the order for one or more jobs on a structure, if the cost of each job does not exceed the allowance given for the kind of structure or the kind of job involved. This supplement sets forth the small job allowances generally applicable to individual structures of various classes and lists certain specific structures falling within each class. The supplement also lists exemptions applicable to a particular kind of job. In addition, this supplement explains the rules for computing the cost of a job for the purpose of determining whether it comes within the exemption given under this supplement.

(b) *Classification of structures.* The small job allowances given under this supplement are based in general upon the kind or size of structure in which the job is to be done. They are not based upon the use to which the part of a structure being altered is to be put, except as provided in paragraph (c) of this supplement. If the job involved consists of changing a structure from one class to another class, the small job allowance applicable to the conversion is the allowance for the structure after the conversion, except where the conversion is from residential purposes to nonresidential purposes, in which case the job is covered by paragraph (c) of this supplement. The allowance provided for in paragraph (c) is applicable to a job covered by that paragraph, even though done in a structure which, as a whole, would have a larger allowance under this paragraph. It is not necessary to have either specific authorization under VHP-1, or automatic authorization under the Housing Permit Regulation, to do any separate construction, repair, alteration or installation job the cost of which does not exceed the allowance given below (or, for certain jobs, the allowance given in paragraph (c) of this supplement) for the individual structure involved.

(1) The small job allowance under paragraph (b) of this supplement for a structure of the kind listed below is $1,000 per job.

Any individual house designed for occupancy by 5 families or less even though it is on the property of a commercial, utility, institutional or industrial concern and used for the purpose of housing employees of the commercial, utility, institutional or industrial concern.
A rectory or parsonage even though near a church and owned by a church.
A house on a campus owned by a college and occupied by a college official.
A boarding or rooming house designed for occupancy by 10 boarders or roomers or less.
A farmhouse or other housing accommodations on a farm (except a farm bunkhouse).

Row houses separated by party walls are considered separate houses.
All private structures situated near and used in connection with one to five family houses, such as garages, fences, tool sheds, greenhouses and the like even though these may be used in part or primarily for nonresidential purposes (except on farms, see paragraph (b) (2) of this supplement).

(2) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $2,500 per job:

NOTE: Item "publicly owned pier not used for steamship or railway purposes" deleted Apr. 30, 1947.

A boarding or rooming house designed for occupancy by more than 10 boarders or roomers.
A dormitory or fraternity.
A building used for a social club.
A service station or a commercial or service garage.
A funeral parlor or funeral home.
A radio broadcasting station.
A building in a drive-in theater, such as an enclosed projection room or a screen forming an enclosure for storage purposes, for rest rooms or for other purposes.
A bunkhouse for employees of a commercial, industrial or other concern.
A parish house.
A college or university laboratory, field house or class room building.
A building in a retail or wholesale lumber yard.
A repair shop, except a plant primarily engaged in reconditioning or rebuilding equipment or articles for resale.
A drycleaning or laundering establishment, whether wholesale or retail.
An office building, whether or not owned and occupied exclusively by a transportation, utility or industrial concern (except where situated on the immediate premises of a plant having a $15,000 allowance; see paragraph (e) below).
A commercial amusement pier.
A store.
A hotel.
An arena.
An apartment house or other residential building designed for occupancy by more than 5 families.
A bank.
A restaurant.
A nightclub.
A theater.
A warehouse, including a warehouse in which products such as liquor, cheese or tobacco are kept to age, whether or not changes occur in the product during the aging process.
A frozen food locker plant.
A stadium.
A grandstand used for commercial or institutional purposes.
A church.
A hospital.
A school.
A college.
A publicly owned building used for public purposes.
A building used exclusively for charitable purposes.
A tailor's or dressmaker's establishment making, repairing or altering articles for individual customers.
Any other structure used for commercial or service purposes and not specifically covered by any other classification.

(3) The small job allowance under paragraph (b) of this supplement for a structure of any of the kinds listed below is $15,000 per job if the floor area of the structure is or will be 10,000 square feet or more. If the floor area of the structure is or will be less than 10,000 square feet, the small job allowance is $2,500 per job unless the list below indicates, by the use of an asterisk in front of items where the $15,000 small job allowance applies regardless of floor area, that the $15,000 allowance applies regardless of floor area.

NOTE: The allowance given in this paragraph does not apply to structures of the kinds listed specifically in paragraph (b) (4) below, which always have the small job allowance of $500 per job given in that paragraph, or to residential buildings, which always receive the applicable allowance given in paragraphs (b) (1) and (b) (2) above.

NOTE: The small job allowances provided by this paragraph apply only to buildings primarily used for the purposes listed below. See paragraph (d) below

*A building at a logging or lumber camp or at a mine, including a mine tipple.
*An industrial research laboratory or pilot plant.
*A building or other structure used directly for the operation of a railroad, street railway, commercial airline, busline or common or contract carrier by truck, such as a roundhouse, a building housing signal or interlocking installations, locomotive water facilities, freight yard offices, railroad workmen's washrooms and lockers, a garage or workshop for a bus company, a freight terminal for a common or contract carrier by truck, railway or steamship line or a hangar for a commercial airline.
*A building or other structure used for producing, refining or distributing oil, gas (including liquefied or bottled gas) or petroleum, except service stations and commercial or industrial garages.
*A building providing directly for electric, gas, sewerage, central steam heating, telephone or telegraph communication services, including a telephone exchange and a radio telephone or radio telegraph station used as an international point to point radio communication carrier.
*An industrial or utility powerhouse.
*An industrial or utility pumping station for pumping water, gas or sewage.
*A pumphouse or terminal facility on an oil or gas pipeline.
*A grain, coal or cement elevator.
*A single moving picture set.
*A cotton compress warehouse.
A building or other structure which is to be used for manufacturing, processing or assembling any goods or materials.
A printing or bookbinding plant or a newspaper publishing establishment.
A plant engaged in the wholesale printing, developing and enlarging of photographs.
A plant engaged in mixing and bottling syrups or soft drinks.
An off-farm slaughterhouse, bakery, butcher shop or other off-farm establishment where edible food products for humans or animals are prepared for the market by pasteurizing, bottling, mixing, coloring, preserving, washing, salting, packaging or freezing (not including the frozen food locker plant).
A plant primarily engaged in reconditioning or rebuilding articles or equipment for resale.
A scrap dealer's plant if it is primarily engaged in such processing operations as briquetting, pressing or baling light iron, cutting up heavy melting steel, breaking up heavy cast iron, detinning cans or smelting non-ferrous metals for the purpose of making the scrap available for further use.
A building used primarily for a station, waiting room for a railroad, a commercial airline or a busline, whether situated at an airfield, railroad or elsewhere.

(4) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is $500 per job.

A private bathhouse which is not situated near and used in connection with another structure.
A tourist cabin whether a single cabin or one of a group of separate cabins. A cabin is considered a separate cabin if it has independent outside walls even though the space between it and the next cabin is sheltered by a roof and is used as a garage. A management building used for operating the cabins is considered a commercial building under paragraph (b) (2) of this supplement.
A swimming pool.
A boardwalk.
A roller coaster or similar device of a kind ordinarily used in amusement parks.
Any other structure covered by the order and not coming within any other classification.

(5) The small job allowance under paragraph (b) of this supplement for a non-residential structure on a farm is $5,000 per job, if the farm on which the structure is or is to be situated has an area of 5 acres or more. However, the small job allowance for a non-residential structure on a farm is $1,000 per job if the farm on which the structure is or is to be situated has an area of less than 5 acres. A residential structure on a farm has the small job allowance applicable under paragraph (b) (1) or paragraph (b) (2) of this supplement, as the case may be. A bunkhouse on a farm for farm laborers is considered a non-residential structure for the purpose of determining the applicable small job allowance. A "farm" means a place used primarily for the purpose of raising crops, livestock, dairy products or poultry for the market. Chicken hatcheries, plants used to raise mushrooms or other food products, and greenhouses (except those on residential property) and farm or ranches for raising fur-bearing animals are considered farms. Buildings situated on a farm and used primarily to process the products of that farm and buildings situated on a farm and used primarily to process materials for use on that farm are considered non-residential farm structures under this paragraph.

(c) *Small job allowances for conversion from residential purposes.* Regardless of the small job allowance given under paragraph (b) of this supplement for a particular structure, the small job allowance applicable to a job consisting of conversion to non-residential purposes of any part (or all) of a building last used for residential purposes is $200.

(d) *Structures used for more than one purpose.* If a structure is used for more than one purpose and might, therefore, fall within more than one of the classes indicated above, the use to which the greatest part of the structure will be put (computed on the basis of the floor area where applicable) determines the allowance. For example, if a building has three apartments occupying three floors of the building and a store on the ground floor, it is primarily residential and falls under paragraph (b) (1) of this supplement. If a building is half residential and half commercial or industrial or half residential and half agricultural, it is considered primarily residential. When alterations are being made to a

building, the applicable small job allowance is the allowance applicable to the building as a whole under paragraph (b). Except in cases covered by paragraph (c), the purpose for which the particular space being altered was or is to be used does not affect the amount of the allowance.

(e) *Subordinate structures.* Where a non-residential structure of any of the kinds listed in paragraph (b) (2) is situated, near and used in connection with, a structure having a $15,000 small job allowance under paragraph (b) (3), the same allowance applies to the subordinate structure if the floor area of the subordinate structure is or will be 10,000 square feet or more. This means that if an office building, warehouse or garage of this size is situated on the immediate premises of an industrial or utility structure having a $15,000 small job allowance and is used in connection with the operation of that structure, the office building, warehouse or garage also gets the $15,000 small job allowance. However, a "downtown" office building, even though used exclusively for one industrial or utility company, is always under paragraph (b) (2), regardless of its size, like other office buildings. All residential structures, however, always get the allowance applicable under paragraphs (b) (1) or (b) (2), and all structures specifically listed in paragraph (b) (4) always get the $500 small job allowance of that paragraph.

(f) *Separate jobs.* For the purpose of determining whether work is exempt from VHP–1 under this supplement, a related series of operations in a structure which are performed at or about the same time or as part of a single plan or program constitute a single job. No job which would ordinarily be done as a single piece of work may be sub-divided for the purpose of coming within the allowance given under this supplement. When a building or part of a building is being converted from one purpose to another all work incidental to and done in connection with the conversion must be considered as one job. So also if a building is being renovated, improved or modernized over an extended period all work done in connection with the modernization (other than the work done before the issuance of the order must be considered as part of one job, even though separate contracts are let for different parts of the work. However, if related work on two or more separate structures is performed, the work is not considered one job but the work done in each structure must be considered separately under the rules stated above. For example, if two or more related structures are to be built and the cost of each does not exceed the small job allowance applicable to each structure under paragraph (b) of this supplement, each of these structures may be built without getting an authorization under VHP–1. See paragraph (f) of Supplement 2 to VHP–1 for an explanation of what jobs are exempt from the order as having been started before it became effective.

(g) *How to figure cost.* For the purpose of determining whether a particular job is exempt from VHP–1 by this supplement, the "cost" of a job means the cost of the entire construction job as estimated at the time of beginning construction. (1) The cost of a job includes the following:

The cost or value of fixtures, mechanical equipment and materials incorporated in the structure, whether or not obtained without paying for them, except the items listed in paragraph (g) (2) below. (See Supplement 1 for definitions and illustrations of fixtures and mechanical equipment.)

The cost of paid labor engaged in the construction work, regardless of who pays for it, excluding, however, the cost of paid labor engaged in working on or installing fixtures, equipment or materials the cost of which need not be included in the cost of the job under paragraph (g) (2). If it is impracticable to allocate the labor specifically to exempt or non-exempt items, the cost of all paid labor may be divided between the work on the two different classes of items in proportion to the value of the two classes of items.

The amount paid for contractors' fees.

(2) The cost of a job does not include the following:

The cost or value of previously used fixtures, previously used mechanical equipment and previously used materials, when these have been severed from the same structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership.

The cost or value of materials used in repainting or repapering an existing structure or any unchanged part of a structure. However, this exception does not apply to painting a new structure or new parts of a structure which has been altered.

The cost or value of materials used in installing loose fill, blanket or batt insulation in existing buildings or in installing insulation on existing equipment or piping.

The cost or value of materials which were produced on the property of the owner or actual or proposed occupant of the structure, except where he is in business of producing these materials for sale (this exception does not include materials or products assembled by the builder from new or used materials not themselves excepted).

The value of unpaid labor and the cost of paid labor engaged in working on or installing fixtures, equipment or materials, the cost of which is exempt from the cost of the job.

The cost or value of machinery and equipment other than mechanical equipment.

Architect's and engineers' fees.

The cost of site preparation and other preparatory work which does not constitute beginning construction (Supplement 2 to VHP–1 contains illustrations of work which does not constitute beginning construction and the cost of which is not included in the cost of a job).

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 1st day of June 1947.

OFFICE OF THE HOUSING EXPEDITER.
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5331; Filed, June 2, 1947; 4:19 p. m.]

[Veterans' Housing Program Order 1, Supp. 5, as Amended June 1, 1947]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

PREPARING AND FILING APPLICATIONS

§ 809.6 *Supplement 5 to Veterans' Housing Program Order 1*—(a) *What this supplement does.* This supplement explains what kinds of construction, repair work, and other work restricted by VHP-1 are covered by the Housing Permit Regulation. It also contains instructions for preparing and filing applications for specific authorization under Veterans' Housing Program Order 1 to do construction, repair work, or other work restricted by VHP-1 but not covered by the Housing Permit Regulation.

WHERE APPLICATIONS SHOULD BE FILED

(b) *Construction covered by the Housing Permit Regulation.* (1) The construction of the following kinds of new structures in which 75% or more of the floor space is to be used for residential purposes is covered by the Housing Permit Regulation:

(i) Any building, structure or other construction item to be used for family housing purposes, whether occupied all year round or seasonally, and any apartment hotel, boarding house, rooming house, dormitory or other residential accommodations occupied for substantial periods of time, whether by single persons or by families, including also all subsidiary buildings, structures or construction items and used for residential purposes, such as garages, tool sheds, greenhouses, swimming pools, walls, fences, bulkheads, and the like. This includes family housing accommodations, either one family houses or apartments, and permanent residential quarters for individuals, whether these are to be built and owned by private individuals, corporations, public organizations or educational or other institutions. It also includes prefabricated houses, permanently installed trailers, and the like. This paragraph does not include summer or winter camps or hotels, overnight guest houses, tourist cabins or other accommodations for transients. Restaurants, laundry rooms and toilet facilities built in connection with tourist cabins and trailer camps are not covered by this paragraph, except where the toilet facilities or laundry rooms are to be used by the occupants of permanently installed trailers.

(ii) Dormitories, and living facilities such as dining halls built and to be used exclusively in connection with a new dormitory, and subsidiary buildings for trailer camps such as laundry rooms, toilet facilities and the like, when they are built by an educational institution or a public organization and dormitories built under the sponsorship of an educational organization. "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning. "Public organization" means the United States government, a state, county, city, town, village or other municipal government, or an agency, instrumentality or authority of such a governing body.

(iii) Farm houses and other residential accommodations on farms, and bunkhouses for transient farm labor.

Paragraph (b) (1) does not include accommodations, the primary purpose of which is non-residential, such as wards or rooms for patients or inmates in hospitals, mental hospitals, insane asylums, orphanages, old people's homes, police barracks or cell blocks in jails. It also does not include housing accommodations constructed by or for the account of the U. S. Army or Navy.

(2) Regardless of the primary purpose for which a structure as a whole is used or is to be used, construction, alterations, additions or repairs in the structure are covered by the Housing Permit Regulation if 75% or more of the floor space involved in the proposed work will be used for residential purposes of the kinds described above.

(3) Applications for amendments to projects approved under Priorities Regulation 33 or Housing Expediter Priorities Regulation 5 should be filed in accordance with those regulations.

(4) The Housing Permit Regulation no longer requires that an application be filed for authorization to begin construction or other work of the kind covered by paragraphs (b) (1) and (b) (2) of this supplement. The Housing Permit Regulation now automatically authorizes certain persons to begin specified kinds of construction without filing any application or getting specific authorization.

Any person not authorized by the Housing Permit Regulation to do work covered by that order may file an appeal with the appropriate State or District Office of the Federal Housing Administration, except that appeals by educational institutions or by public organizations relating to any kind of residential accommodations to be built by them, and appeals relating to single person residential accommodations to be built or converted under the sponsorship of an educational institution, should be filed with the appropriate Regional Office of the Federal Public Housing Authority.

(5) Under paragraphs (b) (1) and (b) (2) the amount of floor space to be used for residential purposes and the amount to be used for other purposes will determine whether the work is covered by the Housing Permit Regulation. In computing floor area for these purposes, hallways and other public spaces should be excluded from the computation. Basement space should also be excluded even though used for storage space for stores or for apartments, except where all or part of the basement is used for an apartment or rooms for living purposes, or for selling or exhibition space for a store, or for a commercial garage which is open to the public.

(c) *Applications to be filed with the OHE District Construction Offices.* All applications for authorization under VHP–1 not covered by paragraph (b) should be filed on Form OHE 14–171 (formerly CPA–4423) with the appropriate OHE District Construction Office.

PREPARING APPLICATIONS FOR NON-HOUSING CONSTRUCTION

(d) *Cost.* Form OHE 14–171 (formerly CPA–4423) requires the applicant to state the estimated cost of the proposed construction job for which he is requesting authorization in Item 5. This item is broken down into two parts: the cost of the structure and the cost of fixtures (heating, plumbing, lighting and ventilating equipment).

(1) Under the cost of the structure in Item 5, the applicant should state the cost of the structure, excluding the cost of processing and service equipment and the cost of fixtures and mechanical equipment and also excluding the cost or value of the land or existing structures and architects' and engineers' fees.

The applicant should not include in this figure the cost or value of materials and labor which do not constitute part of the cost of the construction job under paragraph (g) of Supplement 3 to VHP–1. Paragraph (g) (2) of that supplement lists numerous specific items which are excluded from the cost of a job under VHP–1.

(2) Under the cost of fixtures (heating, plumbing, lighting and ventilating equipment), the applicant should include the cost of the items covered by paragraph (b) (1) of Supplement 1 to VHP–1 together with the cost of any items listed under paragraph (b) (3) of Supplement 1 which are so built as to become a part of the building. The applicant should not include in this item the cost of any items which are excluded from the cost of the job under paragraph (g) of Supplement 3 to VHP–1.

(3) The applicant should not include under Item 5 the cost of processing equipment or service equipment of the kinds listed and described in paragraph (b) (2) of Supplement 1 to VHP–1.

(e) *Applicant.* In reviewing an application to determine whether it should be approved, the Office of the Housing Expediter relies upon the statements and representations made in the application and in supplementary documents filed with the application. Severe criminal penalties may be imposed for making wilfully false statements or representations in connection with these applications. This imposes upon persons making statements and representations in connection with applications great responsibility for the correctness of these statements and representations. In addition, the granting of the authorization imposes upon the builder and others concerned with the project, the responsibility of carrying out the provisions of the authorization and the representations made. For this reason it is important that each of the statements and representations involved should be made by a person familiar with the facts and responsible for their correctness and truthfulness. Contractors and architects and landlords may be in a position to assume responsibility for the performance of the construction in accordance with the authorization but ordinarily they are not in a position to accept responsibility for the correctness of statements and representations as to the need for the building and the use to which it will be put. The application should be made and signed by the person who is to be responsible for the construction, normally the individual who, or a responsible officer of the corporation which, owns or is to own the building or other structure involved. If the person who signs the application is not personally familiar with the need for the proposed work and therefore is not in a position to assume responsibility for statements and representations with respect to the need for the building and the purpose to which it is to be put, these statements and representations should be made in a letter attached to the application signed by the prospective occupant of the building or a responsible officer of the corporation which is to occupy it, or any other person who is in a position to accept the responsibility for these statements.

(f) *Compliance cases.* If a builder wishes to complete construction of a project on which some work has been done, and on which construction has been stopped, this fact should be stated in the application. The applicant should give, either on the application or in a letter attached to the application, full information about the beginning of the construction, including a statement of the nature and cost of the work previously done and a statement as to when it was done and including also a statement as to the exact nature and the estimated cost of the work required for completion, together with a statement about the circumstances under which construction was stopped, referring particularly to any stop telegram, suspension order, consent order or injunction involved. If the application is approved, authorization will be given only for the work which has not yet been done.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 1st day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–5335; Filed, June 2, 1947; 4:20 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter B—Estate and Gift Taxes

[T. D. 5565]

PART 82—TAXATION PURSUANT TO TREATIES

SUBPART—UNITED KINGDOM

Regulations relating to estate tax pursuant to convention between the United States and the United Kingdom, proclaimed by the President of the United States on July 30, 1946.

Sec.

82.101 Proclamation of President, text of convention, and statutory provisions authorizing regulations.
82.102 Scope of regulations.
82.103 Domicile and citizenship.
82.104 Situs of property.
82.105 Taxation on basis of domicile, citizenship, or the law governing disposition of property.
82.106 Taxation on basis of situs of property.
82.107 Credit for estate duties imposed in Great Britain and Northern Ireland.
82.108 Claim for credit or refund and interest on refund.
82.109 Information furnished by each contracting country to the other.

AUTHORITY: §§ 82.101 to 82.109, inclusive, issued under sec. 3791, and chapter 3, 53 Stat. 467; 119; 26 U. S. C. 467, 119.

§ 82.101 *Proclamation of President, text of convention, and statutory provisions authorizing regulations.* The proclamation of the President of the United States, containing the text of the convention between the United States and the United Kingdom of Great Britain and Northern Ireland relating to Federal estate taxes and the estate duties imposed in Great Britain and Northern Ireland (hereinafter referred to as the convention), is set forth below:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Northern Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons was signed by their respective Plenipotentiaries at Washington on April 16, 1945, the original of which convention is word for word as follows:

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland,

Desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons,

Have appointed for that purpose as their respective Plenipotentiaries:

The Government of the United States of America:

Mr. Edward R. Stettinius, Jr., Secretary of State, and

The Government of the United Kingdom of Great Britain and Northern Ireland:

The Right Honorable the Earl of Halifax, K. G., Ambassador Extraordinary and Plenipotentiary in Washington,

Who, having exhibited their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the United States of America, the Federal estate tax, and

(b) In the United Kingdom of Great Britain and Northern Ireland, the estate duty imposed in Great Britain.

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either Contracting Party subsequently to the date of signature of the present Convention or by the government of any territory to which the present Convention applies under Article VIII or Article IX.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

(b) The term "Great Britain" means England, Wales and Scotland, and does not include the Channel Islands or the Isle of Man.

(c) The term "territory" when used in relation to one or the other Contracting Party means the United States or Great Britain, as the context requires.

(d) The term "tax" means the estate duty imposed in Great Britain or the United States Federal estate tax, as the context requires.

(2) In the application of the provisions of the present Convention by one of the Contracting Parties, any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Party relating to the taxes which are the subject of the present Convention.

ARTICLE III

(1) For the purposes of the present Convention, the question whether a decedent was domiciled in any part of the territory of one of the Contracting Parties at the time of his death shall be determined in accordance with the law in force in that territory.

(2) Where a person dies domiciled in any part of the territory of one Contracting Party, the situs of any of the following rights or interests, legal or equitable, which for the purposes of tax form part of the estate of such person or pass on his death, shall, for the purposes of the imposition of tax and for the purposes of the credit to be allowed under Article V, be determined exclusively in accordance with the following rules, but in cases not within such rules the situs of such rights and interests shall be determined for those purposes in accordance with the law relating to tax in force in the territory of the other Contracting Party:

(a) Rights or interests (otherwise than by way of security) in or over immovable property shall be deemed to be situated at the place where such property is located;

(b) Rights or interests (otherwise than by way of security) in or over tangible movable property, other than such property for which specific provision is hereinafter made, and in or over bank or currency notes, other forms of currency recognized as legal tender in the place of issue, negotiable bills of exchange and negotiable promissory notes, shall be deemed to be situated at the place where such property, notes, currency or documents are located at the time of death, or, if in transitu, at the place of destination;

(c) Debts, secured or unsecured, other than the forms of indebtedness for which specific provision is made herein, shall be deemed to be situated at the place where the decedent was domiciled at the time of death;

(d) Shares or stock in a corporation other than a municipal or governmental corporation (including shares or stock held by a nominee where the beneficial ownership is evidenced by scrip certificates or otherwise) shall be deemed to be situated at the place in or under the laws of which such corporation was created or organized;

(e) Monies payable under a policy of assurance or insurance on the life of the decedent shall be deemed to be situated at the place where the decedent was domiciled at the time of death;

(f) Ships and aircraft and shares thereof shall be deemed to be situated at the place of registration or documentation of the ship or aircraft;

(g) Goodwill as a trade, business or professional asset shall be deemed to be situated at the place where the trade, business or profession to which it pertains is carried on;

(h) Patents, trademarks and designs shall be deemed to be situated at the place where they are registered;

(i) Copyright, franchises, and rights or licenses to use any copyrighted material, patent, trademark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable;

(j) Rights or causes of action ex delicto surviving for the benefit of an estate of a decedent shall be deemed to be situated at the place where such rights or causes of action arose;

(k) Judgment debts shall be deemed to be situated at the place where the judgment is recorded;

Provided, That if, apart from this paragraph, tax would be imposed by one Contracting Party on any property which is situated in its territory and passes under a disposition not governed by its law, this paragraph shall not apply to such property unless, by reason of its application or otherwise, tax is imposed or would but for some specific exemption be imposed thereon by the other Contracting Party.

ARTICLE IV

(1) In determining the amount on which tax is to be computed, permitted deductions shall be allowed in accordance with the law in force in the territory in which the tax is imposed.

(2) Where tax is imposed by one Contracting Party on the death of a person who at the time of his death was not domiciled in any part of the territory of that Contracting Party but was domiciled in some part of the territory of the other Contracting Party, no account shall be taken in determining the amount or rate of such tax of property situated outside the former territory: *Provided*, That this paragraph shall not apply as respects tax imposed—

(a) In the United States in the case of a United States citizen dying domiciled in any part of Great Britain; or

(b) In Great Britain in the case of property passing under a disposition governed by the law of Great Britain.

ARTICLE V

(1) Where one Contracting Party imposes tax by reason of a decedent's being domiciled in some part of its territory or being its national, that Party shall allow against so much of its tax (as otherwise computed) as is attributable to property situated in the territory of the other Contracting Party, a credit (not exceeding the amount of the tax so attributable) equal to so much of the tax imposed in the territory of such other Party as is attributable to such property; but this paragraph shall not apply as respects any such property as is mentioned in paragraph (2) of this Article.

(2) Where each Contracting Party imposes tax by reason of a decedent's being domiciled in some part of its territory, each Party shall allow against so much of its tax (as otherwise computed) as is attributable to property

which is situated, or is deemed under paragraph (2) of Article III to be situated,

(a) In the territory of both Parties, or

(b) Outside both territories,

a credit which bears the same proportion to the amount of its tax so attributable or to the amount of the other Party's tax attributable to the same property, whichever is the less, as the former amount bears to the sum of both amounts.

(3) For the purposes of this Article, the amount of the tax of a Contracting Party attributable to any property shall be ascertained after taking into account any credit, allowance or relief, or any remission or reduction of tax, otherwise than in respect of tax payable in the territory of the other Contracting Party or in any other country, and if, in respect of property situated outside the territories of both Parties, a Contracting Party allows against its tax a credit for tax payable in the country where the property is situated, that credit shall be taken into account in ascertaining, for the purposes of paragraph (2) of this Article, the amount of the tax of that Party attributable to the property.

ARTICLE VI

(1) Any claim for a credit or for a refund of tax founded on the provisions of the present Convention shall be made within six years from the date of the death of the decedent in respect of whose estate the claim is made, or, in the case of a reversionary interest where payment of tax is deferred until on or after the date on which the interest falls into possession, within six years from that date.

(2) Any such refund shall be made without payment of interest on the amount so refunded.

ARTICLE VII

(1) The taxation authorities of the Contracting Parties shall exchange such information (being information available under the respective taxation laws of the Contracting Parties) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose any trade secret or trade process.

(2) As used in this Article, the term "taxation authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his authorized representative; in the case of Great Britain, the Commissioners of Inland Revenue or their authorized representative; and, in the case of any territory to which the present Convention is extended under Article VIII, the competent authority for the administration in such territory of the taxes to which the present Convention applies.

ARTICLE VIII

(1) Either of the Contracting Parties may, on the coming into force of the present Convention or at any time thereafter while it continues in force, by a written notification of extension given to the other Contracting Party through diplomatic channels, declare its desire that the operation of the present Convention shall extend to all or any of its colonies, overseas territories, protectorates, or territories in respect of which it exercises a mandate, which impose taxes substantially similar in character to those which are the subject of the present Convention. The present Convention shall apply to the territory or territories named in such notification as to the estates of persons dying on or after the date or dates specified in the notification (not being less than sixty days from the date of the notification) or, if no date is specified in respect of any such territory, on or after the sixtieth day after the date of such notification, unless, prior to the date on which the Convention would otherwise become applicable to a particular territory, the Contracting Party to whom notification is given shall have informed the other Contracting Party in writing through diplomatic channels that it does not accept such notification as to that territory. In the absence of such extension, the present Convention shall not apply to any such territory.

(2) At any time after the expiration of one year from the entry into force of an extension under paragraph (1) of this Article, either of the Contracting Parties may, by written notice of termination given to the other Contracting Party through diplomatic channels, terminate the application of the present Convention to any territory to which it has been extended under paragraph (1), and in such event the present Convention shall cease to apply, as to the estates of persons dying on or after the date or dates (not being earlier than the sixtieth day after the date of such notice) specified in such notice, or, if no date is specified, on or after the sixtieth day after the date of such notice, to the territory or territories named therein, but without affecting its continued application to the United States, Great Britain or to any other territory to which it has been extended under paragraph (1) hereof.

(3) In the application of the present Convention in relation to any territory to which it is extended by the United States or the United Kingdom, references to "United States" or, as the case may be, "Great Britain," or to the territory of one (or of the other) Contracting Party, shall be construed as references to that territory.

(4) The provisions of the preceding paragraphs of this Article shall apply to the Channel Islands and the Isle of Man as if they were colonies of the United Kingdom.

ARTICLE IX

The present Convention shall apply in relation to estate duty imposed in Northern Ireland as it applies in relation to estate duty imposed in Great Britain, but shall be separately terminable in respect of Northern Ireland by the same procedure as is laid down in paragraph (2) of Article VIII.

ARTICLE X

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

(2) The present Convention shall come into force on the date of exchange of ratifications and shall be effective only as to

(a) The estates of persons dying on or after such date; and

(b) The estate of any person dying before such date and after the 31st day of December, 1944, whose personal representative elects, in such manner as may be prescribed, that the provisions of the present Convention shall be applied to such estate.

ARTICLE XI

(1) The present Convention shall remain in force for not less than three years after the date of its coming into force.

(2) If not less than six months before the expiration of such period of three years, neither of the Contracting Parties shall have given to the other Contracting Party, through diplomatic channels, written notice of its intention to terminate the present Convention, the Convention shall remain in force after such period of three years until either of the Contracting Parties shall have given written notice of such intention, in which event the present Convention shall not be effective as to the estates of persons dying on or after the date (not being earlier than the sixtieth day after the date of such notice) specified in such notice, or, if no date is specified, on or after the sixtieth day after the date of such notice.

In witness whereof the above-mentioned Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at Washington, in duplicate, on the 16th day of April, 1945.

For the Government of the United States of America:

[SEAL] E. R. STETTINIUS, Jr.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

[SEAL] HALIFAX.

And Whereas the said convention has been ratified by both Governments, and the instruments of ratification of the two Governments were exchanged at Washington on the twenty-fifth day of July, 1946;

And Whereas it is provided in Article X of the said convention that on the date of the exchange of ratifications the convention shall be effective as to the estates of persons dying on or after such date, and as to the estate of any person dying before such date and after the thirty-first day of December 1944, whose personal representative elects, in such manner as may be prescribed, that the provisions of the said convention shall be applied to such estate;

Now, therefore, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America, and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof, the said convention being deemed to have effect as provided in Article X thereof, as aforesaid.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States of America to be hereunto affixed.

Done at the city of Washington this thirtieth day of July in the year of our Lord one thousand nine hundred forty-six and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL] HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

Section 3791 of the Internal Revenue Code provides as follows:

(a) *Authorization*—(1) *In general.* • • • the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury decision, relating to the internal revenue laws, shall be applied without retroactive effect.

§ 82.102 *Scope of regulations.* Sections 82.101 to 82.109, inclusive, pertain to the application of the Federal estate tax as modified under the provisions of the convention in the case of a decedent who at time of death was domiciled in either the United States or the United Kingdom of Great Britain and Northern

Ireland, or was a citizen of the United States, and whose death occurred:

(a) On or after July 25, 1946, the date of exchange of ratifications, or

(b) After December 31, 1944, and before July 25, 1946, if the person charged with the duty of filing the return elects that the provisions of the convention shall be applied. Such election shall be made in a written statement filed in duplicate with the collector of internal revenue at the time the return is filed or as soon thereafter as possible. (Article X (2) of the convention.)

Sections 82.101 to 82.109, inclusive, also pertain to related administrative matters and to the furnishing of information by the tax authorities of each country to such authorities of the other country which may be needed in carrying out the provisions of the convention or in preventing fraud or avoidance with respect to the taxes which are the subject of the convention. (Article VII of the convention.)

The provisions of the convention are restricted to the estate tax imposed by the United States, the estate duty imposed in Great Britain, and the estate duty imposed in Northern Ireland, and do not comprehend any of the estate, inheritance, legacy, and succession taxes imposed by the States, Territories, the District of Columbia, and possessions of the United States or the legacy and succession duties imposed in Great Britain and Northern Ireland. (Articles I and IX of the convention.)

The credits against the Federal estate tax, authorized by section 813 (a) and section 936 of the Internal Revenue Code for Federal gift taxes and by section 813 (b) thereof for estate, inheritance, legacy, or succession taxes paid any State, Territory, the District of Columbia, or possession of the United States, are not affected. (Article V (3) of the convention.)

In the application of the provisions of the convention the estate duty imposed in Great Britain and the estate duty imposed in Northern Ireland are to be separately considered, and the term "United Kingdom" as used in §§ 82.101 to 82.109, inclusive, may either refer to Great Britain or Northern Ireland, depending upon the circumstances of the particular case.

§ 82.103 *Domicile and citizenship.* Determinations with respect to the decedent's domicile and citizenship at time of death are required in order to ascertain whether the estate is within the scope of the convention, and if so, such determinations are necessary for two further purposes, i. e., first, in order to ascertain the property that may be included in the application of the tax, and, second, in order to ascertain the credit for death duties authorized by the convention. For such purposes, domicile and citizenship shall be determined in accordance with the laws of the contracting country which imposes the tax by reason of the decedent's being domiciled therein or a citizen thereof. Where in a particular case only one of the contracting countries asserts tax by reason of the decedent's being domiciled therein, the other contracting country is bound by such determination of domicile for all purposes of the convention, and will not, for instance, in the imposition of its tax on the basis of situs of property disregard the situs rules established by Article III by contending that the decedent was domiciled in a third country. (Article III (1), Article IV (2) (a) and Article V of the convention.)

For the purpose of determining whether the decedent was domiciled in either contracting country at time of death, the United States includes the States thereof, the Territory of Alaska, the Territory of Hawaii, and the District of Columbia, and the United Kingdom of Great Britain and Northern Ireland includes Great Britain (England, Wales and Scotland) and Northern Ireland. For this purpose the United Kingdom does not include the Channel Islands or the Isle of Man. (Article II (1) of the convention.)

§ 82.104 *Situs of property.* The determination of the situs of property is necessary for two purposes, i. e., first, in order to ascertain the property that may be included in the application of the tax if jurisdiction is based upon situs of property within the country, and, second, in order to ascertain the credit for death duties authorized by the convention since the crediting country only allows such credit under paragraph (1) of Article V with respect to property situated in the other contracting country and under paragraph (2) of Article V with respect to property situated outside both contracting countries or with respect to property deemed to be situated in both such countries. For such purposes, the convention provides rules of situs for specific classes of property as hereinafter set forth. These rules are applicable only in case the decedent was at time of death domiciled in the United States or the United Kingdom. The convention also provides that with respect to property not within the described classes, if the decedent was domiciled in the United States the situs thereof shall be determined in accordance with the law of the United Kingdom, or if the decedent was domiciled in the United Kingdom the situs thereof shall be determined in accordance with the law of the United States. The rules of situs provided by the convention are not applicable in the case of a deceased citizen of the United States who was not domiciled in either country. (Article III (2) of the convention.)

Specific applications of the foregoing principles are shown by the following:

(a) If one of the contracting countries taxes on the basis of domicile and the other on the basis of situs of property, the allowance of credit by the former and the imposition of tax by the latter are determined in accordance with the situs rules of the convention with respect to property of the described classes and in accordance with the situs rules under the law of the latter with respect to any property not within such classes.

(b) If the United States taxes on the basis of citizenship and the United Kingdom taxes on the basis of domicile (the United States not regarding the domicile of the decedent as having been in the United States), the allowance of credit by each country is determined in accordance with the situs rules of the convention with respect to property of the described classes and in accordance with the situs rules under the law of the United States with respect to any property not within such classes.

(c) If the United States taxes on the basis of citizenship and the United Kingdom taxes on the basis of situs of property (both contracting countries considering that the decedent was domiciled in a third country), the allowance of credit by the United States and the imposition of tax by the United Kingdom are determined in accordance with the situs rules under the law of the United Kingdom with respect to both the property of the described classes and the property not within such classes. In this case the situs rules of the convention are not applicable to any extent.

(d) If both contracting countries tax on the basis of domicile, the allowance of credit by the United States is determined in accordance with the situs rules of the convention with respect to the property of the described classes and in accordance with the situs rules under the law of the United Kingdom with respect to any property not within such classes, and the allowance of credit by the United Kingdom is determined in accordance with the situs rules of the convention with respect to the property of the described classes and in accordance with the situs rules under the law of the United States with respect to any property not within such classes. Rules of situs provided by the convention for specific clases of property follow:

(1) *Real property and leaseholds.* Immovable property shall be deemed to be situated at the place where the land involved is located. Immovable property comprises real property and leases of real property. The duration of the lease is immaterial. Immovable property does not include mortgages, liens or other right or interest in real or immovable property by way of security. Although for the purpose of this situs rule leaseholds are classed with real property, this provision of the treaty does not purport to extend the scope of the term "real property" as used in the first paragraph of section 811 of the Internal Revenue Code whereunder real property (but not a lease of real property) situated outside the United States is excluded from the gross estate. (Article III (2) (a) of the convention.)

(2) *Tangible personal property.* Tangible movable property (tangible personal property), except as hereinafter specifically provided in this paragraph with respect to ships and aircraft, shall be deemed to be situated at the place of physical location at the time of the decedent's death, or, if in transitu, at the place of destination. Tangible personal property includes bank notes and other forms of currency recognized as legal tender at the place of issue. (Article III (2) (b) of the convention.)

(3) *Ships and aircraft.* Ships and aircraft and fractional interests therein shall be deemed to be situated at the place of registration or documentation of such ships and aircraft. (Article III (2) (f) of the convention.)

(4) *Bonds and other forms of indebtedness.* Debts included as assets of the estate (credits), except as hereinafter specifically provided in this paragraph with respect to judgment debts and negotiable promissory notes and bills of exchange, shall be deemed to be situated where the decedent was domiciled at the time of his death. This rule refers to both secured and unsecured debts, and comprehends bonds, simple contract debts, and bank deposits characterized by the debtor-creditor relationship. Issues of stock, such as are common in the United Kingdom, which are evidences of debts and do not represent stockholders' proprietary shares are properly classifiable with bonds. Such issues include stock issued by municipal or governmental corporations, stock issued by public boards, and debentures or debenture stock of a corporation. (Article III (2) (c) of the convention.)

(5) *Judgment debts.* Judgment debts shall be deemed to be situated where the judgment is recorded. (Article III (2) (k) of the convention.)

(6) *Negotiable promissory notes and bills of exchange.* Negotiable promissory notes and bills of exchange shall be deemed to be situated at the place of the physical location of the documents at the time of decedent's death, or, if in transitu, at the place of destination. (Article III (2) (b) of the convention.)

(7) *Stock.* Shares of stock of a corporation shall be deemed to be situated at the place in or under the laws of which such corporation was created or organized. This rule comprehends shares of stock held by a nominee where the beneficial ownership is evidenced by scrip certificates or otherwise. This rule has no reference to issues of stock, such as are common in the United Kingdom, which are evidences of debts, do not represent stockholders' proprietary shares, and are properly classifiable with bonds. Such issues include stock issued by municipal or governmental corporations, stock issued by public boards, and debentures or debenture stock of a corporation. (Article III (2) (d) of the convention.)

(8) *Life insurance.* Proceeds of insurance on the life of the decedent shall be deemed to be situated where the decedent was domiciled at the time of his death. (Article III (2) (e) of the convention.)

(9) *Goodwill.* Goodwill as a trade, business or professional asset shall be deemed to be situated at the place where the business or profession, to which it pertains, is carried on (Article III (2) (g) of the convention.)

(10) *Patents, trademarks and designs.* Patents, trademarks and designs shall be deemed to be situated at the place where they are registered. (Article III (2) (h) of the convention.)

(11) *Copyrights and licenses to use copyrights, patents, trademarks and designs.* Copyrights, franchises, and rights or licenses to use any copyrighted material, patent, trademark or design, shall be deemed to be situated at the place where the rights arising therefrom are exercisable. (Article III (2) (i) of the convention.)

(12) *Actions ex delicto.* Rights or causes of action ex delicto surviving for the benefit of the estate of a decedent shall be deemed to be situated at the place where such rights or causes of action arise. (Article III (2) (j) of the convention.)

The rules whereunder property of certain classes shall be deemed to be situated at the place of the decedent's domicile are in effect rules exempting such classes of property from the tax imposed by reason of situs of property within each contracting State's jurisdiction.

Under a special proviso at the end of Article III of the convention, the foregoing rules of situs are not applicable in determining whether particular property may be subjected to tax by reason of its situs within the taxing country if (i) such property passes under a disposition not governed by its law, and (ii) such property is not subjected to the tax by the other contracting country for any reason other than the application of a specific exemption. In such case the situs of the property will be determined in accordance with the law of the taxing country.

This special proviso is particularly applicable to cases of settled property that come under the provisions of the estate duty statute of Great Britain or Northern Ireland. As an example of the operation of the special proviso under the estate duty statute, suppose the decedent's father established a trust governed by New York law under which the decedent was given a life estate with the remainder over absolutely to the trustor's grandson. The trustor, the life tenant and the remainderman were domiciled in and citizens of the United States. Under this special proviso, the corpus of the trust, consisting of shares of stock of a United States corporation evidenced by certificates in bearer form physically located in Great Britain, would be regarded as situated in Great Britain without the application of the situs rules of Article III and would be subjected to the estate duty reaching settled property since (i) such property passes under a disposition not governed by the law of Great Britain and (ii) such property is not subjected to the tax by the United States regardless of the $60,000 specific exemption.

Although the primary purpose of this special proviso concerns settled property under the estate duty statute of Great Britain or Northern Ireland, it is applicable under the Federal estate tax statute in some cases involving certain unusual circumstances. As an example of the operation of the special proviso under the Federal estate tax statute, suppose the decedent in contemplation of death established a trust for the benefit of his children, the property transferred by gift to the trust consisting of shares of stock of a British corporation evidenced by certificates physically located in the United States. The gift was made six years before the decedent's death and the decedent retained no possession or enjoyment or any other right in the property. The decedent and the beneficiaries were domiciled in Great Britain and the trust is governed by British law. Under the special proviso, the situs rules of Article III would be inapplicable and the shares of stock would be regarded as situated in the United States and subjected to the Federal estate tax since (i) such property passes under a disposition not governed by United States law and (ii) such property is not, regardless of any specific exemption, subjected to the estate duty imposed in Great Britain.

For the purpose of determining whether property is situated in either contracting country, the United States includes the States thereof, the Territory of Alaska, the Territory of Hawaii and the District of Columbia, and the United Kingdom of Great Britain and Northern Ireland includes Great Britain (England, Wales and Scotland) and Northern Ireland. For this purpose the United Kingdom does not include the Channel Islands or the Isle of Man. (Article II (1) of the convention.)

§ 82.105 *Taxation on basis of domicile, citizenship, or the law governing disposition of property.* Both the United States and the United Kingdom assume jurisdiction for the tax upon the basis of domicile within the taxing country. In addition, the United States, but not the United Kingdom, assumes jurisdiction for the tax upon the basis of citizenship, and the United Kingdom, but not the United States, assumes jurisdiction for the tax upon the basis of the law governing the disposition of the property. Thus, tax in Great Britain is imposed in respect of property passing under a disposition (such as a trust) governed by the law of Great Britain, even though the decedent was not domiciled in Great Britain and the property is not regarded as situated in Great Britain. (Article IV (2) (b) of the convention.)

The application of the tax (the Federal estate tax or the estate duty imposed in Great Britain or Northern Ireland, as the case may be) in any of the foregoing cases is not affected by the convention, except insofar as credit is authorized under Article V. The convention does not prohibit the subjection to tax in any of the foregoing cases, of any property (real or personal) situated outside the taxing country and in the other contracting country. However, by section 811 of the Internal Revenue Code, real property (but not a lease of real property) situated outside the United States is excluded from the gross estate. Under the present practice in the United Kingdom, immovables located outside the United Kingdom are, with rare exception, not subjected to estate duty.

§ 82.106 *Taxation on basis of situs of property.* In case jurisdiction to impose the tax by one of the contracting countries is based upon situs of property within such country and the decedent was at the time of death domiciled in the other contracting country, the convention provides that property situated outside the former shall not be taken into account in determining the amount or rate of such tax. (Article IV (2) of the convention.) For the purpose of determining what property is situated within the country and, therefore, subject to taxation on the basis of situs, the provisions of § 82.104 are pertinent. The rules of situs for certain classes of property prescribed by Article III of the convention and § 82.104 are applicable to the imposition of the Federal estate tax in

the case of a decedent who at time of death was not domiciled in or a citizen of the United States, and who was domiciled in the United Kingdom. The rules that certain classes of property shall be deemed to be situated where the decedent was domiciled are in effect rules exempting such classes of property from taxation on the basis of situs.

The deductions from the gross estate in the case of a nonresident not a citizen of the United States authorized by section 861 of the Internal Revenue Code, including the specific exemption of $2,000 prescribed thereunder, are unaffected. (Article IV (1) of the convention.) The restrictions of the preceding paragraph do not affect what is referred to in section 861 (a) (1) of the Internal Revenue Code as the gross estate wherever situated, and utilized in ascertaining the proportionate deductions for administration expenses, debts, etc., as prescribed in § 81.52 of Treasury Regulations 105 (26 CFR 81.52).

§ 82.107 *Credit for estate duties imposed in Great Britain and Northern Ireland*—(a) *General.* In the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States, credit is authorized against the Federal estate tax for Great Britain or Northern Ireland estate duty computed in accordance with the provisions of the convention and paid in respect of property situated as hereinafter provided and subject to such taxes by both the United States and Great Britain or Northern Ireland. No credit is allowable for any interest or penalty paid in connection with the estate duty. (Article V of the convention.)

Real property situated in the United Kingdom is not subjected to the Federal estate tax. Also, Great Britain and Northern Ireland subject to estate duty trust property (as, for example, on the death of a life tenant who was not the settlor and who had no other interest in the property) which is not subjected to Federal estate tax. Credit is not allowable under the convention for estate duty paid in respect of such property, since the requirement of double taxation is not fulfilled.

If only a part of the property subjected to estate duty imposed in Great Britain or Northern Ireland meets both of the required conditions (i. e., as to situs and double taxation), it will be necessary to determine the portion of such estate duty attributable to such part. Such portion of the estate duty (provided all property is subjected to such estate duty at a uniform rate) is an amount, A, which bears the same ratio to B (the total amount of such estate duty) that C (the value of the property situated as hereinafter provided and subjected to such estate duty and to the Federal estate tax) bears to D (the value of all property subjected to such estate duty). The values used in this proportion are the net values determined for the purpose of the Great Britain or Northern Ireland estate duty. If for any reason property is subjected to such estate duty at other than a uniform rate, a separate computation is to be made with respect to property taxed at each rate.

As an example of the determination of the amount of United Kingdom estate duty attributable to specific property, assume that a deceased resident of the United States owned personal property in Great Britain, $12,000, and real property in Great Britain, $12,000, and owed debts (not charged on any particular property) of $4,000 to persons resident in Great Britain. Under the British statute, the estate duty is computed as follows:

	Net value
Net value of personal property ($12,000 less $4,000)	$8,000
Net value of real property	12,000
Total net value	20,000
Rate of estate duty (percent)	9.6
Estate duty	1,920

The amount of estate duty attributable to the personal property is $\frac{8,000}{20,000} \times \$1,920$, or $768.

Similarly, the amount of the Federal estate tax attributable to the property which meets the required conditions (as to situs and double taxation) is an amount, A, which bears the same ratio to B (the Federal estate tax) as C (the value of the property situated as hereinafter provided and subjected to both the estate duty imposed in Great Britain or Northern Ireland and the Federal estate tax, or such value adjusted as hereinafter indicated) bears to D (the value of the gross estate, or such value adjusted as hereinafter indicated). The values used in this proportion are the values determined for the purpose of the Federal estate tax, and amounts C and D of the proportion are to be reduced by the amount of any deductions allowable under section 812 of the Internal Revenue Code in respect of such property (1) lost during the settlement of the estate, (2) identified as previously taxed property or (3) specifically bequeathed or devised for charitable, etc., uses.

The amount of the estate tax or estate duty attributable to specific property is, for the purposes of this section, the amount ascertained after the allowance of any applicable credit, remission or reduction of tax, other than, first, credit authorized under this convention and, second, (except as otherwise provided in paragraph (c) of this section) credit authorized under death duty conventions between the United States and any other country. In determining by proportion the amount of estate tax or estate duty attributable to property which meets the required conditions to the allowance of credit the following rules apply:

(i) If the credit (as, for example, the credit for State inheritance tax) does not pertain to specific property, the amount of tax ascertained after the allowance of such credit should be proportioned.

(ii) If the credit pertains to specific property, the tax ascertained before the allowance of such credit should be proportioned, and the amount of tax thus found to be attributable to the property which meets the required conditions should then be reduced by the amount of such credit pertaining to such property. Examples of credit pertaining to specific property are the Federal gift tax credit, credits under death duty conventions, the British quick succession allowance, the British allowance for colonial death duties, the British allowance for settlement estate duty, the British allowance for duties paid before August 2, 1894, and the remissions of British estate duty under the Killed in War Acts.

(It may be noted that in consequence of this rule the estate duty imposed in Great Britain or Northern Ireland is to be reduced by credit allowable against such duty for the tax paid in a British possession or in any other country only if such credit pertains to the same property in respect of which credit is allowable under this section.)

For the purpose of determining the situs of property in respect of which credit is claimed, the provisions of § 82.104 are pertinent.

If at the time the Federal estate tax return, Form 706, is filed, the estate duty imposed in Great Britain or Northern Ireland has not been determined and paid, credit therefor may be entered on the return in an estimated amount. The computation of the credit should be set forth on Form 706e, "Computation of Credit for United Kingdom Estate Duty," the supplemental form prescribed for the purpose.

However, before credit for Great Britain or Northern Ireland estate duty is finally allowed, a statement by an authorized official of the Estate Duty Office of Great Britain or Northern Ireland must be submitted certifying (*a*) the full amount of such estate duty (exclusive of any interest or penalties), as computed before allowance of any credit, remission or relief, (*b*) the amount of any credit, allowance, remission or relief and other pertinent information, including the nature of such allowance and a description of the property to which it pertains, (c) the net estate duty payable after any such allowance, (*d*) the date on which the estate duty was paid, or if not all paid at one time, the amount and date of each partial payment, and (*e*) a list of the property situated in Great Britain or Northern Ireland and subjected to the estate duty, showing the description of each item and the value thereof. The certificate shall also show that such amount of estate duty was computed in accordance with applicable provisions of the convention, and that no refund of such estate duty is pending and none authorized, or if any such refund is pending or has been authorized, the amount thereof and other pertinent information. The following information should also be certified whenever applicable:

(*i*) If any of the property subjected to such estate duty was situated outside Great Britain or outside Northern Ireland, as the case may be, the description of each item of such property and the value thereof.

(*ii*) If for any reason property is subjected to such estate duty at more than one rate, such information pertaining thereto as is necessary to determine the correct credit.

(*iii*) If payment of any portion of such estate duty has been postponed, a description of the property in respect of which such postponement was granted.

(*iv*) If paragraph (2) of Article V of the convention is applicable, such information pertaining to situs of property as is necessary to determine the correct credit.

Form 706f, "Certification of United Kingdom Estate Duty," is prescribed for the above purpose. The Commissioner may require the submission of any additional proof deemed necessary to establish the right to credit.

If subsequent to the allowance of credit for estate duty imposed in Great Britain or Northern Ireland, a refund is made of any overpayment of such estate duty, then the person to whom the refund is made is required to advise the Commissioner thereof and pay any further Federal estate tax resulting from any reduction in the credit.

(b) *Decedent domiciled in or a citizen of the United States.* In the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States, credit is authorized against the Federal estate tax for any Great Britain or Northern Ireland estate duty paid in respect of property situated in Great Britain or Northern Ireland and subjected to such taxes by both the United States and Great Britain or Northern Ireland. However, such credit is not allowable in respect of any such property for which credit is authorized under the provisions of paragraph (c) of this section and paragraph (2) of Article V of the convention. (Article V (1) of the convention.)

Great Britain subjects to estate duty property situated outside Great Britain on the death of the owner domiciled in Great Britain. Property which forms the subject of a British trust is subjected to estate duty, even though such property is situated outside Great Britain and passes on the death of a person domiciled outside Great Britain. Credit is not allowable under this paragraph for British estate duty paid in respect of such property, since the requirement of situs is not fulfilled.

For the purpose of determining what property was at time of death situated in the United Kingdom, the provisions of § 82.104 are pertinent. In the case of a decedent who was at time of death domiciled in either the United States or the United Kingdom (but not in the case of a citizen of the United States not domiciled in either the United States or the United Kingdom), the rules of situs for certain classes of property prescribed by Article III of the convention and § 82.104 are applicable in determining whether property was situated in the United Kingdom. If the decedent was domiciled in the United States and was not domiciled in the United Kingdom, such rules of situs are applicable not only for purposes of allowance of credit by the United States but also for purposes of imposition of tax by the United Kingdom (where jurisdiction to tax is based on situs of property), and credit is allowable only for United Kingdom estate duty computed in accordance with such rules of situs.

The credit is limited to the amount of the Great Britain or Northern Ireland estate duty attributable to property which is (1) situated in Great Britain or Northern Ireland and (2) subjected to both such estate duty and the Federal estate tax. The amount of the credit is also limited to the amount of the Federal estate tax attributable to such property.

Example (*1*). The decedent was domiciled in the United States at time of death. The gross estate consists of shares of stocks of United States corporations, $50,000, bonds issued by British corporations, $50,000, and shares of stocks of British corporations, $50,000. Debts and administration expenses total $10,000. Under the situs rules of the convention the only property subjected to the British estate duty comprises the shares of stocks of the British corporations. The amount of the British estate duty as converted into United States money is $3,000. The amount of the Federal estate tax, after allowance of the State inheritance tax credit, is $14,780. The credit cannot exceed

$$\frac{50,000 \text{ (British property)}}{150,000 \text{ (gross estate)}} \times \$14,780 = \$4,926.67 \left(\begin{array}{c} \text{amount of estate tax attributable to British property} \end{array} \right)$$

As the amount of the British estate duty is less than the latter amount, credit for British estate duty is allowed in the amount of $3,000.

Example (*2*). The facts are the same as in the preceding example except that $20,000 of the British stocks are specifically bequeathed to a charitable organization. The amount of the British estate duty attributable to the property doubly taxed is $3,000. The amount of the Federal estate tax is $9,340. The credit cannot exceed the amount of the Federal estate tax attributable to the British stocks which is

$$\frac{30,000 \text{ (value of British stocks adjusted)}}{130,000 \text{ (gross estate adjusted)}} \times \$9,340 = \$2,155.38$$

The value of the British stocks and the value of the gross estate are adjusted as explained in paragraph (a) of this section. As the amount of the Federal estate tax attributable to the property doubly taxed is less than the amount of the British estate duty so attributable, the credit is allowable in the amount of the former, $2,155.38.

Example (*3*). The facts are the same as in example (1) except that $20,000 of the United States stocks are specifically bequeathed to charity. The amount of the British estate duty attributable to the property doubly taxed is $3,000. The amount of the Federal estate tax attributable to the property doubly taxed is

$$\frac{50,000 \text{ (value of British stocks)}}{130,000 \text{ (gross estate adjusted)}} \times \$9,340 = \$3,592.31.$$

The credit allowable is the lesser of the two amounts, $3,000.

Due to conflicts between rules of situs, property which under paragraph (2) of Article III of the convention and § 82.104 of this subpart is deemed to be situated in Great Britain or Northern Ireland may be subjected to tax in some other country. In such case, (i) credit may be allowable against the Federal estate tax for estate duty imposed in Great Britain or Northern Ireland with respect to the property and (ii) credit may be allowable against such estate duty for tax paid to the third country with respect to the same property. Under these circumstances, the credit allowable against the Federal estate tax is limited to the amount of the Great Britain or Northern Ireland estate duty attributable to the property as computed after allowance of credit for the tax paid in the third country.

Example (*4*). The facts are the same as in example (1) except that the certificates of $10,000 of the stocks of the British corporations were in bearer form physically located in Eire, and were subjected to duty in that country. Credit for the duty paid in Eire is allowed against the British estate duty. The credit against the Federal estate tax is limited to the amount of the British estate duty applicable to the British stocks, $3,000, less the amount of credit allowed against such duty for the duty paid in Eire.

In case credit against the Federal estate tax is allowable under the convention with the United Kingdom and under death duty conventions with one or more other countries, such credits shall be combined and the aggregate amount shall be credited against the Federal estate tax. If because of any conflict in situs rules the same property of the gross estate is subjected to tax by two foreign countries, the total amount of both credits allowable in respect of such property is limited to the amount of the Federal estate tax attributable to such property. If for any reason it is necessary to ascertain, in any case in which this limitation applies, the proportion of the combined credit which is allowed under each death duty convention, the combined credit shall be divided in proportion to the amount of credit allowable (before application of this limitation) under each convention in respect of such property.

Example (*5*). The gross estate includes stocks of British corporations, represented by certificates in bearer form physically located in Canada. Under the situs rules of Canada the British stocks are regarded as situated in Canada (this rule not being changed by the United States-Canada convention), and under the situs rules of the United States-United Kingdom convention the British stocks are regarded as situated in Great Britain. The Federal estate tax attributable to the property taxed in the three countries is $4,800, and credits for British estate duty and Canadian succession duty are determined at $4,000 and $2,000, respectively, before application of the limitation on their combined amount. The combined credits are limited to $4,800, the amount of the Federal estate tax attributable to the stocks. The credits for British estate duty and Canadian succession duty are therefore limited to $3,200 and $1,600, respectively, which amounts are in the same proportion as $4,000 and $2,000.

Example (*6*). The facts are the same as in example (1) except that the gross estate includes $50,000 of stocks of Canadian corporations instead of $50,000 of bonds of British corporations. A nephew is the sole legatee. The Canadian succession duty is $2,823.33, in which amount credit is allowable against the Federal estate tax under the death duty convention between the United States and Canada. The amount of the British estate duty attributable to the British stocks is $3,000. The amount of the Federal estate tax attributable to the British stocks is

$$\frac{50,000 \text{ (British stocks)}}{150,000 \text{ (gross estate)}} \times \$14,780 = \$4,926.67$$

It may be noted the $14,780 is the amount of the Federal estate tax after allowance of State inheritance tax credit but before any allowance of the Canadian succession duty credit. The amount of the British estate duty credit is $3,000, and the total amount of the foreign tax credits allowable against the Federal estate tax under both the Canadian and British death duty conventions is $5,823.33. Since the Canadian succession duty and the British estate duty are not imposed in respect of the same property, the limitation illustrated in the preceding example does not apply.

(c) *Decedent regarded as domiciled in the United States and in the United Kingdom.* Whenever in any case it appears that both contracting countries have asserted or are contemplating the assertion of the tax on the basis of domicile, the evidence adduced with respect to the decedent's domicile will be carefully reviewed or facts pertaining thereto further investigated so that, if possible, both countries may agree upon the decedent's domicile. Since the basic principles of the law relating to domicile are alike in both countries, it is anticipated that such agreement will usually be reached.

However, if in a particular case the United States determines that the decedent was domiciled in the United States and asserts estate tax in accordance with such determination and Great Britain or Northern Ireland also determines that the decedent was domiciled in Great Britain or Northern Ireland and asserts estate duty in accordance with such determination, and no agreement is reached upon the decedent's domicile, then each contracting country will (in addition to any credit authorized under the provisions of paragraph (1) of Article V of the convention and paragraph (b) of this section) allow against its tax a credit in respect of property subjected to tax by both countries and deemed situated (1) in both countries or (2) outside both countries. The total of the credits authorized under this paragraph shall be equal to the amount of tax imposed with respect to such property by the country imposing the smaller tax, and shall be divided between the two countries in proportion to the amount of tax imposed by each of the two countries with respect to such property. (Article V (2) of the convention.)

Property deemed situated in both countries includes property which by the situs rules of paragraph (2) of Article III of the convention is deemed to be situated at the place where the decedent was domiciled at the time of his death. It also includes any property not within such rules which each country claims to be situated within its territory.

For the purposes of this paragraph the amount of the Federal estate tax attributable to property situated as herein provided and doubly taxed shall be the amount determined as provided in paragraph (a) of this section, reduced by the amount of any credit allowable in respect of such property under death duty conventions between the United States and any third country.

Example (1). After a careful review of the evidence the United States Government determines that the decedent was at time of death domiciled in the United States and the British Government determines that the decedent was at time of death domiciled in Great Britain. The gross estate consists of $200,000 of British stocks, $150,000 of United States stocks, and $50,000 of bonds, the certificates of which were at time of death located in the United States. Debts and charges are $20,000. The amount of the Federal estate tax, computed on the whole estate wherever situated, after allowance for State inheritance tax credit but before allowance for British estate duty credit is $81,940. The amount of the British estate duty, also computed on the whole estate wherever situated, before allowance for United States estate tax credit is $93,860. Under paragraph (1) of Article V of the convention, the United States allows credit for the British estate duty attributable to the $200,000 of British stocks which are regarded as situated in Great Britain under Article III of the convention. Such credit, computed as explained in paragraph (b) of this section, is $40,970. Similarly under paragraph (1) of Article V of the convention, Great Britain allows credit for the United States estate tax attributable to the $150,000 of United States stocks, the amount of such credit being $30,727.50. Since under Article III of the convention bonds are deemed to be situated in the country of the decedent's domicile, in this case the bonds are regarded as situated in both countries and with respect thereto credit is allowable by each country under the provisions of paragraph (2) of Article V of the convention. The amount of the Federal estate tax attributable to the $50,000 of bonds, as computed without allowance for British estate duty credit, is

$$\frac{50,000\text{ (bonds)}}{400,000\text{ (gross estate)}} \times \$81,940\text{ (estate tax)} = \$10,242.50$$

The amount of the British estate duty attributable to the $50,000 of bonds, as computed without allowance for United States estate tax credit, is

$$\frac{50,000\text{ (bonds)}}{400,000\text{ (gross estate)}} \times \$93,860\text{ (estate duty)} = \$11,732.50$$

Since $10,242.50 is the smaller of the two amounts, such amount is the total of the credits allowable by the two countries under paragraph (2) of Article V of the convention. The part thereof allowable by the United States is

$$\frac{10,242.50}{21,975.00} \times \$10,242.50 = \$4,774.01$$

The part allowable by Great Britain is

$$\frac{11,732.50}{21,975.00} \times \$10,242.50 = \$5,468.49$$

The taxes and credits for both countries are shown in the following summary:

United States

Tax before treaty credits	$81,940.00
Credit under V (1)	$40,970.00
Credit under V (2)	4,774.01
Total credits	45,744.01
Net tax payable	36,195.99

Great Britain

Duty before treaty credits	$93,860.00
Credit under V (1)	$30,727.50
Credit under V (2)	5,468.49
Total credits	36,195.99
Net duty payable	57,664.01

It may be noted that the total of the taxes payable to the two countries, the sum of $36,195.99 and $57,664.01, equals $93,860, the amount of the tax (before allowance of the treaty credits) of the country which imposes the higher tax.

Example (2). The facts are the same as in example (1) except that the bond certificates were at the time of death located in Canada and under Canadian law deemed situated for succession duty purposes in Canada. The amount of the Canadian succession duty is $2,823.33. The amount of the Federal estate tax attributable to the bonds, as computed without allowance for either the Canadian succession duty credit or the British estate duty credit, is $10,242.50. Since under the convention with Canada credit of $2,823.33 is allowable, the amount of the Federal estate tax attributable to the bonds, as computed with allowance of the Canadian succession duty credit but without allowance of the British estate duty credit, is $10,242.50 less $2,823.33 or $7,419.17. The amount of the British estate duty attributable to the bonds, as computed without allowance for United States estate tax credit, is $11,732.50. Since $7,419.17 is the smaller of the two amounts, such amount is the total of the credits allowable by the United States and Great Britain under paragraph (2) of Article V of the convention. The part thereof allowable by the United States is

$$\frac{7,419.17}{19,151.67} \times \$7,419.17 = \$2,874.11$$

The part thereof allowable by Great Britain is

$$\frac{11,732.50}{19,151.67} \times \$7,419.17 = \$4,545.06$$

The taxes and credits for the three countries are shown in the following summary:

Canada

Succession duty payable	$2,823.33

United States

Estate tax before Canadian and British duty credits	$81,940.00
Canadian succession duty credit	$2,823.33
British estate duty credit under V (1)	40,970.00
British estate duty credit under V (2)	2,874.11
Total treaty credits	46,667.44
Estate tax payable	35,272.56

Great Britain

Estate duty before United States estate tax credit	$93,860.00
United States estate tax credit under V (1)	$30,727.50
United States estate tax credit under V (2)	4,545.06
Total treaty credits	35,272.56
Estate duty payable	58,587.44

§ 82.108 *Claim for credit or refund and interest on refund.* Credit authorized by § 82.107 and Article V of the convention will be allowed if claimed within six years after the date of the decedent's death, or to the extent of any such credit for tax attributable to a reversionary interest, with respect to which payment of tax is postponed, if claimed prior to six years after such reversionary interest falls into possession. (Article VI (1) of the convention.)

An overpayment of estate tax due to the allowance of the credit or to the application of any other provision of the convention may be refunded except that no refund due to the allowance of credit may be made after the expiration of the applicable period hereinbefore designated for the allowance of credit, and no refund due to the application of any other provision of the convention may be made after six years from the date of the decedent's death, unless before the expiration of such period a claim therefor has been filed, or unless within such period a petition alleging the right to credit or to other relief under the convention has been filed with The Tax Court of the United States. If a timely petition has been filed with The Tax Court of the United States, no refund shall thereafter be made except as provided in section 911 of the Internal Revenue Code.

A claim for refund should set forth under oath each ground upon which the refund is claimed and facts sufficient to apprise the Commissioner of the exact basis thereof. Any claim for refund which does not comply with the requirements of the preceding sentence will not be considered for any purpose as a valid claim for refund. Claim for refund should be made on Form 843 and filed with the Collector of Internal Revenue, although a claim for refund will not be considered defective solely by reason of the fact that it is not made on such form or that it is filed with the Commissioner of Internal Revenue.

Any refund of estate tax due to the application of the provisions of the convention shall be made without interest. (Article VI (2) of the convention.)

§ 82.109 *Information furnished by each contracting country to the other.* The taxation authorities of the contracting countries shall exchange such information available under the taxation laws of the respective countries as is necessary for carrying out the provisions of the convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the convention. Information so furnished will be kept secret and not disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the convention. Such information shall not include any trade secret or trade process. (Article VII (1) of the convention.)

The term "taxation authorities" means, for the United States, the Commissioner of Internal Revenue or his authorized representative, for Great Britain, the Commissioners of Inland Revenue or their authorized representative, for Northern Ireland, the Minister of Finance or his authorized representative, and, for any territory to which the convention is extended under Article VIII the competent authority administering the tax to which the convention may be extended. (Article VII (2) of the convention.)

This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[SEAL] W. T. SHERWOOD,
Acting Commissioner of Internal Revenue.

Approved: May 27, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-5270; Filed, June 3, 1947; 8:50 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 3732, Supp. 27]

PART 51—ORGANIZATION AND FUNCTIONS

ESTABLISHMENT OF OFFICE OF ALIEN PROPERTY

Effective June 1, 1947, § 51.81 (11 F. R. 14135) in Subpart F, is amended to read as follows:

§ 51.81 *Establishment of the Office of Alien Property.* In order to effectuate the provisions of Executive Order 9788 of October 14, 1946 (11 F. R. 11981), terminating the Office of Alien Property Custodian and transferring its functions to the Attorney General, *It is hereby ordered as follows:*

(a) There is created in the Department of Justice the Office of Alien Property. All of the authority, rights, privileges, powers, duties, and functions vested in or transferred or delegated to me by the said Executive order are herby placed in the Office of Alien Property.

(b) The Director of the Office of Alien Property shall supervise and direct all of its activities.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

TOM C. CLARK,
Attorney General.

MAY 29, 1947.

[F. R. Doc. 47-5314; Filed, June 3, 1947; 10:04 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VIII—Coal Mines Administration, Department of the Interior

[Order CMAN-21]

APPENDIX TO PART 801—OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

DIRECTION CONCERNING ANNUAL VACATION PERIOD

Section 7 of the Agreement of May 29, 1946, between the Coal Mines Administrator and the United Mine Workers of America recognizes that an annual vacation period shall be the rule of the bituminous coal industry, and provides for vacation pay based on the qualifying period of June 1, 1945, to May 31, 1946, under the terms and conditions set forth therein. Approximately one year has elapsed since the end of the last vacation qualifying period for which payments were made. Previous contracts between the operators and the Union, as well as the Agreement of May 29, 1946, provided for a vacation period of ten days beginning on the last Saturday in June during which time coal production was to cease.

On May 16, 1947, the Coal Mines Administrator, in accordance with section 5 of the War Labor Disputes Act, filed an application with the Secretary of Labor requesting the approval, by a Special Board to be appointed by him pursuant to Executive Order 9809, of a proposal relative to vacation pay for the vacation qualifying period of June 1, 1946, to May 31, 1947, to be made to employees covered by the Agreement of May 29, 1946, at mines in Government possession under authority of Executive Orders 9728 and 9758. Such Special Board approved the changes in terms and conditions of employment relative to vacation pay set forth in said application, and the order of said Board was approved by the President on May 17, 1947.

Now, therefore, pursuant to section 5 of the War Labor Disputes Act and the order of said Board, each Operating Manager for the United States of mines in Government possession under authority of Executive Orders 9728 and 9758 is hereby ordered to make vacation payments for the vacation qualifying period of June 1, 1946, to May 31, 1947, to eligible employees covered by the Agreement of May 29, 1946, in accordance with the following:

The terms and provisions of section 7 of the Agreement of May 29, 1946, relating to vacation payments shall apply in all respects to the vacation qualifying period of June 1, 1946, to May 31, 1947, subject to the following:

a. Vacation payments shall be made on the last pay day occurring in the month of June 1947, but not later than June 27, 1947.

b. The vacation period for 1947 shall begin on June 28, 1947. The authority of the Coal Mines Administrator to operate the bituminous coal mines now in Government possession will expire on June 30, 1947.

c. In the event that a contract is concluded prior to June 27, 1947, between any private operator or operators and the United Mine Workers of America, which provides for or deals with any vacation payment based on the qualifying period of June 1, 1946, to May 31, 1947, this order shall cease to be effective insofar as it affects vacation payments to employees of the mine or mines covered by such contract.

Specific attention is directed to the fact that in applying this order each employee with a record of one year's standing (June 1, 1946, to May 31, 1947) is entitled to receive the sum of $100 as vacation payment, and that pro rata payments for the months they were on the pay roll shall be made to those mine workers who were given employment or left their employment during the qualifying period of June 1, 1946, to May 31, 1947.

This order shall be deemed to be a specific direction or order within the meaning of the Revised Regulations for the Operation of Coal Mines Under Government Control (11 F. R. 7567).

N. H. COLLISSON,
Captain, U. S. N. R.,
Coal Mines Administrator.

MAY 28, 1947.

[F. R. Doc. 47-5246; Filed, June 3, 1947; 8:50 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

INSPECTION AND CONTROL OF VESSELS IN CANAL ZONE WATERS

CROSS REFERENCE: For revocation of Proclamation 2412, which delegated to the Governor of the Panama Canal authority to exercise powers conferred by section 1 of Title II of the Act of June 15, 1917 (40 Stat. 220; 50 U. S. C. 191) with respect to inspection and control of vessels in Canal Zone waters, see Proclamation 2732 under Title 3, *supra*. Regulations issued under the delegated authority appear at 35 CFR, Cum. Supp., 1944 Supp., 1945 Supp., 4.180–4.187.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 16—REGISTRY SYSTEM: INSURANCE AND COLLECT-ON-DELIVERY SERVICES

MISCELLANEOUS AMENDMENTS

In Part 16 (39 CFR) make the following changes:

1. Amend paragraph (f) of § 16.63 to read as follows:

§ 16.63 *Insurance, collect-on-delivery service.* * * *

(f) (1) Postal employees shall inquire as to whether parcels contain matter of a fragile, perishable or inflammable nature, except where patrons mail in quantities and have been instructed by the Postal Service regarding packing and endorsement. If the response is in the negative, and the parcel to all outward appearance is adequately prepared for mailing, no further inquiry as to contents or packing need be made. If the response is in the affirmative, detailed inquiry shall be made as to contents and method of packing so that the accepting employee may ascertain whether the contents are admissible to the mails and are adequately packed for safe transmission. Such parcels shall be indorsed "Fragile," "Perishable," etc.

(2) Any parcel which is not packed in accordance with the Postal laws and regulations or other instructions of the Department or which is not sufficiently prepared to withstand reasonable handling in transit must be refused. Unless there is doubt as to the adequacy of the packing, or as to the actual inclosures, parcels need not be opened and examined.

CROSS REFERENCES: For provisions as to packing of inflammable, fragile, and perishable articles, see §§ 6.13, 6.15 and 6.16.

(Sec. 8, 37 Stat. 558, 43 Stat. 652, sec. 211 (c), 43 Stat. 1069, 45 Stat. 1177; 39 U. S. C. 244, 246a)

2. Amend § 16.67 by the addition of paragraphs (h) and (i), reading as follows:

§ 16.67 *Payment of indemnity claims by postmasters.* * * *

(h) (1) When the sender or addressee of a parcel insured at the minimum fee starts a claim therefor at other than the post office of mailing, the procedure outlined in this paragraph shall be followed:

(2) The person filing the claim shall be required to submit Form 3813–B or equivalent evidence of insurance such as the wrapper of the parcel. The postmaster shall certify in a marginal notation on the left side of page 1 of the Form 3812 reading substantially "On ----------, I examined the
(Date)
sender's insurance receipt (Form 3813–B) or the wrapper of the insured parcel described hereon which was mailed at ----------." The
(Post office and State of mailing)
"Declaration of Postmaster—Mailing Office" on the Form 3812 shall be modified by striking out the words "Mailing Office" and substituting therefor the name of the post office and State where claim is made. The name of the mailing office shall be entered in item 38. Each applicable item in the declaration shall be completed, including, under item 9, the signature of the postmaster and the name of the office at which the claim is filed.

(3) The declaration of the sender or addressee (or both, if they are located at the office where claim is started) shall then be obtained. After the Form 3812 has been properly completed in accordance with existing instructions at the office where the claim is started, it shall be transmitted to the postmaster at the office which is to give the claim further attention. If the Form 3812 is sent by the postmaster at the office where it was started to other than the postmaster at the office where the parcel was mailed, appropriate notice shall be furnished to the mailing office so that record may be made of the claim.

(4) The postmaster at the office finally completing the Form 3812 shall transmit it for adjustment directly to the postmaster at the appropriate central accounting office for the State or section in which the parcel was mailed.

(i) (1) In claims for damage to insured or C. O. D. parcels containing articles of a fragile nature, or damage to (not spoiling of) articles of a perishable nature, the description of packing or wrapping should be in such detail as to enable the Department, or the paying postmaster, to determine whether reasonable care and effort were exercised by the sender to prepare the parcel for mailing as to assure its safe transmission in the mails. Where the container used was made of pasteboard, it should be stated whether it was made of heavy corrugated pasteboard, heavy ordinary pasteboard or merely light pasteboard. Where cushioning material was used, the statement should show in a general way the kind, quantity, and manner in which the cushioning material was used.

(2) Claims for indemnity involving damage to parcels containing articles of a fragile nature, or damage to (not spoiling of) articles of a perishable nature, should not be paid where the packing was inadequate and the sender deliberately or otherwise misrepresented the description of the packing or the contents.

(Sec. 8, 37 Stat. 558, 43 Stat. 652, sec. 211 (c), 43 Stat. 1069, sec. 1, 41 Stat. 581; 39 U. S. C. 244, 382)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-5248; Filed, June 3, 1947; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 371 [1]]

CALIFORNIA

WITHDRAWING PUBLIC LAND FOR A RADIO REPEATER STATION FOR USE IN COOPERATIVE FOREST PROTECTION

By virtue of the authority vested in the President by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U. S. C. title 43, secs. 141–143), and pursuant to Executive Order No. 9337 of April 24, 1943: *It is ordered as follows:*

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public land in California is hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved and set apart under the jurisdiction of the Department of the Interior for use by the State Division of Forestry as a radio repeater station site for Federal and State cooperative forest fire-protection work:

MOUNT DIABLO MERIDIAN

T. 5 S., R. 18 E.,
Sec. 5, lot 4.

The area described contains 17.56 acres.

This order shall take precedence over but not modify the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described land.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 26, 1947.

[F. R. Doc. 47-5241; Filed, June 3, 1947; 8:48 a. m.]

[Public Land Order 372]

WISCONSIN

WITHDRAWAL OF PUBLIC LANDS FOR USE OF DEPARTMENT OF AGRICULTURE

By virtue of the authority contained in section 1 of the act of June 25, 1910, ch. 421, 36 Stat. 847 (43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943; *It is ordered as follows:*

Executive Order No. 6964 of February 5, 1935, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked so far as it affects the following-described public lands in Wisconsin:

FOURTH PRINCIPAL MERIDIAN

T. 21 N., R. 1 W.,
Sec. 30, E½NW¼.
T. 22 N., R. 1 W.,
Sec. 34, NE¼SE¼.
T. 20 N., R. 2 W.,
Sec. 4, SE¼NW¼;
Sec. 14, NE¼NW¼.
T. 21 N., R. 2 W.,
Sec. 14, W½SW¼.
T. 22 N., R. 2 W.,
Sec. 22, SW¼SW¼;
Sec. 28, SW¼NW¼.
T. 20 N., R. 3 W.,
Sec. 2, SE¼SE¼;
Sec. 8, SE¼SE¼.
T. 21 N., R. 3 W.,
Sec. 4, NE¼NE¼;
Sec. 24, NE¼NE¼;
Sec. 34, NE¼NE¼.

The areas described aggregate 561.09 acres.

Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, the above described public lands are hereby temporarily withdrawn from settlement, location, sale or entry, and reserved and set apart for use and development by the Department of Agriculture for soil erosion control and other land utilization activities in connection with the Black River Project, LU–WI–6: *Provided*, That nothing herein contained shall restrict prospecting, developing, mining, entering, or leasing the mineral resources of the lands under the applicable laws.

It is intended that the public lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 26, 1947.

[F. R. Doc. 47-5243; Filed, June 3, 1947; 8:48 a. m.]

[Public Land Order 373]

ALASKA

REVOKING IN PART PUBLIC LAND ORDER NO. 324 OF AUGUST 14, 1946, WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION AND PROPOSED DESIGNATION AS NATIVE RESERVATIONS FOR INHABITANTS OF VILLAGES OF BARROW AND KLUKWAN, AND VICINITY

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943; *It is ordered as follows:*

Public Land Order No. 324 of August 14, 1946, temporarily withdrawing public lands for the purpose of classification and proposed designation thereof as native reservations for the use and occupancy of the native inhabitants of the native villages of Barrow and vicinity and Klukwan and vicinity, Alaska, is hereby revoked so far as it affects the hereinafter-described public lands in the vicinity of Klukwan.

Effective upon the signing of this order, the jurisdiction over such lands for administrative purposes shall be vested in the Department of the Interior and any other department or agency of the Federal Government, according to their respective interests then of record.

This order shall not otherwise become effective to change the status of the surveyed or unsurveyed public lands until 10:00 a. m. on July 28, 1947. At that time, subject to valid existing rights, including native possessory rights, if any, and the provisions of existing withdrawals, the unsurveyed lands shall become subject to settlement and other forms of appropriation in accordance with the applicable public land laws and regulations, and the surveyed lands shall become subject to settlement, application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from July 28, 1947, to October 27, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from July 8, 1947, to July 28, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on July 28, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on October 27, 1947, any of the lands remaining unappropriated shall become subject to such settlement, application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from October 7, 1947, to October 27, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on October 27, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D., 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Anchorage, Alaska.

The lands affected by this order are described as follows:

The tract of land at Klukwan, near the mouth of the Chilkat River, near latitude 59°30', longitude 136°, that was reserved and set apart for educational purposes by Executive Order of May 4, 1907, containing approximately 0.16 of an acre;

The lands on the left bank of Chilkat River included in Sec. 32, S½ Sec. 33, SW¼ Sec. 34, T. 28 S., R. 56 E.; NW¼ Sec. 5, NE¼ Sec. 6, T. 29 S., R. 57 E., Copper River Base and Meridian, that were reserved for the use of the natives of Alaska residing then or thereafter at the Village of Klukwan by Executive Order No. 1764, of April 21, 1913, as modified by Executive Order No. 3673, of May 15, 1922, containing approximately 800 acres.

The N½ Sec. 33, T. 28 S., R. 56 E., Copper River Base and Meridian, that was reserved for school, health, and other purposes by Secretarial Order of April 27, 1943, issued pursuant to authority contained in the Act of May 31, 1938 (52 Stat. 593), containing 320 acres; and,

The area described as: Beginning at a point on the divide between the stream flowing into Chilkat Lake and the stream flowing into the Takhin River, approximate latitude 135°46'30" N., approximate longitude 59°17'06" W. This point is approximately 1¾ miles south from the right bank of the Chilkat River as shown on sheet No. 9, International Boundary between United States and Canada, 1923 Edition. Thence following down right bank of stream to Chilkat Lake; thence along easterly shore of Chilkat Lake and stream to the Salmon River; thence along right bank of Salmon River to the Chilkat River; thence southeasterly along right bank of said river to a point due north of the place of beginning; thence south approximately 1¾ miles to initial point, containing approximately 12,800 acres.

Portions of the areas are subject to withdrawal orders as indicated above.

While some of the lands are agricultural in character, and suitable for gardening, the soil in general is largely scrub and gravel.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 26, 1947.

[F. R. Doc. 47-5244; Filed, June 3, 1947; 8:48 a. m.]

[1] See F. R. Doc. 47-5242, Department of the Interior, Office of the Secretary, in Notices section, *infra*.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR 47-32]

PART 2—VESSEL INSPECTIONS

PART 3—MERCHANT MARINE PERSONNEL

NAVIGATION AND VESSEL INSPECTION LAWS, AND SHIPMENT AND DISCHARGE OF SEAMEN

By virtue of the authority vested in me by sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875); Public Law 404, 79th Congress (60 Stat. 238); and, Public Law 27, 80th Congress, approved March 31, 1947, the following amendments to the regulations are prescribed and shall be effective on and after June 1, 1947:

1. Section 2.50-1 is amended to read as follows:

§ 2.50-1 *Waivers*—(a) *Authority for and limitations on issuance.* Compliance with certain of the navigation and vessel inspection laws may be waived by the Commandant under authority of the act of March 31, 1947 (Public Law No. 27, 80th Congress) in cases where such waiver is deemed necessary in the orderly reconversion of the merchant marine from wartime to peacetime operations. By the terms of Public Law No. 27 this authority to grant waivers expires April 1, 1948. Section 2 of Public Law 27 specifically prohibits the issuance of waivers on and after June 1, 1947 which would allow noncompliance with the statutory citizenship requirements governing the employment of licensed officers and crew members and limiting the employment of aliens with the following exception. The Commandant of the Coast Guard may, until April 1, 1948, grant a waiver of the statutory requirements limiting the number of aliens that may be employed in the steward's department of vessels authorized to carry in excess of 12 passengers. These waivers will be for individual vessels as explained in paragraph (b) of this section unless it is found necessary to issue a general waiver.

(b) *Policy.* It is the policy of the Coast Guard, in the current administration of the laws and regulations relating to navigation and vessel inspection, to further the orderly reconversion of the merchant marine from wartime to peacetime operations by simplifying the procedure involved therein, eliminating all causes of delay in the sailing of vessels, and by bringing about a proper balance between the factors of safety at sea and this orderly reconversion. Various orders have been issued since March 1, 1942, for the purpose of carrying out this policy. While it is not the policy of the Coast Guard to countenance wilful violations of the laws and regulations or negligence in meeting the requirements thereof, neither is it contemplated that masters who exercise all reasonable efforts to comply with the requirements in effect be cited for violations on technical grounds.

(c) *Specific individual waivers.* Applications for waivers affecting only one vessel in any one order are made on Coast Guard Form 2633. Application for Waiver Order, and the reverse side of the form is used for granting of the waiver. The application shall state the name of vessel, her employment, the requirements of law or regulations, waiver of which is requested, the reasons why waiver is necessary, and shall be signed by the master, owner, or agent of the vessel, or by the representative of any interested government agency. The waiver order describes the vessel, the requirements of law waived, the conditions to which waiver is subject, and the period of time for which the waiver is effective. Application for individual waivers may be made to Coast Guard District Commanders and their designated representatives in domestic ports and representatives of the Commandant in other than domestic ports at which Coast Guard officers are assigned to duty. Document CGFR-47-30 (12 F. R. 3249), published in the FEDERAL REGISTER for May 20, 1947 is an order of the Commandant outlining the procedures for application and effectuation of individual waivers.

(d) *General waivers.* Applications for waivers having general applicability should be addressed to the Commandant. Only the Commandant is authorized to issue general waivers which affect more than one vessel in one order.

2. Section 3.13-25 is amended to read as follows:

§ 3.13-25 *Crew deficiencies*—(a) *Authority for making crew substitutions.* The order dated May 14, 1947 identified as document CGFR-47-29 (12 F. R. 3248), published in the FEDERAL REGISTER for May 20, 1947 is a conditional waiver of manning requirements which permits masters who cannot obtain the quality of crew required to make substitutions therefor subject to certain restrictions.

(b) *Restrictions on substitutions.* (1) The waiver referred to in paragraph (a) of this section is applicable only to merchant cargo and tank vessels and does not authorize substitutions which would cause the statutory citizenship requirements for licensed officers and certificated crew members to be violated. This general waiver is intended to simplify to the utmost degree consistent with safety the procedure necessary when the required crew complement of a merchant cargo or tank vessel cannot be obtained by every reasonable effort up to the time of signing on. This waiver has the effect of relaxing the complement requirements of R. S. 4463, insofar as the quality of the crew is concerned by permitting substitutions in the filling of complements. Thus, if all the conditions of this waiver are met, a vessel may be navigated with licensed or rated positions occupied by officers or rated men of lower ranks and ratings than the complement calls for, but all positions specified in the complement must be occupied. In other words, while this waiver permits particular positions to be filled by men who do not hold the licenses or certificates contemplated by the complement for such positions, it does not permit a vessel to be navigated with less than the total number of crew members specified in the complement. This waiver has no application to the navigation of a vessel where vacancies in the complement occur after the filling of the complement but during the period for which the full crew has been signed on. That situation continues to be governed by R. S. 4463.

(2) In view of the limitations on the employment of aliens contained in Public Law 27, after June 1, 1947 no alien may serve as a watch officer on United States vessels and the procedure set up by the Coast Guard for approving aliens to serve under waiver as watch officers will become inoperative and all outstanding lists of approved aliens and individual letters of approval will be without force and effect.

(c) *Reports of substitutions.* The report required by the Coast Guard has to be made on Coast Guard Form 729, Crew Deficiency Report, which may be obtained upon request from any Officer in Charge, Marine Inspection. Three copies must be filed, two with the shipping commissioner who signed on the crew, or if the crew was not signed on before shipping commissioner to the nearest Officer in Charge, Marine Inspection, and one copy must be submitted to the Collector of Customs at time application for clearance of vessel is made.

(d) *Crew shortages.* (1) There is no waiver permitting a vessel to be navigated with less than the total number of crew members specified in its complement and this situation is governed by R. S. 4463.

(2) R. S. 4463 outlines the conditions under which a vessel may be navigated in situations where the vessel is deprived of the services of any number of her crew during the period for which the full crew has been signed on. In such cases if the vacancies are filled with replacements of the same grade or a higher rating the vessel may, of course, continue to be navigated just as though no vacancies had occurred. She may be navigated without all positions occupied by such replacements only if such services were lost through desertion or casualty; such services were lost without the consent, fault or collusion of the master, owner or any other person interested in the vessel; the master was unable to obtain replacements of the same grade or of a higher rating to fill the vacant positions; and, it is the judgment of the master that the vessel is sufficiently manned.

(3) For purposes of administration of R. S. 4463, the terms "desertion or casualty" shall be construed by the Coast Guard to include all circumstances beyond the control of the master, owner or any other person interested in the vessel which result in crew vacancies.

(4) No particular form is required by statute to be used in making reports of crew shortages. To reduce paper work and simplify the filing of reports Coast Guard Form 729 may be used. Masters using this form must make appropriate modification thereof to indicate that the report is a shortage report under R. S. 4463, enter thereon the name and license or certificate number of each member of the crew who left the vessel, state the cause of the shortage and the port at which it occurred, certify that no replacements of the same grade or of a higher rating were obtainable and that in his judgment the vessel was sufficiently manned, and file the same in duplicate with the Coast Guard Officer in Charge, Marine Inspection, within 12 hours of the arrival of the vessel at her destination.

(Pub. Law 27, 80th Cong., sec. 101, Reorg. Plan 3, 11 F. R. 7875)

Dated: May 28, 1947.

MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 47-5273; Filed, June 3, 1947; 8:54 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter K—Alaska Wildlife Protection

PART 91—ALASKA GAME REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Section 91.1 (i) is amended to read as follows:

(i) *Open season.* The time during which animals, birds, or game fishes may lawfully be taken. Each period of time prescribed as an open season shall include the first and last days thereof. Whenever the word year is used in the regulations in this part it shall mean the year from July 1 to June 30 of the following year.

2. Section 91.4 is amended to read as follows:

§ 91.4 *Using game as food for dogs or fur animals or as bait.* No person is permitted to feed any game animal, protected game bird, game fish, or part thereof, to a dog or to a fur animal held in captivity, except the waste parts, such as hides, viscera, and bones, or permitted to use any part of any game animal or game bird for bait.

3. Section 91.7 is amended to read as follows:

§ 91.7 *Transportation and possession.* Animals, birds (but not including migratory birds), and game fishes, parts thereof, and articles manufactured therefrom, and the nests and eggs of such birds taken in accordance with the regulations in this part may be possessed within the Territory at any time, by any person, and in any number and kind not limited by § 91.9, and may be transported within and exported out of the Territory by any person at any time, except as follows:

(a) No package containing such animals, birds, game fishes, parts thereof, articles manufactured therefrom, eggs, or nests, shall be possessed or transported unless it has clearly and conspicuously marked on the outside thereof the names and addresses of the consignor and consignee and an accurate and detailed statement of its contents.

(b) No person who is a fur farmer or fur dealer shall possess or transport the skin of any fur animal, or part thereof, unless at the time of such possession or transportation he is licensed to carry on such business.

(c) No skins of beavers, whether taken within or without the Territory, shall be possessed or transported by any person until the same have been sealed with a seal prescribed by the Commission, except that persons taking beavers within the Territory may possess the unsealed skins thereof, during the open season therefor and for 30 days thereafter, and within the same period may transport the same unsealed for the purpose of having them sealed or tagged by a wildlife agent or other officer authorized by the Commission.

(d) No resident shall export from the Territory any game animal or game bird or part thereof, except in accordance with the terms of a resident Export Permit, or Resident Export and Return License issued under the direction of the Executive Officer of the Commission. Such permit or license shall be obtained on payment of the required fee, from any Wildlife Agent or Collector of Customs, and the shipping tag furnished therewith, on which tag the license or permit number of the shipper must be shown, shall be securely attached on the outside of the package by the shipper at point of origin and accompany it to final destination. All persons issuing such licenses or permits shall immediately, after furnishing the shipping tag, forward such license or permit to the Alaska Game Commission, Juneau, Alaska.

(e) No nonresident of the Territory, or alien, except one holding a valid hunting or trapping license shall transport out of the Territory any game animal or game bird, or part thereof, and such licensed nonresident or alien shall be permitted to export during the respective open season not exceeding one deer; one moose; one caribou; one mountain goat; one mountain sheep; two in the aggregate of large brown and grizzly bears, not more than one of which shall have been taken either on the Kodiak-Afognak Island group or east of longitude 138° W. (not on both of said areas); three black bears, not more than two of which shall have been taken east of longitude 138° W.; or not to exceed singly or in the aggregate one day's limit of grouse or ptarmigan; *Provided*, That before a nonresident or alien may transport any big game animals or game birds or parts thereof from the Territory, he shall obtain from any Wildlife Agent or Collector of Customs a shipping tag (for which no additional fee will be charged) authorizing such shipment and such tag, on which the license number of the shipper must be shown, shall be securely attached on the outside of the package by the shipper at point of origin and accompany it to final destination.

(f) No bald eagle, part, nest, or egg thereof may be exported to the United States or any of its territories except under permit authorized by the act of June 8, 1940.

(g) No person shall remove all evidence of sex from the carcass of any deer, moose, or mountain sheep before it has been delivered to a place of ultimate consumption.

(h) Where skins of fur animals or black bear or parts thereof are shipped out of the Territory, the shipper shall, if shipment is by express or freight, first deliver to the transportation agent at the point of shipment, or if by parcel post, to the postmaster at the point of mailing, a statement correctly showing the number and kinds of skins in each shipment and declaring that no illegal skin or unsealed beaver skin is contained therein. Such statement shall accompany the express or freight shipment to the port of clearance, there to be taken up by the Collector of Customs, or, in the case of percel post shipments, by the postmaster at the office where mailed. Where such skins are transported out of the Territory by means other than express, freight, or parcel post, the person transporting them shall make and deliver a like statement to the Collector of Customs at the port of clearance. Such statement will be forwarded to the Commission by collectors and postmasters.

(i) No person may possess any game animal, or part thereof, without a valid hunting or trapping license unless he furnishes upon request of any official authorized to enforce the Alaska Game Law a written statement as to the name, address and license number of the person from whom such animal or part thereof was obtained; *Provided, however*, That within the limits of the applicable portions of § 91.8 the license requirement shall not apply to the possession, by persons other than fur farmers and fur dealers, of manufactured articles, shed antlers, grizzly bear strips, the meat of hares, rabbits, caribou and moose, skins of black bear, hares and rabbits.

4. Section 91.8, first paragraph, is amended to read as follows:

§ 91.8 *Sale of animals, birds and game fishes.* Sales or purchases of the following designated products of animals and birds (but not including migratory birds), and game fishes, but none other, may be made by any person (except fur farmers and fur dealers) without a permit or license, and by fur farmers and fur dealers holding valid fur farm or fur dealers' licenses, whichever the case may be:

5. Section 91.9 is amended to read as follows:

§ 91.9 *Open seasons, methods of taking, and limits on protected animals, birds and game fishes.* The following animals, birds, and game fishes, but none other, may be taken in the open seasons, by the methods and means, in the areas, and in numbers not exceeding the respective daily, seasonal bag, or possession limits prescribed herein, but not at any other time, by any other method, aid or means, nor in any other areas or numbers; *Provided*, That no birds or animals may be taken by shooting from, on, or across, or within thirty-three feet of the center line of any highway:

(a) *Game animals*—(1) *Methods and means.* May be taken only with a shotgun (not larger than No. 10 gage and not capable of holding more than three shells), rifle or pistol using center-fire cartridges only, but not from or by means of a motor vehicle, aircraft, or any boat propelled by any means other than paddles, oars or poles, or while such animals are swimming; except that hares and rabbits may be taken by rifles or pistols

using rim-fire cartridges; *And provided further*, That no aircraft shall be used for the purpose of driving, circling, molesting, spotting, or in aiding in the taking of any big game animal.

(2) *Open seasons and limits.* None of the game animals named below may be taken in any national park, monument, or posted national forest area, nor in the Shoemaker Bay, Haines, Harding Lake and Birch Lake, Curry Game Refuge, Eyak Lake, Mitkof Island, Mount Hayes-Blair Lakes Refuge, Eklutna, Anan Creek and Loring, and highway and railroad areas, described in §§ 91.10 and 91.11, nor in any other areas specifically closed by this section.

(i) Deer, bucks (with horns not less than 3 inches above the top of the skull).

East of longitude 138° W., September 1 to November 15. Limit, by a resident, 2 a season; by a nonresident, 1 a season.

In the drainage to Prince William Sound north of the center of the C. R. & N. W. Railway and west of Mountain Slough, including the islands of Prince William Sound, September 1 to September 30. Limit, 1 a season.

(ii) Moose, bulls (except yearlings and calves).

East of longitude 138° W., September 15 to October 15, except in Chilkoot and Chilkat River areas; west of longitude 141° W., except in Colville River drainage, and Alaska No. 1 or Kenai No. 1 Peninsula areas, September 1 to September 20 and December 1 to December 10, except that there shall be no open season between December 1 and December 10 in the area known as the Palmer area and described as follows:

Beginning at Knik River Bridge and following the Palmer highway to Palmer, then along the Glenn Highway to Moose Creek in the Matanuska Valley; thence upstream along Moose Creek to the Divide and across the divide and downstream along the Kashwitna River to its confluence with the Susitna River; thence downstream along the Susitna River to its confluence with Cook Inlet; thence along the westerly bank of Cook Inlet and Knik Arm to the mouth of Knik River; thence upstream along the Knik River to the Palmer highway bridge or place of beginning. Limit, 1 a year.

(iii) Caribou (except calves).

In the Territory, but not in the area lying 5 miles on either side of the Steese Highway on Twelve Mile Summit between mileposts 84 and 89, and on Eagle Summit between mileposts 102 and 112, August 20 to September 30, and December 1 to 15. Limit, by a resident, 2 a year; by a nonresident, 1 a year.

(iv) Mountain goat (except kids).

In the Territory, but not in the Cooper Landing area, Sheep Mountain area, Eklutna Lake area, Kenai Peninsula area No. 2, nor in the Girdwood area described in § 91.11, (a), (i), (k), (q), and (r), nor on the Baranof and Chichagof Islands, nor in the watersheds of Tracy Arm, Endicott Arm, or Ford's Terror, where there shall be a continuous closed season, September 1 to October 31. Limit, by a resident, 2 a season; by a nonresident, 1 a season.

(v) Mountain sheep, rams only (except lambs).

In the Territory, but not in the Cooper Landing area, Kenai Peninsula areas Nos. 2 and 3, nor in the Girdwood, Sheep Mountain and Eklutna areas described in § 91.11 (a), (i), (j), (k), (q) and (r), August 20 to August 31. Limit, 1 ram a season.

(vi) Bear (large brown and grizzly).

East of longitude 138° W., and in the Kodiak-Afognak Island group, but not in the Thayer Mountain and Pack Creek areas on Admiralty Island as described in § 91.11 (l) and (m), September 1 to June 20. Limit, 1 a year. In the rest of the Territory, September 1 to June 20. Limit, 2 a year.

(vii) Bear (black, including its brown and blue, or glacier bear, color variations).

East of longitude 138° W., including the Mount Hayes-Blair Lakes area described in § 91.11, but excepting the Anan Creek and Loring areas described in § 91.11 (n). September 1 to June 20. Limit, 2 a season. In the rest of the Territory, no closed season. Limit, by a resident, no limit; by a nonresident, 3 a year.

(viii) Any bear may be killed at any time or any place in the Territory when about to attack or molest persons or their property. Persons so killing such animals shall make a written report to the Commission, setting forth the reason for such killing and the time and place.

(ix) Hare and rabbit.

On the Kodiak-Afognak Island group, September 1 to March 31. No closed season in the rest of the Territory. No limit.

(See also §§ 91.7 and 91.8 covering transportation, possession, and sale.)

(b) *Fur animals*—(1) *Methods and means.* May be taken by any means, except by means, aid or use of a set gun, a shotgun, artificial light of any kind, a steel bear trap or other trap with jaws having a spread exceeding 9 inches, poison, a dog (except polar bears in fur district 8, and wolves and coyotes in fur districts 5, 6, 7 and 8), a fish trap or net, or by setting any trap or snare within 25 feet of a beaver home or den or within 100 feet of a fox den, or by destroying or disturbing homes, houses, dens, dams or runways of such animals: *Provided*, That beaver may be taken only by means of a steel trap or snare and by persons over the age of eleven years, and wolves and coyotes may be killed by means of a rifle, shotgun or pistol at any time, by any person permitted to carry firearms.

(2) *Open seasons and limits.* No fur animals, except wolves and coyotes, may be taken in any posted national forest area, nor in the Shoemaker Bay, Haines, Harding Lake, Curry Game Refuge, Eyak Lake, Eklutna, and Mitkof Island areas, described in §§ 91.10 and 91.11; nor may any fur animals be taken on any national park or monument area, which are closed under other laws and regulations.

(i) Mink, land otter, weasel (ermine), fox and lynx (except white fox).

Fur District 1. December 16 to January 15. No limit.

Fur District 2 to 7, inclusive. November 16 to January 31. No limit. White fox, December 1 to March 15. No limit.

Fur District 8. December 1 to March 15. No limit.

(ii) Muskrat.

Fur Districts 1 and 2. April 1 to May 31. No limit.

Fur Districts 3 and 4. March 10 to May 10. No limit.

Fur District 5. North of Unalakleet River drainage, April 1 to June 7; Unalakleet River drainage and south thereof, April 1 to May 31. No limit.

Fur Districts 6 and 7. March 1 to May 31. No limit.

Fur District 8. April 10 to June 10. No limit.

(iii) Beaver.

Fur District 2. February 1 to March 31, except there shall be no open season on a strip one-half mile wide on either side of the Copper River road from Eyak bridge to Mile 27, nor on Kenai Peninsula, south from Turnagain Arm, Portage River drainage and Passage Canal. Limit, 10 a season.

Fur District 3. February 1 to March 31, except on the Kodiak-Afognak Island group. Limit, 10 a season.

Fur Districts 4 and 5. February 1 to March 31. Limit, 10 a season.

Fur District 6. February 1 to March 31, except there shall be no open season within the Clearwater drainage, lying south of the Tanana River and between the Richardson Highway and the Big Gerstle River. Limit, 10 a season.

Fur District 7. February 1 to March 31. Limit, 10 a season.

(iv) Wolf, coyote, wolverine, marmot, squirrel and polar bear.

Fur Districts 1, 2, 3, 4, 5, 6, 7 and 8. No closed season. No limit.

(v) Marten.

Fur Districts 2, 3, 4, 5, 6, and 7. November 16 to January 31. No limit.

(3) During the closed season on fur-bearing animals in the respective fur districts no person shall set, maintain or attend traps for wolves and coyotes without first procuring a permit, issuable at the discretion of the Commission, authorizing him to do so. Application for such permit shall be addressed to the Alaska Game Commission, Juneau, Alaska, and shall contain a statement of the nature and extent and locality of the proposed operations and the species of animals to be taken.

(See also §§ 91.7 and 91.8 covering transportation, possession, and sale.)

(c) *Game birds*—(1) *Methods and means.* Grouse and ptarmigan only may be taken with a shotgun (not larger than No. 10 gage and not capable of holding more than 3 shells), rifle, pistol, bow and arrow, or spear, or with the aid of a dog, but not from or by means of a motor vehicle, aircraft, or any boat propelled by any means other than paddles, oars, or poles. Any other game bird protected also under the provisions of the Migratory Bird Treaty Act of July 3, 1918, as amended, may be taken only in the manner, by the means, and at the times or places permitted by the regulations of the Secretary of the Interior adopted pursuant to the terms of that act.

(2) *Open seasons and limits.* No game bird may be taken at any time in any national park, monument, or posted national forest area, nor in the Shoemaker Bay, Haines, Harding Lake, Curry Game Refuge, Eyak Lake, and Mitkof Island areas described in § 91.10, and in the Anan Creek and Loring, and Eklutna Lake areas described in § 91.11 (n) and (r).

(i) *Grouse and ptarmigan.* There shall be no open season within the closed areas mentioned above.

Fur Districts 1, 2, 3, 4, 5, 6, 7 and 8. August 20 to February 28.

Daily limit. Grouse 10; ptarmigan 10; but not to exceed 10 in the aggregate of all kinds of grouse and ptarmigan a day. Limit for each person shall include all such birds taken by any other person who for hire accompanies or assists in the taking.

(ii) *Game birds protected also under the provisions of the Migratory Bird Treaty Act.* Seasons and limits in accordance with Migratory Bird Treaty Act Regulations.

(See also §§ 91.7 and 91.8 covering transportation, possession, and sale.)

(d) *Nongame birds*—(1) *Methods and means.* May be taken by any means except by the use of poison, *Provided*, Any nongame bird protected under the provisions of the Migratory Bird Treaty Act of July 3, 1918, as amended, may be taken only in the manner, by the means, and at the times or places permitted by the regulations of the Secretary of the Interior adopted pursuant to the terms of that act.

(2) *Open seasons and limits.* No nongame bird may be taken at any time in any national park, monument, or posted national forest area, nor in the Shoemaker Bay, Haines, Harding Lake, Curry Game Refuge, Eyak Lake, or Mitkof Island areas described in § 91.10 and in the Anan Creek and Loring, and Eklutna areas described in § 91.11.

Crows, hawks, owls, eagles, ravens, magpies, and cormorants, and their nests and eggs. No closed seasons except in the areas mentioned above. No limit.

(See also §§ 91.7 and 91.8 covering transportation, possession, and sale.)

(e) *Game fishes*—(1) *Methods and means.* May be taken by angling with a line held in the hand or attached to a rod, or rod and reel so held, but each line shall at no time have attached to it more than two flies or hooks, nor more than one plug, spoon, or spinner, and in the Buskin River and Lakes, Russian River and Lakes, Cooper Creek and Summit Lakes on the Kenai Peninsula, may be taken only by means of artificial flies, spinners, spoons, or plugs. Lake trout and Dolly Varden trout may be taken by the use of net, trap, or seine in the glacial waters of Trail, Kenai, Skilak and Tustumena Lakes on Kenai Peninsula, and in any area where the taking without limit as to numbers and the sale, purchase and shipment from the Territory of Dolly Varden trout are permitted.

(2) *Open seasons and limits. Rainbow, steelhead, cutthroat, eastern brook and Dolly Varden trout, mackinaw or lake trout, and grayling.*

Dewey Lake near Skagway and Salmon Creek Reservoir near Juneau, June 1 to September 30.

East of longitude 138° W., except Dewey Lake near Skagway and Salmon Creek Reservoir near Juneau, no closed season.

West of longitude 138° W., no closed season, except the Buskin River and Lakes near Kodiak, Kenai River and all lakes and tributaries thereof, where the season shall be June 5 to September 30 and except Skilak Lake and lower Kenai River to Moose River where the season shall be July 5 to September 30, *Provided*, That Dolly Varden and lake trout may be taken at any time.

Limits. The Kenai River and all lakes and tributaries thereof, Buskin Lakes and Buskin River, near Kodiak, Lake Creek, Willow Creek and all lakes and tributaries thereof, and in all waters draining into Bristol Bay—10 fishes singly or in the aggregate, but not to exceed 10 pounds and 1 fish daily, 2 daily bag limits in possession.

Rest of Territory. 20 fishes singly or in the aggregate, but not to exceed 15 pounds and 1 fish daily, 2 daily bag limits in possession.

In salt water throughout the Territory and in lakes and streams west of Cook Inlet, including such as are designated above but excepting the Nome and Snake Rivers on Seward Peninsula, there shall be no limit on Dolly Varden trout.

(See also §§ 91.7 and 91.8 covering transportation, possession, and sale.)

6. In § 91.10 *Areas having a continuous closed season on all species of animals and birds except wolves and coyotes* delete paragraph (e) and substitute the following:

(e) *Harding Lake-Birch Lake Area.* No shooting allowed from, on, or within one-half mile of Harding or Salchaket Lake and Birch Lake.

7. In § 91.11 *Areas having continuous closed seasons on certain game and fur animals* delete paragraph (a) and substitute the following:

(a) *Cooper Lake area, Fur District 2.* Beginning at the Forest Service trail from Kensi Lake and running to Cooper Lake and following this trail to its confluence with upper Russian Lake; thence downstream along upper and lower Russian Lakes and Russian River to its confluence with Kenai River, thence north along the National Forest Boundary line to Chickaloon River; thence easterly to Summit Lake on Hope Highway; thence southerly and westerly along the Hope Highway and Quartz Creek Road to Kenai Lake, thence southerly along the west side of Kenai Lake to place of beginning. (Closed to sheep and goats.)

8. Delete paragraphs (i) and (j) of § 91.11 and substitute the following:

(i) *Kenai Peninsula Area No. 2, Fur District 2.* Eastern part of Kenai Peninsula east of the center line of the Alaska Railroad and north of a line from the Town of Seward due east to the Bainbridge Glacier. (Closed to sheep and goats.)

(j) *Kenai Peninsula Area No. 3, Fur District 2.* All of the area south and west of the National Forest Boundary line running from Chickaloon Bay to Resurrection Bay near Seward. (Closed to mountain sheep.)

9. Delete from paragraph (o) of § 91.11 the words "and muskrats".

These amendments shall become effective on July 1, 1947.

(Sec. 9, 57 Stat. 306, Pub. Law 369, 79th Cong.; 48 U. S. C. 198)

J. A. KRUG,
Secretary of the Interior.

MAY 10, 1947.

In accordance with the provisions of Public Law No. 369, 79th Cong., 2d session, these amendments, together with the regulations which they amend, to the extent they relate to fur animals raised in captivity, are hereby approved and issued effective July 1, 1947.

N. E. DODD,
Acting Secretary of Agriculture.

MAY 20, 1947.

[F. R. Doc. 47-5240; Filed, June 3, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 110]

DESIGNATION OF INTERNATIONAL FALLS MUNICIPAL AIRPORT, INTERNATIONAL FALLS, MINNESOTA, AS A TEMPORARY AIRPORT OF ENTRY FOR ALIENS

NOTICE OF PROPOSED RULE MAKING

MAY 28, 1947.

Pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), notice is hereby given of the proposed issuance by the Attorney General of the following rule relating to the designation of the International Falls Municipal Airport, International Falls, Minnesota, as a temporary airport of entry for aliens. In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1806, Franklin Trust Building, Philadelphia 2, Pennsylvania, written data, views, or arguments relative to this proposed action. Such representations may not be presented orally in any manner. All relevant material received within twenty days following the day of publication of this notice will be considered.

Section 110.3 (b), Chapter I, Title 8, Code of Federal Regulations is amended by inserting "International Falls, Minn., International Falls Municipal Airport" between "Havre, Mont., Havre-Hill County Airport" and "Laredo, Tex., Laredo Municipal Airport" in the list of temporary airports of entry for aliens.

(Sec. 7 (d), 44 Stat. 572; 49 U. S. C. 177 (d); sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV)

TOM C. CLARK,
Attorney General.

Recommended: May 12, 1947.

T. B. SHOEMAKER,
Acting Commissioner, Immigration and Naturalization.

[F. R. Doc. 47-5256; Filed, June 3, 1947; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Ch. IX]

[Docket No. AO-185]

HANDLING OF IRISH POTATOES IN EASTERN SOUTH DAKOTA PRODUCTION AREA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements (7 CFR and Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of a public hearing to be held in the Community Room of the County Court House at Watertown, South Dakota, beginning at 10:00 a. m., c. s. t., June 19, 1947, with respect to a proposed marketing agreement and order regulating the handling of Irish potatoes grown in the Eastern South Dakota production area and with respect to proposed changes, additions and substituted provisions thereof. The proposed marketing agreement and order and the proposed changes, additions and substituted provisions thereof have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the provisions of the proposed marketing agreement and order, to the provisions of the proposed changes, additions and substituted provisions thereof, or to any modifications of said proposals, which are hereinafter set forth.

The South Dakota Potato Growers Association has proposed the following marketing agreement and order:

SECTION 1. *Definitions.* As used herein, the following terms have the indicated meaning:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other officer or member of the United States Department of Agriculture, who is or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937)), 7 U. S. C. 601 et. seq., (Supp't. 5, 1939), as amended.

(c) "Persons" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

(d) "North Eastern South Dakota" means the counties of Codington, Clark, Hamlin, Deuel, Brown, Day and Kingsbury in the State of South Dakota.

(e) "Potatoes" means all varieties of Irish Potatoes grown in North Eastern South Dakota.

(f) "Handler" is synonomous with Shipper and means any person (except a common carrier of potatoes owned by another person) who ships potatoes in fresh form, whether of his own production or other.

(g) "Ship" means to transport, sell, or in any other manner place potatoes in the current of commerce between North Eastern South Dakota and any point outside thereof.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on July 1 of each year and ending June 30 of the following year.

(j) "Committee" means the North Eastern South Dakota Potato Committee established pursuant to section 2 hereof.

(k) "Varieties" means and includes all classifications or subdivisions of Irish Potatoes according to those definite characteristics now or hereafter recognized by the United States Department of Agriculture or the American Horticultural Society.

(l) "Seed Potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, by the Seed Department of the State of South Dakota.

SEC. 2. *Administrative body*—(a) *Establishment and membership.* A North Eastern South Dakota Potato Committee, consisting of seven producer members is hereby established. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member.

(b) *Term of office.* The initial members and alternate members shall hold office beginning on the date designated by the Secretary and ending June 30 following, or until their successors are selected and have qualified. Thereafter the term of office of the members and alternate members shall begin on the first day of July and continue for one year or until their successors are selected and have qualified.

(c) *Nominations.* (1) The time, method and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(2) Producers in Codington County and Deuel County shall nominate not less than four candidates for two members and four candidates for two alternate members of the committee.

(3) Producers in Clark County shall nominate not less than six candidates for three members and six candidates for three alternate members of the committee.

(4) Producers in Hamlin County and Kingsbury County shall nominate not less than two candidates for a member and two candidates for an alternate member of the committee.

(5) Producers in Brown County and Day County shall nominate not less than two candidates for a member and two candidates for an alternate member of the committee.

(6) When voting for nominees, each producer shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives.

(7) Nominations for the initial members and alternate members of the committee may be made prior to, and, in any event, shall be submitted to the Secretary not later than fifteen days after the effective date hereof. Nominations for successors to the initial members and alternate members of the committee shall be submitted to the Secretary not later than fifteen days preceding the date of expiration of the terms of the members and alternate members.

(d) *Selection.* (1) From the nominations submitted pursuant to paragraph (c) (2) of this section, the Secretary shall select two members and two alternate members of the committee. From the nominations submitted pursuant to paragraph (c) (3) of this section, the Secretary shall select three members and three alternate members of the committee. From the nominations submitted pursuant to paragraph (c) (4) of this section, the Secretary shall select one member and one alternate member of the committee. From the nominations submitted pursuant to paragraph (c) (5) of this section, the Secretary shall select one member and one alternate member of the committee.

(e) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (c) (1) of this section, the Secretary may, without regard to nominations, select the members and alternate members of the committee, which selection shall be on the basis of the representation provided for herein.

(f) *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term shall be selected by the Secretary from nominations made in the manner specified in this section. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(h) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is alternate during such member's absence. In the event of death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(i) *Procedure.* (1) Four members of the committee shall constitute a quorum, and any action of the committee shall require four concurring votes.

(2) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,*

That if an assembled meeting is held all votes shall be cast in person.

(j) *Expenses and compensation.* The members of the committee and their respective alternates when acting as members, may be reimbursed for expenses necessarily incurred by them in performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $3.00 for each day or portion thereof, spent in attendance at meetings of the committee.

(k) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms.

(2) To make rules and regulations to effectuate the terms and provisions hereof.

(3) To receive, investigate, and report to the Secretary complaints of violations of the provisions hereof.

(4) To recommend to the Secretary amendments hereto.

(l) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler.

(2) To keep minutes, books and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary.

(3) To investigate the growing, shipping and marketing conditions with respect to potatoes and to assemble data in connection therewith.

(4) To furnish to the Secretary such available information as he may request.

(5) To select a chairman and such other officers as may be necessary, and to adopt such rules and regulations for conduct of its business as it may deem advisable.

(6) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon.

(7) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto, and a copy of each such report shall be furnished to the Secretary.

(8) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the salaries and define the duties of each such person.

(9) To confer with other Marketing Agreement and Order committees in other States and areas.

(m) *Obligations.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant hereto.

SEC. 3. *Expenses and assessments*—(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee pursuant to the provisions hereof during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided.

(b) *Assessment.* (1) Each handler who first handles potatoes, shall, with respect to the potatoes so handled by him, pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers, as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(2) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such sum shall be paid to him.

(2) The committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

SEC. 4. *Regulation*—(a) *Marketing policy.* At the beginning of each fiscal year, the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

(b) *Recommendations for regulations.* (1) It shall be the duty of the committee to investigate the supply and demand conditions for grade, size and quality of potatoes of all varieties. Whenever the committee finds that such conditions make it advisable to regulate the shipment of particular grade, size and quality of potatoes of any or all varieties during any period, it shall recommend to the Secretary the particular grade, size and quality of any or all varieties thereof deemed advisable to be shipped during such period.

(2) In determining the grade, size and quality of potatoes of all varieties deemed advisable to be regulated in view of the prospective demand therefor, the committee shall give due consideration to the following factors: (i) Market prices, including prices by grade, size and quality of potatoes of all varieties for which regulation is recommended; (ii) potatoes on hand in the market areas as manifested by supplies enroute and on track at the principal markets; (iii) available supply, quality, and condition of potatoes in Eastern South Dakota; (iv) supplies from competitive areas and regions producing potatoes; (v) the trend and level of consumer income, and (vi) other relevant factors.

(c) *Issuance of regulations.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, and from other available information, that to limit the shipment of potatoes to particular grade, size and quality of any or all varieties thereof would tend to effectuate the declared policy of the act, he shall so limit the shipments of potatoes during a specified period. Any specific regulation may be made applicable to any variety or varieties of potatoes. The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

(d) *Inspection and certification.* During any period in which the Secretary has regulated the shipment of potatoes pursuant to this section, each handler shall, prior to making each shipment of potatoes, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Promptly thereafter, each handler shall submit to the committee a copy of the inspection certificate issued thereon.

(e) *Exemptions.* (1) The committee shall adopt and announce the procedural rules pursuant to which certificates of exemption will be issued to producers.

(2) The committee shall issue certificates of exemption to any producer who furnishes adequate evidence to the said committee that by reason of a regulation issued pursuant to this section he will be prevented from having as large a proportion of potatoes shipped during the remainder of the shipping season, as the average of all producers. Such certificates of exemption shall permit such producer to have as large a proportion of his potatoes shipped as the average of all producers.

(3) If any producer is dissatisfied with the certificate of exemption granted to him pursuant to an application, said producer may file an appeal with the committee. Such an appeal must be taken promptly after the issuance of the certificate of exemption from which the appeal is taken. Any producer filing an appeal shall furnish evidence satisfactory to the

committee, for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the certificate of exemption to be granted. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(4) The Secretary shall have the right to modify, change, alter, or rescind any procedural rules and any exemptions granted pursuant to this section.

SEC. 5. *Regulation of surplus*—(a) *Recommendation.* It shall be the duty of the committee to investigate supply and demand conditions of potatoes. Whenever the committee finds that a surplus of potatoes exists, it shall determine the extent of such surplus of potatoes or of any grade, size or quality thereof. If it is deemed advisable, the committee shall recommend the control and disposition of surplus potatoes and for equalizing the burden of surplus elimination or control among the producers and handlers thereof under uniform rules established by the committee and approved by the Secretary.

(b) *Issuance of regulations.* (1) Whenever the Secretary finds from the recommendations and information submitted by the Committee, or from other available information, that the control and disposition of surplus potatoes will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination or control among producers and handlers thereof.

(2) At any time during which the Secretary provides for the control and disposition of surplus potatoes, the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposal of surplus potatoes. The Secretary may designate the committee as an agency to assist in and to effectuate the elimination or control of surplus potatoes under any governmental program.

SEC. 6. *Potatoes not subject to regulation.* Nothing contained herein shall authorize any limitation of the shipment of potatoes for any of the following purposes: (a) potatoes certified as seed potatoes by the Seed Department of the State of South Dakota, when such potatoes are shipped for seed purposes in containers bearing the official South Dakota Seed Potato tag; (b) potatoes shipped for consumption by charitable institutions or for distribution by relief agencies, and (c) potatoes shipped for manufacturing or conversion into by-products. The Secretary may, on the basis of the recommendations of the committee or other available information, determine that potatoes shipped for livestock feed or for other specified purposes shall also be exempt from the provisions hereof. The Secretary shall give adequate notice to the committee of any determination made pursuant to this section. The committee may prescribe adequate safeguards to prevent potatoes shipped for the purposes stated above from entering commercial channels of trade contrary to the provisions hereof.

SEC. 7. *Reports.* Upon the request of the committee, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any reports requested pursuant to this section.

SEC. 8. *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

SEC. 9. *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

SEC. 10. *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operations of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effected only if announced on or before June 30 of the then current fiscal year.

(4) The Secretary shall terminate the provisions hereof at the end of any fiscal year, upon the written request of handlers signatory hereto who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before June 30 of the then current fiscal year.[1]

(5) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all funds and the property then in the possession of, or under control of the committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred, or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

SEC. 11. *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof, or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise in connection with any provision hereof, or any regulation issued hereunder, or (b) release or extinguish any violation hereof, or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary, or of any other person with respect to any such violation.

SEC. 12. *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

SEC. 13. *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

SEC. 14. *Derogation.* Nothing contained herein is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by

[1] Applicable only to the proposed marketing agreement.

the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 15. *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

SEC. 16. *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any persons, circumstances, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

SEC. 17. *Amendments.* Amendments hereto may be proposed from time to time, by the committee or by the Secretary.

SEC. 18.[1] *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, al' such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

SEC. 19. *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.

The Fruit and Vegetable Branch, Production and Marketi ig Administration, United States Department of Agriculture, Washington, D. C., has proposed the following changes, additions and substitutions in, to and for provisions of the proposed marketing agreement and order:

1. Change subsection 1 (d) to read as follows:

(d) "Production area" means and includes all of the counties in the State of South Dakota east of the Missouri River.

2. Change sections 2 (h), (i), (j), (k) and (l) to sections 2 (j), (k), (l), (m) and (n), respectively, and substitute the following provisions for sections 2 (a), (b), (c), (d), (e), (f), (g) and (m):

SEC. 2. *Administrative body*—(a) *Establishment and membership.* A South Dakota Potato Committee, consisting of eight producer members, is hereby established. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member.

(b) *Initial committee.* The initial members and alternates of the committee shall be selected by the Secretary for a term of office ending on June 30, 1948, and until their successors are selected and qualified. Such members and alternates may be selected by the Secretary from lists of nominees supplied by producer groups or associations operating in and representative of producers in the production area.

(c) *Term of office.* The term of office of members and alternates of the Committee, except as indicated in paragraph (b) of this section, shall begin on the first day of July and continue until the end of the then current fiscal year and until their successors are selected and have qualified; provided, that members and alternates selected as successors to members and alternates serving for more than one year on one designation of the Secretary, shall hold office from the date of qualification to June 30 and until their successors are selected and have qualified.

(d) *Nominations.* Except for initial members and alternates of the committee, nominations for membership may be determined by:

(1) *Assembled meetings.* Elections may be conducted in assembled meetings of producers in each district to determine nominees for such district. Such election shall be conducted under the supervision of a chairman and a secretary designated by the committee in accordance with the provisions of Roberts' Rules of Order; or

(2) *Mail voting.* Election of nominees may be effected by the producers of each district by written ballot forwarded or presented to the teller designated by the committee. Each ballot form shall have printed thereon the date on which such ballot must be in the hands of the teller to be counted and ballots received after such date shall not be counted. Such forms shall also contain space for the incorporation of the voter's name and address thereon, together with a printed requirement that such information must be inserted in the space provided therefor. The notice of election attached to such ballot form may contain a list or lists of candidates sponsored for election by a group or groups of producers. The committee shall determine the most desirable and convenient method, aforesaid, of electing nominees for each district, thereafter appointing indicated officials to conduct such elections. Such committee determinations shall be conveyed to interested producers by means of newspaper stories, mail, or such other means of communication deemed adequate by the committee. Nominees shall be elected on forms provided by the committee by June 10th of each year and lists certified by appropriate election officials (either chairman and secretary or teller, depending on the method of election) shall be forwarded via the committee to the Secretary by June 15th of each year.

(e) *Voting.* Each producer shall be eligible to cast one vote for each of the designated number of nominees in the district in which he qualifies as such producer, which vote can not be cumulated for any one nominee. A producer qualifying thereas in more than one district shall elect the district in which he chooses to exercise his voting rights.

(f) *Districts.* The production area is divided into five districts, identified, described and with nominee representation as follows:

District No., Description and Nominees

1—Codington and Deuel Counties:
4 for members.
4 for alternates.
2—Clark County:
6 for members.
6 for alternates.
3—Hamlin and Kingsbury Counties:
2 for members.
2 for alternates.
4—Brown and Day Counties:
2 for members.
2 for alternates.
5—All South Dakota counties east of the Missouri River, except seven counties hereinbefore named:
2 for members.
2 for alternates.

(g) *Selection and qualification of nominees.* Except for the initial committee, the Secretary shall select two members and two alternates from nominees submitted from District No. 1, three members and three alternates from the nominees submitted by District No. 2, and one member and one alternate from the nominees submitted by each of the remaining Districts. If nominations are not supplied to the Secretary within the time and in the manner specified in paragraph (d) of this section, the Secretary may, without regard to nominations, select the members and alternates of the committee, which selection shall be on the basis of the representation provided herein. Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(h) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term may be selected by the Secretary. Such selections, if made, shall be on the basis of substitute representation for the producers of the District involved.

(i) *Obligations.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office or to a trustee designated by the Secretary and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or trustee full title to all of the property, funds, and claims vested in such member pursuant hereto: *Provided*, That the provisions hereof shall apply to alternate members in possession of funds, property, books or records, or participating in the receipt or disbursement of funds.

3. After the third word in section 4 (e) (1) add the following: "subject to the approval of the Secretary,"

4. Add subsection 4 (e) (5) as follows:

[1] Applicable only to the proposed marketing agreement.

(5) Records shall be maintained by the committee and a weekly report furnished to the Secretary showing the applications for exemptions received, exemptions granted, exemptions denied, and shipments made under exemptions.

5. Delete that portion of the first sentence of section 6 after the word "purposes:," reading as follows: "(a) Potatoes certified as seed potatoes by the Seed Department of the State of South Dakota, when such potatoes are shipped for seed purposes in containers bearing the official South Dakota Seed Potato tag;" and renumber subsections (b) and (c) of section 6 to subsections (a) and (b).

The Fruit and Vegetable Branch, Production and Marketing Administration, further proposed that consideration be given to such other changes in the proposed marketing agreement and order as may be necessary to make such marketing agreement and order conform to the provisions of the substitutions, additions and changes proposed by it.

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

[SEAL] E. A. MEYER,
Assistant Administrator.

MAY 29, 1947.

[F. R. Doc. 47-5280; Filed, June 3, 1947; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CALIFORNIA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER WITHDRAWING PUBLIC LAND FOR A RADIO REPEATER STATION FOR USE IN COOPERATIVE FOREST PROTECTION

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of Public Land Order 371[1] of May 26, 1947, withdrawing lot 4 sec. 5, T. 5 S., R. 18 E., M. D. M., California, under the jurisdiction of the Department of the Interior for use by the State Division of Forestry as a radio repeater station site for Federal and State cooperative forest fire-protection work, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified, or let stand will be given to all interested parties and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 26, 1947.

[F. R. Doc. 47-5242; Filed, June 3, 1947; 8:48 a. m.]

[1] See P. L. O. 371, Title 43, Chapter I, *supra*.

FEDERAL COMMUNICATIONS COMMISSION

PROPOSED CHANGES IN FM ALLOCATION PLAN

DEFERRING OF DECISION IN CERTAIN FM HEARING CASES

APRIL 15, 1947.

On April 10, 1947, the Commission instituted a proceeding in Docket No. 6768 looking toward a modification of its FM rules and standards and of its Tentative Allocation Plan for Class B FM Stations. The proposed changes, if finally adopted would have the effect of increasing the number of Class B FM channels available for assignment in certain communities, including Cleveland-Akron, Ohio; Dayton-Springfield, Ohio; Indianapolis, Indiana; Providence, Rhode Island; Atlanta, Georgia; Mansfield, Ohio; Baltimore, Maryland; San Diego, California; and Springfield, Massachusetts.

Hearings have been held upon applications for Class B FM channels in the foregoing cities, and in each proceeding, there have been more applicants than channels available under the Allocation Plan in its present form. Adoption of the proposed modification would provide enough channels so that in all but two of the cases now pending, grants could be made to all of the applicants if they are found to be qualified. In the two remaining cases, involving applicants for Class B FM channels in Cleveland-Akron, Ohio, and in Baltimore, Maryland, the proposed change in the Allocation Plan would permit a grant to at least one more qualified applicant than would be possible under the Allocation Plan in its present form.

In view of these circumstances, the Commission will defer further action in the cases on which hearings have been held for Class B FM channels in the foregoing cities, pending final disposition of the proceedings in Docket No. 6768. It will then dispose of the hearing cases in the light of the changes which will be made in the Tentative Allocation Plan for Class B FM Stations, thus affording the applicants involved in these hearing cases a greater opportunity to obtain grants than exists at present.

The changes proposed in the FM Allocation Plan would not provide additional channels for Boston, Massachusetts; Bridgeport, Connecticut; Philadelphia, Pennsylvania; or Los Angeles, California. Accordingly, decision in the hearing cases involving applications for channels in these cities will not be affected by such proposed change.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5267; Filed, June 3, 1947; 8:50 a. m.]

[Docket Nos. 7987, 8057]

PRESS WIRELESS, INC.

ORDER CONTINUING HEARING

In re applications of Press Wireless, Inc., for modification of licenses to permit the handling of deferred commercial messages, Docket No. 8057, file Nos. 6514-MLHT-B, 6515-MLHT-B; in re applications of Press Wireless, Inc., for modification of licenses to permit the handling of administrative press messages, Docket No. 7987, File Nos. 10367-MLHT-B, 10368-MLHT-B.

The Commission, having under consideration a motion filed on May 21, 1947 by Press Wireless, Inc., requesting a continuance of the hearing herein now set for May 27, 1947; and having been informally advised by all the parties herein that they have no objection to a continuance;

It is ordered, This 23d day of May 1947, that the hearing herein is continued to June 30, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5268; Filed, June 3, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-803]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 27, 1947.

Notice is hereby given that on May 15, 1947, Hope Natural Gas Company (applicant), a West Virginia corporation having its principal place of business at Clarksburg, West Virginia, filed an amended application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize applicant to construct and operate certain natural gas facilities subject to the jurisdiction of the Federal Power Commission, the description of which differs from that in the original application filed on October 29, 1946. The reason for the change of facilities, as stated in the amended application, is: "Hope has recently again modified its proposed plans, and in view of these several changes * * * re-

state, in the entirety, the proposed facilities and service * * *" as follows:

(a) *Additions to Cornwell Compressor Station.* Four 1,000 horsepower gas engine-driven compressor units, together with auxiliary equipment and buildings.

(b) *Loop Line for H-192.* 31 miles of 16-inch loop line paralleling the existing 12-inch high-pressure line No. H-192. This additional loop will commence at a point in Gilmer County, West Virginia, approximately 47 miles north of Cornwell Compressor Station, and will extend parallel with existing line H-192 to a point in Doddridge County, West Virginia, approximately 16 miles south of Hastings Compressor Station. This loop line will be known as Line No. TL-264.

(c) *Booster Station (to be known as "Middle Island Station").* A Booster Station, to be known as "Middle Island Station," aggregating 6,000 horsepower, to be installed at a point in Doddridge County, West Virginia, on Lines H-192 and TL-264, including auxiliary equipment and buildings. This location will be approximately 63 miles north of Cornwell Compressor Station and 21½ miles south of Hastings Station. This new station will pump gas through lines H-192 and TL-264 to Hastings Station.

The application states that the facilities, proposed to be constructed in 1947, will constitute additions to Applicant's existing natural gas system in the State of West Virginia, and are to be constructed and operated to enable applicant to increase to 165,000 MCF per day the quantities of natural gas which it will purchase from Tennessee Gas and Transmission Company commencing during the year 1947. Hope is at present receiving approximately 115,000 MCF per day.

The application states further that under a supplemental agreement dated October 7, 1946, to the existing contract between applicant and Tennessee Gas and Transmission Company, Tennessee Gas and Transmission Company, Rate Schedule EPC No. 1 as supplemented, the volume of gas to be delivered by Tennessee Gas and Transmission Company to Applicant will be increased from 115,000,000 to 165,000,000 cubic feet per day, the additional volume to be delivered in increasing quantities during the years 1947 and 1948. Applicant states that the additional volume of natural gas is required to meet continuing increases in the requirements of its present customers, particularly The East Ohio Gas Company, The Peoples Natural Gas Company, The River Gas Company and New York State Natural Gas Corporation.

Applicant recites that the total cost of the facilities proposed to be installed during 1947 is preliminarily estimated at $3,004,507, the cost of which will be financed by the Hope Company from its cash resources augmented by the sale of capital stock to its parent, Consolidated Natural Gas Company.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Hope Natural Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5247; Filed, June 3, 1947; 8:46 a. m.]

[Docket No. IT-6061]

ALBANY LIGHTING CO.

NOTICE OF APPLICATION

MAY 27, 1947.

Notice is hereby given that on May 26, 1947, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Albany Lighting Company, a corporation organized under the laws of the State of Iowa and doing business in the States of Illinois and Iowa, with its principal business office in the Village of Albany, Illinois, seeking an order authorizing disposition and sale of all of its facilities to the Village of Albany, Illinois, for a consideration stated in the application to be $1,750 in cash. The facilities consist of the electric transmission lines, necessary poles and one steel transmission tower, which now run from Clinton County, Iowa, across Coney Island and Beaver Island to the middle of the channel of the Mississippi River; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 20th day of June 1947, file a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5269; Filed, June 3, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-19, 54-92, 59-14]

NEW ENGLAND POWER ASSN. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of May A. D. 1947.

In the matter of New England Power Association, Massachusetts Power and Light Associates, North Boston Lighting Properties, The Rhode Island Public Service Company, Massachusetts Utilities Associates Common Voting Trust, Massachusetts Utilities Associates, File No. 54-92, File No. 59-14, File No. 54-19.

New England Power Association, the name of which is to be changed to New England Electric System, a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 (a), 7 and 11 of the Public Utility Holding Company Act of 1935 with respect to, among other matters, the issuance and sale pursuant to the competitive bidding requirements of Rule U-50 of $25,000,000 principal amount of --% debentures, due 1967, and $50,000,000 principal amount of --% debentures, due 1977; and

The Commission having by order dated May 20, 1947 permitted said declaration as amended to become effective, subject to the condition, among others, that the proposed issuance and sale of debentures should not be consummated until the results of competitive bidding pursuant to Rule U-50 should have been made a matter of record in these proceedings and a further order should have been entered by the Commission in the light of the record so completed, jurisdiction being reserved to impose further terms and conditions as might then be deemed appropriate; and

New England Power Association having on May 28, 1947 filed a further amendment to said declaration herein in which it is stated that in accordance with the permission granted by the Commission's Order of May 20, 1947, it offered said debentures for sale pursuant to the competitive bidding requirements of Rule U-50 and received for $25,000,000 principal amount of the debentures, due 1967, a bid from an underwriting group headed by The First Boston Corporation at the price of 100.589 and a coupon rate of 3%;

The amendment further stating that New England Power Association has accepted the bid of the group headed by The First Boston Corporation as set out above, which results in an annual interest cost to the company of approximately 2.96%, and that said debentures will be offered for sale to the public at an initial price of 101.50, which results in an underwriter's spread of .911%; and

Said amendment having further set forth the action taken by New England Power Association to comply with the requirements of Rule U-50 with respect to the sale of $50,000,000 principal amount of debentures, due 1977, and having stated that, pursuant to the invitation for competitive bids, a bid was received on said debentures by an underwriting group headed by The First Boston Corporation at the price of 101.829 and a coupon rate of 3¼%.

The amendment further stating that New England Power Association has accepted the bid of the group headed by The First Boston Corporation for said debentures, which results in an annual interest cost to the company of approximately 3.16 and that said debentures will be offered to the public at an initial offering price of 102.91, which results in an underwriter's spread of 1.081%; and

A further hearing having been held and the Commission having examined

the records herein and finding no basis for imposing terms and conditions with respect to the prices to be paid to New England Power Association (the name of which will have been changed to New England Electric System) for said debentures, the interest rates thereon and the underwriters' spreads:

It is ordered, That the jurisdiction heretofore reserved with respect to the competitive bidding employed in connection with the sale of each of said series of debentures be, and the same hereby is released, and that said declaration, as further amended, be, and the same hereby is permitted to become effective, subject, however, to the other terms and conditions prescribed in the Commission's Order of May 20, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5253; Filed, June 3, 1947; 8:47 a. m.]

[File Nos. 54-111, 59-12]

AMERICAN & FOREIGN POWER CO., INC. ET AL

NOTICE OF FILING OF PLAN AND NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 28th day of May A. D. 1947.

In the matter of American & Foreign Power Company, Inc., Electric Bond and Share Company, File No. 54-111; Electric Bond and Share Company et al., respondents, File No. 59-12.

I. On October 26, 1944, American & Foreign Power Company Inc. (Foreign Power), a registered holding company, and its parent, Electric Bond and Share Company (Bond and Share), also a registered holding company, filed with the Commission a joint application for approval of a plan, proposed by Foreign Power and joined in by Bond and Share, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for the reorganization of Foreign Power (File No. 54-111). The stated purposes of said plan were to effectuate compliance with section 11 (b) (2) of the act through the elimination, among other things, of the presently outstanding preferred and second preferred stocks, common stocks, and option warrants of Foreign Power; the conversion of Foreign Power's present capital structure into a capital structure consisting of $119,281,000 principal amount of Debentures due 2030 and 2,500,000 shares of no par value common stock; the fair and equitable distribution of voting power among the security holders of Foreign Power; and the settlement and discharge of the various claims and counterclaims among Bond and Share, Foreign Power, and their respective security holders. The Commission on November 6, 1944, issued its notice of and order for hearing (Holding Company Act Release No. 5388) with respect to said plan and consolidated the proceedings with respect thereto with proceedings pursuant to section 11 (b) (2) of the act (File No. 59-12) instituted by the Commission and directed to, among others, Foreign Power and Bond and Share. Extensive hearings have been held on such matters from time to time.

II. Notice is hereby given that on May 22, 1947 Foreign Power and Bond and Share filed a joint application, pursuant to section 11 (e) of the act, for approval of a plan proposed by Foreign Power and joined in by Bond and Share amending the plan heretofore filed and described above.

All interested persons are referred to the aforesaid amended plan and the application in respect thereto (File No. 54-111) which are on file in the offices of the Commission for a full statement of the transactions therein proposed which may be summarized as follows:

Foreign Power will issue and sell to institutional investors $35,000,000 principal amount of its 3½% Sinking Fund Prior Debentures due 1968. The proceeds from the sale of these Debentures, together with such treasury cash as may be necessary, will be applied to redeem at the call price of 107½ the $50,000,000 principal amount of publicly-held Gold Debentures, 5% Series due 2030, of Foreign Power.

Foreign Power will issue $91,391,600 principal amount of 4¼% Sinking Fund Debentures due 1982 and 5,000,000 shares of new no par value Common Stock. Of these securities, the public holders of the Preferred Stock ($7), $6 preferred stock, Second Preferred Stock, Series A ($7) and Common Stock of Foreign Power will receive the following:

(a) For each share of Preferred Stock ($7) and any and all claims to accrued and unpaid dividends thereon, $110.00 principal amount of new 4¼% Debentures and 1½ shares of new Common Stock;

(b) For each share of $6 Preferred Stock and any and all claims to accrued and unpaid dividends thereon, $100.00 principal amount of 4¼% Debentures and 1¼ shares of new Common Stock;

(c) For each share of Second Preferred Stock, Series A ($7), and any and all claims to accrued and unpaid dividends thereon, 1⅕ shares of new Common Stock;

(d) For each share of old Common Stock 1/20 of a share of new Common Stock.

Bond and Share will receive for its holdings of $30,000,000 3% Serial Notes, 13,800 shares of Preferred Stock ($7), 65,809.10 shares of $6 Preferred Stock, 2,158,236 shares of Second Preferred Stock, Series A ($7) of Foreign Power, and $19,500,000 principal amount of 6% Debentures due 1948 of Cuban Electric Company, a subsidiary of Foreign Power, the following securities: $8,098,900 principal amount of the 4¼% Debentures and 3,354,266 shares of new Common Stock of Foreign Power. Bond and Share will surrender to Foreign Power for cancellation 881,500 shares of old common stock and 5,812,884 option warrants to purchase old Common Stock, of Foreign Power.

The outstanding Option Warrants for the purchase of Common Stock of Foreign Power and the Preferred Stock Allotment Certificates will be revoked, abrogated, and cancelled and will be accorded no participation in the amended plan.

The amended plan provides that the By-Laws of Foreign Power will be amended to require Foreign Power to solicit proxies with respect to annual meetings from all stockholders entitled to vote and also to require the securing of increased percentages of stockholder votes for certain designated corporate actions as long as 50% or more of the common stock is owned or controlled by one stockholder.

The 4¼% Debentures will mature not later than thirty-five years from their date, will be amortized commencing after the retirement of the 3½% Debentures through the operation of an annual sinking fund with provision under certain circumstances for accelerating the commencement of such amortization, will be redeemable in whole or in part at any time at a graduated premium not exceeding 4% will be subordinate as to principal and interest on default to the 3½% Debentures and may be subordinated under specified circumstances to certain other debt, will be subject to certain other pari passu debt, and will be required to be redeemed at a special lower premium after retirement of the 3½% Debentures by the use of all proceeds of any sales of investments of Foreign Power unless such proceeds or amounts equivalent thereto are used to purchase such 4¼% Debentures or to pay, purchase or redeem other equal or prior ranking funded debt, or for additional investments in existing or new subsidiaries or for property additions.

The net overall result of the action contemplated and proposed by the amended plan will be the elimination from the security structure of Foreign Power of its entire existing debt, its preferred stocks and second preferred stock and accumulated dividend arrearages on such preferred and second preferred stocks, its old common stock, its option warrants and its preferred stock allotment certificates, and any shares pertaining thereto, and the issuance, as the sole securities in the structure, of $35,000,000 principal amount of 3½% Sinking Fund Prior Debentures due 1968, $91,391,600 principal amount of 4¼% Sinking Fund Debentures due 1982, and 5,000,000 shares of no par value common stock. In exchange for its present claims against and interest in Foreign Power, as enumerated previously and the transfer to Foreign Power of the $19,500,000 principal amount of 6% Debentures due 1948 of Cuban Electric Company, Bond and Share is to receive $8,098,900 principal amount of the 4¼% Debentures and 3,354,266 shares (67.1%) of the new Common Stock of Foreign Power. The public holders of the $7 Preferred Stock and the $6 preferred Stock are to receive, in lieu of their present claims, $83,292,700 principal amount of 4¼% Debentures due 1982 and 1,099,309 shares (21.99%) of new Common Stock of Foreign Power. The public holders of the Second Preferred Stock, Series A ($7), are to receive, in lieu of their present claims, 493,980 shares (9.88%) of new Common Stock. The public holders of the Common Stock of Foreign Power are to receive, in lieu thereof, 52,445 shares (1.05%) of the new Common Stock.

Foreign Power proposes to create initially an Investment Reserve in the amount of $220,000,000 of which $196,736,650 is to be provided from Stated Capital and $23,263,350 from Earned Surplus. Upon consummation of the amended plan, the company proposes to reduce the stated value of its Investment Account in the amount of $35,497,066 by charges to the reserve. It is further proposed that the balance of $184,502,934 will remain in the reserve.

No Certificates for 4¼% Debentures in fractions of $100 or for fractional shares of Common Stock will be issued but scrip will be issued in lieu thereof, which will not be entitled to any debenture holders' or stockholders' rights except that when combined in lots aggregating respectively one or more full $100 principal amounts of 4¼% Debentures, or one or more full shares of Common Stock, such scrip may be exchanged for such 4¼% Debentures or shares, as the case may be, within a period of one year after the effective date of the amended plan. All 4¼% Debentures and shares of Common Stock reserved for issuance in exchange for scrip and not isued in connection therewith within the one-year period will be sold by Foreign Power in the open market within 60 days after the expiration of such one-year period and the sole rights of the holders of such scrip certificates thereafter shall be to their pro-rata shares of the respective proceeds of such sales without interest thereon.

Upon the expiration of six years following the effective date of the amended plan (subject to certain specified exceptions) any securities or cash held by Foreign Power or any of its agents which have not been claimed by any person entitled thereto or otherwise disposed of pursuant to the amended plan will, in the case of securities, be cancelled, retired or disposed of as the company's board of directors may determine and the proceeds therefrom, together with any cash so held, shall become a part of Foreign Power's general corporate funds. No stockholder who shall fail to claim the securities or cash to which he is entitled pursuant to the terms of the amended plan by the expiration of the six-year period, shall be entitled to receive any part of said securities or the proceeds thereof, or any other cash to which such stockholder may be entitled under the amended plan.

Foreign Power and Bond and Share request that there be a further hearing upon the amended plan on matters not already covered by the existing record. Foreign Power further requests that it be exempted from the competitive bidding provisions of the Commission's Rule U-50 as respects the issuance and sale of said 3½% Sinking Fund Prior Debentures, and both companies request, if the Commission approves the amended plan, that the Commission institute court proceedings for its enforcement as contemplated by section 11 (e) of the act.

The amended plan provides that its approval by the Commission, its confirmation by the court, and its consummation by the parties shall have the effect of a complete compromise, settlement, and discharge of all claims and counterclaims of the parties or their various security holders as such, against the parties and wholly owned subsidiaries including, but not limited to, those relating in any way to, arising out of, or involving service or construction fees or charges or the debt or security holdings of Bond and Share in Foreign Power and its subsidiaries or predecessors or the conduct or management of Foreign Power or its subsidiaries or predecessors to the effective date of the amended plan, including in such claims, but without limitation thereto, those specifically referred to in the amended plan which form the alleged basis for causes of action in stockholders' derivative actions specifically enumerated in the amended plan and any claims involved in the proceedings as enumerated in the amended plan which were instituted by and are pending before the Commission.

The Commission is petitioned, if it approves the amended plan to fix and determine the amounts of the payments, if any, to be made by Foreign Power to the plaintiffs or their attorneys or accountants in the court actions enumerated in the amended plan and to any other persons by way of reimbursement for disbursements or allowances for legal, accounting or other services, and Foreign Power undertakes to make such payments as may be determined, awarded, allowed, or allocated by the Commission, without prejudice, however, to its right to seek judicial review of any such determination, award, allowance, or allocation.

The amended plan also states that its effectuation is subject to obtaining from the United States Treasury Department a ruling or rulings as to the tax consequences of the transactions necessary to carry out the amended plan which will be satisfactory to the managements of the corporations affected, and subject to the Commission's reciting in its order that the relevant transactions of the amended plan are necessary or appropriate to the integration or simplification of the holding company system of which Foreign Power is a member and necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

III. The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected by such plan, and it appearing appropriate to the Commission in the public interest and in the interest of investors that hearings in these consolidated proceedings be reconvened for the purpose of considering said amended plan and to afford all interested persons an opportunity to be heard with respect thereto and that the application with respect to said amended plan shall not be granted except pursuant to further order of the Commission:

It is ordered, That hearings in these consolidated proceedings be reconvened on said matters at 10:30 a. m., e. d. s. t., on the 24th day of June 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at that time by the Hearing Room Clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings and not heretofore granted leave to be heard or participate shall notify the Commission in the manner provided by its rules of practice, Rule XVII, on or before June 23, 1947.

It is further ordered, That Allen MacCullen, heretofore designated to preside in these proceedings, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented in the consolidated proceedings, particular attention will be directed at the reconvened hearing to the following matters and questions:

1. Whether the amended plan, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act.

2. Whether the amended plan, as submitted or as hereafter modified, is fair and equitable to the persons affected thereby.

3. Whether the securities to be issued in connection with the proposed amended plan are appropriate in nature and reasonably adapted to the security structure and earning power of Foreign Power and its holding company system and whether any terms or conditions should be imposed in connection therewith.

4. Whether, if the amended plan is approved by the Commission, it is appropriate in the public interest and in the interest of investors that any terms and conditions be imposed in connection with such approval and, if so, what such terms and conditions should be.

5. Whether the fees and expenses to be paid in connection with the amended plan or the proceedings with respect thereto are reasonable and appropriate.

6. Whether the Commission shall, in accordance with the petition of the parties to the amended plan, take and exercise jurisdiction to fix and determine the amounts of the payments, if any, to be made by Foreign Power to the plaintiffs or their attorneys or accountants in the legal proceedings specifically enumerated in the amended plan, by way of reimbursement for disbursements or allowances for legal, accounting or other services and, if so, what action it should take in the exercise of such jurisdiction,

7. Whether the accounting entries in connection with the amended plan are in conformity with the standards of the act and rules promulgated thereunder.

8. Generally, whether the provisions of the amended plan are in all respects in the public interest and in the interest of investors and consistent with all applicable requirements of the act and the rules thereunder.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of filing said application and amended plan and of said hearing by mailing a copy of this notice and order by registered mail to Foreign Power, to Bond and Share, to the attorneys of record in the legal proceedings specifically enumerated in the amended plan, and to all other persons who have heretofore applied for, or who have been granted, leave to be heard or to participate in these consolidated proceedings or their counsel of record, and that notice of said matters shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Foreign Power shall give notice of said hearing to all of its security holders insofar as the identity of such security holders is known or available to it by mailing to each of said persons a copy of this notice and order together with a copy of the proposed amended plan at his last known address at least 15 days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5251; Filed, June 3, 1947; 8:46 a. m.]

[File No. 70-1501]

UTAH POWER & LIGHT CO. AND WESTERN COLORADO POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of May A. D. 1947.

Utah Power & Light Company ("Utah"), a registered holding company, and its wholly owned electric utility subsidiary, The Western Colorado Power Company ("Colorado"), having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 (a), 7, 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935, and Rule U-43 promulgated thereunder with respect to the following transactions:

Colorado has presently outstanding 75,000 shares of common stock of the par value of $20 per share, all of which is owned by Utah. Colorado proposes to issue not to exceed 12,500 additional shares of its common stock, and Utah proposes to purchase said shares for a cash consideration of $250,000, the proceeds to be used by Colorado in connection with its construction program.

The proposed transaction has been approved by the Public Utilities Commission of the State of Colorado, the State in which Colorado was organized and is doing business.

The application-declaration having been filed April 8, 1947, and amendments thereto having been filed on April 28, 1947, and May 7, 1947, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application as amended within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective, and deeming it appropriate to grant the request of applicants-declarants that the order become effective at the earliest date possible;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5249; Filed, June 3, 1947; 8:46 a. m.]

[File No. 70-1515]

EASTERN KANSAS UTILITIES, INC. AND CONTINENTAL GAS & ELECTRIC CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 27th day of May 1947.

Continental Gas & Electric Corporation ("Continental"), a registered holding company, and its utility subsidiary, Eastern Kansas Utilities, Inc. ("Eastern Kansas"), having filed a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 7, 9, 10 and 12 (f) of the act and Rules U-43 and U-50 (a) (3) and (a) (4) promulgated thereunder as applicable with respect to the following proposed transactions:

Eastern Kansas proposes to issue and sell to The Northwestern Mutual Life Insurance Company of Milwaukee, Wisconsin, $600,000 principal amount of First Mortgage Bonds, 2⅞% Series, dated March 1, 1947, and maturing September 1, 1967, for a cash consideration equal to the principal amount thereof plus interest accrued thereon to the date of payment, and to issue and sell to Continental, the owner of the outstanding common stock of Eastern Kansas, and Continental proposes to acquire, 1,500 shares of $100 par value common stock of Eastern Kansas for $150,000 cash. It is stated that Eastern Kansas will use the proceeds from the sale of the bonds and common stock for the construction of additional facilities.

Such application-declaration having been filed April 30, 1947, and notice of the filing thereof having been given in the form, manner and for the time prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicants-declarants having requested that the Commission enter an order, to become effective forthwith, with respect to said application-declaration; and

The Commission finding that the State Corporation Commission of Kansas has issued its certificate with relation to the proposed transactions, and that no action of any other State commission is required; and

The Commission further finding that the proposed transactions satisfy the applicable provisions of the act and the rules promulgated thereunder and that the proposed issuance and sale of common stock and bonds are excepted from the competitive bidding requirements of Rule U-50 by virtue of the provisions of paragraphs (a) (3) and (a) (4) thereof; and the Commission deeming it appropriate to grant said application and permit said declaration to become effective and to grant the request of applicants-declarants that the order become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the requirements of Rule U-24, that the aforesaid application-declaration be, and it hereby is, granted and permitted to become effective forthwith; but upon the express condition, however, that nothing herein shall be construed as determining, or in any manner affecting the power and jurisdiction of the Commission to determine, the ultimate retainability by Continental of its interest in Eastern Kansas or what action should be taken by Continental to effectuate compliance with section 11 (b) (1) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5250; Filed, June 3, 1947; 8:46 a. m.]

[File No. 70-1519]

UNITED GAS CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of May A. D. 1947.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application, and amendment thereto, pursuant to sections 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 thereunder regarding the following proposed transactions:

United proposes to organize, under the laws of the State of Delaware, a corporation to be known as Atlantic Gulf Gas Company ("Atlantic Gulf"). Atlantic Gulf will have initially 1,000,000 shares of authorized common stock without par value, of which 100,000 shares of the stated value of $10 per share will be issued at this time and acquired by United for $1,000,000 in cash. Atlantic Gulf is being organized for the purpose of constructing and operating a natural gas pipe line system extending from the State of Mississippi in an easterly direction to the Atlantic Seaboard, passing through the southern parts of the States of Alabama and Georgia and extending also into the northern part of the State of Florida and into the southeastern part of the State of South Carolina.

The application having been filed on the 6th day of May 1947 and the latest amendment thereto having been filed on the 21st day of May 1947, and United having requested that the application be granted at the earliest practicable date, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said application, as amended, within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to said application, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application, as amended, be granted, and deeming it appropriate to grant the request of applicant that the order become effective at the earliest date possible;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the said application, as amended, be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5252; Filed, June 3, 1947; 8:46 a. m.]

[File No. 70-1520]

KENTUCKY UTILITIES CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of May A. D. 1947.

In the matter of Kentucky Utilities Co., Old Dominion Power Co., The Middle West Corp., File No. 70-1520.

Notice is hereby given that joint applications-declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Middle West Corporation ("Middle West"), a registered holding company, Kentucky Utilities Company ("Kentucky"), a subsidiary of Middle West and primarily a public utility company, and Old Dominion Power Company ("Dominion"), a subsidiary of Kentucky. Applicants-declarants designate sections 6, 7, 9, 10 and 12 of the act and Rules U-42, U-43, U-45 and U-50 of the General rules and regulations promulgated thereunder as being applicable to the proposed transactions.

All interested persons are referred to said applications-declarations, which are on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Kentucky proposes to issue $24,000,000 in principal amount of First Mortgage Bonds, Series A --%, to be dated May 1, 1947, and to mature May 1, 1977, 130,000 shares of --% Preferred Stock, cumulative, par value $100 per share, and 1,130,000 shares of Common Stock of the par value of $10 per share.

The bonds will be sold at competitive bidding, and the interest rate and the price to be paid to the company, which shall be not less than 100% nor more than 102.75% of principal amount exclusive of accrued interest, will be determined by the bidding.

The --% Preferred Stock will also be sold at competitive bidding, subject, however, to an offer of exchange to the holders of the presently outstanding preferred stocks as summarized below. The dividend rate and the price to the company, which shall also be the initial public offering price and which shall not be less than 100% nor more than 102.75% of par, will be determined by the bidding. The Invitation for Proposals requires, among other things, that each bid specify the aggregate amount of compensation to be paid the bidder for his efforts in soliciting exchanges pursuant to the exchange offer and for purchasing the shares of new Preferred Stock not required under the exchange program.

After acceptance of a bid for the --% Preferred Stock, Kentucky proposes to offer, for a period of approximately ten days, to the holders (other than Middle West) of its presently outstanding preferred stocks, the right to exchange shares of such preferred stocks on the basis of one share of 6% Preferred Stock, par value $100 per share, or two shares of 7% Junior Preferred Stock, par value $50 per share, for one share of --% Preferred Stock. No fractional shares of --% Preferred Stock will be issued in effecting exchanges. Exchanging shareholders will receive an appropriate cash adjustment for the difference between the initial public offering price of the new Preferred Stock and the respective redemption prices of the shares of presently outstanding preferred stocks.

Kentucky will redeem all shares of 6% Preferred Stock and 7% Junior Preferred Stock, including the 3,041 shares of the latter held by Middle West, which are not acquired as a result of the exchange offer, for cash at the respective redemption prices of $110 and $55 per share.

The new Common Stock will be issued and sold to Middle West which holds all of the presently outstanding no par Common Stock of Kentucky. Of the 1,130,000 shares of new Common Stock to be issued, 480,311 shares will be issued in exchange for the 134,375 shares of presently outstanding Common Stock and 649,689 shares will be sold at par for a cash consideration of $6,496,890.

Kentucky also proposes to (1) advance to Dominion $1,500,000 to be evidenced by a ten year unsecured note, bearing interest at the rate of 3% per annum, payable semi-annually, (2) purchase from Dominion 6,000 shares of the capital stock of that company at the par value of $25 per share for $150,000, and (3) make a contribution of $850,000 to the capital surplus of Dominion. Dominion proposes to use the proceeds from these various transactions to call for redemption, at 100.5% of principal amount, its First Mortgage Gold Bonds, Series A, 5%, due May 15, 1951, now outstanding in the principal amount of $2,450,400.

The applications-declarations state that Kentucky will use the proceeds from the sale of its bonds, exclusive of accrued interest thereon, for the redemption, at 105% of principal amount, of its First Mortgage Bonds, 4% Series of 1970, due January 1, 1970, now outstanding in the principal amount of $21,000,000. It is stated that the balance of such proceeds will be used to reimburse Kentucky for the cost of additions and extensions to its properties. The proceeds from the sale of the new Preferred Stock and the Common Stock will be used by Kentucky to effectuate the retirement of the shares of preferred stocks not acquired as a result of the exchange offer, to increase, in accordance with the transactions outlined above, its investment in Dominion, and to pay a portion of the cost of necessary additions and extensions to its facilities.

In order to carry out the designated transactions, Kentucky proposes to amend its Articles of Incorporation to create an additional class of preferred stock, namely, --% Preferred Stock,

cumulative, par value $100, which will be authorized in the amount of 200,000 shares. The Articles of Incorporation will also be amended to reclassify the present no par common stock into $10 par value common stock, and increase the authorized number of shares of common stock to 2,000,000. The proposed amendment provides that, so long as shares of __% Preferred Stock are outstanding, the shares of presently outstanding preferred stocks shall not be reissued after acquisition by the company.

Dominion presently has outstanding 6,735 shares of Preferred Stock with an aggregate stated value of $639,825 and 13,000 shares of no par Common Stock with an aggregate stated value of $715,000, all of which are held by Kentucky. Dominion proposes to amend its charter to change all of its shares of Preferred Stock without par value and Common Stock without par value into shares of capital stock of the par value of $25 a share, without increasing or decreasing the amount of capital represented by shares now outstanding. Kentucky proposes to surrender the shares of Preferred Stock and Common Stock of Dominion for 54,193 shares of Dominion's new $25 par value capital stock.

It is stated that the Public Service Commission of Kentucky, the Railroad and Public Utilities Commission of Tennessee and the State Corporation Commission of Virginia are the State Commissions having jurisdiction with respect to the proposed transactions, and that copies of the applications to such Commissions for the necessary approvals and the orders of said Commissions issued in connection therewith, will be filed by amendment.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said applications-declarations and that said applications-declarations shall not be granted or permitted to become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on said applications-declarations pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on June 10, 1947, at 10:00 A. M., e. d. s. t., at the office of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318. Any person who desires to be heard or otherwise wishes to participate in this proceeding shall file with the Secretary of the Commission on or before June 9, 1947, a written request relevant thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert P. Reeder, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilitfes Division of the Commission having advised the Commission that it has made a preliminary study of said application-declarations and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed issuance and sale of securities by Kentucky and Dominion meet the applicable requirements and standards of the act.

2. Whether the acquisition of securities as proposed by Middle West, Kentucky and Dominion meets the applicable requirements of the act.

3. Whether the fees, commissions, or remuneration to be paid in connection with the proposed transactions are reasonable.

4. Whether the proposed accounting treatment of the transactions is proper and in conformity with sound accounting principles.

5. Generally, whether the proposed transactions comply with all of the applicable provisions and requirements of the act and rules and regulations thereunder, and whether it is necessary or appropriate in the public interest or for the protection of investors and consumers, or to prevent the circumvention of any provisions of the act or rules and regulations thereunder, to impose terms and conditions in connection with any of the proposed transactions.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve copies of this order by registered mail on Middle West, Kentucky, Dominion, the Federal Power Commission, the Public Service Commission of Kentucky, the Railroad and Public Utilities Commission of Tennessee and the State Corporation Commission of Virginia; and that notice of said hearing shall be given to all other persons by publication of this order in the FEDERAL REGISTER and by general release distributed to the press.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5255; Filed, June 3, 1947; 8:47 a. m.]

[File No. 70-1532]

AMERICAN WATER WORKS AND ELECTRIC CO., INC. AND WICHITA WATER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of May A. D., 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to sections 6, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder by American Water Works and Electric Company, Incorporated ("American"), a registered holding company, and its direct subsidiary, The Wichita Water Company ("Wichita"), an operating water utility company.

Notice is further given that any interested person may not later than June 16, 1947, at 5:30 p. m., e. d. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of this interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 16, 1947, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized below:

Wichita proposes to issue and sell to John Hancock Mutual Life Insurance Company $950,000 principal amount of First Mortgage Bonds, Series B, 2¾%, due June 1, 1977, at a price of 101% of their principal amount plus accrued interest. These bonds are to be issued under a Mortgage and Deed of Trust dated as of April 1, 1941, between Wichita and City Bank Farmers Trust Company, as Trustee, and an indenture supplemental thereto to be dated as of June 1, 1947. John Hancock Mutual Life Insurance Company now owns all of the outstanding funded debt of Wichita consisting of $3,000,000 principal amount of First Mortgage Bonds, Series A, 3⅝%, due April 1, 1971. The proceeds of the sale of the bonds will be used by Wichita to pay its presently outstanding 2½% notes payable to banks in the aggregate amount of $280,000 and to pay for extensions, improvements and additions to its properties.

American proposes to make a capital contribution of $868,000 to Wichita in satisfaction of a like amount of advances on open account due from Wichita. The amount of this capital contribution is to be added by American to its investment in the common stock of Wichita and will be credited by Wichita to capital surplus. American owns all of the issued and outstanding common stock of Wichita.

The estimated fees and expenses applicable to the proposed transactions aggregate $16,800.

The filing requests that the Commission's order granting and permitting effectiveness to the joint application-declaration be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5254; Filed, June 3, 1947; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 16]

SOCIETE NACIONALES DES CHEMINS DE FER FRANCAIS ET AL.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determination with respect thereto, which is incorporated by reference herein and filed herewith,[1] including the Committee's merger of Claims Nos. 5089, 5090, and 5092, filed in the names of Compagnie du Chemin de fer de Paris A'Orleans, Compagnie des Chemins de fer du Midi, and Compagnie du Chemin de fer du Nord, respectively, with Claim No. 5091; and Notice of Intention to Return the property involved therein and described below having been published on March 22, 1947 (12 F. R. 1932),

It is ordered, That the claimed property, described below and in the Determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned to Societe Nationale des Chemins de fer Francais of Paris, France (New York Branch known as French National Railroads, 610 Fifth Avenue, New York 20, N. Y.), subject to any increase or decrease resulting from the administration of such property prior to return and after adequate provision for taxes and conservatory expenses.

Claim No. and Property

5091 (including 5089, 5090 and 5092):
$207,199.61 in United States Treasury; $30.04 in United States Treasury; $613.21 in United States Treasury; $111,487.43 in United States Treasury; 52 M Kingdom of Belgium 6% bonds due 1/1/55, and 80 M Kingdom of Belgium 6½% bonds due 9/1/49 in Federal Reserve Bank, New York, N. Y.

5254:
$4,817.70 in United States Treasury; 500 Photographs, 5 Boxes of French Railroad tickets in Office of Alien Property Warehouse, New York, N. Y.; approximately 115-35 mm. French films (39 16 mm. French films) with duplicates; 1,000 slides in RKO film vault, Washington, D. C.; "Micheline" railcar and trailer at U. S. Customs, Staten Island, N. Y.; property described in the second paragraph of Vesting Order No. 500A-8 (9 F. R. 7876, July 14, 1944), relating to copyrights referred to in Exhibit A thereto, to the extent owned by the claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5277; Filed, June 3, 1947; 8:54 a. m.]

[1] Filed as part of the original document.

[Return Order 18]

HERBERT RAYMOND LODER

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property and location
Herbert Raymond Loder, Ridgewood, N. J., claim No. 4675.	12 F. R. 1706, Mar. 15, 1947	$5,776.36 in the Treasury of the United States. Beneficial life interest of Herbert Raymond Loder under the testamentary trust of Frances C. Seiler, New York, N. Y., trustee, the City Bank Farmers Trust Co., New York, N. Y.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5278; Filed, June 3, 1947; 8:54 a. m.]

[Vesting Order 8984]

JOHANNES CARL ADOLPH AND GUSTAVA ADOLPHINE KLUEHN

In re: Estates of Johannes Carl Adolph Kluehn, deceased and Gustava Adolphine Kluehn, deceased. (File Nos. F-28-8745; F-28-8745G-1; F-28-8745A-1; D-28-10541G-1; F-28-8745E-1)

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lilly Gronewaldt, Hans Philo Geyl, also known as Hans Philipp Geyl, Mrs. Eveline Edmee Kemner, Wolfgang Geyl, also known as Julius Adolphus Wolfgang Geyl, Mrs. Gerda Hermine Luise Gustavus, Erika Holle, Liselotte Cuno, Gisela von Ziegesar, Sylvia von Ziegesar and Edmee Riede, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary executor or administrator, heirs, next of kin, legatees and distributees, of Elise Geyl (Gayl) deceased and the domiciliary executor or administrator, heirs, next of kin, legatees and distributees, of Georg Freiherr von Ziegesar, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest, and claim of any kind of character whatsoever of the persons identified in subparagraphs 1 and 2 hereof individually and as domiciliary executors or administrators, heirs, next of kin, legatees and distributees of Johannes Carl Adolph Kluehn, deceased, Gustava Adolphine Kluehn, deceased, Elise Geyl (Gayl) deceased, and Georg Freiherr von Ziegesar, deceased, and each of them, in and to all property of any kind or character whatsoever situated within the United States constituting assets of the estates of Johannes Carl Adolph Kluehn, deceased, Gustava Adolphine Kluehn, deceased, both now deceased, including but without limitation any and all of such property in the possession, custody or control of the St. Louis Union Trust Company, St. Louis, Missouri and the First National Bank of St. Louis, Missouri, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the above named persons and the domiciliary executor or administrator, heirs, next of kin, legatees and distributees, of Elise Geyl (Gayl) deceased and the domiciliary executor or administrator, heirs, next of kin, legatees and distributees, of Georg Freiherr von Ziegesar, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5274; Filed, June 3, 1947; 8:54 a. m.]

[Vesting Order 9050]

TEIKICHI TAKAHASHI

In re: Notes owned by Teikichi Takahashi. F-39-1713-C-1, F-39-1713-C-2, F-39-1713-C-3, F-39-1713-C-4, F-39-1713-C-5, F-39-1713-C-6, F-39-1713-C-8, F-39-1713-C-9.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Teikichi Takahashi, whose last known address is Suido Cho, Niigata City, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to Teikichi Takahashi, by the persons whose names and addresses are listed in Exhibit A, attached hereto and by reference made a part hereof, in the amounts and evidenced by the notes described in said Exhibit A, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of the aforesaid notes,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Maker of note	Address	Date of note	Principal sum	Amount due
Henry F. Horii	79 N. School St., Honolulu, T. H.	Apr. 24, 1939	$2 (00)	$1, 800
Yukichi Aoyagi	1313-B Kaluanu St., Honolulu, T. H.	do	250	250
Eakaji Buyama	341 C-1 Liko Lane, Honolulu, T. H.	do	250	250
Kozo Iwamoto	1523 Kauluwela Lane, Honolulu, T. H.	do	750	750
Kinji Nakamura	1467 Kuula St., Honolulu, T. H.	do	500	500
Masaru Nitta	79 N. School St., Honolulu, T. H.	do	500	500
Fukutaro Takahaiya	1726 Apoki St., Honolulu, T. H.	do	500	500
Masuzo Tango	79 N. School St., Honolulu, T. H.	do	1, 500	1, 500

[F. R. Doc. 47-5275; Filed, June 3, 1947; 8:54 a. m.]

[Vesting Order 9054]

LEOPOLD GEORG VON ZEDLITZ

In re: Bank accounts and bonds owned by and debt owing to Leopold Georg von Zedlitz, also known as Leopold von Zedlitz. F-28-1394-A-1, F-28-1394-E-1, F-28-1394-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leopold Georg von Zedlitz, also known as Leopold von Zedlitz, whose last known address is Prinsnig, Post Gross Tinz, Kreis Liegnitz, Schlesien, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a savings account, Account Number 1608, entitled Anna M. von Zedlitz in trust for Leopold Georg von Zedlitz, and any and all rights to demand, enforce and collect the same.

b. That certain debt or other obligation of The Manhattan Savings Bank, 754 Broadway, New York 3, New York, arising out of a savings account, Account Number 192,683, entitled Anna M. von Zedlitz in trust for Leopold von Zedlitz, and any and all rights to demand, enforce and collect the same.

c. Two (2) City of New York Corporate Stock Water Supply 4¼% obligations, due April 15, 1972, in the face amount of $1000 each, bearing the numbers 6879 and 6880, and presently in the custody of the Lawyers Trust Company, 111 Broadway, New York 6, New York, together with any and all rights thereunder and thereto, and

d. That certain debt or other obligation of Lawyers Trust Company, 111 Broadway, New York 6, New York, in the amount of $510.00 as of December 31, 1945, arising out of coupons, maturing 4/15/40 to 10/15/45 inclusive, detached from the City of New York 4¼% Bonds due April 15, 1972, described in subparagraph c above, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Leopold Georg von Zedlitz, also known as Leopold von Zedlitz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5276; Filed, June 3, 1947; 8:54 a. m.]

[Return Order 19]

RADIO CORP. OF AMERICA ET AL.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

[1] Filed as part of the original document.

Claimant and claim No.	Notice of intention to return published	Property
Radio Corp. of America, New York, N. Y., claim No. A-424.	12 F. R. 2429, Apr. 12, 1947.	Property described in Vesting Order No. 666 (8 F. R. 5047, Apr. 17, 1943), relating to United States Letters Patent No. 1,822,758, to the extent owned by claimant immediately prior to the vesting thereof.
Kislyn Corp., New Milford, Conn., claim No. A-419.	do	Property described in Vesting Order No. 666 (8 F. R. 5047, Apr. 17, 1943), relating to United States Letters Patent Nos. 1,703,026; 1,707,157; 1,721,244; 1,729,922; 1,746,584; 1,758,137; and 1,777,954, to the extent owned by claimant immediately prior to the vesting thereof.
Charles N. Ehrlich (formerly known as Karl Ehrlich), New York, N. Y., claim No. 6506.	do	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent No. 2,185,056, to the extent owned by claimant immediately prior to the vesting thereof.
R. Hoe & Co., Inc., New York, N. Y., claim No. A-384.	do	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent No. 1,724,590, to the extent owned by claimant immediately prior to the vesting thereof, and subject to the rights vested in the Alien Property Custodian by virtue of Vesting Order No. 4591 dated Feb. 6, 1945, said vesting order having vested all interests and rights created in Leonhard Horn by virtue of an agreement dated Dec. 3, 1931, between Leonhard Horn and the claimant relating, among other things, to United States Letters Patent No. 1,724,590.
The Light Conditioning Co. of America, Inc., Manhasset, L. I., N. Y., claim No. 1698.	do	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent No. 2,081,060, to the extent owned by claimant immediately prior to the vesting thereof.
Pyrene Development Corp. (formerly Pyrene-Minimax), Newark, N. J., claim No. A-398.	do	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent No. 1,669,213, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5279; Filed, June 3, 1947; 8:55 a. m.]

Reference

JUN 11 '47

Reference

JUN 11 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 110

Washington, Thursday, June 5, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2733

SIX RIVERS NATIONAL FOREST—CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that it would be in the interest of administrative management to consolidate certain portions of the Siskiyou, Klamath, and Trinity National Forests, within the State of California, into a national-forest unit designated as the Six Rivers National Forest:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States, under and by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103 (16 U. S. C. 471), and section 1 of the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), do proclaim that all lands within the exterior boundaries of those parts of the Siskiyou, Klamath, and Trinity National Forests lying west of the following-described line are hereby eliminated from those forests and are consolidated to form and shall hereafter constitute the Six Rivers National Forest:

Beginning at the point on the California-Oregon State boundary line in sec. 31, T. 19 N., R. 4 E., H. M., at intersection with the divide between the Illinois River and Smith River, thence southeasterly along said divide to "Youngs Peak" in sec. 4, T. 17 N., R. 5 E., H. M., thence southerly along the divide between the drainages of the Smith River and Klamath River to Chimney Rock in sec. 22, T. 14 N., R. 4 E., H. M., thence southeasterly along the divide between drainages of Dillon Creek, Rock Creek, Reynolds Creek, and Teneyok Creek, and those of Blue Creek, Bluff Creek, Camp Creek, and Wilson Creek to the intersection of the Klamath and Salmon Rivers in sec. 4, T. 11 N., R. 6 E., H. M., thence southeasterly along the divide between the drainages of the Salmon River and Klamath River to "Salmon Mountain" in sec. 8, T. 9 N., R. 7 E., H. M., thence southerly along the divide between the drainage of New River and that of the Klamath and Trinity Rivers to the intersection of the Trinity River and New River in sec. 2, T. 5 N., R. 6 E., H. M., thence southwesterly along divide between Gray Creek and Hennessy Creek to summit of "Hennessy Ridge" in sec. 5, T. 5 N., R. 6 E., H. M., thence southerly along divide between the main Trinity River and South Fork Trinity River to "Underwood Mountain" in sec. 11, T. 4 N., R. 6 E., H. M., thence southwesterly along the divide between Underwood Creek and Panther Creek to the South Fork Trinity River in sec. 20, T. 4 N., R. 6 E., H. M., thence southwesterly along the divide between the drainage of Grouse Creek and that of Grapevine, Saddle, Canyon, Monroe, and Big Creeks to the summit of "South Fork Mountain" and divide between South Fork Trinity River and Mad River in sec. 11, T. 3 N., R. 5 E., H. M., thence southeasterly along said divide to its intersection with the south boundary of the Trinity National Forest at "Horsehead Mountain" in sec. 5, T. 26 N., R. 11 W., M. D. M.

It is not intended by this proclamation to give a national-forest status to any publicly-owned lands which have not hitherto had such a status, or to change the status of any publicly-owned lands which have hitherto had national-forest status.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 3rd day of June in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-5402; Filed, June 4, 1947; 12:29 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL POWER COMMISSION

Under authority of § 6.1 (a) of Executive Order 9830 (12 F. R. 1259) and at the request of the Federal Power Commission, the Commission has determined that appointments to the positions listed below should be made in the same man-

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to the
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ner as are appointments to positions under Schedules A and B. The following subdivisions are therefore added to § 6.4:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(22) *Federal Power Commission.* • • •

(iv) Three special assistants to the Commission.

(v) One assistant to the Chairman.

• • • • • •

(b) *Schedule B.* • • •

(10) *Federal Power Commission.* • • •

(v) One chief of each of the following nine divisions: Accounts, Electrical, Finance and Statistics, Gas Certificates, Licensed Projects, Original Cost, Projects Cost, Rates, and River Basin.

(vi) A Chief Accountant.

Under authority of § 6.1 (d) of Executive Order No. 9830, and with the concurrence of the Federal Power Commission, the position of Chief Examiner is withdrawn from Schedule B, § 6.4 (b) (10) (ii).

(Secs. 6.1 (a) and 6.1 (d) E. O. 9830, 12 F. R. 1259)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5323; Filed, June 4, 1947; 8:46 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

In the subheading "List of positions excepted," the Commission has considered the request of the Secretary of Labor and has determined that the positions listed below should be excepted from the competitive service and appointments thereto made in the same manner as appointments are made to positions under Schedule A. The positions are, therefore, added to the list of positions excepted from the competitive service, effective upon publication in the FEDERAL REGISTER.

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(13) *Department of Labor.* • • •

(ix) Three administrative officers (special assistants to the Assistant Secretary).

(x) Two administrative officers.

(xi) Two labor economists (liaison officers).

(Sec. 6.1 (a) E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5322; Filed, June 4, 1947; 8:46 a. m.]

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

LIQUIDATION

Effective June 15, 1947, § 20.12 is amended to read as follows:

§ 20.12 *Special regulations on liquidation.* Whenever it has been determined that all functions and all positions in an entire department, an entire governmental entity, or an entire competitive area are to be abolished within a specified time period, actions may be taken in regard to individual employees at different dates at administrative discretion: *Provided, however,* That no employee with veteran preference shall be relieved from active duty before any competing employee in a lower retention subgroup is relieved from active duty, where their positions are immediately interchangeable: *Provided further,* That notices to group A–1 and A–2 employees with competitive status shall be made to conform to the notice requirements of § 20.10.

NOTE: A mere limitation of authority to a specified date in the law which establishes, authorizes, or extends an agency is not a sufficient basis for the application of the provisions of this section.

In such cases, the employees of the particular department, entity, or competitive area shall be given individual notices in writing containing a statement of the law, Executive order, or authority which requires the liquidation of the department, governmental entity, or competitive area, and the time period in which the liquidation is to be accomplished, and informing them of their rights to appeal to the Commission if they feel that there has not been compliance with the provisions of the regulations in this part. The notices shall also inform employees of their rights to retention on the rolls for at least thirty days, or if a group A–1 or A–2 employee with competitive status, for the period provided for in § 20.10, of the procedures necessary to exercise any reemployment rights they may have to positions in other departments, governmental entities, or competitive areas, and of the procedures necessary to secure other employment.

A report of all liquidation programs shall be made to the Commission which shall include (a) a copy of the law, Executive order, or other authority for the liquidation of the department, governmental entity, or competitive area; (b) a certificate that no employee with veteran preference is being relieved from active duty before any competing employee in a lower retention subgroup is relieved from active duty where their positions are immediately interchangeable; and (c) a list of all retention group A employees with classified (competitive) civil service status who have not been transferred or assigned to other positions. This report shall be submitted within ten days after the first individual notices of separation are given to the employees affected.

Where it is necessary to liquidate a major activity which is not an entire competitive area, or which is a part of

two or more competitive areas, the Commission will consider a request to establish such activity as a competitive area for the purpose of such liquidation.

(Sec. 12, 58 Stat. 390; 5 U. S. C., Sup., 861)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5324; Filed, June 4, 1947; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Seed Bulletin 1 (Purchase)]

PART 274—SEED PURCHASE AND LOAN PROGRAM

1947 SEED PURCHASE PROGRAM

This bulletin states the requirements with respect to the 1947 Winter Cover Crop Seed Purchase Program formulated by Commodity Credit Corporation and the Production and Marketing Administration under which purchases will be made of seed produced in 1947 (hereinafter referred to as the "commodity") delivered to designated delivery points in accordance with this bulletin.

Sec.
274.40 Administration of program.
274.41 Area and season of purchases.
274.42 Payment.
274.43 Eligible producer.
274.44 Eligible seed.
274.45 Approved forms.
274.46 Determination of quantity.
274.47 Determination of quality.
274.48 Liens.
274.49 Handling of seeds.
274.50 Charges to be paid by producers.
274.51 Set-offs.
274.52 Pricing basis.
274.53 Offices of Grain Branch.
274.54 Schedule of specifications and prices.
274.55 Approved bags.

AUTHORITY: §§ 274.40 to 274.55, inclusive, issued under authority contained in Article Third, pars. (b) and (j) of the Corporate Charter of the Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4 as amended, sec. 4 (b), 55 Stat. 498, 56 Stat. 768; 15 U. S. C., Sup., 713 (a), 713a-8 (b).

§ 274.40 *Administration of program.* The program will be administered at the county level by the county agricultural conservation committees under the general supervision of the respective State PMA committees.

Forms may be obtained from county committees, or from the office of the Grain Branch, Production and Marketing Administration, serving the area. State and county committees will determine or cause to be determined the quantity and grade of the commodity and the amount of the purchase price. All purchase documents will be completed and approved by the county committee, which will retain copies of all documents: *Provided, however,* That the county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee.

The county committee will furnish sellers with the address of the Grain Branch Office in the area to which purchase documents are to be forwarded for disbursement.

§ 274.41 *Area and season of purchases.*—(a) *Area.* Purchases will be made from eligible producers in the areas where facilities are available for cleaning and packaging the seed.

(b) *Purchase period.* Purchases of seed will be made from the 1947 harvesttime through April 30, 1948.

§ 274.42 *Payment.* Payments will be made direct to producers and others designated by producers (on CCC Purchase Form A) by the Office of the Grain Branch serving the area in which purchases are made.

§ 274.43 *Eligible producer.* An eligible producer is any person, partnership, association, or corporation harvesting the seed in 1947 as landowner, landlord, tenant, or custom harvester.

§ 274.44 *Eligible seed.* Eligible seed shall be hairy vetch and crimson clover (hereinafter called "seed") harvested in 1947 by eligible producers (hereinafter called "producer"), as defined in § 274.43, which meet the following requirements:

(a) *Specifications.* The seed must, by official test, be equal to or better in every respect than the minimum specifications for the particular kind of seed as shown in § 274.54.

(b) *Packaging.* The seed shall be packaged in new bags of approved quality (as described in § 274.55), of 100 pounds net, or either 100 pounds net or 150 pounds net in the case of crimson clover grown east of the Rocky Mountains.

(c) *Fumigation.* The seed shall be fumigated, if necessary, to eradicate or prevent insect infestation.

§ 274.45 *Approved forms.* The Memorandum of Purchase (CCC Purchase Form A) shall constitute the purchase document, and the provisions thereof together with the provisions of this Bulletin shall govern the conditions under which the purchase is made.

§ 274.46 *Determination of quantity.* The net weight of the seed shall constitute the quantity of seed purchased.

§ 274.47 *Determination of quality.* All determinations of germination and purity shall be on the basis of an official test of a representative sample. An "official test" shall be an analysis made by a seed testing laboratory approved by a State committee. A representative sample of bagged seed shall consist of equal portions taken from evenly distributed parts of the lot of seed to be sampled. In quantities of five bags or less, each bag shall be sampled; in quantities of more than five bags, at least every fifth bag but not less than five bags shall be sampled. A probe or trier shall be used in drawing these samples. Bulk seed shall be sampled by inserting a long probe or thrusting the hand into the bulk as circumstances require in at least seven uniformly distributed parts of the quantity being sampled.

Samples of seed submitted for analysis shall be of the following minimum weights:

(a) Five ounces of crimson clover.
(b) Two pounds of hairy vetch.

§ 274.48 *Liens.* The commodity must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the commodity, proper waivers must be obtained.

§ 274.49 *Handling of seeds.* Seed dealers, cooperative associations, or others having adequate facilities for handling the seed who agree in Memorandum of Understanding with the county committee to provide certain services in connection with seed purchased under the program will assemble the seed and prepare it for delivery. Instructions for shipment of the purchased seeds will be issued by the office of the Grain Branch and transmitted to the dealers through the State PMA and county offices.

§ 274.50 *Charges to be paid by producers.* In the case of seed purchased by Commodity Credit Corporation, the producer shall pay all cleaning expenses and other expenses (including bagging and cost of bags), except analysis expense, whether covered in this section or not, which are necessary to prepare the seed to meet all eligibility requirements. Producers shall pay all charges (including charges for the issuance of reports) in connection with the sampling and analysis of seed which, by official test, is not of an eligible quality.

§ 274.51 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the sale to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. The Commodity Credit Corporation shall be given first consideration for outstanding indebtedness after claims of prior lienholders.

§ 274.52 *Pricing basis.* The prices to be paid for the seed shall be computed in accordance with the applicable schedule for the area.

§ 274.53 *Offices of Grain Branch.* The offices of the Grain Branch referred to in this section and the areas served by them under §§ 274.40 to 274.55 are shown below:

Address and Area

623 South Wabash Avenue, Chicago 3, Ill.: Conecticut, Delaware, Illinois (except East St. Louis), Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia.

Municipal Auditorium, Room 2152, 212 West 14th Street, Kansas City 8, Mo.: Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri (also East St. Louis), Nebraska, New Mexico, Oklahoma, South Carolina, Texas, and Wyoming.

Eastern Outfitting Building, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

326 McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

§ 274.54 *Schedule of specifications and prices.*

	Hairy vetch[1]	Crimson clover
(a) Basic price per pound[2]	[3] $0.12	[3] $0.115
(b) Basic price requirements:		
Germination[4]	90	85
Purity	95	98
Total winter legume	98	(5)
Noxious weeds permitted	(6)	[7] None
Common weed not to exceed		1%
Other crop seed permitted	(6)	2%
(c) Discount per cwt. applicable for each percent below the basic price requirements for:		
Germination[4]	$0.16	$0.16
Purity	$0.09	$0.20
(d) Minimum eligibility requirements:		
Germination[4]	70	75
Purity	70	90
Total winter legume	98	(5)
Noxious weeds permitted	(6)	[7] None
Common weed not to exceed		1%
Other crop seed permitted	(6)	2%

[1] Price of hairy vetch shall not be discounted due to the presence of woolly pod.
[2] The price of hairy vetch and crimson clover when grown east of the Rocky Mountains will be one cent per pound higher than the prices shown herein.
[3] Live seed including hard seed.
[4] No requirements specified for this item. However, the total winter legume requirements where specified and the purity requirements for crimson clover must be met in order for seed to be eligible for purchase.
[5] Crimson clover containing not more than 5 wild onion bulblets per pound will be eligible for purchase in Kentucky only at a discount of $1.00 per cwt.

§ 274.55 *Approved bags.* The following chart indicates the types of new bags approved for use in packaging seed of the 1947 crop.

(a) *For hairy vetch:*

Type	Net capacity (pounds)
(1) 3-harness twill: (i) 36-inch 8-oz. or heavier	100
(2) Try-sax:	
(i) 36-inch 7.5-oz. or heavier	100
(ii) 40-inch 8.25-oz. or heavier	100
(3) Osnaburg:	
(i) 36-inch 7-oz. or heavier	100
(ii) 40-inch 2.05-yard or heavier	100
(4) Burlap: (i) 10-oz. or heavier	100

(b) *For crimson clover:*

(1) Try-sax (double seam):	
(i) 36-inch 7.5-oz. or heavier	100
(ii) 40-inch 8.25-oz. or heavier	100
(2) Osnaburg (seamless or double seam):	
(i) 36-inch 7-oz. or heavier	100
(3) Seamless cotton 16-oz	150

Approved: May 29, 1947.

[SEAL] C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 47-5318; Filed, June 4, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of Secretary of Agriculture

PART 7—PRICE DECONTROL AND RECONTROL

CERTIFICATION OF AGRICULTURAL COMMODITIES IN SHORT SUPPLY

Pursuant to the authority vested in me by the Emergency Price Control Act of 1942, as amended, and particularly by section 1A (e) of said act as added by the Price Control Extension Act of 1946, I hereby determine and certify that no modifications in the certification of commodities in short supply (§ 7.50 *Certification of Agricultural Commodities in short supply*) made on September 1, 1946, as amended (11 F. R. 9669, 11349, 13135, 14063; 12 F. R. 60, 825, 1475, 2215, 3049), should be and none are hereby made.

(Pub. Law 548, 79th Cong.)

Done this 29th day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5307; Filed, June 4, 1947; 8:52 a. m.]

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

U. S. STANDARDS FOR POTATOES

By virtue of the authority (11 F. R. 7713) vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for Potatoes which were issued September 10, 1941. These standards are currently in effect pursuant to the Department of Agriculture Appropriation Act of 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946).

§ 51.366 *Potatoes*—(a) *General.* (1) All percentages shall be calculated on the basis of weight.

(2) The tolerances for the standards are on a container basis. However, if the averages for the entire lot, based on sample inspection, are within the tolerances specified in the standards, the contents of individual packages in the lot may vary from the specified tolerances subject to the following limitations:

(i) When the tolerance specified is 10 percent or more, not over one-tenth of the individual packages in the lot may contain more than one and one-half times the tolerance except that at least one defective specimen shall be permitted in a package.

(ii) When the tolerance specified is less than 10 percent, not over one-tenth of the individual packages in any lot may contain more than double the tolerance specified, but no package may contain more than four times the tolerance for soft rot or wet breakdown except that at least one defective specimen shall be permitted in a package.

(b) *Grades.* (1) "U. S. Fancy" shall consist of potatoes of one variety or similar varietal characteristics which are firm, mature, bright, well shaped, free from freezing injury, blackheart, blight, shriveling, sprouting, wireworm injury, soft rot or wet breakdown, hollow heart, and internal discoloration, and free from injury caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, cuts, scab, dry rot, rhizoctonia, other disease, other insects or mechanical or other means.

(i) The diameter of each potato shall be not less than 2 inches.

(ii) For long varieties such as Burbank, Russet Burbank, Early Ohio, Pride of Wisconsin, or other similar varieties, not less than 40 percent of the potatoes in any lot shall be 6 ounces or more in weight.

(iii) For round or intermediate shaped varieties such as Irish Cobbler, Bliss Triumph, Green Mountain, or other similar varieties, not less than 60 percent of the potatoes in any lot shall be 2¼ inches or larger in diameter.

(iv) The size of the potatoes may be stated in terms of minimum diameter or minimum weight, or of range in diameter or weight, or of a certain percentage over a certain size, following the grade name, but in no case shall the potatoes be below the sizes specified for this grade. (See Tolerance for Size.)

(v) Tolerance for defects: In order to allow for variations other than size incident to proper grading and handling, not more than 6 percent of the potatoes in any container may be below the requirements of the grade but not to exceed one-sixth of this amount, or 1 percent, shall be allowed for potatoes affected by soft rot or wet breakdown.

(2) "U. S. Extra No. 1" shall consist of potatoes of one variety or similar varietal characteristics which are fairly well shaped, fairly clean, free from freezing injury, blackheart, blight, and soft rot or wet breakdown and from damage caused by sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, cuts, shriveling, sprouting, scab, dry rot, rhizoctonia, other disease, wireworm, other insects or mechanical or other means.

(i) Unless otherwise specified, size of potatoes (See Size Classification and Tolerance for Size) shall be as follows:

(ii) The diameter of each potato shall be not less than 1⅞ inches.

(iii) For long varieties such as Burbank, Russet Burbank, Early Ohio, Pride of Wisconsin, or other similar varieties, not less than 60 percent of the potatoes in the lot shall be 6 ounces or larger, of which not less than one-half, or 30 percent, shall be 10 ounces or more in weight.

(iv) For round or intermediate shaped varieties, such as Irish Cobbler, Bliss Triumph, Green Mountain or other similar varieties, not less than 60 percent of potatoes in the lot shall be 2¼ inches or larger, of which not less than one-half, or 30 percent, shall be 2¾ inches or larger in diameter.

(v) Tolerance for defects: In order to allow for variations other than size incident to proper grading and handling, not more than 6 percent of the potatoes in any container may be below the requirements of the grade, but not to exceed one-sixth of this amount, or 1 percent, shall be allowed for potatoes affected by soft rot or wet breakdown. In addition, not more than 5 percent may be damaged by hollow heart, and internal discoloration.

(3) "U. S. No. 1" shall consist of potatoes of one variety or similar varietal characteristics which are fairly well shaped, free from freezing injury, blackheart, blight, and soft rot or wet break-

down, and from damage caused by dirt of other foreign matter, sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, cuts, shriveling, sprouting, scab, dry rot, rhizoctonia, other disease, wireworm, other insects or mechanical or other means.

(i) Unless otherwise specified the diameter of each potato shall not be less than $1\frac{7}{8}$ inches. (See Size Classification and Tolerance for Size.)

(ii) Tolerance for defects. In order to allow for variations other than size incident to proper grading and handling, not more than 6 percent of the potatoes in any container may be below the requirements of the grade but not to exceed one-sixth of this amount, or 1 percent, shall be allowed for potatoes affected by soft rot or wet breakdown. In addition, not more than 5 percent may be damaged by hollow heart and internal discoloration.

(4) "U. S. Commercial" shall consist of potatoes which meet the requirements of U. S. No. 1 grade except that they shall be free from serious damage by dirt and except for the increased tolerance for defects specified below.

(i) Unless otherwise specified, the diameter of each potato shall be not less than $1\frac{7}{8}$ inches. (See Size Classification and Tolerance for Size.)

(ii) Tolerance for defects: In order to allow for variations other than size and sprouting incident to proper grading and handling, not more than a total of 20 percent of the potatoes in any container may be below the requirements of this grade, but not more than 5 percent may be seriously damaged by hollow heart and internal discoloration and not over 6 percent may be below the remaining requirements of U. S. No. 2 grade, provided that not more than one-sixth of this amount, or 1 percent, shall be allowed for potatoes affected by soft rot or wet breakdown. In addition, not more than 10 percent of the potatoes may have sprouts over $\frac{3}{4}$-inch long but which are not seriously damaged by shriveling: *Provided*, That if all of the 20 percent tolerance is not used for other defects, the unused part of the tolerance may also be used for potatoes having sprouts over $\frac{3}{4}$-inch long but which are not seriously damaged by shriveling.

(5) "U. S. No. 2" shall consist of potatoes of one variety or similar varietal characteristics which are free from freezing injury, blackheart, and soft rot or wet breakdown and from serious damage caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, cuts, shriveling, scab, blight, dry rot, other disease, wireworm, other insects, or mechanical or other means.

(i) Unless otherwise specified the diameter of each potato shall be not less than $1\frac{1}{2}$ inches. (See Size Classification and Tolerance for Size.)

(ii) Tolerance for defects: In order to allow for variations other than size, incident to proper grading and handling, not more than 6 percent of the potatoes in any container may be below the requirements of the grade, but not to exceed one-sixth of this amount, or 1 percent, shall be allowed for potatoes affected by soft rot or wet breakdown. In addition, not more than 5 percent may be seriously damaged by hollow heart and internal discoloration.

(c) "Unclassified" shall consist of potatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Size classification for all grades except U. S. Fancy.* (1) When the potatoes are designated as "U. S. No. 1," "U. S. Commercial," or "U. S. No. 2" without specifying a size classification, it is understood that the potatoes meet the minimum size specified in the grade but that no definite percentage of the potatoes is required to be larger than this minimum size.

(2) When potatoes meet the requirements of either size A or size B as described below, the size classification may be specified in connection with any of the U. S. grades except Fancy, as: "U. S. No. 1, Size A"; "U. S. Extra No. 1, Size A"; "U. S. Commercial, Size B"; "U. S. No. 1, Size B"; "U. S. No. 2, Size A"; or "U. S. No. 2, Size B"; in accordance with the facts. When Size A or Size B is used in connection with the grade, it is not permissible to specify any smaller sizes than those specified under these designations.

(3) Size A: (i) For long varieties such as Burbank, Russet Burbank, Early Ohio, Pride of Wisconsin, or other similar varieties, the diameter of each potato shall be not less than $1\frac{7}{8}$ inches and not less than 40 percent of the potatoes in the lot shall be 6 ounces or more in weight.

(ii) For round or intermediate shaped varieties such as Irish Cobbler, Bliss Triumph, Green Mountain, or other similar varieties, the diameter of each potato shall be not less than $1\frac{7}{8}$ inches and not less than 60 percent of the potatoes in the lot shall be $2\frac{1}{4}$ inches or larger in diameter.

(4) Size B: For all varieties the size shall be from $1\frac{1}{2}$ inches to not more than 2 inches in diameter.

(5) Other sizes: When either of the above size designations is not used in connection with U. S. Extra No. 1, U. S. No. 1, U. S. Commercial, or U. S. No. 2 grades, it is permissible to specify any other minimum size such as "$1\frac{1}{2}$ inches minimum," "2 inches minimum"; or both a minimum and a maximum size as "$1\frac{7}{8}$ inches to 3 inches," "6 to 10 ounces"; or to specify a certain percentage over a certain size as "25 percent or more $2\frac{1}{4}$ inches and larger," "50 percent or more 6 ounces and larger."

(6) Tolerance for size: (i) In order to allow for variations incident to proper sizing, not more than 3 percent of the potatoes in any container may be below the specified minimum size except that a tolerance of 5 percent shall be allowed for potatoes packed to meet a minimum size of $2\frac{1}{4}$ inches or more in diameter, or 6 ounces or larger in weight. In addition, not more than 15 percent may be above any specified maximum size.

(ii) When a percentage of the potatoes is specified to be of a certain size and larger, no part of any tolerance shall be used to reduce such a percentage for the lot as a whole, but individual containers may have not more than 15 percent less than the percentage required or specified: *Provided*, That the entire lot averages within the percentage specified. For example, a lot specified as 25 percent $2\frac{1}{2}$ inches and larger may have containers with not less than 10 percent $2\frac{1}{2}$ inches and larger provided the lot as a whole averages 25 percent $2\frac{1}{2}$ inches and larger.

(e) *Definitions.* (1) "Mature" means that the outer skin (epidermis) does not loosen or "feather" readily during the ordinary methods of handling.

(2) "Bright" means practically free from dirt or other foreign matter, and that the outer skin (epidermis) has the attractive color normal of the variety.

(3) "Well shaped" means the normal shape for the variety and that the potato is not pointed, dumbbell-shaped, excessively elongated, or otherwise ill-formed.

(4) "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury or sunscald.

(5) "Internal discoloration" means discoloration such as is caused by net necrosis or any other type of necrosis, stem-end browning, internal brown spot, or other similar types of discoloration not visible externally, except blackheart.

(6) "Injury" means any defect which more than slightly affects the shipping quality or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 2 percent of the total weight of the potato including peel covering defective area.

(7) "Diameter" means the greatest dimension at right angles to the longitudinal axis. The long axis shall be used without regard to the position of the stem (rhizome).

(8) "Fairly well shaped" means that the appearance of the individual potato or the general appearance of the potatoes in the container is not materially injured by pointed, dumbbell-shaped or otherwise ill-formed potatoes.

(9) "Fairly clean" means that from the viewpoint of general appearance the potatoes in the container are reasonably free from dirt or other foreign matter and that individual potatoes are not materially caked with dirt or materially stained.

(10) "Damage" means any injury or defect which materially injures the shipping quality or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering defective area. Loss of outer skin (epidermis) shall not be considered as damage unless the skinned surface is materially affected by very dark discoloration. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Second growth or growth cracks which have developed to such an extent as to materially injure the appearance of the individual potato or the general appearance of the potatoes in the container.

(ii) Air cracks which are deep, or shallow air cracks which materially injure the appearance of the individual potato or the general appearance of the potatoes in the container.

(iii) Shriveling when the potato is more than moderately shriveled, spongy, or flabby.

(iv) Sprouting when more than 10 percent of the potatoes have sprouts over three-fourths of an inch long.

(v) Surface scab which covers an area of more than 5 percent of the surface of the potato in the aggregate.

(vi) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 5 percent of the total weight of the potato including peel covering defective area.

(vii) Rhizoctonia when the general appearance of the potatoes in the container is materially injured or when individual potatoes are badly infected.

(viii) Wireworm, grass root or similar injury when any hole, on potatoes ranging in size from 6 to 8 ounces, is longer than $\frac{3}{4}$-inch or when the aggregate length of all holes is more than $1\frac{1}{4}$ inches. Smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts, provided that the removal of the injury by proper trimming does not cause the appearance of such potatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato.

(ix) Dirt when the general appearance of the potatoes in the container is more than slightly dirty or stained, or when individual potatoes are badly caked with dirt or badly stained; or other foreign matter which materially affects the appearance of the potatoes.

(11) "Serious damage" means any injury or defect which seriously injures the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(i) Dirt when the general appearance of the potatoes in the container is seriously affected by tubers badly caked with dirt; or other foreign matter which seriously affects the appearance of the potatoes.

(ii) Fairly smooth cuts such as are made by the digger or by a knife to remove injury when both ends are clipped, or when more than an estimated one-fourth of the potato is cut away, or, in the case of long varieties, when the remaining portion of the clipped potato weighs less than 6 ounces. Irregular types of cuts which seriously affect the appearance of the individual potato, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area.

(iii) Shriveling when the potato is excessively shriveled, spongy, or flabby.

(iv) Surface scab which covers an area of more than 50 percent of the surface of the potato in the aggregate.

(v) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 10 percent of the total weight of the potato including peel covering defective area.

(vi) Wireworm, grass root or similar injury when any hole, on potatoes ranging in size from 6 to 8 ounces, is longer than $1\frac{1}{4}$ inches or when the aggregate length of all holes is more than 2 inches. Smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts; *Provided*, That the removal of the injury by proper trimming, does not cause the appearance of such potatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato.

Done at Washington, D. C. this 2d day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-5319; Filed, June 4, 1947; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Plum Order 4]

PART 936—FRESH BARTLETT PEARS, PLUMS AND ELBERTA PEACHES GROWN IN CALIFORNIA

GRADES AND SIZES

§ 936.305 *Plum Order 4*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of Climax plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 6, 1947, and ending 12:01 a. m., P. s. t., August 1, 1947, no shipper shall ship:

(i) Any package or container of Climax plums containing plums which do not meet the requirements of U. S. No. 1 grade, or higher grade (specified for such grades in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of fifteen (15) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Climax plums containing plums of a size smaller than the size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph number 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows:

(i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1\frac{11}{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end;

(ii) At least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1\frac{5}{16}$ inches in diameter; and

(iii) No plums contained in any such pack measure, as aforesaid, less than $1\frac{7}{16}$ inches in diameter.

(3) Each shipper, prior to making each shipment of Climax plums, shall, during the period set forth in sub-paragraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Climax plums contained in each such lot or shipment: *Provided, however*, That in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Fed-

eral-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) The terms "shipper," "ship," "shipping point," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order. The term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 3d day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5378; Filed, June 4, 1947; 10:40 a. m.]

[Plum Order 5]

PART 936—FRESH BARTLETT PEARS, PLUMS AND ELBERTA PEACHES GROWN IN CALIFORNIA

GRADES AND SIZES

§ 936.306 *Plum Order 5*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of Tragedy plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 6, 1947, and ending at 12:01 a. m., P. s. t., October 1, 1947, no shipper shall ship:

(i) Any package or container of Tragedy plums containing plums which do not meet the requirements of U. S. No. 1 grade, or higher grade (as specified for such grades in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of twenty-five (25) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Tragedy plums containing plums of a size smaller than the size that will pack a 6 x 6 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 6 x 6 standard pack is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Tragedy plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(*a*) Of said total quantity, at least eighty-five (85) percent, by number of packages, shall be of a size not smaller than a size that will pack a 5 x 6 standard pack, as specified in the aforesaid United States Standards, in the aforesaid standard basket; and said 5 x 6 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

(*b*) The remainder of such total quantity may be of a size that will pack a 6 x 6 standard pack, as aforesaid, or of larger sizes up to, but not including, a size that will pack a 5 x 6 standard pack, as aforesaid.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Tragedy plums that will pack a 6 x 6 standard pack, and larger sizes, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Tragedy plums of such size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows:

(i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1\frac{7}{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end;

(ii) At least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1\frac{5}{16}$ inches in diameter; and

(iii) No plums contained in any such pack measure, as aforesaid, less than $1\frac{3}{16}$ inches in diameter.

(4) As used in this section, the aforesaid 6 x 6 standard pack is defined more specifically as follows:

(i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1\frac{5}{16}$ inches in diameter;

(ii) At least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1\frac{3}{16}$ inches in diameter; and

(iii) No plums contained in any such pack measure, as aforesaid, less than $1\frac{1}{16}$ inches in diameter.

(5) Nothing contained in this section shall be construed;

(i) As preventing a shipper from shipping Tragedy plums of a size larger than the size that will pack a 5 x 6 standard pack, as aforesaid, if said plums meet the grade requirements hereof; or

(ii) As permitting the shipment of Tragedy plums of a size smaller than a size that will pack a 6 x 6 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(6) Each shipper, prior to making each shipment of Tragedy plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Tragedy plums contained in each such lot or shipment: *Provided, however*, That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specfied in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(7) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(8) The terms "shipper," "ship," "shipping," "shipping point," and "shipment," shall have the same meaning as when used in the amended marketing agreement and order. The term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 3d day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5380; Filed, June 4, 1947; 10:42 a. m.]

[Plum Order 6]

PART 936—FRESH BARTLETT PEARS, PLUMS AND ELBERTA PEACHES GROWN IN CALIFORNIA

GRADE

§ 936.307 *Plum Order 6*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of plums of the Amador, Apex, California Blue, Earliana, Emily, Improved Satsuma, Satsuma, Shiro, Splendor and Standard varieties (hereinafter referred to as "miscellaneous varieties of plums"), as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 6, 1947, and ending at 12:01 a. m., P. s. t., October 1, 1947, no shipper shall ship:

(i) Any package or container of miscellaneous varieties of plums containing plums which do not meet the requirements of U. S. No. 1 grade, or higher grade (as specified for such grades in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards.

(2) Each shipper, prior to making each shipment of miscellaneous varieties of plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades of the miscellaneous varieties of plums contained in each such lot of shipment: *Provided, however*, That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade regulations applicable to such shipment.

(3) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(4) The terms "shipper," "ship," "shipping," "shipping point," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order. The term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 3d day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5379; Filed, June 4, 1947; 10:40 a. m.]

Chapter XXI—Organization, Functions, and Procedure

Subchapter C—Production and Marketing Administration

PART 2305—FRUIT AND VEGETABLE BRANCH

ORGANIZATION

Section 2305.1 (b) (6) of Title 7, issued September 11, 1946 (11 F. R. 177A-268), is hereby amended by adding at the end thereof a new sentence to read as follows: "The Director is authorized to exercise all of the powers vested in the Assistant Administrator by the rules of practice (7 CFR 47) issued under the Perishable Agricultural Commodities Act (7 U. S. C. 499a et seq.), with power to redelegate to any officer or employee in the Branch."

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Issued this 29th day of May 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-5316; Filed, June 4, 1947; 8:47 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 504—ARMY EXCHANGES

MISCELLANEOUS AMENDMENTS

Amend paragraph (c) (5) (i) of § 504.5 and rescind § 504.13 as follows:

§ 504.5 *Activities.* • • •

(c) *Concessions.* • • •

(5) Contracts with concessionaires will provide:

(i) For the payment of commissions to the exchange at the rate of 10 per centum of gross concession sales, except that the army commander or, in the case of class III installations, the officer-in-charge of the appropriate Army Exchange Service regional office may authorize the execution of a concession contract providing for payment of commissions at a higher rate, or at a lower rate where it is determined by the exchange officer, with the approval of the commanding officer, that a concession contract requiring the payment of the 10 per centum commission is not feasible in the case of an activity which cannot practicably be conducted by the exchange itself.

• • • • • •

§ 504.13 *Liquidation of accounts payable of exchanges lost through enemy action.* [Rescinded]

[AR 210-65 June 12, 1945 as amended by C 6, May 15, 1947] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General, The Adjutant General.

[F. R. Doc. 47-5296; Filed, June 4, 1947; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 391]

PART 202—ACCOUNTS, RECORDS, AND REPORTS

Correction

In Federal Register Document 47-4818, appearing at page 3311 of the issue for Friday, May 23, 1947, the following changes are made:

The eleventh line of § 202.3 (c) should read: "for the prescribed period, may be destroyed if".

In paragraph (d) 24B, paragraph (2) should read: "(2) Clock cards and flight crews' time records: 3 yrs."

In paragraph (d) 28 the word "issues" should read "issued".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5234]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CANUTE CO.

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with the offering for sale, sale, or distribution of respondent's preparation, Canute Water, or any other preparation of substantially similar composition or possessing substantially similar properties, (1) disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondent's preparation, which advertisements represent, directly or through inference, that respondent's preparation is water or anything other than hair dye, or which advertisements use in the context thereof the term "pure" to designate or describe respondent's preparation, Canute Water; or (2) using the term "Canute Water" as a brand or trade name, to designate or describe respondent's said hair-dye preparation without clearly and conspicuously stating in immediate connection and conjunction therewith that said preparation is a silver-nitrate hair dye; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Canute Company, Docket 5234, March 31, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of March A. D. 1947.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Canute Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of its preparation, Canute Water, or any other preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act which advertisement represents, directly or through inference, that respondent's preparation is water or anything other than hair dye, or which advertisement uses in the context thereof the term "pure" to designate or describe respondent's preparation, Canute Water.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of respondent's cosmetic preparation which advertisement contains any of the representations prohibited in paragraph 1 hereof.

3. Using the term "Canute Water" as a brand or trade name, or the term "Water" as a part of such brand or trade name, to designate or describe respondent's hair-dye preparation without clearly and conspicuously stating in immediate connection and conjunction therewith that said preparation is a silver-nitrate hair dye.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-5311; Filed, June 4, 1947; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51685]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

WITHDRAWAL OF COVERINGS OR CONTAINERS OF ARTICLES OR MATERIALS FROM BONDED MANUFACTURING WAREHOUSES

Section 19.15 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 19.15 (b)), is hereby amended to read as follows:

§ 19.15 *Withdrawal for exportation of articles manufactured in bond; waste, or by products, for consumption.* • • •

(b) The coverings or containers of imported articles or materials, whether or not subject to duty apart from their contents, are not "articles or materials" within the meaning of section 311, Tariff Act of 1930, as amended, and need not be exported, but may be withdrawn from the warehouse for consumption under customs Form 7505 upon payment of the duties applicable to such coverings or containers in their condition as withdrawn.

(Sec. 311, 46 Stat. 691, sec. 404, 49 Stat. 1960; 19 U. S. C. 1311)

[SEAL] FRANK DOW, *Acting Commissioner of Custom.*

Approved: May 27, 1947.

E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-5312; Filed, June 4, 1947; 8:53 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 10—PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE TREASURY DEPARTMENT

Sections 10.1 to 10.13, inclusive, are Part 10 as published in the original edition of the Code of Federal Regulations and as amended from time to time thereafter, including minor clarifying and technical amendments now made.

Sec.
10.1 Committee established.
10.2 Rules and regulations relating to practice.
10.3 Qualifications for enrollment.
10.4 Application for enrollment.
10.5 Customhouse brokers.
10.6 Roster of enrollees; enrollment cards.
10.7 Proceedings for disbarment, suspension, and reinstatement.
10.8 Authority to prosecute claims.
10.9 Substitution of attorneys or agents; revocation of authority.
10.10 Disreputable conduct.
10.11 Striking names from roll.
10.12 Application and effective date of regulations.
10.13 Withdrawal or amendment of regulations.

AUTHORITY: §§ 10.1 to 10.13, inclusive, issued under section 3, 23 Stat. 258; Pub. Law 404, 79th Cong. 60 Stat. 237; 5 U. S. C. 261.

§ 10.1 *Committee established*—(a) *Committee on Practice.* A Committee on Practice is hereby created consisting of such number of members as shall be appointed by the Secretary of the Treasury. The Secretary shall designate a chairman of the Committee. The Secretary in his discretion may appoint a part-time member or members of the Committee, and, whenever in his judgment such action is necessary, the Secretary may appoint some person to serve temporarily as a substitute for a regular member of the Committee. The Committee shall have such powers to prescribe rules for its own government and procedure as are set forth elsewhere in the regulations in this part. The Committee shall meet at such times as it may designate or at the call of the chairman. Two members of the Committee shall constitute a quorum.

(b) *Duties of the Committee.* The Committee shall receive and act upon applications to be recognized as attorneys or agents before the Treasury Department; receive and act upon applications for reenrollment from attorneys or agents who have been disbarred; conduct hearings; make inquiries; and perform other duties as prescribed herein.

(c) *Secretary of the Committee.* The Secretary of the Treasury may appoint a person to act as secretary of the Committee or designate a member of the Committee to act as secretary. The secretary of the Committee shall keep and maintain its records, shall have custody of all its papers, records, rolls, and files, and shall perform such other duties reasonably incident to his office as the Committee shall direct. If no secretary is appointed or designated, the duties

herein enumerated shall devolve upon the chairman of the Committee, or upon such person or persons as he may designate.

(d) *Attorney for the Government.* The Secretary of the Treasury shall appoint an attorney not a member of the Committee as Attorney for the Government to prepare and present all formal statements of charges against enrolled attorneys or agents, to supervise the gathering of evidence in support of such charges, including the taking of depositions, to represent the Government in all proceedings before the Committee, to represent the Government in all proceedings pursuant to § 10.7, and to perform other duties incident to his position.

§ 10.2 *Rules and regulations relating to practice*—(a) *Eligibility to practice.* (1) No attorney or agent shall be eligible to practice before the Treasury Department unless such attorney or agent is enrolled in accordance with the regulations in this part or prior regulations, except that any individual may appear, without enrollment, on his own behalf or in behalf of a member of his immediate family if such appearance is without compensation; and a member of a partnership, an officer of a corporation, or an authorized regular employee of an individual, partnership, corporation, or estate, may likewise appear, without enrollment, in any matter relating to such individual, partnership, corporation, or estate pending before the Treasury Department if he presents adequate identification to the officials of the Department. Enrollment is not required for appearances by trustees, receivers, guardians, administrators, and executors on behalf of trusts, receiverships, guardianships, or estates of which such persons are the trustees, receivers, guardians, administrators, or executors, if adequate identification is presented to the officials of the Department. This rule also applies to an individual, a partnership, an estate or trust, or a corporation with respect to the liability of the individual, partnership, estate or trust, or corporation as a transferee of property of a taxpayer and to a fiduciary with respect to the liability of the fiduciary under section 518 (a), 48 Stat. 760; 31 U. S. C. 192. No enrolled person or other person authorized to appear before the Treasury Department without enrollment shall represent a claimant before the Treasury Department in any matter to which the enrollee, as officer or employee of the United States, gave personal consideration or as to the facts of which he gained knowledge while in the Government service.

(2) No former officer, clerk, or employee of the Treasury Department shall act as attorney or agent, or as the employee of an attorney or agent within 2 years after the termination of such Treasury employment, in any matter pending in such Department during the period of his employment therein, unless he shall first obtain the written consent thereto of the Secretary of the Treasury or his duly authorized representative. This consent will not be granted unless it appears (i) that the applicant was not, during the period of 2 years immediately preceding the date of application, employed in the particular departmental or field section in which was pending the matter, to handle which consent is sought, provided that this requirement shall not apply to persons employed in an administrative capacity such as head of a unit, division, or section, or employed as a reviewer or conferee or in an advisory capacity; and (ii) that employment as an agent or attorney is not prohibited by section 5, 17 Stat. 202; 5 U. S. C. 99, or other law, or by the regulations of the Treasury Department. Such applicant shall be required to file a declaration to the effect that he gave no personal consideration to such matter and had no knowledge of the facts involved in such matter while he was employed in the Department and that he is not now associated with, and will not be associated with, any former employee who has gained knowledge of the case while employed by the Treasury Department, and that his employment is not prohibited by law, or by the regulations of the Treasury Department. The statements contained in such declaration shall not be sufficient if disproved by an examination of the files and records pertaining to the case. Applications for consent should be directed to the Committee on Practice on Form 901 and should state the former connection with the Department of the applicant and identify the matter in which the applicant desires to appear. The applicant shall be promptly advised as to his privilege to appear in the particular matter, and this notice shall be filed by him in the record of the case.

(3) Nor shall any enrolled person knowingly (i) assist a person who has been employed by a client to represent him before the Treasury Department in connection with any matter to which such person gave personal consideration or as to the facts of which such person gained personal knowledge while in the Government service, or (ii) accept assistance from any such person in connection with any such matter, or (iii) share fees with any such person in connection with any such matter.

(b) *Scope of practice before the Department.* Practice before the Treasury Department shall be deemed to comprehend all matters connected with the presentation of a client's interests to the Treasury Department, including the preparation and filing of necessary written documents, and correspondence with the Treasury Department relative to such interests. Unless otherwise stated the term "Treasury Department" as used in this paragraph and elsewhere in this part includes any division, branch, bureau, office, or unit of the Treasury Department, whether in Washington or in the field, and any officer or employee of any such division, branch, bureau, office, or unit.

(c) *Knowledge of client's omission.* Each enrolled attorney or agent who knows that a client has not complied with the law or has made an error in, or an omission from, any return, document, affidavit, or other paper, which the law requires such client to execute, shall advise his client promptly of the fact of such noncompliance, error, or omission.

(d) *Duty of enrollees concerning violations.* It shall be the duty of an enrolled attorney or agent, when requested by the Committee or the attorney for the Government, to give the Committee or the said attorney any information which he may have concerning violations of the regulations in this part or of the occurrence of any acts or omissions which would be grounds for suspension or disbarment, unless said information is privileged.

(e) *Use of fictitious names.* Every enrolled attorney or agent practicing as an individual shall use his legal name in the conduct of his legal, accounting, or other professional practice. The term "company," "associates," "accountants," "auditors," "engineers," or other plural forms suggesting a partnership, or language of similar import, used in connection with a name or title, or any fictitious title, or trade name, shall be used only by a bona fide partnership consisting of two or more members, and all stationery, listings, advertisements, and announcements of enrolled persons shall conform to the principles herein stated.

(f) *Rights and duties of agents.* An agent enrolled before the Treasury Department shall have the same rights, powers, and privileges and be subject to the same duties as an enrolled attorney: *Provided*, That an enrolled agent shall not have the privilege of drafting or preparing any written instrument by which title to real or personal property may be conveyed or transferred for the purpose of affecting Federal taxes, nor shall such enrolled agent advise a client as to the legal sufficiency of such an instrument or its legal effect upon the Federal taxes of such client: *And provided further*, That nothing in the regulations in this part shall be construed as authorizing persons not members of the bar to practice law.

(g) *Certification of documents.* Every claim, affidavit, written argument, brief, or statement of fact, prepared or filed by an enrolled attorney or agent in any matter pending before the Treasury Department, shall have affixed thereto a statement signed by such attorney or agent showing whether he prepared such document and whether or not he knows of his own knowledge that the statements of fact contained therein are true.

(h) (Revoked.)

(i) *Enrollees as notaries.* No enrolled attorney or agent as notary public shall take acknowledgments, administer oaths, certify papers, or perform any official act in connection with matters in which he is employed as counsel, attorney, or agent, or in which he may be in any way interested before the Treasury Department. Under the provisions of this paragraph an enrolled person who is a notary public is prohibited from taking any acknowledgment, oath, or certification as a notary public in connection with any tax return, protest, or other document which he has prepared or in the preparation of which he has assisted. (26 Op. Atty. Gen. 236)

(j) *Unimpaired status required.* It shall be incumbent upon each enrolled person (1) who is authorized to practice as a certified public accountant or as a public accountant to maintain unim-

paired his right to practice as a certified public accountant or public accountant; (2) who is admitted to practice before any court to maintain unimpaired his right to practice before such court; and (3) who is enrolled or admitted to practice before another department or agency of the Government to maintain unimpaired his standing before such department or agency.

(k) *Certain partnerships prohibited.* No enrolled person shall maintain a partnership for the practice of law, accountancy, or other related professional service with a person who is under disbarment from practicing before the Treasury Department or any other Government department or agency, or with an unenrolled person who is neither an attorney legally practicing law nor a certified public accountant or a public accountant legally practicing accountancy.

(l) *Practice by corporations prohibited.* No enrolled person shall be connected with an accounting corporation either as officer, employee, or stockholder; nor shall any enrolled person, while employed as an officer, employee, attorney, or agent of any corporation, practice before the Treasury Department on behalf of such corporation as the representative of the officers, employees, directors, stockholders or members, customers or clients, of such corporation, except as permitted by § 10.5. The term "corporation" as used in this paragraph and elsewhere in this part shall be deemed to include associations, joint stock companies, and insurance companies. Nothing contained herein shall prevent an enrolled person from being employed by agricultural cooperative associations, on a nonprofit basis and not subject to Federal income taxes, to represent before the Treasury Department the groups or units constituting membership of such associations: *Provided*, That individuals may not be so represented.

(m) *Clients of unenrolled persons.* No enrolled person shall represent before the Treasury Department clients of an unenrolled person who is neither an attorney nor an accountant regularly engaged in the practice of accountancy nor a customhouse broker, or who to the knowledge of the enrolled person solicits business, obtains clients, or otherwise conducts his practice in a manner forbidden under the regulations in this part to enrolled persons.

(n) *Assistance from unenrolled persons.* No enrolled person shall in any Treasury Department matter knowingly and directly or indirectly:

(1) Employ or accept assistance from any unenrolled person whose application for enrollment shall at any time have been denied for a cause involving moral turpitude, or from a person who has been disbarred from practice before any department or agency of the Government or before any court of record, or who is under suspension from practice before any such department, agency, or court, or who has been deprived of his certificate as a certified public accountant or public accountant, or whose name after the effective date hereof has been stricken from the roll of attorneys and agents authorized to represent claimants before the Treasury Department in the course of disbarment proceedings against him, or

(2) Accept employment as associate, correspondent, or sub-agent, from, or share fees with, any such person, or any person who is not an attorney or a public accountant regularly engaged in the practice of accountancy, or who is not a licensed customhouse broker.

(o) *Preparation of financial statements.* Each enrolled person shall exercise due diligence in preparing financial statements for clients and in certifying to the correctness of the same.

(p) *Diligence as to accuracy.* Each enrolled person shall exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any Treasury Department matter, and no enrolled person shall withhold information relative to any such matter from a client who is entitled to the information.

(q) *Moneys received in trust.* Each enrolled person shall promptly pay over to the Government when due all sums received for the payment of any duty, tax, or other debt or obligation owing to the Government, and shall promptly account to clients for funds received for them from the Government, or received from a client in excess of the charges properly payable in respect of the client's business.

(r) *Endorsement of client's checks.* No enrolled person shall without authority of his client endorse or accept any Government draft, check, or warrant drawn to the order of such client.

(s) *Use of influence forbidden.* No enrolled person shall attempt to influence the action of any official or employee of the Treasury Department in any Treasury Department matter by the use of threats, false accusations, duress, or by the offer of any special inducement or promise of advantage, or by the bestowing of any gift or favor or other thing of value.

(t) *Production of records.* No enrolled person shall neglect or refuse to produce records or evidence in any matter before the Treasury Department upon proper and lawful demand by a duly authorized agent of the Department, unless the attorney or agent has reasonable grounds to believe and does believe that the said demand is of doubtful legality; or shall otherwise interfere, or attempt to interfere, with any proper and lawful efforts by such Department or agent to procure such information.

(u) *Attempting to obtain information.* No enrolled person shall procure, or attempt to procure, directly or indirectly, from Government records or other Government sources information of any kind which is not made available by proper authority.

(v) *Solicitation and advertising, direct or indirect, prohibited.* No enrolled attorney or agent shall in any manner whatsoever solicit, directly or indirectly, or by implication, employment from persons not clients or friends in matters before the Treasury Department or in matters related thereto. Among other things the following shall be deemed to be prohibited by this paragraph:

(1) The publication of articles or the delivery of addresses on Federal tax questions by an enrolled person over the radio or elsewhere in connection with which the name of the firm of which he is a member, associate, or employee, or the address of the writer or speaker is given either by the writer, speaker, announcer, or publisher, provided that nothing herein shall be construed to prohibit the publication, by periodicals admitted to second-class mailing privileges, of such information concerning contributors of articles as is usually published in such periodicals.

(2) The mailing of circulars, letters, pamphlets, or other printed or written matter to persons not clients or friends of such enrolled person which contain no direct solicitation of employment but which do include the name and a description of the practice and address of such enrolled person.

(3) Advertising in one or more of the following forms: (i) Signs, printing, or other advertising matter, indicating previous connection with the Treasury Department; (ii) representation, orally, in writing, or in any other manner, of special influence with the officials or employees of the Treasury Department through acquaintance or otherwise; (iii) the use of any title or other description of the attorney or agent or his practice which tends to suggest some connection with the Treasury Department of the United States, and any title or description containing the words "United States" shall be presumed to carry such suggestion, except that there is no objection to the use of the words "Enrolled to practice before the United States Treasury Department"; (iv) distribution of bulletins, circulars, pamphlets, or so-called "tax services," to persons who are not clients or friends of the attorney or agent containing decisions or rulings of the Treasury Department, the Tax Court of the United States, or courts on Federal tax matters, or comment thereon by the attorney or agent; (v) distribution to persons not clients or friends of the practitioner of circulars or pamphlets advertising any business, educational, or social institution, or organization, which circular or pamphlet contains a card or advertisement of the practice of such attorney or agent.

(4) The following kinds of advertising will not be deemed to constitute a violation of this paragraph:

(i) Letterheads, professional cards, and the customary professional insertions in professional, telephone, and city directories, or in newspapers, trade or professional journals, or other publications admitted to second-class mailing privileges, provided they set forth only the name and address of the attorney or agent or the name of the firm of which he is a member or with which he is associated, a brief description of the nature of his practice, to wit, whether he practices as an attorney or accountant, and, if desired, any field of practice or service in which such attorney or agent may specialize;

(ii) The distribution by former officers or employees of the Government of cards briefly stating the fact of their former official status and announcing their new association: *Provided*, The cards are addressed only to personal or business acquaintances: *And provided further*, That such cards are distributed only once and within a reasonable time after severance of official connection with the Government and within 30 days after the formation of a new association.

(w) *Preparation of documents by enrollees.* Each enrolled person shall exercise due diligence in preparing or assisting in the preparation of, approving, and filing returns, documents, affidavits, and other papers relating to Treasury Department matters, and in otherwise representing clients before the Treasury Department; and no enrolled person shall unreasonably delay the prompt disposition of matters before the Treasury Department by neglecting to answer correspondence, by unreasonably delaying the filing of closing agreements, by filing frivolous claims for refunds, or otherwise.

(x) *Duty to request name to be stricken upon accepting employment with the United States.* It shall be the duty of every enrolled person who becomes a judge of any court of record or an officer or employee (1) of the United States, (2) of any corporation owned wholly by the United States, (3) of the District of Columbia, or (4) of any State or subdivision thereof whose duties disclose facts or information applicable to Federal tax matters, to request the Committee on Practice to place his name on the inactive list of Treasury Department practitioners during the period of such incumbency. Any person who on becoming an officer or employee of the Treasury Department requested that his name be stricken from the roll and surrendered his enrollment card to the Committee for cancellation and whose employment with the Department has been or shall be terminated in good standing shall be entitled upon his written request to have his name restored to the roll and his enrollment card returned to him.

(y) *Fees; agreements.* (1) No enrolled person shall exact from his client a manifestly unreasonable fee, whether contingent or otherwise, in any matter before the Treasury Department. The reasonableness of a fee in any case is within limits a matter of judgment and depends upon all the facts and circumstances thereof, including the complexity and difficulty of the case, the amount of time and labor required for its proper preparation and presentation, the amount involved, and the professional standing and experience of the attorney or agent.

(2) A wholly contingent fee agreement shall not be entered into with a client by an enrolled person unless the financial status of the client is such that he would otherwise be unable to obtain the services of an attorney or agent. Partially contingent fee agreements are permissible where provision is made for the payment of a minimum fee, substantial in relation to the possible maximum fee, which minimum fee is to be paid and retained irrespective of the outcome of the proceeding. Such minimum fee need not be paid in advance, if provision for its payment is made irrespective of the outcome of the case. The payment of or agreement to pay a nominal minimum fee will not satisfy the requirements of this subparagraph.

(3) Whenever an enrolled attorney or agent shall enter into a contract to represent a client before the Treasury Department on a wholly or partially contingent basis, he shall file with the Committee a signed statement to that effect, containing the terms of the contract as they relate to compensation.

(4) When a power of attorney is filed with the Treasury Department it shall be the duty of the attorney or agent filing the same to file therewith a statement as follows:

(Place) _____
(Date) _____

This is to certify that I (have not) (have) entered into a contingent or partially contingent fee agreement for the representation before the Department of _____ in the matter of _____ under the terms of a power of attorney filed with the Treasury Department on _____ and (in case a contingent or partially contingent fee agreement has been made) that a report of such fee agreement (has) (has not) been made to the Committee on Practice.

This requirement shall not be applicable to powers of attorney wherein the authority granted is limited to the filing of tax or information returns.

(z) *Duty to observe canons of ethics.* Each enrolled person shall conduct his practice in an ethical and professional manner and it shall be the duty of each enrolled attorney to observe the canons of ethics as adopted by the American Bar Association and of each enrolled agent to observe the ethical standards of the accounting profession. Among other forms of unethical and unprofessional conduct the following will be deemed to constitute such conduct: The use of intemperate and abusive language, the making of false accusations or statements knowing them to be false, or the circulation of malicious and libelous matter in connection with Treasury practice.

§ 10.3 *Qualifications for enrollment.* (a) (1) Persons of the following classes who are found, upon consideration of their applications, to possess the qualifications required by the regulations in this part may be admitted to practice before the Treasury Department as attorneys or agents respectively:

(i) Attorneys at law who have been admitted to practice before the courts of any State or Territory, or the District of Columbia, and who are lawfully engaged in the active practice of their profession.

(ii) Certified public accountants who have duly qualified to practice as certified public accountants in their own names, under the laws and regulations of any State or Territory, or the District of Columbia, and who are lawfully engaged in active practice as certified public accountants.

(2) Applicants who are employed by corporations on a full-time basis and who do not maintain offices apart from such employment with their services available to the general public will not be considered to be in active practice within the meaning of the term as used above.

(3) Applicants for enrollment to practice before the Treasury Department are required by statute to "show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases." (5 U. S. C. 261) The burden is upon applicants to establish clearly their right to enrollment by showing that they possess (i) a good character and reputation, (ii) an adequate education, and (iii) a knowledge of the laws and regulations relating to tax matters and other subjects which they expect to handle before the Department and of the rules and regulations governing practice before the Department.

(4) Good character and good reputation are not identical requirements. The former is determined by the applicant's actual qualities; the latter depends upon the opinion entertained of the applicant by those who have had the opportunity of knowing him in the community in which he resides or in which he practices his profession. It follows that evidence of any act or omission which tends to establish lack of integrity or untrustworthiness or other qualities reprehensible in a professional man, is material as bearing upon the character of the applicant, notwithstanding there is clear proof that his reputation is good. An applicant must furnish as references the names and addresses of at least six persons who are acquainted with his reputation and with whom the applicant has come in contact in his profession or business.

(b) (1) Among the causes sufficient to justify denial of an application for enrollment are: Any conduct, or practices, or proposed practices, which would constitute a violation of any of the provisions of the regulations in this part if the applicant were enrolled or any other conduct which would be a ground for suspension or disbarment under the applicable law or laws; any conduct which would be deemed grossly unfair in commercial transactions by accepted standards; or a bad reputation imputing to an applicant conduct of a criminal, dishonest, or unethical kind.

(2) The Committee on Practice will endeavor to ascertain all the facts deemed necessary by it to pass upon any application without expense or undue inconvenience to the applicant. In the event, however, that the Committee is not satisfied with the information received, it may require the applicant to appear in person before the Committee or before some person or persons designated by it for the purpose of undergoing additional written or oral examination as to his fitness for enrollment. The Committee may grant a hearing on an application at the applicant's request.

(c) Application for enrollment may be denied in any case in which it appears that the applicant has terminated his employment with the Treasury Department in violation of an obligation assumed as a condition of such employ-

ment to remain in the service of the Department for a specified period or for a reasonable time.

(d) Only citizens of the United States over the age of 21 years are eligible for enrollment. A person who is unable for any reason to take the oath of allegiance, and to support the Constitution of the United States, as required of persons prosecuting claims against the United States by Title 31, section 204, United States Code cannot be enrolled.

(e) Corporations and partnerships are ineligible for enrollment.

(f) Officers and employees of any State, or subdivision thereof, whose duties require them to pass upon, investigate, or deal with tax matters of such State or subdivision, shall be ineligible for enrollment, provided such employment may disclose facts or information applicable to Federal tax matters.

(g) Judges of courts of record shall be ineligible for enrollment.

(h) All persons to whom section 198 or section 203 of Title 18 of the United States Code applies, all persons prohibited by other law from representing claimants against the United States, all persons regularly employed by corporations owned wholly by the United States, and all persons regularly employed by the District of Columbia shall be ineligible for enrollment.

(i) The qualifications for enrollment stated in paragraph (a) (1) (i) and (ii) are prerequisites for general enrollment for practice before the Treasury Department.

(j) *Special enrollment.* However, special enrollment for the presentation of matters before a particular bureau or division may be effected in the following manner. An applicant for such special enrollment shall present his qualifications to the Committee. The Committee shall prescribe an examination for such applicant. If the Committee is satisfied that the applicant is possessed of the qualifications necessary to enable him to render valuable services to claimants and other persons before the particular bureau or division before which he is seeking authorization to practice, it shall issue to the applicant an appropriate special enrollment card.

(k) *Authority for a particular matter.* Moreover, authority for the presentation of a particular matter before the Treasury Department may be effected in the following manner. An applicant for such authority shall present his qualifications to the Committee. If the Committee is satisfied that the applicant is possessed of the qualifications necessary to enable him to render valuable services to his principal in the presentation of the particular matter before the Treasury Department, it shall issue to the applicant an appropriate letter of authority. Such a letter of authority shall not be necessary, except in the case of matters before the Bureau of Internal Revenue, if the officer or employee of the bureau or division before whom appearance is made is satisfied that the person appearing is not under orders of suspension or disbarment from the Treasury Department and is so clearly qualified that application to the Committee would be a useless formality.

Nothing in paragraphs (j) and (k) shall authorize any procedure to permit a person to act as a customhouse broker without compliance with the requirements of Part 11 of this chapter, nor limit the rights granted by such Part 11 to customhouse brokers to represent their clients before the Treasury Department.

§ 10.4 *Application for enrollment.* Applicants for enrollment shall submit to the Committee an application in duplicate, properly executed on Form 23. Applications in any other form may not be considered. Members of the bar of an American court of record will apply for enrollment as attorneys; all other applicants will apply for enrollment as agents. All applications for enrollment must be individual. While members of a partnership should apply as individuals and not in the partnership name, an enrolled attorney or agent may represent clients before the Treasury Department in the name of the partnership of which he is a member or with which he is otherwise regularly connected. In case all of the members of a partnership are not enrolled, then the enrolled attorney or agent shall be responsible for any acts or omissions of the unenrolled partner or partners which are in violation of law or of the provisions of the regulations in this part, to the same extent as though the offending partner himself were enrolled.

§ 10.5 *Customhouse brokers.* Section 641 of the Tariff Act of 1930 (46 Stat. 759; 19 U. S. C. 1641), as amended, provides in part that the Secretary of the Treasury may prescribe rules and regulations governing the licensing as customhouse brokers of citizens of the United States of good moral character, and of corporations, associations, and partnerships. The Department's regulations pursuant thereto are published in Part 11 of this chapter. A customhouse broker so licensed requires no further enrollment under the regulations in this part for the transaction, within the customs districts in which he is licensed, of any business relating specifically to the importation or exportation of merchandise under customs or internal-revenue laws. He is also entitled, without further license or enrollment, to represent claimants or other persons before the Treasury Department in Washington in any matter in which he acted as a customhouse broker in any district in which he is licensed. When serving in such capacity, a licensed customhouse broker shall, in addition to being subject to the provisions of section 641 of the Tariff Act of 1930, as amended, and the rules and regulations thereunder, be subject also to all the provisions of the laws and regulations set forth in this part, as revised from time to time, and shall be responsible as specified in 31 CFR 11.7 (d) for violation of any such laws or regulations committed by his or its officers, employees, or authorized attorneys or agents, in connection with the prosecution on behalf of the principal of any business before the Treasury Department in Washington.

§ 10.6 *Roster of enrollees; enrollment cards*—(a) *Roster of attorneys and agents.* A roster of all attorneys and agents who make application for enrollment or who are enrolled, or whose applications have been denied, or who have been suspended or disbarred, will be kept in the office of the Committee on Practice. All bureaus, offices, and divisions of the Treasury Department subject to the exceptions in § 10.5 in the case of the Bureau of Customs, are prohibited from recognizing or dealing with any unenrolled attorney or agent as the representative of any person having a claim pending before the Department: *Provided*, That the Committee on Practice may grant, pending action upon an application, temporary recognition to an applicant not required to take an examination in connection with his application: *And provided further*, That an unenrolled person who has not been disbarred or suspended from practice before the Treasury Department may be permitted to make initial appearance in a particular case. Such permission shall in no case authorize an unenrolled person to appear before the Treasury Department in Washington, D. C., or to represent a claimant in any formal hearing. It shall be the duty of the Government official before whom such person appears to notify him that if he wishes to appear further in the case, or in any formal hearing, or before the Treasury Department in Washington, it will be necessary to file an application for enrollment.

(b) *Information as to enrollment.* The Committee will furnish upon request information as to whether any individual is enrolled. Other information will be made available to the various departments and agencies of the Government and to any person entitled to receive the same in accordance with the rules and regulations of the Treasury Department, and, except as prohibited by law, access to the files and records of the Committee will be granted to the Tax Court of the United States and its representatives.

(c) *Enrollment cards.* The Committee on Practice shall issue an enrollment card to every attorney or agent upon his enrollment. Unless advised to the contrary by the Committee on Practice, any officer of the Treasury Department may consider the holder of such an enrollment card as duly authorized to practice before the Department.

§ 10.7 *Proceedings for disbarment, suspension, and reinstatement*—(a) *Proceedings for suspension and disbarment.* If an officer or employee of the Treasury Department has reason to believe that an enrolled attorney or agent has violated any provision of the laws or regulations governing practice before the Treasury Department, or if a complaint concerning any enrolled attorney or agent is made to any such officer or employee, he shall promptly make a written report thereof to the attorney for the Government. If any other person has information of such violations, he may also make written report thereof to the said attorney. The attorney and the Committee will treat as strictly confidential the identity of the informant in any case in which the informant is other than an officer or employee of the Treasury Department, unless the informant in giving his information states that his identity

and connection therewith are not confidential.

(b) *Rules of procedure.* The Attorney for the Government may, either on the basis of such information or upon his own motion where he has cause to believe that any enrolled attorney or agent has violated any provision of the laws or regulations governing practice before the Treasury Department, institute proceedings for suspension or disbarment against any enrolled attorney or agent, hereinafter called the respondent in this paragraph, by filing with the Committee a statement of charges signed by the Attorney for the Government. Subject to the provisions of the Administrative Procedure Act (60 Stat. 237), such proceedings shall be governed by the following rules:

(1) *Opportunity to avoid proceeding.* The Attorney for the Government shall, before a proceeding is instituted, give to the respondent notice in writing that:

(i) Transmits a copy of the proposed statement of charges, or a specification of the substance thereof;

(ii) Cites sections 5 (b) and 9 (b) of the Administrative Procedure Act;

(iii) Calls upon the respondent to show cause why the proceeding should not be instituted;

(iv) Informs the respondent that the notice affords him opportunity to make submissions and demonstrations of the character contemplated by the cited statutory provisions;

(v) Invites any negotiation that the respondent deems it desirable to enter into; and

(vi) Specifies a reasonable time for response to such notice: *Provided*, That, if prior to institution of the proceeding, the Attorney for the Government determines that the case is one in which such notice would be improper and unnecessary, he shall file his findings and his reasons therefor in the record, and such proceeding may be instituted without first giving notice.

(2) *Service*—(i) *Service of notice and statement of charges.* Notice of a proceeding for suspension or disbarment, signed by the Secretary or a member of the Committee, shall be served upon the respondent in the following manner:

(a) By delivery to the respondent personally, or

(b) By registered mail, with demand for a return card signed by the respondent: *Provided*, That, if an enrolled attorney or agent shall have signed and filed with the Committee on Practice his written consent to be served in some other manner it shall be sufficient if service is made in that manner. Where the service is by registered mail, the receipt of the return card duly signed shall be satisfactory evidence of service. The notice shall give the place and time within which the respondent shall file his answer, which time shall be not less than 20 days from the date of service of the notice, and shall contain or be accompanied by a statement of charges, which statement shall be signed by the Attorney for the Government.

(ii) *Service of papers other than notice and statement of charges.* Papers other than the original notice and statement of charges shall be served on the respondent as follows:

(a) By delivering the same to the respondent personally, or by registered mail; or

(b) By leaving them at his office with his clerk or with a person in charge thereof; or

(c) By depositing them in a United States post office or post office box, enclosed in a sealed envelope, plainly addressed to such respondent at the address under which he is enrolled or at his last address known to the Committee.

(d) When the respondent is represented by attorney, by service upon the attorney in the same manner as provided in subdivisions (a), (b) and (c) of this subdivision for service on the respondent.

(3) *Examiner.* There shall preside at the reception of the evidence an examiner, appointed as provided in the Administrative Procedure Act: *Provided, however*, That until examiners are appointed as provided in said act (but in no case initiated after June 10, 1947), the Committee shall act as examiner, and its action shall be taken by majority vote.

(4) *Filing of papers.* Whenever under this paragraph the filing of a paper in a proceeding is required or permitted, and the place of filing is not specified either by rule of the examiner in the particular proceeding or pursuant to this paragraph, the paper shall be filed with the Committee on Practice, Treasury Department, Washington, D. C.

(5) *Extension of time.* In any case in which the time for filing, pleading, making a submittal, or making an appeal, shall have expired, or shall be about to expire, to the prejudice of a party, the examiner shall have the power in his discretion and upon appropriate application and showing by the party prejudiced, to extend the time, as justice may be deemed to require.

(6) *Negotiation.* At any time prior to hearing by the examiner, the Attorney for the Government is authorized, in his sound discretion, to negotiate with the respondent for the purposes contemplated by sections 5 (b) and 9 (b) of the Administrative Procedure Act. The parties may at any time during the hearing limit the issues by stipulation. Any stipulations resulting from such negotiation shall be entered in the record.

(7) *Resignation to avoid disbarment.* If pursuant to negotiation (or otherwise) the respondent resigns to avoid possible institution of disbarment proceedings, or to avoid possible disbarment or suspension in a pending proceeding, the Committee may, upon motion of the Attorney for the Government, accept the resignation. If the Committee overrules the motion it shall enter a formal order which shall recite the findings of fact and conclusions of the Committee and which shall be made of record in the proceeding, if any, against the respondent before the examiner.

(8) *Statement of charges.* The statement of charges shall give a plain and concise description of the facts which it is claimed constitute grounds for suspension or disbarment, without a detailed description of such facts. A statement of charges which fairly informs the respondent of the charges against him so that he is able to prepare his defense shall be deemed sufficient. Different means by which a purpose may have been accomplished or different intents with which acts may have been committed may be alleged in the statement of charges in a single count in the alternative.

(9) *Bill of particulars.* If, in order to prepare his defense, the respondent desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may present a motion in writing to the examiner asking that the statement of charges be made more specific, setting forth in such motion in specific manner in what respect the statement of charges leaves him in doubt and describing the particular language of the statement of charges as to which additional information is needed. If in the opinion of the examiner such information is reasonably necessary to enable the respondent to prepare his defense, the examiner shall direct the Attorney for the Government to furnish the respondent with an amended statement of charges giving the needed information.

(10) *Answer.* The respondent's answer shall be filed in writing within the time specified in the original notice unless on application the time is extended pursuant to subparagraph (5) of this paragraph. The answer shall be made under oath before a notary public or other officer authorized to administer oaths and shall be filed in duplicate with the Committe on Practice.

(11) *Content of answer.* In his answer the respondent should specifically admit or deny every material allegation of fact in the statement of charges. Every allegation in the statement of charges not denied shall be deemed admitted, unless the respondent shall state in his answer that he has no knowledge thereof sufficient to form a belief, which statement shall be considered a denial. In answer to a statement of charges, no enrolled person shall deny a material allegation of fact which he knows to be true, or state in such answer that he is without sufficient information to form a belief when in fact he possesses such information.

(12) *Affirmative defense.* In his answer the respondent may also state affirmatively special matters of defense, and shall not give in evidence any matters in avoidance or of defense, consistent with the truth of the allegations of the statement of charges, unless in his answer he states such matters specifically.

(13) *Complaining witness.* The Attorney for the Government may in his discretion furnish a complaining witness with a copy of the answer if in his opinion such action will aid in ascertaining the truth or falsity of the charges. The term "complaining witness" for the purposes of this provision shall include any officer or employee of the Treasury De-

partment or any enrolled attorney or agent who may have reported the alleged misconduct to the Attorney for the Government, or any other person upon whose information the Attorney for the Government has instituted the proceeding.

(14) *Reply to answer.* If the answer contains affirmative matter in avoidance, consistent with the truth of the material allegations in the statement of charges, a reply by the Attorney for the Government admitting or denying the new matter set forth in the answer shall be filed and served upon the respondent.

(15) *Supplemental charges.* If it appears that a denial of a material allegation of fact in the statement of charges, or a statement that the respondent has no knowledge sufficient to form a belief, was made in bad faith in the answer; or that the respondent has knowingly introduced false testimony during proceedings against him for suspension or disbarment, the Attorney for the Government may thereupon file supplemental charges, which charges may be tried with the other charges in the case, provided the respondent shall be given due notice thereof and afforded an opportunity for preparing a defense thereto.

(16) *Sufficiency of the pleadings.* The examiner shall have authority to pass upon the sufficiency of the statement of charges, the answer, and all other pleadings. The parties may be heard upon the sufficiency of any pleadings whenever in the opinion of the Examiner a hearing thereon is necessary or desirable.

(17) *Immaterial mistakes.* The Examiner shall disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place or the ownership of any property, a failure to prove immaterial allegations in the description of the respondent's conduct, or any other immaterial mistake in the pleadings.

(18) *Hearings.* Subject to this paragraph the examiner may determine the time, place, and manner in which hearings shall be conducted; the form in which evidence shall be received; and may adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of suspension, disbarment, and reinstatement cases. Written notice of the time and place of all hearings shall be given the respondent in the manner provided in this paragraph for the service of papers. No hearing shall be held in less than 10 days from the date of service on the respondent of the notice of such hearing, except that the Examiner may postpone or adjourn hearings when necessary or desirable, on notice to the parties.

(19) *Testimony.* Unless the examiner shall otherwise direct, the testimony of witnesses at all hearings will be taken under oath and stenographically recorded and transcribed.

(20) *Depositions.* Depositions for use at a hearing may, with the written approval of the examiner, be taken by either the Attorney for the Government or the respondent, or their duly authorized representatives, upon oral or written interrogatories, before any officer duly authorized to administer an oath for general purposes, or an officer of the Internal Revenue Bureau authorized to administer an oath in internal revenue matters, upon not less than 10 days' written notice to the other party. Such notice shall state the names of the witnesses, and the time and place where such depositions are to be taken: *Provided*, That when depositions are taken as aforesaid, if both parties are present or represented at the time and place specified for the taking of the depositions, either party may, after the examination of the witnesses produced under the order of the Examiner, be entitled to produce and examine other witnesses; but in such case one day's notice must be given to the other party or his duly authorized representative there present, unless such notice is waived: *And provided further*, That the parties or their duly authorized representatives may agree in writing upon a time when and place at which such depositions are to be taken, without formal notice. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served with the notice, and copies of any written cross-interrogatories shall be mailed or delivered to the opposing party or his duly authorized representative at least 5 days before the time of taking the depositions.

(21) *Documents.* Whenever any book, document or paper is introduced as an exhibit in a proceeding, the examiner may authorize, upon such conditions as he may deem proper, the withdrawal of such exhibit upon the request of the Attorney for the Government, or of the respondent or his attorney.

(22) *Proof; partial.* If the examiner finds that a part of the charges in the statement of charges is not sufficiently proved but that the residue thereof is so proved, he may base his findings on any facts established by the evidence which are grounds for suspension or disbarment and which are substantially charged by the said residue of the statement of charges.

(23) *Proof; variance.* In the case of a variance between the allegations in the statement of charges and the evidence, the examiner shall have power to base his findings on any facts established by the evidence which are grounds for suspension or disbarment, and to order the amendment of the statement of charges to conform to the evidence: *Provided*, That the respondent has had or is given reasonable opportunity to present his defense to such amended charges, with such postponements of the hearing as may be reasonably necessary to permit the respondent to present such defense.

(24) *Submittals.* After the reception of evidence has been concluded, the Examiner shall by rule afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor. In the event that depositions are introduced on behalf of the Government at the hearing or in the event that oral testimony in support of the charges is produced by the Government at the hearing, the Attorney for the Government, as soon as possible after the hearing, shall prepare and file with the examiner proposed findings of fact based upon all the evidence in the case.

(25) *Exceptions to proposed findings.* Upon receipt of proposed findings and conclusions submitted by a party pursuant to subparagraph (24) of this paragraph, the Examiner shall forward to the other parties in the case or their attorneys a copy thereof together with a copy of the transcript of such oral testimony and depositions as may have been introduced. Such parties shall have not less than 10 days after receipt of such papers in which to submit in writing to the Examiner their exceptions, if any, to such proposed findings and conclusions. Neither such parties nor their attorneys shall have the right to receive any copies of exhibits introduced at the hearing or at the taking of the depositions. Such parties or their attorneys, however, shall have the right to examine all exhibits. Upon receipt of such exceptions, or after the time for filing such exceptions has expired if no such exceptions are filed, the Examiner shall make his findings and conclusions as required by subparagraph (26) of this paragraph.

(26) *Decision by the examiner.* After the parties rest, the examiner shall make his decision in the case, which decision shall include (i) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record and (ii) a recommended order of suspension or disbarment or his order to dismiss the charges, as the case may require. In making his findings and conclusions as to the truth of any charges which are duly put in issue by the papers in any case and upon which a hearing is had, the examiner shall be guided by the preponderance of reliable, probative, and substantial evidence. If at any hearing upon issues of fact raised by the papers in the case the respondent fails to put in any evidence, the examiner may base his findings upon the evidence submitted by the attorney for the Government.

(27) *Effect of initial decision.* If the decision of the examiner does not contemplate the suspension or disbarment of the respondent, such initial decision in the absence of an appeal pursuant to subparagraph (28) of this paragraph shall without further proceedings become the decision of the Secretary of the Treasury.

(28) *Appeal.* Any party adversely affected or aggrieved, within 30 days after the decision is filed with the Committee, has the right to appeal from such initial decision of the Examiner by filing notice of appeal and to submit exceptions to the decision and supporting reasons therefor, which submittals shall be included in the record of the case. Upon the expiration of said period, the entire record shall be transmitted to the Secretary of the Treasury.

(29) *Submittals on recommended decision.* If the recommended decision of the Examiner contemplates the suspension or disbarment of the respondent, any party has the right, within 30 days after the decision is filed with the Committee, to submit exceptions to such recommended decision and supporting reasons therefor, which submittals shall be included in the record of the case. Upon the expiration of said period, the entire record shall be transmitted to the Secretary of the Treasury.

(30) *Decision by Secretary of the Treasury.* The Secretary of the Treasury will make the agency decision in each case in which an appeal has been taken from the initial decision of the Examiner as provided in subparagraph (28) of this paragraph and in each case in which the decision of the Examiner contemplates the suspension or disbarment of the respondent. In making such decision, the Secretary of the Treasury, pursuant to the provisions of the Administrative Procedure Act, will review the whole record or such portions thereof as may be cited by any party to permit limiting of the issues.

(31) *Notice of decisions.* Each decision (initial, recommended, or agency) shall promptly be filed in the record, and the Committee shall thereupon give notice thereof to the parties in the manner prescribed for the service of papers.

(32) *Notice of suspension or disbarment.* Upon issuance of an order of suspension or disbarment of an attorney or agent by the Secretary of the Treasury notice thereof shall be given by the Committee to the heads of all interested bureaus, offices, and divisions of the Treasury Department and to other interested departments and agencies of the Government in such manner as the Committee may determine. Such person will not thereafter be recognized during the period of suspension or disbarment as an attorney or agent in any matter before the Treasury Department. Notice in such manner as the Committee may determine may be given to the proper authorities in the State from which an enrolled attorney, certified public accountant, or public accountant derives his license to practice in the event that such attorney, certified public accountant, or public accountant is suspended or disbarred.

(33) *Reopening.* Any attorney or agent who has been suspended or disbarred may make written application to the Committee to have the order of suspension or disbarment vacated or modified upon the ground (i) of newly discovered evidence, or (ii) that important evidence is now available which the applicant was unable to produce at the original hearing by the exercise of due diligence. Every application for reinstatement shall be filed with the Committee in duplicate. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the Examiner after due consideration of the application shall deem it sufficiently meritorious to warrant a hearing, he shall so advise the Committee, who shall set a time and place for such hearing and give due notice thereof to the applicant. Upon the conclusion of the hearing the Committee shall transmit the recommended decision of the Examiner to the Secretary of the Treasury for his approval or disapproval. In the event that the Secretary shall issue an order vacating or modifying the prior order of suspension or disbarment, notice thereof shall be given by the Committee to all those to whom notice of the original order of suspension or disbarment was sent. In all cases not covered by the foregoing provisions, a disbarred attorney or agent who desires to be restored to the roll must file a new application for enrollment and otherwise comply with the requirements of § 10.3.

(34) *Saving provision.* The regulations governing suspension, disbarment and reinstatement that were in force and effect March 31, 1947, are referred to in this subparagraph as the old rules. This paragraph as amended effective April 1, 1947, is referred to in this subparagraph as the new rules. The old rules shall continue to govern any proceeding that was instituted prior to March 31, 1947: *Provided, however*, That if in the course of the proceeding there is taken any action that is authorized by the old rules but that is not authorized by the new rules, said action shall not constitute grounds for disturbing any order thereafter made in the proceeding: (i) Unless it is shown that the action was in derogation of substantive rights, and not merely procedural rights; and (ii) unless upon occurrence of the action the respondent made timely objection supported by his reasons, and the objection was overruled: *Provided further*, That adherence may be had to the new rules pursuant to stipulation of the parties.

§ 10.8 *Authority to prosecute claims.* A power of attorney from the principal in proper form may be required of enrolled attorneys or agents in any case by heads of bureaus, offices, and divisions. In the prosecution of claims before the Bureau of Internal Revenue, involving the assertion of demands for payment of money by the United States, proper powers of attorney shall always be filed before an attorney or agent is recognized.

§ 10.9 *Substitution of attorneys or agents; revocation of authority.*—(a) *Substitution of attorneys or agents.* Where the power of attorney under which an enrolled attorney or agent is acting expressly confers the power of substitution, such attorney or agent may, by a duly executed instrument, substitute another enrolled attorney or agent in his stead: *Provided*, That such other attorney or agent will be recognized as such only after due notice in writing has been given the head of the bureau, office, unit, or division before which the matter is pending: *And provided further*, That where the enrolled attorney or agent designated in the power of attorney, with power of substitution, has himself by reason of his suspension or disbarment or his subsequent entry into Government service become ineligible further to represent before the Treasury Department the client who executed the power, the Treasury Department shall be under no obligation to recognize any substitute power of attorney executed at any time by such attorney or agent, authorizing some other enrolled attorney or agent to appear before the Department upon behalf of such client, and it will be necessary for such client to retain a new attorney or agent.

(b) *Conflicting powers of attorney.* Where there is a contest between members of a dissolved firm or between two or more attorneys or agents, acting under the same power of attorney, as to which one is entitled to prosecute a matter pending before the Treasury Department or to receive a draft, warrant, or check, the client only shall thereafter be recognized, unless the members or survivors of the dissolved firm, or the contesting attorneys or agents, file an agreement signed by all designating which of them shall be entitled to prosecute such matter or to receive the said draft, warrant, or check. In no case shall the delivery of a final draft, warrant, or check to the client be delayed more than 60 days by reason of failure to file such agreement.

(c) *Revocation of powers.* The revocation of an authority to represent a claimant before the Treasury Department shall in no case become effective, so far as the Department is concerned, until due notice in writing has been given the head of the bureau, office, or division before which such matter is pending, and the filing of evidence of notification of the revocation to the attorney whose power has been revoked.

§ 10.10 *Disreputable conduct.* (a) The Secretary of the Treasury may after due notice and opportunity for hearing suspend, and disbar from further practice before the Treasury Department any attorney or agent shown to be incompetent, disreputable, or who refuses to comply with the rules and regulations in this part, or who shall with intent to defraud, in any manner wilfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant, by word, circular, letter, or by advertisement.

(b) Among other forms of disreputable conduct the following are deemed to constitute such conduct:

(1) Conviction of a crime involving moral turpitude.

(2) Making false answers in the application for enrollment with knowledge that such answers are false.

(3) Preparing or filing for himself or another a false Federal income tax return or other statement on which Federal taxes may be based, knowing the same to be false.

(4) Suggesting to a client or a prospective client an illegal plan for evading payment of Federal taxes, knowing the same to be illegal.

(5) Giving false testimony in any proceeding before the Committee on Practice, or in any other proceeding before the Treasury Department, or before any tribunal authorized to pass upon Federal tax matters, knowing the same to be false.

(6) Filing any false or fraudulently altered document or affidavit in any case or other proceeding before the Treasury Department, or procuring the filing thereof, knowing the same to be false or fraudulently altered.

(7) Using, with intent to deceive, false or misleading representations to procure employment in any case or proceeding before the Treasury Department.

(8) Giving, with intent to deceive, false or misleading information relative to a matter pending before the Treasury Department to any officer or agent of the Department.

(9) Preparing a false financial statement for a corporation, partnership, association, or individual, or certifying the correctness of such false statement, knowing the same to be false.

(10) Imparting to a client false information relative to the progress of a case or other proceeding before the Treasury Department, knowing the same to be false.

(11) False representations by an enrolled agent that he is an attorney or a certified public accountant.

(12) Preparing or assisting in the preparation of, or filing, a false claim against the United States, knowing the same to be false.

(13) Approving, for filing, a false income tax return prepared by some other person, knowing the same to be false.

(14) Misappropriation of sums received from clients for the purpose of payment of taxes or other obligations due the Government, or of funds or other property belonging to a client.

(15) Improper retention of a fee for which no services have been rendered.

(16) Obtaining or attempting to obtain money or other thing of value from a claimant by false representations, knowing the same to be false.

(17) Obtaining or attempting to obtain money or other thing of value from a claimant by duress or undue influence.

(18) Concealing or attempting to conceal assets in order to evade the payment of Federal taxes.

(19) Representing to a client or prospective client that the attorney or agent can obtain extraordinary favors from the Treasury Department or an officer or employee thereof or has access to unusual sources of information within the Department.

(20) Soliciting or procuring the giving of false testimony in any proceeding before the Committee on Practice or in any other proceeding before the Treasury Department.

§ 10.11 *Striking names from roll.* (a) On request of an attorney or agent, the Committee may strike his name from the roll, but before granting the request the Committee shall make inquiries to ascertain whether the request has been made in order to evade proceedings for suspension or disbarment, in which event the request shall be denied unless the Committee shall deem it to the best interest of all parties concerned to grant such request.

(b) The Committee may upon motion of the attorney for the Government or upon its own motion strike from the roll the name of any person who has failed to supply the information required by section 15 of Department Circular 230, revised October 1, 1934, provided that any attorney or agent whose name has been so stricken from the roll may have his name restored thereto by filing with the Committee such information and a statement showing that his failure to supply it within the time specified in such circular was not due to any fault on his part. Upon the receipt of such information and statement, the name of such attorney or agent shall be restored to the roll unless it shall appear that he is ineligible for enrollment, in which event he shall be advised of the fact and given 60 days within which to present to the Committee satisfactory evidence that he is eligible for enrollment.

§ 10.12 *Application and effective date of regulations.* The regulations in this part supersede the regulations promulgated by Treasury Department Circular No. 230 of October 1, 1934, relating to the recognition of attorneys, agents, and others, as heretofore amended and supplemented. This part shall apply to attorneys, agents, and licensed customhouse brokers representing claimants before any office of the Treasury Department, with such exceptions as to customhouse brokers as are set forth in § 10.5, and shall be effective from and after October 1, 1936. The regulations in this part shall also apply to all unsettled matters then pending in this Department or which may hereafter be presented or referred to the Department or offices thereof for adjudication, and shall be applicable to all those now enrolled to practice before the Treasury Department as attorney or agent, and all proceedings within the purview of section 3 of the act of July 7, 1884, 23 Stat. 258 (5 U. S. C. 261) after October 1, 1936, shall in all procedural matters be governed by the provisions of the regulations in this part and such supplementary rules as may from time to time be adopted pursuant to said regulations: *Provided*, That violations of the regulations committed prior to October 1, 1936, shall in all substantive matters be dealt with according to the provisions of the regulations in force at the time when the act or acts alleged to constitute such violations occurred.

§ 10.13 *Withdrawal or amendment of regulations.* The Secretary of the Treasury reserves the power to withdraw or amend or supplement at any time or from time to time all or any of the regulations in this part, and may make such special orders as he may deem proper in any case.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

MAY 29, 1947.

[F. R. Doc. 47-5313; Filed, June 4, 1947; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 6—SECURITY OF PORTS AND CONTROL OF VESSELS IN NAVIGABLE WATERS OF THE UNITED STATES

TRANSFER OF REGULATIONS TO CORPS OF ENGINEERS

CROSS REFERENCE: For adoption and continuation in effect by the Corps of Engineers, War Department, of the regulations in this part, see Chapter II of this title, *infra*.

For revocation of Proclamation 2412, which delegated to the Secretary of the Treasury authority to exercise powers conferred by section 1 of Title II of the act of June 15, 1917 (40 Stat. 220; 50 U. S. C. 191) with respect to control of vessels in territorial waters of the United States, see Proclamation 2732 (12 F. R. 3583).

Chapter II—Corps of Engineers, War Department

SECURITY OF PORTS AND CONTROL OF VESSELS IN NAVIGABLE WATERS OF THE UNITED STATES

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917, Chapter XIX of the act of July 9, 1918 and section 7 of the River and Harbor Act of March 4, 1915 (33 U. S. C. 1, 3, 471), the regulations now contained in Chapter I, Part 6, Title 33, Code of Federal Regulations, are hereby adopted and continued in full force and effect.

This approval shall take effect immediately to insure continuity of the regulations pending review to determine what revisions are necessary to better conform to peacetime requirements.

(Sec. 7, 38 Stat. 1053, sec. 7, 40 Stat. 266, Chapter XIX, 40 Stat. 892; 33 U. S. C. 1-3)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-2988; Filed, June 4, 1947; 10:25 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1647]

PART 257—LEASE OR SALE OF SMALL TRACTS, NOT EXCEEDING FIVE ACRES, FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT, RECREATIONAL OR BUSINESS SITES

The regulations governing leases or sales under the act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, contained in Part 257, Cum. Supp., as amended by Circular Nos. 1602, March 30, 1945, and 1613, February 27, 1946, are amended to read as follows:

Sec.
257.1 Statutory authority; lands which may be leased or sold.
257.2 Definitions.
257.3 Policy.
257.4 Qualifications of applicants; restrictions on purchase and lease.
257.5 Execution and filing of applications.
257.6 Fee.
257.7 Action on application by Manager.
257.8 Classification of land.
257.9 Occupancy; preference right of applicant; action on application.
257.10 Issuance of lease; option to purchase.
257.11 Renewal of lease; preference rights.

Sec.
257.12 Assignment of lease; subleases of leased lands.
257.13 Cancellation or modification of lease.
257.14 Sale.
257.15 Minerals.
257.16 Timber.
257.17 Rectangular tracts.
257.18 Supplemental plats.
257.19 Irregular tracts; cost of special survey.
257.20 Tracts on unsurveyed land.
257.21 Appeals.

AUTHORITY: §§ 257.1 to 257.21, inclusive, issued under 52 Stat. 609; 43 U. S. C. 682a.

§ 257.1 *Statutory authority; lands which may be leased or sold.* The act of June 1, 1938 (52 Stat. 609), as amended by the act of July 14, 1945 (59 Stat. 467; 43 U. S. C. 682a), authorizes the Secretary of the Interior, in his discretion, to lease or sell to any person who is the head of a family, or who has arrived at the age of 21 years, and is a citizen of the United States, or who has filed his declaration of intention to become such citizen, as required by the naturalization laws, a tract of not exceeding 5 acres, in reasonably compact form, of any vacant, unreserved, surveyed public land, or surveyed public land withdrawn or reserved by the Secretary of the Interior for any purposes, or surveyed lands withdrawn by Executive Orders 6910 of November 26, 1934, and 6964 of February 5, 1935, for classification, which the Secretary may classify as chiefly valuable as a home, cabin, camp, health, convalescent, recreational, or business site. The act is applicable to lands in such areas as grazing districts, but is not applicable to lands withdrawn by the Secretary solely under delegated authority (e. g., under Executive Order No. 9337, of April 24, 1943) or to land in such reservations as national forests, national parks or national monuments, or to the revested Oregon and California railroad or the reconveyed Coos Bay wagon road grant lands, in Oregon. The lands cannot be leased or sold until classified for such purposes.

The act applies to public lands in Alaska, and permits employees of the Department of the Interior stationed in Alaska, in the discretion of the Secretary, to purchase or lease one tract in Alaska for any purpose under the act, except as a business site.

§ 257.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Regional Administrator" means the Regional Administrator, Bureau of Land Management. Where there is no Regional Administrator, it means the Director, Bureau of Land Management.

(d) "Manager" means Manager of the District Land Office. Where there is no District Land Office, it means the Regional Administrator.

(e) "The act" means the act of June 1, 1938 (52 Stat. 609), as amended.

(f) *Sites.* (i) A "home site" is a site suitable for a permanent, year-round residence for a single person or a family.

(ii) A "cabin site" is a site suitable for a summer, weekend, or vacation residence.

(iii) A "camp site" is a site suitable for temporary camping and for the erection of simple or temporary structures and shelters, such as tents, tent platforms, etc.

(iv) A "health site" is a site suitable for the temporary or permanent residence of a single person or of a family for the prevention or cure of disease or illness.

(v) A "convalescent site" is a site suitable for residence of a single person or family for the purpose of recuperation from a disease or illness.

(vi) A "recreational site" is a site chiefly suitable for noncommercial outdoor recreation.

(vii) A "business site" is a site suitable for some form of commercial enterprise.

§ 257.3 *Policy.* It is the policy of the Secretary in the administration of the act of June 1, 1938, to promote the beneficial utilization of the public lands subject to the terms thereof, and at the same time to safeguard the public interest in the lands. To this end applications for sites will be considered in the light of their effect upon the conservation of natural resources and upon the welfare not only of the applicants themselves but of the communities in which they propose to settle.

Applications will not be allowed, for example, which would lead to private ownership or control of scenic attractions or water resources that should be kept open to public use. Nor will isolated or scattered settlement be permitted which would impose heavy burdens upon state or local governments for roads, schools, and police, health, and fire protection. Types of settlement, or business which might create "eyesores" along public highways and parkways will be guarded against.

No direct sale will be made of lands under the act. Use and improvement of the land under lease will be required before it will be sold. Leases of lands which are classified for lease and sale will contain an option permitting the lessee to purchase as provided in § 257.10. Lands which are classified for lease only will not be sold and leases of such land will not contain an option to purchase clause.

§ 257.4 *Qualifications of applicants; restrictions on purchase and lease.* An application to lease or purchase may be made by any person, including a married or single woman, who is a citizen, or has declared his or her intention to become a citizen, of the United States, and who is 21 years of age or, if under that age, the head of a family. Unless warranted by special circumstances, where a husband and wife are living together, only one of them may acquire a tract under the act.

Employees of the Department of the Interior stationed in Alaska may lease or purchase one tract in Alaska for any purpose under the act except business.

No person will be permitted to lease or purchase more than one tract under the act, except upon a satisfactory showing that such action is warranted. Where more than one tract is applied for under the act by the same person, except where otherwise authorized by the Regional Administrator, each tract must be the subject of a separate application, which must be complete in itself, must be filed in accordance with all of the applicable regulations, and must be accompanied by a showing that the allowance of more than one application is warranted by the circumstances.

In each application to purchase or lease, the applicant must furnish data sufficient to identify all other applications under the act, if any, filed by him or any member of his family. Such data should include the serial number and date of filing of each such application and the district land office at which it was filed.

§ 257.5 *Execution and filing of applications.* An application for lease under the act must be filed on Form 4-775. An application for sale should be made on Form 4-775a. All applications must be prepared with an original and one copy. The applicant must furnish all the information required by the form, including the declaration that he has personally examined the lands for which the application is filed. The application must be filed with the manager of the land office for the district within which the land is situated. If the land is in a State in which there is no district land office, the application must be filed with the Regional Administrator for the State in which the land is situated. The application need not be under oath but must be signed by the applicant.[1]

§ 257.6 *Fee.* An application for lease must be accompanied by a filing fee of $5, which will be carried as unearned, pending action on the application. If the application is rejected, the fee will be returned. If a lease is offered to the applicant, the fee will be considered as earned and will be retained. An application for sale need not be accompanied by a filing fee.

§ 257.7 *Action on application by Manager.* If an application is not properly executed or is not accompanied by the required fee, or is otherwise irregular, the manager will reject it.

§ 257.8 *Classification of land.* If the application is regular and the status of the land applied for warrants its consideration for classification under the act, the Regional Administrator, upon receipt of the application, will proceed to have such studies and investigations made as may be required for a determination as to whether or not it should be classified for small tract purposes. Where the land applied for has been withdrawn or reserved by the Secretary, the concurrence of the bureau having supervision over the land must be obtained before the land may be classified.

A single tract of 5 acres or less may be classified as suitable for one or more of the above types of sites specified in § 257.2 Each tract will be classified as available either for lease and sale or for lease only. Tracts which are classified for lease only will not be subject to sale.

The Regional Administrator may classify lands under the act either on his

[1] Title 18 U. S. C. sec. 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

own motion or upon application. Where land is classified by the Regional Administrator on his own motion, prior to September 27, 1954, veterans of World War II have a preference right for 90 days, after the effective date of the classification of the lands, in which to file a small tract application. (Section 4, act of September 27, 1944; 58 Stat. 745; 43 U. S. C. 282).

No lease will be offered and no sale authorized prior to the classification of the land for such disposal.

§ 257.9 *Occupancy; preference right of applicant; action on application.* The filing of an application confers no right upon the applicant to settle upon, use or occupy the land and all persons are warned not to make such settlement, and not to use or occupy the land prior to the issuance of a lease. Any such unauthorized settlement, use or occupancy constitutes a trespass.

When an application is regularly filed pursuant to the regulations in this part prior to the time the manager is notified by the Regional Administrator that the area is under consideration for small tract classification, a preference right to lease or purchase will be accorded the applicant if the land is thereafter classified for the type of site for which application has been made and the application is made to conform to the area and dimensions specified in the classification order.

Applications filed subsequent to the receipt of such notice by the manager shall be acted upon and disposed of in accordance with the terms of the respective classification orders.

§ 257.10 *Issuance of lease; option to purchase.* The manager will act on applications for and may issue leases upon lands, for periods not exceeding five years, which are classified for any purpose specified in the act, other than business: *Provided*, That (a) the applicant, upon the issuance of such lease, will have only one tract under the act and (b) the application covers a tract as established by the order of classification. All other leases, including those for business sites, will be issued by the Regional Administrator.

Leases under the act will be prepared in quadruplicate on Form 4–776. A lease will be issued for a period of not more than five years, unless the character of the venture justifies a longer period. Each lessee will be required to pay the annual rental, in advance, to the manager of the proper district land office. If the annual rental does not exceed $10, the lessee will be required to pay the rental for the entire lease period in advance of the issuance of the lease. The advance rental will be considered as earned upon issuance of the lease and will be retained.

The lease will contain provisions relating to the improvements to be placed on the lands and such other conditions of occupancy as are set forth in the order of classification, including an appropriate set back of the improvements from the boundaries of the leased tract. Plans for improvements may be submitted to the Regional Administrator for approval in advance of construction.

All leases of tracts which are classified for lease and sale will contain a provision affording the lessee or his duly approved successor in interest an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the improvements required by the lease have been made and the lessee or his successor in interest has otherwise complied with the terms and conditions of the lease, including the option to purchase clause. The option to purchase clause will set forth the appraised value of the unimproved land at the date the lease was issued. This value, together with the cost of survey, if any, necessary to describe the land properly, will constitute the price at which the land may be purchased. Any rental paid in advance for the lease period subsequent to the date that an application for sale is properly filed will be credited against the purchase price.

Leases of tracts which are classified for lease only will not contain an option to purchase clause.

§ 257.11 *Renewal of lease; preference rights.* The manager may act upon applications to renew leases which he is authorized to issue. (See § 257.10.) He may issue such renewal leases for periods not exceeding five years, provided the land then is classified for the purpose specified in the original lease. All other applications to renew leases will be acted upon, and renewal leases issued, by the Regional Administrator.

Upon the filing of an application for the renewal of a lease, not more than six months or less than 60 days prior to its expiration, the lessee or his duly approved successor in interest will be accorded a preference right to a new lease, upon such terms and for such duration as may be fixed by the appropriate officer designated above, if the terms of the lease have been complied with and it is determined that a new lease should be granted. No option to purchase clause may be placed in the renewal lease if it is not in the original lease unless the lands have been classified for sale.

§ 257.12 *Assignment of lease; subleases of leased lands.* The manager may approve assignments of leases and subleases of the lands subject to leases which he is authorized to issue (See § 257.10). All other assignments and subleases will be approved by the Regional Administrator.

Proposed assignments of leases, and proposed subleases of leased lands, in whole or in part, must be submitted, in triplicate, within 90 days from the date of execution for approval by the appropriate officer designated above. The proposed assignment or sublease must contain all of the terms and conditions agreed upon by the parties thereto, must be accompanied by the same showing by the assignee or sublessee as is required of applicants for a lease, and must be supported by a showing that the assignee or sublessee agrees to be bound by the provisions of the lease. No assignment or sublease will be recognized unless and until approved by the appropriate officer designated above.

§ 257.13 *Cancellation or modification of lease.* The Regional Administrator may modify or cancel any lease where the lessee has failed to comply with any of the terms, covenants and stipulations of the lease or to abide by any of the regulations in this part, and such default has continued for 30 days after written notice thereof.

§ 257.14 *Sale.* The Regional Administrator may authorize the sale of those tracts which have been classified for sale whenever, within the limitations of the lease and the regulations in this part, he may consider such action appropriate.

Lands will be classified for sale where found to be primarily suitable for use and occupancy as provided by the act, and where their disposal and use in private ownership will not interfere unduly with the use of private lands or other Federal lands. Tracts will be sold under the act when the lessee or his duly approved successor in interest has placed the improvements on the tract required by the lease and otherwise has complied with the terms and conditions of the lease but no sale may be made and no application for sale may be filed until the tract has been under lease to the sale applicant or his duly approved successor in interest for at least one year from the date the lease was issued. The sales price of the tract will be indicated in the option to purchase clause of the lease.

An application for sale should be made on Form 4–775a. When a sale is authorized, the applicant will be allowed sixty days from service of notice of such authorization to deposit either the full amount of the purchase price, or, if he desires, one-fourth thereof. If only one-fourth of the purchase price is paid, the balance may be paid in equal semi-annual instalments but must be paid within two years after the initial payment has been made. The applicant's right to the tract and the money he has paid will be forfeited if he fails to make full payment within that period.

Any advance rentals paid for the lease period subsequent to the date that the application for sale is properly filed will be credited against the purchase price.

If the applicant has paid the full purchase price and otherwise complied with the foregoing and no objection appears, cash certificate will be issued by the Manager, to be followed by patent.

§ 257.15 *Minerals.* Any lease or patent issued under the act will reserve to the United States (a) all deposits of coal, oil, gas or other minerals, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary may prescribe, and (b) all fissionable source materials, together with the right to prospect for, mine and remove the same, in accordance with the Act of August 1, 1946 (60 Stat. 755). Any minerals subject to the leasing laws, in the lands patented or leased under the terms of the act may be disposed of to any qualified person under applicable laws and regulations in force at the time of such disposal. No provision is made at this time to prospect for, mine, or remove the other kinds of minerals that may be found in such lands, and until rules and regulations have been issued, such reserved deposits will not be subject to prospecting or disposition.

§ 257.16 *Timber.* A lessee will not be permitted to cut timber from the leased lands without first obtaining permission from the Regional Manager. Such permission will not be granted except where the timber is to be cut to clear the land or to make improvements.

§ 257.17 *Rectangular tracts.* The official township plats ordinarily provide the basis for descriptions of tracts, in compact form, in units of 5 acres or aliquot parts thereof. Where a tract, not exceeding five acres, can be conformed to legal subdivisions of the survey, no additional official survey will ordinarily be made by the Government beyond the identification of the quarter section corners.

§ 257.18 *Supplemental plats.* Where a tract is situated in the fractional portion of a sectional lotting, a supplemental plat may be required to afford a suitable description. The plat will be prepared at the time of the approval of the application. If the subdivision of the sectional lotting would result in narrow strips or other areas containing less than 2½ acres, not suitable for sale or lease as separate units, such excess areas, in the discretion of the Regional Administrator, may be included in the adjoining 5-acre tracts.

§ 257.19 *Irregular tracts; cost of special survey.* Where, in the opinion of the Regional Administrator, the rectangular form is not the most desirable plan for development of an area, tracts irregular in form, not in excess of 5 acres each, may be leased or sold in accordance with the regulations in this part. Applicants for such tracts will be required to submit a metes-and-bounds description sufficiently complete to identify the location, boundary, and area of the lands. Where a special official survey is required of an irregular tract for the purpose of patent or lease description, the cost thereof will be paid by the applicant. If there is a group of contiguous or closely associated tracts to be surveyed at one time the cost will prorated among the tracts on an acreage basis. The applicant will be required to make an advance payment to the manager, equal to the estimated cost of executing the survey, before the field work will be undertaken. He will be credited with any excess payments prior to the issuance of patent or lease.

§ 257.20 *Tracts on unsurveyed land.* Unsurveyed public lands are not subject to lease or sale under the act. Should an application be filed for such lands, the manager will reject it. However, if desired, the applicant may file a request for the survey of the lands with the Public Survey Office of the State in which the lands are situated or with the Regional Administrator of the region in which the lands are situated if the lands are not within an organized surveying district. The description must be sufficiently complete to identify the location, boundary, and area of the land. There should also be given, if possible, the approximate description or location of the land by section, township and range. A person who requests the survey of an area acquires no preferential right to apply for the land under the act upon the completion of the survey and the official filing of the plat. After the survey is completed and the official plat is placed on record, the surveyed area will be subject to the provisions of the act and application may then be filed.

§ 257.21 *Appeals.* An appeal pursuant to the rules of practice, Part 221, may be taken from any decision of the manager to the Regional Administrator, from the latter's decision to the Director, and, from his decision to the Secretary.

FRED W. JOHNSON,
Director.

Approved: May 27, 1947.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

Form 4–776
(April 1945)

(To be executed in quadruplicate)

UNITED STATES DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

Serial No. ----

LEASE UNDER SMALL TRACT ACT

Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. Sec. 682a) as amended

This indenture of lease, entered into as of _____, by and between the United States of America, party of the first part, hereinafter called the Lessor, acting in this behalf by the _____ and _____ of _____, party of the second part, hereinafter called the Lessee, pursuant to the terms and provisions of the Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, and the regulations thereunder, all of which are made a part hereof.

Witnesseth:

That the Lessor, in consideration of the rents to be paid and the covenants to be observed as herein set forth, does hereby grant and lease to the Lessee an exclusive right and privilege of using for _____ the following described tract of land:

Section _____, Township _____ Range _____, Meridian _____, containing _____ acres, together with the right to construct and maintain thereon all buildings or other improvements necessary to the full enjoyment thereof for the purposes for which this lease is given, for a period of _____ years. Upon filing an application for renewal of the lease, not more than six (6) months or less than sixty (60) days prior to the expiration thereof, the Lessee or his duly approved successor in interest will be accorded a preference right to a new lease, upon such terms and for such duration as may be fixed by the officer signing this lease, if the terms of the lease have been complied with and such officer shall determine that a new lease should be granted.

The lessee or his duly approved successor in interest may purchase the above described land at or after the expiration of one year from the date of this lease, provided the improvements required hereunder have been made and he has otherwise complied with the terms and conditions of this lease. The purchase price shall be $____, plus the cost of survey, if any, necessary to describe the land properly. In no event may an application to purchase be filed prior to the expiration of one year from the date of this lease.

In consideration of the foregoing, the Lessee hereby agrees:

(a) To pay the Lessor, in advance, an annual rental of $_____.

(b) To construct upon the leased land, to the satisfaction of the Regional Administrator, improvements, which under the circumstances are presentable, substantial, and appropriate for the use for which the lease is issued. Plans for improvements may be submitted to the Regional Administrator for approval in advance of construction.

(c) To observe all State, county, and other laws and regulations which are applicable to the premises, including sanitary laws and regulations and laws relating to the cost and maintenance of partition fences, and to keep the premises in a neat and orderly condition.

(d) If pursuant to the lease, the site may be used in whole or in part for business, to conduct all business operations in an orderly manner and in accordance with the requirements of the laws of the State in which the land is located, as well as the laws of the United States, and not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and that he will require an identical provision to be included in all subcontracts.

(e) Not to commit waste or injury to the land, or to devote it to any occupation or use other than the purposes for which this lease is issued.

(f) To take all reasonable precautions to prevent and suppress forest, brush, and grass fires.

(g) That neither he nor members of his family, or employees, will set fires that will result in damage, and that fires will be extinguished before the premises are left unattended.

(h) Not to cut timber from the leased lands without first obtaining permission from the Regional Manager. Such permission will not be granted except where the timber is to be cut to clear the lands or to make improvements.

(i) To take all possible precautions to prevent pollution of waters on and in the vicinity of this tract.

(j) To observe all laws and regulations for the protection of game animals, game birds, and nongame birds, and not to disturb such animals or birds unnecessarily.

It is further understood and agreed:

(k) That there is reserved to the United States all of the coal, oil, gas, and other mineral deposits in the leased land; that any deposits of coal, oil, gas, or other minerals subject to the leasing laws in the lensed land may be disposed of under applicable laws and regulations in force at the time of such disposal; that the right to prospect for, mine, and remove the other kinds of minerals that may be found in the leased land shall be subject to such rules and regulations as may be prescribed by the Secretary of the Interior and that until such rules and regulations have been issued such reserved deposits will not be subject to disposition or prospecting. That there is reserved to the United States, pursuant to the provisions of the Act of August 1, 1946 (Public Law 585, 79th Cong.), all uranium, thorium, or any other materials which are or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same.

(l) That nothing contained in this lease shall restrict the acquisition, granting, or use of permits or rights of way under existing laws.

(m) That the Lessee will not enclose roads or trails commonly used for public travel.

That this lease is taken subject to the rights of others to cross the leased premises on, or as near as practicable to, the exterior boundaries thereof, as a means of ingress or egress to or from other lands leased under authority of this act.

Whenever necessary, the Regional Administrator may make final decision as to the location of right-of-way.

(n) That authorized representatives of the Department of the Interior at any time shall have the right to enter the leased premises for the purpose of inspection, and that Federal agents, including game wardens, shall at all times have the right to enter the leased area on official business.

(o) That the Lessee shall not sell or remove any timber growing on the leased land, for use elsewhere.

(p) That this lease is granted subject to valid existing rights.

(q) That this lease shall be subject to cancellation by the Regional Administrator for failure of the Lessee to timely make any required payment of annual rental, or for failure of the Lessee otherwise to perform or observe any of the terms, covenants, and stipulations hereof, or of any of the regulations issued under the Act of June 1, 1938, where such default has continued for thirty (30) days after written notice thereof by the Regional Administrator.

(r) That upon the cancellation of this lease for any reason, or upon its expiration, unless a renewal is requested, the Lessee will be allowed a reasonable time, to be determined by the Regional Administrator, within which to remove his improvements from the land, or to make other disposition thereof. Upon the failure of the Lessee to take such action, the improvements will become the property of the United States.

(s) That the Lessee will not assign this lease, or any interest therein, nor sublet any portion of the leased premises, without prior approval of the officer signing the lease, and will not speculate in the privileges herein granted. The approval of a transfer will be withheld, if it is for speculative purposes.

(t) It is further covenanted and agreed that each obligation hereunder shall extend to, and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, and assigns of the respective parties hereto.

(u) That no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, and either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom; and that the provisions of Section 3741 of the Revised Statutes (41 U. S. C. 22), and Sections 114, 115, and 116 of the Criminal Code, approved March 4, 1909 (35 Stat. 1109, 18 U. S. C. 204–206), relating to contracts, enter into and form a part of this lease, so far as the same may be applicable.

THE UNITED STATES OF AMERICA,

By _____

_____

(Title)

_____

(Lessee)

In witness whereof:

_____

_____

Witnesses to signature of Lessee:

_____

_____

(All applications must be prepared with an original and 1 copy. See footnote, paragraph 1.)

UNITED STATES DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

Serial No. _____
Receipt No. _____

_____

(Location of district land office)

APPLICATION FOR LEASE UNDER SMALL TRACT ACT

Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. sec. 682a), as amended

(a) I, _____

(Give full name)

of _____,

(Street and number or other address)

_____

(City or town, and State)

hereby make application to lease under the Small Tract Act public lands not exceeding approximately five acres, described as follows:

_____

(See footnote, paragraph 2)

_____

_____

Section _____, Township _____,
Range _____,
Meridian, containing _____ acres.

(b) For what period do you desire a lease?

_____

(See footnote, paragraph 3)

(c) State facts as to your citizenship _____

_____

(See footnote, paragraph 4)

(d) Give your age _____. If under 21, state whether you are the head of a family and the circumstances under which you claim such status_____

_____

(e) Give the names and ages of members of your family, or others who are chiefly dependent upon you for support _____

_____

(f) State the facts as to springs or water holes, if any, on the land, and as to other waters, if any, on or having a relation to the land _____

_____

(See footnote, paragraph 5)

(g) From what source do you propose to obtain water for domestic use? _____

_____

(h) To the best of your knowledge, does the land contain minerals? _____
If so, state the facts _____

_____

(i) Does the land contain timber? _____
If so, state the facts _____

_____

(j) Will it be necessary for you to cut timber in order to clear the land, or for use as improvements? _____
If so, state what timber must be cut _____

_____

(See footnote, paragraph 6)

(k) What use do you propose to make of the land? _____

_____

(See footnote, paragraph 7)

(l) If the site is to be used in whole or in part for business, do you agree to conduct all business operations in an orderly manner and in accordance with all requirements of the laws of the State in which the land is located, as well as the laws of the United States? _____ If the site is for business, give the names and addresses of two persons to whom reference may be made as to your reputation and business standing _____

_____

(m) What improvements do you intend to make on the land? _____

_____

(Describe the improvements, in detail. Attach drawings if convenient.)

_____

(n) Give estimated cost of the proposed improvements $_____. Of the annual maintenance of the proposed improvements $_____

(o) What sanitation and toilet facilities will be provided? _____

_____

(p) Do you agree to observe all State, county, and other sanitary laws and regulations applicable to the premises and to keep the premises in a neat and orderly condition? _____

(q) Is this application made for your own use and benefit? _____

(r) Is the land now improved, occupied or used? _____ If so, by whom and for what purposes? _____

_____

(Name and address)

_____

(Purposes for which land is used)

(s) Give names and state distances from the tract applied for to nearest:
Improved road _____
School _____
Town, village, or trading center _____

(t) Have you examined the land? _____
If so, when? _____

(u) Have you heretofore applied for a tract under this Small Tract Act? _____ If so, identify such application by land office and serial number, or otherwise _____

_____

(See footnote, paragraph 9)

(v) Are you a veteran of World War II?

_____

(If so, see footnote 10)

_____

(Sign here with full name)

I declare, under penalty of law that I have examined the foregoing application and the lands described therein and to the best of my knowledge and belief the statements in the application are true, correct and complete.

(See footnote, paragraph 8)

FOOTNOTES

1. The application must be prepared with an original and one copy, and filed in the proper district land office. If the land is in a State in which there is no district land office, the application must be filed with the Regional Administrator for the State in which the land is situated. If the land is within a State with respect to which there is no Regional Administrator the application must be filed in the Bureau of Land Management, Washington, D. C. The application must be accompanied by a fee of $5.

2. An application may not be filed for unsurveyed land. If the land has not been classified under the Small Tract Act, the application also constitutes a petition for classification. The land, not in excess of 5 acres, must be described by aliquot parts of a legal subdivision or subdivisions, if possible. The official township plats ordinarily provide the basis for description of tracts, in compact form, in units of 5, 2½, or 1¼ acres. Where a tract, not exceeding 5 acres, can be conformed to legal subdivisions of the survey, no additional official survey will ordinarily be made by the Government. Plats showing the official surveys are available for public inspection at the land office for the district in which the lands are situated, at the office of the Regional Administrator for the State in which the land is situated, and in the Bureau of Land Management, Washington, D. C.

Where the rectangular form does not make the most desirable plan for development, a tract, irregular in form, may be applied for, not in excess of 5 acres. In such cases, a metes-and-bounds description (the direction and length of the connecting line from the the initial point on the boundary to the nearest public-land survey corner, and the direction and length of each boundary course), will be required in the application, sufficiently complete to identify the location, boundary, and area of the tract, which will be regarded as defining its maximum limits.

3. Leases will not be issued for periods of more than 5 years, unless the character of the venture justifies a longer period.

4. Applicant must state whether he is a citizen of the United States or has declared his intention to become such citizen. If not native born, he must give the date of his naturalization or declaration, the title and location of the court in which the proceedings were heard, and the number, if any, of the document.

5. If there are springs or water holes on the land, applicant should state the size thereof and give an estimate of the quantity of water in gallons they are capable of producing daily. If any part or parts of the land are irrigated, or are affected by constructed or proposed irrigation ditches or canals, their location, area, source of water supply, and other pertinent facts should be stated. The relation of the tract to surface streams or springs rising on or flowing across it or in its vicinity should be indicated. The location and depth of wells, elevation or water plane relative to the surface, and other pertinent facts which will disclose the quantity and quality of the water supply, obtainable from either ordinary or artesian wells on the land, should be given. If there are no wells thereon such information should be furnished as to any other wells in that vicinity.

6. A lessee will not be permitted to cut timber for the purpose of clearing the land, or to make improvements, without first submitting to the Regional Administrator a statement as to his plans and until after permission to cut the timber has been granted.

7. Applicant must state the purposes for which the tract is to be used, which may include one or more of the following: (a) A home site—a site suitable for a permanent, year-round residence for a single person or a family. (b) A cabin site—a site suitable for a summer, week-end, or vacation residence. (c) A camp site—a site suitable for temporary camping and for the erection of simple or temporary structures and shelters, such as tents, tent platforms, etc. (d) A health site—a site suitable for the temporary or permanent residence of a single person or of a family for the prevention of disease or illness. (e) A convalescent site—a site suitable for residence of a single person or family for the purpose of recuperation from a disease or illness. (f) A recreational site—a site chiefly suitable for noncommercial outdoor recreation. (g) A business site—a site suitable for some form of commercial enterprise. A tract may be designated as one or more of the above types of sites. For example, a business site may also be a home site. It is important that the application should specify all purposes for which it is intended or desired to use the land, which must be limited to the types of use herein specified.

8. The application need not be executed under oath. It should be noted, however, that 18 U. S. C. sec. 80 makes it a crime for any person knowingly, or willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statements in any matter within its jurisdiction.

9. A person may not file more than one application under the act of June 1, 1938, unless upon a satisfactory showing he is permitted to do so. When more than one application is filed each application must be complete in itself and in accordance with all applicable regulations.

An application for public lands surveyed into small tract units may not embrace more than one tract unless the restriction should appear unreasonable because of special conditions.

An applicant must furnish data sufficient to identify all prior applications, if any, filed by him under the act.

10. A veteran of World War II claiming a preferred right of application must furnish with his application a certified copy of his discharge, or an affidavit corroborated by two reputable and disinterested witnesses, showing when he entered the service, when discharged, and the organization in which he served.

(All applications must be prepared with an original and 1 copy. See footnote, paragraph 1.)

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Serial No. _____
Receipt No. _____

_____

(Location of district land office)

APPLICATION FOR SALE UNDER SMALL TRACT ACT

Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. sec. 682a), as amended (a) I, _____

_____

(Give full name)

of _____,

(Street and number or other address)

_____

(City or town, and State)

hereby apply for the purchase under the Small Tract Act of public lands not exceeding approximately five acres, described as follows:

_____

_____

_____

Section _____, Township _____, Range _____,
_____ Meridian, containing _____ acres.

(b) I now hold these lands under Small Tract Lease No. _____ issued on_____.

(c) Have you fully complied with all of the terms and conditions of the lease and the regulations under which it was issued?_____
If not, attach a statement indicating in what respect there has been noncompliance and the reasons therefor.

(d) What improvements have you made on the land?_____

_____

(Describe the improvements, in detail. Attach photographs and drawings if convenient.)

_____

(e) Give estimated cost of the improvements $_____ of the annual maintenance of the improvements $_____.

(f) What sanitation and toilet facilities have been provided? _____

_____

(g) Is this application made for your own use and benefit? _____

(h) Is the land now improved, occupied, or used by anyone other than you? _____
If so, by whom and for what purposes? _____

_____

_____

(Name and address)

_____

(Purposes for which land is used)

(i) Have you heretofore applied for, leased or purchased a tract under the Small Tract Act? _____ If so, identify such application, lease or purchase by land office and serial number, or otherwise_____

_____

(See footnote, paragraph 2)

_____

I declare, under penalty of law (See footnote 3) that I have examined the foregoing application and the lands described therein and to the best of my knowledge and belief the statements in the application are true, correct and complete.

_____

FOOTNOTES

1. The application must be prepared with an original and one copy, and filed in the proper district land office. If the land is in a State in which there is no district land office, the application must be filed with the Regional Administrator for the State in which the land is situated. If the land is within a State with respect to which there is no Regional Administrator the application must be filed in the Bureau of Land Management, Washington, D. C.

2. An applicant must furnish data sufficient to identify all prior applications, if any, filed by him, and all other leases to, or purchases by, him if any, under the act.

3. The application need not be executed under oath. It should be noted, however, that 18 U. S. C. sec. 80 makes it a crime for any person knowingly, or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statements in any matter within its jurisdiction.

[F. R. Doc. 47-5245; Filed, June 3, 1947; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order 137]

RATES AND CHARGES FOR GOVERNMENT COMMUNICATIONS BY TELEGRAPH

MAY 29, 1947.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 28th day of May 1947;

The Commission having under consideration the matter of rates and charges for Government communications by telegraph: *It is ordered:*

1. That the charges for telegraph communications between the several departments of the Government and their officers, relating exclusively to the public business in their transmission over the lines or circuits of any telegraph company subject to the Post Roads Act, approved July 24, 1866, Rev. Stats. Secs. 5263–5269 (U. S. C. Title 47), shall not exceed eighty (80) per centum of the charges applicable to commercial communications of the corresponding classification, of the same length, and between the same points in the United States, which shall be deemed herein to include Alaska, subject to the following: (a) The minimum charge for Day Messages (telegrams) shall be 25 cents, for Day Letters 45 cents, for Night Messages 20 cents, for Night Letters 30 cents, and for Serial messages 54 cents, unless any of these amounts shall be greater than the minimum for a corresponding commercial message in which event the provision set forth in paragraph 4 below shall apply; (b) A Day Letter shall be charged for as a Day Letter or a Day Message, according to which of these classifications shall produce the lower charge for the particular message; (c) an overnight message shall be charged for as a Night Message or a Night Letter, according to which of these two classifications shall produce the lower charge for the particular message; (d) when the first section of a Serial message is not followed by another on the same day, it shall be charged for as a Day Message; when more than one section is filed on the same day, the sections shall be

charged for at the Serial rates or each section shall be charged for as a Day Message, according to which of these classifications shall produce the lower total charge; and (e) the provisions of this paragraph shall apply only to Government messages filed as Day Messages, Day Letters, Night Messages, Night Letters, and Serial messages.

2. That the rates and charges for telegraph communications between the several departments of the Government and their officers, relating exclusively to the public business between points in the United States and points in possessions of the United States, between points in different possessions, and between points in the United States including such possessions and points in foreign countries and ships at sea, transmitted by any carrier or carriers subject to the Post Roads Act, or subject to the terms of a permit or license granted by the President of the United States giving the Postmaster General authority to fix rates for Government communications by telegraph (such a carrier being hereinafter called a domestic carrier) shall, between all points embraced within the scope of such Act, permit or license, not exceed fifty (50) per centum of the full ordinary charges applicable to commercial communications of the same length and between the same points, except that charges for Government code messages shall not exceed fifty (50) per centum of the charges for like commercial code messages, subject to the following: (a) In cases where Government messages are transmitted between any of such points in part over the facilities of any domestic carrier and in part over the facilities of any other carrier, or administration, (hereinafter called a foreign carrier), the charges for Government communications shall not exceed the following: (1) For Government communications between points in the United States and Mexico or Canada; and (2) for Government communications between all other points, the amounts derived by applying the percentages specified in the first ordering paragraph herein and the percentages specified in this paragraph, respectively, to the full portion of the commercial charges accruing to the domestic carriers, plus the charges actually made for United States Government communications by foreign carriers: (b) the charges for Government ordinary messages between the following named points, shall be:

	Per word
Between Fisherman's Point, Guantanamo Bay, Cuba and Canal Zone	$0.09
Between Limon, San Jose, and Puntarenas, C. R., and Canal Zone	0.075

and the charges for Government code messages between the foregoing points shall be 60 per centum of the charges above specified for Government ordinary messages; and (c) with respect to Government messages to and from ships at sea the percentages specified shall not apply to the coastal station and ship station charges.

3. That if any new service shall be established, a supplementary order may be issued fixing the Government charge for such service.

4. That in no case shall the charge for a Government message exceed the charge for a corresponding commercial message; nor shall the portion of the through charges accruing to the domestic carriers for United States Government communications exceed the portion accruing to such carriers for like communications of any foreign government between the same points.

5. That in cases where the charge for a Government message, as determined herein, shall include a fraction of a cent, such fraction, if less than one-half, shall be disregarded, if one-half or more, it shall be counted as one cent; except that the charge for Government code messages shall be rounded up to the next higher half cent, if the fraction be less than one-half and to a full cent, if the fraction be more than one-half.

6. That every Government message shall have priority over all other messages of the same classification, and every Government day message, serial message, ordinary message and code message shall also have priority over all other messages regardless of the classification; and every Government message shall, unless otherwise provided herein, be subject to the classifications, practices and regulations applicable to the corresponding commercial communications.

7. That every domestic carrier which is subject to the Communications Act of 1934, shall immediately file with this Commission all schedules of charges applicable to Government communications established pursuant to this order, said schedules to be filed in full compliance with the requirements of section 203 of the Communications Act of 1934, and with Part 61 of the Commission's rules and regulations (Title 47—Telecommunications—Chapter I), to be constructed in such manner and form that the full charges for all Government messages from origins to destinations can be exactly and readily ascertained therefrom, and to name effective dates as of July 1, next ensuing: *Provided, however*, That in cases where charges in excess of those herein prescribed are collected because of conditions over which domestic carriers have no control such charges shall be shown in the schedules but the excess shall be refunded to the United States Government.

8. That in every case where any schedule containing charges applicable to commercial messages shall be changed, or the charges made by any foreign carrier shall be changed, the schedule containing the charges applicable to Government messages shall be correspondingly changed, effective on the same date.

9. That nothing herein contained shall apply to charges fixed by agreement between any department of the United States Government and the companies performing the service if such agreement be authorized in any statute of the United States.

10. That nothing herein contained shall be construed to give Government messages priority over radio communications or signals which are given a higher priority under section 321 (b) of the Communications Act of 1934, as amended; or under Article 26 of the General Radio Regulations (Cairo Revision, 1938) Annexed to the International Telecommunications Convention (Madrid; 1932).

This order shall become effective on the first day of July 1947 and shall continue in effect until June 30, 1948, both dates inclusive, unless changed by order of the Commission.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5344; Filed, June 4, 1947; 8:46 a. m.]

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

MAY 29, 1947.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May, 1947;

The Commission having under consideration the establishment of a Hearing Division composed of presiding officers appointed pursuant to the provisions of the Administrative Procedure Act, and the creation of a Review Section in the Broadcast Division; and

It appearing, that the adoption of such proposals requires that Part I of the Commission's rules and regulations be revised and amended; and

It appearing further, that such revisions and amendments will be in the public interest and that publication of notice of proposed rule making pursuant to section 4 of the Administrative Procedure Act is not required herein;

It is ordered, That Part 1 of the Commission's rules and regulations entitled "Rules Relating to Organization and Practice and Procedure" be, and it is hereby, amended in the following respects, effective June 11, 1947.

1. Section 1.4 is amended by adding paragraph (f) to read as follows:

§ 1.4 *General description of Commission organization.* • • •

(f) Hearing Division.

2. Section 1.74 (f) is amended to read as follows:

§ 1.74 *Broadcast Division.* • • •

(f) Review Section, which reviews the records of hearings, proposed findings and conclusions, decisions of presiding officers and such additional material as comprise the record of a proceeding; prepares review reports and, in accordance with Commission directives, its decisions; and is responsible for coordinating all hearings and prehearing conferences, and for scheduling the times and places for such hearings and conferences.

3. Subpart A is amended by adding the following new section:

§ 1.91 *Hearing Division.* Hearing Division, under the supervision of the Commission, is composed of presiding officers who presided at hearings as directed by the Commission and in accordance with the provisions of the Administrative Precedure Act; who prepare recommended and initial decisions; and who perform such additional duties as are not inconsistent with their duties and responsibilities as presiding officers.

4. Section 1.841 is amended to read as follows:

§ 1.841 *Applicability.* Sections 1.843, 1.851 (a) (b) (c) and (d), and 1.857 shall apply only to cases which have been designated for hearing on or after December 11, 1946;[1] *Provided, however*, That these sections shall be applicable to cases designated for hearing prior to December 11, 1946 if consolidated with a case designated for hearing on or after that date.

5. Section 1.843 is amended to read as follows:

§ 1.843 *Designation of presiding officers.* (a) So far as will be practicable, presiding officers shall be assigned to cases in rotation with due consideration for the following factors: (1) The grade classification of the presiding officer, (2) the nature of the case to be heard, (3) the specialized experience of the presiding officer, and (4) the extent of the presiding officer's workload.

(b) Except where the Commission determines that due and timely execution of its functions requires otherwise, presiding officers shall be so designated, and notice thereof made public, at least 10 days prior to the date set for hearing. In the event that a presiding officer deems himself disqualified and desires to withdraw from the case he shall notify the Commission of his withdrawal at least 7 days prior to the date set for hearing. Any party or any person who has been granted leave to be heard, or the General Counsel of the Commission, may in good faith request the presiding officer to withdraw on the grounds of personal bias or other disqualification. The person seeking disqualification shall file with the presiding officer an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification, and the presiding officer may file a response thereto. Such affidavit must be filed within 5 days of the date set for hearing or within 2 days after the presiding officer is designated, whichever is later, but in no event later than the close of the first day of the hearing. If the presiding officer believes himself not disqualified he shall so rule and proceed with the hearing. If the person seeking disqualification excepts from the ruling of the presiding officer he shall so state at the time the ruling of the presiding officer is made and the presiding officer shall certify the question together with the affidavit and any response filed in connection therewith, to the Commission. The Commission may rule on the question without hearing or it may require testimony or argument on the issues raised. The affidavit, response, testimony and decision thereon shall be part of the record in the case. The failure to file an objection to the presiding officer designated by the Commission within the time required by this section, or to file an exception to the ruling of the presiding officer shall be deemed a waiver thereof by the parties to the proceeding.

6. Section 1.844 is amended to read as follows:

§ 1.844 *Authority of presiding officers.* The functions of all presiding officers shall be conducted in an impartial manner. They shall have authority, with respect to cases assigned to them, from the date of their designations as presiding officers to date of submission of their decisions and transfer of the cases to the Commission, subject to the published rules and regulations of the Commission and within its powers, to:

(a) Administer oaths and affirmations,

(b) Examine witnesses,

(c) Issue subpoenas authorized by law,

(d) Rule upon offers of proof and receive relevant evidence at any place in the United States designated by the Commission,

(e) Take or cause depositions to be taken whenever the Commission determines that the ends of justice would be served thereby,

(f) Regulate the course of the hearing, maintain discipline and decorum, and exclude from the hearing any person found guilty of contemptuous conduct,

(g) Hold conferences for the settlement or simplification of the issues by consent of the parties,

(h) Take any other action necessary under the foregoing and authorized by the published rules and regulations of the Commission, but no such officer shall be empowered to decide any motion offered in the course of a hearing to dismiss the proceeding or to decide any other motion which involves a final determination of the merits of the proceedings.

7. Section 1.847 is amended to read as follows:

§ 1.847 *Certification of transcript.* After the close of the hearing the complete transcript of testimony, together with all exhibits, shall be certified as to identity by the presiding officer and filed in the office of the Secretary of the Commission. Notice of such certification shall be served on all parties to the proceedings.

8. The last sentence of the footnote to § 1.849 is amended to read as follows: "Any party not directed to file proposed findings of fact and conclusions of law may so file, if he desires to do so, by notifying the Commission of his intention before the record is closed."

9. Section 1.851 (a) is amended to read as follows:

§ 1.851 *Initial, recommended and proposed decisions.* (a) Unless otherwise directed by the Commission the presiding officer shall prepare a recommended decision as provided for in paragraph (d) of this section, which shall be made public and filed in the docket of the case simultaneous with the issuance of the Commission's proposed decision.[1]

[1] In cases involving rule making and the issuance of initial licenses the presiding officer shall prepare a recommended decision only if the hearing in the case commenced on or after June 11, 1947.

10. Section 1.851 (b) is amended to read as follows:

(b) In such cases as the Commission shall consider appropriate therefor, the order or notice designating the presiding officer may specify that such presiding officer shall prepare an initial decision as provided for in paragraph (c) of this section.

11. Section 1.851 (d) is amended to read as follows:

(d) In cases where a recommended decision is prepared by the presiding officer, such decision shall contain findings of fact, conclusions, and the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record; the appropriate rule, order, sanction, relief, or denials thereof; and recommendations as to what disposition of the case should be made. The recommended decision shall be transmitted to the Commission and shall not be made public until the Commission issues a proposed decision. After such transmission the case shall be transferred to the Commission and the presiding officer's jurisdiction over the proceedings shall cease.

12. Section 1.851 (e) as amended to read as follows:

(e) In all cases where a recommended decision is prepared by the presiding officer (or where no decision is prepared by a presiding officer), the Commission will issue a proposed decision containing its proposed findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; and the appropriate rule, order, sanction, relief, or denial thereof. If a recommended decision has been prepared by the presiding officer, the Commission will append it to its proposed decision and issue both simultaneously. The proposed decision will show the ruling of the Commission upon each relevant and material finding and conclusion proposed by the parties.

13. Section 1.851 (f) is redesignated as § 1.851 (g).

14. New § 1.851 (f) is adopted to read as follows:

(f) In the event that a presiding officer becomes unavailable to the Commission after the commencement of the hearing and before the receipt of testimony has been concluded, the Commission will designate a presiding officer from the Hearing Division and shall specify the type of decision, if any, which such presiding officer shall prepare in the case. In cases involving matters set forth in § 1.857 (b) such designee shall be bound by the provisions of § 1.857 (a). Where a presiding officer becomes unavailable to the Commission after the receipt of testimony has been concluded, the record shall be certified to the Commission for decision.

15. The first sentence of § 1.854 (a) is amended to read as follows:

§ 1.854 *Exceptions: briefs, request for oral argument.* (a) Within 20 days from the date of issuance of the Commission's initial decision by the presiding officer,

[1] See footnote to § 1.851 (a).

or the Commission's proposed decision (and presiding officer's recommended decision, if any), the parties to the proceeding, and the General Counsel of the Commission, may file a statement in writing setting forth such exceptions to said decisions or to any part of the record or proceeding (including rulings upon all motions or objections) as they rely upon. • • •

16. Section 1.857 (a) is amended to read as follows:

§ 1.857 *Separation of functions.* (a) For hearings involving the matters listed in paragraph (b) of this section, there shall be designated to preside therein one or more Commissioners or a presiding officer from the Hearing Division. Except as authorized by the provisions of section 5 (c) of the Administrative Procedure Act, no such officers shall consult or confer with any person or party on any fact in issue unless upon notice and opportunity for all parties to participate; nor shall such officers during such time, be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for the Commission. No officer, employee or agent engaged in the performance of investigative or prosecuting functions for the Commission in any case shall, in that or a factually related case, participate or advise in any decision arising out of a proceeding set forth in paragraph (b) of this section.

17. The first sentence of § 1.857 (c) is amended to read as follows:

(c) Every notice or order containing the Commission's designation of presiding officer shall indicate whether this section shall be applicable to the particular proceeding. • • •

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5346; Filed, June 4, 1947; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[4th Rev. S. O. 180, Amdt. 12]

PART 95—CAR SERVICE

DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of May A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 180 (10 F. R. 14970) as amended (11 F. R. 1627, 1991, 3605, 4038, 6983, 9453, 10092, 11707, 12395; 12 F. R. 1421, 3032), and good cause appearing therefor: *It is ordered*, That:

Fourth Revised Service Order No. 180 (49 CFR § 95.330), as amended, be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof during the effectiveness of this amendment:

(a) *Demurrage charges on refrigerator cars.* (1) After the expiration of the free time lawfully provided by tariffs (subject to modification by service orders), on a refrigerator car held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, forwarding directions, loading or unloading, the demurrage charges shown in paragraph (a) (2) of this section shall be applicable in lieu of tariff charges.

(2) Demurrage charges shall be $2.20 per car per day or a fraction thereof for the first and second day; $5.50 per car per day or a fraction thereof for the third and fourth day; and $11.00 per car per day or a fraction thereof for each succeeding day.

Effective date. This amendment shall become effective at 7:00 a. m., June 1, 1947.

Expiration date. This amendment shall expire at 7:00 a. m., July 1, 1947.

It is further ordered, That a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5305; Filed, June 4, 1947; 8:52 a. m.]

[4th Rev. S. O. 180, Amdt. 13]

PART 95—CAR SERVICE

DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of May A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 180 (10 F. R. 14970) as amended (11 F. R. 1627, 1991, 3605, 4038, 6983, 9453, 10092, 11707, 12395; 12 F. R. 1421, 3032), and good cause appearing therefor: *It is ordered*, That

Fourth Revised Service Order No. 180 (49 CFR § 95.330), as amended, be, and it is hereby, further amended as follows:

No common carrier by railroad subject to the Interstate Commerce Act shall charge or collect any demurrage on a refrigerator car subject to paragraph (a) (1) of this section for any detention to such a car on the demurrage days of May 30, 31, or June 1, 1947.

Effective date. This amendment shall become effective at 7:00 a. m., May 30, 1947.

It is further ordered, That a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5306; Filed, June 4, 1947; 8:51 a. m.]

[Rev. S. O. 188, Amdt. 10]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of May A. D. 1947.

Upon further consideration of Revised Service Order No. 188 (10 F. R. 15175) as amended (11 F. R. 1626, 1992, 2605, 4038, 7043, 9453, 10092; 12 F. R. 1420, 3033), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 188 (49 CFR § 95.334), as amended, be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof during the effectiveness of this amendment:

(a) *Demurrage charges to be applied on refrigerator cars engaged in intraterminal transportation.* (1) The State Belt Railroad of California shall apply the demurrage charges shown in paragraph (a) (2) to any refrigerator car used for transporting any commodity to, from, or between industries, plants, or piers located at points or places named in District A and/or B as described in Item No. 15 of Tariff I. C. C. No. 5 of the State Belt Railroad operated by the State of California.

(2) After the expiration of forty-eight (48) hours' free time after a refrigerator car is first placed for loading and until shipping instructions covering such car are tendered to said carrier's agent and/or after forty-eight (48) hours' free time after a refrigerator car is first placed for unloading and until such car is unloaded and released, the demurrage charges shall be $2.20 per car per day or fraction thereof for the first and second day; $5.50 per car per day or fraction thereof for the third and fourth day; and $11.00 per car per day or fraction thereof for each succeeding day.

NOTE: After a refrigerator car is loaded and released for movement by the tender of shipping instructions to said carriers agent, if the car is not actually placed for unloading for any reason within forty-eight (48) hours after such car is released for movement, but is held by the carrier short of place of delivery for unloading, such car will be considered as constructively placed at the expiration of the said forty-eight (48) hours and demurrage time shall be computed from the expiration of the said forty-eight (48) hours until said car is unloaded and released.

Effective date. This amendment shall become effective at 7:00 a. m., June 1, 1947.

Expiration date. This amendment shall expire at 7:00 a. m., July 1, 1947.

It is further ordered, That a copy of this order and direction be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5300; Filed, June 4, 1947; 8:50 a. m.]

[Rev. S. O. 188, Amdt. 11]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of May A. D. 1947.

Upon further consideration of Revised Service Order No. 188 (10 F. R. 15175) as amended (11 F. R. 1626, 1992, 3605, 4038, 7043, 9453, 10092; 12 F. R. 1420, 3033, and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 188 (49 CFR § 95.334), as amended, be, and it is hereby, further amended as follows:

The State Belt Railroad of California shall not charge or collect any demurrage on a refrigerator car subject to paragraph (a) (1) of this section for any detention to such a car on the demurrage days of May 30, 31, or June 1, 1947.

Effective date. This amendment shall become effective at 7:00 a. m., May 30, 1947.

It is further ordered, That a copy of this order and direction be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5302; Filed, June 4, 1947; 8:51 a. m.]

[S. O. 394, Amdt. 10]

PART 95—CAR SERVICE

FREE TIME ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of May A. D. 1947.

Upon further consideration of Service Order No. 394 (10 F. R. 15008), as amended (10 F. R. 15073, 15354; 11 F. R. 408, 1627, 1992, 2277, 4039, 9453; 12 F. R. 1235) and good cause appearing therefor: it is ordered, that:

Section 95.394 *Free time on refrigerator cars*, of Service Order No. 394, as amended, be, and it is hereby, further amended as follows:

When computing time under this order May 30, 31 and June 1, 1947 shall not be counted or included in the periods provided in paragraphs (a) or (b) of this section.

It is further ordered, that this amendment shall become effective at 12:01 a. m., May 30, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5303; Filed, June 4, 1947; 8:51 a. m.]

[S. O. 396, Amdt. 7]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNING OF PERISHABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of May A. D. 1947.

Upon further consideration of Service Order No. 396 (10 F. R. 15008), as amended (11 F. R. 1627, 4038, 9453; 12 F. R. 1235, 2288, 2479), and good cause appearing therefor: it is ordered, that:

Service Order No. 396, Perishables—restrictions on reconsigning, (codified as 49 CFR § 95.396), as amended, be, and it is hereby, further amended as follows:

When computing the two-day (48 hour) period provided in paragraph (b) of this section May 30, 31 and June 1, 1947, shall not be counted, or be included in such period.

It is further ordered, that this amendment shall become effective at 12:01 a. m. May 30, 1947, and it shall apply only on cars to be diverted or reconsigned on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5304; Filed, June 4, 1947; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 972]

MILK IN TRI-STATE MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159) notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and to a proposed marketing agreement, regulating the handling of milk in the Tri-State milk marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed amendments to the order, as amended,

and the proposed marketing agreement were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by the Huntington Interstate Milk Producers Association, Scioto County Milk Producers Association, Marietta Cooperative Milk Producers Association, and Athens Milk Sales, Inc. Additional proposals for consideration were submitted by the Dairy Branch, Production and Marketing Administration. The public hearing was held at Gallipolis, Ohio, March 7–8, 1947, upon notice issued on February 27, 1947 (12 F. R. 1400).

The principal issues developed at the hearing were concerned with the following:

1. Revising the Class I milk price differential over the basic formula price to provide a seasonal price pattern and increase the annual average level of the differential.

2. Revising the Class II milk price differential over the basic formula price to provide a seasonal price pattern and increase the annual average level of the differential.

3. Reviewing the provisions of the order relating to handler location adjustment deductions on producer milk for the purpose of modifying or deleting such provisions.

Findings and conclusions. The proposed findings and conclusions with respect to the issues presented at the hearing, together with the reasons therefor, are as follows:

1. The Class I milk price differential over the basic formula price should be revised to provide a seasonal price pattern (including "floor prices") and an increase in the annual average level of the differential.

There has been a maladjustment in the supply of regular producer milk in relation to the market demand for Class I milk and Class II milk in the Tri-State area. The utilization of Class I milk and Class II milk has been relatively uniform throughout the year, whereas the receipt of milk from producers varies greatly between the seasons of the year. The variation in the receipts of prdoucers milk between the flush production season and the short production season has become progressively wider for several years. Production varies seasonally to such an extent that in 1946 it was nearly twice as great in June as in December. The cost of producing milk is considerably higher during the fall and winter months than May and June. A price plan to induce an increase in milk production during the fall and winter seasons is urgent for the Tri-State market. A Class I price differential employing absolute floor prices in the seasonal pattern is required to assure a substantially higher price in the fall and winter months compared to the spring months and thus develop a more level annual pattern of production.

Producers need definite assurance of substantially higher prices during the fall and winter months if they are to produce more milk during these seasons. Absolute floor prices for the 1947 and 1948 season will give this assurance. If the basic formula produces a higher price for these fall and winter months it should prevail as a further guarantee that the Class I price will be more in line with the then current marketing conditions.

The record supports the adoption of a seasonal Class I price differential which compared to May and June, months of flush production, would be 10 cents higher for the 4 months of March, April, July, and August, and 25 cents higher for the 6 months of September through February. Normally the basic formula price will be from 20 to 40 cents higher during the short production months than for May and June. Also normally the percentage utilization of producers' milk for fluid purposes is higher during the fall and winter months, resulting in about 10 cents higher blend price compared to May and June. Adding these three factors together it is estimated the blend price for the short production months will exceed the May and June prices from 55 to 75 cents. Recent price plans employed in the Tri-State area have not provided as much seasonal variation in producer prices as was customary prior to the maximum price regulations during the war emergency. For this period of time farmers were induced to produce all the milk possible with little regard to the season or the requirements of the local market. Under these conditions maximum milk production shifted to the spring months when production costs are at their lowest level. To halt and reverse this trend, especially at a time when general milk market conditions are unsettled, will require definite assurance that the fall and winter prices will be substantially higher than for May and June. An absolute floor price for Class I milk will give farmers this assurance. It is concluded that such a price pattern will afford an incentive to shift milk production from spring to fall and winter months.

Furthermore, the level of production of regular producer milk has been insufficient to meet the needs of Class I milk and Class II milk in the Tri-State area. During the 18 month period (August, 1945–January, 1947) under the order the receipts of milk from regular producers was only 88 percent of the total milk utilized in Class I and Class II. It has been necessary for handlers to supplement producer milk in Class I and II with milk from other sources, usually not meeting the quality standard of regular producer milk.

General economic conditions and business activity indicate a continued good demand for milk and milk products.

The price of livestock and grains have advanced sharply in 1947 and, compared to decreasing milk prices, offer returns from alternative farm enterprises which will tend to discourage milk production if this relationship continues over an extended period of time.

Tri-State handlers compete with milk buyers in other areas for milk supplies to be used for fluid milk purposes. Milk dealers operating in Charleston, West Virginia, procure milk from farmers residing in the Tri-State milkshed. Some of these farmers were formerly producers for Tri-State handlers. Condenseries receiving both graded and ungraded milk in the Tri-State milkshed supply milk to fluid users in Charleston, West Virginia and eastern cities. The Charleston, West Virginia, market is located in a deficit milk production area and is a constant competitive outlet for milk supplies of the Tri-State market area. Charleston, West Virginia, buyers of milk are soliciting producers in the Tri-State area and were offering $5.60 per hundredweight during February, 1947, compared to $4.76 paid by Tri-State handlers in the other than Huntington area. The Waterford Creamery, Athens, Ohio, quoted a price of $5.60 for the last half of January, 1947. The Crowley Dairy of Jackson, Ohio, quoted $5.40 during February, 1947. Both of these quotations were for 4 percent butterfat Grade "A" milk to be shipped to eastern markets including Charleston, West Virginia. One Tri-State handler in Marietta, Ohio, is engaged in supplying milk procured in excess of his own fluid requirements to the Charleston, West Virginia, market.

The Class I differential over the basic formula price (18 midwest condenseries) was established November 1, 1946, when the basic formula price was relatively high compared to the prices paid by Southern Ohio condenseries and Charleston, West Virginia, handlers. Since that time the basic formula price and the resulting Class I price have decreased relatively lower than the prices paid by Ohio condenseries and Charleston handlers. The basic formula price declined 68 cents from November, 1946, to January, 1947. The Southern Ohio condensery average price declined 47 cents and the Charleston price remained approximately constant for the same period. Thus for January the Class I price was at a 21-cent lower level compared to competing Ohio condenseries and 68-cent lower level compared to Charleston prices than when the present differential was established. This relative difference in prices makes the Tri-State milk supply more vulnerable to competing markets.

The trend of the costs of feeds, labor, and supplies incurred by producers in the production of milk has been upward during 1946 and 1947. The price of 16 percent dairy ration, a representative dairy feed, has increased substantially for the first 3 months of 1947 as compared to the same period of 1946. The price of this feed decreased somewhat from July 1946 (the peak reached when ceiling prices were removed), until February 1947. During February and March 1947, the price of mixed dairy feeds advanced sharply and established a new upward trend. Attempting to find an index that will reflect many milk price making factors the order provides a basic formula price which is the price paid for manufacturing milk by a selected group of midwest condenseries. The basic price formula does not, however, reflect fully all the factors necessary at arriving at a price for Class I milk. The order therefor provides a differential that is added to the basic formula price to arrive at the Class I price. This differential is utilized to reflect various price making factors not fully covered by the basic formula and to balance the relative weights of such factors under current local economic conditions so that the Class I price will be at a level which will reflect, in addition to the price and availability of feeds, other economic conditions which affect market supply and demand for milk in the marketing area and will insure an adequate supply of pure and wholesome milk and be in the public interest. The basic formula price has decreased 68 cents from November 1946 to January 1947, the last month reported in the hearing record. Farmers producing milk for fluid purposes must use feed, labor and supplies more extensively to maintain production at a more uniform and higher level than is required of manufacturing milk producers. Consequently, the increases in the prices which have taken place in those commodities affect the fluid milk producers more than the producers of milk for condenseries.

Handlers contend that since the present Class I differential was established, producer prices have advanced and some feed prices have declined, and for these reasons they urge that no change be made in the annual average level of the Class I differential. The present Class I differential of 95 cents and 75 cents for the Huntington and other than Huntington areas over the basic formula price was made effective November 1, 1946. The Huntington district Class I price for February, the latest price quoted in the record, was 99 cents less than the price for November. To continue the differential at the present level because some feed prices may have declined slightly since the differential was established would lose sight of the fact that whatever decline may have occurred in some feed prices has been accompanied by a considerably greater decline in milk prices and would ignore the other heretofore mentioned price-making factors and is therefore unwarranted. Handlers also minimize the competition between the Tri-State area and the Charleston, West Virginia, market and the local condenseries and assert that the "local condensery threat" is a fiction and that the Charleston threat is similar to that which has existed over a long period of time. However, the record shows that these competitive markets do have a substantial effect on the supply of milk in the Tri-State area and therefore must be considered in determining a Class I differential which will tend to procure and maintain an adequate supply of milk for the Tri-State market.

It is concluded that the proper weighing of the above-mentioned price-making factors—a shortage of producer milk in relation to fluid sales, a good demand for fluid milk, the increasing disparity between the prices of fluid milk and the prices of competing farm enterprises, the competition of other areas at higher prices for the Tri-State milk supply, and the disparity between local condenseries and basic formula prices—indicate the need for revising the level of the Class I price differential upward approximately 30 cents per hundredweight on an annual average. It is further concluded that the milk producers of the Tri-State area need at this time, when they are planning their fall and winter production program, more definite assurance as to the level of milk prices than is afforded by the basis formula. In order to obviate uncertainty inherent in the basic formula during abnormal postwar marketing conditions a "floor price" for Class I milk is established below which the price will not be permitted to go. The level of floor prices for the fall and winter months should be substantially higher than the prices prevailing during May and June to emphasize the seasonal factor of milk pricing and assure farmers of higher prices during the seasons when an increase in milk production is most needed by the market. A Class I floor price for the other than Huntington district beginning July 1, 1947 of $4.42 and increasing to $4.86 beginning September 1, 1947 (44 cents below November 1946) will recognize this seasonality and result in prices well above the current level of May and June prices.

These changes are accomplished by revising the present year-round Class I price differential of $0.95 and $0.75 for the Huntington and other than Huntington districts, respectively, above the basic formula price, to the following seasonal pattern:

Month	Huntington district	Other than Huntington district
May and June	$1.10	$0.80
March, April, July, and August	1.20	1.00
Other 6 months	1.35	1.15
Average	1.25	1.05

Provided, That for the months of July and August, 1947, the price for Class I milk shall not be less than $4.62 and $4.42 for the Huntington and other than Huntington district, respectively, and for the months of September, October, November and December, 1947, and January and February, 1948, such prices shall not be less than $5.06 and $4.86, respectively.

2. The Class II milk price differential over the basic formula price should be revised to provide a seasonal price pattern (including "floor prices") and an increase in the annual average level of the differential. The relationship between the present Class I and Class II differentials should be maintained month by month in the revised seasonal price pattern and in the floor prices.

The material facts with reference to revising the Class II price differential over the basic formula price to a seasonal pattern and a higher annual average level and the floor prices are the same as those set forth with respect to Class I.

3. The provisions of the order relating to handler location adjustment deductions on producer milk should be deleted.

Handlers do not receive milk from producers except at a "fluid milk plant" as defined in § 972.1 (h) (1) of the order. Producers retain title to milk until it is received by a handler at a fluid milk plant as defined in §972.1 (h) (1) of the order. No handler operates or has operated a fluid milk plant as defined in § 972.1 (h) (2) of the order and there is no evidence that such a plant will be operated. Location adjustments pursuant to § 972.8 (g) have not been made because producer milk was not received by a handler under such circumstances. Therefore § 972.1 (h) (2) and § 972.8 (g) are superfluous and should be deleted. These provisions of the order may be deleted without revising other provisions of the order.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Producer Associations and various handlers subject to Order No. 72. The briefs contain statements of fact, conclusions, and arguments with respect to all of the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. Although all of the briefs do not contain specific requests to make proposed findings, it is assumed that the arguments and conclusions submitted were for this purpose and are treated accordingly. To the extent that such proposed findings and conclusions are inconsistent with the proposed findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Delete § 972.1 (h) and substitute therefor the following:

§ 972.1 *Definitions.* * * *

(h) "Fluid milk plant" means a plant out of which a route is operated wholly or partially within the marketing area: *Provided*, That a "fluid milk plant" shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

2. Delete § 972.5 (b) and substitute therefor the following:

§ 972.5 *Minimum prices.* * * *

(b) *Class I milk prices.* Subject to the provisions of (e), (f), (g) and (h) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk, shall be the basic formula price determined pursuant to paragraph (a) of this section plus the following amounts for the delivery periods indicated:

Delivery period	Huntington district plants	Other plants
May and June	$1.10	$0.90
March, April, July, and August	1.20	1.00
September, October, November, December, January, and February	1.35	1.15

Provided, That for the months of July and August, 1947, the price for Class I milk shall not be less than $4.62 and $4.42 for the Huntington and other than Huntington district, respectively, and for the months of September, October, November and December, 1947, and January and February, 1948, such prices shall not be less than $5.06 and $4.86.

3. Delete § 972.5 (c) and substitute therefor the following:

(c) *Class II milk prices.* Subject to the provisions of (e), (f), (g) and (h) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class II milk, shall be the basic formula price determined pursuant to paragraph (a) of this section plus the following amounts for the delivery periods indicated:

Delivery period	Huntington district plants	Other plants
May and June	$0.80	$0.60
March, April, July, and August	.90	.70
September, October, November, December, January, and February	1.05	.85

Provided, That for the month of July and August, 1947, the price for Class II milk shall not be less than $4.32 and $4.12 for the Huntington and other than Huntington district, respectively, and for the months of September, October, November and December, 1947, and January and February, 1948, such prices shall not be less than $4.76 and $4.56.

4. Delete § 972.8 (g).

Filed at Washington, D. C. this 29th day of May 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-5317; Filed, June 4, 1947; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 31]

[Docket No. 8401]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

NOTICE OF PROPOSED RULE MAKING

MAY 29, 1947.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed amendment to the rules and regulations is set forth in this notice and provides, substantially, the following:

(a) An instruction as to the limited significance of the sequence in which the accounts are presented in the Uniform System of Accounts.

(b) The introduction of an account in which to record write-ups of plant and other plant adjustments not arising from acquisitions from predecessors.

(c) The introduction of a capital surplus account.

3. This proposed amendment is issued under the authority of sections 4 (i) and 220 (a) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment to the rules and regulations should not be adopted or should not be adopted in the form set forth may file with the Commission on or before June 16, 1947, a written statement or brief setting forth his comments. The Commission will consider these written comments before adopting the proposed rules and if comments are submitted which appear to warrant the Commission in holding an oral argument, notice of the time and place of such oral argument will be given.

Proposed amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations, as revised to August 1, 1946.[1]

1. At page 8, column 1, following § 31.01–9, insert the following new instruction:

§ 31.01–9a *Sequence of accounts.* The order in which the accounts are presented in this system of accounts is not to be considered as necessarily indicative of the order in which they will be scheduled at all times in reports to the Commission.

2. At page 9, column 2, amend § 31.1–13 (b) to read as follows:

(b) The necessary adjustments for the difference between (1) the face amount of bonds and other evidences of debt that have been reacquired and (2) the amounts actually paid for them plus the amounts of expenses incurred in connection with their reacquisition shall be included, when a debit, in account 413, "Miscellaneous debits to earned surplus," and when a credit, in account 402, "Miscellaneous credits to earned surplus." In the case of refinancing, amounts that ordinarily would thus be charged or credited to earned surplus may be made subject to amortization upon approval by the Commission in the specific instance.

3. At page 9, column 2, following § 31.1–13, paragraph (b), add new paragraphs as follows:

(c) The necessary adjustments for the difference between (1) the face amount of bonds and other evidences of debt that previously have been reacquired and are resold and (2) the amounts actually received for them less the amounts of expense incurred in connection with their resale shall be included when a debit in account 413, "Miscellaneous debits to earned surplus," and, when a credit, in account 402, "Miscellaneous credits to earned surplus."

(d) The necessary adjustments for the difference between (1) the book amount of capital stock that has been reacquired and (2) the amount actually paid for it plus the amounts of expense incurred in connection with its reacquisition shall be included in account 179, "Other capital surplus," except that the excess of a debit adjustment over the balance in account 179, applicable to capital stock of the same class, shall be charged to earned surplus: *And, provided further*, That a credit adjustment shall be included in earned surplus to the extent that any previous charges to earned surplus on account of transactions in the same class of stock have not been offset by previous credits to earned surplus on account of such transactions.

(e) The necessary adjustments for the difference between (1) the book amount of capital stock that previously has been reacquired and is resold, and (2) the amount actually received for it less the amounts of expense incurred in connection with its resale shall be included in account 179, "Other capital surplus," except that the excess of a debit adjustment over the balance in account 179, applicable to capital stock of the same class, shall be charged to earned surplus: *And provided further*, That a credit adjustment shall be credited to earned surplus to the extent that any previous charges to earned surplus on account of transactions in capital stock of the same class have not been offset by previous credits to earned surplus on account of such transactions.

(f) The company's records shall be so maintained that in reports to the Commission there may be shown the extent to which the surplus accounts have been charged and credited in connection with transactions in each class of capital stock.

4. At page 10, column 1, amend paragraph (e) of § 31.1–14 to read as follows:

(e) When capital stock which has been actually issued or assumed by the company is reacquired the proportion (based upon the relation of the amount of stock reacquired to the total amount of that particular class or series of stock outstanding before its reacquirement) of the balance in the discount and premium account with respect to the stock reacquired shall be cleared to account 179, "Other capital surplus," except that any excess of a debit amount over the balance in account 179, applicable to capital stock of the same class, shall be charged to earned surplus: *And provided further*, That a credit amount shall be credited to earned surplus to the extent that any previous charges to earned surplus on account of transactions in capital stock of the same class have not been offset by previous credits to earned surplus on account of such transactions.

5. At page 11, column 1, following § 31.1–17, insert a new section as follows:

§ 31.1–18 *Surplus.* (a) The accounts designated as capital surplus accounts are designed to show (1) paid-in surplus (i. e., proprietary contributions in excess of the stated capital included in the capital-stock accounts), (2) donated surplus (including (i) surplus created by donations of stock or assets by proprietary interests, and (ii) contributions of assets or forgiveness of debt by others) when the intent of the donor or bondholder is to increase the company's invested capital, (3) surplus arising from reacquisition or resale of, or otherwise trading in, the company's own capital stock, and (4) surplus arising from the reduction of the stated value of capital stock due to such occasions as retirement, reorganization or recapitulation.

(b) The balance-sheet accounts designated as earned-surplus accounts are designed to show the accumulated undistributed surplus derived from the normal operations of the company and from all sources (including sales of fixed assets) other than those sources referred to in paragraph (a) of this section.

(c) Not later than April 1, 1948 (except as provided in note hereto), the company shall submit to the Commission a transcript of its capital-surplus account or accounts covering the entire period from inception to January 1, 1948, showing in detail the nature and amounts of charges and credits, respectively, and the balance that was or, if it had always been maintained, would have been in the account at the close of each year. The transcript shall be accompanied by a summary statement in which the charges and credits for the entire period covered by the transcript have been classified according to their nature and summarized to show the aggregate amount of each such classification as well as the aggregate amount of charges and credits, respectively, for the period and the resulting balance in the account or accounts at January 1, 1948.

NOTE: Where a segregation corresponding to account 179, "Other capital surplus," has not been maintained in the past and any credits which would have been made to that account are obviously exceeded by the charges which would have been made thereto, the company may file a certified statement, in lieu of the foregoing transcript and summary, specifying that as of December 31, 1947, the balance in account 181, "Unappropriated earned surplus," contained no capital surplus. For the purpose of this determination, write downs or write offs of valid intangible assets shall be considered to have been a charge against other capital surplus, except where conclusive evidence indicates that such action was intended to be made against earnings.

6. At page 12, column 1, following § 31.100:4, insert a new section as follows:

§ 31.100:7 *Telephone plant adjustment.* (a) This account shall include the difference between the original cost (note instruction 31.01–3 (x)), estimated if not known, and the book cost of telephone plant, as at December 31, 1947, to the extent that such difference is not properly includible in account 100:4, "Telephone plant acquisition adjustment," and for which disposition has not previously been made.

(b) The amounts included in this account shall be so classified as to show the nature of each amount and shall be disposed of as the Commission may approve or direct.

NOTE: The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of plant.

7. At page 16, column 2, amend paragraphs (b) and (c) of § 31.134:2 to read as follows:

(b) When any issue of capital stock, or a portion thereof, is reacquired, there shall be credited to this account and charged to account 179, "Other capital surplus," the amount herein with respect to such stock, except that any excess of such amount over the balance in account 179 applicable to capital stock of the same class, shall be charged to earned surplus.

(c) The company may amortize or write off the balance carried in this account by credits hereto and concurrent charges to account 179, "Other capital surplus," or to earned surplus in case the amount exceeds the balance in account 179 applicable to the same class of stock.

8. At page 22, column 1, following § 31.174, insert a new section as follows:

§ 31.179 *Other capital surplus.* Among the amounts includible in this account are credits arising from the reacquisition and resale, from the retirement and cancellation, from a reduction of a stated value, and from the donation by stockholders of the company's capital stock; surplus arising from the forgiveness of debt of the company; surplus recorded upon the reorganization or recapitalization of the company; and amounts that become the property of the company as a result of a forfeiture by others of deposits on subscriptions to capital stock and of installments paid on capital stock.

NOTE: When the circumstances under which debt is forgiven indicate that its forgiveness is an adjustment of earned surplus, it may be treated as such upon the approval by this Commission in the specific instance.

9. At page 22, column 1, change the center caption "Surplus" to read "Earned surplus" and amend § 31.180, "Surplus reserved," to read as follows:

§ 31.180 *Earned surplus reserved.* (a) This account shall include the amount of earned surplus reserved or otherwise set aside for any purpose not provided for elsewhere. (Note § 31.3–31.)

(b) Separate subaccounts shall be maintained under such titles as will designate the purpose for which each reserve recorded hereunder was created.

10. At page 22, column 2, amend § 31.181, "Unappropriated surplus," to read as follows:

§ 31.181 *Unappropriated earned surplus.* An account under this title shall be maintained in the general books of the company. It shall include the balance of all earned surplus accounts (400 to 416, inclusive).

11. At page 39, column 2, amend § 31.402 to read as follows:

§ 31.402 *Miscellaneous credits to earned surplus.* This account shall include amounts creditable to earned surplus not provided for elsewhere. Among the items which shall be credited to this account are (Note § 31.01–8):

Amount of adjustments arising from transactions in the company's own capital stock which are not includible in account 179. (Note § 31.1–13 (d), (e), (f).)

Amounts of the credit balance at the time of its reacquirement in the discount, premium, and debt expense account relating to long-term debt reacquired. (Note § 31.1–15.)

Amounts received for abrogation of contracts.

Credits for amounts previously written off through charges to earned surplus.

Credits from adjustments in connection with the reacquisition of bonds and other evidences of debt. (Note also § 31.1–13 (b).)

Delayed credits to income, operating revenue, and operating expense accounts as provided in § 31.01–5.

Forfeitures of amounts deposited with the company under options for the sale or lease of property.

Profits arising from foreign exchange. (Note § 31.01–7.)

Profits derived from the resale of company securities owned other than capital stock.

Profits derived from the sale of securities of other companies.

Profits derived from the sale of unexpired leases.

Profits from the sale of land carried in account 103 and of depreciable property in account 103 not previously used in telephone service. (Note also account 174.)

Unclaimed dividends.

Unclaimed wages and vouchered accounts written off.

12. At page 40, column 1, amend § 31.413 to read as follows:

§ 31.413 *Miscellaneous debits to earned surplus.* This account shall include amounts chargeable to earned surplus not provided for elsewhere. Among the items which shall be charged to this account are (Note § 31.01–8):

Amortization, at the company's option, of the balance in account 201.

Amortization not provided for elsewhere.

Amount of adjustments arising from transactions in the company's own capital stock which are not includible in account 179. (Note § 31.1–13 (d), (e), (f).)

Amounts charged to earned surplus to cover past accrued depreciation not provided for. (Note also account 171.)

Amounts charged to earned surplus to extinguish, at the company's option, all or any part of the debit balance remaining in any particular discount, premium, and debt expense account for long-term debt actually outstanding. (Note § 31.1–15.)

Amounts charged to earned surplus in recognition of the decline in value of current assets and securities owned. (Note §§ 31–1.11, 31.1–12.)

Amounts of capital-stock expense written off which are not includible in account 179. (Note account 134:2.)

Amounts of the debit balance at the time of its reacquirement in the discount, premium, and debt expense account relating to long-term debt reacquired. (Note § 31.1–15.)

Amounts paid for abrogation of contracts.

Appropriations to nonpar stock accounts. (Note § 31.1–16:1.)

Debits resulting from adjustments required in connection with the reacquisition of bonds and other evidences of debt. (Note § 31.1–13.)

Delayed debits to income, operating revenue, and operating expense accounts as provided in § 31.01–5.

Forfeiture of amounts deposited by the company under options for the purchase or lease of property.

Inventory, appraisal, and other costs incident to the contemplated acquisition, sale

[1] For sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

or lease of property when the projects are abandoned.

Losses arising from foreign exchange. (Note § 31.01–7.)

Losses of funds due to bank failures.

Losses resulting from the resale of company securities owned other than capital stock.

Losses resulting from the sale of land carried in account 103 and losses resulting from the sale, destruction, or retirement of depreciable property carried in account 103 not previously used in telephone service. (Note account 174.)

Losses resulting from the sale of securities of other companies.

Payments of amounts previously written off through credits to earned surplus.

Penalties and fines paid on account of violations of statutes pertaining to regulation.

Uncollectible receivables, or provisions therefor, not chargeable to other accounts.

13. Make the following changes in the table of contents and other points of reference:

(a) Make the following additions to the table of contents:

(1) At page 1, column 1, following § 31.01–9 insert: "§ 31.01–9a Sequence of accounts."

(2) At page 1, column 1, following § 31.1–17 insert: "§ 31.1–18 Surplus."

(3) At page 1, column 1, following § 31.100:4 insert: "§ 31.100:7 Telephone plant adjustment."

(4) At page 2, column 1, following § 31.174 insert: "31.179 Other capital surplus."

(5) At page 2, column 1, following § 31.174 insert: "Earned" to precede the word "Surplus."

(6) At page 2, column 1, change § 31.-180 as follows: "§ 31.180 Earned surplus reserved."

(7) At page 2, column 1, change § 31.-181 as follows: "§ 31.181 Unappropriated earned surplus."

(8) At page 2, column 2, following § 31.343 insert: "Earned" to precede the word "Surplus" in heading.

(9) At page 2, column 2, change § 31.-4–40 as follows: "§ 31.4–40 Purpose of earned surplus accounts."

(10) At page 2, column 2, following § 31.4–40 insert: "Earned" to precede the word "Surplus" in heading.

(11) At page 2, column 2, change § 31.-402 as follows: "§ 31.402 Miscellaneous credits to earned surplus."

(12) At page 2, column 2, change § 31.-413 as follows: "§ 31.413 Miscellaneous debits to earned surplus."

(13) At page 2, column 2, change § 31.-414 as follows: "§ 31.414 Contractual reservations of earned surplus."

(14) At page 2, column 2, change § 31.-415 as follows: "§ 31.415 Miscellaneous reservations of earned surplus."

(b) Change cross reference to § 31.1–13 (b) to read § 31.1–13 (d–f) at the following points:

Page No.	Column No.	Section	Paragraph	Line (of paragraph)
7	1	31.01–3	(ee)	15
16	2	31.134:2	(a)	6
17	2	31.150	(b)	5

(c) Insert the word "earned" to precede the word "surplus" at the following points:

Page No.	Column No.	Section	Paragraph	Line (of paragraph)
7	2	31.01–5	(b)	4
7	2	31.01–7	(a)	11
8	1	31.01–7	(a)	1
9	2	31.1–11	(b)	5
9	2	31.1–12	(b)	7
10	2	31.1–15	(c)	3
10	2	31.1–15	(f)	12
11	1	31.1–15	(l)	1, 4
17	2	31.139		26
20	2	31.169	(a)	3
21	1	31.170	(a)	8
21	1	31.171	(a)	9
21	2	31.172	(b)	3
21	2	31.172	(c)	10
22	1	31.174	(b)	9
27	1	31.2–25	(e)	5
33	2	31.5–31		10
36	1	31.5–31		4, 5, 9
37	2	31.313	(d)	6, 7
37	2	31.314	(b)	12, 13
39	2	31.4–40		1, 2, 4, 8, 12, 14
39	2	31.401		3
40	1	31.410		3
40	2	31.414		1, 3 and note A
40	2	31.415		1, 3, 5
62	1	31.672	(c)	5

At page 39, column 2, insert the word "Earned" to precede "Surplus" in the headings "Instructions for Surplus Accounts" and "Surplus Accounts."

(d) Make these additional changes in the following sections:

Section 31.01–3, paragraph (ee), page 7, column 1, insert "or" before "sale" and delete "or resale."

Section 31.1–14, paragraph (a), page 10, column 1, delete "or resale."

Section 31.1–15, paragraph (a), page 10, column 2, delete "or resale."

Section 31.134:2, paragraph (a), page 16, column 2, insert "or" before "sale" and delete "or resale."

(e) At page 1 in the footnote designated by dagger, change § 31.1–17 to § 31.1–18.

Adopted: May 28, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–5345; Filed, June 4, 1947; 8:53 a. m.]

FEDERAL POWER COMMISSION

[18 CFR, Part 03]

[Docket No. R–105]

UNIFORM SYSTEM OF ACCOUNTS

NOTICE OF RULE MAKING AND HEARING

MAY 27, 1947.

Amendment of Part 03, Substantive Rules, General Policy and Interpretations of Subchapter A, Chapter I, Title 18, Code of Federal Regulations: or amendment of Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, or otherwise.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Under section 14 of the Federal Power Act, licenses for hydroelectric power projects of more than 100 horsepower installed capacity are required to carry as a condition the specific reservation of the right of the United States upon or after the expiration of the license to take over and thereafter to maintain and operate the project covered by the license and other property of the licensee dependent for its usefulness upon the continuance of the license, upon payment to the licensee of the "net investment" of the licensee in the project or projects taken, not to exceed the fair value of the property taken, plus severance damages, the term "net investment" being defined in section 3 (13) of the act. The "net investment" appears to be of importance not only in connection with the acquisition price at the end of the license period but also for other purposes during the period of the license.

3. Clarification of the administrative interpretation to be given to section 3 (13) of the act and the items to be deducted from the actual legitimate original cost of a project in determining the "net investment", including the method to be followed by a licensee in accounting for such costs and deductions, is desirable at this time.

4. Pursuant to the authority vested in it by the Federal Power Act, particularly sections 10 (g) and 309 thereof (49 Stat. 842, 858; 16 U. S. C. 803 (g), 825 (h)), the Commission proposes to consider, in connection with all licenses under the Federal Power Act heretofore or hereafter issued for hydroelectric projects of more than 100 horsepower capacity, either (1) by a rule added as an amendment to Part 03, Substantive Rules, General Policy and Interpretations, of Subchapter A, Chapter I of Title 18, Code of Federal Regulations, or (2) by amendment of the Uniform System of Accounts Prescribed for Public Utilities and Licensees (Part 101 of Subchapter C, Chapter I of Title 18 of said code), but to be applicable only to licensees holding license under the Federal Power Act for hydro-electric projects of more than 100 horsepower installed capacity, or (3) otherwise as may seem appropriate, a rule substantially in the following form:

§ 03.4 *Uniform System of Accounts; Account 258.1 Amortization Reserve; Federal.* During the entire period of any license under the Federal Power Act for a hydroelectric power project of more than 100 horsepower installed capacity, all project earnings in excess of a fair return upon the net investment in said project and which have not been appropriated to amortization, sinking fund, or similar reserves, shall be appropriated annually to a special reserve under Account 258.1, Amortization Reserve—Federal,[1] the credit balance in such special reserve to be applied annually as a deduction from actual legitimate original cost in determining net investment in accordance with section 3 (13) of the act.

5. A hearing on the above proposed rule will be held in the Commission's Hearing Room Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington 25, D. C., beginning at 10 o'clock a. m. (e. d. s. t.), on the 28th day of July, 1947, and any person desiring to be heard may either testify at such hearing, make a statement with respect to the proposed rule, or deposit with the presiding officer during said hearing or with the Secretary within 30 days after the close of said hearing, written data, views, or arguments with respect to said proposed rule or any suggestions or recommendations for a substitute rule, with the reasons therefor. The Commission will consider any testimony, statements, comments, or arguments so submitted before acting on the proposed amendment.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–5308; Filed, June 4, 1947; 8:52 a. m.]

[1] The number Account 258.1 referred to appears at page 35 of the Commission's pamphlet publication of its Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, effective January 1, 1937; the said Account constitutes § 101.258.1 of Part 101 of Subchapter C, Chapter I, of Title 18 of the Code of Federal Regulations (18 CFR 101.258:1).

[18 CFR, Part 03]

[Docket No. R–106]

PRODUCTION OR GATHERING OF NATURAL GAS

INTERPRETATIVE STATEMENT OF COMMISSION'S JURISDICTION

MAY 27, 1947.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In view of the uncertainty which has been manifested among the State officials and the industries concerned, regarding the Commission's alleged intent to assert jurisdiction over those who only produce, gather and process natural gas and sell it upon completion of such operations, it is proposed to adopt a general rule embodying an interpretation by the Commission of its jurisdiction under the Natural Gas Act and the construction of the exclusionary provisions of section 1 (b) of that act with reference to "production or gathering." The rule is proposed to be issued pursuant to the authority permitted the Federal Power Commission by the Natural Gas Act, particularly section 16 thereof (52 Stat. 821–833; 830; 15 U. S. C. 717–717w; 717o).

3. In order to clarify as fully as possible the intent of this proposed rule, the terms "production," "gathering," and "transportation" are defined; however, as regards some complex situations, it must be recognized that appropriate distinctions between "gathering" and "transportation" cannot always be prescribed by mere definitions. The nature of the particular functions performed in essentially a question of fact, dependent in a borderline case upon a consideration of the particular circumstances presented. Therefore, while not every jurisdictional question may be resolved by the adoption of the proposed rule and definitions, the Commission is of the opinion that the status of persons concerned with the administration of section 1 (b) with reference to "production or gathering" will, in the great majority of instances, be completely clarified by their adoption.

4. The provisions of the rule proposed herein are substantially as outlined in the staff report on this subject relative to the Natural Gas Investigation in Docket No. G–580, entitled "Section 1 (b) of the Natural Gas Act with reference to Production and Gathering," which was submitted for comment to natural-gas companies and other interested parties under date of March 6, 1947, with replies requested as of April 1, 1947.

5. The Commission proposes to adopt and issue the rule as a new section of Part 03—Substantive Rules, General Policy and Interpretations, of Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, such new section to read as follows:

§ 03.79 *Production, gathering, and transportation; defined and distinguished.* (a) The Commission is of the opinion that the exemption contained in section 1 (b) of the Natural Gas Act, to the effect that the provisions of the act shall not apply to the "production or gathering" of natural gas, was intended by Congress to exempt from the jurisdiction of the Commission all activities in producing and gathering natural gas—including sales made at arm's length—by those who only produce, gather or process natural gas exclusive of its transportation and subsequent sales in interstate commerce.

(b) To clarify further this determination and conclusion, the Commission adopts the following definitions:

(1) "Production" means the extraction of natural gas from wells or reservoirs and the recovery of residue gas from natural gas or casinghead (oil-well) gas by the removal of natural gasoline, propane, butane, or other hydrocarbons, and includes the arm's length sale of such natural or residue gas by the producer to a gatherer or transporter.

(2) "Gathering" means the collecting of natural gas from wells of the gatherer or of other producers, its movement to central points by means of pipe lines and other facilities used in connection therewith, its processing and compression as a part of gathering, and includes the arm's length sale and delivery of such natural gas by the gatherer, prior to the beginning of transportation in interstate commerce within the meaning of the act.

(3) As distinguished from gathering, "transportation" means the movement of natural gas after its gathering, through pipe lines and related facilities transmitting natural gas in interstate commerce to the point or points of local distribution for ultimate public consumption, or, after the completion of gathering, to the point or points at which such gas is sold in interstate commerce for resale.

6. Interested persons are given until July 7, 1947, to submit written statements or briefs setting forth their comments, views, and suggestions with respect to this proposed rule.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–5309; Filed, June 4, 1947; 8:53 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8998]

ALLIANZ UND STUTTGARTER VEREIN VERSICHERUNGS A. G.

In re: Portion of a bank account owned by Allianz und Stuttgarter Verein Versicherungs Aktiengesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allianz und Stuttgarter Verein Versicherungs Aktiengesellschaft, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $5,375.31, constituting a portion of an account entitled Louis H. Pink, Superintendent of Insurance of the State of New York, as Liquidator in trust for the creditors, et al. of the Pilot Reinsurance Company of New York, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Allianz und Stuttgarter Verein Versicherungs Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5348; Filed, June 4, 1947; 8:46 a. m.]

[Vesting Order 9004]

ILSE ENDRES ET AL.

In re: Bank accounts owned by Ilse Endres and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual, whose name is set forth in Exhibit A, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of the savings account, described in the manner set forth in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Names of owners and titles of accounts	Account No.	OAP file No.
Ilse Endres	1,351,558	F-28-25340-E-1.
Julius Endres	1,351,554	F-28-25254-E-1.
Johann Endres	1,351,553	F-28-25255-E-1.
Gretchen Endres	1,351,555	F-28-25256-E-1.
Marie Schuldenzucker	1,351,552	F-28-25973-E-1.
Wally Hillil	1,351,556	F-28-27208-E-1.

[F. R. Doc. 47-5349; Filed, June 4, 1947; 8:46 a. m.]

[Vesting Order 9012]

HENRY JANSEN

In re: Claim owned by Henry Jansen. F-28-280-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9783, and pursuant to law, after investigation, it is hereby found:

1. That Henry Jansen, whose last known address is c/o American Express Co., Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: The claim of Henry Jansen against the State of New York and the Comptroller of the State of New York, arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of that sum of money previously on deposit with Central Savings Bank in the City of New York, 4th Avenue and 14th Street, New York, New York, in a savings account, account number 895,851, entitled Henry Jansen, and any and all rights to file with said Comptroller, demand and enforce the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5351; Filed, June 4, 1947; 8:47 a. m.]

[Vesting Order 9016]

BERTHA MENZ ET AL.

In re: Bank accounts owned by Bertha Menz and others.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5350; Filed, June 4, 1947; 8:46 a. m.]

[Vesting Order 9013]

KARL KAPHENGST

In re: Bank account owned by Karl Kaphengst, also known as Carl Kaphengst. F-28-23095-C-1, F-28-23095-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Kaphengst, also known as Carl Kaphengst, whose last known address is Hamburg 26, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 20742, entitled Tom F. Chapman or I. F. Chapman, Trustees for Carl Kaphengst, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karl Kaphengst, also known as Carl Kaphengst, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual, whose name is set forth in Exhibit A, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of the savings account, described in the manner set forth in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Names of owners and titles of accounts	Account No.	OAP file No.
Bertha Menz	1,360,606	F-28-26960-E-1.
Emma Wyldemann	1,360,609	F-28-27684-E-1.
Eleanora Bloch	1,360,607	F-28-24915-E-1.
Alex Wildemann	1,362,206	F-28-27683-E-1.

[F. R. Doc. 47-5352; Filed, June 4, 1947; 8:47 a. m.]

[Vesting Order 9018]

MUNCHENER RUCKVERSICHERUNGS-GESELLSCHAFT

In re: Portion of a bank account owned by Munchener Ruckversicherungs-Gesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Munchener Ruckversicherungs-Gesellschaft, the last known address of which is Munich, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $1,670.00, constituting a portion of an account entitled Louis H. Pink, Superintendent of Insurance of the State of New York, as Liquidator in trust for the creditors, et al. of the Pilot Reinsurance Company of New York, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Munchener Ruckversicherungs-Gesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5353; Filed, June 4, 1947; 8:47 a. m.]

[Vesting Order 9020]

JOSEPHINE NISCH

In re: Claim owned by Josephine Nisch. F-28-22127-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josephine Nisch, whose last known address is Holsstrasse 6, Saulgau, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: The claim of Josephine Nisch against the State of New York and the Comptroller of the State of New York, arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of that sum of money previously on deposit with The National City Bank of New York, New York, New York, in a compound interest account, account number 171479, entitled Josephine Nisch, maintained at the branch office of the aforesaid bank located at 17 East 42nd Street, New York, New York, and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5354; Filed, June 4, 1947; 8:47 a. m.]

[Vesting Order 9021]

KANTARO NOMURA

In re: Bank account owned by Kantaro Nomura also known as Kentaro Nomura. F-39-5834-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kantaro Nomura, also known as Kentaro Nomura, whose last known

address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Rocky Ford National Bank, Rocky Ford, Colorado, arising out of a checking account, entitled Kentaro Takeda, as attorney-in-fact for Kantaro Nomura, a national of Japan, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kantaro Nomura, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5355; Filed, June 4, 1947; 8:47 a. m.]

[Vesting Order 9023]

EMMA ROP

In re: Bank account owned by Emma Rop. F-28-23939-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Rop, whose last known address is Jesznitz, Kreis Guhen, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Emma Rop, by Mississippi Valley Trust Company, 225 North Broadway, St. Louis 2, Missouri, arising out of a current account, entitled Emma Rop, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5356; Filed, June 4, 1947; 8:47 a. m.]

[Vesting Order 9025]

AUGUSTE SCHOLZ

In re: Bank account owned by Auguste Scholz. F-28-25948-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Scholz, whose last known address is Neustr 9 Lauban, Schlessien, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Auguste Scholz, by The Rock Island Bank and Trust Company, Rock Island, Illinois, arising out of a certificate of beneficial interest account, account number 13504, entitled Auguste Scholz, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5357; Filed, June 4, 1947; 8:47 a. m.]

[Vesting Order 9027]

JOSEF SCHWAB

In re: Bank account owned by Josef Schwab. F-28-8695-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josef Schwab, whose last known address is Sandberg No. 26 Unterfranken Va Rhon Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Josef Schwab, by The Cleveland Trust Company, Euclid Avenue and 9th Street, Cleveland, Ohio, arising out of a savings account, account number 29934, entitled Josef Schwab, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5358; Filed, June 4, 1947; 8:47 a. m.]

[Vesting Order 9031]

JOHANN TIMM

In re: Bank account owned by Johann Timm. F-28-25679-C-1, F-28-25679-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Timm, whose last known address is Krempel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 20608, entitled I. F. Chapman or Tom F. Chapman, Trustees for Johann Timm, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johann Timm, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5359; Filed, June 4, 1947; 8:48 a. m.]

[Return Order 17]

ALBERT H. STRONSTORFF

The Vested Property Claims Committee having considered the claims set forth below and having issued a Final Determination with respect thereto, which is incorporated by reference herein and filed herewith,[1] and no personal review of such Final Determination having been requested or undertaken.

It is ordered, That the claimed property, described below and in the Final Determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Albert H. Stronstorff, 4191—A-445; April 23, 1947; All right, title, and interest in and to United States Letters Patent No. 2,134,494. This return shall not be deemed to include the rights of any licensees under said patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5360; Filed, June 4, 1947; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent telephone learner regulations, July 17, 1944 (9 F. R. 7125): The special learner certificate(s) issued to the following company(ies) under the above regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., one learner if the exchange employs 8 operators or less, two learners if the exchange employs from 9 to 18 operators, etc. See Regulations, Part 522, § 522.083.

Central Iowa Telephone Company, Toledo, Iowa; effective June 27, 1947, expiring June 26, 1948.

Central Iowa Telephone Company, Traer, Iowa; effective June 12, 1947, expiring June 11, 1948.

Mt. Pulaski Telephone and Electric Company, Mt. Pulaski, Illinois; effective May 25, 1947, expiring May 24, 1948.

The Oregon Farmers Mutual Telephone Co., Oregon, Missouri; effective May 27, 1947, expiring May 26, 1948.

Regulations, Part 522, Regulations Applicable to the Employment of Learners.

Puerto Rico Shoe and Leather Corporation, Ponce, Puerto Rico; thirty (30) learners in cutting, one hundred (100) learners in stitching, and seventy-five (75) learners in making at not less than 18¾ cents an hour when working on fabric and plastic shoes and 22½ cents an hour when working on leather shoes, for a learning period not to exceed 2,080 hours. This certificate is effective May 6, 1947 and expires May 5, 1948 and was issued to replace the certificate previously issued to the Puerto Rico Industrial Development Company, effective August 6, 1946.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

Signed at Washington, D. C. this 23d day of May 1947.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 47-5295; Filed, June 4, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

WLNH, LACONIA, N. H.[1]

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on May 23, 1947, there was filed with

[1] Filed as part of the original document.

[1] Section 1.321, Part I, Rules of Practice and Procedure.

it an application (BAL–831) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of AM Station WLNH, Laconia, New Hampshire, from Northern Broadcasting Company to Northern Broadcasting Corporation. The proposal to assign the license arises out of a contract of May 8, 1947, pursuant to which the seller agrees to sell and the buyer agrees to buy the entire physical assets used in the operation of WLNH for the sum of $6,339.28 plus the accounts receivable at their face value estimated to be $4,000, making a total of $10,339.28, which amount has been placed in escrow with the National Shawmut Bank of Boston. In addition Northern Broadcasting Corporation is purchasing the outstanding obligations of the assignor company from Charles S. Jenney of Brookline, Massachusetts, for the sum of $34,660.72 which has been placed in escrow with said bank. The total amount of $45,000 (less adjustments on accounts receivable, if any) is payable upon Federal Communications Commission consent to the assignment application. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on May 23, 1947, that starting on May 26, 1947, notice of the filing of the application would be inserted in a newspaper of general circulation at Laconia, N. H., in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from May 26, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5297; Filed, June 4, 1947; 8:50 a. m.]

FM AND TELEVISION ANTENNAS MOUNTED ON STANDARD BROADCAST ANTENNAS

INFORMATION TO APPLICANTS FOR BROADCAST FACILITIES

APRIL 17, 1947.

There is a growing amount of confusion among applicants for broadcast facilities which involve the use of standard broadcast antennas as supporting structures for FM and television antennas.

Commission rules governing FM and television broadcast stations require applicants to submit separate applications for a change of the standard broadcast antenna when a proposal involves placing an FM or television antenna on a standard broadcast tower. Generally, informal applications should be submitted entirely separate from the FM and television applications. In some cases where a substantial change of structure of a directional antenna system is involved, a formal application may be requested and required.

There are numerous applications on file involving combined AM and FM construction not apparent from either application. Some of these contain contradictory data with respect to the location of the tower, geographical coordinates, height and physical configuration. Applicants are asked to inspect all applications now on file for different classes of broadcast stations so as to ascertain that all are in agreement where combined construction is involved. As a suggestion: *Use the same drawing of the antenna in applications for all three services*, including dimensions and geographical coordinates.

The radiating system of the standard broadcast station includes all high frequency antennas supported thereby and their associated coupling equipment and should be included in the description and schematics of the standard broadcast construction permit, license, and antenna resistance measurement applications. The overall height includes high frequency antenna.

When a change in standard broadcast antenna is made due to the installation of an FM or television antenna, a request for the changes should be submitted on behalf of the standard broadcast station and authority can be granted to determine power by the indirect method and to operate with a temporary antenna where required. When erecting an FM antenna on an element of a directional antenna system, information should be furnished showing procedure to be used to eliminate the possibility of distorting the directional pattern and to insure protection to other stations.

Applications for license for any of the classes of broadcast stations should indicate provisions for other services on the same tower and should include data to show that there is no objectionable interaction between the several services.

After making changes in standard broadcast antenna systems, new antenna resistance measurements should be made and submitted on Form 306. Resistance should be measured with all high frequency adjuncts attached and connected in the normal operating condition.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5298; Filed, June 4, 1947; 8:50 a. m.]

STENOGRAPHIC REPORTS OF FCC HEARINGS

AVAILABILITY OF CHEAPER TRANSCRIPTS TO INTERESTED PUBLIC

MAY 21, 1947.

In inviting bids from stenographic reporting companies for reporting its hearings during the next fiscal year, the Federal Communications Commission is placing special emphasis upon the importance of lowering the cost of transcripts to the industry and other interested parties as much as possible.

It is endeavoring to accomplish this by foregoing the bonus which the stenographic reporting companies have paid the Government in the past for the exclusive privilege of doing this work, and by specifying that the cost to the public will be one of the important factors in award of the contract. These private firms depend upon transcript sales for their income. That the return from such sales must be considerable is indicated by the bonus which they have in the past offered for stenographic reporting contracts. In the case of the Federal Communications Commission, a bonus of $15,000 was paid for the privilege of reporting Commission hearings in Washington during the present fiscal year. The Commission is hopeful that the saving to interested parties resulting from these new bid specifications will be substantial.

Because of the tremendous growth of broadcasting and the continuing evolution of radio in its application to other services, an unprecedented number of hearings on the part of the Commission are required. Some important hearings continue a week or more, and run into thousands of pages of transcript. At the rate charged in the past by reporting companies, the price of the complete text becomes particularly burdensome on small groups or individuals with limited resources who may be concerned. It was this condition that prompted revision of the Commission's bid specifications to emphasize the importance of lowering transcript prices as much as possible.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5299; Filed, June 4, 1947; 8:50 a. m.]

BOULDER CITY BROADCASTING CO., BOULDER CITY, NEV.

NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on May 15, 1947, there was filed with it an application (File No. BTC–552) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Boulder City Broadcasting Company, Boulder City, Nevada, permittee of AM Station KELN, Ely, Nevada, and licensee of AM Station KBNE and Relay Station KBNH, Boulder City, Nevada, from J. C. Manix, Don Ashbaugh, C. C. Applegate, P. S. Webb and C. A. Savage to Edward J. Jansen, Melvin O. Larson and Truman B. Hinkle. The proposal to transfer control arises out of a contract of April 1, 1947, pursuant to which above indicated transferors agreed to sell all of their 300 shares of the $100 par value common voting stock of the licensee to the purchasers for $30,000. Purchasers are to deliver to sellers their individual promissory notes bearing 5% interest per annum payable in 24 equal monthly installments, the first payment to be due one year from date of approval of the transfer by the Commission. Under the plan the licensee company proposes to issue to the same purchasers of the outstanding stock an additional 300 shares at par to provide $30,000 for working capital.

Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321, applicants advised the Commission on May 23 that starting on May 28, 1947, notice concerning the application would be published in a newspaper of general circulation, both at Boulder City and Ely, Nevada.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from May 28, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5343; Filed, June 4, 1947; 8:53 a. m.]

[1] Section 1.321, Part I, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Docket Nos. G–585, 796, 889]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

ORDER SEVERING PROCEEDINGS AND POSTPONING DATE OF HEARING

In the matters of Alabama-Tennessee Natural Gas Company, Docket No. G–585; Southern Natural Gas Company, Docket No. G–796; East Tennessee Natural Gas Company, Docket No. G–889.

It appearing to the Commission that:

(a) On October 9, 1944, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct and operate approximately 66 miles of 10¾ inch O. D. natural-gas transmission pipeline originating at a point of connection to be made with the 24-inch pipelne of Tennessee Gas and Transmission Company near Enville, Tennessee, and extending southeasterly across the Tennessee-Alabama state line to the plant of the Reynolds Metal Company at Listerhill, near Muscle Shoals, Alabama; together with facilities to permit the delivery of natural gas from such pipeline to the National Utilities Company for resale at Florence, Sheffield, and Tuscumbia, Alabama, and to the Tennessee Valley Authority at Muscle Shoals.

(b) Proceedings upon the application of Alabama-Tennessee at Docket No. G–585 have been deferred until the present time upon the request of that applicant, and because of its failure to furnish requested information in support of such application.

(c) In accordance with a request filed on May 14, 1947, by Alabama-Tennessee Natural Gas Company, the Commission by order of May 16, 1947, consolidated the proceedings upon the application of that company with the proceedings upon the applications at Docket Nos. G–796 and G–889 for the purpose of hearing thereon which commenced May 26, 1947.

(d) At said hearing on May 26, 1947, counsel for Alabama-Tennessee orally requested the Presiding Examiner to grant a postponement of the hearing upon the application of that company to permit the preparation of exhibits and other data in support of an amendment to said application, and also requested leave to file such amendment.

(e) Said proposed amendment, as generally stated by counsel, contemplates a major change in the project as set forth in the application heretofore filed by Alabama-Tennessee, and contemplates the sale of natural gas at communities in Mississippi and Alabama additional to those heretofore proposed to be served.

The Commission orders that:

(A) The hearing upon the application of Alabama-Tennessee Natural Gas Company at Docket No. G–585 be and it hereby is postponed to a date and place to be fixed by further order of the Commission.

(B) The proceedings upon said application of Alabama-Tennessee at Docket No. G–585 be and they are hereby severed for all purposes from the proceedings upon the applications filed at Docket Nos. G–796 and G–889 by Southern Natural Gas Company and East Tennessee Natural Gas Company, respectively.

(C) The postponement of the hearing at Docket No. G–585 upon request of Alabama-Tennessee is without prejudice to any action which the Commission has heretofore taken or may hereafter take upon the said applications filed at Docket Nos. G–796 and G–889.

Date of issuance: June 2, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5294; Filed, June 4, 1947; 8:48 a. m.]

[Docket No. G–880]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of (a) the application filed March 26, 1947, by Texas Eastern Transmission Corporation (Applicant), a Delaware corporation having its principal office in Houston, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition of the "Big Inch" and "Little Big Inch" pipelines (Big Inch Lines), the construction of certain additional gas transmission lines, compressor stations and appurtenant gas transmission facilities as fully described in such application, public notice thereof having been published in the FEDERAL REGISTER on April 22, 1947 (12 F. R. 2584–85), and (b) the application for a temporary certificate of public convenience and necessity filed on March 18, 1947, and order issuing a temporary certificate on March 21, 1947, for the temporary operation of such Big Inch Lines for the period of May 1, 1947, to November 30, 1947, as well as the construction of certain compressor facilities, all as particularly set forth in such application on file with the Commission and open to public inspection;

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on the 7th day of July 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications, and other pleadings filed herein.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: May 29, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5293; Filed, June 4, 1947; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 748]

UNLOADING OF REFRIGERATORS AT SACRAMENTO, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of May A. D. 1947.

It appearing, that car Milw 718165 containing refrigerators at Sacramento, California, on the Southern Pacific Company, shipped by Federal Manufacturing Company, Waukesha, Wisconsin, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Refrigerators at Sacramento, California, be unloaded.* The Southern Pacific Company, its agents or employees, shall unload immediately, car Milw 718165, loaded with refrigerators, now on hand at Sacramento, California, consigned to shipper's order, notify California Refrigerator Supply Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or

collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., July 1, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5306; Filed, June 4, 1947; 8:52 a. m.]

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Plum Order 2, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Formosa plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* During the period beginning at 12:01 a. m., P. s. t., June 7, 1947, and ending at 12:01 a. m., P. s. t., August 1, 1947, the provisions in § 936.303 (b) (2) (i) (*a*) of Plum Order 2 (12 F. R. 3061) shall read as follows:

(*a*) Of said total quantity, at least thirty-three and one-third (33⅓) percent, by number of packages, shall be of a size not smaller than a size that will pack a 4 x 4 standard pack, as specified in the aforesaid United States Standards, in the aforesaid standard basket, and said 4 x 4 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order No. 2, or (2) as releasing or extinguishing any violation of said Plum Order No. 2 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 4th day of June 1947.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 47-5429; Filed, June 5, 1947; 9:00 a. m.]

[Plum Order 3, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Santa Rosa plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the

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FEDERAL REGISTER

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or extinguishing any violation of said Plum Order No. 3 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 4th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5428; Filed, June 5, 1947; 9:00 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5326]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CENTRAL UNIVERSITY

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as religious, educational or research institution or organization:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size and extent:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale and distribution of respondent's courses of study and instruction in commerce, (1) using the word "University", or any abbreviation or simulation thereof, as a part of respondent's corporate name or as a part of the name of respondent's school, or representing or implying in any manner that respondent's school is a university; or (2) representing, directly or by implication, that respondent's school is a larger institution than it in fact is, or that it has more complete educational facilities or a larger student enrollment than is the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Central University, Docket 5326, April 21, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of April A. D. 1947.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, certain facts stipulated into the record and other evidence taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, and briefs of counsel (oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent, Central University, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of its courses of study or instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "University", or any abbreviation or simulation thereof, as a part of respondent's corporate name or as a part of the name of respondent's school, or representing or implying in any manner that respondent's school is a university.

2. Representing, directly or by implication, that respondent's school is a larger institution than it in fact is, or that it has more complete educational facilities or a larger student enrollment than is the fact.

It is further ordered, That the respondent shall, within sixty (60) days after service upon of it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-5377; Filed, June 5, 1947; 8:56 a. m.]

[File No. 21-402]

PART 171—TRADE PRACTICE RULES FOR THE HOUSEHOLD DYE INDUSTRY

Correction

In Federal Register Document No. 47-4981 appearing on page 3478 of the issue for Thursday May 29, 1947, paragraph (e) of § 171.14 should read as follows:

(e) Unlawfully to induce or attempt to induce the breach of existing lawful contracts between any industry member and his customer or supplier by any means whatsoever or to interfere with or obstruct the performance of any such contractual duties or services by any such means;

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51686]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

EXEMPTIONS FROM INVOICE REQUIREMENTS

Section 8.15 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.15 (a)), as amended by Treasury Decisions 51036, 51105, 51222, 51333, and 51588, is hereby further amended by adding a new item numbered 27 reading as follows:

(27) Rubber, crude.

(Sec. 484, 46 Stat. 722, 759, sec. 12, 52 Stat. 1083, secs. 498, 624, 46 Stat. 728, 759; 19 U. S. C. 1484, 1498, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: May 29, 1947.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-5376; Filed, June 5, 1947; 8:56 a. m.]

[T. D. 51687]

PART 53—IMPORTATION FREE OF DUTY OF FOOD, CLOTHING, AND MEDICAL, SURGICAL, AND OTHER SUPPLIES UNDER EMERGENCY PROCLAMATION OF THE PRESIDENT

EMERGENCY; FREE ENTRY OF TIMBER, LUMBER AND LUMBER PRODUCTS

MAY 29, 1947.

Timber, lumber, and lumber products designated and certified by Housing Expediter to be admitted free under regulations pursuant to proclamation of the President under section 318, Tariff Act of 1930. T. D. 51565 amended.

Section 53.3 *Timber, lumber and lumber products specified by Housing Expediter admissible free of duty and import tax* of T. D. 51565 (19 CFR 53.3) issued November 7, 1946 (11 F. R. 13460) is hereby amended as follows:

1. Subparagraph 3 of paragraph (a) is amended by inserting after the word "Plywood" the words "and veneers", and a new subparagraph 7 is added to paragraph (a) reading as follows:

7. Prefabricated houses and prefabricated panels for houses, and doors, all the foregoing in chief value of wood, classifiable under paragraph 412, Tariff Act of 1930.

2. The first sentence of paragraph (b) is amended to read as follows: "The Housing Expediter may designate and certify under the proclamation other articles or classes of articles, such as millwork, all the foregoing in chief value of wood."

3. Paragraph (c) is amended by adding at the end thereof the footnote number "2" and by inserting after footnote 1 the following footnote:

[1] With respect to free entry pursuant to Presidential Proclamation No. 2708 of articles in chief value of wood not provided for in § 53.3 (a) *supra*, as amended, the Housing Expediter states that application should be made by sending a true, executed copy of the entry, Customs Form 7501, in duplicate, to the Office of the Housing Expediter, Washington 25, D. C. When certified, the Office of the Housing Experditer will forward one copy to the collector of customs at the port of entry for appropriate attention.

(Sec. 318, 46 Stat. 696; 19 U. S. C. 1318. Proc. 2708, Oct. 25, 1946. 11 F. R. 12695)

NOTE: As time is an important factor in efforts to cope with the housing emergency, publication of notice and public procedure, as provided for in the Administrative Procedure Act (Public Law No. 404, 79th Congress), are found to be impracticable and contrary to the public interest.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-5375; Filed, June 5, 1947; 8:56 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PACKERS AND SHIPPERS OF SHELLED PEANUTS

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238), the following interpretation is issued:

§ 3.2 *Notice to packers and shippers of shelled peanuts.* Investigations by the Food and Drug Administration have shown that a number of interstate shipments of shelled peanuts in bags holding from approximately 100 to 125 pounds each have failed to bear labeling as required by the terms of the Federal Food, Drug, and Cosmetic Act.

Shelled peanuts in sacks, whether or not shipped in carload lots, should bear the following information required by the law on food in package form:

(a) The name of the product.

(b) An accurate statement of net weight.

(c) The name and place of business of the packer or distributor.

This information should be conspicuously set forth. It may be printed or stenciled on each bag or, if desired, placed on tags which are securely attached to each bag.

The net weight marked on the bags must be the correct net weight of the peanuts at the time they are delivered to the carrier for interstate shipment. The tare weight of the bag should not be included in the weight declaration. (Sec. 3, Pub. Law 404, 79th Cong., 60 Stat. 238)

Dated: June 2, 1947.

[SEAL] WATSON B. MILLER,
Federal Security Administrator.

[F. R. Doc. 47-5364; Filed, June 5, 1947; 8:54 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order S-1067, Revocation]

PART 807—SUSPENSION ORDERS

BROADVIEW INVESTMENT CO.

W. C. Moss and Harry S. Kramer, Jr., d/b/a Broadview Investment Company, 4th and Broadway, East St. Louis, Illinois, were suspended on January 15, 1947 by Suspension Order No. S-1067. They appealed from the provisions of the order. The Chief Compliance Commissioner has reviewed the case, and has directed that the order be revoked. In view of the foregoing:

It is hereby ordered, That: § 1010.1067, Suspension Order No. S-1067, be revoked.

Issued this 4th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5445; Filed, June 5, 1947; 10:47 a. m.]

TITLE 29—LABOR

Chapter IX—Department of Agriculture (Agricultural Labor)

TRANSFER OF AUTHORITY FROM SECRETARY OF AGRICULTURE TO SECRETARY OF TREASURY

CROSS REFERENCE: For transfer of all the functions, duties and powers of the Secretary of Agriculture relating to enforcement of agricultural wage and salary regulations and orders issued pursuant to the Stabilization Act of 1942, as amended, to the Secretary of the Treasury, see Part 4001 under Title 32, *infra*.

TITLE 32—NATIONAL DEFENSE

Chapter V—American Battle Monuments Commission

PART 500—ORGANIZATION AND PROCEDURE

APPLICATIONS, REQUESTS, AND CONTRIBUTIONS

Part 500, Subpart B, § 500.20, is amended by adding paragraph (c), as follows:

§ 500.20 *Applications, requests, and contributions.* • • •

(c) American or foreign citizens, States, municipalities, or associations desiring to erect war memorials on federally owned or controlled property in the United States or in its Territories and possessions should proceed as follows:

(1) Submit general idea of the memorial to the American Battle Monuments Commission together with statement indicating concurrence in the project by the Executive department having jurisdiction.

(2) When site is definitely assigned, submit to the American Battle Monuments Commission for approval the design of the memorial, together with the inscriptions and description of materials. The design, if approved, will then be referred, in accordance with law, by the American Battle Monuments Commission to the National Commission of Fine Arts for its approval.

(3) If Congressional action is required to obtain grant of the site, all arrangements must be made with the appropriate members of the Congress by the sponsors of the memorial and not by the American Battle Monuments Commission.

(4) The Commission will require evidence that the maintenance of the memorial is assured in perpetuity at the expense of the sponsors and not of the Government.

(Sec. 2, Pub. Law 456, 79th Cong., 60 Stat. 317)

AMERICAN BATTLE MONUMENTS COMMISSION,
ROBERT G. WOODSIDE,
Vice Chairman.

[F. R. Doc. 47-5361; Filed, June 5, 1947; 8:54 a. m.]

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[3d Rev. RO 3[1] Amdt 51]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

[1] 11 F. R. 177, 14281.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 19.1 is amended to read as follows:

SEC. 19.1 *Provisional allowance for fish (including pickled and cured); shellfish and poultry products*—(a) *General.* An industrial user may get a provisional allowance of sugar for curing, processing or packing (1) fish, including pickled and cured, (2) shellfish and (3) poultry products.

(b) *How to apply.* (1) A provisional allowance for curing, processing or packing the products listed in paragraph (a) is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such provisional allowance for any period may be made at any time from the 1st day of the month preceding such period to the end of that period. On or before application for a provisional allowance for these purposes is made, however, the industrial user must file a written report with the Sugar Branch Office with which he is registered stating with respect to each of the products listed in paragraph (a):

(i) The total number of pounds of each products cured, processed or packed by him during 1941;

(ii) The total amount of sugar used by him for such purposes during 1941;

(iii) The average amount of sugar which he used per 100 pounds (unprocessed) of that product for such purposes during 1941.

(2) The application must be made on SRA Form R-359 to the Sugar Branch Office with which the industrial user is registered. The applicant must give all the information required by that form for each product for which he applies.

(c) *Action on application.* (1) The Sugar Branch Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance under this section and that he has made the report required in subparagraph (1) of paragraph (b) and that the applicant has given all the information required by SRA Form R-359.

(2) The amount of the provisional allowance of sugar for use in curing, processing or packing the products listed in paragraph (a) shall be computed, separately for each product listed, in the following way:

(i) For each listed product the number of 100 pound units (unprocessed) which the applicant expects to cure, process or pack from the date of the application to the end of the quarterly period for which application is made is multiplied by 70 per cent of the average number of pounds of sugar which he used per 100 pounds (unprocessed) cured, processed or packed by him during 1941;

(ii) The resulting figures for each listed product are added together and the result is his provisional allowance for curing, processing or packing fish, including pickled and cured, shellfish and poultry products. The Sugar Branch Office shall authorize the issuance of a check to him for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this section for curing, processing or packing any product listed in paragraph (a), he may use that provisional allowance only for the purpose of producing that product. He may not for any such product use more sugar per 100 pounds (unprocessed) than 70 percent of the average number of pounds of sugar he used per 100 pounds (unprocessed) for that product in 1941. Any sugar or sugar ration evidences issued for use during a quarterly period under the provisions of this section and which are unused at the end of that quarterly period may not be used during any other quarterly period until an application on SRA Form R-359 for permission to use such sugar or sugar ration evidences has been granted.

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for curing, processing or packing any product listed in paragraph (a) must, before the sixteenth day of the following month, file with the Sugar Branch Office with which he is registered, a report on SRA Form R-359A giving all of the information required by that form. If the industrial user uses sugar in more than one plant for the purposes covered by this section he must file a report on SRA Form R-359A for each plant separately as well as a consolidated report for all of his plants. He must keep a copy of each report at his principal business office as long as this order remains effective.

2. Section 19.2 (b) is amended to read as follows:

(b) *How to apply.* A provisional allowance to cure, process or pack the meat products listed in the supplement to this order is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such provisional allowance for any period may be made at any time from the 1st day of the month preceding such period to the end of that period. The application must be made on SRA Form R-359 to the Sugar Branch Office with which the industrial user is registered. The applicant must give all of the information required by that form separately stated for each kind of meat product he will cure, process or pack.

3. Section 19.2 (c) (1) is amended to read as follows:

(1) The Sugar Branch Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for curing, processing, or packing meat and that the applicant has given the information required by SRA Form R-359.

4. Section 19.2 (c) (2, (ii) is amended to read as follows:

(ii) The resulting figures for each kind of product are added together and the result is his provisional allowance for curing, processing or packing meat. The Sugar Branch Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes.

5. Section 19.2 (d) (2) (ii) is amended by substituting the words "Sugar Rationing Administration, Department of Agriculture" for the words "Office of Price Administration" wherever they appear therein.

6. Section 19.2 (d) is amended by adding a new subparagraph (3) to read as follows:

(3) Any sugar or sugar ration evidences issued for use during a quarterly period under the provisions of this section and which are unused at the end of that quarterly period may not be used during any other quarterly period until an application on SRA Form R-359 for permission to use such sugar or sugar ration evidences has been granted.

7. Section 19.2 (e) is amended to read as follows:

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for the purposes covered by this section, must, before the sixteenth day of the following month, file with the Sugar Branch Office with which he is registered, a report on SRA Form R-359A giving all of the information required by that form. If the industrial user uses sugar in more than one plant for the purposes covered by this section, he must file a report on SRA Form R-359A for each plant separately as well as a consolidated report for all of his plants. He must keep a copy of each report at his principal business office as long as this order remains effective.

8. Section 19.3 (b) is amended to read as follows:

(b) *How to apply.* A provisional allowance for the production of frozen fruit is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such provisional allowance for any period may be made at any time from the 1st day of the month preceding such period to the end of that period. The application must be made on SRA Form R-359 to the Sugar Branch Office with which the industrial user is registered. The applicant must give all of the information required by that form separately stated for each kind of fruit he will freeze.

9. Section 19.3 (c) (1) is amended to read as follows:

(1) The Sugar Branch Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance to produce frozen fruit and that the applicant has given the information required by SRA Form R-359.

10. Section 19.3 (c) (2) (ii) is amended to read as follows:

(ii) The resulting figures for each kind of fruit are added together and the result is his provisional allowance for freezing fruit. The Sugar Branch Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes.

11. Section 19.3 (d) is amended by adding a sentence to read as follows: "Any sugar or sugar ration evidences issued for use during a quarterly period under the provisions of this section and which are unused at the end of that quarterly period may not be used during any other quarterly period until an application on SRA Form R-359 for permission to use such sugar or sugar ration evidence has been granted."

12. Section 19.3 (e) is amended to read as follows:

(e) *Records and reports.* Any industrial user who, during a calendar month, has sugar to freeze fruit must before the sixteenth day of the following month, file with the Sugar Branch Office with which he is registered a report on SRA Form R-359A giving all of the information required by that form. If the industrial user uses sugar in more than one plant for the purposes covered by this section, he must file a report on SRA Form R-359A for each plant separately as well as a consolidated report for all of his plants. He must keep a copy of each report at his principal business office as long as this order remains effective.

13. The second and third sentences of section 19.4 (b) (1) are amended to read as follows: "An application for such provisional allowance for any period may be made at any time from the 1st day of the month preceding such period to the end of that period. On or before application for a provisional allowance for these purposes is filed, however, the industrial user must file a written report with the Sugar Branch Office with which he is registered."

14. Section 19.4 (b) (2) is amended to read as follows:

(2) The application must be made on SRA Form R-359 to the Sugar Branch Office with which the industrial user is registered. The applicant must give all the information required by that form.

15. Section 19.4 (c) is amended to read as follows:

(c) *Action on application.* (1) The Sugar Branch Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for cooked beans, that he has made the report required in subparagraph (1) of paragraph (b) and that the applicant has given all of the information required by SRA Form R-359.

(2) The amount of the provisional allowance of sugar for cooked beans shall be computed in the following way separately for each type of bean:

(i) The number of 100 pound units of that type of dried bean the applicant expects to use in producing canned, frozen, bottled or dehydrated cooked beans from the date of application to the end of the quarterly period for which the application is made is multiplied by the average number of pounds of sugar which he used per 100 pounds of that type of dried bean so used in 1941.

(ii) The result is his provisional allowance for cooked beans. The Sugar Branch Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional al-

lowance of sugar issued for these purposes.

16. Section 19.4 (d) is amended to read as follows:

(2) The application must be made on SRA Form R-359 to the Sugar Branch Office with which the industrial user is registered. The applicant must give all

19. Section 19.6 (b) is amended to read as follows:

(b) *How to apply.* (1) A provisional allowance for soup is granted for three-

which are unused at the end of that quarterly period may not be used during any other quarterly period until an application on SRA Form R-359 for permission to use such sugar or sugar evidences

period for which application is made and multiplying that figure by the average number of pounds of sugar which he used for each case of 6 No. 10 cans (or equivalent) during 1941. The result is his pro-

(c) *Action on application.* (1) The Sugar Branch Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance to can or bottle vegetables and that

lowance of sugar issued for these purposes.

16. Section 19.4 (d) is amended to read as follows:

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this section for cooked beans, he may use that provisional allowance only for the purposes of producing canned, frozen, bottled, or dehydrated cooked beans. No industrial user may use more sugar per 100 pounds of dried beans he processes than the average number of pounds of sugar he used in 1941 per 100 pounds of dried beans processed. Any sugar or sugar ration evidences issued for use during a quarterly period under the provisions of this section and which are unused at the end of that quarterly period may not be used during any other quarterly period until an application on SRA Form R–359 for permission to use such sugar or sugar ration evidences has been granted.

17. Section 19.4 (e) is amended to read as follows:

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for cooked beans, must, before the sixteenth day of the following month, file with the Sugar Branch Office with which he is registered, a report on SRA Form R–359A giving all of the information required by that form. If the industrial user uses sugar in more than one plant for the purposes covered by this section, he must file a report on SRA Form R–359A for each plant separately as well as a consolidated report for all of his plants. He must keep a copy of each report at his principal business office as long as this order remains effective.

18. Section 19.5 is amended to read as follows:

SEC. 19.5 *Provisional allowance for canned and bottled fruit juices*—(a) *General.* An industrial user may get a provisional allowance of sugar for canning and bottling fruit juices. (For the purpose of this section, fruit juice means single strength juice extracted from ripe fruit without the addition of water.)

(b) *How to apply.* (1) A provisional allowance for canning and bottling fruit juices is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such provisional allowance for any period may be made at any time from the 1st day of the month preceding such period to the end of that period. On or before application for a provisional allowance for these purposes is filed, however, the industrial user must file a written report with the Sugar Branch Office with which he is registered showing separately for each kind of fruit juice he will can or bottle:

(i) The total number of gallons of that kind of fruit juice produced by him during 1941;

(ii) The total amount of sugar used by him for that kind of fruit juice during 1941;

(iii) The average amount of sugar which he used per gallon of that kind of fruit juice during 1941.

(2) The application must be made on SRA Form R–359 to the Sugar Branch Office with which the industrial user is registered. The applicant must give all the information required by that form separately stated for each kind of fruit juice.

(c) *Action on application.* (1) The Sugar Branch Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for canned or bottled fruit juices, that he has made the report required in subparagraph (1) of paragraph (b) and that the applicant has given all of the information required by SRA Form R–359.

(2) The amount of the provisional allowance of sugar for use in canning or bottling fruit juices shall be computed in the following way separately for each kind of fruit juice.

(i) For each kind of fruit juice the number of gallons of that kind of fruit juice which the applicant expects to make from the date of application to the end of the quarterly period for which application is made is multiplied by 90 percent of the average number of pounds of sugar which he used per gallon for that kind of fruit juice during 1941;

(ii) The resulting figures for each kind of fruit juice are added together and the result is his provisional allowance for canning and bottling fruit juices. The Sugar Branch Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this section for canning and bottling any kind of fruit juice, he may use that provisional allowance only for the purpose of canning and bottling that kind of fruit juice. No industrial user may use more sugar in canning or bottling any fruit juice than 90 percent of the average amount of sugar he used per gallon for that kind of fruit juice in 1941. Moreover, he may not use sugar for a packing season in excess of the average rate provided in computing his allowance. Any sugar or sugar ration evidences issued for use during a quarterly period under the provisions of this section and which are unused at the end of that quarterly period may not be used during any other quarterly period until an application on SRA Form R–359 for permission to use such sugar or sugar ration evidences has been granted.

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar to can or bottle any kind of fruit juice must, before the sixteenth day of the following month file with the Sugar Branch Office with which he is registered a report on SRA Form R–359A giving all of the information required by that form. If the industrial user uses sugar in more than one plant for the purposes covered by this section, he must file a report on SRA Form R–359A for each plant separately as well as a consolidated report for all of his plants. He must keep a copy of each report at his principal business office as long as this order remains effective.

19. Section 19.6 (b) is amended to read as follows:

(b) *How to apply.* (1) A provisional allowance for soup is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such provisional allowance for any period may be made at any time from the 1st day of the month preceding such period to the end of that period. On or before application for a provisional allowance for these purposes is made, however, the industrial user must file a written report with the Sugar Branch Office with which he is registered showing:

(i) The total number of cases of 24 No. 2 cans (or equivalent) of each kind of soup produced by him during 1941;

(ii) The total amount of sugar used by him for each kind of soup during 1941;

(iii) The average number of pounds of sugar which he used per case of 24 No. 2 cans (or equivalent) of each kind of soup during 1941.

(2) The application must be made on SRA Form R–359 to the Sugar Branch Office with which the industrial user is registered. The applicant must give all the information required by that form separately stated for each kind of soup.

20. Section 19.6 (c) is amended to read as follows:

(c) *Action on application.* (1) The Sugar Branch Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for soup, that he has made the report required in subparagraph (1) of paragraph (b) and that the applicant has given the information required by SRA Form R–359.

(2) The amount of the provisional allowance of sugar for soup shall be computed in the following way separately for each kind of soup:

(i) For each kind of soup, the number of cases of 24 No. 2 cans (or equivalent) of soup which the applicant expects to can or bottle during the quarter is multiplied by the average number of pounds of sugar which he used for each case of 24 No. 2 cans (or equivalent) during 1941.

(ii) The resulting figures for each kind of soup are added together and the result is his provisional allowance for soup. The Sugar Branch Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes.

21. Section 19.6 (d) and (e) are amended to read as follows:

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this section for making any kind of soup he may use that provisional allowance only for the purpose of making that kind of canned or bottled soup. He may not use more sugar for any case of 24 No. 2 cans (or equivalent) of that kind of canned or bottled soup than the average number of pounds of sugar he used for each case of 24 No. 2 cans (or equivalent) of that kind of soup during 1941. Any sugar or sugar ration evidences issued for use during a quarterly period under the provisions of this section and which are unused at the end of that quarterly period may not be used during any other quarterly period until an application on SRA Form R–359 for permission to use such sugar or sugar evidences has been granted.

(e) *Records and reports.* An industrial user who, during a calendar month has sugar for making canned or bottled soup must, before the sixteenth day of the following month, file with the Sugar Branch Office with which he is registered, a report on SRA Form R–359A giving all the information required by that form. If the industrial user uses sugar in more than one plant for the purposes covered by this section, he must file a report on SRA Form R–359A for each plant separately as well as a consolidated report for all of his plants. He must keep a copy of each report at his principal business office as long as this order remains effective.

22. Section 19.7 is amended to read as follows:

SEC. 19.7 *Provisional allowance for canning or bottling tomato catsup and chili sauce*—(a) *General.* An industrial user may get a provisional allowance of sugar for canning or bottling tomato catsup and chili sauce.

(b) *How to apply.* (1) A provisional allowance for canning or bottling tomato catsup and chili sauce is granted for three-month periods corresponding to the quarterly periods for industrial users. An application for such provisional allowance for any period may be made at any time from the 1st day of the month preceding such period to the end of that period. On or before application for a provisional allowance for these purposes is made, however, the industrial user must file a written report with the Sugar Branch Office with which he is registered showing:

(i) The total number of cases of 6 No. 10 cans (or equivalent) of tomato catsup and chili sauce produced by him in 1941;

(ii) The total amount of sugar used by him for tomato catsup and chili sauce during that period;

(iii) The average number of pounds of sugar which he used per case of 6 No. 10 cans (or equivalent) during 1941.

(2) The application must be made on SRA Form R–359 to the Sugar Branch Office with which the industrial user is registered. The applicant must give all the information required by that form.

(c) *Action on application.* (1) The Sugar Branch Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for canning or bottling tomato catsup and chili sauce, that he has made the report required by subparagraph (1) of paragraph (b) and that the applicant has given the information required by SRA Form R–359.

(2) The amount of the provisional allowance of sugar for canning or bottling tomato catsup and chili sauce shall be computed by taking the number of cases of 6 No. 10 cans (or equivalent) of tomato catsup and chili sauce which the applicant expects to make from the date of application to the end of the quarterly period for which application is made and multiplying that figure by the average number of pounds of sugar which he used for each case of 6 No. 10 cans (or equivalent) during 1941. The result is his provisional allowance for canning or bottling tomato catsup and chili sauce. The Sugar Branch Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this section for canning or bottling tomato catsup and chili sauce, he may use that provisional allowance only for the purpose of canning or bottling tomato catsup and chili sauce. The average amount of sugar he may use per case of 6 No. 10 cans (or equivalent) of tomato catsup or chili sauce may not exceed the average amount he used per case for such pack in 1941. Any sugar or sugar ration evidences issued for use during a quarterly period under the provisions of this section and which are unused at the end of that quarterly period may not be used during any other quarterly period until an application on SRA Form R–359 for permission to use such sugar or sugar ration evidences has been granted.

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for making tomato catsup and chili sauce, must, before the sixteenth day of the following month, file with the Sugar Branch Office with which he is registered, a report on SRA Form R–359A giving all of the information required by that form. If the industrial user uses sugar in more than one plant for the purposes covered by this section, he must file a report on SRA Form R–359A for each plant separately as well as a consolidated report for all of his plants. He must keep a copy of each report at his principal business office as long as this order remains effective.

23. Section 19.9 is amended to read as follows:

SEC. 19.9 *Provisional allowance for producing canned and bottled vegetables, including spiced and pickled*—(a) *General.* An industrial user may get a provisional allowance of sugar to can or bottle vegetables, including spiced and pickled, listed in Table III in the supplement to this order.

(b) *How to apply.* A provisional allowance for canning or bottling vegetables, including spiced and pickled, is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such provisional allowance for any period may be made at any time from the 1st day of the month preceding such period to the end of that period. The application must be made on SRA Form R–359 to the Sugar Branch Office with which the industrial user is registered. The applicant must give all the information required by that form separately stated for each kind of vegetable, including spiced and pickled, which he will can or bottle.

(c) *Action on application.* (1) The Sugar Branch Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance to can or bottle vegetables and that the applicant has given the information required by SRA Form R–359.

(2) The amount of the provisional allowance of sugar for use in canning and bottling vegetables, including spiced and pickled, shall be computed in the following way separately for each kind of vegetable:

(i) The number of cases of 24 No. 2 cans (or equivalent) of each kind of vegetable the applicant expects to can or bottle from the date of application to the end of the quarterly period for which application is made is multiplied by the allowance for that kind of vegetable listed in Table III of the supplement to this order.

(ii) The resulting figures for each kind of vegetable are added together and the result is his provisional allowance for canning or bottling vegetables, including spiced and pickled. The Sugar Branch Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this section for canning or bottling any kind of vegetable, including spiced and pickled, he may use that provisional allowance only for packing that kind of vegetable and only in an amount not to exceed the quantities allowed by Table III in the supplement to this order for the purpose of canning or bottling that kind of vegetable. Any sugar or sugar ration evidences issued for use during a quarterly period under the provisions of this section and which are unused at the end of that quarterly period may not be used during any other quarterly period until an application on SRA Form R–359 for permission to use such sugar or sugar evidences has been granted.

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for canning or bottling vegetables, including spiced and pickled, must, before the sixteenth day of the following month, file with the Sugar Branch Office with which he is registered a report on SRA Form R–359A giving all the information required by that form. If the industrial user uses sugar in more than one plant for the purposes covered by this section, he must file a report on SRA Form R–359A for each plant separately as well as a consolidated report for all of his plants. He must keep a copy of each report at his principal business office as long as this order remains effective.

24. Section 19.10 is amended to read as follows:

SEC. 19.10 *Provisional allowance for canned and bottled fruit, including spiced and pickled*—(a) *General.* An industrial user may get a provisional allowance of sugar for canning and bottling fruits including spiced and pickled. (Jams, jellies, preserves, marmalades,

fruit butter, toppings, fruit parfaits and fountain fruit are not items for which a provisional allowance may be obtained. Furthermore, persons or associations (including cooperatives) who can or bottle fruit to be used by the members for home use are not eligible for a provisional allowance for such purpose.)

(b) *How to apply.* (1) A provisional allowance for canning and bottling fruit, including spiced and pickled, is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such provisional allowance for any period may be made at any time from the first day of the month preceding such period to the end of that period. On or before application for a provisional allowance for these purposes is made, however, the industrial user must file a written report with respect to each kind of fruit he will can or bottle:

(i) The total number of cases of 24 No. 2½ cans (or equivalent) of each kind of fruit, including spiced and pickled, produced by him during 1941;

(ii) The total amount of sugar used for such fruit in 1941;

(iii) The average amount of sugar which he used per case of 24 No. 2½ cans (or equivalent) of each kind of fruit, including spiced and pickled, during 1941.

(2) The application must be made on SRA Form R–359 to the Sugar Branch Office with which the industrial user is registered. The applicant must give all the information required by that form separately stated for each kind of fruit, including spiced and pickled.

(c) *Action on application.* (1) The Sugar Branch Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for canned or bottled fruit, including spiced and pickled, that he has made the report required by subparagraph (1) of paragraph (b) and that the applicant has given all the information required by SRA Form R–359.

(2) The amount of the provisional allowance of sugar for use in canning or bottling fruit, including spiced and pickled, for each kind of fruit, shall be computed in one of the following ways, whichever is applicable.

(i) The number of cases of 24 No. 2½ cans (or equivalent) of that kind of fruit which the applicant expects to pack from the date of application to the end of the quarter is multiplied by the average number of pounds of sugar which he used per 24 No. 2½ cans (or equivalent) for that kind of fruit during 1941; or

(ii) If 100 percent of 1941 use per case is less than the amount specified in the Table in subparagraph (iii), his provisional allowance is computed by taking for each kind of fruit the number of cases of 24 No. 2½ cans (or equivalent) which the applicant expects to pack from the date of application to the end of the quarter and multiplying it by the amount of sugar per case for that kind of fruit specified in the table in subdivision (iii).

(iii) *Canned and bottled fruits, including spiced and pickled.*[1]

	Amount of sugar in pounds per case of 24 No. 2½ cans
Apples	0.26
Applesauce	4.51
Apricots	5.11
Berries:	
Blackberries	3.72
Raspberries, Black	4.24
Raspberries, Red	6.02
Strawberries	8.30
Other Berries	4.58
Cherries (sweet)	5.14
Citrus Segments	4.72
Cranberries	19.95
Figs	8.52
Fruit Cocktail, Fruit for Salad or Mixed Fruit	5.60
Grapes	4.21
Nectarines	9.43
Peaches (Cling)	4.73
Peaches (Freestone)	4.51
Pears	4.69
Plums	7.60
Prunes	5.37

(iv) The resulting figures for each kind of fruit are added together and the result is his provisional allowance for canning and bottling fruit, including spiced and pickled. The Sugar Branch Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this section for canning or bottling fruits, including spiced and pickled, he may use that provisional allowance only for packing that kind of fruit and only in an amount not to exceed the average rate provided in computing his allowance under the provisions of paragraph (c). Any sugar or sugar ration evidences issued for use during a quarterly period under the provisions of this section and which are unused at the end of that quarterly period may not be used during any other quarterly period until an application on SRA Form R–359 for permission to use such sugar or sugar ration evidences has been granted.

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for canning or bottling fruit, including spiced and pickled, must, before the sixteenth day of the following month, file with the Sugar Branch Office with which he is registered, a report on SRA Form R–359A giving all the information required by that form. If the industrial user uses sugar in more than one plant for the purposes covered by this section, he must file a report on SRA Form R–359A for each plant separately as well as a consolidated report for all of his plants. He must keep a copy of each report at his principal business office as long as this order remains effective.

25. Sections 19.11 and 19.12 are redesignated sections 19.12 and 19.13 respectively and a new section 19.11 is added to read as follows:

SEC. 19.11 *Provisional allowance for pickling cucumbers, cauliflower, onions or watermelon*—(a) *General.* An industrial user may get a provisional allowance of sugar for pickling cucumbers, cauliflower, onions and watermelon.

(b) *How to apply.* (1) A provisional allowance for pickling cucumbers, cauliflower, onions and watermelon is granted for three-month periods corresponding to the quarterly allotment periods for industrial users. An application for such provisional allowance for any period may be made at any time from the 1st day of the month preceding such period to the end of that period. On or before application for a provisional allowance for these purposes is filed, however, the industrial user must file a written report with the Sugar Branch Office with which he is registered stating with respect to each of the products listed in paragraph (a):

(i) The total number of pounds of each product he packed without sugar in 1941;

(ii) The total number of pounds of each product he packed with sugar in 1941;

(iii) The total number of pounds of sugar used by him in 1941 in packing each product;

(iv) The average amount of sugar which he used per pound for each product during 1941. (The average amount of sugar is determined by dividing the number obtained in (iii) by the sum of the numbers obtained in (i) and (ii)).

(2) The application must be made on SRA Form R–359 to the Sugar Branch Office with which the industrial user is registered. The applicant must give all of the information required by that form. In addition, the applicant must state the total number of pounds of each product to be packed during the period covered by the application. That is, the number of pounds of each product to be packed with sugar plus the number of pounds of that product to be packed without sugar.

(c) *Action on application.* (1) The Sugar Branch Office shall grant the application if it finds that the applicant is entitled to receive a provisional allowance for pickling cucumbers, cauliflower, onions, or watermelon, that he has made the report required in subparagraph (1) of paragraph (b), and that the applicant has given the information required by subparagraph (2) of paragraph (b).

(2) The amount of the provisional allowance of sugar for use in pickling cucumbers, cauliflower, onions or watermelon, for each of these products, shall be computed in the following way:

(i) For each listed product, the number of pounds which the applicant expects to pickle from the date of the application to the end of the quarterly period for which application is made is multiplied by the average number of pounds of sugar which he used per pound for that product during 1941.

(ii) The resulting figures for each listed product are added together and the result is his provisional allowance for pickling cucumbers, cauliflower, onions and watermelon. The Sugar Branch Office shall authorize the issuance to him of a check for the amount of his provisional allowance less any unused balance of his last provisional allowance of sugar issued for these purposes.

(d) *Restriction on use.* If an industrial user receives a provisional allowance under this section for pickling any product listed in paragraph (a), he may use that provisional allowance only for the purpose of pickling that product. He may not use for any such product more sugar per pound than the average number of pounds of sugar he used per pound for that product in 1941. Any sugar or sugar ration evidences issued for use during a quarterly period under the provisions of this section and which are unused at the end of that quarterly period may not be used during any other quarterly period until an application on SRA Form R–359 for permission to use such sugar or sugar ration evidences has been granted.

(e) *Records and reports.* An industrial user who, during a calendar month, has sugar for pickling cucumbers, cauliflower, onions or watermelon, must, before the sixteenth day of the following month, file with the Sugar Branch Office with which he is registered, a report on SRA Form R–359A for each plant separately as well as a consolidated report for all of his plants. He must keep a copy of each report at his principal business office as long as this order remains effective.

26. A new section 19.14 is added to read as follows:

SEC. 19.14 *General restrictions on the use of provisional allowance sugar.* (a) A product which is being processed with sugar granted under the provisions of this article may not be transferred until such product is completely processed. That is, such product may not be transferred while it is in an intermediate stage of such processing. (For example, a locker plant operator custom freezing fruit for a consumer may not transfer to a consumer or place in a consumer's locker fruit containing provisional allowance sugar which has been granted for freezing fruit, prior to the time that the fruit is completely frozen.)

This amendment shall become effective June 2, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 51 to Third Revised Ration Order 3

Present provisions. 1. An industrial user may, for each 100 pounds of dried beans he will process, obtain and use 90 percent of the average amount of sugar he used in 1941 in processing 100 pounds of that type of dried beans.

2. An industrial user may, for each case of 24 No. 2 cans (or equivalent) of soup which the applicant will bottle or can during the quarter, obtain and use 100 percent of his average use of sugar for each case of 24 No. 2 cans (or equivalent) during the period from August 1, 1943 to June 30, 1944 inclusive.

3. An industrial user may, for each case of 24 No. 2½ cans (or equivalent) of fruit that he will pack, obtain and use over a packing season 90 percent of the average amount of sugar he used per case for that kind of fruit in 1941.

Proposed amendment. 1. For processing dried beans, an industrial user may obtain and use for each 100 pounds of dried beans he will process 100 percent of the average amount of sugar he used in 1941 in processing 100 pounds of that type of dried beans.

2. An industrial user may, for each case of 24 No. 2 cans (or equivalent) of soup which the applicant will bottle or can during the quarter, obtain and use 100 percent of his average use of sugar for each case of 24 No. 2 cans (or equivalent) during 1941.

3. An industrial user may obtain for each case of 24 No. 2½ cans (or equivalent) during his packing season, a provisional allowance of sugar for canning or bottling fruits in amounts equal to the higher of the following:

(a) 100 percent of the average number of pounds of sugar which he used per case of 24 No. 2½ cans (or equivalent) during 1941; or

(b) The amount per case specified in a table in the supplement to the order.

4. An industrial user may, for each case of 24 No. 2 cans (or equivalent) of each kind of vegetable, including spiced and pickled, as set forth in the table in the supplement to the order, which the applicant will can or bottle during the quarter, obtain and use the increased amount of sugar per case for that kind of vegetable, as specified in the table.

5. An industrial user may, for each pound of cucumbers, cauliflower, onions or watermelon which he will pickle during a quarter, obtain and use 100 percent of the average number of pounds of sugar which he used per pound of that product during 1941.

6. An industrial user who used provisional allowance sugar in processing a particular product in more than one plant must file a report on SRA Form R–359–A of his use of sugar for each plant separately as well as a consolidated report for all of his plants.

7. Other clarifying and technical changes are made by this amendment, such as changing references to District Offices to read Sugar Branch Offices, changing designations of forms R–359 and R–359A from OPA Forms to SRA forms, making it clear that a product which is being processed with sugar granted under the provisional allowance provisions may not be transferred until such product is completely processed, and that a provisional allowance is not granted for making jams, jellies, preserves, marmalades, fruit butter, toppings, fruit parfaits or fountain fruit.

Reasons for change. Under present marketing conditions, it is not feasible for canners to pack large quantities of fruit in water or in light sirup since the outlets for such packs are declining. It is felt, therefore, that since sugar allocations have increased this year and since it is expected that the 1947 pack will be smaller than the record 1946 pack, that packers of fruit should be permitted to utilize their normal 1941 quantity of sugar per case and that those packers, who have an abnormally low 1941 use, or no 1941 use at all, should be permitted to utilize sufficient sugar per case to enable them to pack their fruit so that it will be salable under present conditions. This amendment, therefore, provides that an industrial user may now obtain for canning or bottling fruit, 100 percent of his 1941 use of sugar per case for each type of fruit or 95 percent of the industry average use of sugar per case for that type of fruit.

At the same time, provisional allowance users may now obtain increased amounts of sugar for dried beans, frozen fruits and canned vegetables, since this increase is in line with other proposed provisional allowance increases and such amounts have been granted previously during rationing.

For some time, picklers have been encountering difficulties in finding outlets for large stocks of cucumbers which have been held in brine. At the present time, dill and sour pickles are apparently flooding the market and it is impossible for picklers to attempt to pack any more dill or sour pickles since at present there is no market for this type of pickle unless sweet pickles can be sold at the same time. As a result, it is impossible for the picklers to empty their vats which now contain large stocks of cucumbers in brine and it will be exceedingly difficult for the growers to market the cucumber crop during the coming months unless some relief is forthcoming in order to alleviate the present situation. At the present time, sugar for processing pickles is granted on an allotment basis and the amount obtainable for such purposes is limited by 75% of the amount used for such purpose in 1941. Persons who did not use sugar for processing pickles in 1941 may not, under present provisions, obtain a base for such purpose except under the provisions of Revised General Ration Order 18 and General Ration Order 19. This amendment, therefore, permits an industrial user to obtain a provisional allowance of sugar for pickling cucumbers, cauliflower, onions or watermelon in an amount which will permit him to use 100 percent of the average number of pounds of sugar which he used per pound for that product during 1941. Since we are granting a provisional allowance for pickling these particular items, it is felt advisable to permit industrial users to obtain a provisional allowance for pickling or spicing any of the vegetables for which provisional allowances are granted. These vegetables would include pickled beets and sweet-sour cabbage.

At the time the base period (August 1, 1943 through June 30, 1944) for determining the amount of provisional allowance for canning or bottling soup was established, packers of soup were restricted by M–81 (tin order) from pack-

[1] This does not apply to baby food.

ing ready to eat soups. Many packers, now that the tin restrictions have been lifted, have either started to pack this item or to resume packing of such soups. This amendment establishes the base period use for canning soup as the year 1941, which will permit many packers to obtain a provisional allowance for many kinds of soups for which there is no historic usage from August 1, 1943 through June 30, 1944.

Industrial users who use provisional allowance sugar in processing a product in more than one plant are now required to file a report on SRA Form R-359A on their use of sugar for each plant separately as well as a consolidated report for all of their plants since otherwise Sugar Branch Offices located in states other than the one in which the industrial user is registered are unable to determine whether or not the provisional allowance sugar is being used for the purpose for which it was granted and at the rate permitted. A greater knowledge of the operations of such users and a better control of the use of sugar granted under provisional allowance provisions can be accomplished if production reports are given for each plant separately.

[F. R. Doc. 47-5403; Filed, June 5, 1947; 11:22 a. m.]

[3d Rev. RO 3,[1] Amdt. 25 to Supp. 1]

PART 707—RATIONING OF SUGAR

SUGAR

Supplement No. 1 to Third Revised Ration Order 3 is amended in the following respects:

1. Table II of section 1 is amended to read as follows:

TABLE II

FROZEN FRUIT (QUICK FROZEN OR COLD PACK)

Kind of fruit	Unit quantity of fresh fruit (pounds)	Quantity of sugar allowed per unit of fresh fruit packed in containers	
		Over 30 pounds	30 pounds and under
Apples and crabapples (whole or sliced)	5	1	1
Applesauce and baked apples	9	None	1
Apricots (including puree)	3	1	1
Bananas (including puree)	9	1	1
Blackberries	4	None	1
Boysenberries (including puree)	4	None	1
Cherries	4	1	1
Citrus Segments or Pulp	5	1	1
Loganberries (including puree)	4	None	1
Mixed Fruit (Fruit Cocktail and Fruit for Salad)	5	None	1
Nectarines (including puree)	3	1	1
Peaches (including puree)	3	1	1
Pears (including puree)	3	None	1
Pineapple (including puree)	4	1	1
Plums (including puree)	4	1	1
Raspberries—black	4	None	1
Raspberries—red (including puree)	4	1	1
Rhubarb	6	None	1
Strawberries	6	2	1½
All other fruits	.....	None	None

[1] 11 F. R. 177, 14281.

2. Table III of section 1 is amended to read as follows:

TABLE III

CANNED VEGETABLES

Product	Maximum Sugar Allowance in Pounds per Case of 24 No. 2 Cans
Beets	0.32
Cabbage	3.75
Carrots	0.16
Carrots and Peas	.40
Corn—Cream Style	1.25
Corn—Whole Kernel	.80
Corn—Vacuum Pack	.70
Peas	.60
Succotash	1.10
Sweet potatoes (syrup type only)	2.00
All other vegetables	None

This amendment shall become effective June 2, 1947.

Issued this 28th day of May 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5430; Filed, June 5, 1947; 11:22 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

The information contained herein is filed with the Federal Register for general and informational use. This is the organizational structure of the Office of Price Administration as it existed on March 31, 1947. Subsequent changes in administration will be shown by amendments to this part.

The description of organization as required by section 3 (a) (1) of the Administrative Procedure Act in Part 1305, Subparts A through L, inclusive, are revoked and Part 1305, Subparts A through F, inclusive, are added to read as follows:

SUBPART A—THE ADMINISTRATOR

Sec.
1305.510 Authority of the Price Administrator; directing and approval powers of the President and other Federal agencies with respect to price control and rationing.

SUBPART B—EXECUTIVE, MANAGEMENT AND ADVISORY OFFICES

OFFICE OF PRICE ADMINISTRATION

1305.515 Components.
1305.516 Office of the Commissioner.
1305.517 Authority of the Commissioner.
1305.518 Executive staff.
1305.519 Operating staff.
1305.520 Authorized subdivisions.
1305.521 Responsibility.

OFFICE OF INFORMATION

1305.530 Functions.
1305.531 Director.

OFFICE OF ADMINISTRATIVE HEARINGS

1305.540 Components.
1305.541 Authority.
1305.542 Responsibility.
1305.543 Chief hearing commissioners.
1305.544 Hearing commissioners.
1305.545 Presiding officer.

OFFICE OF THE GENERAL COUNSEL

1305.550 Components.
1305.551 Court review, research, and opinion division.
1305.552 Counsel for boards of review.

OFFICE OF INTERNAL INTELLIGENCE

1305.555 Office of Internal Intelligence.

OFFICE OF PUBLIC RECORDS

1305.560 Components.
1305.561 Responsibility.
1305.562 Responsibility of director.
1305.563 Economic data analysis branch.
1305.564 Policy analysis branch.

OFFICE OF ADMINISTRATIVE SERVICE

1305.566 Components.
1305.567 Office of the director.
1305.568 Service operations branch.
1305.569 Printing and distribution branch.
1305.570 Central distribution planning branch.
1305.571 Graphics and forms branch.
1305.572 Library branch.
1305.573 Statistics and control service branch.
1305.574 Records management branch.

OFFICE OF BUDGET AND PLANNING

1305.576 Components.
1305.577 Office of the director.
1305.578 Budget branch.
1305.579 Fiscal branch.
1305.580 Office of the OPA Secretary.

OFFICE OF PERSONNEL

1305.582 Components.
1305.583 Office of director.
1305.584 Program planning and administrative branch.
1305.585 Training branch.
1305.586 Classification branch.
1305.587 Placement branch.
1305.588 Employees relations branch.
1305.589 Field relations branch.

SUBPART C—OPERATING STAFF

ENFORCEMENT DEPARTMENT

1305.590 Components.
1305.591 Authority and responsibilities.

Office of Deputy Commissioner for Enforcement

1305.592 Components.
1305.593 Responsibility of deputy commissioner for enforcement.
1305.594 Assistant deputy commissioner for enforcement.
1305.595 Responsibilities and functions of assistant to the deputy commissioner for enforcement.
1305.596 Field operations officer.
1305.597 Training officer.
1305.598 Analysis and reports officer.
1305.599 Administrative officer.

Office of Director of Litigation

1305.600 Components.
1305.601 Authority and responsibility of director of litigation.
1305.602 Appellate branch.
1305.603 Trial branch.
1305.604 Research and briefing branch.
1305.605 Office of the solicitor.

Division of Special Investigations

1305.606 Components.
1305.607 Authority.
1305.608 Responsibility.
1305.609 Assistant division director.

Review and Disposition Division

1305.610 Components.
1305.611 Responsibility.
1305.612 Responsibility of director.
1305.613 Review branch.
1305.614 Disposition branch.

Rent Enforcement Division

Sec.
1305.615 Components.
1305.616 Responsibility.
1305.617 Responsibility of director.
1305.618 Assistant division director.

Sugar Enforcement Division

1305.619 Components.
1305.620 Responsibility.
1305.621 Responsibility of director.
1305.622 Assistant division director.

SUGAR DEPARTMENT

1305.635 Components.
1305.636 Authority.
1305.637 Office of the deputy commissioner for sugar.
1305.638 Office of field relations.
1305.639 Administrative office.
1305.640 Functions and responsibilities of divisions and branches.

Sugar Legal Division

1305.641 Responsibilities.
1305.642 Functions.
1305.643 Responsibility of associate general counsel.

Currency Control Division

1305.645 Components.
1305.646 Responsibilities.
1305.647 Responsibilities of director.
1305.648 Ration banking branch.
1305.649 Accountability and verification branch.
1305.649a Supply analysis branch.
1305.650 Distribution and issuance branch.

Price and Supply Division

1305.651 Components.
1305.652 Responsibility.
1305.653 Responsibility of director.
1305.654 Supply equalization branch.
1305.655 Price branch.

Allotment Division

1305.657 Components.
1305.658 Functions and responsibilities.
1305.659 Office of the director.
1305.660 Institutional branch.
1305.661 Trade and industry branch.
1305.662 Industrial petitions branch.

RENT DEPARTMENT

1305.665 Components.
1305.666 Authority and responsibility.
1305.667 Office of the deputy commissioner for rent.

Rent—Legal Division

1305.668 Components.
1305.669 Responsibility of associate general counsel for rent.

Operations Division

1305.670 Components.
1305.671 Responsibilities.
1305.672 Office of the director.
1305.673 Field liaison branch.
1305.674 Review branch.
1305.675 Control branch.

Program Division

1305.676 Components.
1305.677 Responsibilities.
1305.678 Office of the director.
1305.679 Regulations and review branch.
1305.680 Financial and statistical branch.

Compliance Division

1305.681 Responsibilities.
1305.682 Specific functions.

SUBPART D—FIELD OFFICES

FIELD OFFICES

1305.685 Field offices.
1305.686 Regional offices.
1305.687 Territorial offices.
1305.688 Area rent offices.
1305.689 Branch rent offices.
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REGIONAL OFFICES

1305.693 Regional offices.
1305.694 Office of regional administrator.
1305.695 Responsibilities of regional administrators.
1305.696 Regional office executive staff.
1305.697 Regional office administrative staff.
1305.698 Regional office operating staff.
1305.699 Deputy regional administrator.
1305.700 Assistant to regional administrator.
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1305.702 Regional administrative divisions.
1305.703 Regional administrative analyst section.
1305.704 Regional operating divisions.

AREA RENT AND BRANCH RENT OFFICES

1305.710 Area rent offices.
1305.711 Area rent director.
1305.712 Area rent attorney.
1305.713 Area rent representative.
1305.714 Branch rent offices.

CONSOLIDATION AND LIQUIDATION OF FIELD OFFICES

1305.720 Authority and procedure.
1305.721 Authority and responsibility.
1305.722 Actions of district and branch offices.
1305.723 Residual functions.

BRANCH SUGAR OFFICE

1305.725 Branch sugar office.
1305.726 Branch director.
1305.727 Legal section.
1305.728 Institutional and industrial section.
1305.729 Wholesale-retail section.
1305.730 Banking section.
1305.731 Mail and distribution section.

BRANCH ENFORCEMENT OFFICE

1305.735 Branch enforcement office.
1305.736 Responsibility.
1305.737 Rent enforcement section.
1305.738 Sugar enforcement section.
1305.739 Review and disposition section.
1305.740 Enforcement branch offices.

SUBPART E—DELEGATIONS OF FINAL AUTHORITY

1305.760 Nature of delegations.
1305.761 Price delegations to continental offices.
1305.762 Rationing delegations.
1305.763 Rent delegations.
1305.764 Delegations to territorial offices.

SUBPART F—PUBLIC RECORDS

1305.780 Public records.
1305.781 Documents issued by the Temporary Controls Administrator.
1305.782 Formal proceedings.

AUTHORITY: §§ 1305.510 to 1305.782, inclusive, issued under secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244.

SUBPART A—THE ADMINISTRATOR

§ 1305.510 *Authority of the Price Administrator; directing and approval powers of the President and other Federal agencies with respect to price control and rationing.* The Office of Price Administration, under the direction of a Price Administrator, was created by the Emergency Price Control Act of 1942, as amended, with basic authority to establish maximum prices for commodities (including services in connection with commodities) and maximum rents for defense area housing accommodations. The act specifies legal standards governing the exercise of this authority, and grants supplementary powers, including the power to delegate authority, necessary for its administration and enforcement. Regulations establishing maximum prices and maximum rents are subject to review by the Emergency Court of Appeals in accordance with procedures prescribed by the act.

(a) The Stabilization Act of 1942, as amended, granted broad economic stabilization powers to the President, including authority to prescribe policies governing the Office of Price Administration and other agencies. The President has delegated to the Office of Economic Stabilization in the Office of War Mobilization and Reconversion this power to issue directives on policy.

(b) With respect to agricultural commodities and food or feed products derived in whole or substantial part therefrom, actions by the Price Administrator must be previously approved in writing by the Secretary of Agriculture. In addition (after September 1, 1946), no maximum price may apply to any such commodity unless the Secretary has certified that it is in short supply. The Secretary has authority to make binding recommendations to the Price Administrator for the adjustment of maximum prices on such commodities which the Secretary determines are not important in relation to business costs or living costs. Whenever the Secretary determines that such a commodity from which control has been removed is in short supply, and should be subjected to price control, he may, with the written consent of the Price Decontrol Board (see below), make a binding recommendation to the Price Administrator for the reestablishment of maximum prices for that commodity.

(c) The Price Decontrol Board was established by the Emergency Price Control Act (as amended in July 1946 by the Price Control Extension Act of 1946) to act upon the petitions of industry advisory committees for the decontrol of commodities, where such petitions have been presented to and denied by the Price Administrator, in the case of nonagricultural commodities and food or feed products derived in whole or substantial part therefrom. With respect to certain commodities, from which price control was removed by Congress until August 21, 1946, and for which the Board, pursuant to its powers under the amended act, did not, prior to August 21, 1946, order recontrol, the Board has authority to direct the Administrator to reestablish price controls.

(d) The rationing authority of OPA is derived from delegations of the President's power to allocate materials and facilities under the Second War Powers Act of 1942. This power has been delegated through the War Production Board (succeeded by Civilian Production Administration) in the case of other commodities.

(e) The Price Administrator is authorized by the Emergency Price Control Act, as amended, to make subsidy payments under certain conditions. Funds have not been provided for the direct exercise

of this power by the Administrator. In the case of commodities designated by the President as strategic or critical, the subsidy powers granted by the act must be exercised by or through the Reconstruction Finance Corporation. Where the Reconstruction Finance Corporation conducts subsidy programs under this authority, the Price Administrator cooperates in the administration of related price controls. The Corporation, like the Price Administrator, is subject to the directive powers of the Office of Economic Stabilization.

(f) All functions of the Price Administrator are vested in the Temporary Controls Administrator by Executive Order 9809.

(g) All delegations of authority made by or under the authority of the Price Administrator or by any other authorized official of the Office of Price Administration, and which were in effect on December 12, 1946, were adopted, ratified, confirmed, and validated by the Temporary Controls Administrator in OTC Regulation 2 (11 F. R. 14704) and by Executive Order 9809, and remain in full force and effect until they expire by their terms or are revoked or amended.

(h) Delegation of regulatory authority shall be made by a general order or as part of another official document. Redelegation of regulatory authority shall be made by a delegation order approved and signed by the person to whom the power is delegated and filed with the executive officer of the appropriate operating department or office.

(i) The Temporary Controls Administrator delegates to the Commissioner of Price Administration administrative authority to act for the Administrator in all matters relating to the Office of Price Administration except those heretofore specifically reserved to the Price Administrator which were transferred to the Temporary Controls Administrator by Executive Order 9809. Delegation or redelegation of administrative authority by the Commissioner of Price Administration shall be made by publication in the OPA Manual in accordance with the provisions of Administrative Order No. 90, revised.

(j) The office of the Temporary Controls Administrator will notify the office of the Secretary, Office of Price Administration, Office of Temporary Controls, when an appointment of Acting Administrator is made, stating the time during which the appointment is to be effective.

(k) Delegations of regulatory authority shall be published in the FEDERAL REGISTER.

SUBPART B—EXECUTIVE, MANAGEMENT AND ADVISORY OFFICES

OFFICE OF PRICE ADMINISTRATION

§ 1305.515 *Components.* The Office of Price Administration shall comprise the Commissioner of Price Administration, the executive staff, and the operating staff.

§ 1305.516 *Office of the Commissioner.* The office of the Commissioner shall comprise the assistant commissioner, the assistants to the Commissioner, and such units of the executive or operating staffs as may be assigned to direct supervision of the assistant commissioner or of an assistant to the Commissioner.

§ 1305.517 *Authority of the Commissioner.* The authority of the Commissioner, except as expressly reserved, shall be exercised:

(a) Generally by the assistant commissioner for the purpose of over-all administration and management, including planning and coordinating programs, executing and administering orders, regulations, and directives, and managing and supervising general operations and personnel.

(b) Particularly by the executive heads of the several operating departments for planning and technically directing their several programs.

(c) Specifically by the assistants to the Commissioner for executing such projects as the Commissioner may assign from time to time.

§ 1305.518 *Executive staff.* The executive staff of the Office of Price Administration shall comprise the office of the Commissioner, the office of administrative hearings, the office of general counsel, the liaison offices, management offices, and administrative committees.

(a) The principal units of the executive staff and the title of the executive head of each unit shall be as follows:

Name of Unit and Title of Head

Office of the Commissioner: Commissioner.
Office of Administrative Hearings: Hearing Administrator.
Office of General Counsel: General Counsel.
Office of Internal Intelligence: Director.
Office of Information: Director.
Office of Public Records: Director.
Office of Budget and Planning: Director.
Office of Personnel: Director.
Committe on Economic Data: Chairman.
Policy Analysis Committee: Chairman.

§ 1305.519 *Operating staff.* The operating staff of the Office of Price Administration shall comprise the operating departments and the operating offices:

(a) The principal units of the operating staff and the title of the executive head of each shall be as follows:

Name of Unit and Title of Head

Operating Departments:
Enforcement: Deputy Commissioner for Enforcement.
Rent: Deputy Commissioner for Rent.
Sugar: Deputy Commissioner for Sugar.
Operating Offices:
Regional Office: Regional Administrator.
Area Rent Office: Area Rent Director.
Enforcement Branch Office: Regional or Associate Regional Enforcement Executive.
Branch Rent Office: Rent Representative.
Sugar Branch Office: Director.

§ 1305.520 *Authorized subdivisions.* Unless otherwise specifically designated by the Commissioner, the authorized subdivisions of principal organization units, and the executive head of each shall be as follows:

Organization unit	Subdivision	
	Name of unit	Title of head
EXECUTIVE STAFF		
Office of General Counsel.	Division	Director.
Liaison Office	Branch	Chief.
Liaison Office Branch	Section	Head.
Liaison Office Section	Unit	Head.
Management Office	Branch	Chief.
Management Office Branch.	Section	Head.
Management Office section.	Unit	Head.
OPERATING STAFF		
Operating Department	Division	Director.
Operating Division	Branch	Chief.
Operating Branch	Section	Head.
Operating Section	Unit	Head.
Regional Office	Division	Executive.
Regional Division	Section	Head.
Regional Section	Unit	Head.
Enforcement Branch Office.	Section	Chief.
Enforcement Branch Office Section.	Unit	Chief.
Branch Rent Office	Section	Head.
Branch Rent Office Section.	Unit	Head.
Sugar Branch Office	Section	Head.
Sugar Branch Office Section.	Unit	Head.

§ 1305.521 *Responsibility.* For all operations within their jurisdiction:

(a) Subordinate divisions of organization units are responsible to the executive head of their respective principal organization units, except special investigation unit in Enforcement Branch office.

(b) Subordinate operating offices are responsible to the regional administrator of their respective regions except as described in § 1305.735.

(c) Regional administrators and executive heads of national office principal organization units are responsible to the office of the Commissioner.

(d) The Commissioner is responsible to the Temporary Controls Administrator.

OFFICE OF INFORMATION

§ 1305.530 *Functions.* The functions of the office of information shall be to:

(a) Formulate and carry out in cooperation with operating divisions all public information and educational policies for OPA.

(b) Collaborate with program departments in developing specific programs in rent control, rationing, and price control, and such other functions as may be delegated to OPA, in order that probable public attitudes and reactions to substantive provisions of operating programs will be given full consideration.

(c) Advise OPA officials as to their responsibilities in informing the public on OPA actions and provide services necessary to all branches of OPA to accomplish the purposes of the information policy.

(d) Issue all releases to the press, radio, magazines, or trade papers.

(e) Clear all public statements by any OPA employee, including press interviews, radio addresses, and any other form of public statement on official business.

(f) Plan, and prepare or clear, or arrange for the performance of, all motion pictures, radio programs, magazine articles, slide films, pamphlets, leaflets, advertisements, posters, and other printed materials for the dissemination of information to the general public.

(g) Secure from all other government agencies clearances of OPA information materials and serve as the sole contact with those agencies on all information matters.

(h) Approve news letters, bulletins and other special information materials designed for general distribution to the trade, for form, style, conformance with established public relations policies, and for timing.

(i) Review and clear before issuance all regular bulletins, information sheets, news letters sent by operating departments to OPA employees in the field, except those exclusively containing procedures, digests of actions, amendments, operating instructions, and the like.

(j) In consultation with operating departments, prepare or clear all advertising materials designed by OPA for use in private firms in connection with OPA programs.

§ 1305.531 *Director.* The director of the office of information shall be responsible to the Commissioner for planning, preparing, scheduling, and executing programs disseminated to the general public and, at the request of operating departments, to the trade.

OFFICE OF ADMINISTRATIVE HEARINGS

§ 1305.540 *Components.* The Office of Administrative Hearings shall consist of a Hearing Administrator and such assistants as may be necessary for the efficient performance of his functions. The work of the office in the regions shall be carried out under the direction of the Hearing Administrator by a chief hearing commissioner, hearing commissioners, and presiding officers.

§ 1305.541 *Authority.* The Hearing Administrator, hearing commissioners, and presiding officers shall exercise such powers with regard to the hearing, determination, and review of suspension order proceedings under rationing orders and regulations, and other administrative proceedings hereafter established, as are delegated to them by the Administrator.

§ 1305.542 *Responsibility.* The Hearing Administrator shall be responsible to the Administrator on all matters relating to the hearing, determination, and review of administrative proceedings for the Office of Price Administration.

(a) He shall appoint and remove hearing commissioners and technical personnel and shall approve the appointment and removal of presiding officers subject to the general rules applicable to all personnel of the Office of Price Administration. He shall have authority to remove any employee of the Office of Administrative Hearings in Washington or in the field in accordance with standard Civil Service Commission rules and regulations.

(b) He shall supervise and review the activities of hearing commissioners and presiding officers throughout the country and shall decide, with the assistance of a staff of review analysts, appeals from the determination of hearing commissioners.

(c) The policies established by the Hearing Administrator shall govern the hearing and adjudication of all proceedings in the Office of Administrative Hearings.

§ 1305.543 *Chief hearing commissioners.* A chief hearing commissioner for each region shall be appointed by the Hearing Administrator.

(a) The chief hearing commissioner shall hear and determine administrative proceedings for the Office of Price Administration within the region and shall also supervise the operation of the regional hearings docket and assign hearings to the other commissioners and to presiding officers in his region.

(b) The chief hearing commissioner shall have the authority to appoint and discharge clerical and stenographic employees of his staff and shall use the facilities of the regional personnel office. The chief hearing commissioner may appoint presiding officers with the approval of the Hearing Administrator.

§ 1305.544 *Hearing commissioners.* The hearing commissioners shall hear and determine administrative proceedings for the Office of Price Administration as assigned by the chief hearing commissioner for the region.

(a) Hearing commissioners shall normally be stationed in the regional offices and shall preside at hearings in offices throughout their respective regions.

(b) The Hearing Administrator may designate a person on his staff in the National Office to exercise the powers and functions of hearing commissioners in any of the regions.

(c) Appeals from the decision of hearing commissioners shall be to the Hearing Administrator in the National Office.

§ 1305.545 *Presiding officer.* Where the work load requires, a presiding officer shall preside over administrative proceedings and report thereon to the chief hearing commissioner. The decisions in such proceedings shall be rendered by a hearing commissioner. Such presiding officer shall serve on a voluntary or per diem basis.

OFFICE OF THE GENERAL COUNSEL

§ 1305.550 *Components.* The office of the general counsel, established in the office of the OPA Commissioner shall comprise the following organization units:

Court Review, Research, and Opinion Division.
Office of Counsel for Boards of Review.

(a) It shall be the responsibility of the general counsel to:

(1) Advise the Temporary Controls Administrator and the OPA Commissioner on all legal matters affecting OPA.

(2) Determine all important legal questions upon which there is doubt or difference of opinion within OPA, which questions shall be referred to him by the heads of the various legal divisions and the deputy commissioner for enforcement.

(3) Conduct OPA cases in the Emergency Court of Appeals and, under supervision of the Solicitor General, conduct all OPA cases in the United States Supreme Court.

(4) Represent OPA in legal matters which have not been delegated to other counsel or which, in his discretion or that of the OPA Commissioner, require his presence or participation.

(5) Establish standards of legal workmanship and procedure for insuring effective use of the legal staff.

(6) Advise the OPA Commissioner and the regional administrators on matters affecting the appointment or removal of department counsels and regional attorneys.

(7) Advise the OTC Administrator and the OPA Commissioner on all matters affecting the statutes, executive orders and directives from which OPA derives its authority to act.

(8) Represent OPA before committees of Congress on all matters which have not been delegated to others or which, in his discretion or that of the Administrator or Commissioner, require his presence or participation.

(b) Responsibilities of the assistant general counsel. It shall be the responsibility of the assistant general counsel to assist the general counsel as he may direct from time to time.

§ 1305.551 *Court review, research, and opinion division.* The court review, research, and opinion division shall be under the direction of the associate general counsel, who shall be responsible to the general counsel.

(a) The court review, research, and opinion division shall comprise the following organization units:

Office of the Associate General Counsel.
Special Assistant to the Associate General Counsel.
Court Review Price Branch.
Court Review Rent Branch.
Research and Opinion Branch.

(b) The court review, research, and opinion division shall:

(1) Defend in the Emergency Court of Appeals and the Supreme Court of the United States all regulations and orders issued by OPA under section 2 of the Emergency Price Control Act.

(2) Provide legal services required by OPA organization units not otherwise provided with legal counsel.

(3) Formulate or collaborate in the formulation of general orders and procedural regulations issued under the Emergency Price Control Act and under directives to OPA from other federal agencies; and collaborate in the disposition of protests against price and rent regulations and orders.

(4) Prepare legal opinions, interpreting both to the public and to OPA staff members, statutes, executive orders, and directives governing the operation of the agency and the general orders and procedural regulations issued by OPA.

(5) Study and report on legislation affecting the operations of OPA.

(c) Office of the associate general counsel.

(1) As director of the court review, research, and opinion division, the associate general counsel shall:

(i) Negotiate with the Department of Justice concerning the litigation within

the jurisdiction of the division, and with other federal agencies regarding the authority and functions of OPA.

(ii) Conduct litigation in the most important cases involving OPA in the Emergency Court of Appeals and, to the extent authorized by the Solicitor General, in the Supreme Court of the United States.

(iii) Maintain liaison with OPA departments and divisions in the definition of their respective responsibilities on legal problems or cases involving the department or division and in the determination of legal standards to be followed in such cases.

(iv) Supervise the maintenance of the docket and files of cases in the Emergency Court of Appeals and in the Supreme Court.

(2) The special assistants to the associate general counsel shall be in charge of proceedings in the Emergency Court of Appeals under section 204 (e) (1) of the Emergency Price Control Act. They shall be directly responsible to the associate general counsel and, with the aid of such attorneys as are assigned to them by the associate general counsel, shall prepare all necessary pleadings, evidence, and briefs, and represent the Administrator at hearings in the course of such proceedings.

(d) Under the direction of the branch chief and within its assignment to price and rent actions, each court review branch shall exercise exclusive responsibility of the division for defending action of the Administrator in court appeals from the dismissal or denial of protests against price and rent regulations.

(1) The court review branches shall comprise the following organization units:

(i) Court Review Branch:
- Court Review Consumer Durables Section.
- Court Review Food Section.
- Court Review Fuel Section.
- Court Review Industrial Manufacturing Section.
- Court Review Industrial Materials Section.
- Court Review Services Section.
- Court Review Textiles, Leather, and Apparel Section.

(ii) Court Review Rent Branch:
- Court Review, Eastern Section (Regions 1 and 2, except New York City and Westchester).
- Court Review, New York Section (New York City and Westchester).
- Court Review, Southern Section (Regions 4 and 5).
- Court Review, Central Section (Regions 3 and 6).
- Court Review, Western Section (Regions 7 and 8).

(2) The chief of each court review branch shall be directly responsible to the associate general counsel. Within his jurisdiction, each chief shall:

(i) Determine the procedural policy with respect to protests.

(ii) Coordinate administrative proceedings in cases of protests against specific regulations.

(iii) Conduct litigation of important cases in the Emergency Court of Appeals and, to the extent authorized by the Solicitor General, in the Supreme Court.

(iv) Supervise the maintenance of the protest docket, providing continuously current data on protest actions and the internal operating procedures and records of the branch.

(v) Provide legal counsel to the OPA Secretary with respect to protests.

(3) Within their respective assignments by the head of the court review branches, the court review sections shall review protests and plan for and conduct litigation before the Emergency Court of Appeals and the United States Supreme Court in connection with regulations and orders formulated by the designated divisions of the rent and price departments.

(i) On protest cases the appropriate court review branch shall:

(*a*) Determine the formal procedural adequacy of protests filed with the Administrator against price and rent regulations.

(*b*) Analyze the contents of protests to determine the validity of the allegations under statutory requirements.

(*c*) Draft orders of dismissal in cases of failure of the protestants to adhere to procedural or statutory requirements.

(*d*) Consult with price and rent executives and attorneys for the purpose of securing decisions as to the appropriate action of the Administrator with respect to the protests.

(*e*) Consult and collaborate with the appropriate rent or price executives and attorneys in the formal expressions of decisions and the preparation of records of protest proceedings.

(ii) In the litigation of protest appeals the appropriate section shall:

(*a*) Determine the material portion of the "Transcript of Proceedings Before the Administrator"—the record of proceeds in the case.

(*b*) Complete the "Transcript of Proceedings Before the Administrator" for submission by the Administrator.

(*c*) Conduct all legal research necessary to defend the action of the Administrator in suits appealing his dismissal or denial of protests.

(*d*) Plan the strategy of each case.

(*e*) Prepare the Administrator's answer to each suit.

(*f*) Prepare motions, pleadings, briefs, and other material necessary for presentation of oral arguments.

(*g*) Present oral arguments on behalf of the Administrator in the Emergency Court of Appeals.

(e) The research and opinion branch shall constitute a centralized place for reference by OPA staff members and for the public on legal questions concerning the authority, responsibilities, and functions of OPA.

(1) The branch shall comprise the following organization units:

Legal Research Section.
Legal Services Section.
Price Interpretations Section.

(2) The chief of the branch shall be sponsible to the associate general counsel. He shall supervise the work of the branch and shall so act as special assistant to the general counsel on such matters as may be delegated to him.

(3) The legal research section shall:

(i) Conduct legal research on questions involving the provisions of the Emergency Price Control Act and all other statutes affecting the authority and functions of OPA, and all executive orders and directives from other agencies which pertain to the authority and functions of OPA.

(ii) Participate in negotiations with the legal staffs of other agencies whose functions are related to those of OPA.

(iii) Prepare legal memoranda and legal opinions on problems of constitutional and administrative law and the application of statutes and legal precedents which arise in the course of OPA's operations.

(iv) Maintain a file of information on judicial decisions and the decisions of administrative tribunals pertinent to the authority and functions of the agency.

(v) Formulate and collaborate in the formulation of general orders and general procedural orders issued by the Administrator or the OPA Commissioner and render requested interpretations of such orders.

(vi) Prepare memoranda respecting proposed or pending legislation and upon request prepare drafts of proposed legislation affecting OPA.

(4) The legal services section shall:

(i) Provide legal counsel to, and perform legal services for, organization units which do not have regularly assigned counsel.

(ii) Conduct a legislative reference service section which shall issue a daily bulletin on all legislative developments of concern to OPA, maintain files on these legislative developments, and provide various organization units with information on legislative developments affecting their work.

(5) The price interpretations section shall:

(i) Prepare interpretations of such regulations and orders as relate to commodities and services decontrolled before January 1, 1947.

(ii) Draft any price regulations and orders necessary in connection with commodities and services which were decontrolled before January 1, 1947.

§ 1305.552 *Counsel for boards of review.* It shall be for the responsibility of the counsel for boards of review, who shall be responsible to the general counsel, to:

(a) Expedite the selection of members of a board of review to consider a particular protest from the panel of persons designated by the Administrator or the OPA Commissioner to sit on boards of review.

(b) Advise members of boards of review as to their duties and responsibilities.

(c) Advise presiding members of boards of review as to the conduct of proceedings before them according to provisions of law.

(d) Supervise the maintenance of dockets, issuance of notices and process, making of transcripts, form of recommendations and other documents, and other such matters incident to the functioning of boards of review.

(e) Maintain files of precedents set by boards of review and advise as to their content to the end that consistent conclusions will be reached by the various persons sitting on such boards or subcommittees of boards.

(f) Effect the maximum use of prehearing procedures to simplify and eliminate questions of fact and law so as to isolate only the true sources of difference for the consideration of boards of review.

(g) Cooperate with all persons within and without the enforcement department concerned in the consideration of protest by boards of review and determine questions of operating procedure and responsibility for action within OPA so as to avoid delay and secure consideration by boards with a maximum of dispatch.

(h) Direct all operations of boards of review except their consideration and recommendations as to cases before them on the merits.

OFFICE OF INTERNAL INTELLIGENCE

§ 1305.555 *Office of Internal Intelligence.* The office of internal intelligence division, in the office of the Commissioner, shall be under the direction of the director, office of internal intelligence.

(a) The office of internal intelligence shall have full responsibility for investigating allegations or charges of corruption or misconduct on the part of OPA employees, except cases of misconduct for which the office of personnel or the field personnel staff has been delegated authority. Investigations shall not be undertaken by the division, however, except upon request of the Administrator, the OPA Commissioner, or the regional administrator concerned.

(b) The office of internal intelligence shall consist of a directing and technical staff of special investigators to be stationed in the national office, and, where required, in the field. The assignment of national office special investigators to the field shall be made by the director, office of internal intelligence, with the approval of the regional administrator in whose region the special investigators will be stationed. Where field stations are established, a supervising intelligence agent may be designated by the director of the office, with like approval of the regional administrator.

(c) Under certain circumstances, when approved by the Commissioner, an intelligence unit, under the jurisdiction of a regional administrator, may be established within a region, under a supervising investigator. The supervisor under these circumstances will be appointed by the regional administrator after consultation with the director of the office. The function of such a regional intelligence unit shall be to investigate allegations or charges of corruption on the part of OPA employees in that particular region except in those instances where the regional administrator and the director of the office determine that the investigation might better be conducted by a special investigator from the national office.

(d) All staff members and special investigators on the national office payroll, whether they be stationed in Washington or assigned to the field, shall be appointed and removed by the OPA Commissioner upon the recommendation of the director of the office.

(e) The director of the office shall be responsible for coordinating all internal intelligence work both in the national office and in the regions. Supervising investigators shall furnish the regional administrator and the director of the office with such reports as either may from time to time require.

(f) The activity of the internal intelligence office is confidential and communications with its representatives shall be held in the strictest of confidence.

OFFICE OF PUBLIC RECORDS

§ 1305.560 *Components.* The office of public records shall comprise the following organization units:

Office of the Director:
Economic Data Analysis Branch.
Policy Analysis Branch.

§ 1305.561 *Responsibility.* The office of public records, under the director, is responsible to the Temporary Controls Administrator and the Commissioner for review, collation, and analysis of economic data collected in the course of OPA operations; preparation of the quarterly report to Congress; recording and interpreting OPA experience; and for administering subsidy and premium price plans within the jurisdicton of OPA. The director shall, in conjunction with the chief of the records branch, review and approve all proposed transfers to the National Archives or to other federal agencies of records which, in his judgment, are serving or may serve as source material to the branches of the office of public records.

§ 1305.562 *Responsibility of director.* The office of the director is responsible to the Commissioner for supervision of the office of public records, with special attention to the interrelation of the work of the policy analysis and the economic data analysis branches; for coordination of the work of the office of public records with that of the records branch, office of administrative service, and that of the audits division, accounting department; for collection from operating departments of material for the quarterly report to Congress, and the preparation and editing of this report; for securing administrative management services for the office of public records, including liaison with the management offices; and for operations of all subsidy programs which have been assigned to OPA. In addition to individual staff necessary to carry out other assigned responsibilities the office of the director shall include the meat subsidy section, the stripper oil section, the alcohol subsidy and compensatory adjustment section.

§ 1305.563 *Economic data analysis branch.* The economic data analysis branch is responsible to the director for review of the economic data that have been collected by OPA in the course of its operations, for the collation of such tabulations and studies of continuing significance as have been made of these data, and for the further study and analysis of such data for purposes other than those of OPA operations. Preliminary to such studies and analyses, the branch shall prepare tabulations of the data (in form that will not violate their confidential aspects) which may also be published for use and analysis by other government agencies, business and industrial research organizations, etc. In selecting data, determining what analysis is in each case indicated appropriate under the circumstances relevant to each case, the branch shall be advised and aided by the agency committee on economic data. In order to avoid violation of statutory requirements with respect to confidential aspects and to insure consistency with OPA administrative policy, approval of that committee is required prior to publication or other release of economic data (sec. 1-1540).

§ 1305.564 *Policy analysis branch.* The policy analysis branch under the direction of the branch chief shall be responsible to the director for recording and interpreting the experience of OPA for current and historical use. Specifically, the branch shall:

(a) Develop a comprehensive plan for the selection and preparation of historical material for the recording of OPA's activities.

(b) Prepare documentary histories of selected OPA programs, organization units, and activities, and make them available by publication.

(c) Secure paid and volunteer writers and serve as a secretariat for all writers contributing to OPA history.

(d) Develop criteria for the evalution of historical materials and advise the records branch on programs for the collection and preservation of records.

(e) Supervise the editing and publishing of historical materials.

(f) Represent OPA in liaison with the Bureau of the Budget and other federal agencies in the preparation of war agency historical materials.

OFFICE OF ADMINISTRATIVE SERVICE

§ 1305.566 *Components.* The office of administrative service shall comprise the following organization units:

Office of the Director.
Service Operations Branch.
Printing and Distribution Branch.
Central Distribution Planning Branch.
Graphics and Forms Branch.
Library Branch.
Statistics and Control Service Branch.
Records Management Branch.

§ 1305.567 *Office of the director.* The office of the director of administrative service shall include the assistant director, the administrative officer, the administrative section, the operations analysis section, and the field section.

(a) The director of the office of administrative service shall be responsible to the Commissioner for formulation and execution of administrative service policies and plans, for analysis, classification, and control of records and documents, and for establishment and maintenance of supply, printing, distribution, verification, and other service procedures; and shall be accountable for all OPA property and equipment.

§ 1305.568 *Service operations branch.* The service operations branch shall be responsible to the director for formulation and execution of policies and procedures governing procurement, space, communications, and other services in the national office and in the field.

§ 1305.569 *Printing and distribution branch.* The printing and distribution branch shall be responsible to the director for formulation and execution of policies and procedures governing printing and other methods of duplication, and the physical operations of distribution in the national office and in the field.

§ 1305.570 *Central distribution planning branch.* The central distribution planning branch shall be responsible to the director for the formulation and execution of all policies and procedures regarding distribution other than those pertaining to the physical operations, and for the coordination of the program requirements of the operating divisions with the facilities of the printing and distribution branch.

§ 1305.571 *Graphics and forms branch.* The graphics and forms branch is responsible to the director for planning and executing graphic presentations, designing forms, and varityping, and shall be available to all OPA staff members for consultation on graphics or forms matters.

§ 1305.572 *Library branch.* The library branch shall be responsible to the director for providing library facilities and service for official operations of the staff in the national office.

§ 1305.573 *Statistics and control service branch.* The statistics and control service branch is responsible to the director for development of plans in conjunction with OPA operating divisions or other Federal agencies for securing and disseminating data on specific operating programs, on a nation-wide or designated area basis, as requested by the operating divisions within OPA or by other agencies and is further charged with the responsibility of executing these plans and devising procedures and pertinent forms for the accomplishment of this program.

§ 1305.574 *Records management branch.* The records management branch shall be responsible to the director for developing a records management program for OPA records and papers in the national office and in the field.

OFFICE OF BUDGET AND PLANNING

§ 1305.576 *Components.* The office of budget and planning shall comprise:

Office of the Director.
Budget Branch.
Fiscal Branch.
Office of the OPA Secretary.

§ 1305.577 *Office of the director.* The director of the office of budget and planning shall be responsible to the office of the Commissioner for formulation and execution of administrative, budgetary, and fiscal plans and policies, for establishment and maintenance of budgetary and fiscal procedures; for review and issuance of administrative procedures and authorization of changes of organization, jurisdiction, and internal relationships of organization units; for establishment of standards for surveys, reports, and statistical tabulations; and for direction and supervision of the budget and planning staff.

§ 1305.578 *Budget branch.* The budget branch shall be responsible to the director for formulation of budgetary policy, preparation, justification, and control of annual and quarterly budgets, and issuance and adjustment of annual, quarterly, and special authorizations and allotments.

§ 1305.579 *Fiscal branch.* The fiscal branch shall be responsible to the director for formulation of policy on fiscal controls, the establishment of uniform procedures in the several offices and organization units, and securing compliance with budgetary authorization.

§ 1305.580 *Office of the OPA Secretary.* The office of the OPA Secretary shall comprise the recording secretary, the editorial and reference section, and the reporting and statistical review section. The OPA Secretary shall be responsible to the director for direction and supervision of the office of the OPA Secretary; for reviewing and issuing all official documents; for receiving, docketing, and routing protests and petitions, and accepting service of process for the Administrator; for analyzing public reporting forms and surveys; for advising operating units of regulations governing publication, distribution, and use of public reporting forms and surveys; and for performing all duties delegated to him or to the office of the OPA Secretary by procedural orders, regulations, or directives of OPA.

OFFICE OF PERSONNEL

§ 1305.582 *Components.* The office of personnel shall consist of the following organizational units:

Office of Director.
Program Planning and Administrative Branch.
Training Branch.
Classification Branch.
Placement Branch.
Employee Relations Branch.
Field Relations Branch.

§ 1305.583 *Office of director.* The director of personnel shall develop and administer the personnel policy and programs of the agency and advise the Commissioner on all aspects of personnel management; represent the agency on all personnel matters when dealing with the other executive agencies; give administrative supervision to the office of personnel and technical supervision on personnel matters to the regional personnel officers and to executive and administrative officers.

§ 1305.584 *Program planning and administrative branch.* The program planning and administrative branch shall study the over-all needs of the agency for personnel service and management; supervise the development of programs to meet these needs and evaluate current programs and activities; handle personnel matters which are not clearly a responsibility of the other branches; and provide administrative advice and service to the director. The chief of the branch shall represent the director on assignment.

§ 1305.585 *Training branch.* The training branch shall act as a staff advisory group to assist the national office and field in analyzing training needs in devising effective programs to meet them in administering and evaluating those programs; guide and assist appropriate supervisory and coordinating officials in discharging their responsibilities for the orientation and continuous on-the-job training of employees; and in general secure adequate communication of policies, programs, and techniques required by employees for their most effective work.

§ 1305.586 *Classification branch.* The classification branch shall develop and maintain the classification plan in the national office and in the field and integrate this plan with the management program of the agency.

§ 1305.587 *Placement branch.* The placement branch shall develop placement policy, procedures, techniques, and resources; see that the employment requirements of the National Office and the field are met; insure that full use is made of agency personnel resources and that OPA personnel have full opportunity for maximum utilization of skills. The executive placement officer shall in addition to his duties as chief of the branch, assist the Administrator and the deputy administrators in securing and evaluating candidates for executive positions.

§ 1305.588 *Employees relations branch.* The employees relations branch shall plan and develop over-all employee relations programs for the national office and the field; develop and secure policies guaranteeing maximum participation of employees in matters which affect them individually and in the programs of the agency; advise with supervisory staff and individual employees on specific employee-supervisor problems; advise on negotiations with organized employee groups; promote and coordinate programs for employee health and welfare; and provide employee services to improve their job satisfaction and off-the-job adjustment.

§ 1305.589 *Field relations branch.* The field relations branch shall represent the director in the field; maintain liaison with field officers; assist in selecting, training and facilitating and evaluating the work of regional personnel officers; and coordinate the field activities of functional national office branches.

SUBPART C—OPERATING STAFF

ENFORCEMENT DEPARTMENT

§ 1305.590 *Components.* The enforcement department shall be under the direction of the deputy commissioner for enforcement, who shall be responsible to the Commissioner. The department in the national office shall have the following organization:

Office of the Deputy Commissioner for Enforcement.
Office of the Director of Litigation.
Division of Special Investigations.
Review and Disposition Division.
Rent Division.
Sugar Division.

§ 1305.591 *Authority and responsibilities*—(a) *Basic authority*—(1) *Price and rent.* The authority of OPA to enforce price and rent regulations and orders is derived from the Emergency Price Control Act of 1942, as amended.

(2) *Rationing.* The authority of OPA to enforce rationing regulations and orders is derived from the Second War Powers Act.

(3) *Other.* The authority of OPA for its enforcement activities, other than the foregoing, derives from specific directives and delegations.

(b) *General responsibilities.* The enforcement department is responsible for the planning, direction, and execution of all enforcement activities consistent with the purposes of the statutes and executive orders under which OPA operates. These responsibilities shall include:

(1) *Enforcement operations.* (i) The ascertainment and investigation of violations.

(ii) The determination and application of appropriate sanctions.

(iii) The disposition of violation cases.

(iv) The conduct of litigation and administrative proceedings and the referral of cases for criminal action to the Department of Justice.

(2) *Enforcement policies and programs.* The enforcement department shall develop and establish appropriate policies, standards, and programs for:

(i) The receipt and handling of complaints of violations.

(ii) The means of ascertaining violations.

(iii) The ascertainment of violations.

(iv) The allocation of manpower among the divisions and field offices.

(v) The disposition of violation cases.

(vi) The sanctions available, the situations to which they apply and the methods of application.

(vii) The institution, defense, conduct, and settlement of all judicial proceedings and administrative sanction proceedings, other than criminal prosecutions and cases in the Emergency Court of Appeals.

Office of Deputy Commissioner for Enforcement

§ 1305.592 *Components.* The office of the deputy commissioner for enforcement shall consist of:

The Deputy Commissioner for Enforcement.
Assistant Deputy Commissioner for Enforcement.
Assistant to the Deputy Commissioner for Enforcement.
Field Operations Officer.
Training Officer.
Analysis and Reports Officer.
Administrative Officer.

§ 1305.593 *Responsibility of deputy commissioner for enforcement.* It shall be the responsibility of the deputy commissioner for enforcement to:

(a) Direct all enforcement activity as outlined in § 1305.591.

(b) As a member of the Commissioner's staff, advise the Commissioner on agency-wide policies and problems.

(c) Advise and keep the Commissioner informed on enforcement policies, programs and activities.

(d) Consult with and advise the other deputy commissioners on policies and programs requiring collaboration between the enforcement department and other departments.

(e) Conduct liaison with other governmental agencies on enforcement matters.

(f) Review operations of the enforcement divisions in the field; direct and instruct them, through the regional administrators and the regional enforcement executives, in the execution of enforcement programs, policies, and procedures.

(g) Evaluate field enforcement activities, and advise the regional administrators and regional enforcement executives of the results and his recommendations for improving enforcement operations in the field.

§ 1305.594 *Assistant deputy commissioner for enforcement.* The assistant deputy commissioner for enforcement shall act for the deputy commissioner for enforcement in all matters referred to or handled by him, and shall act for the deputy commissioner for enforcement in his absence.

§ 1305.595 *Responsibilities and functions of assistant to the deputy commissioner for enforcement.* The assistant to the deputy commissioner for enforcement shall have such responsibilities and functions as may be assigned to him by the deputy commissioner for enforcement or the assistant deputy commissioner.

§ 1305.596 *Field operations officer.* The field operations officer as a member of the staff of the deputy commissioner for enforcement, shall advise him on departmental-wide policies, programs and problems, and shall:

(a) Develop standards and procedures and prepare and institute regular programs for analyzing the enforcement operation in field offices.

(b) Conduct or direct the conduct of regular analyses of enforcement operations in field offices to insure adherence to national policies, programs, procedures and operating instructions, and keeps the regional offices advised of the results of the analyses.

(c) Give guidance and instruction to field offices to insure adherence to national policies, procedures, and instructions of uniform applicability.

(d) Recommend changes in or issuance of policies and procedures of uniform applicability affecting the entire enforcement department.

(e) Give substantive advice and technical assistance to the other staff officers and the division directors in the development and modification of their policies, procedures, and programs, based on reports of field analyses.

§ 1305.597 *Training officer.* The training officer, as a member of the staff of the deputy commissioner for enforcement, shall advise him on departmental-wide policies, programs, and problems, and shall:

(a) Develop and maintain standards of training for all enforcement personnel in the national and field offices.

(b) Plan and give technical direction to all enforcement training activities and programs.

(c) Give substantive advice and technical assistance from a training standpoint to the other staff officers and the division directors in the development and modification of their policies, procedures and programs.

§ 1305.598 *Analysis and reports officer.* The analysis and reports officer as a member of the staff of the deputy commissioner for enforcement, shall advise him on departmental-wide policies, programs and problems, and shall:

(a) Develop standards and procedures for the statistical analysis of enforcement activity at the national and field offices.

(b) Develop programs and procedures for the collection, assembly and presentation of necessary data.

(c) Give technical direction to the enforcement reporting and analysis programs.

(d) Give substantive advice and technical assistance on matters relating to analysis and reporting to the other staff officers and the division directors in the development and modification of their policies, procedures and programs.

§ 1305.599 *Administrative officer.* The administrative officer as a member of the staff of the deputy commissioner for enforcement, shall advise him on departmental-wide policies, programs and problems, and shall:

(a) Prepare and control the enforcement department budget.

(b) Handle personnel, classification and administrative services matters which arise in or are referred to the national office enforcement department.

(c) Advise and give technical assistance to the other staff officers and the division directors on matters pertaining to budget, personnel, classification and administrative services.

Office of Director of Litigation

§ 1305.600 *Components.* The office of the director of litigation shall comprise:

The Director of Litigation.
Appellate Branch.
Trial Branch.
Research and Briefing Branch.
Office of the Solicitor.

§ 1305.601 *Authority and responsibility of director of litigation.* The director of litigation shall as a member of the staff of the deputy commissioner for enforcement, advise him on all departmental policies and problems, and provide staff assistance to the deputy commissioner for enforcement in developing and establishing litigation policy. He shall:

(a) Advise and keep the deputy commissioner for enforcement informed on litigation policies, programs and activities.

(b) Determine whether to take and conduct all appeals.

(c) Determine whether to institute or conduct litigation in new or unusually important fields.

(d) Maintain liaison with the Department of Justice.

(e) Direct and supervise the activities of the litigation branches.

(f) Represent the Administrator in any case in which the Administrator is a party defendant.

(g) Provide technical direction to the chiefs of regional litigation sections.

(h) Give advice and assistance to the other division directors and staff assistants on matters relating to litigation policy and techniques.

§ 1305.602 *Appellate branch.* The appellate branch shall be headed by a branch chief, and shall be responsible for the conduct of all litigation before appellate courts, except the Supreme Court of the United States, including the perfection of appeals, preparation of briefs on appeal, and the presentation of oral argument.

§ 1305.603 *Trial branch.* The trial branch shall be headed by a branch chief and shall try or assist in the trial of difficult cases on special assignment, and shall render technical assistance to regional and district offices on special trial problems.

§ 1305.604 *Research and briefing branch.* The research and briefing branch shall be headed by a branch chief and shall be responsible for the development of procedures relative to the conduct of all civil litigation and administrative proceedings to which the Administrator or other OPA official is a party, shall prepare instructions to enforcement attorneys relative to the conduct of litigation and administrative proceedings, review reports to such actions to assure conformity with such instructions; and shall prepare briefs and memoranda of law for cases in trial courts, and basic memoranda and opinions on legal problems affecting enforcement.

§ 1305.605 *Office of the solicitor.* The solicitor shall be responsible for the handling of all matters under the exclusive jurisdiction provisions of the act, and shall handle such special problems of law or the administration of the litigation division as the director of litigation may specify.

Division of Special Investigations

§ 1305.606 *Components.* The division of special investigations under the director shall consist of an assistant director, a technical staff in the national office, and an operating staff in the field. In each region there shall be a special agent in charge, assisted by a staff of special agents stationed at regional offices and elsewhere within the region as determined by the director of the division.

§ 1305.607 *Authority.* The division of special investigations shall:

(a) Investigate especially significant and wilful violations of price, rent and rationing regulations in selected cases and fields of great importance to the enforcement program for the purpose, generally, of instituting criminal prosecutions of the violators.

(b) Discharge the responsibilities of the enforcement department for apprehending and prosecuting offenders engaged in illegal traffic in ration currency, including counterfeiting, thefts of ration currency in large volume, and organized distribution of counterfeited and stolen currency.

(c) Determine standards for safeguarding of ration currency and, in general, discharge the responsibilities of the enforcement department.

§ 1305.608 *Responsibility.* The director of the division of special investigations shall be responsible to the deputy commissioner for enforcement for the proper development, administration, and direction of an effective criminal investigation organization; as a member of the staff of the deputy commissioner for enforcement, shall advise him on departmental-wide policies, programs, and problems; and shall:

(a) Select all members of the staff of the division in the national office and in the field and make such personnel changes as may be necessary for the administration of the division. (Appointment of the special agent in charge and the special agents in each region shall be with the approval of the regional enforcement executive.)

(b) Direct and supervise the work of the division of special investigations and its personnel.

(c) Develop programs covering the matters set forth in § 1305.607.

(d) In collaboration with the directors of the rent and sugar divisions, develop programs for the participation of the division of special investigations in the programs of those divisions.

(e) Give advice and assistance to the division directors on matters relating to criminal investigations.

§ 1305.609 *Assistant division director.* The assistant division director shall act for the division director in all matters referred to or handled by him, and shall act for the division director in his absence.

Review and Disposition Division

§ 1305.610 *Components.* The review and disposition division shall be headed by a division director, and shall comprise the office of the director and the following branches:

Review Branch.
Disposition Branch.

§ 1305.611 *Responsibility.* Subject to the policies and procedures established by the deputy commissioner for enforcement, the review and disposition division shall be responsible for the enforcement operation in all decontrolled fields.

§ 1305.612 *Responsibility of director.* The director of the review and disposition division, as a member of the staff of the deputy commissioner for enforcement, shall advise him on departmental-wide policies, programs and problems, and with respect to matters within his jurisdiction, shall be responsible to the deputy commissioner for enforcement for:

(a) Directing and supervising the operations of the division.

(b) Planning effective programs for the completion, review and disposition of violation cases, and preparation of instructions for the field enforcement staff.

(c) Giving technical direction and advice to the field enforcement staff in the execution of enforcement programs and in other enforcement activities.

(d) Constant review and appraisal operations in the field.

(e) Determining allocation of manpower assigned to the division among the field offices.

(f) Advising and keeping the deputy commissioner for enforcement informed on policies, programs and activities of the division.

§ 1305.613 *Review branch.* The review branch shall be headed by a branch chief, who shall be responsible to the division director for:

(a) Developing program and instructions for the field staff for the completion, review and disposition of violation cases.

(b) Giving technical direction for the execution of programs and activities of the staff.

(c) Reviewing and appraising programs and activities through written and statistical reports and field trips.

§ 1305.614 *Disposition branch.* The disposition branch shall be headed by a branch chief, who shall be responsible for:

(a) Seeing that sanction policies are being adhered to in the disposition of cases.

(b) Assisting the field offices in the disposition of sanction cases.

Rent Enforcement Division

§ 1305.615 *Components.* The rent enforcement division, under the director, shall include an assistant director, and a technical staff.

§ 1305.616 *Responsibility.* Subject to the policies and procedures established by the deputy commissioner for enforcement, the rent enforcement division shall be responsible for enforcement of the rent regulations.

§ 1305.617 *Responsibility of director.* The director of the rent enforcement division, as a member of the staff of the deputy commissioner for enforcement, shall advise him on departmental-wide policies, programs and problems, and with respect to matters within his jurisdiction shall be responsible to the deputy commissioner for enforcement for:

(a) Planning effective enforcement programs for the ascertainment and disposition of violations, and preparation of instructions for the field enforcement staff.

(b) Giving technical direction and advice to the field enforcement staff in the execution of enforcement programs and in other enforcement activities.

(c) Constant review and appraisal of operations, through written and statistical reports and field trips.

(d) Reviewing and integrating policy and procedural recommendations of the national and field office staffs.

(e) Determining allocation of manpower assigned to the division among the field offices.

(f) Advising and keeping the deputy commissioner for enforcement informed on policies, programs and activities of the division.

(g) Coordinating enforcement programs with the programs of the other departments and other government agencies.

§ 1305.618 *Assistant division director.* The assistant division director shall act for the director in all matters referred to or handled by him, and shall act for the director in his absence.

Sugar Enforcement Division

§ 1305.619 *Components.* The sugar enforcement division shall consist of the division director, the assistant division director, and a technical staff.

§ 1305.620 *Responsibility.* Subject to the policies and procedures established by the deputy commissioner for enforcement, the sugar enforcement division shall be responsible for the enforcement operation in the following fields:

(a) The sugar rationing regulations and orders.

(b) Regulations and orders governing the sale or purchase of sugar, syrups and rice.

§ 1305.621 *Responsibility of director.* The director of the sugar division, as a member of the staff of the deputy commissioner for enforcement, shall advise him on departmental-wide policies, programs and problems, and with respect to matters within his jurisdiction shall be responsible to the deputy commissioner for enforcement for:

(a) Planning effective enforcement programs for the ascertainment and disposition of violations, and preparation of instructions for the field enforcement staff.

(b Giving technical direction and advice to the field enforcement staff in the execution of enforcement programs and in other enforcement activities.

(c) Constant review and appraisal of operations, through written and statistical reports and field trips.

(d) Reviewing and integrating policy and procedural recommendations of the national and field office staffs.

(e) Determining allocation of manpower assigned to the division among the field offices.

(f) Advising and keeping the deputy commissioner for enforcement informed on policies, programs and activities of the division.

(g) Coordinating enforcement programs with the programs of the other departments and other government agencies.

§ 1305.622 *Assistant division director.* The assistant division director shall act for the director in all matters referred to or handled by him, and shall act for the director in his absence.

SUGAR DEPARTMENT

§ 1305.635 *Components.* The sugar department shall comprise the following organization units:

Office of the Deputy Commissioner for Sugar:
Sugar Legal Division.
Currency Control Division.
Price and Supply Division.
Allotment Division.

§ 1305.636 *Authority.* The Temporary Controls Administrator delegates to the sugar department authority and responsibility to discharge, under his general supervision, functions, powers, and duties (except those related to common carrier and public utility rate increases and those involved in subsidy operations) pertaining to price and rationing controls of specifically designated commodities.

(a) *Price.* Authority of OPA for its price activities derives from the Emergency Price Control Act of 1942 as amended by the Price Control Extension Act of 1946 and the Stabilization Act of October 2, 1942, supplemented by Executive Orders 9250, 9328, and 9697. Supplementary Order 193, issued November 12, 1946, exempts from price control all services and all commodities except rice, sugar, and certain sugar products. Executive Order 9809, effective December 12, 1946, vests in the Temporary Controls Administrator the functions of the Price Administrator.

(1) Under these acts and orders the Administrator has, among others, the following responsibilities and powers:

(i) To establish, by regulation or order, generally fair and equitable maximum prices whenever prices have risen or threaten to rise contrary to the purposes of the Emergency Price Control Act, and to adjust maximum prices to correct gross inequities and remove impediments to the effective transition to a peacetime economy.

(ii) To issue temporary regulations and orders effective up to 60 days.

(iii) To issue regulations containing such classifications and differentials, and providing for such adjustments and reasonable exceptions as the Administrator deems necessary to carry out the purposes of the act.

(iv) To enter into voluntary arrangements or agreements with sellers relating to the fixing of maximum prices.

(v) To issue rules and regulations necessary to execute the purposes of the Emergency Price Control Act, to control speculative and manipulative practices, and to prevent circumvention and evasion.

(vi) To utilize the services of federal, State, and local agencies.

(vii) To make such studies and investigations and obtain such information as the Administrator deems necessary and proper to assist him in prescribing any regulation or order under the act.

(viii) To require the furnishing of information by those engaged in dealing with commodities; the keeping of prescribed records; the making of prescribed reports; and the submission of books, records, and inventories for inspection.

(2) In discharging these responsibilities the Administrator must conform to the requirements of the cited price control acts and executive orders including among others that the Administrator shall:

(i) Issue with each regulation or order (except a temporary 60-day regulation or order) a statement of the considerations involved in the issuance of the regulation or order.

(ii) Advise and consult so far as practicable, with representative members of the industry which will be affected, before issuance of any regulation or order (except a temporary 60-day regulation or order.)

(iii) Withdraw maximum prices in conformity with decontrol provisions of the Emergency Price Control Act.

(iv) Obtain the prior approval of the Secretary of Agriculture or Price Decontrol Board in cases specified by the Stabilization laws.

(3) Under the general direction of the Administrator, the sugar department is responsible for discharging the responsibilities and exercising the functions, powers, and duties of OPA for price control.

(b) Authority of OPA for its rationing activities derives from the Second War Powers Act and from directives of the Secretary of Agriculture.

(1) Under the act and the directives, the Administrator has the responsibility of providing equitable rationing of designated commodities allocated to meet civilian requirements.

(2) Under the general direction of the Administrator, the sugar department is responsible for discharging the responsibilities and exercising the functions, powers, and duties of OPA for rationing commodities.

§ 1305.637 *Office of the deputy commissioner for sugar.*—(a) *Organization.* The office of the deputy commissioner for sugar shall include the associate deputy commissioner, the office of field relations, and the administrative office.

(b) *Deputy commissioner.* In the discharge of the designated responsibilities of the department, the deputy commissioner for sugar, subject to the general supervision of the Administrator and the Commissioner, shall:

(1) Be responsible for the administration of price programs, exclusive of policy, collect information on price, and provide technical supervision for the price program in the field.

(2) Determine commodity rationing policies, collect information on supply flow, and distribution of commodities which are or may be subject to rationing controls, prepare commodity rationing orders and amendments, and provide technical supervision for the rationing program in the field.

(3) Direct and supervise the sugar department in the national office.

(c) *Associate deputy commissioner.* The associate deputy commissioner shall be responsible to the deputy commissioner for:

(1) Coordination of activities of the several divisions of the sugar department.

(2) Technical direction of price and rationing programs in field offices.

(3) Direction and supervision of the office of field relations and of the administrative office.

§ 1305.638 *Office of field relations*—(a) *Organization.* The office of field relations, under the chief liaison officer, shall comprise the field liaison section and the procedures and field information section.

(b) *Chief liaison officer.* The chief liaison officer shall be responsible to the deputy commissioner for sugar for:

(1) Review and appraisal of regional office and sugar branch office rationing operations based on field office surveys.

(2) Consultation with division directors and branch chiefs to recommend changes in policy, regulations, and procedures.

(3) Preparation of administrative procedures and informational material for field offices.

(4) Direction and supervision of the office of field relations.

(5) Recommendations regarding personnel or operational changes deemed necessary in field offices.

(c) *Field liaison section.* Field liaison officers comprising this section shall be responsible to the chief liaison officer for:

(1) Continual travel within and inspection of regional offices, sugar branch offices, and regional issuance, verification, and distribution centers to determine the effectiveness of all sugar rationing and the degree of compliance with existing procedures of each field office.

(2) Review of operating procedures in field offices to determine that they are practical and conducive to efficiency and to recommend needed amendments.

(3) Review of issuances by field offices to determine that the several types of users receive appropriate allotments promptly pursuant to the sugar rationing regulations.

(4) Survey of field offices to determine the competency of organization and personnel and to recommend changes deemed necessary.

(d) *Procedures and field information section.* The procedures and field information section, under the section head, shall be responsible to the chief liaison officer for:

(1) Preparation of new procedures and revision of existing procedures to implement changes in regulations and improvements recommended by the field liaison section or the regional sugar executives.

(2) Periodic issuance of informational materials to field offices, including the background information, statistics, suggestions for improving operation, and answers to field questions.

(3) Advance notice, whenever possible, of changes of policy, procedures, or regulations.

§ 1305.639 *Administrative office.* The administrative office, under the administrative officer shall be responsible to the deputy commissioner for sugar for:

(a) *Administrative management.* The administrative office shall provide management services in the sugar department, develop and install basic systems of work control and program reporting, and supervise the preparation of budget estimates and the control of budget allotments.

(b) *Management liaison.* The administrative office shall maintain liaison with the offices of administrative service, budget and planning, and personnel, to secure central management services for the sugar department.

(c) *Advice.* The administrative officer shall advise the deputy commissioner for sugar and the executive heads of organization units in the sugar department concerning administrative management.

§ 1305.640 *Functions and responsibilities of divisions and branches.* Divisions and branches of the sugar department shall have the functions and responsibilities specifically assigned to them in the OPA Manual.

Sugar Legal Division

§ 1305.641 *Responsibilities.* The sugar legal division, under the associate general counsel, shall be responsible for advising the sugar department staff as to the application of legal requirements and standards to administrative actions of the department and as to the development of policies and procedures to implement such requirements and standards.

§ 1305.642 *Functions.* The specific functions assigned to the sugar legal division are:

(a) *Price.* (1) Advising the director of the price and supply division on legal requirements, standards, and procedures of price operations.

(2) Appraising for legal propriety, and approving, or objecting to, proposed formal price actions.

(3) Drafting all formal actions for the price branch, price and supply division.

(4) Preparing interpretations of the application to specific questions of legal requirements of price regulations, except those arising in connection with commodities and services decontrolled before January 1, 1947.

(b) *Rationing.* (1) Preparing interpretations of the application of legal requirements of rationing regulations, including the application to specific questions of legal requirements of the veterans' regulations.

(2) Advising the director of the allotment division on legal requirements, standards, and procedures of ration adjustment operations and on legal requirements respecting veterans' applications for industrial user bases.

(3) Appraising for legal propriety and approving, or objecting to, proposed rationing actions and adjustment policies.

(4) Drafting all formal rationing actions of the sugar department.

§ 1305.643 *Responsibility of associate general counsel.* The associate general counsel shall be responsible to the deputy commissioner for sugar for:

(a) Advising the deputy commissioner on all legal matters affecting the work of the department and provide counsel to the departmental staff as needed.

(b) Establishing legal policies and standards of legal workmanship for the department and securing conformity with legal policies and standards established by OPA.

(c) Maintaining liaison with other Federal agencies and, in consultation with the deputy commissioner for sugar, representing the department and, when directed by the general counsel, representing OPA in legal matters concerning the sugar department.

(d) Directing and supervising the operations and personnel of the sugar legal division.

Currency Control Division

§ 1305.645 *Components.* The currency control division shall comprise the following organization units:

Office of the Director.
Ration Banking Branch.
Accountability and Verification Branch.
Distribution and Issuance Branch.

§ 1305.646 *Responsibilities.* (a) The currency control division, under the director, shall be responsible to the deputy commissioner for sugar for the development and execution of policies and programs to provide, distribute, safeguard, verify, control, and account for currency for use in rationing commodities under the jurisdiction of the sugar department.

(b) The division shall consult with the enforcement department in the establishment of standards for the fabrication and physical safeguards of ration currency to provide protection against counterfeiting and theft.

(c) In establishing procedures for accounting for the receipt and issuance of ration currency the division shall consult with the accounting department as to methods of internal control and the maintenance of accountability records which will be susceptible of satisfactory audit.

§ 1305.647 *Responsibilities of director.* The director of the currency control division shall be responsible to the deputy commissioner for sugar for administering the ration currency control system, directing and supervising the currency control division in the national office, and supervising the ration currency control operations of field offices.

§ 1305.648 *Ration banking branch.* The ration banking branch shall:

(a) Establish operating procedures for participating banks.

(b) Develop and establish operating policies and procedures for field offices.

(c) Maintain liaison with banking associations and committees and with governmental agencies exercising functions of bank examination.

§ 1305.649 *Accountability and verification branch.* The accountability and verification branch shall:

(a) Develop and establish procedures to insure complete accountability of all ration currency and verification of all flowback ration currency.

(b) Conduct periodic surveys of field offices issuing, holding or receiving ration currency to insure conformity to accountability, safeguarding and verification procedures.

(c) Direct and supervise the operations of verification centers.

(d) Take appropriate action to alleviate emergency sugar shortages in specific areas of the United States, and maintain liaison with the Department of Agriculture, and with primary suppliers and importers to determine ways and means of securing the most economical transportation of sugar from one area to another.

§ 1305.649a *Supply analysis branch.* The supply analysis branch shall be responsible to the director for all statistical studies concerning allocations, supplies, estimated ration demand, population shifts necessitating changes in allotments, reconciliation of ration banking statements of primary distributors, and records of imports of products containing sugar. Specifically the branch shall perform the following functions:

(a) *Supply.* (1) Develop the highest possible civilian rationing levels within the allocations of the Department of Agriculture, projecting civilian and military demands by states and zones, calculating supplies available for distribution from possible sources, and planning means to bring demand and supply into balance.

(2) Maintain weekly reports of the sugar situation in all states and zones and anticipated offshore receipts and domestic production.

(3) Prepare monthly tables of estimated demands from consumers, including institutional and industrial users, and forecasts of future developments to anticipate possible shortages.

(4) Maintain current lists of industrial user bases by state and season, obtaining reports of actual production of canned fruits and vegetables, and ascertaining the amount of sugar consumed in production.

(5) Prepare maps, graphs, and special analyses as required.

(b) *Reports.* (1) Estimate population by counties to determine allotments to be made to industrial users serving them.

(2) Maintain records and reconcile ration bank statements of primary distributors.

(3) Obtain data on imports of products containing sugar and prepare reports as a basis for determining the disposal of imports.

(4) Analyze and summarize monthly questionnaires directed to field offices.

(5) Advise the director in the technical definition of sugar and sugar containing products.

§ 1305.650 *Distribution and issuance branch.* The distribution and issuance branch shall:

(a) Develop plans for printing and distributing books of ration stamps.

(b) Design and plan distribution of ration currency, price, and rationing forms.

(c) Maintain controls of the location and stock of ration currency, rationing forms, and informative materials, and develop and establish procedures for distributing them.

(d) Provide technical supervision of issuance and distribution in field offices.

Price and Supply Division

§ 1305.651 *Components.* The price and supply division shall comprise the following organization units:

Office of the Director:
Supply Equalization Branch.
Supply Analysis Branch.
Price Branch.

§ 1305.652 *Responsibility.* The price and supply division, under the director, shall be responsible to the deputy commissioner for sugar for definition of commodities under the jurisdiction of the department, equitable distribution of them by areas and zones, assembling and analyzing data concerning estimated and actual resources and supplies of sugar, alleviation of emergency shortages of the commodities in specific areas, and development of civilian rationing levels within allocations made by the Department of Agriculture.

§ 1305.653 *Responsibility of director.* The director of the price and supply division shall be responsible to the Temporary Controls Administrator for the formulation of price policy and to the deputy commissioner for sugar for the administration of price programs, and maintenance of liaison with primary suppliers to promote voluntary compliance with zoning and other requirements for equitable distribution, and with the Department of Agriculture for alleviation of emergency shortages.

§ 1305.654 *Supply equalization branch.* The supply equalization branch shall:

(a) Devise methods for:

(1) Directing equitable distribution of sugar by geographic areas and zones.

(2) Certifying unusual shipping costs of offshore refined sugar to the Commodity Credit Corporation.

(3) Constant contact with primary suppliers to promote voluntary compliance with policies, programs, and regulations.

§ 1305.656 *Price branch.* The price branch, except for commodities and services which were decontrolled before January 1, 1947, shall:

(a) Develop price regulations, amendments to regulations, and orders.

(b) Administer price regulations, amendments, and orders in conformity to policies established by the Temporary Controls Administrator and the division director.

(c) Furnish information and advice to field offices in accordance with procedures established by the sugar department.

(d) Aid the director in developing and interpreting price policies.

Allotment Division

§ 1305.657 *Components.* The allotment division shall comprise the following organization units:

Office of the Director:
Institutional Branch.
Trade and Industry Branch.
Industrial Petitions Branch.

§ 1305.658 *Functions and responsibilities.* The allotment division is responsible to the office of the deputy commissioner for sugar for:

(a) Establishing policies and administering programs for rationing sugar to industrial and institutional users, wholesalers, retailers, and individual consumers.

(b) Formulating policies for allotment adjustments and processing adjustment petitions.

(c) Formulating criteria and determining levels of allotment on the basis of supplies available for distribution.

(d) Determining allotments which may be available for new classes of users.

§ 1305.659 *Office of the director.* The director of the allotment division shall be responsible to the deputy commissioner for sugar for:

(a) Advice in the formulation of rationing plans, policies, and programs.

(b) Development of regulations, amendments to regulations, and orders for rationing sugar.

(c) Equitable administration of rationing regulations and adjustment of allotments under the regulations.

(d) Direction and supervision of the allotment division.

§ 1305.660 *Institutional branch.* The institutional branch shall determine policies and administer sugar rationing programs governing all types of institutional users of sugar, including hospitals, hotels, and restaurants. Specifically, it shall:

(a) Formulate and establish institutional user policies.

(b) Determine and recommend methods for administering sugar rationing with respect to institutional users.

(c) Analyze, process, and pass upon special appeals of institutional users forwarded to the national office including petitions for adjustments and veterans petitions for institutional refreshment bases.

§ 1305.661 *Trade and industry branch.* The trade and industry branch shall formulate and establish policies for rationing sugar to industrial users, and certain condensed milk manufacturers, formulate and determine policies for the distribution of sugar at wholesale and retail levels, and administer sugar rationing programs for individual consumers and all levels of trade. Specifically, it shall:

(a) Formulate and administer the sugar rationing program with respect to industrial users and provisional allowance users.

(b) Formulate policies and administer the sugar rationing program with respect to wholesalers, retailers, and consumers, including inventories allowed and ration evidence used.

(c) Formulate policies and administer the sugar rationing program with respect to certain manufacturers of condensed milk computing and authorizing allotments to be transmitted.

§ 1305.662 *Industrial petitions branch.* The industrial petitions branch shall participate in the establishment of adjustment policies respecting industrial users and decide petitions of industrial users including candy manufacturers, bakeries, and beverage manufacturers. Specifically, it shall:

(a) Formulate policies affecting applications of veterans for industrial user bases; review, analyze, and prepare decisions on veterans petitions; and post audit field office actions on veterans petitions.

(b) Review, analyze, and prepare decisions on petitions for adjustment and

relief of manufacturers of beverage products, and manufacturers of bakery products.

(c) Review, analyze, and prepare decisions on petitions for adjustment, new bases, or relief of industrial users who require sugar for manufacture of pharmaceuticals or chemicals, or for other industrial uses not specifically covered by the other sections of the industrial petitions branch.

RENT DEPARTMENT

§ 1305.665 *Components.* The rent department shall be under the direction of the deputy administrator for rent who shall be responsible to the Administrator. The rent department shall have the following organization:

The Office of the Deputy Commissioner for Rent:
Rent Legal Division.
Program Division.
Operations Division.
Compliance Division.

§ 1305.666 *Authority and responsibility.* The authority of OPA for rent control derives from the Emergency Price Control Act of 1942, as amended. The rent department in both the national office and in the field is responsible for the effective execution of the rent control provisions of the act and for all matters pertaining thereto, except those which have been specifically delegated by the Administrator to the accounting, enforcement, and information departments.

§ 1305.667 *Office of the deputy commissioner for rent.* The office of the deputy commissioner for rent shall include an assistant to the deputy commissioner for rent who shall generally assist the deputy commissioner in the discharge of the responsibilities of the rent department. Subject to the provisions of law, policies, rules, and regulations prescribed by the Administrator, the office of the deputy commissioner for rent shall:

(a) Advise the Administrator concerning the designation of defense-rental areas and the institution, modification, or discontinuance of rent control in defense-rental areas.

(b) Direct the preparation of rent regulations and amendments thereto for issuance by the Administrator and general interpretations.

(c) Collaborate with the general counsel in formulating recommendations for the disposition by the Administrator of protests against rent regulations and orders.

(d) Approve for issuance policy statements and operating instructions in connection with the rent control program.

(e) Direct and supervise the rent department in the national office.

Rent-legal division

§ 1305.668 *Components.* The rent-legal division consists of the associate general counsel for rent and his staff.

§ 1305.669 *Responsibility of associate general counsel for rent.* The associate general counsel for rent acts as legal advisor to the deputy commissioner for rent. The rent-legal division, under the direct supervision of the associate general counsel for rent, is responsible for the legal aspects of the federal rent control program, including the legal sufficiency of substantive and procedural regulations, and amendments thereto, as well as all orders issued by the Administrator in the field of rent control. It is directly responsible for the issuance of official interpretations and the over-all supervision of all interpretations of the rent regulations. Through the regional rent attorneys, it coordinates and gives over-all direction to the work of area rent attorneys.

Operations Division

§ 1306.670 *Components.* The operations division shall consist of the following units:

Office of the Director.
Field Liaison Branch.
Review Branch.
Control Branch.

§ 1305.671 *Responsibilities.* The operations division is responsible for the planning, direction, supervision, and operation of the rent control program throughout the field organization.

§ 1305.672 *Office of the director.* The office of the director shall include an associate director who shall generally assist the director in administering the rent control program in the field and advise the deputy commissioner for rent of budgetary implications of proposed changes in policy, program, and organization. Specifically, the office shall:

(a) Direct the formulation of standards, practices, and methods for the administration of field offices.

(b) Act as liaison between the national office and field offices and direct the preparation of instructions, procedures, and forms, for use both in the national office and in the field and assist in the installation of new procedures in the field.

(c) Direct the training and the work simplification programs both in the national office and in the field.

(d) Analyze and review field operations through program reports and actual case records and review regional office decisions on applications for review.

(e) Act in a liaison capacity with the office of budget and planning on field budget matters; and with the office of personnel on standards and qualifications for field personnel. Consult with regional rent executives on budget and personnel matters.

§ 1305.673 *Field liaison branch.* The field liaison branch acts in liaison between the national office and field offices and is responsible for the installation of the work simplification and training programs in all field offices. Specifically, the branch shall:

(a) Be generally responsible for the effectiveness of operations in field offices relating to adjustment actions and to evictions, and make recommendations of changes in policies and procedures.

(b) Develop standards and procedures which will effectively implement the execution of established rent policies in the field.

(c) Direct the installation of the work simplification and training programs in the field offices.

(d) Be responsible for the training of all field personnel except compliance personnel.

§ 1305.674 *Review branch.* The review branch is responsible, through examination of case dockets involving adjustment actions and eviction actions, for obtaining national uniformity in the application of the provisions of the Emergency Price Control Act of 1942, as amended, the rent and procedural regulations and amendments, and established procedures and policies as they affect the determination of rent adjustment and eviction actions. Specifically, the branch shall:

(a) Review applications for review of area rent directors' orders which have been filed and acted upon by the regional offices and review by spot check area rent office case dockets involving landlord's petitions for adjustment or eviction, tenants' applications for adjustment and actions of adjustment begun by the rent director on his own initiative, all for the purpose of obtaining national uniformity in the application of the provisions of the act, regulations, policy, and procedures.

(b) Analyze monthly narrative reports submitted by all field offices for the purpose of determining over-all operational activities.

§ 1305.675 *Control branch.* The control branch is responsible for the proper administration of the correspondence and files of the rent department, maintaining a mail control system and control of distribution of procedural releases, forms, reports, and instructions to the field.

Program Division

§ 1305.676 *Components.* The program division shall consist of the following organization units:

Office of the Director.
Regulations and Review Branch.
Financial and Statistical Branch.

§ 1305.677 *Responsibilities.* The program division is responsible for formulating the basic economic policy and for developing and recommending programs to effectuate the over-all policy of the rent department.

§ 1305.678 *Office of the director.* The office of the director shall be responsible to the deputy administrator for rent for formulating the economic policy, the development of programs, and the research for carrying out such policy. Specifically, the office of the director shall:

(a) Make over-all economic analyses of the effects of various regulations on the rent control program.

(b) Make recommendations concerning the fairness and equity of rent ceilings throughout the United States.

(c) Draft new programs which the rent department may undertake.

(d) Collaborate with economic advisers of other federal agencies on policies and methods for stabilizing the national economy in the broad field of residential real estate.

§ 1305.679 *Regulations and review branch.* The regulations and review branch shall be responsible for formulating policies and making recommendations concerning the establishment and removal of rent control in defense-rental areas throughout the United States, and for review of all rent regulations, amendments, interpretations, and Administrator's opinions on protests prior to their issuance to determine their economic implications and to assure conformity with the basic policies of the rent control program. Specifically the branch shall:

(a) Formulate policies and develop procedures for the establishment and removal of rent control. Make surveys and analyze survey data on the need for control of rents and the decontrol of rents in defense-rental areas and, on the basis of those analyses, make recommendations for the establishment and removal of rent control, the maximum rent dates for new areas, and the geographic boundaries of areas to be placed under rent control or decontrolled.

(b) Review rent regulations, amendments, interpretations and Administrator's opinions on protests prior to their issuance to determine their economic implications and to assure conformity with the basic policies of the rent control program. Where necessary, initiate new amendments and interpretations and recommend alternatives which will make proposed actions conform to the economic objectives of the rent control program.

(c) Prepare economic records and briefs which serve as the basis for legal orders and opinions to dispose of protests against the rent regulations or individual orders issued thereunder and of petitions for amendment of the rent regulations in all cases where an issue is made concerning the need for rent control, the maximum rent dates selected, or the geographic boundaries of defense-rental areas. Advise the court review, research, and opinion division, office of the general counsel, on rent matters.

§ 1305.680 *Financial and statistical branch.* The financial and statistical branch shall be responsible for the collection, analysis and interpretation of all cost data pertaining to rental housing operation; assembling of such financial data as are necessary for a determination on protests against the rent regulations; and the reporting of workload and program statistics from area offices. Specifically, the branch shall:

(a) Program and analyze accounting surveys conducted by the accounting department on the operation of rental housing.

(b) Present graphically the results of the financial or operations work of the branch for use in the national and field offices.

(c) Analyze and present operations statistics received from all field offices.

(d) Prepare economic records and briefs which serve as the basis for legal orders and opinions to dispose of protests against the rent regulations or individual orders issued thereunder and of petitions for amendment of the rent regulations in all cases involving the income and expense of rental housing operations. Advise the court review, research, and opinion division on matters concerned with the financial operations of rental housing.

Compliance Division

§ 1305.681 *Responsibilities.* The compliance division, with technical guidance from the associate general counsel for rent, is responsible to the deputy commissioner for rent for planning and directing the operation of the rent compliance program both in the national office and in the field.

§ 1305.682 *Specific functions.* Specifically, the division shall:

(a) Act as representative of the rent department in integrating the compliance and enforcement program both in the national office and in the field.

(b) Develop techniques and procedures to facilitate surveys designed to discover significant conditions of noncompliance with the rent regulations, issuing instructional and training materials therefor.

(c) Be responsible for the training of all compliance personnel.

SUBPART D—FIELD OFFICES

FIELD OFFICES

§ 1305.685 *Field offices.* Field offices maintained by the Office of Price Administration are regional offices, territorial offices, area rent offices, branch rent offices, sugar branch offices, and enforcement branch offices. This subpart defines the relation of field offices to the national office and to each other.

(a) Field offices in the continental United States are organized into eight regions, each under the jurisdiction of a regional office.

(b) Field offices in the territories and possessions of the United States are organized into one region under the jurisdiction of a regional office.

§ 1305.686 *Regional offices.* The regional office is directly responsible to the national office and has jurisdiction of the territorial, area rent, branch rent, sugar branch, and enforcement branch offices in the region.

§ 1305.687 *Territorial offices.* The territorial office is directly responsible to the regional office and has jurisdiction of the territory or possession designated by the regional administrator.

§ 1305.688 *Area rent offices.* The area rent office is directly responsible to the regional office and has jurisdiction of the defense-rental area designated by the Commissioner.

§ 1305.689 *Branch rent offices.* The branch rent office is directly responsible to the area rent office and has jurisdiction of a subdivision of the defense rental area designated by the area rent director.

§ 1305.690 *Sugar branch offices.* The sugar branch office is directly responsible to the regional office and has jurisdiction of the subdivision of the region designated by the regional administrator.

§ 1305.691 *Enforcement branch offices.* The enforcement branch office is directly responsible to the regional office and has jurisdiction of the subdivision of the region designated by the deputy commissioner for enforcement.

§ 1305.692 *Liaison.* Field offices are units of the operating staff of the Office of Price Administration and maintain liaison with the national office through the assistant commissioner.

REGIONAL OFFICES

§ 1305.693 *Regional offices.* The United States, and the territories and possessions under its jurisdiction, are divided for purposes of administration into nine OPA regions.

(a) OPA regional offices are established in Boston, Mass., Region 1; New York, N. Y., Region 2; Cleveland, Ohio, Region 3; Atlanta, Ga., Region 4; Dallas, Texas, Region 5; Chicago, Ill., Region 6; Denver, Colo., Region 7; San Francisco, Calif., Region 8; Washington, D. C., Region 9.

(b) Area comprised in regions: (1) Region 1 comprises the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(2) Region 2 comprises the States of Delaware, Maryland, New Jersey, New York, and Pennsylvania, and the District of Columbia.

(3) Region 3 comprises the States of Kentucky, Michigan, Ohio, and West Virginia, and the State of Indiana with the exception of Lake County thereof.

(4) Region 4 comprises the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

(5) Region 5 comprises the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

(6) Region 6 comprises the States of Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, and Lake County of the State of Indiana.

(7) Region 7 comprises the States of Colorado, Idaho (except Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties), Montana, New Mexico, Utah, and Wyoming; and those portions of Coconino and Mohave Counties of the State of Arizona lying north of the Colorado River, and Malheur County of the State of Oregon.

(8) Region 8 comprises the States of Arizona (except those portions of Coconino and Mohave Counties lying north of the Colorado River), California, Nevada, Oregon (except Malheur County), and Washington, and Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties of the State of Idaho.

(9) Region 9 comprises Alaska, Hawaii, Canal Zone, Puerto Rico, Virgin Islands, and all other Territories and Possessions of the United States.

(c) Jurisdiction: Each regional office shall have jurisdiction of the several subordinate offices within the region.

(d) Organization outline: In each region the regional office staff shall comprise the office of the regional administrator, the regional executive staff, the regional administrative staff, and the regional operating staff.

§ 1305.694 *Office of regional administrator.* The office of the regional administrator shall comprise the deputy regional administrator, and such advisers and assistants as the Commissioner may authorize:

(a) The authority of the regional administrator, except as expressly reserved, shall be exercised:

(1) Generally by the deputy regional administrator for purposes of over-all regional administration and management, including planning and coordinating programs, executing and administering orders, regulations, and directives, and managing and supervising regional operations and personnel.

(2) Particularly by regional executives of operating divisions for planning and technically directing their several programs.

(3) Specifically by assistants to the regional administrator for purposes of a particular project involving two or more programs, assigned by the regional administrator or deputy regional administrator.

(b) The regional administrator, whenever he is to be absent from the regional office for more than one business day, shall designate in writing the deputy regional administrator or, in his absence, a responsible member of the regional office staff as acting regional administrator with full authority to act for him during his absence in all matters not expressly reserved in the written delegation, of which a copy shall be kept permanently on file.

§ 1305.695 *Responsibilities of regional administrators.* In each region the regional administrator:

(a) Shall be appointed by the Commissioner, and may be removed by him in accordance with established Civil Service and OPA procedure.

(b) Shall be responsible to the office of the Commissioner for:

(1) All operations.

(2) Conformity of regional operations to orders, regulations, directives, interpretations, instructions, and statements of policy issued by authority of the Commissioner.

(3) Management and supervision of subordinate offices.

(4) Direction and supervision of the regional office staff.

(5) Preparation and submission of reports required by the office of the Commissioner, the executive offices, or the operating departments.

(c) Shall have authority:

(1) To plan, coordinate, direct, and supervise all operations.

(2) To classify such positions as may be authorized by the Commissioner, subject to the conditions established in such authorizations.

(3) To appoint and remove executive heads of subordinate offices and all members of the regional office staff in accordance with established Civil Service and OPA procedure.

(i) In appointing or removing a deputy regional administrator, an adviser or assistant to the regional administrator, or the executive head of a subordinate office, he shall secure prior approval of the office of the Commissioner.

(ii) In appointing or removing the executive head of a regional division he shall consult with the appropriate management office or operating department.

(iii) In appointing or removing other members of the regional office staff, he shall consult the appropriate regional executives.

(4) To allot budget and positions to the regional office and the subordinate offices.

(5) To visit and inspect all offices and to evaluate the performance of all personnel.

(d) Shall sign all documents requiring official signature with this name and title.

(e) Shall have the right to represent to the Commissioner through the appropriate operating department or management official that in his judgment any policy, procedure, or program is detrimental to the interests of OPA in his region, but he shall not alter, amend, nullify, or suspend any order, regulation, directive, instruction or statement of policy issued by authority of the Commissioner.

§ 1305.696 *Regional office executive staff.* In each region the regional office executive staff shall comprise the deputy regional administrator and the other assistants and advisers to the regional administrator.

§ 1305.697 *Regional office administrative staff.* The regional office administrative staff shall comprise the regional administrative service division, the regional budget and finance division, the regional personnel division, and the regional administrative analyst.

§ 1305.698 *Regional office operating staff.* The regional office operating staff shall comprise the regional accounting division, the regional enforcement division, the regional rent division, and the regional sugar division.

§ 1305.699 *Deputy regional administrator.* The deputy regional administrator shall be responsible to the regional administrator for all operations in the region under programs and policies established by authority of the Commissioner or the regional administrator; for direction and supervision of the regional office and subordinate offices; and for providing and adjusting management services to the needs of regional office divisions, area rent offices, branch rent offices, sugar branch offices, and enforcement branch offices.

(a) As alternate and executive assistant to the regional administrator, the deputy regional administrator shall act for him in his absence; maintain a file of all delegation orders issued by the regional administrator; make assignments to the executive, administrative, and operating staffs; and receive their reports.

(b) As general manager for the region the deputy regional administrator shall adapt national programs and projects to regional needs and conditions and coordinate programs and projects of the regional staffs by establishing priorities, objectives, and standards of performance; maintain liaison between the operating departments and the several operating levels, and between the management offices and the several administrative levels through regional executives; develop and assign work in terms of positions and persons and standards of performance, evaluating performance by regional divisions and subordinate offices and participating in the solution of problems of inadequate operating or administrative results.

§ 1305.700 *Assistant to regional administrator.* Each assistant to the regional administrator shall be responsible to him for executing any special assignment made by the regional administrator or by the deputy regional administrator.

§ 1305.701 *Advisor to regional administrator.* Each adviser to the regional administrator shall be responsible for furnishing him, or such officers and organization units as he may designate, information, counsel, and advice within the particular field of his professional competence.

§ 1305.702 *Regional administrative divisions.* The regional administrative divisions shall be responsible, jointly, for advising the regional administrator and the deputy regional administrator on matters of management, organization, and administrative planning; and severally for representing the regional administrator in public relations that involve matters within their respective assignments.

(a) The administrative service division, under the regional administrative service officer, shall be responsible for furnishing the regional and subordinate offices administrative services.

(b) The budget and finance division, under the regional budget and finance officer, shall be responible for furnishing the regional administrator and the regional office staff budgetary and fiscal service.

(c) The personnel division, under the regional personnel officer, shall be responsible for furnishing the regional administrator and the regional office staff personnel management service.

§ 1305.703 *Regional administrative analyst section.* The regional administrative analyst section under the regional administrative analyst shall be responsible to the regional administrator and the deputy regional administrator for furnishing administrative plans and appraisals of organization, staffing, procedures, and operations prepared under technical direction of the office of budget and planning and supervision of the deputy regional administrator.

§ 1305.704 *Regional operating divisions.* The regular operating divisions shall be responsible to the regional administrator and the deputy regional administrator, jointly for furnishing counsel and advice in the establishment of regional policy and in coordinating regional programs and projects, and severally for operation of their programs in the region under technical direction of the corresponding operating department. They shall represent the regional administrator in public relations concerning their respective programs and in giving technical supervision to subordinate offices.

(a) The regional sugar division, under the regional sugar executive, shall comprise the sugar accounting section, adjustment review section, banking section, and the distribution, verification and issuance center; and shall direct and supervise the branch sugar office in the region.

(1) The regional sugar executive shall be responsible for administering price regulations and rationing regulations, and shall represent the regional administrator in:

(i) Granting or denying applications for adjustment by industrial users.

(ii) Liaison with refiners, manufacturers, and distributors of commodities under his jurisdiction.

(2) The deputy regional sugar executive shall serve as an over-all assistant to the regional sugar executive, and shall be responsible for:

(i) Directing the administration of trade and consumer rationing throughout the region.

(ii) Developing region-wide trade relations program for rationing and price.

(iii) Providing technical guidance to subordinate staff.

(3) The sugar accounting section, under the direction of the regional sugar accountant, shall:

(i) Periodically examine accountability records of regional issuance units.

(ii) Auditing ration banking departments of banks serving as depositories for ration evidence.

(iii) Investigating accounting irregularities arising in enforcement phase of sugar programs.

(4) The sugar legal section shall be responsible for providing interpretations of regulations and other professional services to the regional sugar executive.

(b) The regional rent division, under the regional rent executive, shall comprise the operations section, the legal section, the rent compliance section, and the rent review committee.

(1) The operations section shall review reports of field rent representatives and take appropriate action; review and analyze area rent office reports, and recommend operational improvements; and compile economic data relative to rent.

(2) The rent legal section under the regional rent attorney shall advise the regional rent executive on all legal matters relating to rent control, and provide technical supervision to area rent attorneys.

(3) The rent compliance section shall develop and administer programs to secure voluntary adherence to and compliance with rent and housing sales regulations, supervise compliance activities in area rent and branch rent offices, and maintain liaison with the regional enforcement division.

(4) The rent review committee under the regional rent executive shall comprise representatives of the regional rent executive and of the regional rent attorney, and shall be responsible for handling all proceedings in connection with:

(i) Landlord applications for review.

(ii) Post review of orders of area rent directors.

(iii) Informal review of field office operations.

(iv) Interpretations of rent regulations.

(v) Post review of area rent office interpretations.

(vi) Protests to orders of the regional administrator.

(5) The rent accounting section, headed by the regional field representative, and under the administrative direction of the chief of field operations, is responsible for appraising the accounting operations throughout a rent region, the coordination of field accounting activities with national and regional rent programs, and for effecting continuous improvement in the efficiency of area office accounting operations.

AREA RENT AND BRANCH RENT OFFICES

§ 1305.710 *Area rent offices.* An area rent office is the supervising office of one or more legally designated defense-rental areas, which is authorized to be headed by an area rent director empowered to sign formal orders in his own name. Area rent offices shall be established and maintained within each district in the number required for efficient operations of the rent control program.

§ 1305.711 *Area rent director.* (a) The area rent director shall be appointed by the regional administrator after consultation with the regional rent executive. The area rent director, subject to administrative supervision of the regional rent executive, shall be responsible for the effective administration of the rent control program throughout his defense-rental area, and shall have direct charge of rent operations within the area. He shall:

(1) Keep the public informed of the purposes and requirements of federal rent control, in conformity with the OPA public relations program.

(2) Be responsible for effective performance of all duties assigned to members of his staff, efficient operation of the office or offices under his supervision, proper and efficient processing of landlords' petitions and tenant applications for rent adjustments, and issuance of orders on adjustments.

(3) Sign and be responsible for all orders and certificates of eviction issued in his area as authorized by the rent regulations.

(4) Be responsible for obtaining compliance with the rent regulations.

(b) The area rent director may designate members of his staff to act formally in his behalf on the following occasions:

(1) Temporary absence of rent director from area office. The rent director may appoint an acting rent director to carry out his functions during his absence. The delegation of such authority should be in writing and should confer upon the designee the authority to perform the duties of the rent director. Such delegation should be given each time the necessity for it arises. All orders and formal matters should be signed by the designee in his own name, as acting area rent director. Following is a form to be used when this delegation is made:

I, A. B., Rent Director of the _____ Defense Rental Area, do hereby appoint B. C., as Acting Rent Director with full power and authority to perform all duties vested in me as Rent Director, including, but not limited to, the power to issue and sign all orders authorized by the Rent Regulations.

Dated this _____ day of _____ 1947.

_____
Rent Director of the Defense-Rental Area

(2) Workload too great for rent director to consider personally all landlords' petitions and other proceedings where formal action is required.

(3) Member of rent director's staff is in charge of a branch office or other office covering a locality within the rent director's jurisdiction.

§ 1305.712 *Area rent attorney.* The area rent attorney shall be under the direction of the rent director to whom, in effect, he acts as counsel. Operating in accordance with legal and enforcement procedures established by the national and regional offices, he shall:

(a) Supervise the activities of the legal staff of the area office.

(b) Prepare interpretations of the regulations and other provisions of law pertinent to the rent program. Official interpretations given to the public should be signed by the area rent attorney in accordance with the provisions of Revised Procedural Regulation No. 3.

(c) Advise the rent director on the legal sufficiency of orders issued by the rent director.

(d) Appear informally in courts of law to explain requirements of the regulations in eviction matters.

(e) Handle enforcement matters to the extent prescribed by the national office, or as delegated to him by the regional enforcement attorney.

(f) Perform such other duties as may be assigned by the rent director.

§ 1305.713 *Area rent representative.* (a) The rent director may assign area rent representatives to branch offices, who shall perform such functions as the area rent director may designate. In general, the area rent representative will be made responsible for supervising and providing technical assistance to personnel assigned to rent control activities in such branch offices.

(b) At the discretion of the rent director and with the approval of the regional rent executive, the area rent representative may be vested with authority to issue formal orders for and on behalf of the rent director. Such authority should be given in writing, signed by the rent director. Signature of the regional rent executive is not necessary.

(c) The authority to issue formal orders can be given only by the person who is officially designated as rent director for the area concerned.

§ 1305.714 *Branch rent offices.* A branch rent office is an office below the area office level which is staffed by one or more full time, permanent rent employees. Branch rent offices shall be established in localities where work load and other conditions justify the maintenance of full time personnel for rent control operations other than the issuance of formal orders. The branch rent office shall be directed and supervised by the appropriate area rent office, and formal orders will be issued by the director of that area rent office or by the area rent representative authorized by the rent director.

LOCATION OF AREA RENT OFFICES AND BRANCH RENT OFFICES

State and location of office	Type of office	Address
REGION 1		
Connecticut:		
Hartford	Area	119 Ann St.
New London	Branch	245 State St.
Bridgeport	Area	62 Cannon St.
New Haven	do	216 Crown St., Adley Bldg.
Waterbury	do	193 Grand St., Waterbury National Bank Bldg.
Maine:		
Portland	do	142 High St., State Bldg.
Bangor	Branch	27 State St., Exchange Bldg.
Eastport	do	Post Office Bldg.
Presque Isle	do	Dyer St., G and S Bldg.
Bath	Area	104 Front St.
Augusta	Branch	
Rockland	do	
Massachusetts:		
Boston	Area	7 Beacon St., Houghton and Dutton Bldg.
Brockton	Branch	106 Main St., Home Bank Bldg.
Fall River	do	56 North Main St., Bennett Bldg.
Lowell	do	175 Central St., Bradley Bldg.
New Bedford	do	888 Purchase St., Olympia Bldg.
Quincy	do	Washington St., Post Office Bldg.
Lynn	Area	31 Central Square, Lynford Bldg.
Pittsfield	do	184 North St.
Springfield	do	1597 Main St.
Greenfield	Branch	
Worcester	Area	9 Walnut St., State Mutual Annex.
New Hampshire:		
Manchester	do	1060 Elm St.
Berlin	Branch	2 Main St.
Claremont	do	34 Tremont St.
Concord	do	22 Pleasant St.
Keene	do	7 Court St.
Portsmouth	do	147 Fleet St.
Rhode Island:		
Providence	Area	908 Hospital Trust Bldg.
Newport	do	Federal Office Bldg., Thames St.
Vermont:		
Burlington	do	136 Church St.
Montpelier	Branch	City Hall.
Rutland	do	
Springfield	do	I. O. O. F. Bldg.
REGION 2		
Delaware:		
Wilmington	Area	Pennsylvania Bldg.
Dover	Branch	
Georgetown	do	
Maryland:		
Baltimore	Area	O'Sullivan Bldg.
Aberdeen	Branch	Baldwin Manor.
Salisbury	do	203 Division St.
Hagerstown	Area	74 Washington St.
Cumberland	Branch	111 Union St.
Silver Spring	Area	8634 Colesville Rd.
New Jersey:		
Newark	do	1060 Broad St.
Asbury Park	Branch	641 Heck St.
Atlantic City	Area	5 South Virginia Ave.
Camden	do	City Hall.
Trenton	do	143 East State St.
New York:		
Albany	do	112 State St., Standard Bldg.
Glens Falls	Branch	South Street School, Broad and South Sts.
Gloversville	do	
Hudson	do	
Plattsburg	do	
Schenectady	do	158 Jay St.
Buffalo	Area	City Hall.
Jamestown	do	100 West 3d St., Hotel Jamestown Bldg.
Olean	Branch	
Rochester	Area	42 East Ave., Cutler Bldg.
Bronx	do	1910 Arthur Ave., Kaplan Bldg.
Brooklyn	do	26 Court St.
Jamaica	do	89-09 Sutphin Blvd.
Mineola	do	1527 Franklin Ave.
New York City	do	535 Fifth Ave.
Do	Branch	541 West 145th St.
Poughkeepsie	Area	13 Washington St.
Kingston	Branch	Municipal Auditorium.
Middletown	do	16 Mulberry St.
Newburgh	do	150 Liberty St.
Nyack	do	74 North Broadway
Staten Island	Area	56 Bay St., St George.
White Plains	do	31 Mamaroneck Ave., Peoples National Bank Bldg.
Syracuse	do	224 Harrison St.
Geneva	Branch	32 Castle St.
Ithaca	do	211 East Seneca St.
Binghamton	Area	64 Henry St., Telephone Co. Bldg.
Cortland	Branch	
Elmira	Area	Federal Bldg.
Utica	do	110 Genesee St., Insurance Bldg.
Watertown	do	163-167 Arsenal St., Federal Bldg.
Pennsylvania:		
Philadelphia	do	1617 Pennsylvania Blvd., Broad St. Station Bldg.
Bethlehem	do	528 North New St., Dodson Bldg.
Harrisburg	do	112 North 2d St., Earle Bldg.
Lewistown	Branch	Masonic Bldg., Monument Square
Lancaster	Area	213 West Chestnut St.
York	Branch	25 South Duke St.
Reading	Area	758 Penn St.
Pittsburgh	do	1001 Liberty Ave., Kleber Bldg.
Erie	do	12th and State Sts., Commerce Bldg.

State and location of office	Type of office	Address
REGION 2—continued		
Pennsylvania—Con.		
Johnstown	Area	124 Main St., Rothert Bldg.
Indiana	Branch	20 South 6th St.
Meadville	Area	916 Diamond Square.
Sharon	Branch	Dollar Trust Bldg.
Williamsport	Area	330 Government Place.
Scranton	do	409 Vine St.
REGION 3		
Indiana:		
Indianapolis	Area	429 North Pennsylvania St.
Richmond	Branch	705 Main St., Colonial Bldg.
Anderson	Area	630-638 Meridian St.
Columbus	do	633 Washington St., Bassett Bldg.
Bloomington	Branch	205 South Walnut St.
Evansville	Area	106 Northwest 4th St., Rookery Bldg.
Fort Wayne	do	Utility Bldg.
La Fayette	do	City Hall.
Crawfordsville	Branch	Do.
Frankfort	do	Do.
Logansport	do	A. F. of L. Bldg.
South Bend	Area	224 West Jefferson Blvd., Pythian Bldg.
La Porte	Branch	802-04 Lincoln Way, First National Bank Bldg.
Terre Haute	Area	Arcade Bldg., 116 South 6th Street.
Vincennes	do	21 North 3d St., La Plante Bldg.
Kentucky:		
Louisville	do	112 South 5th St., Kenyon Bldg.
Elizabethtown	Branch	100 North Main St.
Bowling Green	Area	941½ State Street.
Lexington	do	177 North Upper St.
Winchester	Branch	Clark County Courthouse.
Somerset	do	129 South Main St.
Frankfort	Area	Hotel Southern.
Danville	Branch	434 West Main St.
Harrodsburg	do	Courthouse.
Richmond	do	Post Office Bldg.
Paducah	Area	Citizens Bank Bldg.
Mayfield	Branch	116 East South St.
Madisonville	do	
Owensboro	do	Odd Fellows Bldg.
Michigan:		
Detroit	Area	600 Griswold St.
Ann Arbor	Branch	First National Bank Bldg.
Pontiac	do	Hubbard Bldg.
Port Huron	do	516 Water St.
Kalamazoo	do	County Bldg.
Battle Creek	Area	Central Tower.
Grand Rapids	do	60 Division Ave. NE., Keeler Bldg.
Muskegon	Branch	Muskegon Bldg.
Jackson	Area	National Bank Bldg.
Lansing	do	28 Michigan Theatre Arcade.
Niles	do	311 East Main St.
Saginaw	do	118 North Washington Ave.
Marquette	do	130 West Washington St.
Houghton	Branch	100 Portage St.
Ironwood	do	219 South Suffolk Ave.
Sault Ste. Marie	Area	304 Ashmun St.
Traverse City	do	122 East Front St.
Ohio:		
Cincinnati	do	810 Walnut St., Faller Bldg.
Portsmouth	Branch	County Courthouse.
Wilmington	do	205 North South St.
Columbus	Area	68 East Cay St.
Chillicothe	Branch	39 South Pain St.
Delaware	do	20 South Winter St.
Athens	do	Worstall Bldg., Court.
Newark	do	41½ North 2d St.
Lancaster	do	201 South Broad St.
Marion	do	169½ East Center St.
Gallipolis	do	K. of P. Bldg.
Washington Court House	do	113-119 South Main St.
Zanesville	do	Masonic Temple Bldg.
Dayton	Area	Municipal Bldg.
Cleveland	do	1100 Chester Ave.
Ashtabula	Branch	4504 Main Ave., Cook Arcade.
Akron	Area	First Central Tower.
Wooster	Branch	214 North Market St.
Canton	Area	P. O. Bldg., 201 Cleveland SW.
Lima	do	Faurot Bldg.
Mansfield	do	58½ North Main St.
Sandusky	do	Frick Bldg.
Lorain	Branch	Broadway Bldg.
Toledo	Area	415 Huron St., Huron Bldg.
Youngstown	do	123 West Commerce St., Schween-Wagner Bldg.
Marietta	Branch	
West Virginia:		
Charleston	do	Kanawha Blvd. and Goshorn St.
Clarksburg	Branch	Post Office Bldg.
Logan	do	406 Main St.
Bluefield	Area	701 Bland St., Hawley Bldg.
Hinton	Branch	Courthouse.
Fayetteville	do	Do.
Madison	do	Do.
Mullens	do	Do.
Beckley	do	
Welch	do	
Williamson	do	
Huntington	Area	Cabell County Courthouse.
Martinsburg	do	410 South Queen St., Old High School Bldg.
Keyser	Branch	
Morgantown	Area	244 Pleasant St.
Parkersburg	do	217 4th St.
Wheeling	do	Market Auditorium.

LOCATION OF AREA RENT OFFICES AND BRANCH RENT OFFICES—Continued

State and location of office	Type of office	Address
REGION 4		
Alabama:		
Birmingham	Area	1814 2d Ave. North.
Sylacauga	Branch	Craddock Bldg.
Anniston	Area	1330 Noble St., Radio Bldg.
Dothan	do	132½ North Foster St., Porter-Farmer Bldg
Florence	do	Callaway Bldg.
Decatur	Branch	Courthouse Annex.
Huntsville	do	Jefferson and Clinton Sts.
Gadsden	Area	709 Chestnut St.
Mobile	do	Federal Bldg.
Montgomery	do	Old Post Office Bldg.
Selma	Branch	Courthouse Bldg.
Troy	do	Folmar Bldg.
Opelika	Area	508 Avenue A.
Tuscaloosa	do	First National Bank Bldg.
Florida:		
Jacksonville	do	317 Main St., Haverty Bldg.
St. Augustine	Branch	Exchange Bank Bldg.
Green Cove Springs	do	Bank of Green Cove Springs.
Daytona Beach	Area	120 Volusia Ave.
Gainesville	do	530½ West University Ave.
Lake City	Branch	State Exchange Bank Bldg.
Orlando	Area	102 South Orange St., Metcalf Bldg.
Melbourne	Branch	126 Melbourne Ave., Flat Iron Bldg.
Lakeland	Area	403 East Main St.
Sarasota	do	253 South Palm Ave.
Panama City	do	Page Bldg., 106 East 4th St.
Pensacola	do	Blount Bldg.
Crestview	Branch	Adams Bldg., Pine St.
Tallahassee	Area	Monroe and Pensacola Sts., Centennial Bldg.
Marianna	Branch	Liddon Bldg.
Miami	Area	615 Southwest 2d Ave.
Fort Pierce	Branch	Arcade Bldg.
Vero Beach	do	Do.
Fort Lauderdale	Area	303 Southwest 1st Ave.
Key West	do	Federal Bldg.
Tampa	do	608 Tampa St., Wallace S. Bldg.
St. Petersburg	do	710 Central Ave., Jones Professional Bldg.
West Palm Beach	do	1171½ South Dixie.
Georgia:		
Atlanta	do	449 West Peachtree St.
Athens	do	288 East Washington St., Pan American Bldg.
Gainesville	Branch	117½ North Bradford St.
Augusta	Area	533 Broad St., Southern Finance Bldg.
Bainbridge	do	114 North Broad St., Callahan Bldg.
Albany	Branch	221½ Broad Ave.
Americus	do	Citizens Bank Bldg.
Moultrie	do	121 1st Ave. SW.
Thomasville	do	Williams Bldg.
Tifton	do	East 2d St., Kent Bldg.
Brunswick	Area	211 F St.
Columbus	do	308 10th St.
Dalton	do	270 Cuyler St.
Macon	do	666 Cherry St., Bankers Insurance Bldg.
Dublin	Branch	
Rome	Area	National City Bank Bldg.
Savannah	do	Realty Bldg.
Griffin	do	118½ East Solomon St.
Valdosta	do	Valdes Hotel, Toombs and Westhill St.
Waycross	do	City Hall, 417 Pendleton St.
Kentucky: Hopkinsville	Branch	First City Bank Bldg.
Mississippi:		
Jackson	Area	Army Air Base.
Brookhaven	Branch	
Greenwood	do	108½ Fulton St.
Columbus	do	Propst Bldg.
Greenville	do	Weinberg Bldg.
Meridian	do	Cochran Bldg.
Vicksburg	do	Merchants Bank Bldg.
Gulfport	Area	Bewes Bldg.
Hattiesburg	do	Citizens Bank Bldg.
McComb	do	125 North Front St.
Natchez	Branch	512 Main St.
North Carolina:		
Raleigh	Area	Capitol Club Bldg.
Elizabeth City	Branch	605 East Main St.
Plymouth	do	County Courthouse
Asheville	Area	Jackson Bldg.
Hendersonville	Branch	City Hall.
Charlotte	Area	101 West Trade St., Independence Bldg.
Hickory	Branch	Hotel Hickory.
Durham	Area	128 West Main St., Fidelity Bank.
Chapel Hill	Branch	Henninger Bldg.
Burlington	do	City Hall.
Henderson	do	228 Garnett St.
Fayetteville	Area	115 Bow St.
Laurinburg	Branch	305 Main St., McNair Bldg.
Goldsboro	Area	Wayne County Courthouse.
New Bern	Branch	221 Craven St.
Greenville	do	119 West 4th St.
Rocky Mount	do	Professional Bldg.
Greensboro	Area	Guilford Bldg.
High Point	Branch	Post Office Bldg.
Wilmington	Area	U. S. Customhouse, Market St.
Gastonia	do	257½ West Main St.
Winston-Salem	do	Nissen Bldg.
South Carolina:		
Columbia	do	1306 Senate.
Florence	Branch	211 West Evans St.
Sumter	do	Courthouse.
Greenville	do	News Bee Bldg.
Marion	do	Professional Bldg.
Aiken	do	
Charleston	Area	The Center.
Beaufort	Branch	Old Beaufort College Bldg.
Georgetown	do	112 Orange St.
Spartanburg	Area	112-116 West Main St., Andrews Bldg.

State and location of office	Type of office	Address
REGION 4—continued		
Tennessee:		
Memphis	Area	Mars and Bensdorf Bldg., 2d and Monroe Sts.
Fayetteville	Branch	Municipal Bldg.
Columbia	do	209 West 8th St.
Clarksville	Area	2d and Franklin St., First National Bank Bldg.
Paris	Branch	City Hall.
Jackson	Area	Frankland Bldg.
Dyersburg	Branch	First National Bank Bldg.
Nashville	Area	Stahlman Bldg.
Cookeville	Branch	Arcade Bldg.
Springfield	do	
Bristol	Area	Light and Power Bldg.
Elizabethton	Branch	612 Elk Ave.
Chattanooga	Area	1280½ West 8th St., Carthahoun Bldg.
Knoxville	do	307 Commerce Ave., Bart Bldg.
Virginia:		
Richmond	do	17 North 7th St., Schmidt Bldg.
Fredericksburg	Branch	Courthouse.
Norfolk	Area	Cranby and Tazewell Sts., Portlock Bldg.
Portsmouth	Branch	City Market Bldg.
Suffolk	do	112 North Saratoga St.
Eastville	do	Courthouse.
Newport News	do	Powell Bldg.
Williamsburg	do	Old Post Office Bldg.
Norton	Area	National Bank Bldg.
Arlington	do	1124 North Highland St.
Charlottesville	do	Albemarle County Bldg.
Danville	do	526 Main St.
Lynchburg	do	1100 Church St.
Petersburg	do	Medical Arts Bldg.
Roanoke	do	29 Franklin Rd. SW.
Lexington	Branch	29 South Main St.
Covington	do	Peoples Bank Bldg.
Front Royal	do	Royal Ave. and Main St., Forsyth Bldg.
Strasburg	do	165 West King St.
Radford	do	Martin Bldg., Norwood and 2d St.
Staunton	Area	108 West Frederick St., Hogshead Bldg.
Harrisonburg	Branch	Federal Bldg.
REGION 5		
Arkansas:		
Little Rock	Area	Pyramid Bldg.
Malvern	Branch	411½ Main St.
Blytheville	Area	1st and Main Sts., Ingram Bldg.
Camden	do	137 West Washington St.
Fordyce	Branch	N. Y. A. Bldg.
Prescott	do	Federal Bldg.
El Dorado	Area	202 North Washington Ave., Davis Bldg.
Fayetteville	do	112½ West Center St.
Rogers	Branch	City Hall.
Fort Smith	Area	6th St., Kennedy Bldg.
Hot Springs	do	362½ Central Ave., Citizens Bldg.
Jonesboro	do	102½ West Washington Ave., Jonesboro Savings & Loan Co.
Pine Bluff	do	National Bldg.
Kansas:		
Wichita	do	K. F. H. Bldg.
Pratt	Branch	211½ South Main St.
Arkansas City	Area	Burford Bldg.
Augusta	Branch	607 State St.
Eldorado	do	203 Truman Bldg.
Winfield	do	106 East 9th St.
Dodge City	Area	McCarthy Bldg.
Garden City	Branch	Garden National Bank Bldg.
Liberal	do	Wesley Bldg.
Great Bend	Area	2012½ Forest, Tribune Bldg.
Hays	Branch	1067½ Main St.
Russell	do	City Hall.
Hutchinson	do	15 West Sherman St.
Parsons	Area	Kimball Bldg.
Chanute	Branch	Memorial Bldg.
Colleyville	do	Courthouse.
Fredonia	do	
Independence	do	
Pittsburg	Area	415 North Pine St., Globe Bldg.
Salina	do	Farmers Union Bldg.
Junction City	Branch	105 West 17th St.
Manhattan	do	465½ Bayaze Ave.
Topeka	Area	N. E. W. Bldg., 214 West 6th St.
Lawrence	Branch	115 West 11th St.
Emporia	do	420½ Commercial St.
Louisiana:		
New Orleans	Area	829 St. Charles St.
Alexandria	do	Guaranty Bank and Trust Co.
Ferriday	Branch	Main St.
Baton Rouge	Area	Trend Bldg.
Hammond	Branch	City Hall.
Lafayette	do	705 South Buchanan St.
New Iberia	do	Courthouse.
Lake Charles	Area	610 Broad St.
Jennings	Branch	Courthouse.
Monroe	Area	501 Walnut St.
Ruston	Branch	North Trenton St.
Shreveport	Area	425 Milam St., Rabn-Brewster Bldg.
Missouri:		
Chillicothe	do	City Hall.
Kirksville	Branch	
Kansas City	Area	417 East 13th St., Interstate Bldg.
Leavenworth	Branch	
Joplin	Area	218 West 4th St., New Spiva Bldg.
Monett	Branch	
Sedalia	Area	Pettis County Courthouse.
Springfield	do	Wilhott Bldg.
St. Joseph	do	7th and Edmond Sts., Carbry Bldg.

LOCATION OF AREA RENT OFFICES AND BRANCH RENT OFFICES—Continued

State and location of office	Type of office	Address
REGION 5—continued		
Missouri—Con.		
St. Louis	Area	Paul Brown Bldg.
Cape Girardeau	Branch	106 West Lesgue St.
Columbia	do	Elvira Bldg., 1007 Broadway St.
Jefferson City	do	304 East High St.
Rolla	do	Null Bldg.
Oklahoma:		
Oklahoma City	Area	Leonhardt Bldg.
Ada	Branch	Morris Haney Bldg.
El Reno	do	1021½ East Woodson St.
Guthrie	do	Federal Bldg.
Norman	do	Security National Bank Bldg.
Enid	do	Knox Bldg.
Ardmore	Area	314 West Main St.
Clinton	do	6th and Frisco Sts., McBurney Bldg.
Frederick	Branch	
Duncan	Area	Ross Bldg.
Lawton	do	413½ C Ave.
McAlester	do	City Hall.
Muskogee	do	Commercial National Bldg.
Shawnee	do	Masonic Temple Bldg.
Tulsa	do	Mayo Bldg.
Bartlesville	Branch	Old City Hall.
Okmulgee	do	McCullough Bldg.
Ponca City	do	Royalty Bldg.
Stillwater	do	Stillwater Bank Bldg.
Guymon	do	First National Bank Bldg.
Miami	do	Security Bldg.
Texas:		
Dallas	Area	Horticulture Bldg., Fair Park.
Abilene	do	Post Office Bldg.
Corsicana	do	Mays Bldg.
Waxahachie	Branch	
Greenville	Area	Medical Arts Bldg.
Longview	do	Glover Grim Bldg.
Marshall	do	109 Rusk St.
Mt. Pleasant	Branch	Johnson-Justliss Bldg., 116 West 3d St.
McKinney	Area	111½ East Virginia Ave.
Mineola	do	Lankford Bldg.
Palestine	do	Link Bldg.
Paris	do	136 Grand Ave.
Sherman	do	Grayson County Courthouse.
Temple	do	102 North Main St., First State Bank Bldg.
Texarkana	Branch	Old Federal Bldg.
Tyler	do	116½ South College St.
Waco	do	Professional Bldg.
Fort Worth	Area	Fort Worth Club Bldg.
Denton	Branch	Courthouse.
Amarillo	Area	618 Taylor St., Old P. O. Bldg.
Dalhart	Branch	316 Denrock Ave.
Big Spring	Area	Petroleum Bldg.
Brownwood	do	Citizens Bank Bldg.
Childress	do	125½ Commerce St.
Gainesville	do	Teague Bldg.
Lubbock	do	917 Avenue K.
Midland	do	217 North Colorado, Neyes Bldg.
Odessa	Branch	115 East 7th St.
Pampa	Area	113½ South Cuyler St.
Pecos	do	124 South Oak St.
Monahans	Branch	106 West League St.
San Angelo	Area	San Angelo Bank Bldg.
Sweetwater	Branch	Bluebonnet Hotel Bldg.
Wichita Falls	Area	Post Office Bldg.
Vernon	Branch	Municipal Bldg.
Houston	Area	1301 Leeland Ave.
Bryan	Branch	Chamber of Commerce Bldg.
Huntsville	do	Rather Bldg.
Nacogdoches	do	Courthouse.
Bay City	Area	2208 Avenue F.
Beaumont	do	Perlstein Bldg.
Galveston	do	2314 Avenue B, Pabst Bldg.
Texas City	Branch	Federal Post Office Bldg.
San Antonio	Area	Transit Tower Bldg.
Austin	do	301 West 8th St.
Corpus Christi	do	Jones Bldg.
El Paso	do	Caples Bldg.
Harlingen	do	Embee Bldg.
Kerrville	do	716½ Water St.
Laredo	do	519 Salinas St.
Marfa	do	Brite Bldg.
REGION 6		
Illinois:		
Chicago	Area	222 West Adams St.
Aurora	Branch	Post Office Bldg.
Chicago	do	417 East 47th St.
Harvey	do	Post Office Bldg.
Waukegan	do	325 Washington St.
Indiana: Gary	Area	320 West 5th St.
Illinois:		
Peoria	do	832 Main St.
Bloomington	Branch	220 West Jefferson St.
Galesburg	do	311 East Main St., Bondi Bldg.
Canton	do	36 South Main St.
Pekin	do	29 South 4th St.
Joliet	Area	21 East Van Buren St.
Kankakee	Branch	258 East Court St.
Ottawa	do	102 Madison St.
Moline	Area	1630 5th Ave., 5th Ave. Bldg.
Clinton	Branch	244 6th Ave. South.
Kewanee	do	Baker Bldg., 225 West 2d St.
Iowa: Muscatine	do	Hershey Bldg.

State and location of office	Type of office	Address
REGION 6—Continued		
Illinois:		
Rockford	Area	212 North Wyman St.
Dixon	Branch	114 East First St.
Freeport	do	104 West Main St.
Springfield	Area	428 East Washington St.
Decatur	Branch	135 South Water St., Standard Bldg.
Jacksonville	do	256 East State St.
Centralia	Area	222 South Poplar St., Municipal Bldg.
Carbondale	Branch	114½ South Illinois Ave.
Mt. Vernon	do	City Hall.
Champaign	Area	336 North Hickory St.
Clinton	Branch	701½ North Side Public Square.
Danville	do	14½ North Vermillion.
Matoon	do	1912 Western Ave.
Quincy	Area	506 Maine St., W. C. U. Bldg.
Iowa:		
Des Moines	do	Liberty Bldg.
Ames	Branch	304 Kellogg Ave.
Newton	do	P. O. Box 270.
Fairfield	do	103 North Court St.
Marshalltown	do	Tremont Bldg., 20 West Main St.
Ottumwa	do	330 East Main St.
Burlington	Area	300 Washington St.
Cedar Rapids	do	125 1st Ave. SE., American Bank Bldg.
Fort Dodge	do	Warden Apts., 918 1st Ave. South.
Iowa City	Branch	102 South Clinton St., Iowa State Bank Bldg.
Dubuque	Area	B & I Bldg.
Mason City	do	Federal Bldg.
Charles City	Branch	Ellis Bldg.
Sioux City	Area	5th and Pierce Sts., Frances Bldg.
Waterloo	do	319½ East 4th St.
Minnesota:		
Minneapolis	Area	2d Ave. S., Midland Bank Bldg.
St. Paul	Branch	113 North Arcade, 1st National Bank Bldg.
St. Cloud	do	26 5th Ave. S.
Duluth	Area	Christie Bldg.
Brainerd	Branch	210 South 7th St.
Cloquet	do	City Hall, 105 Arch St.
Ashland	do	County Courthouse.
Hibbing	do	
International Falls	do	401 East 3d St.
Virginia	do	
Rochester	Area	229 1st Ave. SW.
Mankato	Branch	210 South 7th St.
New Ulm	do	
Owatonna	do	
Winona	do	261 West 3d St.
Austin	Area	Babcock Bldg.
Nebraska:		
Omaha	do	1615 Harney St.
Fremont	Branch	Court House.
Norfolk	do	Post Office Bldg.
Alliance	Area	114 East 4th St., Times Herald Bldg.
Chadron	Branch	Coffee-Pitman Bldg.
Grand Island	Area	201½ North Locust St., Bartenbach Bldg.
Hastings	do	213 North Lincoln Ave.
Lincoln	do	1320 N St.
Fairbury	Branch	Steele Bldg., 408½ Edward St.
York	do	City Auditorium, 612 Nebraska Ave.
North Platte	Area	112 East 3d St.
Scottsbluff	do	14-16 West 17th St.
North Dakota:		
Fargo	do	510 4th Ave. North.
Jamestown	Branch	111 1st St. West.
Grand Forks	do	Post Office Bldg.
Minnesota:		
Fergus Falls	do	Do.
North Dakota:		
Bismarck	Area	Will School Annex.
Minot	do	First National Bank Bldg.
South Dakota:		
Sioux Falls	do	Strand Bldg.
Aberdeen	Branch	315½ South Main St.
Brookings	do	Armory Bldg.
Huron	do	County Courthouse.
Mitchell	do	Courthouse.
Vermillion	do	
Watertown	do	Post Office Bldg.
Rapid City	Area	824 St. Joe St.
Wisconsin:		
Green Bay	do	225 North Adams St.
Manitowoc	Branch	824 Jay St., Safety Bldg.
Marinette	do	1901½ Hall Ave.
Sturgeon Bay	do	Post Office Bldg., 104 South Main St.
Wausau	do	123 West Washington St.
Eau Claire	Area	205 Graham Ave.
Oshkosh	do	Post Office Bldg.
Appleton	Branch	220 Oneida St., Courthouse Bldg.
Fon du Lac	do	
Milwaukee	Area	161 West Wisconsin Ave., Plankinton Bldg.
Sheboygan	Branch	Court house.
Racine	Area	Do.
Kenosha	Branch	520 58th St., Schwartz Bldg.
Janesville	Area	29 West Milwaukee St.
La Crosse	do	Exchange Bldg.
Sparta	Branch	303 North Court St.
Madison	Area	304 North Park St.
Watertown	Branch	103½ North 4th St.
REGION 7		
Colorado:		
Denver	Area	511 16th St., Kittredge Bldg.
Boulder	Branch	1500 Pearl St.

LOCATION OF AREA RENT OFFICES AND BRANCH RENT OFFICES—Continued

State and location of office	Type of office	Address
REGION 7—continued		
Colorado—Con.		
Craig	Branch	Cosgriff Hotel Bldg.
Fort Collins	do	324 South College Ave.
Glenwood Springs	do	205 6th St.
Grand Junction	do	457 Main St.
Greeley	do	616 8th Ave.
Colorado Springs	Area	109½ North Tejon.
Pueblo	do	406 Central Block.
Canon City	Branch	117 North 5th St.
Salida	do	City Hall.
La Junta	do	
Idaho:		
Boise	Area	Capitol Securities Bldg.
Nampa	Branch	
Pocatello	Area	Kasiska Bldg.
Idaho Falls	Branch	363 B St.
Twin Falls	Area	160 North Main St.
Montana:		
Helena	do	Montana Bldg.
Bozeman	Branch	
Livingston	do	
Butte	Area	County Courthouse, West Granite St.
Great Falls	do	9½ 3d St. South, First National Bank Bldg.
Lewistown	Branch	
Havre	do	
Billings	Area	Stapleton Bldg.
Miles City	Branch	Jackson Bldg.
Missoula	Area	Federal Bldg.
Kalispell	Branch	First National Bank Bldg.
New Mexico:		
Albuquerque	Area	226 North 3d St.
Santa Fe	do	State Supreme Court Bldg.
Carlsbad	do	Glazier Bldg.
Hobbs	Branch	421 East Broadway.
Clovis	Area	103 East 6th St.
Tucumcari	Branch	
Las Cruces	Area	City Hall.
Roswell	do	Do.
Alamogordo	Branch	
Utah:		
Salt Lake City	Area	222 South West Temple.
Ogden	do	Kiesel Bldg.
Logan	Branch	124 South Main St.
Provo	Area	43 North University Ave.
Vernal	Branch	Ashley Cooperative Mercantile Bldg.
Price	do	City Hall.
Wyoming:		
Cheyenne	Area	Federal Office Bldg.
Laramie	Branch	
Rawlins	do	
Casper	Area	Con-Roy Bldg.
Sheridan	Branch	City Hall.
Powell	do	
REGION 8		
Arizona:		
Phoenix	Area	15 West Van Buren St.
Yuma	Branch	1st National Bank Bldg.
Hijbe	Area	Franklin School Bldg.
Winslow	do	Old Elks Bldg.
Prescott	Branch	Courthouse.
Tucson	Area	6 North 5th Ave.
California:		
Los Angeles	do	1206 Santee St.
Long Beach	Branch	110 East Anaheim St.
Santa Ana	do	217 West 2d St.
Pasadena	do	85 East Colorado St.
Santa Monica	do	No. 8 Marine Terrace.
Bakersfield	Area	1417 18th St.
San Bernardino	do	531 E St.
Riverside	Branch	7th and Orange Sts.
San Diego	Area	San Diego Trust & Savings Bank Bldg.
El Centro	Branch	146 South 5th St.

State and location of office	Type of office	Address
REGION 8—continued		
California—Con.		
San Luis Obispo	Area	774 Marsh St.
Santa Maria	Branch	Theatre Bldg.
Ventura	Area	43 South Oak St.
Santa Barbara	Branch	735 State St.
San Francisco	Area	1355 Market St.
Burlingame	Branch	1350 Howard Ave.
San Raphael	do	Masonic Bldg.
Santa Rosa	do	Courthouse.
Auburn	Area	1568 Lincoln Way.
Susanville	Branch	Courthouse.
Fresno	Area	Patterson Bldg.
Marysville	do	412 D St., Gordon Bldg.
Chico	do	134 Broadway.
Modesto	do	1015 12th St., Scott Bldg.
Monterey	do	467 Alvarado St.
Salinas	Branch	Salinas Army Air Base, Bldg. T-300.
Oakland	Area	319 14th St.
Sacramento	do	1330 J St.
Stockton	Branch	110 North San Joaquin St., Belding Bldg.
San Jose	Area	12 South 1st St.
Santa Cruz	do	10 Cooper St.
Richmond	do	908 McDonald Ave.
Vallejo	do	342 Virginia St.
Visalia	do	Bank of America Bldg.
Hanford	Branch	P. O. Box 450, County Courthouse.
Nevada:		
Reno	Area	285 South Virginia St.
Elko	Branch	County Courthouse.
Las Vegas	Area	205 East Bridger Ave.
Oregon:		
Portland	do	520 Southwest 6th Ave., Bedell Bldg.
Astoria	Branch	118 8th St.
Bend	do	Library Bldg.
Corvallis	do	Courthouse.
Eugene	do	City Hall.
Klamath Falls	do	432 Main St.
Roseburg	do	Douglas County State Bank Bldg.
Tillamook	do	County Courthouse.
Medford	do	City Hall.
Pendleton	do	Junior High Bldg.
Salem	do	Armory Bldg., Ferry and Liberty Sts.
Washington:		
Longview	do	Post Office Bldg.
Seattle	Area	White-Henry-Stuart Bldg.
Bremerton	Branch	Harrison Bldg.
Bellingham	do	City Hall.
Everett	do	1918½ Everett Ave.
Olympia	do	213½ East 4th Ave.
Mt. Vernon	do	620 1st St.
Ellensburg	do	County Courthouse.
Port Angeles	do	106 East Front St.
Wenatchee	do	Chelan County Courthouse.
Paseo	do	Title and Trust Bldg.
Tacoma	Area	Puget Sound Bldg.
Yakima	do	Masonic Temple Bldg.
Spokane	do	9 Washington St., Hutton Bldg.
Ephrata	Branch	Dr. Lee Bldg.
Grand Coulee	do	Cabin No. 30, Rose Bowl Cabin.
Idaho:		
Moscow	do	New Craighton Bldg.
Coeur d'Alene	do	Harding Bldg.
Washington:		
Pullman	do	First National Bank Bldg.
Walla Walla	do	115 East Alder St.

REGION 9

Office	Type of Office	Address
Juneau, Alaska	Area	3 Valentine Bldg.
San Juan, Puerto Rico	do	Ponce de Leon Ave., Stop 9.

CONSOLIDATION AND LIQUIDATION OF FIELD OFFICES

§ 1305.720 *Authority and procedure.* Sections 1305.720 to 1305.723 establish the authority and procedure for consolidation and liquidation of district and branch offices, and delegates requisite administrative authority to the regional administrators to effectuate consolidation and liquidation orders.

§ 1305.721 *Authority and responsibility.* The Temporary Controls Administrator delegates to the regional administrator of each OPA region authority to issue such administrative orders as may be necessary to effectuate consolidation and liquidation of district and branch offices under his jurisdiction, upon issuance of a consolidation or liquidation order by the Commissioner. Each regional administrator is responsible for seeing that the consolidation and liquidation of district and branch offices are accomplished in accordance with reorganization instructions issued by the assistant commissioner.

§ 1305.722 *Actions of district and branch offices.* Actions taken by any district or branch office authorizing or requiring any person to perform any act authorized or required under OPA orders, regulations, or directives, shall be taken as the action of the regional office and remain in full force and effect until the authorization or requirement expires or is terminated or modified by appropriate authority.

§ 1305.723 *Residual functions.* (a) All functions, powers, and duties delegated or assigned to any district office under any OPA order, regulation, or directive are transferred to the regional office which has jurisdiction of the office at the time of its closing.

(b) All functions, powers, and duties delegated or assigned to any branch office under any OPA order, regulation, or directive are transferred to the branch office with which it is consolidated or to the regional office which has jurisdiction at the time of closing, as directed in the reorganization instruction ordering the action.

BRANCH SUGAR OFFICE

§ 1305.725 *Branch sugar office.* The branch sugar office, under the branch director, shall be responsible to the regional sugar division, and shall comprise

the following officers and organization units:

Branch Director:
- Legal Section.
- Institutional and Industrial Section.
- Wholesale-Retail Section.
- Banking Section.
- Mail and Distribution Section.

§ 1305.726 *Branch director.* The branch director shall be responsible through the regional sugar executive to the regional administrator for:

(a) Administration of price and rationing regulations within the district under jurisdicition of the branch sugar office.

(b) Direction and supervision of the branch office.

§ 1305.727 *Legal section.* The legal section, under technical supervision of the regional sugar attorney, shall be responsible for providing legal service to the branch director.

§ 1305.728 *Institutional and industrial section.* The institutional and industrial section shall be responsible to the branch director for processing applications from institutional and industrial users for new allotments of sugar or for adjustment of the authorized base.

§ 1305.729 *Wholesale-retail section.* The wholesale-retail section shall be responsible to the branch director for:

(a) Developing effective relations with the distribution trade with respect to:
- (1) Sugar price programs.
- (2) Sugar rationing programs.

(b) Granting or denying petitions for:
- (1) Additional inventories of sugar.
- (2) Additional sugar rations in hardship or medical cases.
- (3) Allotments of sugar for home canning.
- (4) Other allotments of sugar to individuals.

§ 1305.730 *Banking section.* The banking section shall be responsible to the branch director for administration of the ration banking system in the district and for negotiating with banks under the ration banking program.

§ 1305.731 *Mail and distribution section.* The mail and distribution section shall be responsible to the branch director for receipt, storage, control, safeguarding, and distribution of sugar materials, forms, and documents, and for preparation and maintenance of industrial and institutional user's files.

LOCATION AND JURISDICTION OF SUGAR BRANCH OFFICES

Sugar branch office		States and counties within jurisdiction of branch office	
Region	Location	States	Counties
1	Hartford 4, Conn., 55 Allyn St	Connecticut	All counties.
		New York	Suffolk (part) (Fisher's Island).
	Augusta, Maine, 151 Water St	Maine	All counties.
	Boston 8, Mass., 55 Tremont St	Massachusetts	Do.
	Concord, N. H., 9 Capitol St	New Hampshire	Do.
	Providence 3, R. I., 608 Hospital Trust Bldg	Rhode Island	Do.
	Montpelier, Vt., 109 State St	Vermont	Do.
2	Baltimore 50, Md., 2000 O'Sullivan Bldg	Maryland	Do.
		Delaware	Do.
		District of Columbia	
	Newark 2, N. J., 1060 Broad St	New Jersey	All counties.
	New York 1, N. Y., 350 Fifth Ave	New York	Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk (except Fisher's Island), and Westchester.
	Syracuse 2, N. Y., 224 Harrison St	do	Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, and Yates.
	Philadelphia 3, Pa., Broad St. Station Bldg	Pennsylvania	Adams, Berks, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.
	Pittsburgh 22, Pa., 1001 Liberty St	do	Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Erie, Fayette, Forest, Fulton, Greene, Huntington, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.
3	Indianapolis, Ind., 429 North Pennsylvania St	Indiana	All counties, except Lake.
	Louisville 2, Ky., 700 Kenyon Bldg	Kentucky	All counties.
	Detroit, Mich., 600 Griswold Ave	Michigan	Do.
	Cincinnati 2, Ohio, 605 Union Trust Bldg	Ohio	Adams, Athens, Belmont, Brown, Butler, Champaign, Clark, Clermont, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Knox, Lawrence, Lickaway, Logan, Madison, Marion, Meigs, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, Warren, and Washington.
	Cleveland 14, Ohio, Union Commerce Bldg	Ohio	Allen, Ashland, Ashtabula, Auglaize, Carroll, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Henry, Huron, Lake, Lorain, Lucas, Mahoning, Medina, Mercer, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit Trumbull Tuscarawas, Van Wert, Williams, Wood, and Wyandot.
	Charleston 5, W. Va., 223 Peoples Bldg	West Virginia	All counties.
4	Birmingham 3, Ala., 222 Phoenix Bldg	Alabama	Do.
	Miami 32, Fla., Seybold Bldg	Florida	Do.
	Atlanta 3, Ga., 449 Peachtree St. NE	Georgia	Do.
	Jackson, Miss	Mississippi	Do.
	Raleigh, N. C., Capitol Club Bldg	North Carolina	Do.
	Columbia 7, S. C., Van Meters Bldg	South Carolina	Do.
	Memphis, Tenn., 2113 Sterick Bldg	Tennessee	Do.
	Richmond 9, Va., 7th and Franklin Sts	Virginia	All counties and independent cities.
5	Little Rock, Ark., 2d and Main Sts	Arkansas	All counties.
	Wichita 2, Kans., 301 East William St	Kansas	All counties, except Johnson, Leavenworth, Wyandotte.
	New Orleans, La., 1509 Jackson St	Louisiana	All counties.
	Kansas City 6, Mo., 405 East 13th St	Missouri	Andrew, Atchinson, Barry, Burton, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Cedar, Christian, Clay, Clinton, Dade, Dallas, Daviess, De Kalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Jackson, Jasper, Johnson, Lafayette, Lawrence, Linn, Livingston, McDonald, Mercer, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Ray, St. Clair, Saline, Stone, Sullivan, Taney, Vernon, Webster, and Worth.
		Kansas	Johnson, Leavenworth, and Wyandotte.
	St. Louis 1, Mo., 518 Olive St	Missouri	Adair, Audrain, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carter, Charlton, Clark, Cole, Cooper, Crawford, Dent, Douglas, Dunklin, Franklin, Gasconade, Howard, Howell, Iron, Jefferson, Knox, Laclede, Lewis, Lincoln, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Ozark, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francis, St. Louis, St. Louis City, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Warren, Washington, Wayne, and Wright.
	Oklahoma City 2, Okla., 405 West Harvey St	Oklahoma	All counties.

LOCATION AND JURISDICTION OF SUGAR BRANCH OFFICES—Continued

Sugar branch office		States and counties within jurisdiction of branch office	
Region	Location	States	Counties
5	Dallas 2, Tex., 1100 Main St	Texas	Anderson, Andrews, Archer, Armstrong, Bailey, Baylor, Bell, Borden, Bosque, Bowie, Briscoe, Brown, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Denton, Delta, Dickens, Donley, Eastland, Ector, Ellis, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley Hood, Hopkins, Howard, Hunt, Hutchinson, Irion, Jack, Johnston, Jones, Kaufman, Kent, Knox, Knox, Lamar, Lamb, Lampasas, Lipscomb, Limestone, Loving, Lubbock, Lynn, Marion, Martin, McCullough, McLennan, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Reagan, Red River, Reeves, Roberts, Rockwall, Runnels, Rusk, San Saba, Scurry, Shackelford, Sherman, Somervell, Smith, Stephens, Sterling, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Upshur, Upton, Van Zandt Ward, Wheeler, Wichita, Wilbarger, Winkler, Wise, Wood, Yoakum, and Young.
	Houston 2, Tex., 803 Texas Ave., Milan Bldg	Texas	Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Nacogdoches, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Washington, and Wharton.
	San Antonio 6, Tex., 310 South Marys St	do	Arkansas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brewster, Brooks, Burnet, Caldwell, Calhoun, Cameron, Comal, Crockett, Culberson, De Witt, Dimmit, Duval, Edwards, El Paso, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Llano, Mason, Maverick, McMullen, Medina, Menard, Nueces, Pecos, Presidio, Real, Refugio, San Patricio, Schleicher, Starr, Sutton, Terrell, Travis, Uvalde, Val Verde, Victoria, Webb, Wilbey, Williamson, Wilson, Zajata, and Zavala.
6	Chicago 6, Ill., 222 West Adams St	Illinois	Cook, DuPage, Kane, Lake, and McHenry.
		Indiana	Lake.
	Springfield, Ill., 301 West Adams St	Illinois	All counties (except Cook, DuPage, Kane, Lake, McHenry).
	Des Moines 8, Iowa, 700 Liberty Bldg	Iowa	All counties (except Lyon and Osceola).
	St. Paul 1, Minn., W-1200 First Nat'l Bank Bldg.	Minnesota	Aitkin, Anoka, Beltrami, Benton, Blue Earth, Brown, Carlton, Carver, Cass, Chippewa, Chisago, Cook, Cottonwood, Crow Wing, Dakota, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Itasca, Jackson, Kanabec, Kandiyohi, Koochiching, Lake, Lake of the Woods, Le Sueur, Martin, McLeod, Meeker, Mille Lacs, Morrison, Redwood, Renville, Rice, St. Louis, Scott, Sherburne, Sibley, Stearns, Steele, Swift, Todd, Wabasha, Wascca, Washington, Watonwan, Winona, and Wright.
	Omaha 2, Nebr., 1615 Harney St	Nebraska	All counties.
	Fargo, N. Dak., 510 4th Ave	North Dakota	Do.
		Minnesota	Becker, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, Traverse, Wadena, and Wilkin.
	Sioux Falls, S. Dak., Wilson Terminal Bldg	South Dakota	All counties.
		Minnesota	Big Stone, Lac qui Parle, Lincoln, Lyon, Murray, Nobles, Pipestone, Rock, Yellow, and Medicine.
		Iowa	Lyon and Osceola.
	Milwaukee 3, Wis., Blankinton Arcade Bldg	Wisconsin	All counties.
7	Denver 2, Colo., 621 Kittredge Bldg	Colorado	Do.
	Boise, Idaho, Capital Securities Bldg	Idaho	Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Cammas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington.
		Oregon	Malheur.
	Helena, Mont., Mail and Grand Sts	Montana	All counties.
	Albuquerque, N. Mex., 320 West Central Ave	New Mexico	Do.
	Salt Lake City 1, Utah, Atlas Bldg	Utah	Do.
		Arizona	5 percent Coconino and 5 percent Mohave.
	Cheyenne, Wyo., State OPA Bldg	Wyoming	All counties.
8	Phoenix, Ariz., 17 West Van Buren St	Arizona	All counties (except 5 percent of Coconino and 5 percen: Mohave).
	San Francisco 3, Calif., 1355 Market St	California	Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.
	Los Angeles 15, Calif., 1031 South Broadway	do	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.
	Reno, Nev., 285 South Virginia St	Nevada	All counties.
	Portland 4, Oreg., 520 Southwest 6th Ave	Oregon	All counties (except Malheur).
		Washington	Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, Pacific, southwestern portion.
	Seattle 1, Wash., 3312 White-Henry-Stuart Bldg.	do	Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan,[1] Pacific,[2] Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima.
	Spokane 8, Wash., South 9 Washington St	do	Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan (southeastern portion), Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman.
		Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootinai, Latah, Lewis, Nez Perce, and Shoshone.

[1] Except southeastern portion.
[2] Except southwestern portion.

BRANCH ENFORCEMENT OFFICE

§ 1305.735 *Branch enforcement office.* The branch enforcement office shall comprise the following officers and organization units:

(a) In regional office cities:

Regional Enforcement Executive:
- Rent Enforcement Section.
- Sugar Enforcement Section:
  - Enforcement Program Unit.
  - Special Investigation Unit.
- Review and Disposition Section.

(b) Other locations:

Associate Regional Enforcement Executive:
- Rent Enforcement Section.
- Sugar Enforcement Section.

§ 1305.736 *Responsibility.* The regional enforcement executive or the associate regional enforcement executive shall be the administrative and executive head of branch enforcement offices and shall be responsible to the deputy commissioner for enforcement for enforcement activities in the area designated and for direction and supervision of the branch enforcement office. The regional enforcement executive will keep the regional administrator informed of all enforcement policies, programs, and activities.

§ 1305.737 *Rent enforcement section.* The rent enforcement section shall be responsible to the regional enforcement executive or the associate regional enforcement executive, and shall plan and supervise enforcement of rent controls in the area designated.

§ 1305.738 *Sugar enforcement section.* (a) The sugar enforcement section in regional office cities shall comprise the following units:

(1) The enforcement program unit, under the direction of the unit head, shall be responsible to the regional enforcement executive or the associate regional enforcement executive, and shall plan and supervise enforcement of sugar rationing and price controls for rice, sugar, and certain syrups in the area designated.

(2) The special investigations unit, under the direction of the unit head, is responsible, in the designated areas, to the chief of the special investigations branch, national office, for the functions described in § 1305.607.

(b) The sugar enforcement section, in locations other than regional office cities, shall perform, under the direction of the associate regional enforcement executive, the functions described in § 1305.738 (a) (1).

§ 1305.739 *Review and disposition section.* The review and disposition section shall be responsible to the regional enforcement executive for reviewing and disposing of cases concerning decontrolled commodities or services.

§ 1305.740 *Enforcement branch offices.* Enforcement branch offices shall be located as shown in the following appendix.

LOCATION AND JURISDICTION OF ENFORCEMENT BRANCH OFFICES

Branch office		States and counties within jurisdiction of branch office		Branch office		States and counties within jurisdiction of branch office	
Region	Location	States	Counties	Region	Location	States	Counties
1	Boston 8, Mass., 55 Tremont St.	Connecticut	All counties.	7	Denver 2, Colo., 621 Kittredge Bldg.	Colorado	All counties.
		Maine	Do.			Montana	Do.
		Massachusetts	Do.			Utah	Do.
		New Hampshire	Do.			Wyoming	Do.
		Rhode Island	Do.			Arizona	Coconino (part), Mohave (part).
		Vermont	Do.			Oregon	Malheur.
2	New York 1, N. Y., 350 5th Ave.	New York	Do.			Idaho	Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Cammas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington.
	Philadelphia 3, Pa., Broad St. Station Bldg.	New Jersey	Do.				
		Pennsylvania	Do.				
		Delaware	Do.				
		Maryland	Do.				
		District of Columbia	Do.				
3	Cleveland 14, Ohio, Union Commerce Bldg.	Indiana	All counties (except Lake).	8	Seattle 1, Wash., 3312 White-Henry-Stuart Bldg.	Oregon	All counties (except Malheur).
		Ohio	All counties			Washington	All counties.
		Kentucky	Do.			Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.
		Michigan	Do.				
		West Virginia	Do.		San Francisco 3, Calif., 1355 Market St.	Nevada	All counties.
4	Atlanta 3, Ga., 449 Peachtree St. NE.	Alabama	Do.			California	Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.
		Georgia	Do.				
		North Carolina	Do.				
		South Carolina	Do.				
		Virginia	Do.				
		Florida	Do.				
		Mississippi	Do.				
		Tennessee	Do.				
5	Dallas 2, Tex., 1100 Main St.	Texas	Do.				
		Louisiana	Do.				
		Oklahoma	Do.				
	St. Louis 1, Mo., 818 Olive St.	Missouri	Do.				
		Kansas	Do.				
		Arkansas	Do.				
6	Chicago 6, Ill., 222 West Adams St.	Illinois	Do.		Los Angeles 15, Calif., 1031 South Broadway.	Arizona	All counties (except parts of Coconino and Mohave).
		Minnesota	Do.				
		North Dakota	Do.				
		South Dakota	Do.			California	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.
		Wisconsin	Do.				
		Nebraska	Do.				
		Indiana	Lake.				
		Iowa	All counties.				

SUBPART E—DELEGATIONS OF FINAL AUTHORITY

§ 1305.760 *Nature of delegations.* In addition to the general functions exercised by national and field offices described above, certain functions are exercised by virtue of delegations of final authority under OPA regulations or orders. Delegations to field offices may be made directly by regulation or order or may be made pursuant to conditions set forth in the regulation or order. Where authorized by regulation or order, redelegation of authority may be made to a subordinate level of field offices by order of the chief executive officer of the officer receiving the delegation. Specific delegations and redelegations made pursuant to price, rationing and rent regulations and orders are described below.

§ 1305.761 *Price delegations to continental offices.* The following information is given for each delegation of authority:

(a) Regulation or order number, section containing authority delegated, and the FEDERAL REGISTER citations.

(b) The title and/or a brief description of the authority delegated.

(c) An indication as to whether the regional administrator can redelegate authority to directors in branch offices (formerly district offices).

(d) The branch offices (formerly district offices) to which authority has been delegated by the regional offices. As listed below (e), each of the eight regions is designated by a Roman numeral and each branch office (formerly district offices) by an Arabic numeral. These numbers are used in place of the names of the regional and branch offices in showing redelegations. For example "II—1, 2" indicates that the specific authority has redelegated by the New York regional office to the Baltimore and Newark branch offices (formerly district offices) only: "III–All" indicates that the Cleveland regional office has redelegated the authority to all of the branch offices (formerly district offices) in Region III; "IV–None" indicates that the Atlanta regional office has not delegated the authority to any of the branch offices in Region IV.

(e) Region and branch (formerly district) offices.

REGION I
BOSTON, MASS.

1. Hartford, Conn.
2. Augusta, Maine.
3. Boston, Mass.
4. Concord, N. H
5. Providence, R. I.
6. Montpelier, Vt.

REGION II
NEW YORK CITY, N. Y.

1. Baltimore, Md.
2. Newark, N. J.
3. New York City.
4. Syracuse, N. Y.
5. Philadelphia, Pa.
6. Pittsburgh, Pa.

REGION III
CLEVELAND, OHIO

1. Indianapolis, Ind.
2. Louisville, Ky.
3. Detroit, Mich.
4. Cincinnati, Ohio.
5. Cleveland, Ohio.
6. Charleston, W. Va.

REGION IV
ATLANTA, GA.

1. Birmingham, Ala.
2. Miami, Fla.
3. Atlanta, Ga.
4. Jackson, Miss.
5. Raleigh, N. C.
6. Columbia, S. C.
7. Memphis, Tenn.
8. Richmond, Va.

REGION V
DALLAS, TEX.

1. Little Rock, Ark.
2. Wichita, Kans.
3. New Orleans, La.
4. Kansas City, Mo.
5. St. Louis, Mo.
6. Oklahoma City, Okla.
7. Dallas, Tex.
8. Houston, Tex.
9. San Antonio, Tex.

REGION VI
CHICAGO, ILL.

1. Chicago, Ill.
2. Springfield, Ill.
3. Des Moines, Iowa.
4. Minneapolis, Minn.
5. Omaha, Nebr.
6. Fargo, N. Dak.
7. Sioux Falls, S. Dak.
8. Milwaukee, Wis.

REGION VII
DENVER, COLO.

1. Denver, Colo.
2. Boise, Idaho.
3. Helena, Mont.
4. Albuquerque, N. Mex.
5. Salt Lake City, Utah
6. Cheyenne, Wyo.

REGION VIII
SAN FRANCISCO, CALIF.

1. Phoenix, Ariz.
2. Los Angeles, Calif.
3. San Francisco, Calif.
4. Reno, Nev.
5. Portland, Oreg.
6. Seattle, Wash.
7. Spokane, Wash.

Regulation, section, and Federal Register citation	Title and/or authority delegated	Can region redelegate?	Branch offices to which delegated
GO 44 8 F. R. 1665	To act for the Price Administrator in approving retail economy practices under SO 29.	Deliver to branch office.	
RGO 51 (a) (1), (a) (2) 9 F. R. 408	To establish community dollar-and-cent ceilings or other ceilings sold at retail by particular classes of sellers.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all; VIII, all.
RGO 51 (k) 9 F. R. 408	To adjust dollar-and-cent ceilings for group 3 and group 4 stores when it appears that "net cost" is substantially higher than that of applicable community ceiling prices.	Yes	I, none; II, all; III, all; VI, all; VII, all; VIII, all.
GO 64 10 F. R. 7858	Wherever an order issued by the Administrator provides for the exercise of a power or function by the district director does not exist such power or function may be delegated by the regional administrator to the deputy regional administrator or an assistant to the regional administrator.	No	
GO 66	Regional administrators to consolidate district offices	No	
2 RSO 13 11 F. R. 1443	To authorize "central pricing" for sellers who operate more than one establishment. (This delegates authority to process cases under 4 (a) of GMPR and applies to all regulations in which 4 (a) is incorporated).	Yes	I, none; II, all; III, all; IV, all; V, none; VI, all; VII, none; VIII, all.
SO 81 11 6 F. R. 310	To establish special maximum prices or exemptions applicable to sales by Government agencies or to resales by private resellers of food commodities purchased from Government agencies.	No	
SO 133 7 10 F. R. 12638	Individual company adjustment provision for manufacturers of certain products	Yes	I, none; II, none; III, none; IV, none; V, none; VI, all; VII, none; VIII, none.
	To make adjustments in ceiling prices of products produced by manufacturers who would otherwise be compelled to conduct their entire business operations at a loss.	Yes	
SO 143 10 F. R. 15088	Procedure for waiver of provisions of certain price regulations and ration orders affecting business or occupational status of veterans.	Yes	I, all; II, no general delegation; III, all; IV, all; V, all; VI, all; VII, none; VIII, none.
SO 155 5 11 F. R. 3378	Transportation adjustment for Martha's Vineyard and Nantucket, Mass.: To region I to issue special orders modifying the provisions of this order and to provide for adjustments for commodities not eligible for adjustment under sec. 2.	No	
GMPR 3 (a) 7 F. R. 3153	To accept reports of retail or wholesale prices established on basis of comparable items handled by sellers in base period, and to adjust such prices.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, all (retail only); VIII, all.
GMPR 3 (b) 1 7 F. R. 3153	To accept filings of prices other than at retail or wholesale established on basis of comparable items currently manufactured by seller, and to approve, disapprove, or adjust such prices.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, none.
GMPR 3 (c) 7 F. R. 3153	To approve or disapprove within 20 days prices established by retailers or wholesalers who cannot price under specific provisions of GMPR.	Yes	I, none; II, all; III, all; IV, all; V, all, VI, all; VII, all (retail only); VIII, all.
GMPR 3 (d) 7 F. R. 3153	To establish prices of services or of a commodity which includes supply of service and which cannot be priced under foregoing sections. By delegations of RMPR 165, sec. 5.	Yes	I, none; II, none; III, all; IV, all; V, none; VI, all; VII, all; VIII, all; VIII, none.
GMPR 3 (e) (2) 7 F. R. 3153	To establish prices or pricing methods for sale or resale by any seller whose price otherwise would be established under pars. (a) or (c).	No	
GMPR 3 (e) (3) 7 F. R. 3153	To issue orders establishing maximum prices proposed or established under par. (b) (2) so as to bring them in line with general level.	No	
GMPR 18 (c) 7 F. R. 3153	To adjust prices where local shortage criteria are met. (Local shortage criteria in general are met when following are established: (a) That local shortage exists, (b) That proposed adjustment will substantially reduce or eliminate local shortage, (c) That proposed adjustment will not create shortage or necessitate price increases in any other area.)	No	
GMPR 18 (d) 7 F. R. 3153	To adjust prices where base period price was below price required to be sold by State Fair Trade Law, or where injunction was issued; and where the commodity was generally sold at wholesale or retail during base period at prices no lower than minimum prices within the locality.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, all.
2 RMPR 150 10 9 F. R. 11003	Finished rice and rice milling by-products: To permit sellers of lots of 20,000 lbs. or less to function as primary distributors.	No	
2 RMPT 150 10a 9 F. R. 11003	To grant permission to dealers of broken or granulated rice for industrial uses to function as dealers and to use maximum prices set forth in this section.	No	
MPR 421 15 (c) 8 F. R. 9388	Ceiling prices of certain foods sold at wholesale: To grant exemption from sec. 15 to marine provisioners selling to boat and steamship companies and ship operators.	No	
MPR 421 24a 8 F. R. 9388	To process applications of retailer-owned coop. wholesalers who wish to use other wholesale markups.	Yes	I, all; II, all; III, all; IV, none; V, none; VI, all; VII, all; VIII, none.
MPR 421 24b 8 F. R. 9388	To act on application for permission to use the markup figures designated for service wholesalers.	No	
MPR 422 27 8 F. R. 9395	Ceiling prices of certain foods sold at retail in groups 3 and 4 stores: To process applications of group 3 and 4 retailers who wish to use group 1 markup.	Yes	I, all; II, all; III, all; IV, none; V, all, VI, all; VII, all; VIII, none.
MPR 422 31 (b) (1) 8 F. R. 9395	To act on requests by retail food stores who sell food in a store in which there are other food retailers, to find to which group he belongs if he is unable to get the "annual gross sales" from the other food retailers in that store.	Deliver to branch offices in region.	
MPR 422 28 8 F. R. 9395	To authorize higher markups under unusual circumstances when food supply of locality is threatened.	Yes	I, all; II, all; III, all; IV, none; V, all; VI, none; VII, all; VIII, all.
MPR 423 19 8 F. R. 9407	To adjust mark-ups for certain stores under unusual circumstances when food supply of locality is threatened.	Yes	I, all; II, all; III, all; IV, all; V, all; VI, all; VII, none; VIII, none.
MPR 423 21 (b) (1) 8 F. R. 9407	Ceiling prices of certain foods sold at retail in independent stores doing an annual business of less than $250,000 (group 1 and group 2 stores): To act on requests by retail food stores who sell food in a store in which there are other food retailers to find to which group he belongs if he is unable to get the "annual gross sales" from the other food retailers in that store.	Deliver to branch offices in region.	
MPR 518 18 9F. R. 2656	Rough rice: To approve as commission buying agents for purchasers of rough rice persons receiving fee under this section where they can show they operated as such during the base period.	Deliver to branch offices by regions.	

§ 1305.762 *Rationing delegations.* In the table below, NO refers to delegations administered by the Sugar Department, RO refers to the regional offices in continental United States, and SBO refers to the Sugar Branch offices, formerly district offices.

Regulation, section, and Federal Register citation	Title and authority delegated	Office delegated authority
3d Rev. RO 3 1.2 11 F. R. 134	*Consumer handicapped by transportation difficulties.* A consumer who finds it a hardship to take delivery of sugar at the time, and in amounts specified in Supp. 1 to 3d Rev. RO 3 owing to transportation difficulties, may apply to SBO for place where he lives for a check or ration coupons for 5, 10, or 15 lbs. of sugar.	SBO.
3d Rev. RO 3 1.5 (a) 11 F. R. 134	*Isolated shepherds may apply for additional sugar.* Shepherds may apply for ration evidences to obtain sugar (in addition to that which they can obtain with their stamps.) Application must be made to shepherd's SBO.	SBO.
3d Rev. RO 3 1.6 a 11 F. R. 134	*Consumers may obtain adjustments for lost, damaged, destroyed or stolen sugar.* A consumer whose sugar was lost, damaged, destroyed, stolen, or taken away by legal process or court order may apply to SBO for place where he lives for evidences to replace such sugar.	SBO.
3d Rev. RO 3 1.7 (a) 11 F. R. 134	*Sugar for feeding bees.* Sugar for feeding bees may be obtained in an amount not to exceed 10 lbs. per calendar year for each colony of bees. Application for all or part of allowance may be made any time during calendar year. Application must be made to SBO for place where applicant lives, or if application is made in course of business, to SBO where his principal business office is located.	SBO.
3d Rev. RO 3 1.7 (c) 11 F. R. 134	*Additional sugar for feeding bees.* Additional sugar above amount permitted under 1.7 (a) may be granted in an amount not to exceed 15 lbs. per calendar year for each colony of bees. Application same as above.	SBO.
3d Rev. RO 3 1.8 (a) 11 F. R. 7810	*Consumers who need more sugar because of illness.* A consumer whose health requires that he obtain additional sugar may apply for evidences for additional amount. Application must be filed with SBO for place where consumer lives. If SBO is unable to pass on the application, it shall send it to RO for decision or take such other action as RO may authorize or direct.	SBO.
3d Rev. RO 3 1.10 (a) 11 F. R. 2512	*Home canning for sale.* A consumer may prior to Nov. 1, 1946, apply for an allotment of sugar for home canning for sale. Application must be made to SBO for place where consumer lives.	SBO.
3d Rev. RO 3 2.1 (d) 11 F. R. 134	*Late registration by industrial user.* An industrial user who did not register his industrial user establishment within the time limit may apply to SBO for place where his establishment is located or registered for permission to register or reregister on a later date.	SBO.
3d Rev. RO 3 2.2 (b) 11 F. R. 134	*Industrial user allotments.* Application for industrial user allotments must be made to SBO where industrial establishment is registered.	SBO.
3d Rev. RO 3 2.3 (a) 11 F. R. 134	*Increases in allotments based on increases in population.* Industrial user's application for the increase in allotment based on population increases must be made to SBO with which he is registered.	SBO.
3d Rev. RO 3 2.14 (a) 11 F. R. 134	*Withdrawal of ration banking privileges of industrial user because of overdrafts on ration bank accounts.* SBO where industrial user is registered has authority to withdraw ration banking privileges for overdrafts by industrial users.	SBO.
3d Rev. RO 3 4.7 (a) 11 F. R. 131	*Replacement of sugar lost in repackaging.* Application for evidences covering sugar lost by retail and wholesale establishments in packaging sugar must be made to SBO where establishment is registered.	SBO.
3d Rev. RO 3 6.8 (b), (c) 11 F. R. 134	*Destroyed, mutilated, or stolen stamps and coupons.* If a stamp or coupon held by a registering unit or an industrial or institutional user establishment is lost, destroyed, stolen, or becomes invalid because of mutilation, the person entitled to such stamp or coupon may apply for evidences in the weight value equal to that of the replaced stamp or coupon. Application shall be made to SBO where registering unit or establishment is registered. If a coupon held by a consumer is lost, destroyed, or stolen, he may apply for replacement. Application shall be made by consumer, an adult member of his family unit or an authorized agent at SBO for place where consumer lives.	SBO.
3d Rev. RO 3 7.2 (a) 11 F. R. 5506	*Issuance of Sugar Ration Books to released federal prisoners.* SBO which serves the area where the federal, penal or correctional institution is located will process applications for Sugar Ration Books for persons about to leave the institution. Inmates to be released will fill out application forms furnished the institution by SBO and such applications will be returned to SBO by official of institution 30 days before the release.	SBO.
3d Rev. RO 3 7.2 (a) 11 F. R. 5506	*Issuance of Sugar Ration Books to released prisoners of state institutions.* Same procedure as above may be used by state penal institutions. Requests from other than Federal institutions to use this procedure are to be forwarded by SBO or RO to NO.	NO.
3d Rev. RO 3 7.3 (a) 11 F. R. 5506	*Application for a ration book.* Application for a Sugar Ration Book shall be made at RO having jurisdiction over the place where applicant lives, or at any other place designated by NO.	RO.
3d Rev. RO 3 7.5 (a) 11 F. R. 134	*Sugar Ration Books for imported laborers.* Any Federal Government Agency which brings laborers into the U. S. for sole purpose of performing agricultural or other labor, may issue a Sugar Ration Book to each such laborer and may issue a Sugar Ration Book as a replacement to any such person whose book has been lost, stolen, destroyed, mutilated, or is wrongfully withheld.	All Federal Government agencies that import laborers into U. S. to perform agricultural or other labor.
3d Rev. RO 3 7.6 (a) 11 F. R. 131	*Sugar Ration Books for law enforcement or investigatory government agencies.* A Sugar Ration Book may be issued to any law enforcement or investigatory agency of the U. S., or of any state or local government, for the use of such agencies, and for distribution to and use by their officers, agents or employees in the performance of official duties. Any such government agency may apply to SBO for place where its principal business office is located.	SBO.
3d Rev. RO 3 7.8 (a) 11 F. R. 134	*Application for replacement of a ration book that is mutilated, lost, destroyed, stolen, or wrongfully withheld.* An application for replacement of ration book for acquisition of sugar shall be made to RO having jurisdiction to act upon an original application for the issuance of the ration book sought to be replaced or returned.	RO.
3d Rev. RO 3 8.8 (b) 11 F. R. 134	*Notice required by registered industrial user who delivers sugar or ration evidences for industrial use under provisions of 8.8.* Transferor and transferee must give SBO, with which transferor is registered at least 2 weeks notice in advance of any delivery of sugar or ration evidences under this section. Provided, however, that SBO with which the transferor is registered may authorize deliveries to be made in a period of less than 2 weeks after the notice is given if it is satisfied that the provisions of this section will be complied with.	SBO.
3d Rev. RO 3 9.1 (a) 11 F. R. 134	*Servicemen on leave or furlough or who eat occasionally at certain places may get coupons or other ration evidences to acquire sugar.* Application must be filed with nearest RO in the state to which the ration evidences are to be mailed.	RO.
3d Rev. RO 3 9.2 (a) 11 F. R. 134	*Temporary sugar rations for persons other than serviceman.* Application may be filed at any SBO. If RO finds facts stated in application are true, will issue coupons.	RO.
3d Rev. RO 3 10.1 (d) 11 F. R. 134	*Sugar imports.* Applications for authorization to take sugar from the Collector of Customs must be made to NO by the registering unit or industrial or institutional user.	NO.
3d Rev. RO 3 12.3 (a) 11 F. R. 134	*Evidences may be obtained to acquire sugar for export.* Any person who desires to export sugar to any foreign country or to any territory or possession of the United States (other than District of Columbia) may apply to the SBO for the place where his business is located if the export is to be made in the course of his business; otherwise, to the SBO for the place where applicant lives.	SBO.
3d Rev. RO 3 12.5 (a) 11 F. R. 134	*A person who has not received an advance may obtain replacement.* A registered retailer, wholesaler, primary distributor, who exported sugar and who did not receive evidences for the sugar may apply to SBO where he is registered for evidences covering the sugar exported.	SBO.
3d Rev. RO 3 12.7 11 F. R. 134	*SBO's and RO's may be authorized to grant evidences for exports not covered by provisions of 3d Rev. RO 3.* NO may authorize SBO's and RO's to approve applications for exports not covered by 3d Rev. RO 3.	SBO and RO.
3d Rev. RO 3 2 (a) 11 F. R. 134	*Industrial users may obtain replacement of sugar used in products acquired by designated agencies.* Last industrial user using sugar in the products acquired by the agencies or activities in question may apply for replacement. In case of doubt as to who was the last industrial user, the persons claiming to be the last industrial user must select one of them to make the application on behalf of all. Application shall be made to the designated agency; except that applications for replacement of sugar used in products acquired by a naval vessel or naval activity of the United Nations (other than U. S.), or by the Navy, Army and Air Forces Institutes (of Great Britain), must be made to the Comandant of U. S. Naval District or River Commandin which applicant has his principal office or place of business. Applications for replacement of sugar used in products acquired by the India Supply Mission must be made to Headquarters, Army Exchange Service, New York, N. Y.	Designated agencies (13.1 (a)).
3d Rev. RO 3 13.5a 11 F. R. 177	*Application for loan on termination of contracts.* Industrial users who used sugar in manufacturing products for designated agency pursuant to contract which was terminated or cancelled and such products were not acquired by designated agency due to termination or cancellation, may apply to SBO where registered for loan equal to amount of sugar used in such products, or additional allotment equal to all or part of sugar so used.	SBO.

Regulation, section, and Federal Register citation	Title and authority delegated	Office delegated authority
3d Rev. RO 3 13.6 (a) 11 F. R. 134	*Industrial users may obtain on advance.* An industrial user may obtain in advance amount of sugar which he must use in manufacturing products to be acquired by a designated agency or an agency or activity specified in 13.2 (a). Application shall be made to designated agency; except that applications for advances of sugar to be used in products to be acquired by a naval vessel or naval activity of the United Nations (other than U. S.), or by Navy, Army and Air Forces Institutes (of Great Britain) must be made to Commandant of U. S. Naval District or River Command in or which applicant has his principal office or place of business.	Designated agency (13.1 (a)); designated activity (13.2 (a)).
3d Rev. RO 3 13.11 (e) 11 F. R. 177	*Application for repayment or cancellation.* Where industrial user used all or part of an advance in products which were not acquired by the designated agency due to termination or cancellation of contract or order on or after Sept. 17, 1945, he may apply to SBO where registered for permission to repay such charge or for cancellation of all or part of excess inventory charge.	SBO.
3d Rev. RO 3 14.6 (a) 11 F. R. 134	*Deliveries of sugar to certain persons and agencies.* A registering unit may deliver sugar to the Panama Canal, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, and Office of Scientific Research and Development without getting evidences. If evidences were not received, registering unit may apply to SBO where registered for a check covering amount of sugar delivered.	SBO.
3d Rev. RO 3 14.10 11 F. R. 134	*Investigatory agencies.* Any investigatory or enforcement agency of the U. S. or of a State or local Government which requires deliveries of sugar for performance of its functions may apply for evidences to SBO for place where the agency's principal business office is located.	SBO.
3d Rev. RO 3 15.1 (b) 11 F. R. 9353	*Opening or reopening a bank account.* On and after August 30, 1946, to open or reopen an account at any bank a person must apply to SBO with which he is registered for permission to open such account.	SBO.
3d Rev. RO 3 15.9 (c) 11 F. R. 134	*Disputes over bank balances.* A depositor who has brought to the attention of his bank within time specified an objection to bank's record of his balance or account may, within 20 days after making the objection, write SBO where registered a letter stating the facts. SBO will then decide dispute.	SBO.
3d Rev. RO 3 16.1 (a) 11 F. R. 134	*New or unregistered retailer or wholesaler establishment desiring sugar.* Any person desiring sugar for an unregistered wholesale or retail establishment may petition SBO for place at which the principal business office of the establishment is or will be located for registration and assignment to such establishment of an allowable inventory.	SBO.
3d Rev. RO 3 16.2 (a) 11 F. R. 134	*New establishments or ineligible industrial user establishments desiring sugar.* Any person desiring sugar for an industrial user establishment not eligible for registration under any other provision of 3d Rev. RO 3, may petition for registration and assignment to him of a base, allotment, or provisional allowance. In the following cases the petition shall be filed with the SBO authorized to keep the files of industrial users for the place where petitioner's industrial user establishment is, or will be, located: a. Petitioner does not have a registered establishment and petition covers only one establishment. b. Petitioner has more than one establishment which are registered separately. c. Petitioner has one establishment already registered and he wishes to register the ineligible establishment separately. (If petitioner desires to register more than one establishment and desires to register them separately, a separate petition should be filed for each such establishment.) In the following cases the petition shall be filed with the SBO authorized to keep the files of industrial users for the place where petitioner's principal office is, or will be located: a. Petition covers more than one establishment and the petitioner desires to register such establishments together. b. Petitioner has more than one establishment already registered and they are registered together. c. Petitioner has one establishment already registered and wishes to register the ineligible establishment with it.	Where petitioner wishes to use sugar for experimental, educational or testing purposes, SBO is authorized to make decision. In all other cases SBO shall send file to NO for decision or take such other action as NO authorizes or directs.
3d Rev. RO 3 17.1 (a) 11 F. R. 2276	*Applications may be made for adjustment.* Any registering unit or industrial user which needs an adjustment in its inventory or allotments (or other relief) may apply to SBO with which registered. SBO shall send file to NO for decision or take such other action as the NO may authorize or direct. Office or officer indicated is authorized to act in following cases or directed to forward case to RO or NO for decision: a. Permanent increases in allowable inventory of retailers. 1. A retailer may apply for a permanent increase in allowable inventory. Application must be filed at SBO with which he is registered.	Sugar Branch Office Director is authorized to act. If unable to make a decision, file must be forwarded to Regional Administrator for decision.
	2. A permanent increase may be granted in allowable inventory of a retailer to cover warehousing functions of warehouse establishments that are included in, and serving retail outlets in, the same registering unit. Application must be filed at SBO where retailer is registered.	SBO.
	3. A retailer or wholesaler who regularly delivers foodstuffs directly to ships for use on board, and who holds a valid and effective license under War Food Administration Regulation 3, may obtain a temporary increase in his allowable inventory in addition to other temporary increases. Application must be filed at SBO where applicant is registered.	SBO.
	b. Replacement of advance ration deposits covering certain unfilled orders of sugar.	SBO.
	A registered retailer, industrial user, or institutional user who surrendered valid checks, stamps or coupons to his supplier in anticipation of future deliveries of sugar may, if his supplier closes his establishment with respect to sugar operations and fails to deliver the sugar or return the ration evidence, apply for evidences in the weight value equal to that of the undelivered sugar. Applications must be made to SBO with which applicant is registered.	
	Temporary emergency adjustments. The Regional Administrator has authority to grant temporary emergency adjustments to industrial users whose applications must be decided by NO. This authority is to be invoked only when the industrial user would suffer irreparable injury as a result of the time required by NO in reaching a decision. Regional Administrator may make such an emergency adjustment for a period not exceeding one month. He must immediately forward the application file and notify NO of his action. This authority applies also to institutional users. SBO has authority to deny any industrial user application for which there is no written policy. If, however, there is a legitimate basis for favorable consideration, application must be referred to NO, via the RO, for decision.	RO.
	The following applications, together with the registration files, must be referred by SBO to NO, via the RO, for decision: a. Application by a new industrial user to register and obtain allotments, or by a registered industrial user to obtain additional allotments, for making a medicine (for human beings or animals) which is medically accepted or which medical experts believe should be produced. b. Application by a new industrial user to register and obtain allotments, or a registered industrial user to obtain additional allotments, for production of essential products, e. g. sugar for aircraft glue or insecticides. c. Application by a new industrial user to register and obtain allotments, or a registered industrial user to obtain additional allotments, to be used as a substitute for an unrationed ingredient in his product, where the unrationed ingredient, formerly used by him, is now unavailable or cannot now be used. d. Application by a registered industrial user to shift his use of sugar from one class of products or uses to another where circumstances beyond his control prevent him from continuing to make products or uses of the former class. e. Application for provisional allowances based on prerationing formula. SBO cannot compute provisional allowance for an applicant who did not make his product before rationing. In such cases the NO will set the quantity of sugar the applicant may use per unit of production, and will authorize the SBO to grant provisional allowances to the user for that particular quantity of sugar per unit.	NO. NO. NO. NO. NO.
	SBO has unrestricted authority to decide the following applications: a. Application by a new industrial user to register and obtain allotments of sugar, or a registered industrial user to obtain additional allotments, for home economics classes. b. Application by a new industrial user to register and establish bases, or a registered industrial user to obtain additional allotments to produce preparations he needs to prevent substantial damage to his crops from insects. c. Application by an industrial user for an adjustment of his base so that his base-period use for each quarter will be one-fourth of his annual base-period use. d. Application for adjustment of excess inventory charged to an industrial user resulting from overissuance of ration evidences to him, where he acted in reliance on the amount of the issuance without knowing that it was excessive and would suffer great hardship were no adjustment made. e. Application by a new industrial user to register if he wants sugar for the purposes for which provisional allowances are granted. After he is registered, applicant may apply for provisional allowances. If he will make a product for which a fixed amount of sugar per unit of production is set out in 3d Rev. RO 3, SBO will act. If applicant will make a product for which a provisional allowance is determined according to amount of sugar he used in producing it in the past, the newly registered user's first application for a provisional allowance must be referred to national office. Exception: In the case of canned or bottled fruits, authority is delegated to SBO to establish 1941 usage on a "per case" basis for new users.	SBO. SBO. SBO. SBO. SBO.

Regulation, section, and Federal Register citation	Title and authority delegated	Office delegated authority
	SBO is also authorized to use same procedure for handling applications for increases in base usage per case for new canners whose base usage was established on the basis of Table IV, Supp. No. 1, to 3d Rev. RO 3 during 1945.	
	f. Application by a new industrial user to register and obtain allotments of sugar, or a registered industrial user who operates a school to obtain additional allotments, to operate a bakery training school.	SBO.
3d Rev. RO 3 17-1 (b) 11 F. R. 2276	Application by industrial users for adjustments in base-period use or allotments	RO.
	An industrial user may apply for an adjustment in his base use or allotment if (a) fire, flood, strike or similar catastrophe or other circumstance affected his operation during period from Jan. 1, 1941, to Jan. 1, 1942, and caused his use of sugar during that year to be less than it would otherwise have been; (b) or he invested, before April 20, 1942, in productive equipment (or facilities) which had not been installed in his plant available for use until after Jan. 1, 1941.	
	Application must be filed at SBO where industrial user is registered. SBO shall send application file to RO for decision. SBO's are authorized to deny applications that fail to meet the conditions of eligibility.	
3d Rev. RO 3 17.2 (a) 11 F. R. 134	*Adjustments for lost, destroyed, stolen, or damaged sugar.* A registering unit or an industrial or institutional user may apply to the SBO for the place where applicant is registered.	SBO.
3d Rev. RO 4 17.3 (a) 11 F. R. 134	*Certain persons who used sugar-containing products may apply for a base or an adjustment in base.* A person who used a sugar-containing product in the production (or manufacture) of other products, other than those he used in the preparation of food which he serves to his customers, or in service of food to consumers, may apply for a sugar base, or an adjustment in his base period use, if (a) fire, flood, strike or similar catastrophe or other circumstance affected his operation during the period from Jan. 1, 1941, to Jan. 1, 1942, and caused his use of sugar-containing product during that year to be less than it would otherwise have been, or he invested, before April 20, 1942, in productive equipment for the use of sugar-containing products which had not been installed in his plant available for use until after Jan. 1, 1941.	RO.
	Application must be filed at:	
	1. SBO for place where industrial user establishment is registered if the petition is for an adjustment in base of a registered industrial user establishment.	
	2. SBO authorized to keep the files of industrial users for place where petitioner's establishment is located if he does not have a registered establishment and the petition covers only one establishment; or petitioner has one establishment already registered and he wishes to register the ineligible establishment separately. (If petitioner desires to register more than one establishment and desires to register them separately, a separate petition should be filed for each such establishment.)	
	3. SBO authorized to keep the files of industrial users for the place where petitioner's principal office is located if:	
	a. The petition covers more than one establishment and the petitioner desires to register such establishments together; or	
	b. If he has more than one establishment already registered and they are registered together; or	
	c. If he has one establishment already registered and wishes to register the ineligible establishment with it.	
	SBO may not act on the application filed but must send it to RO for decision; provided, however, that SBO's are authorized to deny applications that fail to meet the conditions of eligibility.	
3d Rev. RO 3 17.5 (a) 11 F. R. 2952	Certain industrial users may apply for an adjustment in base	SBO.
	Industrial users who produced jams, jellies, preserves, marmalades or fruit butters may apply, in writing, to SBO for place where registered, for a new or adjusted base for such use.	
	SBO's shall approve applications only where OPA Form R-310 is in SBO files and where all provisional allowance reports covering 1944 have been submitted. All other applications must be forwarded through RO to NO for decision.	
3d Rev. RO 3 18.1 (a) 11 F. R. 134	*Moving establishment to another place.* Industrial user who has several establishments registered together and wishes to move all or part of the business of one or more of them to a new place must apply for permission to do so to SBO with which he is registered.	SBO.
3d Rev. RO 3 18.3 (d) (e) (d) 11 F. R. 134	*When the entire industrial user establishment is transferred.* Transferee may not use any sugar transferred with the establishment unless he receives an allotment. Application for an allotment must be made to SBO for place where the establishment is registered.	SBO
	Same rule applies to sale of an entire chain and sale of part of a chain.	
3d Rev. RO 3 18.4 (d) (2) 11 F. R. 134	*When seller or transferor has more than one industrial user establishment, which he registered together, and sells or transfers one or more, but not all of them.* Transferor must apply to SBO with which he is registered for a redetermination of his allotment and base-period use.	SBO.
3d Rev. RO 3 18.3 (e) (1) (2) 11 F. R. 134	*Sale of part of the business of an establishment.* When part, but not all, of the business of an industrial user establishment is transferred, transferee must apply for an allotment and assignment of a base-period use to SBO with which transferee will register his establishment. Transferor must also apply to SBO with which he registered for a redetermination of his allotment and base-period use.	SBO.
3d Rev. RO 3 18.3 (b) (1) 11 F. R. 134	*When transferee is not assigned a base, transferor may apply for the reassignment of the base to him.* If SBO refuses to assign an allotment or base-period use to a transferee, the transferor may apply to SBO with which he is registered for reassignment to him his base-period use and allotments.	SBO
3d Rev. RO 3 18.4 (b) 11 F. R. 134	*New allowable inventory for a registering unit.* The owner of a wholesaler or retailer registering unit who acquires another such establishment may apply to SBO if he desires to obtain a new allowable inventory for the registering unit because of the addition of such establishment.	SBO.
3d Rev. RO 3 18.7 (a) 11 F. R. 134	*An industrial user may transfer all or part of his base.* An industrial user and his customer may apply for the transfer to the customer of all or part of the industrial user's base period use which is allocable to products manufactured by the industrial user during the base period and delivered to the customer, whether or not the industrial user transfers any part of his business to the customer. A joint application must be made to SBO for place where customer's principal place of business is or will be located.	SBO. SBO
3d Rev. RO 3 19.1 (a) 11 F. R. 134	*Provisional allowance for pickled and cured fish, shell-fish and poultry products.* An industrial user may apply at SBO with which he is registered for a provisional allowance of sugar for these purposes.	SBO.
3d Rev. RO 3 19.2 (a) 11 F. R. 134	*Provisional allowance for curing, processing, or packing meat.* An industrial user may apply at SBO with which he is registered for a provisional allowance of sugar to cure, process, or pack any meat products listed in Table I of Supp. No. 1 to 3rd Rev. RO 3.	SBO.
3d Rev. RO 4 19.3 (a) 11 F. R. 134	*Provisional allowance for producing frozen fruit.* An industrial user may apply at SBO with which he is registered for a provisional allowance of sugar to produce the kinds and container sizes of frozen fruit listed in Supp. No. 1 to 3rd Rev. RO 3.	SBO.
3d Rev. RO 3 19.4 (a) 11 F. R. 134	*Provisional allowances for canned, frozen, bottled or dehydrated cooked beans.* An industrial user may apply at SBO with which he is registered for a provisional allowance of sugar for canned, frozen, bottled or dehydrated cooked beans.	SBO
3d Rev. RO 4 19.5 (a) 11 F. R. 134	*Provisional allowance for canned and bottled fruit juices.* An industrial user may apply at SBO with which he is registered for a provisional allowance of sugar for canning and bottling fruit juices.	SBO
3d Rev. RO 3 19.6 (a) 11 F. R. 134	*Provisional allowance for making soup.* An industrial user may apply at SBO with which he is registered for a provisional allowance of sugar to manufacture canned or bottled soup.	SBO.
3d Rev. RO 3 19.7 (a) 11 F. R. 134	*Provisional allowance for making tomato catsup and chili sauce.* An industrial user may apply at SBO with which he is registered for a provisional allowance of sugar to make tomato catsup and chili sauce.	SBO
3d Rev. 19.8 (a) 11 F. R. 134	*Provisional allowance for manufacturing condensed milk in containers over one gallon.* An industrial user may apply for a provisional allowance of sugar to manufacture condensed milk to be packaged in containers holding more than one gallon. Industrial user must send the SBO application to NO.	NO.
3d Rev. RO 4 19.9 (a) 11 F. R. 134	*Provisional allowance for producing canned and bottled Vegetables.* An industrial user may apply at SBO with which he is registered for a provisional allowance of sugar to can or bottle the vegetables listed in Table III of Supp. No. 1 to 3rd Rev. R. O 3.	SBO.
3d Rev. RO 3 19.10 (a) 11 F. R. 134	*Provisional allowance for canned and bottled fruit.* An industrial user may apply at SBO with which he is registered for a provisional allowance of sugar for canning and bottling fruit.	SBO.
3d Rev. RO 4 19.12 (a) 11 F. R. 8209	*Provisional allowance may be denied if required reports are not submitted.* SBO or NO may, in its discretion, deny any application for a provisional allowance if the reports which are required to be filed have not been filed by applicant.	SBO or NO.
3d Rev. RO 3 20.1 (a) 11 F. R. 532	*Zones.* The Deputy Commissioner for Sugar of NO may issue orders establishing zones, and except as otherwise authorized by the Deputy Commissioner, no person shall deliver, ship, or transfer sugar from a zone to a point outside such zone, and no person shall accept such delivery, shipment, or transfer.	Deputy Commissioner for Sugar of NO.

Regulation, section, and Federal Register citation	Title and authority delegated	Office delegated authority
3d RO 3 21.2 (a) 11 F. R. 3153	*Application to replace counterfeit stamps or coupons received by a registering unit from another registering unit.* A registering unit or a primary distributor whose ration bank account has been debited because it has received from another registering unit, for sugar, counterfeit stamps or coupons and which is unable to collect in replacement valid evidence from such registering unit, although it has made reasonable and bona fide efforts to do so, may apply to SBO with which registered for ration evidences in amount of the debit.	SBO.
3d Rev. RO 3 22.3 (a) 11 F. R. 134	*Deliveries of sugar by industrial users.* An industrial user who has received a provisional allowance may apply to SBO where he is registered for permission to deliver sugar in the original unopened packages of a primary distributor if at the time he makes application he does not expect to use any sugar in the next four months and the amount to be delivered does not exceed the unused part of his provisional allowance for the preceding period.	SBO.
3d Rev. RO 3 22.16 (a) 11 F. R. 1784	*Administrative exceptions.* Any person seeking relief from a ration order for which no provision is made in the order may apply to Deputy Commissioner for Sugar of NO for relief. Application for relief must set forth circumstances thought to warrant such relief, reasons why applicant believes granting of relief in his case and all like cases would not defeat or impair effectiveness or policy of the ration order involved.	Deputy Commissioner for Sugar of NO.
3d Rev RO 3 22.17 (a) 11 F. R. 1784	*Emergency power of Regional Administrator.* A Regional Administrator who finds that an emergency exists in any area in his region due to occurrence or imminence of a public disaster (such as flood, fire or tornado) may, with the approval of the Deputy Commissioner for Sugar, declare a public emergency exists in such area. The Regional Administrator is then authorized to take such action with respect to sugar rationing as he deems necessary or advisable to meet or alleviate such emergency. The authority of the Regional Administrator shall continue until he (or the Deputy Commissioner for Sugar) decides that the state of public emergency has ceased.	Regional Administrator.
11 F. R. 1784		
GRO 5.3 (b) 11 F. R. 116	*Allotments for institutional users (other than group I).* Application for allotments for Institutional Users (other than group I) are to be made to SBO during first 15 days of each allotment period.	SBO.
GRO 5 5.4 (a) 11 F. R. 116	*Future allotments.* Institutional users handicapped by transportation difficulties or unusually long distances from markets may apply to SBO for future allotments when they apply for current allotments.	SBO.
GRO 5 7.8 (c) 11 F. R. 116	*Allotments for group IV users who feed employees on floating craft.* Application for allotments to feed such employees shall be made by this establishment to the SBO.	SBO.
GRO 5 7.9 11 F. R. 1296	*Allotments for group IV users who formerly received special allotments.* Group IV users who formerly received special allotments for feeding heavy workers and isolated workers shall apply to SBO for regular allotments.	SBO.
GRO 5 7.10 11 F. R. 8217	*Isolated group IV users feeding loggers.* Isolated group IV users who feed loggers in logging camps may apply to SBO for special allotment of sugar.	SBO.
GRO 5 10.1 11 F. R. 116	*Seasonal users.* Seasonal users are Institutional users and may apply to SBO for allotment	SBO.
GRO 5 10.2 (b) 11 F. R. 116	*Seasonal users liquidation of inventory.* A seasonal user (other than group I Institutional user) who liquidates his inventory at end of season shall turn in to SBO ration currency received by him and notify SBO of name and address of transferee of business.	SBO.
GRO 5 10.3 11 F. R. 116	*Group I seasonal user.* A group I seasonal user who must obtain sugar before persons who eat at his establishment arrive may apply to SBO for ration coupons.	SBO.
GRO 5 11.1 11 F. R. 116	*Supplemental allotments for increase in meal services.* Institutional user who because of increased meal service needs more sugar may apply to SBO for supplemental allotment.	SBO.
GRO 5 11.6 11 F. R. 116	*Supplemental allotments for hospitals.* An institutional user who operates a hospital or other establishment engaged in care of sick may apply to SBO for supplemental allotments needed to care for or treat patients.	SBO.
GRO 5 12.1 11 F. R. 116	*Emergency allotments.* Emergency allotments may be obtained to meet public emergencies by any institutional user or other persons who feed or are to feed persons who require assistance by applying to the SBO.	SBO.
GRO 5 12.2 11 F. R. 116	*Petitions for adjustment or other relief.* (a) The SBO is authorized to act on the following petitions:	
	(1) State Guardsmen. Organizations of state Guardsmen on active duty or about to be called to active duty may apply for allotments in addition to regular allotments.	SBO.
	(2) New Recreation and Welfare Establishments for servicemen. New Establishments for Recreation and welfare of servicemen may apply to SBO for meal service base.	SBO.
	(3) Refreshment allotments to serve servicemen. Group III users desiring refreshment allotments for the recreation and welfare of Servicemen may apply to SBO for refreshment base.	SBO.
	(4) Refreshment adjustments. Institutional user who invested in equipment prior to Mar. 1, 1944, may apply for adjustment in base.	SBO.
	(5) Erroneous or unauthorized action. Institutional user who receives excessive allotment due to his error or error of SBO may apply to SBO for correction.	SBO.
	(6) Failure to apply for allotments within Specified period. Institutional user may file late application for allotment if good cause for delay is shown.	SBO.
	(7) Changes in Registration. Institutional user may file application to SBO for change in Registration	SBO.
	(8) Change of Unrepresentative base month. Where users base month was unrepresentative due to disruption of business he may apply to SBO for change in base month.	SBO.
	(9) Allotment increases in New Registration of Group III Establishments serving food free of charge. Institutional users who serve food in connection with Religious observances, welfare and recreation of servicemen, feeding persons in distress and Red Cross blood donors may apply to SBO for a base allotment or an increase in allotment.	SBO.
	(10) Reserve allotment for Fire Fighters. Institutional user feeding fire fighters may be granted Reserve allotment.	SBO.
	(11) Refreshment base for person who has not registered or reregistered. Person who operated establishment serving refreshments in 1941 and did not register such establishment may apply to SBO for Refreshment base.	SBO.
	(b) Petitions for loans. Petitions for loans (bail out) may be made to the SBO. The SBO will forward them to the Regional Office for decision.	RO.
	(c) Other Relief. All other petitions for relief shall be forwarded to the National office	NO.
GRO 5 12.3 11 F. R. 116	*Petitions for refreshment bases or adjustment for Group IV, War V, and VI users.* A group IV, V, VI, user may apply to SBO for Refreshment base or adjustment in base if such relief is necessary to meet nutritional requirements of workers.	SBO.
GRO 5 13.1 11 F. R. 116	*New Group I establishments.* A person desiring to operate a new Group I establishment must first register it with SBO.	SBO.
GRO 5 13.2 11 F. R. 116	*New Group II establishments register separately.* New user opening new Group II establishment must register it with SBO. User who opens additional establishments and whose other Group II establishments are registered separately must register it separately with SBO.	SBO.
GRO 5 13.3 11 F. R. 116	*New Group III, IV, V, and VI establishments which are registered separately.* Persons opening new Group III, IV, V and VI establishments must apply to SBO giving all information requested on forms.	SBO.
GRO 5 13.4 11 F. R. 116	*Combined registration of new institutional user.* Person opening new institutional user establishment other than Group I who wishes to register it with other establishments must notify SBO.	SBO.
GRO 5 13.6 11 F. R. 116	*Occasional users.* Occasional users of sugar must apply to SBO for allotment	SBO.
GRO 5 15.4 11 F. R. 116	*Transfer of sugar.* Institutional user (other than Group I user) wishing to sell or transfer any of his excess inventory of sugar must apply to SBO for permission to do so.	SBO.
GRO 5 15.5 11 F. R. 116	*Sugar acquired without surrendering evidence.* Any institutional user who acquires sugar for which he does not give ration currency and for which he is not required to account by any provision of a ration order, must report to SBO such acquisition and amount acquired.	SBO.
GRO 5 16.4 11 F. R. 116	*Closing of bank accounts for overdrafts.* An institutional user who has overdrawn his bank account will be notified by SBO to repay such overdraft within a specified period of time. If the institutional user does not repay the overdraft within the time specified by the SBO, such office may instruct the bank to close such user's account.	SBO.

Regulation, section, and Federal Register citation	Title and authority delegated	Office delegated authority
GRO 5 18.2 (d) 11 F. R. 116	*Records.* (1) Every institutional user required to keep records and who uses one of the methods of record keeping specified by Section 18.2 (c) of GRO 5, must notify SBO of method used.	SBO.
GRO 5 18.2 (e) 11 F. R. 116	(2) Institutional user desiring to use own method of record keeping must apply to SBO for permission. SBO shall forward application to National Office and National Office will rule on application.	SBO.
GRO 5 24.3 11 F. R. 116	*Institutional users who cease serving military and naval personnel.* Institutional users who cease serving military and naval personnel must notify SBO.	SBO.
GRO 5 25.1 11 F. R. 116	*Temporary employees.* Person who feeds employees less than 60 days may apply to SBO for sugar	SBO.
GRO 5 25.2 11 F. R. 116	*Imported labor.* Person who is to feed employees brought into U. S. may apply to SBO for sugar	SBO.
GRO 5 26.2 11 F. R. 2511	*Home canning and preserving for other than Group I institutional users.* (1) Institutional user (other than group I User) may apply to SBO for allotment of sugar for canning fruits and fruit juices or for preserving if canning is to be done in the kitchen or a place like a kitchen. (2) Government or Government agency may apply for sugar to be used for canning and preserving in its Group II or observatory or educational Group III, V, or VI establishments.	SBO.
GRO 5 27.1 11 F. R. 116	*Sale or transfer of Group I establishment.* Transferor and transferee must jointly notify SBO where establishment is registered of proposed sale or transfer of establishment.	SBO.
GRO 5 27.2 11 F. R. 116	*Sale or transfer of other institutional user establishments.* Transferor and transferee must jointly notify SBO at which establishment is registered of such proposed sale.	SBO.
GRO 5 27.3 11 F. R. 116	*Sale or transfer of chain establishments.* Transferor and Transferee must jointly notify SBO where establishments are registered of such proposed sale.	SBO.
GRO 5 28.1 and 28.2 and 28.3 11 F. R. 116	*Closing of institutional user establishments.* Institutional User who goes out of business must notify SBO	SBO.
29.1 11 F. R. 116	*Adjustment for Group VI user feeding school children.* A Group VI user who operates an establishment at a school may apply to SBO for adjustment in base if he needs more sugar because of change in the character of his operations.	SBO.
Rev. GRO 18 1.2 11 F. R. 7580	*New business.* Veteran who wishes to open an industrial user establishment or to get a base for refreshment services or a combination of both must apply to SBO for the place where his establishment will be located.	SBO.
Rev. GRO 18 1.4c (1) & (2) 11 F. R. 7580	*Exceptions to 1.4 (c) and (f), Rev. GRO 18.* Veteran may obtain incidental refreshment base for a restaurant, drug store, sweet pickle base for pickle making business, sugar base for making chocolate milk at his dairy. Application must be filed with SBO for the place where his establishment is located.	SBO for incidental refreshment base for restaurant or drug store. Has no pickle base, sugar base for making chocolate milk at his dairy, or other type of business. No rules on application.
Rev. GRO 18 1.6 (1) 11 F. R. 7580	*Products or uses veteran wishes to make not included in Sch. I, Supp. I to Rev. Gen. RO 18 and industrial user's ice cream base.* Application must be filed with SBO for place where establishment will be located and SBO must send it to National Office for decision or take such other action as National Office authorizes or directs.	NO.
Rev. GRO 18 1.5 (2) 11 F. R. 7580	*Refreshment services veteran wishes to make not included in Sch. II, Supp. 1 to Rev. GRO 18.* Application must be filed with SBO for place where establishment will be located and SBO must send it to National Office for decision or take such other action as National Office authorizes or directs.	NO.
Rev. GRO 18 1.6 (c) 11 F. R. 7580	*Reinstatement of base.* Where base is revoked under 1.6 (a) (1) or (2), veteran may apply to SBO where he is registered for reinstatement of his base.	SBO.
Rev. GRO 18 2.1 (a) 11 F. R. 7580	*Adjusted industrial and institutional user bases.* Veteran who has a sugar base for industrial user or refreshment services not obtained under Rev. GRO 18 may apply for adjustment if base is less than would be granted under Rev. GRO 18. Application must be filed with SBO for place where he is registered.	SBO.
Rev. GRO 18 2.2 (a) 11 F. R. 7580	*Adjustment as result of increased maximum bases.* Where a maximum base in Rev. GRO 18 has been increased, veteran who had received previous maximum base may apply to SBO where he is registered for adjustment.	SBO.
Rev. GRO 18 3.1 (a), 3.4 11 F. R. 7580	*Veterans who were industrial and institutional users may apply for former bases.* Where veteran was sole owner of establishment, or if a Corp., he owned more than 50% of voting stock, application must be filed with SBO for place where his establishment will be located. (Note 3.1 (b) below).	SBO.
Rev. GRO 18 3.1 (b), 3.4 11 F. R. 7580	*Veterans who were industrial and institutional users may apply for former base.* Where veterans' interest in former establishment was substantial but he was not sole owner nor owned more than 50% of voting stock of Corp., application must be filed with SBO for place where establishment will be located and SBO must send it to NO for decision.	NO.
Rev. GRO 18 3.2 11 F. R. 7580	*Veteran may apply for more than one establishment.* Application must be filed with SBO for place where establishment will be located.	SBO.
Rev. GRO 18 3.5 (a) 11 F. R. 7580	*Merger of bases.* Veteran may apply to SBO for place where establishment will be located to merge bases obtained under Rev. GRO 18 with base or bases obtained by another veteran who had substantial interest in establishment applicant designated in his application and for which he obtained a base or bases.	SBO.
Rev. GRO 18 4.2 (a) 11 F. R. 7580	*Moving of establishment.* To move an establishment which has been granted a base or an adjustment in base, veteran must apply to SBO which granted the base.	SBO.

§ 1305.763 *Rent delegations.* At the discretion of the rent director and with the approval of the regional rent executive, area rent representatives, assigned to branch offices and rent stations, may be vested with authority to issue formal orders for and on behalf of the rent director. Authority is given in writing signed by the rent director. Area rent representatives located in the following branch offices or rent stations have been given this authority:

Region 1: Boston. None.

Region 2: New York. Salisbury, Md.; Asbury Park, N. J.; Geneva, N. Y.; Ithaca, N. Y.

Region 3: Cleveland. None.

Region 4: Atlanta. Selma, Ala.; St. Augustine, Fla.; Lake City, Fla.; Sanford, Fla.; Melbourne, Fla.; Crestview, Fla.; St. Petersburg, Fla.; Albany, Ga.; Vicksburg, Miss.; Elizabeth City, N. C.; High Point, N. C.; Hickory, N. C.; Beaufort, S. C.; Georgetown, S. C.; Columbia, Tenn.; Dyersburg, Tenn.; Radford, Va.; Strasburg, Va.; Covington, Va.; Front Royal, Va.

Region 5: Dallas. Rolla, Mo.; Jefferson City, Mo.; Stillwater, Okla.; Enid, Okla.; Lafayette, La.

Region 6: Chicago. Galesburg, Ill.; Bloomington, Ill.; Mattoon, Ill.; Decatur, Ill.; Racine, Wis.; Appleton, Wis.; Manitowoc, Wis.; Grand Forks, N. Dak.; Brainerd, Minn.; St. Cloud, Minn.; St. Paul, Minn.; Mankato, Minn.; Winona, Minn.; Aberdeen, S. Dak. Watertown, S. Dak.; Ottumwa, Iowa.

Region 7: Denver. None.

Region 8: San Francisco. Long Beach, Calif.; Santa Ana, Calif.; Pasadena, Calif.; El Centro, Calif.; Susanville, Calif.; Hollister, Calif.; Corvallis, Oreg.; Klamath Falls, Oreg. Roseburg, Oreg.; Astoria, Oreg.; Tillamook, Oreg.; Medford, Oreg.; Pendleton, Oreg. Bremerton, Wash.; Olympia, Wash.; Shelton, Wash.; Everett, Wash.

§ 1305.764 *Delegations to territorial offices.* Delegations are made by order of the Administrator of Region IX or are made under territorial regulations and orders.

Regulation or order	Nature of authority delegated	To whom delegated	Regulation or order	Nature of authority delegated	To whom delegated
General Order 75, 11 F. R. 13834.	Authorized Area Rent Director for Puerto Rico to perform all functions, powers and discretions delegated by General Order 60 and enforcement functions and powers set out in Second Revised General Order 3, Revised General Order 24, General Order 25, Revised General Order 53 and General Order 59.	Puerto Rico Area Rent Director.	General Order 75, 11 F. R. 13834.	Authorized Area Rent Director for Alaska to perform all functions, powers and discretions delegated by General Order 60 and enforcement functions and powers set out in Second Revised General Order 24, General Order 25, Revised General Order 53 and General Order 59.	Alaska Area Rent Director.

SUBPART F—PUBLIC RECORDS

§ 1305.780 *Public records.* Applications, registrations, petitions, filings and other reports are submitted by the public as required by regulations and orders or by virtue of statutory authority granted the Administrator to collect information for purposes of carrying out the agency's responsibilities.

(a) Records in this category covering price, accounting and rationing data have been included in an Inventory of Economic Data, compiled by the agency and available for inspection at the Office of Public Records, Temporary Building J, Washington 25, D. C. Applications for specific bodies of data included in the Inventory, or for summaries and tabulations of data, should be submitted to the Office of the Secretary, Office of Price Administration, Office of Temporary Controls, Temporary Building I, Washington 25, D. C.

(b) Application for inspection of rent records should be made to the Rent Director of the area office where the desired records are filed.

(c) Disclosure of information contained in these records is subject to the provisions of section 202 (h) of the Emergency Price Control Act of 1942, as amended, and Paragraph 4, Title III of the Second War Powers Act. Control and custody of these records and disclosure of information contained therein are covered by the provisions of General Order 55 (9 F. R. 3820).

§ 1305.781 *Documents issued by the Temporary Controls Administrator.* Maximum price regulations, procedural regulations, supplementary regulations, orders, supplementary orders, rent regulations and rent declarations and designations are issued by the Temporary Controls Administrator under Title 32—National Defense, Chapter XI, Office of Temporary Controls, Office of Price Administration and are not confidential. Copies of published documents may be obtained from the nearest OPA field office or from the Distribution Section, Office of Price Administration, Office of Temporary Controls, Temporary Building J, Washington 25, D. C. Other orders issued pursuant to price, rationing and rent regulations and suspension orders issued pursuant to Revised Procedural Regulation 4 (32 C. F. R. Cum. Supp., 1300.151–1300.181), are available for inspection in the Office of the Secretary, or, in the case of field orders, the regional, branch or area rent office having authority for issuance.

§ 1305.782 *Formal proceedings.* Transcripts of testimony in Boards of Review proceedings, conducted pursuant to Revised Procedural Regulations 1 and 3 (32 C. F. R., Cum. Supp., 1300.1–1300.61 and 1300.201–1300.269) are on file in the Office of the Secretary and are available for public inspection. Transcripts of testimony of hearings conducted pursuant to Revised Procedural Regulation 4 (32 C. F. R., Cum. Supp., 1300.151–1300.181) (Procedure for Issuance of Rationing Suspension Orders and Determinations of Violations) are made in appeal cases and, while available to the parties in the action, are not available for public inspection.

PHILIP B. FLEMING,
Temporary Controls Administrator.

MARCH 31, 1947.

[F. R. Doc. 47–4953; Filed, June 5, 1947; 8:47 a. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

[Directive 151]

PART 4001—STABILIZATION OF WAGES AND PRICES

TRANSFER OF AUTHORITY FROM SECRETARY OF AGRICULTURE TO SECRETARY OF TREASURY

§ 4001.22 *Transfer of authority from Secretary of Agriculture to Secretary of Treasury.* All the functions, duties and powers of the Secretary of Agriculture relating to enforcement of agricultural wage and salary regulations and orders issued pursuant to the Stabilization Act of 1942, as amended, are hereby transferred to the Secretary of the Treasury. (56 Stat. 765, 58 Stat. 632, 784, 59 Stat. 306, Pub. Law 548, 79th Cong.; 15 U. S. C. Sup. 713a–8, 713a–8 note, 50 U. S. C. App. Sup. 901–903, 921–925, 961–971; E. O. 9250, Oct. 3, 1942, E. O. 9328, Apr. 8, 1943, 3 CFR Cum. Supp., E. O. 9599, Aug. 18, 1945, E. O. 9651, Oct. 30, 1945, 3 CFR 1945 Supp., E. O. 9697, Feb. 14, 1946, 11 F. R. 1691, E. O. 9699, Feb. 21, 1946, 11 F. R. 1929, E. O. 9762, July 25, 1946, 11 F. R. 8073, E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

[SEAL] PHILIP B. FLEMING,
Temporary Controls Administrator.

MAY 29, 1947.

[F. R. Doc. 47–5365; Filed, June 5, 1947; 8:55 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 14,[1] Amdt. 1 to Order 7]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF PERSONAL PROPERTY TO EDUCATIONAL AND PUBLIC-HEALTH INSTITUTIONS AND INSTRUMENTALITIES

War Assets Administration Regulation 14, Order 7, May 13, 1947, entitled "Disposal of Personal Property to Educational and Public-Health Institutions and Instrumentalities" (12 F. R. 3424) is hereby amended by adding to Exhibit A of § 8314.57 the following additional classifications:

Commodity code classification	
31 9731	Air powered hand grease guns (high pressure).
33 9950	Automobile service station equipment.
41 4000	Electronic devices, except contro' and communication.
41 6000	Telephone equipment.
41 7000	Telegraph equipment.
41 9000	Miscellaneous communication equipment.
58 4300	Sterilizers.
75 3000	Hand tools, non-powered, except mechanics' measuring tools.
75 8000	Mechanics' measuring tools.
76 9999	Dummy rifles (wooden).
79 8990	Plastic bayonets (including stacks, grips and scabbards).
96 33995	Carburetor tool kits.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265))

This amendment shall become effective June 5, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MAY 28, 1947.

[F. R. Doc. 47–5444; Filed, June 5, 1947; 10:39 a. m.]

PROPOSED RULE MAKING

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 36]

[Docket No. FDC–49]

STANDARDS OF FILL OF CONTAINER FOR CANNED SHRIMP

NOTICE OF HEARING

In the matter of proposals to amend the standards of fill of container for canned wet pack shrimp and canned dry pack shrimp in nontransparent containers:

Notice is hereby given that the Administrator of the Federal Security Agency, upon application of a substantial portion of the interested industry, and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), will hold a public hearing commencing at 10 o'clock, eastern daylight saving time, in the morning of July 8, 1947, in Room 5544, Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., upon the applicants' proposal to amend § 36.3 (a) (21 CFR, Cum. Supp., 36.3) to reduce the requirement for cut-out weight.

An examiner will be designated as presiding officer to conduct the hearing, in

[1] 11 F. R. 11505, 12 F. R. 257.

the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceedings to the Administrator for initial decision.

The hearing will be conducted in accordance with the rules of practice provided therefor.

At the hearing evidence will be restricted to testimony and exhibits that are relevant and material to the matter contained in the proposals.

The proposals are subject to adoption, rejection, amendment, or modification by the Administrator, in whole or in part, as the evidence adduced at the hearing may require.

Dated: June 2, 1947.

[SEAL] WATSON B. MILLER, *Administrator.*

[F. R. Doc. 47-5362; Filed, June 5, 1947; 8:54 a. m.]

[21 CFR, Part 36]

[Docket No. FDC 50]

STANDARD OF FILL OF CONTAINER AND DEFINITION AND STANDARD OF IDENTITY FOR CANNED OYSTERS

NOTICE OF HEARING

In the matter of proposals to amend the standard of fill of container and to promulgate regulations fixing and establishing a definition and standard of identity for canned oysters.

Notice is hereby given that the Administrator of the Federal Security Agency, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), upon application of a substantial portion of the interested industry, and upon his own initiative, will hold a public hearing commencing at 10:00 a. m. eastern daylight saving time, July 10, 1947, in room 5544, Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., and at such other places outside the city of Washington, D. C., to which the same may be adjourned on authorization of the Administrator, upon applicants' proposal that the standard of fill of container for canned oysters (21 CFR, 1944 Supp., 36.6) be amended to reduce the drained weight now required, and upon proposals by the Administrator that a regulation be promulgated fixing and establishing a definition and standard of identity for canned oysters, and to amend the standard of fill of container for canned oysters so that it is applicable to all canned oysters as defined in the definition and standard of identity for canned oysters.

For the purpose of giving general notice of the subject and issues involved, and for giving direction to the hearing, a proposed definition and standard of identity for canned oysters is:

§ 36.5 *Canned oysters; identity; label statement of optional ingredients.* (a) Canned oysters is the food prepared from one or any mixture of two or more of the optional oyster ingredients specified in paragraph (b) of this section and a packing medium. The packing medium is water, or the liquid draining from oysters before or during processing, or any mixture of water and such liquid. The food may be seasoned with salt and is sealed in containers and so processed by heat as to prevent spoilage.

(b) The optional oyster ingredients referred to in paragraph (a) of this section are: Whole oysters, diced oysters, sliced oysters, pieces of oysters, prepared from live oysters of the species Ostrea gigas, Ostrea lurida, or Ostrea virginica. Each form of unit of each species is an optional oyster ingredient. The oysters are removed from their shells and washed, and may be blanched. Shell oysters may be steamed to facilitate removal from the shell.

(c) The names of the optional oyster ingredients are:

(1) Where the oysters are whole, the name is "Oysters" or "Cove Oysters", when such oysters are the species Ostrea virginica; "Pacific Oysters" when of the species Ostrea gigas; and "Olympia Oysters" when of the species Ostrea lurida.

(2) When the oysters are not whole oysters, the name of the optional oyster ingredient is the name by which the oysters of the species are designated in subparagraph (1) of this paragraph, preceded by the word "Diced" if the units are diced oysters, or by the word "Sliced" if the units are sliced oysters, or by the words "Pieces of" if the units are pieces of oysters.

(d) The name prescribed is the name or names of the optional oyster ingredients used as given in paragraph (c) of this section.

For the purpose of giving notice on the subject and issues involved and for giving direction to the hearing, a proposed amended standard of fill of container for canned oysters is:

§ 36.6 *Canned oysters; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned oysters is a fill such that the drained weight of the oysters taken from each container is not less than __ percent of the water capacity of the container. (The actual percent of fill to be fixed on the basis of evidence taken at the hearing.)

(b) Water capacity of containers is determined by the general method provided in § 10.1 (a) of this chapter (21 CFR, Cum. Supp., 10.1).

(c) Drained weight is determined by the following method: Keep the unopened canned oyster container at a temperature of not less than 68° or more than 95° Fahrenheit for at least 12 hours immediately preceding the determination. After opening, tilt the container so as to distribute its contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)", in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained oysters. The weight so found, less the weight of the sieve shall be considered to be the drained weight of the oysters.

(d) If canned oysters fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter (21 CFR, Cum. Supp., 10.2), in the manner and form therein specified, followed by the statement, "A can of this size should contain ____ oz. of oysters. This can contains only ____ oz.," the blanks being filled in with the applicable figures.

An examiner will be designated as presiding officer to conduct the hearing in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceedings to the Administrator for initial decision.

The hearing will be conducted in accordance with the rules of practice provided therefor.

At the hearing evidence will be restricted to testimony and exhibits that are relevant and material to the matter contained in the proposals.

The proposals are subject to adoption, rejection, amendment, or modification by the Administrator, in whole or in part, as the evidence adduced at the hearing may require.

Dated: June 2, 1947.

[SEAL] WATSON B. MILLER, *Administrator.*

[F. R. Doc. 47-5363; Filed, June 5, 1947; 8:54 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9124]

DAVIS BROWN AND FIFTH AVENUE BANK OF NEW YORK

In re: Trusts under agreement, dated January 29, 1931, between Davis Brown and The Fifth Avenue Bank of New York. File 017-22430.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nikolaus Braun, Klara Szentivani, also known as Mrs. Eugen Czeisel, Lilly Szentivanyi, also known as Mrs. Bernat Singer, Zseni Sarman, also known as Mrs. Arnold Scharman, also known as Eugenia Braun, Katalin Scharman, also known as Mrs. George Palffy Oesterreicher and Joseph Scharman, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated January 29, 1931, by and between Davis Brown and The Fifth Avenue Bank of New York, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by The Fifth Avenue Bank of New York, as Trustee, acting under the judicial supervision of the Supreme Court of the State of New York, County of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5386; Filed, June 5, 1947; 8:57 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 311]

MARKET AGENCIES AT KANSAS CITY STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATES AND CHARGES

By an instrument filed on May 14, 1947, the respondents requested certain increases in the temporary rates and charges being assessed by them at the Kansas City Stock Yards.

By orders entered in this docket on June 14, 1933, and October 14, 1937, the Secretary prescribed reasonable rates and charges to be observed by respondents for their services as market agencies at the Kansas City Stock Yards. On December 13, 1941, an order was entered suspending, for a period of one year, the rates and charges provided in the aforesaid orders and prescribing new rates and charges during the period of suspension. Orders entered yearly thereafter continued in effect the temporary rates and charges provided in the aforesaid order of December 13, 1941. Unless such rates and charges are further extended they will expire on June 30, 1947. The present petition seeks to modify the rates and charges now in effect with respect to certain species of livestock so as to permit respondents to publish and file with the Secretary a tariff making effective the following increases in their rates and charges:

SECTION A

DEFINITIONS

Calves, are animals of the bovine species, weighed in drafts, the average weight of the animals in which is under 400 pounds.

Cattle, are animals of the bovine species, weighed in drafts, the average weight of the animals in which is 400 pounds or over.

Bulls, are uncastrated animals of the bovine species, weighed in drafts, the average weight of the animals in which is more than 700 pounds.

SECTION B

SELLING CHARGES

The rate for selling calves, cattle, hogs, and sheep, with the exception of resales shall be as follows:

	Per head
Calves:	
Consignments of more than one head:	
First 15 head in each consignment	$0.40
Each head over 15 head in each consignment	.30
Cattle:	
Consignments of more than one head:	
First 15 head in each consignment	$0.85
Each head over 15 head in each consignment	.70
Bulls	1.25
Hogs:	
Consignments of one head and one head only	.40
Consignments of more than one head:	
First 25 head in each consignment	.28
Sheep or goats:	
Consignments of one head and one head only	.40
Consignments of more than one head:	
First 20 head in each 250	.25
Next 30 head in each 250	.20
Next 50 head in each 250	.10
Next 150 head in each 250	.03
Those arriving in straight cars of single ownership irrespective of the number of head in each such car:	
Single Deck car: $16 per car.	
Double deck car: $20 per car.	
Livestock entered in the American Royal livestock show or livestock sold at designated sales:	
In addition to the regular charges the following charges will be made on all entries of livestock:	
For each carlot:	*Per car*
Fat cattle	$15.00
Stockers and feeders	15.00
Hogs	10.00
Sheep	10.00
	Per head
For each single head	$0.50
	Per group
For each group under carlot	$0.50

(A carlot is a lot of not less than 15 fat cattle, or 20 feeder cattle or 25 hogs or 50 sheep.)

SECTION C

BUYING CHARGES

Application of Buying Charges

The rates for buying livestock shall be the same as the rates for selling (like species) except as follows:

1. When livestock bought by the purchaser himself from other firms is paid for by a livestock commission firm, the regular buying commission shall be charged to the buyer.

2. When livestock bought by the purchaser himself from other firms is picked up and/or billed out or any other assistance, except payment, is rendered in the purchase of the livestock, by a live stock commission firm, one half the regular buying commission shall be charged to the buyer.

3. When livestock consigned to a commission firm for sale is sold to a buyer who requests that the services necessary prior to shipping out or trucking out be performed by the commission firm, one-fourth the regular buying commission shall be charged to the buyer.

The rates and charges now set forth in respondents' tariff on file with the Secretary are as follows:

DEFINITIONS

A consignment, for the purpose of assessing selling charges, is all the livestock of one species (cattle and calves to be considered as of different species) belonging to

one person consigned to one market agency to be offered for sale during the trading hours of one day.

A consignment, for the purpose of assessing buying charges, is all the livestock of one species (cattle and calves to be considered as of different species) bought at any time but shipped or delivered to one person on one market day.

A weight draft, is all the animals of one species of one consignment sold in one lot to one purchaser or bought in one lot for one purchaser.

A person, is an individual, a partnership, a corporation, and/or association of any such acting in a unit.

Calves, are animals of the bovine species, weighed in drafts, the average of the animals in which is 400 pounds or under.

Cattle, are animals of the bovine species, weighed in drafts, the average of the animals in which is over 400 pounds.

Swine, are all swine, irrespective of weight.

Sheep, are animals of the ovine species, irrespective of weight including lambs and goats.

SELLING CHARGES

The rate for selling calves, cattle, hogs, and sheep, with the exception of resales, shall be as follows:

	Per head
Calves:	
1 head only	$0.50
Consignments of more than one head:	
2 to 15 head	.35
Over 15 head	.25
Cattle:	
1 head only	.95
Consignments of more than one head:	
2 to 15 head	.80
Over 15 head	.65
Hogs:	
1 head only	.35
Consignments of more than one head:	
2 to 25 head	.25
Over 25 head	.20
Sheep or goats:	
1 head only	.35
Consignments of more than one head:	
For the first 10 head in each 250	.25
For the next 50 head in each 250	.15
For the next 50 head in each 250	.10
For the next 140 head in each 250	.03

NOTE: Consignments of straight rail car loads of sheep, belonging to a single owner shall be charged, not to exceed $14 per single deck car, or $18 per double-deck car. (Single or double deck determined by rail billing.)

Resales:

Livestock purchased on this market by registered traders, or market agencies and not having been removed from the market, will be re-sold for the account of such purchasers as follows:

Consignments of a single head:

	Per head
Calves	$0.35
Cattle	.50
Hogs, Sheep or Goats	.35
Consignments of more than one head:	
Calves	.20
Cattle	.40
Hogs, Sheep or Goats	.10

NOTE: Hogs may be fed on the Kansas City Stockyards Company's property in Kansas or Missouri.

NOTE: The charges for selling livestock coming within the definition of this Item, shall in no instances exceed the charges for selling a like species as provided under Item B-1, B-2, B-3, B-4.

Extra service charges:

The following extra service charges are applicable to each consignment:

Each additional weight draft over (3) on account sales classification: $0.15.

Each additional check, each additional copy of account sales, each proceeds deposit or bank credit over one (1): $0.05.

The effect of such proposed modification, if granted, would be to increase the revenues of respondents, and, accordingly, it appears that public notice should be given to all interested persons of the request of respondents so as to afford all interested persons, including patrons of respondents, an opportunity to be heard on the matter.

Therefore, notice is hereby given to the public and to all interested persons of the filing of such petition.

All persons who desire to be heard upon the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served on the respondents by registered mail or in person.

Done at Washington, D. C., this 29th day of May 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-5381; Filed, June 5, 1947; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Office of Materials Distribution

[C-1]

GOODYEAR TIRE & RUBBER CO.

CONSENT ORDER

1. The Goodyear Tire & Rubber Company, hereinafter referred to as the "Company," is a corporation organized under the laws of the State of Ohio, with its principal place of business at Akron, Ohio. The Company is engaged in the manufacture of tires, tubes and other rubber products, including products in the manufacture of which foamed latex is used.

2. The Civilian Production Administration pursuant to its Rubber Order R-1, authorized the Company to consume specified quantities of natural rubber latex in specified products during the period embraced in the 3rd and 4th calendar quarters of 1946 and the first calendar quarter of 1947, to wit, from July 1, 1946 through March 31, 1947, inclusive.

3. During the period July 1, 1946 through March 31, 1947, the Company violated Rubber Order R-1 in that (a) the Company diverted a net total of more than 500,000 pounds of natural rubber latex from the manufacture of the products for which its consumption had been authorized, and consumed the same in the manufacture of foamed latex products for which its consumption had not been authorized; (b) the Company in its applications for authority to consume natural rubber latex specified that certain amounts of latex were required for consumption in pneumatic tire cord dip but actually used none of the latex in tire cord dip; (c) during certain periods in 1945 and 1946 the Company failed to consume certain quantities of natural rubber latex authorized for consumption in specified months and quarters and thereafter carried over and consumed the same in months and quarters during which its consumption had not been authorized.

4. The Company, by its duly authorized officer, has heretofore stated to the Department of Commerce (a) that it admits the violation of Rubber Order R-1 as recited in paragraph (3) above; (b) that it does not desire to contest the fact of the said violation, and (c) that it consents to and agrees to the issuance of this Consent Order No. C-1.

5. Wherefore, pursuant to said agreement by the Company, *It is hereby ordered*, That:

(a) The supplemental authorization by the Civilian Production Administration to the Company dated April 29, 1947, on Form CPA 4562, authorizing the consumption by the Company during the 2d calendar quarter of 1947, to wit from April 1, 1947 through June 30, 1947, of a specified poundage of natural rubber latex for use in the products and in the amounts specified in said authorization, said poundage being 150,000 pounds below the amount which would otherwise have been authorized to the Company for said calendar quarter pursuant to Rubber Order R-1, is hereby confirmed.

(b) In making authorizations to the Company for the consumption of natural rubber latex during the 3d calendar quarter of 1947, to wit, from July 1, 1947 through September 30, 1947, which said authorization will be made by the Department of Commerce, the amount of natural rubber latex to be so authorized for consumption in said calendar quarter shall be 210,000 pounds below the amount which would otherwise be authorized to the Company for said calendar quarter pursuant to Rubber Order R-1; and the amount of natural rubber latex to be so authorized for the 4th calendar quarter shall be 140,000 pounds below the amount which would otherwise be authorized for said calendar quarter pursuant to Rubber Order R-1, said reductions to be made 70,000 pounds in October 1947 and 70,000 pounds in November 1947.

(c) Nothing in this order contained shall be deemed to relieve the Company from any restriction, prohibition or provision in any other order or regulation of the Department of Commerce, except in so far as the same may be inconsistent with the provisions hereof.

(d) The provisions of this Consent Order No. C-1, shall apply to and be binding on the Company, its successors and assigns, and all persons acting on its behalf.

(Executive Order No. 9841)

Issued this 4th day of June 1947.

DEPARTMENT OF COMMERCE,
OFFICE OF MATERIALS DISTRIBUTION,
By J. JOSEPH WHELAN,
Issuance Officer.

[F. R. Doc. 47-5427; Filed, June 5, 1947; 9:08 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-437, G-457]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 3, 1947.

Notice is hereby given that, on May 29, 1947, the Federal Power Commission issued its findings and order entered May 28, 1947, issuing certificate of public convenience and necessity in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-5370; Filed, June 5, 1947; 8:55 a. m.]

[Docket No. G-706]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 3, 1947.

Notice is hereby given that, on May 29, 1947, the Federal Power Commission issued its order entered May 28, 1947, modifying order issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-5369; Filed, June 5, 1947; 8:55 a. m.]

[Docket No. G-851]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF FINDINGS AND ORDER ISSUING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 3, 1947.

Notice is hereby given that, on May 29, 1947, the Federal Power Commission issued its findings and order entered May 27, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-5373; Filed, June 5, 1947; 8:56 a. m.]

[Docket No. G-854]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER ISSUING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 3, 1947.

Notice is hereby given that, on May 29, 1947, the Federal Power Commission issued its findings and order entered May 28, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-5374; Filed, June 5, 1947; 8:56 a. m.]

[Docket No. G-877]

PENN-YORK NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER ISSUING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 3, 1947.

Notice is hereby given that, on May 29, 1947, the Federal Power Commission issued its findings and order entered May 28, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-5372; Filed, June 5, 1947; 8:56 a. m.]

[Docket No. IT-5665]

CONNECTICUT LIGHT AND POWER CO.

NOTICE OF OPINION, FINDINGS AND ORDER

JUNE 3, 1947.

Notice is hereby given that on May 29, 1947, the Federal Power Commission issued its Opinion No. 151, and findings and order terminating proceedings, entered on May 28, 1947, in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-5371; Filed, June 5, 1947; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 201]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, May 29, 1947, by National Prod. Company, of car PFE 34853, potatoes, now on the C. P. T., to St. Louis, Mo. (Wab.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5367; Filed, June 5, 1947; 8:55 a. m.]

[S. O. 396, Special Permit 202]

RECONSIGNMENT OF ONIONS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., May 29, 1947, by E. S. Harper, of cars PFE 16320, PFE 42097 and PFE 91739, onions, now on the Santa Fe to Chicago, Ill. (Santa Fe).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of May 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5368; Filed, June 5, 1947; 8:55 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-38]

HARRY MILLMAN AND SULLIVAN-FOSTER, INC.

CONSENT ORDER

Harry Millman who resides at 242 Rounds Street, New Bedford, Massachusetts, filed an application with the Federal Housing Administration for permission to construct a dwelling at Slocumb Road, North Dartmouth, Massachusetts. Authorization, based upon the application and plans submitted showing a floor area of under 1500 square feet, was issued February 13, 1947. Sometime thereafter, Harry Millman and Sullivan-Foster, Inc., of New Bedford, Massachusetts, the contractor, began construction under this authorization of a building to contain about 2800 square feet with space for two bathrooms and two lavatories, together with a garage containing one full bathroom. This construction was based upon a different plan from that submitted with the application for authorization. The construction of a building in excess of the limitations and requirements of Housing Permit Regulation under which the authorization was issued constitutes a violation of Veterans' Housing Program Order 1 and HPR.

Harry Millman and Sullivan-Foster, Inc., admit the violations as charged and consent to the issuance of this order.

Reference JUN 11 47

Wherefore, upon the agreement and consent of Harry Millman and Sullivan-Foster, Inc., the Regional Compliance Director, and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) The temporary suspension orders issued by the Office of the Housing Expediter by telegram dated April 11, 1947, addressed to Harry Millman and also to Sullivan-Foster, Inc., are hereby revoked.

(b) Neither Harry Millman nor Sullivan-Foster, Inc., their successors or assigns, nor any other person shall do any further construction on the project located on Slocumb Road, North Dartmouth, Massachusetts, without specific authorization in writing from the Office of the Housing Expediter.

(c) The provision of paragraph (b) above shall not apply to work specifically authorized in writing by the Office of the Housing Expediter under Serial No. 1-1-4871, dated May 13, 1947, which work was authorized to prevent deterioration of materials already incorporated into the structure.

(d) Harry Millman and Sullivan-Foster, Inc., shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter or any other Federal Agency to do any further construction on this project.

(e) Nothing contained in this order shall be deemed to relieve Harry Millman and Sullivan-Foster, Inc., their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 5th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5446; Filed, June 5, 1947; 10:47 a. m.]

[C-477]

FUELANE CORP.

REVOCATION OF CONSENT ORDER

In view of the amendment of Supplement 3 to Veterans' Housing Program Order 1 on April 30, 1947, permitting a small job allowance of $15,000 for construction of a building or other structure used for distributing liquefied petrol gas regardless of its dimensions, the Director of the Compliance Division and the General Counsel have directed that the consent order hereinafter listed be revoked forthwith.

In view of the foregoing, *It is hereby ordered*, That the following consent order be revoked, effective June 5, 1947. *Provided, however*, That this revocation does not affect any liabilities incurred for violation of the consent order prior to revocation.

C-477 Fuelane Corp., Liberty, New York.

Issued this 5th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5447; Filed, June 5, 1947; 10:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of May 1947.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the proposed payment of a dividend of $3.00 per share, or an aggregate of $4,323,741 on the outstanding shares of its preferred stock, payable on the 28th day after the date of the order of the Commission permiting the payment of such dividend or on July 1, 1947, whichever date is later, to stockholders of record at the close of business on the 10th day after the date of such order (or if such 10th day is not a business day, the first business day following such 10th day) or on June 10, 1947, whichever date is the latter; and

The Commission having heretofore instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the act with respect to Commonwealth and its subsidiaries; and

Commonwealth having filed a plan for compliance with such sections of the act, providing, among other things, for the liquidation of Commonwealth; and

Commonwealth having stated in the instant declaration that "The Board * * * recognizes that, in view of the pending proceedings, the 'Earned Surplus' account may be so qualified that, under the rules and practice of the Commission, payment of said dividend is subject to the requirement of Commission authorization under the provisions of section 12 (c) of the act and Rule U-46 in spite of the fact that, as authorized by section 34 of the Delaware General Corporation Law, the source of payment of such dividend under such Law is Commonwealth's net profits for the current and preceding fiscal years."; and

The instant declaration having been filed on May 13, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming that it would not be necessary or appropriate to deny effectiveness to the declaration under the standards of section 12 (c) of the act and Rule U-46 if it should be found that the proposed payment were to be made out of capital and that, therefore, it is unnecessary for the Commission to determine whether said proposed payment is being made out of capital; and

The Commission therefore deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective insofar as section 12 (c) and Rule U-46 are applicable to the proposed payment; and

Commonwealth having requested that the Commission's order be issued herein on or before May 29, 1947, and become effective forthwith so that Commonwealth may pay the proposed dividend not later than July 1, 1947, and the Commission deeming it appropriate to grant such requests:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith: *Provided, however*, That this order shall not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code: *And provided further*, That Commonwealth accompany the dividend checks with a statement to the effect (1) that Commonwealth filed the declaration regarding the proposed dividend payment pursuant to section 12 (c) and Rule U-46 by reason of its uncertainty as to whether the "Earned Surplus" account may be so qualified that, under the rules and practice of the Commission, payment of the proposed dividend is subject to the requirement of Commission authorization under the act and the rules thereunder and that the Commission permitted the declaration to become effective without determining whether the proposed payment is being made out of capital and (2) that the Commission's action in permitting the declaration to become effective should not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5366; Filed, June 5, 1947; 8:55 a. m.]

Reference

JUN 11 '47

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 112

Washington, Saturday, June 7, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 225]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENT

§ 953.332 *Lemon Regulation 225*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such appliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 8, 1947, and ending at 12:01 a. m., P. s. t., June 15, 1947, is hereby fixed at 650 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 5th day of June 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

PRORATE BASE SCHEDULE

Storage Date: June 1, 1947

[12:01 a. m. June 8, 1947 to 12:01 a. m. June 22, 1947]

Lemon Administrative Committee, 111 West Seventh Street, Los Angeles 14, California.

Handler	*Prorate base (percent)*
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.747
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.446
Consolidated Citrus Growers	.000
Corona Plantation Co	.503
Hazeltine Packing Co	.630
Lappla-Pratt, Produce Distributors, Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips, Mutual Citrus Growers, Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.072
Ventura Pacific Co	1.289
Total A. F. G	4.707
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.571
La Verne Lemon Association	.874
La Habra Citrus Association	2.072

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FEDERAL REGISTER

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Handler	*Prorate base (percent)*
Lorba Linda Citrus Association, The	1.152
Alta Loma Heights Citrus Association	1.078
Etiwanda Citrus Fruit Association	.433
Mountain View Fruit Association	.643
Old Baldy Citrus Association	1.212
Upland Lemon Growers Association	6.227
Central Lemon Association	1.206
Irvine Citrus Association	1.343
Placentia Mutual Orange Association	.501
Corona Citrus Association	.283
Corona Foothill Lemon Co	1.678
Jameson Co	.922
Arlington Heights Fruit Co	.559
College Heights Orange & Lemon Association	2.901
Chula Vista Citrus Association, The	1.200
El Cajon Valley Citrus Association	.176
Escondido Lemon Association	3.470
Fallbrook Citrus Association	1.590
Lemon Grove Citrus Association	.520
San Dimas Lemon Association	2.225
Carpinteria Lemon Association	2.291
Carpinteria Mutual Citrus Association	2.454
Goleta Lemon Association	2.449
Johnston Fruit Co	4.585
North Whittier Heights Citrus Association	1.092
San Fernando Heights Lemon Association	.986
San Fernando Lemon Association	.734
Sierra Madre-Lamanda Citrus Association	2.027
Tulare County Lemon & Grapefruit Association	.000
Briggs Lemon Association	2.611

PRORATE BASE SCHEDULE—Continued

Handler	*Prorate base (percent)*
Culbertson Investment Co	0.536
Culbertson Lemon Association	1.200
Fillmore Lemon Association	1.906
Oxnard Citrus Association No. 1	2.866
Oxnard Citrus Association No. 2	2.738
Rancho Sespe	1.050
Santa Paula Citrus Fruit Association	3.499
Saticoy Lemon Association	3.130
Seaboard Lemon Association	3.255
Somis Lemon Association	2.745
Ventura Citrus Association	.962
Limonera Co	3.086
Teague-McKevett Association	1.063
East Whittier Citrus Association	.895
Leffingwell Rancho Lemon Association	.928
Murphy Ranch Co	2.042
Whittier Citrus Association	.962
Whittier Select Citrus Association	.720
Total C. F. G. E.	86.668
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	.782
Escondido Coop. Citrus Association	.378
Glendora Coop. Citrus Association	.118
Index Mutual Association	.414
La Verne Coop. Citrus Association	1.623
Libbey Fruit Packing Co	.000
Orange Coop. Citrus Association	.274
Pioneer Fruit Co	.000
Tempe Citrus Co	.000
Ventura Co. Orange & Lemon Association	2.281
Whittier Mutual Org. & Lem. Association	.283
Total M. O. D.	6.153
Abbate, Chas., Co., The	.000
Atlas Citrus Packing Co	.010
California Citrus Groves, Inc., Ltd.	.000
El Modena Citrus, Inc	.008
El Rio Citrus	.055
Evans Brothers Pkg. Co.—Riverside	.090
Evans Brothers Pkg. Co.—Sentinel Butte Ranch	.000
Foothill Packing Co	.158
Granada Packing House	.000
Harding & Leggett	.015
Morris Bros. Fruit Co	.000
Orange Belt Fruit Distributors	1.771
Potato House, The	.000
Raymond Bros	.000
Riverside Growers, Inc	.000
Rocke, B. G., Packing Co	.000
San Antonio Orchard Co	.120
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.245
Western States Fruit & Produce Co	.000
Total Independents	2.472

[F. R. Doc. 47-5477; Filed, June 6, 1947; 8:48 a. m.]

[Orange Reg. 181]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.327 *Orange Regulation 181*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 8, 1947, and ending at 12:01 a. m., P. s. t., June 15, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1650 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, unlimited movement; and (*c*) Prorate District No. 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, 670, 675; 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 5th day of June 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

PRORATE BASE SCHEDULE

[12:01 A. M., June 8, 1947, to 12:01 A. M., June 15, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0673
A. F. G. Fullerton	.8435

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
A. F. G. Orange	0.6381
A. F. G. Redlands	.2375
A. F. G. Riverside	.1236
A. F. G. San Juan Capistrano	.8382
A. F. G. Santa Paula	.3927
Corona Plantation Co	.2434
Hazeltine Packing Co	.3733
Signal Fruit Association	.0613
Azusa Citrus Association	.4710
Azusa Orange Co., Inc	.1411
Damerel-Allison Co	.6966
Glendora Mutual Orange Association	.3955
Irwindale Citrus Association	.3800
Puente Mutual Citrus Association	.2003
Valencia Heights Orchards Association	.4270
Glendora Citrus Association	.3404
Glendora Heights Orange & Lemon Growers Association	.0768
Gold Buckle Association	.5757
La Verne Orange Association	.6557
Anaheim Citrus Fruit Association	1.2597
Anaheim Valencia Orange Association	1.2682
Eadington Fruit Co	1.9943
Fullerton Mutual Orange Association	1.4900
La Habra Citrus Association	1.1716
Orange County Valencia Association	.6044
Orangethorpe Citrus Association	.9633
Placentia Coop. Orange Association	.7132
Yorba Linda Citrus Association, The	.5806
Alta Loma Heights Citrus Association	.0956
Citru Fruit Growers	.1692
Cucamonga Citrus Association	.1697
Etiwanda Citrus Fruit Association	.0427
Mountain View Fruit Association	.0126
Old Baldy Citrus Association	.1348
Rialto Heights Orange Growers	.0716
Upland Citrus Association	.3972
Upland Heights Orange Association	.1539
Consolidated Orange Growers	1.9056
Frances Citrus Association	1.0814
Garden Grove Citrus Association	1.4191
Goldenwest Citrus Association, The	1.3882
Irvine Valencia Growers	2.3650
Olive Heights Citrus Association	1.6302
Santa Ana-Tustin Mutual Citrus Association	.9797
Santiago Orange Growers Association	3.6355
Tustin Hills Citrus Association	1.8650
Villa Park Orchards Association, The	1.7970
Bradford Brothers, Inc	.0283
Placentia Mutual Orange Association	1.7691
Placentia Orange Growers Association	2.2583
Call Ranch	.0679
Corona Citrus Association	.4651
Jameson Co	.0263
Orange Heights Orange Association	.3739
Break & Son, Allen	.0574
Bryn Mawr Fruit Growers Association	.2681
Crafton Orange Growers Association	.3871
E Highlands Citrus Association	.0872
Fontana Citrus Association	.0756
Highland Fruit Growers Association	.0514
Krinard Packing Co	.2653
Mission Citrus Association	.1453
Redlands Cooperative Fruit Association	.4121
Redlands Heights Groves	.2550
Redlands Orange Growers Association	.2648
Redlands Orangedale Association	.2872
Redlands Select Groves	0.1634
Rialto Citrus Association	.1527
Rialto Orange Co	.1521
Southern Citrus Association	.2044
United Citrus Growers	.1439
Zilen Citrus Co	.1031
Arlington Heights Fruit Co	.1027
Brown Estate, L. V. W	.1336
Gavilan Citrus Association	.1584
Hemet Mutual Groves	.1137
Highgrove Fruit Association	.0785
McDermont Fruit Co	.1901
Mentone Heights Association	.0680
Monte Vista Citrus Association	.2256
National Orange Co	.0414
Riverside Heights Orange Growers Association	.0885
Sierra Vista Packing Association	.0593
Victoria Avenue Citrus Association	.1786
Claremont Citrus Association	.1664
College Heights Orange and Lemon Association	.2237
El Camino Citrus Association	.0831
Indian Hill Citrus Association	.2076
Pomona Fruit Growers Exchange	.3943
Walnut Fruit Growers Exchange	.4368
West Ontario Citrus Association	.4066
El Cajon Valley Citrus Association	.3516
Escondido Orange Association	2.4451
San Dimas Orange Growers Association	.5067
Covina Citrus Association	1.0236
Covina Orange Growers Association	.4038
Duarte-Monrovia Fruit Exchange	.2529
Santa Barbara Orange Association	.0517
Ball & Tweedy Association	.6593
Canoga Citrus Association	.8748
N. Whittier Heights Citrus Association	.9489
San Fernando Fruit Growers Association	.4404
San Fernando Heights Orange Association	.9457
Sierra Madre-Lamanda Citrus Association	.4032
Camarillo Citrus Association	1.5003
Fillmore Citrus Association	3.5724
Mupu Citrus Association	2.6625
Ojai Orange Association	.9334
Piru Citrus Association	2.0113
Santa Paula Orange Association	1.0693
Tapo Citrus Association	1.1103
Limoneira Co	.3984
E. Whittier Citrus Association	.4046
El Ranchito Citrus Association	1.2550
Murphy Ranch Co	.4108
Rivera Citrus Association	.5474
Whittier Citrus Association	.6928
Whittier Select Citrus Association	.4549
Anaheim Cooperative Orange Association	1.1534
Bryn Mawr Mutual Orange Association	.0870
Chula Vista Mutual Lemon Association	.0920
Escondido Cooperative Citrus Association	.3342
Euclid Avenue Orange Association	.4229
Foothill Citrus Union, Inc	.0333
Fullerton Cooperative Orange Association	.3079
Garden Grove Orange Cooperative, Inc	.7249
Glendora Cooperative Citrus Association	.0542
Golden Orange Groves, Inc	.2776
Highland Mutual Groves	.0668
Index Mutual Association	.2015
La Verne Cooperative Citrus Association	1.2063
Olive Hillside Groves	.7535
Orange Cooperative Citrus Association	1.0198
Redlands Foothill Groves	.4471
Redlands Mutual Orange Association	0.1624
Riverside Citrus Association	.0679
Ventura County Orange and Lemon Association	.9390
Whittier Mutual Orange and Lemon Association	.2013
Babijulce Corp. of California	.4705
Banks Fruit Co	.3010
Banks, L. M	.5474
Borden Fruit Co	.6181
California Fruit Distributors	.5296
Cherokee Citrus Co., Inc	.1002
Chess Co., Meyer W	.2821
El Modena Citrus, Inc	.5091
Escondido Avocado Growers	.0593
Evans Brothers Packing Co	.6938
Gold Banner Association	.2822
Granada Hills Packing Co	.0629
Granada Packing House	2.7530
Hill, Fred A	.0768
Inland Fruit Dealers	.0593
Mills, Edward	.1074
Orange Belt Fruit Distributors	2.0421
Panno Fruit Co., Carlo	.1307
Paramount Citrus Association	.4172
Placentia Orchard Co	.4022
Placentia Pioneer Valley Growers Association	.6509
Riverside Growers, Inc	.0865
San Antonio Orchards Co	.4793
Santa Fe Groves Co	.0500
Snyder & Sons Co., W. A	1.1501
Stephens, T. F	.0876
Sunny Hills Ranch, Inc	.1186
Verity & Sons Co., R. H	.0362
Wall, E. T	.1253
Webb Packing Co	.2786
Western Fruit Growers Inc., Ana	.0493
Western Fruit Growers Inc., Reds	.6603
Yorba Orange Growers Association	.6300

[F. R. Doc. 47-5479; Filed, June 6, 1947, 8:48 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IX—Transport

PART 903—TRANSPORTATION OF INDIVIDUALS

MISCELLANEOUS AMENDMENTS

Part 903, Chapter IX, Title 10 Code of Federal Regulations is amended as follows:

1. Present § 903.5a is rescinded and the following substituted therefor.

§ 903.5a *Cadets discharged from the United States Military Academy.* Cadets of the United States Military Academy upon being discharged from the service are not entitled to mileage (AR 35–3070), but are entitled to transportation in kind from the academy to their home, except that a cadet discharged for physical disability while in a hospital under orders is entitled to transportation in kind from the hospital to his home (1 Comp. Gen. 356), and that a cadet who is in a status of leave of absence from the United States Military Academy awaiting the result of a re-examination, and who is found deficient upon re-examination and ordered to be discharged, may be furnished transportation in kind from the point at which he receives notice of discharge to his home: *Provided*, That the cost of such transportation in kind is no greater than that from West Point, New York, to his home.

2. Section 903.5b is added to read as follows:

§ 903.5b *Military personnel separated from active service under conditions other than honorable.* "Any member of the military forces * * * who is hereafter separated from active service under conditions other than honorable may be furnished transportation in kind at Government expense from the place of separation from active service to the place at which he entered upon active service or home of record: *Provided*, That no transportation will be furnished under this section to any person who is in confinement pursuant to sentence of a civil court at the time of separation from active service." Sec. 1, act of April 27, 1946. (Pub. Law 368, 79th Cong., 60 Stat. 126)

3. Present § 903.6 is rescinded and the following substituted therefor:

§ 903.6 *Remains*—(a) *For whom transportation authorized and expenses allowable.* See AR 30–1830 and §§ 306.51 to 306.53 inclusive (8 F. R. 12124).

(b) *From points outside continental limits of United States, including Alaska, to ports of debarkation in continental limits of United States, exclusive of Alaska, for interment therein.* See paragraph (c) of this section.

(1) *Remains.* Government means of transportation will be utilized wherever possible for the shipment of remains from points outside the continental limits of the United States, including Alaska, to ports of debarkation in the continental limits of the United States, exclusive of Alaska. For any distance that the foregoing prescribed means of transportation cannot be used or is considered impracticable shipment may be made by the most economical means of commercial transportation.

(2) *Attendants*—(i) *Relative.* Subject to subparagraph (3) of this paragraph transportation including berth when an extra charge is made therefor may be furnished one relative in the capacity of an attendant to the remains of each person from the place of death or an intermediate point to the port of debarkation in the continental limits of the United States exclusive of Alaska and return to point at which such attendant assumed the custody of remains.

(ii) *Persons in military service.* No military attendant will be furnished for any portion of the journey where a relative acts in that capacity. In any case where the relative attendant will not accompany the remains for the entire distance, a military attendant will be furnished to accompany the remains for that portion of the journey where the remains will not be accompanied by such relative, except as provided in the exception stated below.

Exception: Where the remains are to be shipped by Army facilities for any portion of the distance to the port of debarkation in the continental limits of the United States, exclusive of Alaska, and the commanding officer at the place of death does not have a military attendant available for the complete journey, he will provide a military attendant only to the port of embarkation outside the continental limits of the United States, including Alaska, at which trans-shipment is made on the Army facility. The attendant will deliver the remains and all accompanying papers to the Army representatives at the port who will be responsible for delivering them to the ship transportation agent aboard the Army vessel, or to the flight clerk aboard the Army aircraft when such mode of transportation is utilized. In the event that there are no United States Army representatives at the port, the custody and responsibility of the remains and all accompanying papers will remain with the attendant until such time as he can deliver them to the ship transportation agent, or to the flight clerk, as the case may be.

(3) *Dependents of certain deceased.* Where transportation is furnished for dependents when specifically authorized under the provisions of § 903.1 (a), the commanding officer will determine in each case whether a dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity, no other attendant will be furnished. See subparagraph (2) of this paragraph.

(c) *From ports of debarkation or place of death to place of interment all within continental limits of United States, exclusive of Alaska—(1) Methods.* (i) By express, without an attendant (AR 55–155); or

(ii) As baggage on a transportation request, with an attendant.

(2) *By whom method determined.* The method of shipment will be determined by the commanding officer having jurisdiction of the place at which death occurs or of the port of debarkation, who will conform as far as practicable to the wishes of the relatives.

(3) *When shipped as baggage on transportation request*—(i) *Attendants*—(a) *Relative.* Subject to paragraph (b) (3) of this section, transportation and authorized sleeping-car or similar accommodations prescribed in TM 55–525 and § 903.15, may be furnished to a relative in the capacity of an attendant to the remains of each person from place of death or the port of debarkation, or an intermediate point, to the place of interment within the continental limits of the United States, exclusive of Alaska, and return to point at which such attendant assumed the custody of remains.

(b) *Persons in military service.* When no relative is furnished transportation from the place of death or the port of debarkation in the United States, one military attendant to the remains of one or more persons to the same destination will be provided from such place or port to the place of interment within the continental limits of the United States, exclusive of Alaska, or to an intermediate point from which a relative will act as attendant for the remaining journey. The selection of the military attendant will rest with the commanding officer, but will in general be of a status corresponding to the former status of the deceased, that is, the attendant for a commissioned officer will be an officer; for a cadet, United States Military Academy, a cadet; for a member of the Army Nurse Corps, an Army nurse; for an enlisted man, an enlisted man, etc.

(ii) *Transfers en route.* The transportation request for remains and attendant will be issued through from point of origin to destination regardless of any transfers involved between carriers' stations en route, but no indorsement will be made on the transportation request to cover such transfers of the remains. The carrier's agent will check the remains through from origin to destination. The baggage agent will make the arrangements for transfer. The attendant will sign a receipt to the baggage agent covering the transfer service, but the attendant will not pay therefor. The bills, if a charge is made for the transfer service, supported by these receipts will be submitted by the accounting department of the carrier to the Finance Officer, U. S. Army, Transportation Division, Washington 25, D. C., for payment of any amount properly due.

(4) *Local delivery at destination.* See AR 30–1830 and §§ 306.50 to 306.53 (8 F. R. 12123).

(d) *Between points outside continental limits of United States, including Alaska, where through journey involves debarkation and embarkation at ports in continental limits of United States, exclusive of Alaska*—(1) *From place of death to port of debarkation in continental limits of United States, exclusive of Alaska.* All the provisions of paragraph (b) of this section will apply except those set forth in subparagraph (3) of paragraph (b) with respect to dependents. Where transportation is furnished for dependents when specifically authorized under the provisions of the "Missing Persons Act" (see § 2.113 Subtitle A, 10 CFR) and AR 55–121 in connection therewith, the commanding officer will determine in each case whether a dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity, no other attendant will be furnished.

(2) *From port of debarkation to port of embarkation, all within continental limits of United States exclusive of Alaska.* Upon receipt of particulars from the commanding officer at the place of death, the commanding officer of the port of debarkation in the continental limits of the United States, exclusive of Alaska, will make request on the Chief of Transportation for instructions with respect to shipment of the remains to the port of embarkation in the continental limits of the United States, exclusive of Alaska, for further shipment. Upon receipt of instructions from the Chief of Transportation, the commanding officer of the foregoing port of debarkation will issue necessary orders covering the shipment. The commanding officer of the foregoing port of debarkation will furnish the commanding officer at the foregoing port of embarkation with all particulars and request that further orders be issued covering further shipment from that port.

(3) *From port of embarkation in continental limits of United States, exclusive of Alaska, to place of interment outside continental limits of United States, in-*

cluding Alaska. All the provisions of paragraph (e) of this section will apply, substituting the words "the commanding officer of the port of embarkation in the continental limits of the United States, exclusive of Alaska" for the words "the commanding officer at the place of death" wherever the latter words as quoted appear therein.

(e) *Between points outside continental limits of United States, including Alaska, where through journey does not involve debarkation and embarkation at ports in continental limits of United States, exclusive of Alaska*—(1) *Remains.* Government means of transportation will be utilized wherever possible for shipment of remains. For any distance that the foregoing prescribed means of transportation cannot be used, or are considered impracticable, shipment may be made by the most economical means of commercial transportation.

(2) *Attendants.* An attendant will be furnished for the complete journey.

(i) *Relative.* Subject to subparagraph (3) of this paragraph, transportation, including berth when an extra charge is made therefor, may be furnished one relative in the capacity of an attendant to the remains of each person from the place of death or an intermediate point to the place of interment, and return to point at which such attendant assumed the custody of the remains.

(ii) *Persons in military service.* A military attendant will be furnished for any portion of the journey where a relative does not act in that capacity.

(3) *Dependents of certain deceased.* Where transportation is furnished for dependents when specifically authorized under the provisions of the "Missing Persons Act" (see § 2.113 Subtitle A, 10 CFR) and AR 55-121 in connection therewith, the commanding officer will determine in each case whether a dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity, no other attendant will be furnished for that portion of the journey.

[AR 55-120, Apr. 26, 1943, as amended by C 18, May 7, 1947] (R. S. 161; 41 Stat. 421; 5 U. S. C. 22; 10 U. S. C. 756, 756b)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5389; Filed, June 6, 1947; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PERFORMANCE OF CONSTRUCTION WORK; CONSTRUCTION BY CONTRACT

Acting pursuant to the authority vested in me by the Federal Airport Act (Pub. Law No. 377, 79th Cong., 60 Stat. 170), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics, as follows:

By amending the introductory paragraph of § 550.18 (e) (12 F. R. 140) to read as follows:

§ 550.18 *Performance of construction work.* * * *

(e) *Construction by contract.* With the exception of force account work, all construction work in connection with an approved project shall be accomplished by contract (use of Contract Form ACA 1637, Appendix N, is suggested). Contracts for construction work, except negotiated contracts for the removal and relocation of public utility facilities, shall be awarded only after open and competitive bidding.

(Pub. Law 377, 79th Cong., 60 Stat. 170)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-5401; Filed, June 6, 1947; 8:53 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 10—GENERAL ORGANIZATION AND FUNCTIONS

PART 11—ORGANIZATION AND FUNCTIONS OF THE OFFICE OF THE SECRETARY

MISCELLANEOUS AMENDMENTS

Section 10.3 *General organization* (11 F. R. 177A-302) is amended by adding under paragraph (a) the following:

(7) Division of Liquidation.

Part 11 (11 F. R. 177A-302) is amended by adding a new § 11.8 as follows:

§ 11.8 *Division of Liquidation* — (a) *Establishment and organization.* The Division of Liquidation was established within the Office of the Secretary by Department Order No. 75 of June 1, 1947, to carry out the functions transferred to the Secretary of Commerce pursuant to Part III of Executive Order 9841 dated April 23, 1947 (12 F. R. 2645). The division is headed by a director who is authorized to perform the functions and exercise the powers, authorities and discretion vested in the Secretary of Commerce under Part III of Executive Order 9841 in such manner as he may prescribe. The authority delegated to the director may be redelegated by him, subject to his direction and control, to such officers of the Department of Commerce as he may designate.

The internal organization of the Division of Liquidation is established by the director of the division on an informal basis and is subject to such current changes as he may make as activities are merged, consolidated, or liquidated.

(b) *Functions and responsibilities.* Subject to the direction and supervision of the Under Secretary of Commerce, the director formulates the policies, develops and coordinates the programs, and directs all operations of the Division of Liquidation.

Actions may be brought, maintained and defended in the name of the Director of the Division of Liquidation and for this and all other purposes he is deemed the Administrator (Director or Commissioner, as the case may be) of functions transferred to the Secretary of Commerce by Part III of Executive Order 9841 within the meaning of the laws creating such functions.

Every action proposed in regard to the following is referred to the Solicitor of the Department of Commerce before submission to the Director of the Division of Liquidation: (1) Functions with respect to the establishment of maximum prices for industrial alcohol sold to the Government or its agencies; (2) functions with regard to protests in connection with any regulations, orders, or price schedules; (3) functions of the President under the Stabilization Act of 1942, as amended, vested in the Temporary Controls Administrator immediately prior to the taking of effect of Part III of Executive Order 9841; and (4) functions with respect to premium payments under section 2 (e) (a) (2) of the Emergency Price Control Act of 1942, as amended, insofar as such payments relate to copper, lead, and zinc ores. Without limitation of the generality of the foregoing, this includes (i) appointments to the Board of Review; and (ii) all proposed final orders and opinions.

The Liquidation Division of the Office of Materials Distribution (12 F. R. 2986) is placed under the functional supervision of the Director of the Division of Liquidation as of June 1, 1947, and its functions will be transferred to and merged with the functions of the Division of Liquidation during the month of June.

(c) *Effects on other orders.* Every order, directive, rule or regulation and other similar instruments relating to any power, function, or duty transferred to the Secretary of Commerce by Part III of Executive Order 9841, issued by any officer, department or agency heretofore performing such power, function, or duty, which is in effect on May 31, 1947, shall continue in full force and effect, according to its terms, unless and until modified or rescinded by the Director of the Division of Liquidation.

(Sec. 3, Pub. Law 404, 79th Cong., 60 Stat. 238; 5 U. S. C. Sup. 1002)

[SEAL] W. A. HARRIMAN,
Secretary of Commerce.

[F. R. Doc. 47-5387; Filed, June 6, 1947; 8:48 a. m.]

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 370—OFFICE OF MATERIALS DISTRIBUTION

LIQUIDATION DIVISION

CROSS REFERENCE: For order placing the Liquidation Division of the Office of Materials Distribution (§ 370.4 (c), 12 F. R. 2986) under the functional supervision of the Director of the Division of Liquidation of the Department of Commerce, see § 11.8 under Subtitle A of this title, *supra.*

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51691]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES COVERING EARTHENWARE

In addition to all other information required by law or regulation, customs invoices for common yellow, brown, red, or gray earthenware, plain or embossed, and manufactures wholly or in chief value of such ware, shall contain in respect of each lot of articles identical in composition information of the kinds set forth in T. D. 50942. Customs invoices for such articles and for the articles described in T. D. 50942 shall contain in respect of each lot of articles identical in composition the additional information set forth below:

1. Whether the clay of which the bodies (including body slips) of the articles are made is composed of a mixture of two or more clays, each having a different color or other characteristic.

2. Whether substances not clay were removed from the clay by washing or any other process in which water was used.

This requirement shall be effective as to invoices certified after 30 days after the publication of this document in the weekly Treasury Decisions.

(Sec. 481 (a) (10), 46 Stat. 719; 19 U. S. C. 1481 (a) (10))

Section 8.13 (i), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.13 (i)), as redesignated by T. D. 51059, is hereby further amended by adding the following to the list of merchandise in connection with which additional information is required to be furnished on invoices; by placing opposite such addition "T. D. 50942, Oct. 6, 1943" and the number and date of this Treasury decision; and by placing the number and date of this Treasury decision opposite the item "Earthenware and crockeryware composed of a nonvitrified absorbent body, including cream-colored ware and terra cotta, clock cases with or without movements, pill tiles, plaques, ornaments, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware", which was added by T. D. 50942:

Earthenware, common yellow, brown, red, or gray, plain or embossed, and manufactures wholly or in chief value of such ware.

(Secs. 481, 624, 46 Stat. 719, 759; 19 U. S. C. 1481, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: June 2, 1947.

E. H. FOLEY, JR.,
Secretary of the Treasury.

[F. R. Doc. 47-5408; Filed, June 6, 1947; 8:54 a. m.]

[T. D. 51692]

PART 26—DISCLOSURE OF INFORMATION

INFORMATION FOR PRESS AND ASSOCIATIONS

Section 26.3, *Information for press and associations,* Customs Regulations of 1943 (19 CFR, Cum. Supp., 26.3), is amended by deleting the words "statistical blotters" appearing in the first paragraph and substituting therefor the words "summary statistical reports of imports and exports".

(R. S. 161; 5 U. S. C. 22)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: June 2, 1947.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-5409; Filed, June 6, 1947; 8:54 a. m.]

Chapter II—United States Tariff Commission

MISCELLANEOUS AMENDMENTS

Under the authority of section 332 of the Tariff Act of 1930 (sec. 332, 46 Stat. 698; 19 U. S. C. 1332), and the Administrative Procedure Act (Pub. Law 404, 79th Cong., approved June 11, 1946), and in pursuance of Executive Order 9832, dated February 25, 1947, the rules of practice and procedure of the United States Tariff Commission (11 F. R. 177A-741 et seq.; 11 F. R. 10822; 12 F. R. 4; 12 F. R. 3562; 19 CFR Ch. II) are hereby amended as follows:

PART 200—ORGANIZATION AND FUNCTIONS

1. Section 200.1 is amended to read as follows:

§ 200.1 *Creation and authority.* The United States Tariff Commission was created by act of Congress approved September 8, 1916 (39 Stat. 795) for the purpose of supplying the Congress and the President with information regarding the position of the United States industries in competition with imports, regarding the administration and operation of the United States customs laws, and regarding commercial policies of foreign countries. The Tariff Act of 1922 (42 Stat. 858) increased its functions by providing for investigation and report by the Tariff Commission before action by the President under the authority given him by that act to change duties when found necessary to equalize differences in costs of production in the United States and foreign countries and also before action by him embargoing imports pursuant to the provision declaring unfair methods of competition in the import trade to be unlawful. Title III, Part II, of the Tariff Act of 1930 (46 Stat. 696; 19 U. S. C. 1330-41) provided for a reorganization of the Tariff Commission and reenacted substantially all the previous provisions regarding its powers and duties. The Trade Agreements Act of June 12, 1934 (48 Stat. 943; 19 U. S. C. 1351-54) names the Commission as one of the advisory agencies in the negotiation of reciprocal trade agreements. (See Part II of Executive Order 9832, dated February 25, 1947, 12 F. R. 1364). The Agricultural Adjustment Act (of 1933), as amended (7 U. S. C. 624), designates the Tariff Commission as the agency to conduct investigations to determine whether imports are interfering with certain agricultural programs undertaken by the Government. The Philippine Trade Act of 1946 (Pub. Law 371, 79th Cong.) imposes upon the Tariff Commission the function of conducting investigations and reporting to the President in connection with the administration of the provisions of that act respecting quotas on imports of Philippine articles. Part I of Executive Order 9832 (12 F. R. 1363) provides for investigation and report to the President by the Tariff Commission regarding injury to domestic producers resulting from trade-agreement concessions.

2. Paragraph (f) of § 200.4 is amended to read as follows:

§ 200.4 *Functions.* * * *

(f) *Foreign trade agreements*—(1) *Negotiation.* The Trade Agreements Act of June 12, 1934 (sec. 4, 48 Stat. 945; 19 U. S. C. Sup. 1354) designates the Tariff Commission as a source of information and advice to the President in the negotiation of foreign trade agreements made under that act. The Tariff Commission is represented on the Committee for Reciprocity Information (Executive Orders 6750 and 9647) and on the Interdepartmental Committee on Trade Agreements (Part II, Executive Order 9832). In addition to its function of advising the President on all aspects of the trade agreements program, the Tariff Commission has the special function under paragraph numbered 6 of Executive Order 9832 in supplying to the President information prior to trade agreement negotiations as follows:

With respect to each dutiable import item which is considered by the Interdepartmental Committee for inclusion in a trade agreement, the Tariff Commission shall make an analysis of the facts relative to the production, trade, and consumption of the article involved, to the probable effect of granting a concession thereon, and to the competitive factors involved. Such analysis shall be submitted in digest form to the Interdepartmental Committee. The digests, excepting confidential material, shall be published by the Tariff Commission.

The Commission is also represented on the various subcommittees of the Interdepartmental Committee on Trade Agreements.

(2) *Investigations regarding injury.* Under Part I of Executive Order 9832 (12 F. R. 1363), the Commission investigates to determine whether domestic producers are being injured or are threatened with injury resulting from the granting of trade-agreement concessions; it reports its findings to the President for his consideration in connection with the reservations of the right to withdraw or modify concessions in cases where injury or threat of injury is found to result from trade-agreement concessions.

PART 201—RULES OF GENERAL APPLICATION

1. Section 201.1 is amended to read as follows:

§ 201.1 *Applicability of general rules.* The Tariff Commission rules of general application apply to investigations under the provisions of sections 332, 336, and 337 of the Tariff Act of 1930 (46 Stat. 698, 701, 703; 19 U. S. C. 1332, 1336, 1337), to investigations under section 22 of the Agricultural Adjustment Act (of 1933), as amended (sec. 31, 49 Stat. 773; sec. 5, 49 Stat. 1152; sec. 1, 50 Stat. 246; 54 Stat. 17; 7 U. S. C. 624), to investigations under section 504 of the Philippine Trade Act of 1946 (Pub. Law 371, 79th Cong.), and to investigations under Part I of Executive Order 9832 (12 F. R. 1363). Rules having specific application to investigations under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act, under section 504 of the Philippine Trade Act, and under Part I of Executive Order 9832, respectively, appear separately in Parts 202 to 206, inclusive, of this chapter. In case of inconsistency between a rule of general application appearing in Part 201 and a rule of special application in the other parts mentioned, the rule in Parts 202 to 206 is controlling. No rules governing investigations under section 338 of the Tariff Act of 1930 (46 Stat. 704; 19 U. S. C. 1338) are issued because such investigations, which concern questions of possible discrimination by foreign countries against the commerce of the United States, are of a nature requiring their conduct under cover of secrecy.

2. The heading of § 201.8 and paragraph (a) of § 201.8 are amended to read as follows:

§ 201.8 *Applications for investigation under section 336 of the Tariff Act of 1930, under section 504 of the Philippine Trade Act of 1946, and under Part I of Executive Order 9832, and complaints under section 337 of the Tariff Act of 1930.* (a) All applications for investigations under section 336 of the Tariff Act of 1930, under section 504 of the Philippine Trade Act of 1946, or under Part I of Executive Order 9832, and complaints under section 337 of the Tariff Act of 1930, must be filed with the Secretary, United States Tariff Commission, Washington 25, D. C.[1] However, requests for information concerning such matters may be filed with the New York office as well as with the Washington office.

3. Section 201.10 is amended to read as follows:

§ 201.10 *Public notice of investigations.* Public notice will be given of every investigation ordered by the Commission under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act (of 1933), as amended, under section 504 of the Philippine Trade Act of 1946, and under Part I of Executive Order 9832, by posting a copy of the notice at the principal office of the Commission at Washington, D. C., and at its office in New York City, and by publishing a copy of the notice in Treasury Decisions and in the FEDERAL REGISTER. Subsequent notices will be given in the same manner. Copies of notices will also be sent to press associations, trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the investigation.

4. Paragraph (a) of § 201.11 is amended to read as follows:

§ 201.11 *Public hearings.* (a) Hearings are required by law only in the case of investigations under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act, under section 504 of the Philippine Trade Act of 1946, and under Part I of Executive Order 9832. No public hearing is required in general investigations under section 332 of the Tariff Act of 1930; however, when determined by the Commission to be appropriate and feasible, hearings will be held in such investigations.

PART 206—INVESTIGATIONS OF INJURY TO DOMESTIC PRODUCERS RESULTING FROM TRADE-AGREEMENT CONCESSIONS

Add a new Part 206 to Chapter II of Title 19 of the Code of Federal Regulations to read as follows:

Sec.
206.1 Applicability of rules under Executive Order 9832.
206.2 Purpose of investigation.
206.3 Applications.
206.4 Confidential information.
206.5 Public notice of investigation.
206.6 Public hearings.
206.7 Reports.

AUTHORITY: §§ 206.1 to 206.7 issued under Part I, E. O. 9832, Feb. 25, 1947, 12 F. R. 1363.

§ 206.1 *Applicability of rules under Executive Order 9832.* The rules under part 206 are specifically applicable to investigations for the purposes of Part I of Executive Order 9832 dated February 25, 1947 (12 F. R. 1363) and apply in addition to the pertinent rules of general application set forth in part 201 of this chapter.

§ 206.2 *Purpose of investigation.* The purpose of an investigation under Part I of Executive Order 9832 is to determine whether, as a result of unforeseen developments and of a concession granted on any article by the United States in a trade agreement containing a clause such as that prescribed in paragraph 1 of Part I of Executive Order 9832,[1] such article is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers of like or similar articles.

§ 206.3 *Applications.* (a) Applications for an investigation for the purposes of Part I of Executive Order 9832 may be made by any interested person, partnership, association, or corporation, and must be filed with the Secretary, United States Tariff Commission, Washington 25, D. C. Receipt by the Commission of an application for investigation, properly filed, will be acknowledged by the Secretary, and public notice of such receipt will be posted at the principal office of the Commission in Washington, D. C., and at its New York office, and published in the FEDERAL REGISTER, and in the weekly Treasury Decisions of the Treasury Department. Copies of notices will also be sent to press associations, trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the application. Such applications, except for material accepted in confidence under § 206.4 will be available for public inspection at the office of the Commission in Washington, D. C., or in the New York office of the Tariff Commission, Room 513 Customhouse, New York City 4, N. Y., where they may be read and copied by persons interested. If the Tariff Commission orders an investigation, notice of such order will be posted and published in accordance with § 206.5. Notice of decision not to order an investigation will be posted and published in the same manner as notice of receipt of an application under this section. The Commission will notify the applicant of its decision to order or not to order the investigation requested.

(b) Applications for investigations should be typewritten or printed, and must be submitted in triplicate but need not be drawn in any particular form and need not be under oath. Applications must be signed by or on behalf of the applicant and should state the name, address, and nature of business of the applicant.

(c) Applications must clearly state that they are requests for investigations and must name or describe the commodity or commodities concerning which an investigation is sought. They must also refer to the trade-agreement provision or provisions applicable to such commodity.

(d) The applicant must file with his application such supporting information as may be in his possession or is readily available. The filing of such information is required to aid the Commission in determining whether the circumstances warrant an investigation under Executive Order 9832, and does not render unnecessary the investigation itself. In other words, the application is preliminary to and not a substitute for the investigation which the Tariff Commission is required to make in appropriate circumstances. As far as practicable, information of the character indicated in this paragraph should be furnished:

(1) Information on imports, production, sales, and exports, of the product covered by the application, by months, for the years 1937, 1939, and 1946, and subsequent periods.

(i) Imports (quantity and value).
(ii) Production (quantity).
(*a*) By the applicant.
(*b*) By the domestic industry.
(iii) Sales (quantity and value).
(*a*) By the applicant.
(*b*) By the domestic industry.
(iv) Exports (quantity and value).
(*a*) By the applicant.
(*b*) By the domestic industry.

(2) Direct labor engaged in the domestic production of the product covered by the application, including the number of persons employed during a normal period of operation in a representative prewar year, in 1946, and at the time application is filed:

(i) By the applicant.
(ii) By the industry as a whole.

(3) Relation of income from the sales of product covered by the application to total receipts from all products produced by the applicant for a representative prewar year and for 1946 and subsequent period.

(4) Comparability of the domestic and the foreign article and the degree of competition between them both prior and subsequent to the effective date of the trade-agreement concession.

(5) The nature and extent of injury to the domestic producer which is alleged to be caused or threatened by reason of unforeseen developments and the concession in the trade agreement.

(6) Geographic areas in which the competition between the domestic and the foreign article is most intensive.

(7) Additional information of factual character, such as: profits and losses; changes in price structures, tax burden; wages and other costs; effects of subsidies, and price-support programs; and similar data that show the applicant's competitive position.

(e) Upon acceptance of an application by the Commission, the facts set forth therein will be carefully considered together with other pertinent information which the Commission may have available in its files, or which it may obtain from other sources, in order to determine whether an investigation is warranted.

(f) The Commission encourages informal conferences either with members of the Commission or its staff with regard to filing applications under Executive Order 9832 as well as any other matters. Such conferences can be arranged by addressing a request to the Secretary of the Commission at its office in the Tariff Commission Building, Washington 25, D. C., stating the subject matter of the proposed conference and the reasons for the request. Most of the statistical material relating to United States production and trade referred to in paragraph (d) of this section may be found in publications of the United States Departments of Agriculture, Commerce, Interior, and Labor, which are generally available both at the Washington headquarters and at the field offices of those Departments, as well as in the larger public libraries and university and state libraries.

§ 206.4 *Confidential information.* All information submitted with an application which it is desired shall be treated as confidential should be submitted on separate pages clearly marked "Confidential." The determination regarding the confidential character of such information is a matter within the discretion of the Commission.

CROSS REFERENCE: For general rule regarding confidential information, see § 201.6 of this chapter.

§ 206.5 *Public notice of investigation.* Public notice of an investigation ordered by the Commission under Part I of Executive Order 9832 will be given by posting a copy of the notice at the principal office of the Commission at Washington, D. C., and at its office in New York City; by publishing a copy of the notice in the FEDERAL REGISTER; and by an announcement regarding the notice in Treasury Decisions. Copies of notices will also be sent to press associations, trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the investigation.

§ 206.6 *Public hearings*—(a) *Public notice.* In the course of an investigation ordered for the purpose of Part I of Executive Order 9832, the Commission will hold public hearings. Public notice will be given of the time and place set for all hearings, in the same manner as notice is given of an order instituting investigations. Announcement of hearing will ordinarily be made 30 days in advance of the date set.

CROSS REFERENCE: For rule regarding conduct of public hearings, see § 201.14 of this chapter.

(b) *Type of information to be developed at hearing.* Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings and recommendations required by Part I of Executive Order 9832, the Commission will expect attention in the hearing to be concentrated upon the facts relating to:

(1) The competitive strength of the foreign and domestic article in the markets of the United States during a representative period prior and subsequent to the granting of the trade-agreement concession.

(2) Costs of production of the foreign and domestic article during a representative period prior and subsequent to the granting of the trade-agreement concession, and costs of importation of the foreign article during similar periods.

(3) Developments since the granting of the trade-agreement concession which constitute advantages or disadvantages in competition between the domestic and the foreign article in the markets of the United States.

Finally, parties interested appearing at public hearings are expected to present definite information rather than generalities and conjectures.

§ 206.7 *Reports.* If the Commission finds in its investigation that, as a result of unforeseen developments and of a concession granted in a trade agreement, imports are in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers, it will report its findings to the President with appropriate recommendations for the withdrawal or modification of the concession to the extent found necessary for the prevention of such injury. Such report is submitted for the President's consideration "in the light of the public interest." Presidential authority to increase duties and impose such additional import restrictions as are required or appropriate to carry out a foreign trade agreement is provided for in the Trade Agreements Act of 1934, as amended. (Section 350, Tariff Act of 1930, as amended, 19 U. S. C. Sup. 1351.) In the absence of such a finding by the Commission, notice of dismissal of the investigation will be published in the same manner as the notice ordering the investigation under § 206.5 of this chapter. The Commission will also issue a statement of the reasons for the dismissal.

[SEAL] LYNN R. EDMINSTER,
Acting Chairman, United States Tariff Commission.

JUNE 4, 1947.

[F. R. Doc. 47-5431; Filed, June 6, 1947, 8:48 a. m.]

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[1] Under Executive Order 7233 of November 23, 1935, applications for investigations under section 22 of the Agricultural Adjustment Act (of 1933), as amended, must be filed with the Secretary of Agriculture. See Part 204 of this chapter.

[1] Paragraph numbered 1 of the Executive Order (which was issued to implement the Trade Agreements Act of June 12, 1934) is as follows: "There shall be included in every trade agreement hereafter entered into under the authority of said act of June 12, 1934, as amended, a clause providing in effect that if, as a result of unforeseen developments and of the concession granted by the United States on any article in the trade agreement, such article is being imported in such increased quantities and under such conditions as to cause, or threaten, serious injury to domestic producers of like or similar articles, the United States shall be free to withdraw the concession, in whole or in part, or to modify it, to the extent and for such time as may be necessary to prevent such injury."

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order S-32]

PART 807—SUSPENSION ORDERS

JOSEPH LIEBERMAN

Joseph Lieberman, 10427 Wilshire Boulevard, Los Angeles, California, on or about December 6, 1946 began and thereafter carried on construction of a seven room residence and garage at 10325 Greendale Drive, West Los Angeles, California, at an estimated cost of approximately $20,000, without authorization therefor having first been secured from the Federal Housing Administration. On October 23, 1946 and December 19, 1946, respectively, Joseph Lieberman applied an HH rating with priority number, issued to his son by the Federal Housing Administration for the son's use in construction of a different residence, to orders for building materials for use in Joseph Lieberman's residence. The beginning and carrying on of such construction and the application of an HH priority rating to purchase orders for building materials for use in connection with construction of an unauthorized project constitute a wilful violation of the Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered, that:

§ 807.32 *Suspension Order No. S-32.* (a) Neither Joseph Lieberman, his successors or assigns, nor any other person, shall do any further construction on the premises located at 10325 Greendale Drive, West Los Angeles, California, including completing, putting up or altering of any structure located thereon, unless specifically authorized in writing by the Federal Housing Administration.

(b) Joseph Lieberman shall refer to this order in any application or appeal

which he may file with the Office of the Housing Expediter or the Federal Housing Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Joseph Lieberman, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 6th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5482; Filed, June 6, 1947; 10:10 a. m.]

[Suspension Order S-43]

PART 807—SUSPENSION ORDERS

CHARLES ALLARIO, ORESTE ALLARIO AND JOHN WEBER

Charles Allario and Oreste Allario, as owners, and John Weber, as contractor, about January 20, 1947, without authorization, began and thereafter carried on construction until February 27, 1947, of a commercial structure to be used as a farmers' market and hardware supplies store, at the corner of Arquez Street and Old San Francisco Road, Sunnyvale, California, at an estimated cost of $25,000. This was in violation of Veterans' Housing Program Order 1 and has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered, that:

§ 807.43 *Suspension Order No. S-43.* (a) Neither Charles Allario, Oreste Allario nor John Weber, their successors or assigns, nor any other person shall do any further construction on the project located at the corner of Arquez Avenue and Old San Francisco Road, Sunnyvale, California, including putting up, completing, or altering the structure unless hereafter authorized in writing by the Office of the Housing Expediter, or until the control of the Housing Expediter expires.

(b) Charles Allario and Oreste Allario and John Weber shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Charles Allario or Oreste Allario or John Weber, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 6th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5483; Filed, June 6, 1947; 10:10 a. m.]

[Housing Expediter Appeals Order, as Revised June 6, 1947]

PART 853—RULES OF PRACTICE AND PROCEDURE, INCLUDING FORMS AND INSTRUCTIONS

APPEALS PROCEDURE

PURPOSE

Par.
(a) What this section does.

DEFINITIONS

(b) Definitions.

FILING OF APPEALS

(c) Who may file.
(d) Preparation of appeals.
(e) Where to file.

PROCESSING OF APPEALS

(f) Establishment of Appeals Board.
(g) Consideration of appeals by Office of the Housing Expediter officials.
(h) Consideration of appeals by the Appeals Board.
(i) Records.

DISPOSITION OF APPEALS

(j) Appeals incorrectly made.
(k) Decisions.

MISCELLANEOUS

(l) Reporting requirements approved.

PURPOSE

§ 853.1 *Appeals procedure*—(a) *What this section does.* This section, the Housing Expediter Appeals Order, explains the procedure for appealing from:

(1) Any regulation or order of the Housing Expediter issued under the Veterans' Emergency Housing Act of 1946 (except Veterans' Housing Program Order 1 and those regulations and orders which provide for appeals to be addressed elsewhere than to the Housing Expediter or the National Housing Agency), and

(2) Administrative actions of the Housing Expediter or of persons or offices acting under a delegation from him, taken under the Veterans' Emergency Housing Act of 1946 (except issuance of suspension orders, other compliance actions, and denial of applications for construction authorizations).

DEFINITIONS

(b) *Definitions.* For the purpose of this section:

(1) "Regulation" or "order" means a published document which is applicable generally to all persons or to a class of persons described in such document.

(2) "Administrative action" means any action under a regulation or order, taken with respect to a particular person.

(3) "Appeal" means a request for relief from the provision of a regulation or order or for review of an administrative action.

(4) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(5) "Appellant" means a person filing an appeal as provided in this section.

(6) "This section" means this Housing Expediter Appeals Order.

FILING OF APPEALS

(c) *Who may file.* Any person affected by a regulation, order, or administrative action of the kind described in paragraph (a) of this section may file an appeal on the ground:

(1) That the regulation, order, or administrative action works an exceptional and unreasonable hardship upon him.

(2) That the regulation, order, or administrative action improperly discriminates against him.

(d) *Preparation of appeals.* Appeals must be in writing. Unless otherwise provided in a regulation or order appealed from, all appeals and accompanying material shall be filed in triplicate. (If the submission of three copies of all accompanying documents or exhibits would place an undue burden on the appellant, waiver of this rule may be requested at the time the appeal is filed.) An appeal must be clearly marked in accordance with paragraph (e) and shall be in letter form unless the regulation or order appealed from provides otherwise.

All appeals must state clearly (1) the provision of the regulation or order, or the administrative action appealed from, (2) the grounds for the appeal, and (3) the relief requested by the appellant. The various grounds for the appeal shall be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground.

If a request for an oral hearing before the Appeals Board is made as provided in paragraph (h) (2) of this section, it must be in writing and should be filed with the appeal.

(e) *Where to file.* All appeals shall be addressed to the Housing Expediter, Washington 25, D. C. They shall be marked "Ref: Appeals," followed by an indication of the regulation or order (or administrative action thereunder) appealed from, unless otherwise provided in the regulation or order.

PROCESSING OF APPEALS

(f) *Establishment of Appeals Board.* The Appeals Board of the Office of the Housing Expediter has been established as an impartial body to consider appeals. The Board consists of three members appointed by the Housing Expediter, or their alternates, one of whom acts as Chairman.

(g) *Consideration of appeals by Office of the Housing Expediter officials.* Unless an appellant expressly requests in writing consideration of his appeal by the Appeals Board, the appeal will be referred to appropriate officials of the Office of the Housing Expediter for determination.

(h) *Consideration of appeals by the Appeals Board.* The Appeals Board will consider appeals as follows:

(1) *Consideration requested by appellant.* The Board will consider an appeal if the appellant requests further consideration by the Appeals Board after an appeal has been initially determined by an Office of the Housing Expediter official in accordance with paragraph (g) of this section, unless the relief requested has already been granted. The Appeals Board will also consider an appeal initially upon specific written request of the appellant unless the relief request has already been granted.

(2) *Oral hearings.* Any person filing appeals with the Appeals Board may request an oral hearing which will be held at Washington, D. C. A date will be set and notice of the time and place of the hearing will be given the appellant by the Appeals Board at least five days before the date set for the hearing.

Such hearings will be informal, and the appellant need not be represented by counsel unless he so wishes. The Board shall not be bound by the rules of evidence. No oath will be administered to witnesses, but misrepresentations are punishable under the Federal statutes.

(i) *Records.* Complete records concerning each appeal will be maintained by the Office of the Housing Expediter and will be available to inspection by persons properly and directly concerned, unless the records contain confidential business information or are considered confidential by the Housing Expediter.

DISPOSITION OF APPEALS

(j) *Appeals incorrectly made.* An appeal not prepared or filed substantially as provided in this section, or in the applicable regulation or order in connection with which the appeal is filed, may be returned to the appellant without action.

(k) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part. Before reaching a decision an opportunity may be provided for the appellant to present additional evidence. Determinations by the Appeals Board will be made in accordance with pertinent instructions and policies, and shall be final. The determination of an appeal will be communicated to the appellant in writing.

MISCELLANEOUS

(l) *Reporting requirements approved.* The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. (60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 6th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5481; Filed, June 6, 1947; 10:10 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 90—TABLE OF CHARGES AT THE MINTS AND ASSAY OFFICES OF THE UNITED STATES[1]

MAY 28, 1947.

Part 90, Chapter I, Title 31 of the Code of Federal Regulations of the United States is hereby revised to read as follows:

Sec.
90.1 Melting charge.
90.2 Withdrawal and rejection of deposits.
90.3 Parting and refining charge.
90.4 Bar charges.
90.5 Assays of gold or silver bullion or jewelry free from platinum group metals.
90.6 Assays of plated and filled goods (over 800 base metal and white gold free from platinum group metals.
90.7 Assays of platinum group metals.
90.8 Assays of ores.
90.9 Assaying and stamping charges.
90.10 General provision.

AUTHORITY: §§ 90.1 to 90.10, inclusive, issued under the authority contained in R. S. 3524, sec. 2, 18 Stat. 296, 21 Stat. 374, sec. 3, 24 Stat. 635, R. S. 3546; 31 U. S. C. 332, 360.

§ 90.1 *Melting charge.* On each deposit of bullion a melting charge of $1.50 shall be imposed for the first 1,000 gross troy ounces or fraction thereof, and 15 cents additional for each 100 ounces or fraction thereof in excess of 1,000 ounces, computed on the after-melting weight: *Provided*, That no melting charge shall be imposed on deposits consisting of uncurrent United States coin or unmutilated stamped United States mint bars; or on silver bullion free from gold, of the fineness of 999 thousandths or over when received in conformity with official regulations for monetary purposes and a satisfactory assay can be obtained without melting.

When the melting loss exceeds 15 per cent, an additional charge of $1 for each deposit shall be imposed when the deposit weighs 100 gross troy ounces or less; on deposits weighing over 100 ounces the charge shall be $1 for the first 100 ounces and 25 cents for each 100 ounces or fraction in excess of 100 ounces. Such additional charge shall be computed on the before melting weight of the deposit.

On each deposit containing white gold alloys, as determined by the assayer, an extra melting charge of $1 for 100 gross troy ounces or fraction thereof, shall be imposed.

Deposits which fail to give concordant assays and those requiring an excessive amount of treatment (such as filings containing metals other than gold and silver), shall, at the discretion of the officer in charge, be subject to an additional charge equal to the cost to the Government for additional fuel, labor, and materials used in melting and treatment, as well as in remelting and retreatment, if necessary, by the deposit melter. When such actual costs are assessed the charge set forth in paragraph 2 of this section shall not be made.

§ 90.2 *Withdrawal and rejection of deposits.* If otherwise permissible,[2] deposits may be withdrawn by depositors at any time before payment is tendered therefor, and thereafter at the option of the officer in charge of the mint or assay office, subject to payment in cash of such charges for melting, etc., as have been incurred up to the time of withdrawal.

Rejected deposits are subject to payment in cash of such charges as have been incurred up to time of rejection. All deposits containing 800 thousandths or more of base metal must be rejected and should be returned to the depositor unless the metal may not be received by the depositor.[3]

§ 90.3 *Parting and refining charge (rate per gross troy ounce or fraction).*

CLASS A—BULLION CONTAINING GOLD

Base content (thousandths)	Gold content (thousandths)		
	Up to 250	250¼ to 500	500¼ to 1000
	Cents	*Cents*	*Cents*
Up to 50	1¼	2½	5
Over 50 to 150	1½	3	5½
Over 150 to 250	3	4½	6½
Over 250 to 350	4½	5½	8½
Over 350 to 450	5½	6½	9½
Over 450 to 550	6½	8½	10½
Over 550 to 650	8½	9½	
Over 650 to 750	9½	10½	
Over 750	10½		
Base content disregarded	Gold content 950 to 996¾		2½ cents
Base content disregarded	Gold content 995 and over		0 cents

CLASS B—SILVER BULLION FREE FROM GOLD

	Charge (cents)
Silver content:	
600 thousandths or less	5
600½ to 850 thousandths	3¾
850½ to 998¾ thousandths	1¼

CLASS C—MISCELLANEOUS

Upon gold bullion from 899 to 917 thousandths fine, having but one precious metal present and having base content of good copper, including foreign coins and domestic mutilated or uncurrent coin, a refining charge will be imposed only when payment is to be made in fine bars, in which case a charge of 5⅝ cents per gross ounce, or fraction, will be imposed. Domestic gold coin will be received only in accordance with the provisions of 31 CFR § 92.1.

No refining charge will be imposed on domestic mutilated or uncurrent silver coin received in accordance with 31 CFR Part 100.

When bullion contains less than one-fourth thousandth of gold or less than 8 thousandths of silver the gold or silver content respectively shall not be reported for the benefit of the depositor.

Gold coin containing 8 thousandths or over of silver acquires the status of bullion as regards charges and is subject to the appropriate charge for refining.

§ 90.4 *Bar charges*—(a) *Charges on gold bars issued in exchange for gold bullion.*[2] When payment in gold bars is requested without specification as to size, no bar change will be imposed; except that when fine gold bullion of 0.995 or higher fineness is deposited in exchange for Government-stamped bars a bar charge of 3¾ cents per $100 value of bars issued will be made; and with the further exception that when fineness of 999.9 is requested and available, a charge of 11¼ cents per $100 value of bars issued will be made.

When special size bars are requested and are available, the bar charges will be:

Bar sizes (gross troy ounces)	*Rate per $100 value (cents)*
Large, over 50 ounces	3¾
Medium, 25 to 50 ounces	5
Small, below 25 but not less than 15 ozs	6¼
Special, below 15 but not less than 5 ozs.	7½

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[1] Coinage mints are located at Philadelphia, Pennsylvania; San Francisco, California; and Denver, Colorado. United States Assay Offices are located at New York, New York, and Seattle, Washington. No deposits are accepted at the Office of the Director of the Mint in Washington, D. C. The United States is divided into mint districts for the receipt of deposits. (31 CFR § 91.3.)

[2] See § 90.10.

(b) *Charges on silver bars issued in exchange for silver bullion.*[2] No bar charges are imposed except when special size bars are requested and are available, in which case the bar charges will be:

Items	Rate per troy-ounce gross (cents)
Bars of Standard silver	5/8
Bars of fine silver, not less than 500 ozs.	5/32
Bars of fine silver, between 125 and 500 ozs.	5/16
Bars of fine silver, 125 ounces or less	3/8

Silver bars may not be sold except upon special authorization. (31 CFR 92.7, 92.8)

(c) *Charges on gold bars sold.*[2] Gold bars may be sold only in lots of not less than 25 fine troy ounces and only when of a fineness of 899 thousandths or above.

No bar charge will be imposed on any gold bars of a fineness below 999 thousandths when particular sizes or finenesses are not requested.

The following bar charges will be made for bars of a fineness of 999 thousandths or above, for bars of particular fineness, and for bars of particular sizes, when any of such bars are requested and available:

Fineness (thousandths)	Bar sizes (gross troy ounces)	Rates per $100 value
		Cents
999 and above, but below 999.9; also below 999 when particular sizes or finenesses are requested.	Large, over 50 ounces	3¾
	Medium, 25 to 50 ounces	5
	Small, below 25 ounces but not less than 15 ounces.	6¼
	Special, below 15 but not less than 5 ounces.	7½
999.9	Any size	11¼

§ 90.5 *Assays of gold or silver bullion or jewelry free from platinum group metals.*

	Charge
Gold	$3.00
Silver	3.00

An extra charge of $2 for each assay of gold or silver will be imposed when the sample contains any of the platinum group metals.

§ 90.6 *Assays of plated and filled goods (over 800 base metal) and white gold free from platinum group metals.*

	Charge
Gold	$4.00
Silver	4.00

An extra charge of $2 for each assay of gold or silver will be imposed when the sample contains any of the platinum group metals.

§ 90.7 *Assays of platinum group metals.* Assays of platinum, palladium, and iridium metals except in samples of ores, slags, or mattes may be made at the Assay Office at New York, N. Y., when authorized by the Director of the Mint; the charges imposed therefor by the superintendent of the institution shall be equal to the cost to the Government for labor, materials, and other expenses incident thereto.

§ 90.8 *Assays of ores.* Assays of ores will be made at the United States Assay Office at Seattle, Washington. The charge for each metal determined will be:

	Charge
Gold	$1.50
Silver	1.50
Gold and Silver (same sample)	2.50
Lead	2.50
Zinc	3.00
Copper	3.00

§ 90.9 *Assaying and stamping charges.*[3] On bullion deposited for the purpose of receiving the Government assay and stamp the melting and assay charges above specified shall be imposed.

§ 90.10 *General provision.*[3] Nothing herein provided shall be applied in a manner inconsistent with, or deemed to amend, modify, or repeal, any acts, orders, proclamations, regulations, or instructions, relating to gold or silver.

This revision shall become effective July 1, 1947.

[SEAL] NELLIE TAYLOE ROSS,
Director of the Mint.

Approved:

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-5410; Filed, June 6, 1947; 8:59 a. m.]

[2] See § 90.10.

[3] 11 F. R. 177, 14281.

[3] Sections 54.42 and 54.44 set forth the purchase and sale price of gold purchased and sold by the United States Mints and Assay Offices under Articles VI and VII of the Provisional Gold Regulations. (§§ 54.35-54.42, 54.43, 54.44)

The one-fourth of 1 percent charge referred to therein shall be in addition to all other mint charges in connection with purchases or sales of gold by the United States.

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

PART 707—RATIONING OF SUGAR

[3d Rev. RO 3,[1] Amdt. 53]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. The second sentence of section 1.6 (a) is amended to read as follows: "However, a consumer may apply for evidences to replace the sugar which was lost, damaged, destroyed, stolen or taken away only if he has given up valid evidences to acquire such sugar or if he acquired such sugar under the provisions of section 1.4."

2. Section 1.6 (a) (3) is amended to read as follows:

(3) That he gave up valid evidences for the sugar which was lost, damaged, destroyed, stolen or taken away or acquired such sugar under the provisions of section 1.4.

This amendment shall become effective June 7, 1947.

Issued this 2d day of June 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[1] 11 F. R. 177, 14281.

Rationale Accompanying Amendment No. 53 to Third Revised Ration Order 3

The present regulations provide that a consumer whose sugar is lost, damaged, destroyed, stolen, or taken away by legal process or order of a court, may apply for evidences in an amount required to replace such sugar. However, such replacement is limited to those cases in which the consumer has given up valid evidences for the sugar he wishes to replace.

Under the provisions of Section 1.4 of Third Revised Ration Order 3, a consumer who produces sugarcane or sugar beets and delivers them to a primary distributor for processing into sugar may, without giving up ration evidences, acquire sugar in certain stated amounts from the primary distributor. However, the regulations do not provide for the replacement of sugar so obtained if it is lost, damaged, destroyed, stolen, or taken away, as in those cases where the consumer gave up valid evidences for the sugar he wishes to replace. Since like relief is warranted for sugarcane and sugar beet growers, this amendment extends the replacement provisions to cover sugarcane and sugar beet growers who obtain sugar under the provisions of Section 1.4 without giving up evidences.

[F. R. Doc. 47-5499; Filed, June 6, 1947; 11:53 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

EXECUTIVE OFFICE OF THE SECRETARY

Sections 26.4 (d) (5) and (6) are hereby transferred and renumbered as §§ 26.4 (c) (13) and (14) respectively.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-5406; Filed, June 6, 1947; 8:53 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

CHUGACH AND TONGASS NATIONAL FORESTS

CROSS REFERENCE: For an addition to the tabulation contained in § 201.1, see Public Land Order 374 under Title 43, *infra*, excluding certain tracts of land from the Chugach and Tongass National Forests and restoring them to entry.

PART 261—TRESPASS

SITGREAVES NATIONAL FOREST, ARIZONA; REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Heber, the Chevalon, and a part of the Pinedale Ranger Districts in the Sitgreaves National Forest, State of Arizona; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of land in the Heber, Chevalon, and part of the Pinedale Ranger Districts of the Sitgreaves National Forest is issued:

Temporary closure from livestock grazing.[1] (a) The following-described areas in the Sitgreaves National Forest are hereby closed for the period June 16, 1947 to June 15, 1948 to grazing by horses excepting those that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such lands:

Chevalon, Heber, and part of the Pinedale Ranger Districts, Sitgreaves National Forest, which are bounded on the east by the Park Community and Pinedale Community Allotment fences; on the south by the fence between the Apache Indian Reservation and the Sitgreaves National Forest, the fence between the Tonto National Forest and the Sitgreaves National Forest and the Mogollon Rim, an impassable barrier; on the west by the Coconino National Forest generally along Leonard Canyon and Clear Creek Canyon; and on the north by the forest boundary fence.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Sitgreaves National Forest is located.

(30 Stat. 35, 33 Stat. 628; 16 U. S. C. 551, 472)

Done at Washington, D. C., this 3d day of June 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-5393; Filed, June 6, 1947; 8:50 a. m.]

[1] This affects tabulation contained in 36 CFR, § 261.50.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 374]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM TO ENTRY

By virtue of the authority vested in the President by the act of June 4, 1897, (30 Stat. 11, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 25, 1943; it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the Chugach and Tongass National Forests as hereinafter indicated, and restored, subject to existing withdrawals and to valid existing rights, to entry under the applicable public land laws:

CHUGACH NATIONAL FOREST

On the northwest shore of Eyak Lake 1½ miles east of Cordova, 1.17 acres; latitude 60°32'30" N., longitude 145°43'00" W. (Homesite No. 69).

TONGASS NATIONAL FOREST

U. S. Survey No. 2386, Tract "J", 1.92 acres; latitude 58°21'49" N., longitude 134°37'07" W. (Homesite No. 651, Peterson Hill Group);

U. S. Survey No. 2416, Lot 15, 4.16 acres; latitude 57°28'28" N., longitude 134°33'34" W. (Homesite No. 452, Killisnoo Group);

U. S. Survey No. 2492, Lot "B", 0.99 of an acre; latitude 58°21'00" N., longitude 134°38'35" W. (Homesite No. 732, Smuggler's Cove Group);

U. S. Survey No. 2553, Lot "AB", 0.57 of an acre; latitude 55°28'09" N., longitude 131°46'44" W. (Homesite No. 738, Clover Pass Group);

U. S. Survey No. 2678 (unapproved), Lots 4 and 5, 1.51 acres; latitude 55°24'30" N., longitude 131°45'35" W. (Homesite No. 901, Mud Bay Group, Revillagigedo Island);

Lot 5, Fritz Cove Group, Auke Bay, 0.92 of an acre; latitude 58°22'00" N., longitude 134°38'00" W. (Homesite No. 774);

Lot 4, Triangle Group, Auke Bay, 0.41 of an acre; latitude 58°23'00" N., longitude 134°39'00" W. (Homesite No. 792);

Lot 4, Block 1, Auke Lake Group, 0.57 of an acre; latitude 58°21'49" N., longitude 134°37'07" W. (Homesite No. 854).

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 29, 1947.

[F. R. Doc. 47-5388; Filed, June 6, 1947; 8:48 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ships Sales Act of 1946

[Gen. Order 60, Amdt. 2 to Supp. 2]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

MISCELLANEOUS AMENDMENTS

1. Section 299.1 *Definitions* is amended by revising paragraph (n) *Working capital* to read as follows:

(n) *Working capital.* "Working capital" means the excess of "total current working assets" over "total current working liabilities" determined in accordance with the instructions and balance sheet embodied in the form of "General Financial Statement" prescribed by the Commission (Budget Bureau approval No. 62-R010-42):[1] *Provided*, That (1) in determining the amount of working capital, unpaid tenders of "just compensation" made by the Maritime Commission (or War Shipping Administration) for title to, or use (to the extent accrued) of, vessels (irrespective of whether or not such tenders have been accepted by the owners) may be included, (2) an amount equivalent to the excess (if any) of 50% of the amount of "Unterminated Voyage Revenue" over the amount of "Unterminated Voyage Expense" reflected in the balance sheet shall be deducted from the amount of working capital determined in accordance with the preceding provisions of this paragraph, and (3) the amount of working capital thus determined shall in no event be in excess of the sum of (i) unrestricted cash and readily marketable securities included in total current working assets, and (ii) admitted current receivables against the Maritime Commission and unpaid tenders of "just compensation" made by the Maritime Commission (or War Shipping Administration) for title to or use of vessels, less the amount of all current payables to the Maritime Commission.

2. Section 299.1 *Definitions* is further amended by adding the following paragraph:

(q) *Related company.* The term "related company," used to indicate a relationship with the applicant, shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the applicant. The term "control" (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the applicant (or related company), whether through ownership of voting securities, by contract, or otherwise.

3. Paragraph (a) *Application* of § 299.21 *Sales of war-built vessels to citizens of the United States* is amended by changing the period at the end of subdivision (iii) of subparagraph (2) thereof to a colon and adding the following:

Provided, That in any instance where the applicant has no earning record for the fiscal years ended in 1939, 1940 and 1941 or where the earning record of the applicant for the fiscal years ended in 1939, 1940 and 1941 does not reflect funds available from earnings in each of such years in excess of one annual installment on the deferred portion of the purchase price of the vessel, plus interest on the deferred portion of the purchase price for one year at the rate of 3½% per annum, and plus the annual obligation with respect to any outstanding fixed liabilities of the applicant, (*a*) the purchase obligations of the applicant shall be guaranteed by a guarantor satisfactory to the Commission, or (*b*) the minimum net worth requirement shall be increased to 50% of the purchase price of the war-built vessel or such higher percentage as the Commission may require.

4. Paragraph (d) *Contract of sale* of § 299.21 *Sales of war-built vessels to citizens of the United States* is amended by revising the sentence inserted after the

[1] Copies of the "General Financial Statement" will be furnished by the Maritime Commission on request.

first sentence thereof by Supplement 2 to General Order 60 to read as follows:

Such contract of sale (other than a sale for cash in full) and the mortgage given thereunder shall include provisions whereunder the purchaser shall agree, for a period corresponding to that during which any part of the purchase price of the vessel remains unpaid:

(i) That (i) no capital shall be withdrawn, (ii) no share capital shall be redeemed or converted into debt, (iii) no dividend shall be paid, (iv) no loan or advance (except advances to cover current expenses of the purchaser) shall be made, either directly or indirectly, to any stockholder, director, officer, or employee of the purchaser or to any related company (as defined in § 299.1 (q)), (v) no investment shall be made in the securities of any related company (as defined in § 299.1 (q)), (vi) no indebtedness to any stockholder, director, officer, or employee of the purchaser or to any related company (as defined in § 299.1 (q)), which was classified as long-term or noncurrent in the balance sheet submitted with the application (or amendment thereto) to purchase the vessel, shall be repaid in whole or in part, and (vii) no salary at a rate in excess of $25,000 per annum shall be paid, if, after such transaction, the amount of working capital or the amount of net worth thereby would be reduced below the minima prescribed in or required under subdivisions (ii) and (iii), respectively, of paragraph (a) (2) of this section; and

(2) That the purchaser shall file such financial and operating statements as the Commission may require, and shall permit the Commission to examine and audit its books, records and accounts.

5. Paragraph (g) *Mandatory provisions in charter* of § 299.31 *Charter of war-built vessels to citizens of the United States* is amended by revising subparagraph (8) *Financial limitations* to read as follows:

(8) *Financial limitations.* That the charterer agrees that (i) no capital shall be withdrawn, (ii) no share capital shall be redeemed or converted into debt, (iii) no dividend shall be paid, (iv) no loan or advance (except advances to cover current expenses of the charterer) shall be made, either directly or indirectly, to any stockholder, director, officer, or employee of the charterer or to any related company (as defined in § 299.1 (q)), (v) no investment shall be made in the securities of any related company (as defined in § 299.1 (q)), (vi) no indebtedness to any stockholder, director, officer, or employee of the charterer or to any related company (as defined in § 299.1 (q)), which was classified as long-term or noncurrent in the balance sheet submitted with the application (or amendment thereto) to charter the vessel, shall be repaid in whole or in part, and (vii) no salary at a rate in excess of $25,000.00 per annum shall be paid, if, after such transaction, the amount of working capital or the amount of net worth thereby would be reduced below the minima prescribed in paragraph (a) of this section.

6. Section 299.71 *Application to purchase a war-built vessel* is amended by revising the first paragraph under Exhibit III of item 29 to read as follows:

Exhibit III—A copy of (1) balance sheet as of the end of a calendar month (except in instances where the fiscal year of the applicant ends on some other day) within not more than six months and not less than one month (except in instances where the applicant was established more recently) of the date of the filing of the application (or amendment thereto changing the type or number of vessels applied for) with the Commission; (2) a brief statement of the nature of any substantial changes in the financial conditions of the applicant or the results of its operations since the date of the balance sheet required hereunder, and (3) profit and loss statements for each year (or other accounting period) beginning with the fiscal year ended in 1939 and ending with the date of the balance sheet.

7. Section 299.81 *Application to charter a war-built vessel for bareboat use* is amended by revising the first sentence under Exhibit III of item 28 to read as follows:

Exhibit III—A copy of (1) a balance sheet as of the end of a calendar month (except in instances where the fiscal year of the applicant ends on some other day) within not more than six months and not less than one month (except in instances where the applicant was established more recently) of the date of the filing of the application (or amendment thereto changing the type or number of the vessels applied for) with the Commission, (2) a brief statement of the nature of any substantial changes in the financial condition of the applicant, or the results of its operations since the date of the balance sheet required hereunder, and (3) profit and loss statements for each year (or other accounting period) beginning with the fiscal year ended in 1939 and ending with the date of the balance sheet.

8. *Effective date.* This Amendment 2 of Supplement 2 to General Order 60 shall be effective with respect to applications (and amendments of prior applications) received by the Commission after the date of its publication in the FEDERAL REGISTER.

(Pub. Law 321, 79th Cong., 60 Stat. 41)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

JUNE 2, 1947.

[F. R. Doc. 47-5411; Filed, June 6, 1947; 9:09 a. m.]

[Gen. Order 44, 2d Rev., WSA Function Series]

PART 304—LABOR

The following rules and regulations are prescribed by the United States Maritime Commission to carry out the provisions of Public Law 87, 78th Congress, approved June 23, 1943 (57 Stat. 162), as amended:

Sec.
304.75 Definitions.
304.76 Substantially continuous service.
304.77 Completion of period.
304.78 Partial certificate.
304.79 Record of special proficiency or merit.
304.80 Applications for certificate.

AUTHORITY: §§ 304.75 to 304.80, inclusive, issued under 57 Stat. 162, as amended by Pub. Laws 660 and 692, 79th Cong., Pub. Law 492, 79th Cong.; 50 U. S. C. App. Sup. 1471.

§ 304.75 *Definitions.* As used in §§ 304.75 to 304.80, inclusive:

(a) "Commission" means, effective as of September 1, 1946, the United States Maritime Commission and means, prior to said date, the Administrator of the War Shipping Administration.

(b) "Marine Division" means the Marine Division, Operations Department (formerly the Recruitment and Manning Organization) of the United States Maritime Commission.

(c) "Training Division" means the Training Division (formerly the Training Organization) of the United States Maritime Commission.

(d) "Vessel" means any vessel documented under the laws of the United States, and any vessel owned by, chartered to, or operated by or for the account or use of the Commission or of the War Department: *Provided*, That "vessel" shall not mean any water-craft which is:

(1) Not self-propelled, or unrigged, unless operated in coastal, inter-coastal, or foreign shipping; or

(2) Operated in the fishing trade; or

(3) Operated exclusively as a pleasure vessel or for pleasure purposes.

(e) "Enrollee" means any person serving in a student, trainee, instructor, administrative, or similar capacity.

(f) "Seaman" means any person who has entered service in the merchant marine after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941.

(g) "Service in the merchant marine" means service performed during the period between May 1, 1940, and three (3) months after the termination of the unlimited national emergency declared by the President on May 27, 1941: *Provided*, That it shall include service performed during a voyage, commenced prior to said termination of the unlimited national emergency, which continues beyond the end of the aforesaid period: *And provided further*, That it shall include service performed during the periods described in § 304.76 (a) (2), (3) and (4) and (b), and § 304.77 (b):

(1) As a civilian officer or member of the crew on or in connection with a vessel; or

(2) As an enrollee, as defined in paragraph (e) of this section, in the United States Maritime Service on active duty; or

(3) As an enrollee, as defined in paragraph (e) of this section, in any school or institution, including the United States Merchant Marine Cadet Corps and any State Maritime Academy, under the jurisdiction of the Commission or in any civilian marine school under the jurisdiction of the Army Transportation Corps; or

(4) In any combination of the foregoing.

(h) "Date of entry" into the merchant marine means the date of a seaman's first service in the merchant marine, as defined in paragraph (g) of this section, except that after more than 90 days

absence from the service, the "date of entry" means the date of such subsequent re-entry into the merchant marine, unless in the opinion of the Commission such absence is justified by extenuating circumstances.

§ 304.76 *Substantially continuous service.* The service of any seaman in the merchant marine shall be deemed to have been "substantially continuous" if such seaman performs service, as defined in § 304.75, seventy-five percent (75%) or more of the time elapsing between the date of his entry into such service and the conclusion of one of the periods described in § 304.77: *Provided*, That:

(a) Any such seaman shall be credited with service in the merchant marine:

(1) For any period awaiting assignment for service, as defined above, to such extent as may be established to the satisfaction of the Commission; or

(2) For any reasonable period, including hospitalization, during which he may be disabled for active employment in such service as the result of illness or injury not caused by his own wilful misconduct; or

(3) For any time required for his repatriation following his separation from the vessel for any cause not due to his own neglect or wilful misconduct (not including time consumed in delay resulting from his refusal to be repatriated); or

(4) For any period of internment by an enemy nation.

(b) No disadvantage shall accrue to any seaman, who applies within thirty (30) days after his last active service in the merchant marine, as a result of the time intervening between the date of the filing of his application and the date of issuance of his certificate.

§ 304.77 *Completion of period of substantially continuous service.* A seaman shall be deemed to have completed a period of substantially continuous service in the merchant marine if he has performed substantially continuous service, as defined in § 304.76:

(a) For a period of not less than twelve (12) months or, in the case of a person who is performing service in the merchant marine upon the date of the termination of the unlimited national emergency declared by the President on May 27, 1941, for any period not exceeding three (3) months thereafter, except as provided in § 304.75 (g): *And provided*, That in the case of a person who, having been discharged or released from active military or naval service in the land or naval forces of the United States, receives a certificate evidencing satisfactory completion of such service and who, within thirty (30) days from date of discharge or release from such service, enters upon service in the merchant marine, his length of service in the land or naval forces of the United States shall be credited towards this requirement; or

(b) To the date he is permanently disabled for further service as a result of an illness or injury not caused by his own wilful misconduct, plus a reasonable period for necessary medical treatment and hospitalization; or

(c) To the date when the Commission certifies that the continued service of the applicant is no longer desirable or necessary. Upon verification of such service he shall be entitled to a certificate of substantially continuous service, worded as in form A attached.

§ 304.78 *Partial certificate.* Any seaman who terminates his service in the merchant marine for the purpose of performing active military or naval service in the land or naval forces of the United States and enters thereupon within (30) days after termination of his service in the merchant marine shall be entitled to a partial certificate of substantially continuous service, worded as in form B attached, if he performs service, as defined in § 304.75, seventy-five per cent (75%) of the time from the date he enters such service to the date he terminates such service and he shall be entitled to be credited with service in accordance with the provisions of § 304.76.

§ 304.79 *Record of special proficiency or merit.* The applicable certificates described in §§ 304.77 and 304.78 shall contain a record of any special proficiency or merit obtained, as evidenced by any special awards that may have been issued to such seaman by the Merchant Marine Decorations and Medals Board or its predecessor Committees.

§ 304.80 *Applications for certificate.* All applications for certificates must be submitted promptly after completion of periods of substantially continuous service, but not later than thirty (30) days after the end of the three-month period immediately following the termination of the unlimited national emergency declared by the President on May 27, 1941: *Provided*, That (a) any seaman entitled to credit for service, as described in § 304.76 (a) (2), (3) and (4) and § 304.77 (b), or (b) any seaman performing service on a vessel during a voyage, as described in § 304.75 (g), subsequent to the termination of the aforesaid unlimited national emergency, must submit his application not later than thirty (30) days after the date of his last creditable service. Applications for partial certificates, described in § 304.78, shall be submitted not later than ninety (90) days after discharge or release from active military or naval service in the land or naval forces of the United States. If at the time of application for a certificate or partial certificate of substantially continuous service in the merchant marine, the applicant has most recently been engaged as an enrollee in the United States Maritime Service, as a cadet-midshipman, or as an enrollee in any school or institution under the jurisdiction of the Commission, application for such certificate shall be made through the Training Division. Application for such certificates by all other seamen shall be made through the Marine Division. Application forms shall be provided at all regional offices, port offices, and schools or institutions under the jurisdiction or supervision of the Commission, and at other accessible places.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

JUNE 2, 1947.

No. _____

CERTIFICATE OF SUBSTANTIALLY CONTINUOUS SERVICE IN THE UNITED STATES MERCHANT MARINE

This is to certify that _____ has completed a period of substantially continuous service in the United States Merchant Marine, said period of service having commenced _____ and terminated on _____, within the meaning of the Rules and Regulations prescribed pursuant to Public Law 87, 78th Congress (57 Stat. 162), as amended.

[The following statement will be added when applicable. The holder hereof has received the following special awards: _____]

By direction of the United States Maritime Commission.

[SEAL] W. W. SMITH,
Chairman.

Attest:
A. J. WILLIAMS,
Secretary.

Dated _____

No. _____

PARTIAL CERTIFICATE OF SUBSTANTIALLY CONTINUOUS SERVICE IN THE UNITED STATES MERCHANT MARINE

This is to certify that _____ has terminated a partial period of substantially continuous service in the United States Merchant Marine, said period of service having commenced on _____ and terminated on _____, within the meaning of the Rules and Regulations prescribed pursuant to Public Law 87, 78th Congress (57 Stat. 162), as amended. This Partial Certificate is issued for use only in conjunction with a certificate evidencing satisfactory completion of active service in the armed forces of the United States for the purpose of establishing reemployment rights under the Selective Training and Service Act of 1940, as amended, and the Service Extension Act of 1941, as amended.

[The following statement will be added when applicable. The holder hereof has received the following special awards: _____]

By direction of the United States Maritime Commission.

[SEAL] W. W. SMITH,
Chairman.

Attest:
A. J. WILLIAMS,
Secretary.

Dated _____

[F. R. Doc. 47-5413; Filed, June 6, 1947; 8:47 a. m.]

[Gen. Order 22, 2d Rev., WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

REGULATIONS AND MINIMUM STANDARDS FOR STATE MARITIME ACADEMIES

General Order 22 is revised to read:

The United States Maritime Commission, pursuant to the authority conferred

upon it by the Merchant Marine Act, 1936, as amended; Title 34 U. S. C., sections 1121, 1122, 1123, and 1123 a–e inclusive; Executive Order No. 9083 dated March 2, 1942; Executive Order 9198 dated July 11, 1942; and section 202 of Public Law 492, 79th Congress (60 Stat. 501), hereby prescribes and adopts as necessary and appropriate to maintain trained and efficient merchant marine personnel the following regulations for State Maritime Academies:

Sec.
310.1 Definitions.
310.2 Federal aid and finance.
310.3 Schools and courses.
310.4 Training ship.
310.5 Personnel.
310.6 Entrance standards.
310.7 Enrollment.
310.8 Scholarship subsidy, subsistence, and charges.
310.9 Leave.
310.10 Medical attention and injury claims.
310.11 Discipline and dismissal.
310.12 Scope and effect of §§ 310.1 to 310.12, inclusive.

AUTHORITY: §§ 310.1 to 310.12, inclusive, issued under 36 Stat. 1353, 50 Stat. 621, 54 Stat. 1236, 55 Stat. 247, 55 Stat. 607; sec. 202, Pub. Law 492, 60 Stat. 501; 34 U. S. C. and Supp. 1121–1123e; E. O. 9083, Feb. 28, 1942, E. O. 9198, July 11, 1942, 3 CFR Cum. Supp.

§ 310.1 *Definitions.* For the purposes of §§ 310.1 to 310.12, inclusive:

(a) "Commission" means the United States Maritime Commission.

(b) "Chairman" means the chairman, United States Maritime Commission.

(c) "Director" means the Director of the Training Division, United States Maritime Commission.

(d) "Training Division" means the Training Division, United States Maritime Commission.

(e) "Superintendent" means the Superintendent of the State Maritime Academy and "Commanding Officer" means the Commanding Officer of the training ship.

(f) "Officers" means all officers and instructors connected with the State Maritime Academy or the training ship, except part time civilian instructors.

(g) "Maritime Service" means the United States Maritime Service.

(h) "Supervisor" means the Supervisor of State Maritime Academies, Training Division, United States Maritime Commission.

§ 310.2 *Federal aid and finances*—(a) *Annual grant and loan of training vessel.* An annual grant of $50,000.00 if funds therefor are appropriated by the Congress, and such additional sums as the Congress may authorize and appropriate, will be paid to each of the State Maritime Academies and to such others as may be authorized by law and approved by the Commission, and the Commission will furnish to each such school a training vessel as provided by statute and § 310.4, subject to the following terms and conditions:

(1) Such school shall under appropriate authority agree to conform to such minimum standards in regard to students' entrance requirements, the staff of instructors, and courses of and facilities for training, as the Commission shall approve (including §§ 310.1 to 310.12, inclusive).

(2) The State shall appropriate and spend each year for the purpose of maintaining such school, an amount not less than that received from the Federal Government for such year for the same purpose.

(3) The Federal grant shall be spent in the operation of the training vessel and in the maintenance and operation of a shore base.

(4) The Superintendent and the finance officer of the State Maritime Academy shall be responsible for financial matters pertaining to the academy and to the training ship; they shall be bonded in accordance with requirements established by the state.

(5) Each such academy, as a condition to receiving any portion of such monetary aid in excess of $25,000, shall agree under appropriate authority to and shall admit students resident in other states who meet such academy's eligibility requirements and who are approved for such admission by the Commission, *Provided*, That:

(i) No academy shall be compelled to accept out-of-state students if the full quota can be obtained within the state.

(ii) The number of students so admitted from other states shall not exceed one-third of the total student capacity of such academy.

(iii) The per capita cost of such students shall be paid out of the Federal funds provided for in this section and shall be computed annually. To determine this cost, the total number of state cadets will be divided into the total operating expense, less the grant. Vouchers, Standard Form 1034, will be submitted monthly covering the per capita cost of cadets at the academy, accompanied with a list of the cadets who have been nominated.

FOR EXAMPLE: Assuming that the per capita cost for cadets is $650.00 and 20 cadets were nominated from out-of-state to an academy, the voucher submitted would be:

1/12 of $650.00 equals $54.17 per cadet.
$54.17 × 20 cadets equals $1,083.40

$1,083.40 being the amount for which the voucher is submitted.

The above voucher would then be made out monthly and submitted to the Supervisor for the duration of the cadets' training. If the per capita cost of the cadets is $650.00, no more than 38 cadets can be assigned by the Training Division to any one academy. Also if 38 candidates were nominated to any academy, no more candidates could be approved by the Training Division until these men had graduated from that academy.

(b) *Accounting for $195.00 clothing and textbook allowance.* In the case of cadets presently enrolled at State Maritime Academies who received the $195.00 clothing and textbook allowance, the following applies:

(1) When such a cadet is disenrolled from a State Maritime Academy before the termination of his course and the Superintendent declares him so disenrolled, the Superintendent shall require him forthwith to surrender all distinctive articles of uniforms (including devices, insignia, caps, raincoats, overcoats, uniform coats and trousers (except dungaree and khaki trousers) and any other items that were paid for from such allowance and textbooks; shall cause such effects to be inventoried, and, together with a copy of the inventory, turned over to the supply officer for safe keeping; and may in his discretion, require reimbursement by the cadet for all such articles as are not so surrendered.

At any time after 15 days from the date of such disenrollment, such effects shall be disposed of as follows:

(i) Unstencilled clothing having the appearance of new articles shall be taken into inventory in the clothing account and gain by returned clothing for reissue at regular prices.

(ii) Used outer clothing, if in satisfactory condition, shall be cleaned, renovated, and taken into inventory in the clothing account as gain by returned clothing for reissue at 60% of regular price.

(iii) Names on such clothing will be cancelled by stencilling in large letters over the original stencil, the letters "D. C."

(iv) Re-usable textbooks and insignia shall be taken into inventory for resale at 60% of the regular price.

(v) Such effects considered unsuitable for reissue shall be sold at auction and the proceeds deposited to the credit of Miscellaneous Receipts, United States Treasury.

(2) Upon graduation of each class, each being considered as a separate unit for accounting purposes, an accounting for the following shall be furnished:

Funds expended for uniforms.
Funds expended for textbooks.
Funds remaining on hand.
Uniforms purchased, number and cost.
Textbooks purchased, number and cost.
Uniforms issued.
Textbooks issued.
Uniforms remaining unissued.
Textbooks remaining unissued.
Uniforms repossessed, number and issue price.
Textbooks repossessed, number and issue price.
Repossessed uniforms taken into inventory for resale at regular price.
Repossessed uniforms taken into inventory for resale at 60% of the regular price.
Repossessed uniforms considered unsuitable for reissue, number and issue price.
Repossessed textbooks taken into inventory for resale 60% of the original price.
Repossessed textbooks considered unsuitable for reissue, number and issue price.
Repossessed uniforms reissued, number and price.
Repossessed textbooks reissued, number and price.

§ 310.3 *Schools and courses*—(a) *State Maritime Academies operating with Federal aid.* The following State Maritime Academies are operated with Federal aid and subject to §§ 310.1 to 310.12, inclusive:

California Maritime Academy.
Maine Maritime Academy.
Massachusetts Maritime Academy.
New York State Maritime Academy.
Pennsylvania Maritime Academy.

(b) *General rules for operation of academies.* (1) The State Maritime Academies shall maintain berthing, messing, and classroom instruction facilities ashore for at least 200 cadets.

(2) To insure economical and efficient operation, the maximum number of cadets a State Maritime Academy may enroll in the Maritime Service for payment as provided in § 310.8, shall be determined by the Director.

(3) Rules and regulations for the internal organization and administration of each State Maritime Academy will be determined under the direction of the state authority. Wherever possible, such rules and regulations shall follow those prescribed by the Commission for the administration of the Federal academies.

(4) The Commission shall have the right to inspect shore base facilities at all reasonable times.

(5) Records pertaining to the academy, its officers, instructors, crew cadets, the training ship, and shore base shall be maintained by each academy and shall be available to the Director upon request. A detailed daily log of absences, with or without leave, hospitalizations, disenrollments and other analogous data shall be kept by each academy. A copy of these daily logs shall be furnished to the finance officer and the Supervisor.

(6) Communications from the State Maritime Academies to other executive or administrative government agencies concerning the policies of the Commission shall be forwarded through the Supervisor. Communications concerning Naval administration shall be forwarded through official Naval channels via the Director.

(c) *Curriculum.* For all classes enrolled after July 1, 1946, the minimum period of training shall be three years, at least six months of which must be aboard a training vessel in a cruise status. The period of training may be extended by the several State Maritime Academies.

The state authorities shall prescribe and be responsible for the courses of instruction and general system of training subject to approval by the Director and with the addition of such courses as may be prescribed by Federal authorities.

(d) *Board of visitors.* It is recommended that a board of visitors, acting in an advisory capacity only and meeting at least once a year, be appointed by the state for its academy. It should be composed of at least eight members including the following:

One from the shipping industry;
One from the shipbuilding or ship repair industry;
One from the alumni of the academy;
One merchant marine master mariner possessing an active license;
One merchant marine chief engineer possessing an active license;
One officer of the United States Navy, active or retired, designated by the Commandant of the Naval District in which the Academy is located;
One from the State Board of Education or other State department, bureau, or agency; and
One representative of the Commission designated by the Chairman.

§ 310.4 *Training ship.* The Commission will loan a training vessel, if such

is available, to each of the State Maritime Academies. If such a vessel is not available, adequate cruising facilities will be arranged if possible. The loan of the training ship shall be subject to the following terms and conditions:

(a) *General provisions.* (1) The State shall exercise due diligence to safeguard the interests of the Commission and avoid loss and damage of every nature. The Superintendent, or in his absence, the Commanding Officer of the training ship, or in the absence of both, the next senior deck officer shall be responsible for the training ship and all Federal and State property aboard.

(2) Log books and reports shall be submitted as directed by the Director.

(3) Detailed reports shall be forwarded promptly to the Supervisor in the event of accident causing damage to the training ship, equipment or machinery, or damage inflicted by the training ship to any other ship or property.

(4) The Director shall determine whether or not the berth of the training ship at the base in its home port is satisfactory from the standpoint of safety. When the ship is not on a cruise, the Commanding Officer shall keep the Supervisor informed of the location of the vessel and of any contemplated change of berth.

(5) The following notice shall be posted conspicuously on board a training ship on loan to the state:

This training ship is the property of the United States of America. It is loaned to the State of ---------- by the United States Maritime Commission for the purpose of training young men to become officers in the Merchant Marine of the United States. Neither the State, the Commanding Officer, nor any other person has any right, power, or authority to create, incur, or permit to be imposed upon this vessel, any lien whatever.

(6) No structural changes shall be made to the training ship, her machinery, or boilers without the written approval of the Commission.

(7) Upon termination of the loan of a training ship, the state shall return, in the state base port, the vessel and all property whatsoever owned by the Commission. Title to all additions, replacements, and renewals made by the state shall be in the Commission without charge therefor.

(b) *Termination of loan.* The Commission may terminate the loan of a vessel:

(1) By substituting another vessel therefor.

(2) If the vessel is required for other purposes, in which case the Commission, as soon as practicable, will return the vessel or provide another to the academy.

(3) If she is not operated to the satisfaction of the Commission, and after due notice thereof, state authorities fail to remedy conditions complained of.

(c) *Property aboard ship.* The state shall have the use of all equipment, appliances, apparel, spare and replacement parts on board a training ship, subject to the following terms and conditions:

(1) The same or their substantial equivalent shall be returned to the Commission, ordinary wear and tear, unavoidable accident, and perils of the sea excepted, and any such items otherwise lost or destroyed shall be replaced at the expense of the state.

(2) Commission property shall not be permanently removed from the training ship to shore base without the written approval of the Director.

(3) The Commission shall take inventories of state and Federal property on board the vessel at such times as it deems necessary after consultation with the academy authorities. A representative of the state shall be present when such inventories are being taken. The academy shall furnish such assistance as may be necessary for this purpose.

(d) *Condition surveys.* Before a vessel is released to a State Maritime Academy and is manned by state officers under state control, a condition survey will be made by duly authorized representatives of the academy and the Commission. If the vessel is found in order, the State Maritime Academy representative shall receipt for the ship. Subsequently, after due notice to the state authorities, a condition survey may be made of the ship whenever deemed advisable by the Commission, and, in any event, upon redelivery of the vessel by the state to the Commission.

(e) *Maintenance, repairs, and operating expenses*—(1) *To be borne by the Commission.* Expenses for repairs to the vessel, changes, and alterations, repairs to equipage, and replacements of equipage in accordance with Commission approved allowance lists of the vessel, will be borne by the Commission under the following terms and conditions:

(i) Except for emergencies or while the vessel is on foreign cruise, repairs shall not be made without the prior written approval thereof by the Director.

(ii) When it is necessary to repair or dry dock the training ship because of damage or other reasons (except in an emergency, when the vessel is on foreign cruise, or for annual overhaul), the Commanding Officer shall notify the Supervisor sufficiently in advance thereof to enable a representative of the Training Division to be present, and, when it is anticipated or it is determined that major spare parts will be or are required, shall promptly so advise the Supervisor.

(iii) To further training and for the purpose of reducing expenses, repairs which need not be carried out during the annual overhaul period shall be made by the cadets under the supervision of the ship's officers. When material is needed or has been ordered by the State, the Commanding Officer shall forward to the Supervisor a list of such material and estimated costs, and a description of the repairs to be carried out by the cadets. The Supervisor shall promptly advise the Commanding Officer whether or not such work comes under the heading of repairs.

(iv) Requisitions covering repairs, renewals, and betterments shall be prepared in quintuplicate by the heads of departments of the training ship and submitted by the Commanding Officer to the Supervisor at least thirty days before the date of the annual overhaul.

(v) The state is authorized to expend not to exceed $5,000.00 for repairs which become necessary while the vessel is on foreign cruise and will be reimbursed by

the Commission therefor upon submission of vouchers to and approval thereof by the Director after termination of such cruise. To be so reimbursed for repairs estimated to cost in excess of $5,000.00, authority must be obtained by the state from the Supervisor prior to undertaking such repairs.

(2) *To be borne by the state.* Except as otherwise provided in this section, the state shall, at its own expense,

(i) Keep the training ship and its machinery, boilers, appurtenances, equipment, and spare parts in good order and condition, and shall keep her clean and painted to the satisfaction of the Director with the exception of such items approved by the Director as repairs.

(ii) Cause the training ship to be fumigated at least twice a year if required by the Director and shall forward to the Supervisor, after each such fumigation, a copy of the fumigation certificate.

(iii) Pay for all consumable stores, fresh water, fuel, and costs incidental to the operation of the training ship, such payment of operating expenses being subject to approval by the Commanding Officer of the State Maritime Academy.

(f) *Cruises.* The cruise itinerary of the training ship, including a listing of foreign ports to be visited must have the approval of the Supervisor and shall be submitted to him by the Commanding Officer at least sixty days in advance of the date such cruise is scheduled to begin. While on cruise, the Commanding Officer shall advise the Supervisor by dispatch of the date of arrival at each port visited and of the date of departure if the latter is at variance with the approved itinerary. Permission for the training ship to visit the U. S. Naval stations or Naval bases shall be arranged by the Commanding Officer.

§ 310.5 *Personnel*—(a) *Superintendent and Commanding Officer.* The Superintendent of a State Maritime Academy and the Commanding Officer of the training ship shall be nominated by the State and approved by the Chairman of the Commission after consultation with the Navy Department. They shall be either:

(1) Officers of the United States Navy, Naval Reserve, or Maritime Service, active or retired, or

(2) State Maritime Academy graduates with wide experience as masters of vessels no less in size than the one used as a training ship and shall be officers of the United States Navy or Naval Reserve, active or retired.

The transcript of service of the nominee and such other documents as may be prescribed must be submitted to the Director for approval before his nomination by the State.

If for any good and sufficient reason, following due investigation and hearing, the Commission is dissatisfied with the Superintendent or the Commanding Officer, it will request his discharge by the State.

(b) *Officers and instructors.* Officers and instructors shall be considered for qualities of practical experience and training in their specialties, their ability to impart their knowledge to students, and their personality, including ability to deal with young men without friction; they shall be nominated by the State and shall be satisfactory to the Director.

Special qualifications for the following training ship officers are:

(1) *Radio operators.* Radio operators shall hold active licenses issued by the Federal Communications Commission.

(2) *Watch officers.* Watch officers shall be qualified line Naval officers, Naval Reserve officers, or licensed officers of the merchant marine.

(3) *Chief engineer.* The chief engineer shall possess an active unlimited license as chief engineer of steam and motor vessels, or be an experienced engineer officer of the United States Navy or Naval Reserve, or shall have had experience as a licensed engineer officer in the merchant marine or in a State Maritime Academy training ship and must be satisfactory to the Director.

(c) *Insignia for officers and instructors.* The insignia for officers and instructors, other than officers of the United States Navy, Naval Reserve, Maritime Service, and part-time instructors shall be the seal or shield of the state. All officers of the United States Navy or Naval Reserve in inactive status are authorized to wear Merchant Marine Reserve insignia as prescribed by the Bureau of Naval Personnel, or of the Maritime Service as prescribed by the Commission.

(d) *Pay and allowances for officers and instructors.* The Commission recommends that the minimum pay and allowances for officers and instructors at the State Maritime Academies shall not be less than those for officers and instructors at comparable state institutions, with due allowance for the fact that State Maritime Academy personnel are on a full time basis instead of a nine months' basis.

(e) *Training ship crew.* Members of the crew of a training ship shall be citizens of the United States, shall take an oath or affirmation of allegiance to the United States, and shall submit to finger-printing.

§ 310.6 *Entrance standards.* (a) A candidate for admission to a State Maritime Academy must be a male citizen of the United States and must qualify in all respects for appointment as a midshipman, Merchant Marine Reserve, United States Naval Reserve. He must be of robust constitution, physically sound and of good moral character, not less than seventeen years of age and not yet twenty-three years of age: *Provided*, That, within this range, each state may fix its upper age limit for cadets appointed by the state: *Provided further*, That, in any case, if the candidate is a veteran honorably discharged or if he served in the merchant marine for not less than one year, the upper age limit is extended one year so that such candidate shall be not yet twenty-four years of age.

(b) A candidate must be unmarried.

(c) A candidate must be a graduate of an accredited secondary school or possess secondary school requirements determined by the Supervisor to be satisfactory; he must have at least two and one-half years of mathematics that meets college entrance requirements for a B. S. degree, at least three years of English, and adequate training in science including at least one year of physics.

(d) Admission to the academy will be granted on the basis of the candidate's ability to satisfy the requirements established by the academy as indicated by such criteria as the individual's secondary school grades, rank in graduating class, intelligence as measured by an objective examination, character, personality, and qualities of leadership.

§ 310.7 *Enrollment.* A candidate, upon acceptance, will be enrolled in the Maritime Service and in the United States Naval Reserve, as a midshipman, Merchant Marine Reserve (inactive) and, after approval by the Navy, will wear the insignia and be entitled to all the rights and privileges of the Naval Reserve, and will wear the seal or shield of the state. Upon enrollment, he shall be required to take an oath or affirmation of allegiance to the United States of America, and submit to fingerprinting. A copy of the oath or affirmation of allegiance and a copy of the fingerprints shall be furnished to the Director.

§ 310.8 *Scholarship subsidy, subsistence, and charges.* (a) Each cadet at a State Maritime Academy will be paid a scholarship subsidy of $65.00 per month plus a subsistence allowance of 75¢ per day. The subsistence allowance is to be paid, at the discretion of duly constituted State Maritime Academy authorities, either directly to the cadet concerned or to the State Maritime Academy upon presentation of a statement to the Supervisor which statement shall be prepared and submitted at the end of each month and shall contain the names of the cadets for whom subsistence has been furnished during that month. No cadet will be paid or subsisted when absent without leave for a condition not in line of duty.

(b) An academy shall make no charge to a cadet for tuition but may require a cadet to pay not more than $200.00 a year to cover service charges.

§ 310.9 *Leave.* Leave with pay from the Government for cadets, the specific periods of which shall be at the discretion of the Superintendents, shall be as follows:

(a) If transferred to a hospital, or sick at home, or in the sick bay, not to exceed four months.

(b) For an emergency due to the serious illness, injury, or death of a very near relative, not to exceed seven days.

(c) Annual leave not to exceed the following:

Third classmen, fourteen days.
Second classmen, twenty-eight days.
First classmen, forty-two days.

(d) Leave with pay, in addition to that provided in paragraphs (a), (b), and (c) of this section, may be granted only if approved by the Supervisor upon direct request therefor by the Superintendent.

§ 310.10 *Medical attention and injury claims*—(a) *Medical attention and hospitalization for cadets.* Cadets shall receive medical attention and Public Health Service hospitalization. A medical officer shall be attached to the State Maritime Academy and one to the training ship at all times when cadets are in attendance.

(b) *Compensation claims of cadets.* Compensation claims for personal injuries or death sustained by a cadet in performance of duty shall be forwarded to the Supervisor for transmission to the Bureau of Employees' Compensation.

(c) *Medical care and compensation for personnel.* Officers, instructors, and crew members may avail themselves of any medical facilities furnished by the state or Federal Government. During illness or while recovering from injury, officers and instructors who are not on the Federal pay roll, shall receive pay and allowances as authorized by the state. The Superintendent, Commanding Officers, officers, and instructors, left in other than the vessel's home port by reason of illness or injury while on the training ship, shall be furnished suitable transportation to the home port unless contrary to state law.

§ 310.11 *Discipline and dismissal.* (a) The Superintendent is authorized to place any cadet on a non-pay basis for disciplinary reasons, not to exceed a maximum of thirty days.

(b) In the event it is determined that a cadet was married at the time of admission to the academy or if he marries while in attendance at the academy he shall be dismissed.

(c) In the event a cadet is dismissed from a State Maritime Academy for disciplinary reasons, the Superintendent may deny payment to such cadet of all earnings due and unpaid such cadet at the time of dismissal.

§ 310.12 *Scope and effect of §§ 310.1 to 310.12, inclusive.* (a) If any provisions of §§ 310.1 to 310.12, inclusive, are in conflict with laws and regulations of the state, the appropriate state authorities shall notify the Director in writing of such conflict and pertinent circumstances.

(b) The Director may, after consultation with the appropriate state authorities, issue instructions supplementing §§ 310.1 to 310.12, inclusive.

(c) Effective June 1, 1947, §§ 310.1 to 310.12, inclusive, supersede all previous regulations for State Maritime Academies.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

JUNE 2, 1947.

[F. R. Doc. 47-5414; Filed, June 6, 1947; 8:47 a. m.]

NOTICES

NAVY DEPARTMENT

PUBLIC SALE OF ROYALTY GAS FROM NAVAL PETROLEUM RESERVE 2

CALL FOR BIDS

Invitation to qualified bidders to bid with respect to public sale of royalty gas from Naval Petroleum Reserve No. 2 (Buena Vista), Kern County, California.

1. Pursuant to the act of June 4, 1920 (41 Stat. 813), as amended by the act of June 30, 1938 (52 Stat. 1252), and as further amended by the act of June 17, 1944 (58 Stat. 280), the Secretary of the Navy (hereinafter referred to as "Navy") will have available from Naval Petroleum Reserve No. 2 royalty gas which will be offered for public sale to the highest qualified bidder in the estimated quantities, at the approximate times, and at the places indicated below. Bids for all of such royalty gas are requested in compliance with the terms of the above-cited act and the conditions and provisions to which reference is hereinafter made.

2. The public sale will take place in Room 402, U. S. Post Office and Court House, Los Angeles, California, at 10:00 a. m., June 25, 1947. Sealed bids will be received by the Supply Officer in Command, Navy Supply Depot of San Pedro, California, addressed to him at Room 402, U. S. Post Office and Court House, Los Angeles, California, until 10:00 a. m., June 25, 1947, and then publicly opened. The bids and statements will be read aloud at the said time and place, and any interested parties may be present and will be heard with respect to the subject matter. A bidder who has complied with the provisions of the specifications may forthwith, after all proposals have been read, change the price or any other terms of his bid and such change or changes shall immediately be written into his bid. No change will be permitted, however, which will have the effect of lowering the prices bid. The bids will then be taken under advisement by Navy and an acceptance by the Secretary of the Navy will be made within 60 (sixty) days thereafter. Navy reserves the right in the public interest to reject all bids and order a new public sale.

3. The royalty gas which will be offered for sale consists of all of Navy's share of royalty gas which it may be entitled to for the 5 (five) year period commencing on or about July 15, 1947, and ending on or about July 14, 1952, subject to the right of either party to cancel the contract after the same has been in effect for a period of 2 (two) years by giving 60 (sixty) days written notice. The royalty gas which will be available for sale will include all royalty gas to be produced from Naval Petroleum Reserve No. 2 excepting, however, from sale such quantity of natural gas as Navy shall use in its operations within Naval Petroleum Reserve No. 2. The quantity of royalty gas to become available from time to time is entirely dependent upon the amount of royalty gas due Navy. The gas to be sold and delivered hereunder shall be delivered by the seller to the buyer in the following manner:

(a) Royalty gas produced from dry gas wells on said lands within Naval Petroleum Reserve No. 2 shall be taken by the buyer at the particular well where such gas is being produced and shall be delivered at full well pressure.

(b) Royalty gas produced from oil wells, that is to say casing head royalty gas which the seller shall see fit to save and collect, shall be delivered by the seller or its agent to the buyer at the outlet of the one or more gasoline extraction plants where said gas is processed for the extraction of natural gasoline.

The buyer shall be obligated to accept the royalty gas from the seller at the above-described points of delivery in Kern County, California. The buyer shall not be found to purchase (but may if it so desires) more than 3,000,000 (three million) cubic feet of royalty gas (including both royalty casing head gas and royalty dry gas) during any calendar day of 24 (twenty-four) hours, nor more than 93,000,000 (ninety-three million) cubic feet of royalty gas (including both royalty casing head gas and royalty dry gas) during any one calendar month.

4. Specifications containing information on the quantity of royalty gas offered for sale, form of bids, bond requirements, payments, deliveries, volume measurements, provisions respecting price, quality of gas, form of contract, information to be supplied by bidders, etc., can and should be obtained by prospective bidders from the Director, Naval Petroleum and Oil Shale Reserves, Executive Office of the Secretary, Navy Department, Washington, D. C. or the Inspector, Naval Petroleum Reserves in California, Room 402, U. S. Post Office and Court House, Los Angeles, California, or the Supply Officer in Command, Navy Supply Depot, San Pedro (Terminal Island), California. All proposals must conform to such specifications.

JOHN L. SULLIVAN,
Acting Secretary of the Navy.

[F. R. Doc. 47-5407; Filed, June 6, 1947; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-852]

UNION GAS SYSTEM, INC.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed January 27, 1947, by Union Gas System, Inc., a Kansas corporation with its principal place of business at Independence, Kansas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition and operation of the facilities of Union Gas System, Inc., a Delaware corporation, which are subject to the jurisdiction of the Federal Power Commission, and described as follows:

A pipe line system extending in general from northern Oklahoma to Burlington,

Kansas, and extending east and west from approximately Cedar Vale, Kansas, to Altamont, Kansas.

It appearing to the Commission that:

(a) Applicant proposes the acquisition and operation of the above-described facilities for the purpose of effectuating ownership of the aforesaid facilities in a corporation organized in the State of Kansas and to render the same service as performed by Union Gas System, Inc., a Delaware corporation.

(b) This proceeding is a proper one for disposition under the rules of 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard or protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 11, 1947 (12 F. R. 968).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on June 17, 1947, at 9:45 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding; *Provided, however,* If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order, upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: June 3, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5394; Filed, June 6, 1947; 8:52 a. m.]

[Docket No. G-885]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 2, 1947, by Cities Service Gas Company (applicant), a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, for authority to abandon a certain portion of its natural gas facilities, subject to the jurisdiction of the Commission, described as follows:

Approximately 8.09 miles of 4-inch pipeline extending from a point on Applicant's 10-inch pipeline in Section 11, Township 25 South, Range 2 West, Sedgwick County, Kansas, North to a point near Halstead, Kansas, in Section 35, Township 23 South, Range 2 West, Harvey County, Kansas.

It appearing to the Commission that:

(a) The facilities sought to be abandoned were constructed in 1906 to transport gas to the City of Halstead, Kansas. At the present time, the City of Halstead operates a municipal gas distribution system for which it purchases gas from Drillers Gas Company. The facilities described in the application are no longer used nor useful in the present location.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 22, 1947 (12 F. R. 2585).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 18th day of June, 1947 at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however,* If no request to be heard, protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: June 3, 1947.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5395; Filed, June 6, 1947; 8:52 a. m.]

[Docket No. G-901]

KENTUCKY NATURAL GAS CORP.

NOTICE OF APPLICATION

JUNE 2, 1947.

Notice is hereby given that on May 19, 1947, Kentucky Natural Gas Corporation (applicant), a Delaware corporation having its principal place of business at Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing applicant to sell natural gas to Indiana Gas & Chemical Corporation through an existing connection south of the City of Terre Haute, Indiana.

Applicant recites that Indiana Gas & Chemical Corporation is engaged in manufacturing 570 Btu coke oven gas for resale to its wholly owned subsidiary, Terre Haute Gas Corporation, which in turn distributes gas to consumers in Terre Haute, West Terre Haute, Brazil and Clinton, Indiana. From 1932 to 1940 applicant delivered natural gas to Indiana Gas & Chemical Corporation for underfiring its coke ovens.

According to the application, Indiana Gas & Chemical Corporation requires a supply of natural gas for underfiring its coke ovens and for mixing with manufactured gas; it being proposed to increase the heating value of the gas sold to Terre Haute Gas Corporation from 570 Btu to 750 Btu, by such mixing, in order to meet increased demands of consumers which it is alleged cannot be met with existing gas manufacturing facilities.

Applicant states that the peak day requirement of Indiana Gas & Chemical Corporation for the coming winter will be 3,400 Mcf of natural gas, and the annual requirement will be 405,278 Mcf.

No new construction is involved, so that there is no financing involved.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Kentucky Natural Gas Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-5396; Filed, June 6, 1947; 8:52 a. m.]

[Docket No. G-902]

NORTHERN INDIANA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JUNE 2, 1947.

Notice is hereby given that on May 19, 1947, Northern Indiana Public Service Company (applicant) an Indiana corporation having its principal place of business at Hammond, Indiana, filed an application pursuant to section 7 of the Natural Gas Act, as amended, seeking permission and approval to discontinue service and to abandon facilities subject to the jurisdiction of the Commission.

Applicant recites that it has been purchasing natural gas from Panhandle Eastern Pipe Line Company (Panhandle) for resale to Indiana Gas & Water Company, Inc. (Indiana Gas) for distribution in the City of Huntington, Indiana, and its environs.

Applicant states that on March 24, 1947, Panhandle, Indiana Gas and Applicant entered into a tripartite agreement whereby it is proposed that Panhandle will serve Indiana Gas directly the natural gas requirements for Huntington, Indiana,[1] and applicant will cease to so serve Indiana Gas. Applicant recites that the discontinuance of the service as aforesaid will necessitate the abandonment of approximately 750 feet of 4-inch pipe located in U. S. Highway 24 together with meter station and all appurtenant facilities of said meter station, all located in section 11, Township 28 North, Range 9 East, Huntington County, Indiana.

Applicant proposes to sell to Indiana Gas the following:

(a) Approximately .02448 acre of land in the Southeast Quarter of said Section 11, Township 28 North, Range 9 East, Huntington County, Indiana;

(b) Approximately 2,195 feet of 4-inch pipe, together with two 4-inch valves, and certain gas mains, all located in the Southeast Quarter of said Section 11, as aforesaid;

(c) The service pipe to a customer in said Section 11, as aforesaid; and all as more particularly described in the application.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Northern Indiana Public Service Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-5397; Filed, June 6, 1947; 8:52 a. m.]

[1] Application filed on May 19, 1947. In the Matter of Panhandle Eastern Pipe Line Company, Docket No. G-903.

[Docket No. G-903]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

JUNE 2, 1947.

Notice is hereby given that on May 19, 1947, Panhandle Eastern Pipe Line Company (applicant), a Delaware corporation with its principal offices at Kansas City, Missouri, and at Chicago, Illinois, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a metering and regulating station at the point of connection of the 8-inch leased pipe line of Indiana Gas and Water Company Inc. (Indiana Gas) with applicant's 22-inch main line in the west half of the Southeast Quarter of Section 34, Preble Township, Adams County, Indiana, approximately one-half mile east of Magley, Indiana, for the purpose of serving said Indiana Gas natural gas for distribution in the City of Huntington, Indiana, and its environs.

Applicant recites that it has been supplying Northern Indiana Public Service Company (Northern Indiana) the natural gas requirements for resale to Indiana Gas for distribution in the City of Huntington, Indiana. Applicant states that to enable Indiana Gas to render more adequate and efficient service in said city and its environs, particularly on peak days, a tripartite agreement was entered into March 24, 1947 between Applicant, Indiana Gas and Northern Indiana, whereby the gas requirements for said city of Huntington and environs are to be supplied directly by applicant to Indiana Gas.

The application states that in order to effectuate the delivery of the gas at the town border of Huntington, Indiana, Indiana Gas has made a lease agreement with The Buckeye Pipe Line Company, an Ohio corporation covering the use of an existing 8" pipe line, heretofore utilized for the transportation of petroleum products; said line extends from the proposed point of connection with applicant's pipe line, in a westerly direction, a distance of approximately twenty miles to the town border of Huntington.

Applicant recites that under the tripartite agreement, from and after the first delivery of gas by applicant to Indiana Gas thereunder, applicant shall no longer be obligated to supply Northern Indiana with natural gas for resale to Indiana Gas for distribution in the City of Huntington, Indiana. Applicant states it is not intended under the proposed new plan of delivery of gas to Indiana Gas, to increase the total volume of gas to be delivered by applicant either to Northern Indiana or Indiana Gas, so that no impairment of service will result to applicant's other customers on its pipeline system.

Applicant estimates the overall cost of construction will total $5,000, to be advanced by applicant out of current funds. Indiana Gas has agreed, as a contribution in aid of construction, to reimburse applicant for all costs incurred by applicant in connection with the construction of the facilities involved herein.

Any interested State Commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Panhandle Eastern Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be deter-

[1] Application filed on May 19, 1947 by Northern Indiana Public Service Company, Docket No. G-902, seeking permission to discontinue service to Indiana Gas & Water Company, Inc., for distribution in the City of Huntington, Indiana, and environs.

mined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-5398; Filed, June 6, 1947; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5491]

DILA-THERM CO., INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of May A. D. 1947.

In the matter of The Dila-Therm Co., Inc., a corporation, and W. P. Thielens, J. R. Dorsey, and Louis N. Rugee, individually and as Officers of the Dila-Therm Co., Inc.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Clyde M. Hadley, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, June 23, 1947, at nine o'clock in the forenoon of that day (Central Standard Time), in Room 320, Post Office Building, South Bend, Indiana.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence, and after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-5404; Filed, June 6, 1947; 8:53 a. m.]

[Docket No. 5233]

WHEELER LABORATORY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Ruth Wheeler Collins, trading as Wheeler Laboratory.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of May A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, June 17, 1947, at nine o'clock in the forenoon of that day (Central Standard Time), in Room 1121, New Post Office Building, Chicago, Illinois.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-5405; Filed, June 6, 1947; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 749]

UNLOADING OF POPCORN AT LAREDO, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of June A. D. 1947.

It appearing that 1 car, containing popcorn, at Laredo, Texas, on the International-Great Northern Railroad Company (Guy A. Thompson, Trustee), has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Popcorn at Laredo, Tex., be unloaded.* The International-Great Northern Railroad Company (Guy A. Thompson, Trustee), its agents or employees, shall unload immediately car Mil. 705709, loaded with popcorn, now on hand at Laredo, Texas, consigned shippers order—notify Isidora Trevino.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 5, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5399; Filed, June 6, 1947; 8:53 a. m.]

[S. O. 750]

UNLOADING OF STEEL AT NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of June A. D. 1947.

It appearing, that 1 car containing sheet steel at New York, N. Y., on The New York Central Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Steel at New York, N. Y., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately car B&M 90938, containing steel in bond, on hand at 30th Street, New York, N. Y., consigned to Chas. Williams & Associates, Ltd., New York, New York.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 5, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5400; Filed, June 6, 1947; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1472]

AMERICAN POWER & LIGHT CO. AND TEXAS PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of May A. D. 1947.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's wholly-owned non-utility subsidiary, Texas Public Utilities Corporation ("Texas"), having filed a joint declaration and amendments thereto, in which sections 12 (b) and 12 (f) of the act and Rules U-44 and U-45 promulgated thereunder are designated as applicable to the following transactions:

Texas is a corporation organized under the laws of the State of Texas and owns and operates certain ice and cold storage facilities in that State. All of its issued and outstanding securities, consisting of 10,000 shares of common stock without par value and a past-due 7% income note in the principal amount of $2,200,000, are owned by American. American states that it has invited bids from a limited number of prospective purchasers for the securities of Texas and has accepted the highest of six bids submitted, namely, that of a group consisting of twenty residents of Texas ("Thompson Group"), none of whom is affiliated or associated with declarants. American has entered into an agreement with the Thompson Group whereby American will sell and the Thompson Group will purchase the securities of Texas for a cash consideration of $711,000 plus $118.50 for each day elapsed from March 31, 1947 to the closing date, and within 5 days after the closing date, the purchasers will cause Texas to pay to American the further sum of $160,000.

American has further entered into an agreement with Texas under which Texas agrees to assign to American its claim against Electric Bond and Share Company and the latter's present or former subsidiary service companies, and American agrees to reimburse Texas out of any proceeds from such claims for all amounts subsequently paid by Texas as state or Federal income or excess profits taxes on account of the proceeds of such claims, and all expenses incurred by Texas in connection with the claims so assigned. American further agrees to indemnify Texas against liability for Federal income or excess profits taxes in excess of the amounts shown therefor on the books of Texas for each of the years ended December 31, prior to and including the year ended December 31, 1946 and that portion of 1947 ended the last day of the month last preceding the sale of the securities. It is further agreed that American may include Texas in a consolidated income tax return up to the date last above mentioned;

It is stated that no commission was paid or is to be paid in connection with the sale of the securities; and

American having requested that the order of the Commission conform to the requirements of section 1808 (f) of the Internal Revenue Code, as amended, and Supplement R thereof, and contain the findings therein specified; and

Said joint declaration having been filed on March 8, 1947, and amendments thereto having been filed on May 16, 1947 and May 20, 1947, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the joint declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint declaration, as amended, be granted and permitted to become effective, and deeming it appropriate to grant the request of joint declarants that the order become effective at the earliest date possible;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said joint declaration, as amended, be, and the same hereby is, permitted to become effective forthwith; and

It is further ordered, That the sale by American to the Thompson Group of the securities of Texas, consisting of 10,000 shares of common stock without par value and a past-due 7% income note in the principal amount of $2,200,000 for a cash consideration of $711,000 plus $118.50 for each day elapsed from March 31, 1947 to the closing date and the further payment, within 5 days after the closing, of $160,000 which the purchasers will cause Texas to pay to American, is necessary or appropriate to the integration or simplication of the holding company system of which American is a member and is necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5391; Filed, June 6, 1947; 8:49 a. m.]

[File No. 70-1505]

MIDDLE WEST CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 2d day of June A. D. 1947.

Notice is hereby given that The Middle West Corporation ("Middle West"), a registered holding company, has filed a declaration, and amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935. The declarant has designated section 12 (d) of the act and Rule U-44 thereunder as applicable to the transactions proposed.

Notice is further given that any interested person may, not later than June 9, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 9, 1947, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule

U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Public Service Company of Indiana, Inc. ("Service Company"), a subsidiary of Middle West and the parent of Indiana Gas & Water Company, Inc. ("Gas-Water") has adopted a program of distributing to its own common stockholders its holdings of the common stock, $10 par value, of Gas-Water in the form of quarterly dividends in lieu of cash dividends at the rate of $\frac{1}{20}$ share of Gas-Water common on each share of Service Company common. Under this program the initial dividend was payable on March 1, 1947 and the Board of Directors of Service Company has declared the second quarterly distribution payable on or about June 1, 1947. Middle West, as the owner of 224,586 shares (approximately 20.27%) of the common stock of Service Company, will hold, as a result of the payment of these dividends, a total of 22,458¾ shares of the common stock of Gas-Water.

Middle West proposes to sell said shares of Gas-Water common stock to certain of the directors of Gas-Water and Service Company, or to members of their families, and to a business enterprise, of which one of such directors is President, at a price of $14 per share, for a total consideration of $314,420.40, as follows:

Purchasers	Amount in shares
Hugh A. Barnhart	300
Ruth P. Griffith	1,000
William C. and Ruth P. Griffith, trustees:	
For William C. Griffith, Jr.	1,500
For Charles P. Griffith	1,500
For Walter F. Griffith	1,500
Mary F. Hulman	1,800
Mary A. Hulman	3,000
Edith A. Ward	1,800
Edith A. Ward, trustee: For Edith Ward, daughter	200
P. C. Ward & Co., Inc.	9,258¾
	22,458¾

It is stated that such purchases are for investment and not for resale or distribution.

The declarant requests that the Commission's order permitting such declaration, as amended, to become effective be issued on or before June 16, 1947 and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5390; Filed, June 6, 1947; 8:49 a. m.]

[File No. 70-1516]

MISSISSIPPI POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penna., on the 28th day of May A. D. 1947.

Mississippi Power & Light Company ("Mississippi"), an electric and gas utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration, and amendments thereto, under the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rule U-50 thereunder regarding the issue and sale, in accordance with the competitive bidding provisions of said Rule U-50, of $8,500,000 principal amount of First Mortgage Bonds, __% Series due 1977, the proceeds from the sale of said bonds to be applied as follows: (a) $2,500,000 will be retained by the Trustees pending withdrawal by Mississippi, under the terms of its Mortgage and Deed of Trust dated September 1, 1944, as supplemented, on the basis of property additions; (b) $1,250,000 will be used by Mississippi to pay short-term loans made from certain local banks; and (c) approximately $4,750,000 will be added to Mississippi's general cash funds to be used for construction of new facilities, extension and improvement of present facilities and for other corporate purposes; and

A public hearing having been held with respect to said declaration, as amended, after appropriate notice, and the Commission having examined the record, and having made and filed its findings and opinion herein:

It is ordered, That said declaration, as amended, be and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U24 and to the following additional conditions:

1. That the proposed sale of bonds by Mississippi shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record as so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof;

2. That jurisdiction be and it hereby is reserved over the payment of all fees and expenses of all counsel incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5392; Filed, June 6, 1947; 8:50 a. m.]

UNITED STATES MARITIME COMMISSION

[Docket No. 659]

FREE TIME AND DEMURRAGE CHARGES AT NEW YORK

NOTICE OF HEARING ON PROPOSED RULE MAKING

In Docket No. 221, Storage of Import Property, 1 U. S. M. C. 676, decided November 16, 1937, the Commission ordered the respondents therein to cease and desist from allowing more than ten days' free time (exclusive of Sundays and legal holidays) on import property at the port of New York.

In 1941, for the purpose of minimizing congestion of the port in the interest of national defense, the Commission requested carriers to reduce free time on import property at New York to five days, which (exclusive of Saturdays, Sundays and legal holidays, and with some exceptions) is the free time period now in effect. Demurrage charges are imposed on the basis of penalty rates which increase progressively for successive periods after expiration of free time.

Shippers and consignees have submitted to the Commission evidence tending to show that free time allowances and penalty charges currently in effect at New York are inequitable as to them in the light of present conditions and result in unwarranted hardships.

The termination of hostilities and the consequent adjustment of commerce to a peacetime basis call for re-examination by the Commission of questions pertaining to the storage of import property at New York with special reference to free time and demurrage charges. The Commission desires to receive evidence of conditions in the port relevant to such questions for use in determining what action, if any, is required to assure the establishment, observance and enforcement of just and reasonable regulations and practices.

Accordingly, pursuant to sections 17 and 22 of the Shipping Act, 1916, and section 4 (a) of the Administrative Procedure Act, *It is ordered*, That the Commission institute public hearings for the purpose of obtaining the views of interested persons (including individuals, corporations, associations, firms, partnerships and public bodies) with respect to free time and demurrage charges on import property at the port of New York; and, *It is further ordered*, That all persons desiring to be heard at such hearings file with the Commission within twenty days from the publication of this notice in the FEDERAL REGISTER written request to appear and be heard; and, *It is further ordered*, That this notice be published in the FEDERAL REGISTER and that the matter be assigned for hearing at such times and places as the Commission may hereafter direct, and that such hearings be conducted in accordance with the rules of procedure of the Commission.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

MAY 29, 1947.

[F. R. Doc. 47-5412; Filed, June 6, 1947; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 65 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9026]

FRITZ SCHUBERT

In re: Stock owned by Fritz Schubert.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Schubert, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Thirty (30) shares of $100.00 par value capital stock of Silver Gardens Inc., a corporation organized under the laws of the State of New York, evidenced by certificates numbered 2 and 4 for two and twenty-eight shares respectively, dated February 4, 1942, registered in the name of Fritz Schubert, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5382; Filed, June 5, 1947; 8:56 a. m.]

[Vesting Order 9033]

LOUIS A. AND IMGAARD VON HORST

In re: Debt owing to Louis A. and Imgaard Von Horst. F-28-13837-B-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louis A. and Imgaard Von Horst, whose last known address is Festungsstr. 5, Coburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Louis A. and Imgaard Von Horst, by E. Clemens Horst Co., 235 Pine Street, San Francisco 4, California, in the amount of $500.00, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5415; Filed, June 6, 1947; 8:55 a. m.]

[Vesting Order 9034]

ANNA VON SCHUH

In re: Bank account and stock owned by Anna Von Schuh, also known as Anna von Schuh. F-28-12172-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Von Schuh, also known as Anna von Schuh, whose last known address is Parkstrasse 75, Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Anna Von Schuh, also known as Anna von Schuh, by Central National Bank of Cleveland, 308 Euclid Avenue, Cleveland 1, Ohio, arising out of an Estates Trust Department account, account number A-2831, entitled Anna von Schuh Agency, and any and all rights to demand, enforce and collect the same,

b. Fourteen (14) shares of $100.00 par value capital stock of Bedford Land and Improvement Company, Cleveland, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number 32, and presently in the custody of Central National Bank of Cleveland, 308 Euclid Avenue, Cleveland 1, Ohio, together with all declared and unpaid dividends thereon,

c. Four hundred and forty-six (466) shares of no par value common capital stock of Interstate Foundry Company, Cleveland, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number 94, and presently in the custody of Central National Bank of Cleveland, 308 Euclid Avenue, Cleveland 1, Ohio, together with all declared and unpaid dividends thereon, and

d. One hundred and eleven (111) shares of no par value common capital stock of Interstate Foundries, Inc., Cleveland, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number 54, and presently in the custody of Central National Bank of Cleveland, 308 Euclid Avenue, Cleveland 1, Ohio, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5383; Filed, June 5, 1947; 8:57 a. m.]

[Vesting Order 9042]

BADISCHE BAUERNBANK, G. M. B. H. ET AL.

In re: Bank accounts owned by Badische Bauernbank, G. m. b. H. and others. F-28-24916-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each partnership, association, corporation or other organization, whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a partnership, association, corporation or other organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each partnership, association, corporation or other organization, whose name is set forth in Exhibit A, by Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of the unpresented foreign draft accounts, entitled in the manner set forth in the aforementioned Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of owner and last known address	Title of account	OAP file No.
Badische Bauernbank, G. m. b. H., Freiburg, Germany.	Badische Bauernbank, G. m. b. H.	F-28-24916-E-1
Eschweiler Bank, Eschweiler, Germany	Eschweiler Bank	F-28-25282-E-1
Goldschmidt & Guggenheim, Nuernberg, Germany	Goldschmidt & Guggenheim	F-28-27455-E-1
Freiburger Gewerbebank, Freiburg, Germany	Freiburger Gewerbebank	F-28-25519-E-1
Warnemuende Bank, Warnemuende, Germany	Warnemuende Bank	F-28-26529-E-1

[F. R. Doc. 47-5416; Filed, June 6, 1947; 8:55 a. m.]

[Vesting Order 9045]

EMMA LUND ET AL.

In re: Bank accounts owned by Emma Lund and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual, whose name is set forth in Exhibit A, by Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of the term savings accounts, described in the manner set forth in Exhibit A, maintained at the branch office of the aforesaid bank located at 110 South Spring Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Names of owners and titles of accounts	Accounts numbered	OAP files numbered
Emma Lund	393421	F-28-26310-E-1
Eugene Hoerner	393557	F-28-25798-E-1
Elizabeth Kretchmar, also known as Elizabeth Kretschmar.	393579	F-28-26275-E-1
Emil Neilsen	393556	F-28-26672-E-1

[F. R. Doc. 47-5417; Filed, June 6, 1947; 8:55 a. m.]

[Vesting Order 9047]

MARIE SCHMANN

In re: Bank account owned by Marie Schmann. F-28-26298-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Schmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America, National Trust and Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 1578, entitled I. F. or Tom F. Chapman, Trustees for Marie Schmann, maintained at the Market-New Montgomery Branch, San Francisco, California, of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Marie Schmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5418; Filed, June 6, 1947; 8:55 a. m.]

[Vesting Order 9048]

MARGARETHA SCHULTZ

In re: Bank account owned by Margaretha Schultz. F-28-26002-C-1, F-28-26002-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaretha Schultz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America, National Trust and Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 1563, entitled I. F. or Tom F. Chapman, Trustees for Margaretha Schultz, maintained at the Market-New Montgomery Branch, San Francisco, California, of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Margaretha Schultz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5419; Filed, June 6, 1947; 8:55 a. m.]

[Vesting Order 9049]

ADOLF L. SEEBOHM ET AL.

In re: Stock owned by Adolf L. Seebohm and others. F-28-26411-D-1, F-28-26118-D-1, F-28-26120-D-1, F-28-26409-D-1, F-28-26412-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each person whose name and last known address are listed in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty-nine (59) shares of no par value common capital stock of Southern Pacific Company, 165 Broadway, New York, New York, a corporation organized under the laws of the State of Kentucky, evidenced by the certificates whose numbers are set forth in Exhibit A, registered in the names of the persons listed in Exhibit A in the amounts appearing opposite the names therein, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of owner	Last known address	Certificate Nos.	Number of shares
Adolf L. Seebohm	Emserstrasse 1/2, Wilmersdorf, Berlin, Germany	F284267	6
Mrs. Agnes Selma Dellendahl	Priessnitz St. 30, Dresden 21, Germany	F923321	5
Hans Frundl	Augustastrasse 23, Neustrelitz, Germany	F440607	2
Miss Lisette Klare	Hauptstrasse 133, Wilsloch, Baden, Germany	A52229	8
		F308965	8
		F308966	6
A. D. Woldemar von Dietel	Oberliederbach, near Frankfort O/M, Germany	F402574	24

[F. R. Doc. 47-5384; Filed, June 5, 1947; 8:57 a. m.]

JOSEPHINE M. LORSCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Josephine M. Lorsch, c/o Mortimer H. Hess, Attorney-in-fact, New York, N. Y.	5852	$14,251.67 in the Treasury of the United States.

Executed at Washington, D. C., on June 3, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-5425; Filed, June 6, 1947; 8:56 a. m.]

UNDERWOOD CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

JUN 18 4

Claimant	Claim No.	Property
Underwood Corp., Hartford 6, Conn.	A-182	All right, title and interest in and to the following patents, vested under Vesting Order No. 27 (7 F. R. 4629, June 23, 1942), Vesting Order No. 112 (7 F. R. 7785, October 1, 1942), and Vesting Order No. 201 (7 F. R. 625, January 16, 1943): United States Letters Patent Nos. 2,257,409 — 1,922,971 — 2,132,192 — 2,286,887 1,552,858 — 2,147,428 — 2,288,323 — 1,970,634 2,143,741 — 1,560,962 — 1,947,020 — 2,162,634 1,573,771 — 1,959,779 — 2,173,635 — 1,379,151 2,033,329 — 2,173,626 — 1,882,788 — 2,006,524 2,186,642 — 1,788,466 — 2,056,672 — 2,228,635 1,789,601 — 2,071,880 — 2,276,642 — 1,801,103 2,091,133 — 2,266,366 — 1,862,240 — 2,140,987 2,268,106 — 1,913,892 to the extent owned by Mercedes Buromaschinen-Werke A. G. immediately prior to the vesting thereof. All right, title and interest in and to Patent Application Serial No. 287,671, vested under Vesting Order No. 68 (7 F. R. 6181, August 11, 1942), to the extent owned by Mercedes Buromaschinen-Werke A. G. immediately prior to the vesting thereof. All right, title and interest in and to the following patents, vested as patent applications under Vesting Order No. 68 (7 F. R. 6181, August 11, 1942 United States Letters Patent Nos.: 2,297,243 (vested as Patent Application Serial No. 147,588) 2,308,906 (vested as Patent Application Serial No. 241,673) 2,308,924 (vested as Patent Application Serial No. 287,670) 2,290,163 (vested as Patent Application Serial No. 86,664) 2,347,235 (vested as Patent Application Serial No. 146,597) 2,347,610 (vested as Patent Application Serial No. 182,390) 2,351,898 (vested as Patent Application Serial No. 219,076) 2,322,666 (vested as Patent Application Serial No. 219,077) 2,342,782 (vested as Patent Application Serial No. 219,078) 2,322,667 (vested as Patent Application Serial No. 229,030) 2,351,896 (vested as Patent Application Serial No. 241,672) 2,351,897 (vested as Patent Application Serial No. 251,634) 2,364,625 (vested as Patent Application Serial No. 259,070) 2,335,241 (vested as Patent Application Serial No. 280,005) 2,371,829 (vested as Patent Application Serial No. 287,668) 2,369,571 (vested as Patent Application Serial No. 287,669) 2,380,568 (vested as Patent Application Serial No. 287,672) 2,361,707 (vested as Patent Application Serial No. 301,289) 2,408,097 (vested as Patent Application Serial No. 310,079) 2,382,661 (vested as Patent Application Serial No. 310,080) 2,395,880 (vested as Patent Application Serial No. 328,111) 2,378,527 (vested as Patent Application Serial No. 338,572) 2,352,046 (vested as Patent Application Serial No. 363,552) 2,341,588 (vested as Patent Application Serial No. 363,560) 2,392,515 (vested as Patent Application Serial No. 374,960) to the extent owned by Mercedes Buromaschinen-Werke A. G. immediately prior to the vesting thereof.

Executed at Washington, D. C., on June 3, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-5426; Filed, June 6, 1947; 8:56 a. m.]

[Vesting Order 9053]

F. CONRAD UHL

In re: Bonds and bank account owned by F. Conrad Uhl. F-28-4543-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That F. Conrad Uhl, whose last known address is Auguste Viktoriastrasse 64 Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) Baltimore & Ohio Railroad Company 4½% Convertible gold bonds, bearing the numbers 1082; 3521; 3522; 3523; 3524; 3525; 3526; 3527; 3528 and 3529 of $1,000 face value each, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

b. Ten (10) St. Louis-San Francisco Railway Company Series A, 4½% consolidated gold bonds, bearing the numbers 2362; 76273; 91987; 50496; 76272; 50494; 50495; 90548; 90549 and 90550 of $1,000 face value each, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to F. Conrad Uhl, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a Cash Custodian Account, entitled F. Conrad Uhl, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5422; Filed, June 6, 1947; 8:55 a. m.]

[Vesting Order 9058]

HENRY GUENTHER

In re: Estate of Henry Guenther, deceased. File D-28-10998; E. T. sec. 15397.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Nees, Karoline Grundsteedt, Emilie Lang, Wilhelmiene Ratzel, Luise Hirsch and Emilie Gorenslo, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Henry Guenther, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Emil Guenther, as Administrator, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5385; Filed, June 5, 1947; 8:57 a. m.]

JUN 18 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 113

Washington, Tuesday, June 10, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Plum Order 7]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.308 *Plum Order 7*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of Wickson plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 9, 1947, and ending at 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Wickson plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Wickson plums containing plums of a size smaller than the size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Wickson plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(*a*) Of said total quantity, at least eighty (80) percent, by number of packages, shall be of a size not smaller than a size that will pack a 4 x 4 standard pack, as specified in the aforesaid United States Standards, in the aforesaid standard basket; and said 4 x 4 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

(*b*) The remainder of such total quantity may be of a size that will pack a 4 x 5 standard pack, as aforesaid, or of larger sizes up to, but not including, a size that will pack a 4 x 4 standard pack, as aforesaid.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Wickson plums that will pack a 4 x 5 standard pack, and larger sizes, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Wickson plums of such size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{13}/_{16}$ inches

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1\frac{11}{16}$ inches in diameter; and, (iii) no plums contained in any such pack measure, as aforesaid, less than $1\frac{9}{16}$ inches in diameter.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1\frac{11}{16}$ inches in diameter, (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1\frac{9}{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1\frac{7}{16}$ inches in diameter.

(5) Nothing contained herein shall be construed (i) as preventing a shipper from shipping Wickson plums of a size larger than the size that will pack a 4 x 4 standard pack, as aforesaid, if said plums meet the grade requirements hereof, or (ii) as permitting the shipment of Wickson plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirement.

(6) Each shipper, prior to making each shipment of Wickson plums shall, during the period set forth in sub-paragraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Wickson plums contained in each such lot or shipment: *Provided, however,* That in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(7) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(8) The terms "shipper," "ship," "shipping," "shipping point," and "shipment," shall have the same meaning as when used in the amended marketing agreement and order. The term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 6th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5495; Filed, June 9, 1947; 8:49 a. m.]

[Plum Order 8]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.309 *Plum Order 8*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of El Dorado plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01, a. m., P. s. t., June 9, 1947, and ending at 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of El Dorado plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of El Dorado plums containing plums of a size smaller than the size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of El Dorado plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(a) Of said total quantity, at least eighty-five (85) percent, by number of packages, shall be of a size not smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in the aforesaid standard basket; and said 4 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

(b) The remainder of such total quantity may be of a size that will pack a 5 x 5 standard pack, as aforesaid, or of larger sizes up to, but not including, a size that will pack a 4 x 5 standard pack, as aforesaid.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such El Dorado plums that will pack a 5 x 5 standard pack, and larger sizes, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such El Dorado plums of such size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this regulation, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1\frac{11}{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1\frac{9}{16}$ inches in diameter; and, (iii) no plums contained in any such pack measure, as aforesaid, less than $1\frac{7}{16}$ inches in diameter.

(4) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1\frac{9}{16}$ inches in diameter, (ii) at least sixty (60) percent, by count, of the total of

such plums contained in any such pack measure, as aforesaid, not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{5}/_{16}$ inches in diameter.

(5) Nothing contained herein shall be construed (i) as preventing a shipper from shipping El Dorado plums of a size larger than the size that will pack a 4 x 5 standard pack, as aforesaid, if said plums meet the grade requirements hereof, or (ii) as permitting the shipment of El Dorado plums of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(6) Each shipper, prior to making each shipment of El Dorado plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the El Dorado plums contained in each such lot or shipment: *Provided, however*, That, in case the following conditions exist in connection with any such shipments:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time:

the shipper, by submitting or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(7) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(8) The terms "shipper," "ship," "shipping," and "shipping point" shall have the same meaning as when used in the amended marketing agreement and order. The term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 6th day of June 1947.

[SEAL] S. R. SMITH.
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5494; Filed, June 9, 1947; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. OR 4]

PART 1—FUNCTIONS AND ORGANIZATION

DEPARTMENTAL COMMITTEES

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to Executive Order 9830, § 01.4, paragraph (a) (12 F. R. 1261) and Civil Service Commission Departmental Circular 552 of March 7, 1946, the Secretary of State prescribes the following regulations for inclusion in Part 1 of Title 22 of the Code of Federal Regulations.

§ 1.2551 *Committee of Expert Examiners*—(a) *Establishment.* A Committee of Expert Examiners is hereby established in the Department of State, in accordance with written agreement entered into by the Civil Service Commission and the Department, for the purpose of conducting examinations and filling scientific, professional (except legal), and technical positions peculiar to the Department service.

(b) *Functions.* The Committee shall:

(1) Determine what examinations are necessary.

(2) Establish Panels of Experts and designate members to serve thereon, subject to the approval of the Civil Service Commission, to assist in carrying out the examination program.

(3) Coordinate the activities of the Panels.

(4) Direct and review the work of the Panels.

(5) Promote the educational program relating to examinations.

(6) Represent the Secretary of State in negotiations with the Civil Service Commission respecting the examination program.

(c) *Membership.* (1) Membership of the Committee shall consist of not less than three officers or employees of the Department, each of whom must be outstanding in one of the scientific, professional, or technical fields for which examinations are to be held.

(2) All members shall be nominated by the Division of Departmental Personnel, approved by the Secretary of State, and subsequently acknowledged by the Civil Service Commission.

(3) The Chairman, designated by the Secretary of State, shall provide executive direction to the work for which the Committee is responsible.

(4) The Executive Secretary, designated by the Chief of the Division of Departmental Personnel, shall serve as a consultant and adviser to the Committee and shall assist in the coordination of the activities.

(d) *Policies governing the work of the Committee.* (1) No member of the Committee or Panels of Experts shall participate in any work of the Committee for which he or a relative is or may become an applicant.

(2) The work performed by members of the Committee or Panels of Experts shall be considered as part of their official duties, and adequate time shall be allowed for performance of such duties. (R. S. 161; 5 U. S. C. 22; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

This regulation will become effective immediately upon publication in the FEDERAL REGISTER.

Issued: May 22, 1947.

Approved: May 22, 1947.

For the Secretary of State.

[SEAL] STANLEY T. OREAR,
Chief, Division of Organization and Budget.

[F. R. Doc. 47-5460; Filed, June 9, 1947; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

FIELD ORGANIZATION; LOCATIONS

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A-866) in Subpart C is amended, effective June 1, 1947, by: Opposite the State of California, in the column headed *City*, and directly below "Los Angeles" adding "San Bernardino [1]" and, on the same horizontal line, in the column headed *Address*, adding "283 F Street"; and in the column headed *Jurisdiction*, adding "(See Los Angeles)".

(Sec. 1, 48 Stat. 1246, secs. 3, 12, Pub Law 404, 79th Cong., 60 Stat. 238, 244; 12 U. S. C. 1702)

R. WINTON ELLIOTT,
Assistant Commissioner.

MAY 29, 1947.

[F. R. Doc. 47-5432; Filed, June 9, 1947; 8:55 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter J—Heirs and Wills

[Order No. 2329]

PART 81—DETERMINATION OF HEIRS AND APPROVAL OF WILLS, EXCEPT AS TO MEMBERS OF THE FIVE CIVILIZED TRIBES AND OSAGE INDIANS

Sec.
81.0 Definitions.
81.1 Administration of estates.
81.2 Notice of hearings.
81.3 Contents of notice.
81.4 Service on interested parties.
81.5 Uncontested estates.
81.6 Minors represented at hearings.
81.7 Attorneys.
81.8 Oaths, authority to administer.
81.9 Compulsory attendance of witnesses.
81.10 Examination of witnesses.
81.11 Limiting number of witnesses.
81.12 Wills, validity attested.
81.13 Supplemental hearing.
81.14 Record.
81.15 Decision.
81.16 Distribution of estate.
81.17 Rehearing.
81.18 Reopening.
81.19 Appeals.
81.20 Presumption of death.
81.21 Escheat.
81.22 Probate fees, by whom paid and amount.
81.23 Creditors' claims, filing.
81.24 Statute of limitations.
81.25 Priority of claims.
81.26 Claims for attorney fees.
81.27 Witness fees.
81.28 Inspection of wills and approval for form during testator's lifetime.
81.29 Care of personal property pending administration.
81.30 Summary distribution.
81.31 Omitted property.
81.32 Improperly included property.
81.33 Excepted tribes.

AUTHORITY: §§ 81.0 to 81.33, inclusive, issued under secs. 1, 2, 36 Stat. 855, 856, 37 Stat. 678, 38 Stat. 586, 42 Stat. 1185, 45 Stat. 161, 48 Stat. 647, secs. 1 and 2, 56 Stat. 1021, 60 Stat. 237, 60 Stat. 939; 25 U. S. C. 1a, 372, 373, 374, 377, 373a, 373b; 5 U. S. C. 1001-1011.

CROSS REFERENCES: For regulations governing the determination of heirs and approval of wills in the Courts of Indian Offenses, see §§ 161.30-161.32C of Subchapter P of this title. For regulations governing admission of attorneys to practice before the Office of Indian Affairs or the Department of the Interior, see Part 14, Subchapter C, of this title.

Sections 81.0 to 81.62, inclusive, are revoked and the following new sections are substituted therefor:

§ 81.0 *Definitions.* (a) "Secretary" means the Secretary of the Interior; (b) "Commissioner" means the Commissioner of Indian Affairs, Department of the Interior; (c) "Superintendent" means the Superintendent of an Indian Agency; (d) "Examiner of Inheritance" means any employee upon whom authority has been conferred by the Secretary or the Commissioner to conduct hearings in accordance with the regulations of this part; (e) "Agency" means the Indian Agency having jurisdiction over an estate; (f) "Department" means the Department of the Interior.

§ 81.1 *Administration of estates.* The heirs of Indians who die intestate possessed of trust or restricted property shall be determined by Examiners of Inheritance except as otherwise provided in the regulations in this part. The wills of deceased Indians disposing of trust or restricted property shall be approved or disapproved by Examiners of Inheritance except as otherwise provided in the regulations in this part. Claims against the estates of Indians shall be allowed or disallowed by Examiners of Inheritance in accordance with the regulations in this part.

§ 81.2 *Notice of hearings.* Hearings to determine the heirs of deceased Indians or to probate their wills shall be conducted only after notice of the time and place of such hearings shall have been posted for twenty (20) days in five (5) or more conspicuous places on the reservation of which the decedent was a resident or, if the decedent was not a resident of a reservation, in five (5) or more conspicuous places in the vicinity of the proposed place of hearing.

§ 81.3 *Contents of notice.* The notice shall state that the Examiner of Inheritance will, at the time and place specified therein, take testimony to determine the heirs of the deceased Indian (naming him) and, if a will is offered for probate, testimony as to the validity of such will. The notice shall list the presumptive heirs of the decedent, and, if a will is offered for probate, the beneficiaries under such will and the attesting witnesses to the will. The notice shall cite the regulations in this part as the source of the legal authority and jurisdiction for the holding of the hearing. It shall call upon all persons interested in the estate of the deceased Indian, including all persons having claims or accounts against the deceased Indian, to be present at the hearing. It shall call upon presumptive heirs to bring with them to the hearing two disinterested persons who are acquainted with and have a direct knowledge of the family history of the deceased. The notice shall state further that the Examiner of Inheritance may, in his discretion, continue the hearing at another time and place to be announced at the original hearing.

§ 81.4 *Service on interested parties.* A copy of the notice of hearing shall be served personally or by mail, addressed to the party at his last known place of residence, on each presumptive heir and each known claimant against the estate, and, if a will is offered for probate, on each beneficiary under and each attesting witness to the will. Such notice must be served or mailed a sufficient time in advance of the date set for the hearing to enable the interested parties to attend the hearing.

§ 81.5 *Uncontested estates.* In a case involving no contest, the parties in interest may appear before the Examiner of Inheritance and waive their right to the twenty (20) days' notice. In that event, the Examiner of Inheritance may take their testimony immediately. At the time and place set for the hearing in the notice, the testimony and the waiver shall be read aloud in order to afford any other persons who are present an opportunity to offer objections and to establish their interest. The Examiner of Inheritance will then proceed with the hearing in the usual manner if objections are offered.

§ 81.6 *Minors represented at hearings.* Minors in interest must be represented at the hearing by guardians ad litem appointed by the Examiner of Inheritance.

§ 81.7 *Attorneys.* Interested parties may appear in person or by attorneys admitted to practice in the State where the hearing is held. Attorneys must secure powers of attorney from their clients authorizing them to appear in the proceeding. Attorneys will be required to adhere to the rules of evidence of the State in which the evidence is taken.

§ 81.8 *Oaths, authority to administer.* Examiners of Inheritance are authorized to administer oaths.

§ 81.9 *Compulsory attendance of witnesses.* The Examiner of Inheritance may issue a subpoena under 25 U. S. C. 374 to any person whose testimony he believes to be material to the proper disposition of any estate set for hearing. Upon the failure or refusal of any person to whom a subpoena shall have been issued to appear at the hearing or to testify, the Examiner of Inheritance may file a petition in the appropriate United States District Court requesting that the court issue an order requiring the appearance and testimony of the witness.

§ 81.10 *Examination of witnesses.* All witnesses shall be examined under oath, and their testimony shall be reduced to writing. Any interested party may cross-examine any witness. Affidavits or depositions may be introduced in evidence if the affiants or deponents are present at the hearing and are available for cross-examination by interested parties, or if, in the case of depositions, interested parties have been given a reasonable opportunity to be present when the depositions were taken or to submit counter interrogatories to be answered by the deponents.

§ 81.11 *Limiting number of witnesses.* When the evidence seems clear and conclusive, the Examiner of Inheritance may, in his discretion, limit the number of witnesses to be formally examined upon any matter.

§ 81.12 *Wills, validity attested.* No action shall be taken on the will of a deceased Indian until testimony shall have been taken as to the testamentary capacity of the decedent to execute the will and as to the circumstances surrounding its execution. A reasonable effort shall be made to procure the testimony of the attesting witnesses to the will; or, if their testimony is not reasonably available, an effort shall be made to identify their signatures through other evidence.

§ 81.13 *Supplemental hearing.* When it appears that a supplemental hearing is necessary to secure material evidence, such a hearing may be conducted after notice has been given to those persons on whom notice of the original hearing was served and to such other persons as the testimony taken at the original hearing indicates may have a possible interest in the estate.

§ 81.14 *Record.* After the completion of the hearing or hearings, the Examiner of Inheritance shall make up the record on the estate. The record shall contain: (a) A copy of the public notice of hearing; (b) copies of notices served on interested parties; (c) proof of service of notices; (d) the evidence received at the hearing or hearings, which should include, among other things, copies of any pertinent marriage records and decrees of divorce, certificates of appraisement of restricted property, information as to whether the decedent lived on trust land and, if so, whether any portion of the same could be termed a homestead, and, if a homestead right is involved and that right is limited in value by the law of the State governing descent, an additional certificate of appraisement showing separately the value of the land claimed as a homestead and the improvements thereon; and (e) the decision, if made by the Examiner of Inheritance.

§ 81.15 *Decision.* The Examiner of Inheritance shall, except as provided in §§ 81.20 and 81.21, decide the issues of fact and law involved in the proceeding and shall incorporate his findings and conclusions in a decision. Every decision determining the heirs of an Indian

who died intestate shall cite the law of descent and distribution in accordance with which the decision was made. Every decision approving the will of an Indian shall state the devisees and legatees who take under the will and the particular property which each is to receive, and shall construe any ambiguous provision of the will. Every decision shall state those claims against the estate which are allowed and those claims which are disallowed. A copy of the decision shall be mailed to each person who is found by the Examiner to be entitled to share in the estate, to each person whose claim to share in the estate was considered and denied by the Examiner, and to the Superintendent.

§ 81.16 *Distribution of estate.* Distribution of an estate may be made by the Superintendent after sixty (60) days have elapsed from the date upon which notice of the decision is mailed to the interested parties unless, within that period, a petition for rehearing is filed pursuant to § 81.17 or unless otherwise directed by the Commissioner.

§ 81.17 *Rehearing.* (a) Any person who feels aggrieved by the decision of the Examiner may file a written petition for rehearing within sixty (60) days from the date of notice to the parties of the decision. The petition shall be addressed to the Examiner of Inheritance and shall be filed with or mailed to him at his headquarters. A petition so filed shall act as a supersedeas until otherwise directed by the Examiner of Inheritance. The Examiner shall immediately notify the Superintendent of the filing of the petition.

(b) If the Examiner believes that proper grounds are not shown, the rehearing will be denied by the Examiner, who will issue his order setting forth the reasons for the denial of the petition. Copies of the order shall be furnished to the petitioner, the Superintendent, and to those persons who share in the estate.

(c) If the petition appears to show merit, the Examiner shall cause copies of the petition and supporting papers to be served on those persons whose interest in the estate might be adversely affected by the granting of the petition. The Examiner shall allow all persons served with copies of the petition a reasonable specified time in which to submit answers or legal briefs in opposition to the petition. Thereafter, the case will be reconsidered by the Examiner and appropriate action will be taken, which may consist of adhering to the former decision, or of modifying or vacating it, or of making such further or other order as the Examiner deems warranted. Copies of the Examiner's action shall be furnished to the petitioner, to all persons who received copies of the petition, and to the Superintendent.

§ 81.18 *Reopening.* (a) Within a period of three (3) years from the date of a decision by an Examiner of Inheritance under the regulations in this part, but not thereafter, any person claiming an interest in the estate who had no actual notice of the original proceedings and who was not on the reservation or otherwise in the vicinity at any time while the public notices of the hearing were posted may petition in writing for reopening of the case. Any such petition shall be addressed to the Examiner of Inheritance and shall be filed with or mailed to him at his headquarters. All grounds for the reopening must be set forth fully. If based on alleged errors of fact, all such allegations must be under oath and must be accompanied by affidavits or other supporting evidence.

(b) If he believes that proper grounds are not shown, the petition will be denied by the Examiner, who will issue his order setting forth the reasons for the denial of the petition. Copies of the order shall be furnished to the petitioner, the Superintendent, and to those persons who share in the estate.

(c) If the petition appears to show merit, the Examiner shall cause copies of the petition and all papers filed by the petitioner to be served on those persons whose interest in the estate might be adversely affected by the granting of the petition. An opportunity to answer the petition or to file briefs shall be afforded to all persons who receive copies of the petition. The answers or briefs must be filed within such reasonable time as the Examiner may specify. Thereafter, the case will be reconsidered and appropriate action will be taken, which may consist in adhering to the former decision, or in modifying or vacating it, or in making any further or other order which the Examiner deems warranted. Copies of the Examiner's action shall be furnished to the petitioner, to all persons who received copies of the petition, and to the Superintendent.

§ 81.19 *Appeals.* (a) Any person who feels aggrieved by the action taken by the Examiner of Inheritance on a petition for rehearing or a petition for reopening may, within sixty (60) days after the date of the notice of the action of the Examiner on the petition, file with the Examiner a notice of appeal to the Secretary. Such notice of appeal shall be in writing and shall set forth the reasons for the appeal. Copies of the notice of appeal shall be furnished by the appellant to the Superintendent and to all parties who share in the estate under the decision of the Examiner, and the notice of appeal shall contain a certificate stating that this has been done.

(b) The appeal and the record in the proceeding, including all papers relating to the petition for rehearing or reopening, shall be submitted to the Secretary through the Commissioner.

(c) The appellant and any other interested party may, within sixty (60) days from the date on which a notice of appeal is filed, submit written arguments to the Secretary.

(d) No distribution of any estate shall be made during the pendency of an appeal.

(e) Copies of the decision of the Secretary on the appeal will be mailed to (1) the Examiner, (2) the Superintendent, (3) the Commissioner, (4) each person who shares in the estate under the decision of the Secretary, and (5) each person whose claim to share in the estate is considered and denied by the Secretary.

§ 81.20 *Presumption of death.* When the record in any estate discloses that there is a presumption of death of an Indian by reason of his unexplained absence over the statutory period of years, the record shall be transmitted to the Commissioner for decision. The provisions of §§ 81.15 to 81.19, inclusive, shall be applicable to cases decided by the Commissioner under this section in like manner as to cases decided by an Examiner of Inheritance, the word "Commissioner" being substituted for "Examiner" or "Examiner of Inheritance" in such sections insofar as cases under this section are concerned.

§ 81.21 *Escheat.* When the record in any estate indicates that an Indian has died intestate without heirs, the record shall be transmitted to the Secretary for decision.

§ 81.22 *Probate fees, by whom paid and amount.* (a) Upon a determination of the heirs to any trust or restricted Indian property of the value of $250 or more or to any allotment, or after approval of any will disposing of such trust or restricted property, the following fees shall be paid (1) by the heirs, or (2) by the beneficiaries under the will, or (3) from the estate of the decedent, or (4) from the proceeds of the sale of the allotment, or (5) from any trust funds belonging to the estate of the decedent:

On estates appraised at:

$250 and not exceeding $1,000	$20.00
Over $1,000 and less than $2,000	25.00
$2,000 and not exceeding $3,000	30.00
Over $3,000 and not exceeding $5,000	50.00
Over $5,000 and not exceeding $7,500	65.00
Over $7,500	75.00

(b) Similar fees shall be collected in all estates probated by the Department in compliance with tribal resolutions requesting that the Department provide probate service.

§ 81.23 *Creditors' claims, filing.* (a) Persons having claims against the estates of deceased Indians may file the same with the Superintendent or the Examiner of Inheritance at any time after the death of the decedent and up to and including the time of hearing.

(b) The claims of non-Indians must be filed in triplicate. They must be itemized in detail and sworn to before a notary public. Each such claim must be supported by an affidavit of the claimant or someone in his behalf that the amount is justly due from decedent, that no payments have been made on the account that are not credited thereon, and that there are no offsets to the knowledge of affiant.

(c) Indians may submit claims against the estate of a deceased Indian at the hearing and subject themselves to examination under oath relative thereto.

(d) Claims for care will not receive favorable consideration unless clear and convincing proof is offered showing that the care was given on a promise of compensation and that compensation was expected.

(e) No claims filed after the conclusion of the hearing shall be considered unless the claimant can present satisfactory proof that he had no actual notice of the hearing and that he was not on the reservation or otherwise in the vicinity during the period when the public notices of the hearing were posted.

(f) Any person who has filed a claim must, if so directed by the Examiner of Inheritance, present himself for examination thereon at the hearing or at a supplemental hearing.

§ 81.24 *Statute of limitations.* The claims of non-Indians that have existed for more than the period prescribed by the State laws applicable to limitation of actions shall not be allowed.

§ 81.25 *Priority of claims.* (a) Claims shall be allowed priority in payment in the following order: (1) Probate fee; (2) claims for expenses of last illness and funeral charges; (3) claims of indebtedness to the United States or any of its agencies; (4) claims of indebtedness to the tribe of which the decedent was a member or to any of its subsidiary organizations; (5) claims authorized in writing by the Superintendent during the lifetime of the Indian; (6) claims of the State on account of social security or old-age assistance payments; and (7) claims of general creditors.

(b) No claims of general creditors shall be allowed if the value of the estate is $1,500 or less and the decedent is survived by a spouse or by one or more minor children. If the estate is valued in excess of $1,500, or if the estate is valued at $1,500 or less and the decedent is not survived by a spouse or by any minor children, the claims of general creditors may be allowed in the discretion of the Examiner of Inheritance. If the income of the estate is not sufficient to permit the payment of allowed claims of general creditors within three (3) years from the date of allowance, the unpaid balance of such claims shall not be enforceable against the estate or any of its assets.

(c) The preference of the probate fee and of other claims may be deferred, in the discretion of the Examiner, in making adjustments or compromises beneficial to the estate.

§ 81.26 *Claims for attorney fees.* Attorneys representing Indians under the regulations in this part shall be allowed compensation in reasonable amounts. In determining attorneys' fees, consideration shall be given to the fact that the property of the decedent is restricted or held in trust and that it is the duty of the Department to protect the rights of all interested parties. Such fees as may be allowed shall be charged against the interests of the attorneys' clients.

§ 81.27 *Witness fees.* Witnesses are expected to testify without compensation. When it is necessary to pay the expenses of a witness, they must be paid by the party calling him. In the case of an indigent party, the Examiner may, in his discretion, allow per diem at a rate of not to exceed $3 for not more than two disinterested witnesses, and the Superintendent is authorized to pay said sums from the estate immediately, if funds are available. On the determination of the heirs or final action on the will, said sums shall be charged against the interest of the party in whose behalf said witnesses were called, unless such party does not share in the estate, in which event the charge will be made against the estate.

§ 81.28 *Inspection of wills and approval for form during testator's lifetime.* Where a will has been executed and filed with the Superintendent during the lifetime of the testator, the will shall be sent to the Examiner of Inheritance, who shall pass on the form of the will and return it to the Superintendent with appropriate instructions. A will shall be held in absolute confidence and its contents shall not be divulged prior to the death of the testator.

§ 81.29 *Care of personal property pending administration.* (a) The Superintendent is authorized to assume custody or control of all trust or restricted personal property of a deceased Indian, in addition to individual Indian money, and shall take such action with respect thereto as, in his judgment, may be necessary for the preservation of such property or for the most advantageous sale thereof, pending the probate of the estate; and all expense, including the expense of roundup, branding, care, and feeding of livestock shall be a proper charge against the estate and may be paid by the Superintendent from the funds in the decedent's individual money account, or from the proceeds of sale of the property.

(b) If, upon the completion of the probate proceedings, the heirs as found are unable to agree upon a proper division of such personal property, it shall be sold and the proceeds distributed in accordance with the applicable law of descent or under the terms of an approved will. The Superintendent shall prepare a complete inventory of such personal property, together with an appraisement thereof, and retain the same in decedent's file for the information of the Examiner of Inheritance.

(c) When personal property is bequeathed to an individual, such legatee may be given possession thereof upon the death of the testator if he signs an agreement to return such property or the appraised value thereof in the event the will is disapproved. The Superintendent may, in his discretion, require a bond.

(d) The provisions of this section shall apply to the estate of any Indian holding a homestead allotment upon the public domain or an interest therein.

§ 81.30 *Summary distribution.* When an Indian dies intestate leaving only restricted personal property or cash of a value of less than $250, the Examiner or Superintendent shall assemble the apparent heirs and hold an informal hearing with a view to the proper distribution thereof. A memorandum covering the hearing shall be retained in the Agency files showing the date of death of decedent, the date of hearing, the persons notified and attending, the amount on hand, and the disposition thereof. In the disposition of such funds, the Examiner or Superintendent shall have in mind the payment of funeral charges and expenses of last illness and any just claims for necessaries furnished decedent; and the balance, if any shall be credited to the heirs as found. This section shall not include the so-called Pony Claims.

§ 81.31 *Omitted property.* When, subsequent to the final decision in any estate, it is found that property belonging to the estate has not been included in the inventory of the estate, the decision relating to the estate shall be modified to include the omitted property. When the property to be included takes a different line of descent from that shown in the original decision, a supplemental hearing to determine the heirs thereto shall be had in accordance with the regulations in this part. Copies of such modifications shall be furnished to the Superintendent and to all those persons who share in the estate.

§ 81.32 *Improperly included property.* When, subsequent to the final decision in any estate, it is found that property has been improperly included in the inventory of the estate, the decision shall be modified to eliminate from the estate the property improperly included therein. Copies of such modification shall be furnished to the Superintendent and to all those persons who share in the estate.

§ 81.33 *Excepted tribes.* The regulations in this part shall not apply to the Five Civilized Tribes or to the Osage Indians in Oklahoma; nor shall they apply to any tribe organized under section 16 of the act of June 18, 1934 (48 Stat. 987), to the extent that the constitution, bylaws, or charter of such tribe may be inconsistent with any of the regulations in this part.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 29, 1947.

[F. R. Doc. 47-5437; Filed, June 9, 1947; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—National Advisory Committee for Aeronautics

PART 403—ORGANIZATION

LABORATORIES

In § 403.7 *Laboratories*, delete the words: "Aircraft Engine Research Laboratory"; and substitute therefor the words: "Flight Propulsion Research Laboratory".

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] J. F. VICTORY,
Executive Secretary.

[F. R. Doc. 47-5480; Filed, June 9, 1947; 8:49 a. m.]

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[3d Rev. RO 3,[1] Amdt. 52]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 16.1 is amended to read as follows:

SEC. 16.1 *New or unregistered retailer or wholesaler establishment desiring sugar.* (a) Any person desiring to get sugar for a new or an unregistered wholesale or retail establishment may apply to the Sugar Branch Office for registration and assignment to such establishment of an allowable inventory. The application must be made in duplicate on SRA Form R–362 (Rev.) and filed with the Sugar Branch Office for the place where the principal business office of the establishment is or will be located. The applicant must give all of the information required by the form.

(b) The Sugar Branch Office may register the establishment and grant a temporary allowable inventory if it finds that the applicant has adequate facilities for handling the amount of sugar requested in the application and that the applicant actually intends to engage in business as a wholesaler or retailer of sugar at the place of business described in the application.

(c) However, if the Sugar Branch Office finds that any of the following are true it shall deny the application:

(1) The applicant formerly owned or had a substantial interest in a transferred or closed wholesale or retail establishment and has not complied with the requirements of sections 18.2 and 18.5 in the closing or transfer of such establishment;

(2) That the applicant has or had an establishment for which there are outstanding loans or overdrafts which have not been repaid;

(3) That the applicant's (or in the case of a corporation or partnership, any person holding a substantial interest in such corporation or partnership) right to deal in sugar is suspended or enjoined;

(4) If the establishment is one acquired by transfer, that the transferee is a member of the immediate family of the transferor or the transferor has a substantial interest in the transferred establishment; (For example, a transferor still has a substantial stock interest in the establishment if it is a corporation or a right to the distribution of assets or profits if it is a partnership); or

(5) If the establishment is one acquired by transfer, that the transferee has not complied with all of the requirements of section 18.2 of this order.

[1] 11 F. R. 177, 14281.

Provided, however, That the restrictions in subparagraphs 1 through 5 of this paragraph do not apply to a transferee who acquires the establishment by will or inheritance.

(d) The Sugar Branch Office may in its discretion deny the application if it has substantial evidence from which it finds that the establishment will not be operated in accordance with the provisions of this order.

(e) If the Sugar Branch Office registers the establishment and grants a temporary allowable inventory to the applicant, the retailer or wholesaler must report in duplicate on OPA Form R–362A (Rev.) within 10 days after the first eight weeks of operation, giving all of the information required by the form covering such operation. Upon receipt of the eight weeks operation report, the Sugar Branch Office may assign a permanent allowable inventory to such establishment.

2. Section 18.2 (a) is amended to read as follows:

(a) *General.* (1) When any person sells or transfers to any other person the business and inventory of his retail or wholesale establishment for continued operation, they must both notify the Sugar Branch Office at which the establishment is registered. The notice must be made on SRA Form R–383 within five days after the sale or transfer of the establishment and all of the information required by the form must be given. The notice of transfer on SRA Form R–383 must be a joint notice signed by both the transferor and the transferee. In addition, the transferor must file with the Sugar Branch Office a report of his inventory (taken at the time of actual transfer) on OPA Form R–346 (Rev.). The transferor shall also give a copy of OPA Form R–346 (Rev.) to the transferee.

(2) If the transferor has a ration bank account, he must notify the Sugar Branch Office in the way required by section 15.8 (b) of this order.

3. Section 18.2 is amended by adding a note at the end thereof to read as follows:

NOTE: Certain transferees may apply for a new allowable inventory in accordance with the provisions of section 16.1 of this order. Any transferee who is not eligible for a new allowable inventory under the provisions of section 16.1 of this order will be charged with all of the obligations and liabilities of the transferor.

This amendment shall become effective June 9, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of May 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 52 to Third Revised Ration Order 3

The present regulations providing for the registration and assignment of allowable inventories to new or unregistered retailer or wholesaler establishments desiring sugar, and for the sale or transfer of retailer or wholesaler establishments, do not contain the necessary safeguards which, if incorporated within the regulations, would insure against evasions of the inventory provisions of the regulations.

Recurring examples of such evasions are transfers between members of immediate families where dissipation of allowable inventories has occurred; and dissipation of allowable inventories by wholesalers or retailers followed by transfers of their establishments to corporations or partnerships in which they possess large interests. After the transfer the "new entity" makes application for a new allowable inventory of sugar. Another frequently used device to evade the regulations is the formation of a partnership or corporation which applies as a new business after a member of the newly-formed business organization had been suspended or enjoined from further dealing in sugar because he has been found untrustworthy to handle sugar. In some cases, applicants have been able to circumvent the intent and spirit of the regulations by requesting amounts of sugar which are obviously far in excess of their storage facilities; and some have applied for evidences with no actual intent to engage in business as a wholesaler or retailer of sugar at the place of business described in the application.

Under the proposed amendment the Sugar Branch Office will be granted increased authority, including the authority to deny the application for a sugar inventory by a retailer or wholesaler who failed to make the required reports in closing or transferring his establishment; who failed to liquidate outstanding loans or overdrafts; who has outstanding against him an administrative suspension order or injunction for violation of the sugar rationing regulations; who acquired his establishment by reason of a transfer from a member of his immediate family other than by inheritance or will; or where the transferor of the retailer or wholesaler establishment retains a substantial interest in the transferred establishment. The Sugar Branch Office is also empowered to deny any application if it finds that the applicant does not have adequate facilities for handling the amount of sugar for which he applied, or does not actually intend to operate as a wholesaler or retailer at the place of business described in the application; or if it finds that the establishment will not be operated in accordance with the provisions of the regulations.

The proposed amendment further provides that certain transferees who fulfill the requirements of the order may apply for a new allowable inventory. However, any transferee who is not eligible for a new allowable inventory under the provisions of the order will be charged with all of the obligations and liabilities of his transferor.

[F. R. Doc. 47-5505; Filed, June 9, 1947; 8:46 a. m.]

[3d Rev. RO 3,[1] Amdt. 26 to Supp. 1]

PART 707—RATIONING OF SUGAR

SUGAR

Supplement 1 to Third Revised Ration Order 3 is amended in the following respects:

Section 4.1 is amended to read as follows:

Section 4.1 *Areas which have had a substantial increase in population and the percentage for each such area.*

For periods commencing on or after July 1, 1947.

Alabama

Baldwin	20	Madison	10
Calhoun	30	Mobile	60
Colbert	10	Russell	15
Etowah	15	Talladega	20
Jefferson	10		

Arizona

Apache	20	Mohave	50
Cochise	15	Navajo	15
Gila	10	Pima	40
Greenlee	20	Pinal	30
Maricopa	30	Yuma	20

Arkansas

Jefferson	15	Saline	20
Pulaski	15	Sebastian	10

California

Alameda	50	Sacramento	30
Butte	15	San Bernardino	40
Contra Costa	160	San Diego	80
Fresno	30	San Francisco	20
Glenn	10	San Joaquin	30
Inyo	30	San Luis Obispo	40
Kern	30	San Mateo	50
Lake	15	Santa Barbara	20
Lassen	20	Santa Clara	20
Los Angeles	30	Santa Cruz	15
Madera	30	Shasta	10
Marin	40	Solano	160
Mendocino	10	Sonoma	20
Merced	15	Stanislaus	40
Monterey	40	Tulare	15
Napa	40	Ventura	15
Orange	30	Yole	20
Placer	10	Yuba	40
Riverside	40		

Colorado

Arapahoe	15	Jefferson	10
Denver	10	Lake	15
Delores	10	Otero	10
El Paso	30		

Connecticut

Fairfield	10	Hartford	10

Delaware

New Castle	10	Sussex	10
District of Columbia			30

Florida

Alachua	10	Indian River	10
Bay	110	Lee	30
Bradford	60	Leon	30
Brevard	30	Monroe	50
Broward	20	Okaloosa	40
Charlotte	15	Okeechobee	10
Clay	20	Orange	20
Dade	30	Palm Beach	15
De Soto	10	Pinellas	15
Duval	30	Polk	10
Escambia	40	Putnam	10
Franklin	40	St. Lucie	20
Gulf	10	Sarasota	30
Highlands	80	Volusia	10
Hillsborough	20		

Georgia

Bartow	10	Liberty	30
Bibb	30	McIntosh	15
Camden	20	Muscogee	50
Chatham	30	Peach	10
Clarke	15	Polk	10
Cobb	50	Richmond	20
Dougherty	20	Stephens	15
Fulton	10	Thomas	15
Glynn	60	Whitfield	10
Houston	60		

Idaho

Ada	10	Kootenai	20
Bannock	10	Valley	15
Elmore	60		

Illinois

Champaign	10	Madison	20
Du Page	10	St. Clair	15
Lake	15	Winnebago	10

Indiana

Bartholomew	15	Porter	10
Clark	30	St. Joseph	10
Fayette	10	Scott	10
Floyd	10	Starke	15
Lake	10	Tippecanoe	15
Marion	10	Vandenburgh	20
Monroe	10		

Iowa

Des Moines	10	Story	10
Johnson	10		

Kansas

Barton	10	Riley	15
Douglas	10	Saline	20
Finney	20	Sedgwick	30
Geary	15	Seward	20
Johnson	30	Shawnee	30
Pratt	10		

Kentucky

Hardin	40	Jefferson	15
Henderson	10		

Louisiana

Beauregard	15	Rapides	30
Calcasieu	40	St. Bernard	10
East Baton Rouge	30	St. Mary	10
Jefferson	30	Vermilion	10
La Salle	15	Vernon	70
Orleans	15	Webster	15

Maine

Cumberland	10	York	10
Sagadahoc	15		

Maryland

Anne Arundel	20	Harford	40
Baltimore	30	Howard	10
Calvert	10	Montgomery	30
Cecil	20	Prince Georges	50
Charles	20	St. Marys	30
City of Baltimore	15		

Michigan

Bay	10	Midland	10
Berrien	10	Monroe	10
Calhoun	15	Muskegon	15
Ingham	15	Oakland	20
Lenawee	10	Washtenaw	30
Macomb	30	Wayne	15

Mississippi

Forrest	60	Jackson	80
Grenada	15	Lowndes	10
Harrison	30	Wilkinson	15
Hinds	10		

Missouri

Boone	20	Pulaski	20
Clay	10	St. Charles	10
Jackson	10	St. Louis	20
Phelps	20		

Montana

Cascade	10	Missoula	10
Gallatin	10		

Nebraska

Adams	20	Lancaster	20
Cheyenne	10	Sarpy	10
Hall	15		

Nevada

Clark	120	Washoe	30
Mineral	200		

New Jersey

Gloucester	10	Monmouth	15
Middlesex	10	Sussex	15

New Mexico

Bernalillo	15	Eddy	30
Chaves	40	Luna	40
Curry	30	Otero	30
De Baca	15		

New York

Nassau	10	Niagara	10

North Carolina

Brunswick	10	Gaston	10
Cabarrus	10	Graham	30
Craven	30	New Hanover	70
Cumberland	40	Onslow	40
Durham	10	Pasquotank	20

Ohio

Allen	15	Montgomery	20
Clinton	10	Portage	10
Erie	10	Stark	10
Franklin	10	Summit	10
Greene	30	Trumbull	10
Hamilton	10	Warren	10
Lake	15		

Oklahoma

Cleveland	20	Texas	10
Comanche	40	Tulsa	15
Oklahoma	10		

Oregon

Benton	30	Lane	30
Clackamas	15	Lincoln	20
Clatsop	15	Linn	30
Coos	20	Marion	10
Crook	30	Multnomah	50
Deschutes	10	Tillamook	10
Douglas	20	Umatilla	15
Jackson	20	Washington	15
Jefferson	70	Yamhill	10
Josephine	30		

Pennsylvania

Delaware			10

Rhode Island

Kent	10	Washington	15
Newport	20		

South Carolina

Beaufort	10	Greenville	10
Charleston	30	Richland	15
Dorchester	15		

South Dakota

Fall River	20	Pennington	10

Tennessee

Anderson	50	Loudon	15
Blount	15	Roane	15
Coffee	40	Rutherford	10
Davidson	10	Shelby	15
Hamilton	10	Sullivan	20
Knox	10		

Texas

Bailey	20	Childress	20
Bastrop	15	Cochran	15
Bell	40	Cocke	15
Bexar	20	Cottle	10
Bowie	20	Crosby	20
Brazoria	90	Dallam	30
Brazos	10	Dallas	20
Brewster	20	Dawson	40
Brown	30	Dickens	10
Cameron	10	Ector	50

[1] 11 F. R. 177, 14281.

Texas—Continued

El Paso	20	Medina	15
Galveston	30	Midland	40
Garza	30	Moore	110
Hale	15	Nueces	40
Hansford	10	Oldham	15
Harris	20	Orange	180
Hays	20	Palo Pinto	10
Hockley	70	Pecos	10
Howard	30	Potter	20
Hudspeth	20	Reeves	20
Hutchinson	40	Tarrant	30
Jefferson	30	Taylor	30
Kleberg	20	Terry	30
Lamb	20	Tom Green	10
Lubbock	30	Travis	15
Lynn	50	Val Verde	20
McLennan	10	Victoria	20
Martin	20	Ward	20
Matagorda	20	Webb	10
Maverick	20	Wichita	10

Utah

Carbon	15	Tooele	60
Davis	80	Unitah	10
Millard	15	Utah	30
Salt Lake	20	Weber	30

Virginia

Arlington	100	Nottoway	10
Elizabeth City	50	Prince William	20
Fairfax	30	Princess Anne	30
Giles	10	Pulaski	10
Henry	10	Tazewell	20
King George	15	Warwick	210
Montgomery	20	York	30
Norfolk	160		

Independent Cities

Alexandria	80	Norfolk	40
Bristol	50	Petersburg	30
Buena Vista	50	Portsmouth	30
Charlottesville	15	Radford	30
Fredericksburg	30	Richmond	20
Hampton	60	South Norfolk	30
Hopewell	20	Suffolk	20
Martinsville	10	Williamsburg	120
Newport News	50		

Washington

Benton	130	King	30
Chelan	10	Kitsap	100
Clallam	10	Mason	10
Clark	60	Okanogan	10
Franklin	30	Pierce	20
Grant	10	Spokane	10
Island	20	Thurston	15
Jefferson	10	Yakima	15

West Virginia

Kanawha	20	Mingo	10

Wisconsin

Dane	10	Sauk	15
Door	20		

Wyoming

Albany	10	Park	15
Laramie	20	Sweetwater	10

Territory of

Alaska	35	Hawaii	30
Panama Canal Zone	60		

Persons who apply for allotments for the Second period of 1947 will be entitled to the population increase effective for that period on May 31, 1947 subject to the deductions for late application provided in section 2.2 (b) of this order.

This amendment shall become effective June 1, 1947.

Issued this 5th day of June 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5560; Filed, June 9, 1947; 11:44 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

CHUGACH AND TONGASS NATIONAL FORESTS

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see Public Land Order 375 under Title 43, Chapter I, *infra*, excluding certain tracts of land from the Chugach and Tongass National Forests and restoring them to entry.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

INDEMNITY

In § 21.110 *Postal Union Registered Articles* (39 CFR, Part 21), of Subpart A make the following changes:

1. In paragraph (a) (1) delete "$1.93" and substitute therefor "$3.27".

2. In paragraph (a) (2) delete "$9.65" and substitute therefor "$16.33".

3. In paragraph (b) (1) delete "$9.65" and substitute therefor "$16.33", and delete "$1.93" and substitute therefor "$3.27".

4. In paragraph (b) (2) delete "$9.65" and substitute therefor "$16.33".

In § 21.111 *Americo-Spanish ordinary and registered parcel-post* (39 CFR, Part 21) of Subpart A amend the table to read as follows:

2 lbs	$3.27
7 lbs	4.90
11 lbs	8.17
22 lbs	13.07
33 lbs	17.97
44 lbs.[1]	22.87

[1] Up to 70 pounds for Panama.

Section 21.112 (39 CFR, Part 21) of supbart A is amended to read as follows:

§ 21.112 *Indemnity for other registered parcel-post.* Except as stated in § 21.115, so far as applicable to registered parcels, as well as under the country items of certain countries, indemnity for actual value in amount claimed up to 50 gold francs ($16.33) may be paid for the loss, rifling or damage of registered parcel-post packages exchanged with Cape Verde Islands, Cuba (total loss), Latvia (suspended), and Portuguese West Africa.

Under the same conditions, indemnity for actual value in amount claimed may be paid for the loss, rifling, or damage of registered parcel-post packages exchanged with Ecuador, and Macao and for the total loss only (wrapper and contents) of registered parcel-post packages exchanged with Portugal (including Madeira and the Azores), provided that the indemnity in any case shall not exceed the amount prescribed for the registry fee paid at the time of mailing. (See country items, Subpart B, for scales of fees and limits of indemnity payable.)

Except as stated in this section and in § 21.111, indemnity is not paid in connection with registered parcel-post packages exchanged with any other foreign country.

Section 21.114 (39 CFR, Part 21) of subpart A is amended to read as follows:

§ 21.114 *Indemnity for c. o. d. mail.* Under the same conditions that apply to insured or registered parcels without c. o. d. charges, as stated in the two preceding sections, indemnity is paid for the loss, rifling, or damage of registered or insured c. o. d. parcels; and indemnity for registered c. o. d. parcels exchanged with Mexico is paid for loss only; and when delivery of a c. o. d. parcel has been effected but through the fault of the Postal Service the collect-on-delivery charges, as a whole or in part, have not been remitted to the sender.

In § 21.115 *Exceptions* (39 CFR, Part 21) of subpart A, make the following changes:

1. Amend paragraph (j) to read as follows:

(j) However, in the event of loss, rifling, or damage in this country of mail matter erroneously accepted for insurance to foreign countries, or, on which postage was erroneously collected at other than parcel post rates, but otherwise properly accepted for mailing, limited indemnity may specially be paid under the conditions set forth in §§ 21.110, 21.111, 21.112, 21.113, and 21.114.

2. Amend paragraph (l) to read as follows:

(l) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the article or parcel. In the case of insured mail with Canada and Newfoundland, however, a claim or an initial inquiry, oral or written, must be made within six months from the date of mailing unless it is established to the satisfaction of the Department that the delay was unavoidable and not the fault of the claimant.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-5443; Filed, June 9, 1947; 8:55 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2327]

PART 4—DELEGATION OF AUTHORITY

ALASKA RAILROAD

The regulations of the Secretary of the Interior of January 11, 1929 entitled "Regulations governing the office of the General Manager of the Alaska Railroad and the Affairs of the Railroad at Washington, D. C.," and the memorandum approved June 3, 1946 by the Acting Secretary, amending the said regulations, and Order No. 2218, dated July 3, 1946, No. 2234, dated July 26, 1946, and No. 2281, dated December 5, 1946, are hereby revoked, and § 4.530, superseding

the said regulations, memorandum, and orders, is added to Subpart F, as follows:

§ 4.530 *The Alaska Railroad.* (a) Except as specified in paragraphs (b) and (c) of this section, the General Manager of the Alaska Railroad is authorized to act for and in the place of the Secretary of the Interior with respect to any matter having to do with the operation of the Railroad and its related activities.

(b) The following matters must be presented to and receive the approval of the Secretary before becoming effective:

(1) Proposed important changes in the policy of the Railroad, its operation and management, or in all or part of a service previously rendered such as the extension of main lines or branches, the construction of additional branches, the discontinuance of terminal facilities, the opening of new stations, the extension or abandonment of river-boat service or coal mining activities, the construction of major bridges or buildings, or the operation of tourist facilities in McKinley Park.

(2) Proposed extension of the service of the Railroad into a new field or creation of a new kind or character of service rendered by or to the Railroad.

(3) Proposed general increases or reductions in freight rates or passenger fares.

(4) Proposed appointments to positions with base pay in excess of $7,000 per annum.

(5) Proposed policies and procedures for dealing with employees and their representatives in the determination of rates of pay and methods of compensation, regulation of working hours, working rules and adjustment of grievances, as well as proposed increases or decreases in rates of pay or changes in methods of compensation, regulation of working hours, or in the basic working rules of any employee by class, craft, department or appropriate subdivisions thereof.

(c) Proposed contracts for construction, equipment, supplies or services must be presented to and receive the approval of the Secretary before becoming effective in any case where the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement, or such approval by the Secretary is specifically required by statute. In all other cases, and irrespective of the amount involved, the General Manager is authorized to enter into binding contracts for the Railroad in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. However, the General Manager may request Secretarial approval of any proposed contract. This paragraph is not intended to affect any requirement that proposed programs be cleared with the Office of the Secretary prior to their inauguration.

With respect to any binding contract, including a contract approved by the Secretary, the General Manager may issue change orders and extra work orders pursuant to a contract, enter into modifications of a contract which are legally permissible, and terminate a contract if such action is legally authorized, and except in those cases in which he is the contracting officer, act as the authorized representative of the Secretary within the meaning of the following provisions of United States Standard Form Contracts: Articles 3 and 4 of Form No. 23, Article 2 of Form No. 32, and, for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of delay, Article 9 of Form No. 23, Article 5 of Form No. 32, and paragraph 4 of the conditions to Form No. 33.

The General Manager may redelegate to subordinate officials and employees of the Railroad or to the Purchasing Officer, Alaska-Seattle Service Office, the authority granted in this paragraph. Each such redelegation shall be published in the FEDERAL REGISTER.

(d) The Director or Assistant Director, Division of Territories and Island Possessions, or the General Manager or Assistant General Manager of The Alaska Railroad are authorized to make the certification in connection with the transfer without charge to The Alaska Railroad of materials, roadway and bridge maintenance and other necessary equipment, locomotives and spare parts, shop facilities and machinery, supplies, rolling stock and buildings and docks which are necessary for the improvement, maintenance or operation of the Railroad, required by the Interior Department Appropriation Act, 1947 (60 Stat. 348, 383), to be made by the Department of the Interior to the War Department or any other agency of the United States Government having title to such property.

(e) The General Manager shall submit to the Secretary (through the Director, Division of Territories and Island Possessions), a monthly report covering the operation of the Railroad. He shall also submit an annual report to the Secretary at the close of each fiscal year and upon request of the Secretary or the Director, Division of Territories and Island Possessions, forward to the Department such material or data relative to the operation of the Railroad and its related activities or concerning the exercise of the authority granted to him by this section as the said Secretary or Director may require.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 29, 1947.

[F. R. Doc. 47-5433; Filed, June 9, 1947; 8:45 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 375]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM THE CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM TO ENTRY

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C. Title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, *It is ordered as follows:*

The following-described tracts of public land in Alaska, occupied as homesites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the Chugach and Tongass National Forests as hereinafter indicated, and restored, subject to valid existing rights, to entry under the applicable public land laws:

CHUGACH NATIONAL FOREST

U. S. Survey No. 2525, Lot 8, 3.42 acres; latitude 60°30'05" N., longitude 149°47'00" W. (Homesite No. 59, Snug Harbor Group);

TONGASS NATIONAL FOREST

U. S. Survey No. 2475, Lot "L," 4.18 acres; latitude 58°21'35" N., longitude 134°33'00" W. (Homesite No. 239, Mile 7 Group, Glacier Highway);

Lot 6, Mud Bay Group, Revillagigedo Island, 1.53 acres; latitude 55°24'30" N., longitude 131°45'35" W. (Homesite No. 834).

WARNER W. GARDNER,
Assistant Secretary of the Interior.

JUNE 3, 1947.

[F. R. Doc. 47-5435; Filed, June 9, 1947; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

NOXUBEE NATIONAL WILDLIFE REFUGE, MISSISSIPPI; FISHING

Section 25.691 is revised to read as follows:

§ 25.691 *Noxubee National Wildlife Refuge, Mississippi; fishing.* Fishing is permitted within the Noxubee National Wildlife Refuge, Mississippi in accordance with the State laws of Mississippi during the daylight hours in Bluff Lake, Patterson Lake, and on such portions of Noxubee River and Oktoc Creek as are designated by suitable posting by the officer in charge.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All fishermen must comply with all State fishing laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license and/or permit is required by such law and regulations. Such State license and/or permit will serve as a Federal permit for entry on the refuge for the purpose of fishing. Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by posting.

Persons may use boats for fishing on Bluff Lake but motors of greater than 5 horsepower capacity may not be used on or in any such boat. Boats with motors are prohibited in any other refuge waters except for official purposes.

During periods of waterfowl concentration, wild turkeys nesting, or other wildlife concentrations, fishing may be closed on such areas of the refuge as, in the judgment of the officer in charge, such limitations and restrictions are necessary in order to provide adequate protection for wildlife. Such limitations or restrictions are to be clearly designated by posting.

State cooperation may be enlisted in the regulation, management, and operation of the public fishing areas and the State may issue special licenses at a reasonable rate of charge as may be determined to be necessary. In the event such State regulations are issued, any permit therein required will be a requisite to lawful entry for the purpose of fishing.

(35 Stat. 1104, 43 Stat. 98, 45 Stat. 1224, 49 Stat. 383; 18 U. S. C. 145, 16 U. S. C. 715i, 715s, and Reorganization Plan No. II, 53 Stat. 1433; 5 U. S. C. 133t, note)

Dated: May 29, 1947.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 47—5434; Filed, June 9, 1947, 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 125]

NONQUOTA IMMIGRANT STUDENTS

NOTICE OF PROPOSED RULE MAKING

MAY 20, 1947.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following rule, which is a revision of Part 125, Chapter I, Title 8, Code of Federal Regulations, such part being entitled "Students". In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1806, Franklin Trust Building, Philadelphia 2, Pennsylvania, written data, views, or arguments relative to the substantive provisions of the proposed rule. Such representations may not be presented orally in any manner. All relevant material received within twenty days following the day of publication of this notice will be considered.

Part 125, Chapter I, Title 8, Code of Federal Regulations is amended so that such part will be as follows:

PART 125—STUDENTS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
125.1 Student defined.
125.2 Time for which admitted.
125.3 Conditions of admission.
125.4 Extension of stay; period of time; conditions.
125.5 Deportation.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

125.11 Authority to admit.
125.12 Records of admission, readmission, and departure.
125.13 Extension of stay; procedure.
125.14 Transfers from one school to another.
125.15 Employment.
125.16 Schools; petition for approval.
125.17 Schools; conditions for approval.
125.18 Schools; officer to make petition.
125.19 Schools; withdrawal of approval.

AUTHORITY: §§ 125.1 to 125.19, inclusive, issued under sec. 23, 29 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 5 U. S. C. 133t; 8 CFR, 1943 Supp., 90.1. §§ 125.1 to 125.19, inclusive, interpret and apply secs. 4 (e), 13 (a) (3), and 15 of the Immigration Act of 1924, as amended (43 Stat. 155; 43 Stat. 161, 50 Stat. 165; 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 204 (e), 213 (a), 215).

CROSS REFERENCES: For consular procedure with respect to students, see 22 CFR 61.227–61.230. For head tax and visa exemption for students returning from visits in nearby countries, see 8 CFR 105.3 (n) and 176.203 (d), respectively.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 125.1 *Student defined.* As used in this part, the term "student" means an alien admitted temporarily to the United States as a nonquota immigrant under the provisions of section 4 (e) of the Immigration Act of 1924 (43 Stat. 155; 8 U. S. C. 204 (e)) and under the provisions of this part.

§ 125.2 *Time for which admitted.* A student shall be admitted to the United States for a period of time not to exceed one year. If his intended course of study is less than one year, the period of admission shall not exceed the period of such intended course of study plus necessary travel time. He shall not be admitted for a period of time extending beyond the date 60 days prior to the end of the period during which he will be eligible for readmission to the country from which he came or to some other foreign country. Such eligibility will ordinarily be established by the presentation of a passport having the period of validity prescribed in § 176.500 of this chapter.

§ 125.3 *Conditions of admission.* In order to be admissible as a student, an alien shall:

(a) Be at least 15 years of age;

(b) Be qualified to enter and have definitely arranged to enter an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Attorney General;

(c) Establish that he seeks to enter the United States solely for the purpose of pursuing a definite course of study in such institution and that he will carry a course of studies in day classes, which course will consist of a minimum of 12 semester hours or the equivalent of that amount if he is an undergraduate student or, if he is a graduate student, will consist of a full program of study toward a degree and will be in the amount and of the nature required by the school; also establish that he has sufficient scholastic preparation and knowledge of the English language to enable him to undertake his intended course.

(d) Establish that he is or will be financially able, subject to the provisions of this part, to pursue such course of study;

(e) Establish that he intends to leave the United States at the expiration of the period of his admission or of any authorized extension of such period or upon cessation of the status under which admitted, whichever occurs first;

(f) Furnish bond on Form I–374 or Form 574 in the sum of not less than $150 to insure that he will depart from the United States at the expiration of his authorized stay or upon failure to maintain the status under which admitted, whichever occurs first, if such bond is required by an officer in charge or by a board of special inquiry or pursuant to an order entered on appeal from the decision of such board;

(g) Present whatever document or documents are required by the applicable Executive order and regulations prescribing the documents to be presented by aliens entering the United States under the provisions of section 4 (e) of the Immigration Act of 1924, such document or documents having been issued after compliance with all applicable provisions of Title III of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 451) relating to registration and fingerprinting;

(h) Establish that he is not a member of any class of aliens subject to exclusion from the United States under the applicable provisions of the immigration laws or regulations.

§ 125.4 *Extension of stay; period of time; conditions.* After a student is admitted to the United States for a fixed period of time, his stay may be extended for a period or periods not exceeding one year each. Any such extension of his stay shall be subject to the same time limitations as are placed on original admissions by § 125.2 and must be predicated on a finding that the student establishes that he has fulfilled and will continue to fulfill the conditions of admission prescribed by § 125.3. As a condition precedent to the granting of an extension, the district director having jurisdiction may require the student to furnish bond, or bond in greater sum, on the form and containing the conditions stated in § 125.3 (f). Where a bond furnished on admission is to be continued during the time of an extension of stay, any arrangements necessary in that connection must be made by the student.

CROSS REFERENCE: For procedure for extensions of stay, see § 125.13.

§ 125.5 *Deportation.* A student who violates or fails to fulfill any of the conditions of his admission to or extended stay in the United States or who otherwise becomes a member of any deportable class defined in any of the immigration laws shall be made the subject of deportation proceedings in accordance with the provisions of the applicable immigration laws and the provisions of Part 150 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 125.11 *Authority to admit.* If the examining immigrant inspector is satisfied beyond a doubt that an alien is admissible as a student, he may admit him as such. If the examining immigrant inspector is satisfied that an alien would be admissible as a student provided a bond was furnished in accordance with the provisions of § 125.3 (f), the examining immigrant inspector may refer the case to the officer in charge of the port and if the officer in charge concludes that the alien would be admissible provided such bond was furnished, the officer in charge may admit the alien as a student upon the furnishing of such bond. If the examining immigrant inspector is not satisfied that an alien applying for admission to the United States as a student is admissible as a student, he shall hold the alien for examination by a board of special inquiry. The bond prescribed in § 125.3 (f) may be exacted by the board of special inquiry. All admissions shall be subject to the time limitations prescribed in § 125.2.

§ 125.12 *Records of admission, readmission, and departure.* (a) When a student is admitted to the United States on surrender of an immigration visa, the endorsements and records, other than Form I–151, required by § 108.6 of this chapter shall be made. In addition, Form I–94 in triplicate shall be executed in the case of every student admitted to the United States on surrender of an immigration visa. The admitting immigrant inspector shall note on the Form I–94 the name and location of the institution to which the student is destined. The original Form I–94 shall be sent to the district headquarters of the district to which the student is destined. The duplicate Form I–94 shall be given to the student at the time of his admission to the United States. The triplicate Form I–94 shall be fastened to the face of the immigration visa and shall accompany it to the Central Office. The duplicate Form I–94 shall be the alien registration receipt card. Form I–151 shall not be furnished to students; in that respect, § 108.6 (a) of this chapter shall not apply to students.

(b) When a student is admitted to the United States, the admitting immigrant inspector shall stamp any passport presented by the student (as the term "passport" is defined in § 176.101 (e) of this chapter) to show the word "Admitted" and the date and place of admission.

(c) A notice of the admission of a student shall be sent from the port of admission to the appropriate official of the institution to which the student is destined, with advice as to the location of the district immigration office to which the required reports from the institution and any applications by the student shall be sent.

(d) During a student's authorized stay in the United States, he may under certain circumstances visit nearby countries and be readmitted to the United States without obtaining a new immigration visa (see § 176.203 (d) of this chapter). When that occurs, no notice of the readmission need be sent from the port of readmission to the institution. The readmitting immigrant inspector shall execute Form I–94 in triplicate, showing the name and location of the institution to which destined. The original of the Form I–94 shall be retained at the port of entry and filed with other records of arrival; the duplicate Form I–94 shall be given to the student at the time of his readmission; and the triplicate Form I–94 shall be sent to the district headquarters office of the district responsible for the supervision of the student.

(e) When a student departs from the United States either temporarily or permanently, he shall surrender his duplicate Form I–94. Notwithstanding the provisions of Part 108 of this chapter, the duplicate Form I–94 surrendered by a departing student shall be forwarded to the district headquarters office of the district where the institution which the student is or was last attending is located. If it is definitely shown or known that the student's departure is permanent, the file in that district shall be closed and the surrendered duplicate Form I–94 with an additional notation showing that the case has been closed shall be sent to the Central Office; otherwise, the form shall be held in that district for six months. If during that time no notice of the student's readmission is received by a new Form I–94 or otherwise, inquiry shall be made as to the student's whereabouts and status. If it is found that the student has departed permanently from the United States or has been readmitted under some other status, the district file shall then be closed and the duplicate Form I–94 bearing the additional endorsement showing termination shall be sent to the Central Office.

§ 125.13 *Extension of stay; procedure.* (a) A student may apply for an extension of the period of his temporary admission. Such application shall be submitted on Form I–535 approximately 30 days before the expiration of the period of admission, or previously authorized extension thereof, to the district director of the district in which is located the institution which the student is attending. All available data specified in Form I–535 shall be furnished by the applicant. The application shall be accompanied by his passport and by the duplicate Form I–94 issued to him at the time of his entry.

(b) After making such inquiry as may be necessary, the district director shall make a decision on the application and such decision shall be final: *Provided*, That the district director shall not grant any extension of stay which would authorize the student to remain in the United States for a period of more than four years after arrival unless the district director first obtains approval from the Commissioner: *And provided further*, That the Commissioner may from time to time require in individual cases or in certain classes of cases that district directors submit to him for review or decision cases of applications on Form I–535 on which they have acted or which they receive. In all cases the district director shall send notice of the decision to the student. If the decision is favorable, such notice shall be made by placing a signed endorsement on the duplicate Form I–94, showing the date to which the stay is extended and by returning the duplicate Form I–94 and the passport to the student. The district director of the district in which is located the institution which a student is attending shall by form letter notify each student of the imminent expiration of authorized stay unless the district director is in receipt of an application for an extension of such stay or of information that the student will depart from the United States at the expiration of the period of authorized stay.

§ 125.14 *Transfers from one school to another.* A student may transfer from one approved institution to another only if he first secures written permission from the district director of the district in which is located the institution from which the transfer is desired. There shall be placed on the duplicate Form I–94 a signed endorsement showing the name and location of the institution to which the transfer is authorized, and the duplicate Form I–94 shall be returned to the student. When a student is permitted to transfer from one approved institution to another and the institution to which he transfers is located in another immigration district, the district director of the first district shall forward his complete file (including the original and any triplicate Forms I–94) pertaining to the student to the director of the district into which the student transfers and shall send a notice of the transfer to the Central Office.

§ 125.15 *Employment.* (a) A student shall not be permitted to work during a school term either for wages or for board or lodging unless he has insufficient means to cover his necessary expenses. If a student wishes to accept employment, he shall apply prior to the acceptance of such employment to the district director of the district in which is located the institution which he is attending. If the district director is satisfied that the student is meeting all of the requirements in this part and that he does not have sufficient means to cover his expenses and that the employment requested will not interfere with his carrying successfully a course of study of the required amount, he may grant permission to the student to accept such employment. A district director may, in his discretion and subject to all the limitations prescribed in this section, permit a student to take employment during summer vacations. Subject to the limitations in this section and part, a student may in connection with his admission be granted permission to accept employment, but where permission is granted in that connection, the facts must be re-

ported to the district immigration office responsible for handling the case while the student is in the United States.

(b) In cases where employment for practical training is required by the school, the district director may permit the student to engage in such employment for a six-month period subject to extension for not over two additional six-month periods, but any such extensions shall be granted only upon certification by the school and the training agency that the practical training cannot be accomplished in a shorter period of time.

§ 125.16 *Schools; petition for approval.* Any school, college, academy, seminary, or university desiring approval as a school for immigrant students may file with the Attorney General a petition in writing (Form I–17), stating its name and location; the date when established; the requirements for admission, including age; whether coeducational; the courses of study offered and the time required to complete such course; the degrees, if any, conferred; the calendar of its school year, including terms and semesters; whether day or night sessions are held or both; the average annual number of students attending; the number of teachers or instructors employed; the approximate total annual cost of board, tuition, etc., per student; and the causes for expulsions: *Provided*, That when a catalog is issued by such school, college, academy, seminary, or university, a copy of the latest edition thereof shall be filed with and made part of the petition with appropriate references to the pages of such catalog where the information herein required may be found. If the Attorney General is satisfied that such school, college, academy, seminary, or university has been established for at least two years immediately preceding the filing of the petition herein required; that it is a bona fide institution of learning; and that it possesses the necessary facilities and is otherwise qualified for the instruction and education of immigrant students he may approve such school, college, academy, seminary, or university as a school for immigrant students.

§ 125.17 *Schools; conditions for approval.* No petition for approval as a school for immigrant students shall be considered unless such petition is accompanied by the written agreement of the school, college, academy, seminary, or university seeking such approval, to report in writing to the district director of the district in which such institution is located, immediately upon the admission of an immigrant student to such institution, the name, age, and local address of such student; the name and complete address of a friend or relative of such student in the United States; the date when such student was admitted to such institution; the course of study to be pursued by him; and at the termination of the attendance of such student, to report at once, in writing, to the district director of the district in which such institution is located the date when and the reasons why such attendance was terminated. The foregoing conditions for approval of schools are hereby made applicable to all such approvals heretofore granted and the continuance of approval of a school will depend on the observance of this section.

§ 125.18 *Schools; officer to make petition.* Form I–17 and the written agreement accompanying it must be executed by the principal officer of the school, college, academy, seminary, or university having authority to execute contracts.

§ 125.19 *Schools; withdrawal of approval.* If it shall appear to the satisfaction of the Attorney General that any school, college, academy, seminary, or university approved as a school for immigrant students fails, neglects, or refuses to comply with all the terms of its agreement, he may withdraw or revoke his approval of such school, college, academy, seminary, or university as a school for immigrant students.

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: June 3, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47–5459; Filed, June 9, 1947; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 947]

HANDLING OF MILK IN FALL RIVER, MASS., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a marketing agreement and a proposed amended order, regulating the handling of milk in the Fall River, Massachusetts, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The proceedings were initiated by the Production and Marketing Administration as a result of requests received from cooperative associations of producers and from handlers of milk in the Fall River market. In a letter dated January 17, 1947, the market administrator of the Fall River marketing area notified all handlers, cooperative associations, and other interested persons that they should file not later than February 3, 1947, any proposals which they wished to make with respect to amendments to the order. Seventeen proposals were submitted by cooperative associations, handlers, and the Dairy Branch. After consideration of these various proposals, it was concluded that a hearing should be held to accept evidence on all of the proposals.

On March 10, 1947, there was issued a notice of hearing which listed all of the proposals on which evidence would be taken. The hearing was held at Fall River, Massachusetts, on March 21 and 22, 1947.

Previously a hearing was held at Boston on November 20, 1946, to consider amendments to Order No. 47, which had been proposed by cooperative associations of producers and by the Dairy Branch. Action was taken at that time with respect to all of the issues except one which were developed at the hearing. No action was taken then or has since been taken on a proposal designed to prevent contraseasonal changes in the Class I price which might otherwise occur as a result of the butter-nonfat dry milk solids formula contained in the order. This issue should be disposed of at this time.

Findings and conclusions. The issues which were listed in the notice and which were developed at the hearing in March 1947 are grouped under the following headings. The issue developed at the hearing held on November 20, 1946, is included under the issue "Class I prices."

(1) *Class I prices.* The butter-nonfat dry milk solids formula for determining the Class I price should be retained in its present form with a provision to prevent contraseasonal changes in the Class I price. Minimum floor prices should be established for the last half of 1947, and any price decrease in January or February 1948, should be limited to 44 cents per hundredweight below the price of the previous month. The Class I price should be maintained at its present relationship to the Class I price established by the Boston order for milk received at the 201–210 mile zone from that market.

There is a serious need for encouraging a shift toward more fall production in the Fall River milk shed. Prior to 1946, for a period of six years, seasonal variation in production increased each year. In 1946 fall production increased relative to spring production. Minimum Class I floor prices are required for each month through December 1947 in order to assure a substantial rise in prices from the spring to the fall and thus develop a better seasonal pattern of production in the area.

The minimum floor prices should be $5.52 per hundredweight for July, August, and September, and $5.96 per hundredweight for October, November, and December. If the butter-nonfat dry milk solids formula yields a price higher than $5.96 in any of the months of September, October, or November, that price should continue through December.

The uncertainty of economic conditions in the fall and winter makes necessary a safeguard in addition to minimum floor prices. The butter-nonfat dry milk solids formula should be retained to give producers the benefit of any increase over the floor prices which may be justified by prices of other dairy products and by the general price level. The formula should be modified to prevent contraseasonal price changes in the months just preceding or during the seasons of greater shortage or flush production. The Class I prices for any of the months of September, October, November, and December of any year should not be lower than the Class I price in effect for the preceding month and the Class I prices for the months of March, April, May, and June of any year should not be higher than the Class I price in effect for the preceding month.

Exact prices cannot be determined from this record for a period of 8 to 12 months in advance. The formula based on values of butter and nonfat dry milk solids should be retained until some other plan is developed. The formula will establish prices this fall above the floor prices if conditions warrant higher prices and will provide a method of pricing after December. The provision to prevent contraseasonal price changes will avoid the nullification of the seasonal price plan by movements of the general price level. It is not considered advisable to provide for complete prevention of downward price movements in the last half of the year or upward price movements in the first half because such a provision would hold back unduly adjustments to the general price level. The limitation of price drops from December to January and January to February to 44 cents will prevent any precipitous price drop immediately following the period for which greater production is to be encouraged.

The large quantities of milk which move from the Boston market into Fall River and the nearness of the two markets make it imperative that the Class I prices in the two markets move together. The prices recommended herein are such that the established relationship will be maintained between Fall River prices and the prices recommended for the Boston 201–210 mile zone in a recommended decision issued May 21 and published in the FEDERAL REGISTER on May 24, 1947 (12 F. R. 3340). The Boston 201–210 mile zone price represents the average price of Boston milk which may be offered for sale in Fall River. An increase of 2 cents in the differential between the Boston price and the prices recommended herein should not be adopted since the record supports the continuation of the present relationship between prices in the two markets.

(2) *Pricing all milk sold in the marketing area.* The order should be revised to price all milk entering the marketing area except milk from another marketing area regulated by an order of the Secretary of Agriculture, milk which is a part of a handler's normal supply for a market other than the marketing area, and milk delivered by dairy farmers to plants located outside of the New England States and New York.

Large quantities of milk which are not subject to the pricing provisions of the Fall River order or any other order of the Secretary of Agriculture come into the marketing area. The entrance of such unpriced milk into the marketing area constitutes a threat to the stability of the market.

The supply of milk in New England available for fluid uses is increasing. Certain manufacturing outlets for milk are becoming less attractive and milk formerly used in such outlets is becoming available for fluid uses. Plants which are withdrawn from the Boston pool can supply milk to Fall River handlers for Class I use at, or slightly above, the Boston blended price.

Some handlers obtain a larger percentage of their supply from unpriced sources than other handlers. This results in inequality in the prices handlers pay for their milk.

Milk from another marketing area regulated by an order of the Secretary of Agriculture is priced under the provisions of that order and need not be subject to the pricing provisions of Order No. 47. Milk which is a part of a handler's normal supply for a market other than the marketing area should be exempted from the pricing provisions of the order to allow certain handlers to continue their practice of distributing milk in Fall River and one or more nearby markets from the same plant without making those operations in the nearby markets subject to the pricing provisions of the order. Milk received from plants located outside of New England and New York State should not be subject to the pricing provisions of the order because it would not be administratively feasible to regulate plants so far away.

(3) *Method of pooling.* Payment on the basis of individual handler pools should be adopted to replace the present market-wide pool.

The method of pooling must be coordinated with the objective of bringing under the pricing provisions of the order that milk which now enters the marketing area free from any price regulation. To expand the market-wide pool to include all plants from which unpriced milk now enters the marketing area would increase the supply several times over the amount needed for the market. To designate certain of these plants as Fall River pool plants would bring about a problem of which of the plants should and which should not be Fall River pool plants. If the market-wide pool were extended, it would be possible for handlers to shift plants to the Fall River pool, regardless of whether or not the milk was needed in Fall River. Under the individual handler pool a handler must keep his purchases in line with his Class I requirements and his competitors' uniform prices in order to maintain a supply of milk. Because of this the individual handler pool provides better machinery for the allocation of the available supply of milk between handlers according to their requirements.

(4) *Definitions of "producer" and "dairy farmer".* The definition of a producer should be revised to include more specifically those farmers who constitute a regular source of supply of milk for the marketing area. A definition for a dairy farmer should be provided in order to facilitate references to those farmers who produce milk but are not a regular source of supply for the marketing area.

The present producer definition was placed in the order at a time when the market was practically self-sufficient. Under the present deficit conditions the benefits of the order are limited to only certain of the farmers supplying the market. The definition should be broadened to include those farmers who are now excluded.

Dairy farmers who are part of a handler's normal supply for a market other than the marketing area should be excluded from the producer definition if none of their milk is disposed of as Class I in the marketing area. With the close relationship which exists between the Fall River market and nearby markets, it is doubtful if a situation would develop in which the Fall River supply was below Class I requirements while the supply in nearby markets was substantially in excess of Class I requirements. Producers contended that dairy farmers who are a part of a handler's normal supply for another market should be excluded in the producer definition only if none of their milk was disposed of as Class I in a market other than the one for which they are designated. Such a requirement would cause inefficiencies in plants serving other markets in addition to Fall River.

A large portion of the supply for Class II uses in the Fall River market is obtained from cream plants in the midwest. These suppliers of cream should not be considered handlers of the Fall River milk supply nor should the dairy farmers shipping to such plants be considered producers.

Milk received at a plant which has operations in another market and from which the quantity of Class I milk sold or distributed in the marketing area during the delivery period is no greater than the quantity of Class I milk received from Fall River handlers, plus the quantity of bulk milk received from plants subject to another order of the Secretary of Agriculture during the delivery period should not be considered as milk from producers. Such a provision would allow a cooperative association to continue its operation of using one plant to clean up scattered surpluses during the flush season and to provide supplemental supplies in the short season for Fall River handlers and dealers in a nearby market. The provision should apply to any person who engages in such a function.

The producer definition should not contain a qualification based on Board of Health approval of individual dairy farmers since there is no assurance that such inspections could be made in all cases.

In order to be consistent with the producer definition the handler definition should be revised to include any person who receives milk from producers, dairy farmers, or other handlers, all or a portion of which is disposed of as Class I milk in the marketing area.

(5) *Classification of milk.* The provisions for classifying milk received from producers and other sources should contain the directions for computing the amount of each source milk used in each class. Allowable plant shrinkage should be computed and prorated on all receipts at a plant except receipts from other handlers who receive milk from producers and milk received completely processed and packaged. Under the present provisions it is possible for producers to bear plant shrinkage on milk received from sources other than producers.

Milk from other handlers who receive milk from producers would be excluded from the proration because it has already shared in the plant loss at the first handler's plant. Plant shrinkage on milk received completely processed and packaged should be computed on the basis of actual units lost.

Transfers from a handler's plant at which milk is received from producers to another handler should be classified according to agreement between the buyer and seller provided that the buyer has utilization in the class agreed upon equal to or greater than the amount transferred during the delivery period. Optional classification of transfers from a handler's plant at which milk is received from producers to another handler will permit a handler with Class II facilities to absorb the surpluses of handlers without Class II facilities without the receiving handler's producer pool being diluted with Class II milk. The receiving handler should not be required to show that it was physically possible for receipts to have been utilized in Class II. Such a requirement would involve additional effort on the part of the market administrator in making his audits of receipts and utilization without affecting net payments to producers.

Milk from sources other than producers, dairy farmers who are a part of a handler's normal supply for a market other than the marketing area, and other marketing areas regulated by an order of the Secretary of Agriculture should be classified as Class II up to the amount of Class II utilization remaining after the classification and proration of allowable plant shrinkage. Such classification is necessary in order to prevent the possible displacement of producer milk by milk from plants located outside New England and New York State which would remain exempt from minimum pricing.

The amount of Class II milk remaining after the classification of allowable plant shrinkage and outside milk at a plant at which milk is received from producers should be prorated to receipts from producers, dairy farmers designated for other markets, and plants subject to an order of the Secretary of Agriculture regulating the handling of milk in another marketing area, except, as presently provided in the order, that the total amount of milk received from producers which is classified as Class II should not exceed 5 percent of total receipts from producers, if receipts from other sources are sufficient to absorb the Class II utilization in excess of 5 percent. The 5 percent limitation should not be extended to cover handlers' receipts from other handlers who receive milk from producers since such a provision would be inconsistent with a provision to allow optional classification of interhandler transfers.

Since milk of a handler's own production is considered as producer milk, no special provisions for its classification are necessary. If the handler has receipts from producers and from any other source, the amount of Class II which producers bear is limited by the 5 percent provision, and the break-down of Class II between own farm production and sources other than producers would be only a statistical result.

Milk used in standardizing cream should not be classified as Class I. Classification of such milk as Class I would result in inequalities in prices handlers pay for cream depending upon whether cream was brought into Fall River as cream containing 40 percent butterfat or as cream already standardized.

(6) *Base rating plan.* The base rating provisions should be deleted from the order. These provisions have been suspended since January 31, 1943. Changes which have been made in the order since that date are such as to make the existing base rating plan unworkable in its present form even if such a plan were considered desirable. No new base rating plan should be established at this time. The base rating payment plan was not considered in detail since most witnesses offered testimony on seasonal changes in Class I prices to achieve the level production objective which is the purpose of a base rating plan.

(7) *Class II prices.* No change should be made in the formula for establishing Class II prices.

The established relationship between Fall River and Boston Class II prices should be maintained. No change was recommended in the Boston Class II pricing formula in the recommended decision which was issued on May 21 with respect to the Boston order.

(8) *Administration assessment.* The basis for assessing handlers to defray the expenses of administering the order should not be changed. The language should be clarified to show specifically that a handler should not be assessed on milk which has already borne assessment in another Fall River handler's plant.

Assessment for expense of administration should be paid upon milk from dairy farmers designated for other markets and on milk received from outside the marketing area and resold in bulk outside the marketing area since the administrative effort required of the market administrator in auditing receipts and disposition is no less for such milk than for any other milk.

The provision that the rate of assessment may be established at an amount lower than the specified maximum rate should be revised to reflect the actual practice that no change is made without the approval of the Secretary of Agriculture.

The records of the Milk Control Board of Massachusetts, with respect to milk received from producers designated for the New Bedford market, should not be adopted by the market administrator in lieu of an audit conducted by him of all the milk received in a handler's plant. An over-all audit of all of the operations in a handler's plant is required to verify the utilization of milk subject to the provisions of Order No. 47. To adopt the audit made by another agency would require the other agency to apply the same rules of auditing and accounting as those applied by the market administrator. No evidence of present similarity of auditing practices was submitted.

(9) *Language changes to comply with present organization of the Department of Agriculture.* Changes in organization within the Department of Agriculture have rendered obsolete certain terms now used in the order. Those terms should be changed to coincide with the present organization.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of New England Milk Producers' Association; New Bedford Milk Producers' Association, Inc.; Braley's Creamery, Inc.; and H. P. Hood and Sons, Inc.

The briefs contain statements of fact, conclusions and arguments with respect to nearly all of the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. Although the briefs do not contain specific requests to make the proposed findings and conclusions stated therein, it is assumed that they were submitted with that intention and are treated accordingly. Some of the proposed findings of fact are immaterial to the issues presented or outweighed by other facts found herein, and some of the proposed conclusions do not logically follow from the proposed findings of fact. To the extent that the proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the implied requests to make such findings are denied because of the reasons stated for the conclusions in this recommended decision.

Recommended marketing agreement and order. The following amended order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

§ 947.1 *Definitions.* The following terms as used in this section have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(c) "Fall River, Massachusetts, marketing area", hereinafter called the "marketing area," means the city of Fall River and the town of Somerset, both in the Commonwealth of Massachusetts, and the town of Tiverton in the State of Rhode Island.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Dairy farmer" means any person who produces milk.

(f) "Producer" means any dairy farmer, irrespective of whether such dairy farmer is also a handler, whose milk is received at a plant from which Class I milk is shipped to, or sold in, the marketing area either directly or through another plant during the delivery period: *Provided*, That a dairy farmer shall not be a producer within this definition:

(1) If minimum prices are required to be paid to him under provisions of any other Federal order;

(2) If milk delivered by him is determined by the market administrator to be a part of the handler's normal supply for a market other than the marketing area and (i) is classified in Class II or is disposed of outside the marketing area and is classified as Class I, or (ii) is moved to a plant from which the quantity of Class I milk sold or distributed in the marketing area during the delivery period is no greater than the quantity of Class I milk received during the delivery period at such plant from Fall River handlers plus the quantity of bulk milk received from a Federal order plant during the delivery period; or

(3) If his milk is delivered to a plant located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

(g) "Dairy farmers designated for other markets" means those dairy farmers which are reported to the market administrator by a handler as his normal supply for a market other than the marketing area.

(h) "Cooperative association" means any association of producers or producers and dairy farmers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(i) "Handler" means any person, irrespective of whether such person is also a dairy farmer, a producer, or a cooperative association, who receives milk from producers, dairy farmers, cooperative associations, or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area during the delivery period.

(j) "Producer-handler" means a producer who is also a handler who receives no milk from producers: *Provided*, That such handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care, and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging, and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

(k) "Delivery period" means the calendar month, or the portion thereof, during which the provisions hereof are effective.

(l) "Producer milk" means all milk produced by a producer, which is purchased or received by a handler either directly from such producer or from a cooperative association.

(m) "Other source milk" means all milk received by a handler which is not producer milk, milk from dairy farmers designated for other markets, or milk from a Federal order plant.

(n) "Federal order" means any order of the Secretary regulating the handling of milk pursuant to the act.

(o) "Federal order plant" means any plant at which the milk is subject to the minimum pricing provisions of another Federal order during the delivery period.

§ 947.2 *Market administrator—(a) Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary. The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(b) *Powers.* The market administrator shall have the power,to:

(1) Administer the terms and provisions hereof;

(2) Report to the Secretary complaints of violations hereof;

(3) Make rules and regulations to effectuate the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records for examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request.

(4) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose after reasonable notice, the name of any person who has not made reports pursuant to § 947.3 or made payments required by § 947.8;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as do not reveal confidential information;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(8) Pay out of the funds received pursuant to § 947.10 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

(9) Promptly verify the information contained in the reports submitted by handlers; and

(10) Verify, subject to review by the Secretary, evidence furnished by handlers pursuant to § 947.1 (j), such verification to be made within 15 days of the date of receipt of such evidence, and to be effective from the first day of the delivery period during which verification is made.

§ 947.3 *Reports of handlers—(a) Submission of reports.* Each handler shall report to the market administrator in the form and detail prescribed by the market administrator:

(1) On or before the 7th day after the end of each delivery period, the receipts of milk, skim milk, and cream at each plant from producers, from other handlers, from such handler's own production, from any other sources, and inventories on hand at the beginning and end of such delivery period;

(2) On or before the 7th day after the end of each delivery period, the respective quantities of milk, skim milk, and cream which were sold, distributed, or disposed of, including sales or deliveries to other handlers, for the several purposes and classifications as set forth in § 947.5;

(3) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name, post office address, and farm location; (ii) the total pounds of milk delivered, (iii) the average butterfat test of milk delivered, and (iv) the number of days on which deliveries were made;

(4) At such time after the 18th day after the end of each delivery period as the market administrator may require, each handler shall within 10 days submit to the market administrator his producer records for such delivery period which shall show for each producer: (i) The total delivery of milk with the average butterfat test thereof, (ii) the net amount of the payment to each producer and each cooperative association made pursuant to § 947.8, and (iii) the deductions and charges made by the handler;

(5) On or before the 18th day after the end of the first delivery period following the effective date hereof, a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant and such information with respect to distances involved as the market administrator may require;

(6) On or before the 18th day after any changes are made in the schedule filed in accordance with subparagraph (5) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule; and

(7) On or before the 7th day after the end of each delivery period, the names of dairy farmers designated for other markets.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent those records which are necessary for the verification of the information contained in reports submitted by such handler pursuant to this section and those facilities necessary for the weighing, measuring, sampling, and testing for butterfat content of milk or any product therefrom and for determining the utilization made by the handler of milk or any product therefrom.

§ 947.4 *Application of provisions.* (a) Sections 947.6, 947.8, 947.9, and 947.10 are not applicable to any producer-handler as defined in these sections.

(b) Milk received in bulk by a handler from a producer-handler shall be considered as being received from a producer.

§ 947.5 *Classification of milk*—(a) *Responsibility of handlers.* In establishing the classification of milk received by a handler the burden rests upon the handler who received the milk from producers to account for all milk received at each plant at which milk is received from producers, and to prove that such milk should not be classified as Class I. The burden rests upon the handler who distributes milk in the marketing area to established the source of all milk received.

(b) *Classes of milk.* Milk received by each handler at a plant where milk is received from producers shall be classified in Class I or Class II in accordance with subparagraphs (1) and (2) of this paragraph, subject to paragraphs (c) and (d) of this section.

(1) All milk the utilization of which is not established as Class II shall be Class I.

(2) Class II milk shall be all milk which is accounted for as (i) sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and (ii) actual plant shrinkage not in excess of 2 percent of milk received from all sources including the handler's own production but not including receipts from other handlers who receive milk from producers or milk received completed processed and packaged from a Federal order plant.

(c) *Transfers of milk from a plant at which milk is received from producers.* (1) Transfers to a producer-handler shall be Class I.

(2) Transfers to another handler not a producer-handler or to a Federal order plant shall be classified as reported by the seller, or, if the seller submits no report, as reported by the buyer: *Provided,* That the quantity classified as Class II milk shall not exceed the total quantity of Class II milk of such buyer during the delivery period.

(3) Transfers to a plant, other than a plant at which milk is received from producers or a Federal order plant, from which milk is distributed or at which milk products are manufactured shall be Class I not to exceed the total Class I at such plant during the delivery period.

(d) *Classification of milk received at plants at which milk is received from producers.* For each delivery period each handler shall report the classification of milk which was received at plants at which milk is received from producers by making computations in the order indicated as follows:

(1) Determine the pounds of milk, skim milk, cream, and other milk products received at all plants of the handler at which milk is received from producers (i) from producers, including own production, (ii) from dairy farmers designated for other markets, (iii) in the form of products received completely processed and packaged from a Federal order plant, (iv) in the form of bulk milk received from another Federal order plant, (v) from other handlers who receive milk from producers, and (vi) from other sources, and the total.

(2) Determine the total pounds of milk, skim milk, cream, and other milk products utilized in Class II products including allowable plant shrinkage as provided in § 947.5 (b) (2) (ii).

(3) Prorate allowable plant shrinkage classified as Class II to producer milk, milk from dairy farmers designated for other markets, bulk milk received from a Federal order plant, and other source milk, and deduct such plant shrinkage from total Class II computed pursuant to subparagraph (2) of this paragraph.

(4) Classify other source milk as Class II in an amount no greater than the amount of Class II remaining.

(5) Deduct from the remaining pounds in each class the quantity of milk, skim milk, cream, and other milk products received from other handlers who receive milk from producers and classified according to paragraph (c) (2) of this section, and Class I and Class II products received completely processed and packaged from a Federal order plant classified according to the actual use established.

(6) Prorate remaining Class II to producer milk, milk from dairy farmers designated for other markets, and bulk milk received from a Federal order plant: *Provided,* That the amount of producer milk classified as Class II inclusive of plant shrinkage shall not exceed 5 percent of the total amount of producer milk.

(7) Deduct any remaining Class II amounts from the total quantity received from producers and the remainder is Class I producer milk.

(8) From the total receipts from each source listed in subparagraph (1) of this paragraph deduct the amount classified as Class II for each source in subparagraphs (3), (4), (5), (6), and (7) of this paragraph and the remainder from each source is Class I: *Provided,* That the total Class I utilization in the marketing area is not more than the Class I producer milk determined in this subparagraph plus Class I milk received from Federal order plants and Class I milk from plants located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

§ 947.6 *Minimum prices*—(a) *Class I prices.* (1) Each handler shall pay producers or cooperative associations for their milk containing 3.7 percent butterfat, during each delivery period, in the manner set forth in § 947.8 and subject to the differentials set forth in paragraph (c) of this section, for Class I milk delivered by them, not less than the price per hundredweight determined as follows:

(i) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market.

(ii) Using the midpoint of any range as one quotation, compute the average of all the hot roller process nonfat dry milk solids quotations per pound for "other brands, animal feed, carlots, bags, or barrels," and for "other brands, human consumption, carlots, bags, or barrels," published during the 30 days ending on the 24th day of the immediately preceding month in "The Producers' Price Current;" subtract 4 cents; and multiply the remainder by 1.8.

(iii) Add the values determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Value computed pursuant to subdivision (iii) of this subparagraph (cents)		Class I price (dollars per cwt.)	
At least—	But less than—	April through June	July through March
0	25	2.44	2.88
25	30	2.66	3.10
30	35	2.88	3.32
35	40	3.10	3.54
40	45	3.32	3.76
45	50	3.54	3.98
50	55	3.76	4.20
55	60	3.98	4.42
60	65	4.20	4.64
65	70	4.42	4.86
70	75	4.64	5.08
75	80	4.86	5.30
80	85	5.08	5.52
85	90	5.30	5.74
90	95	5.52	5.96
95	100	5.74	6.18
100	105	5.96	6.40

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from further extension of this table.

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than $5.52 per hundredweight for each of the months of July through September 1947 and shall not be less than $5.96 per hundredweight for each of the months of October through December 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

(2) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, there shall be deducted the sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff, for the transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M5 (including revisions and supplements thereto), for the distance from the railroad shipping point for such plant to the handler's railroad delivery point for the marketing area.

(b) *Class II prices.* (1) Except as provided in subparagraph (2) of this paragraph, each handler shall pay producers or cooperative associations for their milk in the manner set forth in § 947.8 not less than the price per hundredweight, for milk containing 3.7 percent butterfat calculated for each delivery period by the market administrator as follows:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply the result by 3.7 and subtract 15 cents;

(ii) Add any plus amount which results from the following computation: Using the midpoint in any range as one quotation, compute the average quotation per pound of nonfat dry milk solids in carlots for roller process human food products in barrels, and for hot roller process animal feed products in bags, as published during the delivery period by the United States Department of Agriculture for New York City. Multiply each such quotation by the applicable percentage indicated for the delivery period in the following table and combine the results, subtract 4 cents, and multiply the remainder by 7.5.

Delivery period	Human food products	Animal feed products
	Percent	*Percent*
January	100	0
February	100	0
March	50	50
April	50	50
May	25	75
June	25	75
July	50	50
August	75	25
September	75	25
October	100	0
November	100	0
December	100	0

(2) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, the price shall be the amount computed pursuant to subparagraph (1) of this paragraph minus 14 cents.

(c) *Butterfat differential.* If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 3.7 percent, such handler shall, in making the payments to such producer prescribed by paragraph (a) of § 947.8, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, or the last such price reported for a delivery period and if no such price is reported for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, subtract 1½ cents and divide the result by 10.

§ 947.7 *Determination of uniform prices to producers*—(a) *Computation of value of milk of basic test received by each handler from producers.* For each delivery period the market administrator shall compute the value of milk received by each handler from producers in the following manner:

(1) Multiply the quantity of milk received from producers and classified in Class I and Class II pursuant to § 947.5 (d) by the respective class prices pursuant to § 947.6 (a) and (b);

(2) Combine the resulting values.

(b) *Computation of uniform prices.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received from producers during each delivery period in the following manner:

(1) Add to the total value computed pursuant to paragraph (a) of this section the total amount of the differentials pursuant to § 947.8 (b); and

(2) Divide the amount computed pursuant to subparagraph (1) of this paragraph by the total quantity of milk received from producers. This result shall be the handler's uniform price for milk containing 3.7 percent butterfat.

(c) *Announcement of uniform prices.* The market administrator shall, on or before the 11th day after the end of each delivery period, mail to each handler and publicly announce:

(1) The uniform prices per hundredweight computed pursuant to paragraph (b) of this section; and

(2) The Class II price and the butterfat differential.

§ 947.8 *Payments for milk*—(a) *Time and method of payment.* (1) On or before the 1st day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. On or before the 17th day after the end of each delivery period, each handler shall make payment for the total value of milk received from producers or cooperative associations during the preceding delivery period, computed pursuant to § 947.7, subject to the differentials set forth in paragraph (c) of § 947.6 and paragraphs (b) and (c) of this section as follows:

(i) To producers, at not less than the uniform price per hundredweight announced pursuant to § 947.7 (c) for the quantity of milk received from each producer.

(ii) To a cooperative association for milk which is caused to be delivered to a handler from producers by such cooperative association, and for which such cooperative association collects payment, a total amount equal to not less than the sum of the payments otherwise payable to such producers individually, pursuant to subdivision (i) of this subparagraph.

(b) *Differential for plant handling and transportation.* The payments to be made by handlers to producers, pursuant to paragraph (a) of this section shall be reduced by differentials as follows: With respect to milk received from a producer at a plant located more than 100 miles from the City Hall in Fall River, a sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff for transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M5 (including revisions and supplements thereto), for the distance from the railroad shipping point of such plant to the handler's delivery plant for the marketing area.

(c) *Other differentials.* In making payments to producers or cooperative associations pursuant to paragraph (a) of this section, handlers may deduct $0.0075 per hundredweight with respect to milk received from producers in containers supplied by the handler for the transportation of milk from their farms to the handler's plant as rental for such containers.

(d) *Correction of errors in payments to producers.* Errors in making any of the payments required in this section shall be corrected not later than the date for making payments next following the determination of such errors.

§ 947.9 *Marketing service deductions*—(a) *Marketing services performed by market administrator.* On or before the 15th day after the end of each delivery period, in making payments to producers pursuant to § 947.8, each handler shall deduct, with respect to milk received from each producer during such delivery period, except as set forth in paragraph (b) of this section, 4 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall pay an amount equivalent to such deductions to the market administrator. Such amount shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples and tests of milk received from, producers. The market administrator may contract with a cooperative association or associations for the furnishing of the whole or any part of such services to or with respect to the milk received by handlers from producers.

(b) *Marketing services performed by cooperative associations.* On or before the 17th day after the end of each delivery period, in making payments to producers pursuant to § 947.8, each handler

shall deduct, with respect to milk received from producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act" is actually performing the services set forth in paragraph (a) of this section, such amounts as are authorized by such producers, and pay an equivalent amount to the cooperative association rendering such services to its members.

§ 947.10 *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of administration hereof, each handler not a producer-handler shall, on or before the 15th day after the end of each delivery period, pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to all milk received during such delivery period at a plant at which milk is received from producers: *Provided*, That such handler, which is a cooperative association, shall pay such pro rata share of expense of administration on such milk which it causes to be delivered by member producers to a handler's plant for the marketing area and for which milk such cooperative association collects payment: *And provided further*, That any amounts required by this paragraph to be paid to the market administrator shall be reduced by an amount equivalent to any amounts paid with respect to such milk, for cost of administration of a Federal order.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of payments required by this section.

§ 947.11 *Effective time, suspension, or termination of order*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until removed by the Secretary;

(2) From time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 947.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

§ 947.13 *Marketing committee*—(a) *Establishment.* At the request of handlers of more than 50 percent of the milk which is produced for sale in the marketing area, the Director of the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as Director), may select a committee, to be known as the "Marketing Committee," which shall have as its members representatives of the various groups directly interested in the marketing of milk in the marketing area, all of whom may be selected from among the persons nominated by the handlers in accordance with the procedure established by the Director.

(b) *Duties.* The Marketing Committee shall have such duties as the Director determines to be necessary and appropriate to effectuate the declared policy of the act in its application to this order, as amended, and the administration thereof, all of which duties shall be prescribed by the Director.

(c) *Compensation.* The members of the Marketing Committee shall serve without compensation but shall be entitled to expenses necessarily incurred by them in the performance of their duties, and such expenses shall be paid by the market administrator out of the assessments collected hereunder for the cost of administration hereof.

(d) *Supervision.* Each and every act of the Marketing Committee shall be subject to the continuing right of the Director or the Secretary to disapprove at any time.

(e) *Procedure.* The procedure to be followed by the Marketing Committee shall be recommended by the market administrator hereunder and shall be approved by the Director.

§ 947.14 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

Filed at Washington, D. C. this 5th day of June 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-5478; Filed, June 9, 1947; 8:59 a. m.]

NOTICES

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51693]

BULGARIA

"NO CONSUL" LIST

JUNE 4, 1947.

In accordance with a recommendation from the Department of State, Bulgaria is hereby removed from the "No consul" list, (1946) T. D. 51400, as amended.

Invoices certified after the date of publication of this decision in the weekly Treasury Decisions, covering shipments of merchandise from Bulgaria, shall be accepted by collectors of customs only when certified by an American consular officer, as provided in section 482 (a), Tariff Act of 1930.

[SEAL] G. H. GRIFFITH,
Acting Deputy Commissioner.

[F. R. Doc. 47-5451; Filed, June 9, 1947; 8:56 a. m.]

NAVY DEPARTMENT

[No. 6]

MINESWEEPERS (AM)

NAVIGATION LIGHTS

Certification of the Secretary of the Navy under the act of December 3, 1945 (Public Law 239, 79th Congress).

Whereas, the act of December 3, 1945 (Public Law 239, 79th Congress) provides that any requirements as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that type of naval vessel, known as Minesweepers (AM), has been made in the Navy Department and, as a result of such study, it has been determined that because of their special construction it is not possible for Minesweepers (AM) to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore, I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study, do hereby find and certify that the type of naval vessels known as Minesweepers (AM), are naval vessels of special construction and that on such vessels, with respect to the position of the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in the act of 3 December 1945. Further, I do find and certify that it is feasible to locate the said additional white light (commonly termed the range light), if such light is installed, forward of the masthead light in such position that the said additional white light and the masthead light shall be in line with the keel and the after light shall be at least fifteen feet higher than the forward light and the vertical distance between the two lights shall be less than the horizontal distance. I further direct that the aforesaid additional white light, if such light is installed, shall be located in the manner above described and I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 9th day of May A. D. 1947.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-5448; Filed, June 9, 1947; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. No. 1578415]

NEVADA

REVOCATION OF WITHDRAWALS FOR PROPOSED GRAZING DISTRICTS AND OPENING OF PUBLIC LANDS

Pursuant to section 1 of the act of June 28, 1934, as amended (48 Stat. 1269; 49 Stat. 1976; U. S. C. 315), notices of hearings were given by Departmental Orders of November 12 and November 34, 1937, to consider the establishment of grazing districts in Esmeralda, Eureka, Lander, Lincoln, and Nye Counties, Nevada, which orders were published in the FEDERAL REGISTER on November 18 and December 1, 1937, respectively (2 F. R. 2490 and 2 F. R. 2556). The publication of these notices had the effect, in accordance with the provisions of the aforesaid act, of withdrawing all vacant and unappropriated public lands in the counties mentioned from all forms of entry or settlement.

The withdrawals, having served their purpose, are hereby revoked.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on August 7, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from August 7, 1947, to November 5, 1947, inclusive, the public lands effected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from July 18, 1947, to August 6, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on August 7, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on November 6, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from October 17, 1947, to November 5, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on November 6, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise and those having equitable claims shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Carson City, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Carson City, Nevada.

The land is desert to mountainous and is characterized by flat to rolling enclosed valleys bordered by hills which, in the central part of the area, merge into high rocky masses having distinct mountainous characteristics. The small streams emanating from upland areas are utilized in connection with local ranching or are dissipated into

the desert valleys. The soil ranges from a light sand to heavy clay. Much of the land is rocky. The area is sparsely settled.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

JUNE 4, 1947.

[F. R. Doc. 47-5436; Filed, June 9, 1947; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Sugar Rationing Administration

LIST OF COMMUNITY CEILING PRICE ORDERS

List of community ceiling price orders under Revised General Order No. 51 and General Order No. 2.

The following orders establishing dollar-and-cents ceiling prices for sales at retail of sugar were issued under General Order No. 2, issued by the Secretary of Agriculture. The date of filing with the FEDERAL REGISTER is shown following the regional designation.

REGION 2

Filed May 12, 1947

Order No. CP–1 covering sales in all the City of New York and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester Counties in the State of New York. Filed 2:30 p. m.

Order No. CP–2 covering sales in all the State of New York North and West of, but not including Dutchess and Orange Counties. Filed 2:31 p. m.

Order No. CP–3 covering sales in all the State of New Jersey except Camden and Gloucester Counties. Filed 2:31 p. m.

Order No. CP–4 covering sales in Camden and Gloucester Counties in the State of New Jersey; and Bucks, Chester, Delaware, Montgomery and Philadelphia Counties in the Commonwealth of Pennsylvania. Filed 2:31 p. m.

Order No. CP–5 covering sales in Berks, Lehigh and Northampton Counties in the Commonwealth of Pennsylvania. Filed 2:31 p. m.

Order No. CP–6 covering sales in Adams, Cumberland, Dauphin, Franklin, Juniata, Lancaster, Lebanon, Mifflin, Perry and York. Filed 2:31 p. m.

Order No. CP–7 covering sales in Bedford, Blair, Bradford, Cambria, Cameron, Carbon, Centre, Clearfield, Clinton, Columbia, Elk, Fulton, Huntington, Indiana, Jefferson, Lackawanna, Luzerne, Lycoming, McKean, Monroe, Montour, Northumberland, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Wayne and Wyoming Counties in the Commonwealth of Pennsylvania. Filed 2:32 p. m.

Order No. CP–8 covering sales in all the State of Pennsylvania West of the Eastern Boundaries of Warren, Forest, Clarion, Armstrong, Westmoreland and Fayette Counties. Filed 2:32 p. m.

Order No. CP–9 covering sales in Baltimore City County of Maryland. Filed 2:32 p. m.

Order No. CP–10 covering sales in the District of Columbia; New Castle County, Delaware; and Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Marys and Washington Counties (not including Baltimore City County) in the State of Maryland. Filed 2:32 p. m.

Order No. CP–11 covering sales in Kent and Sussex Counties in the State of Delaware and Caroline, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worcester Counties in the State of Maryland. Filed 2:33 p. m.

Order No. CP–12 covering sales in Allegheny and Garrett Counties in the State of Maryland. Filed 2:33 p. m.

Order No. CP–13 covering sales in the following cities and towns in the Commonwealth of Massachusetts: Boston (all parts), Arlington, Belmont, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohasset, Concord, Dedham, Dover, Everett, Hingham, Hull, Lexington, Lincoln, Lynn, Malden, Medford, Melrose, Milton, Nahant, Natick, Needham, Newton, Norwood, Quincy, Revere, Saugus, Sherborn, Somerville, Stoneham, Sudburry, Wakefield, Waltham, Watertown, Wayland, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn. Filed 2:33 p. m.

Order No. CP–14 covering sales in the following counties, cities and towns in the Commonwealth of Massachusetts: Berkshire, Franklin, Hampshire, Hampden, Worcester, Bristol, Barnstable and Plymouth Counties. Also in Middlesex County the cities and towns of Acton, Ashby, Ashland, Ayer, Bedford, Billerica, Boxborough, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Croton, Holliston, Hopkinton, Hudson, Littleton, Lowell, Marlborough, Maynard, North Reading, Pepperell, Reading, Shirley, Stow, Tewksbury, Townsend, Tyngsboro, Westford, and Wilmington; in Essex County, cities and towns of Amesbury, Andover, Beverly, Boxford, Denvers, Essex, Georgetown, Gloucester, Groveland, Hamilton, Haverhill, Ipswich, Lawrence, Lynnfield, Manchester, Marblehead, Merrimac, Methuen, Middleton, Newbury, Newburyport, North Andover, Peabody, Rockport, Rowley, Salem, Salisbury, Swampscott, Topsfield, Wenham, and West Newbury; in Norfolk County, Avon, Bellingham, Foxborough, Franklin, Holbrook, Medfield, Medway, Millis, Norfolk, Plainville, Randolph, Sharon, Stoughton, Walpole, and Wrentham. Filed 2:33 p. m.

Order No. CP–15 covering sales in the following areas in the State of Maine: Aroostook County, all towns and cities in Aroostook County, also the town of Patten in Penobscot County. Filed 2:34 p. m.

Order No. CP–16 covering sales in the following areas in the State of Maine: Towns and cities in York County, Cumberland County, Sagadahoo County, Lincoln County, Knox County, Androscoggin County, Oxford County, Kennebec County, Bangor and Brewer in Penobscot County, also towns of Jay, Chesterville, Wilton, Farmington, New Sharon (in Franklin County) and towns of Pittsfield, Hartland, Skowhegan, Madison, Anson, Bingham, Solon, Norridgewock, Mercer, Smithfield, Fairfield, Starks, and Canaan (in Somerset County). All Coastal Islands are excluded. Filed 2:34 p. m.

Order No. CP–17 covering sales in the following areas in the State of Maine: Towns and cities in Penobscot County (except Bangor, Brewer and Patton), Piscatequis County, Hancock County, Washington County (except Northfield, Cutler, and Wesley), Waldo County. All coastal islands are excluded. Filed 2:35 p. m.

Order No. CP–18 covering sales in the State of New Hampshire. Filed 2:35 p. m.

Order No. CP–19 covering sales in the State of Vermont. Filed 2:35 p. m.

Order No. CP–20 covering sales in the State of Rhode Island. Filed 2:35 p. m.

Order No. CP–21 covering sales in the State of Connecticut. Filed 2:35 p. m.

REGION 3

Filed May 12, 1947

Order No. Sugar CP–1 covering sales in all of the counties in the State of Indiana with the exception of Lake County. Filed 2:42 p. m.

Order No. Sugar CP–2 covering sales in the following counties in the State of Kentucky: Bath, Bell, Bourbon, Boyd, Breathitt, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurell, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Macoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owsley, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford. Filed 2:42 p. m.

Order No. Sugar CP–3 covering sales in the following counties in the State of Kentucky: Adair, Allen, Anderson, Hallard, Barren, Boone, Boyle, Bracken, Breckinridge, Bullet, Butler, Caldwell, Calloway, Campbell, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Grant, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Kenton, LaRue, Livingston, Logan, Lyon, Marion, Marshall, McCracken, McClean, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Pendleton, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, and Webster. Filed 2:43 p. m.

Order No. Sugar CP–4 covering sales in all of the counties in the Upper Peninsular of the State of Michigan. Filed 2:43 p. m.

Order No. Sugar CP–5 covering sales in all of the counties in the Lower Peninsula of the State of Michigan. Filed 2:43 p. m.

Order No. Sugar CP–6 covering sales in the following counties in the State of Ohio: Allen, Ashland, Ashtabula, Auglaize, Carroll, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Henry, Huron, Lake, Lorain, Lucas, Mahoning, Medina, Mercer, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscarawas, Van Wert, Wayne, Williams, Wood, and Wyandot. Filed 2:44 p. m.

Order No. Sugar CP–7 covering sales in all of the following counties in the State of Ohio: Adams, Athens, Belmont, Brown, Butler, Champaign, Clark, Clermont, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, Warren, and Washington. Filed 2:44 p. m.

Order No. Sugar CP–8 covering sales in all of the counties in the State of West Virginia. Filed 2:44 p. m.

REGION 4

Filed May 14, 1947

Sugar Order No. CP–1 covering sales in the following counties: Alleghany, Amherst, Appomatox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Clarke, Craig, Dickenson, Fauquier, Floyd, Franklin, Frederick, Giles, Grayson, Halifax, Henry, Highland, Lee, Loudoun, Montgomery, Nelson, Pittsylvania, Page, Patrick, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, Wythe Counties in Virginia and all towns and other places therein, except the City of Bristol. Filed 9:07 a. m.

Sugar Order No. CP–2 covering sales in the following counties: Accomac, Albemarle, Amelia, Brunswick, Buckingham, Caroline, Charles City, Chesterfield, Culpeper, Cumberland, Dinwiddie, Elizabeth City, Essex, Fluvanna, Gloucester, Goochland, Greene, Greensville, Hanover, Henrico, Isle of Wight, James City, King George, King and Queen, King William, Lancaster, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Powhatan, Prince Edward, Prince George, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Sussex, Surry, Warwick, Westmoreland and York Counties in Virginia, all towns and other places in the said counties, and the cities of Charlottesville, Fredericksburg, Hampton, Hopewell, Norfolk, Newport News, Petersburg, Phoebus, Portsmouth, Richmond, Suffolk, Williamsburg and Yorktown. Filed 9:07 a. m.

Sugar Order No. CP–3 covering sales in the entire State of North Carolina. Filed 9:07 a. m.

Sugar Order No. CP–4 covering sales in the entire State of South Carolina. Filed 9:07 a. m.

Sugar Order No. CP–5 covering sales in the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Cheatham, Clay, Claiborne, Cooke, Cumberland, Davidson, De Kalb, Frentress, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, Macon, McMinn, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Smith, Sullivan, Sumner, Trousdale, Unicoi, Union, Van Buren, Warren, Washington, White, Williamson, and Wilson in Tennessee, and that part of Washington County, Virginia, lying within the municipal limits of Bistol, Virginia. Filed 9:07 a. m.

Sugar Order No. CP–6 covering sales in the following counties: Bedford, Benton, Carroll, Chester Coffee, Crockett, Decatur, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Madison, Marion, Marshall, Maury, Moore, Montgomery, Obion, Perry, Shelby, Stewart, Tipton, Wayne and Weakley, all in the State of Tennessee. Filed 9:08 a. m.

Sugar Order No. CP–7 covering sales in the following counties: Banks, Barrow, Bartow, Bibb, Butts, Carroll, Catoosa, Chattooga, Chattahoochee, Cherokee, Clarke, Clayton, Cobb, Coweta, Crawford, Dade, Dawson, De Kalb, Douglas, Elbert, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Gordon, Greene, Gwinnett, Habersham, Hall, Haralson, Harris, Hart, Heard, Henry, Houston, Jackson, Jasper, Jones, Lamar, Lampkin, Madison, Marion, Meriwether, Monroe, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Peach, Pickins, Pike, Polk, Putnam, Rabun, Rockdale, Spalding, Stephens, Talbot, Taylor, Towns, Troup, Union, Upson, Walker, Walton, White and Whitfield counties in Georgia and Phenix City, Alabama. Filed 9:08 a. m.

Sugar Order No. CP–8 covering sales in the following counties: Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrion, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Charlton, Chatham, Clay, Clinch, Coffee, Colquitt, Columbia, Cook, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Glascock, Glynn, Grady, Hancock, Irwin, Jeff Davis, Jefferson, Jenkins, Johnson, Lanier, Laurens, Lee, Liberty, Lincoln, Long, Lowndes, Macon, Miller, Mitchell, Montgomery, McDuffie, McIntosh, Pierce, Pulaski, Quitman, Randolph, Richmond, Schley, Screven, Seminole, Stewart, Sumter, Taliaferro, Tattnall, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Turner, Twiggs, Ware, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkes, Wilkinson, and Worth Counties in Georgia. Filed 9:08 a. m.

Sugar Order No. CP–9 covering sales in the following counties: Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Colbert, Cullman, De Kalb, Etowah, Fayette, Franklin, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Pickens, Randolph, St. Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties in Alabama. Filed 9:09 a. m.

Sugar Order No. CP–10 covering sales in the following counties: Autauga, Baldwin, Barbour, Bullock, Butler, Chambers, Chilton, Choctaw, Clarke, Coffee, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pike, Russell (excluding corporate limits of Phenix City, Alabama), Sumter, Tallapoosa, Washington, and Wilcox Counties in the State of Alabama. Filed 9:09 a. m.

Sugar Order No. CP–11 covering sales in the entire State of Mississippi. Filed 9:09 a. m.

Sugar Order No. CP–12 covering sales in the following Counties: Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Putnam, Santa Rosa, St. Johns, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton and Washington Counties in Florida. Filed 9:09 a. m.

Sugar Order No. CP–13 covering sales in the following Counties: Broward, Dade, Collier, De Soto, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee, Osceola, Palm Beach, Pasco, Polk, Pinellas, Saint Lucie and Sarasota Counties in Florida. Filed 9:09 a. m.

Sugar Order No. CP–14 covering sales in Monroe County, Florida. Filed 9:10 a. m.

REGION 5

Filed May 12, 1947

Order No. CP–1 covering sales in the State of Kansas. Filed 2:45 p. m.

Order No. CP–2 covering sales in the State of Missouri. Filed 2:45 p. m.

Order No. CP–3 covering sales in the State of Oklahoma. Filed 2:45 p. m.

Order No. CP–4 covering sales in the State of Arkansas and the City of Texarkana, Texas. Filed 2:46 p. m.

Order No. CP–5 covering sales in the entire State of Texas except Angelina, Austin, Frazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Nacogdoches, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Washington, Wharton and Waller Counties, all of Lavaca County except the area consisting of the corporate limits of the City of Yoakum; and except the City of Texarkana, Texas. Filed 2:46 p. m.

Order No. CP–6 covering sales in the following counties in the State of Texas: Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Houston, Jackson, Jasper, Jefferson, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Nacogdoches, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Washington, Wharton and all of Lavaca County except the area constituting the corporate limits of the City of Yoakum. Filed 2:46 p. m.

Order No. CP–7 covering sales in Harris County, Texas. Filed 2:47 p. m.

Order No. CP–8 covering sales in the State of Louisiana, except Gretna, Grand Isle, Metaire and McDonoughville in Jefferson Parish; Algiers and New Orleans in Orleans Parish; Burwood, Olga, Ostrica and Pilottown in Plaquamine Parish; Arabi and Chalmette in St. Bernard Parish. Filed 2:47 p. m.

Order No. CP-9 covering sales in Gretna, Grand Isle, Metaire and McDonoughville in Jefferson Parish; Algiers and New Orleans in Orleans Parish; Burwood, Olga, Ostrica and Pilottown in Plaquamine Parish; Arabi and Chalmette in St. Bernard Parish, in the State of Louisiana.

REGION 6

Filed May 14, 1947

Order No. CP-1S covering sales in the entire State of Illinois, and the County of Lake, in the State of Indiana. Filed 9:11 a. m.

Order No. CP-2S covering sales in the entire State of Nebraska. Filed 9:11 a. m.

Order No. CP-3S covering sales in the following counties in the State of Iowa: Monona, Crawford, Carroll, Greene, Boone, Marshall, Tama, Harrison, Shelby, Audubon, Guthrie, Dallas, Polk, Jasper, Pottawattamie, Cass, Madison, Adair, Warren, Marion, Mills, Montgomery, Adams, Union, Clarke, Lucas, Monroe, Fremont, Page, Taylor, Ringgold, Decatur, Wayne, Appanoose, Story. Filed 9:11 a. m.

Order No. CP-4S covering sales in the following counties in the State of Iowa: Lyon, Osceola, Dickinson, Emmet, Kossuth, Winnebago, Worth, Mitchell, Sioux, O Brien, Clay, Palo Alto, Hancock, Cerro Gordo, Floyd, Plymouth, Cherokee, Buena Vista, Wright, Pocahontas, Humboldt, Franklin, Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Hardin, Howard, Winneshiek, Allamakee, Chickasaw, Fayette, Clayton, Butler, Bremer, Grundy, Black Hawk, Buchanan, Delaware, Dubuque, Benton, Linn, Jones, Jackson, Poweshiek, Iowa, Johnson, Cedar, Clinton, Scott, Mahaska, Keokuk, Washington, Muscatine, Louisa, Wapello, Jefferson, Henry, Des Moines, Davis, Van Buren, Lee. Filed 9:12 a. m.

Order No. CP-5S covering sales in the following counties in the State of South Dakota: McPearson, Brown, Marshall, Roberts, Edmunds, Day, Grant, Faulk, Spink, Clark, Codington, Hamlin, Douel, Hand, Beadle, Kingsbury, Brookings. Filed 9:12 a. m.

Order No. CP-6 covering sales in the following counties in the State of South Dakota: Harding, Perkins, Corson, Campbell, Walworth, Potter, Sully, Hughes, Hyde, Buffalo, Brule, Charles Mix, Butte, Meade, Ziebach, Dewey, Armstrong, Stanley, Hankon, Lawrence, Pennington, Jackson, Jones, Lyman, Custer, Washington, Washabaugh, Mellette, Fall River, Shannon, Bennett, Todd, Tripp, Gregory, Jerauld, Sanborn, Miner, Lake, Moody, Aurora, Davison, Hanson, McCook, Minnehaha, Douglas, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, Union. Filed 9:13 a. m.

Order No. CP-7S covering sales in the entire State of Minnesota. Filed 9:16 a. m.

Order No. CP-8 covering sales in the following counties in the State of North Dakota: Pembina, Walsh, Grand Forks, Steele, Traill, Cass, Ranson, Richland. Filed 9:17 a. m.

Order No. CP-9 covering sales in the following counties in the State of North Dakota: Divide, Burke, Renville, Bottineau, Rolette, Towner, Cavalier, Williams, Mountrail, Ward, McHenry, Pierce, Ramsey, Benson, McKenzie, McLean, Sheridan, Wells, Eddy, Nelson, Griggs, Foster, Golden Valley, Billings, Dunn, Mercer, Oliver, Burleigh, Kidder, Stutsman, Barnes, Stark, Morton, Slope, Bottinger, Grant, Emmons, Logan, Lamoure, Bowman, Adams, Sioux, McIntosh, Dickey, Sargent. Filed 9:17 a. m.

Order No. CP-10 covering sales in the Counties of Milwaukee, Racine, and Kenosha in the State of Wisconsin. Filed 9:17 a. m.

Order No. CP-11S covering sales in all the counties in the State of Wisconsin, except the Counties of Milwaukee, Racine and Kenosha. Filed 9:17 a. m.

REGION 8

Filed May 12, 1947

Order No. SCP-1 covering sales in the following counties in the State of Arizona. All of Coconino and Mohave south of the Colorado River; and the following counties: Navajo, Apache, Greenlee, Graham, Gila, Santa Cruz, and Cochise. Filed 2:55 p. m.

Order No. SCP-2 covering sales in the following counties in the State of Arizona: Yuma, Yavapai, Maricope, Pinal and Pima. Filed 2:56 p. m.

Order No. SCP-3 covering sales in the following counties in the State of California: San Francisco, San Mateo, Alameda, Contra Costa, and Marin. Filed 2:56 p. m.

Order No. SCP-4 covering sales in the following counties in the State of California: San Joaquin, Stanislaus, Sacramento, Solano, Yolo, Sonoma, Napa, Santa Clara, Santa Cruz, Monterey, and San Benito. Filed 2:56 p. m.

Order No. SCP-5 covering sales in the following counties in the State of California: Merced, Madera, Fresno, Tulare, Kern, Kings, Mariposa, Tuolumne, Calaveras, Amador, Colusa, Butte, Glenn, Sutter and Yuba. Also west of the crest in El Dorado, Nevada, Placer, Sierra and Plumas. Filed 2:56 p. m.

Order No. SCP-6 covering sales in the following counties in the State of California: Humboldt, Del. Norte, Tehama, Shasta, Mendocino, and Lake. Filed 2:56 p. m.

Order No. SCP-7 covering sales in the following counties in the State of California: San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, and San Bernardino. Filed 2:57 p. m.

Order No. SCP-8 covering sales in the following counties in the State of California: San Diego and Imperial. Filed 2:57 p. m.

Order No. SCP-9 covering sales in the following counties in the State of Nevada: Churchill, Douglas, Humboldt, Lander, Mineral, Ormsby, Pershing, Storey, and Washoe. Filed 2:57 a. m.

Order No. SCP-10 covering sales in the following counties in the State of Nevada: Elko, Eureka, and White Pine. Filed 2:57 p. m.

Order No. SCP-11 covering sales in Clark County, Nevada. Filed 2:58 p. m.

Order No. SCP-12 covering sales in the following counties in the State of Oregon: Clatsop, Columbia, Tillamook, Washington, Multnomah, Yamhill, Clackamas, Polk, Marion, Lincoln, Benton, Linn, Lane, Douglas, Coos, Klamath, Curry, Josephine, and Jackson. The following counties in the State of Washington: Cowlitz, Clark, Klickitat, Skamania, and Wahkiakum. Filed 2:58 p. m.

Order No. SCP-13 covering sales in the following counties in the State of Oregon: Umatilla, Sherman, Gilliam, Morrow, Wasco, Jefferson, Wheeler, Grant, Deschutes, and Crook. Filed 2:58 p. m.

Order No. SCP-14 covering sales in the following counties in the State of Oregon: Baker, Union, and Wallowa. Filed 2:58 p. m.

Order No. SCP-15 covering sales in the following counties in the State of Washington: All counties west of the Cascades except Cowlitz, Clark, Klickitat, Skamania, and Wahkiakum. Filed 2:59 p. m.

Order No. SCP-16 covering sales in the following counties in the State of Washington: Okanogan, Chelau, Kittitas, and Yakima. Filed 2:59 p. m.

Order No. SCP-17 covering sales in the following counties in the State of Washington: Ferry, Stevens, Pend Oreille, Douglas, Lincoln, Spokane, Grant, Adams, and Whitman. The following counties in the State of Idaho: Bonner, Kootenai, Latah, Benewah, Lewis, and Nez Perce. Filed 2:59 p. m.

Order No. SCP-18 covering sales in the following counties in the State of Washington: Benton, Franklin, Walla Walla, Columbia, and Garfield. Filed 2:59 p. m.

Order No. SCP-19 covering sales in the State of Colorado, which for the purposes of this order is divided into two areas, as follows:

Area No. 1. The cities and towns of Alamosa, Boulder, Brighton, Brush, Canon City, Colorado Springs, Craig, Crowley, Delta, Denver, Dolores, Durango, Eaton, Fort Collins, Fort Lupton, Fort Morgan, Glenwood Springs, Grand Junction, Greeley, Gunnison, Holly, Johnstown, La Junta, Lamar, Las Animas, Leadville, Longmont, Loveland, Monte Vista, Montrose, Ordway, Ovid, Palisade, Pueblo, Rifle, Rocky Ford, Salida, Sterling, Sugar City, Swink, Trinidad, Victor, Walsenburg and Windsor; all in the State of Colorado.

Area No. 2. All of the remaining area of the State of Colorado outside of the corporate limits of the cities and towns included in Area No. 1. Filed 2:59 p. m.

Order No. SCP-20 covering sales in certain areas of the State of Idaho, and Malheur County, Oregon, which for the purposes of this order are divided into two areas, as follows:

Area No. 1. The cities and towns of Boise, Idaho Falls, Nampa, Pocatello, and Twin Falls, all in the State of Idaho.

Area No. 2. The County of Malheur in the State of Oregon, and all of the remaining area of the State of Idaho outside of the corporate limits of the cities and towns included in Area No. 1, but not including the following counties, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone, in the State of Idaho. Filed 3:00 p. m.

Order No. SCP-21 covering sales in the State of Montana, which for the purposes of this order is divided into four areas, as follows:

Area No. 1. The cities and towns of Bozeman, Butte, Glasgow, Glendive, Great Falls, Havre, Helena, Lewiston and Miles City; all in the State of Montana.

Area No. 2. The cities and towns of Kalispell and Missoula, in the State of Montana.

Area No. 3. The City of Billings, Montana. Filed 3:00 p. m.

Area No. 4. All of the remaining area of the State of Montana outside of the corporate limits of the cities and towns included in Area No. 1, Area No. 2, and Area No. 3. Filed 3:00 p. m.

Order No. SCP-22 covering sales in the State of New Mexico, which for the purposes of this order is divided into two areas, as follows:

Area No. 1. The cities and towns of Albuquerque, Clovis, Gallup, Las Vegas, Raton, Roswell and Santa Fe, all in the State of New Mexico.

Area No. 2. All of the remaining area of the State of New Mexico outside of the corporate limits of the cities and towns included in Area No. 1. Filed 3:00 p. m.

Order No. SCP-23 covering sales in the State of Utah, which for the purposes of this order is divided into two areas, as follows:

Area No. 1. The cities and towns of Logan, Ogden, Price, Provo, and Salt Lake City, all in the State of Utah.

Area No. 2. All of the remaining area of the State of Utah outside of the corporate limits of the cities and towns included in Area No. 1. Filed 3:00 p. m.

Order No. SCP-24 covering sales in the State of Wyoming, which for the purposes of this order is divided into three areas, as follows:

Area No. 1. The cities and towns of Cheyenne, Laramie, Rawlins, Torrington and Wheatland; all in the State of Wyoming.

Area No. 2. The cities and towns of Casper and Rock Springs, in the State of Wyoming.

Area No. 3. All of the remaining area of the State of Wyoming outside of the corporate limits of the cities and towns included in Area No. 1 and Area No. 2. Filed 3:02 p. m.

The following orders establishing dollar-and-cents ceiling prices for sales at retail of rice were issued prior to May 4, 1947, under Revised General Order No. 51, by Regional Administrators of the Office of Price Administration, Office of Temporary Controls. Rice price control functions were transferred to the Secretary of Agriculture on May 4, 1947 by Executive Order No. 9841, which also provided that orders issued by the Office of Price Administration, Office of Temporary Controls, prior to that date with respect to such functions were to continue in force unless modified or rescinded by the Secretary of Agriculture. Accordingly, the following orders remain in full force and effect as though issued by the Secretary of Agriculture. The date of filing with the FEDERAL REGISTER is shown following the regional designation.

REGION 1

Filed May 12, 1947

Order No. CP-13 covering sales in the following cities and towns in the Commonwealth of Massachusetts: Boston (all parts), Arlington, Belmont, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohasset, Concord, Dedham, Dover, Everett, Hingham, Hull, Lexington, Lincoln, Lynn, Malden, Medford, Melrose, Milton, Nahant, Natick, Needham, Newton, Norwood, Quincy, Revere, Saugus, Sherborn, Somerville, Stoneham, Sudbury, Wakefield, Waltham, Watertown, Wayland, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop, and Woburn. Filed 2:36 p. m.

Order No. CP-14 covering sales in the following counties, cities and towns in the Commonwealth of Massachusetts: Berkshire, Franklin, Hampshire, Hampden, Worcester, Bristol, Barnstable and Plymouth Counties. Also in Middlesex County the cities and towns of Acton, Ashby, Ashland, Ayer, Bedford, Billerica, Boxborough, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Groton, Holliston, Hopkinton, Hudson, Littleton, Lowell, Marlborough, Maynard, North Reading, Pepperell, Reading, Shirley, Stow, Tewksbury, Townsend, Tyngsboro, Westford, and Wilmington; in Essex County, cities and towns of Amesbury, Andover, Beverly, Boxford, Danvers, Essex, Georgetown, Gloucester, Groveland, Hamilton, Haverhill, Ipswich, Lawrence, Lynnfield, Manchester, Marblehead, Merrimac, Methuen, Middleton, Newbury, Newburyport, North Andover, Peabody, Rockport, Rowley, Salem, Salisbury, Swampscott, Topsfield, Wenham, and West Newbury: In Norfolk County, Avon, Bellingham, Foxborough, Franklin, Holbrook, Medfield, Medway, Millis, Norfolk, Plainville, Randolph, Sharon, Stoughton, Walpole, and Wrentham. Filed 2:36 p. m.

Order No. CP-15 covering sales in the following areas in the State of Maine: Aroostock County, all towns and cities in Aroostock County, also the town of Patten in Penobscot County. Filed 2:36 p. m.

Order No. CP-16 covering sales in the State of Maine: Towns and cities in York County, Cumberland County, Sagadahoc County, Lincoln County, Knox County, Androscoggin County, Oxford County, Kennebec County, Bangor and Brewer in Penobscot County, also towns of Jay, Chesterville, Wilton, Farmington, New Sharon (in Franklin County) and towns of Pittsfield, Hartland, Skewhegan, Madison, Anson, Bingham, Solon, Norridgewook, Mercer, Smithfield, Fairfield, Starks, and Canaan (in Somerset County). All Coastal Islands are excluded. Filed 2:36 p. m.

Order No. CP-17 covering sales in the following areas in the State of Maine: Towns and cities in Penobscot County (except Bangor, Brewer and Patten), Piscataquis County, Hancock County, Washington County (except Northfield, Cutler, and Wesley), Waldo County. All coastal islands are excluded. Filed 2:37 p. m.

Order No. CP-18 covering sales in the State of New Hampshire. Filed 2:37 p. m.

Order No. CP-20 covering sales in the State of Rhode Island. Filed 2:37 p. m.

Order No. CP-21 covering sales in the State of Connecticut. Filed 2:37 p. m.

REGION 2

Filed May 12, 1947

Order No. CP-1 covering sales in all the City of New York and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester Counties in the State of New York. Filed 2:37 p. m.

Order No. CP-2 covering sales in all the State of New York North and West of but not including Dutchess and Orange Counties. Filed 2:38 p. m.

Order No. CP-3 covering sales in all the State of New Jersey except Camden and Gloucester Counties. Filed 2:38 p. m.

Order No. CP-4 covering sales in Camden and Gloucester Counties in the State of New Jersey; and Bucks, Chester, Delaware, Montgomery and Philadelphia Counties in the Commonwealth of Pennsylvania. Filed 2:38 p. m.

Order No. CP-5 covering sales in Berks, Lehigh and Northampton Counties in the Commonwealth of Pennsylvania. Filed 2:38 p. m.

Order No. CP-6 covering sales in Adams, Cumberland, Dauphin, Franklin, Juniata, Lancaster, Lebanon, Mifflin, Perry and York. Filed 2:41 p. m.

Order No. CP-7 covering sales in Bedford, Blair, Bradford, Cambria, Cameron, Carbon, Centre, Clearfield, Clinton, Columbia, Elk, Fulton, Huntington, Indiana, Jefferson, Lackawanna, Luzerne, Lycoming, McKean, Monroe, Montour, Northumberland, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Wayne and Wyoming Counties in the Commonwealth of Pennsylvania. Filed 2:41 p. m.

Order No. CP-8 covering sales in all the State of Pennsylvania West of the Eastern Boundaries of Warren, Forest, Clarion, Armstrong, Westmoreland and Fayette Counties. Filed 2:41 p. m.

Order No. CP-9 covering sales in Baltimore City County of Maryland. Filed 2:41 p. m.

Order No. CP-10 covering sales in the District of Columbia; New Castle County, Delaware; and Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Marys and Washington Counties (not including Baltimore City County) in the State of Maryland. Filed 2:41 p. m.

Order No. CP-11 covering sales in Kent and Sussex Counties in the State of Delaware and Caroline, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worcester Counties in the State of Maryland. Filed 2:42 p. m.

Order No. CP-12 covering sales in Allegeny and Garrett Counties in the State of Maryland. Filed 2:42 p. m.

REGION 5

Filed May 12, 1947

Order No. CP-10 covering sales in the State of Kansas. Filed 2:47 p. m.

Order No. CP-11 covering sales in the State of Missouri. Filed 2:47 p. m.

Order No. CP-12 covering sales in the State of Oklahoma. Filed 2:48 p. m.

Order No. CP-13 covering sales in the State of Arkansas and the City of Texarkana, Texas. Filed 2:49 p. m.

Order No. CP–14 covering sales in the entire State of Texas except Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Nacogdoches, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Washington, Wharton and Waller Counties, all of Lavaca County except the area consisting of the corporate limits of the City of Yoakum; and except the City of Texarkana, Texas.

Order No. CP–15 covering sales in the following counties in the State of Texas: Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Houston, Jackson, Jasper, Jefferson, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Nacogdoches, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Washington, Wharton, and all of Lavaca County except the area constituting the corporate limits of the City of Yoakum. Filed 2:50 p. m.

Order No. CP–16 covering sales in Harris County, Texas. Filed 2:50 p. m.

Order No. CP–17 covering sales in the State of Louisiana, except Gretna, Grand Isle, Metaire and McDonoughville in Jefferson Parish; Algiers and New Orleans in Orleans Parish; Burwood, Olga, Ostrica and Pilottown in Plaquamine Parish; Arabi and Chalmette in St. Bernard Parish. Filed 2:51 p. m.

Order No. CP–18 covering sales in Gretna, Grand Isle, Metaire and McDonoughville in Jefferson Parish; Algiers and New Orleans in Orleans Parish; Burwoos, Olga, Ostrica and Pilottown in Plaquamine Parish; Arabi and Chalmette in St. Bernard Parish, in the State of Louisiana. Filed 2:51 p. m.

REGION 6

Filed May 14, 1947

Order No. CP–1R covering sales in the entire State of Illinois, and the County of Lake in the State of Indiana. Filed 9:11 a. m.

Order No. CP–2R covering sales in the entire State of Nebraska. Filed 9:11 a. m.

Order No. CP–3R covering sales in the following counties in the State of Iowa: Monona, Crawford, Carroll, Greene, Boone, Marshall, Tama, Harrison, Shelby, Audubon, Guthrie, Dallas, Polk, Jasper, Pottawattamie, Cass, Madison, Adair, Warren, Marion, Mills, Montgomery, Adams, Union, Clarke, Lucas, Monroe, Freemont, Page, Taylor, Ringgold, Decatur, Wayne, Appancose, Story. Filed 9:11 a. m.

Order No. CP–4R covering sales in the following counties in the State of Iowa: Lyon, Osceola, Dickinson, Emmet, Kossuth, Winnebago, Worth, Mitchell, Sioux, O'Brien, Clay, Palo Alto, Hancock, Cerro Gordo, Floyd, Plymouth, Cherokee, Buena Vista, Wright, Pocahontas, Humboldt, Franklin, Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Hardin, Howard, Winneshiek, Allamakee, Chickasaw, Fayette, Clayton, Butler, Bremer, Grundy, Black Hawk, Buchanan, Delaware, Dubuque, Benton, Linn, Jones, Jackson, Poweshiek, Iowa, Johnson, Cedar, Clinton, Scott, Mahaska, Keokuk, Washington, Muscatine, Louisa, Wapello, Jefferson, Henry, Des Moines, Davis, Van Buren, Lee. Filed 9:12 a. m.

Order No. CP–5R covering sales in the following counties in the State of South Dakota: McPherson, Brown, Marshall, Roberts, Edmunds, Day, Grant, Faulk, Spink, Clark, Codington, Hamlin, Deuel, Hand, Beadle, Kingsbury, Brookings. Filed 9:12 a. m.

Order No. CP–7R covering sales in the entire State of Minnesota. Filed 9:16 a. m.

Order No. CP–11R covering sales in all counties in the State of Wisconsin, except the Counties of Racine, Milwaukee, and Kenosha. Filed 9:17 a. m.

REGION 7

Order No. CP–1 covering certain areas of the State of Colorado, as follows:

Area No. 1. The cities and towns of Alamosa, Boulder, Brighton, Brush, Canon City, Colorado Springs, Craig, Crowley, Delta, Denver, Dolores, Durango, Eaton, Fort Collins, Fort Lupton, Fort Morgan, Glenwood Springs, Grand Junction, Greeley, Gunnison, Holly, Johnstown, La Junta, Lamar, Las Animas, Leadville, Longmont, Loveland, Monte Vista, Montrose, Ordway, Ovid, Palisade, Pueblo, Rifle, Rocky Ford, Salida, Sterling, Sugar City, Swink, Trinidad, Victor, Walsenburg, and Windsor, all in the State of Colorado. Filed 2:52 p. m.

Order No. CP–2 covering sales in certain areas of the State of Idaho, as follows:

Area No. 1. The cities and towns of Boise, Idaho Falls, Nampa, Pocatello, and Twin Falls, all in the State of Idaho. Filed 2:52 p. m.

Order No. CP–3 covering sales in certain areas of the State of Montana, as follows:

Area No. 1. The cities and towns of Bozeman, Butte, Glasgow, Glendive, Great Falls, Havre, Helena, Lewiston and Miles City, all in the State of Montana.

Area No. 2. The city of Billings, Montana. Filed 2:52 p. m.

Order No. CP–4 covering sales in certain areas of the State of New Mexico, as follows:

Area No. 1. The cities and towns of Albuquerque, Clovis, Gallup, Las Vegas, Raton, Roswell, and Santa Fe, all in the State of New Mexico. Filed 2:53 p. m.

Order No. CP–5 covering sales in certain areas of the State of Utah, as follows:

Area No. 1. The cities and towns of Logan, Ogden, Price, Provo and Salt Lake City, all in the State of Utah. Filed 2:53 p. m.

Order No. CP–6 covering sales in certain areas of the State of Wyoming, as follows:

Area No. 1. The cities and towns of Cheyenne, Laramie, Rawlings, Torrington, and Wheatland, all in the State of Wyoming.

Area No. 2. The cities and towns of Casper and Rock Springs, Wyoming. Filed 2:54 p. m.

MAUD E. CUSTER,
Registrar.

[F. R. Doc. 47–5449; Filed, June 9, 1947; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA–144]

ACCIDENT AT LA GUARDIA FIELD, NEW YORK

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 30046 which occurred at La Guardia Field, New York, on May 29, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, June 11, 1947, at 9:30 a. m. (local time) at the Lexington Hotel, Imperial Room, New York, New York.

Dated at Washington, D. C., June 4, 1947.

[SEAL] W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 47–5461; Filed, June 9, 1947; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–353]

MICHIGAN CONSOLIDATED GAS CO.

ORDER POSTPONING HEARING

It appearing to the Commission that:

(a) On April 8, 1947, the Commission ordered that the public hearing in this matter, theretofore set for April 14, 1947, be postponed to June 9, 1947;

(b) Good cause exists for further postponing the date of hearing as hereinafter provided;

The Commission orders that:

The hearing in the above-entitled matter be and it hereby is postponed to a date to be fixed by further order of the Commission.

Date of issuance: June 5, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–5456; Filed, June 9, 1947; 8:56 a. m.]

[Docket Nos. G–661, G–688]

PANHANDLE EASTERN PIPE LINE CO.

ORDER POSTPONING HEARING

In the matter of City of Detroit, a Municipal Corporation, and County of Wayne, a Municipal Corporation, both of the State of Michigan v. Panhandle Eastern Pipe Line Company and Michigan Consolidated Gas Company, Docket No. G–661; Panhandle Eastern Pipe Line Company and Michigan Consolidated Gas Company, Docket No. G–688.

It appearing to the Commission that:

(a) On April 8, 1947, the Commission ordered that the public hearing in the above-entitled matters theretofore set for April 15, 1947, be postponed to June 10, 1947;

(b) Good cause exists for further postponing the date of hearing as hereinafter provided;

The Commission orders, that:

The public hearing in the above-entitled matters be and it hereby is postponed to a date to be fixed by further order of the Commission.

Date of issuance: June 5, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–5455; Filed, June 9, 1947; 8:56 a. m.]

[Docket No. G–875]

INDUSTRIAL GAS CORP.

ORDER POSTPONING HEARING

It appearing to the Commission that:

(a) On March 3, 1947, Industrial Gas Corporation (Petitioner) filed a petition pursuant to section 7 of the Natural Gas Act, as amended, for an order directing Tennessee Gas and Transmission Company to deliver and sell natural gas to Petitioner at an existing inter-connection with the main pipe line of Tennessee Gas and Transmission Company, and said petition was by order of May 6, 1947, designated for hearing on June 12, 1947; and

(b) On June 2, 1947, Petitioner filed a request that the date of hearing in the above-entitled mat' r be postponed to an indefinite and later date.

The Commission finds that:

Good cause exists for postponing the date for hearing in the above-entitled matter.

The Commission orders that:

The hearing in the above-entitled matter be and it hereby is postponed to a date to be fixed by further order of the Commission.

Date of issuance: June 5, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–5457; Filed, June 9, 1947; 8:56 a. m.]

[Docket No. G–898]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JUNE 3, 1947.

Notice is hereby given that on May 16, 1947, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Oklahoma, Kansas, Texas, Nebraska and Missouri, filed an application (a) for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain facilities hereinafter described, and (b) for approval of abandonment of a certain portion of Applicant's facilities, also hereinafter described, both pursuant to section 7 of the Natural Gas Act, as amended.

Applicant seeks authorization to construct and operate the following described facilities:

(1) *Facility No. 1.* Approximately 48 miles of 12-inch natural gas pipeline extending from a point on Applicant's Oklahoma City 20-inch line near the northwest corner of Section 26, Township 17 North, Range 2 West, Logan County, Oklahoma, thence east and northeast to Applicant's Drumright Compressor Station in Section 16, Township 18 North, Range 7 East, Creek County, Oklahoma.

(2) *Facility No. 2.* Approximately 10.5 miles of 16-inch natural gas pipe line extending from Applicant's present 16-inch line near the southwest corner of the northwest quarter of Section 31, Township 7 North, Range 8 West, Grady County, Oklahoma, thence in a southeasterly direction to a point in the Chickasha Field near the northeast corner of Section 22, Township 5 North, Range 8 West, Grady County, Oklahoma.

(3) *Facility No. 3.* Approximately 15.6 miles of 16-inch gas pipe line extending easterly and northeasterly from a point of connection with an existing 16-inch pipe line in the northeast quarter of Section 3, Township 24 North, Range 11 East, Osage County, Oklahoma, to a point of connection with an existing 18-inch pipe line near the northeast corner of Section 7, Township 25 North, Range 14 East, Washington County, Oklahoma.

The application recites that upon completion of Facility No. 1 it will be used to transport increased quantities of gas from the southern portion of the "West Side" of Applicant's system to its Drumright Compressor Station from where it can be transported through existing facilities on the "East Side" of Applicant's pipe line system. Facility No. 2 will be used to extend Applicant's facilities on the southern portion of its system to secure further supplies of gas. Facility No. 3 will provide additional line capacity on the outlet side of Applicant's Tallant Compressor Station to handle increased quantities of gas provided by Facilities Nos. 1 and 2 and will constitute relaying and shortening of Applicant's Tallant-Hogshooter 12-inch gas pipe line.

The application further recites that there is no assurance that the project applied for in Docket No. G–729[1] can be completed prior to the winter of 1948–49; that this circumstance has created a situation of emergency for gas supply into Applicant's system; that upon the filing of the application in Docket No. G–729, Applicant estimated its system supply on a peak day of 1946–47 would be 648,000 Mcf; that actually this supply on the 1946–47 peak day was 618,307 Mcf;[2] that the supply to Applicant's present system on the peak day of 1947–48 is estimated to be 601,004 Mcf, which, on the basis of the supply performance on the peak day of 1946–47, probably is an optimistic estimate; that on the basis of said estimate it would be necessary for Applicant to curtail 44,740 Mcf of not readily curtailable industrial load on the peak day of 1947–48, and if the proposed facilities under Docket No. G–729 are not in operation by the winter of 1948–49, it will be necessary for Applicant to curtail such load on the peak day in the quantity of 107,616 Mcf; that, therefore, as an emergency step, Applicant proposes by means of the facilities applied for in this application to attempt to build up the supply on the southern part of its existing system to the extent that the maximum supply of 648,000 Mcf, which its system will handle, can be maintained during the next two winters.

The application further recites that an agreement has been reached between Applicant and Oklahoma Natural Gas Company (Oklahoma Natural), whereby Oklahoma Natural agrees to supply Applicant a maximum of 50,000 Mcf per day for a period of 2 years to replace diminished supplies of gas on the southern portion of Applicant's pipeline system pending completion of the facilities for which a certificate is sought in Docket No. G–729.

As a part of said agreement, Oklahoma Natural agrees to connect to Applicant's present production in the area which Applicant seeks permission to abandon, and credit all gas taken therefrom (after reimbursing itself for cost of connection) against future redeliveries of gas to Oklahoma Natural on expiration of the two year period.

The application further recites that an agreement has been reached between Applicant and Consolidated Gas Utilities Corporation (Consolidated) whereby Consolidated agrees to supply Applicant a net maximum of 65,000 Mcf per day for a period of 5 years. The application states that in the realization that performance of the maximum obligations of Oklahoma Natural and Consolidated under the above-mentioned contracts will be problematical on a peak day, and that Oklahoma Natural's contract does not constitute a reserve for Applicant's system, Applicant is now negotiating for the purchase of additional gas in the Maysville area in Garvin County, Oklahoma; that the purchase of gas in that area will require the construction by Applicant of approximately 43 miles of pipeline, and that application for a certificate to construct such line will be filed with this Commission as soon as Applicant is able to consummate purchase contracts in said Maysville area. With these projects, Applicant believes it can obtain sufficient gas into the southern part of its system to bring its total supply on its entire system up to 648,000 Mcf on a peak day for a period of at least two years, and that after such two year period, it will have sufficient reserves on the southern portion of its system to repay Oklahoma Natural for the gas received from it under the contract mentioned above and to maintain through the winter 1950–51 the estimated supply of 100,000 Mcf on the southern portion

[1] See Notice of Application, 11 F. R. 5958–5959, June 1, 1946.

[2] Exhibit No. 209, Docket No. G–729.

of its system as indicated in the proceedings in Docket No. G-729.[3]

The facilities which applicant seeks to abandon are described as follows:

(1) Approximately 51 miles of 16-inch natural gas pipeline.

(2) Approximately 58 miles of 12-inch natural gas pipeline.

(3) Approximately 34 miles of 8-inch natural gas pipeline.

(4) Approximately 113 miles of 6-inch and 4-inch natural gas pipeline.

(The above pipelines are located in Creek, Lincoln, Okfuskee, Seminole, Hughes and Pontotoc Counties, all in the State of Oklahoma.

(5) Approximately 19.3 miles of 12-inch natural gas pipeline (known as the Tallant-Hogshooter line), located in Osage and Washington Counties, both in the State of Oklahoma.

The application states, in this connection, that the above-described facilities, with the exception of the 12-inch pipeline located in Osage and Washington Counties (Tallant-Hogshooter line), were constructed between the years 1926 and 1927 to transport gas from the Depew, Seminole, Arlington and Fitts areas to applicant's pipeline system at Drumright Station. The supply of gas from these areas has diminished to the point where applicant will be able to secure only 6,600 Mcf per day on peak days during the winter of 1947-48 from the entire area south of its Drumright Station on the "East Side" of its system. It is stated that the Tallant-Hogshooter line in Osage and Washington Counties will be replaced with 15.6 miles of 16-inch natural gas pipeline to handle increased quantities of gas on the outlet side of Tallant Station. This new line will provide additional capacity of 20,000,000 cubic feet per day.

The application further states that virtually all the pipe sought to be reclaimed will, after necessary cleaning and repairs, be required to construct the facilities for which a certificate is sought in this application and to extend Applicant's facilities on the southern portion of the "West Side" of its system into the Maysville area to obtain further supplies of gas.

The application further recites that the only customer served from the facilities sought to be abandoned is the Town of Paden, Oklahoma, and that an agreement has been reached between the Applicant, Oklahoma Natural and Oklahoma Gas Service Company, distributor for the Town of Paden, under the terms of which agreement Applicant will construct or cause to be constructed at its own expense approximately 8 miles of natural gas pipeline to connect the facilities of Oklahoma Gas Service Company to Oklahoma Natural's system sufficient to furnish the Town of Paden, Oklahoma, service equivalent to that sought to be abandoned by Applicant. Said 8 miles of pipeline will, upon completion thereof, become the property of Oklahoma Gas Service Company, and will not constitute any part of Applicant's facilities or property.

The estimated total over-all capital cost of construction for the proposed Facilities Nos. 1, 2 and 3 is $1,490,683. Applicant proposes to finance such costs out of its own treasury.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Cities Service Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contention of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5458; Filed, June 9, 1947; 8:56 a. m.]

[3] Exhibit No. 128

INTERSTATE COMMERCE COMMISSION

[S. O. 751]

UNLOADING OF FERTILIZER AT GALVESTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of June A. D. 1947.

It appearing, that 19 cars, containing ammonium nitrate fertilizer, at Galveston, Texas, on the Burlington-Rock Island Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Fertilizer at Galveston, Tex., be unloaded.* The Burlington-Rock Island Railroad Company, its agents or employees, shall unload immediately the following cars loaded with ammonium nitrate fertilizer, now on hand at Galveston, Texas, consigned French Supply Council, J. D. Latta:

NP 23364	MLW 208373
FLNN 65523	MLW 716371
GN 6737	RI 54424
SAL 28190	CN 9463
MEC 36253	SCU 163204
SP 29078	P&O 275595
CGW 92991	M&A 35851
PENN 54121	CNW 62040
NYC 146360	B&O 276173
SAL 15923	

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5450, Filed, June 9, 1947 8:55 a. m.]

[S. O. 752]

UNLOADING OF FERTILIZER AT GALVESTON TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of June A. D. 1947.

It appearing, that 1 car containing ammonium nitrate fertilizer, at Galveston, Texas, on the Texas and New Orleans Railroad Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Fertilizer at Galveston, Texas, be unloaded.* The Texas and New Orleans Railroad Company, its agents or employees, shall unload immediately car NYC 151043, loaded with ammonium nitrate fertilizer, now on hand at Galveston, Texas, consigned French Supply Council, J. D. Latta.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m. June 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5451; Filed, June 9, 1947; 8:55 a. m.]

[S. O. 753]

UNLOADING OF FERTILIZER AT GALVESTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of June A. D. 1947.

It appearing, that 2 cars, containing ammonium nitrate fertilizer, at Galveston, Texas, on the Missouri-Kansas-Texas Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Fertilizer at Galveston, Tex., be unloaded.* The Missouri-Kansas-Texas Railroad Company, its agents or employees, shall unload immediately cars FM 82021 and NYC 106371 loaded with ammonium nitrate fertilizer, now on hand at Galveston, Texas, consigned French Supply Council, J. D. Latta.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5452; Filed, June 9, 1947; 8:55 a. m.]

[S. O. 754]

UNLOADING OF FERTILIZER AT GALVESTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of June A. D. 1947.

It appearing, that 1 car, containing ammonium nitrate fertilizer, at Galveston, Texas, on the International-Great Northern Railroad Company (Guy A. Thompson, Trustee), has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Fertilizer at Galveston, Texas, be unloaded.* The International-Great Northern Railroad Company, (Guy A. Thompson, Trustee), its agents or employees, shall unload immediately car NYC 181454, loaded with ammonium nitrate fertilizer, now on hand at Galveston, Texas, consigned French Supply Council, J. D. Latta.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5453; Filed, June 9, 1947; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1459]

CENTRAL ILLINOIS LIGHT CO. AND COMMONWEALTH & SOUTHERN CORP.

ORDER GRANTING APPLICATION AND DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of June 1947.

Central Illinois Light Company ("Central Illinois") and its parent, The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed a joint application and declaration and amendments thereto pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder, regarding (1) certain amendments to the Articles of Incorporation and by-laws of Central Illinois, including the amendment of the Articles of Incorporation so as to (a) increase the authorized number of shares of its com-

mon stock without par value from 250,000 shares to 1,500,000 shares and (b) change its issued and presently outstanding common stock, all of which is owned by Commonwealth, from 210,000 shares into 800,000 shares and (2) the increase of the aggregate common stock stated capital from $10,833,988 to $13,600,000 by the transfer of $2,766,012 from earned surplus to the common capital stock account; and

Central Illinois and Commonwealth having requested that the order of the Commission become effective forthwith; and

A public hearing having been held on said application and declaration, as amended, and the Commission having considered the record and made and filed its findings and opinion herein; and

It appearing to the Commission that it is appropriate that the company's request that the order become effective forthwith be granted:

It is ordered, That the application and declaration, as amended, be granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and subject to the condition that Central Illinois obtain from the Illinois Commerce Commission an order expressly authorizing the transactions proposed to be effected by it.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5438; Filed, June 9, 1947; 8:46 a. m.]

[File No. 812-449]

PACIFIC ASSOCIATES, INC.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of June A. D. 1947.

Notice is hereby given that Pacific Associates, Inc. (Applicant) has filed an application, as supplemented, under section 3 (b) (2) of the Investment Company Act of 1940 for an order adjudging it to be excepted from the definition of an investment company contained in said act on the grounds that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities; namely, in the business of managing and operating a traction system for the transportation of passengers in Portland, Oregon, through Portland Transit Company and its subsidiary, Portland Traction Company.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the matters of fact and law asserted.

The Corporation Finance Division has advised the Commission that upon a preliminary examination of the application, as supplemented, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether applicant is an investment company within the definitions contained in section 3 (a) of the act, and

(2) Whether applicant is primarily engaged in the business of managing and operating a traction system for the transportation of passengers in Portland, Oregon, through controlled companies, so as not to be engaged primarily in the business of investing, reinvesting, owning, holding, or trading in securities.

It appearing to the Commission that the hearing upon the application is necessary and appropriate;

It is ordered, Pursuant to section 40 (a) of said act that a public hearing of the aforesaid application be held on June 16, 1947 at 10:00 a. m. Pacific standard time in the Regional Offices of the Commission, Room 334B Appraisal Building, 630 Sansom Street, San Francisco, California.

It is further ordered, That F. E. Kennamer or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named applicant and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any person desiring to be heard in said proceeding should file with the hearing officer or the Secretary of the Commission, on or before June 13, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above matters or issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5439; Filed, June 9, 1947; 8:46 a. m.]

[File Nos. 59-70, 54-138, 54-48]

EASTERN MINNESOTA POWER CORP. ET AL.

ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of May 1947.

In the matter of Eastern Minnesota Power Corporation, Wisconsin Hydro Electric Company and Manufacturers Trust Company, respondents, File No. 59-70; Eastern Minnesota Power Corporation and Wisconsin Hydro Electric Company, applicants, File Nos. 54-138 and 54-48.

Eastern Minnesota Power Corporation (hereinafter referred to as "Minnesota"), a registered holding company, and its subsidiary company, Wisconsin Hydro Electric Company (hereinafter referred to as "Wisconsin"), having filed an application and amendments thereto for approval of a plan pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 (hereinafter referred to as "the act"); the Commission having instituted proceedings under section 11 (b) (2) of the act with respect to Minnesota, Wisconsin, and Manufacturers Trust Company (hereinafter referred to as "Manufacturers Trust"), to determine what action, if any, is necessary and should be required to be taken by such companies under such section, and such proceeding having been consolidated with the foregoing proceeding under section 11 (e);

The Commission having issued its notice of filing and notice of and order for hearing in said consolidated proceedings, hearings on said plan having been held, the record having been completed with respect to said plan insofar as it relates to the sale of the physical assets of Minnesota and the use of the proceeds therefrom to the extent necessary to retire its First Mortgage 5½% Gold Bonds, at the principal amount thereof plus accrued interest to the effective date of the plan, but without premium payment, and briefs having been filed;

Minnesota having requested that a separate order be issued approving said plan insofar as it relates to the sale of the physical assets of Minnesota and the use of the proceeds to the extent necessary to retire its First Mortgage 5½% Gold Bonds, at the principal amount thereof plus accrued interest to the effective date of the plan, but without premium payment; that the order of the Commission contain the recitals required by section 1808 of the Internal Revenue Code, as amended, and that application be made by the Commission to an appropriate United States District Court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of the plan relating to the sale of assets and the retirement of bonds as above referred to;

None of the participants in these proceedings having objected to the entry by the Commission of a separate order as requested by Minnesota and it appearing to the Commission that the separation for determination of so much of said plan as relates to the sale of physical assets of Minnesota and the retirement of its bonds without premium payment is in the interest of orderly and expeditious administration of the act; it further appearing to the Commission that its is appropriate to grant the other requests of Minnesota referred to hereinabove; and

The Commission being duly advised in the premises, having considered the record herein, and having this day issued its findings and opinion herein, finding that so much of said plan under section 11 (e) as provides for the sale of the physical assets of Minnesota and the use of the proceeds from said sale to the extent necessary to retire that company's First Mortgage Bonds at the principal amount thereof plus accrued interest to the effective date of the plan, but without premium payment, is necessary and appropriate to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

It is ordered, Pursuant to the applicable provisions of the act that said plan in so far as it relates to the sale of the physical assets of Minnesota and the use of the proceeds from said sale to the extent necessary to retire Minnesota's First Mortgage 5½% Gold Bonds at the principal amount thereof and accrued interest to the effectiv date of the plan, but without premium payment be, and the same hereby is, approved and that the declaration filed pursuant to section 12 of the act be, and the same hereby is, permitted to become effective, respectively, subject, however, to the conditions specified in Rule U-24 and subject to the following terms and conditions:

1. That jurisdiction be, and it hereby is, reserved to the Commission to entertain such further proceedings, to make such further findings, to take such further action as it may deem appropriate in connection with said plan, and to take such further action as it may deem necessary and appropriate to effectuate the provisions of section 11 (b) of the act;

2. That the sale by Minnesota of its physical assets and the use of the proceeds from said sale to the extent necessary to retire its First Mortgage 5½% Gold Bonds at the principal amount, plus accrued interest to the effective date of the plan, but without premium payment, shall not be consummated until such portion of said plan has been approved by an appropriate United States District Court.

It is further ordered, That the sale by Minnesota of its physical assets for $1,530,000, and the use of such proceeds to the extent necessary to retire said bonds at par, plus accrued interest, are necessary or appropriate for the integration or simplification of the Minnesota holding company system and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court pursuant to the provisions of section 11 (e) and subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of that portion of said plan relating to the sale of the physical assets of Minnesota and the use of the proceeds from such sale to the extent necessary to retire at the principal amount thereof, plus accrued interest, but without premium, its First Mortgage 5½% Gold Bonds.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5440; Filed, June 9, 1947; 8:46 a. m.]

[File No. 70-1471]

CONSOLIDATED ELECTRIC AND GAS CO. ET AL.

MEMORANDUM OPINION AND ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of June A. D. 1947.

In the matter of Consolidated Electric and Gas Company, The Middle West Corporation and Upper Peninsula Power Company, File No. 70-1471.

On May 14, 1947, we issued our opinion and order in this matter permitting, among other things, the proposed sales by Upper Peninsula Power Company of $3,500,000 principal amount of First Mortgage Bonds, --% Series, due 1977, and 10,000 shares of Cumulative Preferred Stock, --% Series of the par value $100 each, provided that said sales should not be consummated until the results of competitive bidding had been made a matter of record in this proceeding and a further order issued thereon.

The company invited separate, sealed, written bids for the bonds and preferred stock which were to be submitted and opened on May 21, 1947. The invitation specified that bids for the bonds should be on the basis of an interest rate of not more than 3½% and a price to the company of not less than 100% of the principal amount thereof and further specified that bids for the preferred stock should be on the basis of a dividend rate of not more than 5% and a price to the company of not less than $100 per share. One bid was submitted for the bonds but no bids were received for the preferred stock. The invitation for bids provided that the acceptance of a bid for either class of securities was conditioned upon the acceptance of a bid for the other class of security and, since no bid was received for the preferred stock, the bid submitted for the bonds was not opened.

The company has now filed an application requesting that the issuance and sale of the bonds and the preferred stock be exempted from the requirements of Rule U-50 and, at a public hearing held on such application, evidence was presented showing that on June 2, 1947, the company entered into purchase contracts with two separate groups of underwriters for the sale of the bonds and the preferred stock. Pursuant to such contracts, a group of underwriters represented by Halsey Stuart & Co. will purchase the bonds, which will bear interest at the rate of 3¼% per annum, at a price of 101% of the principal amount thereof plus accrued interest from May 1, 1947, and a group represented by Otis & Co. will purchase the preferred stock which will bear a dividend rate of 5¼% at a price of $100 per share plus accrued dividends from May 1, 1947.

The record discloses that following the unsuccessful public offering at competitive bidding, representatives of the company contacted all underwriting groups which had previously evidenced any interest in the purchase of the securities in an effort to effect the sale through private negotiations. Efforts to effect a private sale of the securities eventually resulted in the proposals now before us. The company obtained an order from the Michigan Public Service Commission permitting the preferred stock to be sold, bearing a dividend rate of not in excess of 5¼%, which, in effect, amended an earlier order of that Commission limiting the dividend rate on the preferred stock to 5%. The bonds are to be offered to the public at a price of 102.875%, resulting in an underwriting spread of 1.875% and the preferred stock is to be offered to the public at a price of $104 per share, resulting in an underwriting spread of $4 per share.

Under the circumstances of this case as disclosed by the record, we are of the opinion that the exemption from competitive bidding should be granted and have concluded that the prices being paid for the bonds and preferred stock and the respective underwriting spreads are not unreasonable.

It is therefore ordered, That the application for exemption from competitive bidding be granted and that the application-declaration, as amended, regarding the issuance and sale by Upper Peninsula Power Company of the bonds and preferred stock described above be granted and permitted to become effective.

It is further ordered, That the jurisdiction over the payment of fees and expenses reserved in our order of May 14, 1947, be and it hereby is released.

Consolidated Electric and Gas Company and The Middle West Corporation, parties to this proceeding, having requested that our order shall conform with sections 371 (b), 371 (f), 373 (a), and 1808 (f) of the Internal Revenue Code, as amended, and contain the recitals, specifications, and itemizations described in sections 371 (b), 371 (f), and 1808 (f) thereof;

It is further ordered and recited, That the transactions set forth in the application-declaration, as amended, proposed to be effected by Consolidated Electric and Gas Company and The Middle West Corporation, including those hereinafter described and recited, are hereby approved and found to be necessary or appropriate to the integration or simplification of their holding company systems and to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The sale by Consolidated Electric and Gas Company to Upper Peninsula Power Company of all of the capital stock of Houghton County Electric Light Company consisting of 54,000 shares of capital stock of the par value of $25 each, all of the capital stock and note indebtedness of Iron Range Light and Power Company consisting of 650 shares of capital stock of the par value of $100 each and $62,250 principal amount of 6% demand notes;

(b) The sale by The Middle West Corporation to Upper Peninsula Power Company of 9,000 shares without nominal or par value of the $3 Cumulative Preferred Stock and 17,000 shares without nominal or par value of the common stock of Copper District Power Company;

(c) The expenditure or application by Consolidated Electric and Gas Company of the cash portion of the proceeds of the said sale of its investments in the capital stock of Houghton County Electric Light

Company and in the capital stock and note indebtedness of Iron Range Light and Power Company, or an amount equivalent to such portion of said proceeds, in the payment and satisfaction and retirement of outstanding notes of Consolidated Electric and Gas Company dated November 29, 1945, and due November 29, 1948; and

(d) The expenditure or application by The Middle West Corporation of the cash portion of the proceeds of the said sale of its investment in the preferred stock and common stock of Copper District Power Company or an amount equivalent to such portion of said proceeds in the purchase of additional shares of common stock of Kentucky Utilities Company or the contribution to the capital or paid-in surplus of said Kentucky Utilities Company upon further application to and approval of this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5441; Filed, June 9, 1947; 8:46 a. m.]

[File No. 54-154]

UNITED CORP.

ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of June 1947.

The United Corporation ("United"), a registered holding company, having heretofore filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 proposing to offer to exchange for one share of its $3 Cumulative Preference Stock, and all rights and claims to accrued dividends thereon, up to and including 200,000 shares of such preference stock, 4 shares of the common stock of Columbia Gas & Electric Corporation and $2 in cash; and

Applicant having requested permission to withdraw said application, and having represented in support of such request that it appears feasible to applicant to propose and formulate for the consideration and approval of the Commission a plan for the compulsory retirement of all the outstanding shares of its preference stock, and that a limited voluntary exchange of securities as proposed would become unnecessary and inadvisable; and

It appearing to the Commission that the withdrawal of said application is consistent with the public interest;

It is ordered, That the request of the applicant be, and it hereby is, granted, and said application is hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5442; Filed, June 9, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8949]

AUGUST WULF

In re: Estate of August Wulf, deceased. File D-28-10369; E. T. sec. 14759.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes Friederich Wulf, Johannes Friederich Bendixen, Friederich Bendixen, Carl Bendixen, Dorothea Bendixen Meissner, Friederich Bendixen Schmidt, Bodil Marie Schmidt, Luise Marie Witthoft, Karl Heinrich Friederich Witthoft, Friederich Johannes Wulf, Emil Julius Peter Wulf, Emma Minna Elisabeth Wulf Neumeyer, Friedrich Peter Thomas Wulf, Johannes Friedrich Wulf, Thomas Nicolaus Wulf, Christine Louise Wulf Peter, Margaretha Maria Wulf Kiedrowski, Fritz Nicolaus Rasmussen and Hansine Dorothea Jessen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of August Wulf, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Rev. F. Kammholz, as Executor, acting under the judicial supervision of the County Court of Taylor County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5462; Filed, June 9, 1947; 8:56 a. m.]

[Vesting Order 9037]

LYDIA M. BENZ

In re: Estate of Lydia M. Benz, deceased. File D-28-11645; E. T. sec. 15856.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine (Katherina) H. Brockmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Lydia M. Benz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Walter G. Benz, as Executor, acting under the judicial supervision of the Probate Court of Ramsey County, St. Paul, Minnesota;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK. *Director.*

[F. R. Doc. 47-5463; Filed, June 9, 1947; 8:57 a. m.]

[Vesting Order 9038]

LOUISE HERR

In re: Estate of Louise Herr, deceased. File D-28-11660; E. T. sec. 15870.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Anna Herr, Johann Jakob Schmitt, Maria Magdalena Schuy, Anna Schmitt, Maria Anna Rosbach, Dorothea Margareta Zell, Adelheid Johanne Dermagen, Johann Heinrich Herr, Heinrich Herr, and Klementina

Holtachers, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Louise Herr, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Carl Lesch, as executor, acting under the judicial supervision of the Surrogate's Court of the county of Richmond, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5464; Filed, June 9, 1947; 8:57 a. m.]

[Vesting Order 9039]

GESINE JURGENS

In re: Estate of Gesine Jurgens, deceased. File D-28-10521; E. T. sec. 14926.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adele Dunker, Gesine Klinge (nee Gerke), Greta Klotz, Gertrud Heppelmann (daughter of Herman Jurgens, deceased), Marie Louise Riggers (daughter of Herman Jurgens, deceased), Hermann Jurgens (son of Herman Jurgens, deceased), Ludwig Jurgens, Ludwig Jurgens (son of Heinrich Jurgens), and Frau Henry Dunker, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Gesine Jurgens, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany);

3. That such property is in the process of administration by Sena Hart and Alexander A. Watkins, as executors, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5465; Filed, June 9, 1947; 8:57 a. m.]

[Vesting Order 9040]

WILLIAM UNGER

Trust u/w of William Unger, deceased. File No. D-28-10426; E. T. sec. 14812.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

All right, title, interest and claim of any kind or character whatsoever of Elizabeth Kunz in and to the Trust created under the Will of William Unger, deceased, is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Elizabeth Kunz, Germany.

That such property is in the process of administration by Joseph Unger, William Young and Benjamin Geller, as Executors and Trustees, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

And determined that to the extent that such a national is a person not within a designated enemy country, the national interest of the United States requires that such a person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5466; Filed, June 9, 1947; 8:57 a. m.]

[Vesting Order 9046]

INAMI AND SHIGENORI SAWAMURA

In re: Bank account and bonds owned by Inami Sawamura and Shigenori Sawamura. F-39-5832-A-1, F-39-5832-C-1, F-39-5832-E-1, D-39-10320-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Inami Sawamura and Shigenori Sawamura, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. One (1) United States Defense Savings Bond, Series E, of $50.00 face value, bearing the number L5550582E, registered in the name of Inami Sawamura, Noziri, Takaoka, Cho., Takoaka Gun, Kochi Ken, Shikoku, Japan, presently in the custody of Takao Kawashima, 22707 Detroit Road, Cleveland 16, Ohio, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation of The National City Bank of Cleveland, Euclid Avenue and East Sixth Street, Cleveland 1, Ohio, arising out of a Savings Account, Account Number 20075, entitled Takao Kawashima, 22707 Detroit Road, Cleveland 16, Ohio, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Inami Sawamura, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: One (1) United States Defense Savings Bond, Series E, of $50.00 face value, bearing the number L5550581E, registered in the name of Shigenori Sawamura, Noziri, Takaoka, Cho., Takaoka Gun, Kochi Ken, Shikoku, Japan, presently in the custody of Takao Kawashima, 22707 Detroit Road, Cleveland 16,

Ohio, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shigenori Sawamura, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5467; Filed, June 9, 1947; 8:57 a. m.]

[Vesting Order 9051]

AUGUST TILGNER

In re: Debt owing to August (Gustav) Tilgner. F-28-12428-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August (Gustav) Tilgner, whose last known address is Weinberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to August (Gustav) Tilgner, by Otto A. Hoecker, 1808 Russ Building, San Francisco, California, in the amount of $1330.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5420; Filed, June 6, 1947; 8:55 a. m.]

[Vesting Order 9055]

ROBERT HERMAN PAUL ALBRIGHT

In re: Estate of Robert Herman Paul Albright, deceased. File D-28-11726; E. T. sec. 15933.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kate Glazer and Elsbeth Winkelman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Robert Herman Paul Albright, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ada E. Smith, as Administratrix, acting under the judicial supervision of the Probate Court, Garland County, Hot Springs, Arkansas;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5468; Filed, June 9, 1947; 8:57 a. m.]

[Vesting Order 9059]

ELIZABETH A. INGELFINGER

In re: Estate of Elizabeth A. Ingelfinger, deceased. File D-28-11214; E. T. sec. 15591.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Ingelfinger, Theresa Ingelfinger and Anna FIX, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate and trust created under will of Elizabeth A. Ingelfinger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by C. Hubert Derivaux and Julie Ingelfinger, as co-executors and trustees, acting under the judicial supervision of the Essex County Orphans' Court, Essex County, Newark, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5421; Filed, June 6, 1947; 8:55 a. m.]

[Vesting Order 9060]

HEINRICH KARL

In re: Estate of Heinrich Karl, deceased. File No. D-28-11417; E. T. sec. 15650.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Weigmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Heinrich Karl, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by William Karl, Sr., as administrator, acting under the judicial supervision of the Hudson County Orphans' Court, Hudson County Courthouse, Jersey City, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5469; Filed, June 9, 1947; 5:58 a. m.]

[Vesting Order 9062]

ANNA M. MULLER

In re: Estate of Anna M. Muller, deceased. File D-28-2327; E. T. sec. 3259.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That all right, title, interest and claim of any kind or character whatsoever of the City of Stuttgart, Germany, in and to the estate of Anna M. Muller, deceased, is property payable or deliverable to, or claimed by the aforesaid City of Stuttgart, Germany, a political subdivision of a designated enemy country, (Germany);

2. That such property is in the process of administration by the Federal Trust Company, as succeeding executor, acting under the judicial supervision of the Surrogate's Court of Essex County, New Jersey.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5423; Filed, June 6, 1947; 8:56 a. m.]

[Vesting Order 9069]

MICHAEL DORMISCH

In re: Stock owned by Michael Dormisch. F-28-24050-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Michael Dormisch, whose last known address is Munchen-Allach, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of $50.00 par value common capital stock of United States Smelting Refining and Mining Company, 75 Federal Street, Boston, Massachusetts, a corporation organized under the laws of the State of Maine, evidenced by Certificate numbered 54437, registered in the name of Michael Dormisch, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5470; Filed, June 9, 1947; 8:58 a. m.]

[Vesting Order 9070]

DR. BENNO HERZOG

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Dr. Benno Herzog, deceased. F-28-26122-D-1.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9193 as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Dr. Benno Herzog, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of $100.00 par value common capital stock of Southern Pacific Company, 165 Broadway, New York 6, New York, a corporation organized under the laws of the State of Kentucky, evidenced by certificate number G174416, registered in the name of Dr. Benno Herzog, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B2[illegible]944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, subaccount Special Customers account for Custody, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Dr. Benno Herzog, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

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There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5471; Filed, June 9, 1947; 8:58 a. m.]

[Vesting Order 9071]

WILHELM HESS

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Hess, deceased. F-28-26408-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Hess, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: One (1) share of $100.00 par value common capital stock of Southern Pacific Company, 165 Broadway, New York 6, New York, a corporation organized under the laws of the State of Kentucky, evidenced by certificate number F415441, registered in the name of Wilhelm Hess, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Hess, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5472; Filed, June 9, 1947; 8:58 a. m.]

[Vesting Order 9080]

SIMPSON LANGE & CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It having been found and determined in Vesting Order 210, dated October 3, 1942, that Carl C. Albrecht, Heinrich Mueller-Pearse, Karl Heinz Lange and Karl Ludwig Lange, are nationals of a designated enemy country (Germany);

2. It having been found and determined by said Vesting Order 210 that 300 shares of common stock and 500 shares of first preferred stock of Simpson Lange & Co., Inc., vested by said Vesting Order 210, were registered in the name of Rotterdamsche Bankvereeniging N. V., and beneficially owned by Carl C. Albrecht, Heinrich Mueller-Pearse, Karl Heinz Lange and Karl Ludwig Lange;

3. It is hereby found that the property described in subparagraph 4 hereof represents dividends declared prior to October 3, 1942, on the stock described in subparagraph 2 hereof;

4. It is hereby found that the property described as follows: That certain debt or other obligation of Simpson Lange & Co., Inc., Dallas, Texas, in the amount of $4,928.68, as of October 3, 1942, appearing on its books and records as an account payable to Rotterdamsche Bankvereeniging N. V., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Carl C. Albrecht, Heinrich Mueller-Pearse, Karl Heinz Lange and Karl Ludwig Lange, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5473; Filed, June 9, 1947; 8:58 a. m.]

[Vesting Order 9087]

MARGARET EVELYN RINGER

In re: Estate of Margaret Evelyn Ringer, deceased. File D-28-11764; E. T. sec. 15963.

Under the authority of the Trading Executive Order 9788, and pursuant to with the Enemy Act, as amended, Executive Order 9193, as amended, and law, after investigation, it is hereby found:

1. That Laura Beckmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Margaret Evelyn Ringer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Hugo Joseph Bettelheim, as Executor, acting under the judicial supervision of the Circuit Court of the State of Oregon, for the County of Multnomah;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms 'national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5424; Filed, June 6, 1947; 8:56 a. m.]

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THE NATIONAL ARCHIVES

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 01—ORGANIZATION AND OFFICIAL RECORDS OF THE COMMISSION

RETIREMENT DIVISION

Section 01.12 (a) is amended to read as follows:

§ 01.12 *Retirement Division*—(a) *Organization.* The Retirement Division is charged with responsibility for interpreting and administering the Civil Service Retirement Act of May 22, 1920 (41 Stat. 614), as amended (5 U. S. C. 691–738), the Canal Zone Retirement Act of March 2, 1931 (46 Stat. 1471), as amended (48 U. S. C. 1371), and the Alaska Railroad Retirement Act of June 29, 1936 (49 Stat. 2017), as amended (5 U. S. C. 745). Jurisdiction over the administration of the act of May 29, 1944 58 Stat. 257), is also vested in the Division. This act provides for the payment of annuities to United States citizen employees (or to their unremarried widows under prescribed conditions) who served on the Isthmus of Panama during the construction period of the Panama Canal from May 4, 1904, to March 31, 1914, inclusive, who were not included in the recognition and the benefits accorded by the act of March 4, 1915 (38 Stat. 1190).

CROSS REFERENCE: For regulations relative to retirement, see Part 29 of this chapter.

The operating sections of the Division are as follows:

(1) *Annuity Section.* This section adjudicates claims for annuities under the Civil Service Retirement Act, the Canal Zone Retirement Act, and the Alaska Railroad Retirement Act, on age, optional and disability retirements, and discontinued service; determines whether legal and medical title has been established; determines the amount payable and the date payments are to begin; and develops and appraises all evidence, documents, and records required to substantiate the actions taken. It adjudicates claims for gratuity benefits under the Panama Canal Construction Annuity Act. It advises employees and prospective annuitants on their annuitable rights and obligations, maintains a record of all annuitants retired on disability, and orders the annual medical examinations as required.

(2) *Service Credit Section.* This section examines service credit applications and makes formal decisions with respect to the service credits to which present or former employees are entitled under the retirement laws and the amounts which must be paid in order to obtain title to annuity or to secure full annuity for such periods of service. It answers correspondence relating to the processing of service credit claims and voluntary contributions.

(3) *Death Claims Section.* This section adjudicates claims filed by the beneficiaries, legal representatives, or next of kin of deceased employees or annuitants for the accrued annuity, the unexpended balance, or the accumulated deductions in the retirement funds. It adjudicates claims submitted in behalf of former employees who are incompetent, for accumulated deductions to their credit in the retirement funds. It examines the designation of beneficiary forms for completeness and compliance with regulations and instructions. It conducts correspondence with respect to death claims and designation of beneficiary forms and maintains the files of designation of beneficiary forms. It prepares certifications of information contained in designation of beneficiary forms for use by the General Accounting Office in the administration of the act of December 21, 1944 (58 Stat. 845).

(4) *Refund Section.* This section adjudicates refund claims filed by former employees for the refund of deductions made from their salaries and to their credit in the retirement fund; determines the legality of such claims and the amount payable; develops and appraises the evidence, documents, and records required to substantiate the actions taken.

(5) *Correspondence Section.* This section conducts correspondence with present and former Government employees or their representatives with respect to refund rights and claims. It answers correspondence of a general nature not relating to the processing of annuity, service credit, voluntary contributions, or death claims.

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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(6) *Fiscal Section.* This section prepares schedules and vouchers covering payments on all retirement claims for use by the Disbursing Office of the Treasury in the preparation of checks and for use by the General Accounting Office in the audit of claim payments. It certifies all disbursements made from the retirement funds; maintains the administrative accounting controls for the retirement and disability funds; prepares the periodic financial statements for use by the officials of the Division, the Board of Actuaries, and the Commission in the administration of the Retirement Acts and for submission to the Congress in the Annual Reports and Budget Estimates; receives and records cash, check, or money order remittances of voluntary deposits and issues receipts thereon; deposits remittances to the appropriate accounts in the Treasury of the United States; accepts and records payments from employees covering the purchase of service credits, or redeposits of amounts withdrawn or overpayments, and issues receipts thereon; deposits remittances in the Treasury of the United States to the credit of the proper retirement fund; maintains the individual annuity award accounts; maintains the individual retirement accounts (Form 2806) on all separated employees.

(7) *Agency Accounting Section.* This section conducts studies of the procedures used and practices followed by agencies in the maintenance of individual retirement accounts (Form 2806) and submits reports and recommendations for improvements whenever deemed necessary. It makes periodical inspections to the extent necessary to determine whether the retirement records in the agencies are maintained currently and in accordance with laws, regulations, and instructions; and makes periodical reports to the Commission on the status of retirement records in each agency. It develops training material for use by agencies in training new employees on the maintenance of individual retirement accounts and in the preparation of retirement applications and forms; maintains liaison with agencies, giving advice and instructions to officials and employees in the agencies who are assigned to and are responsible for the agency's retirement work, and advice on the procedures for the submission of applications, claims, account records, reports, and forms to the Commission; and renders technical and legal advice with respect to the Retirement Act and regulations.

(8) *Accounting Systems and Reports Analysis Section.* This section conducts studies of the over-all control accounts maintained by the Division in connection with the administration of the retirement system to determine their sufficiency; recommends such changes and improvements in the retirement accounting system and practices as are considered necessary to protect the employees covered by the system, the Government, and the Commissioners who serve as trustees of the retirement funds; and directs the installation of such changes. It studies the financial statements and reports now prepared to determine the adequacy of the accounts and reports and the effectiveness of the protection thereby afforded to the Commission and to present and prospective annuitants. It secures clearance with the General Accounting Office of all suggested new systems or proposed revisions of existing accounting methods and procedures and conducts conferences with representatives of agencies, the General Accounting Office, and other interested groups for the purpose of assisting in the installation of retirement accounting systems and the development of improvements in the procedures followed in the agencies and in the Division.

(9) *Congressional Services Section.* This section furnishes information to Members of Congress with respect to rights and benefits of their constituents on telephonic request. It furnishes data by telephone on the status of individual claims to Members of Congress in those cases where inquiry has been received by them from claimants for retirement benefits. It furnishes former and present employees with information regarding their rights and benefits, status of their claims, and procedures or instructions to be followed in presenting their claims.

(10) *Office of the Legal Adviser.* This office serves in an advisory capacity to the staff officials of the Division with respect to the analysis of legal aspects of proposed changes in retirement laws and regulations and makes specific recommendations with respect thereto. It analyzes retirement and related laws to interpret the intent of Congress and decisions of the Comptroller General and of the Attorney General for the purpose of advising the Commission and its staff officials, employing agencies and their officers and employees, and representatives of employee organizations. It renders opinions and decisions on questions requiring the application of provisions of the retirement and related laws and administrative rulings; prepares cases for submission to the Board of Appeals and Review, to the Attorney General, or to the Comptroller General; collaborates with the Department of Justice in the preparation and trial of suits arising under the retirement laws; prepares drafts of bills and reports of the Com-

mission on proposed legislation concerning retirement, for the use in consideration of Congressional Committees; drafts rules and regulations with respect to the administration of the retirement laws, for promulgation by the Commission.

(11) *Office of the Actuary.* This office conducts actuarial studies, periodic valuations of retirement funds, and longevity investigations of annuitants. It conducts studies to determine relation of service and contributions to benefits at the different ages of retirement; confers with the Board of Actuaries for the purpose of presenting to the Board members new developments, proposals, reports and data, and for the purpose of securing their advice and consultation with respect to such reports and proposals; makes actuarial studies and recommends improvements and simplification in retirement systems and policies; prepares the annual retirement reports; prepares special interest tables, and similar types of aids to facilitate the speedy and economical performance of retirement activities.

(12) *Procedures and Control Section.* This section conducts surveys of and studies existing procedures, regulations, policies, and methods followed in the Division, and prepares process charts and reports analyzing them and recommending changes designed to improve operations and reduce costs. It assembles and analyzes management control data on the operations of the Division, and recommends ways or methods of correcting or adjusting procedures to eliminate or correct bad situations before they become a problem; studies and recommends changes in policies, regulations, or laws to conform to new developments or requirements and to changing patterns or circumstances; establishes controls which will indicate when corrective actions are needed with respect to receipts, productions, backlogs, personnel assignments, delays, or unsatisfactory conditions generally; installs changes as approved by the Division officials or the Commission and follows through to assure compliance with authorized instructions, policies, laws, regulations, and procedures.

(13) *Personnel Section.* This section develops programs and provides the leadership to get them into operation, for full utilization of personnel; administration of the efficiency-rating system; selection, placement and promotion of personnel; handling of the work assignment program; handling of employee relations and employee counseling; handling of reductions in force programs; administration of leave regulations and instructions. It prepares personnel forms and supporting documents for submission to the Director of Personnel to effect personnel appointments, changes, and separations; prepares job descriptions and recommends grade allocations for positions in the Division and presents necessary explanatory material and information as required to justify recommendations; initiates and conducts conferences with operating officials to explain new programs and the methods to be followed in putting them into effect.

(14) *Miscellaneous Services Section.* This section makes a continuous study of forms and form letters in use in the Division with a view to the elimination of obsolete and unnecessary forms, and the simplification and consolidation of remaining forms and form letters. It procures supplies and equipment for the Division, and prepares the periodical inventory reports; studies space assignments, requirements, and utilization to insure the most effective allocation; reports on work conditions, sufficiency of lighting, compliance with fire regulations, and acceptability of appearance of the building occupied by the Division.

(15) *Budget and Reports Section.* This section compiles the statistical statements, trend charts, and justifications for the Division's annual and supplemental budget estimates. It prepares the summaries and analyses of work reports, calling attention to increases or decreases in work receipts, work performance, work on hand, and unit costs and to repeated instances of non-compliance with established quantity work standards. It recommends revision of work report forms when it is found that they do not satisfactorily provide the work control data essential for management purposes. It develops and maintains cost data and cost records on all significant activities of the Division.

(16) *Mail and Files Section.* This section receives and distributes all incoming mail. It dispatches outgoing mail. It maintains the General Index Records and the closed files on all annuity claims, death claims, refund claims, and service credit applications adjudicated, and furnishes records and information as requested from these files. It furnishes the general messenger service for the Division.

(Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 633)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5502; Filed, June 10, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

U. S. STANDARDS FOR PEACHES

By virtue of the authority (11 F. R. 7713) vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for Peaches which were issued April 22, 1933. These standards are currently in effect pursuant to the Department of Agriculture Appropriation Act of 1947 (Pub. Law 422, 79th Cong., 2d sess., approved June 22, 1946).

§ 51.312 *Peaches—(a) General—(1) Application of tolerances.* The tolerances specified for the various grades are placed on a package basis. However, any lot of peaches shall be considered as meeting the requirements of a specified grade if the entire lot averages within the tolerances specified: *Provided,* That the defects in any package based on sample inspection do not exceed the following amounts:

(i) For a specified tolerance of 10 percent not more than one and one-half times the tolerance shall be allowed for any one package.

(ii) For specified tolerances of 5 percent or less not more than double the tolerance shall be allowed for any one package.

(b) *Grades.* (1) "U. S. Fancy" shall consist of peaches of one variety which are mature but not soft or overripe, well formed; free from decay, bacterial spot, cuts which are not healed, growth cracks, hail injury, scab, scale, split pits, worms, worm holes, leaf or limb rub injury; and from damage caused by bruises, dirt or other foreign material, other disease, insects or mechanical or other means.

(i) Each peach shall meet its varietal color requirements as follows, which is expressed in terms of percentage of the fruit surface showing red color characteristic of the variety:

50 PERCENT OR MORE

Carman.	St. John.
Early Crawford.	Triumph.
Early Rose.	Tuscan Cling.
Hiley.	Other similar varieties.
Mayflower.	
Red Bird (Early Wheeler).	

25 PERCENT OR MORE

Belle of Georgia.	Orange Cling.
Cumberland.	Palore.
Elberta.	Stump.
J. H. Hale.	Uneeda.
Jubilee.	Other similar varieties.
Late Crawford.	

15 PERCENT OR MORE

Bilyeau.	Salwey.
Champion.	Slappy.
Eclipse.	Smock.
Greensboro.	Other similar varieties.
Levy.	
Phillips Cling.	

(ii) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any package may be below the requirements of this grade other than for color but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point. An additional tolerance of 2 percent shall be allowed for soft or overripe peaches or decay en route or at destination. In addition, not more than 10 percent, by count, of the fruit in any package may be below the specified color requirement.

(2) "U. S. Extra No. 1." Any lot may be designated "U. S. Extra No. 1" when the peaches meet the requirements of U. S. No. 1 grade: *Provided,* That not less than 50 percent, by count, of the peaches in any lot also meets the color requirements of U. S. Fancy grade.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any package may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point. An additional tolerance of 2 percent shall be allowed for soft or overripe peaches or decay en route or at destination. No part of any tolerance shall be used to reduce the percentage of peaches with U. S. Fancy color required for the lot as a whole but individual packages may have not less than 40 percent which meets the color requirements of U. S. Fancy grade: *Provided,* That the entire lot averages not less than 50 percent. However, the 3 percent total tolerance for decay en route or at destination may be used to reduce this percentage provided there is no evidence that the decayed fruit did not meet the color requirements of U. S. Fancy at time of packing.

(3) "U. S. No. 1" shall consist of peaches of one variety which are mature but not soft or overripe, well formed, free from decay, growth cracks, cuts which are not healed, worms, worm holes, and from damage caused by bruises, dirt, or other foreign materials, bacterial spot, scab, scale, hail injury, leaf or limb rubs, split pits, other disease, insects or mechanical or other means.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any package may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point. An additional tolerance of 2 percent shall be allowed for soft or overripe peaches or decay enroute or at destination.

(4) "U. S. No. 2" shall consist of peaches of one variety which are mature but not soft or overripe, not badly misshapen, free from decay, cuts which are not healed, worms, worm holes, and from serious damage caused by bruises, dirt or other foreign materials, bacterial spot, scab, scale, growth cracks, hail injury, leaf or limb rubs, split pits, other disease, insects, or mechanical or other means.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any package may be below the requirements of this grade, but not more than one-tenth of this tolerance, or 1 percent, shall be allowed for decay at shipping point. An additional tolerance of 2 percent shall be allowed for soft or overripe peaches or decay enroute or at destination.

(c) *Unclassified.* Unclassified shall consist of peaches which are not graded in conformity with any of the foregoing grades.

(d) *Marking requirements for size.* The minimum size, numerical count, or description of pack of the peaches in any package shall be plainly stenciled, labeled, or otherwise indicated on the package. Minimum size refers to the "diameter" (as hereinafter defined) of the smallest peach and shall be stated in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2 inches minimum, 2¼ inches minimum, 1⅞ inches minimum, etc. in accordance with the facts.

(1) "Diameter" means the shortest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

(2) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the peaches in any package may be below the specified minimum size.

(3) Description of pack refers especially to peaches packed in six-basket carriers. When used, it shall include the arrangement of the peaches in each layer in the baskets and also the total number of layers in the carrier and shall be indicated as follows: 2–1, 6 layers; 2–2, 6 layers; 3–2, 6 layers, in accordance with the facts.

(e) *Standard pack.* Each package shall be packed so that the peaches in the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(1) Six-basket carriers: Peaches packed in the standard six-basket carrier shall be reasonably uniform in size and arranged in the individual baskets according to the approved and recognized methods.

	Bottom layer	Middle layer	Top layer	Total basket	Total carrier
2 x 1—6 layer	8	7	8	23	138
2 x 1—6 layer	9	9	9	27	162
2 x 2—6 layer	10	10	10	30	180
2 x 2—6 layer	10	12	12	34	204
3 x 2—6 layer	13	15	15	43	258

(2) All baskets shall be well filled and packed with sufficient bulge to prevent any appreciable movement after lidding but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(3) Baskets: Peaches packed in bushel or half-bushel round-bottom baskets and tub baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the package when lidded.

(4) Boxes: Peaches packed in the standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(5) In order to allow for variations incident to proper packing, not more than 10 percent of the packages in any lot may not meet these requirements.

(f) *Definitions.* (1) "Mature" means that the peach has reached the stage of growth which will insure a proper completion of the ripening process.

(2) "Well formed" means that the peach has the shape characteristic of the variety.

(3) "Leaf or limb rub injury" means that the scarring is not smooth, not light colored, or aggregates more than one-fourth inch in diameter.

(4) "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Bacterial spot when cracked, or when aggregating more than three-eighths inch in diameter.

(ii) Scab spots when cracked, or when aggregating more than three-eighths inch in diameter.

(iii) Scale when concentrated, or when scattered and aggregating more than one-fourth inch in diameter.

(iv) Hail injury which is unhealed, or deep, or when aggregating more than one-fourth inch in diameter.

(v) Leaf or limb rubs when not smooth, or when not light colored, or when aggregating more than one-half inch in diameter.

(vi) Split pit when causing any unhealed crack, or when causing any crack which is readily apparent, or when affecting shape to the extent that fruit is not well formed.

(5) "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(i) Bacterial spot when any cracks are not well healed, or when aggregating more than three-fourths inch in diameter.

(ii) Scab spots when cracked, or when healed and aggregating more than one inch in diameter.

(iii) Scale when aggregating more than one-half inch in diameter.

(iv) Growth cracks when unhealed, or more than one-half inch in length.

(v) Hail injury when unhealed, or shallow hail injury when aggregating more than three-fourths inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than one-half inch in diameter.

(vi) Leaf or limb rubs when smooth and light colored and aggregating more than one and one-half inches in diameter, or dark or slightly rough and bark-like scars aggregating more than three-fourths inch in diameter.

(vii) Split pit when causing any unhealed crack, or when healed and aggregating more than one-half inch in length including any part of the crack which may be covered by the stem.

(viii) Soft or overripe peaches.

(ix) Wormy fruit or worm holes.

(6) "Badly misshapen" means that the peach is so decidedly deformed that its appearance is seriously affected.

(54 Stat. 555, Pub. Law 422, 79th Cong.; 7 U. S. C. 414)

Done at Washington, D. C. this 6th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-5534; Filed, June 10, 1947; 8:45 a. m.]

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

STANDARDS FOR SUMMER AND FALL PEARS

By virtue of the authority (11 F. R. 7713) vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States standards for summer and fall pears, such as Bartlett, Hardy, and other similar varieties which were issued June 26, 1940. These standards are currently in effect pursuant to the Department of Agriculture Appropriation Act of 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946).

§ 51.331 *Pears (summer and fall)*—(a) *General.* (1) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(2) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(3) When the pears are in bulk, percentages shall be calculated on the basis of weight.

(4) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(5) For a tolerance of 10 percent or more, individual packages in any lot may container not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or loss, individual packages may contain not more than double the tolerance specified.

(6) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

(b) *Grades.* (1) "U. S. No. 1" shall consist of pears of one variety which are mature, but not overripe, carefully handpicked, clean, fairly well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, bruises, broken skins, russeting, limbrubs, hail, scars, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See paragraph (e) *Tolerance* and paragraph (f) *Condition after storage or transit* of this section.)

(2) "U. S. No. 2" shall consist of pears of one variety which are mature, but not overripe, carefully handpicked, clean, not seriously misshapen, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, or broken skins. The pears shall also be free from serious damage caused by bruises, russeting, limbrubs, hail, scars, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See paragraph (e) *Tolerances* and paragraph (f) *Condition after storage or transit* of this section.)

(3) "U. S. Combination Grade." A combination of U. S. No. 1 and U. S. No. 2 may be packed. When such a combination is packed, at least 50 percent of the pears in any container shall meet the requirements of U. S. No. 1. (See paragraph (e) *Tolerances* and paragraph (f) *Condition after storage or transit* of this section.)

(c) *Unclassified.* Unclassified shall consist of pears which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Definitions.* (1) "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

(2) Before a mature pear becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the stage of the ripening process. A description of the ground color should also be given.

(i) The following terms should be used for describing the ground color: "Green," "light green," "yellowish green," and "yellow."

(ii) The following terms should be used for describing the firmness of pears:

(*a*) "Hard" means that the flesh of the pear is solid and does not yield appreciably even to considerable pressure. Such pears are in suitable condition for long storage period for the variety.

(*b*) "Firm" means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure. The ripening process in firm pears is further advanced than in hard pears and they cannot be held in storage as long.

(*c*) "Firm ripe" means that the flesh of the pear yields readily to moderate pressure. Such a pear is approaching the stage at which it is in prime eating condition but may be held for a brief period.

(*d*) "Ripe" means that the pear is at the stage where it is in its most desirable condition for eating.

(3) "Overripe" means dead ripe, very mealy or soft, past commercial utility.

(4) "Carefully handpicked" means that the pears do not show evidence of rough handling or of having been on the ground.

(5) "Clean" means free from excessive dirt, dust, spray residue or other foreign material.

(6) "Black end" is evidenced by an abnormally deep green color around the calyx, or black spots usually occurring on the one-third of the surface nearest to the calyx, or by an abnormally shallow calyx cavity.

(7) "Fairly well-formed" means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit.

(8) "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality.

(i) Hard end, if the pear shows a distinctly constricted protrusion at the blossom end, or an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(ii) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack shall not be considered damage.

(iii) Any pear with one skin break larger than $\frac{3}{16}$ inch in diameter or depth, or with more than one skin break $\frac{1}{4}$ inch or larger in diameter or depth shall be considered damaged, and scored against the grade tolerance.

(*a*) Small inconspicuous skin breaks, less than $\frac{1}{8}$ inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from $\frac{1}{4}$ inch to $\frac{3}{16}$ inch, inclusive, in diameter or depth.

(iv) Russeting which exceeds the following shall be considered as damage:

(*a*) On all varieties excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds $\frac{1}{2}$ inch in diameter.

(*b*) On Bartlett and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds $\frac{3}{4}$ inch in diameter.

(*c*) On Bartlett and other smooth-skinned varieties, smooth solid or smooth netlike russeting when the aggregate area exceeds 15 percent of the surface.

(*d*) On Hardy, Sand and other similar varieties, rough or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds $\frac{3}{4}$ inch in diameter. On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet.

(v) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(*a*) Any limbrubs which are cracked, softened, or more than slightly depressed.

(*b*) Black discoloration caused by limbrubs, which exceeds an aggregate area of $\frac{3}{8}$ inch in diameter.

(*c*) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of $\frac{1}{2}$ inch in diameter.

(*d*) Slightly rough, light colored discoloration caused by limbrubs which exceeds an aggregate area of $\frac{3}{4}$ inch in diameter.

(*e*) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.

(*f*) Hail marks or other similar depressions of scars which are not shallow or superficial, or where the injury affects an aggregate area of more than $\frac{3}{8}$ inch in diameter.

(*g*) Drought spot when more than one in number, or when the external injury exceeds an aggregate area of $\frac{3}{8}$ inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.

(*h*) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(*i*) Insects: (*1*) More than two healed codling moth stings, or any insect sting which is over $\frac{3}{32}$ of an inch in diameter, or other insect stings affecting the appearance to an equal extent.

(2) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than $\frac{3}{8}$ inch in diameter.

(*j*) Disease: (*1*) Scab spots which are black and which cover an aggregate area of more than $\frac{1}{8}$ inch in diameter except that scab spots of a russet character shall be considered under the definition of russeting.

(2) Sooty blotch which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than $\frac{3}{8}$ inch in diameter.

(9) "Seriously misshapen" means that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut three fairly uniform good quarters, or is so badly misshapen that the appearance is seriously affected.

(10) "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality.

(i) Russeting which in the aggregate exceeds the following shall be considered as serious damage:

(*a*) On all varieties, excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds $\frac{3}{4}$ inch in diameter.

(*b*) On all varieties, thick russeting such as is characteristic of frost injury, 15 percent of the surface.

(ii) Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(*a*) Limbrubs which are more than slightly cracked, or excessively rough limbrubs or dark brown or black discoloration caused by limbrubs which exceeds an aggregate area of $\frac{3}{4}$ inch in diameter. Other limbrubs which affect an aggregate area of more than one-tenth of the surface.

(*b*) Hail marks or other similar depressions or scars which affect an aggregate area of more than $\frac{3}{4}$ inch in diameter, or which materially deform or disfigure the fruit.

(*c*) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than $\frac{3}{4}$ inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration.

(*d*) Sunburn or sprayburn where the skin is blistered, cracked or shows any brownish color, or where the shape of the pear is materially flattened, or the flesh is softened or materially changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(*e*) Insects: (*1*) Worm holes. More than three healed codling moth stings, of which not more than two may be over $\frac{3}{32}$ inch in diameter, or other insect stings affecting the appearance to an equal extent.

(2) Blister mite or canker worm injury which affects an aggregate area of more that $\frac{3}{4}$ inch in diameter or which materially deforms or disfigures the fruit.

(*f*) Scab spots which are black and which cover an aggregate area of more than one-fourth inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.

(*g*) Sooty blotch which is thinly scattered over more than 15 percent of the surface, or dark, heavily concentrated spots which affect an area of more than $\frac{3}{4}$ inch in diameter.

(*e*) *Tolerances.* (1) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the pears in any container may be below the requirements of grade: *Provided,* That not more than 5 percent shall be seriously damaged by insects, and not more than 1 percent shall be allowed for decay or internal breakdown.

(2) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of U. S. No. 1 pears required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided,* That the entire lot averages within the percentage specified.

(f) *Condition after storage or transit.* Decay, scald, or other deterioration which may have developed on pears after they have been in storage or transit shall be considered as affecting condition and not the grade.

(g) *Standard pack*—(1) *Sizing.* (i) The numerical count, or the minimum size of the pears packed in closed containers shall be indicated on the package. The number of pears in the box shall not vary more than 3 from the number indicated on the box.

(ii) When the numerical count is marked on western standard or special pear boxes the pears shall not vary more than $\frac{3}{8}$ inch in their transverse diameter for counts 120 or less; $\frac{1}{4}$ inch for counts 135 to 180 inclusive; and $\frac{3}{16}$ inch for counts 193 or more.

(iii) When the numerical count is marked on western standard half boxes or special half boxes packed three tiers deep, the pears shall not vary more than $\frac{1}{4}$ inch for counts 90 or less, and $\frac{3}{16}$ inch for counts 100 or more.

(iv) When the numerical count is marked on western standard half boxes or special half boxes packed two tiers deep, the pears shall not not vary more than $\frac{3}{8}$ inch for counts 50 or less; $\frac{1}{4}$ inch for counts 55 to 60 inclusive; and $\frac{3}{16}$ inch for counts 65 or more.

(v) When the numerical count is not shown, the minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as $2\frac{1}{2}$ inches minimum, $2\frac{1}{4}$ inches minimum, or $2\frac{5}{8}$ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as $2\frac{1}{4}$ to $2\frac{3}{4}$ inches, $2\frac{1}{2}$ to $2\frac{3}{4}$ inches, as such marking is especially desirable for pears marketed in the export trade.

(vi) "Size" means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

(2) *Packing.* (i) Each package shall be packed so that the pears in the shown face shall be reasonably representative in size and quality of the contents of the package.

(ii) Pears packed in any container shall be tightly packed. All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(iii) Pears packed in boxes shall be arranged in containers according to the approved and recognized methods with the pears packed lengthwise. A bridge shall not be allowed in any standard pack. When wrapped, each pear shall be fairly well enclosed by its individual wrapper.

(iv) Pears packed in round stave bushel baskets, tubs or in barrels shall be ring faced.

(h) *Tolerances for standard pack.* (1) In order to allow for variations incident to proper sizing, not more than 5 percent of the pears in any container may not meet the size requirements: *Provided,* That when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for pears which are larger than the maximum size stated.

(2) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may not meet these requirements, but no part of this tolerance shall be allowed for bridge packs, or for packs with different sizes and arrangements such as layers of 195 size and arrangement, and layers of 180 size and arrangement packed in the same box. (54 Stat. 555, Pub. Law 422, 79th Cong.; 7 U. S. C. 414)

Done at Washington, D. C., this 6th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-5533; Filed, June 10, 1947; 8:45 a. m.]

PART 56—DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF (INSPECTION AND CERTIFICATION FOR CONDITION AND WHOLESOMENESS)

INSTRUCTIONS

By virtue of the authority vested in me by the revised rules and regulations governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness (7 CFR and Supps. 56.1 et seq.), I hereby approve the publication in the FEDERAL REGISTER of the following instructions on sanitary requirements and requirements for equipment and facilities in official plants, operating under the aforesaid revised rules and regulations. These instructions were issued October 17, 1945, and are currently in effect pursuant to the aforesaid revised rules and regulations and the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946).

§ 56.101 *Instructions on sanitary requirements and requirements for equipment and facilities governing plants operating as official plants processing and packaging dressed poultry and edible products thereof*—(a) *Definitions.* (1) "Rules and regulations in this part" means the revised rules and regulations governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness (7 CFR and Supps. 56.1 et seq.).

(2) "National supervisor" means the national supervisor of the Poultry Inspection Section, Dairy and Poultry Inspection and Grading Division of the Dairy Branch of the Administration, in charge of the inspection service.

(3) All other terms which are used in this section shall have the meaning applicable to such terms when used in the rules and regulations in this part.

(b) *Facilities specified prior to construction.* When application has been made for inspection service, an examination of the plant and premises shall be made by the regional supervisor, or his assistant, and necessary facilities for inspection specified.

(c) *Drawings and specifications to be furnished in advance of construction.* (1) Copies of drawings, consisting of floor plans, showing the location of such features as the principal pieces of equipment, floor drains, and the routes of edible and inedible products to and from the eviscerating department, shall be submitted to the regional supervisor before the application for inspection is approved.

(2) The drawings should be prepared to scale, preferably ¼ inch a foot, and should show toilet and dressing rooms, store rooms, inspector's office, inedible product departments, and all rooms or compartments where poultry products or utensils will be kept or handled. Approval of the drawings should be obtained from the regional supervisor in advance of construction or remodeling.

(3) Specifications covering the height of the ceilings, character of the floors, walls and ceilings, lighting and such other notations as the regional supervisor may require shall accompany the drawings.

(d) *Final survey.* Prior to the inauguration of inspection, a final survey of the plant and premises shall be made by the regional supervisor, or his assistant, to determine if the building has been constructed and facilities have been installed in accordance with the approved drawings and with the sanitary requirements contained in the instructions in this section. Sanitary requirements not specifically covered by the instructions in this section shall be left to the national supervisor or his assistant.

(e) *Separation of official plants from other plants.* Each official plant shall be completely separated from any other plant or building where drawn poultry or poultry products thereof are handled. No communications by means of doorways, windows, stairways, elevators, or passageways are permissible.

(f) *Sanitary requirements.* Each official plant shall be maintained in sanitary condition, and to this end the requirements of subparagraphs (1) to (7) inclusive of this paragraph shall be met. (1) There shall be abundant light, both natural and artificial, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(2) There shall be an efficient drainage and plumbing system for the plant and premises, and all drains and gutters shall be properly installed with approved traps and vents.

(3) The water supply shall be ample, clean and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution. Every official plant shall make known, and whenever required shall afford opportunity for inspection of, the source of its water supply, the storage facilities, and the distribution system.

(4) The floors, walls, ceilings, partitions, posts, doors and other parts of all structures shall be of such materials, construction and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be kept watertight. The rooms and compartments used for edible products shall be separate and distinct from those used for inedible products, and from rooms where poultry is slaughtered and plucked. However, passageways or elevators which are used for edible products may also be used for the movement of inedible products, in suitable containers, from the official plant. When such inedible products are taken from inedible product departments, they shall be removed from the official plant without delay.

(5) The rooms and compartments in which any edible product is prepared or handled shall be free from dust and from odors from dressing and toilet rooms, catchbasins, and inedible tank and fertilizer rooms.

(6) Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from official plants. The use of poisons for any purpose in rooms or compartments where unpacked product is stored or handled is forbidden except under such restrictions and precautions as the national supervisor may prescribe. The use of bait poisons in inedible compartments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden but only those approved by the national supervisor may be used. So-called rat viruses shall not be used in any part of an official plant or the premises thereof. Equipment or substances which generate gases or odors shall not be used except as specifically permitted by the national supervisor.

(7) Dogs and cats shall be excluded from official plants.

(g) *Facilities and accommodations.* The following minimum sanitary facilities and accommodations shall be furnished by every official plant:

(1) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. The rooms shall be provided with windows to admit direct, natural light and shall have adequate facilities for artificial light. They shall be properly ventilated, and meet all requirements as to sanitary construction and equipment. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled.

(2) Modern lavatory accommodations, including running hot and cold water, soap and towels. These shall be placed in or near toilet and urinal rooms and also at such other places in the establishment as may be essential to assure cleanliness of all persons handling product.

(3) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings; and drainage from toilet bowls and urinals shall not be discharged into a grease catchbasin.

(4) Properly located facilities for cleansing and disinfecting utensils and hands of all persons handling any product.

(h) *Inspector's office.* Furnished office room, including light, heat, and janitor service, shall be provided by official plants, rent free, for the exclusive use for official purposes of the inspector and other division employees assigned thereto. The room or rooms set apart for this purpose shall meet with the approval of the regional supervisor and shall be conveniently located, properly ventilated, and provided with lockers suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing.

(i) *Equipment and utensils.* (1) Equipment and utensils used for preparing, processing, and otherwise handling any product shall be of such materials and construction as will make them susceptible of being readily and thoroughly cleaned and such as will insure strict cleanliness in the preparation and handling of all products. So far as is practicable, such equipment shall be made of metal or other impervious material. Trucks and receptacles used for inedible materials shall be of similar construction and shall bear some conspicuous and distinctive mark, and shall not be used for handling edible products.

(2) Tables, and other equipment on which inspection is performed, shall be of such design, material and construction as to enable inspectors to conduct their inspection in a ready, efficient and cleanly manner.

(3) Official plants shall provide watertight trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles to be marked in a conspicuous manner with the words "U. S. condemned" in letters not less than 2 inches high and, when required by the regional supervisor, to be equipped with facilities for locking or sealing.

(4) Official plants shall provide suitable lockers in which brands and stamps bearing the inspection legend shall be kept when not in use. All such lockers shall be equipped with locks, the keys of which shall not leave the custody of the inspector in charge of the plant.

(j) *Operations, procedures, clothes, rooms.* (1) Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with cleanly and sanitary methods.

(2) Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any product, and all other parts of the official plant, shall be kept clean and in sanitary condition. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where product is prepared, stored, or otherwise handled.

(3) Rooms, compartments, and receptacles in which carcasses and product may be held for further inspection shall be in such number and in such locations as the needs of the inspection in the official plant may require. They shall be equipped for secure locking and shall be held under locks, the keys of which shall not leave the custody of the inspector in charge of the plant. Every such room, compartment, or receptacle shall be marked conspicuously with the words "U. S. retained" in letters not less than two inches high. Rooms or compartments for these purposes shall be secure and susceptible of being kept clean, including sanitary disposal of the floor liquids.

(4) Rooms and compartments in which inspections are made or any product is processed or prepared shall be kept sufficiently free of steam and vapors to enable inspectors to make inspections and to insure cleanly operations. The walls, ceilings, and overhead structures of rooms and compartments in which product is prepared, handled, or stored shall be kept reasonably free from moisture.

(5) Aprons, frocks, and other outer clothing worn by persons who handle any product shall be of material that is readily cleaned, and only clean garments shall be worn.

(6) All necessary precautions shall be taken to prevent the contamination of products with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

(7) Inspectors shall require the use of such protective coverings for product as it is distributed from official plants as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.

(8) Paper used for covering or lining barrels or other containers shall be of a kind which does not tear during use but remains intact when moistened by the product and does not disintegrate.

(9) Second-hand tubs, barrels, and boxes intended for use as containers of any product shall be inspected when received at the official plant and before they are cleaned. Those showing evidence of misuse rendering them unfit to serve as containers for food products shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned. Steaming, after thorough scrubbing and rinsing, is essential to cleaning tubs and barrels.

(k) *Operating and storage rooms for inedible materials, outer premises.* All operating and storage rooms and departments of official plants used for inedible materials shall be maintained in acceptably clean condition. The outer premises of every official plant embracing areas where cars and vehicles are loaded, and the driveways, approaches, and alleys shall be drained and kept in clean and orderly condition. All catchbasins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. Catchbasins shall not be located in departments where the product is prepared, handled, or stored. The accumulation on the premises of official plants of any materials such as manure, bones, or offal in which flies may breed is forbidden. No nuisance shall be allowed in any official plant or on its premises.

(l) *Employment of diseased persons.* No official plant shall employ, in any department where any product is handled or prepared, any person affected with tuberculosis or other communicable disease in a transmissible stage.

(m) *Inspectors to have access to official plants at all times.* For the purpose of any examination or inspection necessary to enforce any of the provisions of the rules and regulations in this part and these instructions, inspectors shall have access at all times, by day or night, and whether the plant is operated or not, to every part (including but not being limited to the premises) of any official plant to which they are assigned.

(n) *Canning requirements.* (1) Containers shall be cleaned thoroughly immediately before filling; and precaution must be taken to avoid any subsequent soiling of the inner surfaces.

(2) Containers of metal, glass, or other material shall be washed in an inverted position with running water.

(3) Nothing less than perfect closure is acceptable for hermetically sealed containers. Heat processing shall follow promptly after closing.

(4) Careful inspection shall be made of the containers by competent plant employees immediately after closing, and containers which are defectively filled, defectively closed, or show inadequate vacuum, shall not be processed until the defect has been corrected. The containers shall again be inspected by plant employees, when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within six hours following the sealing of the containers or completion of the heat processing, as the case may be, except that: (i) If the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 33° F. under conditions that will promptly and effectively chill them until the following day when the defect may be corrected; (ii) short vacuum or overstuffed cans of product which have not been handled in accordance with the above may be incubated under the supervision of an inspector, after which the cans shall be opened and the sound product passed for food; and (iii) short vacuum or overstuffed cans of product of a class permitted to be labeled "Perishable, Keep Under Refrigeration", and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food.

(5) Canned products shall not be passed unless, after cooling to atmospheric temperature, they show the external characteristics of sound cans. Such cans shall not be overfilled; the ends shall be concave; there shall be no bulging; and there shall be no slack or loose tin.

(6) All canned products shall be plainly and permanently marked on the containers, by code or otherwise, with the identity of the contents and date of canning. The code used and its meaning shall be on record in the office of the inspector in charge.

(7) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam-pressure cooking by permission of the national supervisor and labeled "Perishable, Keep Under Refrigeration".

(8) Lots of canned product shall be identified, during their handling preparatory to heat processing, by tagging the baskets, cages, or cans with a tag which will change color on going through the heat processing or by other effective means which will positively preclude failure to heat process after closing.

(9) Facilities shall be provided to incubate at least representative samples of fully processed canned product. The incubation shall consist of holding the canned product for at least 10 days at about 98° F.

(10) The extent to which incubation tests shall be required depends on conditions such as the record of the plant in

conducting canning operations, the extent to which the plant furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the regional supervisor in determining the extent of incubation testing at a particular official plant.

(11) In the event of failure, by an official plant to provide suitable facilities for incubation of test samples, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the product.

(12) The inspector in charge may permit lots of canned product to be shipped from the official plant prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the product to the plant for reinspection should such action be indicated by the incubation results.

(o) *Preparation of dog food or similar uninspected article at official plants; edible products department; inedible products department.* (1) When dog food, or similar uninspected article is prepared in an edible product department, there shall be sufficient space allotted and adequate equipment provided so that the preparation of the uninspected article in no way interferes with the handling or preparation of products. Where necessary, separate equipment shall be provided for the uninspected article. To assure the maintenance of sanitary conditions in the edible product departments, the operations incident to the preparation of the uninspected article will be subject to the same sanitary requirements that apply to all operations in the edible product departments. The preparation of the uninspected article shall be limited to those hours during which the plant generally operates under inspectional supervision. That is, there shall be no handling, other than receiving at the plant, of any of the meat, meat byproducts, or meat food product ingredient of the uninspected article, other than during the regular hours of inspection. The materials used in the preparation of the uninspected article shall not be such as would interfere with the inspection of product or the maintenance of sanitary conditions in the department. The uninspected article may be stored in, and distributed from, edible product department: *Provided*, That adequate facilities are furnished, that there is no interference with the maintenance of sanitary conditions, and that it is properly identified.

(2) When dog food, or similar uninspected article is prepared in a part of an official plant other than an edible product department, the area in which such product is prepared shall be separate and distinct from edible product departments. Edible or inedible byproducts (but not diseased carcasses or diseased parts thereof) may be brought from the eviscerating department into the area in which the uninspected article is prepared, but there shall be no return of any product into an edible product department, excepting the finished product in sealed containers, or as provided in paragraph (f) (4) of this section. Trucks or containers shall be cleaned before being returned to an edible product department. Unoffensive finished and packaged dog food, or other uninspected product may be stored in and distributed from edible product departments, if packaged in clean, properly identified, sealed containers. Sufficient space must be allotted and adequate equipment provided so that the preparation of the uninspected article does not interfere with the proper functioning of the other operations of the plant. The preparation of the uninspected product must be such as not to interfere with the maintenance of general sanitary conditions on the premises and it shall be subject to inspectional supervision. However, the sanitary requirements given in these instructions for edible product departments shall not necessarily, in every respect, apply to inedible product departments.

(3) Dog food, or other animal food prepared in an inedible product department shall be distinguished from articles of human food, so as to avoid the distribution of such animal food as human food. To accomplish this, labeling of hermetically sealed, conventional retail size containers, as for example, "dog food" will be considered sufficient. If not in such containers, the product must not only be properly identified, but it must be of such character or so treated (denatured or decharacterized) as to be readily distinguishable from an article of human food.

(p) *Contamination of product by polluted water, etc.; procedure for handling.* (1) Any product which has been contaminated by polluted water (including, but not being limited to flood water and harbor water) shall be condemned.

(2) After the polluted water has receded, the official plant shall, under the supervision of an inspector, thoroughly cleanse all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein. An adequate supply of hot water, under pressure, is essential for effective cleansing of the rooms and equipment. After cleansing, a solution of sodium hypochlorite containing approximately ½ of 1% available chlorine (5,000 parts per million), or other disinfectant approved by the national supervisor should be applied to the surface of the rooms. Where the solution has been applied to equipment which will afterwards contact any product, the equipment shall be rinsed with clean water before being used. All metal should be rinsed with clean water to prevent corrosion.

(3) Hermetically sealed containers of product which has been submerged or otherwise contaminated by polluted water, shall be rehandled promptly under supervision of an inspector as follows:

(i) Separate and condemn all product, the containers of which are swollen, leaky, or otherwise suspicious.

(ii) Remove paper labels and wash the containers in warm soapy water, using a brush where necessary to remove rust or other foreign material; immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved specifically for this purpose by the national supervisor; and rinse in clean fresh water and dry thoroughly. Containers which show extensive rusting or corrosion, such as might materially weaken the container, shall if showing adequate vacuum be opened under the supervision of an inspector. Product from such cans which is found by the inspector to be sound and wholesome shall be passed for food.

(iii) After handling as in subdivision (ii) of this subparagraph the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

(iv) The identity of the canned product shall be maintained throughout all stages of the rehandling operation to insure correct labeling of the containers.

These instructions were in effect prior to September 11, 1946.

(54 Stat. 555, Pub. Law 422, 79th Cong.; 7 U. S. C. 414)

Issued at Washington, D. C. this 6th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-5535; Filed, June 10, 1947; 8:45 a. m.]

PART 56—DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF (INSPECTION AND CERTIFICATION FOR CONDITION AND WHOLESOMENESS)

FORM OF APPLICATION FOR INSPECTION

§ 56.102 *Form of application for inspection.* (a) Whenever any person desires that authority be granted for the inspection of dressed poultry and dressed domestic rabbits and edible products thereof, for condition and wholesomeness, pursuant to the regulations of this part, he shall apply for such authority by submitting to the Assistant Administrator a properly completed application, in duplicate, in the following form:

APPLICATION FOR INSPECTION OF DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF FOR CONDITION AND WHOLESOMENESS

Application is hereby made, in accordance with the revised rules and regulations governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness (7 CFR and Supps. 56.1 et seq.), for inspection of products at the following designated plant:

Name of plant ----------
Street address ----------
City and State ----------

(a) In making this application the applicant agrees to conform to the aforesaid rules and regulations and such instructions governing inspection and certification of products as may be issued by the Assistant Administrator. The applicant also agrees to and accepts the following provisions and conditions incident to such inspection:

(1) Inspectors will be provided to make inspections of such products; and a dressed poultry or dressed domestic rabbit inspection certificate, covering each lot of dressed poultry or dressed domestic rabbits inspected, will be furnished.

(2) When desired by the applicant, a food product inspection certificate or an export certificate, or both, will be furnished with respect to any inspected and certified edible product.

(3) Payment for inspection service covering the full costs of such service shall be made by the applicant to the Administration not later than thirty (30) days from date of billing. The full costs shall comprise such of the following items as are included in the invoice or invoices covering the period during which the inspection service is rendered:

(i) The amount of the salary of each inspector who is provided to perform the inspection service;

(ii) An amount to cover all annual leave accrued by each such inspector while performing the inspection service at the designated plant;

(iii) An amount to cover all sick leave taken by each such inspector to the extent sick leave accrued during the performance of the inspection service at the designated plant;

(iv) Traveling and subsistence expenses incurred by the Administration in connection with each such inspector performing the inspection service covered by this application;

(v) An amount equal to fifteen (15%) percent of the total of the amounts prescribed in (i), (ii) and (iii) of this paragraph (3) to cover the approximate overhead for administrative and other costs and expenses incurred by the Administration in rendering inspection service pursuant to the aforesaid rules and regulations;

(vi) Such costs as may be incurred by the Administration in providing a period of training for each person assigned as an inspector in the designated plant; and

(vii) A pro rata part of the salaries of the regional supervisors and assistant regional supervisors of the poultry inspection service.

(4) All products handled by the applicant at the designated plant shall be inspected for condition and wholesomeness; and no edible product which had not been inspected for condition and wholesomeness shall be brought into such plant.

(5) The applicant shall furnish such records of processing, packaging, and output of products as may be requested by the Administration.

(6) The applicant will furnish such stenographic and clerical assistance as may be necessary in typing certificates and handling correspondence in connection with the inspection service covered by this application.

(7) Whenever operations at the designated plant are temporarily discontinued, any inspector furnished by the Administration to perform inspection service at such plant may perform such disease or quality control services as may be deemed appropriate by the Administration and agreed to by the applicant.

(8) The Administration will not be responsible for damages accruing through any errors of commission or omission on the part of its inspectors when engaged in rendering inspection service.

(9) The inspection service herein applied for shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated (i) by mutual consent; (ii) by thirty (30) days' written notice given by either party to the other party specifying the date of termination; (iii) pursuant to the aforesaid rules and regulations; (iv) upon one (1) day's written notice by the Administration to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the costs of the inspection service as herein provided, or if applicant fails to comply with the terms and conditions hereof.

(b) Additional conditions:

(c) All terms used herein shall have the meaning applicable to such terms when used in the aforesaid rules and regulations and instructions.

---------- (Applicant)
By ----------
---------- (Street)
---------- (City) (State)

Approved:
---------- (Date)
By ----------
---------- (Title)
Production and Marketing Administration, U. S. Department of Agriculture.

(b) The provisions of this section shall become effective thirty (30) days after publication in the FEDERAL REGISTER.

(54 Stat. 555, Pub. Law 422, 79th Cong.; 7 U. S. C. 414)

Issued at Washington, D. C. this 6th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-5532; Filed, June 10, 1947; 8:45 a. m.]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 561]

PART 301—DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY QUARANTINE; EXTENSION OF HARVESTING SEASON

Introductory note. The following administrative instructions extend to June 30, 1947, the harvesting season for grapefruit, sweet limes, and "sour" and "bittersweet" oranges produced in the area regulated by the Mexican fruitfly quarantine. This action is taken to permit the planned and orderly marketing of the remainder of the season's crop of fruit. It is deemed safe inasmuch as sterilization of grapefruit from Cameron, Hildago, and Willacy Counties will continue to be required during the extended period.

§§ 301.64-4c and 5c *Administrative instructions relative to the Mexican fruitfly quarantine.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (a) of § 301.64-5 (Notice of Quarantine No. 64), *It is hereby ordered*, That the harvesting season for grapefruit, sweet limes, and "sour" and "bittersweet" oranges be extended to midnight of June 30, 1947, and that the host-free period for these fruits shall begin at 12:01 a. m., July 1, 1947.

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (e) of § 301.64-4 (Notices of Quarantine No. 64), the requirements of the administrative instructions effective April 24, 1947 (B. E. P. Q. 560), 12 F. R. 2623, pertaining to the sterilization of grapefruit from the Texas counties of Cameron, Hidalgo, and Willacy are hereby extended to June 30, 1947.

(Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161; 7 CFR, 1945 Supp., 301.64-4 and 5)

Compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impractical and contrary to the public interest in that the time intervening between the date when information upon which these instructions are based become available and the time when they must become effective to permit planned and orderly marketing of the remainder of this season's crop of fruit is insufficient for such compliance. In addition, these provisions are in the nature of relaxation of existing requirements.

Effective June 15, 1947.

Done at Washington, D. C., this 2d day of June 1947.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 47-5531; Filed, June 10, 1947; 8:48 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 601—OFFICERS' RESERVE CORPS

MEDICAL DEPARTMENT RESERVE

Amend § 601.3 (o) by adding subparagraphs (7) and (8) as follows:

§ 601.3 *Sections of the Officers Reserve Corps.* * * *

(o) Medical Department Reserve. * * *

(7) Army Nurse Corps, ANC-Res.

(8) Women's Medical Specialist Corps, WMS-Res (including dietitians and physical therapists).

[WD Cir. 356, Dec. 4, 1946, as amended by Cir. 134, May 28, 1947] (Sec. 37, 39 Stat. 189, 40 Stat. 73, sec. 3, 48 Stat. 939; Pub. Law 36, 80th Cong., 10 U. S. C. 353)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5503; Filed, June 10, 1947; 8:47 a. m.]

Chapter VII—Personnel

PART 709—PRESCRIBED SERVICE UNIFORM

MISCELLANEOUS AMENDMENTS

Part 709, Chapter VII, Title 10, Code of Federal Regulations, is amended in the following respects:

1. Revoke §§ 709.39 and 709.40.

2. In § 709.72 paragraph (a) (2) is amended and paragraph (a) (8) (iii) is added as follows:

§ 709.72 *Summer service uniforms*—(a) *Officers and warrant officers.* • • •

(2) *Jackets, service*—(i) *Nurses, physical therapists and dietitians.* Jacket, service, summer, nurse's dark olive-drab or jacket, field, summer, except when waist without jacket is authorized.

(ii) *Women's Army Corps and women medical officers.* Jacket, WAC, summer, officer's or jacket, field, summer, except when waist without jacket is authorized.

• • • • • •

(8) • • •

(iii) Pumps, brown, leather, of commercial design, with closed toe and heel.

3. In § 709.73 paragraph (c) is added as follows:

§ 709.73 *Optional service uniforms for nurses, physical therapists and dietitians.* • • •

(c) *Women's Army Corps sun tan uniform.* The Women's Army Corps officers' sun tan summer uniform may be worn in lieu of either the beige summer service uniform, the seersucker summer service uniform, or the uniform, summer, dark olive-drab, at the option of the individual.

4. In § 709.75 paragraphs (c) (1) to (c) (3) inclusive, are superseded by the following:

§ 709.75 *Jackets.* • • •

(c) *Jacket, field, women's*—(1) *General description.* A single-breasted jacket with fly-front closing and peaked style lapel collar. To fit easily over the bust, with shoulders padded to give a trim square line; the waist to be fitted by means of a band 1¾ inches in width extending all around the garment and fastening 3 inches to left of center front by means of snap or gripper. The fullness of the body of the coat is to be worked into the waist band by two flat darts on each side of the front and two flat shorter darts on each side of the back. Jacket to have a buttonhole tab placed inside the waist band at the center back, to button to the shirt waist band, to keep the jacket in place.

(2) *Collar and lapel.* The collar to measure approximately 13 inches for a size 14 from notch to notch. The collar not to exceed a width of 1⅝ inches at center back.

(3) *Pockets.* (i) Jacket to have two upper outside patch pockets covered with flaps and buttoned with fly tabs. The pockets will be slightly rounded at the lower corners, with a box pleat 1 inch in width on vertical center line. The flaps to be slightly rounded at the corners and reaching to a slight point at the center. The pockets will be of suitable size according to the size of the jacket, but in no case will they exceed the following dimensions: Depth: 5¾ inches; width at top and bottom: 5½ inches.

(ii) One inside hanging pocket on the right side set into the lining.

[AR 600-37, Apr. 16, 1945 as amended by C 7, May 19, 1947] (R. S. 1296; 10 U. S. C. 1391)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5504; Filed, June 10, 1947; 8:47 a. m.]

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 61]

PART 30—FOREIGN TRADE STATISTICS

STATISTICAL REPORTS FURNISHED TO COLLECTORS

Pursuant to section 4 of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong., 2d Sess.), it is found that notice and public procedure are unnecessary in regard to the promulgation of the Foreign Commerce Statistical Decision inducted herein for the reason that such decision involves agency management. Effective immediately, § 30.3 of regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States is hereby amended to read as follows:

§ 30.3 *Statistical reports furnished to collectors.* (a) The Bureau of the Census will supply each collector monthly with reports of imports into his district in the form of machine tabulations showing the entry number for each item imported with district, port, commodity, country, etc., being in code numbers. Information contained in these reports shall be for the collector's use only and shall not be disclosed to the public.

(b) In addition, the Bureau of the Census will supply each collector monthly with summary statistical reports of the imports into and exports from his district in the form of machine tabulations by commodities and countries, with the district, commodity, and country being in code numbers. Information on these reports which are to be filed by collectors may be made available to the public upon request.

(R. S. 161, Sec. 4, 32 Stat. 826; 5 U. S. C. 22, 601)

This decision is effective immediately.

J. C. CAPT,
Director.

[F. R. Doc. 47-5501; Filed, June 10, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51694]

PART 6—AIR COMMERCE REGULATIONS

DESIGNATION OF INTERNATIONAL FALLS MUNICIPAL AIRPORT, INTERNATIONAL FALLS, MINN., AS AIRPORT OF ENTRY

JUNE 4, 1947.

The International Falls Municipal Airport, International Falls, Minnesota, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. Title 49, sec. 179 (b)), for a period of 1 year from June 1, 1947.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, is hereby further amended by inserting therein the location and name of this airport, date designated, and the period "1 year."

Notice of the proposed designation of this airport as an airport of entry was published in the FEDERAL REGISTER on May 3, 1947 (12 F. R. 2998). The designation shall be effective on June 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) being dispensed with because the use of the airport at the earliest possible date is required by the public convenience and necessity. The designation of this airport is based on a determination that a sufficient need exists to justify such designation and the designation is made for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b), 44 Stat. 572, sec 611, 58 Stat. 714; 49 U. S. C. Sup., 177 (b))

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-5497; Filed, June 10, 1947; 8:46 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg. 5, as Amended Feb. 13, 1947, Amdt. 3]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Section 803.5 Housing Expediter Priorities Regulation 5, is amended by deleting paragraph (g) in its entirety.

The inspection of dwellings constructed or to be constructed pursuant to authorization obtained under Housing Expediter Priorities Regulation 5 or any other regulation authorizing housing construction, is discontinued.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5535; Filed, June 10, 1947; 10:05 a. m.]

[Suspension Order S-47]

PART 807—SUSPENSION ORDERS

CONRAD CONSTRUCTION CO.

Rotary Coffee Company, Inc., 374 West Spring Street, Columbus, Ohio, is an Illinois corporation engaged in the business of wholesaling coffee, tea, spices, the processing and packaging of coffee and the sale and servicing of coffee urns and similar equipment. Cecil W. Conrad, 1614 Waltham Road, Columbus, Ohio, is a contractor doing business as Conrad Construction Company. Rotary Coffee Company, Inc., as owner, and Cecil W. Conrad, d/b/a Conrad Construction Company, as contractor, on or about February 15, 1947, without authorization, began construction and thereafter until about April 8, 1947, continued construction of an addition to an existing building, the greatest part of the floor area of which building is to be used for commercial purposes; namely, wholesaling coffee and kindred food products and equipment, located at 374 West Spring Street, Columbus, Ohio, the estimated cost of which construction was in excess of $1,000. The beginning and carrying on of construction as aforesaid constituted a wilful violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.47 *Suspension Order No. S-47.* (a) Neither Rotary Coffee Company, Inc., nor Cecil W. Conrad, d/b/a Conrad Construction Company, their successors or assigns, nor any other person shall do any further construction on the building located at 374 West Spring Street, Columbus, Ohio, including the putting up, completing or altering of said structure, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Rotary Coffee Company, Inc., and Cecil W. Conrad, d/b/a Conrad Construction Company, shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for Authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Rotary Coffee Company, Inc., and Cecil W. Conrad, d/b/a Conrad Construction Company, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5592; Filed, June 10, 1947; 10:06 a. m.]

[Suspension Order S-49]

PART 807—SUSPENSION ORDERS

ADAM FERRARE

Adam Ferrare of 8 Tucker Avenue, Wakefield, Rhode Island, began construction in May of 1946 of a one and a half story building to contain a restaurant and living quarters located on Angel Road, Point Judith, Rhode Island, the estimated cost of which was substantially in excess of $1,000, without authorization from the Civilian Production Administration. The provisions and restriction of Veterans' Housing Program Order 1 were explained to Adam Ferrare orally and by letter. Work on this construction was terminated temporarily but was begun again, and further work by way of an addition to the original structure was begun in 1947. The beginning construction of this restaurant and living quarters was a violation of Veterans' Housing Program Order 1, and the continuing work and the beginning of the further addition to this structure after warning and correspondence with the Civilian Production Administration constituted a wilful violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.49 *Suspension Order No. S-49.* (a) The temporary suspension order issued by telegram dated April 24, 1947, addressed to Adam Ferrare, 8 Tucker Avenue, Wakefield, Rhode Island, is hereby revoked.

(b) Neither Adam Ferrare, his successors or assigns, nor any other person shall do any further construction on the building owned by him and located on Angel Road, Point Judith, Rhode Island, including completing, putting up, or altering of any structure located thereon unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(c) Adam Ferrare shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter or any other Federal agency for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Adam Ferrare, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5593; Filed, June 10, 1947; 10:06 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

JUNE 3, 1947.

On April 15 there was published in the daily issue of the FEDERAL REGISTER (12 F. R. 2439) a notice of intention to modify §§ 130.24, 130.26 and 130.28 prescribing annual operation and maintenance assessments applicable to lands within the jurisdiction of three irrigation districts on the Flathead Indian Irrigation Project, Montana. Interested persons were thereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments within 30 days from the date of the publication of the notice. No comments, oral or written, having been received within the prescribed period, the said sections have been amended and are published as follows, effective for the calendar year 1948 and thereafter until further notice:

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented by later contracts dated February 27, 1929, March 28, 1934, and August 26, 1936, notice is hereby given that an assessment of $133,700 is fixed for the season of 1948 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of the Flathead Irrigation District. This assessment involves an area of approximately 67,462.4 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented by later contracts dated June 2, 1934 and August 26, 1936, notice is hereby given that an assessment of $25,400 is fixed for the season of 1948 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of the Mission Irrigation District. This assessment involves an area of approximately 12,523.0 acres; does not include any lands held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented by a later contract dated August 26, 1936, notice is hereby given that an assessment of $10,400 is fixed for the season of 1948 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of the Jocko Valley Irrigation District. This assessment involves an area of 5,366.1 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

(38 Stat. 583, 39 Stat. 142, 45 Stat. 212, 46 Stat. 291; 25 U. S. C. 385, 387)

WILLIAM ZIMMERMAN, JR.,
Acting Commissioner.

[F. R. Doc. 47-5487; Filed, June 10, 1947; 8:56 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 10—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS[1]

MISCELLANEOUS AMENDMENTS

1. Section 10.1 (b) is amended to read as follows:

§ 10.1 *Definitions* • • •

(b) *Base area.* Any area which is so designated by the State Agency and has the following characteristics: (1) Irrespective of the population of the area, it shall contain a teaching hospital of a medical school; this hospital must be suitable for use as a base hospital in a coordinated hospital system within the State; or (2) the area has a total population of at least 100,000 and contains or will contain on completion of the hospital construction program under the State plan at least one general hospital which has a complement of 200 or more beds for general use. This hospital must furnish internships and residencies in two or more specialties and must be suitable for use as a base hospital in a coordinated hospital system within the State.

2. Section 10.51 is amended to read as follows:

§ 10.51 *General.* Plans and specifications for each project submitted to the Surgeon General for approval under the Federal Act shall be prepared in accordance with the 'General Standards of Construction and Equipment' for hospitals of different classes and in different types of locations as prescribed by the Surgeon General set forth in Appendix A. The Surgeon General may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled.

The design and construction covered by the plans and specifications must conform with the applicable State and local laws, codes, and ordinances and with the approved State plan. The plans and specifications must be complete and adequate for contract purposes and have the approval and recommendation of the State Agency.

Equipment shall be provided in the kind and to the extent necessary for the proper functioning of the facility as planned.

3. Section 10.77 (c) is amended to read as follows:

§ 10.77 *Processing construction applications.* • • •

(c) *Assurances from applicant.* In addition to assurance otherwise required by the State Agency, before approving an application, the State Agency must have assurance from the applicant:

(1) That actual construction work will be performed by the lump sum (fixed price) contract method, that adequate methods of obtaining competitive bidding will be or have been employed prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and that the award of the contract will be or has been made to the responsible bidder submitting the lowest acceptable bid;

(2) That the construction contracts will prescribe the minimum rates of pay for laborers and mechanics engaged in construction of the project as determined by the Secretary of Labor and that such minimum rates will be stated in the specifications advertised in the call for bids on the proposed project;

(3) That the requirement that each contractor or subcontractor shall furnish a weekly sworn affidavit with respect to the wages paid each employee during the preceding week, as required by 48 Stat. 948 (40 U. S. C. 276 (b) and 276 (c)), and the regulations issued pursuant thereto, will be incorporated in the project specifications and made a part of the construction contract;

(4) That the project will not be advertised or placed on the market for bidding until the final working drawings and specifications have been approved by the Surgeon General and the applicant has been so notified;

(5) That no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, will be entered into without the prior approval of the Surgeon General;

(6) That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than fifty percentum (50%) of the contract price, and to maintain during the life of the contract adequate fire, workmen's compensation, public liability and property damage insurance;

(7) That any change or changes in the contract which (i) makes any major alteration in the work required by the plans and specifications, or (ii) raises the total contract price over the approved estimate of cost of the work covered by the plans and specifications will be submitted to the Surgeon General for prior approval;

(8) That the construction contract will provide that the Surgeon General, the State Agency and their representatives will have access at all times to the work wherever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection;

(9) That the applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the project to insure that the completed work conforms with the approved plans and specifications; and

(10) That the hospital, when completed, will be operated and maintained in accordance with minimum standards prescribed by the State Agency for the maintenance and operation of hospitals aided under the Federal Act.

Provided: That the State Agency, with the prior approval of the Surgeon General may waive technical compliance with any of the requirements of this paragraph except subparagraph (1) if it finds that the purpose of such requirement has been fulfilled.

4. Section 10.77 (d) (1) (ii) is amended to read as follows:

§ 10.77 *Processing construction applications.* • • •

(d) *Certification to the Surgeon General.* • • •

(1) • • •

(ii) To assure the availability of funds for maintenance and operation, the application for the construction of a new project must include a proposed operating budget, on a form prescribed by the Surgeon General, for the two year period immediately following its completion. In the case of an addition to an existing facility, the application must include a statement showing that funds are or will be available to meet the difference between proposed expenditures and anticipated income from the operation of the constructed addition for the two year period immediately following its completion.

5. Section 10.78 (a) is amended to read as follows:

§ 10.78 *Requests for construction payments*—(a) *Certification by State Agency.* The State Agency shall certify to the Surgeon General the amount of payments due to an applicant for the cost of work performed and materials and equipment furnished.

Requests for payment under the construction contract shall be submitted in each of three stages, as follows:

(1) The first installment when not less than 25 percent of the work of construction of the building has been completed.

(2) The second installment when the mechanical work has been substantially roughed in, and

(3) The third installment when work under the construction contract is completed and final inspection made.

Requests for payment of the Federal share of other allowable costs such as architect's fee, inspection cost, and cost of equipment shall be included in requests for payments made at one or more of the stages indicated in this paragraph.

All costs that have not been determined at the time the third payment for work performed under the construction contract is requested shall form the basis of a request for final payment of the Federal share of the entire project.

With the consent of the Surgeon General, the State Agency may adopt a different schedule of payments, but in no case shall such payments be less frequent than those scheduled in this paragraph.

The above amendments were approved by the Federal Hospital Council at a meeting held May 20, 1947.

[SEAL] THOMAS PARRAN,
Surgeon General.

Approved:

THOMAS PARRAN,
Chairman,
Federal Hospital Council.

Approved: June 5, 1947.

WATSON B. MILLER,
Federal Security Administrator.

[F. R. Doc. 47-5509; Filed, June 10, 1947; 8:45 a. m.]

[1] 12 F. R. 980.

Chapter II—United States Children's Bureau, Federal Security Agency

PART 203—CHILD WELFARE SERVICES

EXPENDITURES

By virtue of the authority vested in the Commissioner for Social Security by sec. 1102, 49 Stat. 647, 42 U. S. C. 1302; sec. 521, 49 Stat. 633, as amended by sec. 507, 53 Stat. 1381, 42 U. S. C. 721 and sec. 401, 60 Stat. 986; sec. 1, Reorganization Plan No. 2 of 1946, 11 F. R. 7873; Agency Order No. 9, 12 F. R. 479, the last sentence of § 203.6 of the regulations relating to Child-Welfare Services (42 CFR, Cum. Supp., 203.6) is amended to read as follows: "A State shall not expend such funds to pay for the cost of care of children in boarding homes or institutions which provide care for children except, subject to appropriate conditions specified in the State plan, with respect to temporary care in boarding homes or projects for care in such homes for special groups of children to meet particular needs."

The foregoing amendment shall become effective on the date of the publication of this order in the FEDERAL REGISTER.

(Sec. 1102, 49 Stat. 647, sec. 521, 49 Stat. 633 as amended by sec. 507, 53 Stat. 1381 and sec. 401, 60 Stat. 986; 42 U. S. C. 1302, 721; sec. 1, Reorg. Plan No. 2 of 1946, 11 F. R. 7873)

Dated: June 3, 1947.

[SEAL] W. L. MITCHELL,
Acting Commissioner.

Approved: June 5, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-5508; Filed, June 10, 1947; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 402—ANNUAL WATER CHARGES

BOISE IRRIGATION PROJECT, ARROWROCK DIVISION, ANDERSON RANCH RESERVOIR, IDAHO

CROSS REFERENCE: For an addition to the tabulation in § 402.2, see F. R. Doc. 47-5488, Department of the Interior, Bureau of Reclamation, in Notices section, *infra*.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter D—Tank Vessels

[CGFR 47-33]

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

ELECTRIC WATER LIGHTS

By virtue of the authority vested in me by R. S. 4405 and 4417a, as amended (46 U. S. C. 375, 391a), section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), I find that an emergency exists and the following amendment to the Tank Vessel Regulations shall be made effective on the date of publication of this document in the FEDERAL REGISTER.

Section 37.9-1 *Automatic electric water lights TB/ALL* is amended in the second sentence by changing the date "July 1, 1947" to "January 1, 1949." (For text of section see FEDERAL REGISTER of August 23, 1945, 10 F. R. 10360, as amended October 2, 1945, 10 F. R. 12408, December 19, 1945, 10 F. R. 15174, July 2 1946, 11 F. R. 7346, and January 1, 1947, 12 F. R. 31.)

This amendment to the Tank Vessel Regulations is published without prior general notice of its proposed issuance for the reason notice and public rule making procedure in connection therewith are hereby found to be impracticable. Because no manufacturer has submitted an automatic electric water light meeting the requirements of the U. S. Coast Guard Specification for Lights (Water); Electric, Floating, Automatic (With Bracket for Mounting), there is not available any approved types of automatic electric water lights which comply with the specification. This amendment postpones the effective date of the new requirement for automatic electric water lights until January 1, 1949.

(R. S. 4405, 4417a, 46 U. S. C. 375, 391a; sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875)

Dated: June 5, 1941.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-5498; Filed, June 10, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Dairy Industry

[9 CFR, Part 301]

PROCESS OR RENOVATED BUTTER

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering amendments, as hereinafter proposed, to the regulations (11 F. R. 14674) under the so-called Process or Renovated Butter Act (60 Stat. 300; Pub. Law 427, 79th Cong.), entitled "An act to authorize the condemnation of materials which are intended for use in process or renovated butter and which are unfit for human consumption, and for other purposes."

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision shall file the same, in quadruplicate, with the Hearing Clerk, Room 0308 South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. d. s. t., on the 20th day after publication of this notice in the FEDERAL REGISTER.

The proposed amendments to the regulations are as follows:

1. Substitute a comma for the period at the end of § 301.4 (a) and add the following: "*Provided, however*, That butter oil may be stored in commercial cold storage warehouses."

2. Delete the words "poor" and "satisfactorily" from § 301.4 (c).

3. Amend § 301.4 (d) to read as follows:

§ 301.4 *Sanitary requirements for process or renovated butter factories.* • • •

(d) *Equipment.* All melting tanks, cans, vats, blowing tanks, and settling tanks and equipment used in preparing, cutting, chopping, and otherwise handling the ingredients used in the manufacture of process or renovated butter, shall be made of a noncorrosive metal, or shall be suitably nickeled, tinned, or coated with other noncorrosive metal. All such equipment and all churns, butter workers, truck, trays, and other receptacles, chutes, platforms, racks, tables, and all other utensils, machinery, and equipment used in the packaging, storing, or other handling of process or renovated butter, shall be kept in a clean and sanitary condition.

4. Delete the word "approved" wherever it appears in § 301.4 (e).

5. In § 301.5 (a) delete the words "an approved" under (1) and the words "approved" under (2).

6. Amend § 301.5 (c) to read as follows:

§ 301.5 *Sanitary requirements for process or renovated butter, and for ingredients intended for use in its manufacture* • • •

(c) *Pure, clean air to be used; approved equipment for purifying air required.* Air used in aerating butter oil in connection with the manufacture of process or renovated butter shall be pure and clean and free from contamination of any kind.

7. Amend the last sentence of § 301.5 (d) to read as follows: "A recording dairy thermometer shall be provided and used to facilitate determinations of proper pasteurization."

8. Place a period after the word "manner" and delete the following words at the end of § 301.4 (f): "in accordance with generally accepted practices of the dairy industry."

9. In § 301.6 (b) and § 301.6 (c) delete the words "or any part thereof" and sub-

stitute the following: "including immature stages or parts thereof."

10. In § 301.6 (f) delete the word "or" before "(4)" and add the following after the word "acid": "or (5) one and one-half parts of kerosene,".

Done at Washington, D. C., this 5th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5496; Filed, June 10, 1947; 8:46 a. m.]

Production and Marketing Administration

[7 CFR, Ch. IX]

[Docket No. AO-185]

HANDLING OF IRISH POTATOES IN EASTERN SOUTH DAKOTA PRODUCTION AREA

EMERGENCY NOTICE OF HEARING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR and Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), a notice of hearing (12 F. R. 3632) was executed on May 29, 1947, with respect to a proposed marketing agreement and order regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, the hearing to be held in the Community Room of the County Court House at Watertown, South Dakota, beginning at 10:00 a. m., c. s. t., June 19, 1947.

The aforesaid publication of the notice of hearing does not give fifteen days notice of hearing and any delay in convening the hearing would tend to preclude the regulation contemplated by the aforesaid notice during the current marketing period for Irish potatoes grown in the Eastern South Dakota production area, contrary to urgent requirement therefor and the declared policy of the act. The various circumstances give rise to an emergency which requires a shorter period of notice in connection with the proposed hearing, and the period of six days is reasonable notice under the circumstances.

Emergency notice is, therefore, hereby given of a public hearing to be held in the Community Room of the County Court House at Watertown, South Dakota, beginning at 10:00 a. m., c. s. t., June 19, 1947, on a proposed marketing agreement and order regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, the terms of such proposal being set forth in the notice (12 F. R. 3632) of May 29, 1947, incorporated in and made a part hereof by reference.

Filed at Washington, D. C., this 6th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-5536; Filed, June 10, 1947; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 24 and 52]

LIMITED MECHANIC CERTIFICATE WITH PROPELLER OR AIRCRAFT APPLIANCE RATING

EXTENSION OF EFFECTIVE PERIOD

JUNE 6, 1947.

Special Civil Air Regulation Serial Number 340, which provides for the issuance of limited mechanic certificates to certain skilled personnel in the employ of either an approved repair station or a manufacturer holding a currently effective propeller or aircraft applicance production certificate, expires June 30, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act, the Safety Bureau of the Civil Aeronautics Board hereby gives notice that not later than June 30, 1947, the Safety Bureau will recommend to the Board that this regulation be amended to extend its effectiveness for an additional 6-month period. During this period the Bureau will recommend appropriate amendments to the Civil Air Regulations that will obviate the further need for this special regulation.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

The Safety Bureau invites those interested to offer comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

W. S. DAWSON,
Director.

[F. R. Doc. 47-5530; Filed, June 10, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 17]

[Docket No. 8411]

UTILITY RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

JUNE 4, 1947.

In the matter of adding new § 17.129 of Part 17 of the rules and regulations governing Utility Radio Service requiring applicants to make a showing of need for frequencies below 72 Mc, and adding new § 17.130, requiring coordination of frequency selections with local or regional frequency assignment coordinating committees.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The proposed new rules and regulations are set forth below.

3. The proposed rules are issued under the authority of sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rules should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before July 10, 1947, a written statement or brief setting forth his comments. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

The following sections of the rules and regulations of the Federal Communications Commission will be affected in the manner indicated:

1. Section 17.129, Part 17, added.
2. Section 17.130, Part 17, added.
3. Section 17.129 of Part 17 of the rules and regulations governing the Utility Radio Service will read as follows:

§ 17.129 *Showing required for the assignment of frequencies below 72 mc.* (a) Applications for authorizations for radiocommunication systems in this service to operate on frequencies below 72 mc shall be accompanied by a satisfactory factual showing of need for the frequency requested.

(b) The showing required in paragraph (a) of this section may include any or all of the following factors:

(1) *Coverage factors.* A statement to the effect that a frequency above 72 mc will not give the desired coverage should be accompanied by:

(i) A contour map outlining the area to be served and indicating all important topographical details, and

(ii) The results of a field intensity survey or other comparable data demonstrating that the area to be served cannot be adequately covered using a frequency above 72 mc.

(2) *Operational factors.* A statement explaining existing operational requirements which would make the installation of equipment operating on frequencies above 72 mc undesirable. Need for establishment of a coordinated radiocommunication network would be considered an operational factor.

(3) *Other factors.* Statement of any other reason, not shown under paragraphs 1 or 2 of this section, which, in the opinion of the applicant, makes installation and operation of equipment on frequencies above 72 mc undesirable.

4. Section 17.130 of Part 17 will read as follows:

§ 17.130 *Coordination of frequency selection with local or regional frequency assignment coordinating committee.* Applications requesting assignment of a frequency, not previously authorized for use by the applicant, shall be accompanied by a supporting statement from the local or regional frequency assignment coordinating committee. If there is no such committee for the area of proposed operation, a statement to that effect should accompany the application.

Adopted: June 3, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5537; Filed, June 10, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLUMBIA BASIN PROJECT, WASHINGTON

FIRST FORM RECLAMATION WITHDRAWAL

MAY 2, 1947.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described land be withdrawn from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

COLUMBIA BASIN PROJECT, WASHINGTON

WILLAMETTE MERIDIAN

T. 22 N., R. 28 E.,
Sec. 32, NW¼NW¼.

The above area aggregates 40 acres.

Respectfully,

MICHAEL W. STRAUSS,
Commissioner.

I concur.

JOEL DAVID WOLFSOHN,
Associate Director,
Bureau of Land Management.

The foregoing recommendation is hereby approved, as recommended, and the Director of the Bureau of Land Management will cause the records of his office and the District Land Office to be noted accordingly.

OSCAR L. CHAPMAN,
Under Secretary.

MAY 12, 1947.

[F. R. Doc. 47-5490; Filed, June 10, 1947; 8:57 a. m.]

[No. 2]

KENDRICK IRRIGATION PROJECT, WYOMING

NOTICE OF TEMPORARY WATER SERVICE

APRIL 24, 1947.

1. *Water rental.* Irrigation water will be furnished, when available, upon a rental basis under approved applications for temporary water service during the irrigation season of 1947 (May 1 to September 30, inclusive), where the progress of construction will permit, to the irrigable lands in the first unit of the Casper-Alcova Irrigation District described below:

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 80 W.,
Sec. 1, N½N½;
Secs. 2, 8, and 10.
T. 34 N., R. 80 W.,
Sec. 26, SW¼;
Sec. 27;
Sec. 28, S½;
Secs. 29, 30, 32, 33, 34, and 35;
Sec. 36, SW¼.
T. 33 N., R. 81 W.,
Secs. 2, 19, and 20;
Sec. 21, W½W½, E½SW¼, and SE¼NE¼;
Sec. 27, NW¼;
Sec. 28, NE¼;
Sec. 29, N½N½.
T. 34 N., R. 81 W.,
Secs. 1 and 2;
Sec. 10, N½;
Sec. 11, N½;
Sec. 14, SW¼;
Sec. 23, SE¼;
Sec. 25, NW¼;
Sec. 26, NE¼;
Sec. 34, NW¼, N½SW¼, and NW¼SE¼.
T. 35 N., R. 81 W.,
Secs. 27, 34, and 35.
T. 30 N., R. 82 W.,
Sec. 3, N½, and SW¼;
Sec. 4;
Sec. 5, E½;
Sec. 9, N½, and N½S½;
Sec. 10, NW¼.
T. 31 N., R. 82 W.,
Sec. 33, E½E½.

2. *Charges and terms of payment.* The minimum water rental charge shall be $1.00 per irrigable acre for each irrigable acre of land for which water service is requested, payment of which will entitle the applicant to 1½ acre-feet of water per irrigable acre. Additional water, if available, will be furnished during the irrigation season at the rate of $1.00 per acre-foot. All charges shall be payable in advance of the delivery of water, and no part thereof shall be refunded.

3. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

4. No water will be delivered to isolated tracts where such service would result in excessive canal losses or excessive costs.

5. Water will be delivered only to lands the owners of which have executed and delivered recordable contracts as required by articles 38 and 39 of the contract of August 3, 1935, between the United States and the Casper-Alcova Irrigation District.

6. Individual applications for water and the payments required by this notice will be received at the office of the District Engineer, Bureau of Reclamation, Room 520, Consolidated Royalty Building, Casper, Wyoming. The United States reserves the right to reject any application.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

WILLIAM E. WARNE,
Assistant Commissioner.

[F. R. Doc. 47-5489; Filed, June 10, 1947; 8:56 a. m.]

[No. 37]

BOISE IRRIGATION PROJECT, ARROWROCK DIVISION, ANDERSON RANCH RESERVOIR, IDAHO

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

MAY 28, 1947.

1. Pursuant to article 22 of the contract between the United States and the Wilder Irrigation District, dated August 1, 1941, concerning the construction of Anderson Ranch Dam and Reservoir and related matters, and to like articles in similar contracts with the contractors listed below, irrigation water will be furnished from Anderson Ranch Reservoir on a rental basis during the irrigation season of 1947 to the following contractors:

New York Irrigation District.
Boise-Kuna Irrigation District.
Nampa & Meridian Irrigation District.
Wilder Irrigation District.
Pioneer Irrigation District.
Settlers Irrigation District.
Farmers Union Ditch Company.
New Dry Creek Ditch Company.
Boise Valley Irrigation Ditch Company.
South Boise Mutual Irrigation Company, Ltd.

2. The repayment contracts between the United States and the contractors listed above provide that water will be sold on a rental basis to the contractors, in amounts proportionate to their contracted space in Anderson Ranch Reservoir, under the conditions which exist at present, i. e., prior to the substantial completion of Anderson Ranch Dam and Reservoir or prior to its completion to a point where stored water in an amount exceeding 275,000 acre-feet becomes available for irrigation use.

3. Contractors who do not plan to take their proportionate shares of water from Anderson Ranch Reservoir during the 1947 irrigation season should notify the Bureau of Reclamation in writing at the address given below, so that such water may be made available for other contractors who may require more than their proportionate shares.

4. Water rental charges for the 1947 irrigation season shall be $1.20 per acre-foot, payable by each contractor in advance of the release of water from Anderson Ranch Reservoir. Requests for water and the payments required by this announcement should be made to the Bureau of Reclamation, P. O. Box 937, Boise, Idaho.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

KENNETH MARKWELL,
Acting Commissioner.

[F. R. Doc. 47-5488; Filed, June 10, 1947; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 10]

DESIGNATION OF MOTIONS COMMISSIONER FOR JUNE 1947

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May, 1947;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that C. J. Durr, Commissioner, be, and he is hereby designated as Motions Commissioner, for the month of June 1947.

It is further ordered, That in the event said Motions Commissioner is unable to

act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5539; Filed, June 10, 1947; 8:47 a. m.]

ALLOCATION OF FREQUENCIES TO NON-GOVERNMENT SERVICES

NOTICE OF ENGINEERING CONFERENCE

MAY 23, 1947.

The Commission announces that an Engineering Conference to consider the technical problems inherent in the utilization of frequencies between 42 and 88 Mc will be held on June 10th and 11th, 1947, at the Commission's offices, Washington, D. C., at 10:00 a. m., eastern daylight saving time.

Among the subjects to be considered are:

(a) Discussion looking to the solution of the problems of interference to television services originating from the operation of the fixed and mobile services operating in the band 72–76 Mc and amateur stations operating in the 50–54 Mc band as well as any other services operating on channels adjacent to the television bands.

(b) Determine whether or not the Commission should pursue its plan as announced May 25, 1945 for sharing television frequencies with the fixed and mobile services and if so to what extent and under what technical limitations.

(c) Discussion of interference originating from harmonics of the Industrial, Scientific and Medical as well as amateur services operating in the 27 Mc band and the amateur 28 Mc band.

(d) The degree of harmonic suppression which may be expected from stations in the various services concerned.

(e) Discussion of the propagation characteristics with regard to operation of the mobile non-governmental services in the 42–88 Mc band.

(f) Discussion of the characteristics of the receivers employed in the services between 42 and 88 Mc, particularly with respect to selectivity and local oscillator radiations.

To permit the conference to consider these and other problems in the most orderly manner possible, an agenda for the conference is attached. Other items may be added, based on statements submitted by representatives of the various services affected or on new problems which may develop from the discussion.

All interested persons are invited to attend and participate in the discussions. All persons planning to attend should file with the Secretary of the Commission on or before June 2, 1947, a statement outlining the information to be presented.

Adopted: May 22, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

AGENDA

1. Opening statement by G. E. Sterling, Chief Engineer.
2. Designations of spokesmen for each service and for each manufacturer represented.
3. Presentation of a report of the Commission's Laboratory Division on projects relating to service-allocations of frequencies between 42 Mc and 88 Mc.
4. Discussion of the problems of adjacent channel interference to television broadcasting from the non-government fixed and mobile services in the 42–44 Mc and 72–76 Mc bands, from FM broadcasting in the 88–108 Mc band and from the amateur service in the 50–54 Mc band.
5. Discussion of the feasibility of sharing television broadcasting channels by the non-government fixed and mobile services:
   (a) Co-channel interference considerations.
   (b) Adjacent channel interference considerations.
6. Discussion of the utilization of the frequencies between 42 and 88 Mc.
7. The degree of attenuation of harmonics which can be expected in each service and the interference possibilities of the remaining harmonic emissions.
8. Discussion of receiver characteristics, such as selectivity and local oscillator radiation.

[F. R. Doc. 47-5538; Filed, June 10, 1947; 8:46 a. m.]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

ORDER CONTINUING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on May 28, 1947;

The Commission having under consideration the petition of the Clear Channel Broadcasting Service for continuance of the hearing in the above entitled matter from July 7, 1947, to September 15, 1947;

It is ordered, That the petition be granted, and that the hearing be continued to September 17, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5540; Filed, June 10, 1947; 8:47 a. m.]

[Docket Nos. 7273, 8287]

DAILY NEWS TELEVISION CO. AND PENNSYLVANIA BROADCASTING CO.

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Daily News Television Co., Philadelphia, Pennsylvania, Docket No. 7273, File No. BPCT-119; Pennsylvania Broadcasting Co., Philadelphia, Pennsylvania, Docket No. 8287, File No. BPCT-185; for construction permits for television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of May 1947;

The Commission having under consideration the above entitled applications, each requesting a construction permit for a new television broadcast station in Philadelphia, Pennsylvania, to operate on the same and only unassigned television channel allocated to the Philadelphia metropolitan area;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Daily News Television Company (File No. BPCT-119) and Pennsylvania Broadcasting Company (File No. BPCT-185) be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be named by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.
2. To obtain full information with respect to the nature and character of the proposed program service.
3. To determine the areas and populations which may be expected to receive service from the proposed station.
4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5541; Filed, June 10, 1947; 8:47 a. m.]

[Docket Nos. 8317, 8276, 8277]

RODERICK BROADCASTING CORP. (KROD) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Roderick Broadcasting Corp. (KROD) El Paso, Texas, Docket No. 8317, File No. BP-5909; Coconino Broadcasting Co., Flagstaff, Arizona, Docket No. 8276, File No. BP-5667; James L. Stapleton, Jesse Martin and Duard K. Nowlin d/b as Grand Canyon Broadcasting Co. (KWRZ), Flagstaff, Arizona, Docket No. 8277, File No. BP-6004; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of April 1947;

The Commission having under consideration the above-entitled application of Roderick Broadcasting Corporation requesting a construction permit to change the operating assignment of station KROD, El Paso, Texas, from 600 kc, with power of 1 kw daytime and 500 watts at night, unlimited time to 600 kc, with power of 5 kw, unlimited time to install new transmitter, change transmitter location and install directional antenna for use at night; and

It appearing, that the Commission on April 10, 1947, designated for hearing in a consolidated proceeding the applications of Coconino Broadcasting Company (File No. BP-5667; Docket No. 8276) requesting a construction permit for a new standard broadcast station to operate on the frequency 600 kc, with 1 kw power, unlimited time with directional antenna at night, at Flagstaff, Arizona, and James L. Stapleton, Jessie Martin and Duard K. Knowlin, d/b as Grand Canyon Broadcasting Company (KWRZ) (File No. BP-6004; Docket No. 8277) permittee of station KWRZ (presently authorized the use of the frequency 1340 kc), requesting 600 kc, with power of 1 kw daytime and 250 watts nighttime (non-directional);

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Roderick Broadcasting Corporation (KROD) be, and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its offices, directors and stockholders to construct and operate station KROD as proposed.
2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KROD as proposed and the character of other broadcast service available to those areas and populations.
3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.
4. To determine whether the operation of station KROD as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
5. To determine whether the operation of station KROD as proposed would involve objectionable interference with the services proposed in the other applications to this consolidated proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
6. To determine whether the installation and operation of station KROD as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.
7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated April 10, 1947, designating for hearing the said applications of Coconino Broadcasting Company and James L. Stapleton, Jessie Martin and Duard K. Nowlin, d/b as Grand Canyon Broadcasting Company (KWRZ) be, and they are hereby, amended to include the said application of Roderick Broadcasting Corporation.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5543; Filed, June 10, 1947; 8:47 a. m.]

[Docket No. 8344, 8402, and 8403]

FOSS LAUNCH AND TUG CO. ET AL

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Foss Launch and Tug Company, Seattle, Washington, File Nos. 709/710-PE-B, Docket No. 8344; Meseck Towing Lines, Inc., New York, New York, File Nos. 7662/7663-PE-B, Docket No. 8402; Moran Towing & Transportation Co., Inc., New York, New York, File Nos. 9730/9731-PE-B, Docket No. 8403; for construction permits in the experimental service.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of May 1947;

The Commission, having under consideration the application of the Foss Launch and Tug Company for construction permits for Experimental Class 2 stations comprising one land station and three mobile marine units to operate at and in the vicinity of Seattle, Washington; and

The application of Meseck Towing Lines, Inc., for construction permits for Experimental Class 2 stations comprising one land station and ten mobile marine units to operate at and in the vicinity of New York, New York; and

The application of the Moran Towing and Transportation Company, Inc., for construction permits for Experimental Class 2 stations comprising one land station and one mobile marine unit to operate at and in the vicinity of New York, New York; and

It appearing, that these applications present various questions in common concerning the use of radio frequencies allocated on an exclusive basis to the Maritime Mobile Service; and

It further appearing, that each of these applications apparently contemplates the ultimate establishment of a private marine communication service to operate parallel to, or in competition with, common carrier communications facilities operating in the coastal harbor service; and

It further appearing, that certain communications common carriers presently licensed to operate in the Coastal Service have an interest and may assist the Commission in the determination of one or more of the issues set forth below:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission, upon the following issues:

1. To determine the nature, extent, and purpose of the operations proposed to be conducted by each applicant, with particular reference to the nature, extent, and quality of any marine communication service ultimately proposed to be established.
2. To determine the need for the service proposed to be rendered by each respective applicant, with particular reference to the adequacy of the existing coastal harbor service and facilities available to each applicant within the area desired by it to be covered and the feasibility of expanding or improving such service and facilities if such action should appear to be necessary or desirable.
3. To determine which, if any, frequencies allocated to the Maritime Mobile Service are available for the proposed service of each applicant.
4. To determine, in relation to any maritime mobile frequencies which might be assigned as part of any grant that might be made herein, whether and to what extent such frequencies would be available to future applicants proposing the same service in the same area.
5. To determine whether objectionable interference to any established or presently proposed service or station would result from the operation of the service proposed by each applicant.
6. To determine whether and to what extent the service proposed by each applicant would affect safety of life and property in the area within which each applicant proposes to operate.
7. To determine whether the service proposed by each applicant would efficiently utilize the frequencies allocated to the Maritime Mobile Service.
8. To determine what, if any, conditions or restrictions concerning use and development of the service proposed by each applicant should be made a part of any grant that might be made herein.

It is further ordered, That any communications common carrier presently licensed to operate in the Coastal Service at New York, New York or Seattle, Washington, which desires to intervene in this proceeding is hereby given leave to do so: *Provided, however*, That each such intervenor shall file with the Commission a notice of appearance herein within fifteen days from the date of publication of this order in the FEDERAL REGISTER.

Section 1.857 of the Commission's rules and regulations does not apply to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5544; Filed, June 10, 1947; 8:47 a. m.]

[Docket No. 8382]

CENTRAL LOUISIANA BROADCASTING CORP. (KPDR)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Central Louisiana Broadcasting Corporation (KPDR), Alexandria, La., Docket No. 8382, File No. BP-5506; for construction permit.

The Commission has before it a petition filed on December 18, 1946, by Central Louisiana Broadcasting Corporation (KPDR) requesting that its above-entitled application for a permit to change the assignment of station KPDR, Alexandria, Louisiana, from 1490 kilocycles, with 250 watts power, unlimited time, to 1400 kilocycles, with 250 watts power, unlimited time, the facilities assigned to station KSYL in Alexandria under a construction permit, be designated for hearing in a consolidated proceeding with the application (File No. BAP-43) for consent to the voluntary assignment of the construction permit for station KSYL from Marvin Glazer and Sylvan Fox, a partnership, d/b as Fox Broadcasting Company (permittee of station KSYL) to Sylvan Fox and Harold M. Wheelahan, a partnership, d/b as Radio Station KSYL (assignee). The petition alleges that no affirmative action had been taken toward the actual construction of station KSYL until after the agreement for the assignment of the construction permit had been made, and requests that, in view of the permittee's failure to take affirmative action to construct the station, petitioner be afforded a competitive opportunity to determine whether it should be permited to develop the frequency 1400 kilocycles in Alexandria instead of its assigned 1490 kilocycles, which, petition alleges, had proven unsatisfactory because of image frequency interference to another station in Alexandria. Fox Broadcasting Company and Radio Station KSYL, the assignor and assignee partnerships, have filed a joint opposition to said petition.

The original application of Fox Broadcasting Company for a permit to construct station KSYL had been granted by the Commission on March 13, 1946, on a site to be determined basis, and on August 26, 1946, its application for modification of permit specifying a transmitter site was approved. The construction permit issued required that construction be commenced by October 26, 1946, and completed by April 26, 1947. On or shortly after August 26, 1946, the contract for assignment of the construction permit was executed, the effect of the contract being merely to substitute a new partner for one who wished to retire, without profit, because of physical disability. On September 7, 1946, the permittee had ordered the necessary studio and transmitting equipment; by the time said petition had been filed actual construction was well under way; and in fact construction was completed and an application for license was filed, by the permittee partnership, on March 31, 1947, well in advance of April 26, 1947, the expiration date of the construction permit.

The above recitation of facts clearly indicates that the permittee partnership has never in any way been in default on its obligations under the constructive permit, and that the allegation in the petition as to the lack of affirmative action on the part of the permittee until after the execution of the contract of assignment is plainly immaterial. Inasmuch as the transmitter site was not approved until August 26, 1946, it is entirely reasonable that construction was not begun prior to that date. After the issuance of the construction permit, there was full compliance as to time for commencement and completion of construction.

Since there has been no default by the permittee and no allegation has been made as to facts impugning the qualifications of the permittee to operate the station, there does not appear to be any legal justification for placing the construction permit in issue for revocation. Section 319 (b) provides that upon the completion of a station in accordance with a construction permit, and upon it being made to appear that "no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest, the Commission shall issue a license to the lawful holder of said permit." Thus, it is clear that the act affords a high degree of protection to a construction permit, as is recognized by §§ 1.385 (b) and (c) and 1.387 (b) (1) and (2) of the Commission's rules and regulations, which place outstanding construction permits in the same category as existing stations. See also Goss v. Federal Radio Commission, 67 F. 2d 507, 508 (App. D. C., 1933). Further, the placing of a construction permit in issue for revocation without good cause would also render nugatory the provisions of § 1.387 (b) (3) of the rules which requires that applications be filed 20 days before the beginning of a hearing if they are to be given consideration in a consolidated proceeding, for an applicant could avoid the 20 day rule by merely waiting until the construction permit was issued before filing his application and then, at that late date, obtain the comparative consideration he could not have received before.

Without the construction permit for KSYL in issue, the hearing sought by petitioner would serve no useful purpose. The most favorable decision petitioner could hope for in such a consolidated proceeding would be a determination that the application for assignment should be denied because petitioner was more qualified to develop the frequency than the assignee. But this would not be of any assistance to petitioner, since the construction permit would still be outstanding and for all that appears the permittee would then elect to proceed with the operation of the station on its own account. It is clear, therefore, that the petition for consolidation must be denied.

Accordingly, *It is ordered*, This 25th day of April 1947, that the petition for consolidation filed by Central Louisiana Broadcasting Corporation be, and it is hereby, denied; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, and § 1.385 (b) of the Commission's rules and regulations, the said application of Central Louisiana Broadcasting Corporation for a change in frequency of station KPDR, be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KPDR as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of station KPDR as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of station KPDR as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of station KPDR as proposed would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Marvin Glazer and Sylvan Fox, a partnership, d/b as Fox Broadcasting Company, permittee of station KSYL at Alexandria, Louisiana, and Sylvan Fox and Harold M. Wheelahan, a partnership, d/b as Radio Station KSYL, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to the proceeding provided for in this order.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5545; Filed, June 10, 1947; 8:47 a. m.]

[Docket No. 8393]

SUN COUNTY BROADCASTING CO. (KPSC)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Sun County Broadcasting Co. (KPSC), Phoenix, Arizona, Docket No. 8393. File No. BP-5945, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit to change the frequency of station KPSC, Phoenix, Arizona, from 1450 kc to 1270 kc, increase power to 5 kw, install new transmitter at a new location and employ a directional antenna for night use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KPSC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KPSC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KPSC as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KPSC as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KPSC as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the proposed transmitter site.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5542; Filed, June 10, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-704]

TRANS-CONTINENTAL GAS PIPE LINE CO., INC.

ORDER POSTPONING HEARING

Upon consideration of the request of Trans-Continental Gas Pipe Line Company, Inc., filed June 4, 1947, for a postponement of the hearing in the above-entitled matter now set to commence on June 9, 1947; and

It appearing to the Commission that: Applicant states in its motion for a postponement that it is not prepared to go forward and present testimony and evidence in support of its application at the hearing now set to commence on June 9, 1947, but that it will be prepared to go forward at any time after September 3, 1947, and will submit and serve at least two weeks in advance of the date set for hearing all data and information required of an applicant for a certificate of public convenience and necessity pursuant to the provisions of section 7 of the Natural Gas Act, as amended, as specified in the Commission's rules of practice and procedure, effective September 11, 1946, as well as outstanding orders of the Commission relating to the filing of such data and information.

The Commission orders that: The hearing in the above-entitled matter now set to commence on June 9, 1947, be and the same is hereby continued to September 29, 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.: *Provided, however*, That such date of hearing is subject to further postponement if Applicant fails to submit required data and information not later than September 15, 1947, as represented.

Date of issuance: June 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5500; Filed, June 10, 1947; 8:57 a. m.]

[Docket No. G-900]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

JUNE 4, 1947.

Notice is hereby given that on May 19, 1947, Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Texas, Oklahoma and Kansas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain facilities, hereinafter described, for the purpose of delivering additional quantities of natural gas to Cities Service Gas Company (Cities Service), an existing customer of Applicant.[1]

Applicant seeks authorization to construct and operate the following described facilities:

(1) A natural gas dehydration plant with a rated capacity of 90 million cubic feet per day to be located in the Northeast Quarter of Section 22-5N-8W, in Grady County, Oklahoma.

(2) Approximately 21 miles of 12-inch natural gas pipeline together with a measuring station and appurtenant facilities beginning at said dehydration plant and extending in a southerly direction to approximately the Southeast Quarter of Section 36-2N-8W, in Stephens County, Oklahoma.

The application recites that Applicant has heretofore been selling Cities Service approximately 28 million cubic feet of gas per day, making delivery thereof in Cement, Oklahoma, gas field. This gas is being delivered to Cities Service pursuant to Applicant's FPC Rate No. 22. It is stated that by means of the proposed new 12-inch pipeline additional sources of supply in the Marlow and Chickasha areas will be made available to serve this present market, and that by means of the proposed dehydrating plant Applicant will be enabled to dehydrate gas delivered to Cities Service. By means of the new facilities, Applicant will make deliveries of gas to Cities Service in the Chickasha, Oklahoma, gas field in lieu of delivering such gas in Cement, Oklahoma, gas field and Applicant contemplates it will be able to increase its deliveries of gas to Cities Service from approximately 28 million cubic feet per day to a maximum of approximately 90 million cubic feet per day. It is further stated that of the quantities of gas so delivered to Cities Service by Applicant, Cities Service will redeliver and resell to Applicant through existing facilities at a point near Blackwell, Oklahoma, one-half of the quantities so delivered to Cities Service up to a maximum of 25 million cubic feet per day.

The application further recites that the natural gas to be supplied through the proposed facilities will be produced from wells controlled through gas purchase contracts by Applicant; that the aggregate daily open flow capacity of all of said wells is 748,417 Mcf; and that Applicant estimates its existing wells will afford ample gas for at least 5 years.

The estimated total over-all capital cost of the proposed facilities is $404,102.79. These construction funds will be obtained incidental to the refunding of Applicant's present outstanding funded indebtedness.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Consolidated Gas Utilities Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or other-

[1] See application for certificate of public convenience and necessity filed by Cities Service Gas Company on May 16, 1947, Docket No. G-898 (12 F. R. 3785).

wise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5491; Filed, June 10, 1947; 8:45 a. m.]

[Docket No. IT-6062]

GULF PUBLIC SERVICE CO., INC.

NOTICE OF APPLICATION

JUNE 4, 1947.

Notice is hereby given that on June 2, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf Public Service Co., Inc., a corporation organized under the laws of the State of Louisiana and doing business in said State with its principal business office at New Iberia, Louisiana, seeking an order authorizing the issuance of $2,200,000 principal amount of 3¾% sinking fund debentures, due July 1, 1972, to be dated July 1, 1947, to be issued under an Indenture to First National Bank in Dallas, Trustee, dated as of July 1, 1947; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 25th day of June, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5492; Filed, June 10, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 203]

RECONSIGNMENT OF TOMATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., June 2, 1947, by E. E. Fadler, of car GARX 9433, tomatoes, now on the Mo. Pac. RR. to Harshfield Bros., Louisville, Ky. (MP-L&N).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5506; Filed, June 10, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 204]

RECONSIGNMENT OF ONIONS AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Minneapolis, Minn., June 4, 1947, by Baumel & Kurtz, of cars ART 16495 and MDT 43140, onions, now on the M&STL to Chicago, Ill. (CB&Q).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of June, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5507; Filed, June 10, 1947; 8:47 a. m.]

[S. O. 755]

UNLOADING OF NAILS AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of June A. D. 1947.

It appearing, that 2 cars containing nails at Los Angeles, California, on The Atchison, Topeka & Santa Fe Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Nails at Los Angeles, California, be unloaded.* The Atchison, Topeka & Santa Fe Railway Company, its agents or employees, shall unload immediately cars RI 148715 and PLE 83440, containing nails, on hand at Los Angeles, California, consigned to shipper's order, notify Pan American Factors.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5493; Filed, June 10, 1947; 8:57 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-39]

VICTOR N. COVOLO & JOHN DA PIAN

CONSENT ORDER

Victor N. Covolo and John Da Pian d/b/a V-J Construction Co., are partners operating as construction contractors and located at 441 Jersey Avenue, Fairview, N. J. Victor N. Covolo and John Da Pian are charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about October 21, 1946 they began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located on NJ Route 1 (Bergen Blvd.), Palisades Park, N. J., (2) on and after October 21, 1946 they carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located on NJ Route 1 (Bergen Blvd.), Palisades Park, N. J.

Victor N. Covolo and John Da Pian admit the violations charged and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Victor N. Covolo and John Da Pian, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Victor N. Covolo and John Da Pian, their successors and assigns, nor any other person shall do any further construction on the premises located on NJ Route 1 (Bergen Blvd.), Palisades Park, N. J., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Victor N. Covolo and John Da Pian shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Victor N. Covolo and John Da Pian, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5586; Filed, June 10, 1947; 10:05 a. m.]

[C-40]

CO-SID HOLDING CORP.

CONSENT ORDER

Co-Sid Holding Corp., a New York corporation, located at 115-14 Queens Boulevard, Forest Hills, L. I., N. Y., constructs and manages real estate projects. Co-Sid Holding Corp. is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about December 20, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at S. E. Corner of Parsons Boulevard and 82d Drive, Flushing, L. I., N. Y.; (2) on and after December 20, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at S. E. Corner of Parsons Boulevard and 82d Drive, Flushing, L. I., N. Y.

Co-Sid Holding Corp. admits the violation charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Co-Sid Holding Corp., the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Co-Sid Holding Corp., its successors and assigns, nor any other person shall do any further construction on the premises located at the S. E. Corner of Parsons Boulevard and .82d Drive, Flushing, L. I., N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Co-Sid Holding Corp. shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Co-Sid Holding Corp., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5587; Filed, June 10, 1947; 10:05 a. m.]

[C-41]

REZBO REALTY CORP.

CONSENT ORDER

Rezbo Realty Corporation, a New York Corporation, located at 207-215 Wickham Avenue, Middletown, New York, is the owner of premises 207-215 Wickham Avenue, Middletown, New York, occupied by Vee Motor Sales, Inc. Rezbo Realty Corporation is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about June 10, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 207-215 Wickham Avenue, Middletown, New York; (2) on and after June 10, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 207-215 Wickham Avenue, Middletown, New York.

Rezbo Realty Corporation admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Rezbo Realty Corporation, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Rezbo Realty Corporation, its successors and assigns, nor any other person shall do any further construction on the premises located at 207-215 Wickham Avenue, Middletown, New York, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Rezbo Realty Corporation shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Rezbo Realty Corporation, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5588; Filed, June 10, 1947; 10:05 a. m.]

[C-42]

CARL KAIMOWITZ, WILLIAM KAIMOWITZ & A. KAIMOWITZ

CONSENT ORDER

Carl Kaimowitz, William Kaimowitz and A. Kaimowitz, d/b/a Kamson Company, are partners engaged in the business of general building construction. Carl Kaimowitz, William Kaimowitz and A. Kaimowitz are charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about June 10, 1946 they began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located 207-215 Wickham Avenue, Middletown, New York; (2) on or about June 10, 1946 they carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 207-215 Wickham Avenue, Middletown, New York.

Carl Kaimowitz, William Kaimowitz and A. Kaimowitz admit the violations charged and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Carl Kaimowitz, William Kaimowitz and A. Kaimowitz, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Carl Kaimowitz, William Kaimowitz and A. Kaimowitz, their successors and assigns, nor any other person shall do any further construction on the premises located at 207-215 Wickham Avenue, Middletown, New York, including the putting up, completing, or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Carl Kaimowitz, William Kaimowitz and A. Kaimowitz shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for priorities assistance or

for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Carl Kaimowitz, William Kaimowitz and A. Kaimowitz, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5589; Filed, June 10, 1947; 10:06 a. m.]

[C-43]

VEE MOTOR SALES, INC.

CONSENT ORDER

Vee Motor Sales, Inc., a New York Corporation, located at 207–215 Wickham Avenue, Middletown, New York is an Auto Sales Agency. Vee Motor Sales, Inc. is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about June 10, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 207–215 Wickham Avenue, Middletown, New York; (2) on and after June 10, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000 of a commercial building located at 207–215 Wickham Avenue, Middletown, New York.

Vee Motor Sales, Inc. admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Vee Motor Sales, Inc., the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Vee Motor Sales, Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at 207–215 Wickham Avenue, Middletown, New York, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Vee Motor Sales, Inc. shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Vee Motor Sales, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5590; Filed, June 10, 1947; 10:06 a. m.]

[C-44]

ISLIP STADIUM CORP.

CONSENT ORDER

Islip Stadium Corporation, a New York corporation located at Islip Avenue and Beech Street, Islip, New York, is engaged in the operation of a sports arena. Islip Stadium Corporation is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on or about March 3, 1947 it began construction, repairs, additions, and alterations, without authorization, and at a cost in excess of $1,000, of a commercial structure located at 500' W/O Islip Avenue, between Caleb's Path & Freeman Avenue, Islip, N. Y.; (2) on and after March 3, 1947, it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of $1,000, of a commercial structure located at 500' W/O Islip Avenue, between Caleb's Path & Freeman Avenue, Islip, N. Y.

Islip Stadium Corporation admits the violations charged, but denies that the acts charged were committed wilfully, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Islip Stadium Corporation, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Islip Stadium Corporation, its successors and assigns, nor any other person shall do any further construction on the premises located at 500' W/O Islip Avenue, between Caleb's Path & Freeman Avenue, Islip, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Islip Stadium Corporation shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Islip Stadium Corporation, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5591; Filed, June 10, 1947; 10:06 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1517]

NORTH AMERICAN CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 4th day of June 1947.

The North American Company ("North American"), a registered holding company, having filed a declaration pursuant to sections 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules U-44 and U-46 promulgated thereunder with respect to the distribution in partial liquidation to its stockholders of 2½ shares of Common Stock of Wisconsin Electric Power Company ("Wisconsin Electric") on July 15, 1947 for each 100 shares of Common Stock of North American held of record on June 12, 1947, and the distribution in partial liquidation to its stockholders of 5 shares of Common Stock of Wisconsin Electric in October, 1947 for each 100 shares of Common Stock of North American held; and

North American having requested that the Commission's order herein conform to the requirements of Supplement R of Chapter I and section 1808 (f) of Chapter II of the Internal Revenue Code, as amended; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said declaration of North American be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24 and subject further to the following conditions:

1. That cash be paid by North American in the proposed distributions in lieu of distribution of fractional shares of or other evidence of fractional interest in Common Stock of Wisconsin Electric.

2. That North American shall not consummate the proposed distribution to be made in October, 1947 until after consideration by the Commission of the basis of cash distribution in lieu of distribution of fractional shares of Wisconsin Electric Common Stock in said October, 1947 distribution and entry of a supplemental order by the Commission in this proceeding.

It is further ordered and recited, And the Commission finds that (a) the proposed distribution on July 15, 1947 of not to exceed 214,316 shares of Wisconsin Electric's Common Stock (represented by Certificate Nos. TD 162 and PR 570) by North American through transfer and distribution of such shares to its stockholders at the rate of 2½ shares of Wisconsin Electric Common Stock for each 100 shares of outstanding North American Common Stock together with cash in lieu of fractional shares of Wisconsin Electric Common Stock, and (b) the proposed distribution in October, 1947 of not to exceed 428,632 shares of Wisconsin Electric Common Stock (represented by Certificate No. PR 571) by North American through transfer and distribution of such shares to its stockholders at the rate of 5 shares of Wisconsin Electric Common Stock for each 100 shares of outstanding North American Common Stock together with cash in lieu of fractional shares of Wisconsin Electric Common Stock, all as authorized and permitted by this order, are necessary or appropriate to the integration or simplification of the holding company system of which North American is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5486; Filed, June 10, 1947; 8:56 a. m.]

[File No. 70-1534]

POTOMAC EDISON CO. AND NORTHERN VIRGINIA POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of June A. D. 1947.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to sections 6 (a), 7, 9 (a), 10, 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-44 promulgated thereunder, by The Potomac Edison Company ("Potomac"), a registered holding company and its public utility subsidiary company, Northern Virginia Power Company ("Northern Virginia").

Notice is further given that any interested person may, not later than June 19, 1947, at 5:30 p. m., e. d. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt the transactions therein proposed as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Northern Virginia proposes to issue and sell 4,630 shares of its authorized and unissued Common Stock, par value $100 per share, and Potomac proposes to acquire such shares for a cash consideration of $463,000, the aggregate par value thereof.

Potomac now owns all of the outstanding capital stock and long-term debt of Northern Virginia, consisting of 50,370 shares of Common Stock, par value $100 per share, 1,500 shares of 7% Preferred Stock, par value $100 per share, and $100,000 principal amount of open account advances. Such shares of Common Stock are presently pledged under the Indenture of Potomac dated as of October 1, 1944, securing its First Mortgage and Collateral Trust Bonds, 3% Series Due 1974. The additional shares of Common Stock of Northern Virginia to be acquired by Potomac will be pledged under said Indenture in accordance with the requirements thereof.

Northern Virginia proposes to use the proceeds from the sale of such additional shares of Common Stock to pay its indebtedness to Potomac and for the construction of extensions, additions and improvements to its property, plant and equipment.

The declarants request that the Commission's order permitting the declaration become effective immediately upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5484; Filed, June 10, 1947; 8:56 a. m.]

[File No. 70-1540]

CONSOLIDATED ELECTRIC AND GAS CO. AND ATLANTA GAS LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of June A. D. 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its public utility subsidiary, Atlanta Gas Light Company ("Atlanta").

Notice is further given that any interested person may not later than June 18, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 18, 1947, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized below:

A plan filed pursuant to section 11 (e) of the act is presently pending before the Commission proposing a reorganization of Consolidated, the owner of all the common stock of Atlanta. Preliminary to the effectuation of such plan and as steps therein, Atlanta in the instant filing proposes to amend its charter (1) to increase its authorized common stock from 250,000 shares to 1,000,000 shares and to reclassify its outstanding 240,145 shares of common stock having a par value of $25 each into 802,553 shares having a par value of $10 each and (2) to provide for a change in the number of directors and cumulative voting in the election thereof, certain preemptive rights to the common stockholders in the event of issues of additional common stock and certain limitations on the declaration and payment of common stock dividends. Consolidated and Atlanta have designated sections 6, 9, 10 and 12 of the act and Rules U-23, U-42, U-43, U-44 and U-50 promulgated thereunder as being applicable to the proposed transactions.

The filing requests that the Commission's order permitting the declaration to become effective and granting the application be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5485; Filed, June 10, 1947; 8:56 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8889]

ACCUMULATORENFABRIK A. G. ET AL.

In re: Patents and patent application owned by Accumulatorenfabrik A. G. of Berlin, Germany, et al.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Accumulatorenfabrik A. G. of Berlin, Germany is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foriegn country (Germany);

2. That Ackumulator-Fabriksaktiebolaget Tudor and Aktiebolaget Latex are, and each thereof is, a corporation organized under the laws of, and having its principal place of business in, Sweden; that said corporations and each of them are owned and controlled by said Accumulatorenfabrik, A. G.; and that said Ackumulator-Fabriksaktiebolaget Tudor and said Aktiebolaget Latex and each of them is a national of a foreign country (Germany);

3. That the property described as follows:

(a) All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No., Date, Inventor and Title

2,239,510; 4-22-41; Sten D. Vigren; System for charging a storage battery;

2,264,058; 11-25-41; Sten D. Vigren, Nils E. B. Sterner, and Gunnar E. Ekstrom; Signalling hydrometer circuit breaker;

(b) Patent Application identified as follows:

Serial No., Date of Filing, Inventor, and Title

393,549; 5-15-41; Lars Erik, Julius Blomberg; measuring apparatus;

together with the entire right, title and interest, throughout the United States and its territories, in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of the aforesaid nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5510; Filed, June 10, 1947; 8:45 a. m.]

[Vesting Order 8891]

I. G. FARBENINDUSTRIE A. G., AND ADVANCE SOLVENTS & CHEMICAL CORP.

In re: Interests of I. G. Farbenindustrie A. G. of Germany in a trademark and also in an agreement with Advance Solvents & Chemicals Corporation.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. B. Farbenindustrie A. G. is a corporation organized and existing under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany).

2. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described together with the right to sue therefor) created in I. G. Farbenindustrie A. G. by virtue of an agreement executed in July, 1933, (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie A. G. and Advance Solvents & Chemical Corporation, which agreement relates, among other things, to United States Trademark No. 256,506; and

(b) All right, title and interest of I. G. Farbenindustrie A. G. of Germany in the trademark registered in the United States Patent Office, identified as follows:

Reg. No., Date, Registrant and Character of Goods

256,506; 5-21-29; I. G. Farbenindustrie A. G.; Paints and painters' materials.

together with all right, title and interest of I. G. Farbenindustrie A. G. in

(1) The good will of the business in the United States and all its possessions to which said trademark is appurtenant,

(2) Any and all indicia of said good will (including but not limited to formulae whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machines and other equipment),

(3) Any interest of any nature whatsoever in any rights and claims of every character and description to said business, good will and trademark and registration thereof,

(4) All accrued royalties payable or held with respect to such trademark and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property of, and is property payable or held with respect to trademarks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5511; Filed, June 10, 1947; 8:45 a. m.]

[Vesting Order 8892]

JAGENBERG-WERKE A. G.

In re: United States Patent Application Ser. No. 379,508 owned by Jagenberg-Werke A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jagenberg-Werke A. G. is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That the property described as follows:

Patent application identified as follows:

Serial No., Filing Date, Inventor and Title

379,508; 2/18/41; Karl Kuchler; Paper container and method and machine for producing the same;

together with the entire right, title and interest, throughout the United States and its territories, in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5512; Filed, June 10, 1947; 8:45 a. m.]

[Vesting Order 8893]

KOCH-TIEFDRUCK-KOMMANDIT-GESELLSCHAFT ET AL.

In re: Interests of Koch-Tiefdruck-Kommandit - Gesellschaft, Koch - Tiefdruck - Gesellschaft, Koch - Tiefdruck, Josef Koch and Robert Pinders in a patent contract.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Koch-Tiefdruck-Kommandit-Gesellschaft, Koch-Tiefdruck-Gesellschaft, and Koch-Tiefdruck are business enterprises organized under the laws of, and maintaining their principal place of business in Essen, Germany and are nationals of a foreign country (Germany);

2. That Josef Koch and Robert Pinders, each of whose last known address is Essen, Germany, are residents of Germany and nationals of a foreign country (Germany);

3. That the property described as follows: All interests and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Koch-Tiefdruck-Kommandit - Gesellschaft, Koch - Tiefdruck - Gesellschaft, Koch - Tiefdruck, Josef Koch and Robert Pinders and each of them, by virtue of an agreement dated September 6, 1937 and September 18, 1937 (including all modifications thereof, and supplements thereto, if any) by and between Koch-Tiefdruck-Kommandit-Gesellschaft, Koch - Tiefdruck - Gesellschaft, Koch-Tiefdruck, Josef Koch and Robert Pinders, and each of them, on the one hand, and Margarete Hirsch, on the other hand, relating, among other things, to United States Letters Patent 2,150,281,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5513; Filed, June 10, 1947; 8:45 a. m.]

[Vesting Order 8894]

MAUSER K. G.

In re: Patent owned by Mauser K. G. of Köln-Ehrenfeldt, Germany.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mauser K. G. is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That the property described as follows: All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No., Date, Inventor, and Title

2,048,457; 7-21-36; Karl W. Mauser; building material;

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5541; Filed, June 10, 1947; 8:45 a. m.]

[Vesting Order 9041]

EMIL VEIT

In re: Trust u/w Emil Veit, deceased. File D-28-9738; E. T. sec. No. 13658.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Elsie Ebner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Emil Veit, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Industrial Trust Company, Philadelphia, Pensylvania, as trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Elsie Ebner, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5515; Filed, June 10, 1947; 8:45 a. m.]

[Vesting Order 9075]

WALTER MEYER

In re: Stock owned by Walter Meyer. F-28-421-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation it is hereby found:

1. That Walter Meyer, whose last known address is Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Nine (9) shares of no par value common capital stock of Texas Textile Mills, Dallas, Texas, a corporation organized under the laws of the State of Texas, evidenced by certificate number 692C, dated September 7, 1938, registered in the name of Walter Meyer and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, subaccount Special Customers account for Custody, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5516; Filed, June 10, 1947; 8:46 a. m.]

[Vesting Order 9076]

CARL NEUMANN

In re: Stock owned by Carl Neumann. F-28-23500-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Neumann, whose last known address is 5 Friedrichstrasse 5, Heidelberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty-five (25) shares of $100.00 par value common capital stock of Baltimore & Ohio Railroad Company, a corporation organized under the laws of the State of Maryland, evidenced by certificate number A-354793, registered in the name of Carl Neumann, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5517; Filed, June 10, 1947; 8:46 a. m.]

[Vesting Order 9077]

FRITZ ROCKMANN

In re: Stock owned by Fritz Rockmann. F-28-25229-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Rockmann, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five and one-half (5 1/2) shares of $40.00 par value non-cumulative preferred stock of The Frink Corporation, a corporation organized under the laws of the State of New York, evidenced by certificate number CP-184, registered in the name of Fritz Rockmann, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with all declared and unpaid dividends thereon,

b. Two and seventy-five hundredths (2 75/100ths) shares of $1.00 par value common capital stock of The Frink Corporation, a corporation organized under the laws of the State of New York, evidenced by certificate number 373, registered in the name of Fritz Rockmann, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with all declared and unpaid dividends thereon, and

c. One (1) The Frink Corporation warrant, representing the right to purchase two hundred-eleven hundredths (200/1100) shares of $1.00 par value common stock, bearing the number W165, registered in the name of Fritz Rockmann, which warrant is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers Account for Custody, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5518; Filed, June 10, 1947; 8:46 a. m.]

[Vesting Order 9078]

WALTER VEIT

In re: Stock owned by Walter Veit. F-28-24272-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Veit, whose last known address is Sanitatstrat. Berlin-Dahlem, Koningin, Luiestra 72, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Four (4) shares of $100.00 par value capital stock of New Orleans, Texas & Mexico Railway Company, a corporation organized under the laws of the State of Louisiana, evidenced by certificate number 7030, registered in the name of Walter Veit, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5519; Filed, June 10, 1947; 8:46 a. m.]

[Vesting Order 9091]

SEISABURO HONDA

In re: Bank account and claim owned by Seisaburo Honda. D-39-17461, F-39-5839-E-1, F-39-5839-C-1, F-39-5839-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seisaburo Honda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Seisaburo Honda, by Bishop National Bank of Hawaii, Honolulu, T. H., arising out of a checking account, entitled Seisaburo Honda, and any and all rights to demand, enforce and collect the same, and

b. All those debts or other obligations owing to Seisaburo Honda, by Pacific Soda Works, Limited, 890 South King Street, Honolulu, T. H., including particularly but not limited to a portion of the sum of money on deposit with Bishop National Bank of Hawaii, Honolulu, T. H., in a blocked savings account, Account Number 19286, entitled Pacific Soda Works, Limited, Blocked Special Account for Non-Resident Stockholders, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by; the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5522; Filed, June 10, 1947; 8:47 a. m.]

[Vesting Order 9092]

JISUKE KAGIMOTO

In re: Bonds owned by Jisuke Kagimoto. F-39-1830-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jisuke Kagimoto, whose last known address is Yamaguchi-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: 3 Oriental Development Co. Ltd., bonds of $1,000 face value, bearing the numbers 12289, 12864, and 8019, presently in the custody of John Y. Shimamoto, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5523; Filed, June 10, 1947; 8:47 a. m.]

[Vesting Order 9094]

HIROSHI MOTOSHIGE

In re: Bank accounts owned by Hiroshi Motoshige. F-39-3715-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hiroshi Motoshige, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hiroshi Motoshige, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 150588, entitled Hiroshi Motoshige, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Hiroshi Motoshige, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, evidenced by Receiver's Liability No. 1769, entitled Hiroshi Motoshige, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5524; Filed, June 10, 1947; 8:47 a. m.]

[Vesting Order 9095]

CHRISTINA MARGARET NATSCHIFF

In re: Stock owned by Christina Margaret Natschiff, also known as Christina M. Natschiff, and as Christina Margaret Natscheff, and as Christina M. Natscheff, and as C. M. Natscheff. F-28-5384-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christina Margaret Natschiff, also known as Christina M. Natschiff, and as Christina Margaret Natscheff, and as Christina M. Natscheff, and as C. M. Natscheff, whose last known address is Dresden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. 20 shares of $25 par value 6% first preferred capital stock of Pacific Gas and Electric Company, 245 Market Street, San Francisco 6, California, a corporation organized under the laws of the State of California, evidenced by certificate number F117423, registered in the name of Christina Natscheff, and presently in the custody of Hawaiian Trust Company, Limited, Honolulu, T. H., together with all declared and unpaid dividends thereon, and

b. 45 shares of $10 par value common capital stock of Mutual Telephone Company, 1128 Alakea Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificate number 23777, registered in the name of Mrs. Christina Natscheff, and presently in the custody of the Attorney General of the United States (Honolulu Office), together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5525; Filed, June 10, 1947; 8:47 a. m.]

[Vesting Order 9096]

KICHITARO SEKIYA

In re Stock and bonds owned by Kichitaro Sekiya, also known as K. Sekiya, and as Kitchitaro Sekiya. F-30-93-A-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kichitaro Sekiya, also known as K. Sekiya and as Kitchitaro Sekiya, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. 200 shares of capital stock of Nanyo Coffee Co., Ltd., Japan, a corporation organized under the laws of Japan, evidenced by certificates numbered KO 033, KO 034, KO 035, KO 036, registered in the name of Kichitaro Sekiya, and presently in the custody of Treasury Department, evidenced by custody receipt No. 320, issued to Yoshio Sekiya, together with all declared and unpaid dividends thereon, and

b. Two (2) United States Defense Savings Bonds, Series E, each of $50 face value, bearing the numbers L378510E and L378509E, registered in the name of Kichitaro Sekiya, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5526; Filed, June 10, 1947; 8:47 a. m.]

[Vesting Order 9099]

LOUISA PLOJETZ AND HEINRICH KRAMER

In re: Bank accounts and interest in mortgage owned by Louisa Plojetz and Heinrich Kramer and debt owing to Heinrich Kramer. F-28-26907-A-1, F-28-26911-A-1, F-28-26911-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louisa Plojetz and Heinrich Kramer, whose last known addresses are 119 2/10 Frankfurter Strasse, Offenbach, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Louisa Plojetz, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a blocked account, account number F 88493, entitled Mrs. Louisa Plojetz, maintained at the branch office of the aforesaid bank located at 11 Broad Street, New York 15, New York, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Heinrich Kramer, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a blocked account, account number F 88494, entitled Dr. Heinrich Kramer, maintained at the branch office of the aforesaid bank located at 11 Broad Street, New York 15, New York, and any and all rights to demand, enforce and collect the same,

c. An undivided three-eighths (3/8) interest in and to that certain mortgage, executed on July 3, 1924, by Fannie Krantz to Valentin Klein and Margaretha Klein, and recorded in the Office of the Register of the County of Bronx, City of New York, New York, on July 5, 1924, in Liber 814 of Mortgages, page 470, section 14, block 3772, and thereafter assigned by The Chase National Bank of the City of New York and Carl H. Bock, as Executors under the last Will and Testament of Valentin Klein, to Barbara M. Bock, Louisa Plojetz, Heinrich Kramer, Lena Walter and John R. Walter, by assignment dated August 20, 1936, and recorded in the Office of the Register of the County of Bronx, City of New York, New York, on August 31, 1936, in Liber 1751 of Mortgages, page 480, section 14, block 3772, and any and all obligations secured by said interest in the mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations, and

d. That certain debt or other obligation owing to Heinrich Kramer, by Muldoon, Propper & Wallace, Trustees of Bronx Certificated Mortgages, 75 Maiden Lane, New York 7, New York, in the amount of $21.80, as of November 22, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5474; Filed, June 9, 1947; 8:58 a. m.]

[Vesting Order 9100]

ERNST WAGNER

In re: Mortgages and interest in property insurance policies and claim owned by Ernst Wagner.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Wagner, whose last known address is Idar Oberstein 2, Kreis Birkenfeld, Blucherstrasse 69, Rheinland, Hessen-Nassau, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. A mortgage executed on May 8, 1929, by Alfred R. Minor, Clara V. Minor, his wife, Anna Kohlmann and Meta Dehn, nee Kohlmann, to Henry Stubing, and recorded in the Office of the Register of Kings County, New York, on May 9, 1929, in Liber 7283 of Mortgages, at Page 321, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

b. A mortgage executed on June 2, 1908, by Giuseppe Pasqualino, also known as Peppino Pasqualino, and his wife, Assunta Pasqualino, to Julius Lehrenkrauss, Jr. and Herman C. Lehrenkrauss and recorded in the Office of the Register of Kings County, New York, on June 3, 1908, in Liber 3137 of Mortgages, at Page 470, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds, and other instruments evidencing such obligations,

c. All right, title and interest of Ernst Wagner, in and to the following insurance policies:

Policy No. 11912, issued by the New Hampshire Fire Insurance Co., 156 Hanover Street, Manchester, New Hampshire, in the amount of $2,500.00, and any extensions or renewals thereof, insuring the premises, subject to the mortgage described in subparagraph 2-a hereof,

Policy No. 56326, issued by the New Hampshire Fire Insurance Co., 156 Hanover Street, Manchester, New Hampshire, in the amount of $1,400.00, and any extensions or renewals thereof, insuring the premises, subject to the mortgage described in subparagraph 2-a hereof, and

Policy No. 813365, issued by the Home Insurance Company of New York, 59 Maiden Lane, New York, New York, in the amount of $4,000.00, and any extensions or renewals thereof, insuring the premises, subject to the mortgage described in subparagraph 2-b hereof,

d. That certain debt or other obligation, owing to Ernst Wagner by Richter & Kaiser, Inc., 186 Remsen Street, Brooklyn, New York, arising by reason of interest and payments on principal collected on the mortgages described in subparagraphs 2-a and 2-b hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a to 2-d above, inclusive, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5475; Filed, June 9, 1947; 8:59 a. m.]

[Vesting Order 9102]

ERNEST BOTTMAN ET AL.

In re: Ernest Bottman vs. Marie Walker, et al. File D-28-7996; E. T. sec. No. 8902.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Sauter and David Bottman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to order of court in a partition suit entitled Ernest Bottman vs. Marie Walker, et al., is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Elizabeth Lownsbury of Philadelphia, Pennsylvania, as Master, acting under the judicial supervision of the Court of Common Pleas No. 2 for Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, ad-

ministered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9133, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5527; Filed, June 10, 1947; 8:47 a. m.]

[Vesting Order 9104]

MICHAEL VARGA

In re: Estate of Michael Varga, also known as Mike Varga, deceased. File No. D-34-911; E. T. sec. 15873.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jakob Ferenzne and Balog Kalmane, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Michael Varga, also known as Mike Varga, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by Tessie Papp, as administratrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5528; Filed, June 10, 1947; 8:47 a. m.]

[Vesting Order 9108]

ISUNAHISA INADA

In re: Stock owned by Isunahisa Inada. F-39-4787-D-1, F-39-4787-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isunahisa Inada, whose last known address is Keitokumura, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Eight (8) shares of $12.50 par value common capital stock of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by Certificates numbered A49609 for five (5) shares and F86755 for three (3) shares, registered in the name of Isunahisa Inada, together with all declared and unpaid dividends thereon, and

b. Twenty-five (25) shares of $2.00 par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 97424, registered in the name of Isunahisa Inada, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5476; Filed, June 9, 1947; 8:59 a. m.]

[Vesting Order 9110]

HEINR. A. MOEHLENHOFF

In re: Debt owing to Heinr. A. Moehlenhoff.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinr. A. Moehlenhoff, whose last known address is Hasporterdamm 105, Delmenhorst, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owning to Heinr. A. Moehlenhoff, by American Express Company, 65 Broadway, New York 6, New York, in the amount of $290.00, as of December 8, 1945, and any and all accruals thereto, evidenced by seventeen (17) travelers checks, numbered B21111428 to B21111439, both numbers inclusive, and A26155104 to A26155108, both numbers inclusive, issued by said American Express Company, 65 Broadway, New York 6, New York, and presently in the possession of the Attorney General of the United States, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation, together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid travelers checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5529, Filed, June 10, 1947, 8:47 a. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

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TITLE 3—THE PRESIDENT

PROCLAMATION 2734

SUPPLEMENTAL QUOTA ON IMPORTS OF EXTRA LONG-STAPLE COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935, 49 Stat. 750, 773, as amended by section 5 of the act of February 29, 1936, 49 Stat. 1148, 1152, and as reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246 (7 U. S. C. 624), the President issued a proclamation on September 5, 1939 (No. 2351, 54 Stat. 2640), limiting the quantities of certain cotton and cotton waste which might be entered, or withdrawn from warehouse, for consumption, which proclamation was suspended in part or modified by the President's proclamations of December 19, 1940 (No. 2450, 54 Stat. 2769), March 31, 1942 (No. 2544, 56 Stat. 1944), June 29, 1942 (No. 2560, 56 Stat. 1963), and February 1, 1947 (No. 2715); and

WHEREAS the said proclamation of September 5, 1939, provides that the total quantity of cotton having a staple of $1\frac{1}{8}$ inches or more in length which may be entered, or withdrawn from warehouse, for consumption in any year commencing September 20 shall not exceed 45,656,420 pounds; and

WHEREAS the aforesaid limitation on the entry of cotton having a staple of $1\frac{1}{8}$ inches or more in length was imposed after a finding by the President, on the basis of the investigation and report of the United States Tariff Commission made under the provisions of the said section 22 of the Agricultural Adjustment Act of 1933, as amended, that such cotton was being imported into the United States under such conditions and in sufficient quantities as to tend to render ineffective or materially interfere with the program undertaken with respect to cotton under the Soil Conservation and Domestic Allotment Act, as amended; and

WHEREAS the imposition of the aforesaid annual quotas on cotton having a staple of $1\frac{1}{8}$ inches or more in length was recommended by the United States Tariff Commission in its report (Report No. 137, 2d Series) in connection with which it was stated, in finding No. 5, that the quotas recommended "will prevent imports from interfering with the cotton program and at the same time will permit American industry to secure needed supplies of specialized types of cotton"; and

WHEREAS the total quantity of cotton having a staple of $1\frac{1}{8}$ inches or more but less than $1\frac{11}{16}$ inches in length which may be entered for consumption or withdrawn from warehouses for consumption under the said proclamation of September 5, 1939, as modified, during the quota year ending September 19, 1947, has already been entered, or withdrawn from warehouse, for consumption; and

WHEREAS pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as further amended by the act of January 25, 1940, 54 Stat. 17, the United States Tariff Commission has made a supplementary investigation to determine whether changed circumstances require the modification of the said proclamation of September 5, 1939, so far as it limits the quantity of cotton having a staple of $1\frac{1}{8}$ inches or more in length which may be entered for consumption or withdrawn from warehouse for consumption during the quota year ending September 19, 1947, particularly with reference to the possible need for an increase in the quota for the said quota year, in order to meet the current requirements of domestic manufacturers for long-staple cotton; and

WHEREAS in the course of the investigation, after due notice, a public hearing was held on February 18, 1947, at which parties interested were given opportunity to be present, to produce evidence, and to be heard, and, in addition to the hearing, the Commission made such investigation as it deemed necessary for a full disclosure and presentation of the facts; and

WHEREAS the Commission has made findings of fact and has transmitted to me a report of such findings and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and has also trans-

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FEDERAL REGISTER

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mitted a copy of such report to the Secretary of Agriculture; and

WHEREAS the Commission has recommended that an additional quantity of 23,094,000 pounds of cotton having a staple of $1\frac{3}{8}$ inches or more but less than $1\frac{11}{16}$ inches in length be permitted entry during the quota year ending September 19, 1947, in order to enable domestic users to obtain their essential requirements for such cotton:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby find and declare, on the basis of the investigation and report of the United States Tariff Commission, that changed circumstances require the modification of the said proclamation of September 5, 1939, so as to permit the entry for consumption, or withdrawal from warehouse for consumption, during the quota year ending September 19, 1947, of 23,094,000 pounds of cotton having a staple of $1\frac{3}{8}$ inches or more but less than $1\frac{11}{16}$ inches in length, in addition to the quantity of cotton having a staple of $1\frac{3}{8}$ inches or more but less than $1\frac{11}{16}$ inches in length the entry of which has already been made under the said proclamation of September 5, 1939, during the said quota year, which additional quantity I find should be permitted entry to carry out the purposes of section 22 of the Agricultural Adjustment Act of 1933, as amended. Accordingly, pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as amended, I hereby modify the said proclamation of September 5, 1939, so as to permit during the quota year ending September 19, 1947, the entry for consumption, or withdrawal from warehouse for consumption, of an additional quantity of 23,094,000 pounds of cotton having a staple of $1\frac{3}{8}$ inches or more but less than $1\frac{11}{16}$ inches in length, which additional quantity I hereby find and declare may be entered for consumption, or withdrawn from warehouse for consumption, during such quota year without rendering or tending to render ineffective or materially interfering with the domestic program undertaken with respect to cotton, or reducing substantially the amount of any product processed in the United States from cotton produced in the United States.

This proclamation shall become effective on the fifth day after the date of its signature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of June in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL] HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-5645; Filed, June 11, 1947; 11:35 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 26—THE FEDERAL LAND BANK OF ST. LOUIS

FEES

Corrected Reprint

Section 26.1 *Partial release of security and release of personal liability fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans,* of Title 6, Code of Federal Regulations, is hereby revoked, effective March 28, 1947 (Res. of Ex. Com. Mar. 28, 1947).

Section 26.3 *Prepayment fees,* of Title 6, Code of Federal Regulations is hereby revoked, effective February 17, 1947 (Res. of Ex. Com. Feb. 5, 1947).

[SEAL] FEDERAL LAND BANK OF ST. LOUIS,
By WALTER H. DROSTE,
President.

Attest:

E. B. HARRIS,
Assistant Secretary.

[F. R. Doc. 47-4585; Filed, May 15, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture [1]

[Gen. Order 5]

PART 705—ADMINISTRATION

ADOPTION BY THE SECRETARY OF AGRICULTURE OF REGULATIONS AND ORDERS OF THE OFFICE OF TEMPORARY CONTROLS (OFFICE OF PRICE ADMINISTRATION) RELATING TO SUGAR RATIONING AND SUGAR AND RICE PRICE CONTROL

Pursuant to the authority conferred upon the Secretary of Agriculture by law, including the Sugar Control Extension Act of 1947 and Executive Order No. 9841, it is ordered:

§ 705.105 *Adoption and approval by the Secretary of Agriculture of regulations and orders of the Office of Temporary Controls (Office of Price Administration) relating to sugar rationing and sugar and rice price control*—(a) *What this order does.* By the Sugar Control Extension Act of 1947, effective March 31, 1947, all powers, functions, and duties with respect to price control and rationing and allocation of sugar were transferred to the Secretary of Agriculture. By Executive Order 9841 the President transferred to the Secretary of Agriculture, effective May 4, 1947, all functions with respect to price control on rice. The Sugar Control Extension Act of 1947 and Executive Order 9841 also provide that all orders and regulations relating to the functions of sugar rationing and sugar and rice price control in force on the effective dates of the transfers of these functions were continued in effect until modified or revoked by the Secretary of Agriculture. In order to carry out the functions transferred to the Secretary by such act and Executive Order, the Secretary of Agriculture is adopting and approving all such regulations, orders, and other documents concerning or affecting sugar rationing and sugar and rice price control as regulations, orders, and documents of the Sugar Rationing Administration, Department of Agriculture. As it is not practicable at this time to individually reissue these regulations, orders, and other documents in the name of the Secretary of Agriculture, this general order provides for their adoption and approval by the Secretary in a single document.

(b) *Adoption and approval by the Secretary of Agriculture of certain Office of Temporary Controls (Office of Price Administration) regulations and orders.* All maximum price regulations, ration orders, procedural regulations, general orders, supplementary orders, manuals, or other internal operating instructions, and any other official documents or actions relating to or affecting sugar rationing or rice or sugar price control, which were issued or taken by or under the authority of the Temporary Controls Administrator, or by any other authorized official of the Office of Temporary Controls (Office of Price Administration) (including those ratified by the Temporary Controls Administrator by order dated December 19, 1946, 11 F. R. 14704) which were, with respect to sugar rationing and sugar and rice price control, in effect on March 31, 1947, and which were, with respect to rice price control, in effect on May 4, 1947, are, in accordance with the Sugar Control Extension Act of 1947 and Executive Order No. 9841, hereby adopted, ratified, and confirmed, and shall remain in full force and effect until they expire by their terms, or are revoked, modified, or amended by the Secretary of Agriculture: *Provided, however,* That any actions heretofore taken by the Secretary of Agriculture, or any official duly authorized by him, with respect to such documents or actions, shall remain in full force and effect until they expire by their terms, or are revoked, modified, or amended by the Secretary or such official as may be authorized by him.

This General Order No. 5 shall become effective June 5, 1947.

(Pub. Law 30, 80th Cong., 1st session; E. O. 9841, 12 F. R. 2645)

Issued this 5th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5639; Filed, June 11, 1947; 10:32 a. m.]

[Gen. Order 6]

PART 705—ADMINISTRATION

EXEMPTION FROM PRICE CONTROL OF CERTAIN SUGAR PRODUCTS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority conferred upon the Secretary of Agriculture by the Sugar Control Extension Act of 1947, it is ordered:

§ 705.106 *Exemption from price control of certain sugar products.* Notwithstanding the provisions of any price regulation or order heretofore issued, syrup blends containing 10% or more by weight or volume of maple sugar or maple syrup are exempt from price control.

This General Order No. 6 shall become effective June 11, 1947.

(Pub. Law 30, 80th Cong., 1st session)

Issued this 6th day of June 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Opinion Accompanying General Order No. 6

The accompanying General Order No. 6 exempts from price control syrup blends containing 10% or more by weight or volume of maple sugar or maple syrup.

This action is taken as a supplement to the action taken October 24, 1946, decontrolling most food items, including pure maple syrup. Syrup blends containing maple syrup, however, were kept under price control in order to prevent a possible diversion of sugar cane syrups to the production of maple syrup blends. It is now believed that this diversion, if any, can only be minimal where syrup blends contain at least 10% maple syrup or maple sugar. This is because the total production of maple syrup is very small in terms of production of cane and other syrups. For this reason, the Sec-

[1] Formerly Chapter XI, Office of Temporary Controls, Office of Price Administration.

retary has determined that these maple syrup blends, which are unimportant in business or living costs, should be exempt from price controls, as the pure maple syrup has been.

[F. R. Doc. 47-5637; Filed, June 11, 1947, 10:31 a. m.]

[RMPR 291,[1] Amdt. 13]

PART 710—FOOD PRICES

CERTAIN SYRUPS AND MOLASSES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 291 issued by the Office of Price Administration and amended by the Office of Temporary Controls under § 1351.1351 of Title 32, Chapter XI, is designated Revised Maximum Price Regulation No. 291 issued under § 710.291, Title 32, Chapter VII, pursuant to the authority vested in the Secretary of Agriculture by the "Sugar Control Extension Act of 1947" and is amended in the following respects:

1. In section 2 (d) the words "Sugar Rationing Administration, Department of Agriculture" are substituted for the words "Office of Price Administration, Office of Temporary Controls."

2. In section 8 (c) (3) the words "Sugar Rationing Administration, Department of Agriculture" are substituted for the words "Office of Price Administration."

3. In the last sentence of section 8 (e) (1) the words "pursuant to paragraph (f) of this section" are deleted.

4. In the last sentence of section 8 (e) (2) the words "pursuant to paragraph (f) of this section" are deleted.

5. Section 8 (f) is amended to read as follows:

(f) *Reports.* (1) Within 30 days after a person starts packing any blend of syrup containing country cane syrup he shall, if he has not already reported this information to the Office of Price Administration, report to the Price and Supply Division, Sugar Rationing Administration, Department of Agriculture, Washington 25, D. C., the exact percentage by volume of all syrups which he packed in each of his blends on the 2d day of March 1943, or prior thereto when he last packed such blend, or if he did not pack country cane syrup in blends at that time or prior thereto, the exact percentage by volume of all syrups in each blend when he began packing such blends.

(2) Any packer who desires to change the percentage of country cane syrup pursuant to paragraph (e) of this section, shall report to the Price and Supply Division, Sugar Rationing Administration, Department of Agriculture, Washington 25, D. C., at or prior to the time that he first makes such change in his blend, (i) the brand name and percentage of country cane syrup in the blend from which he is changing, (2) the amount of country cane syrup in the blend on the 2d day of March 1943, which he reported either to the Office of Price Administration or to the Sugar Rationing Administration, Department of Agriculture, (3) the amount of country cane syrup which he now intends to pack in the blend, and (4) a statement that he has complied with the provisions of this section.

[1] 8 F. R. 16508

6. Section 8a is amended to read as follows:

SEC. 8a. *Sales of blends of syrups by packers on and after June 11, 1947.* On and after June 11, 1947, a packer's maximum price for any item of a blend of syrups containing at least 5% country cane syrup by volume shall be:

(a) His maximum price for that item as established under this regulation prior to August 30, 1946;

(b) Plus an amount calculated as follows:

(1) Determine the net weight of each pure syrup contained in the sales unit in pounds and fractions thereof;

(2) Multiply each of the net weights found in (1) by the applicable amount set out in the following table:

Pure syrups:	*Permitted increase per pound*
Corn syrup	$0.0242
Commercial cane syrup	.0088
Country cane syrup	.0158
Maple syrup	.10
Second molasses	.0017
Direct consumption sugar, solid content	.0280
Liquid malt syrup	.0052
Refiners syrup, sugar solids content	.02

NOTE: The increase permitted for refiners syrup contained in an item applies only to the sugar solids content of the refiners syrup.

(3) Total the results obtained in (2).

(4) From the figure obtained in (3) subtract $0.0017 per pound for each pound of first molasses, if any, contained in the item.

7. In the first sentence of section 9 (c) the words "Price and Supply Division, Sugar Rationing Administration, Department of Agriculture" are substituted for the words "Sugar Branch, Price Department, Office of Price Administration, Office of Temporary Controls."

8. In section 9, the final sentence following subparagraph (5) of paragraph (c), is amended to read as follows: "Maximum prices calculated as above shall be deemed approved on the 15th day following the receipt of report by the Sugar Rationing Administration, Department of Agriculture, Washington 25, D. C., if no objection is made within that time by the Sugar Rationing Administration."

9. In section 9 (e) the words "Sugar Rationing Administration, Department of Agriculture" are substituted for the words "Office of Price Administration, Office of Temporary Controls."

10. The first two sentences in section 11 (b) are amended to read as follows: "If a seller cannot determine his maximum price under the foregoing paragraph (a), he shall file an application for a maximum price with the nearest Regional Office of the Sugar Rationing Administration. The Administrator of the Sugar Rationing Administration, the Regional Sugar Executives of Regions 2, 3, 5, 6 and 8, and the Deputy Regional Sugar Executive of Region 4 may determine a maximum price in line with existing prices after an examination of the application which shall set forth the following information:"

11. The first two sentences of section 12 (b) are amended to read as follows: "If a seller cannot determine his maximum price under the foregoing paragraph (a), he shall file an application for a maximum price with the nearest Regional Office of the Sugar Rationing Administration. The Administrator of the Sugar Rationing Administration, the Regional Sugar Executives of Regions 2, 3, 5, 6 and 8, and the Deputy Regional Sugar Executive of Region 4 may determine a maximum price in line with existing prices after an examination of the application which shall set forth the following information:"

12. Section 12a is redesignated section 12b and is amended by deleting the word "OPA" and substituting the words "Sugar Rationing Administration, Department of Agriculture" for the words "Office of Price Administration" in the "Notice to Wholesalers and Retailers" therein.

13. A new section 12a is added to read as follows:

SEC. 12a. *Additions permitted for increased packaging costs—(a) Barrels and half-barrels.* On and after June 11, 1947, the maximum prices established by this regulation for sales of any item of syrups or molasses when sold in wooden barrels or half-barrels furnished by the seller may be increased by $0.08 per gallon.

(b) *Tin or glass containers.* On and after June 11, 1947, the maximum price established by this regulation for sales of any item of syrup or molasses when sold in tin or glass containers furnished by the seller may be increased by an amount equal to the seller's increase in cost on June 11, 1947, over the cost on January 1, 1946, per case or other sales unit for the same packaging materials. Packaging materials means tin or glass containers, caps, labels and cartons. Cost means the amount paid for the most recent typical purchase, prior to the applicable date.

14. Sec. 14 is amended to read as follows:

SEC. 14. *Enforcement.* Any person who violates any provision of this Revised Maximum Price Regulation No. 291 is subject to the criminal penalties and civil enforcement actions provided by the "Sugar Control Extension Act of 1947."

15. In section 15 the words "Sugar Rationing Administration, Department of Agriculture" are substituted for the words "Office of Price Administration, Office of Temporary Controls" wherever they appear, and the words "and the 'Sugar Control Extension Act of 1947'" are inserted after the words "Emergency Price Control Act, as amended."

16. Sections 16 (a) (2) and 16 (a) (3) are deleted.

17. In section 18 the paragraph designation "(a)" is deleted, the words "Sugar Rationing Administration, Department of Agriculture" are substituted for the words "Office of Price Administration, Office of Temporary Controls", and the words "Sugar Control Extension Act of 1947" are substituted for the words "Emergency Price Control Act of 1942, as amended."

This amendment shall become effective June 11, 1947.

(Pub. Law 30, 80th Cong., 1st session)

Issued this 6th day of June, 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment No. 13 to Revised Maximum Price Regulation 291 and Amendment No. 24 to Supplementary Regulation 14C to the General Maximum Price Regulation

The accompanying amendments to Revised Maximum Price Regulation 291 and Supplementary Regulation 14C change the pricing of syrups and molasses covered by these regulations in several respects:

1. The ceiling prices for commercial cane syrup, country cane syrup, first and second molasses, refiners syrups, and all blends of syrups subject to these regulations are increased by 8 cents per gallon when packed in wooden barrels or half-barrels furnished by the seller.

2. Ceiling prices for the same items when packed in tin or glass containers furnished by the seller are increased by an amount equal to the seller's increase in cost per selling unit for packaging materials as determined by his most recent typical purchase prior to June 11, 1947, over the cost of his most recent typical purchase prior to January 1, 1946. The packaging materials considered are tin or glass containers, caps, labels and cartons.

3. Ceiling prices for sales of blends of syrup are further increased by $.0025 per pound of direct consumption sugar, solid content contained in the blend.

4. Various non-substantive changes are made to make the regulations consistent with the fact that jurisdiction over price control is now vested in the Sugar Rationing Administration of the Department of Agriculture, rather than in the Office of Temporary Controls (Office of Price Administration).

This action has been brought on by various increased costs to sellers who package syrups, molasses and blends. The extent of these increased costs has been such as to substantially reduce profits margins for most packers and to actually cause losses on various products for others. The need for this action has been intensified since November 1946 when the ceiling prices for barrels and packaging materials were removed. Prior to that there had been substantial increases in ceiling prices, particularly for wooden barrels.

The increase of 8 cents per gallon for products packed in wooden barrels and half-barrels represents the equivalent of the approximate increase in the cost of new wooden barrels since 1942. No attempt is made to limit the increase to new barrels because of the possible evasions and other difficulties which would arise from having different sets of prices depending on the newness of the container. It is doubtful that anything would be gained by now establishing such a differential for the first time.

The packaging material increase provided to packers in tin or glass containers should provide adequate relief. The greatest increases in these items have come since January 1, 1946 with costs remaining fairly stable during the price control years prior to that date.

The increase allowed for syrup blends for direct consumption sugar represents the increased cost of this item since January 17, 1947. Previous sugar increases have been reflected in blended syrup maximum prices.

The commodities for which maximum prices have been increased by these actions are not significant in business costs or the cost of living. Any attempt to obtain exact figures as to the amount necessary to assure production of these items at no loss would be fraught with serious administrative difficulties, and would consume an irordinate amount of time far beyond the contribution to the sugar control program which might be effectuated. Although increases to the full extent herein allowed and contemplated are probably in excess of the amount required to assure total costs to the industries or segments of industries involved, it is believed that the adjustments will place affected syrup and molasses packers on a normal profit basis with other syrup packers and with packers of bulk syrups. To whatever extent these increases, in some instances, may raise maximum prices beyond the level required by law cannot be exactly determined. Nevertheless, the action is necessary, in the judgment of the Secretary, to correct maladjustments which would interfere with the effective transition to a peacetime economy.

Notice is still required to be given to wholesalers and retailers of any changes in maximum prices of items covered by Revised Maximum Price Regulation 291 and Supplementary Regulation 14C.

[F. R. Doc. 47 5638; Filed, June 11, 1947; 10:31 a. m.]

[SR 14C,[1] Amdt. 24]

PART 710—FOOD PRICES

MODIFICATION OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN FOODS AND BEVERAGES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Regulation No. 14C to the General Maximum Price Regulation issued by the Office of Price Administration under § 1499.76 of Title 32, Chapter XI is designated Supplementary Regulation No. 14C issued under § 710.76, Title 32, Chapter VII pursuant to the authority vested in the Secretary of Agriculture by the "Sugar Control Extension Act of 1947" and is amended in the following respects:

1. Section 4.9 (a) is amended to read as follows:

(a) (1) *Maximum prices which blenders of syrups may charge.* Maximum prices which a blender may charge for any item of blended syrups except those containing 10 percent or more of maple syrup or 5 percent or more of country cane syrup, shall be his maximum price as established under § 1499.2 of the General Maximum Price Regulation plus an amount calculated as follows:

(i) Determine the net weight of each pure syrup contained in the sales unit in pounds and fractions thereof;

(ii) Multiply each of the net weights found in (i) by the applicable amount set out in the following table:

Pure syrups:	*Permitted increase per pound*
Corn syrup	$0.0242
Commercial cane syrup	.0088
Country cane syrup	.0158
Maple syrup	.10
Second molasses	.0017
Direct consumption sugar, solid content	.0280
Liquid malt syrup	.0052
Refiners syrup, sugar solids content	.02

NOTE: The increase permitted for refiners syrup contained in an item applies only to the sugar solids content of the refiners syrup.

(iii) Total the results obtained in (ii);

(iv) From the figure obtained in (iii) subtract $0.0017 per pound for each pound of first molasses, if any, contained in the item.

(2) *Additions permitted for increased packaging costs.* To the maximum prices established in subparagraph (1) above the following may be added:

(i) $0.08 per gallon when sold in wooden barrels or half barrels furnished by the seller;

(ii) An amount equal to the seller's increase in "cost" of "packaging materials" on June 11, 1947, over the cost on January 1, 1946, per case or other sales unit for the same packaging materials, when sold in tin or glass containers. "Packaging materials" means tin or glass containers, caps, labels and cartons. "Cost" means the amount paid for the most recent typical purchase prior to the applicable date.

2. Section 4.9 (c) is amended by deleting the word "OPA" and by substituting the words "Sugar Rationing Administration, Department of Agriculture" for the words "Office of Price Administration" in the "Notice to Wholesalers and Retailers" therein.

3. Section 4.9 (d) is revoked.

4. Section 4.10 (a) (1) (iii) is added to read as follows:

(iii) Plus the sum of eight cents per gallon for sales in wooden barrels or half barrels furnished by the seller.

[1] 11 F. R. 14163.

This amendment shall become effective June 11, 1947.

Issued this 6th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment No. 13 to Revised Maximum Price Regulation 291 and Amendment No. 24 to Supplementary Regulation 14C to the General Maximum Price Regulation

The accompanying amendments to Revised Maximum Price Regulation 291 and Supplementary Regulation 14C change the pricing of syrups and molasses covered by these regulations in several respects:

1. The ceiling prices for commercial cane syrup, country cane syrup, first and second molasses, refiners syrups, and all blends of syrups subject to these regulations are increased by 8 cents per gallon when packed in wooden barrels or half-barrels furnished by the seller.

2. Ceiling prices for the same items when packed in tin or glass containers furnished by the seller are increased by an amount equal to the seller's increase in cost per selling unit for packaging materials as determined by his most recent typical purchase prior to June 11, 1947 over the cost of his most recent typical purchase prior to January 1, 1946. The packaging materials considered are tin or glass containers, caps, labels and cartons.

3. Ceiling prices for sales of blends of syrup are further increased by $.0025 per pound of direct consumption sugar, solid content contained in the blend.

4. Various non-substantive changes are made to make the regulations consistent with the fact that jurisdiction over price control is now vested in the Sugar Rationing Administration of the Department of Agriculture, rather than in the Office of Temporary Controls (Office of Price Administration).

This action has been brought on by various increased costs to sellers who package syrups, molasses and blends. The extent of these increased costs has been such as to substantially reduce profit margins for most packers and to actually cause losses on various products for others. The need for this action has been intensified since November 1946 when the ceiling prices for barrels and packaging materials were removed. Prior to that there had been substantial increases in ceiling prices, particularly for wooden barrels.

The increase of 8 cents per gallon for products packed in wooden barrels and half-barrels represents the equivalent of the approximate increase in the cost of new wooden barrels since 1942. No attempt is made to limit the increase to new barrels because of the possible evasions and other difficulties which would arise from having different sets of prices depending on the newness of the container. It is doubtful that anything would be gained by now establishing such a differential for the first time.

The packaging material increase provided to packers in tin or glass containers should provide adequate relief. The greatest increases in these items have come since January 1, 1946 with costs remaining fairly stable during the price control years prior to that date.

The increase allowed for syrup blends for direct consumption sugar represents the increased cost of this item since January 17, 1947. Previous sugar increases have been reflected in blended syrup maximum prices.

The commodities for which maximum prices have been increased by these actions are not significant in business costs or the cost of living. Any attempt to obtain exact figures as to the amount necessary to assure production of these items at no loss would be fraught with serious administrative difficulties, and would consume an inordinate amount of time far beyond the contribution to the sugar control program which might be effectuated. Although increases to the full extent herein allowed and contemplated are probably in excess of the amount required to assure total costs to the industries or segments of industries involved, it is believed that the adjustments will place affected syrup and molasses packers on a normal profit basis with other syrup packers and with packers of bulk syrups. To whatever extent these increases, in some instances, may raise maximum prices beyond the level required by law cannot be exactly determined. Nevertheless, the action is necessary, in the judgment of the Secretary, to correct maladjustments which would interfere with the effective transition to a peacetime economy.

Notice is still required to be given to wholesalers and retailers of any changes in maximum prices of items covered by Revised Maximum Price Regulation 291 and Supplementary Regulation 14C.

[F. R. Doc. 47-5640; Filed, June 11, 1947; 10:32 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 336]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) of this section is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	Commodity
	Rubber (natural, allied gums and synthetics) and manufactures:
200100	Crude rubber (dry rubber content) (include Hevea, Caucho, Guayule, Para, smoked ribbed sheets, crepe rubber and milk or latex).
209800	Liquid rubber compounds of natural rubber.
	Pigments, paints, and varnishes:
842300	Carbon black, channel type, for rubber end use.
842300	Carbon black, channel type, for end use other than rubber.
	(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

This amendment shall become effective June 1, 1947.

Dated: May 19, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-5559; Filed, June 11, 1947; 8:54 a. m.]

[Amdt. 337]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) of this section is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	Commodity
	Hides and skins, raw, except furs:
020104	Cattle hides, wet, under 55 lbs.
020602	Calf skins, dry.
020604	Calf skins, wet.
020702	Kip skins, dry.
020704	Kip skins, wet.
025012	Goat skins.
025016	Kid skins.
	Leather:
	Upper leather (except lining and patent):
	Cattle, side upper:
030000	Grain, black.
030100	Grain, other.
	Calf and kip:
030410	Sides, black.
030420	Whole skins, black.
030510	Sides, other.
030520	Whole skins, other.
	Goat and kid (include glazed kid):
030800	Black.
030900	Other.
	Patent upper leather:
031210	Cattle (include kip and calf side).
031950	Goat and kid.
031950	Whole calf and whole kip.
	Lining leathers:
032300	Calf and kip.
032300	Cattle.
032300	Goat and kid.
	Boot and shoe cut stock:
	Cut stock other than outer soles (include inner soles, heels, lifts, counters, box toes, rands, uppers, etc.; specify by name):
032800	Calf and kip.
032800	Goat and kid.
	Glove and garment leather (hat leather included):
033950	Calf and kip.
033950	Cattle.
033950	Goat.
	Handbag leather (report reptilian, aquatic and fancy leather in 035700):
035650	Cattle.
035650	Coat and kid.
035650	Other handbag leather, except lamb and sheep.
	Iron and steel manufactures:
615000	Domestic conversion oil burners, up to and including 6 gallons hourly capacity).
	(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

This amendment shall become effective June 1, 1947.

Dated: May 28, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-5558; Filed, June 11, 1947; 8:54 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 5, Amdt. 1]

PART 8305—SURPLUS REAL PROPERTY

War Assets Administration Regulation 5, March 17, 1947, entitled "Surplus Real Property" (12 F. R. 2028), is hereby amended in the following respects:

1. Section 8305.13 (a) is amended to read as follows:

(a) *General.* Except as otherwise authorized by the Administration or as otherwise provided in this section, the disposal agency shall in all cases establish the fair value of the property assigned to it for disposition: *Provided, however,* That in those cases in which the property is classified as airport property and is to be disposed of to a State or local government, or is property which it is contemplated will be transferred to a Federal agency without reimbursement or transfer of funds, no estimate need be made of the value of the property.

2. Section 8305.13 (b) is amended to read as follows:

(b) *Property to be acquired through exercise of former owner's and tenant's priority.* In connection with the sale of section 23 real property to a former owner or tenant entitled to a priority therein, the disposal agency shall determine the sale price, which price shall be the lower of (1) the market price, or (2) the acquisition price adjusted to reflect any increase or decrease in the value of the property resulting from action by the United States.

3. Section 8305.14 (b) is amended to read as follows:

(b) *Notice to priority holders.* At the time of the first publication of the advertising required by this section, or where advertising is not required under the provisions of paragraph (a) of this section, notice shall be sent by mail to all Government agencies listed in Exhibit A of this part. Except in such cases where advertising is not required, notice also shall be sent by mail to the State, political subdivision thereof, and any municipality in which the property is located and, in the case of harbor, port terminal, or airport property, to municipalities in the vicinity thereof. In addition, notice should be sent by mail to any other State or local government, or to any nonprofit institution which has expressed an interest in the property. Where, however, a transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, its need being recognized as paramount, no notice to other Government agencies is necessary. In those cases where the former owner is afforded a priority, the disposal agency, at the time of the first publication of such notice, shall send a copy thereof to the former owner at his last-known address by registered mail, with return receipt requested, except in those cases where the holder of a higher priority has indicated its intention to exercise its priority to acquire the property.

4. Section 8305.14 (d) is amended to read as follows:

(d) *Cut-off date.* Except as otherwise authorized by the Administration, all advertisements published pursuant to the requirements of this section shall contain a cut-off date for the submission of offers.

5. Section 8305.18 is amended by the addition of two new paragraphs at the end thereof, identified as (e) and (f), to read as follows:

(e) *Rights-of-way.* The price to be paid by State or local governments for the acquisition of rights-of-way for highways or streets over surplus section 23 real property, pursuant to section 13 (e) of the act, shall be a price not exceeding that paid therefor by the Government.

(f) *Veterans.* Veterans and the spouse and children of deceased servicemen shall be entitled to purchase surplus section 23 real property at a price fixed by the disposal agency, after taking into consideration the current market value, the character of the property, and, if income-producing, the estimated earning capacity thereof.

6. The last sentence of § 8305.20 (b) is amended to read as follows: "Any deed, lease, or other instrument executed to dispose of property under this part, subject to reservations, restrictions, or conditions, as to the future use, maintenance, or transfer of the property, shall unless otherwise authorized by the Administration, recite all representations and agreements pertaining thereto; and may contain a provision to the effect that, upon a breach of any of the reservations, restrictions, or conditions by the immediate or any subsequent transferees, the title, right of possession, or other right disposed of, shall, at the option of the Government, revert to the Government upon demand."

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265)

This amendment shall become effective June 12, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JUNE 6, 1947.

[F. R. Doc., 47-5646; Filed, June 11, 1947; 11:56 a. m.]

[Reg. 6]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

Surplus Property Administration Regulation 9, October 12, 1945, as amended through September 9, 1946, entitled "Contractor Inventory and Disposals by Owning Agencies" (10 F. R. 12961, 14966; 11 F. R. 3691, 10221) is hereby revised and amended as herein set forth as War Assets Administration Regulation 9. Order 1, October 12, 1945 (10 F. R. 12965), Order 3, November 16, 1945 (10 F. R. 14404), Order 5, September 9, 1946 (11 F. R. 10222), Order 6, November 27, 1946 (11 F. R. 14108), and Order 7, November 27, 1946 (11 F. R. 14105) under this part shall remain in full force and effect.

GENERAL PROVISIONS

Sec.
8309.1 Definitions.
8309.2 Limitation of application.

CONTRACTOR INVENTORY

8309.3 Owning agencies empowered to authorize retentions or disposals.
8309.4 Predetermination arrangements.
8309.5 Retentions and sales at cost.
8309.6 Retentions by contractors of $100 items or groups.
8309.7 Retentions by contractors for own use.
8309.8 Sales by contractors; small lots.
8309.9 Sales by contractors; small inventories.
8309.10 Sales by contractors; unserviceable property.
8309.11 Sales by contractors; serviceable property.
8309.12 Used plant equipment in contractor inventory; pricing policy.
8309.13 Destruction or abandonment of worthless property.
8309.14 Contractor inventory in possession of owning agency.

DISPOSALS BY OWNING AGENCIES

8309.15 Sale of small lots.
8309.16 Sale of waste, salvage, scrap, and products of research and other operations.
8309.17 Emergency disposals.
8309.18 Donation, abandonment, or destruction of property.
8309.19 Records and reports.
8309.20 Regulations by owning agencies to be reported to the Administration.

AUTHORITY: §§ 8309.1 to 8309.20 inclusive, issued under Surplus Property Act of 1944, as amended (58 Stat. 765, as amended, 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265).

§ 8309.1 *Definitions*—(a) *Terms defined in Surplus Property Act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Administration" means the War Assets Administration acting by or through the War Assets Administrator or a designated official to whom ministerial functions under this part have been delegated by the Administrator.

(2) "Administrator" means the War Assets Administrator.

(3) "Care and handling" includes completing, repairing, converting, rehabilitating, operating, maintaining, pre-

serving, protecting, insuring, storing, packing, handling, and transporting, and in the case of property which is dangerous to public health or safety, destroying, or rendering innocuous, such property.

(4) "Best price obtainable" means the highest price offered which is adequate in the light of a reasonable knowledge or test of the market, having due regard for current prices for any raw materials or products for which quotations are published, and to the circumstances, nature, condition, quantity, and location of the particular property.

(5) "Contract" includes subcontracts and "contractor" includes subcontractors.

(6) "Contractor inventory" means (i) any property related to a terminated contract of any type with a Government agency or to a subcontract thereunder; (ii) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder; and (iii) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder.

(7) "Government agency" means any executive department, independent establishment, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(8) "Property" means any interest, owned by the United States or any Government agency, in personal property, of any kind, wherever located, but does not include naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers and submarines.

(9) "Retain" or "retention" includes any purchase by the war contractor in possession of contractor inventory to which the Government has title, as well as retention of contractor inventory to which the contractor has title.

(10) "Reviewing authority" means a local, regional or departmental board of review of a Government agency; it may consist of one or more persons.

(11) "Salvage" means property that is in such a worn, damaged, deteriorated or incomplete condition, or is of such a specialized nature that it has no reasonable prospect of sale as a unit, or is not usable as a unit without major repairs or alteration. Salvage has some value in excess of its basic material content because it may contain serviceable components or may have value to a purchaser who may make major repairs or alterations.

(12) "Scrap" means property that has no reasonable prospect of sale except for its basic material content.

(13) "Scrap warranty" means a written warranty by a buyer that property purchased or retained as scrap will in fact be sold or used by the buyer only as scrap. When a scrap warranty is required by this part it shall provide as follows:

The undersigned represents and warrants to the United States that the property covered by this agreement was offered as scrap, that he is purchasing or retaining it only as scrap and that he will sell and ship or use it only as scrap, either in its existing condition or after further preparation.

(14) "Serviceable property" means property that has reasonable prospect of sale for use as a unit either in its existing form or after minor repairs; it includes raw materials, primary forms and shapes and mill products.

(15) "Unserviceable property" means scrap, salvage, and other property that has no reasonable prospect of sale for use as a unit either in its existing form or after minor repairs.

§ 8309.2 *Limitation of application.* Nothing in this part applies to disposals or retentions of the following kinds:

(a) Disposals or retentions of property located outside of the continental United States, its territories and possessions;

(b) Disposals or retentions of plant equipment, as that term is defined in § 8306.1,[1] except when sold as scrap or in small lots as provided herein;

(c) Disposals or retentions of real property;

(d) Disposals or retentions of Government-owned buildings on land owned by or leased to the United States, including any facilities and equipment which are an integral part thereof;

(e) Disposals or retentions of property in no-cost settlements of terminated contracts.

CONTRACTOR INVENTORY

§ 8309.3 *Owning agencies empowered to authorize retentions or disposals.* In order to further the objectives of the act by assuring the most effective use of Government-owned property for war purposes, aiding in facilitating the transition from wartime to peacetime production and employment, encouraging and fostering postwar employment opportunities, promoting production and disposing of surplus property as promptly as feasible without fostering monopoly or restraint of trade or unduly disturbing the economy or encouraging hoarding, the Administrator hereby empowers each owning agency to authorize any contractor with such agency or subcontractor thereunder that is in possession of any contractor inventory to retain or dispose of such contractor inventory as provided in this part.

§ 8309.4 *Pretermination arrangements.* (a) To the maximum extent practicable, decisions for the retention or disposal by contractors of all types of contractor inventories shall be made in advance of termination by means of pretermination agreements or otherwise. Provisions may be included in pretermination agreements for the determination of what property shall be considered to be scrap and for the retention or disposal of all types of property by the contractor. Pretermination agreements may also provide for the care and handling and removal of contractor inventories and for the classes of property that the owning agency will take over. In order to protect the interests of the Government, owning agencies shall institute appropriate reviewing procedures relating to scrap determination and disposal provisions of pretermination agreements.

(b) Price provisions in pretermination agreements shall comply with the following rules:

(1) Any property, except scrap, which is to be retained by the contractor for his own use may be retained at prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for sale. The agreement shall contain in connection with each such retention a written representation from the contractor that he intends to use or consume the property for manufacturing, construction, maintenance or repair purposes and that he is not retaining it for the purpose of reselling it at a profit.

(2) Any property, except scrap, which is to be retained by the contractor not for his own use may be retained at either (i) prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for sale, but in no event less than fifty (50) percent of cost (estimated if not known) or (ii) market prices.

(3) Any property to be retained by the contractor as scrap may be retained at market prices, with or without a scrap warranty.

(4) All prices referred to in this paragraph (b) may be determined either as of the time of the agreement or the time of termination.

(c) The provisions of this section shall apply to pretermination agreements entered into on or after July 1, 1945.

§ 8309.5 *Retentions and sales at cost.* Retentions or sales by a contractor of any item of contractor inventory at cost shall be deemed to comply with the provisions of §§ 8309.7 to 8309.11, inclusive.

§ 8309.6 *Retentions by contractors of $100 items or groups.* The retention for use or resale of any item or group of identical items the cost of which (estimated if not known) does not exceed $100 may be authorized at twenty-five (25) percent of cost in any case in which the contractor retains all such items or groups of identical items of contractor inventory under any one contract. Owning agencies shall establish spot checking and other reasonable procedures to guard against abuses under any such authority.

§ 8309.7 *Retentions by contractors for own use.* Contractors should be encouraged to retain as large amounts as possible of all types of contractor inventories for use for their manufacturing, construction, maintenance or repair purposes. It is the policy of the Administrator that subcontractors shall be permitted to retain, as against their upper tier contractors, such contractor inventories as they desire, for the purposes and at the prices specified in this section, and exceptions from this policy shall be permitted only in cases where contract rights of upper tier contractors make it necessary; owning agencies shall take appropriate steps to bring this policy to the attention of subcontractors. There shall be obtained in connection with each retention under this section a written representation from the contractor that he intends to use or consume the property for manufacturing, construction, maintenance, or repair purposes, and that he is not retaining it for the purpose of reselling it at a profit, except that no such representation is required with respect to retentions of property which is retained under § 8309.6 or consists of a small lot as described in § 8309.8 or is a part of a small inventory, as described in § 8309.9. Such retentions shall be at prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for sale at such time. In order to protect the interests of the Government, appropriate reviewing procedures shall be instituted by owning agencies. Retentions of property by a contractor not for his own use but for later resale shall be treated as sales and shall be governed by the requirements of the appropriate provisions of §§ 8309.8 to 8309.11, inclusive.

§ 8309.8 *Sales by contractors; small lots.* (a) The sale (including retention for resale) of any item or group of items in contractor inventory at any location which an owning agency determines to be substantially similar may be authorized at the best price obtainable when the cost (estimated, if not known) of all such items available for sale at any one time at such location and resulting from any one termination does not exceed $300, *Provided, however,* That any group of items consisting of all the identical items of contractor inventory under any one contract, the cost of which group (estimated if not known) does not exceed $100 may be considered to be a small lot.

(b) Any owning agency is authorized to sell at the best price obtainable any small lot of contractor inventory not retained or sold by the contractor.

§ 8309.9 *Sales by contractors; small inventories.* (a) The sale (including retention for resale) of any quantity of any item of contractor inventory may be authorized at the best price obtainable whenever the total of the termination claim of a contractor (deducting amounts payable for completed articles at the contract price and for claims of subcontractors but not deducting disposal credits) is less than $10,000; but completed articles not delivered under the contract and items furnished by the Government for incorporation in end items may not be sold under the authority of this paragraph, unless the cost of such articles and Government-furnished items to be sold and the amount of the termination claim (computed as set forth above in this paragraph) total less than ten thousand (10,000) dollars.

(b) The sale (including retention for resale) of any quantity of any item of contractor inventory may be authorized at a price that is fair and reasonable whenever the net termination claim of a contractor (after disposal credits but including amounts payable for completed articles not delivered under the contract and for claims of subcontractors) is less than one thousand (1,000) dollars, but items furnished by the Government for incorporation in end items may not be sold under the authority of this paragraph, unless the cost of such items to be sold and the amount of the net termination claim (computed as set forth above in this paragraph) total less than one thousand (1,000) dollars.

§ 8309.10 *Sales by contractors: unserviceable property.* (a) Unless property affirmatively appears to be serviceable, it shall be considered to be unserviceable property and shall be sold on the open competitive market in accordance with the provisions of this section.

(b) Primary responsibility for determining whether contractor inventory is serviceable or unserviceable rests with the owning agencies. Each agency shall provide procedures for reference to a reviewing authority before classifying as unserviceable, property included in any one inventory and located at any one place, when the cost (estimated if not known) of such property is twenty-five thousand (25,000) dollars or more.

(c) Disposals of unserviceable property in all cases, except those falling within §§ 8309.5 to 8309.10, inclusive, shall be in accordance with the following policies:

(1) Sales (including retentions for resale) shall be made on the basis of adequate competitive bidding under rules and regulations prescribed by the owning agencies. Such rules and regulations shall contain provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids. A scrap warranty may be required by the owning agency whenever it deems such course desirable.

(2) Upon a determination by the responsible officer, approved by a reviewing authority, that any given property is scrap, such property may be disposed of as such. Whenever the appropriate disposal agency certifies in writing to the owning agency that any given property or any class of property is in its judgment scrap, such property may without further review be disposed of as such. Such certification shall be made by forwarding to the owning agency a memorandum listing and plainly identifying the items in question and containing the following statement:

It is hereby certified that the within described property has been determined to be scrap, and it is requested that sale be effected in accordance with the provisions of War Assets Administration Regulation No. 9 without further review of such determination.

(3) In exceptional cases or classes of cases, upon a scrap determination or certification pursuant to subparagraph 2 of this section, in each instance and upon a determination by the responsible officer, approved by a reviewing authority, that it would be in the best interests of the Government to dispose of such scrap by negotiated sale, such property may be so disposed of at the best price obtainable. In all such sales a scrap warranty shall be required of the buyer.

§ 8309.11 *Sales by contractors: serviceable property.* Disposals of serviceable property in contractor inventory in all cases, except those falling within §§ 8309.4 to 8309.9 inclusive, and § 8309.12 shall be in accordance with the following policies:

(a) Sales (including retentions for resale) shall be made under rules and regulations prescribed by the owning agencies which shall contain a provision, among others, that in all cases where the amount of serviceable property that will be available for sale at any one time at any one location is estimated to be ten thousand (10,000) dollars or more (based on cost), notice shall be given by publication in a newspaper of general circulation in the locality, indicating in general terms the types of serviceable property that are expected to be available for sale and naming a date (not less than seven days from the date of first publication) on or after which such property will be available for sale. Sales shall so far as feasible be made in reasonably sized lots.

(b) Sales (including retentions for resale) shall be at the best price obtainable but not less than fifty (50) percent of cost (estimated if not known).

(c) Property which cannot be disposed of within a reasonable period of time on the terms stated in paragraph (b) of this section may be sold at the best price obtainable to any buyer who will consume or use the property in the United States for manufacturing, construction, maintenance or repair purposes. In connection with such sale there shall be obtained from the buyer a written representation that he intends so to use or consume the property and that he is not purchasing it for the purpose of reselling it at a profit.

§ 8309.12 *Used plant equipment in contractor inventory: pricing policy.* The retention or sales price for machine tools, machines, and other classifications of plant equipment for which fixed price schedules are prescribed in or pursuant to Part 8306 of this chapter shall be determined by such fixed price schedules, except in cases falling within §§ 8309.8 and 8309.9.

§ 8309.13 *Destruction or abandonment of worthless property.* An owning agency may authorize any contractor to destroy or abandon any contractor inventory in his possession when, in the opinion of the owning agency, such property is worthless. Whenever the cost of the property to be destroyed or abandoned as worthless is more than one thousand (1,000) dollars, before giv-

[1] Reg 6 (12 F R 2363): § 8306.1 (b) (3) reads as follows: "'Plant equipment' means any property which is located in a war contractor's plant and is covered by a facilities contract, except land and buildings." § 8306.1 (b) (1) reads as follows: "'Facilities contract' means a lease, rental agreement, or other contract or contract provision, specifically governing the acquisition, use, or disposition of Government-owned machinery, tools, building installations, or other property furnished to or acquired by a war contractor for any war production purpose except incorporation in end products."

ing such approval, a representative of the owning agency must certify that reasonable efforts have been made to dispose of the property without success by offering such property to at least three persons who deal in that type of scrap or property, or that such offers would be useless, and that in his opinion the property is worthless or that the cost of sale would exceed the proceeds thereof and that the item should be destroyed or abandoned.

§ 8309.14 *Contractor inventory in possession of owning agency.* When any owning agency takes possession of any contractor inventory, all property in such inventory shall be declared surplus as promptly as possible in accordance with the provisions of Part 8301 [2] of this chapter unless it is utilized for supply or otherwise disposed of by the owning agency under authority of or as permitted by the act or this part.

DISPOSALS BY OWNING AGENCIES

§ 8309.15 *Sale of small lots.* (a) The Administrator believes that the cost of care, handling, and disposition of small lots of property will generally exceed the proceeds of sale, and that small lots should therefore, in accordance with sections 13 (b) and 14 (b) of the act, be disposed of by owning agencies rather than declared to disposal agencies as surplus. It is recognized that the definition of what constitutes a small lot and the cost of care, handling, and disposition will vary according to the nature of the property. Therefore, the Administrator may from time to time issue orders hereunder setting forth standards to be applied and procedures to be followed in connection with small lots of various classes of property.

(b) Except as specified in any order issued under paragraph (a) of this section, any owning agency is authorized to sell at the best price obtainable small lots in its possession at any one place at any one time. Such small lots should not be declared surplus to disposal agencies except in special cases and upon mutual agreement between the owning and disposal agency. A small lot shall consist of any item or group of identical items, normally constituting a single entry on WAA Form 1001,[3] the cost of which (estimated if not known) does not exceed one hundred (100) dollars. Notwithstanding the foregoing, if, in the opinion of a disposal agency, such disposition of small lots of any given type of property interferes with the orderly marketing of such type of property by it, such agency may direct the owning agencies to cease sales of such property and to report such property as surplus pursuant to the act.

(c) (1) Where property is of such a nature and in such small quantities, that the owning agency finds that the cost of care, handling, and disposition of such property may exceed the estimated proceeds of sale if declared surplus, then in such event and upon such finding, the owning agency is authorized to sell at the best price obtainable any item or group of identical items, normally constituting a single entry on WAA Form 1001, the cost of which (estimated if not known) does not exceed three hundred (300) dollars, *Provided*, That the property has not been determined to be a "special case" and therefore to be declared surplus as provided in Order 5 under this part.

(2) In making its finding as to the cost of care, handling, and disposition of property pursuant to subparagraph (1) of this section, the owning agency may request the advice and assistance of the appropriate disposal agency.

§ 8309.16 *Sale of waste, salvage, scrap, and products of research and other operations.* (a) To the extent provided in section 14 (b) of the act, any owning agency may sell:

(1) Any waste, salvage, or scrap. The terms "salvage" and "scrap" are defined in § 8309.1.

(2) Any product of research, agricultural, or livestock operations carried on by such agency.

(b) The Administrator hereby restricts the authority of owning agencies to dispose of any other class of surplus property specified in section 14 (b) of the act.

(c) Except as otherwise required by paragraph (d) of this section, all sales made pursuant to this section shall be made at the best price obtainable.

(d) All sales of scrap and salvage made pursuant to this section shall be in accordance with the following policies:

(1) Procedures shall be provided for reference to a reviewing authority before classifying as scrap or salvage property (except production scrap) located at any one place at any one time when the cost (estimated if not known) of such property is twenty-five thousand (25,000) dollars or more. In any event, when the appropriate disposal agency certifies in writing to the owning agency that any given property or any class of property is in its judgment scrap or salvage respectively, the owning agency should forthwith and without further review dispose of such property in accordance with the provisions of this part. Such certification may be given at any time before the property has been physically transferred to the disposal agency, and should whenever possible be given before the property is declared surplus. If the certification is prior to the time that the property is declared surplus, it shall be made by forwarding to the owning agency a memorandum listing and plainly identifying the items in question and containing the following statement:

It is hereby certified that the within described property has been determined to be scrap,[4] and it is requested that sale be effected in accordance with the provisions of War Assets Administration Regulation 9 without further review of such determination.

If the certification is subsequent to the time that the property is declared surplus, it shall be made by forwarding to the owning agency WAA Form 1001.1,[3] listing the items in question and otherwise appropriately executed, with the language quoted above plainly inserted below the column headings across the top of the columns provided for the description of the property, its standard commodity classification, condition, etc.

(2) Sales shall be made on the basis of adequate competitive bidding under rules and regulations prescribed by the owning agencies. Such rules and regulations shall contain provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids. In sales of scrap, a scrap warranty may be required by the owning agency whenever it deems such course desirable.

(3) In exceptional cases or classes of cases, upon a determination by the responsible officer in each instance, approved by a reviewing authority, that any given property is scrap or salvage and that it would be in the best interests of the Government to dispose of it by negotiated sale, such property may be disposed of at the best price obtainable. In all such cases where the property is determined to be scrap, a scrap warranty shall be required of the buyer.

§ 8309.17 *Emergency disposals.* Where emergency circumstances, such as danger of deterioration or considerations of health, safety, or security make immediate sales by owning agencies desirable without declaration as surplus, the owning agency may proceed to sell the property at prices that are fair and reasonable under the circumstances, after obtaining advance clearance of the appropriate disposal agency if practicable. Reports of such disposals shall be submitted to the Administration in accordance with orders issued thereunder.

§ 8309.18 *Donation, abandonment, or destruction of property.* Owning agencies may donate, abandon, or destroy surplus property only in accordance with the provisions of Part 8319.[5]

§ 8309.19 *Records and reports.* Owning agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Administrator in such manner as may be specified by order issued under this part, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8309.20 *Regulations by owning agencies to be reported to the Administrator.* Each owning agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This revision of this part shall become effective June 12, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JUNE 6, 1947.

[F. R. Doc. 47-5647; Filed, June 11, 1947; 11:56 a. m.]

[2] 12 F. R. 2249, 7773, 3320.

[3] Reg. 1, Order 3 (11 F. R. 6774, 9572, 14490).

[4] In the case of salvage certificates, wording shall be identical except that the word "salvage" shall be substituted for the word "scrap."

[5] Reg. 19 (10 F. R. 14966; 11 F. R. 3691).

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

EMERGENCY AND MISCELLANEOUS DIVISION

JUNE 6, 1947.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of May 1947;

The Commission having under consideration the establishment of an Industrial Heating, Scientific and Medical Services Section in the Emergency and Miscellaneous Division, Safety and Special Services Branch, Engineering Department; and

It appearing, that the establishment of such section is required for the purpose of administering the provisions of Part 18 of the Commission's rules and regulations relating to the Industrial, Scientific and Medical Service; and it appearing further, that the proposed amendments relate to the organization of the Commission and that notice of proposed rule making pursuant to section 4 of the Administrative Procedure Act is not required herein;

It is ordered, That § 1.29 of the Commission's rules and regulations be, and it is hereby, amended, effective immediately, by revising paragraph (d) thereof and by adding paragraph (e) to read as follows:

§ 1.29 *Emergency and Miscellaneous Division.* * * *

(d) Operators and Amateurs Section, which prepares recommendations for the preparation and promulgation of rules and regulations governing commercial radio and amateur radio operators and amateur radio stations.

(e) Industrial Heating, Scientific and Medical Services Section, which is responsible for public interviews, correspondence and administration relating to the technical aspects of radio frequency devices used in providing industrial heating, scientific and medical services and radio frequency devices which fall within the scope of the low power radio frequency rules, citizens radio communication service, and certain low power radio frequency control, signaling, communication devices and systems. The section is responsible also for assigning and maintaining records of type approval numbers upon advice from the Laboratory Division that a manufacturer's apparatus has met the necessary requirements for such devices after having been duly tested.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5574; Filed, June 11, 1947; 9:00 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 68, Amdt. 14]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW-LOT RULE AND TWO-FOR-ONE RULE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of June A. D. 1947.

Upon further consideration of the provisions of Service Order No. 68 (8 F. R. 8513), as amended (8 F. R. 8513, 14224, 16265; 9 F. R. 7206, 14306; 10 F. R. 6040, 8142, 9720, 12090; 11 F. R. 562, 6983; 12 F. R. 46), and good cause appearing therefor: it is ordered, that:

Section 95.15 *Suspension of follow-lot rule and two-for-one rule* of Service Order No. 68, as amended, be, and it is hereby, further amended by substituting the following provisions in lieu of Amendments Nos. 9 to 13 inclusive:

(a) *Overloaded cars.* When part of the contents (hereinafter termed the excess) of an overloaded car of carload freight is transferred to another car and both cars forwarded without other freight therein the following shall govern:

Freight charges. All common carriers by railroad subject to the Interstate Commerce Act shall:

(1) On the original car assess and collect freight charges, origin to final destination in effect at time of shipment, based upon the actual weight of freight left in that car after the excess has been removed, but not less than the tariff minimum weight for such car;

(2) On the car loaded with the excess freight assess and collect freight charges at the carload rate, applicable on the commodity as originally shipped, from transfer point to final destination in effect at time of original shipment, based on the actual weight of such excess freight subject to the following minima:

(i) When the tariff minimum weight depends on the length of the car, 50 percent of the minimum weight applicable to a car 40 feet 6 inches in length; or

(ii) When the tariff minimum weight depends on capacity of the car, 50 percent of 80,000 pounds; or

(iii) When the tariff minimum weight does not depend on the length or capacity of a car, 50 percent of the minimum weight applicable to the shipment as originally billed.

(3) But in no instance shall the charges be less than the charges which would have applied on the same shipment transported without transfer of the excess freight to another car.

(b) *Exemptions.* This section shall not apply (1) to shipments of live stock, (2) to shipments of any commodity on flat cars, when the car furnished and used is longer than that ordered by the shipper, and (3) paragraphs 1, 2 and 3 of the original order shall not apply to shipments of any commodity loaded by carriers.

(c) *Loading by carriers.* All cars loaded by carriers shall be loaded full or to their safe loading limit, except that when a single consignment requires more than one car the second or final car of the consignment need not be so loaded.

(d) *Application.* The provisions of this section shall apply to intrastate, interstate and foreign commerce.

(e) *Expiration date.* This section as amended shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, announcing the partial vacation of this order, restoring the tariff provisions affected thereby and publishing the provisions of this amendment.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 13, 1947, and it shall vacate and supersede Amendments No. 9 to 13, inclusive, on the effective date hereof; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5557; Filed, June 11, 1947; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 927]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND TO A PROPOSED AMENDMENT

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a marketing agreement and a proposed amendment to the order, regulating the handling of milk in the New York metropolitan milk marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the fifth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearings, on the records of which the proposed marketing agreement and the proposed amendment to the order, as amended, were formulated were held at Utica, New York, and New York, New York, on March 17–25, 1947, notice of which was issued on March 7, 1947 and published in the FEDERAL REGISTER on March 12, 1947 (12 F. R. 1689), and at Albany, New York on November 20, 1946, notice of which was issued on November 14, 1946 and published in the FEDERAL REGISTER on November 16, 1946 (11 F. R. 13535).

The material issues developed at the November 1946 hearing related to (1) Class I–A and Class II–A prices for the month of December 1946, and to (2) a proposal (No. 3 of the November 14 notice of hearing) to prevent contraseasonal changes in the Class I–A and Class II–A prices. Since findings and conclusions with respect to this latter issue (preventing contraseasonal changes in Class I–A and II–A prices) have not heretofore been made, such findings and conclusions are herein set forth together with the findings and conclusions concerning other proposals considered at the March 1947 hearing relative to provisions for pricing Class I–A milk.

The material issues[1] presented at the March 1947 hearing (plus the issue remaining from the November 1946 hearing) are divided, for purposes of this recommended decision, into three categories: (1) Those issues included in the notice of hearing with respect to which the submission of evidence has been postponed for a later hearing) and therefore concerning which no findings and conclusions are herein set forth, (2) those issues with respect to which findings and conclusions are being deferred pending further study and analysis of the hearing record, and (3) those issues with respect to which findings and conclusions are herein set forth.

The first category of issues consists of the following:

1. Elimination or revision of provisions relating to payments to cooperative associations (H. N. Nos. 46, 47, 48, 49, and 50).

2. Elimination or revision of provisions relating to location differentials (H. N. No. 41, 42, and 43).

The second category of issues consists of the following:

1. Revision of the pricing provision for Class I–C milk (H. N. Nos. 29, 30, and 31).

2. Elimination of the "floor provisions" as now contained in the pricing provisions for Class II–B, II–D, and II–E milk (H. N. Nos. 32 and 33).

3. Revision of the pricing provision for Class III milk (H. N. Nos. 35 and 36).

4. Elimination of the "floor provisions" and to make other changes in the pricing provisions for Class IV–A and IV–B milk (H. N. Nos. 6, 37, 38, 39, and 40).

5. A new method of calculating the butterfat differential used in connection with payments to producers (H. N. No. 45).

6. Revision of the pricing provision for Class V–B milk (H. N. No. 58).

7. Revision of provisions for payments for milk or milk products other than from producer sources (H. N. Nos. 52, 53, 54, 55, and 56).

The third category of issues consists of the following:

1. Revision of the method of determining the Class I–A and Class II–A prices: (a) by preventing contraseasonal Class I–A and Class II–A price changes, (b) by revision of the present Class I–A price formula, (c) by replacing the present Class I–A price formula, with specific fixed prices, and (d) by replacing the present Class I–A price formula with prices calculated on the basis of determinations of the cost of production plus a reasonable profit (H. N. Nos. 3 (of November 1946 hearing), 4, 5, and 19 to 28, inclusive).

2. A requirement that the market administrator publish a bulletin monthly and that it be sent to all producers, and that published information include a report on the activity of check testers (H. N. No. 1).

3. A requirement that on request of any handler an inspection must be made by the market administrator and a determination made by him as to what constitutes a plant, and that the handler be notified of such determination within 30 days of such request (H. N. No. 2).

4. A requirement that the market administrator issue at the request of any handler an interpretative ruling on the classification of milk utilized or moved in the manner described by the handler (H. N. No. 3).

5. Qualification of a plant to be a pool plant even though shipment of milk to the marketing area is prohibited for specified periods by reason of health authority permission for shipping approved skim milk from such plant (H. N. No. 7).

6. Modification of the provisions concerning the suspension of pool plant designations as to the classes of milk which are permitted or required to be included by the market administrator in his determination as to the desirable utilization of milk (H. N. Nos. 8 and 9).

7. The inclusion in the pool during April, May, and June of plants not designated as reserve pool plants (H. N. No. 10).

8. Public announcement each month by the market administrator of any plant included in the pool other than plants designated as reserve pool plants (H. N. No. 11).

9. Removal of the time limitation for establishing the classification of milk held in the form of frozen desserts (H. N. No. 12).

10. Classification as I–C, in any month in which the I–C price is higher than the I–A price, of milk shipped as milk to or through the marketing area but ultimately distributed in an area not regulated by the Secretary (H. N. No. 13).

11. Change procedure for issuance of rules and regulations by deleting reference to the first rules and regulations and by adding a specific requirement that a meeting to consider new rules or amendments be called within 30 days upon request of any handler (H. N. Nos. 14 and 15).

12. Extension of the time, from 48 hours to 7 days, allowed handlers for reporting transfers of cream in storage (H. N. No. 16).

13. Revision or elimination of the temperature requirements for cream held in storage as a basis for establishing its classification in Class II–B (H. N. No. 17).

14. Classification of frozen desserts in Class II–F when moved to a warehouse, as well as to a plant or purchaser as now provided, in the Class II–F territory (H. N. No. 18).

15. Revision of the Class II–E price formula by changing the figure of "21.5" as contained therein to "25.5" (H. N. No. 34).

16. Provision for payment by handlers into the producer-settlement fund, and for later disposition, of payments due producers who cannot be located, and of payments concerning which dispute arises as to whether such payments are due producers (H. N. No. 44).

17. Revision in wording storage cream payment provision to more accurately describe the present requirements for payment (H. N. No. 51).

18. Provision for the payment of interest on accounts past due the producer-settlement fund and on monies unlawfully withheld by the market administrator (H. N. No. 57).

Findings and conclusions. (The numbers of the following findings and conclusions correspond with the numbers of the issues above set forth in category number three.)

1. The present method of determining the Class I–A price should be continued by retention of the present butter-powder formula without revision. The formula should be supplemented, however, by adding a provision to prevent contraseasonal price changes, and by providing minimum floor prices of $4.58 per hundredweight for the months of July, August, and September 1947, and $5.02 per hundredweight for the months of October, November, and December 1947. Provision should also be made for limiting to 44 cents per hundredweight any reduction which might occur from December 1947 to January 1948 or from January to February 1948. No provision to prevent contraseasonal price changes in the Class II–A price should be adopted. The foregoing conforms to the standards set forth in section 8c (18) of the Agricultural Marketing Agreement Act of 1937, as amended.

It is essential that the production of pool milk be increased in the fall months in relation to production in the spring months, thus bringing about a seasonal pattern of production which is more nearly in line with market requirements. Significant seasonal variation in the Class I–A price is necessary to encourage such a seasonal pattern of production.

During the years 1940–1946, there was a trend toward wider variation between spring and fall levels of production. Seasonal variation in price tended to grow narrower during the same period. Sales of fluid milk during the years 1940–1946 increased more than production, not only in the New York market, but particularly so in other northeastern markets. Shortages in surrounding areas have resulted in heavy demands for milk from the New York milk shed, thereby accentuating the supply problem during the months of lowest production.

Returns to producers 30 to 35 percent higher in the fall months of October-December than in the spring months of April–June are necessary to encourage less seasonal variation in production. Definite assurance of such a seasonal price relationship in 1947 should be provided by the establishment of a minimum floor price for Class I–A milk of $5.02 per hundredweight for the months of October, November, and December 1947. As further safeguards against factors which might operate to offset the incentive for fall production, a floor price of $4.58 per hundredweight should be established for the months of July, August, and September 1947, and provision should be made for limiting to 44 cents per hundredweight any reduction which might occur from December 1947 to January 1948 or from January to February 1948.

The level of the Class I–A price should, in general, move up and down consistent with changes in the level of prices of manufactured dairy products. Such adjustments in the general level of the Class I–A price should occur in such amounts and at such times as will result in a minimum of interference with necessary seasonal price changes. Accordingly, provision should be made in the order for controlling adjustments in the general level of the Class I–A price to the extent of providing that the Class I–A price for any of the months of September through December of any year should not be lower than in the preceding month, and that the Class I–A price for the months of March through June of any year should not be higher than in the preceding month. The provision to prevent seasonal price changes should be confined to periods of four months in order to result in a minimum of interference with necessary adjustments in the general level of the Class I–A price.

Evidence on the record concerning contraseasonal price changes relates only incidentally to the Class II–A price and fails to indicate that such a provision applied to the Class II–A price would have enough effect on the uniform price to warrant interference with formula changes in the Class II–A price.

Proposals to substitute fixed prices for the present pricing formula were considered at the hearing. Economic conditions during the last half of 1947, or after, cannot be determined on evidence in the record with sufficient accuracy to constitute a sound basis for fixing Class I–A prices for that period at an exact level. Fixed minimum floor prices as recommended herein assure minimum seasonal increases are supported by evidence in the record. Retention of the present butter-powder pricing formula provides a method of establishing Class I–A prices after the period for which minimum floor prices can be established, and for prices for the months of July–December 1947 higher than the minimum floor prices, if justified by economic condition then prevailing.

Evidence on the record for revision of the present butter-powder formula as a method of fixing Class I–A prices relates only to proposed technical changes which could do no more than correct minor weakness of the present formula, rather than to changes in the basic factors necessary to produce a Class I–A price at the proper level and a price which changes at the proper time. The emphasis at the hearing on prices for the immediate future, rather than for the long run, indicates contemplation by handlers and producers of further consideration of the basis for pricing Class I–A milk at another hearing this year. A more complete analysis of the basic factors involved, and of the present formula in its entirety, should be considered at another hearing before making change in the present formula.

The average cost of producing milk was higher in February and March of 1947 than at the same time in 1946. Such cost increased, due principally to the price of feed, between February 15, 1947 and March 15, 1947. The cost of milk production during the last half of 1947 cannot be determined from evidence in the record. The level of production, both in terms of pool milk and production per day per dairy, was higher in the first part of 1947 than at the same time in 1946. Per capita sales of fluid milk in the marketing area were slightly lower in 1946 than in 1945 but still substantially higher than in 1940. Total sales of fluid milk in the marketing area in February 1947 fell below sales in the same month a year earlier for the first time since 1941.

Various proposals were considered at the hearing to establish the Class I–A price solely on the basis of the cost of production, or the cost of production plus a "reasonable" profit. A reasonable profit was not defined. It was proposed that the cost of production be determined from cost data submitted at frequent public hearings, and also that the function of determining the cost of production and of fixing the Class I–A price be delegated to a board of experts. The best available cost of production figures are estimates of the year-around cost. The cost of production varies widely between individual farms, between counties and between states.

The cost of production is not the only factor affecting the supply of milk for the marketing area. In addition to the necessity for the consideration of other factors affecting supply, the economic conditions affecting the demand for milk in the marketing area are important factors which must also be considered if orderly marketing is to result. Furthermore, the Agricultural Marketing Agreement Act requires that due consideration be given to all of the economic conditions affecting both the supply and demand for milk in the marketing area.

Question was raised at the hearing concerning the level of the New York Class I–A price in relation to the Boston Class I price. The Class I–A butterfat differential is different from the butterfat differential in the Boston market. The existence of this difference precludes a complete and precise alignment of New York and Boston prices. Prices precisely the same for milk of one butterfat test would be different for milk of any other test. A different relationship of Class I prices between the two markets would not necessarily result in a constant and continuing alignment of the uniform or blended prices received by producers.

2. No provision should be included in the order requiring monthly publication by the Market Administrator of a bulletin or that such bulletin contain reports on the activity of check testers or that it be sent to all producers.

It has not been shown that the function of reaching producers with necessary market information would thereby be materialy enhanced. Producers are

[1] The description of each issue will be followed by the numbers, as shown in the notice of hearing, of the proposals directly associated with that issue, thus: (H. N. No. --). All proposal numbers refer to the hearing notice issued March 7, 1947 unless otherwise indicated.

not now deprived of essential and timely information by reason of publication of the Market Administrator's Bulletin less frequently than monthly. Cooperative associations receiving cooperative payments are relied upon to provide, and to some extent at least do provide, their members with essential market information. The Market Administrator's Bulletin is now sent to all producers who are not members of qualified cooperatives and to others on request. The activities of check testers or the amount of check testing performed would not be changed by adoption of this proposal. Reports on the activities of check testers are now authorized.

3. The duty of the Market Administrator relative to the making of inspections and determinations as to what constitutes a plant should be amended by adding a provision requiring prompt determination by the Market Administrator, upon receipt of request therefor by any handler, and prompt notice to the handler of such determination.

The Market Administrator's determination of what constitutes a plant is important and handlers are entitled to such determination. The evidence does not show, however, what is involved in making an inspection and a determination nor the probable number of requests. It is entirely possible that 30 days would be an insufficient time in which to make all requested inspections and determinations. Request for reinspection should include a showing of the necessity for inspection by reason of conditions which have changed since a previous determination.

4. The order should not be amended by adding, as a duty of the Market Administrator, a requirement that he issue at the request of any handler an interpretative ruling on the classification of milk to be utilized or moved in the manner described by the handler. The appropriate solution of the problem here presented is the clarification of the order, or the rules and regulations issued by the Market Administrator, to the extent necessary to eliminate the need for interpretative rulings.

Administrative difficulty would arise in determining whether milk was utilized or moved precisely as described in the request.

Under the proposal an erroneous prospective ruling would be final if in favor of the petitioning handler. However, the petitioning handler could at will disregard an erroneous unfavorable ruling and establish a correct classification by subsequent appeal. No method was proposed to protect other interested persons against erroneous prospective rulings.

No satisfactory method was proposed which would avoid prospective rulings upon purely hypothetical facts.

No specifications have been proposed for inclusion in a description of a proposed utilization or movement of facts and circumstances which are comparable with the facts and circumstances which the Market Administrator, pursuant to provisions of the order and the rules and regulations, would be required to consider in determining the final classification of milk.

5. The proposal concerning the qualification of a plant to be a pool plant, even though shipments of milk to the marketing area are prohibited for specified periods by reason of health authority permission for shipping approved skim milk from such plant should be adopted.

A plant given health authority permission for the shipment of approved skim milk is in the same category as a plant which is given permission to receive unapproved milk or skim milk insofar as its qualification to ship milk to the marketing area is concerned. The addition of this proposal more accurately describes the conditions under which it is intended that a plant be considered as being in a position to meet the requirements of a source of milk for the marketing area.

6. No change should be made in the order with respect to the classes of milk which must be included by the Market Administrator in making his determination of the desirable utilization of milk in connection with the conditions under which pool plant designations may be suspended.

Inclusion of the classes of milk, which the proposal would require to be included in the desirable utilization of milk, is now permitted except for Class II-F.

The prices for Class II–A, II–B and II–F milk, particularly during the months of short production, are lower than the prices for Class I–A and Class I–C milk. The proponents of this proposal are also requesting a further reduction in prices for Class II–B and II–F milk. There are numerous areas outside of the marketing area which depend upon pool milk during the low production period of the year to supplement their regular sources of supply, and in addition, numerous handlers distributing milk in the marketing area also distribute milk in other areas and operate plants approved for the shipment of milk both to the marketing area and to such other areas. Butterfat is available to ice cream manufacturers from sources other than the current production of plants approved by marketing area health authorities. The present provisions concerning the determination of the desirable utilization of milk do not preclude the handler from utilizing milk in Classes II–A, II–B and II–F. The present provisions of the order, as administered, have not seriously impaired the ability of ice cream manufacturers to market a satisfactory product and in sufficient volume to meet market requirements for frozen desserts. The authority of the market administrator under the present provisions authorizing suspension of pool plant designations has not been exercised in an arbitrary manner. A determination of the desirable utilization of milk under the present provisions of the order constitutes a standard which, if met by a handler, insures him against the suspension of pool plant designations.

7. The provisions for automatic designation of a pool plant as a pool plant during the months of April, May and June on the basis of milk sold or distributed in, or shipped to the marketing area from such plant should be clarified to leave no question that the requirement for shipment of 60 per cent of the milk received during the preceding period of October, November and December applies only to a plant at which some milk was in fact received directly from dairy farmers during such preceding period.

The pool status of a plant during April, May and June is uncertain in the case of a plant not designated as a reserve pool plant and at which no milk was received from dairy farmers during the preceding October, November and December. The proposed amendment will eliminate that uncertainty, and will not materially impair the effectiveness of the provision nor result in practices contrary to the interests of handlers or producers.

8. There should be included in the order a provision requiring the Market Administrator to make public each month the location, and the name of the operator, of each plant other than a designated reserve pool plant, for which a report of receipts from dairy farmers was used in the computation of the uniform price for the previous month.

It might be desirable that the Market Administrator make public at the time of announcement of the uniform price, the location, and name of the operator, of each plant automatically designated, in accordance with § 927.3 (b), as a pool plant for the previous month by reason of shipment of Class I–A milk. However, such information is not at that time available. The market administrator, in releasing such information, would have to rely solely on the unverified report of the handler. Plants automatically designated as pool plants pursuant to § 927.3 (b) can be determined only after verification of the handler's report. Handler's reports for any month cannot be verified by the 14th of the following month. The market administrator, consequently, is in a position to make public at the time of announcing the uniform price only the location, and the name of the operator, of each plant the report for which was used, pursuant to § 927.3 (b), in the computation of the uniform price for the previous month. Such information will probably include most, if not all, of the information requested by the proponents.

9. The proposal to remove the time limitation for establishing the classification of milk held in the form of frozen desserts should not be adopted at this time.

This proposal involves the apparent necessity or desire on the part of ice cream manufacturers to hold frozen desserts in inventory longer than the period permitted for establishing classification. Adoption of this proposal could materially accentuate the problem of accounting for milk. The proponent of this proposal, in its brief filed, recognized administrative difficulties involved, and concluded with the statement: "Therefore, we desire to give further study to the problem, with the view toward overcoming such difficulties through a more complete suggestion at a later date.

10. The order should not be amended to provide that in any month in which the Class I–C price is higher than the Class I–A price, milk shipped to or through the marketing area but ultimately distributed in an area not regulated by the Secretary should be classified as Class I–C rather than as Class I–A. However, the words "which has not passed through the marketing area, but including milk which was received directly from producers at a plant in the marketing area," as they appear in the Class I–C definition, should be deleted.

The proposal was designed to deny handlers a lower price on milk distributed in the Class I–C territory merely by reason of having first transported the milk in bulk through the marketing area. This objective would be more appropriately accomplished by the recommended change in the Class I–C definition.

A change in § 927.4 (a) (3) (i), as proposed, would be inconsistent with § 927.5 (c) (3), the definition of Class I–C milk. § 927.4 (a) (3) (i) provides that milk shipped in the form of milk to a plant in the marketing area shall be classified as Class I–A, and consitutes a condition to which the Class I–C definition is subject. Deletion from the Class I–C definition of the above quoted words leaves a definition which, together with § 927.4 (a) (3) (i), defines milk ultimately distributed in an area not regulated by an order of the Secretary as Class I–C unless the milk was previously shipped in the form of milk from the plant at which it was received from dairy farmers to a plant in the marketing area.

11. The procedure for issuance by the market administrator of rules and regulations should be amended by deletion of language, now obsolete, relative to issuance of the first rules and regulations, and by including a provision requiring the market administrator, within 30 days after receipt of a written request of any handler for issuance, amendment or repeal of any rule, to either call a meeting for consideration of such request or notify the handler that the request is denied and of the reasons for denial.

Effective administration of the order and proper exercising by the market administrator of his function in the issuance of necessary rules and regulations to effectuate the terms and provisions of the classification section of the order requires prompt consideration by the market administrator of evidence of the necessity for the issuance, amendment or repeal of a rule.

Requests of handlers showing evidence of the necessity for issuance, amendment or repeal of any rule have been given prompt consideration. Handlers have not been denied an opportunity to be heard on such requests. Proponents intended to allow the market administrator wide discretion in determining what is a bona fide request. Adoption of the proposal results in expressly setting forth in the order, and in more specific terms, the already existing responsibility of the market administrator in the issuance of the necessary rules and regulations.

12. The time allowed for reporting the transfer of cream from one licensed cold storage warehouse to another should be extended from 48 hours to 7 days.

A period of 7 days in which to report transfers of storage cream is a more reasonable allowance of time than is the period of 48 hours. Handlers experience difficulty giving notice within 48 hours. No necessary purpose is served by a provision requiring notice within a period shorter than 7 days.

13. There should be deleted from the order the requirements as to the temperature below which cream must be held in a licensed cold storage warehouse for purposes of qualifying it for a II–B classification.

Present temperature requirements were originally adopted as a safeguard against misuse of a provision designed to encourage the storage of cream. The order contains other such safeguards. The burden on warehouse operators resulting from the present temperature requirements causes reluctance to accept cream for storage thus creating a potential scarcity of storage space for cream. Storage warehouses equip themselves with recording thermometers only for the purpose of meeting the storage cream requirements of the order. The failure to meet the temperature requirements frequently results from the unavoidable breakdown of recording thermometers and the inability to repair them promptly.

The breakdown of recording thermometers results in failure to meet requirements of the order, even though the cream is actually held at the required temperatures. Cream held in storage for 28 days or longer is not physically suitable for Class II–A purposes unless held during such period in a frozen condition.

14. The proposal to classify frozen desserts as Class II–F on the basis of shipments to a warehouse as well as to a plant or purchaser in the II–F territory should not be adopted.

Adoption of this proposal would extend a privilege to ice cream manufacturers operating in the II–F territory which is not extended to manufacturers of other products or to ice cream manufacturers operating in other territories. To the extent that a warehouse is a point of storage rather than a point of distribution, as in the case of a plant or a purchaser, adoption of this proposal could have the effect of extending the period for establishing classification with respect to frozen desserts in the II–F territory.

15. The proposal to revise the Class II–E price formula by changing the figure "21.5" to "25.5" should not be adopted.

This proposal was withdrawn during the hearing by its proponent and no evidence was submitted in support of the proposal.

16. A new provision should be included in the order to provide for payment by handlers into the producer-settlement fund, and for later disposition, of payments due producers who cannot be located, and of payments concerning which dispute arises as to whether such payments are actually due producers.

This provision will assist in the administration of the order and more completely effectuate its terms and provisions.

17. The storage cream payment provision should be re-worded as set forth in proposal No. 51.

Adoption of this proposal makes no substantive change in the order, but merely clarifies the present provision and more accurately describes the conditions under which storage cream payments are at present authorized.

18. The proposal for payment of interest on accounts past due to the producer-settlement fund and on monies unlawfully withheld by the market administrator should not be adopted at this time.

The absence of such a provision was not shown to have adversely affected the interests of producers or handlers. The record contains insufficient detail with respect to several questions involved, such as, the identity of monies unlawfully withheld by the market administrator and the date on which interest would begin to accrue.

Rulings on the proposed findings and conclusions. Briefs were filed on behalf of Milk Dealers' Association of Metropolitan New York, Inc.; Association of Ice Cream Manufacturers of New York State, Inc.; Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc., and Eastern Milk Producers' Cooperative Association, Inc.; New York State Association of Refrigerated Warehouses; New England Milk Producers' Association; Mutual Cooperative of Independent Producers, Inc.; New York State Cheese Manufacturers Association; New York State Guernsey Cooperative, Inc. and by Dairy Producers, Inc.

These briefs contained statements of fact, conclusions and arguments with respect to most of the issues considered at the hearing. Some of the proposed findings of fact are immaterial to the issues presented, or outweighed by other facts found herein, and some of the proposed conclusions do not logically follow from the proposed findings of fact. Although some of the briefs do not contain specific requests to make the proposed findings and conclusions stated therein, it is assumed that they were submitted with that intention and are treated accordingly.

Every point covered in the briefs with respect to the issues on which findings and conclusions are herein set forth was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated for the findings and conclusions in this recommended decision.

The Milk Dealers' Association of Metropolitan New York submitted specific proposed findings of fact and conclusions with respect to most of the proposals dealt with herein, including hearing notice proposals 1–3, 7–11, 13–17, 19–28, 44, 51, and 57. With respect to hearing notice proposals 3 and 57 the requests to make such findings and conclusions are denied for the reasons given herein in recommending findings and conclusions contrary thereto. For similar reasons the requested findings and conclusions relating to the remainder of such proposals are denied only to the extent that they vary in form or content from the

findings and conclusions recommended herein.

Other proposed findings and conclusions were submitted by the Milk Dealers' Association of Metropolitan New York, Inc., with respect to questions of law. These included requested rulings on procedural questions presented in opposition to proposals not recommended by this decision to be adopted. Broad rulings were also requested as to the general powers and duties of the presiding officer; the necessity of a proponent for each specific proposal; the incorporation, by reference, of testimony at prior hearings; whether factual evidence in the record may be considered on any issue as to which it is material and pertinent; and in what circumstances official notice may be taken. These requested rulings of law were not shown to be material and necessary to the decision of any issue decided herein and they are accordingly not made herein.

It was also alleged in the brief of the Association of Ice Cream Manufacturers of New York State, Inc. that an existing provision of Order No. 27 is illegal. If this is to be considered as a proposed finding or conclusion, it is not adopted. The legality of an existing provision of an order is not to be decided in a promulgation proceeding.

Recommended marketing agreement and order. The following amendments to the order are recommended as the detailed and appropriate means by which these conclusions may be carried out.

The proposed marketing agreement is not included in this report because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Amend § 927.2 (d) (10) to read:

(10) The market administrator, shall from time to time, cause inspections to be made of the buildings, facilities and surroundings of the plant and shall notify handlers of his determination as to what constitutes the plant and its equipment. If any handler makes written request for such determination, the market administrator shall promptly notify such handler of his determination: *Provided*, That if the request is for a revised determination or for affirmation of a previous determination, the handler shall set forth in his request the changed conditions which he believes make a new determination necessary. Such determination shall be ruling for all purposes hereunder, and any revision in the determination of which handlers have been notified shall be effective not earlier than the date of notice to handlers of such revised determination.

2. Amend § 927.3 (a) (3) (ii) by adding the words "or for shipment of approved skim milk from such plant" at the end of the proviso contained therein so that the proviso will read: "*Provided*, That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant; and"

3. Amend § 927.3 (b) by changing the first proviso therein to read: "*Provided*, That for the months of April, May, or June no plant at which milk was received from dairy farmers during the preceding period of October, November, and December shall be a pool plant on this basis, unless at least 60 percent of such milk was classified in Class I–A, and either directly, or through other plants, was sold or distributed in or shipped to the marketing area in the form of milk."

and by adding at the end of § 927.3 (b) the following sentence: "At the time of announcing the uniform price for each month, the Market Administrator shall make public the location, and name of the operator, of any plant for which a report of receipts from dairy farmers was used, pursuant to this paragraph, in the computation of that uniform price."

4. Amend § 927.4 (a) (2) by changing the proviso contained therein to read: "*Provided*, That the holding of milk in the form of cream in a licensed cold storage warehouse for at least 7 days shall constitute that portion of the handling of such cream required pursuant to § 927.4 (c) (5) that is required to be performed during the month following its receipt from dairy farmers."

5. Amend § 927.4 (b) by deleting the two provisos contained therein and substituting the following: "*Provided*, That at any time upon a determination by the Secretary that an emergency exists which requires the immediate adoption of rules and regulations, the Market Administrator may issue, with the approval of the Secretary, temporary rules and regulations without regard to the following procedure: *Provided further*, That if any interested person makes written request for the issuance, amendment, or repeal of any rule, the Market Administrator shall within 30 days either issue notice of meeting pursuant to subparagraph (1) of this paragraph or deny such request, and except in affirming a prior denial, or where the denial is self-explanatory, shall state the grounds for such denial."

6. Amend § 927.4 (c) (3) to read:

(3) Class I–C milk shall be all milk which leaves a plant as milk, or cultured or flavored milk drinks containing 3.0 percent butterfat or more, and which is ultimately distributed in an area not regulated by an order of the Secretary.

7. Amend § 927.4 (c) (5) to read as follows:

(5) Class II–B milk shall be all milk, except as set forth in subparagraphs (7), (8), and (9) of this paragraph, the butterfat from which leaves or is on hand at a plant in the form of plain condensed milk, frozen desserts or homogenized mixtures; or which leaves or is on hand at a plant in the form of cream which is subsequently held in a licensed cold storage warehouse for at least 28 days, and which is subject at all times to being inspected by a representative of the Market Administrator to determine the physical presence of the cream. After the first 7 days such cream may be moved from one licensed cold storage warehouse to another: *Provided*, That the Market Administrator receives notice of such removal within 7 days thereafter. Any handler whose report claimed the original classification of milk in this class shall be liable under the provisions of § 927.9 (e) for the difference between the Class II–B and Class II–A prices for the month in which the II–B classification was claimed on any such milk, if the storage of the cream does not comply with all the requirements of this subparagraph.

8. Amend § 927.5 (a) (1) by deleting that portion of such subparagraph preceding the table contained therein and by substituting therefor the following:

(1) Except as provided in subdivisions (i), (ii), and (iii) of this subparagraph, for Class I–A milk the price per hundredweight during each month shall be as set forth in the following table:

and by adding after the table contained therein the following three subdivisions:

(i) The Class I–A price for any of the months of March through June of each year shall not be higher than the Class I–A price for the immediately preceding month, and the Class I–A price for any of the months of September through December of each year shall not be lower than the Class I–A price for the immediately preceding month.

(ii) The Class I–A price shall not be less than $4.58 per hundredweight for each of the months of July through September 1947, and shall not be less than $5.02 per hhndredweight for each of the months of October through December 1947.

(iii) The Class I–A price for January 1948 shall not be less than the December 1947 Class I–A price minus 44 cents, and the Class I–A price for February 1948 shall not be less than the January 1948 Class I–A price minus 44 cents.

9. Amend § 927.8 (a) by adding at the end thereof the following: "*Provided*, That if a handler claims that he cannot make the required payment because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, such payment shall be made to the producer-settlement fund, and in the event that a lawful claim is later established, the Market Administrator shall make such payment from the producer-settlement fund: *Provided further*, That, if not later than the date when such payment is required to be made, legal proceedings have been instituted by the handler for the purpose of administrative or judicial review of the Market Administrator's finding upon verification as provided above, such payment shall be made to the producer-settlement fund and shall be held in reserve until such time as the above-mentioned proceedings have been completed or until the handler submits proof to the Market Administrator that the required payment has been made to the producer or association of producers, in which latter event the payment shall be refunded to the handler."

10. Amend § 927.9 (g) by deleting therefrom the words "and was used in Classes II–D, II–E, or II–F during the months of July to March, inclusive, or in Class IV–A during the months of January to March, inclusive," and by substituting therefor the words: "and was assigned, in accordance with the provisions of the rules and regulations issued by the Market Administrator pursuant to § 927.4 (b) hereof, to Classes II–D, II–E, or II–F during the months of July to March, inclusive, or to Class IV–A during the months of January to March, inclusive."

Filed at Washington, D. C., this 9th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47–5573; Filed, June 11, 1947; 8:59 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47–34]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4429, 4433, 4481, 4482, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 163–167, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 375, 391a, 392, 404, 407, 411, 474, 475, 481, 489, 526–526t, 50 U. S. C. 1275), and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals of equipment are prescribed effective upon the date of publication of this document in the FEDERAL REGISTER.

BOILER

Water Tube Power Boiler, Model No. MA–101, Dwg. No. B30, dated April 23, 1947, submitted by Acme Boiler and Tank Co., Salmon Bay Terminal, Seattle, Wash.

BUOYANT CUSHIONS FOR MOTORBOATS

Rectangular kapok buoyant cushions for motorboats, Dwg. No. 4–2–47, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y., with approval numbers for the various sizes listed below:

Approval No.	Size	Kapok
		Ounces
B-395	12″ x 63″ x 2″	67
B-397	12″ x 65″ x 2″	70
B-398	12″ x 69″ x 2″	74
B-399	12″ x 73″ x 2″	77
B-400	12″ x 75″ x 2″	80
B-401	12″ x 78″ x 2″	83
B-402	12″ x 81″ x 2″	86
B-403	15″ x 63″ x 2″	84
B-404	15″ x 66″ x 2″	88
B-405	15″ x 69″ x 2″	92
B-406	15″ x 72″ x 2″	96
B-407	15″ x 75″ x 2″	100
B-408	15″ x 78″ x 2″	104
B-409	15″ x 81″ x 2″	108
B-410	18″ x 63″ x 2″	101
B-411	18″ x 66″ x 2″	106
B-412	18″ x 69″ x 2″	110
B-413	18″ x 72″ x 2″	115
B-414	18″ x 75″ x 2″	120
B-415	18″ x 78″ x 2″	125
B-416	18″ x 81″ x 2″	130
B-417	21″ x 63″ x 2″	118
B-418	21″ x 66″ x 2″	123
B-419	21″ x 69″ x 2″	129
B-420	21″ x 72″ x 2″	134
B-421	21″ x 75″ x 2″	140
B-422	21″ x 78″ x 2″	146
B-423	21″ x 81″ x 2″	151
B-424	24″ x 24″ x 2″	51
B-425	24″ x 27″ x 2″	58
B-426	24″ x 30″ x 2″	64
B-427	24″ x 33″ x 2″	70
B-428	24″ x 36″ x 2″	77
B-429	24″ x 39″ x 2″	83
B-430	24″ x 42″ x 2″	90
B-431	24″ x 45″ x 2″	96
B-432	24″ x 48″ x 2″	102
B-433	24″ x 51″ x 2″	109
B-434	24″ x 54″ x 2″	115
B-435	24″ x 57″ x 2″	122
B-436	24″ x 60″ x 2″	128
B-437	24″ x 63″ x 2″	134
B-438	24″ x 66″ x 2″	141
B-439	24″ x 69″ x 2″	147
B-440	24″ x 72″ x 2″	154
B-441	24″ x 75″ x 2″	160
B-442	24″ x 78″ x 2″	166
B-443	24″ x 81″ x 2″	173
B-444	27″ x 27″ x 2″	65
B-445	27″ x 30″ x 2″	72
B-446	27″ x 33″ x 2″	79
B-447	27″ x 36″ x 2″	86
B-448	27″ x 39″ x 2″	94
B-449	27″ x 42″ x 2″	101
B-450	27″ x 45″ x 2″	108
B-451	27″ x 48″ x 2″	115
B-452	27″ x 51″ x 2″	122
B-453	27″ x 54″ x 2″	130
B-454	27″ x 57″ x 2″	137
B-455	27″ x 60″ x 2″	144
B-456	27″ x 63″ x 2″	151
B-457	27″ x 66″ x 2″	158
B-458	27″ x 69″ x 2″	166
B-459	27″ x 72″ x 2″	173
B-460	27″ x 75″ x 2″	180
B-461	27″ x 78″ x 2″	187
B-462	27″ x 81″ x 2″	194
B-463	30″ x 30″ x 2″	80
B-464	30″ x 33″ x 2″	88
B-465	30″ x 36″ x 2″	96
B-466	30″ x 39″ x 2″	104
B-467	30″ x 42″ x 2″	112
B-468	30″ x 45″ x 2″	120
B-469	30″ x 48″ x 2″	128
B-470	30″ x 51″ x 2″	136
B-471	30″ x 54″ x 2″	144
B-472	30″ x 57″ x 2″	152
B-473	30″ x 60″ x 2″	160
B-474	30″ x 63″ x 2″	168
B-475	30″ x 66″ x 2″	176
B-476	30″ x 69″ x 2″	184
B-477	30″ x 72″ x 2″	192
B-478	30″ x 75″ x 2″	200
B-479	30″ x 78″ x 2″	208
B-480	30″ x 81″ x 2″	216

EMBARKATION-DEBARKATION LADDER

Viking wire rope suspension embarkation-debarkation ladder, Type B–2, W. C. Nickum and Sons Dwg. 561–S1604–30, dated April 8, 1947, submitted by Viking Marine Co., 253 Colman Building, Seattle, Wash.

LIFEBOAT

30′ x 10′ x 4.13′ steel motor-propelled lifeboat with radio cabin; 64-person capacity; general arrangement and construction Dwg. No. 1821, dated December 26, 1939, revised March 25, 1947; submitted by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Dated: June 5, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 47–5561; Filed, June 11, 1947; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 674, et al.]

PAGE AIRWAYS, INC., ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Page Airways, Inc., et al., for certificates of public convenience and necessity under the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above proceeding is assigned to be held on July 7, 1947, 10 a. m., eastern daylight saving time, in Room 5042 Commerce Bldg., 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., June 9, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47–5563; Filed, June 11, 1947; 8:54 a. m.]

[Docket No. 2839]

WESTERN AIR LINES, INC., AND UNITED AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Western Air Lines, Inc., and United Air Lines, Inc., under sections 401, 408, and 412 of the Civil Aeronautics Act of 1938, as amended, for an order approving an agreement for the sale of certain properties and the transfer and amendment of a certificate of public convenience and necessity for route No. 68, and amendment of a certificate of public convenience and necessity for route No. 1.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above proceeding is assigned to be held on June 30, 1947, 10 a. m., eastern daylight saving time, in Room 5042, Commerce Bldg., 14th Street and Constitution Ave. NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 9, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47–5562; Filed, June 11, 1947; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-656, G-665]

CITIES SERVICE GAS CO. ET AL.

ORDER FIXING DATE OF HEARING

In the matters of Cities Service Gas Company, Frank Haucke and H. A. Amerine; Docket No. G-656 and G-665.

Upon consideration of the application filed August 17, 1945, in Docket No. G-656 by Cities Service Gas Company, a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, and the application filed September 24, 1945, in Docket No. G-665 and the supplemental application thereto filed March 20, 1947, by Frank Haucke and H. A. Amerine, a co-partnership with its principal place of business at Cottonwood Falls, Kansas, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing applicants to construct and operate natural gas pipeline facilities subject to the jurisdiction of the Federal Power Commission, described as follows:

Construction by Cities Service Gas Company. A 3-inch by-pass around applicant's present 20-inch main line gate; a 3-inch high-pressure regulator setting with a 2-inch high pressure regulator; a 4-inch orifice meter setting complete with a 2-inch high-pressure regulator on the outlet; a 3-inch gas pipe line extending from the by-pass to the regulator setting above described; and a 4-inch gas pipe line extending from the aforesaid regulator setting to the orifice meter setting above described; to be constructed at a point in the Southeast Quarter of section 11, Township 21 South, Range 9 East, Chase County, Kansas, adjacent to applicant's existing 20-inch gas pipe line extending from Wichita, Kansas, to Ottawa, Kansas.

Construction by Frank Haucke and H. A. Amerine. 17.5 miles of 4-inch O. D. gas pipe line from the pipe line of Cities Service Gas Company in section 11, Township 21 South, Range 9 East, in Chase County, Kansas, to a point west of Cottonwood Falls, Kansas, and in close proximity thereto, in Chase County, Kansas, together with appropriate terminal facilities at the above point of termination, as a base or station for the purpose of transmitting natural gas flowing through the proposed facilities to the distribution plants, pipes or main furnishing the Cities of Cottonwood Falls and Strong City and their inhabitants with natural gas.

It appearing to the Commission that:

(a) Applicants proposed the construction and operation of the above-described facilities for the purpose of augmenting the depleted local supply now used to meet the requirements of Strong City and Cottonwood Falls, Kansas, and surrounding areas thereto.

(b) Subsequent to the giving of due notice of the filing of these applications, including publication in the FEDERAL REGISTER on October 9, 1945 (10 F. R. 12658), no request to be heard, protest or petition has been filed, and disposition may be made of the applications as in unopposed gas certificate cases.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 24, 1947, at 9:30 a. m. (e. d. s. t.), in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the applications filed in the above-entitled proceedings: *Provided, however,* If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by the Commission's rules of practice and procedure.

Date of issuance: June 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5552; Filed, June 11, 1947; 8:53 a. m.]

[Docket No. G-887]

ATLANTIC GULF GAS CO.

NOTICE OF APPLICATION

JUNE 6, 1947.

Notice is hereby given that on April 14, 1947, United Gas Corporation filed an application, as amended on June 5, 1947, to substitute Atlantic Gulf Gas Company, its subsidiary, in lieu of United Gas Corporation, a Delaware corporation, with its office at Shreveport, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing applicant to construct and operate approximately 1,530 miles of natural gas transmission line and appurtenant facilities extending from the State of Mississippi in an easterly direction through the southern parts of the States of Alabama and Georgia, the northern part of the State of Florida, and southeastern South Carolina and terminating in the areas of Georgetown, South Carolina, and Jacksonville, Florida.

The application recites that it is proposed to sell natural gas at the city gate for resale in the various cities and towns and for resale to rural consumers along the route of the proposed pipe lines, and that it is proposed to sell natural gas to various direct main line industrial customers. On a 5th year basis of operations, it is estimated that maximum day sales will be as follows:

	Mcf
City gate gas for resale:	
State of Alabama	8,680
State of Florida	19,395
State of Georgia	81,700
State of South Carolina	17,500
Total	127,275
Direct industrial gas:	
State of Alabama	7,250
State of Florida	76,650
State of Georgia	58,850
State of South Carolina	40,500
Total	183,250
Grand total proposed project	310,525

It is not presently contemplated there will be any sales or interchange with other natural gas companies through the proposed facilities. No natural gas service is presently available in the area proposed to be served.

The application further recites that it is proposed to purchase the natural gas necessary to supply the requirements for delivery through the proposed facilities from United Gas Pipe Line Company, a wholly owned subsidiary of United Gas Corporation, such gas to be delivered into the proposed facilities at a point in the vicinity of Hattiesburg, Mississippi.

It is stated in the application that United Gas Pipe Line Company's system is presently connected to 124 gas fields and approximately 1,650 wells located in the States of Louisiana, Mississippi and Texas, that said connected gas fields have remaining gas reserves aggregating 12,800,000,000 Mcf.; that said pipe line system can provide an abundant and stable supply of natural gas from many different sources for the facilities proposed; and that United Gas Corporation will cause the United Gas Pipe Line Company, as its wholly-owned subsidiary to enter into appropriate long term contracts to provide all necessary gas supplies for the proposed project and to build all necessary facilities, including gathering lines, field lines and main lines and also to apply to the Federal Power Commission for such extensions as may be necessary.

The estimated total over-all capital cost of the proposed facilities is $57,126,000. Information with respect to financing the proposed project will be furnished at a subsequent date in this proceeding.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application, as amended, of Atlantic Gulf Gas Company, as substituted, is on file with the Commission and is open to public inspection. Any person (unless a petition to intervene in the original application has already been filed with the Commission) desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date

of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5554; Filed, June 11, 1947; 8:53 a. m.]

[Docket No. IT-6063]

FLORIDA POWER CORP.

NOTICE OF APPLICATION

JUNE 4, 1947.

Notice is hereby given that on June 3, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Florida Power Corporation, a corporation organized under the laws of the State of Florida and doing business in the States of Florida and Georgia with its principal business office at St. Petersburg, Florida, seeking an order authorizing the issuance of 100,000 shares of Common Stock of the par value $7.50 each. The company will first offer the additional shares to present Common Stockholders in the ratio of one share for each ten shares of Common Stock held of record, and thereafter negotiate with underwriters for the unsubscribed shares, all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 25th day of June 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5553; Filed, June 11, 1947; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 205]

RECONSIGNMENT OF POTATOES AT GRAND RAPIDS, MICH.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Grand Rapids, Mich., June 5, 1947, by E. H. Anderson Co., of car PFE 50857, potatoes, now on the P. M., to Chicago, Ill. (P. M.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of June 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-5555; Filed, June 11, 1947; 8:53 a. m.]

[S. O. 396, Special Permit 206]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., June 5, 1947, by Jack Carl Co., of car WFE 65549, apples, now on the Chicago Produce Terminal to Philadelphia, Pa. (B&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of June 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-5556; Filed, June 11, 1947; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-534, 31-535]

MAINE PUBLIC SERVICE CO. AND MAINE AND NEW BRUNSWICK ELECTRICAL POWER CO., LTD.

ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of June A. D. 1947.

Maine Public Service Company ("Maine"), a registered holding company and a former subsidiary of Consolidated Electric and Gas Company, also a registered holding company, having filed an application for an order of this Commission pursuant to section 3 (a) (2) of the Public Utility Holding Company Act of 1935 exempting Maine and its subsidiary, Maine and New Brunswick Electrical Power Company, Limited ("New Brunswick"), from all provisions of said act on the asserted ground that Maine is predominantly a public utility company whose operations as such do not extend beyond the State of Maine, in which it is organized; and

New Brunswick having filed an application for an order of this Commission pursuant to section 3 (b) of the act exempting it from all provisions of the act imposing obligations, duties or liabilities on it as a subsidiary of a registered holding company, on the asserted ground that it has no subsidiaries, derives no material part of its income directly or indirectly from sources within the United States, and is not a public utility company operating in the United States; and

The Commission by order dated November 19, 1945, having given notice of the filing of the said applications, having consolidated the said proceedings, and having ordered a public hearing with respect thereto to be held on November 30, 1945, and said hearing having been held on November 30 and December 18, 1945, pursuant to said order, and on December 18, 1945, having been adjourned, subject to call; and

It appearing to the Commission that the hearing on the said applications should be reconvened for the purpose of adducing additional evidence with respect thereto:

It is ordered, That the hearing in the said proceedings be reconvened on June 20, 1947, at 10:30 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before June 18, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said filings, particular attention be directed at said hearing to the following matters and questions:

(1) Whether Maine is predominantly a public utility company whose operations as such do not extend beyond the

State in which it is organized and States contiguous thereto;

(2) Whether it is detrimental to the public interest or the interest of investors or consumers to grant to Maine, and to New Brunswick, as a subsidiary of Maine, an exemption from any or all of the provisions of the act;

(3) Whether New Brunswick derives any material part of its income directly or indirectly from sources within the United States;

(4) Whether the application of any or all of the provisions of the act to New Brunswick is necessary in the public interest or for the protection of investors;

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Maine Public Service Company, Maine and New Brunswick Electrical Power Company, Limited, the Public Service Commission of the State of Maine, and the Federal Power Commission; and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5550; Filed, June 11, 1947; 8:52 a. m.]

[File No. 70-1371]

FEDERAL LIGHT & TRACTION CO. ET AL.

NOTICE OF FILING OF PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of June A. D. 1947.

In the matter of Federal Light & Traction Company, Cities Service Company, and Public Service Company of New Mexico, File No. 70-1371.

Cities Service Company ("Cities"), a registered holding company, Federal Light & Traction Company ("Federal"), a subsidiary of Cities and also a registered holding company, and Public Service Company of New Mexico ("Public Service"), a direct subsidiary of Federal, on September 13, 1946, filed applications and declarations proposing, among other things, the dissolution and liquidation of Federal. Amendments Nos. 1 and 2 to the original filing were made on September 24, 1946, and October 25, 1946, respectively. On October 21, 1946, the Commission issued a notice of filing and order for hearing (Holding Company Act Release No. 6952), summarizing the principal provisions of said applications and declarations and ordering a hearing thereon. At that time it was proposed, in connection with the dissolution and liquidation of Federal, to pay to the holders of Federal's outstanding preferred stock the sum of $100 per share plus accrued unpaid dividends and, as against a determination that the preferred stockholders are entitled to receive any amounts in excess of $100 per share, to set up an escrow fund in an amount equivalent to the redemption premium of $10 per share plus compensation for delay in receiving such additional amounts. Pursuant to said notice and order, a public hearing was duly held at which the taking of evidence was completed with respect to the appropriateness of the immediate payment of $100 per share plus accrued unpaid dividends and the setting up of the escrow fund for any additional amount to which the preferred stockholders might be determined to be entitled.

Thereafter, on May 14, 1947, Federal, Cities and Public Service filed Amendment No. 3 to the original applications and declarations modifying the proposals as above described, and proposing instead to call for redemption the outstanding shares of preferred stock of Federal at the redemption price of $110 per share and accrued unpaid dividends.

Notice is hereby given that, on May 28, 1947, Federal, Cities and Public Service filed Amendment No. 4 to said applications and declarations which reinstates the transactions as proposed prior to the filing of Amendment No. 3. Accordingly, it is now proposed that the preferred stockholders of Federal receive at the present time $100 per share plus accrued unpaid dividends and that an escrow fund be provided for any additional amount to which they may be determined to be entitled. Further, in said Amendment No. 4, Federal, Cities and Public Service have requested that the transactions as now proposed be considered by the Commission as constituting a plan under section 11 (e) of the Public Utility Holding Company Act of 1935; and Federal has reserved the right to request the Commission to apply to a court to enforce and carry out the terms and provisions of such plan. Federal has also requested the Commission to make a report on the plan to be used in connection with the proposed solicitation of proxies from its stockholders in voting upon the dissolution of Federal as proposed in the plan.

It appearing to the Commission that all interested persons have hitherto been afforded opportunity to be heard with respect to the transactions now proposed, that the taking of evidence with respect to such transactions has been completed, and that no useful purpose would be served by requiring that further hearings be held in the absence of a showing by any interested person that such further hearings are necessary or appropriate for the protection of their interests;

Notice is given that any interested person may, not later than June 16, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said plan stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by such plan which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 16, 1947 the Commission may issue its order with respect to said plan.

It is hereby ordered, That notice of the filing of the plan be given by registered mail to all persons who have been granted participation in the proceedings, and to all other persons by publication of this notice in the FEDERAL REGISTER and by general release to the press.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5546; Filed, June 11, 1947; 8:48 a. m.]

[File No. 70-1510]

ELECTRIC POWER & LIGHT CORP. AND LOUISIANA POWER & LIGHT CO.

NOTICE REGARDING FILING OF APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of June A. D. 1947.

Notice is hereby given that Electric Power & Light Corporation ("Electric"), a registered holding company, and its subsidiary, Louisiana Power & Light Company ("Louisiana"), have filed a joint application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935. Applicants-declarants have designated section 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 16, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 16, 1947 said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file with this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Electric is the owner of all the outstanding common stock of Louisiana consisting of 1,200,000 shares, without par value, having a stated value of $6,000,000. Louisiana proposes to issue and sell, and Electric proposes to acquire, an additional 1,100,000 shares of common stock of Louisiana for a cash consideration of

of $4,500,000. Upon completion of this sale, Louisiana proposes to transfer $1,000,000 from Earned Surplus to Common Capital Surplus Account. In connection with these transactions, Louisiana also proposes to amend its Certificate of Incorporation so as to increase the number of authorized shares of common stock from 1,500,000 shares to 5,000,000 shares.

Upon completion of such transactions, Louisiana will have issued and outstanding 2,300,000 shares of common stock having a stated value of $11,500,000.

The cash to be received by Louisiana will be employed for the construction of new facilities and for the extension and improvement of present facilities and for other necessary corporate purposes.

Applicants-declarants request that the Commission's order herein be issued as quickly as possible and become effective upon the issuance thereof in order to permit consummation of the proposed transactions at the earliest possible opportunity.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5547; Filed, June 11, 1947; 8:48 a. m.]

[File No. 70-1531]

REPUBLIC LIGHT, HEAT AND POWER CO., INC.

NOTICE OF FILING OF DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 5th day of June 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Republic Light, Heat and Power Company, Inc. ("Republic"), a subsidiary of Cities Service Company ("Cities"), a registered holding company, designating sections 6 (a) and 7 of the act as applicable to the transactions proposed therein.

Notice is further given that any interested person may, not later than June 18, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon; that any such request should be addressed: Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and that at any time after June 18, 1947, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Republic has entered into a credit agreement with Manufacturers and Traders Trust Company of Buffalo, N. Y., under which the bank will loan to Republic $800,000 during the twelve months period beginning July 1, 1947, $200,000 of which will be loaned on July 1, 1947, and $600,000 thereafter as and when requested. The borrowings under this agreement will be evidenced by unsecured notes bearing interest at the rate of 2% per annum, maturing on or before twelve months from date of issue, and prepayable at any time without premium. Until all of said notes are paid declarant covenants not to pledge, mortgage or hypothecate any of its assets or borrow any other money without provision for the payment of said notes out of the proceeds of such other loan. Declarant is to pay quarterly a commitment fee of one-quarter of 1% per annum on the unused portion of said $800,000. The declaration states that the proposed bank loan is for the purpose of financing the immediate needs of the company until complete plans as to the construction requirements and a long-term financing program may be formulated.

The declaration states that the proposed transaction is not subject to the jurisdiction of any commission other than this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5551; Filed, June 11, 1947; 8:52 a. m.]

[File No. 70-1535]

CAPITAL TRANSPORTATION CO.

NOTICE OF FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of June A. D. 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Capital Transportation Company ("Capital"), a wholly owned nonutility subsidiary of Arkansas Power & Light Company, which in turn is a subsidiary of Electric Power & Light Corporation, a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 16, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 16, 1947, said application as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Capital, a transportation company, located principally in the Cities of Little Rock and North Little Rock, Arkansas, proposes to borrow from banks amounts aggregating $700,000 which will be used for the purchase of 15 motor omnibuses and 29 trolley omnibuses. The loans are to be evidenced by notes dated not later than July 1, 1947, payable in 24 equal quarterly installments and bearing interest at the rate of 3½% per annum. Such notes are to be secured by a chattel mortgage which will be a lien upon 20 motor omnibuses now owned by the company, upon the 15 motor omnibuses to be acquired by the company during May 1947, and, as supplemented by one or more supplemental indentures, upon the 29 trolley omnibuses to be delivered in July 1947.

The indenture of chattel mortgage will be executed and delivered subsequent to the date of receipt of the 15 motor omnibuses but prior to the date of receipt of the 29 trolley omnibuses. Concurrently with the execution and delivery of the indenture of chattel mortgage approximately 35% of the aggregate principal amount of the loans will be made available to the company. The balance of 65% of the principal amount of the loans will be made available to the company as the 29 trolley omnibuses are acquired and subjected to the lien of the chattel mortgage by supplemental indenture.

The indenture of chattel mortgage provides, among other things, that the company will not, without the prior written consent of the holders of not less than a majority in principal amount of the notes outstanding, create any mortgage or other encumbrance upon its property, or declare or pay any dividends except out of earned surplus subsequent to December 31, 1946. The notes may be prepaid in whole or in part at any time without the payment of any premium.

The proposed transactions have been approved by the Arkansas Public Service Commission.

The applicant has requested that the Commission's order herein be issued as soon as may be practicable and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5549; Filed, June 11, 1947; 8:52 a. m.]

[File No. 70-1538]

COLUMBIA GAS & ELECTRIC CORP. AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE REGARDING FILING OF APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 5th day of June 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its wholly owned subsidiary, Cumberland and Allegheny Gas Company ("Cumberland"). Applicants-declarants have designated sections 6, 7, 9, 10 and 12 of the act and Rules U-42 and U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 18, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 18, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

(a) Cumberland will amend its Articles of Incorporation so as to (1) increase its authorized capital from $2,000,000 to $2,500,000; (2) increase and reclassify its authorized common stock from 20,000 shares without par value to 100,000 shares having a par value of $25 per share; and (3) reclassify its 20,000 shares of outstanding common stock without par value into 80,000 shares of common stock, $25 par value.

(b) Cumberland will issue and sell to Columbia 14,600 shares of new common stock at the par value thereof or $365,000 and $1,800,000 principal amount of 3¼% Installment Promissory Notes. The proceeds from the sale of such securities will be used by Cumberland, together with $1,864 of treasury funds, to retire its $366,864 principal amount of 6% demand notes and $1,800,000 principal amount of 7% First Mortgage Bonds, all held by Columbia.

(c) Cumberland will issue and sell to Columbia an additional $500,000 principal amount of 3¼% notes, the proceeds of which will be used by Cumberland for the purpose of financing its 1947 construction program.

The notes to be issued by Cumberland to Columbia are unsecured and non-negotiable. The principal amounts thereof are to be payable in equal annual installments on August 15 of each of the years 1950 to 1974, inclusive. Interest on the unpaid principal thereof is to be payable semi-annually on February 15 and August 15. The $500,000 principal amount of notes to be issued by Cumberland for construction purposes are to be issued at such time and in such amounts as funds are required in connection therewith but none of such notes will be issued and sold subsequent to December 31, 1947.

Applicants-declarants state that the Public Service Commission of West Virginia has assumed jurisdiction over the proposed transactions and that the order of approval of such commission will be supplied by amendment.

Applicants-declarants have requested that the order of the Commission granting and permitting the application-declaration to become effective with respect to transactions (a) and (b) above conform to the provisions of sections 371, 373 and 1808 (f) of the Internal Revenue Code and contain the terms and recitals provided for in said sections.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5548; Filed, June 11, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981

[Vesting Order 5294, Amdt.]

CALISTA MARIE PABST

In re: Bank accounts, claims, securities and interests in mortgages owned by Calista Marie Pabst.

Vesting Order 5294, dated October 24, 1945, is hereby amended as follows and not otherwise: By deleting from subparagraph 2-d of said Vesting Order 5294 the street address "231 W. 49th Street," and substituting therefor the street address "231-49 West 39th Street."

All other provisions of said Vesting Order 5294 and all action taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5569; Filed, June 11, 1947; 8:59 a. m.]

[Vesting Order 9079]

N. WADA

In re: Stock owned by N. Wada. F-39-5288-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That N. Wada, whose last known address is Japan is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One-hundred and fifty (150) shares of $2.00 par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by Certificates numbered SFE62878 for fifty (50) shares; SFE62879 for fifty (50) shares; SFB32199 for twenty-five (25) shares; SFP85363 for one (1) share; SFD66131 for twenty-one and one-half (21½) shares; and SFF4996 for two and one-half (2½) shares, registered in the name of N. Wada, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5564; Filed, June 11, 1947; 8:58 a. m.]

[Vesting Order CE 89]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN OHIO, MINNESOTA AND INDIANA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Gertrude Van Lennep [illegible]	Holland	William M. Dorothy Trust, co-executory judgments Nos. 2861 and 2862, Probate Court, Hamilton County, Ohio.	[illegible]	Central Trust Co., Trustee, 4th and Vine Streets, Cincinnati, Ohio.	$80.18
		Item 2			
Carl Dahlberg	Norway	Estate of Nettie O. Pederson, deceased, Probate Court, Hennepin County, Minn., File No. 92276.	$826.69	R. Solum, Consul for Norway, Royal Norwegian Consulate, Room 2002, Foshay Tower, Minneapolis 2, Minn.	50.00
		Item 3			
Franziska Geissler	Austria	Estate of Mary Geissler, deceased, Probate Court, Hamilton County, Ohio.	14,360.16	Central Trust Co., 4th and Vine Streets, Cincinnati, Ohio. Account in the name of Franziska Geissler.	85.00
		Item 4			
Elaine Kosher[illegible]	Greece	Estate of Stoyan T. Kosherkoff, deceased, Allen Superior Court, No. 2, Allen County, Fort Wayne, Indiana, No. 7000.	$23.66	Lincoln National Bank and Trust Co., Fort Wayne, Ind. Account in the name of G. Christopoulos, Acting Consul General of Greece at Chicago, Ill., or his successor, in trust for Elaine Kosherkoff, alias Stoyniska Kosherka and Labro Kosherkoff.	23.00
Labro Kosherkoff[1]	do	Same	$23.66	Same	24.00
		Item 5			
Ole Olsen Engerstad	Norway	Estate of Ole Enc, deceased, Probate Court of St. Louis County, Minn.	112.45	The County Treasurer of St. Louis County, Duluth, Minn.	14.00
		Item 7			
Olivia Olsdatter Larsen	do	Same	112.35	Same	14.00

[1] One-third of income of William M. Dorothy Trust.

[F. R. Doc. 47-5570; Filed, June 11, 1947; 8:59 a. m.]

[Vesting Order 9086]

ROBERT KUSTERMANN

In re: Estate of Robert Kustermann, deceased. File D-28-11792; E. T. sec. 15999.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Wessel, Karl Schulze, Richard Schulze and Irmgard Schulze, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Robert Kustermann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Warren A. Ewell, as Administrator with the will Annexed, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Diego;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5520; Filed, June 10, 1947; 8:46 a. m.]

[Vesting Order 9089]

SHIGERU ASADA

In re: Bond owned by Shigeru Asada. D-39-17905-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeru Asada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One (1) United States Savings Bond, of $50 face value, bearing the number L1589875E registered in the name of Shigeru Asada, presently in the custody of Kyuichi Hayashi, 593 Manono Street, Hilo, Hawaii, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5521; Filed, June 10, 1947; 8:46 a. m.]

[Vesting Order 9093]

EMIL KRETLOW

In re: Debts owing to and bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Emil Kretlow, deceased. F-28-23246-C-1, F-28-23246-C-2, F-28-23246-D-2, F-28-23246-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Emil Kretlow, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Intertype Corporation, 360 Furman Street, Brooklyn 2, New York, appearing on their books as an account payable to Emil Kretlow, in the amount of $800.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation evidenced by one (1) Gibson Apartments, Inc. Fifteen Year First Mortgage Bond, due May 31, 1952, of $500.00 face value, bearing the number D087, registered in the name of Emil G. Kretlow, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Sterling National Bank and Trust Company of New York, 1410 Broadway, New York 18, New York, in the amount of $4.17, evidenced by a check, numbered 129, dated June 2, 1941, payable to the order of Emil G. Kretlow, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

d. One (1) Ritz-Carlton Hotel First Mortgage 6% Gold Bond of $1000.00 face value, bearing the number M4049, and presently in the possession of The Continental Bank and Trust Company of New York, 30 Broad Street, New York 15, New York, together with any and all rights thereunder and thereto, including particularly the right to exchange said bond for 10 shares of Stock of the Ritz-Carlton Hotel Company under a Plan of Reorganization dated June 10, 1946,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Emil Kretlow, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5565; Filed, June 11, 1947; 8:58 a. m.]

[Vesting Order 9109]

HEDWIG ARFSTEN LANGER

In re: Bank account and stock owned by Hedwig Arfsten Langer, also known as Hedgwer Arfsten Langer and as Hedwig Arpten Langer. F-28-26487-E-1, F-28-26487-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Arfsten Langer, also known as Hedgwer Arfsten Langer and as Hedwig Arpten Langer, whose last known address is Wyk, Isle of Fohr, Schleswig, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hedwig Arfsten Langer, also known as Hedgwer Arfsten Langer and as Hedwig Arpten Langer, by First National Bank, Lake Charles, Louisiana, arising out of a checking account, entitled Mrs. Hedgwer Arfsten Langer, and any and all rights to demand, enforce and collect the same,

b. Fifty-five (55) shares of $50.00 par value common capital stock of Lock Moore Co., Ltd., Lake Charles, Louisiana, a corporation organized under the laws of the State of Louisiana, evidenced by certificate number 98, registered in the name of Mrs. Hedwig Arfsten Langer by G. W. Law, Agent, and presently in the custody of George William Law, Apartment 806, Pontchartrain Hotel, New Orleans 13, Louisiana, together with all declared and unpaid dividends thereon, and that certain royalty deed, recorded in Calcasieu Parish Register Number 238145 and in Jeff Davis Parish Register Number 115942, together with any and all rights thereunder and thereto, and

c. Twenty and one-half ($20\frac{1}{2}$) shares of $100.00 par value common capital stock of Edgewood Land & Logging Co. Ltd., Lake Charles, Louisiana, a corporation organized under the laws of the State of Louisiana, evidenced by certificate number 90, registered in the name of Mrs. Hedwig Arfsten Langer by G. W. Law, Agent, and presently in the custody of George William Law, Apartment 806, Pontchartrain Hotel, New Orleans 13, Louisiana, together with all declared and unpaid dividends thereon, and that certain royalty deed, recorded in Calcasieu Parish Register Number 238141 and in Beauregard Parish Register Number 56872, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5566; Filed, June 11, 1947; 8:58 a. m.]

[Vesting Order 9112]

KIMIKO OKAZAKI

In re: Stock owned by Kimiko Okazaki. F-39-5119-D-1, F-39-5119-D-2, D-27-192-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kimiko Okazaki, whose last known address is 1180 Tamachi, Ogaki, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Twenty-one (21) shares of $1.00 par value common capital stock of Coty, Inc., 423 West 55th Street, New York 19, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number WO-4528, registered in the name of Mrs. Kimiko Okazaki, together with all declared and unpaid dividends thereon, and

b. Twenty-one (21) shares of $1.00 par value common capital stock of Coty International Corporation, 100 West 10th Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered 4521, registered in the name of Mrs. Kimiko Okazaki, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5567; Filed, June 11, 1947; 8:58 a. m.]

[Vesting Order 9145]

PAUL WEISS

In re: Bond and mortgage owned by Paul Weiss.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Weiss, whose last known address is Frankenderfer St. 4, Tanna, Ks-Schleiz Thuring, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: A mortgage executed on April 13, 1928, by Reinhard Weiss and Ella Weiss, his wife, to Paul Weiss, and recorded on April 16, 1928, in the Office of the Clerk of Bergen County, New Jersey, in Book 1049 of Mortgages, at Page 189, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5568; Filed, June 11, 1947; 8:58 a. m.]

[Vesting Order CE 394]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN PENNSYLVANIA, MISSISSIPPI, NORTH CAROLINA, MARYLAND, ARKANSAS AND DISTRICT OF COLUMBIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Josephine Bari Kuchiar	Italy	Estate of Blanche B. King, deceased. Orphans' Court, Philadelphia County, Philadelphia, Pa.	
		Item 2	
Silvia Lante	do	Trust under deed of Susanna Lante, dated Sept. 16, 1933. Orphans' Court, Philadelphia County, Philadelphia, Pa. No. 196 of 1946.	
Angela Lante Martinengo	do	Same	
		Item 4	
Silvia Lante	do	Estate of Edward Tilghman, deceased. Orphans' Court, Philadelphia County, Philadelphia, Pa. No. 151, July term, 1899.	
		Item 5	
Angela Lante Martinengo	do	Same	
		Item 6	
Antonio Sanna	do	Estate of Frank Sanna, deceased. Orphans' Court, McKean County, Pa.	
		Item 7	
Vittoria Sanna Farina	do	Same	
		Item 8	
Silvia Dimporsano Morl	do	Estate of Cesare Morl, deceased. Orphans' Court, Delaware County, Pa.	
		Item 9	
Rosaria Provenza	do	Estate of Frank Provenza, deceased. Chancery Court of Washington County 24588. Cause No 13274.	
		Item 10	
Salvatore Provenza	do	Same	
		Item 11	
Luciano Provenza	do	Same	
		Item 12	
Concetta Provenza	do	Same	
		Item 13	
Dante Toffoli	do	Estate of A. F. Toffoli, deceased. Superior Court, Mecklenburg County, N. C.	
		Item 14	
Antonio Plateo	do	Same	
		Item 15	
Giuditta Toffoli	do	Same	
		Item 16	
Congregation of the Oblates of Mary Immaculate	do	Trust under the will of Leo P. Manzetti, Circuit Court, Baltimore, Md. Docket A 868 1945	
		Item 17	
Missionari della Consolata	do	Same	
		Item 18	
Churchetti Rezzachio	do	Estate of Augustine Arata, deceased, Probate Court, Pulaski County, Little Rock, Arkansas	
		Item 19	
Adelaide Arata Cerri	do	Same	
		Item 20	
Attilio Rasore	do	Same	
		Item 21	
Guiseppe Arata	do	Same	
		Item 22	
Children of Celeste Arata	do	Same	
		Item 23	
Children of Carolina Arata	do	Same	
		Item 24	
Children of Metilda Arata	do	Same	
		Item 25	
Adele Petrocelli	do	Estate of Dominik Petrocelli, deceased. District Court of the United States for the District of Columbia, Holding Probate Court.	
		Item 26	
Giovannino Petrocelli	do	Same	

[F. R. Doc. 47-5572; Filed, June 11, 1947; 8:59 a. m.]

[Vesting Order CE 393]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN DELAWARE, CONNECTICUT, NEW JERSEY AND NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Dependents of Victor Dellaci	Italy	In the matter of the receivership of International Re-Insurance Corp. in the Court of Chancery of the State of Delaware in and for New Castle County.	85.00
		Item 2	
Lorenzo Belella or Bella	do	Same	14.00
		Item 3	
Maria Metrakli	do	Same	23.00
		Item 4	
Dependents of Nicola Mariano	do	Same	12.00
		Item 5	
Dependents of Emilio Brecchia	do	Same	21.00
		Item 6	
Salvatore Papa	do	Estate of Giuseppe Leone, also known as Giuseppe Leone, deceased. Probate Court, District of Winchester, Winsted, Conn.	39.00
		Item 7	
Rosina Leone	do	Same	39.00
		Item 8	
Anna Leone	do	Same	39.00
		Item 9	
Giuseppe Ferraro	do	Estate of Joseph Ferraro, deceased. Probate Court, District of Winchester, Winsted, Conn.	145.50
		Item 10	
Santina Ferraro	do	Same	145.50
		Item 11	
Angelina Spinace	do	Estate of Giuseppe Spinace, deceased. Probate Court, District of New Haven	25.00
		Item 12	
Lea Spinace	do	Same	49.00
		Item 13	
Isolina Marellari	do	Estate of Pietro Orsi, also known as Peter Orsi, Deceased. Essex County Orphans' Court, Essex County Court House, Newark, N. J.	35.00
		Item 14	
Caterina Pevert	do	Same	35.00
		Item 15	
Giovanni Pecora	do	Estate of Nicola Pecora, deceased. Surrogate's Court, New York County, N. Y. Docket No P2542 1945.	5.00
		Item 16	
Agnes Pecora (daughter of Francesco)	do	Same	5.00
		Item 17	
Domenico Pecora	do	Same	5.00
		Item 18	
Guiseppe Pecora	do	Same	5.00
		Item 19	
Rosina Pecora	do	Same	5.00
		Item 20	
Sylvia Palermo	do	Same	5.00
		Item 21	
Constance Palermo	do	Same	5.00
		Item 22	
Elvira Palermo	do	Same	5.00
		Item 23	
Vincenzo Palermo	do	Same	5.00
		Item 24	
Mary Palermo	do	Same	5.00
		Item 25	
Agnes Pecora (daughter of Domenico)	do	Same	5.00
		Item 26	
Giovanna Pecora	do	Same	5.00
		Item 27	
Agnes Pecora (daughter of Giuseppe)	do	Same	5.00
		Item 28	
Gilda Pecora	do	Same	5.00

[F. R. Doc. 47-5571; Filed, June 11, 1947; 8:59 a. m.]

Retain

JUN 18 '47

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

GEOLOGIST POSITIONS

Section 24.47 is hereby added to the regulations in this part.

§ 24.47 *Geologist positions involving highly complicated or fundamental scientific research or similar difficult scientific duties*—(a) *Educational requirement.* For geologist positions involving highly complicated or fundamental scientific research or similar difficult scientific duties certification may be restricted to those eligibles who show the successful completion of a four-year course leading to a bachelor's degree in a college or university of recognized standing, including or supplemented by 30 semester hours of geology.

(b) *Duties.* These positions requiring the successful completion of four years of college or university training in geology are characterized as follows:

Critical investigative work, requiring a sound knowledge of the fundamental laws, theories, principles, terminology and literature of geology and related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex scientific laws and facts in the solution of difficult geologic problems.

The coordination, as a project leader, of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the scientific principles, procedures and potentialities of the scientific fields involved and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* In the steady advance of scientific knowledge, geology has played a prominent role, and of necessity it must keep pace with the other sciences for it is concerned with the natural occurrence of the raw materials used in many of the other sciences and in a variety of industrial processes. New deposits of coal, oil, gas, the metallic ores, the rare earths, radioactive substances, and the other minerals of economic importance are all located, studied, mapped, and evaluated by geologists. No longer can we expect many valuable deposits to be stumbled upon by scientifically untrained prospectors. It is to the trained geologist, well versed in the principles, not only of geology, but also of the allied sciences, and using the latest knowledge, techniques and instruments, that we must turn for help in wresting from the earth the materials which lie hidden beneath her surface.

Geology is concerned with much more than the discovery and extraction of mineral wealth. A knowledge of its principles is vital to the successful building of dams, bridges, and other structures, and also to the protecting and conserving of our agricultural soil and our water supplies.

In addition, geology has the philosophical objective of adding to the sum of human knowledge by producing as complete a history of the earth as possible. This knowledge, contained in the geologic fields or stratigraphy, paleontology, petrology, structural geology, sedimentation, geomorphology, glaciology, and vulcanology, has been derived largely, and will continue to be derived largely, by geologists in government service, both state and Federal. The quality and quantity of results obtained through geologic research is commensurate with the knowledge and training of the men engaged. With the store of information accumulated not only in the various fields of geology but also in the related sciences growing steadily larger, it becomes more and more imperative that the professional geologist have the broad background of knowledge that can be acquired only through the successful completion of a large number of formal courses in geology.

Private industry engaged in geological work has long recognized the necessity for broadly trained men well rounded in the fundamentals of the science for filling professional positions. They are required to have education represented by at least the attainment of a bachelor's degree in geology. The Federal Govern-

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FEDERAL REGISTER

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ment cannot afford to be less stringent in its requirements, as the duties of its positions require the best talent available in order that its work may not lag behind that of other nations.

(d) *Method of obtaining basic knowledge and training.* The only method by which the knowledge and training required can be obtained is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

CROSS REFERENCE: For justification for educational requirement for geologist positions other than those involving highly complicated or fundamental scientific research or similar difficult scientific duties, see § 24.31.

(Sec. 5, 58 Stat. 388; 5 U. S. C. Supp. 854)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5609; Filed, June 12, 1947; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. The entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "4.58," does not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of July 1947; and

2. In accordance with the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found to be impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate and promote the orderly marketing of milk produced in July 1947 for the New York metropolitan milk marketing area, and in that the time intervening between the date when the need for this action became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof and publication or service of this order 30 days prior to its effective date.

It is therefore ordered, That the entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "4.58," be and it hereby is suspended with respect to all milk subject to the provisions of the order during the month of July 1947. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.).

Done at Washington, D. C., this 10th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5610; Filed, June 12, 1947; 9:01 a. m.]

[Plum Order 9]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.310 *Plum Order 9*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Gaviota plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 14, 1947, and ending at 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Gaviota plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Gaviota plums containing plums of a size smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Gaviota plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(a) Of said total quantity, not more than fifty (50) percent, by number of packages, shall be of a size that will pack a 4 x 5 standard pack, as aforesaid, in the aforesaid standard basket; and

(b) The remainder of such total quantity shall be of a size larger than a size that will pack a 4 x 5 standard pack, as aforesaid, in the aforesaid standard basket.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Gaviota plums that will pack a 4 x 5 standard pack, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Gaviota plums of such 4 x 5 size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{11}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{10}/_{16}$ inches in diameter; and (iii) no

plums contained in any such pack measure, as aforesaid, less than $1\frac{7}{16}$ inches in diameter.

(4) Nothing contained in this section, shall be construed (i) as preventing a shipper from shipping Gaviota plums of a size larger than the size that will pack a 4 x 5 standard pack, as aforesaid, if said plums meet the grade requirements hereof; or (ii) as permitting the shipment of Gaviota plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(5) Each shipper, prior to making each shipment of Gaviota plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Gaviota plums contained in each such lot or shipment: *Provided, however,* That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(6) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(7) The terms "shipper," "ship," "shipping," "shipping point," and "shipment," shall have the same meaning as when used in the amended marketing agreement and order. The term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 10th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5641; Filed, June 12, 1947; 9:27 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter II—Aircraft

PART 201—USE OF ARMY AIRCRAFT

PASSENGERS IN MILITARY AIRCRAFT (JOINT ARMY-NAVY AGREEMENT)

Part 201, Chapter II, Title 10, Code of Federal Regulations is amended by the addition of § 201.5 to read as follows:

§ 201.5 *General policy.* As a general policy, the aviation organizations of the armed forces will not be placed in a position of competing with commercial activities.

[AR 95-90, Apr. 28, 1947, Joint Army-Navy Agreement] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5603; Filed, June 12, 1947; 8:52 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-30]

PART 102—PERSONNEL ADMINISTRATION

RESTRICTIONS ON SPEECHES AND INTERVIEWS

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 302 of the Foreign Service Act of 1946 (60 Stat. 1001), the Foreign Service Regulations comprising Part 102 of Title 22 of the Code of Federal Regulations are amended by adding the following section:

§ 102.800 *Restrictions on speeches and interviews.* (a) Officers and employees of the Foreign Service assigned to Foreign Service posts may make public speeches and hold newspaper interviews if they observe security regulations and if the chief of mission or principal officer approves. Officers and employees of the Foreign Service who are not assigned to Foreign Service posts shall observe regulations on speeches and newspaper interviews applicable to officers and employees of the Department.

(b) Officers of the Foreign Service shall not allude in public speeches or newspaper interviews to disputes between governments, to active political issues in the United States or elsewhere, or to any matters pending in any Foreign Service establishment, except by the direction or with the authorization of the Department.

(c) Copies or résumés of all speeches and addresses and résumés of all newspaper interviews shall be furnished the Department.

(R. S. 161, sec. 302, Pub. Law 724, 60 Stat. 1001; 5 U. S. C. 22)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Issued: June 9, 1947.

For the Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

[F. R. Doc. 47-5602; Filed, June 12, 1947; 8:52 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners Loan Corporation

[Bulletin 424]

PART 401—GENERAL

FEE ASSIGNMENTS TO SALARIED EMPLOYEES OF U. S.

Section 401.07-1 is amended to read as follows:

§ 401.07-1 *To salaried employees of the U. S., etc.* Assignments for services to be performed on a fee basis shall not be made to a person who is a full-time or part-time salaried employee of the United States, or any department or agency thereof, or any corporate agency or instrumentality of the United States having no capital stock, or all of whose capital stock (except any qualifying shares of directors or similar officers which may be otherwise owned) is beneficially owned directly or indirectly, by the United States: *Provided,* That the foregoing is not applicable where an employee has ceased active duty under notice of separation by reduction in force and has ceased to receive salary.

Effective: June 10, 1947.

(Secs. 4 (a) and 4 (k), 48 Stat. 129, 132, 643, 647; 12 U. S. C. and Sup. 1463; E. O. 9070, Feb. 24, 1942, CFR Cum. Supp.)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47-5608; Filed, June 12, 1947; 8:57 a. m.]

Chapter VIII—Office of Housing Expediter

[Suspension Order S-58]

PART 807—SUSPENSION ORDERS

ADRIAN BEVERAGES, INC.

Adrian Beverages, Inc., is a Michigan corporation, with principal place of business at 1345 East Church Street, Adrian, Michigan. The company is charged by the Office of the Housing Expediter with having violated Veterans' Housing Program Order 1 in that without authorization it began, subsequent to April 12, 1946, and thereafter carried on construction of a structure at the intersection of U. S. Highway 223 and Michigan Highway M-52, one mile south of Adrian, Michigan, for use in the manufacture of soft beverages, at a cost estimated to be in excess of $15,000. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.58 *Suspension Order No. S-58.* (a) Neither Adrian Beverages, Inc., its successors or assigns, nor any other person shall do any further construction on the structure referred to above, located at the intersection of U. S. Highway 223 and Michigan Highway M-52, including putting up, completing or altering the structure, unless hereafter specifically authorized by the Office of the Housing Expediter.

(b) Adrian Beverages, Inc., shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Adrian Beverages, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 12th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5667; Filed, June 12, 1947; 10:18 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 2, Order 9]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

NATIONAL AND REGIONAL VETERANS SET-ASIDE LISTS

War Assets Administration Regulation 2, Order 9, May 1, 1947, entitled "National and Regional Veterans Set-Aside Lists" (12 F. R. 3117), is hereby revised and amended as herein set forth.

Section 8302.4 (a) of this part provides that except as to the amounts of any property necessary for the temporary use of any disposal agency to carry out its responsibilities in disposing of surplus property under the Surplus Property Act of 1944, each disposal agency to which there is assigned for disposal any property of the types set forth by order issued thereunder shall set aside all, or such percentage of such property as is designated in such order. Accordingly, it is hereby ordered that:

§ 8302.59 *National and regional veterans set-aside lists.* Except as indicated the items listed in Exhibit A hereof shall constitute the National Veterans Set-Aside List and the items listed in Exhibit B hereof shall constitute the Regional Veterans Set-Aside List.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265))

[1] 12 F. R. 1985.

This order shall become effective June 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JUNE 1, 1947.

EXHIBIT A

NOTE: List amended June 1, 1947.

NATIONAL VETERANS SET-ASIDE LIST

(The following items in "O" condition or better)

	Commodity code classification	
MOTOR VEHICLES		
Trucks, amphibian, ¼-ton, 4 x 4	90	1001
Carrier, light cargo (the weasel)	90	1002
Trucks:		
"The Jeep", ¼-ton, 4 x 4	90	1003
Carry-all, ½-ton, 4 x 2	90	1004
Canopy express, ½-ton, 4 x 2	90	1005
Pickup, ½-ton, 4 x 2	90	1006
Panel delivery, ½-ton, 4 x 2	90	1007
Carry-all, ½-ton, 4 x 4	90	1008
Command reconnaissance, ½-ton 4 x 4	90	1009
Emergency repair, ½-ton, 4 x 4	90	1010
Panel delivery, ½-ton, 4 x 4	90	1011
Pickup, ½-ton, 4 x 4	90	1012
Radio, ½-ton, 4 x 4	90	1013
Weapons carrier, ½-ton, 4 x 4	90	1014
Panel delivery, ¾-ton, 4 x 2	90	1015
Pickup, ¾-ton, 4 x 2	90	1016
Carry-all, ¾-ton, 4 x 4	90	1017
Command, ¾-ton, 4 x 4	90	1018
Emergency repair, ¾-ton, 4 x 4	90	1019
Light maintenance and installation, ¾-ton, 4 x 4	90	1020
Weapons carrier, ¾-ton, 4 x 4	90	1021
Canopy express, 1-ton, 4 x 2	90	1022
Pickup, 1-ton, 4 x 2	90	1023
Combination stake and platform, 1½-ton, 4 x 2	90	1024
Cargo, 1½-ton, 4 x 2	90	1025
Canopy express, 1½-ton, 4 x 2	90	1026
Dump, 1½-ton, 4 x 2	90	1027
Panel delivery, 1½-ton, 4 x 2	90	1028
Pickup, 1½-ton, 4 x 2	90	1029
Bomb service, 1½-ton, 4 x 4	90	1031
Cargo, 1½-ton, 4 x 4	90	1032
Combination stake and platform, 15 ft., 1½-ton, 4 x 4	90	1033
Combination stake and platform, c. o. e., 1½-ton, 4 x 4	90	1034
Dump, 1½-ton, 4 x 4	90	1035
Panel delivery, 1½-ton, 4 x 4	90	1036
Panel delivery, 1½-ton, 4 x 4 (K-51)	90	1037
Ordnance maintenance, 1½-3-ton, 4 x 4	90	1038
Cargo, 2½-ton, 4 x 2	90	1039
Combination stake and platform, 2½-ton, 4 x 2	90	1040
Dump, 2½-ton, 4 x 2	90	1041
Cargo,[2] 2½-ton, 6 x 4	90	1042
Tractor, 1½-ton, 4 x 2	90	1044
Tractor, 1½-ton, 4 x 4	90	1045
Tractor, 2½-ton, 4 x 2	90	1046
Tractor, c. o. e., 2½-ton, 4 x 4	90	1047
Tractor,[2] 2½-ton, 6 x 4	90	1048

Note: Trucks, tractor, code numbers 90 1044 through 90 1048 include trucks which are cab and chassis units.

Buses:		
Sedan, converted, 15-passenger, 4 x 2	90	1075
Car:		
Passenger, light, all body types, 4 x 2, includes Crosley, Bantam and others	90	1079
Passenger, medium and heavy, all body types, 4 x 2	90	1080

[2] Not less than 10% reserve for veterans set-aside.

NATIONAL VETERANS SET-ASIDE LIST—Con.

	Commodity code classification	
MOTOR VEHICLES—continued		
Station wagon, including auxiliary ambulance station wagon, 4 x 2	90	1081
Motorcycle, all types, 2 x 1 and 3 x 1	90	1085
Scooter, motor, with or without package carrier, all types	90	1086
MEDICAL AND DENTAL EQUIPMENT AND INSTRUMENTS		
Medical equipment:		
Electro-cardiographs	90	5103
Basal metabolar	90	5104
Cystoscope	90	5105
X-ray medical equipment and accessories:		
X-ray, field unit, table unit	90	5201
X-ray, field mobile unit	90	5202
X-ray generating equipment:		
200 MA generator, plus tilt table	90	5203
100 MA generator, plus tilt table	90	5204
30 MA mobile unit, office type and field type	90	5205
15 MA portable	90	5206
Vertical fluoroscope	90	5208
Cassette changer	90	5209
Large stereoscope	90	5210
1 Position table for radiography, with Bucky diaphragm	90	5211
Physiotherapy equipment:		
Diathermy apparatus, 110-volt, 60-cycle:		
1 conventional circuit	90	5304
2 crystal control circuits	90	5305
Dental equipment and supplies:		
Cabinet, dental	90	5602
Chairs, dental, operating	90	5603
Unit, operating dental: 110-volt, 25-cycle / 110-volt, 60-cycle / 110-volt, D. C. / 110-volt, 50-cycle / 220-volt, 60-cycle	90	5642
Machine, X-ray, dental, shock-proof 110- to 220-volt 60 cycle	90	5644
OFFICE FURNITURE		
Office Furniture—50% of the inventory items listed below in "O" condition or better shall be offered to veterans		
Desk—"Top" executive, 72 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges, and matched woods)	90	6501
Desk—"Top" executive, 66 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish, and molding, generally has rounded corners and edges, and matched woods)	90	6502
Desk—Executive or regular, 60-inch flat top, mahogany, oak or walnut finish, double pedestal, w/o locks, metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; w/o drawer guides; open or sealed back; double or single	90	6503

NATIONAL VETERANS SET-ASIDE LIST—Con.

OFFICE FURNITURE—continued

	Commodity code classification
Desk—Executive or regular, under 60-inch, flat top, mahogany, oak, or walnut finish; double or single pedestal, with or without locks; metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; with or without drawer guides; open or sealed back; single	90 6504
Desk—"Top" stenographic, left or right pedestal, 60 inch or over, mahogany, oak, or walnut finish, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges and matched woods)	90 6506
Desk—Stenographers' or typewriter desk, 60 inch, mahogany, oak, or walnut finish, typewriter drop center, right or left side; with or without locks; double or single pedestal	90 6507
Desk—Stenographers' or typewriter desk, under 60 inch, mahogany, oak, or walnut finish, double pedestal, with or without lock; typewriter drop center, right or left side; double or single pedestal	90 6508
Chairs—Office, non-swivel chairs with arms; all tynes of backs, arms and legs, including "Bank of England" type; any type of finish	90 6510
Chairs—Office, w o arms, nonswivel; all types of backs and legs; any type of finish	90 6511
Chairs—Stenographers' posture; any type of stenographers' chairs with mechanism to adjust back for posture; any type of finish	90 6512
Chairs—Stenographers' regular, all tynes of swivel chairs w/o arms, except posture; any type of finish (not including Victory)	90 6513
Chairs—Swivel, plain, with arms, full swivel (metal) tilting; back may be padded, including "Bank of England"; all types of finish	90 6514
Chair—"Top" executive, upholstered back, seat, nonswivel or full swivel (metal) tilting with upholstered arms	90 6516
Filing cabinets, metal or wood, recommended set-aside 50%. Cabinets, file, vertical, letter legal, or cap size, with or without locks, suspension arms; any type of finish:	
5-drawer.	
4-drawer.	
3-drawer.	
2-drawer.	
Cabinets—file, metal, vertical, letter, legal or cap size, with or without locks, any type of finish	90 6521
Cap-size: Inside dimensions: 15⅞ x 10 13/16 x 26½; with follower block; any type of finish	
Letter-size: Inside dimensions: 12¼ x 10 13/16 x 26½; with follower block; any type finish.	
Cabinets—steel (used), filing, insulated, record container; one hour fire resisting; with impact and explosion test	90 6523
Cap-size: Inside dimensions: 15½ x 10 13/16 x 26½; with follower block; any type finish.	
Letter-size: Inside dimensions: 12¼ x 10 13/16 x 26½; with follower block; any type finish.	

NATIONAL VETERANS SET-ASIDE LIST—Con.

OFFICE FURNITURE—continued

	Commodity code classification
Tables — Conference; 72-inch or over, with or without drawers; any type of finish	90 6531
Tables—Conference; 60-inch; with or without drawers, any type of finish	90 6532
Tables—36-inch, with or without drawers; any type finish	90 6533
Tables—Telephone, top approximately 16 x 22 inches	90 6534
Tables—Typewriter, with or without rollers	90 6535

NOTE: Exhibit B revised June 1, 1947.

EXHIBIT B

REGIONAL VETERANS SET-ASIDE LIST

ZONE I

BOSTON REGION NO. 1

	Commodity code classification
No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A)	

NEW YORK REGION NO. 2

Guns, lubricating, steel, hand lever operated, low pressure, 1 lb capacity[2]	31	9711
Drill presses, bench and floor, single spindle up to ¾" capacity	34	1310 1320
Arc welders, portable type	34	5111
Vises, machine	34	9415
HT 36 fertilizer attachment	35	1800
Photographic equipment except 35 MM projectors and motion picture cameras	55	0000
Tubes, truck 600 16	74	3120
Jacks, auto and truck, 3 ton capacity	75	3118
Vises, machinist and blacksmith	75	3145
Watches, wrist	75	6100
Clocks, electric, direct reading, grey, drum type, illuminated, to be mounted horizontally 5¼" d x 4½" h x 1 13/16" l	75	6423
Clocks, 8 day luminous dial 6" diameter, phenolic black	75	6930

PHILADELPHIA REGION NO. 3

Drills, electric, hand	34	8320
Rafts, life, pneumatic 1-10 man	42	8100
Binoculars	56	4000
Jackets, flight, leather	67	3310
Watches, wrist	75	6100

RICHMOND REGION NO. 12

No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A)	

ZONE II

ATLANTA REGION NO. 6

Fans, electric	32	8820
Mixers, concrete	36	7212
Cash registers, electric	39	5100
Cash registers, non electric	39	5200
Bicycles, all types	49	1100
Refrigerators, walk-in complete	52	3100
Safe	54	3100
Glasses, field, Type E, complete with carrying case	56	4100
Sphygmomanometers	58	2340
Lamp, operating dental	58	4290
Watches, wrist, men's com. type, stainless steel, 15 and 17 jewels	75	6110

[2] Not less than 10% reserve for veterans set-aside.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE II—Continued

CHARLOTTE REGION NO. 13

	Commodity code classification
Bar, towing	25 9999
Pump gas	31 2260
Life preserver	42 8400 59 1620 79 9740
Glasses, field	56 4100
Sterilizer, instrument	58 4310
Buckets, canvas	69 5900
Pack, field, cargo	69 5900
Watch, navigation	75 6960
Watch, navigation, stop	75 6960
Shotguns	81 1400

JACKSONVILLE REGION NO. 14

Lamp, projector	32	7400
Cleaner, vacuum	32	8310
Grinder, bench	34	1584
Tractor, wheel type, all purpose, under 30 belt HP	37	1210
Lawn mowers	39	9100
Rafts, life[3]	42	8100
Harness assembly, parachute	42	8390
Jackets, life	42	8400
Bicycles, men	49	1110
Lamps, table	53	4410
floor	53	4420
Lantern, electric, portable	53	9290
Table, reading, folding	54	2223
Chest with drawers wood	54	2326
Bench, office, wood	54	3420
Costumer, wood	54	3490
Cots, folding, steel	54	5215
Camera, motion picture, 16 MM	55	1130
Binoculars, field	56	4100
Microscopes, binocular and monocular	56	7300
Forceps, tooth extract:		
Model 103	58	1551
Model 150A	58	1551
Model 151A	58	1551
Lathes, dental, small	58	1610
Machine, dental, casting, small	58	1690
Compressor, unit dental	58	1690
Table, hospital, major operating	58	4100
Jackets, leather, unused	67	3310
Trousers, flight	67	3310
Blankets	69	3420
Bags, aviation, flight	69	4100 79 9619
Bags, canvas, field	69	5900
Hose, 25' length, rubber	74	5199
Jacks, hydraulic	75	3100
Vises, all types	75	3145
Watches:		
Wrist	75	6100
Navigation	75	6960
Boxes, tool	75	7930
Fishing kits	96-75-1610	

NASHVILLE REGION NO. 18

Motors, electric, fractional and 1 to 5 HP, AC and DC, single and three phase	32	1300
Band saws, woodworking	33	6220
Mattresses, innerspring	54	1110
Safes, one- and two-door combinations	54	3100 54 3700
Tables, wood, mess hall type with built in seats	54	55331
Drafting tables	58	8320
Overalls, men's cotton twill	67	32121
Pants, men's, factory work type	67	32122
Shirts, men's, factory work type	67	32123
Pants, men's work	67	32129
Jacket, aircraft, mech., sheep lined	67	3300
Jacket, flying Type A-2, leather	67	3300
Jackets, flying Type B-9, B-10, B-11, B-15	67	3300

[3] Minimum of 50% reserve for veterans set-aside.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE II—Continued

NASHVILLE REGION NO. 18—continued

	Commodity code classification
Vises, machinest type	75 31459
Bags, assembly flyers, clothing B-4	79 9619
Cases, navigation, pilot	79 9641

BIRMINGHAM REGION NO. 19

Shoe repair machines	33	9400
Refrigerator, commercial, walk-in	52	8210
Safe	54	3700
Binoculars	56	4000
Sphygmomanometer:		
Mercurial	58	2340
Aneroid	58	2340
Sterilizer, instrument, small	58	4310
Ear, eye, nose and throat examining chair (specialist)	58	4990
Comforters	69	3300

ZONE III

CINCINNATI REGION NO. 4

(Except such items which may be located in War Assets Administration Disposal Center Warehouse No. 35, Columbus, Ohio)		
Motors, fractional horsepower (less than one horsepower)	32	1310
Tractors:		
Wheel type, special purpose	37	1100
Wheel type, all purpose	37	1200
Garden	37	2600
Bicycle, men	49	1110
Watches, navigation, hack, wrist	75	6100

CHICAGO REGION NO. 5

Barbed wire roll	22	5211
Fence posts, over 5 feet	25	9903
Air compressor, less than 105 cubic ft	31	2100
Hoist, electric, 1 to 5 ton capacity	31	5812
Spray unit, including spray gun	31	9940
Battery charger	32	1280
Motors, fractional HP, 110-220 volt, single phase AC and DC standard listing ratings	32	1310
Hot plates, commercial, gas or electric	32	8450
Skillsaws, electric, hand, portable	33	6210
Lift, automobile, drive on or free wheeling	33	9951
Refacer, valve, portable	34	8140
Sander, portable, electric, hand	34	8900
Disc plow	35	2300
Mower, haying machinery	35	5710
Hayraker, haying machinery	35	5720
Concrete mixer, 10's or under	36	7210
Tractor, farm wheel, less than 100 HP	37	1000
Ambulance, 1½ ton, 4 x 2	45	1401
Trailer, house type	45	2105
Trailer, ¼ ton, cargo	45	2199
Trailer, 1 ton, cargo	45	3303
Glasses, field, 6 x 30, 7 x 50	56	4100
Binoculars:		
6 x 30, 7 x 50	56	4100
6 x 30, 7 x 50	56	4300
Tool kits, complete with tools:		
Aircraft	96-75-3000	
Auto mechanics	96-75-3000	
Carpenter	96-75-3000	
Machinist	96-75-3000	
Jeweler	96-75-3000	
Any other	96-75-3000	

CLEVELAND REGION NO. 15

Spray units, including spray gun	81	9940
Batteries, auto storage, unused	82	9211
Skillsaw, circular	83	6210

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE III—Continued

CLEVELAND REGION NO. 15—continued

	Commodity code classification
Lathes, engine and toolroom, Under 12" swing with center to center under 30", 110-220 volt	34 16211 34 16221
Arc welding units, complete, under 300 AMP, AC	34 51110
Arc welding units, complete, under 300 AMP, DC, portable	34 51120
Drills, electric portable	34 8320
Jack, screw w handle, 1½ ton	36 9320 75 3118
Cash register:	
Electric	39 5100
Nonelectric	39 5200
Trucks, dump, to include 2½ ton and over	45 1405
Tables, metal, work	54 5813
Tables, wood, work	54 5833
Microscopes:	
Binocular	56 7300
Monocular	56 7300
Stereoscopic	56 7300
Protective suits, rubberized	59 1342
Tool kits:	
Machinists	96 75-3000
Carpenters	96 75-3000

DETROIT REGION NO. 16

Pumps, hand, automotive	31	2260
Motors, fractional HP, 110-220 volt, AC and DC standard listing ratings	32	1310
Drilling machines, 110-220 volt, single phase	34	1300
Bench grinder, 110-220 volt, single phase	34	1584
Lathes, bench 110-220 volt, single phase	34	1620
Chairs, office, metal	54	3210
Beds, hospital	54	5215
Drafting instruments	58	8100
Drafting boards	58	8390
Tents, 2 man	69	5200
Bag assembly, stowage (canvas)	69	5900
Tool bag assembly, steel and duck	69	5900
Vises, all types	75	3145
Shotguns	81	1400
Tool kits, mechanics	96-75-3000	

LOUISVILLE REGION NO. 17

Cameras, still, except aerial	55	1400
Levels	58	8720
Transits	58	8720
Jackets, flight, leather	67	3300
Jacks, hydraulic (up to 5 ton) auto and truck	75-3118-20	

MINNEAPOLIS REGION NO. 21

Motors, electric:		
Fractional HP, AC only	32	1311
1 HP to 5 HP, AC only single and 3 phase	32	13213
Welders, arc, 200 and 300 AMP	34	5100

ZONE IV

KANSAS CITY REGION NO. 8

Light plant, 1.5 KW, DC, gasoline	32	1242
Slicing machines, meat, electric	33	19310
Grinder, automotive, portable (105-115 volts)	33	9959
Sander, electric portable, 110 volt	34	8320
Tractor, wheel type, all purpose	37	1210
Bicycles	49	1000
Wheelbarrows, steel	49	2210
Coolers, water, electric	52	9310
Lamps, desk, fluorescent	58	5920

[4] Maximum of 60% reserve for veterans set-aside.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE IV—Continued

KANSAS CITY REGION NO. 8—continued

	Commodity code classification
Chairs, dining, wood	54 2231
Tables, dining, wood	54 2233
Binoculars, prism with case	56 4300
Forceps, winter #1, dental extracting	58 1551
Teeth combination sets, prosthetic	79 42122

DENVER REGION NO. 9

Motors, electric:		
Under 1 HP (single phase)	32	1311
1 to 3 HP (single phase)	32	1321
Saws, table, powered, up to 14"	33	6210
Lathes, engine (metalworking) up to 16" swing	33	6950
Dental laboratory casting machines	58	1690
Watches:		
Wrist	75	6100
Pocket	75	6110

ST. LOUIS REGION NO. 22

Heater, electric portable	32	8722
Fan:		
Electric 16"	32	8821
Electric, circulating 24"	32	8832
Air circulating 10"	32	8850
Air circulating 12"	32	8850
Saw:		
Table type	33	6210
Circular woodworking	33	6210
Band	33	6220
Sanders, floor portable	33	6320
Adding machine, electric	38	2100
Lamp:		
Electric, flexible, gooseneck	53	9110
Electric, flexible, drafting, fluorescent	53	9112
Beds, iron, single	54	2125
Cots, steel, folding	54	5215
Diagnostic case, complete, eye, ear, nose, and throat	58	2199
Jacket, mechanics, leather fleece	67	3310

OMAHA REGION NO. 24

No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A)	

ZONE V

NEW ORLEANS REGION NO. 20

No additional items other than those included in the National Veterans Set-Aside List. (See Exhibit A)	

TULSA REGION NO. 25

Motors, electric:		
5 HP and under	32	1300
1 HP, Leland	32	13213
Vacuum cleaners, domestic type	32	8810
Electric fans, single phase	32	8800
Saw, jig, 8" Oliver, Mod. 173E	33	6290
Jointer, wood, floor, Newman Mod. 60	33	6510
Tractors, farm type under 100 HP	37	1060
Safe, office, Mosler	54	3710
Chairs, wood, folding	54	43512
Projector:		
16 MM sound	55	2120
16 MM silent	55	2130
Drafting instruments	58	8110
Jackets, flying (unused)	67	3300
Glasses, flying, sun	79	9400

GRAND PRAIRIE, TEXAS, REGION NO. 26

(Dallas, Little Rock[1] Ft. Worth)

Motors, electric:		
½ to 1 HP	32	1310
1 to 3 HP	32	1320

[1] Little Rock, Arkansas—No item other than those included in National Veterans Set-Aside List. (See Exhibit A.)

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE V—Continued

GRAND PRAIRIE, TEXAS, REGION NO. 26—con.

	Commodity code classification	
Portable electric drills	34	8320
Trailers, Jeep, ¼ ton	45	3299
Table, operating, Equine (Veterinary)	58	4190
Incubator, bacteriological, small, 110 volt	58	5810
Balance prescription, Torsion	58	6590
Watches, pocket, navigation	75	6100

HOUSTON REGION NO. 27

Stool, drafting:		
Metal	54	3122–90
Wood	54	3322–90
Table:		
Drafting, wood, w. stand	58	8320
Drafting, wood, Model No. 160, 36" x 60"	58	8320

SAN ANTONIO REGION NO. 28

Machines, computing and listing	38	2900
Ranges, cooking, domestic	51	5300
Refrigerators, reach-in, commercial	52	3200

ZONE VI

SAN FRANCISCO REGION NO. 10

Prefabricated structures, Quonset huts 20' x 48' except hangers	13 25	9914 1400
Irons, electric, flat	32	8320
Adding machine	38	2100
Calculating machine	38	2200
Duplicating machine	38	5200
Laundry equipment, domestic, household type	39	1100
Sewing machine, household	39	2000
Cash registers	39	5000
Radio receiver, SX-28, hallicrafters complete with tubes and crystals, with speaker PM-23 (0 condition)	41	3642
Recorders, wiretype, SC ≠6C263-8A	41	9220
Rafts, life, pneumatic, 2 man	42 59	8100 1650
Boat, recon, pneumatic, canvas 2 man	43	5900
Trailers:		
House, all types	45	2105
¼ ton cargo	45	2199
Toilet and wash basin, combination, unused ("Combolet")	51	1900
Cameras:		
Motion picture, 16 mm silent	55	1130
Still, view, except roll film type or aerial	55	1422
Press type, except reflex (combat)	55	14252
Projector, motion picture, 16 mm sound	55	2120
Enlargers, all types, except microfilm	55	2400
Photo lens	55	3220
Film motion picture, 16 mm color	55	6212
Binoculars:		
6 x 30	56	4100
7 x 50	56	4300
Gen R F. Signal, I-72 port, test equip to align radio sets, range 100 KC, 32 MC, 110–125 volt, 60 cycle, AC	57	2811
Signal Corps oscilloscope, I-134, 3" cr. tube Type ≠224, unused	57	2832
Vacuum tube voltmeter, Model 110, 100–130 volt, AC 40–60 cycle, 20 W tubes, unused	57	2851
Test set multimeter, radio, port., Model 542, less batteries	57	2856

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE VI—Continued

SAN FRANCISCO REGION NO. 10—continued

	Commodity code classification	
Multimeter 1–239, pocket type, VOM ranges AC DC, V–5001, 1000 OHM volt with cover and test leads Triplett ≠666	57	2856
Multimeter, portable, ranges, O–150 V, AC–O15V, AC–O–150MA DC, O–3000 ohms, O–300,000 ohms O–30V DC, O–300V DC, O–1500 V, DC Sens 1000 ohms/V	57	2856
Multimeter, AC-DC Voms, Simpson, ≠260, V-ranges (2.5–10–50–250–1000) O–500 MA ranges—1–10–100 and 500 DC DB Range–10- to plus 55, ohm Range – O – 1000 – 100,000 – 10 meg. Sens–20,000 ohms/v–DC–1000, ohms/V AC	57	2856
Tool equipment:		
TE–45, tool for aligning receiver	96-57	2900
TE–113 tools for aligning receiver	96-57	2900
Forceps, tooth extraction, Nos. 215, 151A, 150A, 103, 65, 18L, Nor. 18	58	1551
Lathe, dental polishing (R. condition)	58	1610
Machine, casting, small, dental	58	1640
Engine, dental, laboratory, electric (R. condition)	58	1690
Engine, dental	58	1700
Cases, diagnostic, ear, nose, throat, unused	58	2199
Sphygmomanometer, aneroid, with bag, bulb and sleeve	58	2340
Table urological	58	4160
Lamp:		
Operating, unit attachment to dental operating unit	58	4290
Therapeutic, mercury arc	58	4290
Infra red, small, therapeutic	58	4290
Therapeutic carbon arc, large	58	4290
Bath, therapeutic, whirlpool:		
Leg	58	4600
Arm	58	4600
Baker, therapeutic, electric	58	5820
X-ray unit, field machine, consisting of chest MD–X 2, MD–X 3, and MD X 4	58	7400
Dryer, load bin, film, X-ray (R condition)	58	7400
Dryer, load bin, film, X-ray (O condition)	58	7400
Tents, 2 and 4 man mountain, unused	69	5200
Watches, wrist	75	6100
Clocks, ship, all types	75	6900
Tool Kits:		
Mechanics	96–75–3000	
Carpenter	96–75–3000	
Electrician	96–75–3000	
Sheet metal	96–75–3000	
Dock builders	96–75–3000	
Linesman	96–75–3000	
Plumbing	96–75–3000	
Forge	96–75–3000	
Cement finishers	96–75–3000	
Wire rope splicing	96–75–3000	

SEATTLE REGION NO. 11

(Spokane and Helena)

Motors, electric, ½ HP, DC	32	1312
Saw, electric, portable, woodworking	33	6950
Grinder, bench	34	1584
Trailers, 1 ton, 2 wheel	45	3299
Bicycle, men	49	1110
Lights, portable, type A	58	2300

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE VI—Continued

SEATTLE REGION NO. 11—continued

	Commodity code classification	
Chairs:		
Metal, straight back	54	21111
Folding	54	23165
Table, bedside, folding	54	55133
Benches, shop, metal	54	5816
Glasses, field	56	4100
Divider, draftsman, proportional	68	8290
Suit, wading	59	1610
Axe, single chop	75	32031
Case, metal, hinged, portable	75	79300
Tool kits, rigid frame	96–25–1400	
Instrument set, office, drawing	96–58–8000	
Tool kits, carpenters	96–75–3000	
Fishing kits	96–79–1610	

SALT LAKE CITY REGION NO. 30

Compressors, air, single acting, two stage mounted and not mounted, stationary and portable	31 31	21113 21114
Motors: electric, single phase, ½ HP, AC and DC current	32	1310
Cleaners, vacuum	32	8310
Irons, electric, household	32	8322
Range, home electric, 3 burner with or without oven	32	8410
Hot plates, electric	32	8450
Saw, band, woodworking	33	6120
Sander, portable, electric hand	33	6320
Shapers, woodworking machine	33	6910
Lathes, bench, small	34	16123
Welder, arc, ½ HP motor driven	34	5110
Drills, electric portable, ¼"	34	8320
Bookkeeping (accounting) machine	38	1100
Washing machine, household	39	1110
Sewing machine, household	39	2000
Cash register, nonelectric	39	5200
Lawn mower	39	9910
Rafts, life, pneumatic, 7 man	42 59	8100 1640
Trailer, ¼ ton	45	2199
Bicycle, men	49	1110
Wheelbarrow, metal r wh	49	2210
Stove, gas 2 burner, portable	51	5370
Stove, gas, 1 burner, Coleman	51	5370
Chair, folding, wood, W. D. W. O. arms	54	2319
Stools, office, rotary, 21 inch	54	3122
Files, card:		
11 x 12 x 13	54	3141
12 x 16, 2 drawer, 3 x 5	54	3340
15 x 15, 2 drawer	54	3340
Safety cash deposit box	54	6102
Lockers, steel, 18 x 24 x 72	54	7311
Projector:		
16 MM, sound	55	2120
W CF	55	2200
Lantern slides	55	2213
Glasses, field, 6 x 30	56	4100
Binocular, 7 x 50 MM	56	4300
Microscope	56	7200
Dental, hand piece	58	1500
Elevator, dental	58	1530
Forceps, dental, extraction	58	1551
Lathe, dental laboratory	58	1610
Engine, dental, foot	58	1700
Manometer, wall type and mercurial type	58	2330
Aspirating unit, dental	58	3007
Forceps, medical	58	3043
Table:		
Examining	58	4120
General operating	58	4130
Lamps, operating	58	4200
Sterilizer, instrument, electric	58	4310
Cabinet, dressing and supply, Med. Tld. Type	58	4930
Centrifuge	58	5111
Transit, engineers	58	8720
Levels, engineers	58	8720
Compass, foresters	58	8740

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE VI—Continued

SALT LAKE CITY REGION NO. 30—continued

	Commodity code classification	
Drafting tables	58	8320
Vises:*		
mechanics, bench	75–3145–10	
woodworker	75–3145–20	
Watch, pocket and wrist	75	6100
Toboggan, wood, military	79	17991
Shotguns	81 81	1440 1450
Instrument drawing set	96–58–8110	
Tool kit sets:		
blacksmith w. chest	96–75–3000	
commissary w. chest	96–75–3000	
electrician	96–75–3000	
carpenter	96–75–3000	
Tap and die, pipe ¼"–1" set	96–75–3220	

PORTLAND REGION NO. 32

Fan, electric, oscillating, 10" and 12" AC	32	8821
Bookkeeping machine, Model DC–44EK	38	1100
Recorder, time machine	38	6100
Clock, time stamping machine M–7400	38	6200
Typewriters (R Condition)	38	8000
Machine, numbering	38	9900
Cash register	39	5200
Radio, ship equipment, M–SLR, 12–B	41	3490
Car, passenger, 4x2 (R condition)	45	1110
Bus, 29 passenger (R condition)	45	1200
Truck, pickup, ½ ton (R condition)	45	13001
Truck, cargo, 1½ ton (R condition)	45	13002
Truck, stake, 1½ ton (R condition)	45	13002
Truck, cargo, 2½ ton (R condition)	45	13003
Truck, stake, low bed, 3 ton (R condition)	45	13003
Truck, dump, 1½–2½ ton (R condition)	45	1405
Trailer, semi, low bed, 2½ ton	45	2107
Trailer, semi, bus, 40–50 passenger	45	2108
Trailer, semi, stake and platform	45	2111
Trailer, semi tank, 2,000 gallon	45	2114
Trailer:		
Semi, van, 7 ton	45	2115
Semi, cargo, 5 ton	45	2199
Semi, cargo, 3½ ton	45	2199
Cargo, amphibian	45	3299
Semi stake, 10 and 12½ ton	45	3312
Truck:		
Weapons carrier, ¾ ton (R condition)	45	3199
Tractor, 2½ ton, 6 x 4 (R condition)	45	3199
Jeep, ¼ ton (R condition)	45	4450
Motorcycle (R condition)	45	7000
Cart, food, nonelectric	51	6900
Stool, wood, 13½"	54	33221
File, wood, sectional	54	3373
Chest, office, metal	54	3729
Table, utility, steel, 30" w. x 121" l. x 33" h	54	5813
Spyglass, O. M. with case, Code 624, MK III, 16 power	56	3100
Spyglass, Officer of Deck, Code 624, MK II, Model 2	56	3100
Binoculars:		
Ship, 8 x 30	56	4000
Model O, 6 x 30 MM	56	4100
Prism, U. S. N.	56	4300
Model 2, 7 x 50 MM		
Model C, 7 x 50 MM		
Model O, 7 x 50 MM		
Model 4, 7 x 50 MM		

*Not less than 10% reserve for veterans set-aside.

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE VI—Continued

PORTLAND REGION NO. 32—continued

	Commodity code classification	
Transit, with tripod, engineers	58	8720
Leveling rod, surveyors	58	8760
Mirror, wood frame	77	3110
Basket, wire	79	7927
Dolly, converter, 8 and 10 ton	94	4520

LOS ANGELES REGION NO. 33

Raft, life, pneumatic:		
7 man capacity MK 7 and Mark VII type parachute type, one man seat pack	42	8110
Pararaft, MK, seat pack type, 1 man, unused	42	8130
Trailer:		
House	45	2105
Cargo, amphibian, ¼ ton	45	3299
Cargo, 1 ton	45	3299
Binoculars	56	4000
Raft, pneumatic, Army Type 02, one man size, 3' x 5'	59	1640
Jacket:		
Flying type ANJ–4, dark brown leather, sheep shearling lined, zipper front	67	3330
Flying type B–10, cotton twill, O. D., lined with wool pile fabric, mouton collar	67	3330
Raincoat, black water repellent cloth	67	3400
Watch:		
Navigation, Type A–11, wrist watch with sweep second hand, 15 and 16 jewel	75	6110
Master navigation, Type A–12, 24 hour dial, pocket watch with sweep second hand 21 and 22 jewel	75	6110
Tool kit:		
Painters and glaziers	96–75–3000	
Plumbers	96–75–3000	

[F. R. Doc. 47–5675; Filed, June 12, 1947; 11:15 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 376]

NEVADA

REVOCATION OF EXECUTIVE ORDER 2495 OF NOVEMBER 24, 1916, WITHDRAWING CERTAIN PUBLIC LANDS FOR USE BY FOREST SERVICE AS RANGER STATION

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U. S. C. title 43, sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 2495 of November 24, 1916, withdrawing the following-described public land in Nevada for use by the Forest Service, Department of Agriculture, as a ranger station in connection with the administration of the Toiyabe National Forest, is hereby revoked:

MT. DIABLE MERIDIAN

T. 15 N., R. 47 E.,
Sec. 36, SW¼SW¼.

The area described contains 40 acres.

This order shall not otherwise become effective to change the status of the land until 10:00 a. m. on the 63d day from the date on which it is signed. At that time the land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to such application, petition, location, or selection as may be authorized by the public-land laws.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

JUNE 5, 1947.

[F. R. Doc. 47–5582; Filed, June 12, 1947; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

RESTRICTED RESUMPTION OF MAIL SERVICE TO GERMANY

The regulations under the country "Germany" (39 CFR, Part 21, Subpart B, Service to Foreign Countries), as amended (12 F. R. 706, 1604, 3303), are further amended as follows:

Add a paragraph (l) to read as follows:

(l) (1) Effective at once, the restrictions now in force with respect to articles in the regular mails for Germany, except cigarettes and tobacco products, will no longer apply to articles directed to either of the following addresses:

French Group Control Council, Helligensee, French Sector, Berlin, Germany.

Soviet Military Administration in Germany, Karlshorst, Soviet Sector, Berlin, Germany.

(2) Except for cigarettes and tobacco products, all articles admitted in the regular mails to foreign countries generally, including transactional communications, may be sent by surface or air mail up to the normal weight limits to the foregoing addresses, which represent the headquarters of the occupying forces in the French and Soviet Zones of Germany. Mail addressed in care of those headquarters to individuals attached to them is likewise exempt from the restrictions mentioned.

(3) The address of the headquarters of the British Zone is as follows:

Control Commission for Germany (British Element), British Army of the Rhine, via New York, N. Y.

Mail for that address is subject to the same conditions as that for Great Britain, except that cigarettes and tobacco products may not be sent.

(4) The address of the headquarters of the United States Zone is as follows:

Office of Military Government for Germany (U. S.), A. P. O. 742, c/o Postmaster, New York, N. Y.

Mail for that address is subject to domestic rates and conditions applicable to mail for Army Post Offices generally. Cigarettes and tobacco products may not be sent.

(R. S. 161, 396, Secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47–5584; Filed, June 12, 1947; 8:49 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

MAIL SERVICE TO MANCHURIA

The regulations under "China" (39 CFR, Part 21) are amended by the addition of the following:

Mail service to Manchuria. Information has been received from the Postal Administration of China that mail service is suspended to a number of places in Manchuria, including the city and entire district of Harbin.

There is given below a list furnished by the Chinese Postal Administration showing the post offices in Manchuria to which mail service is available. Articles for Manchuria addressed to post offices not included in the list are not to be accepted for mailing.

Post offices:	*Postal districts*
Aeping	Liaoning.
Anshan	Liaoning.
Antung	Liaoning.
Chaluho	Changchun.
Changchun	Changchun.
Changtienhokcow	Liaoning.
Changtu	Changchun.
Changtuchangnei	Changchun.
Chaoyangchen	Liaoning.
Changklatun	Changchun.
Chuantow	Changchun.
Chwangho	Liaoning.
Faku	Liaoning.
Fanklatun	Changchun.
Fengman	Changchun.
Fuchow	Liaoning.
Fushun	Liaoning.
Sanklangkow	Changchun.
Santaolangtow	Liaoning.
Shanyuanpu	Liaoning.
Shenyang	Liaoning.
Shwangmiaotze	Changchun.
Shwangshan	Changchun.
Shwangyang	Changchun.
Sian	Changchun.
Siaopsiho	Liaoning.
Sifeng	Changchun.
Sinchengtze	Liaoning.
Sinmin	Liaoning.
Sintaitze	Liaoning.
Siuyen	Liaoning.
Suklatun	Liaoning.
Sunghwakisng	Changchun.
Sungshu	Liaoning.
Szeping	Changchun.
Takushan	Liaoning.
Tamintun	Liaoning.
Tankang	Liaoning.
Tashihkiao	Liaoning.
Tatun	Changchun.
Tatungkow	Liaoning.
Tehwei	Changchun.
Tengaopu	Liaoning.
Tichling	Liaoning.
Tsian	Liaoning.
Tsienshan	Liaoning.
Tsingtuitze	Liaoning.
Tungfeng	Changchun.
Tunghwa	Liaoning.
Tungpeihsingying	Liaoning.
Wafangtian	Liaoning.
Wula	Changchun.
Wutaokow	Liaoning.
Yentai	Liaoning.
Yentungshan	Changchun.
Yingkow	Liaoning.
Yingpan	Liaoning.
Yushutai	Changchun.
Haicheng	Liaoning.
Hallung	Changchun.
Hatawan	Changchun.
Heishihchen	Changchun.
Hinglungtien	Liaoning.
Hwaiteh	Changchun.
Hwanjen	Liaoning.
Hwapichang	Changchun.
Hwatien	Changchun.
Itung	Changchun.
Kaiyuan	Changchun.
Kaiyuanchengnei	Changchun.
Kalun	Changchun.
Kangping	Liaoning.
Kaoshantun	Changchun.
Klaotow	Liaoning.
Kikwanshan	Liaoning.
Kinkia	Changchun.
Kirin	Changchun.
Kiutai	Changchun.
Kungchuling	Changchun.
Kungyifan	Liaoning.
Kushantze	Liaoning.
Kwantien	Liaoning.
Kwokiatien	Changchun.
Lakushao	Liaoning.
Liaochung	Liaoning.
Liaoyang	Liaoning.
Liuerhpu	Liaoning.
Lingshan	Liaoning.
Lishan	Liaoning.
Lishu	Changchun.
Lungwangniao	Liaoning.
Maolin	Changchun.
Meihokow	Changchun.
Nanfen	Liaoning.
Nantai	Liaoning.
Newchwangcheng	Liaoning.
Nungan	Changchun.
Pamiencheng	Changchun.
Panshih	Changchun.
Paoli	Changchun.
Peiling aerodrome	Liaoning.
Penki	Liaoning.
Pingkang	Changchun.
Pinkiang	Liaoning.
Pulantien	Liaoning.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-5583; Filed, June 12, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 725]

BURLEY AND FLUE-CURED TOBACCO

ESTABLISHMENT OF TOBACCO FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1948–49 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. and Sup. 1312, 1313), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for marketing quotas to be in effect during the 1948–49 marketing year for flue-cured and Burley tobacco.

Growers of flue-cured and Burley tobacco voting in referenda held on July 12 and October 25, 1946, respectively, favored marketing quotas for the marketing years 1947–48 through 1949–50 by a percentage of 97.1 (11 F. R. 9732) in the case of flue-cured, and 95.9 (11 F. R. 14509) in the case of Burley tobacco.

The applicability of the regulations as issued with respect to each kind of tobacco will be contingent upon the proclamation of a national marketing quota by the Secretary.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than June 30, 1947.

Issued at Washington, D. C., this 9th day of June 1947.

[SEAL] RALPH S. TRIGG,
Deputy Administrator.

[F. R. Doc. 47-5613; Filed, June 12, 1947; 9:02 a. m.]

[7 CFR, Part 910]

FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES, COLO.

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1947–48 FISCAL YEAR

Consideration is being given to the following proposals, submitted by the Administrative Committee, established under amended Marketing Agreement No. 67 and amended Order No. 10 (7 CFR, Cum. Supp., 910.1 et seq.), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $2,500 will be necessarily incurred during the fiscal year beginning June 1, 1947, and ending May 31, 1948, both dates inclusive, for the maintenance and functioning of the said Administrative Committee established under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler shall pay in accordance with the aforesaid amended marketing agreement and order on fresh peas and cauliflower, respectively, shipped by such handler during the aforesaid fiscal year, the rate of assessment at (1) $1.25 per straight car of peas or cauliflower or per mixed car of peas and cauliflower, and (2) when less than a carload is shipped, one-half ($0.005) cent per bushel of peas or crate of cauliflower or the respective equivalent quantities thereof, but in no event shall the assessment be in excess of $1.25 on a shipment of peas or cauliflower less than a carload lot, or a mixed shipment thereof less than a carload lot.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall mail the same to the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than midnight of the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents shall be submitted in quadruplicate.

As used herein, "handler" and "shipped" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 910.6)

Issued this 10th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5611; Filed, June 12, 1947; 9:01 a. m.]

[7 CFR, Part 965]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENTS TO THE ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159) notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and to a proposed marketing agreement, regulating the handling of milk in the Cincinnati, Ohio, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., postmarked not later than 5 days after the publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed amendments to the order, as amended, and the proposed marketing agreement were formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by the K. I. O. Milk Producers Association, Inc., the Milk Producers' Union, Inc., and Cooperative Pure Milk Association. Additional proposals for consideration were submitted by the Avondale Dairy, et al. and the Dairy Branch, Production and Marketing Administration. The public hearing was held at Cincinnati, Ohio, March 3, 1947, upon notice issued on February 27, 1947 (12 F. R. 1397).

The principal issues developed at the hearing were concerned with the following:

(1) How and to what extent, if any, should the level of the price differential for Class I milk above the basic Class III milk price be changed;

(2) How and to what extent, if any, should the level of the price differential for Class II milk above the basic Class III milk price be changed;

(3) Establishing a lower price for Class III milk disposed of as butter; and

(4) Revising the manner of computing the value of milk for each handler so that the average price (blend of Class I, Class II, and Class III milk values) for any handler can never exceed the price for Class I milk.

Findings and conclusions. The proposed findings and conclusions with respect to the issues presented at the hearing, together with the reasons therefor, are as follows:

(1) The Class I price differential over the basic Class III price should be revised to provide a seasonal pattern, including floor prices, and an increase in the annual average level of the differential.

General economic conditions and business activity in the Cincinnati area indicate a continued good demand for milk and milk products.

The prices of livestock and grains have advanced sharply in 1947 and compared to declining milk prices offer returns from alternative farm enterprises which will tend to discourage milk production if these price relationships continue over an extended period of time.

Cincinnati handlers compete with milk buyers in other areas for supplies to be used for fluid milk purposes. Several condenseries also buy milk from farmers residing in or near the Cincinnati milkshed. The record is replete with references to the keen competition for milk between the Cincinnati and the Dayton-Springfield areas. The price relationship between these two areas shows historically that the Cincinnati price has been somewhat higher.

The Cincinnati basic or Class III price is derived from the prices paid dairy farmers by five named nearby Ohio, Indiana, and Kentucky condenseries and is different from the basic formula price used in a number of competing fluid milk markets. The basic formula price used in the Dayton-Springfield, Columbus, Tri-State and Louisville markets is derived from the prices paid dairy farmers by eighteen named Wisconsin and Michigan condenseries. On a hundredweight basis for milk containing 3.5 percent butterfat the Cincinnati basic price averaged 22 cents lower for 1945 and 19 cents lower for 1946 than the basic price used in the above-named markets. Thus after giving consideration to other price making factors found in varying degrees in this group of neighboring markets the Cincinnati Class I differential must be about 20 cents per hundredweight above the others to be a comparable basis and keep the resulting Class I prices in line.

More rigid enforcement of the Cincinnati Health Department regulations has resulted in producers having to use costly mechanical milk refrigerators. The regulations requiring farmers to deliver cold milk have come about over a period of years. Handlers originally offered premiums for milk of special quality which was usually produced under mechanical refrigeration. About the time of the war emergency the health department announced that it would require all milk to be delivered to Cincinnati fluid milk market at or below a temperature of 60 degrees. This requirement was not enforced because mechanical refrigerators were unobtainable and the effective date requiring cold milk has been extended from time to time. The record indicates that as of May 1, 1947, the requirement would be enforced. Handlers and producer associations have procured great numbers of refrigerators for their producers and will continue until all producers are so equipped. The premium paid for mechanically cooled milk has gradually declined over several years to a level of approximately 10 cents per hundredweight. It would appear that this amount has been the minimum incentive necessary to induce producers to incur the added cost of cooling milk mechanically up to the time they were required to do so by health department regulations.

The trend of the cost of feeds, labor, and supplies incurred by farmers in the production of milk has been upward during 1946 and 1947. The price of some feeds decreased somewhat from the peak reached when ceilings were removed in 1946 until February 1947. During February and March of 1947 the price of dairy feeds advanced sharply and established a new upward trend. Attempting to find an index that will reflect many milk price-making factors, the order provides for a basic Class III price which is the price paid for manufacturing milk by a selected group of condenseries in the Cincinnati territory. The basic Class III price does not, however, reflect fully all the factors necessary to arrive at a price for Class I milk. The order, therefore, provides a differential that is added to the basic Class III price to arrive at the Class I price. This differential is utilized to reflect various price-making factors not fully covered by the basic Class III price and to balance the relative weights of such factors under current local economic conditions, so that the Class I price will be at a level which will reflect, in addition to the price and availability of feeds, other economic conditions which affect market supply and demand for milk in the marketing area and will insure an adequate supply of pure and wholesome milk and be in the public interest. Farmers producing milk for fluid purposes must use feed, labor and supplies more extensively to maintain production at a more uniform and high level than is required of manufacturing milk producers. Consequently, the increases in

the prices which have taken place in these items affect the fluid milk producers more than producers of milk for condenseries. The trend of basic Class III price is downward and has decreased 54 cents from November 1946, to January 1947, the last price quoted in the record.

The level of production of regular producer milk has been insufficient to meet the needs of Class I milk and Class II milk in the Cincinnati market. It has been necessary for handlers to supplement their supplies of producer milk in Class I and Class II with substantial quantities of milk from other sources usually of a lower quality standard than producer milk.

Furthermore, there has been a maladjustment in the supply of regular producer milk in relation to the demand for Class I milk and Class II milk in the Cincinnati market. The utilization of Class I milk and Class II milk has been relatively uniform throughout the year; whereas the receipts of milk from producers varies among the seasons of the year. The variation in the receipts of producer milk between the flush production season and the short production season has become progressively wider for several years. Production varies seasonally to such an extent that in 1946 the production for November was only 57 percent of that for June. The cost of producing milk is considerably higher during the fall and winter months than during the months of April, May, June and July. Recent price plans employed in the Cincinnati area have not provided as great a seasonal variation in producer prices as was customary prior to the maximum price regulations effective during the war emergency. For this period of time farmers were urged to produce all the milk possible with little regard to the season or the requirements of their local fluid milk market. Under these conditions, maximum milk production shifted to the spring months when production costs were at their lowest level. To halt and reverse this trend, especially at a time when general milk market conditions are unsettled, will require a guarantee that the fall and winter prices are to be substantially higher than spring prices. Absolute floor prices for the 1947–48 season in conjunction with a Class I price differential employing a seasonal pattern, from a long time standpoint, will give this assurance. If the basic Class III formula produces a higher price for these fall and winter months, it should prevail as a further guarantee that the Class I price will be more in line with the then current marketing conditions. The record indicates the need of a seasonal Class I price differential which would be 30 cents more for the eight months of August through March than for the four months of April through July. Normally, the basic Class III price is about 20 to 40 cents higher for the months of short production. Also normally, the percentage utilization of producer milk for fluid purposes is higher during the fall and winter months, resulting in about a 10 to 20 cent higher blend price compared to the flush production season. Adding these three factors together, it is estimated that the blend price for the short production months, will exceed that for the flush production months by about 60 to 90 cents.

Handlers contend that the present class price differentials should be lowered, but because of the uncertainties in the market conclude no changes should be made in the class prices for milk at the present time. These very uncertainties in market conditions are the best argument for changing the price making pattern to one calculated to stabilize the fluid milk market as much as possible during the postwar realignment of dairy prices and other commodity prices. Aside from this the other heretofore mentioned price-making factors warrant a revision of the pricing plan.

It is concluded that the weighing of the above-mentioned price-making factors indicate the need for revising the level of the Class I price differential upward about 10 cents per hundredweight on an annual average. It is further concluded that the milk producers of the Cincinnati area need at this time, when they are planning their fall and winter production program, more definite assurance as to the level of milk prices than is presently afforded by the basic Class III price. In order to obviate uncertainty inherent in the basic Class III price during abnormal postwar marketing conditions, a floor price for Class I milk is established below which the price will not be permitted to go. The level of floor prices for the fall and winter months should be substantially higher than the prices prevailing during May and June to emphasize the seasonal factor of milk pricing and assure farmers of higher prices during the seasons when an increase in milk production is most needed by the market. A Class I floor price beginning July 1, 1947, of $4.80 and increasing to $5.24 beginning September 1, 1947 (approximately 1 cent per quart below December 1946) will recognize this seasonality and result in prices well above the current level of May and June prices. These changes are accomplished by revising the present year-around Class I price differential of $1.15, over the basic Class III price, to the seasonal pattern of $1.05 for the four months of April through July and $1.35 for the eight months of August through March (annual average $1.25): *Provided*, That for the months of July and August 1947 the price for Class I milk shall not be less than $4.80 and for the months of September, October, November, and December 1947 and January, February, March 1948 such price shall not be less than $5.24.

(2) The Class II milk price differential over the basic Class III price should be revised to provide a seasonal price pattern, including floor prices, and an increase in the annual average level of the differential. The relationship between the present Class I and Class II differentials should be maintained month by month in the revised seasonal class pattern and in the floor prices.

The material factors with reference to revising the Class II price differential over the basic formula price to a seasonal pattern and a higher annual average level and the floor prices are the same as those set forth with respect to Class I.

(3) A lower price for Class III milk disposed of as butter should not be established at this time.

During the heavy production months some milk received in excess of Class I and Class II requirements is disposed of as butter (Class III) by some handlers. When milk is disposed of as butter, the skim milk is normally processed into a by-product. All handlers are not equipped to process condensed skim milk. Some handlers contend that the Class III price is too high for milk disposed of as butter unless the skim milk is salvaged. Handlers not equipped to process skim milk normally sell it to handlers so equipped. The record shows that sufficient sugar would be unavailable for handlers to process the anticipated amount of skim milk during the flush production season of 1947 unless the rationing plan was revised to make more sugar available for condensing milk.

The evidence introduced in support of this proposal was premised primarily on a reasonable price for milk made into butter without making an allowance for the value of the skim milk. The evidence fails to show a basis for lowering the price of Class III milk when made into butter and sugar is available for the manufacture of condensed skim milk or other manufacturing outlets for skim milk are available. The testimony offered in support of this proposal indicated that any lower price for Class III milk made into butter should apply only for the months of April, May, and June. Inasmuch as an amendment to the order cannot be made effective for such period in 1947 and the record fails to show sufficiently that such conditions may be anticipated in the future, and for the other foregoing reasons it is concluded that a lower price for Class III milk disposed of as butter should not be established at this time.

(4) The manner of computing the value of milk for each handler should not be changed at this time.

A proposal was made to revise the manner of computing the value of milk for each handler so that the average price (blend of Class I, Class II, and Class III milk values) for any handler can never exceed the price for Class I milk.

While on its face this proposal might seem reasonable it completely overlooks the fact that the method of computing the value of milk for a handler was adopted, on the basis of prior hearing records, so that under certain conditions the composite price will exceed the Class I price. The proposal ignores the fact that under the present plan of classification a handler's composite price would normally exceed the Class I price when—(a) most of the butterfat used in the lower classes is so called "differential fat," (b) considerable milk from undisclosed sources is used to replace producer milk, (c) there is a decided "overrun" (sales exceed purchases) or (d) sizeable upward classification changes are made through audit corrections. This proposal could not be adopted without disrupting or nullifying the particular method of classifying milk and computing prices employed by the Cincinnati order unless a complete revision of the plan is made. The record is inadequate for this purpose and for this reason it is concluded that no revision should be made in the manner of computing the value of milk for a handler.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Producer Associations and various handlers subject to Order No. 65. The briefs contained statements of fact, conclusions, and arguments with respect to nearly all of the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. Although the briefs do not contain specific requests to make proposed findings, it is assumed that the arguments and conclusions submitted were for this purpose and are treated accordingly. To the extent that such proposed findings and conclusions are inconsistent with the proposed findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Delete § 965.6 (a) (1) and substitute therefor the following:

(1) The price for Class I milk shall be the price for Class III milk plus $1.05 for the delivery periods of April through July and $1.35 for the delivery periods of August through March; *Provided*, That for the delivery periods of July and August 1947, the price for Class I milk shall not be less than $4.80 and that for the delivery periods of September, October, November and December 1947 and January, February and March 1948 such price shall not be less than $5.24.

2. Delete § 965.6 (a) (2) and substitute the following:

(2) The price for Class II milk shall be the price for Class III milk plus $0.60 for the delivery periods of April through July and $0.90 for the delivery periods of August through March; *Provided*, That for the delivery of July and August 1947, the price for Class II milk shall not be less than $4.35 and that for the delivery periods of September, October, November and December 1947 and January, February and March 1948, such price shall not be less than $4.79.

Filed at Washington, D. C. this 10th day of June 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-5612; Filed, June 12, 1947; 9.02 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 239]

FORMS FOR REGISTRATION STATEMENTS

NOTICE OF PROPOSED REVISION

Notice is hereby given that the Securities and Exchange Commission has under consideration the following proposals for action pursuant to the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof:

I. A proposal for the revision of Form S–2 (17 CFR 239.12). At the present time, Form S–2 is available for use by commercial or industrial companies having a simple corporate history and financial structure, whether established or still in the stage of development. In view of the recent revision and simplification of Form S–1 (17 CFR 239.11) it is felt that it is no longer necessary to authorize the use of Form S–2 for established companies. Accordingly, it is proposed to revise and simplify Form S–2 for use only by new companies and those still in the development stage.

Persons desiring to comment on the proposed revision of Form S–2 may obtain copies thereof from the principal office of the Commission at the address given below.

II. A proposal for the rescission of Form S–12 (17 CFR 239.19). The requirements of Forms S–2 and S–12 presently overlap to a considerable extent. With the revision and simplification of Form S–2, as proposed above, Form S–12 would no longer serve any useful purpose.

III. A proposal for the rescission of Form C–1 (17 CFR 239.3). This form, which is prescribed for unincorporated investment trusts of the fixed or restricted management type, has become obsolete through the adoption of later forms for securities of such trusts.

All interested persons are invited to submit data, views and comments on the above mentioned proposals in writing to the Securities and Exchange Commission at its principal office, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before July 10, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 6, 1947.

[F. R. Doc. 47-5577; Filed, June 12, 1947; 8:46 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Dockets Nos. 156, 289]

LA MOTTE T. COHU ET AL.

NOTICE OF HEARING

In the matter of the applications of La Motte T. Cohu and Transcontinental & Western Air, Inc., under section 409 (a) of the Civil Aeronautics Act of 1938, as amended, for approval of the interlocking relationships of La Motte T. Cohu as an officer and director of Transcontinental & Western Air, Inc., and a director of Northrop Aircraft, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 409 and 1001 of the said act, that a hearing in the above-entitled matter is assigned to be held on June 18, 1947, at 10:00 a. m. (eastern daylight saving time) in the Foyer of the Auditorium, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before Examiner James S. Keith.

Without limiting the scope of the issues presented by said applications, particular attention will be directed to the following matters and questions:

1. Whether the public interest will be adversely affected by the continuance of interlocking relationships existing by reason of La Motte T. Cohu holding positions of director of TWA and director of Northrop, and whether order Serial No. 403 dated February 21, 1940, approving such relationships should be revoked.

2. Whether there are any other interlocking relationships subject to section 409 (a) of the act with respect to La Motte T. Cohu, TWA and Northrop and whether such relationships, if any, should be approved.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board on or before June 18, 1947, a statement setting forth the issues of fact or law raised by said applications which he desires to controvert.

For further details concerning the applications, interested parties are referred to Dockets 156 and 289, on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D. C., June 10, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5601; Filed, June 12, 1947; 8:50 a. m.]

[Docket No. SA-145]

ACCIDENT NEAR BAINBRIDGE, MD.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry NC 88814, which occurred near Bainbridge, Maryland on May 30, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above entitled proceeding that hearing is hereby assigned to be held on Monday, June 16, 1947, at 9:30 a. m. (local time) at the Madison House, U. S. Naval Training Station, Bainbridge, Maryland.

Dated at Washington, D. C., June 9, 1947.

[SEAL] R. W. CHRISP,
Presiding Officer.

[F. R. Doc. 47-5600; Filed, June 12, 1947; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD CO.

NOTICE OF PETITION FOR MODIFICATION

On May 27, 1947, the respondent filed a petition for modification of the order entered in this proceeding on April 1, 1940, as modified. Respondent's present rates and those requested in its petition for modification are as follows:

SECTION 1—MARKETING CHARGES

	Present rates	Proposed rates
Arriving by rail, on hoof, or resold through commission firms	*Per head*	*Per head*
Cattle	$0.45	$0.50
Calves (under 1 year old or 400 lbs.)	.30	.33
Hogs	.16	.18
Sheep or goats	.09	.10
Horses or mules	.45	.50
Purebred bulls	1.00	1.50
Direct hogs by rail	.08	.10
Arriving by vehicle other than rail		
Cattle	.52	.57
Calves (under 1 year old or 400 lbs.)	.35	.38
Hogs	.18	.20
Sheep or goats	.12	.13
Purebred bulls	1.00	1.50
Direct hogs	.10	.12

SECTION 3—BRANDING, MARKING, CASTRATING, TIPPING, DEHORNING, ETC.

	Per head	Per head
Branding		
One iron	$0.14	$0.17
Each additional iron	.02	.03
Dehorning or tipping		
Cows and steers	.15	.20
Bull or stags	.50	.55
Castration	------	.50
Ear cropping	------	.05
Wattling	------	.05

SECTION 4—DIPPING CHARGES

Dipping charges will be as follows:		
Cows, steers and heifers	$0.35	$0.40
Calves	.25	.30
Bulls	.70	.75
Lambs	.06	.07
Ewes	.07	.08
Bucks	.10	.11
Hogs	.10	.11

SECTION 4—DIPPING CHARGES—Continued

	Minimum	
	Present rates	Proposed rates
	Per lot	*Per lot*
Cows, steers and heifers	$15.00	$30.00
Calves	15.00	30.00
Bulls	15.00	30.00
Lambs	15.00	30.00
Ewes	15.00	30.00
Bucks	15.00	30.00
Hogs	15.00	30.00

SECTION 8—BOARDING AND STABLING CHARGES

	Per month	Per month
Draft horses	$25.00	$30.00
Saddle horses	25.00	30.00
If owners call for and deliver saddle horses at company barn	25.00	30.00
	Each	*Each*
Single feeds	$0.35	$0.50

Above charges include feeding of grain and hay, watering, bedding, cleaning, saddling and or harnessing. Milch cows and saddle horses of other horses kept in cattle, sheep and or hog yards and not in regular movement through market:

Per day	$0.25
Per month	5.00

The effect of such proposed modification, if granted, would be to increase the revenues of respondent, and, accordingly, it appears that public notice should be given to all interested persons of the request of respondent so as to afford all interested persons, including patrons of respondent, an opportunity to be heard on the matter.

Therefore, notice is hereby given to the public and to all interested persons of the filing of such petition.

All interested persons who desire to be heard upon the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served on the respondent by registered mail or in person.

Done at Washington, D. C., this 9th day of June 1947.

[SEAL] H. E. REED,
Director,
Livestock Branch.

[F. R. Doc. 47-5614; Filed, June 12, 1947; 9:02 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

TERMS AND CONDITIONS OF EMPLOYMENT IN MINING INDUSTRY

AMENDMENT TO ORDER APPOINTING SPECIAL BOARD TO CONSIDER APPLICATIONS FOR APPROVAL OF CHANGES

The order of the Secretary of Labor dated May 10, 1947 (12 F. R. 3253), is hereby amended to authorize the Special Board constituted therein to receive and act upon, in accordance with the provisions of section 5 of the War Labor Disputes Act, any further applications of the Secretary of the Interior concerning the question of vacation payments due to the miners during the annual 1946-1947 period as to those mines now in government possession.

Signed at Washington, D. C., this 16th day of May 1947.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 47-5607; Filed, June 12, 1947; 8:57 a. m.]

BITUMINOUS COAL INDUSTRY

APPROVAL OF CHANGES IN TERMS AND CONDITIONS OF EMPLOYMENT

On May 16, 1947, the Coal Mines Administrator filed an application with the Secretary of Labor requesting the approval by a Special Board, to be appointed by him under the authority of Executive Order 9809, of changes in terms and conditions of employment affecting employees at the mines and facilities which were taken by the Secretary of the Interior, under authority of Executive Orders 9728 and 9758. The changes, approval of which was applied for under the provisions of the War Labor Disputes Act, were set forth in the letter of application dated May 16, 1947, which was approved by the Secretary of the Interior and Welly V. Hopkins, General Counsel, United Mine Workers of America. By an order dated May 10, 1947 (12 F. R. 3253), issued pursuant to the authority vested in him by Executive Order 9809, the Secretary of Labor appointed the undersigned as a Special Board to receive and act upon certain applications in accordance with the provisions of section 5 of the War Labor Disputes Act. By an order dated May 16, 1947 (*supra*), the Secretary of Labor amended the said order of May 10, 1947, to authorize the Special Board appointed in that order to receive and act upon any further applications concerning the question of vacation payments due to miners during the annual 1946-1947 period as to mines presently in Government possession.

Under the authority conferred by section 5 of the War Labor Disputes Act, Executive Order 9809, and the aforesaid orders of the Secretary of Labor dated May 10, 1947 and May 16, 1947, respectively, the undersigned Special Board, having made such investigation as it deems necessary and desirable, and having found that the changes in terms and conditions of employment, as applied for, are fair and reasonable within the meaning of section 5 of that act and are not in conflict with any act of Congress or any Executive order issued thereunder, with respect to employees at the mines and facilities taken by the Secretary of the Interior under the authority of Executive Orders 9728 and 9758, and whose terms and conditions of employment are affected by the orders of the National Wage Stabilization Board issued under the authority of section 5 of the War Labor Disputes Act and approved by the President on May 31, 1946 and July 31, 1946, respectively, hereby orders:

1. That it approves all changes in terms and conditions of employment with respect to such employees set forth in the letter of the Coal Mines Administrator to the Secretary of Labor, dated May 16, 1947, attached to this order and made a part hereof.

2. That this order shall become effective upon its approval by the President.

Dated: May 16, 1947.

EDW. F. MCGRADY,
LLOYD K. GARRISON,
WM. M. LEISERSON,
Special Board.

Approved: May 17, 1947.

HARRY S. TRUMAN,
The White House.

MY DEAR MR. SECRETARY: Section 7 of the Agreement of May 29, 1946, between the Coal Mines Administrator and the United Mine Workers of America recognized that an annual vacation period is the rule of the bituminous coal industry, and provided for vacation pay based on the qualifying period of June 1, 1945 to May 31, 1946, under the terms and conditions set forth therein. Certain bituminous coal mines have now been in the possession of the United States approximately one year since the end of the last vacation qualifying period for which payments were made.

The traditional vacation qualifying period has nearly expired, and services performed during that period were performed during the period of Government possession. It is therefore proposed that, in the absence of any agreement between the private operators of the mines and the Union with respect to vacation payments for 1947, the Coal Mines Administrator shall issue an order to the operating manager for the United States of each mine in Government possession pursuant to Executive Orders Nos. 9728 and 9758 directing vacation payments to be made to qualified employees in accordance with Section 7 of the Agreement of May 29, 1946.

Previous contracts between the operators and the Union, as well as the Agreement of May 29, 1946, provided for a vacation period of ten days beginning on the last Saturday in June during which time coal production was to cease. Since the authority and powers of the Coal Mines Administrator will expire by the terms of the War Labor Disputes Act on June 30, 1947, it does not seem appropriate to designate specifically the vacation period, but it is believed that the vacation period should commence on June 28, 1947, and that the vacation payment should be made on the last pay day in June but in no event later than June 27, 1947.

Accordingly, pursuant to section 5 of the War Labor Disputes Act and the administrative procedures contemplated by Executive Order No. 9809, I hereby submit for approval by a special Board in lieu of the National Wage Stabilization Board the following proposal relative to vacation pay:

The terms and provisions of section 7 of the Agreement of May 29, 1946, relating to vacation payments shall apply in all respects to a vacation qualifying period of June 1, 1946, to May 31, 1947, subject to the following:

(a) Vacation payments shall be made on the last pay day occurring in the month of June 1947, but not later than June 27, 1947.

(b) The vacation period for 1947 shall begin on June 28, 1947. Since the authority of the Coal Mines Administrator to operate the bituminous coal mines now in Government possession will expire on June 30, 1947, no provision is made for any vacation period beyond June 30, 1947.

(c) In the event that a contract is concluded prior to June 27, 1947, between any private operator or operators and the United Mine Workers of America which provides for or deals with any vacation payment based on the qualifying period of June 1, 1946, to May 31, 1947, the Coal Mines Administrator will revoke any order directing the payment of vacation pay for that period and affecting the operator or operators that may be parties to such contract.

Inasmuch as it is necessary for each operating manager to prepare certain pay roll data in advance of the actual vacation payment, it is desirable that an order be issued on or about June 1, 1947. Accordingly, it will be appreciated if this application is processed expeditiously.

Very truly yours,

N. H. COLLISON,
Coal Mines Administrator.

Approved: May 16, 1947.

J. A. KRUG,
Secretary of the Interior.

Approved:

WELLY V. HOPKINS,
The Honorable LEWIS B. SCHWELLENBACH,
Secretary of Labor,
Washington, D. C.

[F. R. Doc. 47-5606; Filed, June 12, 1947; 8:56 a. m.]

FORD COLLIERIES CO., BUCKEYE COAL CO., WENDEL COAL CO., AND PENNSYLVANIA COAL AND COKE CORP.

APPROVAL OF TERMS AND CONDITIONS OF EMPLOYMENT OF SUPERVISORY EMPLOYEES

On April 24, 1947, and May 2, 1947, the Secretary of the Interior filed applications with the Secretary of Labor requesting the appointment of a special board, pursuant to the provisions of Executive Order No. 9809 to approve changes in terms and conditons of employment affecting supervisors and maintenance employees at the mines and facilities named above which were taken by the Secretary of the Interior on May 22, 1946 (12 F. R. 3488, 3490, 3491, 3493), under authority of Executive Order No. 9728. The changes, approval of which was applied for under the provisions of the War Labor Disputes Act, were embodied in four separate agreements accompanying those applications signed by the Coal Mines Administrator and the United Clerical, Technical and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, and were approved by the Secretary of the Interior and the United Mine Workers of America. Each of these agreements was dated April 26, 1947, excepting the agreement relating to terms and conditions of employment at the Francis & Berry Mines of Ford Collieries Company, Detroit, Michigan, which was dated April 7, 1947.

By an order dated May 10, 1947 (12 F. R. 3253), issued pursuant to the authority vested in him by Executive Order No. 9809, the Secretary of Labor appointed the undersigned as a Special Board to receive and act upon the applications in accordance with sections of the War Labor Disputes Act.

Under the authority conferred by section 5 of the War Labor Disputes Act, Executive Order No. 9809 and the order of the Secretary of Labor dated May 10, 1947, the undersigned Special Board, having made such investigation as it deems necessary and desirable and having found that the changes in terms and conditions of employment as applied for are fair and reasonable within the meaning of section 5 of that act and are not in conflict with any act of Congress or any Executive order issued thereunder, with respect to supervisory and maintenance employees at the mines and facilities at the places referred to in the heading hereof, hereby orders:

1. That it approves all changes in terms and conditions of employment of supervisors and maintenance employees at the mines and facilities referred to in the heading hereof which are embodied and provided for in the agreements, dated April 7, 1947 and April 26, 1947, respectively, referred to in the preamble to this order.

2. That this order shall become effective upon its approval by the President. Upon such approval, all changes in terms and conditions of employment embodied and provided for in the agreements referred to in the preamble hereto shall be deemed effective as of the several dates which those agreements provide shall be their respective effective dates.

Dated: May 16, 1947.

EDW. F. MCGRADY,
LLOYD K. GARRISON,
WM. M. LEISERSON,
Special Board.

Approved: May 17, 1947.

HARRY S. TRUMAN,
The White House.

AGREEMENT

This agreement between the Coal Mines Administrator under the authority of Executive Order 9728 (dated May 21, 1946, 11 F. R. 5593) and pursuant to the provision of section 11 of the Krug-Lewis Agreement of May 29, 1946, and the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, (hereinafter referred to as the Union) covers for the period of Government possession the terms and conditions of employment with respect to the Francis and Berry Mines of the Ford Colleries Company, Detroit, Michigan.

The term "supervisory employees," as used in this agreement, means only those supervisors of production and maintenance employees of the Francis and Berry Mines of the Ford Colleries Company, as defined and described in the Certification of Representatives and Order of the National Labor Relations Board, dated October 15, 1946, in Case No. 6-R-1213.

1. *Existing terms and conditions of employment preserved.* Except as amended and supplemented herein, this agreement carries forward and preserves the terms and conditions of employment for supervisory employees as they existed on May 22, 1946.

2. *Union recognition.* With respect to recognition of the Union as the sole and exclusive agency and representative of the supervisory employees, the Coal Mines Administrator will be guided by the decisions and procedures laid down by the National Labor Relations Board.

3. *Check off.* The Coal Mines Administrator will direct the operating manager that the Union dues of supervisory employees who are members of the Union, not exceeding Two Dollars ($2.00) per month, shall be checked off the wages of such supervisory employees (subject to the individual consent of such employees, the continuance of said consent being at the option of such employees but the option being exercisable only on one month's written notice to the management and the International Union) at a rate not to exceed One Dollar ($1.00) per pay

period and shall be remitted to the Secretary-Treasurer of the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, not later than the first and sixteenth of each month and that no other assessments shall be so checked off except upon the written authorization of the International Executive Board of the United Mine Workers of America.

The Coal Mines Administrator will direct the operating manager that initiation fees of the Union, in sums not to exceed One Dollar ($1.00) per supervisory employee Union member in any one pay period, shall (subject to the individual consent of the supervisory employee) be deducted and remitted to the financial secretary of the local Union, in the same manner and subject to the same conditions as dues deductions. Under no circumstances shall the total initiation fee for any one man exceed Ten Dollars ($10.00).

4. *Discrimination and coercion.* The Coal Mines Administrator will use his good offices to the end that there shall be no discrimination, interference, restraint, or coercion directed by management or any of its agents against any supervisory employees because of Union membership or appropriate Union activities.

5. *Vacations.* Practice, as of the date of execution of this agreement, with respect to vacation pay of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

In accordance with and to the extent consistent with existing practice, vacations will, so far as practical, be granted at times most desired by the supervisory employees. *Provided*, That it does not interfere with the orderly operation of the mine.

6. *Seniority.* In accordance with and to the extent consistent with the practice now followed at each mine specified above, in all cases of promotion, demotion, increase or decrease of force, or lay-off, length of service and ability to perform the work shall be the determining factors.

Seniority shall be applied separately at each mine specified above.

Any supervisory employee, who (a) voluntarily leaves his employment, (b) fails to return to work without just cause within seven (7) days after notice to do so, or (c) is discharged for just cause, shall lose his seniority rights.

7. *Changes in classification of work.* In accordance with and to the extent consistent with existing practice, when a supervisory employee is required to fill the place of another employee receiving a higher rate of pay, he shall receive the higher rate of pay. Under no circumstances shall he receive a reduction in pay, when required temporarily to fill another job.

8. *Safety and health.* The Coal Mines Administrator will direct the operating manager to continue to make reasonable provisions for the safety and health of its supervisory employees and to operate the mines specified above in accordance with applicable mining laws of the state, the Federal Mine Safety Code, and other applicable safety rules.

9. *Supervisors' Mine Committee.* A Supervisors' Mine Committee of three (3) members at each mine specified above shall be selected by the Union. Only supervisory employees may be members of this Committee and each member shall be eligible to serve as such only so long as he continues to be a supervisory employee. The functions of the Supervisors' Mine Committee are as described in section 10 of this agreement.

10. *Settlement of disputes.* Should differences arise between the supervisory employees and the employer as to the meaning and application of the provisions of this agreement (including section 1 hereof), there shall be no suspension of or interference with work on account of such differences but an earnest effort shall be made to settle such differences immediately:

FIRST: Between the aggrieved party and a representative of the Coal Mines Administrator.

SECOND: Through the Supervisors' Mine Committee and a representative of the Coal Mines Administrator.

THIRD: Through a representative of the Union and a representative of the Coal Mines Administrator.

FOURTH: By a board consisting of four members, two of whom shall be designated by the Union and two by a representative of the Coal Mines Administrator.

Should the board fail to agree, the matter shall be referred to an arbitrator selected by the board. Should the board be unable to agree upon the selection of an arbitrator, he shall be designated by the International President of the Union and the Coal Mines Administrator or his representative.

In case either party shall request it prior to agreement upon a single arbitrator, a three man board of arbitration rather than a single arbitrator shall be constituted. This board shall consist of a chairman who shall be agreed upon in exactly the same manner as the single arbitrator above provided for, a representative chosen by the Union, and a representative chosen by the Coal Mines Administrator.

The arbitrator or the board of arbitration shall render in writing a decision which shall be final and conclusively binding upon the parties.

In the event that either party has requested arbitration by a three man board, the majority decision of such a board or, if a majority decision cannot be reached, the decision of the chairman shall be final and conclusively binding upon the parties.

11. *Discharge cases.* When a supervisory employee has been discharged from his employment and he believes that he has been unjustly dealt with, it shall be a case arising under the method of settling disputes provided in section 10 of this agreement. If, in any discharge case, it should be decided that an injustice has been dealt the supervisory employee, he shall be reinstated with or without back pay, in whole or in part, provided, however, that any such case shall be taken up and disposed of within five (5) days from the date of discharge or as soon thereafter as possible.

12. *Wages.* Practice, as of the date of execution of this agreement, with respect to wages and hours of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

13. *Legal rights preserved.* (a) This agreement, directions of the Coal Mines Administrator hereunder, or compliance therewith by the management, shall in no sense be viewed as a waiver by the affected coal company or the Union of such rights as may be possessed by them including the right to a final judicial determination of the rights of supervisors under the National Labor Relations Act.

(b) The Union agrees that, in accordance with the procedure of the National Labor Relations Board, it will file as soon as practicable (but in no event later than 10 days after it receives a written notice from the Coal Mines Administrator to do so) a charge of refusal to bargain against Ford Collieries Company to the end that that company may have an opportunity to obtain a final judicial determination of the rights of supervisors at its mines under the National Labor Relations Act.

14. *Responsibilities of supervisory employees to management.* Supervisory employees shall at all times conduct themselves in a manner wholly consistent with the proper performance of the duties assigned to them. They shall not engage in any conduct which would directly or indirectly impair the lawful position of management in its relationship to any person or persons whose work is directed by management or any union which may represent such person or persons. The Union will use its best efforts to assure that the provisions of this section of the agreement are observed by the supervisory employees.

15. *Safety laws.* Nothing in this agreement shall be construed to modify existing obligations of the supervisory employees to conform to the requirements of applicable state or Federal safety laws or rules.

16. *Changes in law.* In the event that legislation, ultimate court decision, or action of the National Labor Relations Board nullifies or reverses the ruling of said Board in Case No. 6–R–1213, the Coal Mines Administrator reserves the right, on such notice as he may deem appropriate, to terminate this agreement. The Union reserves the same right.

In the event that legislation, ultimate court decision, or action of the National Labor Relations Board modifies the ruling of said Board in Case No. 6–R–1213, the Coal Mines Administrator and the Union agree that further discussion shall be had looking toward appropriate modification of this agreement. In the event that such modification is not agreed upon within what he may deem to be a reasonable time, the Coal Mines Administrator reserves the right to terminate this agreement on such notice as he may deem appropriate. The Union reserves the same right.

17. *General change in hours or wages or other monetary considerations of employment.* The parties to this agreement agree to meet in the city of Washington, D. C. within ten days of the date of execution of any agreement effecting a general change in the hours or wages or other monetary considerations of employment or rank and file employees in the mines specified above, for the purpose of negotiating a general change in the hours or wages or other monetary considerations of employment of supervisory employees.

Any change in the hours or wages or other monetary considerations of employment of supervisory employees, which is negotiated in accordance with the provisions of this section shall be effective as of the effective date of the general change in the hours or wages or other monetary considerations of employment of rank and file employees which it is designed to accompany.

18. *Effective date.* This agreement is effective as of April 7th, 1947, subject to the approval of appropriate Government agencies.

Signed at Washington, D. C., on the 7th day of April 1947.

N. H. COLLISON,
Coal Mines Administrator.
JOHN MCALPINE,
President, The United Clerical, Technical, and Supervisory Employees of the Mining Industry Division of District 50, United Mine Workers of America

Approved:

J. A. KRUG,
Secretary of the Interior.
JOHN L. LEWIS,
President,
United Mine Workers of America

AGREEMENT

This agreement between the Coal Mines Administrator under the authority of Executive Order No. 9728 (dated May 21, 1946, 11 F. R. 5593) and pursuant to the provisions of section 11 of the Krug-Lewis Agreement of May 29, 1946, and the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America (hereinafter referred to as the Union), covers for the period of Government possession the terms and conditions of employment with respect to the Nemacolin Mine of the Buckeye Coal Company, Youngstown, Ohio.

The term "supervisory employees," as used in this agreement, means only those supervisors of production and maintenance employees of the Nemacolin Mine of the Buckeye Coal Company, as defined and described in the Certification of Representatives and order of the National Labor Relations Board, dated January 9, 1947, in Case No. 6–R–1496.

1. *Existing terms and conditions of employment preserved.* Except as amended and supplemented herein, this agreement carries forward and preserves the terms and conditions of employment for supervisory employees as they existed on May 22, 1946.

2. *Union recognition.* With respect to recognition of the Union as the sole and exclusive agency and representative of the supervisory employees, the Coal Mines Administrator will be guided by the decisions and procedure laid down by the National Labor Relations Board.

3. *Check-off.* The Coal Mines Administrator will direct the Operating Manager that the Union dues of supervisory employees who are members of the Union, not exceeding Two Dollars ($2.00) per month, shall be checked off the wages of such supervisory employees (subject to the individual consent of such employees, the continuance of said consent being at the option of such employees but the option being exercisable only on one month's written notice to the management and the International Union) at a rate not to exceed One Dollar ($1.00) per pay period and shall be remitted to the Secretary-Treasurer of the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, not later than the first and sixteenth of each month and that no other assessments shall be so checked off except upon the written authorization of the International Executive Board of the United Mine Workers of America.

The Coal Mines Administrator will direct the operating manager that initiation fees of the Union, in sums not to exceed One Dollar ($1.00) per supervisory employee Union member in any one pay period, shall (subject to the individual consent of the supervisory employee) be deducted and remitted to the financial secretary of the Local Union, in the same manner and subject to the same conditions as dues deductions. Under no circumstances shall the total initiation fees for any one man exceed Ten Dollars ($10.00).

4. *Discrimination and coercion.* The Coal Mines Administrator will use his good offices to the end that there shall be no discrimination, interference, restraint, or coercion directed by management or any of its agents against any supervisory employee because of Union membership or appropriate Union activities.

5. *Vacations.* Practice, as of the date of execution of this agreement, with respect to vacation pay of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

In accordance with and to the extent consistent with existing practice, vacations will, so far as practical, be granted at times most desired by the supervisory employees, provided that it does not interfere with the orderly operation of the mine.

6. *Seniority.* In accordance with and to the extent consistent with the practice now followed at the mine specified above, in all cases of promotion, demotion, increase or decrease of force, or lay-off, length of service and ability to perform the work shall be the determining factors.

Any supervisory employee, who (a) voluntarily leaves his employment, (b) fails to return to work without just cause within seven (7) days after notice to do so, or (c) is discharged for just cause, shall lose his seniority rights.

7. *Changes in classification of work.* In accordance with and to the extent consistent with existing practice, when a supervisory employee is required to fill the place of another employee receiving a higher rate of pay, he shall receive the higher rate of pay. Under no circumstances shall he receive a reduction in pay, when required temporarily to fill another job.

8. *Safety and health.* The Coal Mines Administrator will direct the operating manager to continue to make reasonable provisions for the safety and health of the supervisory employees and to operate the mine specified above in accordance with applicable mining laws of the state, the Federal Mine Safety Code, and other applicable safety rules.

9. *Supervisors' Mine Committee.* A Supervisors' Mine Committee of three (3) members at the mine specified above shall be selected by the Union. Only supervisory employees may be members of this Committee and each member shall be eligible to serve as such only so long as he continues to be a supervisory employee. The functions of the Supervisors' Mine Committee are as described in section 10 of this agreement.

10. *Settlement of disputes.* Should differences arise between the supervisory employees and the employer as to the meaning and application of the provisions of this agreement (including section 1 hereof), there shall be no suspension of or interference with work on account of such differences but an earnest effort shall be made to settle such differences immediately:

FIRST: Between the aggrieved party and a representative of the Coal Mines Administrator.

SECOND: Through the Supervisors' Mine Committee and a representative of the Coal Mines Administrator.

THIRD: Through a representative of the Union and a representative of the Coal Mines Administrator.

FOURTH: By a board consisting of four members, two of whom shall be designated by the Union and two by a representative of the Coal Mines Administrator.

Should the board fail to agree, the matter shall be referred to an arbitrator selected by the board. Should the board be unable to agree upon the selection of an arbitrator, he shall be designated by the International President of the Union and the Coal Mines Administrator or his representative.

In case either party shall request it prior to agreement upon a single arbitrator, a three man board of arbitration rather than a single arbitrator shall be constituted. This board shall consist of a chairman who shall be agreed upon in exactly the same manner as the single arbitrator above provided for, a representative chosen by the Union, and a representative chosen by the Coal Mines Administrator.

The arbitrator or the board of arbitration shall render in writing a decision which shall be final and conclusively binding upon the parties.

In the event that either party has requested arbitration by a three man board, the majority decision of such a board or, if a majority decision cannot be reached, the decision of the chairman shall be final and conclusively binding upon the parties.

11. *Discharge cases.* When a supervisory employee has been discharged from his employment and he believes that he has been unjustly dealt with, it shall be a case arising under the method of settling disputes provided in section 10 of this agreement. If, in any discharge case, it should be decided that an injustice has been dealt the supervisory employee, he shall be reinstated with or without back pay, in whole or in part: *Provided, however*, That any such case shall be taken up and disposed of within five (5) days from the date of discharge or as soon thereafter as possible.

12. *Wages.* Practice, as of the date of execution of this agreement, with respect to wages and hours of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

13. *Legal rights preserved.* (a) This agreement, directions of the Coal Mines Administrator hereunder, or compliance therewith by the management, shall in no sense be viewed as a waiver by the affected coal company or the Union of such rights as may be possessed by them including the right to a final judicial determination of the rights of supervisors under the National Labor Relations Act.

(b) The Union agrees that, in accordance with the procedure of the National Labor Relations Board, it will file as soon as practicable (but in no event later than 10 days after it receives a written notice from the Coal Mines Administrator to do so) a charge of refusal to bargain against Buckeye Coal Company to the end that that company may have an opportunity to obtain a final judicial determination of the rights of supervisors at its mine under the National Labor Relations Act.

14. *Responsibilities of supervisory employees to management.* Supervisory employees shall at all times conduct themselves in a manner wholly consistent with the proper performance of the duties assigned to them. They shall not engage in any conduct which would directly or indirectly impair the lawful position of management in its relationship to any person or persons whose work is directed by management or any union which may represent such person or persons. The Union will use its best efforts to assure that the provisions of this section of the agreement are observed by the supervisory employees.

15. *Safety laws.* Nothing in this agreement shall be construed to modify existing obligations of the supervisory employees to conform to the requirements of applicable state or Federal safety laws or rules.

16. *Changes in law.* In the event that legislation, ultimate court decision, or action of the National Labor Relations Board nullifies or reverses the ruling of said Board in Case No. 6–R–1496, the Coal Mines Administrator reserves the right, on such notice as he may deem appropriate, to terminate this agreement. The Union reserves the same right.

In the event that legislation, ultimate court decision, or action of the National Labor Relations Board modifies the ruling of said Board in Case No. 6–R–1496, the Coal Mines Administrator and the Union agree that further discussion shall be had looking toward appropriate modification of this agreement. In the event that such modification is not agreed upon within what he may deem to be a reasonable time, the Coal Mines Administration reserves the right to terminate this agreement on such notice as he may deem appropriate. The Union reserves the same right.

17. *General change in hours or wages or other monetary considerations of employment.* The parties to this agreement agree to meet in the city of Washington, D. C., within ten days of the date of execution of any agreement effecting a general change in the hours or wages or other monetary considerations of employment of rank and file employees in the mine specified above, for the purpose of negotiating a general change in the hours or wages or other monetary considerations of employment of supervisory employees.

Any change in the hours or wages or other monetary considerations of employment of supervisory employees, which is negotiated in accordance with the provisions of this section, shall be effective as of the effective

date of the general change in the hours or wages or other monetary considerations of employment of rank and file employees which it is designed to accompany.

18. *Effective date.* This agreement is effective as of April 26, 1947, subject to the approval of appropriate Government agencies.

Signed at Washington, D. C., on the 26th day of April 1947.

N. H. COLLISON,
Coal Mines Administrator.
JOHN MCALPINE,
President, The United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America.

Approved:

J. A. KRUG,
Secretary of the Interior.
JOHN L. LEWIS,
President,
United Mine Workers of America.

AGREEMENT

This agreement between the Coal Mines Administrator under the authority of Executive Order No. 9728 (dated May 21, 1946, 11 F. R. 5593) and pursuant to the provisions of section 11 of the Krug-Lewis Agreement of May 29, 1946, and the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America (hereinafter referred to as the Union), covers for the period of Government possession the terms and conditions of employment with respect to the No. 1 and No. 2 Mines of the Wendel Coal Company, Wendel, West Virginia.

The term "supervisory employees," as used in this agreement, means only those supervisors of production and maintenance employees of the No. 1 and No. 2 Mines of the Wendel Coal Company, as referred to in the finding and determination in the Report on Cross Check of the National Labor Relations Board, dated October 24, 1946, in Case No. 6-R-1598.

1. *Existing terms and conditions of employment preserved.* Except as amended and supplemented herein, this agreement carries forward and preserves the terms and conditions of employment for supervisory employees as they existed on May 22, 1946.

2. *Union recognition.* With respect to recognition of the Union as the sole and exclusive agency and representative of the supervisory employees, the Coal Mines Administrator will be guided by the decisions and procedure laid down by the National Labor Relations Board.

3. *Check off.* The Coal Mines Administrator will direct the operating manager that the Union dues of supervisory employees who are members of the Union, not exceeding Two Dollars ($2.00) per month, shall be checked off the wages of such supervisory employee (subject to the individual consent of such employees, the continuance of said consent being at the option of such employees but the option being exercisable only on one month's written notice to the management and the International Union) at a rate not to exceed One Dollar ($1.00) per pay period and shall be remitted to the Secretary-Treasurer of the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, not later than the first and sixteenth of each month and that no other assessments shall be so checked off except upon the written authorization of the International Executive Board of the United Mine Workers of America.

The Coal Mines Administrator will direct the operating manager that initiation fees of the Union, in sums not to exceed One Dollar ($1.00) per supervisory employee Union member in any one pay period, shall (subject to the individual consent of the supervisory employee) be deducted and remitted to the financial security of the local Union, in the same manner and subject to the same conditions as dues deductions. Under no circumstances shall the total initiation fee for any one man exceed Ten Dollars ($10.00).

4. *Discrimination and coercion.* The Coal Mines Administrator will use his good offices to the end that there shall be no discrimination, interference, restraint, or coercion directed by management or any of its agents against any supervisory employees because of Union membership or appropriate Union activities.

5. *Vacations.* Practice, as of the date of execution of this agreement, with respect to vacation pay of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

In accordance with and to the extent consistent with existing practice, vacations will, so far as practical, be granted at times most desired by the supervisory employees: *Provided*, That it does not interfere with the orderly operation of the mine.

6. *Seniority.* In accordance with and to the extent consistent with the practice now followed at each mine specified above, in all cases of promotion, demotion, increase or decrease of force, or lay-off, length of service and ability to perform the work shall be the determining factors.

Seniority shall be applied separately at each mine specified above.

Any supervisory employee who (a) voluntarily leaves his employment, (b) fails to return to work without just cause within seven (7) days after notice to do so, or (c) is discharged for just cause, shall lose his seniority rights.

7. *Changes in classification of work.* In accordance with and to the extent consistent with existing practice, when a supervisory employee is required to fill the place of another employee receiving a higher rate of pay, he shall receive the higher rate of pay. Under no circumstances shall he receive a reduction in pay, when required temporarily to fill another job.

8. *Safety and health.* The Coal Mines Administrator will direct the operating manager to continue to make reasonable provisions for the safety and health of the supervisory employees and to operate the mines specified above in accordance with applicable mining laws of the state, the Federal Mine Safety Code, and other applicable safety rules.

9. *Supervisors' Mine Committee.* A Supervisors' Mine Committee of three (3) members at each mine specified above shall be selected by the Union. Only supervisory employees may be members of this Committee and each member shall be eligible to serve as such only so long as he continues to be a supervisory employee. The functions of the Supervisors' Mine Committee are as described in Section 10 of this agreement.

10. *Settlement of disputes.* Should differences arise between the supervisory employees and the employer as to the meaning and application of the provisions of this agreement (including section 1 hereof), there shall be no suspension of or interference with work on account of such differences but an earnest effort shall be made to settle such differences immediately:

FIRST: Between the aggrieved party and a representative of the Coal Mines Administrator.

SECOND: Through the Supervisors' Mine Committee and a representative of the Coal Mines Administrator.

THIRD: Through a representative of the Union and a representative of the Coal Mines Administrator.

FOURTH: By a board consisting of four members, two of whom shall be designated by the Union and two by a representative of the Coal Mines Administrator.

Should the board fail to agree, the matter shall be referred to an arbitrator selected by the board. Should the board be unable to agree upon the selection of an arbitrator, he shall be designated by the International President of the Union and the Coal Mines Administrator or his representative.

In case either party shall request it prior to agreement upon a single arbitrator, a three man board of arbitration rather than a single arbitrator shall be constituted. This board shall consist of a chairman who shall be agreed upon in exactly the same manner as the single arbitrator above provided for, a representative chosen by the Union, and a representative chosen by the Coal Mines Administrator.

The arbitrator or the board of arbitration shall render in writing a decision which shall be final and conclusively binding upon the parties.

In the event that either party has requested arbitration by a three man board, the majority decision of such a board or, if a majority decision cannot be reached, the decision of the chairman shall be final and conclusively binding upon the parties.

11. *Discharge cases.* When a supervisory employee has been discharged from his employment and he believes that he has been unjustly dealt with, it shall be a case arising under the method of settling disputes provided in section 10 of this agreement. If, in any discharge case, it should be decided that an injustice has been dealt the supervisory employee, he shall be reinstated with or without back pay, in whole or in part, provided however, that any such case shall be taken up and disposed of within five (5) days from the date of discharge or as soon thereafter as possible.

12. *Wages.* Practice, as of the date of execution of this agreement, with respect to wages and hours of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

13. *Legal rights preserved.* (a) This agreement, directions of the Coal Mines Administrator hereunder, or compliance therewith by the management, shall in no sense be viewed as a waiver by the affected coal company or the Union of such rights as may be possessed by them including the right to a final judicial determination of the rights of supervisors under the National Labor Relations Act.

(b) The Union agrees that, in accordance with the procedure of the National Labor Relations Board, it will file as soon as practicable (but in no event later than 10 days after it receives a written notice from the Coal Mines Administrator to do so) a charge of refusal to bargain again Wendel Coal Company to the end that that company may have an opportunity to obtain a final judicial determination of the rights of supervisors at its mines under the National Labor Relations Act.

14. *Responsibilities of supervisory employees to management.* Supervisory employees shall at all times conduct themselves in a manner wholly consistent with the proper performance of the duties assigned to them. They shall not engage in any conduct which would directly or indirectly impair the lawful position of management in its relationship to any person or persons whose work is directed by management or any union which may represent such person or persons. The Union will use its best efforts to assure that the provisions of this section of the agreement are observed by the supervisory employees.

15. *Safety laws.* Nothing in this agreement shall be construed to modify existing obligations of the supervisory employees to conform to the requirements of applicable state or Federal safety laws or rules.

16. *Changes in law.* In the event that legislation, ultimate court decision, or action of the National Labor Relations Board nullifies or reverses the finding and determination of said Board in Case No. 6-R-1598, the Coal Mines Administrator reserves the right, on such notice as he may deem appropriate, to terminate this agreement. The Union reserves the same right.

In the event that legislation, ultimate court decisions, or action of the National Labor Relations Board modifies the finding and determination of said Board in Case No. 6-R-1598, the Coal Mines Administrator and the Union agree that further discussion shall be had looking toward appropriate modification of this agreement. In the event that such modification is not agreed upon within what he may deem to be a reasonable time, the Coal Mines Administrator reserves the right to terminate this agreement on such notice as he may deem appropriate. The Union reserves the same right.

17. *General change in hours or wages or other monetary considerations of employment.* The parties to this agreement agree to meet in the city of Washington, D. C., within ten days of the date of execution of any agreement effecting a general change in the hours or wages or other monetary considerations of employment of rank and file employees in the mines specified above, for the purpose of negotiating a general change in the hours or wages or other monetary considerations of employment of supervisory employees.

Any change in the hours or wages or other monetary considerations of employment of supervisory employees, which is negotiated in accordance with the provisions of this section, shall be effective as of the effective date of the general change in the hours or wages or other monetary considerations of employment of rank and file employees which it is designed to accompany.

18. *Effective date.* This agreement is effective as of April 26, 1947 subject to the approval of appropriate Government agencies.

Signed at Washington, D. C., on the 26th day of April 1947.

N. H. COLLISON,
Coal Mines Administrator.
JOHN MCALPINE,
President, The United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America.

Approved:

J. A. KRUG,
Secretary of the Interior.
JOHN L. LEWIS,
President,
United Mine Workers of America

AGREEMENT

This agreement between the Coal Mines Administrator under the authority of Executive Order No. 9728 (dated May 21, 1946, 11 F. R. 5593) and pursuant to the provisions of section 11 of the Krug-Lewis Agreement of May 29, 1946, and the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, (hereinafter referred to as the Union) covers for the period of Government possession the terms and conditions of employment with respect to the Ehrenfeld No. 3, Ehrenfeld No. 8, and Marsteller No. 22 Mines of the Pennsylvania Coal and Coke Corporation, New York, New York.

The term "supervisory employees", as used in this agreement, means only those supervisors of production and maintenance employees of the Ehrenfeld No. 3, Ehrenfeld No. 8, and Marsteller No. 22 Mines of the Pennsylvania Coal and Coke Corporation, New York, New York, as defined and described in the Certification of Representatives and Order of the National Labor Relations Board, dated October 15, 1946, in Case No. 6-R-1211.

1. *Existing terms and conditions of employment preserved.* Except as amended and supplemented herein, this agreement carriers forward and preserves the terms and conditions of employment for supervisory employees as they existed on May 22, 1946.

2. *Union recognition.* With respect to recognition of the Union as the sole and exclusive agency and representative of the supervisory employees, the Coal Mines Administrator will be guided by the decisions and procedure laid down by the National Labor Relations Board.

3. *Check off.* The Coal Mines Administrator will direct the operating manager that the Union dues of supervisory employees who are members of the Union, not exceeding Two Dollars ($2.00) per month, shall be checked off the wages of such supervisory employees (subject to the individual consent of such employees, the continuance of said consent being at the option of such employees but the option being exercisable only on one month's written notice to the management and the International Union) at a rate not to exceed One Dollar ($1.00) per pay period and shall be remitted to the Secretary-Treasurer of the United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America, not later than the first and sixteenth of each month and that no other assessments shall be so checked off except upon the written authorization of the International Executive Board of the United Mine Workers of America.

The Coal Mines Administrator will direct the operating manager that initiation fees of the Union, in sums not to exceed One Dollar ($1.00) per supervisory employee Union member in any one pay period, shall (subject to the individual consent of the supervisory employee) be deducted and remitted to the financial security of the local Union, in the same manner and subject to the same conditions as dues deductions. Under no circumstances shall the total initiation fee for any one man exceed Ten Dollars ($10.00).

4. *Discrimination and coercion.* The Coal Mines Administrator will use his good offices to the end that there shall be no discrimination, interference, restraint, or coercion directed by management or any of its agents against any supervisory employees because of Union membership or appropriate Union activities.

5. *Vacations.* Practice, as of the date of execution of this agreement, with respect to vacation pay of supervisory employees shall be continued in effect, except as such practice may be changed in accordance with section 17 of this agreement.

In accordance with and to the extent consistent with existing practice, vacations will, so far as practical, be granted at times most desired by the supervisory employees, provided that it does not interfere with the orderly operation of the mines.

6. *Seniority.* In accordance with and to the extent consistent with the practice now followed at each mine specified above, in all cases of promotion, demotion, increase or decrease of force, or lay-off, length of service and ability to perform the work shall be the determining factors.

Seniority shall be applied separately at each mine specified above.

Any supervisory employee, who (a) voluntarily leaves his employment, (b) fails to return to work without just cause within seven (7) days after notice to do so, or (c) is discharged for just cause, shall lose his seniority rights.

7. *Changes in classification of work.* In accordance with and to the extent consistent with existing practice, when a supervisory employee is required to fill the place of another employee receiving a higher rate of pay, he shall receive the higher rate of pay. Under no circumstances shall he receive a reduction in pay, when required temporarily to fill another job.

8. *Safety and health.* The Coal Mines Administrator will direct the operating manager to continue to make reasonable provisions for the safety and health of the supervisory employees and to operate the mines specified above in accordance with applicable mining laws of the state, the Federal Mine Safety Code, and other applicable safety rules.

9. *Supervisors' Mine Committee.* A Supervisors' Mine Committee of three (3) members at each mine specified above shall be selected by the Union. Only supervisory employees may be members of this Committee and each member shall be eligible to serve as such only so long as he continues to be a supervisory employee. The functions of the Supervisors' Mine Committee are as described in Section 10 of this agreement.

10. *Settlement of disputes.* Should differences arise between the supervisory employees and the employer as to the meaning and application of the provisions of this agreement (including section 1 hereof), there shall be no suspension of or interference with work on account of such differences but an earnest effort shall be made to settle such difference immediately:

FIRST: Between the aggrieved party and a representative of the Coal Mines Administrator.

SECOND: Through the Supervisors' Mine Committee and a representative of the Coal Mines Administrator.

THIRD: Through a representative of the Union and a representative of the Coal Mines Administrator.

FOURTH: By a board consisting of four members, two of whom shall be designated by the Union and two by a representative of the Coal Mines Administrator.

Should the board fail to agree, the matter shall be referred to an arbitrator selected by the board. Should the board be unable to agree upon the selection of an arbitrator, he shall be designated by the International President of the Union and the Coal Mines Administrator or his representative.

In case either party shall request it prior to agreement upon a single arbitrator, a three man board of arbitration rather than a single arbitrator shall be constituted. This board shall consist of a chairman who shall be agreed upon in exactly the same manner as the single arbitrator above provided for, a representative chosen by the Union, and a representative chosen by the Coal Mines Administrator.

The arbitrator or the board of arbitration shall render in writing a decision which shall be final and conclusively binding upon the parties.

In the event that either party has requested arbitration by a three man board, the majority decision of such a board or, if a majority decision cannot be reached, the decision of the chairman shall be final and conclusively binding upon the parties.

11. *Discharge cases.* When a supervisory employee has been discharged from his employment and he believes that he has been unjustly dealt with, it shall be a case arising under the method of settling disputes provided in section 10 of this agreement. If, in any discharge case, it should be decided that an injustice has been dealt the supervisory employee, he shall be reinstated with or without back pay, in whole or in part, *Provided, however,* That any such case shall be taken up and disposed of within five (5) days from the date of discharge or as soon thereafter as possible.

12. *Wages.* Practice, as of the date of execution of this agreement, with respect to wages and hours of supervisory employees shall be continued in effect, except as such

practice may be changed in accordance with section 17 of this agreement.

13. *Legal rights preserved.* (a) This agreement, direction of the Coal Mines Administrator hereunder, or compliance therewith by the management, shall in no sense be viewed as a waiver by the affected coal company or the Union of such rights as may be possessed by them including the right to a final judicial determination of the rights of supervisors under the National Labor Relations Act.

(b) The Union agrees that, in accordance with the procedure of the National Labor Relations Board, it will file as soon as practicable (but in no event later than 10 days after it receives a written notice from the Coal Mines Administrator to do so) a charge of refusal to bargain against Pennsylvania Coal and Coke Corporation to the end that that company may have an opportunity to obtain a final judicial determination of the rights of supervisors at its mines under the National Labor Relations Act.

14. *Responsibilities of supervisory employees to management.* Supervisory employees shall at all times conduct themselves in a manner wholly consistent with the proper performance of the duties assigned to them. They shall not engage in any conduct which would directly or indirectly impair the lawful position of management in its relationship to any person or persons whose work is directed by management or any union which may represent such person or persons. The Union will use its best efforts to assure that the provisions of this section of the agreement are observed by the supervisory employees.

15. *Safety laws.* Nothing in this agreement shall be construed to modify existing obligations of the supervisory employees to conform to the requirements of applicable state or Federal safety laws or rules.

16. *Changes in law.* In the event that legislation, ultimate court decision, or action of the National Labor Relations Board nullifies or reverses the ruling of said Board in Case No. 6-R-1211, the Coal Mines Administrator reserves the right, on such notice as he may deem appropriate, to terminate this agreement. The Union reserves the same right.

In the event that legislation, ultimate court decision, or action of the National Labor Relations Board modifies the ruling of said Board in Case No. 6-R-1211, the Coal Mines Administrator and the Union agree that further discussion shall be had looking toward appropriate modification of this agreement. In the event that such modification is not agreed upon within what he may deem to be a reasonable time, the Coal Mines Administrator reserves the right to terminate this agreement on such notice as he may deem appropriate. The Union reserves the same right.

17. *General change in hours or wages or other monetary considerations of employment.* The parties to this agreement agree to meet in the city of Washington, D. C., within ten days of the date of execution of any agreement effecting a general change in the hours or wages or other monetary considerations of employment of rank and file employees in the mines specified above, for the purpose of negotiating a general change in the hours or wages or other monetary considerations of employment of supervisory employees.

Any change in the hours or wages or other monetary considerations of employment of supervisory employees, which is negotiated in accordance with the provisions of this section, shall be effective as of the effective date of the general change in the hours or wages or other monetary considerations of employment of rank and file employees which it is designed to accompany.

18. *Effective date.* This agreement is effective as of April 26, 1947, subject to the approval of appropriate Government agencies.

Signed at Washington, D. C., on the 26th day of April 1947.

N. H. COLLISON,
Coal Mines Administrator.
JOHN MCALPINE,
President, The United Clerical, Technical, and Supervisory Employees of the Mining Industry, Division of District 50, United Mine Workers of America.

Approved:

J. A. KRUG,
Secretary of the Interior
JOHN L. LEWIS,
President,
United Mine Workers of America.

[F. R. Doc. 47-5605; Filed, June 12, 1947; 8:56 a. m.]

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Regulations, Part 522—Regulations Applicable to the Employment of Learners.

San Juan Glove Corporation, San Juan, Puerto Rico; to employ one hundred and eighty (180) learners in the manufacture of machine-sewn fabric gloves, as follows: 50 learners in inserting, 45 learners in kiling, 50 learners in closing, and 35 learners in tip-seaming at not less than 22 cents an hour for the first 160 hours and not less than 32 cents an hour for the next 160 hours with respect to the operations of inserting, kiling, and closing; and not less than 27 cents an hour for the first 200 hours with respect to the operation of tip-seaming.

For every hour worked after the completion of the foregoing learning periods, the employees must be paid not less than the minimum established by any applicable wage order that may be in effect at the time of the completion of the learning period. The certificate is effective April 25, 1947, and expires April 24, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

Signed at Washington, D. C. this 3d day of June 1947.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 47-5604; Filed, June 12, 1947; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-729]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 10, 1947

Notice is hereby given that, on June 9, 1947, the Federal Power Commission issued its findings and order entered June 6, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5598; Filed, June 12, 1947; 8:49 a. m.]

[Docket No. G-747]

NORTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 10, 1947.

Notice is hereby given that, on June 9, 1947, the Federal Power Commission issued its findings and order entered June 6, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5599; Filed, June 12, 1947; 8:50 a. m.]

[Docket No. IT-6064]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

JUNE 9, 1947

Notice is hereby given that on June 9, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Sierra Pacific Power Company, a corporation organized under the laws of the State of Maine and doing business in the States of California and Nevada with its principal business office at Reno, Nevada, seeking an order authorizing it to issue promissory notes payable to the Bank of America, San Francisco, California, First National Bank of Nevada, Reno, Nevada, and to such other banks, as shall be determined by the officers of the applicant, up to but not exceeding $1,000,000 (including $475,000 face amount issued up to June 3, 1947). Said notes will be payable on demand and will mature in six months from the date of issuance, bear interest at the rate of 2% per annum, and be subject to prepayment at the option of the applicant at the face amount thereof at any time; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 28th day of June 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5597; Filed, June 12, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 207]

RECONSIGNMENT OF TOMATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., June 7, 1947, by E. E. Fadler Co., of car PFE 38631, tomatoes, now on the Mo. Pac. Ry., to Cincinnati, Ohio. (B&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5595; Filed, June 12, 1947; 8:49 a. m.]

[S. O. 396, Special Permit 208]

RECONSIGNMENT OF LEMONS AT DALLAS, TEX.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Dallas, Tex., June 9, 1947, by California Citrus Coop., of car SFRD 26000, lemons, now on the T&P to Chicago, Ill. (MKT-Wab).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of June, 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5596; Filed, June 12, 1947; 8:49 a. m.]

[S. O. 756]

UNLOADING OF COMMODITIES AT NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of June A. D. 1947.

It appearing, that 3 cars containing various commodities at New York, New York, on The New York, New Haven and Hartford Railroad Company (Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees), have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Commodities at New York, N. Y., be unloaded.* The New York, New Haven and Hartford Railroad Company (Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees) its agents or employees, shall unload immediately the following cars, loaded with various commodities, now on hand at New York, New York:

Initial, Number, Contents, and Consignee

NH, 30272, Cartons of sardines, Arthur Harris.
CNW, 63104, Boxed outboard motors, E. I. Bruns Co.
Erie, 76909, Building paper, Walker Goulard Plehn.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 12, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5594; Filed, June 12, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-544]

INDUSTRIAL ELECTRICA MEXICANA, S. A.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of June 1947.

Notice is hereby given that Industrial Electrica Mexicana, S. A. ("Industrial"), a Mexican corporation and an electric utility company, has filed with this Commission an application and an amendment thereto pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 requesting an exemption from all obligations, duties or liabilities arising under said act which would otherwise attach to it as a direct subsidiary of Hydro-Electric Securities Company ("Hydro") and as an indirect subsidiary of California Electric Power Company ("California").

Notice is further given that any interested person may, not later than June 20, 1947 at 5:30 p. m., e. d. s. t., request the

Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after said date said application, as filed or as amended, may be granted.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the allegations therein contained, which are summarized as follows:

Industrial was incorporated in 1944 pursuant to the laws of the Republic of Mexico for the purpose of acquiring and operating the electric utility properties of Southern Sierras Power of Mexico, S. A. ("Southern Sierras"), a former subsidiary of Hydro, and the electric utility properties of Compania de Luz Electrica de Mexicali, S. A. ("Mexicali"), a nonaffiliated company. The Mexicali properties, which were acquired by Industrial in 1944, consisted of an electric distribution system in the Municipality of Mexicali. The properties of Southern Sierras, which were acquired by Industrial in 1945, consisted of similar properties in the Northern Territory of Lower California and in the State of Sonora. All of the properties so acquired are located within the Republic of Mexico, and the business of Industrial is that of supplying electric energy to customers in the said areas in that country. Industrial has no generating facilities, deriving its entire supply of electric energy from its ultimate parent, California.

California, which was formerly a registered holding company, was, by order of this Commission dated December 10, 1936, declared to have ceased to be a holding company by virtue of having acquired the assets of all its public utility companies operating within the United States, retaining Southern Sierras as its only then remaining public utility subsidiary. Southern Sierras was at that time in an exempt status pursuant to former Rule U-3E-2. Thereafter, by order of this Commission entered August 21, 1941, Southern Sierras was granted an exemption pursuant to section 3 (b) of the act as a subsidiary of Hydro and of California. The application states that no major change has taken place in the character of the business then operated by Southern Sierras and now operated by Industrial, with the exception of normal growth and the addition of the properties of Mexicali. Industrial therefore asserts that it is entitled to the same exemption as that previously granted to Southern Sierras.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5578; Filed, June 12, 1947; 8:47 a. m.]

[File Nos. 54-113, 59-78, 70-1015]

LOUISVILLE GAS AND ELECTRIC CO. AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING AND ORDER RECONVENING HEARING IN CONSOLIDATED PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of June 1947.

In the matter of Louisville Gas and Electric Company (Delaware), File No. 54-113; Standard Gas and Electric Company, File No. 70-1015; Louisville Gas and Electric Company (Delaware), Respondent, File No. 59-78.

I. Notice is hereby given that Louisville Gas and Electric Company, a Delaware corporation (hereinafter referred to as Louisville of Delaware), a registered holding company and a subsidiary of Standard Gas and Electric Company (hereinafter referred to as Standard Gas), also a registered holding company, has filed its Second Amended Plan dated May 22, 1947 (hereinafter sometimes referred to as the Plan) pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (act) stated to be for the liquidation of Louisville of Delaware to enable such Company to comply with the provisions of section 11 (b) of the act. Louisville has filed an application for approval of said Plan, and has stated that said Plan supersedes its previously pending Original Plan and Amended Plan.

All interested persons are referred to the Plan which is on file at the office of the Commission for a statement of the provisions therein contained which may be summarized as follows:

Louisville of Delaware owns 883,161 shares of the 1,033,839 outstanding shares of common stock of Louisville Gas and Electric Company, a Kentucky corporation (hereinafter referred to as Louisville of Kentucky). Of the remaining shares of common stock of Louisville of Kentucky, 124,306 shares are owned by Standard Gas and 26,372 shares are held by the general public. In addition to its holdings of Louisville of Kentucky common stock, Louisville of Delaware also had net current assets as of March 31, 1947, of approximately $936,000. Louisville of Delaware has outstanding 600,374 shares of Class A common stock and 300,949 shares of Class B common stock, all of which are without par value, and has no liabilities other than current liabilities.

Louisville of Delaware proposes to invest substantially all of its net current assets (other than an amount required for fees and expenses) in 34,864 additional shares of common stock of Louisville of Kentucky and to distribute its entire holdings of such common stock (918,025 shares) on the following basis:

For each share of Class A common stock: 1 1/4 shares of Louisville of Kentucky common stock.

For each share of Class B common stock: 0.913 share of Louisville of Kentucky common stock.

It is not contemplated that fractional shares of Louisville of Kentucky common stock will be delivered. In lieu thereof, Louisville of Delaware will pay to each stockholder cash at the rate of $25 per share for any fractional shares of Louisville of Kentucky common stock to which the stockholder may be entitled on the above basis. Any additional cash required by Louisville of Delaware for such payments will be procured by the sale to Standard Gas at $25 per share of the shares of Louisville of Kentucky common stock which would otherwise be distributed as fractional shares. Standard Gas which owns 93.9% of the Class B common stock of Louisville of Delaware has advised the latter Company of its willingness to make such purchase.

The Plan also proposes that Louisville of Delaware will use its best efforts to cause Louisville of Kentucky to file an application with the New York Stock Exchange for the listing of the Louisville of Kentucky common stock prior to or promptly after consummation of the Plan.

Upon consummation of the Plan it is proposed that Louisville of Delaware will be dissolved.

Louisville of Delaware has requested that in the event the Plan is approved by this Commission application be made to an appropriate United States District Court to enforce and carry out the terms and provisions of the Plan. The Plan does not provide for the vote or consent of stockholders of Louisville of Delaware; upon the entry of a final decree of the Court, the provisions of the Plan will become binding upon all stockholders.

II. The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected by such plan; and

The Commission having previously held hearings in these consolidated proceedings with respect to the issues presented under section 11 (b) (2) (File No. 59-78), and concerning the Original Plan date November 3, 1944, and the Amended Plan dated May 16, 1946 both filed by Louisville of Delaware (File No. 54-113), and upon the application-declaration filed by Standard Gas and Electric Company to carry out certain transactions in connection with said plans (File No. 70-1015), and evidence having been received concerning the foregoing matters and plans, and it appearing that the issues presented by the Second Amended Plan (also filed herein in File No. 54-113), are related to and contain common questions of law and fact with respect to the issues presented by the aforesaid matters as to which evidence was previously received, and it therefore appearing that the said Second Amended Plan should be heard in the same consolidated proceedings and that the evidence previously taken in said proceedings should be considered in connection with said Second Amended Plan, subject to the right of any person to present such additional evidence as may be relevant and material, and that accordingly the hearing in these consolidated proceedings should be reconvened for the purpose of receiving evidence upon said Second Amended Plan and for the purpose of considering what order should be entered or other action taken pursuant to section 11 (b) (2) and with respect to said Second Amended Plan;

It is ordered, That the hearing in these consolidated proceedings pursuant to section 11 (b) (2) and section 11 (e) is hereby reconvened, and shall be held, for the purposes hereinbefore and hereinafter set forth, pursuant to the applicable provisions of the act and the rules and regulations provided thereunder, on the 30th day of June 1947, at 10:00 a. m., e. d. s. t., in the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as shall be designated on that day by the hearing room clerk in Room 318. Persons desiring to be heard should notify the Secretary of the Commission in accordance with Rule XVII of the Commission's rules of practice not later than two days prior to the date of said hearing. At said hearing there will be considered any issues presented pursuant to section 11 (b) (2) and with respect to said Plan pursuant to section 11 (e), and whether the Plan complies with the standards of section 11 (e). In connection with the Plan particular attention will be directed to the following matters and questions:

(a) Whether the Plan, as submitted or as it may be modified, is necessary to effectuate the provisions of section 11 (e) of the act and is fair and equitable to the persons affected thereby;

(b) Whether the proposed allocation of common stock of Louisville of Kentucky as between public holders of Class A and Class B common stocks of Louisville of Delaware and as between such public holders and Standard Gas, which holds Class B common stock of Louisville of Delaware, is fair and equitable;

(c) Whether the transactions proposed in such Plan comply with all the requirements and applicable provisions of the act and rules and regulations promulgated thereunder;

(d) Whether and to what extent the Plan should be modified or terms or conditions imposed to insure adequate protection of the public interest and the interests of investors and consumers in compliance with all applicable provisions of the act;

(e) Whether the fees and expenses proposed to be paid in connection with the said Plan and all transactions incidental thereto are for necessary services and are reasonable in amount;

It is further ordered, That at said hearing the evidence previously taken in these consolidated proceedings shall be considered in connection with the matters to be heard pursuant to this order, subject to the right of interested persons to introduce any further relevant and material evidence.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That notice of this hearing shall be given to Louisville Gas and Electric Company (Delaware), Louisville Gas and Electric Company (Kentucky), Standard Gas and Electric Company, the Public Service Commission of Kentucky, the Mayor of Louisville, Kentucky, and to all persons who have previously appeared herein, by registered mail, and to all other persons by publication in the FEDERAL REGISTER and by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the act; and

It is further ordered, That Louisville Gas and Electric Company (Delaware) shall give notice of this hearing to all of the holders of its capital stock (in so far as the identity of such holders is known or available to said Company) by mailing a copy of this order and notice to such holders at least 15 days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5575; Filed, June 12, 1947; 8:46 a. m.]

[File No. 70-721]

NEW YORK WATER SERVICE CORP. AND FEDERAL WATER AND GAS CORP.

ORDER PERMITTING WITHDRAWAL OF APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of June A. D. 1947.

Federal Water and Gas Corporation ("Federal"), a registered holding company, and New York Water Service Corporation ("New York"), formerly a subsidiary of Federal, having heretofore filed a joint application-declaration, and amendments thereto, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder, proposing the donation by Federal, as owner of all the then outstanding common stock of New York (26,015 shares of $100 par value common stock) to New York of 20,515 shares of said stock; and

The Commission having by orders dated November 12, 1946 and January 31, 1947, approved a plan for the recapitalization of New York, pursuant to which no participation was accorded to all the then outstanding common stock of New York held by Federal; and the District Court of the United States for the Southern District of New York having on February 7, 1947, entered an order approving and enforcing said recapitalization plan; and

Federal and New York having requested that they be permitted to withdraw said application-declaration, as amended, and it appearing to the Commission that the withdrawal of said application-declaration, as amended, is consistent with the public interest;

It is ordered, That the request of Federal and New York be, and the same hereby is, granted, and that said application-declaration, as amended, is hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5580; Filed, June 12, 1947; 8:48 a. m.]

[File No. 70-1389]

TOLEDO EDISON CO. AND CITIES SERVICE CO.

ORDER PERMITTING APPLICATIONS AND DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of June 1947.

Cities Service Company (Cities), a registered holding company, and its subsidiary, The Toledo Edison Company (Toledo), having filed applications and declarations and amendments thereto, pursuant to sections 6 (b), 9 (a), 10, 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder with respect to:

(a) The issuance and sale by Toledo, pursuant to the competitive bidding provisions of Rule U-50, of (1) $32,000,000 principal amount of First Mortgage Bonds ____% Series due 1977, and (2) 160,000 shares of $100 par value ____% Cumulative Preferred Stock;

(b) The issuance and sale by Toledo to The Chase National Bank of the City of New York of $4,500,000 principal amount of its Bank Loan Notes bearing interest at the rate of 2% per annum and maturing in equal semi-annual installments over a period of 10 years;

(c) The capital contribution by Cities to Toledo of $5,300,000 in cash and the donation of $13,300 par value of outstanding Preferred Shares of Toledo owned and held by Cities;

(d) The amendment by Toledo of its Articles of Incorporation regarding the authorization of the New Preferred Stock and the exchange of the outstanding 1,387,500 Shares of no par value Common Stock into 2,775,000 shares of $5 par value Common Stock and the increase of the authorized number of shares of Common Stock from 1,500,000 shares with no par value to 5,000,000 shares with a par value of $5 per share;

(e) The acquisition by Cities of the $5 par value shares of Common Stock to be issued by Toledo in exchange for the outstanding no par value Common Shares of Toledo now held by Cities; and

(f) The use by Toledo of the proceeds of the sale of its New Bonds, New Preferred Stock and Bank Loan Notes, together with such portion as may be necessary of the capital contribution Toledo is to receive from Cities, to redeem and retire (1) its presently outstanding $30,000,000 principal amount of First Mortgage Bonds, 3 1/2% series due 1968 at 104 1/4% of the principal amount, (2) its outstanding $3,000,000 principal amount of First Mortgage Bonds, 3 1/4% series due 1970 at 104 3/4% of the principal amount, (3) its outstanding $4,713,000 principal amount of 3 1/2% Sinking Fund Debentures due 1960 at 103% of the principal

amount and (4) its outstanding $16,123,100 par value of Preferred Shares of various series at the redemption prices applicable thereto.

A public hearing having been held, after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said applications and declarations, as amended, regarding the transactions summarized above be, and the same hereby are, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and the further condition that the proposed issue and sale of said First Mortgage Bonds, and Preferred Stock by Toledo shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5576; Filed, June 12, 1947; 8:46 a. m.]

[File No. 70-1537]

COLUMBIA GAS & ELECTRIC CORP., BINGHAMTON GAS WORKS

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of June 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its wholly-owned subsidiary, Binghamton Gas Works ("Binghamton"). Applicants-declarants have designated sections 6 (b), 9, 10 and 12 of the act and Rules U-42 and U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 18, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 18, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

(a) Binghamton will amend its Certificate of Incorporation so as to (1) eliminate its 3,479 shares of authorized but unissued preferred stock; (2) increase its authorized capital from $675,000 to $1,875,000; (3) increase and reclassify its authorized common stock from 45,000 shares without par value to 75,000 shares having a par value of $25 per share; and (4) reclassify its 45,000 shares of outstanding common stock without par value into 27,000 shares of common stock, $25 par value.

(b) Binghamton will issue and sell to Columbia 40,800 shares of new common stock at the par value thereof or $1,020,000 and $800,000 principal amount of 3¼% Installment Promissory Notes. The proceeds from the sale of such securities will be use by Binghamton, together with $2,845 of treasury funds, to retire its $275,737 principal amount of 5% loans and $1,547,108 principal amount of 6% notes, all held by Columbia.

(c) Binghamton will issue and sell to Columbia an additional $1,000,000 principal amount of 3¼% notes, the proceeds of which will be used by Binghamton to reimburse its treasury for amounts previously expended for construction and to provide funds during 1947 for its construction program and the acquisition of plant supplies.

The notes to be issued by Binghamton to Columbia are to be unsecured and non-negotiable. The principal amounts thereof are to be payable in equal annual installments on August 15 of each of the years 1950 to 1974, inclusive. Interest on the unpaid principal thereof is to be payable semi-annually on February 15 and August 15. The $1,000,000 principal amount of notes to be issued by Binghamton for construction purposes are to be issued at such time and in such amounts as funds are required in connection therewith but none of such notes will be issued and sold subsequent to December 31, 1947.

Applicants-declarants state that the Public Service Commission of New York has jurisdiction over the transactions relating to the issue and sale of new common stock and 3¼% notes by Binghamton and that the order of approval of such Commission will be supplied by amendment.

Applicants-declarants have requested that the order of the Commission granting and permitting the application-declaration to become effective with respect to transactions (a) and (b) above conform to the provisions of sections 371, 373 and 1808 (f) of the Internal Revenue Code and contain the terms and recitals provided for in said sections.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5579; Filed, June 12, 1947; 8:47 a. m.]

[File No. 70-1543]

AMERICAN WATER WORKS AND ELECTRIC CO., INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of June A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder by American Water Works and Electric Company, Incorporated ("American"), a registered holding company.

Notice is further given that any interested person may not later than June 23, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th & Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 23, 1947 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized below:

American proposes to make a capital contribution of $335,000 in cash to its subsidiary, Huntington Water Corporation ("Huntington"). American owns all of the issued and outstanding common stock of Huntington, consisting of 10,000 shares, no par value. The proposed capital contribution is to be added by American to its investment in the common stock of Huntington and is to be credited by Huntington to its capital surplus.

Huntington is to use this cash, together with other funds, to carry out a proposed construction program made necessary by increased demands for water service. It is estimated that the total cost of such construction program during the year 1947 is to be $645,000. It is represented that no expenses are to be incurred in connection with the proposed transaction.

The filing requests that the Commission's order permitting the declaration to become effective be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5581; Filed, June 12, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 7579, Amdt.]

PACIFIC SODA WORKS, LTD., ET AL.

In re: Claims against Pacific Soda Works, Limited, owned by Umakichi Imai and others. D-39-17461-D-1.

Vesting Order 7579, dated September 5, 1946, is hereby amended as follows and not otherwise:

By deleting therefrom, Exhibit A attached thereto and made a part thereof and substituting therefor Exhibit A attached hereto and made a part hereof;

All other provisions of said Vesting Order 7579 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and Amount of Claim as of August 16, 1945 Against Pacific Soda Works, Limited

Umakichi Imai	$23.00
Yoichi Kamite	20.00
Shimoku Hasuike	10.00
Jewtaro Doi	1.00
Hikozo Nishikawa	3.40
Michihei Nakamura	20.00
Kiyoshi Nagata	6.00
Kichijiro Oshima	4.00
Yaraku Saiki	10.00
Total	97.40

[F. R. Doc. 47-5625; Filed, June 12, 1947; 8:50 a. m.]

[Vesting Order 7917, Amdt.]

MARY ARPTEN DAMBACH

In re: Stock and bonds owned by Mary Arpten Dambach, also known as Mary Arfstein Damback and as Mary Dambach. F-28-2115-A-1.

Vesting Order 7917, dated December 16, 1946, is hereby amended as follows and not otherwise:

By deleting Exhibit A, attached thereto and by reference made a part thereof, and substituting therefor Exhibit A, attached hereto and by reference made a part hereof;

By deleting Exhibit B, attached thereto and by reference made a part thereof, and substituting therefor Exhibit B, attached hereto and by reference made a part hereof.

All other provisions of said Vesting Order 7917 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Par value	Type of stock	Number of shares	Certificate No.
Central Electric & Telephone Co., Sioux Falls Gas Bldg., Sioux Falls, S. Dak.	Delaware	$1.00	Common	100	C. C. 3007.
Do	do	1.00	do	6	C. C. 8365
Do	do	1.00	do	5	C. C. 5610
Do	do	50.00	Preferred	18	C. P. C. 3226.
Do	do	1.00	Common	30	C. C. 1484
American Business Shares, Inc., 1 Exchange Pl., Jersey City, N. J.	do	1.00	do	380	73152.
Calcasieu Building & Loan Association, Lake Charles, La	Louisiana	100.00	do	3	5227
Do	do	100.00	do	7	3171
Paramount Pictures, Inc., 1501 Broadway, New York, N. Y.	New York	1.00	do	100	T. 32885.
Do	do	1.00	do	100	T. 32886
Do	do	1.00	do	3	T. C. 21315.
Murray Brooks Hardware Co., Ltd., Lake Charles, La	Louisiana	100.00	do	10	166
Do	do	100.00	do	10	162
Do	do	100.00	do	10	291
Do	do	100.00	do	5	335
Fox St. Louis Properties, Inc., St. Louis Mo.	Missouri	No par	Preferred	30	P 283.
Do	do	No par	Common	30	C 286.
Bethlehem Steel Corp., 100 West 10th St., Wilmington, Del.	Delaware	100.00	Preferred	20	S 25161.
General Public Utilities Corp., 60 Broadway, New York 6, N. Y.	New York	5.00	Common	100	C. 60122
Do	do	5.00	do	78	T. 35201.

EXHIBIT B

Number of bonds and description of issue	Face value	Nos.	Number of bonds and description of issue	Face value	Nos.
Two (2) 5 percent Missouri, Kansas-Texas R. R. Co. bonds	$1,000	M 7707, M 7708	Four (4) 2½ percent United States of America bonds	$1,000	212058I, 212059K, 212860H, 212861A.
One (1) 5 percent The Philadelphia & Reading Coal & Iron Co. bond	1,000	M. 16591	One (1) 2½ percent United States of America bond	1,000	212041D.
Three (3) 6 percent Chicago, North Shore & Milwaukee R. R. Co. bonds, series A	1,000	M 4562, M 4564, M 4565.	Two (2) 2½ percent United States of America bonds	1,000	152629K, 153630I.
			Two (2) 2½ percent United States of America bonds	1,000	40602L, 40603A.
			Three (3) 2½ percent United States of America bonds	1,000	41549K, 41550L, 41551A.
Four (4) 5½ percent Missouri, Pacific R. R. Co. bonds	1,000	T. 306, T. 317, T. 406, T. 507	Two (2) 2½ percent United States of America bonds	1,000	37107H, 37108I.
			Three (3) 2½ percent United States of America bonds	1,000	43065E, 111643A, 80222B
Six (6) 2½ percent Calcasieu Parish Road District No. 6 bonds	500	38, 39, 44, 45, 46, 47.			
One (1) 2½ percent East Baton Rouge Sewerage District No. 6 bond	1,000	179.	Two (2) 6½ percent United States of Brazil external sinking fund bonds.	500	M 14290, M 14291
One (1) 5 percent St. Francisville Sewerage District No. 1 bond	500	26.	Two (2) 6½ percent United States of Brazil external sinking fund bonds.	500	D 14274, D 14275.
One (1) 2 percent Terrebonne Parish, La. bond	1,000	582	Two (2) 7 percent United States of Brazil, central electrification bonds	1,000	M 23476, M 23479.
One (1) 3½ percent Louisiana highway bond, series T	1,000	2858.	One (1) 5 percent United States of Brazil bond	1,000	M 14583.
One (1) 5 percent Louisiana highway bond, series A	1,000	9601	One (1) 5 percent United States of Brazil fractional scrip certificate 20-year funding bond of 1961	5	F. 9273.
One (1) 5 percent Louisiana highway bond, series F	1,000	13490			
Two (2) 2½ percent United States of America bonds	10,000	24180J, 24349K	One (1) 6 percent Republic of Chile external sinking fund bond.	1,000	M 25454

[F. R. Doc. 47-5626; Filed, June 12, 1947; 8:50 a. m.]

[Vesting Order 8145, Amdt.]

AKIRA UMEMOTO ET AL.

In re: Debts owing to Akira Umemoto and others.

Vesting Order 8145, dated January 31, 1947, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the description of the last two debts appearing opposite the name George Y. Wada, and substituting therefor the following:

Fixed Deposit Certificate Number 65100.
Fixed Deposit Certificate Number 65101.

All other provisions of said Vesting Order 8145 and all actions taken by or on

behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5627; Filed, June 12, 1947; 8:50 a. m.]

[Vesting Order 8449, Amdt.]

R. FUESS

In re: Stock owned by R. Fuess.

Vesting Order 8449, dated March 17, 1947, is hereby amended as follows and not otherwise:

By deleting the word "Eighty-two (82)" from subparagraph 2 of said Vesting Order 8449 and substituting therefor the word "Eighty-three (83)."

All other provisions of said Vesting Order 8449 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5628; Filed, June 12, 1947; 8:50 a. m.]

[Vesting Order 9022]

AUGUST RIECK

In re: Debt owing to August Rieck.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Rieck, whose last known address is Adelmannsfelder Württemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to August Rieck, by American Express Company, 65 Broadway, New York 6, New York, in the amount of $300.00, as of December 7, 1945, and any and all accruals thereto, evidenced by fifteen (15) travelers checks, numbered B21,111,455 to B21,111,469, both numbers inclusive, issued by said American Express Company, 65 Broadway, New York 6, New York, and presently in the possession of the Attorney General of the United States, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid travelers checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5615; Filed, June 12, 1947; 8:49 a. m.]

[Vesting Order 9032]

TSURUYE TOYODA ET AL.

In re: Debts owing to Tsuruye Toyoda and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each person whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of the deposit certificates described opposite the names of said persons in Exhibit A, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name of creditor	Description of deposit certificate	Amount, as of Dec. 31, 1945	File No.	Name of creditor	Description of deposit certificate	Amount, as of Dec. 31, 1945	File No.
Tsuruye Toyoda	Fixed deposit certificate No. 68615	$2,502 48	D-39-17851-E-1.	Akino Enomoto	Fixed deposit certificate No. 68266	$62 02	F-39-3849-E-1.
Kokichi Shimabuku	Fixed deposit certificate No. 68675	65 00	D-39-17503-E-1.	Masami Kondo	Demand deposit certificate No. 61661.	105 85	F-39-3850-E-1.
Fumiko Nakamura	Demand deposit certificate No. 61674.	300 00	F-39-3848-E-1.	Hiroichi Yamane	Fixed deposit certificate No. 68366	700 00	F-39-3851-E-1.

[F. R. Doc. 47-5616; Filed, June 12, 1947; 8:49 a. m.]

[Vesting Order 9043]

MARY DAMBACH

In re: Cash and stock owned by Mary Dambach, also known as Mary Christine Dambach. F-28-2115-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Dambach, also known as Mary Christine Dambach, whose last known address is Bad Durkheim, Rheinpfalz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Cash in the sum of $2,004.34, presently in the possession of the Attorney General of the United States in account number 28-20582,

b. Seventeen (17) shares of $7.50 par value common capital stock of South Carolina Electric & Gas Company, 328 Main Street, Columbia, South Carolina, a corporation organized under the laws of the State of South Carolina, evidenced by certificate number TNO 8092, registered in the name of Mary Christine Dambach, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

c. 800 1000 of one (1) share of $7.50 par value common capital stock of South Carolina Electric & Gas Company, 328 Main Street, Columbia, South Carolina, a corporation organized under the laws of the State of South Carolina, evidenced by scrip certificate number FS 5938, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon, and

d. 80 100 of one (1) share of $5.00 par value common capital stock of General Public Utilities Corporation, 61 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by scrip certificate number SC-3068, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5617; Filed, June 12, 1947; 8:49 a. m.]

[Vesting Order 9098]

HEISAKU TOYODA

In re: Debts owing to Heisaku Toyoda. D-39-17853-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heisaku Toyoda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Heisaku Toyoda by the Superintendent of Banks of the State of California, and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, % State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $1,000, as of December 31, 1945, arising out of Fixed Deposit Certificate Number 69340, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Heisaku Toyoda by the Superintendent of Banks of the State of California, and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, % State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $2,000, as of December 31, 1945, arising out of Fixed Deposit Certificate Number 69446, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5618; Filed, June 12, 1947; 8:49 a. m.]

[Vesting Order 9107]

L. HEUMANN & CO., INC.

In re: Stock of L. Heumann & Co., Inc., owned by Ilse Maria Martha Soldan, Nee Pfaller.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilse Maria Martha Soldan, nee Pfaller, whose last known address is 18-26 Heideloffstrasse, Nuremberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Eight hundred and seventy-six (876) shares, evidenced by certificate numbered 41 and twenty-four (24) shares, evidenced by certificates numbered 37 and 38, of $100 par value capital stock of L. Heumann & Co., Inc., a New York corporation in dissolution, registered respectively in the name of Alexander Dencks and Max Fischer, together with all declared and unpaid dividends thereon and all rights and interests represented by ownership of the said shares, including all rights and interests in the assets of the said corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5619; Filed, June 12, 1947; 8:49 a. m.]

[Vesting Order 9111]

SUNAYE NAKAMURA

In re: Debt owing to Sunaye Nakamura, also known as Sunae Nakamura. D-39-828-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sunaye Nakamura, also known as Sunae Nakamura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Sunaye Nakamura, also known as Sunae Nakamura, by the Superintendent of Banks of the State of California, and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $4,042.55, as of December 31, 1945, arising out of Fixed Deposit Certificate Number 68846, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5620; Filed, June 12, 1947; 8:49 a. m.]

[Vesting Order 9114]

ADOLF RIST

In re: Stock owned by Adolf Rist. F-28-8831-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Rist, whose last known address is Karlsruhe 1B, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five Hundred (500) shares of No par value common capital stock of The National Cash Register Company, Main and K Streets, Dayton 9, Ohio, a corporation organized under the laws of the State of Maryland, evidenced by a certificate numbered 5, registered in the name of Adolf Rist, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5621; Filed, June 12, 1947; 8:50 a. m.]

[Vesting Order 9115]

DR. HANS RUMMEL

In re: Debt owing to Dr. Hans Rummel, also known as Dr. J. Todd. F-28-12431-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Hans Rummel, also known as Dr. J. Todd, whose last known address is Winifred Wagener Hospital, Bayreuth, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Seven (7) United States Treasury 2½s 1956-59 Bonds, each of $10,000 face value, bearing the numbers 26443C, 38551A, 38550L, 38549K, 38548J, 38547H, and 38546F, in bearer form, presently in the custody of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, New York, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation owing to Dr. Hans Rummel, also known as Dr. J. Todd, by Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, New York, in the amount of $2,738.29, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5622; Filed, June 12, 1947; 8:50 a. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

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Washington, Saturday, June 14, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 122]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.348 *Orange Regulation 122*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 16, 1947, and ending at 12:01 a. m., e. s. t., June 23, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 11th day of June 1947.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 47-5665; Filed, June 13, 1947; 8:48 a. m.]

[Lemon Reg. 225, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.332 *Lemon Regulation 225, as amended*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons

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FEDERAL REGISTER

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to the

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which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* Lemon Regulation 225 (12 F. R. 3731) is hereby amended as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 8, 1947, and ending at 12:01 a. m., P. s. t., June 15, 1947, is hereby fixed at 700 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 225 (12 F. R. 3731) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5693; Filed, June 13, 1947; 9:28 a. m.]

[Lemon Reg. 226]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.333 *Lemon Regulation 226*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 15, 1947, and ending at 12:01 a. m., P. s. t., June 22, 1947, is hereby fixed at 700 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 225 (12 F. R. 3731) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5962; Filed, June 13, 1947; 9:28 a. m.]

[Orange Reg. 182]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.328 *Orange Regulation 182*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 15, 1947, and ending at 12:01 a. m., P. s. t., June 22, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1900 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, no movement; and (*c*) Prorate District No. 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order (48

Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 12th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. June 15, 1947, to 12:01 a. m. June 22, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0674
A. F. G. Fullerton	.8452
A. F. G. Orange	.6394
A. F. G. Redlands	.2379
A. F. G. Riverside	.1262
A. F. G. San Juan Capistrano	.8399
A. F. G. Santa Paula	.3934
Corona Plantation Co	.2439
Hazeltine Packing Co	.3740
Signal Fruit Association	.0814
Azusa Citrus Association	.4721
Azusa Orange Co., Inc	.1413
Damerel-Allison Co	.8984
Glendora Mutual Orange Association	.3881
Irwindale Citrus Association	.3807
Puente Mutual Citrus Association	.1941
Valencia Heights Orchards Association	.4279
Glendora Citrus Association	.3545
Glendora Heights Orange and Lime Growers Association	.0769
Gold Buckle Association	.5768
La Verne Orange Association	.6571
Anaheim Citrus Fruit Association	1.2812
Anaheim Valencia Orange Association	1.2707
Eadington Fruit Co	2.0137
Fullerton Mutual Orange Association	1.4876
La Habra Citrus Association	1.1739
Orange County Valencia Association	.6274
Orangethorpe Citrus Association	.9652
Placentia Coop. Orange Association	.7290
Yorba Linda Citrus Association, The	.5818
Alta Loma Heights Citrus Association	.0958
Citrus Fruit Growers	.1695
Cucamonga Citrus Association	.1700
Etiwanda Citrus Fruit Association	.0428
Mountain View Fruit Association	.0126
Old Baldy Citrus Association	.1251
Rialto Heights Orange Growers	.0789
Upland Citrus Association	.3980
Upland Heights Orange Association	.1542
Consolidated Orange Growers	1.9094
Frances Citrus Association	1.0834
Garden Grove Citrus Association	1.4223
Goldenwest Citrus Association, The	1.3909
Irvine Valencia Growers	2.3697
Olive Heights Citrus Association	1.6424
Santa Ana-Tustin Mutual Citrus Association	.9816
Santiago Orange Growers Association	3.6427
Tustin Hills Citrus Association	1.8687
Villa Park Orchs. Association, The	1.8005
Bradford Brothers, Inc	.6298
Placentia Mutual Orange Association	1.7751
Placentia Orange Growers Association	2.2627
Call Ranch	.0681
Corona Citrus Association	.4630
Jameson Company	.0369

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Orange Heights Orange Association	0.3737
Break & Son, Allen	.0574
Bryn Mawr Fruit Growers Association	.2687
Crafton Orange Growers Association	.3879
E. Highlands Citrus Association	.0873
Fontana Citrus Association	.0829
Highland Fruit Growers Association	.0515
Krinard Packing Co	.2659
Mission Citrus Association	.1455
Redlands Coop. Fruit Association	.4130
Redlands Heights Groves	.2554
Redlands Orange Growers Association	.2653
Redlands Orangedale Association	.2678
Redlands Select Groves	.1638
Rialto Citrus Association	.1529
Rialto Orange Co	.1524
Southern Citrus Association	.2049
United Citrus Growers	.1477
Zilen Citrus Co	.1033
Arlington Heights Fruit Co	.1029
Brown Estate, L. V. W	.1339
Gavilan Citrus Association	.1567
Hemet Mutual Groves	.1139
Highgrove Fruit Association	.0786
McDermont Fruit Co	.1991
Mentone Heights Association	.0681
Monte Vista Citrus Association	.2261
National Orange Co	.0414
Riverside Heights Orange Growers Association	.0888
Sierra Vista Packing Association	.0594
Victoria Avenue Citrus Association	.1789
Claremont Citrus Association	.1667
College Heights Orange and Lemon Association	.2241
El Camino Citrus Association	.0833
Indian Hill Citrus Association	.2081
Pomona Fruit Growers Exchange	.3950
Walnut Fruit Growers Exchange	.4377
West Ontario Citrus Association	.4074
El Cajon Valley Citrus Association	.3523
Escondido Orange Association	2.4499
San Dimas Orange Growers Association	.5077
Covina Citrus Association	1.0182
Covina Orange Growers Association	.4027
Duarte-Monrovia Fruit Exchange	.2534
Santa Barbara Orange Association	.0517
Ball & Tweedy Association	.6606
Canoga Citrus Association	.8773
N. Whittier Heights Citrus Association	.9508
San Fernando Fruit Growers Association	.4413
San Fernando Heights Orange Association	.9475
Sierra Madre-Lamanda Citrus Association	.4040
Camarillo Citrus Association	1.5033
Fillmore Citrus Association	3.5794
Mupu Citrus Association	2.6678
Ojai Orange Association	.9853
Piru Citrus Association	2.0153
Santa Paula Orange Association	1.0914
Tapo Citrus Association	1.1125
Limoneira Co	.3991
E. Whittier Citrus Association	.4055
El Ranchito Citrus Association	1.3832
Murphy Ranch Co	.4116
Rivera Citrus Association	.5485
Whittier Citrus Association	.6942
Whittier Select Citrus Association	.4673
Anaheim Coop. Orange Association	1.1557
Bryn Mawr Mutual Orange Association	.0895
Chula Vista Mutual Lemon Association	.0922
Escondido Coop. Citrus Association	.3349

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Euclid Avenue Orange Association	0.4237
Foothill Citrus Union, Inc	.0334
Fullerton Coop. Orange Association	.3085
Garden Grove Orange Coop. Inc	.7294
Glendora Coop. Citrus Association	.0543
Golden Orange Groves, Inc	.2781
Highland Mutual Groves	.0669
Index Mutual Association	.2030
La Verne Coop. Citrus Association	1.1889
Olive Hillside Groves	.7549
Orange Coop. Citrus Association	1.0218
Redlands Foothill Groves	.4480
Redlands Mutual Orange Association	.1627
Riverside Citrus Association	.0680
Ventura County Orange and Lemon Association	.9409
Whittier Mutual Orange and Lemon Association	.1755
Babijuice Corp. of Calif	.4714
Banks Fruit Co	.3016
Banks, L. M	.5454
Borden Fruit Co	.6378
California Fruit Distributors	.5246
Cherokee Citrus Co., Inc	.1004
Chess Company, Meyer W	.2707
El Modena Citrus, Inc	.4548
Escondido Avocado Growers	.0554
Evans Brothers Packing Co	.6860
Gold Banner Association	.2827
Granada Hills Packing Co	.0631
Granada Packing House	2.7080
Hill, Fred A	.0769
Inland Fruit Dealers	.0594
Mills, Edward	.1077
Orange Belt Fruit Distributors	1.9670
Panno Fruit Co., Carlo	.1116
Paramount Citrus Association	.4125
Placentia Orchards Co	.4031
Placentia Pioneer Valley Growers Association	.6522
Riverside Growers, Inc	.0966
San Antonio Orchards Co	.4802
Santa Fe Groves Co	.0510
Snyder & Sons Co., W. A	1.0149
Stephens, T. F	.0878
Sunny Hills Ranch, Inc	.1189
Verity & Sons Co., R. H	.0362
Wall, E. T	.1232
Webb Packing Co	.2560
Western Fruit Growers, Inc., Ana	.0493
Western Fruit Growers, Inc., Reds	.6617
Yorba Orange Growers Association	.6312

[F. R. Doc. 47-5691; Filed, June 13, 1947; 9:28 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXEMPTION OF CERTAIN SECURITIES OF COOPERATIVE APARTMENT HOUSES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 15 (a) and 23 (a) thereof, and deeming such action necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors, hereby adopts § 240.15a–2 (Rule X-15A–2). The rule is in the nature of an exemption, and it appears improbable that its adoption will be objectionable to any person. The Commission therefore finds that the preliminary notice and public procedure provided for in section 4 (a) and (b) of the Administrative Procedure Act are unnecessary and declares the rule effective immediately pursuant to section 4 (c) of that act, subject however to reconsideration at the end of 30 days in the event any significant comments or criticisms have then been received with reference to the rule. Such comments or criticisms may be submitted in writing to the Secretary of the Commission.

The text of the rule follows:

§ 240.15a–2 *Exemption of certain securities of cooperative apartment houses from section 15 (a).* Shares of a corporation which represent ownership, or entitle the holders thereof to possession and occupancy, of specific apartment units in property owned by such corporations and organized and operated on a cooperative basis are hereby exempted from the operation of section 15 (a) of the Securities Exchange Act of 1934, when such shares are sold by or through a real estate broker licensed under the laws of the political subdivision in which the property is located. [Rule X-15A–2]

(Secs. 3 (a) (12), 15 (a), 48 Stat. 882, 895, sec. 23 (a), 49 Stat. 1379; 15 U. S. C. 78c, 78o, 78w)

Effective: June 10, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 9, 1947.

[F R. Doc. 47-5642; Filed, June 13, 1947; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC 47]

PART 53—TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY AND FILL OF CONTAINER

CANNED TOMATOES

In the matter of fixing and establishing a definition and standard of identity for canned tomatoes:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371); and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice issued on February 15, 1947 (12 F. R. 1090), no exceptions having been filed to the proposed order issued by the Federal Security Administrator on April 30, 1947 (12 F. R. 3021), and no issue of fact, law, or discretion being presented on the record, the following order is hereby promulgated:

Findings of fact. 1. By order dated June 18, 1940, and published in the FEDERAL REGISTER on June 19, 1940 (5 F. R. 2282) the definition and standard of identity for canned tomatoes was amended to provide for the use of, as an additional optional ingredient in canned tomatoes, purified calcium chloride, in a quantity reasonably necessary to firm the tomatoes, but in no case more than 0.07 percent (calculated as anhydrous calcium chloride) of the weight of the finished canned tomatoes.

The amended definition and standard of identity provided that when the optional ingredient, calcium chloride, was present the label should bear the statement "Trace of Calcium Chloride Added" or "With Added Trace of Calcium Chloride."

2. On the basis of the evidence received at a public hearing held prior to the promulgation of the order dated June 18, 1940 (see finding one) it was determined that the addition of calcium salts in the canning of tomatoes resulted in protecting the tomatoes against softening. At the time of that order a finding was made that, on the basis of the reported experiments with calcium salts, only calcium chloride had been demonstrated to be satisfactory for the purpose of retaining the tomatoes in a firm state.

3. Since promulgation of the order dated June 18, 1940 (see finding one) further information has shown that in addition to calcium chloride, there are other calcium salts which are suitable optional ingredients for firming canned tomatoes. These additional calcium salts are calcium sulfate, calcium citrate, and monocalcium phosphate.

4. The firming effect of calcium chloride, calcium sulfate, calcium citrate, and monocalcium phosphate upon canned tomatoes is attributable in each instance to the calcium ion, and equivalent quantities of calcium ions produce substantially equivalent firming effect. The evidence of record at the hearing did not indicate that the present limit on the amount of calcium derived from the calcium salt (see finding one) should be changed.

5. It is advantageous and practicable to limit the amount of any calcium chloride, calcium sulfate, calcium citrate, or monocalcium phosphate added as an optional ingredient to canned tomatoes in terms of the calcium content of these salts. The limit of not more than 0.07 percent calcium chloride which is specified in the present definition and standard of identity for canned tomatoes (see finding one) corresponds in terms of calcium content to 0.026 percent.

6. Since the effect of the addition of the calcium salts designated in finding 3 is essentially dependent on the calcium ions furnished and the acidic radical is unimportant a reasonably informative label statement for canned tomatoes to which one or more such calcium salts have been added is "Trace of _____ Added", or "With Added Trace of _____", the blank being filled in with the words "Calcium Salt" or "Calcium Salts", as the case may be, or with the name or names of the particular calcium salt or salts added.

Conclusion. On the basis of the foregoing findings of fact it is concluded that the following amendments to the regulations fixing and establishing a definition and standard of identity for canned tomatoes (21 CFR Cum. Supp. 53.40) will promote honesty and fair dealing in the interest of consumers and *It is ordered*, That § 53.40 *Canned tomatoes; identity; label statement of optional ingredients* be amended as follows:

1. That subparagraph (4) of paragraph (a) be deleted and the following substituted therefor:

(4) Purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any two or more of these calcium salts, in a quantity reasonably necessary to firm the tomatoes, but in no case such that the amount of the calcium contained in such salts is more than 0.026 percent of the weight of the finished canned tomatoes.

2. That the third sentence in paragraph (b) be deleted and the following substituted therefor: "When one or more of the optional ingredients designated in paragraph (a) (4) of this section is present, the label shall bear the statement 'Trace of _____ Added' or 'With Added Trace of _____'," the blank being filled in with the words "Calcium Salt" or "Calcium Salts" as the case may be or with the name or names of the particular calcium salt or salts added.

The amendments hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

Dated: June 11, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-5663; Filed, June 13, 1947; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg 7, Jan 27, 1947, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

BUYERS ELIGIBLE FOR PRIORITY

In § 803.7 Housing Expediter Priorities Regulation 7 subparagraph (2) of paragraph (l) is amended to read as follows:

(2) *Construction permits and automatic authorization for housing.* A person who will (i) use all the suitable and usable materials obtained under this section in the construction of housing accommodations as authorized by or pursuant to the Housing Permit Regulation, or (ii) sell such material in accordance with paragraph (p) of this section. This includes builders, contractors, and subcontractors.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

F. R. Doc. 47-5731; Filed, June 13, 1947; 10:48 a. m.]

[Suspension Order S–45]

PART 807—SUSPENSION ORDERS

HARRY WILLIAMS

Harry Williams, 4763 Santa Cruz Street, San Diego, California, as owner, on or about May 10, 1946, began and thereafter carried on the construction of a three-story residence located at 4763 Santa Cruz Street, San Diego, California, at an estimated cost of $23,574, without first having secured authorization therefor from the Federal Housing Administration. The beginning and carrying on of said construction constituted a violation of Veterans' Housing Program Order 1, and has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.45 *Suspension Order No. S–45.* (a) Neither Harry Williams, his successors or assigns, nor any other person shall do any further construction on the building or the premises at 4763 Santa Cruz Street, San Diego, California, including putting up, completing or altering the structure, unless hereafter specifically authorized in writing by the Federal Housing Administration or the Office of the Housing Expediter, or until the authority for controls in the Housing Expediter expire.

(b) Harry Williams shall refer to this order in any application or appeal which he may file with the Federal Housing Administration or the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Harry Williams, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

F. R. Doc. 47-5725; Filed, June 13, 1947; 10:15 a. m.]

[Suspension Order S–52]

PART 807—SUSPENSION ORDERS

F. L. KERSEY

F. L. Kersey, on or about the 8th day of March, 1947, began construction of a one-story concrete block grocery store building, 50' x 70' in size, in the 11000 block on East Trent Avenue, Opportunity, Washington, at an estimated cost of $5,000, without authorization. The beginning and carrying on of construction, as aforesaid, was in violation of Veterans' Housing Program Order 1, and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.52 *Suspension Order No. S–52.* (a) Neither F. L. Kersey, his successors or assigns, nor any other person shall do any further construction on the one-story concrete block grocery store building, 50' x 70' in size, in the 11000 block on East Trent Avenue, Opportunity, Washington, including the putting up, completing or altering of the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) F. L. Kersey shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve F. L. Kersey, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5726; Filed, June 13, 1947; 10:15 a. m.]

[Suspension Order S–54]

PART 807—SUSPENSION ORDERS

HARTLINE COLD STORAGE CO.

Clive E. Egbert, D. F. Jolley, and A. J. Frederick, d/b/a Hartline Cold Storage Company, on or about the 1st day of February, 1947, began construction of a one-story addition, 22' x 18' in size, to the rear of an existing grocery and meat market building on Willard Street off Main in Hartline, Washington, at an estimated cost of $5,000, without authorization. The beginning and carrying on of construction, as aforesaid, was in violation of Veterans' Housing Program Order 1, and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.54 *Suspension order No. S–54.* (a) Neither Clive E. Egbert, D. F. Jolley, and A. J. Frederick, d/b/a Hartline Cold Storage Company, their agents, successors or assigns, nor any other person shall do any further construction upon the one-story frame addition, 22' x 18' in size, to the rear of an existing grocery and meat market building on Willard Street off Main in Hartline, Washington, including the putting up, completing or altering of the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Clive E. Egbert, D. F. Jolley, and A. J. Frederick, d/b/a Hartline Cold Storage Company, shall refer to this order in any application or appeal which they may file with the Office of the House Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve Clive E. Egbert, D. F. Jolley, and A. J. Frederick, d/b/a Hartline Cold Storage Company, their agents, successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5727; Filed, June 13, 1947; 10:15 a. m.]

[Suspension Order S–55]

PART 807—SUSPENSION ORDERS

SAM J. BRADFORD AND ALBERT J. THOMASON

Sam J. Bradford, Box 95, Hailey, Idaho, as owner, and Albert J. Thomason, of Hailey, Idaho, a partner of Theodore C. Divine, as contractor, on or about the 2d day of September, 1946, began construction of a concrete and concrete block automobile repair garage and automobile salesmoon, 78½' x 51' in size, located at the north city limits of Hailey, Idaho, on the west side of Highway 93, at an estimated cost of $10,000, without authorization. The beginning and carrying on of construction, as aforesaid, was in violation of Veterans' Housing Program Order 1, and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.55 *Suspension Order No. S–55.* (a) Neither Sam J. Bradford, his agents, successors or assigns, nor Albert J. Thomason, nor the partnership of Albert J. Thomason and Theodore C. Divine, their agents, successors, or assigns, nor any other person shall do any further construction upon the concrete and concrete block automobile repair garage and automobile salesroom, 78½' x 51' in size, located at the north city limits of Hailey, Idaho, on the west side of Highway 93, including the putting up, completing or altering of the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Sam J. Bradford and Albert J. Thomason shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve Sam J. Bradford and Albert J. Thomason, their agents, successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5728; Filed, June 13, 1947; 10:16 a. m.]

[Suspension Order S–57]

PART 807—SUSPENSION ORDERS

ROBERT CALLAHAN

Robert Callahan, 522 East Main Street, Grandview, Washington, on or about the 15th day of January, 1947, began construction of a six-unit auto court, approximately 16' x 100' in size, located at the east end of Main Street in Grandview, Washington, at an estimated cost of $6,000, without authorization. The beginning and carrying on of construction, as aforesaid, was in violation of Veterans' Housing Program Order 1, and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.57 *Suspension Order No. S–57.* (a) Neither Robert Callahan, his successors or assigns, nor any other person shall do any further construction upon the six-unit auto court, approximately 16' x 100' in size, located at the east end of Main Street in Grandview, Washington, including the putting up, completing or altering of the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) Robert Callahan shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve Robert Callahan, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5729; Filed, June 13, 1947; 10:16 a. m.]

[Veterans' Housing Program Order 1, Direction 6]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

RECONSTRUCTION IN RUTLAND COUNTY, VERMONT

The following direction is issued pursuant to Veterans' Emergency Housing Program Order 1:

Until further notice, it is not necessary to get authorization under Veterans' Housing Program Order 1 for restoration jobs on buildings or other structures covered by VHP–1 in the Rutland County, Vermont, area, if the restoration is made necessary by damage caused by the flood which occurred on June 2 and 3, 1947. This direction is limited to the restoration of structures to substantially the same size and condition as on June 1, 1947.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 13th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-5724; Filed, June 13, 1947; 10:15 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter T—Patents in Fee, Competency Certificates, Sales and Reinvestment of Proceeds

[Order No. 2332]

PART 241—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

MISCELLANEOUS AMENDMENTS

Order No. 420 (not codified) and Order No. 498, 25 CFR, 1939 Supp., 241.12a, are repealed.

Sections 241.1, 241.2, and 241.34 are amended, a subheading is inserted immediately following § 241.48, and §§ 241.49, 241.50, and 241.51 are added, to read as follows:

§ 241.1 *Application for patent in fee.* Any Indian 21 years of age or over may apply for a patent in fee for any land held by him under a trust patent. Application should be made on Form 5–105 or such other form as the Commissioner of Indian Affairs may prescribe. The application must be filed with the Superintendent of the Indian agency having jurisdiction over the land which the applicant seeks to have patented in fee. The application must contain full information regarding the competency of the applicant and his ability to manage his own affairs. (R. S. 161, 34 Stat. 182, 34 Stat. 1034, Pub. Law 687, 79th Cong., 60 Stat. 939; 5 U. S. C. 22, 25 U. S. C. 349, 1a)

§ 241.2 *Issuance of patents in fee.* (a) Except as provided in paragraph (d) of this section, the issuance of a patent in fee to any Indian holding land held under a trust patent is discretionary, and no patent in fee will be issued to any applicant unless he submits satisfactory evidence that he is competent and capable of managing his own affairs.

(b) The location of the land covered by the application in relation to other trust or restricted Indian land may be taken into consideration in acting upon the aplication.

(c) Except as provided in paragraph (d) of this section, any application for a patent in fee may be denied when it appears that the applicant is not qualified to receive a patent in fee or when the land applied for lies within an area largely occupied and used by Indians whose lands are held in a trust or restricted status. Whenever an application for a patent in fee is denied, the applicant shall be notified in writing of that fact. The notice shall contain a statement of the reasons for denying the application and shall inform the applicant of his right of appeal.

(d) The issuance of patents in fee to adult mixed-blood Indians owning land within the White Earth Reservation in the State of Minnesota is mandatory upon application being made by such adult mixed-blood Indians. No evidence of the competency of the applicant to handle his own affairs shall be required. (R. S. 161, 34 Stat. 182, 34 Stat. 1034, Pub. Law 687, 79th Cong., 60 Stat. 939; 5 U. S. C. 22, 25 U. S. C. 349, 1a)

§ 241.34 *Removal of restrictions, application.* Application for the removal of restrictions and for approval of sales of lands must be made in triplicate on approved form Five Civilized Tribes, 5–484, and submitted to the Superintendent for the Five Civilized Tribes or any field clerk. These forms will be furnished free of charge by the Superintendent or field clerk. (R. S. 161, secs. 1, 9, 35, Stat. 312, 315, sec. 1, 45 Stat. 495, 46 Stat. 1471, 47 Stat. 474, secs. 1, 47 Stat. 777, Pub. Law 687, 79th Cong., 60 Stat. 935; 5 U. S. C. 22, 25 U. S. C. 409a, 1a)

SALES, REMOVALS OF RESTRICTIONS AGAINST ALIENATION, AND CONVEYANCES OF PURCHASED LANDS

Sec.
241.49 Purchased lands defined
241.50 Sale of purchased lands.
241.51 Removal of restriction against alienation of purchased lands.

AUTHORITY: §§ 241.49 to 241.51, inclusive, issued under R. S. 161, 47 Stat. 474, Pub. Law 687, 79th Cong., 60 Stat. 939; 5 U. S. C. 22, 25 U. S. C. 1a.

§ 241.49 *Purchased lands defined.* Purchased lands are defined to include all lands held by individual Indians under deeds or other instruments of conveyance which recite that the lands shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior, irrespective of whether the lands were acquired by purchase with restricted moneys, in exchange for other restricted property, or as gifts.

§ 241.50 *Sale of purchased lands.* The Indian owner of purchased land may apply for the sale of all or any part of such land in conformity with the applicable provisions of §§ 241.17 to 241.32, inclusive. No sale or conveyance made pursuant thereto shall be valid unless approved by the Commissioner of Indian Affairs or his authorized representative.

§ 241.51 *Removal of restrictions against alienation of purchased lands.* Applications for the removal of restrictions from purchased lands shall be filed by the Indian owners with the Superintendent having jurisdiction over the lands. If the lands are not located within the territorial limits of an Indian reservation, the Indian owners may file the applications with the Superintendent most conveniently located with respect to the land. Each application shall set forth the experience which the applicant has had in the transaction of his business affairs and the reasons why a removal of restrictions is desired. An appraisement of the land shall be made. If it appears that the applicant is competent and capable of managing his affairs or that the removal of restrictions is otherwise to the best interests of the applicant, an order removing all restrictions against alienation of the land covered by the application will be issued

by the Commissioner of Indian Affairs or his authorized representative.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

JUNE 5, 1947.

[F. R. Doc. 47-5633; Filed, June 13, 1947; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2330]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT, DELEGATIONS TO DIRECTOR

MAY 29, 1947.

The first sentence of paragraph (a) of § 4.276 contained in Order No. 2238 of August 16, 1946, is amended to read as follows:

§ 4.276 *Functions relating to grazing district administration.* (a) The Director of the Bureau of Land Management and the several regional administrators of that Bureau when authorized to do so by an order of the director published in the FEDERAL REGISTER, may act in relation to the following classes of matters without obtaining Secretarial approval, unless the Secretary in any particular matter determines otherwise, and subject in any event to an appeal to the Secretary according to the rules of practice.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201; Reorganization Plan No. 3 of 1946, 43 CFR 4.250)

WARNER W. GARDNER,
Acting Secretary of the Interior.

[F. R. Doc. 47-5636; Filed, June 13, 1947; 8:49 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 50.75 to 50.81, inclusive, see Part 4 under Subtitle A of this title, *supra*, concerning the authority of the Director and regional administrators of the Bureau of Land Management to act in relation to certain matters without obtaining Secretarial approval.

[Circular 1623 (a)]

PART 191—MINERAL PERMITS, LEASES AND LICENSES

SPECIAL STIPULATIONS FOR LANDS IN NATIONAL FORESTS AND RECLAMATION PROJECTS; INTERESTS HELD IN COMMON

Sections 191.6 and 191.8 are hereby amended to read as follows:

§ 191.6 *Special stipulations for lands in national forests and reclamation projects.* Applicants for permits, leases and licenses for lands in national forests will be required to consent to the inclusion therein of the stipulation on Form 4–216. Where the land has been withdrawn for reclamation purposes the applicant may be required to consent to the inclusion of a stipulation on Form 4–467 if the lands are potentially irrigable, or Form 4–467 (a) if the lands are within the flow limits of a reservoir site, or Form 4–467 (b) if the lands are within the drainage area of a constructed reservoir. Other conditions may be imposed, if deemed necessary, to protect the lands withdrawn for reclamation purposes.

§ 191.8 *Interests held in common.* An association shall not be deemed to exist between the parties to a contract for development of leased lands, whether or not coupled with an interest in the lease, nor between co-lessees, but each party to any such contract or each co-lessee will be charged with his proportionate interest in the lease. No holding of acreage in common by the same persons in excess of the maximum acreage specified in the law for any one lessee or permittee for the particular mineral deposit so held will be permitted.

(41 Stat. 450, 44 Stat. 302, 1058, Pub. Law 696, 79th Cong.; 60 Stat. 950, 30 U. S. C. 189, 275, 285)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

JUNE 6, 1947.

Form 4–216 (revised June 1947)

STIPULATION

The lands embraced in this lease (permit), issued under the mineral leasing act of February 25, 1920 (41 Stat. 437), as amended, being within a national forest, the lessee (permittee) hereby agrees:

(1) Not to cut or destroy timber without first obtaining permission from the authorized representative of the Secretary of Agriculture, and to pay for all such timber cut or destroyed at rates prescribed by such representative; to avoid unnecessary damage to improvements, timber, or other cover; unless otherwise authorized by the representative of the Secretary of Agriculture, not to drill any well within 200 feet of any building standing on the leased land; and whenever required in writing by the authorized representative of the Secretary of Agriculture, to fence all sump holes and other excavations made by lessee (permittee).

(2) To do all in his power to prevent and suppress forest, brush or grass fires on the leased land and in its vicinity, and to require his employees, contractors, subcontractors, and employees of contractors or subcontractors to do likewise. Unless prevented by circumstances over which he has no control, the lessee (permittee) shall place his employees, contractors, subcontractors, and employees of contractors and subcontractors employed on the leased land at the disposal of any authorized officer of the Department of Agriculture for the purpose of fighting forest, brush, or grass fires, with the understanding that payment for such services shall be made at rates to be determined by the authorized representative of the Secretary of Agriculture, which rates shall not be less than the current rates of pay prevailing in the vicinity for services of a similar character: *Provided*, That if the lessee (permittee), his employees, contractors, subcontractors, or employees of contractors or subcontractors, caused or could have prevented the origin or spread of the said fire or fires, no payment shall be made for services so rendered.

During periods of serious fire danger to forest, brush, or grass, as may be specified by the authorized representative of the Secretary of Agriculture, the lessee (permittee) shall prohibit smoking and the building of camp and lunch fires by his employees, contractors, subcontractors, and employees of contractors or subcontractors within the leased area except at established camps, and shall enforce this prohibition by all means within his power: *Provided*, That the authorized representative of the Secretary of Agriculture may designate safe places where, after all inflammable material has been cleared away, camp fires may be built for the purpose of heating lunches and where, at the option of the lessee (permittee), smoking may be permitted.

The lessee (permittee) shall not burn rubbish, trash, or other inflammable material except with the consent of the authorized representative of the Secretary of Agriculture and shall not use explosives in such manner as to scatter inflammable materials on the surface of the land during the forest, brush, or grass fire season, except as authorized to do so or on areas approved by such representative.

The lessee (permittee) shall build or construct, such fire lines or do such clearing on the leased land as the authorized representative of the Secretary of Agriculture decides is necessary for forest, brush, and grass fire prevention and shall maintain such fire tools at his headquarters on the leased land as are deemed necessary by such representative.

(3) To pay the lessor or his tenant, as the case may be, for any and all damage to or destruction of property caused by lessee's (permittee's) operations hereunder; and to save and hold the lessor harmless from all damage or claims for damage to persons or property resulting from the lessee's (permittee's) operations under this lease (permit).

(4) To address all matters relating to this stipulation to the Forest Supervisor of the National Forest in which the leased lands are located, or to such other representative as the Secretary of Agriculture may, from time to time, designate in writing delivered to the lessee (permittee).

(5) If lessee (permittee) shall construct any camp on the land, such camp shall be located at a place approved by the forest supervisor, and such forest supervisor shall have authority to require that such camp be kept in a neat and sanitary condition.

Lessee (Permittee).

[F. R. Doc. 47-5630; Filed, June 13, 1947; 8:50 a. m.]

[Circular 1624 (a)]

PART 192—OIL AND GAS LEASES

MISCELLANEOUS AMENDMENTS

1. Sections 192.4 (c) and (e), 192.40, 192.83, 192.141 and 192.145 (Circular 1624) are amended to read as follows:

§ 192.4 *Acreage limitations on options.* * * *

(c) Within the meaning of this section, options may be taken only on lands embraced in leases or applications for leases and the acreage included in any such option taken upon an application for a lease shall be chargeable from and after the date of such option.

* * * * * *

(e) No acreage shall be chargeable under options taken prior to June 1, 1946, on which geological or geophysical exploration has been actually made if exercised prior to August 9, 1948, but no such option not so exercised will be recognized by the Department, thereafter, for any purpose.

§ 192.40 *Classes and term.* All lands subject to disposition under the act which are known or believed to contain oil or gas may be leased by the Secretary of the Interior. When within the known geologic structure of a producing oil or gas field, such land may be leased only by competitive bidding and in units of not exceeding 640 acres to the highest responsible qualified bidder at a royalty of not less than 12½ per cent. Leases for not to exceed 2,560 acres, in reasonably compact form, may be issued for all other land subject to the act to the first qualified applicant at a royalty of 12½ per cent. No single lease will be issued embracing lands which cannot be included within a six mile square area. Where an application covers tracts which cannot be so contained two or more leases, as may be necessary, will be issued. The right is reserved to suspend, or reject in whole or in part, applications involving scattered tracts considerably more than six miles apart. Hereafter, all leases, except those issued as renewals of 20 year leases, will be issued for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities.

§ 192.83 *Limitation of overriding royalties.* Any agreement to create overriding royalties or payments out of the production of any lease which, when added to overriding royalties or payments out of production previously created and to the royalty payable to the United States, aggregate in excess of 17½ per cent shall be deemed a violation of the terms of the lease unless such agreement expressly provides (a) that the obligation to pay such excess overriding royalties or payments out of production will be suspended and not be effective during any periods when the average production per well per day is 15 barrels or less, and (b) that such suspension will apply separately to any zone or portion of a lease segregated for computing Government royalty.

§ 192.141 *Requirements for filing assignments or transfers.* All instruments of transfer of a lease or of an interest therein, including assignments of record title, working or royalty interests, operating agreements and subleases, must be filed for approval within 90 days from the date of final execution and must contain evidence of the qualifications of the assignee or transferee, consisting of the same showing required of a lease applicant by § 192.42 (b) and (c). If a bond is necessary, it must be furnished. Where an assignment does not create separate leases, the assignee, if the assignment so provides, may become a joint principal on the bond with the assignor. Assignments of record title interests must be filed in triplicate. A single executed copy of all other instruments of transfer is sufficient. If the instrument or an accompanying statement does not show the full and true amounts of all overriding royalties or payments out of production, any decision approving the transfer will require the transferee to furnish within 30 days from notice a complete showing of all outstanding overriding royalties and payments out of production affecting the transferred land, not theretofore shown, and upon his failure to do so the lease will be cancelled as provided in § 191.161 of this chapter.

The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

Unless the lease account is in good standing as to the area covered by the assignment when the assignment and bond are filed, or is placed in good standing before the assignment is reached for action the lease will be cancelled as provided in § 191.161 of this chapter.

§ 192.145 *Royalty interests in oil and gas leases and assignments thereof.* Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of the first sentence of section 27 of the act. Assignments of such interest must be filed for record purposes in the appropriate district land offices accompanied by a showing by the assignees as to their citizenship and holdings in other oil and gas leases in the state. All assignments of royalty interests must be filed for the record, but those of 1 percent or less will be approved only upon specific request and then only after discovery. Any assignment of 1 percent or less if filed for record will be deemed to be valid whether formally approved or not.

2. The last sentence of the first paragraph of § 192.42 is amended to read as follows: "Proof of the authority of the officer or agent who makes application on behalf of a corporation must be furnished."

3. Section 2 (r) Oil and Gas Lease Form 4–213 provided for in § 192.44, Title 43 of the Code of Federal Regulations is hereby amended to read as follows:

§ 192.44 *Form of lease.* * * *

(r) *Overriding royalties.* To limit the obligation to pay overriding royalties or payments out of production in excess of 5 percent to periods during which the average production per well per day is 15 barrels or less on an entire leasehold or any part of the area thereof or any zone segregated for the computation of royalties.

(41 Stat. 450, Pub. Law 696, 79th Cong., 60 Stat. 950; 30 U. S. C. 189)

June 6, 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-5631; Filed, June 13, 1947; 8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter III—Employment Security, Federal Security Agency

PART 350—RECONVERSION UNEMPLOYMENT BENEFITS FOR SEAMEN

Sec.
350.1 Definitions.
350.2 Starting date of benefits.
350.3 Allocation of Federal maritime service and wages.
350.4 Determination of Federal maritime service and wages.
350.5 Determination of benefits.
350.6 Appeals.
350.7 Agency records and reports.
350.8 Advances and reimbursements.
350.9 Overpayments; prosecutions and penalties.

AUTHORITY: §§ 350.1 to 350.9, inclusive, issued under Title XIII, Pub. Law 719, 79th Cong., 60 Stat. 983. Additional statutory provisions interpreted or applied are noted following sections affected

§ 350.1 *Definitions.* As used in this part:

(a) "Act" means Title XIII, of the Social Security Act, as amended (Pub. Law 719, 79th Cong.).

(b) "Administrator," unless otherwise specified, means the Federal Security Administrator.

(c) "Agency" means any agency administering a State unemployment compensation law which has entered into an agreement with the Administrator under the act.

(d) "Benefits" means Reconversion Unemployment Benefits for Seamen payable under the act.

(e) "Benefit year" means the benefit year prescribed in the applicable State unemployment compensation law; except that if such State law does not prescribe any benefit year, then such term means any period of fifty-two consecutive weeks specified in an applicable agreement made under the act or prescribed by the Administrator.

(f) "Compensation" means amounts payable to individuals with respect to their unemployment (including any portion thereof payable with respect to dependents), but excluding any amounts payable with respect to unemployment due to disability. (Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); 60 Stat. 982)

§ 350.2 *Starting date of benefits.* Benefits are first payable for unemployment occurring after the date funds are made available for such payments. (Applies sec. 1305 (c), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); sec. 1305 (c), 60 Stat. 985.)

§ 350.3 *Allocation of Federal maritime service and wages.* (a) The Federal maritime services and wages of an individual claiming benefits shall be allocated to the State in which the individual, on or after the starting date of benefits, first files a claim for benefits to the extent that such services were performed or such wages paid during the base period prescribed in the unemployment compensation law of such State. To the extent required by such State's law, wages paid for services performed in a base period shall be simi-

larly allocated even though such wages were paid subsequent to said period.

(b) All benefits paid to an individual during the benefit year in which his first claim for benefits is filed or which is established by the filing of a claim for benefits shall be paid to him only pursuant to the law of such State.

(c) Upon the expiration of the benefit year in which an individual's first claim for benefits is filed or which is established by the filing of such claim, the Federal maritime services and wages of such individual shall be allocated to the extent provided in paragraph (a) of this section to the State in which he next files a claim for benefits.

(d) Federal maritime services or wages allocated to a State shall not thereafter be allocated to any other State. (Sec. 1303 (b), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); sec. 1303 (b), 60 Stat. 983)

§ 350.4 *Determination of Federal maritime service and wages.* (a) The agency shall accept as final and conclusive, except as otherwise provided in this part, the determinations made by the Administrator of the War Shipping Administration, and such agents as he may designate as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (1) of the Internal Revenue Code or transcripts or certifications of such returns furnished by the Federal Security Administrator, and certifications made pursuant to section 209 (o) of the Social Security Act, as amended, as to (1) whether an individual has performed services which are Federal maritime services and (2) the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid.

(b) If the individual's Federal maritime services were performed or his Federal maritime wages paid during the quarter in which the claim for benefits was filed or the completed calendar quarter immediately preceding the date of the filing of the claim, the agency may accept certification under oath by the individual of facts relating to his Federal maritime service performed and wages for such service which were paid in such quarters.

(c) Where the State law requires a proration of wages paid to a claimant in accordance with the period or periods in which the services for which such wages were paid were performed, or requires a number of weeks of employment as a condition to eligibility for benefits, the agency may accept a certification under oath by the individual as to the periods of such services, the amounts of remuneration for such services, and the periods for which such remuneration was paid, to the extent that this information is necessary for a determination of the claimant's entitlement to benefits.

(d) A determination made by the Administrator of the War Shipping Administration, or agents designated by him, as to matters specified in paragraph (a) of this section shall be subject to review only in accordance with paragraphs (b), (c), and (d) of § 350.6. (Interprets and applies secs. 1302 (c), 1302 (d), 1303 (e) (2), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); secs. 1302 (c), 1302 (d), 1303 (e) (2), 60 Stat. 983 et seq.)

§ 350.5 *Determination of benefits.* (a) The agency of the State to which an individual's maritime services and wages have been allocated, pursuant to § 350.3, shall determine the individual's entitlement to benefits and pay such benefits in the same amounts, on the same terms and subject to the same conditions as the compensation which would be payable to such individual under the State unemployment compensation law if the individual's Federal maritime service and Federal maritime wages had been included as employment and wages under such law.

(b) There shall be deducted from the benefit amount so computed and to which the individual is entitled for any week, 15 per centum of the amount of any payment which such individual is entitled to receive on account of past services performed as an officer or employee of the United States, under any law of the United States relating to the retirement of officers or employees of the United States, for the month in which such week begins, unless a deduction from such benefits on account of such annuity or retirement pay is otherwise provided for by the applicable State law. (Interprets and applies secs. 1303 (b), 1304 (a), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); secs. 1303 (b), 1304 (a), 60 Stat. 983 et seq.)

§ 350.6 *Appeals.* (a) Determinations of entitlement to benefits by the agency made pursuant to an agreement under the act, shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in such manner and to such extent.

(b) Pursuant to General Order No. 50 of the United States Maritime Commission (Rev. G. O. 50, WSA Function Series), the appeals authorities authorized by State unemployment compensation laws to hear and determine appeals from claims for benefits under such laws are hereby designated to hear, determine and make certification with respect to matters determinable by the Maritime Commission pursuant to section 209 (o) of the Social Security Act, as amended, which may be involved in or presented at hearings conducted in accordance with paragraph (a) of this section and pursuant to sections 1303 and 1304 of the Social Security Act, as amended. All issues involved in such a case may be disposed of at a single hearing or review, and by a single decision. In reaching and making such determination, the hearing official shall follow the provisions of section 209 (o) of the Social Security Act, as amended, and the regulations or orders issued pursuant thereto from time to time by the Maritime Commission.

(c) In the conduct of any appeal involving matters determinable by the Administrator of the War Shipping Administration pursuant to section 209 (o) of the Social Security Act, as amended, notice of the hearing shall be given to the General Agent of the War Shipping Administration who shall have filed the tax return or made the certification referred to in § 350.4 (a), and to the Maritime Commission.

(d) A determination of an individual's Federal maritime service or wages made in accordance with this section shall for the purposes of the act supersede all previous determinations and certifications of the Administrator of the War Shipping Administration or his designated agents and, except as subject to further review as provided by law, shall be final and binding on all parties to the hearing. (Interprets and applies sections 1302 (c), 1302 (d), 1304 (a), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); secs. 1302 (c), 1302 (d), 1304 (a), 60 Stat. 983 et seq.)

§ 350.7 *Agency records and reports.* (a) Each application for benefits shall bear a suitable designation or code to identify it as a claim for benefits pursuant to Title XIII, and such designation or code shall be used to identify all proceedings and actions in the claim.

(b) Each agency shall maintain records pertaining to all claims for benefits containing such information as the Administrator shall from time to time prescribe.

(c) Each agency shall make the same reports and furnish the same information to the Administrator with respect to claims for benefits as it makes and furnishes to the Social Security Administration of the Federal Security Agency with respect to claims for compensation filed under its law, together with such additional reports and information as the Administrator may from time to time require.

(d) The records of the agency pertaining to the payment of benefits shall be accessible for inspection, examination and audit by the representatives of the Bureaus of Employment Security and Accounts and Audits of the Social Security Administration of the Federal Security Agency, and by such other persons as the Administrator may designate. (Applies sec. 1304 (c), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); sec. 1304 (c), 60 Stat. 984)

§ 350.8 *Advances and reimbursements.* Each agency shall submit requests for advances and reimbursements for the payment of benefits pursuant to an agreement under Title XIII on such forms together with such supporting information as the Administrator may from time to time prescribe. (Applies secs. 1304 (c), 1305 (b), Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); secs. 1304 (c), 1305 (b), 60 Stat. 984 et seq.)

§ 350.9 *Overpayments, prosecutions and penalties.* Each agency shall report any apparent violation of the act, subject to penalty under section 1306, to the appropriate Regional Representative of the Bureau of Employment Security of the Social Security Administration, Federal Security Agency. (Applies sec. 1306, Title XIII of the Social Security Act, as amended (Pub. Law 719, 79th Cong.); sec. 1306, 60 Stat. 985 et seq.)

Date: June 11, 1947.

[SEAL] MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-5662; Filed, June 13, 1947; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8089]

PART 3—RADIO BROADCAST SERVICES

INTERFERENCE RATIOS

JUNE 10, 1947.

In the matter of amendments to Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

At a meeting of the Federal Communications Commission held at its offices at Washington, D. C. on the 9th day of June 1947;

The Commission having under consideration proposed amendments to the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, which amendments relate to the conditions under which the assignment of two stations in the same ground-wave service area may be made when a frequency separation of less than 40 kilocycles is proposed; and

It appearing, that notice of proposed rule making pursuant to section 4 of the Administrative Procedure Act was issued by the Commission on December 20, 1946, and was duly published in the FEDERAL REGISTER; and

It further appearing, that written comments, briefs and recommendations regarding the proposed amendments were submitted to the Commission by interested parties who were afforded an opportunity to present testimony and oral argument at hearings held for those purposes by the Commission on March 7 and 10, 1947; and

It further appearing, that said comments, briefs, recommendations, testimony and oral argument have been considered carefully by the Commission and portions thereof have been adopted by the Commission; and

It further appearing, that, for the reasons set forth in the annexed report issued by the Commission on June 9, 1947, the public interest, convenience, and necessity will be served by the adoption of the proposed amendments;

It is ordered, That, effective July 17, 1947, the Standards of Good Engineering Practice Concerning Standard Broadcast Stations be, and they hereby are amended as follows:

Under the table headed "Interference Ratios" which follows Table IV in section 1, Engineering Standards of Allocation, of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, insert:

From the above, it is apparent that in many cases stations operating on channels 10 and 20 kilocycles apart may be operated with antenna systems side by side or otherwise in proximity without any indications of interference if the interference is defined only in terms of permissible ratios hereinbefore listed in the table headed Interference Ratios. As a practical matter, serious interference problems may arise when two or more stations with the same general service area are operated on channels 10, 20 and 30 kilocycles apart.

Accordingly, no station will be licensed for operation with less than 40 kilocycles separation from another station, if the area enclosed by the 25 mv/m groundwave contours of the two stations overlap. Frequency separation of 20 kilocycles and 10 kilocycles are considered inappropriate for stations with the same general urban coverage and therefore no station will be licensed for operation with less than 30 kilocycles frequency separation if the area enclosed by the 25 mv/m groundwave contour of either one overlaps the area enclosed by the 2 mv/m groundwave contour of the other.

(Secs. 303 (c), 48 Stat. 1082, 303 (r), 50 Stat. 191, 407 (b), 48 Stat. 1083; 47 U. S. C. 303 (c), 303 (r), 307 (b))

Report of the Commission. This report sets forth the Commission's decision with respect to proposed amendments to the Standards of Good Engineering Practice Concerning Standard Broadcast Stations set forth in Public Notice No. 4485, dated February 4, 1947. These amendments related to the conditions under which the assignment of two stations in the same groundwave service area may be made when a frequency separation of less than 40 kilocycles is proposed. The proposed amendments to the Standards of Good Engineering Practice Concerning Standard Broadcast Stations were previously published in accordance with section 4 (a) of the Administrative Procedure Act under the date of December 20, 1946, Public Notice No. 1786.

The rule as proposed prohibited licensing a station with less than a 40 kilocycle separation from another station if the area enclosed by the 25 millivolt per meter contours of the two stations overlap. The proposed rule further prohibited the licensing of stations with a frequency separation of only 10 kilocycles and 20 kilocycles with the same general urban coverage if the areas enclosed by the 25 mv/m contour of either one would overlap the area enclosed by the 2 mv/m contour of the other.

Pursuant to section 4 (a) of the Administrative Procedure Act a hearing and oral argument on the proposed amendments was held before the Commission en banc on March 7 and 10, 1947. Oral argument from counsel for several interested persons was heard and the Commission received expert testimony from twelve consulting engineers. Testimony of the consulting engineers for the most part was directed to the question whether or not the Commission should adopt the proposed rule or whether the standards should permit assignment of stations with a frequency separation of only 30 kilocycles if the 250 mv/m groundwave contours of the two stations concerned would not overlap. Fewer than half of the consulting engineers expressed any degree of assurance that assignments could safely be made under the latter proposal. The remaining expert witnesses agreed that the rule proposed by the Commission was the only one that could be safely adopted at this time. It appeared, however, that the experts testifying had never had a full and complete opportunity to make over-all findings on either of the two proposals. The opportunity for making such findings had not been presented over a sufficient portion of the standard broadcast band because assignments of the kind necessary for such findings had not been made by the Commission. The Commission's principal staff witness recommended the adoption of a more conservative standard because his experience indicated that a safe standard which would cut the possibility of interference arising out of assignments with a frequency separation of only 30 kilocycles should be limited to those in which the 15 mv/m contours of the two stations would not overlap.

Interference to listeners resulting from assignments on adjacent channels in the standard broadcast band is caused by nonselectivity of receivers, external cross-modulation and internal cross-modulation. Although testimony adduced at the hearing indicated that only a relatively small proportion of the radio receivers in use by the general public were so non-selective that undesired stations 30 kilocycles apart could not be tuned-out from the desired station, it appears that a sufficient number of the general public owned such receivers and were entitled to decent broadcast service which they could not get if stations were too closely assigned in the standard broadcast band in the same general groundwave service area. The problem of external cross modulation is not limited to stations 30, 40, or 50 kilocycles apart. But the higher the fields over a given area the more likely external cross modulation may exist to the extent that it is objectionable. Any proposed standard which would permit the assignment of numerous stations to serve a certain area would create more possibilities of interference; however, a portion of the general public would suffer from this type of interference. Most often objectionable cross modulation exists in the old residential districts when the fields are high over these districts. It is in these districts generally that electric wiring and water systems are not in good repair. The metallic material of the systems is likely to contain nonlinear elements which give rise to cross-modulation.

The type of interference that could be caused by close frequency assignments of standard broadcast stations which would be heard by all of the public receiving service in the areas of the stations involved is the type described as internal cross-modulation, a function of the transmitters. This type of interference results when transmitters are

so located and so constructed that the signal emitting from one transmitter is received and re-transmitted by a second transmitter resulting in the second transmitter broadcasting its own intended signal and the spurious signal mixed in with its intended emission. The spurious signal being received and re-broadcast as result of the proximity of the two transmitters with resulting fields of high intensity. Testimony indicated that the closer the frequency separation between the two transmitters the greater likelihood of internal cross-modulation.

Testimony from one group of expert witnesses adduced at this hearing indicated that all internal cross-modulation problems could be obviated by the proper design and construction of filters and circuits in the transmitter suffering internal cross-modulation. Their testimony, however, indicated that the design of such filters and circuits required the services of highly trained and highly qualified consulting engineers and entailed a great deal of work at a substantial cost.

The problems presented herein have been the subject of study for a long period of time. The Commission intends to continue such studies. The special studies undertaken for the purpose of this hearing upon which testimony was adduced were concerned only with the problems of non-selectivity of receivers and of external cross-modulation. Neither of the two studies were conducted for sufficient length of time or over a sufficient portion of the standard broadcast band to permit conclusions to be drawn with complete confidence. In addition the Commission is of the opinion that a study should be undertaken of the many new types of radio receivers on the market since the end of hostilities in 1945 so that the Commission will be informed as to the characteristics of these receivers. In the meantime the Commission believes that relaxation of the standards should not be undertaken in the absence of a showing that radio service will not be deteriorated thereby. On the basis of the evidence adduced at the hearing the Commission is of the opinion that there is no warrant for relaxing the standards beyond the point set forth in the proposed rules. Otherwise, the danger exists that severe deterioration of service may result to many listeners. The Commission intends to continue its studies in the matter and will reopen the matter for further consideration when new data have been collected.

Adopted: June 9, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5650; Filed, June 13, 1947; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter K—Alaska Wildlife Protection

PART 92—ALASKA GAME COMMISSION; GUIDES, POISONS, AND RESIDENT TRAPPING, HUNTING AND FISHING LICENSES

GUIDE LICENSES

Section 92.2 is amended to read as follows:

§ 92.2 *Qualifications for guide licenses and issuance thereof.* Only resident citizens who are 21 years of age or more and have resided in the Territory for the 5 years immediately preceding application for registration and a guide license will be registered and licensed to act as guides for nonresidents and aliens taking game animals for any purpose, or going afield to photograph large brown or grizzly bears.

The Alaska Game Commission will establish guide districts and maintain a register of such persons as are duly qualified and licensed to act as guides in such districts.

Applications for such registration and guide license shall be made to a Wildlife agent employed in the guide district in which the applicant resides, on a form issued by the Commission and shall state applicant's citizenship and resident status, age, physical characteristics, permanent address, and district or districts in which he desires to operate, together with full information relative to his qualifications to act as guide and shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths.

Upon receipt of such application by the Wildlife Agent, he shall conduct such written and oral examinations and make such investigations as the Commission shall require to determine the qualifications of the applicant to act as a guide.

The Wildlife Agent who conducts such examinations shall promptly file his report thereof with the Executive Officer of the Commission, together with his recommendation thereon, which report and recommendation shall be attached to the application and considered and determined at a regular or special meeting of the Commission.

The Executive Officer of the Commission may, after investigation and satisfying himself of an applicant's qualifications, issue a guide license to him upon payment of the required fee, authorizing him to act as a guide under the terms of the license, subject to approval of the Commission at its next meeting.

If the Commission determines that the applicant does not possess sufficient field experience to qualify him to act as a principal guide but has all other qualifications, an assistant guide license may be issued to him, which shall authorize him to act as assistant to a principal guide.

A registered guide license must bear the signature of the Executive Officer of the Commission. Each license shall expire on June 30 next succeeding its issuance, shall be revocable at the discretion of the Commission, and shall not be transferable.

Each licensed guide shall submit to the Commission, immediately upon completion of a hunting or photographing trip, a report containing the name and address of the nonresident or alien for whom he acted as guide, period covered by his services, number and species of animals taken, wounded and not secured, numbers and localities of each species of big game animal observed on the trip, and such other information as the Commission may require. (Sub. D, 57 Stat. 306; 48 U. S. C. Sup. 199 (Sub. D))

This amendment shall become effective on July 15, 1947.

[SEAL] EARL N. OHMER,
First Judicial Division.
GARNET W. MARTIN,
Second Judicial Division.
FORBES L. BAKER,
Fourth Judicial Division.
FRANK W. HYNES,
Executive Officer.

FEBRUARY 17, 1947.

[F. R. Doc. 47-5632; Filed, June 13, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 901]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO MARKETING AGREEMENT AND MARKETING ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed further amendments to the marketing agreement, as amended (hereinafter referred to as the "agreement"), and the order, as amended (7 CFR 901.1 et seq.; 7 CFR, Cum. Supp., 901.4, 901.17, 901.19) (hereinafter referred to as the "order"), regulating the handling of walnuts grown in California, Oregon, and Washington.

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, U. S. Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed further amendments to the agreement and

order are formulated, was held at San Francisco, California on April 28, 1947, pursuant to notice thereof, containing proposals unanimously adopted by the Walnut Control Board, the administrative agency established and operating pursuant to the provisions of the agreement and order, which was published in the FEDERAL REGISTER on April 10, 1947 (12 F. R. 2369). This regulatory program became effective on October 15, 1935, but its operation was suspended for the period from October 2, 1943 to March 31, 1947, both dates inclusive. The proposed further amendments are designed to fit this program to present day conditions, as well as to incorporate therein certain other desirable changes. Testimony presented at the hearing indicates that the current prices are not, and the anticipated prices for the coming crop year will not, be in excess of parity.

The material issues presented on the record of the hearing are:

(1) The redefining of "Secretary", "act", "merchantable walnuts", "cull walnuts", "pack", "credit value", "sheller", "crop year", and "surplus referable", and the deletion of the definitions of "quality" and "Federal standard".

(2) The rewording of that portion of the provisions relating to the duties of the Walnut Control Board involving the administration of the provisions of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes (Pub. Law 320), so as to show the current legal reference to such act.

(3) A change in the method of prescribing pack specifications and minimum requirements so as to authorize the Walnut Control Board to take such action, subject to the approval of the Secretary of Agriculture.

(4) A change in the method of fixing the salable and surplus percentages on merchantable walnuts for each year so as to authorize the Secretary of Agriculture to take such action on the basis of pertinent data, including recommendations furnished him by the Walnut Control Board.

(5) The exclusion from the application of the salable and surplus percentages of any separate pack of walnuts of which not over 12 percent by count will pass through a round opening 96/64 inches in diameter.

(6) A change of the phrase "or to be handled", wherever it appears in the agreement and order following the word "handled", to read "or certified for handling".

(7) A change in the form of certification of shipments so as to require indication whether the walnuts are to be shipped interstate or intrastate, or if for export, the country of destination.

(8) The inclusion of provision for assessments to cover expenses in the event no salable and surplus percentages are fixed for any crop year, and of provision for refunding any surplus of assessment collections remaining after all expenses for any crop year have been paid.

Findings and conclusions. (1) The term "Secretary" should be redefined to recognize the fact that such official actually performs many of his functions through subordinates, and to insure that any such subordinates who perform any of his functions relating to this program pursuant to authority delegated to them by the Secretary, are covered under this term.

The term "act" should be redefined so as to show the current appropriate legal citation therefor.

The term "merchantable walnuts" should be redefined so as (a) to delete reference therein to "Federal Standard", the reason for the deletion of the term last referred to being discussed below, and (b) to recognize the proposed change in the method of determining pack specifications and minimum requirements as discussed in (3) of these findings and conclusions. The term "cull walnuts" should likewise be redefined so as to delete reference therein to "Federal Standard" and to insert, in lieu thereof, reference to "minimum specifications". The existing definition of the term "Federal Standard" refers to a regulation effective on and after September 1, 1933, issued by the Secretary under the authority of the Federal Food, Drug, and Cosmetic Act (21 U. S. C., 301 et seq.). However, since such time, authority for the administration of that act was transferred to the Federal Security Agency, and there appears to be some question as to whether such regulation is now being followed or used by that agency. The substitute standard is proposed to be the minimum requirements discussed in (3) of these findings and conclusions, which, it is believed, will accomplish a similar objective. For the same reasons the definition of the term "Federal Standard" should be deleted.

The term "pack" should be redefined so as to include, in addition to requirements as to size, variety or type, requirements as to internal quality and external appearance and condition. The added requirements are now contained under the definitions of the term "quality." However, it is believed that the inclusion of all such requirements under one term, i. e. "pack", is desirable from the standpoint of clearness and simplicity. Such a change, makes the definition of the term "quality" unnecessary, and it should be deleted.

The term "credit value" should be redefined so as to add the words "per pound" after the reference to the value to be established by the Walnut Control Board. This addition does not change the present meaning, but the statement that it is a value per pound is more specific and is in accordance with past practice. Also, the phrase "any pack and quality" in such definition should be changed to read "each pack". The deletion of "quality" is in conformity with the proposed definition of "pack" and the proposed deletion of the definition of "quality". The change from "any" to "each" makes the meaning more specific.

The term "sheller" should be redefined so as to add the word "commercial" before the word "purpose". This will exclude any implication or inference that such term might include shellers producing walnuts only for their own home use.

The term "crop year" should be redefined to cover the period from August 1 through July 31 of the following year, instead of the present period of September 1 through August 31 of the following year. Carryover stocks are customarily reported each year as of August 1. It is desirable that the crop year begin at the same time, since carryover stocks are important in fixing the salable and surplus percentages for the crop year. The use of a uniform crop year would simplify and reduce the amount of both accounting and statistical work. The change also appears advisable for the reason that, beginning with August 1 of each year, the Walnut Control Board's activities have to do primarily with preparing for the new crop year, and, therefore, the expenses are properly chargeable to the new crop year.

The term "surplus referable" should be redefined so as to delete the words "and quality" from the phrase "pack and quality" and to change the phrase "to be handled" so as to read "certified for handling". The reason for the deletion of the words "and quality" is the same as the reason for the deletion of the definition of "quality", discussed above. The reasons for the other change are discussed, in detail, in (6) of these findings and conclusions.

(2) That portion of the provisions relating to the duties of the Walnut Control Board involving the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes (Pub. Law 320), should be reworded so as to show the current appropriate legal citation for such act, i. e., "the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c)." Similar changes in the legal citation for such act should be made wherever it is referred to in other portions of the agreement and order.

(3) Pack specifications and minimum requirements should be prescribed by the Walnut Control Board, subject to the approval of the Secretary, in order to tend to effectuate the declared policy of the act. Under the present provisions, pack specifications are set forth in exhibits which are attached to, and made parts of, the agreement and order, and any change therein can be effected only through formal amendment procedure in connection with such agreement and order, which procedure is too time consuming and expensive. This has resulted, in the past, in the failure to make changes as frequently as might be desirable to keep the pack specifications in line with changes in grading practices. The present proposed method will allow needed changes to be made effective in considerably less time than is practicable under the existing provisions, but, at the same time, it will give interested parties an opportunity to participate in their formulation, through the submission of written data, views, and arguments in connection therewith, in the manner contemplated by the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d sess., approved June 11, 1946).

(4) The salable and surplus percentages for each crop year should be fixed by the Secretary, after consideration of the recommendations, and the information upon which such recommendations

are based submitted to him by the Walnut Control Board, and other pertinent data. Under the existing provisions, such percentages are required to be fixed through formal amendment procedure, including public hearing, and the percentage so fixed for each year are specifically incorporated in the agreement and order. Such a method is unduly expensive and, under existing procedural requirements relating to a public hearing, it will be impracticable, after crop production information becomes available, to make an amendment effective by the time shipments start early in October. In this connection, crop production estimates are not available until about August 12, and the Walnut Control Board will not be able to make findings with respect to carryover and production until after that time. Even when salable and surplus percentage recommendations are made late in August, heat and other weather damage often reduce the prospective crop and require changes in estimates. The percentages must be made effective early in October at the latest. It is believed that the proposed procedure will allow the salable and surplus percentages to be fixed within the necessary time, and, at the same time, it will give interested parties an opportunity to participate in the determining of such percentages, through the submission of written data, views, and arguments in connection therewith, in the manner contemplated by the Administrative Procedure Act. The provisions relating to estimated carryover, consumptive demand, and production should be redrafted so that they will conform with the aforementioned changes.

(5) The salable and surplus percentages fixed for any crop year should not apply to separate packs of walnuts of which not over 12 percent by count will pass through a round opening 96/64 inches in diameter. Walnuts of such a size are produced under special and expensive cultural practices (often including, among other things, the whitewashing of the exposed walnuts on the trees to prevent sunburn). They represent less than one-tenth of one percent of the total production of merchantable walnuts in the area, and they are sold primarily as gift packages and as novelties. Walnuts of such a size have, during the past several years, brought a price at least twice as high as that of the average large size commercial walnuts. By reason of their extraordinary size, they have a special and different type of outlet from that of ordinary merchantable walnuts, and generally, production is not sufficient to meet the demand. They represent the largest size of commercial walnuts which has been recognized under this regulatory program.

This proposal was presented for the first time at the hearing. However, its proponents previously raised the matter with the Walnut Control Board, which is composed of representatives of all segments of the commercial walnut industry, which at a regularly called meeting, passed a resolution recommending, in effect, that such proposal be presented at the hearing. The testimony of the Manager of the Walnut Control Board, as well as the testimony of representatives of various segments of the walnut industry, was generally favorable to the adoption of the proposal. In fact, no adverse testimony with respect to such proposal was presented.

(6) The phrase reading "or to be handled" should, wherever it appears in the agreement and order following the word "handled", be changed to read "or certified for handling." Previous experience under this regulatory program has demonstrated that some walnuts have to be certified in advance of shipment in order to accommodate packers, to facilitate off-season distribution or to minimize inspection costs. It was originally believed that this situation would be covered adequately by the use of the phrase "to be handled." It now appears, however, that the phrase last referred to is too broad, in that there is no way to anticipate exactly the quantity of walnuts to be handled during the entire season by any packer, but, after lots of walnuts are certified for handling, they may easily be identified as to both quantities and packs. A request for certification is actually a declaration of future shipment. It is believed that the change is more accurate in terminology, and reflects the operational practice which it has been necessary to follow in that regard. On the other hand, the phrase "or to be handled" should be added after the word "handled" in the provisions relating to certification of shipment, inasmuch as such provisions specify the merchantable walnuts which must be so certified. It is obvious that the provisions should apply to walnuts which are to be handled, as well as to walnuts handled.

(7) The form of certification of shipment which is required for each lot of merchantable walnuts handled or to be handled by any packer, or delivered by him to the Walnut Control Board, should contain provision for the reporting of whether the particular lot will move interstate or intrastate, or, if such lot is to be exported, the name of the country to which it is to be shipped. It was proposed in this regard, in the notice of hearing, that such form should contain provision for the reporting of destination. However, it developed at the hearing that the intended purpose would be served by the requirement proposed to be adopted.

(8) In addition to providing for the collection of assessments in instances where salable and surplus percentages are fixed, provision should be made for the collection from each handler of assessments to defray expenses of operation in the event no salable and surplus percentages are fixed for any crop year. Such assessment should be in an amount (adjusted to the next higher one-hundredths of a cent) per pound of merchantable walnuts handled, or certified for handling, by him during such crop year computed as follows: The amount resulting from dividing the expenses for such crop year as approved by the Secretary by the total aggregate pounds of merchantable walnuts which the Walnut Control Board estimates will be handled by all handlers during that crop year. The provisions with respect to assessments for expenses in the existing agreement and order do not cover such a situation, and it seems reasonable to anticipate that there may be a crop year for which no salable and surplus percentages are fixed and the average seasonal prices are not in excess of parity. Even though, in such an event, there will need to be no delivery of merchantable walnuts to the Walnut Control Board and no accounting in that regard, the regulatory provisions will still require the inspection and certification of all merchantable walnuts handled, or to be handled, by the several handlers. The performance of the functions last referred to will, in the circumstances, be appropriate and in accordance with the provisions of the act. The method of assessment proposed to cover the cost of performing these functions is believed to be obviously fair and equitable. Testimony in the hearing record indicates that the continuance of these inspection and certification functions are very desirable, even though other restrictions should not be operative.

Provision should also be made for the refunding of any money collected to cover expenses of operation for any crop year which is not expended for that purpose in connection with such crop year's operations. No specific provision to that effect is contained in the existing agreement and order, and it is believed that the inclusion of a specific authorization to make such refund would be desirable.

The proposed amendments hereinafter set forth also omit certain provisions of the agreement and order which are not relevant to administration of this program. These recommended changes are proposed for the purpose of simplifying the agreement and order since such omitted matter is merely historical or obsolete and will serve no useful purpose in the future administration of the program. Changes in the provisions of certain other sections which are necessary to make them conform with the changes indicated above should be made.

Rulings on proposed findings and conclusions. No proposed findings or conclusions were filed in this proceeding by interested parties with respect to any of the issues developed at the hearing except with regard to the proposal relating to the exclusion of mammoth size walnuts from the salable and surplus percentages. The proposed findings and conclusions are the same as those hereinbefore contained in this report with respect to this issue.

Recommended amendments to the marketing agreement and to the order. The following proposed amendments to the marketing agreement and the order are recommended as the detailed means by which the above conclusions may be carried out.

1. Delete the provisions of paragraph 1, section 1 of Article I of the agreement and the corresponding provisions of the order (§ 901.2 (a)) and insert, in lieu thereof, the following:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

2. Delete the provisions of paragraphs 9, 10, 11, 12, 13, 14, and 15 of section 1 of Article I of the agreement and the corresponding provisions of the order (§§ 901.2 (i), (j), (k), (l), (m), (n), (o), and (p)) and insert, in lieu thereof, the following:

(i) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(j) "Walnuts" means only walnuts of the "English" (Juglans Regia) varieties grown in the States of California, Oregon, and Washington.

(k) "Merchantable walnuts" means all unshelled walnuts meeting the pack specifications and minimum requirements prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

(l) "Cull walnuts" means all lots of unshelled walnuts which do not meet the minimum specifications for merchantable walnuts and which cannot be brought up to such minimum specifications by standard commercial grading practices.

(m) "Pack" means a specific commercial classification according to size, variety or type, internal quality, and external appearance and condition, of merchantable walnuts, packed in accordance with the pack specifications prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

(n) "Credit value" means that value per pound for each pack established by the Control Board, subject to the approval of the Secretary, pursuant to section 1 of Article IV (§ 901.5 (a)).

(o) "Sheller" means any person engaged in the business of shelling walnuts for any commercial purpose.

3. Delete the provisions of paragraphs 17 and 18 of section 1 of Article I of the agreement and the corresponding provisions of the order (§§ 901.2 (r) and (s)) and insert, in lieu thereof, the following:

(r) "Crop year" means the twelve months from August 1 to the following July 31, both inclusive.

(s) "Surplus referable" to any walnuts handled or certified for handling or sold to the Control Board means a quantity of walnuts of like pack which bears the same ratio to such quantity of walnuts handled or certified for handling or sold to the Control Board as the surplus percentage bears to the salable percentage.

4. Delete the provisions of paragraph 5 of section 3 of Article II of the agreement and the corresponding provisions of the order (§ 901.3 (c) (9)) and insert, in lieu thereof, the following:

(9) To perform such duties in connection with the administration of section 32 of the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c), as may from time to time be assigned to it by the Secretary.

5. Delete the provisions of sections 1, 2, and 3 of Article III of the agreement and the corresponding provisions of the order (§§ 901.4 (a), (b), and (c)) and insert, in lieu thereof, the following:

(a) *Authorized packs.* Except as otherwise provided in Article VII (§ 901.8) hereof for the sale of cull walnuts, no packer shall handle any unshelled walnuts except those packed in accordance with such pack specifications and minimum requirements as the Control Board may prescribe, subject to the approval of the Secretary, in order to tend to effectuate the declared policy of the act. To aid the Secretary in determining whether to grant or withhold such approval, the Control Board shall furnish to the Secretary the data upon which it acted in prescribing such pack specifications and minimum requirements and such other data pertaining thereto as the Secretary may request.

(b) *Salable percentage and surplus percentage.* On the basis of the carryover, estimated consumptive demand, and estimated production of merchantable walnuts, the salable and surplus percentages of merchantable walnuts for each crop year shall be fixed by the Secretary, after consideration of the recommendations submitted to him by the Control Board, and other pertinent data; *Provided*, That the salable and surplus percentages so fixed shall not apply to separate packs of walnuts, of which not over 12 percent by count pass through a round opening 96/64 inches in diameter. The total of the salable and surplus percentages fixed for each crop year shall equal one hundred (100) percent. The Secretary may, subsequently, on request of the Control Board (or if the Control Board shall fail so to request, on request of two or more packers who have handled during the immediately preceding crop year at least ten (10) percent of the total tonnage handled by all packers during such crop year), and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable walnuts, available for sale will not be sufficient to supply the consumptive demand, increase the said salable percentage to conform with such new relation as may be found to exist between consumptive demand and available supply; *Provided, however*, That an increase of the salable percentage shall not be made after January 15 of any crop year unless the quantity of walnuts held unsold by the Control Board is sufficient to permit full delivery to packers as required by section 2 of Article V (§ 901.6 (b)) hereof. The merchantable walnuts handled by any packer in accordance with the provisions hereof shall be deemed to be that packer's quota fixed by the Secretary within the meaning of section 8a (5) of the act.

(c) *Estimated carryover, consumptive demand, and production.* To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than September 1 of each year, the following information: its estimate of the quantity of merchantable walnuts to be produced during such year, herein referred to as the "estimated production", such estimate to be approved by at least a two-thirds (⅔) vote of the Control Board; and, likewise, its estimate of the total consumptive demand in the United States for merchantable walnuts for the coming crop year (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act), such estimate to be approved by at least a two-thirds (⅔) vote of the Control Board; and also a report on the total carryover of merchantable walnuts from preceding crop years held by packers on the preceding August 1. The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting to recommend the salable and surplus percentages to be fixed by the Secretary.

6. In section 4 of Article III of the agreement and the corresponding provisions of the order (§ 901.4 (d)), change the phrase "of each year after 1935" to read "of each year"; and change the phrase "quantity, pack, quality and location thereof" to read "quantity, pack and location thereof."

7. In section 5 of Article III of the agreement and the corresponding provisions of the order (§ 901.4 (e)), change the phrase "the surplus referable to each pack and quality of such merchantable walnuts handled or to be handled" to read "the surplus referable to each pack of such merchantable walnuts handled or certified for handling."

8. In section 6 of Article III of the agreement and the corresponding provisions of the order (§ 901.4 (f)), delete the words "or to be handled" and insert, in lieu thereof, the words "or certified for handling."

9. In section 7 of Article III of the agreement and the corresponding provisions of the order (§ 901.4 (g)), delete the words "and quality" wherever they now appear in said section.

10. In section 11 of Article III of the agreement and the corresponding provisions of the order (§ 901.4 (k)), change the phrase "the quantity of each pack and quality handled or to be handled" so as to read "the quantity of each pack handled or certified for handling"; and, in subparagraph (1) thereof, change the phrase "or to a total weight equal to the surplus referable to such walnuts so handled or to be handled" to read "of a total weight equal to the surplus referable to such walnuts so handled or certified for handling."

11. Delete the provisions of sections 1 and 2 of Article IV of the agreement and the corresponding provisions of the order (§ 901.5 (a) and (b)) and insert, in lieu thereof, the following:

(a) *Credit values.* The Control Board shall, on or before October 15 of each year, establish, subject to the approval of the Secretary, credit values for each pack of merchantable walnuts. The establishment of credit values shall require a vote of at least two-thirds (⅔) of the members of the Control Board. To aid the Secretary in determining whether to grant or withhold such approval, the Control Board shall furnish to the Secretary the data upon which it acted in establishing such credit values and such other data pertaining thereto as the Secretary may request. Such credit values shall provide reasonable differentials for the different packs as

will reflect the normal differences in market prices thereof.

(b) *Interest of packers in holdings of Control Board.* The equitable interest of each packer in the holdings of the Control Board shall be in the proportion of the net credits of such packer to the total net credits of all packers. For the purpose of this section, "holdings of the Control Board" means the merchantable walnuts held by or for it and the net proceeds from the sale, exchange, or other disposition thereof by the Control Board, and all cash received by the Control Board pursuant to Article III (§ 901.4) hereof, which has not been expended or refunded in accordance with the provisions of said Article III; but shall not include such moneys, if any, as may be received by the Control Board as diversion payments in connection with the encouragement of exportation or encouragement of domestic consumption pursuant to the provisions of section 32 of the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c). The Control Board shall, from time to time, distribute the cash "holdings of the Control Board," ratably to the packers in accordance with their respective interests therein, except that no cash which under the provisions of Article III (§ 901.4) is to be, or may be, used to effect purchases from packers or which, under the provisions of said article, is to be held undistributed until the end of a crop year shall be distributed before the end of such crop year.

12. Delete the provisions of section 1 Article VI of the agreement and the corresponding provisions of the order (§ 901.7 (a)) and insert, in lieu thereof, the following:

(a) *Certification of shipments.* Every packer, at his own expense, shall obtain a certificate for each lot of merchantable walnuts handled or to be handled by him and all lots of merchantable walnuts which he delivers to the Control Board. Said certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such other requirements as the Control Board may specify, the identity of the packer, whether domestic shipments will move interstate or intrastate and if for export, the country of destination, the quantity and pack of merchantable walnuts in such lot, and that the walnuts covered by such certificate conform to the minimum specifications for quality and soundness prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

The Control Board may direct that such certificate be not issued to any packer who has failed to deliver or otherwise account for his surplus obligation in accordance with the terms hereof.

13. Delete the provisions of section 1 of Article VIII of the agreement and the corresponding provisions of the order (§ 901.9) and insert, in lieu thereof, the following:

§ 901.9 *Expenses.* Each packer shall pay to the Control Board, upon demand and on the applicable basis provided for hereinafter in this section, his pro rata share of the expenses necessarily incurred by the Control Board for its maintenance and functioning under this order for the crop year ending July 31, 1948, and for each crop year thereafter. The amount of such expenses which will necessarily be incurred by the Control Board during the crop year ending July 31, 1948, and each crop year thereafter, shall be fixed by the Secretary on the basis of recommendations by the Control Board and such other pertinent information as may be available to him. Such approved amount for any such crop year may later be adjusted, from time to time, by the Secretary. The recommendation of the Control Board as to the expenses for each such crop year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before September 1 of the crop year in connection with which such recommendation is made.

In the event a surplus percentage of merchantable walnuts is fixed for any crop year, each packer's pro rata share of the expenses of the Control Board for such crop year shall be that proportion thereof which the total credit value of his surplus obligation with respect to merchantable walnuts handled or certified for handling by him and merchantable walnuts sold by him to the Control Board, during such crop year, is of the total credit value of the surplus obligations of all the packers with respect to merchantable walnuts handled or certified for handling by them and merchantable walnuts sold to the Control Board by them during that crop year: *Provided*, That an initial assessment for any such crop year may be levied on each packer of one (1) percent of the total credit value of such packer's estimated surplus obligation for such crop year.

In the event no surplus percentage of merchantable walnuts is fixed for any crop year, each packer shall pay, as his pro rata share of the expenses of the Control Board for that crop year, an amount (adjusted to the next higher one-hundredths of a cent) per pound of merchantable walnuts handled, or certified for handling, by him during such crop year computed as follows: The amount resulting from dividing the approved expenses by the total aggregate pounds of merchantable walnuts which the Board estimates will be handled by all handlers during that crop year.

Any money collected to cover the expenses of the Control Board for any crop year and not expended for that purpose in connection with such crop year's operations shall be refunded to the packers who paid it on the basis of, in the case of each individual packer, the proportion that the amount of the assessment paid by him bears to the total amount of the assessments paid by all packers for the particular crop year.

14. In paragraph 3, section 2, Article XVI of the agreement and the corresponding provisions of the order (§ 901.17 (third paragraph)), change the phrase "on or before August 1" to read "on or before July 1."

15. Delete Exhibits A and B of the agreement and the corresponding provisions of the order (§§ 901.19 and 901.20).

This recommended decision filed at Washington, D. C., this 11th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-5666; Filed, June 13, 1947; 8:48 a. m.]

NOTICES

TREASURY DEPARTMENT

Office of the Secretary

FOUR AND ONE-QUARTER PERCENT TREASURY BONDS OF 1947-52

NOTICE OF CALL FOR REDEMPTION

To holders of 4¼ percent Treasury Bonds of 1947-52, and others concerned:

1. Public notice is hereby given that all outstanding 4¼ percent Treasury Bonds of 1947-52, dated October 16, 1922, are hereby called for redemption on October 15, 1947, on which date interest on such bonds will cease.

2. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

JUNE 13, 1947.

[F. R. Doc. 47-5688; Filed, June 13, 1947; 9:28 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839 Pub Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O 9788 Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8471, Amdt.]

BANK VOOR HANDEL EN SCHEEPVAART, N. V.

In re: Stock, bonds and debenture stock owned by and debt owing to Bank voor Handel en Scheepvaart, N. V.

Vesting Order 8471, dated March 20, 1947, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the certificate number 71952, set forth with respect to 25 shares of $10 par value common stock of The American Rolling Mill Company, 703 Curtis Street, Middletown, Ohio, an Ohio corporation, and substituting therefor the number N-0105735.

All other provisions of said Vesting Order 8471 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5661; Filed, June 13, 1947; 8:47 a. m.]

[Vesting Order 9085]

MILOSH GLOGOVCHAN

In re: Estate of Milosh Glogovchan, deceased. File No. D-57-374; E. T. sec. 11673.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Grafina Glogovchan, whose last known address is Roumania, is a resident of Roumania and a national of a designated enemy country, (Roumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Milosh Glogovchan, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country, (Roumania);

3. That such property is in the process of administration by Francis J. Mulligan, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Roumania)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5654; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9088]

DR. GUSTAV ADOLPH ET AL.

In re: Securities and Bank Accounts owned by Dr. Gustav Adolph and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorothea and Franziska Schickert and the individuals whose names are listed in Exhibit A, attached hereto and by reference made a part hereof, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That E. Merck Darmstadt, the last known address of which is Darmstadt, Germany, is an open partnership, organized under the laws of Germany, and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

3. That Holding Aktiengesellschaft fuer Merck Unternehmungen is a corporation organized under the laws of Switzerland, whose principal place of business is located at Zug, Switzerland, and all of whose capital stock is, or since the effective date of Executive Order 8389, as amended, has been owned by the aforesaid E. Merck Darmstadt, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain voting trust certificates described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in said Exhibit A and presently in the custody of the Buffalo Electro-Chemical Company, Inc., Buffalo, New York, together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations of Manufacturers and Traders Trust Company, 284 Main Street, Buffalo, New York, arising out of accounts maintained in the trust department of said bank, entitled and numbered as set forth in Exhibit B, attached hereto and by reference made a part hereof, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the individuals referred to in subparagraph 1 hereof and Holding Aktiengesellschaft fuer Merck Unternehmungen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That Holding Aktiengesellschaft fuer Merck Unternehmungen is controlled by E. Merck Darmstadt or is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That to the extent that the persons referred to in subparagraphs 1, 2, and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

VOTING TRUST CERTIFICATES REPRESENTING CAPITAL STOCK SHARES OF SUCRO BLANC, S. A.

Registered owner	Class A stock		Class B stock	
	Number of shares	Certificate No.	Number of shares	Certificate No.
Buffalo Electro-Chemical Co., Inc., as agent for—				
Dr. Gustav Adolph	32	A 2	8	B-2.
	.15	AF-1	.7679	BF-1.
Frieda Kramer	19	A 13	5	B 13.
	.3	AF 9	.2634	BF-12.
Gerda Kramer	3	A 14	1	B-14.
	.8	AF 10	.0960	BF-13.
Dorothea Thoma Kramer.	1	A 15	.4968	BF-14.
	.8	AF 11		
Albert Pletzsch	25	A 17	6	B-16.
	.5	AF-13	.9543	BF-16.
Kurt Pletzsch	13	A 18	3	B 17.
	.25	AF-14	.6135	BF 17.
Irene Pletzsch	17	A 19	4	B-18.
	.5	AF-15	.7726	BF-18.
Frau Renate von Petersdorff.	17	A 20	4	B-19.
	.5	AF-16	.7726	BF-19.
Rudolph Pletzsch	3	A 21	1	B-20.
	.75	AF-17	.0227	BF-20.
Siegfried Pletzsch	3	A 22	1	B-21.
	.75	AF-18	.0227	BF-21.
Werner Pletzsch	3	A 23	1	B-22
	.75	AF-19	.0227	BF-22.
Albert Pletzsch, guardian of Dorothea and Franziska Schickert.	17	A 25	4	B-24.
	.5	AF 21	.7726	BF-24.
Ruth von Transche	25	A-29	6	B-25.
			.8180	BF-25.
Holding Aktiengesellschaft fuer Merck Unternehmungen.	79	A-11	21	B-11.
	.8	AF-7	.7630	BF-10.

EXHIBIT B

BANK ACCOUNTS IN THE MANUFACTURERS & TRADERS TRUST CO.

Name of account	Trust Department Account No.
Gustav Adolph	2425
Dorothea T. Kramer	2437
Frieda Kramer	2435
Gerda Kramer	2436
Albert Pietzsch	2427
Irene Pietzsch	2428
Kurt Pietzsch	2431
Renate Pietzsch	2429
Rudolph Pietzsch	2432
Siegfried Pietzsch	2433
Werner Pietzsch	2434
Ingeborg Schickert (Estate)	2430
Ruth von Tranche	2426
Holding Aktiengesellschaft fuer Merck Unternehmungen	2424

[F. R. Doc. 47-5655; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9103]

BRUNO HIMMEL

In re: Estate of Bruno Himmel, deceased. File No. D-28-11796; E. T. sec. 16011.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Himmel, Anna Heck, Beate Schwau, and Karl Bruckel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Bruno Himmel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Edward Cohn, as Administrator, and Charles A. Otto, Jr., Esq., as Depositary, acting under the judicial supervision of the Union County Orphans' Court, Union County Courthouse, Elizabeth, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5656; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9122]

MARY LOUISE BLAU

In re: Estate of Mary Louise Blau, deceased. File D-66-309; E. T. sec. 2563.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Schepelman, Margarethe Blau, Erich Blau, Ida Schroder, Lydia Huhn, Johannes Huhn, Karl Victor Huhn, Marie Emmy Gertraude Munnich, Gertrude Brandt, Charlotte Blau, Hermann Blau, Gustav Moritz Wilhelm Paul Axthelm, Anna Therese Helene Hoffmann, Auguste Maria Brand, August Fritz Axthelm, Barbara Pinkpank, Moritz Otto Peritz, Maria Agnes Peritz, Robert Moritz Kurt Kruger, Klara Johanna Charlotte Hartmann, Rudolph Arthur Oskar Kruger, Julie Rosa Blume, Martha Elsa Boettcher, Clara Maria Axthelm, Louise Clara Axthelm, Anna Elizabeth Axthelm, August Kurt Axthelm, Rosalie Wilhelmine Axthelm, Charlotte Anna Axthelm, Elli Elsa Wiedemann, Ernst Otto Axthelm, Anna Pauline Louise Schied, Minna Hedwig Kaufuss, Rosalie Rosa Grotzner, Emmi Rothe, and Margarethe Elizabeth Franke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carl Albin Knab, Charlotte Blau, Hermann Blau, Anna Therese Hartmann, Clara Wilhelmine Kruger, and Karl Louis Axthelm, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: Twelve thirty-firsts ($\frac{12}{31}$) of the property presently under the supervision of the Hudson County Orphans' Court, Jersey City, New Jersey, in the matter of the Estate of Mary Louise Blau, deceased, which constituted personalty of Mary Louise Blau, deceased, at the date of the death of said Mary Louise Blau,

is property payable or deliverable to, or claimed by, the persons identified in subparagraphs 1 and 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described in subparagraph 3 hereof is in the process of administration by the Howard Savings Institution, Newark, New Jersey, as Administrator, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

5. That the property described as follows:

a. Eleven twenty-sevenths ($\frac{11}{27}$) of the real property known as 45-45A Belmont Avenue, Jersey City, New Jersey, (Block 1922, Lot 45), inherited by Mary Louise Blau, deceased, from Gustav (Gustave) Blau, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. One ninth ($\frac{1}{9}$) of the real property known as 137, 139 and 141 Clerk Street, Jersey City, New Jersey, (Block 2011, Lots D, E, and F), acquired by succession from Gustav (Gustave) Blau, Karoline (Caroline) Blau and Emelia (Amelia) Blau, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees, names unknown of Karl Louis Axthelm, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown of Carl Albin Knab, Charlotte Blau, Hermann Blau, Anna Therese Hartmann, Clara Wilhelmine Kruger, and Karl Louis Axthelm, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, subject to the payment of all lawful charges, including without limitation all lawful taxes of the United States and of the State of New Jersey, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 5 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5623; Filed, June 12, 1947; 8:50 a. m.]

[Vesting Order 9126]

LOUISA DRATHSCHMIDT

In re: Estate of Louisa Drathschmidt, formerly Louisa Bolz, deceased. File D-28-104391; E. T. Sec. 14846.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oskar Drathschmidt and Elsa Drathschmidt, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Louisa Drathschmidt, formerly Louisa Bolz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles Hamann, as Administrator, acting under the judicial supervision of the Probate Court of Winona County, Minnesota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5657; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9133]

RUDOLPH KLEIN

In re: Estate of Rudolph Klein, deceased. File No. D-66-1544; E. T. sec. 9676.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katie Haag, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany); and that Catherine Ehling, whose last known address is Rumania, is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That the issue of Katie Haag, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany); and that the issue of Catherine Ehling, names unknown, who there is reasonable cause to believe are residents of Rumania, are nationals of a designated enemy country (Rumania);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Rudolph Klein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of designated enemy countries (Germany and Rumania);

4. That such property is in the process of administration by John Klein, as substituted administrator c. t. a. of the estate of Rudolph Klein, deceased, acting under the judicial supervision of the Bergen County Orphans' Court, Bergen County Courthouse, Hackensack, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the issue of Katie Haag, names unknown, and the issue of Catherine Ehling, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries (Germany and Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5658; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9134]

ISAAC MAAS

In re: T/W of Isaac Maas, deceased. File D-28-6473; E. T. sec. 3771.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosa Hirsch and Elizabeth Spindler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next-of-kin, legatees and distributees of Elizabeth Spindler, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Isaac Maas, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the above-named persons and the personal representatives, heirs, next-of-kin, legatees, and distributees of Elizabeth Spindler, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5659; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9186]

HINRICH WILHELM ECHEN

In re: Estate of Hinrich Wilhelm Echen, a/k/a Henry Wilhelm Echen, a k/a Hinrich Wilhelm Ecken, a k a Henry Wilhelm Ecken, deceased. File No. D-28-10518; E. T. sec. 14919.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernhart Echen, Johan Echen, Gesena Echen, Anna Echen, Lisa Echen,

whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children or issue of children, names unknown of Bernhart Echen, the children or issue of children, names unknown of Johan Echen, the children or issue of children, names unknown of Gesena Echen, the children or issue of children, names unknown of Anna Echen, and the children or issue of children, names unknown of Lisa Echen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Hinrich Wilhelm Echen, a/k/a Henry Wilhelm Echen, a/k/a Hinrich Wilhelm Ecken, a/k/a Henry Wilhelm Ecken, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Walter R. Gottschalk as Executor of the estate of Hinrich Wilhelm Echen, a/k/a Henry Wilhelm Echen, a/k/a Hinrich Wilhelm Ecken, deceased, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the children or issue of children, names unknown of Bernhart Echen, the children or issue of children, names unknown of Johan Echen, the children or issue of children, names unknown of Gesena Echen, the children or issue of children, names unknown of Anna Echen, and the children or issue of children, names unknown, of Lisa Echen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5660; Filed, June 13, 1947; 8:46 a. m.]

[Vesting Order 9190]

CHARLES G. B. HAHN

In re: Estate of Charles G. B. Hahn, deceased. File D-28-10792; E. T. sec. 15136.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernestine Schmitt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Charles G. B. Hahn, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Otto P. Kramer, 79 West 12th., Holland, Michigan, as Administrator, c. t. a., acting under the judicial supervision of the Probate Court of Ottawa County, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5624; Filed, June 12, 1947; 8:50 a. m.]

NAVY DEPARTMENT

[No. 4 (d)]

LANDING CRAFT LC(FF)

NAVIGATION LIGHTS

Whereas, the act of December 3, 1945 (Pub. Law 239, 79th Cong.) provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that type of vessel, known as Landing Craft Flotilla Flagship, has been made by the Navy Department, and, as a result of such study, it has been determined that because of their special construction it is not possible for the type of naval vessel designated above to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study do find and certify that the type of naval vessels known as Landing Craft Flotilla Flagship are naval vessels of special construction, and that, on such vessels with respect to the position of the masthead light and the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in the act of December 3, 1945. Further, I do find and certify as follows:

(a) That it is feasible to locate the aforesaid masthead light in the after part of said vessels approximately eighty-seven feet abaft the stem.

(b) That it is feasible to locate the additional white light (commonly termed the range light), if such light is installed in any of the aforesaid type of vessels, in the forward part of the vessel and in front of the light referred to in the preceding paragraph.

I direct that the aforesaid lights, that is the masthead light and the additional white light (commonly termed the range light), if such light is installed, shall be located in this type of vessel in the manner above described. I further direct that the two aforesaid lights, referred to in subparagraphs (a) and (b), if both lights are installed, shall be placed in line with the keel and that the after light shall be at least fifteen feet higher than the forward light and that the vertical distance between the two lights shall be less than the horizontal distance.

I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 6th day of June A. D. 1947.

JAMES FORRESTAL,
Secretary of the Navy

[F. R. Doc. 47-5629; Filed, June 13, 1947; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1538386]

NEVADA

CORRECTION TO ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

JUNE 3, 1947

In the order of March 6, 1947 (12 F. R. 1776), in the paragraph headed "T. 31 N., R. 33 E.", the description "Sec. 8, N½ NE¼" is corrected to read "Sec. 8, NE¼ NE¼."

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-5634; Filed, June 13, 1947; 8:49 a. m.]

CALIFORNIA

CORRECTION TO CLASSIFICATION ORDER

JUNE 6, 1947.

In the order of April 23, 1947, Small Tract Classification No. 117, California No. 46, published in the FEDERAL REGISTER on May 7, 1947 (12 F. R. 3034, 3035), the date September 3, 1947, in subparagraph (b) of paragraph 5, should be June 25, 1947, and the date September 4, 1947, in subparagraph (d) of the same paragraph, should be September 24, 1947. The order is amended accordingly.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-5635; Filed, June 13, 1947; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6885, 7435, 7959]

CENTRAL UTAH BROADCASTING CO. ET AL.

MEMORANDUM OPINION AND ORDER DENYING PETITION AND SCHEDULING HEARING

In re applications of Frank A. Van Wagenen and Harold A. Van Wagenen, a partnership, doing business as Central Utah Broadcasting Co., Provo, Utah, for construction permit, Docket No. 7959, File No. BP-4703; United Broadcasting Company, Ogden, Utah, for construction permit, Docket No. 6885, File No. BP-4107; Ogden Broadcasting Company, Inc., Ogden, Utah, for construction permit, Docket No. 7435, File No. BP-4553.

The Commission has before it a petition filed February 27, 1947, by Frank A. Van Wagenen and Harold E. Van Wagenen, a partnership, doing business as Central Utah Broadcasting Company, Provo, Utah, for reconsideration of the Commission's action on November 29, 1946, setting aside, upon a joint petition filed August 22, 1946, by United Broadcasting Company, Ogden, Utah, and Ogden Broadcasting Company, Inc., Ogden, Utah, the grant without hearing made by the Commission August 1, 1946 to petitioner of its application for construction permit (File No. BP-4703) to operate on 1490 kc, with 250 watts power, unlimited time, and upon such reconsideration, to reinstate said grant.

United Broadcasting Company, Ogden, Utah, and Ogden Broadcasting Company, Ogden, Utah, are applicants for construction permits (File Nos. BP-4107 and BP-4553; Dockets Nos. 6385 and 7435, respectively), each requesting the use of the frequency 1490 kc, with 250 watts power, unlimited time. Ogden, Utah, is 70 miles from Provo, Utah.

The original grant without hearing of petitioner's application was made upon the showing that no interference to any existing station or pending applicant would be expected, based upon the Commission's conductivity maps. The grant was set aside as a result of field measurements taken by United Broadcasting Company and Ogden Broadcasting Company, Inc., which indicated the existence of higher conductivities than those shown in the Commission's conductivity maps[1] and the probability of substantial interference from simultaneous operation of stations at Ogden and Provo.

On November 29, 1946, petitioner's application, and those of United Broadcasting Company and Ogden Broadcasting Company, Inc., were designated for a consolidated hearing upon issues including the determination of interference by the simultaneous operation of the two proposed stations at Ogden and the one proposed at Provo.

The petition now before us alleges that, based upon certain measurements taken by petitioner's consulting engineers, the interference would be slight to both stations. It appears, however, that the measurements taken by petitioner's engineers were limited to signals from Provo to Ogden and did not include measurements from Ogden toward Provo, as would be essential for an accurate showing of conductivities. Moreover, the Commission cannot agree with the contours plotted by petitioner as a result of the measurements made. Petitioner assumes a uniform conductivity of 5×10^{-14} E. M. U. in determining the pertinent contours of the Provo proposal. However, field strength measurements made by petitioner's engineers in the direction of Ogden indicate a conductivity of 10×10^{-14} E. M. U. for the first 25 miles, decreasing conductivity out to 70 miles. Petitioner further assumes an antenna efficiency of 90 mv/m for the Provo proposal and indicates the 0.5 mv/m contour lines at a distance of 13.5 miles from the transmitter. Using a conductivity of 5×10^{-14} E. M. U., the predicted 0.5 mv/m contour would actually lie at a distance of 17 miles from the transmitter, and with a conductivity of 10×10^{-14} E. M. U., the distance would be 25 miles. Thus the increase in the area of the 0.5 mv/m contour would result in the Provo proposal experiencing substantially more interference than indicated by petitioner.

The failure of the Provo applicant to submit acceptable engineering data which would refute the probability of substantial interference from the simultaneous operation at Ogden and Provo as shown by the field measurements taken by United Broadcasting Company and Ogden Broadcasting Company, Inc. in their original petition for reconsideration of the Provo grant, resulted in that grant being set aside. We are of the opinion that the present measurements and data submitted by the Provo applicant have likewise failed to refute that evidence, and that, in this situation, the petition should be denied.

Therefore, *It is ordered*, This 3d day of June 1947, that the petition of Frank A. Van Wagenen and Harold E. Van Wagenen, doing business as Central Utah Broadcasting Company, Provo, Utah, for reconsideration and grant of its application (File No. BP-4703) without hearing, be, and it is hereby, denied.

It is further ordered, That the consolidated hearing on the above-entitled matters heretofore designated for hearing be, and it is hereby, scheduled for 10:00 o'clock a. m., Monday, June 23, 1947, at Washington, D. C.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5653; Filed, June 13, 1947; 8:48 a. m.]

[1] See Standards, pages 16 and 17—"The conductivity of a given terrain may be determined by measurements of any broadcast signal traversing the terrain involved, or in case such measurements are not available, then conductivity must be taken from the map of ground conductivity in the United States, Figure 3. This map shows the conductivity throughout the United States by general areas of reasonable uniform conductivity. In areas of limited size, or over a particular path, the conductivity may vary widely from the values given. The map is to be used only when accurate and acceptable measurements have not been made."

[Docket No. 8358]

CATONSVILLE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Roland A. Johnson and Thomas W. Johnson, a partnership, d/b as Catonsville Broadcasting Company, Catonsville, Maryland, for a construction permit; Docket No. 8358, File No. BP-5608.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of June 1947;

The Commission having under consideration the above-entitled application, requesting a construction permit for a new standard broadcasting station to operate on 1440 kc, with 250 w power, daytime only, at Catonsville, Maryland;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Catonsville Broadcasting Company be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determined whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and

populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of The Capital Broadcasting Company, Annapolis, Maryland (File No. BP-4318; Docket No. 7371), or in any other pending application for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the assignment of a Class IV station to a regional channel.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5652; Filed, June 13, 1947; 8:48 a. m.]

[Dockets Nos. 8363, 8364, 8395]

TWIN CITIES BROADCASTING CORP. (WDGY) ET AL.

ORDER FOR HEARING TO SHOW CAUSE ON STATED ISSUES

In re applications of Twin Cities Broadcasting Corporation (WDGY), Minneapolis, Minnesota, for construction permit, Docket No. 8363, File No. BP-5429; Pontiac Broadcasting Company (WCAR), Detroit, Michigan, for construction permit, Docket No. 8364, File No. BP-5971; and modification of broadcast license of Twin Cities Broadcasting Corporation (WDGY) Minneapolis, Minnesota, Docket No. 8395, File No. BS-669.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of June 1947:

It appearing, that Twin Cities Broadcasting Corporation (WDGY) is presently licensed to operate Station WDGY at Minneapolis, Minnesota, on the frequency 1130 kilocycles, with 5 kilowatts power daytime, and with 500 watts power between local sunset and sunset at Albuquerque, New Mexico; and that Station KWKH, Shreveport, Louisiana, is assigned the use of that frequency, with 50 kw power, unlimited time; and

It further appearing, that the operation of Station WDGY between sunset at Minneapolis, Minnesota, and sunset at Albuquerque, New Mexico, causes cochannel interference to the 1.32 mv/m groundwave service contour and to the 1.11 mv/m sky wave service contour of Station KWKH, Shreveport, Louisiana; and

It further appearing, that the Commission on April 30, 1947, designated for hearing in a consolidated proceeding the applications of Twin Cities Broadcasting Corporation (WDGY) (File No. BP-5429; Docket No. 8363), requesting a construction permit to operate Station WDGY at Minneapolis, Minnesota, on 1130 kilocycles, with 50 kilowatts power, unlimited time, using directional antenna, and Pontiac Broadcasting Company (WCAR) (File No. BP-5971; Docket No. 8364), requesting a construction permit to operate Station WCAR at Detroit, Michigan, on 1130 kilocycles, with 50 kilowatts power, unlimited time, using directional antenna; and

It further appearing, that, pursuant to section 312 (b) of the Communications Act of 1934, any station license may be modified by the Commission either for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience and necessity, provided that no such order of modification shall become final until the holder of such outstanding license shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue;

It is ordered, That, pursuant to section 312 (b) of the Communications Act of 1934, as amended, opportunity be, and it is hereby, afforded Twin Cities Broadcasting Corporation, licensee of Station WDGY, Minneapolis, Minnesota, to show cause at a hearing before the Commission, at a time and place to be designated by subsequent order of the Commission, why the existing station license issued to said Twin Cities Broadcasting Corporation (WDGY) should not be modified so as to authorize operation on 1130 kilocycles; with 5 kilowatts power either daytime only; or with directional antenna or other means to avoid causing interference to the normally protected primary service (0.1 mv/m contours day and night) and the secondary nighttime service (0.5—50% skywave contour) of Station KWKH; and that International Broadcasting Corporation (KWKH), Shreveport, Louisiana, be, and it is hereby, made a party to this proceeding.

It is further ordered, That the above-ordered hearing to show cause be, and it is hereby, consolidated with the above-described consolidated hearing on the said applications of Twin Cities Broadcasting Corporation (WDGY) and Pontiac Broadcasting Company (WCAR) for construction permits; and that the order of April 30, 1947, designating for consolidated hearing the said applications for construction permits, be, and it is hereby, amended to make § 1.857 of the Commission's rules and regulations applicable to the entire proceeding.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5651; Filed, June 13, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-879]

WEST TEXAS GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 11, 1947

Notice is hereby given that, on June 10 1947, the Federal Power Commission issued its findings and order entered June 6, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5648; Filed, June 13, 1947; 8:48 a. m.]

[Docket No. G-880]

TEXAS EASTERN TRANSMISSION CORP

NOTICE OF ORDER ALLOWING RATE SCHEDULES TO TAKE EFFECT

JUNE 11, 1947.

Notice is hereby given that, on June 9 1947, the Federal Power Commission issued its order entered June 6, 1947, allowing rate schedules to take effect in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5649 Filed, June 13, 1947 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-86, 54-148]

PUBLIC SERVICE CORP. OF N. J. ET AL

NOTICE OF FILING OF AMENDMENT TO PLAN AND ORDER RECONVENING HEARINGS IN CONSOLIDATED PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of June 1947.

In the matter of Public Service Corp of New Jersey and its subsidiary companies and the United Corp., File No. 59-86; Public Service Corp. of New Jersey, File No. 54-148.

Notice is hereby given that Public Service Corporation of New Jersey ("Public Service") and its subsidiaries, have filed a further amendment to a plan heretofore filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, which plan was consolidated with proceedings instituted by the Commission pursuant to section 11 (b) of the act. All interested persons are referred to said amendment, which is on file in the office of this Commission, for a statement of the transactions therein proposed. The instant amendment modifies the plan as heretofore filed only in respect of the matters summarized as follows:

(1) Public Service has revised the rate of exchange of shares of $1.40 Dividend Preference Common Stock of Public Service Electric and Gas Company ("Electric and Gas") for each share of its own non-callable preferred stock in the hands of the public. The rate of exchange originally proposed and as revised by the present amendment are as follows:

Public Service preferred stock	$1.40 dividend preference common stock rate of exchange	
	Revised proposal	Original proposal
5 percent	4.7	4.5
7 percent	4.15	3.9
6 percent	3.7	3.5
$5	3.25	3.1

(2) To give effect to the increased rate of exchange in the number of shares of $1.40 Dividend Preference Common Stock shown above, Electric and Gas will increase the number of shares of such $1.40 Dividend Preference Common Stock from 5,693,778 to 6,062,767 shares, while the number of shares of regular common stock to be issued will remain at 5,503,193. No change is made in the former proposal to distribute the common stock of Electric and Gas and the South Jersey Gas Company to the common stockholders of Public Service.

(3) The rate of conversion of each share of the $1.40 Dividend Preference Common Stock of Electric and Gas into regular common stock of that company has been revised from that originally proposed as indicated below:

Period for conversion after effective date of plan—	Rate of conversion of preference common into regular common	
	Revised proposal	Original proposal
First 3 years	*Shares* 1.1	*Share* 1
Next 3 years	1	7/8
Next 3 years	7/8	3/4
Next 3 years	3/4	5/8

In addition to the foregoing it is proposed that the $1.40 Dividend Preference Common Stock, at the termination of the conversion period, will be redeemable, at the option of the company, in whole or in part, at any time, at $35 per share plus accrued dividends to the redemption date.

(4) Public Service proposes to recapitalize County Gas Company prior to the disposition of its interest therein.

(5) Electric and Gas proposes to amortize $14,744,602.80, the remaining balance to be classified in its Gas Utility Plant Acquisition Adjustment Account (Acct. 100.5), through charges to Income Deductions, Earned Surplus or Capital Surplus, as the company may elect, at the rate of $1,000,000 a year rather than $500,000 a year as previously proposed.

(6) Public Service Coordinated Transport, a subsidiary of Public Service, and Transport's subsidiary, Public Service Interstate Transportation Company, proposes to increase the amount of intangible fixed capital to be eliminated from their accounts, from $33,296,464 to $50,517,409, and to dispose of the latter amount by charges aggregating $40,778,861 against Capital Surplus and $2,238,548 against Earned Surplus, leaving $7,500,000 balance which it will amortize at the rate of $500,000 a year by charges against earnings.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that the hearings heretofore held in the above-entitled consolidated proceedings, which were adjourned on June 4, 1947 to afford Public Service an opportunity to prepare and file the instant amendment, should be reconvened for the purpose of adducing further evidence and affording all interested persons further opportunity to be heard with respect to the matters and questions heretofore specified in this Commission's Order of April 7, 1947 issued in the above-entitled matter (Holding Company Act Release No. 7336).

It is ordered, That the hearing in the above-entitled consolidated proceedings be reconvened on the 24th day of June, 1947, at 10:00 a. m., e. d. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That any person not heretofore having appeared in these proceedings and now desiring to be heard or proposing to intervene herein shall file with the Secretary of this Commission, on or before June 20, 1947, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That notice of this hearing be given by registered mail to Public Service and its subsidiaries, The United Corporation, the Board of Public Utility Commissioners of the State of New Jersey, and the Federal Power Commission, and to all other persons by publication in the FEDERAL REGISTER; and that Public Service shall give further notice of this hearing to its security holders (insofar as the identity of such security holders is known or available to Public Service) by mailing to each of said persons a copy of this notice and order for hearing to his last known address at least 10 days prior to the date of this hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5644; Filed, June 13, 1947; 8:50 a. m.]

[File No. 70-1471]

CONSOLIDATED ELECTRIC AND GAS CO. ET AL.

SUPPLEMENTAL ORDER APPROVING TRANSACTIONS SET FORTH IN APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of June A. D. 1947.

In the matter of Consolidated Electric and Gas Co., The Middle West Corp., Upper Peninsula Power Co.; File No. 70-1471.

Consolidated Electric and Gas Company, The Middle West Corporation and Upper Peninsula Power Company, parties to this proceeding, having requested that our order dated June 3, 1947 be amended to include certain recitals, specifications and itemizations in conformity with sections 371 (b), 371 (f), 373 (a) and 1808 (f) of the Internal Revenue Code, as amended, and it appearing appropriate that each request be granted:

It is ordered and recited, That our order herein dated June 3, 1947 be and is hereby amended by adding thereto the following:

The transactions set forth in the Application-Declaration, as amended, proposed to be effected by Consolidated Electric and Gas Company, The Middle West Corporation and Upper Peninsula Power Company, including those hereinafter described and recited, are hereby approved and found to be necessary or appropriate to the integration or simplification of their respective holding company systems and to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The issuance by Upper Peninsula Power Company of its new securities required to be issued in consummating the transactions embraced in the Application-Declaration, namely:

$3,500,000 principal amount of First Mortgage Bonds, 3¼% Series due 1977;
10,000 shares of Cumulative Preferred Stock, 5¼% Series, par value $100 per share; and
200,000 shares of Common Stock, par value $9 per share;

(b) The transfer and conveyance by Houghton County Electric Light Company, Iron Range Light and Power Company and Copper District Power Company of all their realty and other assets to Upper Peninsula Power Company, in connection with the liquidation and dissolution of said companies and the acquisition of their assets by Upper Peninsula Power Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5643; Filed, June 13, 1947; 8:50 a. m.]

JUN 18 '47

JUN 18 '47

FEDERAL REGISTER

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Washington, Tuesday, June 17, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9865

PROVIDING FOR THE PROTECTION ABROAD OF INVENTIONS RESULTING FROM RESEARCH FINANCED BY THE GOVERNMENT

WHEREAS the Government of the United States now has and will hereafter acquire title to, or the right to file foreign patent applications for, numerous inventions arising out of scientific and technical research carried on by or for the Government; and

WHEREAS it is in the interest of the United States to acquire patent protection abroad on certain inventions resulting from government-financed research; and

WHEREAS it is in the interest of the Government to foster, promote, and develop the foreign commerce of the United States:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and statutes, and as Commander in Chief of the Army and Navy, and in the interest of the foreign affairs functions of the United States and the internal management of the Government, it is hereby ordered as follows:

1. All Government departments and agencies shall, whenever practicable, acquire the right to file foreign patent applications on inventions resulting from research conducted or financed by the Government.

2. All Government departments and agencies which have or may hereafter acquire title to inventions or the right to file patent applications abroad thereon, shall fully and continuously inform the Department of Commerce concerning such inventions, except as provided in section 6 hereof, and shall make recommendations to the Department of Commerce as to which of such inventions should receive patent protection by the United States abroad and the foreign jurisdictions in which such patent protection should be sought. The recommendations of such departments and agencies shall indicate the immediate or future industrial, commercial or other value of the invention concerned, including its value to public health.

3. The Department of Commerce shall determine whether, and in what foreign jurisdictions, the United States should seek patents for such inventions and, to the extent of appropriations available therefor, shall procure patent protection for such inventions, taking all action, consistent with existing law, necessary to acquire and maintain patent rights abroad. Such determinations of the said Department shall be made after full consultation with United States industry and commerce, with the Department of State, and with other Government agencies familiar with the technical, scientific, industrial, commercial or other economic or social factors affecting the invention involved, and after consideration of the availability of valid patent protection in the countries determined to be immediate or potential markets for, or producers of, products, processes, or services covered by or relating to the invention.

4. The Department of Commerce shall administer foreign patents acquired by the United States under the terms of this order and shall issue licenses thereunder in accordance with law under such rules and regulations as the Secretary of Commerce shall prescribe. Nationals of the United States shall be granted licenses on a nonexclusive royalty free basis except in such cases as the Secretary shall determine and proclaim it to be inconsistent with the public interest to issue such licenses on a nonexclusive royalty free basis.

5. The Department of State, in consultation with the Department of Commerce, shall negotiate arrangements among governments under which each government and its nationals shall have access to the foreign patents of the other participating governments. Patents relating to matters of public health may be licensed by the Secretary of Commerce, with the approval of the Secretary of State, to any country or its nationals upon such terms and conditions as are in accordance with law and as the Secretary of Commerce determines to be appropriate, regardless of whether

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such country is a party to the arrangements provided for in this section.

6. There shall be exempted from the provisions of this order (a) all inventions within the jurisdiction of the Atomic Energy Commission except in such cases as the said Commission specifically authorizes the inclusion of an invention under the terms of this order, and (b) all other inventions officially classified as secret or confidential for reasons of the national security. Nothing in this order shall supersede the de-

classification policies and procedures established by Executive Orders Nos. 9568 of June 8, 1945, 9604 of August 25, 1945, and 9809 of December 12, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 14, 1947.

[F. R. Doc. 47-5772; Filed, June 16, 1947; 11:17 a. m.]

EXECUTIVE ORDER 9866

DESIGNATION OF OFFICERS TO ACT AS SECRETARY OF THE INTERIOR

By virtue of and pursuant to the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6), and in the interest of the internal management of the Government, it is ordered as follows:

1. (a) The Under Secretary of the Interior shall perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of the Secretary of the Interior.

(b) The ranking Assistant Secretary of the Interior when both of the Assistant Secretaries are present, otherwise the Assistant Secretary of the Interior who is present, shall perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of the Secretary and Under Secretary of the Interior.

(c) The Solicitor of the Department of the Interior shall perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of the Secretary, the Under Secretary, and the Assistant Secretaries of the Interior.

2. The Assistant Secretary of the Interior whose commission bears the earlier date, or, if the commissions of the Assistant Secretaries bear the same date, the Assistant Secretary who took the oath of office on the earlier date, shall be the ranking Assistant Secretary of the Interior for the purpose of paragraph 1 (b) of this order.

3. This order supersedes Executive Order No. 9432, dated March 28, 1944.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 14, 1947.

[F. R. Doc. 47-5773; Filed, June 16, 1947; 11:17 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 562]

PART 301—DOMESTIC QUARANTINE NOTICES

RESTRICTIONS OF JAPANESE BEETLE QUARANTINE ON FRUITS, VEGETABLES, AND CUT FLOWERS; EFFECTIVE DATES FOR SEASON

§ 301.48-4a *Administrative instructions relative to the Japanese beetle quarantine.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (b) of § 301.48-4 (Notice of Quarantine No. 48), it has been determined that the period of heavy flight of adult Japanese beetles will begin in the localities listed below on the dates given. Accordingly, it is hereby ordered that the restrictions of §§ 301.48-4 (b) and 301.48-5 relating to the heavily infested areas (§ 301.48-3), and applying to:

(a) Unprocessed, fresh, cut flowers when moved in bulk direct from the field or greenhouse where grown, or from a distributor; and

(b) Fresh fruits and vegetables of all kinds when shipped by refrigerator car or motortruck only; shall begin for the present season on the following dates:

(1) At 12:01 a. m., June 17, 1947, in the following areas:

Delaware: Sussex County.
Maryland: Entire counties of Dorchester, Somerset, Wicomico, and Worcester.
Virginia: Norfolk County: Magisterial district of Tanners Creek.
Princess Anne County: Magisterial district of Kempsville.
Entire counties of Accomac and Northampton.

(2) At 12:01 a. m., June 24, 1947, in the remainder of the heavily infested area.

These restrictions shall remain in effect during the current season until due notice of their discontinuance shall have been given. (Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161)

Compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) is impracticable and contrary to the public interest in that regulation of the movement of cut flowers, fruits and vegetables as provided herein must become effective immediately upon the heavy flight of the adult Japanese beetle if the spread of this insect to uninfested States is to be prevented. Emergence of adults and beginning of such flight fluctuate with weather and other environmental factors, and are unpredictable within narrow time limits. This season's heavy flight is now imminent. Consequently there is no opportunity for such compliance.

Done at Washington, D. C., this 9th day of June 1947.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 47-5674; Filed, June 16, 1947; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Plum Order 10]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.311 *Plums Order 10*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 86, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Duarte plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 18, 1947, and ending at 12:01 a. m., P. s. t., October 1, 1947, no shipper shall ship:

(i) Any package or container of Duarte plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Duarte plums containing plums of a size smaller than the size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Duarte plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(*a*) Of said total quantity, at least seventy-five (75) percent, by number of packages, shall be of a size not smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States standards, in the aforesaid standard basket; and said 4 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

(*b*) The remainder of such total quantity may be of a size that will pack a 5 x 5 standard pack, as aforesaid, or of larger sizes up to, but not including, a size that will pack a 4 x 5 standard pack, as aforesaid.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum

allowable portion of such Duarte plums that will pack a 5 x 5 standard pack, and larger sizes, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Duarte plums of such size that the respective shipper could have shipped on such succeeding calendar day of there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{11}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{7}/_{16}$ inches in diameter.

(4) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter, (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{5}/_{16}$ inches in diameter.

(5) Nothing contained in this section, shall be construed (i) as preventing a shipper from shipping Duarte plums of a size larger than the size that will pack a 4 x 5 standard pack, as aforesaid, if said plums meet the grade requirements of the section, or (ii) as permitting the shipment of Duarte plums of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(6) Each shipper, prior to making each shipment of Duarte plums shall, during the period set forth in subparagraph (1) of this paragraph have the plums included in each shipment inspected by a duly authorized representative of the Federal-State Inspection Service heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly or cause to be submitted promptly to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Duarte plums contained in each such lot or shipment: *Provided, however*, That, in case the following conditions exist in connection with any such shipments:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time; the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(7) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(8) As used in this section, the terms "shipper," "ship," "shipping," and "shipping point" shall have the same meaning as when used in the amended marketing agreement and order; and, the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 13th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5742; Filed, June 16, 1947; 8:49 a. m.]

[Plum Order 11]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.312 *Plum Order 11*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Burbank plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 18, 1947, and ending at 12:01 a. m., P. s. t., October 1, 1947, no shipper shall ship:

(i) Any package or container of Burbank plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Burbank plums containing plums of a size smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Burbank plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(*a*) Of said total quantity, not more than fifty (50) percent, by number of packages, shall be of a size that will pack a 4 x 5 standard pack, as aforesaid, in the aforesaid standard basket; and

(*b*) The remainder of such total quantity shall be of a size larger than a size that will pack a 4 x 5 standard pack, as aforesaid, in the aforesaid standard basket.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Burbank plums that will pack a 4 x 5 standard pack, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Burbank plums of such 4 x 5 size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{11}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{7}/_{16}$ inches in diameter.

(4) Nothing contained herein shall be construed (i) as preventing a shipper from shipping Burbank plums of a size larger than the size that will pack a 4 x 5 standard pack, as aforesaid, if said plums meet the grade requirements hereof, or (ii) as permitting the shipment of Burbank plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(5) Each shipper, prior to making each shipment of Burbank plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Burbank plums contained in each such lot or shipment: *Provided, however*, That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time; the shipper, by submitting or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(6) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(7) As used in this section, the terms "shipper," "ship," "shipping," "shipping point," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order; and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 13th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5734; Filed, June 16, 1947; 8:49 a. m.]

[Plum Order 12]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.313 *Plum Order 12*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Becky Smith plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 18, 1947, and ending at 12:01 a. m., P. s. t., October 1, 1947, no shipper shall ship:

(i) Any package or container of Becky Smith plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerance permitted in said United States Standards; or

(ii) Any package or container of Becky Smith plums containing plums of a size smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{11}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{7}/_{16}$ inches in diameter.

(3) Each shipper, prior to making each shipment of Becky Smith plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Becky Smith plums contained in each such lot or shipment: *Provided, however*, That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time; the shipper, by submitting, or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) As used in this section, the terms "shipper," "ship," "shipping point," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order; and, the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 13th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5743; Filed, June 16, 1947; 8:49 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 306—CLAIMS AGAINST THE UNITED STATES

RULES OF PROCEDURE OF THE WAR CONTRACT HARDSHIP CLAIMS BOARD

In accordance with Public Law 657, 79th Congress, hereinafter referred to as the act, Executive Order No. 9786, October 5, 1946, and paragraph (b) of § 306.85 (12 F. R. 1436), the following § 306.86 prescribing rules of procedure for the conduct of the board is added as follows:

§ 306.86 *Rules of procedure of the War Contract Hardship Claims Board*—(a) *General matters*—(1) *Correspondence.* All correspondence with the Board shall be addressed "War Contract Hardship Claims Board, Office of the Under Secretary of War, Washington 25, D. C."

(i) The President of the Board and any member thereof including the Recorder may communicate directly with the chiefs of technical services; the commanding general, Army Air Forces; any agency within the War Department, and any person or agency outside the Military Establishment with respect to any information desired by the Board relative to matters pertaining to the business of the Board.

(ii) Communication with camps, posts, and stations of the Military Establishment shall be processed through regular military channels.

(2) *Technical service.* The term "technical service" as used in this section includes the Army Air Forces. [Rule I]

(b) *Duties of recorder*—(1) *Register.* The Recorder of the Board will maintain a register in which the following information will be recorded with respect to each claim:

(i) Case number assigned to claim by Recorder.

(ii) Name of claimant.

(iii) Amount of claim.

(iv) Technical service primarily concerned.

(v) Date received from technical service.

(vi) Action of Board.

(vii) Final disposition of claim.

(2) *Custodial duties.* The Recorder is hereby constituted custodian of records and files of the Board.

(3) *Authentication.* The Recorder shall authenticate and dispatch all notices to the parties.

(4) *Docket.* The Recorder under the supervision of the Board shall maintain a Hearings Docket and shall notify the Board members, the technical service concerned, and the claimant of the date, time, and place of hearings. These notices will be dispatched not later than 20 days prior to date of hearing, and the notice to the claimant shall be sent by registered mail.

(5) *Statistical record.* The Recorder shall compile statistical data with respect to each claim sufficient to make the quarterly report required of each department and war agency under section 5 of the act and section 401 of Executive Order No. 9786, October 5, 1946. [Rule 2]

(c) *Amendments and corrections.* The Board may in its discretion, upon request of the claimant and/or with his consent, allow the claim or any document contained therein to be amended or changed: *Provided, however,* That no amendment or change which materially changes the nature of the claim, or which in effect extends the filing date of the complete claim beyond February 7, 1947, shall be allowed. [Rule III]

(d) *Substitution.* Upon motion accompanied by pertinent documentary proof of the circumstances warranting a substitution of party claimant or changing the name of a party claimant, the Board may in its discretion make such substitution or correct its records to reflect the claimant's name. [Rule IV]

(e) *Hearings*—(1) *General.* Before making final determination on a claim received by it, the Board may on the request of the claimant or on its own motion grant a hearing with respect to said claim. Notice of such hearing will be sent to the claimant and other interested parties in accordance with paragraph (b) of this section.

(2) *Quorum.* A quorum of the Board for any purpose shall consist of three members.

(3) *Majority rule.* The decision of a majority of the Board members present at a hearing or who consider a claim without a hearing shall constitute the decision of the Board.

(4) *Place.* Hearings will be held at the office of the Board, Pentagon Building, Washington, D. C., or at such other place as the Board may from time to time direct.

(5) *Absence of claimant.* The absence of the claimant or his counsel, after proper notice of hearing, shall not be a basis for delay of the hearing; *Provided, however,* That the Board may grant a reasonable postponement upon request of the claimant or the interested technical service.

(6) *Arguments and briefs.* The parties may be permitted to present witnesses in support of their claims as filed, to make oral arguments, and to submit written briefs in support of their contentions. [Rule V]

(f) *Decisions*—(1) *Contents.* With respect to each claim considered, the Board will render a decision and will incorporate therein a brief statement of the facts, and the determination of the Board with respect to allowance or denial of the claim, together with reasons therefor. If the claim is allowed in whole or part the decision will also contain a statement that the Board found that the approved claim is: (i) equitable under all the circumstances, and (ii) for losses incurred without fault or negligence on the part of the claimant. [Rule VI]

(g) *Notification*—(1) *Approved claim.* When the Board approves a claim in whole or in part, it will notify the interested technical service and will request said service to proceed toward final settlement of the claim in accordance with § 306.85 (12 F. R. 1436). Request will be made in said notification that a copy of the final settlement agreement be furnished the Recorder of the Board for statistical purposes. The actual notification of the claimant in this type of case will be the function of the technical service.

(2) *Disapproved claim.* When a claim is denied the Board will notify both the technical service and the claimant. Notification to the claimant shall be sent by registered mail. [Rule VII] [WD Memo. 734-50-2, June 9, 1947]

(Pub Law 657, 79th Cong., 60 Stat. 903; E. O. 9786, Oct. 5, 1946, 11 F. R. 11553)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5669; Filed, June 16, 1947; 8:48 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 370—OFFICE OF MATERIALS DISTRIBUTION

FUNCTIONS OF ORGANIZATION UNITS

Section 370.4 *Functions of organization units* (12 F. R. 2986) is amended by deleting paragraph (c). As of June 1, 1947, the Liquidation Division was placed under the functional supervision of the Director of the Division of Liquidation in the Office of the Secretary of Commerce, and its functions will be transferred to and merged with the functions of that division. The Liquidation Division of the Office of Materials Distribution is abolished as of the close of business June 30, 1947.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] H. B. MCCOY,
Director,
Office of Materials Distribution.

[F. R. Doc. 47-5679; Filed, June 16, 1947; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-400]

PART 172—VERTICAL TURBINE PUMP INDUSTRY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 11th day of June 1947.

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of June 17, 1947.

Statement by the Commission. Trade practice rules for the Vertical Turbine Pump Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The rules are designed to foster and promote the maintenance of fair competitive conditions in the industry and to aid in maintaining high standards of ethical business conduct in the interest of protecting the industry, trade, and the public. Provisions of the rules are to be construed in the direction of preventing the unfair trade practices specified in keeping with requirements of law and the public interest.

Vertical turbine pumps of the industry are used extensively in water works, mining, agriculture, smelting, milling, construction works, marine operations, and in many other activities, for the pumping of water, sewage, gasoline, fuel oil, chemicals, seepage, and other liquids.

Members of the industry are the persons, firms, corporations, or organizations engaged in the business of manufacturing, selling, or distributing such pumps and parts therefor. The volume of business of the industry in initial sales exceeds $25,000,000 annually.

Proceedings for establishment of the rules were instituted upon application from members of the industry. A general trade practice conference for the industry was held by the Commission March 7, 1947, in Chicago, Illinois, at which suggested rules were considered. Thereafter a draft of proposed rules in appropriate form was published by the Commission and copies made available to all interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or objections as they might desire to offer and to be heard in the premises. Pursuant to the notice, such hearing was held May 28, 1947, in Washington, D. C., and all matters presented, or otherwise received in the proceeding, were duly considered.

Thereupon, and in full consideration of the entire proceeding, final action was taken by the Commission whereby it approved and received, respectively, the trade practice rules hereinafter appearing in Group I and Group II.

Such rules become operative thirty (30) days after promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Group I

The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
172.1 Misrepresentation.
172.2 False or deceptive selling methods.
172.3 Guarantees, warranties, etc.
172.4 Misrepresenting products as conforming to standard.
172.5 Deception as to rebuilt or used products.
172.6 Fictitious prices.
172.7 Defamation of competitors or disparagement of their products.
172.8 False invoicing.
172.9 Inducing breach of contract.
172.10 Commercial bribery.
172.11 Enticing away employees of competitors.
172.12 Selling below cost.
172.13 Discrimination.
172.14 Combination or coercion to fix prices, suppress competition, or restrain trade.
172.15 Aiding or abetting use of unfair trade practices.

Authority: § 172.1 to § 172.15, inclusive, issued under 38 Stat. 717, as amended; 15 U. S. C. 41, et seq.

§ 172.1 *Misrepresentation.* It is an unfair trade practice to use, or cause or promote the use of, any advertising by radio, newspapers, magazines or other media, or any trade promotional literature, label, brand, mark, designation, or representation (whether in the form of a guarantee, warranty, or otherwise), however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public:

(a) With respect to the quality, grade, size, capacity, properties, durability, serviceability, life, performance, construction, or constituent materials of any product of the industry; or

(b) With respect to any service offered, promised, or to be supplied to purchasers of such product; or

(c) With respect to the manufacture, distribution, servicing, or terms or conditions of sale of such product; or in any other respect. [Rule 1]

§ 172.2 *False or deceptive selling methods.* To use or promote the use of any selling method which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public is an unfair trade practice. [Rule 2]

§ 172.3 *Guarantees, warranties, etc.*—(a) Guarantees which afford purchasers or users substantial and adequate protection, and are fully and fairly stated or disclosed and scrupulously adhered to by the guarantor, are desirable and recommended. It is an unfair trade practice to use or cause to be used any guarantee which is false, misleading, deceptive, or unfair to the purchasing or consuming public.

(b) Under this section guarantees of the following type or character shall not be used:

(1) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving in any respect; or

(2) Guarantees which are so used or are of such form, text, or character as to import, imply, or represent that the guarantee is broader than is in fact true, or that the guarantee covers the entire pump or certain parts thereof which are not in fact covered, or will afford more protection to purchasers or users than is in fact true; or

(3) Guarantees in which any condition, qualification, or contingency applied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as to be deceptively minimized, obscured, or concealed, wholly or in part; or

(4) Guarantees which are stated, phrased, or set forth in such manner that although the statements contained therein are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions applicable to such guarantee which materially lessen the value or protection thereof as a guarantee to purchasers or users; or

(5) Guarantees which purportedly extend for such indefinite or unlimited period of time or for such long period of years as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or users into the belief that the product has or is definitely known to have greater degree of serviceability or durability in actual use than is in fact true; or

(6) Guarantees which have the capacity and tendency or effect of otherwise misrepresenting the performance, serviceability, durability, or lasting qualities of the product, such as, for example, a guarantee extending for a period of time when the ability of the product to last, endure, or remain serviceable for such period of time has not been established by actual experience or by competent and adequate tests definitely showing in either case that the product has such lasting qualities under the conditions encountered or to be encountered in the respective locality where the product is sold and used under the guarantee; or

(7) Purported guarantees in the form of documents, promises, representations or other form which are represented or held out to be guarantees when such is not the fact, or when they are service contracts of the type which are not guarantees, or when they involve any deceptive or misleading use of the word "Guarantee" or term of similar import; or

(8) Guarantees issued, or directly or indirectly caused to be used, by any member of the industry when or under which the guarantor fails or refuses to scrupulously observe his obligation thereunder or fails or refuses to make good on claims coming reasonably within the terms of the guarantee; or

(9) Guarantees which in themselves or in the manner of their use are otherwise false, misleading, or deceptive.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported warranties and guarantees, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 3]

§ 172.4 *Misrepresenting products as conforming to standard.* Representing, through advertisement or otherwise, that any product of the industry conform to a standard recognized in or applicable to the industry when such is not the fact, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 4]

§ 172.5 *Deception as to rebuilt or used products.* (a) It is an unfair trade practice for any member of the industry to sell, offer for sale, advertise, or otherwise represent, any product of the industry as being new or unused when such is not true in fact.

(b) In the marketing of rebuilt or used products of the industry, or parts thereof, or the marketing of products containing rebuilt or used parts, it is an unfair trade practice to fail or refuse to make full and nondeceptive disclosure of the fact that such products or parts are not new but are used or second-hand or are rebuilt, as the case may be, such failure or refusal to disclose having the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. [Rule 5]

§ 172.6 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 6]

§ 172.7 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 7]

§ 172.8 *False invoicing.* It is an unfair trade practice to withhold from or insert in invoices any statement or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the effect of thereby misleading or deceiving the purchasing or consuming public. [Rule 8]

§ 172.9 *Inducing breach of contract.* It is an unfair trade practice to induce or attempt to induce the breach of existing lawful contracts between competitors and their customers, or their suppliers, by any false or deceptive means whatsoever, or to interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or embarrassing competitors in their business. [Rule 9]

§ 172.10 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 10]

§ 172.11 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition.

NOTE: Nothing in this section shall be construed as prohibiting employees or agents from seeking more favorable employment.

[Rule 11]

§ 172.12 *Selling below cost.* The practice of selling industry products below the seller's cost, when pursued with wrongful intent of thereby injuring a competitor and where the effect of such practice is to unreasonably restrain trade, tend to create a monopoly, or substantially lessen competition, is an unfair trade practice.

This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and coupled with the effect of unreasonably restraining trade, tending to create a monopoly, or substantially lessening competition.

The costs referred to in this section are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 12]

§ 172.13 *Discrimination*—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the Industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, purported allowance for alleged imperfect workmanship or defective material, or other form of price differential, where such rebate, refund, discount, credit, purported allowance for alleged imperfect workmanship or defective material, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce [1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (i) the market for the goods concerned, or (ii) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce [1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this section relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which act and the application thereunder of this section are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act approved June 19, 1936 (Public, Numbered 692, Seventy-fourth Congress, second sesion), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. (52 Stat. 446; United States Code, 1940 edition, Title 15, sec. 13c.)

[Rule 13]

§ 172.14 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is unfair trade practice for a member of the industry, or any other person:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 14]

§ 172.15 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 15]

Group II

Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not per se constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of Group I rules.

Rule A—Price lists. (a) The industry approves the practice of each individual member of the industry independently publishing and circulating to the purchasing trade his own price lists.

(b) The industry approves the practice of making the terms of sale a part of all published price schedules.

Rule B—Maintenance of accurate records. It is the judgment of the industry that each member should independently keep proper and accurate records for determining his costs.

Rule C—Disputes. The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to arbitration.

A Committee on Trade Practices is hereby created to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper to put these rules into effect.

Promulgated and issued by the Federal Trade Commission June 17, 1947.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 47-5664; Filed, June 16, 1947; 8:57 a. m.]

[1] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

[1] See footnote 1, p. 3914.

The investigation, inspection and enforcement activities of all officers and agencies of the Department of Labor as they relate to the Fair Labor Standards Act and the Walsh-Healey Act will be carried out on the basis that all employers in all industries whose activities are subject to the provisions of the Fair Labor Standards Act or the Walsh-Healey Act are responsible for strict compliance with the provisions thereof and the regulations issued pursuant thereto.

Any statements, orders, or instructions inconsistent herewith are rescinded.

Signed at Washington, D. C., this 11th day of June 1947.

L. B. SCHWELLENBACH,
Secretary of Labor.
WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 47-5686; Filed, June 16, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

Section 201.3 is amended by the addition of a new sentence to paragraph (d), and paragraph (e) (5) (iii) is superseded by the following:

§ 201.3 *Examination.* * * *

(d) *Determination of general qualifications.* * * * Each applicant must have completed a minimum of high school or an accredited preparatory school of equal educational level.

(e) *Professional examination.* * * *

(5) *For candidates for the grade of second lieutenant.* * * *

(iii) *Evidence of prior service as an enlisted man of the first three grades.* If the candidate produces evidence that he has performed six months active service in the Armed Forces of the United States since 7 December 1941 and that he has attained one of the first three enlisted grades while in that service and that this wartime service clearly satisfies the required standards, the examining board may accept this service in lieu of any, or all, tests prescribed under proficiency qualifications for the candidates for the grade of second lieutenant, providing that the following qualifications are met:

(*a*) *Age.* Not less than 21 nor more than 28 years of age.

(*b*) *Education.* Each applicant must attain a score of 110 or higher from the AGCT.

(c) *Moral character.* Excellent, as indicated on service record. (See paragraph (c) of this section.)

[NGR 20, 14 Nov. 1946 as amended by NGB Cir. No. 21, 21 May 1947] (48 Stat. 155; 32 U. S. C.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5668; Filed, June 16, 1947; 8:48 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 775—GENERAL

GENERAL ENFORCEMENT POLICY

§ 775.0 *General enforcement policy.* In order to clarify at this time the practices and policies which will guide the administration and enforcement of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, 29 U. S. C. 201–219), and the Walsh-Healey Act, as amended (49 Stat. 2036, 41 U. S. C. 35–45), as affected by the Portal-to-Portal Act of 1947 (Pub. Law 49, 80th Cong., 1st Sess.), the following policy is announced effective June 30, 1947.

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 210—STATEMENTS OF GENERAL POLICY AND INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

GENERAL ENFORCEMENT POLICY

CROSS REFERENCE: The text of § 210.0 *General enforcement policy* is identical to that of § 775.0 under Title 29, Chapter V, *supra*.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 02 [1]—ORGANIZATION AND FUNCTIONS

PART 03 [2]—PROCEDURE AND FORMS

MISCELLANEOUS AMENDMENTS

1. Section 02.104 of Subpart A, General organization and functions, is hereby amended to read as follows:

§ 02.104 *Delegation of Presidential and other authority.* The Federal Security Administrator is authorized, in his discretion, to exercise the powers of the President (a) to establish special temporary positions under section 207 (a) of the Public Health Service Act, (b) to terminate reserve commissions under section 208 (a) (2) of the act, and (c) to specify ports under section 366 (a) of the act. (See E. O. 9655, 10 F. R. 14121.) Delegations of final authority for other specific actions are described in pertinent sections.

2. Section 02.112 (c) (3) is hereby amended as follows: Delete "Form 1946B" and substitute therefor "Form 1946S."

3. Section 02.112 (d) is hereby amended to read as follows:

§ 02.112 *Availability of public records.* * * *

(d) Notwithstanding the foregoing, the Surgeon General may authorize the disclosure of any information within the categories enumerated, other than categories (1) and (7), upon written application and upon determination that such disclosure would be in the public interest. Information will be furnished, subject to the general rules of evidence, upon order of a court of competent jurisdiction when a subpoena is served upon a representative of the Service competent to testify thereon. When an officer or employee of the Service is called upon to testify or produce records falling within category (1), in the absence of waiver by the patient, he shall call the attention of the court to the provisions of 58 Stat. 701; 42 U. S. C. Sup., sec. 344. When a subpoena involves a patient committed to the care of the Service by the Veterans' Administration; Bureau of Employees' Compensation, Federal Security Agency; or other Federal agency, the matter should be brought to the attention of such agency in accordance with the arrangements made for the care of such patients and the attention of the court be called to any regulations of such other agencies requiring that the information sought to be disclosed is confidential. Except in the interest of the Government, no officer or employee (either full-time or part-time) of the Public Health Service shall willingly be qualified as an expert witness in the case of a litigant who has been a patient of the Service.

4. Section 02.209 of Subpart B, Office of the Surgeon General, is amended to read as follows:

§ 02.209 *Office of International Health Relations.* This office supervises and coordinates all activities of the Service in the international health field. It maintains liaison with agencies in this field; represents the Service in international health conferences; directs a program of international exchange of health personnel and educational material; drafts sanitary conventions and regulations, and health reports required by international agreements; collects and distributes data relating to foreign medical and health institutions; supervises special health missions to foreign countries; and advises the State Department upon request regarding plans, programs, and policies in connection with the World Health Organization. The Office advises the Surgeon General on international health matters.

5. Section 02.210 (a) is amended to read as follows:

§ 02.210 *Office of the Executive Assistant.* (a) The general function of this office is supervision over administrative procedures in the internal management of the Public Health Service. The Executive Assistant is Chief of the Office. The Office includes: (1) the Office of Personnel; (2) Purchase and Supply Office; and (3) the Chief Clerk's Office.

6. Section 02.210 (b) is amended to read as follows:

(b) The Office of Personnel is responsible for planning and administering recruitment, selection, promotion, transfer, reassignment, classification, appointment and training of all civil service employees, departmental and field; and is also responsible for coordinating personnel policies, procedures, and methods in accordance with applicable laws and regulations of the Civil Service Commission.

7. Section 02.401 *Principal subdivisions of Subpart D, Bureau of Medical Services,* is hereby amended as follows: Add "Federal Employee Health Division."

8. Section 02.405 of Subpart D is hereby amended by adding the following paragraph:

§ 02.405 *Mental Hygiene Division.* * * *

(c) The Mental Hygiene Division renders assistance to the Juvenile Court of the District of Columbia through the detail and supervision of professional personnel for psychiatric services to the Court.

9. Subpart D of Part 02 is hereby amended by adding the following section:

§ 02.406 *Federal Employee Health Division.* The Federal Employee Health Division has general responsibility for carrying out the functions to be performed by the Public Health Service in connection with health programs for Government employees as authorized by Public Law 658, 79th Congress, approved August 8, 1946. More particularly, the Division (a) develops policies and standards to effectuate the purposes of the act; (b) conducts studies and prepares analyses relating to employee health programs in Government; (c) provides consultative services to the heads of departments and agencies of the Federal Government, including Government-owned and controlled corporations; (d) upon proper request, reviews and appraises the health service programs being conducted, submitting appropriate comment and recommendations; and (e) negotiates contracts with departments and agencies of the Federal Government for the operation of such programs.

10. Appendix A, List of field stations, of Part 02, is amended in the following particulars:

a. *U. S. Marine Hospitals:*

Delete "Louisville, Ky.: Portland Avenue and 22d Streets (12)."

Add "(1)" to the address of the Galveston, Texas, Marine Hospital.

Delete "Seattle, Wash.: Judkins Street and 14th Avenue South (44)" and substitute therefor "Seattle, Wash.: Judkins Street and 14th Avenue South (44), Out-patient Office: 201–8 Alaska Building."

Add "(4)" to the address of the Staten Island, Stapleton, N. Y., Marine Hospital.

Delete "Evansville 12, Ind." and substitute therefor "Evansville, Ind.: 2700 West Illinois Street (12)."

b. *Other relief stations:*

Delete "Bangor, Maine: 39 High Street" and substitute therefor "Bangor, Maine: 217 State Street."

Delete "Burlington, Iowa: 320 North Third Street" and substitute therefor "Burlington, Iowa: Room 219 Tama Building, 305 N. Third Street."

Add "Louisville, Ky.: Federal Building."

Delete "Marquette, Mich.: 107 Harlow Block" and substitute therefor "Marquette, Mich.: Savings Bank Building, 101 South Front Street."

Delete "Milwaukee 2, Wis.: 560 Federal Building" and substitute therefor "Milwaukee 2, Wis.: 560 Federal Building, 517 E. Wisconsin Avenue."

Delete "Sault Ste. Marie, Mich.: 312 Ashmun Street" and substitute therefor "Sault Ste. Marie, Mich.: Hub Building, 312 Ashmun Street."

Add "Sheepshead Bay, Brooklyn, N. Y.: U. S. Maritime Service Training Station."

Delete "Tampa 2, Fla.: 416 Tampa Street" and substitute therefor "Tampa 1, Fla.: P. O. Box 1428."

11. Section 03.232 (b) of Subpart B, office of the Surgeon General, is amended to read as follows:

§ 03.232 *Water supplies and watering points.* * * *

(b) Immediately before the beginning of each calendar year all carrier companies are circularized by letter from the Surgeon General requesting a statement identifying sources of water used by the carrier, ownership of the supply, and location of watering points at which the water is loaded on the conveyances. This information is submitted to district offices of the Service and is transmitted by them to the appropriate State health authorities. In cooperation with the district offices, State authorities inspect the water supplies and watering points. Inspection reports and recommendations are sent to the district offices, and to the carrier company. On the basis of these reports and recommendations, the district offices recommend to the Surgeon General one of three certifications: (1) Approved; (2) Provisionally approved pending correction of defects, with a time limit set for correcting deficiencies found; (3) Prohibited. If the supply or point is given a prohibited certification, a carrier may not, consistent with the regulations, take on water at that point. A prohibited point will be reinspected upon receipt of a request for such reinspection addressed to the Surgeon General by the carrier company. Carrier companies are notified of certifications by the Surgeon General on Form 8921–D entitled "Certification of Examination of Water Provided for Common Carriers Engaged in Interstate Traffic"; in the case of change to a "prohibited" certification the company is also notified by telegram.

12. Section 03.652 (a) of Subpart D, Bureau of Medical Services, is hereby amended to read as follows:

§ 03.652 *Action following violations.* (a) When a violation of quarantine laws or regulations by any person is reported to or discovered by the medical officer in charge of a Quarantine Station, he notifies the person by letter, stating the violation and requesting a statement of facts. In the case of a violation by a vessel or aircraft, the medical officer in charge notifies the Collector of Customs who in turn notifies the operator, owner, or agent of the violation and of the forfeiture incurred. The operator or owner of the conveyance may apply to the Surgeon General for remission or mitigation of such forfeiture; the application should be filed with the Collector of Customs who will transmit it to the medical officer in charge for referral to the Surgeon General.

13. Section 03.652 (b) is hereby amended to read as follows:

(b) The file in each case is forwarded by the medical officer in charge to the Chief of the Foreign Quarantine Division for consideration of whether the circumstances warrant prosecution in the case of violation by a person, or forfeiture proceedings in the case of violation by a vessel or aircraft.

14. Subpart E, Bureau of State Services, is amended by adding the following:

GRANTS FOR HOSPITAL SURVEY AND PLANNING

§ 03.751 *General statement.* Title VI of the Public Health Service Act of July 1, 1944, as amended by the act of August 13, 1946 (Public Law 725, 79th Congress), provides in part for making Federal funds available (a) to assist States to inventory their existing hospitals, (b) to survey the need for construction of hospitals, and (c) to develop programs for construction of such public and other nonprofit hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to the people of the several States. "Hospital" includes public health centers as well as hospitals and facilities related to either.

General administrative responsibility for this program is exercised by the Division of Hospital Facilities in the Bureau of State Services. An administrative office (Grants-in-Aid Section) in the Bureau is concerned with the personnel and fiscal management phases of the Grant Program.

§ 03.752 *Making of allotments.* The Surgeon General determines the allotment to each State upon the basis of criteria prescribed in the law. State health authorities and State agencies are notified of allotments, as the same are made, by letter from the Chief of the Division of Hospital Facilities.

§ 03.753 *State application and other required forms.* Payments from allotments to States are made after the following forms have been submitted by the State Agency designated as the sole agency for carrying out the purposes of section 601 (a) of the Public Health Service Act, and have been approved by the Surgeon General:

(a) *Form HS&P–1, State Application for Federal Funds for Survey and Planning pursuant to the Hospital Survey and Construction Act.* This form must be submitted in quadruplicate. It may be submitted prior to or simultaneously with the submission of the forms described in (b), (c) and (d) of this section. This form is designed to elicit information showing that the legal requirements of section 612 (a) of the Public Health Service Act have been met.

(b) *Joint Budget Forms 3, 3A and 3B.* The budget and budget revisions must be submitted in triplicate. The initial budget cannot be acted upon until schedule D–32 (see paragraph (c) of this section) has been received. Annual budgets subsequent to the initial budget must be submitted on or before May 15 of each year. These forms require statements of proposed expenditures by the State Agency and the source and amount of funds available for matching purposes.

(c) *Schedule D–32, Hospital Survey and Planning.* This form must be submitted in duplicate. It should be submitted with the budget. This form is designed to elicit information showing the plans of the State Agency for conducting the survey and planning program.

(d) *Form HF–3, Request for Payment.* This form must be submitted in duplicate. It contains a certificate to the effect that State appropriated funds or funds from other non-Federal sources either are or will be available and any expenditures of Federal funds granted under the Program will be matched by expenditures of twice the amount in Federal funds on or before June 30, 1948. It also contains a certificate to the effect that Federal funds granted under the Program will be expended only for Hospital Survey and Planning purposes as well as a statement to the effect that repayment to the Treasury of the United States will be made of any Federal funds which have been paid to the State Agency and not expended in accordance with the matching requirements and other provisions of the act.

§ 03.754 *Assistance in development of State programs.* Specialized consultants assigned to District Offices of the Service assist the States in developing and planning their programs. Close working relationships are maintained with the State health authorities and with State agencies for this purpose. The consultants maintain direct contact with the Division of Hospital Facilities at Headquarters for guidance in this work.

§ 03.755 *Submission and approval of forms.* All forms described in § 03.753 are submitted by the State Agency to the respective District Office of the Service where they are reviewed. Generally, the District Director tentatively approves or disapproves the forms and transmits them to Headquarters for final action. The State Agency is notified of final approval or disapproval. Amendments to these forms are handled in the same manner as the original forms.

§ 03.756 *Payments from allotments.* After its application is approved, a State Agency may submit a request for payment on Form HF–3. For the first payment, it should be submitted with or subsequent to the submission of the forms described in paragraphs (a), (b), and (c) of § 03.753. For subsequent payments this form should be submitted on or before the fifteenth day of the month preceding the end of the quarter in which subsequent payments are requested.

§ 03.757 *Audits.* Audits of activities and programs and of fiscal transactions are made periodically, by arrangement with the State authority, by personnel attached to the District Office. Exceptions taken to fiscal transaction are reviewed by the District Director who recommends to the Bureau the sustaining or withdrawal of the exceptions. On the basis of a review by the Grants-in-Aid Section, and after consultation with the Chief of the Division of Hospital Facilities, the Chief of the Bureau determines whether the exception shall be sustained or withdrawn.

Analysts also advise State Agencies as to methods of conducting fiscal affairs and upon request assist them in installing fiscal and related business methods, procedures, and records.

§ 03.758 *Reports.* Quarterly and annual financial reports containing information pertinent to the operation of State programs are required on joint financial report forms 11 1, 11.3, and 11 5.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] THOMAS PARRAN,
Surgeon General.

Approved: June 11, 1947

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47–5690; Filed, June 16, 1947; 8:51 a. m.]

[1] 11 F. R. 177A—549.
[2] 11 F. R. 177A 585.

PART 28—PAYMENTS TO PROVIDE TRAINING FOR NURSES

PART 30—UNIFORM AND INSIGNIA OF THE UNITED STATES CADET NURSE CORPS

PART 31—FLAG OF THE UNITED STATES CADET NURSE CORPS

LIQUIDATION OF PROGRAM

1. Part 28 is hereby amended by adding after § 28.9 the following:

§ 28.10 *Payments for period beginning July 1, 1947.* (a) Payments for continuing training of students after June 30, 1947, will be made only to institutions which had approved plans prior to July 1, 1946, and only for students who were enrolled under approved plans on or before October 15, 1945.

(b) Payments will be made at the beginning of each quarter, *Provided*, That in the discretion of the Surgeon General, a single payment may be made for the last six months of the Fiscal Year 1948.

(c) The amounts of such payments will be reduced or increased, as the case may be, by any sum by which the Surgeon General finds that unadjusted payments with respect to any prior period were greater or less than the amount which should have been paid such institutions.

§ 28.11 *Disposition of uniforms and textbooks.* Uniforms and textbooks furnished directly or indirectly by the United States, or paid for with funds received for nurse training from the United States upon certification of the Surgeon General, which are in the hands of the institution and are not to be turned over to students enrolled under the training program, shall be held for such disposition as the Surgeon General may approve or direct. Any amounts realized by an institution from the sale of such uniforms or textbooks shall be credited to the account provided for in § 28.9.

§ 28.12 *Adjustments in payments.* (a) Except as the Surgeon General may otherwise determine on the basis of equitable considerations in the individual case, adjustments in payments shall be made on the basis of the regulations in effect at the time the expenditure was made or at the time the service rendered by the institution became chargeable.

(b) After termination of an institution's approved training program, the amount of any excess of moneys received over authorized disbursements and charges, as determined by the Surgeon General, shall be refunded to the Surgeon General, Public Health Service, for deposit in the Treasury of the United States. Any amounts determined by the Surgeon General to be due the institution shall be adjusted by a final payment.

(c) The account provided in § 28.9, and all records pertaining thereto shall be kept until such time as the institution is notified of the final adjustment of payments and approval of accounts by the Surgeon General.

2. Part 30, Uniform and Insignia of the United States Nurse Corps, is hereby revoked.

3. Part 31, Flag of the United States Cadet Nurse Corps, is hereby revoked.

(57 Stat. 153, 50 U. S. C. App. Sup. 1451–1460)

Dated: June 11, 1947.

THOMAS PARRAN,
Surgeon General.

Approved: June 11, 1947.

WATSON B. MILLER,
Federal Security Administrator.

[F. R. Doc. 47-5689; Filed, June 16, 1947; 8:51 a. m.]

NOTICES

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51698]

1947 QUOTA ON CERTAIN FISH ENLARGED

JUNE 12, 1947.

In accordance with the second proviso to item 717 (b) of Schedule II in the trade agreement with Canada (T. D. 49752), it has been ascertained that the average apparent annual consumption in the United States of fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for: cod, haddock, hake, pollock, cusk, and rosefish, in the 3 years preceding 1947, calculated in the manner provided for in the cited agreement, was 159,376,156 pounds. The quantity of such fish that may be imported for consumption during the calendar year 1947 at the reduced rate of duty provided for in that trade agreement is, therefore, increased from 15,000,000 to 23,906,423 pounds.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 47-5687; Filed, June 16, 1947; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2855]

TACA, S. A.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Taca, S. A. for amendment of its foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that oral argument in the above proceeding is assigned to be held on June 26, 1947, 10 a. m., eastern daylight saving time, in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 11, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5680; Filed, June 16, 1947; 8:49 a. m.]

[Docket No. 2984]

ROYAL DUTCH AIR LINES (KLM)

NOTICE OF HEARING

In the matter of the application of Royal Dutch Air Lines (KLM) pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for amendment of a foreign air carrier permit authorizing foreign air transportation between Amsterdam, the Netherlands, and New York, N. Y., via intermediate points, so as to extend the term of said permit.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on June 27, 1947, at 10 a. m. (eastern daylight savings time) in Room 1508, Department of Commerce Building, 14th Street and Constitution Avenue, Northwest, Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Kingdom of the Netherlands.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before June 27, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., June 12, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5681; Filed, June 16, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

ADIRONDACK BROADCASTING CO.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on March 13, 1947 (as amended May 28, 1947), there was filed with it an application (BTC–553) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of The Adirondack Broadcasting Company licensee of WABY, Albany, N. Y., from Harold E. Smith and Raymond N. Curtis to the Press Co. The proposal to transfer control arises out of a contract of May 15, 1947, pursuant to which said Smith and Curtis agree to sell their total of 105 out of 200 shares (52.5%) of the common voting stock of The Adirondack Broadcasting Company (WABY) to the Press Company, Albany, N. Y., for $25,000 in cash plus 250 out of 760 shares of the capital stock in WOKO, Inc., now owned by the Press Company and valued at $118,750, or a total consideration of $143,750. The cash and stock shall be tendered to the sellers on the date of closing which shall be within 30 days of receipt of the written consent of the FCC to the transfer. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on May 28, 1947, that starting on June 6, 1947, notice of the filing of the application would be inserted in a newspaper of general circulation at Albany, N. Y., in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from June 6, 1947, within which time other persons desiring to apply for the facilities involved may do upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5694; Filed, June 16, 1947; 8:52 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Docket No. G-867]

NORTHERN NATURAL GAS CO.

ORDER GRANTING MOTIONS IN PART AND DENYING IN PART

It appearing to the Commission that:

(a) On May 20, 1947, Koppers Company, Inc., an intervener herein, filed a motion in the alternative for (1) dismissal of the application of Northern Natural Gas Company herein, or (2) an order requiring Northern Natural Gas Company to amend its application to conform to the rules and regulations of the Commission.

(b) On May 26, 1947, Northern Natural Gas Company filed a motion for (1) continuance of the hearing herein, heretofore set for June 16, 1947, to a date not prior to September 16, 1947, and not later than October 14, 1947, and (2) for an order fixing the place of such hearing in the City of Omaha, Nebraska, rather than in Washington, D. C.

(c) On June 3, 1947, Koppers Company, Inc., filed an answer to the motion of Northern Natural Gas Company, concurring in the motion for continuance but opposing change of place of hearing.

The Commission orders that:

(A) The hearing in this proceeding, heretofore set for June 16, 1947, be and the same is hereby postponed to October 13, 1947, at the same time and place.

(B) Northern Natural Gas Company be and it is hereby directed to file with the Commission, not later than thirty days before the commencement of the hearing in this matter, a supplement to its application. Said supplement shall contain all information respecting the facilities applied for not now contained in the application, and which is required by the rules and regulations of the Commission respecting such matters.

(C) The said motions be and they are hereby denied in all respects other than those granted in paragraphs (A) and (B) above.

(D) Prior to the date herein fixed for the commencement of the public hearing, the officer designated by the Commission to preside at the public hearing may hold a prehearing conference of all parties participating in the proceedings concerning the matters of fact and law asserted in the application and other pleadings filed in this proceeding for the purpose of settling, simplifying or limiting the issues and further apprising the parties of the formulated or stipulated issues upon which evidence must be adduced at the public hearing.

Date of issuance: June 11, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5676; Filed, June 16, 1947; 8:49 a. m.]

[Docket No. G-904]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF APPLICATION

JUNE 11, 1947.

Notice is hereby given that on May 20, 1947, Kansas-Nebraska Nautral Gas Company, Inc. (Applicant), a Kansas corporation, having its principal places of business at Phillipsburg, Kansas, and Hastings, Nebraska, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities:

(1) One (1) additional 1,000 H. P. compressor unit to be installed at Applicant's Deerfield compressor station near Deerfield, Kearny County, Kansas.

(2) One (1) additional 1,000 H. P. compressor unit to be installed at Applicant's Scott City compressor station near Scott City, Kansas.

(3) One (1) 1,000 H. P. compressor unit to be installed at Applicant's Palco compressor station near Palco, Kansas.

(4) Two (2) 600 H. P. compressor units to be installed at Applicant's Otis compressor station near Otis, Kansas.

(5) A new compressor station in the vicinity of Cozad, Nebraska, in which there is proposed to be installed two (2) 125 H. P. Worthington compressor units.

(6) Installation in the vicinity of Davenport, Nebraska, of one or two 40 H. P. portable compressor units.

Applicant further requests authority to remove and relocate the following-described facilities:

Remove two (2) 125 H. P. Worthington compressor units presently located in Applicant's Stockton compressor station and install the same in a new compressor station to be located near Cozad, Nebraska, as described in paragraph (5) above.

Applicant states that the proposed construction and installations are for the purpose of assuring continuity of and better service to the markets presently served by Applicant. It is stated that the development of the Unruh area and the constantly increasing production of natural gas therefrom makes necessary the re-installation in the Otis compressor station of equipment removed therefrom in 1946.

The presently installed and additional proposed horsepower and daily capacity at each compressor station is stated to be as follows:

Station	Installed horsepower			Total daily capacity, Mcf
	Present	Proposed	New total	
Deerfield	1,800	1,000	2,800	100,100
Scott City	5,000	1,000	6,000	190,400
Otis	0	1,200	1,200	29,800
Palco	2,500	1,000	3,500	59,500
Cozad	0	250	250	-
Davenport	0	80	80	-

The estimated total over-all capital cost of the proposed construction is $462,500. Applicant proposes to finance the cost from a portion of the proceeds from the sale of 5,000 shares of preferred stock and from the proceeds from the sale of approximately 56,992 shares of common stock of Applicant. No firm commitments have as yet been secured relative to financing the proposed construction. Total annual fixed charges on the proposed construction are estimated at $23,125 and it is estimated that total additional annual operating expenses incident to such construction will be approximately $6,300.

Applicant states that while the proposed construction will enable the transportation, delivery and marketing of increased volumes of gas and thus add to the total revenues of Applicant, it has not been considered practicable to estimate the precise amount of such increased

revenues that should be allocated to the new construction.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Kansas-Nebraska Natural Gas Company, Inc., is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5677; Filed, June 16, 1947; 8:49 a. m.]

[Docket No. G-905]

EQUITABLE GAS CO.

NOTICE OF APPLICATION

JUNE 10, 1947.

Notice is hereby given that on May 28, 1947, Equitable Gas Company (Applicant), a Pennsylvania corporation having its principal place of business at Pittsburgh, Pennsylvania, filed an application pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain storage pipe lines and compressing equipment for use in connection with Applicant's Kirby Storage Pool, located in Whiteley and Perry Counties, Pennsylvania, all as more particularly hereinafter described.

Applicant proposes to construct approximately 60,000 feet of 12-inch pipe line from Applicant's existing Rogersville Compressor Station to the Kirby Storage Pool; approximately 7,500 feet of 8-inch and approximately 7,000 feet of 6-inch pipe line connecting 10 storage wells in the Kirby Storage Pool; a 400 H. P. compressor unit with auxiliary equipment and building to be located at Applicant's Rogersville Compressor Station; and two orifice meters, one to be installed at the discharge side of the Rogersville Compressor Station and the other at the intersection of the proposed new 12-inch line and Applicant's existing 16-inch main line.

Applicant recites that the additional compressor unit will be used as the third stage of compression and pump gas into storage from 300 pounds to a maximum discharge pressure of 750 pounds. The proposed new 12-inch pipeline will be used to transport the gas from the Rogersville Compressor Station to the Kirby Storage Pool. After the pool is fully repressured, the wells will be shut in. The gas will be held in reserve in the pool until the demand for gas requires its use in meeting peak winter loads, at which time the gas will be fed into the transmission system through the proposed 12-inch line. After sufficient gas has been withdrawn to lower the pressure of the pool, the proposed 12-inch line will be used to carry the gas back to the Rogersville station and pumped into transmission, together with the local field gas regularly pumped by Rogersville. Applicant estimates that when the Kirby Storage Pool is brought to full pressure, with the facilities hereinbefore described, it will deliver a maximum of 13,200 Mcf per day; the deliverability declining with the decline in pool pressure. Applicant states that the gas required for storage will come from its local production in the State of Pennsylvania, and pipeline purchases of gas produced outside the State of Pennsylvania, deliveries of which are made to Applicant at the Pennsylvania-West Virginia State line. Applicant recites that curtailments to its industrial consumers totaled 39,350 Mcf on the peak day (February 5, 1947) of the past winter season.

Applicant estimates the over-all cost of construction will total $460,000. Applicant states no outside financing is expected to be required.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Equitable Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceedings as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of facts or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5678; Filed, June 16, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 29762]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

ALLOWANCES FOR PICK-UP AND DELIVERY AT KANSAS CITY, KANS.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of June A. D. 1947.

The Commission having under consideration the matter of compensation paid and allowances made to persons performing pick-up and delivery service or transporting less-than-carload and less-than-truckload shipments at the terminal area of Kansas City, Mo., and Kansas City, Kans., between freight stations of common carriers by railroad, common carriers by motor vehicle, and freight forwarders, subject to the Interstate Commerce Act, on the one hand, and other points in said terminal area, on the other, and

It appearing, that such compensation is paid and allowances are made in connection with a substantial volume of freight moving in interstate and foreign commerce by said common carriers and freight forwarders:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the payment of compensation and the making of allowances to warehousemen, pool-car distributors, shippers, consignors, and consignees, or their representatives, and the practices pertaining thereto, for the transportation in interstate and foreign commerce of less-than-carload and less-than-truckload shipments between such station and other points in said terminal area with a view to determining whether the said common carriers and freight forwarders are paying compensation or making allowances to warehousemen and others mentioned above in excess of the amounts provided in the tariffs of said common carriers and freight forwarders as allowances to shippers, consignors and consignees which elect to perform their own pick-up and delivery service in violation of sections 6 (7), 15 (13), 217 (b) and (d), 225, 405 (c) and (e), and 415 of the Interstate Commerce Act, and to making such findings and entering such order or orders, or taking such other action, as may be warranted by the record.

It is further ordered, That the common carriers by railroad and motor vehicle and freight forwarders listed in the appendix hereto be, and they are hereby, made respondents to this proceeding.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing before Examiner Burton Fuller on July 14, 1947, at 9:30 a. m., U. S. standard time, at Hotel President, Kansas City, Mo.

And it is further ordered, That a copy of this order be served on each of said respondents, and at the same time copies be posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX

LIST OF RESPONDENTS

Common Carriers by Railroad

The Atchison, Topeka and Santa Fe Railway Company.
Chicago, Burlington & Quincy Railroad Company.
Chicago Great Western Railway Company.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees).
Gulf, Mobile and Ohio Railroad.
The Kansas City Southern Railway Company.
Missouri-Kansas-Texas Railroad Company.
Missouri Pacific Railroad Company (Guy A. Thompson, Trustee).
St. Louis-San Francisco Railway Company.
Union Pacific Railroad Company.
Wabash Railway Company.

Common Carriers by Motor Vehicle

Brooks Truck Company, MC 1178.
Campbell Sixty-Six Express, Inc., MC 75320.
The Chief Freight Lines Company, MC 71478.
P. F. Felten, dba Felten Transfer & Truck Line, MC 7341.
J. W. Healzer, dba Healzer Cartage Company, MC 4639.
O. W. Hern, dba C & G Truck Line, MC 106194.
Pacific Intermountain Express Co., MC 730.
Powell Bros. Truck Lines, Inc., MC 66308.
William A. Schien, dba Schien Truck Lines, MC 69236.
William C. Shaw, dba City Transfer & Storage Co., MC 3102.
Toedebusch Transfer, Inc., MC 6616.
Transamerican Freight Lines, Inc., MC 10761.
Watson Bros. Transportation Co., Inc., MC 70451.
Yellow Transit Co., MC 29778.

Freight Forwarders

Acme Fast Freight, Inc.
International Forwarding Co.
Merchant Shippers Association.
National Carloading Corporation.
Universal Carloading & Distributing Co., Inc.

[F. R. Doc. 47-5670; Filed, June 16, 1947; 8:48 a. m.]

[No. 29763]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO. ET AL.

ALLOWANCES FOR PICK-UP AND DELIVERY AT TWIN CITIES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of June A. D. 1947.

The Commission having under consideration the matter of compensation paid and allowances made to persons performing pick-up and delivery service or transporting less-than-carload and less-than-truckload shipments at the terminal areas of Minneapolis and St. Paul, Minn., between freight stations of common carriers by railroad, common carriers by motor vehicle, and freight forwarders, subject to the Interstate Commerce Act, on the one hand, and other points in said terminal areas, on the other, and

It appearing, that such compensation is paid and allowances are made in connection with a substantial volume of freight moving in interstate and foreign commerce by said common carriers and freight forwarders:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the payment of compensation and the making of allowances to warehousemen, pool-car distributors, shippers, consignors, and consignees, or their representatives, and the practices pertaining thereto, for the transportation in interstate and foreign commerce of less-than-carload and less-than-truckload shipments between such stations and other points in said terminal areas, with a view to determining whether the said common carriers and freight forwarders are paying compensation or making allowances to warehousemen and others mentioned above in excess of the amounts provided in the tariffs of said common carriers and freight forwarders as allowances to shippers, consignors, and consignees which elect to perform their own pick-up and delivery service, in violation of sections 6 (7), 15 (13), 217 (b) and (d), 225, 405 (c) and (e), and 415 of the Interstate Commerce Act, and to making such findings and entering such order or orders, or taking such other action, as may be warranted by the record.

It is further ordered, That the common carriers by railroad and motor vehicle and freight forwarders listed in the appendix hereto be, and they are hereby, made respondents to this proceeding.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing before Examiner Burton Fuller on July 23, 1947, at 9:30 a. m., U. S. Standard Time, at U. S. Court House, Marquette Ave. and 43d St., Minneapolis, Minn.

And it is further ordered, That a copy of this order be served on each of said respondents, and at the same time copies be posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX

LIST OF RESPONDENTS

Common Carriers by Railroad

Chicago, Burlington & Quincy Railroad Company.
Chicago Great Western Railway Company.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees).
Chicago, Saint Paul, Minneapolis and Omaha Railway Company.
Great Northern Railway Company.
The Minneapolis & St. Louis Railway Company.
Minneapolis, St. Paul & Sault Ste. Marie Railroad Company.
Northern Pacific Railway Company.

Common Carriers by Motor Vehicle

Ace Lines, Inc., MC 52751.
Albrent Freight and Storage Corp., MC 1550.
Lloyd W. Archbold, dba Speedway Transit, MC 36994.
Bos Freight Lines, Incorporated, MC 21170.
Briggs Transfer Company, MC 29555.
Britton Motor Service, Inc., MC 18459.
Bruce Motor Freight, Inc., MC 52310.
Earl F. Buckingham, Glen O. Buckingham, Harold D. Buckingham, and Oliver L. Buckingham, dba Buckingham Transportation Company, MC 103435 Sub.-1.
Central Wisconsin Motor Transport, MC 73546.
Century-Matthews Motor Freight, Inc., MC 108223.
Consolidated Freightways, Inc., MC 42487.
G & P Transportation Co., Inc., MC 58920.
Gateway City Transfer Company, Inc., MC 80430.
Glendenning Motorways, Inc., MC 43475.
Urban J. Haas and Cyril H. Wissel, dba H & W Motor Express Company, MC 69224.
Matt W. Hanten and Roy Wheaten, dba Western Transportation Company, MC 9921.
George Hart, dba Hart Motor Express, MC 78643.
A. G. Henneman and Frank Babbitt, dba A. G. Henneman Transfer, MC 56169.
Charles Hildenbrand and Elias Hildenbrand, dba Advance Express Co., MC 1550.
Ralph D. Holt, dba Certified Motor Transport, MC 41382.
Ernest Robert Koepp, dba Koepp Trucking Service, MC 17674.
Victor McKeown, dba McKeown Trucks, MC 67201 Sub.-2.
Arthur A. McCue, dba Minnesota-Wisconsin Truck Line, MC 42380.
Merchants Motor Freight, Inc., MC 76266.
Midwest Motor Express, Inc., MC 2153.
Howard Moland, Clarence Moland, Lothard Moland and H. T. Moland, dba Moland Bros. Trucking Co., MC 36436.
Mueller Transportation Company, MC 77486.
Murphy Motor Freight Lines, Incorporated, MC 11112.
Milo Olsen, dba Twin City-Fargo Express, MC 52326.
Robert A. Peters, dba Peters Truck Express, MC 67322.
Peter C. Peterson, Earl K. Peterson and Clarence D. Peterson, dba Bison Freight Lines, MC 65876.
Raymond Bros. Motor Transportation, Incorporated, MC 66788.
Emil Stadelmaier, Kenneth G. Heimbachard and William M. Kidder, dba Minnesota-Illinois Truck Line, MC 106032.
Ralph M. Wallace and Isabel Wallace, dba Northwest Freight Lines, MC 52986.
Earl F. Schultz, dba Service Transfer & Storage Company, MC 23111.
Schumacher Motor Express, Inc., MC 107063.
Tri-State Transportation Co., Inc., MC 106293.
Union Transfer Company, dba Union Freightways, MC 56948.
United Shipping Co., MC 107005.
Watson Bros. Transportation Co., Inc., MC 70451.
Werner Transportation Co., MC 8500.
Wheeler Transportation Company, MC 26519.
Witte Transportation Company, MC 8964.

Freight Forwarders

Acme Fast Freight, Inc.
International Forwarding Co.
Merchant Shippers Association, Inc
National Carloading Corporation.
Universal Carloading & Distributing Co., Inc.

[F. R. Doc. 47-5671; Filed, June 16, 1947; 8:48 a. m.]

[No 29764]

CANADIAN PACIFIC RAILWAY CO. ET AL.

ALLOWANCES FOR PICK-UP AND DELIVERY AT SEATTLE, WASH.

At a general session of the Interstate Commerce Commission, held at its office in Washington D. C., on the 9th day of June A. D. 1947.

The Commission having under consideration the matter of compensation paid and allowances made to persons performing pickup and delivery service or transporting less-than-carload and less-than-truckload shipments at the terminal area of Seattle, Wash., between freight stations of common carriers by railroad, common carriers by motor vehicle, and freight forwarders, subject to the Interstate Commerce Act, on the one hand, and other points in said terminal area, on the other, and

It appearing that such compensation is paid and allowances are made in connection with a substantial volume of freight moving in interstate and foreign commerce by said common carriers and freight forwarders:

It is ordered, That an investigation be, and it is hereby instituted, upon the Commission's own motion, into and concerning the payment of compensation and the making of allowances to warehousemen, pool-car distributors, shippers, consignors, and consignees, or their representatives, and the practices pertaining thereto, for the transportation in interstate and foreign commerce of less-than-carload and less-than-truckload shipments between such stations and other points in said terminal area, with a view to determining whether the said common carriers and freight forwarders are paying compensation or making allowances to warehousemen and others mentioned above in excess of the amounts provided in the tariffs of said common carriers and freight forwarders as allowances to shippers, consignors, and consignees which elect to perform their own pick-up and delivery service, in violation of sections 6 (7), 15 (13), 217 (b) and (d), 225, 405 (c) and (e), and 415 of the Interstate Commerce Act, and to making such findings and entering such order or orders, or taking such other action, as may be warranted by the record.

It is further ordered, That the common carriers by railroad and motor vehicle and freight forwarders listed in the appendix hereto be, and they are hereby, made respondents to this proceeding.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing before Examiner Burton Fuller on August 4, 1947, at 9:30 a. m., U. S. standard time, at Olympic Hotel, Seattle, Wash.

And it is further ordered, That a copy of this order be served on each of said respondents, and at the same time copies be posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX

LIST OF RESPONDENTS

Common Carriers by Railroad

Canadian Pacific Railway Company.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
Great Northern Railway Company.
Northern Pacific Railway Company.
Union Pacific Railroad Company.

Common Carriers by Motor Vehicle

John Barber, dba Bellingham Transfer, MC 79091.
Black Ball Freight Service, MC 7325 Sub.-1.
Ralph J. Bliss, dba Burien-Des Moines Auto-Freight, MC 52582.
British Columbia-Seattle Transport, Inc., MC 88442.
Frank Brozovitch, dba Valley Truck Service, MC 74476.
L. L. Buchanan & Co., Inc., MC 40088.
Buck's Auto Freight Company, Inc., MC 7356.
Peter Capponi and Jack Capponi, dba Capponi Bros., MC 52342.
Remo Castagno and Frank Castagno, dba Issaquah Auto Freight and or Renton Auto Freight, MC 41522.
A. M. Clark, dba Clark's Auto Freight, MC 14283.
Wm. C. Clark, dba Poulsbo-Seattle Auto Freight, MC 22392.
J. J. Cleveland, dba Whidby-Camano Auto Freight, MC 76012.
Coast Transit, Inc., MC 100363 Sub.-1.
Consolidated Freightways, Inc., MC 42487.
Lloyd E. Eckert, dba Eckert Freight Lines, MC 55415.
Forney & Sons, Inc., dba Forney Freight Lines, MC 252.
George Giffin, Franklin Johnson and Albert Opperman, dba Robertson Freight Lines, MC 106204.
C. M. Gronley, dba Bainbridge Auto Freight, MC 75346.
John Harkoff, Jr., and Richard H. Gourdine, dba Lynden Transfer, MC 65802.
Lloyd D. Heffernan & W. D. Heffernan, dba S & S Auto Freight, MC 52530.
John J. Hesselbrock and Frank Talbot, dba Spokane-Pacific Line, MC 106962.
Agnes Heyser, dba Heyser's Nickel Plate Line, MC 32779.
Everett A. Hoagland, dba Hoagland Transfer Co., MC 40505.
E. R. Holeman, dba Mount Vernon Transfer Company, MC 44345.
Humphries Transport, Incorporated, MC 88817.
Hutchings Fast Freight, Inc., MC 94092 Sub.-1.
Inland Motor Freight, MC 59077.
Inter-City Auto Freight, Inc., MC 20994.
Interstate Freight Lines, Inc., MC 1129.
Henry Johnson, dba Johnson Truck Service, MC 58936.
Arthur W. Lee and George V. Eastes, dba Lee and Eastes, MC 2697.
Harmon Leonard, dba Southway Freight Service, MC 21764 Sub.-4.
Los Angeles-Seattle Motor Express, Inc., MC 68618.
Model Truck and Storage Co., MC 18725.
Ernest B. Olmsted, dba Home Transfer Company, MC 7228.
Pacific Highway Transport, Inc., MC 52920.
Portland-Seattle Auto Freight, Inc., MC 66976.
C. J. Pozzi, J. O. Pozzi and Ralph Pozzi, Jr., dba Pozzi Bros. Transportation Co., MC 7205.
Puget Sound Express, Inc., MC 81986.
I. W. Rash, dba Wenatchee-Seattle Transport Co., MC 69044 Sub.-1.
Roy L. Roe and L. F. Echelbarger, dba Edmonds-Alderwood Auto Freight, MC 41354.
C. L. Russell and John F. DeNoma, dba North End Auto Freight, MC 103726.
Seattle-Vancouver, B. C., Motor Freight (1946), Ltd., MC 94111.
John R. Sexton, dba Sexton Auto Freight, MC 9786.
Skagit River Motor Lines, Inc., MC 106289.
South Bay Motor Freight Co., Inc., MC 7909.
Gerald Stensland, dba North Counties Freight Line, MC 73299.
Joe Sunnen, dba Commercial Distributing Company, MC 55085.
System Freight Service, MC 59074.
Tacoma Moving & Storage Co., MC 6230.
Tacoma-Seattle Distributing Company, Inc., MC 13269.
A. P. Taylor, dba Ford Canal Auto Freight, MC 47842.
L. A. Tooker, dba Tooker's Motor Freight, MC 88688.
United Truck Lines, Inc., MC 7746.
John VanderPol, Gus VanderPol, and Henry VanderPol, dba Oak Harbor Freight Lines, MC 49384.
Vashon Auto Freight Co., MC 33915.
West Coast Fast Freight, Inc., MC 55965.
Kenwood A. Youmans, dba Kirkland Transfer Co., MC 76054.

Freight Forwarders

Acme Fast Freight, Inc.
International Forwarding Co.
Merchant Shippers Association, Inc.
National Carloading Corporation.
Universal Carloading & Distributing Co., Inc.

[F. R. Doc. 47-5672; Filed, June 16, 1947; 8:48 a. m.]

[No 29765]

GREAT NORTHERN RAILWAY CO. ET AL.

ALLOWANCES FOR PICK-UP AND DELIVERY AT PORTLAND, OREG.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of June A. D. 1947.

The Commission having under consideration the matter of compensation paid and allowances made to persons performing pick-up and delivery service or transporting less-than-carload and less-than-truckload shipments at the terminal area of Portland, Oreg., between freight stations of common carriers by railroad, common carriers by motor vehicle, and freight forwarders, subject to the Interstate Commerce Act, on the one hand, and other points in said terminal area, on the other, and

It appearing that such compensation is paid and allowances are made in connection with a substantial volume of freight moving in interstate and foreign commerce by said common carriers and freight forwarders:

It is ordered, That an investigation be, and it is hereby instituted, upon the Commission's own motion, into and concerning the payment of compensation and the making of allowances to warehousemen, pool-car distributors, shippers, consignors, and consignees, or their representatives, and the practices pertaining thereto, for the transportation in interstate and foreign commerce of less-than-carload and less-than-truckload shipments between such stations and other points in said terminal area, with a view to determining whether the said common carriers and freight forwarders are paying compensation or making allowances to warehousemen and others mentioned above in excess of the amounts provided in the tariffs of said common carriers and freight forwarders as allowances to shippers, consignors, and consignees which elect to perform their own pick-up and delivery service, in violation of sections 6 (7), 15 (13), 217 (b) and (d), 225, 405 (c) and (e), and 415 of the Interstate Commerce Act, and to making such findings and entering such order or orders, or taking such other action, as may be warranted by the record.

It is further ordered, That the common carriers by railroad and motor vehicle and freight forwarders listed in the appendix hereto be, and they are hereby, made respondents to this proceeding.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing before Examiner Burton Fuller on August 11, 1947, at 9:30 a. m., U. S. standard time, at Hotel Multnomah, Portland, Oreg.

And it is further ordered, That a copy of this order be served on each of said respondents, and at the same time copies be posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX

LIST OF RESPONDENTS

Common Carriers by Railroad

Great Northern Railway Company.
Northern Pacific Railway Company.
Southern Pacific Company.
Spokane, Portland and Seattle Railway Company.
Union Pacific Railroad Company.

Common Carriers by Motor Vehicle

R. R. Bailey, dba Willamette Valley Transfer Co., MC 44914.
Beckett Truck Line, Inc., MC 58919.
Frank Bentley and M. M. Hicks, a Partnership, dba Woodburn Truck Line, MC 24943.
Mitchell G. Bower, dba Bower Truck Service, MC 1083.
Lenus F. Boys, dba Woodland Truck Line, MC 297.
C. L. Brown, E. C. Purvine, Othello G. Purvine, a Partnership, dba Salem Navigation Co., MC 7418.
C. D. Chamberlain, dba Chamberlain Truck Service, MC 25665.
Consolidated Freightways, Inc., MC 42487.
The Dalles Freight Line, Inc., MC 6007.
Garrett Freightlines, Inc., MC 263.
L. C. Hall, dba L. C. Hall's Truck Line, MC 40003.
F. D. Hartwick, dba Nehalem Valley Motor Freight, MC 39375.
John J. Hesselbrock and Frank Talbot, a Partnership, dba Spokane-Pacific Line, MC 106962.
J. A. Jossy, dba Newberg Auto Freight, MC 29821.
William Jossy, dba Bend-Portland Truck Service, MC 23976.
James A. Kotz and Arnold A. Zoller, a Partnership, dba S & M Truck Line, MC 9251.
Arthur W. Lee and George V. Eastes, dba Lee and Eastes, MC 2697.
Lester Auto Freight, Inc., MC 28733.
Manlowe Transfer Co., Inc., MC 11179.
Harry F. Martin and Anton J. Martin, a Partnership, dba Martin Transfer Company, MC 52024.
J. W. McCracken and E. E. McCracken, dba McCracken Bros. Motor Freight, MC 65332.
Oregon-Nevada-California Fast Freight, Inc., MC 9115.
Pierce Auto Freight Lines, Inc., MC 17593.
Portland-Pendleton Motor Transportation Co., a Corporation, MC 107576.
Rand Truck Line, Inc., MC 28905.
Silver Wheel Motor Freight, Inc., MC 28901.
L. V. Smart and C. F. Corbett, dba Service Auto Freight Co., MC 70393.
Tillamook-Portland Auto Freight, Inc., MC 37563.
L. H. Wright, dba Wright Truck Line, MC 39727.

Freight Forwarders

Acme Fast Freight, Inc.
International Forwarding Co.
Merchant Shippers Association.
National Carloading Corporation.
Universal Carloading & Distributing Co., Inc.

[F. R. Doc. 47-5673; Filed, June 16, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1466]

MICHIGAN CONSOLIDATED GAS CO. AND AMERICAN LIGHT & TRACTION CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of June 1947.

American Light & Traction Company ("American Light"), a registered holding company and Michigan Consolidated Gas Company ("Michigan Consolidated"), a subsidiary of American Light, having filed a joint application and amendments thereto under section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") in which Michigan Consolidated proposed to issue and sell, pursuant to the competitive bidding provisions of Rule U-50 promulgated under the act, $6,000,000 principal amount of its --% series First Mortgage Bonds, dated March 1, 1947 and maturing March 1, 1969; and

The Commission by order dated May 20, 1947 having granted said application, as amended, subject to the condition, among others, that the proposed issuance and sale of the bonds not be consummated until results of the competitive bidding pursuant to Rule U-50 were made a matter of record herein and an order was entered by the Commission upon the record as so completed, jurisdiction being reserved for such purpose; and

Michigan Consolidated having filed a further amendment stating that, in accordance with the order of the Commission dated May 20, 1947, it has offered such bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and, on June 9, 1947, received the following bids:

	Price to company [1]	Coupon rate	Net interest cost to company
		Percent	*Percent*
Halsey, Stuart & Co., Inc	101.269	2¾	2.7971
White, Weld & Co.;	100.52917	2¾	2.8456
Dillon, Read & Co., Inc.	100.3199	2¾	2.8655
Glore Forgan & Co.	100.273	2¾	2.8682
W. C. Langley & Co.			
Harris, Hall & Co.	101.63	3	2.8866
Drexel & Co.			
Lehman Bros.	101.2967	3	2.9048
The First Boston Corp.	101.30	3	2.9195

[1] Plus accrued interest.

The amendment further stating that Michigan Consolidated has accepted the bid of Halsey, Stuart & Co., Inc. for the bonds, and that the purchaser proposes to offer the bonds to the public at 102.05% of the principal amount thereof, plus accrued interest thereon from March 1, 1947 to the date of delivery, resulting in an underwriting spread of 0.781% of the principal amount of said bonds.

The Commission having considered the record as so completed by said amendment, and finding that the applicable standards of the act and the rules and regulations have been satisfied, and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds or the underwriters' spread and allocation thereof;

It is ordered, That, subject to the terms and conditions prescribed by Rule U-24, jurisdiction heretofore reserved be, and it hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5683; Filed, June 16, 1947; 8:50 a. m.]

[File 70-1530]

PUBLIC SERVICE CO. OF NEW MEXICO

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of June 1947.

Notice is hereby given that applications or declarations (or both) and an amendment thereto have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Public Service Company of New Mexico ("Public Service"), a subsidiary of Federal Light & Traction Company, a registered holding company. The applicant-declarant has designated section 6 (b) and Rule U-50 as applicable to the proposed transactions.

All interested persons are referred to said applications or declarations (or both) on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Public Service proposes to issue and sell, pursuant to the competitive bidding provisions of Rule U-50, $6,800,000 principal amount of First Mortgage Bonds, --% Series due 1977, the interest rate

and the price to Public Service to be determined by competitive bidding.

Public Service proposes to amend its Certificate of Incorporation to provide for an increase of its authorized capital stock from $5,250,000 to $10,000,000, such increase to consist of 47,500 shares of $100 par value Cumulative Preferred Stock.

Public Service proposes to issue and sell, pursuant to the competitive bidding provisions of Rule U-50, 20,000 shares of $100 par value __% Cumulative Preferred Stock, the dividend rate and the price to Public Service to be determined by competitive bidding.

Public Service proposes to apply the net proceeds of the proposed sale of the Bonds and Preferred Stock to the redemption of all of the outstanding bonds issued or assumed by it and to the prepayment of a bank loan as follows:

To the redemption, at 103½ percent of the principal amount, of $3,267,000 principal amount of first mortgage bonds, 3½ percent series due 1966 (exclusive of interest) of Albuquerque Gas & Electric Co	$3,381,345
To the redemption, at 103½ percent of the principal amount of $1,700,000 principal amount of first mortgage bonds, 3½ percent series due 1966 (exclusive of interest) of New Mexico Power Co	1,759,500
To the redemption, at 103½ percent of the principal amount, of $300,000 principal amount of first mortgage bonds, 3½ percent series due 1966 (exclusive of interest) of Deming Ice & Electric Co	310,500
To the redemption, at 103½ percent of the principal amount, of $225,000 principal amount of first mortgage bonds, 3½ percent series due 1966 (exclusive of interest) of the Las Vegas Light & Power Co	232,875
To the prepayment of a $1,000,000 principal amount two percent bank loan note dated Feb. 14, 1947 (exclusive of interest)	1,000,000
	6,684,220

The balance of the net proceeds after payment of expenses incurred in connection with such redemptions, including overlapping interest, is to be added to the general funds of the company and will be available for construction of property additions and improvements and to reimburse Public Service for expenditures heretofore made for such purposes.

Public Service requests an interim order with respect to the aforesaid proposed amendment to its Certificate of Incorporation.

It is ordered, That a hearing on said applications or declarations, pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on June 24, 1947, at 11:00 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held.

It is further ordered, That William W. Swith or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the applications or declarations and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed issue and sale of securities by Public Service is exempt from the provisions of section 7 of the act pursuant to section 6 (b) thereof, and particularly whether said issue and sale are solely for the purpose of financing the business of Public Service and have been expressly authorized by the state commission of the State in which it is organized and doing business.

2. In the event such exemption is granted to Public Service, what terms and conditions, if any, should be imposed in the public interest or for the protection of investors or consumers.

3. Whether it is appropriate to grant the request of Public Service for an interim order in respect of the proposed amendment to its Certificate of Incorporation.

4. Whether the fees, commissions, or other remunerations to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

5. Whether the accounting entries to be made in connection with the proposed transactions are proper and are in accordance with sound accounting principles.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission, on or before June 20, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice, stating the nature of his interest, which of the foregoing matters and questions he desires to controvert and what additional matters and questions, if any, he deems are raised by the said application or declaration (or both).

It is further ordered, That notice of said hearing be, and hereby is, given to Public Service, and to all interested persons, said notice to be given to Public Service Company of New Mexico, The New Mexico Public Service Commission, and to the Cities of Albuquerque, Santa Fe, Las Vegas and Deming, in the State of New Mexico, by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5685; Filed, June 16, 1947; 8:50 a. m.]

[File No. 70-1536]

NORTH PENN GAS CO. AND PENNSYLVANIA GAS & ELECTRIC CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of June 1947.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, and its subsidiary, North Penn Gas Company ("North Penn"), a registered holding company and a gas utility company, having filed an application-declaration and amendments thereto pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the general rules and regulations promulgated thereunder regarding the following transactions:

North Penn proposes to redeem by the use of treasury cash all of its presently outstanding $7 Prior Preferred Stock, consisting of 5,921 shares exclusive of treasury shares, at the redemption price of $107.50 per share. North Penn will cancel and retire the shares of $7 Prior Preferred Stock to be redeemed plus the 267 shares thereof presently held in North Penn's treasury. It is further proposed that North Penn's charter be amended in order to eliminate therefrom authorization for the $7 Prior Preferred Stock and the two other classes of preferred stock of which no shares are issued or outstanding.

Such application-declaration having been filed on the 26th day of May 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective; and

The applicant-declarant having requested that the Commission's order with respect to said application-declaration become effective on or before June 10, 1947 in order that the notice of redemption of said $7 Prior Preferred Stock may be mailed at least 30 days prior to the proposed date of the redemption, July 15, 1947, and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5684; Filed, June 16, 1947; 8:50 a. m.]

[File No. 70-1539]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of June A. D. 1947.

Notice is hereby given that an application, and an amendment thereto, have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Central Vermont Public Service Corporation ("Central Vermont"), a public utility company and a subsidiary of New England Public Service Company, a registered holding company. Applicant designates the first sentence of section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 23, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application, as amended, which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. At any time after June 23, 1947, said application, as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central Vermont proposes to borrow from one or more banks, during the remainder of the year 1947, an amount not in excess of $1,600,000 (including $550,000 presently outstanding short term obligations), and to issue from time to time in evidence thereof its promissory notes with a maturity of not more than nine months from the date of issue thereof. The issuance of such notes is for the stated purpose of financing the company's construction program (including the rebuilding, repairing and replacing of certain of its properties damaged by flood) prior to the time when funds will be available from permanent financing. Applicant states that it has been informed by The First National Bank of Boston that it will loan the company the additional funds required at the rate of 1½% per annum.

The amount of such notes will constitute approximately 10.5% of the principal amount and par value of other outstanding securities of Central Vermont, and the company requests authorization, pursuant to the first sentence of section 6 (b) of the act, to issue such notes. Applicant states that the transactions are not subject to the jurisdiction of any commission other than this Commission.

Applicant requests that the Commission's order granting the application become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5682; Filed, June 16, 1947; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8995]

HERMINE WISSEL

In re: Estate of Hermine Wissel, deceased. File D-28-11475; E. T. sec. 15697.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation it is hereby found:

1. That Nelda Boden and Gudrun Boden, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, names unknown, of Nelda Boden, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Hermine Wissel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That such property is in the process of administration by W. S. Solari and I. L. Harris, as Executors, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs, names unknown, of Nelda Boden are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5695; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9056]

VERNIE L. BIELEFELDT

In re: T. W of Vernie L. Bielefeldt, deceased. File D-28-10611-G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rainer Gunther, Eckhard Gunther and Dietrich Weber, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Dorothy Weber, deceased, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Vernie L. Bielefeldt, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the above-named persons and the personal representatives, heirs, next-of-kin, legatees and distributees of Dorothy Weber, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5696; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9061]

OTTO C. KNOBLAU

In re: Estate of Otto C. Knoblau deceased. File D-28-10779; E. T. sec. 15124.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tony Kotzerke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $192.62 was paid to the Attorney General of the United States by John Yeager, Administrator of the Estate of Otto C. Knoblau, deceased;

3. That the said sum of $192.62 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 3, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5697; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9120]

WILHELM VOGT

In re: Debt owing to Wilhelm Vogt.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Vogt, whose last known address is Spadnerstrasse 18, Wesermundelehe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Wilhelm Vogt, by American Express Company, 65 Broadway, New York 6, New York, in the amount of $200.00, as of December 8, 1945, and any and all accruals thereto, evidenced by ten (10) travelers checks, numbered B21111440 to B21111449, both numbers inclusive, issued by said American Express Company, 65 Broadway, New York 6, New York, and presently in the possession of the Attorney General of the United States, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation, together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid travelers checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5698; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9121]

ELSA VON HANNEKEN

In re: Bank account, bonds and [illegible] owned by and debt owing to Elsa von Hanneken. F-28-24085-A-1, F-28-24085-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found.

1. That Elsa von Hanneken, whose last known address is Hof Bokelberg Post Muden Krs. Gifhorn, Hanover Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Elsa von Hanneken by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a sundries account, entitled Mrs. Elsa von Hanneken, and any and all rights to demand, enforce and collect the same.

b. That certain debt or other obligation owing to Elsa van Hanneken by the National City Bank of New York, 55 Wall Street, New York, New York, in the amount of $426.69, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same.

c. Three (3) Kingdom of Belgium 4 Unified Loan of 1935, Series 1, Debentures bonds, due February 1, 1976, of total face value of 11,000 Belgian Francs evidenced by certificates numbered 33746 and 33747, for 5,000 Belgian Francs each, and certificate number 0183261 for 1,000 Belgian Francs, together with any and all rights thereunder and thereto,

d. Three (3) Kingdom of Belgium, 4 Unified Loan of 1935, Series 1, Debenture bonds, due February 1, 1976, of total face value of 187.50 Belgian Francs, evidenced by certificate number 110365 for 100 Belgian Francs, certificate number 056698 for 37.50 Belgian Francs, and certificates numbered 078609 and 078610 for 25 Belgian Francs each, together with any and all rights thereunder and thereto, and

e. Sixty (60) shares of Belgian National Railways Co., American shares (Societe Nationale Des Chemins De Fer Belges), evidenced by certificate number 07321, registered in the name of Hurst & Co., 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5699; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9125]

LAVERGNE D. DIETZ ET AL.

In re LaVergne D. Dietz et al. vs. Anna Bachtel et al. File D-28-9475; E. T. sec. 12756.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Bachtel (Anna Bechtel) whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the sum of $3,675.00 deposited with the Lake View Trust & Savings Bank pursuant to an order of the Circuit Court of Cook County, Illinois entered on March 22, 1946 in the matter of "LaVergne D. Dietz et al. vs. Anna Bachtel et al." file 45-C-447,

is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Lake View Trust & Savings Bank, as agent and trustee, acting under the judicial supervision of the Circuit Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5700; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9130]

JOHN ADAM GOLDBECKER ET AL.

In re: John Adam Goldbecker vs. Robert C. Klefforth, et al. File O17-20976.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Scheele, Erika Beetman, Elizabeth Mueller, Elfrieda Oberschelp, Wilby Wermker, Wilma Wermker, Karl Wermker, Dora Niehaus, Horst Niehaus, Waltraut Niehaus, Emma Aringsmann, Wilhelm Niedendarp, George Niedendarp, Karolina Ehlersmann, Ida Niedendarp, Gustav Niedendarp, Anna Christiaener, Frieda Kamper, Alwine Woermann, Anna Steinhaus, Emma Woermann, August Drees, Ida Varwig, Lina Sparmeier, Frieda Brinkmeier, Emma Hillebrand and Anna Dierker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "John Adam Goldbecker vs. Robert C. Klefforth, et al, No. 10858", is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Sheriff of Ottawa County, acting under the judicial supervision of the Court of Common Pleas of Ottawa County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5701; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9132]

CHARLES KIESEWETTER

In re: Estate of Charles Kiesewetter, deceased. File No. D-28-11817; E. T. sec. 16024.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albrecht Schroeter, Erika Schroeter, also known as Lettau, Werner Schroeter, Mrs. Albrecht Schroeter and Werner Schroeter (son of Albrecht Schroeter), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the next of kin, personal representatives, legatees, and distributees, names unknown, of Natalia Schroeter, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Charles Kiesewetter, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Germany);

4. That such property is in the process of administration by William E. Rangel and Oscar Fahlbusch, as executors, acting under the judicial supervision of the Surrogate's Court of New York County, State of New York.

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1, and the next of kin, personal representatives, legatees and distributees, names unknown, of Natalia Schroeter, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate

consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5702; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9137]

RICHARD MICHEL

In re: Estate of Richard Michel, deceased. File D-28-10032; E. T. sec. 14230.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Michel, Arno Fuchs, Emil Fuchs, Martin Fuchs, Anna Ely Elsholz, Martha Heine, Marie Gramm, Elizabeth Ronneberger and Erich Ronneberger, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Richard Michel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Carl H. Buenger, as Administrator, acting under the judicial supervision of the County Court of Kenosha County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5703; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9139]

JOHN NEGELE

In re: Estate of John Negele, deceased. File No. D-57-420; E. T. sec. 14249.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Negele, whose last known address is Rumania, is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of John Negele, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Rumania);

3. That such property is in the process of administration by August R. Schwartz, as Administrator with Will Annexed, acting under the judicial supervision of the Probate Court of Hamilton County, Ohio;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5704; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9143]

DIEDRICH TIETJEN

In re: Estate of Diedrich Tietjen, deceased. File No. D-28-11015; E. T. sec. 15419.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Tietjen, Meta Hittmeyer, Emilie Bostelmann and Helwine Zeidnitz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next-of-kin, distributees, and legatees, names unknown, of Helwine Zeidnitz, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Diedrich Tietjen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John L. Burk, as Administrator of the estate of Diedrich Tietjen, deceased, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the personal representatives, heirs, next-of-kin, distributees, and legatees, names unknown, of Helwine Zeidnitz, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5705; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9168]

PACIFIC SODA WORKS, LTD., ET AL.

In re: Stock in Pacific Soda Works, Limited owned by Umakichi Tmai and others. D-39-17461, D-39-17461-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in subparagraph 2 hereof, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: All right, title and interest of the persons listed below in and to 484 shares of $3 par value capital stock of Pacific Soda Works, Limited, 890 South King Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, which shares of stock are evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Umakichi Imai	4009-4045	40
	4157-4171	15
	4545-4554	10
	3873-3992	50
Yoichi Kamite	2189-2250	25
	4425-4449	75
Michihei Nakamura	511-560	50
	1961-2010	50
Shimuko Hasuike	761-810	50
Yaraku Saiki	3941-3990	50
Kiyoshi Nagata	2221-2245	25
	1761-1765	5
Kichijiro Oshima	4639-4649	20
Hikozo Nishikawa	4786-4790	5
	1736-1745	10
	4806-4808	2
Jewtaro Doi	3521-3522	2

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5706; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9181]

FRIEDA G. ZIMMERMAN

In re: Stock owned by Frieda G. Zimmerman, also known as Frieda Zimmermann, also known as Frieda Zimmerman. F-28-739-D-1, F-28-739-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda G. Zimmerman, also known as Frieda G. Zimmermann, also known as Frieda Zimmerman, whose last known address is Berlin, Steglitz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $100.00 par value common stock of The Cleveland Railway Company (in liquidation), c/o Cleveland Trust Company, Liquidating Agent, Cleveland 1, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number 68600, registered in the name of Frieda G. Zimmerman, together with all declared and unpaid dividends thereon, and any and all rights under a plan of liquidation, dated, 1941, whereby certificate holders approved an offer by the City of Cleveland, Ohio to purchase the aforesaid stock, and

b. Two Hundred (200) shares of $1.00 par value common stock of Cleveland-Sandusky Brewing Corporation, 2764 East 55th Street, Cleveland 4, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificates numbered 528 for 100 shares and 529 for 100 shares, registered in the name of Frieda Zimmermann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5707; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9191]

CHARLES R. HOWARD

In re: Trust Indenture of Charles R. Howard, deceased, dated June 8, 1931. File D-34-902; E. T. sec. 15604.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilona Howard (nee Ilona Bernat), whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That all right, title, interest, and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in, to and under trust indenture of Charles R. Howard, deceased, dated June 8, 1931, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary);

3. That such property is in the process of administration by Mary M. Mischler, as trustee, acting under the judicial supervision of the Probate Court of Suffolk County, Massachusetts;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5708; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9192]

JOHN CHRISTIAN HUNKEN

In re: Estate of John Christian Hunken, deceased. File D-28-4126.

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Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Otten (nee Bottjer), Johann Hunken, Georg (George) Hunken, Heinrich Hunken, Meta Schmatzen (nee Hunken), Friedrich Bottjer, Meta Bottjer, Anni Hunken (nee Bottjer), Adele Meyer (nee Bottjer), Greta Puckhaber (nee Bottjer), Julius Von Oesen, Mrs. Anna Duensing, Mrs. Martha Hunken, Luise Wellbrock (nee Hulseberg), Anni Bornemann (nee Hulseberg), and Lina Rober (nee Hulseberg), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the surviving issue, names unknown, of Hinrich Hulseberg, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John Christian Hunken, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforementioned nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the above named persons and the surviving issue, names unknown, of Hinrich Hulseberg, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5709; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9197]

HABBO TJADEN

In re: Estate of Habbo Tjaden, deceased. File No. D-28-9543; E. T. sec. 13006.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Geerd Tjaden, Loeerd Tjaden, "John" Tjaden, name "John" being fictitious, true first name being unknown, Gefke Pawn, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Geerd Tjaden, the issue, names unknown, of Loeerd Tjaden, the issue, names unknown, of "John" Tjaden, and the issue, names unknown, of Gefke Pawn, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Habbo Tjaden, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the County Treasurer, as Public Administrator, acting under the judicial supervision of the Surrogate's Court, Nassau County, Mineola, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the issue, names unknown, of Geerd Tjaden, the issue, names unknown, of Loeerd Tjaden, the issue, names unknown, of "John" Tjaden, and the issue, names unknown, of Gefke Pawn, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5711; Filed, June 16, 1947; 8:54 a. m.]

[Vesting Order 9206]

KUNJI MUTO, ET AL.

In re: Stock owned by Kunji Muto and others in Hawaiian Pineapple Company, Limited.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in subparagraph 2, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: 67 shares of no par value common capital stock of the Hawaiian Pineapple Company, Limited, P. O. Box 3380, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name,

Registered owner	Certificate No.	Number of shares
Kunji Muto	HC 02830	
T. Naguchi	HC 03566	
Mitchiro Suzuki	HC 02889	

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5712; Filed, June 16, 1947; 8:54 a. m.]

Reference JUN 19 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 119

Washington, Wednesday, June 18, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Under authority of § 6.1 (d) of Executive Order No. 9830 (12 F. R. 1259), and with the concurrence of the Secretary of Commerce, subdivisions (xvi), (xvii), (xviii), (xix), and (xx) of § 6.4 (a) (11) are hereby revoked.

Under authority of § 6.1 (a) of Executive Order No. 9830 (12 F. R. 1259), and at the request of the Secretary of Commerce, the Commission has determined that appointments to the positions listed below, with the exceptions noted therein, should be made in the same manner as are appointments to positions under Schedule A. Subdivisions (xix) and (xx) of § 6.4 (a) (11) are deleted and subdivisions (xvi), (xvii), and (xviii) of § 6.4 (a) (11) are amended to read as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(11) *Department of Commerce.* • • •

Inland Waterways Corporation. (xvi) All employees of the Inland Waterways Corporation except:

(a) All employees of general offices at St. Louis, Missouri; New Orleans, Louisiana; Chicago, Illinois; Birmingham, Alabama; New York, New York; Washington, D. C.; but not including the President, Vice Presidents, and the Secretary-Treasurer.

(b) Division Managers, District Managers, District Superintendents, Superintendents of Maintenance and their staffs.

(xvii) All members of the Advisory Board.

(xviii) All positions under the Warrior River Terminal Company.

This amendment will become effective upon publication in the FEDERAL REGISTER.

(Secs. 6.1 (a) and (d), E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5732; Filed, June 17, 1947; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q.—Q. 41, Amdt. 1]

PART 319—FOREIGN QUARANTINE NOTICES

MODIFICATION OF REGULATIONS OF EUROPEAN CORN BORER

No living European corn borer larvae have been found in clean, shelled corn shipped from Canada during the past 20 years. Compliance with the requirement that such clean, shelled corn shall be inspected by an authorized official of the Canadian Department of Agriculture at time of shipment and certified by him as free from infestation is considered to be no longer necessary. This amendment of the regulations removes that requirement from the regulations supplemental to the Quarantine.

Pursuant to the authority vested in the Secretary of Agriculture by section 5 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 159), the regulations (7 CFR 319.41–1 through 319.41–6) supplemental to Notice of Quarantine No. 41 (second revision), 7 CFR 319.41, on account of the European corn borer and other dangerous insects and plant diseases, issued under said act, are hereby amended by striking the provision thereof appearing in 7 CFR 319.41–5 (d), requiring that shelled corn imported into the United States from Canada be accompanied by a Canadian inspection certificate.

This amendment shall become effective on July 15, 1947.

Issued this 12th day of June 1947.

(Sec. 5, 37 Stat. 316; 7 U. S. C. 159)

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5738; Filed, June 17, 1947; 8:48 a. m.]

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 04b-5]

PART 04b—AIRPLANE AIRWORTHINESS REGULATIONS EFFECTIVE ON NOVEMBER 9, 1945

BRAKED ROLL, RETRACTING MECHANISM, MANEUVERING LOADS, AND EMERGENCY LANDING CONDITIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of June 1947.

Some of the following changes have for their purpose the clarification, and others the relaxation, of certain presently effective provisions of Part 04b. They pertain to maneuvering loads, braked roll, emergency landing conditions, and retracting mechanism.

The changes are the result of experience gained since initial adoption of Part 04b which shows that these modifications will lessen the burden upon the manufacturers without affecting the overall level of safety required for this category of aircraft.

The adoption of these amendments with an immediate effective date is required in the public interest.

Effective June 10, 1947, Part 04b of the Civil Air Regulations is amended as follows:

1. By amending the first sentence of § 04b.21410 *Maneuvering loads*, to read as follows:

§ 04b.21410 *Maneuvering loads.* At all speeds from V_{mc} to V_D the following vertical tail loads shall be considered:

2. By amending § 04b.243 *Taxi and ground handling cases* to read as follows:

§ 04b.243 *Taxiing conditions.* The landing gear and airplane structure shall be investigated for the following conditions in which the airplane shall be assumed at the design take-off weight unless otherwise specified. No wing lift shall be considered.

3. By amending the second sentence of § 04b.2431 (a) to read as follows: "The limit vertical load factor shall be 1.2 for the airplane at design landing weight and 1.0 for the airplane at design take-off weight."

4. By amending the first sentence of § 04b.2431 (b) to read as follows:

§ 04b.2431 *Braked roll.* • • •

(b) *Nose wheel type.* The limit vertical load factor shall be 1.2 for the airplane at design landing weight and 1.0 for the airplane at design take-off weight.

5. By amending § 04b.260 *General*, by deleting the words "all combinations of" from the second paragraph.

6. By amending the third sentence of § 04b.262 *Retracting mechanism*, to read as follows: "The landing gear, retracting mechanism, and airplane structure, including wheel well doors, shall be designed to withstand the flight loads occurring with the landing gear in the extended position at any speed up to $0.67V_c$ unless other means are provided to decelerate the airplane in flight at this speed."

7. By amending § 04b.620 (a) *Airspeed limitation*, by adding the following sentence at the end of the paragraph: "The explanation of the maneuvering speed shall include a statement to the effect that maneuvers involving an approach to a stall, or full application of rudder or aileron controls, should be confined to speeds below this value."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-5735; Filed, June 17, 1947; 8:48 a. m.]

[Amdt. 40-1, Civil Air Regs.]

PART 40—AIR CARRIER OPERATING CERTIFICATION

ELIMINATION OF CERTAIN AIR CARRIER PROVING FLIGHTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of June 1947.

Scheduled air carriers are presently required to conduct a proving flight over a proposed route even though it is a minor modification or extension of an existing route already flown by the air carrier. Under certain conditions the safety of the proposed operation is not advanced by such a proving flight and, where this is true, an undue burden is placed upon the air carrier. It appears that the public interest will best be served if a proving flight is not required where it is unnecessary in the interest of safety.

The purpose of this amendment is to authorize the Administrator of Civil Aeronautics to omit the requirement of certain air carrier proving flights where he finds they are not essential to safety.

Now, therefore, effective July 10, 1947, § 40.291 of the Civil Air Regulations is amended by adding the following clause at the end of the last sentence thereof: "unless the Administrator after investigation expressly finds (a) that the proposed route modification is minor and (b) that an actual flight is not essential to safety."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-5736; Filed, June 17, 1947; 8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

§ 851.22 *Designation of Acting Housing Expediter.* Robert E. Johnson is hereby designated to act as Housing Expediter during my absence on June 13, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Veterans' Emergency Housing Act of 1946, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such period. (60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 12th day of June 1947.

FRANK R. CREEDON, *Housing Expediter.*

[F. R. Doc. 47-5730; Filed, June 17, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

PART 705—ADMINISTRATION

[Rev. Gen. RO 5,[1] Amdt. 23]

SUGAR RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 is amended in the following respects:

1. Section 9.1 is amended by adding a new paragraph (f) to read as follows:

(f) On and after June 9, 1947, an institutional user to whom a check for the amount of his allotment has been issued by the Sugar Rationing Administration and who wishes to exchange such check for checks in smaller denomination, may do so in accordance with the provisions of section 26.6 of Third Revised Ration Order 3.

2. Section 9.3 is deleted.

3. Section 9.5 (a) is amended to read as follows:

(a) On and after June 9, 1947, checks shall be issued by the Sugar Rationing Administration to all institutional users who are entitled to an allotment under the provisions of this order.

4. Section 10.3 is amended to read as follows:

SEC. 10.3 *A Group I seasonal user may obtain a check in certain cases.* (a) A Group I institutional user is a seasonal user with respect to an establishment which is not in operation during every month of the year.

(b) A Group I seasonal user who must get sugar before the persons who will eat at his establishment will arrive, may apply for evidences for sugar to be used until he can obtain such sugar with the ration books of those persons. If, because of transportation difficulties or unusually long distances from markets, the applicant finds it a hardship to acquire a supply of sugar as each successive stamp in the ration books becomes valid, he may include in his application a request for ration evidences covering a longer period.

[1] 11 F. R. 116.

(c) Application must be made to the Sugar Branch Office on OPA Form R–1335 and the applicant must give all of the information required by the form.

(d) The Sugar Branch Office may authorize the issuance of a check for sugar in an amount computed by multiplying the non-baking allowance per person by the number of meals which it determines will be served during the period for which such check is required.

(e) An institutional user who has received a check under this section must give up to the Sugar Branch stamps equal to the amount of the check issued to him. Only stamps taken from the ration books of the individuals eating at his establishment must be given up. He must give them up within sixty (60) days after receiving the stamps. However, the Sugar Branch Office may, for good cause, give him additional time.

(f) An institutional user who obtains an allotment pursuant to Article XXV of this order may not receive a check under this section for the same purpose.

5. Article XVI is amended to read as follows:

ARTICLE XVI—TERMINATION OF RATION BANKING

SEC. 16.1 *An institutional user may not open a ration bank account.* (a) On and after June 9, 1947, an institutional used may not open, transfer or reopen a ration bank account.

SEC. 16.2 *Closing of ration bank accounts.* (a) On and after June 9, 1947, an institutional user who has a ration bank account may not make anydeposits in such account and such accounts must be closed out in accordance with the provisions of Article XXVI of Third Revised Ration Order 3.

SEC. 16.3 *Transfer and use of evidences.* (a) On and after June 9, 1947, an institutional user may use and transfer ration evidences in accordance with the provisions of Article XXVI of Third Revised Ration Order 3.

SEC. 16.4 *Article XXVI of Third Revised Ration Order 3 growers whenever inconsistent.* (a) If any provisions of this order are inconsistent with the provisions of Article XXVI of Third Revised Ration Order 3, Article XXVI of Third Revised Ration Order 3 governs and supersedes the provisions of this order to the extent that they are inconsistent.

This amendment shall become effective June 9, 1947.

Issued this 12th day of June, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 54 to Third Revised Ration Order 3; Amendment No. 23 to Revised General Ration Order 5

The system of depositing sugar ration evidences in banks and drawing ration checks against these balances for the acquisition and delivery of sugar is being discontinued. This action is being taken at this time in order to reduce expenditures and in order to shorten the length of time between the transfer of evidences and the clearance of such evidences through the rationing system. The termination of ration banking at this time is desirable because of the fact that the present statutory authorization for rationing terminates on October 31, 1947.

Closing bank accounts at this time will not present the serious difficulties which would have been encountered if bank accounts had been closed when more than one commodity was rationed. Since sugar is the only commodity now rationed, the only evidences to be handled by the trade are sugar evidences.

This amendment, therefore, provides for the termination of ration banking and the closing out of all ration bank accounts. This amendment further sets forth the procedure to be followed in transferring and accepting ration evidences after ration bank accounts have been closed.

The procedure to be followed in closing out ration bank accounts and in transferring and accepting ration evidences thereafter will be as follows:

1. No ration bank accounts will be opened or re-opened on or after June 9, 1947.

2. Retailers, industrial and institutional users may make no bank deposits after June 8, 1947. No later than June 11, 1947, every retailer, industrial and institutional user who has a ration bank account must draw a check or checks for the check-stub balance in his account and surrender such check or checks to his supplier or suppliers for the immediate or future delivery of sugar. After June 11, 1947, retailers, industrial and institutional users may transfer by endorsement all valid ration evidences they receive to their supplier for the purchase of sugar.

3. Wholesalers may make no bank deposits after June 14, 1947. No later than June 14, a wholesaler must write a check or checks for the check-stub balance in his account and surrender such check or checks to his supplier for delivery of sugar, upon request, to him. After June 14, 1947, a wholesaler may purchase sugar from his supplier by transferring to his supplier checks issued by an exempt or designated agency and checks issued to the wholesaler by the Sugar Rationing Administration. All other ration evidences received by a wholesaler (stamps, gummed sheets and Sugar Rationing Administration checks received by endorsement) must be submitted to the SRA Distribution, Verification and Issuance Center once a week. He will receive a check issued by the Sugar Rationing Administration in exchange for such valid evidences so surrendered.

4. Chain retailers (four or more retail establishments operating under a single registration) who by direct from a primary distributor must follow the same procedure as wholesalers. If the chain retailer buys from a wholesaler, he must follow the same procedure as retailers, industrial and institutional users.

5. Primary Distributors may make no bank deposits after June 19. No later than June 25, 1947 every primary distributor must write a check for his check-stub balance, have the check certified by the bank and send it to the national office of the Sugar Rationing Administration, Washington, D. C. After June 19, a primary distributor will endorse all ration evidences he receives and send them weekly to the SRA Distribution, Verification and Issuance Center, for his area.

6. Exempt and Designated agencies will continue to issue checks as at present except that such checks will not be issued on ration bank accounts but will be treated as ration currency to be transferred by endorsement. These checks will continue to be identified as at present by typing or stamping on the back of each check issued the notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" and must be transferred by endorsement until such checks have been received by a primary distributor, who will surrender them to the D. V. I. Center.

7. After June 8, 1947, ration coupons will no longer be issued but any person who has valid ration coupons, issued prior to June 8, may continue to use such coupons for the same purpose and in the same way as coupons are now valid for use.

[F. R. Doc. 47-5787; Filed, June 16, 1947; 3:37 p. m.]

PART 707—RATIONING OF SUGAR

[3d RO 3,[1] Amdt. 54]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order **3** is amended by adding a new Article XXVI to read as follows:

ARTICLE XXVI—TERMINATION OF RATION BANKING

SEC. 26.1 *Termination of ration banking.* (a) This article deals with the termination of ration banking, the procedure to be followed by depositors in closing out their accounts and the manner in which ration evidences may be transferred and accepted after ration bank accounts have been closed.

(b) If other provisions of this or any other ration order are inconsistent with the provisions of this article, this article governs and supersedes the provisions of this or any other ration order to the extent that they are inconsistent.

(c) On and after June 9, 1947, no person may open, transfer or reopen a ration bank account.

SEC. 26.2 *Closing of accounts.*—(a) *Retailers, indusrtial and institutional users.* (1) On and after June 9, 1947, a retailer, industrial or institutional user may not make any deposits in a ration bank account nor may such person issue any ration checks on his account except as provided in subparagraph (2).

(2) On and after June 9, 1947 but no later than June 11, 1947, each depositing retailer, industrial or institutional user shall draw a check or checks payable to his supplier or suppliers for the balance in his account less outstanding checks.

[1] 11 F. R. 177, 14281.

He shall surrender such check or checks to his supplier for the purpose of authorizing the supplier upon request to deliver sugar to him. After June 11, 1947, no retailer, industrial or institutional user may accept or transfer any ration check except a check issued by the Sugar Rationing Administration or a check issued by an exempt or designated agency on the back of which a notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" is typed or stamped in ink.

(b) *Wholesalers.* (1) No later than June 14, 1947, a wholesaler must deposit all evidences which he has on hand in his bank account and after June 14, 1947, he may not make any deposits in his ration bank account nor may he issue any ration checks.

(2) No later than June 14, 1947, a wholesaler shall draw a check or checks payable to his supplier or suppliers for the balance in his ration bank account less outstanding checks and shall surrender such check or checks to his supplier or suppliers for the purpose of authorizing the supplier or suppliers upon request to deliver sugar to him. After June 14, 1947, a wholesaler may not accept or transfer any ration check except a check issued by a designated or exempt agency on the back of which a notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" is typed or stamped in ink, or a check issued by the Sugar Rationing Administration.

(c) *Primary distributors.* (1) No later than June 19, 1947, a primary distributor must deposit all evidences he has on hand in his bank account and after June 19, 1947, he may not make any deposits in a ration bank account nor may he issue any ration checks, except as provided in (2), below.

(2) No later than June 25, 1947, a primary distributor shall draw a check payable to the Sugar Rationing Administration for the balance in his ration bank account, have the check certified by his bank and send it to the Washington Office of the Sugar Rationing Administration. After June 19, 1947, no primary distributor may accept any ration check except a check issued by an exempt or designated agency on the back of which a notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" is typed or stamped in ink, or a check issued by the Sugar Rationing Administration.

(d) *Exempt, designated and any other government agency authorized to maintain ration bank accounts.* (1) On and after June 9, 1947 an exempt agency and its establishments may not open or use ration bank accounts, nor may any exempt agency authorize any one or more of its activities to open or use an exempt ration bank account and on June 9, 1947 any exempt or limited account maintained by such agency or activity will be closed by the bank in which the account is maintained.

(2) On and after June 9, 1947, any designated agency authorized under the provisions of Article XIII to open and maintain ration bank accounts, and any other agency authorized under the provisions of this order to open and maintain ration bank accounts, may no longer use such accounts for the purpose of making deposits or issuing checks on such accounts, and on June 9, 1947, such ration bank accounts will be closed out by the bank in which the account is maintained.

SEC. 26.3 *Checks valid for the delivery of sugar.* (a) After June 14, 1947, the only checks valid for the delivery of sugar are:

(1) Checks issued by a designated or exempt agency on the back of which a notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" is typed or stamped in ink; and

(2) Checks issued by the Sugar Rationing Administration.

SEC. 26.4 *Transfer and use of evidences.*—(a) *Retailers, industrial or institutional users.* Every retailer, industrial or institutional user to whom stamps are surrendered by a consumer must paste the stamps on gummed sheets as required by section 6.4, fill in the information required on the face of the sheet and surrender such sheet to his supplier for the purpose of authorizing a delivery of sugar to him. Any such person who receives a gummed sheet with stamps affixed must endorse it by writing his name on the back of such sheet and must surrender such gummed sheet to his supplier for the purpose of authorizing a delivery of sugar to him. Any checks, valid for the delivery of sugar as provided by section 26.3, received by such person must also be endorsed on the back and surrendered to his supplier for the delivery of sugar.

(b) *Wholesalers.* (1) A wholesaler to whom stamps are surrendered by a consumer must paste the stamps on gummed sheets as required by section 6.4 and fill in the information required on the face of the sheet. Once a week, each wholesaler must list and transmit all such gummed sheets to which he affixed stamps, all gummed sheets with stamps affixed and all checks issued by the Sugar Rationing Administration which he receives from others to the D. V. I. Center covering his area. Before transmitting such evidences, he must endorse any gummed sheets with stamps affixed and any checks which he receives by writing his name on the back of such gummed sheets and checks. The itemized list of all such evidences must accompany the transmittal of such evidences to the D. V. I. Center. The wholesaler must keep a copy of such itemized list for his records. The D. V. I. Center will issue a check to such wholesaler in an amount equal to the weight value of the evidences surrendered, less the amount of any counterfeit or invalid evidences surrendered.

(2) After June 14, 1947, no wholesaler may transfer any stamps, gummed sheets containing stamps, or Sugar Rationing Administration checks which he receives by endorsement, for the purpose of authorizing the delivery of sugar, but must transmit all such evidences received to the D. V. I. Center covering his area, as provided in this paragraph.

(3) After June 14, 1947, a wholesaler may transfer or surrender only checks issued to him by the Sugar Rationing Administration and checks issued by an exempt or designated agency on the back of which a notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" is typed or stamped in ink, for the purpose of authorizing him to take delivery of sugar.

(c) *Primary distributors.* (1) After June 19, 1947, a primary distributor to whom stamps are surrendered by a consumer must paste the stamps on gummed sheets as required by section 6.4, fill in the information required on the face of the sheet and transmit such gummed sheets, together with any gummed sheets with stamps affixed which he receives, to the D. V. I. Center covering his area. Before transmitting any gummed sheet with stamps affixed which he receives, he must endorse the gummed sheet by writing his name on the back of such sheet.

(2) After June 19, 1947, a primary distributor must endorse each check received by him and, once a week, transmit all ration evidences received by him during that week to the D. V. I. Center covering his area. The primary distributor will continue to submit his monthly report on OPA Form R–347, as required by section 5.4, except that he need not submit a certified check with such report.

(3) After June 19, 1947, a primary distributor may not accept for the purpose of authorizing the delivery of sugar any ration check other than a check issued by an exempt or designated agency on the back of which a notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" is typed or stamped in ink or a check issued by the Sugar Rationing Administration.

(d) *Exempt Agencies.* Each exempt agency, each agency listed in section 14.8 and the Veterans' Administration shall continue to issue checks in the proper amounts to persons making deliveries of sugar to such agency as heretofore except that such checks will not be issued on ration bank accounts. Before issuing each check the agency shall type, or stamp in ink, on the back of each such check the following notation: "Not valid for deposit except by a primary distributor. Transfer by endorsement only."

(e) *Designated agencies.* A designated agency, as listed in section 13.1, shall continue to issue checks for the purpose of replacement or advance of sugar used or to be used in products acquired by such agency as provided in section 13.12, except that such checks will not be drawn on a ration bank account. A designated agency as listed in section 13.1 (a) (2) (3) and (10) may not in any period, issue checks under this order in excess of the amount that it has been authorized to issue for the purpose of advance or replacement for that period. The amount authorized to be issued for any period for the purposes of Article XIII, will be determined by agreement between such agencies or activities, and the Washington Office of the Sugar Rationing Administration.

SEC. 26.5 *Checks to be issued in place of coupons.* (a) Whenever this order authorizes the issuance of coupons as provided in sections 1.5, 1.7, 1.8 and Article IX of this order or pursuant to Revised General Ration Order 5, the Sugar Branch Office shall authorize the issuance of checks for the same amounts and for the same purposes that coupons would have been issued. Ration Coupons will no longer be issued for any purpose under the provisions of Revised General Ration Order 5 or this order.

SEC. 26.6 *Exchange of checks.* On and after June 9, 1947, if any person to whom a check has been issued by the Sugar Rationing Administration wishes to exchange it for checks in smaller denominations, he may give up such check to the D. V. I. Center covering his area and receive in exchange checks, in such denominations as he may request, the total weight value of which shall not exceed the weight value of the check surrendered. However, no more than six checks shall be issued in exchange for such check except that in the case of a multiple registration, the number of checks issued in exchange may exceed six but shall not exceed the number of establishments registered together.

SEC. 26.7 *Terms used in article.* (a) For the purposes of this article, the term "wholesaler" shall include a retailer who has four or more establishments registered together and who buys direct from a primary distributor.

(b) As used in this article, the term "D. V. I. Center" means the Distribution, Verification and Issuance Center of the Sugar Rationing Administration.

This amendment shall become effective June 9, 1947.

Issued this 12th day of June 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 54 to Third Revised Ration Order 3; Amendment No. 23 to Revised General Ration Order 5

The system of depositing sugar ration evidences in banks and drawing ration checks against these balances for the acquisition and delivery of sugar is being discontinued. This action is being taken at this time in order to reduce expenditures and in order to shorten the length of time between the transfer of evidences and the clearance of such evidences through the rationing system. The termination of ration banking at this time is desirable because of the fact that the present statutory authorization for rationing terminates on October 31, 1947.

Closing bank accounts at this time will not present the serious difficulties which would have been encountered if bank accounts had been closed when more than one commodity was rationed. Since sugar is the only commodity now rationed, the only evidences to be handled by the trade are sugar evidences.

This amendment, therefore, provides for the termination of ration banking and the closing out of all ration bank accounts. This amendment further sets forth the procedure to be followed in transferring and accepting ration evidences after ration bank accounts have been closed.

The procedure to be followed in closing out ration bank accounts and in transferring and accepting ration evidences thereafter will be as follows:

1. No ration bank accounts will be opened or re-opened on or after June 9, 1947.

2. Retailers, industrial and institutional users may make no bank deposits after June 8, 1947. No later than June 11, 1947, every retailer, industrial and institutional user who has a ration bank account must draw a check or checks for the check-stub balance in his account and surrender such check or checks to his supplier or suppliers for the immediate or future delivery of sugar. After June 11, 1947, retailers, industrial and institutional users may transfer by endorsement all valid ration evidences they receive to their supplier for the purchase of sugar.

3. Wholesalers may make no bank deposits after June 14, 1947. No later than June 14, a wholesaler must write a check or checks for the check-stub balance in his account and surrender such check or checks to his supplier for delivery of sugar, upon request, to him. After June 14, 1947, a wholesaler may purchase sugar from his supplier by transferring to his supplier checks issued by an exempt or designated agency and checks issued to the wholesaler by the Sugar Rationing Administration. All other ration evidences received by a wholesaler (stamps, gummed sheets and Sugar Rationing Administration checks received by endorsement) must be submitted to the SRA Distribution, Verification and Issuance Center once a week. He will receive a check issued by the Sugar Rationing Administration in exchange for such valid evidences so surrendered.

4. Chain retailers (four or more retail establishments operating under a single registration) who buy direct from a primary distributor must follow the same procedure as wholesalers. If the chain retailer buys from a wholesaler, he must follow the same procedure as retailers, industrial and institutional users.

5. Primary Distributors may make no bank deposits after June 19. No later than June 25, 1947 every primary distributor must write a check for his check-stub balance, have the check certified by the bank and send it to the national office of the Sugar Rationing Administration, Washington, D. C. After June 19, a primary distributor will endorse all ration evidences he receives and send them weekly to the SRA Distribution, Verification and Issuance Center for his area.

6. Exempt and Designated agencies will continue to issue checks as at present except that such checks will not be issued on ration bank accounts but will be treated as ration currency to be transferred by endorsement. These checks will continue to be identified as at present by typing or stamping on the back of each check issued the notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" and must be transferred by endorsement until such checks have been received by a primary distributor, who will surrender them to the D. V. I. Center.

7. After June 8, 1947, ration coupons will no longer be issued but any person who has valid ration coupons, issued prior to June 8, may continue to use such coupons for the same purpose and in the same way as coupons are now valid for use.

[F. R. Doc. 47-5786; Filed, June 16, 1947; 3:36 p. m.]

Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce[1]

[Allocations Reg. 2, as Amended June 17, 1947]

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

RESTRICTED EXPORT PREFERENCE ASSISTANCE

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of certain materials and facilities for defense, for private account, and for export; and the following regulations is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 945.40 *Allocations Regulation 2—*(a) *Purpose.* This regulation describes the very limited scope of export preference assistance which may be granted in the future. Such assistance, when granted, will usually be in the form of authorizations for the placing of orders with certificates entitling the orders to preference. Rating symbols, such as CC, will not be issued by the Office of Materials Distribution except in the cases where RR ratings are authorized and issued under Direction 3 to this regulation to assist the Canadian Veterans' Housing Program.

The rules in this regulation and in Allocations Regulation 1 are a continuation in simplified form, for the purposes of the OMD, of rules contained in the former CPA Priorities Regulation 1 and certain other CPA regulations transferred to the Housing Expediter on April 1, 1947, as explained in Allocations Regulation 1. This regulation also continues, on a limited basis, certain provisions of former CPA Priorities Regulation 28 relating to exports.

The issuance of authorizations to place certified export orders will in general be limited to assisting the procurement in this country of minimum quantities of materials or facilities required to expand the production in foreign countries of materials critically needed in this country, and other exceptional cases where necessary to meet international commitments.

For the purpose of this regulation, "certified order" means a purchase or delivery order which is certified by the purchaser by use of the standard form of export preference certificate described in paragraph (h) (7) below, or by use of any other certificate authorized and entitled to preference under another OMD order, regulation or direction for export purposes.

(b) *Exceptional cases when certified export orders may be authorized.* (1) If all the conditions of paragraph (b) (2) below are met, authorizations to place orders with an export preference certificate may be granted to permit the placing and filling of certified orders for procurement in this country of the minimum quantities of materials or facilities required either:

(i) To expand the production in foreign countries of materials critically needed in the United States; or

(ii) to meet international commitments, and certified by the Secretaries of State and Commerce as necessary for that purpose.

(2) When effective assistance of other kinds is not practicable (OMD may locate sources able to ship without preferential aid), an authorization to use an export preference certificate may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without assistance; and

(iii) Preference assistance is required to obtain the item by the latest date and in the minimum quantity practicable, after taking into consideration material already acquired and material available without assistance.

(c) *How to apply for an authorization to use an export preference certificate.* Application for an OMD authorization to use an export preference certificate for all destinations except Canada should be made by letter in quadruplicate, addressed to the Office of Materials Distribution, Department of Commerce, Washington 25, D. C. Ref. AR-2. Application for such a certificate for Canadian destinations should be made directly to the Office of Materials Distribution, Department of Commerce, Washington 25, D. C. Ref. AR-2, also by letter in quadruplicate (except applications related to the Canadian Veterans' Housing Program, which must be made under Direction 3 to this regulation). Such applications should give the following information:

(1) Exact nature of applicant's business, i. e., manufacturing farm equipment, steel mill, etc.,

(2) Exact description of the item for which assistance is required, stating (a) for materials the kind, quantity and unit of measure or (b) for equipment, the make, model, size, type, capacity, etc.

(3) The country of export destination, and the exact use to be made in that country of the item to be exported.

(4) Name of supplier and his present delivery promises, and his reasons for not promising satisfactory delivery dates. (Give the number and date of your purchase order.)

(5) Efforts made to obtain suitable substitutes or reasons why substitutes cannot be used.

(6) A full statement of the importance of making the export at this time from the standpoint of the interests of the United States.

(d) *How applications are granted.* If the application is granted, OMD will issue a written authorization to the applicant authorizing him to use an export preference certificate. He may then use the certificate described in paragraph (h) (7) below.

(e) *Expiration of ratings and certificates for export: re-validation—*(1) *Expiration of priorities assistance for export issued before April 1, 1947.* All preference ratings assigned before April 1, 1947 by the Civilian Production Administration for materials to be exported expired on or before that date; and all certificates used on certified orders for materials for export which were required to be treated as rated orders under other CPA orders, regulations, or directions issued before April 1, 1947, also expired on or before that date, except those for tinplate continued in effect under Direction 1 to this regulation. In some instances, authorizations for the use of export preference certificates have been issued to continue the assistance.

(2) *When and how expiring export ratings or certificates may be replaced.* A person entitled to use a preference rating or a certificate entitled to be treated as a rated order for materials to be exported (including Canadian destinations), which expired on April 1, 1947, may apply to OMD for an authorization to use an export preference certificate if he can meet the conditions stated in paragraph (b) above.

If a new authorization is granted, it may be used by forwarding his supplier the export preference certificate described in paragraph (h) (7) below, signed in accordance with Allocations Regulation 1, together with any additional information needed to enable the person receiving it to know exactly the items to which it applies, the original purchase order referred to (if already placed), and the old rating or certificate.

(f) *Rules for acceptance and rejection of certified orders.* Every certified order must be accepted and filled regardless of existing contracts and orders except in the following cases:

(1) A person must not accept a certified order for delivery on a date which would interfere with delivery on other certified or rated orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the Office of Materials Distribution or the Housing Expediter has directed him to fill for that material or for a product which he makes out of it.

(2) A person must not accept a certified order for delivery on a date which can be met only by using material which was specifically produced for delivery on another certified order, and which is completed or is in production and scheduled for completion within 15 days.

(3) If a person, when receiving a certified order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (i) reject the order, stating when he could fill it, or (ii) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer.

(4) A certified order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against certified orders, or between certified orders of different customers:

(i) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment (when a person authorized to place a certified order asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on the certified order, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the certified order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of certified orders received by him after making the quotation and before he receives the firm order from the person making the inquiry).

(ii) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition if either (a) he cannot fill the order without substantially altering or adding to his facilities or (b) the order can readily be performed by someone else who has usually accepted and performed such orders.

(iii) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years. If he has, but the certified order would take more than the excess over his own needs, he may not reject the certified order unless filling it would interfere with other certified orders already on hand, or orders which the Office of Materials Distribution has directed him to fill, for the material or for a product which he makes out of it.

(iv) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

[1] Formerly Office of Temporary Controls, Civilian Production Administration.

(5) Any person who fails or refuses to accept an order bearing a certificate provided for under this regulation shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(6) Some orders or directions of the Office of Materials Distribution provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order or direction of the Office of Materials Distribution. In addition, the Office of Materials Distribution may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this paragraph (f), except that he may insist upon compliance with regularly established prices and terms of payment.

(7) *Certificates not effective for Government-owned surplus property.* The above rules in this paragraph (f) for the acceptance and rejection of certified orders, and in paragraph (i) below for the sequence of filling certified orders, do not apply to sales of surplus material by Government agencies. The certificates on certified orders have no effect either by way of obliging a Government agency to sell surplus property or by way of determining as among several buyers who shall get the surplus property.

(g) *Report to Office of Materials Distribution of improperly rejected orders.* When a certified order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the Office of Materials Distribution which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

(h) *Description of certificates and how they are used*—(1) *How authorized.* The standard export preference certificate provided for under this regulation is described in (h) (7) below. Other orders or directions of the Office of Materials Distribution may also permit the use of other special forms of certificates entitled to preference, such as that for the use of the symbol CXS on certain orders for tinplate, described in Direction 1 to this regulation. The standard certificate described below and certificates entitled to preference under any other Office of Materials Distribution order or direction are of equal value and precedence. Authorizations to use the standard export preference certificate will be issued under the conditions described in this regulation. The use of other certificates will be authorized under the conditions stated in the Office of Materials Distribution order or direction under which they are issued, which may provide that they shall be treated as export preference certificates.

(2) *Materials or facilities obtainable with certificates.* A person authorized to use a certified order may use the certificates only to get the quantities and kinds of materials or services authorized, as provided in § 945.18 of Allocations Regulation 1.

(3) *How to use a certificate.* The certificate with a certified order must be filled in, signed and delivered to the supplier in accordance with the rules stated in Allocations Regulation 1, and with any special rules which may be stated in any other OMD order or direction permitting the use of any special form of certificate other than the standard export preference certificate.

(4) *Certificates not extendible.* A person receiving a certified order may not extend the certificate to any of his suppliers. If he is unable to fill the certified order without using a certificate to get some of the materials which he will need for that purpose, he may apply to OMD for an authorization to use a certificate for that purpose in accordance with this regulation.

(5) *Relation of certificates to preference ratings.* The certificate on a certified order, and RR (or CC) preference ratings assigned by CPA before April 1, 1947, and an RR rating assigned at any time by the Housing Expediter or by the Office of Materials Distribution, are equal in precedence, unless otherwise directed in writing by the Office of Materials Distribution.

(6) *Time limit on certificates.* An authorization to use an export preference certificate, or other certificate permitted under another OMD order or direction for export purposes and entitled to preference, expires if not used on an order accepted by a supplier within 6 months of the date the use of the certificate was authorized. If the holder of an authorization to use an export preference certificate has been unable to use it before its expiration, he may apply to OMD for renewal. However, if the purpose for which use of the certificate was authorized should no longer exist, the certificate may not be used even though the time limit stated above has not elapsed.

(7) *Form of standard export preference certificate.* The standard export preference certificate must be in substantially the following form:

EXPORT PREFERENCE CERTIFICATE

The undersigned certifies to the seller and to the OMD, subject to the criminal penalties of section 35 (a) of the U. S. Criminal Code, that he is authorized to use this certificate for the materials described, in accordance with OMD Allocations Regulation 2. My authorization number is ---- (insert the OMD authorization number).

(If the above certification has been used in accordance with this regulation before its amendment, containing reference to "CPA" instead of "OMD", its validity is not affected and the purchase order need not be recertified to make this change.)

(8) *Report to Office of Materials Distribution of improper delay of orders.* When delivery or performance of a certified order is unreasonable or improperly delayed, the customer may file a report of the relevant facts with the Office of Materials Distribution which will take such action as it considers appropriate after requiring an explanation from the person with whom the order is placed.

(i) *Sequence of filling certified orders.* (1) Every person who has certified orders on hand must schedule his operations, if possible, so as to fill each certified order by the required delivery or performance date (determined as explained in paragraph (j) below). If this is not possible for any reason, he must give precedence to all certified over uncertified orders.

(2) As between conflicting certified orders, precedence must be given to the order which was received first with the certificate. As between conflicting certified orders received on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(3) If a certified order or the certificate applicable to an order is cancelled when the supplier has materials in production to fill it, he need not immediately stop to put other certified orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any certified order on hand. He may not, however, delay putting other certified orders into production for more than 15 days.

(j) *Delivery or performance dates.* (1) Every certified order must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an uncertified order. The words "immediately" or "as soon as possible", or other words to that effect, are not sufficient for this purpose.

(2) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to paragraph (i), shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(3) If, after accepting a certified order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, for any reason, he must promptly notify the customer, telling him approximately when he expected to be able to fill the order. Inability to fill the order on time or within fifteen days following the specified time does not authorize a supplier to cancel the order.

(k) The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Pub. Laws 270 and 475, 79th Cong.; Pub. Law 388, 79th Cong.; Pub. Laws 24 and 29, 80th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645; Materials Control Reg. 1, May 2, 1947, 12 F. R. 2995; Office of Materials Distribution Reg. 1, May 2, 1947, 12 F. R. 2996.

Issued this 17th day of June 1947.

OFFICE OF MATERIALS DISTRIBUTION,
By J. JOSEPH WHELAN,
Issuance Officer.

[F. R. Doc. 47-5813; Filed, June 17, 1947; 11:40 a. m.]

[Allocations Reg. 2, Direction 3]

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

PRIORITIES ASSISTANCE FOR THE CANADIAN HOUSING PROGRAM

The following direction is issued pursuant to Allocations Regulation 2:

The fulfilment of requirements for the defense of the United States has created shortages in the supplies of certain building materials and in the supplies of certain materials and facilities suitable for the manufacture of building materials, for defense, for private account and for export; and the following direction is deemed necessary and appropriate in the public interest and to promote the national defense.

(a) *Explanation.* Materials to aid the Canadian Veterans' Housing Program, obtained with priorities assistance assigned insofar as practicable under the same conditions and to the same extent that such assistance is being assigned to support the Veterans' Emergency Housing Program in the United States, have been certified by the Secretaries of State and Commerce as necessary to meet an international commitment.

In order to afford priorities assistance for such purpose, the Office of Materials Distribution may assign RR preference ratings for required materials. However, these RR ratings will be assigned by the Office of Materials Distribution for the Canadian Veterans' Housing Program only under the same conditions, and to the same extent that, and only so long as ratings are being assigned by the Housing Expediter for the Veterans' Emergency Housing Program. The ratings so assigned by the Office of Materials Distribution will not be continued in effect any longer than those assigned by the Housing Expediter.

This direction explains how to apply for an RR rating for materials required to assist the Canadian Veterans' Housing Program, and when such ratings may be granted. It also gives all ratings assigned in this way the same force and effect as RR ratings assigned by the Housing Expediter, and provides a form of certification for using the RR ratings authorized under this direction for the Canadian Veterans' Housing Program.

(b) *When ratings may be granted.* RR preference ratings for materials to assist the Canadian Veterans' Housing Program will be authorized by the Office of Materials Distribution only under the following conditions:

(1) Upon the recommendation of the Priorities Officer of the Department of Reconstruction and Supply in Canada; and

(2) If the application meets the conditions specified under Priorities Regulation 28 of the Housing Expediter, including supplements and directions to that regulation, in effect at the time the application is acted upon.

(c) *How to apply.* Application for OMD authorization to use an RR rating for materials required to support the Canadian Housing Program should be made by letter in quadruplicate, addressed to the Office of Materials Distribution, Department of Commerce, Ref. AR-2, Dir. 3, but should be filed with the Priorities Officer, Department of Reconstruction and Supply, Ottawa, Canada. If he recommends the granting of the application, he will forward it with his recommendations, to the Office of Materials Distribution, Department of Commerce, Washington 25, D. C.—Ref. AR-2, Dir. 3. Such applications should give the following information:

(1) Exact nature of applicant's business, i. e., manufacturing builders hardware, sawmill, etc.

(2) Exact description of the item for which assistance is required, stating (a) for materials, the kind, quantity and unit of measure, or (b) for equipment, the make, model, size, type, capacity, etc.

(3) The exact use to be made in Canada of the item for which assistance is required.

(4) Name of suppliers and their present delivery promises, and their reasons for not promising satisfactory delivery dates. (Give date purchase order was placed and purchase order number, if known.)

(5) Efforts made to obtain suitable substitutes or reasons why substitutes cannot be used.

(d) *How applications are granted.* If the application is approved, the Office of Materials Distribution will issue a written authorization to the applicant authorizing him to use an RR preference rating for the materials and in the quantities which it may specify in the authorization. Upon receipt of such an authorization, the applicant may then use the rating as explained in paragraph (e) below.

(e) *How to use RR ratings under this direction.* (1) Any person authorized to use an RR rating under this direction must do so by endorsing the following certification on his purchase order, in the manner explained in § 945.2 of Allocations Regulation 1:

RR Preference Rating

The undersigned purchaser certifies, subject to the criminal penalties for misrepresentation, that, to the best of his knowledge and belief, he is authorized under Direction 3 to AR-2 of the Office of Materials Distribution, Department of Commerce, to use the RR preference rating for the materials covered by this order.

(2) The use of the above certification by persons in Canada will constitute representations by them to the seller, to the Canadian Priorities Officer, and to the Office of Materials Distribution, subject to the criminal penalties for misrepresentation to such Officer or such Office, that, to the best of the knowledge and belief of the persons whose signatures are used, they are authorized under applicable Canadian orders, as well as under this direction, to place the purchase order, to receive the items ordered, and to use the RR rating, as certified by them; and the use of the above certification in the United States will constitute representations of the facts stated therein to the seller and to the Office of Materials Distribution, subject to the criminal penalties for misrepresentations to that Office, as explained in §§ 945.2 and 945.14 of Allocations Regulation 1.

(3) When the above certification as to the authority to use an RR rating is used, no other form of certification of this fact shall be necessary or used on the purchase order.

(f) *Effect of RR ratings assigned under this direction.* RR preference ratings assigned under this direction by the Office of Materials Distribution shall have the same force and effect as RR ratings assigned by the Housing Expediter. The terms and provisions of Housing Expediter Priorities Regulation 1, Priorities Regulation 3, Priorities Regulation 7, Priorities Regulation 28, and directions and supplements to those regulations, and other orders and regulations of the Housing Expediter applicable to the use or acceptance of RR ratings, as amended or otherwise changed from time to time by the Housing Expediter, shall also apply to RR ratings assigned under this direction, as if incorporated in this direction at length. However, (1) The certification described in paragraph (e) (1) above must be used as required by this direction, instead of the form of certifications for using preference ratings which are described in the Housing Expediter's regulations; and (2) any communications concerning this direction should be addressed to the Office of Materials Distribution, Department of Commerce, Washington 25, D. C., Refs. AR-2, Dir. 3; and (3) the general rules in Allocations Regulation 1 remain applicable, except to the extent that they may be inconsistent with any specific rules in this direction.

(g) The reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Pub. Laws 270 and 475, 79th Cong.; Pub. Law 388, 79th Cong.; Pub. Laws 24 and 29, 80th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645; Materials Control Reg. 1, May 2, 1947, 12 F. R. 2995; Office of Materials Distribution Reg. 1, May 2, 1947, 12 F. R. 2996.

Issued this 17th day of June 1947.

OFFICE OF MATERIALS DISTRIBUTION,
By J. JOSEPH WHELAN,
Issuance Officer.

[F. R. Doc. 47-5812; Filed, June 17, 1947; 11:40 a. m.]

Chapter XIV—War Contracts Price Adjustment Board

PART 1608—TEXT OF STATUTES, ORDERS, JOINT REGULATIONS AND DIRECTIVES

SUBPART B—DELEGATIONS OF AUTHORITY

JUNE 12, 1947.

In § 1608.822-1 paragraphs (b) and (c) are amended to read as follows:

§ 1608.822-1 *Delegations of authority within the War Department.* * * *

(b) *Delegation dated May 21, 1947 of authority to the Chairman of the War Department Price Adjustment Board.*

WAR DEPARTMENT
OFFICE OF THE UNDER SECRETARY
Washington, D. C.
21 MAY 1947

Memorandum for: Chairman, War Department Price Adjustment Board.
Subject: Delegation of Discretion and Authority Under the Renegotiation Act.

1. By virtue of the authority and discretion vested in me by the memorandum dated 20 August 1945, from the Secretary of War, subject: "Delegation of Discretion and Authority Under the Renegotiation Act", I hereby redelegate to the Chairman of the War Department Price Adjustment Board all of the powers, functions and duties delegated to me under the memorandum referred to in this paragraph, except as otherwise delegated or reserved in this memorandum, to be exercised subject to the directions contained herein.

2. Included in the powers, functions and duties described in Paragraph 1 hereof, I hereby delegate to the Chairman of the War Department Price Adjustment Board authority and discretion, subject to Paragraph 3 hereof:

a. To establish policies, principles and procedures to be followed in renegotiation by the Army Air Forces.

b. To assist the Army Air Forces in the selection and training of personnel.

c. To review renegotiations and settlements recommended by the Army Air Forces.

d. To exercise any of the foregoing powers through any member of the Board or by one or more of its staff.

3. In the exercise of the authority and discretion delegated hereby all officials and agencies of the War Department will be governed by the applicable interpretations and regulations issued by the War Contracts Price Adjustment Board created by the Renegotiation Act, and by the Army Renegotiation Manual. The Chairman of the War Department Price Adjustment Board may, with the approval of the Under Secretary of War, modify or supplement the instructions in the Army Renegotiation Manual referred to, and such modified or supplemental instructions will apply to all officials and agencies of the War Department engaged in the administration of the Renegotiation Act.

4. I hereby designate the Chairman, the Vice-Chairman or the Assistant to the Chairman, of the War Department Price Adjustment Board as my representative with authority to execute all agreements reached as a result of renegotiation. I also designate the Chairman of the War Department Price Adjustment Board as my representative with authority to make determinations of excessive profits by order, not embodied in an agreement with the contractor or subcontractor concerned, including authority, under the Renegotiation Act of 1942, to refix the contract price.

5. Any agreements with a contractor or subcontractor resulting from renegotiation will be subject to review and approval by the Chairman of the War Department Price Adjustment Board except in cases where authority to execute agreements has been or may be duly delegated by me or by my authority.

6. The present members of the War Department Price Adjustment Board and the Chairman thereof will continue to serve as Chairman and members of the War Department Price Adjustment Board at the pleasure of the Under Secretary of War. The War Department Price Adjustment Board will continue in the Office of the Under Secretary of War or in such other office as he may designate. The Chairman and members of the War Department Price Adjustment Board will be appointed by the Under Secretary of War and will serve at his pleasure. The Board and the Chairman thereof will have such powers as may remain delegated to them respectively or may respectively be delegated to them from time to time. During any absence of the Chairman, War Department Price Adjustment Board, the Acting Chairman, War Department Price Adjustment Board will perform the functions and exercise the authority of the Chairman, War Department Price Adjustment Board.

7. All authority and discretion hereby conferred are subject to the provisions of Part III, War Department Circular 53, 1946.

8. The authority and discretion hereby delegated to the Chairman, War Department Price Adjustment Board may be delegated by him in whole or in part to such individuals or agencies as he may designate and he may authorize such individuals or agencies to make or authorize successive redelegations of such authority and discretion.

9. The authority contained in the memorandum dated 28 May 1945 as amended from the Under Secretary of War, subject: "Delegation of Authority Under the Renegotiation Act" to the Chiefs of Technical Services, Army Service Forces, and the Commanding General, Army Air Forces, continues applicable notwithstanding the transfer of the Technical Services from the Army Service Forces. The Technical Services to which such memorandum as amended remains applicable are the respective Technical Services under Chief of Chemical Corps, Chief of Engineers, Chief of Ordnance, The Quartermaster General, The Chief Signal Officer, The Surgeon General and Chief of Transportation.

10. This memorandum supersedes the memorandum dated 10 June 1946 from the Under Secretary of War for the Director of Service, Supply and Procurement, and the Chairman, War Department Price Adjustment Board, subject: "Delegation of Discretion and Authority Under the Renegotiation Act", but any action taken under authority of such superseded memorandum will not be affected.

11. This memorandum will be effective as of 6 April 1947.

KENNETH C. ROYALL,
Under Secretary of War.

(c) *Delegation dated May 21, 1947 of authority to the Chief of Finance.*

WAR DEPARTMENT
OFFICE OF THE UNDER SECRETARY
Washington, D. C.
21 MAY 1947

Memorandum for: The Chief of Finance.
Subject: Delegation of Authority Under the Renegotiation Act.

1. Under subsection (c) (2) of the Renegotiation Act of 1943 certain powers, functions and duties to eliminate excessive profits under the circumstances and by the methods therein described are vested in the War Contracts Price Adjustment Board which has redelegated said powers, functions and duties to the Secretary of War. Under subsection (c) (2) of the Renegotiation Act of 1942 certain similar powers, functions and duties to eliminate excessive profits are vested in the Secretary of War. By memorandum dated 20 August 1945, the Secretary of War has redelegated to the Under Secretary of War all of the powers, functions and duties under subsection (c) (2) of the Renegotiation Act of 1943 and the Renegotiation Act of 1942 conferred upon the Secretary of War by such subsections and by the delegation of authority to him from the War Contracts Price Adjustment Board dated 10 August 1945.

2. I hereby redelegate to the Chief of Finance all said powers, functions and duties to eliminate excessive profits under the circumstances and by the methods or any combination of the methods referred to in subsection (c) (2) of the Renegotiation Acts of 1942 and 1943.

3. The powers hereby conferred shall be exercised in accordance with the applicable interpretations and regulations issued from time to time by the War Contracts Price Adjustment Board and the instructions contained in the Army Renegotiation Manual as modified from time to time.

4. The authority and discretion hereby delegated to the Chief of Finance may be delegated in whole or in part to such individuals or agencies as he may designate in the War Department, and he may authorize such individuals or agencies to make or authorize successive redelegations of such authority and discretion.

5. This delegation does not supersede the delegation dated 21 May 1947 by me to the Chairman of the War Department Price Adjustment Board.

6. This delegation shall be effective as of 6 April 1947.

7. Any action taken under the authority of prior delegations with respect to the subject matter hereof shall not be affected hereby.

KENNETH C. ROYALL,
Under Secretary of War.

C. A. MCLAUGHLIN,
Legal Adviser.

[F. R. Doc. 47-5715; Filed, June 17, 1947; 8:45 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter III—Corps of Engineers, War Department

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 4 of the act of December 22, 1944 (58 Stat. 889, as amended by the Flood Control Act of 1946, 60 Stat. 641; 16 U. S. C. 460d) Part 311, Chapter III, Title 36 of the Code of Federal Regulations is amended as follows:

1. Add new paragraph (g) to § 311.1 as follows:

§ 311.1 *Areas covered.* • • •

(g) Wappapello Reservoir Area, St. Francis River, Missouri.

[Regs. Mar. 14, 1947; ENGWF] (58 Stat. 889 as amended 60 Stat. 641; 16 U. S. C. Sup. 460d)

2. Rescind paragraph (b) of § 311.6 and substitute the following:

§ 311.6 *Hunting and fishing.* • • •

(b) Hunting shall be with shotgun only in any reservoir area listed in § 311.1 except for the Wappapello Reservoir Area, St. Francis River, Missouri, on which the hunting of deer with rifles is also permitted.

3. Rescind § 311.11 and substitute the following:

§ 311.11 *Firearms and explosives.* Loaded rifles, loaded shotguns, loaded pistols and explosives of any kind are prohibited in the area, except when in the possession of a law enforcement officer or Government employee on official duty, when shotguns or rifles are being used for hunting during the hunting season as permitted under § 311.6 and when specifically authorized by the District Engineer.

[Regs. May 27, 1947; ENGWF] (58 Stat. 889 as amended 60 Stat. 641; 16 U. S. C. Sup. 460d)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5741; Filed, June 17, 1947; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION: DISALLOWANCE AND AWARDS

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 3:

§ 3.1356 *Subsequent findings of combat incurrence by adjudicating agencies of original jurisdiction.* (a) Where a claim for retirement has been allowed or denied by the board of veterans appeals, no other rating agency will thereafter make an initial finding in such claim that any disability was incurred in combat with an enemy of the United States. If a rating agency is of the opinion that the veteran has a disability which was incured in combat, the claim will be transmitted to the board of veterans appeals with appropriate recommendation. The initial rating action taken by the board of veterans appeals in these cases will be subject to appeal within the time prescribed by the regulations of this chapter.

(b) Where a veteran receiving emergency officers retirement benefits enters Federal employment, and there has been no determination as to whether the disability for which he was retired was incurred in combat or was due to the explosion of an instrumentality of war, any action to adjust the payments required by § 3.1358 (a) will be accomplished and the claims folder submitted to the board of veterans appeals for appropriate determination of that phase of the claim.

§ 3.1358 *Public No. 2, 72d Congress, as amended.* (a) Effective July 1, 1932, section 212 of Public No. 212, 72d Congress, as amended, which is permanent legislation, prohibits the concurrent payment of retirement pay and salary from the United States Government or the Municipal Government of the District of Columbia, or any corporation, the majority of the stock of which is owned by the United States, except under certain specified conditions. However, such prohibition is inapplicable if the disability for which retired was incurred in combat with an enemy of the United States. On and after July 15, 1940, the above restriction is also inapplicable if the disability for which retired resulted from an explosion of an instrumentality of war in line of duty. A finding by the board of veterans appeals that a disability is the direct result of the performance of duty, or that on all the evidence of record it is clearly shown that the disability for which retirement was granted was incurred in or aggravated by active service in fact in line of duty without benefit of any statutory or regulatory presumption of any kind, does not of itself meet the requirements of Public No. 212. There must be a specific finding of combat incurrence of a disability for which retirement was granted or a specific finding that the disability resulted from an explosion of an instrumentality of war in line of duty during enlistment or employment as provided in § 35.011 (a) of this chapter. If a retired officer is also an employee of the United States within the purview of section 212, Public No. 212, 72d Congress, as amended, and his retired pay is at a rate equal to or in excess of $3,000 per annum, he must elect which form of payment he desires during the period of such incumbency. If the rate of the retired pay and the rate of civilian compensation, when combined, are equal to or less than $3,000 per annum, he is entitled to both. On the other hand, if the civilian compensation is at a rate of less than $3,000 and the retired pay is also at a rate of less than $3,000, he is entitled to the full amount of his civilian pay and to such additional amount from the retired pay as will make a total payment annually of $3,000. (Comptroller General—June 25, 1942, B-24989) If the retired pay is at a rate of less than $3,000 and the civilian pay is at a rate in excess of $3,000, there is no right of election, the civilian pay must be paid and even though it is a part-time position and the salary actually paid is less than $3,000 per annum, there is no right to any portion of the retired pay. (Comptroller General—August 17, 1932, 12 Comp. Gen. 256) The claim of a part-time employee should be adjudicated on the "rate" of pay for the position rather than on the part-time pay received. It is, therefore, necessary to ascertain from the department or establishment where the veteran is employed, the annual rate of pay for the position held. Section 212, Public No. 212, 72d Congress, as amended, is applicable to persons receiving fees from the Federal Government only when such fees are paid in connection with employment in "a civilian office or position, appointive or elective, under the United States Government or Municipal Government of the District of Columbia, or under any corporation, the majority of the stock of which is owned by the United States." However, when the fees are based on services furnished under contract (Solicitor's Opinion—August 6, 1932), i. e., when the person receiving same is not an "employee," section 212, Public No. 212, 72d Congress, as amended, is not for application. For example, employment by the VA of former officers of the armed forces retired for disability as consultants upon a fee basis pursuant to section 14 (a) of Public Law 293, is not in contravention of section 212 of Public No. 212, 72d Congress, inasmuch as such consultants do not occupy an "office or position" within the meaning of those terms as used in the cited statute notwithstanding that the term "compensation" as used therein is sufficiently broad to include fees. (Decision of Compt. Gen. B-62616, January 17, 1947)

(b) In the preparation of awards involving Federal employees, subject to section 212, Public No. 212, 72d Congress, as amended, the amount of Federal salary received, including the Civil Service Retirement and Federal income tax deductions, will be shown on the award under "Remarks." Amounts received by Government employees as overtime compensation or additional compensation under Public Law 49, 78th Congress, or amounts payable under Public Laws 106 and 390, 79th Congress, other than increases in basic rates of compensation, which the act expressly provides shall be considered a part of basic compensation, shall not be considered in determining the amount of a person's annual income or annual rate of compesation for the purposes of section 212, Public No. 212, 72d Congress, as amended.

No change in (c).

(47 Stat. 382; 59 Stat. 295)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

MAY 15, 1947.

[F. R. Doc. 47-5713; Filed, June 17, 1947; 8:48 a. m.]

PART 5—ADJUDICATION: DEPENDENTS CLAIMS

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 5:

§ 5.2515 *World War II.* For the purpose of adjudicating claims for death compensation or pension predicated on service rendered during World War II in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, the following definitions of relationship shall govern:

(a) *Widow.* The term "widow" of a veteran of World War II shall mean a woman who was married to the veteran:

(1) Prior to twelve o'clock noon, December 31, 1956; and

No change in subparagraphs (2), (3), and (4).

No change in paragraphs (b) and (c).

§ 5.2530 *Death of veteran due to wartime service; Public No. 2, 73d Congress — (a) Spanish-American War.* For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933), the surviving widow, child or children and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, as provided for in § 35.011 (a) of this chapter, shall be entitled to receive compensation at the monthly rates specified in § 5.2624.

(b) *World War I.* For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933), the surviving widow, child or children and dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during World War I, as provided for in § 35.011 (a) of this chapter, shall be entitled to receive compensation at the monthly rates specified in § 5.2624. Effective August 16, 1937, service prior to July 3, 1921, during an enlistment entered into after November 11, 1918, shall be considered as World War I service provided the person who served also served after April 5, 1917, and prior to November 12, 1918, and death occurred or was due to a disability incurred or to the aggravation of a disease or injury suffered, during the re-enlist-

ment and prior to July 3, 1921. (Sec. 5, Pub. No. 304, 75th Cong.)

(c) *World War II.* For the purposes of Public No. 2, 73d Congress, as amended, the surviving widow, child or children and dependent father or mother of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during World War II in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, as provided for in § 35.011 (a) of this chapter, as amended by section 9, Public Law 144, 78th Congress, shall be entitled to receive compensation at the monthly rates specified in § 5.2624.

§ 5.2549 *Death of World War II veteran from disease or injury not the result of service, who at time of death had a service-connected disability (Pub. Law 312, 78th Cong., act of May 27, 1944, and Pub. Law 483, 78th Cong., act of December 14, 1944.* (a) On or after May 27, 1944, for the purposes of section 4, Public Law 312, 78th Congress, the widow, child or children, as defined in § 5.2515, of a person who served during World War II in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, and who was honorably discharged after serving 90 days or more (or having served less than 90 days, was discharged for disability incurred in such service in line of duty and who dies or has died from a disease or disability not connected with such service, and at the time of death had a disability as described in paragraph (b) of this section, incurred in or aggravated by such service in World War II, for which compensation would be payable if 10 per centum or more in degree shall be entitled to receive pension at the monthly rates specified in § 5.2640: *Provided*, That pension shall be payable without regard to the length of the veteran's service if at the date of death he was receiving or entitled to receive compensation, or retirement pay for a disease or disability as specified above which was 10 per centum or more disabling under the Schedule for Rating Disabilities, 1945, or the Schedule for Rating Disabilities, 1933, with the latter being utilized to vest entitlement only where it was in effect at the date of death: *Provided further*, That

(1) The income limitations set forth in § 5.2548 (e) shall be applicable in determining entitlement to pension under this law;

(2) On or after June 22, 1944, pension shall be payable under the conditions prescribed where the veteran was discharged or released from active service under conditions other than dishonorable (Sec. 1503, Pub. Law 346, 78th Cong., secs. 5 and 6, Pub. Law 483, 78th Cong.);

(3) Computation of the 90 days service may include continuous service in an enlistment entered into prior to December 7, 1941, and continuing into the World War II period, or in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, and continuing into the following period.

(b) (1) On or after May 27, 1944, the existence of a service-connected disease or injury at death and the determination of a disability resulting from such disease or injury for which compensation would be payable if 10 per centum or more in degree may be based upon evidence filed at any time subject to the limitations contained in §§ 35.022 (b) and 35.02 (a) of this chapter. Any disability that may be properly service-connected under the provisions of § 35.011 of this chapter, Public No. 2, 73d Congress, as amended, for World War II veterans based upon service rendered in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, will be considered service-connected for the purpose of Public Law 312, 78th Congress, or Public Law 483, 78th Congress.

(2) The term "disability" as used in this section shall comprehend any disease or injury existing at death for which service connection is established in accordance with laws applicable to World War II based upon service rendered in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, and which constitutes a disability as defined by the regulations of this chapter and rating criteria applicable to Public No. 484, 73d Congress, as amended.

(3) The regulation in this section shall be cited as the authority for the determination of the existence of a disability of less than 10 per centum under section 4, Public Law 312, 78th Congress, or Public Law 483, 78th Congress. Where there is no provision for an evaluation of the disease or injury as a disability and the condition is not a disability within the meaning of the instructions issued defining the term "disability" as used in section 1 (b), Public No. 198, 76th Congress, or section 6, Public Law 483, 78th Congress, but it is clear that the disease or injury constituted a definitely ascertainable disability the rating agency or the board of veterans appeals, as the case may be, will outline the evidence and influencing reasons relied on to show the existence of a disability: *Provided, however*, That dependents pension boards in branch offices will make recommendatory ratings in such cases which will be forwarded to central office for review and final rating by the central dependents pension board, dependents and beneficiaries claims service.

(Proc. 2714, Dec. 31, 1946, 12 F. R. 1)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

MAY 13, 1947.

[F. R. Doc. 47-5714; Filed, June 17, 1947; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES AND NEW FRESH HARVESTED ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev.-31A]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES AND NEW FRESH HARVESTED ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, General Permit ODT 18A, Revised-31, as amended, shall be superseded, and it is hereby ordered, that:

§ 520.531 *Shipments of new fresh harvested Irish potatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172, 12 F. R. 1034, 2386), and the restrictions contained in Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of new fresh harvested Irish potatoes:

(a) When the origin point of any such freight is any point or place within the United States excepting the States of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah or Washington, and the quantity loaded in each car is not less than 36,000 pounds when such freight is iced or when ice is available for placing in such car: *Provided*, That if ice is not available at the shipping point for placing in such car, the quantity loaded therein shall be not less than 30,000 pounds;

(b) When the origin point of any such freight is any point or place in the States of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah or Washington, and the quantity loaded in each car is not less than 40,000 pounds.

§ 520.532 *Shipments of new fresh harvested onions.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended, and the restrictions contained in Special Direction ODT 18A-2A, as amended, any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin any carload freight consisting of new fresh harvested onions:

(a) When the origin point of any such freight is any point or place within the United States excepting a point or place in the States of Texas or Georgia, and the quantity loaded in each car is not less than 30,000 pounds;

(b) When the origin point of any such freight is a point or place in the States of Texas or Georgia and the quantity loaded in each car is not less than 25,000 pounds.

This General Permit ODT 18A, Revised-31A, shall become effective June 14, 1947.

General Permit ODT 18A, Revised-31, as amended (12 F. R. 1993, 3175), is hereby revoked as of the effective date of this General Permit ODT 18A, Revised-31A.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 13th day of June 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47-5758; Filed, June 17, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 315]

[Ex Parte No. 146]

OIL FIELD EQUIPMENT IN MARSHLANDS OF LOUISIANA AND TEXAS

PROPOSED CONTINUATION OF EXEMPTION

JUNE 11, 1947.

An order was entered in the above-entitled proceeding August 26, 1941, exempting from the requirements of Part III of the Interstate Commerce Act, for a period of three years, contract carriers by water engaged in the leasing or chartering of vessels for the purpose of transporting machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation, and maintenance of, facilities for, the discovery, development and production of, natural gas and petroleum, to and from points in the marshland oil fields of Louisiana and Texas (49 CFR, Cum. Supp., 315.1). By order of May 10, 1944, the period of exemption of such contract carriers was extended to August 26, 1947 (49 CFR, 1944 Supp., 315.1).

Letters and petitions have been received from certain water carriers and oil companies requesting that such exemption be further extended to August 26, 1950. They state that the conditions set forth in the order of August 26, 1941, as a basis for granting the exemption, still exist.

Any interested persons may file with the Commission on or before July 15, 1947, memoranda or briefs containing their views as to the matter of extending beyond August 26, 1947, the exemption granted in this proceeding.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5739; Filed, June 17, 1947; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Sugar Rationing Administration

LIST OF COMMUNITY CEILING PRICE ORDERS

List of comunity ceiling price orders under General Order No. 2. The following orders establishing dollar-and-cents ceiling prices for sales at retail of sugar were issued under General Order No. 2, issued by the Secretary of Agriculture. The date of filing with the FEDERAL REGISTER is shown following the regional designation.

REGION 8

Filed May 26, 1947

Order No. SCP-16, Amendment 1, covering sales in the State of Washington. Filed 10:37 a. m.

Order No. SCP-20, Amendment 1, covering sales in certain areas of the State of Idaho and in Malheur County, Oregon. Filed 10:37 a. m.

Order No. SCP-21, Amendment 1, covering sales in the State of Montana. Filed 10:37 a. m.

Order No. SCP-24, Amendment 1, covering sales in the State of Wyoming. Filed 10:38 a. m.

Order No. SCP-23, Amendment 1, covering sales in the State of Utah. Filed 10:38 a. m.

MAUD E. CUSTER,
Registrar.

[F. R. Doc. 47-5740; Filed, June 17, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 484]

PENNSYLVANIA-CENTRAL AIRLINES CORP.

NOTICE OF ORAL ARGUMENT CONCERNING MAIL RATES

In the matter of the motion of Public Counsel for denial of the petition of Pennsylvania-Central Airlines Corporation under section 406 of the Civil Aeronautics Act of 1938, as amended, insofar as such petition requests the establishment of a mail rate restrictively effective to June 1, 1942.

Pennsylvania-Central Airlines Corporating having, by petition filed January 14, 1947, petitioned the Board to fix and determine the fair and reasonable rate of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, for reasons therein set forth retroactively at 18.12 cents per revenue plane course mile for the period, June 1, 1942 to December 31, 1946, both dates inclusive; and at 30 cents per revenue plane course mile for the period ensuing and for the future; and

Public Counsel, by motion filed April 22, 1947, having moved the Board for entry of an order denying petitioner's request for an increase in rate effective prior to the date its petition was filed, to which motion petitioner, on May 12, 1947, has filed an answer requesting dismissal of said motion, or, in the alternative, asking to be heard in oral argument before the Board.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above proceeding, addressed to the issues established under the pleadings above referred to, is assigned to be held on July 1, 1947, at 10:00 a. m., daylight saving time, in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., June 12, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5737; Filed, June 17, 1947; 8:48 a. m.]

[Dockets Nos. 1932, 1890]

NORTHEAST AIRLINES, INC.

NOTICE OF HEARING CONCERNING MAIL RATE PROCEEDINGS

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Northeast Airlines, Inc., over its entire system.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that a hearing in the above-entitled proceeding is hereby assigned to be held on June 25, 1947, at 10:00 a. m. (daylight saving time) in Room 1302, Temporary "T" Building, Constitution Avenue, between 12th St.

and 14th St., N. W., Washington, D. C., before Examiner Edward T. Stodola.

For a detailed statement of the matters in issue in this proceeding reference is made to the Examiner's Prehearing Conference Report (together with appendices thereto) served April 30, 1947 and to his Supplementary Prehearing Conference Report served May 14, 1947, both of which documents are on file with the Civil Aeronautics Board.

Dated at Washington, D. C., June 12, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-5733; Filed, June 17, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-853]

HOME GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 12, 1947.

In the matter of Home Gas Company, The Manufacturers Light and Heat Company, Cumberland and Alleghany Gas Company, and Natural Gas Company of West Virginia.

Notice is hereby given that, on June 11, 1947, the Federal Power Commission issued its findings and order entered June 6, 1947, issuing certificates of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5716; Filed, June 17, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-977]

CHICAGO AND NORTH WESTERN RAILWAY CO.

ORDER PERMITTING COMMON STOCK NO PAR VALUE TO BE EQUIVALENT TO VOTING TRUST CERTIFICATES FOR COMMON STOCK NO PAR VALUE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of June A. D. 1947.

The Boston Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the Common Stock, No Par Value, of Chicago and North Western Railway Company is substantially equivalent to the Voting Trust Certificates for Common Stock, No Par Value, of that company, which have heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Common Stock, No Par Value, of Chicago and North Western Railway Company is hereby determined to be substantially equivalent to the Voting Trust Certificates for Common Stock, No Par Value, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5719; Filed, June 17, 1947; 8:45 a. m.]

[File No. 7-984]

SEABOARD AIR LINE RAILROAD CO. VOTING TRUST

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of June A. D. 1947.

In the matter of Application by the Boston Stock Exchange for unlisted trading privileges in Seaboard Air Line Railroad Company Voting Trust, expiring April 1, 1951, voting trust certificates for common stock, no par value; File No. 7-984.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1935 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Voting Trust Certificates for Common Stock, No Par Value, of Seaboard Air Line Railroad Company Voting Trust, Expiring April 1, 1951, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to July 3, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5717; Filed, June 17, 1947; 8:45 a. m.]

[File Nos. 54-155, 54-9, 59-2]

AMERICAN GAS AND ELECTRIC CO. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of June A. D. 1947.

In the matter of American Gas and Electric Company, File No. 54-155, American Gas and Electric Company, Atlantic City Electric Company, Deepwater Operating Company, South Pennsgrove Realty Company, File Nos. 54-9 and 59-2.

The Commission having, on April 7, 1947, issued its order approving a plan filed by American Gas and Electric Company ("American Gas"), a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, said plan providing, among other things, that American Gas would dispose of its interest in Atlantic City Electric Company ("Atlantic City") consisting of 1,150,000 shares of common stock of the par value of $10 per share through the sale at competitive bidding of 522,416 shares of such stock and the disposition of the remaining 627,584 shares as dividends to the common stockholders of American Gas commencing with the dividend date June 15, 1947, and terminating with the dividend date December 15, 1948; and

A supplemental application having been filed by American Gas on May 7, 1947 wherein it was stated that on April 14, 1947 due to unsettled conditions applicant postponed indefinitely the date for submission of sealed written proposals for the purchase of the common stock of Atlantic City. Said supplemental application proposed a modification of the competitive bidding procedure whereby American Gas would publish a notice requesting that any persons interested in such underwriting would advise the company in writing before a specified date (which should be not earlier than the 4th day after publication of the notice). On or after such specified date American Gas would notify by telegram all persons who had so signified their interest that sealed bids should be presented at a designated time and place; and

The Commission having, by order dated May 9, 1947, granted said supplemental application subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of the common stock of Atlantic City shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed; and

It appearing that the proposed sale of the common stock of Atlantic City has not been consummated within the period prescribed by Rule U-24, and American Gas having requested the Commission to extend to August 5, 1947 the time within

which the said 522,416 shares of the common stock of Atlantic City shall be sold in accordance with the terms and conditons of, and the purposes stated in, the aforementioned plan and supplemental application; and

The Commission having considered such request and deeming it appropriate that it be granted;

It is ordered, That the time within which American Gas shall sell the 522,416 shares of the common stock of Atlantic City in accordance with the orders of April 7, 1947 and May 9, 1947 and subject to the terms and conditions and reservations of jurisdiction therein contained, be, and hereby is, extended to and including August 5, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5722; Filed, June 17, 1947; 8:47 a. m.]

[File No. 70-1516]

MISSISSIPPI POWER & LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of June A. D. 1947.

Mississippi Power & Light Company ("Mississippi"), an electric and gas utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding the issuance and sale at competitive bidding of $8,500,000 principal amount of First Mortgage Bonds, --% Series due June 1, 1977; and

The Commission having by order dated May 28, 1947, permitted said declaration, as amended, to become effective subject to the condition that the proposed issue and sale of bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed and subject further to a reservation of jurisdiction with respect to the payment of all fees and expenses of all counsel in connection with the issue and sale of said bonds; and

Mississippi having filed an amendment to its declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids, six bids on such bonds by six groups of underwriters headed by the firms set forth below were received:

Underwriting group	Coupon rate	Price to company	Cost to company
White, Weld & Co.[1] Shields & Co.	2.875	100.289	2.8606
Glore, Forgan & Co.[1]	2.875	100.173	2.8664
Harriman Ripley & Co., Inc.	2.875	100.14	2.8680
Blyth & Co., Inc.	2.875	100.14	2.8680
W. C. Langley & Co.[1]	3.00	102.311	2.8844
The First Boston Corp.	3.00	102.3099	2.8864
Halsey, Stuart & Co., Inc.	3.00	101.031	2.9480
Lehman Bros.			

[1] Bid jointly.

Said declaration having contained the statement that Mississippi has accepted the bid of the group headed jointly by White, Weld & Co. and Shields & Company as set out above, and that the bonds will be offered for sale to the public at a price of 101.125% of the principal amount thereof, resulting in an underwriters' spread of 0.836% of the principal amount of said bonds; and

The Commission finding that the proposed payments of counsel fees in the amount of $11,000 to Reid & Priest, New York counsel for Mississippi, $5,500 to Green & Green, general counsel for Mississippi, and $7,500 to Winthrop, Stimson, Putnam & Roberts, counsel for the successful bidders for said bonds, whose fee is to be paid by the successful bidder, are not unreasonable; and

The Commission having examined said amendment and having considered the record herein and finding no reasons for imposing terms and conditions with respect to said matters:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 be, and the same hereby is, released, and that the amendment filed on June 11, 1947 to the declaration herein be, and the same hereby is, permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24; and

It is further ordered, That jurisdiction heretofore reserved with respect to fees and expenses of counsel in connection with the issue and sale of said bonds, including the fees payable to counsel for the successful bidder, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R Doc. 47-5720; Filed, June 17, 1947; 8:46 a. m.]

[File No. 70-1521]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 12th day of June A. D. 1947.

Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, with respect to the following transactions:

New Hampshire proposes to issue and sell at competitive bidding, pursuant to the provisions of Rule U-50, $4,500,000 principal amount of First Mortgage Bonds, Series B, --% due 1977. The bonds are to be issued under and secured by the company's presently outstanding Mortgage dated as of January 1, 1943, as supplemented by the First Supplemental Indenture dated as of December 1, 1943 and the Second Supplemental Indenture to be dated as of June 1, 1947. The interest rate of said bonds (which shall be a multiple of ⅛ of 1% and shall not exceed 3%) and the price, exclusive of accrued interest, to be paid to New Hampshire (which shall not be less than the principal amount of said bonds and not more than 102.75% of such principal amount) are to be determined by competitive bidding. The proceeds (excluding accrued interest) from the sale of the bonds, after the payment of expenses, will be used by New Hampshire to reimburse its treasury for amounts expended in the purchase and construction of property and facilities used in its business and for other corporate purposes.

Said application having been filed May 12, 1947 and the last amendment thereto having been filed on June 12, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant having requested that the Commission's order granting the application become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding that New Hampshire is entitled to an exemption from the provisions of sections 6 (a) and 7 of the act pursuant to the provisions of section 6 (b) thereof, it appearing that the issuance and sale of the First Mortgage Bonds are solely for the purpose of financing the business of applicant and that such issuance and sale has been expressly authorized by the Public Service Commission of the State of New Hampshire, the state in which New Hampshire was organized and is doing business, and by the Public Service Commission of the State of Vermont, the state in which New Hampshire also does business; and the Commission deeming it appropriate in the public interest and the interest of investors and consumers that subject to the conditions and reservations of jurisdiction recited below said application, as amended, be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that

the proposed sale of the First Mortgage Bonds by New Hampshire shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction is hereby reserved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5718; Filed, June 17, 1947; 8:45 a. m.]

[File No. 70-1541]

BIRMINGHAM GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of June A. D. 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 by Birmingham Gas Company ("Birmingham"), a gas utility subsidiary of Federal Water and Gas Corporation, a registered holding company.

Notice is further given that any interested person may not later than June 26, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th & Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 26, 1947 said application, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized below:

Birmingham proposes to issue notes aggregating $600,000 bearing interest at the rate of 2½% per annum and maturing at the rate of $50,000 semi-annually. Such notes will include loans from The Chase National Bank of the City of New York in the amount of $400,000 and The Continental Bank & Trust Company of New York in the amount of $200,000. Proceeds of the loans are to be used for construction of improvements and extensions to the company's properties. The application recites that the issuance and sale of such notes will have been expressly authorized by the Alabama Public Service Commission, the State Commission of the State in which Birmingham is organized and doing business.

The filing requests that the Commission's order permitting the application to become effective be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5721; Filed, June 17, 1947; 8:46 a. m.]

[File No. 812-496]

FIRST YORK CORP. AND AMERICAN WHEELABRATOR & EQUIPMENT CORP.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 12th day of June A. D. 1947.

Notice is hereby given that American Wheelabrator & Equipment Corporation (Wheelabrator) has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from section 17 (a) of said act, a proposed transaction in which Wheelabrator will solicit tenders of its 5% Cumulative Preferred Stock, $50 par value, from the holders thereof, at a price not in excess of $50 per share, plus accrued dividends to date of purchase.

First York Corporation (First York), an investment company registered under the Investment Company Act of 1940, owns 33,446.6 of the 38,484.6 shares of the 5% Cumulative Preferred Stock of Wheelabrator outstanding. First York also owns approximately 87% of the outstanding common stock of Wheelabrator, which is the only stock of Wheelabrator at present entitled to vote. The remainder of the preferred and common stock of Wheelabrator is owned by seven persons who are officers or directors of Wheelabrator (or associates of such persons) and by the corporate trustee for its employees' profit sharing trust. Wheelabrator proposes to solicit tenders of its preferred stock from holders thereof at a price not in excess of $50 per share and intends to use the sum of $76,969 in its sinking fund for this purpose. First York proposes to tender 1,540 shares of Wheelabrator's preferred stock at $50 per share plus accrued dividends, the maximum number of shares which can be purchased from the sum of $76,969, but First York is willing to have any tenders of the minority stockholders accepted prior to its own tenders. Since Wheelabrator is an affiliated person of First York, the proposed transaction is prohibited by section 17 (a) of the act.

All interested parties are referred to said Application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application it deems the following issues to be raised thereby, without prejudice to the specification of additional issues upon further examination:

(a) Whether the proposed transaction is reasonable and fair;

(b) Whether the proposed transaction involves overreaching on the part of any person concerned; and

(c) Whether the proposed transaction is consistent with the policy of First York Corporation.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on June 26, 1947, at 10:00 a. m., e. d. s. t., Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to First York Corporation, to American Wheelabrator & Equipment Corporation and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before June 23, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5723; Filed, June 17, 1947; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9063]

BERTHA SCHMITZ

In re: Estate of Bertha Schmitz, deceased. File D-28-10165; E. T. sec. 14466.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Tony Menke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Bertha Schmitz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the City National Bank and Trust Company, as Executor, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5744; Filed June 17, 1947; 8:50 a. m.]

[Vesting Order 9127]

ANNA ENDRES

In re: Estate of Anna Endres, deceased. File D-28-11549; E. T. sec. 15760.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schroeder, Josef Schroeder, Maria Averdieck (nee Schroeder), Franziska Quirmbach (nee Schroeder) and Paula Schroeder, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Anna Endres, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Germany);

3. That such property is in the process of administration by Elizabeth Jeremias, as executrix, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5745; Filed, June 17, 1947; 8:50 a. m.]

[Vesting Order 9128]

FIRST NATIONAL BANK OF JERSEY CITY, N. J., ET AL.

In re: The First National Bank of Jersey City, New Jersey, Sole Substituted Trustees for the First National Bank of Hoboken, New Jersey, et al., Trustees, vs. Steneck Title & Mortgage Guaranty Company, et al. File D-66-921; E. T. sec. 5682.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Pauline Baumann, Benno Breitrainer, also known as Bruno Breitrainer, Frieda Breitrainer, Rudolf Grunhagen, Sophia Karstens, Lina Kuck, Paul Lochelt, Olga Lochelt, Heinrich Moeschler, Fred H. Niemeyer, Johann Rusch, Johanna Rusch, Meta Forster Schmidt, Adolf Schubert, Elizabeth Schuetze, Hermann Wiechmann, Heinrich Wormcke, Elizabeth Lenk, August Simon, Martha Furkert, Frieda Beckert, Elise Pomper, Peter Kramer and Emma Kramer, whose last known address is Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the funds deposited by The First National Bank of Jersey City, Sole Substituted Trustee, with the Clerk of the Court of Chancery of New Jersey, pursuant to an Order of the Court of Chancery, dated October 27, 1943, entered in the proceeding entitled, "The First National Bank of Hoboken, New Jersey, et al., Trustees, vs. Steneck Title and Mortgage Guaranty Company, et al.," Docket No. 100-645, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by I. Grant Scott, Clerk of the Court of Chancery of New Jersey, State House Annex, Trenton, New Jersey, as Depositary, acting under the judicial supervision of the Court of Chancery of New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5746; Filed, June 17, 1947; 8:50 a. m.]

[Vesting Order 9141]

CHARLES L. STEINIGER

In re: Estate of Charles L. Steiniger, deceased. File No. D-28-11414; E. T. sec. 15651.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Rothenberger, Elsa Trommer, Martha Trogel and Herrmann Riedel, also known as Herrmann Riedal, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Charles L. Steiniger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Bert Knut Olsen and Arno Schmutzler, as executors, act-

ing under the judicial supervision of the Passaic County Orphans' Court, Passaic County Court House, Paterson, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5747; Filed, June 17, 1947; 8:50 a. m.]

[Vesting Order 9147]

BAYERISCHE STICKSTOFF-WERKE, A. G. AND SIEMENS SCHUCKERTWERKE A. G.

In re: Stock owned by Bayerische Stickstoff-Werke Aktiengesellschaft and Siemens Schuckertwerke Aktiengesellschaft. F-28-8507-D-1, F-28-10097-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bayerische Stickstoff-Werke Aktiengesellschaft and Siemens Schuckertwerke Aktiengesel Schaft, the last known addresses of which are Berlin, Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirty-Two Hundred (3200) shares of No par value common capital stock of European Gas and Electric Company, 30 Rockefeller Plaza, New York 20, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by the Certificates listed below, registered in the names of the persons listed below, in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Bayerische Stickstoff-Werke Aktiengesellschaft.	TC80	100
	TC81	100
	TC82	100
	TC83	100
	TC84	100
	TC144	100
	TC177	100
	TC201	100
	TC202	100
	TC224	100
	TC256	100
	TC052	25
	TC0114	25
	TC0164	50
	TC0197	25
	TC0269	25
	TC0371	1,250
Siemens Schuckertwerke Aktiengesel Schaft.	TC74	100
	TC75	100
	TC76	100
	TC335	50
	TC0386	350

together with all declared and unpaid dividends thereon, and

b. Three Hundred Twenty (320) shares of no par value $7.00 cumulative second preferred capital stock of European Gas and Electric Company, 30 Rockefeller Plaza, New York 20, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by the Certificates listed below, registered in the names of the persons listed below, in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Bayerische Stickstoff-Werke Aktiengesellschaft.	T2P084	25
	T2P8	100
	T2P0152	25
	T2P0201	50
	T2P0279	25
	T2P0312	25
Siemens Schuckertwerke Aktiengesel schaft.	T2P017	70

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5748; Filed, June 17, 1947; 8:50 a. m.]

[Vesting Order 9148]

GEORG BEHRENS

In re: Stock, bonds owned by, and debt owing to Georg Behrens. F-28-4867-A-1. F-28-4867-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Behrens, whose last known address is Scheffelstrasse 32, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three Thousand (3,000) shares of $15.00 par value common capital stock of Socony-Vacuum Oil Company, Inc., 26 Broadway, New York 4, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates numbered and for the number of shares as set forth below:

Certificate No.:	Number of shares
NYM5636	2,000
NYA113271	100
NYA113272	100
NYA113273	100
NYA113274	100
NYA113275	100
NYA113276	100
NYA113277	100
NYA113278	100
NYA113279	100
NYA113280	100

registered in the name of Georg Behrens, and presently in the custody of Socony-Vacuum Oil Company, Inc., 26 Broadway, New York 4, New York, together with all declared and unpaid dividends thereon,

b. Five Hundred (500) shares of no par value share warrants of Imperial Oil Ltd., 56 Church Street, Toronto, Canada, a corporation organized under the laws of Canada, evidenced by the certificates numbered and for the number of shares as set forth below:

Certificate No.	Number of shares
H21094	25
H21095	25
H47840	25
H23579	25
H48106	25
K17376	100
G20366	10
G20371	10
G42039	10
G42040	10
G42071	10
H13586	25
H19768	25
K11130	100
H23303	25
H23303	25
E12651	5
G25346	10
G42438	10

in bearer form and presently in the custody of Socony-Vacuum Oil Co., Inc., 26 Broadway, New York 4, New York, together with all declared and unpaid dividends thereon,

c. Five (5) Commonwealth of Australia External Loan of 1925, 30 year 5% gold bonds, of $5,000.00 aggregate face value, bearing the numbers M28767; M26399; M21232; M19098 and M6612 of $1,000.00 par value each in bearer form, presently in the custody of Socony-Vacuum Oil Company, Inc., 26 Broadway, New York 4, New York, together with any and all rights thereunder and thereto,

d. Four (4) Dominion of Canada 3¼% bonds of $4,000.00 aggregate face value, bearing the numbers E14316; E14317; E14318 and E27224 of $1,000.00 par value each, in bearer form, presently in the custody of Socony-Vacuum Oil Company, Inc., 26 Broadway, New York 4, New York, together with any and all rights thereunder and thereto, and

e. That certain debt or other obligation owing to Georg Behrens, by Socony-Vacuum Oil Company, Inc., 26 Broadway, New York 4, New York, in the amount of $17,762.21, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5749; Filed, June 17, 1947; 8:51 a. m.]

[Vesting Order 9183]

BERNHARD BUCK

In re: Estate of Bernhard Buck, deceased. D-28-11010; E. T. sec. 15405.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Buckstege, Anna Schrowangen, Sofie Fassbender, Resi Silberkuhle and Marie Schnitzler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Bernhard Buck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of Circuit Court of Vigo County, Terre Haute, Indiana, as depositary, acting under the judicial supervision of the Circuit Court of Vigo County, Terre Haute, Indiana;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5751; Filed, June 17, 1947; 8:51 a. m.]

[Vesting Order 9185]

EDWARD J. DAUBER

In re: Estate of Edward J. Dauber, deceased. File D-28-11534; E. T. sec. 15730.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Henry Dauber, Mary Ann Dauber and Henry S. Hess, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the surviving issue, names unknown, of William Henry Dauber, the surviving issue, names unknown, of Mary Ann Dauber and the surviving issue, names unknown, of Henry S. Hess, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Edward J. Dauber, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Walter Grasser, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the surviving issue, names unknown, of William Henry Dauber, the surviving issue, names unknown, of Mary Ann Dauber and the surviving issue, names unknown, of Henry S. Hess are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5752; Filed, June 17, 1947; 8:53 a. m.]

[Vesting Order 9188]

ANNA M. GREINER

In re: Estate of Anna M. Greiner, deceased. File No. D-28-10655; E. T. sec. 15007.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Raap (nee Stumpf), Lena Schedel (nee Stumpf), and Margareta Stumpf, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Anna M. Greiner, deceased, is property

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payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Peter Greiner and Woodrow Greiner, as Co-Administrators, C. T. A., acting under the judicial supervision of the Middlesex County Orphans' Court, New Brunswick, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such person be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5753; Filed, June 17, 1947; 8:53 a. m.]

[Vesting Order 9189]

ALBERT GRUENLER

In re: Estate of Albert Gruenler, a/k/a Albert Grunler, deceased. File No. D-28-11192; E. T. sec. 15572.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Grunler, Otto Grunler, Arno Grunler, Anna Einfinger, Olga Herold, Gerda Lammer, Edith Suttner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Albert Gruenler, a/k/a Albert Grunler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Frank Gruenler, as Administrator, acting under the judicial supervision of the Surrogate's Court, Passaic County, Paterson, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5754; Filed, June 17, 1947; 8:53 a. m.]

[Vesting Order 9193]

ADAM C. KIRCHNER

In re: Estate of Adam C. Kirchner, also known as Adam Christoph Kirchner and A. C. Kirchner and Adam Christopher Kirchner, deceased. File D-28-11133; E. T. sec. 15551.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marianne Asslander, Rosine Asslander, and Oldest daughter, name unknown, of decedent's predeceased sister, Anna Kirchner ——, last name unknown, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof and to the Estate of Adam C. Kirchner, also known as Adam Christoph Kirchner, and A. C. Kirchner, Adam Christopher Kirchner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Albert E. Hill, Administrator C. T. A., acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5755; Filed, June 17, 1947, 8:53 a. m.]

[Vesting Order 9194]

SEFTEL MACHLES

In re: Estate of Seftel Machles, a/k/a Samuel Machles, deceased. File No. D-57-457; E. T. sec. 15679.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Schae Machles, Leon Machles, and Molca Tercotni, whose last known address is Roumania, are residents of Roumania and nationals of a designated enemy country (Roumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Seftel Machles, a/k/a Samuel Machles, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Roumania);

3. That such property is in the process of administration by Harry Jacobs, as Executor and Trustee, acting under the judicial supervision of the Atlantic County Orphans' Court, Atlantic County Court House, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Roumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5710; Filed, June 16, 1947; 8:53 a. m.]

Reference

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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

WITHIN-GRADE SALARY ADVANCEMENTS

The regulations in this part are amended in pertinent parts as follows:

SUBPART B—PERIODIC WITHIN-GRADE SALARY ADVANCEMENT REGULATIONS

(For regulations governing the granting of additional within-grade salary advancements as rewards for superior accomplishment, see Subpart E of this part.)

EXTENT OF REGULATIONS

§ 25.201 *Officers and employees to whom this subpart applies.* This subpart applies to all officers and employees, except those who are appointed by the President, by and with the advice and consent of the Senate, who (a) are compensated on a per annum basis, (b) occupy permanent positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, and (c) have not reached the maximum rate of compensation for the grade in which their positions are respectively allocated.

DEFINITIONS

§ 25.221 *Permanent positions.* "Permanent positions" mean positions other than those designated as temporary by law, other than those established for definite periods of one year or less, and other than those to which temporary appointments are made under Civil Service Rule II and the Commission's regulations thereunder (§ 2.114 of this chapter). Excepted positions filled by appointments designated by the appointing authority as temporary (all variations of temporary, including those stated above, excepting only war service indefinite) are not permanent positions for the purpose of this subpart. Positions to which appointments were made under the war service regulations for the duration of the war and six months thereafter are permanent positions within the scope of this definition. Positions in which employees are serving definite probationary or trial periods under civil-service rules, or under regulations issued by the Commission, shall not, for that reason alone, be regarded as being other than permanent positions. Positions filled by temporary appointment under the Temporary Civil Service Regulations are temporary for the purpose of this subpart.

SUBPART E—REGULATIONS FOR GRANTING ADDITIONAL WITHIN-GRADE SALARY ADVANCEMENTS AS REWARDS FOR SUPERIOR ACCOMPLISHMENT

(For regulations governing "Cash" awards, see Part 32 of this chapter.)

§ 25.501 *Extent of regulations; officers and employees to whom this subpart applies.* This subpart applies to any officer or employee, except those in positions required to be filled by appointments by the President, by and with the advice and consent of the Senate, who (a) is compensated on a per annum basis; (b) occupies a permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended; (c) has not reached the maximum rate of compensation for the grade of his position; and (d) who merits consideration for an award as a result of superior accomplishment.

§ 25.502 *Definitions.* (a) "Department" means any executive department or independent establishment or agency, including Government-owned or Government-controlled corporations, and the municipal government of the District of Columbia.

(b) "Permanent positions" means positions other than those designated as temporary by law, other than those established for definite periods of one year or less, and other than those to which temporary appointments are made under Civil Service Rule II and the Commission's regulations thereunder (§ 2.114 of this chapter). Excepted positions filled by appointments designated by the appointing authority as temporary (all variations of temporary, including those stated above, excepting only war service indefinite) are not permanent positions for the purpose of this subpart. Positions to which appointments were made under the war service regulations for the duration of the war and six months thereafter are permanent positions within the scope of this definition. Positions

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in which employees are serving definite probationary or trial periods under civil-service rules, or under regulations issued by the Commission, shall not, for that reason alone, be regarded as being other than permanent positions. Positions filled by temporary appointment under the Temporary Civil Service Regulations are temporary for the purpose of this subpart.

(c) "Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended," mean positions in the departmental and field services, in the executive, legislative, and judicial branches, in Government-owned or Government-controlled corporations, and in the municipal government of the District of Columbia, the compensation of which has been fixed on a per annum basis, pursuant to the allocation of such positions to the appropriate grade either by the Civil Service Commission or by administrative action of the department, establishment, agency, or corporation concerned, in accordance with the compensation schedules of the Classification Act of 1923, as amended.

(d) "Superior accomplishment" means sustained work performance of a high degree of efficiency, or the initiation and development of a suggestion, over and above normal requirements of the position, which increases efficiency or brings about substantial economies in the public service, or a special service of an outstanding nature, which meets the standards of the Commission for recognition as the basis for a reward in the form of an additional salary advancement.

(e) "Additional advancement" means within-grade salary advancement as a reward for superior accomplishment as distinguished from a periodic within-grade salary advancement under section 402 of the Federal Employees Pay Act of 1945.

§ 25.503 *Conditions of eligibility for additional advancements.* The granting of each additional advancement shall be subject to the following conditions:

(a) It must be made within the limit of available appropriations;

(b) It must be based on superior accomplishment which conforms with standards promulgated by the Commission;

(c) It cannot also be the basis for a cash award under the authority of Executive Order No. 9817 or any similar plan; and

(d) No more than one additional advancement may be made to any officer or employee within each of the time periods prescribed in section 402 of the Federal Employees Pay Act of 1945.

(Sec. 605, 59 Stat. 304; 5 U. S. C. Sup. 945)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5738; Filed, June 18, 1947; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 226, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.333 *Lemon Regulation 226, as amended*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when informaion upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 15, 1947, and ending at 12:01 a. m., P. s. t., June 22, 1947, is hereby fixed at 750 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 225 (12 F. R. 3731) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5846; Filed, June 18, 1947; 9:37 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 361-C]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 60—AIR TRAFFIC RULES

PART 61—SCHEDULED AIR CARRIER RULES

LONG DISTANCE SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of June 1947.

The purpose of this special regulation is to extend for an additional 6-month period Special Civil Air Regulation Serial Number 361-A (11 F. R. 7033, 14569) which terminates June 15, 1947.

This regulation provides special operating rules for flights of scheduled air carriers at altitudes in excess of 12,500 feet, east of longitude 100° W. and at altitudes in excess of 14,500 feet west of longitude 100° W. in long distance operations.

Parts 40, 60, and 61 impose undue operating restrictions on long-range domestic scheduled air carrier operations under the above conditions. Revisions to these parts which will provide for such operations are now being prepared. Since the termination date of the present regulation is June 15, 1947, and since the public interest requires the continuation of these long distance operations, without undue restrictions, the notice and procedures required by the Administrative Procedure Act are impracticable, and good cause exists to amend this Special Civil Air Regulation, effective immediately.

Effective June 15, 1947, Special Civil Air Regulation 361-A, as amended, is amended by striking the words "June 15,

1947", and inserting in lieu thereof the words "December 15, 1947."

(52 Stat. 984, 1007 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-5789; Filed, June 18, 1947; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

EXEMPTION OF CERTAIN SECURITIES UNDER REGULATION A

Acting pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, and after consideration of all relevant matter presented, the Securities and Exchange Commission hereby amends Regulation A to delete therefrom subparagraph (h) of § 230.221 (Rule 221) which excludes from the exemption provided by Regulation A "Securities sold or delivered after sale in, or orders for which are accepted from, a State while the right to offer or sell such securities in that State is prohibited, denied, or suspended by any regulatory body of the State for any reason other than the misconduct of a dealer in the securities."

The Commission finds that continuation of the above restriction is no longer necessary in the public interest, for the protection of investors, or to carry out the provisions of the Securities Act of 1933. It further finds that this amendment removes restriction and may be declared effective immediately pursuant to section 4 (c) of the Administrative Procedure Act.

The basis and purpose of this amendment are to remove a restriction no longer necessary in the public interest or for the protection of investors.

(Secs. 3 (b), 19 (a), 48 Stat. 76, 85; 15 U. S. C. 77c, 77s)

Effective June 13, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 12, 1947.

[F. R. Doc. 47-5762; Filed, June 18, 1947; 8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter E—Credit to Indians

PART 23—REVOLVING CATTLE POOL

Sec.
23.1 Definitions.
23.2 Purpose of Regulations.
23.3 Eligible Borrowers.
23.4 Application.
23.5 Purpose of Loans.
23.6 Type of Credit System.
23.7 Approval of Loans.
23.8 Modifications.
23.9 Interest.
23.10 Records and Reports.
23.11 Maturity.
23.12 Security.
23.13 Title.
23.14 Branding.
23.15 Penalties on Default.
23.16 Assignment.
23.17 Sales and Exchanges.
23.18 Repayments.
23.19 Transfer of Cattle.
23.20 Relending by Corporations and Tribes.

AUTHORITY: §§ 23.1 to 23.20, inclusive, issued under authority contained in R. S. 161; 5 U. S. C. 22.

§ 23.1 *Definitions.* Wherever used in the regulations in this part, the terms defined in this section shall have the meaning herein stated.

(a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs.'

(c) "Corporation" means an Indian corporation chartered under section 17 of the act of June 18, 1934 (48 Stat. 988, 25 U. S. C. sec. 477).

(d) "Tribe" means an unincorporated Indian tribe or band. A tribe shall be deemed to include any band, pueblo, or group of Indians residing on one reservation having a form of organization recognized by the Commissioner.

(e) "Loans" mean both loans of cattle repayable in kind and assignments of cattle under agreements requiring maintenance of the number and other operating conditions.

(f) "Corporate enterprise" means a business operated by a corporation.

(g) "Tribal enterprise" means a business operated by a tribe.

§ 23.2 *Purpose of regulations.* The purpose of these regulations is to prescribe the terms and conditions of loans of cattle owned by the United States, in order to promote the economic development of the borrower. §§ 23.2 to 23.19 of this part shall govern loans by the United States. Relending by corporations and tribes shall be governed by the provisions of § 23.20.

§ 23.3 *Eligible borrowers.* Loans of cattle may be made to:

(a) Corporations and tribes;

(b) Cooperative associations whose members are not members of a corporation or tribe making loans of cattle, and whose articles of association and bylaws have been approved by the Commissioner;

(c) Members of Indian tribes or their descendants of at least one-fourth degree of Indian blood, who are not members of a corporation or tribe making loans of cattle.

§ 23.4 *Application.* The application shall be submitted on a form approved by the Secretary and shall indicate the period of the loan, the interest, if any, to be paid, the security offered, and the procedures to be followed in handling and repaying the loan.

§ 23.5 *Purpose of loans.* Cattle loaned to corporations and tribes may be used in the operation of corporate or tribal enterprises, and to make loans to individual members, cooperative associations, and subordinate bands, in order to promote the economic development of groups or individuals.

§ 23.6 *Type of credit system.* Before any loans are approved, the Commissioner shall determine whether a corporate, tribal, cooperative, or individual system for making loans of cattle is to be established at a particular jurisdiction.

§ 23.7 *Approval of loans.* Loans of cattle to corporations and tribes shall require the approval of the Commissioner. Loans to cooperative associations and individuals shall require the approval of the Commissioner or his authorized representative. Loan agreements must be executed on forms approved by the Secretary. Applications shall be approved either as submitted, or by issuance of commitment orders covering the terms and conditions of making loans. Commitment orders shall be unconditionally accepted by borrowers.

§ 23.8 *Modifications.* Modifications of loan agreements shall be handled through the same channels as the original agreement, except that an authorized representative of the Commissioner may approve modifications of loan agreements approved by the Commissioner in cases in which the number of cattle covered by the original agreement is not increased.

§ 23.9 *Interest.* Interest may be charged on loans of cattle by the United States at rates as nearly equivalent as possible to those set forth in this section. Payments may be made either in cattle or in cash. Cash payments shall be based on market prices of cattle as approved by the Commissioner or his authorized representative. Cattle received in payment may be reloaned under the provisions of the regulations in this part. Cash received in payment shall be deposited in the Treasury to the credit of the United States.

(a) Corporations and tribes may be charged one head for each ten head loaned for a period not exceeding twenty-five years.

(b) Cooperatives and individuals may be charged one head for each ten head loaned for a period not exceeding eight years.

§ 23.10 *Records and reports.* Borrowers, other than individuals, shall keep separate records and accounts of their cattle loans and make signed reports as directed by the Commissioner. The Commissioner shall make an annual report to the Secretary on loans of cattle.

§ 23.11 *Maturity.* The period of maturity of loans of cattle shall be determined according to the circumstances, except that thirty years shall be the maximum on loans to corporations and tribes, and ten years shall be the maximum on loans to cooperative associations and individuals.

§ 23.12 *Security.* Borrowers shall furnish security, if available, up to an amount adequate to protect the loan. Trust or restricted land may not be taken as security for loans of cattle by the United States. Assignments of income from trust or restricted land may be required as security. Loans of cattle to corporations and tribes may be secured through the assignment of notes, chattel mortgages, income, liens (except on trust or restricted land), and such other securities as the Commissioner may require, provided, that where the constitution, bylaws or charter require approval of security by the Secretary, the approval of the Secretary or his authorized representative must be obtained before the loan is approved.

§ 23.13 *Title.* Unless otherwise provided in the loan agreement, title to all cattle loaned, the increase therefrom, and any "lieu" cattle to replace animals loaned, shall remain in the United States in trust for the borrower until the loan is repaid.

§ 23.14 *Branding.* Unless otherwise provided in the loan agreement, all cattle loaned by the United States, the increase therefrom, and any "lieu" cattle replacing animals loaned, shall be branded ID, and in the case of loans to corporate and tribal enterprises, individuals and cooperatives, all cattle shall also be branded with the brand or mark of the borrower.

§ 23.15 *Penalties on default.* Unless otherwise provided in the loan agreement, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken by the Commissioner or, in the case of cooperative associations and individual borrowers, by an authorized representative of the Commissioner:

(a) Take possession of any or all collateral given as security, and in the case of individuals and cooperative associations, the cattle loaned.

(b) Prosecute legal action against the borrower, or against officers of corporations, tribes, and cooperative associations.

(c) Declare the loan immediately due and payable.

(d) In the case of corporations and tribes, prevent further loans of cattle under the control of the borrower, and repossess any cattle which have not been reloaned, and require that all repayments on loans made by the corporation or tribe be applied to liquidate its indebtedness to the United States.

(e) In the case of cooperative associations, take possession of the assets of the borrower, and exercise or arrange for the exercise of its powers until the indebtedness to the United States is liquidated, or until the Commissioner or his authorized representative has received acceptable assurance of its repayment and of compliance with the loan agreement.

(f) In the case of corporate and tribal enterprises, liquidate or operate, or arrange for the operation of the enterprise until its indebtedness is paid, or until the Commissioner has received acceptable assurance of its repayment and of compliance with the loan agreement.

§ 23.16 *Assignment.* A corporation or tribe may not assign its loan agreement or any interest therein to a third party without the written consent of the Commissioner. A cooperative or individual may not make such assignment without the written consent of the Commissioner or his authorized representative.

§ 23.17 *Sales and exchanges.* The Commissioner or his authorized representative may grant borrowers permission to sell or exchange cattle for which repayment has not been made, provided the interests of the United States in the loan will not be jeopardized. Such sales shall be for the account of the borrower. The proceeds of any sales of cattle not for the account of a borrower must be deposited in the Treasury to the credit of the United States.

§ 23.18 *Repayments.* Repayments shall be made to a bonded Government disbursing agent or his authorized representative, who shall issue receipts for all such payments. When it is impracticable for borrowers to repay their loans in cattle because of the death of the cattle or for other cause, the Commissioner or his authorized representative may accept from borrowers, their heirs, successors, or assigns, cash in lieu thereof for deposit as individual Indian moneys to be expended in the purchase of cattle to be credited on such loans. Such transactions shall be for the account of the borrower and credit for repayments shall be given only after the cattle have been purchased.

§ 23.19 *Transfer of cattle.* Cattle repaid or repossessed from borrowers or assignees may be transferred to such reservations as the Commissioner may determine for the purpose of making loans.

§ 23.20 *Relending by corporations and tribes.* Corporations and tribes receiving loans of cattle from the United States may relend the cattle as follows:

(a) *Purpose.* All loans shall be to promote the economic development of the borrower.

(b) *Eligibility.* Loans may be made to individual members of the corporation or tribe, subordinate bands, and to cooperative associations whose articles of association and bylaws have been approved by the Commissioner or his authorized representative.

(c) *Application.* The application shall be on a form approved by the Commissioner indicating the period of the loan, the interest to be paid, the security offered, and the procedures to be followed in handling and repaying the loan.

(d) *Approval.* All loans shall require approval of the Commissioner or his authorized representative, unless the Commissioner authorizes the corporation or tribe to approve loans up to a specified number of cattle. Loan agreements must be executed on a form approved by the Commissioner. Applications shall be approved either as submitted, or by issuance of a commitment order covering the terms and conditions of making the loan. Commitment orders shall be unconditionally accepted by borrowers.

(e) *Modifications.* Unless otherwise authorized by the Commissioner, modifications of loan agreements shall be handled through the same channels as the original loan agreement.

(f) *Interest.* Interest may be charged at a rate as nearly equivalent as possible to one head for each ten head loaned for a period not exceeding eight years. Payments may be made either in cattle or in cash. Cash payments shall be based on market prices of cattle as approved by the Commissioner or his authorized representative.

(g) *Maturity.* Ten years shall be the maximum on loans:

(h) *Security.* Borrowers shall furnish security, if available, up to an amount adequate to protect the loan. Liens on trust or restricted land may be taken as security by corporations and tribes.

(i) *Title.* Unless otherwise provided in the loan agreement, title to all cattle loaned, the increase therefrom, and any "lieu" cattle replacing animals loaned, shall remain in the United States in trust for the lender until the loan is repaid.

(j) *Branding.* Unless otherwise provided in the loan agreement, all cattle loaned, the increase therefrom, and any "lieu" cattle replacing animals loaned, shall be branded ID, and also with the brand or mark of the borrower.

(k) *Penalties on default.* Unless the loan agreement otherwise provides, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken at the option of the lender:

(1) Take possession of any or all collateral given as security, and the cattle loaned.

(2) Prosecute legal action against the borrower.

(3) Declare the loan immediately due and payable.

(4) In the case of cooperative associations, take possession of the assets of the borrower, and exercise or arrange for the exercise of its powers until the indebtedness to the corporation or tribe is liquidated, or until the lender has received acceptable assurance of its repayment and of compliance with the loan agreement.

(l) *Assignment.* A borrower may not assign a loan agreement or any interest therein to a third party without the consent of the lender.

(m) *Sales and exchanges.* The lender, with the approval of the Commissioner or his authorized representative, may grant borrowers permission to sell or exchange cattle for which repayment has not been made, provided the interests of the lender in the loan will not be jeopardized. Such sales shall be for the account of the borrower.

(n) *Repayments.* Repayments shall be made to an authorized representative of the lender, who shall issue receipts for all repayments. When it is impracticable for borrowers to repay their loans in cattle because of the death of the cattle or for some other cause, the lender may accept from borrowers, their heirs, successors, or assigns, cash in lieu thereof for the purchase of suitable replacements.

(o) *Number loaned.* Not less than ten head of beef cattle of breeding quality, nor more than fifty head, may be loaned to any one individual borrower or family group.

(p) *Preference.* Preference shall be given to applicants in the following order:

(1) Applicants who have herds of less than fifty head of beef breeding cattle who are equipped to handle up to fifty head. Loans to this group in sufficient numbers to bring their herds up to fifty head of breeding cattle shall receive priority.

(2) Applicants who have not previously participated in the program, but who are equipped to handle a beef cattle enterprise.

(3) Applicants who have fifty head or more but less than 100 head of beef breeding cattle. This group of applicants shall not receive loans until all applicants having less than fifty head of breeding cattle who are equipped to handle a fifty head breeding unit, have received loans.

(q) *Restrictions.* Loans to applicants owning 100 head or more shall not be approved without the consent of the Commissioner. Applicants who do not maintain or increase their herds after having participated in the program shall not receive loans of additional cattle until such time as all other applications have been considered, and then only upon a showing that they will improve their management practices, which showing shall be satisfactory to the Commissioner or his authorized representative.

(r) *Dairy cattle.* Applicants for dairy cattle to supply milk for home consumption shall receive preference over applications for dairy cattle to undertake commercial dairy operations. Dairy cattle may be loaned in units of less than ten head. Not more than fifteen head of dairy cattle may be loaned to any one individual or family group without the consent of the Commissioner.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-5761; Filed, June 18, 1947; 9:33 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

SOUTHERN PACIFIC COMPANY RAILROAD BRIDGE ACROSS WILLAMETTE RIVER AT SALEM, OREG.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.755 (a) (2) prescribing regulations governing the operation of the Southern Pacific Company railroad bridge across Willamette River at Salem, Oregon, is hereby amended by providing for 24 hours' advance notice of the time openings are required:

§ 203.755 *Willamette River, Oreg.; bridges above Oregon City, Oreg.—(a) Southern Pacific Company railroad bridge at Salem.* * * *

(2) When river stages are below 20 feet, Corps of Engineers gauge, and a vessel unable to pass under the bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge. Such advance notice may be given to the dispatchers of the Southern Pacific Company at Portland or to the Southern Pacific Company Agent at Salem.

[Regs. June 2, 1947, Willamette River, Salem, Oreg.—Mi. 84.8—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5759; Filed, June 18, 1947; 8:46 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments to Chapter I, Title 34, are adopted:

PART 1—GENERAL REGULATIONS AFFECTING THE PUBLIC

Amend § 1.128 (e), page 1617, line 6, 1943 Supplement, Code of Federal Regulations, by deleting the words "Naval Inspection Service" and substituting therefor "Material Inspection Service."

PART 7—UNITED STATES MARINE CORPS

Part 7 is cancelled and superseded by § 26.12 (11 F. R. 177A-172).

PART 18—REGULATIONS GOVERNING THE USE, CONTROL, SUPERVISION, INSPECTION, OR CLOSURE OF COASTAL AND MARINE RELAY RADIO STATIONS UNDER THE JURISDICTION OF THE UNITED STATES

The regulations contained in Part 18 have been cancelled, effective March 1, 1946.

PART 19—ROYALTIES FOR USE OF PATENTS AND INVENTIONS

Part 19 is cancelled and superseded by § 26.4 (b) (9) (11 F. R. 177A-161) and § 27.7 (11 F. R. 177A-185).

PART 25—CONTRACT SETTLEMENT ACT

Part 25 is cancelled and superseded by § 27.3 (11 F. R. 177A-182).

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-5760; Filed, June 18, 1947; 8:46 a. m.]

TITLE 37—PATENTS, TRADE-MARKS AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

NOTE: Title 37 has been changed to read as set forth above. Chapter I has been reorganized into Subchapter A—Patents (Parts 1-99) and Subchapter B—Trade-marks (Parts 100-199).

Subchapter A—Patents

PART 1—PATENTS

MISCELLANEOUS AMENDMENTS

JUNE 10, 1947.

The following amendments are made to take effect on July 5, 1947.

1. The first paragraph of § 1.156 is amended to read as follows:

§ 1.156 *Testimony transcribed.* The testimony shall be taken in answer to interrogatories, with the questions and answers recorded in their regular order by the officer, or by some person not interested in the case either as a party thereto or as attorney or agent in the presence of the officer except when his presence is waived on the record by agreement of the parties. The testimony shall be taken stenographically and transcribed, unless the parties agree otherwise.

(R. S. 483, 4905; 35 U. S. C. 6, 53)

2. The item in § 1.191 *Schedule of fees,* reading:

For each brief from the digest of assignments, of 200 words or less---- .50

is amended to read:

For each brief from the digest of assignments, of 200 words or less---- 1.00

(R. S. 483, 56 Stat. 1067; 35 U. S. C. 6, 5 U. S. C. Sup. 606)

[SEAL] CASPER W. DAVIS,
Commissioner of Patents.

Approved:

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-5782; Filed, June 18, 1947; 8:53 a. m.]

PART 5—TRADE-MARKS

SUPERSEDURE OF PART

CROSS REFERENCE: For supersedure of Part 5 by Part 100 of this chapter, see F. R. Doc. 47-5783 under Subchapter B of this chapter, *infra.*

Subchapter B—Trade-Marks

PART 100—RULES OF PRACTICE IN TRADE-MARK CASES

PART 110—FORMS FOR TRADE-MARK CASES

The following amendments, revising the procedure and practice in the United States Patent Office relating to trade-marks and conforming the rules to the new trade-mark law, are made after publication of proposed rules and a hearing, and consideration of all material and arguments submitted:

Part 5, Trade-Marks, is deleted.

New Part 100, Rules of Practice in Trade-Mark Cases, is hereby established to supersede Part 5.

New Part 110, Forms for Trade-Mark Cases, is hereby established.

These amendments are to take effect on July 5, 1947, in order to be effective on the same day the new trade-mark law comes into effect, except the deletion of § 5.11 of Part 5 and the establishment of § 100.44 of new Part 100 which are to take effect on January 1, 1948.

PART 100—RULES OF PRACTICE IN TRADE-MARK CASES

GENERAL INFORMATION

Sec.
100.11 All communications to be addressed to Commissioner of Patents.

Sec.
100.12 Business to be transacted in writing.
100.13 Business to be conducted with decorum and courtesy.
100.14 Separate letters.
100.15 Identification of pending application or registered mark.
100.16 Times for taking action expiring on Sunday or holiday.
100.17 Inquiries.

FEES AND PAYMENT OF MONEY

100.21 Fees and charges.
100.22 Method of payment.
100.23 Refunds.

RECORDS AND PUBLICATIONS OF THE PATENT OFFICE

100.31 Printed copies of registered marks available.
100.32 Registration files open to public inspection.
100.33 Assignment records open to public inspection.
100.34 Certified copies.
100.35 Official Gazette.
100.36 Annual trade-mark index.
100.37 Pamphlet of trade-mark laws and rules.

ATTORNEYS AND REPRESENTATION BY ATTORNEYS

100.41 Applicants may be represented by an attorney.
100.42 Persons who may practice before the Patent Office in trade-mark cases.
100.43 Professional conduct.
100.44 Advertising.
100.45 Signature and certificate of attorney.
100.46 Suspension or exclusion from practice.
100.47 Power of attorney or authorization.
100.48 Correspondence held with attorney.
100.49 Revocation of power of attorney.

APPLICATION FOR REGISTRATION

100.61 Parts of application.
100.62 Application must be complete to receive filing date.
100.63 Serial number and filing date.
100.64 Designation of representative by foreign applicant.
100.65 Papers not returnable.
100.66 Use of old drawing in new application.
100.67 Application confidential prior to publication.

THE WRITTEN APPLICATION

100.71 Application must be in English.
100.72 Application to be signed and sworn to by applicant.
100.73 Requirements for application; statement.
100.74 Requirements for application; declaration.
100.75 Description of mark.
100.76 Identification of prior registrations.
100.77 Power of attorney, domestic representative.
100.78 Use by predecessor or by related companies.
100.79 Omission of allegation of use by foreign applicants.
100.81 Proof of distinctiveness under section 2 (f).
100.82 Concurrent use.
100.83 Service mark.
100.84 Collective mark.
100.85 Certification mark.
100.86 Principal Register.
100.87 Supplemental Register.
100.88 Applicant's name.

DRAWING

100.91 Drawing required.
100.92 Requirements for drawings.
100.93 Transmission of drawings.
100.94 Informal drawings.
100.95 Patent Office may make drawings.

SPECIMENS

100.101 Specimens.
100.102 Facsimiles.
100.103 Specimens or facsimiles in the case of a service mark.

EXAMINATION OF APPLICATION AND ACTION BY APPLICANTS

100.121 Action by Examiner.
100.122 Period for response.
100.123 Re-examinations.
100.124 Final action.
100.125 Abandonment.
100.126 Revival of abandoned applications.
100.127 Suspension of action by Patent Office.
100.128 Express abandonment.

AMENDMENT OF APPLICATION

100.131 Amendments to statement.
100.132 Amendments to description or drawing.
100.133 Amendment to recite concurrent use.
100.134 Form of amendment.
100.135 Amendment to change application to different register.

FEDERAL LABEL APPROVAL

100.141 Federal label approval required in certain cases.

PUBLICATION AND ALLOWANCE

100.151 Publication in Official Gazette.
100.152 Allowance of application.
100.153 Marks on Supplemental Register published only upon registration.
100.154 Jurisdiction over published or allowed applications.

CLASSIFICATION

100.161 Classification of goods and services.
100.162 Plurality of goods or services comprised in single class may be covered by single application.
100.163 Original application must be limited to goods or services comprised in a single class.
100.164 Applications may be combined.

CONTESTED OR INTER PARTES PROCEEDINGS

100.181 Contested or inter partes proceedings.

INTERFERENCES

100.191 Interferences.
100.192 Preliminary to interference.
100.193 Declaration of interference.
100.194 Motions to dissolve interference.
100.195 Decision on motion to dissolve.
100.196 Burden of proof.
100.197 Motion to add.
100.198 Adding party to interference.

OPPOSITION

100.201 Time for filing notice of opposition.
100.202 Extension of time.
100.203 Notice filed by attorney.
100.204 Contents of notice of opposition.
100.205 Institution of opposition.

CANCELLATION

100.211 Time for filing petition for cancellation.
100.212 Petition for cancellation.
100.213 Notice of filing of petition.

APPLICATION FOR REGISTRATION AS CONCURRENT USER

100.221 Application to register as concurrent user.

PROCEDURE IN CONTESTED OR INTER PARTES PROCEEDINGS

100.231 Federal rules of civil procedure.
100.232 Undelivered office notices.
100.233 Service of papers.
100.234 Assignment of times for taking testimony and of date of final hearing.
100.235 Testimony in contested or inter partes cases.
100.236 Copies of testimony.
100.237 Allegations in application not evidence on behalf of applicant.
100.238 Motions.
100.241 Briefs at final hearing.
100.242 Final hearing.
100.243 New matter suggested by Examiner of Trade-Marks.
100.244 Failure to take testimony.
100.245 Amendment of application or registration during proceedings.
100.246 Surrender or cancellation of registration.
100.247 Abandonment of application, abandonment or disclaimer in whole of mark, concession of priority.

APPEALS

100.261 Ex parte appeals to the Commissioner from the Examiner of Trade-Marks.
100.262 Time and manner of ex parte appeals.
100.263 Appeal to the Commissioner from decision of Examiner of Interferences.
100.264 Appeal to court.

PETITION TO THE COMMISSIONER

100.271 Petition to the Commissioner.

CERTIFICATE

100.291 Certificate.

REPUBLICATION OF MARKS REGISTERED UNDER 1905 ACT

100.301 Republication requirements.
100.302 Republication in Official Gazette.
100.303 Notice of republication.
100.304 Not subject to opposition; subject to cancellation.

REREGISTRATION OF MARKS REGISTERED UNDER PRIOR ACTS

100.311 Reregistration of marks registered under acts of 1881, 1905, and 1920.

CANCELLATION FOR FAILURE TO FILE AFFIDAVIT DURING SIXTH YEAR

100.321 Cancellation for failure to file affidavit during sixth year.
100.322 Requirements for affidavit.
100.323 Acknowledgment of receipt of affidavit.
100.324 Reconsideration of affidavit.
100.325 Time of cancellation.

AFFIDAVIT FOR INCONTESTABILITY

100.331 Affidavit for incontestability.
100.332 Combined with other affidavits.

CORRECTION, DISCLAIMER, SURRENDER, ETC.

100.341 New certificate on change of ownership.
100.342 Surrender, cancellation, disclaimer in whole.
100.343 Amendment and disclaimer in part.
100.344 Correction of Office mistake.
100.345 Correction of mistake by registrant.

TERM AND RENEWAL

100.351 Term of original registrations and renewals.
100.352 Period within which application for renewal must be filed.
100.353 Requirements of application for renewal.
100.354 Refusal of renewal.

ASSIGNMENT OF MARKS

100.361 Requirements for assignments.
100.362 Action may be taken by assignee of record.
100.363 Certificate of registration may issue to assignee.

UNPROVIDED FOR AND EXTRAORDINARY CASES

Sec.
100.381 Cases not specifically defined.
100.382 Commissioner may suspend certain rules.

AMENDMENT OF RULES

100.391 Amendments to rules will be published.
100.392 Publication of notice of proposed amendments.

TIME OF TAKING EFFECT

100.401 Effective date of rules.

APPLICATIONS PENDING ON JULY 5, 1947

100.411 Conversion of pending applications to act of 1946.
100.412 Requirements of amendment.
100.413 Applications which cannot be amended.

AUTHORITY: §§ 100.11 to 100.413, inclusive, issued under sec. 1, 41, Pub. Law 489, 79th Cong., 60 Stat. 427, 440; 15 U. S. C. 1051, 1123. Statutes giving additional and special authority are cited in parentheses at the end of particular sections.

GENERAL INFORMATION

§ 100.11 *All communications to be addressed to Commissioner of Patents.* All letters should be addressed to "The Commissioner of Patents, Washington 25, D. C."

§ 100.12 *Business to be transacted in writing.* All business with the Patent Office should be transacted in writing. Personal appearance is unnecessary. The action of the Office will be based exclusively on the written record. No recognition will be given to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

§ 100.13 *Business to be conducted with decorum and courtesy.* Applicants and their representatives will be required to conduct their business with the Patent Office with decorum and courtesy. Papers presented in violation of this requirement will be submitted to the Commissioner and will be returned by his direct order. Complaints against Examiners and other employees must be made in communications separate from other papers.

§ 100.14 *Separate letters.* A separate letter should, in every instance, be written in relation to each distinct subject of inquiry.

§ 100.15 *Identification of pending application or registered mark.* A letter relating to a pending application should identify it by the name of the applicant and the serial number and filing date of the application. A letter relating to a registered mark should identify it by the name of the registrant and by the number and date of the certificate.

§ 100.16 *Times for taking action expiring on Sunday or holiday.* Where the last day for taking any action falls on Sunday or on a holiday within the District of Columbia, the action may be taken on the next succeeding secular or business day.

§ 100.17 *Inquiries.* The Patent Office cannot undertake to respond to inquiries whether certain trade-marks have been registered, or, if so, to whom, or for what goods; nor can it give legal advice or advice as to the registrability of a specified mark or the nature and extent of the protection afforded by the law, except as questions may arise in connection with pending applications. Information of a general nature may be furnished either by answering the inquiry or by providing or calling attention to an appropriate publication.

FEES AND PAYMENT OF MONEY

§ 100.21 *Fees and charges.* The following is the schedule of fees and charges to be paid to the Patent Office:

(a) On filing each original application for registration of a mark in each class on either the principal or the supplemental register	$25.00
(b) On filing each application for renewal in each class	25.00
(c) On filing each application for renewal in each class after expiration of the registration, additional	5.00
(d) On filing notice of claim of benefits of the act of 1946 for a mark to be published under section 12 (c) thereof	10.00
(e) On filing notice of opposition or petition for cancellation	25.00
(f) On appeal from the Examiner of Trade-Marks to the Commissioner	25.00
(g) On appeal from the Examiner of Interferences to the Commissioner	25.00
(h) For issuance of a new certificate of registration following change of ownership of a mark or correction of a registrant's mistake	10.00
(i) For certificate of correction of registration of registrant's mistake	10.00
(j) For filing disclaimer, amendment, surrender, or cancellation after registration	10.00
(k) For manuscript copies, for every one hundred words or fraction thereof	.10
(l) For comparing other copies, for every one hundred words or fraction thereof	.05
(m) For certification of copies in any case, additional	1.00
(n) For each additional registration or application which may be included under a single certification, additional	.50
(o) For recording every assignment or other paper not exceeding six pages	3.00
For each additional two pages or less	1.00
For each additional registration or application included, or involved in one writing, where more than one is so included or involved, additional	.50
(p) For abstracts of title:	
For the search, one hour or less, and certificate	8.00
Each additional hour or fraction thereof	1.50
For each brief from the digest of assignments of two hundred words or less	1.00
(q) For title reports required for Office use	1.00
(r) For a single printed copy of statement and drawing	.10
(s) For certificate that trade-mark has not been registered, search and certificate (for deposit in foreign countries only)	8.00
(t) For certified copies of certificates of registration:	
For each copy of printed statement and drawing	.10
For each grant (certificate of registration)	1.00
For the certification	1.00
(t) For certified copies of certificates of registration—Continued	
For each additional registration which may be included under a single certification, additional	$0.50
If renewed, for copy of each certificate of renewal	1.00
(u) For photostat copies of records and papers, per sheet	.20
(v) For photoprints of drawing	.20
(w) For making drawings, when they can be made by the Patent Office, the cost of making the same, minimum charge	5.00
(x) For correcting drawings, 20 cents for photoprint of uncorrected drawing, and the cost of making correction, minimum charge for making the correction	1.00

§ 100.22 *Method of payment.* All payments of money required for Patent Office fees must be made in United States specie, Treasury notes, national bank notes, post office money orders or postal notes payable in Washington, D. C., or certified checks. Money orders and certified checks must be made payable to the Commissioner of Patents. If sent in any other form the Office may delay the credit until collection is made. Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Money sent by mail to the Patent Office will be at the risk of the sender; letters containing money should be registered.

§ 100.23 *Refunds.* Money paid by actual mistake or in excess, such as a payment not required by law, will be refunded, but a mere change of purpose after the payment of money, as when a party desires to withdraw his application for the registration of a mark or to withdraw an appeal, will not entitle a party to demand such a return. Amounts of ten cents or less will not be returned unless specifically demanded, nor will the payer be notified of such amount; amounts over ten cents but less than one dollar may be returned in postage stamps, and other amounts by check.

RECORDS AND PUBLICATIONS OF THE PATENT OFFICE

§ 100.31 *Printed copies of registered marks available.* After a mark has been registered, printed copies of the statement, with a copy of the drawing, will be furnished by the Patent Office upon the payment of the fee therefor.

§ 100.32 *Registration files open to public inspection.* After a mark has been registered, or published for opposition, the file of the application and all proceedings relating thereto are available for public inspection and copies of the papers may be furnished upon paying the fee therefor.

§ 100.33 *Assignment records open to public inspection.* The assignment records are open to public inspection, and copies of any assignment recorded may be obtained upon payment of the fee therefor. An order for a copy of an assignment should give the liber and page of the record. If identified only by the name of the applicant and serial number, or by the name of the registrant and registration number, an extra charge will be made for the time consumed in making a search for such assignment.

§ 100.34 *Certified copies.* Copies of records, books, papers, or drawings belonging to the Patent Office relating to marks and copies of certificates of registration, authenticated by the seal of the Patent Office and certified by the Commissioner, or in his name by a chief of division duly designated by the Commissioner, will be furnished by the Patent Office to any person entitled thereto upon payment of the fee for the copies and for the authentication certificate.

§ 100.35 *Official Gazette.* The Official Gazette of the United States Patent Office is published weekly and contains, in addition to the material relating to patents, information relating to trade-marks, including the text or digest of opinions in trade-mark cases. It includes:

(a) A list of marks published for opposition, with a reproduction of and information concerning each mark.

(b) A list of marks registered on the Principal Register and under the act of 1905, 33 Stat. 724–731; 15 U. S. C. 81–109 (references to this law are subsequently made by "act of 1905").

(c) A list of registrations cancelled.

(d) A list of marks registered on the Supplemental Register and under the act of 1920, 41 Stat. 533–5; 15 U. S. C. 121–128 (references to this law are subsequently made by "act of 1920"), with a reproduction of and information concerning each mark.

(e) A list of registrations renewed.

(f) A list of marks republished under section 12 (c) of the Trade-Mark Act of 1946, 60 Stat. 427; 15 U. S. C. 1051–1127; Pub. Law 489, 79th Cong., 2d Sess.; July 5, 1946 (references to this law are subsequently made by the "act" or the "act of 1946"), with a reproduction of each mark.

(g) A list of registrations amended, surrendered, disclaimed, or corrected in accordance with section 7 (d), (f) and (g) of the act with a statement of any change in the registration.

Single copies and subscriptions are sold by the Superintendent of Documents, Government Printing Office, Washington, D. C. Part of the trade-mark material is reprinted separately in a trade-mark leaflet which may be purchased or subscribed to separately.

§ 100.36 *Annual trade-mark index.* An annual index of trade-marks registered is published, and sold by the Superintendent of Documents.

§ 100.37 *Pamphlet of trade-mark laws and rules.* Pamphlet copies of trade-mark laws and rules, and of general information concerning trade-marks, are furnished without charge by the Patent Office.

ATTORNEYS AND REPRESENTATION BY ATTORNEYS

§ 100.41 *Applicants may be represented by an attorney.* The owner of a trade-mark may file and prosecute his own application for registration of such trade-mark, or he may be represented by an attorney or other person authorized to practice in trade-mark cases. The Patent Office cannot aid in the selection of an attorney or agent. (R. S. 487; 35 U. S. C. 11)

§ 100.42 *Persons who may practice before the Patent Office in trade-mark cases.* Attorneys at law in good standing admitted to practice before the Supreme Court of the United States, the United States Court of Customs and Patent Appeals, or the highest court of any State or Territory of the United States or of the District of Columbia, and persons registered to practice in the United States Patent Office in patent cases (§ 1.17 of this chapter) may practice before the Patent Office in trade-mark cases.

(a) *Attorneys at law.* No register of attorneys who may practice before the Patent Office in trade-mark cases is maintained, and no application by an attorney at law for admission to practice is required. A statement in the power of attorney, or in an accompanying paper, of the bar to which the attorney at law is admitted is required, and recognition is limited to each case.

(b) *Attorneys and agents registered at the Patent Office.* Persons or firms, including attorneys at law, who are registered to practice before the Patent Office need only specify the registration number in the power of attorney.

(c) *Special recognition.* No persons other than those hereinabove mentioned will be permitted to practice before the Patent Office in trade-mark cases unless specially and formally recognized by the Commissioner of Patents, but any person may appear for himself in a proceeding to which he is a party, or for a firm of which he is a member, or for a corporation or association of which he is an officer and which he is authorized to represent, if such firm, corporation, or association is a party to the proceeding.

(d) *Refusal of recognition for cause.* Persons entitled to be recognized under this section may, nevertheless, be refused recognition for cause. (R. S. 487; 35 U. S. C. 11)

§ 100.43 *Professional conduct.* Attorneys at law and other persons appearing before the Patent Office in trade-mark cases must conform to the standards of ethical and professional conduct generally applicable to attorneys before the courts. (R. S. 487; 35 U. S. C. 11)

§ 100.44 *Advertising.* The use of display advertising, circulars, letters, cards, and similar material to solicit trade-mark business, directly or indirectly, is forbidden as unprofessional conduct, and any person engaging in such solicitation, or associated with or employed by others who so solicit, shall be refused recognition to practice before the Patent Office or suspended or excluded from further practice.

The use of simple professional letterheads, calling cards, or office signs; simple announcements necessitated by opening an office, change of association, or change of address, distributed to clients and friends, and insertion of professional cards, listings in common form (not display) in a classified telephone or city directory, and listings and professional cards with biographical data in standard professional directories are not prohibited. (R. S. 487; 35 U. S. C. 11)

§ 100.45 *Signature and certificate of attorney.* Every paper filed by an attorney at law or other recognized person representing an applicant or party to a trade-mark proceeding in the Patent Office must be signed by such attorney or person, except papers which are required to be signed by the applicant or party (such as the application itself and affidavits required of applicants or registrants). When an applicant or party is represented by a firm such papers must carry the signature of an individual member of the firm in addition to the firm name. The signature of an attorney at law or other person to a paper filed by him, or the filing of any paper by him, constitutes a certificate by him that he has read the paper; that he is authorized to file it; that to the best of his knowledge, information, and belief it is well founded in law and fact; and that it is not interposed for delay. (R. S. 487; 35 U. S. C. 11)

§ 100.46 *Suspension or exclusion from practice.* The Commissioner of Patents may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before the Patent Office any person, attorney, or agent shown to be incompetent or disreputable, or guilty of unethical or unprofessional conduct or gross misconduct, or who refuses to comply with the rules and regulations, or who shall, with intent to defraud in any manner, deceive, mislead, or threaten any applicant or prospective applicant or other person having immediate or prospective business before the Patent Office, by word, circular, letter, or in any other manner. The reasons for any such suspension or exclusion shall be duly recorded. (See R. S. 487; 35 U. S. C. 11 for review of the Commissioner's action by the District Court of the United States for the District of Columbia.) (R. S. 487; 35 U. S. C. 11)

§ 100.47 *Power of attorney or authorization.* Before any attorney at law or other recognized person will be allowed to take action in any case or proceeding, a written power of attorney or authorization must be filed in that particular case or proceeding.

A substitute or associate attorney may be appointed by an attorney only upon the written authorization of his principal; but a third attorney appointed by the second will not be recognized. (R. S. 487; 35 U. S. C. 11)

§ 100.48 *Correspondence held with attorney.* When an attorney or other recognized person shall have filed his power of attorney or authorization, duly executed, the correspondence will be held with him. Double correspondence with an applicant and his attorney, or with two attorneys, will not be undertaken. If more than one attorney be appointed, correspondence will be held with the one last appointed unless otherwise requested. (R. S. 487; 35 U. S. C. 11)

§ 100.49 *Revocation of power of attorney.* A power of attorney or authorization may be revoked at any stage in the proceedings of a case upon notification to the Commissioner; and, when it is

so revoked, the Office will communicate directly with the applicant or with such other attorney as he may appoint. An attorney or agent will be notified of the revocation of his power of attorney or authorization. (R. S. 487; 35 U. S. C. 11)

APPLICATION FOR REGISTRATION

§ 100.61 *Parts of application.* A complete application for registration comprises:

(a) A written application (see §§ 100.71 to 100.88);

(b) A drawing of the mark (see §§ 100.91 to 100.95);

(c) Five specimens or facsimiles (see §§ 100.101 to 100.103);

(d) The required filing fee (see § 100.21 (a));

(e) A certified copy of the registration in the country of origin if the application is based on such foreign registration pursuant to section 44 (e) of the act (see § 100.79).

§ 100.62 *Application must be complete to receive filing date.* An application will not be accepted and filed for examination unless all the required parts specified in § 100.61, complying with the rules and regulations relating thereto, are received, but minor informalities may be waived subject to subsequent correction. If the papers and parts are incomplete or so defective that they cannot be accepted as a complete application, the applicant will be notified and the papers and fee held six months for completion if possible, return to the applicant, or other disposition. If not completed in six months, a new application must thereafter be filed. The drawing, specimens, or fee of an unaccepted application may be applied to a later application.

§ 100.63 *Serial number and filing date.* Complete applications will be numbered as received, and the applicant will be informed of the serial number and filing date of the application. The filing date of the application is the date on which the complete application is received in the Patent Office in acceptable form.

§ 100.64 *Designation of representative by foreign applicant.* If the applicant is not domiciled in the United States, he must designate by a written document filed in the Patent Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark and to whom all official communications will be addressed unless the applicant is represented by an attorney or other recognized person. If this document does not accompany or form part of the application, it will be required and registration refused unless it is supplied.

§ 100.65 *Papers not returnable.* After acceptance of the application the papers will not be returned for any purpose whatever. If the applicant has not preserved copies of the papers the Office will furnish them on the usual terms.

§ 100.66 *Use of old drawing in new application.* In an application filed in place of an abandoned or rejected application, or in an application for reregistration (§ 100.311), a new complete application is required, but the old drawing, if suitable, may be used. The application must be accompanied by a request for the transfer of the drawing, and by a permanent photographic copy, or an order for such copy, of the drawing to be placed in the original file. A drawing so transferred, or to be transferred, cannot be amended.

§ 100.67 *Application confidential prior to publication.* No information respecting the filing of an application for the registration of a trademark, or the subject matter thereof will be given, prior to publication under § 100.151, without authority of the applicant, unless it shall, in the opinion of the Commissioner, be necessary to the proper conduct of business before the Patent Office. Decisions of the Commissioner in applications and proceedings relating thereto are published or available for inspection or publication.

THE WRITTEN APPLICATION

§ 100.71 *Application must be in English.* The written application must be in the English language and plainly written on but one side of the paper. Legal size paper, typewritten double spaced, with at least a one and one-half inch margin on the left-hand side and top of the page, is deemed preferable.

§ 100.72 *Application to be signed and sworn to by applicant.* The written application must be made to the Commissioner of Patents and must be signed and verified (sworn to) by the applicant or by a member of the firm or an officer of the corporation or association applying.

Re-executed papers may be required when the application has not been filed in the Patent Office within a reasonable time after the date of execution.

§ 100.73 *Requirements for application; statement.* The written application shall include a request for registration and shall specify:

(a) The name of the applicant;

(b) The citizenship of the applicant; if the applicant be a partnership, the names and citizenship of the general partners or, if the applicant be a corporation or association, the state or nation under the laws of which organized;

(c) The domicile and post office address of the applicant;

(d) That the applicant has adopted and is using the mark shown in the accompanying drawing;

(e) The particular description of goods on or in connection with which the mark is used;

(f) The class of merchandise according to the official classification (if the number and title of the class are not known to the applicant, they may be left blank, in which case they will be filled in by the Patent Office and applicant informed thereof);

(g) The date of applicant's first use of the mark as a trade-mark on or in connection with goods specified in the application;

(h) The date of applicant's first use of the mark as a trade-mark on or in connection with goods specified in the application in commerce which may lawfully be regulated by Congress, specifying the nature of such commerce.

(i) The mode or manner in which the mark is used on or in connection with the particular goods specified.

This part of the written application is called the statement.

§ 100.74 *Requirements for application; declaration.* The written application must also include averments to the effect that the applicant or other person making the verification believes himself or the firm, corporation, or association in whose behalf he makes the verification to be the owner of the mark sought to be registered; that the mark is in use in commerce which may lawfully be regulated by Congress, specifying the nature of such commerce; that no other person, firm, corporation, or association, to the best of his knowledge and belief, has the right to use such mark in commerce, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the mark sought to be registered; that the specimens or facsimiles show the mark as actually used in connection with the goods; and that the facts set forth in the statement are true.

This part of the written application is called the declaration.

§ 100.75 *Description of mark.* A description of the mark, which must be acceptable to the Examiner of Trade-Marks, may be included in the statement, and must be included if required by the Examiner.

§ 100.76 *Identification of prior registrations.* Prior registrations of the same or similar marks owned by the applicant should be identified in the written application.

§ 100.77 *Power of attorney, domestic representative.* The power of attorney or authorization of agent (§ 100.47) and the appointment of a domestic representative (§ 100.64) may be included as a paragraph or paragraphs in the written application.

§ 100.78 *Use by predecessor or by related companies.* If the first use, the date of which is required by paragraph (g) or (h) of § 100.73, was by a predecessor in title, or by a related company (sections 5 and 45 of the act), and such use inures to the benefit of the applicant, the date of such first use may be asserted with a statement that such first use was by the predecessor in title or by the related company as the case may be. The Office may require further details and additional proof showing that such use inures to the benefit of the applicant.

Where the mark sought to be registered is legitimately used by one or more related companies at the time of the filing of the application, the declaration (§ 100.74) must recite exceptions to the averment of the exclusive right to use the mark, stating the nature of such related companies and, if practicable, the names and addresses.

§ 100.79 *Omission of allegation of use by foreign applicants.* The allegation that the mark is in use in commerce which may lawfully be regulated by Congress, required by § 100.74, and the statements of the dates of the applicant's first use, required by § 100.73 (g) and (h), may be omitted in the case of an application, filed pursuant to section 44 (e) of the act, for registration of a mark duly registered in the country of origin of a foreign applicant, provided the application when filed is accompanied by a certified copy of the registration in the country of origin and said registration is then in full force and effect. A sworn translation of the registration, if not in the English language, may be required after the application is filed.

Such allegation and statement may also be omitted in the case of an application claiming the benefit of a prior foreign application in accordance with section 44 (d) of the act: *Provided*, That the application states the date and country of the first foreign application and a certified copy of the foreign application and a sworn translation of the same, if not in the English language, are filed before the registration is granted, but the registration will not be granted until the mark has been registered in the country of origin of the applicant.

In such cases the description of goods or services shall not exceed the scope of that covered by the foreign registration or application.

§ 100.81 *Proof of distinctiveness under section 2 (f).* When registration is sought under section 2 (f) of the act and the claim of distinctiveness is based on substantially exclusive and continuous use of the mark by the applicant for a period of five years preceding the filing of the application in commerce which may lawfully be regulated by Congress, the written application shall include in the declaration a statement to that effect; but proof of such exclusive and continuous use and further evidence showing that the mark has become distinctive may be required.

If the allegation of distinctiveness is not based on substantially exclusive use over a five-year period, as specified in the preceding paragraph, but is based on other facts and circumstances, proof of distinctiveness must be submitted separately and should accompany the application.

§ 100.82 *Concurrent use.* In the case of an application claiming concurrent use, the applicant shall also specify in the statement any concurrent use by others, designating their names, addresses, and registrations or applications, if any, the goods in connection with which and the areas in which such concurrent use exists, the mode of such use, the periods of such use, and the goods, area, or mode of use for which the applicant desires registration; and the claim of exclusive use made in the declaration shall be made with the stated exceptions.

§ 100.83 *Service mark.* In the case of an application for the registration of a service mark, the written application shall specify and contain all the elements required by the preceding sections for trade-marks, but shall be modified to relate to services instead of to goods wherever necessary.

§ 100.84 *Collective mark.* In the case of an application for registration of a collective mark, the written application shall specify and contain all applicable elements required by the preceding sections for trade-marks, but shall, in addition, specify the class of persons entitled to use the mark, indicating their relationship to the owner of the mark, and the nature of the owner's control over the use of the mark.

§ 100.85 *Certification mark.* In the case of an application for registration of a certification mark, the written application shall specify and contain all applicable elements required by the preceding sections for trade-marks. It shall, in addition, specify the manner in which and the conditions under which the certification mark is used; it shall allege that the applicant exercises legitimate control over the use of the mark and that he is not himself engaged in the production or marketing of the goods or services to which the mark is applied.

§ 100.86 *Principal Register.* All applications will be treated as seeking registration on the Principal Register unless otherwise stated in the application. Service marks, collective marks, and certification marks, registrable in accordance with the applicable provisions of section 2 of the act, are registered on the Principal Register.

§ 100.87 *Supplemental Register.* In the case of an application for registration on the Supplemental Register, the written application shall so indicate and shall specify that the mark has been in continuous use in commerce which may lawfully be regulated by Congress, specifying the nature of such commerce, by the applicant for the preceding year, if the application is based on such use. The showing required for waiver of the requirement for a full year's use must be separate from the written application.

§ 100.88 *Applicant's name.* The signature to the application must be the correct name of the applicant, since the name will appear in the certificate of registration precisely as it is signed to the application. The name of the applicant, wherever it appears in the papers of the application, will be made to agree with the name as signed.

DRAWING

§ 100.91 *Drawing required.* The drawing of the trade-mark shall be a substantially exact representation thereof as actually used on or in connection with the goods.

The drawing of a service mark shall be a substantially exact representation of the mark as used in the sale or advertising of the services. The drawing of a service mark may be dispensed with in the case of a mark not capable of representation by a drawing, but in any such case the written application must contain an adequate description.

In the case of an application for registration on the Supplemental Register, the drawing, when appropriate and necessary (section 23, third paragraph, of the act), may be the drawing of a package or configuration of goods.

§ 100.92 *Requirements for drawings.*—(a) *Paper and ink.* The drawing must be made upon pure white paper of a thickness corresponding to two- or three-ply Bristol board. The surface of the paper must be calendered and smooth. India ink alone must be used for pen drawings to secure perfectly black solid lines. The use of white pigment to cover lines is not acceptable.

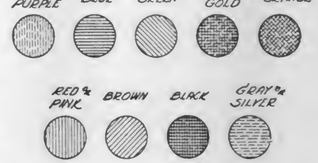
(b) *Size of sheets and margins.* The size of a sheet on which a drawing is made must be exactly 8 by 13 inches. Three-fourths of an inch from its edges, a single marginal line should be drawn, leaving the "sight" precisely 6½ by 11½ inches. All work must be included within this margin. One of the shorter sides of the sheet should be regarded as its top. When the view is longer than the width of the sheet, the sheet should be turned on its side with the top at the right.

(c) *Character of lines.* All drawings must be made with the pen or by a process which will give them satisfactory reproduction characteristics. Every line and letter, names included, must be black. This direction applies to all lines, however fine, and to shading. All lines must be clean, sharp, and solid, and they must not be too fine or crowded. Surface shading, when used, should be open.

(d) *Applicant's name.* The name of the applicant for registration must be written or printed within the marginal lines in the lower right-hand corner of the sheet, but in no instance should it encroach upon the drawing.

(e) *Extraneous matter.* An agent's or attorney's name, stamp, or address or other extraneous matter should not appear upon the face of a drawing, within or without the marginal line.

(f) *Linings for color.* Where color is a material feature of a mark as used, the color or colors employed should, if feasible, be illustrated in the drawing by means of the conventional linings as shown in the following color chart for draftsmen:



§ 100.93 *Transmission of drawings.* Drawings transmitted to the Patent Office should be sent flat, protected by a sheet of heavy binder's board, or should be rolled for transmission in a suitable mailing tube to prevent mutilation. They should never be folded.

§ 100.94 *Informal drawings.* A drawing not executed in conformity with the foregoing sections may be accepted for purpose of examination, but the drawing must be corrected or a new one fur-

nished, as required, before the mark can be published or the application allowed. The necessary corrections will be made by the Patent Office upon applicant's request and at his expense. Substitute drawings will not be accepted unless they have been required by the Examiner or correction of the original drawing would require that the mark be substantially entirely redrawn.

§ 100.95 *Patent Office may make drawings.* The Patent Office, at the request of applicants and at their expense, will make drawings if facilities permit.

SPECIMENS

§ 100.101 *Specimens.* The five specimens of a trade-mark shall be specimens of the trade-mark as actually used on or in connection with the goods in commerce, and shall be duplicates of the actually used labels, tags, or containers, or the displays associated therewith or portions thereof, when made of suitable material and capable of being arranged flat and of a size not larger than the size of the drawing.

§ 100.102 *Facsimiles.* When, from the mode of applying or affixing the trade-mark to the goods, or from the manner of using the mark on the goods, or from the nature of the mark, specimens as above stated cannot be furnished, five copies of a suitable photograph or other acceptable reproduction, not larger than the size specified for the drawing and clearly and legibly showing the mark and all matter used in connection therewith, shall be furnished.

§ 100.103 *Specimens or facsimiles in the case of a service mark.* In the case of a service mark a specimen or facsimile as specified in §§ 100.101 and 100.102, of the mark as used in the sale or advertising of the services shall be furnished unless impossible from the nature of the mark or the manner in which it is used, in which event, some other representation acceptable to the Commissioner must be submitted.

EXAMINATION OF APPLICATION AND ACTION BY APPLICANTS

§ 100.121 *Action by Examiner.* Applications for registration will be examined or caused to be examined by the Examiner of Trade-Marks, and, if the applicant is found not entitled to registration for any reason, he will be so notified and advised of the reasons therefor and of any formal requirements or objections and will be given such information and references as may be helpful in the further prosecution of the application.

§ 100.122 *Period for response.* The applicant has six months from the date of mailing of any action by the Patent Office to respond thereto. Such response may be made with or without amendment and must include such proper action by the applicant as the nature of the action and the condition of the case may require.

§ 100.123 *Re-examinations.* After response by the applicant, the application will be re-examined or reconsidered, and if the registration is again refused or formal requirements insisted upon, but not stated to be final, the applicant may respond again.

§ 100.124 *Final action.* On the first or any subsequent re-examination or reconsideration, the refusal of the registration or the insistence upon a requirement may be stated to be final, whereupon applicant's response is limited to an appeal or to a compliance with any requirement made.

§ 100.125 *Abandonment.* If an applicant fails to respond, or to respond completely, within six months after the date an action is mailed, the application shall be deemed to have been abandoned.

§ 100.126 *Revival of abandoned applications.* An application abandoned for failure to respond may be revived as a pending application if it is shown to the satisfaction of the Commissioner that the delay was unavoidable. A petition to revive an abandoned application must be accompanied by a verified showing of the causes of the delay, and by the proposed response, unless the same has been previously filed.

§ 100.127 *Suspension of action by Patent Office.* Action by the Patent Office may be suspended upon request of the applicant for good and sufficient cause and for a reasonable time specified. Only one suspension will be granted by the Examiner, and any further suspension must be approved by the Commissioner.

§ 100.128 *Express abandonment.* An application may be expressly abandoned by filing in the Patent Office a written declaration of abandonment signed by the applicant himself or, if assigned, by the assignee.

AMENDMENT OF APPLICATION

§ 100.131 *Amendments to statement.* The statement may be amended to correct informalities, or to avoid objections made by the Patent Office, or for other reasons arising in the course of examination. No amendments to the dates of use will be permitted unless such changes are supported by affidavit by the applicant and by such showing as may be required by the Examiner.

Additions to the description of goods or services will not be permitted unless the mark was in actual use on all of the goods or services proposed to be added by the amendment at the time the application was filed and unless the amendment is accompanied by additional specimens (or facsimiles) and by a supplemental affidavit by the applicant in support thereof, alleging said facts.

Amendment of the declaration will not be permitted. If that filed with the application be faulty or defective, a substitute declaration must be filed.

§ 100.132 *Amendments to description or drawing.* Amendments to the description or drawing of the mark may be permitted only if warranted by the specimens (or facsimiles) as originally filed, but may not be made if the nature of the mark is changed thereby.

§ 100.133 *Amendment to recite concurrent use.* An application may be amended in the Examiner's discretion so as to be treated as an application for a concurrent registration, provided the application as amended satisfies the requirements of § 100.82.

§ 100.134 *Form of amendment.* In every amendment the exact word or words to be stricken out or inserted in the statement must be specified and the precise point indicated where the deletion or insertion is to be made. Erasures, additions, insertions, or mutilations of the papers and records must not be made by the applicant or attorney.

When an amendatory clause is amended, it must be wholly rewritten so that no interlineation or erasure will appear in the clause, as finally amended, when the application is passed to registration. If the number or nature of the amendments shall render it otherwise difficult to consider the case or to arrange the papers for printing or copying, or when otherwise desired to clarify the record, the Examiner may require the entire statement to be rewritten.

§ 100.135 *Amendment to change application to different register.* An application for registration on the Principal Register may be changed to an application for registration on the Supplemental Register and vice versa by amending the application to comply with the rules relating to the requirements for registration on the appropriate register, as the case may be. Unless the written application as originally filed was sufficient for registration on the register to which converted, the date of filing such amendment will be considered the filing date of the application so converted. Only one such conversion will be permitted after an action by the Examiner.

FEDERAL LABEL APPROVAL

§ 100.141 *Federal label approval required in certain cases.* Whenever an application is filed for the registration of a trade-mark which is either a part of or associated with a label for a product which, under the provisions of an act of Congress, cannot be lawfully sold in the commerce specified in the written application without prior approval of the label by a designated Government agency, a copy of such label and its certification must be made of record in the application before allowance in cases specified by this section.

Types of labels for which prior approval must be secured and copies of which must be filed as indicated above are set forth in the following schedule:

Labels for meat products (Class 46) which are subject to Federal inspection, must be approved by the Meat Inspection Division, Bureau of Animal Industry, Department of Agriculture.

Labels for wines (Class 47) and for distilled alcoholic liquors (Class 49) must be approved by the Federal Alcohol Administration.

PUBLICATION AND ALLOWANCE

§ 100.151 *Publication in Official Gazette.* If, on examination or reexamination of an application for registration

on the Principal Register, it appears that the applicant is entitled to have his mark registered, the mark will be published in the Official Gazette for opposition.

§ 100.152 *Allowance of application.* If no notice of opposition is filed within the time permitted, §§ 100.201 and 100.202, and no interference is declared, the applicant will be duly notified of the allowance of his application, and a certificate of registration may be issued as provided in § 100.291.

Certificates are normally issued on the fourth Tuesday after the Thursday following the date of the notice of allowance.

§ 100.153 *Marks on Supplemental Register published only upon registration.* In the case of an application for registration on the Supplemental Register the mark will not be published for opposition but the applicant will be notified of the allowance of his application if it appears, after examination or reexamination, that he is entitled to have the mark registered, and a certificate of registration may be issued as provided in § 100.291. The mark will be published in the Official Gazette when registered.

§ 100.154 *Jurisdiction over published or allowed applications.* After publication or allowance the Examiner may exercise jurisdiction over an application by special authority from the Commissioner.

Amendments may be made after the allowance of an application if the certificate has not been printed, on the recommendation of the Examiner approved by the Commissioner, without withdrawing the allowance.

CLASSIFICATION

§ 100.161 *Classification of goods and services.* There is established, for convenience of administration, the following classification of goods and services. Such classification shall not limit or extend the applicant's rights.

Class and Title

1 Raw or partly prepared materials.
2 Receptacles.
3 Baggage, animal equipments, portfolios, and pocketbooks.
4 Abrasive, detergent, and polishing materials.
5 Adhesives.
6 Chemicals, medicines, and pharmaceutical preparations.
7 Cordage.
8 Smokers' articles, not including tobacco products.
9 Explosives, firearms, equipments, and projectiles.
10 Fertilizers.
11 Inks and inking materials.
12 Construction materials.
13 Hardware and plumbing and steam-fitting supplies.
14 Metals and metal castings and forgings.
15 Oils and greases.
16 Paints and painters' materials.
17 Tobacco products.
19 Vehicles.
20 Linoleum and oiled cloth.
21 Electrical apparatus, machines, and supplies.
22 Games, toys, and sporting goods.
23 Cutlery machinery, and tools, and parts thereof.
24 Laundry appliances and machines.
25 Locks and safes.
26 Measuring and scientific appliances.
27 Horological instruments.
28 Jewelry and precious-metal ware.
29 Brooms, brushes, and dusters.
30 Crockery, earthenware, and porcelain.
31 Filters and refrigerators.
32 Furniture and upholstery.
33 Glassware.
34 Heating, lighting, and ventilating apparatus.
35 Belting, hose, machinery packing, and non-metallic tires.
36 Musical instruments and supplies.
37 Paper and stationery.
38 Prints and publications.
39 Clothing.
40 Fancy goods, furnishings, and notions.
41 Canes, parasols, and umbrellas.
42 Knitted, netted and textile fabrics and substitutes therefor.
43 Thread and yarn.
44 Dental, medical, and surgical appliances.
45 Soft drinks and carbonated waters.
46 Foods and ingredients of foods.
47 Wines.
48 Malt beverages and liquors.
49 Distilled alcoholic liquors.
50 Goods not otherwise classified.
55 Services (temporary).

(60 Stat. 427; 15 U. S. C. 1112)

§ 100.162 *Plurality of goods or services comprised in single class may be covered by single application.* A mark may be registered on a single application for a plurality of goods, or for a plurality of services, comprised in a single class, provided the particular description of each of the goods or services be stated and the mark has actually been used on or in connection with all of the goods, or in connection with all of the services specified.

§ 100.163 *Original application must be limited to goods or services comprised in a single class.* When a single application is filed to register a mark for both goods and services or for goods or services in a plurality of different classes, registration will be refused, and the applicant will be required to restrict the application to goods or services comprised in a single class.

§ 100.164 *Applications may be combined.* When several applications have been filed by the same applicant for registration on the same register of the identical mark on goods in different classes, or services in different classes, and each of the applications has been allowed, a single certificate based on such several applications may be issued. For the purpose of issuing such single certificate, a copy of the written applications, combined as a single application eliminating unnecessary repetition, must be filed in one of such applications.

The issuance of any original certificate may be suspended upon request of the applicant, for a period not exceeding six months to permit such consolidation.

CONTESTED OR INTER PARTES PROCEEDINGS

§ 100.181 *Contested or inter partes proceedings.* Contested or inter partes cases or proceedings comprise (a) interferences between pending applications or between registrations and pending applications, which are instituted by the Examiner of Trade-Marks, (b) opposition proceedings, which are instituted on the filing of a notice of opposition against a mark published for opposition, (c) cancellation proceedings, which are instituted on the filing of a petition to cancel a registration, and (d) concurrent use proceedings, which are instituted upon diving notice to the users named in an application to register as concurrent user.

INTERFERENCE

§ 100.191 *Interferences.* Whenever application is made for registration on the Principal Register of a mark which so resembles a mark previously registered by another, or for the registration of which another has previously made application, as to be likely, when applied to the goods or when used in connection with the services of the applicant, to cause confusion or mistake or to deceive purchasers, an interference may be declared to exist. An interference will not be declared between two applications or an application and a registration unless the junior party alleges in his application a date of use prior to the filing date of the senior party. No interference shall be declared between an application and the registration of a mark the right to the use of which has become incontestable, nor with respect to registrations or applications to register on the Supplemental Register.

§ 100.192 *Preliminary to interference.* Before the declaration of interference, all preliminary questions must have been settled by the Examiner of Trade-Marks and the interfering marks which are to form the subject matter of the controversy must have been decided to be registrable, and at least one of them must have been published in the Official Gazette.

The Examiner of Trade-Marks may require an applicant to put his application in condition for publication or allowance, within a time specified, not less than thirty days, in order that an interference may be declared. If any such applicant fails to put his application in condition for publication or allowance within the time specified, the declaration of interference will not necessarily be delayed, but after final judgment the application of such applicant will be held for revision or restriction, subject to interference with other applications or registrations.

Whenever it shall be found that two or more parties whose interests are in conflict are represented by the same attorney, the Examiner of Trade-Marks shall notify each of said parties and also the attorney of this fact.

§ 100.193 *Declaration of interference.* An interference is declared and instituted by the mailing of notices of interference to each of the parties by the Examiner of Interferences, which notices shall have been prepared by the Examiner of Trade-Marks. The notices shall be sent to all the parties, in care of their attorneys, if they have an attorney of record, and if one of the parties is a registrant, a notice shall also be sent to him or his assignee of record. The notice to each party shall give the name and address of the adverse party and of his attorney, if any, together with the serial number and date of filing and

publication, if published, of each of the applications or registration involved.

§ 100.194 *Motions to dissolve interference.* Motions to dissolve an interference upon the ground that no interference in fact exists, or that there has been such irregularity in declaring the same as will preclude a proper determination of the right of registration, or that an applicant's mark is not registrable, and all other motions of a similar character, shall contain a full statement of the grounds relied upon and shall be made not later than forty days after the notices of interference have been mailed. Such motions, if in proper form, will be transmitted to the Examiner of Trade-Marks for determination, and the parties will be so notified. If the motion is not in proper form or if it is not brought within the time specified and no satisfactory reason is given for the delay, it will not be considered, and the parties will be so notified. Transmitting such a motion for determination will act as a stay of proceedings pending the determination of the motion.

§ 100.195 *Decision on motion to dissolve.* The decision of the Examiner of Trade-Marks upon a motion for dissolution will be binding upon the Examiner of Interferences unless reversed or modified on appeal. Appeal may be taken to the Commissioner from a decision granting a motion to dissolve. No appeal may be had from a decision denying a motion to dissolve, but the question may be reviewed by the Commissioner on appeal from the final decision of the Examiner of Interferences.

§ 100.196 *Burden of proof.* The party whose application or registration involved in the interference has the latest filing date is the junior party and will be regarded as having the burden of proof.

Motions to shift the burden of proof shall be made within forty days from the mailing of the notices of interference and will be determined by the Examiner of Interferences. No appeal from the decision on such motion will be entertained, but the matter may be reviewed by the Commissioner on appeal from the final decision of the Examiner of Interferences.

§ 100.197 *Motion to add.* An applicant or registrant involved in an interference may, not more than forty days after the notices of interference have been mailed, bring a motion to add to the interference any other application or registration which he may own. The procedure affecting such motion will be the same as that hereinabove set forth on motions to dissolve.

§ 100.198 *Adding party to interference.* If, during the pendency of an interference, another case appears involving substantially the same registrable subject matter, the Examiner of Trade-Marks may request the suspension of the interference for the purpose of adding said case. Such suspension will be granted as a matter of course by the Examiner of Interferences if no testimony has been taken. If, however, any testimony has been taken, a notice for the proposed new party disclosing the issue in interference and the names and addresses of the interferants and of their attorneys, and notices for the interferants disclosing the name and address of the said party and his attorney, shall be prepared by the Examiner of Trade-Marks and forwarded to the Examiner of Interferences, who shall make such inquiries as are deemed necessary to determine the question of admissibility of the new party. If the Examiner of Interferences be of the opinion that the interference should be suspended and a new party added, he shall prescribe the terms for such suspension.

OPPOSITION

§ 100.201 *Time for filing notice of opposition.* Any person who believes that he would be damaged by the registration of a mark upon the Principal Register may, upon payment of the required fee, oppose the same by filing a verified notice of opposition in the Patent Office within thirty days after the publication (§ 100.151) of the mark sought to be registered.

§ 100.202 *Extension of time.* A request to extend the time for filing a notice of opposition must be received before the expiration of forty days from the date of publication. Any such request must show good cause for the extension and specify the period of extension desired.

§ 100.203 *Notice filed by attorney.* An unverified notice of opposition may be filed by a duly authorized attorney, but such opposition will be null and void unless verified by the opposer within thirty days after such filing, or within such further time after such filing as may be fixed by the Commissioner upon request made before the expiration of said thirty days.

§ 100.204 *Contents of notice of opposition.* The notice of opposition must allege facts tending to show why the opposer would be damaged by the registration of the opposed mark and state the specific grounds for opposition. A duplicate copy of the notice of opposition and two specimens (or facsimiles) of the mark as actually used by the opposer, if there be such, shall be filed.

§ 100.205 *Institution of opposition.* When a notice of opposition is filed, the Examiner of Trade-Marks shall inform the party filing the same of the receipt thereof and, if regularly filed, shall transmit it to the Examiner of Interferences.

The Examiner of Interferences shall prepare a notice disclosing the name and address of the opposer, and of his attorney, if he has such, and designate a time, not less than thirty days from the date of such notice, within which answer must be filed. Copies of this notice shall be forwarded to the parties in care of their attorneys, if they have attorneys of record. The duplicate copy of the notice of opposition and one of the specimens (or facsimiles), if there be such, shall be forwarded with the notice to the party against whom the opposition is filed.

CANCELLATION

§ 100.211 *Time for filing petition for cancellation.* Any person who believes that he is or will be damaged by a registration may, upon payment of the required fee, apply to the Commissioner to cancel said registration. Such petition may be made at any time in the case of registrations on the Supplemental Register or under the act of 1920, or registrations under the act of 1881, 21 Stat. 502–504 (references to this law are subsequently made by "act of 1881") or the act of 1905 which have not been republished under section 12 (c) of the act (§ 100.301), and in cases involving the grounds specified in section 14 (c) and (d) of the act. In all other cases such petition must be made within five years from the date of registration of the mark under the act of 1946 or from the date of republication under section 12 (c) of the act.

§ 100.212 *Petition for cancellation.* The petition to cancel must allege facts tending to show why the petitioner believes he is or will be damaged by the registration, state the specific grounds for cancellation, and indicate the respondent party to whom notice shall be sent. The petition must be verified by the petitioner. A duplicate copy of the petition, an abstract of title of the mark sought to be cancelled or an order for a title report for Office use, and two specimens (or facsimiles) of the mark actually used by the petitioner, if there be such, shall be filed with the petition.

A petition to cancel filed by the Federal Trade Commission under section 14 (c) or section 14 (d) of the act need not show or allege that the petitioner is or will be damaged, and a fee is not required for filing such petition.

§ 100.213 *Notice of filing of petition.* When a petition for cancellation is filed, it shall be transmitted to the Examiner of Interferences, who shall make examination thereof to determine if it is formally correct. If he be of the opinion that the petition is defective as to form, he shall so advise the party filing the same and set a time for correcting the informality.

When the petition is correct as to form, the Examiner of Interferences shall prepare a notice disclosing the name and address of the petitioner and of his attorney, if he has such, and designate a time, not less than thirty days from the date of the notice, within which an answer must be filed. Copies of this notice shall be forwarded to the registrant as well as to his attorney if there be such, and to the petitioner. The duplicate copy of the petition for cancellation and one of the specimens (or facsimiles), if there be such, shall be forwarded with the notice to the registrant whose registration is sought to be cancelled.

APPLICATION FOR REGISTRATION AS CONCURRENT USER

§ 100.221 *Application to register as concurrent user.* An application for registration as a lawful concurrent user will be examined in the same manner as other applications for registration. When it is determined that the mark is ready for publication or allowance, except for questions relating to concurrent registration, the applicant may be required to furnish as many copies of his written application, specimens and drawing, as may be necessary. The Examiner of Trade-Marks shall prepare notices for the applicant and for each applicant, registrant, or user specified in the application for registration as a concurrent user. Such notices for the specified parties shall give the name and address of the applicant and of his attorney, if any, together with the serial number and filing date of the application.

The notices shall be sent by the Examiner of Interferences to each of the parties, in care of their attorneys, if they have attorneys of record, and if one of the parties is a registrant, a notice shall also be sent to him or his assignee of record. A copy of the application shall be forwarded with the notices to the parties specified in the application. An answer to the notice is not required in the case of an applicant or registrant whose application or registration is specified in the application to register as concurrent user but a statement may be filed if desired; an answer is required in the case of other parties specified in the application to register as concurrent user and a time, not less than thirty days from the date of the notice, within which such answer must be filed will be designated in the notice.

Subsequent proceedings shall follow the practice in interferences, the applicant for concurrent registration, or the one having the latest filing date if there be more than one such applicant, having the burden of proof in the first instance.

PROCEDURE IN CONTESTED OR INTER PARTES PROCEEDINGS

§ 100.231 *Federal rules of civil procedure.* Except as otherwise provided, procedure and practice in contested or inter partes proceedings shall be governed by the rules of civil procedure for the District Courts of the United States wherever considered applicable and appropriate.

Any junior party in an interference, the opposer in an opposition proceeding, the petitioner in a cancellation proceeding, and the applicant to register as a concurrent user, shall be deemed to be in the position of plaintiff, and the other parties to such proceedings in the position of defendants with respect thereto. The notice of opposition and the petition to cancel, and the answers thereto, correspond to complaint and answer; there are no equivalent pleadings in interferences and in concurrent use proceedings when no answer is required, the issues in such cases being determined by the respective applications or registrations involved. The taking of testimony and the final hearing correspond to trial, and the assignment of times for taking testimony and for final hearing to setting a case for trial.

§ 100.232 *Undelivered Office notices.* When the notices sent by the Patent Office to any registrant are returned to the Office undelivered, or when one of the parties resides abroad and his representative in the United States is unknown, additional notice may be given by publication in the Official Gazette for such period of time as the Commissioner may direct.

§ 100.233 *Service of papers.* Every paper filed in the Patent Office in contested cases, including appeals, must be served upon the other parties as provided by § 1.154 (b) of this chapter except the notices of interference (§ 100.193), the notice of opposition (§ 100.205), the petition for cancellation (§ 100.213), the notices of a concurrent use proceeding (§ 100.221), and the copies of the testimony (§ 100.236), which are mailed by the Patent Office. Proof of such service must be made before the paper will be considered by the Office. A statement signed by the attorney, attached to or appearing on the original paper, when filed clearly stating the time and manner in which service was made will be accepted as prima facie proof of service.

§ 100.234 *Assignment of times for taking testimony and of date of final hearing.* Times will be assigned for the taking of testimony in behalf of each of the parties, and no testimony shall be taken except during the times assigned. If there be more than two parties to an interference, the times for taking testimony will be so arranged that each shall have an opportunity to prove his case against prior parties, to rebut their evidence, and to meet the evidence of junior parties.

The times will ordinarily be assigned in the notices sent by the Patent Office in interferences and in concurrent use proceedings, and in a notice sent after the answers have been filed in cases of opposition and cancellation. The time for final hearing will be set in the same notices. If either party desires an extension of the time assigned to him for taking testimony he may apply therefor as provided in § 1.154 (d) of this chapter.

§ 100.235 *Testimony in contested or inter partes cases.* Testimony in contested or inter partes proceedings shall be taken and filed in accordance with the provisions of §§ 1.154 to 1.161, inclusive, of this chapter, and these sections shall apply to trade-mark cases. (R. S. 4905; 35 U. S. C. 53)

§ 100.236 *Copies of testimony.* In addition to the original transcripts of the testimony, three or more copies of the record of each party must be filed, two for the use of the Patent Office and one for each of the opposing parties. These records may be submitted either in printed or typewritten form. They must include the testimony presented by the party filing the same, and shall be certified to as being true copies. Each record must contain an index of the names of the witnesses, giving the pages where their examination and cross-examination begin, and an index of the pages where exhibits are offered in evidence and of the pages where copies of papers and documents introduced as exhibits are shown when such exhibits are copied in the record; the names of the witnesses must appear at the top of the pages over their testimony, and the pages must be consecutively numbered.

The copies of the record for the party in the position of plaintiff must be filed not less than seventy days before the day for final hearing and in the case of parties in the position of defendants not less than fifty days.

When the copies of the record are submitted in printed form, they shall be printed in 11-point type and adequately leaded; the paper must be opaque and unglazed; the size of the page shall be 7⅝ by 10¼ inches; and the size of the printed matter shall be 4⅛ by 7⅛ inches. Twenty-five additional copies for the United States Court of Customs and Patent Appeals, should appeal be taken, may also be filed; if no such appeal be taken, the twenty-five copies will be returned to the party filing them.

When the copies of the record are submitted in typewritten form, they must be clearly legible copies on opaque, unglazed, durable paper 8½ by 11 inches in size. The typing shall be on one side of the paper, in not smaller than pica type, and double-spaced with a margin of 1½ inches on the left hand side of the page. The sheets shall be bound at their left edges in a volume or volumes of convenient size provided with covers. Multigraphed or otherwise reproduced copies conforming to the same standards specified for typewritten copies will be accepted as typewritten.

The testimony of any party failing to supply copies of his record as specified may be refused consideration.

§ 100.237 *Allegations in application not evidence on behalf of applicant.* The allegation of dates of use in the application for registration of the applicant or registrant cannot be used as evidence in behalf of the party making the same.

§ 100.238 *Motions.* Motions shall be made in writing and shall contain a full statement of the grounds therefor. Oral hearings will not be held on motions except on order of the Examiner having jurisdiction. Briefs in support of or in opposition to motions shall be filed on dates set by the Examiner of Interferences and, if not so filed, consideration thereof may be refused.

Petitions for reconsideration or modification of the decision must be filed within twenty days after the decision or before the time for appeal expires.

Appeal must be taken, in the case of such decisions as are appealable, within the time limit set in the decision, or within twenty days if no time limit is set.

§ 100.241 *Briefs at final hearings.* Briefs at final hearings shall be submitted in printed form, except that where not in excess of thirty typewritten pages and in any other case where satisfactory reason therefor is shown, they may be submitted in typewritten form. If submitted in printed form, they shall be the same in size and the same as to page and print as is specified for printed copies of testimony. Typewritten briefs shall conform to the requirements for typewritten copies of testimony, except that legal size paper may be used and the binding and covers specified are not required. The brief of a party in the position of plaintiff shall be be filed not less than forty days, and that of a party

in the position of a defendant not less than twenty days, prior to the hearing. Reply briefs, if filed, shall be due not less than ten days before the hearing.

§ 100.242 *Final hearing.* Final hearings will be had by the Examiner of Interferences at the time stated in the notice. If either party in a contested case appear at the proper time, he will be heard. If the Examiner of Interferences is prevented from hearing the case at the time specified for the hearing, a new assignment will be made, or the case will be continued from day to day until heard. Unless otherwise permitted, oral arguments will be limited to one-half hour for each party. Petitions for rehearings or modifications of the decision must be filed before the time for appeal expires.

Hearings may be advanced or adjourned, as far as is convenient and proper, to meet the wishes of the parties and their attorneys.

§ 100.243 *New matter suggested by Examiner of Trade-Marks.* If, during the pendency of a contested or inter partes case, facts appear which in the opinion of the Examiner of Trade-Marks render the mark of any applicant involved unregisterable, the attention of the Examiner of Interferences shall be called thereto. The Examiner of Interferences may suspend the proceeding and refer the case to the Examiner of Trade-Marks for his determination of the question of registrability, and the proceeding shall be dissolved or continued in accordance with such determination. The consideration of such facts by the Examiner of Trade-Marks shall be inter partes.

§ 100.244 *Failure to take testimony.* Upon the filing of an affidavit by any party in the position of a defendant, that the time for taking testimony on behalf of any party in the position of plaintiff has expired and that no testimony has been taken by him and no other evidence offered, an order may be entered that such party show cause within a time set therein, not less than ten days, why judgment should not be rendered against him, and in the absence of a showing of good and sufficient cause judgment may be rendered as by default.

§ 100.245 *Amendment of application or registration during proceedings.* An application involved in a contested proceeding may not be amended, nor may a registration be amended or disclaimed in part, except upon the written consent of the other party or parties and the approval of the Examiner of Interferences, or except upon motion duly brought and considered.

§ 100.246 *Surrender or cancellation of registration.* If a registrant involved in a contested proceeding applies to surrender or cancel his registration, under section 7 (d) of the act, and such action is permitted, the proceeding may be terminated or continued on such terms as may be appropriate.

§ 100.247 *Abandonment of application, abandonment or disclaimer in whole of mark, concession of priority.* If an applicant involved in a contested proceeding files a written abandonment of the application, or abandonment of the mark, or if a registrant applies to disclaim the mark in whole under section 7 (d) of the act and such disclaimer is permitted, or if a party to an interference files a written concession of priority, judgment may be entered against said party; the proceeding will not be dismissed or dissolved at the request of said party unless with the consent of the other parties.

APPEALS

§ 100.261 *Ex parte appeals to the Commissioner from the Examiner of Trade-Marks.* Every applicant for the registration of a mark may, upon final refusal by the Examiner of Trade-Marks, appeal to the Commissioner in person upon payment of the prescribed fee. A second refusal on the same grounds may be considered as final by the applicant for purpose of appeal. Appeal may also be taken to the Commissioner from the refusal by the Examiner of Trade-Marks to accept an affidavit filed under section 8 of the act or to renew a registration.

§ 100.262 *Time and manner of ex parte appeals.* Such appeal must be taken within six months from the date of the action appealed from and must be accompanied by a statement of the reasons therefor. The Examiner shall, within thirty days therefrom, furnish the Commissioner with a written statement of the grounds of his decision, supplying a copy to the applicant. The date for hearing will be fixed by the Commissioner in each case and the brief of the appellant shall be due on or before the day of the hearing. Cases which have been heard and decided by the Commissioner will not be reopened except by his order.

§ 100.263 *Appeal to the Commissioner from decision of Examiner of Interferences.* Any party to an interference, opposition, cancellation, or a concurrent use proceeding may appeal, stating the reasons therefor, from the final decision of the Examiner of Interferences to the Commissioner in person within the time limit, not less than thirty days, prescribed in the decision, or, if no time limit is prescribed, within thirty days, upon payment of the prescribed fee. The date for hearing will be fixed by the Commissioner in each case. Appellants shall file briefs not less than forty days before the hearing, and appellees shall file briefs not less than twenty days before the hearing; reply briefs, if filed, shall be due not less than ten days before the hearing. Briefs and hearings on appeal shall be subject to §§ 100.241 and 100.242 insofar as applicable.

§ 100.264 *Appeal to court.* Any applicant for registration, any registrant who has filed an affidavit under section 8 of the act, or any party to an inter partes proceeding, who is dissatisfied with the decision of the Commissioner, may appeal to the United States Court of Customs and Patent Appeals or may proceed under section 4915, Revised Statutes (U. S. Code, Title 35, sec. 63), as in the case of applicants for patents, under the same conditions, rules and procedure as are applicable in the case of patent appeals or proceedings. (See §§ 1.148 to 1.150 of this chapter and the rules of the United States Court of Customs and Patent Appeals.)

PETITION TO THE COMMISSIONER

§ 100.271 *Petition to the Commissioner.* Petition may be filed with the Commissioner from any repeated action or requirement of the Examiner of Trade-Marks which is not subject to appeal and in other appropriate circumstances. Such petition, and any other petition which may be filed, must contain a statement of the facts involved and the point or points to be reviewed. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition. The Examiner may be directed by the Commissioner to furnish a written statement setting forth the reasons for his decision upon the matters averred in the petition, supplying a copy thereof to the petitioner. Oral hearing will be granted only in the discretion of the Commissioner. No fee is required for such a petition. The mere filing of a petition will not stay the period of six months for replying to an Examiner's action as provided in § 100.122 nor act as a stay of other proceedings.

CERTIFICATE

§ 100.291 *Certificate.* When the requirements of the law and of the rules have been complied with, and the Patent Office has adjudged a mark registrable, a certificate will be issued to the effect that the applicant has complied with the law and that he is entitled to registration of his mark on the Principal Register or on the Supplemental Register as the case may be. The certificate will state the date on which the application for registration was filed in the Patent Office, the act under which the mark is registered, the date of issue and the number of the certificate. Attached to the certificate and forming a part thereof will be a copy of the drawing of the mark and a printed copy of the written statement and declaration. A notice of the affidavit requirement of section 8 (a) of the act (§ 100.321) will be attached to the certificate.

Certificates are numbered in consecutive order, those issued under the acts of 1905 and 1920 continuing the series of numbering heretofore employed; those issued under the act of 1946 begin with number 500,001.

REPUBLICATION OF MARKS REGISTERED UNDER 1905 ACT

§ 100.301 *Republication requirements.* A registrant of a mark registered under the provisions of the acts of 1881 or 1905 may, at any time prior to the expiration of the period for which the registration was issued or renewed, upon the payment of the prescribed fee, file an affidavit setting forth those goods stated in the registration on which said mark is in use in commerce which may lawfully be regulated by Congress, specifying the nature of such commerce, and stating that the registrant claims the benefits of the Trade-Mark Act of 1946. An abstract of title or an order for a title report for Patent Office use shall accompany the affidavit.

Such marks may, in lieu of republication under this rule, be reregistered in accordance with § 100.311 at the option of the registrant.

§ 100.302 *Republication in Official Gazette.* A notice of the claim of benefits under the act of 1946 and a reproduction of the mark will then be published in the Official Gazette as soon as practicable. The republished mark will retain its original registration number.

§ 100.303 *Notice of republication.* A notice of such republication of the mark and of the requirement for the affidavit specified in section 8 (b) of the act (§ 100.321) will be sent to the registrant.

§ 100.304 *Not subject to opposition; subject to cancellation.* The republished mark is not subject to opposition on such publication in the Official Gazette but is subject to petitions to cancel as specified in § 100.211 and to cancellation for failure to file the affidavit specified in § 100.321.

REREGISTRATION OF MARKS REGISTERED UNDER PRIOR ACTS

§ 100.311 *Reregistration of marks registered under acts of 1881, 1905 and 1920.* Trade-marks registered under the act of 1881, the act of 1905 or the act of 1920 may be reregistered under the act of 1946, either on the Principal Register, if eligible, or on the Supplemental Register, but a new complete application for registration must be filed complying with the rules relating thereto, and such application will be subject to examination and other proceedings in the same manner as other applications filed under the act of 1946.

See § 100.66 for use of old drawing.

CANCELLATION FOR FAILURE TO FILE AFFIDAVIT DURING SIXTH YEAR

§ 100.321 *Cancellation for failure to file affidavit during sixth year.* Any registration under the provisions of the act of 1946 and any registration republished under the provisions of section 12 (c) of the act (§ 100.301) shall be cancelled at the end of six years following the date of registration or the date of such republication, unless within one year next preceding the expiration of such six years the registrant shall file in the Patent Office an affidavit showing that said mark is still in use or showing that its nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

§ 100.322 *Requirements for affidavit.* The affidavit required by § 100.321 must:

(a) Be executed by the registrant after expiration of the five-year period;

(b) Identify the certificate of registration by the certificate number and date of registration;

(c) Recite sufficient facts to show that the mark described in the registration is still in use, specifying the nature of such use, or recite sufficient facts to show that its nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and

(d) Be accompanied by an abstract of title or an order for a title report for Office use.

§ 100.323 *Acknowledgment of receipt of affidavit.* The registrant will be notified by the Examiner of Trade-Marks of the receipt of the affidavit and, if satisfactory, of its acceptance.

§ 100.324 *Reconsideration of affidavit.* If the affidavit is insufficient, the registrant will be notified of the reasons by the Examiner. Reconsideration of such refusal may be requested within six months from the date of the mailing of the notice. The request for reconsideration must state the reasons therefor; a supplemental or substitute affidavit required by section 12 (c) of the act cannot be considered unless it is received before the expiration of six years from the date of the registration, or from the date of republication.

See §§ 100.261, 100.262 and 100.264 for appeal.

§ 100.325 *Time of cancellation.* If no affidavit is filed, the registration will be cancelled forthwith by the Commissioner after the end of the sixth year, and a notice of the cancellation will be sent to the registrant. If the affidavit is filed but is refused, cancellation of the registration will be withheld pending further proceedings.

AFFIDAVIT FOR INCONTESTABILITY

§ 100.331 *Affidavit for incontestability.* The affidavit required by section 15 of the act for acquiring incontestability for a mark registered on the Principal Register or a mark registered under the act of 1881 or 1905 and republished under section 12 (c) of the act (§ 100.301) must:

(a) Be signed by the registrant;

(b) Identify the certificate of registration by the certificate number and date of registration;

(c) Recite the goods or services stated in the registration on or in connection with which the mark has been in continuous use for a period of five years subsequent to the date of registration or date of republication under section 12 (c) of the act, in commerce which may lawfully be regulated by Congress and is still in use in such commerce, specifying the nature of such commerce;

(d) Specify that there has been no final decision adverse to registrant's claim of ownership of such mark for such goods or services, or to registrant's right to register the same or to keep the same on the register;

(e) Specify that there is no proceeding involving said rights pending in the Patent Office or in a court and not finally disposed of;

(f) Be filed within one year after the expiration of any such five year period.

The registrant will be notified of the receipt of the affidavit.

§ 100.332 *Combined with other affidavits.* The affidavit filed under section 15 of the act for the purpose of acquiring incontestability may also be used as the affidavit required by section 8, provided it also complies with the requirements and is filed within the time limit specified in §§ 100.321 and 100.322.

In appropriate circumstances the affidavit filed under section 15 of the act may be combined with the affidavit required for renewal of a registration (see § 100.353).

CORRECTION, DISCLAIMER, SURRENDER, ETC.

§ 100.341 *New certificate on change of ownership.* In case of change of ownership of a registered mark, a new certificate of registration may be issued in the name of the assignee for the unexpired part of the original period, at the request of the assignee. The assignment must be recorded in the Patent Office and the request must be accompanied by the required fee and by an abstract of title or an order for a title report for Office use.

§ 100.342 *Surrender, cancellation, disclaimer in whole.* The Commissioner may permit any registration to be surrendered or cancelled, or any registered mark to be disclaimed in whole, upon application by the registrant. Application for such action must be signed by the registrant and must be accompanied by the required fee, and by an abstract of title or an order for a title report for Office use.

§ 100.343 *Amendment and disclaimer in part.* The Commissioner may permit any registration to be amended or any registered mark to be disclaimed in part, upon application by the registrant. Application for such action must specify the amendment or disclaimer and be signed by the registrant, and must be accompanied by the required fee and by an abstract of title or an order for a title report for Office use. The certificate of registration or, if said certificate is lost or destroyed, a certified copy thereof, must also be submitted in order that the Commissioner may make appropriate entry thereon and in the records of the Office. The registration when so amended must still contain registrable matter and the mark as amended must be registrable as a whole, and such amendment or disclaimer must not involve such changes in the registration as to alter materially the character of the mark.

Changes in the description of goods other than in the nature of deletions will not be permitted except under the provisions of § 100.345. No amendment seeking the elimination of a disclaimer will be permitted.

A printed copy of the amendment or disclaimer shall be attached to each printed copy of the registration.

§ 100.344 *Correction of Office mistake.* Whenever a material mistake in a registration, incurred through the fault of the Patent Office, is clearly disclosed by the records of the Office, a certificate stating the fact and nature of such mistake, signed by the Commissioner and sealed with the seal of the Patent Office, shall be issued without charge and recorded and a printed copy thereof shall be attached to each printed copy of the registration certificate and such corrected certificate shall thereafter have the same effect as if the same had been originally issued in such corrected form, or in the discretion of the Commissioner

a new certificate of registration may be issued without charge.

§ 100.345 *Correction of mistake by registrant.* Whenever a mistake has been made in a registration and a showing has been made that such mistake occurred in good faith through the fault of the applicant, the Commissioner may issue a certificate of correction, or in his discretion, a new certificate upon the payment of the required fee, provided that the correction does not involve such changes in the registration as to require republication of the mark.

Application for such action must specify the mistake for which correction is sought and the manner in which it arose, show that it occurred in good faith, be signed by the applicant, and be accompanied by the required fee and by an abstract of title or an order for a title report for Office use.

A printed copy of the certificate of correction shall be attached to each printed copy of the registration.

TERM AND RENEWAL

§ 100.351 *Term of original registrations and renewals.* Registrations under the act of 1946, whether on the Principal Register or on the Supplemental Register, remain in force for twenty years, and may be renewed for periods of twenty years from the expiring period unless previously cancelled, disclaimed in whole, or surrendered.

Registrations under the acts of 1905 and 1881 remain in force for their unexpired terms and may only be renewed in the same manner as registrations under the act of 1946.

Registrations under the act of 1920 which were issued on or before January 5, 1928, expire on January 5, 1948, and such registrations issued after January 5, 1928, expire twenty years from their date of issue. Such registrations cannot be renewed unless renewal is required to support foreign registrations and in such case may be renewed on the Supplemental Register in the same manner as registrations under the act of 1946.

§ 100.352 *Period within which application for renewal must be filed.* An application for renewal may be made by the registrant at any time within six months before the expiration of the period for which the certificate of registration was issued or renewed, or it may be made within three months after such expiration on payment of the additional fee required.

§ 100.353 *Requirements of application for renewal.* The application for renewal must be accompanied by:

(a) An affidavit by the registrant stating that the mark is still in use in commerce which may lawfully be regulated by Congress, specifying the nature of such commerce. This affidavit must be executed not more than six months before the expiration of the registration.

(b) The required fee, including the additional fee required in the case of a delayed application for renewal.

The affidavit and the fee must accompany the application for renewal and therefore must be filed within the period provided for applying for renewal. If defective or insufficient, they cannot be completed after the period for applying for renewal has passed; if completed after the initial six-month period has expired but before the expiration of the three-month delay period, the application can be considered only as a delayed application for renewal.

The application for renewal must also include:

(c) An abstract of title or an order for a title report for Office use.

(d) If the applicant is not domiciled in the United States, the designation of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark.

(e) If the mark is registered under the act of 1920, a verified showing that renewal is required to support foreign registrations.

§ 100.354 *Refusal of renewal.* If the application for renewal is incomplete or defective, the renewal will be refused by the Examiner of Trade-Marks. The application may be completed or amended in response to a refusal, subject to the provisions of §§ 100.122 and 100.353.

See §§ 100.261 and 100.262 for appeal.

ASSIGNMENT OF MARKS

§ 100.361 *Requirements for assignments.* A mark which has been registered or a mark for which an application for registration has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark.

Such assignments shall be by instruments in writing duly executed. Acknowledgment as provided by section 11 of the act shall be prima facie evidence of the execution of an assignment and when recorded in the Patent Office the record shall be prima facie evidence of execution. No assignment will be recorded unless it has been executed and unless:

(a) The certificate of registration is identified in the assignment by the certificate number (the date of registration should also be given), or, the application for registration shall have been first filed in the Patent Office and the application is identified in the assignment by serial number (the date of filing should also be given);

(b) It is in the English language or, if not in the English language, accompanied by a sworn translation;

(c) The fee for recording is received; and

(d) An appointment of a resident agent is made in case the assignee is not domiciled in the United States. The appointment must be separate from the assignment and there must be a separate appointment for each registration or application assigned in one instrument.

The date of record of the assignment is the date of the receipt of the assignment at the Patent Office in proper form and accompanied by the full fee for recording.

§ 100.362 *Action may be taken by assignee of record.* Any action which may or must be taken by a registrant or applicant may be taken by the assignee, provided the assignment has been recorded, and unless such assignment has been recorded no assignee will be recognized.

§ 100.363 *Certificate of registration may issue to assignee.* The certificate of registration may be issued to the assignee of the applicant, but the assignment must first be entered of record in the Patent Office as of a date not later than the fourth Thursday before the date the certificate of registration is to bear. See § 100.152.

UNPROVIDED FOR AND EXTRAORDINARY CASES

§ 100.381 *Cases not specifically defined.* All cases not specifically defined and provided for in this part will be decided in accordance with the merits of each case under the authority of the Commissioner, and such decision will be communicated to the interested parties in writing.

§ 100.382 *Commissioner may suspend certain rules.* In an extraordinary situation, when justice requires and no other party is injured thereby, any requirement of this part not being a requirement of statute may be suspended or waived by the Commissioner.

AMENDMENT OF RULES

§ 100.391 *Amendments to rules will be published.* All amendments to this part will be published in the Official Gazette and in the FEDERAL REGISTER.

§ 100.392 *Publication of notice of proposed amendments.* Whenever required by law, and in other cases whenever practicable, notice of proposed amendments to this part will be published in the FEDERAL REGISTER and in the Official Gazette. If not published with the notice, copies of the text will be furnished to any person requesting the same. All comments, suggestions, and briefs received within a time specified in the notice will be considered before adoption of the proposed amendments which may be modified in the light thereof.

Oral hearings may be held at the discretion of the Commissioner.

TIME OF TAKING EFFECT

§ 100.401 *Effective date of rules.* This part, except § 100.44, shall take effect on July 5, 1947, and shall apply to all applications for registration, registrations, and proceedings under and subject to the act of 1946. Applications filed prior to July 5, 1947, and still subject to the acts under which said applications were filed shall be prosecuted and certificates granted in accordance with the act under which filed and the rules thereunder in effect immediately prior to July 5, 1947 (37 CFR, Part 5).

This part shall apply to contested or inter partes proceedings instituted on or after July 5, 1947, and also to further inter partes action in such cases pending on July 5, 1947, except to the extent that in the opinion of the Commissioner their application to a particular case pending when this part takes effect would not be feasible or would work injustice, in which event the rules in effect immediately prior to July 5, 1947, shall apply to such case.

Section 100.44 shall take effect on January 1, 1948.

APPLICATIONS PENDING ON JULY 5, 1947

§ 100.411 *Conversion of pending applications to act of 1946.* Applications for registration filed before July 5, 1947, and pending in the Patent Office on and after that date may be amended, if practicable, to bring them under the provisions of the act of 1946.

§ 100.412 *Requirements of amendment.* Such amendment must supply the facts required by this part to be included in the statement of an original application which are not contained in the statement on file, supported by a supplemental affidavit including any required averments which are not contained in the original declaration. The amendment is subject to all rules in this part relating to or affecting amendments and must not be inconsistent with the original statement and declaration. The amendment may take the form of a substitute written application and in any case the Examiner may require the amended application to be rewritten.

The entire filing fee required for an original application under the act of 1946 must be paid, but the filing fee previously paid will be considered as part payment of such filing fee.

For the purpose of proceedings in the Patent Office, the date of filing the amendment will be considered as the filing date of the application; for the purpose of contested proceedings, the applicant may be permitted to rely on the filing date of his original application, provided the mark was registrable under the act on which the original application was based.

§ 100.413 *Applications which cannot be amended.* An amendment to bring an application under the act of 1946 will not be considered:

(a) If the application is abandoned at the time the amendment is filed;

(b) If the application is under rejection or other action by the Examiner and the appropriate response thereto is not received within the time for response, in which case the mere filing of the proposed amendment will not avoid abandonment of the application;

(c) If filed after the notice of allowance has been sent; and

(d) In any other case if, from the nature of the particular amendment or the condition of the application, it is not practicable.

PART 110—FORMS FOR TRADE-MARK CASES

Sec.

110.1 Application for trade-mark registration by an individual, Principal Register.
110.2 Application for trade-mark registration by a firm, Principal Register.
110.3 Application for trade-mark registration by a corporation, Principal Register.
110.6 Application for trade-mark registration claiming concurrent use, Principal Register.
110.9 Application for service mark registration, Principal Register.
110.12 Application for collective mark registration, Principal Register.
110.13 Application for certification mark registration, Principal Register.
110.16 Application for trade-mark registration, Supplemental Register.
110.19 Application for trade-mark registration based on foreign registration or application.
110.21 Application for renewal of registration by an individual.
110.25 Affidavit under section 8.
110.26 Affidavit under section 12 (c).
110.27 Affidavit under section 15.
110.28 Combined affidavits under sections 8 and 15.
110.31 Notice of opposition.
110.32 Petition for cancellation of trade-marks.
110.33 Appeal from the examiner of trade-marks to the Commissioner in ex parte cases.
110.34 Appeal from the examiner of interferences to the Commissioner in contested or inter partes proceedings.
110.35 Assignment of application for registration.
110.36 Assignment of registered mark.

AUTHORITY: §§ 110.1 to 110.36, inclusive, issued under secs. 1 and 41, Pub. Law 489, 79th Cong., 60 Stat. 427, 440; 15 U. S. C. 1051, 1123.

NOTE: The following forms illustrate the manner of preparing applications for registration of marks and various papers in trade-mark cases, to be filed in the Patent Office. Applicants and other parties will find their business facilitated by following them. These forms should be used in cases to which they are applicable. A sufficient number of representative forms are given which, with the variations indicated by the notes, should take care of all the usual situations. In special situations such alterations as the circumstances may render necessary may be made provided they do not depart from the requirements of this part or the statute. Before using any forms the pertinent rules and sections of the statute should be studied carefully.

§ 110.1 *Application for trade-mark registration by an individual, Principal Register.*

To the COMMISSIONER OF PATENTS.

(Statement)

_____, a citizen of _____
(Name) (Citizenship)
residing at _____ and doing business at _____ has adopted and is using the trade-mark shown in the accompanying drawing for _____
_____
(Particular description of goods)
_____ in Class _____
_____
(Number and title of Class)

_____ and presents herewith five specimens (or facsimiles) showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to (1) _____ and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used on (2) _____
(Date)
and first used in commerce (3) _____ which may lawfully be regulated by Congress on _____.
(Date)

(Declaration)

Applicant, being duly sworn, deposes and says that he believes himself to be the owner of the trade-mark, which is in use in commerce (3) _____ and that no other person, firm, corporation, or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress, either in the identical form thereof or in such near resemblance thereof as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens (or facsimiles) show the trade-mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

(Power of Attorney)

The undersigned hereby appoints _____ of _____
State of _____ Registration No. _____ (4) _____ his attorney (or agent) to prosecute this application for registration with full power of substitution and revocation, to transact all business in the Patent Office connected therewith, and to receive the certificate.

_____
(Signature)

State of _____ }
County of _____ } ss.

Before me personally appeared _____ to me known to be the person described in the above application for registration, who signed the foregoing instrument in my presence, and made oath before me to the allegations set forth therein, on the _____ day of _____ 19____.

_____
(Notary Public)

NOTES: (1) Insert: "the goods"; "the containers for the goods"; "displays associated with the goods", and/or, "tags or labels affixed to the goods", as the case may be.

(2) State the date on which the trade-mark was first used as a trade-mark whether or not in commerce which may lawfully be regulated by Congress.

(3) Specify kind of commerce, such as: "among the several states"; "in commerce between foreign nations and the United States"; or specify other commerce which may lawfully be regulated by Congress, as the case may be.

(4) If the attorney is not registered on the Patent Office Register the power of attorney or separate paper must recite the bar to which he has been admitted to practice as required by § 100.42 of this chapter.

If the applicant is not domiciled in the United States a domestic representative must be appointed, see § 110.19 for appropriate paragraph.

§ 110.2 *Application for trade-mark registration by a firm, Principal Register.*

To the COMMISSIONER OF PATENTS.

(Statement)

_____ a firm domiciled in _____
(Firm name) (Domicile)
doing business at _____ and
(Business address)
composed of the following members _____
_____
(Names of firm members)
all citizens of _____
(Citizenship of firm members)
has adopted and used the trade-mark shown in the accompanying drawing for _____
_____
(Particular description of goods)
in Class _____ and
(Number and Title of Class)
presents herewith five specimens (or facsimilies) showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to _____ and requests that the same be registered in the United States Patent Office on the Principal

Register in accordance with the act of July 5, 1946.

The trade-mark was first used on _____ (Date) and first used in commerce _____ which may lawfully be regulated by Congress on _____.

(Date)

(Declaration)

_____ being duly sworn, deposes and says that he is a member of the firm of _____, the applicant named in the foregoing statement, that he believes that said firm is the owner of the trade-mark, which is in use in commerce _____ and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens (or facsimiles) show the trade-mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

(Power of Attorney)

The undersigned hereby appoints _____ of _____ State of _____ Registration No. _____ its attorney (or agent) to prosecute this application for registration with full power of substitution and revocation, to transact all business in the Patent Office connected therewith, and to receive the certificate.

_____
(Firm name)

By _____
(Full signature of member of firm)

State of _____ } ss.
County of _____ }

Before me personally appeared _____ to me known to be the person described in the above application for registration, who signed the foregoing instrument in my presence, and made oath before me to the allegations set forth therein, on the _____ day of _____, 19____.

_____
(Notary Public)

NOTE: See § 110.1 for appropriate notes.

§ 110.3 *Application for trade-mark registration by a corporation, Principal Register.*

To the COMMISSIONER OF PATENTS:

(Statement)

_____ a corporation (1) duly organized under the laws of _____ (State or country under which organized) located at _____ (Location of corporation) and doing business at _____ (Business address) has adopted and used the trade-mark shown in the accompanying drawing for _____ (Particular description of goods) in Class _____ (Number and title of class) and presents herewith five specimens (or facsimiles) showing the trade-mark as actualy used in connection with such goods, the trade-mark being applied to _____ and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used on _____ (Date) and first used in commerce _____ which may lawfully be regulated by Congress on _____.

(Date)

(Declaration)

_____, being duly sworn, deposes and says that he is the _____ (Official title) of _____, the applicant (Corporation (1) name) named in the foregoing statement, that he believes that said corporation (1) is the owner of the trade-mark which is in use in commerce _____ and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens (or facsimiles) show the trade-mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

(Power of Attorney)

The undersigned hereby appoints _____ of _____ State of _____ Registration No. _____ its attorney (or agent) to prosecute this application for registration with full power of substitution and revocation, to transact all business in the Patent Office connected therewith, and to receive the certificate.

_____
(Name of applicant)

By _____
(Full signature of officer)

_____
(Official title)

State of _____ } ss.
County of _____ }

Before me personally appeared _____ to me known to be the person described in the above application for registration, who signed the foregoing instrument in my presence and made oath before me to the allegations set forth therein, on the _____ day of _____, 19____.

_____
(Notary Public)

NOTES: (1) If applicant is an association, the word "association" should be substituted for the word "corporation." See § 110.1 for other applicable notes.

§ 110.6 *Application for trade-mark registration claiming concurrent use. Principal Register.*

To the COMMISSIONER OF PATENTS:

(Statement)

_____, a citizen of _____ (Citizenship) residing at _____ and doing business at _____ has adopted and is using the trade-mark shown in the accompanying drawing for _____ (Particular description of goods) in Class _____ (Number and title of Class) and presents herewith five specimens (or facsimiles) showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to (1) _____ and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946, for the goods stated above for the area comprising (2) _____.

The trade-mark was first used by applicant on (3) _____ and first used (Date) by applicant in commerce (4) _____ which may lawfully be regulated by Congress on _____.

(Date)

(Exceptions to claim of exclusive use)

The following exceptions to applicant's claim of exclusive use are specified:

By _____ located and doing business at _____ and using the mark _____ of the mark and Registration (Description) No., or application, Serial _____ (No. if any) in connection with the following _____ the mark being used as follows _____ in the territory (Mode of application or use) embracing the states of _____ from _____ to _____ and, (Date) (Date)

By _____ located and doing business, etc.

(Declaration)

Applicant being duly sworn, deposes and says that he believes himself to be the owner of the trade-mark which is in use in commerce (4) _____ and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, except for the specified exceptions, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens (or facsimiles) show the trade-mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.1.)

NOTES: (1) Insert "the goods"; "the containers for the goods"; "displays associated with the goods", and/or, "tags or labels affixed to the goods", as the case may be.

(2) Describe the area for which registration is desired.

(3) State the date on which the trade-mark was first used as a trade-mark whether or not in commerce which may lawfully be regulated by Congress.

(4) Specify the kind of commerce, such as: "among the several States"; "in commerce between foreign nations and the United States"; or specify other commerce which may lawfully be regulated by Congress, as the case may be.

See §§ 110.2 and 110.3 for style of application by a firm and by a corporation.

§ 110.9 *Application for service mark registration. Principal Register.*

To the COMMISSIONER OF PATENTS:

(Statement)

_____ a citizen of _____ (Name of applicant) residing at _____ (Citizenship) and doing business at _____ has adopted and is using the service mark shown in the accompanying drawing for (1) _____ in Class _____ (Particular description of services) and presents _____ (Number and title of Class) herewith (2) _____ showing the service mark as actually used in connection with the sale or advertising of such services; the service mark being used as follows: _____ and (Mode of application or use) requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The service mark was first used on (3) _____ and first used in the sale or (Date) advertising of services and the services rendered in commerce (4) _____ which may lawfully be regulated by Congress on _____.

(Date)

(Declaration)

Applicant being duly sworn, deposes and says that he believes himself to be the owner of the service mark, which is in use in commerce (4) _____ and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such service mark in commerce which may lawfully be regulated by Congress either in the identical form thereof, or in such near resemblance thereto as might be calculated to deceive; that the drawing (if any) and description truly represent the service mark sought to be registered; that (5) _____ show the service mark as actually used in connection with the sale or advertising of services, and that the facts set forth in the Statement are true.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.1.)

NOTES: (1) If drawing is not possible, see § 100.91 of this chapter, insert description of the mark instead of reference to the drawing.

(2) If specimens (or facsimiles) are not possible, see § 100.103 of this chapter, state the nature of other representation furnished.

(3) State the date on which the mark was first used as a service mark whether or not the services were rendered in commerce which may lawfully be regulated by Congress.

(4) Specify kind of commerce, such as: "among the several states"; "in commerce between foreign nations and the United States"; or specify other commerce which may lawfully be regulated by Congress, as the case may be.

(5) Insert: "the specimens (or facsimiles)" or, state nature of other representation furnished.

See §§ 110.2 and 110.3 for style of application by a firm and by a corporation.

§ 110.12 *Application for collective mark registration, Principal Register.*

To the COMMISSIONER OF PATENTS:

(Statement)

_____ an association (1) duly organized under the laws of _____ (State or county under which organized) located at _____ (Location of association) (1) and doing business at _____ (Business address) has adopted and is exercising legitimate control over the use of the collective mark shown in the accompanying drawing for _____ (Particular description of goods) in Class _____ (Number and title of Class) and presents herewith five specimens (or facsimiles) showing the collective work as actually used in connection with such goods by members of such organization, the collective mark being applied to (2) _____ and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946. The collective mark is used in connection with the goods to indicate (3) _____.

The collective mark was first used on (4) _____ and first used in (Date) commerce (5) _____ which may lawfully be regulated by Congress on _____.

(Date)

(Declaration)

_____, _____ of (Name of affiant) (Official title) _____ the applicant named (Association (1) name) in the foregoing statement, being duly sworn, deposes and says that he believes said association (1) is the owner of the collective mark which is in use in commerce (5) _____ and that, to the best of his knowledge and belief, no other person, firm, corporation or association has the right to authorize the use of, and no person, firm, corporation or association other than members has the right to use, such collective mark in commerce which may lawfully be regulated by Congress either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the collective mark sought to be registered, that the specimens (or facsimiles) show the mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.3)

NOTE: (1) Or cooperative or other collective group or organization.

(2) Insert: "the goods"; "the containers for the goods"; "displays associated with the goods", and/or "tags or labels affixed to the goods", as the case may be.

(3) Membership in the organization or other appropriate statement.

(4) State the date on which the mark was first used as a collective mark whether or not in commerce which may lawfully be regulated by Congress.

(5) Specify the kind of commerce, such as: "among the several states"; "in commerce between foreign nations and the United States"; or specify other commerce which may lawfully be regulated by Congress, as the case may be.

See §§ 110.1 and 110.2 for style of application by an individual and by a firm, and § 110.9 for style of application for service mark.

§ 110.13 *Application for certification mark registration, Principal Register.*

To the COMMISSIONER OF PATENTS:

(Statement)

_____ a corporation (1) duly (Name of applicant) organized under the laws of _____ (State or country under which organized) located at _____ (Location of corporation) and doing business at _____ (Business address) has adopted and is exercising legitimate control over the use of the certification mark shown in the accompanying drawing for _____ (Particular description of goods) in Class _____ (Number and title of Class) and presents herewith five specimens _____ showing (Or facsimiles) the certification mark as actually used in connection with such goods by persons duly authorized by applicant, the certification mark being applied to (2) _____ and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946. The certification mark is used upon the goods to indicate (3) _____.

The certification mark was first used on (4) _____ and first used in commerce (Date) (5) _____ which may lawfully be regulated by Congress on _____.

(Date)

(Declaration)

_____ being duly (Name of affiant) sworn, deposes and says that he is the _____ of _____ (Official title) _____ (Corporation (1) name) the applicant named in the foregoing statement; that he believes that said corporation (1) is the owner of the certification mark which is in use in commerce (5) _____ and that to the best of his knowledge and belief, no other person, firm, corporation or association, has the right to authorize the use of such mark and that no person, firm, corporation or association other than those duly authorized by applicant has the right to use the mark in commerce which may lawfully be regulated by Congress either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the certification mark sought to be registered, that the specimens (or facsimiles) show the certification mark as actually used in connection with the goods, that the applicant itself is not engaged in the production or marketing of goods with which the mark is used, and that the facts set forth in the statement are true.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.3.)

NOTES: (1) If applicant is an association, the word "association" should be substituted for the word "corporation."

(2) Insert: "the goods"; "the containers for the goods"; "displays associated with the goods", and/or, "tags or labels affixed to the goods", as the case may be.

(3) Insert a statement that the mark certifies regional or other origin, material, mode of manufacture, quality, accuracy or other characteristic of such goods, or that the work or labor on the goods was performed by a member of a union or other organization, or other appropriate statement.

(4) State the date on which the mark was first used as a certification mark whether or not in commerce which may lawfully be regulated by Congress.

(5) Specify kind of commerce, such as: "among the several states"; "in commerce between foreign nations and the United States"; or specify other commerce which may lawfully be regulated by Congress, as the case may be.

See §§ 110.1 and 110.2 for style of application by an individual and by a firm and § 110.9 for style of application for service mark.

§ 110.16 *Application for trade-mark registration. Supplemental Register.*

To the COMMISSIONER OF PATENTS:

(Statement)

_____, a citizen of _____ (Name of applicant) residing at _____ (Citizenship) and doing business at _____

has adopted and is using the mark shown for ----------
(Particular description of goods)
In Class ----------
(Number and title of Class)
and presents herewith five specimens (or facsimiles) showing the mark as actually used in connection with such goods, the mark being applied to (1) ---------- and requests that the same be registered in the United States Patent Office on the Supplemental Register in accordance with the act of July 5, 1946.

The mark was first used on (2) ----------
(Date)
and first used in commerce (3) ----------
which may lawfully be regulated by Congress on ----------, and has been in lawful use in such commerce upon or in connection with the goods for the year preceding the filing of this application. (4)
(Date)

(Declaration)

Applicant being duly sworn, deposes and says that he believes himself to be the owner of the mark, which is in use in commerce (3) ---------- and that no other person, firm, corporation or association to the best of his knowledge and belief, has the right to use such mark in commerce which may lawfully be regulated by Congress, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing (if any) and description truly represent the mark sought to be registered, that the specimens (or facsimiles) show the mark as actually used in connection with the goods, and, that the facts set forth in the statement are true.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.1.)

NOTES: (1) Insert: "the goods"; the "containers for the goods"; "displays associated with the goods", and/or "tags or labels affixed to the goods", as the case may be.

(2) State the date on which the trade-mark was first used as a trade-mark whether or not in commerce which may lawfully be regulated by Congress.

(3) Specify kind of commerce, such as: "among the several states"; "in commerce between foreign nations and the United States"; or specify other commerce which may lawfully be regulated by Congress, as the case may be.

(4) If appropriate, substitute for last clause: "and applicant has begun the use of such mark in commerce between the United States and ----------."
(Specify foreign country)

In the latter instance a separate showing should be submitted to the effect that domestic registration is required as a basis for foreign protection of said mark.

See §§ 110.2 and 110.3 for style of application by a firm and by a corporation.

See §§ 110.9, 110.12 and 110.13 for style of application for service, collective and certification marks.

§ 110.19 *Application for trade-mark registration based on foreign registration or application.*

To the COMMISSIONER OF PATENTS:

(Statement)

----------, a citizen of----------
(Name) (Citizenship)
residing at ---------- and doing business at ---------- has adopted and is using the trade-mark shown in the accompanying drawing for ----------
----
(Particular description of goods)
In Class ----------
(Number and title of Class)
---------- and presents herewith five specimens (or facsimiles) showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to (1) ---------- and requests that the same be registered in the United States Patent Office on the Principal (2) Register in accordance with the act of July 5, 1946.

Such trade-mark has been registered in ---------- Registration No. --------
(Country)
dated ----------, and said registration is now in force and effect. (3)

(Declaration)

Applicant being duly sworn, deposes and says that he believes himself to be the owner of the trade-mark, which is in use as a trade-mark and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens (or facsimiles) show the trade-mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

(Domestic Representative)

---------- whose postal address is ----------, ----------, ----------, is
(Street) (City) (State)
designated as applicant's representative on whom notices or process in proceedings affecting the mark may be served.

(Power of Attorney)

The undersigned hereby appoints ---------- of ---------- State of ---------- Registration No. ---------- (4) ---------- his attorney (or agent) to prosecute this application for registration with full power of substitution and revocation, to transact all business in the Patent Office connected therewith, and to receive the certificate.

(Signature)

---------- } ss.

Before me personally appeared ---------- to me known to be the person described in the above application for registration, who signed the foregoing instrument in my presence, and made oath before me to the allegations set forth therein on the ------ day of ---------- 19--.

---------- (5)
(Notary Public)

NOTES: (1) Insert "the goods"; "the containers for the goods"; "displays associated with the goods", and/or "tags or labels affixed to the goods", as the case may be.

(2) Or, "Supplemental," if appropriate.

(3) If the right of priority of an application filed in a foreign country is claimed, the following paragraph should be substituted:

"Application for registration of said trade-mark has been filed in ----------
(Country)
on ----------, Registration No. ------
(Date)
dated ----------, and a right of priority based on this application is claimed."

If the registration has not yet been granted the registration number and date in this substitute paragraph may be left blank for subsequent insertion.

(4) If the attorney is not registered on the Patent Office Register the power of attorney or separate paper must recite the bar to which he has been admitted as required by § 100.42 of this chapter.

(5) If made in a foreign country the oath may be taken before any diplomatic or consular officer of the United States or before any official authorized to administer oaths in the foreign country concerned whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States.

See §§ 110.2 and 110.3 for style of application by a firm and by a corporation.

See §§ 110.9, 110.12 and 110.13 for style of application for service, collective and certification marks.

§ 110.21 *Application for renewal of registration by an individual.*

To the COMMISSIONER OF PATENTS:

(Application)

----------, a citizen of (1) ---------- residing at ------
(Citizenship)
---------- and doing business
(Address)
at ---------- requests
(Business address)
that Certificate of Registration No. -------- granted to ---------- on ---------- which he now owns as evidenced by the accompanying (2) ---------- be renewed (3) in accordance with the provisions of section 9 of the Trade-Mark Act of July 5, 1946.

The renewal fee of $25.00 (4) is presented herewith.

(Affidavit)

Applicant, being duly sworn, deposes and says that he is the owner of the Registration No. ---------- and that the mark described therein is still in use in commerce (5) ---------- and that the facts recited in the application are true.

(Power of Attorney)

The undersigned hereby appoints ---------- of ---------- State of ---------- Registration No. ------- (6) ---------- his attorney (or agent) to prosecute this application for renewal with full power of substitution and revocation, to transact all business in the Patent Office connected therewith, and to receive the certificate.

(Signature)

State of ----------} ss. (Date)
County of ----------}

Before me personally appeared ---------- to me known to be the person described in the above application for renewal, who signed the foregoing instrument in my presence, and made oath before me to the allegations set forth therein on the ---------- day of ---------- 19-----.

(Notary Public)

NOTES: (1) If applicant is not domiciled in the United States, a domestic representative must be designated. See § 110.19 for appropriate language for such designation.

(2) Abstract of title, or, title report, as the case may be.

(3) If the registration sought to be renewed is registered under the act of March 19, 1920, here insert "on the Supplemental Register" and add the following paragraph: "Renewal of Registration No. ---------- is necessary to support Registration No. ------ registered in ----------
(Foreign country)
on ----------."
(Date)

(4) If the application is a delayed application for renewal, the fee is $30.00.

(5) Specify the kind of commerce, such as: "among the several states"; "in commerce between foreign nations and the United States"; or specify other commerce which may lawfully be regulated by Congress, as the case may be.

(6) If the attorney is not registered on the Patent Office Register, the power of attorney or separate paper must recite the bar to which he has been admitted as required by § 100.42.

§ 110.25 *Affidavit under section 8.*

To the COMMISSIONER OF PATENTS:

------ ------, being duly sworn, deposes and says that he is the owner of Registration No. ------, dated ------ (1) as evidenced by the accompanying (2) ------; that the mark described therein is still in use (3) ----------
(Power of Attorney)

The undersigned hereby appoint ------ ------ of ------ State of ------ Registration No. ------ (4) ------ his attorney (or agent) to file this affidavit, with full power of substitution and revocation, and to transact all business in the Patent Office in connection therewith.

(Signature)

State of ----------} ss. (Date)
County of ----------}

Before me personally appeared ------ ------ to me known to be the person described in the foregoing affidavit, who signed the said affidavit in my presence, and made oath before me to the allegations set forth therein on the ------ day of ------ 19--.

(Notary Public)

NOTES: (1) If the mark has been republished under the provisions of subsection (c) of section 12 of the Trade-Mark Act of 1946, add the following: "and republished ----------"
(Date of republication)

(2) Abstract of title, or, title report, as the case may be.

(3) Recite sufficient facts to show that the mark is still in use and indicate the nature of such use, or, if the mark is not being used, recite sufficient facts to show that non-use is due to special circumstances which excuse such non-use and is not due to any intention of the owner to abandon the mark.

(4) If the attorney is not registered on the Patent Office register, the power of attorney or a separate paper must recite the bar to which he has been admitted as required by § 100.42.

§ 110.26 *Affidavit under section 12 (c).*

To the COMMISSIONER OF PATENTS:

Registration No. ------
Dated ----------
Act of ----------
To ----------
(Registrant)

---------- ----------, being duly sworn, deposes and says that he is the owner of Registration No. ------, above identified, as evidenced by the accompanying (1) ----; that said registration is now in force; that the trade-mark described therein is in use in commerce (2) ---------- on each of the following goods named in said registration ---------- ---------- and claims the benefits of the Trade-Mark Act of 1946 for said trade-mark.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.25.)

NOTES: (1) Abstract of title, or, title report, as the case may be.

(2) Specify the kind of commerce, such as "among the several states"; "in commerce between foreign nations and the United States"; or specify other commerce which may lawfully be regulated by Congress, as the case may be.

§ 110.27 *Affidavit under section 15.*

To the COMMISSIONER OF PATENTS:

---------- ----------, being duly sworn, deposes and says that he is the owner of Registration No. ----------, dated ---------- (1), that the mark described in said registration has been in continuous use in commerce (2) ---------- for five consecutive years, from ---------- to ----------, subsequent to the date of registration (or republication), on or in connection with the following ----------
----
(Particular description of goods or services)
---------- stated in the registration and that said mark is still in use in commerce (2) ----------; that there has been no final decision adverse to affiant's claim of ownership of such mark (3) ---------- or his right to register the same, or keep the same on the register, and, that there is no proceeding involving said rights pending in the Patent Office or in a court and not finally disposed of.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.25.)

NOTES. (1) If the mark has been republished under the provisions of subsection (c) of section 12 of the Trade-Mark Act of 1946, add the following: "and republished ----------".
(Date of republication)

(2) Specify the kind of commerce, such as: "among the several states"; "in commerce between foreign nations and the United States"; or specify other commerce which may lawfully be regulated by Congress, as the case may be.

(3) Insert: "for such goods", or "for such services", as the case may be.

§ 110.28 *Combined affidavits under sections 8 and 15.*

To the COMMISSIONER OF PATENTS:

---------- being duly sworn, deposes and says that he is the owner of Registration No. ----------, dated ---------- (1), as evidenced by the accompanying (2) ----------; that the mark described therein has been in continuous use in commerce (3) ---------- for five consecutive years, from ---------- to ----------, subsequent to the date of registration, on or in connection with the following ----------
----
(Particular description of goods or services)
----------, stated in the registration; that the mark is still in use in commerce (4) ----------; that there has been no final decision adverse to affiant's claim of ownership of such mark (5) ----------, or his right to register the same, or keep the same on the register, and, that there is no proceeding involving said rights pending in the Patent Office or in a court and not finally disposed of.

(Power of Attorney)

(Use Power of Attorney and Verification of § 110.25.)

NOTES. (1) If the mark has been republished under the provisions of subsection (c) of section 12 of the Trade-Mark Act of 1946, add the following:
"and republished ----------".
(Date of republication)

(2) Abstract of title, or, title report, as the case may be.

(3) Specify the kind of commerce, such as: "among the several states"; "in commerce between foreign nations and the United States"; or specify other commerce which may lawfully be regulated by Congress, as the case may be.

(4) Recite sufficient facts to show that the mark is still in use and indicate the nature of such use, or, if the mark is not being used, recite sufficient facts to show that non-use is due to special circumstances which excuse such non-use and is not due to any intention of the owner to abandon the mark.

(5) Insert: "for such goods", or, "for such services", as the case may be.

§ 110.31 *Notice of opposition.*

To the COMMISSIONER OF PATENTS:

In the matter of an application for the registration of a trade-mark for ----------
----
(Particular goods)
Serial No. ----------
(Number and date of application)
by ----------
(Name of applicant)
----------, which
(Location or residence of applicant)
was published on page ----------
(Volume, number)
of the Official Gazette of ----------

(Date of the Official Gazette)
I ----------
(Name of opposer)
residing at ----------,
(Residence or location of opposer)
believe I would be damaged by such registration, and I hereby oppose the registration of said trade-mark.

The grounds for opposition are as follows: (Here state the specific grounds of opposition and facts tending to show why the opposer believes he would be damaged by the proposed registration.)

Two specimens of the mark as used by me are attached hereto.

----------, being duly sworn
(Name of opposer)
(or affirmed, deposes and says that he is the party of that name mentioned in the foregoing notice of opposition, that he has read and signed the same and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

(Signature of opposer)

State of ----------} ss.
County of ----------}

Subscribed and sworn to (or affirmed) before me this ------ day of ----------
----
(Notary Public)

§ 110.32 *Petition for cancellation of trade-marks.*

To the COMMISSIONER OF PATENTS:

In the matter of Trade-Mark Registration No. ---------- registered
(Number of registration)
---------- by ----------,
(Date of registration) (Name of registrant)
of ----------
(Residence or location of registrant)
I, ----------
(Name of petitioner)
residing at ----------,
(Residence or location of petitioner)
deem myself damaged by said registration, and hereby petition for cancellation thereof.

The grounds for cancellation are as follows: (Here state the specific grounds for cancellation and facts tending to show why the petitioner believes he is or will be damaged by the registration.)

Two specimens of the mark as used by me are attached hereto.

---------- ----------, being duly sworn (or affirmed), deposes and says that he is the party of that name mentioned in the foregoing petition for cancellation, that he has read and signed the same and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated to be alleged upon

information and belief, and as to those matters he believes it to be true.

(Signature)

State of ---
County of ---} ss.

Subscribed and sworn to (or affirmed) before me this --- day of ---.

(Notary Public)

§ 110.33 *Appeal from the examiner of trade-marks to the Commissioner in ex parte cases.*

(Heading, Application or Registration)

To the COMMISSIONER OF PATENTS:

I hereby appeal to the Commissioner from the decision rendered --- 19--, by the Examiner of Trade-Marks in the matter of my (1) ---.

The following are assigned as reasons of appeal: (Here should follow an explicit statement of the alleged errors in the decision of the Examiner of Trade-Marks.)

(Name of applicant)

(Signature)

NOTE: (1) Insert one of the following applicable clauses: "application for registration, Serial No. ---, filed --- 19--." or "application for renewal of registration No. --- dated ---," or "affidavit filed under section 8 of the Trade-Mark Act of July 5, 1946, in Registration No. ---, dated ---."

§ 110.34 *Appeal from the examiner of interferences to the Commissioner in contested or inter partes proceedings.*

(1) --- (3) ---
v.
(2) --- No. ---

To the COMMISSIONER OF PATENTS:

I hereby appeal to the Commissioner from the decision rendered ---, 19--, by the Examiner of Interferences in the above identified proceeding. The following are the points of the decision on which appeal is taken: (Here should follow an explicit statement of the alleged errors in the decision appealed from.)

(Name of appellant)

(Signature)

NOTES: (1) Name of party in position of plaintiff.

(2) Name of party in position of defendant.

(3) Type (Interference, Opposition, Cancellation or concurrent use) and identification number of proceeding.

§ 110.35 *Assignment of application for registration.*

Whereas ---, of the city of ---, county of ---, and State of ---, has adopted and used in his business a trade-mark for which he has filed application for registration, Serial No. --- dated --- 19--, in the United States Patent Office; and

Whereas ---, of the city of ---, county of ---, and State of ---, is desirous of acquiring said mark:

Now, Therefore, To all Whom It May Concern:

Be it known that for and in consideration of the sum of --- dollars and other good and valuable consideration to him paid, the receipt of which is hereby acknowledged, said --- by these presents does sell, assign, and transfer, unto the said --- the entire right, title, and interest in and to the said trade-mark and the good will of the business in connection with which the mark is used, (1), and the Commissioner of Patents is requested to issue the certificate of registration of said mark to said assignee.

State of ---
County of ---} ss.:

Personally appeared before me the said --- and acknowledged the above instrument as his free act and deed this --- day of ---, 19--.

(Notary Public)

NOTE: (1) Or this phrase may read in appropriate circumstances: "that part of the good will of the business connected with the use of and symbolized by the mark."

§ 110.36 *Assignment of registered mark.*

Whereas --- of the City of ---, county of ---, and State of ---, has adopted and used in his business a trade-mark, which is registered under No. ---, dated ---, 19--, in the United States Patent Office; and

Whereas ---, of the City of ---, county of ---, and State of ---, is desirous of acquiring said mark:

Now, Therefore, To All Whom It May Concern:

Be it known that for and in consideration of the sum of --- dollars and other good and valuable consideration to him in hand paid, the receipt of which is hereby acknowledged, said --- by these presents does sell, assign, and transfer, unto the said --- the entire right, title, and interest in and to the said trade-mark and the good will of the business in connection with which the mark is used, (1), and the Commissioner of Patents is requested to issue the certificate of registration of said mark to said assignee.

State of ---
County of ---} ss.:

Personally appeared before me the said --- and acknowledged the above instrument as his free act and deed this --- day of ---, 19--.

(Notary Public)

NOTE: (1) Or this phrase may read in appropriate circumstances: "that part of the good will of the business connected with the use of and symbolized by the mark."

[SEAL] CASPER W. OOMS,
Commissioner of Patents.

Approved:

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-5783; Filed, June 18, 1947; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; AUSTRIA

The regulations under the country "Austria" (39 C. F. R., Part 21, Subpart B—Service to Foreign Countries), as amended (12 F. R. 1604), are further amended as follows:

1. The table of rates under "Parcel post" is amended to read as follows:

Pounds:	*Rate*	Pounds	*Rate*
1	$0.40	12	$2.17
2	.54	13	2.31
3	.71	14	2.45
4	.85	15	2.59
5	.99	16	2.73
6	1.13	17	2.87
7	1.27	18	3.01
8	1.45	19	3.15
9	1.59	20	3.29
10	1.73	21	3.43
11	1.87	22	3.57

Weight limit: 22 pounds. Group shipments: No.
Customs declarations: 1 Form 2966. Registration: No.
Dispatch note: 1 Form 2972. Insurance: No.
Parcel-post sticker: 1 Form 2922. C. o. d.: No.
Sealing: Optional. Exchange offices: New York, Chicago.

2. Under "Observations", delete the first paragraph reading: "Only one parcel per week may be sent by or on behalf of the same sender to or for the same addressee."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

This amendment shall be effective at once.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-5767; Filed, June 18, 1947; 8:49 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; INCREASED MAIL SERVICE TO GERMANY

The regulations under the country "Germany" (39 CFR, Part 21, Subpart B—Service to Foreign Countries), as amended (12 F. R. 706, 1604, 3305), are further amended as follows:

1. Change paragraph (a) (12 F. R. 1604, 3305) to read:

Restricted resumption of mail service to all of Germany. (a) Effective at once ordinary letters weighing not in excess of one pound and containing merchandise, restricted to gifts and samples, illustrated post cards not of a fascist or subversive character, and non-illustrated post cards, may be accepted for transmission either by surface means or air to all of Germany. Mail service to all zones of Germany also is extended to include printed matter for the blind, not in excess of the weight specified in paragraph (h). Letters written in Braille, and not exceeding the present weight limit of 1 pound may be accepted for mailing to all zones of Germany. Letters in Braille and printed matter for the blind will be subject to the regulations concerning the character of correspondence which may be sent to Germany. The regular rates for sealed letters, and printed matter for the blind, will apply to these articles when sent by surface means. If sent by air the postage rate and weight limit for air mail will apply. Envelopes must not have any innerlining nor carry any indication other than the address of the sender and addressee and necessary postal directions.

2. Change paragraph (b) (12 F. R. 706) to read as follows:

(b) Communications are restricted for the present to the following: (1) to those of a personal or family character; (2) documents, such as birth, death, or marriage certificates, wills, and legal notices; (3) business communications of a non-transactional nature limited to the ascertainment of facts and exchange of information, except information regarding German external assets; and (4) commercial correspondence relating to and implementing such transactions as may be legal under laws and regulations of the Allied Control Authority, Military Government law, and German law, provided that all external values resulting from any transactions shall accrue to the accounts of the respective military governments concerned. Responsibility for compliance with these regulations and laws will rest with the mailer.

3. Change paragraph (c) (12 F. R. 706) to read as follows:

(c) Except as provided in paragraph (b) the closing of business deals and contracts by mail will not be permitted. Correspondence regarding German external assets, even if only of a simple informational character, is prohibited. The enclosure of checks, drafts, securities, or currency in letters to civilians and commercial firms is prohibited; remittances in connection with any transactions, together with correspondence respecting the final arrangements, must be handled in accordance with procedures prescribed by the headquarters of the respective military governments.

4. Amend paragraph (h) (3) (12 F. R. 706) to read as follows:

(3) Parcels must not exceed 22 pounds in weight, or measure more than 36 inches in length or 72 inches in length and girth combined.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

This amendment shall be effective June 15, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-5768; Filed, June 18, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte Nos. MC-3, MC-4]

PART 194—NECESSARY PARTS AND ACCESSORIES

SAFETY REGULATIONS GOVERNING TRANSPORTATION OF MOTOR VEHICLES BY DRIVEAWAY METHOD

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 12th day of June A. D. 1947.

In the matter of qualifications of employees and safety of operation and equipment of common carriers and contract carriers by motor vehicle.

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers.

Upon consideration of the records in the above-entitled proceedings, and of:

(1) Petition of Pilot Manufacturing Company, dated April 15, 1947, (a) for stay of effective date of order of Division 5, (b) for reconsideration, and (c) for further hearing;

(2) Petition of DeTar and Hannum, dated March 27, 1947, (a) for stay of effective date of order of Division 5, (b) for reconsideration, and (c) for further hearing;

(3) Petition of Dallas & Mavis Forwarding Co., Inc., dated April 4, 1947, (a) for stay of effective date of order of Division 5, and (b) for reconsideration;

(4) Petition of Marion Manufacturing Corporation, dated April 8, 1947, for stay of effective date of order of Division 5;

(5) Petition of National Automobile Transporters Association, dated April 9, 1947, (a) for reconsideration, (b) for oral argument, and (c) for postponement of effective date of order of Division 5;

(6) Joint petition of Howard Sober, Inc., Kenosha Auto Transport Corporation, and Fugate and Girton Driveaway Company, Inc., dated April 18, 1947, (a) for reconsideration, and (b) for oral argument;

and good cause appearing therefor;

It is ordered, That the order entered herein on February 27, 1947 (12 F. R. 1730) as subsequently modified to become effective June 18, 1947, be, and it is hereby, further modified to become effective on August 18, 1947.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5775; Filed, June 18, 1947; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 728]

WHEAT

NOTICE OF PROPOSED PROCLAMATION WITH RESPECT TO NATIONAL ACREAGE ALLOTMENT AND MARKETING QUOTA FOR 1948 CROP

Pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. and Sup., 1301-1393), the Secretary of Agriculture is required by section 332 thereof to proclaim not later than July 15, the national acreage allotment for the 1948 crop of wheat. In preparing to issue such proclamation the Secretary has under consideration sections 304 and 371 (b) of the act, which provide that the marketing quota provisions thereof shall not be invoked or continued in effect with respect to any one of the several commodities to which farm marketing quotas are applicable in case the Secretary finds a suspension or termination of the provisions necessary to protect consumers or to meet a national emergency.

Any persons interested in the proclamation to be made by the Secretary may submit their views thereon in writing to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than June 30, 1947.

Issued at Washington, D. C., this 16th day of June 1947.

[SEAL] RALPH S. TRIGG,
Deputy Administrator.

[F. R. Doc. 47-5803; Filed June 18, 1947; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 681]

HOME WORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN NEEDLEWORK INDUSTRIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that 30 days from publication hereof in the FEDERAL REGISTER the Administrator of the Wage and Hour Division, United States Department of Labor, intends to adopt the regulations hereinafter set forth. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. Four copies of all written material should be submitted. The proposed regulations are to be issued under the authority contained in sections 6 (a) (5) and 11 (c) of the Fair Labor Standards Act of 1938 (sec. 3 (f), 54 Stat. 616, sec. 11 (c), 52 Stat. 1066; 29 U. S. C. 206 (a) (5), 211 (c)).

PART 681—REGULATIONS RELATING TO HOME WORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN NEEDLEWORK INDUSTRIES

Sec.
681.1 Applicability.
681.2 Definitions.
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§ 681.1 *Applicability.* The provisions of this part shall apply to persons engaged in activities relating to home workers in industries in Puerto Rico other than the needlework industries.[1]

§ 681.2 *Definitions.* The following words, terms, and phrases as used in this part shall have the meaning ascribed to them in this section except when the context clearly indicates a different meaning; *Provided, however,* That the following definitions shall not be construed in any way to restrict the meaning of such words, terms, or phrases as are defined in section 3 of the act.

(a) "Employer" includes any natural or artificial person who, for his own account or benefit, or on behalf of any person residing outside the Island of Puerto Rico, directly or indirectly, or through an employee, agent, subcontractor, or any other person:

(1) Delivers, or causes to be delivered, any goods to be processed or fabricated in a home and thereafter to be returned or thereafter to be disposed of or distributed in accordance with his directions; or

(2) Sells any goods for the purpose of having such goods processed or fabricated in a home and then rebuys such goods after such processing or fabricating either himself or through some other person.

(b) "Subcontractor" includes any person, who, for the account or benefit of an employer, delivers to a home worker goods to be processed or fabricated in a home and thereafter to be returned in accordance with the direction of such employer.

(c) "Employ" includes to suffer or permit to work.

(d) "Home" includes any room, house, apartment, or other premises used regularly in whole or in part as a dwelling place.

(e) "Home worker" includes any employee performing in a home any operation on goods produced for commerce, provided that such work is not performed under either actively or personally regulated or supervised conditions.

(f) "Operation" means any work or any process other than the distribution of goods to or collection of goods from home workers.

§ 681.3 *Filing and notification requirements.* Every employer prior to the distribution of work to any home worker shall file with the Wage and Hour Division in Puerto Rico:

(a) A design, pattern, diagram, photograph, or sample of the product, together with such other description or illustration of the product as he, upon inquiry at the Wage and Hour Division in Puerto Rico, may be requested to submit; and

(b) A description in writing of each operation to be performed by any home worker, together with the full piece rate schedule designation, if any, prescribed in accordance with § 681.9, the corresponding piece rates to be paid for each such operation, and the style numbers, if any, of the goods upon which the operations are to be performed.

§ 681.4 *Tickets to be affixed to each lot of goods.* Every employer shall make up the goods to be delivered to a subcontractor into a bundle or lot, each lot to comprise goods on which the same operations are to be performed. Every employer shall affix to each such lot of goods a ticket which shall be numbered serially and contain the name of such employer. The serial numbers of such tickets shall run from the number one and be prefixed by the number of the permit issued to such employer by the Department of Labor of Puerto Rico.[2] The subcontractor shall return the ticket with the lot to the employer. All goods specified on the ticket shall be returned to the employer at one time except when special permission is obtained from the Wage and Hour Division for subcontractors to return part of the goods. In each such case, a partial delivery ticket shall be made out and later filed with the original lot ticket when the remaining goods specified thereon are returned.

§ 681.5 *Delivery and collection of goods.* All goods for production in a home shall be personally distributed to and collected from the home worker who is to work on the goods, either directly at the factory or by employees expressly employed by an employer or subcontractor to distribute and collect such goods outside the factory.

§ 681.6 *Payment for work.* When an employer receives goods on which work has been completed, he shall pay immediately the home worker or subcontractor, as the case may be, for such work provided that in cases where payment is made to a subcontractor, the home worker shall be paid within seven days after such subcontractor has collected the goods from such home worker. Payment shall be made to each home worker at rates not less than those required under §§ 681.9 and 681.10, and in accordance with the requirements of sections 6 and 7 of the act.

§ 681.7 *Records to be kept.* (a) Every employer shall make and have available at his principal Puerto Rican office, a record of the following information: [3]

(1) The name and address of each firm situated outside the Island of Puerto Rico, if any, from whom the goods in each lot for delivery to a home worker were received.

(2) The monthly total of goods received and shipped by him with a description thereof and the total cost of labor performed thereon by home workers with a description of the operations performed in connection therewith.

(3) The name and address of each subcontractor, if any, to whom each lot of goods was delivered for delivery to home workers, together with the number of the permit issued to such subcontractor by the Department of Labor of Puerto Rico.

(4) The dates upon which each lot of goods was delivered to and returned by a subcontractor, if any, together with a description of such goods, the net amount paid as commission and the rate of commission on such goods.

(5) The ticket number of the ticket affixed to each lot of goods.

(6) The dates upon which the goods in each lot were delivered to and collected from each home worker.

(7) The name and address of each home worker, and the date of birth of each home worker under 19, to whom the goods in each lot were delivered.

(8) The style number, if any, description of, and amount of goods in each lot, the operations to be performed thereon, together with the piece rate to be paid and the net amount actually paid each home worker for the operations performed upon such goods.

(9) The date or dates upon which each home worker was paid for operations performed on the goods in each lot.

(b) At the time work is given out to or received from a home worker, as the case may be, every employer shall enter the following information in the handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each homeworker) which shall be kept by the home worker:

(1) The dates upon which the goods in each lot were delivered to and collected from the home worker.

(2) The style number, if any, description of, and amount of goods in each lot, the operations to be performed thereon, together with the piece rate to be paid and the net amount actually paid the home worker for the operations performed upon such goods.

(3) The date or dates upon which the homeworker was paid for operations performed on the goods in each lot.

(4) The signature of the person acting in behalf of the employer.

(c) No employer shall employ any home worker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such employer makes and keeps available at his principal Puerto Rican office and enters in the handbook of each such home worker a record of the following information:

(1) The hours worked by the home worker on the goods in each lot of work returned;

(2) The total hours worked each week;

(3) The wages paid the home worker each week at regular piece rates; and

(4) The extra amount paid to the homeworker for hours worked in excess of 40 in each week.

§ 681.8 *Maintenance of records.* Every employer shall keep and preserve for a period of not less than two years at his place of business the records required above. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

§ 681.9 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (5) of the act, in the event that a home worker is to perform an operation for which a minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid not less than such prescribed rate, in lieu of the applicable hourly rate established by any wage order.

§ 681.10 *Piece rates adopted by employers.* Pursuant to the provisions of section 6 (a) (5) of the act, in the event that a home worker is to perform an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the employer which shall yield to home workers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order. No employer shall adopt such a piece rate until he has first notified the Division of his intention to establish a rate for such operation, the rate fixed and the basis on which the piece rate has been computed. Such an employer piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation or order, establishes a minimum piece rate for such operation.

§ 681.11 *Penalties.* Section 15 of the act makes it unlawful for any person to violate the provisions of this part and subjects any such person to the penalties provided by section 16 and section 17 of the act.

§ 681.12 *Petition for amendment of regulations in this part.* Any person wishing a revision of any of the terms of this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of the regulations in this part is set forth, the Administrator or his authorized representative will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

Signed this 12th day of June 1947.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 47-5774; Filed, June 18, 1947; 8:50 a. m.]

[1] Persons engaged in activities relating to home workers in the needlework industries in Puerto Rico are subject to Part 545 of this chapter.

[2] Thus, if the permit is 56, the serial numbers on the ticket would run, 56-1, 56-2, etc.

[3] Although responsibility for keeping the record is placed upon the employer, the actual work of making the record may, of course, be delegated to supervisory or clerical employees, agents, subcontractors, or other persons acting in behalf of the employer.

[4] Such piece rates are subject to Part 531 of this chapter.

FEDERAL TRADE COMMISSION

[16 CFR, Part 98]

[File No. 21-335]

BABY CHICK INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 16th day of June 1947.

In the matter of proposed revision of trade practice rules for the baby chick industry.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, affected by or having an interest in the proposed revision of the trade practice rules for the baby chick industry, to present to the Commission their views concerning said revision of rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than August 7, 1947.

The opportunity to be heard orally will be afforded to any such persons, partnerships, corporations, organizations, or other parties, who desire to appear and be heard at the following times and places:

At hearing beginning 2:00 p. m., eastern standard time, July 24, 1947, in North Exhibit Hall, Cleveland Public Auditorium, Lakeside Avenue at East Sixth Street, Cleveland, Ohio; and

At hearing beginning 9:00 a. m., eastern standard time (10:00 a. m., daylight saving time), August 7, 1947, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C.

After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed revision of rules.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 47-5784; Filed, June 18, 1947; 8:54 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9015]

SATOKO AND YONOSUKE MAENAMI

In re: Bank account owned by Satoko Maenami and Yonosuke Maenami, also known as Y. Maenami, and cash and stock owned by Yonosuke Maenami, also known as Y. Maenami. D-39-23-E-1, D-39-23-E-2, D-39-23-D-1, D-39-23-D-2, D-39-23-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation it is hereby found:

1. That Satoko Maenami and Yonosuke Maenami, also known as Y. Maenami, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Satoko Maenami and Yonosuke Maenami, also known as Y. Maenami, by Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a joint checking account; entitled Satoko Maenami and Y. Maenami, maintained at the branch office of the aforesaid bank located at 43-01 Bell Boulevard, Bayside, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Satoko Maenami and Yonosuke Maenami, also known as Y. Maenami, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows:

a. Cash in the sum of $2.10, presently in the possession of the Attorney General of the United States in account number 39-18593,

b. 50/100 of one (1) share of common capital stock of Remington Rand Inc., 465 Washington Street, Buffalo, New York, a corporation organized under the

laws of the State of Delaware, evidenced by scrip certificate number S. C. 10715, dated April 1, 1946, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon, and

c. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Yonosuke Maenami, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yonosuke Maenami, also known as Y. Maenami, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Par value	Type of stock	Number of shares	Certificate Nos.
Remington Rand Inc., 465 Washington St., Buffalo, N. Y.	Delaware	$1.00	Common	10	C I F 145703.
Cities Service Co., 60 Wall St., New York 5, N. Y.	do	10.00	do	10	27592
Radio Corp. of America, 30 Rockefeller Plaza, New York 20, N. Y.	do	No par	do	5	W OS1242.

[F. R. Doc. 47-5790; Filed, June 18, 1947; 8:48 a. m.]

[Vesting Order 9101]

MARTHA BOEHM

In re: Estate of Martha Boehm, deceased. D-28-9059; E. T. sec. 11592.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Anna Hoffmann, Paul Hoffmann, Johann Boehm, also known as Johann Bohm, Cecilie Meyer, Helen Boehm, also known as Helen Bohm and Otto Tharun, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $5,198.09 was paid to the Alien Property Custodian by Hylan J. Brown, Attorney for Morton H. Meyer, Administrator With Will Annexed of the Estate of Martha Boehm, deceased;

3. That the said sum of $5,198.09 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or delivered to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 27, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5791; Filed, June 18, 1947; 8:48 a. m.]

[Vesting Order 9140]

WILLIAM P. SCHMIDT

In re: Estate of William P. Schmidt, deceased. D-28-11494; E. T. sec. 15715.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Goldschmidt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of William P. Schmidt, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Floyd A. Frye, as Administrator, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5792; Filed, June 18, 1947; 8:48 a. m.]

[Vesting Order 9142]

MARY STOTZ

In re: Estate of Mary Stotz, a/k/a Mary A. Stotz and Mary N. Stotz, deceased. File D-28-11472; E. T. Sec. 15696.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Stotz and Irma Jizhofer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children of Adolph Stotz, names unknown, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 and the children of Adolph Stotz, names unknown, and each of them, in and to the estate of Mary Stotz, a/k/a Mary A. Stotz and Mary N. Stotz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Stephan Voellinger and Anna Voellinger, as executors, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania, holding Probate Court;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the children of Adolph Stotz, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5793; Filed, June 18, 1947; 8:49 a. m.]

[Vesting Order 9184]

CHARLES CATTA

In re: Estate of Charles Catta, deceased. File D-28-11769; E. T. sec. 15978.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Catta, Rosa Lotz, Franz Catta, Anna Wissel, Paul Catta and Liselotte Lehming, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Charles Catta, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Earl Marks, as Executor, acting under the judicial supervision of the Circuit Court of the State of Oregon in and for the County of Multnomah;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5794; Filed, June 18, 1947; 8:49 a. m.]

[Vesting Order 9150]

OTTO BOETTCHER ET AL

In re: Stock owned by Otto Boettcher and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is as set forth in the aforesaid Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Three Hundred (300) shares of $10.00 par value common capital stock of Ideal Cement Company, 500 Denver National Building, Denver 2, Colorado, a corporation organized under the laws of the State of Colorado, evidenced by the certificates listed in Exhibit A, registered in the names of the persons listed therein, in the amounts appearing opposite said names, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of registered owner	Certificate No.	Number of shares	O. A. P. file Nos.
Otto Boettcher, Westfalia, Germany	F13962	30	F-28-25264-A-1; C-1
Frieda Braun, Berlin, Germany	F13974	30	F-28-25266-A-1; C-1
Hugo and Minna Braun, C. Klein, Germany	F13975	30	F-28-25267-A-1; C-1
Minna Braun, C. Klein, Germany	F13976	30	F-28-25268-A-1; C-1
Martha Koch, Issy/Wurttemburg, Germany	F13972	60	F-28-25269-A-1; C-1
Ida Opitz, Berlin, Germany	F13965	30	F-28-25270-A-1; C-1
Ilse Opitz, Berlin, Germany	F13966	30	F-28-25271-A-1; C-1
Gertrude Wagner Tersch, also known as Gertrude Wagner Tersch Sommerda, Thurengen, Germany	F13967	30	F-28-25272-A-1; C-1
Margarete Wagner, Berlin, Germany	F13969	30	F-28-25274-A-1; C-1

[F. R. Doc. 47-5795; Filed, June 18, 1947; 8:49 a. m.]

[Vesting Order 9156]

LUDWIG GROSS

In re: Debt owing to Ludwig Gross.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Gross, whose last known address is Regensburg, Irling, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ludwig Gross, by American Express Company, 65 Broadway, New

York 6, New York, in the amount of $840.00, as of December 7, 1945, and any and all accruals thereto, evidenced by forty-four (44) travelers checks, numbered A26155100 to A26155103, both numbers inclusive, and B21111380 to B21111419, both numbers inclusive, issued by said American Express Company, 65 Broadway, New York 6, New York, and presently in the possession of the Attorney General of the United States, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation, together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid travelers checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5796; Filed, June 18, 1947; 8:49 a. m.]

[Vesting Order 9166]

SUSUMU MORITA

In re: Stock owned by Susumu Morita. F-39-4327-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susumu Morita, whose last known address is c/o General Motors Japan, Ltd., P. O. Box 151, Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Fifteen (15) shares of $10 par value common capital stock of General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered WC 39983 and WC 55065 for three (3) shares each, WC 138387 for four (4) shares and WC 183185 for five (5) shares, registered in the name of Susumu Morita, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5798; Filed, June 18, 1947; 8:49 a. m.]

[Return Order 20]

EASTMAN KODAK CO. ET AL.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of Intention to Return published	Property
Eastman Kodak Co., Rochester, N. Y.; Claim No. 80.	12 F. R. 3066, May 3, 1947.	Property described in Vesting Order No. 68 (7 F. R. 6181, Aug. 11, 1942), relating to U. S. Patent Application Serial No. 326,456 (now U. S. Letters Patent No. 2,295,801), to the extent owned by claimant immediately prior to the vesting thereof.
Rolf Bie, New York, N. Y.; Claim No. A-290.	12 F. R. 2812, Apr. 30, 1947.	Property described in Vesting Order No. 292 (7 F. R. 9836, Nov. 26, 1942), relating to U. S. Letters Patent No. 2,323,009, to the extent owned by claimant immediately prior to the vesting thereof.
Dr. August von Borosini, Los Angeles, Calif.; Claim No. A-461.	12 F. R. 2812, Apr. 30, 1947.	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 1,958,100, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-5802; Filed, June 18, 1947; 8:50 a. m.]

[Vesting Order 9174]

MRS. HENRIETTE ULRICH

In re: Bonds, stock and bank account owned by personal representatives, heirs, next of kin, legatees and distributees of Mrs. Henriette Ulrich, deceased. D-28-631-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Henriette Ulrich, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, registered in the manner as set forth in Exhibit A, and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with any and all rights thereunder and thereto.

b. One (1) Chicago, Milwaukee, St. Paul & Pacific Railroad Company, general mortgage, Series A, gold bond, due 1975, of $1000.00 face value, bearing the number 105302, in bearer form, presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with any and all rights thereunder and thereto, including particularly the rights under a Reorganization Plan declared effective December 1, 1945,

c. Four (4) shares of no par value common capital stock of The Western Pacific Railroad Company, 526 Mission Street, San Francisco 5, California, a corporation organized under the laws of the State of California, evidenced by certificate number TNC03084, registered in the name of Schmidt & Co., and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon,

d. Six (6) shares of $100.00 par value cumulative preferred Series A capital stock of The Western Pacific Railroad Company, 526 Mission Street, San Francisco 5, California, a corporation organized under the laws of the State of California, evidenced by certificate number TNP03955, registered in the name of Schmidt & Co., and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Henriette Ulrich, deceased, by Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a Custody Cash Account, Account Number FC4648, entitled Mrs. Henriette Ulrich, deceased, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Henriette Ulrich, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Description of issue	Face value	Certificate No.	Registered owner
The Western Pacific R. R. Co., general convertible income 4½s, series A, due 2014.	$100	C1387	Schmidt & Co.
	100	C1388	
	100	C1389	
	100	C1390	
Missouri Pacific R. R. Co., first and refunding gold 5s, series F, due 1977.	1,000	M55715	Bearer form.
New York Central R. R. Co.	1,000	M21080	Bearer form.
New York Central & Hudson River R. R. Co. Refunding and Improvement gold 5s, series C, due 2013.	1,000	M21081	
	1,000	M21082	
	1,000	M21083	
	1,000	22150	
Columbia Gas & Electric Corp., debenture gold 5s, due 1961.	1,000	38071	Bearer form.
	1,000	16888	

[F. R. Doc. 47-5750; Filed, June 17, 1947; 8:51 a. m.]

[Vesting Order 8492, Amdt.]

FRANZ SPANNAGEL

In re: Bank account and stock owned by Franz Spannagel.

Vesting Order 8492, dated March 20, 1947, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the reference to ten (10) shares of $13.50 par value (old) capital stock of The United Gas Improvement Company, 1401 Arch Street, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by Certificate Numbered C020689, and adding to paragraph 2 of said Vesting Order, subparagraph (d) as follows:

d. Ten (10) shares of no par value capital stock of The United Gas Improvement Company, 1401 Arch Street, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by Certificate Numbered C0202689 and registered in the name of George Spannagel, and presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon, and any and all rights to exchange the aforesaid 10 shares of stock for 1 share of new $13.50 par value capital stock of the aforesaid Company.

All other provisions of said Vesting Order 8492 and all actions taken by the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5800; Filed, June 18, 1947; 8:50 a. m.]

[Vesting Order 9195]

ELISA RAAB

In re: Estate of Elisa Raab, also called Elise Raab, deceased. File D-28-11573; E. T. sec. 15788.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That "John" Raab and "William" Raab, true first names unknown, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Elisa Raab, also called Elise Raab, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Phil C. Katz, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5756; Filed, June 17, 1947; 8:53 a. m.]

[Vesting Order 9198]

GEORGE WEBER

In re: Estate of George Weber, deceased. File D-28-11539; E. T. sec. 15755.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conrad Weber, whose last known address is Germany, is a resident

[1] Filed as part of the original document.

of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of George Weber, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by John F. Gloeckner of Pittsburgh, Pennsylvania, as Executor, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania;

and it is hereby determined;

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5757; Filed, June 17, 1947; 8:53 a. m.]

[Return Order 21]

SHELL DEVELOPMENT CO. ET AL.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of Intention to Return published	Property
Shell Development Co., San Francisco, Calif., Claim No. 804.	12 F. R. 1405, Feb. 27, 1947.	U. S. Letters Patent No. 2,348,832, vested as Patent Application Serial No. 265,863 by Vesting Order No. 68 (7 F. R. 6181, Aug. 11, 1942), to the extent owned by claimant immediately prior to the vesting thereof.
Ottmar Loew (formerly Ottmar Makoto Loew), Los Angeles, Calif., Claim No. 5624.	12 F. R. 2615, Apr 28, 1947.	An undivided one-half interest in property described in Vesting Order No. 2430 (8 F. R. 16538, Dec. 8, 1943), relating to U. S. Letters Patent No. 1,881,227, to the extent owned by claimant immediately prior to the vesting thereof.
Ellis Miller, New York, N. Y.; Claims Nos. 691-694, inclusive.	12 F. R. 2639, Apr. 24, 1947.	Property described in Vesting Order No. 675 (8 F. R. 5029, Apr. 17, 1943), relating to U. S. Letters Patent Nos. 2,258,331; 2,258,332; 2,258,333 and 2,269,595, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-5801; Filed, June 18, 1947; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 15]

NEW YORK FOREIGN-TRADE ZONE OPERATORS, INC., ET AL.

APPROVAL OF CERTAIN OPERATIONS

In the matter of certain appeals taken by the New York Foreign Trade Zone Operators, Inc., et al., from rulings of the Commissioner of Customs with reference to operations permitted by section 3 of the Foreign-Trade Zones Act (Dockets Nos. 1 to 6, inclusive).

Pursuant to the authority contained in the act of June 18, 1934 (48 Stat. 998; 19 U. S. C. 81-a–81-u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

S. H. Pomerance & Co., Inc., duly filed with this board, its appeal, designated as Docket No. 1, and the New York Foreign Trade Zone Operators, Inc., on behalf of itself and certain zone users, duly filed with this Board, its appeals, designated as Dockets Nos. 2 to 6, inclusive, from rulings of the Commissioner of Customs denying applications for permission to conduct the following operations in the New York Foreign-Trade Zone under section 3 of the above-cited act:

Docket No. 1. Fitting imported watch movements into domestic cases.

(a) Where operation consists of drilling hole in case for winding stem, cutting stem to fit crown, affixing crown to stem, and fitting movement in case.

(b) Where operation consists of cutting stem to fit crown, affixing crown to stem, and fitting movement in case.

(c) Where operation consists of fitting movement into case without drilling or cutting described above.

Docket No. 2. Combining imported olive oil with domestic vegetable oils.

Docket No. 3. Attaching domestic wrist bands to imported watch heads.

Docket No. 4. Combining imported sugar and shortening with domestic flour and salt.

Docket No. 5. Screwing imported flashlight bulbs into domestic flashlight cases.

Docket No. 6. Dyeing textiles imported in the gray.

Accordingly, after full consideration, it is hereby ordered as follows:

1. The action of the Commissioner of Customs in denying the applications for permission to conduct the operations set forth above as involved in Dockets Nos. 1 to 5, inclusive, is overruled and such operations are hereby approved.

2. Action on Docket No. 6 is deferred pending receipt of more specific information as to the nature of the operations involved.

3. The Executive Secretary is directed to notify the appellants, the Commissioner of Customs and other interested parties of the action above taken.

This order is effective June 12, 1947.

[SEAL] W. A. HARRIMAN,
Secretary of Commerce, Chairman,
Foreign-Trade Zones Board.

[F. R. Doc. 47-5785; Filed, June 18, 1947; 8:54 a. m.]

[1] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

KGRI, HENDERSON, TEX

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF PERMIT [1]

The Commission hereby gives notice that on June 6, 1947 there was filed with it an application (BAPL–27) for its consent under section 310 (b) of the Communications Act to the proposed assignment of permit of KGRI, heretofore granted to Goggan Radio Sales, a partnership, consisting of Benjamin F. Goggan, Jr. and Howard E. Dennis to Henderson Broadcasting Corporation, Henderson, Texas. The proposal to assign the permit arises out of a contract of April 22, 1947 pursuant to which the assignee would pay to the assignor partnership the $1000 outlayed by it in connection with obtaining the construction permit and an additional $3500 for properties paid for by assignor as well as any additional sums paid for by it in the construction of the station, said latter amount to be paid upon approval of the application. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on June 3, 1947 that starting on June 10, 1947 notice of the filing of the application would be inserted in the Henderson Daily News, a newspaper of general circulation at Henderson, Texas in conformity with the above section.

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from June 10, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5804; Filed, June 18, 1947; 8:50 a. m.]

KGGF, COFFEYVILLE, KANS.

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on June 2, 1947 there was filed with it an application (BAL–609) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KGGF, Coffeyville, Kansas, from Hugh J. Powell to The Midwest Broadcasting Company, Inc. The proposal to assign the license arises out of a contract of May 9, 1947 pursuant to which Hugh J. Powell, seller, agrees to sell and The Midwest Broadcasting Company, buyer, agrees to buy the tangible physical assets both real and personal of station KGGF, Coffeyville, Kansas, for a total consideration of $400,000 to be paid as follows: $80,000 cash to be paid before the filing of the instant application and the balance to be paid at date of closing either in cash or by notes at seller's option with satisfactory security. From the application and the associated papers it would appear to be the intent of the parties that buyer will prosecute the application (BMP–2021) for changes in facilities including reimbursement to seller for amounts expended pursuant thereto between April 1, 1947 and the closing date. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by application on June 4, 1947 that starting on June 10, 1947 notice of the filing of the application would be inserted in The Coffeyville Daily Journal, a newspaper of general circulation at Coffeyville, Kansas, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from June 10, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5805; Filed, June 18, 1947; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–880]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER AMENDING PRIOR ORDER ISSUING TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 13, 1947.

Notice is hereby given that, on June 12, 1947, the Federal Power Commission issued its order entered June 11, 1947, amending prior order issuing temporary certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5769; Filed, June 18, 1947; 8:50 a. m.]

[Docket No. G–880]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER CHANGING PRESENT ALLOCATION OF EMERGENCY DELIVERIES OF GAS FROM THE BIG INCH LINES

JUNE 13, 1947.

Notice is hereby given that, on June 12, 1947, the Federal Power Commission issued its order entered June 12, 1947, changing present allocation of emergency deliveries of gas from the Big Inch lines in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5770; Filed, June 18, 1947; 8:50 a. m.]

[Docket No. DI–177]

NEW YORK POWER AND LIGHT CORP.

ORDER CHANGING PLACE OF HEARING

(1) By order adopted May 13, 1947, in the above-entitled matter, a hearing was fixed to begin at 10:00 a. m. (e. d. s. t.) on July 14, 1947, in Court Room No. 2, Post Office and Court House Building, Albany, New York. The Commission finds that:

(2) In order to accommodate those witnesses who reside in the watershed of the Sacandaga River and upper Hudson River, it would be in the public interest to convene the hearing at a place nearer the residences of such witnesses. *It is ordered*, That:

(3) The aforesaid May 13, 1947, order be and it is hereby modified to change the place of hearing therein designated from Court Room No. 2, Post Office and Court House Building, Albany, New York, to Supreme Court Chambers, Suite 37, Colvin Building, 206 Glen Street, Glens Falls, New York, such hearing to begin at 10:00 a. m. (e. d. s. t.) on Monday, July 14, 1947.

Date of issuance: June 13, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5771; Filed, June 18, 1947; 8:50 a. m.]

[Docket No. G–908]

INTERSTATE GAS CO. AND CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JUNE 13, 1947.

Notice is hereby given that on June 9, 1947, Interstate Gas Company (Interstate), a Missouri corporation with its principal place of business at Lee's Summit, Missouri, and Cities Service Gas Company (Cities Service), a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Cities Service to acquire and operate the following facilities of Interstate, to wit:

A transmission pipeline system generally described as follows: Commencing at a point at the town border of the town of Holden, Johnson County, Missouri and extending westerly in a northwesterly direction to the town of Kingsville, then in a westerly and northerly direction and extending to the town of Pleasant Hill, in Cass County, Missouri and Lone Jack in Jackson County, Missouri. Also four town border stations, one located at or near the town border of Holden, one at or near the town border of Kingsville, one at or near the town border of Pleasant Hill and one at or near the town border of Lone Jack, Missouri, together with meters and other facilities and equipment located therein and used in the measurement of gas for distribution in the distribution system of said four towns;

A transmission pipeline described generally as follows: Commencing at a point near the town border of Harrisonville, in Cass County, Missouri, extending in a westerly direction to a point approximately 8 miles west of Harrisonville and thence in a southerly direction to the town border of Freeman, Missouri; also two town border measuring stations, one at or near the town border of Harrisonville, Missouri and one at or near the town border of Freeman, Missouri, together with meters and other equipment therein and used in the measurement of gas for distribution in said towns of Harrisonville and Freeman, Missouri.

Cities Service further requests in the aforesaid application, a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following facilities:

Approximately one mile of 6-inch gas pipeline extending from a point on Applicant's transmission system near the northeast corner of section 32, Township 45 North, Range 32 West, Cass County, Missouri, thence south to approximately the southeast corner of said section.

The transmission pipelines which Interstate proposes to sell to Cities Service are being operated by Interstate under a

certificate of public convenience and necessity issued by the Commission on October 5, 1943, and as modified on January 9, 1945 (Docket Nos. G-243 and G-363). Interstate is desirous of confining its future operations to the distribution and sale of gas at retail by means of the operation of its distribution plants in the several cities, towns and communities served by it; of selling and transferring to Cities Service for a consideration of $90,000 of all its gas transmission facilities and town border measuring stations as described above; and upon such sale and transfer to discontinue that part of its business consisting of the transportation of natural gas from the points of connection on its pipelines with the pipeline systems of Panhandle Eastern Pipe Line Company and Cities Service Gas Company to the town borders of the several towns and communities hereinbefore mentioned and thereafter purchase its gas requirements for sale in said communities at the town borders thereof.

It is further stated, that Cities Service is better equipped to maintain and operate the transmission lines and to coordinate pressures on lateral lines in the interest of efficiency and public safety than is Interstate; that Panhandle Eastern Pipe Line Company is willing to discontinue supplying gas to that part of the aforesaid transmission pipelines serving the communities of Harrisonville and Freeman, Missouri; that in order to connect the facilities now served by Panhandle Eastern Pipe Line Company with the system of Cities Service it will be necessary for Cities Service to construct approximately one mile of pipeline; that the latter construction will cost an estimated $8,400 and will provide the most efficient and practical means of connecting the facilities serving Harrisonville and Freeman with Cities Service transmission system.

Any interested state commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board or a joint or concurrent hearing together with the reasons for such request.

The application of Interstate Gas Company and Cities Service Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5781; Filed, June 18, 1947; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 209]

RECONSIGNMENT OF POTATOES AT ALTOONA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of paragraph (j) of Service Order No. 396 insofar as it applies to the reconsignment at Altoona, Pa., June 12, 1947, by Nelson & Co., of car WFE-60436, potatoes, now on the P. RR. to Houtzdale, Pa. (P. RR.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5776; Filed, June 18, 1947; 8:52 a. m.]

[S. O. 396, Special Permit 210]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., June 12, 1947, by Gamble Robinson Co., of the following cars, potatoes, now on the Santa Fe:

Car No.	Stop-off at—	Destination
SFRD 35339	Cresco, Ia.	Leroy, Minn. (Milw).
GARX 9199	Sacred Heart, Minn.	Montevideo, Minn. (Milw).
ART 22110		Elroy, Wis. (Wab-CNW).
SFRD 35948		Wheaton, Minn. (Milw).
ART 19493	Brainerd, Minn.	Wadena, Minn. (Wab-MStL-NP).
SFRD 36071		Whitehall, Wis. (Q-GBW).
SFRD 34387	Marshall, Minn.	New Ulm, Minn. (Q-GN-Omaha).
NWX 8391		Fort Dodge, Iowa. (MP-GW).
URT 4920		Lincoln, Nebr. (Q).
SFRD 33527		Viroqua, Wis. (Milw).
ART 23712	Rochester, Minn.	Fargo, N. Dak. (CGW-NP).
PFE 40293		St. Charles, Minn. (CGW).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5777; Filed, June 18, 1947; 8:52 a. m.]

[S. O. 396, Special Permit 211]

RECONSIGNMENT OF POTATOES AT OMAHA, NEBR.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Omaha, Nebr., June 12, 1947, by Gamble Robinson Co., of the following cars, potatoes, now on the Union Pacific Ry.:

PFE 95024 to Fort Dodge, Iowa (CGW).
PFE 41503 to Bismarck, N. Dak., stop Mankato part unload (Omaha-N. P.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5778; Filed, June 18, 1947; 8:52 a. m.]

[S. O. 396, Special Permit 212]

RECONSIGNMENT OF ONIONS AT SPRINGFIELD, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Springfield, Mo., June 12, 1947, by F. H. Vahlsing, of car ART 15079, onions, now on the Frisco Railway to Buffalo, N. Y. (Frisco-NKP).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5779; Filed, June 18, 1947; 8:52 a. m.]

[S. O. 396, Special Permit 213]

RECONSIGNMENT OF ONIONS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., June 12, 1947, by Ritter Price Co., of following cars, onions, now on the U. P.:

PFE 91357 to Cleveland, Ohio. (MP-NKP).
PFE 62655 to Baltimore, Md. (MP-PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-5780; Filed, June 18, 1947; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1527]

CONSOLIDATED NATURAL GAS CO. ET AL.

ORDER PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of June 1947.

In the matter of Consolidated Natural Gas Company, Hope Natural Gas Company, The East Ohio Gas Company, The Peoples Natural Gas Company and New York State Natural Gas Corporation, File No. 70-1527.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and certain of its subsidiaries, namely, Hope Natural Gas Company, The East Ohio Gas Company, The Peoples Natural Gas Company and New York State Natural Gas Corporation, having filed a joint application-declaration, with amendment thereto, regarding (a) the sale by Consolidated of 545,672 additional shares of its common stock at $37.50 per share by means of transferable warrants issued to its stockholders, and (b) the issuance and sale by the above subsidiary corporations to Consolidated of additional shares of their common stocks, for an aggregate cash consideration of $30,230,000 equal to the aggregate par value of such common stocks; and

The issuance and sale by Hope Natural Gas Company, The East Ohio Gas Company and The Peoples Natural Gas Company having been approved by the State Commissions of the respective states in which such companies were organized and are doing business; and

A public hearing having been held after appropriate public notice and the Commission having considered the record and filed its findings and opinion herein;

It is ordered, That, subject to the provisions of Rule U-24, said application-declaration be, and the same hereby is, granted and permitted to become effective, except, however, as to all amounts to be paid by Consolidated to the Guaranty Trust Company of New York for services in connection with the proposed transactions, as to which amounts jurisdiction be, and the same hereby is, reserved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-5763; Filed, June 18, 1947; 8:49 a. m.]

[File No. 70-1522]

UNITED GAS CORP. AND UNITED OIL PIPE LINE CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of June A. D. 1947.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and United's wholly-owned non-utility subsidiary, United Oil Pipe Line Company ("Pipe Line"), having filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") in which section 12 (c) of the act and Rule U-46 thereunder are designated as applicable to the following proposed transactions:

The outstanding securities of Pipe Line consist of 5,000 shares of no par value capital stock, all of which are pledged under the Mortgage and Deed of Trust, dated as of October 1, 1944, securing United's outstanding bonds. As of March 31, 1947, Pipe Line's assets consisted solely of cash in the amount of $1,313,360. As of the same date, Pipe Line's liabilities amounted to $112,579 of which $112,079 represented accrued taxes.

Pipe Line will be merged into United pursuant to the provisions of section 58A of Chapter 65 of the Revised Code of Delaware, as amended, and under such merger United will acquire all of the property and assets of Pipe Line and will assume all of its obligations. It is stated in the declaration that, upon consummation of the merger, United will be required to deposit $400,000 in cash with its Mortgage Trustee which amount represents the proceeds from the sale of physical assets by Pipe Line to non-affiliated interests.

The joint declaration having been filed on May 12, 1947 and notice of such filing having been duly given in the manner and form prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said joint declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to said joint declaration that the applicable requirements of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration be permitted to become effective, and deeming it appropriate to grant the request of declarants that the order herein become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said joint declaration be, and the same

hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5764; Filed, June 18, 1947; 8:49 a. m.]

[File No. 812-495]

SAVINGS BANK INVESTMENT FUND

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of June A. D. 1947.

Notice is hereby given that Savings Bank Investment Fund has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission extending the time for applicant to file its registration statement under section 8 (b) of said act to a date no later than three months after the first sale by applicant of any shares of beneficial interest or in the event any general offering of shares is made to all savings banks in Massachusetts as provided for in section 3 of applicant's charter, prior to such general offering.

On April 14, 1947, Savings Bank Investment Fund, a corporation organized pursuant to a special act of the Massachusetts legislature, filed a notification of registration on Form N-8A under section 8 (a) of the Investment Company Act as an open-end diversified management company. Applicant is required to file its Registration Statement on Form N-8B-1 under section 8 (b) of said act within three months after filing of said notification of registration. Applicant requests an extension of time for filing its registration statement. For a more detailed statement of the requested extension all interested persons are referred to said application which is on file in the office of the Commission.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that, a public hearing on the aforesaid application be held on the 24th day of June 1947, at 10:00 a. m., eastern daylight saving time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Robert P. Reeder, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised without prejudice to the specification of additional issues upon further examination.

(1) Whether the requested extension is necessary or appropriate in the public interest and consistent with the protection of investors; and

(2) Whether the requested extension is consistent with the general purposes of the act.

Notice of such hearing is hereby given to the above-named Savings Bank Investment Fund, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before June 20th, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5765; Filed, June 18, 1947; 8:49 a. m.]

[File No. 812-397]

TRANSIT INVESTMENT CORP.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of June A. D. 1947.

Notice is hereby given that Transit Investment Corporation ("TIC") has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("the act") for an order exempting it from the obligation of transmitting to its stockholders the reports required by the provisions of section 30 (d) of the act and Rule N-30D-1 promulgated thereunder.

Transit Investment Corporation, registered under the act as a non-diversified closed-end company, has outstanding 400,000 shares of common stock and 2,000,000 shares of preferred stock. Section 30 (d) of the act and Rule N-30D-1 require that every registered investment company shall transmit semi-annually certain reports to its stockholders. TIC states that (a) pursuant to an order of the Court of Common Pleas of Philadelphia County in Pennsylvania, it is in the process of dissolution pursuant to a plan approved by order of that court in which it was decreed that the assets of TIC are insufficient to pay in full the claims of the holders of the preferred stock and that the common stockholders are not entitled to share in any distribution of the assets; (b) since the date as of which the latest report was transmitted to security holders it has carried on no corporate operations or activities other than in connection with dissolution and the shareholders of TIC have been kept fully informed by the notices required in the dissolution proceedings, the latest of which was mailed on or about April 1, 1947; (c) the transmission of semi-annual reports to security holders, including common stockholders, will subject TIC to an expense of approximately $2,500 upon each such transmission which, it is urged, will serve no useful purpose. For the foregoing reasons applicants believe that the requested exemption is appropriate.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application it deems the following issues to be raised thereby without prejudice to the specifications of additional issues upon further examination: (1) Whether the proposed exemption is necessary or appropriate in the public interest, and (2) Whether the proposed exemption is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on June 19, 1947, at 10:00 a. m., eastern daylight saving time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa.

It is further ordered, That Robert P. Reeder, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned Transit Investment Corporation, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before June 16, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5766; Filed, June 18, 1947; 8:49 a. m.]

JUN 24 47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 12 NUMBER 121

Washington, Friday, June 20, 1947

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5382]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SCHUTTE LABORATORIES, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service;* § 3.6 (y) *Advertising falsely or misleading—Safety.* In connection with the offering for sale, sale and distribution in commerce, of respondents' products designated Rat-Deth, Schutte's Liquid Red Squill, Mouse and Mole Deth, Schutte's Red Squill, and Rat Nip, or any products containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or under any other names, representing, directly or by implication, (1) that the product Rat-Deth is an effective killing agent for mice; (2) that rats and mice, after consuming the product Rat-Deth, go outside to die; (3) that mice and moles, after consuming the product Mouse and Mole Deth, go outside to die; (4) that the product Rat Nip, or the product Schutte's Red Squill, will kill all rats on the premises; or, (5) that the product Rat-Deth, or the product Schutte's Liquid Red Squill, is harmless to humans or domestic animals; prohibited, subject to the provision, however, that said last prohibition shall not prohibit respondents from representing that such products are relatively or comparatively harmless. (Sec. 5, 38 Stat. 719 as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Sec. 45b) [Cease and desist order, Schutte Laboratories, etc., Docket 5382, April 22, 1947.]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of April A. D. 1947.

In the Matter of Charles W. Schutte and Janet M. Schutte, Copartners Trading as Schutte Laboratories and Schutte Co.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner and the exceptions thereto, and brief in support of the complaint (no brief having been filed on behalf of respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Charles W. Schutte and Janet M. Schutte, individually and trading as Schutte Laboratories and as Schutte Co., or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' products designated Rat-Deth, Schutte's Liquid Red Squill, Mouse and Mole Deth, Schutte's Red Squill, and Rat Nip, or any products containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from representing, directly or by implication:

1. That the product Rat-Deth is an effective killing agent for mice.

2. That rats and mice, after consuming the product Rat-Deth, go outside to die.

3. That mice and moles, after consuming the product Mouse and Mole Deth, go outside to die.

4. That the product Rat Nip, or the product Schutte's Red Squill, will kill all rats on the premises.

5. That the product Rat-Deth, or the product Schutte's Liquid Red Squill, is harmless to humans or domestic animals; provided, however, that this shall not prohibit respondents from representing that such products are relatively or comparatively harmless.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-5808; Filed, June 19, 1947; 8:50 a. m.]

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 138; Docket No. R-103]

PART 01—ORGANIZATION

PART 02—COURSE AND METHOD OF OPERATION

PART 03—SUBSTANTIVE RULES, GENERAL POLICY AND INTERPRETATIONS

PART 1—RULES OF PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

JUNE 16, 1947.

In this proceeding the Commission has under consideration amendments to Part 01—Organization, Part 02—Course and Method of Operation, Part 03—Substantive Rules, General Policy and Interpretations, and Part 1—Rules of Practice and Procedure, of the Commission's General Rules, published as Subchapter A of Chapter I, Title 18, Code of Federal Regulations,[1] pursuant to authority vested in the Commission by the Federal Power Act, particularly sections 209 and 309 thereof (49 Stat. 853, 858; 16 U. S. C., Sup. 824h, 825h), and the Natural Gas Act, as amended, particularly sections 16 and 17 thereof (52 Stat. 830, 15 U. S. C., Sup. 717o, 717p).

General public notice of the proposed amendment of the General Rules has been given by publication of notice in the FEDERAL REGISTER on May 2, 1947 (12 F. R. 2960–2966), and by mailing notices to interested persons and State and Federal regulatory agencies. In response to the notice comments were filed containing a number of helpful suggestions for changing and clarifying the language of certain of the amendments proposed; but no comments or objections were filed as to most of the proposed amendments.

Upon consideration by the Commission of the various proposed amendments, comments and suggestions, and the experience acquired to date under the General Rules (including Rules of Practice and Procedure) as prescribed and made effective September 11, 1946 by the Commission's Order No. 132 (11 F. R. 177A, pp. 487–509), the adoption, promulgation and prescription of amendments appear necessary and appropriate for clarifying and improving the General Rules, the Commission's organization, its course and method of operation, and the practice and procedure before it.

In view of the general public notice given of the proposed rule making in this matter and in order to permit early publication in pamphlet form of the Commission's rules of general applicability and effect contained in Chapter I, Title 18 of the Code of Federal Regulations, effective as of July 1, 1947, it is appropriate that the amendments herein adopted and prescribed, become effective and be applicable to proceedings before the Commission initiated on or after July 1, 1947.

The Commission therefore finds that:

(1) Amendment of its General Rules as herein adopted, promulgated and prescribed is necessary and appropriate for carrying out the provisions of the Federal Power Act and the Natural Gas Act, as amended.

(2) It is appropriate that its general rules, as herein amended, be made effective as of July 1, 1947.

Wherefore, the Commission orders that:

(A) Its general rules be and the same are hereby amended to the extent of adding certain new sections and amending certain existing sections, as listed below, of Part 01, Part 02, Part 03, and Part 1 of Subchapter A of Chapter I, Title 18, of the Code of Federal Regulations, so that the said sections read as provided in the accompanying and attached statement, made a part hereof by reference, setting forth in full the effective wording of the following listed new and amended sections of the aforesaid parts of the said chapter and code:

PART 01—ORGANIZATION

Sections:
New: None.
Amended: 01.3, 01.4, and 01.6.

PART 02—COURSE AND METHOD OF OPERATION

Sections:
New: None
Amended: 02.3 and 02.4.

PART 03—SUBSTANTIVE RULES, GENERAL POLICY, AND INTERPRETATIONS

Sections:
New: 03.1, 03.3, 03.51 and 03.53.
Redesignated: 03.1 as 03.2, and 03.51 as 03.52.
Amended: None other than the redesignations listed above.

PART 1—RULES OF PRACTICE AND PROCEDURE

Sections:
New: None.
Amended: 1.1 (c) (3) and (f) (13), 1.4 (a) (4), 1.6, 1.8, 1.9, 1.11 (a) and (d), 1.12, 1.13, 1.15 (b), 1.16, 1.17 (e) and (f), 1.18, 1.19 (a), 1.20 (b) and (k), 1.23 (a), 1.24 (a), (e) and (h), 1.25 (b), 1.26 (a) and (c) (3) through (5), 1.27 (a) and (b), 1.28, 1.29 (e), 1.30 (c) and (d), 1.31 (a), (c), (d) (2), (e), and (f), 1.32 (b).

(B) The said general rules as amended herein, be and the same are hereby promulgated and prescribed to become effective and be applicable to proceedings before the Commission initiated on or after July 1, 1947;

(C) No power, right, obligation or duty in any proceeding initiated prior to July 1, 1947, arising or existing under or by virtue of any provisions of the Commission's General Rules superseded or amended as herein provided, shall be affected thereby; and

(D) The Secretary of the Commission shall cause prompt publication of this order and accompanying new and amended sections of the aforesaid parts and subchapter of Chapter I, Title 18, Code of Federal Regulations, to be made in the FEDERAL REGISTER, and further, shall cause to be made and reproduced a pamphlet publication of the Commission's "General Rules Including Rules of Practice and Procedure (Effective July 1, 1947)" to be effective as to proceedings initiated on or after July 1, 1947, as provided by this order.

The Commission, on June 16, 1947, adopted its Order No. 138, amending the Commission's "General Rules Including Rules of Practice and Procedure," as prescribed and made effective September 11, 1946 by the Commission's Order No. 132, August 23, 1946 (11 F. R. 177A, pp. 487–509). The said "general rules," as amended by Order No. 138, are prescribed to be effective and applicable to proceedings before the Commission initiated on or after July 1, 1947.

[1] The said parts and subchapter referred to of the Code of Federal Regulations correspond to and are contained in the Commission's pamphlet publication of its General Rules, Including Rules of Practice and Procedure (effective September 11, 1946).

PART 01—ORGANIZATION

Sec.	
01.3	Organization. [Amended]
01.4	Delegations of final authority. [Amended]
01.6	Duties of Commission staff groups. [Amended]

NOTE: This part includes, among others, the above listed sections as published in September 11, 1946 issue of the FEDERAL REGISTER pursuant to Commission Order No. 132, August 23, 1946 (11 F. R. 177A, pp. 487–489, 496–497). By Order No. 138, June 16, 1947, the Commission amended §§ 01.3, 01.4, and 01.6, effective July 1, 1947. Only the amended sections are set forth below.

§ 01.3 *Organization.* The staff of the Commission is organized into the following groups, all of which report directly to the Commission:

(a) The Office of the Secretary; the Bureau of Power; the Bureau of Accounts, Finance and Rates; the Bureau of Law; the Division of Examiners; the Publications Division; the Office of the Chief Engineer; the Budget and Fiscal Division; and the Personnel and Administrative Services Division.

(b) The Natural Gas Investigation (Docket No. G-580), which is being conducted by a separate staff unit under a Special Assistant to the Commission, and which is expected to be concluded during the present fiscal year.

§ 01.4 *Delegations of final authority.* The Commission has authorized:

(a) Except as otherwise expressly provided in the Commission's rules and regulations, the Secretary, or in his absence, the Acting Secretary, to receive and pass upon petitions, motions, or requests of electric public utilities, licensees, natural gas companies and other persons for extensions of time for filing required reports, data and information, and for extensions of time for doing other acts required or allowed to be done at or within a specified time by any rule, regulation, license, permit, certificate, or order of the Commission, not to exceed in any event an extension of 60-days beyond the time or period originally prescribed.

(b) The Secretary, or in his absence, the Acting Secretary, to schedule hearings and issue notices thereof.

(c) The Secretary, or in his absence, the Acting Secretary, to accept service of process upon behalf of the Commission.

(d) The Chief of the Bureau of Power to interpret schedules of power system statements of electric utilities (Forms No. 12, etc.) and to obtain supplemental information required to assure complete and adequate statements; and Regional Engineers to grant 30-day extensions of time for filing such statements.

(e) The Chief of the Bureau of Accounts, Finance and Rates to issue interpretations of the Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies; to suspend the requirements of Account 901—Charges by Associated Companies; Clearing, of those systems; to interpret schedules of annual reports of electric public utilities, licensees, and natural gas companies (Forms No. 1, 2, etc.) and obtain supplemental information required to assure complete and adequate reports.

(f) The chief examiner and the examiners designated to preside at hearings, to exercise the powers and functions stated and enumerated for presiding officers in the Commission's rules and regulations, particularly its rules of practice and procedure.

§ 01.6 *Duties of Commission staff groups.* The duties of the various groups into which the staff of the Commission is organized are described as follows:

(a) *The Office of the Secretary.* The Office of the Secretary, under the direction of the Secretary, receives, records, assigns, and distributes all matters filed with and brought before the Commission for action. In addition to the duties specified in § 01.4 (a) through (c) above, the Secretary serves the orders, rules, regulations, and notices of Commission action; acts as official liaison officer in contacts between the Commission and the public, parties to proceedings, and public officials. The Office of the Secretary includes a public reference section where official dockets and records are maintained, available for public inspection.

(b) *The Bureau of Power.* The Bureau of Power under the direction of the Chief of the Bureau, performs the engineering phases of the licensed project, electrical, river basin, and projects cost work of the Commission. The duties of the Chief include those specified in § 01.4 (d). The Bureau is composed of four functional divisions, the work of which is described as follows:

(1) *The Licensed Projects Division.* The Licensed Projects Division studies and reports on declarations of intentions, applications for preliminary permits and for licenses for water power projects, and related matters; inspects and reports on the construction, operation, and maintenance of such projects; investigates and reports on unlicensed water power developments; studies and reports on applications for restoration of or rights-of-way over power site lands.

(2) *The Electrical Division.* The Electrical Division studies and reports on power markets, adequacy of power supply, interconnection and coordination of power systems, electrical system planning and related matters; collects and checks power system statements submitted by electric utilities; investigates and reports on the engineering features of applications for the approval of security issues, consolidations, mergers, acquisitions, and property disposals of utilities subject to the jurisdiction of the Commission and the jurisdictional status of electric utility systems; makes electrical studies in connection with Commission approval of rate filings for Federal hydroelectric power projects.

(3) *The River Basin Division.* The River Basin Division studies and reports on the comprehensive utilization of river basins for development of hydroelectric power alone and in connection with flood control, navigation, irrigation, and other beneficial purposes; makes investigations and reports as bases for recommendations to other Federal agencies on provisions for hydroelectric power developments at proposed multiple-purpose projects; and makes hydroelectric studies in connection with the approval of rate filings for Federal power projects.

(4) *The Projects Cost Division.* The Projects Cost Division develops and analyzes detailed factual basic cost data covering the construction, maintenance, and operation of water power plants, fuel plants, and transmission facilities; develops and maintains current detailed costs for use of other groups, including Regional Offices, of the Bureau in the performance of their respective functions; and provides consulting service to other staff groups of the Commission in highly technical cost matters.

(5) *Regional Offices.* Five Regional Offices are operated as part of the Bureau of Power, under the general direction of the Chief of the Bureau. Their locations and the territories they serve are:

(i) Atlanta Regional Office, 428 Grant Building, Atlanta 3, Georgia: Alabama, Florida, Georgia, Kentucky, western half of Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

(ii) Chicago Regional Office, U. S. Custom House, 610 South Canal Street, Chicago 1, Illinois: Illinois, Indiana, Iowa, Michigan, Minnesota, part of Missouri, North Dakota, South Dakota, Nebraska, and Wisconsin.

(iii) Fort Worth Regional Office, Seventh and Lamar Streets, Fort Worth 2, Texas: Arkansas, Colorado, Kansas, Louisiana, parts of Mississippi and Missouri, New Mexico, Oklahoma, Texas, and Wyoming.

(iv) New York Regional Office, Murray-Park Building, 11 Park Place, New York 7, N. Y.: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(v) San Francisco Regional Office, Phelan Building, Market and O'Farrell Streets, San Francisco 2, California: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

Each Regional Office is under the direction of a Regional Engineer, who is responsible for the activities of the Bureau within the particular territory, including cooperation with other governmental agencies in those activities. He is also responsible for the duties specified in § 01.4 (d).

The Regional Office activities include the investigation of proposed multiple-purpose river basin projects; assisting applicants in complying with requirements for preliminary permits and licenses; field supervision of licensed projects; receipt and checking of annual power system statements submitted by electric utilities; power market surveys; reports on power requirements and supply, interconnection and coordination of electric utility systems, and regional power pools; investigation of interruptions to electric service; and representation of the Commission on field committees.

(c) *The Bureau of Accounts, Finance and Rates.* The Bureau of Accounts, Finance and Rates, under the direction of the Chief of the Bureau, performs the accounting, original cost, finance, statistical, rate, and gas certificate phases of the Commission work. The duties of the Chief include those specified in § 01.4 (e). The Bureau is composed of five divisions, the work of which is described as follows:

(1) *The Division of Accounts.* The Division of Accounts performs all work relating to the accounting practices of electric public utilities, licensees, and natural gas companies, with the exception of reviewing reclassification and original cost studies of electric public utilities and natural gas companies and claimed net investment in licensed projects; prepares, reviews, and interprets the Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies; makes accounting studies and investigations in rate cases; makes depreciation studies; prepares, reviews, and interprets the annual financial reports prescribed by the Commission; and makes special accounting studies as ordered by the Commission.

(2) *The Division of Original Cost.* The Division of Original Cost reviews, investigates, and reports on the reclassification and original cost studies of electric public utilities and natural gas companies and the disposition of related accounting adjustments; and reviews, investigates, and reports on claimed net investment in licensed projects and the disposition of related accounting adjustments. A section of the Division of Original Cost, located in the San Francisco Regional Office described above, audits and reports on the statements of claimed net investment in licensed projects in the western United States.

(3) *The Division of Finance and Statistics.* The Division of Finance and Statistics analyzes and reports on matters relating to electric utility finance, rate of return, security issues, sales and mergers of electric public utility properties; gathers and publishes financial, rate, cost, production, and other statistical information relating to the electric and natural gas industries.

(4) *The Division of Rates.* The Division of Rates investigates the operations, service lives of property, natural gas reserves, and makes cost allocation studies in rate cases involving electric public utilities, licensees, and natural gas companies; analyzes, reports on and makes recommendations regarding the rate schedules filed by electric public utilities, natural gas companies, and certain Federal hydroelectric power projects, including those under the control of the War Department.

(5) *The Division of Gas Certificates.* The Division of Gas Certificates handles matters relating to applications by natural gas companies and others for certificates of public convenience and necessity and the determination of service areas, the exportation and importation of natural gas, and the jurisdictional status of natural gas companies.

(d) *The Bureau of Law.* The Bureau of Law, under the direction of the General Counsel, performs the legal work related to the activities of the Commission. The Bureau is composed of four divisions, the work of which is described as follows:

(1) *The Electric Power Division.* The Electric Power Division performs the legal work under the Federal Power Act and the duties delegated to the Commission under the Bonneville Act, Tennessee Valley Authority Act, Fort Peck Act, and the other authorizations specified in §§ 01.1 (b) and (c), except those

matters handled by the Hydroelectric Projects Division.

(2) *The Natural Gas Division.* The Natural Gas Division performs the legal work under the Natural Gas Act and the other authorizations conferring duties or jurisdiction upon the Commission with respect to natural gas.

(3) *The Hydroelectric Projects Division.* The Hydroelectric Projects Division performs the legal work under Part I of the Federal Power Act and under the duties delegated to the Commission under the Flood Control Acts and the River and Harbor Acts specified in § 01.1 (b) (other than the determination of net investment in licensed projects, rate and service matters, and security issues of licensees under Part I of the Federal Power Act and rate matters under the Flood Control Act of 1944, which are handled by the Electric Power Division).

(4) *The Interpretative and Research Division.* The Interpretative and Research Division prepares legal interpretations and conducts legal research for the General Counsel and the Bureau generally; assists in the preparation of briefs, regulations, and reports on proposed legislation.

(e) *The Division of Examiners.* The Division of Examiners is under the direction of the Chief Examiner. Examiners, when duly designated, preside at prehearing conferences and make recommendations as to stipulations reached therein by counsel; preside at public hearings, and rule on the admission of evidence and all procedural questions arising in the course of such hearings; hear oral arguments; consider briefs; report to the Commission on the cases heard, and make initial or recommended decisions supported by findings of fact and conclusions of law. When serving as presiding officers, Examiners may exercise the functions specified in § 01.4 (f).

(f) *The Publications Division.* The Publications Division, under the direction of a Special Assistant to the Commission, edits Commission publications and handles their sale and other distribution; prepares and distributes general information concerning the activities of the Commission; and assists the Commission in contacts with the public.

(g) *The Office of the Chief Engineer.* The Office of the Chief Engineer, under the direction of the Chief Engineer, advises the Commission on special engineering matters, including economic studies and reports on the allocation of costs of multiple-purpose water control projects, and advises with the Bureau of Law on special engineering matters in connection with litigation relating to water power projects.

(h) *The Budget and Fiscal Division.* The Budget and Fiscal Division, under the direction of the Chief of the Division, handles all budget, fiscal, and related matters of the Commission; solicits bids, awards contracts, and purchases supplies, equipment and other materials; assists the Commission in contacts with the Bureau of the Budget, the Comptroller General, and the Appropriation Committees of Congress.

(i) *The Personnel and Administrative Services Division.* The Personnel and Administrative Services Division, under the direction of the Chief of the Division, performs all personnel functions for the Commission, including recruitment; and all administrative services, including the preparation of illustrative and duplicative material for the other staff groups of the Commission.

PART 02—COURSE AND METHOD OF OPERATION

FUNCTIONS UNDER PART I OF THE FEDERAL POWER ACT

Sec.
02.3 Preliminary permits. [Amended]
02.4 Licenses. [Amended]

NOTE: This part includes, among others, the above listed sections as published in the September 11, 1946 issue of the FEDERAL REGISTER pursuant to Commission Order No. 132, August 23, 1946 (11 F. R. 177A, pp. 489–495, 496–497). By Order No. 138, June 16, 1947, the Commission amended §§ 02.3 and 02.4, effective July 1, 1947. Only the amended sections are set forth below.

§ 02.3 *Preliminary permits.* (a) The requirements for applications for preliminary permits to maintain priority of applications for license, under section 4 (f) of the act, are stated in §§ 4.80, et seq. and 131.10 of this chapter. Such applications are referred to the Bureau of Power and the Bureau of Law for studies and recommendations. Notice of an application filed by any person, association, or corporation is published in local newspapers in the vicinity of the proposed project and is given to states and municipalities likely to be affected, pursuant to section 4 (f) of the act. After notice, a hearing may be held (See § 02.0). If a permit is authorized, it is issued in the manner provided in § 4.85 of this chapter.

(b) Applications for amendment of preliminary permits are governed by the provisions of § 4.84 of this chapter and are processed in the same manner as initial applications, except that notice is given only of applications involving substantial changes in the proposed plan of development.

(c) Proceedings for the cancellation of a preliminary permit may be initiated by a complaint or by Commission order served on the permittee and interested State agencies and published in the FEDERAL REGISTER. Such order is based on staff studies and recommendations by the Bureau of Power and the Bureau of Law. After notice, a hearing may be held (see § 02.0).

§ 02.4 *Licenses.* (a) The following applications are governed by the requirements of the cited sections of this chapter.

(1) Applications for license for proposed major projects (§§ 4.40, et seq. and 131.2 of this chapter).

(2) Applications for license for constructed major projects (§§ 4.50 et seq. and 131.2 of this chapter).

(3) Applications for amendment of licenses for major projects (§§ 5.1, et seq. and 131.30 of this chapter).

(4) Applications for renewal of licenses for major projects under licenses which expire on specified dates (§ 16.1 of this chapter).

(5) Applications for surrender of licenses for major projects (§§ 6.1, et seq.). Such applications are processed in the manner stated in § 02.3 (a), except those for amendment or surrender of licenses may be acted on by the Commission after thirty (30) days' public notice published in the FEDERAL REGISTER and, if deemed necessary, in local newspapers.

(b) The following applications are processed in the manner stated in § 02.3 (a), except for notice, according to the requirements of the cited sections:

(1) Applications for licenses for minor projects (§§ 4.60 et seq. and 131.6 of this chapter).

(2) Applications for licenses for transmission lines only (§§ 4.70 et seq. and 131.5 of this chapter).

(3) Applications for extension of time for commencing or completing construction of a project (§§ 5.3 and 131.30 of this chapter).

(4) Applications for amendment of licenses for minor projects or transmission lines only (§§ 5.1 et seq. and 131.30 of this chapter).

(5) Applications for approval of transfer of license or lease of project property (§§ 9.1 et seq. and 131.20 of this chapter).

(6) Applications for renewal of licenses for minor projects or transmission lines only under license which expires on a specified date (§§ 16.1 of this chapter).

(7) Applications for approval of plans and exhibits (§§ 5.2 and 131.30 of this chapter).

(8) Applications for surrender of licenses for minor projects or transmission lines only (§§ 6.1 et seq. of this chapter).

(9) Applications for annual licenses (§ 16.1 of this chapter).

(10) Applications concerning a minor part only of a complete project except for transmission lines only (Regulations for similar applications for major projects are applicable).

(c) *Termination of license.* Proceedings for the termination of a license pursuant to section 13 of the act may be initiated by a complaint or by Commission order served on the licensee and interested State agencies and published in the FEDERAL REGISTER. Such order is based on staff studies and recommendations by the Bureau of Power and the Bureau of Law. After notice, a hearing may be held (see § 02.0).

PART 03—SUBSTANTIVE RULES, GENERAL POLICY AND INTERPRETATIONS

SUBSTANTIVE RULES UNDER THE FEDERAL POWER ACT

Sec.
03.1 Regulations under the Federal Power Act. [Added]
03.2 Uniform system of accounts. [Redesignated]
03.3 Approved forms. [Added]

SUBSTANTIVE RULES UNDER THE NATURAL GAS ACT

03.51 Regulations under the Natural Gas Act. [Added]
03.52 Uniform system of accounts. [Redesignated]
03.53 Approved forms. [Added]

NOTE: This part as published in the September 11, 1946, issue of the FEDERAL REGISTER pursuant to Commission Order No. 132, August 23, 1946 (11 F. R. 177A, pp. 495–496, 496–497), included, among others, § 03.1

and 03.51, with the headnote "Uniform system of accounts", referring to the systems of accounts prescribed under the Federal Power and Natural Gas Acts, respectively. By Order No. 138, June 16, 1947, the Commission amended Part 03, effective July 1, 1947, to redesignate §§ 03.1 and 03.51 as 03.2 and 03.52, with no change in the headnotes or texts, respectively, and further amended Part 03 to add new §§ 03.1, 03.3, 03.51 and 03.53, as listed above. The new and redesignated sections are set forth below.

SUBSTANTIVE RULES UNDER THE FEDERAL POWER ACT

§ 03.1 *Regulations under the Federal Power Act.* The "Regulations under the Federal Power Act", considered in part substantive and in part procedural, are published as Subchapter B of this chapter.

§ 03.2 *Uniform system of accounts.* The uniform system of accounts prescribed for public utilities and licensees subject to the provisions of the Federal Power Act, is published in Parts 101, 102, and 103 of Subchapter C of this chapter. Other accounting regulations thereunder are published in Parts 104, 116, 120 and 125.

§ 03.3 *Approved forms.* The approved forms, statements, and reports under the Federal Power Act, are listed and described in §§ 02.13 and 02.44 of this subchapter.

SUBSTANTIVE RULES UNDER THE NATURAL GAS ACT

§ 03.51 *Regulations under the Natural Gas Act.* The "Regulations under the Natural Gas Act", considered in part substantive and in part procedural, are published as Subchapter E of this chapter.

§ 03.52 *Uniform system of accounts.* The uniform system of accounts prescribed for natural gas companies subject to the provisions of the Natural Gas Act, is published in Part 201 of Subchapter F of this chapter. Other accounting regulations thereunder are published in Part 221 of this chapter.

§ 03.53 *Approved forms.* The approved forms, statements, and reports under the Natural Gas Act, are listed and described in § 02.73 of this subchapter.

PART 1—RULES OF PRACTICE AND PROCEDURE

The Commission's Order No. 132, August 23, 1946, prescribing "rules of practice and procedure" (§§ 1.0 to 1.37, inclusive), effective September 11, 1946, was published in the FEDERAL REGISTER of the same date (11 F. R. 177A, pp. 496–509). On June 16, 1947 the Commission adopted its Order No. 138, amending its "general rules including Rules of Practice and Procedure", including amendment of the sections listed below, effective July 1, 1947. Each section listed and amended is set forth in full below, except where it is otherwise indicated and there are set forth only the particular paragraphs, subparagraphs or subdivisions as amended of the indicated sections.

Sec.
1.1 The Commission. [Amended]
1.4 Appearances and practice before the Commission. [Amended]
1.6 Complaints and orders to show cause. [Revised]
1.8 Intervention. [Revised]
1.9 Answers. [Revised]
1.11 Amendments and withdrawal of pleadings. [Amended]
1.12 Motions. [Revised]
1.13 Time; extensions of time; issuance of orders. [Revised]
1.15 Formal requirements as to pleadings, documents and other papers filed in proceedings. [Amended]
1.16 Subscription and verification. [Revised]
1.17 Service. [Amended]
1.18 Prehearing conferences; offers of settlement. [Revised]
1.19 Notice. [Amended]
1.20 Hearings. [Amended]
1.23 Subpenas. [Amended]
1.24 Depositions. [Amended]
1.25 Stipulations. [Amended]
1.26 Evidence. [Amended]
1.27 Presiding officers. [Amended]
1.28 Appeals to Commission from rulings of presiding officers. [Revised]
1.29 Briefs and oral arguments before presiding officers and proposed findings and orders. [Amended]
1.30 Decisions. [Amended]
1.81 Exceptions to intermediate decisions and briefs and oral arguments before Commission. [Amended]
1.32 Shortened procedures. [Amended]

NOTE: In the sections listed above (§ 1.1 et al.) the numbers to the right of the decimal point correspond with the respective "rule" numbers in the pamphlet publication of the Commission's "General Rules Including Rules of Practice and Procedure (Effective July 1, 1947)".

§ 1.1 *The Commission.* • • •

(c) *Sessions.* The Commission meets and exercises its powers in any part of the United States. • • •

(3) *Special.* Special sessions of the Commission for consultation, or for the transaction of business, may be held at any time and place as may be scheduled by the Commission.

• • • • •

(f) *Definitions.* As used in this part, except as otherwise required by the context • • •.

(13) *Interveners.* Persons petitioning to intervene as provided by § 1.8, when admitted as a participant to a proceeding, and State Commissions giving notice of intervention as provided in said section, are styled interveners. Admission as an intervener shall not be construed as recognition by the Commission that such intervener might be aggrieved by any order of the Commission in such proceeding.

§ 1.4 *Appearances and practice before the Commission*—(a) *Appearances.* • • •

(4) Any person appearing before or transacting business with the Commission in a representative capacity may be required by the Commission or the presiding officer to file evidence of his authority to act in such capacity.

§ 1.6 *Complaints and orders to show cause*—(a) *Informal complaints*—(1) *Form.* Informal complaints may be made by letter or other writing, and will be filed as received. Matters informally presented will, if their nature so warrants, be taken up by correspondence or conference with the party or parties complained of in an endeavor to bring about satisfaction of the complaint without formal hearing.

(2) *Substance.* No form of informal complaint is prescribed but in substance it should contain the name and address of complainant, the name and address of the party against whom the complaint is made, and a brief statement of the facts forming the basis of such complaint. Although the filing of an informal complaint is without prejudice to complainant's right to file a formal complaint, only formal complaints submitted and prosecuted in the manner prescribed in this section will initiate formal proceedings or make complainant a party to any proceedings already initiated, and only formal complaints will be admitted in the record of formal proceedings. It is desirable that the informal complaint be accompanied by sufficient copies to enable the Commission to transmit one to each party named and to each interested State commission, and retain one for its own use, and it may be accompanied by supporting papers.

(b) *Formal complaints*—(1) *Form.* Formal complaints shall be in writing and under oath and shall conform to the requirements of §§ 1.15 and 1.16. In such complaints there shall be stated the names and addresses of all parties, complainant and defendant, in full without abbreviations, with the name and address of each complainant's attorney, if any.

(2) *Substance.* Formal complaints shall be so drawn as fully and completely to advise the parties, defendant and the Commission of the facts constituting the grounds of the complaint, the provisions of statutes, rules, regulations, and orders relied upon, involving authority of the Commission, the injury complained of, and the relief sought.

(c) *Joinder.* Two or more grounds of complaint involving the same purposes, subject, or state of facts, may be included in one complaint, but should be separately stated and numbered; and two or more complainants may join in one complaint if their respective causes of complaint are against the same defendant or defendants, and involve substantially the same purposes and subject, and a like state of facts.

(d) *Orders to show cause.* Whenever the Commission desires to institute a proceeding against any person under statutory or other authority, the Commission may commence such action by an order to show cause setting forth the grounds for such action. Said order will contain a statement of the particulars and matters concerning which the Commission is inquiring, which shall be deemed to be tentative and for the purpose of framing issues for consideration and decision by the Commission in the proceeding, and the order will require that the respondent named respond orally, or in writing (as provided in § 1.9 (c)), or both.

§ 1.8 *Intervention*—(a) *Initiation of intervention.* Participation in a proceeding as an intervener may be initiated as follows:

(1) By the filing of a notice of intervention by a State Commission, including any regulatory body of the State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy, or natural gas, as the case may be, to consumers within the intervening State or municipality.

(2) By order of the Commission upon petition to intervene.

(b) *Who may petition.* A petition to intervene may be filed by any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. Such right or interest may be:

(1) A right conferred by statute of the United States;

(2) An interest which may be directly affected and which is not adequately represented by existing parties and as to which petitioners may be bound by the Commission's action in the proceeding (the following may have such an interest: consumers served by the applicant, defendant, or respondent; holders of securities of the applicant, defendant, or respondent; and competitors of the applicant, defendant, or respondent).

(3) Any other interest of such nature that petitioner's participation may be in the public interest.

(c) *Form and contents of petitions.* Petitions to intervene shall set out clearly and concisely the facts from which the nature of the petitioner's alleged right or interest can be determined, the grounds of the proposed intervention, and the position of the petitioner in the proceeding, so as fully and completely to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding, and citing by appropriate reference the statutory provisions or other authority relied on. They shall in other respects comply with the requirements of §§ 1.15 and 1.16.

(d) *Filing and service of petitions.* Petitions to intervene and notices of intervention shall be filed with the Commission within the time provided in any notice of the proceeding or in the order fixing date of hearing, but not less than 10 days before the date set for the commencement of the hearing, if any, except as otherwise specifically permitted by the Commission in extraordinary circumstances for good cause shown. Service shall be made as provided in § 1.17. Where a person has been permitted to intervene notwithstanding his failure to file his petition within the time prescribed in this paragraph, the Commission or presiding officer may, where the circumstances warrant, admit any exhibit in evidence without requiring additional copies thereof to be produced for such intervener.

(e) *Answers to petitions.* Any party to the proceeding or staff counsel may file an answer to a petition to intervene, and in default thereof, may be deemed to have waived any objection to the granting of such petition. If made, answers shall be filed within 10 days after the date of service of the petition, but not later than 5 days prior to the date set for the commencement of the hearing, if any, unless for cause the Commission with or without motion shall prescribe a different time. They shall in all other respects conform to the requirements of § 1.15 to 1.17, inclusive.

(f) *Notice and action on petitions*—(1) *Notice and service.* Petitions to intervene, when tendered to the Commission for filing, shall show service thereof upon all participants to the proceeding in conformity with § 1.17 (b).

(2) *Action on petitions.* As soon as practicable after the expiration of the time for filing answers to such petitions or default thereof, as provided in paragraph (e) of this section, the Commission will grant or deny such petition in whole or in part or may, if found to be appropriate, authorize limited participation. No petitions to intervene may be filed or will be acted upon during a hearing unless permitted by the Commission after opportunity for all parties to object thereto. Only to avoid detriment to the public interest will any presiding officer tentatively permit participation in a hearing in advance of, and then only subject to, the granting by the Commission of a petition to intervene.

(g) *Limitation in hearings.* Where there are two or more interveners having substantially like interests and positions, the Commission or presiding officer may, in order to expedite the hearing, arrange appropriate limitations on the number of attorneys who will be permitted to cross-examine and make and argue motions and objections on behalf of such interveners.

§ 1.9 *Answers*—(a) *Answers to formal complaints and petitions.* Answers to formal complaints and petitions, other than petitions to intervene, shall be filed with the Commission within 30 days after the date of service, unless for cause the Commission with or without motion shall prescribe a different time, but in no case shall answer be required in less than 10 days after the date of service. Any defendant failing to file answer within such period shall be deemed in default, and all relevant basic facts stated in such complaint or petition may be deemed admitted. All answers shall be in writing and under oath, and so drawn as fully and completely to advise the parties and the Commission as to the nature of the defense. They shall admit or deny specifically and in detail each material allegation of the pleading answered, and state clearly and concisely the facts and matters of law relied upon. They shall conform to the requirements of §§ 1.15 to 1.17, inclusive.

(b) *Answers to petitions to intervene.* See § 1.8 (e).

(c) *Answers to orders to show cause.* Any person upon whom an order to show cause has been served under § 1.6 shall, if directed so to do, respond to the same by filing within the time specified in said order an answer in writing and under oath. Such answer shall be drawn so as specifically to admit or deny the allegations or charges which may be made in said order, set forth the facts upon which respondent relies, and state concisely the matters of law relied upon. Mere general denials of the allegations of said order unsupported by specific facts upon which respondent relies will not be considered as complying with the order and may be deemed a basis for entry of a final order without hearing, unless otherwise required by statute, on the ground that the response has raised no issues requiring a hearing or further proceedings. Any respondent failing to file answer within the time allowed shall be deemed in default, and all relevant facts stated in said order to show cause may be deemed admitted. Such answer shall otherwise conform to the requirements of §§ 1.15 to 1.17, inclusive.

(d) *Answers to motions.* See § 1.12 (c).

(e) *Defendants seeking affirmative relief.* Defendants seeking relief against other parties in a proceeding by reason of the presence of common questions of law or fact shall set forth in their answer the facts constituting the grounds of complaint, the provisions of the statutes, rules, regulations, or orders relied upon, the injury complained of, and the relief sought. The answer shall in all other respects, conform to the requirements of this section and §§ 1.15 to 1.17, inclusive.

(f) *Replies to defendants seeking affirmative relief.* Unless otherwise ordered by the Commission, replies to answers seeking affirmative relief must be filed and served within 15 days after the service of the answer, but not later than 5 days prior to the date set for the commencement of the hearing, if any. They shall in all other respects conform to the requirements of §§ 1.15 to 1.17, inclusive.

(g) *Answers to amendments of pleadings.* Any party to a proceeding or staff counsel may file an answer to any amendment, modification or supplement to an application, complaint, petition or other pleading. If made, answers shall be filed within 15 days after the date of service of the amendment, modification or supplement, unless for cause the Commission or presiding officer with or without motion shall prescribe a different time. They shall in all other respects conform to the requirements of §§ 1.15 to 1.17, inclusive.

(h) *Satisfaction of complaints.* If the defendant satisfies a formal complaint either before or after answering, a statement to that effect signed by the opposing parties shall be filed, setting forth when and how the complaint has been satisfied and requesting dismissal. Such statements shall be served upon all parties, and the original copies of such statements, when filed, shall show service on all parties, and in other respects shall conform to the requirements of §§ 1.15 to 1.17, inclusive; all additional copies shall be conformed thereto.

§ 1.11 *Amendments and withdrawal of pleadings*—(a) *Amendments.* Any modification or supplement to an application, complaint, petition or other pleading shall be deemed as an amendment to the pleading, and shall comply with the requirements of the rules of this chapter relating to the pleading amended in so far as appropriate and in all other re-

spects shall conform to the requirements of §§ 1.15 to 1.17, inclusive. Upon its own motion or upon motion promptly filed by any participant, the Commission may for good cause decline to permit, or may strike in whole or in part, any amendment. No amendment to a pleading may be filed within 5 days next preceding the commencement of or during a hearing unless directed or permitted by the Commission or the presiding officer after opportunity for all parties to be heard thereon.

* * * * *

(d) *Withdrawal of pleadings.* A participant desiring to withdraw a pleading filed with the Commission may file a notice of withdrawal thereof with the Commission. Such notice shall set forth the reasons for the withdrawal and conform to the requirements of this section and §§ 1.15 to 1.17, inclusive, as to copies, form, service, subscription, and verification. A certificate shall accompany every notice showing service on all participants. Unless otherwise ordered by the Commission for good cause, such notice shall, 30 days after the filing thereof, be deemed to have effected the withdrawal of the pleading, including amendments, if any: *Provided, however,* That this paragraph shall not be construed as effecting, without express permission of the Commission, withdrawal of:

(1) Any pleading in any proceeding in which a hearing has been held or convened;

(2) Any formal complaint, answer thereto, response to order to show cause, or any amendment to any of the aforesaid pleadings;

(3) Any declaration of intention or application for license, or amendment thereof, under Part I of the Federal Power Act.

§ 1.12 *Motions*—(a) *Scope and contents.* After a hearing has commenced in a proceeding, a request may be made by motion for any procedural or interlocutory ruling or relief desired except as may be expressly provided for in §§ 1.5, 1.6, 1.7 (b) and (c), 1.8, 1.9, 1.10 and 1.11. Other motions may be made as provided for elsewhere in this part. Motions shall set forth the ruling or relief sought, and state the grounds therefor and the statutory or other authority relied upon.

(b) *Presentation.* The requirements of §§ 1.15 to 1.17, inclusive, shall apply to all written motions. Motions made during hearings may be stated orally upon the record, *Provided, however,* That the Commission or presiding officer may require that such motions be reduced to writing and filed separately.

(c) *Objections.* Any party or staff counsel shall have ten days within which to answer or object to any motion unless the period of time is otherwise fixed by the Commission or presiding officer.

(d) *Rulings on.* The presiding officer designated to preside at a hearing is authorized to rule upon any motion not formally acted upon by the Commission prior to the commencement of the hearing where immediate ruling is essential in order to proceed with the hearing, and upon any motion filed or made after the commencement thereof and prior to the submission of his initial or recommended decision in the proceedings, *Provided, however,* That no motion made before or during a hearing, a ruling upon which would involve or constitute a final determination of the proceeding, shall be ruled upon by a presiding officer except as a part of either his initial or recommended decision submitted after the conclusion of the hearing, *Provided, further,* That this section shall not be construed as precluding a presiding officer, within his discretion, from referring any motion to the Commission for ultimate determination. The Commission will rule upon all other motions and upon such motions as presiding officers may certify to the Commission for disposition.

§ 1.13 *Time; extensions of time; Issuance of orders*—(a) *Computation of time.* Except as otherwise provided by law, in computing any period of time prescribed or allowed by this part, by any rule, regulation, or order of the Commission, or by any applicable statute, the day of the act, event, or default from or after which the designated period of time begins to run shall not be included, but the last day of the period so computed shall be included, unless it is a Saturday, Sunday, or a legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or a holiday. A part-day holiday shall be considered as other days and not as a holiday.

(b) *Issuance of orders.* In computing any period of time involving the date of the issuance of an order by the Commission, the day of issuance of an order shall be the day the Office of the Secretary mails or delivers copies of the order (full text) to the parties or their attorneys of record, or makes such copies public, whichever be the earlier. Orders will not be made public prior to the mailing or delivery to the parties or their attorneys of record, except where, in the judgment of the Commission, the public interest so requires. The day of issuance of an order may or may not be the day of its adoption by the Commission. In any event, the Office of the Secretary shall clearly indicate on each order the date of its issuance. At the time any intermediate initial or tentative decision becomes effective as a decision of the Commission in the absence of Commission review as provided for by §§ 1.30 and 1.31, the Secretary will issue and serve upon the parties of record an appropriate notice of the date such decision became effective as a Commission decision or order.

(c) *Effective dates of orders.* Orders of the Commission shall be effective as of the dates of issuance unless otherwise specifically provided in the orders.

(d) *Extensions of time.* Except as otherwise provided by law, whenever by any rule, regulation, or order of the Commission, or any notice given thereunder, an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may, by the Commission or the presiding officer, for good cause be extended upon motion made before expiration of four-fifths of the period originally prescribed or as previously extended; and upon motion made after the expiration of the specified period, the act may be permitted to be done where reasonable grounds are shown for the failure to act.

(e) *Continuances.* Except as otherwise provided by law, the Commission may for good cause at any time, with or without motion, continue or adjourn any hearing. A hearing before the Commission or a presiding officer, shall begin at the time and place ordered by the Commission, but thereafter may be adjourned from time to time or from place to place by the Commission or the presiding officer.

(f) *Requests for continuance, time extensions.* Except as otherwise provided by law, requests for continuance of hearings or for extensions of time in which to perform any act required or allowed to be done at or within a specified time by any rule, regulation, or order of the Commission, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a hearing in a proceeding, such requests may be made by oral motion in the hearing before the Commission or the presiding officer. Written motions filed under this section shall conform to the requirements of §§ 1.12, and 1.15 to 1.17, inclusive.

§ 1.15 *Formal requirements as to pleadings, documents, and other papers filed in proceedings.* * * *

(b) *Copies.* Except as may be otherwise required by the rules or regulations of the Commission, or ordered or requested by the Commission, at the time pleadings, documents, or other papers other than correspondence, are filed with the Commission, there shall be furnished to the Commission an original and 19 confirmed copies of such papers and exhibits, if any: *Provided, however,* When service is made by the parties, or service is not required to be made, only an original and 14 confirmed copies need be filed. (See § 1.17 (f) re service and § 1.26 (c) (5) re exhibits in hearings).

* * * * *

§ 1.16 *Subscription and verification*—(a) *Subscription*—(1) *By whom.* Applications, formal complaints, petitions and other pleadings, amendments thereto, notices, reports, exhibits, and other requests, submittals, or statements filed with the Commission shall be subscribed: (1) by the person filing the same, and severally if there be more than one person so filing; (2) by an officer thereof if it be a corporation, trust, association, or other organized group; (3) by an officer or employee thereof if it be a State commission, a department or political subdivision of a State, or other governmental authority, agency, or instrumentality; or (4) by an attorney having authority with respect thereto. Applications, formal complaints, petitions to intervene and petitions initiating proceedings, filed by any corporation, trust, association, or other organized group, may be required to be supplemented by appropriate evidence of the authority of the officer or attorney subscribing such pleadings.

(2) *Effect.* The signature of the person, officer or attorney subscribing any pleading or matter filed with the Commission constitutes a certificate by such individual that he has read the pleading or matter being subscribed and filed, and knows the contents thereof; that if executed in any representative capacity, the matter has been subscribed and executed in the capacity specified upon the pleading or matter filed with full power and authority so to do; that the contents are true as stated, except as to matters and things, if any, stated on information and belief, and that as to those matters and things, he believes them to be true.

(b) *Verification.* Any facts alleged in the matter filed shall be verified under oath by the person filing, an officer, or other person having knowledge of the matters set forth. If the verification be by any one other than the person filing or other than an officer thereof, it shall include a statement of the reason therefor.

§ 1.17 *Service.* * * *

(e) *Certificate of service.* There shall accompany and be attached to the original of each pleading, document, or other paper filed with the Commission, when service is required to be made by the parties, a certificate of service in the form prescribed, 18 CFR 131.1, 250.1. All other copies filed shall be fully conformed thereto.

(f) *Copies.* Where service is made by the parties, or service is not required to be made, save to the extent a different number is required by the Commission's rules and regulations governing the specific filing, an original and 14 conformed copies of such pleadings, documents, or other papers, together with exhibits, if any, shall be filed with the Commission in lieu of the original and 19 conformed copies required by § 1.15 (b). (See § 1.26 (c) (5) re exhibits in hearings.)

§ 1.18 *Prehearing conferences—Offers of settlement*—(a) *To adjust or settle proceedings.* In order to provide opportunity for settlement of a proceeding, or any of the issues therein, there may be held at any time prior to or during hearings before the Commission or a presiding officer designated to preside at conferences or hearings, such informal conferences of parties and staff counsel for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment as time, the nature of the proceeding, and the public interest may permit.

(b) *To expedite hearings.* To expedite the orderly conduct and disposition of any hearing, at such prehearing conferences as may be held, there may be considered, in addition to any offers of settlement or proposals of adjustment, the possibility of the following:

(1) The simplification of the issues;

(2) The exchange and acceptance of service of exhibits proposed to be offered in evidence;

(3) The obtaining of admission as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may properly be dealt with to aid in expediting the orderly conduct and disposition of the proceeding.

(c) *Initiation of conferences.* The Commission with or without motion may direct that a prehearing conference be held. Upon motion by a party or staff counsel timely filed, a presiding officer designated to preside at the hearing or such other officer as may be designated may direct the attorneys for the parties to such proceedings and staff counsel to appear for a prehearing conference to consider the matters outlined in paragraph (b) of this section. Due notice of the time and place of such conference will be given to all parties to the proceeding and staff counsel.

(d) *Conference results stipulated.* Upon conclusion of a prehearing conference, attorneys for the parties and staff counsel shall immediately reduce the results thereof to the form of a written stipulation which recites the matters agreed upon, and 10 copies thereof shall forthwith be filed with the Commission by the presiding officer of such conference. Such stipulations may be received in evidence at a hearing and, when so received, shall be binding on the parties and staff counsel with respect to the matters therein stipulated.

(e) *Offers of settlement.* Nothing contained in this Section shall be construed as precluding any party to a proceeding from submitting at any time offers of settlement or proposals of adjustment to all parties and to the Commission (or to staff counsel for transmittal to the Commission), or from requesting conferences for such purpose. Unaccepted proposals of settlement or of adjustment or as to procedure to be followed and proposed stipulations not agreed to shall be privileged and shall not be admissible in evidence against any counsel or person claiming such privilege.

§ 1.19 *Notice*—(a) *Rule making.* Before the adoption of any rule or the commencement of any hearing on any proposed rule making, the Commission will cause general notice to be given by publication in the FEDERAL REGISTER (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law), such notice to be filed with the FEDERAL REGISTER not less than 15 days prior to the date fixed for the consideration of the adoption of a proposed rule or rules or for the commencement of the hearing, if any, on the proposed rule making, except where a shorter period is reasonable and good cause exists therefor. Such notice will state the time, place, and nature of the proceeding, recite the authority under which the rule is proposed to be adopted and promulgated, and include either the terms or substance of the proposed rule or a description of the subjects and issues involved to inform interested persons of the nature of the proceeding, so as to permit any interested person to submit views, data, or proposals relative thereto; and such notice will set forth a time period in which interested persons may submit written data, views, or arguments concerning the proposed rule, indicating also whether opportunity for oral presentation or public hearing is contemplated; *Provided, however,* That:

(1) Where the Commission, for good cause, finds it impracticable, unnecessary, or contrary to the public interest to give such notice, it may proceed with the adoption of rules without notice by incorporating therein a finding to such effect and a concise statement of the reasons therefor;

(2) Except where notice or hearing is required by statute, the Commission may issue at any time rules of organization, procedure or practice, or interpretative rules, or statements of policy, without notice or public proceedings; and

(3) This section is not to be construed as applicable to the extent that there may be involved any military, naval or foreign affairs function of the United States, or any matter relating to the Commission's management or personnel, or to United States property, loans, grants, benefits, or contracts.

* * * * *

§ 1.20 *Hearings.* * * *

(b) *Consolidation.* The Commission, upon its own motion, or upon motion by a party or staff counsel, may order proceedings involving a common question of law or fact to be consolidated for hearing of any or all the matters in issue in such proceedings.

* * * * *

(k) *Transcript and record.* Hearings shall be stenographically reported by the official reporter of the Commission, and a transcript of said report shall be a part of the record and the sole official transcript of the proceeding. Such transcripts shall include a verbatim report of the hearings; nothing shall be omitted therefrom except as is directed on the record by the Commission or the presiding officer. After the closing of the record, there shall not be received in evidence or considered as part of the record any document, letter, or other writing submitted after the close of testimony except as provided in paragraph (j) of this section, or changes in the transcript as provided in paragraph (l) of this section.

* * * * *

§ 1.23 *Subpenas*—(a) *Issuance.* Subpenas for the attendance of witnesses or for the production of documentary evidence, unless directed by the Commission upon its own motion, will issue only upon application in writing to the Commission or the presiding officer, except that during sessions of a hearing in a proceeding, such application may be made orally on the record before the Commission or presiding officer, who is hereby given authority to determine the relevancy and materiality of the evidence sought and to issue such subpenas in accordance with such determination. Such written applications shall be verified and shall specify as nearly as may be the general relevance, materiality, and scope of the testimony or documen-

tary evidence sought, including, as to documentary evidence, specification as nearly as may be, of the documents desired and the facts to be proved by them in sufficient detail to indicate the materiality and relevance of such documents.

* * * * *

§ 1.24 *Depositions*—(a) *When permissible.* The testimony of any witness may be taken by deposition, upon application by a participant in a proceeding pending before the Commission, at any time before the hearing is closed, upon approval by the Commission or the presiding officer.

(e) *Oath and reduction to writing.* Every person whose testimony is taken by deposition shall be sworn, or shall affirm concerning the matter about which he shall testify, before any questions are put or testimony given. The testimony shall be reduced to writing by the Officer, or under his direction, after which the deposition shall be subscribed by the witness and certified in the usual form by the Officer. Unless otherwise directed in the authorization, after the deposition has been subscribed and certified, it shall, together with the number of copies specified in the authorization, the copies being made by such Officer or under his direction, be forwarded by such Officer in a sealed envelope addressed to the Commission at its office in Washington 25, D. C., with sufficient stamps for postage affixed. Upon receipt thereof, the Secretary shall file the original in the proceeding and shall forward a copy to each party or his attorney of record and to staff counsel.

* * * * *

(h) *Not part of record unless received in evidence.* No part of a deposition shall constitute a part of the record in the proceeding, unless received in evidence by the Commission or presiding officer. Objection may be made at the hearing in the proceeding to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witnesses were then present and testifying.

§ 1.25 *Stipulations.* * * *

(b) *Form, style, and service.* Stipulations shall conform to the applicable requirements of §§ 1.15 to 1.17, inclusive, except stipulations made orally on the record during hearings.

§ 1.26 *Evidence*—(a) *Form and admissibility.* In any proceeding before the Commission or a presiding officer relevant and material evidence shall be admissible, but there shall be excluded such evidence as is unduly repetitious or cumulative, or such evidence as is not of the kind which would affect reasonable and fair-minded men in the conduct of their daily affairs.

* * * * *

(c) *Documentary.* * * *

(3) *Records in other proceedings.* When any portion of the record in any other proceeding before the Commission is offered in evidence and shown to be relevant and material to the instant proceeding, a true copy thereof shall be presented in the form of an exhibit, together with additional copies as provided in subparagraph (5) of this paragraph, unless:

(i) The participant offering the same agrees to supply, within a period of time specified by the Commission or the presiding officer, such copies at his own expense, if and when so required; and

(ii) The portion is specified with particularity in such manner as to be readily identified, and upon motion is admitted in evidence by reference to the records of the other proceeding.

(4) *Form and size.* Wherever practicable, all exhibits of a documentary character received in evidence shall be on paper of good quality and so prepared as to be plainly legible and durable, whether printed, photostated or typewritten, and shall conform to the requirements of § 1.15 whenever practicable.

(5) *Copies to parties and Commission.* Except as otherwise provided in these rules, when exhibits of a documentary character are offered in evidence, copies shall be furnished to the presiding officer and to the parties or counsel, including staff counsel, unless the Commission or the presiding officer otherwise directs. In addition, unless otherwise directed by the Commission or the presiding officer, 4 copies of each exhibit of documentary character shall be furnished for the use of the Commission.

* * * * *

§ 1.27 *Presiding officers*—(a) *Designation.* When evidence is to be taken in a proceeding, either the Commission, or, when duly designated for that purpose, one or more of its members, examiners, or other representative appointed according to law, may preside at the hearing.

(b) *Authority delegated.* Presiding officers duly designated by the Commission to preside at hearings shall have the authority, within the Commission's powers and subject to its published rules, as follows:

(1) To regulate the course of hearings;

(2) To administer oaths and affirmations;

(3) To issue subpenas;

(4) To rule upon offers of proof and receive evidence;

(5) To take or cause depositions to be taken;

(6) To hold appropriate conferences before or during hearings;

(7) To dispose of procedural matters but not, before their initial or recommended decisions, to dispose of motions made during hearings to dismiss proceedings or other motions which involve final determination of proceedings;

(8) Within their discretion, or upon direction of the Commission, to certify any question to the Commission for its consideration and disposition;

(9) To submit their initial or recommended decisions in accordance with § 1.30;

(10) To take any other action necessary or appropriate to the discharge of the duties vested in them, consistent with the statutory or other authorities under which the Commission functions and with the rules, regulations, and policies of the Commission.

§ 1.28 *Appeals to Commission from rulings of presiding officers*—(a) *During hearing.* Rulings of presiding officers may not be appealed from during the course of hearings except in extraordinary circumstances where prompt decision by the Commission is necessary to prevent detriment to the public interest. In such instance the matter shall be referred forthwith by the presiding officer to the Commission for determination.

(b) *Offers of proof.* Any offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

§ 1.29 *Briefs and oral arguments before presiding officers and proposed findings and orders.* * * *

(e) *Briefs, filing and service.* Briefs not filed and served on or before the dates fixed therefor shall not be accepted for filing, except by special permission of the Commission or the presiding officer. All briefs shall be accompanied by a certificate showing service upon all parties or their attorneys who appeared at the hearing or on brief, and except where filing of a different number is permitted or directed by the Commission or presiding officer, 20 copies of each brief shall be furnished for the use of the Commission. Requests for the extension of time in which to file briefs shall conform to the requirements of § 1.13, and shall be filed at least five days before the time fixed for filing such briefs.

§ 1.30 *Decisions*—(a) *Initial decisions by presiding officers.* In proceedings in which the Commission has not presided at the reception of evidence, except as otherwise provided in this part, the presiding officer, as soon as practicable after the conclusion of the hearing and expiration of the time for filing of briefs, shall certify and file with the Secretary, for the Commission, a copy of the record of the hearing, including his report thereon. Except as otherwise provided, such presiding officer's report shall constitute the initial decision, which shall be served upon all parties, or their attorneys of record, and staff counsel, who may file exceptions in the manner and within the time provided in § 1.31.

* * * * *

(c) *Waiver and omission of intermediate decision procedure.* (1) In lieu of any intermediate decision (initial by presiding officer, recommended by presiding officer or designated responsible officer, or tentative by the Commission), any party or staff counsel in any proceeding may request all other parties and staff counsel concurring in such request, that the Commission forthwith render the final decision. In such requests for omitting the intermediate decision procedure there shall be specified:

(i) The concurrence of the other parties and staff counsel;

(ii) Whether opportunity for presenting oral argument or filing briefs before the presiding officer or Commission is desired or waived;

(iii) Whether opportunity for presenting proposed findings and conclusions with supporting reasons therefor, is desired or waived; and

(iv) Whether the parties reserve only their rights to apply to the Commission for rehearing and to petition for judicial review of the Commission's decision or order as may be provided for by the statute under which the proceeding was initiated and conducted.

(2) In rule-making or initial licensing proceedings the Commission, with or without request or motion therefor, may render the decision upon a finding on the record that due and timely execution of its functions imperatively and unavoidably so requires.

(3) Requests for waiver and omission of the intermediate decision procedure shall be by motion filed with the Commission at any time during, but not less than five days next following, the conclusion or adjournment sine die of the hearing; shall be in writing under oath, subscribed and verified; and shall in all other respects conform to the requirements of §§ 1.12 and 1.15 to 1.17, inclusive; *Provided, however,* That during sessions of hearings in proceedings, motions for such waiver and omission may be made orally on the record before the presiding officer, who shall forthwith report the same to the Commission.

(d) *Final decisions.* All decisions of the Commission shall be final (subject only to application for rehearing provided for by the statute under which the proceeding is initiated and conducted), except tentative decisions that may be issued in rule-making or determining applications for initial licenses as herein provided. Final decisions shall include:

(1) Decisions by the Commission in proceedings in which the Commission has presided at the reception of evidence;

(2) Decisions upon appeal of intermediate decisions to the Commission by the parties or staff counsel, by filing exceptions in the manner and time provided by § 1.31, or upon review initiated by the Commission within 10 days next following the expiration of the time for filing exceptions under the aforesaid Section, or such other time as the Commission may fix in specific cases;

(3) Intermediate initial or tentative decisions, upon the expiration of the time provided for an appeal to or review by the Commission without such appeal or review having been initiated;

(4) Decisions by the Commission in rule-making, or initial licensing proceedings, in which the Commission omits the intermediate decison procedure upon a finding that due and timely execution of its functions imperatively and unavoidably so requires;

(5) Decisions by the Commission in proceedings in which, under the provisions of paragraph (c) of this section all parties and staff counsel have waived or concurred in the waiving and omission of the intermediate decision procedure, and in lieu thereof have requested that the Commission forthwith render the final decision, and in which the Commission has not denied such request within 10 days next following its filing; and

(6) Decisions by the Commission in shortened proceedings as provided in § 1.32.

§ 1.31 *Exceptions to intermediate decisions and briefs and oral arguments before Commission*—(a) *Exceptions, filing of.* Any party or staff counsel desiring to appeal to the Commission may, within 20 days after the service of a copy of an intermediate decision (initial or recommended by subordinates, or tentative by Commission), or such other time as may be fixed by the Commission, file exceptions thereto.

* * * * *

(c) *Failure to except results in waiver.* Failure to file exceptions within the time allowed under this section shall constitute a waiver of all objections to the intermediate decision served. No matter not included in the exceptions filed as provided in this Section may thereafter be objected to before the Commission upon brief or oral argument, or in an application for Commission rehearing; and any matter not included in such exceptions shall be deemed waived. Exceptions covering rulings admitting or excluding evidence not objected to at the time the rulings were made, will be unavailing.

(d) *Briefs and oral argument before Commission.* * * *

(2) *Hearing before presiding officer.* In proceedings in which the Commission has not presided at the reception of the evidence, any party or staff counsel may file a motion requesting opportunity to present oral argument or to file briefs concerning matters before the Commission for decision, except that where exceptions have been filed, they shall constitute the brief before the Commission. Such motions may be filed at any time during a proceeding, but not later than the time permitted for the filing of exceptions to the intermediate decision, *Provided, however,* That opportunity to file briefs or to make oral argument may be requested in motions for waiver of intermediate decisions, as provided in § 1.30 (c).

(e) *Briefs and arguments, contents and scope.* When the Commission has presided at the reception of the evidence, or when the parties have waived the intermediate decision procedure, briefs and arguments before the Commission may include and present for consideration the matters as provided in § 1.29 relating to briefs and oral arguments before presiding officers, and in all other respects, as applicable, such arguments and briefs shall conform to the requirements of the aforesaid section. In all other proceedings, briefs, and oral arguments before the Commission may include those matters that may properly be included and presented in exceptions to intermediate decisions, subject to the same conditions contained in paragraph (c) of this section.

(f) *Exceptions and briefs, form and service.* Exceptions and briefs shall conform to the requirements as applicable of §§ 1.15 and 1.17, as to copies, form, and service, 15 copies thereof being filed with the Commission, in addition to the copies served on the parties to the proceedings.

§ 1.32 *Shortened procedures.* * * *

(b) *Noncontested proceedings.* In any proceeding required by statute to be set for hearing, the Commission when it appears to be in the public interest and to the interest of the parties to grant the relief or authority requested in the initial pleading, and to omit the intermediate decision procedure, may after a hearing during which no opposition or contest develops, forthwith dispose of the proceeding upon consideration of the pleadings and other evidence filed and incorporated in the record; *Provided,* (1) the applicant or initial pleader requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity for filing exceptions to the decision of the Commission; and (2) no issue of substance is raised by any request to be heard, protest or petition filed subsequent to publication in the FEDERAL REGISTER of the notice of the filing of an initial pleading and notice or order fixing date of hearing, which notice or order shall state that the Commission considers the proceeding a proper one for disposition under the provisions of this section, and shall otherwise conform with the requirements of § 1.19. Requests for the procedure provided by this section may be contained in the initial pleading or subsequent request in writing to the Commission. The decision of the Commission in such proceeding after noncontested hearing, will be final, subject to reconsideration by the Commission upon application for rehearing as provided by statute.

(Secs. 209, 309, 49 stat. 853, 858, secs. 16, 17, 52 Stat. 830; 16 U. S. C. 824 h, 825 h, 15 U. S. C. 717 o, 717 p)

Date of issuance: June 19, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47 5839; Filed, June 19, 1947; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51699]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICE REQUIREMENTS

Section 8.15 (a), Customs regulations of 1943 (19 CFR, Cum. Supp., 8.15 (a)), as amended by T. Ds. 51036, 51105, 51222, 51333, 51588, and 51686, is hereby further amended by adding a new subparagraph (28) reading as follows:

§ 8.15 *When certified invoices not required.* (a) * * *

(28) Materials accorded free entry under paragraph 1631, Tariff Act of 1930.

(Sec. 484, 46 Stat. 722, sec. 12, 52 Stat. 1083, secs. 498, 624, 46 Stat. 728, 759; 19 U. S. C. 1484, 1498, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: June 13, 1947.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-5838; Filed, June 19, 1947; 8:55 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO REGIONAL OFFICE OFFICIALS

Section 603.2 (11 F. R. 177A-901) is hereby amended, effective upon publication in the FEDERAL REGISTER, in the following particulars:

1. Paragraph (a) (1) (xxviii) (c) is amended to read as follows:

§ 603.2 *Delegations to Regional Office Officials*—(a) *Delegations of authority to Regional Directors.* (1) * * *

(xxviii) In connection with the management of public conversion projects:

* * * * * * *

(*c*) To modify or extend leases for converted properties, and to sell leases where the combined net recovery through operation and sale of the leasehold exceeds 60% of the full conversion cost.

2. Paragraph (j) (1) (ii) is amended to read as follows:

(j) *Delegations of authority to regional conversion management supervisors, assistant regional and area conversion management supervisors, and field representatives.* * * *

(1) To regional conversion management supervisors the power:

* * * * * * *

(ii) To modify or extend leases for converted properties, and to sell leases where the combined net recovery through operation and sale of the leasehold exceeds 60% of the full conversion cost.

(Sec. 1, 54 Stat. 1125; 42 U. S. C. 1521)

Approved: June 13, 1947.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 47-5807; Filed, June 19, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. RO 20]

PART 705—ADMINISTRATION

General Ration Order 20 is issued to read as follows:

Preamble. On March 31, 1947 the Sugar Control Extension Act of 1947 was enacted, extending sugar price and rationing controls to October 31, 1947, and inventory controls until March 31, 1948, or such earlier dates as the Secretary of Agriculture might determine to be appropriate in the light of the sugar supply situation.

At the time this act became law, the allocation of sugar out of the world supply to the United States was 6,800,000 tons for the calendar year 1947. Out of this supply, the Secretary of Agriculture was directed to allocate sugar to consumers at a rate of not less than 35 pounds of sugar per capita during the year, and, in addition, to devote any increased allocation of sugar to consumers alone until the rate of consumer sugar allocation reached at least 50 pounds per capita for the year.

Consumer use of sugar varies widely within the United States, depending on such factors as individual tastes, desire for home canning, availability of and desire to utilize commercially prepared sugar-containing products, and many others. In the past, when sugar rationing was carried on with the help of 5,500 Local Boards, home canning needs of individual consumers, which are a major factor in quantitative variations in consumer use of sugar, could administratively be handled on an individual basis, satisfying within the limits of the total available supply, all consumer needs in their varying quantities. Now, with only 42 Branch Offices administering sugar rationing throughout the country, home canning needs cannot be handled on an individual basis. It is impossible to devise any practicable system for distributing sugar to consumers in relation to their individual needs, since these vary so widely by geographic area, and within each such area. Accordingly, sugar rationing to consumers has had to be carried on by uniform validation of ration stamps of equal value for all consumers, and for all consumer purposes, regardless of the need of some individuals for greater or lesser amounts.

This month an increase in the overall sugar allocation to this country from 6,800,000 tons to 7,150,000 tons for the year 1947 has been made. This means that, under the legislative mandate, allocations for consumer use can and will be increased. Although this will not fully meet the needs of high-use consumers, many consumers will receive a right to get more sugar than they want, and the disparity between actual use by consumers, and the amount allotted to that purpose will increase. This would result in the paradoxical situation wherein, while total supply is still inadequate to meet total, unrestricted demand, a surplus will be created of the amount which low-use consumers will not consume out of the total consumer allocation.

If consumers should be permitted to purchase sugar without restriction, no such artificial surplus would result. However, in order to comply with the spirit of the legislative mandate, and, wholly apart therefrom, to assure consumers a fair share of the total, and still not wholly adequate supply, it would be necessary to restrict other users to their previously determined share of the total available supply.

This order is designed to achieve both results. It permits consumers and institutional users to purchase sugar without ration evidences. It also continues the limitations on use of sugar by industrial users, such as bakers, bottlers, and other industrial sugar users which have thus far been in force. Further, these are implemented by record keeping requirements.

Aside from consumers, industrial users bulk largest in actual consumption of sugar. Institutional users use only a small percentage of the total sugar supply, though they are substantially greater in numbers than industrial users. Institutional users generally have received sugar rations for meal services comparable as nearly as possible to the quantities of sugar available for that purpose to the household consumers. For these reasons, since consumers will be able to acquire sugar without ration evidences, institutional users are also permitted to do so, and the limitations on industrial users will assure consumers of their fair share of sugar.

Wholesalers and retailers may acquire sugar without ration evidences, but may not deliver sugar to industrial users except as provided by the other rationing regulations. In addition, wholesalers and retailers may not accept delivery of or have in inventory more than 110 percent of their allowable inventory. This represents an overall allowable inventory adjustment of 10 percent, which is made in view of the increased allocation of sugar available to the United States for this year.

Sec.
1 Relation of this order to other rationing regulations.
2 Sugar may be delivered to consumers and institutional users without ration evidences.
3 Restrictions applicable to industrial users are continued.
4 Limitations on acquisition and inventory of sugar by wholesalers and retailers.
5 Records.
6 Definitions.

AUTHORITY: § 705.6 issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Control Extension Act of 1947.

SECTION 1. *Relation of this order to other rationing regulations.* Except as otherwise provided in this order, or to the extent they may be inconsistent with the provisions of this order, all other provisions of the rationing regulations shall remain in full force and effect.

SEC. 2. *Sugar may be delivered to consumers and institutional users without ration evidences.* Sugar may be delivered to or acquired by a consumer or institutional user without surrender or receipt of ration evidences.

SEC. 3. *Restrictions applicable to industrial users are continued.* No industrial user may acquire or use sugar and no person may knowingly deliver sugar to any industrial user, except as permitted by the other rationing regulations.

SEC. 4. *Limitations on acquisition and inventory of sugar by wholesalers and retailers.* (a) Sugar may be delivered to or acquired by wholesalers and retailers without surrender or receipt of ration evidences, subject to the provisions of paragraphs (b) and (c) of this section.

(b) No wholesaler or retailer may accept delivery of, or have in inventory at any time, more sugar than 110 percent of the amount of his allowable inventory as determined under the rationing regulations.

(c) No wholesaler or retailer may receive delivery of, or have in inventory, any sugar unless and until he has been given an allowable inventory pursuant to the provisions of the rationing regulations.

(d) Wholesalers and retailers may not knowingly deliver sugar to any industrial user except as permitted by the other rationing regulations.

SEC. 5. *Records*—(a) *Primary distributors and wholesalers.* In addition to the records required by Third Revised Ration Order 3, primary distributors and wholesalers must also keep as part of their records the ration checks or other evidences which industrial users are required to surrender for the delivery of sugar to them, except checks issued and dated by industrial users prior to June 12, 1947.

(b) *Retailers.* In addition to the records required by Third Revised Ration Order 3, a retailer must keep the following records at his retail establishment for each delivery made by him of more than 100 pounds of sugar or of any quantity to an industrial user:

(1) The name and address of the buyer.

(2) The address to which delivery was made.

(3) The date of delivery and the amount of sugar delivered.

(4) The ration checks or other evidences which industrial users are required to surrender for the delivery of sugar to them, except checks issued and dated by industrial users prior to June 12, 1947.

(c) *Industrial users.* In addition to the records required by the other rationing regulations, each industrial user shall keep records at his industrial user establishment, or if he has more than one such establishment registered together, at his principal place of business, showing with respect to each delivery of sugar received by him, the name and address of the person by whom the delivery was made, the address to which the delivery was made, the amount of sugar delivered and the date of delivery.

SEC. 6. *Definitions.* (a) As used herein the term "rationing regulations" shall mean all regulations relating to the allocation of sugar issued under, or continued in effect by, the Sugar Control Extension Act of 1947, including, but not limited to, Third Revised Ration Order 3, General Ration Order 3, Revised General Ration Order 5, General Ration Order 8, Revised General Ration Order 18, and General Ration Order 19.

(b) All other terms used herein shall have the meanings given them by the respective rationing regulations in which they are used.

This order shall become effective 12:01 a. m., June 12, 1947.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5871; Filed, June 18, 1947; 3:34 p. m.]

Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce

[Materials Control Reg. 2]

PART 903—DELEGATIONS OF AUTHORITY

COMPLIANCE

§ 903.10 *Materials Control Regulation 2*—(a) *Explanation.* There has been established in the Office of the Secretary of Commerce, the position of Chief Compliance Commissioner for the Office of Materials Distribution. This regulation provides for the performance of certain functions by the Chief Compliance Commissioner, his deputy and compliance commissioners to assure compliance with orders, regulations and other administrative actions of the Office of Materials Distribution of the War Production Board and the Civilian Production Administration, the responsibility for which has been transferred to the Director of the Office of Materials Distribution.

(b) *Compliance Commissioners.* The Chief Compliance Commissioner and a deputy designated by him are hereby authorized to select and to designate compliance commissioners to perform the functions described in paragraph (c) below, in respect to cases referred to the office of the Chief Compliance Commissioner by the Office of Materials Distribution. Upon such referral and designation, the compliance commissioners are hereby authorized to perform the functions and take the actions described in paragraph (c).

(c) *Delegation to Compliance Commissioner.* Compliance Commissioners designated pursuant to paragraph (b) above are hereby authorized:

(1) To consider all charges of violation of orders, regulations and other administrative actions referred to them;

(2) To preside at hearings held for this purpose, to determine the facts and to recommend to the Director of the Office of Materials Distribution, administrative action including the issuance of suspension orders in appropriate cases;

(3) To preside at hearings held in connection with investigations of alleged violations even though no formal charge has been made;

(4) For the purpose of obtaining any information, verifying any report required or making any investigations concerning the violation of any order, regulation or other administrative action, to administer oaths and affirmations and to require by subpoena, issued in the name of the Secretary of Commerce by a compliance commissioner, the attendance of witnesses and the production of books, records or other documentary or physical evidence determined by the compliance commissioner to be relevant.

(i) Subpoenas issued pursuant to this paragraph (4) shall be returnable before a compliance commissioner. If prior to the return date specified in the subpoena, the person against whom the subpoena is issued furnishes the compliance commissioner with a true and certified copy of the books, records or other documentary evidence called for by the subpoena, then the production of such evidence shall not be required at any place other than the place where the person against whom the subpoena is issued resides or transacts business.

(ii) Upon the request of any party to a proceeding before him and on a showing by such party that the evidence sought is of general relevance and reasonable scope, the compliance commissioner shall issue a subpoena to compel the attendance of witnesses and the production of such documentary evidence as the party requesting the subpoena shall indicate.

(5) Compliance commissioners are further authorized and required to furnish or have furnished to any person compelled to submit data or evidence, a copy of such data or a copy of the transcript of evidence upon payment of lawfully prescribed costs; or if such person has a copy of such data or a transcript of such evidence, to permit him to retain the same.

(6) The reports of the compliance commissioners as to the facts found shall be binding upon the respondent and the Office of Materials Distribution for the purpose of administrative compliance proceedings. On appeal by the respondent the facts may be reviewed and new findings of facts made by the Chief Compliance Commissioner or his deputy.

(d) *Administrative proceedings.* The hearing by a compliance commissioner shall be held after reasonable notice to the respondent from the Office of Materials Distribution. The notice shall include a summary statement of the charges and of the alleged facts or conduct on which the charges are based. Upon the hearing, the compliance commissioner shall consider all of the facts relevant to the violation charged, including the testimony, written statements and exhibits submitted to him by the Office of Materials Distribution and by the respondent, and shall file his report and recommendations with that Office. The report shall contain a statement of the facts found by the compliance commissioner to be relevant to the violations charged, together with his conclusions: (1) as to whether or not the facts constituted a violation of any order, regulation or other administrative action; (2) if so, whether or not the violation was willful or the result of gross negligence. The report shall include a recommendation for administrative action or other disposition of the case, and where appropriate be accompanied by a recommendation for referral of the case to the Department of Justice for civil or criminal proceedings. The compliance commissioner shall direct the closing of the case if he finds that the facts do not consti-

tute (i) either a willful violation, or a misrepresentation, or (ii) a violation or misrepresentation caused by gross negligence of the respondent, or (iii) an unauthorized acquisition, delivery, possession, reduction, use or disposition of materials or facilities subject to orders or regulations of the Office of Materials Distribution. In such event he shall notify the respondent that the case is closed not earlier than ten days after he has filed his report and recommendations, unless an appeal is taken by the Office of Materials Distribution within this period.

(e) *Appeals, and other functions.* The Chief Compliance Commissioner and his deputy are hereby further authorized:

(1) To hear and determine appeals by any person against whom a suspension order has been issued by the Office of Materials Distribution. In determining such appeal, the Chief Compliance Commissioner or his deputy may direct the closing of the case; or he may revoke or may modify the suspension order in any respect, except that if he increases the suspension period or the restrictions of the order, he shall do so only with the prior approval of the Director of the Office of Materials Distribution and the General Counsel. There shall be no further administrative appeal from such decisions.

(2) To hear appeals by the Office of Materials Distribution from actions, except findings of facts, of compliance commissioners, and to finally determine the same.

(3) To prescribe rules and procedures for the taking and the disposition of appeals under subparagraphs (1) and (2) of this paragraph.

(4) To direct the issuance of an order staying the operation of a suspension order pending the determination of an appeal.

(5) To revoke any suspension order or to modify the same by diminishing the period of suspension or the restrictions imposed, even though no appeal from the order has been taken by the respondent. Such actions shall be taken only with the prior approval of the General Counsel.

(6) To act himself as compliance commissioner in his discretion.

(7) To exercise general supervision over the work of the compliance commissioners subject only to the direction of the Secretary of Commerce.

(8) To establish policies, standards and procedures to be followed by the compliance commissioners not inconsistent with this regulation, provided that prior to issuance all such policies, standards and procedures are approved by the Solicitor of the Department of Commerce.

(f) *Criminal or civil proceedings not affected.* No action by the Chief Compliance Commissioner, his deputy or a compliance commissioner shall preclude or affect the referral of a case to the Department of Justice for criminal or civil proceedings.

(g) *Responsibility of Commissioners.* The Chief Compliance Commissioner, his deputy and the compliance commissioners shall be responsible solely to the Secretary of Commerce and shall have no duties in the Department of Commerce other than as specified herein. (Sec. 3 (a) (1), Pub. Law 404, 79th Cong.; Pub Laws 24 and 29, 80th Cong.; E. O. 9841, 12 F. R. 2645)

Issued this 18th day of June 1947.

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-5921; Filed, June 19, 1947; 11:43 a. m.]

TITLE 37—PATENTS, TRADEMARKS AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

Subchapter A—Patents

PART 1—PATENTS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document No. 47-5782, appearing on page 3956 of the issue for Thursday, June 19, 1947, the signature at the end should read as follows: "CASPER W. OOMS."

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 95, Amdt. 7]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June, A. D. 1947.

Upon further consideration of the provisions of Service Order No. 95 (7 F. R. 9257), as amended (8 F. R. 17428; 10 F. R. 15175, 15354; 11 F. R. 4038, 6909; 12 F. R. 47) and good cause appearing therefor: *It is ordered*, That: Service Order No. 95, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) of § 95.302, *Refrigerator car agent*, for paragraph (d) thereof:

(d) This section, as amended, shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5832; Filed, June 19, 1947; 8:54 a. m.]

[Rev. S. O. 107, Amdt. 4]

PART 95—CAR SERVICE

FREIGHT CARS TO MEXICO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 107 (9 F. R. 15158), as amended (10 F. R. 10234; 11 F. R. 2190; 12 F. R. 47); and good cause appearing therefor; *It is ordered*, That:

Revised Service Order No. 107, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) of § 95.7 *Freight cars including refrigerator cars in Mexico*, for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m. December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this order shall become effective at 12:01 a. m., June 29, 1947; that copies of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5831; Filed, June 19, 1947; 8:54 a. m.]

[Rev. S. O. 112, Amdt. 8]

PART 95—CAR SERVICE

DESTINATION FREE TIME ON FRESH OR GREEN FRUITS OR VEGETABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 112 (9 F. R. 11278–79) as amended (9 F. R. 12656; 10 F. R. 341, 8867, 14575; 11 F. R. 2383, 10304), and good cause appearing therefor: it is ordered, that:

Section 95.112 *Destination free time on fresh or green fruits or vegetables*, of Revised Service Order No. 112, as amended, be, and it is hereby, further amended by substituting the following paragraph (l) for paragraph (l) thereof:

(l) *Expiration date.* This section and all amendments shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5833; Filed, June 19, 1947; 8:54 a. m.]

[S. O. 129, Amdt. 4]

PART 95—CAR SERVICE

BODY ICE IN REFRIGERATOR CARS; REMOVAL BY CONSIGNEE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of the provisions of Service Order No. 129 (8 F. R. 7778), as amended (11 F. R. 8451, 14328; 12 F. R. 1420), and good cause appearing therefor: It is ordered, that:

Section 95.310 *Body ice in refrigerator cars; removal by consignee*, of Service Order No. 129, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Expiration date.* This section, as amended, shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, This amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5823; Filed, June 19, 1947; 8:53 a. m.]

[S. O. 135, Amdt. 5]

PART 95—CAR SERVICE

DEMURRAGE CHARGES AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June, A. D. 1947.

Upon further consideration of the provisions of Service Order No. 135 (8 F. R. 9569), as amended (8 F. R. 10941; 11 F. R. 8451, 11077; 12 F. R. 840), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 135, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) of § 95.502, *Demurrage charges at Mexican border points.*

(e) This section, as amended, shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5829; Filed June 19, 1947; 8:54 a. m.]

[Rev. S. O. 188, Amdt. 12]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 188 (10 F. R. 15175) as amended (11 F. R. 1626, 1992, 3605, 4038, 7043, 9453, 10092, 12 F. R. 1420, 3033, 3672, 3673), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 188 (49 CFR § 95.334), as amended, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5820; Filed, June 19, 1947; 8:52 a. m.]

[S. O. 260, Amdt. 8]

PART 95—CAR SERVICE

SALTING OF ICE ON CARS OF CITRUS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June, A. D. 1947.

Upon further consideration of the provisions of Service Order No. 260 (9 F. R. 14547), as amended (10 F. R. 4018; 11 F. R. 8452, 13629; 12 F. R. 48, 128, 1394, 2037, 2625), and good cause appearing therefor; it is ordered, that:

Section 95.260 *Salting of ice on cars of citrus*, of Service Order No. 260, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) This section, as amended, shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the Railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5819; Filed, June 19, 1947; 8:52 a. m.]

[S. O. 394, Amdt. 11]

PART 95—CAR SERVICE

FREE TIME ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Service Order No. 394 (10 F. R. 15008), as amended (10 F. R. 15073, 15354; 11 F. R. 408, 1627, 1992, 2277, 4039, 9453; 12 F. R. 1235, 3673), and good cause appearing therefor; it is ordered, that:

Section 95.394 *Free time on refrigerator cars*, of Service Order No. 394, as amended, be, and it is hereby, further amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5828; Filed, June 19, 1947; 8:53 a. m.]

[S. O. 396, Amdt. 8]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNING OF PERISHABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Service Order No. 396 (10 F. R. 15068), as amended (11 F. R. 1627, 4038, 9453; 12 F. R. 1235, 2288, 2479, 3673), and good cause appearing therefor: it is ordered, that:

Section 95.396 *Perishables, restrictions on reconsigning*, of Service Order No. 396, as amended, be, and it is hereby, further amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5835; Filed, June 19, 1947; 8:56 a. m.]

[S. O. 436, Amdt. 5]

PART 95—CAR SERVICE

REMOVAL AND RETURN OF EMPTY REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Service Order No. 436 (11 F. R. 815) as amended (11 F. R. 1627, 4039, 9453, 12 F. R. 1225), and good cause appearing therefor: It is ordered, that:

Section 95.436, *Removal and return of empty refrigerator cars*, of Service Order No. 436, as amended, be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5830; Filed June 19, 1947, 8:54 a. m.]

[S. O. 558, Amdt. 3]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR FRUIT AND VEGETABLE CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 558 (11 F. R. 11517), as amended (11 F. R. 12233), and good cause appearing therefor: it is ordered, that:

Section 95.558 *Substitution of refrigerator cars for boxcars, to transport fruit and vegetable containers and box shooks*, of Revised Service Order No. 558, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5822; Filed, June 19, 1947; 8:53 a. m.]

[Rev. S. O. 689, Amdt. 1]

PART 97—ROUTING OF TRAFFIC

RETURNING EMPTY REFRIGERATOR CARS THROUGH CHICAGO, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon consideration of Revised Service Order No. 689 (12 F. R. 1753), and good cause appearing therefor, it is ordered, that:

Section 97.689 *Returning empty refrigerator cars through Chicago, Ill.*, of Revised Service Order No. 689, be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5833; Filed, June 19, 1947; 8:54 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 6]

[192-25.32]

CALEXICO MUNICIPAL AIRPORT, CALEXICO, CALIF.

NOTICE OF PROPOSED REDESIGNATION AS TEMPORARY AIRPORT OF ENTRY FOR ONE YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to redesignate the Calexico Municipal Airport, Calexico, California, as a temporary airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year from July 1, 1947; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13) as amended, to show such redesignation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.). Data, views, or arguments with respect to the proposed redesignation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

JUNE 12, 1947.

[F. R. Doc. 47-5837; Filed, June 19, 1947; 8:55 a. m.]

[19 CFR, Part 6]

[192-31.32]

FORT YUKON AIRFIELD, FORT YUKON, ALASKA

NOTICE OF PROPOSED REDESIGNATION AS TEMPORARY AIRPORT OF ENTRY FOR ONE YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to redesignate the Fort Yukon Airfield, Fort Yukon, Alaska, as a temporary airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year from July 6, 1947; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13) as amended, to show such redesignation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.). Data, views, or arguments with respect to the proposed redesignation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

JUNE 13, 1947.

[F. R. Doc. 47-5836; Filed, June 19, 1947; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Ch. V]

SPECIAL INDUSTRY COMMITTEE NO. 5 FOR PUERTO RICO

NOTICE OF PUBLIC HEARING TO RECEIVE EVIDENCE FOR CONSIDERATION IN RECOMMENDING MINIMUM WAGE RATES FOR EMPLOYEES IN VARIOUS INDUSTRIES

In conformity with sections 5 (e) and 8 of the Fair Labor Standards Act of 1938 (sec. 3 (c), 54 Stat. 615, sec. 8, 52 Stat. 1064; 29 U. S. C. 205 (e), 208), and with § 511.11 of the regulations issued pursuant thereto, (29 CFR, Part 511), notice is hereby given to all interested persons that a public hearing will be held beginning on July 14, 1947, at 10:00 a. m., in the Chamber of Commerce Auditorium, Tetuan Street, San Juan, Puerto Rico, for the purpose of receiving evidence to be considered by Special Industry Committee No. 5 for Puerto Rico in determining the highest minimum wage rates for all employees in Puerto Rico who within the meaning of the said act are "engaged in commerce or in the production of goods for commerce," which, having due regard to economic and competitive conditions, will not substantially curtail employment and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

Special Industry Committee No. 6 for Puerto Rico was created by Administrative Order No. 367[1] to be published in the FEDERAL REGISTER on June 20, 1947. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended, and regulations promulgated thereunder, with the duty

[1] See F. R. Doc. No. 47-5810, under Labor Department in Notices section, *infra*.

of investigating conditions in the following industries of Puerto Rico:

Sugar Manufacturing Industry.
Railroad, Railway Express, and Property Motor Transport Industry.
Shoe Manufacturing and Allied Industries.
Foundry, Machine Shop, and Fabricated Metal Products Industry.
Small Leather Goods and Related Products Industry.
Artificial Flower Industry.
Hooked Rug Industry.
Wholesaling, Warehousing, and Other Distribution Industries.
Pearl Button Industry.
Cigar and Cigarette Industry.
Full-Fashioned Hosiery Industry.
Vegetable, Fruit and Fruit Juice Canning Industry.
Vegetable Packing Industry.

The Committee is further charged with the duty of recommending to the Administrator minimum wage rates which may be not higher than 40 cents per hour for all employees in Puerto Rico in the industries cited above who within the meaning of said act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14. Before any minimum wage rates recommended by the Committee are made effective, a public hearing will be held pursuant to section 8 of the act, at a time and place to be announced by the Administrator and at which all interested persons will have an opportunity to be heard.

Administrative Order No. 367 directed Special Industry Committee No. 5 to proceed first to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the Sugar Manufacturing Industry and thereafter, in such order as the Committee might elect, to investigate conditions respecting, and recommend minimum wage rates for, the employees in the other enumerated industries in Puerto Rico.

Any person, who, in the opinion of the Committee or its duly authorized subcommittee, has a substantial interest in the proceeding and is prepared to present material pertinent to the question under consideration, may appear on his own behalf or on behalf of any other person. Persons wishing to appear are requested to file with Russell Sturgis, Territorial Director of the Wage and Hour Division, 606 Banco Popular Building, Tetuan and San Justo Streets, San Juan, Puerto Rico, not later than July 11, 1947, Notice of Intention to Appear, a copy of which is to be sent to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. The Notice of Intention to Appear should contain the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the name and address of the person or persons whom, or the organization which, he is representing.

3. A brief summary of the material intended to be presented.

4. The approximate length of time which his presentation will consume.

All testimony will be taken under oath and subject to reasonable cross-examination by any interested person present. Testimony so received will be offered as evidence at the public hearing to be held on such minimum wage recommendations as Special Industry Committee No. 5 for Puerto Rico may make.

Written statements of persons who cannot appear personally will be considered by the Committee provided that at least six copies thereof are received not later than July 14, 1947 at the Wage and Hour Division of the United States Department of Labor, 606 Banco Popular Building, Tetuan and San Justo Streets, San Juan, Puerto Rico. Any person appearing at the hearing who offers written material must submit at least six copies thereof.

Signed at San Juan, Puerto Rico, this 13th day of June 1947.

ANTONIO J. COLORADO,
Chairman,
Special Industry Committee
No. 5 for Puerto Rico.

[F. R. Doc. 47-5811; Filed, June 19, 1947; 8:51 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8183, Amdt.]

FLORENCE D. UHDE

In re: Real property, bond and mortgage, interests in bonds and mortgages, checks, securities, claims, bank account and interests in property insurance policies owned by Florence D. Uhde.

Vesting Order 8183, dated February 11, 1947, as amended, is hereby further amended as follows and not otherwise:

By deleting from Exhibit C, attached thereto and by reference made a part thereof, the words "The Industrial Company of America," in paragraphs 1 and 2 of said Exhibit C, and substituting therefor the words "The Investment Company of America".

All other provisions of said Vesting Order 8183, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-5845; Filed, June 19, 1947; 8:53 a. m.]

[Vesting Order 9090]

ASAHI MENKA SHOKAI

In re: Debt owing to Asahi Menka Shokai. F-39-209-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Asahi Menka Shokai, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: All those debts or contractual obligations owing to Asahi Menka Shokai, by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, including particularly but not limited to the amount of $19,498.59, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5840; Filed, June 19, 1947; 8:53 a. m.]

[Vesting Order 9164]

ELSA MASSENBACH ET AL.

In re: Warrants owned by Elsa Massenbach and others. F-28-1244-D-1, F-28-3681-D-1, F-28-1124-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Massenbach, Karg Bebenberg and Francis H. Mowatt, each of whose last known address is c/o Bayerische Vereinsbank, Munich, Bavaria, Germany, and Franz Hermann Cmok, whose last known address is Rondell 8, Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All rights in and to Union Pacific Railroad Company extra dividend warrant number 9941 appertaining to fifteen (15) shares of common capital stock of Union Pacific Railroad Company, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Utah, said warrant being dated March 2, 1914 and registered in the name of Elsa Massenbach,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Elsa Massenbach, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: All rights in and to Union Pacific Railroad Company extra dividend warrant number 943 appertaining to fifty-five (55) shares of common capital stock of Union Pacific Railroad Company, 120 Broadway, New York, New York, a corportion organized under the laws of the State of Utah, said warrant being dated March 2, 1914 and registered in the names of Karg Bebenberg and Francis H. Mowatt,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karg Bebenberg and Francis H. Mowatt, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: All rights in and to Union Pacific Railroad Company extra dividend warrant number 2813 appertaining to thirty (30) shares of common capital stock of Union Pacific Railroad Company, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Utah, said warrant being dated March 2, 1914 and registered in the name of Franz Hermann Cmok,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Franz Hermann Cmok, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5797; Filed, June 18, 1947; 8:49 a. m.]

[Vesting Order 9169]

KAROLINE RUMPEN

In re: Bank account and stock owned by Miss Karoline Rumpen, also known as Caroline Rumpen. F-28-5499-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miss Karoline Rumpen, also known as Caroline Rumpen, whose last known address is Bad Wiesse, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Miss Karoline Rumpen, also known as Caroline Rumpen, by The Chase National Bank of the City of New York, 18 Pine Street, New York, N. Y., arising out of a Cash Custodian Account, entitled Karoline Rumpen, and any and all rights to demand, enforce and collect the same, and

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Cudd & Co., and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, N. Y., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Certificate No.	Number of shares	Type of stock	Par value
Electric Bond & Share Co., 2 Rector St., New York 6, N. Y.	New York	080634	1	Common	$5.00.
Liggett & Myers Tobacco Co., 4241 Folsom Ave., St. Louis, Mo.	New Jersey	(1)82475 (2)F26386 (3)	100 20	Common B	$25.00.
National Dairy Products Corp., 230 Park Ave., New York 17, N. Y.	Delaware	C066094	1	Common	No par.
Public Service Corporation of New Jersey, 80 Park Pl., Newark 1, N. J.	New Jersey	Y142291	100	do	No par.

[F. R. Doc. 47-5799; Filed, June 18, 1947; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[2054898]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 12, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m. on August 14, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from August 14, 1947, to November 12, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead law, or the small tract act of June 1, 1938 (52

Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from July 25, 1947 to August 14, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on August 14, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on November 12, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from October 23, 1947, to November 12, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on November 12, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C. shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and application under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

The lands affected by this notice are described as follows:

CASS COUNTY, MINNESOTA

5TH PRINCIPAL MERIDIAN

T. 140 N., R. 31 W.,
Sec. 24, lots 7 and 8.

The [illegible] described [illegible] 2.39 acres.

The above mentioned plat, based upon the plat approved March 30, 1871, shows the designation and area for frl. sec. 24 which was not shown upon the original plat.

The land is situated at an elevation of one to nine feet above the normal shore line of Birch Lake. The soil is second rate sandy to stony loam supporting a dense growth of mixed timber of no commercial value.

While an application for homestead entry may be considered it is doubtful whether such an application would be allowed, in view of the character of the land and the small area involved.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-5806, Filed, June 19, 1947; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Admn. Order 367]

SPECIAL INDUSTRY COMMITTEE NO. 5 FOR PUERTO RICO

APPOINTMENT TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGE RATES

1. By virtue of and pursuant to the authority vested in me by section 5 (c) of the Fair Labor Standards Act of 1938, as amended (Sec. 3 (c), 54 Stat. 615; 29 U. S. C. 205 (c)), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a special industry committee for Puerto Rico composed of the following representatives:

For the Public

Antonio J. Colorado, Chairman, Rio Piedras, Puerto Rico.
José Laracuente, Rio Piedras, Puerto Rico.
Paul A. Brissenden, Dobbs Ferry, New York.

For the Employers

Filipo L. de Hostos, San Juan, Puerto Rico.
J. A. E. Rodriguez, San Juan, Puerto Rico.
Fernando A. Villamil, San Juan, Puerto Rico.

For the Employees

Francisco Colon-Gordiany, San Juan, Puerto Rico.
Sergio Kulien-Beed, San Juan, Puerto Rico.
Sandalio E. Alonso, San Juan, Puerto Rico.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and regulations promulgated thereunder (29 CFR, Part 511), shall meet beginning on July 14, 1947, at 9 a. m. in the Chamber of Commerce Auditorium, Tetuan Street, San Juan, Puerto Rico, and shall proceed to investigate conditions in the industries in Puerto Rico hereinafter enumerated and recommend to the Administrator minimum wage rates for all employees in said industries in Puerto Rico, who within the meaning of said act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14. Said special industry committee shall first proceed to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the Sugar Manufacturing Industry, and shall thereafter, in such order as the committee may elect, investigate conditions respecting, and recommend minimum wage rates for, the employees in the Railroad, Railway Express, and Property Motor Transport Industry; Shoe Manufacturing and Allied Industries; Foundry, Machine Shop, and Fabricated Metal Products Industry; Small Leather Goods and Related Products Industry; Artificial Flower Industry; Hooked Rug Industry; Wholesaling, Warehousing, and Other Distribution Industries; Pearl Button Industry; Cigar and Cigarette Industry; Full-Fashioned Hosiery Industry; Vegetable, Fruit and Fruit Juice Canning Industry; and Vegetable Packing Industry.

3. For the purpose of this order these industries are defined as follows:

The Sugar Manufacturing Industry in Puerto Rico. The production of raw sugar, cane juice, molasses and refined sugar, and incidental by-products, and all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry, and any transportation activities by truck or other vehicle performed by a producer of the products of the industry in connection with the production or shipment of such products; *Provided, however,* That the industry shall not include any activity covered by the wage order for the shipping industry in Puerto Rico, or any activity included in the railroad, railway express and property motor transport industry as defined in Administrative Order No. 367, appointing Special Industry Committee No. 5 for Puerto Rico.

Railroad, railway express, and property motor transport industry in Puerto Rico. (a) The industry carried on in Puerto Rico by any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation for compensation of passengers and property in or for commerce or of passengers and property necessary to the production of goods for commerce, and which furnishes transportation service for passengers in an amount not less than $25,000 annually or which derives at least ten percent of its total operating revenues from passenger transportation service.

(b) The industry carried on in Puerto Rico by any railway express company which holds itself out to the general public to engage in the transportation for compensation of property in or for commerce or of property necessary to the production of goods for commerce.

(c) The industry carried on in Puerto Rico consisting of the transportation for compensation by motor vehicle of property in or for commerce or of property necessary to the production of goods for commerce.

This definition supersedes the definition contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include activities covered by the definition of this industry.

Shoe manufacturing and allied industries in Puerto Rico. (a) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper. The term footwear as used herein includes but without limitation: Athletic shoes, boots, boot tops, burial shoes, custom-made boots and shoes, moccasins, puttees (except spiral puttees), sandals, shoes completely rebuilt in a shoe factory, and slippers.

(b) The manufacture from leather or from any shoe upper material of all cut stock and findings for footwear, including bows, ornaments and trimmings: *Provided however,* That the production of bows, ornaments and trimmings by a manufacturer not otherwise covered by this definition shall not be included.

(c) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape: Cutsoles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, boxtoes, counters, stays, stripping, sock linings, and heel pads.

(d) The manufacture of heels from any material except molded rubber, but not including the manufacture of wood-heel blocks.

(e) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(f) The manufacture of pasted shoe stock.

(g) The manufacture of boot and shoe patterns.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Foundry, machine shop, and fabricated metal products industry in Puerto Rico. The manufacture (including repair) of any product or part made wholly or chiefly of metal, and the assembling of such product or part (wherever done) with other products or parts made from any materials other than metal to form any product the chief component of which is metal: *Provided, however,* That there shall be excluded from this industry any product covered by the wage order for the Button, Bead, and Costume Novelty Jewelry Division or the Rosary and Bead Stringing Division of the Metal, Plastics, Machinery, Instrument, Transportation Equipment, and Allied Industries in Puerto Rico, or any product or operation covered by the wage order for the Construction, Business Service, Motion Picture, and Miscellaneous Industries in Puerto Rico.

Small leather goods and related products industry in Puerto Rico. (a) The manufacture from leather, artificial leather, fabric, or similar materials of small leather goods and like articles, such as wallets, billfolds, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, and toilet kits.

(b) The manufacture of baseballs and softballs covered with leather, artificial leather, fabric, or similar material.

(c) The manufacture of buttons made of strips of leather by a handbraiding process.

This definition includes all articles heretofore covered by the definition of the Leather Goods Industry.

Artificial flower industry in Puerto Rico. The manufacture and assembling of artificial flowers, buds, berries, foliage, leaves, fruits, plants, stems and branches.

This definition does not include such products as are not commonly or commercially known as "artificial", such as flowers made by blowing glass, molding plastics, or carving wood. This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Hooked rug industry in Puerto Rico. The manufacture of hooked rugs.

Wholesaling, warehousing, and other distribution industries in Puerto Rico. The wholesaling, warehousing, and other distribution of commodities including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses.

Provided, however, That the definition shall not include the activities of employees who are engaged in wholesaling, warehousing, or other distribution of products manufactured by their employer in Puerto Rico, or any activities covered by a wage order which has been issued for any other industry in Puerto Rico, or any activities included in any other industry defined in Administrative Order No. 367 appointing Special Industry Committee No. 5 for Puerto Rico.

Pearl button industry in Puerto Rico. The manufacture of ocean pearl and other natural shell buttons.

Cigar and cigarette industry in Puerto Rico. The manufacture of cigarettes, cigars, cheroots and little cigars, including the stemming of cigar wrappers or binders by a cigar manufacturer.

Full-fashioned hosiery industry in Puerto Rico. The manufacture of full-fashioned hosiery but not including dyeing, clocking, and other phases of hosiery finishing.

Vegetable, fruit and fruit juice canning industry in Puerto Rico. The canning of vegetables, fruits, and fruit juices.

Vegetable packing industry in Puerto Rico. The handling, grading, packing, and preparing in the raw or natural state of fresh vegetables.

Signed at Washington, D. C., this 16th day of June 1947.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 47-5810; Filed, June 19, 1947; 8:51 a. m.]

[1] See F. R. Doc. No. 47-5811 under Labor Department in Proposed Rule Making section, *supra.*

CIVIL AERONAUTICS BOARD

[Docket Nos. 1932, 1890]

NORTHEAST AIRLINES, INC.; MAIL RATE PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Northeast Airlines, Inc., over its entire system.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that the hearing in the above-entitled proceeding, originally set for June 25, 1947, has been postponed, and is now assigned for June 30, 1947, at 10:00 a. m. (daylight saving time) in Conference Room A, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets, NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., June 16, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5818; Filed, June 19, 1947; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-817]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on November 20, 1946, and amendment thereto filed on April 14, 1947, and as supplemented on May 20, 1947 by New York State Natural Gas Corporation (Applicant), a New York corporation with its principal place of business in New York, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described facilities subject to the jurisdiction of the Commission:

1. To be constructed and placed in operation by December 1, 1947, in the State of Pennsylvania:

(a) A continuous loop line to parallel portions of the existing 12¾ inch high pressure lines Nos. 9 and 10 extending northward from a point in Armstrong County to a point in McKean County, consisting of 35 miles of 12¾ inch pipe line and 55 miles of 14-inch pipe line.

(b) Three 300-horsepower and three 600-horsepower gas engine driven compressors with auxiliary equipment, buildings and coolers at the existing Boom compressor station in Tioga County and changes in piping, valves and fittings in and about the station and adjacent to Boom storage pool.

2. To be constructed and placed in operation by December 1, 1948, in the State of Pennsylvania:

(a) Continuation of the looping proposed for the year 1947 consisting of 24.5 miles of 16-inch loop line extending southward from the southernmost point

of the loop line planned to be built in 1947 to a point in Westmoreland County, and 21 miles of 14-inch loop line extending northward from the northernmost point of the loop line planned to be built in 1947 to a point in McKean County.

(b) 13.4 miles of 16-inch pipe line to connect the north end of Line No. 10 in Hebron Township, Potter County, with the south end of Line No. 14 in Genessee Township, Potter County, at the State Line compressor station where it will also connect with Line No. 12 which leads to Applicant's Sabinsville compressor station.

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application, as amended, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application and the amendment thereto, including publication in the FEDERAL REGISTER on December 14, 1946, and May 8, 1947, respectively (11 F. R. 14331 and 12 F. R. 3056).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on June 26, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application, as amended, filed in this proceeding: *Provided, however,* That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application, as amended, and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: June 16, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5815; Filed, June 19, 1947; 8:51 a. m.]

[Docket No. G-878]

INTERSTATE NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed March 14, 1947, and supplemental information filed May 13, 1947, in Docket No. G-878 by Interstate Natural Gas Company, Inc. (Applicant), a Delaware corporation with its principal place of business at Monroe, Louisiana, for permission and approval, pursuant to section 7 (b) of the Natural Gas Act, to abandon the following described facilities:

An 8.49 mile section of the 22-inch loop pipe line that has its beginning in Section 32, Township 12 North, Range 8 East, Franklin Parish, Louisiana, 53.5 miles south of DeSiard Compressor Station and ends in Section 8, Township 10 North, Range 8 East, Catahoula Parish, Louisiana, 61.99 miles south of DeSiard Compressor Station and

A 4.8 mile section of the 22-inch loop pipe line that has its beginning in Section 18, Township 10 North, Range 9 East, Catahoula Parish, Louisiana, 66.3 miles south of DeSiard Compressor Station and ends in Section 18, Township 9 North, Range 9 East, Catahoula Parish, Louisiana, 71.1 miles south of DeSiard Compressor Station.

It appearing to the Commission that:

(a) Applicant proposes to abandon the aforesaid loop lines for the reason that they are no longer necessary for the purpose of rendering service to its customers:

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 12, 1947 (12 F. R. 2414);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on July 1, 1947, at 9:45 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however,* If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the conclusion of the hearing provided for herein, the Commission may then forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be made available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: June 16, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5814; Filed, June 19, 1947; 8:51 a. m.]

[Docket No. G-890]

CHICAGO DISTRICT PIPELINE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 18, 1947, in Docket No. G-890, by Chicago District Pipeline Company (Applicant), an Illinois corporation having its principal office in Joliet, Illinois, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to lease from the Peoples Gas Light and Coke Company (Peoples Company), and operate certain natural gas facilities, subject to the jurisdiction of the Commission as fully described in such application, public notice thereof having been published in the FEDERAL REGISTER on May 1, 1947, (12 F. R. 2935-36);

It appearing to the Commission that:

(a) Applicant states in its application that the lease and operation of the described facilities will not change its presently existing natural-gas transportation system or increase its capacity, but will result in improved operating conditions.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 1, 1947 (12 F. R. 2935-36).

The Commission therefore orders that

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on July 2, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a non-contested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: June 17, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5817; Filed, June 19, 1947; 8:52 a. m.]

[Docket No. G-907]

ARKANSAS-OKLAHOMA GAS CO.

NOTICE OF APPLICATION

JUNE 16, 1947.

Notice is hereby given that on June 6, 1947, Arkansas-Oklahoma Gas Company (Applicant), a Delaware corporation having its principal place of business at Fort Smith, Arkansas, filed application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate certain natural gas facilities subject to the jurisdiction of the Federal Power Commission, described as follows:

38,000 feet (7.2 miles) of 12¾" O. D. pipeline extending from the Spiro Field, LeFlore County, Oklahoma to a point north of the Town of Spiro, Oklahoma and parallel to an existing 10¾" pipeline.

Applicant represents that the proposed facilities will be used in conjunction with the facilities now in operation for the transportation of natural gas from Oklahome for resale in the Fort Smith, Arkansas area. The proposed facilities are a segment of a contemplated line, 20 miles in length, parallel to an existing 10¾" pipeline. Applicant states that the proposed facilities are required to meet future peak day demands, maintain lower operating pressures and insure against complete curtailment should a break occur in the present pipeline.

Applicant states the over-all capital cost of the proposed facilities will be approximately $122,000. It will be financed solely out of corporate funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint, or concurrent hearing, together with the reasons for such request.

The application of Arkansas-Oklahoma Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined.

Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5816; Filed, June 19, 1947; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 214]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., June 13, 1947, by National Produce Co., of car PFE 97970, potatoes, now on the Chicago Produce Terminal to Kankakee, Ill. (NYC).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of June 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-5827; Filed, June 19, 1947; 8:53 a. m.]

[S. O. 498, Amdt. 3]

REROUTING TRAFFIC ON SOUTHERN PACIFIC CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Service Order No. 498 (11 F. R. 5078), as amended (11 F. R. 9707; 12 F. R. 339), and good cause appearing therefor: *It is ordered,* That:

Service Order No. 498 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., June 29, 1947; that copies of this order and direction be served upon the Southern Pacific Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5824; Filed, June 19, 1947; 8:53 a. m.]

[S. O. 757]

UNLOADING OF STEEL AT CHARLESTON, W. VA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

It appearing, that 2 cars containing scrap steel at Charlestown, W. Va., on The New York Central Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Steel at Charleston, W. Va., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately cars CNJ 84078 and CBQ 165456, containing scrap steel, on hand at Charleston, W. Va., consigned to Consolidated Steel Mills Co.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 18, 1947, and continuing until the actual unloading of said car or cars is completed.

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(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5825; Filed, June 19, 1947; 8:53 a. m.]

[No. 29770]

INCREASED LESS-CARLOAD RATES, OFFICIAL TERRITORY

JUNE 16, 1947.

By petition dated May 29, 1947, common carriers by railroad and certain common carriers by water, operating within official territory and between official territory and northern Illinois, extended Zone C in Wisconsin, and eastern Canada, request leave to file and make effective not later than July 20, 1947, after statutory notice, schedules of increased class rates applicable to less-than-carload and any-quantity freight traffic, within the territory above stated, and to that end petition also for (1) special permission to employ simple forms of supplements to schedules of existing rates, (2) relief from the provisions of the long-and-short-haul clause of the fourth section of the Interstate Commerce Act, and (3) for a general order modifying all outstanding orders to the extent necessary to enable them to make such schedules of increased rates effective as requested.

The petition has been docketed as No. 29770, increased less-carload rates, official territory, and will be assigned for hearing. Notice of the hearing will be given hereafter.

It will be unnecessary for interested parties to file answers or responses to the petition, as they may appear at the hearing and present pertinent evidence without formal pleadings.

The Commission has assigned the proceeding to Division Two for administrative handling.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5826; Filed, June 19, 1947; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 12th day of June 1947.

In the matter of The Middle West Corporation, Central and South West Utilities Company, and American Public Service Company, File No. 54-81.

The Middle West Corporation ("Middle West"), a registered holding company, and Central and South West Corporation ("Central"), also a registered holding company and a subsidiary of Middle West, having jointly filed an application requesting that an Order of the Commission entered herein under date of April 30, 1946, as modified, approving a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 providing, among other things, for the merger of Central and South West Utilities Company and American Public Service Company into a single corporation to be known as Central and South West Corporation, and a supplemental order entered herein under date of April 15, 1947, be modified in the following respects:

(1) Central requests that the order of April 30, 1946, as modified, be further modified (a) by extending to June 12, 1947, the time within which stock certificates representing shares of common stock of Central may be issued and delivered under the plan, together with appropriate cash payments in lieu of fractional shares, in exchange for old preference and common shares of Central and South West Utilities Company and American Public Service Company for which such stock certificates were surrendered for exchange to Central or its transfer agent, in due legal form for transfer, on or prior to May 31, 1947, (b) by extending the time within which stock certificates representing shares of common stock of Central may be issued and delivered under the plan, together with appropriate cash payments in lieu of fractional shares, in exchange for old preference and common shares of Central and South West Utilities Company and American Public Service Company for which stock certificates were not surrendered for exchange to Central or its transfer agent, in due legal form for transfer, on or prior to May 31, 1947, to not exceeding ten days after surrender of the certificates representing such old shares, in due legal form for transfer, to Central or its transfer agent any time after May 31, 1947.

(2) Middle West requests that the supplemental order of the Commission entered herein under date of April 15, 1947, granting an extension of time to June 14, 1947, within which Middle West shall distribute to its own stockholders the common stock of Central received pursuant to the plan exclusive of fractional shares, be modified to provide appropriate recitals with respect to tax matters; and

The Commission having considered the application and deeming it appropriate in the public interest or for the protection of investors or consumers that said application be granted:

It is hereby ordered, That the provisions of the order of April 30, 1946, as modified, be further modified to extend to June 12, 1947, the time within which stock certificates representing common stock of Central may be issued and delivered under the plan, together with appropriate cash payments in lieu of fractional shares, for old preference shares and common shares of Central and South West Utilities Company and American Public Service Company for which certificates therefor were surrendered for exchange to Central or its transfer agent, in due legal form for transfer, on or prior to May 31, 1947.

It is further ordered, That the order of April 30, 1946, as modified, be further modified by extending the time within which stock certificates representing shares of common stock of Central may be issued and delivered under the plan, together with appropriate cash payments in lieu of fractional shares, in exchange for all preference and common shares of Central and South West Utilities Company and American Public Service Company for which stock certificates were not surrendered in exchange to Central or its transfer agent, in due legal form for transfer, on or prior to May 31, 1947, to not exceeding ten days after surrender of the certificates representing such old shares, in due legal form for transfer, to Central or its transfer agent at any time after May 31, 1947.

It is further ordered, That the supplemental order of April 15, 1947, be, and the same is hereby, amended by adding thereto the following provision:

It is further ordered and recited, That the distribution and transfer by Middle West to its own stockholders of 3,307,302 shares of common stock of Central on the basis of one share of such common stock of Central for each share of stock of Middle West, including 13,738 shares of stock of Middle West reserved for issue, is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; that such distribution and transfer be made by Middle West on or before June 14, 1947, in respect of the 3,293,564 shares of its stock issued and outstanding at the close of business on May 23, 1947; and that such distribution and transfer be made in respect of the 13,738 shares of stock of Middle West reserved for issue, within a reasonable time after the issue and delivery of such reserved shares.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5809; Filed, June 19, 1947; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 12 NUMBER 122

Washington, Saturday, June 21, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Seed Bulletin 1 (Loan)]

PART 274—SEED PURCHASE AND LOAN PROGRAM

1947 SEED LOAN PROGRAM

This bulletin states the requirements with respect to the 1947 Seed Loan Program formulated by Commodity Credit Corporation and the Production and Marketing Administration. Loans will be made available on winter cover crop seed (hereinafter referred to as the "commodity") produced in 1947 in accordance with this bulletin.

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274.61 Availability of loans.
274.62 Approved lending agencies.
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274.64 Eligible seed.
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274.76 Insurance.
274.77 Loss or damage to the commodity.
274.78 Personal liability.
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274.81 Release of the commodity.
274.82 Storage allowance.
274.83 Purchase of notes.
274.84 Offices of the Commodity Credit Corporation.
274.85 Schedules of rates and specifications.

AUTHORITY: §§ 274.60 to 274.85, inclusive, issued under authority contained in Article Third, par. (b) of the Corporate Charter of the Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4 as amended, sec. 4 (b), 55 Stat. 498 as amended, sec. 302 (a), 52 Stat. 43; 15 U. S. C., Sup., 713 (a), 713a–8 (b), 7 U. S. C. 1302 (a).

§ 274.60 *Administration of program.* The program will be administered at the county level by the county agricultural conservation committees under the general supervision of the respective State committees.

Forms may be obtained from county committees in areas where loans are available, or from the office of Commodity Credit Corporation serving the area. State and county committees will determine or cause to be determined the quantity and grade of the commodity and the amount of the loan. All documents will be completed and approved by the county committee, which will retain copies of all documents: *Provided, however*, That the county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents, or with the address of the Grain Branch office to which loan documents may be forwarded for disbursement.

§ 274.61 *Availability of loans.* (a) Seed loans shall be available in the areas where the seed is produced. Insofar as is practicable, warehouse rather than farm storage shall be required by the county committee in all areas.

(b) Seed loans shall be available after the 1947 harvest season begins and loan documents must be completed prior to August 16, 1947, for blue lupine and March 1, 1948, for Austrian Winter Pea seeds.

§ 274.62 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which the Commodity Credit Corporation has entered into a Lending Agency Agreement (Form PMA–97) or other lending agency agreement prescribed by Commodity Credit Corporation.

§ 274.63 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing the commodity in 1947, as landowner, landlord, tenant, share cropper, or custom harvester.

§ 274.63 *Eligible seed.* Any seed specified in the attached schedule of specifications and loan rates (Table 1) which is harvested in 1947 by an eligible producer,

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which can be or is cleaned to meet the specifications, and which does not contain noxious weeds or seeds of White Top, Canada Thistle, Dodder, Quackgrass, Johnson Grass, Bindweed, Russian Knapweed, Perennial Sow Thistle, or Leafy Spurge singly or combined in excess of 45 seeds per pound is eligible for a loan when placed in proper storage, if the beneficial interest is and always has been in the eligible producer, or now is in the custom harvester.

§ 274.65 *Eligible storage*—(a) *Farm.* Only inspected and approved structures will qualify. Farm storage is applicable only to blue lupine seed and only in areas designated by the Production and Marketing Administration. Farm storage shall consist of farm buildings which are of such substantial and permanent constructions as determined by the county agricultural conservation committee to afford safe storage of the seed for a period of 2 years and permit effective fumigation for the destruction of insects and afford protection against rodents, other animals, thieves, and weather.

(b) *Warehouse.* Seed shall be stored in a warehouse which has executed a Seed Cleaning and Storage Agreement on CCC Seed Form A (revised May 11, 1947) and which complies with other provisions of the instructions in §§ 274.60–274.85. Upon delivery of the seeds to producers on payment of their loans, warehousemen shall label all seed as required by the Federal Seed Act and the applicable State seed law. Upon delivery of the seed to CCC, warehousemen shall label all seed as required by the Federal Seed Act and the seed law of the State or county into which shipment is directed by CCC.

§ 274.66 *Approved forms.* The approved forms constitute the loan documents which together with the provisions of the instructions in §§ 274.60–274.85 govern the rights and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or in executing any of the loan documents will render him subject to prosecution under the United States Criminal Code.

(a) *Farm storage.* Approved forms shall consist of producer's note on CCC Commodity Form A, secured by chattel mortgage on CCC Commodity Form AA.

(b) *Warehouse storage.* Approved forms shall consist of note and loan agreements, CCC Commodity Form B, secured by negotiable warehouse receipts representing the commodity stored in approved warehouses.

(c) *Note and loan agreements.* Notes and note and loan agreements must be executed in accordance with the instructions in §§ 274.60–274.85, with State and documentary revenue stamps affixed thereto where required by law. Notes and note and loan agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid.

§ 274.67 *Determination of quantity.* The actual weight of the seed shall constitute the quantity of seed to be under loan; except that the quantity of blue lupine seed in farm storage may be determined by multiplying the number of net cubic feet in the bin times 47, times the percent of pure seed as determined by the analysis, and the product shall be the pounds of seed to be placed under loan. Measurements and computation shall be according to instructions in Commodity Loan–2, Part 1.

§ 274.68 *Determination of quality.* All determinations of germination and purity shall be on the basis of an official test of a representative sample. An official test shall be an analysis made by a seed-testing laboratory approved by the State PMA committee. A representative sample of bagged seed shall consist of equal portions taken from evenly distributed parts of the lot of seed to be sampled. In quantities of five bags or less, each bag shall be sampled; in quantities of more than five bags, at least every fifth bag but not less than five bags shall be sampled. A probe or trier shall be used in drawing these samples. Bulk seed shall be sampled by inserting a long probe or thrusting the hand into the bulk as circumstances require in at least seven uniformly distributed parts of the quantity being sampled. Samples of Austrian Winter Pea and blue lupine seed shall be at least 2 pounds in weight.

§ 274.69 *Liens.* The commodity must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the commodity, proper waivers must be obtained.

§ 274.70 *Charges to be paid by producer*—(a) *Service fees.* Where the commodity is farm-stored the producer shall pay a service fee of 2 cents per hundredweight but not less than $3.00; and where the commodity is warehouse-stored the producer shall pay a service fee of 1 cent per hundredweight but not less than $1.50.

(b) *Other charges.* Costs of cleaning, bags and baggage, testing, tagging, fumigating if necessary, and transportation to approved warehouses are to be borne by the producer. Such costs should not exceed the charges provided in the CCC

cleaning and storage agreement for seed processors. In case of warehouse storage in bulk or otherwise where the seed is not ready for merchandising, the cost of the above items not paid for by the producer shall be deducted from the amount of the loan.

§ 274.71 *Set-offs.* A producer who is listed on the county AAA debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lien-holders. Indebtedness owing to the Commodity Credit Corporation shall be given first consideration after claims of prior lien-holders.

§ 274.72 *Loan rates.* Loan and settlement rates for the designated qualities of seed are set out in Tables I and II.

§ 274.73 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum; and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 274.74 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the commodity or his remaining interest may be restricted by Commodity Credit Corporation.

§ 274.75 *Safeguarding of the commodity.* The producer is obligated to maintain the farm storage structures in good repair, and to keep the commodity in good condition.

§ 274.76 *Insurance.* Commodity Credit Corporation will not require the producer to insure the commodity placed under farm storage loan; however, if the producer does insure such commodity such insurance shall inure to the benefit of Commodity Credit Corporation to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 274.77 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality to farm-stored commodity, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer resulting solely from an external cause other than insect infestation or vermin will be assumed by the Corporation. *Provided*, The producer has given the county committee immediate notice in writing of such loss or damage, and *Provided*, There has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 274.78 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the commodity by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 274.79 *Maturity and satisfaction.* Loans mature on demand but not later than September 1, 1947, for blue lupine, and April 30, 1948, for Austrian Winter Pea seed. In the case of farm storage loans, the producer is required to pay off his loan on or before maturity date, or to deliver the mortgaged commodity within 60 days after maturity date. Credit will be given for the total quantity delivered, provided it was stored in the bins in which the commodity under loan was stored, at the applicable settlement rate, according to quality. If the settlement value of the commodity delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the commodity is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to the Corporation, and may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from Commodity Credit Corporation or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the commodity may be delivered before the maturity date of the loan upon prior approval by the county committee.

§ 274.80 *Removal of the commodity.* If the loan is not satisfied upon maturity by payment, or delivery, the holder of the note may remove the commodity and sell it, either by separate contract or after pooling it with other lots of the same commodity similarly held. The producer has no right of redemption after the commodity is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. The Commodity Credit Corporation shall have the right to treat a pooled commodity as a reserve supply to be marketed under such sales policies as the Corporation determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity, even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the commodity or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 274.81 *Release of the commodity.* A producer may obtain release of the commodity by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by Commodity Credit Corporation, the producer may request that the note be forwarded to a local bank for collection. In such case, where Commodity Credit Corporation is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county record. Partial releases of the commodity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the commodity to be released. In case of warehouse storage loans, each partial release must cover all of the commodity under one warehouse receipt number.

§ 274.82 *Storage allowance.* On farm-stored blue lupine seed a storage allowance of 10 cents per 100 pounds on the quantity of seed shown on the loan document less any amount owing the Corporation will be paid borrowers if the seed is delivered to Commodity Credit Corporation after September 1, 1947, provided there has been no fraudulent representation or conversion of any part of the collateral by the producer, and the collateral has not been abandoned or has not become damaged or impaired through the fault or negligence of the producer. The storage allowance will also be paid if, pursuant to demand by the Corporation or agreement for repayment of the loan, the seed is delivered to the Corporation before September 1, 1947, *Provided*, The demand for repayment was not due to any fraudulent representation on the part of the borrower or was not made because the seed was damaged, threatened with damage, abandoned, or otherwise impaired.

For warehouse-stored seeds, the maximum warehousing charges that may be paid by Commodity Credit Corporation if the seed becomes the property of CCC are stated in CCC Seed Form A, Supplement 1–1947.

§ 274.83 *Purchase of notes.* Commodity Credit Corporation will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by Commodity Credit Corporation will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of $1\frac{1}{2}$ percent per annum. Lending agencies are required to submit a weekly report to the Corporation and to the county committee on 1940 CCC Form F or such other form as the Corporation may prescribe, of all payments received on producers' notes held by them, and are required to remit promptly to Commodity Credit Corporation an amount equivalent to $1\frac{1}{2}$ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the CCC office serving the area.

§ 274.84 *Offices of Commodity Credit Corporation.* The area offices of Commodity Credit Corporation, and the areas served by them, are shown below:

Address of Director and Area

623 South Wabash Avenue, Chicago 3, Ill.: Connecticut, Delaware, Illinois (except E. St. Louis), Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia.

Mutual-Interstate Building, 13th and Oak Streets, Kansas City, Mo.: Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri (also E. St. Louis), Nebraska, New Mexico, Oklahoma, South Carolina, Texas, and Wyoming.

Eastern Outfitting Building, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

326 McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

§ 274.85 *Schedules of rates and specifications.*

TABLE I—SCHEDULE OF LOAN RATES WITH BASIC SPECIFICATIONS FOR WINTER COVER CROP SEEDS

PERCENTAGE OF SEED PURITY, GERMINATION, MAXIMUM WEED CONTENT, AND MAXIMUM MIXTURE OF OTHER CROPS FOR THE VARIOUS SEEDS

Kind of seed	Basic specifications		Loan rate[1]	Maximum, weed seed	Maximum, other crops	Minimum, pure seed	Minimum, germination[2]	Percentage discount in loan rate for specified percentage below basic specification			
								Pure seed		Germination	
	Pure seed	Germination[2]						Percent below	Per cent discount	Percent below	Per cent discount
	Per cent	*Per cent*	*Cents per lb.*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*
Winter peas, Austrian	4 90	4 90	[3] 4	1	2	[4] 70	75	5	1 5	5	7
Blue lupine [5] [6]	99	90	[3] 4	1	5	95	75	1	3	5	7

[1] Loan rates are also settlement rates if the commodity is delivered to CCC.
[2] Percentage of germination includes hard seed.
[3] Total winter legumes 98 percent.
[4] For mixtures of winter legume seed the weighted average germination may be used.
[5] Blue lupine seed shall have not more than 14 percent moisture content.
[6] Loans on farm-stored seed:
Loans will be made on farm-stored blue lupine seed on the basis of the pure seed content at the following rate per 100 pounds: Germination 90 to 100 percent @ $3; 85 to 89 percent @ $2.79; 80 to 84 percent @ $2.58; and 75 to 79 percent @ $2.37.
Loans will be made on farm-stored blue lupine seed only in approved major producing areas.

TABLE II—SCHEDULE OF SEED LOAN RATES PER 100 POUNDS AND SEED SPECIFICATIONS

Kind of seed	Pure seed	Germination and hard seed (percent)			
		90 to 100	85 to 89	80 to 84	75 to 79
	Percent				
Blue lupine	99	$4 00	$3 72	$3 44	$3 16
Maximum	98	3 88	3 60	3 32	3 04
1 percent weed seed	97	3 76	3 48	3 20	2 92
5 percent other crop seed	95	3 64	3 36	3 08	2 80
14 percent moisture	85	3 52	3 24	2 96	2 68
Blue lupine, farm-stored, Maximum	[1]	3 00	2 79	2 58	2 37
14 percent moisture.					
Austrian winter peas	90	4 00	3 72	3 44	3 16
Minimum, Total winter legumes 98 percent	85	3 51	3 66	3 38	3 10
Maximum	80	3 88	3 60	3 32	3 04
1 percent weed seed	75	3 82	3 54	3 26	2 98
2 percent other crop seed	70	3 76	3 46	3 20	2 92

Approved: June 12, 1947.

[SEAL] C. C. FARRINGTON,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 47-5895; Filed, June 20, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 29—TOBACCO INSPECTION

DESIGNATION OF FAYETTEVILLE, N. C., TOBACCO MARKET

Upon a referendum conducted, pursuant to prior notice (12 F. R. 3305), during the period June 5 through June 7, 1947, among tobacco growers who, during the 1946 marketing season, sold tobacco at auction on the market at Fayetteville, North Carolina, it is found that more than two-thirds of the growers voting in such referendum favor the designation of such market under section 5 of the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.) for the mandatory inspection and certification of tobacco sold on such market. Therefore, pursuant to the authority vested in the Secretary of Agriculture, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR, Cum. Supp., 29.301; 9 F. R. 11571; 10 F. R. 11104; 11 F. R. 7967; 11 F. R. 8712; and 11 F. R. 13099) are amended by adding thereto at the end thereof the following paragraph (aa):

§ 29.301 *Designation of tobacco markets.* * * *

(aa) *The tobacco market at Fayetteville, North Carolina.* Effective 30 days after June 24, 1947, no tobacco of any type shall be offered for sale at auction on the market at Fayetteville, North Carolina, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.): *Provided, however*, That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated in this paragraph.

(49 Stat. 731; 7 U. S. C. 511 et seq.; E. O. 9280, Dec. 5, 1942, 7 F. R. 10179; E. O. 9322, March 26, 1943, 8 F. R. 3807; E. O. 9334, Apr. 19, 1943, 8 F. R. 5423; E. O. 9392, Oct. 28, 1943, 8 F. R. 14783; E. O. 9577, June 29, 1945, 10 F. R. 8087)

Issued this 17th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5896; Filed, June 20, 1947; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 123]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.349 *Orange Regulation 123*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that the compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 23, 1947, and ending at 12:01 a. m., e. s. t., June 30, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades

are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1)); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5894; Filed, June 20, 1947; 8:47 a. m.]

[Lemon Reg. 227]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.334 *Lemon Regulation 227*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 22, 1947, and ending at 12:01 a. m., P. s. t., June 29, 1947, is hereby fixed at 625 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 19th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage Date: June 15, 1947

[12:01 a. m. June 22, 1947, to 12:01 a. m. July 6, 1947]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.699
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.390
Consolidated Citrus Growers	.000
Corona Plantation Co	.472
Hazeltine Packing Co	.508
Leppla-Pratt, Produce Distributors, Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.014
Ventura Pacific Co	1.337
Total A. F. G	4.420
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.445
La Verne Lemon Association	.782
La Habra Citrus Association	1.973
Yorba Linda Citrus Association, The	1.108
Alta Loma Heights Citrus Association	.969
Etiwanda Citrus Fruit Association	.377
Mountain View Fruit Association	.552
Old Baldy Citrus Association	1.167
Upland Lemon Growers Association	6.033
Central Lemon Association	1.258
Irvine Citrus Association, The	1.184
Placentia Mutual Orange Association	.449
Corona Citrus Association	.224
Corona Foothill Lemon Co	1.622
Jameson Co	.874
Arlington Heights Fruit Co	.488
College Heights Orange & Lemon Association	2.969
Chula Vista Citrus Association, The	1.282
El Cajon Valley Citrus Association	.133
Escondido Lemon Association	3.293
Fallbrook Citrus Association	1.642
Lemon Grove Citrus Association	.482
San Dimas Lemon Association	2.016
Carpinteria Lemon Association	2.415
Carpinteria Mutual Citrus Association	2.565
Goleta Lemon Association	2.725
Johnston Fruit Co	4.795
North Whittier Heights Citrus Association	.985
San Fernando Heights Lemon Association	.865
San Fernando Lemon Association	.571
Sierra Madre-Lamanda Citrus Association	1.909
Tulare County Lemon & Grapefruit Association	.030
Briggs Lemon Association	2.871
Culbertson Investment Co	.532
Culbertson Lemon Association	1.359
Fillmore Lemon Association	1.818
Oxnard Citrus Association No. 1	3.099
Oxnard Citrus Association No. 2	2.943
Rancho Sespe	1.057
Santa Paula Citrus Fruit Association	3.771
Satico Lemon Association	3.532
Seaboard Lemon Association	3.428
Somis Lemon Association	2.879
Ventura Citrus Association	1.161
Limoneira Co	3.322
Teague-McKevett Association	1.156
East Whittier Citrus Association	.821
Leffingwell Rancho Lemon Association	.896
Murphy Ranch Co	1.939
Whittier Citrus Association	.864
Whittier Select Citrus Association	.697
Total C. F. G. E	87.346
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	.764
Escondido Cooperative Citrus Association	.369
Glendora Cooperative Citrus Association	.102
Index Mutual Association	.382
La Verne Cooperative Citrus Association	1.622
Libbey Fruit Packing Co	.000
Orange Cooperative Citrus Association	.219
Pioneer Fruit Co	.000
Tempe Citrus Co	.000
Ventura County Orange & Lemon Association	2.333
Whittier Mutual Orange & Lemon Association	.242
Total, M. O. D	6.033
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.000
California Citrus Groves, Inc., Ltd	.000
El Modena Citrus, Inc	.008
El Rio Citrus Co	.016
Evans Bros. Packing Co.—Riverside	.070
Evans Bros. Packing Co.—Sentinel Butte Ranch	.000
Foothill Packing Co	.038
Granada Packing House	.000
Harding & Leggett	.000
Morris Bros. Fruit Co	.000
Orange Belt Fruit Distributors	1.690
Potato House, The	.000
Raymond Bros	.000
Riverside Growers, Inc	.000
Rooke, B. G Packing Co	.000
San Antonio Orchard Co	.102
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H. Sons & Co	.218
Western States Fruit & Produce Co	.000
Total, independents	2.201

F. R. Doc. 47-5949; Filed, June 20, 1947; 9:48 a. m.]

[Peach Order 2, Amdt. 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY SIZE

Findings. (1) Pursuant to the marketing agreement and Order No. 62 (7 CFR, Cum. Supp., 962.1 et seq.), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Peach Order 2, as amended. Effective at 12:01 a. m., e. s. t., June 23, 1947, the provisions in § 962.302 (b) (1) of Peach Order 2 (12 F. R. 3601) shall read as follows:

(b) *Order, as amended.* (1) During the period beginning at 12:01 a. m., e. s. t., June 23, 1947, and ending at 12:01 a. m., e. s. t., July 7, 1947, no handler shall ship any peaches of any variety of a size smaller than $1\frac{5}{8}$ inches in diameter (as "diameter" is defined in the United States Standards for Peaches, 12 F. R. 3798), except that not more than ten (10) percent, by count, of the peaches contained in any bulk lot or in any lot of packages may be of a size smaller than $1\frac{5}{8}$ inches in diameter, as aforesaid, but not more than fifteen (15) percent, by count, of the peaches contained in any individual package in any lot may be of a size smaller than $1\frac{5}{8}$ inches in diameter, as aforesaid.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Peach Order 2, or (2) as releasing or extinguishing any violation of said Peach Order 2 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 C. F. R. Cum. Supp., 962.1 et seq.)

Done at Washington, D. C., this 18th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5893; Filed, June 20, 1947; 8:47 a. m.]

[Orange Reg. 183]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.329 *Orange Regulation 183*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 22, 1947, and ending at 12:01 a. m., P. s. t., June 29, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1500 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 19th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. June 22, 1947 to 12:01 a. m. June 29, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0676
A. F. G. Fullerton	.8924
A. F. G. Orange	.0519
A. F. G. Redlands	.2385
A. F. G. Riverside	.1296
A. F. G. San Juan Capistrano	.8420
A. F. G. Santa Paula	.3944
Corona Plantation Co	.2446
Hazeltine Packing Co	.3749
Signal Fruit Association	.0616
Azusa Citrus Association	.4279
Azusa Orange Co., Inc	.1417
Damerel-Allison Co	.9007
Glendora Mutual Orange Association	.3891
Irwindale Citrus Association	.3816
Puente Mutual Citrus Association	.1947
Valencia Heights Orchards Association	.4289
Glendora Citrus Association	.3554
Glendora Heights Orange and Lemon Growers Association	.0781
Gold Buckle Association	.5783
La Verne Orange Association	.6586
Anaheim Citrus Fruit Association	1.3061
Anaheim Valencia Orange Association	1.2749
Badington Fruit Co	2.0332
Fullerton Mutual Orange Association	1.4967
La Habra Citrus Association	1.1769
Orange County Valencia Association	.6354
Orangethorpe Citrus Association	1.0189
Placentia Cooperative Orange Association	.7309
Yorba Linda Citrus Association, The	.5832
Alta Loma Heights Citrus Association	.0661
Citrus Fruit Growers	.1699
Cucamonga Citrus Association	.1705
Etiwanda Citrus Fruit Association	.0420
Mountain View Fruit Association	.0000
Old Baldy Citrus Association	.1351
Rialto Heights Orange Growers	.0791
Upland Citrus Association	.4116
Upland Heights Orange Association	.1546
Consolidated Orange Growers	1.9123
Frances Citrus Association	1.0852
Garden Grove Citrus Association	1.4351
Goldenwest Citrus Association, The	1.3945

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Irvine Valencia Growers	2.3758
Olive Heights Citrus Association	1.6528
Santa Ana-Tustin Mutual Citrus Association	.9842
Santiago Orange Growers Association	3.6519
Tustin Hills Citrus Association	1.8686
Villa Park Orchs. Association, The	1.8186
Bradford Bros., Inc	.6457
El Modena Citrus, Inc	.4619
Placentia Mutual Orange Association	1.7796
Placentia Orange Growers Association	2.2684
Call Ranch	.0683
Corona Citrus Association	.4672
Jameson Company	.0370
Orange Heights Orange Association	.3746
Break & Son, Allen	.0577
Bryn Mawr Fruit Growers Association	.2693
Crafton Orange Growers Association	.3888
E. Highlands Citrus Association	.0376
Fontana Citrus Association	.0855
Highland Fruit Growers Association	.0516
Krinard Packing Co	.2666
Mission Citrus Association	.1459
Redlands Cooperative Fruit Association	.4140
Redlands Heights Groves	.2661
Redlands Orange Growers Association	.2660
Redlands Orangedale Association	.2885
Redlands Select Groves	.1642
Rialto Citrus Association	.1533
Rialto Orange Company	.1528
Southern Citrus Association	.2054
United Citrus Growers	.1481
Zilen Citrus Co	.1036
Arlington Heights Fruit Co	.1031
Brown Estate, L. V. W	.1342
Gavilan Citrus Association	.1572
Hemet Mutual Groves	.1141
Highgrove Fruit Association	.0789
McDermont Fruit Co	.1829
Mentone Heights Association	.0633
Monte Vista Citrus Association	.2266
National Orange Co	.0415
Riverside Growers, Inc	.0969
Riverside Heights Orange Growers Association	.0390
Sierra Vista Packing Association	.0596
Victoria Avenue Citrus Association	.1794
Claremont Citrus Association	.1671
College Heights Orange and Lemon Association	.2247
El Camino Citrus Association	.0838
Indian Hill Citrus Association	.1849
Pomona Fruit Growers Exchange	.3960
Walnut Fruit Growers Exchange	.4388
West Ontario Citrus Association	.4084
El Cajon Valley Citrus Association	.3179
Escondido Orange Association	2.4561
San Dimas Orange Growers Association	.5030
Covina Citrus Association	1.0208
Covina Orange Growers Association	.4037
Duarte-Monrovia Fruit Exchange	.2540
Santa Barbara Orange Association	.0519
Ball & Tweedy Association	.6623
Canoga Citrus Association	.8795
N. Whittier Heights Citrus Association	.9532
San Fernando Fruit Growers Association	.4452
San Fernando Heights Orange Association	.9499
Sierra Madre-Lamanda Citrus Association	.4004
Camarillo Citrus Association	1.5971
Fillmore Citrus Association	3.5885
Mupu Citrus Association	2.4282
Ojai Orange Association	.9878

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Piru Citrus Association	2.0204
Santa Paula Orange Association	1.0942
Tapo Citrus Association	1.1152
Limoneira Co	.4002
E. Whittier Citrus Association	.4064
El Ranchito Citrus Association	1.3869
Murphy Ranch Co	.4541
Rivera Citrus Association	.5500
Whittier Citrus Association	.6971
Whittier Select Citrus Association	.4686
Anaheim Cooperative Orange Association	1.1586
Bryn Mawr Mutual Orange Association	.0897
Chula Vista Mutual Lemon Association	.0925
Escondido Cooperative Citrus Association	.3357
Euclid Avenue Orange Association	.4248
Foothill Citrus Union, Inc	.0334
Fullerton Cooperative Orange Association	.3529
Garden Grove Orange Cooperative Inc	.7281
Glendora Cooperative Citrus Association	.0568
Golden Orange Groves, Inc	.2813
Highland Mutual Groves	.0672
Index Mutual Association	.2034
La Verne Cooperative Citrus Association	1.1919
Olive Hillside Groves	.7671
Orange Cooperative Citrus Association	1.0410
Redlands Foothill Groves	.4492
Redlands Mutual Orange Association	.1668
Riverside Citrus Association	.0682
Ventura County Orange and Lemon Association	.9432
Whittier Mutual Orange and Lemon Association	.1759
Babijuice Corp. of California	.4916
Banks Fruit Co	.2963
Banks, L. M	.5469
Borden Fruit Co	.6798
California Fruit Distributors	.4316
Cherokee Citrus Co., Inc	.1007
Chess Company, Meyer W	.2713
Escondido Avocado Growers	.0556
Evans Brothers Packing Co	.6502
Gold Banner Association	.2231
Granada Hills Packing Co	.0633

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Granada Packing House	2.4917
Hill, Fred A	.0772
Inland Fruit Dealers	.0655
Mills, Edward	.1079
Orange Belt Fruit Distributors	1.9851
Panno Fruit Company, Carlo	.1118
Paramount Citrus Association	.4136
Placentia Orchards Co	.4040
Placentia Pioneer Valley Growers Association	.6539
San Antonio Orchards Co	.4815
Santa Fe Groves Co	.0510
Snyder & Sons Co., W. A	1.0915
Stephens, T. F	.0830
Sunny Hills Ranch, Inc	.1192
Verity & Sons Co., R. H	.0363
Wall, E. T	.1236
Webb Packing Co	.2596
Western Fruit Growers, Inc (Ana.)	.0495
Western Fruit Growers, Inc., (Reds.)	.6633
Yorba Orange Growers Association	.6328

[F. R. Doc. 47-5948; Filed, June 20, 1947; 9:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry

Subchapter F—Animal Breeds

[B. A. I. Order 365, Amdt. 16]

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

DOGS; BOOK OF RECORD RECOGNITION

Pursuant to the authority vested in the Secretary of Agriculture by paragraph 1606, section 201, Title II, of the act of June 17, 1930 (46 Stat. 673; 19 U. S. C. 1201, par. 1606), paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations, as amended (par. 1, sec. 2, reg. 2, B. A. I. Order 365), is amended by adding to the subdivision of said paragraph relating to dogs the following breeds and book of record:

Dogs

Name of breed	Book of record	By whom published
Various recognized breeds	Newfoundland Live Stock Register.	Department of Natural Resources, Kenneth J. Carter, Secretary, St. John's Newfoundland.

This amendment shall become effective on publication in the FEDERAL REGISTER.

NOTE: Whereas the importation into the United States of purebred animals for breeding purposes benefits the public by improving the breeds of animals in the United States, and Congress has recognized this fact in paragraph 1606, section 201 of the act of June 17, 1930 (19 U. S. C. 1201, par. 1606) under which purebred animals imported by United States citizens may be imported duty-free if they are certified by the Department of Agriculture as registered in a book of record recognized by the Secretary of Agriculture for the particular breed; and whereas, pending issuance of such certificate, the importer is required by regulations of the United States Customs Bureau to post a bond valid for a limited period and subject to forfeiture unless the certificate is obtained and submitted to the Customs Bureau within such time; and whereas certificates have been requested from the Department of Agriculture for purebred dogs registered in the book of record specified above which has not heretofore been recognized by the Secretary of Agriculture in his regulations under said act; and whereas the Secretary of Agriculture has determined that the regulations should be amended to recognize such book of record and thereby to relieve restrictions upon the importation of such dogs; and whereas the foregoing amendment to accomplish this purpose should be made effective as soon as possible in order to be of maximum benefit to the public and in order to prevent unnecessary hardship to importers through forfeiture of their bonds, it is found, upon good cause, that compliance with the notice and hearing requirements of section 4 of the Administrative Procedure Act would be impracticable, unnecessary and contrary to the public interest, and good cause is found to exist for issuance of the foregoing amendment effective less than thirty days after publication.

Issued this 17th day of June 1947.

(46 Stat. 673; 19 U. S. C. 1201, par. 1606)

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-5897; Filed, June 20, 1947; 8:48 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 708—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

PART 709—PRESCRIBED SERVICE UNIFORM

MISCELLANEOUS AMENDMENTS

Part 708, Chapter VII, Title 10, Code of Federal Regulations is amended in the following respects:

1. In § 708.1 paragraph (a) (2) is revoked and paragraphs (b) and (c) are superseded by the following:

§ 708.1 *Decorations.* (a) • • •

(2) [Revoked]

(b) *War Department military decorations.* An Oak-Leaf Cluster is awarded in lieu of an additional decoration and its precedence is that of the decoration it represents. Order of precedence of military decorations is as follows:

(1) Medal of Honor.
(2) Distinguished-Service Cross.
(3) Distinguished-Service Medal.
(4) Silver Star.
(5) Legion of Merit.
(6) Distinguished-Flying Cross.
(7) Soldier's Medal.
(8) Bronze Star Medal.
(9) Air Medal.
(10) Army Commendation Ribbon.
(11) Purple Heart.

(c) *Duplication of awards.* Not more than one decoration will be awarded for the same act of heroism, the same meritorious achievement, or the same period of meritorious service.

2. In § 708.2 paragraphs (a) (3) and (b) (3) are added as follows:

§ 708.2 *To whom decorations awarded*—(a) *Medal of Honor.* • • •

(3) *Description.* A bronze five-pointed start 1 9/16 inches in diameter, surrounded by a laurel wreath in green enamel, suspended by two links from a bronze bar bearing the inscription "Valor," and surmounted by an eagle. In the center of the star is the head of Minerva surrounded by the inscription "United States of America." Each ray of the star bears an oak leaf in green enamel. On the reverse of the bar are stamped the words "The Congress to," and on the reverse of the medal are engraved the grade, name, and organization of the recipient, with the place and date of the act for which the medal is awarded. The medal is suspended by a hook to a ring fastened behind the eagle. The hook is attached to a neckband of ribbon 20 inches in length. The neckband is of light blue watered silk 1 3/16 inches in width and midway between the ends of the neckband are 13 white stars arranged in the form of a triple chevron, consisting of two chevrons of 5 stars each and one of 3 stars.

(b) *Distinguished-Service Cross.* • • •

(3) *Description.* A cross of bronze 2 inches in height and 1 13/16 inches in width with an eagle on the center, and a scroll below the eagle bearing the inscription "For Valor." On the reverse, in the center of the cross, is a space for the name of the recipient (which is to be engraved within a wreath). The cross is suspended by a ring from a watered silk ribbon 1 3/8 inches in length and 1 3/8 inches in width, composed of a band of red (1/8 inch), white (1/16 inch), blue (1 inch), white (1/16 inch), and red (1/8 inch).

3. In § 708.2 revise paragraph (c) (1) and add (c) (4) as follows:

(c) *Distinguished-Service Medal.* (1) The Distinguished-Service Medal is awarded to members of the armed forces who, while serving in any capacity with the Army, distinguished themselves by exceptionally meritorious service to the Government in a duty of great responsibility. (See act July 9, 1918 (40 Stat. 871; 10 U. S. C. 1407, 1408; M. L. 1939, sec. 906)

• • • • •

(4) Description: The coat of arms of the United States in bronze surrounded by a circle of dark blue enamel 1 1/2 inches in diameter, bearing the inscription "For Distinguished Service MCMXVIII." On the reverse is a scroll for the name of the recipient (which is to be engraved) upon a trophy of flags and weapons. The medal is suspended by a bar from a watered silk ribbon 1 3/8 inches in length and 1 3/8 inches in width, composed of a band of scarlet (1/16 inch), a stripe of dark blue (1/16 inch), a band of white (5/8 inch), a stripe of dark blue (1/16 inch) and a band of scarlet (7/16 inch).

4. Revise § 708.2 (d) (1) (i), add paragraph (d) (1) (iii), and in paragraph (d) (2) (i) where the word "personnel" appears, substitute the word "members" in lieu thereof; add paragraph (d) (2) (iii) as follows:

(d) *Legion of Merit*—(1) *United States armed forces.* (i) The Legion of Merit, without degree, is awarded to members of the armed forces of the United States who, while serving in any capacity with the Army, distinguish themselves by exceptionally meritorious conduct in the performance of outstanding services. See sec. 2, act July 20, 1942 (56 Stat. 662; 10 U. S. C. 1408b; M. L. 1939, Supp. III, sec. 924a), and E. O. 9260, October 29, 1942 (sec. 1 WD Bul. 54, 1942).

• • • • •

(iii) A five-pointed American white star of heraldic form bordered in purplish red enamel 1 7/8 inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star a laurel wreath with modeled crossed arrows pointing outward between each arm of the star and the wreath. On the bronze reverse is a disk (which is to be engraved with the name of the recipient) surrounded by the words "Annuit Coeptis" (He (God) has favored our undertakings) and "MDCCLXXXII," on the scroll the words "United States of America." The pendant is suspended by a silk ribbon 1 7/8 inches in length and 1 3/8 inches in width, composed of a band of purplish red (1 1/4 inches), with edges of white (1/16 inch).

(2) *Armed forces of foreign nations.* (i) The Legion of Merit, in four degrees, is awarded to members • • •.

• • • • •

(iii) *Description*—(a) *Chief Commander.* A domed five-pointed American white star plaque of heraldic form bordered in purplish red enamel 2 15/16 inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star a laurel wreath with pierced crossed arrows pointing outward between each arm of the star and the wreath. The reverse is engraved with the words "United States of America" and the name of the recipient.

(b) *Commander.* A five-pointed American white star of heraldic form bordered in purplish red enamel 2 1/4 inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds, backing the star a laurel wreath with pierced crossed arrows pointing outward between each arm of the star and the wreath. A bronze wreath connects an oval suspension ring to neck ribbon. The reverse of the five-pointed star is enameled in white, bordered in purplish red enamel, in the center of a disk (which is to be engraved with the name of the recipient) surrounded by the words "Annuit Coeptis" and "MDCCLXXXII," on the scroll the words "United States of America." The neck ribbon is 2 1/4 inches in length, 1 15/16 inches in width composed of a band of purplish red (1 13/16 inches) with edges of white (1/16 inch).

(c) *Officer.* Same as subparagraph (1) (iii) of this paragraph with the addition of an all-bronze device of same design as the pendant, 3/4 inch in diameter, on the center of suspension ribbon.

(d) *Legionnaire.* Same as subparagraph (1) (iii) of this paragraph.

5. Revise § 708.2 (c) (2) and add paragraph (e) (3) as follows:

(e) *Silver Star.* • • •

(2) Those individuals who, prior to December 7, 1941, have been cited for gallantry in action in orders issued by the headquarters of a force commanded by a general officer, may make application for the Silver Star to The Adjutant General, Washington 25, D. C.

(3) Description: A bronze star 1 1/2 inches in circumscribing diameter. In the center thereof is a 3/16 inch diameter raised silver star, the center lines of all rays of both stars coinciding. The reverse has the inscription "For gallantry in action" and a space for the name of the recipient (which is to be engraved). The star is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon 1 3/8 inches in length and 1 3/8 inches in width, composed of stripes of blue (3/32 inch), white (3/64 inch), blue (7/32 inch) white (3/64 inch), and blue (3/32 inch).

6. So much of the text following the headnote of § 708.2 (f) (1) is amended, and paragraph (f) (4) is added as follows:

(f) *Distinguished-Flying Cross.* (1) The Distinguished-Flying Cross is awarded to members of the armed forces who, while serving * * *.

* * * * *

(4) On a bronze 1½ inch cross patee a four-bladed propeller 1 1/16 inches across blades; in the reentrant angles, rays forming a 1 inch square. On the reverse is engraved the name of the recipient. The cross is suspended by a plain straight link from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width, composed of stripes of blue (⅛ inch), white (⅛ inch), blue (1/32 inch), white (1/32 inch), red (3/32 inch), white (1/32 inch), blue (1/32 inch), white (⅛ inch), and blue (⅛ inch).

7. Paragraph (g) of § 708.2 is superseded by the following:

(g) *Soldier's Medal.* (1) The Soldier's Medal is awarded to members of the armed forces who, while serving in any capacity with the Army, distinguish themselves by heroism not involving actual conflict with the enemy and not in aerial flight. See sec. 11, act July 2, 1926 (44 Stat. 789; 10 U. S. C. 1428).

(2) The Soldier's Medal may be awarded to an individual for performance of an act or acts of heroism involving voluntary risk of life under conditions other than those of conflict with an enemy and while not in aerial flight. The same degree of heroism is required as for the Distinguished-Flying Cross.

(3) Description: On a 1⅜ inch bronze octagon and eagle displayed, standing on a fasces, between two groups of stars of six and seven, above the group of six a spray of leaves. On the reverse is a shield paly of 13 pieces on the chief, the letters "U. S." supported by sprays of laurel and oak, around the upper edge the inscription "Soldier's Medal" and across the face the words "For Valor." In the base is a panel for the name of the recipient (which is to be engraved). The medal is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of two outside stripes of blue ⅜ inch in width, the center containing 13 white and red stripes of equal width (7 white and 6 red).

8. Paragraph (h) of § 708.2 is superseded by the following:

(h) *Purple Heart.* (1) The Purple Heart, established by General George Washington at Newburgh, August 7, 1782, during the Revolutionary War, is awarded to members of the armed forces of the United States and to civilian citizens of the United States, who, while serving with the Army, are wounded in action against an enemy of the United States, or as a direct result of an act of such enemy, provided the wound necessitates treatment by a medical officer.

(2) A wound is defined as an injury to any part of the body from an outside force, element, or agent sustained as the result of a hostile act of the enemy or while in action in the face of the enemy. One award is authorized for each such wound, except that only one award is authorized for two or more wounds received at the same instant. The word "element" refers to weather and permits award to personnel severely frostbitten while actually engaged in combat. Trench foot will not be considered as meriting award. The phrase "at the same instant" prohibits duplicate awards of the Purple Heart for two or more injuries or wounds received from one missile, force, explosion, or agent.

(3) Description: On a purple enameled heart within a bronze border, a profile head in relief of General George Washington in military uniform. Above the enameled heart is the shield of Washington's coat of arms between two sprays of leaves in green enamel. On the reverse below the shield and leaves without enamel, is a raised bronze heart with the inscription, "For Military Merit," with a space for the name of the recipient (which is to be engraved). The entire device is 1 1/16 inches in length. The medal is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon 1⅜ inches in width and 1⅜ inches in length, consisting of a purple (pansy) center with ⅛-inch white edges.

(4) Those individuals who, as members of the Army of the United States, prior to December 7, 1941, were awarded a meritorious services citation certificate in World War I, or were authorized to wear a wound chevron, or received wounds in action which would have entitled them to wear a wound chevron under regulations existing at that time, may make application to The Adjutant General, Washington 25, D. C., for award of the Purple Heart in lieu of the meritorious service citation certificate or wound chevron.

(5) Those individuals who, on or after December 7, 1941, were awarded a Purple Heart for meritorious achievement or meritorious service in connection with military operations against the enemy may make application to The Adjutant General, Washington 25, D. C., for an appropriate award in lieu of the Purple Heart.

9. Paragraph (i) (3) is added to § 708.2 as follows:

(i) *Air Medal.* * * *

(3) *Description.* A bronze compass rose 1 11/16 inches circumscribing diameter suspended by the pointer and charged with an eagle volant carrying two lightning flashes in its talons. The points of the compass rose on the reverse are modeled with the central portion plain for the name of the recipient (which is to be engraved). The medal is suspended from a moire silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of ultramarine blue (⅛ inch), a band of golden orange (¼ inch), a band of ultramarine blue (⅜ inch), a band of golden orange (¼ inch), and a band of ultramarine blue (⅛ inch) by a ring engaging the pointer.

10. Paragraphs (j) and (k) of § 708.2 are superseded by the following:

(j) *Oak-Leaf Cluster*—(1) *Award.* No military decoration will be awarded more than once to any one person, but for each succeeding act of heroism, meritorious achievement, or period of meritorious service justifying an award, a bronze Oak-Leaf Cluster will be awarded in lieu. A silver Oak-Leaf Cluster may be worn in lieu of five bronze Oak-Leaf Clusters.

(2) *Description.* A bronze or silver twig of four oak leaves with three acorns on the stem 13/32 inch in length for the suspension ribbon and ⅜ inch in length for the service ribbon.

(3) *Replacement.* The provisions of (1) above do not preclude the issuance of a duplicate decoration or a replacement to the next of kin or to the person to whom it was awarded whenever the decoration previously presented has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded (see § 708.7).

(k) *Bronze Star Medal*—(1) *Heroism.* (i) The Bronze Star Medal is awarded to persons who, while serving in any capacity with the Army, on or after December 7, 1941, distinguish themselves by heroism in combat against the armed enemy, in operations not involving participation in aerial flight. See E. O. 9419, February 4, 1944 (9 F. R. 1495).

(ii) The Bronze Star Medal may be awarded to recognize minor acts of heroism in actual ground combat against the enemy where the award of a Silver Star is not warranted.

(2) *Meritorious achievement or meritorious service.* (i) The Bronze Star Medal is awarded to members of the armed forces who, while serving in any capacity with the Army, on or after December 7, 1941, distinguish themselves by meritorious achievement or meritorious service, not involving participation in aerial flight, in connection with military operations against an enemy of the United States. See E. O. 9419, February 4, 1944 (9 F. R. 1495).

(ii) The required meritorious achievement or meritorious service for award of the Bronze Star Medal is less than that required for the Legion of Merit, but must nevertheless be accomplished with distinction. The Bronze Star Medal may be awarded to recognize meritorious service or single acts of merit.

(3) *Description.* (i) A bronze star 1½ inches in circumscribing diameter. In the center thereof is a 3/16 inch diameter raised bronze star, the center line of all rays of both stars coinciding. The reverse has the inscription "Heroic or meritorious achievement" and a space for the name of the recipient (which is to be engraved). The star is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of stripes of white (1/32 inch), red (3/16 inch), white (1/32 inch), blue (⅛ inch), white (1/32 inch), red (3/16 inch), and white (1/32 inch).

(ii) Letter "V" device: A bronze block letter "V" ¼ of an inch in height, with serifs at the top of the members.

(4) *Letter "V" device.* The letter "V" device is authorized for wear on the suspension ribbon and the service ribbon of the Bronze Star Medal to indicate that an award was made for heroism (valor) rather than for meritorious achievement or meritorious service. Only one letter "V" will be worn. All additional awards whether for heroism, meritorius achievement, or meritorious service will be designated by Oak-Leaf Clusters. All orders awarding the Bronze Star Medal will specifically state whether the award was for heroism, meritorious achievement, or meritorious service.

11. Paragraph (1) of § 708.2 is revoked and paragraph (m) of the same section is added as follows:

(1) *United States America Typhus Commission Medal.* [Revoked]

(m) *Army Commendation Ribbon.* (1) The Army Commendation Ribbon is awarded to members of the armed forces who, while serving in any capacity with the Army, on or after December 7, 1941, distinguish themselves by meritorious achievement or meritorious service, not in connection with military operations against the enemy.

(2) The meritorious achievement or meritorious service required is less exceptional than that required for the Legion of Merit, but nevertheless must be accomplished with distinction. Exactly the same degree of meritorious achievement or meritorious service is required as that for which the Bronze Star Medal and/or the Air Medal are awarded. It is particularly desired that the Army Commendation Ribbon be awarded to outstanding company-grade officers, warrant officers, and enlisted men whose achievement or service meets the standards prescribed. An Army Commendation Ribbon will not be awarded for the same period of service or achievement for which the Bronze Star or Air Medal has been awarded.

(3) The Army Commendation Ribbon will not be awarded for meritorious achievement or meritorious service rendered during World War II within the following operational areas between the inclusive dates indicated below:

(i) December 7, 1941 through May 8, 1945: European, Mediterranean, and North African Theaters of Operations; United States Forces in Africa and Middle East; and Persian Gulf Command.

(ii) December 7, 1941 through September 2, 1945: United States Army Forces in Pacific; and China and India-Burma Theaters.

(iii) June 3, 1942 through August 24, 1943: Alaskan Department in the area west of longitude 165 degrees west, and south of latitude 55 degrees north, which is the area of the Aleutian Islands west of Fort Mears (inclusive).

(4) Those individuals who, as members of the armed forces of the United States, on or after December 7, 1941 and prior to January 1, 1946, were commended in a letter of commendation or certificate of commendation by a major general, or officer occupying the position vacancy of a major general, for meritorious achievement or meritorious service, not in connection with military operations against the enemy (see subparagraph (3) of this paragraph) may make application for the Army Commendation Ribbon to The Adjutant General, Washington 25, D. C.

12. Section 708.4 is rescinded and the following substituted therefor:

§ 708.4 *Time limits.* (a) Except as prescribed in paragraph (b) of this section when the decoration is to be awarded in lieu of another decoration previously awarded, or on the basis of an existing letter, certificate, or citation in orders (see paragraph (e) (2), (h) (4), (h) (5) and (m) (4) of § 708.2), no military decoration will be awarded to any person after more than 3 years from the date of the heroism, meritorious achievement or meritorious service justifying an award, nor unless the recommendation was submitted through military channels within 2 years from the date of the heroism, meritorious achievement, or meritorious service.

(b) As an exception, military decorations may be awarded when the heroism, meritorious achievement, or meritorious service justifying the award was performed between December 7, 1941 and December 31, 1946, both dates inclusive, providing a recommendation is submitted through official channels prior to July 1, 1947.

13. In § 708.5 amend the last portion of the text to read as follows:

§ 708.5 *Posthumous awards.* * * * Widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

14. Section 708.7 is rescinded and the following substituted therefor:

§ 708.7 *Replacement.* Whenever a decoration and/or appurtenance is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, it will be replaced without charge upon application to The Adjutant General, Washington 25, D. C.

15. Add § 708.11 as follows:

§ 708.11 *Medal of Freedom*—(a) *Citizens and habitual residents of the United States.* (1) The Medal of Freedom without degree, is awarded to citizens or habitual residents of the United States not in the armed forces who, on or after December 7, 1941, distinguish themselves by meritorious achievement or meritorious service to the United States in the prosecution of the war against an enemy. See E. O. 9586, July 6, 1945 (10 F. R. 8523).

(2) The Medal of Freedom will not be awarded to any citizen or habitual resident of the United States for any meritorious achievement or meritorious service performed within the continental limits of the United States. The degree of meritorious achievement or meritorious service required is the same as that for which the Bronze Star Medal is awarded to members of the armed forces.

(b) *Citizens of foreign nations.* (1) The Medal of Freedom, in four degrees, is awarded to persons, not citizens or habitual residents of the United States nor members of the armed forces, who distinguish themselves by meritorious achievement or meritorious service which has aided the United States in the prosecution of the war against the enemy.

(2) The degree of the Medal of Freedom and corresponding degrees of the Legion of Merit are:

Medal of Freedom	*Legion of Merit*
(i) Gold palm	Chief Commander.
(ii) Silver palm	Commander.
(iii) Bronze palm	Officer and Legionnaire.

(3) The Medal of Freedom without palm is equivalent to the Bronze Star Medal awarded members of the armed forces.

(c) *Description.* (1) The medal of bronze is 1¼ inches in diameter. On the obverse is the head, shoulders, and headdress of freedom (taken from the statue on the top of the United States Capitol dome). In the lower portion in an arc is the inscription "Freedom." On the reverse is the "Liberty Bell" without carriage, within a circle composed of the words "United States of America." The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of red (5/16 inch), white (1/32 inch), red (⅛ inch), white (1/32 inch), red (⅛ inch), white (1/32 inch), red (⅛ inch), white (1/32 inch), and red (5/16 inch).

(2) *Palm.* A gold, silver, or bronze palm 1⅛ inches in length.

(d) *Time limits.* See § 708.4.

(e) *Additional awards.* No more than one Medal of Freedom will be awarded to any one person. For each additional meritorious achievement or meritorious service warranting an additional award to a citizen or habitual resident of the United States, an Oak-Leaf Cluster will be awarded in lieu. For each additional meritorious achievement or meritorious service warranting an additional award to a citizen of a foreign nation, the Medal of Freedom in higher degree will be awarded in lieu. A subsequent award in a lesser degree is not authorized.

[AR 600-45, Sept. 22, 1943 as amended by C 11, May 19, 1947] (40 Stat. 870-872, 41 Stat. 398, 44 Stat. 789; 10 U. S. C. 1403, 1409, 1411, 1429)

16. Sections 709.31 to 709.38b, inclusive are hereby rescinded. Subject matter contained in above mentioned sections is now published under Part 708 which prescribes regulations pertaining to decorations, medals, ribbons and similar devices.

[AR 600-35, March 31, 1944 as amended by AR 600-45, C 11, May 19, 1947] (R. S. 1296; 10 U. S. C. 1391)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5852; Filed, June 20, 1947; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg., Serial No. 392]

PART 301—ORGANIZATION, DELEGATIONS OF AUTHORITY AND PUBLIC INFORMATION

DESCRIPTION OF ORGANIZATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 13th day of June 1947.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 thereof, and pursuant

to the Administrative Procedure Act, particularly sections 3 and 12 thereof, hereby amends § 301.1 *Description of organization*, of Title 14 of the Code of Federal Regulations as follows, effective immediately.

1. Subparagraph (2) *The Office of the General Counsel*, of paragraph (b) *Principal office and organization*, of § 301.1 is amended by striking therefrom the following: "(iii) Safety Legal Division."

2. Section 301.1 (b) (5) is amended to read as follows:

(5) *The Office of Trial Examiners.*
(i) Economic Proceedings Division.
(ii) Safety Enforcement Proceedings Division.
(iii) Docket Section.
(iv) Editorial Unit.

(52 Stat. 984, 1017, as amended, secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 49 U. S. C. 425, 641)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5908; Filed, June 20, 1947; 8:53 a. m.]

[Regs., Serial No. 393]

PART 302—DESCRIPTION OF FUNCTIONS; COURSE AND METHOD BY WHICH FUNCTIONS ARE CHANNELED; SCOPE AND CONTENTS OF DOCUMENTS

MISCELLANEOUS AMENDMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of June 1947.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938 as amended, particularly sections 205 (a) and 1001 thereof, and pursuant to the Administrative Procedure Act, particularly sections 3 and 12 thereof, hereby amends Part 302 of Title 14 of the Code of Federal Regulations as follows, effective immediately:

1. Paragraph (b) *The Office of the General Counsel*, of § 302.2 is amended by striking therefrom all of subparagraph (4) *The Safety Legal Division*, of such section:

2. Paragraph (e) of § 302 2 is amended to read as follows:

§ 302.2 *Functions of officers and bureaus.* • • •

(e) *The Office of the Trial Examiners.* The Chief Examiner is directly responsible to the Board for the conduct and disposition of all formal proceedings before the Board arising under Titles IV and VI, and section 1002 of the Civil Aeronautics Act. The following activities within the Office of Trial Examiners are performed under the administrative supervision and direction of the Chief Examiner;

(1) *The Economic Proceedings Division.* The Examiners assigned to this division of the Office of Trial Examiners preside at prehearing conferences and hearings in all formal economic proceedings. All matters concerning the conduct of a hearing and motions and requests arising in connection with any such proceeding are referred to the Examiner assigned to the proceeding. Such examiner acts upon such matters as may be disposed of by him and prepares recommendations to the Chief Examiner or to the Board respecting disposition of such matters as require action by the Chief Examiner or the Board. Recommended decisions are made by the examiners in all economic proceedings other than those for the fixing of passengers, cargo, and mail rates. The final decision in such economic proceedings is also drafted by the examiner pursuant to instructions from the Board.

(2) *The Safety Enforcement Proceedings Division.* This division handles all formal proceedings under sections 602 and 609 of the Civil Aeronautics Act of 1938. In addition to the regular functions of examiners, the regional examiners supervise the regional dockets, maintain a calendar of cases for the region, conduct correspondence relating to regional cases and in general conduct the business essential to the handling of safety enforcement proceedings in their regions. An examiner does not prepare any review on exceptions or appeal of any initial decision made by him. The division drafts opinions and orders for the Board as instructed by the Board.

(3) *The Docket Section.* The Docket Section receives, dockets, and maintains all documents in formal proceedings before the Board; makes official service of notices, orders, rules, reports, and decisions in economic proceedings; and issues periodic statements and reports respecting the status of all formal proceedings.

(4) *The Editorial Unit.* The Editorial Unit edits and prepares for printing: reports decisions, and opinions; and prepares the index digest for the bound volumes of the Board's official reports.

3. Paragraph (a) of § 302.5* *Channeling of complaints*, is amended by striking out the words "*Informal complaints*" appearing as the heading thereof and inserting in lieu thereof the words "*Informal complaints in economic matters.*"

4. Paragraph (b) of § 302.5 is amended by striking out the words "*Formal complaints*" appearing as the heading thereof and inserting in lieu thereof the words "*Formal complaints in economic matters.*"

5. Section 302.5 is amended by adding thereto a new paragraph (c) reading as follows:

(c) *Complaints and petitions in safety enforcement matters.* Formal complaints in safety matters are filed by the Administrator of Civil Aeronautics with the Docket Section of the Board in Washington, or in the Regional Docket in which the case arises. Informal complaints should be filed with the legal staff of the Administrator. Any person whose application for the issuance or renewal of an airman certificate or rating has been denied may petition the Board for a review of the action of the Administrator. All such formal complaints or petitions for review are referred to the Office of Trial Examiners and are handled by the Safety Enforcement Proceedings Division. Proceedings are conducted as provided for in dPart 97 of the Civil Aair Regulations of this chapter.

6. Section 302.7 (c) (3) of this chapter is amended to read as follows:

§ 302.7 *Channeling of formal proceedings* • • •

(c) *Suspension and revocation of safety certificates.* • • •

(3) A Trial Examiner is designated by the Chief Trial Examiner or an Assistant Chief Trial Examiner; where a Regional Examiner has been assigned, he will ordinarily be designated for all cases within his region.

7. Paragraph (c) of § 302.7 is amended by adding subparagraph (9), to read as follows:

(9) Proceedings for a review of the action of the Administrator in denying the issuance or renewal of an airman certificate or rating also follow the requirements of and the procedure described in Part 97 of the Civil Air Regulations of this chapter. Such proceeding may be instituted by an informal request by a party whose interests have been adversely affected by the action of the Administrator.

(52 Stat. 984, 1017, as amended, Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 49 U. S. C. 425, 641, 60 Stat. 238, 244)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5909; Filed, June 20, 1947, 8:53 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

CONSTRUCTION COST ALLOWANCES

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law No. 377, 79th Cong.), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics, as follows:

By adding a new subdivision, to be numbered (iii), to § 550.9 (a) (2):

§ 550.9 *Allowable project costs.* • • •

(a) *Classification of project costs.* • • •

(2) *Construction costs; contract* • • •

(iii) *Sponsor's stock-pile materials and supplies.* Stock-pile items of appropriate materials and supplies owned by the sponsor or furnished from a source of supply owned by the sponsor, when incorporated into an approved airport project by the contractor: *Provided*, That such materials and supplies shall not have been appropriated to the project prior to the date of execution of the Grant Agreement relating to such project.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Pub. Law No. 377, 79th Cong. 60 Stat. 170)

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-5865; Filed, June 20, 1947; 8:56 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

CRYSTALLINE PENICILLIN TABLETS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong., 1st Sess.; 21 U. S. C. Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215) are hereby amended by adding the following new section:

§ 141.21 *Crystalline penicillin tablets*—(a) *Potency.* Proceed as directed in § 141.1 except paragraph (i) thereof, and in lieu of the directions in paragraph (d) of § 141.1 prepare sample as follows:

Dissolve 12 tablets in sterile distilled water to make an appropriate stock solution. The average potency of the tablets is satisfactory if it contains not less than 85% of the number of units per tablet it is represented to contain.

(b) *Microorganism count.* Accurately weigh from 3 to 5 tablets in a test tube and add sufficient sterile penicillinase contained in a total volume of 15 ml. to inactivate the penicillin present. Let stand one hour. Thoroughly shake the mixture and transfer aseptically one-third the amount to each of three sterile petri dishes. Pour into the petri dish 20 ml. of nutrient agar, described in § 141.1 (b) (1), which has been melted and cooled to 48° C. Thoroughly mix, allow the agar to solidify, invert the petri dish, and incubate for 48 hours at 37° C. Count the number of colonies appearing on the plates and calculate therefrom the number of viable microorganisms per gram.

(c) *Toxicity.* Proceed as directed in § 141.4.

(d) *Moisture, pH, microscopical test for crystallinity, stability, penicillin G content and penicillin K content.* Proceed as directed in § 141.5.

This order, which provides for the marketing of a new penicillin product, crystalline penicillin tablets, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of a new penicillin product. (Sec. 507, 52 Stat. 1040, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong., 21 U. S. C. and Sup. 357)

Dated: June 16, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-5863; Filed, June 20, 1947; 8:56 a. m.]

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and Public Law 16, 80th Cong., 1st Sess.; 21 U. S. C., Sup. 357) the regulations for the certification of penicillin-containing drugs and streptomycin-containing drugs are hereby amended as indicated below:

1. Paragraph (a) of § 146.25, *Penicillin oil and wax*, is amended by deleting the last two sentences of the paragraph and substituting therefor the following: "The peanut oil, sesame oil, and the white wax used conform to the standards prescribed therefor by the U. S. P."

2. Part 146 is amended by adding the following new section:

§ 146.39 *Crystalline penicillin tablets*—(a) *Standards of identity, strength, quality, and purity.* Crystalline penicillin tablets are molded, freely soluble tablets of crystalline penicillin. It is tableted without the addition of diluents, binders, lubricants, colorings, or flavorings. The potency of each tablet is not less than 50,000 units; it conforms to the requirements of § 146.24 (a) for crystalline penicillin except subparagraphs (2), (4), and (7) of § 146.24 (a), but its content of viable microorganisms is not more than 50 per gram.

(b) *Packaging.* Each tablet is enclosed in a foil or plastic film or other container each of which is a tight container as defined by the U. S. P. except the provision that it shall be capable of tight reclosure. The composition of the container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of crystalline penicillin tablets shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) The statement "Warning—Not for injection";

(iv) The statement "Expiration date --------", the blank being filled in with the date which is 36 months after the month during which the batch was certified;

(v) The statement "Caution: To be dispensed only by or on the prescription of a --------", the blank being filled in with the word "physician" or "dentist" or both, as the case may be;

(vi) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such tablets; or a reference to a brochure, or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of crystalline penicillin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each tablet, the quantity of crystalline penicillin used in making the batch, and the date on which the latest assay of the tablets comprising such batch was completed.

(2) Such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of the batch: Average potency per tablet, toxicity, average moisture, pH, microorganism count, penicillin K content (unless it is crystalline penicillin G), crystallinity, heat stability, and the penicillin G content if it is crystalline penicillin G.

(3) Such person shall submit in connection with his request accurately representative samples of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 40 tablets or more than 120 tablets, collected by taking single tablets at such intervals throughout the entire time the tablets are being made that the quantities made during the intervals are approximately equal.

(e) *Fees.* The fee for the services rendered with respect to each batch of crystalline penicillin tablets under the regulations in this part shall be:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for the marketing of a new penicillin product, crystalline penicillin tablets, and new and amended standards for peanut oil, sesame oil, and white wax shall become effective upon publication in the FEDERAL REGISTER since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay the marketing of a new penicillin product and revising the stand-

ards for peanut oil, sesame oil, and white wax.

(Sec. 507, 52 Stat. 1040, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong., 21 U. S. C. and Sup. 357)

Dated: June 16, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-5864; Filed, June 20, 1947; 8:56 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 200—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY; POWER SITE CLASSIFICATIONS

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 200.50 to 200.53, see § 4.623 under Title 43, *infra*, authorizing the Director of the Geological Survey to classify public domain lands as power sites valuable for power purposes and to modify or revoke such classifications.

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[3d Rev. RO 3,[1] Amdt. 55]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 2.8 (b) (2) is amended to read as follows:

(2) All sugar (other than sugar which was included in his present inventory and sugar acquired under the provisions of section 8.9) received without giving up evidences.

2. Section 2.10 (b) is amended by adding a sentence to read as follows: "However, an industrial user who acquires sugar under the provisions of section 8.9 may use such sugar in excess of his allotment for the period in which such sugar was acquired, or any subsequent period."

3. Section 8.9 is added to read as follows:

SEC. 8.9 *Ration-free delivery of sugar manufactured for own use.* (a) Any person who manufactures sugar for his own use, or has it manufactured for his own use by another person, from (1) an imported sugar-containing product, or from (2) a sugar-containing product for which ration evidences have been surrendered for the amount of sugar contained in such product, may acquire and use such sugar in his registered industrial user establishment without the surrender of ration evidences.

4. Section 17.2 (a) is amended by adding a sentence to read as follows: "However, the provisions of this section do not apply to sugar acquired under the provisions of section 8.9."

This amendment shall become effective June 20, 1947.

Issued this 18th day of June 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 55 to Third Revised Ration Order 3

Under the present regulations, a person who manufactures sugar is a primary distributor and he may not make an industrial use of sugar he produces unless he is also a registered industrial user. As an industrial user, he must give up evidences to his primary distributor establishment for any sugar he acquires or uses in such operations. Thus, a person who manufactures sugar from a product containing sugar for which ration evidences have been surrendered, or from an imported sugar-containing product, may not thereafter make an industrial use of the sugar recovered from such products unless he is a registered industrial user and unless he surrenders ration evidences covering the amount of the sugar.

Sugar-containing products and imported sugar-containing products which are used by an industrial user to make another product and which are damaged in the course of manufacture, may have no commercial value unless the sugar contained therein is recovered. However, under the present provisions of the regulations he may not recover the sugar from such products and make an industrial use of it without surrendering ration evidences. Since it is desirable to provide for the use of such recovered sugar without requiring the surrender of ration evidences, this amendment permits a person who, for his own use, manufactures, or has another person manufacture for him, sugar from a sugar-containing product for which ration evidences have been surrendered, or from an imported sugar-containing product, to acquire and use such sugar in his registered industrial user establishment without the surrender of ration evidences.

[F. R. Doc. 47-5959; Filed, June 20, 1947; 10:45 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

ORGANIZATION; MISCELLANEOUS AMENDMENTS

1. Section 01.6 *General description*, is amended to read as follows:

§ 01.6 *Director's Office.* The Director of the National Park Service is in charge of the Service. The headquarters organization consists of the Director, Associate Director, and Assistant Director, four staff divisions, and eight technical branches. Under the supervision of the Director, the headquarters staff formulates policies for the protection, preservation, and use of the national park areas. It supervises the interpretive services in natural sciences, history, and archeology rendered for the public, provides for museum developments, and investigates proposed additions to the National Park System.

Staff offices and divisions consist of the Fiscal Division, the Personnel Division, the Safety Division, and the Office of the Chief Clerk.

2. Section 01.8 *Branch of Engineering*, is amended to read as follows:

§ 01.8 *Branch of Development.* The Branch of Development supervises all architectural and landscape design, engineering, planning, construction, and maintenance; prepares master plans and construction programs for the control of physical developments; collaborates with the Public Roads Administration regarding the location, design and construction of major roads and parkways; supervises sanitation control and water rights; has charge of engineering construction, surveys, maps, plans, codes, standards, designs, estimates, specifications, road maintenance, minor road construction, hydraulic structures, materials research, radio research and installation, construction bid invitations, and construction contract preparation; reviews concessioners' building plans; and directs the Historic American Buildings Survey.

3. Section 01.13 *Branch of Plans and Design*, is amended to read as follows:

§ 01.13 *Office of the Chief Counsel.* The Office of the Chief Counsel performs all legal services for the National Park Service; including rendition of legal advice concerning land acquisition, water rights, contracts, and other matters; preparation and interpretation of legislation and regulations relating to the National Park System; and advises the Director on legal aspects of concession policies.

4. A new § 01.15 *Office of Information*, is added, reading as follows:

§ 01.15 *Office of Information.* The Office of Information supervises public relations, informational, and editorial work, including the presentation of information concerning the policies and objectives of the Service, and preparation of reports and manuscripts for publication; advises authors and editors concerning demands for publications; represents the Director in interviews with the press, meetings with Government agencies, Congressional committees, and civic organizations.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Issued this 13th day of June 1947.

[SEAL] OSCAR L. CHAPMAN,
Under Secretary of the Interior.

[F. R. Doc. 47-5850; Filed, June 20, 1947; 8:48 a. m.]

[1] 11 F. R. 177, 14281.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 5—ADJUDICATION; DEPENDENTS' CLAIMS

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 5:

§ 5.2591 *Conditions under which apportionment may be made.* No change in paragraphs (a) and (b).

(c) (1) *Rates payable.* (i) Apportionment of death compensation or pension under any law administered by the VA, except as provided in subdivisions (ii) and (iii) of this subparagraph, shall be computed as follows: The share for all children for whom claim is filed will be that amount to which they would be entitled if there were no widow. The widow's share will be the difference between the children's share and the total amount payable on account of the widow and all children for whom claim is filed. In all instances, the amount payable to or for the children will be divided equally among the children. The share for any children in the widow's custody will be added to the widow's share. If, in the application of this rule, the widow's share would be increased to an amount greater than the amount to which she would be entitled if there were no children, then her share will be the amount to which she would be entitled if there were no children and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share. If, however, in the application of this rule, the widow's share would be reduced to an amount lower than 50 percent of that to which she would be entitled if there were no children, then her share will be 50 percent of the amount to which she would be entitled if there were no children, and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share.

No change in remainder of section.

§ 5.2592 *Changing prior apportionments; discontinuance of apportionments, effective dates*—(a) (1) *When change may be made.* If an award has been made pursuant to a prior apportionment regulation, and a retroactive increase in the total amount payable is in order, the awards will be adjusted in accordance with § 5.2591 (c), effective as of the commencement date of the prior apportionment or the date of the increase in the total amount payable, whichever is the later, provided no overpayment to any payee will result. If an overpayment to any payee will result, the amount of the retroactive increase will be divided equally among the children from the effective date of such increase to the last day of the month in which the action is taken, thereafter applying the rates prescribed in § 5.2591 (c).

No change in remainder of section.

(60 Stat. 931)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

JUNE 19, 1947.

[F. R. Doc. 47-5847; Filed, June 20, 1947; 8:48 a. m.]

PART 25—MEDICAL

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 25:

§ 25.6047 *Eligibility for hospital treatment or domiciliary care of persons discharged or retired from Military or Naval Service.* Within the limits of Veterans' Administration facilities, hospital treatment or domiciliary care may be furnished the following applicants in the specified order of preference:

No change in paragraphs (a) and (b).

No change in paragraph (c) (1).

Paragraph (c) (2) is amended to read as follows:

(2) Domiciliary care for persons enumerated in paragraph (c) (1) of this section, when suffering from a permanent disability or tuberculous or neuropsychiatric ailment and who are incapacitated from earning a living and who have no adequate means of support. If a member is discharged on his own request or at the expiration of seven days following an authorized pass or leave of absence, it will be presumed he no longer regards himself as incapacitated from earning a living. Under such circumstances he will not be furnished hospitalization or domiciliary care until the expiration of one month from the date of such discharge, except when requiring readmission in a medical emergency.

No change in paragraphs (d) (1) and (d) (2).

(3) If a member is discharged on his own request or at the expiration of seven days following an authorized pass or leave of absence it will be presumed he no longer regards himself as incapacitated from earning a living. Under such circumstances he will not be furnished hospitalization or domiciliary care until the expiration of one month from the date of such discharge except when requiring readmission in a medical emergency.

(60 Stat. 908)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

JUNE 19, 1947.

[F. R. Doc. 47-5848; Filed, June 20, 1947; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2333]

PART 4—DELEGATIONS OF AUTHORITY

GEOLOGICAL SURVEY; POWER SITE CLASSIFICATIONS

The following new section is added to Subpart H, Geological Survey, Part 4:

§ 4.623 *Power site classifications, modifications, and revocations.* Effective immediately, the Director of the Geological Survey is authorized, without prior Secretarial approval, to classify public domain lands as power sites valuable for power purposes and to modify or revoke such classifications. (R. S. 161, 20 Stat. 394, sec. 24, 41 Stat. 1075, as amended; 5 U. S. C., sec. 22, 43 U. S. C., sec. 31, 16 U. S. C., Supp. V, sec. 818)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

JUNE 10, 1947.

[F. R. Doc. 47-5849; Filed, June 20, 1947; 8:48 a. m.]

[Order 2335]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF INDIAN AFFAIRS, FUNCTIONS RELATING TO TRIBAL ORDINANCES AND RESOLUTIONS

Section 4.716 *Functions relating to tribal ordinances and resolutions*, as added by Order No. 2326 (12 F. R. 3567) is redesignated § 4.717.

(R. S. 161, secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244, 5 U. S. C. 22)

WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-5851; Filed, June 20, 1947; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 6768]

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 12th day of June 1947.

The Commission having under consideration proposed amendments to Part 3, Subpart B, §§ 3.203 and 3.204 of the Commission's rules governing Standard and FM Broadcast Stations, and to sections 1, 2 and 4 of the Commission's Standards of Good Engineering Practice Concerning FM Broadcast Stations;

It appearing, that the existing rules provide for the assignment to Class A

FM stations of channels 281 through 300 (104.1 to 107.9 mc) and to Class B FM stations of channels 221 through 280 (92.1 to 103.9 mc); for a normal minimum separation for Class A stations of 50 miles on the same channel and 35 miles on adjacent channels; for the availability for assignment of all Class A channels in cities which are not the central city or cities of a metropolitan district, and for the availability for assignment of ten such channels in central cities of metropolitan districts which have fewer than six Class B stations; and for the reservation from assignment until July 1, 1947, of Class A channels 297, 298, 299 and 300;

It appearing, that under the existing FM standards the term "antenna height above average terrain" is defined as meaning the height of the radiation center of the antenna above the terrain 10 miles from the antenna in case of Class A stations, and as the height of the radiation center of the antenna above the average terrain 2 to 10 miles from the antenna in case of Class B stations; that Class A stations normally will not be required to determine their contours, while Class B stations shall determine the extent of their 1000 uv/m and 50 uv/m contours; and that objectionable interference is not considered to exist when the channel separation is 400 kc or greater, and, accordingly, FM broadcast stations in the same city or same area may be assigned channels 400 kc apart;

It appearing, that the application of the foregoing rules and standards tended to group stations 400 kc apart in most cities, resulting in some interference between stations located in the same city and difficulty in identifying stations close together on the FM receiver dial; and

It appearing, that the proposed amendments to the rules and standards are designed to resolve these interference and related problems by providing for the interspersing of Class A and Class B FM stations throughout the FM frequency band in order to provide a normal minimum separation of 800 kc between stations in the same city, and a minimum of 400 kc separation between stations in nearby cities in a few areas where the demand for such facilities so requires; and

It appearing, that the proposed amendments, in order to effectuate the foregoing design, further provide for the allocation of Class A stations in the same manner as Class B stations; for the availability for assignment of all Class A channels in cities which are not the central city or cities of a metropolitan district and in central cities of metropolitan districts which have fewer than six Class B stations; and for the reservation from assignment until July 1, 1947, of Class A channels 224, 240, 272 and 288; and

It appearing, that the adoption of the proposed amendments would make possible the issuance by the Commission of a revised tentative allocation plan for Class B FM broadcast stations (as proposed on April 10, 1947) under which additional Class B FM channels could be made available in many cities and areas to meet the recently developed demand for FM facilities in such cities and areas; and

It appearing, that on April 17, 1947, a general notice of proposed rule-making with respect to the proposed amendments was published in accordance with section 4 of the Administrative Procedure Act; that such notice provided that any interested party of the opinion that the proposed amendments should not be adopted might file on or before May 1, 1947, a brief or written statement setting forth his comments; that such notice scheduled a hearing before the Commission on May 8 and 9, 1947, to permit persons filing briefs or written statements to submit evidence or argument; and

It appearing, that statements in opposition to the proposed amendments have been filed only (1) by Richard Field Lewis, Jr., permittee of WINC–FM, a class B station at Winchester, Virginia, who subsequently advised the Commission that he desired to withdraw his appearance at the scheduled hearing, but who has requested by letter to the Commission that Channel No. 260 be assigned to WINC–FM under the proposed revision to the tentative allocation plan for class B FM broadcast stations (issued April 10, 1947); and (2) by Hearst Radio, Inc., The Tower Realty Company, and Radio-Television of Baltimore, Inc., jointly, whose applications for new class B FM stations at Baltimore, Maryland, have been heard in a comparative hearing upon issues which include whether three additional channels should be allocated to the Baltimore area, and whose statement in opposition requested, in the alternative, that Channel No. 260 be allocated to the Baltimore area in the proposed revision to the tentative allocation plan for class B FM broadcast stations (in addition to the two additional Class B channels allocated to the Baltimore area in the proposed plan), or that Channel No. 260 be held available for assignment in the event the Commission concludes in the Baltimore hearing that an additional channel should be assigned to that area; and

It appearing, that the Commission on May 7, 1947 announced that the hearing then scheduled for May 8 and 9, 1947 had been cancelled, since the question of the allocation of Channel No. 260, raised by both Lewis and the Baltimore applicants, was an issue between these parties, which did not affect the general merits of the proposed amendments, and which issue could be more appropriately determined at a later date without the necessity of delaying the adoption of the proposed amendments or proposed revision to the tentative allocation plan (which as proposed does not allocate Channel No. 260 in either the Baltimore or Winchester areas); and since, accordingly, no useful purpose would have been served by holding the hearing;

It appearing, that the adoption of the proposed amendments would not reduce the total number of FM channels heretofore assigned or presently available for assignment in any city or area, and would permit an increase in the total number of such channels available for assignment in certain cities and areas where the demand appears to exceed the channels presently available; that no substantial objection to the adoption of the proposed amendments has been made;

Now, therefore, *It is ordered*, That §§ 3.203 and 3.204 of the Commission's rules governing Standard and FM Broadcast Stations be, and they are hereby, amended in the following respects:

1. Sections 3.203 (a), (b) and (d) are amended to read as follows:

§ 3.203 *Class A stations.* (a) A Class A station is a station which operates on a Class A channel and is designed to render service primarily to a community or to a city or town other than the principal city of an area, and the surrounding rural area. The transmitter power and antenna height of a Class A station shall normally be capable of coverage equivalent[1] to a minimum of 100 watts and a maximum of 1 kw effective radiated power and antenna height of 250 feet above average terrain, as determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. Class A stations will not be authorized with more than 1 kw effective radiated power. Standard power ratings of transmitters used for Class A stations shall be not less than 250 watts nor more than 1 kilowatt. Class A stations will normally be protected to the 1 mv/m contour; however, assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service.

(b) The following frequencies are designated as Class A channels and are assigned for use by Class A stations:

Frequency (mc)	Channel No.	Frequency (mc)	Channel No.
92.1	221	100.1	261
92.7	224	100.9	265
93.5	228	101.7	269
94.3	232	102.3	272
95.3	237	103.1	276
95.9	240	103.9	280
96.7	244	104.9	285
97.7	249	105.5	288
98.3	252	106.3	292
99.3	257	107.1	296

These channels are available for assignment (1) in cities which are not the central city or cities of a metropolitan district, and (2) in central cities of metropolitan districts which have fewer than six Class B Stations.[2]

* * * * *

(d) No assignments will be made on channels 224, 240, 272 and 288 until July 1, 1947.

2. Section 3.204 (b) is amended to read as follows:

§ 3.204 *Class B stations.* * * *

(b) The following frequencies are designated as Class B channels and are assigned for use by Class B Stations:

[1] For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

[2] For the time being, until more FM broadcast stations are authorized, the Commission will not authorize Class A stations in central cities of metropolitan districts having four or more standard broadcast stations.

Frequency (mc)	Channel No.	Frequency (mc)	Channel No.
92.3	222	100.3	262
92.5	223	100.5	263
92.9	225	100.7	264
93.1	226	101.1	266
93.3	227	101.3	267
93.7	229	101.5	268
93.9	230	101.9	270
94.1	231	102.1	271
94.5	233	102.5	273
94.7	234	102.7	274
94.9	235	102.9	275
95.1	236	103.3	277
95.5	238	103.5	278
95.7	239	103.7	279
96.1	241	104.1	281
96.3	242	104.3	282
96.5	243	104.5	283
96.9	245	104.7	284
97.1	246	105.1	286
97.3	247	105.3	287
97.5	248	105.7	289
97.9	250	105.9	290
98.1	251	106.1	291
98.5	253	106.5	293
98.7	254	106.7	294
98.9	255	106.9	295
99.1	256	107.3	297
99.5	258	107.5	298
99.7	259	107.7	299
99.9	260	107.9	300

It is further ordered, That sections 1, 2 and 4 of the Commission's Standards of Good Engineering Practice Concerning FM Broadcast Stations be, and they are hereby, amended in the following respects:

1. *Definitions.* * * *

M. *Antenna height above average terrain.* (1) The term "antenna height above average terrain" means the height of the radiation center of the antenna above the terrain 2 to 10 miles from the antenna. (In general a different antenna height will be determined for each direction from the antenna. The average of these various heights is considered as the antenna height above average terrain.)

(2) Where circular or elliptical polarization is employed the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation.

2. *Engineering standards of allocation.* A. Sections 3.202 to 3.206 inclusive of the rules and regulations describe the basis for allocation of FM Broadcast Stations, including the division of the United States into Areas I and II.

B. FM broadcast stations shall determine the extent of their 1 mv/m and 50 uv/m contours in accordance with the methods prescribed in these Standards.

C. Although some service is provided by tropospheric waves, the service area is considered to be only that served by the ground wave. The extent of service is determined by the point at which the ground wave is no longer of sufficient intensity to provide satisfactory broadcast service. The field intensity considered necessary for service is as follows:

TABLE I

Area:	Median field intensity
City business or factory areas	1 mv/m
Rural areas	50 uv/m

A median field intensity of 3 to 5 mv/m should be placed over the principal city to be served and for Class B stations, a median field intensity of 1 mv/m should be placed over the business district of cities of 10,000 or greater within the metropolitan district served. A field intensity of 5 mv/m should be provided over the main studio of a Class B station except as otherwise provided in § 3.205 of the rules. The location of the main studio of a Class A station is specified in § 3.203 of the rules. These figures are based upon the usual noise levels encountered in the several areas and upon the absence of interference from other FM stations.

* * * * *

E. The service area is predicted as follows: Profile graphs must be drawn for at least eight radials from the proposed antenna site. These profiles should be prepared for each radial beginning at the antenna site and extending to 10 miles therefrom. Normally the radials are drawn for each 45° of azimuth; however, where feasible the radials should be drawn for angles along which roads tend to follow. (The latter method may be helpful in obtaining topographical data where otherwise unavailable, and is particularly useful in connection with mobile field intensity measurements of the station and the correlation of such measurements with predicted field intensities.) In each case one or more radials must include the principal city or cities to be served, particularly in cases of rugged terrain, even though the city may be more than 10 miles from the antenna site. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200- or 400-foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping the smallest contour interval indicated on the topographic map (see below) should be used, although only a relatively few points may be available. The profile graph should accurately indicate the topography for each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. It is not necessary to take the curvature of the earth into consideration in this procedure, as this factor is taken care of in the chart showing signal intensities (fig. 1).

The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50 per cent of the distance) in sectors and averaging these values.

To determine the distance to a particular contour, figure 1 concerning the range of FM broadcast stations should be used. This chart has been prepared for a frequency in the center of the band and is to be used for all FM broadcast channels, since little change results over this frequency range. The distance to a contour is determined by the effective radiated power and the antenna height. The height of the antenna used in connection with figure 1 should be the height of the center of the proposed antenna radiator above the average elevation obtained by the preceding method. The distances shown by figure 1 are based upon an effective radiated power of 1 kilowatt; to use the chart for other powers, the sliding scale associated with the chart should be trimmed and used as the ordinate scale. This sliding scale is placed on the chart with the appropriate gradation for power in line with the lower line of the top edge of the chart. The right edge of the scale is placed in line with the appropriate antenna height graduations and the chart then becomes direct reading for this power and antenna height. Where the antenna height is not one of those for which a scale is provided, the signal strength or distance is determined by interpolation between the curves connecting the equidistant points.

The foregoing process of determining the extent of the required contours shall be followed in determining the boundary of the proposed service area. The areas within the required contours must be determined and submitted with each application for these classes of FM broadcast stations. Each application shall include a map showing these contours, and for this purpose sectional aeronautical charts or other maps having a convenient scale may be used. The map shall show the radials along which the profile charts and expected field strengths have been determined. The area within each contour should then be measured (by planimeter or other approximate means) to determine the number of square miles therein. In computing the area within the contours, exclude (1) areas beyond the borders of the United States, and (2) large bodies of water, such as ocean areas, gulfs, sounds, bays, large lakes, etc., but not rivers.

In cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 2 to 10 mile sector, the application of this prediction method may indicate contour distances that are different from those which may be expected in practice. In such cases the prediction method should be followed, but a showing may be made if desired concerning the distance to the contour as determined by other means. Such showing should include data concerning the procedure employed and sample calculations. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate the contour elsewhere. In cases of such limitation, the map of predicted coverage should show both the regular predicted area and the area as limited or extended by terrain. Both areas should be measured as previously described; the area obtained by the regular prediction method should be given in the applica-

tion form, with a supplementary note giving the limited or extended area. In special cases the Commission may require additional information as to the terrain in the proposed service area.

In determining the population served by FM broadcast stations, it is considered that the built-up city areas and business districts in cities having over 10,000 population and located beyond the 1 mv/m contour do not receive adequate service. Minor civil division maps (1940 census) should be used in making population counts, excluding cities not receiving adequate service. Where a contour divides a minor division, uniform distribution of population within the division should be assumed in order to determine the population included within the contour, unless a more accurate count is available.

* * * * *

4. *Interference standards.* Field intensity measurements are preferable in predicting interference between FM broadcast stations and should be used, when available, in determining the extent of interference. (For methods and procedure, see section 5.) In lieu of measurements, the interference should be predicted in accordance with the method described herein.

Objectionable interference is considered to exist when the interfering signal exceeds that given by the ratios of Table II. In Table II the desired signal is median field and the undesired signal is the tropospheric signal intensity exceeded for 1 per cent of the time.

TABLE II

Channel separation:	*Ratio of desired to undesired signals*
Same channel	10:1
200 kc	2:1
400 kc	(1)
600 kc	(1)
800 kc and above	No restriction [2]

[1] To be determined.

[2] Intermediate frequency amplifiers of most FM broadcast receivers are designed to operate on 10.7 megacycles. For this reason the assignment of two stations in the same area, one with a frequency 10.6 or 10.8 megacycles removed from that of the other, should be avoided if possible.

Standards have not been established for channel separations in excess of 200 kc; various types of present FM receivers are under study by the Commission to provide data for determining such standards. Pending the completion of such studies and the promulgation of such standards, stations normally will not be authorized to operate in the same city or in nearby cities with a frequency separation of less than 800 kc, *Provided*, That stations may be authorized to operate in nearby cities with a frequency separation of not less than 400 kc where necessary in order to provide an equitable and efficient distribution of facilities, and *Provided further*, That class B stations will not be authorized in the same metropolitan district with a frequency separation of less than 800 kc. In the assignment of FM broadcast facilities the Commission will endeavor to provide the optimum use of the channels in the band, and accordingly may assign a channel different than that requested in an application.

In predicting the extent of interference within the ground wave service area of a station, the tropospheric signal intensity (from co-channel and adjacent channel stations) existing for 1 per cent of the time shall be employed. The 1 per cent values for 1 kilowatt of power and various antenna heights are given in figure 2, and values for other powers may be obtained by use of the sliding scale as for figure 1. The values indicated by figure 2 are based upon available data, and are subject to change as additional information concerning tropospheric wave propagation is obtained.[1]

In determining the points at which the interference ratio is equal to the values shown in Table II, the field intensities for the two interfering signals under consideration should be computed for a considerable number of points along the line between the two stations. Using this data, field intensity versus distance curves should be plotted (e. g., cross-curves on graph paper) in order to determine the points on this path where the interference ratios exist. The points established by this method, together with the points along the contours where the same ratios are determined, are considered to be generally sufficient to predict the area of interference. Additional points may be required in the case of irregular terrain or the use of directional antenna systems.

The area of interference, if any, shall be shown in connection with the map of predicted coverage required by the application form, together with the basic data employed in computing such interference. The map shall show the interference within the 50 uv/m contour.

It is further ordered, That the said amendments shall be effective immediately.

(Sec. 303 (c), 48 Stat. 1082, 303 (r), 50 Stat. 191, 307 (b), 49 Stat. 1475; 47 U. S. C. 303 (c), 303 (r), 307 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5904; Filed, June 20, 1947; 8:50 a. m.]

[1] Figure 2 will be available at some future date when sufficient measurements of tropospheric signals are available. Until that time, interference should be predicted on the basis of the ground wave chart (fig. 1).

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 93, Amdt. 11]

PART 95—CAR SERVICE

GIANT REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Service Order No. 93 (7 F. R. 8903) as amended, (8 F. R. 13752, 13925; 9 F. R. 2481, 11208; 10 F. R. 15175; 11 F. R. 561, 2189, 14271, 14469, 12 F. R. 46, 104) and good cause appearing therefor: It is ordered, that:

Section 95.301 *Giant type refrigerator cars*, of Service Order No. 93, as amended, be, and it is hereby, further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5860; Filed, June 20, 1947; 8:55 a. m.]

[4th Rev. S. O. 180, Amdt. 14]

PART 95—CAR SERVICE

DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 180 (10 F. R. 14970) as amended (11 F. R. 1627, 1991, 3605, 4038, 6983, 9453, 10092, 11707, 12395, 12 F. R. 1421, 3032, 3672) and good cause appearing therefor: *It is ordered*, That:

Fourth Revised Service Order No. 180, (49 CFR § 95.330), as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5861; Filed, June 20, 1947; 8:56 a. m.]

[S. O. 369, Amdt. 13]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON CLOSED BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June, A. D. 1947.

Upon further consideration of Service Order No. 369 (10 F. R. 14030), as amended (10 F. R. 15073; 11 F. R. 639, 2383, 7857, 8453, 10304, 11013, 14522; 12 F. R. 1606, 1724, 2053, 2453), and good cause appearing therefor: It is ordered, that:

Section 95.369, *Demurrage charges on closed box cars*, of Service Order No. 369, as amended, be, and it is hereby, further amended by vacating and setting aside the following paragraph (c) (5) thereof:

(c) *Application.* * * *

(5) *Demurrage charges substituted for charges for storage of freight in closed box cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in closed box cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as they provide charges lower than the charges provided in this section.

(ii) In lieu of the charges for storage of freight in closed box cars at or short of ports suspended in subparagraph (5) (i) of this paragraph, the applicable charges for detention of closed box cars held at or short of ports, for unloading freight consigned to or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraphs (a) and (b) of this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., June 23, 1947, and the provisions of this amendment shall apply only to cars arriving at, or held at ports on or after the effective date hereof.

It is further ordered, that a copy of this order and direction shall be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47 5853; Filed, June 20, 1947; 8:49 a. m.]

[S. O. 396, Amdt. 9]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNING OF PERISHABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Service Order No. 396 (10 F. R. 15008), as amended (11 F. R. 1627, 4038, 9453; 12 F. R. 1235, 2238, 2479, 3673), and good cause appearing therefor: It is ordered, that:

Service Order No. 396, *Perishables; restrictions on reconsigning* (codified as 49 CFR, § 95.396), as amended, be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) *Definitions.* (1) The term "perishables" as used in this section means fruits and vegetables, fresh or green, other than cold pack, including citrus fruit; potatoes; onions; bananas; berries, other than cold pack; cantaloupes; cocoanuts; corn, fresh or green, other than cold pack; cranberries; melons; and pineapples.

(2) The term "arrival" as used in this section means the actual time a refrigerator car loaded with perishables is made available for inspection; is placed on a hold track for diversion or reconsignment; or is actually or constructively placed for unloading. Whenever any one of the three events occur the other two shall have no application to that car at that point.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 20, 1947, and it shall apply only on cars to be diverted or reconsigned on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5859; Filed, June 20, 1947; 8:55 a. m.]

[S. O. 653, Amdt. 6]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128, 1606, 1816, 1952, 2093), and good cause appearing therefor: It is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars*, of Service Order No. 653, as amended, be, and it is hereby, further amended by vacating and setting aside the following paragraph (c) (5) thereof:

(c) *Application.* * * *

(5) *Demurrage charges substituted for charges for storage of freight in closed box cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in gondola, open or covered hopper cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as they provide charges lower than the charges provided herein.

(ii) In lieu of the charges for storage of freight in gondola, open or covered hopper cars at or short of ports suspended in subparagraph (5) (i) of this paragraph, the applicable charges for detention of gondola, open or covered hopper cars held at or short of ports, for unloading freight consigned to or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraphs (a) and (b) of this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., June 23, 1947, and the provisions of this amendment shall apply to cars arriving at, or held at ports on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5854; Filed, June 20, 1947; 8:49 a. m.]

[S. O. 758]

PART 95—CAR SERVICE

FREE TIME AT PORTS ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

It appearing, that there is a critical shortage of gondola, open and covered hopper cars and that free time published in tariffs for unloading such cars at ports aggravates the shortage thereof; in the opinion of the Commission an emergency exists requiring immediate action at all ports of the country. It is ordered, that:

§ 95.758 *Free time at ports on gondola, open and covered hopper cars*—(a) *Free time reduced on gondola and hopper cars.* No common carrier by railroad, subject to the Interstate Commerce Act, shall allow, grant or permit more than a total of 7 days' free time on gondola, open and covered hopper cars held for unloading in coastwise, intercoastal or foreign commerce at the point of transshipment from car to vessel or when held short of such transfer point. The provisions of this paragraph shall not be constructed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission.

(b) *Computation of free time.* (1) All Sundays and legal holidays shall be included in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed continuously from the first 7:00 a. m. after actual or constructive placement until final release, less actual time required to move a constructively placed car to point of unloading.

(c) *Description of cars.* This section shall apply to cars suitable for interchange described under the headings Class G-Gondola Car Type, Class H-Hopper Car Type, also covered hopper cars having a mechanical designation prefixed by "LO" in the current Official Railway Equipment Register.

(d) *Exemptions.* This order shall not apply to cars described in paragraph (c) of this section loaded with coal or coke.

(e) *Extreme weather.* During the period when weather conditions exist as described in Rule 8, section A, Agent B. T. Jones' Tariff I. C. C. No. 3963, the provisions of this order are suspended. In lieu thereof the rules, regulations, and charges provided in lawfully published tariffs shall apply.

(f) *Effective date.* This section shall become effective at 7:00 a. m., June 23, 1947.

(g) *Expiration date.* This section shall expire at 7:00 a. m., December 1, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(h) *Tariff provisions suspended.* The operation of all tariffs, rules and regulations, insofar as they conflict with the provisions of this section is hereby suspended.

(i) *Announcement of suspension.* Each railroad, or its agent shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth in this section.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5862; Filed, June 20, 1947; 8:56 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

TERMINATION OF FM CHANNEL RESERVATION POLICY ON JULY 1, 1947; WAIVER AS TO CLASS B FM APPLICANTS OF RULE AGAINST REPETITIOUS APPLICATIONS

JUNE 13, 1947.

The Commission announced today[1] that the reservation of certain Class A and Class B FM channels from assignment will automatically terminate on July 1, 1947, under §§ 3.203 (d) and 3.204 (c) of the Commission's rules, and that the Commission will consider and act upon applications for such facilities as promptly as possible after that date.

The Commission also announced today the adoption of an order waiving the requirements of § 1.363 (a)[2] of the Commission's rules with respect to any applicant for Class B FM facilities whose application has been denied, or may hereafter be denied, in a comparative hearing (where the applicant was not found to be disqualified), to permit the applicant to file an application for any reserved Class B FM channel prior to the expiration of one year from the effective date of the Commission's order or decision denying his prior application.

Under the FM channel reservation policy, one out of every five Class B channels tentatively indicated as available to an area to which at least five Class B channels have been assigned, has been withheld from assignment since July 17, 1946, and Class A channels Nos. 297, 298, 299 and 300 have been withheld from assignment since April 3, 1947. On July 1, 1947 all of these reserved channels will again become available for assignment to qualified applicants. Since the Commission will consider and act upon applications for such reserved channels as promptly as possible after July 1, persons desiring to make application for either Class A or Class B reserved channels should file their applications promptly, and, if possible, should have them on file on or before July 1, 1947. In this connection, it is pointed out that under § 1.304 of the Commission's rules all FM applications filed on or after July 1, 1947 must specify the particular channel desired.

Commissioner Durr takes the position that the Commission should take steps looking towards further extension of reservation of FM channels.

Listed below are the additional Class B FM channels that will become available for assignment in the cities or vicinities mentioned upon July 1, 1947:

Alabama:		California:	
Birmingham	1	Fresno	1
Mobile	1	Los Angeles	4
Arizona:		Sacramento	1
Phoenix	1	Salinas	1
Arkansas:		San Diego	1
Fort Smith	1	San Francisco	3
Little Rock	1		
Colorado:		Nebraska:	
Denver	2	Omaha	1
Connecticut:		New York:	
Hartford	1	Albany	2
District of Columbia.		Buffalo	2
Washington	2	New York	4
Florida:		Rochester	1
Jacksonville	1	Syracuse	1
Miami	1	North Carolina:	
Georgia:		Raleigh	1
Atlanta	1	Ohio:	
Illinois:		Cincinnati	1
Chicago	3	Cleveland	1
Peoria	1	Columbus	1
Indiana:		Dayton	1
Evansville	1	Oklahoma:	
Indianapolis	1	Oklahoma City	1
Iowa:		Tulsa	1
Des Moines	1	Oregon:	
Kansas:		Portland	2
Wichita	1	Pennsylvania:	
Kentucky:		Harrisburg	1
Louisville	1	Philadelphia	2
Louisiana:		Pittsburgh	1
New Orleans	1	Scranton	1
Shreveport	1	Sharon	1
Maryland:		Rhode Island:	
Baltimore	2	Providence	1
Massachusetts:		Tennessee:	
Boston	2	Chattanooga	1
Holyoke	1	Knoxville	1
Michigan:		Memphis	1
Detroit	2	Nashville	1
Grand Rapids	1	Texas:	
Minnesota:		Brownsville	1
Minneapolis	2	Corpus Christi	1
Mississippi:		Dallas	1
Jackson	1	Fort Worth	1
Missouri:		Houston	1
Kansas City	1	San Antonio	1
St. Louis	2	Utah:	
Springfield	1	Salt Lake City	2

[1] See F. R. Doc. 47-5904, Title 47, Chapter I, *supra.*

[2] This waiver (F. R. Doc. 47-5937) will appear in the issue of Tuesday, June 24, 1947, under Title 47, Chapter I, Part 1.

Virginia:		West Virginia:	
Norfolk	1	Charleston	1
Richmond	1	Clarksburg	1
Washington:		Huntington	1
Seattle	2	Wisconsin:	
Spokane	1	Milwaukee	2
Tacoma	1		

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5907; Filed, June 20, 1947; 8:51 a. m.]

CLASS B FM BROADCAST STATIONS

NOTICE OF AMENDMENTS TO FM RULES AND STANDARDS AND ADOPTION OF REVISED TENTATIVE ALLOCATION PLAN

JUNE 13, 1947.

The Commission announces adoption of an order[1] making final the amendments to the rules and engineering standards concerning FM broadcast stations which were proposed on April 10, 1947, and adoption of the revised tentative allocation plan for Class B FM broadcast stations,[2] which was issued as a proposed revision on April 10, 1947. Also released today is a list of the new channel assignments in accordance with the revised rules and standards for all FM licensees, construction permit holders, and those conditional grantees authorized for interim operation, as of June 9, 1947.

The amended rules and engineering standards, and the revised tentative allocation plan, were made effective immediately.

The amendments to the rules affect §§ 3.203 (a), (b) and (d); and 3.204 (b). The amendments to the standards affect sections 1–M; 2–A, B, C and E; and 4.

The amendments to the rules are identical with those proposed on April 10, 1947. The amendments to the standards are identical with those proposed on April 10, 1947, except that a change has been made in proposed section 4 to conform to the purposes of the amendments as stated in the Commission's Public Notice of April 10, 1947. The change modifies section 4 by adding the provision at the beginning of the paragraph which follows Table II to provide that pending the determination by the Commission of interference ratios for 400 kc and 600 kc channel separation "stations normally will not be authorized to operate in the same city or in nearby cities with a frequency separation of less than 800 kc, *Provided*, That stations may be authorized to operate in nearby cities with a frequency separation of not less than 400 kc where necessary in order to provide an equitable and efficient distribution of facilities, and, *Provided further*, That class B stations will not be authorized in the same metropolitan district with a frequency separation of less than 800 kc." The change also explains that the Commission is studying various types of present FM receivers to provide data for determining such interference ratios.

The revised tentative allocation plan is the same as that proposed on April 10, 1947, except that a relatively few changes in the particular channels allocated to certain cities or areas have been made to provide a better use of the frequencies in those cities and areas. No change has been made in the total number of Class B channels allocated to any city or area. The changes in channel assignments affect the following cities:

California:	Indiana:
Fresno.	Hammond.
Los Angeles.	Evansville.
Salinas.	Iowa:
San Diego.	Burlington.
Santa Barbara.	Kentucky:
Stockton.	Bowling Green.
Connecticut:	Massachusetts:
Hartford.	Fall River.
New Britain.	North Adams.
Florida:	Michigan:
Fort Lauderdale.	Ann Arbor.
Orlando.	Minnesota:
Palm Beach.	Albert Lea.
Georgia:	Nebraska:
Savannah.	Grand Island.
Illinois:	Hastings.
Aurora.	Norfolk.
Carthage.	West Virginia:
Chicago.	Berkley.
Waukegan.	Charleston.
Galesburg.	

Outstanding construction permits and licenses will not be reissued at this time to specify the changed frequency assignments, but instead these changes will be included in succeeding instruments of authorization. In order to minimize the possibility of interference during the transition period, stations which will change frequency must request Commission approval prior to beginning operation on the new frequency. In some metropolitan areas it may be necessary to set a date on which all stations in the area will be required to change simultaneously to the new frequency assignments. The Commission will assist in resolving any conflicts which may arise in particular areas. It appears, however, that conflicts will be few and that stations now operating may for the most part schedule the change in frequency to meet their particular requirements. It is expected that all changes will have taken place by October 1, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5905; Filed, June 20, 1947; 8:50 a. m.]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

JUNE 13, 1947.

Revised Tentative Allocation Plan for Class B FM Broadcast Stations

The attached revised tentative allocation plan for FM broadcast stations is based on the amendments to the FM rules and engineering standards adopted on this date. The former tentative allocation plan, as revised by the Commission on September 3, 1946 was based on assignments in a general area which were for the most part, on alternate channels (400 kilocycles apart). Recent developments appear to indicate that such operation resulted in interference in many of the receivers being produced at the present time. As a result, the revised plan provides for a minimum frequency separation of class B stations in the same general area of 800 kilocycles. In no case has the number of class B channels in an area been reduced in this revision from that listed in the previous plan. In addition, in instances where the need has developed, channels have been added where possible, to provide assignments for applications which are now on file with the Commission. This revision of the tentative allocation plan is subject to further revisions in the future as the development of FM broadcasting might require, in the same manner as the previous allocation plan has been revised from time to time.

The revised tentative allocation plan is subject to § 3.204 (c) of the Commission's rules which provides for the reservation of certain class B channels until July 1, 1947. As in previous plans, it is emphasized that this allocation plan is tentative only and that deviations will be made wherever desirable or necessary. Consequently, the lack of a channel listing for a particular locality does not necessarily mean that a channel cannot be made available there. For example, a channel listed for a particular area may be assigned to any of several cities within that same general area, provided that the geographical change will not result in objectionable interference.

While the allocation plan is based on stations employing an effective radiated power of 20 kilowatts and antenna height of 500 feet above average terrain, stations in most areas of the United States are not limited to this power. The separation of stations varies from that required by ground wave interference (principally in the eastern United States) to the separation required for freedom from tropospheric interference one percent of the time or less (principally in the western areas). In general, the separation of stations increases toward the western part of the country where the expected demand for channels will be less and where added protection for weak signals will be provided. Since, under the rules, Class B stations may vary considerably in power and antenna height, the interference may be more or less than that which would be indicated by this allocation plan. It will be noted that only a few channels have been designated for a number of small cities, particularly in the West, since it appears that these will supply the probable demand. In such cases, more channels are available and will be provided as required. Examination will also reveal that in some sections of the country more channels are designated for certain areas than for others therein having comparable or larger populations. This results from the fact that areas near large centers of population usually contain a number of cities which require channels, while other areas are farther from dense population centers and thus involve no objectionable interference by the allocation of more channels in its section.

[1] See F. R. Doc. 47-5904, Title 47, Chapter I, *supra.*

[2] See F. R. Doc. 47-5903, immediately following this document.

ALABAMA

General area	Channel No.
Anniston	263.
Bessemer	See Birmingham.
Birmingham (includes Bessemer)	229, 250, 258, 273, 284, 295.
Decatur	223.
Dothan	225, 290.
Gadsden	279.
Huntsville	236.
Lanett	275.
Mobile	225, 235, 248, 260, 271, 300.
Montgomery	233, 277, 298.
Muscle Shoals	275, 287.
Opelika (see also Columbus, Ga.)	243.
Selma	239, 293.
Sylacauga (see also Talladega)	270.
Talladega (see also Sylacauga)	246.
Tuscaloosa	255, 267.

ARIZONA

Globe	226, 262.
Lowell	241, 279.
Phoenix	238, 245, 253, 275, 295.
Prescott	229, 284.
Safford	247, 299.
Tucson	234, 258, 270, 289.
Yuma	236, 267.

ARKANSAS

Blytheville (see also Jonesboro)	241, 286.
El Dorado	236, 287.
Fort Smith	223, 235, 271, 281, 299.
Helena	229, 262.
Hot Springs and Hot Springs N. P.	227, 238, 258.
Jonesboro (see also Blytheville)	270, 300.
Little Rock	231, 245, 266, 278, 297.
Pine Bluff	222.
Siloam Springs	243, 289.

CALIFORNIA

Bakersfield	223, 231, 243.
Chico	266, 278.
El Centro	227, 275.
Eureka	234, 242.
Fresno	229, 238, 250, 258, 270, 274, 284.
Los Angeles (metropolitan district)	222, 226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 270, 274, 278, 282, 286, 290, 294, 298.
Marysville	254, 260, 268, 284.
Merced	236, 248.
Modesto	277, 281, 289.
Monterey	See Salinas.
Palm Springs	264.
Redding	230, 248.
Riverside	248, 256.
Sacramento	233, 241, 245, 293, 300.
Salinas (including Monterey, Santa Cruz and Watsonville).	233, 241, 245, 293, 299.
San Bernardino	236, 260.
San Diego	223, 231, 243, 268, 284, 300.
San Francisco-Oakland (metropolitan district)	227, 231, 235, 239, 243, 247, 251, 255, 259, 263, 267, 271, 275, 279, 283, 287, 291, 295.
San Jose	222, 253.
San Luis Obispo	227, 260, 279.
Santa Barbara	268, 284, 300.

CALIFORNIA—Continued

General area	Channel No.
Santa Maria	236, 256.
Santa Rosa	229, 273.
Stockton	225, 297.
Visalia	254, 295.
Tulare	264, 286.
Watsonville	See Salinas.

COLORADO

Alamosa	255, 260.
Colorado Springs	222, 227, 243, 274.
Denver	231, 239, 247, 253, 258, 262, 270, 279, 286, 294.
Durango	235, 278.
Grand Junction	226, 298.
Greeley	235, 290.
La Junta	282, 300.
Pueblo	236, 251, 266, 291.
Sterling	245, 282.

CONNECTICUT

Bridgeport (includes Danbury)	248, 260, 268.
Danbury	See Bridgeport.
Hartford (also see Meriden)	229, 243, 275, 291, 295.
Meriden (also see Hartford)	239.
New Britain	279.
New Haven	236, 256, 264, 300.
New London	258, 266, 293.
Waterbury	223, 273, 287.

DELAWARE

Wilmington	229, 241, 258, 297.

DISTRICT OF COLUMBIA

Washington	230, 242, 246, 254, 258, 262, 266, 278, 286, 290, 297.

FLORIDA

Daytona Beach	233, 248.
Fort Myers	245, 256.
Fort Lauderdale	278, 293.
Gainesville	281, 297.
Jacksonville	229, 236, 241, 245, 259, 264, 270.
Key West	238, 263.
Lakeland	239, 295.
Miami	226, 230, 235, 242, 247, 260, 268, 275, 286.
Ocala	256, 267.
Orlando	222, 243, 262, 287.
Palm Beach	250, 298.
Panama City	283, 299.
Pensacola	223, 255, 266.
St. Augustine	225, 291.
St. Petersburg	250, 273, 284.
Sarasota	258, 279.
Tallahassee	248, 274.
Tampa	227, 264, 289, 300.
West Palm Beach	254, 271.

GEORGIA

Albany	258, 266, 271.
Athens	256, 273.
Atlanta	225, 231, 238, 248, 253, 260, 277, 283.
Augusta	279, 289, 298.
Brunswick	275, 289.
Cedartown (includes Dalton)	241, 289.
Columbus (see also Opelika, Ala.)	227, 236, 300.
Cordele	230, 241.

GEORGIA—Continued

General area	Channel No.
Dalton	See Cedartown and Rome.
Dublin	234, 251.
Gainesville	300.
Griffin	268.
La Grange	281.
Macon	245, 256, 264, 291.
Moultrie	278, 286.
Newnan	222.
Rome	293, 297.
Savannah	238, 243, 247, 262.
Thomasville	250, 294.
Toccoa	275.
Valdosta	223, 239.
Waycross	283, 299.
West Point	287.

IDAHO

Boise	222, 251, 291.
Idaho Falls	229, 277.
Lewiston	247, 283.
Nampa	235, 270.
Pocatello	243, 266.
Twin Falls	226, 259, 294.
Wallace	238, 263.

ILLINOIS

Alton	260.
Aurora (includes Joliet)	236, 256.
Bloomington	268, 297.
Cairo (see also Cape Girardeau, Mo.)	239.
Carbondale	225.
Carthage	253, 295.
Champaign	See Urbana.
Chicago	226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 270, 274, 278, 282, 286, 290, 300.
Decatur	254, 271.
East St. Louis	See St. Louis, Mo.
Elgin	See Chicago.
Evanston	See Chicago.
Freeport	273.
Galesburg	247, 281.
Harrisburg	260, 264.
Herrin	243, 253.
Jacksonville	263, 291.
Joliet	See Aurora.
Kankakee	264.
Mount Vernon	231, 277.
Peoria	223, 227, 231, 239, 243, 299.
Quincy	258, 286.
Rockford	248.
Rock Island (see also Davenport, Iowa)	255.
Springfield	275, 279, 283.
Tuscola	245, 287.
Urbana (includes Champaign)	248, 277, 284.
Waukegan	294.

INDIANA

Anderson	See Indianapolis.
Columbus	229.
Connersville	262.
Crawfordsville	275.
Elkhart	236, 264.
Evansville (includes Henderson and Owensboro, Ky.)	223, 233, 241, 258, 273, 281, 297.
Fort Wayne	241, 279, 287, 291.

INDIANA—Continued

General area	Channel No.
Hammond	222.
Indianapolis (includes Anderson)	222, 226, 234, 238, 242, 246, 250, 254, 283.
Kokomo	260, 299.
Lafayette	236, 268.
Marion	295.
Muncie	273, 281.
Richmond	258.
Shelbyville	267.
South Bend	267, 284.
Terre Haute	260, 266.
Vincennes	229, 293.
West Lafayette	256.

IOWA

Ames	238.
Atlantic	293.
Boone	251, 295.
Burlington	225.
Cedar Rapids	245, 293.
Clinton	241.
Davenport (see also Rock Island, Ill.)	233, 279.
Decorah	223, 230.
Des Moines	222, 231, 247, 253, 262, 283.
Dubuque	236, 263, 277.
Fort Dodge	274, 287.
Iowa City	229, 259.
Keokuk	274.
Marshalltown	270, 291.
Mason City	266, 281.
Ottumwa	242, 264.
Shenandoah	277, 289, 297.
Sioux City	235, 256, 271.
Spencer	223, 259.
Waterloo	254, 298.

KANSAS

Atchison	239, 255.
Coffeyville	238, 266.
Dodge City	234, 293.
Emporia	223, 245.
Garden City	247, 270.
Great Bend	242, 287.
Hutchinson	226, 289.
Kansas City	See Kansas City, Mo.
Lawrence	243, 286.
Manhattan	247, 267.
McPherson	277.
Pittsburg	256, 273.
Salina	233, 238.
Topeka	231, 258, 273.
Wichita	250, 262, 271, 284, 297.

KENTUCKY

Ashland	See Huntington, W. Va.
Bowling Green	251, 266.
Harlan	238.
Henderson	See Evansville, Ind.
Hopkinsville	230, 254.
Lexington	225, 233.
Louisville	236, 248, 259, 264, 268, 284, 300.
Owensboro	See Evansville, Ind.
Paducah	227, 245, 262.
Winchester	241, 251.

LOUISIANA

General area	Channel No.
Alexandria	245, 259, 273.
Baton Rouge	251, 266, 282.
Lafayette	241, 268.
Lake Charles	248, 289.
Monroe	277, 281, 295.
New Orleans	222, 229, 239, 246, 262, 274, 287, 298.
Shreveport	233, 243, 266, 275, 298.

MAINE

Augusta	222, 267, 287.
Bangor	226, 246, 281, 295.
Lewiston	230, 275.
Portland (see also Mount Washington, N. H.)	250, 270, 300.
Presque Isle	242, 290.

MARYLAND

Baltimore (includes Annapolis)	222, 226, 234, 238, 250, 256, 270, 274, 282, 294, 300.
Cumberland	275, 295.
Frederick	268.
Hagerstown	284.
Salisbury	248, 268.

MASSACHUSETTS

Boston (includes Waltham)	225, 233, 241, 245, 253, 273, 277, 281, 289, 294.
Fall River (includes New Bedford)	247, 251, 279.
Fitchburg	284.
Haverhill	223.
Holyoke (includes Springfield)	226, 234, 246, 250, 254, 262, 270, 282.
Lawrence	229.
Lowell	258.
New Bedford	See Fall River.
North Adams	248.
Pittsfield	260, 268.
Springfield	See Holyoke.
Waltham	See Boston.
Worcester	236, 256, 264.

MICHIGAN

Ann Arbor	254, 274.
Battle Creek (includes Kalamazoo)	271, 289.
Bay City	See Saginaw.
Benton Harbor	260.
Cadillac	253.
Calumet	226, 268.
Detroit (includes Pontiac, Royal Oak, and Wyandotte)	226, 234, 238, 242, 246, 250, 258, 262, 266, 270, 278, 282, 290, 298.
East Lansing	See Lansing.
Escanaba	234, 281.
Flint (includes Lapeer)	236, 260, 264, 300.
Grand Rapids	223, 229, 245, 273, 278, 286.
Ironwood	270, 290.
Jackson	222.
Kalamazoo	See Battle Creek.
Lansing (includes E. Lansing)	248, 256, 284.
Lapeer	See Flint.
Ludington	226, 238.
Marquette	230, 256.
Muskegon	293, 297.
Pontiac	See Detroit.
Port Huron	256, 284.
Royal Oak	See Detroit.
Saginaw (includes Bay City)	233, 241, 251.

MICHIGAN—Continued

Sault Sainte Marie	226, 295.
Traverse City	243, 268.
Wyandotte	See Detroit.

MINNESOTA

Albert Lea	241.
Duluth (includes Superior, Wis.)	222, 250, 264.
Fergus Falls	242, 297.
Hibbing	279, 286.
Mankato	243, 278.
Minneapolis (inclues St. Paul)	229, 239, 246, 253, 258, 262, 267, 271, 275, 281, 290, 294.
Moorhead (see also Fargo, N. D.)	230, 236.
Northfield	251, 300.
Rochester	234, 286, 297.
St. Cloud	233, 284.
St. Paul	See Minneapolis.
Virginia	230, 259.
Willmar	225, 255.
Winona	248, 273.

MISSISSIPPI

Clarksdale	248, 256.
Columbus	226, 245.
Corinth	268, 278.
Greenville	270, 283.
Greenwood	235, 293.
Gulfport	243, 268.
Hattiesburg	250, 290.
Jackson	233, 247, 258, 275, 286.
Laurel	279, 295.
McComb	226, 255.
Macon	271, 281.
Meridian	241, 253.
Natchez	231, 264.
Tupelo	233, 242.
Vicksburg	238, 297.

MISSOURI

Cape Girardeau (see also Cairo, Ill.)	267, 291.
Clayton	See St. Louis.
Columbia	233, 268.
Hannibal	245, 300.
Jefferson City	253, 277.
Joplin	241, 267.
Kansas City (includes Kansas City, Kans.)	227, 235, 251, 263, 271, 282, 290, 294, 299.
Poplar Bluff	233, 279.
St. Joseph	222, 284.
St. Louis (includes Clayton)	229, 236, 241, 247, 251, 256, 266, 273, 281, 294, 298.
Sedalia	259, 279.
Springfield	225, 234, 238, 284, 297.

MONTANA

Billings	230, 274.
Bozeman	227, 270.
Butte	235, 256.
Great Falls	250, 260.
Helena	241, 281.
Kalispell	223, 278.
Miles City	238, 254.
Missoula	245, 286.
Sidney	233, 267.

NEBRASKA

General area	Channel No.
Fremont (see also Omaha)	245.
Grand Island	243, 291.
Hastings	271, 279.
Kearney	256, 294.
Lincoln	229, 250, 275, 287.
Norfolk	258, 273.
North Platte	238, 274.
Omaha (see also Fremont)	225, 241, 254, 260, 266, 281, 300.
Scottsbluff	241, 277.

NEVADA

Boulder City	229, 270.
Las Vegas	250, 262, 289.
Reno	226, 238, 262.

NEW HAMPSHIRE

Claremont	291.
Keene	300.
Laconia	247.
Manchester	239, 266.
Mount Washington	235, 255, 263, 283.
Portsmouth	297.

NEW JERSEY

Atlantic City	253, 264.
Bridgeton	255.
Camden	See Philadelphia.
Ewing Township	See Trenton.
Greenbrook Township	256.
Trenton (includes Ewing Township)	248, 268, 284

NEW MEXICO

Albuquerque	225, 242, 264, 287.
Carlsbad	226, 262.
Clovis	255, 291.
Gallup	222, 279.
Hobbs	235, 266.
Las Vegas	230, 275.
Roswell	246, 277.
Santa Fe	253, 295.
Tucumcari	239, 270.

NEW YORK

Albany (includes Schenectady and Troy)	222, 230, 238, 242, 258, 266, 274, 278, 286, 290, 294, 298.
Auburn	See Syracuse.
Batavia	235, 259.
Binghamton	251, 263, 299.
Buffalo (includes Niagara Falls)	225, 229, 241, 245, 253, 273, 277, 281, 293, 297.
Coram	See New York or possibly Connecticut Channels.
Corning (see also Elmira)	291.
Dunkirk	233.
Elmira (see also Corning)	295.
Gloversville	234.
Hornell	287.
Ithaca	230, 247.
Jamestown	227, 284.
Kingston	235.
Massena	287, 295.
New York (includes numerous adjacent cities)	222, 226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 270, 274, 278, 282, 286, 290, 294, 298.
Niagara Falls	See Buffalo.
Ogdensburg	279, 291.

NEW YORK—Continued

Olean	238, 264.
Oneonta	256, 282.
Oswego	284.
Plattsburg	275, 281.
Poughkeepsie	284.
Rochester	223, 243, 250, 255, 267, 279.
Rome	239.
Saranac Lake	225, 247.
Syracuse (includes Auburn)	226, 233, 241, 253, 273, 281, 297.
Troy	See Albany.
Utica	229, 245, 277, 289.
Watertown	251, 263.

NORTH CAROLINA

Ahoskie	270.
Asheville	268, 273, 282, 291.
Burlington	266.
Charlotte (see also Gastonia)	260, 278, 284, 299.
Concord (see also Salisbury)	243.
Durham	286.
Elizabeth City	231, 266.
Fayetteville	251.
Gastonia (see also Charlotte)	270.
Goldsboro	227.
Greensboro (see also High Point and Winston-Salem)	222, 247, 254, 262.
Greenville	250, 256.
Henderson	297.
Hickory	275, 295.
High Point (see also Greensboro and Winston-Salem)	238, 258.
Kinston (see also New Bern)	236, 245.
New Bern (see also Kinston)	279.
Jacksonville	225, 260.
Raleigh	233, 241, 268, 273, 277.
Roanoke Rapids (see also Rocky Mount)	223, 253.
Rocky Mount (see also Roanoke Rapids)	264, 282.
Reidsville	291.
Salisbury	293.
Statesville	289.
Washington	275.
Wilmington	230, 242.
Wilson	290, 294, 300.
Winston-Salem (see also Greensboro and High Point)	226, 281.

NORTH DAKOTA

Bismarck (includes Mandan)	229, 250, 273, 294.
Devil's Lake	226, 266.
Fargo (see also Moorhead, Minn.)	222, 260.
Grand Forks	234, 254, 278, 299.
Jamestown	239, 284.
Mandan	See Bismarck.
Minot	243, 290.
Valley City	246, 270.

OHIO

Akron (includes Tallmadge)	239, 243, 248.
Alliance (includes Canton)	223, 231, 235.
Ashland	267, 273.
Ashtabula	See Erie, Pa.
Athens	297.
Bellaire	See Wheeling, W. Va.
Canton	See Alliance.
Cincinnati (includes Hamilton)	266, 270, 274, 278, 282, 286, 290, 294, 298.
Cleveland (includes Lorain)	251, 258, 264, 271, 277, 281, 289, 293, 297.

OHIO—Continued

General area	Channel No.
Columbus	222, 226, 234, 238, 242, 246, 250, 254.
Dayton (includes Springfield)	236, 248, 256, 260, 264, 268, 284.
Findlay	263.
Fostoria	275.
Freemont	See Toledo.
Hamilton	See Cincinnati.
Lima	271, 277, 293.
Lorain	See Cleveland.
Mansfield	279, 287, 291.
Marion	295.
Newark (includes Zanesville)	262, 299.
Portsmouth	See Huntington, W. Va.
Springfield	See Dayton.
Steubenville	See Wheeling, W. Va.
Tallmadge	See Akron.
Toledo (includes Freemont)	260, 268, 284, 300.
Warren (see also Sharon, Pa.)	227, 300.
Wooster	260, 283.
Youngstown	See Sharon, Pa.
Zanesville	See Newark.

OKLAHOMA

Ada	226, 284.
Ardmore	229.
Bartlesville	291.
Clinton	298.
Durant	297.
Elk City	239, 277.
Enid	243, 274.
Lawton	251, 267.
Muskogee	253, 268.
Norman	See Oklahoma City.
Oklahoma City (includes Norman)	222, 234, 255, 263, 270, 282, 290.
Okmulgee	260, 275.
Ponca City	293.
Shawnee	241, 248.
Stillwater	300.
Tulsa	238, 248, 251, 258, 278, 286, 295.

OREGON

Albany	241, 260.
Astoria	242, 268.
Baker	250, 274.
Bend	236, 275.
Corvallis	250.
Eugene	256, 284.
Grants Pass	245, 260.
Klamath Falls	233, 251, 268.
La Grande	243, 260.
Marshfield	239, 266.
Medford	229, 286.
Pendleton	226, 278.
Portland (see also Vancouver, Wash.)	222, 226, 238, 246, 254, 262, 266, 278, 282, 290, 294, 298.
Roseburg	234, 274.
Salem	230, 286.
The Dalles	251, 287.

PENNSYLVANIA

Allentown (includes Bethlehem and Easton)	236, 260, 264, 300.
Altoona	243, 279.
Beaver Falls	See Pittsburgh.
Bethlehem	See Allentown.
Bradford (see also Jamestown and Olean, N. Y.)	248.
Butler	See Pittsburgh.

PENNSYLVANIA—Continued

General area	Channel No.
Clearfield	See DuBois.
DuBois (includes Clearfield)	256, 271.
Easton	See Allentown.
Erie (includes Ashtabula, Ohio)	246, 250, 260, 279.
Glenside	See Philadelphia.
Greensburg	297.
Harrisburg	236, 247, 255, 259, 293, 298.
Hazleton	227.
Johnstown	236, 287.
Lancaster	245, 267.
Lebanon	281.
Lewistown	226, 250.
Meadville	See Sharon.
New Castle	See Sharon.
New Kensington	See Pittsburgh.
Oil City	290, 299.
Philadelphia (includes Glenside, Pa. and Camden, N. J.)	223, 227, 231, 239, 243, 251, 271, 275, 279, 287, 291, 295.
Pittsburgh (includes New Kensington, Beaver Falls and Butler).	225, 229, 233, 241, 245, 251, 259, 268.
Pottsville	238, 270.
Reading	225, 233, 273.
Scranton (includes Wilkes-Barre)	222, 229, 241, 253, 267, 277, 289, 297.
Shamokin	284.
Sharon (includes Warren and Youngstown, Ohio; Meadville and New Castle, Pa.).	255, 262, 266, 275, 286, 295.
State College	282.
Sunbury	231, 275.
Uniontown	289, 293.
Washington	273, 282.
Wilkes-Barre	See Scranton.
Williamsport	262, 286.
York	253, 263, 277, 289.

RHODE ISLAND

Pawtucket	See Providence.
Providence	222, 231, 238, 260, 268, 286, 299.

SOUTH CAROLINA

Anderson	266, 287.
Charleston	236, 245, 271.
Columbia (see also Sumter)	226, 233, 250, 258.
Conway	222.
Florence	231, 291.
Greenville (see also Spartanburg)	223, 229, 236.
Greenwood	239, 253.
Lancaster	297.
Rock Hill	248.
Spartanburg (see also Greenville)	255, 263.
Sumter (see also Columbia)	267, 274.

SOUTH DAKOTA

Aberdeen	264, 282.
Pierre	241, 258.
Rapid City	234, 254, 278, 290.
Sioux Falls	227, 247, 275, 286.
Vermillion	264, 284.
Watertown	231, 268.
Yankton	262, 295.

TENNESSEE

Bristol (includes Johnson City and Kingsport)	223, 245.
Chattanooga (includes Cleveland)	234, 243, 251, 256, 266, 271.
Clarksville	270, 294.
Cleveland	See Chattanooga.

TENNESSEE—Continued

General area	Channel No.
Cookeville	283.
Jackson	264, 284.
Johnson City (also see Bristol)	264.
Kingsport (also see Bristol)	253.
Knoxville	227, 247, 258, 262, 279, 286.
Memphis	238, 246, 250, 259, 274, 282, 290, 295.
Nashville	225, 238, 248, 277, 290, 298.

TEXAS

Abilene	245, 278.
Amarillo	226, 262, 282.
Austin	222, 267, 284.
Beaumont	227, 258, 300
Belton	See Temple.
Big Spring	239, 270.
Brady	236, 256.
Brownsville (includes Harlingen, McAllen, and Weslaco)	222, 229, 234, 247, 258, 277.
Brownwood	282, 290.
College Station	231, 259.
Corpus Christi	238, 255, 283, 293, 300.
Corsicana	271, 279.
Dallas	223, 250, 266, 283, 295, 300.
Denton	291.
El Paso	234, 275.
Fort Worth	227, 242, 258, 263, 287.
Galveston	254, 279.
Harlingen	See Brownsville.
Houston	239, 243, 250, 266, 275, 286, 291, 295.
Huntsville	234, 262.
Kilgore (includes Longview and Tyler)	229, 247, 290.
Laredo	243, 267.
Longview	See Kilgore.
Lubbock	242, 258, 300.
Lufkin	238, 281.
Midland	222, 281.
McAllen	See Brownsville.
Odessa	248.
Palestine	225, 274.
Pampa	253, 289.
Paris	255, 273.
Pecos	230, 294.
Plainview	246, 297.
Port Arthur	270, 293.
San Angelo	233, 274.
San Antonio	225, 234, 242, 247, 251, 258, 263, 273, 281, 289, 297.
Sherman	236.
Sweetwater	226, 264.
Temple (includes Belton)	246, 298.
Texarkana	251, 264, 293.
Tyler (see also Kilgore)	268.
Vernon	254, 271.
Victoria	230, 270.
Waco	254, 277.
Waxahachie	See Dallas and Fort Worth.
Weslaco	See Brownsville.
Wichita Falls	231, 247, 260, 293.

UTAH

Cedar City	233, 297.
Logan	250, 290.
Ogden	234, 274.
Price	242, 282.

UTAH—Continued

General area	Channel No.
Provo	226, 299.
Salt Lake City	230, 238, 246, 254, 258, 262, 270, 278, 286, 295.

VERMONT

Burlington	231, 289.
Rutland	271.
St. Albans	243, 267.
Waterbury	227, 251.

VIRGINIA

Alexandria	See Washington, D. C.
Charlottesville (includes Staunton)	273, 293.
Covington	238, 286.
Danville	230, 250.
Fredericksburg	See Washington, D. C.
Front Royal	236.
Harrisonburg	227, 264.
Lynchburg	248, 300.
Martinsville	242, 271.
Newport News	See Norfolk.
Norfolk (includes Newport News, Portsmouth and Suffolk).	243, 247, 255, 259, 273, 277, 287, 291, 299.
Petersburg	229, 239.
Portsmouth	See Norfolk.
Richmond	225, 233, 251, 271, 275, 281, 295.
Roanoke	235, 256, 279.
Staunton	See Charlottesville.
Suffolk	See Norfolk.
Winchester	223.

WASHINGTON

Aberdeen	262, 293.
Bellingham	225, 281.
Centralia	229, 284.
Everett	241, 245.
Longview	234, 274.
Olympia	271, 279.
Port Angeles	233, 297.
Pullman	229, 270.
Pasco	253, 298.
Seattle	231, 235, 251, 255, 260, 264, 268, 275, 287, 291, 295, 300.
Spokane	225, 236, 243, 251, 275, 287.
Tacoma	223, 227, 239, 243, 247.
Vancouver (see also Portland, Oreg.)	258.
Walla Walla	234, 268.
Wenatchee	281, 293.
Yakima	241, 248, 277.

WEST VIRGINIA

Beckley	258, 267.
Bluefield (includes Welch)	227, 293, 298.
Charleston	225, 241, 248, 253, 289.
Clarksburg (includes Fairmont and Morgantown)	222, 236, 270, 287, 300.
Fairmont	See Clarksburg.
Huntington (includes Ashland, Ky., and Portsmouth, Ohio).	229, 233, 263, 273, 281, 291.
Logan	277, 294.
Morgantown	See Clarksburg.
Parkersburg	293.
Welch	See Bluefield.
Wheeling (includes Bellaire and Steubenville, Ohio)	247, 254, 263, 278.
Williamson	222, 236.

WISCONSIN

General area	Channel No.
Appleton (includes Neenah)	222, 253.
Ashland	245, 254.
Beloit	297.
Eau Claire	231, 279.
Fond du Lac	247, 258.
Green Bay	266, 273, 289.
Greenfield Township	See Madison.
Janesville	260.
La Crosse	226, 233.
Madison (includes Greenfield Township)	255, 268, 290.
Manitowoc	233, 241.
Marinette	286, 298.
Medford	260, 300.
Milwaukee	223, 227, 231, 239, 243, 251, 271, 275, 279, 287, 291, 299.
Neenah	See Appleton.
Oshkosh	225, 229.
Poynette	235.
Racine	264, 284.
Rice Lake	236, 242.
Sheboygan	262, 282.
Stevens Point	245, 293.
Superior	See Duluth, Minn.
Wausau	238, 250, 264, 284.
Wisconsin Rapids	277.

WYOMING

Casper	229, 264.
Cheyenne	226, 266, 298.
Powell	234, 258.
Rock Springs	236, 248.
Sheridan	262, 283.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6903; Filed, June 20, 1947; 8:50 a. m.]

[Docket No. 8404]

GLENS FALLS PUBLICITY CORP. (WGLN)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Glens Falls Publicity Corporation (WGLN), Glens Falls, New York, Docket No. 8404, File No. BML-1247; For Modification of License.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947;

The Commission having under consideration the above-entitled application requesting a modification of license of Station WGLN, Glens Falls, New York, to change the facilities of said station from 1230 kc, 100 w power, unlimited time, to 1230 kc, 250 w power, unlimited time, and a petition by Vermont Broadcasting Corporation, licensee of Station WJOY, Burlington, Vermont, requesting that the above entitled application be designated for hearing and that petitioner be made a party to the proceeding;

It is ordered, That the petition of Vermont Broadcasting Corporation be, and it is hereby, granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Glens Falls Publicity Corporation be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WGLN as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station WGLN as proposed would involve objectionable interference with Stations WJOY, Burlington, Vermont; WSNY, Schenectady, New York; and WHUC, Hudson, New York, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station WGLN as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

It is further ordered, that Vermont Broadcasting Corporation, licensee of Station WJOY, Burlington, Vermont; Western Gateway Broadcasting Corporation, licensee of Station WSNY, Schenectady, New York; and Robert P. Strakos and John F. Kearney, d/b as The Colgren Broadcasting Company, permittee of a construction permit for a new standard broadcast station, WHUC, Hudson, New York, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5898; Filed, June 20, 1947; 8:49 a. m.]

[Docket No. 8416]

PAWTUCKET BROADCASTING CO. (WFCI)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Pawtucket Broadcasting Company (WFCI), Pawtucket, Rhode Island, Docket No. 8416, File No. BML-1249; for Modification of License.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947.

The Commission having under consideration the above-entitled application requesting a modification of license for Station WFCI to move its main studios from 450 Main Street, Pawtucket, Rhode Island, to 11 Dorrance Street, Providence, Rhode Island;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the comparative needs of the cities of Pawtucket and Providence, Rhode Island, for broadcast service originating in local studios, and, in view thereof, whether a grant of this application would contribute to a fair, efficient and equitable distribution of radio service to each.

2. To determine whether the operation of Station WFCI as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to whether satisfactory service would be rendered to the business and industrial district of Providence, Rhode Island.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5902; Filed, June 20, 1947; 8:49 a. m.]

FM BROADCAST STATIONS

FREQUENCY ASSIGNMENTS

JUNE 12, 1947.

In accordance with the revised FM rules and standards adopted June 12, 1947, in Docket No. 6768,[1] the Commission announces frequency assignments for all FM broadcast station licensees, construction permit holders, and those holders of conditional grants which are authorized for interim operation, as of June 9, 1947. These frequency assignments are shown in the following list.

Operation prior to March 1, 1948, on channel assignments indicated by asterisks (*) will be contingent on clearance of image frequency interference in present aeronautical navigational aid receivers.

[1] See F. R. Doc. 47-5904, Title 47, Chapter I, *supra*.

State and city	Call letters	Licensee or permittee	Frequency mc.	Channel No.
Alabama:				
Anniston	WHMA-FM	Harry M. Ayers	100.5	263
Birmingham	WAFM	Voice of Alabama, Inc	99.5	258
	WBRC-FM	Birmingham Broadcasting Co., Inc.	102.5	273
	WDXE	Johnston Broadcasting Co	104.7	284
	WSGN-FM	The Birmingham News Co	93.7	229
	WJBY-FM	Gadsden Broadcasting Co., Inc.	103.7	279
Huntsville		The Huntsville Times Co., Inc.	95.1	236
Mobile	WAFB	Mobile Daily Newspapers, Inc.	107.9	*300
	WALA-FM	Pape Broadcasting Co	102.1	271
	WKRG-FM	Gilliens & Rester	99.9	260
	WMOB-FM	Nunn Broadcasting Corp	97.5	248
Montgomery	WMGY-FM	Dixie Broadcasting Co	107.5	298
	WSFA-FM	Montgomery Broadcasting Co., Inc.	103.3	277
Arkansas:				
Fort Smith	KFFW-FM	Southwestern Hotel Co	94.9	235
	KFSA-FM	Donald W. Reynolds	107.7	299
	KRKN-FM	Arkansas-Oklahoma Broadcasting Corp.	102.1	271
	KWHN-FM	KWHN Broadcasting Co., Inc.	104.1	281
Siloam Springs	KUOA-FM	KUOA, Inc	105.7	289
California:				
Alameda	KONG	Times-Star Publishing Co	104.9	285
Bakersfield	KERN-FM	McClatchy Broadcasting Co	94.1	231
Berkeley	KRE-FM	Central California Broadcasters, Inc.	102.9	275
Beverly Hills	KIRB	Beverly Hills Broadcasting Co.	103.9	280
Chico	KHSL-FM	Golden Empire Broadcasting Co.	101.1	266
Eureka	KRED	Redwood Broadcasting Co., Inc.	96.3	242
Fresno	KARM-FM	KARM, The Geo. Harm Station.	101.9	270
Fresno	KREM	J. E. Rodman	97.9	250
Hollywood	KNX-FM	Columbia Broadcasting System, Inc.	93.1	226
Los Angeles	KCLI	Cannon & Callister, Inc	105.1	286
	KECA-FM	American Broadcasting Co., Inc.	95.5	238
	KFAC-FM	Los Angeles Broadcasting Co., Inc.	104.3	282
	KFI-FM	E. C. Anthony	105.9	290
	KFVD-FM	Standard Broadcasting Co	99.5	258
	KHJ-FM	Don Lee Broadcasting System	101.1	266
	KKLA	Echo Park Evangelistic Association.	97.1	246
	KMGM	Metro-Goldwyn-Mayer Studios, Inc.	98.7	254
	KMPC-FM	KMPC, The Station of the Stars, Inc.	100.3	262
	KOMB	Consolidated Broadcasting Corp., Ltd.	101.9	270
	KRKD-FM	Radio Broadcasters, Inc	96.3	242
	KTML	The Times Mirror Co	103.5	278
	KVUN	Unity Broadcasting Corp. of America.	94.7	234
Marysville	KMYC-FM	Marysville-Yuba City Broadcasters.	99.9	260
	KSVA	Sacramento Valley Broadcasters.	101.5	268
Merced		Merced Broadcasting Co	97.5	248
Monterey	KDON-FM	Monterey Peninsula Broadcasting Co.	94.5	233
Oakland	KLX-FM	Tribune Building Co	101.3	267
	KWBR-FM	Warner Bros	97.3	247
Ontario	KOCS-FM	The Daily Report	93.5	228
Palo Alto	KPNI-FM	Peninsula Newspapers, Inc	101.7	269
Pasadena	KAGH	Rose Bowl Broadcasters, Ltd	98.3	252
	KWFM	Southern California Broadcasting Co.	102.7	274
Redding	KVCV-FM	Golden Empire Broadcasting Co.	103.9	280
Richmond	KRCC	Contra Costa Broadcasting Co.	100.1	261
Riverside	KPOR	The Broadcasting Corp. of America.	97.5	248
Sacramento	KCRA-FM	Central Valley Broadcasting Co.	96.1	*241
	KFBK-FM	McClatchy Broadcasting Co	96.9	245
	KROY-FM	Harmco, Inc	94.5	233
	KXOA-FM	Lincoln Dellar	107.9	300
Salinas	KSLI	Luther E. Gibson	96.9	245
San Bernardino	KBMT	The Sun Co. of San Bernardino.	99.9	260
	KFXM-FM	Lee Brothers Broadcasting Co	95.1	236
San Bruno	KSBR	Radio Diablo, Inc	100.5	263
San Diego	KFSD-FM	Airfan Radio Corp., Ltd	94.1	231
	KFMB-FM	The Jack Gross Broadcasting Co.	101.5	268
		Studebaker Broadcasting Co	104.7	284
San Francisco	KJBS-FM	KJBS Broadcasters	98.9	255
	KPAF	Pacific Agricultural Foundation, Ltd.	103.7	279
	KRON	The Chronicle Publishing Co	96.5	243
	KSFH	Pacific Broadcasting Co	94.9	235
	KSFO-FM	The Associated Broadcasters, Inc.	98.1	251
	KGO-FM	American Broadcasting Co., Inc.	105.3	287
San Jose	KLOK-FM	Valley Broadcasting Co	98.5	253
	KPRO	FM Radio & Television Corp	92.3	222
	KSJO-FM	Santa Clara Broadcasting Co	95.3	237
California—Con.				
San Luis Obispo	KVEC-FM	The Valley Electric Co	99.9	260
San Mateo	KSMO-FM	Amphlett Printing Co	93.3	227
Santa Ana	KVOE-FM	The Voice of the Orange Empire, Inc.	96.7	244
Santa Maria	KRJM	Santa Maria Daily Times	103.1	276
Stockton	KGDM-FM	E. P. Pfeffer	92.9	223
Connecticut:				
Danbury	WLAD	The Berkshire Broadcasting Corp.	98.3	252
Hartford	WDRC-FM	WDRC, Inc	93.7	229
	WTIC-FM	The Travelers Broadcasting Service Corp.	96.5	*241
	WONS-FM	The Yankee Network, Inc	102.9	277
Meriden	WMMW-FM	Silver City Crystal Co	95.7	239
New Britain	WKNB-FM	The New Britain Broadcasting Co.	103.7	279
New Haven	WBIB	Colony Broadcasting Corp	100.7	269
	WNHC-FM	Elm City Broadcasting Corp	93.1	226
New London	WNLC-FM	Thames Broadcasting Corp	99.9	260
Stamford	WSTC-FM	The Western Connecticut Broadcasting Co.	96.7	244
Waterbury	WBRY-FM	American Republican, Inc	102.3	274
Delaware:				
Wilmington	WILM-FM	Delaware Broadcasting Co	99.5	258
	WTUX-FM	Fort Frere Broadcasting Co., Inc	107.3	297
District of Columbia:				
Washington	WASH	Commercial Radio Equipment Co.	97.1	246
	WHMB	Theodore Granik	100.3	262
	WINX-FM	WINX Broadcasting Co	94.3	232
	WMAL-FM	The Evening Star Broadcasting Co.	107.3	297
	WOL-FM	Cowles Broadcasting Co	95.7	241
	WPOB	Potomac Broadcasting Cooperative, Inc.	99.5	258
	WQQW-FM	Metropolitan Broadcasting Corp.	103.5	278
	WRC-FM	National Broadcasting Co., Inc.	98.9	250
	WWDC-FM	Capital Broadcasting Co	101.1	266
Florida:				
Daytona Beach	WNDB	News-Journal Corp	94.5	233
Fort Lauderdale	WGOR	Gore Publishing Co	100.5	263
Jacksonville	WJAX-FM	City of Jacksonville	95.1	236
	WJHP-FM	The Metropolis Co	96.9	245
	WMBR-FM	Florida Broadcasting Co	96.1	241
	WPDQ-FM	Jacksonville Broadcasting Corp.	99.7	259
Miami	WIOD-FM	Isle of Dreams Broadcasting Co.	97.3	247
	WWPB-FM	Paul Brake	101.5	268
	WMIM	Everglades Broadcasting Co	99.9	260
	WQAM-FM	Miami Broadcasting Co	94.9	235
Miami Beach	WKAT-FM	A. Frank Katzentine	93.1	226
Orlando	WHOO-FM	Orlando Daily Newspapers, Inc.	96.5	243
Palm Beach	WWPG-FM	Palm Beach Broadcasting Corp.	97.9	250
Pensacola	WCOA-FM	Pensacola Broadcasting Co	98.9	255
St. Petersburg	WTSP-FM	Pinellas Broadcasting Co	102.5	273
Tallahassee	WTAL-FM	Capital City Broadcasting Corp.	103.9	280
Tampa	WFLA-FM	The Tribune Co	93.3	227
	WDAE-FM	Tampa Times Co	105.7	289
W. Palm Beach	WJNO-FM	WJNO, Inc	98.7	254
Georgia:				
Athens	WGAU-FM	J. K. Patrick Co	99.5	258
Atlanta	WCOM-FM	The Constitution Publishing Co.	98.5	253
Augusta	WFMV	The Augusta Chronical Broadcasting Co.	103.7	279
	WRDW-FM	Augusta Broadcasting Co	105.7	289
Cedartown	WGAA-FM	Northwest Georgia Broadcasting Co.	96.1	*241
Columbus	WDAK-FM	Radio Columbus, Inc	107.9	300
	WGBA	Georgia-Alabama Broadcasting Corp.	95.1	235
	WRBL-FM	Columbus Broadcasting Co	93.3	227
Macon	WBML-FM	Middle Georgia Broadcasting Co.	100.7	264
	WMAZ-FM	Southeastern Broadcasting Co	99.1	256
Moultrie	WMGA-FM	John F. Pidcock	103.5	278
Rome	WRGA-FM	Rome Broadcasting Corp	105.5	293
Savannah	WSAV-FM	WSAV, Inc	100.3	262
	WTOC-FM	Savannah Broadcasting Co	97.3	247
Toccoa	WRLC-FM	R. G. LeTourneau	102.9	275
Idaho:				
Boise	KIDO-FM	Boise Broadcast Station	105.1	291
Nampa	KFXD-FM	Frank E. Hurt & Son	101.9	270
Pocatello	KSEI-FM	Radio Service Corp	96.5	243
Twin Falls	KTFI-FM	Radio Broadcasting Corp	93.1	226
Illinois:				
Bloomington	WJBC-FM	Bloomington Broadcasting Corp.	101.5	268
Brookfield	WRGK	George M. Ives	103.1	276
Carbondale	WCIL-FM	Southern Illinois Broadcasting Partnership, Inc.	92.9	225
Champaign	WDWS-FM	The Champaign News-Gazette Co., Inc.	97.5	248
Chicago	WBBM-FM	Columbia Broadcasting System, Inc.	97.1	246
	WDLM	Moody Bible Institute of Chicago.	95.5	238
	WEEM	Zenith Radio Corp	99.5	258
	WEHS	WHFC, Inc	97.9	250
	WGNB	WGN, Inc	98.7	254

State and city	Call letters	Licensee or permittee	Frequency mc.	Channel No.
Illinois—Con.				
Decatur	WSOY-FM	Commodore Broadcasting, Inc.	98.7	254
Elmwood Park	WLEY	Elmwood Park Broadcasting Corp.	107.1	296
Evanston	WEAW	North Shore Broadcasting Co., Inc.	96.7	244
Freeport	WFJS	Freeport Journal Standard Publishing Co.	102.5	273
Harrisburg	WEBQ-FM	Harrisburg Broadcasting Co.	99.9	260
Herrin	WJPF-FM	Orville M. Lyerla	98.5	253
Kankakee	WKIL	Kankakee Daily Journal Co.	100.7	264
Mt. Vernon	WMIW	Midwest Broadcasting Co.	103.3	277
	WMIX-FM	Mt. Vernon Radio & Television Co.	94.1	231
Peoria	WEEK-FM	West Central Broadcasting Co.	93.3	227
	WMBD-FM	Peoria Broadcasting Co.	92.5	223
	WMMJ	Mid-State Broadcasting Co.	96.5	243
	WMXL-FM	Central Illinois Radio Corp.	94.1	231
	WTAZ	Illinois Valley Broadcasting Co.	95.7	239
Quincy	WQDI	Quincy Newspapers, Inc	105.1	286
	WTAD-FM	Lee Broadcasters, Inc.	99.5	258
Rockford	WROK-FM	Rockford Broadcasters, Inc.	97.5	248
Rock Island	WHBF-FM	Rock Island Broadcasting Co.	98.9	255
Springfield	WCVS-FM	WCBS, Inc.	102.9	275
	WTAX-FM	WTAX, Inc.	103.7	279
Waukegan	WKRS	Keystone Printing Service, Inc.	106.7	294
Indiana:				
Columbus	WCSI	Syndicate Theatres, Inc.	93.7	229
Connersville	WCNB	News-Examiner Co.	100.3	262
Elkhart	WTRC-FM	Truth Publishing Co., Inc.	100.7	264
Evansville	WMJF	Tri-State Broadcasting Corp.	102.5	273
	WMLL	Evansville on the Air, Inc.	94.5	233
Fort Wayne	WFTW-FM	Fort Wayne Broadcasting, Inc.	103.7	279
	WGL-FM	Farnsworth Television & Radio Corp.	105.3	287
	WKJG-FM	Northeastern Indiana Broadcasting Co., Inc.	106.1	291
	WOWO-FM	Westinghouse Radio Stations, Inc.	96.1	241
Hammond	WJOB-FM	South Shore Broadcasting Corp.	92.3	222
Indianapolis	WABW	Associated Broadcasters, Inc.	94.7	234
Kokomo	WKMO-FM	Kokomo Broadcasting Corp.	99.9	260
Lafayette	WFAM	WFAM, Inc.	95.1	236
Muncie	WLBC-FM	Donald A. Burton	104.1	281
New Castle	WCTW	Courier-Times, Inc.	103.1	276
Shelbyville	WSRK	Shelbyville Radio, Inc.	101.3	267
South Bend	WSBF	South Bend Tribune	101.3	267
Terre Haute	WBOW-FM	Banks of the Wabash, Inc.	101.1	266
	WTHI-FM	Wabash Valley Broadcasting Corp.	99.9	260
Iowa:				
Burlington	KBUR-FM	Burlington Broadcasting Co.	92.9	225
Cedar Rapids	KCRG-FM	The Gazette Co.	96.9	245
Davenport	WOC-FM	Tri-City Broadcasting Co.	103.7	279
Des Moines	KIOA	Independent Broadcasting Co	98.5	253
	KRNT-FM	Cowles Broadcasting Co.	101.5	283
	KSO-FM	Murphy Broadcasting Co	97.3	247
	WHO-FM	Central Broadcasting Co.	100.3	262
Dubuque	WDBQ	Dubuque Broadcasting Co.	103.3	277
	KDTH-FM	Telegraph-Herald	100.5	263
Mason City	KGLO-FM	Lee Radio, Inc	101.1	266
Sioux City	KSCJ-FM	Perkins Bros. Co.	94.9	235
Kansas:				
Hutchinson	KIMV	Hutchinson Publishing Co.	105.7	289
	KWBW-FM	Nation's Center Broadcasting Co.	93.1	226
Kansas City	KSHS	Sunflower Broadcasting System.	105.9	290
Lawrence	KXKX	The World Company	105.1	286
Topeka	KTSJ	The Topeka State Jounal, Inc	99.5	258
	WIBW-FM	Topeka Broadcasting Association, Inc.	102.5	273
Wichita	KFH-FM	The Radio Station KFH Co.	100.3	262
	KWBB	Wichita Beacon Broadcasting Co.	97.9	250
Kentucky:				
Henderson	WSON-FM	Henderson Broadcasting Co., Inc.	99.5	258
Hopkinsville	WHOP-FM	Hopkinsville Broadcasting Co., Inc.	98.7	254
Lexington	WLAP-FM	American Broadcasting Corp. of Ken.	94.5	*233
Louisville	WAVE-FM	WAVE, Inc	95.1	236
	WBOX	Northside Broadcasting Corp.	100.7	264
	WCJT	Courier-Journal & Louisville Times Co.	99.7	259
Owensboro	WOMI-FM	Owensboro Broadcasting Co., Inc.	92.5	223
	WVJS-FM	Owensboro On the Air, Inc	96.1	241
Paducah	WKYC	Paducah Newspapers, Inc	93.3	227
	WPAD-FM	Paducah Broadcasting Co., Inc.	96.9	245
Winchester	WINW	Winchester Sun Co., Inc.	100.1	261
Louisiana				
Alexandria	KALB-FM	Alexandria Broadcasting Co., Inc.	96.9	245
	KPDR-FM	Central Louisiana Broadcasting Co.	99.7	259
Baton Rouge	WBRL	Baton Rouge Broadcasting Co., Inc.	98.1	251
New Orleans	WDSU-FM	Stephens Broadcasting Co.	92.3	222
	WRCM	Supreme Broadcasting System, Inc.	97.1	246
	WSMB-FM	WSMB, Inc	93.7	229
	WTPS-FM	The Times Picayune Publishing Co.	95.7	239
	WWLH	Loyola University	100.3	262
Maine:				
Bangor	WGUY-FM	Portland Broadcasting System, Inc.	93.1	226
Lewiston	WCOU-FM	Twin City Broadcasting Co., Inc.	93.9	240
Portland	WGAN-FM	Portland Broadcasting System, Inc.	101.9	270
	WMNE	The Yankee Network, Inc.	100.5	263
Maryland:				
Annapolis	WJWD	The Capital Broadcasting Co.	99.1	256
Baltimore	WASA	The A. S. Abell Co.	97.9	250
	WCBM-FM	Baltimore Broadcasting Corp	93.1	226
	WCAO-FM	The Monumental Radio Co.	102.7	274
	WFBR-FM	The Baltimore Radio Show, Inc.	101.9	270
	WMCP	Belvedere Broadcasting Corp.	94.7	234
	WITH-FM	Maryland Broadcasting Co.	104.3	282
Cumberland	WTSH	The Tri-State Broadcasting Co.	102.9	275
Frederick	WFMD-FM	The Monocacy Broadcasting Co.	101.5	268
Hagerstown	WJEJ-FM	Hagerstown Broadcasting Co.	104.7	284
Salisbury	WBOC-FM	The Peninsula Broadcasting Co.	97.5	248
Silver Spring	WGAY-FM	Tri-Suburban Broadcasting Corp.	103.9	280
Massachusetts:				
Boston	WBZ-FM	Westinghouse Radio Stations, Inc.	92.9	225
Brockton	WAZV	Cur-Nan Co	107.1	296
Fall River	WSAR-FM	The Fall River Broadcasting Co., Inc.	103.7	279
	WFRN	Narragansett Broadcasting Co	100.9	265
Fitchburg	WEIM-FM	Mitchell G. Meyers, Reuben E. Aronheim, and Milton H. Meyers.	104.7	284
Greenfield	WHAI-FM	John W. Haigis	98.3	252
Haverhill	WHAV-FM	The Haverhill Gazette Co.	92.5	223
Holyoke	WHYN-FM	The Hampden-Hampshire Corp.	93.1	226
Lawrence	WLAW-FM	Hildreth & Rogers Co	93.7	229
Lowell	WLLH-FM	Merrimac Broadcasting Co., Inc.	99.5	258
New Bedford	WBIL	Southeastern Mass. Broadcasting Corp.	99.3	257
	WBSM	Bay State Broadcasting Co.	97.3	247
	WFMR	E. Anthony & Sons, Inc.	98.1	251
North Adams	WMFM	James A. Hardiman	97.5	248
Salem	WESX-FM	North Shore Broadcasting Co.	92.1	221
Springfield	WBZA-FM	Westinghouse Radio Stations, Inc.	97.1	246
	WMAS-FM	WMAS, Inc	94.7	234
Worcester	WGTR	The Yankee Network, Inc.	99.1	256
	WTAG-FM	WTAG, Inc.	100.7	264
Michigan:				
Ann Arbor	WPAG-FM	Washtenaw Broadcasting Co.	98.7	254
Battle Creek	WELL-FM	Federated Publications, Inc.	102.1	271
Bay City	WBCM-FM	Bay Broadcasting Co., Inc.	96.1	241
Benton Harbor	WHFB-FM	The Palladium Publishing Co.	99.9	260
Dearborn	WRAM	Herman Radner	103.9	280
Detroit	WWJ-FM	The Evening News Association	97.1	246
	WDLW	Knight Radio Corp.	95.5	238
	WJR-FM	WJR, The Goodwill Station, Inc.	96.3	242
	WJBK-FM	James F. Hopkins, Inc	93.1	226
	WJLB-FM	Booth Radio Station, Inc.	97.9	250
Flint	WAJL	Advertiser Press, Inc	107.1	296
Grand Rapids	WLAV-FM	Leonard A. Versluis	96.9	245
	WFRS	The Grand Rapids Broadcasting Corp.	92.5	223
	WGRH	Lear, Inc	103.5	278
Jackson	WIBM-FM	WIBM, Inc	96.7	244
Lansing	WJIM-FM	WJIM, Inc	97.5	248
Mt. Clemens	WMLS	Macomb Publishing Co.	106.3	282
Muskegon	WKBZ-FM	Ashbacker Radio Corp.	106.5	283
	WMUS-FM	Greater Muskegon Broadcasters, Inc.	107.3	297
Owosso	WQDY	The Argus-Press Co	103.1	276
Pontiac	WCAR-FM	Pontiac Broadcasting Co	103.5	278
Port Huron	WTTH	The Times Herald Co	99.1	256
Royal Oak	WEXL-FM	The Royal Oak Broadcasting Co.	104.3	282
Saginaw	WSAL	Saginaw Broadcast Co.	98.1	251
Wyandotte	WJJW	Wyandotte News Co.	103.1	276
Minnesota:				
Duluth	WDUL	Head of the Lakes Broadcasting Co.	92.3	222
Mankato	KYSM-FM	Southern Minnesota Supply Co.	103.5	278
Minneapolis	WLOL-FM	Independent Merchants Broadcasting Co.	101.3	267
	WTCN-FM	Minnesota Broadcasting Corp.	97.1	246
Rochester	KROC-FM	Southern Minnesota Broadcasting Co.	94.7	234
St. Cloud	KFAM-FM	The Times Publishing Co.	104.7	284
St. Paul	WMIN-FM	WMIN Broadcasting Co.	99.5	258
	KSTP-FM	KSTP, Inc	102.1	271
Winona	KWNO-FM	Winona Radio Service	97.5	248
Mississippi:				
Jackson	WJDX-FM	Lamar Life Insurance Co.	102.9	275
Missouri:				
Cape Girardeau	KFVS-FM	Oscar C. Hirsch	101.3	267
Clayton	KFUO-FM	Evangelical Lutheran Synod of Missouri	104.1	281
Jefferson City	KNEU	Capital Broadcasting Co.	98.5	253
Joplin	WMBH-FM	Joplin Broadcasting Co.	96.1	241
Kansas City	KCFM	KCMO Broadcasting Co.	104.3	282
	KCST	The Kansas City Star Co.	94.9	235
	KMBC-FM	Midland Broadcasting Co.	100.5	263

State and city	Call letters	Licensee or permittee	Frequency mc.	Channel No.
Missouri—Con.				
Kansas City	KOZY	Commercial Radio Equipment Co.	96.1	251
	WHB-FM	WHB Broadcasting Co.	102.1	271
St. Joseph	KFEQ-FM	KFEQ, Inc	92.3	222
St. Louis	KSD-FM	The Pulitzer Publishing Co.	102.5	273
	KURR	Unity Broadcasting Corp.	106.7	294
	KWGD	Globe Democrat Publishing Co.	98.1	251
	KNOK-FM	Star-Times Publishing Co.	93.7	229
	KWK-FM	Thomas-Patrick, Inc.	99.1	256
	WEW-FM	St. Louis University	98.1	250
	WIL-FM	Missouri Broadcasting Corp.	97.3	247
Nebraska:				
Lincoln	KFAB-FM	KFAB Broadcasting Co	97.9	250
	KFOR-FM	Cornbelt Broadcasting Corp.	102.9	275
Omaha	KBON-FM	Inland Broadcasting Co.	98.7	254
	KOAD	World Publishing Co.	92.9	225
Nevada:				
Las Vegas	KENO-FM	Nevada Broadcasting Co.	103.9	280
Reno	KSAV	Saviers Electrical Products Corp.	103.9	280
	KWRN	Reno Newspapers, Inc.	95.5	238
New Hampshire:				
Claremont	WLOB	Claremont Eagle, Inc.	100.1	261
Portsmouth	WFMI	WHEB, Inc.	107.3	297
New Jersey				
Alpine	WFMN	Edwin H. Armstrong	93.1	226
Asbury Park	WJLK	Asbury Park Press, Inc.	94.3	232
	WCAP-FM	Radio Industries Broadcasting Co.	107.1	296
Atlantic City	WFPG-FM	Neptune Broadcasting Corp.	98.5	253
	WBAB-FM	Press-Union Publishing Co.	100.7	264
Bridgeton	WSNJ-FM	Eastern States Broadcasting Corp.	98.9	255
Elizabeth	WPOE	Radio Elizabeth, Inc.	96.7	244
Jersey City	WAAW	Bremer Broadcasting Corp.	100.9	270
	WFMO	Fidelity Media Broadcasting Corp.	103.1	276
New Brunswick	WHNM	Home News Publishing Co.	93.5	228
Paterson	WWDX	The Passaic Daily News	107.1	296
New York:				
Albany	WROW-FM	Hudson Valley Broadcasting Co., Inc.	93.9	240
	WRWR	Champlain Valley Broadcasting Corp.	95.5	238
Binghamton	WNBF-FM	Clark Associates, Inc.	100.5	263
Buffalo	WEBR-FM	WEBR, Inc.	96.9	245
	WBEN-FM	WBEN, Inc.	106.5	293
	WBNY-FM	Roy L. Albertson	92.9	225
Coram	WFSS	Suffolk Broadcasting Corp.	103.1	276
Corning	WKNP	Corning Leader, Inc.	106.1	291
Hempstead	WHNY	Elias T. Godofsky	98.3	252
Hornell	WWHG	The W. H. Greenhow Co.	105.3	287
Ithaca	WHCU-FM	Cornell University	97.3	247
Jamestown	WJTN-FM	James Broadcasting Co., Inc.	93.3	227
Massena	WMSA-FM	The Brockway Co.	105.3	287
Mount Vernon	WHBJ	Hudson Broadcasting System, Inc.	106.3	292
New York	WABF	Metropolitan Broadcasting & Television, Inc.	94.7	234
	WBAM	Bamberger Broadcasting Service, Inc.	96.7	244
	WCBS-FM	Columbia Broadcasting System, Inc	100.3	262
	WGHF	Wm G. H. Finch	101.1	266
	WGYN	WGYN, Inc.	97.9	250
	WMGM	Marcus Loew Booking Agency	99.5	258
	WNBC-FM	National Broadcasting Co., Inc.	97.1	246
	WNYC-FM	City of New York Municipal Broadcasting System.	93.9	240
	WQXQ	Interstate Broadcasting Co	96.3	242
Niagara Falls	WHLD-FM	The Niagara Falls Gazette Publishing Co.	98.5	253
Ogdensburg	WSLB-FM	St. Lawrence Broadcasting Corp.	106.1	291
Oneonta	WDOS	Oneonta Star, Inc.	99.1	256
Oswego	WOPT	Palladium-Times, Inc	104.7	284
Poughkeepsie	WHVA	Poughkeepsie Newspapers, Inc.	104.7	284
Rochester	WHEC	WHEC, Inc	96.5	243
	WHFM	Stromberg-Carlson Co	98.9	255
	WRNY-FM	Monroe Broadcasting Co., Inc	97.9	250
Rome	WKAL-FM	Copper City Broadcasting Corp.	99.3	247
Schenectady	WHCA	Capitol Broadcasting Co., Inc	101.1	266
	WGFM	General Electric Co.	99.5	258
Syracuse	WAGE-FM	WAGE Inc	98.5	253
	WFBL-FM	Onondago Radio Broadcasting Corp.	93.1	226
	WNDR-FM	Syracuse Broadcasting Corp.	102.5	273
	WOLF-FM	Civic Broadcasting Corp.	104.1	281
	WRPA	Radio Projects, Inc	107.3	297
	WSYR-FM	Central New York Broadcasting Corp.	94.5	233
Troy	WTNY	The Troy Record Co.	92.3	222
	WTRI	Troy Broadcasting Co., Inc.	102.7	274
Utica	WIBX-FM	WIBX, Inc.	96.9	245
	WRUN	Rome Sentinel Co.	105.7	289
Watertown	WWNY-FM	The Brockway Co.	100.5	263
White Plains	WFAS-FM	Westchester Broadcasting Corp.	103.9	280
North Carolina:				
Aboskie	WPBN	Parker Bros., Inc.	101.9	270
Asheville	WISE-FM	Radio Station WISE, Inc.	102.5	273
	WLOS-FM	Skyway Broadcasting Corp.	104.3	282
	WSKY-FM	Radio Asheville, Inc.	106.1	291
N. Carolina—Con.				
Burlington	WBBB-FM	Alamance Broadcasting Co., Inc.	101.1	266
	WFNS-FM	Burlington Graham Broadcasting Co.	93.5	228
Charlotte	WAYS-FM	Inter-City Advertising Co	107.7	298
	WBT-FM	Southeastern Broadcasting Co.	99.9	260
	WIST	Sincerity Broadcasting Co	104.7	284
	WSOC-FM	Radio Station WSOC, Inc	103.5	278
Durham	WDNC-FM	Durham Radio Corp	105.1	286
Fayetteville	WFNC-FM	Cape Fear Broadcasting Co.	98.1	251
Gastonia	WGNC-FM	F. C. Todd	101.9	270
Goldsboro	WGBR-FM	Eastern Carolina Broadcasting Co., Inc	93.3	227
Greensboro	WBIG-FM	North Carolina Broadcasting Co., Inc.	92.3	222
	WGBG-FM	Greensboro Broadcasting Co., Inc.	100.3	262
	WFMY	Greensboro News Co.	97.3	247
	WDPM	Capitol Broadcasting Co., Inc.	98.7	254
Hickory	WIHKY-FM	Catawba Valley Broadcasting Co., Inc.	102.9	277
High Point	WHPE-FM	High Point Enterprise, Inc.	95.5	238
	WMFR-FM	Radio Station WMFR	99.5	258
Raleigh	WRAL-FM	Capitol Broadcasting Co., Inc.	101.5	268
	WNAO-FM	The News Observer Pub. Co.	96.1	241
Roanoke Rapids	WCBT-FM	WCBT, Inc	98.5	253
Rocky Mount	WCEC-FM	Josh L. Horne	100.7	264
Salisbury	WSTP-FM	Piedmont Broadcasting Corp.	106.5	283
Statesville	WSIC-FM	Statesville Broadcasting Co., Inc.	105.7	289
Washington	WRRF-FM	Tar Heel Broadcasting System, Inc.	102.9	275
Wilmington	WLDX	Wilmington Star News Co.	93.9	230
	WMFD-FM	Richard Austin Dunlea	96.3	242
Wilson	WGTM-FM	Penn Thomas Watson	106.7	294
Winston-Salem	WAIR-FM	WAIR Broadcasting Co.	93.1	226
Hickory	WMIT	Gordon Gray	106.9	295
Winston-Salem	WSJS-FM	Piedmont Publishing Co.	104.1	281
North Dakota:				
Fargo	KVOX-FM	KVOX Broadcasting Co	99.9	260
Ohio:				
Alliance	WFAH	Review Publishing Co	101.7	269
Ashland	WATG	Beer & Koehl	101.3	267
Athens	WAMS	The Messenger Publishing Co	107.3	297
Bellaire	WTRF	Tri-City Broadcasting Co	100.5	263
Canton	WANN-FM	P. C. Wilson	92.5	223
	WCMW-FM	Stark Broadcasting Corp	94.9	235
	WHBC-FM	The Ohio Broadcasting Co	94.1	233
Cincinnati	WCKY-FM	L. B. Wilson, Inc.	105.9	290
	WCTS	The Cincinnati Times Star Co	101.9	270
	WLW-A	The Crosley Corp.	101.1	266
	WSAI-FM	Buckeye Broadcasting Co	102.7	274
Cleveland Hts.	WSRS-FM	Samuel R. Sague	95.3	237
Columbus	WCOL-FM	The Pixleys	92.3	222
	WELD	Radiolite, Inc	97.1	246
	WHKK	United Broadcasting Co	98.7	254
Dover	WTUS	The Tuscora Broadcasting Co	107.1	296
Findlay	WFIN-FM	Findlay Radio Co.	100.5	263
Fostoria	WFOB	Lawrence W. Harry	100.9	265
Fremont	WFRO	Robert F. Wolfe Co	99.3	257
Hamilton	WMOH-FM	The Fort Hamilton Broadcasting Co	107.5	298
Lakewood	WLAL	United Garage & Service Corp	100.1	261
Lima	WNXC	Northwestern Ohio Broadcasting Corp.	102.1	271
Marion	WMRN-FM	The Marion Broadcasting Co.	106.9	295
Newark	WCLT	The Advocate Printing Co.	100.3	262
Portsmouth	WPAY-FM	The Scioto Broadcasting Company	104.1	281
Steubenville	WSTV-FM	The Valley Broadcasting Co.	103.5	278
Tiffin	WTFM	Jay R. David	98.3	252
Toledo	WSPD-FM	The Fort Industry Co.	101.5	268
	WTRT	Unity Corporation, Inc.	99.9	260
	WTOL-FM	Community Broadcasting Co.	104.7	284
Warren	WRRN-FM	Nied & Stevens	107.9	301
Wooster	WWST	The Wooster Republican Printing Co.	104.5	283
Youngstown	WFMJ-FM	The WFMJ Broadcasting Co	105.1	286
	WKBN-FM	WKBN Broadcasting Corp.	98.9	255
Oklahoma:				
Ardmore	KVSO-FM	John F. Easley	93.7	229
Durant	KSEO-FM	Democrat Printing Co	107.3	297
Muskogee	KMUS	Muskogee Broadcasting Co.	101.5	268
	KBIX-FM	Oklahoma Press Publishing Co	98.5	253
Oklahoma City	KOCY-FM	Plaza Court Broadcasting Co.	94.7	234
	KOMA-FM	KOMA, Inc.	105.9	290
	KSUW	Sooner Broadcasting Co.	101.9	270
	KTOK-FM	KTOK, Inc.	100.5	263
	WKY-FM	WKY Radiophone Co	98.9	255
Shawnee	KGFF-FM	KGFF Broadcasting Co	97.5	248
Tulsa	KAKC-FM	Public Radio Corp.	95.5	238
	KFMJ-FM	Fred Jones Broadcasting Co	98.1	251
	KTUL-FM	Tulsa Broadcasting Co	97.1	246
Oregon:				
Albany	KWIL-FM	Central Willamette Broadcasting Co.	101.7	269
Ashland	KSBO	Siskiyou Broadcasting Co	103.1	278
	KWIN-FM	Rogue Valley Broadcasting Co., Inc.	103.9	280
Eugene	KUGN-FM	Valley Broadcasting Co	99.1	256
Grants Pass	KGPO	Southern Oregon Broadcasting Co.	96.9	245
Medford	KMED-FM	Mrs. W. J. Virgin	105.1	286
	KYJC-FM	Medford Printing Co.	93.7	229
Portland	KALE-FM	KALE Inc	98.7	254
	KGW-FM	Oregonian Publishing Co.	100.3	262

State and city	Call letters	Licensee or permittee	Frequency mc.	Channel No.
Oregon—Con.				
Portland	KOIN-FM	KOIN, Inc.	93.1	226
	KPFM	Broadcasters Oregon, Ltd.	97.1	246
	KPRA	Pacific Radio Advertising Service.	95.5	238
	KXL-FM	KXL Broadcasters	103.5	278
Pennsylvania:				
Allentown	WFMZ	Penn-Allen Broadcasting Co.	95.9	240
	WKAP-FM	Allentown Broadcasting Co.	100.7	264
	WSAN-FM	Lehigh Valley Broadcasting Co.	99.9	260
Altoona	WFBG-FM	The Gable Broadcasting Co.	103.7	279
Bethlehem	WOPA-FM	The Bethlehem's Globe Publ. Co.	95.1	236
Bradford	WESB-FM	Bradford Publications, Inc.	97.5	248
Clearfield	WCLR	Airplane & Marine Instruments, Inc.	99.1	256
DuBois	WCED-FM	Tri-County Broadcasting Co., Inc.	102.1	271
Erie	WERC-FM	Presque Isle Broadcasting Co.	99.9	260
Forks Township near Easton	WEEX	Easton Publishing Co.	98.3	252
Harrisburg	WABX	Harold O. Bishop	107.1	296
	WCOY	The Patriot Co.	94.9	235
	WHP-FM	WHP, Inc.	97.3	247
	WJAC	WJAC, Inc.	95.5	238
Johnstown	WLAN-FM	Peoples Broadcasting Co.	96.9	245
Lancaster	WGAL-FM	WGAL, Inc.	101.3	267
Lewistown	WMRF-FM	Lewistown Boradcasting Co.	97.9	250
McKeesport	WMCK-FM	Mon-Yough Broadcasting Co.	104.9	285
Meadville	WNJD	H. C. Winslow	100.3	262
New Castle	WKST-FM	WKST, Inc.	101.1	266
Philadelphia	KYW-FM	Westinghouse Radio Stations, Inc.	92.5	223
	WCAU-FM	WCAU Broadcasting Co.	102.9	275
	WFIL-FM	Triangle Publications, Inc.	102.1	271
	WIBG-FM	Seaboard Radio Broadcasting Corp.	94.1	231
	WIP-FM	Pennsylvania Broadcasting Co.	93.3	227
	WPEN-FM	Wm. Penn Broadcasting Co.	98.1	251
Pittsburgh	KDKA-FM	Westinghouse Radio Stations, Inc.	92.9	225
	KQV-FM	Allegheny Broadcasting Corp.	98.1	251
	WCAE-FM	WCAE, Inc.	96.1	*241
	WJAS-FM	Pittsburgh Radio Supply House.	99.7	259
	WPIT-FM	Liberty Broadcasting Co.	101.5	268
	WMOT	WWSW, Inc.	94.5	233
	WKJF	W. Virginia Radio Corp.	93.7	229
Pottsville	WPAM-FM	Miners Broadcasting Service.	95.5	238
Reading	WEEU-FM	Hawley Broadcasting Co.	92.9	225
Scranton	WARM-FM	Union Broadcasting Co.	105.7	289
	WGBI-FM	Scranton Broadcasters, Inc.	101.3	267
Sharon	WPIC-FM	Sharon Herald Broadcasting Co.	102.9	275
Sunbury	WKOK-FM	Sunbury Broadcasting Corp.	94.1	231
Uniontown	WMBS-FM	Fayette Broadcasting Corp.	105.7	289
	WNIQ	Uniontown Newspapers, Inc.	105.5	293
Wilkes-Barre	WBRE-FM	Louis G. Baltimore	98.5	253
	WIZZ	Scranton-Wilkes-Barre-Pittston Broadcasting Co., Inc.	103.3	277
Williamsport	WRAK-FM	WRAK, Inc.	100.3	262
York	WHZE	White Rose Broadcasting Co.	98.5	253
	WSBA-FM	Susquehanna Broadcasting Co.	103.3	277
Puerto Rico:				
San Juan	WSJN	Radio Americas Corp.	97.7	249
South Carolina:				
Anderson	WCAC	Wilton E. Hall	101.1	266
Charleston	WTMA-FM	Atlantic Coast Broadcasting Co.	95.1	236
Columbia	WISP	Surety Life Ins. Co.	94.5	233
Greenville	WFBC-FM	The Greenville News Piedmont Co.	93.7	229
	WMRC-FM	Textile Broadcasting Co.	95.1	236
Greenwood	WCRS-FM	Grenco, Inc.	95.7	239
Lancaster	WLSC	Lancaster Broadcasting Co.	107.3	297
Spartanburg	WORD-FM	Spartanburg Broadcasting Co.	100.5	263
	WSPA-FM	Spartanburg Advertising Co.	98.9	255
Tennessee:				
Bristol	WOPI-FM	Radiophone Broadcasting Station WOPI, Inc.	96.9	245
Chattanooga	WAPO-FM	WAPO Broadcasting Service.	94.7	234
	WDOD-FM	WDOD Broadcasting Corp.	96.5	243
	WVUN	Unity Broadcasting Corp. of Tennessee.	98.1	251
Clarksville	WCLC	Leaf Chronicle Co.	106.7	294
	WJZM-FM	William Kleeman	101.9	270
Jackson	WTJS-FM	The Sun Publishing Co., Inc.	100.7	264
Johnson City	WJHL-FM	WJHL, Inc.	100.7	264
Kingsport	WKPT-FM	Kingsport Broadcasting Co., Inc.	98.5	253
Knoxville	WKPB	Knoxville Publishing Co.	93.3	227
	WROL-FM	S. E. Adrock	97.3	247
Memphis	WHHM-FM	Herbert Herff	106.9	295
	WPLO	WMPS, Inc.	97.9	250
	WMC-FM	Memphis Publishing Co.	99.7	259
Nashville	WSM-FM	The National Life & Accident Co.	103.3	277
	WSIX-FM	WSIX Broadcasting Station	97.5	248
Texas:				
Abilene	KRBC-FM	The Reporter Broadcasting Co.	96.9	245
Amarillo	KFDA-FM	Amarillo Broadcasting Corp.	100.3	262
	KGNC-FM	Plains Radio Broadcasting Co.	104.3	282
Beaumont	KRIC-FM	KRIC, Inc.	99.5	258
Belton	KMHB	Mary Hardin-Baylor College	97.1	246
College Station	KAMT	Agricultural & Mechanical College of Texas.	94.1	231
Texas—Con.				
Dallas	KERA	A. H. Belo Corp.	97.9	250
	KIXL-FM	Variety Broadcasting Co., Inc.	101.5	268
	KRLD-FM	KRLD Radio Corp.	92.5	223
	WRR-FM	City of Dallas	101.1	266
Denton	KDNT-FM	Harwell V. Shepard	106.1	291
Fort Worth	KFTG	Lone Star Building Co.	105.3	287
	WBAP-FM	Carter Publications, Inc.	100.5	263
Galveston	KLUF-FM	The KLUF Broadcasting Co., Inc.	98.7	254
Harlingen	KGBS-FM	Harbenito Broadcasting Co., Inc.	94.7	234
Houston	KPRC-FM	Houston Printing Corp.	102.9	275
	KTRH-FM	Lee Segall Broadcasting Co.	105.1	286
	KOPY	KTRH Broadcasting Co.	101.1	266
	KXYZ-FM	Texas Star Broadcasting Co.	97.9	250
		Harris County Broadcasting Co.	96.5	243
Longview	KLTI	R. G. Le Tourneau	105.9	290
Lufkin	KRBA-FM	Darrell E. Yates	95.5	238
San Angelo	KGKL-FM	KGKL, Incorporated	94.5	233
San Antonio	KISS	The Walmac Co.	99.5	258
	KSBL	Southern Broadcasting Corp.	98.1	251
	KTSA-FM	Sunshine Broadcasting Co.	100.5	263
	KYFM	Express Publishing Co.	104.1	281
	WOAI-FM	Southland Industries, Inc.	102.5	273
Temple	KTEM-FM	Bell Broadcasting Co., Inc.	103.9	280
Texarkana	KCMC-FM	KCMC, Inc.	98.1	251
Tyler	KGKB-FM	East Texas Broadcasting Co.	101.5	268
Vernon	KVWC-FM	Northwestern Broadcasting Co.	98.7	254
Wichita Falls	KTRN	Times Publishing Co. of Wichita Falls.	97.3	247
	KWFT-FM	Wichita Broadcasters	99.9	260
Utah:				
Salt Lake City	KDYL-FM	Intermountain Broadcasting Corp.	98.7	254
	KSL-FM	Radio Service Corp. of Utah	100.3	262
Vermont:				
Rutland	WSYB-FM	Philip Weiss Music Co.	107.1	296
Virginia:				
Alexandria	WMIK-FM	Potomac Broadcasting Corp.	98.3	252
Danville	WBTM-FM	Piedmont Broadcasting Corp.	97.9	250
Harrisonburg	WSVA-FM	Shenandoah Valley Broadcasting Corp.	100.7	264
Lynchburg	WLVA-FM	Lynchburg Broadcasting Corp.	97.5	248
	WWOD-FM	Old Dominion Broadcasting Corp.	107.9	300
Newport News	WGH-FM	Hampton Roads Broadcasting Corp.	96.5	243
Norfolk	WTAR-FM	WTAR Radio Corp.	97.3	247
Portsmouth	WSAP-FM	Portsmouth Radio Corp.	99.7	259
	WPOV	Portsmouth Star Pub. Corp.	98.9	255
Richmond	WCOD	Havens & Martin, Inc.	98.1	251
	WLEE-FM	T. G. Tinsley, Jr.	102.9	275
	WRNL-FM	Richmond Radio Corp.	102.1	271
	WRVA-FM	Larus & Bros. Co., Inc.	94.5	233
Roanoke	WDBJ-FM	Times-World Corp.	94.9	235
	WROV-FM	Radio Roanoke, Inc.	103.7	279
	WSLS-FM	Roanoke Broadcasting Corp.	99.1	256
Suffolk	WLPM-FM	Suffolk Broadcasting Corp.	107.7	299
Winchester	WINC-FM	Richard Field Lewis, Jr.	92.5	223
Washington:				
Longview	KWLK-FM	Twin City Broadcasting Corp.	103.9	280
Seattle	KING	Western Waves, Inc.	94.9	235
	KIRO-FM	Queen City Broadcasting Co., Inc.	100.7	264
	KOMO-FM	Fisher's Blend Station, Inc.	98.9	255
	KRSC-FM	Radio Sales Corp.	98.1	251
West Virginia:				
Beckley	WCFC	Beckley Newspapers Corp.	101.3	267
	WJLS-FM	Joe L. Smith, Jr.	99.5	258
Bluefield	WHIS-FM	Daily Telegraph Printing Co.	104.5	283
Huntington	WHTN-FM	Greater Huntington Radio Corp.	100.5	263
	WPLH-FM	Huntington Broadcasting Corp.	102.5	273
	WKYO	Mayflower Broadcasting Co., Inc.	101.7	269
Logan	WLOG-FM	Clarence E. Frey and Robt. O. Greever.	103.3	277
Morgantown	WAJR-FM	West Virginia Radio Corp.	99.3	257
Wheeling	WKWK-FM	Community Broadcasting, Inc.	97.3	247
	WWVA-FM	West Virginia Broadcasting Corp.	98.7	254
Wisconsin:				
Beloit	WBNB	Daily News Publishing Co.	107.3	297
Green Bay	WJPF-FM	Green Bay Newspaper Co.	101.1	266
	WTAQ-FM	WHBY, Inc.	102.5	273
Greenfield	WWCF	Wm. C. Forrest	94.9	235
Janesville	WCLO-FM	Gazette Printing Co.	99.9	260
LaCrosse	WKBH-FM	WKBH, Inc.	98.1	251
Madison	WIBA-FM	Badger Broadcasting Co.	101.5	268
Milwaukee	WEMP-FM	Milwaukee Broadcasting Co.	94.1	231
	WPAW	Midwest Broadcasting Co.	102.1	271
	WTMJ-FM	The Journal Co. (The Milwaukee Journal).	93.3	227
Oshkosh	WOSH-FM	Oshkosh Broadcasting Co.	92.9	225
Racine	WRJN-FM	Racine Broadcasting Corp.	100.7	264
Rice Lake	WJMC-FM	WJMC, Inc.	96.3	242
Sheboygan	WHBL-FM	Press Publishing Co.	100.3	262
Wausau	WRAI	Record-Herald Co.	97.9	250
	WSAU-FM	Northern Broadcasting Co., Inc.	95.5	238
Wisconsin Rapids	WMJT	The Journal Co.	100.7	264
	WFHR-FM	Wm. E. Huffman	103.3	277
Wyoming:				
Cheyenne	KFBA	Frontier Broadcasting Co.	101.1	266

NON-COMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

State and city	Call letters	Licensee or permittee	Frequency mc.	Channel No.
Alabama:				
Tuscaloosa	WUOA	The Board of Trustees of the University of Alabama.	91.7	219
California:				
Los Angeles	KUSC	University of Southern California.	91.5	218
Sacramento	KSCU	Sacramento City Unified School District.	90.9	215
San Francisco	KALW	Board of Education of the San Francisco Unified School District.	91.7	219
Santa Monica	KCRW	Santa Monica School Board	89.9	210
Stockton	KCVN	College of the Pacific	91.3	217
Florida:				
Miami	WTHS	Technical High School, Dade County Board of Public Instruction.	91.7	219
Illinois:				
Chicago	WBEZ	Board of Education, City of Chicago.	91.5	218
Urbana	WIUC	University of Illinois	91.7	219
Indiana:				
Bloomington	WFIU	The Trustees of Indiana University.	90.9	215
Iowa:				
Iowa City	KSUI	The State University of Iowa	91.7	219
Kentucky:				
Lexington	WBKY	University of Kentucky	91.3	217
Louisiana:				
Baton Rouge	WLSU	Board of Supervisors of Louisiana State University & Agricultural & Mechanical College.	91.7	219
Michigan:				
Ann Arbor	WUOM	Regents of the University of Michigan.	91.7	219
Detroit	WDTR	Board of Education of the School District of the City of Detroit.	90.9	215
E. Lansing		Michigan State College	90.5	213
New Jersey:				
Newark	WBGO	Board of Education	91.1	220
South Orange	WSOU	Seton Hall College	89.5	208
New York:				
Floral Park	WSHS	Board of Education, Sewanhaka High School.	90.3	212
Bronx	WFUV	Fordham University	90.7	214
Brooklyn	WNYE	Board of Education, City of New York.	91.5	216
New York	WCUV	Columbia University	89.9	209
Ohio:				
Cleveland	WBOE	Cleveland City Board of Education (Chas. H. Lake, Superintendent).	90.1	210
Toledo	WTDS	Board of Education, Toledo City School District.	91.3	216
Oklahoma:				
Norman	KOKU	State University of Oklahoma	90.9	215
Oklahoma City	KOKH	Board of Education of the City of Oklahoma City, State of Oklahoma.	90.1	211
Stillwater	KOAG	Oklahoma Agricultural & Mechanical College.	91.7	219
Tulsa	KWGS	The University of Tulsa	90.5	213
Oregon:				
Eugene	KRVM	School District No. 4, Lane County, Oreg.	90.1	211
Pennsylvania:				
Philadelphia	WJUN	Junto, Inc.	91.7	219
State College	WEHR	The Pennsylvania State College.	90.9	215
Rhode Island:				
Providence	WPTL	Providence Bible Institute	91.5	218
Texas:				
El Paso	KIDE	The Independent School District of the City of El Paso.	91.7	219
Wisconsin:				
Delafield	WHAD	State of Wisconsin, State Radio Council.	90.7	214
Madison	WHA-FM	State of Wisconsin, State Radio Council.	91.7	219

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5906; Filed, June 20, 1947; 8:51 a. m.]

[Docket Nos. 8129, 8130, 8405]

COMMUNITY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Community Broadcasting Company, St. Cloud, Minnesota, Docket No. 8405, File No. BP-6027; Harry Willard Linder, St. Cloud, Minnesota, Docket No. 8129, File No. BP-5650; Max H. Lavine, St. Cloud, Minnesota, Docket No. 8130, File No. BP-5678; For Construction Permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947.

The Commission having under consideration the above-entitled application of Community Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on 1240 kc., with 250 watts power, unlimited time, at St. Cloud, Minnesota; and

It appearing, That the Commission on February 20, 1947, designated for hearing in a consolidated proceeding the above-entitled applications of Max H. Lavine and Harry Willard Linder each requesting a construction permit for a new standard broadcast station to operate on 1240 kc., with 250 watts power, unlimited time, at St. Cloud, Minnesota;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Community Broadcasting Company be, and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated February 20, 1947, designating the above-entitled application of Max H. Lavine and Harry Willard Linder for hearing in a consolidated proceeding be, and they are hereby, amended to included the said application of Community Broadcasting Company and to change the word "either," appearing in issue No. 7 thereof, to "any."

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE.
Secretary.

[F. R. Doc. 47-5899; Filed, June 20, 1947; 8:49 a. m.]

[Docket No. 8406]

BEAUFORT BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Beaufort Broadcasting Company, Washington, North Carolina, Docket No. 8406, File No. BP-5673, For Construction Permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 w power, unlimited time, at Washington, North Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WGBR Goldsboro, North Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Eastern Carolina Broadcasting Company, Inc., licensee of Station WGBR, Goldsboro, North Carolina, be, and it is hereby, made a party to this proceeding.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5900; Filed, June 20, 1947; 8:49 a. m.]

[Docket Nos. 8407, 8408]

N. K. BROADCASTING CO. AND ROY C. KELLEY

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Nicholas William Kuris and Steven Claud Garcia, a partnership d/b as N.-K. Broadcasting Company, Muskegon, Michigan, Docket No. 8408, File No. BP-6071; Roy C. Kelley, Muskegon, Michigan, Docket No. 8407, File No. BP-4914; For Construction Permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947.

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station to operate on 1490 kc., with 250 w. power, unlimited time, at Muskegon, Michigan;

It is ordered, That, pursuant to Section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant Roy C. Kelley to construct and operate their respective proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the operation proposed by the applicant Roy C. Kelley and of station WOOD at Grand Rapids, Michigan the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5901; Filed, June 20, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 215]

RECONSIGNMENT OF POTATOES AT OMAHA, NEBR.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Omaha, Nebr., June 14, 1947, by Gamble Robinson Co., of following cars, now on the Union Pacific:

Car No.	*To*
PFE 51043, potatoes	Esterville, Ia. (RI)
PFE 40379, potatoes	Minneapolis, Minn. (M&StL)
MDT 5558, potatoes	Fargo, N. D. (Q-GN)
PFE 95495, potatoes	Fountain City, Minn. stop off Winona, Minn. (Q)
PFE 44327, carrots	Mason City, Ia. stop off Ft. Dodge, Ia. (CGW)
PFE 95398, carrots	Esterville, Ia. stop off Waterloo, Ia. (IC-RI)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of June 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-5855; Filed, June 20, 1947; 8:49 a. m.]

[S. O. 396, Special Permit 216]

RECONSIGNMENT OF POTATOES AT DES MOINES, IOWA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Des Moines, Ia., June 12, 1947, by C. H. Robinson, of car PFE 25546, potatoes, now on the CRI&P to Chicago, Ill. (RI).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of June 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-5856; Filed, June 20, 1947; 8:49 a. m.]

[S. O. 396, Special Permit 217]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., June 14, 1947, by Gamble Robinson Co., of following cars potatoes, now on the Santa Fe:

Car No.	*To*
NRC 6877	Mankato, Minn. stop off at Windom, Minn. (MP-Omaha)
SFRD 34392	Ladysmith, Wis. (MP-Soo)
SFRD 24167	Minneapolis, Minn. (MP-IC-M&StL)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of June 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-5857; Filed, June 20, 1947; 8:55 a. m.]

[S. O. 396, Special Permit 218]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill. (Wab), June 16, 1947, by J. Trankina Co., of car PFE 73832, tomatoes, now on the Chicago Produce Terminal, to Leone Fruit & Produce Co., Pittsburgh, Pa. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of June 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-5858; Filed, June 20, 1947; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1505]

MIDDLE WEST CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of June, A .D. 1947.

The Middle West Corporation ("Middle West"), a registered holding company, having filed a declaration, and amendments thereto, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder regarding the following proposed transactions:

Public Service Company of Indiana, Inc. ("Service Company"), a subsidiary of Middle West and parent of Indiana Gas & Water Company, Inc. ("Gas-Water") has adopted a program of distributing to its own common stockholders, in lieu of cash dividends, the shares of common stock of Gas-Water at the quarterly rate of 1/20 share of Gas-Water common on each share of Service Company common. Middle West, as the owner of 224,586 shares (approximately 20.27%) of the common stock of Service Company has received two such quarterly dividends aggregating 22,458⅗ shares of Gas-Water common stock representing 3.74% of the total of such shares outstanding.

Middle West proposes to sell such 22,458⅗ shares of Gas-Water common stock to certain of the directors of Gas-Water and Service Company, or to members of their families, and to a business enterprise, of which one of such directors is President, as set forth in said declaration, as amended, for investment and not for resale or distribution, at a price of $14 per share, for a total consideration of $314,420.40.

Said declaration having been filed on April 18, 1947 and amendments thereto subsequently having been filed, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective; and

The declarant having requested that the Commission's order with respect to said declaration, as amended, become effective as soon as may be reasonably practicable:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that the said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5868; Filed, June 20, 1947; 8:57 a. m.]

[File No. 70-1520]

KENTUCKY UTILITIES CO. ET AL.

ORDER PERMITTING APPLICATIONS-DECLARATIONS TO BECOME EFFECTIVE AND RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of June A. D. 1947.

In the matter of Kentucky Utilities Company, Old Dominion Power Company, and The Middle West Corporation, File No. 70-1520.

Joint applications-declarations, and amendments thereto, having been filed pursuant to the Public Utility Holding Company Act of 1935, and the applicable rules thereunder, by The Middle West Corporation, a registered holding company, Kentucky Utilities Company, a subsidiary of The Middle West Corporation, and Old Dominion Power Company, a subsidiary of Kentucky Utilities Company, proposing a recapitulation of Kentucky Utilities Company and of Old Dominion Power Company and related transactions; and

A hearing having been held in such matter and the Commission having considered the record and having made and filed its findings herein:

It is ordered, That said applications-declarations, as amended, be, and hereby are, granted and permitted to become effective, subject, however, to the terms

and conditions prescribed in Rule U-24 of the general rules and regulations under the Public Utility Holding Company Act of 1935 and subject further to the following terms and conditions:

(a) That the proposed issue and sale of bonds and preferred stock by Kentucky Utilities Company, pursuant to Rule U-50, shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose.

(b) That in respect of the application for exemption pursuant to section 6 (b) of the issue and sale of securities by Old Dominion Power Company, the granting thereof shall become effective upon receipt by this Commission of a certified copy of an appropriate order of the State Corporation Commission of Virginia authorizing such issue and sale.

It is further ordered, That, in accordance with the request of Kentucky Utilities Company, the ten-day period for inviting bids as provided in Rule U-50, be, and hereby is, shortened to a period of not less than six days.

It is further ordered, That, except as indicated by the foregoing, this order become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5866; Filed, June 20, 1947; 8:56 a. m.]

[File No. 70-1523]

NEW ENGLAND POWER ASSN.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of June A. D. 1947.

New England Power Association, a registered holding company, having filed a declaration, pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, with respect to the following transactions:

New England Power Association proposes to guarantee performance of a lease to be entered into between Dartmouth Corporation, a non-affiliated company, and New England Power Service Company, a wholly owned subsidiary of declarant, of certain premises located at 441 Stuart Street, Boston, Massachusetts, which declarant now occupies. The proposed new lease is for a term of 15 years commencing July 1, 1947, with an option to renew for a further period of 5 years or 10 years, as New England Power Service Company elects by July 1, 1961 with the assent of New England Power Association. The stipulated rental for the initial 15-year term is to be $207,000 annually and thereafter $207,000 plus any amount by which the then fair yearly rental value of the space, as determined by appraisers, exceeds such yearly rental during the initial term.

Said declaration having been filed May 13, 1947 and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant a request of declarant that the order become effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5870; Filed, June 20, 1947; 8:58 a. m.]

[File No. 70-1542]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of June, 1947.

Notice is hereby given that a joint declaration and application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by The Milwaukee Electric Railway & Transport Company ("Transport"), a wholy-owned subsidiary of Wisconsin Electric Power Company ("Electric"), a subsidiary holding company of The North American Company, a registered holding company. Declarants-applicants have designated section 12 (c) and Rule U-42 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 25, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration-application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 25, 1947 said joint declaration-application, as filed or as amended, may be permitted to become effective or be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt all of the proposed transactions or any of them as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said joint declaration-application which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Transport proposes to redeem prior to January 1, 1948, at the principal amount thereof plus accrued interest, the balance, aggregating $4,000,000 in principal amount, of its First Mortgage 4% Bonds, held by Electric. Such redemption is contingent upon and will be made simultaneously with the receipt of the proceeds from the proposed sale by Transport of substantially all of its operating properties, consisting principally of its Milwaukee Metropolitan System, its bus lines operated in the City of Milwaukee and known as Wisconsin Motor Bus Lines, its local suburban railway service and certain properties incidental to such operations.

The proposed sale of such transportation properties is to be made pursuant to the terms and conditions of a competitive bidding procedure adopted by the company, under the terms of which procedure sealed written proposals for the purchase of such properties are to be submitted to the company not later than 12:00 noon, central standard time, July 21, 1947, at Room 444, Public Service Building, 231 West Michigan Street, Milwaukee 1, Wisconsin.

With respect to the proposed sale of the transportation properties by Transport, declarants-applicants state that they do not feel that any section of the act or rules of the Commission requires the approval of the Commission for such sale, but if the Commission should determine that the provisions of subdivision (c) of Rule U-44 are applicable, then their application shall be deemed to be a notice of intention by Transport to invite competitive bids and to sell such properties as described therein. In connection with such sale the declarants-applicants have requested that the proposed sale be exempted from the provisions of Rule U-44 (c) under the provisions of Rule U-100, in the event the Commission deems the provisions of Rule U-44 applicable to such sale.

Electric seeks authorization to surrender the bonds to Transport upon the basis above described.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5867; Filed, June 20, 1947; 8:57 a. m.]

[File No. 812-498]

BANKERS SECURITIES CORP. AND ALBERT M. GREENFIELD & CO.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of June A. D. 1947.

Notice is hereby given that Bankers Securities Corporation ("Bankers"), and Albert M. Greenfield & Co. ("Greenfield & Co.") have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from section 17 (e) (1) of the act, the proposed receipt of $37,000 by Greenfield & Co. as a real estate brokerage fee for services rendered in negotiating the sale of No. 315-31 North Broad Street, Philadelphia, Pennsylvania.

Bankers is a closed-end management non-diversified investment company and is registered under the Investment Company Act of 1940.

Greenfield & Co. is a fully licensed real estate broker under the laws of Pennsylvania. Greenfield & Co. and Bankers are affiliated persons.

Greenfield & Co. as agent negotiated an agreement of sale of the aforesaid real estate beneficially owned by Bankers to Woodmen of the World Life Insurance Society for $740,000. Bankers agreed to pay Greenfield & Co. a commission of 5% of the selling price, or $37,000 of which Greenfield & Co. has agreed to pay $8,000 to a non-affiliated cooperating broker and to pay $5,000 for certain expenses. Payment of such commission is prohibited by section 17 (e) (1) of the act unless an exemption therefrom is granted by the Commission pursuant to section 6 (c). The applicants assert that an exemption is necessary or appropriate within the standards set forth in section 6 (c) of the act.

All interested persons are referred to said application which is on file in the office of this Commission for a more detailed statement of the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that, upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination: Whether and the extent to which an exemption from section 17 (e) (1) of the act so as to permit the receipt by Greenfield & Co. of a commission of 5% of the selling price in connection with the transaction hereinbefore referred to is necessary or appropriate in the public interest and consistent with the protection of investors and with the purposes fairly intended by the policy and provisions of the Act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of the said act, that a public hearing on the aforesaid matter be held on June 30, 1947 at 9:30 a. m. eastern daylight saving time in Room 318 in the Securities and Exchange Commission building, 18th and Locust Streets, Philadelphia 3, Pennsylvania;

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named applicants, Bankers Securities Corporation and Albert M. Greenfield & Co., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before June 27, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid applications.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5869; Filed, June 20, 1947; 8:58 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9068]

EXPORTKREDITBANK A. G.

In Re: Stock, bonds, and other property owned by and debts or other obligations owing to Exportkreditbank A. G. F-28-180-A-6; F-28-180-C-2; F-28-180-E-7.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

I. That Exportkreditbank A. G., whose last known address is Kanonierstrasse 17-20, Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

II. That the propery described as follows:

1. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in the aforesaid exhibit, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in accounts numbered B23944 and B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with all declared and unpaid dividends thereon,

2. Those certain bonds in bearer form described in Exhibit B, attached hereto and by reference made a part hereof, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in accounts numbered B23944 and B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

3. Those certain certificates of deposit described in Exhibit C, attached hereto and by reference made a part hereof, representing the bond issues described in the aforesaid exhibit, which certificates of deposit are presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in accounts numbered B23944 and B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

4. Six (6) coupons, detached from Miag Mill Machinery Company Closed Mortgage Sinking Fund 7% bonds numbered 40 and 2574, each in the amount of $35.00, having become due December 1, 1939, June 1, 1940 and December 1, 1940, and presently in the custody of the National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B25294 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, Sub-A/C Coupon Dept., together with any and all rights thereunder and thereto,

5. Fifteen coupons, detached from German Central Bank for Agriculture 6% bonds numbered 1239, 7187, 8558, 9536 and 9925, each in the amount of $30.00, having become due April 15, 1937, September 15, 1937 and April 15, 1938, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

6. Those coupons, detached from Hungarian Municipal 7% bonds numbered 624, 656, and 657, in the aggregate sum of $577.50, having become due July 1, 1932 through July 1, 1937 inclusive, which coupons are presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

7. One (1) New York Title & Mortgage Company mortgage participation certificate, of $4,000 face value, participating in a 5½% Series BX15 Guaranteed 1st mortgage, said participation certificate bearing the number 118, registered in the name of Fidelity & Deposit Company of Maryland, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945 entitled Ex-

portkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

8. Five (5) Pennsylvania Building Incorporated mortgage participation certificates, participating in a 4% Second Income 20-year mortgage, said participation certificates registered in the name of Friedrich Zimmermann, of the face value, numbered, and in the amounts as follows:

No.	Face value	Number of shares
C 1848	$100	1
C 1849	100	1
C 1850	100	1
C 1851	100	1
M 970	1,000	10

and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

9. One (1) 1404 East Ninth Company participation certificate, for ten (10) shares of capital stock of no par value, bearing the number 228, registered in the name of Norddeutsche Bank in Hamburg, which participation certificate is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

10. One (1) National Bondholders Corporation participation certificate, of $1,000.00 face value, participating in a 5% Federal Home C Series mortgage, said participation certificate bearing the number FHC321, registered in the name of Marie Huemmeler and Antoine Huemmeler, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

11. One (1) executed assignment of claim, dated June 10, 1937, signed by St. Louis Union Trust Company, covering two (2) Michigan-Ohio Building Corporation 1st Mortgage Leasehold and Building 6½% Gold bonds, of $1,000.00 face value each, which executed assignment of claim is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

12. Twenty-five (25) United States of Brazil fractional certificates, for 20-year 5% Funding bonds of 1931, of the face values and numbered as follows:

Number	Face value
GX11488, FX3433, GX597, GX598 (each)	$32.50
BP2843, CP1202, DP986, FP1095, EP1655, GP771 (each)	16.25
F802	80.00
G7553	20.00
16913, 16914, 16915, 8453, 7904, 7905, 7906, 7907, 2476, 2477, 2478, 2479, 2480 (each)	100.00

which fractional certificates are presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

13. One (1) Province of Buenos Aires arrears certificate, for Secured Sinking Fund 7% Bond, of 36¢ face value, in bearer form, bearing the number 3883, which arrears certificate is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

14. One (1) City Bank Farmers Trust Company window receipt, for one German Central Bank for Agriculture Farm Loan Secured Sinking Fund 4% Series A Bond, of $2,000.00 face value, bearing the number 30722, which window receipt is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

15. Fifty (50) Konversionskasse fur Deutsche Auslandeschulden fractional certificates, for 3% Bonds, of the series, face value, and numbered as follows:

Series	No.	Face value
B	277562, 283455, 283456, 283457, 283811, 285812, 287171, 287172.	$20.00
	122482, 122847	10.00
	066387	5.00
	035217, 034387	2.50
C	053718, 053717	20.00
	025966	10.00
	010608, 010637	5.00
	005434	2.50
D	027402, 027403	20.00
	018935	10.00
	011219	500.00
	059087, 059088, 059089, 59109, 59110, 59111, 59807, 59808, 59809, 59086, 59960, 59961, 59962, 60928, 60902, 67328, 69592, 70377, 75818, 76288, 76469, 78366, 78449, 78464, 78543, 79351, 81569.	100.00

which fractional certificates are presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

16. One (1) National Railways of Mexico scrip certificate, for Secured 3-year 6% note, of $11.25 face value, bearing the number F23, which scrip certificate is presently in the custody of the National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945, entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

17. One (1) United States of Mexico deposit receipt, for Class A bonds due January 1, 1968, of $437.40 face value, bearing the number S1356, which deposit receipt is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23945 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

18. One (1) Maxwell Motor Company, Inc. fractional scrip certificate, in bearer form, bearing the number 2357, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

19. One (1) Residuum Reclamation Corporation voting trust certificate, representing one hundred (100) shares of no par value common stock, bearing the number A481, registered in the name of R. M. Lowitz, which voting trust certificate is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

20. One (1) St. Louis and O'Fallon Coal Company deposit receipt, for eighteen (18) shares of $100.00 par value capital stock, bearing the number 33, registered in the name of Johannes (Hans) Kluku, which deposit receipt is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

21. One (1) St. Louis & O'Fallon Railway Company deposit receipt, for fifty-one (51) shares of $100.00 par value capital stock, bearing the number 36, registered in the name of Johannes (Hans) Kluku, which deposit receipt is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

22. One (1) Seaboard Trust Company voting trust certificate, for one (1) share of capital stock, bearing the number

V97563, registered in the name of Alois Weltinger, which voting trust certificate is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

23. One (1) certificate, representing five (5) International Fire Prevention Company fully paid equities of $25.00 par value each, bearing the number 31, registered in the name of Frieda Meffert, which certificate is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

24. One (1) St. Louis Southwestern Railway Company receipt, for 1st Mortgage 4% Bond, of $30.00 face value, in bearer form, bearing the number 1456, which receipt is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

25. One (1) St. Louis Southwestern Railway Company receipt, for 2nd Mortgage 4% Income Certificate, of $250.00 face value, in bearer form, bearing the number 1180, which receipt is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in acount number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

26. One (1) Austin State Bank certificate of beneficial interest, of $200.46 face value, bearing the number 6603, registered in the name of Mrs. Helene Gerlach, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

27. Two (2) Seaboard Trust Company certificates of beneficial interest, registered in the name of Aloise Weltinger, of the face values and numbered as follows:

No.	Face value
A6970	$1,250.00
A6968	1,353.86

which certificates of beneficial interest are presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

28. One (1) Seaboard Trust Company trust certificate, of $8.42 face value, bearing the number TC9647, registered in the name of Aloise Weltinger, which trust certificate is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

29. One (1) Seaboard Trust Company trust receipt, of $92.63 face value, bearing the number TR11326, registered in the name of Aloise Weltinger, which trust receipt is presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

30. Five (5) Kreuger & Toll Co. debentures, for 154 shares of American Certificates of Participation, of the par value, certificate numbers, and registration as follows:

Shares	Certificate No.	Par value	Registered owners
2	NY/O-101745	SC 20	Tucker & Co.
5	NY/O-101746	SC 20	Do.
3	NY/O-101747	SC 20	Do.
20	NY/O-101748	SC 20	Do.
124	NY/O-99818	SC 20	J. & W. Seligmann & Co.

which debentures are presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers account for Custody, together with any and all rights thereunder and thereto,

31. Those certain checks or other credit instruments, endorsed by Exportkreditbank A. G., Berlin, Germany to the order of The National City Bank of New York, 55 Wall Street, New York 15, New York, and presently in the custody of the aforesaid The National City Bank of New York for collection and credit to the aforesaid Exportkreditbank A. G., which checks or other credit instruments are identified in Exhibit D, attached hereto and by reference made a part hereof, together with all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment, of the aforesaid checks or other credit instruments, and any and all rights to demand, enforce and collect the same,

32. One (1) check, dated April 8, 1941, of $50.00 face value, bearing the number 14647, drawn by Universum Book Export Company, Incorporated, 46 East 17th Street, New York, New York, endorsed to the order of The National City Bank of New York, 55 Wall Street, New York 15, New York by Exportkreditbank A. G., Berlin, Germany, and presently in the custody of the aforesaid The National City Bank of New York, together with all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment, of the aforesaid check, and any and all rights to demand, enforce and collect the same,

33. That certain debt or other obligation owing to Exportkreditbank A. G., by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a clean credit deposit account, account number 296EE, entitled Exportkreditbank A. G., Sub Account Customers A/C for Custody, General Ruling No. 6 A/C, Berlin, Germany, and any and all rights to demand, enforce and collect the same,

34. That certain debt or other obligation owing to Exportkreditbank A. G., by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a clean credit deposit account, account number 295EE, entitled Exportkreditbank A. G., Sub-Account Special Customers A/C for Custody, General Ruling No. 6 A/C, Berlin, Germany, and any and all rights to demand, enforce and collect the same, and

35. That certain debt or other obligation owing to Exportkreditbank A. G., by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a clean credit deposit account, account number 297EE, entitled Exportkreditbank A. G., Sub A/C Customers A/C for Custody, Berlin, Germany, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

III. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares	Registered owner
Anaconda Copper Mining Co., 25 Broadway, New York 4, N. Y.	Montana	Capital	$50	F 566230	20	Hurley & Co.
Chicago, Rock Island & Pacific Ry. Co., 139 Van Buren St., Chicago, Ill.	Illinois, Iowa	6% preferred	$100	D 42893	20	Do.
Missouri Pacific R. R. Co., Missouri Pacific Bldg., St. Louis, Mo.	Missouri	Preferred	$100	066056	5	Do.
Philadelphia Co., 435 6th Ave., Pittsburgh 19, Pa.	Pennsylvania	6% cumulative preferred	$50	NR 10078	33	Do.
Radio Corp. of America, R. C. A. Bldg., 30 Rockefeller Plaza, New York 20, N. Y.	Delaware	Common	No	FR/C 19754	25	Do.
Allegheny Corp., Terminal Tower Bldg., Cleveland, Ohio.	New Jersey	....do	No	C 017000	50	L. D. Pickering & Co.
American Commonwealths Power Corp.	Delaware	....do	No	NA 021827	1	Sigler & Co.
American Electric Securities Corp., 20 Pine St., New York, N. Y.	....do	Class A		CA 084036	1	
		Common	$1	C 0227	20	L. D. Pickering & Co.
				C 25	100	
American Power & Light Co., 2 Rector St., New York, N. Y.	Maine	....do	No	S 94712	19/20ths	Hurley & Co.
				0161137	10	
American Radiator & Standard Sanitary Corp., 40 West 40th St., New York, N. Y.	Delaware	....do	No	C 094796	5	Gerda Finster Busch.
				C 0400593	11	Hurley & Co.
American Telephone & Telegraph Co., 195 Broadway, New York 7, N. Y.	New York	Capital	$100	HN 69184	7 each	Barnes & Co.
				HN 69185	8 each	
				SN 73392	3	
				A 279851	28	Hurley & Co.
American Window Glass Co., Farmers Bank Bldg., Pittsburgh, Pa.	Pennsylvania	5% cumulative preferred	$100	A 5319	40	Ellsworth Jordan ancillary, administrator c. t. a. of the Estate of Leo Brenning, deceased.
American Yvette Co., Inc., 111 8th Ave., New York, N. Y.	Delaware	$2 convertible cumulative preferred.	No	CP 07774	50	Hurley & Co.
Anaconda Copper Mining Co., 25 Broadway, New York 4, N. Y.	Montana	Capital	$50	F 933104	20	Do.
				F 776793	30	
				F 929167	26	
				F 89173	1	
				F 177384	50	Emanuel Hess.
				F 341227	20	
				E 212513	10	Henrich Frugerhut.
The Atchison, Topeka & Santa Fe Ry. Co., Topeka, Kans.	Kansas	Common	$100	A 396999	40	Otto Rennan.
The Baltimore & Ohio R. R. Co., B. & O. Bldg., Baltimore, Md.	Maryland	....do	$100	A 529694	5	Tucker & Co.
				A 534915	18	
				A 534914	49	
				A 529479	37	Hurley & Co.
				A 530840	2	
				A 533298	1	
				A 542222	4	Tucker & Co.
				A 397333	30	Otto Rennan.
				A 430565	5	Hallgarten & Co.
				D 212235	10	
The Baltimore & Ohio R. R. Co., B. & O. Bldg., Baltimore, Md.	....do	4% non-cumulative preferred	$100	B 98968	2	Tucker & Co.
				B 81832	1	Hallgarten & Co.
Buzza Co., Minneapolis, Minn.	Delaware	75¢ non-cumulative class A	$1	935	12	Tucker & Co.
				936	8	
Castelreagh Corp., 6820 Delmar Ave., St. Louis, Mo.	Missouri	Capital	No	148	3/4ths	Hurley & Co.
				147	1	
Central Coal & Coke Corp., Title & Trust Bldg., Topeka, Kans.	Delaware	Common	$1	3479	20	Do.
Central States Electric Corp., Richmond Trust Bldg., Richmond, Va.	Virginia	6% cumulative preferred	$100	NY 6/SPO8422, NY 6/SPO8423, NY 6/SPO8424.	10 each	Tucker & Co.
Chicago, Burlington & Quincy R. R. Co., Chicago, Ill.	Illinois	Capital	$100	43640	29	Hurley & Co.
Chicago & Eastern Illinois Ry. Co., 332 South Michigan Ave., Chicago, Ill.	Indiana	6% cumulative preferred	$100	014915	10	Tucker & Co.
Chicago, Milwaukee, St. Paul & Pacific R. R. Co., Union Station Bldg., Chicago 6, Ill.	Wisconsin	Common	No	C 030012	30	Do.
				C 030013	5	
				C 028772	15	Hurley & Co.
Chicago, Milwaukee, St. Paul & Pacific R. R. Co., Union Station Bldg., Chicago 6, Ill.	....do	Preferred	$100	P 019746	10	Do.
Cities Service Co., 60 Wall St., New York 5, N. Y.	Delaware	Common	$10	LD 37839	2	Tucker & Co.
Comas Cigarette Machine Co., Salem, Va.	Virginia	Capital	$50	281	130	Hurley & Co.
				401	100	
				402	30	
Commonwealth & Southern Corp., 902 Market St., Wilmington, Del.	Delaware	Common	No	464288	25	Tucker & Co.
Commonwealth Trust Co., St. Louis, Mo.	Missouri	Capital	$100	10780	7/8	Hurley & Co.
Consolidated Corp.	Nevada	Class B	No	169	50	Tucker & Co.
				170	100	
Continental Securities Corp., 10 Light St., Baltimore, Md.	Maryland	$5 cumulative preferred	$100	NP X0329	15	Do.
Dallas Hotel Co.	Texas	Common	$100	357	109	Hurley & Co.
Do	....do	5% cumulative preferred	$100	71	345	Do.
Davis Daly Copper Co.	Maine	Capital	$1	B 21471	100	C. Schlesinger Frer & Co.
The Denver & Rio Grande Western RR. Co., Rio Grande Bldg., Denver 2, Colo.	Delaware	6% cumulative preferred	$100	TF 14684, 14447, 14448, 14449.	2 each	Hurley & Co.
				TF 14738, TF 14739, TF 14740, TF 14741, TF 14742.	1 each	Tucker & Co.
				14751	2	
				14743, 14744, 14745, 14746, 14747, 14752.	5 each	
				14748	10	
				14749, 14750	13 each	
Detroit Harbor Terminals, Inc., 4461 West Jefferson Ave., Detroit, Mich.	Michigan	Common	No	CO 1540	5	Henry Kroesmann.
Falcon Lead Mining Co.	New York	Capital	$1	17540, 17541	100 each	Miss Margaretha Senftleben.
First National Co., Broadway and Locust Sts., St. Louis, Mo.	....do	....do	No	A 2911	17/100ths	Hurley & Co.
				2934	45/100ths	
				3036	31/100ths	Dr. August Eick.
Florence Avenue Building and Loan Association, Clifton, N. J.	New Jersey	Paid-up; redeemable at $200 per share.	No	1314	1	Erich Hogelhumer.
Frink Corp., 23-10 Bridge Plaza South, Long Island City, N. Y.	New York	Coumon	$1	204	2 3/4ths	Hurley & Co.
Golden Gate Manufacturing Co., Inc.	....do	Capital	$20	NO 28	40	Do.
Grisby Grunow Co., 5801 Dickens Ave., Chicago, Ill.	Illinois	Common	No	NO 04914	9	Hallgarten & Co.
Great Northern Ry. Co., Great Northern Bldg., St. Paul, Minn.	Minnesota	$6 noncumulative preferred	No	NO 01055	4	Hurley & Co.

EXHIBIT A—Continued

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares	Registered owner
Havana Electric Ry. Co., Havana, Cuba		6% cumulative preferred	$100	NY 01268	50	Tucker & Co.
Havana Electric Ry. Co., Havana, Cuba		Common	No	NY 01506	55	Do.
Illinois Central R. R. Co., 135 East 11th Pl., Chicago, 5, Ill.	Illinois	....do	$100	F 219411	10	Do.
				0145464	35	Carl Gelpke, trustees, U/w Adolph W. Farenhaltz.
International Telephone & Telegraph Corp., 67 Broad St., New York 4, N. Y.	Maryland	Capital	No	NN/F 475516	10	Werner Nissen.
International Telephone & Telegraph Corp., 67 Broad St., New York 4, N. Y.	....do	Capital (foreign)	No	NN/AF 1218	10	Hurley & Co.
Lilly Busch Estate Corp.	Missouri	Capital	$1	32	10,000	Do.
Missouri Pacific RR Co., Missouri Pacific Bldg., St. Louis, Mo.	....do	5% cumulative preferred	$100	077148	31	Do.
				075726	61	
				077679	18	
				49063	100	
				018172	5	Gustave Brunner
				077690	40	Tucker & Co.
				077689	50	
				032389	20	Hallgarten & Co.
				05845, 05846	1 each	Den Norske Handels bank.
Missouri State Life Insurance Co., 1501 Locust St., St. Louis, Mo.	....do	Capital	$10	D 7607/21	100 each	Schmidt & Co.
National Hotel of Cuba Corp., 55 Wall St., New York, N. Y.	Delaware	New common	No	NY/CQ-4041	1	Hurley & Co.
Norfolk & Western Railway Co., Roanoke, Va.	Virginia	Common	$100	129950	6	Do.
North American Co., 60 Broadway, New York, 4, N. Y.	New Jersey	....do	$10	M 41723	16	Do.
Northern Pacific Ry. Co., St. Paul, Minn.	Wisconsin	....do	$100	B 216102	10	Do.
				C 363540	5	
				C 362909	5	
North Texas Compress & Warehouse Co., Gransville, Tex.	Texas	Capital	$100	90	1	Do.
Odol Corp.	Delaware	Common	No	NO 290	10	Snydam & Co.
Ohio Copper Co. of Utah, Dooley Bldg., Salt Lake City, Utah.	Maine	Capital	$1	84490/95, 84511/12	100 each	Arthur Watjen.
				115824/32	100 each	Sigler & Co.
Radio Corp. of America, R. C. A. Bldg., 30 Rockefeller Plaza, New York 20, N. Y.	Delaware	Common	No	FR/C 28152	2	Hurley & Co.
				FR/C 31551	1	
				FR/C 19759		
				FR/C 19760		
				FR/C 19761	25 each	
Red Hand Compositions, Co., Inc.	New York	Capital	$100	253	7	Hedwig Heyl
				52	15	
St. Louis Union Trust Co., 323 North Broadway, St. Louis, Mo.	Missouri	....do	$20	NO 11091	100	Hurley & Co
St. Louis Independent Liquidating Co., St. Louis, Mo.	....do	Common	No	NO 486	10	Dr. August Eick
St. Louis Refrigerator Car Co. of St. Louis, St. Louis, Mo.		Capital	$100	551	18	Hurley & Co.
Southern Pacific Co., 165 Broadway, New York, N. Y.	Kentucky	Common	No	NB 2075	10	Do.
				NC 7872	11	
				7868	8	
				7870	3	
				7869	50	
				7871	25	
Steel Products Corp. of America	Delaware	....do	No	NY 1284	25	R. M. Lowitz
Hugo Stinnes Corp., 10 Light St., Baltimore, Md.	Maryland	Capital	$5	NY 09798	10	Hurley & Co.
Studebaker Corp., South Bend 27, Ind.	Delaware	Common	No	NY/B 174064	10	Do.
Texas Textile Mills, Dallas, Tex.	Texas	New Common	No	503 C	46 88/100ths	Weber & Co.
United Fruit Co., 1 Federal St., Boston, Mass.	New Jersey	Common	No	K 058264	30	Hurley & Co.
				K 057971	20	
United States Steel Corp., 71 Broadway, New York, N. Y.	....do	....do	No	P 129708	5	Do.
				P 192792	1	
Yale & Towne Manufacturing Co., 405 Lexington Ave., New York, N. Y.	Connecticut	Capital	$25	KF 21819	5	Karl Josef Phillipps.
Crow's Nest Pass Coal Co., Ltd., Fernie, British Columbia, Canada.	Canada	....do	$100	B 07351	36	Hurley & Co.
Rudolph Karstadt Fehrbelliner Platz 1, Berlin, Wilmersdorf, Germany.	Germany	....do	RM 2½	N 03922	30	Tucker & Co.
Kreuger & Toll Co., Stockholm, Sweden	Sweden	American certificates	SC 20	NY/097355	68	Hurley & Co.
				NY/139029	100	
Lautaro Nitrate Co., Ltd.	England	Series A, ordinary	1	7452	86	Do.
Rhine Westphalia Electric Power Corp., Essen, Germany.	Germany	Common (American)	RM 100	0920	10	Do.

EXHIBIT B

Description of issue	Face value	Certificate No.
Batavian Petroleum Co. 15-year guaranteed debenture 4½ percent bonds	3 @ $1,000	17699, 303, 17059.
Baltimore & Ohio RR. Co. refunding and general mortgage series A 5 percent bonds	2 @ $1,000	35403, 43092.
	4 @ $500	1150, 634, 635, 396.
Village of Celina, Ohio, street improvement 5 percent bond	1 @ $850	13.
	1 @ $850	15.
Chicago Great Western RR. Co. first mortgage 50-year 4 percent bond	1 @ $1,000	12022.
Denver & Rio Grande Western RR. Co. general mortgage sinking fund 5 percent bonds	9 @ $100	1783/4, 1790/4, 1781, 1782.
	9 @ $500	808/14, 798, 816.
	8 @ $1,000	19211, 20653, 13599, 13618/22.
German American Stoneware Works first mortgage 5 percent bond	1 @ $100	139.
Good Hope Steel & Iron Works 20-year sinking fund 7 percent mortgage bonds	5 @ $1,000	7054, 7055, 7056, 6121, 6122.
Missouri-Kansas-Texas RR. Co. prior lien mortgage series A 5 percent bond	1 @ $100	C 725.
Missouri-Kansas-Texas R. R. Co., cumulative adjustment mortgage series A 5 percent bonds.	2 @ $1,000	49290, 49261.
St. Louis-San Francisco Ry. Co., prior lien mortgage series A 4 percent bonds	16 @ $1,000	4499, 4500, 8037, 8039, 8040, 8041, 8549, 8086, 8987, 8988, 10049, 10050, 30400, 85205, 85206, 89090.
	22 @ $500	1589, 6525, 6532, 6559, 6567, 6668, 6630, 6633, 6639, 6650, 6656, 6657, 6660, 6666, 6682, 6697, 6717, 6738, 6739, 6774, 6775, 6875.
	52 @ $250	166, 5636, 5844, 6786, 7481, 7524, 7738, 7759, 7872, 8045, 8052, 8063, 8065, 8099, 8110, 8156, 8172, 8250, 8253, 8255, 8288, 8289, 8290, 8331, 8340, 8342, 8345, 8346, 8347, 8349, 8353, 8358, 8359, 8449, 8450, 8575, 8577, 8645, 8655, 8659, 8668, 8690, 8748, 8767, 8777, 8786, 8789, 8838, 8839, 8840, 8867, 8868.
	45 @ $100	4501, 4539, 4540, 4541, 4542, 4543, 4544, 4545, 4546, 4634, 4635, 4637, 4638, 4639, 4640, 4641, 4642, 4643, 4644, 4650, 4662, 4663, 4664, 4665, 4666, 4672, 4673, 4674, 4686, 4697, 4698, 4755, 4756, 4877, 4878, 4879, 4880, 4881, 4929, 4969, 4970, 4971, 4972, 4973, 4636.

EXHIBIT B—Continued

Description of issue	Face value	Certificate No.
Chicago, Milwaukee, St. Paul & Pacific R. R. Co. series A 5 percent mortgage bonds	4 @ $100	C39166, C11558, C11559, C18982.
	1 @ $500	D2446.
Southern Pacific Co. (San Francisco Terminal) first mortgage 4 percent bond	1 @ $500	7330.
United States of Brazil external sinking fund 6½ percent bonds of 1927	3 @ $1,000	4920, 20928, 15648.
	2 @ $500	1199, 2301.
United States of Brazil external sinking fund 6½ percent bonds of 1926	5 @ $1,000	23142, 21141, 18499, 18500, 12247.
Canadian Pacific Ry. Co. consolidated debenture perpetual 4 percent bonds	2 @ $1,000	22740, 22741.
Republic of Chile sinking fund 20-year 7 percent bond	1 @ $1,000	6552.
Republic of Chile external sinking fund 6 percent bond	1 @ $1,000	9149.
Chilean consolidated municipal loan 31-year external sinking fund series A 7 percent bond.	1 @ $1,000	10878.
Republic of Chile railway external refunding sinking fund 6 percent bond	1 @ $1,000	4477.
Republic of Chile external sinking fund 6 percent bonds	4 @ $1,000	10414, 10435, 10406, 10407.
City of Cologne, Germany, sinking fund 6½ percent bond	1 @ $1,000	5448.
Republic of Columbia external sinking fund 6 percent bonds	2 @ $1,000	1265, 9928.
Consolidated Municipalities of Baden external sinking fund 7 percent bonds	1 @ $1,000	2027.
	3 @ $500	81, 264, 173.
Republic of Costa Rica Pacific Railway of 1933 5 percent bonds	2 @ $500	1109, 1110.
Republic of Costa Rica Pacific Railway series C 7½ percent bond	1 @ $1,000	87.
Republic of Costa Rica Pacific Railway series D 7½ percent bond	1 @ $1,000	82.
Czechoslovak State Loan of 1922 secured external sinking fund series B 8 percent bonds	16 @ $1,000	268, 1400, 1792, 1753, 1754, 1755, 2667, 2669, 4078, 6277, 6279, 7203, 7339, 7360, 7947, 8131.
Danzig Port and Waterways Board secured external sinking fund 6½ percent bond	1 @ $1,000	342.
Kingdom of Denmark external sinking fund 34-year 4½ percent bonds	4 @ $1,000	50045, 1945, 33315, 47379.
General Electric Company of Germany sinking fund debenture 20-year 7 percent bonds.	7 @ $1,000	8094, 1952, 2523, 5827, 7768, 7742, 8994.
German Central Bank for Agriculture farm loan secured sinking fund first, series, 6 percent bond.	1 @ $1,000	23231.
German Central Bank for Agriculture farm loan secured sinking fund of 1927 second series, 6 percent bonds	8 @ $500	2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526.
	1 @ $1,000	6661.
German External Loan of 1924, 7 percent bonds	1 @ $1,000	C044419.
	2 @ $500	B7022–B7073.
	5 @ $100	A3722, 2768, 2329, 1378, 0095.
City of Heidelberg, Germany, external sinking fund 25-year 7½ percent bond	1 @ $1,000	284.
Imperial Japanese Government external loan of 1924 sinking fund 30-year 6½ percent bonds.	3 @ $1,000	50260, 52226, 13871.
Italian Public Utility Credit Institute external secured sinking fund 7 percent bond	1 @ $100	5999.
Konversionskasse fur Deutsche Auslandsschulden noninterest bearing certificates of the following issues:	1 @ $1,000	10257.
1934–Series A	7 @ RM 10	0411735, 0217408, 0217409, 0217410, 0217411, 0217412, 0217413.
	10 @ RM 40	0369724, 0369714, 0369715, 0369716, 0369717, 0369718, 0369719, 0369720, 0369721, 0369722.
1934–Series B	8 @ RM 50	283429, 283473, 283474, 283475, 284053, 284054, 284055, 283425.
	12 @ RM 5	1433047, 1245917, 1245918, 1245919, 1245920, 1245921, 1245922, 1245923, 1245924, 1245925, 1245926, 1245927.
1934–Series C	6 @ RM 10	0903854, 0903855, 0903856, 903853, 903854, 903855.
	3 @ RM 50	409074, 409075, 409076.
1934–Series D	1 @ RM 5	3355472.
	4 @ RM 10	1353554, 1353555, 1353556, 1353557.
1934–Series E	9 @ RM 5	4137140, 4137141, 4137142, 4137143, 4137144, 4137145, 4137146, 4137147, 4137148.
1934—Series E	3 @ RM 10	1521276, 1579071, 1579069.
	1 @ RM 50	597837.
1933—Series B	5 @ RM 10	0644989, 0644990, 0644991, 0644992, 0644993.
	9 @ RM 5	1250275, 1250276, 1250277, 1250278, 1250279, 1250280, 1250281, 1250282, 1250283.
1933—Series D	1 @ RM 40	0295511.
1933—Series C	1 @ RM 5	1009018.
Konversionskasse fur Deutsche Auslandsschulden series A 3 percent bond	1 @ RM 54	12797.
Konversionskasse fur Deutsche Auslandsschulden series B 3 percent bond	1 @ RM 54	07727.
City of Leipzig (State of Saxony, Republic of Germany) Germany, external sinking fund 7 percent bond.	1 @ $1,000	2099.
Leipzig Trade Fair Corporation mortgage sinking fund guaranteed 25-year 7 percent bond.	1 @ $1,000	1073.
National Railways of Mexico secured assented 6 percent notes	19 @ $45	2046, 2047, 27617, 27618, 27619, 27542, 27543, 27544, 27545, 27546, 27547, 27548, 27549, 27550, 27551, 27552, 27553, 27574, 29845.
Republic of Mexico consolidated external loan of 1899 series C 5 percent bond	1 @ £200	022864.
Mmg Mill Machinery Co., closed first mortgage sinking fund 30-year 7 percent bonds	3 @ $1,000	40, 2574, 2904.
State of Minas Geraes secured external loan of 1929 series A 6½ percent bond	1 @ $1,000	4084.
Mortgage Bank of Colombia 20-year of 1926 7 percent bond	1 @ $500	690.
Mortgage Bank of Colombia 20-year of 1927 sinking fund 7 percent gold bond	1 @ $500	409.
National Hotel of Cuba Corp., income debenture 6 percent bond	1 @ $1,000	2020.
Kingdom of Norway sinking fund external loan 29-year 4¼ percent bonds	3 @ $1,000	18918, 18919, 29117.
City of Nuremberg, Germany, external loan sinking fund 25-year 6 percent bond	1 @ $1,000	3073.
Republic of Peru (Peruvian national loan) first series sinking fund 6 percent bonds	2 @ $1,000	32866, 1830.
Free State of Prussia sinking fund external loan of 1927 6 percent bonds	8 @ $1,000	17662, 16699, 2186, 2185, 27870, 27569, 28947, 27150.
Rheinelbe Union sinking fund mortgage assented 3¼ percent bond	1 @ $1,000	6809.
Rheinelbe Union sinking fund mortgage 7 percent bond	3 @ $1,000	23000, 13735, 12588.
Rhine-Main-Danube Corporation sinking fund debenture guaranteed series A 7 percent bonds.	2 @ $1,000	2206, 2207.
Rhine Westphalia Electric Power Corp., direct mortgage series 7 percent bonds	4 @ $1,000	4930, 7028, 7626, 7756.
Rhine Westphalia Electric Power Corp., consolidated mortgage series of 1928 6 percent bond.	1 @ $1,000	8769.
Rhine Westphalia Electric Power Corp. consolidated mortgage series of 1930 6 percent bond.	1 @ $1,000	4509.
City of Rio de Janiero (Federal District of the United States of Brazil) external secured sinking fund 6½ percent bonds.	5 @ $1,000	8519, 5039, 27187, 5828, 14070.
Kingdom of Roumania Monopolies Institute external sinking fund (stabilization and development loan of 1929) 7 percent bond.	1 @ $500	3168.
Ruhr Gas Corp. secured sinking fund series A 6½ percent bonds	4 @ $1,000	606, 3861, 3862, 9048.
State of Sao Paulo, Brazil, external sinking fund loan of 1925 25-year 8 percent bonds	10 @ $1,000	3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935.
Saxon State Mortgage Institution mortgage collateral sinking fund guaranteed 7 percent bonds.	2 @ $500	136, 137.
Siemens and Halske Aktiengesellschaft sinking fund debenture 3½ percent bond	1 @ $1,000	7785.
Province of Silesia sinking fund external 30-year of 1928 4½ percent bonds	2 @ $1,000	10676, 10677.
Hugo Stinnes Corp. 4 percent gold notes	2 @ $1,000	8310, 8311.
	1 @ $500	1079.
Hugo Stinnes Industries Incorporated sinking fund debenture 20-year four percent bonds.	2 @ $1,000	9052, 9053.
City of Vienna Sinking Fund of 1934 30-year series B 6 percent bonds of the Federal Capital of Vienna.	12 @ Sh. 1,000	NR 57212, NR 57213, NR 57214, NR 57215, NR 57216, NR 57217, NR 57218, NR 57219, NR 57220, NR 57221, NR 57222, NR 57223.
United Steel Works Corp. sinking fund debenture 20-year series A 6½ percent bonds	7 @ $1,000	4504, 4505, 4506, 4507, 4508, 4509, 4510.
Baltimore & Ohio RR. Co., refunding and general mortgage series F 5 percent bonds.	1 @ $1,000	M19029.

EXHIBIT B—Continued

Description of issue	Face value	Certificate No.
Baltimore & Ohio RR. Co., refunding and general mortgage series D 5 percentbonds	3 @ $1,000	24508, 24509, 24510.
Republic of Mexico external loan 4 percent bonds	50 @ £ 20	189173, 76238, 73815, 75747, 73816, 73817, 72885, 72886, 72887, 72888, 72889, 72890, 72891, 72892, 72893, 99075, 98196, 96117, 87805, 83706, 83705, 79043, 77808, 77702, 77703, 76981, 76982, 76546, 76547, 76239, 76240, 76241, 76242, 42538, 31828, 31829, 31830, 31831, 31832, 350007, 378462, 72882, 72883, 71235, 71236, 70570, 70571, 70572, 70573, 75727.
Missouri Pacific Railroad Company, General Mortgage 4 percent bonds	5 @ $1,000	32041, 12427, 21757, 41566, 43950.

EXHIBIT C

Description of bond issue	Face value	Certificate No.	Registered owner
Chicago, Rock Island & Pacific Ry. Co., first and refunding 4 percent mortgage bond.	1 @ $1,000	NM 1247	Prof. Dr. Curt Oehme.
Chicago, Rock Island & Pacific Ry. Co., first and refunding 4 percent mortgage bond.	1 @ $1,000	CM 415	Else Schlipp.
St. Louis-San Francisco Ry. Co., prior lien mortgage of 1916 series A 4 percent bonds.	1 @ $500	AD 1701	Bearer.
	4 @ $1,000	AM 23033, AM 23034, AM 23035, AM 23036	Do.
Rudolph Karstadt Inc., mortgage collateral sinking fund 6 percent bond.	1 @ $925	2951	Hurley & Co.
Rudolph Karstadt Inc., first mortgage collateral sinking fund 6 percent bond.	1 @ $925	1717	Heidelbach Ickelheimer & Co.
Kreuger & Toll Co., sinking fund debenture secured 5 percent bonds.	1 @ $500	D 1527	Carl Frederick Lehman-Haupt.
Mortgage Bank of Colombia, sinking fund 6½ percent bond	1 @ $2,000	BE 18	Tucker & Co.

EXHIBIT D

Date of Instrument	Drawer	Drawee	To whom payable	Amount	Number
1/12/40	Hollandsche Bank-Unie-N. V	The Chase National Bank of the City of New York.	Das Illustrierte Blatt	$8.49	652874.
2/19/40	Secretary of State, U. S. A	W. H. A. Coleman, special disbursing officer, Berlin.	W. H. A. Coleman, special disbursing officer.	50.00	129.
1/11/40	Andelsbanken A. m. b. a	Irving Trust Co	Messrs. Wilhelm Dreusicke & Co., Berlin	1.50	76842.
2/6/40	Andelsbanken A. m. b. a	Irving Trust Co	Wilhelm Dreusicke & Co., Berlin	2.40	80081.
12/28/39	Den Norske Creditbank	The New York Trust Co	Wilhelm Dreusicke & Co	107.75	49305.
5/16/40	The Bank of the Philippine Islands	The Chase National Bank of New York	Deutsche Bank, Berlin	120.00	40/1035.
2/1/40	Emil Ipsen	Adolf Wertheim, Chicago	Bearer	75.00	No.
1/25/40	Sam Smith	Citizens National Trust & Savings Bank	Berliner illustrierte Zeitung	5.00	5.
1/25/40	Sam Smith	Citizens National Trust & Savings Bank	Deutsche Allgemeine Zeitung	5.00	4.
7/18/40	Norddeutscher Lloyd	The Chase National Bank of the City of New York.	Deutsche Bietriebsgesellschaft fur drahtlose Telegrafie, m. b. H.	197.32	50693.
7/16/40	The Yokohama Specie Bank Limited, Hamburg branch.	The Chase National Bank of the City of New York.	Messrs. R. Aders	4,292.05	6001.
4/6/40	National City Bank, Panama, R. P. Agency.	The Chase National Bank of the City of New York.	Berliner Illustrierte Zeitung	6.50	77655.
5/31/40	Eesti Pank	National City Bank of New York	B. I. Gotze	5.00	068148/265572.
6/3/40	Ostergotlands Enskilda Bank	do	Allianz und Stuttgarter Lebensversicherungs-bank Aktiengesellschaft.	6.72	158957.
7/3/39	Seaboard Trust Co., trustee	Seaboard Trust Co	Auguste Frisch	1,008.08	2419.
1/22/40	Credito Italiano	Royal Bank of Canada (New York)	Detta Boecklenberg & Matte	74.00	554286.
1/27/40	Banque De Bruxelles Societe Anonyme	Bank of the Manhattan Co	Deutsche Bank	45.00	145754.
1/2/40	Alfons Stach	The National City Bank of New York	A. Steinriegl, Kielgraben	2.00	35.
2/2/40	Diana Lorenz	Corn Exchange Bank & Trust Co	Admiral Graf Spee Spende	50.00	6.
2/11/39	R. A. Cannon	Corn Exchange National Bank & Trust Co.	Progressus Internationale Technische Verlagsgesellschaft.	3.00	5837.
12/14/39	Alexander & Dowell	The Munsey Trust Co	Dipl—Ing. Georg Weinhausen	14.50	28728.
5/22/40	Anheuser Busch, Inc	Manufacturers Trust Co	G. Breitung	32.00	2514.
5/22/40	do	do	do	32.00	2681.
5/22/40	do	do	do	5.90	2735.
5/22/40	do	do	do	20.10	2957.
5/20/40	Banco Espirito Santo	The Chase National Bank	Sociedado de Anilinas	152.16	229990/.
7/8/40	Perlertilizer	Colonial Trust Co	Deutsche Bank Depositenkasse y2, Berlin, Germany.	18.25	29.
5/1/40	Transmares Corp	Bank of the Manhattan Co	Neef Irritier	20.00	397.
4/15/40	Ludwig F. Critz	American Trust Co., (First Berkeley Office, Calif.).	Deutsche Allgemeine Zeitung, Berlin	13.23	3985.
6/6/40	Julio Schoder	Bank of the Manhattan Co	Reichsversicherungs Angestelte	10.00	25025.
9/24/40	Banco Di Roma	Guaranty Trust Co. of New York	Deutsche Bank, Berlin	104.00	266160.
4/40	Banco Central de Bolivia	Central Hanover Bank & Trust Co	Maria Luisa De Herpers	40.00	404/26.
9/30/40	A. W. Klieforth	The Riggs National Bank	Deutsche Bank	33.54	98.
7/23/40	Bank-und-Handels-Gesellschafts in Hamburg.	J. Henry Schroder Banking Corp	Norddeutscher Lloyd	23.33	14250.
11/6/39	Roberts, Cushman & Woodbery	State Street Trust Co	Meffert, Dr. Sell & Dr. Schlumberger	15.00	30676.
1/29/40	Handel-Maatschappij-H. Albert de Bary & Co., N. V.	The National City Bank of New York	Basler Lebensversicherungs-Gesellschaft	426.55	31709.
2/1/40	Banque Federale, Basle, Switzerland	National City Bank of New York	Deutsche Bank	247.87	302/80.
2/1/40	Allgemeine Waren-Finanzierungs-Gesellschaft, m. b. H.	Bank of New York	National Allgemeine Bersicherungs-Aktiengesellschaft.	98.43	106/11.
11/30/39	"Hauck" Sociedad Anonima	The Chase National Bank	Kabel und Metallwerke Neumeyer A. G	380.11	726.
1/31/40	R. D. Hohenthal (Finance officer, U. S. A.).	Treasurer of United States	Herbert J. Burgman	145.79	237.
1/9/40	Alexander & Dowell (by Louisa J. Mills, attorney in fact).	The Munsey Trust Co	Dipl.-Ing George Weinhausen	14.00	28753.
1/31/40	Forsikrings Aktieselskabet Skandanavia	The Chase National Bank	Exportkreditbank Aktiengesellschaft, Berlin.	599.29	367.
1/30/40	Hammerbrooker Lagerhaus Gesellschaft	Henry Schroder Banking Corp	Europaische Guter-und Reisegepack Versicherungs Aktiengesellschaft, Berlin.	31.10	12728.
10/23/39	Lansen-Naeve Corp	The Chase National Bank	Emil Ipsen	5.80	21712.
2/1/40	Handelsbanken I Odense	Guaranty Trust Co. of N. Y		9.65	236.
5/21/40	Union Bank of Switzerland	The National City Bank of New York	S. E. Nader Arasteh	173.64	427704
	Felix Magnuson	American Express Co	Felix Magnuson	10.00	K 3, 140, 613.
	C. Cleag	do	C. Cleag	10.00	K 3, 280, 033.
	do	do	do	10.00	K 3, 280, 037.
	do	do	do	10.00	K 3, 280, 034.
	do	do	do	10.00	K 3, 280, 035.
	do	do	do	50.00	P 728-1911.
	do	do	do	20.00	H 12000863.
	Demand	do	Roo Eideeir	20.00	H 3787327.
	Pan Eleeir	do	do	20.00	H 3787720.
	C. Cleag	do	Demand	10.00	K 3440527.
	Demand	do	C. Cleag	10.00	K 3280036
	C. Cleag	do			

[F. R. Doc. 47–5873; Filed, June 20, 1947; 8:59 a. m.]

[Vesting Order 9057]

HELENE LEXOW ENGELMAN

In re: Estate of Helene Lexow Engelman, deceased. File 017-7041.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Engelman, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $297.13 was paid to the Attorney General of the United States by Elsa H. Hartung, Administratrix of the Estate of Helene Lexow Engelman, deceased;

3. That the said sum of $297.13 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 7, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5872; Filed, June 20, 1947; 8:58 a. m.]

[Vesting Order 9082]

DEUTSCHE EISENWERKE A. G.

In re: Interests of Deutsche Eisenwerke, Aktiengesellschaft of Gelsenkirchen, Germany, in an agreement relating to U. S. Letters Patent No. 2,239,530.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Eisenwerke Aktiengesellschaft of Gelsenkirchen, Germany, is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Deutsche Eisenwerke Aktiengesellschaft by virtue of an agreement evidenced by a letter dated November 10, 1938, from Deutsche Eisenwerke to U. S. Pipe & Foundry Company and by another letter from the latter company to Deutsche Eisenwerke dated March 22, 1939 (including all modifications of such agreement and supplements to such agreement, if any), by and between Deutsche Eisenwerke Aktiengesellschaft and U. S. Pipe & Foundry Company, which agreement relates, among other things, to United States Letters Patent No. 2,239,530.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5874; Filed, June 20, 1947; 8:59 a. m.]

[Vesting Order 9083]

MELCHIOR SPIEGEL AND ALKA MFG. AND SALES CORP.

In re: Interests of Melchior Spiegel in an agreement with Alka Manufacturing and Sales Corporation.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Melchior Spiegel, whose last known address is Budapest, Hungary, is a resident of Hungary and a national of a foreign country (Hungary);

2. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Melchior Spiegel by virtue of an agreement dated March 18, 1941 (including all modifications thereof and supplements thereto, if any) by and between Melchior Spiegel and Alka Manufacturing and Sales Corporation, which agreement relates, among other things, to United States Letters Patent Nos. 2,079,306 and 2,175,000,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5875; Filed, June 20, 1947; 8:59 a. m.]

[Vesting Order 9084]

HENRY FRANKEN

In re: Estate of Henry Franken, deceased. File D-28-3836; E. T. sec. 6475.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Gertrude Sershen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Henry Franken, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Herbert J. Potter, as administrator, acting under the judicial supervision of the Probate Court for the County of Marquette, Michigan; and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5876; Filed, June 20, 1947; 8:59 a. m.]

[Vesting Order 9123]

ROSINE AHRENS

In re: Estate of Rosine Ahrens, deceased. File D-28-1755; E. T. sec. 941.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinerich Ahrens, Adolf Ahrens, Louise Ahrens, Heinerich Ahrens, Else Ahrens, Frieda Hagen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children of Heinerich Ahrens, names unknown, and the children of Adolf Ahrens, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Rosine Ahrens, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Fred D. Ahrens and Palisades Trust & Guaranty Company, as co-executors under the will of Rosine Ahrens, deceased, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the children of Heinerich Ahrens, names unknown and the children of Adolf Ahrens, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5877; Filed, June 20, 1947; 8:59 a. m.]

[Vesting Order 9138]

MASAO NAKAGAWA

In re: Estate of Masao Nakagawa, deceased. File D-39-18395; E. T. sec. 14251.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shizue Nakagawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the heirs at law, devisees, grantees, next of kin, issue, legatees and personal representatives of Shizue Nakagawa, names unknown, and the heirs at law, devisees, grantees, next of kin, issues and legatees of Masao Nakagawa, deceased, names unknown, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Masao Nakagawa, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Japan);

4. That such property is in the process of administration by Rulon D. Brooks, as Administrator of the said estate, acting under the judicial supervision of the Cumberland County Orphans' Court, Cumberland County Court House, Bridgeton, New Jersey;

and it is hereby determined:

5. That to the extent that the above named person and the heirs at law, devisees, grantees, next of kin, issue, legatees and personal representatives of Shizue Nakagawa, names unknown, and the heirs at law, devisees, grantees, next of kin, issue and legatees of Masao Nakagawa, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5878; Filed, June 20, 1947; 8:59 a. m.]

[Vesting Order 9097]

ARTHUR TOROK

In re: Stock owned by Arthur Torok. F-28-23891-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur Torok, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. Nine (9) shares of no par value, common capital stock of United States Steel Corporation, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number P23098, registered in the name of Arthur Torok, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in account number B23944 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, sub-account Special Customers Account for Custody, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5879; Filed, June 20, 1947; 8:59 a. m.]

[Vesting Order 9154]

HERMANN FREY AND EMIL NOLLER

In re: Stock owned by and debts owing to Hermann Frey and Emil Noller. F-28-22454-D-1/2, F-28-22457-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Frey, whose last known address is Neubergstrass 55, H. F. Wurzburg, Germany, and Emil Noller, whose last known address is Gutbrodstr. 53, Stuttgart W., Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirty-three (33) shares of $25 par value capital stock of Standard Oil Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by the certificates listed below, registered in the names of the persons listed below, in the amounts appearing opposite said names as follows:

Registered owner and certificate No.	*Number of shares*
Herman Frey:	
SC27610	6
SC57276	3
SC57277	3
SC57279	1
SC57280	1
Emil Noller:	
SC42412	6
SC69655	13

together with all declared and unpaid dividends thereon,

b. Two (2) shares of $15 par value capital stock of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite said names as follows:

Registered owner and certificate No.	*Number of shares*
Herman Frey; 036471	1
Emil Noller; 079604	1

together with all declared and unpaid dividends thereon, and

c. Those certain debts or other obligations owing to Hermann Frey and Emil Noller by Standard Oil Company, a New Jersey corporation, 30 Rockefeller Plaza, New York, New York, in the amounts of $7.34 and $9.96 respectively, as of December 31, 1945, arising out of the sale of certain scrip issued by said corporation, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5880; Filed, June 20, 1947; 9:00 a. m.]

[Vesting Order 9155]

K. FUKUSHIMA AND MRS. K. FUKUSHIMA

In re: Bank account, stock owned by and debt owing to K. Fukushima, also known as Kisoji Fukushima, and Mrs. K. Fukushima. F-39-48-A-1, F-39-48-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That K. Fukushima, also known as Kisoji Fukushima and Mrs. K. Fukushima, whose last known address is Osaka, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to K. Fukushima, also known as Kisoji Fukushima, and Mrs. K. Fukushima, by Dallas National Bank, 1528 Main Street, Dallas 1, Texas, arising out of a Checking Account, entitled Mr. or Mrs. K. Fukushima, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable, or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That the property described as follows:

a. That certain debt or other obligation owing to K. Fukushima, also known as Kisoji Fukushima, by A. M. Kidder & Co., 1 Wall Street, New York, N. Y., in the amount of $142.71, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. Five (5) shares of $10.00 par value common capital stock of American Crystal Sugar Company, 600 Boston Bldg., Denver, Colorado, a corporation organized under the laws of the State of New Jersey, evidenced by Certificate number CA20286, registered in the name of A. M. Kidder & Co., 1 Wall Street, New York, N. Y., together with all declared and unpaid dividends thereon, and

c. Fifteen (15) shares of No par value common capital stock of Anaconda Copper Mining Company, 25 Broadway, New York 4, New York, a corporation organized under the laws of the State of Montana, evidenced by Certificate number F848004, registered in the name of A. M. Kidder & Co., 1 Wall Street, New York, N. Y., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, K. Fukushima, also known as Kisoji Fukushima, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5881; Filed, June 20, 1947; 9:00 a. m.]

[Vesting Order 9182]

FRIEDRICH ZIMMERMANN AND FRIEDA ZIMMERMANN

In re: Debt owing to and bonds and voting trust certificate owned by Friedrich Zimmermann, and Frieda Zimmermann. F-28-22569-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Zimmermann, and Frieda Zimmermann, whose last known addresses are Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Friedrich Zimmerman and Frieda Zimmermann by The Commercial National Bank and Trust Company of New York, 46 Wall Street, New York, New York, in the amount of $238.35, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. Two (2) Savoy-Plaza, Inc., 3-year 6% mortgage income bonds, of $1500 aggregate face value, due October 1, 1956, bearing the numbers D1853 and M4452, registered in the names of Friedrich Zimmermann and Frieda Zimmermann, together with any and all rights thereunder and thereto, and

c. One (1) Savoy-Plaza, Inc., voting trust certificate, bearing the number AU3371, for 18 shares Class A $1.00 par value common stock, registered in the names of Friedrich Zimmermann, and Frieda Zimmermann, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Friedrich Zimmerman and Frieda Zimmerman, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5884; Filed, June 20, 1947; 9:00 a. m.]

[Vesting Order 9178]

FRITZ WILLE

In re: Debts or other obligations owing to and stocks and bonds owned by Fritz Wille. F-28-6192-E-1, F-28-6192-A-1, F-28-6192-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Wille, whose last known address is Garten Strasse 9, Salzwedel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Fritz Wille, by The National Shawmut Bank of Boston, 40 Water Street, Boston, Massachusetts, arising out of a savings account, account number 34981, entitled Fritz Wille, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Fritz Wille, by The National Shawmut Bank of Boston, 40 Water Street, Boston, Massachusetts, arising out of a demand deposit account, entitled Fritz Wille A 417, and any and all rights to demand, enforce and collect the same,

c. Those certain shares of stock described in Exhibit A, attached hereto, and by reference made a part hereof,

registered in the name of Fritz Wille, together with all declared and unpaid dividends thereon, and

d. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, registered in the name of Fritz Wille, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuer	Place of incorporation	Number of shares	Type of stock	Par value	Certificate No.
American Sugar Refining Co., 120 Wall St., New York, N. Y.	New Jersey	10	Preferred	$100	J115247.
Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, N. Y.	Delaware	5	Capital	15	O116509.
Mission Corp., 15 Exchange Pl., Jersey City, N. J.	Nevada	2	Common	No	O68819.
Standard Oil Co. of New Jersey, 30 Rockefeller Plaza, New York, N. Y.	New Jersey	50	Capital	25	C9289.
		1	do	25	C939888.
		1	do	25	CC47513.

EXHIBIT B

Name of issuer	Type of bond	Certificate No.	Face value
Commonwealth of Australia	5 percent coupon bond, due July 15, 1955	M34128	$1,000
Rhine Westphalia Electric Power Corp., Germany.	6 percent coupon bond, due May 1, 1952	M2160	1,000
Saxon Public Works, Inc., Germany	7 percent coupon bond Feb. 1, 1945	M11862	1,000

[F. R. Doc. 47-5882; Filed, June 20, 1947; 9:00 a. m.]

[Vesting Order 9179]

HATSUMI YOKOMIZO

In re: Stock owned by Hatsumi Yokomizo. D-39-18358-A-1, D-39-18358-D-1 to D-5.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hatsumi Yokomizo, whose last known address is Aza Matsuoda Mizunawa-mura, Ukiha-gun, Fukuoka-ken, Japan, is a resident of Japan and a na-

tional of a designated enemy country (Japan);

2. That the property described as follows:

Those certain shares of stock, described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Mrs. Hatsumi Yokomizo, and presently in the custody of Kaheiji Yokomizo, 881 Athens Avenue, Oakland 7, California, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Par value	Type of stock	Number of shares	Certificate No.
Oliver United Filters Inc., 260 California St., San Francisco 11, Calif.	Nevada	No par	Class B common	100	CB8268.
Oliver United Filters Inc., 260 California St., San Francisco 11, Calif.	do	No par	Class B common	100	CB8209.
Coty International Corp., 100 West Tenth St., Wilmington, Del.	Delaware	$1.00	Common	100	N5214.
Coty, Inc., 423 West 55th St., New York 19, N. Y.	do	$1.60	Common	100	NY-6836.
Pennsylvania-Dixie Cement Corp., 60 East 42d St., New York 17, N. Y.	do	No par	Common	100	C-9438.
Western Maryland Railway Co., Standard Oil Bldg., Baltimore 2, Md.	Maryland and Pennsylvania	$100	Common	100	43876.
Thompson-Starrett Co., Inc., 444 Madison Ave., New York 22, N. Y.	Delaware	No par	Common	100	C30100.
Blair & Co., Inc., 44 Wall St., New York 5, N. Y.	New York	$1.00	Capital	100	S1625.
Blair & Co., Inc., 44 Wall St., New York 5, N. Y.	do	$1.00	Capital	100	S1626.
Sunray Oil Corp., Philtower Bldg., Tulsa, Okla.	Delware	$1.00	Common	100	C85952.
Sunray Oil Corp., Philtower Bldg., Tulsa, Okla.	do	$1.00	Common	20	C048075.

[F. R. Doc. 47-5883; Filed, June 20, 1947; 9:00 a. m.]

[Vesting Order 9187]

FRED GOETZ

In re: Estate of Fred Goetz, deceased. File D-28-9314; E. T. sec. 12307.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julia Messer, Sophia Kobald, Regina Gradolph, Rosina Weber and Sophia Messer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $1,099.19 was paid to the Alien Property Custodian by Albert J. Schumacher, Executor of the estate of Fred Goetz, deceased;

3. That the sum of $1,099.19 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 20, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5885; Filed, June 20, 1947; 9:00 a. m.]

[Vesting Order 9202]

HARDY & CO., G. M. B. H.

In re: Bonds and stock owned by and debt owing to Hardy & Co., G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hardy & Co., G. m. b. H., the last known address of which is Markgrafenstrasse 36, Berlin W 8, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) National Railroad Company of Mexico prior lien 4½% gold bonds, due October 1, 1926, issued in the name of bearer, each of $1,000 face value, bearing the numbers M8, M57, M141, M146, M522, M788, M861, M959, M1489 and M1210 and presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with any and all rights thereunder and thereto,

b. Seventeen (17) Institution for Encouragement of Irrigation Works and Development of Agriculture, S. A. (Mexican Irrigation) 4½% bonds due November 1, 1943, issued in the name of the bearer, of the face values and bearing the numbers set forth in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with any and all rights thereunder and thereto,

c. Forty-five (45) shares of $5 par value common capital stock of The Morris Plan Corporation of America, 420 Lexington Avenue, New York, New York, a corporation organized under the laws of the State of Virginia, evidenced by certificate number F-991, registered in the name of Shepperd & Co. and presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with all declared and unpaid dividends thereon and any and all rights of exchange thereof for $0.10 par value common capital stock of said The Morris Plan Corporation of America, and

d. That certain debt or other obligation of Swiss American Corporation, 30 Pine Street, New York, New York, in the amount of $160.59, as of February 28, 1947, constituting a portion of an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hardy & Co., G. m. b. H., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Bond No.:	*Face value*
M5718	$1,000
M5719	1,000
M5488	1,000
M4061	1,000
M3	1,000
M12605	1,000
M12317	1,000
M12156	1,000
M5963	1,000
M8987	1,000
M10837	1,000
M10851	1,000
M10916	1,000
D11861	500
D10252	500
D13050	500
D13783	500

[F. R. Doc. 47-5886; Filed, June 20, 1947; 9:01 a. m.]

[Vesting Order 9203]

HUGO HARDY

In re: Gold notes and bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Hugo Hardy, deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Hugo Hardy, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifteen (15) National Railways of Mexico three year 6% secured gold notes, due January 1, 1917, issued in the name of bearer, each of $45 face value, bearing the numbers 23842/23856 and presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with any and all rights thereunder and thereto, and

b. Fifteen (15) National Railways of Mexico prior lien 4½% 50 year sinking fund gold bonds, due July 1, 1957, issued in the name of bearer, each of $1,000 face value, bearing the numbers M34612, M48914, M34702/4 and M37442/51 and presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Hugo Hardy, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5887; Filed, June 20, 1947; 9:01 a. m.]

[Vesting Order 9204]

H. M. MAURITZ

In re: Bonds owned by and debt owing to H. M. Mauritz.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That H. M. Mauritz, whose last known address is Niederelfringhausen Via Hattingen (Ruhr), Oberlaakenhof, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Six (6) Mortgage Bank of Chile guaranteed sinking fund 6% gold bonds of 1929, due May 1, 1962, issued in the name of bearer, each of $1,000 face value, bearing the numbers M1522, M2458, M2459, M2356, M13503 and M10040, and presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation of Swiss American Corporation, 30 Pine Street, New York, New York, in the amount of $688.23, as of February 27, 1947, constituting a portion of an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by H. M. Mauritz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5888; Filed, June 20, 1947; 9:01 a. m.]

[Vesting Order 9207]

MRS. TOKUKO M. NAKANO

In re: Stocks, bank accounts and bond owned by Mrs. Tokuko M. Nakano, also known as Toku Moriwake Nakano. F–39–567–A–1, F–39–567–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Tokuko Nakano, also known as Toku Moriwake Nakano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, and presently in the custody of Empire Trust Co., 120 Broadway, New York 5, N. Y., together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a Compound Interest Account, Account Number 28612, entitled Tokuko Nakano, maintained at the branch office of the aforesaid bank located at 4249 Broadway, New York City, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a Compound Interest Account, Account Number 38389, entitled Tokuko Nakano, maintained at the branch office of the aforementioned bank located at 4249 Broadway, New York City, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of Empire Trust Co., 120 Broadway, New York 5, N. Y., arising out of a Trust Ledger-Cash Account, entitled Mrs. Tokuko M. Nakano, and any and all rights to demand, enforce and collect the same, and

e. One United States of America 2½% Treasury Bond, of $1000.00 face value, bearing the number 164799K in bearer form and presently in the custody of Empire Trust Co., 120 Broadway, New York 5, N. Y., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Number of shares	Certificate Nos.	Par value	Type of stock	Name of registered owner
Anaconda Copper Mining Co., 25 Broadway, New York 4, N. Y.	Montana	40	F952845	$50.00	Common	Bosworth & Co.
Bethlehem Steel Corp., 25 Broadway, New York, N. Y.	Delaware	10	L207116	No par	do	Do.
Commerelal Credit Co., Baltimore, Md.	do	20	CF30678	$10.00	do	Do.
New York Central Railroad Co., Albany, N. Y.	New York, Ohio, Illinois, Indiana, Pennsylvania, and Michigan.	75	L386637	No par	Capital	Do.
Northern Pacific Railway Co., 176 East Fifth St., St. Paul 1, Minn.	Wisconsin	225	A288004 for 100 shares, A288005 for 100 shares, C405816 for 25 shares.	$100.00	Common	Do.
North American Aviation, Inc., 5701 Imperial Highway, Inglewood, Calif.	Delaware	125	B93-131 for 100 shares, A135-007 for 25 shares.	$1.00	Capital	Do.
North American Co., 60 Broadway, New York 4, N. Y.	New Jersey	20	M54647	$10.00	Common	Do.
State Savings & Loan Association, 61 W. South Temple, Salt Lake City, Utah.		1	1040		Permanent guaranty	Mrs. Tokuko Nakano.
State Building & Loan Association, 61 West South Temple, Salt Lake City, Utah.		1.47	455		Guaranty capitol	Mrs. Tokuko Moriwake Nakano.
		21	303		do	Do.
		1.559	705		do	Tokuko M. Nakano.
		3	575		do	Do.
		1.59	829		do	Tokuko Nakano.
		214	251		do	Miss Tokuko Moriwake.
		50	169		do	Do.
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	10	P239214	No par	Common	Bosworth & Co.

[F. R. Doc. 47-5890; Filed, June 20, 1947; 9:01 a. m.]

[Vesting Order 9210]

ARNO WEBER

In re: Bond owned by and debt owing to Arno Weber.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arno Weber, whose last known address is Berlin-Neukoelln, Teupitzerstr. 99, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) German American Stoneware Works first mortgage 5% gold bond, issued in the name of bearer, of $100 face value, bearing the number 104 and presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with any and all rights thereunder and thereto, including particularly, but not limited to, the right to all proceeds of the redemption thereof, and

b. That certain debt or other obligation of Swiss American Corporation, 30 Pine Street, New York, New York, in the amount of $15, as of February 28, 1947, constituting a portion of an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Arno Weber, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5892; Filed, June 20, 1947; 9:01 a. m.]

[Vesting Order 9171]

ANNA MARIE SIEGERT

In re: Stock owned by and debts owing to Anna Marie Siegert. F–28–5621–A–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Marie Siegert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-one (21) shares of $5 par value common capital stock of Booth Fisheries Corporation, 309 W. Jackson Street, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by Certificates Numbered NC0565 and NC01447, for 7 and 14 shares respectively, registered in the name of Anna Marie Siegert, and presently in the custody of City National Bank & Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, together with all declared and unpaid dividends thereon,

b. Four hundred sixty-four thousandths (464/1000ths) of a share of $5 par value common capital stock of Booth Fisheries Corporation, 309 W. Jackson Street, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Numbered CS624, in bearer form, and presently in the custody of City National Bank & Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, together with all declared and unpaid dividends thereon,

c. Sixty (60) shares of $100 par value common capital stock of The Union Pacific Railroad Company, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Utah, evidenced by Certificate Numbered A303336, registered in the name of Anna M. Siegert, and presently in the custody of City National Bank & Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, together with all declared and unpaid dividends thereon,

d. That certain debt or other obligation owing to Anna Marie Siegert, by Illinois Timber Co., a corporation organized under the laws of the State of Washington, evidenced by a 6% Promissory Note made by Illinois Timber Co., payable to Anna Marie Siegert, and presently in the custody of City National Bank & Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note,

e. All those debts or other obligations owing to Anna Marie Siegert by City National Bank & Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

e. Sixty (60) shares of capital stock of Louisiana Consolidated Mining Company, registered in the name of Central Trust Company of Illinois, as Trustee under the will of Adolph Uhrlaub, deceased, and presently in the custody of City National Bank & Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, together with all declared and unpaid dividends thereon,

f. Forty (40) shares of capital stock of Central Coal Co., evidenced by Certificate Numbered 125, registered in the name of Anna M. Siegert, and presently in the custody of City National Bank & Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, together with all declared and unpaid dividends thereon, and,

g. Twenty (20) shares of $100 par value capital stock of Powell County Land Company, evidenced by Certificate Numbered 22, registered in the name of Anna M. Siegert, and presently in the custody of City National Bank & Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5841; Filed, June 19, 1947; 8:53 a. m.]

[Vesting Order 9172]

BERNHARD STALMANN AND KARL C. WOLFLING

In re: Stock owned by Bernhard Stalmann and Karl C. Wolfling. F–28–22458–D–1/2, F–28–22460–D–1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernhard Stalmann, whose last known address is c/o Waried Tankschiff Rhederei G. m. b. H., Hamburg 36, Neuer Jungfernsteig 21, Germany, and Karl C. Wolfling, whose last known address is Tullastrasse 15, Mannheim, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-six (26) shares of $25 par value capital stock of Standard Oil Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite said names as follows:

Registered owner	Certificate No.	Number of shares
Bernhard Stalmann	SC23301	14
Karl C. Wolfling	SC25629	12

together with all declared and unpaid dividends thereon, and

b. Two (2) shares of $15 par value capital stock of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite said names as follows:

Registered owner	Certificate No.	Number of shares
Bernhard Stalmann	O102143	1
Karl C. Wolfling	O118484	1

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5842; Filed, June 19, 1947; 8:53 a. m.]

[Vesting Order 9175]

UME UYEDA AND SHIGERU UYEDA

In re: Stock owned by Ume Uyeda and Shigeru Uyeda. F-39-3302-D-1, F-39-3302-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ume Uyeda and Shigeru Uyeda, whose last known addresses are Yokohama, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Sixty-five and one-half (65½) shares of $2.00 par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by Certificates numbered SFC76011 for eleven (11) shares; SFA73268 for fifty (50) shares; SFC79670 for four and one-half (4½) shares, registered in the name of Ume Uyeda, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ume Uyeda, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows:

a. One hundred (100) shares of $25.00 par value 6% cumulative first preferred capital stock of Pacific Gas & Electric Company, 245 Market Street, San Francisco 6, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered C35921, registered in the name of Ume Uyeda and Shigeru Uyeda—Joint Tenants, together with all declared and unpaid dividends thereon, and

b. Fifty-one (51) shares of $25.00 par value common capital stock of Pacific Gas & Electric Company, 245 Market Street, San Francisco 6, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered F138760, registered in the name of Ume Uyeda and Shigeru Uyeda—JT, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ume Uyeda and Shigeru Uyeda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5843; Filed, June 19, 1947; 8:53 a. m.]

[Vesting Order 9146]

ANNA MARGARET ALBERT

In re: Bank account and stock owned by Anna Margaret Albert, also known as Anna M. Albert. F-28-19818-E-1, F-28-19818-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Margaret Albert, also known as Anna M. Albert, whose last known address is Hausen Uber Hersfeldt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Anna Margaret Albert, by The West Side Savings and Loan Association, 2025 West 25th Street, Cleveland 13, Ohio, arising out of a savings account, Account Number 453, entitled Anna Margaret Albert, and any and all rights to demand, enforce and collect the same, and

b. Eighty (80) shares of $10.00 par value permanent capital stock of The West Side Savings and Loan Association, 2025 West 25th Street, Cleveland 13, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number P2468, registered in the name of Anna Margaret Albert, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5844; Filed, June 19, 1947; 8:53 a. m.]

JUN 26 '47

THE NATIONAL ARCHIVES
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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—ACQUISITION OF A COMPETITIVE STATUS

EXAMINATIONS FOR DISABLED VETERANS HELD QUARTERLY

Section 3.101 (c) is amended by the addition of the following second paragraph:

§ 3.101 *Examinations for disabled veterans held quarterly.* • • •

(c) • • •

Incumbents of positions on the date the positions are brought into the competitive service who are involuntarily separated because of reduction of force before acquiring a competitive status under this section may be recalled to duty for permanent appointment to their former positions within 90 days after separation, provided they are recalled in the inverse order in which they were considered for separation on the appropriate retention preference register. Employees so recalled and appointed may be recommended for a competitive status in accordance with this section as if their service had been continuous, but the period of separation shall not be regarded as service.

(Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5922; Filed, June 23, 1947; 8:57 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

DELEGATION OF AUTHORITY WITH RESPECT TO DEBT SETTLEMENT OPERATIONS IN NATIONAL OFFICE

1. Pursuant to the authority contained in the act of Congress, approved December 20, 1944 (58 Stat. 836), as delegated by the Secretary of Agriculture (10 F. R. 809), in the Farmers Home Administration Act of 1946, approved August 14, 1946 (60 Stat. 1062), and in the transfer agreements with the various State Rural Rehabilitation Corporations, as delegated by the Secretary of Agriculture (11 F. R. 12520), Part 300 of the Code of Federal Regulations is amended by the addition of the following section:

§ 300.18 *Delegation of authority to Deputy Administrator, Assistant Administrator in Charge of Program Operations, and Director, Production Loan Division, severally and not jointly, to exercise debt settlement functions in National Office.* There is hereby delegated to the Deputy Administrator, the Assistant Administrator in Charge of Program Operations, and the Director, Production Loan Division, severally and not jointly, the power and authority, subject to general supervision of the Administrator, to do all things the Administrator is required or empowered to do in connection with the debt settlement activities and operations in the National Office, pursuant to the act of Congress, approved December 20, 1944 (58 Stat. 836), the Farmers Home Administration Act of 1946, approved August 14, 1946 (60 Stat. 1062) and the transfer agreements with the various State Rural Rehabilitation Corporations. This delegation shall be deemed to include but is not limited to the approval and disapproval of applications for the compromise, cancellation and adjustment of debts pursuant to the within named acts and transfer agreements. This delegation shall not (a) have any effect on the delegation of authority to State Directors issued April 21, 1947 (12 F. R. 2765); nor (b) revoke or modify other existing authorizations and instructions except to the extent such other authorizations and instructions are in conflict herewith. (Orders of Secretary of Agriculture, 10 F. R. 809 and 11 F. R. 12520.)

This delegation shall be effective as of June 16, 1947.

Issued this 16th day of June 1947.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: June 18, 1947.

CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 47-5917; Filed, June 23, 1947; 8:57 a. m.]

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FEDERAL REGISTER

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[Plum Order 7, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Wickson plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Plum Order 7, as amended. Effective at 12:01 a. m., P. s. t., June 25, 1947, the provisions in § 936.308 (b) of Plum Order 7 (12 F. R. 3759) shall read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1947, and ending at 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Wickson plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Wickson plums containing plums of a size smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{11}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{7}/_{16}$ inches in diameter.

(3) Each shipper, prior to making each shipment of Wickson plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Wickson plums contained in each such lot or shipment: *Provided, however,* That in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) As used in this section, the terms "shipper" and "ship" shall have the same meaning as when used in the amended marketing agreement and order; and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 7, or (2) as releasing or extinguishing any violation of said Plum Order 7 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 936.1 et seq.)

Done at Washington, D. C., this 20th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5984; Filed, June 23, 1947; 11:00 a. m.]

[Plum Order 8, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of El Dorado plums, as hereinafter

provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Plum Order 8, as amended. During the period beginning at 12:01 a. m., P. s. t., June 25, 1947, and ending at 12:01 a. m., P. s. t., October 11, 1947, the provisions in § 936.309 (b) (2) (i) (*a*) of Plum Order 8 (12 F. R. 3761) shall read as follows:

(*a*) Of said total quantity, at least seventy-five (75) percent, by number of packages, shall be of a size not smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in the aforesaid standard basket; and said 4 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 8, or (2) as releasing or extinguishing any violation of said Plum Order 8 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 936.1 et seq.)

Done at Washington, D. C., this 20th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5985; Filed, June 23, 1947; 11:00 a. m.]

[Plum Order 9, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Gaviota plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Plum Order 9, as amended. Effective at 12:01 a. m., P. s. t., June 25, 1947, the provisions in § 936.310 (b) of Plum Order 9 (12 F. R. 3857) shall read as follows:

(b) *Order as amended.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1947, and ending at 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Gaviota plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Gaviota plums containing plums of a size smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{11}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{7}/_{16}$ inches in diameter.

(3) Each shipper, prior to making each shipment of Gaviota plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Gaviota plums contained in each such lot or shipment: *Provided, however,* That in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) As used in this section, the terms "shipper" and "ship" shall have the same meaning as when used in the amended marketing agreement and order; and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 9, or (2) as releasing or extinguishing any violation of said Plum Order 9 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 20th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5986; Filed, June 23, 1947; 11:00 a. m.]

[Plum Order 10, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Duarte plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Con.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Plum Order 10, as amended. Effective at 12:01 a. m., P. s. t., June 25, 1947, the provisions in § 936.311 (b) of Plum Order 10 (12 F. R. 3909) shall read as follows:

(b) *Order as amended.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1947, and ending at 12:01 a. m., P. s. t., October 1, 1947, no shipper shall ship:

(i) Any package or container of Duarte plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Duarte plums containing plums of a size smaller than a size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{9}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{5}/_{16}$ inches in diameter.

(3) Each shipper, prior to making each shipment of Duarte plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Duarte plums contained in each such lot or shipment: *Provided, however,* That in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) As used in this section, the terms "shipper" and "ship" shall have the same meaning as when used in the amended marketing agreement and order; and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 10, or (2) as releasing or extinguishing any violation of said Plum Order 10 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 20th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5981; Filed, June 23, 1947; 11:00 a. m.]

[Plum Order 11, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Burbank plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Plum Order 11 as amended. Effective at 12:01 a. m., P. s. t., June 25, 1947, the provisions in § 936.312 (b) of Plum Order 11 (12 F. R. 3910) shall read as follows:

(b) *Order as amended.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1947, and ending at 12:01 a. m., P. s. t., October 1, 1947, no shipper shall ship:

(i) Any package or container of Burbank plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Burbank plums containing plums of a size smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{11}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Stand-

ards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{7}/_{16}$ inches in diameter.

(3) Each shipper, prior to making each shipment of Burbank plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Burbank plums contained in each such lot or shipment: *Provided, however,* That in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) As used in this section, the terms "shipper" and "ship" shall have the same meaning as when used in the amended marketing agreement and order; and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 11, or (2) as releasing or extinguishing any violation of said Plum Order 11 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 20th day of June 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch Production and Marketing Administration.

[F. R. Doc. 47-5983; Filed, June 23, 1947; 11:00 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 307—CLAIMS ON BEHALF OF THE UNITED STATES

RECOVERY OF PROPERTY UNLAWFULLY DETAINED BY CIVILIANS

Rescind § 307.2 and substitute the following therefor:

§ 307.2 *Recovery of property unlawfully detained by civilians*—(a) *Legal proceedings.* Whenever information is received that any property belonging to the military service of the United States is unlawfully in the possession of any person not in the military service, the property officer or other proper officer will make an immediate report direct to The Judge Advocate General (by telephone or telegraph when the use of such means of communication seems advisable) in order that legal proceedings may be instituted for the recovery of the property and, if the property has been stolen, for the arrest, trial, conviction, and punishment of the guilty person or persons. Each report will contain:

(1) A complete description of the property involved, and its location.

(2) The name and location of the person unlawfully in possession of such property; and

(3) The facts and circumstances surrounding the unlawful possession of the property.

(b) *Summary action.* (1) Upon satisfactory information that such United States property unlawfully in the possession of any party or parties is likely to be removed beyond the jurisdiction, concealed, or otherwise disposed of before the necessary proceedings can be had in the proper civil tribunal for its recovery, the post or detachment commander will, as hereinafter provided, accomplish its immediate recovery. In the event the property consists of clothes, arms, military outfits or accouterments furnished by the United States to any enlisted man, the Federal statutes (R. S. 3748; 10 U. S. C. 1316; M. L. 1939, sec. 2018) authorizes such property to be seized and taken from any person not an enlisted man or officer of the United States, by any officer, civil or military, of the United States. With respect to other Government property, the post or detachment commander will cause the property to be seized, provided such seizure can be accomplished without committing a breach of the peace or a trespass on private premises, tendering to the person, if any, in possession or custody of the property a receipt or certificate showing that such property has been seized as belonging to the United States, and the post or detachment commander will thereafter hold the property subject to any legal proceedings that may be instituted by other parties.

(2) Persons caught in the act of stealing public property will be summarily arrested by the troops and turned over to the civil authorities for trial. [AR 36-6640, May 21, 1947] (R. S. 3748, 40 Stat. 228; 10 U. S. C. 1316; 18 U. S. C. 611)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5926; Filed, June 23, 1947; 8:50 a. m.]

Chapter VI—Organized Reserves

PART 601—OFFICERS' RESERVE CORPS

GENERAL OFFICERS

Rescind §§ 601.15 to 601.19, inclusive, and 601.25 to 601.30, inclusive, and substitute the following §§ 601.15 to 601.22 as follows:

Sec.
601.15 General officers, appointment.
601.16 Promotion to Major General.
601.17 Qualifications.
601.18 Reappointment.
601.19 Examining Boards.
601.20 Examination.
601.21 Assignment.
601.22 Transfer to Honorary Reserve.

AUTHORITY: §§ 601.15 to 601.22, inclusive, issued under authority contained in sec. 37, 39 Stat. 189; sec. 32, 41 Stat. 755 and sec. 2, 42 Stat. 1033; 10 U. S. C. 352, 353.

§ 601.15 *General officers, appointment*—(a) *Appointment of officers who served in Army of United States as general officers.* Officers who have served on active duty in the Army of the United States for a period of at least 6 months subsequent to December 7, 1941 (including those now on active duty) and who, during that period, held the grade of general officer, may be recommended for appointment as general officers in the active reserve in the highest grade held satisfactorily during that period, provided they meet the moral, physical, and age requirements. Applications for appointment may be submitted by letter to The Adjutant General (Attn.: AGPR-P), Washington 25, D. C. Those who are otherwise qualified as indicated above, but do not meet the physical or age requirements may apply for appointment in the Honorary Reserve only.

(b) *Appointment of brigadier generals and major generals from among those officers who did not hold the grade of general officer during World War II.* Officers who have served on active duty for at least 6 months subsequent to December 7, 1941 and who did not hold the grade of general officer during that period, and who meet the requirements in § 601.17 may, after appearance before a board of officers be recommended for appointment as brigadier general or major general in the active reserve to fill existing position vacancies in Reserve units or in staff positions.

§ 601.16 *Promotion to Major General.* Promotion to the grade of major general will be made from those who have served as brigadier generals of the Officers' Reserve Corps for at least 1 year.

§ 601.17 *Qualifications.* Officers must meet the following qualifications for appointment in the active reserve.

(a) *Age.* At the time of appointment a candidate for the grade of brigadier general or major general must have at least 1 year to serve before he reaches the statutory age prescribed for the retirement of Regular Army officers of that grade.

(b) *Physical.* Physical requirements for appointment or promotion of general officers will be those prescribed in AR 40-100 and AR 40-105 (Army Regulations relative to Physical Examinations).

(c) *Professional.* Satisfactory demonstration of qualifications by actual service on active duty in the Army of the United States for at least 6 months subsequent to December 7, 1941 in the grade and position contemplated, or by the satisfactory discharge of duties of corresponding and equal responsibility.

§ 601.18 *Reappointment.* Upon expiration of the 5-year period of his appointment, a general officer occpuying an authorized position vacancy in a Reserve unit or in a staff position will, provided he meets the moral, age, and physical requirements be recommended for reappointment in the active reserve for an additional 5-year period. Recommendations by the commanding general of the appropriate major force concerning reappointment will be submitted in time to reach The Adjutant General not less than 90 days prior to expiration of appointment.

§ 601.19 *Examining boards.* Candidates for appointment as general officers for assignment in the active reserve, or for promotion to a higher grade will be examined by a board of officers appointed by the commanding general of the major force or major command to determine their general fitness.

§ 601.20 *Examination*—(a) *Examination by the board.* The board will thoroughly investigate into the candidates' professional (military knowledge), moral, and physical qualifications and carefully weight the evidence as to his suitability for the appointment, promotion, and assignment for which he is being considered.

(b) *Physical examination.* A final type physical examination will be given.

(c) *Inquiry into moral character.* The board will inquire into the moral character of the candidate. He will be carefully questioned and may be required to submit in writing such information as the board may desire. The board is authorized to seek verification of the candidate's statements or additional information from reliable sources. The candidate will be informed of any unfavorable statements of fact relative to his moral character and will be given an opportunity to refute or explain such statements.

(d) *Professional examination.* The professional examination will be conducted as prescribed by the president of the board and will include such military knowledge and ability tests as the board may deem necessary.

(e) *Reexamination.* A candidate who has been found disqualified for other than moral reasons may apply for reexamination after a period of 1 year from the prior examination.

§ 601.21 *Assignment.* The assignment of all general officers in the active reserve will be made by The Adjutant General, upon recommendation of the commanding general of the major force or chief of administrative or technical service concerned.

§ 601.22 *Transfer to Honorary Reserve.* A general officer whose service has been honorable will be transferred to the Honorary Reserve when:

(a) He reaches the statutory retirement age prescribed for officers of the Regular Army.

(b) He is found physically disqualified, other than through his own misconduct, and applies for such transfer.

(c) He has completed a total of 20 years' service in any component of the Army of the United States, and applies for such transfer. [WD Cir. 139, June 3, 1947]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5925; Filed, June 23, 1947; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5157]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DAVID D. DONIGER AND CO.

§ 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.71 (a) *Neglecting, unfairly or deceptively to make material disclosure—Composition:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* In connection with the offering for sale, sale and distribution of wearing apparel in commerce, and among other things as in order set forth, (1) using the terms "Yorkshire Quad", "Shetlane", "Scotchshire" or "Ryder Vest Scot" or any other term obviously denoting British or Scotch origin, to designate or describe products which are not in fact made in the British Isles; (2) using the terms "Bonnie Lamb", "Heather Vee", "Tweedmoor", or "Lothmoor", or any other term connoting or suggesting British or Scotch origin, to designate or describe products not made in the British Isles, unless in connection with such terms there appear other words closely and conspicuously disclosing the country of origin of such products; (3) using pictures, designs, or symbols connoting or suggesting British or Scotch origin in connection with products not made in the British Isles, unless such pictures, designs, or symbols are accompanied by words clearly and conspicuously disclosing the country of origin of such products; or, (4) advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; and without clearly and accurately disclosing, when such products are composed in part of rayon and in part of other fibers or materials, all of such fibers or materials, including the rayon; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Donald D. Doniger & Co., Docket 5157, April 24, 1947]

§ 3.7 *Aiding, assisting and* abetting *unfair or unlawful acts or practices:* § 3.295 (b) *Concealing or obliterating law required marking—Wool product tags or identification:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.66 (a7) *Misbranding or mislabeling—Composition—Wool Products Labeling Act:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Wool Products Labeling Act:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition—Wool Products Labeling Act:* § 3.71 (e7) *Neglecting, unfairly or deceptively, to make material disclosure—Source or origin—Wool Products Labeling Act.* I. In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce (as defined in the Federal Trade Commission and Wool Products Labeling Acts), of wearing apparel or other wool products as defined in and subject to the latter act, and which contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as defined in said act, misbranding such apparel or other products, by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such product of any nonfibrous loading, filling, or adulterating matter; or (c) the name of the manufacturer of such product; or the manufacturer's registered identification number and the name of a seller of such product; or the name of one or more persons introducing such product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and, II. in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, of wool products, as defined in and sub-

ject to said Wool Products Labeling Act of 1939, placing on any tag, label, or other means of identification purporting to contain the information required by said act, the statement "Detach for Stock Control," or any statement suggesting the removal of such tag, label, or other means of identification; prohibited, subject to the provision, however, as respects Part I of said prohibitions that when the product concerned is composed in whole or in part of any of the specialty fibers named in section 2 (b) of the Wool Products Labeling Act of 1939, the name of any such specialty fiber may be used in place of the word "wool" on the stamp, tag, label, or other means of identification affixed to such product, in identifying the percentage of the product composed of such specialty fiber; but *Provided*, That when the name of a specialty fiber is used, such fiber shall not be described by any other name on said label or on any other stamp, tag, label, or other means of identification affixed to such product; and subject to the further provision, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; subject to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b; 54 Stat. 1128; 15 U. S. C. sec. 68) [Cease and desist order, Donald D. Doniger & Co., Docket 5157, April 24, 1947]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 24th day of April A. D. 1947.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, and a stipulation as to the facts entered into between counsel for the Commission and counsel for the respondent, which provides, among other things, that the Commission may issue and serve upon respondent findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939:

I. *It is ordered*, That respondent, David D. Doniger & Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of wearing apparel in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the terms "Yorkshire Quad", "Shetlane", "Scotchshire" or "Ryder Vest Scot" or any other term obviously denoting British or Scotch origin, to designate or describe products which are not in fact made in the British Isles.

2. Using the terms "Bonnie Lamb", "Heather Vee", "Tweedmoor", or "Lochmoor", or any other term connoting or suggesting British or Scotch origin, to designate or describe products not made in the British Isles, unless in connection with such terms there appear other words clearly and conspicuously disclosing the country of origin of such products.

3. Using pictures, designs, or symbols connoting or suggesting British or Scotch origin in connection with products not made in the British Isles, unless such pictures, designs, or symbols are accompanied by words clearly and conspicuously disclosing the country of origin of such products.

4. Advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; and when such products are composed in part of rayon and in part of other fibers or materials, all of such fibers or materials, including the rayon, shall be clearly and accurately disclosed.

II. *It is further ordered*, That said respondent, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid acts, of wearing apparel or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such apparel or other products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such product of any nonfibrous loading, filling, or adulterating matter;

(c) The name of the manufacturer of such product; or the manufacturer's registered identification number and the name of a seller of such product; or the name of one or more persons introducing such product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939;

Provided, however, That when such product is composed in whole or in part of any of the specialty fibers named in section 2 (b) of the Wool Products Labeling Act of 1939, the name of any such specialty fiber may be used in place of the word "wool" on the stamp, tag, label, or other means of identification affixed to such product, in identifying the percentage of the product composed of such specialty fiber: *And provided further*, That when the name of a specialty fiber is used, such fiber shall not be described by any other name on said label or on any other stamp, tag, label, or other means of identification affixed to such product.

Provided, further, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

III. *It is further ordered*, That said respondent and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid acts, of wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from placing on any tag, label, or other means of identification purporting to contain the information required by said act, the statement "Detach for Stock Control", or any statement suggesting the removal of such tag, label, or other means of identification.

IV. *It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-5910; Filed, June 23, 1947; 9:07 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

REGISTRATION AND REGISTRATION PROCEDURE

The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby takes the following action:

The Commission hereby adopts §§ 230.400 to 230.493, inclusive (Regulation C).

The basis and purpose of the foregoing action is the elimination from Regulation C of obsolete provisions and the reorganization and revision of the remaining rules of that regulation in a manner intended to facilitate the registration of securities under the act.

Sec.
230.400 Application of §§ 230.400 to 230.493, inclusive.

GENERAL REQUIREMENTS

230.401 Requirement as to proper form.
230.402 Number of copies; binding; signatures.
230.403 Requirements as to paper, printing and language.
230.404 Preparation of registration statement.
230.405 Definitions of terms.
230.406 Title of securities.
230.407 Interpretation of requirements.
230.408 Additional information.
230.409 Information unknown or not reasonably available.
230.410 Disclaimer of control.
230.411 Incorporation of certain information by reference.
230.412 Form of and limitation upon incorporation by reference.
230.413 Registration of additional securities.

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AUTHORITY: §§ 230.400 to 230.493, inclusive, issued under secs. 6, 7, 48 Stat. 78, 8, 10, 19 (a), 48 Stat. 79, 81, 85; U. S. C. 77f, 77g, 77h, 77j, 77s.

§ 230.400 *Application of §§ 230.400 to 230.493, inclusive.* Sections 230.400 to 230.493, inclusive, shall govern every registration of securities under the act, except that any provision in a form covering the same subject matter as any such section shall be controlling unless otherwise specifically provided in §§ 230.400 to 230.493, inclusive.

GENERAL REQUIREMENTS

§ 230.401 *Requirement as to proper form.* A registration statement shall be prepared in accordance with the form prescribed therefor by the Commission as in effect on the date of filing. Any registration statement shall be deemed to be filed on the proper form unless objection to the form is made by the Commission prior to the effective date of the statement.

§ 230.402 *Number of copies; binding; signatures.* (a) Three copies of the complete registration statement, including exhibits and all other papers and documents filed as a part of the statement, shall be filed with the Commission. Each copy of the registration statement so filed shall be bound, in one or more parts, without stiff covers. The binding shall be made on the left-hand side and in such manner as to leave the reading matter legible.

(b) At least the original of every registration statement filed with the principal office of the Commission, and two original counterparts of every statement filed with a regional office pursuant to § 230.455 (b) shall be signed by the persons specified in section 6 (a) of the act. Unsigned counterparts of the registration statement shall be conformed.

(c) If any name is signed to the registration statement pursuant to a power of attorney, copies of such power of attorney shall be filed with the registration statement. In addition, if the name of any officer signing on behalf of the registrant, or attesting the registrant's seal, is signed pursuant to a power of attorney, certified copies of a resolution of the registrant's board of directors authorizing such signature shall also be filed with the registration statement.

§ 230.403 *Requirements as to paper, printing and language.* (a) Registration statements shall be filed on good quality, unglazed, white paper 8½ x 13 inches in size, insofar as practicable. However, tables, charts, maps, and financial statements may be on larger paper if folded to that size, and the prospectus may be on smaller paper if the registrant so desires.

(b) All papers and documents filed as a part of a registration statement shall, insofar as practicable, be printed, mimeographed or typewritten. All such material shall be clear, easily readable, and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(c) The registration statement proper shall be in the English language. If any exhibit or other paper or document filed with the registration statement is in a foreign language, it shall be accompanied by a translation into the English language.

§ 230.404 *Preparation of registration statement.* (a) Notwithstanding any requirement of the appropriate form to the contrary, a copy of the proposed prospectus may be filed as a part of the registration statement proper in lieu of furnishing the information in item-and-answer form. Wherever this procedure is followed, either pursuant to this section or otherwise, the text of the items of the form are to be omitted from the registration statement, as well as from the prospectus, except to the extent provided in paragraph (b) of this section. All general instructions, instructions to items of the form and instructions as to financial statements, exhibits, or prospectuses are to be omitted from the registration statement in all cases.

(b) Where any items of a form call for information not required to be included in the prospectus the text of such items together with the answers thereto shall be filed with the prospectus under cover of the facing sheet of the form as a part of the registration statement proper. If any such item is inapplicable, or the answer thereto is in the negative, a statement to that effect shall be made. Any financial statements not required to be included in the prospectus shall also be filed as a part of the registration statement proper, unless incorporated by reference pursuant to § 230.411.

(c) Every registration statement shall include a cross reference sheet showing the location in the prospectus of the information required to be included in the prospectus in response to the items of the form. If any such item is inapplicable, or the answer thereto is in the negative and is omitted from the prospectus, a statement to that effect shall be made in the cross reference sheet.

§ 230.405 *Definitions of terms.* Unless the context otherwise requires, all terms used in this regulation or in the forms for registration have the same meanings as in the act and in the general rules and regulations. In addition, the following definitions apply, unless the context otherwise requires:

(a) *Affiliate.* An "affiliate" of, or a person "affiliated" with, a specified person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(b) *Amount.* The term "amount", when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

(c) *Certified.* The term "certified", when used in regard to financial statements, means certified by an independent public or independent certified public accountant or accountants.

(d) *Charter.* The term "charter" includes articles of incorporation, declarations of trust, articles of association or partnership, or any similar instrument, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

(e) *Commission.* The term "Commission" means the Securities and Exchange Commission.

(f) *Control.* The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(g) *Director.* The term "director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

(h) *Employee.* The term "employee" does not include a director, trustee, or officer.

(i) *Equity security.* The term "equity security" means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

(j) *Fiscal year.* The term "fiscal year" means the annual accounting period or, if no closing date has been adopted, the calendar year ending on December 31.

(k) *Majority-owned subsidiary.* The term "majority-owned subsidiary" means a subsidiary more than fifty percent of whose outstanding securities representing the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

(l) *Material.* The term "material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before purchasing the security registered.

(m) *Officer.* The term "officer" means a president, vice-president, secretary, treasurer or principal financial officer, comptroller or principal accounting officer, and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

(n) *Parent.* A "parent" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

(o) *Predecessor.* The term "predecessor" means a person the major portion of the business and assets of which another person acquired in a single succession, or in a series of related successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

(p) *Principal underwriter.* The term "principal underwriter" means an underwriter in privity of contract with the issuer of the securities as to which he is underwriter, the term "issuer" having the meaning given in sections 2 (4) and 2 (11) of the act.

(q) *Promoter.* The term "promoter" includes:

(1) Any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer;

(2) Any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both services and property, 10 percent or more of any class of securities of the issuer or 10 percent or more of the proceeds from the sale of any class of securities. However, a person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the enterprise.

(r) *Registrant.* The term "registrant" means the issuer of the securities for which the registration statement is filed.

(s) *Share.* The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

(t) *Significant subsidiary.* The term "significant subsidiary" means a subsidiary meeting any one of the following conditions:

(1) The assets of the subsidiary, or the investments in and advances to the subsidiary by its parent and the parent's other subsidiaries, if any, exceed 5 percent of the assets of the parent and its subsidiaries on a consolidated basis.

(2) The sales and operating revenues of the subsidiary exceed 5 percent of the sales and operating revenues of its parent and the parent's subsidiaries on a consolidated basis.

(3) The subsidiary is the parent of one or more subsidiaries and, together with such subsidiaries would, if considered in the aggregate, constitute a significant subsidiary.

(u) *Subsidiary.* A "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries. (See also "majority-owned subsidiary," "significant subsidiary," and "totally-held subsidiary.")

(v) *Succession.* The term "succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have meanings correlative to the foregoing.

(w) *Totally - held subsidiary.* The term "totally-held subsidiary" means a subsidiary (1) substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally-held subsidiaries, and (2) which is not indebted to any person other than its parent and/or the parent's other totally-held subsidiaries in an amount which is material in relation to the particular subsidiary, excepting indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not.

§ 230.406 *Title of securities.* Wherever the title of securities is required to be stated there shall be given such information as will indicate the type and general character of the securities, including the following:

(a) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or non-cumulative; a brief indication of the preference, if any; and if convertible, a statement to that effect.

(b) In the case of funded debt, the rate of interest; the date of maturity, or if the issue matures serially, a brief indication of the serial maturities, such as "maturing serially from 1950 to 1960"; if the payment of principal or interest is contingent, an appropriate indication of such contingency; a brief indication of the priority of the issue; and if convertible, a statement to that effect.

(c) In the case of any other kind of security, appropriate information of comparable character.

§ 230.407 *Interpretation of requirements.* Unless the context clearly shows otherwise:

(a) The forms require information only as to the registrant.

(b) Whenever any fixed period of time in the past is indicated, such period shall be computed from the date of filing the registration statement, as determined by sections 6 (c) and 8 (a) of the act and the rules and regulations thereunder.

(c) Whenever words relate to the future, they have reference solely to present intention.

(d) Any words indicating the holder of a position or office include persons, by whatever titles designated, whose duties are those ordinarily performed by holders of such positions or offices.

§ 230.408 *Additional information.* In addition to the information expressly required to be included in a registration statement, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

§ 230.409 *Information unknown or not reasonably available.* Information required need be given only insofar as it is known or reasonably available to the registrant. If any required information is unknown and not reasonably available to the registrant, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the registrant, the information may be omitted, subject to the following conditions:

(a) The registrant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof, and may include a disclaimer of responsibility for the accuracy or completeness thereof.

(b) The registrant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

§ 230.410 *Disclaimer of control.* If the existence of control is open to reasonable doubt in any instance, the registrant may disclaim the existence of control and any admission thereof; in such case, however, the registrant shall state the material facts pertinent to the possible existence of control.

§ 230.411 *Incorporation of certain information by reference.* (a) Where an item calls for information not required to be included in the prospectus, matter contained in any part of the registration statement, other than exhibits, may be incorporated by reference in answer, or partial answer, to such item. Matter contained in an exhibit may be so incorporated to the extent specified in § 230.422.

(b) Any financial statement or part thereof filed with any office of the Commission pursuant to any act administered by the Commission may be incorporated by reference in any registration statement filed with any office of the Commission, if it substantially conforms to the requirements of the appropriate form and is not required to be included in the prospectus.

§ 230.412 *Form of and limitation upon incorporation by reference.* Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the registration statement where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

§ 230.413 *Registration of additional securities.* The registration of additional securities of the same class as other securities for which a registration statement is already in effect shall be effected through a separate registration statement relating to the additional securities

FORM AND CONTENT OF PROSPECTUSES

§ 230.420 *Legibility of prospectuses.* The body of all printed prospectuses shall be in type at least as legible as ten-point leaded type, except that to the extent necessary for convenient presentation financial statements and notes may be in type at least as legible as eight-point leaded type.

§ 230.421 *Presentation of information in prospectuses.* (a) The information required in a prospectus need not follow the order of the items or other requirements in the form. Such information shall not, however, be set forth in such fashion as to obscure any of the required information or any information necessary to keep the required information from being incomplete or misleading. Where an item requires information to be given in a prospectus in tabular form it shall be given in substantially the tabular form specified in the item.

(b) All information contained in a prospectus shall be set forth under appropriate captions or headings reasonably indicative of the principal subject matter set forth thereunder. Except as to financial statements and other tabular data, all information set forth in a prospectus shall be divided into reasonably short paragraphs or sections.

(c) Every prospectus shall include in the forepart thereof a reasonably detailed table of contents showing the subject matter of the various sections or subdivisions of the prospectus and the page number on which each such section or subdivision begins.

(d) All information required to be included in a prospectus shall be clearly understandable without the necessity of referring to the particular form or to the general rules and regulations. Except as to financial statements and information required in tabular form, the information set forth in a prospectus may be expressed in condensed or summarized form. Financial statements included in a prospectus are to be set forth in comparative form if practicable, and shall include the notes thereto and the accountants' certificate.

§ 230.422 *Summaries or outlines of documents.* Where a summary or outline of the provisions of any document is required, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular items, sections, or paragraphs of any exhibit and may be qualified in its entirety by such reference. Matter contained in an exhibit may be incorporated by reference in a prospectus only to the extent permitted by this section.

§ 230.423 *Date of prospectuses.* Each prospectus used upon the commencement of the public offering of registered securities shall be dated approximately as of the effective date of the registration statement. In addition, each revised or amended prospectus, and each supplement to a prospectus, used thereafter shall bear the approximate date of its issuance.

§ 230.424 *Filing of prospectuses; number of copies.* (a) In addition to the three copies of the proposed prospectus included in the body of the registration statement proper, five copies of such prospectus shall be filed with the registration statement at the time the statement is filed. A copy of the cross reference sheet required by § 230.404 (c) shall accompany each copy of the prospectus so filed.

(b) Within five days after the commencement of the public offering, twenty copies of each form of prospectus used in connection with such offering shall be filed, in the exact form used with the office of the Commission with which the registration statement was filed.

(c) No prospectus which purports to comply with section 10 of the act and which varies from any form of prospectus filed pursuant to paragraph (b) of this section shall be used until twenty copies thereof shall have been filed with the office of the Commission with which the registration statement was filed.

(d) Every prospectus consisting of a radio broadcast shall be reduced to writing. At least five days before the prospectus is broadcast or otherwise issued to the public, five copies thereof shall be filed with the office of the Commission with which the registration statement was filed.

§ 230.425 *Statement required in all prospectuses.* There shall be set forth on the outside front cover page of every prospectus the following statement, in capital letters, printed in type at least as legible as ten-point boldface leaded type:

> THESE SECURITIES HAVE NOT BEEN APPROVED OR DISAPPROVED BY THE SECURITIES AND EXCHANGE COMMISSION NOR HAS THE COMMISSION PASSED UPON THE ACCURACY OR ADEQUACY OF THIS PROSPECTUS. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE.

§ 230.426 *Statement as to stabilizing.* In any case in which the registrant or any of the underwriters knows or has reasonable grounds to believe that the price of any security may be stabilized to facilitate the offering of the registered securities, there shall be set forth, either on the outside front cover page or on the inside front cover page of the prospectus, a statement in substantially the following form, subject to appropriate modifications where circumstances require. Such statement shall be in capital letters, printed in type at least as legible as ten-point boldface leaded type:

> IN CONNECTION WITH THIS OFFERING, THE UNDERWRITERS MAY EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICE OF (IDENTIFY EACH CLASS OF SECURITIES IN WHICH SUCH TRANSACTIONS MAY BE EFFECTED) AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH TRANSACTIONS MAY BE EFFECTED ON (IDENTIFY EACH EXCHANGE ON WHICH STABILIZING TRANSACTIONS MAY BE EFFECTED. IF NONE, OMIT THIS SENTENCE). SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

§ 230.427 *Contents of prospectuses used after thirteen months.* Information contained in a registration statement may be omitted from a prospectus used more than 13 months after the effective date of the registration statement insofar as information on the same subjects, including certified financial statements, as of a date not more than 12 months prior to the use of the prospectus is contained therein. Twenty copies of the prospectus shall be filed with the Commission pursuant to § 230.424 (c).

§ 230.428 *Invitations for competitive bids.* Any information or documents contained in a registration statement may be omitted from any communication which is only an invitation for competitive bids for registered securities: *Provided* (a) The terms of the bidding require that each bid shall be for the purchase of the entire amount of one or more of the issues; and (b) the communication states that prior to the acceptance of any bid, the bidder will be furnished a copy of the official prospectus. Such communication need not comply with any other rules and regulations with respect to the form and content of prospectuses and shall not be deemed a prospectus meeting the requirements of section 10 for the purpose of section 2 (10) (a) or 5 (b) (2) of the act.

§ 230.429 *Contents of prospectus when several statements in effect.* When two or more registration statements become effective for different blocks of securities of the same class, a prospectus which meets the requirements of the act and the rules and regulations of the Commission for use in connection with the securities covered by the latest registration statement will be deemed to meet such requirements for use in connection with the securities covered by the earlier registration statements, provided such prospectus also contains the information contained in the earlier prospectuses with respect to (a) the underwriting, marketing and distribution arrangements, (b) the price to the public, underwriting discounts and commissions and proceeds to the registrant, and (c) the application of the proceeds.

§ 230.430 *Prospectus for employees' savings, profit sharing or pension plans.* (a) Any prospectus for shares of stock of an issuer in which funds of a savings, profit sharing or pension plan for directors, officers or employees of the issuer are to be invested need contain only the information specified below if the prospectus is sent or given only to directors, officers or employees of the issuer who have previously received a prospectus for registered interests or participations in the plan and for registered shares of stock of the issuer and who have become members of the plan prior to receipt of the prospectus prepared in accordance with this section:

(1) Such information (other than financial statements) in regard to the plan and the administration thereof and in regard to the issuer of the underlying stock and its subsidiaries as may be necessary to bring up to date the corresponding information furnished to members of the plan in previous prospectuses.

(2) Financial statements of the plan corresponding to those included in previous prospectuses for each fiscal year after the last fiscal year for which financial statements of the plan were furnished to members of the plan in previous prospectuses.

(3) Financial statements of the issuer of the underlying stock and its subsidiaries corresponding to those included in previous prospectuses for each fiscal year after the last fiscal year for which financial statements of the issuer and its subsidiaries were furnished to members of the plan in previous prospectuses.

(b) The financial statements specified in paragraph (a) of this section may be omitted from any prospectus used in the manner specified in that paragraph if:

(1) The fiscal year of the issuer of the underlying stock has ended within ninety days prior to the date when it is desired to distribute the prospectus to members of the plan.

(2) The prospectus contains, or is accompanied by, financial statements (which need not be certified) substantially meeting the requirements of paragraph (a) of this section.

(3) Within 120 days after the close of the fiscal year the financial statements omitted from the prospectus pursuant to this paragraph are made conveniently available to all members of the plan at their respective places of employment.

(4) There is set forth in conspicuous print on the first page of the prospectus a statement as to the manner in which and the approximate date on which the financial statements will be made available to members of the plan pursuant to subparagraph (3) of this paragraph.

WRITTEN CONSENTS

§ 230.435 *Formal requirements as to consents.* All written consents filed with the registration statement pursuant to section 7 of the act or pursuant to these rules shall be dated and signed manually. A list of such consents shall be filed with the registration statement. Where the consent of an expert is contained in his report, a reference shall be made in the list to the report containing the consent.

§ 230.436 *Consents required in special cases.* (a) If any portion of the report of an expert is quoted or summarized as such in the registration statement or in a prospectus the written consent of the expert shall expressly state that the expert consents to such quotation or summarization.

(b) If it is stated that any information contained in the registration statement has been reviewed or passed upon by any persons and that such information is set forth in the registration statement upon the authority of or in reliance upon such persons as experts, the written consents of such persons shall be filed with the registration statement.

§ 230.437 *Application to dispense with consent.* An application to the Commission to dispense with any written consent of an expert pursuant to section 7 of the act shall be made by the registrant and shall be supported by an affidavit or affidavits establishing that the obtaining of such consent is impracticable or involves undue hardship on the registrant. Such application shall be filed and the consent of the Commission shall be obtained prior to the effective date of the registration statement.

§ 230.438 *Consents of persons about to become directors.* If any person who has not signed the registration statement is named therein as about to become a director, the written consent of such person shall be filed with the registration statement. Any such consent, however, may be omitted if there is filed with the registration statement a statement by the registrant, supported by an affidavit or affidavits, setting forth the reasons for such omission and establishing that the obtaining of such consent is impracticable or involves undue hardship on the registrant.

§ 230.439 *Consent to use of material incorporated by reference.* If the act or the rules and regulations of the Commission require the filing of a written consent to the use of any material in connection with the registration statement, such consent shall be filed with the registration statement even though the material is incorporated therein by reference.

EXHIBITS

§ 230.445 *Additional exhibits.* The registrant may file such exhibits as it may desire, in addition to those required by the appropriate form. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

§ 230.446 *Omission of substantially identical documents.* In any case where two or more indentures, contracts, franchises, or other documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the registrant need file a copy of only one of such documents, with a schedule identifying the other documents omitted and setting forth the material details in which such documents differ from the document of which a copy is filed. The Commission may at any time in its discretion require the filing of copies of any documents so omitted.

§ 230.447 *Incorporation of exhibits by reference.* (a) Any document or part thereof filed with any office of the Commission pursuant to any act administered by the Commission may be incorporated by reference as an exhibit to any registration statement filed with any office of the Commission.

(b) If any modification has occurred in the text of any document incorporated by reference since the filing thereof, the registrant shall file with the reference a statement containing the text of any such modification and the date thereof.

(c) If the number of copies of any document filed is less than the number required to be filed with the registration statement which incorporates such document as an exhibit, the registrant shall file with the registration statement as many additional copies of the document as may be necessary to meet the requirements of such statement.

FILING; FEES; EFFECTIVE DATE

§ 230.455 *Place of filing.* (a) Except as provided in paragraph (b) of this section, all registration statements shall be filed with the Commission at its principal office.

(b) If the principal executive offices of the registrant, or of a principal underwriter of the securities being registered, are located in the State of California, Nevada, Arizona, Oregon, Washington, Idaho, or Montana, or in the Territory of Hawaii, the registration statement may be filed with the regional office of the Commission in Room 308 Appraisers Building, 630 Sansome Street, San Francisco 11, California. However, the provisions of this paragraph shall not apply to registrants which are subject to the provisions of the Public Utility Holding Company Act of 1935 or the Investment Company Act of 1940.

§ 230.456 *Date of filing.* The date on which any papers are actually received in the proper office of the Commission pursuant to § 230.455 shall be the date of filing thereof, if all the requirements of the act and the rules with respect to such filing have been complied with and the required fee paid. The failure to pay an insignificant amount of the required fee at the time of filing, as the result of a bona fide error, shall not be deemed to affect the date of filing.

§ 230.457 *Computation of fee.* (a) At the time of filing a registration statement the registrant shall pay to the Commission a fee of one one-hundredth of 1 percent of the maximum aggregate price at which the securities are proposed to be offered, but in no case shall such fee be less than $25.

(b) Where securities are to be offered at prices computed upon the basis of fluctuating market prices, the registration fee is to be calculated upon the basis of the price at which securities of the same class were sold, or upon the average of the bid and asked prices of such securities, on a specified date within fifteen days prior to the date of filing of the registration statement.

(c) Where securities are to be offered at varying prices based upon fluctuating values of underlying assets, the registration fee is to be calculated upon the basis of the market value of such assets as of a specified date within fifteen days prior to the date of filing, in accordance with the method to be used in calculating the daily offering price.

(d) Where securities are to be offered to existing security holders and the portion, if any, not taken by such security holders is to be reoffered to the general public, the registration fee is to be calculated upon the basis of the proposed offering price to such security holders or the proposed reoffering price to the general public, whichever is higher.

(e) Where securities are to be offered in exchange for other securities (except where such exchange results from the exercise of a conversion privilege) the registration fee is to be calculated as follows:

(1) Upon the basis of the market value of the securities to be received by the registrant in the exchange as established by bona fide transactions as of a specified date within fifteen days prior to the date of filing.

(2) If there is no market for the securities to be received by the registrant in the exchange, the book value of such securities computed as of the latest practicable date prior to the date of filing the registration statement shall be used, unless the issuer of such securities is in bankruptcy or receivership, in which case one-third of the principal amount, par value or stated value of such securities shall be used.

(3) If any cash is to be received or paid by the registrant in connection with the exchange, the amount thereof shall be deducted from or added to, as the case may be, the value of the securities to be received by the registrant in exchange as computed in accordance with subparagraphs (1) or (2) of this paragraph.

(4) Securities to be offered directly or indirectly in exchange for certificates of deposit shall be deemed to be offered in exchange for the securities represented by the certificates of deposit.

§ 230.458 *Payment of fee.* All payments of fees shall be made in cash, or by United States postal money order or certified check payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

§ 230.459 *Calculation of effective date.* Saturdays, Sundays and holidays shall be counted in computing the effective date of registration statements under section 8 (a) of the act. In the case of statements which become effective on the twentieth day after filing, the twentieth day shall be deemed to begin at the expiration of nineteen periods of twenty-four hours each from 5:30 p. m. eastern standard time or eastern daylight-saving time, whichever is in effect at the principal office of the Commission on the date of filing.

§ 230.460 *Supplementary statement of actual offering price.* Within ten days after registered securities are initially offered to the public, there shall be filed with the office of the Commission with which the registration statement was filed, a statement setting forth the actual price at which, and the date on which, the securities were so offered. If such price differs from the proposed price set forth in the registration statement, a brief explanation of such difference shall be made. Where the securities are to be offered first to existing security holders and then to the general public, a statement as required by this rule shall be filed with respect to each of such offerings if made at different prices.

AMENDMENTS; WITHDRAWALS

§ 230.470 *Formal requirements for amendments.* Except as provided in § 230.473, amendments to a registration statement shall be filed under cover of an appropriate facing sheet, shall be numbered consecutively in the order in which filed, and shall conform to all pertinent rules applicable to the original registration statement.

§ 230.471 *Signatures to amendments.* Except as provided in § 230.478, every amendment to a registration statement shall be signed by the persons specified in section 6 (a) of the act. At least the original of every amendment filed with the principal office of the Commission, and two original counterparts of every amendment filed with a regional office, shall be signed. Unsigned counterparts of amendments shall be conformed.

§ 230.472. *Filing of amendments; number of copies.* (a) Three copies of every amendment, other than telegraphic amendments pursuant to § 230.473 shall be filed. Amendments shall be filed with the office of the Commission with which the registration statement was filed.

(b) Where an amendment relates to the prospectus, five copies of the amended prospectus shall be filed in addition to the three copies required by paragraph (a) of this section. If the amendment results in a change in the cross reference sheet filed pursuant to § 230.404 (c) a copy of an amended cross reference sheet shall be filed with each copy of the amended prospectus.

§ 230.473 *Delaying amendments.* An amendment altering the proposed date of the public offering may be made by telegram or by letter. Each such telegraphic amendment shall be confirmed within a reasonable time by the filing of three copies, one of which shall be signed. Such confirmation shall not be deemed an amendment.

§ 230.474 *Date of filing of amendments.* The date on which amendments are actually received in the office of the Commission with which the registration statement was filed shall be the date of filing thereof, if all of the requirements of the act and the rules with respect to such filing have been complied with.

§ 230.475 *Amendment filed with consent of Commission.* An application for the Commission's consent to the filing of an amendment with the effect provided in section 8 (a) of the act may be filed before or after or concurrently with the filing of the amendment. The application shall be signed and shall state fully the grounds upon which it is made. The Commission's consent shall be deemed to have been given and the amendment shall be treated as a part of the registration statement only when the Commission shall after the filing of such amendment enter an order to that effect.

§ 230.476 *Amendment filed pursuant to order of Commission.* An amendment filed prior to the effective date of a registration statement shall be deemed to have been filed pursuant to an order of the Commission within the meaning of section 8 (a) of the act so as to be treated as a part of the registration statement only when the Commission shall after the filing of such amendment enter an order declaring that it has been filed pursuant to the Commission's previous order.

§ 230.477 *Withdrawal of registration statement or amendment.* Any registration statement or any amendment or exhibit thereto may be withdrawn upon application if the Commission, finding such withdrawal consistent with the public interest and the protection of investors, consents thereto. The application for such consent shall be signed and shall state fully the grounds upon which made. The fee paid upon the filing of the registration statement will not be returned to the registrant. The papers comprising the registration statement or amendment thereto shall not be removed from the files of the Commission but shall be plainly marked with the date of the giving of such consent, and in the following manner: "Withdrawn upon the request of the registrant, the Commission consenting thereto."

§ 230.478 *Powers to amend or withdraw registration statement.* All persons signing a registration statement shall be deemed, in the absence of a statement to the contrary, to confer upon the registrant, and upon the agent for service named in the registration statement, the following powers:

(a) A power to amend the registration statement (1) by altering the date of the proposed offering; (2) by filing any required written consent; (3) by correcting typographical errors; or (4) by reducing the amount of securities registered, pursuant to an undertaking contained in the registration statement.

(b) A power to make application pursuant to § 230.475 for the Commission's consent to the filing of an amendment.

(c) A power to withdraw the registration statement or any amendment or exhibit thereto.

(d) A power to consent to the entry of an order under section 8 (b) of the act, waiving notice and hearing, such order being entered without prejudice to the right of the registrant thereafter to have the order vacated upon a showing to the Commission that the registration statement as amended is no longer incomplete or inaccurate on its face in any material respect.

NONDISCLOSURE OF CONTRACT PROVISIONS

§ 230.485 *Contracts in general.* Public disclosure will not be made of the provisions of any material contract or portion thereof if the Commission determines that such disclosure would impair the value of the contract and is not necessary for the protection of investors. In any case where the registrant desires the Commission to make such a determination, the procedure set forth below shall be followed:

(a) The registrant shall omit from the registration statement as originally filed the portion of the contract which it desires to keep undisclosed, or, if the registrant desires to keep the entire contract undisclosed, any copy of the contract.

(b) The registrant shall file with the registration statement, but not bound as part thereof, (1) three copies of the contract or portion thereof which it desires to keep undisclosed, clearly marked "Confidential", and (2) an application for an order making the above described determination. Such application shall set forth the considerations relied upon for obtaining such order. Pending the granting or denial by the Commission of the application, the terms and existence of the contract or portion thereof will be kept undisclosed.

(c) If the Commission determines that the application shall be granted, an order to that effect will be entered. Prior to any determination denying the application, confirmed telegraphic notice of an opportunity for hearing, at a specified time within 10 days after the dispatch of such notice, will be sent to the agent for service. After such hearing, an order granting or denying the application will be entered.

(d) If the Commission denies the application, confirmed telegraphic notice of the order of denial will be sent to the agent for service. In such case, within 10 days after the dispatch of such notice, the registrant shall have the right to withdraw the registration statement in accordance with the terms of § 230.477, but without the necessity of stating any grounds for the withdrawal or of obtaining the further assent of the Commission. In the event of such withdrawal, the contract or portion thereof filed confidentially will be returned to the registrant.

(e) If the registration statement is not withdrawn pursuant to paragraph (d) of this section, the contract or portion thereof filed confidentially will be made available for public inspection as part of the registration statement, and the registrant shall amend the registration statement to include all information required to be set forth in regard to such contract or portion thereof.

§ 230.486 *Contracts affecting the national defense.* (a) Notwithstanding any requirement of the form used for registration, the registrant need not file as an exhibit to the registration statement a copy of any contract as to which all the following conditions are satisfied:

(1) A copy of the contract is on file with an executive department of the United States or with the United States Maritime Commission or Atomic Energy Commission.

(2) The registrant has been notified in writing that such executive department or commission has administratively determined that the subject of such contract relates to and affects the national defense and that disclosure thereof would be contrary to the public interest.

(b) The registrant shall file as an exhibit to the registration statement, in lieu of the copy of the contract omitted pursuant to paragraph (a) of this section, a copy of each notification received from such executive department or commission with respect to the filing of copies of the contract or of information as to its terms.

(c) Notwithstanding any requirement of the form used for registration, the registrant need not furnish any information as to any terms of the contract relating directly or indirectly to any of the following subjects as to which the registrant has been notified in writing that such executive department or the commission with which a copy of the contract is on file has administratively determined that such subjects relate to and affect the national defense and that disclosure thereof would be contrary to the public interest:

(1) Quantity of equipment or materials to be constructed or supplied.

(2) Designations of type, descriptions, specifications, deliveries, test, or guarantees of performance with respect to such equipment or materials.

(3) Nature and extent of experimental facilities, services, or information to be furnished.

(d) Public disclosure will not be made of the contents of any notification filed pursuant to paragraph (b) of this section, or of any portion of the information as to the terms of the contract required to be furnished notwithstanding the provisions of paragraph (c) of this section, if the Securities and Exchange Commission determines that such disclosure would impair the value of the contract and is not necessary for the protection of investors. In any case where the registrant desires the Commission to make such a determination, the procedure set forth in § 230.485 shall be followed, except that there shall be filed in lieu of the three copies of the contract or portion thereof required by paragraph (b) (1) of § 230.485, three copies of the notification and three copies of the information as to the terms of the contract which the registrant desires to keep undisclosed, all clearly marked "Confidential".

REGISTRATION BY FOREIGN GOVERNMENTS OR POLITICAL SUBDIVISIONS THEREOF

§ 230.490 *Information to be furnished under paragraph (3) of Schedule B.* Any issuer filing a registration statement pursuant to Schedule B of the act need not furnish the detailed information specified in paragraph (3) as to issues of outstanding funded debt the aggregate amount of which outstanding is less than 5 percent of the total funded debt outstanding and to be created by the security to be offered, provided the amount thereof is included in the statement of the total amount of funded debt outstanding and a statement is made as to the title, amount outstanding, rate of interest, the date of maturity of each such issue.

§ 230.491 *Information to be furnished under paragraph (6) of Schedule B.* Any foreign government filing a registration statement pursuant to Schedule B of the act need state, in furnishing the information required by paragraph (6), the names and addresses only of principal underwriters, namely, underwriters in privity of contract with the registrant, provided they are designated as principal underwriters and a brief statement is made as to the discounts and commissions to be reecived by subunderwriters or dealers.

§ 230.492 *Omissions from prospectuses.* In the case of a security for which a registration statement conforming to Schedule B is in effect, the following information, contained in the registration statement, may be omitted from any prospectus: Information in answer to paragraph (3) of the Schedule with respect to the amortization and retirement provisions for debt not being registered, and with respect to the provisions for the substitution of security for such debt; information in answer to paragraph (11); the copy of any agreement or agreements required by paragraph (13); the agreement required by paragraph (14); all information, whether contained in the registration statement itself or in any exhibit thereto, not required by Schedule B.

§ 230.493 *Filing of opinions of counsel.* The copy of the opinion or opinions of counsel required by paragraph (14) of Schedule B shall be filed either as a part of the registration statement as originally filed, or as an amendment thereto.

The foregoing action shall become effective July 15, 1947.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JUNE 9, 1947.

[F. R. Doc. 47-5914; Filed, June 23, 1947; 9:09 a. m.]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

MISCELLANEOUS AMENDMENTS

The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby takes the following action:

1. Form D–1 (17 CFR 239.6) is amended by inserting immediately preceding "Part I" thereof the following:

Omissions from the prospectus. The following information and documents may be omitted from the prospectus: In Part I, Items 4, 18, 39, and all exhibits except financial statements filed in compliance with Items 14 and 15; in Part II, Item 44 and all exhibits.

2. Form D–1A (17 CFR 239.7) is amended by inserting immediately after the General Instructions thereof the following:

Omissions from the prospectus. The following information and documents may be omitted from the prospectus: All exhibits and all information contained in schedules, on condition that copies of each of the schedules attached to the registration statement are included.

3. Form F–1 (17 CFR 239.9) is amended by adding at the end of the "Instructions as to preparing Form F–1" the following:

Omissions from the prospectus. The following information and documents may be omitted from the prospectus: Items 3, 26, 27 and all exhibits.

The basis and purpose of the foregoing action is the elimination from Regulation C of obsolete provisions and the reorganization and revision of the remaining rules of that Regulation in a manner intended to facilitate the registration of securities under the act.

(Secs. 6, 7, 8, 10, 19 (a), 48 Stat. 78, 79, 81, 85; 15 U. S. C. 77f, 77g, 77h, 77j, 77s)

The foregoing action shall become effective July 15, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 9, 1947.

[F. R. Doc. 47-5915; Filed, June 23, 1947; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51702]

PART 6—AIR COMMERCE REGULATIONS

CUT BANK AIRPORT, CUT BANK, MONT.; REDESIGNATED AS AIRPORT ENTRY FOR ONE YEAR

JUNE 13, 1947.

The Cut Bank Airport, Cut Bank, Montana, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. Title 49, sec. 179 (b)), for a period of 1 year from May 25, 1947.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, is hereby further amended by changing the date of designation opposite the name of this airport to "May 25, 1947."

Notice of the proposed redesignation of this airport as an airport of entry was published in the FEDERAL REGISTER on May 17, 1947 (12 F. R. 3230), pursuant to the provisions of section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). The redesignation shall be effective on May 25, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with because the previous designation expired prior to the expiration of 30 days after the publication of this redesignation. The redesignation of this airport is based on a determination that a sufficient need exists to justify such redesignation and the redesignation is for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b), 44 Stat. 572, sec. 611, 58 Stat. 714; 49 U. S. C., 2nd Sup., 177 (b))

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-5923; Filed, June 23, 1947; 8:58 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

NAVAL WAR COLLEGE

1. Amend paragraph (b) (3) of § 26.9 *Bureau of Naval Personnel* as follows:

After "Postgraduate Schools" delete "Naval War College" and insert the following: "Naval War College (Limited to the extent prescribed in § 26.14 (h))."

2. Add § 26.14 (h) as follows:

§ 26.14 *Staff of the Chief of Naval Operations.* * * *

(h) The Naval War College is under the supervision of the Chief of Naval Operations in matters relating to its mission, policy, and course of study. The President of the College may refer all matters pertaining to curriculum, future plans, and war studies directly to the Chief of Naval Operations. Matters purely administrative, such as fiscal, logistic support and personnel, are under the cognizance of the Chief of Naval Personnel.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-5912; Filed, June 23, 1947; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

WAIVER AS TO CLASS B FM APPLICANTS OF RULE AGAINST REPETITIOUS APPLICATIONS

In the matter of waiver of § 1.363 (a) of the rules and regulations of the Federal Communications Commission as to certain Class B FM applications.

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on the 12th day of June 1947;

It appearing, that § 1.363 (a) of the Commission's rules and regulations provides as follows:

(a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for new station, or for an extension or enlargement of service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this rule.

It appearing, that under § 3.204 (c) of the Commission's rules and regulations one out of every five Class B FM channels tentatively indicated as available to an area to which at least five Class B channels have been assigned, has been withheld from assignment for the period ending June 30, 1947; and

It appearing, that various applicants have been afforded an opportunity to be heard with respect to particular applications for Class B FM broadcast stations in cities or areas in which certain Class B FM channels have been withheld from assignment, and that the Commission, after hearing, has denied or may hereafter deny certain of these applications; and

It appearing, that after denial of their applications these applicants may desire to file applications for reserved Class B FM channels involving service of the same kind to the same area as their previous applications, and that the public interest would be served by permitting these unsuccessful applicants to file applications for such reserved channels less than 12 months from the effective date of the Commission's decision or order denying their prior applications;

It is hereby ordered, That the provisions of § 1.363 (a) of the Commission's rules be, and they are hereby, waived as to applications for Class B FM channels now pending before the Commission, which after hearing have been denied or may hereafter be denied; *Provided, however*, That this waiver shall not be effective as to any such application which has been denied or may hereafter be denied on the ground that the applicant was disqualified to be a broadcast licensee.

(Sec. 303, 48 Stat. 1082, 50 Stat. 191; 47 U. S. C. 303 (b) (c) (r))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5937; Filed, June 23 1947; 9:07 a. m.]

[Order 130-O]

PART 12—AMATEUR RADIO SERVICE

FREQUENCIES AND FREQUENCY BANDS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1947;

The Commission having under consideration the matter of relieving an existing restriction to the operation of amateur radio stations in the frequency band 430 to 450 Mc, and of indicating that the Amateur Radio Service recognizes the possibility of interference to its operations in the shared frequency band of 2400 to 2450 Mc; and

It appearing that the frequency band 420 to 450 Mc is allocated to the Amateur Radio Service, and that a previously existing restriction upon the use of the portion of this band between 430 and 450 Mc by amateurs may now be lifted; and

It appearing that the Commission by its order, dated and effective December 26, 1946 (Docket No. 7858) assigned the frequency 2450 Mc (band width 2400 to 2500 Mc) for the operation of industrial, scientific, and medical devices on a nonexclusive basis, and that as stated in the service allocation table attached to the Commission's Public Notice (Mimeograph No. 4803) dated February 18, 1947, the Amateur Radio Service recognizes that interference to its operations on frequencies within 50 Mc of 2450 Mc may result from the emissions on the frequency 2450 Mc of industrial, scientific, and medical devices; and

It further appearing that authority for the release of frequencies as specified herein and for the inclusion in Order No. 130-L (in relation to its provisions regarding the availability to the Amateur Radio Service of the frequency band of 2300 to 2450 Mc) of a clause relating to the possibility of interference to operations within that band, is contained in sections 303 (b), (c), and (r) of the Communications Act of 1934, as amended; and

It further appearing that the release of the frequencies between 430 and 450 Mc relieves an existing restriction, that such release and the inclusion of the above-mentioned interference clause are noncontroversial and in the public interest, and that Public Notice and Procedure required by section 4 of the Administrative Procedure Act are unnecessary;

It is ordered, That for the purpose of correlating the Commission's Orders in the 130 series with its order of December 26, 1946 (Docket No. 7858), and to release additional frequencies to the Amateur Radio Service, the subparagraphs numbered 2 (a) (11) and 2 (a) (12) of the first ordering clause of Order No. 130-L be, and they are hereby amended to read as follows:

(11) 420 to 450 Mc, using types A0, A1, A2, A3, A4, A5 and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). Peak antenna power shall not exceed 50 watts.

(12) 1215 to 1295 Mc, 2300 to 2450 Mc, 3300 to 3500 Mc, 5650 to 5850 Mc, 10,000 to 10,500 Mc, 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using on these frequencies types A0, A1, A2, A3, A4, A5 and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), and pulse emissions. Operations in the frequency band 2300 to 2450 Mc are subject to such interference between 2400 and 2450 Mc as may result from emissions on the frequency 2450 Mc of industrial, scientific and medical devices.

It is further ordered, That, for the reasons set forth above, this order be, and it is hereby made effective immediately.

(Sec. 303 (b), 48 Stat. 1082, 303 (c), 48 Stat. 1082, 303 (r), 50 Stat. 191; 47 U. S. C. 303 (b), 303 (c), 303 (r))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5938; Filed, June 23, 1947; 9:07 a. m.]

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

PART 5—EXPERIMENTAL RADIO SERVICES

PART 7—COASTAL AND MARINE RELAY SERVICES

PART 8—SHIP RADIO SERVICE

PART 9—AVIATION RADIO SERVICES

PART 10—EMERGENCY RADIO SERVICES

PART 11—MISCELLANEOUS RADIO SERVICES

PART 13—COMMERCIAL RADIO OPERATORS

PART 17—UTILITY RADIO SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of adoption of new card form of Restricted Radiotelephone Operator Permit and of amendments to Parts 4, 5, 7, 8, 9, 10, 11, 13, and 17 of the rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 11th day of June 1947;

The Commission having under consideration the matter of adoption of a simplified, pocket-size, card form (FCC Form 761) of restricted radiotelephone operator permit and having under consideration the adoption of amendments to its rules and regulations for the purpose of implementing the adoption of the new card form of permit; and

It appearing that it is in the public interest, convenience and necessity to adopt the card form of restricted radiotelephone operator permit and to adopt amendments to the rules and regulations which will provide that the newly adopted card form of permit shall not be posted at stations where the holders thereof are employed or serving as operators, that the holders thereof shall whenever serving as station operators, keep such permits on their persons, and that the holders thereof shall not be issued any operator license verification cards (FCC Form 758-F) based thereon; and

It further appearing that authority to fix the forms of operator licenses and to promulgate rules concerning the posting or carrying of such licenses is contained in sections 303 (l) and (r) of the Communications Act of 1934, as amended; and

It further appearing that, as the adoption of the new card form of restricted radiotelephone operator permit and of the amendments to the rules and regulations herein contained does not invalidate any valid outstanding permits of the diploma form, or otherwise affect the privileges or obligations of the holders of permits of either the diploma form or card form other than, in the case of holders of card form permits, to grant relief from existing restrictions regarding the posting of restricted radiotelephone operator permits and the carrying of operator license verification cards, the Public Notice and Procedure for Rule Making prescribed by sections 4 (a), (b), and (c) of the Administrative Procedure Act are unnecessary;

It is ordered, That hereafter new, renewed, duplicate, and replacement restricted radiotelephone operator permits shall be issued exclusively in a simplified, pocket-size, card form (FCC Form 761), and an equivalent permit on this form may be issued in exchange to the holder of a valid outstanding restricted radiotelephone operator permit of the diploma form if such holder requests the exchange and surrenders for cancellation his diploma form of permit and any outstanding operator license verification card based thereon,

It is further ordered, That Parts 4, 5, 7, 8, 9, 10, 11, 13, and 17 of the rules and regulations of the Commission are hereby amended as follows:

1. Sections 4.464 (b) and 4.564 (b) are amended by changing the periods at the end of these sections to colons and adding thereafter the following language: *"Provided further, however*, That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession."

2. Sections 5.30, 7.43, 9.119, 10.84, 11.44, and 17.124 are amended by changing the periods at the ends of these sections to colons and adding thereafter the following language: *"Provided, however*, That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession."

3. Section 8.63 is amended by changing the period at the end of the section to a colon and adding thereafter the following language: *"Provided further, however*, That any operator who holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form), and who is employed or designated as radio operator of a ship station shall not post that permit, but whenever on duty shall keep it in his personal possession."

4. Section 13.73 is amended by changing the period at the end of the first sentence to a colon and adding thereafter the following language: *"Provided, however*, That no verification card may be issued to the holder of a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) on the basis of that particular permit."

It is further ordered, That, for the reasons set out above, this order shall be effective July 1, 1947.

(Sec. 303 (l), 48 Stat. 1082, 303 (r), 50 Stat. 191; 47 U. S. C. 303 (l), 303 (r))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5939; Filed, June 23, 1947; 9:08 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 653, Corrected Amdt. 6]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128, 1606, 1816, 1952, 2093), and good cause appearing therefor: It is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars*, of Service Order No. 653, as amended, be, and it is hereby, further amended by vacating and setting aside the following paragraph (c) (5) thereof:

(c) *Application.* • • •

(5) *Demurrage charges substituted for charges for storage of freight in gondola, open or covered hopper cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in gondola, open or covered hopper cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as they provide charges lower than the charges provided in this section.

(ii) In lieu of the charges for storage of freight in gondola, open or covered hopper cars, at or short of ports suspended in subparagraph (5) (i) of this paragraph, the applicable charges for detention of gondola, open or covered hopper cars held at or short of ports, for unloading freight consigned to or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraphs in (a) and (b) of this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., June 23, 1947, and the provisions of this amendment shall apply to cars arriving at, or held at ports on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C. and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-5919; Filed, June 23, 1947; 8:57 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 56]

DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

INSPECTION AND CERTIFICATION FOR CONDITION AND WHOLESOMENESS

Notice is hereby given that the United States Department of Agriculture is considering an amendment, as hereinafter set forth, of the rules and regulations governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness (7 CFR and Supps. 56.1 et seq.). Such rules and regulations are currently effective under the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same in quadruplicate with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

Delete the second sentence in paragraph (a) of § 56.23 *Uninspected product may not be handled in any official plant; reinspection of products* (7 CFR and Supps. 56.23) and substitute, in lieu thereof, the following: "No edible product, other than an inspected and certified edible product, may be brought into an official plant; *Provided*, That such inspected and certified edible product shall be properly identified and reinspected by an inspector at the time such product is brought into such plant."

(Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946)

Issued at Washington, D. C., this 18th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5918; Filed, June 23, 1947; 8:57 a. m.]

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of the Public Debt

[1947 Dept. Circ. 809]

7/8 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES F-1948

OFFERING OF CERTIFICATES

JUNE 23, 1947.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated 7/8 percent Treasury Certificates of Indebtedness of Series F-1948, in exchange for Treasury Certificates of Indebtedness of Series F-1947, maturing July 1, 1947.

II. *Description of certificates.* 1. The certificates will be dated July 1, 1947, and will bear interest from that date at the rate of 7/8 percent per annum, payable with the principal at maturity on July 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift and other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or inter-

est thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before July 1, 1947, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series F–1947, maturing July 1, 1947, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-5927; Filed, June 23, 1947; 8:59 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2143074]

CALIFORNIA

RESTORATION ORDER 1227 UNDER FEDERAL POWER ACT

JUNE 16, 1947.

By Departmental order of September 19, 1925, creating Power Site Classification No. 116, the following described lands were classified as power sites:

HUMBOLDT MERIDIAN

T. 16 N., R. 7 E.,
sec. 10, lots 7, 8, and 9;
sec. 15, lot 21.

The areas described aggregate 102.79 acres.

Pursuant to the determination of the Federal Power Commission (DA–651, California) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080), the lands above described are hereby opened to application, petition, location, or selection under the United States mining laws only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818), and subject to the condition that no claim shall be made against the United States, its transferees or assigns, for or on account of loss of prospective profits or for any injury or damage to properties, improvements or operations due to such power development.

This order shall not become effective to change the status of the lands until 10:00 a. m. on August 18, 1947, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to disposition under the United States mining laws only, as above provided.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-5911; Filed, June 23, 1947; 9:07 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 442]

CLEVELAND UNION STOCK YARDS CO.

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Judicial Officer issued an order on August 7, 1946 (5 A. D. 596), providing for certain temporary rates and charges for the respondent stockyard for a period beginning August 12, 1946, and ending August 12, 1947.

By a petition filed on June 9, 1947, the respondent requests that the rates and charges now in effect be continued in effect to and including August 12, 1948.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an extension of temporary rates and charges.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 19th day of June 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-5947; Filed, June 23, 1947; 9:08 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Regulations, Part 522—Regulations Applicable to the Employment of Learners.

Puerto Rico Ilustrado, Inc., San Juan, Puerto Rico; to employ 4 learners as pressmen in the printing industry, as follows: Not less than 21¢ an hour for the first 460 hours; not less than 27¢ an hour for the second 460 hours; not less than 33¢ an hour for the third 460 hours; and for every hour thereafter, not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period. If, however, no applicable wage order is in effect at the time of the termination of the learning period, the statutory minimum required by section 6 of the Fair Labor Standards Act must be paid. The certificate is effective May 22, 1947 and expires May 21, 1948. Imprenta Soltero, Santurce, Puerto Rico; to employ 3 learners in the printing industry, as follows: 1 learner as a type setter and 1 learner as a linotypist at not less than 16 cents an hour for the first 690 hours; not less than 21 cents an hour for the second 690 hours; and not less than 26 cents an hour for the third 690 hours; and 1 learner as a pressman at not less than 16 cents an hour for the first 460 hours; not less than 21 cents an hour for the second 460 hours; and not less than 26 cents an hour for the third 460 hours; and for every hour thereafter, not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period. If, however, no applicable wage order is in effect at the time of the termination of the learning period, the statutory minimum required by section 6 of the Fair Labor Standards Act must be paid. The certificates are effective May 28, 1947 and expires May 27, 1948.

The employment of learners under the certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

Signed at Washington, D. C. this 11th day of June 1947.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 47-5924; Filed, June 23, 1947; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

WBNX BROADCASTING CO. ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m. on Friday, June 27, 1947, the Commission will hear oral argument in Room 6121 of the offices of the Commission, on the following matters, in the order indicated:

	Docket No.
1. New York FM applications—	
B-348:	
WBNX Broadcasting Co., Inc	6013
News Syndicate Co., Inc	6175
WMCA, Incorporated	6177
Debs Memorial Radio Fund, Inc	6178
Frequency Broadcasting Corp	6182
American Broadcasting Co., Inc	7217
Bernard Fein	7219
WLIB, Inc	7220
Peoples Radio Foundation, Inc	7221
Metropolitan Broadcasting Service	7224
N. M. U. Broadcasting Co., Inc	7225
Amalgamated Broadcasting System, Inc	7226
Unity Broadcasting Corp. of N. Y.	7228
North Jersey Radio, Inc	7230
Radio Projects, Inc	7232
North Jersey Broadcasting Co., Inc	7234
Radio Corp. of the Board of Missions & Church Exts. of the Methodist Church, Inc	7665
2. Report and Docket No. B-357:	
6949—Golden Gate Broadcasting Corp., San Francisco, Calif.:	
1460 kc 5 kw Unl. DA D&N.	
6952—Monterey Bay Broadcast Co., Santa Cruz, Calif.:	
1460 kc Unl. DA—N&D.	
6953—Cascade Broadcasting Co., Inc., Yakima, Wash.:	
1460 kc 1 kw Unl.	
2. Report and Docket No. B-357—Con.	
6955—San Jose Broadcasting Co., San Jose, Calif.:	
1500 kc 1 kw Unl. DA—night & day.	
7023—Mission Broadcasting Co., San Jose, Calif.:	
1490 kc 250 w Unl.	

Dated: June 13, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-5940; Filed, June 23, 1947; 9:00 a. m.]

[Docket Nos. 7173, 8439, 8440, 8441]

VAN CURLER BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Van Curler Broadcasting Corporation, Albany, New York, Docket No. 7173, File No. BP–4395; The Joseph Henry Broadcasting Co., Inc., Albany, New York, Docket No. 8439, File No. BP–6123; Governor Dongan Broadcasting Corporation, Albany, New York, Docket No. 8440, File No. BP–6124; for construction permits; and The Joseph Henry Broadcasting Co., Inc., Albany, New York, Docket No. 8441, File No. BL–2485; for license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of June 1947;

The Commission having under consideration the above-entitled applications of The Joseph Henry Broadcasting Co., Inc., and Governor Dongan Broadcasting Corporation, for construction permits for new standard broadcast stations at Albany, New York, using 1460 kc, 5 kw, unlimited time, and also having under consideration the above-entitled application of The Joseph Henry Broadcasting Co., Inc., for a license to operate on the present facilities of station WOKO, Albany, New York, upon termination of its present authorization using 1460 kc, 500 w, 1 kw-LS, unlimited time;

Whereas, the Commission on January 30, 1946, designated the above-entitled application of Van Curler Broadcasting Corporation for hearing in a consolidated proceeding with three other applications which have since been removed from that proceeding, the facilities sought being a construction permit for a new standard broadcast station at Albany, New York, using 1460 kc, 5 kw, unlimited time—the facilities formerly licensed to station WOKO, Albany, New York; and

Whereas, a hearing has been had on the above-entitled application of Van Curler Broadcasting Corporation and the record closed; and

Whereas, the Commission in a memorandum opinion and order entered on April 9, 1947, stated that it would entertain until June 1, 1947, applications from any person for the facilities of station WOKO, and upon their being received would consolidate them for hearing with the above-entitled application of Van Curler Broadcasting Corporation, reopening the record on the latter application for this purpose; and

It appearing that the above-entitled applications of The Joseph Henry Broadcasting Co., Inc., and Governor Dongan Broadcasting Corporation, were filed prior to June 1, 1947;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the record in the above-entitled application of Van Curler Broadcasting Corporation, be reopened, and that the said applications of The Joseph Henry Broadcasting Co., Inc., and Governor Dongan Broadcasting Corporation, be, and they are hereby, designated for hearing in the above consolidated proceeding, further hearing in which shall be held on July 14, 1947, at Washington, D. C., each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to receive primary service from the operation of the proposed station and the character of other broadcast services available to those areas and populations.

3. To determine the type of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order, dated January 30, 1946, designating the aforesaid application of Van Curler Broadcasting Corporation for hearing, be, and it is hereby, amended to include the above-entitled applications of The Joseph Henry Broadcasting Co., Inc., and Governor Dongan Broadcasting Corporation, and to include among the issues for hearing issue No. 7, stated above.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5941; Filed, June 23, 1947; 9:00 a. m.]

[Docket Nos. 8417, 8418]

EVANGELINE BROADCASTING CO., INC. (KVOL) AND MODERN BROADCASTING CO. OF BATON ROUGE, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Evangeline Broadcasting Company Incorporated (KVOL), Lafayete, Louisiana, Docket No. 8417, File No. BP-5668; Modern Broadcasting Company of Baton Rouge, Inc., Baton Rouge, Louisiana, Docket No. 8418, File No. BP-5711; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of June 1947;

The Commission having under consideration the above-entitled application of Evangeline Broadcasting Company, Incorporated (KVOL) for a construction permit to change frequency from 1340 kc to 1480 kc, increase power from 250 w day and night to 5 kw day and 1 kw night, install new transmitter, make changes in vertical antenna, and install new ground system, and also having under consideration the above-entitled application of Modern Broadcasting Company of Baton Rouge, Inc., for a construction permit for a new standard broadcast station to operate on the frequency 1480 kc, with 1 kw power, daytime only, at Baton Rouge, Louisiana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of Modern Broadcasting Company of Baton Rouge, Inc., its officers, directors, and stockholders, to construct and operate the proposed station, and the technical, financial and other qualifications of Evangeline Broadcasting Company, Incorporated to construct and operate Station KVOL as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5942; Filed, June 23, 1947; 9:01 a. m.]

[Docket Nos. 8420, 8421]

DEL PASO BROADCASTING CO. AND CENTRAL VALLEY RADIO (KCVR)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Earl C. Cooper, tr/as Del Paso Broadcasting Company, North Sacramento, California, Docket No. 8420, File No. BP-5769; Herbert W. Brown and David A. Brown, d/b as Central Valley Radio (KCVR), Lodi, California, Docket No. 8421, File No. BP-5979; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of June 1947;

The Commission having under consideration the above-entitled application of Earl C. Cooper, tr/as Del Paso Broadcasting Co., for a construction permit for a new standard broadcasting station to operate on the frequency 1580 kc, 250 w power, daytime only, at North Sacramento, California, and also having under consideration the above entitled application of Herbert W. Brown and David A. Brown d/b as Central Valley Radio (KCVR), presently operating on 1570 kc, 250 w power, daytime only, at Lodi, California, for a construction permit to increase power to 1 kw.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant to construct and operate the proposed station and the technical, financial and other qualifications of the applicant partnership and the partners to construct and operate station KCVR as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either of the applications in this consolidated proceeding should be granted.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5943; Filed, June 23, 1947; 9:01 a. m.]

[Docket No. 8415]

KANSAS CITY BROADCASTING & TELEVISION CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Kansas City Broadcasting & Television Company, a partnership composed of Wendell Zimmerman, Carl O. Jones, Roy L. Morris and D. E. Varner, Kansas City, Missouri, Docket No. 8415, File No. BP-5829; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of June 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1380 kc with 5 kw power, daytime only, at Kansas City, Missouri;

It is ordered, That, pursuant to section 309 (a) of the Communications Act

of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and population which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5944; Filed, June 23, 1947; 9:01 a. m.]

[Docket Nos. 8409, 8410]

PARISH BROADCASTING CORP. AND BASTROP BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Parish Broadcasting Corporation, Minden, Louisiana, Docket No. 8409, File No. BP-5749; George H. Goodwin, F. P. Robinson and W. Dan Files, a partnership d/b as Bastrop Broadcasting Company, Bastrop, Louisiana, Docket No. 8410, File No. BP-6049; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947;

The Commission having under consideration the above-entitled application of Parish Broadcasting Corporation requesting a construction permit for a new standard broadcast station to operate on 1240 kc, with 250 watts power, unlimited time, at Minden, Louisiana, and that of George H. Goodwin, F. P. Robinson and W. Dan Files, a partnership d/b as Bastrop Broadcasting Company requesting the same frequency and power at Bastrop, Louisiana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners and of the applicant corporation, its officers, directors and stockholders to construct and operate their respective proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and more specifically whether the operation proposed in the application of Parish Broadcasting Corporation would involve objectionable interference with Station KOCA, Kilgore, Texas, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the stations proposed in this consolidated proceeding would involve objectionable interference with the proposed services of each other or with the services proposed in any other pending applications for broadcast facilities and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, which would exist between the service areas of the station proposed by Parish Broadcasting Corporation and the proposed station at Shreveport, Louisiana (File No. BP-5277, Docket No. 8161) the nature and extent thereof, and whether such overlap, if any, would be in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Oil Capitol Broadcasting Association, licensee of Station KOCA, Kilgore, Texas, be, and it is hereby, made a party to this proceeding.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5945; Filed, June 23, 1947; 9:01 a. m.]

[Docket No. 8413]

SCOTT COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Thomas Duree Medley and Harold L. Sudbury, d/b as Scott County Broadcasting Company, Sikeston, Missouri, File No. BP-5796, Docket No. 8413; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of June 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Sikeston, Missouri:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KBTM, Jonesboro, Arkansas or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the

Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KLCN as proposed, at Blytheville, Arkansas, the nature and extent thereof, and whether such overlap, if any, would be in contravention of § 3.35 of the Commission's rules.

It is further ordered, That Jay P. Beard and Veda F. Beard, d b as Regional Broadcasting Company, licensee of Station KBTM, Jonesboro, Arkansas, be, and it is hereby, made a party to this proceeding.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5946; Filed, June 23, 1947; 9:01 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-158]

UNITED CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of June 1947.

Notice is hereby given that The United Corporation ("United"), a registered holding company, has filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 proposing action designed to effectuate further compliance with the Commission's order of August 14, 1943, issued pursuant to section 11 (b) (2) of the act, directing United to change its existing capitalization to one class of stock, namely, common stock, and to take such action in a manner consistent with the provisions of said act as will cause it to cease to be a holding company.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

United has outstanding 1,136,199⅙ shares of $3 Cumulative Preference Stock, having a voluntary and involuntary liquidating value of $50 per share and callable at $55 per share. There are presently no dividend arrearages on such stock. The plan proposes that each share of the outstanding Preference Stock be cancelled and retired by payment to the holders of such stock a package of securities to consist of designated amounts of the common stock of Public Service Corporation of New Jersey (or of Public Service Electric and Gas Company, if meanwhile the pending plan of reorganization of that system shall have become effective), Columbia Gas & Electric Corporation and The Cincinnati Gas & Electric Company. The application states that the contents of the package of securities to be delivered in retirement of each share of Preference Stock shall be set forth by appropriate amendment to the application, as soon as practicable after the commencement of hearings on this application.

United proposes to pay such fees and expenses and remuneration in connection with the plan, and any amendment thereto, as the Commission may approve, determine, award or allocate.

Consummation of the plan is subject to the following conditions:

(a) The Order of the Commission approving the plan shall recite, in accordance with the requirements of the Internal Revenue Code, as amended, including sections 371 and 1808 (f) thereof, that the transactions under the plan are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and shall specify and itemize the stock that is ordered to be transferred under the plan;

(b) United shall have obtained from the Bureau of Internal Revenue a ruling as to the tax consequences to it of the transactions under the plan, and such ruling shall be satisfactory to United;

(c) The Commission shall apply to a court of competent jurisdiction pursuant to section 18 (f) of the act and such court shall have entered a decree or order to enforce and carry out the terms of the plan and any amendments thereto;

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that the plan, as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected thereby; and it appearing appropriate that notice be given and a hearing held with respect to said plan, and that said plan shall not become effective except pursuant to further order of the Commission:

It is ordered, That a hearing under the applicable provisions of the act and rules thereunder be held at 10 a. m., e. d. s. t., on July 9, 1947, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein, shall file with the Secretary of the Commission on or before July 7, 1947, his request and application therefor as provided in Rule XVII of the rules of practice of the Commission.

It it further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the plan, as submitted and as to be implemented by further amendment, is necessary to effectuate the provisions of section 11 (b) of the act and constitutes an appropriate step toward compliance with the Commission's order of August 14, 1943;

(2) Whether the proposed plan, as submitted and as to be implemented by further amendment, is fair and equitable to the persons affected thereby;

(3) Whether the fees, expenses and other remuneration which may be claimed in connection with the plan and transactions incident thereto are for necessary services and are reasonable in amount;

(4) Whether the accounting treatment to be accorded the proposed transactions is proper and in conformity with sound accounting principles and the Commission's Uniform System of Accounts for Public Utility Holding Companies;

(5) Whether and to what extent the plan and amendments thereto should be modified, or terms and conditions imposed, to ensure adequate protection of the public interest and the interests of investors and consumers and to prevent circumvention of the Act and Rules and Regulations thereunder;

(6) Whether the plan as submitted and to be implemented by further amendment, or a plan proposed by the Commission, or by any person having a bona fide interest should, in accordance with the provisions of section 11 (d) of the act, be approved for the purpose of effectuating the order of the Commission dated August 14, 1943, and if proposed by the Commission or a person having a bona fide interest, what the terms and provisions of such plan should be;

(7) Whether the transactions proposed in any such plan comply with all the requirements of the applicable provisions of the act and rules promulgated thereunder;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to The United Corporation, and that notice be given to all other persons by general release of the Commission distributed to the press and mailed to the mailing list for releases issued pursuant to the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That The United Corporation give notice of this hearing to all holders of its common and preference stocks (insofar as the identity of such stockholders is known and available to United) by mailing a copy of this notice and order at least 15 days prior to July 9, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5916; Filed, June 23, 1947; 9:07 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9129]

MAX GEORGII

In re: Estate of Max Georgii, deceased. File D-28-4472; E. T. sec. 9420.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sigfrid Georgii, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Max Georgii, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The Riggs National Bank of Washington, D. C., as surviving executor, acting under the judicial supervision of the District Court of the United States for the District of Columbia;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5928; Filed, June 23, 1947; 8:59 a. m.]

[Return Order 22]

BUILDERS IRON FOUNDRY

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Builders Iron Foundry, Providence, R. I., claim No. A-238.	12 F. R. 3055, May 8, 1947.	Property described in vesting order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 1,822,683, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-5934; Filed, June 23, 1947; 9:00 a. m.]

[Vesting Order 9196]

ADAM SCHMIDT

In re: Estate of Adam Schmidt, deceased. File D-28-3825; E. T. sec. 6408.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Casper Claus, Adam Claus and Anna Katharina Schuhmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Adam Schmidt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John A. Hugg, executor, acting under the judicial supervision of the Probate Court of Marion County, Indiana;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5931; Filed, June 23, 1947; 8:59 a. m.]

ROSE LATINO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants	Claim No.	Property and location
Rose Latino, 2760 Barnes Ave., Bronx, N. Y. Agnes Latino, 2760 Barnes Ave., Bronx, N. Y. Frank Latino, 29 Irving St., Valley Stream, Long Island, N. Y. Biagio Latino, 1512 Schorr Pl., Bronx, N. Y. Carmela Armao, 2760 Barnes Ave., Bronx, N. Y.	2274	$1,104.71 in the Treasury of the United States. Real property described in vesting order No. 2119 (8 F. R. 1421, Oct. 30, 1943), as lot No. five (5) in block fourteen (14), Houston City Street Railway Addition No. 4, City of Houston, S. S. B. B. Harris County, Tex.

Executed at Washington, D. C., on June 19, 1947.

For the Attorney General.

DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-5935; Filed, June 23, 1947; 9:00 a. m.]

[1] Filed as part of the original document.

[Vesting Order 9205]

MARTHA MUELLER

In re: Bonds owned by Martha Mueller.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Mueller, whose last known address is c/o Pohl, Gneistrasse 8, Berlin-Grunewald, Germany, is a resi-

dent of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

Ten (10) The Tehuantepec National Railway Company 5% gold loan bonds, due June 30, 1953, issued in the name of bearer, each of £500 face value, bearing the numbers 00032, 00098, 23279, 00179, 00155, 00119, 00108, 23265, 23237 and 23209 and presently in the custody of the Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Martha Mueller, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5889; Filed, June 20, 1947; 9:01 a. m.]

LAWRENCE HARBURY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provisions for taxes and conservatory expenses:

Claimant	Claim No.	Property
Lawrence Harbury (formerly Lodewijk Hamburger), Louisville, Ky.	A-158	Property described in vesting order No. 671 (8 F. R. 5004, Apr. 17, 1943) relating to United States Letters Patent No. 2,198,165 to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on June 19, 1947.

For the Attorney General.

DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-5936; Filed, June 23, 1947; 9:00 a. m.]

[Vesting Order 9209]

J. SOMMERFELD

In re: Stock owned by J. Sommerfeld.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That J. Sommerfeld, whose last known address is Allenstein, East Prussia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Four (4) shares of no par value $6 cumulative preferred capital stock of North American Light & Power Company, 100 West 10th Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 038178, registered in the name of Wilhelmina Siersleben Schulz and presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with all declared and unpaid dividends thereon, and

b. One (1) share of no par value $7 non-cumulative preferred capital stock of North Continent Utilities Corporation, 231 South La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by certificate number C4243, registered in the name of Wilhelmina Siersleben Schulz, and presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, Clients Depot, Basle, Switzerland, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by J. Sommerfeld, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5891; Filed, June 20, 1947; 9:01 a. m.]

FEDERAL REGISTER

VOLUME 12 NUMBER 124

Washington, Wednesday, June 25, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9867

AMENDING EXECUTIVE ORDER No. 9492, AS AMENDED, PRESCRIBING REGULATIONS GOVERNING NON-MILITARY AND NON-NAVAL TRANSPORTATION ON ARMY AND NAVY AIR TRANSPORTS

By virtue of the authority vested in me by the Constitution and laws of the United States and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered that Executive Order No. 9492 of October 24, 1944, as amended by Executive Orders No. 9629 of September 25, 1945, No. 9714 of April 20, 1946, No. 9792 of October 23, 1946, and No. 9840 of April 22, 1947, prescribing regulations governing non-military and non-naval transportation on Army and Navy air transports, be, and it is hereby, further amended by substituting the words "two years and ten months" for the words "two years and eight months," occurring in paragraph 2 (c) thereof, as amended.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 23, 1947.

[F. R. Doc. 47-6049; Filed, June 24, 1947; 10:13 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, PROFESSIONAL, AND TECHNICAL POSITIONS

MEDICAL BACTERIOLOGIST AND MEDICAL SEROLOGIST

The following sections are added to this part:

§ 24.48 *Medical bacteriologist, P-1 through P-8*—(a) *Educational requirement.* Applicant for all grades must have successfully completed four years of study leading to a bachelor's degree in a recognized college or university, with at least twenty semester hours of credit in either general or medical bacteriology.

(b) *Duties.* Appointees perform bacteriological work, chiefly in two fields: Clinical laboratory diagnostic procedures and research.

Clinical laboratory diagnostic procedures: Appointees examine and direct the examination of cultures isolated from humans and animals suffering from infectious disease; prepare vaccines or other substances designed for therapeutic use; prepare or direct the preparation of ordinary and special culture media; conduct and interpret sero-diagnostic tests such as the Wassermann or Kahn tests; and other technical bacteriological work.

As an example of work performed, bacteriologists obtain cultures from patients such as smears from infected areas or blood specimens, etc., sub-culture the organisms obtained from the original culture and identify the disease-producing organisms; prepare from cultures obtained from patients vaccines of specific organisms as ordered by the physician in charge of the patient; prepare or direct the preparation of re-agents for serodiagnostic tests such as the Wassermann test, including antigen, complement, hemolytic amboceptor, red-cell suspension, and titration of hemolytic sera, testing of body fluids such as blood serum and cerebro-spinal fluid; and the reading and reporting of the results of the test. Appointees perform other bacteriological or diagnostic tests as specified by the physician in charge. On the basis of the laboratory report the physician may determine the patient's disease and prescribe treatment.

Research: Appointees conduct advanced research upon the bacteria and viruses causing diseases in men and in some cases in animals. This includes the study of cultures isolated from infected humans and animals, and the inoculation and examination of experimental animals. Research is also conducted in the improvement of methods used to standardize biological preparations intended for human use and to design new methods of bacteriological technique. Appointees may also conduct research in the study of diseases, the causative organisms of which have not yet been identified and attempt to isolate the organism. Appointees also conduct research in the

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FEDERAL REGISTER

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[1] E. O. 9867.

preparation of special culture media to promote more accurate and easier identification of pathogenic organisms. The results of this research are reported in publications and professional papers and may influence Federal, state, or city public health programs.

(c) *Knowledge and training requisite for performance of duties.* Medical bacteriology has advanced markedly during the last two decades. The principles of bacteriology, including understanding of the methods used in the identification of pathogenic organisms, have progressed to such extent that this knowledge can no longer be obtained by experience alone, but must be obtained through intensive courses of study of college level grade. The methods used may be very complicated, such as in sero-diagnostic procedures, which require detailed courses of study of the procedures involved in order to properly combine re-agents and to interpret the resulting reactions. The theories determining combinations and reactions of re-agents must be thoroughly understood in order to make proper combinations or variations of combinations; otherwise, the results will be inaccurate and conclusions drawn as a result of the test may lead to the faulty diagnosis of the disease by the patient's physician. A faulty report from the clinical laboratory of the results of an examination by a bacteriologist who, because of inadequate knowledge and training, has improperly isolated and identified bacteria, may prevent the patient's physician from determining the patient's disease with possible loss of life, crippling after-effects, prolonged unnecessary treatments, or widespreading of a contagious disease.

The field of bacteriology is now so broad and many of the methods used are so technical or complicated that the only source where an individual can learn all phases of bacteriology is in recognized colleges or universities which have been adequately investigated to determine whether their courses include all phases of the work which an individual should know, whether the equipment is adequate, and the instructing staff is of caliber sufficient to give the individual a well balanced knowledge of bacteriology.

(d) *Method of obtaining basic knowledge and training.* The technical knowledge required for the performance of these duties can be obtained only by attending and completing the full four-year course of study in a recognized college or university leading to a bachelor's degree, with at least twenty semester hours' credit in bacteriology.

The Veterans' Administration has adopted these education qualifications as a basic requirement for bacteriologist in that Administration. Variations between the grades will be determined by appropriate experience in addition to the special education. Since positions of bacteriologist in other Federal departments and agencies are similar in scope and difficulty to those of the Veterans' Administration, the same basic requirements should apply uniformly to all positions as bacteriologist in the Federal Government.

§ 24.49 *Medical serologist, P–1 through P–8*—(a) *Educational requirement.* Applicants for all grades must have successfully completed four years of study leading to a bachelor's degree in a recognized college or university, with at least twenty semester hours in serology or in general or medical bacteriology.

(b) *Duties.* Appointees perform serological and related bacteriological work

in two chief fields: Clinical laboratory diagnosis and research. This work involves a detailed knowledge of the fundamental principles of serology and bacteriology and the related sciences; and the ability to apply them to laboratory methods.

Examples of the work: Clinical laboratroy diagnosis: Appointees, through the use of sero-diagnostic tests, such as Widal tests, precipitin tests, and complement fixation tests, aid in the identification of disease production organisms in men and anmials. On the basis of the laboratory report the patient's physician determines the patient's disease and prescribes treatment accordingly.

Research: In the field of research, serological procedures are originated or modified; the results are interpreted; new methods of identification of disease by means of sera may be devised. As results of these tests prophylactic sera may be prepared and/or modification made of the methods of preparing sera.

(c) *Knowledge and training requisite for performance of duties.* Serology includes the study of the various sera of the human and animal body in health and disease and the diagnosis of disease from the application of these studies to clinical laboratory procedures in the hospital or physician's laboratory. Serological methods and prophylactic sera have constantly been changed or modified during the last two decades. New sera have been developed and research is constantly being conducted in methods of employing present sera and to obtain sera for diseases for which no special treatment has previously been devised. Proper application of laboratory methods is dependent upon the theories leading to the development of specific procedures. Procedures for diagnosis must be varied to specific conditions and for specific disease producing organisms. The methods may be very complicated and the results are dependent upon variable factors in the procedures.

In a clinical laboratory a faulty understanding of theories may lead to improper procedures with resultant faulty reports to the physician in charge of the patient. This may materially complicate the diagnosis of a patient's disease and mislead the physician. As an example, a faulty laboratory report may cause the physician to diagnose a condition as syphilis with resultant unnecessary treatment of the patient for a long period.

The field is so broad that the only source where the applicant can adequately learn all phases of serology and all subjects related to serology is in a college or university maintaining adequate specialized laboratory equipment, adequate resources, and well qualified instructors. Serology is included in all courses in general medical bacteriology. However, serology may also be taken as a separate course. Thorough supervised training is necessary in order that the individual may properly apply and interpret procedures in serology, and in order that the individual may not perform mechanically in a laboratory with inability to recognize variable factors leading to faulty interpretation of results.

(d) *Method of obtaining basic knowledge and training.* The technical knowledge required for the performance of these duties can be obtained only by attending and completing a full four-year course in a recognized college or university leading to a bachelor's degree, with at least twenty semester hours' credit in serology or bacteriology.

The Veterans' Administration has established these qualifications as a basic requirement for positions as serologist in the Veterans' Administration. Variations between grades will be determined by appropriate experience, in addition to this basic education. Since positions of serologist in other departments and agencies of the Federal Government are similar in scope and difficulty to those of the Veterans' Administration, the same basic requirements should apply uniformly to all positions as serologist in the Federal Government.

(Sec. 5, 58 Stat. 388; 5 U. S. C. Supp. 854)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-5967; Filed, June 24, 1947; 8:45 a. m.]

PART 3—ACQUISITION OF A COMPETITIVE STATUS

INCUMBENTS OF POSITIONS BROUGHT INTO THE COMPETITIVE STATUS

Correction

In Federal Register Document 47-5922, appearing on page 4063 of the issue for Tuesday, June 24, 1947, the secondary headnote should read as set forth above and the headnote for § 3.101 should read as follows: "§ 3.101 *Incumbents of positions brought into the competitive service.*"

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

DELEGATION OF AUTHORITY PROVIDING CERTAIN INTERIM AUTHORITY FOR OPERATIONS OF FARMERS HOME ADMINISTRATION

Paragraph (d) of § 300.1a of Title 6, Code of Federal Regulations (11 F. R. 13011; 6 CFR Supp. 1946, 481, 482) is revised as follows:

§ 300.1a *Temporary authority of existing delegations, instructions, procedures, forms.* * * *

(d) This section shall have no effect after June 30, 1948. (60 Stat. 1062; Delegation of Authority, Sec. Agric., Oct. 14, 1946, 11 F. R. 12520; 7 CFR Supp. 1946, 524)

Dated: June 13, 1947.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: June 19, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-5961; Filed, June 24, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Plum Order 13]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.314 *Plum Order 13*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of Diamond plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 26, 1947, and 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Diamond plums containing plums which do not meet the requirements of U. S. No. 1 grade, (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Diamond plums containing plums of a size smaller than a size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{9}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{5}/_{16}$ inches in diameter.

(3) Each shipper, prior to making each shipment of Diamond plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Diamond plums contained in each such lot or shipment: *Provided, however,* That in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) As used in this section, the terms "shipper," "ship," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order; and, the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(49 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 936.1 et seq.)

Done at Washington, D. C., this 23d day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-6037; Filed, June 24, 1947; 9:21 a. m.]

[Plum Order 14]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.315 *Plum Order 14*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of sugar plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agriculutral Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 26, 1947, and ending at 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Sugar plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Sugar plums containing plums of a size smaller than a size that will pack a 5 x 6 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 6 standard pack is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Sugar plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(*a*) Of said total quantity, at least seventy-five (75) percent, by number of packages, shall be of a size not smaller than a size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in the aforesaid standard basket; and said 5 x 5 standard pack is defined more specifically in paragraph (3) of this paragraph; and

(*b*) The remainder of such total quantity may be of a size that will pack a 5 x 6 standard pack, as aforesaid, or of larger sizes up to, but not including, a size that will pack a 5 x 5 standard pack, as aforesaid.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Sugar plums that will pack a 5 x 6 standard pack, and larger sizes, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Sugar plums of such size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{9}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{7}/_{16}$ inches in diameter; and, (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{5}/_{16}$ inches in diameter.

(4) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{7}/_{16}$ inches in diameter, (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{3}/_{16}$ inches in diameter.

(5) Nothing contained in this section shall be construed (i) as preventing a shipper from shipping Sugar plums of a size larger than a size that will pack a 5 x 5 standard pack, as aforesaid, if said plums meet the grade requirements hereof, or (ii) as permitting the shipment of Sugar plums of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(6) Each shipper, prior to making each shipment of Sugar plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Sugar plums contained in each such lot

or shipment: *Provided, however,* That in case the following conditions exist in connection with any such shipments:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(7) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(8) As used in this section, the terms "shipper," "ship," "shipping," and "shipping point" shall have the same meaning as when used in the amended marketing agreement and order; and, the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 23d day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-6038; Filed, June 24, 1947; 9:21 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

CHANGE IN PORT OF ENTRY CLASSIFICATION OF MORSES LINE, VERMONT

JUNE 5, 1947.

Section 110.1, *Designated ports of entry except by aircraft,* Chapter I, Title 8, Code of Federal Regulations is amended by deleting "Morses Line, Vt." from the list of Class A ports of entry in District No. 1 and by adding "Morses Line, Vt." at the end of the list of Class B ports of entry in District No. 1.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and as to delayed effective date are found unnecessary and impracticable for the reason that the port of Morses Line, Vermont, will continue to be available to local residents by whom it is now used almost exclusively.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 5 U. S. C. 133t; 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: June 17, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-5964; Filed, June 24, 1947; 8:47 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter IV—Southwestern Power Administration, Department of the Interior

PART 500—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS

CROSS REFERENCE: For delegation of authority with respect to contracts to the Southwestern Power Administration, see § 4.100 of Title 43, *infra.*

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

FIELD ORGANIZATION; LOCATIONS

Section 500.22 *Field organization,* paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A-886) is amended, effective June 15, 1947, by:

1. Opposite the State of North Carolina, in the column headed "City", and directly below "Greensboro" adding "Charlotte ' " and, on the same horizontal line, in the column headed "Address", adding "Robinson Building"; and in the column headed "Jurisdiction" adding "(See Greensboro)".

(Sec. 1, 48 Stat. 1246 as amended; 12 U. S. C. and Sup., 1702)

R. WINTON ELLIOTT,
Assistant Commissioner.

JUNE 18, 1947.

[F. R. Doc. 47-5950; Filed, June 24, 1947; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS

CROSS REFERENCE: For delegation of authority with respect to contracts to the Office of Indian Affairs, see § 4.100 of Title 43, *infra.*

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 01—ORGANIZATION

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS

CROSS REFERENCE: For delegation of authority with respect to contracts to the Bureau of Mines, and for supersedure of § 4.360 (12 F. R. 2036), see § 4.100 of Title 43, *infra.*

Chapter II—Geological Survey, Department of the Interior

PART 200—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS

CROSS REFERENCE: For delegation of authority with respect to contracts to the Geological Survey, see § 4.100 of Title 43, *infra.*

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL

JUNE 25, 1947.

Amendment to General License No. 53 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Paragraph (d) (1) of § 131.53 (Paragraph (4) (a) of General License No. 53) is hereby amended to read as follows:

§ 131.53 *General License No. 53.*

* * *

(d) As used in this section:

(1) The term "generally licensed trade area" shall include all foreign countries except the following:

(i) Germany and Japan;

(ii) Bulgaria, Hungary, Roumania, and Italy;

(iii) Sweden, Switzerland, Spain, Portugal, and Liechtenstein;

(iv) France (including Monaco), Belgium, Norway, Finland, the Netherlands, Czechoslovakia, Luxembourg, Denmark, Greece, Poland, Estonia, Latvia, Lithuania, Austria, and Yugoslavia, but not including any colony or other non-European territory subject to the jurisdiction of any such country except French West Africa, Algeria, Tunisia, and French Morocco.

(Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR Cum. Supp., 130.1-7, 11 F .R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-5913; Filed, June 24, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[3d Rev. RO 3,[1] Amdt. 56]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. A new section 8.10 is added to read as follows:

SEC. 8.10 *An institutional user may deliver ration evidences for industrial use.* (a) An institutional user as defined in this order may transfer ration evidences obtained in accordance with paragraph (b) to any person for making an industrial use of the sugar obtained with such ration evidences, provided the product made from such sugar is delivered to the institutional user, or to another person who will further process it and deliver it to the institutional user, for service in the institutional user's establishment.

(b) The institutional user and the transferee must apply in writing to the Sugar Branch Office for issuance of ration evidences under this section. The application must state the following:

(1) The names and addresses of both parties.

(2) The amount of sugar for which ration evidences are requested.

(3) The kind and quantity of products to be made with the sugar obtained with such ration evidences.

(4) That the products so made will be delivered to the institutional user for service in his establishment.

If the Sugar Branch Office finds that the applicant is an institutional user and that the products to be made from the sugar obtained with the ration evidences will be delivered to him for service in his establishment, it shall authorize the issuance of ration evidences in the amount for which application is made; provided, however, that in no event shall the total amount of evidences issued exceed the amount of the allotment he received as an institutional user during the allotment period for May and June 1947, or if he received no allotment during that period, the allotment received during that period by the most comparable establishment.

(c) An institutional user may transfer a ration evidence obtained pursuant to paragraph (b) by endorsement, but only to the transferee who joined with him in the application for that evidence. The transferee, whether or not he is a registered user, may use sugar obtained with such evidences but only to make products which are to be delivered to the institutional user, or to another person who will further process them and deliver them to the institutional user, for service in the institutional user's establishment. The transferee may also transfer such evidences by endorsement to another person for making a product which will be delivered to the transferee for further processing, providing the product made from such further processing is delivered to the institutional user for service in his establishment.

(d) Ration evidences may not be issued or transferred under this section to make a product for which a provisional allowance may be obtained.

(e) The transferee must keep records of the evidences received pursuant to this section, and of the products he delivers to the institutional user, or to another person for further processing and delivery to the institutional user, for service in the institutional user's establishment, in return for such evidences.

2. Section 25.1 (c) (14) is amended to read as follows:

(14) "Institutional user" means a person who uses sugar in the preparation of food which he serves to consumers, or in the service of food to consumers. However, a person who uses sugar in a household or farm is not an institutional user unless an average of seven or more people a day are served there, not counting those who maintain the household or farm, the members of their family, and their employees and servants. "Institutional user establishment" shall include any place where there is an institutional use of sugar.

This amendment shall become effective June 21, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of June 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 56 to Third Revised Ration Order 3

This amendment permits an institutional user to apply to the Sugar Branch Office for a check which he may transfer by endorsement to any person for making an industrial use of sugar obtained with such check if the product will be delivered to the institutional user or to another person who will further process it and deliver it to the institutional user for service in the institutional user's establishment. The amount of evidences which may be obtained for such purposes will be limited by the allotment which he received as an institutional user during the May-June, 1947 allotment period or if he received no allotment during that period, the allotment received during that period by a comparable establishment.

The amendment thus will permit an institutional user to arrange to have made for him any product which he serves in his establishment.

[F. R. Doc. 47-6007; Filed, June 23, 1947; 10:33 a. m.]

[3d Rev. R. O. 3,[1] Amdt. 57]

PART 707—RATIONING OF SUGAR

SUGAR

Third Revised Ration Order 3 is amended in the following respects: Section 8.10 is revoked.

This amendment shall become effective June 23d, 1947.

Issued this 23d day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6050; Filed, June 24, 1947; 11:43 a. m.]

Chapter XI—Office of Price Administration, Office of Temporary Controls

PART 1305—ADMINISTRATION

MISCELLANEOUS AMENDMENTS

Amendment 1 to Revision, March 31, 1947. The description of organization as required by section 3 (a) (1) of the Administrative Procedure Act, (appearing on pages 3696 through 3725 of the FEDERAL REGISTER of June 6, 1947, is amended in the following respects:

1. Subpart B, Executive, Management and Advisory Offices, is amended as follows:

a. In § 1305.518, the phrase "the office of administrative hearings" is deleted.

b. In § 1305.518 (a), the following item is deleted: "Office of Administrative Hearings: Hearing Administrator".

c. In § 1305.519 (a), under "Operating Departments", the following item is deleted: "Sugar: Deputy Commissioner for Sugar".

d. In § 1305.519 (a), under "Operating Offices", the following item is deleted: "Sugar Branch Office: Director".

e. In § 1305.520, under "Operating Staff", the following items are deleted:

Sugar Branch Office Section Head
Sugar Branch Office Section Unit Head

f. Sections 1305.530 through 1305.531, inclusive, are deleted.

g. Sections 1305.540 through 1305.545, inclusive, are deleted.

2. Subpart C, Operating Staff, is amended as follows:

a. In § 1305.590, the following items are deleted:

Office of the Director of Litigation.
Division of Special Investigations.
Sugar Enforcement Division.

b. In § 1305.592, the following items are deleted:

[1] 11 F. R. 177, 14281.

Assistant Deputy Commissioner for Enforcement.
Field Operations Officer.
Training Officer.
Analysis and Reports Officer.

c. Sections 1305.594 through 1305.598, inclusive, are deleted.

d. Sections 1305.600 through 1305.609, inclusive, are deleted.

e. Section 1305.615 is deleted, and the following section is added:

§ 1305.615 *Components.* The Rent Enforcement Division, under the director, shall include the following branches, each headed by a branch chief:

Field Operations Branch.
Program Branch.
Litigation Branch.

f. Sections 1305.619 through 1305.622, inclusive, are deleted.

g. Sections 1305.635 through 1305.662, inclusive, are deleted.

3. Subpart D, Field Offices, is amended as follows:

a. In § 1305.685, the phrase "sugar branch offices" is deleted.

b. In § 1305.686, the phrase "sugar branch" is deleted.

c. Sections 1305.690 through 1305.691, inclusive, are deleted.

d. Section 1305.698 is deleted.

e. Paragraph (a) of § 1305.704 is deleted.

f. Subcaption "Consolidation and Liquidation of Field Offices" and §§ 1305.720 through 1305.723, inclusive, are deleted.

g. Sections 1305.725 through 1305.731, inclusive, and appendix thereto, titled "Location and Jurisdiction of Branch Sugar Offices" are deleted.

h. In § 1305.735 (a), the following items are deleted.

Sugar Enforcement Section.
Special Investigation Unit.

i. In § 1305.735 (b), the following item is deleted: "Sugar Enforcement Unit".

j. Section 1305.738 is deleted.

4. Subpart E, Delegations of Final Authority, is amended as follows:

a. In § 1305.763, the following item is added to the list of regions: "Region 9. Alaska and Puerto Rico".

b. Section 1305.764 is deleted.

5. Subpart F, Public Records, is amended as follows:

a. In § 1305.780 (a), the phrase "covering price, accounting, and rationing data", is amended to read "covering price and accounting data."

b. In the third sentence of § 1305.781, the word "rationing" is deleted.

c. In § 1305.782, the second sentence is deleted.

Dated: April 1, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-5951; Filed, June 24, 1947; 8:45 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 13]

PART 8313—STANDARD GENERAL PURPOSE AND SPECIAL MACHINERY

War Assets Administration Regulation 13, January 15, 1947, entitled "Standard General Purpose Machinery" (12 F. R. 663), is hereby revised and amended as herein set forth. Order 1, May 19, 1947 (12 F. R. 3320), under this part shall continue in full force and effect.

Sec.
8313.1 Definitions.
8313.2 Purpose and scope.
8313.3 Determination of base price and period of active use for Class I.
8313.4 Determination of sale price.
8313.5 Scrapping and salvage of machinery.
8313.6 Records and reports.
8313.7 Regulations to be reported to the Administrator.

EXHIBIT A—Table of percentages for Class I machines.
EXHIBIT B—Table of fixed prices for machines specifically listed.

AUTHORITY: §§ 8313.1 to 8313.7, inclusive, issued under the Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong., (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Ex. O. 9689 (11 F. R. 1265).

§ 8313.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Commercially unsalable machinery" as used herein is distinguished from property of no commercial value as used in Part 8319[1] and means machinery (i) which by reason of its condition resulting from damage, wear, obsolescence, or otherwise has no reasonable prospect of sale except as scrap or salvage or (ii) with respect to which the estimated cost of care and handling and disposal will exceed the estimated proceeds unless it is promptly sold as scrap or salvage.

(2) "Administrator" means the War Assets Administrator.

(3) "Salvage" means property that is in such a worn, damaged, deteriorated or incomplete condition, or is of such a specialized nature that it has no reasonable prospect of sale as a unit, or is not usable as a unit without major repairs or alterations. Salvage has some value in excess of its basic material content because it may contain serviceable components or may have value to a purchaser who may make major repairs or alterations.

(4) "Scrap" means property that has no reasonable prospect of sale except for its basic material content.

(5) "Standard general purpose machinery" includes new and used machine tools and machines (with the exception of special machinery) divided into the following designated two classes:

CLASS I

Directory of Metalworking Machinery Classification, 1945

Major Group 34:
34 11000 through 34 19900, inclusive.
34 40000 to, but not including, 34 47000.
34 48000 to, but not including, 34 50000.
34 60000 to, but not including, 34 70000.

Standard Commodity Classification, May 1943, Volume I

Major Group 33:
33 6200 through 33 6620, inclusive.
Major Group 33—Continued
33 6800.
33 6910 through 33 6950, inclusive.
33 7210 through 33 7220, inclusive.
33 7260.

CLASS II

Major Group 34:
Fixed price metalworking machinery as specifically listed in Exhibit B of this part.

(6) "Special machinery" includes machines designed for and used exclusively in the production of war material such as but not limited to:

Special gun reaming, rifling and chambering machines.
Gun boring and turning lathes.
Shell turning lathes.
Shell tappers.
Small arms ammunition machines.
Special military tank manufacturing machines.
Special military aircraft manufacturing machines.
Special shipbuilding machines.

(7) "Attachments and tooling" means those accessories to a basic machine, which when applied to the basic machine renders possible an additional operation or process or the functions for which the machine was intended. It includes but is not limited to vertical heads, gear cutting accessories, index heads, feeding accessories, tapering equipment, chucks, jigs, fixtures, gauges, moulds, tool holders, followers, etc.

§ 8313.2 *Purpose and scope.* The purpose of this part is to provide a fixed price policy for commercially salable new and used standard general purpose machine tools and machines. It also provides for the scrapping and salvaging of all other general purpose machinery and of any special machinery determined hereunder to be commercially unsalable. Prices at decreasing percentages of original costs are specified for Class I above, up to stated limits of active use and maximum prices are provided for sales of machinery in active use beyond such limits. Fixed prices without reference to decreasing percentages of original cost are specified for those machines in Class II above. This part applies to all sales in the continental United States, not including its territories or possessions, made after the effective date hereof by the disposal agency and to all sales by owning agencies of standard general purpose machinery pursuant to Part 8306[2] or otherwise, but is not applicable to any contract of sale of machinery entered into prior to the effective date of this part, or to any sale of machinery which has been delivered to the purchaser or to any carrier for the account of the purchaser prior to the effective date of this part.

§ 8313.3 *Determination of base price and period of active use for Class I.* (a) The base price of machinery falling within Class I shall be the original price at which the manufacturer sold the machine. The selling agency shall determine the original price (f. o. b. the plant of the machine manufacturer) of the machine including electrical equipment. Standard or special attachments or tooling shall be priced and disposed of pursuant to § 8313.4 (c) of this part. In the case of machine tools and metal forming and shaping machines manufactured prior to March 1, 1941, the March 1, 1941, price of the nearest equivalent machine may be taken as the original price. In the case of standard general purpose machines other than machine tools and metal forming and shaping machines manufactured prior to October 1, 1941, the October 1, 1941, price of the nearest equivalent machine may be taken as the original price.

(b) The selling agency shall determine the period of active use of the machine on the basis of the best information reasonably available. The period of active use shall be considered to run from the estimated date the machine was originally put into use to the date of sale, if the machine is then still in use. If the machine is not in use at the time of sale, the period shall run to the estimated date when the machine last became idle.

§ 8313.4 *Determination of sale price*—(a) *Class I.* (1) Exhibit A contains tables of percentages applicable to various periods of active use of machinery to be sold hereunder. The price at which a machine shall be sold shall be computed by applying to the base price determined in accordance with § 8313.3 (a) the percentage appearing in Exhibit A opposite the period of active use of the machine calculated in accordance with § 8313.3 (b). In the case of new machines where no period of active use exists, no greater percentage than that specified for "less than one month" shall be applied.

(2) In determining which of the two columns of percentages shall apply in Exhibit A, those appearing in column b shall be applied where the buyer is the person who is using the machine at the time of sale, or if the machine is then idle, the person who last used it and has possession thereof, and the percentage appearing in column *a* shall be applied where the sale is to any other buyer. The price computed in accordance herewith shall be the sales price f. o. b. the location of the machine at the time of sale, except that in the case of sales made to a purchaser in possession, it shall be the sales price of the machine at its location.

(b) *Class II.* Exhibit B contains a table of fixed prices for those machines, including any attachments or tooling, listed thereon and identified by code designation, name of manufacturer, model number, and capacity. A machine shall be considered to come within Class II only when completely identified by, and synonymous with, the description contained in Exhibit B. The prices contained in Exhibit B shall be applied in sales of all Class II machines: *Provided, however,* That when the buyer is the person who is using the machine at the time of sale, or if the machine is then idle, the person who last used it and has possession thereof, then in such event the sales price to such buyer shall be the fixed price listed in Exhibit B, plus five (5) per cent thereof.

(c) *Attachments and tooling.* (1) Standard or special attachments or tooling sold in conjunction with a basic machine in Class I, whether or not attached thereto, and which have value to the purchaser other than as scrap, shall be sold at a price to be computed on the same period of active use determined for the basic machine sold in conjunction therewith and separate findings of active use shall not be required for such attachments or tooling.

(2) If such standard or special attachments or tooling are attached to a basic Class I machine, and if the cost of handling and removal would exceed the estimated return to the Government if disposed of as salvage or scrap, then in such event the standard or special attachments or tooling may be included in the sale as scrap at the best price obtainable: *Provided,* That a scrap warranty is obtained from the purchaser thereof.

§ 8313.5 *Scrapping and salvage of machinery.* (a) The Administrator has determined that because of the cost of care, handling, and disposition, surplus machinery of any type which was manufactured during the year 1921 or any year prior thereto and was not rebuilt since 1921 is commercially unsalable and all such machinery shall, subject to the provisions of paragraph (d) of this section, upon a determination in writing by the agency in possession that the machinery was manufactured during the year 1921 or any year prior thereto, and was not rebuilt since 1921, forthwith be disposed of as salvage or scrap.

(b) From time to time, the Administrator may determine what additional types or classes of special machinery are commercially unsalable. Upon notice of such determinations, the owning and disposal agencies shall, subject to the provisions of paragraph (d), forthwith dispose of any such types or classes of surplus property in their possession as salvage or scrap.

(c) Any machinery which the disposal agency or any owning agency determines in writing to be commercially unsalable shall be disposed of as salvage or scrap or otherwise by the agency in possession pursuant to applicable regulations of the Administrator. In connection with such determinations owning agencies may request the advice and assistance of the disposal agency.

(d) Prior to the sale of a machine which is to be disposed of as salvage or scrap owning and disposal agencies may, insofar as is consistent with the provisions of Part 8319, dispose of such property by donation to such nonprofit institutions and instrumentalities as make application therefor: *Provided,* That such procedure shall not delay or postpone any such disposal as scrap or salvage for a period in excess of thirty (30) days.

(e) [Deleted October 18, 1946.]

§ 8313.6 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8313.7 *Regulations to be reported to the Administrator.* Each owning and disposal agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This revision of this part shall become effective June 17, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JUNE 17, 1947.

EXHIBIT A

TABLE OF PERCENTAGES FOR CLASS I MACHINES

Period of active use	a	b
	Percent	*Percent*
Less than one month	85.0	90.0
1 month	82.5	87.5
2 months	80.0	85.0
3 months	77.5	82.5
4 months	75.0	80.0
5 months	72.5	77.5
6 months	70.0	75.0
7 months	69.0	74.0
8 months	68.0	73.0
9 months	67.0	72.0
10 months	66.0	71.0
11 months	65.2	70.2
12 months	64.4	69.4
13 months	63.6	68.6
14 months	62.8	67.8
15 months	62.0	67.0
16 months	61.2	66.2
17 months	60.4	65.4
18 months	59.6	64.6
19 months	58.8	63.8
20 months	58.0	63.0
21 months	57.2	62.2
22 months	56.4	61.4
23 months	55.6	60.6
24 months	54.8	59.8
25 months	54.0	59.0
26 months	53.2	58.2
27 months	52.4	57.4
28 months	51.6	56.6
29 months	50.8	55.8
30 months	50.0	55.0
31 months	49.2	54.2
32 months	48.4	53.4
33 months	47.6	52.6
34 months	46.8	51.8
35 months	46.0	51.0
36 months	45.2	50.2
37 months	44.6	49.6
38 months	44.0	49.0
39 months	43.4	48.4
40 months	42.8	47.8
41 months	42.2	47.2
42 months	41.6	46.6
43 months	41.1	46.1
44 months	40.6	45.6
45 months	40.1	45.1
46 months	39.6	44.6
47 months	39.1	44.1
48 months	38.6	43.6
49 months	38.2	43.2
50 months	37.8	42.8
51 months	37.4	42.4
52 months	37.0	42.0
53 months	36.6	41.6
54 months	36.2	41.2
55 months	36.0	41.0
56 months	35.8	40.8
57 months	35.6	40.6
58 months	35.4	40.4
59 months	35.2	40.2
5 years	35.0	40.0
6 years	34.0	39.0
7 years	33.0	38.0
8 years	32.0	37.0
9 years	31.0	36.0
10 years	30.0	35.0
11 years	29.0	34.0
12 years	28.0	33.0
13 years	27.0	32.0
14 years	26.0	31.0
15 years	25.0	30.0
16 years	24.0	29.0
17 years	23.0	28.0
18 years	22.0	27.0
19 years	21.0	26.0
20 years	20.0	25.0
21 years	19.0	24.0
22 years	18.0	23.0
23 years	17.0	22.0
24 years	16.0	21.0
25 years	15.0	20.0

[1] Reg. 19 (10 F. R. 14966; 11 F. R. 3691).

[2] Reg. 6 (12 F. R. 23.3).

[3] Defined in Reg. 9 § 8309.1 (b) (13) (12 F. R. 3833),

EXHIBIT B

TABLE OF FIXED PRICES FOR MACHINES SPECIFICALLY LISTED

[References to code classification are taken from the Directory of Metalworking Machinery (1945) compiled under the supervision of the Committee on Metalworking Machinery of the Technical Committee on Standard Commodity Classification]

[TABLE 1]

Boring machine—Horizontal, precision, bridge type, single and double end

Manufacturer: Ex-Cell O Corporation, Detroit, Mich.

Model and description	Size and capacity	Sales price	Code
2112-A single end	6" diameter bore, x 12" table travel	$720	3411 31 11 74
2112-A single end	6" diameter bore, x 15" table travel	655	3411 31 11 77
112-C single end	8" diameter bore, x 16" table travel	1,036	3411 31 21 14
112-F single end	8" diameter bore, x 20" table travel	1,139	3411 31 22 03
1212-A double end	6" diameter bore, x 12" table travel	1,164	3411 32 11 74
1212-A double end	6" diameter bore, x 18" table travel	1,058	3411 32 12 60
218 double end	8" diameter bore, x 15" table travel	1,387	3411 32 21 13
218 double end	8" diameter bore, x 18" table travel	1,406	3411 32 22 01
218 double end	8" diameter bore, x 25" table travel	1,547	3411 32 22 08
1112 single end	6" diameter bore, x 12" table travel	655	3411 31 11 74
2112 single end	6" diameter bore, x 12" table travel	720	3411 31 11 74
2112 single end	6" diameter bore, x 15" table travel	720	3411 31 11 77
1112 single end	6" diameter bore, x 18" table travel	1,262	3411 31 12 60
112 single end	8" diameter bore, x 16" table travel	1,262	3411 31 21 14
112-A single end	8" diameter bore, x 16" table travel	1,262	3411 31 21 14
112-B single end	8" diameter bore, x 16" table travel	1,262	3411 31 21 14
116-A single end	8" diameter bore, x 16" table travel	1,140	3411 31 21 14
112 single end	8" diameter bore, x 20" table travel	1,140	3411 31 22 03
112-A single end	8" diameter bore, x 20" table travel	1,140	3411 31 22 03
112-B single end	8" diameter bore, x 20" table travel	1,140	3411 31 22 03
1212 double end	6" diameter bore, x 12" table travel	1,164	3411 32 11 74
1212 double end	6" diameter bore, x 18" table travel	1,164	3411 32 12 60
215-A double end	8" diameter bore, x 15" table travel	1,387	3411 32 21 13
216 double end	8" diameter bore, x 16" table travel	1,547	3411 32 21 14
216-A double end	8" diameter bore, x 16" table travel	1,547	3411 32 21 14
Manufacturer: The Heald Machine Company, Worcester, Mass.			
45 Bore-matic, standard, single end	12" diameter bore, x 16" table travel	$1,993	3411 31 21 74
45 Bore-matic, standard, double end	12" diameter bore, x 30" table travel	2,711	3411 32 22 77
45 Bore-matic, special, double end	12" diameter bore, x 40" table travel	2,784	3411 32 22 99
46–B Bore-matic, standard, single end	9" diameter bore, x 14" table travel	1,451	3411 31 21 27
46–B Bore-matic, standard, double end	9" diameter bore, x 14" table travel	1,579	3411 32 21 27
47–A Bore-matic, standard, single end	9" diameter bore, x 13⅝" table travel	1,178	3411 31 21 26
47–A Bore-matic, special, single end	9" diameter bore, x 15" table travel	1,186	3411 31 21 28
48 Bore-matic, single end	6" diameter bore, x 9" table travel	714	3411 31 11 74
48–A Bore-matic, single end	6" diameter bore, x 12" table travel	714	3411 31 11 74
49 Bore-matic, standard, single end	6" diameter bore, x 12" table travel	1,116	3411 31 11 74
49 Bore-matic, standard, double end	6" diameter bore, x 12" table travel	1,216	3411 32 11 74
49 Bore-matic, special, double end	6" diameter bore, x 16½" table travel	1,241	3411 32 11 78
45 Bore-matic, special, single end	12" diameter bore, x 20" table travel	1,993	3411 31 22 67
46 Bore-matic, standard, single end	9" diameter bore, x 14" table travel	1,451	3411 31 21 27
46 Bore-matic, standard, double end	9" diameter bore, x 14" table travel	1,579	3411 32 21 27
46–A Bore-matic, standard, single end	9" diameter bore, x 14" table travel	1,451	3411 31 21 27
46–A Bore-matic, standard, double end	9" diameter bore, x 14" table travel	1,579	3411 32 21 27
46–B Bore-matic, special, single end	9" diameter bore, x 18½" table travel	1,467	3411 31 22 17
46–B Bore-matic, special, single end	9" diameter bore, x 23" table travel	1,476	3411 31 22 22
46–B Bore-matic, special, double end	9" diameter bore, x 18½" table travel	1,620	3411 32 22 17
46–B Bore-matic, special, double end	9" diameter bore, x 23" table travel	1,656	3411 32 22 22
47 Bore-matic, single end	9" diameter bore, x 13⅝" table travel	1,178	3411 31 21 26
49 Bore-matic, special, single end	6" diameter bore, x 20" table travel	1,182	3411 31 12 62
Manufacturer: Stokerunit Corporation, Milwaukee, Wis.			
Mod. 1 horizontal, single end	4" diameter bore, x 9" table travel	$354	3411 31 11 39
Mod. 2–B horizontal, single end	8" diameter bore, x 15" table travel	444	3411 31 21 13
Mod. 1–1,D–1 horizontal, double end	4" diameter bore, x 9" table travel	515	3411 32 11 39
Mod. 1–L–1 single end	4" diameter bore, x 15" table travel	343	3411 31 11 45
Mod. 2 single end	4" diameter bore, x 15" table travel	416	3411 31 11 45
Mod. 1–L–2 single end	8" diameter bore, x 15" table travel	370	3411 31 21 13
Mod. 2–1–1 double end	4" diameter bore, x 9" table travel	495	3411 32 11 39
Mod. 2–L,D–1 double end	4" diameter bore, x 15" table travel	542	3411 32 11 45
Mod. 1–L,DS double end	8" diameter bore, x 15" table travel	595	3411 32 21 13
Mod. 2–L,D–3 double end	8" diameter bore, x 15" table travel	588	3411 32 21 13
Mod. 2 (200 series) double end	8" diameter bore, x 16" table travel	1,242	3411 32 21 14

EXHIBIT B—Continued

[TABLE 2]

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)

Manufacturer—Charles C. Allen Co., Barre, Mass.

Model and description	Size and capacity	Sales price	Code
HMD—Bench—SS	5/16" drill capacity, 16" swing, 1 spindle	$194	3413 11 21 66
HMD—Bench—SS	5/16" drill capacity, 16" swing, 3 spindle	474	3413 11 23 66
HMD—Bench—SS	5/16" drill capacity, 16" swing, 6 spindle	893	3413 11 26 66
HMD—Super speed (floor)	5/16" drill capacity, 16" swing, 3 spindle	511	3413 21 23 46
HMD—Super speed (floor)	5/16" drill capacity, 16" swing, 4 spindle	657	3413 21 24 46
HMD—Super speed (floor)	5/16" drill capacity, 16" swing, 6 spindle	948	3413 21 26 46
HMD—Super speed (floor)	5/16" drill capacity, 24" swing, 1 spindle	229	3413 21 31 62
HMD—Super speed (floor)	5/16" drill capacity, 24" swing, 2 spindle	382	3413 21 32 62
HMD—Super speed (floor)	5/16" drill capacity, 24" swing, 3 spindle	535	3413 21 33 62
2-KH (floor)	5/8" drill capacity, 14" swing, 1 spindle	177	3413 21 41 49
2-KH (floor)	5/8" drill capacity, 14" swing, 2 spindle	273	3413 21 42 49
2-KH (floor)	5/8" drill capacity, 14" swing, 3 spindle	381	3413 21 43 49
2-KH (floor)	5/8" drill capacity, 14" swing, 4 spindle	483	3413 21 44 49
2-KH (floor)	5/8" drill capacity, 14" swing, 6 spindle	687	3413 21 46 49
2-KH (floor)	5/8" drill capacity, 24" swing, 1 spindle	185	3413 21 61 41
2-KH (floor)	5/8" drill capacity, 24" swing, 2 spindle	295	3413 21 62 41
2-KH (floor)	5/8" drill capacity, 24" swing, 3 spindle	394	3413 21 63 41
2-KH (floor)	5/8" drill capacity, 24" swing, 4 spindle	513	3413 21 64 41
2-KH (floor)	5/8" drill capacity, 24" swing, 6 spindle	732	3413 21 66 41
2-MSV (floor)	3/8" drill capacity, 16" swing, 1 spindle	240	3413 21 51 81
2-MS (floor)	7/8" drill capacity, 16" swing, 2 spindle	449	3413 21 52 81
2-MS (floor)	7/8" drill capacity, 24" swing, 2 spindle	469	3413 21 62 81
2-MS (floor)	7/8" drill capacity, 24" swing, 4 spindle	910	3413 21 64 81
2-MS (floor)	7/8" drill capacity, 30" swing, 3 spindle	718	3413 21 63 87
2-V Belted (floor)	3/8" drill capacity, 16" swing, 1 spindle	184	3413 21 51 81
2-V Belted (floor)	7/8" drill capacity, 16" swing, 2 spindle	366	3413 21 52 81
2-V Belted (floor)	3/8" drill capacity, 16" swing, 4 spindle	440	3413 21 54 81
2-V Belted (floor)	3/8" drill capacity, 24" swing, 3 spindle	382	3413 21 63 81
2-V Belted (floor)	3/8" drill capacity, 30" swing, 1 spindle	196	3413 21 61 87
2-V Belted (floor)	1 1/4" drill capacity, 16" swing, 2 spindle	449	3413 21 82 21
2½ MSV (floor)	1½" drill capacity, 16" swing, 4 spindle	810	3413 21 84 21
2½ MSV (floor)	1½" drill capacity, 16" swing, 6 spindle	1,171	3413 21 86 21
2½ MSV (floor)	1½" drill capacity, 24" swing, 1 spindle	281	3413 21 91 21
2½ MSV (floor)	1½" drill capacity, 24" swing, 2 spindle	499	3413 21 92 21
2½ MSV (floor)	1½" drill capacity, 24" swing, 4 spindle	845	3413 21 94 21
2½ MSV (floor)	1½" drill capacity, 24" swing, 5 spindle	1,093	3413 21 95 21
3–V Belted (floor)	1¾" drill capacity, 24" swing, 1 spindle	268	3413 21 91 41
3–V Belted (floor)	1¾" drill capacity, 24" swing, 2 spindle	449	3413 21 92 41
3–V Belted (floor)	1¾" drill capacity, 24" swing, 3 spindle	632	3413 21 93 41
Manufacturer: Atlas Press Company, Kalamazoo, Mich.			
Model 42–B Bench, round column	½" drill capacity, 12" swing, 1 spindle	$15	3413 12 41 07
Model 52 Bench, round column	½" drill capacity, 12¼" swing, 1 spindle	20	3413 12 41 07
Model 53 Bench, round column	½" drill capacity, 12¼" swing, 1 spindle	20	3413 12 41 07
Model W–82 Floor, round column	½" drill capacity, 15" swing, 2 spindle	82	3413 22 42 10
Model W–83 Floor, round column	½" drill capacity, 15" swing, 3 spindle	125	3413 22 43 10
Model W–84 Floor, round column	½" drill capacity, 15" swing, 4 spindle	142	3413 22 44 10
Manufacturer: Avey Drilling Machine Company, Cincinnati, Ohio			
MA–8 Bench, box column	⅝" drill capacity, 12½" swing, 1 spindle	$127	3413 11 21 72
MA–8 Bench, box column	⅝" drill capacity, 12½" swing, 2 spindle	239	3413 11 22 72
MA–8 Floor, box column	⅝" drill capacity, 12½" swing, 1 spindle	146	3413 21 21 72
1–MA–6 Floor, box column	⅝" drill capacity, 15" swing, 1 spindle	175	3413 21 41 10
2–MA–6 Floor, box column	⅞" drill capacity, 15" swing, 1 spindle	243	3413 21 41 90
2–MA–6 Floor, box column	⅞" drill capacity, 15" swing, 2 spindle	448	3413 21 42 90
2–MA–6 Floor, box column	⅞" drill capacity, 15" swing, 3 spindle	652	3413 21 43 90
2–MA–6 Floor, box column	⅞" drill capacity, 15" swing, 4 spindle	856	3413 21 44 90
2–MA–6 Floor, box column	1⅛" drill capacity, 24" swing, 4 spindle	710	3413 21 64 81
2–MA–6 Floor, box column	⅞" drill capacity, 24" swing, 5 spindle	877	3413 21 65 81
2–MA–6 Floor, box column	⅞" drill capacity, 24" swing, 6 spindle	1,044	3413 21 66 81
2–MA–6 Floor, box column	⅞" drill capacity, 30" swing, 3 spindle	729	3413 21 63 87
No. 3 Belted, floor, box column	1" drill capacity, 24" swing, 1 spindle	249	3413 21 91 01
3–MA–6 Floor, box column	1¼" drill capacity, 24" swing, 6 spindle	2,122	3413 21 96 21
3–MA–6 Floor, box column	1¼" drill capacity, 24" swing, 1 spindle	390	3413 21 91 41
3–MA–6 Floor, box column	1¼" drill capacity, 24" swing, 3 spindle	1,083	3413 21 93 41
3–MA–6 Floor, box column	1¾" drill capacity, 24" swing, 6 spindle	2,122	3413 21 96 41
3–BMA–1 Floor, box column	1¼" drill capacity, 24" swing, 1 spindle	379	3413 21 91 41
3–BMA–1 Floor, box column	1¾" drill capacity, 24" swing, 3 spindle	754	3413 21 93 41
No. 3 Standard floor, box column	1¾" drill capacity, 24" swing, 3 spindle	614	3413 21 93 41
No. 3 Standard floor, box column	1¾" drill capacity, 24" swing, 4 spindle	791	3413 21 94 41

EXHIBIT B—Continued

[TABLE 2]—continued

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)—Continued

Manufacturer: Barnes Drill Company, Rockford, Ill.

Model and description	Size and capacity	Sales price	Code
No. 206, floor, box column	1" drill capacity, 20" swing, 1 spindle	$276	3413 31 11 50
No. 8–201 floor, heavy duty single purpose	1" drill capacity, 20" swing, 1 spindle	245	3413 31 11 50
No. 210 floor, heavy duty single purpose	1¼" drill capacity, 21" swing, 1 spindle	467	3413 31 11 51
No. 210 floor, heavy duty single purpose	1½" drill capacity, 21" swing, 6 spindle	2,923	3413 31 16 51
No. 242 floor, heavy duty single purpose	2" drill capacity, 24" swing, 1 spindle	672	3413 31 21 40
No. 242 floor, box column	2" drill capacity, 24" swing, 4 spindle	2,876	3413 31 24 40
No. 242 floor, round column	2" drill capacity, 24" swing, 1 spindle	696	3413 32 21 40
No. 262 floor, box column, sliding head	2" drill capacity, 26" swing, 1 spindle	714	3413 31 21 40
No. 262 floor, box column, sliding head	2" drill capacity, 26" swing, 2 spindle	1,484	3413 31 22 40
No. 262 floor, box column, sliding head	2" drill capacity, 26" swing, 4 spindle	2,969	3413 31 24 40
No. 262 floor, round column, sliding head	2" drill capacity, 26" swing, 1 spindle	714	3413 32 21 60
No. 262 floor, round column, sliding head	2" drill capacity, 26" swing, 2 spindle	1,484	3413 32 22 60
No. H–2 Hydram (hydraulic)	2" drill capacity, 22" swing, 1 spindle	924	3413 33 11 52
No. H–3 Hydram (hydraulic)	3" drill capacity, 24" swing, 1 spindle	1,273	3413 33 21 49
No. H–4 Hydram (hydraulic)	4" drill capacity, 32" swing, 1 spindle	1,842	3413 33 31 40
Manufacturer: Bolce Crane Company, Toledo, Ohio			
Mod. 1630 bench, light duty	½" drill capacity, 15" swing, 2 spindle	$75	3413 12 42 10
Mod. 2600 bench, high speed	⅝" drill capacity, 15" swing, 1 spindle	40	3413 12 41 50
Mod. 2601 bench, high speed	⅝" drill capacity, 15" swing, 4 spindle	44	3413 12 41 50
Mod. 2646 bench, high speed	⅝" drill capacity, 15" swing, 1 spindle	40	3413 12 41 50
Mod. 2633 bench, high speed	⅝" drill capacity, 15" swing, 3 spindle	143	3413 12 43 50
Mod. 2640 bench, high speed	⅝" drill capacity, 15" swing, 4 spindle	103	3413 12 44 50
Mod. 2636 bench, slo-speed	⅝" drill capacity, 15" swing, 1 spindle	44	3413 12 41 50
Mod. 1610 floor, light duty	½" drill capacity, 15" swing, 1 spindle	27	3413 22 41 10
Mod. 1611 floor, light duty	½" drill capacity, 15" swing, 1 spindle	28	3413 22 41 10
Mod. 2611 floor, high speed	⅝" drill capacity, 15" swing, 1 spindle	46	3413 22 41 50
Mod. 2652 floor, high speed	⅝" drill capacity, 15" swing, 1 spindle	46	3413 22 41 50
Mod. 2644 floor, high speed	⅝" drill capacity, 15" swing, 3 spindle	162	3413 22 43 50
Mod. 2690 floor, high speed	⅝" drill capacity, 15" swing, 4 spindle	225	3413 12 44 50
Mod. 2675 floor, slo-speed	⅝" drill capacity, 15" swing, 1 spindle	42	3413 22 41 50
Manufacturer: Buffalo Forge Company, Buffalo, N. Y.			
Model 14 bench box column, "high-speed"	½" drill capacity 14" swing, 1 spindle	$89	3413 11 41 09
Model 14 bench, box column, "high-speed"	½" drill capacity, 14" swing 2 spindle	190	3413 11 42 09
Model 14 bench, box column, "high-speed"	½" drill capacity, 14" swing, 4 spindle	387	3413 11 44 09
Model 15–B bench, round column, heavy-duty	½" drill capacity, 15" swing, 1 spindle	22	3413 12 41 10
Model 16 bench, round column	⅝" drill capacity, 16" swing, 2 spindle	156	3413 12 52 81
Model 18–P bench, round column	1" drill capacity, 18" swing, 2 spindle	153	3413 12 82 03
Model 14 pedestal, box column, "high-speed"	½" drill capacity 14" swing, 1 spindle	120	3413 21 41 09
Model 2 floor, box column "motor spindle"	½" drill capacity, 16" swing, 1 spindle	243	3413 21 51 81
Model 2 floor, box column, "motor spindle"	½" drill capacity, 20" swing, 1 spindle	290	3413 21 61 83
Model 15–P floor, round column, heavy duty	½" drill capacity, 15" swing, 1 spindle	74	3413 22 41 10
Model 18–A floor, round column	1" drill capacity, 18" swing, 1 spindle	59	3413 22 81 03
Model 16 pedestal, round column	⅝" drill capacity, 30" swing, 2 spindle	227	3413 22 62 87
Model 16 pedestal, round column	⅝" drill capacity, 30" swing, 6 spindle	647	3413 22 66 87
Model 21 round column, standard back-geared	1½" drill capacity, 21" swing, 1 spindle	149	3413 22 81 86
Manufacturer: Canedy-Otto Manufacturing Company, Chicago Heights, Ill.			
No. 3000–BV bench, box column	⅜" drill capacity, 16" swing, 1 spindle	$80	3413 11 51 41
No. 3000–BV bench, box column	⅜" drill capacity, 16" swing, 6 spindle	342	3413 11 56 41
No. 18 "Royal" bench, round column	1" drill capacity, 18" swing, 1 spindle	69	3413 12 81 03
No. 18 "Royal" bench, round column	1" drill capacity, 18" swing, 2 spindle	147	3413 12 82 03
No. 18 "Royal" bench, round column	1" drill capacity, 18" swing, 6 spindle	475	3413 12 86 03
No. 3000–FV floor, box column	⅜" drill capacity, 16" swing, 1 spindle	172	3413 21 21 76
No. 21 floor, box column, sliding head	1½" drill capacity, 21" swing, 1 spindle	399	3413 31 11 51
Manufacturer: Champion Blower and Forge Company, Lancaster, Penna.			
Model 1500–B bench, round column	¾" drill capacity, 16" swing, 1 spindle	$22	3413 12 51 01

EXHIBIT B—Continued

[TABLE 2]—continued

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)—Continued

Manufacturer: Cincinnati Bickford Tool Co., Cincinnati, Ohio

Model and description	Size and capacity	Sales price	Code
Mod. 1–L floor, box column	Drill cap. not given, 21" swing, 1 spindle	$536	3413 31 11 51
Mod. 2–L floor, box column	Drill cap. not given, 21" swing, 1 spindle	596	3413 31 11 51
Mod. 3–L floor, box column	Drill cap. not given, 28" swing, 1 spindle	796	3413 31 31 40
Mod. A floor, round column	Drill cap. not given, 21" swing, 1 spindle	232	3413 32 11 51
Mod. B floor, round column	Drill cap. not given, 24" swing, 1 spindle	362	3413 32 21 40
Mod. B floor, round column	Drill cap. not given, 30" swing, 1 spindle	464	3413 32 31 48
Manufacturer: Cleereman Machine Tool Co., Green Bay, Wis.			
Mod. 25" floor, box column	2" drill capacity, 25" swing, 1 spindle	$735	3413 31 21 50
Mod. 25" floor, round column	2" drill capacity, 25" swing, 1 spindle	720	3413 32 21 50
Manufacturer: Defiance Machine Works, Inc., Defiance, Ohio			
Model 112—21" floor, box column	Drill capacity not given, 21" swing, 1 spindle.	$427	3413 31 11 51
Model 200—26" floor, box column	Drill capacity not given, 26" swing, 1 spindle.	471	3413 31 21 60
Manufacturer: The Delta Manufacturing Company, Milwaukee, Wis.			
No. 14–306 bench, round column	⅜" drill capacity, 14" swing, 1 spindle	$43	3413 12 21 74
No. 999 bench, round column	⅜" drill capacity, 14" swing, 1 spindle	34	3413 12 21 74
No. 1013 bench, round column	⅜" drill capacity, 14" swing, 1 spindle	43	3413 12 21 74
No. 1011 bench, round column	⅜" drill capacity, 14" swing, 1 spindle	44	3413 12 21 74
No. 17–307 bench, round column	½" drill capacity, 17" swing, 1 spindle	70	3413 12 51 02
No. 1377 bench, round column	½" drill capacity, 17" swing, 1 spindle	70	3413 12 51 02
No. 1373 bench, round column	¾" drill capacity, 17" swing, 1 spindle	65	3413 12 51 02
No. 14–208 floor, round column	⅜" drill capacity, 14" swing, 1 spindle	36	3413 22 21 74
No. 989 floor, round column	⅜" drill capacity, 14" swing, 1 spindle	36	3413 22 21 74
No. 1390 floor, round column	⅜" drill capacity, 14" swing, 1 spindle	42	3413 22 21 74
No. 1391 floor, round column	⅜" drill capacity, 14" swing, 1 spindle	48	3413 22 21 74
No. 970 floor, round column	⅜" drill capacity, 14" swing, 1 spindle	38	3413 22 21 74
No. 14–405 floor, round column	⅜" drill capacity, 14" swing, 2 spindle	112	3413 22 22 74
No. 14–406 floor, round column	⅜" drill capacity, 14" swing, 2 spindle	110	3413 22 22 74
No. 1540 floor, round column	⅜" drill capacity, 14" swing, 3 spindle	113	3413 22 23 74
No. 14–410 floor, round column	⅜" drill capacity, 14" swing, 3 spindle	180	3413 22 23 74
No. 14–415 floor, round column	⅜" drill capacity, 14" swing, 4 spindle	217	3413 22 24 74
No. 14–520 floor, round column	⅜" drill capacity, 14" swing, 6 spindle	399	3413 22 26 74
No. 14–528 floor, round column	⅜" drill capacity, 14" swing, 8 spindle	449	3413 22 28 74
No. 17–212 floor, round column	½" drill capacity, 17" swing, 1 spindle	62	3413 22 51 02
No. 17–213 floor, round column	½" drill capacity, 17" swing, 1 spindle	62	3413 22 51 02
No. 17–1376 floor, round column	½" drill capacity, 17" swing, 1 spindle	58	3413 22 51 02
No. 1376–H floor, round column	½" drill capacity, 17" swing, 1 spindle	58	3413 22 51 02
No. 1385 floor, round column	½" drill capacity, 17" swing, 1 spindle	65	3413 22 51 02
No. 1383 floor, round column	½" drill capacity, 17" swing, 1 spindle	62	3413 22 51 02
No. 1387–H floor, round column	½" drill capacity, 17" swing, 1 spindle	86	3413 22 51 02
No. 17–407 floor, round column	½" drill capacity, 17" swing, 2 spindle	178	3413 22 52 02
No. 1546 floor, round column	½" drill capacity, 17" swing, 2 spindle	178	3413 22 52 02
No. 1548 floor, round column	½" drill capacity, 17" swing, 3 spindle	178	3413 22 52 02
No. 1556 floor, round column	½" drill capacity, 17" swing, 4 spindle	338	3413 22 54 02
No. 17–205 floor, round column	¾" drill capacity, 17" swing, 1 spindle	56	3413 22 51 62
No. 17–210 floor, round column	¾" drill capacity, 17" swing, 1 spindle	60	3413 22 51 62
No. 17–1382 floor, round column	¾" drill capacity, 17" swing, 1 spindle	82	3413 22 51 62
No. 17–260 floor, round column	¾" drill capacity, 17" swing, 1 spindle	82	3413 22 51 62
No. 1370 floor, round column	¾" drill capacity, 17" swing, 1 spindle	56	3413 22 51 62
No. 1382 floor, round column	¾" drill capacity, 17" swing, 1 spindle	60	3413 22 51 62
No. 1382–H floor, round column	¾" drill capacity, 17" swing, 1 spindle	60	3413 22 51 62
No. 1386 floor, round column	¾" drill capacity, 17" swing, 1 spindle	67	3413 22 51 62
No. 1386–H floor, round column	¾" drill capacity, 17" swing, 1 spindle	67	3413 22 51 62

EXHIBIT B—Continued

[TABLE 2]—continued

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)—Continued

Manufacturer: Edlund Machinery Company, Inc., Cortland, N. Y.

Model and description	Size and capacity	Sales price	Code
1-B-7" floor type	3/8" drill capacity, 14" swing, 1 spindle	$140	3413 21 21 74
1-B-7" floor type	5/8" drill capacity, 14" swing, 2 spindle	239	3413 21 22 74
1-B-7" floor type	5/8" drill capacity, 14" swing, 3 spindle	330	3413 21 23 74
1-B-7" floor type	5/8" drill capacity, 14" swing, 4 spindle	391	3413 21 24 74
1-B-7" floor type	5/8" drill capacity, 14" swing, 6 spindle	604	3413 21 26 74
1-B-12" floor type	5/8" drill capacity, 24" swing, 1 spindle	152	3413 21 31 75
1-B-12" floor type	5/8" drill capacity, 24" swing, 2 spindle	348	3413 21 33 75
1-B-12" floor type	5/8" drill capacity, 24" swing, 4 spindle	411	3413 21 34 75
2-B-8" floor type	5/8" drill capacity, 16" swing, 1 spindle	195	3413 21 51 61
2-B-8" floor type	5/8" drill capacity, 16" swing, 2 spindle	356	3413 21 52 61
2-B-8" floor type	5/8" drill capacity, 16" swing, 3 spindle	524	3413 21 53 61
2-B-8" floor type	5/8" drill capacity, 16" swing, 4 spindle	691	3413 21 54 61
2-B-8" floor type	5/8" drill capacity, 16" swing, 6 spindle	1,025	3413 21 56 61
3-B-12" floor type	5/8" drill capacity, 24" swing, 1 spindle	208	3413 21 61 61
3-B-12" floor type	5/8" drill capacity, 24" swing, 2 spindle	378	3413 21 62 61
3-B-12" floor type	5/8" drill capacity, 24" swing, 3 spindle	588	3413 21 63 61
3-B-12" floor type	5/8" drill capacity, 24" swing, 4 spindle	775	3413 21 64 61
3-B-12" floor type	5/8" drill capacity, 24" swing, 6 spindle	1,019	3413 21 66 61
2-MS-12" floor type	5/8" drill capacity, 30" swing, 2 spindle	468	3413 21 62 67
4-B-12" floor type	1" drill capacity, 24" swing, 1 spindle	293	3413 21 91 01

Manufacturer: Foote-Burt Company, Cleveland, Ohio

Mod. DE-1 floor, box column	3/16" drill capacity, 14" swing, 1 spindle	$127	3413 21 21 44
Mod. 2 floor, box column	7/16" drill capacity, 16" swing, 1 spindle	147	3413 21 51 81
Mod. 2 floor, box column	7/16" drill capacity, 16" swing, 2 spindle	255	3413 21 52 81
Mod. 2 floor, box column	7/16" drill capacity, 16" swing, 6 spindle	706	3413 21 56 81
Mod. 2 floor, box column	7/16" drill capacity, 24" swing, 1 spindle	156	3413 21 61 81
Mod. 2 floor, box column	7/16" drill capacity, 24" swing, 2 spindle	274	3413 21 62 81
Mod. 2 floor, box column	7/16" drill capacity, 24" swing, 3 spindle	391	3413 21 63 81
Mod. 2 floor, box column	7/16" drill capacity, 24" swing, 4 spindle	510	3413 21 64 81
Mod. 2 floor, box column	7/16" drill capacity, 24" swing, 6 spindle	745	3413 21 66 81
Mod. 3 floor, box column	1 1/16" drill capacity, 24" swing, 2 spindle	279	3413 21 91 41
Mod. 1 floor, box column, belt drive, independent feed	7/16" drill capacity, 16 1/2" swing, 8 spindle	1,119	3413 31 18 46
Mod. 22 1/2 floor, box column, high duty	2 1/2" drill capacity, 24" swing, 1 spindle	643	3413 31 21 40
Mod. 25 floor, box column, high duty	3" drill capacity, 24" swing, 1 spindle	787	3413 31 21 40

Manufacturer: The Fosdick Machine Tool Company, Cincinnati, Ohio

No. 4 floor, box column	7/16" drill capacity, 24" swing, 1 spindle	$255	3413 21 61 81
No. 4 floor, box column	7/16" drill capacity, 24" swing, 3 spindle	661	3413 21 63 81
No. 4 floor, box column	7/16" drill capacity, 24" swing, 4 spindle	793	3413 21 64 81
No. 4 B. M. floor, box column	1" drill capacity, 16" swing, 1 spindle	293	3413 21 81 01
No. 4 B. M. floor, box column	1" drill capacity, 16" swing, 2 spindle	293	3413 21 82 01
No. 4 B. M. floor, box column	1" drill capacity, 24" swing, 1 spindle	307	3413 21 91 01
No. 4 B. M. floor, box column	1" drill capacity, 24" swing, 4 spindle	1,009	3413 21 94 01
No. 5 B. M. floor, box column	1 1/4" drill capacity, 24" swing, 1 spindle	722	3413 21 91 81
No. 5 B. M. floor, box column	1 1/4" drill capacity, 24" swing, 2 spindle	790	3413 21 92 81
No. 5 B. M. floor, box column	1 1/2" drill capacity, 24" swing, 6 spindle	2,219	3413 21 96 81
"Economax" floor, round column	2" drill capacity, 21" swing, 1 spindle	540	3413 32 10 51

Manufacturer: The Hamilton Tool Company, Hamilton, Ohio

No. 2 A-M bench, supersensitive	1/4" drill capacity, 6 1/2" swing, 1 spindle	$37	3413 12 11 56
H-M Maxi-Jr, "E" bench supersensitive	5/16" drill capacity, 10" swing, 1 spindle	58	3413 12 11 70
H-M variomatic bench supersensitive	5/16" drill capacity, 10" swing, 1 spindle	81	3413 12 11 70

Manufacturer: The High Speed Hammer Company, Rochester, N. Y.

R-53 bench, round column	1/4" drill capacity, 6" swing, 1 spindle	$58	3413 12 11 56
R-53 bench, round column	1/4" drill capacity, 6" swing, 2 spindle	116	3413 12 12 56

EXHIBIT B—Continued

[TABLE 2]—continued

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)—Continued

Manufacturer: Langelier Manufacturing Company, Providence, R. I.

Model and description	Size and capacity	Sales price	Code
No. 41 bench, round column	1/4" drill capacity, 8" swing, 1 spindle	$38	3413 12 11 58

Manufacturer: Leland Gifford Company, Worcester, Mass.

No. 1-LMS bench, motor spindle	3/8" drill capacity, 12" swing, 1 spindle	$136	3413 11 21 72
No. 1-LMS bench, motor spindle	3/8" drill capacity, 12" swing, 2 spindle	250	3413 11 22 72
No. 1-LMS bench, motor spindle	3/8" drill capacity, 12" swing, 4 spindle	484	3413 11 24 72
No. 1-LMS bench, motor spindle	3/8" drill capacity, 12" swing, 6 spindle	698	3413 11 26 72
No. 1-LMS floor, motor spindle	3/8" drill capacity, 12" swing, 1 spindle	156	3413 21 21 72
No. 1-LMS floor, motor spindle	3/8" drill capacity, 12" swing, 2 spindle	274	3413 21 22 72
No. 1-LMS floor, motor spindle	3/8" drill capacity, 12" swing, 3 spindle	414	3413 21 23 72
No. 1-LMS bench, motor spindle	3/8" drill capacity, 20" swing, 1 spindle	147	3413 11 21 80
No. 1-LMS bench, motor spindle	3/8" drill capacity, 20" swing, 4 spindle	527	3413 11 24 80
No. 1-LMS floor, motor spindle	3/8" drill capacity, 20" swing, 1 spindle	168	3413 21 21 80
No. 1-LMS floor, motor spindle	3/8" drill capacity, 20" swing, 2 spindle	308	3413 21 22 80
No. 1-LMS floor, motor spindle	3/8" drill capacity, 20" swing, 3 spindle	449	3413 21 23 80
No. 2-LMS floor, motor spindle	7/16" drill capacity, 14" swing, 1 spindle	275	3413 21 41 89
No. 2-LMS floor, motor spindle	7/16" drill capacity, 14" swing, 2 spindle	475	3413 21 42 89
No. 2-LMS floor, motor spindle	7/16" drill capacity, 14" swing, 3 spindle	691	3413 21 43 89
No. 2-LMS floor, motor spindle	7/16" drill capacity, 14" swing, 4 spindle	907	3413 21 44 89
No. 2-LMS floor, motor spindle	7/16" drill capacity, 14" swing, 5 spindle	1,109	3413 21 45 89
No. 2-LMS floor, motor spindle	7/16" drill capacity, 14" swing, 6 spindle	1,312	3413 21 46 89
No. 2-LMS floor, motor spindle	7/16" drill capacity, 20" swing, 1 spindle	285	3413 21 51 85
No. 2-LMS floor, motor spindle	7/16" drill capacity, 20" swing, 2 spindle	491	3413 21 52 85
No. 2-LMS floor, motor spindle	7/16" drill capacity, 20" swing, 3 spindle	714	3413 21 53 85
No. 2-LMS floor, motor spindle	7/16" drill capacity, 20" swing, 4 spindle	935	3413 21 54 85
No. 2-LMS floor, motor spindle	7/16" drill capacity, 20" swing, 6 spindle	1,349	3413 21 56 85
No. 2-LMS floor, motor spindle	7/16" drill capacity, 20" swing, 1 spindle	297	3413 21 61 83
No. 2-LMS floor, motor spindle	7/16" drill capacity, 20" swing, 2 spindle	514	3413 21 62 83
No. 2-LMS floor, motor spindle	7/16" drill capacity, 20" swing, 3 spindle	751	3413 21 63 83
No. 2-LMS floor, motor spindle	7/16" drill capacity, 20" swing, 4 spindle	984	3413 21 64 83
No. 2-LMS floor, motor spindle	7/16" drill capacity, 20" swing, 5 spindle	1,206	3413 21 65 83
No. 2-LMS floor, motor spindle	7/16" drill capacity, 20" swing, 6 spindle	1,426	3413, 21 66 83
No. 3-MS floor, motor spindle	1" drill capacity, 24" swing, 1 spindle	427	3413 21 91 01
No. 3-MS floor, motor spindle	1" drill capacity, 24" swing, 2 spindle	780	3413 21 92 01
No. 3-MS floor, motor spindle	1" drill capacity, 24" swing, 3 spindle	1,154	3413 21 93 01

Manufacturer: National Automatic Tool Company, Inc., Richmond, Ind.

B-2-A floor, box column, selective speed head	Drill capacity not given, 20" swing, 1 spindle.	$1,066	3413 33 11 50
B-2-B floor, box column	Drill capacity not given, 20" swing, 1 spindle.	1,066	3413 33 11 50
B-225-H floor, box column	Drill capacity not given, 20" swing, 1 spindle.	640	3413 33 11 50
C-225-H floor, box column	Drill capacity not given, 20" swing, 1 spindle.	640	3413 33 11 50
3-AL floor, box column, selective speed head	Drill capacity not given, 28" swing, 1 spindle.	1,485	3413 33 21 44
3-BL floor, box column	Drill capacity not given, 28" swing, 1 spindle.	1,485	3413 33 21 44
B-3-A floor, box column, selective speed head	Drill capacity not given, 28" swing, 1 spindle.	1,485	3413 33 21 44
B-3-B floor, box column	Drill capacity not given, 28" swing, 1 spindle.	1,485	3413 33 21 44
4-BL floor, box column	Drill capacity not given, 34" swing, 1 spindle.	1,485	3413 33 31 42
B-4-A floor, box column, selective speed head	Drill capacity not given, 34" swing, 1 spindle.	1,766	3413 33 31 42
B-4-B floor, box column	Drill capacity not given, 34" swing, 1 spindle.	1,766	3413 33 31 42

Manufacturer: The Taylor and Fenn Company, Hartford, Conn.

Mod. S bench, box column	3/4" drill capacity, 16" swing, 6 spindle	$409	3413 11 26 76
Mod. S floor, box column	3/4" drill capacity, 16" swing, 6 spindle	477	3413 21 26 76

EXHIBIT B—Continued

[TABLE 2]—continued

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volt, single phase)—Continued

Manufacturer: Taylor Manufacturing Company, Milwaukee, Wis.

Model and description	Size and capacity	Sales price	Code
No. F-400 bench, hi-duty	1/2" drill capacity, 32" swing, 1 spindle	$29	3413 12 61 09
No. B-200 bench, hi-duty	1/4" drill capacity, 20" swing, 1 spindle	83	3413 22 21 60

Manufacturer: The Toledo General Manufacturing Company, Toledo, Ohio

Model DAH bench, box column	3/8" drill capacity, 16" swing, 1 spindle	397	3413 11 31 76
Model DAH bench, box column	3/8" drill capacity, 16" swing, 2 spindle	164	3413 11 32 76
Model DAH bench, box column	3/8" drill capacity, 16" swing, 3 spindle	227	3413 11 33 76
Model DAH bench, box column	3/8" drill capacity, 16" swing, 4 spindle	291	3413 11 34 76
Model DAH bench, box column	3/8" drill capacity, 16" swing, 6 spindle	437	3413 11 36 76
Model DAH bench, box column	3/8" drill capacity, 16" swing, 1 spindle	109	3413 11 31 76
Model DAV bench, box column	3/8" drill capacity, 16" swing, 1 spindle	191	3413 11 32 76
Model DAV bench, box column	3/8" drill capacity, 16" swing, 2 spindle	276	3413 11 33 76
Model DAV bench, box column	3/8" drill capacity, 16" swing, 3 spindle	361	3413 11 34 76
Model DAV bench, box column	3/8" drill capacity, 16" swing, 4 spindle	538	3413 11 36 76
Model DAV bench, box column	3/8" drill capacity, 16" swing, 6 spindle	101	3413 11 51 41
Model DBH bench, box column	3/8" drill capacity, 16" swing, 1 spindle	172	3413 11 52 41
Model DBH bench, box column	3/8" drill capacity, 16" swing, 2 spindle	220	3413 11 53 41
Model DBH bench, box column	3/8" drill capacity, 16" swing, 3 spindle	313	3413 11 54 41
Model DBH bench, box column	3/8" drill capacity, 16" swing, 4 spindle	452	3413 11 56 41
Model DBH bench, box column	3/8" drill capacity, 16" swing, 6 spindle	110	3413 11 51 41
Model DBV bench, box column	3/8" drill capacity, 16" swing, 1 spindle	188	3413 11 52 41
Model DBV bench, box column	3/8" drill capacity, 16" swing, 2 spindle	276	3413 11 53 41
Model DBV bench, box column	3/8" drill capacity, 16" swing, 3 spindle	369	3413 11 54 41
Model DBV bench, box column	3/8" drill capacity, 16" swing, 4 spindle	531	3413 11 56 41
Model DBV bench, box column	3/8" drill capacity, 16" swing, 6 spindle	118	3413 21 31 46
Model DAH floor, box column	3/8" drill capacity, 16" swing, 1 spindle	191	3413 21 32 46
Model DAH floor, box column	3/8" drill capacity, 16" swing, 2 spindle	262	3413 21 33 46
Model DAH floor, box column	3/8" drill capacity, 16" swing, 3 spindle	333	3413 21 34 46
Model DAH floor, box column	3/8" drill capacity, 16" swing, 4 spindle	404	3413 21 36 46
Model DAH floor, box column	3/8" drill capacity, 16" swing, 6 spindle	117	3413 21 31 46
Model DAV floor, box column	3/8" drill capacity, 16" swing, 1 spindle	202	3413 21 32 46
Model DAV floor, box column	3/8" drill capacity, 16" swing, 2 spindle	286	3413 21 33 46
Model DAV floor, box column	3/8" drill capacity, 16" swing, 3 spindle	371	3413 21 34 46
Model DAV floor, box column	3/8" drill capacity, 16" swing, 4 spindle	73	3413 21 36 46
Model DAV floor, box column	3/8" drill capacity, 16" swing, 6 spindle	130	3413 21 51 41
Model DBH floor, box column	3/8" drill capacity, 16" swing, 1 spindle	193	3413 21 52 41
Model DBH floor, box column	3/8" drill capacity, 16" swing, 2 spindle	268	3413 21 53 41
Model DBH floor, box column	3/8" drill capacity, 16" swing, 3 spindle	357	3413 21 54 41
Model DBH floor, box column	3/8" drill capacity, 16" swing, 4 spindle	513	3413 21 56 41
Model DBH floor, box column	3/8" drill capacity, 16" swing, 6 spindle	128	3413 21 51 41
Model DBV floor, box column	3/8" drill capacity, 16" swing, 1 spindle	211	3413 21 52 41
Model DBV floor, box column	3/8" drill capacity, 16" swing, 2 spindle	311	3413 21 53 41
Model DBV floor, box column	3/8" drill capacity, 16" swing, 3 spindle	392	3413 21 54 41
Model DBV floor, box column	3/8" drill capacity, 16" swing, 4 spindle	615	3413 21 56 41
Model DBV floor, box column	3/8" drill capacity, 16" swing, 6 spindle	116	3413 21 51 81
Model KEH floor, box column	7/16" drill capacity, 16" swing, 1 spindle	237	3413 21 52 81
Model KEH floor, box column	7/16" drill capacity, 16" swing, 2 spindle	328	3413 21 53 81
Model KEH floor, box column	7/16" drill capacity, 16" swing, 3 spindle	418	3413 21 54 81
Model KEH floor, box column	7/16" drill capacity, 16" swing, 4 spindle	617	3413 21 56 81
Model KEH floor, box column	7/16" drill capacity, 16" swing, 6 spindle	142	3413 21 51 81
Model KEV floor, box column	7/16" drill capacity, 16" swing, 1 spindle	241	3413 21 52 81
Model KEV floor, box column	7/16" drill capacity, 16" swing, 2 spindle	346	3413 21 53 81
Model KEV floor, box column	7/16" drill capacity, 16" swing, 3 spindle	452	3413 21 54 81
Model KEV floor, box column	7/16" drill capacity, 16" swing, 4 spindle	668	3413 21 56 81
Model KEV floor, box column	7/16" drill capacity, 16" swing, 6 spindle	142	3413 21 81 81
Model KE-VS floor, box column	1" drill capacity, 16" swing, 1 spindle	211	3413 21 82 01
Model KE-VS floor, box column	1" drill capacity, 16" swing, 2 spindle	346	3413 21 83 01
Model KE-VS floor, box column	1" drill capacity, 16" swing, 3 spindle	452	3413 21 84 01
Model KE-VS floor, box column	1" drill capacity, 16" swing, 4 spindle	668	3413 21 86 01
Model KE-VS floor, box column	1" drill capacity, 16" swing, 6 spindle	160	3413 21 61 81
Model KTF floor, box column	7/16" drill capacity, 24" swing, 1 spindle	252	3413 21 62 81
Model KTH floor, box column	7/16" drill capacity, 24" swing, 2 spindle	346	3413 21 63 81
Model KTH floor, box column	7/16" drill capacity, 24" swing, 3 spindle	448	3413 21 64 81
Model KTH floor, box column	7/16" drill capacity, 24" swing, 4 spindle	652	3413 21 66 81
Model KTH floor, box column	7/16" drill capacity, 24" swing, 6 spindle	155	3413 21 61 81
Model KTV floor, box column	7/16" drill capacity, 24" swing, 1 spindle	260	3413 21 62 81
Model KTV floor, box column	7/16" drill capacity, 24" swing, 2 spindle	369	3413 21 63 81
Model KTV floor, box column	7/16" drill capacity, 24" swing, 3 spindle	483	3413 21 64 81
Model KTV floor, box column	7/16" drill capacity, 24" swing, 4 spindle	703	3413 21 66 81
Model KTV floor, box column	7/16" drill capacity, 24" swing, 6 spindle	155	3413 21 91 01
Model KT-VS floor, box column	1" drill capacity, 24" swing, 1 spindle	260	3413 21 92 01
Model KT-VS floor, box column	1" drill capacity, 24" swing, 2 spindle	369	3413 21 93 01
Model KT-VS floor, box column	1" drill capacity, 24" swing, 3 spindle	483	3413 21 94 01
Model KT-VS floor, box column	1" drill capacity, 24" swing, 4 spindle	703	3413 21 96 01

EXHIBIT B—Continued

[TABLE 2]—continued

Drilling machine or drill press—bench or floor, single or multiple spindle (except 110 volts, single phase)—Continued

Manufacturer: Walker-Turner Company, Inc., East Plainfield, N. J.

Model and description	Size and capacity	Sales price	Code
D-901 bench, round column	1/8" drill capacity, 18" swing, 1 spindle	$31	3413 12 41 10
D-950 bench, round column	1/4" drill capacity, 15" swing, 1 spindle	26	3413 12 41 10
D-951 bench, round column	1/4" drill capacity, 15" swing, 1 spindle	26	3413 12 41 10
D-902 bench, round column	1/4" drill capacity, 15" swing, 2 spindle	57	3413 12 42 10
D-1100 bench, round column	1" drill capacity, 20" swing, 1 spindle	80	3413 12 81 05
D-1100F bench, round column	1" drill capacity, 20" swing, 1 spindle	114	3413 12 81 05
D-1101 bench, round column	1" drill capacity, 20" swing, 1 spindle	80	3413 12 81 05
D-1102F bench, round column	1" drill capacity, 20" swing, 2 spindle	226	3413 12 82 05
D-1104 bench, round column	1" drill capacity, 20" swing, 4 spindle	130	3413 12 84 05
D-901 pedestal, round column	1/4" drill capacity, 15" swing, 1 spindle	40	3413 22 41 10
D-935 floor, round column	1/4" drill capacity, 15" swing, 1 spindle	26	3413 22 41 10
D-936 floor, round column	1/4" drill capacity, 15" swing, 1 spindle	29	3413 22 41 10

[TABLE 3]

Gear hobber—horizontal

Manufacturer: Barber-Colman Company, Rockford, Ill.

No. 3 precision horizontal	5" diameter x 7" face width	$906	3414 11 22 26
Type "A" horizontal	12" diameter x 12" face width	1,276	3414 11 42 06
Type "A" long bed horizontal	12" diameter x 30" face width	1,406	3414 11 43 00
Type "D" horizontal hydraulic	14" diameter x 14" face width	2,552	3414 11 42 66

Manufacturer: The Hamilton Tool Company, Hamilton, Ohio

No. 00 Spur gear hobber	2" diameter, 1.6" feed	$549	3414 11 11 40
No. 1 Spur and spiral gear hobber	6" diameter, 5" feed	989	3414 11 21 58

Gear hobber—vertical, universal

Manufacturer: The Cleveland Hobbing Machine Company, Cleveland, Ohio

No. 135 rigid hobber, single spindle	6" pitch diameter, 8" face	$1,105	3414 14 12 26
No. 130 rigid hobber, single spindle	8" pitch diameter, 8" face	1,076	3414 14 12 38
No. 140 rigid hobber, single spindle	8" pitch diameter, 16" face	1,285	3414 14 13 40
No. 148-A rigid hobber, single spindle	8" pitch diameter, 16" face	1,620	3414 14 22 08
No. 145 rigid hobber, single spindle	16" pitch diameter, 16" face	3,654	3414 14 33 50
No. 3616 rigid hobber, single spindle	36" pitch diameter, 16" face		

Manufacturer: Gould and Eberhardt, Inc., Newark, N. J.

Model 12-H Universal, spur or helical, vertical, single spindle.	18" pitch diameter, 10" face	$1,474	3414 14 21 32

Gear Hobber—vertical, plain and universal gear and spline hobbing machines

Manufacturer: Muir Machine Tools, Ltd., Manchester, England

No. 1 swivel head pinion hobber	48" capacity	$2,400	3414 14 40 00
No. 2 swivel head gear hobber	110" table	5,000	3414 14 60 00
No. 4 swivel head gear hobber	184" capacity	16,000	3414 14 80 00

EXHIBIT B—Continued

[TABLE 4]

Gear shaper—for spur gears, external or internal

Manufacturer: The Fellows Gear Shaper Company, Springfield, Vt.

Model and description	Size and capacity				Sales price	Code
	External		Internal			
	Pitch diameter	Face	Pitch diameter	Face		
Mod. 72 (#7 Type) external and internal	6½″	1″	5½″	1″	$1,134	3414 21 11 45
Mod. 712 (#7 Type) external and internal	6½″	1″	5½″	1″	1,134	3414 21 11 45
Mod. 624–A–3 (#6–A–3 Type) external and internal	18″	2″	18″	3″	2,259	3414 21 21 51
Mod. 61–A (#6–A Type) external and internal	18″	5″	18″	3″	1,934	3414 21 21 53
Mod. 612–A (#6–A Type) external and internal	18″	5″	18″	3″	1,972	3414 21 21 53
Mod. 64–A (#6–A Type) external and internal	18″	5″	18″	3″	2,222	3414 21 21 53
Mod. 61 (#6 Type) external and internal	35″	5″	25″	3″	1,586	3414 21 31 67
Mod. 64 (#6 Type) external and internal	35″	5″	25″	3″	1,713	3414 21 31 67
Mod. 624 (#6 Type) external and internal	35″	5″	25″	3″	1,754	3414 21 31 67
Mod. Z–1 (#6 Type) external and internal	35″	5″	25″	3″	2,483	3414 21 31 67
Mod. Z–2 (#6 Type) external and internal	35″	5″	25″	3″	2,949	3414 21 31 67

Gear shaper—For external spur gears only

Manufacturer: The Fellows Gear Shaper Company, Springfield, Vt.

Model and description	Size and capacity	Sales price	Code
Mod. 7 (#7 Type) external only	7″ pitch diameter, 1¼″ face width	$890	3414 22 00 00
Mod. 71 (#7 Type) external only	7″ pitch diameter, 1¼″ face width	890	3414 22 00 00
Mod. 7–A (#7–A Type) external only	7″ pitch diameter, 2″ face width	972	3414 22 00 00
Mod. 71–A (#7–A Type) external only	7″ pitch diameter, 2″ face width	972	3414 22 00 00

Gear shaper—for spur and helical gears, external and internal

Manufacturer: The Fellows Gear Shaper Company, Springfield, Vt.

Model and description	Size and capacity				Sales price	Code
	External		Internal			
	Pitch diameter	Face	Pitch diameter	Face		
Model 3 inch fine pitch spur and helical, external and internal	3″	¾″	3″	¾″	$635	3414 24 11 12
Model 7125 (#7 type) spur and helical, external and internal	6½″	1″	5½″	1″	1,160	3414 24 11 45
Model 725–A (#7 type) spur and helical, external and internal	7″	2″	6″	2″	1,276	3414 24 11 55
Mode 7125–A (#7 type) spur and helical, external and internal	7″	2″	6″	2″	1,276	3414 24 11 55
Model 645–A–3 (#6–A–3 type) spur and helical, external and internal	18″	3″	18″	3″	2,272	3414 24 21 51
Model 615–A (#6–A type) spur and helical, external and internal	18″	5″	18″	3″	1,983	3414 24 21 53
Model 645–A (#6–A type) spur and helical, external and internal	18″	5″	18″	3″	2,272	3414 24 21 53

[TABLE 5]

Gear cutting machine for straight bevel gears, (not planer type)

Manufacturer: Gleason Works, Rochester, N. Y.

Model and description	Size and capacity	Sales price	Code
Model 3″ straight bevel	4⅞″ maximum pitch diameter x ⅝″ face	$1,136	3414 41 11 28

EXHIBIT B—Continued

[TABLE 6]

Gear tooth grinder—Generating type, for spur and helical gears

Manufacturer: The Fellows Gear Shaper Company, Springfield, Vt.

Model and description	Size and capacity	Sales price	Code
No. 12 spur and helical, external only	12″ pitch diameter x 1½″ face width	$1,117	3414 71 12 00

Manufacturer: Pratt and Whitney Division, Hartford, Conn.

M–1635 spur gear grinder	10¼″ diameter, 6″ face	$1,791	3414 71 11 00
M–1639 helical gear grinder	10¼⅛″ diameter, 6″ face	2,528	3414 71 12 00
M–1679 two wheel helical gear grinder	10¼⅛″ diameter, 1¼″ face	3,300	3414 71 12 00
M–1838 helical gear grinder	18½″ diameter, 6″ face	4,292	3414 71 12 00
M–1814 helical gear grinder, vertical spindle and ram.	30″ diameter, 10″ face	6,496	3414 71 12 00

Manufacturer: Gleason Works, Rochester, N. Y.

No. 14 spiral, bevel, and hypoid gear grinder	16″ pitch diameter, 2″ face	$3,828	3414 71 15 00
No. 17 spiral, bevel, and hypoid gear grinder	23½″ pitch diameter, 2½″ face	5,684	3414 71 15 00

Manufacturer: The Gear Grinding Machine Company, Detroit, Mich.

GG–34 External gear grinder	12″ diameter 15½″ C. to C	$2,483	3414 71 21 00
GG–35 External gear grinder	18″ diameter 15½″ C. to C	2,528	3414 71 21 00
GG–19 External gear and spline grinder	10″ diameter 24″ C. to C	1,720	3414 71 21 00
GG–33 External gear and spline grinder	16″ diameter 42″ C. to C	2,692	3414 71 21 00
GG–12 External gear and spline grinder	12″ diameter 60″ C. to C	2,758	3414 71 21 00
SGG–19 Combination external gear and spline grinder.	10″ diameter 24″ C. to C	1,882	3414 71 21 00
SGG–17 Combination external gear and spline grinder.	12″ diameter 24″ C. to C	2,786	3414 71 21 00
SGG–33 Combination external gear and spline grinder.	16″ diameter 42″ C. to C	2,830	3414 71 21 00
SGG–36 Combination external gear and spline grinder.	18″ diameter 42″ C. to C	2,903	3414 71 21 00
GG–31 Internal gear and spline grinder	12″ diameter 3″ face width	2,593	3414 71 23 00
GG–24–30 external gear grinder	24″ diameter, 30″ C to C	4,408	3414 71 21 00
GG–24–48 external gear grinder	24″ diameter, 48″ C to C	5,104	3414 71 21 00
GG–24–C external gear grinder	33″ diameter, 30″ C to C	4,406	3414 71 21 00
GG–22 external gear grinder	72″ diameter, 12″ C to C	14,221	3414 71 21 00
GG–36 external gear and spline grinder	18″ diameter, 42″ C to C	2,705	3414 71 21 00
SGG–12 combination external gear and spline grinder.	12″ diameter, 60″ C to C	2,897	3414 71 21 00
SGG–15 combination external gear and spline grinder.	16″ diameter, 60″ C to C	2,937	3414 71 21 00
SGG–16 combination external gear and spline grinder.	12″ diameter, 80″ C to C	3,660	3414 71 21 00
GG–29 external and internal gear grinder	12″ diameter external, 8″ diameter internal	2,648	3414 71 00 00
GG–30 internal gear grinder	16″ diameter, 3″ face width	2,792	3414 71 00 00

Manufacturer: National Broach and Machine Company, Detroit, Mich.

Model S. G. D. Gear or spline grinder	12″ pitch diameter x 32″ stroke	$2,429	3414 71 21 00
Model S. G. C. Gear or spline grinder	18″ pitch diameter x 32″ stroke	2,647	3414 71 21 00

EXHIBIT B—Continued

[TABLE 6]—continued

Gear tooth grinder—for spur gears, external and internal (formed wheel type machine)

Manufacturer: Pratt and Whitney Division, Hartford, Conn.

Model and description	Size and capacity	Sales price	Code
Model M–1504 Rotary type spur gear tooth grinder.	12″ pitch diameter, 1¼″ face	$1,392	3414 71 21 00

Manufacturer: Vinco Corporation, Detroit, Mich.

Model 68–12 Horizontal spline or gear grinder	14″ swing, 30′ stroke	$2,865	3414 71 21 00

TABLE 7—*Gear tooth shaper—rack or rotary type, external or internal*

Manufacturer: National Broach and Machine Company, Detroit, Mich.

Model and description	Size and capacity	Sales price	Code
GGL spur and helical, external only	4″ pitch diameter x 53¼″ C. to C	$1,400	3414 73 21 00
GCK–66 spur and helical, external only	96″ pitch diameter x 170″ C. to C	27,840	3414 73 21 00
GCI–8 spur and helical, external and internal	8″ pitch diameter x 28″ C. to C	2,249	3414 73 23 00
GCI–12 spur and helical, external and internal	12″ pitch diameter x 28″ C. to C	2,643	3414 73 23 00
GCI–18 spur and helical, external and internal	18″ pitch diameter x 28″ C. to C	3,253	3414 73 23 00
GCQ–48 spur and helical, external and internal	48″ pitch diameter x 8″ head travel	9,396	3414 73 23 00
Model GCJ external spur and helical	24″ pitch diameter x 50″ between centers	4,968	3414 73 21 00
Model GCJ external spur and helical	30″ pitch diameter x 50″ between centers	11,832	3414 73 21 00
Model GCM–36 external spur and helical	36″ pitch diameter x 62″ between centers	10,440	3414 73 21 00
Model GCM–48 external spur and helical	48″ pitch diameter x 110″ between centers	13,224	3414 73 21 00
Model GCK–120 external spur and helical	120″ pitch diameter x 170″ between centers	33,060	3414 73 21 00

Manufacturer: The Fellows Gear Shaper Company, Springfield, Vt.

Model 4 external spur and helical, fine pitch	4″ pitch diameter x 1″ face width	$1,166	3414 73 21 00
Model 11 internal spur and helical	Variable pitch diameter x 1½″ face width	2,113	3414 73 22 00
Model 12 external spur and helical	12″ pitch diameter x 3″ face width	1,989	3414 73 21 00
Model 18 external spur and helical	18″ pitch diameter x 5″ face width	2,384	3414 73 21 00
Model 24 external spur and helical	24″ pitch diameter x 9″ face width	3,796	3414 73 21 00

Manufacturer: Michigan Tool Company, Detroit, Mich.

No. 880 external and internal, rotary type	8″ pitch diameter x 18¼″ between centers	$2,192	3414 73 23 00
No. 890 external and internal, rotary type	12″ pitch diameter x 18½″ between centers	2,558	3414 73 23 00
No. 880 external and internal, rotary type	16″ pitch diameter x 18½″ between centers	2,893	3414 73 23 00
No. 890–B external and internal, rotary type	8″ pitch diameter x 18½″ between centers	2,253	3414 73 23 00
No. 890–B external and internal, rotary type	12″ pitch diameter x 18½″ between centers	2,609	3414 73 23 00
No. 890–B external and internal, rotary type	16″ pitch diameter x 18½″ between centers	2,944	3414 73 23 00
No. 890–A external and internal, rotary type	8″ pitch diameter x 18½″ between centers	2,416	3414 73 23 00
No. 890–A external and internal, rotary type	12″ pitch diameter x 18½″ between centers	2,822	3414 73 23 00
No. 890–A external and internal, rotary type	16″ pitch diameter x 18½″ between centers	3,207	3414 73 23 00
No. 861–4B external and internal, rotary type	4″ pitch diameter x 9″ between centers	1,441	3414 73 23 00
No. 862 external and internal, rotary type	18″ pitch diameter x 183″ between centers	4,717	3414 73 23 00
No. 862 external and internal, rotary type	24″ pitch diameter x 183″ between centers	5,935	3414 73 23 00
No. 865 external and internal, rotary type	36″ pitch diameter x 72″ between centers	10,799	3414 73 23 00
No. 865 external and internal, rotary type	48″ pitch diameter x 97″ between centers	14,757	3414 73 23 00
No. 900 external only, rack type	8″ pitch diameter x 183″ between centers	3,996	3414 73 10 00

EXHIBIT B—Continued

[TABLE 8]

Grinders—external cylindrical

Manufacturer: Hill-Clarke Machinery Company, Chicago, Ill.

Model and description	Size and capacity	Sales price	Code
Model "Hill-Clarke" (Norton type A) plain	10″ swing x 18″ center to center	$1,422	3415 11 22 74
Model "Hill-Clarke" (Norton type A) plain	16″ swing x 72″ center to center	2,871	3415 11 43 13

Manufacturer: Parker-Majestic, Inc., Detroit, Mich.

"Parker-Majestic" plain grinder plain	10″ swing x 14″ center to center	$636	3415 11 21 66

Manufacturer: Browne and Sharpe Manufacturing Company, Providence, R. I.

No. 5 plain	3″ swing x 12″ center to center	$848	3415 11 12 02
No. 5 plain	3″ swing x 18″ center to center	848	3415 11 12 08

Manufacturer: Cincinnati Milling and Grinding Machines, Inc., Cincinnati, Ohio

Model 12″ x 24 plain	12″ swing x 24″ center to center	$1,731	3415 11 31 12
Model ER plain	6″ swing x 18″ center to center	1,200	3415 11 22 02
Model ER plain	6″ swing x 30″ center to center	1,280	3415 11 22 14
Model ER plain	10″ swing x 18″ center to center	2,041	3415 11 22 74
Model ER plain	10″ swing x 36″ center to center	2,150	3415 11 23 74
Model ER plain	10″ swing x 72″ center to center	2,360	3415 11 25 74
Model ER plain	10″ swing x 96″ center to center	2,467	3415 11 26 80
Model EM plain	14″ swing x 36″ center to center	3,079	3415 11 32 50
Model EM plain	14″ swing x 48″ center to center	3,224	3415 11 32 62
Model EM plain	16″ swing x 36″ center to center	3,318	3415 11 42 01
Model EM plain	16″ swing x 48″ center to center	3,496	3415 11 42 13

Manufacturer: Landis Tool Company, Waynesboro, Pa.

Self-contained plain	10″ swing x 24″ center to center	$586	3415 11 22 80
Self-contained plain	16″ swing x 36″ center to center	887	3415 11 42 01
Type "H" plain	14″ swing x 72″ center to center	2,126	3415 11 33 62
Type "C" plain	6″ swing x 18″ center to center	1,251	3415 11 22 02
Type "C" plain	6″ swing x 30″ center to center	1,342	3415 11 22 14
Type "C" plain	10″ swing x 18″ center to center	2,102	3415 11 22 75
Type "C" plain	10″ swing x 36″ center to center	2,207	3415 11 23 74
Type "C" plain	10″ swing x 48″ center to center	2,309	3415 11 23 86
Type "C" plain	10″ swing x 72″ center to center	2,413	3415 11 25 74
Type "C" plain	10″ swing x 96″ center to center	2,556	3415 11 26 80
Type "C" plain	10″ swing x 168″ center to center	2,990	3415 11 29 92
Type "D" plain	16″ swing x 48″ center to center	3,789	3415 11 42 13
Type "D" plain	16″ swing x 72″ center to center	3,981	3415 11 43 13
Type "H" plain	4″ swing x 12″ center to center	1,032	3415 11 12 32
Type "H" plain	4″ swing x 18″ center to center	1,101	3415 11 12 38
Type "H" plain	8″ swing x 12″ center to center	1,295	3415 11 21 46
Type "CH" plain	14″ swing x 36″ center to center	2,416	3415 11 32 50
Type "CH" plain	14″ swing x 48″ center to center	2,518	3415 11 32 62
Self-contained crank pin grinder	10″ swing x 32″ centers	976	3415 18 42 03
Self-contained crank pin grinder	16″ swing x 48″ centers	1,091	3415 18 42 10
Self-contained crank pin grinder	16″ swing x 72″ centers	1,094	3415 18 42 11
Type "B" crank pin grinder	16″ swing x 32″ centers	1,595	3415 18 42 03
Type "B" crank pin grinder	16″ swing x 42″ centers	1,686	3415 18 42 06
Type "D" crank pin grinder	16″ swing x 32″ centers	3,103	3415 18 42 03
Type "D" crank pin grinder	16″ swing x 42″ centers	3,223	3415 18 42 06
Type "D" crank pin grinder	16″ swing x 72″ centers	3,715	3415 18 42 11
Type "D" crank pin grinder	21″ swing x 72″ centers	3,857	3415 18 42 54
Type "D" crank pin grinder	25″ swing x 42″ centers	4,669	3415 18 43 05
Type "D" crank pin grinder	25″ swing x 72″ centers	5,278	3415 18 43 10
Type "DD" hydraulic crank pin grinder	25″ swing x 84″ centers	5,345	3415 18 43 11
Type "DD" hydraulic crank pin grinder	25″ swing x 96″ centers	5,833	3415 18 43 13
Type "DD" hydraulic crank pin grinder	25″ swing x 120″ centers	6,321	3415 18 43 15
Type "B" heavy, crank pin grinder	10″ swing x 24½″ centers	13,398	3415 18 43 07
Type "D" radial crank pin grinder	25″ swing	5,298	3415 18 43 00
Mod. 1–W hydraulic crank grinder	16″ x 32″	3,211	3415 18 52 07
Mod. AB hydraulic crank grinder	16″ x 32″	2,091	3415 18 52 07
Mod. AB hydraulic crank grinder	16″ x 42″	2,219	3415 18 52 10
Self-contained crank pin grinder	16″ swing x 48″ center to center	976	3415 18 42 07
Type "DD" crank pin grinder, hydraulic	25″ swing x 48″ center to center	5,268	3415 18 43 06

EXHIBIT B—Continued

[TABLE 8]—continued

Grinders—external cylindrical—continued

Manufacturer: Landis Tool Company, Waynesboro, Pa.—Continued

Model and description	Size and capacity	Sales price	Code
Type "C" semi-automatic, hydraulic cam grinder.	5" x 40"	$1,819	3415 18 31 74
Type "D" semi-automatic, hydraulic cam grinder.	5" x 40"	2,849	3415 18 31 74
Type "D" semi-automatic, hydraulic cam grinder.	5" x 60"	3,229	3415 18 31 84
Mod. 18 radial cam grinding machine	18" swing	1,842	3415 18 33 18

Manufacturer: Norton Company, Worcester, Mass.

Model C plain or semi automatic	4" swing x 18" center to center	$1,123	3415 11 12 38
Model C plain or semi automatic	6" swing x 18" center to center	986	3415 11 22 02
Model C plain or semi automatic	6" swing x 30" center to center	1,625	3415 11 22 14
Model C plain or semi automatic	10" swing x 18" center to center	1,731	3415 11 22 74
Model C plain or semi automatic	10" swing x 36" center to center	1,836	3415 11 23 74
Model C plain or semi automatic	10" swing x 48" center to center	1,938	3415 11 23 86
Model C plain or semi automatic	10" swing x 72" center to center	2,043	3415 11 25 74
Model C plain or semi automatic	10" swing x 96" center to center	2,171	3415 11 26 80
Model C plain or semi automatic	14" swing x 36" center to center	2,918	3415 11 32 50
Model C plain or semi automatic	14" swing x 48" center to center	3,044	3415 11 32 62
Model C plain or semi automatic	14" swing x 72" center to center	3,319	3415 11 33 62
Model C plain or semi automatic	14" swing x 168" center to center	4,731	3415 11 37 62
Model C plain or semi automatic	16" swing x 36" center to center	3,067	3415 11 42 01
Model C plain or semi automatic	16" swing x 48" center to center	3,118	3415 11 42 13
Model C plain or semi automatic	16" swing x 72" center to center	3,388	3415 11 43 13
Model C—Raised plain or semi automatic	10" swing x 36" center to center	2,045	3415 12 12 40
Model A plain, 45° angular wheel slide	10" swing x 36" centers	986	3415 18 12 16
Model A plain, 45° angular wheel slide	10" swing x 48" centers	1,085	3415 18 12 19
Model A plain, 45° angular wheel slide	10" swing x 72" centers	1,093	3415 18 12 25
Model C plain, 45° angular wheel slide	10" swing x 36" centers	1,451	3415 18 12 16
Model C plain, 45° angular wheel slide	10" swing x 48" centers	1,517	3415 18 12 19
Model C plain, 45° angular wheel slide	10" swing x 72" centers	1,584	3415 18 12 25
Model cam-o-matic semi-automatic cam grinder	5" swing x 26" centers	2,527	3415 18 31 67
Model cam-o-matic semi-automatic cam grinder	5" swing x 30" centers	2,595	3415 18 31 69
Model cam-o-matic semi-automatic cam grinder	5" swing x 36" centers	2,700	3415 18 31 72
Model cam-o-matic semi-automatic cam grinder	5" swing x 42" centers	2,802	3415 18 31 75
Model 3-81 plain, double end crank pin grinder	14" swing x 24" to 30" ce	1,161	3415 18 41 88
Model B-81 plain, double end crank pin grinder	14" swing x 24" to 30" ce	1,161	3415 18 41 88
Model 3-81 plain, double end crank pin grinder	14" swing x 30" to 36" ce	1,206	3415 18 41 90
Model B-81 plain, double end crank pin grinder	14" swing x 30" to 36" ce	1,206	3415 18 41 90
Model 3-81 plain, double end crank pin grinder	14" swing x 36" to 42" ce	1,250	3415 18 41 92
Model B-81 plain, double end crank pin grinder	14" swing x 36" to 42" ce	1,250	3415 18 41 92
Model 3-81 plain, double end crank pin grinder	14" swing x 42" to 48" ce	1,295	3415 18 41 94
Model B-81 plain, double end crank pin grinder	14" swing x 42" to 48" ce	1,295	3415 18 41 94
Model D-86 crank-o-matic plain, double head crank pin grinder.	17" swing x 32" centers	3,150	3415 18 42 12
Model D-86 crank-o-matic plain, double head crank pin grinder.	17" swing x 42" centers	3,277	3415 18 42 14
Model D-86 crank-o-matic plain, double head crank pin grinder.	17" swing x 62" centers	3,646	3415 18 42 17
Model D-86 crank-o-matic plain, double head crank pin grinder.	17" swing x 72" centers	3,769	3415 18 42 19
Model C hi-swing plain crankshaft grinder	23" swing x 36" centers	2,438	3415 18 53 81
Model C hi-swing plain crankshaft grinder	23" swing x 48" centers	2,551	3415 18 53 83
Model C hi-swing plain crankshaft grinder	23" swing x 72" centers	2,663	3415 18 53 87
Model C hi-swing plain crankshaft grinder	26" swing x 36" centers	2,606	3415 18 54 54
Model C hi-swing plain crankshaft grinder	26" swing x 48" centers	2,719	3415 18 54 58
Model C hi-swing plain crankshaft grinder	26" swing x 72" centers	12,831	3415 18 54 66

Grinders—centerless

Manufacturer: Cincinnati Milling and Grinding Machines, Inc., Cincinnati, Ohio

EA-No. 2 external, cylindrical	3½" diameter	$1,300	3415 17 10 04
EA-No. 3 external, cylindrical	6" diameter	1,676	3415 17 20 10

EXHIBIT B—Continued

[TABLE 8]—continued

Grinder—internal cylindrical (hydraulic feed machine)

Manufacturer: Bryant Chucking Grinder Company, Springfield, Vt.

Model and description	Size and capacity	Sales price	Code
Model 16-16 internal grinder, hydraulic feed	16" swing x 13" stroke	$1,475	3415 23 32 03
Model 16-22 internal grinder, hydraulic feed	22" swing x 13" stroke	1,668	3415 23 42 26
Model 16C-16 internal grinder, hydraulic feed	16" swing x 13" stroke	1,647	3415 23 32 03
Model 16F-28 internal grinder, hydraulic feed	28" swing x 13" stroke	1,766	3415 23 52 02
Model 24-26 internal grinder, hydraulic feed	26" swing x 16" stroke	2,051	3415 23 42 77
Model 24-36 internal grinder, hydraulic feed	36" swing x 16" stroke	2,427	3415 23 52 53
Model 24L-26 internal grinder, hydraulic feed	26" swing x 24" stroke	2,589	3415 23 43 73
Model 112M internal grinder, hydraulic feed	16" swing x 9" stroke	2,292	3415 23 31 09
Model 16-38 internal grinder, gap bed	38" swing x 9" stroke	1,800	3415 23 51 09

Manufacturer: The Heald Machine Company, Worcester, Mass.

Model 81 plain chucker, internal grinder, hydraulic feed.	9" swing x 3" stroke	$1,122	3415 23 21 50
Model 72-A-3 plain, internal grinder, hydraulic feed.	11¼" swing x 12" stroke	1,327	3415 23 12 85
Model 72-A-5 plain, internal grinder, hydraulic feed.	11¼" swing x 20¾" stroke	1,415	3415 23 12 93
Model 74 internal grinder, hydraulic feed	24" swing x 15" stroke	1,940	3415 23 42 52
Model 172 gap, plain, internal grinder, hydraulic feed.	36" swing x 13" stroke	1,778	3415 23 52 50

Grinder—internal, cylindrical, automatic sizing

Manufacturer: The Heald Machine Company, Worcester, Mass.

Mod. 81 automatic, hydraulic, chucker, "Size Matic."	9" dia. swing x 3" stroke	$1,499	3415 24 11 86
Mod. 72-A-3 automatic, hydraulic, "Gage Matic."	11¼" dia. swing x 10¾" stroke	2,008	3415 24 11 85

Grinder—internal cylindrical, hydraulic feed, for hole and face grinding

Manufacturer: Bryant Chucking Grinder Company, Springfield, Vt.

Model 5B hole and face grinder equipped with two spindles.	6½" swing x 3" stroke	$1,215	3415 25 11 13
Model 16A-16 hole and face grinder equipped with two spindles.	16" swing x 13" stroke	1,632	3415 25 22 06
Model 16A-28 hole and face grinder equipped with two spindles.	28" swing x 9" stroke	1,845	3415 25 22 50
Model 16A-38 hole and face grinder equipped with two spindles.	38" swing x 9" stroke	1,968	3415 25 22 99

Grinder—surface, rotary table type

Manufacturer: Arter Grinding Machine Company, Worcester, Mass.

A1-8" rotary surface, horizontal wheel spindle	8¼" table diameter	$1,022	3415 31 10 08
A3-12" rotary surface, horizontal wheel spindle	13" table diameter	1,380	3415 31 20 13
A3-16" rotary surface, horizontal wheel spindle	17" table diameter	1,491	3415 31 30 17

Manufacturer: The Heald Machine Company, Worcester, Mass

No. 22 rotary surface, horizontal wheel spindle	12" table diameter	$1,235	3415 31 20 12
No. 25-A rotary surface, horizontal wheel spindle.	19" table diameter	1,966	3415 31 30 16
No. 25-A rotary surface, horizontal wheel spindle.	24" table diameter	2,439	3415 31 30 24

EXHIBIT B—Continued

[TABLE 8]—continued

Miscellaneous grinders—spline grinder and radius grinder

Manufacturer: Fitchburg Grinding Machine Corporation, Fitchburg, Mass.

Model and description	Size and capacity	Sales price	Code
32" spline and gear grinder with wheel head truing.	14" swing, 32" centers	$1,439	3415 92 00 00
48" spline and gear grinder with wheel head truing.	14" swing, 48" centers	1,680	3415 92 00 00
72" spline and gear grinder with wheel head truing.	14" swing, 72" centers	1,927	3415 92 00 00
96" spline and gear grinder with wheel head truing.	14" swing, 96" centers	2,132	3415 92 00 00
20" spline and gear grinder with table mounted truing.	14" swing, 20" centers	1,439	3415 92 00 00
36" spline and gear grinder with table mounted truing.	14" swing, 36" centers	1,680	3415 92 00 00
60" spline and gear grinder with table mounted truing.	14" swing, 60" centers	1,927	3415 92 00 00
84" spline and gear grinder with table mounted truing.	14" swing, 84" centers	2,132	3415 92 00 00

Manufacturer: The Gear Grinding Machine Company, Detroit, Mich.

Model SG-11 spline grinding machine	6" diameter, 24" centers	$2,057	3415 92 00 00
Model SG-17 spline grinding machine	6" diameter, 42" centers	3,065	3415 92 00 00
Model SG-33 spline grinding machine	6" diameter, 42" centers	3,132	3415 92 00 00
Model SG-38 spline grinding machine	6" diameter, 42" centers	3,229	3415 92 00 00
Model SG-12 spline grinding machine	6" diameter, 60" centers	3,233	3415 92 00 00
Model SG-15 spline grinding machine	6" diameter, 60" centers	3,295	3415 92 00 00
Model SG-16 spline grinding machine	6" diameter, 80" centers	3,109	3415 92 00 00
Model JG-5 radius grinding machine	10" swing	1,991	3415 92 00 00

Manufacturer: Landis Tool Company, Waynesboro, Pa.

3" external ball race grinder, hydraulic	3" diameter	$666	3415 91 11 08
5" external ball race grinder, hydraulic	5" diameter	696	3415 91 11 16
3" internal ball race grinder, hydraulic	3" diameter	696	3415 91 21 08
3½" internal ball race grinder, hydraulic	3½" diameter	696	3415 91 21 10
5" internal ball race grinder, hydraulic	5" diameter	696	3415 91 21 16
Model 1 "Race-A-Way" Internal	3" diameter	1,102	3415 91 20 00
Model 2 "Race-A-Way" Internal	3½" diameter	1,125	3415 91 21 11
Model 2 "Race-A-Way" External	5" diameter	1,125	3415 91 11 16
5" oscillating grinder, hydraulic	5" diameter	696	3415 91 00 00
3½" oscillating grinder, internal hydraulic	3½" diameter	696	3415 91 21 10

Manufacturer: Van Norman Machine Tool Company, Springfield, Mass.

No. 130 radius grinder, external, oscillating type	1" diameter inner race	$1,017	3415 91 11 01
No. 630 radius grinder, external, oscillating type	1" diameter inner race	1,085	3415 91 11 01
No. 3½E radius grinder, external oscillating type.	5" diameter inner race	290	3415 91 11 16
No. 33 radius grinder, external, oscillating type	5" diameter inner race	406	3415 91 11 16
No. 33E radius grinder, external, oscillating type.	5" diameter inner race	545	3415 91 11 16
No. 39 radius grinder, external, oscillating type	1" diameter inner race	1,102	3415 91 11 16
No. 43 radius grinder, external, oscillating type	6" diameter inner race	648	3415 91 11 20
No. 639 radius grinder, external, oscillating type	7" diameter inner race	1,247	3415 91 11 24
No. 40E radius grinder, external, oscillating type	5" diameter inner race	557	3415 91 11 28
No. 45 radius grinder, external, oscillating type	6" diameter inner race	1,079	3415 91 11 28
No. 48 radius grinder, external, oscillating type	10" diameter inner race	1,474	3415 91 11 36
No. 648 radius grinder, external, oscillating type	16" diameter inner race	1,618	3415 91 11 36
No. 130 radius grinder, internal, oscillating type	2" diameter outer race	992	3415 91 21 04
No. 630 radius grinder, internal, oscillating type.	2" diameter outer race	1,085	3415 91 21 04
No. 3½ radius grinder, internal, oscillating type.	5" diameter outer race	290	3415 91 21 16
No. 33 radius grinder, internal, oscillating type.	5" diameter outer race	406	3415 91 21 16

EXHIBIT B—Continued

[TABLE 8]—continued

Miscellaneous grinders—spline grinder and radius grinder—Continued

Manufacturer: Van Norman Machine Tool Company, Springfield, Mass.—Continued

Model and description	Size and capacity	Sales price	Code
No. 25 radius grinder, internal, oscillating type	5" diameter outer race	$389	3415 91 21 16
No. 70 radius grinder, internal, oscillating type	5" diameter outer race	487	3415 91 21 16
No. 72 radius grinder, internal, oscillating type	5" diameter outer race	719	3415 91 21 16
No. 73 radius grinder, internal, oscillating type	6" diameter outer race	1,094	3415 91 21 20
No. 671 radius grinder, internal, oscillating type	7" diameter outer race	1,247	3415 91 21 24
No. 40 radius grinder, internal, oscillating type	12" diameter outer race	557	3415 91 21 44
No. 41 radius grinder, internal, oscillating type	12" diameter outer race	1,044	3415 91 21 44
No. 42 radius grinder, internal, oscillating type	14" diameter outer race	545	3415 91 21 52
No. 49 radius grinder, internal, oscillating type	14" diameter outer race	1,426	3415 91 21 52
No. 649 radius grinder, internal, oscillating type	16" diameter outer race	1,595	3415 91 21 60
No. 24 radius grinder, external thrust, oscillating type.	1" diameter end race	406	3415 91 31 12
No. 3½J radius grinder, external thrust, oscillating type.	5" diameter thrust race	290	3415 91 31 16
No. 33 radius grinder, external thrust, oscillating type.	5" diameter thrust race	394	3415 91 31 16
No. 66 radius grinder, external thrust, oscillating type.	5" diameter end race	1,163	3415 91 31 16
No. 66 radius grinder, external thrust, oscillating type.	5" diameter end race	1,270	3415 91 31 16
No. 44 radius grinder, external thrust, oscillating type.	6" diameter end race	650	3415 91 31 20
No. 60 radius grinder, external thrust, oscillating type.	6" diameter thrust race	1,094	3415 91 31 20
No. 660 radius grinder, external thrust, oscillating type.	6" diameter thrust race	1,270	3415 91 31 20
No. 47 radius grinder, external thrust, oscillating type.	10" diameter thrust race	557	3415 91 31 60
No. 647 radius grinder, external thrust, oscillating type.	10" diameter thrust race	1,618	3415 91 31 60

[TABLE 9]

Thread grinding machines

Manufacturer: Dalzen Tool and Manufacturing Company, Detroit, Mich.

Model and description	Size and capacity	Sales price	Code
No. 2 thread grinder, external only	3" diameter x 8" center to center	$962	3415 61 21 10

Manufacturer: Ex-Cell-O Corporation, Detroit, Mich.

No. 33 plain, automatic, external only	6" dia. x 18" center to center	$1,929	3415 61 21 12
No. 33-L plain, automatic, external only	6" dia. x 36" center to center	2,182	3415 61 22 13
No. 34 plain, manual, external only	8" dia. x 18" center to center	1,167	3415 61 12 72
No. 35 universal, semi-automatic, external and internal.	8" dia. x 33" center to center	2,335	3415 62 21 19
No. 35-L universal, semi-automatic, external and internal.	8" dia. x 48" center to center	2,629	3415 62 22 13
No. 50 universal, semi-automatic, external and internal	8" dia. x 68" center to center	3,959	3415 62 23 18
No. 39 plain, automatic, internal only	9½" dia. x 4" length of thread	2,365	3415 63 20 25
No. 39-A plain, automatic, internal only	9½" dia. x 5" length of thread	2,831	3415 63 20 28
No. 39-L plain, automatic, internal only	9½" dia. x 5" length of thread	3,906	3415 63 20 26

EXHIBIT B—Continued

[TABLE 9]—continued

Thread grinding machines—Continued

Manufacturer: Jones and Lamson Machine Company, Springfield, Vt.

Model and description	Size and capacity	Sales price	Code
TG-615 automatic, external only	6" diameter x 15" center to center	$1,370	3415 61 21 09
TG-1242 automatic, external only	12" diameter x 42" center to center	2,412	3415 61 23 58
TG-848 automatic, external	8" diameter x 48" center to center	2,436	3415 62 22 12
(Internal with attachment)	(19" swing)		
TG-63 automatic, internal only	6" diameter x 3" length of thread	1,472	3415 63 10 60
TG-624 automatic, internal only	6" diameter x 5" length of thread	2,370	3415 63 10 62
TG-125 automatic, internal only	12" diameter x 5" length of thread	2,818	3415 63 20 86
TG-1230 automatic, internal only	12" diameter x 3" length of thread	2,818	3415 63 30 26
TG-185 automatic, internal only	16" diameter x 5" length of thread	2,920	3415 63 30 46
TG-831 automatic external	8" diameter x 24" centers	1,898	3415 61 22 20
TG-848 automatic external	8" diameter x 48" centers	2,192	3415 61 23 26
	(11½" swing)		
TG-848 automatic external	8" diameter x 48" centers	2,192	3415 61 23 26
	(19" swing)		
TG-530 automatic external	5" diameter x 30" centers	1,878	3415 61 12 84
TG-636 automatic external	6" diameter x 36" centers	2,066	3415 61 22 13
TG-1245 automatic external	12" diameter x 45" centers	2,412	3415 61 22 61
TG-636 automatic external, with internal attachment.	6" diameter x 36" centers	2,395	3415 62 12 60
TG-1245 automatic external, with internal attachment.	12" diameter x 45" centers	2,655	3415 62 22 69

Manufacturer: Landis Machine Company, Waynesboro, Pa.

No. 6 semi-automatic, external only	6" diameter x 24" center to center	$1,747	3415 61 22 01

[TABLE 10]

Lathe—multiple tool, not automatic, manufacturing type production lathe

Manufacturer: The R.K. LeBlond Machine Tool Company, Cincinnati, Ohio

Model and description	Size and capacity	Sales price	Code
Model 6 speed production lathe	13" swing x 48" center to center	$330	3416 33 11 72
Model 6 speed production lathe	13" swing x 60" center to center	348	3416 33 12 38
Model "floor" production lathe	17" swing x 16" center to center	485	3416 33 21 32
Model "floor" production lathe	17" swing x 28" center to center	497	3416 33 21 38
Model "floor" production lathe	17" swing x 40" center to center	509	3416 33 21 44
Model "floor" production lathe	17" swing x 52" center to center	521	3416 33 21 50
Model "floor" production lathe	17" swing x 64" center to center	533	3416 33 22 36
Model "floor" production lathe	17" swing x 76" center to center	544	3416 33 22 48
Model "floor" production lathe	20" swing x 72" center to center	702	3416 33 32 20

Manufacturer: Lipe-Rollway Corp., Syracuse, N. Y.

9" high speed production lathe, manual	9" swing x 20" center to center	$286	3416 33 11 26
9" heavy duty production lathe, manual	9" swing x 20" center to center	268	3416 33 11 26
"Carbo" production lathe, semiautomatic	12" swing x 18" center to center	524	3416 33 11 43

Manufacturer: Reid Bros. Co., Inc., Beverly, Mass.

No. 6 WSL production lathe	12" swing x 18" center to center	$538	3416 33 11 43
No. 9 WSL production lathe	18" swing x 22" center to center	881	3416 33 21 65

EXHIBIT B—Continued

[TABLE 10]—continued

Lathe—multiple tool, not automatic, manufacturing type production lathe—Continued

Manufacturer: Seneca Falls Machine Co., Seneca Falls, N. Y.

Model and description	Size and capacity	Sales price	Code
Mod. 4" production lathe, semiautomatic "low swing."	4" swing x 60" center to center	$848	3416 33 12 03
Mod. 8" production lathe, semiautomatic "low swing."	8" swing x 36" center to center	1,046	3416 33 11 16
Mod. 8" production lathe, semiautomatic "low swing."	8" swing x 108" center to center	1,515	3416 33 13 05

[TABLE 11]

Turret lathe—ram type, plain and universal

Manufacturer: Acme Machine Tool Co., Cincinnati, Ohio

Model and description	Size and capacity	Sales price	Code
No. 5-R universal ram type	2¼" diameter bar capacity x 20" swing over bed	$1,348	3416 43 30 30

Manufacturer: Bardons and Oliver, Inc., Cleveland, Ohio

No. 2 plain, ram type	1" diameter bar capacity	$763	3416 42 30 10
No. 3 plain, ram type	1½" diameter bar capacity	934	3416 42 40 10
No. 3 universal, ram type	1½" diameter bar capacity	1,121	3416 43 20 10
No. 5 universal, ram type	2" diameter bar capacity	1,268	3416 43 30 10
No. 7 universal, ram type	2½" diameter bar capacity	1,472	3416 43 40 10

Manufacturer: Brown and Sharpe Manufacturing Co., Providence, R. I.

No. 1 wire feed screw machine, plain, ram type	⅝" diameter bar capacity	$620	3416 42 20 10

Manufacturer: G. M. Diehl Machine Works, Wabash, Ind.

No. 2 plain ram type	1" diameter bar capacity	$523	3416 42 30 10

Manufacturer: Foster Div. Gisholt Machine Co., Madison, Wis.

No. 5 plain, ram type	1 13/16" diameter bar capacity x 17½" swing	$841	3416 42 40 30
No. 5 universal, ram type	1 13/16" diameter bar capacity x 17½" swing	1,196	3416 43 29 30

Manufacturer: Gisholt Machine Co., Madison, Wis.

No. 2 plain ram type	1" diameter bar capacity	$696	3416 42 30 10
No. 3 plain ram type	1½" diameter bar capacity	1,073	3416 42 40 10
No. 4 plain ram type	2" diameter bar capacity	1,157	3416 42 40 50
No. 3 universal ram type	1½" diameter bar capacity	,074	3416 43 20 10
No. 4 universal ram type	2" diameter bar capacity	1,157	3416 43 30 10
No. 5 universal ram type	2½" diameter bar capacity	1,309	3416 43 40 10

Manufacturer: Jones and Lamson Machine Co., Springfield, Vt.

No. 3 universal ram type	1½" diameter bar capacity x 21¼" swing	$1,307	3416 43 20 10
No. 5 universal ram type	2½" diameter bar capacity x 21¼" swing	1,499	3416 43 40 10

Manufacturer: Libby Div. Gisholt Machine Co., Madison, Wis.

No. 4-AV universal ram type	2" diameter bar capacity x 20" swing	$1,537	3416 43 30 10

EXHIBIT B—Continued

[TABLE 11]—continued

Turret lathe—ram type, plain and universal—Continued

Manufacturer: Midland Div. Gisholt Machine Co., Madison, Wis.

Model and description	Size and capacity	Sales price	Code
No. 4 universal ram type	2" diameter bar capacity	$1,167	3416 43 30 10
No. 5 universal ram type	2½" diameter bar capacity	1,278	3416 43 40 10

Manufacturer: Morey Machinery Co., Inc., New York, N. Y.

No. 2 plain ram type	1" diameter bar capacity x 14" swing	$597	3416 42 30 10
No. 2-G plain ram type	1" diameter bar capacity x 14" swing	597	3416 42 30 10
No. 3 plain ram type	1¼" diameter bar capacity x 16" swing	823	3416 42 40 10
No. 3 universal ram type	1½" diameter bar capacity x 16" swing	923	3416 43 20 10
No. 4 universal ram type	2" diameter bar capacity x 19" swing	1,070	3416 43 30 10

Manufacturer: The Oster Manufacturing Co., Cleveland, Ohio

No. 601–W. D. Worm Drive, plain, ram type	1½" diameter bar capacity	$423	3416 42 40 10

Manufacturer: Simmons Machine Tool Corp., Albany, N. Y.

No. 2 plain, ram type	1¼" diameter bar capacity	$470	3416 42 30 30

Manufacturer: The Warner and Swasey Co., Cleveland, Ohio

M-1000 No. 1 plain head	⅝" dia. bar capacity	$635	3416 42 20 10
M-1330 No. 2 geared head, six speed	1" dia. bar capacity	1,110	3416 42 30 10
M-1100 No. 4 geared head, twelve speed	1¼" dia. bar capacity	1,197	3416 42 40 10
M-342 No. 6 geared head, twelve speed	2¼" dia. bar capacity	1,490	3416 42 40 60
M-1240 No. 5 geared head, twelve speed	2¼" dia. bar capacity	1,490	3416 42 40 70
M-1200 No. 3 universal, geared head, six speed.	1¼" dia. bar capacity	1,226	3416 43 20 10
M-1420 No. 4 universal, geared head, twelve speed.	2" dia. bar capacity	1,434	3416 43 30 50
M-1740 No. 5 universal, geared head, twelve speed.	2½" dia. bar capacity	1,490	3416 43 40 10

[TABLE 12]

Chucking machine—single spindle automatic, horizontal turret type machine

Manufacturer: Foster Div. Gisholt Machine Company, Madison, Wis.

Model and description	Size and capacity	Sales price	Code
Mod. 1–F single spindle, automatic chucker	21" diameter swing	$1,665	3416 51 21 50
Mod. 2–F single spindle, automatic chucker	25¼" diameter swing	1,984	3416 51 22 10
Mod. 3–F single spindle, automatic chucker	28¼" diameter swing	2,830	3416 51 22 40
Mod. 4–F single spindle, automatic chucker	35½" diameter swing	3,538	3416 51 23 30

Manufacturer: Potter and Johnston Machine Company, Pawtucket, R. I.

Model 5–A single spindle, automatic chucker	12½" swing over bed	$890	3416 51 21 07
Model 4–D single spindle, automatic chucker	21" swing over bed	2,398	3416 51 21 55
Model 6–A single spindle, automatic chucker	21⅞" swing over bed	974	3416 51 21 54
Model 8–D single spindle, automatic chucker	25" swing over bed	2,734	3416 51 22 10
Model 4–DE single spindle, automatic chucker	26" swing over bed, elevated	2,347	3416 51 22 20
Model 5–DE single spindle, automatic chucker	30" swing over bed, elevated	2,347	3416 51 23 05
Model 6–DREL single spindle, automatic chucker.	34" swing over bed, long travel	3,595	3416 51 23 25
Model 6–DRELX single spindle, automatic chucker.	34" swing over bed, super cross slide	4,134	3416 51 23 25
Model 8–DXT single spindle, automatic chucker	36" swing over bed	5,704	3416 51 23 35

EXHIBIT B—Continued

[TABLE 12]—continued

Chucking machine—six spindle automatic, horizontal

Manufacturer: New Britain-Gridley Machine Company, New Britain, Conn.

Model and description	Size and capacity	Sales price	Code
Model 652 automatic, horizontal, 6-spindle, work rotating chucker.	2" swing	$2,682	3416 53 40 10
Model 654 automatic, horizontal, 6-spindle, work rotating chucker.	3½" swing	2,885	3416 53 40 17
Model 53 automatic, horizontal, 6-spindle, tool rotating chucker.	4¼" swing	2,001	3416 53 40 22
Model 65 automatic, horizontal, 6-spindle, work rotating chucker.	5¾" swing	5,058	3416 53 40 28
Model 665 automatic, horizontal, 6-spindle, work rotating chucker.	6¾" swing	5,139	3416 53 40 32
Model 54 automatic, horizontal, 6-spindle, tool rotating chucker.	7½" swing	2,726	3416 53 40 37
Model 675 automatic, horizontal, 6-spindle, work rotating chucker.	7½" swing	5,313	3416 53 40 37
Model 775 automatic, horizontal, 6-spindle, work rotating chucker.	7½" swing	5,240	3416 53 40 37
Model 16 automatic, horizontal, 6-spindle, work rotating chucker.	9" swing	4,863	3416 53 40 46
Model 16 automatic, horizontal, 6-spindle, work rotating chucker.	10¼" swing	5,458	3416 53 40 51
Model 656 automatic, horizontal, 6-spindle, work rotating chucker.	5¾" swing	5,058	3416 53 40 28

Manufacturer: The Baird Machine Company, Bridgeport, Conn.

Model 76–H Automatic work rotating chucker	7" swing, 6-spindle	$3,880	3416 53 40 35

Chucking machine—automatic, vertical, multiple spindle type

Manufacturer: Bullard Company, Bridgeport, Conn.

Mod. D "mult-au-matic"	16" swing 6 spindle	$8,311	3416 54 20 70
Mod. D "mult-au-matic"	8" swing 8 spindle	7,821	3416 54 30 30
Mod. D "mult-au-matic"	12" swing 8 spindle	8,782	3416 54 30 50
Mod. D "mult-au-matic"	16" swing 8 spindle	9,361	3416 54 30 70
Mod. D "mult-au-matic"	22" swing 8 spindle	11,657	3416 54 30 77
Mod. D "mult-au-matic"	34" swing, 4 spindle	19,393	3416 54 10 88
Mod. D "mult-au-matic"	8" swing, 6 spindle	6,139	3416 54 20 30
Mod. D "mult-au-matic"	12" swing, 6 spindle	6,506	3416 54 20 50
Mod. J–7 "mult-au-matic"	8" swing, 8 spindle	5,187	3416 54 30 30
Mod. J–11 "mult-au-matic"	12" swing, 8 spindle	6,098	3416 54 30 50
Mod. F "mult-au-matic"	7" swing, 12 spindle	6,380	3416 54 40 25

[TABLE 13]

Milling machine—vertical, knee type (not including bench type)

Manufacturer: Brown and Sharpe Manufacturing Company, Providence, R. I.

Model and description	Size and capacity	Sales price	Code
No. 2 standard	28" table travel	$1,896	3417 23 20 28

EXHIBIT B—Continued

[TABLE 13]—continued

Milling machine—vertical, knee type (not including bench type)—Continued

Manufacturer: Kearney and Trecker Corporation, Milwaukee, Wis.

Model and description	Size and capacity	Sales price	Code
No. 2-H	28" table travel	$1,648	3417 23 20 28
No. 2-K	28" table travel	2,085	3417 23 20 28
No. 3-H	34" table travel	2,357	3417 23 30 34
No. 3-K	34" table travel	2,663	3417 23 30 34
No. 4-H	42" table travel	2,725	3417 23 40 42
No. 4-K	42" table travel	3,122	3417 23 40 42

Manufacturer: Reed-Prentice Corporation, Worcester, Mass.

Model 3-VC	24" table travel	$801	3417 23 10 24

Manufacturer: Van Norman Machine Tool Company, Springfield, Mass

No. 3-V	34" table travel	$2,124	3417 23 30 34

Manufacturer: Index Machine and Tool Company, Jackson, Mich.

Model 39-H Vertical milling machine, knee type	16" table travel	$296	3417 23 10 16
Model 40-H Vertical milling machine, knee type	16" table travel	367	3417 23 10 16

Milling machine—automatic and manufacturing knee type and vertical knee type

Manufacturer: Cincinnati Milling and Grinding Machines, Inc., Cincinnati, Ohio

Model 1-12 automatic	12" table travel	$833	3417 24 10 12
Model 1-18 automatic	18" table travel	894	3417 24 20 18
No. 1-L	22" table travel	1,032	3417 23 10 22
No. 2-L	28" table travel	1,089	3417 23 20 28
No. 1-M	22" table travel	1,349	3417 23 10 22
No. 2-M	28" table travel	1,407	3417 23 20 28
No. 2-HP (high power)	28" table travel	1,421	3417 23 20 28
No. 3-HP (high power)	34" table travel	1,801	3417 23 30 34
No. 4-HP (high power)	42" table travel	2,400	3417 23 40 42
No. 5-HP (high power)	50" table travel	2,734	3417 23 50 50
No. 2 dial	28" table travel	2,246	3417 23 20 28
No. 3 dial	34" table travel	2,772	3417 23 30 34
No. 4 dial	42" table travel	3,124	3417 23 40 42
No. 2-MSDT dial type	28" table travel	2,246	3417 23 20 28
No. 3-MSDT dial type	34" table travel	2,772	3417 23 30 34
No. 4-MSDT dial type	42" table travel	3,124	3417 23 40 42
No. 2-HSDT dial type	28" table travel	2,398	3417 23 20 28
No. 3-HSDT dial type	34" table travel	2,952	3417 23 30 34
No. 4-HSDT dial type	42" table travel	3,356	3417 23 40 42

Manufacturer: Kearney and Trecker Corporation, Milwaukee, Wis.

Model "1-H MFG"	18" table travel	$1,206	3417 24 20 18

Milling machine—plain bed type, horizontal spindle machines

Manufacturer: Briggs Div. of C. C. Bradley and Son, Inc., Syracuse, N. Y.

Model A-2	20" table travel	$477	3417 41 30 00

EXHIBIT B—Continued

[TABLE 13]—continued

Milling machine—bed type, horizontal spindle, plain or rise and fall, simplex or duplex

Manufacturer: Brown and Sharpe Manufacturing Company, Providence, R. I.

Model and description	Size and capacity	Sales price	Code
Model 000 Plain bed type (simplex)	6" table travel x 8" width	$394	3417 41 10 42
Model 10 Plain bed type, electrically controlled (Simplex).	12" table travel x 10" width	789	3417 41 20 64
Model 10 Plain bed type, electrically controlled (Simplex).	18" table travel x 10" width	835	3417 41 30 10
Model 12 Plain bed type, electrically controlled (Simplex).	18" table travel x 12" width	969	3417 41 30 30
Model 12 Plain bed type, electrically controlled (Simplex).	24" table travel x 12" width	1,009	3417 41 30 35
Model 33 Plain bed type (Simplex)	34" table travel x 12½" width	699	3417 41 40 22
Model 22 Plain bed type (Simplex)	22" table travel x 15" width	954	3417 41 30 49
Model 37 Plain bed type (Duplex)	34" table travel x 12½" width	916	3417 43 20 31

Manufacturer: Cincinnati Milling and Grinding Machines, Inc., Cincinnati, Ohio

No. 0-8 plain, automatic, bed type	8" table travel x 6½" table width	$459	3417 41 20 20
No. 2-18 plain, automatic, bed type	18" table travel x 11" table width	1,093	3417 41 30 20
No. 2-24 plain, automatic, bed type	24" table travel x 11" table width	1,158	3417 41 30 25
No. 3-24 plain, hydromatic, bed type	24" table travel x 12" table width	1,257	3417 41 30 35
No. 3-36 plain, hydromatic, bed type	36" table travel x 12" table width	1,349	3417 41 40 23
No. 4-36 plain, hydromatic, bed type	36" table travel x 16" table width	1,787	3417 41 40 43
No. 4-48 plain, hydromatic, bed type	48" table travel x 16" table width	1,900	3417 41 50 35
No. 5-48 plain, hydromatic, bed type	48" table travel x 20" table width	2,222	3417 41 50 59
No. 5-60 plain, hydromatic, bed type	60" table travel x 20" table width	2,355	3417 41 50 65
Model 34-36 plain, hydromatic, bed type	36" table travel x 16" table width	1,550	3417 41 40 43
Model 34-48 plain, hydromatic, bed type	48" table travel x 16" table width	1,694	3417 41 50 35
Model 35-48 plain, hydromatic, bed type	48" table travel x 20" table width	1,918	3417 41 50 59
Model 45-48 plain, hydromatic, bed type	48" table travel x 20" table width	2,156	3417 41 50 59
Model 35-60 plain, hydromatic, bed type	60" table travel x 20" table width	2,054	3417 41 50 65
Model 45-60 plain, hydromatic, bed type	60" table travel x 20" table width	2,289	3417 41 50 65
Model 36-72 plain, hydromatic, bed type	72" table travel x 24" table width	2,539	3417 41 60 83
Model 46-72 plain, hydromatic, bed type	72" table travel x 24" table width	2,576	3417 41 60 83
Model 56-72 plain, hydromatic, bed type	72" table travel x 24" table width	2,641	3417 41 60 83
Model 56-90 plain, hydromatic, bed type	90" table travel x 24" table width	2,505	3417 41 60 92
Model 46-90 plain, hydromatic, bed type	90" table travel x 24" table width	2,741	3417 41 60 92
Model 56-90 plain, hydromatic, bed type	90" table travel x 24" table width	2,807	3417 41 60 92
Model 28-72 plain, "Hydro-Tel", bed type	72" table travel x 28" table width	4,512	3417 41 60 93
Model 38-72 plain, "Hydro-Tel", bed type	72" table travel x 36" table width	6,218	3417 41 60 97
Model 28-84 plain, "Hydro-Tel", bed type	84" table travel x 28" table width	4,680	3417 41 60 94
Model 28-96 plain, "Hydro-Tel", bed type	96" table travel x 28" table width	4,848	3417 41 70 93
Model 36-96 plain, "Hydro-Tel", bed type	96" table travel x 36" table width	6,685	3417 41 70 97
Model 28-108 plain, "Hydro-Tel", bed type	108" table travel x 28" table width	5,016	3417 41 70 94
Model 28-120 plain, "Hydro-Tel", bed type	120" table travel x 28" table width	5,184	3417 41 80 67
Model 36-120 plain, "Hydro-Tel", bed type	120" table travel x 36" table width	7,064	3417 41 80 80
Model 0-8 plain, rise and fall, bed type	8" table travel x 6½" table width	552	3417 42 10 31
Model 2-18 plain, rise and fall, bed type	18" table travel x 11" table width	1,324	3417 42 20 31
Model 2-24 plain, rise and fall, bed type	24" table travel x 11" table width	1,394	3417 42 20 37
Model 3-24 duplex, hydromatic bed type	24" table travel x 12" table width	1,743	3417 43 20 21
Model 3-36 duplex, hydromatic bed type	36" table travel x 12" table width	1,839	3417 43 30 11
Model 4-36 duplex, hydromatic bed type	36" table travel x 16" table width	2,471	3417 43 30 35
Model 34-36 duplex, hydromatic bed type	36" table travel x 16" table width	2,035	3417 43 30 35
Model 4-48 duplex, hydromatic bed type	48" table travel x 16" table width	2,584	3417 43 40 35
Model 5-48 duplex, hydromatic bed type	48" table travel x 20" table width	3,000	3417 43 40 59
Model 34-48 duplex, hydromatic bed type	48" table travel x 16" table width	2,149	3417 43 40 35
Model 35-48 duplex, hydromatic bed type	48" table travel x 20" table width	2,401	3417 43 40 59
Model 45-48 duplex, hydromatic bed type	48" table travel x 20" table width	2,838	3417 43 40 59
Model 5-60 duplex, hydromatic bed type	60" table travel x 20" table width	3,135	3417 43 50 59
Model 35-60 duplex, hydromatic bed type	60" table travel x 20" table width	2,540	3417 43 50 59
Model 45-60 duplex, hydromatic bed type	60" table travel x 20" table width	2,974	3417 43 50 59
Model 36-72 duplex, hydromatic bed type	72" table travel x 24" table width	2,824	3417 43 60 61
Model 46-72 duplex, hydromatic bed type	72" table travel x 24" table width	3,259	3417 43 60 61
Model 56-72 duplex, hydromatic bed type	72" table travel x 24" table width	3,421	3417 43 60 61
Model 36-90 duplex, hydromatic bed type	90" table travel x 24" table width	2,990	3417 43 60 64
Model 46-90 duplex, hydromatic bed type	90" table travel x 24" table width	3,425	3417 43 60 64
Model 56-90 duplex, hydromatic bed type	90" table travel x 24" table width	3,587	3417 43 60 64

Manufacturer: Kearney and Trecker Corporation, Milwaukee, Wis.

No. M-18 bed type, automatic, simplex	18" table travel x 12" table width	$1,090	3417 41 30 30
No. M-24 bed type, automatic, simplex	24" table travel x 12" table width	1,149	3417 41 30 35
No. 1224 bed type, automatic, simplex	24" table travel x 12" table width	1,226	3417 41 30 35
No. 1824 bed type, automatic, simplex	24" table travel x 18" table width	1,422	3417 41 30 65
No. M-30 bed type, automatic, simplex	30" table travel x 12" table width	1,214	3417 41 40 20
No. 1236 bed type, automatic, simplex	36" table travel x 12" table width	1,313	3417 41 40 23

EXHIBIT B—Continued

TABLE 13]—continued

Milling machine—bed type, horizontal spindle, plain or rise and fall, simplex or duplex—Continued

Manufacturer: Kearney and Trecker Corporation, Milwaukee, Wis.—Continued

Model and description	Size and capacity	Sales price	Code
No. 1836 bed type, automatic, simplex	36" table travel x 18" table width	$1,516	3417 41 40 53
No. 1248 bed type, automatic, simplex	48" table travel x 12" table width	1,438	3417 41 50 11
No. 1404 bed type, automatic, simplex	48" table travel x 14" table width	1,494	3417 41 50 23
No. 1848 bed type, automatic, simplex	48" table travel x 18" table width	1,611	3417 41 50 47
No. 1854 bed type, automatic, simplex	54" table travel x 18" table width	1,662	3417 41 50 59
Model 1218 bed type, automatic, simplex	18" table travel x 12" table width	1,206	3417 41 30 30
Model 1402 bed type, automatic, simplex	24" table travel x 14" table width	1,340	3417 41 30 45
Model 2202 bed type, automatic, simplex	24" table travel x 22" table width	1,520	3417 41 30 83
Model 1230 bed type, automatic, simplex	30" table travel x 12" table width	1,267	3417 41 40 20
Model 1830 bed type, automatic, simplex	30" table travel x 18" table width	1,470	3417 41 40 50
Model 1403 bed type, automatic, simplex	36" table travel x 14" table width	1,421	3417 41 40 33
Model 2203 bed type, automatic, simplex	36" table travel x 22" table width	1,650	3417 41 40 73
Model 1242 bed type, automatic, simplex	42" table travel x 12" table width	1,393	3417 41 40 29
Model 1842 bed type, automatic, simplex	42" table travel x 18" table width	1,623	3417 41 40 56
Model 2204 bed type, automatic, simplex	48" table travel x 22" table width	1,682	3417 41 50 71
Model 1468 bed type, automatic, simplex	60" table travel x 14" table width	1,661	3417 41 50 29
Model 2205 bed type, automatic, simplex	60" table travel x 22" table width	1,888	3417 41 50 77
Model 1407 bed type, automatic, simplex	84" table travel x 14" table width	1,807	3417 41 60 29
Model 2207 bed type, automatic, simplex	84" table travel x 22" table width	2,032	3417 41 60 77
Model 1409 bed type, automatic, simplex	108" table travel x 14" table width	1,749	3417 41 70 29
Model 2209 bed type, automatic, simplex	108" table travel x 22" table width	1,305	3417 41 70 77
Model 1411 bed type, automatic, simplex	132" table travel x 14" table width	1,242	3417 41 80 16
Model 2211 bed type, automatic, simplex	132" table travel x 22" table width	1,414	3417 41 80 56
Model 1218 bed type, automatic, duplex	18" table travel x 12" table width	1,567	3417 43 10 25
Model 1224 bed type, automatic, duplex	24" table travel x 12" table width	1,700	3417 43 20 21
Model 1402 bed type, automatic, duplex	24" table travel x 14" table width	1,866	3417 43 20 33
Model 1824 bed type, automatic, duplex	24" table travel x 18" table width	1,767	3417 43 20 57
Model 2202 bed type, automatic, duplex	24" table travel x 22" table width	2,125	3417 43 20 81
Model 1230 bed type, automatic, duplex	30" table travel x 12" table width	1,628	3417 43 30 27
Model 1830 bed type, automatic, duplex	30" table travel x 18" table width	1,804	3417 43 30 47
Model 1236 bed type, automatic, duplex	36" table travel x 12" table width	1,788	3417 43 30 11
Model 1403 bed type, automatic, duplex	36" table travel x 14" table width	1,941	3417 43 30 23
Model 1836 bed type, automatic, duplex	36" table travel x 18" table width	1,982	3417 43 30 47
Model 2203 bed type, automatic, duplex	36" table travel x 22" table width	2,228	3417 43 30 71
Model 1242 bed type, automatic, duplex	42" table travel x 12" table width	1,742	3417 43 30 17
Model 1842 bed type, automatic, duplex	42" table travel x 18" table width	1,990	3417 43 30 53
Model 1248 bed type, automatic, duplex	48" table travel x 12" table width	1,912	3417 43 40 11
Model 1404 bed type, automatic, duplex	48" table travel x 14" table width	1,999	3417 43 40 23
Model 1848 bed type, automatic, duplex	48" table travel x 18" table width	2,087	3417 43 40 47
Model 2204 bed type, automatic, duplex	48" table travel x 22" table width	2,277	3417 43 40 71
Model 1854 bed type, automatic, duplex	54" table travel x 18" table width	2,140	3417 43 40 53
Model 1405 bed type, automatic, duplex	60" table travel x 14" table width	2,169	3417 43 50-23
Model 2205 bed type, automatic, duplex	60" table travel x 22" table width	2,478	3417 43 50 71
Model 1467 bed type, automatic, duplex	84" table travel x 14" table width	2,343	3417 43 60 13
Model 2207 bed type, automatic, duplex	84" table travel x 22" table width	2,629	3417 43 60 53
Model 1409 bed type, automatic, duplex	108" table travel x 14" table width	1,436	3417 43 60 17
Model 2209 bed type, automatic, duplex	108" table travel x 22" table width	1,640	3417 43 60 57
Model 1411 bed type, automatic, duplex	132" table travel x 14" table width	1,528	3417 43 70 12
Model 2211 bed type, automatic, duplex	132" table travel x 22" table width	1,746	3417 43 70 52

Manufacturer: Kent-Owens Machine Company, Toledo, Ohio

No. 1-H plain, hydraulic bed type (single spindle)	14" table travel x 9" width	$531	3417 41 20 50
No. 2-20 plain, hydraulic bed type (single spindle).	20" table travel x 12" width	917	3417 41 30 32
Model 25 plain, cam feed, bed type (single spindle).	10" table travel x 8½" width	418	3417 41 20 42
Model 1-8 plain, hydraulic, bed type (single spindle).	8" table travel x 9" width	454	3417 41 20 50
Model 1-8-DS plain, hydraulic, bed type (double spindle).	8" table travel x 9" width	661	3417 41 20 50
Model 1-14-DS plain, hydraulic, bed type (double spindle).	14" table travel x 9" width	738	3417 41 20 50
Model 2-20-DS plain, hydraulic, bed type (double spindle).	20" table travel x12" width	1,433	3417 41 30 32
Model 1-V plain, hydraulic, bed type (single horizontal spindle feeding vertically downward).	8" table travel x 9" width 5½" maximum automatic vertical movement of spindle.	522	3417 49 00 00

EXHIBIT B—Continued

[TABLE 13]—continued

Milling machine—bed type, horizontal spindle, plain or rise and fall, simplex or duplex—Continued

Manufacturer: The Ohio Machine Tool Company, Kenton, Ohio

Model and description	Size and capacity	Sales price	Code
No. 16-36 plain, bed type	36" table travel x 16" width	$1,191	3417 41 40 43
No. 16-42 plain, bed type	42" table travel x 16" width	1,255	3417 41 40 46
No. 16-30 plain, bed type	30" table travel x 16" width	1,155	3417 41 40 40

Manufacturer: Sundstrand Machine Tool Company, Rockford, Ill.

No. 00 plain, hydraulic, bed type	8" table travel x 7" width	$464	3417 41 20 30
No. 0 plain, hydraulic, bed type	18" table travel x 8" width	638	3417 41 30 05
No. 1 plain, hydraulic, bed type	18" table travel x 10" width	854	3417 41 30 10
No. 3 plain, bed type, (screw feed)	24" table travel x 14" width	928	3417 41 30 45
No. 5 plain, bed type (screw feed)	42" table travel x 18" width	1,090	3417 41 40 56
No. 33 plain, hydraulic, bed type	48" table travel x 14" width	1,550	3417 41 50 23
No. 33 plain, hydraulic, bed type	48" table travel x 18" width	2,114	3417 41 50 47

Manufacturer: U. S. Tool Company, Inc., Ampere, N. J.

Model MM-1-60 automatic, bed type, left hand	6" table travel x 6" width	$366	3417 41 10 30
Model MM-1-5-2 automatic, bed type	5" table travel x 6" width	533	3417 41 10 29
Model MM-5 automatic, bed type	6" table travel x 6" table width	366	3417 41 10 30
Model MM-1-6 automatic, bed type, right hand	6" table travel x 6" table width	366	3417 41 10 30
Model MM-52 automatic, bed type	5" table travel x 6" table width	533	3417 41 10 29
Model "Duplex" automatic, bed type	6" table travel x 6" table width	771	3417 41 00 99

Milling machine—plain bed type, horizontal spindle machines

Manufacturer: Van Norman Machine Tool Company, Springfield, Mass.

No 11S plain, bed type	18" table travel x 10" width	$853	3417 41 30 10

Milling machine—bed type, vertical and angular head type

Manufacturer: Cincinnati Milling and Grinding Machines, Inc., Cincinnati, Ohio

Model 0-8 bed type, vertical, automatic	8" table travel x 6" table width	$521	3417 45 10 20
Model 28-48 bed type, vertical, "Hydro-Tel"	48" table travel x 28" table width	4,202	3417 45 40 48
Model 28-60 bed type, vertical, "Hydro-Tel"	60" table travel x 28" table width	4,343	3417 45 50 30
Model 28-72 bed type, vertical, "Hydro-Tel"	72" table travel x 28" table width	4,717	3417 45 60 42
Model 28-84 bed type, vertical, "Hydro-Tel"	84" table travel x 28" table width	4,884	3417 45 60 24
Model 28-96 bed type, vertical, "Hydro-Tel"	96" table travel x 28" table width	5,052	3417 45 60 36
Model 28-108 bed type, vertical, "Hydro-Tel"	108" table travel x 28" table width	5,220	3417 45 60 48
Model 28-120 bed type, vertical, "Hydro-Tel"	120" table travel x 28" table width	5,388	3417 45 70 10

TABLE 14]

Profiling machine—vertical, fixed bed type, single and multiple spindle

Manufacturer: The Frew Machine Co., Philadelphia, Pa.

Model and description	Size and capacity	Sales price	Code
No. 6-A single spindle	24" x 36" table size	$793	3417 63 11 00

EXHIBIT B—Continued

[TABLE 14]—continued

Profiling machine—vertical, fixed bed type, single and multiple spindle—Continued

Manufacturer: Morey Machinery Co., Inc., New York, N. Y.

Model and description	Size and capacity	Sales price	Code
No. 12-M single spindle	23" table travel	$705	3417 63 11 23
No 12-M two spindle	23" table travel	742	3417 63 21 23
Manufacturer: Pratt and Whitney Division, Hartford, Conn.			
No. M-1693 single spindle, No. 12-B	20" table travel	$731	3417 63 21 18
No M-1693 two spindle, No. 12-B	20" table travel	841	3417 63 21 18
No. M-1482 single spindle	32" table travel	1,675	3417 63 21 36

Profiling machines and duplicators—all types and sizes

Manufacturer: National Broach and Machine Company, Detroit, Mich.

Model PHA double spindle, hand operated	20" table travel	$1,206	3417 61 20 99
Model PMA double spindle, automatic	5" table travel	1,827	3417 61 20 99
Model PMB double spindle, automatic	5" table travel	1,827	3417 61 20 99
Model PMD double spindle, automatic	5" table travel	1,827	3417 61 20 99
Model PMC double spindle, automatic	10" table travel	2,477	3417 61 20 99

[TABLE 15]

Thread milling machine

Manufacturer: James Coulter Machine Co., Bridgeport, Conn.

Model and description	Size and capacity	Sales price	Code
Model "H" hob type single spindle, horizontal, semiautomatic.	7" dia. x 20" length	$812	3417 83 11 40
Manufacturer: Hall Planetary Co., Philadelphia, Pa			
Style B planetary, single spindle, horizontal	6" over ways	$1,141	3417 86 00 99
Style C planetary, single spindle, horizontal	9½" over ways	1,580	3417 86 00 99
Style D planetary, single spindle, horizontal	13½" over ways	2,020	3417 86 00 99
Manufacturer: The Hanson-Whitney Machine Co., Hartford, Conn.			
Model 4" x 9" single spindle, universal, semiautomatic.	4" diameter x 9" length thread	$934	3417 83 11 29
Model 8" x 16" single spindle, universal, semiautomatic.	8" diameter x 16" length thread	1,208	3417 83 21 16
Model 10" x 24" single spindle, universal, semiautomatic.	10" diameter x 24" length thread	1,370	3417 83 22 32
Manufacturer: Lees-Bradner Co., Cleveland, Ohio			
Model LT single spindle, universal, manual	6" diameter x 72" center to center	$1,218	3417 82 14 26
Model HT single spindle, universal, manual	12" diameter x 36" center to center	1,350	3417 82 22 04
Model HT single spindle, universal, manual	12" diameter x 54" center to center	1,380	3417 82 23 04
Model HT single spindle, universal, manual	12" diameter x 102" center to center	1,523	3417 82 26 01
Model CT single spindle, universal, manual	13" diameter x 54" long	1,523	3417 85 00 00

EXHIBIT B—Continued

[TABLE 15]—continued

Thread milling machine—Continued

Manufacturer: Morey Machinery Co., Inc., New York, N. Y.

Model and description	Size and capacity	Sales price	Code
"Morey-Shields" single spindle, universal, manual.	12" diameter x 120" center to center	$1,715	3417 82 27 01
Manufacturer: Murchey Machine and Tool Co., Detroit, Mich.			
Model 32 single spindle, semiautomatic	12" diameter	$1,543	3417 86 30 12
Manufacturer: Pian-O-Mill Corp., Royal Oak, Mich.			
No. 1000 series planetary, single spindle, hydraulic.	8" diameter	$1,046	3417 86 20 08
No. 3000 series, planetary, single spindle, thymo-trol control.	8" diameter	1,120	3417 86 20 08
Manufacturer: Pratt and Whitney Division, Hartford, Conn.			
M-1141 single spindle, manual	4½" diameter x 12" center to center	$487	3417 81 11 50
M-1503 Model B single spindle, manual	6" diameter x 60" center to center	914	3417 81 24 02
M-1503 Model C single spindle, manual	6" diameter x 60" center to center	1,306	3417 81 24 02

[TABLE 16]

Polishing and buffing machine—bench and floor

Manufacturer: Hammond Machinery Builders, Inc., Kalamazoo, Mich.

Model and description	Motor size	Sales price	Code
Model OK-2 double end polishing and buffing machine.	2 hp	$60	3419 32 30 30
Model 2-RL double end polishing and buffing machine.	2 hp	69	3419 32 30 30
Model 3-RL double end polishing and buffing machine.	3 hp	75	3419 32 40 10
Model 3-RRW double end polishing and buffing machine.	3 hp	190	3419 32 40 10
Model 5-ROH double end polishing and buffing machine.	5 hp	159	3419 32 50 05
Model 5-VRO double end polishing and buffing machine.	5 hp	159	3419 32 50 05
Model 5-RRW double end polishing and buffing machine.	5 hp	177	3419 32 50 05
Model 5-RR double end polishing and buffing machine.	10 hp	188	3419 32 60 10
Model 3-RR double end polishing and buffing machine.	6 hp	176	3419 32 50 08

[TABLE 17]

Tapping machine—vertical, and/or horizontal, single or multiple spindle

Manufacturer: Bakewell Division, Warner and Swasey Company, Cleveland, Ohio

Model and description	Size and capacity	Sales price	Code
As made originally by Bakewell			
No. 1 vertical, single spindle	⅝" diameter tap x 17" swing	$348	3419 61 12 12
No. 2 vertical, single spindle	1¼" diameter tap x 31" swing	835	3419 61 13 18

EXHIBIT B—Continued

TABLE 17]—continued

Tapping machine—vertical, and/or horizontal, single or multiple spindle—Continued

Manufacturer: Bakewell Division, Warner and Swasey Company, Cleveland, Ohio—Continued

Model and description	Size and capacity	Sales price	Code
As made originally by Bakewell			
No. 1R single spindle, radial, vertical	⅝" diameter tap x 72" swing	$812	3419 65 10 36
No. 1R two spindle, radial, vertical	⅝" diameter tap x 72" swing	1,392	3419 65 10 36
No. 12 vertical, single spindle	1¼" diameter tap x 31" swing	835	3419 61 13 18
As made by Warner and Swasey			
No. 10 single spindle vertical	No. 8-32 tap x 17" swing	199	3419 61 11 10
No. 11 single spindle vertical	⅝" diameter tap x 17" swing	348	3419 61 12 12
No. 11R single spindle, radial, vertical	⅝" diameter tap x 72" swing	812	3419 65 10 36
No. 11R two spindle, radial, vertical	⅝" diameter tap x 72" swing	1,392	3419 65 10 36
Manufacturer: Detroit Tap and Tool Company, Detroit, Mich.			
Model LTM-16 vertical, single spindle, light duty	⅝" diameter tap	$324	3419 61 12 16
Model MTM-27 vertical, single spindle medium duty	2" diameter tap	625	3419 61 14 10
Manufacturer: Garvin Division, Western Machine Tool Works, Holland, Mich.			
No. 2-X vertical, single spindle	⅝" diameter tap	$171	3419 61 12 16
No. 3-B vertical, single spindle	1½" diameter tap x 24" swing	256	3419 61 13 00
Manufacturer: R. G. Haskins Company, Chicago, Ill.			
No. 1-BB vertical, single spindle	5/16" diameter tap x 10" swing	$87	3419 61 11 12
No. 1-C vertical, single spindle	0.1935" diameter tap x 13" swing	123	3419 61 11 12
No. 2-C vertical, single spindle	¼" diameter tap x 13" swing	132	3419 61 11 16
No. 3-C vertical, single spindle	½" diameter tap x 15" swing	146	3419 61 12 10
No. 3-C vertical, double spindle	½" diameter tap x 15" swing	307	3419 61 22 10
Manufacturer: Baush Machine Tools Company, Springfield, Mass.			
Model 2 vertical tapping machine	10 to 15 hp	$2,436	3419 63 00 00
Model vertical tapping machine, 12 spindle	5 hp	1,972	3419 63 00 00
Model vertical, radial arm tapper	½ hp. 42" swing	764	3419 65 10 40

[TABLE 18]

Drilling machine—multiple spindle automatic

Manufacturer: The Bodine Corporation, Bridgeport, Conn.

Model and description	Size	Sales price	Code
Model 41-20 automatic drilling and tapping machine, dial type.	4 spindle	$766	3413 63 40 00
Model 42-20 automatic drilling and tapping machine, dial type	6 spindle	1,072	3413 63 40 00
Model 42-30 automatic drilling and tapping machine, dial type	6 spindle	1,314	3413 63 40 00
Model 42-36 automatic drilling and tapping machine, dial type	6 spindle	1,378	3413 63 40 00
Model 48-30 automatic drilling and tapping machine, dial type	8 spindle	1,506	3413 63 50 00

EXHIBIT B—Continued

TABLE 18]—continued

Drilling machines—deep hole, back spot facing and miscellaneous drills

Manufacturer: Pratt and Whitney, West Hartford, Conn.

Model and description	Capacity	Spindles	Sales price	Code
Size 1 deep hole drill	14½" stroke	2 spindle	$626	3413 81 12 10
Size 1 deep hole drill	33" stroke	2 spindle	654	3413 81 12 28
No. ½ B-30 deep hole drill	30" stroke	2 spindle	1,779	3413 81 12 25
No. ½ B-50 deep hole drill	50" stroke	2 spindle	1,870	3413 81 12 44
No. 1 B-50 deep hole drill	50" stroke	2 spindle	2,289	3413 81 12 44
No. 1 B-74 deep hole drill	74" stroke	2 spindle	2,400	3413 81 12 57
No. 1 B-98 deep hole drill	98" stroke	2 spindle	2,526	3413 81 12 69
No. 1½-37 deep hole drill	37" stroke	2 spindle	2,807	3413 81 12 22
No. 1½-61 deep hole drill	61" stroke	2 spindle	3,062	3413 81 12 50
No. 1½ 81 deep hole drill	81" stroke	2 spindle	3,318	3413 81 12 59
No. 1½-105 deep hole drill	105" stroke	2 spindle	3,547	3413 81 12 75
No. 1½-139 deep hole drill	139" stroke	2 spindle	3,777	3413 81 12 88
Model 1613 vertical deep hole drill	12" stroke	6 spindle	2,397	3413 82 60 00
Model 1843 vertical deep hole drill	12" stroke	6 spindle	4,176	3413 82 60 00

[TABLE 19]

Gear tooth lapper—external and/or internal gear tooth lapping machines

Manufacturer: The Fellows Gear Shaper Company, Springfield, Vt.

Model and description	Size and capacity	Sales price	Code
Model 7-LS external, helical gears only	7" pitch diameter x 1¾" face	$1,228	3414 72 12 00
Model 10-LS external, helical gears only	10" pitch diameter x 1¾" face	1,396	3414 72 12 00
Model 8-LS external and internal, spur and helical	8" pitch diameter x 1¾" face	1,517	3414 72 23 00
Model 13-LS external and internal, spur and helical	13" pitch diameter x 1¾" face	1,703	3414 72 23 00
Model 24-LS external and internal, spur and helical	24" pitch diameter x 5" face	4,176	3414 72 23 00
Manufacturer: Gleason Works, Rochester, N. Y.			
No. 17 spiral bevel and hypoid testing and lapping machine.	17" pitch diameter	$1,486	3414 72 14 00
Manufacturer: Michigan Tool Company, Detroit, Mich.			
No. 993 Universal duplex lapper	20" pitch diameter x 30" between centers	$2,335	3414 72 10 00
No. 995 two-lap gear lapper	8" pitch diameter x 12" between centers	1,215	3414 72 10 00
No. 991 three-lap gear lapper	12" pitch diameter x 22½" between centers	1,250	3414 72 10 00
Manufacturer: National Broach and Machine Company, Detroit Mich.			
Model GLG external, vertical	8" pitch diameter x 9½" stroke	$1,108	3414 72 10 00
Model GLL external, vertical	13" pitch diameter x 10" stroke	1,269	3414 72 10 00
Model GLL external, vertical	18" pitch diameter x 10" stroke	1,394	3414 72 10 00

[TABLE 20]

Tool and Cutter Grinder—All types and sizes

Manufacturer: Pratt and Whitney Division, Hartford, Conn.

Model and description	Size and capacity	Sales price	Code
M-1687 gun barrel drill grinder	⅝" diameter drill	$382	3415 73 20 15
M-1705 R-6 Keller cutter grinder	6½" diameter cutter	242	3415 78 30 00
M-1728 R-8 Keller cutter grinder	6½" diameter cutter	123	3415 78 30 00
M-1496 hob and cutter grinder	8" diameter cutter	209	3415 78 62 08
M-1311 contour cutter grinder	6" diameter cutter	911	3415 79 00 00

EXHIBIT B—Continued

[TABLE 21]

Bench, floor and snag grinders—All sizes with wheels over 6" diameter and driving motors other than 110-volt

Manufacturer: Bridgeport Safety Emery Wheel Company, Inc., Bridgeport, Conn.

Model and description	Wheels	Sales price	Code
Model 2-TGAM wet tool and drill grinder, floor	14" diameter wheel	$159	3415 84 20 14
Model 2-TGAB wet tool and drill grinder, floor	14" diameter wheel	110	3415 84 20 14
Model 2-TGM wet tool grinder single floor type	14" diameter wheel	103	3415 85 20 14
Model 2-TGB wet tool grinder single floor type	14" diameter wheel	72	3415 85 20 14
Model 3-TGM wet tool grinder single floor type	20" diameter wheel	134	3415 85 30 20
Model 3-TGB wet tool grinder single floor type	20" diameter wheel	88	3415 85 30 20
Model 4-TGM wet tool grinder single floor type	26" diameter wheel	188	3415 85 40 26
Model 4-TGB wet tool grinder single floor type	26" diameter wheel	142	3415 85 40 26
Model 4½-TGM wet tool grinder single floor type	30" diameter wheel	214	3415 85 40 30
Model 4½-TGB wet tool grinder single floor type	30" diameter wheel	167	3415 85 40 30
Model 5-TGM wet tool grinder single floor type	36" diameter wheel	270	3415 85 50 36
Model 5-TGB wet tool grinder single floor type	36" diameter wheel	207	3415 85 50 36
Model 6-TGMZ wet tool grinder single floor type	42" diameter wheel	308	3415 85 50 42
Model 6-TGB wet tool grinder single floor type	42" diameter wheel	247	3415 85 50 42
Model 184 floor grinders double end, dry	12" diameter wheel	111	3415 83 20 12
Model 1-BD floor grinders double end, dry	12" diameter wheel	48	3415 83 20 12
Model D floor grinders double end, dry	12" diameter wheel	78	3415 83 20 12
Model 16-MA floor grinders double end, dry	14" diameter wheel	253	3415 83 20 14
Model 2-AC floor grinders double end, dry	16" diameter wheel	220	3415 83 30 16
Model 6-AC floor grinders double end, dry	16" diameter wheel	263	3415 83 30 16
Model 16-MA floor grinders double end, dry	16" diameter wheel	253	3415 83 30 16
Model 185 floor grinders double end, dry	16" diameter wheel	167	3415 83 30 16
Model 186 floor grinders double end, dry	16" diameter wheel	101	3415 83 30 16
Model 2-HD floor grinders double end, dry	16" diameter wheel	209	3415 83 30 16
Model E floor grinders double end, dry	16" diameter wheel	61	3415 83 30 16
Model 6-AC floor grinders double end, dry	16" diameter wheel	101	3415 83 30 16
Model 17-MA floor grinders double end, dry	18" diameter wheel	263	3415 83 30 18
Model 17-M floor grinders double end, dry	18" diameter wheel	340	3415 83 30 18
Model 186 floor grinders double end, dry	18" diameter wheel	357	3415 83 30 18
Model 6-HD floor grinders double end, dry	18" diameter wheel	190	3415 83 30 18
Model F floor grinders double end, dry	18" diameter wheel	77	3415 83 30 18
Model 17-MA floor grinders double end, dry	18" diameter wheel	132	3415 83 30 18
Model 17-M floor grinders double end, dry	20" diameter wheel	340	3415 83 30 20
Model 7-BD floor grinders double end, dry	20" diameter wheel	357	3415 83 30 20
Model FF floor grinders double end, dry	20" diameter wheel	98	3415 83 30 20
Model 161 floor grinders double end, dry	20" diameter wheel	148	3415 83 30 20
Model 8-DB floor grinder double end, dry	24" diameter wheel	505	3415 83 40 24
Model FFF floor grinders double end, dry	24" diameter wheel	132	3415 83 40 24
Model G floor grinders double end, dry	24" diameter wheel	185	3415 83 40 24
Model 162 floor grinders double end, dry	24" diameter wheel	198	3415 83 40 24
Model 9-HD floor grinders double end, dry	30" diameter wheel	590	3415 83 40 30
Model H floor grinders double end, dry	30" diameter wheel	180	3415 83 40 30
Model 7-BD floor grinders double end, dry	30" diameter wheel	295	3415 83 40 30
Model 174 swing frame grinder	16" diameter wheel	404	3415 88 11 16
Model 174-A swing frame grinder	20" diameter wheel	493	3415 88 12 20
Model 1 swing frame grinder	16" diameter wheel	348	3415 88 10 00
Model 1-SFM swing frame grinder	18" diameter wheel	245	3415 88 10 00
Model 2-SFM swing frame grinder	21" diameter wheel	339	3415 88 10 00
Model 1-SFB swing frame grinder	18" diameter wheel	140	3415 88 10 00
Model 1-SFH swing frame grinder	24" diameter wheel	228	3415 88 10 00

Manufacturer: The Delta Manufacturing Company, Milwaukee, Wis.

No. 23-111 double end bench grinder	7" diameter wheel	$20	3415 81 20 07
No. 1277 double end bench grinder	7" diameter wheel	20	3415 81 20 07
No. 23-112 double end bench grinder	7" diameter wheel	21	3415 81 20 07
No. 1257 double end bench grinder	7" diameter wheel	21	3415 81 20 07
No. 23-115 double end bench grinder	7" diameter wheel	21	3415 81 20 07
No. 1244 double end bench grinder	7" diameter wheel	21	3415 81 20 07
No. 23-118 double end bench grinder	7" diameter wheel	20	3415 81 20 07
No. 1287 double end bench grinder	7" diameter wheel	20	3415 81 20 07
No. 23-121 double end bench grinder	7" diameter wheel	20	3415 81 20 07
No. 1307 double end bench grinder	7" diameter wheel	22	3415 81 20 07
No. 23-411 double end floor grinder	7" diameter wheel	25	3415 83 10 07
No. 1273 double end floor grinder	7" diameter wheel	25	3415 83 10 07
No. 23-412 double end floor grinder	7" diameter wheel	25	3415 83 10 07
No. 1278 double end floor grinder	7" diameter wheel	25	3415 83 10 07
No. 23-415 double end floor grinder	7" diameter wheel	29	3415 83 10 07
No. 1246 double end floor grinder	7" diameter wheel	29	3415 83 10 07
No. 23-418 double end floor grinder	7" diameter wheel	29	3415 83 10 07
No. 1285 double end floor grinder	7" diameter wheel	29	3415 83 10 07
No. 23-421 double end floor grinder	7" diameter wheel	27	3415 83 10 07
No. 1308 double end floor grinder	7" diameter wheel	27	3415 83 10 07

EXHIBIT B—Continued

[TABLE 21]—continued

Bench, floor and snag grinders—All sizes with wheels over 6" diameter and driving motors other than 110-volt—Con.

Manufacturer: The Delta Manufacturing Company, Milwaukee, Wis.—Continued

Model and description	Wheels	Sales price	Code
No. 1254 double end floor grinder	7" diameter wheel	$21	3415 83 10 07
No. 1269 double end floor grinder	7" diameter wheel	30	3415 83 10 07
No. 1279 double end floor grinder	7" diameter wheel	30	3415 83 10 07
No. 1276 double end floor grinder	7" diameter wheel	31	3415 83 10 07
No. 1258 double end floor grinder	7" diameter wheel	27	3415 83 10 07
No. 1281 double end floor grinder	7" diameter wheel	31	3415 83 10 07
No. 1306 double end floor grinder	7" diameter wheel	33	3415 83 10 07
No. 1309 double end floor grinder	7" diameter wheel	33	3415 83 10 07

Manufacturer: Hammond Machinery Builders, Inc., Kalamazoo, Mich.

Model ND-10 floor, double end, dry	10" diameter wheel	$82	3415 83 20 10
Model OK-10 floor, double end, dry	10" diameter wheel	41	3415 83 20 10
Model RW-1 floor, double end, dry	10" diameter wheel	73	3415 83 20 10
Model ND-12 floor, double end, dry	12" diameter wheel	119	3415 83 20 12
Model OK-12 floor, double end, dry	12" diameter wheel	66	3415 83 20 12
Model RW-2 floor, double end, dry	12" diameter wheel	77	3415 83 20 12
Model ND-14 floor, double end, dry	14" diameter wheel	131	3415 83 20 14
Model OK-14 floor, double end, dry	14" diameter wheel	82	3415 83 20 14
Model WSX-3 floor, double end, dry	14" diameter wheel	133	3415 83 20 14
Model OK-10 bench, double end, dry	10" diameter wheel	35	3415 81 30 10
Model WSX-5 floor, double end, dry	18" diameter wheel	178	3415 83 30 18
Model WR-1 floor, double end, dry	18" diameter wheel	281	3415 83 30 18
Model WR-2 floor, double end, dry	20" diameter wheel	292	3415 83 30 20
Model WR-2 floor, double end, dry	20" diameter wheel	393	3415 83 30 20
Model WR-1 floor, double end, dry	24" diameter wheel	402	3415 83 40 24
Model WR-2 floor, double end, dry	24" diameter wheel	310	3415 83 40 24
Model WR-2 floor, double end, dry	30" diameter wheel	414	3415 83 40 30
Model 30-S floor, single end, wet	30" diameter wheel	264	3415 83 30 20
Model 20-ST floor, single end, wet	20" diameter wheel	278	3415 83 50 20
Model OK-10 floor, combination grinder and buffer	10" diameter wheel	40	3415 88 22 10
Model OK-12 floor, combination grinder and buffer	12" diameter wheel	64	3415 88 22 12
Model OK-14 floor, combination grinder and buffer	14" diameter wheel	79	3415 88 22 14

Manufacturer: Queen City Machine Tool Company, Cincinnati, Ohio

Model 1-B double end, bench grinder	7" diameter wheel	$11	3415 81 20 07
Model 1½-B double end, bench grinder	8" diameter wheel	14	3415 81 30 08
Model 2-B double end, bench grinder	10" diameter wheel	34	3415 81 30 10
Model 1-P double end, floor grinder	7" diameter wheel	14	3415 83 10 07
Model 1½-P double end, floor grinder	8" diameter wheel	18	3415 83 10 08
Model 3-F double end, floor grinder	10" diameter wheel	42	3415 83 20 10
Model 4-F double end, floor grinder	12" diameter wheel	64	3415 83 20 12
Model 10-F double end, floor grinder	12" diameter wheel	74	3415 83 20 12
Model 11-F double end, floor grinder	14" diameter wheel	93	3415 83 20 14
Model 6-BF combination grinder and buffer	10" diameter wheel	41	3415 88 22 10
Model 7-BF combination grinder and buffer	12" diameter wheel	62	3415 88 22 00
Model 16-BF combination grinder and buffer	12" diameter wheel	76	3415 88 22 00
Model 17-BF combination grinder and buffer	14" diameter wheel	93	3415 88 22 00
Model 8-DF combination grinder and disc sander	10" diameter wheel	58	3415 88 30 00
Model 9-DF combination grinder and disc sander	12" diameter wheel	76	3415 88 30 00
Model 18-DF combination grinder and disc sander	12" diameter wheel	99	3415 88 30 00
Model 19-DF combination grinder and disc sander	14" diameter wheel	121	3415 88 30 00

Manufacturer: Walker-Turner Company, Inc., Plainfield, N. J.

Model GR-50 bench, double end, dry	7" diameter wheel	$17	3415 81 20 07
Model GR-100 bench, double end, dry	10" diameter wheel	30	3415 81 30 10
Model GR-50 floor, double end, dry	7" diameter wheel	22	3415 83 10 07
Model GR-100 floor, double end, dry	10" diameter wheel	39	3415 83 20 10
Model CG-50 combination grinder and disc sander	7" diameter wheel	22	3415 88 30 07

EXHIBIT B—Continued

[TABLE 22]

Lathes, production—between centers automatic, horizontal single spindle

Manufacturer: Ulishalt Machine Company, Madison, Wis.

Model and description	Size and capacity	Sales price	Code
No. 12 Hydraulic automatic lathe	16M" swing over bed, 12" over front carriage x 22" centers.	$1,034	3416 61 51 89

Manufacturer: Jones and Lamson Machine Company, Springfield, Vt.

No. 8" Fay automatic	8" swing x 15" center to center	$703	3416 61 31 75
No. 8" Fay automatic	8" swing x 21" center to center	796	3416 61 31 81
No. 8" Fay automatic	8" swing x 33" center to center	843	3416 61 32 64
No. 8" Fay automatic	8" swing x 45" center to center	889	3416 61 32 76
No. 8" Fay automatic	8" swing x 63" center to center	1,005	3416 61 33 00
No. 12" Fay automatic	12" swing x 15" center to center	1,127	3416 61 51 00
No. 12" Fay automatic	12" swing x 21" center to center	1,195	3416 61 51 16
No. 12" Fay automatic	12" swing x 33" center to center	1,261	3416 61 52 04
No. 12" Fay automatic	12" swing x 45" center to center	1,330	3416 61 52 16
No. 12" Fay automatic	12" swing x 63" center to center	1,463	3416 61 53 10
No. 12" Fay automatic	12" swing x 81" center to center	1,636	3416 61 54 04
No. 12" Fay automatic	12" swing x 99" center to center	1,805	3416 61 54 22
No. 16" Fay automatic	16" swing x 21" center to center	2,079	3416 61 61 12
No. 16" Fay automatic	16" swing x 33" center to center	2,148	3416 61 62 01
No. 16" Fay automatic	16" swing x 51" center to center	2,284	3416 61 63 04
No. 16" Fay automatic	16" swing x 69" center to center	2,453	3416 61 64 04
No. 16" Fay automatic	16" swing x 87" center to center	2,622	3416 61 65 04
No. 20" Fay automatic	20" swing x 27" center to center	1,569	3416 61 61 64
No. 20" Fay automatic	20" swing x 37" center to center	1,698	3416 61 62 57
No. 20" Fay automatic	20" swing x 55" center to center	1,774	3416 61 63 57
No. 20" Fay automatic	20" swing x 73" center to center	1,943	3416 61 64 57
No. 20" Fay automatic	20" swing x 91" center to center	2,112	3416 61 65 67
No. 20" Fay automatic	20" swing x 127" center to center	2,553	3416 61 65 00
No. 24" Fay automatic	24" swing x 42" center to center	2,547	3416 61 71 12
No. 24" Fay automatic	24" swing x 69" center to center	2,717	3416 61 72 10
No. 24" Fay automatic	24" swing x 96" center to center	3,058	3416 61 73 07

Manufacturer: Lipe-Rollway Corporation, Syracuse, N. Y.

Carbo-matic automatic hydraulic lathe	16" swing over bed 8" over carriage x 30" centers.	$1,263	3416 61 52 73

Manufacturer: Lodge and Shipley Machine Tool Company, Cincinnati, Ohio

No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 15" centers.	$1,009	3416 61 61 06
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 27" centers.	1,044	3416 61 61 18
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 39" centers.	1,078	3416 61 62 16
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 51" centers.	1,113	3416 61 63 04
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 63" centers.	1,148	3416 61 63 16
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 75" centers.	1,182	3416 61 64 10
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 87" centers.	1,217	3416 61 65 04
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 99" centers.	1,252	3416 61 65 16
No. 1 "Duomatic" multiple tool automatic	16" swing over bed, 10" over slides, 111" centers.	1,286	3416 61 66 10
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 12" centers.	1,438	3416 61 61 27
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 24" centers.	1,490	3416 61 61 39
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 36" centers.	1,542	3416 61 62 31
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 48" centers.	1,594	3416 61 63 25

EXHIBIT B—Continued

[TABLE 22]—continued

Lathes, production—between centers automatic horizontal single spindle—Continued

Manufacturer: Lodge and Shipley Machine Tool Company, Cincinnati, Ohio—Continued

Model and description	Wheels	Sales price	Code
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 60" centers.	$1,646	3416 61 63 37
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 72" centers.	1,698	3416 61 64 31
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 84" centers.	1,750	3416 61 65 25
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 96" centers.	1,802	3416 61 65 37
No. 3 "Duomatic" multiple tool automatic	18" swing over bed, 10" over slides, 108" centers.	1,854	3416 61 66 31
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 15" centers.	1,772	3416 61 61 54
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 27" centers.	1,826	3416 61 61 66
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 39" centers.	1,879	3416 61 62 59
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 51" centers.	1,932	3416 61 63 53
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 63" centers.	1,986	3416 61 63 65
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 75" centers.	2,039	3416 61 64 59
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 87" centers.	2,092	3416 61 65 53
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 99" centers.	2,146	3416 61 65 65
No. 3A "Duomatic" multiple tool automatic	20" swing over bed, 10" over slides, 111" centers.	2,199	3416 61 66 59
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 30" centers.	2,292	3416 61 71 01
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 42" centers.	2,362	3416 61 71 12
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 54" centers.	2,431	3416 61 71 24
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 66" centers.	2,500	3416 61 72 07
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 78" centers.	2,570	3416 61 72 19
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 90" centers.	2,639	3416 61 73 01
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 102" centers.	2,708	3416 61 73 13
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 114" centers.	2,778	3416 61 73 25
No. 5 "Duomatic" multiple tool automatic	24" swing over bed, 16" over slides, 126" centers.	2,847	3416 61 73 37

Manufacturer: Seneca Falls Machine Company, Seneca Falls, N. Y.

1MP lo-swing multiple tool automatic	4½" swing over front and rear carriage, 8" centers.	$746	3416 61 11 00
1MP lo-swing multiple tool automatic	4½" swing over front and rear carriage, 12" centers.	709	3416 61 21 12
LR lo-swing multiple tool automatic	5½" swing over front and rear carriage, 10" centers.	768	3416 61 21 00
LR lo-swing multiple tool automatic	5½" swing over front and rear carriage, 16" centers.	815	3416 61 21 00
LR lo-swing multiple tool automatic	5½" swing over front and rear carriage, 22" centers.	854	3416 61 21 00
LR lo-swing multiple tool automatic	5½" swing over front and rear carriage, 34" centers.	965	3416 61 22 11
LR lo-swing multiple tool automatic	5½" swing over front and rear carriage, 46" centers.	1,021	3416 61 22 67
R-14 lo-swing multiple tool automatic	11¾" swing over front and rear carriage, 34" centers.	2,627	3416 61 42 37
R-14 lo-swing multiple tool automatic	11¾" swing over front and rear carriage, 46" centers.	2,743	3416 61 42 47

EXHIBIT B—Continued

[TABLE 22]—continued

Lathes, production—between centers automatic, horizontal single spindle—Continued

Manufacturer: Sparks Machine Tool Corporation, Norwalk, Conn

Model and description	Wheels	Sales price	Code
Model 20–A "Hydra-feed" multiple tool semi-automatic	20" swing, 33" centers	$2,784	3416 61 62 53
Model 20–B "Hydra-feed" multiple tool semi-automatic	20" swing, 51" centers	3,016	3416 61 63 53

Manufacturer: Sundstrand Machine Tool Company, Rockford, Ill.

Model 8 automatic lathe	8" swing x 15" center to center	$715	3416 61 31 75
Model 8 automatic lathe	8" swing x 21" center to center	757	3416 61 31 81
Model 8 automatic lathe	8" swing x 28" center to center	816	3416 61 31 88
Model 8 automatic lathe	8" swing x 36" center to center	862	3416 61 32 67
Model 10 automatic lathe	10" swing x 16" center to center	976	3416 61 41 46
Model 10 automatic lathe	10" swing x 22" center to center	1,020	3416 61 41 52
Model 10 automatic lathe	10" swing x 34" center to center	1,128	3416 61 42 35
Model 10 automatic lathe	10" swing x 46" center to center	1,242	3416 61 42 47
Model 12 automatic lathe	12" swing x 16" center to center	1,081	3416 61 51 00
Model 12 automatic lathe	12" swing x 22" center to center	1,126	3416 61 51 17
Model 12 automatic lathe	12" swing x 34" center to center	1,233	3416 61 52 05
Model 12 automatic lathe	12" swing x 46" center to center	1,349	3416 61 52 17
Model 15 automatic lathe	15" swing x 22" center to center	1,102	3416 61 51 89

[TABLE 23]

Screw machine—single and multiple spindle bar type automatic

Manufacturer: Cone Automatic Machine Company, Windsor, Vt.

Model and description	Size	Capacity spindles	Sales price	Code
Model SC automatic screw machine	1¼" diameter bar capacity	6	$2,428	3416 75 20 00
Model SJ automatic screw machine	1¼" diameter bar capacity	6	2,428	3416 75 20 00
Model SK automatic screw machine	1⅝" diameter bar capacity	6	3,066	3416 75 30 02
Model SA automatic screw machine	1⅝" diameter bar capacity	6	3,066	3416 75 30 02
Model SH automatic screw machine	1⅞" diameter bar capacity	6	3,153	3416 75 30 08
Model SN automatic screw machine	2" diameter bar capacity	6	3,307	3416 75 40 02
Model SD automatic screw machine	2¼" diameter bar capacity	6	3,446	3416 75 40 06
Model SE automatic screw machine	2⅝" diameter bar capacity	6	3,932	3416 75 50 04
Model SF automatic screw machine	3⅛" diameter bar capacity	6	4,432	3416 75 60 10
Model CG automatic screw machine	⅞" diameter bar capacity	8	1,905	3416 76 10 14
Model CC automatic screw machine	1¼" diameter bar capacity	8	2,090	3416 76 10 20
Model VV automatic screw machine	1⅝" diameter bar capacity	8	2,995	3416 76 10 20
Model WW automatic screw machine	1⅝" diameter bar capacity	8	3,065	3416 76 20 02
Model XX automatic screw machine	1⅞" diameter bar capacity	8	3,132	3416 76 20 08
Model DD automatic screw machine	1⅝" diameter bar capacity	8	2,360	3416 76 20 02
Model VB automatic screw machine	1⅞" diameter bar capacity	8	3,132	3416 76 20 04
Model MM automatic screw machine	1⅞" diameter bar capacity	8	2,529	3416 76 20 08
Model GA automatic screw machine	2¼" diameter bar capacity	8	4,060	3416 76 30 06
Model GH automatic screw machine	2⅝" diameter bar capacity	8	4,386	3416 76 30 12

Manufacturer: Greenlee Brothers and Company, Rockford, Ill.

Model 1" automatic screw machine	1" diameter bar capacity	6	$2,216	3416 75 20 02
Model 1¼" automatic screw machine	1¼" diameter bar capacity	6	2,314	3416 75 20 06
Model 1⅝" automatic screw machine	1⅝" diameter bar capacity	6	2,410	3416 75 20 08
Model 1⅝" automatic screw machine	1⅝" diameter bar capacity	6	2,636	3416 75 30 04
Model 2" automatic screw machine	2" diameter bar capacity	6	3,269	3416 75 40 02

Manufacturer: The National Acme Company, Cleveland, Ohio

Model ¾" R–6 automatic screw machine	¾" diameter bar capacity	6	$2,105	3416 75 10 06
Model ⅞" R–6 automatic screw machine	⅞" diameter bar capacity	6	2,105	3416 75 10 09
Model 1" R–6 automatic screw machine	1" diameter bar capacity	6	1,602	3416 75 10 09
Model ¾" RA–6 automatic screw machine	¾" diameter bar capacity	6	2,221	3416 75 10 12
Model ¾" R–6 automatic screw machine	¾" diameter bar capacity	6	2,221	3416 75 10 12
Model 1" R–6 automatic screw machine	1" diameter bar capacity	6	2,291	3416 75 20 02
Model 1" RA–6 automatic screw machine	1" diameter bar capacity	6	3,036	3416 75 20 02

EXHIBIT B—Continued

[TABLE 23]—continued

Screw machine—single and multiple spindle bar type automatic—Continued

Manufacturer: The National Acme Company, Cleveland, Ohio—Continued

Model and description	Size	Capacity spindles	Sales price	Code
Model 1" RL–6 automatic screw machine	1" diameter bar capacity	6	$2,467	3416 75 20 02
Model 1" RA8–6 automatic screw machine	1" diameter bar capacity	6	2,467	3416 75 20 02
Model 1¼" R–6 automatic screw machine	1¼" diameter bar capacity	6	2,024	3416 75 20 02
Model 1¼" RA–6 automatic screw machine	1¼" diameter bar capacity	6	3,485	3416 75 20 02
Model 1⅝" R–6 automatic screw machine	1⅝" diameter bar capacity	6	3,016	3416 75 40 02
Model 1⅝" RA–6 automatic screw machine	1⅝" diameter bar capacity	6	4,118	3416 75 30 04
Model 1⅝" RB–6 automatic screw machine	1⅝" diameter bar capacity	6	4,118	3416 75 30 04
Model 2" R–6 automatic screw machine	2" diameter bar capacity	6	3,820	3416 75 40 02
Model 2" RA–6 automatic screw machine	2" diameter bar capacity	6	4,350	3416 75 40 02
Model 2" RB–6 automatic screw machine	2" diameter bar capacity	6	4,350	3416 75 40 02
Model 2" RA8–6 automatic screw machine	2" diameter bar capacity	6	4,350	3416 75 40 02
Model 2¼" R–6 automatic screw machine	2¼" diameter bar capacity	6	3,857	3416 75 40 06
Model 2¼" RA–6 automatic screw machine	2¼" diameter bar capacity	6	4,437	3416 75 40 06
Model 2⅝" R–6 automatic screw machine	2⅝" diameter bar capacity	6	4,147	3416 75 50 04
Model 2⅝" RA–6 automatic screw machine	2⅝" diameter bar capacity	6	4,969	3416 75 50 04
Model 2⅝" RB–6 automatic screw machine	2⅝" diameter bar capacity	6	4,969	3416 75 50 04
Model 3⅛" RA–6 automatic screw machine	3⅛" diameter bar capacity	6	5,781	3416 75 60 10
Model 3⅛" RB–6 automatic screw machine	3⅛" diameter bar capacity	6	5,781	3416 75 60 10
Model 1⅝" RA–8 automatic screw machine	1⅝" diameter bar capacity	8	4,867	3416 76 20 04
Model 1⅝" RB–8 automatic screw machine	1⅝" diameter bar capacity	8	4,867	3416 76 20 04
Model 2¼" RA–8 automatic screw machine	2¼" diameter bar capacity	8	4,940	3416 76 30 06
Model 2⅝" RA–8 automatic screw machine	2⅝" diameter bar capacity	8	5,882	3416 76 30 12
Model 2⅝" RB–8 automatic screw machine	2⅝" diameter bar capacity	8	5,882	3416 76 30 12

Manufacturer: New Britain-Gridley Machine Company, New Britain, Conn.

Model 60 automatic screw machine	⅝" diameter bar capacity	6	$1,778	3416 75 10 10
Model 204 automatic screw machine	⅝" diameter bar capacity	6	1,059	3416 75 10 10
Model 314 automatic screw machine	⅝" diameter bar capacity	6	1,059	3416 75 10 10
Model 60 automatic screw machine	1" diameter bar capacity	6	2,741	3416 75 20 02
Model 172 automatic screw machine	1" diameter bar capacity	6	1,410	3416 75 20 02
Model 226 automatic screw machine	1" diameter bar capacity	6	1,108	3416 75 20 02
Model 227 automatic screw machine	1" diameter bar capacity	6	1,516	3416 75 20 02
Model 203 automatic screw machine	1" diameter bar capacity	6	1,410	3416 75 20 02
Model 61 automatic screw machine	1⅛" diameter bar capacity	6	2,299	3416 75 20 08
Model 61 automatic screw machine	1⅝" diameter bar capacity	6	3,373	3416 75 30 04
Model 206 automatic screw machine	1⅝" diameter bar capacity	6	1,892	3416 75 30 04
Model 204 automatic screw machine	1⅝" diameter bar capacity	6	1,892	3416 75 30 04
Model 506 automatic screw machine	1¾" diameter bar capacity	6	1,842	3416 75 30 06
Model 527 automatic screw machine	1¾" diameter bar capacity	6	1,782	3416 75 30 06
Model 61 automatic screw machine	2" diameter bar capacity	6	3,560	3416 75 40 02
Model 61 automatic screw machine	2¼" diameter bar capacity	6	3,662	3416 75 40 06

[TABLE 24]

Milling machine—miscellaneous spline millers, spar millers, routers, and slot millers

Manufacturer: Rice Barton Corporation, Worcester, Mass.

Model and description	Size and capacity	Sales price	Code
Model 4" twin spline milling machine	4" maximum length spline	$518	3417 91 00 00

Manufacturer: The Taylor and Fenn Company, Hartford, Conn.

Model M–80 duplex spline milling machine	½" width x 1" length	$549	3417 91 00 00
Model M–51 duplex spline milling machine	1" width x 6" length	743	3417 91 00 00

Manufacturer: Superior Machine and Engineering Company, Detroit, Mich.

Superior oscillating spindle slot miller	¾" wide x 3" long maximum slot	$170	3417 99 00 00

EXHIBIT B—Continued

[TABLE 25]

Planers—double housing

Manufacturer: Craven Brothers Ltd., Manchester, England

Model and description	Size and capacity	Sales price	Code
Craven double housing	17' width x 13' 3" rail clearance x 33' stroke	$19,000	3418 11 63 00

[TABLE 26]

Shapers and slotters—all vertical mechanical or hydraulically operated machines

Manufacturer: Douglas Machinery Company, Inc., New York, N. Y.

Model and description	Size	Sales price	Code
No. 7–A Douglas vertical slotter	7½" stroke	$757	3419 17 10 07
No. 8–A Douglas vertical slotter	8½" stroke	793	3419 17 20 08
No. 10–A Douglas vertical slotter	10" stroke	894	3419 17 20 10

Manufacturer: Morey Machinery Company, New York, N. Y.

Model and description	Size	Sales price	Code
8" Morey vertical shaper	8" stroke	$1,548	3419 17 20 08
12" Morey vertical shaper	12" stroke	2,019	3419 17 30 12
14" Morey vertical shaper	14" stroke	2,323	3419 17 30 14

[TABLE 27]

Lapping machines—flat, cylindrical and combination machines

Manufacturer: Norton Company, Worcester, Mass.

Model and description	Size	Sales price	Code
Model 26–F Norton hyprolap	26" wheel diameter	$1,460	3419 25 30 26

[TABLE 28]

Speed lathes—all types and sizes

Manufacturer: J. G. Blount Company, Everett, Mass.

Model and description	Size and capacity	Sales price	Code
Blount bench or floor type speed lathes plain or equipped with hand wheel draw in driving means rear countershaft, rear shelf motor or motor in leg.	11" swing x 3' 0" center to center	$56	3419 33 20 10
	11" swing x 4' 0" center to center	58	3419 33 20 10
	11" swing x 5' 0" center to center	61	3419 33 20 10
	11" swing x 6' 0" center to center	63	3419 33 20 10
	11" swing x 7' 0" center to center	72	3419 33 20 10
	13" swing x 5' 0" center to center	62	3419 33 30 10
	13" swing x 6' 0" center to center	66	3419 33 30 10
	13" swing x 8' 0" center to center	75	3419 33 30 10
	13" swing x 10' 0" center to center	85	3419 33 30 10
	16" swing x 6' 0" center to center	88	3419 33 20 10
	16" swing x 8' 0" center to center	92	3419 33 20 10
	16" swing x 10' 0" center to center	110	3419 33 20 10
	16" swing x 12' 0" center to center	124	3419 33 20 10

EXHIBIT B—Continued

[TABLE 28]—continued

Speed lathes—all types and sizes—Continued

Manufacturer: J. G. Blount Company, Everett, Mass.—Continued

Model and description	Drive	Sales price	Code
Motor headstock or unit type motor headstock	12" swing x 4' 0" center to center	$95	3419 33 20 10
	12" swing x 5' 0" center to center	97	3419 33 20 10
	12" swing x 6' 0" center to center	99	3419 33 20 10
	12" swing x 7' 0" center to center	102	3419 33 20 10
	12" swing x 8' 0" center to center	104	3419 33 20 10
Motor headstock, equipped with hand feed carriage and compound rest.	16" swing x 6' 0" center to center	252	3419 33 30 30
	16" swing x 8' 0" center to center	266	3419 33 30 30
	16" swing x 10' 0" center to center	276	3419 33 30 30
	16" swing x 12' 0" center to center	291	3419 33 30 30
Model H–1 ½ horsepower motor	16" swing x 4' 0" center to center	132	3419 33 20 10
Model H–1 ¾ horsepower motor	16" swing x 4' 0" center to center	134	3419 33 20 20
Model H–1 ¾ horsepower motor	18" swing x 4' 0" center to center	136	3419 33 20 20
Model H–1 ¾ horsepower motor	12" swing x 4' 0" center to center	201	3419 33 20 10
Model H–2 ½ horsepower motor	20" swing x 8' 0" center to center	543	3419 33 20 20
Model H–3 ¾ horsepower motor	24" swing x 8' 0" center to center	708	3419 33 20 20
Model H–3 ¾ horsepower motor	11" swing x 6' 0" center to center	372	3419 33 20 10
Model H–1 ½ horsepower motor	11" swing x 4' 0" center to center	404	3419 33 20 10
Model H–5 ½ horsepower motor	16" swing x 5' 0" center to center	278	3419 33 20 20
Model H–5 ½ horsepower motor	11" swing x 5' 0" center to center	183	3419 33 20 10
Model H–7 ½ horsepower motor	14" swing x 20" table	93	3419 33 00 00
P. W. 20 chucking lathe			

Manufacturer: Cincinnati Electrical Tool Company, Cincinnati, Ohio

Model FBA speed lathe	¾ horsepower motor	$44	3419 33 20 20

Manufacturer: Ohio Units, Dayton, Ohio

Model 500 speed lathe	14" swing x 49" center to center	$529	3419 33 00 00

Manufacturer: Schauer Machine Company, Cincinnati, Ohio

NA1B and N1B	⅛ horsepower	$53	3419 33 10 15
NA1B and N1B	¼ horsepower	53	3419 33 10 20
NA1B and N1B	⅓ horsepower	53	3419 33 10 30
NA1B and N1B	½ horsepower	53	3419 33 20 10
NA1C and N1C	⅛ horsepower	47	3419 33 10 15
NA1C and N1C	¼ horsepower	47	3419 33 10 20
NA1C and N1C	⅓ horsepower	47	3419 33 10 30
NA1C and N1C	½ horsepower	47	3419 33 20 10
NA1E and N1E	⅛ horsepower	65	3419 33 10 15
NA1E and N1E	¼ horsepower	65	3419 33 10 20
NA1E and N1E	⅓ horsepower	65	3419 33 10 30
NA1E and N1E	½ horsepower	65	3419 33 20 10
NA1F and N1F	⅛ horsepower	55	3419 33 10 15
NA1F and N1F	¼ horsepower	55	3419 33 10 20
NA1F and N1F	⅓ horsepower	55	3419 33 10 30
NA1F and N1F	½ horsepower	55	3419 33 20 10
NA1BC	⅛ horsepower	65	3419 33 10 15
NA1BC	¼ horsepower	65	3419 33 10 20
NA1BC	⅓ horsepower	65	3419 33 10 30
NA1BC	½ horsepower	65	3419 33 20 10
NA1EC	⅛ horsepower	76	3419 33 10 15
NA1EC	¼ horsepower	76	3419 33 10 20
NA1EC	⅓ horsepower	76	3419 33 10 30
NA1EC	½ horsepower	76	3419 33 20 10
NA1EC	⅓ horsepower	62	3419 33 10 30
NA2B	½ horsepower	62	3419 33 20 10
NA2B	¾ horsepower	62	3419 33 20 20
NA2B	1 horsepower	62	3419 33 30 10
NA2B	1 horsepower	56	3419 33 30 10
NA2C	½ horsepower	56	3419 33 20 10
NA2C	¾ horsepower	56	3419 33 20 20
NA2C	1 horsepower	56	3419 33 30 10
NA2E	½ horsepower	74	3419 33 10 30
NA2E	½ horsepower	74	3419 33 20 10

EXHIBIT B—Continued

[TABLE 28]—continued

Speed lathes—all types and sizes—Continued

Manufacturer: Walker-Turner Company, Inc., Plainfield, N. J.

Model and description	Drive	Sales price	Code
Model TP1–6 polishing speed lathe	1½ horsepower motor	$54	3419 33 30 20
Model TP1–7 polishing speed lathe	1½ horsepower motor	57	3419 33 30 20
Model TP1–8 polishing speed lathe	1½ horsepower motor	59	3419 33 30 20
Model TP1–8A polishing speed lathe	1½ horsepower motor	62	3419 33 30 20
Model TP1–9 polishing speed lathe	1½ horsepower motor	67	3419 33 30 20
Model TP1–10 polishing speed lathe	1½ horsepower motor	70	3419 33 30 20
Model TP1–11 polishing speed lathe	1½ horsepower motor	75	3419 33 30 20
Model TP1–12 polishing speed lathe	1½ horsepower motor	80	3419 33 30 20

[TABLE 29]

Forging machinery and hammers—impact dampingtype

Manufacturer: Chambersburg Engineering Company, Chambersburg, Pa.

Model and description	Size and capacity	Sales price	Code
Model ELPLUM, CECO stamp	15″ ft to L, 12″ F to B, 30″ stroke	$920	3446 17 11 00
Model ELPIC, CECO stamp	30″ ft to L, 24″ F to B, 30″ stroke	1,343	3446 17 22 00
Model ELPACE, CECO stamp	45″ ft to L, 30″ F to B, 42″ stroke	2,024	3446 17 31 00
Model ELPAN, CECO stamp	45″ ft to L, 30″ F to B, 42″ stroke	2,471	3446 17 31 00
Model ELPLANK, CECO stamp	60″ ft to L, 36″ F to B, 42″ stroke	3,684	3446 17 32 00
Model ELPLANET, CECO stamp	60″ ft to L, 40″ F to B, 48″ stroke	3,996	3446 17 33 00
Model ELPALE, CECO stamp	90″ ft to L, 48″ F to B, 48″ stroke	4,644	3446 17 41 00
Model ELPAIL, CECO stamp	90″ ft to L, 48″ F to B, 48″ stroke	4,942	3446 17 42 00
Model ELPRAYER, CECO stamp	90″ ft to L, 48″ F to B, 48″ stroke	6,064	3446 17 43 00
Model ELPUDDLE, CECO stamp	120″ ft to L, 72″ F to B, 48″ stroke	5,359	3446 17 51 00
Model ELPAIR, CECO stamp	120″ ft to L, 96″ F to B, 48″ stroke	7,392	3446 17 52 00
Model ELPETER, CECO stamp	120″ ft to L, 120″ F to B, 48″ stroke	7,291	3446 17 53 00
Model ELMAN, CECO stamp	120″ ft to L, 120″ F to B, 48″ stroke	8,058	3446 17 54 00

[TABLE 30]

Drilling machine—multiple spindle with central driving unit

Manufacturer: National Automatic Tool Company, Inc., Richmond, Ind.

These prices apply only to exact model listed and cover types with nonadjustable fixed center drill spindle or spindles which are all driven by a separate motor mounted directly above spindle gear box and moving vertically with the gear box.

Model and description	Sales price	Code
Naten vertical multispindle fixed centers drill with separate spindle driving motor		
Model H-2A	$1,417	3433 53 00 00
Model H-3A	1,790	3433 53 00 00
Model H-4A	2,196	3433 53 00 00
Model H-5A	4,052	3433 53 00 00
Model 2-AL	1,417	3433 53 00 00

Model and description	Sales price	Code
Naten vertical multispindle fixed centers drill with separate spindle driving motor—Con.		
Model 3-AL	$1,790	3433 53 00 00
Model 4-AL	2,196	3433 53 00 00
Model 5-AL	4,052	3433 53 00 00
Model 7-AL	1,790	3433 53 00 00

The above prices do not apply to general purpose adjustable multispindle Natco drilling machines equipped with slip spindle plates or with standard adjustable spindles.

[F. R. Doc. 47-6048; Filed, June 24, 1947; 10:02 a. m.]

EXHIBIT B—Continued

[TABLE 28]—continued

Speed lathes—all types and sizes—Continued

Manufacturer: Schauer Machine Company, Cincinnati, Ohio—Continued

Model and description	Drive	Sales price	Code
NA2E	¾ horsepower	$71	3419 33 20 20
NA2F	1 horsepower	74	3419 33 20 20
NA2G	1½ horsepower	64	3419 33 20 20
NA2H	2 horsepower	64	3419 33 20 20
NA2I	1 horsepower	64	3419 33 20 20
NA21C	½ horsepower	71	3419 33 30 20
NA21D	¾ horsepower	71	3419 33 30 20
NA21E	1 horsepower	71	3419 33 30 20
NA21F	1½ horsepower	74	3419 33 30 20
NA21G	2 horsepower	74	3419 33 30 20
NA21H	3 horsepower	84	3419 33 30 20
NA21I	5 horsepower	84	3419 33 30 20
NA21V	1 horsepower	71	3419 33 30 20
NA21W	2 horsepower	71	3419 33 30 20
NA21X	3 horsepower	71	3419 33 30 20
NA21Y	5 horsepower	126	3419 33 30 20
NA21Z	7½ horsepower	126	3419 33 30 20
NA21	10 horsepower	126	3419 33 30 20
VA1B	½ horsepower	68	3419 33 10 30
VA1C	¾ horsepower	68	3419 33 10 30
VA1D	1 horsepower	68	3419 33 10 30
VA1E	1½ horsepower	68	3419 33 10 30
VA1F	2 horsepower	68	3419 33 10 30
VA1G	3 horsepower	85	3419 33 10 30
VA1H	5 horsepower	85	3419 33 10 30
VA1I	7½ horsepower	85	3419 33 10 30
VA1J	10 horsepower	85	3419 33 10 30
VA2B	½ horsepower	75	3419 33 20 20
VA2C	¾ horsepower	75	3419 33 20 20
VA2D	1 horsepower	75	3419 33 20 20
VA2E	1½ horsepower	75	3419 33 20 20
VA2F	2 horsepower	75	3419 33 20 20
VA2G	3 horsepower	92	3419 33 20 20
VA2H	5 horsepower	92	3419 33 20 20
VA2I	7½ horsepower	92	3419 33 20 20
VA2J	10 horsepower	92	3419 33 20 20
VA2K	15 horsepower	92	3419 33 20 20
VA2L	20 horsepower	92	3419 33 20 20
VA2M	25 horsepower	92	3419 33 20 20
VA2N	30 horsepower	92	3419 33 20 20
VA2O	40 horsepower	92	3419 33 20 20
VA2P	50 horsepower	92	3419 33 20 20
VA2Q	60 horsepower	92	3419 33 20 20
VA2R	75 horsepower	92	3419 33 20 20
VA2S	100 horsepower	92	3419 33 20 20
VA2T	125 horsepower	92	3419 33 20 20
VA2U	150 horsepower	92	3419 33 20 20
VA2V	200 horsepower	92	3419 33 20 20
VA2W	250 horsepower	92	3419 33 20 20
VA2X	300 horsepower	92	3419 33 20 20
VA2Y	350 horsepower	92	3419 33 20 20
VA2Z	400 horsepower	92	3419 33 20 20
VA2	450 horsepower	92	3419 33 20 20
VA2C	¾ horsepower	102	3419 33 30 20
VA2D	1 horsepower	102	3419 33 30 20
VA2E	1½ horsepower	102	3419 33 30 20
VA2F	2 horsepower	102	3419 33 30 20
VA2G	3 horsepower	108	3419 33 30 20
VA2H	5 horsepower	108	3419 33 30 20
VA2I	7½ horsepower	108	3419 33 30 20
VA2J	10 horsepower	108	3419 33 30 20
VA2K	15 horsepower	108	3419 33 30 20
VA2L	20 horsepower	108	3419 33 30 20
VA2M	25 horsepower	108	3419 33 30 20
VA2N	30 horsepower	108	3419 33 30 20
VA2O	40 horsepower	108	3419 33 30 20
VA2P	50 horsepower	108	3419 33 30 20
VA2Q	60 horsepower	108	3419 33 30 20
VA2R	75 horsepower	108	3419 33 30 20
VA2S	100 horsepower	108	3419 33 30 20
VA2T	125 horsepower	108	3419 33 30 20
VA2U	150 horsepower	108	3419 33 30 20
VA2V	200 horsepower	108	3419 33 30 20
VA2W	250 horsepower	108	3419 33 30 20
VA2X	300 horsepower	108	3419 33 30 20
VA2Y	350 horsepower	108	3419 33 30 20
VA2Z	400 horsepower	108	3419 33 30 20
VA2	450 horsepower	108	3419 33 30 20
VA3C	¾ horsepower	126	3419 33 30 20
VA3D	1 horsepower	126	3419 33 30 20
VA3E	1½ horsepower	126	3419 33 30 20
VA3F	2 horsepower	126	3419 33 30 20
VA3G	3 horsepower	126	3419 33 30 20
VA3H	5 horsepower	126	3419 33 30 20
VA3I	7½ horsepower	126	3419 33 30 20
VA3J	10 horsepower	126	3419 33 30 20

Manufacturer: United States Electrical Tool Company, Cincinnati, Ohio

Model and description	Size	Sales price	Code
Model 206 Speed lathe or reamer drive	1 horsepower motor	$73	3419 33 00 00

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS

CROSS REFERENCE: For delegation of authority with respect to contracts to the National Park Service, see § 4.100 of Title 43, *infra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2336]

PART 4—DELEGATIONS OF AUTHORITY

CONTRACTS

JUNE 19, 1947.

1. Section 4.100 is added to Part 4 to read as follows:

§ 4.100 *Contracts.* (a) Irrespective of the amount involved, the head of a bureau may enter into contracts for construction, supplies, or services in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of such a contract unless the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement with respect to a particular contract or type of contract, or unless Secretarial approval is specifically required by statute. However, the head of a bureau may request Secretarial approval of any proposed contract.

(b) With respect to any such contract, including a contract approved by the Secretary, the head of a bureau may issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

(c) Except in those cases in which he is the contracting officer, the head of a bureau may, with respect to contracts entered into on United States standard forms, act as the authorized representative of the Secretary within the meaning of Articles 3 and 4 of Form No. 23 and Article 2 of Form No. 32, and, for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of delay, Article 9 of Form No. 23, Article 5 of Form No. 32, and Condition 4 of Form No. 33. This paragraph shall not affect the authority to deviate from the standard form contracts granted to the Bureau of Reclamation by the Chairman of the Interdepartmental Board of Contracts and Adjustments, with the approval of the Director of the Bureau of the Budget, in the memorandum dated November 26, 1927.

(d) The head of a bureau may redelegate to subordinate officials and employees of the bureau, or to the Property and Procurement Officer of the Department, or to the Purchasing Officer, Alaska-Seattle Service Office, the authority granted in this section. Each such redelegation shall be published in the FEDERAL REGISTER.

(e) This section is not intended to affect any requirement that proposed programs be cleared with the Office of the Secretary prior to their inauguration.

(f) The head of a bureau shall make such reports concerning the exercise of the authority granted by this section as the Secretary may require. The bureaus will be guided by such procedures as the Secretary may from time to time prescribe.

(g) Delegations of authority to contract which have been made by the Secretary to subordinate officials or employees of the bureaus, and redelegations of authority to contract which have been made by the heads of bureaus to subordinate officials or employees or to the Purchasing Officer of the Department or to the Purchasing Office of the Alaska-Seattle Service Office, and which are in force on the effective date of this section, shall remain in force until revoked or superseded by redelegations made by the heads of bureaus under this section.

(h) As used in this section, the term "bureau" means The Alaska Railroad, the Alaska Road Commission, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the Fish and Wildlife Service, the Geological Survey, the National Park Service, the Puerto Rico Reconstruction Administration, and the Southwestern Power Administration.

(i) This section has no application to the Bonneville Power Administrator, whose authority to contract is derived from the act of August 20, 1937 (16 U. S. C. 832 et seq.), as amended.

(j) This section supersedes:

43 CFR 4.360 and 4.860 (Order No. 2306; 12 F. R. 2036).
43 CFR 4.530, (c) (Order No. 2327; 12 F. R. 3768).
Paragraph 1, Order No. 341, dated April 2, 1929.
Order No. 1423, dated September 19, 1939.
Solicitor's memorandum, dated April 22, 1942, relating to construction by the Bureau of Mines.
Paragraph 10, Order No. 1721, dated August 10, 1942, in so far as it relates to contracts for supplies.
Subsections (e) and (f), section I, Order No. 1815, dated May 13, 1943.
Order No. 2117, dated October 18, 1945 (10 F. R. 13646).
Order No. 2151, dated December 27, 1945 (11 F. R. 1053).

(R. S. 161; 5 U. S. C. 22.)

2. Section 4.101 is added to Part 4 to read as follows:

§ 4.101 *Contracts: Office of the Secretary.* (a) Irrespective of the amount involved, the Chief Clerk and the Property and Procurement Officer are severally authorized to enter into contracts for supplies or services (1) for the Office of the Secretary, (2) for bureaus and offices from appropriations entitled "Contingent Expenses, Department of the Interior," and (3) for bureaus and offices and Territorial agencies under special arrangements, such actions to be taken in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of such a contract unless the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement with respect to a particular contract or type of contract, or unless Secretarial approval is specifically required by statute.

(b) With respect to any such contract, including a contract approved by the Secretary, the contracting officer may issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

(c) Except in those cases in which he is the contracting officer, the Chief Clerk may, with respect to contracts entered into on United States standard forms, act as the authorized representative of the Secretary within the meaning of Article 2 of Form No. 32, and, for the purpose of extending the time within which the contractor may notify a contracting officer of the causes of delay, Article 5 of Form No. 32 and Condition 4 of Form No. 33. (R. S. 161; 5 U. S. C. 22.)

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 47-5966; Filed, June 24, 1947; 8:45 a. m.]

PART 4—DELEGATIONS OF AUTHORITY

CONTRACTS

SUBPART C—BUREAU OF LAND MANAGEMENT

CROSS REFERENCE: For delegation of authority with respect to contracts to the Bureau of Land Management, see § 4.100, *supra*.

SUBPART D—BUREAU OF MINES

CROSS REFERENCE: For delegation of authority with respect to contracts to the Bureau of Mines, and for supersedure of § 4.360 (12 F. R. 2036), see § 4.100, *supra*.

SUBPART E—BUREAU OF RECLAMATION

CROSS REFERENCE: For delegation of authority with respect to contracts to the Bureau of Reclamation, and for supersedure of Orders 2117 and 2151 (10 F. R. 13646, 11 F. R. 1053), see § 4.100, *supra*.

SUBPART F—DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

CROSS REFERENCE: For delegation of authority with respect to contracts to the Division of Territories and Island Possessions, and for supersedure of § 4.530 (12 F. R. 3768), see § 4.100, *supra*.

SUBPART G—FISH AND WILDLIFE SERVICE

CROSS REFERENCE: For delegation of authority with respect to contracts to the Fish and Wildlife Service, see § 4.100, *supra*.

SUBPART H—GEOLOGICAL SURVEY

CROSS REFERENCE: For delegation of authority with respect to contracts to the Geological Survey, see § 4.100, *supra*.

SUBPART I—NATIONAL PARK SERVICE

CROSS REFERENCE: For delegation of authority with respect to contracts to the National Park Service, see § 4.100, *supra*.

SUBPART J—BUREAU OF INDIAN AFFAIRS

CROSS REFERENCE: For delegation of authority with respect to contracts to the Bureau of Indian Affairs, see § 4.100, *supra*.

SUBPART L—SOUTHWESTERN POWER ADMINISTRATION

CROSS REFERENCE: For delegation of authority with respect to contracts to the Southwestern Power Administration, and for supersedure of § 4.860 (12 F. R. 2036), see § 4.100, *supra*.

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS

CROSS REFERENCE: For delegation of authority with respect to contracts to the Bureau of Land Management, see § 4.100 of this title, *supra*.

Chapter II—Bureau of Reclamation, Department of the Interior

PART 400—ORGANIZATION AND PROCEDURE

PART 405—DELEGATIONS OF AUTHORITY

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS

CROSS REFERENCE: For delegation of authority with respect to contracts to the Bureau of Reclamation, and for supersedure of Orders 2117 and 2151 (10 F. R. 13646; 11 F. R. 1053), see § 4.100 of this title, under Subtitle A, *supra*.

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter I—Philippine Rehabilitation

[General Order 68]

PART 311—CHAPTERS UNDER PHILIPPINE REHABILITATION ACT OF 1946

SUBPART A—GENERAL PROVISIONS

Sec.
311.1 Definitions.
311.2 Certification of financial statements.
311.3 Commission examination of books and accounts.

SUBPART B—APPLICATIONS

311.11 Application form and requirements.

SUBPART C—CHARTER TERMS AND CONDITIONS

311.21 Mandatory provisions in charter.
311.22 Charter form.

AUTHORITY: §§ 311.1 to 311.22, inclusive, issued under sec. 306 (a), Pub. Law 370, 79th Cong.; 60 Stat. 137.

SUBPART A—GENERAL PROVISIONS

§ 311.1 *Definitions.* For the purpose of this part:

(a) *Working capital.* "Working capital" means the excess of "total current working assets" over "total current working liabilities" determined in accordance with the instructions and balance sheet embodied in the form of "General Financial Statement" prescribed by the Commission (Budget Bureau Approval No. 62–R010–42[1]: *Provided*, That (1) in determining the amount of working capital, unpaid tenders of "just compensation" made by the Maritime Commission (or War Shipping Administration) for title to or use (to the extent accrued) of vessels (irrespective of whether or not such tenders have been accepted by the owners) may be included, (2) an amount equivalent to the excess (if any) of 50% of the amount of unterminated Voyage Revenue over the amount of unterminated Voyage Expense reflected in the balance sheet shall be deducted from the amount of working capital determined in accordance with the preceding provisions of this paragraph, and (3) the amount of working capital thus determined shall in no event be in excess of the sum of (i) unrestricted cash and readily marketable securities included in total current working assets and (ii) admitted current receivables against the Maritime Commission and unpaid tenders of "just compensation" made by the Maritime Commission (or War Shipping Administration) for title to or use of vessels, less the amount of all current payables to the Maritime Commission.

(b) *Net worth.* "Net worth" shall include capital stock, capital surplus, and earned surplus adjusted to exclude capital stock subscribed but not issued, capital stock held in the treasury, appreciation, good will, and other intangibles not actually acquired for cash or for a consideration determined by the Commission to be the equivalent thereof, and such other adjustments as are consistent with sound accounting principles.

(c) *Preoperating and operating expenses.* "Preoperating and operating expenses" shall include wages, subsistence, stores, supplies, equipment, fuel, maintenance, repairs, insurance, and other vessel expenses as described in the instructions embodied in the "General Financial Statement" prescribed by the Commission (accounts numbered 700.01 to 700.64 inclusive, pages 8 and 9) and overhead expenses, but shall not include agency fees and commissions; wharfage, dockage, and other port expenses; stevedoring and other cargo expenses; brokerage, canal tolls, and other voyage expenses.

Such preoperating and operating expenses for a 30 day period (except prepaid insurance which is for a period of one year) shall be deemed to aggregate:

Vessel type	Insurance (for 1 year)	Other expenses	Total
N3–S–A1 (recip. steam)	$26,600	$17,200	$43,800
C1–M–AV1 (Diesel)	34,900	14,400	49,300
Esther Johnson (schooner)	14,100	13,000	27,100

(d) *Related company.* The term "related company", used to indicate a relationship with the applicant, shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the applicant. The term "control" (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the applicant (or related company), whether through ownership of voting securities, by contract, or otherwise.

§ 311.2 *Certification of financial statements.* All financial statements submitted to the Commission shall be certified by a recognized firm of public accountants or by a duly authorized officer or member of applicant. The certification on the balance sheet shall be to the effect that, to the best of the knowledge and belief of the person making such certification, such balance sheet fairly presents the financial position of the applicant as of the date thereof. The certification on the profit and loss statement should be to the effect that, to the best of the knowledge and belief of the person making the certification, such statement correctly states the operating results of the applicant for the period covered thereby.

§ 311.3 *Commission examination of books and accounts.* The Commission shall have the right to examine the books, records, and accounts of applicants if and to the extent deemed necessary to verify financial statements submitted to it.

SUBPART B—APPLICATIONS

§ 311.11 *Application form and requirements*—(a) *Application form.* The application to charter a vessel under this part shall be substantially in the form of the application to charter a war-built vessel under the Merchant Ship Sales Act of 1946, as prescribed by § 299.81 of the United States Maritime Commission General Order 60 published in the FEDERAL REGISTER April 23, 1946, 11 F. R. 4459: *Provided*, That instead of the exhibits required under item G of the form prescribed by § 299.81, the following exhibits shall be furnished:

Exhibit I. A copy of the certificate of incorporation of the applicant or other organization papers, including all amendments thereto presently in effect.

Exhibit II. A copy of the by-laws or other governing instruments of the applicant, including all amendments thereto presently in effect.

Exhibit III. A copy of (1) a balance sheet as of the end of a calendar month (except in instances where the fiscal year of the applicant ends on some other day) within not more than six months and not less than one month (except in instances where the applicant was established more recently) of the date of the filing of the application (or amendment thereto changing the type or number of vessels applied for) with the Commission, (2) a brief statement of the nature of any substantial changes in the financial condition of the applicant, or the results of its operations since the date of the balance sheet required hereunder, and (3) profit and loss statements for each year (or other accounting period) beginning with the fiscal year ended in 1939 and ending with the date of the balance sheet. If during the period covered by such profit and loss statements, the applicant succeeded to the business and assets of another person, the statements furnished should reflect the operations of such predecessor or predecessors for that part of such period preceding the date of acquisition.

(b) *Minimum financial requisites to charter vessels.* Each application shall include sufficient information to enable the Commission to determine that it possesses the following minimum financial requisites:

(1) Sufficient working capital, as defined in paragraph (a) of § 311.1, to cover the sum of (i) basic charter hire for a period of thirty days, (ii) prepaid insurance for the period of the bareboat charter agreement but not in excess of one year, and (iii) preoperating and operating expenses (other than prepaid insurance), as defined in paragraph (c) of § 311.1, of the vessel for a period of thirty days. In determining the amount of such working capital, the amount of any securities pledged or to be pledged with the Commission in lieu of a surety bond, as prescribed in paragraph (b) of § 311.21, shall be excluded.

(2) Net worth, as defined in paragraph (b) of § 311.1, at least equal to the greater of (i) the basic charter hire for the period of the bareboat charter agreement but not more than one year, payable with respect to the vessel, or (ii) an amount calculated at the rate of ten percent of the unadjusted statutory sales price or floor price (whichever is the higher) in the instance of a war-built vessel (as defined in the Merchant Ship Sales Act of 1946, or at the rate of ten percent of its value as determined by the Commission in the instance of any other vessel, for the period of the bareboat charter agreement but not more than one year.

Such minimum financial requirements shall be applicable with respect to each vessel applied for. In instances where the applicant is engaged in the operation of other vessels or in activities other than the operation of vessels, the amount of working capital and net worth required for such purposes will be taken into account in addition to such minimum financial requirements in determining whether the applicant possesses the required financial resources.

The Commission, in any instance where it deems it necessary or desirable to do so, may employ bases other than those expressed above in determining financial responsibility.

(c) *Philippine Government approval.* All such applications shall bear Philippine Government approval prior to being presented for approval by the United States Maritime Commission.

SUBPART C—CHARTER TERMS AND CONDITIONS

§ 311.21 *Mandatory provisions in charter.* Every charter made by the Commission pursuant to the provisions of the Philippine Rehabilitation Act of 1946, and pursuant to this part, shall include the following mandatory provisions:

(a) *Books and accounts of charterer; Commission examination and audit.* That the charterer shall keep its books and accounts relating to the vessel in such form as the Commission may prescribe, shall file such financial statements as the Commission may require, and shall permit the Commission to examine and audit its books, records, and accounts.

(b) *Bond of charterer.* That for each vessel chartered under the Philippine Rehabilitation Act of 1946, the charterer shall deposit with the Commission a bond, in such amount as the Commission shall require but not less than $25,000, to be approved by the Commission both as to form and sufficiency of the sureties, conditioned upon the true and faithful performance of all and singular the covenants and agreements of the charterer contained in the charter, including, but not limited to, the charterer's obligation to pay charter hire and damages, and indemnity against liens on the chartered vessel. The charterer may, in lieu of furnishing such bond, pledge United States Government securities in the face value of the required amount under an agreement satisfactory in form and substance to the Commission.

(c) *Financial limitations.* That the charterer agrees that (1) no capital shall be withdrawn, (2) no share capital shall be redeemed or converted into debt, (3) no dividend shall be paid, (4) no loan or advance (except advances to cover current expenses of the charterer) shall be made, either directly or indirectly, to any stockholder, director, officer, or employee of the charterer or to any related company (as defined in paragraph (d) of § 311.1), (5) no investment shall be made in the securities of any related company (as defined in paragraph (d) of § 311.1), (6) no indebtedness to any stockholder, director, officer, or employee of the charterer or to any related company (as defined in paragraph (d) of § 311.1) which was classified as long-term or noncurrent in the balance sheet submitted with the application (or amendment thereto) to charter the vessel, shall be repaid in whole or in part, and (7) no salary at a rate in excess of $12,500.00 per annum shall be paid if, after such transaction, the amount of working capital or the amount of net worth thereby would be reduced below the minima prescribed in § 311.11.

(d) *Restricted operations.* That the vessel shall be operated only in the interisland commerce in the Philippines.

§ 311.22 *Charter form.* Unless otherwise ordered by the Commission, the charter form shall be substantially in the form of the charter of a war-built dry-cargo vessel under the Merchant Ship Sales Act of 1946, as prescribed by § 299.82 of the Commission's General Order 60, Supplement 5, published in the FEDERAL REGISTER of September 10, 1946, 11 F. R. 9936: *Provided*, That such charter shall be modified to give effect to the provisions of this part, and there shall be eliminated from such charter all provisions applicable only to the payment of additional charter hire.

By order of the United States Maritime Commission.

R. L. MCDONALD,
Assistant Secretary.

JUNE 20, 1947.

[F. R. Doc. 47–6059; Filed, June 24, 1947, 10:57 a. m.]

[1] Copies of the "General Financial Statement" will be furnished by the Maritime Commission on request.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS

CROSS REFERENCE: For delegation of authority with respect to contracts to the Fish and Wildlife Service, see § 4.100 of Title 43, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED GREEN BEANS AND CANNED WAX BEANS[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, under the authority contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946), and the Agricultural Marketing Act of 1946 (Pub. Law 733, 79th Cong., 2d Sess., approved August 14, 1946), that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of revised United States Standards for Grades of Canned Green Beans and Canned Wax Beans. The aforesaid standards have been in effect since June 1, 1945.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revised standards shall file the same in quadruplicate with the Hearing Clerk, United States Department of Agriculture, Room 0308, South Building, Washington 25, D. C., not later than 30 days after the publication of this notice in the FEDERAL REGISTER.

The proposed revised standards are as follows:

§ 52.165 *Canned green beans and canned wax beans*—(a) *Identity.* (1) "Canned green beans" means canned green beans as defined in the definitions and standard of identity for canned green beans (21 CFR 51.10; 12 F. R. 1138), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(2) "Canned wax beans" means canned wax beans as defined in the definitions and standard of identity for

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

TABLE NO. I—RECOMMENDED DRAINED WEIGHTS, IN OUNCES, OF GREEN BEANS AND WAX BEANS

Container size or designation	Style of canned beans			
	Whole	Whole vertical pack or whole asparagus style	Short cuts and cuts 1½ inches and shorter	French style and cuts 1½ inches or longer
No. 1 E	6½	6½		
No. 2(vac.)	8½	8½		
No. 303	9½	9½		
No. 2	11½	11½	12½	
No. 2½	16½	16½	17½	15½
No. 10	61	61	65	63

(f) *Types of canned beans.* The type of canned beans is not incorporated in the grades of the finished product, since the type of canned beans is not a factor of quality for the purpose of these grades. The type of canned beans is dependent upon the type of beans packed in the container and is described as round type or flat type.

(1) "Round type canned green beans" are canned beans consisting of round type green beans having a width not greater than 1½ times the thickness of the bean. "Round type canned wax beans" are canned beans consisting of round type wax beans having a width not greater than 1½ times the thickness of the bean.

(2) "Flat type canned green beans" are canned beans consisting of flat type green beans having a width greater than 1½ times the thickness of the bean. "Flat type canned wax beans" are canned beans consisting of flat type wax beans having a width greater than 1½ times the thickness of the bean.

(g) *Sizes of green beans or wax beans in canned beans.* The size of green beans or wax beans is not a factor of quality of canned beans for the purpose of these grades. The size of a green bean or wax bean is determined by measuring the diameter of the bean, which is perpendicular to a straight line drawn through the long axis of the pod at its widest portion, and at right angles to the suture. The designation of the various sizes of round type and flat type green beans or wax beans packed as canned beans are shown in Table No. II hereof.

TABLE NO. II—SIZES OF GREEN BEANS AND WAX BEANS IN CANNED BEANS

Size of beans (inches in thickness)	Round type beans in various styles of canned beans		Flat type beans in whole, cut, or short cut beans		
	Whole beans		Cut or short cut beans		Word designation
	Number designation	Word designation	Word designation	Number designation	
Less than 11/64 inch in thickness	Size 1	Tiny	Small	Size 2	Small.
11/64 inch to, but not including, 13/64 inch in thickness	Size 2	Small	do	Size 3	Medium.
13/64 inch to, but not including, 21/64 inch in thickness	Size 3	Medium	do	Size 4	Medium large.
21/64 inch to, but not including 24/64 inch in thickness	Size 4	Medium large	Medium	Size 5	Large.
24/64 inch to, but not including, 27/64 inch in thickness	Size 5	Large	Large	Size 6	Extra large.
27/64 inch or more in thickness	Size 6	Extra large	Extra large	Size 6	Do.

(h) *Ascertaining the grade.* (1) The grade of canned beans may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Clearness of liquor, color, absence of defects, and maturity. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

	Points
(i) Clearness of liquor	10
(ii) Color	15
(iii) Absence of defects	35
(iv) Maturity	40
Total Score	100

(2) "Normal flavor and normal odor" means that the canned beans are free from objectionable flavors and objectionable odors of any kind.

scored in accordance with the scoring system outlined herein.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; possess a fairly uniform typical color; are nearly mature and fairly tender; possess a fairly good liquor; are fairly free from defects; and score not less than 60 points when scored in accordance with the scoring system outlined herein.

(4) "U. S. Grade D" or "Substandard" is the quality of canned beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(5) "U. S. Grade D—Below standard in quality good food—not high grade" or "Substandard—Below standard in quality good food—not high grade" is the quality of canned beans that fail below the standard of quality of canned green beans (21 CFR 51.11; 12 F. R. 1140) or the standard of quality of canned wax beans (21 CFR 51.16; 12 F. R. 1141); as the case may be.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned beans be filled with green beans or wax beans, as the case may be, as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(e) *Recommended drained weight.* The drained weight recommendations in Table No. I hereof are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of green beans or wax beans, as the case may be, is determined by emptying the contents of the container upon a circular sieve of proper diameter containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for No 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can (404 x 414).

canned wax beans (21 CFR 51.15; 12 F.R. 1138), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(3) "Canned beans" means canned green beans or canned wax beans.

(4) "Whole green beans" or "whole wax beans" means canned beans consisting of whole pods, or transversely cut pods not less than 2¾ inches in length.

(5) "Unit" means an individual green bean or wax bean, or portion of either, in canned beans.

(b) *Styles of canned beans.* (1) "Whole" means canned beans that are not arranged in any definite position in the container.

(2) "Whole vertical pack" means canned beans that are packed parallel to the sides of the container.

(3) "Whole asparagus style" means canned beans consisting of pods that are cut at both ends, are of substantially equal length, and are packed parallel to the sides of the container.

(4) "Sliced lengthwise" or "French style" means canned beans consisting of pods that are sliced lengthwise.

(5) "Cut" or "cuts" means canned beans consisting of pods that are cut transversely into pieces less than 2¾ inches, but not less than ¾ inch, in length, and may contain shorter end pieces which result from cutting.

(6) "Short cut" or "short cuts" means canned beans consisting of pieces of pods less than ¾ inch in length.

(c) *Grades of canned beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are very young and tender; and are of such quality with respect to clearness of liquor, uniformity of color, and absence of defects as to score not less than 90 points when scored in accordance with the scoring system outlined herein.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; possess a reasonably uniform typical color; are young and reasonably tender; are reasonably free from defects; and are of such quality with respect to clearness of liquor as to score not less than 75 points when

(i) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "32 to 33 points" means 32, 33, 34, or 35 points).

(1) *Clearness of liquor.* (i) Canned beans that possess a practically clear liquor may be given a score of 9 to 10 points. "Practically clear liquor" means that the liquor may possess a slight tint of yellow-green to green color and that not more than a trace of suspended material and sediment is present.

(ii) If the canned beans possess a reasonably clear liquor, a score of 7 to 8 points may be given. "Reasonably clear liquor" means that the liquor may be cloudy or contain a small quantity of sediment.

(iii) If the canned beans possess a fairly good liquor, a score of 5 to 6 points may be given. "Fairly good liquor" means that the liquor may be dull in color, but not off color; may be cloudy; or may possess a noticeable accumulation of sediment.

(iv) Canned beans that possess a liquor that is definitely off-color for any reason, is excessively cloudy, or contains a seriously objectionable quantity of sediment may be given a score of 0 to 4 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Color.* (i) Canned beans that possess a practically uniform bright typical color may be given a score of 14 to 15 points. "Practically uniform bright typical color" means that the canned beans possess a color that is bright and typical of very young and tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 5 percent, by count, which vary markedly from this color.

(ii) If the canned beans possess a reasonably uniform typical color, a score of 12 to 13 points may be given. "Reasonably uniform typical color" means that the canned beans possess a color that is typical of young and reasonably tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 10 percent, by count, which vary markedly from this color.

(iii) Canned beans that possess a fairly uniform typical color may be given a score of 10 to 11 points. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform typical color" means that the canned beans possess a color that is typical of nearly mature and fairly tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 15 percent, by count, which vary markedly from this color.

(iv) Canned beans that are definitely off-color or fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 9 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, loose seed and pieces of seed, unstemmed units, ragged-cut units, split units, small pieces of pods, units damaged by mechanical injury, and units blemished by scars, pathological injury, insect injury, or blemished by other means.

(*a*) "Blemished unit" means any unit in which the aggregate area affected exceeds the area of a circle ⅛ inch in diameter.

(*b*) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(*c*) "Extraneous vegetable matter" means leaver, detached stems, and other similar vegetable matter.

(*d*) "Ragged-cut units" means sections of pods that have very ragged edges, or are partially cut.

(*e*) "Practically intact" means that not more than 5 percent, by weight, of the units in a container are split into two parts.

(*f*) "Small pieces of pods" means pieces of pods less than ½ inch in length.

(*g*) "Damaged by mechanical injury" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(ii) Canned beans that are practically free from defects may be given a score of 32 to 35 points. "Practically free from defects" has the following meanings with respect to the following styles of packs of canned green beans or canned wax beans:

(*a*) *Whole or cut.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 4 blemished units, of which not more than 2 units are seriously blemished;

Not more than 5 ragged-cut units or 5 units damaged by mechanical injury; and

Not more than 40 small pieces of pods in cut style.

(*b*) *Sliced lengthwise or French style.* "Practically free from defects" means that the pods are well sliced and the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units, and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems; and

Not more than 4 blemished units, of which not more than 2 units are seriously blemished.

(*c*) *Short cuts.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 5 units damaged by mechanical injury; and

Not more than 4 blemished units, of which not more than 2 units are seriously blemished.

(iii) If the canned beans are reasonably free from defects, a score of 27 to 31 points may be given. "Reasonably free from defects" has the following meanings with respect to the following styles of canned beans:

(*a*) *Whole or cut.* "Reasonably free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 4 blemished units, of which not more than 2 units are seriously blemished.

(*c*) *Short cuts.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 8 blemished units, of which not more than 4 units are seriously blemished;

Not more than 10 ragged-cut units or 10 units damaged by mechanical injury; and

Not more than 60 small pieces of pods in cut style.

(*b*) *Sliced lengthwise or French style.* "Reasonably free from defects" means that the pods are reasonably well sliced and the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units, and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems; and

Not more than 8 blemished units, of which not more than 4 units are seriously blemished.

(c) *Short cuts.* "Reasonably free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 10 units damaged by mechanical injury; and

Not more than 8 blemished units, of which not more than 4 units are seriously blemished.

(iv) If the canned beans are fairly free from defects, a score of 22 to 26 points may be given. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles of canned beans:

(*a*) *Whole or cut.* "Fairly free from defects" means that the units are practically intact: the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[1] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]

There are not more than 12 blemished units per 12 ounces, drained weight, of units[2] of which not more than 6 units are seriously blemished; and

There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long in cut style.[2]

(*b*) *Sliced lengthwise or French style.* "Fairly free from defects" means that the pods are fairly well sliced and the combined weight of all other defects and defective units does not exceed 20 percent, drained weight, of the units and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units;[2] and

There are not more than 12 blemished units per 12 ounces, drained weight, of the units[2] of which not more than 6 units are seriously blemished.

(*c*) *Short cuts.* "Fairly free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 5 percent, drained weight, of the units;[1] the combined weight of all other defects and defective units does not exceed 20 percent, drained weight, of the units and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units;[2] and

There are not more than 12 blemished units per 12 ounces, drained weight, of the units[2] of which not more than 6 units are seriously blemished.

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or substandard, regardless of the total score for the product (this is a limiting rule).

(vi) Canned beans that fall below the standard of quality of canned green beans (21 CFR 51.11; 12 F. R. 1140) or the standard of quality of canned wax beans (21 CFR 51.16; 12 F. R. 1141), as the case may be, shall not be graded above U. S. Grade D—Below standard in quality good food—not high grade, or Substandard—Below standard in quality good food—not high grade, regardless of the total score for the product (this is a limiting rule).

(4) *Maturity.* (i) The factor of maturity refers to the degree of development of pods and seeds and the tenderness of the pods.

(*a*) "Trimmed pod" means any pod from which there has been trimmed off as far as the end of the space formerly occupied by seed, any portion of the pod from which seed have become separated.

(*b*) "Tough strings" means strings or pieces of string at least ½ inch in length which will support a ½ pound weight for not less than 5 seconds.

(*c*) "Fibrous material" means the properly prepared, dried cellulose material obtained from deseeded pods.

(ii) Canned beans that are very young and tender may be given a score of 35 to 40 points. "Very young and tender" means that the units are full-fleshed for the variety, tender and not fibrous; the seeds are in the early stages of maturity; and not more than 2 percent, by count, of the units possess tough strings.

(iii) If the canned beans are young and reasonably tender a score of 29 to 34 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Young and reasonably tender" means that the units may, to some extent, have lost their fleshy structure; the seeds may have passed the early stages of maturity and have not reached the late stages of maturity; are not fibrous; and not more than 5 percent by count of the units may possess tough strings.

(iv) If the canned beans are nearly mature and fairly tender a score of 23 to 28 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Nearly mature and fairly tender" means that the pods may have lost, to a considerable extent, their fleshy structure, and that:

The trimmed pods contain not more than 15 percent, by weight, of seed and pieces of seed;[1]

The deseeded pods contain not more than 0.15 percent, by weight, of fibrous material;[1] and

Not more than 10 percent, by count, of the units may possess tough strings except that in case there are present units at least $\frac{25}{64}$ inch in diameter, there are not more than 12 strings or pieces of strings in 12 ounces, drained weight, which will support a ½ pound weight for not less than 5 seconds.[1]

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 22 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(vi) Canned beans that fall below the standard of quality of canned green beans (21 CFR 51.11; 12 F. R. 1140) or the standard of quality of canned wax beans (21 CFR 51.16; 12 F. R. 1141), as the case may be, shall not be graded above U. S. Grade D—Below standard in quality good food—not high grade, or Substandard—Below standard in quality good food—not high grade, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned green beans or canned wax beans, the grade for such lot will be determined by averaging the total score of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

[1] Determined as outlined in the standards of quality of canned green beans (21 CFR 51.11) and canned wax beans (21 CFR 51.16), promulgated under the Food, Drug, and Cosmetic Act.

(k) *Score sheet for canned green beans or canned wax beans.*

Container size .....
Container code or marking .....

Label

Net weight (in ounces) .....
Vacuum (in inches) .....
Drained weight (in ounces) .....
Type (Round or Flat) .....
Variety (Green or wax) .....
Style .....
Size of green beans or wax beans .....

Factors		Score points	
I. Clearness of liquor	10	(A) 9-10	
		(B) 7- 8	
		(C) 5- 6	
		(D) 1- 4	
II. Color	15	(A) 14-15	
		(B) 12-13	
		(C) 10-11	
		(D) 1- 9	
III. Absence of defects	35	(A) 32-35	
		(B) 27-31	
		(C) 22-26	
		(D) 1-21	
IV. Maturity	40	(A) 35-40	
		(B) 29-34	
		(C) 23-28	
		(D) 1-22	
Total score		100	
Grade			
Normal flavor and odor			

[1] Indicates limiting rule within classification.

Issued this 20th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-5982; Filed, June 24, 1947; 8:46 a. m.]

NOTICES

WAR DEPARTMENT

COPPER BASE ALLOY SCRAP

SALE BY WAR DEPARTMENT OF CERTAIN TYPES

(a) *Sale of certain types of copper base alloy scrap.* The War Department has available for sale to the public, limited quantities of the types of copper base alloy scrap referred to in paragraph (b) below. These types of copper base alloy scrap are termed "strategic and critical materials" and are available to meet the current requirements of industry under the provisions of the Strategic and Critical Materials Stock Piling Act, Public Law 520—79th Congress.

(b) *Types of copper base alloy scrap covered by this notice.* This notice is applicable only to copper base alloy scrap of the following types:

Cartridge brass ingots, slabs, discs, bars, partly or completely manufactured ammunition cases (new or demilitarized), fired cases or remelt ingot;
Guilding metal mill forms or remelt ingot.

(c) *Recommendations to the War Department by the Office of Materials Distribution, Department of Commerce, as to the sale of these materials.* In making sales to the public of the types of copper base alloy scrap described in paragraph (b) above, the War Department will, in compliance with Amendment 2 to Regulation 17 of the War Assets Administration, be guided by the recommendations made to it by the Office of Materials Distribution of the Department of Commerce, as to the buyers and quantities.

(d) *How to make application to purchase copper base alloy scrap.* Any person wishing to purchase any copper base alloy scrap of the types listed in paragraph (b) above, and who believes that he meets the criteria set forth in paragraph (e) below, may apply directly to the Office of Materials Distribution, Department of Commerce, Washington, D. C. Applications should be in writing, and should contain sufficient information with respect to the criteria set forth in (e) below as to enable the Office of Materials Distribution to make recommendations.

(e) *Criteria for recommendations to the War Department by the Office of Materials Distribution.* In order to make the most effective use of these materials to help meet industrial deficiencies, the Office of Materials Distribution will consider applications and make recommendations to the War Department on the basis of the following criteria:

(1) In general, recommendations will be made to sell only to brass mills, wire mills, smelters and refiners who require the material for their own use in order to maintain their smelting or reprocessing operations at a minimum operating rate:

(2) Recommendations will not be made to sell to any person to obtain more material than the quantity which he will require to meet his current or scheduled operations during the ensuing 30 days, less the amount he has on hand or expects to receive from other sources during that period.

(f) *Exceptions.* The restrictions of paragraph (e) above, do not apply to the following types of sales:

(1) Sales of any lot or lots of copper base alloy scrap of the types described in paragraph (b) where the gross weight of all the lots available at any one location at any one time does not exceed 10,000 pounds, except in the case of small arms ammunition cases where the limit does not exceed 50,000 pounds. Lots may not be subdivided for the purpose of making sales under this exception.

(2) Sales of scrap located outside the 48 states of the United States and the District of Columbia.

(3) Sales by Reconstruction Finance Corporation for and on behalf of the owning agencies of any lots of scrap which, under War Assets Administration Regulation 17, the owning agencies are required to report to the Reconstruction Finance Corporation as strategic materials.

(4) Sales of contractor inventory if the owning agency has not taken possession of such inventory.

[SS & P—JAGD] (Sec. 6 (a) Pub. Law 520, 78th Cong.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5965; Filed, June 24, 1947; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 402]

MARKET AGENCIES AT UNION STOCK YARDS, CHICAGO, ILL.

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Judicial Officer issued an order on August 1, 1946 (5 A. D. 592), effective August 2, 1946, providing for certain temporary rates and charges for the respondent market agencies for a period ending August 2, 1947. Subsequently, on October 11, 1946 (5 A. D. 748), another supplemental order was issued by the Judicial Officer granting permission to the respondents to file an amendment to their tariff.

By petitions dated May 29, 1947, the respondents have requested that the temporary rates and charges be further extended.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an extension of temporary rates and charges.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 19th day of June 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-5962; Filed, June 24, 1947; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6913, 8160]

PRESQUE ISLE BROADCASTING CO. (WERC) AND WLEU BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Presque Isle Broadcasting Company (WERC), Erie, Pennsylvania, Docket No. 8160, File No. BS-1129, for modification of broadcast license; WLEU Broadcasting Company (WLEU), Erie, Pennsylvania, Docket No. 6913, File No. BP-4115, for construction permit.

The Commission having under consideration a petition filed June 9, 1947, by Presque Isle Broadcasting Company (WERC), Erie, Pennsylvania, requesting

a 30-day continuance in the hearing presently scheduled for June 25, 1947, in the proceeding upon the show cause order of the above-entitled applications;

It is ordered, This 13th day of June 1947, that the instant petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Monday, July 28, 1947.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5987; Filed, June 24, 1947; 8:46 a. m.]

[Docket 7910]

RADIO BROADCASTING ASSOCIATES

ORDER CONTINUING HEARING

In re application of Eugene J. Roth, Jack L. Pink and James M. Brown, doing business as Radio Broadcasting Associates, Houston, Texas, Docket No. 7910, File No. BP-4563, for construction permit.

The Commission having under consideration a petition filed June 9, 1947, by Radio Broadcasting Associates, Houston, Texas, requesting a continuance in the hearing presently scheduled for June 26, 1947, at Washington, D. C., upon its above-entitled application;

It is ordered, This 13th day of June 1947, that the instant petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock, a. m., Monday, August 18, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5988; Filed, June 24, 1947; 8:50 a. m.]

[Docket Nos. 7964, 8169]

WIRED MUSIC, INC., AND BELOIT BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re applications of Wired Music, Inc., Rockford, Illinois, Docket No. 7964, File No. BP-5296, Beloit Broadcasters, Inc., Beloit, Wisconsin, Docket No. 8169, File No. BP-5617, for construction permits.

The Commission having scheduled a further hearing upon the above-entitled applications for 10:00 o'clock a. m., Wednesday, June 18, 1947, at Washington., D. C.; and

It appearing, that public interest, convenience and necessity would be served by a continuance of said further hearing; and counsel for both parties having consented to the continuance;

It is Ordered, This 13th day of June, 1947, on the Commission's own motion, that the said further hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Monday, July 7, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5989; Filed, June 24, 1947; 8:50 a. m.]

[Docket Nos. 7755, 7756, 8149]

WYANDOTTE BROADCASTING CO. ET AL

ORDER SCHEDULING HEARING

In re applications of Wyandotte Broadcasting Company, Wyandotte, Michigan, Docket No. 7755, File No. BP-5055; Wyandotte News Company, Wyandotte, Michigan, Docket No. 7756, File No. BP-5084; Frederick A. Knorr, Harvey R. Hansen, and William H. McCoy, doing business as Suburban Broadcasters (WKMH), Dearborn, Michigan, Docket No. 8149, File No. BP-5759, for construction permits.

The Commission having under consideration a petition filed May 23, 1947, by Suburban Broadcasters (WKMH), Dearborn, Michigan, requesting leave to amend its above-entitled application for construction permit (File No. BP-5759; Docket No. 8149), so as to specify unlimited time operation on the frequency 1310 kc instead of daytime only; and to make other changes as follows:

a. Change paragraph 5 of the application to show revised estimates of initial installation costs;

b. Change paragraph 9 to show the change in facilities requested;

c. Change paragraphs 12 to 21, inclusive, to show revised engineering information;

d. Change paragraphs 23 to 26, inclusive, to show revised program plans;

as more particularly appears from the amendment which was filed March 10, 1947, in the form of an original application for unlimited time use of the frequency 1310 kc; and requesting reopening of the record in the proceeding upon the above-entitled applications for the purpose of receiving into evidence certain offers of proof made regarding full time use of the frequency;

It is ordered, This 6th day of June, 1947, that the petition for leave to amend be, and it is hereby, granted; the amendment filed March 10, 1947, in the form of an original application for unlimited time use of the frequency 1310 kc be, and it is hereby, accepted; the record in the above-entitled proceeding be, and it is hereby reopened; and a further hearing in the above-entitled matter be, and it is hereby, scheduled for 10:00 o'clock a. m., Tuesday, July 15, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5992; Filed, June 24, 1947; 8:50 a. m.]

[Docket Nos. 7834, 8234, 8291-8293]

WDEL, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of WDEL, Inc., Wilmington, Delaware, Docket No. 7834, File No. BPH-177, Wilmington Tri-State Broadcasting Company, Inc., Wilmington, Delaware, Docket No. 8234, File No. BPH-1195, Keystone Broadcasting Corporation, Harrisburg, Pennsylvania, Docket No. 8291, File No. BPH-183, York Broadcasting Company, York, Pennsylvania, Docket No. 8292, File No. BPH-184, Reading Broadcasting Company, Reading, Pennsylvania, Docket No. 8293, File No. BPH-522, for FM construction permits.

The Commission having under consideration a joint petition filed June 2, 1947, by WDEL, Inc., Wilmington, Delaware, Wilmington Tri-State Broadcasting Company, Inc., Wilmington, Delaware, Keystone Broadcasting Corporation, Harrisburg, Pennsylvania, York Broadcasting Company, York, Pennsylvania, and Reading Broadcasting Company, Reading, Pennsylvania, requesting a continuance to June 23, 1947, of the hearing upon their above-entitled applications which is presently scheduled for June 9, 1947, at Washington, D. C.;

It is ordered, This 6th day of June, 1947, that the instant petition for continuance be, and it is hereby, granted, and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Monday, June 23, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5991; Filed, June 24, 1947; 8:50 a. m.]

[Docket No. 8167]

WOODWARD BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Woodward Broadcasting Company, Detroit, Michigan, Docket No. 8167, File No. BP-5827, for construction permit.

The Commission having under consideration a petition filed June 4, 1947, by Woodward Broadcasting Company, Detroit, Michigan, requesting a continuance to July 8, 1947 in the hearing presently scheduled for June 11, 1947, at Washington, D. C., upon its above-entitled application;

It is ordered, This 6th day of June, 1947, that the instant petition be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m., Tuesday, July 8, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-5990; Filed, June 24, 1947; 8:50 a. m.]

FEDERAL HOME LOAN BANK ADMINISTRATION

[Order 6201]

FEDERAL SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF APPROVED MONTHLY REPORT FORM

JUNE 20, 1947.

There is hereby approved the form of monthly report to be made by each Federal savings and loan association to its board of directors, pursuant to 24 CFR 203.5, which form bears Budget Bureau No. 63-R-187.2 and will be supplied to each such association for use beginning with the monthly report for the month ended July 31, 1947. A copy of the foregoing form of monthly report, identified as Exhibit No. 2, is filed in the Office of the Secretary, Order Exhibit File No. 162. (Sec. 5 (a) of the Home Owners' Loan Act of 1933, 48 Stat. 132; 12 U. S. C. 1464 (a); E. O. 9070, Feb. 24, 1942, 7 F. R. 1529)

[SEAL] HAROLD LEE, *Governor.*

Approved:

KENNETH G. HEISLER, *General Counsel.*

[F. R. Doc. 47-5994; Filed, June 24, 1947; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-909]

PENNSYLVANIA GAS CO.

NOTICE OF APPLICATION

JUNE 19, 1947.

Notice is hereby given that on June 12, 1947, Pennsylvania Gas Company (applicant), a Pennsylvania corporation having its principal place of business in the Borough of Warren, Pennsylvania, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize applicant to construct and operate certain natural gas facilities, subject to the jurisdiction of the Commission, described as follows:

Approximately 15 miles of 10" diameter welded pipe line which will parallel Applicant's two existing 10" pipe lines extending from the Elk County Field in Highland Township to its Roystone Compressor Station in Sheffield Township, Warren County, Pennsylvania.

Applicant represents that the purposes of the proposed facilities are to provide additional capacity during winter peak load periods because the present facilities are not sufficient to meet the present requirements. It further states that the proposed construction will permit it to increase production from the Elk County Field by permitting applicant to lower the line pressure on existing lines and enable applicant to take any new supplies of southwest gas which may be contracted for or otherwise made available to it by allocation. There are no main line industrial customers and none are contemplated.

The estimated total over-all capital cost of the proposed construction is $300,000. The cost of the construction is to be paid for without recourse to financing outside applicant's own resources.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provision of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint, or concurrent hearing, together with the reasons for such request.

The application of Pennsylvania Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-5963; Filed, June 24, 1947; 8:47 a. m.]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[Order 2201]

INSURED, STATE-CHARTERED SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF APPROVED MONTHLY REPORT FORM

JUNE 20, 1947.

There is hereby approved the form of monthly report to be made by each state-chartered, insured savings and loan association to its board of directors, pursuant to 24 CFR 301.15, which form bears Budget Bureau No. 63-R-188.2 and will be supplied to each such association for use beginning with the monthly report for the month ended July 31, 1947. A copy of the foregoing form of monthly report, identified as Exhibit No. 2, is filed in the Office of the Secretary, Order Exhibit File No. 160. (Sec. 402 (a) and sec. 403 (b) of the National Housing Act, as amended, 48 Stat. 1256, et seq., secs. 22 and 23, 49 Stat. 298; 12 U. S. C. and Sup., 1725 (a), 1726 (b); E. O. 9070, Feb. 24, 1942, 7 F. R. 1529)

[SEAL] W. H. HUSBAND, *General Manager.*

Approved:

KENNETH G. HEISLER, *General Counsel.*

[F. R. Doc. 47-5993; Filed, June 24, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

JOHN DOE AND CO.

ORDER SETTING HEARING ON PETITION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 19th day of June 1947.

In the matter of application of National Association of Securities Dealers, Inc. on behalf of John Doe and Company for approval of continuance in membership in the National Association of Securities Dealers, Inc. with A. R. Miller employed as a registered representative.

Notice having been issued on March 14, 1947 that the National Association of Securities Dealers, Inc., a registered securities association (hereinafter referred to as the Association) had filed with this Commission, on behalf of John Doe and Company, an application for approval of the continuance of the membership of John Doe and Company in the Association with A. R. Miller employed as a registered representative, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934; and

Members of its staff having reported to the Commission information obtained as a result of an investigation which tends to show that:

A. During the period from approximately November 14, 1945 to approximately November 15, 1946, A. R. Miller sold to various persons certain securities, namely, shares of the common stock of the par value of 50 cents of Automatic Dialing Corporation, no registration statement ever having been in effect under the Securities Act of 1933;

B. On or about November 15, 1946, A. R. Miller induced a customer to purchase 100 shares of the common stock of the Automatic Dialing Corporation at $4.50 per share and falsely represented to such customer that such price was less than the market value of said security; and

C. A. R. Miller made use of the means and instruments of transportation and communication in interstate commerce and of the mails to sell the securities hereinabove described in Paragraph B hereof; and

The Commission deeming it appropriate that a hearing be held in this matter at which A. R. Miller, the Association and all other interested persons be given an opportunity to be heard on the question whether it is appropriate in the public interest to issue the said order approving the continuance of membership in the Association of John Doe and Company with A. R. Miller employed as a registered representative.

It is hereby ordered, That a hearing for the purpose of taking evidence on the questions set forth above be held at 10:00 a. m. on July 15, 1947, at the Baltimore Regional Office of the Securities and Exchange Commission, located at O'Sullivan Building, Baltimore 2, Md., before Willis E. Monty, Hearing Officer. Upon the completion of the taking of evidence in this matter, the hearing officer shall prepare a recommended decision pursuant to Rule IX (b) of the rules of practice, unless such decision is waived.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon this matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of that section delaying the effective date of any final Commission action.

It is further ordered, That a copy of this order be served on A. R. Miller and the Association not less than fifteen (15) days prior to the time of hearing, and that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act not later than fifteen (15) days prior to the time of the hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5952; Filed, June 24, 1947; 8:45 a. m.]

[File Nos. 4-63, 68-84]

MARKET STREET RAILWAY CO. ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of June 1947.

In the matter of Market Street Railway Co., and Standard Gas and Electric Co. and certain of its subsidiary companies, File No. 4-63. Russell M. Van Kirk, Bloomfield Hulick, Edmund T. Willetts, Committee for the Market Street Railway Company prior preference capital stock, File No. 68-84.

The Commission having on May 20, 1947, pursuant to sections 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935 ("act"), issued an order (Holding Company Act Release No. 7425) ordering, among other things, that a public investigation be held in the above entitled matter and that a public hearing therein be held on June 24, 1947, as more full set forth in said order; and

Standard Gas and Electric Company having requested that the hearing in such matter be postponed until July 23, 1947; and the Commission having considered said request and deeming it appropriate that the request for postponement be granted;

It is ordered, That the hearing in this matter previously scheduled for June 24, 1947, be, and the same hereby is, postponed to July 23, 1947, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Standard Gas and Electric Company; Market Street Railway Company; Public Utility Engineering and Service Corporation; Russell M. Van Kirk, Bloomfield Hulick, Edmund T. Willetts, as a Committee for the Market Street Railway Company Prior Preference Capital Stock, Milton Paulson, as attorney for Lea Rosen, 295 Madison Avenue, New York, N. Y.; and that notice of this proceeding shall be given to all other persons by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under said act, and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5953; Filed, June 24, 1947; 8:46 a. m.]

[File No. 70-1389]

CITIES SERVICE CO. AND TOLEDO EDISON CO.

SUPPLEMENTAL ORDER RELEASING AND PERMITTING JURISDICTION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of June A. D. 1947.

Cities Service Company ("Cities"), a registered holding company, and its subsidiary, The Toledo Edison Company ("Toledo"), having filed applications and declarations and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, with respect to, among other things, the issue and sale by Toledo, pursuant to the competitive bidding provisions of Rule U-50, of $32,000,000 principal amount of first mortgage bonds, --% Series, due 1977 and 160,000 shares of $100 par value --% cumulative preferred stock; and

The Commission having, by order dated June 5, 1947, granted the applications, as amended, and permitted the declarations, as amended, to become effective, subject to the condition, among others, that the proposed issue and the sale of said securities shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose; and

Applicants-declarants having filed a further amendment herein stating that the first mortgage bonds and cumulative preferred stock of Toledo have been offered for sale pursuant to the competitive bidding requirements of Rule U-50 and that the following bids have been received:

FIRST MORTGAGE BONDS

Bidding group headed by—	Interest rate	Price to company (percent of principal amount)[1]	Cost to company
	Percent		*Percent*
The First Boston Corp.	2¾	102.589	2.7474
Halsey, Stuart & Co., Inc.	2¾	102.3599	2.7883
Blyth & Co., Inc.	2¾	102.19	2.7670

PREFERRED STOCK

Bidding group headed by—	Dividend rate	Price per share to company[2]	Cost to company
	Percent		*Percent*
Blyth & Co., Inc.	4¼	$101.19	4.2
The First Boston Corp.	4¼	100.279	4.238

[1] Plus accrued interest.
[2] Plus accrued dividends.

Said amendment having further stated that Toledo has accepted the bid of The First Boston Corporation for the first mortgage bonds as set out above, and that the said bonds will be offered for sale to the public at a price of 103.1647% of the principal amount thereof, plus accrued interest, resulting in an underwriting spread equal to 0.5757% of the principal amount of the bonds; and that with respect to the preferred stock, Toledo has accepted the bid of Blyth & Company, Inc., as set out above, and that the said preferred stock will be offered for sale to the public at $103.625 per share plus accrued dividends, resulting in an underwriting spread of $2.435 per share; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds and preferred stock, or the respective underwriting spreads:

It is ordered, That the jurisdiction heretofore reserved with respect to the results of competitive bidding be, and the same hereby is, released and that said applications and declarations, as further amended, be, and the same hereby are, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5958; Filed, June 24, 1947; 8:47 a. m.]

[File No. 70-1510]

ELECTRIC POWER & LIGHT CORP. AND LOUISIANA POWER & LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of June A. D. 1947.

Electric Power & Light Corporation ("Electric"), a registered holding company and its electric utility subsidiary, Louisiana Power & Light Company ("Louisiana"), having filed a joint application-declaration and an amendment thereto pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder with respect to the following transactions:

Electric is the owner of all the outstanding common stock of Louisiana consisting of 1,200,000 shares, without par value, having a stated value of $6,000,000. Louisiana proposes to issue and sell, and Electric proposes to acquire, an additional 1,100,000 shares of common stock of Louisiana for a cash consideration of $4,500,000. Upon completion of this sale, Louisiana proposes to transfer $1,000,000 from earned surplus to common capital stock account. In connection with these transactions, Louisiana also proposes to amend its certificate of incorporation so as to increase the number of authorized shares of common stock from 1,500,000 shares to 5,000,000 shares.

Upon completition of such transactions, Louisiana will have issued and outstanding 2,300,000 shares of common stock having a stated value of $11,500,000.

The cash to be received by Louisiana will be employed for the construction of new facilities and for the extension and improvement of present facilities and for other necessary corporate purposes.

Said application-declaration having been filed on April 24, 1947 and an amendment thereto having been filed on May 29, 1947, and notice of said filing, as amended, having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration as amended within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicants-declarants having requested that the Commission's order become effective upon the issuance thereof in order that the company may consummate the proposed transactions without delay; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective and further deeming it appropriate to grant applicants-declarants' request that the Commission's order herein become effective immediately upon the issuance thereof:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said application-declaration, as amended, be, and the same hereby is, granted, and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5956; Filed, June 24, 1947; 8:46 a. m.]

[File No. 70-1535]

CAPITAL TRANSPORTATION CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of June A. D. 1947.

Capital Transportation Company ("Capital"), a non-utility subsidiary of Arkansas Power & Light Company, which in turn is a subsidiary of Electric Power & Light Corporation, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Capital, a transportation company, located principally in the Cities of Little Rock and North Little Rock, Arkansas, proposes to borrow from banks amounts aggregating $700,000 which will be used for the purchase of 15 motor omnibuses and 29 trolley omnibuses. The loans are to be evidenced by notes dated not later than July 1, 1947, payable in 24 equal quarterly installments and bearing interest at the rate of 3½% per annum. Such notes are to be secured by a chattel mortgage which will be a lien upon 20 motor omnibuses now owned by the company, upon the 15 motor omnibuses to be acquired by the company during May 1947, and, as supplemented by one or more supplemental indentures, upon the 29 trolley omnibuses to be delivered in July 1947.

The indenture of chattel mortgage will be executed and delivered subsequent to the date of receipt of the 15 motor omnibuses but prior to the date of receipt of the 29 trolley omnibuses. Concurrently with the execution and delivery of the indenture of chattel mortgage approximately 35% of the aggregate principal amount of the loans will be made available to the company. The balance of 65% of the principal amount of the loans will be made available to the company as the 29 trolley omnibuses are acquired and subjected to the lien of the chattel mortgage by supplemental indenture.

The indenture of chattel mortgage provides, among other things, that the company will not, without the prior written consent of the holders of not less than a majority in principal amount of the notes outstanding, create any mortgage or other encumbrance upon its property, or declare or pay any dividends except out of earned surplus subsequent to December 31, 1946. The notes may be prepaid in whole or in part at any time without the payment of any premium.

The proposed transactions have been approved by the Arkansas Public Service Commission.

Said application having been filed on May 23, 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicants having requested that the Commission's order become effective immediately upon the issuance thereof in order that the proposed transactions may be consummated without delay; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted and further deeming it appropriate to grant the applicant's request that the Commission's order herein become effective immediately:

It is ordered, Effective forthwith, pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said application be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5957; Filed, June 24, 1947; 8:46 a. m.]

[File No. 70-1546]

SOUTHERN UTAH POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of June 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Southern Utah Power Company ("Southern Utah"), an electric utility company and a subsidiary of Nathan A. Smyth and Leo Loeb as Trustees in Reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor, a public utility and a registered holding company, said trustees being also a registered holding company. The applicant has designated section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than June 30, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be given on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application, as filed or as amended, may be granted as

provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

Southern Utah proposes to issue privately its notes, each maturing not more than nine months after the date of issue, up to an aggregate amount of $175,000, inclusive of presently outstanding notes, consisting of two six-months notes, issued to a bank and aggregating $65,000. The issuance of additional notes is for the stated purpose of temporarily financing part of the company's construction requirements.

The application states that the principal amount and par value of the outstanding securities of Southern Utah together with the fair market value, as of the date of issue, of its outstanding securities without par value, aggregate $1,615,975. The amount of $175,000 will constitute approximately 10.8% of said $1,615,975. The company requests authorization, pursuant to the first sentence of section 6 (b) of the act, to issue its notes as above-stated. It is represented by the applicant that no State Commission has jurisdiction over the proposed transaction.

The applicant requests that the Commission's order granting said application be issued as soon as possible and that it become effective immediately upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5954; Filed, June 24, 1947; 8:46 a. m.]

[File No. 70-1456]

BUFFALO NIAGARA ELECTRIC CORP. AND NIAGARA FALLS POWER CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of June 1947.

Buffalo Niagara Electric Corporation ("Buffalo"), a subsidiary of Niagara Hudson Power Corporation, in turn, a subsidiary of The United Corporation, a registered holding company, and The Niagara Falls Power Company ("Niagara"), a subsidiary of Buffalo, having filed a joint declaration, pursuant to Rule U-44 promulgated under the provisions of the Public Utility Holding Company Act of 1935, regarding the sale by Buffalo to Niagara of certain water rights consisting of the right to take 262.6 cubic feet per second of water from the Hydraulic Basin of Niagara in The City of Niagara Falls; and the Commission by order dated February 28, 1947, having permitted said joint declaration to become effective subject to the terms and conditions prescribed in Rule U-24; and

Buffalo and Niagara having requested that the time within which the transactions proposed in said joint declaration may be consummated be extended to July 30, 1947; and

The Commission having considered such request and deeming it appropriate that an extension of time be granted:

It is ordered, That the conditions contained in said order dated February 28, 1947, be, and hereby are, modified to extend to July 30, 1947 the time within which the transactions proposed in said joint declaration are to be consummated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5955; Filed, June 24, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981

[Vesting Order 7767, Amdt.]

HENRY MEYER

In re: Estate of Henry Meyer, deceased. File D-28-10490; E. T. sec. 14903.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, Vesting Order 7767 dated September 30, 1946, as affirmed by § 500.41, as amended, of the rules, Office of Alien Property, Department of Justice (11 F. R. 14155), is hereby amended to read as follows:

It is hereby found:

1. That Friedrich Meyer, Maria Ahlers, Doris Wendt and Grete Footkamp, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the brother, name unknown, of Henry Meyer, deceased, and the sister, name unknown, of Henry Meyer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of Friedrich Meyer, Maria Ahlers, Doris Wendt, Grete Footkamp, the brother, name unknown, of Henry Meyer, deceased, and the sister, name unknown, of Henry Meyer, deceased, and each of them, in and to the Estate of Henry Meyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Herman Tietge, as Administrator, acting under the judicial supervision of the Superior Court of the State of Washington, for the County of Grays Harbor;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the brother, name unknown, of Henry Meyer, deceased, and the sister, name unknown, of Henry Meyer, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it having been and being deemed necessary in the national interest,

There is hereby vested the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein and in said Vesting Order 7767 shall have and had the meanings prescribed in section 10 of Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on May 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5933; Filed, June 23, 1947; 9:00 a. m.]

[Vesting Order 8535, Amdt.]

EXPORTKREDITBANK A. G.

In re: Bonds, stocks, other property, owned by and debts or other obligations owing to Exportkreditbank A. G.

Vesting Order 8535, dated March 25, 1947, is hereby amended as follows and not otherwise:

By deleting subparagraph 2-b of said Vesting Order 8535, and substituting therefor the following: Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, registered in the name of Cobb & Co., other than those shares of The Electric Storage Battery Co., evidenced by certificates numbered 54354, 040837 and 061008 for one (1) share each and 077392 for two (2) shares which are registered in the name of Merrick & Company, all of which shares are presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, in account number G. R. 17 entitled Exportkreditbank Aktiengesellschaft, Berlin, Germany, Customers account for Custody, together with all declared and unpaid dividends thereon.

All other provisions of said Vesting Order 8535 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 16, 1947.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-5980; Filed, June 24, 1947; 8:49 a. m.]

[Vesting Order 9064]

W. H. WALSER

In re: Estate of W. H. (Huldreich) Walser, deceased. D-28-9408; E. T. sec. 12529.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Xaver Heigl, Anton Heigl, Theodor Heigl, Hans Hugo Heigl and Carl Heinrich Heigl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $83.10 was paid to the Alien Property Custodian by Effie A. Carl, Administratrix of the Estate of W. H. (Huldreich) Walser, Deceased;

3. That the said sum of $83.10 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on December 10, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5968; Filed, June 24, 1947; 8:48 a. m.]

[Vesting Order 9065]

WILHELM WALSER ET AL.

In re: Wilhelm Walser et al. vs. Hermina Walser Kern et al. D-28-9408; E. T. sec. 12529.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Xaver Heigl, Anton Heigl, Theodor Heigl, Hans Hugo Heigl and Carl Heinrich Heigl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $60.90 was paid to the Alien Property Custodian by E. E. Mills, Sheriff of Wayne County, Ohio;

3. That the said sum of $60.90 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on December 10, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5969; Filed, June 24, 1947; 8:48 a. m.]

[Vesting Order 9131]

KATHERINE HAAS

In re: Estate of Katherine Haas, also called Catherine Haas, deceased. File D-28-10446; E. T. sec. 14853.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Haas, August Haas, Johann Haas, Haver Haas, Marie Hermann, Anna Kamermeier and Regina Hudler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Katherine Haas, also called Catherine Haas, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Phil C. Katz, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5970; Filed, June 24, 1947; 8:48 a. m.]

[Vesting Order 9136]

MARGARETHA MEURER

In re: Estate of Margaretha Meurer, deceased. File D-28-9743; E. T. sec. 13651.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophia Maria Wassermann, Christina W. Karstens, Jenny M. Wassermann, Johanna D. Wassermann and Auguste Maria W. Johansen, whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $46,412.47 was paid to the Alien Property Custodian by H. Winston Hathaway, Administrator C. T. A. of the Estate of Margaretha Meurer, deceased;

3. That the sum of $141.43 was paid to the Attorney General of the United States by H. Winston Hathaway, Administrator C. T. A., of the Estate of Margaretha Meurer, deceased;

4. That the said sums of $46,412.47 and $141.43 are presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the property described in subparagraph 2 hereof in the Attorney General of the United States by acceptance thereof on December 5, 1946 and of the property described in subparagraph 3 hereof in the Attorney General of the United States by acceptance thereof on January 31, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5971; Filed, June 24, 1947; 8:48 a. m.]

[Vesting Order 9144]

ELISE VON BAECKMANN

In re: Trust under Will of Elise von Baeckmann, deceased. File No. D-28-10202; E. T. sec. 14540.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter von Baeckmann, Walter von Baeckmann (nephew), Ernst von Baeckmann, Adolph von Baeckmann, Georg von Baeckmann, Elise von Baeckmann, Siegfried von Baeckmann, Bertha von Baeckmann and Johanna von Baeckmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the Will of Elise von Baeckmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The Hartford-Connecticut Trust Company, as Trustee, acting under the judicial supervision of the Court of Probate, District of Hartford, State of Connecticut;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such person be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5972; Filed, June 24, 1947; 8:48 a. m.]

[Vesting Order 9152]

HANS DEHNICKE

In re: Stock owned by Hans Dehnicke. F-28-22451-D-1/3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Dehnicke, whose last known address is Tobingstrasse 1D, Luneburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) share of $15 par value capital stock of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 026047, registered in the name of Hans Dehnicke, together with all declared and unpaid dividends thereon,

b. One (1) share of common capital stock of Mission Corporation, 15 Exchange place, Jersey City, New Jersey, a corporation organized under the laws of the State of Nevada, evidenced by certificate number 015306, registered in the name of Hans Dehnicke, together with all declared and unpaid dividends thereon,

c. Thirteen (13) shares of $25 par value capital stock of Standard Oil Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered SC-24788 and SC41952 for four (4) and nine (9) shares respectively, registered in the name of Hans Dehnicke, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to Hans Dehnicke by Standard Oil Company, a New Jersey corporation, 30 Rockefeller Plaza, New York, New York, in the amount of $6.81, as of December 31, 1945, arising out of the sale of certain scrip issued by said corporation, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5929; Filed, June 23, 1947; 8:59 a. m.]

[Vesting Order 9165]

REISUKE MASUDA ET AL.

In re: Stock owned by Reisuke Masuda, Zenziro Wakano and Adolph Hammer. F-39-4663-D-1, F-39-4664-D-1, F-28-23326-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reisuke Masuda and Zenziro Wakano, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That Adolph Hammer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows: Forty-seven (47) shares of $5.00 par value common capital stock of Missouri-Kansas Pipe Line Company, 120 Broadway, New York 5, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed below, registered in the names of the persons listed below and in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Reisuke Masuda	C067449	20
	C051009	5
	C085871	1
	C076015	1
Zenziro Wakano	C07447	20

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

4. That the property described as follows: Twenty-eight (28) shares of $5.00 par value common capital stock of Missouri-Kansas Pipe Line Company, 120 Broadway, New York 5, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by Certificates Numbered CO47028 for twenty-six (26) shares; CO85746 for one (1) share; NO21849 for one (1) share, registered in the name of Adolph Hammer, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

6. That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5930; Filed, June 23, 1947; 8:59 a. m.]

[Vesting Order 9170]

ELSE SCHLIPP

In re: Notes, Certificate of Deposit, Voting Trust Certificate, American Depositary Receipt, Participation Certificates and Stock owned by and Debt owing to Else Schlipp. F-28-3651-A-1, F-28-3651-D-1, F-28-3651-D-2, F-28-3651-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Schlipp, whose last known address is Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) Mortgage & Real Estate Corporation, Series A, 5% Liquidation Notes, of $1000.00 original face value, bearing the numbers 9721, 9722 and 9723, registered in the name of Else Schlipp, presently in the custody of Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, together with any and all rights thereunder and thereto,

b. That certain Certificate of Deposit representing St. Louis, San Francisco Railway Company Prior Lien, Series A, 4% Bond, due July 1, 1950, said certificate of deposit bearing the number AM27023, and presently in the custody of Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, together with any and all rights thereunder and thereto,

c. That certain Voting Trust Certificate representing 6 shares of Series A, Preferred Capital Stock of Central Coal & Coke Company, Title & Trust Building, Kansas City, Missouri, a corporation organized under the laws of the State of Delaware, said certificate being numbered 3666, registered in the name of Else Schlipp, and presently in the custody of Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, together with any and all rights thereunder and thereto,

d. That certain American Depositary Receipt representing 45 shares of £1 par value ordinary registered common capital stock of Courtaulds, Ltd., 16 St. Martin's-le-Grand, London E. C. 1, England, said receipt bearing the number O-558, registered in the name of Mrs. Elsie Schlipp, and presently in the custody of Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, together with any and all rights thereunder and thereto,

e. Those certain Participation Certificates representing 2 units of Imco Participating, Ltd., River Platte House, 10 11 Finsbury Circus, London E. C. 2, England, said certificates bearing the numbers E3957 and E3958, for 1 unit each, presently in the custody of Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, together with any and all rights thereunder and thereto,

f. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered as set forth in the aforesaid Exhibit A, presently in the custody of Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, together with all declared and unpaid dividends thereto, and

g. That certain debt or other obligation owing to Else Schlipp, by Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, in the amount of $4,461.84, as of April 18, 1947, arising out of a Custodian Account, numbered 3924 and entitled Else Schlipp, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of company	State of incorporation	Type of stock	Par value	Number of shares	Certificate No.	Name of registered owner
Central Coal & Coke Co., Title & Trust Bldg., Kansas City, Mo.	Delaware	Common	$1	33	615	Else Schlipp.
Chicago Heights Land Association.		Capital	100	82	775	Do.
Waldheim Cemetery Co., 863 South Des Plaines Ave., Forest Park, Ill.	Illinois	Capital Series 3	15	227	276, series 111	Do.
208 South La Salle Street Corp., 208 South La Salle St., Chicago 4, Ill.	Delaware	Common	No par	10	C0249	Do.

[F. R. Doc. 47-5973; Filed, June 24, 1947; 8:48 a. m.]

[Vesting Order 9173]

KANEMITSU SUDZUKI

In re: Stock, bank account and cash owned by Kanemitsu Sudzuki. F-39-2106-A-1, F-39-2106-D-1, F-39-2106-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kanemitsu Sudzuki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Fifty (50) shares of $10.00 par value common capital stock of General Motors Corporation, 1775 Broadway, New York 19, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates numbered and in the amounts as follows:

Certificate Nos:	Number of shares
WC145-741	6
WC145-742	7
WC145-744	7
WC193-163	4
WC193-165	4
WC193-166	5
WC227-145	1
WC233-149	4
WC241-007	4
WC241-008	4
WC241-009	4

registered in the name of Kanemitsu Sudzuki, and presently in the custody of General Motors Overseas Operations, Division of General Motors Corporation, 1775 Broadway, New York 19, New York, together with all declared and unpaid dividends thereon,

b. Sixteen (16) shares of $10.00 par value common capital stock of General Motors Corporation, 1775 Broadway, New York 19, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates numbered and in the amounts as follows:

Certificate Nos.:	Number of shares
WC39087	1
WC55068	3
WC547896	3
WC138392	4
WC183190	5

registered in the name of Kanemitsu Sudzuki, together with all declared and unpaid dividends thereon,

c. That certain debt or other obligation owing to Kanemitsu Sudzuki, by The National City Bank of New York, 1767 Broadway, New York 19, New York, arising out of a Savings Account, Account Number 47138, entitled Kanemitsu Sudzuki, and any and all rights to demand, enforce and collect the same, and

d. Cash in the amount of $121.21 presently in the custody of General Motors Overseas Operations, Division of General Motors Corporation, 1775 Broadway, New York 19, New York, in Safe Deposit Box 240 of the Chemical Bank and Trust Company, 57th Street and Broadway, New York, N. Y.,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5974; Filed, June 24, 1947; 8:48 a. m.]

[Vesting Order 9177]

MRS. ETHEL WERLITZ

In re: Debt or other obligation owing to and stock owned by Mrs. Ethel Werlitz. F-28-22813-C-1, F-28-22813-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Ethel Werlitz, whose last known address is Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Mrs. Ethel Werlitz by Ladenburg, Thalmann & Company, 25 Broad Street, New York 4, New York, in the amount of $215.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Twenty-two (22) shares of $50.00 par value capital stock of The Pennsylvania Railroad Company, Broad Street Station Bldg., 1617 Pennsylvania Blvd., Philadelphia 4, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificates numbered P460278 for 2 shares, 299500 for 16 shares, 319204 for 2 shares, and 94239 for 2 shares, registered in the name of Mrs. Ethel Werlitz, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5975; Filed, June 24, 1947; 8:49 a. m.]

[Vesting Order 9201]

BANK VOOR HANDEL EN SCHEEPVAART, N. V.

In re: Bank accounts and stock owned by Bank voor Handel en Scheepvaart, N. V.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bank voor Handel en Scheepvaart, N. V. is a corporation organized under the laws of The Netherlands, whose principal place of business is located at Rotterdam, The Netherlands, and is or since the effective date of Executive Order 8389, as amended, has been acting directly or indirectly for the benefit or on behalf of a national of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations owing to Bank voor Handel en Scheepvaart, N. V., by the banks whose names and addresses are listed in Exhibit A, attached hereto and by reference made a part hereof, arising out of the accounts described in Exhibit A opposite said names and addresses, and any and all rights to demand, enforce and collect the same,

b. Four hundred forty (440) shares of $25 par value ordinary capital stock of Canadian Pacific Railway Company, Montreal, Quebec, Canada, a corporation organized under the laws of the Dominion of Canada, evidenced by certificates numbered H86472/5 for one hundred (100) shares each and certificate number L178193 for forty (40) shares, registered in the name of Schmidt & Co. and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the person named in subparagraph 1 hereof is controlled by or acting for or on behalf of a designated enemy country (Germany) or a person within such country and is a national of a designated enemy country (Germany); and

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director,*

EXHIBIT A

Name and address of bank	Type of account	Title of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Checking	Bank voor Handel en Scheepvaart, N. V., Rotterdam, Holland.
Brown Bros. Harriman & Co., 59 Wall St., New York, N. Y.	do	Bank voor Handel en Scheepvaart, N. V.
Bank of the Manhattan Co., 40 Wall St., New York, N. Y.	do	Bank voor Handel en Scheepvaart, N. V.
The National City Bank of New York, 55 Wall St., New York, N. Y.	do	Bank voor Handelen Scheepvaart.
Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.	Custody cash	Bank voor Handel en Scheepvaart, Rotterdam, Holland.

[F. R. Doc. 47-5932; Filed, June 23, 1947; 8:59 a. m.]

[Vesting Order 9208]

FRED OBERBOSSEL

In re: Stock owned by and debt owing to Fred Oberbossel. F-28-24693-D-2, F-28-24693-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Oberbossel, whose last known address is Gerichtstratz 23, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Four (4) shares of $6.00 preferred capital stock of Illinois Power Co., Decatur, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by certificate number 018535, registered in the name of Fred Oberbossel, together with all declared and unpaid dividends thereon, and any and all rights of exchange thereunder and thereof, and

b. That certain debt or other obligation owing to Fred Oberbossel by City National Bank and Trust Company of Chicago, 208 South La Salle Street, Chicago 90, Illinois, in the amount of $53.27, as of May 2, 1947, and any and all accruals thereto, evidenced by thirteen (13) dividend checks, bearing the numbers 021018, 040924, 060366, 079423, 097865, 115736, 133145, 150133, 014939, 166855, 030062, 183453, and 044773, payable to the order of Fred Oberbossel, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation together with any and all rights in, to and under, including particularly but not limited to, the rights to possession and presentation for collection and payment of the aforesaid dividend checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5976; Filed, June 24, 1947; 8:49 a. m.]

[Vesting Order 9211]

BECKY KLEIN

In re: Trust under the Will of Becky Klein, deceased. File D-57-258; E. T. sec. 6221.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Zili Bines, Betty Haimovici, Meshe Klein, Herman Klein, Ienta Seindla Fuchs, Shaja Moishe Rottman, Shaja Joine Rottman, Leon Klein and Shandel Klein, whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the will of Becky Klein, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Rumania);

3. That such property is in the process of administration by Samuel H. Weisman and Lillie Kline, as Co-Trustees, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as na-

tionals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-5977; Filed, June 24, 1947; 8:49 a. m.]

[Vesting Order 9216]

THEODOR J. J. SOMMER

In re: Claim of Theodor J. J. Sommer, also known as Theodore J. Sommer. File F-28-12266.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor J. J. Sommer, also known as Theodore J. Sommer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All choses in action, causes of action and claims of any kind or character whatsoever of the person named in subparagraph 1 hereof against the Estate of Amalie Elizabeth Hart, also known as Amalia Elizabeth Hart, as Amalie E. Hart, and as Amalia E. Hart, deceased, and against the fiduciary, duly qualified under the laws of the State of California, of the Estate of Amalie Elizabeth Hart, also known as Amalia Elizabeth Hart, as Amalie E. Hart, and as Amalia E. Hart, deceased,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-5978; Filed, June 24, 1947; 8:49 a. m.]

[Vesting Order 9218]

MASA MIYAI

In re: Leasehold estate, interest in fire insurance policies and bank account owned by Masa Miyai.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masa Miyai, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. A leasehold estate created in Masa Miyai under and by virtue of an assignment of lease executed October 13, 1930 by and between Tsuno Nosaka, Assignor, and Masa Miyai, Assignee, which assignment is recorded in the Bureau of Conveyances, Honolulu, T. H., in Liber 1089 at page 135–136, a copy of which is set forth in Exhibit A, attached hereto and by reference made a part hereof,

b. All right, title and interest of Masa Miyai in and to fire insurance policy No. 27010, expiring November 1, 1948, issued by the North River Insurance Co. of New York, in the amount of $8,000, covering the buildings at 3321, 3323, 3325 Campbell Street, Honolulu, T. H., and the building at 3101 Herbert Street, Honolulu, T. H.,

c. All right, title and interest of Masa Miyai in and to fire insurance policy No. 4082 expiring November 1, 1948, issued by the Fireman's Insurance Co. of Newark, New Jersey, in the amount of $5,500, covering the buildings at 3121, 3123, 3123-A, 3319, 3319-A Herbert Street, Honolulu, T. H., and

d. That certain debt or other obligation owing to Masa Miyai, by The Liberty Bank of Honolulu, P. O. Box 1480, Honolulu 6, T. H., arising out of a savings account, Account No. 18179, entitled L. Po Hoon for account of Masa Miyai, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2b–2d inclusive hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

ASSIGNMENT OF LEASE

Know all men by these presents that I, Tsune Nosaka, wife of Magoichi Nosaka, of Honolulu, Territory of Hawaii, for and in consideration of the sum of Four Thousand Dollars ($4,000.00), lawful money of the United States of America, to me now in hand paid by M. Miyai, the wife of Kumakichi Miyai, of said Honolulu, the receipt whereof being hereby acknowledged, do hereby assign, transfer, set over and alien unto the said M. Miyai, her heirs, assigns, and legal representatives all of my right, title and interest in, to and about that certain Instrument, being an Assignment of Lease, has made, executed and delivered to me, said Tsune Nosaka, by Eh Fah Chung, of said Honolulu, as of date October 13th, 1930, and as of record in Liber 1085, pages 256–257, Hawaiian Registry of Conveyances, and to which said Instrument reference is hereby specifically made and incorporated; the property included in the recitations hereinabove being described as follows:

"All of these certain pieces or parcels of land situate at Kapahulu, Honolulu, Island of Oahu, Territory of Hawaii, known and designated as Lot Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16) in Block Number Two, Lot Number One, of the Kapahulu Tract, being the same premises conveyed to the Lessor, by deed of Mary Ann Lee (widow) dated October 9, 1906, and duly recorded in the Office of Registrar of Conveyances in said Honolulu, in Liber 286, pages 36–38."

And as more fully and specifically described in a certain Instrument of Lease, made and executed by Fannie Collins to

Magoichi Nosaka, as of date July 8, 1926, and as of record in Liber 839, pages 418–422, in said Registry of Conveyances.

And being further described in a certain instrument of record in Liber 1085, pages 251–254 in said Registry of Conveyances and being executed by the City Mill Company, Limited, a Hawaiian Corporation, as of date October 13, 1930, and by the terms of which the aforesaid En Fah Chung became the owner of the said lease and of the property mentioned and included therein.

The said property and premises being occupied, as to the tenancy thereof, by the following named persons, to-wit: Naruto; Toraichi Yokonuma; Matsutaro Osaki; Ma Duck; Saiki; G. Okino; S. Katashima Store; Haraguichi and Nakagawa, and others.

To have and to hold the said land and premises together with all and sundry the improvements in and thereupon and the rents, issues and profits thereof, unto the said M. Miyai, her heirs, assigns and legal representatives for and during the whole of the remainder of the term of the aforementioned original lease of Fannie Collins to Magoichi Nosaka, subject, however to the rents, conditions, covenants and provisions of the said last mentioned original lease, and subject to such mortgage, or mortgage indebtedness as may be presently laid and existing in and upon said property and premises and duly recorded.

In witness whereof the said Tsune Nosaka has hereunto set her hand and seal this 13th day of October, 1930.

[SEAL] (Signed) Tsune Nosaka.
TSUNE NOSAKA.

In the presence of:
(Signed) Toku K. Sakamoto.

TERRITORY OF HAWAII,
City and County of Honolulu, ss.

On this 1st day of November, A. D. 1930, personally appeared before me Tsune Nosaka satisfactorily proved to me to be the person described in and who executed the foregoing instrument, by the oath of Toku K. Sakamoto, a credible witness for that purpose, to me known and by me duly sworn, and she, the said Tsune Nosaka, acknowledged that she executed the same as her free act and deed.

(Notarial Signature and Seal.)

Notary Public, First Judicial Circuit, Territory of Hawaii.

Entered of record this 3d day of November A. D. 1930 at 10:08 o'clock a. m. and compared.
Carl F. Wikander, Registrar of Conveyances.

[F. R. Doc. 47-5979; Filed, June 24, 1947; 8:49 a. m.]

JUN 28 '47

JUN 28 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 125

Washington, Thursday, June 26, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9868

APPOINTMENT OF MEMBERS OF A MILITARY TRIBUNAL ESTABLISHED FOR THE TRIAL AND PUNISHMENT OF MAJOR WAR CRIMINALS IN GERMANY

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. I hereby designate Edward Francis Carter, Associate Justice of the Supreme Court of the State of Nebraska, and Curtis Grover Shake, former Judge of the Supreme Court of the State of Indiana, as members of one of the several military tribunals established by the Military Governor for the United States Zone of Occupation within Germany pursuant to the quadripartite agreement of the Control Council for Germany, enacted December 20, 1945, as Control Council Law No. 10, and pursuant to Articles 10 and 11 of the Charter of the International Military Tribunal, which tribunal was established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, for the trial and punishment of major war criminals of the European Axis. Such members may, at the direction of the Military Governor of the United States Zone of Occupation, serve on any of the several military tribunals above mentioned, which tribunals are a component part of the military occupational forces of the United States, and upon which the members designated herein shall perform active service during the period of their designation.

2. The members herein designated shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes.

3. The Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the members herein designated in the performance of their duties and may assign or detail such personnel under their respective jurisdictions, including members of the armed forces, as may be requested for the purpose. Personnel so assigned or detailed shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that personnel assigned or detailed from the Navy Department shall receive such compensation and allowances for expenses to which they may be entitled by reason of their military grade and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 24, 1947.

[F. R. Doc. 47-6101; Filed, June 25, 1947; 11:15 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

It is hereby ordered that the rules and and regulations, hereinafter set forth, be published in the FEDERAL REGISTER. These rules and regulations are issued pursuant to the provisions of Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., 910.1 et seq.), regulating the handling of fresh peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.) The provisions hereof are issued by the Administrative Committee established under the amended marketing agreement and order as the agency to administer the terms and provisions thereof. The provisions are prescribed

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1946 SUPPLEMENT

to the

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A limited sales stock of the 1945 Supplement (4 books) is still available at $3 a book.

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pursuant to section 5 of the marketing agreement and § 910.7 of this part.

Sec.
910.100 General.
910.101 Definitions.
910.107 Exemption certificates.

AUTHORITY: §§ 910.100, 910.101 and 910.107, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 910.1 et seq.

§ 910.100 *General.* Unless otherwise provided in the marketing agreement and the order or by specific direction of the Administrative Committee, all reports, applications, submittals, requests, and communications in connection with the agreement and order shall be addressed to Administrative Committee, Alamosa, Colorado.

§ 910.101 *Definitions.* Marketing agreement means Marketing Agreement No. 67, as amended, and order means Order No. 10, as amended, regulating the handling of fresh peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado. Terms defined in the marketing agreement and the order shall, when used herein, have the same meaning as set forth in the marketing agreement and the order.

§ 910.107 *Exemption certificates*—(a) *Application.* Any producer applying for exemption from any grade or size regulations issued under the marketing agreement and order shall make application for such exemption on forms to be furnished by the Administrative Committee. Such application shall state:

(1) Name and address of the producer;

(2) Location of the field with respect to which exemption is requested;

(3) Amount, if any, of peas or cauliflower harvested from such field during the then current season; and

(4) Producer's estimate of the quantity of the particular crop remaining to be harvested.

(b) *Federal-State Inspector report.* Each request filed with the Administrative Committee shall be accompanied by a report of a Federal-State Inspector which shall contain the following: (1) A statement of the inspector that he personally visited the field with respect to which exemption is requested and that a representative sample of such crop was taken by him; (2) a statement of the percentage of such crop which meets the required grade and size regulations then in effect; and (3) a statement of the defects or damage causing such crop to fail to meet such grade and size requirements. In the event a Federal-State Inspector submits the statements required by subparagraphs (2) and (3) of this paragraph with respect to a field of peas and percentage of the crop meeting the grade and size regulations and the defects or damage specified shall not include peas which are immature or overripe. The Manager for the Administrative Committee may make such investigation as he deems necessary to determine whether the exemption requested should be granted.

(c) *Issuance of certificate.* Whenever the Administrative Committee finds and determines from proof satisfactory to the committee that the applicant is entitled to an exemption certificate, the committee shall issue, or authorize the issuance of, an exemption certificate which shall permit the applicant to ship or cause to be shipped that quantity of the regulated grades and sizes of peas or cauliflower as will enable him to ship or cause to be shipped as large a percentage of his peas or cauliflower as the average percentage for all producers, as determined by the committee. If the committee determines that the applicant is not entitled to an exemption certificate it shall so advise the applicant in writing, and give the reasons therefor. Each certificate of exemption issued by the committee shall contain the producer's name and address; the location of the field with respect to which the exemption is granted; the particular grade and size regulations from which exempted; the amount of the commodity which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer to ship peas or cauliflower which do not meet the requirements of particular grade and size regulations. Each certificate of exemption shall be transferable, in whole or in part, with the commodity in accordance with the amount of the commodity transferred.

(d) *Records.* All forms, reports, correspondence, and documents used pursuant to these rules and regulations shall be kept on file in the Administrative Committee's office; and a record shall be maintained by the manager of such committee, together with a record of all shipments made under exemption certificates. A record of all exemption certificates issued shall be furnished weekly by the manager to the representative of the Secretary of Agriculture.

Done at Washington, D. C., this 20th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6011; Filed, June 25, 1947; 8:51 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 708—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

Correction

In Federal Register Document 47-5852, appearing at page 4019 of the issue for Saturday, June 21, 1947, the third line of § 708.4 (a) should read: "tion or when the decoration is to be awarded".

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934

APPLICATION FOR REGISTRATION OF SECURITIES FOR CORPORATIONS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said act, hereby amends the Instruction Book for Form 10 (17 CFR 249.210) for Corporations by amending the instructions to Item 3G to read as set forth below.

Inasmuch as the amendment merely deletes obsolete provisions and involves no substantial change in the requirements of the form and instructions, and in view of the desirability of having the instructions clarified immediately, the Commission finds that the giving of notice and the public rule-making procedures specified in sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary and declares the amendment effective immediately pursuant to section 4 (c) of the act.

Item 36. Financial statements. A registrant shall furnish the following financial statements:

(a) Its balance sheet and its profit and loss statement: *Provided, however,* That in lieu of the profit and loss statement required by this subparagraph there may be submitted a profit and loss statement consolidating the accounts of the registrant and one or more of its subsidiaries, if all the following conditions are met:

(1) The registrant is primarily an operating company;

(2) Other than directors' qualifying shares, all classes of outstanding securities of the subsidiaries whose accounts are included in such statement are owned in their entirety directly by the registrant;

(3) Such subsidiaries owe no long-term or funded debt to persons other than the registrant;

(4) Such subsidiaries are in practical effect, operating divisions of the registrant; and

(5) There is submitted, in addition to the balance sheets required in this paragraph and by subparagraph (b) below, a balance sheet consolidating the assets and liabilities of the registrant and such subsidiaries only.

(b) A consolidated balance sheet and a consolidated profit and loss statement (or income statement), prepared in accordance with the rules of consolidation given below.

(c) For subsidiaries not consolidated in the consolidated balance sheet, in which the registrant owns directly or indirectly securities representing more than 50 percent of the voting power other than as affected by events of default, submit either (i) separate sets of statements in which all such subsidiaries are consolidated or combined in one or several groups, or (ii) individual statements for each such subsidiary not included in (i) above. These statements need not be furnished when the aggregate investments not consolidated are not significant in respect of (1) the assets they represent, and (2) the sales or operating revenues of such nonconsolidated subsidiaries.

The financial statements required above shall be as follows:

1. The balance sheets required shall be as of the close of the registrant's (or, in the case of an unconsolidated subsidiary, of such subsidiary's) most recent fiscal year, unless such fiscal year has expired within 90 days prior to the date of filing of the application with the exchange, in which case, at the option of the registrant, they may be as of the close of the preceding fiscal year; and

2. The profit and loss statements required shall be those for the fiscal years as of the close of which the respective balance sheets are furnished, and for the 2 preceding fiscal years, or, if the registrant (or unconsolidated subsidiary) has been in business less than 3 years, then for such period as it has been in business up to the date of its respective balance sheet.

The financial statements required shall be accompanied by a certificate of an independent public or independent certified public accountant or accountants.

In case both of the following conditions exist:

(a) The business of the registrant, either directly or through subsidiaries, is primarily that of a common carrier by rail; and

(b) The registrant, directly or indirectly, operates the properties of subsidiaries the accounts of which are not consolidated; no separate financial statements for such subsidiaries need be furnished: *Provided,*

(i) The operations of the properties of such subsidiaries are included with the operations of the registrant in the latter's profit and loss statements;

(ii) The investment of the registrant in such subsidiaries is detailed in a schedule referred to in the balance sheet of the registrant; and the additions and betterments made by the registrant in respect of such subsidiaries are shown separately on the balance sheet of the registrant;

(iii) A footnote is added to the balance sheet of the registrant briefly setting forth by totals the securities of such subsidiaries held by persons other than the registrant, and the obligations of such subsidiaries owing to persons other than the registrant; and

(iv) Schedules are filed setting forth in reasonable detail the securities and obligations described in subparagraph (iii).

NOTE: Regulation S-X (17 CFR 210) governs the certification, form and content of the balance sheets and profit and loss statements required, including the basis of consolidation and prescribes the statements of surplus and the schedules to be filed in support thereof.

(Secs. 12, 23 (a), 48 Stat. 892, 901; 15 U. S. C. 781, 78w)

The foregoing amendment shall become effective June 19, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 18, 1947.

[F. R. Doc. 47-5996; Filed, June 25, 1947; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

On April 15 there was published in the daily issue of the FEDERAL REGISTER (12 F. R. 2439) a notice of intention to amend §§ 130.63 and 130.110 (1) by increasing the estimated cost of operating and maintaining the Joint Works of the Sun Carlos Indian Irrigation Project to $80,000 annually, and (2) by increasing the rate of assessments against the Indian lands of the project to $2.50 per acre per annum for the delivery of not more than two acre feet of water per acre, effective for the calendar year 1948 and thereafter until further notice. Interested parties were given opportunity to participate in preparing amendments by submitting data or written arguments within thirty days from date of publication of the notice.

Objections to the proposed increase in the estimate of assessments against Joint Works land were received from the San Carlos Irrigation and Drainage District. Among other things the District pointed out that in order for it to comply with required procedure for the levying of assessments against non-Indian land owners it would be necessary that any change in the amount of the assessment be made prior to March 1 of the calendar year preceding the year the change would become effective. The objection has been duly considered and the date of March 1, 1947 having passed it appears that to make the new rate effective for 1948 customary procedure for reflecting the increase on the County tax rolls of non-Indian lands could not be followed. It is accordingly determined that the proposed increase should be made to become effective in 1949. By virtue, therefore, of Authority delegated to me by the Commissioner of Indian Affairs (25 CFR 02.8) the said sections are hereby amended to read as follows:

§ 130.63 *Assessments, joint works.* Pursuant to the act of Congress approved June 7, 1924 (43 Stat. 476) and supplementary Acts, and the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the Order of the Secretary of the Interior of June 15, 1938 (25 CFR 130.69a–130.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1949 is estimated to be $80,000 and the rate of assessment for the said fiscal year and subsequent years until further order is hereby fixed at 80 cents for each acre of land.

This per acre rate shall be assessed against the entire 100,000 acres of project lands under constructed works and shall include the cost of the administration of the Gila River Decree, but shall be exclusive of the costs of operating and maintaining the electric power generating plant at Coolidge Dam, the diesel plant at Coolidge, and the power transmission and distribution systems, which costs are payable from power revenues.

The assessment against the lands of the San Carlos Irrigation and Drainage District, for the fiscal year 1949 and subsequent years until further order, is payable on March 1 in advance of each fiscal year, as provided in §§ 130.69a to 130.69m, inclusive. Payment of the assessment against the 50,000 acres of Indian land will be as provided in §§ 130.110 to 130.116, inclusive.

§ 130.110 *Basic charge.* Pursuant to the provisions of section 10 of the act of March 3, 1905 (33 Stat. 1081), as amended and supplemented by the acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, Title 25, U. S. C. 385), section 5 of the act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25, U. S. C. 387), and the act of August 9, 1937 (50 Stat. 577), as amended by the act of May 9, 1938 (52 Stat. 291–305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos irrigation project within the boundaries of the Pima Indian Reservation, Arizona, and the basic rate assessed for the calendar year 1949 and subsequent years unless changed by further order, is hereby fixed at $2.50 per acre. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply annually.

(33 Stat. 1081, secs. 1, 3, 36 Stat. 270, as amended, 37 Stat. 522, 38 Stat. 583, 43 Stat. 476, 45 Stat. 210, as amended, 50 Stat. 577, 52 Stat. 304; 25 U. S. C. 385, 387)

WM. H. ZEH,
District Director.

[F. R. Doc. 47-6002; Filed, June 25, 1947; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

PART 130—TAXES ON SAFE DEPOSIT BOXES AND ON CERTAIN TRANSPORTATION AND COMMUNICATIONS SERVICES

PART 143—TAX WITH RESPECT TO THE TRANSPORTATION OF PROPERTY

EXEMPTION FROM TAXES

JUNE 20, 1947.

By virtue of the authority vested in me by section 307 (c) of the Revenue Act of 1943 (Public Law 235, Seventy-eighth Congress), as amended by section 303 of the Revenue Act of 1945 (Public Law 214, Seventy-ninth Congress), exemption is hereby authorized: (1) from the taxes imposed by section 3465 of the Internal Revenue Code (26 U. S. C. 3465) as to any payment for telephone, telegraph, cable, radio, or leased wire services or facilities furnished directly to the United States and for which payment is made directly by the United States: *Provided,* That nothing in this authorization shall be construed to authorize any exemption as to payments for services or facilities furnished to a contractor, or other person, operating under a contract to perform work on behalf of, or to furnish articles or materials to, the United States Government or any agency thereof; (2) from the tax imposed by section 3469 of the Internal Revenue Code (26 U. S. C. 3469) as to any payment for transportation of persons furnished to the United States upon a United States Government transportation request; (3) from the tax imposed by section 3475 of the Internal Revenue Code (26 U. S. C. 3475) as to any payment for transportation of property to or from the Government of the United States shipped on a United States Government bill of lading.

NOTE: The text set forth above affects the notes following 26 CFR, 1944 Supp., 130.44, 130.61, and the note preceding 26 CFR, 1944 Supp., 143.20.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6025; Filed, June 25, 1947; 8:50 a. m.]

TITLE 29—LABOR

Chapter IV—Child Labor and Youth Employment Branch

[Reg. 28]

PART 402—ACCEPTANCE OF STATE CERTIFICATES

DESIGNATION OF STATES

§ 402.1 *Designation of States.* Pursuant to the provisions of § 401.5,[1] I hereby designate the following States as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, c. 676, 52 Stat. 1060, 29 U. S. C., sec. 201:

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

This designation shall be effective from July 1, 1947 until June 30, 1948, unless this regulation is amended or repealed by regulation hereafter made and published by the Secretary of Labor.

(Sec. 12, 52 Stat. 1067; 29 U. S. C. 212)

Signed at Washington, D. C., this 19th day of June 1947.

KEEN JOHNSON,
Acting Secretary of Labor.

[F. R. Doc. 47-6005; Filed, June 25, 1947; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 1,[2] Order 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

LOCATION OF DISPOSAL AGENCY OFFICES FOR FILING DECLARATIONS OF SURPLUS PROPERTY BY OWNING AGENCIES

War Assets Administration Regulation 1, Order 2, April 7, 1947, as amended through May 28, 1947, entitled "Location of Disposal Agency Offices for Filing Declarations of Surplus Property by Owning Agencies" (12 F. R. 2515, 2773, 3064, 3153), is hereby revised and amended as herein set forth. New matter is indicated by underscoring.

§ 8301.52 *Location of disposal agency offices for filing declarations of surplus property by owning agencies.* (a) Disposal agencies shall notify the Administrator whenever a change is made in the location of any office at which declarations of surplus property are directed to be filed. All such changes will be carried into this order by amendment.

(b) Changes in the procedures for filing declarations of surplus prescribed in this order may be made on application to the Administrator.

(c) Except as provided in paragraph (d), declarations of surplus personal property located in the continental United States shall be filed at the following offices of the appropriate disposal agencies:

WAR ASSETS ADMINISTRATION

CAPITAL AND PRODUCERS GOODS AND CONSUMER GOODS

(Except aircraft and aircraft parts and electronic equipment)

Area and Address

Region 1. Boston, Mass. (Address—600 Washington St., Boston, Mass.) Territory: Connecticut (exclusive of Fairfield County), Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region 2. New York, N. Y. (Address—37 Broadway, New York, N. Y.). Territory: Connecticut (Fairfield County only); New Jersey (northern part) Counties of: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren; New York.

Region 3. Philadelphia, Pa. (Address—Lafayette Building, Fifth and Chestnut Sts., Philadelphia, Pa.) Territory: Delaware; New Jersey, Counties of: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem; Pennsylvania (all except extreme western part), Counties of: Adams, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.

Region 4. Cincinnati, Ohio (Address—704 Race Street, Cincinnati, Ohio). Territory: Indiana (central and southwestern part), Counties of: Bartholomew, Boone, Brown, Daviess, Dearborn, Decatur, Delaware, Dubois, Fayette, Franklin, Gibson, Greene, Hamilton, Hancock, Hendricks, Henry, Jennings, Johnson, Knox, Madison, Marion, Martin, Monroe, Morgan, Ohio, Owen, Pike, Posey, Putnam, Randolph, Ripley, Rush, Shelby, Spencer, Sullivan, Tipton, Union, Vanderburgh, Warrick, and Wayne; Kentucky (eastern part), Counties of: Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin,

[1] Refers to section 5, Child Labor Regulations No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 3 (l) and 11 (b) of the Fair Labor Standards Act of 1938, published in the FEDERAL REGISTER, vol. 3, page 2487, October 15, 1938; republished in the FEDERAL REGISTER, vol. 4, p. 1361, March 29, 1939.

[2] Reg. 1 (12 F. R. 2249, 2773, 3320).

Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford; Ohio, Counties of: Adams, Athens, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Harrison, Highland, Hocking, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Tuscarawas, Union, Vinton, Warren, and Washington.

Region 5. Chicago, Ill. (Address—209 South La Salle Street, Chicago, Ill.) Territory: Illinois (northern part); Counties of: Boone, Bureau, Carroll, Cass, Champaign, Christian, Clark, Coles, Cook, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford; Indiana (northern part), Counties of: Adams, Allen, Benton, Blackford, Carroll, Cass, Clay, Clinton, De Kalb, Elkhart, Fountain, Fulton, Grant, Howard, Huntington, Jasper, Jay, Kosciusko, La Grange, Lake, La Porte, Marshall, Miami, Montgomery, Newton, Noble, Parke, Porter, Pulaski, St. Joseph, Starke, Steuben, Tippecanoe, Vermillion, Vigo, Wabash, Warren, Wells, White, and Whitley; Wisconsin (Declarations of surplus property in the southern counties of Wisconsin which were formerly filed in this office shall hereafter be filed at Region 21. Address: 504 Metropolitan Life Building, Minneapolis, Minn.).

Region 6. Atlanta, Ga. (Address—699 Ponce de Leon Ave., N. E., Atlanta, Georgia) Territory: Georgia.

Region 7. Fort Worth, Texas. (This office has been consolidated with Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 8 Kansas City, Mo. (Address—Troost & Bannister Rd. (95th St.), P. O. Box 1037, Kansas City, Mo.) Territory:—Missouri; Illinois (southern part), counties of: Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, Williamson; Iowa; Kansas; Nebraska; and Wyoming.

Region 9. Denver, Colo. (Address—Commonwealth Bldg., 728 15th St., Denver, Colo.) Territory: Colorado; New Mexico.

Region 10. San Francisco, Calif. (Address—30 Van Ness Ave., San Francisco 2, Calif.) Territory: California (northern part), Counties of: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonomo, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

Region 11. Seattle, Wash. (Address—1409 Second Avenue, Seattle 1, Wash.) Territory: Washington (eastern and western part), Counties of: Adams, Asotin, Benton, Chelan, Clallam, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Oreille, Pierce, San Juan, Skagit, Snohomish, Spokane, Stevens, Thurston, Walla Walla, Whatcom, Whitman, and Yakima; Idaho (northern part), Counties of: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone; and Montana.

Region 12. Richmond, Va., (Address—East End 4th St., Richmond 24, Va.) Territory: Maryland; Virginia; District of Columbia; West Virginia.

Region 13. Charlotte, N. C. (Address—317 South Tryon St., Charlotte, N. C.) Territory: North Carolina; South Carolina.

Region 14. Jacksonville, Fla. (Address—St. John's Shipyard, Administration Bldg., P. O. Box 4129, Jacksonville, Fla.) Territory: Florida.

Region 15. Cleveland, Ohio (Address—Higbee Building, East 13th St. and Euclid Ave., Cleveland, Ohio). Territory: Ohio, Counties of: Allen, Ashland, Ashtabula, Auglaize, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Henry, Holmes, Huron, Lake, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Morrow, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Williams, Wood, and Wyandot; Pennsylvania (western part), Counties of: Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

Region 16. Detroit, Michigan (Address—Buhl Bldg., 535 Griswold St., Detroit 26, Mich.) Territory: Michigan (eastern part), Counties of: Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford.

Region 17. Louisville, Ky. (Address—412 West Market Street, P. O. Box 1259, Louisville 2, Ky.) Territory: Kentucky (western part) Counties of: Adair, Allen, Anderson, Ballard, Barren, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster; Indiana (southeastern part), Counties of: Clark, Crawford, Floyd, Harrison, Jackson, Jefferson, Lawrence, Orange, Perry, Scott, Switzerland, and Washington.

Region 18. Nashville, Tenn. (Address—Consolidated-Vultee Bldg., Nashville, Tenn.) Territory: Tennessee.

Region 19. Birmingham, Ala. (Address—P. O. Box 2090, 1955 Fiftieth St., North, Birmingham, Ala.) Territory: Alabama.

Region 20. New Orleans, La. (Address—7020 Franklin Ave., P. O. Station D, New Orleans, La.). (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas: Mailing Address: P. O. Box 6030, Dallas 2, Texas.)

Region 21. Minneapolis, Minn. (Address—504 Metropolitan Life Bldg., Minneapolis, Minn.) Territory: Minnesota; North Dakota; South Dakota; Michigan (northern part), Counties of: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft; Wisconsin.

Region 22. St. Louis, Mo. (Address—505 North 7th St., St. Louis, Mo.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 8, Troost & Bannister Rd. (95th St.) P. O. Box 1037, Kansas City, Mo.)

Region 23. Little Rock, Arkansas. (Address—Wallace Bldg., Little Rock, Ark.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas,—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 24. Omaha, Nebraska. (Address—601 WOW Bldg., Omaha 2, Nebr.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 8, Troost and Bannister Road, (95th St.) P. O. Box 1037, Kansas City, Missouri.)

Region 25. Tulsa, Oklahoma. Address—2000 North Memorial Drive, P. O. Box 1409, Tulsa, Okla.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 26. Grand Prairie, Texas. (Address—Grand Prairie, Texas. Mailing address: P. O. Box 6030, Dallas 2, Texas.) Territory: Texas, Arkansas, Louisiana, Mississippi, and Oklahoma.

Region 27. Houston, Texas. (Address—7700 Wallisville Road, Hughes Strut Plant, Houston 1, Texas.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 28. San Antonio, Texas. (Address—3rd Floor, Transit Tower Corner, South St. Mary's and Villita Sts., San Antonio 5, Texas.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 26, Grand Prairie, Texas—Mailing address: P. O. Box 6030, Dallas 2, Texas.)

Region 29. Helena, Montana. (Address—Old High School Bldg., P. O. Box 1161, Helena, Mont.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 11, 1409 Second Avenue, Seattle 1, Wash.)

Region 30. Salt Lake City, Utah. (Address—Building 3, 1710 South Redwood Road, P. O. Box 2220, Salt Lake City, Utah.) Territory: Utah; Idaho (southern part), Counties of: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington; Nevada.

Region 31. Spokane, Washington. (Address—500 Welch Bldg., Spokane, Wash.) (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 11, 1409 Second Avenue, Seattle 1, Wash.)

Region 32. Portland, Oreg. (Address—War Assets Admn., Swan Island, P. O. Box 4062.) Territory: Oregon; Washington (southwestern part), Counties of: Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.

Region 33. Los Angeles, Calif. (Address—Mode O'Day Bldg., 155 West Washington Blvd., Los Angeles 15, Calif.) Territory: California (southern part), Counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura; Arizona.

WAR ASSETS ADMINISTRATION

Aircraft. War Assets Administration, Office of Aircraft Disposal, Washington 25, D. C.

Aircraft parts: (Salable and educational items). War Assets Administration, 6200 Riverside Drive, Municipal Airport, Cleveland 32, Ohio.

(Residual items and contract termination declarations). To regional offices as set forth above in paragraph (c).

Electronic equipment: (Salable and educational items). War Assets Administration, Lafayette Building, Fifth and Chestnut Sts., Philadelphia, Pa.

(Residual items and contract termination declarations). To regional offices as set forth above in paragraph (c).

MARITIME COMMISSION

Landing craft of all types, including LSTs. United States Maritime Commission, Washington 25, D. C.

NAVY DEPARTMENT

Navy Department, Office of the Assistant Secretary, Washington 25, D. C.

(d) (1) Declarations of surplus real property located in the continental United States, its territories and possessions, shall be filed with the War Assets Administrator, Washington 25, D. C. Declarations of surplus personal property which is to be declared surplus in conjunction with real property shall be prepared and filed as provided in § 8301.12 (a) of this part.

(2) Declarations of surplus agricultural commodities and foods processed from agricultural commodities shall be filed with the War Assets Administration, Washington 25, D. C.

(e) Declarations of surplus personal property, including aircraft, aircraft components and electronics, located in the territories and possessions of the United States shall be filed at the following regional offices:

WAR ASSETS ADMINISTRATION

Region 35, Hawaii. (Address—War Assets Administration, P. O. Box 3228, Honolulu, T. H.)

Region 36. Puerto Rico and the Virgin Islands. (Address—War Assets Administration, P. O. Box 4307, San Juan, Puerto Rico.)

Region 37. Alaska. (Address—War Assets Administration, P. O. Box 2466, Anchorage, Alaska.)

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265))

This revision of this section shall become effective June 2, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JUNE 2, 1947.

[F. R. Doc. 47-6102; Filed, June 25, 1947; 11:40 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter C—Procedures and Forms

PART 51—PROCEDURES BEFORE THE SOLICITOR

RULES OF PRACTICE IN CASES ARISING UNDER POSTAL FRAUD, LOTTERY AND FICTITIOUS STATUTES

1. Amend § 51.9 (11 F. R. 12796) to read as follows:

§ 51.9 *Failure to answer or appear.* If the respondent fails to file an answer to the charges or to appear at the hearing either in person or by counsel, he shall be deemed to have waived the right to be heard.

2. Amend the second sentence of § 51.15 (11 F. R. 12796) to read as follows: "Trial examiners shall rule upon procedural motions and requests and similar matters; hold conferences for the settlement of simplification of the issues by consent of the parties; rule upon offers of proof and receive oral or documentary evidence; regulate the course of the hearing and the conduct of attorneys and witnesses; require, when they deem necessary, oral argument upon any question raised in the course of the hearing or at the close thereof, and limit such argument as to time and subject matter."

3. Amend § 51.22 (11 F. R. 12796) to read as follows:

§ 51.22 *Transcript.* (a) In all cases in which the respondent files answer and appears at the hearing either in person or by counsel, the record and transcript of the proceedings before the trial examiner shall be made by the recording and transcription system of the Office of the Solicitor. The transcript, together with all documents and pleadings filed in the case, shall constitute the official record thereof.

(b) In all cases in which the respondent fails to make answer to the charges or, having made answer, fails to appear at the hearing and avail himself of opportunity to cross-examine the witnesses presented by the Government, the trial examiner shall make and certify the record of the hearing in the following manner:

(1) The trial examiner shall prepare and certify a summary of the testimony of all witnesses appearing for the Government, identifying therein all documentary evidence submitted.

(2) The pleadings, the summary of the proceedings, the exhibits, and the respondent's brief, if any, shall constitute the official record upon which final determination of the issues in such case will be based.

4. Amend § 51.23 (11 F. R. 177A-146. 12796) to read as follows:

§ 51.23 *Oral argument and briefs.* The trial examiner shall determine whether he desires to hear oral argument, which, if permitted by him, shall be made at the conclusion of the hearing and shall be limited as to time and subject matter as directed by him. The trial examiner may permit the filing of briefs in any case where answer has been filed, and he shall give notice of such permission to each party from whom he desires a brief, fixing the time in said notice within which briefs must be filed; and he may indicate in such notice what issues of law or fact he desires to be argued in such briefs. If the trial examiner permits the filing of briefs, he shall direct that the respondent be loaned a copy of the transcript or the summary of the testimony for use in the preparation thereof. The copy of the transcript or the summary of the testimony so loaned shall be returned with the respondent's brief.

(R. S. 3894, sec. 213, 35 Stat. 1129, R. S. 5480, sec. 215, 35 Stat. 1130, secs. 3, 4, 5, 25 Stat. 873, 874, R. S. 3929, sec. 2, 26 Stat. 466, sec. 4, 28 Stat. 964, R. S. 4041, sec. 3, 26 Stat. 466; 18 U. S. C. 336, 338; 39 U. S. C. 255, 256, 257, 259, 732)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-6004; Filed, June 25, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[2d. Rev. S. O. 244, Amdt. 6]

PART 95—CAR SERVICE

DISTRIBUTION OF GRAIN CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of the provisions of Second Revised Service Order No. 244 (10 F. R. 2252) as amended (10 F. R. 3094; 11 F. R. 1300, 2190, 6910; 12 F. R. 47), and good cause appearing therefor: It is ordered, that:

Second Revised Service Order No. 244, as amended, be, and it is hereby, further amended by substituting the following paragraph (f) of § 95.244 *Distribution of grain cars*, for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this order shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon all State regulatory bodies regulating common carriers by railroad, and upon the Association of American Railroads; Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6014; Filed, June 25, 1947; 8:51 a. m.]

[S. O. 369, Amdt. 14]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON CLOSED BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Service Order No. 369 (10 F. R. 14030), as amended (10 F. R. 15073; 11 F. R. 639, 2383, 7857, 8453, 10304, 11013, 14522; 12 F. R. 1606, 1724, 2053, 2453, 4029), and good cause appearing therefor: It is ordered, that:

Section 95.369 *Demurrage charges on closed box cars*, of Service Order No. 369, as amended, be, and it is hereby, further amended, by adding the following paragraph (c) (6) thereto and substituting the following paragraph (e) for paragraph (e) thereof:

(c) *Application.* • • •

(6) *Run-around cars.* On any constructively placed car, (subject to average agreement) which is run-around, not to exceed four debits may be offset by credits as provided by tariff provisions.

• • • • •

(e) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 7:00 a. m., June 25, 1947 and shall apply to cars on hand or constructively placed on and after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6019; Filed, June 25, 1947; 8:53 a. m.]

[S. O. 370, Amdt. 6]

PART 95—CAR SERVICE

DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Service Order No. 370 (10 F. R. 14031), as amended (10 F. R. 15176; 11 F. R. 639, 2383, 10304, 14523), and good cause appearing therefor: It is ordered, that:

Section 95.370 *Demurrage on State Belt Railroad of California* of Service Order No. 370, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* That this section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the California State Railroad Commission and the State Belt Railroad of California, and upon the Association of and by filing it with the Director, Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6017; Filed, June 25, 1947, 8:52 a. m.]

[S. O. 434, Amdt. 5]

PART 95—CAR SERVICE

FREE TIME ON BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of the provisions of Service Order No. 434 (11 F. R. 893), as amended (11 F. R. 2190, 10771, 12308; 12 F. R. 48), and good cause appearing therefor: It is ordered, that:

(a) Service Order No. 434, as amended, be, and it is hereby, further amended by substituting the following paragraph (f) of § 95.434, *Free time on box cars*, for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this order shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6012; Filed, June 25, 1947, 8:51 a. m.]

[Rev. S. O. 534, Amdt. 2]

PART 95—CAR SERVICE

MOVEMENT OF EMPTY CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 534 (11 F. R. 9454) as amended (11 F. R. 14108), and good cause appearing therefor: It is ordered, that:

Section 95.534 *Movement of empty cars; appointment of agent*, of Revised Order No. 534, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, 485 secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6015; Filed, June 25, 1947; 8:52 a. m.]

[S. O. 646, Amdt. 2]

PART 95—CAR SERVICE

ICING AT ROSEVILLE, SAN JOSE OR STOCKTON, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Service Order No. 646 (11 F. R. 14109), as amended (12 F. R. 2479), and good cause appearing therefor: It is ordered, that:

Section 95.646 *Icing at Roseville, San Jose or Stockton*, of Service Order No. 646, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of America Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6016; Filed, June 25, 1947; 8:52 a. m.]

[S. O. 653, Amdt. 7]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128, 1606, 1316, 1952, 2093, 4029), and good cause appearing therefor: It is ordered, that:

Section 95.653, *Demurrage charges on gondola, open and covered hopper cars*, of Service Order No. 653, as amended, be, and it is hereby, further amended by adding the following paragraph (c) (6) thereto and substituting the following paragraph (e), for paragraph (e) thereof:

(c) *Application.* • • •

(6) *Run-around cars.* On any constructively placed car, (subject to average agreement) which is run-around, not to exceed four debits may be offset by credits as provided by tariff provisions.

• • • • •

(e) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of the Commission.

It is further ordered, that this amendment shall become effective at 7:00 a. m., June 25, 1947, and shall apply to cars on hand or constructively placed on and after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6020; Filed, June 25, 1947; 8:53 a. m.]

[S. O. 82, Amdt. 4]

PART 96—JOINT USE OF TERMINALS

JOINT USE OF TERMINALS AT LOUISVILLE, KY., FOR LIVESTOCK

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of the provisions of Service Order No. 82 (8 F. R. 8515), as amended (11 F. R. 8451; 9452, 12 F. R. 1168), and good cause appearing therefor: It is ordered, that:

Section 96.3, *Joint use of terminals at Louisville, Ky., for livestock*, of Service Order No. 82, as amended, be, and it is hereby, further amended by adding the following paragraph:

This order, as amended, shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947, and it shall vacate and

[S. O. 692, Amdt. 2]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNMENT OF LUMBER

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of the provisions of Service Order No. 692 (12 F. R. 1685), as amended (12 F. R. 2479), and good cause appearing therefor: It is ordered, that:

(a) Service Order No. 692, as amended, be, and it is hereby, further amended by substituting the following paragraph (g) of § 95.692, *Lumber-restrictions on holding for diversion or disposition*, for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this order shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6018; Filed, June 25, 1947; 8:53 a. m.]

supersede Amendment No. 3 to Service Order No. 82 on the effective date hereof; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6013; Filed, June 25, 1947; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 30]

TOBACCO STOCKS AND STANDARDS

NOTICE OF PROPOSED AMENDMENT TO ESTABLISH TYPE 31–V UNDER CLASS 3, AIR-CURED TOBACCO

Consideration is being given to an amendment to the description of Class 3, Air-cured types and groups (7 CFR 30.5) of the standards for tobacco established pursuant to section 2 of the Tobacco Stocks and Standards Act, as amended (45 Stat. 1079; 47 Stat. 662; 49 Stat. 893; 7 U. S. C. 501 et seq.), which amendment is designed to establish a type of tobacco to be known as Type 31–V, under Class 3, Air-cured tobacco.

The proposed amendment under consideration is as follows:

Insert in § 30.5, *Class 3: Air-cured types and groups*, between the descriptions of Type 31 and Type 32, a new paragraph providing as follows:

Type 31–V. Notwithstanding the definition of "Type" and "Type 31," any tobacco having the general visual characteristics of quality, color, and length of Class 3, Type 31, Air-cured tobacco, but which is a low-nicotine strain or variety, produced and to be marketed under such restrictions or controls as shall be specified by the Director of the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, and which in its cured state is found by an authorized representative of the Department to have a nicotine content of not more than eight-tenths of one per centum (8/10 of 1%), oven dry weight, shall not be classified as Type 31 but shall be classified and designated upon certification by the Department as Type 31–V. No groups are applicable to Type 31–V.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposed amendment shall file the same with the Director of the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(45 Stat. 1079; 47 Stat. 662; 49 Stat. 893; 7 U. S. C. 501 et seq.)

Issued this 20th day of June 1947.

[SEAL] N. E. DODD, *Acting Secretary of Agriculture.*

[F. R. Doc. 47-6010; Filed, June 25, 1947; 8:50 a. m.]

[7 CFR, Part 972]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held at Gallipolis, Ohio, on March 7–8, 1947, pursuant to the notice thereof which was published in the FEDERAL REGISTER on February 27, 1947 (12 F. R. 1400), upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 29, 1947, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER, June 5, 1947 (12 F. R. 3673).

The material issues presented on the record of the hearing were:

(1) Revising the Class I milk price differential over the basic formula price to provide a seasonal price pattern and increase the annual average level of the differential.

(2) Revising the Class II milk price differential over the basic formula price to provide a seasonal price pattern and increase the annual average level of the differential.

(3) Reviewing the provisions of the order relating to handler location adjustment deductions on producer milk for the purpose of modifying or deleting such provisions.

Findings and conclusions. The proposed findings and conclusions with respect to the issues presented at the hearing, together with the reasons therefor, are as follows:

(1) The Class I milk price differential over the basic formula price should be revised to provide a seasonal price pattern (including "floor prices") and an increase in the annual average level of the differential.

There has been a maladjustment in the supply of regular producer milk in relation to the market demand for Class I milk and Class II milk in the Tri-State area. The utilization of Class I milk and Class II milk has been relatively uniform throughout the year, whereas the receipt of milk from producers varies greatly between the seasons of the year. The variation in the receipts of producer milk between the flush production season and the short production season has become progressively wider for several years. Production varies seasonally to such an extent that in 1946 it was nearly twice as great in June as in December. The cost of producing milk is considerably higher during the fall and winter months than May and June. A price plan to induce an increase in milk production during the fall and winter seasons is urgent for the Tri-State market. A Class I price differential employing absolute floor prices in the seasonal pattern is required to assure a substantially higher price in the fall and winter months compared to the spring months and thus develop a more level annual pattern of production.

Producers need definite assurance of substantially higher prices during the fall and winter months if they are to produce more milk during these seasons. Absolute floor prices for the 1947 and 1948 season will give this assurance. If the basic formula produces a higher price for these fall and winter months it should prevail as a further guarantee that the Class I price will be more in line with the then current marketing conditions.

The record supports the adoption of a seasonal Class I price differential which compared to May and June, months of flush production, would be 10 cents higher for the 4 months of March, April, July, and August, and 25 cents higher for the 6 months of September through February. Normally the basic formula price will be from 20 to 40 cents higher during the short production months than for May and June. Also normally the percentage utilization of producers' milk for fluid purposes is higher during the fall and winter months, resulting in about 10 cents higher blend price compared to May and June. Adding these three factors together it is estimated that the blend price for the short production months will exceed the May and June prices from 55 to 75 cents. Recent price plans employed in the Tri-State area have not provided as much seasonal variation in producer prices as was customary prior to the maximum price regulations during the war emergency. For this period of time farmers were induced to produce all the milk possible with little regard to the season or to the requirements of the local market. Under these conditions maximum milk production shifted to the spring months when production costs are at their lowest level. To halt and reverse this trend, especially at a time when general milk market conditions are unsettled, will require definite assurance that for this fall and winter the prices will be substantially higher than for May and June. An absolute floor price for Class I milk will give farmers this assurance. Furthermore, the level of production of regular producer milk has been insufficient to meet the needs of Class I milk and Class II milk in the Tri-State area. During the 18 months period (August 1945–January 1947) under the order the receipts of milk from regular producers was only 88 percent of the total milk utilized in Class I and Class II. It has been necessary for handlers to supplement producer milk in Class I and II with milk from other sources, usually not meeting the quality standard of regular producer milk.

Handlers objected to the recommended decision in connection with the seasonal price differentials by contending that there was no basis in the notice of hearing and hearing record for the inclusion of floor prices in the seasonal price pattern. Although floor prices were not referred to as such in connection with the seasonal price proposals, floor prices are only an adjunct to insure a minimum degree of seasonality, sought by handlers themselves, in the price pattern during the next few months of postwar abnormal market conditions. The weight of the evidence in connection with the pricing proposals disclosed the extreme urgency of leveling out milk production as soon as possible. To accomplish the needed increase in production during the short production months of 1947–48 season in this deficit milk supply area, definite assurance of adequate price seasonality must be given to producers at this time. The establishment of floor prices for the next few months as a part of the seasonal price pattern is simply a means of guaranteeing a definite amount of seasonality in the seasonal pricing plan proposed by producers and supported by both producers and handlers at the public hearing. It is concluded that such a price pattern will afford an incentive to shift milk production from spring to fall and winter months.

General economic conditions and business activity indicate a continued good demand for milk and milk products.

The price of livestock and grains have advanced sharply in 1947 and, compared to decreasing milk prices, offer returns from alternative farm enterprises which will tend to discourage milk production if this relationship continues over an extended period of time.

Tri-State handlers compete with milk buyers in other areas for milk supplies to be used for fluid milk purposes. Milk dealers operating in Charleston, West Virginia, procure milk from farmers residing in the Tri-State milkshed. Some of these farmers were formerly producers for Tri-State handlers. Condenseries receiving both graded and ungraded milk in the Tri-State milkshed supply milk to fluid users in Charleston, West Virginia, and eastern cities. The Charleston, West Virginia, market is located in a deficit milk production area and is a constant competitive outlet for milk supplies of the Tri-State market area. Charleston, West Virginia, buyers of milk are soliciting producers in the Tri-State area and were offering $5.60 per hundredweight during February, 1947, compared to $4.76 paid by Tri-State handlers in the other than Huntington. The Waterford Creamery, Athens, Ohio, quoted a price of $5.60 for the last half of January, 1947. The Crowley Dairy of Jackson, Ohio, quoted $5.40 during February, 1947. Both of these quotations were for 4 percent butterfat Grade "A" milk to be shipped to eastern markets including Charleston, West Virginia. One Tri-State handler in Marietta, Ohio, is engaged in supplying milk procured in excess of his own fluid requirements to the Charleston, West Virginia, market.

The Class I differential over the basic formula price (18 midwest condenseries) was established November 1, 1946, when the basic formula price was relatively high compared to the prices paid by Southern Ohio condenseries and Charleston, West Virginia, handlers. Since that time the basic formula price and the resulting Class I price have decreased relatively lower than the prices paid by Ohio condenseries and Charleston handlers. The basic formula price declined 68 cents from November, 1946, to January, 1947. The Southern Ohio condensery average price declined 47 cents and the Charleston price remained approximately constant for the same period. Thus for January, the Class I price was at a 21-cent lower level compared to competing Ohio condenseries and 68-cent lower level compared to Charleston prices than when the present differential was established. This relative difference in prices makes the Tri-State milk supply more vulnerable to competing markets.

The trend of the costs of feeds, labor, and supplies incurred by producers in the production of milk has been upward during 1946 and 1947. The price of 16 percent dairy ration, a representative dairy feed, has increased substantially for the first 3 months of 1947 as compared to the same period of 1946. The price of this feed decreased somewhat from July, 1946 (the peak reached when ceiling prices were removed) until February, 1947. During February, and March, 1947, the price of mixed dairy feeds advanced sharply and established a new upward trend. Attempting to find an index that will reflect many milk price making factors the order provides a basic formula price which is the price paid for manufacturing milk by a selected group of midwest condenseries. The basic price formula does not, however, reflect fully all the factors necessary at arriving at a price for Class I milk. The order therefor provides a differential that is added to the basic formula price to arrive at the Class I price. This differential is utilized to reflect various price making factors not fully covered by the basic formula and to balance the relative weights of such factors under current local economic conditions so that the Class I price will be at a level which will reflect, in addition to the price and availability of feeds, other economic conditions which affect market supply and demand for milk in the marketing area and will insure an adequate supply of pure and wholesome milk and be in the public interest. The basic formula price has decreased 68 cents from November, 1946 to January, 1947, the last month reported in the hearing record. Farmers producing milk for fluid purposes must use feed, labor and supplies more extensively to maintain production at a more uniform and higher level than is required of manufacturing milk producers. Consequently, the increases in the prices which have taken place in those commodities affect the fluid milk producers more than the producers of milk for condenseries.

Handlers contend that since the present Class I differential was established, producer prices have advanced and some feed prices have declined, and for these reasons they urge that no change be made in the annual average level of the Class I differential. The present Class I differential of 95 cents and 75 cents for the Huntington and other than Huntington areas over the basic formula price was made effective November 1, 1946. The Huntington district Class I price for February, the latest price quoted in the record, was 99 cents less than the price for November. To continue the differential at the present level because some feed prices may have declined slightly since the differential was established would lose sight of the fact that whatever decline may have occurred in some feed prices has been accompanied by a considerably greater decline in milk prices and would ignore the other heretofore mentioned price-making factors and is therefore unwarranted. Handlers also minimize the competition between the Tri-State area and the Charleston, West Virginia, market and the local condenseries and assert that the "local condensery threat" is a fiction and that the Charleston threat is similar to that which has existed over a long period of time. However, the record shows that these competitive markets do have a substantial effect on the supply of milk in the Tri-State area and therefore must be considered in determining a Class I differential which will tend to procure and maintain an adequate supply of milk for the Tri-State market.

It is concluded that the proper weighing of the above mentioned price-making factors, a shortage of producer milk in

relation to fluid sales, a good demand for fluid milk, the increasing disparity between the prices of fluid milk and the prices of competing farm enterprises, the competition of other areas at higher prices for the Tri-State milk supply, and the disparity between local condenseries and basic formula prices, indicate the need for revising the level of the Class I price differential upward approximately 30 cents per hundredweight on an annual average. It is further concluded that the milk producers of the Tri-State area need at this time, when they are planning their fall and winter production program, more definite assurance as to the level of milk prices than is afforded by the basic formula. In order to obviate uncertainty inherent in the basic formula during abnormal postwar marketing conditions a "floor price" for Class I milk is established below which the price will not be permitted to go. The level of floor prices for the fall and winter months should be substantially higher than the prices prevailing during May and June to emphasize the seasonal factor of milk pricing and assure farmers of higher prices during the seasons when an increase in milk production is most needed by the market. A Class I floor price for the other than Huntington district beginning July 1, 1947 of $4.42 and increasing to $4.86 beginning September 1, 1947 (44 cents below November 1946) will recognize this seasonality and result in prices well above the current level of May and June prices. Following a seasonal pattern, any decreases in the Class I prices which may be predicated on the basic formula price should be limited so that the maximum decline from December 1947 to January 1948 will be $0.44, and similarly, that the maximum decline from January 1948 to February 1948 also will be $0.44. These limitations will prevent any precipitous price drops immediately following the period for which greater production is to be encouraged.

Handlers objected to the recommended decision in regard to the higher level of class price differentials. However, it is concluded that the price differentials set forth below are necessary to reflect competitive conditions and the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

These changes are accomplished by revising the present year-round Class I price differentials of $0.95 and $0.75 for the Huntington and other than Huntington districts, respectively, above the basic formula price, to the following seasonal pattern:

Month	Huntington district	Other than Huntington district
May and June	$1.10	$0.90
March, April, July and August	1.20	1.00
Other 6 months	1.35	1.15
Average	1.25	1.05

Provided, That for the months of July and August, 1947, the prices for Class I milk shall not be less than $4.62 and $4.42 for the Huntington and other than Huntington district, respectively, and for the months of September, October, November and December, 1947, such prices shall not be less than $5.06 and $4.86, respectively: *And provided further*, That the Class I prices for January 1948 shall not be less than the December 1947 Class I prices minus $0.44 and that the February 1948 Class I prices shall not be less than the January 1948 Class I prices minus $0.44.

(2) The Class II milk price differential over the basic formula price should be revised to provide a seasonal price pattern (including "floor prices") and an increase in the annual average level of the differential. The relationship between the present Class I and Class II differentials should be maintained month by month in the revised seasonal price pattern and in the floor prices.

The material facts with reference to revising the Class II price differential over the basic formula price to a seasonal pattern and a higher annual average level and the floor prices are the same as those set forth with respect to Class I.

(3) The provisions of the order relating to handler location adjustment deductions on producer milk should be deleted.

Handlers do not receive milk from producers except at a "fluid milk plant" as defined in § 972.1 (h) (1) of the order. Producers retain title to milk until it is received by a handler at a fluid milk plant as defined in § 972.1 (h) (1) of the order. No handler operates or has operated a fluid milk plant as defined in § 972.1 (h) (2) of the order and there is no evidence that such a plant will be operated. Location adjustments pursuant to § 972.8 (g) have not been made because producer milk was not received by a handler under such circumstances. Therefore § 972.1 (h) (2) and § 972.8 (g) are superfluous and should be deleted. These provisions of the order may be deleted without revising other provisions of the order.

The recommended decision contained rulings on the proposed findings and conclusions submitted by interested parties in this proceeding. Such rulings are confirmed except as modified by the findings and conclusions set forth herein. Exceptions were filed on behalf of certain handlers subject to Order No. 72 with respect to certain of the findings and conclusions contained in the recommended decision. With regard to the exceptions filed by handlers to certain findings and conclusions of the recommended decision, this decision contains a ruling thereon in the discussion of the material issue to which the specific exception refers.

(4) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Made a part hereof are two documents entitled "Marketing agreement regulating the handling of milk in the Tri-State marketing area" and "Order amending the order, as amended, regulating the handling of milk in the Tri-State marketing area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as further amended by the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 20th day of June 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Order,[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area

§ 972.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence at such hearing and the record thereof, it is found that:

(a) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 972.1 (h) and substitute therefor the following:

(h) "Fluid milk plant" means a plant out of which a route is operated wholly or partially within the marketing area: *Provided*, That a "fluid milk plant" shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

2. Delete § 972.5 (b) and substitute therefor the following:

(b) *Class I milk prices.* Subject to the provisions of (e), (f), (g) and (h) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk, shall be the basic formula price determined pursuant to paragraph (a) of this section plus the following amounts for the delivery periods indicated:

Delivery period	Huntington district plants	Other plants
May and June	$1.10	$0.90
March, April, July, and August	1.20	1.00
September, October, November, December, January, and February	1.35	1.15

Provided, That for the months of July and August, 1947, the prices for Class I milk shall not be less than $4.62 and $4.42 for the Huntington and other than Huntington district, respectively, and for the months of September, October, November and December, 1947, such prices shall not be less than $5.06 and $4.86: *And provided further*, That the Class I prices for January 1948 shall not be less than the December 1947 Class I prices minus $0.44 and that the February 1948 Class I prices shall not be less than the January 1948 Class I prices minus $0.44.

3. Delete § 972.5 (c) and substitute therefor the following:

(c) *Class II milk prices.* Subject to the provisions of (e), (f), (g) and (h) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class II milk, shall be the basic formula price determined pursuant to paragraph (a) of this section plus the following amounts for the delivery periods indicated:

Delivery period	Huntington district plants	Other plants
May and June	$0.80	$0.60
March, April, July, and August	.90	.70
September, October, November, December, January, and February	1.05	.85

Provided, That for the months of July and August, 1947, the price for Class II milk shall not be less than $4.32 and $4.12 for the Huntington and other than Huntington district, respectively, and for the months of September, October, November and December, 1947, such prices shall not be less than $4.76 and $4.56: *And provided further*, That the Class II prices for January 1948 shall not be less than the December 1947 Class II prices minus $0.44 and that the February 1948 Class II prices shall not be less than the January 1948 Class II prices minus $0.44.

4. Delete § 972.8 (g).

[F. R. Doc. 47-6008; Filed, June 25, 1947; 8:49 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 974]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held at Columbus, Ohio, on March 10–14, 1947, pursuant to the notice thereof which was published in the FEDERAL REGISTER on Feb. 27, 1947 (12 F. R. 1400), upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 21, 1947, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER May 24, 1947 (12 F. R. 3352).

The material issues presented on the record of the hearing were:

(1) The clarification of the definition of a "fluid milk plant" by the inclusion in the order of a definition covering a "route."

(2) Introduction of a "producer-handler" definition with three conforming changes in the order.

(3) The inclusion of a definition of a "market pool handler" together with conforming changes including a provision for payment to producers by handlers other than market pool handlers on an individual-handler pool basis.

(4) Reports by the market administrator to the cooperative association covering the utilization of producer milk by each handler.

(5) A change in the classification of milk used to produce cottage cheese from Class II milk to Class III milk.

(6) A change in the classification of inventory from Class I milk to Class IV milk.

(7) Revision of the shrinkage provision to permit a cumulative basis for determining shrinkage classification in Class IV milk and a change in the method of allowing shrinkage on milk diverted to the plant of a handler.

(8) The substitution of sworn statements for audits to verify the utilization of milk or cream transferred by handlers to nonhandlers.

(9) Revision of the provisions covering the allocation of milk.

(10) Revision in the method of determining basic price formulas.

(11) A change in the level and seasonal pattern of class prices and in the emergency price provisions.

(12) The determination and announcement of the uniform price to producers on a 3.5 percent butterfat basis replacing the present 4 percent basis.

(13) Replacement of the current market-wide pool by an individual-handler pool.

(14) The inclusion in the order of conversion factors covering certain dairy products.

(15) The elimination of payments into the pool by handlers on receipts from producer-handlers.

(16) Revision of the section providing for administrative assessments.

(17) Revision of the section providing for marketing services.

(18) General.

Findings and conclusions. The recommended decision contained rulings on the proposed findings and conclusions submitted by interested parties in this proceeding. Such rulings are confirmed except as they are modified by the findings and conclusions set forth herein.

Exceptions were filed on behalf of the Central Ohio Cooperative Milk Producers, Inc. and all handlers subject to Order No. 74 with respect to certain of the findings and conclusions contained in the recommended decision. The handlers excepted generally to the failure of the recommended decision to recommend the adoption of certain amendments to the order proposed by them, but such exception does not indicate in what respects the findings and conclusions, referred to in such general exception, are contrary to the evidence. The implied request to make different findings and conclusions on the issues covered by the general exception is denied.

No specific exceptions were filed with regard to the findings and conclusions of the recommended decision on issues (1), (2), (4), (5), (6), (13), (14), (15), (16), and (17). The findings and conclusions hereinafter set forth on these issues are substantially the same as those contained in the recommended decision. With regard to the specific exceptions to certain findings and conclusions of the recommended decision, filed by either producers or handlers, this decision contains a ruling thereon in the discussion of the material issue to which the specific exception refers.

The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof:

(1) The term "route" should be defined and the term "fluid milk plant" should be revised in conformance with the new language added by the definition of "route".

There has arisen a question concerning the status as a fluid milk plant, of any plant located outside the marketing area from which Class I milk may be disposed of directly to a state or municipal institution located in the marketing area. The revision will clarify the meaning of "wholesale or retail routes" now contained in the definition of "fluid milk plant" and eliminate any such question.

(2) The inclusion in the order of a definition of "producer-handler" is not necessary at this time.

The inclusion of such a definition would not change the meaning of the present order, but merely shorten the language in several provisions. It is concluded that this revision be deferred until such time as the entire order is rewritten. The three other proposals providing for conforming changes with respect to the producer-handler definition are likewise deferred until such times as an appropriate definition is included in the order.

(3) A definition of a "market pool handler" should not be included in the order.

This definition was intended to distinguish between handlers who sold 25 percent or more of the receipts of their milk from producers and other handlers as Class I milk during the delivery period. Producers furnishing milk to handlers in the former group would receive a uniform price for their milk on the basis of the combined utilization of milk by all handlers in such group while producers supplying the latter handlers would receive a price on the basis of the individual handler's utilization of milk.

There are no handlers marketing less than 25 percent of their producer receipts as Class I milk at the present time. Hence, there is no handler to whom the proposal would apply. There is no substantial evidence to support the percentage proposed or any other specific percentage. Moreover, there is no justification for providing a means whereby the prices received by some producers should be less than the price received by other producers. A similar proposal was considered at the promulgation hearing, but was not adopted and no evidence was presented to show changed conditions in this respect. For the foregoing reasons, it is concluded also that the four other conforming proposals relative to the proposed pooling arrangements should not be adopted. The exceptions filed by handlers do not present any compelling reasons for findings and conclusions on this issue different from those contained in the recommended decision.

(4) The proposal by the Central Ohio Cooperative Milk Producers Association, Inc., that the market administrator should furnish to each cooperative association a monthly report with respect to each handler of "the percent of utilization in each class of milk of producers as qualified in accordance with § 974.9 (b)" should not be adopted at this time.

The health requirements applicable to milk for Class II and Class III uses are the same as those for Class I uses. The price levels decided upon for the several classes take this fact into account. There was no evidence to indicate that producer milk is being used in Class III in excessive quantities during the periods when such milk might be used in Class I. In view of this, it does not appear that the adoption of the proposal at this time is necessary to effectuate the market-wide pool provisions of the order or to establish producer prices at the proper level. Likewise the same conclusion and supporting findings are applicable to the alternative proposals offered in this connection.

(5) The proposal with respect to classifying skim milk and butterfat used in cottage cheese as Class III milk rather than as Class II milk should not be adopted.

Cottage cheese is a year-round product which must be made from fresh, inspected milk and cream. There is no evidence to indicate that cottage cheese is utilized merely as an outlet for the "seasonal surplus" milk of the Columbus market, although during the past year larger quantities of cottage cheese were made in May and June than in October and November. The classification of this product in a lower-priced class would tend to encourage the use of milk in cottage cheese when milk is needed for use in the higher-priced classes.

(6) A proposal to classify inventory variation in Class IV milk rather than in Class I milk should not be adopted. The bulk of inventory variation is in the form of whole milk. Its ultimate use has not been determined at the time handlers are required to make reports to the market administrator. Most of inventory variation is ultimately used in and classified as Class I milk. There is no difference in final cost to handlers or in returns to producers resulting from either method of classification.

The reasons given for proposing this change in inventory classification were that the present method results in distorted statistics for the market. The evidence failed to show, however, that the suggested change would lessen this distortion even if inventory were classified in Class IV milk.

(7) (a) The proposal for the accounting for shrinkage in Class IV milk on a cumulative basis from January 1 of each year through the current delivery period should not be adopted.

The proposal has the effect of changing the definition of "delivery period" with respect to the classifying of shrinkage. The great bulk of milk must be utilized within the month during which it is received. The competitive position of handlers relative to milk supplies varies widely from month to month and seasonally. In view of these variations it would appear that the greatest equity would result from the computation of handlers' costs on as current a basis as is practical. The accounting for shrinkage on a cumulative basis would be administratively burdensome because audits would not be closed until the end of the calendar year. Producers recommend that shrinkage classified in Class IV milk should be limited to 1 percent on butterfat and 2 percent on skim milk. The record does not contain sufficient evidence to justify a decrease in the maximum percentage allowance for shrinkage. In view of these facts there appears to be no substantial reason for changing the present shrinkage allowance at this time. Accordingly, no modification of the findings and conclusions contained in the recommended decision on this issue should be made as a result of the producer exceptions.

(b) The shrinkage allowance on milk diverted by a handler to the plant of another handler should be allowed to the latter handler. This would permit the second handler the shrinkage allowance on all milk for which he is the first receiver. This change in shrinkage accounting will not change substantially the total shrinkage of handlers or returns to producers and will provide greater convenience to handlers in settling for interhandler transfers.

(a) The substitution of "sworn statements" for "audits" in the provision covering the transfer of milk and cream by handlers to nonhandlers should not be adopted.

There was no evidence that nonhandlers had refused to buy milk from handlers because of the auditing requirements. Moreover, the evidence indicated that the only practical method of verifying the claimed utilization of milk is by audit whether the claimed utilization is by a handler or a nonhandler.

With regard to the exceptions of handlers to the findings and conclusions contained in the recommended decision on this issue, the record does not indicate it will be impractical for the market administrator to verify the reported utilization of producer milk transferred by a handler to a nonhandler.

(9) (a) The proposal to allocate all or a portion of "other source milk" to Class I milk during the period when producers fail to deliver milk in an amount equal to 115% of the handler's Class I milk sales should not be adopted.

A portion of the "other source milk" received in the market does not meet the health requirements applicable to milk for Class I uses. Such milk should not be given preferential treatment over producer milk, or allocated to a class in which its utilization is not permissible. The only "other source milk" which may be used properly as Class I milk is controlled by one handler. Under these conditions, any preference given to such milk would tend to give an undue advantage to the handler controlling it.

The alleged purpose of the proposal was to encourage producers to supply a quantity of milk sufficient to meet the Class I needs of the market at all times. In support of their proposal, handlers contend, in their exceptions, that the order as now written, "rewards producers for under-production, for, through under-production more of their milk is allocated to Class I." This contention is contrary to the commonly accepted principle that higher prices will tend to stimulate production. The Columbus market is available to all dairy farmers who can meet the health requirements and is not limited to the producers now supplying the market. The total milk supply is dependent upon the supply responses of all producers now qualified under prevailing health requirements, or who may become so qualified. The proper pricing of milk should do more to bring forth an adequate supply of milk by stimulating an increase in the production of present producers and by providing an incentive for new producers to come on to the market, than would the handlers' proposal here considered. The seasonal pattern of prices decided upon should encourage the needed production of milk not only for Class I use, but also for all uses requiring qualified milk at all seasons of the year.

(b) The sequence in the allocation provision should not be changed. The current method of allocation is necessary for the proper protection of the classification of producer milk. A change in the sequence would be inconsistent with the classification of producer milk in the higher priced classes. The evidence does not warrant the adoption of the proposed change. The handlers' exceptions do not warrant any modification of the Assistant Administrator's findings and conclusions on this issue.

(10) (a) The method of determining the basic formula price for milk should not be changed.

The Columbus basic formula price is based upon the price paid by 18 midwestern condenseries or on a butterfat-nonfat dry milk solids formula price, whichever is the higher. The present basic formula price has reflected very closely the prevailing price for manufacturing milk in the vicinity of the Columbus market. Competitive manufacturing outlets for milk in the Columbus milkshed include condenseries and butter and powder plants some of which also produce certain specialty milk products. There is little or no direct competition by cheese factories for milk produced in this area. In view of these facts the higher of the condensery pay price or the price resulting from the butter and nonfat dry milk solids formula is currently more representative of competitive manufacturing prices than any combination of formula prices as proposed for the determination of the basis formula price. Moreover, the evidence indicates that Columbus prices must be placed in better alignment with prices in other regulated markets in Ohio in order that Columbus handlers may compete for supplies of milk on an equitable competitive basis. At the present time the class prices in these competitive Federal order markets are based on a formula similar to that contained in the present Columbus order.

(b) The make allowance on butter in the basic formula price should be increased from 3 cents to 3.5 cents per pound, but the present 4 cent make allowance on nonfat dry milk solids should not be changed.

The record indicates the cost of making butter to be slightly above 3 cents per pound and the cost of making nonfat dry milk solids to be approximately 4 cents per pound. The make allowance on butter and nonfat dry milk solids of 3.5 cents and 4 cents per pound, respectively, is therefore reasonable. The evidence relied upon by the handlers in excepting to the allowance for the cost of making nonfat dry milk solids was outweighed by other testimony on this point.

Except with respect to the make allowance for butter there should be no change in substance of the butter and nonfat dry milk solids formula. However, the language in the current order describing this formula may be simplified and clarified. Since it is decided that the pricing provisions of the order be revised in the manner hereinafter set forth, it is concluded that, as a part of such revision, the butter-nonfat dry milk solids formula should be rewritten for brevity and to identify more clearly the price quotations for butter and dry-milk solids used therein. The latter revision will not change the quotations used or the method of computation.

(c) The respective basic formula prices for skim milk and butterfat should be expressed as direct ratios to the basic price per hundredweight of milk.

Under the pricing provisions of the current order the value of butterfat for each class in each bracket varies from slightly less than 70 percent to slightly more than 74 percent of the price of 3.5 percent milk in the lowest bracket as compared to the highest bracket reached during the first full year in which the order was in operation. For the same period, the average of the percentage relationships of the value of butterfat to the respective class prices of 3.5 percent milk for each month was 72.8 percent. The average basic formula price, as pointed out in the fluid milk handlers' exceptions, would fall within the range of the $3.50 to the $3.75 bracket. In this bracket the average relationship of the value of butterfat to the value of 3.5 percent milk in Class I milk, Class II milk, and Class III milk was 73.07. It is concluded that the use of 73 percent for determining the value of butterfat for each class will maintain the approximate relationship that has existed during the past year. This will result in a skim milk price in each class equal to 27 percent of the class price of 3.5 percent milk. Therefore, the per hundredweight price of skim milk in each class is equal to .2798 times the respective per hundredweight class price and the per hundredweight price of butterfat is equal to 20.86 times the per hundredweight class price. The price plan adopted this relationship of skim milk and butterfat prices in the basic formula price. Thus, the basic formula price per hundredweight of skim milk is expressed as .2798 times the basic formula price of milk and the basic formula price per hundredweight of butterfat is expressed as 20.86 times the basic formula price of milk. To these values will be added the appropriate differentials to obtain the class price which has been found necessary to effectuate the declared policy of the act.[1]

(11) (a) The "bracket" system of establishing Class I, Class II, and Class III prices should be eliminated.

The milk shed for the Columbus marketing area overlaps the milk sheds of other Ohio marketing areas operating under orders issued pursuant to the act and of other alternative outlets for market milk. Price changes resulting from the bracket system have disturbed the balance between the Columbus market price and the prices of such alternative outlets.

Moreover, the bracket system has promoted uncertainty with respect to class prices when the basic formula price has fluctuated at a level near the outer limits of a particular bracket.

(b) Class prices for skim milk and butterfat should be established by stated differentials over the basic price for skim milk and butterfat at levels which will result in increased uniform prices to producers.

Practically all costs incurred by producers in the production and marketing of milk, such as feeds, supplies, equipment, and hauling, have increased during the past year and particularly during February and March of this year.

The Columbus market has been short of producer milk in nearly every month

[1] See findings and conclusions in paragraph (11).

of the past year. Substantial quantities of other source milk have been received as supplementary supplies.

Other fluid milk markets and alternative outlets for milk, such as, the Cleveland market, the Dayton-Springfield market, Nestle Milk Products, Inc., and the M & R Dietetics Laboratories, Inc., are in competition with the Columbus market for much of the supply of producer milk. The prices paid farmers for all milk at these outlets ranged from 12 cents to 80 cents per hundredweight over the Columbus order minimum uniform price during the period October, 1946, through February, 1947. Also, at times handlers have paid higher prices for inspected "other source" milk than the minimum uniform price for producer milk.

Columbus handlers paid premiums over the minimum prices to protect supplies during the short production season of 1946.

Economic conditions and business activity in the Columbus market indicate continued strong demand for milk and milk products in the Columbus market. Consumption of fluid milk in the Columbus marketing area during February, 1947, was 3.93 percent higher than during February, 1946.

A better alignment is needed between class prices in the Columbus market and other Ohio markets under regulation.

Class differentials above the basic manufacturing value of milk, in addition to meeting the cost of stricter sanitary requirements of inspected milk (its principal justification according to the handlers' exceptions), should reflect also any relative change in the cost of producing inspected milk as compared to the cost of producing manufacturing milk and the competitive and other economic conditions affecting the supply of and demand for milk in the Columbus market. The Class I, Class II, and Class III milk price differentials over the basic formula price, as set forth below, together with the modified Class IV prices, will result in such prices as will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

The Class I, Class II, and Class III price differentials over the basic formula price on a 3.5 percent butterfat content milk basis should be as follows:

	August through March	April through July
Class I	$1.00	$0.75
Class II	.75	.50
Class III	.60	.35

Provided, That Class I prices are not less than $4.20 per hundredweight during August, 1947, $4.64 per hundredweight during September through December, 1947, that Class II prices are not less than such Class I prices minus 25 cents, respectively, that Class I and Class II prices for January, 1948, are not less than such prices for December, 1947, minus 44 cents, and that such prices for February, 1948, are not less than such prices for January, 1948, minus 44 cents.

Under basic formula price level conditions which prevailed during the first 12 months under the Federal Order (averaging about $3.60 per hundredweight) it is estimated that these stated differentials would have increased the average spread of class prices over the basic formula price between 45 and 50 cents per hundredweight. Under a lower level of basic formula prices (i. e., a price level in the neighborhood of $3) this increase would have averaged between 35 and 40 cents per hundredweight. The greater amount of increase at higher levels of basic prices, as pointed out by handlers' exceptions, is the result of establishing class prices by direct differentials over the basic price as compared with the bracket system under the provisions of the current order.

The price of Class IV milk should be changed only to provide that butterfat used in the manufacture of butter should be given a make allowance of $4.20 per hundredweight butterfat so used in conformity with our finding for a 3½ cent per pound make allowance for butter in the basic formula.

The conversion of the class differentials stated above to a skim milk and butterfat price basis (in the same manner as these prices are determined from the basic formula price of milk) results in the following differentials for skim milk and butterfat in Class I milk, Class II milk, and Class III milk:

	Skim milk		Butterfat	
	August through March	April through July	August through March	April through July
Class I milk	$0.2798	$0.2688	$20.86	$15.64
Class II milk	.2088	.1399	15.64	10.43
Class III milk	.1679	.0979	12.52	7.30

(c) The Class I, Class II, and Class III price differentials should be higher during the short production season than during the flush production season.

The 4 months of relatively high production are April through July. Producers excepted to the inclusion of July as a "flush month," however, the level of production per farm in July is substantially the same as in April. The spread between the high and low production periods in the Columbus market has increased in recent years. There is an extreme shortage of milk in the fall and winter months. The producers' association and the handlers have advised producers of the need and benefits of more even production. Other competing markets, such as Cleveland, provide for seasonal pricing of milk. This places the Columbus market in an unfavorable competitive position particularly during the fall and winter months. Handlers of the Columbus market paid premiums during the fall of 1946 to protect their supply. Producers should be given a price incentive to even out production during the year.

Under the conditions of maximum milk production during the war, production shifted to the spring months when production costs are at their lowest level. To halt and reverse this trend requires definite assurance that fall and winter prices will be substantially higher than during the flush season. Shifting to increased fall milk production involves substantial additional costs. These costs include breeding difficulties, additional feeding and the cost of purchasing additional fall freshening cows. It is too late to adjust breeding programs for increased milk production this fall. Extra feeding and special care of spring freshened cows will be necessary, therefore, to increase the supply of milk during the coming fall. Over a period of time the seasonal class price differentials over basic prices should provide the necessary higher prices during the short production season as compared with the flush season. However, this year under present abnormal postwar market conditions producers are in need of more assurance as to the extent of the seasonal swing in milk prices than is afforded by the pricing formula alone in order that they may now plan for this year's fall and winter production. This will be accomplished by establishing "floor prices" during the fall of 1947 and the early months of 1948. The level of "floor prices" for the fall and winter months should be substantially higher than the prices prevailing during May and June to emphasize the seasonal factor of milk pricing and to assure farmers of higher prices during the season when an increase in milk production is most needed by the market.

A Class I floor price beginning August 1, 1947, of $4.20 and increasing to $4.64 (approximately 1 cent per quart below November 1946) for the period September through December, 1947, will assure prices to producers well above the May and June level of prices and should result in increased production for this fall and winter. The relationship of the Class II price to the Class I price should be maintained substantially the same as under the current order. Following a seasonal pattern, the drop from December, 1947, to January, 1948, should not exceed 44 cents per hundredweight (approximately 1 cent per quart) and any further drop which might be indicated by the formula for February should be limited to not more than 44 cents. The limitation of any price decrease from December to January and January to February will prevent any precipitous price drop immediately following the period for which greater production is to be encouraged.

The floor price for Class I milk for August, expressed in terms of skim milk and butterfat, is equal to a per hundredweight price of $1.175 and $87.61, respectively, and the Class II price $1.105 and $82.40, respectively. During the period September through December, 1947, the per hundredweight Class I price for skim milk is $1.298 and for butterfat $96.79 and the Class II prices $1.228 and $91.58, respectively. The 44 cent decrease in floor prices provided for in January and February, respectively, is equivalent to $0.123 and $9.18 per hundredweight of skim milk and butterfat, respectively.

Handlers proposed an even-production incentive plan through a "take-out and pay-back" system of establishing uniform prices on a seasonal basis (sometimes known as "Louisville plan"). Producers objected strenuously to this plan. The successful operation of such a plan necessitates wide-spread producer approval and cooperation. For this reason this plan is not feasible for the Columbus market at this time. Many of the objectives of the plan outlined by handlers should be accomplished by the establishment of class prices on a seasonal basis.

(d) The emergency price provision, § 974.5 (g) (2), should be revised to cover Class III milk.

This section provides for the suspension of Class I and Class II milk prices by the Secretary under certain conditions. Under the present wording it would be possible for the Class III milk price to exceed the Class I or Class II price. Such a result would be inconsistent with the classified pricing plan of the order.

The Class IV price should not be included in the emergency price provision. The Class IV price is based upon open market prices of products not requiring inspected milk. No useful purpose could be served by including the Class IV price under this provision.

No change should be made in § 974.5 (g) (1), the general emergency price provision. This provision has not created any problem in the Columbus market.

(12) Uniform prices for milk to producers should be announced on the basis of 3.5 percent butterfat content rather than on a 4 percent basis as in the current order.

This change will not affect the handlers' cost of milk. Because of this the butterfat test upon which the producers' price is announced becomes a matter primarily of concern to the producer. The evidence indicates that producers would prefer to receive payment based on an announced price reflecting a lower butterfat content. Producers' satisfaction with the method of announcing the basis of their payments for milk tends to produce more orderly marketing conditions and should be adopted, particularly when the change in such method of payment does not change in any way the handlers' cost for milk. Moreover, the producer prices are announced on the proposed basis in most other Ohio markets as well as in many other markets throughout the country. Statistical comparisons of producer prices on the Columbus market and other markets would be facilitated if prices were announced on a 3.5 percent basis.

The Columbus order requires a handler to pay for skim milk and butterfat at class prices. Therefore, handlers' costs of milk are dependent solely on the class prices of skim milk and butterfat, whereas the uniform prices to producers is merely a method of distributing this money to producers. The effects attributable to the adoption of the proposal by the handlers' exceptions are highly speculative, and if they occur, their primary cause will be some factor other than the change in the basis for announcing prices to producers.

(13) A proposal under which payments to producers would be computed on the basis of an individual-handler pool should not be adopted.

Under the current market-wide pool all producers receive a uniform price computed on the basis of the combined classification of milk received by all handlers. An individual-handler pool would establish as many different prices as there are handlers. It was indicated this would tend to breed dissatisfaction among Columbus producers. The facilities for handling "surplus" milk are limited to a few plants. Evidence in the hearing record failed to establish any new facts which would change the original conclusions providing for a "market-wide pool" when the original order was promulgated.

(14) A new provision requiring, in connection with the computation of product weights, the use of the "standard of weights" of the Bureau of Dairy Industry, United States Department of Agriculture, should not be included.

The Bureau of Dairy Industry, United States Department of Agriculture, has not issued any official standards of weights for dairy products. The problems indicated in connection with the ascertaining of proper weights by the market administrator are not peculiar to the Columbus market. Weight factors are necessary in the computation of class volumes of milk under any classified price plan. The provisions of several orders under joint administration with Columbus are very similar, and appropriate weight factors may better result from rule-making procedure by the market administrator. This will permit a more flexible arrangement for the employment of weight factors to be used under similar order provisions.

(15) The requirement that payments be made into the pool on milk transferred from a producer-handler to a handler should be eliminated.

Producer-handlers transfer an insignificant amount of milk to regular handlers. Most transfers are in the flush season and such milk is used in the lower-priced uses. The milk of producer-handlers is eliminated from the pool in a manner similar to other source milk—in series from the lowest-priced uses. This treatment of producer-handler milk protects adequately the proper classification of producer milk.

(16) The section providing for an assessment covering administrative expense should be revised to provide for (i) changes in the administrative assessment rate below the maximum fixed in such section to be determined by the Secretary rather than by the market administrator (subject to review by the Secretary), and (ii) elimination of the announcement by the market administrator on or before the 10th day after the end of the delivery period of the applicable rate of assessment for the delivery period.

Procedure for making changes in such rates will be less complicated if such rate-making is made a direct function of the Secretary rather than a review function. Since the rate will remain unchanged for each delivery period until altered by a published rule, it will be unnecessary to require monthly public announcements by the market administrator. This revision will simplify the establishment of appropriate rates of assessment any time that the assessment rate must be changed.

(17) The section providing for marketing service deductions should be revised to (i) authorize the Secretary to fix the assessment rate below the maximum prescribed in such section and (ii) eliminate the application of the marketing service deductions to milk of a handler's own production.

The fixing of the rate of marketing service deductions by the Secretary (who must now review the rate established by the market administrator) will simplify the procedure for establishing such rates of assessment below the maximum prescribed in the order.

Marketing service payments are designed primarily to cover the cost of verifying the weights and tests of producer milk. Producers who are not members of a cooperative association usually are not in a position to govern the disposition of milk and it is not practicable for them to verify the weights and tests of deliveries of their own milk. In the case of milk of a handler's own production such service is not necessary as a protection since the handler has full control of the handling of such milk from the farm to its disposition from his plant.

(18) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing agreement regulating the handling of milk in the Columbus, Ohio, marketing area" and "Order amending the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless

and until the requirements of § 900.14 of this chapter of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 20th day of June 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Order,[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area*

§ 974.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "Act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 C. F. R., Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that

(a) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 974.1 (e) and substitute therefor the following:

(e) "Fluid milk plant" means the premises and portions of the building and facilities used in the receipt and processing or packaging of milk all or a portion of which is disposed of from such plant during the delivery period on a route(s), wholly or partially within the marketing area, but not including any portion of such buildings or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

2. Add at the end of § 974.1 the following paragraph:

(l) "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including a State or municipal institution, other than to a fluid milk plant(s) or to a plant(s) manufacturing milk products.

3. At the end of § 974.4 (b) (4) change the period to a colon and add thereafter the following: "*Provided*, That producer milk transferred by a handler to any plant of another handler without first having been received for purposes of weighing and testing in the transferring handler's fluid milk plant shall be included in the receipts at the plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at his fluid milk plant of the transferring handler in computing his plant shrinkage."

4. Delete § 974.5 and substitute therefor the following:

§ 974.5 *Minimum prices*—(a) *Basic formula prices for skim milk and butterfat.* The basic formula prices of skim milk and butterfat respectively shall be computed by the market administrator for each delivery period in the following manner:

(1) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

COMPANIES AND LOCATIONS

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) Compute the price per hundredweight by adding together the amounts resulting under subdivisions (i) and (ii) of this subparagraph:

(i) From the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period in which such milk was received, subtract 3.5 cents, add 20 percent, and then multiply the resulting amount by 3.5, and

(ii) From the arithmetical average of the carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), roller and spray process, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture during the delivery period, deduct 4 cents, multiply by 8.5, and multiply by 0.965.

(3) Multiply the higher of the prices resulting from subparagraphs (1) and (2) of this paragraph by 0.2798 (which amount shall be known as the basic formula price per hundredweight of skim milk); and

(4) Multiply the higher of the prices resulting from subparagraphs (1) and (2) of this paragraph by 20.86 (which amount shall be known as the basic formula price per hundredweight of butterfat).

(b) *Class I milk, Class II milk, and Class III milk prices.* Subject to the provisions of paragraphs (d) and (e) of this section, the minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class I milk, Class II milk, and Class III milk, respectively, shall be determined by adding the appropriate amounts set forth in the following schedule to the basic formula prices per hundredweight of skim milk and butterfat, respectively, for the delivery period:

	Skim milk		Butterfat	
	August through March	April through July	August through March	April through July
Class I milk	$0.2798	$0.2958	$20.86	$15.64
Class II milk	.2668	.1389	18.64	10.4
Class III milk	.1679	.0979	12.52	7.30

Provided, That in no event shall the price of skim milk or butterfat in any such class be lower, respectively, than the skim milk and the higher butterfat prices, in Class IV milk: *And provided further*, That for the month of August, 1947, the prices per hundredweight for skim milk and butterfat in Class I milk shall not be less than $1.175 and $87.61, respectively, and in Class II milk not less than $1.105 and $82.40, respectively; and for the months of September, October, November, and December, 1947, such prices for skim milk and butterfat in Class I milk shall not be less than $1.298 and $96.79, respectively, and in Class II milk not less than $1.228 and $91.58, respectively: *And provided also*, That the prices per hundredweight for skim milk and butterfat in Class I milk and Class II milk for January, 1948, shall not be less than the December, 1947, prices of skim milk and butterfat in such classes minus $0.123 and $9.18, respectively, and such prices for February, 1948, shall not be less than such prices for January, 1948, minus $0.123 and $9.18, respectively.

(c) *Class IV milk prices.* Subject to the provisions of paragraph (e) of this section the minimum prices to be paid by each handler for that portion of skim milk or butterfat in producer milk received at his fluid milk plant and classified as Class IV milk shall be determined as follows:

(1) The price per hundredweight of such skim milk shall be the prices determined pursuant to paragraph (a) (2) (ii) of this section, divided by 0.965; and

(2) The price per hundredweight of such butterfat shall be the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period, multiplied by 120: *Provided*, That the price per hundredweight of butterfat made in butter shall be such price per hundredweight less $4.20.

(d) *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a handler for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Columbus, Ohio, marketing area: *Provided*, That Class I milk or Class II milk disposed of in another marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Columbus, Ohio, marketing area, pursuant to this section, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the price of Class I milk, Class II milk, or Class III milk computed for any delivery period pursuant to paragraph (b) of this section is above a level which is in the public interest, the price of Class I milk, Class II milk, or Class III milk for such delivery period shall be the same as the corresponding price for Class I milk, Class II milk, or Class III milk for the delivery period immediately preceding.

5. Delete from § 974.6 (a) the following proviso: "*Provided*, That if such handler received milk, skim milk, or cream from a handler who received no producer milk other than that of his own production and disposed of the skim milk or butterfat contained therein as other than in the lowest-priced use of the receiving handler, there shall be added an amount equal to the difference between (1) the value of such skim milk or butterfat at the price of such lowest-priced use and (2) the value computed in accordance with its class use."

6. Delete from § 974.6 (c) (3) the term "4 percent" wherever it appears and substitute therefor the term "3.5 percent."

7. Delete from § 974.6 (c) (5) the term "4.0 percent" and substitute the term "3.5 percent."

8. Delete from § 974.7 (f) the section reference "§ 974.5 (c) (2)" and substitute therefor the section reference "§ 974.5 (c) (2)."

9. Delete the provisions of § 974.8 and substitute therefor the following:

§ 974.8 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 974.2 (c) (3) each handler shall pay the market administrator on or before the 12th day after the end of each delivery period 2 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts of skim milk and butterfat (except receipts from other handlers) in (a) producer milk and (b) other source milk at a fluid milk plant.

10. Delete the provisions of § 974.9 (a) and substitute therefor the following:

§ 974.9 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section each handler shall deduct from his payments, pursuant to § 974.7 (a), 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all producer milk (except such handler's own production) received during each delivery period, and shall pay such deduction to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of such producer milk and to provide producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

[F. R. Doc. 47-6039; Filed, June 25, 1947; 8:49 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 975]

[Docket No. AO-179-A1]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, Cum. Supps. 901 et seq., 11 F. R. 7737, 12 F. R. 1159), as amended, notice is hereby given of a hearing to be held at the Carter Hotel, 1012 Prospect Avenue, Cleveland, Ohio, beginning at 10:00 a. m., e. s. t., June 30, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement and order regulating the handling of milk in the Cleveland, Ohio, marketing area (11 F. R. 8207). These proposed amendments have not received the approval of the Secretary of Agriculture:

The following amendments have been proposed:

In § 975.1 *Definitions:*

By the Dairy Branch, Production and Marketing Administration:

1. Amend § 975.1 (g) (2) (ii) by substituting the numeral "50" for the numeral "10".

2. Delete § 975.1 (o) and substitute therefor the following:

(o) "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk or flavored milk drink in fluid form to a wholesale or retail stop(s), including any eating place where such items are disposed of for consumption on or off the premises other than a pool plant(s) or a nonpool plant(s).

In § 975.3 *Pool plant:*

By Milk Producers Federation of Cleveland:

3. Amend § 975.3 (a) (2) (i) by adding to list of pool plants the following: "Cleveland, Ohio ------ Milk Producers Federation of Cleveland."

By Milk Market Survey Committee:

4. Amend § 975.3 (a) by adding after the word "except" the following phrase "an ice cream plant operated either by a pool handler or a non-pool handler, and."

In § 975.4 *Reports, records, and facilities:*

By the Dairy Branch, Production and Marketing Administration:

5. Delete § 975.4 (a) and substitute therefor the following:

(a) *Delivery period reports of receipts and utilization.* On or before the

8th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to milk received from producers, other source milk received at a pool plant, skim milk and butterfat received in any form at a pool plant or at a non-pool plant from a pool plant, skim milk and butterfat received in any form at a non-pool plant which is wholly or partially owned or controlled by such handler and is located within the marketing area, and all skim milk and butterfat received in any form from all sources at a non-pool plant referred to in § 975.1 (g) (2), in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

In § 975.5 *Classification:*

By the Dairy Branch, Production and Marketing Administration:

6. Amend § 975.5 (a) by inserting between the words "plant(s)" and "shall" the following "and his nonpool plant(s) located within the marketing area referred to in § 975.4 (a),"

By Milk Producers Federation of Cleveland:

7. Amend § 975.5 (b) (1) (ii) by striking out the numeral "100" and inserting the numeral "160."

8. Amend § 975.5 (g) (2) (i) by adding after the word "producers" the words "and pool plants" and by adding after the word "section" the parenthetical phrase, "(exclusive of reconstituted skim milk)".

By Milk Market Survey Committee:

9. In § 975.5 (b) (1) (i) delete the words "sweet or sour cream" in the third line.

10. In § 975.5 (b) (1) (ii) delete words "except cream" in third line and substitute "150 miles" for "100 miles" in the fourth line.

11. Delete § 975.5 (b) (1) (iii).

12. Delete § 975.5 (b) (1) (iv).

13. Delete § 975.5 (b) (2) and substitute in lieu thereof the following:

(2) Class II milk shall be all skim milk and butterfat disposed of in fluid form as sweet or sour cream (except sweet or sour cream sold for Class III purposes).

14. Delete § 975.5 (b) (3) and substitute in lieu thereof the following:

(3) Class III milk shall be all skim milk and butterfat: (i) Used for any purpose other than Class I or Class II above, including but not limited to skim milk and butterfat used to produce ice cream, imitation ice cream, and other frozen desserts and mixes for similar products (liquid or powdered); or storage cream (cream placed in a licensed cold storage warehouse to remain for a period of not less than 30 days, and which is subject at all times, while in such warehouse to inspection by the market administrator to determine the physical presence of such cream); butter, butter oil; cheese (including cottage cheese); bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans, casein; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and skim milk or buttermilk disposed or for livestock feed; and

(ii) Actual shrinkage on milk received from producers and on other source milk.

15. In § 975.5 (c) substitute in lieu of the first sentence, the following: "The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in milk received from producers and in inter-handler transactions where producer milk of one handler is delivered directly to another handler's plant and in other source milk received in the following manner:"

16. In § 975.5 (c) (2) substitute in lieu of present language, the following: "Any skim milk or butterfat classified (except that classified pursuant to (b) (1) (ii) of this section) in one class shall not be reclassified when used or reused by such handler or by another handler in another class."

17. Amend § 975.5 (g) (2) (i) by changing "105 percent" to "115 percent."

In § 975.6 *Minimum prices:*

By Dairy Branch, Production and Marketing Administration:

18. Delete § 975.6 (d) (1) and substitute therefor the following:

(1) The price per hundredweight of butterfat shall be the average price per pound of 92 score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period, multiplied by 120; *Provided*, That the price per hundredweight of butterfat used to produce butter or contained in plant shrinkage, pursuant to § 975.5 (b) (3) (ii) shall be such price less $3.60.

By Milk Producers Federation of Cleveland:

19. In § 975.6 (a) delete the words "the delivery period" wherever they appear and substitute therefor the words "the immediately preceding delivery period."

20. Amend § 975.6 (b) (1) by striking out the words "October, November and December" and inserting in lieu thereof the words "September, October, November, December, January and February" and by adding the following: "*Provided*, That Class I prices for the following indicated delivery periods shall not be less than:

$4.84 for July, August and September 1947.
$5.30 for October, November and December 1947.
$4.84 for January, February, and March 1948, and not less than $4.36 for any delivery period thereafter.

21. Amend § 975.6 (c) (1) by striking out the words "October, November and December" and inserting in lieu thereof the words "September, October, November, December, January and February."

22. Delete the period at the end of § 975.6 (c) (2), substitute a colon therefor, and add the following: "*Provided*, That the price of butterfat shall during no delivery period be less than the price of butterfat computed pursuant to (d) (1) of this section, prior to the application of the proviso therein."

23. Amend § 975.6 (c) (3) by inserting between the words "paragraph" and "by" the words "prior to the application of the proviso,".

24. Amend § 975.6 (d) (3) by striking out (i), (ii), (iii), and (iv) and inserting in lieu thereof the following:

(i) From the higher of the prices computed pursuant to (a) (1) or (a) (2) of this section deduct 5 cents;

(ii) Multiply the result by 7;

(iii) Subtract such result from the figure obtained in (i) of this paragraph; and

(iv) Divide the result by 0.965 and round off to the nearest full cent.

By Orville Milk Condensing Company:

25. Delete § 975.6 (d) (3).

By Milk Market Survey Committee:

26. Delete § 975. (d) (3).

In § 975.7 *Determination of uniform price to producers:*

By the Dairy Branch, Production and Marketing Administration:

27. Amend § 975.7 (c) (2) by substituting the numeral "50" for the numeral "10."

By Elm Farm Dairy, Medina, Ohio and Wooster Farm Dairies, Wooster, Ohio:

28. Delete § 975.7 (b) and substitute therefor the following:

(b) *Location adjustment to handlers.* (1) With respect to the actual weight of milk, cream or any other item named in Class I milk and Class II milk which is classified as Class I milk or as Class II milk or as cottage cheese and which is received from producers at a handler's pool plant located more than 30 miles from the public square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator, there shall be deducted in the computation of the handler's pool value, the following amount per hundredweight thereof, applicable pursuant to the following:

(Miles plant is distant from the public square in Cleveland, Ohio)

Mileage zone	*Cents per hundredweight*
Not more than 30 miles	0
More than 30 miles but not more than 45 miles	15
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21
Within each 15 mile zone thereafter (an additional)	1

(2) With respect to milk received from producers at a handlers' pool plant located more than 30 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator, there shall be deducted in the computation of the handlers' pool obligation, for each hundredweight of skim milk and butterfat contained therein which was classified as Class III and which was moved as milk, skim milk or cream from the plant where received from producers to a manufacturing plant an amount equal to 1¢ per hundredweight for each mile that the plants are distant from each other: *Provided*, That such allowance shall not exceed that applicable to the same plant pursuant to subparagraph (1) of this paragraph.

By Milk Market Survey Committee:

29. Delete § 975.7 (b) and substitute therefor the following:

(b) With respect to the actual weight of milk, cream, or any other item which is moved directly from a pool plant, there shall be deducted, in the computation of the handler's pool value, the following amount per hundredweight thereof applicable for the location of such plant by shortest highway distance from the shipping plant to the receiving plant, such distance to be determined by the market administrator.

Mileage zone	*Cents per hundredweight*
Not more than 30 miles	0
More than 30 miles but not more than 45 miles	15
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21
Within each 15 mile zone thereafter (an additional)	1

Provided, That such an adjustment shall be limited to an amount of milk, cream, or other item so moved which could be derived from the milk received from producers at such plant.

In § 975.9 *Expense of administration:*

By Milk Market Survey Committee:

30. Add after "pool plants" the phrase "except skim milk, milk products and butterfat used in the manufacture of ice cream,"

General proposals:

By the Guernsey Producers Association, Inc.:

31. That milk sold as a special milk including Golden Guernsey, Jersey Creamline, or similar milks on which a special premium for quality is paid over and above the pool price by the handler, shall be set aside in a separate pool calculated and administered by the market administrator. The handler of such milk shall report monthly his total receipts and sales of special milk and certify to the market administrator the premium paid each month, which price paid to each producer shall not be less than the average blended pool price.

32. In a market wide pool calculation, those handlers paying a premium to producers of special milk shall be charged the same price per pound of butterfat that he is permitted to pay the producer through the regular producer butterfat differential (Class III). This difference could then be recovered through a special premium to that extent to the producer of special premium milk only.

33. If the above revision is not legally sound then the same results can be obtained by the following amendment: "The handler paying a premium to producers of special quality milk shall pay his special producers the same butterfat differential that he is charged for Class I butterfat in the pool and be so credited." This amendment will permit any distributor to handle special milks of any kind, the determining factor qualifying him for this special consideration being that he must pay some premium to his producers.

34. Butterfat differentials. For each month the market administrator shall compute a butterfat differential to be paid to producers which shall be the average weighted butterfat differential paid by the handlers in the pool for producers milk.

35. That an individual handler pool be substituted for a market wide pool and all necessary changes to effectuate and establish an individual handler pool be made in the order.

By the Dairy Branch, Production and Marketing Administration:

36. Make such other changes as may be required to make the entire tentatively approved marketing agreement and the marketing order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and the marketing order, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: June 20, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-6009; Filed, June 25, 1947; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Ch. V]

SPECIAL INDUSTRY COMMITTEE NO. 5 FOR PUERTO RICO

NOTICE OF PUBLIC HEARING TO RECEIVE EVIDENCE FOR CONSIDERATION IN RECOMMENDING MINIMUM WAGE RATES FOR EMPLOYEES IN VARIOUS INDUSTRIES

Correction

In Federal Register Document 47-5811, appearing at page 4003 of the issue for Friday, June 20, 1947, the reference to "Special Industry Committee No. 6" in the first line of the second paragraph should read: "Special Industry Committee No. 5".

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 208, 238]

TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES AUTHORIZING INTERSTATE OR OVERSEAS AIR TRANSPORTATION

NOTICE OF PROPOSED REVISION OF REGULATIONS

The Civil Aeronautics Board has under consideration a proposed revision of §§ 238.3, 238.5, and 208.2 (g) of the Economic Regulations, dealing with terms, conditions and limitations of certificates authorizing interstate or overseas transportation, issued under section 401 of the act. The proposed revision is particularly concerned with authorization for nonstop service and for use of airports. The revision is proposed under the authority of sections 205 (a), 401, and 405 (c) of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 988, as amended; 49 U. S. C. 425, 481).

The Board has authorized the circulation of the proposed revision to interested persons. Comments should be submitted in writing to the Secretary, Civil Aeronautics Board, Washington 25, D. C., on or before July 26, 1947.

The text of the proposed revision is attached hereto. The material features of the proposed revision are as follows:

I. *Nonstop service*—A. *Present regulation.* At present, under the nonstop provisions of § 238.3, if a certificated air carrier desires to institute nonstop service in interstate or overseas air transportation, it must file with the Board a "Notice of Nonstop Service." The carrier may not institute nonstop service less than 20 days after filing notice, unless the Board expressly authorizes it. The carrier may begin nonstop service after expiration of the 20-day period if the Board does not notify the carrier that the service involves a substantial departure from the certificated route; but if the Board gives such notification, institution of the service will depend upon the result of a hearing had on application of the carrier.

B. *Proposed revision.* Under paragraph (b) of the proposed revision, an air carrier could institute nonstop service merely by complying with the procedure governing revision of schedule—just as would be required in the case of instituting any other additional service permissible under its certificate. The carrier would not be required to procure any permission from the Board, nor would it be necessary to file any "Notice." The proposed revision would eliminate the provisions as to nonstop service presently contained in paragraph (a) of § 238.3, and would eliminate so much of § 238.5 as relates to service of "Notice of Nonstop Service" (all of paragraph (a) and a part of paragraph (c)). This revision would not affect certificated foreign air transportation which is covered by §§ 238.4 and 238.7.

II. *Airport authorization.* Under the existing regulation (paragraph (b) of § 238.3), when the Board disapproves an airport notice, it must do so by show cause order which institutes a formal proceeding.

The proposed regulation would allow greater flexibility in that it would provide merely for a notice of the Board's disapproval of the airport notice, and if a carrier thereafter desired to proceed further it would be required to make formal application to the Board for approval.

III. *Changes in form and text of regulations.* Paragraphs (b) and (c) of § 238.5 (relating to service of "Airport Notice") would become paragraph (c) (2) of § 238.3. Paragraph (a) of § 238.5 (relating to service of "Notice of Nonstop Service") would be eliminated. The result would be to end the independent identity of § 238.5.

The proposed amendment of § 208.2 (g) is merely technical, in order to avoid possible inconsistency with proposed § 238.3 (b).

Minor changes in the text of the regulations have also been made for purposes of clarification, but are not believed to effect substantive changes.

Proposed amendment of Part 238 of the Economic Regulations (revising § 238.3 and incorporating § 238.5 therein):

§ 238.3 *Terms, conditions, and limitations of certificates authorizing interstate and overseas air transportation*—(a) *Applicability.* Unless a certificate or the order authorizing the issuance of such certificate shall otherwise provide, there shall be attached to the exercise of the privileges granted by each certificate authorizing an air carrier to engage in interstate or overseas air transportation pursuant to section 401 of the act, such terms, conditions, and limitations as are set forth in this section, and as may from time to time be prescribed by the Board.

(b) *Nonstop authorization.* The holder of a certificate may inaugurate scheduled nonstop service between any two points not consecutively named in its certificate (and between which service is authorized by such certificate) upon the effective date of a schedule or a new or revised schedule page showing such nonstop service, filed with the Board in accordance with § 208.2 of this chapter.

(c) *Airport authorization*—(1) *Airport notice.* If the holder of a certificate desires to serve regularly a point named in such certificate through the use of any airport not then regularly used by such holder, such holder shall file with the Board written notice of its intention so to do. Such notice shall be filed at least 30 days prior to inaugurating the use of such airport. Such notice shall be conspicuously entitled "Airport Notice", shall clearly describe such airport and its location, and shall state the reasons the holder deems the use of such airport to be desirable. The use of such airport may be inaugurated 30 days after the filing of such notice, unless the Board notifies the holder within said 30-day period that it appears to the Board that such use may adversely affect the public interest, in which event such use shall not thereafter be inaugurated (except as may be expressly permitted by such notification) unless and until the Board finds, upon application filed by the holder, that the public interest would not be adversely affected by such use. The Board may permit the use of an airport at any time after the filing of the "Airport Notice" whenever the circumstances warrant such action. In no event shall the holder use the provisions of this paragraph as authority to receive passengers at one airport and discharge such passengers at any other airport serving the same point.

(2) *Filing and serving notice.* An original and nine copies of each "Airport Notice" shall be filed with the Board, each setting forth the names and addresses of the persons required to be served and stating that service has been had on all such persons, by personal service or by registered mail. In the case of registered mail, the date of mailing shall be considered the date of service. Each copy of notice served shall be accompanied by a letter of transmittal stating that such service is made pursuant to this section. A copy of each "Airport Notice" shall be served upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases:

(i) The Postmaster General, marked for the attention of the Second Assistant Postmaster General;

(ii) Each scheduled air carrier which regularly renders service to or from the point intended to be served through the proposed airport;

(iii) The chief executives of the city (or other political subdivision) and of the state, in which are located the currently used airport, the proposed airport, and the point to be served, respectively.

(If there be a state commission or agency having jurisdiction of air transportation, notice shall be served on such commission or agency rather than the chief executive of the state.)

(d) *Provisions as to scheduled stops.* (1) A scheduled stop at a point within the continental United States shall not be scheduled to exceed 45 minutes on any flight if the origination or termination of such flight at such point is prohibited by any restriction in the certificate.

(2) A certificate containing a condition or restriction which has the effect of permitting the origination of a flight only at a certain point or points shall not be deemed to permit an increase in passenger- or property-carrying capacity (by change of gauge, substitution of equipment, addition of extra sections, or, otherwise) on any such flight at any point other than a point at which the origination of such flight is authorized. A certificate containing a condition or restriction which has the effect of permitting the termination of a flight only at a certain point or points shall not be deemed to permit a decrease in passenger- or property-carrying capacity on any such flight at any point other than a point at which the termination of such flight is authorized. With respect to a particular flight, a point shall not be deemed to be beyond another specified point within the meaning of such condition or restriction unless the holder serves such other specified point on such flight or omits service thereto pursuant to regulation or other specific authorization (such as authority to render nonstop service, or to suspend service to such point) of the Board.

(e) *Failure to comply.* It shall be a condition upon the holding of the certificate that any intentional contravention in fact by the holder of the provisions of Title IV of the act or of the orders, rules, or regulations issued thereunder, or of the terms, conditions, and limitations attached to the exercise of the privileges granted by the certificate, even though occurring without the territorial limits of the United States shall (except to the extent that such contravention in fact shall be necessitated by an obligation, duty, or liability imposed by a foreign country) be a failure to comply with the terms, conditions, and limitations of the certificate within the meaning of section 401 (h) of the act. (52 Stat. 984, 988, as amended; 49 U. S. C. 425, 481)

Proposed amendment of § 208.2 (g) of the Economic Regulations:

§ 208.2 *Filing of schedules and changes therein by air carriers under § 405 (c) of the act.* * * *

(g) *Effect of filing.* The fact that a schedule, or a new or revised schedule page, has been filed with the Civil Aeronautics Board does not operate to relieve an air carrier of any requirements as to the filing of schedules, which may be made by any other governmental instrumentality. (52 Stat. 984, 995, as amended; 49 U. S. C. 425, 485)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-6047, Filed, June 25, 1947, 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 270]

EXEMPTION OF CERTAIN TRANSACTIONS

NOTICE OF PROPOSALS WITH RESPECT TO ADOPTION AND AMENDMENT OF RULES

Notice is hereby given that the Securities and Exchange Commission has under consideration the following proposals with respect to the adoption and amendment of rules pursuant to the Investment Company Act of 1940, particularly sections 6 (c), 17 (a), 17 (b), and 38 (a) thereof:

1. The adoption of a rule exempting from section 17 (a) of the act transactions pursuant to a contract where at the time the contract was made and for a period of six months prior thereto no affiliation or other relationship existed which would bring the transaction within the purview of section 17 (a). The purpose of the rule is to provide an automatic exemption for such transactions since they are effected pursuant to a contract presumably entered into upon the basis of arms-length negotiation. The text of the proposed rule is as follows:

§ 270.17a–4 *Exemption of transactions pursuant to certain contracts.* Transactions pursuant to a contract shall be exempt from section 17 (a) of the act if at the time of the making of the contract and for a period of at least six months prior thereto no affiliation or other relationship existed which would operate to make such contract or the subsequent performance thereof subject to the provisions of said section 17 (a). [Rule N–17A–4]

2. The amendment of the Commission's existing § 270.17a–2 (Rule N–17A–2) which exempts from section 17 (a) of the act certain purchase, sale or borrowing transactions. The purchase of the amendment of this rule is to expand the exemption provided thereby so that it will apply to certain transactions between banks. At present the exemption is limited to transactions between a bank and a person engaged principally in the business of instalment financing.

§ 270.17a–2 *Exemption of certain purchase, sale or borrowing transactions.* Purchase, sale or borrowing transactions occurring in the usual course of business between affiliated persons of registered investment companies shall be exempt from section 17 (a) of the act provided (a) the transactions involve notes, drafts, time payment contracts, bills of exchange, acceptances or other property of a commercial character rather than an investment character; (b) the buyer or lender is a bank; and (c) the seller or borrower is a bank or is engaged principally in the business of instalment financing. [Rule N–17A–2]

All interested persons are invited to submit data, views and comments in writing to the Securities and Exchange Commission at its main office, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before July 10, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 17, 1947.

[F. R. Doc. 47-5995; Filed, June 25, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 24]

RAYMOND SAULNIER AND STANDARD BRANDS, INC.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Raymond Saulnier, St. Honore a Paris VIII, France; claim No. 3507.	12 F. R. 3235, May 17, 1947	Property, to the extent owned by the claimant immediately prior to the vesting thereof, described in vesting order No. 666 (8 F. R. 5047, Apr. 17, 1943), relating to U. S. Letters Patent Nos. 2,082,598; 2,105,374; 2,106,934; 2,119,181; 2,125,751; 2,125,752; 2,134,247 and 2,220,546, and described in vesting order No. 293 (7 F. R. 9836, Nov. 26, 1942), relating to U. S. Patent Application Serial No. 430,821, U. S. Patent Application Serial No. 430,822 (now U. S. Letters Patent No. 2,335,451), U. S. Patent Application Serial No. 430,823 (now U. S. Letters Patent No. 2,350,827).
Standard Brands, Inc., New York, N. Y.; claim No. A-374.	12 F. R. 3235, May 17, 1947.	Property described in vesting order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 1,859,250, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on June 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6031; Filed, June 25, 1947; 8:46 a. m.]

[Vesting Order 9135]

MARY MARTIN

In re: Estate of Mary Martin, deceased. D–28–10113; E. T. sec. 14382.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustave (Gustav) Martin, Carolina Schadler, Elizabeth Mayer, Herman Martin, Adolph Martin, Marie Gollrad, Richard Martin, Friedrich Martin, Bertha Grimm, Rose (Rosa) Schlager, Julia Anklin, Elizabeth Haflin (Hoflin), Karl Yager, Emma Yager, Friedrich Yager, Katharine (Katherine) Yager, Johann Martin, Herman Martin, Pauline Bruetsch, Stephen (Stephan) Martin, Emma Nase, Albertine Martin and Elizabeth Martin, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $5,547.56 and the following described securities were delivered to the Alien Property Custodian by the Alton Banking and Trust Company, trustee in the Matter of the Estate of Mary Martin:

$2,600.00 United States Treasury bonds of 1946–49—3⅛% dated June 15, 1931 due June 15, 1949. No. 56651–A for $1,000.00; Numbers 9055–E, 64453–C, 64454–D for $500.00 each and No. 112893–C for $100.00,

$1,500.00 United States Treasury bonds of 1948–50—2% dated December 8, 1939 due December 15, 1950. No. 1217–H for $500.00 and Numbers 7258–J, 7259–K, 7282–B, 7283–C, 7287–H, 7477–H, 7478–J, 7479–K, 7480–L and 7667–H for $100.00 each;

3. That the said sum of $5,547.56 and the said securities are presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptances thereof on May 17, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-6026; Filed, June 25, 1947; 8:45 a. m.]

[1] Filed as part of the original document.

NICHIBEI KINEMA CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Vesting orders	Property and location
Nichibei Kinema Co., Los Angeles, Calif.	4800	246 (7 F. R. 9753, Nov. 24, 1942) 1639 (8 F. R. 8574, June 22, 1943) 1760 (8 F. R. 15393, Nov. 9, 1943) 4626 (10 F. R. 3951, Apr. 4, 1945).	$675.57 in the Treasury of the United States. 77 Japanese films in Washington, D. C., and New York, N. Y., identified as follows: Title — Number of reels Aka no Kyoi Akatsuki ni Inoru — 1 Akiba no Himatsuri Akogare Ani to Sono Imoto Atarashiki Kazoku Boku wa Dareda (Boku wa Tareda) Byaku Ran no Uta Chichi Nomigo Sazen Goku (Chinomigo Sanzenroku) Chokarato to Heitai (Chocolate to to Heitai) Dai no Haha (Daini no Haha) Dan Juro no Katsu (Danjuro no Kachi) Dokujya Edowawa Ranzan Eizu Ennaki Eiko no Iye Genju no Kyodai Hada Kano Kyokasho (Hadaka no Kyokasho) Hana Arn Hyoga Hinigwari Musume Hi no Mari Basha Hissho no Shinsen Iregumi Ranran — 1 Ishibori Maru (Ishido Maru) Jinsei Keiba (Jinsei Keiba) Kaisoku Butai — 1 Kappore Taiciki Kekkon no Tenki Zu (Kekkon Tenkizu) Kibo no Niji Kodomo no Shiki Kofuko no Suzuwo Komori Yasu Koota no Baktuon Kuwa no Mi wa Akai Mazo Uta Senryo Mamau no Asa Mazo Hyakumanryo Mutan no Takara Nijitatsu Oka Nippon no Tsuma (Episode I) Nobuko Ohe Mashimashi Sakan Nari Onna Dake no Kimochi Onna Kancho Onna no Yuai Ronin Fufuki Saimin Jiroeho — 10 Shogun no Mago Shunpatsu — 10 Shuzaya Arashi Suzuran no Tsuma Tabizasa Dochu — 11 Tange Sazen (Tangesazen Soo Gan no Maki; Tange Sazen Koi Gurama no Maki) — 11 Teru ki Kumori (Teru hi Kumoru Hi) Tokyo Rhapsody Tsuma no Bani Wakagusa — 11 Ware Moka (Wareno Koi, Wareno Kow (Senjen) Wareno Kow (Yokokuhen)) — 10 Wasurarenu Hitomi Yakuza Kiji — 4 Yatananoichi Kazutoyo no Tsuma Yubu ko Tori (Yubi Kodori) — 12 Bikkuri Jinsei (Enoken no Bikuri Jinsei) Dairiku Tosshin (Part I) (Enoken no Tairiku Tosshin) Hokaibo (Enoken no Hokaibo) Kaido Henge Ki (a silent picture) (Kaido Henge Roku) — 11 Mito Komon (Mitokomon Manyuki) Puropera Ojisan (Propeler Oyaji) Waka Tsuma no Yume (Wakaba no Ume) Aizen Kochiyama (Aizen Kojimyama) Ano no Shinsei Arashi ni Saku Hana Gatchiri Jidai (Enoken no Gatchiri Jidai) Oyakodori Ropya no Otochan Roppa no Komoriuta Uramachi no Hanu All right, title and interest, presently owned by the Attorney General, and to the following Japanese films, the physical location of which is unknown: Title Aijo Ichiro, Ansochijin Reku, Aikoku Rokumin Musume, Ai no Bofu, Bakudan Nishoko, Boku no Marumage, Chrome no Sketch, Daichi ni Chikau, Daichi no Ai, Daichi no Umi, Dosu Shuai, Gunko no Otometachi, Hansenta Senshu, Hariktri Seishun Butai, Harusugata Gomin Otoko, Hengo Okosho Gumi, Hino Maru Tsuzuri, Hokushino Sorswotsuku, Jujihoka, Jugone Chichiyori, Kachibloki, Kaigun Byakureki Tai, Kamitsuita Hanayome, Kan-ei Yushi Soroku, Keupo Ishiro, Keisuro, Kenpo Ataru Kyogen, Kimi to Yukumichi, Kira no Nikichi, Kojunyama, Kojo no Reikon, Kokusaku Tokubon, Kokyo no Haika, Ko-wo Meguru Futarino Onna, Kosho Musuko, Makiba Monogatari, Mazo, Nizuma Kagami, Ninjitsu Dochuki, Ninjitsu Satsuma Jyo, Ninjyutsu Ukishimajyo, Nyonin Shinsei, Ro-ei no Uta, Saigo no Shinsen Gumi, Saimin Yureba, Seikino Kangeki, Senninbari, Shanghai Rikugentai, Shara Otome, Shinpen Tange Sazen, Shonen Kokuhei, Shukujyo wa nanio Wasuretaka, Tamiya Bo-taro, Tanoshiki Wagaya, Tatakau Jyosei, Tatakau Otoko, Tefo Ka, Tenpo Suiko Den, Tohō Akino Albun, Teka no Hourin, Umi no Dai-Shogun, Uteyoyo Tanoshii, Utsukushiki Ringin, Waga Haha, Waga Kokoro no Chikai, Wagaya ni Haha Are, Yaeyu Tabi Nikki, Rokyoku Ga-ko.

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6033; Filed, June 25, 1947; 8:46 a. m.]

HENRY J. BEAL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Henry J. Beal, Omaha, Nebr.	1597	$411.76 in the Treasury of the United States.

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6032; Filed, June 25, 1947; 8:46 a. m.]

[Vesting Order 9219]

TATSUJI HOSHINO

In re: Debt owing to Tatsuji Hoshino, also known as T. Hoshino.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tatsuji Hoshino, also known as T. Hoshino, whose last known address is Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tatsuji Hoshino, also known as T. Hoshino, by the Superintendent of Banks of the State of California, and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Bank Department, 111 Sutter Street, San Francisco, California, in the amount of $4,870.57, as of December 31, 1945, arising out of a temporary receipts account entitled T. Hoshino, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6030; Filed, June 25, 1947; 8:45 a. m.]

KAZUICHI HASHIMOTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Kazuichi Hashimoto (Hashimoto Company), Los Angeles, Calif.	4494	$79,866.29 in the Treasury of the United States. All unliquidated assets, including obligations involved in 18 suits now pending in various courts in the State of California, vested by vesting order No. 401 (7 F. R. 10632, Dec. 19, 1942).

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6035; Filed, June 25, 1947; 8:47 a. m.]

[Vesting Order 9217]

VICTOR KOHLER AND URSULA KOHLER

In re: Stock, bonds, mortgage participation certificates owned by and debts or other obligations owing to Victor Kohler and Ursula Kohler. F-28-3231-A-1, F-28-3231-C-1, F-28-3231-D-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Victor Kohler and Ursula Kohler, whose last known addresses are Goettingen, Nikolausbergerweg 69, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirteen and three-quarters (13¾) shares of $100.00 par value capital stock of 43 West 29th Street Corporation, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number 12, registered in the name of Victor Kohler and Urusla Kohler and the survivor of them as joint tenants, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in account number 9224, together with all declared and unpaid dividends thereon,

b. One (1) 43 West 29th Street Corporation 4% Debenture bond, of $825.00 face value, bearing the number 12, registered in the name of Victor Kohler and Ursula Kohler and the survivor of them as joint tenants, and presently in the custoday of City Bank Farmers Trust Company, 22 William Street, New York, New York, in account number 9224, together with any and all rights thereunder and thereto,

c. Three (3) Iowa Central Railway Company 1st Mortgage 5% bonds, bearing the numbers and of the face values as follows:

Certificate No.:	Face value
2312	$1,000
2313	1,000
5784	1,000

and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in account number 9224, together with any and all rights thereunder and thereto,

d. One (1) Minneapolis & St. Louis Railroad 1st Consolidated 5% bond, of $1,000.00 face value, bearing the number 2196, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in account number 9224, together with any and all rights thereunder and thereto,

e. One (1) City Bank Farmers Trust Company mortgage participation certificate, of the original face value of $2,500.00, bearing the number A-16793, participating in a 4% building mortgage bearing the number 3991, covering the premises located at 37-41 West 42nd Street and 38-48 West 43rd Street, New

York, New York, which certificate is registered in the name of Victor Kohler and Ursula Kohler and the survivor of them as joint tenants, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in account number 9224, together with any and all rights thereunder and thereto,

f. One (1) City Bank Farmers Trust Company mortgage participation certificate, of the original face value of $491.97, bearing the number A–2325, participating in a 4% building mortgage bearing the number 19967, covering the premises located at 43 W. 29th Street, New York, New York, which certificate is registered in the name of Victor Kohler and Ursula Kohler and the survivor of them as joint tenants, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in account number 9224, together with any and all rights thereunder and thereto,

g. One (1) City Bank Farmers Trust Company mortgage participation certificate, of the original face value of $1,872.47, bearing the number A–28802, participating in a 4% building mortgage bearing the number 20098, covering the premises located at 801 Madison Avenue, New York, New York, which certificate is registered in the name of Victor Kohler and Ursula Kohler and the survivor of them as joint tenants, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in account number 9224, together with any and all rights thereunder and thereto,

h. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of a custodian cash balance account, account number 9224, and any and all rights to demand, enforce and collect the same, and

i. Those certain debts or other obligations of City Bank Farmers Trust Company, 22 William Street, New York, New York, evidences by two Secretary's checks drawn by City Bank Farmers Trust Company to the order of Dresdner Bank Filiale Bielefeld A/C #17, Victor and/or Ursula Kohler, said checks numbered T257540 and T220718, dated February 1, 1940 and March 1, 1940, and in the amounts of $57.04 and $114.00, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Victor Kohler and Ursula Kohler, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–6029; Filed, June 25 1947; 8:45 a. m.]

JOACHIM KOLBE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Joachim Kolbe, Milwaukee, Wis.	A–298	Property described in vesting order No. 201 (8 F. R. 625, Jan. 16, 1943) relating to United States Letter Patent Nos. 2,072,521; 2,076,746; 2,092,676; 2,094,711; 2,116,027; 2,303,056; 2,231,438; 2,249,212 and 2,282,289, to the extent owned by claimant immediately prior to the vesting thereof. Any interests and rights relating to said property created in the heirs of Fritz Beindorf and in Daimler-Benz A. G. by virtue of agreements dated Oct. 6, 1933 and May 7, 1936, respectively, are expressly reserved.

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–6034; Filed, June 25, 1947; 8:46 a. m.]

[Vesting Order 9214]

MARGARET C. BRUCKNER-TYLER

In re: Debts or other obligations owing to and bank account and stock owned by Margaret C. Bruckner-Tyler, also known as Margaret C. Tyler. F–28–820–A–1, F–28–820–D–1, F–28–820–D–2, F–28–820–D–3, F–28–820–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret C. Bruckner-Tyler, also known as Margaret C. Tyler, whose last known address is Podbielskistrasse 14, Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Margaret C. Bruckner-Tyler, also known as Margaret C. Tyler, by H. Hentz & Co., 60 Beaver Street, New York 4, New York, in the amount of $1,201.81, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Old Colony Trust Company, 1 Federal Street, Boston, Massachusetts, arising out of a cash account entitled Mrs. Margaret C. Bruckner-Tyler, and any and all rights to demand, enforce and collect the same,

c. Ten (10) shares of $100.00 par value capital stock of Boston-Edison Company, 182 Tremont Street, Boston, Massachusetts, a corporation organized under the laws of the State of Massachusetts, evidenced by certificate number 164260, registered in the name of Margaret C. Bruckner-Tyler, and presently in the custody of H. Hentz & Co., 60 Beaver Street, New York 4, New York, together with all declared and unpaid dividends thereon, and all rights to exchange the aforesaid shares in accordance with a plan of recapitalization, effected July 24, 1940, of the said Boston-Edison Company, and

d. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Margaret C. Bruckner-Tyler, and presently in the custody of H. Hentz & Co., 60 Beaver Street, New York 4, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Margaret C. Bruckner-Tyler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate No.	Number of shares
American Telephone & Telegraph Co., 195 Broadway, New York, N. Y.	New York	Capital	$100.00	BE14073	5
Boston & Maine R.R., 150 Causeway St., Boston, Mass.	New York, Massachusetts, New Hampshire, and Maine.	First preferred, Class A	100.00	KN22828	1
			100.00	TO-207	20
New England Telephone & Telegraph Co., 50 Oliver St., Boston, Mass.	New York	Common	100.00	104849	8
			100.00	126788	1
Public Service Corp. of New Jersey, 80 Park Pl., Newark, N. J.	New Jersey	$5 preferred cumulative	No	H-08186	10
South Street Trust Co., Boston, Mass.	Massachusetts	Common	5.00	923	44

[F. R. Doc. 47–6028; Filed, June 25, 1947; 8:45 a. m.]

CLARENCE A. HEARLEY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Clarence A. Hearley, Chicago, Ill.	A–196	An undivided one-half interest in property described in vesting order No. 666 (8 F. R. 5047, Apr. 17, 1943) relating to United States Letters Patent No. 2,195,946 to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 47–6036; Filed, June 25, 1947; 8:47 a. m.]

[Vesting Order 9180]

MARIE THERESE YOSHIMOTO

In re: Stock and bank account owned by Marie Therese Yoshimoto. D–39–17744–A–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Therese Yoshimoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of Empire Trust Co., 120 Broadway, New York 5, N. Y., arising out of a Trust Ledger-Cash Account, entitled Marie Therese Yoshimoto, and any and all rights to demand, enforce and collect the same, and

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Bosworth & Co., and present in the custody of Empire Trust Company, 120 Broadway, New York 5, N. Y., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Number of shares	Certificate No.	Par value	Type of stock	Name of registered owner
Delaware, Lackawanna & Western R. R. Co., 140 Cedar St., New York, N. Y.	Pennsylvania	50	0160369	$50.00	Capital	Bosworth & Co.
The Greyhound Corp., 2600 Board of Trade Bldg., Chicago, Ill.	Delaware	30	N080399	No par	Common	Do.
New York Central R. R. Co., Albany, N. Y.	New York, Ohio, Illinois, Indiana, Pennsylvania, and Michigan.	25	L435206	No par	Capital	Do.
New York City Omnibus Corp., 605 West 132d St., New York, N. Y.	New York	25	015764	No par	do	Do.
Republic Steel Corp., Republic Bldg., Cleveland, Ohio	New Jersey	25	NYC0103509	No par	Common	Do.
The Sperry Corp., 30 Rockefeller Plaza, New York, N. Y.	Delaware	40	TJ015093	$1.00	do	Do.
Thompson-Starrett Co., Inc., 444 Madison Ave., New York, N. Y.	do	25	C032802	No par	do	Do.
Translucent Containers Corp., Ltd.		300	015, 035, 036			Do.
United States Realty & Improvement Co., 111 Broadway, New York, N. Y.	New Jersey	100	89625	No par	Capital	Do.
Willys-Overland Motors, Inc., Toledo, Ohio	Delaware	100	NY—C 48156	$1.00	Common	Do.

[F. R. Doc. 47–6027; Filed, June 25, 1947; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

UPPER BURNT RIVER PROJECT, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 30, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described land from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902 (32 Stat. 388).

UPPER BURNT RIVER PROJECT

WILLAMETTE MERIDIAN, OREG.

T. 10 S., R. 36 E.,
Sec. 27. NE¼, NE¼NW¼, NE¼SE¼, E½NW¼SE¼, E½W½NW¼SE¼, E½SW¼SE¼, SE¼SE¼;
Sec. 28. SE¼NE¼, NW¼NW¼, NE¼SE¼;
Sec. 29. N½N½, S½S½;
Sec. 33. SW¼SW¼NE¼, W½NW¼, SE¼NW¼, S½;
Sec. 34. N½NE¼, E½SW¼NE¼, E½W½SW¼NE¼, SE¼NE¼, SW¼SW¼, E½SE¼;
Sec. 35. NW¼, N½SW¼, SE¼SE¼;
Sec. 36, all.
T. 11 S., R. 36 E.,
Sec. 2, Lots 1, 2, 3, S½NE¼, SE¼NW¼, S½;
Sec. 3, SW¼NE¼, S½;
Secs. 10 to 14, incl., 23, 24, incl., all;
Sec. 25, N½, SW¼.

The above areas aggregate 8,210.11 acres.

WILLIAM E. WARNE,
Acting Commissioner.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Director.

APRIL 15, 1947.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order of January 30, 1947, withdrawing certain public lands in Townships 10 and 11 South, Range 36 East, Willamette Meridian, Oregon, for use in connection with the Upper Burnt River Reclamation Project, Oregon, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WILLIAM E. WARNE,
Acting Commissioner,
Bureau of Reclamation.

[F. R. Doc. 47-6000; Filed, June 25, 1947; 8:47 a. m.]

Bureau of Reclamation

MISSOURI RIVER PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 31, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410) and in accordance with the authority under the act of June 26, 1936 (49 Stat. 1976), I hereby withdraw the following described public land from entry as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

GLENDO UNIT

MISSOURI RIVER PROJECT, WYOMING

Sixth Principal Meridian

T. 29 N., R. 67 W.,
sec. 7, Lots 3, 4, E½W½;
sec. 29, NW¼SW¼.
T. 29 N., R. 68 W.,
sec. 1, SW¼SW¼;
sec. 2, SE¼SE¼;
sec. 9, E½SE¼;
sec. 11, N½NE¼;
sec. 12, NW¼NW¼;
sec. 22, N½NW¼;
sec. 23, SW¼NE¼, SE¼NW¼, NE¼SW¼;
sec. 24, NE¼NW¼, SE¼SW¼, SW¼SE¼;
sec. 25, NE¼NE¼, NE¼SW¼, SE¼.
T. 30 N., R. 68 W.,
sec. 10, NW¼NE¼, S½NE¼, E½NW¼, N½SE¼;
sec. 23, NW¼NE¼;
sec. 26, W½SE¼.

The areas described aggregate 1,513.06 acres.

WILLIAM E. WARNE,
Acting Commissioner.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Director.

MARCH 17, 1947.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order of January 31, 1947, withdrawing certain public lands in the State of Wyoming, for use in connection with the Glendo Unit, Missouri River Project, Wyoming, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WILLIAM E. WARNE,
Acting Commissioner,
Bureau of Reclamation.

[F. R. Doc. 47-5999; Filed, June 25, 1947; 8:47 a. m.]

[No. 2]

BUFFALO RAPIDS IRRIGATION PROJECT, SECOND DIVISION, MONTANA

NOTICE OF TEMPORARY WATER SERVICE

JUNE 9, 1947.

1. *Water rental.* Irrigation water will be furnished when available, upon a rental basis under approved applications for temporary water service during the irrigation season of 1947 and thereafter until further notice, where the progress of construction will permit, to the irrigable lands in the Shirley and Terry Units of the Second Division of the Buffalo Rapids Project, Montana.

2. *Charges and terms of payment.* The water rental charge shall be One Dollar ($1.00) per acre-foot for all water delivered in accordance with the application at the applicant's farm. All charges shall be payable in advance of the delivery of water; provided that there shall be a minimum payment at the time of making rental application of not less than Twenty Dollars ($20) and that subsequent payments will each be not less than Ten Dollars ($10). Credit for water paid for but not delivered during any irrigation season will be allowed in the next irrigation season, or at the request of the applicant, a cash refund equal to such credit will be made after the close of the current irrigation season.

3. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

4. Individual applications for water and the payments required by this notice will be received at the office of the Construction Engineer, Bureau of Reclamation, Masonic Temple Building, Terry, Montana. The United States reserves the right to reject any application.

MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 47-6001; Filed, June 25, 1947; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 368]

ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U. S. C. 201), I, Wm. R. McComb, Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, do hereby accept the resignation of Commissioner Donald McMillan from the Advisory Committee on Sheltered Workshops, and do appoint in his stead Commissioner Ernest I. Puemire, National Commander of the Salvation Army, to the Committee.

Signed at Washington, D. C., this 19th day of June 1947.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 47-6006; Filed, June 25, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8412]

INTERLAKE BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Interlake Broadcasting Corporation, Renton, Washington, Docket No. 8412, File No. BP-5485; for Construction Permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station on 1220 kc, with 250 w power, daytime only, at Renton, Washington;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues;

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KTW, Seattle, Washington, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That The First Presbyterian Church of Seattle, Washington, licensee of Station KTW, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6040; Filed, June 25, 1947; 8:47 a. m.]

[Docket No. 8419]

DEKALB RADIO STUDIOS

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Theodore A. Lanes and Roland Wallem, a partnership d/b as DeKalb Radio Studios, DeKalb, Illinois, Docket No. 8419, File No. BP-5648; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1360 kc, with 250 w power, daytime only, in DeKalb, Illinois.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WTAQ, Green Bay, Wisconsin or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the assignment of a Class IV station to a regional channel, and to whether the proposed operation with 250 w power would be an efficient use of the 1360 kc channel.

It is further ordered, That, WHBY, Inc., licensee of Station WTAQ, Green Bay, Wisconsin, be, and it is hereby, made a party to this proceeding.

Notice is hereby given, That, § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6041; Filed, June 25, 1947; 8:47 a. m.]

[Docket No. 8423]

WINDHAM BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Windham Broadcasting Company, Willimantic, Connecticut, Docket No. 8423, File No. BP-5810, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at Willimantic, Connecticut;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Stations WNHC, New Haven, Connecticut and WDRC, Hartford, Connecticut, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That The Elm City Broadcasting Corporation, licensee of Station WNHC, New Haven, Connecticut and WDRC, Inc., licensee of Station

WDRC, Hartford, Connecticut, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47 6042; Filed, June 25, 1947, 8:47 a. m.]

[Docket No. 8424]

TOWER REALTY CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of the Tower Realty Company, Cumberland, Maryland, Docket No. 8424, File No. BP-5940; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of June 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1490 kc, with 250 w power, unlimited time, at Cumberland, Maryland;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WARD, Johnstown, Pennsylvania, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Central Broadcasting Company, Inc., licensee of station WARD, Johnstown, Pennsylvania, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6043; Filed, June 25, 1947; 8:48 a. m.]

[Docket Nos. 8367, 8422]

KFEQ, INC. AND WHB BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KFEQ, Inc. (KFEQ), St. Joseph, Missouri, for construction permit, Docket No. 8367, File No. BP-4810; WHB Broadcasting Company (WHB), Kansas City, Missouri, for modification of construction permit, Docket No. 8422, File No. BMP-2538.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 11th day of June 1947;

The Commission having under consideration the above-entitled application of WHB Broadcasting Company for modification of its construction permit for operation on 710 kc (File No. BP-2873, Docket No. 6022) so as to increase daytime power to 10 kw and to make changes in the daytime directional antenna;

It appearing, that the Commission on April 30, 1947, designated for hearing in a separate proceeding the application of KFEQ, Inc., requesting a construction permit to increase the daytime power of Station KFEQ, operating on 680 kc at St. Joseph, Missouri, to 10 kw, to operate with a nondirectional antenna daytime, and to install a new transmitter;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of WHB Broadcasting Company be, and it is hereby designated for hearing in a consolidated proceeding with the above-entitled application of KFEQ, Inc. at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate stations KFEQ and WHB as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations would involve objectionable interference with any other existing broadcast stations and particularly whether the operation of Station KFEQ as proposed would involve objectionable interference with stations KOWH, Omaha, Nebraska, WMAQ Chicago, Illinois, or KGGF, Coffeyville, Kansas, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and particularly whether the operation of Station KFEQ as proposed would involve objectionable interference with the services proposed in the pending application of Hugh J. Powell (KGGF), and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether t . proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either of the applications in this consolidated proceeding should be granted.

It is further ordered, That, World Publishing Company, licensee of Station KOWH, Omaha, Nebraska; National Broadcasting Company, Inc., licensee of Station WMAQ, Chicago, Illinois; and Hugh J. Powell, licensee of station KGGF, Coffeyville, Kansas, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6044; Filed, June 25, 1947; 8:48 a. m.]

FLINT BROADCASTING CO., FLINT, MICH.

NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on June 16, 1947 there was received an application (BTC-554) for its consent under section 310 (b) of the Communications Act (47 U. S. C. A.) to the proposed transfer of control of the Flint Broadcasting Company, licensee of Station WFDF, Flint, Michigan, from Howard M. and Frederick S. Leob to the Trebit Corporation, a Michigan Corporation.

The proposed transfer is based on an agreement dated May 12, 1947 pursuant to which Howard M. and Frederick S. Leob have agreed to sell their shares of capital stock of Flint Broadcasting Company to the Trebit Corporation for the sum of $600,000 plus an amount equal to the "net current assets" of the Flint Broadcasting Company as of June 1, 1947. The total purchase price is payable within 30 days after the date upon

[1] Section 1.321, Part I, Rules of Practice and Procedure.

which the formal order of the Commission consenting to the transfer of control of the Flint Broadcasting Company is entered. Full information concerning the transaction may be obtained from the application which is on file in the office of the Commission, Washington, D. C.

On July 25, 1946 the Commission adopted Rule 1.388 (the terms and provisions of which are embodied in § 1.321 Part I of the Commission's rules and regulations, effective September 11, 1946) providing for publication of the filing of such applications to be given in a newspaper of general circulation in the community in which the station is located. The Commission was advised with the filing of the application (June 16, 1947) that notice would be inserted in a daily newspaper of general circulation in Flint, Michigan, beginning June 17, 1947. No action will be had upon the application for a period of 60 days from said June 17, 1947 within which time other parties desiring to apply for the facilities involved may do so upon the same terms and conditions set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6045; Filed, June 25, 1947; 8:48 a. m.]

KIUL, GARDEN CITY, KANS.

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on June 13, 1947 there was filed with it an application (BAL-614) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KIUL from Frank D. Conard, trading as Radio Station KIUL to the Telegram Publishing Company, Garden City, Kansas. The proposal to assign the license arises out of a contract of May 13, 1947, pursuant to which the station and all its facilities and properties are to be sold to the proposed assignee for a total purchase price of $42,000. Of this amount $5,000 has been paid in cash and the remaining $37,000 is payable in cash on approval. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On June 13, 1947 the Commission was advised that public notice concerning the application would be inserted in a newspaper of general circulation at Garden City, Kansas, beginning June 17, 1947, in conformity with § 1.321.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from June 17, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6046; Filed, June 25, 1947; 8:48 a. m.]

[1] Section 1.321, Part I, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Project No. 654]

WHITE RIVER POWER CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR LICENSE (MAJOR)

JUNE 23, 1947.

Notice is hereby given that, on June 20, 1947, the Federal Power Commission issued its order entered June 19, 1947, dismissing application for license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47—6023; Filed, June 25, 1947; 8:55 a. m.]

[Docket No. G-850]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF FINAL DECISION AND ORDER

JUNE 20, 1947.

Notice is hereby given that the initial decision and order issuing a certificate of public convenience and necessity in the above-designated matter became effective on June 3, 1947, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6024; Filed, June 25, 1947; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 219]

RECONSIGNMENT OF CAR AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., June 17, 1947, by National Produce Company, of car MDT 7143, now on the Wabash to Chicago, Ill. (Wab).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of June 1947.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 47-6022; Filed, June 25, 1947; 8:53 a. m.]

[S. O. 759]

UNLOADING OF MACHINERY AT AMERICUS, GA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of June A. D. 1947.

It appearing, that 2 cars containing tractors, plows and cultivators at Americus, Ga., on the Seaboard Air Line Railroad Company, have been on hand for an unreasonable length of time, and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Machinery at Americus, Ga., be unloaded.* The Seaboard Air Line Railroad Company, its agents or employees, shall unload immediately cars PRR 61316 and ACL 55835, loaded with farm implements, now on hand refused at Americus, Ga., consigned Order Ellinwood Industries Notify Sheffield Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., June 23, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing

it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6021; Filed, June 25, 1947; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1482]

FEDERAL WATER AND GAS CORP. AND SCRANTON-SPRING BROOK WATER SERVICE CO.

ORDER EXTENDING TIME FOR CONSUMMATION OF SALE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of June A. D. 1947.

The Commission on April 9, 1947, having permitted to become effective a declaration regarding the sale by Federal Water and Gas Corporation to Scranton-Spring Brook Water Service Company of 975 shares of common stock, par value $50 per share, of the Winton Water Company for a cash consideration of $75,000, subject, however, to the condition that said sale be consummated within sixty days after said date; Federal Water and Gas Corporation and Scranton-Spring Brook Water Service Company having requested that the time within which to consummate the sale be extended for sixty days for the reason that the required application to the Public Utility Commission of the State of Pennsylvania has not as yet been filed; and it appearing to the Commission that it is appropriate to grant said request;

It is hereby ordered, That said request be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5998; Filed, June 25, 1947; 8:46 a. m.]

[File No. 70-1528]

AMERICAN WATER WORKS AND ELECTRIC CO., INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of June A. D. 1947.

American Water Works and Electric Company, Incorporated, ("American"), a registered holding company, has filed a declaration, with an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transaction:

American proposes to make a capital contribution of $125,000 in cash to its direct subsidiary, Joplin Water Works Company ("Joplin"). This capital contribution is to be added by American to its investment in the common stock of Joplin (10,000 shares, no par value, the total issue outstanding), and is to be credited by Joplin to its capital surplus. It is represented that Joplin is to use this cash, together with other corporate funds of Joplin, to carry out a construction program. It is stated that no expenses are to be incurred in connection with the proposed transaction.

The declaration was filed on May 15, 1947, and the amendment thereto on May 20, 1947. Notice of this filing was duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission has not received a request for a hearing with respect thereto, within the period specified in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this declaration that there is no basis for any adverse findings under he applicable provisions of the act and rules thereunder, deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and further deeming it appropriate to grant the request of declarant that this order be effective upon issuance;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that this declaration be, nd the same hereby is, permitted to become effective forthwith,

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5997; Filed, June 25, 1947; 8:46 a. m.]

JUL 2 '47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 12 NUMBER 126

Washington, Friday, June 27, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Wheat Bulletin 1]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM BULLETIN

This bulletin states the requirements with respect to the 1947 Wheat Loan and Purchase Agreement Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available on wheat produced in 1947 in accordance with this bulletin.

Sec
251.101 Administration.
251.102 Availability of loans and purchase agreements.
251.103 Approved lending agencies.
251.104 Eligible producer.
251.105 Eligible wheat.
251.106 Eligible storage.
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251.124 Purchase of notes.
251.125 Offices of Grain Branch.

AUTHORITY: §§ 251.101 to 251.125, inclusive, issued under sec. 7, 49 Stat. 4, as amended, sec. 1, 55 Stat. 498, sec. 8, 56 Stat. 767, sec. 1, 57 Stat. 566, 57 Stat. 643, secs. 1, 3, 204, 37 (a), 58 Stat. 105, 106, 643, 784, sec. 5, 59 Stat. 51; 15 U. S. C. and Sup., 713a-8 (a), 50 U. S. C. App. Sup., 968. Charter of Commodity Credit Corporation, Article Third, par. (b).

§ 251.101 *Administration.* The program will be administered in the field by the county agricultural conservation committees under the general supervision of PMA. Forms may be obtained from county committees in areas where loans and purchase agreements are available, or from field offices of PMA. County committees will determine or cause to be determined the quantity and grade of the wheat, the amount of the loan, and the value of the wheat delivered under a loan or purchase agreement. All loan and purchase agreement documents will be completed and approved by the county committee, which will retain copies of all documents. The county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee. The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents, or with the address of the Grain Branch office to which loan documents may be forwarded for disbursement.

§ 251.102 *Availability of loans and purchase agreements.*—(a) *Area.* (1) Loans shall be available on eligible wheat stored on farms in the States and counties for which loan rates will be established in Supplement 2 to this Bulletin.

(2) Loans shall be available on eligible wheat stored in approved public grain warehouses in all areas.

(3) Purchase agreements shall be available on eligible wheat in all areas where loans are available.

(b) *Time.* Loans and purchase agreements shall be available through December 31, 1947.

§ 251.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA-97) or other form prescribed by the Administrator.

§ 251.104 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing the wheat in 1947 as landowner, landlord, tenant, or sharecropper.

(Continued on p. 4169)

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FEDERAL REGISTER

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to the
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A limited sales stock of the 1945 Supplement (4 books) is still available at $3 a book.

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§ 251.105 *Eligible wheat.* Eligible wheat shall be wheat which meets the following requirements:

(a) Such wheat must be produced in 1947 by an eligible producer, or wheat represented by a "Certificate of Indemnity" (Form FCI–574, Revised), issued by the Federal Crop Insurance Corporation to an eligible producer.

(b) The beneficial interest in the wheat must be in the person tendering the wheat for a loan or purchase and must always have been in him, or must have been in him and a former producer whom he succeeded before the wheat was harvested.

(c) Such wheat must be (1) wheat of any class grading No. 3 or better; or (2) wheat of any class grading No. 4 or 5 solely on the factor of test weight but otherwise grading No. 3 or better. (If the wheat is warehouse stored, the quality of the wheat must be evidenced by a statement of the warehouseman on the warehouse receipt, the inspection certificate, or the warehouseman's supplemental certificate substantially as follows: "This wheat grades No. -- solely because of test weight."); or (3) wheat of the class mixed wheat, consisting only of mixtures of grades of wheat which are eligible for loans as stated in (1) or (2) of this paragraph provided such mixtures are the natural products of the field.

(d) If such wheat is of the class hard red spring, durum, or red durum, it shall contain not more than 14½ percent moisture, and if it is of any other class it shall contain not more than 14 percent moisture.

(e) In order to be eligible for a loan, wheat stored on the farm must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by field offices of PMA.

§ 251.106 *Eligible storage.* Eligible storage for wheat shall meet the following requirements:

(a) Under the loan program eligible farm storage shall consist of farm bins and granaries which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of the wheat for a period of 2 years, permit effective fumigation for the destruction of insects, and afford protection against rodents, other animals, thieves, and weather.

(b) Under the loan and purchase agreement program, eligible warehouse storage shall consist of (1) public grain warehouses for which a Uniform Grain Storage Agreement (CCC Form H, revised June 1, 1946) has been executed (Warehousemen desiring approval may communicate with the Grain Branch office serving the area in which the warehouse is located.); or (2) warehouses of eastern common carriers operating under tariffs approved by the Interstate Commerce Commission. A list of approved warehouses will be furnished State offices and county committees.

(c) Under the purchase agreement program, wheat stored in other than eligible warehouse storage will be purchased on a delivered basis.

§ 251.107 *Approved forms.* The approved forms constitute the loan and purchase agreement documents which, together with the provisions of §§ 251.101 to 251.125, inclusive, govern the rights and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement, or in executing any of the loan or purchase agreement documents, will render him subject to prosecution under the United States Criminal Code.

Notes and chattel mortgages, and note and loan agreements, must be dated prior to January 1, 1948, and must be executed in accordance with §§ 251.101 to 251.125, inclusive, with State and documentary revenue stamps affixed thereto where required by law. Purchase agreements must be dated prior to January 1, 1948. Notes and chattel mortgages, note and loan agreements, and purchase agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producers' notes on CCC Commodity Form A, secured by chattel mortgages on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of note and loan agreements on CCC Commodity Form B, secured by negotiable warehouse receipts representing the wheat stored in approved warehouses. All wheat pledged as security for a loan on a single CCC Commodity Form B must be stored in the same warehouse.

(c) *Purchase agreement program.* Approved forms shall consist of the Purchase Agreement (CCC Purchase Form 1) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by the Director, Grain Branch, PMA.

(d) *Warehouse receipts.* Wheat in eligible warehouse storage under the loan and purchase agreement program must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouseman.

(2) Each warehouse receipt should set forth in its written terms that the wheat is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) The wheat represented by each warehouse receipt must be free of all liens for charges prior to unloading in or delivery to the warehouse. Liens for warehouse charges will be recognized by CCC only from May 15, 1947, or the date of the warehouse receipt, whichever is later.

(4) Warehouse receipts must set forth in the written or printed terms the gross weight or bushels, grade, and subclass, and such other information as is required by the Uniform Warehouse Receipts Act.

(5) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the test weight, protein content (if determined by protein analysis), degree or percentage of smut, garlic and dockage, and must also show the moisture content except in the States of California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. (In those areas where moisture content is required, but it is not customary for country warehousemen to determine the exact moisture percentage, a warehouse receipt representing wheat stored in a country warehouse will be accepted if the moisture content is not shown, provided the grade of wheat does not show the word "tough." In such cases the warehouseman will be responsible for delivering wheat which does not grade "tough" or "sample" due to moisture content.)

(6) In the case of warehouse receipts issued for wheat delivered by rail or barge, CCC will accept inbound weight and inspection certificates and protein certificates properly identified with the wheat covered thereby in lieu of the information required by subparagraph (5) of this paragraph. In the States of California, Idaho, Nevada, Oregon, Utah, and Washington, and in other areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors. The official inbound weight and inspection certificates must represent wheat unloaded in the warehouse issuing said receipt.

(7) In the case of warehouse receipts issued for wheat delivered by rail or barge, the protein content, as determined by a recognized protein testing laboratory, must be shown on each warehouse receipt (or supplemental certificate accompanying the warehouse receipt) representing wheat of the subclasses of hard red spring and hard red winter and of the subclass hard white wheat, except that protein content need not be shown for the subclasses hard winter and yellow hard winter produced in States or areas tributary to markets where a showing of protein content is not customarily required.

§ 251.108 *Determination of quantity.* Loans and purchases will be made at values expressed in cents per bushel. A bushel will be 60 pounds of wheat free of dockage, when determined by weight, or 1.25 cubic feet of wheat testing 60 pounds per bushel when determined by measurement. A deduction of $\frac{3}{4}$ of a pound for each sack will be made in determining the net quantity of the wheat when stored as sacked grain. In determining the quantity of wheat in farm storage by measurement, fractional pounds of the test weight per bushel will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 60-pound wheat:

For wheat testing—	*Percent*
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83

§ 251.109 *Determination of dockage, smut, and garlic.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States and the weight of said dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan or purchase.

In the States of California, Idaho, New Mexico, Nevada, Oregon, Utah, and Washington, the quantity of smut shall be stated in percentage in accordance with the method set out in paragraph (a) under "smutty wheat" in the current handbook of the Official Grain Standards of the United States, and shall be stated in terms of half percent, whole percent, or whole and half percent, and the quantity of smut so determined in pounds shall be deducted from the weight of the wheat after deduction of dockage. Elsewhere the smut condition of the wheat shall be determined on a degree basis in accordance with paragraph (b) under "smutty wheat," Official Grain Standards of the United States. Where applicable, the words "light smutty" or "smutty" shall be added to, and made a part of, the grade designation.

The garlic condition of the wheat shall be determined in accordance with the Official Grain Standards of the United States, and such condition shall be made a part of the grade designation by addition of the words "light garlicky" or the word "garlicky" as determined under such standards.

§ 251.110 *Liens.* The wheat must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the wheat, proper waivers must be obtained.

§ 251.111 *Service fees*—(a) *Loans.* Where the wheat under loan is farm-stored, the producer shall pay a service fee of 1 cent per bushel, and where the wheat under loan is warehouse-stored, the producer shall pay a service fee of $\frac{1}{2}$ cent per bushel.

(b) *Purchase agreement.* At the time the producer applies for a purchase agreement he shall pay a preliminary minimum service fee of $1.50. In addition, where delivery of wheat is made under the purchase agreement, the producer shall pay a service fee of $\frac{1}{2}$ cent per bushel on each bushel of wheat delivered in excess of 300 bushels.

§ 251.112 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan or purchase agreement to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lien holders. Indebtedness owing to CCC shall be given first consideration after claims of prior lien holders.

§ 251.113 *Loan rates and purchase price*—(a) *Loan rates.* Loan rates and settlement values for the designated grades and subclasses will be set out in 1947 CCC Wheat Bulletin 1, Supplements 1 and 2.

(b) *Purchase price.* The price paid for wheat delivered under a purchase agreement shall be the applicable loan value established for the wheat at the approved point of delivery.

§ 251.114 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 251.115 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the wheat under loan or his remaining interest may be restricted by CCC.

§ 251.116 *Safeguarding of the wheat.* The producer who places the wheat under loan is obligated to maintain the farm storage structures in good repair, and to keep the wheat in good condition.

§ 251.117 *Insurance.* CCC will not require the producer to insure the wheat placed under farm storage loan; however, if the producer does insure such wheat, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the wheat involved in the loss.

§ 251.118 *Loss or damage to the wheat.* The producer is responsible for any loss in quantity or quality to the wheat placed under farm storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer, and resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 251.119 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the wheat by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 251.120 *Maturity and satisfaction*—(a) *Loans.* Loans mature on demand but not later than April 30, 1948. In the case of farm storage loans, the producer is required to pay off his loan on or before maturity date, or to deliver the mortgaged wheat within 60 days after maturity date. Credit will be given for the total quantity of wheat delivered, provided it was stored in the bins in which the wheat under loan was stored, at the applicable settlement value, according to grade and/or quality. If the settlement value of the wheat delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the wheat is less than the amount due on the loan, the amount of the deficiency, plus interest,

shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the wheat may be delivered before the maturity date of the loan upon prior approval by the county committee. In the case of warehouse-storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the wheat in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 251.121.

(b) *Purchase agreements.* The producer who signs a Purchase Agreement (CCC Purchase Form 1) shall not be obligated to deliver any specified quantity of wheat to CCC. If the producer who signs a purchase agreement wishes to sell wheat to CCC, he shall, within 30 days from the maturity date shown on the loan notes, or such earlier date as demand for payment of loan notes may be made, submit eligible warehouse receipts representing wheat stored in eligible warehouse storage to the county committee for the quantity of such wheat he elects to sell to CCC, or, in the case of wheat stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Delivery shall be made to an approved warehouse, or as otherwise directed by the Administrator of PMA, or his designee. When delivery is completed, payment shall be made as prescribed by the Administrator of PMA. The producer shall direct to whom payment of the purchase price will be made.

In the case of wheat stored in eligible warehouse storage, purchases will be made on the basis of the weight, grade, protein content, and other quality factors shown on the warehouse receipts and accompanying documents. Wheat delivered from other than eligible warehouse storage will be purchased on the basis of official weight, grade, protein content, and other quality factors at destination, or on the basis of official weight at destination and official grade, protein content, and other quality factors at the inspection point shown on the shipping order furnished the producer, which unless otherwise agreed shall be the customary location, on the route of shipment, of an inspector licensed under the United States Grain Standards Act; or, if such wheat is delivered to a local CCC bin site, on the basis of the weight, grade, protein content, and other quality factors determined by the county committee (in accordance with instructions for the determination of such factors under the loan program) and approved by the producer at the time of delivery.

§ 251.121 *Removal of the wheat under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the wheat and sell it, either by separate contract or after pooling it with other lots of the same wheat similarly held. The producer has no right of redemption after the wheat is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled wheat as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the wheat even though part or all of such pooled wheat is disposed of under such policies at prices less than the current domestic price for such wheat. Any sum due the producer as a result of the sale of the wheat or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right to assignment by him.

§ 251.122 *Release of the wheat under loan.* A producer may at any time obtain release of the wheat under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial releases of the wheat may be arranged with the county committee by paying to the holder of the note the amount of the loan plus charges and accrued interest, represented by the quantity of the wheat to be released. In case of warehouse storage loans, each partial release must cover all the wheat under one warehouse receipt number.

§ 251.123 *Storage allowance*—(a) *Warehouse-stored loans.* Under the loan program, CCC will assume accrued warehouse charges on wheat in eligible warehouse storage.

(b) *Farm-stored loans.* A farm storage payment of 7 cents per bushel will be paid to the producer (1) on wheat delivered to CCC on or after April 30, 1948, or (2) on wheat delivered to CCC prior to April 30, 1948, pursuant to demand by CCC for repayment of the loan. If delivery is made prior to April 30, 1948, upon request by the producer and with the approval of CCC, the storage payment will be 6 cents per bushel if the wheat is delivered during the month of April 1948; 5 cents per bushel if the wheat is delivered during the month of March 1948; 4 cents per bushel if the wheat is delivered during the month of February 1948; 3 cents per bushel if the wheat is delivered during the month of January 1948; and 2 cents per bushel if the wheat is delivered prior to January 1, 1948. Earned storage shall be computed after delivery has been completed.

No storage payment will be made on wheat delivered to CCC prior to April 30, 1948, pursuant to demand by CCC for the repayment of a loan if such demand for repayment was due to any fraudulent representation on the part of the producer or the fact that the wheat was damaged, threatened with damage, abandoned, or otherwise impaired.

In the case of losses assumed by CCC under the loan program, CCC will pay the producer the full storage payment of 7 cents per bushel for the wheat lost.

(c) *Purchase agreements.* Under the purchase agreement program, CCC will assume accrued warehouse charges on wheat in eligible warehouse storage, or make a payment of 7 cents per bushel to the producer on wheat in such storage if it is shown that all warehouse charges other than receiving charges have been paid by the producer up to the time he submits the warehouse receipt to the county committee. A payment of 7 cents per bushel will be made to the producer on wheat delivered from other than eligible warehouse storage pursuant to delivery instructions issued by the county committee.

(d) *Track-loaded wheat.* Under the loan and purchase agreement program a payment of 2 cents per bushel will be made to the producer by CCC on wheat delivered on track at a country point.

§ 251.124. *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of $1\frac{1}{2}$ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on 1940 CCC Form F, or such other form as CCC may prescribe, of all payments received on producers' notes held by them, and they are required to remit promptly to CCC an amount equivalent to $1\frac{1}{2}$ percent interest per annum on the amount of the principal collected from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the Grain Branch office serving the area.

§ 251.125 *Offices of Grain Branch.* The offices of the Grain Branch and the areas served by them are shown below:

Address and Area
623 South Wabash Ave., Chicago 5, Ill.: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia.
300 Interstate Bldg., 417 East 13th St., Kansas City 6, Mo.: Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi,

Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.
326 McKnight Bldg., Minneapolis 1, Minn.:
Minnesota, Montana, North Dakota, South Dakota, Wisconsin.
Eastern Outfitting Bldg., 515 Southwest 10th St., Portland 5, Oreg.:
Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Date program announced, June 17, 1947.

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

JUNE 24, 1947.

[F. R. Doc. 47-6088; Filed, June 26, 1947; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 56—DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF (INSPECTION AND CERTIFICATION FOR CONDITION AND WHOLESOMENESS

FORM OF APPLICATION FOR INSPECTION

Correction

In Federal Register Document 47-5532, appearing at page 3804 of the issue for Wednesday, June 11, 1947, the first line of paragraph (a) (4) of the form of application has been corrected to read: "(4) all edible products handled by the applicant".

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(1) Subdivisions (i), (ii), and (iii) of subparagraph (1) of § 904.6 (a) of the order and the entire table contained in subdivision (iv) of said subparagraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "4.77", do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of July 1947; and

(2) It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and July 1, 1947, is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond July 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Greater Boston, Massachusetts, milk marketing area.

It is therefore ordered, That subdivisions (i), (ii), and (iii) of subparagraph (1) of § 904.6 (a) of the order and the entire table contained in subdivision (iv) of said subparagraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "4.77", be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of July 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 23d day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6062; Filed, June 26, 1947; 8:50 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, milk marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(1) Subdivisions (i), (ii), and (iii) of subparagraph (1) of § 934.6 (a) of the order and the entire table contained in subdivision (iv) of said subparagraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "5.21", do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of July 1947, and

(2) It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and July 1, 1947, is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond July 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Lowell-Lawrence, Massachusetts, milk marketing area.

It is therefore ordered, That subdivisions (i), (ii), and (iii) of subparagraph (1) of § 934.6 (a) of the order and the entire table contained in subdivision (iv) of said subparagraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "5.21", be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of July 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 23d day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6063; Filed, June 26, 1947; 8:50 a. m.]

PART 947—MILK IN THE FALL RIVER, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act", and of the order, as amended regulating the handling of milk in the Fall River, Massachusetts, milk marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(1) Subparagraphs (1), (2), and (3) of paragraph (a) of § 947.4 of the order and the entire table contained in subparagraph (4) of said paragraph, with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.52", do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of July 1947; and

(2) It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and July 1, 1947, is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this section beyond July 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Fall River, Massachusetts, milk marketing area.

It is therefore ordered, That subparagraphs (1), (2), and (3) of paragraph (a) of § 947.4 of the order and the entire table contained in subparagraph (4) of said paragraph with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.52", be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of July 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 23d day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6064; Filed, June 26, 1947; 8:50 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Functions, and Procedures

PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

JUDGE ADVOCATE GENERAL'S DEPARTMENT

Part 2, Subtitle A, Title 10 CFR (11 F. R. 177A-779), is hereby amended by inserting the following sections:

§ 2.81a *Courts-martial.* Rules of procedure (including modes of proof) and practice in cases before Army courts-martial and certain military commissions (See Articles of War (10 U. S. C. 1472-1593)) are contained in a volume known as "A Manual for Courts-Martial, U. S. Army, 1928 (Corrected to April 20, 1943)." This manual, published by direction of the President under authority contained in Article of War 38 (10 U. S. C. 1509) and Executive Order No. 4773, November 29, 1927, is available for inspection in the Office of The Judge Advocate General, Pentagon Building, Washington 25, D. C., to any interested person upon application, and may be obtained upon payment of reasonable fees from the Superintendent of Documents, Government Printing Office, Washington, D. C.

§ 2.88 *Availability of records, opinions and orders*—(a) *Official records.* Save as otherwise required by law, all matters of official record under the administrative supervision of the Office of The Judge Advocate General, other than information specifically held confidential (for good cause found), shall be available to persons properly and directly concerned therewith upon application to the Office of The Judge Advocate General, Pentagon Building, Washington 25, D. C.

(b) *Final opinions or orders.* Opinions which the Boards of Review render, unless held confidential for good cause found, are collected and bound in volumes known as "J. A. G. D. Board of Review Opinions." These bound opinions are available in the Office of The Judge Advocate General to any interested person upon application properly identifying the opinion desired to be inspected.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6076; Filed, June 26, 1947; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4719]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ASSOCIATED MERCHANDISING CORP. ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties.* In connection with the offering for sale, sale and distribution of tooth brushes in commerce, using the word "sterilized" to designate or describe toothbrushes which are not in fact sterile; or otherwise representing, directly or by implication, that toothbrushes which are not sterile are sterile; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Associated Merchandising Corporation et al., Docket 4719, April 24, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of April A. D. 1947.

In the Matter of Associated Merchandising Corporation, a Corporation; Owens Staple-Tied Brush Company, a Corporation; Abraham & Straus, Inc., a Corporation; L. S. Ayres & Company, a Corporation; Bloomingdale Bros., Inc., a Corporation; The Herzfeld-Phillipson Company, a Corporation; Bullock's, Inc., a Corporation; Burdine's, Inc., a Corporation; The Emporium-Capwell Corporation, a Corporation; The Dayton Company, a Corporation; Wm. Filene's Sons Company, a Corporation; B. Forman Co., a Corporation; Joseph Horne Company, a Corporation; J. L. Hudson Company, a Corporation; Hutzler Brothers Co., a Corporation; The F. & R. Lazarus & Co., a Corporation; The Rike-Kumler Co., a Corporation; Stix, Baer & Fuller Company, a Corporation; Strawbridge & Clothier, a Corporation; The John Shillito Co., a Corporation; R. H. White Co., a Corporation; William Taylor Son & Co., a Corporation; Thalheimer Brothers, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answers of respondents, and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, then Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may proceed upon said statement of facts to make its report stating its findings as to the facts, including inferences which it may draw from the facts, and its conclusion based thereon, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the Federal Trade Commission Act:

It is ordered, That the corporate respondents Associated Merchandising Corporation, Owens Staple-Tied Brush Company, Abraham & Straus, Inc., L. S. Ayres & Company, Bloomingdale Bros., Inc., The Herzfeld-Phillipson Company, Bullock's, Inc., Burdine's Inc., The Emporium-Capwell Corporation, The Dayton Company, Wm. Filene's Sons Company, B. Forman Co., Joseph Horne Company, J. L. Hudson Company, Hutzler Brothers Co., The F. & R. Lazarus & Co., The Rike-Kumler Co., Stix, Baer & Fuller Company, Strawbridge & Clothier, The John Shillito Co., R. H. White Co., William Taylor Son & Co., and Thalheimer Brothers, Inc., their respective officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of toothbrushes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the word "sterilized" to designate or describe toothbrushes which are not in fact sterile; or otherwise representing, directly or by implication, that toothbrushes which are not sterile are sterile.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-6064; Filed, June 26, 1947; 8:50 a. m.]

[Docket No. 5246]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IDEAL MAIL ORDER COMPANY, ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Direct dealing advantages:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Reputation, success or standing:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (o) *Advertising falsely or misleadingly—Old or reclaimed as new:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Forced or sacrifice sales:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old, used or reclaimed as unused or new.* In connection with the offering for sale, sale, and distribution of second-hand wearing apparel and other merchandise in commerce, (1) representing, directly or by implication, that the respondents are manufacturers of the wearing apparel sold by them or representing in any other manner that the respondents own, operate, or control a factory where such merchandise is made; (2) representing, directly or by implication, that respondents sell direct from factory to consumer or that customers purchasing from the respondents save the middleman's or jobber's profit; (3) representing, directly or by implication, that respondents are offering wearing apparel or other merchandise for sale at bankrupt or close-out prices; (4) rep-

resenting that respondents are a style and fashion leader; (5) representing, directly or by implication, that the respondents have buying connections in any places other than the City of New York when such wearing apparel and other merchandise are procured only in said city; or, (6) representing that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials by failure to stamp on the sweatbands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatband, a statement that such hats are composed of used or secondhand materials; prohibited, subject to the provision, however, as respects said last prohibition, that if sweatbands are not affixed to such hats then such stamping shall appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating such bodies. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Ideal Mail Order Company, etc., Docket 5246, April 28, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of April A. D. 1947.

In the Matter of Samuel Smith, Abraham Weinstein, and Aaron Smith, Individually and as Copartners Trading as Ideal Mail Order Company and Smith & Strickland Trading Company

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, answer of the respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief filed in support of the complaint (the respondents not having filed brief or requested oral argument), and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Samuel Smith, Abraham Weinstein, and Aaron Smith, individually and as copartners trading as Ideal Mail Order Company or Smith & Strickland Trading Company or trading under any other name or names, and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of secondhand wearing apparel and other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the respondents are manufacturers of the wearing apparel sold by them or representing in any other manner that the respondents own, operate, or control a factory where such merchandise is made.

2. Representing, directly or by implication, that respondents sell direct from factory to consumer or that customers purchasing from the respondents save the middleman's or jobber's profit.

3. Representing, directly or by implication, that respondents are offering wearing apparel or other merchandise for sale at bankrupt or close-out prices.

4. Representing that respondents are a style and fashion leader.

5. Representing, directly or by implication, that the respondents have buying connections in any places other than the City of New York when such wearing apparel and other merchandise are procured only in said city.

6. Representing that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials by failure to stamp on the sweatbands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatband, a statement that such hats are composed of used or secondhand materials: *Provided*, That if sweatbands are not affixed to such hats then such stamping shall appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating such bodies.

It is further ordered, That the respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-6065; Filed, June 26, 1947; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51703]

PART 6—AIR COMMERCE REGULATIONS

REDESIGNATION OF HAVRE-HILL COUNTY AIRPORT, HAVRE, MONT.; JOHN G. HINDE AIRPORT, SANDUSKY, OHIO; AND WATERTOWN MUNICIPAL AIRPORT, WATERTOWN, N. Y.; AS AIRPORTS OF ENTRY WITHOUT TIME LIMIT

JUNE 20, 1947.

The Havre-Hill County Airport, Havre, Montana; the John G. Hinde Airport, Sandusky, Ohio; and the Watertown Municipal Airport, Watertown, New York, are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. title 49, sec. 179 (b)), effective June 1, 1947, without time limit.

The list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12) as amended, is hereby further amended to include the locations and names of these airports. The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13) as amended, is hereby further amended by deleting the locations, names, and dates and periods of designations of these airports.

Notice of the proposed redesignations of these airports as airports of entry without time limit was published in the FEDERAL REGISTER on May 17, 1947 (12 F. R. 3229), pursuant to the provisions of section 4 of the Administrative procedure Act (Public Law 404, 79th Congress). The redesignations of these airports shall be effective on June 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with because of the expiration of the previous designations prior to the expiration of 30 days after the publication hereof. The redesignations of these airports are based on a determination that a sufficient need exists to justify such redesignations and the redesignations are made for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b), 44 Stat. 572, sec. 611, 58 Stat. 714; 49 U. S. C. and Sup. 177 (b))

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-6089; Filed, June 26, 1947; 8:45 a. m.]

[T. D. 51704]

PART 6—AIR COMMERCE REGULATIONS

DINNER KEY SEAPLANE BASE, MIAMI, FLA.; REVOCATION OF DESIGNATION AS AIRPORT OF ENTRY

JUNE 20, 1947.

The designation of the Dinner Key Seaplane Base, Miami, Florida, as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. Title 49, sec. 179 (b)), is hereby revoked effective August 1, 1947.

The list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12) as amended, is hereby further amended by deleting therefrom the location and name of said airport.

Notice of the proposed revocation of the designation of this airport as an airport of entry was published in the FEDERAL REGISTER on May 17, 1947 (12 F. R. 3230), pursuant to the provisions of section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). The revocation is made for the reason that the site embracing the seaplane base is no longer available for the use of the owners and operators of seaplanes.

(Sec. 7 (b), 44 Stat. 572, sec. 611, 58 Stat. 714; 49 U. S. C. and Sup. 177 (b))

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 47-6091; Filed, June 26, 1947; 8:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. DR-OR 5]

PART 1—FUNCTIONS AND ORGANIZATION

ADVISORY COMMITTEE FOR FOREIGN SERVICE INSTITUTE

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 238), Part 1 of Title 22 of the Code of Federal Regulations is hereby amended by the addition of the following section:

§ 1.2511 *Advisory Committee for the Foreign Service Institute.* The Advisory Committee for the Foreign Service Institute is established by authority of Departmental Regulation 108.42 of March 7, 1947 (12 F. R. 1545).

(a) *Purpose.* To serve the Foreign Service Institute in an advisory capacity with respect to the programs, operations, and activities of the Institute.

(b) *Major functions.* The Committee performs the following functions:

(1) Advises the Director of the Institute as to the general character and scope of the training programs of the Institute.

(2) Reviews, not less than once each year, the operations of the Institute and makes recommendations as to its future operations.

(3) Gives such other advice and renders such services as may be requested by the Director General of the Foreign Service.

(c) Organization. The Committee is composed of the following members:

(1) The Director General of the Foreign Service (chairman).

(2) Two members of the United States Senate as may be appointed by the Vice President or the President pro tempore of the Senate.

(3) Two members of the United States House of Representatives as may be appointed by the Speaker of the House.

(4) Six members designated by the Secretary of State as follows:

(i) One official of the Department of State.

(ii) Two former ambassadors, Foreign Service officers, or Department of State officers.

(iii) Three private citizens distinguished in such fields as education, philanthropy, journalism, publishing, industry, banking, commerce, agriculture, or labor.

(d) *Procedures.* The Committee will be governed by the following procedures:

(1) The Director General of the Foreign Service will serve as permanent chairman of the Committee.

(2) Members of the Committee will serve without compensation, and members not officers of the Government of the United States or members of the United States Senate or of the House of Representatives will be designated as WOC consultants to the Department.

(3) Members attending meetings will receive traveling expenses in accordance with existing laws and regulations.

(4) The Committee will be called into session in Washington from time to time as determined by the Director General, or by decision of the Committee, but in no case will it meet less than once each year.

(5) The Director of the Foreign Service Institute, through the Director General, will keep members of the Committee currently informed of significant developments in the planning and operation of the Institute.

(R. S. 161, secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 5 U. S. C. 22)

Approved: June 20, 1947.

JOHN E. PEURIFOY, *Assistant Secretary of State.*

[F. R. Doc. 47-6079; Filed, June 26, 1947; 8:52 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Premium Payments Reg. 9, Amdt. 4]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' HOUSING ACT OF 1946

MERCHANT PIG IRON

Section 805.9 (Housing Expediter Premium Payments Regulation No. 9) is amended in the following respects:

1. In the Purpose and Findings, the third and fourth sentences are amended to read as follows: "The payment of a uniform rate of premium for the additional production of all plants in this industry is not feasible. For this reason one uniform rate is provided for operating and reopened plants and another uniform rate for closed plants."

2. Paragraphs (a) (3) to (a) (15), inclusive, are renumbered (a) (4) to (a) (16), inclusive, and a new paragraph (a) (3) is added to read as follows:

(3) "Housing type items" means any item listed below, or any other item which in the judgment of the Expediter is needed in, or in connection with, the construction of house accommodations:

Cast iron soil pipe and fittings.
Cast iron pressure pipe and fittings.
Cast iron radiation.
Warm air furnaces, and floor and wall furnaces.
Bathtubs.
Lavatories.
Kitchen sinks, and sink and tray combinations.
Low pressure boilers for residential heating use.
Screwed pipe fittings.
Builders' hardware.
Electrical wiring devices.

3. Paragraph (a) (6) is amended to read as follows:

(6) "Reopened plant" means a plant which is not an operating plant but which produced merchant pig iron at any time during the period September 1, 1946 to June 30, 1947, inclusive.

4. Paragraphs (a) (7) to (a) (16), inclusive, are renumbered (a) (8) to (a) (17), inclusive, and a new paragraph (a) (7) is added to read as follows:

(7) "Closed plant" means a plant which is neither an operating plant nor a reopened plant.

5. Paragraphs (b) (1) to (b) (3), inclusive, are amended to read as follows:

(b) *Establishment of quota.* A separate quota shall be established for each plant and for each month during which this section remains in effect: *Provided, however*, That in the case of a producer with two or more plants, if the Expediter finds an application by the producer on Form NHA 14-98 that it is the producer's normal operating practice to shift a substantial portion of his production and/or shipments among any of his plants, the Expediter may establish a combined quota for such plants. Quotas shall be established as follows:

(1) For a closed plant, and, for an operating plant which produced no merchant pig iron in the period January 1, 1946 to August 31, 1946, inclusive, the quota for each month shall be zero.

(2) For a reopened plant, the quota for each month shall be determined by the Expediter on application.

(3) For an operating plant which produced merchant pig iron at any time during the period January 1, 1946 to August 31, 1946, inclusive, the quota for any month shall be determined in the following manner:

(i) Determine the month of highest production of merchant pig iron in the period January 1, 1946 to August 31, 1946, inclusive, compute 80% of the plant's production of merchant pig iron during that month and divide this figure by the total number of calendar days in that month.

(ii) If a plant produced merchant pig iron in at least three months during the period January 1, 1946 to August 31, 1946, inclusive, determine the plant's total production of merchant pig iron in the three months of highest production during that period and divide this figure by the total number of calendar days in those three months. If a plant produced merchant pig iron in only one or two months during the period January 1, 1946 to August 31, 1946, inclusive, determine the total production of merchant pig iron in such month or months and divide by the total number of calendar days therein.

(iii) The quota for any month is arrived at by multiplying the daily average as computed in subdivision (i) or (ii), whichever is lower, by the number of calendar days in that month.

6. Paragraphs (d) (1) to (d) (3), inclusive, are renumbered (d) (2) to (d) (4), inclusive, and a new paragraph (d) (1) is added to read as follows:

(d) *Rate and computation of premium payments.* (1) Premiums shall be payable with respect to shipments in excess of a plant's established quota: *Provided, however*, The Expediter may from time to time notify any plant that all or part of such over-quota shipments shall be made to designated producers of housing type items within a specified period of time, and in the event of such notification by the Expediter premiums shall be payable with respect to the over-quota shipments

covered by such notification only to the extent that they have been made in accordance with the terms of such notification.

7. Paragraph (d) (2) is amended to read as follows:

(2) For shipments by an operating plant or by a reopened plant, a premium at the rate of $8 per gross ton shall be paid on all shipments of merchant pig iron during a month covered by a claim, which are in excess of the plant's established quota for that month.

8. Paragraph (j) is amended to read as follows:

(j) *Termination.* This section shall terminate on December 31, 1947. The Expediter may make any amendments which he finds necessary, but no substantive amendments will be made until after adequate notice to and discussion with the producers who have filed acceptances with the Expediter pursuant to paragraph (k) of this section: *Provided, however,* That no amendment shall be made which would terminate this section prior to December 31, 1947, except by reason of change in facts or conditions which, in the judgment of the Expediter, make the use of premium payments for the stimulation of additional production and shipments of merchant pig iron no longer necessary, and any termination on such basis shall not be effective until the end of at least one full calendar month following notice of the proposed termination to the producers who have filed acceptances with the Expediter pursuant to paragraph (k) of this section.

Termination of this section shall not preclude the filing of claims for payment during the month following such termination on account of shipments during the immediately preceding month; such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

9. Paragraph (k) is renumbered (l) and a new paragraph (k) is added to read as follows:

(k) *Acceptance of premium payments plan.* Any producer may signify his acceptance of the premium payments plan embodied in this section by filing with the Housing Expediter, Washington, D. C., an executed acceptance in substantially the following form:

In consideration of paragraph (j) of EPPR-9, amended June 26, 1947, and pursuant to paragraph (k) thereof, the undersigned hereby accepts the provisions of said regulation and agrees to use his best efforts, up to and including December 31, 1947, to make maximum over-quota shipments of merchant pig iron in accordance with said regulation.

Signature of producer

Date

10. Paragraph (l), formerly (k), is amended to read as follows:

(l) *Effective date.* This section as amended shall become effective June 26, 1947, but shall not be applicable to claims based upon shipments made prior to July 1, 1947.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 26th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6157; Filed, June 26, 1947; 11:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[T. D. 5566]

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

MISCELLANEOUS AMENDMENTS

On March 21, 1947, notice of proposed rule making, regarding the employment tax provisions of the Social Security Act Amendments of 1946 (Pub. Law 719, 79th Cong.; 60 Stat. 978), approved August 10, 1946, was published in the FEDERAL REGISTER (12 F. R. 1892). After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments are hereby adopted. Such amendments are necessary in order to conform Regulations 106 (26 CFR Part 402), relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (Subchapter A, Chapter 9, Internal Revenue Code), to sections 101, 102, 412 (a), and 413 of such Social Security Act Amendments of 1946, and Regulations 107 (26 CFR Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (Subchapter C, Chapter 9, Internal Revenue Code), to sections 302 to 305, inclusive, 412 (b), and 416 (b) of such Social Security Act Amendments of 1946, and are as follows:

PARAGRAPH 1. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 402.201, the following is inserted:

SECTION 412 (a) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1426 (a) (1) of the Federal Insurance Contributions Act (Internal Revenue Code, sec. 1426 (a) (1)) is amended to read as follows:

(1) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid, prior to January 1, 1947, to such individual by such employer with respect to employment during such calendar year; or that part of the remuneration which, after remuneration equal to $3,000 with respect to employment after 1936 has been paid to an individual by an employer during any calendar year after 1946, is paid to such individual by such employer during such calendar year;

PAR. 2. Section 402.201 is amended by inserting after paragraph (o) the following new paragraph:

(p) Social Security Act Amendments of 1946 means the act approved August 10, 1946 (Pub. Law 719, 79th Cong.; 60 Stat. 978).

PAR. 3. Immediately preceding § 402.227 the following is inserted:

SECTION 412 (a) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1426 (a) (1) of the Federal Insurance Contributions Act (Internal Revenue Code, sec. 1426 (a) (1)) is amended to read as follows:

(1) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid, prior to January 1, 1947, to such individual by such employer with respect to employment during such calendar year; or that part of the remuneration which, after remuneration equal to $3,000 with respect to employment after 1936 has been paid to an individual by an employer during any calendar year after 1946, is paid to such individual by such employer during such calendar year;

PAR. 4. Section 402.227 (a) is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and as further amended by section 412 (a) of the Social Security Act Amendments of 1946."

PAR. 5. Section 402.228 (a) is amended as follows:

(A) By striking out the first three sentences of such section and inserting in lieu thereof the following:

§ 402.228 *Exclusions from wages*—(a) *$3,000 limitation*—(1) *In general.* Section 1426 (a) (1) of the act provides an annual $3,000 limitation on the amount of remuneration that may constitute wages, by excepting from the term "wages" remuneration paid after $3,000 has been paid. Under such section as amended by section 412 (a) of the Social Security Act Amendments of 1946, the amount first to be included in wages, after which the exception operates, is measured in two ways, depending on whether the remuneration is paid before 1947 or is paid after 1946. In the case of remuneration paid before 1947, the amount first to be included in wages is remuneration paid up to and including $3,000 for employment performed by an employee for his employer during each calendar year regardless of when paid (before 1947); and additional amounts for employment performed in such calendar year by such employee for such employer are excluded regardless of when paid (before 1947). In the case of remuneration paid after 1946, the amount first to be included in wages in each calendar year is remuneration up to and including $3,000 paid in the calendar year by an employer to an employee for employment performed at any time after December 31, 1936; and additional amounts paid in such calendar year by such employer to such employee are excluded regardless of when earned. In general, the change is from an "earned within the calendar year basis" to a "paid within the calendar year basis." For a more complete explanation of the limitation, see subparagraphs (2) and (3) of this paragraph.

(2) *Remuneration paid before 1947.* This subparagraph (2) (ending with Example 3) applies only with respect to remuneration paid before January 1, 1947.

The term "wages" does not include that part of the remuneration paid before January 1, 1947, by an employer to an employee for employment performed for him during any calendar year which exceeds the first $3,000 paid by such employer to such employee for employment performed during such calendar year.

In the case of remuneration paid before 1947, the $3,000 limitation applies only if the remuneration received by an employee from the same employer for employment during any one calendar year exceeds $3,000. The limitation in such case relates to remuneration for employment during any one calendar year and not to the amount of remuneration (irrespective of the year of employment) which is paid or received in any one calendar year.

(B) By inserting in the parenthetical matter in the third sentence of Example 1, immediately after the word "received" the following: "before January 1, 1947,".

(C) By striking out the clause, immediately following Example 1, "If the employee has more than one employer during a calendar year," and inserting in lieu thereof the following: "In the case of remuneration paid before 1947, if the employee has more than one employer during a calendar year,".

(D) By inserting at the beginning of the first and fifth sentences of Example 2 the following: "During 1940."

(E) By inserting immediately following the word "and" where it last appears in the first sentence of Example 3, the following: "during such year."

(F) By inserting immediately following Example 3 the following new subparagraph:

(3) *Remuneration paid after 1946.* This subparagraph (3) applies only with respect to remuneration paid after December 31, 1946.

The term "wages" does not include that part of the remuneration paid within any calendar year beginning after December 31, 1946, by an employer to an employee which exceeds the first $3,000 paid within such calendar year by such employer to such employee for employment performed for him at any time after December 31, 1936.

In the case of remuneration paid after 1946, the $3,000 limitation applies only if the remuneration received during any one calendar year by an employee from the same employer for employment performed after 1936 exceeds $3,000. The limitation in such case relates to the amount of remuneration received during any one calendar year for employment after 1936 and not to the amount of remuneration for employment performed in any one calendar year.

Example 1. Employee G, in 1947, receives $2,500 from employer H on account of $3,000 due him for employment performed in 1947. In 1948 G receives from employer H the balance of $500 due him for employment performed in the prior year (1947), and thereafter in 1948 also receives $3,000 for employment performed in 1948 for employer H. The $2,500 received in 1947 is subject to tax in 1947. The balance of $500 received in 1948 for employment during 1947 is subject to tax in 1948, as is also the first $2,500 paid of the $3,000 for employment during 1948 (this $500 for 1947 employment added to the first $2,500 paid for 1948 employment constitutes the maximum wages which could be received by G in 1948 from any one employer). The final $500 received by G from H in 1948 is not included as wages and is not subject to the tax.

Example 2. Employee I, in 1946, receives $3,000 from employer J on account of $6,000 due him for employment performed in 1946. In 1947, before receiving any remuneration for employment performed in 1947, employee I receives the balance of $3,000 due him from J on account of employment performed in 1946. The $3,000 received in 1946 constitutes wages in 1946 and is subject to the tax, in accordance with the provisions set forth in subparagraph (2) of this paragraph. The balance of $3,000 received in 1947 on account of employment in 1946 constitutes wages and is subject to the tax in 1947, in accordance with the provisions set forth in this subparagraph (3). The $3,000 received in 1947 for 1946 employment constitutes the maximum wages which could be received by I from J in 1947. Any further remuneration received in 1947 by employee I for services performed for J is not included as wages and is not subject to the tax, whether for services performed before, during, or after 1947. (Assuming the same amounts of remuneration and times of payment, the same result would be reached if employee I had left the employ of J and performed no further services for J after 1946.)

If during a calendar year (after 1946) the employee receives remuneration from more than one employer, the limitation of wages to the first $3,000 of remuneration received applies, not to the aggregate remuneration received from all employers with respect to employment performed after 1936, but instead to the remuneration received during such calendar year from each employer with respect to employment performed after 1936. In such case the first $3,000 received during the calendar year from each employer constitutes wages and is subject to the tax, even though, under section 1401 (d) of the act, the employee may be entitled to a refund of any amount of employees' tax deducted from his wages which exceeds the employees' tax with respect to the first $3,000 of wages received during the calendar year from all employers. (In this connection and in connection with the two examples immediately following, see § 402.705, relating to special refunds of employees' tax on wages over $3,000.)

Example 3. During 1947 employee K receives from employer L a salary of $600 a month for employment performed for L during the first seven months of 1947, or total remuneration of $4,200. At the end of the fifth month K has received $3,000 from employer L, and only that part of his total remuneration from L constitutes wages subject to the tax. The $600 received by employee K from employer L in the sixth month, and the like amount received in the seventh month, are not included as wages and are not subject to the tax. At the end of the seventh month K leaves the employ of L and enters the employ of M. K receives remuneration of $600 a month from employer M in each of the remaining five months of 1947, or total remuneration of $3,000 from employer M. The entire $3,000 received by K from employer M constitutes wages and is subject to the tax. Thus, the first $3,000 received from employer L and the entire $3,000 received from employer M constitute wages.

Example 4. During the calendar year 1947 N is simultaneously an officer (an employee) of the O Corporation, the P Corporation, and the Q Corporation and during such year receives a salary of $3,000 from each corporation. Each $3,000 received by N from each of the corporations O, P, and Q (whether or not such corporations are related) constitutes wages and is subject to the tax.

PAR. 6. Immediately preceding § 402.301, the following is inserted:

SECTION 101 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Clauses (1) and (2) of section 1400 of the Federal Insurance Contributions Act (Internal Revenue Code, sec. 1400), as amended, are amended to read as follows:

(1) With respect to wages received during the calendar years 1939 to 1947, both inclusive, the rate shall be 1 per centum.

(2) With respect to wages received during the calendar year 1948, the rate shall be 2½ per centum.

PAR. 7. Section 402.302, as amended by Treasury Decision 5487, approved December 27, 1945, is further amended to read as follows:

§ 402.302 *Rates and computation of employees' tax.* The rates of employees' tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1940 to 1947, both inclusive	1
For the calendar year 1948	2½
For the calendar year 1949 and subsequent calendar years	3

The employees' tax is computed by applying to the wages received by the employee the rate in effect at the time such wages are received.

Example. During 1947 A is an employee of B and is engaged in the performance of services which constitute employment (see § 402.203). In the following year, 1948, A receives from B $1,000 as remuneration for services performed by A in the preceding year. The tax is payable at the 2½ percent rate in effect for the calendar year 1948 (the year in which the wages are received) and not at the 1 percent rate which is in effect for the calendar year 1947 (the year in which the services were performed).

PAR. 8. Immediately preceding § 402.401 the following is inserted:

SECTION 102 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Clauses (1) and (2) of section 1410 of such act (Internal Revenue Code, sec. 1410), as amended, are amended to read as follows:

(1) With respect to wages paid during the calendar years 1939 to 1947, both inclusive, the rate shall be 1 per centum.

(2) With respect to wages paid during the calendar year 1948, the rate shall be 2½ per centum.

PAR. 9. Section 402.402, as amended by Treasury Decision 5487, is further amended to read as follows:

§ 402.402 *Rates and computation of employers' tax.* The rates of employers' tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1940 to 1947, both inclusive	1
For the calendar year 1948	2½
For the calendar year 1949 and subsequent calendar years	3

The employers' tax is computed by applying to the wages paid by the employer the rate in effect at the time such wages are paid.

PAR. 10. Immediately preceding § 402.-705 the following is inserted:

SECTION 413 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1401 (d) of the Federal Insurance Contributions Act (Internal Revenue Code, sec. 1401 (d)) is amended to read as follows:

(d) *Special Refunds*—(1) *Wages received before 1947.* If by reason of an employee rendering service for more than one employer during any calendar year after the calendar year 1939, the wages of the employee with respect to employment during such year exceed $3,000, the employee shall be entitled to a refund of any amount of tax, with respect to such wages, imposed by section 1400, deducted from such wages and paid to the collector, which exceeds the tax with respect to the first $3,000 of such wages received. Refund under this section may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax; except that no such refund shall be made unless (A) the employee makes a claim, establishing his right thereto, after the calendar year in which the employment was performed with respect to which refund of tax is claimed, and (B) such claim is made within two years after the calendar year in which the wages are received with respect to which refund of tax is claimed. No interest shall be allowed or paid with respect to any such refund. No refund shall be made under this paragraph with respect to wages received after December 31, 1946.

(2) *Wages received after 1946.* If by reason of an employee receiving wages from more than one employer during any calendar year after the calendar year 1946, the wages received by him during such year exceed $3,000, the employee shall be entitled to a refund of any amount of tax, with respect to such wages, imposed by section 1400 and deducted from the employee's wages (whether or not paid to the collector), which exceeds the tax with respect to the first $3,000 of such wages received. Refund under this section may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax; except that no such refund shall be made unless (A) the employee makes a claim, establishing his right thereto, after the calendar year in which the wages were received with respect to which refund of tax is claimed, and (B) such claim is made within two years after the calendar year in which such wages were received. No interest shall be allowed or paid with respect to any such refund.

PAR. 11. Section 402.705, as amended by Treasury Decision 5487, is further amended as follows:

(A) By striking out the first sentence of the first paragraph and inserting in lieu thereof the following:

§ 402.705 *Special refunds on employees' tax on wages over $3,000*—(a) *In general.* If an employee receives wages from more than one employer, his aggregate wages from all employers may exceed the annual $3,000 limitation on wages from a single employer provided by section 1426 (a) (1) of the act. (See § 402.228 (a), relating to the $3,000 limitation.) Section 1401 (d) of the act provides in certain cases for refund to an employee of a portion of the employees' tax in event of such an excess. By reason of the amendment of such section by section 413 of the Social Security Act Amendments of 1946, the conditions and limitations upon the refunds differ in certain respects, depending upon whether the tax, refund of which is claimed, is imposed with respect to wages received before 1947 or with respect to wages received after 1946.

(b) *Wages received before 1947.* This paragraph relates only to refunds, under section 1401 (d) (1) of the act, of employees' tax with respect to wages received before January 1, 1947. If, prior to 1947, an employee receives wages in excess of $3,000 from two or more employers for services performed during the calendar year 1940 or any subsequent calendar year, the employee may file a claim for refund of the amount, if any, by which the employees' tax deducted and paid to a collector with respect to such wages exceeds the employees' tax with respect to the first $3,000 of such wages.

(B) By striking out the words "Each claim" at the beginning of the third sentence of the first paragraph and inserting in lieu thereof "Each such claim".

(C) By inserting in the clause numbered (4) in the fourth sentence of the first paragraph, immediately after the word "year" where it first appears, the words "prior to 1947".

(D) By striking the word "section" wherever appearing therein from the last two sentences of the first paragraph, and inserting in lieu thereof "paragraph".

(E) By striking out the last paragraph and inserting in lieu thereof the following:

Example 1. Employee A in the calendar year 1946 receives taxable wages in the amount of $2,000 from each of his employers, B, C, and D, for services performed during such year, or a total of $6,000. Employees' tax is deducted from A's wages and paid to the collector, in the amount of $20 by B and $20 by C, or a total of $40. Employer D pays employees' tax in the amount of $20 to the collector without deducting such tax from A's wages. The employees' tax with respect to the first $3,000 of such wages is $30. A may file a claim for refund of $10.

Example 2. Employee E in the calendar year 1946 performs employment for employers F and G, for which E is entitled to remuneration of $3,000 from each employer, or a total of $6,000. On account of such employment E in 1946 receives wages in the amount of $3,000 from F, and $2,000 from G; and on January 1, 1947, E receives the remaining $1,000 of wages from G. Employees' tax was deducted and paid to the collector as follows: in 1946, by employer F, $30, and by employer G, $20; and in 1947, by employer G, $10. Thus E, prior to January 1, 1947, received $5,000 in wages for services performed during the calendar year 1946, with respect to which wages $50 of employees' tax was deducted and paid to the collector. The amount of employees' tax with respect to the first $3,000 of such wages is $30. E may file a claim for refund of $20. (The $1,000 of wages received on January 1, 1947, and $10 of employees' tax with respect thereto, have no bearing on this claim because the wages were received after December 31, 1946; but if in 1947 E receives wages from one or more employers in addition to employer G, and the total wages received in such year from all employers exceeds $3,000, E may be entitled to another special refund of employees' tax. The determination in such case would include consideration of the $1,000 wages received on January 1, 1947, and the $10 of employees' tax with respect thereto, and such determination would be made under section 1401 (d) (2) of the act, which is dealt with in paragraph (c) of this section.)

(c) *Wages received after 1946.* This paragraph relates only to refunds, under section 1401 (d) (2) of the act, of employees' tax with respect to wages received after December 31, 1946. If, during any calendar year beginning after December 31, 1946, an employee receives wages in excess of $3,000 from two or more employers, the employee may file a claim for refund of the amount, if any, by which the employees' tax imposed with respect to such wages and deducted therefrom exceeds the employees' tax with respect to the first $3,000 of such wages. (See §§ 402.227 and 402.228, relating to wages.) Each such claim shall be made with respect to wages received within one calendar year (regardless of the year or years after 1936 during which the services are performed for which such wages are received). The employee shall submit with the claim, as a part thereof, a statement setting forth the following information, with respect to each employer from whom he received wages during the calendar year: (1) The name and address of such employer, (2) the account number of the employee and the employee's name as reported by the employer on his returns, (3) the amount of wages received during the calendar year to which the claim relates, (4) the amount of employees' tax, if any, deducted from such wages, and (5) the amount of such tax, if any, which has been refunded or otherwise returned to the employee. Other information may be required, but should be submitted only upon the receipt of a specific request therefor. The employee's claim shall be made on Form 843, in accordance with the regulations of this part and the instructions relating to such form, and shall be filed with the collector for the district in which the employee resides. No interest will be allowed or paid by the Government on the amount of any refund to which this paragraph relates.

No refund to which this paragraph relates will be made unless (1) the employee files a claim, establishing his right thereto, after the calendar year in which the wages are received with respect to which refund of tax is claimed, and (2) such claim is filed within two years after the calendar year in which such wages are received.

Example 1. Employee H in the calendar year 1947 receives taxable wages in the amount of $2,000 from each of his employers I, J, and K, for services performed during such year (or at any time after December 31, 1936), or a total of $6,000. Employees' tax is deducted from H's wages, in the amount of $20 by I and $20 by J, or a total of $40. Employer K pays employees' tax in the amount of $20 to the collector without deducting such tax from H's wages. The employees' tax with respect to the first $3,000 of such wages is $30. H may file a claim for refund of $10.

Example 2. Employee L in the calendar year 1947 performs employment for employers M and N, for which L is entitled to remuneration of $3,000 from each employer, or a total of $6,000. On account of such employment L in 1946 received an advance payment of $1,000 in wages from M; and in 1947 receives wages in the amount of $2,000 from M, and $3,000 from N. Employees' tax was deducted as follows: In 1946, $10 by employer M; and in 1947, $20 by employer M, and $30 by employer N. Thus L in the calendar year 1947 received $5,000 in wages, from which $50 of employees' tax was deducted. The amount of employees' tax with respect to the first $3,000 of such wages received in 1947 is $30. L may file a claim for refund of $20. (The $1,000 advance of wages received in 1946 from M, and $10 of employees' tax with respect thereto, have no bearing on this claim, because the wages were not received in 1947; and such amounts could not form the basis for a refund unless L prior to 1947 received from M and at least one more employer advance wages totalling more than $3,000 for employment to be performed during 1947, in which case L's right to refund would be determined under section 1401 (d) (1) of the act, which is dealt with in paragraph (b) of this section.)

PAR. 12. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 403.201, the following is inserted:

SECTION 412 (b) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1607 (b) (1) of the Federal Unemployment Tax Act (Internal Revenue Code, sec. 1607 (b) (1)) is amended to read as follows:

(1) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid after December 31, 1939, and prior to January 1, 1947, to such individual by such employer with respect to employment during such calendar year; or that part of the remuneration which, after remuneration equal to $3,000 with respect to employment after 1938 has been paid to an individual by an employer during any calendar year after 1946, is paid to such individual by such employer during such calendar year;

SECTION 302 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

That part of section 1607 (c) of the Internal Revenue Code, as amended, which reads as follows:

(c) *Employment.* The term "employment" means any service performed prior to January 1, 1940, which was employment as defined in this section prior to such date, and any service, of whatever nature, performed after December 31, 1939, within the United States by an employee for the person employing him, irrespective of the citizenship or residence of either, except—

is amended, effective July 1, 1946, to read as follows:

(c) *Employment.* The term "employment" means any service performed prior to July 1, 1946, which was employment as defined in this section as in effect at the time the service was performed; and any service, of whatever nature, performed after June 30, 1946, by an employee for the person employing him, irrespective of the citizenship or residence of either, (A) within the United States, or (B) on or in connection with an American vessel under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel when outside the United States, except—.

SECTION 303 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1607 (c) (4) of the Internal Revenue Code, as amended, is amended, effective July 1, 1946, to read as follows:

(4) Service performed on or in connection with a vessel not an American vessel by an employee, if the employee is employed on and in connection with such vessel when outside the United States;

SECTION 304 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

(a) Section 1607 (c) (15) of such Code is amended by striking out "or" at the end thereof.

(b) Section 1607 (c) (16) of such Code is amended by striking out the period and inserting in lieu thereof the following: "; or".

(c) Section 1607 (c) of such Code is further amended by adding after paragraph (16) a new paragraph to read as follows:

(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (A) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (B) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States).

(d) The amendments made by this section shall take effect July 1, 1946.

SECTION 305 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1607 of such Code, as amended, is further amended, effective July 1, 1946, by adding after subsection (m) a new subsection to read as follows:

(n) *American vessel.* The term "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State.

SECTION 416 (b) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

The last sentence of subsection (f) of section 1607 of the Federal Unemployment Tax Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided*, That an amount equal to the amount of employee payments into the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to their disability, exclusive of expenses of administration."

PAR. 13. Section 403.201 (26 CFR 403.201) is amended by inserting after paragraph (m) the following new paragraph:

(n) Social Security Act Amendments of 1946 means the act approved August 10, 1946 (Pub. Law 719, 79th Cong.; 60 Stat. 978).

PAR. 14. Immediately preceding the caption "Section 1607 (c) of the Federal Unemployment Tax Act, as enacted February 10, 1939" as set forth preceding § 403.202, the following is inserted:

SECTION 302 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

That part of section 1607 (c) of the Internal Revenue Code, as amended, which reads as follows:

(c) *Employment.* The term "employment" means any service performed prior to January 1, 1940, which was employment as defined in this section prior to such date * * *

is amended, effective July 1, 1946, to read as follows:

(c) *Employment.* The term "employment" means any service performed prior to July 1, 1946, which was employment as defined in this section as in effect at the time the service was performed * * *

PAR. 15. Section 403.202, as amended by Treasury Decision 5519, approved June 14, 1946, is amended by striking out the first three sentences thereof and inserting in lieu thereof the following:

§ 403.202 *Employment prior to January 1, 1940.* Under the provisions of section 1607 (c) of the Federal Unemployment Tax Act, as amended, effective July 1, 1946, by section 302 of the Social Security Act Amendments of 1946, services performed prior to July 1, 1946, constitute employment if they were employment as defined in section 1607 (c) as in effect at the time the service was performed. The provision in effect prior to January 1, 1940, and therefore applicable to services performed prior to such date, is section 1607 (c) of the Federal Unemployment Tax Act as originally enacted February 10, 1939, as modified by section 13 (a) of the Railroad Unemployment Insurance Act. Thus, services performed prior to January 1, 1940, within the United States by an employee for the person employing him, constitute employment within the meaning of the Federal Unemployment Tax Act in force on and after January 1, 1940, unless the services are excepted by section 1607 (c) as originally enacted, as modified by such section 13 (a).

PAR. 16. Immediately preceding § 403.-203 the following is inserted:

SECTION 302 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

That part of section 1607 (c) of the Internal Revenue Code, as amended, which reads as follows:

(c) *Employment.* The term "employment" means * * * any service, of whatever nature, performed after December 31, 1939, within the United States by an employee for the person employing him, irrespective of the citizenship or residence of either, except—

is amended, effective July 1, 1946, to read as follows:

(c) *Employment.* The term "employment" means any service performed prior to July 1, 1946, which was employment as defined in this section as in effect at the time the service was performed; and any service, of whatever nature, performed after June 30, 1946, by an employee for the person employing him, irrespective of the citizenship or residence of either, (A) within the United States, or (B) on or in connection with an American vessel under a contract of service which is entered into within the United States or during the performance of which

the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel when outside the United States, except—.

SECTION 305 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1607 of such Code, as amended, is further amended, effective July 1, 1946, by adding after subsection (m) a new subsection to read as follows:

(n) *American vessel.* The term "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State.

PAR. 17. Section 403.203, as amended by Treasury Decision 5519, is amended to read as follows:

§ 403.203 *Employment after December 31, 1939*—(a) *In general.* Whether services performed on or after January 1, 1940, constitute employment is determined under section 1607 (c) of the act, that is, section 1607 (c), as amended, effective January 1, 1940, by section 614 of the Social Security Act Amendments of 1939, and as amended, effective January 1, 1946, by section 4 (d) of the International Organizations Immunities Act, and as further amended, effective July 1, 1946, by sections 302, 303, and 304 of the Social Security Act Amendments of 1946. This section, and all sections of this Subpart B which follow (except §§ 403.227 and 403.228, relating to wages), apply with respect only to services performed after December 31, 1939. Such sections apply with respect to services performed at any time after such date, except those provisions thereof in which a different period of application is expressly stated. (For provisions relating to the circumstances under which services which do not constitute employment are nevertheless deemed to be employment, and relating to the circumstances under which services which constitute employment are nevertheless deemed not to be employment, see § 403.207. For provisions relating to the circumstances under which certain services with respect to which the collection of tax is prohibited are deemed not to be included within the term "employment" as used in the regulations in this part, see § 403.206. For provisions relating to services performed prior to January 1, 1940, see § 403.202.

(b) *Services performed within the United States.* Services performed on or after January 1, 1940, within the United States, that is, within any of the several States, the District of Columbia, or the Territory of Alaska or Hawaii, by an employee for the person employing him, unless specifically excepted by section 1607 (c) of the act, constitute employment within the meaning of the act. Services performed outside the United States, that is, outside the several States, the District of Columbia, and the Territories of Alaska and Hawaii (except certain services performed after June 30, 1946, on or in connection with an American vessel—see paragraph (c) of this section), do not constitute employment.

With respect to services performed within the United States, the place where the contract of service is entered into and the citizenship or residence of the employee or of the person employing him are immaterial. Thus, the employee and the person employing him may be citizens and residents of a foreign country and the contract of service may be entered into in a foreign country, and yet, if the employee under such contract actually performs services within the United States, there may be to that extent employment within the meaning of the act.

(c) *Services performed outside the United States.* Services performed on or after July 1, 1946, by an employee for the person employing him "on or in connection with" an American vessel outside the United States constitute employment: *Provided:*

(1) The employee is also employed "on and in connection with" such vessel when outside the United States; and

(2) The services are performed under a contract of service, between the employee and the person employing him, which is entered into within the United States, or during the performance of which the vessel touches at a port within the United States; and

(3) The services are not excepted under section 1607 (c) of the act. (See particularly § 403.226b, relating to fishing.)

An employee performs services on and in connection with the vessel if he performs services on the vessel which are also in connection with the vessel. Services performed on the vessel as officers or members of the crew, or as employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Services may be performed on the vessel, however, which have no connection with it, as in the case of services performed by an employee while on the vessel merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.

If services are performed by an employee "on and in connection with" an American vessel when outside the United States and conditions in subparagraphs (2) and (3) of this paragraph are met, then the services of that employee performed on or in connection with the vessel constitute employment. The expression "on or in connection with" refers not only to services performed on the vessel but also to services connected with the vessel which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).

Services performed by a member of the crew or other employee whose contract of service is not entered into within the United States, and during the performance of which the vessel does not touch at a port within the United States, do not constitute employment, notwithstanding similar services performed by others on or in connection with the vessel may constitute employment.

The word "vessel" includes every description of watercraft, or other contrivance, used as a means of transportation on water. It does not include any type of aircraft.

The term "American vessel" means any vessel which is documented (that is, registered, enrolled, or licensed) or numbered in conformity with the laws of the United States. It also includes any vessel which is neither documented nor numbered under the laws of the United States, nor documented under the laws of any foreign country, if the crew of such vessel is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State (including the District of Columbia or the Territory of Alaska or Hawaii).

With respect to services performed outside the United States, the citizenship or residence of the employee is immaterial, and the citizenship or residence of the person employing him is material only in case it has a bearing in determining whether a vessel is an American vessel.

(d) *Services performed for Bonneville Power Administrator.* Notwithstanding any other provision of the regulations in this part, such services as constitute employment under section 1607 (m) of the act shall constitute employment within the meaning of the act and of these regulations (including § 403.205 relating to who are employers). Section 1607 (m) of the act relates to services performed after December 31, 1945, by a laborer, mechanic, or workman, in connection with construction work or the operation and maintenance of electrical facilities, as an employee of the United States employed through the Bonneville Power Administrator.

PAR. 18. Immediately preceding the caption "Section 5 (b) of the International Organizations Immunities Act", as inserted by Treasury Decision 5519 preceding § 403.206, the following is inserted:

SECTION 302 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

That part of section 1607 (c) of the Internal Revenue Code, as amended, which reads as follows:

(c) *Employment.* The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, within the United States by an employee for the person employing him • • • except—

is amended, effective July 1, 1946, to read as follows:

(c) *Employment.* The term "employment" means any service performed prior to July 1, 1946, which was employment as defined in this section as in effect at the time the service was performed; and any service, of whatever nature, performed after June 30, 1946, by an employee for the person employing him • • • except—.

PAR. 19. Section 403.206, as amended by Treasury Decision 5519, is further amended as follows:

(A) By striking out the period at the end of the first sentence and inserting in lieu thereof a comma and the following: "and as further amended, effective July 1, 1946, by sections 302, 303, and 304 of the Social Security Act Amendments of 1946."

(B) By striking out the following sentences where they appear: "This section, § 403.207 (relating to included and excluded services), and §§ 403.208 to 403.226, inclusive (relating to certain classes of excepted services), apply with respect only to services performed on or after January 1, 1940. Section 403.226a, relating to an additional class of excepted services, applies with respect only to services performed on or after January 1, 1946." and by inserting in lieu thereof the following: "This section, and the sections which follow it relating to included and excluded services and the several classes of excepted services, apply with respect to services performed at any time after December 31, 1939, except where a different period of application is expressly stated."

PAR. 20. In those provisions of law which read as follows:

The term "employment" means • • • any service, of whatever nature, performed after December 31, 1939, within the United States by an employee for the person employing him • • • except—

where they appear preceding each section from § 403.208 to § 403.226a, both inclusive, the phrase "after December 31, 1939, within the United States" is stricken, and "• • •" is inserted in lieu thereof, so that such provisions of law read as follows:

The term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

PAR. 21. Immediately preceding § 403.211 the following is inserted:

SECTION 303 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1607 (c) (4) of the Internal Revenue Code, as amended, is amended, effective July 1, 1946, to read as follows:

(4) Service performed on or in connection with a vessel not an American vessel by an employee, if the employee is employed on and in connection with such vessel when outside the United States;

PAR. 22. Section 403.211 is amended to read as follows:

§ 403.211 *Maritime services*—(a) *In general.* Section 1607 (c) (4) of the act, as amended, effective January 1, 1940, by section 614 of the Social Security Act Amendments of 1939, excepts service performed within the United States as an officer or member of the crew of a vessel on the navigable waters of the United States. Such exception, which is dealt with in paragraph (b), of this section, applies only with respect to services performed before July 1, 1946. Section 1607 (c) (4) of the act, as amended, effective July 1, 1946, by section 303 of the Social Security Act Amendments of 1946, excepts service performed within the United States on or in connection with a vessel not an American vessel by an employee, if the employee is employed on and in connection with such vessel when outside the United States. Such exception, which is dealt with in paragraph (c), of this section, applies only with respect to services performed on or after July 1, 1946. (For definitions of "vessel" and "American vessel," see § 403.203 (c).)

(b) *Services performed prior to July 1, 1946.* The expression "navigable waters of the United States" means such waters as are navigable in fact and which by themselves or their connection with other waters form a continuous channel for commerce with foreign countries or among the States.

The expression "officer or member of the crew" includes the master or officer in charge of the vessel, however designated, and every individual, subject to his authority, serving on board and contributing in any way to the operation and welfare of the vessel. The exception extends, for example, to services rendered by the master, mates, pilots, pursers, surgeons, stewards, engineers, firemen, cooks, clerks, carpenters, deck hands, porters, and chambermaids, and by seal hunters and fishermen on sealing and fishing vessels.

(c) *Services performed after June 30, 1946.* In order for services performed after June 30, 1946, within the United States "on or in connection with" a vessel not an American vessel to be excepted, the services must be performed by an employee who is also employed "on and in connection with" the vessel when outside the United States.

An employee performs services on and in connection with the vessel if he performs services on the vessel when outside the United States which are also in connection with the vessel. Services performed on the vessel outside the United States as officers or members of the crew, or as employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Services may be performed on the vessel, however, which have no connection with it, as in the case of services performed by an employee while on the vessel merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.

The expression "on or in connection with" refers not only to services performed on the vessel but also to services connected with the vessel which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).

The citizenship or residence of the employee and the place where the contract of service is entered into are immaterial for purposes of this exception, and the citizenship or residence of the person employing him is material only in case it has a bearing in determining whether the vessel is an American vessel.

Since the only services performed outside the United States which constitute employment are those described in § 403.203 (c) (relating to services performed outside the United States on or in connection with an American vessel), services performed outside the United States on or in connection with a vessel not an American vessel in any event do not constitute employment.

PAR. 23. The first sentence of § 403.213, as amended by Treasury Decision 5502, approved March 18, 1946, is amended by striking out "403.203 (b)" and inserting in lieu thereof "403.203 (d)".

PAR. 24. Immediately after § 403.226a, as added by Treasury Decision 5519, the following is inserted:

SECTION 1607 (c) (17) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed • • • by an employee for the person employing him • • • except—

(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (A) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (B) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States). (Sec. 1607 (c) (17), I. R. C., as added, effective July 1, 1946, by sec. 304 (c), Social Security Act Amendments of 1946.)

§ 403.226b *Fishing*—(a) *In general.* Subject to the limitations prescribed in paragraphs (b) and (c) of this section, the services performed on or after July 1, 1946, as described in this paragraph are excepted. Services performed by an individual in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish (for example, oysters, clams, and mussels), crustacea (for example, lobsters, crabs, and shrimps), sponges, seaweeds, or other aquatic forms of animal and vegetable life are excepted. The exception extends to services performed as an officer or member of the crew of a vessel while the vessel is engaged in any such activity whether or not the officer or member of the crew is himself so engaged. In the case of an individual who is engaged in any such activity in the employ of any person, the services performed, by such individual in the employ of such person, as an ordinary incident to any such activity are also excepted. Similarly, for example, the shore services of an officer or member of the crew of a vessel engaged in any such activity are excepted if such services are an ordinary incident to any such activity. Services performed as an ordinary incident to any such activity may include, for example, services performed in such cleaning, icing, and packing of fish as are necessary for the immediate preservation of the catch.

(b) *Salmon and halibut fishing.* Services performed in connection with the catching or taking of salmon or halibut, for commercial purposes, are not within the exception. Thus, neither the services of an officer or member of the crew of a vessel (irrespective of its tonnage) which is engaged in the catching or taking of

salmon or halibut, for commercial purposes, nor the services of any other individual in connection with such activity, are within the exception.

(c) *Vessels of more than 10 net tons.* Services described in paragraph (a) of this section performed on or in connection with a vessel of more than 10 net tons are not within the exception. For purposes of the exception, the tonnage of the vessel shall be determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States.

PAR. 25. Immediately preceding § 403.227, the following is inserted:

SECTION 412 (b) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

Section 1607 (b) (1) of the Federal Unemployment Tax Act (Internal Revenue Code, sec. 1607 (b) (1)) is amended to read as follows:

(1) That part of the remuneration which, after remuneration equal to $3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid after December 31, 1939, and prior to January 1, 1947, to such individual by such employer with respect to employment during such calendar year; or that part of the remuneration which, after remuneration equal to $3,000 with respect to employment after 1938 has been paid to an individual by an employer during any calendar year after 1946, is paid to such individual by such employer during such calendar year;

PAR. 26. Section 403.227 (a) is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and as further amended by section 412 (b) of the Social Security Act Amendments of 1946."

PAR. 27. Section 403.228 (a) is amended as follows:

(A) By striking out the first three sentences of such section and inserting in lieu thereof the following:

§ 403.228 *Exclusions from wages*—(a) *$3,000 limitation*—(1) *In general.* Section 1607 (b) (1) of the act provides an annual $3,000 limitation on the amount of remuneration that may constitute wages, by excepting from the term "wages" remuneration paid after $3,000 has been paid. Under such section as amended by section 412 (b) of the Social Security Act Amendments of 1946, the amount first to be included in wages, after which the exception operates, is measured in two ways, depending on whether the remuneration is paid before 1947 or is paid after 1946. In the case of remuneration paid before 1947, the amount first to be included in wages is remuneration paid up to and including $3,000 for employment performed by an employee for his employer during each calendar year regardless of when paid (before 1947); and additional amounts for employment performed in such calendar year by such employee for such employer are excluded regardless of when paid (before 1947). In the case of remuneration paid after 1946, the amount first to be included in wages in each calendar year is remuneration up to and including $3,000 paid in the calendar year by an employer to an employee for employment performed at any time after December 31, 1938; and additional amounts paid in such calendar year by such employer to such employee are excluded regardless of when earned. In general, the change is from an "earned within the calendar year basis" to a "paid within the calendar year basis." For a more complete explanation of the limitation, see subparagraphs (2) and (3) of this paragraph.

(2) *Remuneration paid before 1947.* This subparagraph (2) (ending with Example 3) applies only with respect to remuneration paid before January 1, 1947.

The term "wages" does not include that part of the remuneration paid before January 1, 1947, by an employer to an employee for employment performed for him during any calendar year which exceeds the first $3,000 paid by such employer to such employee for employment performed during such calendar year.

In the case of remuneration paid before 1947, the $3,000 limitation applies only if the remuneration paid to an employee by the same employer for employment during any one calendar year exceeds $3,000. The limitation in such case relates to remuneration for employment during any one calendar year and not to the amount of remuneration (irrespective of the year of employment) which is paid in any one calendar year.

(B) By inserting in the parenthetical matter in the third sentence of Example 1, immediately after the word "paid" where it last appears therein, the following: "before January 1, 1947,".

(C) By striking out the clause, immediately following Example 1, "If an employee has more than one employer during a calendar year," and inserting in lieu thereof the following: "In the case of remuneration paid before 1947, if an employee has more than one employer during a calendar year,".

(D) By inserting at the beginning of the first and fifth sentences of Example 2 the following: "During 1940".

(E) By inserting at the beginning of the second sentence of Example 3, the following: "During such year".

(F) By inserting immediately following Example 3 the following new subparagraph:

(3) *Remuneration paid after 1946.* This subparagraph applies only with respect to remuneration paid after December 31, 1946.

The term "wages" does not include that part of the remuneration paid within any calendar year beginning after December 31, 1946, by an employer to an employee which exceeds the first $3,000 paid within such calendar year by such employer to such employee for employment performed for him at any time after December 31, 1938.

In the case of remuneration paid after 1946, the $3,000 limitation applies only if the remuneration paid during any one calendar year by an employer to the same employee for employment performed after 1938 exceeds $3,000. The limitation in such case relates to the amount of remuneration paid during any one calendar year for employment after 1938 and not to the amount of remuneration for employment performed in any one calendar year.

Example 1. Employer H, in 1947, pays employee G $2,500 on account of $3,000 due him for employment performed in 1947. In 1948 employer H pays employee G the balance of $500 due him for employment performed in the prior year (1947), and thereafter in 1948 also pays G $3,000 for employment performed in 1948. The $2,500 paid in 1947 is subject to tax in 1947. The balance of $500 paid in 1948 for employment during 1947 is subject to tax in 1948, as is also the first $2,500 paid of the $3,000 for employment during 1948 (this $500 for 1947 employment added to the first $2,500 paid for 1948 employment constitutes the maximum wages which could be paid in 1948 by H to G). The final $500 paid by H to G in 1948 is not included as wages and is not subject to the tax.

Example 2. Employer J, in 1946, pays $3,000 to employee I on account of $6,000 due him for employment performed in 1946. In 1947 before paying any remuneration for employment performed in 1947 employer J pays to I the balance of $3,000 due employee I on account of employment performed in 1946. The $3,000 paid in 1946 constitutes wages in 1946 and is subject to the tax, in accordance with the provisions set forth in subparagraph (2) of this paragraph. The balance of $3,000 paid in 1947 on account of employment in 1946 constitutes wages and is subject to the tax in 1947 in accordance with the provisions set forth in this subparagraph (3). The $3,000 paid in 1947 for 1946 employment constitutes the maximum wages which could be paid by J to I in 1947. Any further remuneration paid in 1947 to employee I for services performed for J is not included as wages and is not subject to the tax, whether for services performed before, during, or after 1947. (Assuming the same amounts of remuneration and times of payment, the same result would be reached if employee I had left the employ of J and performed no further services for J after 1946.)

If during a calendar year (after 1946) an employee is paid remuneration by more than one employer, the limitation of wages to the first $3,000 of remuneration paid applies, not to the aggregate remuneration paid by all employers with respect to employment performed after 1938, but instead to the remuneration paid during such calendar year by each employer with respect to employment performed after 1938. In such case the first $3,000 paid during the calendar year by each employer constitutes wages and is subject to the tax.

Example 3. During 1947 employer L pays to employee K a salary of $600 a month for employment performed for L during the first seven months of 1947, or total remuneration of $4,200. At the end of the fifth month K has been paid $3,000 by employer L, and only that part of his total remuneration from L constitutes wages subject to the tax. The $600 paid to employee K by employer L in the sixth month, and the like amount paid in the seventh month, are not included as wages and are not subject to the tax. At the end of the seventh month K leaves the employ of L and enters the employ of M. Employer M pays to K remuneration of $600 a month in each of the remaining five months of 1947, or total remuneration of $3,000. The entire $3,000 paid by M to employee K constitutes wages and is subject to the tax. Thus, the first $3,000 paid by employer L and the entire $3,000 paid by employer M constitute wages.

Example 4. During the calendar year 1947 N is simultaneously an officer (an employee) of the O Corporation, the P Corporation, and the Q Corporation, each such corporation being an employer for such year. During such year N is paid a salary of $3,000 by each corporation. Each $3,000 paid to N by each of the corporations O, P, and Q (whether or not such corporations are related) constitutes wages and is subject to the tax.

PAR. 28. Immediately preceding § 403.401, the following is inserted:

SECTION 416 (b) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1946

The last sentence of subsection (f) of section 1607 of the Federal Unemployment Tax Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided*, That an amount equal to the amount of employee payments into the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to their disability, exclusive of expenses of administration."

PAR. 29. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 1429, 1609, 53 Stat. 178, 188, secs. 101, 102, 302-305, 412, 413, 416 (b), Pub. Law 719, 79th Cong., 60 Stat. 978; 26 U. S. C. 1429, 1609)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: June 23, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6060; Filed, June 26, 1947; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

PENNSYLVANIA-READING SEASHORE LINES RAILROAD BRIDGE, ACROSS OLDMANS CREEK NEAR PEDRICKTOWN, N. J.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894, (28 Stat. 362; 33 U. S. C. 499), the following § 203.222 is hereby prescribed to govern the operation of the Pennsylvania-Reading Seashore Lines railroad bridge across Oldmans Creek near Pedricktown, New Jersey:

§ 203.222 *Oldmans Creek, N. J.; Pennsylvania-Reading Seashore Lines railroad bridge near Pedricktown.* (a) The owner of or agency controlling this bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative shall, in compliance therewith, arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation. [Regs. June 6, 1947, CE 823, Oldmans Creek, Pedricktown, N. J.—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6077; Filed, June 26, 1947; 8:51 a. m.]

PART 203—BRIDGE REGULATIONS

DRAWBRIDGES ACROSS BAYOU PETIT ANSE AT LEE, LA., AND BAYOU CHOCTAW AT WILBERT, LA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), paragraph (f) of § 203.241 is hereby amended by revoking Bayou Choctaw, La. and Bayou Petit Anse, La. as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.* * * *

(f) * * *

Bayou Choctaw, La.; Morgan's Louisiana and Texas Railroad and Steamship Company bridge at Wilbert, La. (at least twenty-four hours advance notice required.) [Revoked]

* * * * * *

Bayou Petit Anse, La.; Morgan's Louisiana and Texas Railroad and Steamship Company bridge at Lee, La. (at least twenty-four hours advance notice required. [Revoked]

[Regs. June 6, 1947, CE 823, Bayou Choctaw, and Bayou Petit Anse, La., ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6058; Filed, June 26, 1947; 8:46 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 1—AREAS ADMINISTERED BY THE NATIONAL PARK SERVICE

ESTABLISHMENT OF EVERGLADES NATIONAL PARK, FLORIDA

CROSS REFERENCE: For addition to the tabulation in § 1.2 see F. R. Doc 47-6062, under Department of the Interior, Office of the Secretary, in Notices section, *infra*.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 26—FELLOWSHIPS

Part 26, Fellowships, is superseded and a new Part 26 is hereby issued. The regulations heretofore constituting Part 26 related to followships established to carry out the act entitled "An act to authorize the President to render closer and more effective the relationship between the American Republics", approved August 9, 1939 (53 Stat. 1290). In accordance with provisions in appropriation acts (e. g., 59 Stat. 180) these Latin-American followships are now administered under regulations of the Department of State.

Sec.
26.1 Applicability.
26.2 Purpose of fellowships.
26.3 Establishment.
26.4 Types of fellowships.
26.5 Qualifications.
26.6 Applications for fellowships.
26.7 Review of applications for fellowships.
26.8 Appointments.
26.9 Benefits.
26.10 Tuition and other fees.
26.11 Allowances for special equipment.
26.12 Duration of fellowships.

AUTHORITY: §§ 26.1 to 26.12, inclusive, issued under secs. 208 (d), 301 (c), 402 (d), 58 Stat. 686, 692, 707; 42 U. S. C., Supp. 209 (d), 241 (c), 282 (d).

§ 26.1 *Applicability.* The regulations in this part apply to the establishment and award of all fellowships in the Public Health Service, except those financed under programs of the Department of State.[1]

§ 26.2 *Purpose of fellowships.* Fellowships in the Public Health Service are for the purpose of encouraging and promoting studies or investigations relating to the physical and mental diseases and impairments of man. Fellowships may be established (a) to provide assistance to individuals for advanced training in research, or for carrying out independent research, or (f) to obtain the assistance and services of individuals for research work of the Public Health Service where the nature of the work or the character of the individual's services render customary employment relationships impracticable or less effective.

§ 26.3 *Establishment.* All fellowships in the Public Health Service shall be established by the Surgeon General. In establishing a fellowship or series of fellowships, the Surgeon General shall in writing prescribe the conditions, in addition to those provided in the regulations in this part, under which the fellowships shall be awarded and held.

§ 26.4 *Types of fellowships.* Fellowships shall be of two general types: (a) Fellowships, hereafter referred to in this part as "regular fellowships", which do not require the performance of services for the Public Health Service and (b) fellowships, hereafter referred to in this part as "service fellowships", which require the performance of services, either

[1] 22 CFR, 1944 Supp., §§ 28.1–28.12.

full or part time, for the Public Health Service. At the time a fellowship, or series of fellowships, is established, the Surgeon General shall specify whether the fellowship requires the performance of services.

§ 26.5 *Qualifications.* Scholastic and other qualifications shall be prescribed by the Surgeon General for each fellowship, or series of fellowships. Each individual selected for appointment to a fellowship shall (a) possess the qualifications prescribed therefor; (b) be free from any disease or disability that would interfere with his carrying out the purposes of the fellowship; and (c) present satisfactory evidence of general suitability, including professional and personal fitness.

§ 26.6 *Applications for fellowships.* Candidates for fellowships shall make application therefor on forms prescribed by the Surgeon General for such purpose. In addition to the information supplied by a candidate in his application, such additional information may be required as may be necessary to determine his qualifications and fitness.

§ 26.7 *Review of applications for fellowships.* The Surgeon General shall appoint one or more Fellowship Boards to examine the qualifications of applicants for fellowships. A Fellowship Board shall report to the Surgeon General each candidate who it finds meets required qualifications, and shall include in such report its recommendations concerning his appointment.

§ 26.8 *Appointments.* Appointments to fellowships shall be made by the Surgeon General. Individuals designated to receive service fellowships shall be appointed as, and shall have the status of, employees of the Public Health Service.

§ 26.9 *Benefits.* Individuals awarded fellowships shall be entitled to:

(a) A stipend as fixed by the Surgeon General for the fellowship.

(b) Vacation and other leave as follows:

(1) Individuals appointed to service fellowships shall be entitled to leave as provided by law and regulations for other civilian employees of the Public Health Service.

(2) Individuals appointed to regular fellowships may be granted customary vacations as authorized by the school or other institution to which they are assigned, or, if they are located at a laboratory or other facility of the Federal Government, as authorized by the Surgeon General or by such other officers as the Surgeon General may designate.

(c) Traveling expenses as follows:

(1) Individuals appointed to service fellowships shall be entitled to transportation and subsistence expenses while traveling on official business on the same basis as other civilian employees of the Public Health Service.

(2) Individuals appointed to regular fellowships shall be entitled to transportation and subsistence expenses, not exceeding those authorized by the Standardized Government Travel Regulations, for travel required in carrying out the purposes of the fellowship when authorized by the Public Health Service.

§ 26.10 *Tuition and other fees.* Separate allowances will not be made for tuition fees, laboratory fees, textbook costs and similar fees or costs.

§ 26.11 *Allowances for special equipment.* Allowances may be made in individual cases for special equipment necessary in carrying out the purposes of a fellowship as recommended by a Fellowship Board and approved by the Surgeon General.

§ 26.12 *Duration of fellowships.* Appointments to fellowships shall be for varying periods, such as for a school year, but shall not exceed twelve months. Upon the recommendations of a Fellowship Board, the Surgeon General (a) may extend or renew an appointment; and (b) may terminate an appointment before its expiration date because of unsatisfactory performance or unfitness in carrying out the purposes of the fellowship.

[SEAL] THOMAS PARRAN,
Surgeon General.

Approved: June 23, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-6078; Filed, June 26, 1947; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels

[CGFR 47-35]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 147—USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by section 101 of the Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following editorial amendments to the regulations are prescribed:

1. Sections 146.01-2, 146.01-5, 146.01-6 (first and second sentences), 146.02-22 (b), 146.05-11 (b) and (c), 146.06-17, 146.08-4 (c) (6), and 146.20-6 are amended by changing the term "Secretary of Commerce" to "Commandant of the Coast Guard."

2. Sections 146.02-14 (c) and (d), 146.02-15 (a) and (b), 146.02-16 (a) and (b), 146.20-25, 146.24-14 (a) and 146.27-100 (Table K: tank cars, empty; tank trucks, empty) are amended by changing the term "board of local inspectors" or the term "Local inspectors" to "Officer in Charge, Marine Inspection."

3. Sections 146.02-17, 146.05-2 (a), 146.05-6, and the center heading immediately preceding § 146.09-1 are amended by changing the word "Bureau" or term "Bureau of Marine Inspection and Navigation" to "U. S. Coast Guard."

4. Sections 146.01-1, 146.03-24, and 146.20-42 are amended by deleting the phrase "and the Philippine Islands" or the phrase "or the Philippine Islands."

5. Sections 146.20-25 and 146.24-14 (b) are amended by changing the reference "46 CFR 1.38, 136.3, and 137.3" to "46 CFR Part 136, and §§ 35.2-9, 62.16, 78.16, 96.16, or 115.16."

6. Sections 146.09-1 (b) and (c), 146.20-100 (Table A: nitroglycerin, liquid, fourth column), and § 146.23-13 (b), (f) (6), and (j) are amended by changing the word "Bureau" or the term "Bureau of Marine Inspection and Navigation" to "Commandant of the Coast Guard."

7. Section 146.20-100 (Table B: smokeless powder for small arms, fifth column) and § 146.24-100 (Table G: chlorine, fifth, sixth, and seventh columns) are amended by changing the phrase "Director, Bureau of Marine Inspection and Navigation" and the word "Director" to "Commandant of the Coast Guard" and "Commandant," respectively.

8. Section 146.02-6 is amended to read as follows:

§ 146.02-6 *Enforcement.* (a) The provisions of R. S. 4472, as amended, and the regulations in this subchapter shall be enforced by the U. S. Coast Guard of the Department of the Treasury. Enforcement officers may at any time and at any place within the jurisdiction of the United States board any vessel for the purpose of enforcing the provisions of the regulations in this subchapter.

(b) Any collector of customs may, when possessing knowledge that a vessel is violating any provisions of the statute or regulations established thereunder, by written order served on the master, person in charge of such vessel, or the owner or charterer thereof, or the agent of the owner or charterer, detain such vessel until such time as the provisions of the statute and the regulations in this subchapter have been complied with. The master, person in charge or owner or charterer or the agent of the owner or charterer of a vessel so detained may, within five days, appeal to the Commandant of the Coast Guard who may, after investigation, affirm, set aside, or modify the order of the collector.

9. Section 146.03-1 *Board of local inspectors* is deleted.

10. Section 146.03-2 *Board of supervising inspectors* is deleted.

11. Section 146.03-4 *Bureau* is deleted.

12. Section 146.03-9 *Director* is deleted.

13. Section 146.06-13 *Form of manifest or list* is amended by changing the word "Commerce" to "customs" and by deleting the phrase "or upon the vessel's statement (Commerce Form 1374a)."

14. Section 146.06-17 *Produce manifest or list upon demand* is amended by deleting the phrase "Bureau of Marine Inspection and Navigation, Department of Commerce;".

15. Sections 147.01-2, 147.03-1, 147.03-3, 147.03-5, 147.03-6, 147.03-8, 147.03-9, 147.03-11, and 147.05-100 (Table 3: compounds, second column) are amended by changing the phrase "Director of the Bureau of Marine Inspection and Navigation" or the word "Bureau" to "Commandant of the Coast Guard."

16. Section 147.01-5 *Existing rulings re explosives and other dangerous articles or substances by true name* is amended by deleting the phrase "which rulings from time to time have been promulgated by the Office of the Director of the Bureau of Marine Inspection and Navigation."

17. Section 147.03-6 *Certification identification* is amended by changing the phrase "U. S. Department of Commerce Bureau of Marine Inspection and Navigation" to "U. S. Coast Guard."

18. Section 147.03-9 *Renewal of certification* is amended by changing the phrase "Bureau's bulletin" to "U. S. Coast Guard's Proceedings of the Merchant Marine Council'."

19. Section 147.03-11 *Non-certified articles on board vessels* is amended by deleting the phrase "or the Philippine Islands."

20. Section 147.05-100 (Table 3, items entitled "Fuel for heating, cooking, lighting: liquefied or nonliquefied gas" and "water lights") is amended by changing the phrase "Board of supervising inspectors" to "Commandant of the Coast Guard."

(R. S. 4472, as amended, 46 U. S. C. 170; Sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875))

Dated: June 23, 1947.

J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 47-6090; Filed, June 26, 1947; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 684, Amdt. 2]

PART 95—CAR SERVICE

NEW YORK HARBOR LIGHTERAGE RESTRICTIONS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Service Order No. 684 (12 F. R. 1167), as amended (12 F. R. 2563), and good cause appearing therefor: it is ordered, that:

Section 95.684 *New York Harbor lighterage restrictions,* of Service Order No. 684, be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6066; Filed, June 26, 1947; 8:49 a. m.]

[S. O. 624, Amdt. 6]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Service Order No. 624 (11 F. R. 12183), as amended (11 F. R. 13792, 14272; 12 F. R. 48, 775, 1420), and good cause appearing therefor: It is ordered, that:

Section 95.624 *Movement of grain to terminal elevators by permit,* of Service Order No. 624, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 7:00 a. m., December 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m. June 29, 1947; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6067; Filed, June 26, 1947; 8:49 a. m.]

[S. O. 699, Amdt. 2]

PART 95—CAR SERVICE

STOCK CARS FOR PETROLEUM PRODUCTS CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of June A. D. 1947.

Upon further consideration of Service Order No. 699 (12 F. R. 1841), as amended (12 F. R. 2037), and good cause appearing therefor: It is ordered, that:

Section 95.699 *Stock cars for petroleum products containers,* of Service Order No. 699, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6068; Filed, June 26, 1947; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 205—ALASKA PENINSULA AREA FISHERIES

WEEKLY CLOSED PERIOD, SALMON FISHING

Section 205.2 is hereby amended to read as follows:

§ 205.2 *Weekly closed period, salmon fishing.* The 36-hour weekly closed period prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock postmeridian Friday of each week until 6 o'clock antemeridian of the Monday following, except that in the Port Moller district there shall be, in addition to the statutory 36-hour weekly closed period, a closed period from 6 o'clock postmeridian Wednesday to 6 o'clock postmeridian Thursday of each week, making a total weekly closed period of 60 hours.

The open season for fishing in the Port Moller district during 1947 extends only from June 20 to July 31, therefore, if this amendment is to be effective during the 1947 season it must become operative at once. In these circumstances it has been determined that the amendment shall be effective July 1, 1947. (Sec. 5, 34 Stat. 264, as amended; 48 U. S. C. 247)

WARNER W. GARDNER,
Assistant Secretary of the Interior.

JUNE 24, 1947.

[F. R. Doc. 47-6003; Filed, June 26, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9212]

ALLIANZ LEBENSVERSICHERUNGS A. G.

In re: Bank account owned by Allianz Lebensversicherungs A. G., formerly known as Allianz und Stuttgarter Lebensversicherungsbank Aktiengesellschaft. F-28-22181-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allianz Lebensversicherungs A. G., formerly known as Allianz und Stuttgarter Lebensversicherungsbank Aktiengesellschaft, the last known address of which is Taubenstrasse 1-2, Berlin W. 8, Germany, is a corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Allianz Lebensversicherungs A. G., formerly known as Allianz und Stuttgarter Lebensversicherungsbank Aktiengesellschaft, by Bankers Trust Company, 16 Wall Street, New York 15, New York, arising out of a Demand Deposit Account, entitled Allianz Lebenversicherungs A. G., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6081; Filed, June 26, 1947; 8:52 a. m.]

[Vesting Order 9199]

WALTER WITTE

In re: Certificates issued by Forward Building and Loan Association owned by Walter Witte. File F-28-28307.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Witte, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all rights and interests of any name or nature whatsoever evidenced by, arising out of or under certificates (Numbers 28, 44, 68, 71, 90, 233, 255, 276, 320, 362, 409, 670, 896, 952, 992, 1047, 1118, 1188, 1268, 1333, 1389, 1497, and 1580) issued to Walter Witte by the Forward Building and Loan Association, Milwaukee, Wisconsin including, but not by way of limitation, all claims or causes of action arising out of said certificates against the said Forward Building and Loan Association is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforementioned national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the above named person is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6080; Filed, June 26, 1947; 8:52 a. m.]

[Vesting Order 9213]

BRUNO BECKE ET AL.

In re: Stock owned by and debts owing to Bruno Becke and others. F-28-24161-D-1, F-28-24162-D-1, F-28-24216-D-1, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each person whose name and last known address are set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Walter Bossmann, whose last known address is Kreuzstrasse 45-11, Lorrach in Baden, Germany, and Walter Bossman, whose last known address is Colonbistrasse 15, Freburg, Breisgau, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Ernest H. A. Schwarzer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. Sixty-eight (68) shares of $25 par value capital stock of Standard Oil Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by the certificates whose numbers are listed in Exhibit A, registered in the names of the persons listed in Exhibit A in amounts appearing opposite the names therein, together with all declared and unpaid dividends thereto, and

b. Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, by Standard Oil Company, a New Jersey corporation, 30 Rockefeller Plaza, New York, New York, in the amounts, as of December 31, 1945, listed in Exhibit B, attached hereto and by reference made a part hereof, arising out of the sale of certain scrip issued by said corporation, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons whose names are set forth in Exhibit A, the aforesaid nationals of a designated enemy country (Germany);

5. That the property described as follows: Those certain debts or other obligations owing to Walter Bossmann and Walter Bossman by Standard Oil Company, a New Jersey corporation, 30 Rockefeller Plaza, New York, New York, in the amounts of $57.45 and $67.00 respectively, as of December 31, 1945, arising out of dividends on capital stock of said corporation, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Walter Bossmann and Walter Bossman, the aforesaid nationals of a designated enemy country (Germany);

6. That the property described as follows: Five (5) shares of $25 par value capital stock of Standard Oil Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number SC33419, registered in the name of Ernest H. A. Schwarzer, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Ernest H. A. Schwarzer, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

7. That to the extent that Walter Bossmann, and Walter Bossman and the persons referred to in subparagraphs 1 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of registered owner	Last known address	Certificate No.	Number of shares	File numbers
Bruno Becke	Sophienstr, 17 Hths, Hamburg 4, Germany	C408825	1	F-28-24158-D-1.
Friedrich Ernst	c/o D. A. P. G. V. A. Dusseldorf, Dusseldorf Bismarckstrasse, 44-46 Germany.	SC41798	3	F-28-24164-D-1.
Willi Ficke	Fischers Allee 36, III Altona, Ellc, Germany	SC23562	1	F-28-24166-D-1.
(Mrs.) Kathe Hahn	Allgemeine Deutsche Credit Anstalt, Abteilung Dresden, At Postschille Beach 43, Dresden, Germany.	C458307	1	F-28-24178-D-1.
Gustav Heim	Bismarckstrasse 39, Grotzingen, Germany	SC42408	4	F-28-24179-D-1.
August J. Hustede	Leipziger Str 97, Hamburg 21, Germany	SC52604	4	F-28-24182-D-1.
Bruno Johnk	27 Kerperbahn, Kiel-Gaarden, Germany	C372213	1	F-28-24183-D-1.
Willy Kaufer	Nordjarkstr 18 Ptr, Landau I Pfalz, Germany	C378737	4	F-28-24184-D-1.
Hans Ketelsen	Broedermannsweg 92, Hamburg, Germany	SC23478	5	F-28-24185-D-1.
Mathias Klaes	Mayschoss A/D, Ahr Rheinland, Germany	C114396	2	F-28-24187-D-1.
Ernst Kraft	Neckarauerstrasse 259, Mannheim, Germany	SC42365	5	F-28-24190-D-1.
Karl Kunze	c/o D. A. P. G. V. A Hannover, Prinzenstrasse 13, Hannover, Germany	SC42150	2	F-28-24191-D-1.
Miss Erika Sambraus	Berbiarstrasse 4, Konigsberg I Pr Germany	SC42799	1	F-28-24208-D-1.
Carl Sander	c/o D. A. P. G. V. A. Hamburg, Valentinskamp 90, Hamburg 36, Germany	SC60566	5	F-28-24209-D-1.
(Mrs.) Hildegard Schroeck	Tellstrasse 1/111, Nurnberg N, Germany	C770296	4	F-28-24212-D-1.
Mrs. Ella Schuller	Knickenbergstrasse 25 I Halle, A D Saale, Germany	C506550	3	F-28-24213-D-1.
Karl Siegfried	Sauerstrasse 55, Frankfurt A. M. Nied, Germany	C368744	2	F-28-24220-D-1.
Max Siering	D. A. P. G. V. A. Berlin, Schiffbauerdamm 15, Berlin, N. W. 6, Germany	SC42284	5	F-28-24221-D-1.
Johann Termeer	c/o D. A. P. G. V. A. Dusseldorf, Bismarckstrasse 44-46, Dusseldorf, Germany	SC55142	5	F-28-24228-D-1.
Karl Trippel	c/o D. A. P. G. V. A. Frankfurt, Borsenplatz 13, Frankfurt A/Main, Germany	SC40915	2	F-28-24229-D-1.
Fritz Wegner	Hennigsenstr 18, Stettin, Germany	C356811	2	F-28-24230-D-1.
Kurt Wiedenhoft	c/o D. A. P. G. V. A. Stettin, Monchenstr 20/21, Stettin, Germany	SC69805	6	F-28-24232-D-1.

EXHIBIT B

Name of creditor	Amounts as of Dec. 31, 1945
Bruno Becke	$0.52
Friedrich Ernst	1.05
	1.57
Willi Ficke	.69
	.35
	.53
(Mrs.) Kathe Hahn	.52
Gustav Heim	2.10
August J. Hustede	2.10
Bruno Johnk	.52
Willy Kaufer	2.10
Hans Ketelsen	2.62
Mathias Klaes	1.05
Ernst Kraft	2.62
Karl Kunze	1.05
Miss Erika Sambraus	.52
Carl Sander	2.62
(Mrs.) Hildegard Schroeck	2.10
Mrs. Ella Schuller	1.57
Karl Siegfried	1.05
Max Siering	2.62
Johann Termeer	2.62
	1.75
Karl Trippel	1.05
Fritz Wegner	1.05
Kurt Wiedenhoft	3.14

[F. R. Doc. 47-6082; Filed, June 26, 1947; 8:52 a. m.]

[Vesting Order 8709, Amdt.]

HEDWIG BENNER ET AL.

In re: Stock owned by Hedwig Benner and others.

Vesting Order 8709, dated April 14, 1947, is hereby amended as follows and not otherwise:

a. By deleting from Exhibit A, attached thereto and by reference made a part thereof, the certificate number WC 131880 appearing opposite the name Berthold H. Gottschalk and substituting therefor the certificate number WC 131680;

b. By deleting from Exhibit A, attached thereto and by reference made a part thereof, the name Adolph Heiduck and substituting therefor the name Adolf Heiduck; and

c. By prefixing the letter C to each of the last three certificate numbers listed in Exhibit A, attached thereto and by reference made a part thereof.

All other provisions of said Vesting Order 8709 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6087; Filed, June 26, 1947; 8:53 a. m.]

[Vesting Order 9215]

MICHALE DORMISCH

In re: Stock owned by and debt owing to Michale Dormisch. F-28-24050-D-2, F-28-24050-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Michale Dormisch whose last known address is 9 St. Paul Strasse, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) share of $10 par value 5% cumulative preference capital stock of

American Cynamid Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Maine, evidenced by certificate number PO–4291, registered in the name of Michale Dormisch and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

b. One (1) share of $10 par value first series 5% cumulative convertible preferred capital stock of American Cyanamid Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Maine, evidenced by certificate number PO–1269, registered in the name of Michale Dormisch, together with all declared and unpaid dividends thereon and all rights to the proceeds of redemption thereof,

c. Ten (10) shares of $10 par value common capital stock of American Cyanamid Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Maine, evidenced by certificate number NBO–25714, registered in the name of Michale Dormisch, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to Michale Dormisch by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an account entitled S 88216 Custody Funds-Transfer Department-Blocked Nationals Account, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6083; Filed, June 26, 1947; 8:52 a. m.]

[Vesting Order 9220]

HEINRICH MEYN

In re: Estate of Heinrich Meyn, deceased. File D–28–1626; E. T. sec. 384.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found and determined:

1. That there is reasonable cause to believe that the children and the children of deceased children, names unknown, of Otto Meyn and Elsbeth Meyn are citizens of Germany;

2. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Estate of Heinrich Meyn, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of adminstration by the Union Trust Company of the District of Columbia, Executor and Trustee, acting under the judicial supervision of the District Court of the United States for the District of Columbia.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6084; Filed, June 26, 1947; 8:52 a. m.]

[Vesting Order 9221]

J. HEINRICH C. PEPER

In re: Estate of J. Heinrich C. Peper, deceased. File D–28–10364; E. T. sec. No. 14754.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kate Duis and Meta Kohlman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of J. Heinrich C. Peper, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William W. Herring of San Antonio, Texas, as Executor, acting under the judicial supervision of the County Court of Bexar County, San Antonio, Texas;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6085; Filed, June 26, 1947; 8:52 a. m.]

[Vesting Order 9224]

MRS. YOSHIKO SUGAMURA

In re: Real property, fire insurance policies and bank accounts owned by Mrs. Yoshiko Sugamura, also known as Yoshiko Sugamura and Mrs. Y. Sugamura. F–39–1146, F–39–1146–B–1, F–39–1146–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Yoshiko Sugamura, also known as Yoshiko Sugamura and as Mrs. Y. Sugamura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property situated at Wailakea, Hilo, Island, County and Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Yoshiko Sugamura in and to the following fire insurance policies insuring the premises described in subparagraph 2–a hereof:

(i) Fire Insurance Policy No. 1724 issued by the Hawaiian Insurance & Guaranty Co., Ltd., Hilo, Hawaii, T. H., in the amount of $2,000, and expiring April 30, 1949, and

(ii) Fire Insurance Policy No. 1725 issued by the Hawaiian Insurance & Guaranty Co., Ltd., Hilo, Hawaii, T. H., in the amount of $2,000, expiring April 30, 1949,

c. That certain debt or other obligation owing to Yoshiko Sugamura, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number A45781, entitled Yoshiko Sugamura, maintained at the branch office of the aforesaid bank located at Hilo, Hawaii, T. H., and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Yoshiko Sugamura, by Bank of Hawaii, King and Bishop Streets, arising out of a commercial account, entitled Yoshiko Sugamura, maintained at the branch office of the aforesaid bank located at Hilo, Hawaii, T. H., and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation owing to Yoshiko Sugamura, by Bank of Hawaii, Honolulu, T. H., arising out of a checking account, entitled Dr. Y. Sugamura or Mrs. Y. Sugamura, maintained at the branch office of the aforesaid bank located at Kealukekua, Hawaii, T. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2b–2e inclusive hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All of those certain parcels of land (portions of the land described in and covered by Royal Patent Number 1908, Land Commission Award Number 8854, to Kalua), situate, lying and being on the South side of Kinau Lane off Piopio Street, at Waiakea, Hilo, Island, County and Territory of Hawaii, and thus bounded and described:

First: Beginning at a pipe at the West corner of this Lot, on the South side of Kinau Lane, the coordinates of said point of beginning, referred to Halai Trig. Station, being North 127.36 feet and East 6755.01 feet; thence running by true azimuths:

1. 256°24' 103.45 feet along Kinau Lane, to a pipe;
2. 357°35' 218.97 feet along L. C. A. 1F to Kapu to a spike in cone;
3. 85°03' 65.00 feet along Mohouli Fish Pond to a spike in concrete;
4. 47°39' 63.60 feet along same;
5. 156°09'30" 115.00 feet along L. C. A. 8803 along fence to a pipe;
6. 254°30' 55.13 feet along remainder L. C. A. 8854 to a pipe;
7. 177°49' 123.10 feet along same to initial point.

Containing an Area of 25,830 Square Feet, or thereabouts.

Second: Beginning at a pipe at the Northeast corner of this Lot, the coordinates of said point of beginning, referred to Halai Trig. Station, being North 127.36 feet and East 6755.01 feet; thence running by true azimuths:

1. 357°49' 123.10 feet along Lot 4 to a pipe;
2. 74°30' 55.13 feet along remainder of Lot 3;
3. 156°09'30" 28.70 feet along L. C. A. 8803 to a pipe;
4. 166°24' 94.25 feet along remainder of Lot 3 to a pipe;
5. 256°24' 84.56 feet along Kinau Lane to the initial point.

Containing an Area of 8,721 Square Feet, or thereabouts.

[F. R. Doc. 47-6086; Filed, June 26, 1947; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ESTABLISHMENT OF EVERGLADES NATIONAL PARK, FLORIDA

Whereas, satisfactory title to a major portion of the lands in the State of Florida, hereinbelow described, which were selected by the Secretary of the Interior on April 2, 1947, for establishment as the Everglades National Park pursuant to the act of December 6, 1944 (58 Stat. 794; 16 U. S. C., Supp. V, sec. 410d), has been vested in the United States free and clear of reservations of oil, gas, and mineral rights; and

Whereas, exclusive jurisdiction over the entire park area, in form satisfactory to the said Secretary, has been ceded by the State of Florida to the United States; and

Whereas, section (b) of the act of December 6, 1944, provides that upon the execution of the provisions of section (a) of the said act relating to the establishment thereof, the Everglades National Park shall be established by order of the said Secretary which shall be published in the FEDERAL REGISTER; *It is ordered*, That:

1. The Everglades National Park is hereby established and shall consist of all land, water, and submerged land lying within the boundary hereinafter described, estimated to contain 454,000 acres, satisfactory title to a major portion of which, as hereinabove stated, is vested in the United States:

Beginning at a point on the West Coast of the State of Florida and on the North line of fractional Section 29, Township 56 South, Range 31 East of the Tallahassee Meridian, and where said Section line is intersected by the mean highwater line of the Gulf of Mexico;

thence, East along the North line of Section 28 and Section 27, to the Northeast corner of Section 27, Township 56 South, Range 31 East; thence, in Township 56 South, Range 31 East, North along the West line of Section 23 to the Northwest corner thereof, East along the North line of Section 23 to the Northwest corner of Section 24, North along the West line of Section 13 to the Northwest corner thereof, East along the North line of Section 13 to the Northeast corner thereof; thence, North along the West line of Section 7, Township 56 South, Range 32 East, to the Northwest corner thereof;

thence, East along the North boundary lines of Sections 7, 8, 9, 10, 11, and 12, in Range 32 East, Township 56 South, to the Northeast corner of Section 12 and East along the North boundary line of Sections 7, 8, 9, 10, 11, and 12, in Township 56 South, Range 33 East, to the Northeast corner of Section 12, Township 56 South, Range 33 East; thence, South along the East line of Sections 12, 13, 24, 25, and 36, Township 56 South, Range 33 East, to the Southeast corner of Section 36; thence, East along the Township line between Townships 56 South and 57 South to the Northeast corner of Section 1, Township 57 South, Range 36 East; thence, North along the East boundary of Township 56 South, Range 36 East, to a point West of the Northwest corner of Township 56 South, Range 37 East; thence, East across the hiatus between Ranges 36 and 37 East to the Northwest corner of Township 56 South, Range 37 East;

thence, East along the North line of Township 56 South, Range 37 East, to the Northeast corner thereof; thence, South along the East line of Township 56 South, Range 37 East, to the Southeast corner thereof; thence, West along the South line of Township 56 South, Range 37 East, to the Southwest corner of Township 56 South, Range 37 East;

thence, South along the West line of Township 57 South, Range 37 East, to the Northwest corner of Section 19, Township 57 South, Range 37 East; thence, East to the West line of Section 24, Township 57 South, Range 37 East; thence, South along the West line of Sections 24, 25, and 36, Township 57 South, Range 37 East, and the West line of Sections 1, 12, 13, 24, and 25, Township 58 South, Range 37 East to the Southeast corner of Section 26 in said Township and Range;

thence, in Township 58 South, Range 37 East, West along the South line of Sections 26 and 27 to the Southwest corner of said

Section 27, North along the West line of Section 27 to the Southeast corner of the North half of Section 28, West along the South line of the North half of Section 28 and the Northeast quarter of Section 29 to the Southwest corner of the Northeast quarter of Section 29, North along the West line of said quarter section and along the West line of the East half of Section 20 to the Section line between Sections 20 and 17, East along the North line of Sections 20 and 21, North along the West lines of Sections 15 and 10 to the Southeast corner of Section 3, West along the South lines of Sections 4, 5, and 6 and along said line extended to intersect with the East line of Range 36 East;

thence, South along the East line of Range 36 East to the Southeast cornor of Section 24 in Township 58 South, Range 36 East; thence, West along the South line of Sections 24, 23, 22, and 21 to the Southwest corner of said Section 21, Township 58 South, Range 36 East; thence South along the East line of Sections 29 and 32, Township 58 South, Range 36 East, and the East lines of Sections 6, 7, 18, and 19, Township 59 South, Range 36 East to the Southeast corner of said Section 19;

thence, West along the South line of Section 19 to the Southwest corner of same Section 19, Township 59 South, Range 36 East; thence, South along the Range line dividing Ranges 35 and 36 in Townships 59, 60, and 61 South, to the mean highwater mark at Florida Bay on the South shore of the State of Florida in Section 36, Township 60 South, Range 35 East; thence, following the meanders of the mean highwater mark Westerly along the shores of Florida Bay to the mean highwater mark at Cape Sable; thence, Northerly and Westerly along the mean highwater mark of the West Coast of Florida to the point of beginning;

Excepting lands and waters in Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36 in Township 59 South, Range 32 East; all of Township 59 South, Range 33 East; Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14; 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, in Township 59 South, Range 34 East; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, in Township 60 South, Range 34 East; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, in Township 60 South, Range 33 East; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, in Township 60 South, Range 32 East of Tallahassee Meridian.

2. This order shall be published in the FEDERAL REGISTER.

J. A. KRUG,
Secretary of the Interior.

JUNE 20, 1947.

[F. R. Doc. 47-6057; Filed, June 26, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

WHHM, MEMPHIS, TENN.

NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE[1]

The Commission gives notice that on June 16, 1947 there was filed with it an application (BAL-615) for its consent under section 310 (b) of the Communications Act (47 USCA 310 (b)) for the assignment of the license of Station WHHM, Memphis, Tennessee, from Herbert Herff, trading as WHHM Broadcasting Company, Memphis, Tennessee, to Mid-South Broadcasting Corporation.

The proposed assignment is based on an agreement dated June 6, 1947 pursuant to which Herbert Herff proposes to assign and sell to Mid-South Broadcasting Corporation the license and all the assets used in connection with the operation of station WHHM, excluding cash and accounts receivable as of May 31, 1947, for the sum of $300,000 of which $87,500 is to be paid in cash subject to an escrow agreement, $12,500 to be paid January 15, 1948, and the balance represented by ten $20,000 promissory notes bearing interest at the rate of 3%, the notes to become payable at six months intervals after Commission approval of the sale is granted. If upon Commission approval of the proposed assignment the purchaser fails or refuses to carry out the terms of the contract the $85,000 deposited in escrow is to go to the assignor as liquidated damages. The details as to the arrangements concerning the application may be found upon an inspection of the papers which are on file at the office of the Commission, Washington, D. C.

Section 1.321 of Part I of the Commission's rules and regulations provide for the publication of notice of the filing of such applications in a newspaper of general circulation in the community in which the station is located. The Commission is advised that notice of this proposed assignment is being published in the Memphis Commercial Appeal commencing June 16, 1947. No action will be taken on the application for a period of 60 days from said June 16, 1947 within which time other parties desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 USCA 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6093; Filed, June 26, 1947; 8:46 a. m.]

[1] Section 1.321, Part I, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Project No. 1967]

WHITING-PLOVER PAPER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

JUNE 23, 1947.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) that Whiting-Plover Paper Company, of Stevens Point, Wisconsin, has made application for license for constructed major Project No. 1967 located on Wisconsin River in Portage County, Wisconsin, and consisting of two low rock-filled timber-crib dams, one on each side of Island No. 1 in the NE¼ of sec. 17, T. 23 N., R 8 E., fourth principal meridian, the west dam being about 438 feet long and the east dam about 219 feet long; a powerhouse extending about 208 feet from the east dam to the east bank of the channel and containing four hydraulic turbines geared to a common-line shaft to which are belted a 375-kilovolt-ampere alternator and nine paper washers and two turbines geared to a common-line shaft to which is belted a 250-kilowatt alternator; and appurtenant works.

Any protests against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before August 4, 1947, to the Federal Power Commission at Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6074; Filed, June 26, 1947; 8:51 a. m.]

[Project No. 1968]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

JUNE 23, 1947.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) that Wisconsin Public Service Corporation, of Milwaukee, Wisconsin, has made application for license for constructed major Project No. 1968, known as the Hat Rapids project, located on Wisconsin River in Oneida County, Wisconsin, and consisting of a dam about 22 feet high above the old river bed having a gate section 90 feet long, two dikes with total length of about 824 feet, and two concrete powerhouse sections 60 feet long and 32 feet long, respectively, housing four water wheels with aggregate capacity of 2,675 horsepower connected to four generators with combined capacity of 1,760 kilowatts; an outdoor substation; and appurtenant works.

Any protests against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted before July 31, 1947, to the Federal Power Commission at Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6075; Filed, June 26, 1947; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 220]

RECONSIGNMENT OF GRAPEFRUIT AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., June 18, 1947, by Commercial Citrus Co., of car PFE 96325, grapefruit, now on the R. I. to Cincinnati, O. (MP-Sou).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of June 1947.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 47-6069; Filed, June 26, 1947; 8:49 a. m.]

[S. O. 396, Special Permit 221]

RECONSIGNMENT OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., June 19, 1947, by Justman Frankenthal, of car SFRD 34276, carrots, now on the Chicago Produce Terminal, to Appleton, Wis. (CNW).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of June 1947.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 47-6070; Filed, June 26, 1947; 8:49 a. m.]

[S. O. 396, Special Permit 222]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., June 19, 1947, by J. Frankina Co., of cars ART 23531 and MDT 7216, tomatoes, now on the Chicago Produce Terminal to Pittsburgh, Pennsylvania. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of June 1947.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 47-6071; Filed, June 26, 1947; 8:49 a. m.]

[S. O. 396, Special Permit 223]

RECONSIGNMENT OF CANTALOUPES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., June 19, 1947, by G. H. Nelson (Santa Fe RR), of car RD 4628, cantaloupes, now on the Santa Fe to Eaton Fruit Co., Chicago, Ill. (Santa Fe).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of June 1947.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 47-6072; Filed, June 26, 1947; 8:49 a. m.]

[S. O. 396, Special Permit 224]

RECONSIGNMENT OF TOMATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Phila., Pa., June 23, 1947, by H. Rothstein, of car MDT 22375, tomatoes, now on the PRR to Providence, R. I. (PRR-NH).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of June 1947.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 47-6073; Filed, June 26, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-990]

BARBER ASPHALT CORP. (DEL.)

ORDER DETERMINING STOCK TO BE EQUIVALENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of June A. D. 1947.

The Boston Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the Capital Stock, $10 Par Value, of Barber Asphalt Corporation, a Delaware corporation, is substantially equivalent to the Capital Stock, $10 Par Value of Barber Asphalt Corporation, a New Jersey corporation, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Capital Stock, $10 Par Value, of Barber Asphalt Corporation, a Delaware corporation, is hereby determined to be substantially equivalent to the Capital Stock, $10 Par Value, of Barber Asphalt Corporation, a New Jersey corporation, heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc 47-6053; Filed, June 26, 1947; 8:48 a. m.]

[File No. 70-1505]

MIDDLE WEST CORP.

ORDER MODIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of June A. D. 1947.

The Commission, on June 16, 1947, having issued its order permitting to become effective a declaration filed pursuant to the Public Utility Holding Company Act of 1935 by The Middle West Corporation ("Middle West"), a registered holding company, regarding the proposed sale by Middle West of 22,458⅗ shares of Common Stock, par value $10 per share, of Indiana Gas & Water Company, Inc., an indirect subsidiary of Middle West; and

Middle West having filed a Supplemental Application herein requesting that said order of June 16, 1947, be modified to conform to the requirements of section 1808 (f) of the Internal Revenue Code, as amended; and

The Commission having heretofore instituted proceedings pursuant to section 11 (b) with respect to Middle West and its subsidiary companies; and

The Commission finding that the proposed sale by Middle West of shares of Common Stock of Indiana Gas & Water Company, Inc. is an appropriate step toward the integration and simplification of the holding company system of Middle West and deeming it appropriate to grant the request of Middle West:

It is ordered, That said order of June 16, 1947, be, and hereby is, modified by adding thereto the following paragraph:

It is further ordered and recited, That the sale and transfer by The Middle West Corporation of 22,458⅗ shares of Common Stock, par value $10 per share, of Indiana Gas & Water Company, Inc., are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6051; Filed, June 26, 1947; 8:48 a. m.]

[File No. 70-1531]

REPUBLIC LIGHT, HEAT AND POWER CO., INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of June A. D. 1947.

Republic Light, Heat and Power Company, Inc. ("Republic"), a subsidiary of Cities Service Company ("Cities"), a registered holding company, having filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("Act"), with respect to proposed transactions as follows:

Republic proposes to borrow from Manufacturers and Traders Trust Company of Buffalo, New York, during the twelve months period beginning July 1, 1947, a maximum of $800,000 of which $200,000 will be borrowed on July 1, 1947 and $600,000 thereafter when needed during said twelve months period. The loans will be evidenced by unsecured notes bearing interest at the rate of 2% per annum, maturing on or before twelve months from date of issue, and prepayable at any time without premium. Republic covenants that until said notes are paid it will not pledge, mortgage or hypothecate any of its assets or borrow any other money without provision for the payment of said notes out of the proceeds of such other loans, and to pay quarterly a commitment fee of ¼ of 1% per annum on the unused portion of said $800,000.

Republic states that the proposed bank loan is for the purpose of financing its present construction needs until complete plans as to the construction requirements and a long-term financing program may be formulated, and that the proposed transaction is not subject to the jurisdiction of any commission other than this Commission; and

The declaration having been filed May 20, 1947, and notice of filing thereof having been given in the manner and form prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and not having ordered a hearing with respect to said declaration; and

Applicant having requested that the Commission's order with respect to said declaration become effective upon its issuance and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject, however, to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6055; Filed, June 26, 1947; 8:48 a. m.]

[File No. 70-1533]

NORTHERN PENNSYLVANIA POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of June 1947.

Notice is hereby given that an application, as amended, has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Northern Pennsylvania Power Company, a subsidiary of General Public Utilities Corporation, a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than July 7, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after July 7, 1947, said amended application, as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the Act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application, as amended, which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Applicant proposes to issue and sell for cash at principal amount to Northwestern Mutual Life Insurance Company $600,000 principal amount of its First Mortgage Bonds, 2¾% Series, due 1975. The cash proceeds of the sale of the bonds are to be used for the purchase or construction of new facilities and betterment of existing facilities.

Applicant states that the transaction is subject to the jurisdiction of the Pennsylvania Public Utility Commission and a copy of the securities certificate of that Commission has been filed as an amendment to the application.

Applicant requests that this Commission enter its order at the earliest date practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6054; Filed, June 26, 1947; 8:48 a. m.]

[File No. 70-1544]

COMMONWEALTH & SOUTHERN CORP. (DEL.) AND ALABAMA POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of June 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company and Alabama Power Company ("Alabama Power"), a public utility company and a subsidiary of Commonwealth.

Notice is further given that any interested person may, not later than July 7, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be given on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may be permitted to become effective or may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

Alabama Power proposes to sell to Phenix Natural Gas Company, the assignee of a contract between Alabama Power and George H. Stubbs, Jr., an investment banker of Birmingham, Alabama, all of Alabama Power's gas properties, comprising the natural gas distribution system serving the City of Phenix City, Alabama, and adjacent territory, exclusive of automotive equipment, office furniture or equipment, warehouse or warehouse equipment, and materials and suppplies, for a base cash consideration of $271,156 plus the cost per books of all additions between December 31, 1946 and the date of transfer, subject to closing adjustments.

The declaration indicates that the executive officer of Alabama Power in charge of the proposed sale requested sealed bids from all persons known by him to be familiar with the properties and to have taken an active interest in obtaining statistical data and other information relative to the same. As a result of such request four sealed bids were received, of which the bid of George H. Stubbs, Jr., was the highest.

The declaration indicates that as of April 30, 1947 the original cost of the properties to be sold as shown on the books of Alabama Power ($302,126) less the balance in the reserve for depreciation applicable to such properties ($72,940) was $229,186.

Alabama Power has estimated that the net operating income for the 12 months ended April 30, 1947 applicable to the gas utility properties to be sold amounted to $34,897.

The declaration states that the Alabama Public Service Commission has approved the proposed sale and conveyance by order dated May 13, 1947.

The declarants request that the Commission's order be issued as soon as practicable and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6056; Filed, June 26, 1947; 8:46 a. m.]

[File No. 70-1545]

MARYVILLE ELECTRIC LIGHT AND POWER CO. AND CONTINENTAL GAS & ELECTRIC CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of June A. D. 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Continental Gas & Electric Corporation ("Continental"), a registered holding company, and its public-utility subsidiary, Maryville Electric Light and Power Company ("Maryville"), designating sections 6 (b), 9, 10 and 12 of the act and Rules U-43 and U-50 (a) (3) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 2, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issue of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon; that such request should be addressed: Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and that at any time after July 2, 1947, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100, of the rules and regulations promulgated under the act.

All interested persons are referred to said joint application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Maryville proposes to issue and sell to Continental, its sole stockholder, and Continental proposes to purchase 13,712 shares of Common Stock, $100 par value, at the par value thereof. To make possible the issuance and sale of said 13,712 shares of common stock, Maryville proposes to amend its Articles of Incorporation to increase the number of its authorized common shares from 5,000 to 20,000. Maryville also proposes to pay to Continental the sum of $88.80 on account of open account indebtedness. Continental proposes to pay for said 13,712 shares of common stock by surrendering for cancellation a demand note of Maryville in the principal amount of $328,719.84, acknowledging full settlement of the balance of Maryville's open account indebtedness in the amount of $542,480.16 and by payment to Maryville of $500,000 in cash, an aggregate consideration of $1,371,200.

The application - declaration states that the cash proceeds from the sale of said common stock will be used to pay the cost of construction of additional electric facilities needed in the operation of Maryville's business.

It is also stated that Maryville is organized under the laws of, and doing business solely in, the State of Missouri, that the proposed transactions are subject to the approval of the Public Service Commission of Missouri, and that the approval of that Commission will be obtained and made a part of the record by amendment to the application-declaration.

Applicants-declarants request that the Commission enter an order with respect to the proposed transactions, to become effective forthwith and not later than July 2, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6052; Filed, June 26, 1947; 8:48 a. m.]

JUL 2 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 127

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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 21—FEDERAL LAND BANK OF SPRINGFIELD

APPRAISAL FEE

Section 21.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 21.1 *Appraisal fee.* An appraisal fee of $10.00 shall be charged on each application, except that no fee shall be charged on the following types of applications:

(a) New applications on the identical acreage already mortgaged to the bank or the Federal Farm Mortgage Corporation.

(b) Applications from former applicants who applied for loans on the same security within two years and paid a fee for appraisal at that time but whose former applications were not closed as loans.

(c) Applications offering farms formerly mortgaged to the bank or Federal Farm Mortgage Corporation on which loans were paid within two years and the former borrowers are reoffering the identical acreage securing the former mortgage or mortgages.

(d) Applications to finance or to refinance sales of bank-owned real estate.

If the application is withdrawn or canceled before appaisal by the bank, the appraisal fee will be refunded to the applicant. If the application is withdrawn or canceled after appraisal by the bank, the appraisal fee will not be refunded to the applicant. (Sec. 13 "Ninth," 39 Stat. 372; 12 U. S. C. 781 "Ninth") (Res. Bd. Dir. June 17, 1947)

[SEAL] FEDERAL LAND BANK OF SPRINGFIELD,
M. C. PEABODY,
Secretary.

[F. R. Doc. 47-6116; Filed, June 27, 1947; 8:15 a. m.]

PART 25—FEDERAL LAND BANK OF NEW ORLEANS

APPRAISAL, RELEASE AND PREPAYMENT FEES

1. Section 25.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 25.1 *Appraisal fees.* (a) A fee of $5 will be collected with each application for a new loan of $1000 or less, and a fee of $10 will be collected in such case where more than $1000 is applied for. Should the application be withdrawn or declined before an appraisal is made, the fee will be returned to the applicant. A further fee of $1 per $1000, or fraction thereof, will be charged and deducted from the loan proceeds at the time a loan is closed on any amount loaned by the land bank, the Land Bank Commissioner, or both, in excess of $5000.

(b) A fee of $5 will be collected with each application for an increased or refunding loan where the amount applied for is $1000 or less, and a fee of $10 will be collected in such case where more than $1000 is applied for: *Provided*, That only a fee of $5 will be collected with each of two or more applications filed to refinance an existing loan (land bank, Land Bank Commissioner, or joint land bank and Commissioner loans) covering any part of the property offered as security. Should the application be withdrawn or declined before an appraisal is made, the fee will be returned to the applicant. A further fee of $1 per $1000, or fraction thereof, will be charged and deducted from the loan proceeds at the time the loan is closed, on any amount of new money loaned by the land bank, the Land Bank Commissioner, or both, whether in one or in more than one refunding loan refinancing an existing loan, in excess of $5000, which fee, in the case of several such refunding loans will be prorated among the several applicants.

(c) A fee of $5 will be collected with each application for division of an existing loan (land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans). The fee will be returned if the application is withdrawn or declined before an appraisal is made.

(d) A supplemental fee equal to the fee collected with the application will be charged in any type of case for each reappraisal made because of delay on the part of an applicant or made at the applicant's request. If the reappraisal results in a more favorable commitment, the fee will be refunded. (Secs. 7, 13 "Ninth," 39 Stat. 365, 372, as amended, Secs. 26, 32, 33, 48 Stat. 48, 49, as

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FEDERAL REGISTER

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amended; 12 U. S. C. 781 "Ninth," 723 (e), 1016 (e) and Sup. 1017. 6 CFR 19.322, 19.326, 19.330) (Res. Ex. Com. June 13, 1947).

2. Section 25.2 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 25.2 *Release fees.* When an appraisal is considered necessary, a fee of $10 will be collected with each application for a partial release of security, subordination of a lien, adjustment of insurance, or release from personal liability. Only one such fee will be collected in cases where joint land bank and Land Bank Commissioner loans are involved. The fee will be returned if an appraisal is not made. (Secs. 7, 13, "Ninth," 39 Stat. 365, 372, as amended, Secs. 32, 33, 48 Stat. 49, as amended; 12 U. S. C. 723 (e), 781 "Ninth," 1016 (e), 1017; 6 F. R. 19.322, 19.326, 19.339, 19.340) (Res. Ex. Com. June 13, 1947).

3. Section 25.5 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 25.5 *Prepayment fees.* No fee shall be charged for prepayment of land bank loans. (Sec. 12 "Second," 39 Stat. 370, as amended; 12 U. S. C. 771 "Second") (Res. Ex. Com., June 13, 1947)

[SEAL] FEDERAL LAND BANK OF NEW ORLEANS,
R. L. THOMPSON,
President.

[F. R. Doc. 47-6117; Filed, June 27, 1947; 8:52 a. m.]

PART 90—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C.

PART 95—LOANS FOR SPECIAL AREAS

TERMINATION OF WENATCHEE BRANCH OFFICE OF REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C.

Effective at the close of business on June 14, 1947, the Wenatchee Branch office of the Regional Agricultural Credit Corporation of Washington, D. C., was terminated and closed. Accordingly, the following portions of Title 6 of the Code of Federal Regulations are hereby deleted:

(1) Paragraph (c) *Wenatchee Branch Office* of § 90.1 *Organization.*

(2) The first two sentences of paragraph (b) of § 90.2 *Functions and procedure,* and the word "other" in the third sentence of that paragraph.

(3) All of Part 95, Loans for Special Areas.

(Sec. 201 (e), 47 Stat. 713, secs. 32, 33, 50 Stat. 716, 717; 12 U. S. C. 1148, 1148b, 1148c; E. O. 6084, Mar. 27, 1933)

[SEAL] I. W. DUGGAN,
Governor.

JUNE 23, 1947.

[F. R. Doc. 47-6118; Filed, June 27, 1947; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 124]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.350 *Orange Regulation 124*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* Except as otherwise provided in paragraph (b) (2) of this section:

(1) During the period beginning at 12:01 a. m., e. s. t., June 30, 1947, and ending at 12:01 a. m., e. s. t., July 31, 1947, no handler shall ship any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. No. 3 or lower than U. S. No. 3 grade, as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1).

(2) During the period specified in paragraph (b) (1) of this section, any handler may ship any oranges, except Temple oranges, grown in the State of Florida, that grade U. S. No. 3, as such grade is defined in the aforesaid amended United States standards, if not more than 10 (ten) percent, by count, of the oranges in the container are oranges which are not free from serious damage due to dryness or mushy condition.

(3) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "serious damage" and "dryness or mushy condition" shall have the same meaning as is given to the respective term in the aforesaid amended United States standards. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington D. C., this 25th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-6165; Filed, June 27, 1947; 10:05 a. m.]

[Elberta Peach Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.316 *Elberta Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available infor-

mation, it is hereby found that the limitation of shipments of Elberta peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 29, 1947, and ending at 12:01 a. m., P. s. t., September 1, 1947, no shipper shall ship:

(i) Any package or container of Elberta peaches containing peaches which do not meet the requirements of U. S. No. 1 grade, as specified for such grade in the United States Standards for Peaches (12 F. R. 3798): *Provided*, That (*a*) with respect to ripe Elberta peaches of the size known commercially as size 80, and of larger sizes, such peaches may be shipped if they are free from serious damage by bruises and if said peaches otherwise meet the requirements of the aforesaid grade; and (*b*) with respect to Elberta peaches of the size known commercially as size 55, and of larger sizes, such peaches may be shipped if they meet the requirements of the aforesaid grade with a tolerance of five (5) percent for defects not considered "serious damage", in addition to the usual tolerances provided in said United States Standards; and the aforesaid sizes known commercially as size 55 and size 80 are defined more specifically in subparagraphs (2) and (3), respectively, of this paragraph; or

(ii) Any package or container of Elberta peaches containing peaches of a size smaller than the aforesaid size 80 that will pack a standard fruit box numbered 15, 16, 17, 18, or 18a, as specified in section 828.25 of the Agricultural Code of California, packed in accordance with the specifications of a standard pack, as specified in the aforesaid United States Standards, except that ripe Elberta peaches shall be packed fairly tightly in said boxes rather than tightly packed as provided in the aforesaid United States Standards.

(2) As used in this section, the size of Elberta peaches known commercially as size 55 is defined more specifically as being the size that will pack a standard fruit box numbered 15, 16, 17, 18, or 18a, as defined in section 828.25 of the Agricultural Code of California, with two tiers of two rows of five peaches each, and three rows of six peaches each per tier, packed in accordance with the specifications of a standard pack, as specified in said United States Standards, and with no peach small enough to pass through, without using pressure, a rigid ring of inside diameter of 2¾ inches.

(3) As used in this section, the size of Elberta peaches known commercially as size 80 is defined more specifically as being the size that will pack a standard fruit box numbered 15, 16, 17, 18, or 18a, as defined in section 828.25 of the Agricultural Code of California, with two tiers of six rows each per tier and seven peaches in each row packed in accordance with the specifications of a standard pack, as specified in said United States Standards, and with no peach small enough to pass through, without using pressure, a rigid ring of inside diameter of 2¼ inches.

(4) Each shipper, prior to making each shipment of Elberta peaches, shall, during the period set forth in subparagraph (1) of this paragraph, have the peaches included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Elberta Peach Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Elberta Peach Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Elberta peaches contained in each such lot or shipment: *Provided, however*, That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditons, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Elberta Peach Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(5) As used in this section, the terms "shipper," "ship," "shipping point," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order, and the terms "serious damage" and "tightly packed" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 26th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-6162; Filed, June 27, 1947; 10:04 a. m.]

[Lemon Reg. 228]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.335 *Lemon Regulation 228*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 29, 1947, and ending at 12:01 a. m., P. s. t., July 6, 1947, is hereby fixed at 700 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 227 (12 F. R. 4016) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-6163; Filed, June 27, 1947; 10:04 a. m.]

[Orange Reg. 184]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.330 *Orange Regulation 184*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 29, 1947, and ending at 12:01 a. m., P. s. t., July 6, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1200 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. June 29, 1947, to 12:01 a. m. July 6, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0682
A. F. G. Fullerton	.9002
A. F. G. Orange	.6447
A. F. G. Redlands	.2406
A. F. G. Riverside	.1276
A. F. G. San Juan Capistrano	.8494
A. F. G. Santa Paula	.3984
Corona Plantation Co	.2466
Hazeltine Packing Co	.3964
Signal Fruit Association	.0823
Azusa Citrus Association	.4316
Azusa Orange Co., Inc	.1377
Damerel-Allison Company	.9086
Glendora Mutual Orange Association	.3925
Irwindale Citrus Association	.3850
Puente Mutual Citrus Association	.2008
Valencia Heights Orchards Association	.4327
Glendora Citrus Association	.3585
Glendora Heights Orange and Lemon Growers Association	.0787
Gold Buckle Association	.5834
La Verne Orange Association	.6644
Anaheim Citrus Fruit Association	1.3278
Anaheim Valencia Orange Association	1.2852
Endington Fruit Co., Inc	2.1065
Fullerton Mutual Orange Association	1.5098
La Habra Citrus Association	1.1872
Orange County Valencia Association	.6649
Orangethorpe Citrus Association	1.0278
Placentia Cooperative Orange Association	.7437
Yorba Linda Citrus Association, The	.5883
Alta Loma Heights Citrus Association	.0969
Citrus Fruit Growers	.1204
Cucamonga Citrus Association	.1436
Etiwanda Citrus Fruit Association	.0433
Old Baldy Citrus Association	.1366
Rialto Heights Orange Growers	.0798
Upland Citrus Association	.4152
Upland Heights Orange Association	.1560
Consolidated Orange Growers	1.9290
Frances Citrus Association	1.0957
Garden Grove Citrus Association	1.4066
Goldenwest Citrus Association, The	1.4068
Irvine Valencia Growers	2.3064
Olive Heights Citrus Association	1.6673
Santa Ana-Tustin Mutual Citrus Association	.9899
Santiago Orange Growers Association	3.6839
Tustin Hills Citrus Association	1.8850
Villa Park Orchs. Association, The	1.8345
Bradford Bros., Inc	.6514
El Modena Citrus, Inc	.4536
Placentia Mutual Orange Association	1.7952
Placentia Orange Growers Association	2.2883
Call Ranch	.0689
Corona Citrus Association	.4713
Jameson Co	.0373
Orange Heights Orange Association	.3779
Redlands Orangedale Association	.2911
Redlands Select Groves	.1656
Rialto Citrus Association	.1547
Rialto Orange Co	.1541
Southern Citrus Association	.2072
United Citrus Growers	.1494
Zilen Citrus Co	.1045
Arlington Heights Fruit Co	.1040
Brown Estate, L. V. W	.1354
Gavilan Citrus Association	.1585
Hemet Mutual Groves	.1152
Highgrove Fruit Association	.0795
McDermont Fruit Co	.1906
Mentone Heights Association	.0689
Monte Vista Citrus Association	.2286
National Orange Co	.0419
Riverside Growers, Inc	.1007
Riverside Heights Orange Growers Association	.0898
Sierra Vista Packing Association	.0601
Victoria Avenue Citrus Association	.1869
Claremont Citrus Association	.1327
College Heights Orange and Lemon Association	.2266
El Camino Citrus Association	.0846
Indian Hill Citrus Association	.1864
Pomona Fruit Growers Exchange	.3261
Walnut Fruit Growers Association	.4426
West Ontario Citrus Association	.3261
El Cajon Valley Citrus Association	.3207
Escondido Orange Association	2.4776
San Dimas Orange Growers Association	.5134
Covina Citrus Association	1.0373
Covina Orange Growers Association	.4072
Duarte-Monrovia Fruit Exchange	.2563
Santa Barbara Orange Association	.0524
Ball & Tweedy Association	.6262
Canoga Citrus Association	.8872
N. Whittier Heights Citrus Association	.9486
San Fernando Fruit Growers Association	.4491
San Fernando Heights Orange Association	.9763
Sierra Madre-Lamanda Citrus Association	.4040
Camarillo Citrus Association	1.5203
Fillmore Citrus Association	3.6199
Mupu Citrus Association	2.4494
Ojai Orange Association	.9965
Piru Citrus Association	2.0381
Santa Paula Orange Association	1.1038
Tapo Citrus Association	1.1251
Limoneira Co	.4037
E. Whittier Citrus Association	.4100
El Ranchito Citrus Association	1.3989
Murphy Ranch Co	.4581
Rivera Citrus Association	.5548
Whittier Citrus Association	.7032
Whittier Select Citrus Association	.4727
Anaheim Cooperative Orange Association	1.1688
Bryn Mawr Mutual Orange Association	.0928
Chula Vista Mutual Lemon Association	.0932
Break & Son, Allen	0.0581
Bryn Mawr Fruit Growers Association	.2718
Crafton Orange Growers Association	.3922
E. Highlands Citrus Association	.0883
Fontana Citrus Association	.0862
Highland Fruit Growers Association	.0521
Krinard Packing Co	.2689
Mission Citrus Association	.1472
Redlands Cooperative Fruit Association	.4176
Redlands Heights Groves	.2562
Redlands Orange Growers Association	.2682

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Escondido Cooperative Citrus Association	0.3386
Euclid Avenue Orange Association	.4286
Foothill Citrus Union, Incorporated	.0338
Fullerton Cooperative Orange Association	.3943
Garden Grove Orange Coop., Inc.	.7345
Glendora Cooperative Citrus Association	.0574
Golden Orange Groves, Inc.	.2837
Highland Mutual Groves	.0677
Index Mutual Association	.1625
La Verne Cooperative Citrus Association	1.2023
Olive Hillside Groves	.7738
Orange Cooperative Citrus Association	1.0502
Redlands Foothill Groves	.4531
Redlands Mutual Orange Association	.1683
Riverside Citrus Association	.0688
Ventura County Orange & Lemon Association	.9514
Whittier Mutual Orange & Lemon Association	.1775
Babijuice Corp. of California	.4959
Banks Fruit Co	.2989
Banks, L. M.	.5516
Borden Fruit Co.	.7014
California Fruit Distributors	.3878
Cherokee Citrus Co., Inc.	.1016
Chess Co., Meyer W.	.2818
Escondido Avocado Growers	.0561
Evans Bros. Packing Co.	.4363
Gold Banner Association	.2859
Granada Hills Packing Co.	.0638
Granada Packing House	2.3784
Hill, Fred A.	.0778
Inland Fruit Dealers	.0535
Mills, Edward	.1090
Orange Belt Fruit Distributors	1.9499
Panno Fruit Co., Garlo	.0891
Paramount Citrus Association	.4229
Placentia Orchards Co.	.4076
Placentia Pioneer Valencia Growers Association	.6506
San Antonio Orchards Co.	.4132
Santa Fe Groves Co.	.0516
Snyder & Sons Co., W. A.	1.0005
Stephens, T. F.	.0888
Sunny Hills Ranch, Inc.	.1202
Verity & Sons Co., R. H.	.0367
Wall, E. T.	.1246
Webb Packing Co.	.2126
Western Fruit Growers Inc., Ana.	.0499
Western Fruit Growers Inc., Reds.	.6692
Yorba Orange Growers Association	.6383

[F. R. Doc. 47-6164, Filed, June 27, 1947; 10:04 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 604—ENLISTED RESERVE CORPS

DISCHARGE FROM INACTIVE STATUS

Rescind paragraph (b) of § 604.9 and substitute the following in lieu thereof.

§ 604.9 *Separation from service.* * * *

(b) *Discharge from inactive status.* (1) Except for enlisted men of the Regular Army transferred to the Enlisted Reserve Corps and retired under the provisions of AR 615-395 (Army regulations relative to retirement) and subsequently discharged upon completion of 30 years' service, members of the Enlisted Reserve Corps when on an inactive status may be discharged as follows:

(i) By direction of the President or order of the Secretary of War.

(ii) By direction of the Commanding General of the Army Air Forces, an army (ZI), a department, or such officer, or officers, as may be designated by them for that purpose.

(*a*) Upon expiration of term of enlistment.

(*b*) On account of physical disability. If an enlisted reservist on inactive status becomes physically disqualified for limited service (MR 1-9), he will be discharged.

(*c*) If drawing a pension, disability allowance, disability compensation, or retirement pay from the Government of the United States.

(*d*) Upon acceptance of a commission in the armed forces, appointment to the U. S Military, Naval, or Coast Guard Academy, upon receipt of notice of enlistment in the Regular Army or National Guard, or upon receipt of notice of enlistment in the Navy, Marine Corps, or Coast Guard.

(*e*) Upon presentation of conclusive evidence in accordance with the provisions of AR 615-362 (Army regulations relative to discharge) that his membership in the Enlistment Reserve Corps in an inactive status has a material deterrent effect on his earning a livelihood.

(*f*) Because of inaptness or failure to possess the required degree of adaptability for military service.

(*g*) Because of evidence of habits or traits of character which render retention in the service undesirable.

(*h*) Upon conviction by a civil court.

(2) No enlisted reservist will be called to active duty for the purpose of affecting his discharge.

(3) Discharge certificates will be furnished enlisted reservists discharged from inactive status. [AR 150-5, Feb. 13, 1946 as amended by WD Cir. 151, June 12, 1947.]

(39 Stat. 195, 41 Stat. 780, 44 Stat. 705; 10 U. S. C. 421, 423-427)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6165; Filed, June 27, 1947; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 600—DESIGNATION OF CIVIL AIRWAYS

Part 600 of the regulations of the Administrator of Civil Aeronautics was last revised in its entirety on February 6, 1942. Since that time this part has been amended a great many times, and experience has disclosed the necessity for revising it again. The purpose of this revision is: (a) To simplify and clarify the language used in this part and (b) to effect a compilation of the basic part and all the amendments thereto made effective between the dates of February 6, 1942 and May 13, 1947.

It appearing that the revision of this part does not involve any changes in substance but contains changes of only a minor nature which will not impose any burden upon interested persons; the persons affected by this part will be greatly benefited by this revision and by its being made effective without delay; in view of the foregoing, sufficient notice and public procedure have been afforded to interested persons, and further notice for public procedure would serve no purpose other than to delay the issuance of the revision of this part of the regulations of the Administrator which it is in the public interest and benefit to adopt at this time.

And finding that: For the foregoing reasons further notice and public procedure provided for in section 4 (a) of the Administrative Procedure Act is unnecessary with respect to the revision of this part; and that good cause exists to declare this part (as herein revised) effective immediately pursuant to section 4 (c) of that act.

Now, therefore, acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby revise Part 600 of the Regulations of the Administrator of Civil Aeronautics to read as follows:

Sec.
600.1 Definition.
600.2 Scope.
600.3 Basis and purpose.
600.4 Designation of civil airways.

AUTHORITY: §§ 600.1 to 600.4, inclusive, issued under sec. 302, 52 Stat. 985, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 452.

§ 600.1 *Definition.* As used in this part, "civil airway" means a path through the navigable air space of the United States suitable for interstate, overseas, or foreign air commerce.

§ 600.2 *Scope.* (a) Each civil airway, except as hereinafter provided, shall include the navigable air space of the United States above all that area on the surface of the earth lying within five miles of the center of the center line prescribed for each such airway, but shall not include any of the air space of an air-space reservation, as provided for in section 4 of the Air Commerce Act of 1926.

(b) The center line of each civil airway shall be a line extended in the manner hereinafter prescribed through the center of the points or intersections specified for such airway.

§ 600.3 *Basis and purpose.* The basis of this part is found in section 302 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 985, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 452). The purpose of this part is to designate civil airways in order to provide suitable, and insofar as possible, safe routes for aircraft operating in interstate, overseas, or foreign air commerce.

§ 600.4 *Designation of civil airways.* The following described paths through the navigable air space of the United States are hereby designated as civil airways:

(a) *Green civil airways*—(1) *Green civil airway No. 1 (United States-Canadian Border to Forest City, Maine).* From the intersection of the east course of the Megantic, Quebec, Canada, radio range and the United States-Canadian Border, via the Millinocket, Maine, radio range station; to the Forest City, Maine (United States-Canadian Border).

(2) *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* From the King County Airport, Seattle, Wash., via the Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur D'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station; Superior, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; the intersection of the southeast course of the Helena, Mont., radio range and the northwest course of the Bozeman, Mont., radio range; Bozeman, Mont., radio range station; the intersection of the southeast course of the Bozeman, Mont., radio range and the west course of the Livingston, Mont., radio range; Livingston, Mont., radio range station; Billings, Mont., radio range station; Custer, Mont., radio range station; Miles City, Mont., radio range station; the intersection of the northeast course of the Miles City, Mont., radio range and the west course of the Dickinson, N. Dak., radio range; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; the Jamestown, N. Dak., radio range station; the intersection of the east course of the Jamestown, N. Dak., radio range and the west course of the Fargo, N. Dak., radio range; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; Lone Rock, Wis., radio range station; Madison, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; the intersection of the east course of the Lansing, Mich., radio range and the north course of the Romulus, Mich., radio range; the Romulus, Mich., radio range station to the intersection of the east course of the Romulus, Mich., radio range and the United States-Canadian Border. From the intersection of the east course of the Clear Creek, Ontario, Canada, radio range and the United States-Canadian Border via the intersection of the east course of the Clear Creek, Ontario, radio range and the southwest course of the Buffalo, N. Y., radio range; Buffalo, N. Y., radio range station; the intersection of the east course of the Buffalo, N. Y., radio range and the southwest course of the Rochester, N. Y., radio range; Rochester, N. Y., radio range station; the intersection of the southeast course of the Rochester, N. Y., radio range and the west course of the Syracuse, N. Y., radio range; Syracuse, N. Y., radio range station; Utica, N. Y., radio range station; Albany, N. Y., radio range station; Westfield, Mass., radio range station; the intersection of the southeast course of the Westfield, Mass., radio range and the southwest course of the Boston, Mass., radio range to the Boston, Mass., radio range station.

(3) *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* From the Municipal Airport, San Francisco, Calif., via the San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacramento, Calif., radio range station; the intersection of the northeast course of the Sacramento, Calif., radio range and the southwest course of the Donner Summit, Calif., radio range; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Battle Mountain, Nev., radio range station; Elko, Nev., radio range station; the intersection of the northeast course of the Elko, Nev., radio range and the west course of the Lucin, Utah, radio range; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range; the intersection of the northwest course of the Laramie, Wyo., radio range and the northwest course of the Cheyenne, Wyo., radio range; Cheyenne, Wyo., radio range station; Sidney, Nebr., radio marker station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the Joliet, Ill., radio range station; the intersection of the southeast course of the Chicago, Ill., radio range and the west course of the Goshen, Ind., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; the intersection of the east course of the Youngstown, Ohio, radio range and the west course of the Philipsburg, Pa., radio range; Philipsburg, Pa., radio range station; Allentown, Pa., radio range station; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia Field) radio range and the New York, N. Y. (LaGuardia Field) radio range station; to the New York Municipal Airport, LaGuardia Field, New York, N. Y.

(4) *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* From the Municipal Airport, Los Angeles, Calif., via the Los Angeles, Calif., radio range station; the intersection of the north course of the Los Angeles, Calif., radio range and the southwest course of the Palmdale, Calif., radio range; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; the Needles, Calif., radio range station; the Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; El Morro, N. Mex., radio range station; Acomita, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; Otto, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; Lebo, Kans., radio range station; Kansas City, Mo., radio range station; the intersection of the northeast course of the Kansas City, Mo., radio range and the west course of the Columbia, Mo., radio range; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the east course of the Indianapolis, Ind., radio range and the west course of the Columbus, Ohio, radio range; Columbus, Ohio, radio range station; the intersection of the east course of the Columbus, Ohio, radio range and the west course of the Pittsburgh, Pa., radio range; Pittsburgh, Pa., radio range station; the intersection of the northeast course of the Pittsburgh, Pa., radio range and the west course of the Altoona, Pa., radio range; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the east course of the Harrisburg, Pa., radio range and the southwest course of the Philadelphia, Pa., radio range and the Philadelphia, Pa., radio range station to the Municipal Airport, Philadelphia, Pa.

(5) *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).* From the Los Angeles, Calif., radio range station via the Riverside, Calif., radio range station; the intersection of the east course of the Riverside, Calif., radio range and the west course of the Blythe, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the south course of the Phoenix, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; the intersection of the southeast course of the Tucson, Ariz., radio range and the west course of the Cochise, N. Mex., radio range; Cochise, N. Mex., radio range station; Rodeo, N. Mex., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; Memphis, Tenn., radio range station; Jack's Creek, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the northeast course of the Nashville, Tenn., radio range and the northwest course of the Smithville, Tenn., radio range; Smithville, Tenn., radio range station; the intersection of the east course of the Smithville, Tenn., radio range and the west course of the Knoxville, Tenn., radio range, excluding that portion which lies more than two miles north of the west course of the Knoxville, Tenn., radio range between the intersection of the east course of the Smithville, Tenn., radio range and the west course of the Knoxville, Tenn., radio range and a point thirteen miles west of the Knoxville, Tenn., radio range station; Knoxville, Tenn., radio range station; Tri-City,

Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; the intersection of the northeast course of the Gordonsville, Va., radio range and the south course of the Washington, D. C., radio range; a point at latitude 38°41'50", longitude 76°51'47"; the Millville, N. J., radio range station; the intersection of the northeast course of the Millville, N. J., radio range and the southwest course of the Mitchell Field, N. Y. (Army) radio range; the Mitchell Field, N. Y. (Army) radio range station; the intersection of the northeast course of the Mitchell Field, N. Y. (Army) radio range and the southwest course of the Boston, Mass., radio range to the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Westfield, Mass., radio range.

(6) *Green civil airway No. 6 (Alice, Tex., to Norfolk, Va.).* From the Alice, Tex., radio range station via the Corpus Christi, Tex., radio range station, excluding that portion which lies more than two miles south of the east course of the Alice, Tex., radio range station, between the Alice, Tex., radio range station and the Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station; New Orleans, La., radio range station; Mobile, Ala., radio range station; Maxwell Field, Ala., radio range station; the intersection of the east course of the Maxwell Field, Ala., radio range and the southwest course of the Atlanta, Ga., radio range; Atlanta, Ga., radio range station; Spartanburg, S. C., radio range station; the intersection of the northeast course of the Spartanburg, S. C., radio range and the west course of the Charlotte, N. C., radio range; the intersection of the north course of the Charlotte, N. C., radio range and the southwest course of the Greensboro, N. C., radio range; Greensboro, N. C., radio range station; Blackstone, Va., radio range station; the intersection of the northeast course of the Blackstone, Va., radio range and the southwest course of the Richmond, Va., radio range; Richmond, Va., radio range station; and the Norfolk, Va., radio range station to the Municipal Airport, Norfolk, Va.

(7) *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* From the Nome, Alaska, radio range station via the Moses Point, Alaska, radio range station; the Galena, Alaska, radio range station; the intersection of the east course of the Galena, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

(8) *Green civil airway No. 8 (Attu, Alaska, to Northway, Alaska).* From the Attu (Casco), Alaska, radio range station via the Shemya, Alaska, radio range station; Adak, Alaska, radio range station; the intersection of the northeast course of the Adak, Alaska, radio range and the west course of the Atka, Alaska, radio range; the Atka, Alaska, radio range station; Umnak (North Shore), Alaska, radio range station; the intersection of the northeast course of the Umnak (North Shore), Alaska, radio range and the west course of the Cold Bay (Randall), Alaska, radio range; Cold Bay (Randall), Alaska, radio range station; Heiden, Alaska, radio range station; Naknek, Alaska, radio range station; the intersection of the northeast course of the Naknek, Alaska, radio range and the southwest course of the Homer, Alaska, radio range; Homer, Alaska, radio range station; Kenai, Alaska, radio range station; Anchorage, Alaska, radio range station; the intersection of the northeast course of the Anchorage, Alaska, radio range and the southwest course of the Gulkana, Alaska, radio range; Gulkana, Alaska, radio range station and the intersection of the northeast course of the Gulkana, Alaska, radio range and the southwest course of the Northway, Alaska, radio range to the Northway, Alaska, radio range station.

(b) *Amber civil airways*—(1) *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* From the intersection of the southeast course of the San Diego, Calif., radio range and the United States-Mexican Border via the San Diego, Calif., radio range station; the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., radio range and the Long Beach, Calif., radio range station to the Los Angeles, Calif., radio range station. From the intersection of the north course of the Los Angeles, Calif., radio range and the southwest course of the Palmdale, Calif., radio range via the Bakersfield, Calif., radio range station; Fresno, Calif., radio range station and the intersection of the northwest course of the Fresno, Calif., radio range and the southeast course of the Oakland, Calif., radio range to the Oakland, Calif., radio range station. From the intersection of the northeast course of the Oakland, Calif., radio range and the south course of the Williams, Calif., radio range via the Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; Seattle, Wash., radio range station; Everett, Wash., radio range station; the intersection of the north course of the Everett, Wash., radio range and the southeast course of the Bellingham, Wash., radio range and the Bellingham, Wash., radio range station to the intersection of the northwest course of the Bellingham, Wash., radio range and the United States-Canadian Border. From the intersection of the south course of the Annette Island, Alaska, radio range and the United States-Canadian Border via the Annette Island, Alaska, radio range station; the intersection of the west course of the Annette Island, Alaska radio range and the southeast course of the Sitka (Biorka Island), Alaska, radio range; Sitka (Biorka Island), Alaska, radio range station; Yakutat, Alaska, radio range station; Yakataga, Alaska, radio range station; the intersection of the west course of the Yakataga, Alaska, radio range and the southeast course of the Cordova (Hinchinbrook Island), Alaska, radio range; Cordova (Hinchinbrook Island), Alaska, radio range station; the intersection of the northwest course of the Cordova (Hinchinbrook Island), Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range station; Skwentna, Alaska, radio range station; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station and the Unalakleet, Alaska, radio range station to the Nome, Alaska, radio range station.

(2) *Amber civil airway No. 2 (Long Beach, Calif., to Fairbanks, Alaska).* From the Long Beach, Calif., radio range station to the intersection of the northeast course of the Long Beach, Calif., radio range and the east course of the Los Angeles, Calif., radio range. From the Daggett, Calif., radio range station via the Silver Lake, Calif., radio range station; Las Vegas, Nev., radio range station; the intersection of the northeast course of the Las Vegas, Nev., radio range and the southwest course of the Enterprise, Utah, radio range; Enterprise, Utah, radio range station; Milford, Utah, radio range station; Delta, Utah, radio range station; Fairfield, Utah, radio range station; the intersection of the northeast course of the Fairfield, Utah, radio range and the south course of the Salt Lake City, Utah, radio range; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; the Idaho Falls, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Helena, Mont., radio range station; the intersection of the north course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station and the Cut Bank, Mont., radio range station to the intersection of the northwest course of the Cut Bank, Mont., radio range and the United States-Canadian Border. From the intersection of the northwest course of the Snag, Yukon Territory, radio range and the United States-Canadian Border via the Northway, Alaska, radio range station; the Tanacross, Alaska, radio range station; Big Delta, Alaska, radio range station and the intersection of the northwest course of the Big Delta, Alaska, radio range and the south course of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

(3) *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).* From the intersection of the west course of the El Paso, Tex., radio range and the south course of the Engle, N. Mex., radio range via the Engle, N. Mex., radio range station; to the Albuquerque, N. Mex., radio range station. From the intersection of the east course of the Otto, N. Mex., radio range and the southwest course of the Las Vegas, N. Mex., radio range, via the Las Vegas, N. Mex., radio range station; the intersection of the northeast course of the Las Vegas, N. Mex., radio range and the south course of the Trinidad, Colo., radio range; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; the intersection of the north course of the Pueblo, Colo., radio range and the south course of the Denver, Colo., radio range; Denver, Colo., radio range station; Cheyenne, Wyo., radio range station; the intersection of the north course of the Cheyenne, Wyo., radio range and the southeast course of the Douglas, Wyo., radio range; Douglas, Wyo., radio range station; the intersection of the northwest course of the Douglas, Wyo., radio range and the east course of the Casper, Wyo., radio range; Casper, Wyo., radio range station; the intersection of the north course of the Casper, Wyo., radio range and the southeast course of the Sheridan, Wyo., radio range; Sheridan, Wyo., radio range station; Billings, Mont., radio range station; the intersection of the northwest course of the Billings, Mont., radio range and the southeast course of the Lewistown, Mont., radio range and the Lewistown, Mont., radio range station; to the Great Falls, Mont., radio range station.

(4) *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).* From the Municipal Airport, Brownsville, Tex., via the Brownsville, Tex., radio range station; the intersection of the northwest course of the Brownsville, Tex., radio range and the south course of the Alice, Tex., radio range; the Alice, Tex., radio range station; the intersection of the north course of the Alice, Tex., radio range and the south course of the Alamo radio range, San Antonio, Tex.; the Alamo radio range station, San Antonio, Tex.; the intersection of the north course of the Alamo radio range, San Antonio, Tex., and the southwest course of the Austin, Tex., radio range; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the northwest course of the Waco, Tex., radio range and the south course of the Fort Worth, Tex., radio range; Fort Worth, Texas., radio range station; the intersection of the north course of the Fort Worth, Tex., radio range and the south course of the Oklahoma City, Okla., radio range; Oklahoma City, Okla., radio range station; the intersection of the east course of the Oklahoma City, Okla., radio range and the southwest course of the Tulsa, Okla., radio range; Tulsa, Okla., radio range station; the intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Chanute, Kans., radio range; Chanute, Kans., radio range station; the intersection of the northeast course of the Chanute, Kans., radio range and the southwest course of the Kansas City, Mo., radio range; Kansas City, Mo., radio range station; St. Joseph, Mo., radio range station; Omaha, Nebr., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; the Aberdeen, S. Dak. Municipal Airport, the Bismarck, N. Dak., radio range station and the intersection of the north course of the Bismarck, N. Dak., radio range and the southeast course of the Minot, N. Dak., radio range to the Minot, N. Dak., radio range station.

(5) *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wis.).* From the New Orleans, La., radio range station, via the Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Memphis, Tenn., radio range station; Advance, Mo., radio range station; the intersection of the northwest course of the Advance, Mo., radio range and the south course of the St. Louis, Mo., radio range; St. Louis, Mo., radio range station; the intersection of the north course of the St. Louis, Mo., radio range and the southwest course of the Springfield, Ill., radio range; Springfield, Ill., radio range station; the Joliet, Ill., radio range station; the intersection of the northeast course of the Joliet, Ill., radio range and the southwest course of the Chicago, Ill., radio range; Chicago, Ill., radio range station, and the intersection of the northwest course of the Chicago, Ill., radio range and the south course of the Milwaukee, Wis., radio range; to the Milwaukee, Wis., radio range station.

(6) *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* From the Jacksonville, Fla., radio range station; via the Alma, Ga., radio range station; Macon, Ga., radio range station; Atlanta, Ga., radio range station; Chattanooga, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the northwest course of the Nashville, Tenn., radio range and the southwest course of the Bowling Green, Ky., radio range; Bowling Green, Ky., radio range station; the intersection of the northeast course of the Bowling Green, Ky., radio range and the south course of the Louisville, Ky., radio range; Louisville, Ky., radio range station; the Cincinnati, Ohio, radio range station and the intersection of the northwest course of the Cincinnati, Ohio, radio range and the southwest course of the Dayton, Ohio, radio range to the Dayton, Ohio, radio range station. From the Columbus, Ohio, radio range station to the intersection of the northeast course of the Columbus, Ohio, radio range and the west course of the Cleveland, Ohio, radio range. From the intersection of the east course of the Cleveland, Ohio, radio range and the southwest course of the Clear Creek, Ontario, radio range to the intersection of the southwest course of the Clear Creek, Ontario, radio range and the United States-Canadian Border.

(7) *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine).* From the Key West, Fla., radio range station via a point at latitude 24°51'20", longitude 80°40'20", Miami, Fla., radio range station; the intersection of the north course of the Miami, Fla., radio range and the southeast course of the Melbourne, Fla., radio range; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Jacksonville, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; the intersection of the northeast course of the Charleston, S. C., radio range and the southeast course of the Florence, S. C., radio range; Florence, S. C., radio range station; the intersection of the northeast course of the Florence, S. C., radio range and the south course of the Raleigh, N. C., radio range; Raleigh, N. C., radio range station; Richmond, Va., radio range station; the intersection of the north course of the Richmond, Va., radio range and the south course of the Washington, D. C., radio range; the Washington, D. C., radio range station; the intersection of the northeast course of the Washington, D. C., radio range and the southwest course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; Newark, N. J., radio range station; the intersection of the northeast course of the Newark, N. J., radio range and the northeast course of the New York, N. Y. (La-Guardia), radio range; Hartford, Conn., radio range station; the intersection of the northeast course of the Hartford, Conn., radio range and the west course of the Boston, Mass., radio range; Boston, Mass., radio range station; the intersection of the northeast course of the Boston, Mass., radio range and the southwest course of the Portland, Maine, radio range; Portland, Maine, radio range station; Augusta, Maine, radio range station; the intersection of the northeast course of the Augusta, Maine, radio range and the southwest course of the Bangor, Maine, radio range; Bangor, Maine, radio range station; the intersection of the northwest course of the Bangor, Maine, radio range and the southwest course of the Millinocket, Maine, radio range; Millinocket, Maine, radio range station; Presque Isle, Maine, radio range station; to the Municipal Airport, Caribou, Maine.

(8) *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.).* From the Los Angeles, Calif., radio range station via the Santa Barbara, Calif., radio range station; Hancock Army Air Base, Santa Maria, Calif.; a point of latitude 35°48'15" north and longitude 120°39' west; Salinas, Calif., radio range station and San Jose, Calif., airport to the San Francisco, Calif., radio range station. From the Red Bluff, Calif., radio range station via the Whitmore, Calif., radio range station; the intersection of the northeast course of the Whitmore, Calif., radio range and the south course of the Klamath Falls, Oreg., radio range; the Klamath Falls, Oreg., radio range station; the intersection of the north course of the Klamath Falls, Oreg., radio range and the southwest course of the Redmond, Oreg., radio range and the Redmond, Oreg., radio range station to The Dalles, Oreg., radio range station.

(c) *Red civil airways*—(1) *Red civil airway No. 1 (Portland, Oreg., to Kansas City, Mo.).* From the Portland, Oreg., radio range station via the intersection of the east course of the Portland, Oreg., radio range and the northwest course of The Dalles, Oreg., radio range; The Dalles, Oreg., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; the intersection of the southeast course of the Boise, Idaho, radio range and the northwest

course of the Burley, Idaho, radio range; the Burley, Idaho, radio range station; Malad City, Idaho, radio range station and the intersection of the southeast course of the Malad City, Idaho, radio range and the north course of the Fort Bridger, Wyo., radio range to the Fort Bridger, Wyo., radio range station. From the intersection of the northwest course of the Laramie, Wyo., radio range and the northwest course of the Cheyenne, Wyo., radio range via the Laramie, Wyo., radio range station to the intersection of the southeast course of the Laramie, Wyo., radio range and the north course of the Denver, Colo., radio range. From the Akron, Colo., radio range station via the Salina, Kans., radio range station and the center of the city of McFarland, Kans., to the Kansas City, Mo., radio range station.

(2) *Red civil airway No. 2 (Butte, Mont., to Rapid City, S. Dak.).* From the Butte, Mont., radio range station via the Whitehall, Mont., radio range station to the Bozeman, Mont., radio range station. From the intersection of the southeast course of the Sheridan, Wyo., radio range and the north course of the Casper, Wyo., radio range via the intersection of the southeast course of the Sheridan, Wyo., radio range and the west course of the Rapid City, S. Dak., radio range to the Rapid City, S. Dak., radio range station.

(3) *Red civil airway No. 3 (Philipsburg, Pa., to Hartford, Conn.).* From the Philipsburg, Pa., radio range station to the Harrisburg, Pa., radio range station. From the Philadelphia, Pa., radio range station via the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the New York, N. Y. (New York, LaGuardia Field), radio range to the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the New York, N. Y. (New York, LaGuardia), radio range. From the New York, N. Y. (New York, LaGuardia Field), radio range station to the intersection of the northeast course of the New York, N. Y. (New York, LaGuardia Field), radio range and the northeast course of the Newark, N. J., radio range.

(4) *Red civil airway No. 4 (Otto, N. Mex., to Las Vegas, N. Mex.).* From the Otto, N. Mex., radio range station via the Santa Fe, N. Mex., Municipal Airport to the Las Vegas, N. Mex., radio range station.

(5) *Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).* From the Sioux Falls, S. Dak., radio range station, via the Minneapolis, Minn., radio range station to the St. Paul Airport, St. Paul, Minn.

(6) *Red civil airway No. 6 (Las Vegas, Nev., to Omaha, Nebr.).* From the intersection of the northeast course of the Las Vegas, Nev., radio range and the southwest course of the St. George Utah, VHF radio range via the St. George, Utah, VHF radio range station; the Bryce Canyon, Utah, VHF radio range station; the Hanksville, Utah, VHF radio range station; the intersection of the northeast course of the Hanksville, Utah, VHF radio range and the southwest course of the Grand Junction, Colo., VHF radio range; the Grand Junction, Colo., VHF radio range station; the intersection of the northeast course of the Grand Junction, Colo., VHF radio range and the southwest course of the Eagle, Colo., VHF radio range station; the Eagle, Colo., VHF radio range station; the intersection of the northeast course of the Eagle, Colo., VHF radio range and the west course of the Denver, Colo., VHF radio range to the Denver, Colo., VHF radio range station. From the Denver, Colo., radio range station via the Akron, Colo., radio range station; The Hayes Center, Nebr., radio range station; the Grand Island, Nebr., radio range station; and the Lincoln, Nebr., radio range station to the Omaha, Nebr., radio range station.

(7) *Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).* From the intersection of the south course of the Greenville, S. C., radio range and the southwest course of the Spartanburg, S. C., radio range, via the Greenville, S. C., radio range station to the intersection of the east course of the Greenville, S. C., radio range and the southwest course of the Spartanburg, S. C., radio range. From the intersection of the northeast course of the Spartanburg, S. C., radio range and the west course of the Charlotte, N. C., radio range, via the Charlotte, N. C., radio range station to the intersection of the north course of the Charlotte, N. C., radio range and the southwest course of the Greensboro, N. C., radio range. From the intersection of the southwest course of the Greensboro, N. C., radio range and the southeast course of the Winston-Salem, N. C., radio range via the Winston-Salem, N. C., radio range station and the Winston-Salem, N. C., Municipal Airport to the Greensboro, N. C., radio range station.

(8) *Red civil airway No. 8 (Altoona, Pa., to Wilkes-Barre, Pa.).* From the intersection of the southwest course of the Elmira, N. Y., radio range and the west course of the Williamsport, Pa., radio range via the Williamsport, Pa., radio range station to the intersection of the east course of the Williamsport, Pa., radio range and the southwest course of the Wilkes-Barre, Pa., radio range.

(9) *Red civil airway No. 9 (San Diego, Calif., to Winslow, Ariz.).* From the San Diego, Calif., radio range station via the El Centro, Calif., radio range station; Yuma, Ariz., radio range station and the Gila Bend, Ariz., radio range station to the intersection of the east course of the Gila Bend, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range. From the Phoenix, Ariz., radio range station to the Winslow, Ariz., radio range station.

(10) *Red civil airway No. 10 (Trinidad, Colo., to Charleston, S. C.).* From the Trinidad, Colo., radio range station via the Amarillo, Tex., radio range station and the Wichita Falls, Tex., radio range station to the intersection of the southeast course of the Wichita Falls, Tex., radio range and the north course of the Fort Worth, Tex., radio range. From the intersection of the south course of the Fort Worth, Tex., radio range station and the west course of the Dallas, Tex., radio range station via the Dallas, Tex., radio range station; Shreveport, La., radio range station; Monroe, La., radio range station; Jackson, Miss., radio range station; Meridian, Miss., radio range station and the Birmingham, Ala., radio range station to the intersection of the southeast course of the Birmingham, Ala., radio range and the southwest course of the Atlanta, Ga., radio range. From the intersection of the northeast course of the Atlanta, Ga., radio range and the northwest course of the Augusta Ga., radio range via the Augusta, Ga., radio range station to the Charleston, S. C., radio range station.

(11) *Red civil airway No. 11 (Tulsa, Okla., to Boston, Mass.).* From the Tulsa, Okla., radio range station via Springfield, Mo., radio range station and the Vichy, Mo., radio range station to the intersection of the northeast course of the Vichy, Mo., radio range and the west course of the St. Louis, Mo., radio range. From the intersection of the east course of the St. Louis, Mo., radio range and the west course of the Evansville, Ind., radio range via the Evansville, Ind., radio range station; Louisville, Ky., radio range station and the intersection of the east course of the Louisville, Ky., radio range and the southwest course of the Huntington, W. Va., radio range to the Huntington, W. Va., radio range station. From the Elmira, N. Y., radio range station via the Albany, N. Y., radio range station to the Boston, Mass., radio range station.

(12) *Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.).* From the intersection of the northeast course of the Kansas City, Mo., radio range and the west course of the Columbia, Mo., radio range via the Kirksville, Mo., radio range station; Burlington, Iowa, radio range station; the intersection of the east course of the Moline, Ill., radio range and the southwest course of the Chicago, Ill., radio range and the intersection of the southeast course of the Rockford, Ill., radio range and the southwest course of the Chicago, Ill., radio range to the Chicago, Ill., radio range station via the South Bend, Ind., radio range station to the Romulus, Mich., radio range station.

(13) *Red civil airway No. 13 (Sunbury, Pa., to Boston, Mass.).* From the intersection of the east course of the Philipsburg, Pa., radio range and the southwest course of the Wilkes-Barre, Pa., radio range via the Wilkes-Barre, Pa., radio range station; Stewart Field, N. Y., radio range station; New Hacksensack, N. Y., radio range station; Hartford, Conn., radio range station and the Providence, R. I., radio range station to the intersection of the northeast course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range.

(14) *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* From the Lone Rock, Wis., radio range station via the Rockford, Ill., radio range station to the Joliet, Ill., radio range station. From the Chicago, Ill., radio range station via the intersection of the southeast course of the Chicago, Ill., radio range and the west course of the Goshen, Ind., radio range; Indianapolis Ind., radio range station to the Louisville, Ky., radio range station.

(15) *Red civil airway No. 15 (Las Vegas, Nev., to Gila Bend, Ariz.).* From the Las Vegas, Nev., radio range station via the Kingman, Ariz., Municipal Airport to a point at 34°47′ north and 113°34′ west. From the Prescott, Ariz., radio range station via the intersection of the southeast course of the Prescott, Ariz., radio range and the northwest course of the Phoenix, Ariz., radio range to the Phoenix, Ariz. radio range station. From the intersection of the west course of the Phoenix, Ariz., radio range and the north course of the Gila Bend, Ariz., radio range to the Gila Bend, Ariz., radio range station.

(16) *Red civil airway No. 16 (Augusta, Ga., to Florence, S. C.).* From the Augusta, Ga., radio range station, via the Columbia, S. C., radio range station; the intersection of the east course of the Columbia, S. C., radio range and the southwest course of the Florence, S. C., radio range to the Florence, S. C., radio range station.

(17) *Red civil airway No. 17 (Fort Wayne, Ind., to Baltimore, Md.).* From the Fort Wayne, Ind., radio range station via the center of the city of Findlay, Ohio, and the center of the city of Hayesville, Ohio, to the Pittsburgh, Pa., radio range station. From the Martinsburg, W. Va., radio range station to the Baltimore, Md., radio range station.

(18) *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* From the intersection of the east course of the Indianapolis, Ind., radio range and the northwest course of the Cincinnati, Ohio, radio range; to the intersection of the northwest course of the Cincinnati, Ohio, radio range and the southwest course of the Dayton, Ohio, radio range. From the Cincinnati, Ohio, radio range station, via the intersection of the southeast course of the Cincinnati, Ohio, radio range and the northwest course of the Huntington, W. Va., radio range; Huntington, W. Va., radio range station; Charleston, W. Va., radio marker station; Elkins, W. Va., radio range station; and the Front Royal, Va., radio range station; to the intersection of the east course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range.

(19) *Red civil airway No. 19 (Washington, D. C., to Grand Rapids, Mich.).* From the intersection of the west course of the Front Royal, Va., radio range and the southeast course of the Morgantown, W. Va., radio range via the Morgantown, W. Va., radio range station to the intersection of the northwest course of the Morgantown, W. Va., radio range and the west course of the Pittsburgh, Pa., radio range. From the Dayton, Ohio, radio range station via the Fort Wayne, Ind., radio range station; to the intersection of the northwest course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range. From the Goshen, Ind., radio range station via the intersection of the north course of the Goshen, Ind., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Grand Rapids, Mich., radio range station.

(20) *Red civil airway No. 20 (Lansing, Mich., to Chincoteague Island, Va.).* From the Lansing, Mich., radio range station via the intersection of the northwest course of the Romulus, Mich., radio range and the northwest course of the Selfridge Field, Mich., radio range and the intersection of the northwest course of the Windsor, Ontario, Canada, radio range and the northwest course of the Selfridge Field, Mich., radio range to the intersection of the northwest course of the Windsor, Ontario, Canada, radio range and the United States-Canadian Border. From the intersection of the northwest course of the Cleveland, Ohio, radio range and the United States-Canadian Border via the Cleveland, Ohio, radio range station and the Akron, Ohio, radio range station to the intersection of the southeast course of the Cleveland, Ohio, radio range and the west course of the Pittsburgh, Pa., radio range. From the Pittsburgh, Pa., radio range station via the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northwest course of the Washington, D. C., radio range; the Washington, D. C., radio range station to the intersection of the southeast course of the Washington, D. C., radio range and the northeast course of the Norfolk, Va., radio range, excluding that portion which lies more than three miles north of the southeast course of the Washington, D. C., radio range between the intersection of the southeast course of the Washington, D. C., radio range and the south course of the Baltimore, Md., radio range and the intersection of the southeast course of the Washington, D. C., radio range and the northeast course of the Patuxent River, Md. (Navy), radio range.

(21) *Red civil airway No. 21 (Lansing, Mich., to Newark, N. J.).* From the Lansing, Mich., radio range station to the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Romulus, Mich., radio range. From the Romulus, Mich., radio range station to the intersection of the southeast course of the Romulus, Mich., radio range and the west course of the Cleveland, Ohio, radio range. From the intersection of the west course of the Cleveland, Ohio, radio range and the northwest course of the Akron, Ohio, radio range via the Akron, Ohio, radio range station; Pittsburgh, Pa., radio range station; the intersection of the northeast course of the Pittsburgh, Pa., radio range and the north course of the Altoona, Pa., radio range to the Sunbury, Pa., radio marker station. From the intersection of the northeast course of the Allentown, Pa., radio range and the west course of the Newark, N. J., radio range to the Newark, N. J., radio range station.

(22) *Red civil airway No. 22 (United States-Canadian Border to Buffalo, N. Y.).* From the intersection of the west course of the Buffalo, N. Y., radio range and the United States-Canadian Border to the Buffalo, N. Y., radio range station.

(23) *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).* From the intersection of the southeast course of the Toronto, Ontario, radio range and the United States-Canadian Border, via the intersection of the southeast course of the Toronto, Ontario, radio range and the northeast course of the Buffalo, N. Y., radio range; the intersection of the east course of the Buffalo, N. Y., radio range and the northwest course of the Elmira, N. Y., radio range; the Elmira, N. Y., radio range station; the New York, N. Y. (LaGuardia Field), radio range station to the intersection of the east course of the New York, N. Y. (LaGuardia), radio range and the northeast course of the Mitchel Field, N. Y. (Army), radio range.

(24) *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).* From the Amarillo, Tex., radio range station via the intersection of the east course of the Amarillo, Tex., radio range and the southwest course of the Oklahoma City, Okla., radio range to the Oklahoma City, Okla., radio range station.

(25) *Red civil airway No. 25 (Tallahassee, Fla., to Miami, Fla.).* From the intersection of the east course of the Tallahassee, Fla., radio range and the northwest course of the Cross City, Fla., radio range via the Cross City, Fla., radio range station; the intersection of the southeast course of the Cross City, Fla., radio range and the north course of the Tampa, Fla., radio range; Tampa, Fla., radio range station; Fort Myers, Fla., radio range station and the intersection of the southeast course of the Fort Myers, Fla., radio range and the west course of the Miami, Fla., radio range to the Miami, Fla., radio range station.

(26) *Red civil airway No. 26 (Syracuse, N. Y. to New York, N. Y.).* From the Syracuse, N. Y., radio range station via the Wilkes-Barre, Pa., radio range station to the intersection of the southeast course of the Wilkes-Barre, Pa., radio range and the west course of the Allentown, Pa., radio range.

(27) *Red civil airway No. 27 (Knoxville, Tenn., to Detroit, Mich.).* From the Knoxville, Tenn., radio range station via a point located at latitude 36°25′ north and longitude 83°50′ west and the center of the city of Lexington, Ky., to the Cincinnati, Ohio, radio range station. From the intersection of the northeast course of the Dayton, Ohio, radio range and the west course of the Columbus, Ohio, radio range via the Toledo, Ohio, radio range station to the intersection of the north course of the Toledo, Ohio, radio range and the west course of the Romulus, Mich., radio range.

(28) *Red civil airway No. 28 (Rockford, Ill., to Grand Rapids, Mich.).* From the Rockford, Ill., radio range station to the intersection of the southeast course of the Rockford, Ill., radio range and the south course of the Milwaukee, Wis., radio range. From the Chicago, Ill., radio range station, via the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Grand Rapids, Mich., radio range station.

(29) *Red civil airway No. 29 (Rochester, N. Y., to Baltimore, Md.).* From the intersection of the southwest course of the Rochester, N. Y., radio range and the

east course of the Buffalo, N. Y., radio range to the intersection of the southwest course of the Rochester, N. Y., radio range and the northwest course of the Elmira, N. Y., radio range. From the intersection of the southeast course of the Elmira, N. Y., radio range and the north course of the Williamsport, Pa., radio range via the Williamsport, Pa., radio range station and the Harrisburg, Pa., radio range station; the Baltimore, Md., radio range station to the intersection of the south course of the Baltimore, Md., radio range and the southeast course of the Washington, D. C., radio range, excluding that portion which lies more than two miles east of the south course of the Baltimore, Md., radio range between the intersection of the south course of the Baltimore, Md., radio range and the southern boundary of Red civil airway No. 45 and the intersection of the south course of the Baltimore, Md., radio range and the southeast course of the Washington, D. C., radio range.

(30) *Red civil airway No. 30 (Mobile, Ala., to Jacksonville, Fla.).* From the Mobile, Ala., radio range station via the Crestview, Fla., radio range station, excluding that portion which lies more than two miles on either side of the west course of the Crestview, Fla., radio range between the intersection of the northwest course of the Pensacola, Fla., radio range and the west course of the Crestview, Fla., radio range and the intersection of the northeast course of the Pensacola, Fla., radio range and the west course of the Crestview, Fla., radio range; the intersection of the east course of the Crestview, Fla., radio range and the northwest course of the Tallahassee, Fla., radio range; the Tallahassee, Fla., radio range station to the Jacksonville, Fla., radio range station.

(31) *Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.).* From the intersection of the east course of the Cheyenne, Wyo., radio range, and the southwest course of the Scottsbluff, Nebr., radio range, via the Scottsbluff, Nebr., radio range station; the intersection of the northeast course of the Scottsbluff, Nebr., radio range and the south course of the Rapid City, S. Dak., radio range; Rapid City, S. Dak., radio range station; Pierre, S. Dak., radio range station; the intersection of the east course of the Pierre, S. Dak., radio range and the southwest course of the Huron, S. Dak., radio range; Huron, S. Dak., radio range station; Watertown, S. Dak., radio range station and the Willmar, Minn., Municipal Airport to a point located at 45°00' north latitude and 93°27' west longitude.

(32) *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).* From the Laredo, Tex., radio range station via the intersection of the northeast course of the Laredo, Tex., radio range and the southwest course of the San Antonio, Tex. (Kelly), radio range; San Antonio, Tex. (Kelly), radio range station to the intersection of the northeast course of the San Antonio, Tex. (Kelly), radio range and the west course of the San Antonio, Tex. (Alamo), radio range. From the Austin, Tex., radio range station via the intersection of the southeast course of the Austin, Tex., radio range and the northwest course of the Richmond, Tex., radio range and the Richmond, Tex., radio range station to the intersection of the southeast course of the Richmond, Tex., radio range and the southwest course of the Houston, Tex., radio range.

(33) *Red civil airway No. 33 (Richmond, Va., to New Hackensack, N. Y.).* From the Richmond, Va., radio range station via the Gordonsville, Va., radio range station; the Arcola, Va., radio range station; the intersection of the northeast course of the Arcola, Va., radio range and the southwest course of the Allentown, Pa., radio range; the Allentown, Pa., radio range station to the Stewart Field, N. Y., radio range station.

(34) *Red civil airway No. 34 (Pulaski, Va., to Raleigh, N. C.).* From the Pulaski, Va., radio range station to the Greensboro, N. C., radio range station. From the intersection of the northeast course of the Greensboro, N. C., radio range and the northwest course of the Raleigh, N. C., radio range to the Raleigh, N. C., radio range station.

(35) *Red civil airway No. 35 (Pueblo, Colo., to Wichita, Kans.).* From the Pueblo, Colo., radio range station, via the La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station; the intersection of the east course of the Hutchinson, Kans., radio range and the north course of the Wichita, Kans., radio range, to the Wichita, Kans., radio range station.

(36) *Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).* From the Rochester, Minn., radio range station, to the intersection of the northeast course of the Rochester, Minn., radio range and the northwest course of the La Crosse, Wis., radio range.

(37) *Red civil airway No. 37 (Dallas, Tex., to Washington, D. C.).* From the intersection of the northwest course of the Tyler, Tex., radio range and the east course of the Dallas, Tex., radio range via the Tyler, Tex., radio range station to the intersection of the northeast course of the Tyler, Tex., radio range and the west course of the Shreveport, La., radio range. From the intersection of the northeast course of the Texarkana, Ark., radio range and the southwest course of the Little Rock, Ark., radio range via the Little Rock, Ark., radio range station; the Stuttgart, Ark., radio range station to the intersection of the east course of the Stuttgart, Ark., radio range and the west course of the Memphis, Tenn., radio range. From the Roanoke, Va., radio range station via the Lynchburg, Va., radio range station to the Gordonsville, Va., radio range station. From the intersection of the south course of the Quantico, Va. (Navy), radio range and the southwest course of the Washington, D. C., radio range via the Quantico, Va. (Navy), radio range station to the intersection of the north course of the Quantico, Va. (Navy), radio range and the northwest course of the Washington, D. C., radio range, excluding that portion which lies more than two miles west of the north course of the Quantico, Va. (Navy), radio range between the range station and the intersection of the north course of the Quantico, Va. (Navy), radio range and the northwest course of the Washington, D. C., radio range.

(38) *Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).* From the intersection of the southeast course of the Big Spring, Tex., radio range and the southwest course of the San Angelo, Tex., radio range via the San Angelo, Tex., radio range station to the intersection of the southeast course of the San Angelo, Tex., radio range and the southeast course of the Big Spring, Tex., radio range.

(39) *Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).* From the Bethel, Alaska, radio range station via the Aniak, Alaska, radio range station; the McGrath, Alaska, radio range station; the Minchumina, Alaska, radio range station and the Nenana, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

(40) *Red civil airway No. 40 (Shemya, Alaska, to Homer, Alaska).* From the Shemya, Alaska, radio range station via the Amchitka, Alaska, radio range station and the intersection of the east course of the Amchitka, Alaska, radio range and the southwest course of the Adak, Alaska, radio range to the Adak, Alaska, radio range station. From the Kodiak, Alaska, radio range station to the Homer, Alaska, radio range station.

(41) *Red civil airway No. 41 (Yakutat, Alaska, to Gustavus, Alaska).* From the intersection of the southeast course of the Yakutat, Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range to the Gustavus, Alaska, radio range station.

(42) *Red civil airway No. 42 (Joliet, Ill., to LaFayette, Ind.).* From the Joliet, Ill., radio range station to the intersection of the southeast course of the Joliet, Ill., radio range and the southeast course of the Chicago, Ill., radio range.

(43) *Red civil airway No. 43 (Chicago, Ill., to LaFayette, Ind.).* From the intersection of the southeast course of the Chicago, Ill., radio range and the north course of the Harvey, Ill., radio range; via the Harvey, Ill., radio range station to the intersection of the south course of the Harvey, Ill., radio range and the southeast course of the Joliet, Ill., radio range.

(44) *Red civil airway No. 44 (Bellingham, Wash., to United States-Canadian Border).* From the Bellingham, Wash., radio range station to the intersection of the northeast course of the Bellingham, Wash., radio range and the United States-Canadian Border.

(45) *Red civil airway No. 45 (Washington, D. C., to Allentown, Pa.).* From the Washington, D. C., radio range station via a point located at 39°01' north latitude and 76°33'30" west longitude; the Baltimore, Md., radio range station to the intersection of the north course of the Baltimore, Md., radio range and southwest course of the Allentown, Pa., radio range.

(46) *Red civil airway No. 46 (Oakland, Calif., to Sacramento, Calif.).* From the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Fairfield-Suisun, Calif., radio range via the Fairfield-Suisun, Calif., radio range station to the intersection of the northeast course of the Fairfield-Suisun, Calif., radio range and the northwest course of the Sacramento, Calif., radio range.

(47) *Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).* From the Tampa, Fla., radio range station via the Orlando, Fla., radio range station to the Daytona Beach, Fla., radio range station.

(48) *Red civil airway No. 48 (Missoula, Mont., to Livingston, Mont.).* From the Missoula, Mont., radio range station to the intersection of the southwest course of the Great Falls, Mont., radio range and the north course of the Helena, Mont., radio range. From the intersection of the southeast course of the Helena, Mont., radio range and the northwest course of the Bozeman, Mont., radio range via a point located at 46°15' north latitude and 111°00' west longitude to the Livingston, Mont., radio marker station.

(49) *Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).* From the Elko, Nev., radio range station via the Wendover, Utah, radio range station; the intersection of the east course of the Wendover, Utah, radio range and the west course of the Salt Lake City, Utah, radio range; the Salt Lake City, Utah, radio range station; to the Fort Bridger, Wyo., radio range station.

(50) *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* From the intersection of the east course of the Galena, Alaska, radio range and the southwest course of the Tanana, Alaska, radio range via the Tanana, Alaska, radio range station to the intersection of the southeast course of the Tanana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range. From the Nenana, Alaska, radio range station to the intersection of the southeast course of the Nenana, Alaska, radio range and the northeast course of the Summit, Alaska, radio range.

(51) *Red civil airway No. 51 (El Paso, Tex., to Johnson's Ranch, Tex.).* From the El Paso, Tex., radio range station via a point located at 31°39' north latitude and 106°13'15" west longitude to the Johnson's Ranch, Tex., Airport.

(52) *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).* From the intersection of the northeast course of the Memphis, Tenn., radio range and the northwest course of the Muscle Shoals, Ala., radio range via the Muscle Shoals, Ala., radio range station to the intersection of the southeast course of the Muscle Shoals, Ala., radio range and the north course of the Birmingham, Ala., radio range.

(53) *Red civil airway No. 53 (Joplin, Mo., to Springfield, Mo.).* From the Joplin, Mo., radio range station to the intersection of the east course of the Joplin, Mo., radio range and the southwest course of the Springfield, Mo., radio range.

(54) *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* From the Burley, Idaho, radio range station to a point located at 40°56' north latitude and 112°16'' west longitude.

(55) *Red civil airway No. 55 (Burlington, Iowa, to Joliet, Ill.).* From the Burlington, Iowa, radio range station via the Peoria, Ill., radio range station to the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range.

(56) [Unassigned.]

(57) [Unassigned.]

(58) [Unassigned.]

(59) *Red civil airway No. 59 (Toledo, Ohio, to the United States-Canadian Border).* From the intersection of the north course of the Toledo, Ohio, radio range and the southwest course of the Windsor, Ontario, radio range to the intersection of the southwest course of the Windsor, Ontario, radio range and the United States-Canadian Border.

(60) *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).* From the Oakland, Calif., radio range station via the Stockton, Calif., radio range station; to the intersection of the east course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range.

(61) *Red civil airway No. 61 (Pittsburgh, Pa., to Washington, D. C.).* From the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northwest course of the Arcola, Va., radio range via the Arcola, Va., radio range station to the intersection of the southeast course of the Arcola, Va., radio range and the south course of the Washington, D. C., radio range.

(d) *Blue civil airways*—(1) *Blue civil airway No. 1 (Pendleton, Oreg., to Spokane, Wash.).* From the Pendleton, Oreg., radio range station, via the intersection of the east course of the Pendleton, Oreg., radio range and the southwest course of the Walla Walla, Wash., radio range and the Walla Walla, Wash., radio range station to the Spokane, Wash., radio range station.

(2) *Blue civil airway No. 2 (Birmingham, Ala., to Erie, Pa.).* From the Birmingham, Ala., radio range station via the intersection of the north course of the Birmingham, Ala., radio range and the southwest course of the Chattanooga, Tenn., radio range, via the Chattanooga, Tenn., radio range station to the intersection of the northeast course of the Chattanooga, Tenn., radio range and the west course of the Knoxville, Tenn., radio range. From the Elkins, W. Va., radio marker station, via the Pittsburgh, Pa., radio range station; the intersection of the east course of the Youngstown, Ohio, radio range and the south course of the Erie, Pa., radio range; to the Erie, Pa., radio range station.

(3) *Blue civil airway No. 3 (Mobile, Ala., to Terre Haute, Ind.).* From the intersection of the northwest course of the Pensacola, Fla., radio range and the west course of the Crestview, Fla., radio range via the Pensacola, Fla., radio range station to the intersection of the northeast course of the Pensacola, Fla., radio range and the west course of the Crestview, Fla., radio range, excluding that portion which lies more than two miles southeast of the northeast course of the Pensacola, Fla., radio range. From the intersection of the northwest course of the Tallahassee, Fla., radio range and the southeast course of the Dothan, Ala., radio range via the Dothan, Ala., radio range station; Gunter Field, Montgomery, Ala.; the intersection of the west course of the Maxwell Field, Ala., radio range and the south course of the Birmingham, Ala., radio range to the Birmingham, Ala., radio range station. From the Muscle Shoals, Ala., radio range station to the intersection of the northeast course of the Muscle Shoals, Ala., radio range and the southwest course of the Nashville, Tenn., radio range. From the Nashville, Tenn., radio range station via the intersection of the northwest course of the Nashville, Tenn., radio range and the south course of the Evansville, Ind., radio range; the Evansville, Ind., radio range station to the Terre Haute, Ind., radio range station.

(4) *Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).* From the Boston, Mass., radio range station, via the intersection of the northeast course of the Boston, Mass., radio range and the southeast course of the Concord, N. H., radio range; Concord, N. H., radio range station and the Burlington, Vt., radio range station; to the intersection of the northwest course of the Burlington, Vt., radio range and the United States-Canadian Border.

(5) *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).* From the Municipal Airport, Galveston, Tex., via the Galveston, Tex., radio range station; Houston, Tex., radio range station; Navasota, Tex., radio range station; Waco, Tex., radio range station; the intersection of the northeast course of the Waco, Tex., radio range and the south course of the Dallas, Tex., radio range and the Dallas, Tex., radio range station to the intersection of the northwest course of the Dallas, Tex., radio range and the north course of the Fort Worth, Tex., radio range. From the Oklahoma City, Okla., radio range station, via the intersection of the north course of the Oklahoma City, Okla., radio range and the southeast course of the Wichita, Kans., radio range to the Wichita, Kans., radio range station.

(6) *Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).* From the Abilene, Tex., radio range station via the Wichita Falls, Tex., radio range station to the intersection of the northeast course of the Wichita Falls, Tex., radio range and the south course of the Oklahoma City, Okla., radio range. From the Springfield, Ill., radio range station via the Peoria, Ill., Municipal Airport to the Bradford, Ill., radio marker station. From the intersection of the west course of the Goshen, Ind., radio range and the south course of the South Bend, Ind., radio range via the South Bend, Ind., radio range station to the intersection of the north course of the South Bend, Ind., radio range and the northeast course of the Chicago, Ill., radio range. From the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Muskegon, Mich., radio range station.

(7) *Blue civil airway No. 7 (Fresno, Calif., to Hamilton Field, Calif.).* From the intersection of the southeast course of the San Francisco, Calif., radio range

and the southeast course of the Oakland, Calif., radio range to the San Francisco, Calif., radio range station. From the Oakland, Calif., radio range station to a point at 38°02'45'' north latitude and 122°31'40'' west longitude.

(8) *Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).* From the Fargo, N. Dak., radio range station, via the Grand Forks, N. Dak., radio range station and the Pembina, N. Dak., radio range station to the intersection of the north course of the Pembina, N. Dak., radio range and the United States-Canadian Border.

(9) *Blue civil airway No. 9 (Columbia, Mo., to United States-Canadian Border).* From the Columbia, Mo., radio range station via the Kirksville, Mo., radio range station; the intersection of the northwest course of the Kirksville, Mo., radio range and the south course of the Des Moines, Iowa, radio range; Des Moines, Iowa, radio range station; the intersection of the north course of the Des Moines, Iowa, radio range and the southwest course of the La Crosse, Wis., radio range; the intersection of the southwest course of the La Crosse, Wis., radio range and the south course of the Rochester, Minn., radio range and the Rochester, Minn., radio range station to the intersection of the north course of the Rochester, Minn., radio range and the southeast course of the Minneapolis, Minn., radio range. From the Minneapolis, Minn., radio range station via the Duluth, Minn., radio range station and the Two Harbors, Minn., radio range station to the intersection of the northeast course of the Two Harbors, Minn., radio range and the United States-Canadian Border.

(10) *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* From the Fresno, Calif., radio range station via the intersection of the northwest course of the Fresno, Calif., radio range and the southeast course of the Sacramento, Calif., radio range and the Sacramento, Calif., radio range station to the Williams, Calif., radio range station.

(11) *Blue civil airway No. 11 (Cleveland, Ohio, to Niagara Falls, N. Y.).* From the Cleveland, Ohio, radio range station via the Erie, Pa., radio range station; the intersection of the northeast course of the Erie, Pa., radio range and the southwest course of the Buffalo, N. Y., radio range and the Buffalo, N. Y., radio range station to the Niagara Falls Airport, Niagara Falls, N. Y.

(12) *Blue civil airway No. 12 (The Dalles, Oreg., to Ellensburg, Wash.).* From The Dalles, Oreg., radio range station via the Yakima, Wash., radio range station to the Ellensburg, Wash., radio range station.

(13) *Blue civil airway No. 13 (Houston, Tex., to Kansas City, Mo.).* From the Houston, Tex., radio range station via the Shreveport, La., radio range station to the intersection of the northwest course of the Shreveport, La., radio range and the southwest course of the Texarkana, Ark., radio range. From the Texarkana, Ark., radio range station via the Fort Smith, Ark., Airport; the Joplin, Mo., radio range station and the intersection of the north course of the Joplin, Mo., radio range and the southeast course of the Kansas City, Mo., radio range to the Kansas City, Mo., radio range station.

(14) *Blue civil airway No. 14 (El Centro, Calif., to Bakersfield, Calif.).* From the Mt. Laguna, Calif., nondirectional radio marker beacon to the Oceanside, Calif., nondirectional radio marker beacon. From the Riverside, Calif., radio range station via the intersection of the northwest course of the Riverside, Calif., radio range and the southeast course of the Palmdale, Calif., radio range and the Palmdale, Calif., radio range station to the intersection of the northwest course of the Palmdale, Calif., radio range and the south course of the Bakersfield, Calif., radio range.

(15) *Blue civil airway No. 15 (Columbus, Ohio, to Erie, Pa.).* From the intersection of the east course of the Columbus, Ohio, radio range and the southwest course of the Akron, Ohio, radio range, via the Akron, Ohio, radio range station; to the intersection of the northeast course of the Akron, Ohio, radio range and the southwest course of the Erie, Pa., radio range.

(16) *Blue civil airway No. 16 (Dillon, Mont., to Helena, Mont.).* From the Dillon, Mont., radio range station via the Butte, Mont., radio range station to the intersection of the north course of the Butte, Mont., radio range and the east course of the Drummond, Mont., radio range.

(17) *Blue civil airway No. 17 (Millinocket, Maine, to Presque Isle, Maine).* From the intersection of the northeast course of the Millinocket, Maine, radio range and the northwest course of the Houlton, Maine, radio range, via the Houlton, Maine, radio range station and the intersection of the north course of the Houlton, Maine, radio range and the southeast course of the Presque Isle, Maine, radio range to the Presque Isle, Maine, radio range station.

(18) *Blue civil airway No. 18 (Philadelphia, Pa., to Burlington, Vt.).* From the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the New York, N. Y. (La Guardia), radio range via the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the Idlewild N. Y., radio range; the Idlewild, N. Y., radio range station to the intersection of the northeast course of the Idlewild, N. Y., radio range and the east course of the New York, N. Y. (La Guardia), radio range. From the intersection of the northwest course of the New York, N. Y. (La Guardia), radio range and the southwest course of the New Hackensack, N. Y., radio range via the New Hackensack, N. Y., radio range station, excluding that portion which lies more than two miles west of the southwest course of the New Hacksensack, N. Y., radio range between a point 25 miles northeast from the intersection of the northwest course of the New York, N. Y. (La Guardia), radio range and the southwest course of the New Hackensack, N. Y., radio range and a point 10 miles south of the New Hackensack, N. Y., radio range; the Albany, N. Y., radio range station to the Burlington, Vt., radio range station.

(19) *Blue civil airway No. 19 (Melbourne, Fla., to Orlando, Fla.).* From the Melbourne, Fla., radio range station via the intersection of the northwest course of the Melbourne, Fla., radio range and the southeast course of the Orlando, Fla., radio range to the Orlando, Fla., radio range station.

(20) *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).* From the Millville, N. J., radio range station via the intersection of the northwest course of the Millville, N. J., radio range and the southwest course of the Philadelphia, Pa., radio range; the Philadelphia, Pa., radio range station to the Allentown, Pa., radio range station.

(21) *Blue civil airway No. 21 (Pittsburgh, Pa., to Erie, Pa.).* From the intersection of the west course of the Pittsburgh, Pa., radio range and the south course of the Youngstown, Ohio, radio range, via the Youngstown, Ohio, radio range station; to the intersection of the north course of the Youngstown, Ohio, radio range; and the southwest course of the Erie, Pa., radio range.

(22) *Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.).* From the intersection of the southwest course of the Memphis, Tenn., radio range and the southeast course of the Little Rock, Ark., radio range via the Little Rock, Ark., radio range station and the Tulsa, Okla., radio range station to the intersection of the northwest course of the Tulsa, Okla., radio range and the southeast course of the Wichita, Kans., radio range.

(23) *Blue civil airway No. 23 (Detroit, Mich., to Flint, Mich.).* From the Romulus, Mich., radio range station to the Bishop Airport, Flint, Mich.

(24) [Unassigned.]

(25) *Blue civil airway No. 25 (Cordova, Alaska, to Big Delta, Alaska).* From the Cordova (Hinchinbrook Island), Alaska, radio range station via the intersection of the northeast course of the Cordova (Hinchinbrook Island), Alaska, radio range and the south course of the Gulkana, Alaska, radio range; Gulkana, Alaska, radio range station and the intersection of the north course of the Gulkana, Alaska, radio range and the south course of the Big Delta, Alaska, radio range to the Big Delta, Alaska, radio range station.

(26) *Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).* From the Anchorage, Alaska, radio range station, via the Talkeetna, Alaska, Airport; Summit, Alaska, radio range station, to the intersection of the northwest course of the Big Delta, Alaska, radio range and the southwest course of the Fairbanks, Alaska, radio range.

(27) *Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).* From the Kodiak, Alaska, radio range station via the intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the Naknek, Alaska, radio range; Naknek, Alaska, radio range station; Bethel, Alaska, radio range station and the Nome, Alaska, radio range station to the Kotzebue, Alaska, airport.

(28) *Blue civil airway No. 28 (Columbia, S. C., to Charleston, S. C.).* From the Columbia, S. C., radio range station, via the intersection of the southeast course of the Columbia, S. C., radio range and the northwest course of the Charleston, S. C., radio range to the Charleston, S. C., radio range station.

(29) [Unassigned.]

(30) *Blue civil airway No. 30 (San Antonio, Tex., to Big Spring, Tex.).* From the San Antonio, Tex. (Alamo), radio range station via the intersection of the west course of the San Antonio, Tex. (Alamo), radio range and the northwest course of the San Antonio, Tex. (Kelly), radio range; the intersection of the northwest course of the San Antonio, Tex. (Kelly), radio range and the southeast course of the Big Spring, Tex., radio range to the Big Spring, Tex., radio range station.

(31) *Blue civil airway No. 31 (Burlington, Iowa, to Moline, Ill.).* From the intersection of the northeast course of the Burlington, Iowa, radio range and the south course of the Moline, Ill., radio range to the Moline, Ill., radio range station.

(32) *Blue civil airway No. 32 (Seattle, Wash., to Fairbanks, Alaska).* From the Seattle, Wash., radio range station via the intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, British Columbia, radio range; the south course of the Patricia Bay, British Columbia, radio range to the United States-Canadian Border. From the Skwentna, Alaska, radio range station to the Summit, Alaska, radio range station.

(33) *Blue civil airway No. 33 (Fort Wayne, Ind., to Toledo, Ohio).* From the Fort Wayne, Ind., radio range station to the intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range.

(34) *Blue civil airway No. 34 (Little Rock, Ark., to Tulsa, Okla.).* From a point located at 35°27' north latitude and 94°00' west longitude via the Fort Smith, Ark., Airport and a point located at 35°32' north latitude and 95°16' west longitude to the Tulsa, Okla., radio range station.

(35) *Blue civil airway No. 35 (Kansas City, Mo., to Des Moines, Iowa).* From the intersection of the northeast course of the Kansas City, Mo., radio range and the south course of the Des Moines, Iowa, radio range to the intersection of the northwest course of the Kirksville, Mo., radio range and the south course of the Des Moines, Iowa, radio range.

(36) *Blue civil airway No. 36 (Akron, Colo., to North Platte, Nebr.).* From the Akron, Colo., radio range station to the North Platte, Nebr., radio range station.

(37) *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).* From the Casper, Wyo., radio range station to the intersection of the southeast course of the Sheridan, Wyo., radio range and the west course of the Rapid City, S. Dak., radio range.

(38) *Blue civil airway No. 38 (Annette Island, Alaska, to United States-Canadian Border).* From the Annette Island, Alaska, radio range station via the Gustavus, Alaska, radio range station and the Haines, Alaska, radio range station to the intersection of the northeast course of the Haines, Alaska, radio range and the United States-Canadian Border.

(39) *Blue civil airway No. 39 (Knoxville, Tenn., to Syracuse, N. Y.).* From the Tri-City, Tenn., radio range station via a point located at latitude 37°20' and longitude 81°52'40'' to the Charleston, W. Va., radio range station. From the intersection of the west course of the Elkins, W. Va., radio range and the southwest course of the Morgantown, W. Va., radio range via the Morgantown, W. Va., radio range station to the intersection of the northeast course of the Morgantown, W. Va., radio range and the east course of the Pittsburgh, Pa., radio range. From the intersection of the northeast course of the Altoona, Pa., radio range and the northeast course of the Pittsburgh, Pa., radio range via the intersection of the northeast course of the Altoona, Pa., radio range and the southwest course of the Elmira, N. Y., radio range; the Elmira, N. Y., radio range station to the intersection of the northeast course of the Elmira, N. Y., radio range and the south course of the Syracuse, N. Y., radio range.

(40) *Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).* From the Concord, N. H., radio range station via a point at 43°38' north latitude and 72°20' west longitude and a point at 44°12' north latitude and 72°34' west longitude to the Burlington, Vt., radio range station.

(41) *Blue civil airway No. 41 (New York, N. Y., to United States-Canadian Border).* From the intersection of the northeast course of the Newark, N. J., radio range and the southeast course of the Stewart Field, N. Y., radio range via the New Haven, Conn., Municipal Airport; the Hartford, Conn., radio range station; the intersection of the northwest course of the Hartford, Conn., radio range and the south course of the Westfield, Mass., radio range to the Westfield, Mass., radio range station. From the Concord, N. H., radio range station to the Portland, Maine, radio range station. From the Bangor, Maine, radio range station to the intersection of the northeast course of the Bangor, Maine, radio range and the United States-Canadian Border.

(42) *Blue civil airway No. 42 (South Bend, Ind., to Battle Creek, Mich.).* From the intersection of the east course of the South Bend, Ind., radio range and the south course of the Battle Creek, Mich., radio range to the Battle Creek, Mich., radio range station.

(43) *Blue civil airway No. 43 (Birmingham, Ala., to Nashville, Tenn.).* From the intersection of the north course of the Birmingham, Ala., radio range and the southwest course of the Chattanooga, Tenn., radio range to a point located at 35°50' north latitude and 86°19' west longitude.

(44) *Blue civil airway No. 44 (Memphis, Tenn., to Fort Wayne, Ind.):* From the Advance, Mo., radio range station via the Paducah (McCracken County), Ky., Airport to the Evansville, Ind., radio range station. From the Indianapolis, Ind., radio range station to the Fort Wayne, Ind., radio range station.

(45) *Blue civil airway No. 45 (Lake Charles, La., to Baton Rouge, La.).* From a point located at 30°07'25'' north latitude and 91°43' west longitude to a point located at 30°34'18'' north latitude and 91°11'51'' west longitude.

(46) *Blue civil airway No. 46 (Los Angeles, Calif., to Oakland, Calif.).* From a point located at 34°52' north latitude and 118°44'30'' west longitude to a point located at 37°00''30'' north latitude and 121°17'15'' west longitude.

(47) *Blue civil airway No. 47 (Martinsburg, W. Va., to Philipsburg, Pa.).* From the intersection of the southeast course of the Pittsburgh, Pa., radio range and the south course of the Altoona, Pa., radio range via the Altoona, Pa., radio range station to the intersection of the northeast course of the Altoona, Pa., radio range and the northeast course of the Pittsburgh, Pa., radio range.

(e) *Other civil airways—(1) DuBois, Idaho, to West Yellowstone, Mont., civil airway.* From the DuBois, Idaho, Intermediate Field of the Civil Aeronautics Administration to the Municipal Airport, West Yellowstone, Mont.

(2) *Norfolk, Va., to Washington, D. C., civil airway.* From the Municipal Airport, Norfolk, Va., to the National Airport, Washington, D. C.

(3) *Rapid City, S. Dak., to Spearfish, S. Dak., civil airway.* From the Municipal Airport, Rapid City, S. Dak., to the Municipal Airport, Spearfish, S. Dak.

(4) *St. Louis, Mo., to Des Moines, Iowa, civil airway.* From the Municipal Airport, St. Louis, Mo., via the Municipal Airport, Quincy, Ill., and the Municipal Airport, Ottumwa, Iowa, to the Municipal Airport, Des Moines, Iowa.

(5) *Winslow, Ariz., to Las Vegas, Nev., civil airway.* From the Winslow Municipal Airport, Winslow, Ariz., via the South Rim Airport, Grand Canyon, Ariz., and the Boulder City Airport, Boulder City Nev., to the McCarran Field, Las Vegas, Nev.

This part, as herein revised, shall become effective July 1, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-6111; Filed, June 27, 1947; 8:49 a. m.]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

Part 601 of the regulations of the Administrator of Civil Aeronautics was last revised in its entirety on January 14, 1942. Since that time this part has been amended a great many times, and experience has disclosed the necessity for revising it again. The purpose of this revision is (a) to simplify and clarify the language used in this part and (b) to effect a compilation of the basic part and all the amendments thereto made effective between the dates of January 14, 1942 and May 13, 1947.

It appearing that:

The revision of this part does not involve any changes in substance but con-

tains changes of only a minor nature which will not impose any burden upon interested persons; the persons affected by this part will be greatly benefited by this revision and by its being made effective without delay; in view of the foregoing, sufficient notice and public procedure have been afforded to interested persons, and further notice for public procedure would serve no purpose other than to delay the issuance of the revision of this part of the regulations of the Administrator which it is in the public interest and benefit to adopt at this time.

And finding that:

For the foregoing reasons further notice and public procedure provided for in section 4 (a) of the Administrative Procedure Act is unnecessary with respect to the revision of this part; and that good cause exists to declare this part (as herein revised) effective immediately pursuant to section 4 (c) of that act.

Now, therefore, acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended and Special Regulation No. 197 of the Civil Aeronautics Board (6 F. R. 6348), I hereby revise Part 601 of the regulations of the Administrator of Civil Aeronautics to read as follows:

Sec.
601.1 Basis and purpose.
601.2 Definitions.
601.3 Extent of airway traffic control areas.
601.4 Designation of airway traffic control areas.
601.5 Scope of airport approach zones.
601.6 Designation of airport approach zones.
601.7 Scope of airport traffic zones.
601.8 Designation of airport traffic zones.
601.9 Designation of radio fixes.

AUTHORITY: §§ 601.1 to 601.9, inclusive, issued under sec. 308, 52 Stat. 986, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 458; Special Regulation of the Civil Aeronautics Board (6 F. R. 6348).

§ 601.1 *Basis and purpose.* The basis of this part is found in section 308 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 986, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 458), and in Special Regulation No. 197 of the Civil Aeronautics Board (6 F. R. 6348). The purpose of this part is to designate airway traffic control areas, airport approach zones, airport traffic zones and radio fixes in order to provide for the safety of aircraft operating in interstate, overseas, and foreign air commerce.

§ 601.2 *Definitions.* As used in this part: (a) "Airway traffic control area" means an air space of specified dimensions within which air traffic control is exercised to permit the safe, orderly, and expeditious flow of air traffic.

(b) "Airport approach zone" means the air space above that area on the surface of the earth within a specified radius of an airport where adequate radio facilities are provided for instrument approach procedures.

(c) "Airport traffic zone" means an area of specified dimensions within which rules, additional to those governing flight in control areas, apply for the protection of air traffic against collision.

(d) "Radio fix" means a geographical location over which the position of an aircraft can be determined by radio.

§ 601.3 *Extent of airway traffic control areas.* Whenever a point prescribed for the purpose of the designation of an airway traffic control area coincides with a point specified in designating the centerline of an airway, except as hereinafter provided, such airway traffic control area shall include all of the airway within a ten mile radius of such point.

§ 601.4 *Designation of airway traffic control areas.* The following portions of the Civil Airways are designated as airway traffic control areas:

(a) *Green civil airways*—(1) *Green civil airway No. 1 airway traffic control areas (United States-Canadian Border to Forest City, Maine).* All of Green civil airway No. 1.

(2) *Green civil airway No. 2 airway traffic control areas (Seattle, Wash., to Boston, Mass.).* All of Green civil airway No. 2.

(3) *Green civil airway No. 3 airway traffic control areas (San Francisco, Calif., to New York, N. Y.).* All of Green civil airway No. 3.

(4) *Green civil airway No. 4 airway traffic control areas (Los Angeles, Calif., to Philadelphia, Pa.).* All of Green civil airway No. 4.

(5) *Green civil airway No. 5 airway traffic control areas (Los Angeles, Calif., to Boston, Mass.).* All of Green civil airway No. 5.

(6) *Green civil airway No. 6 airway traffic control areas (Alice, Tex., to Norfolk, Va.).* All of Green civil airway No. 6.

(7) *Green civil airway No. 7 airway traffic control areas (Nome, Alaska, to Fairbanks, Alaska).* From a line extended at right angles across such airway through a point 50 miles west of the Fairbanks, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

(8) *Green civil airway No. 8 airway traffic control areas (Attu, Alaska, to Northway, Alaska).* From a line extended at right angles across such airway through a point 25 miles southwest of the Homer, Alaska, radio range station to a line extended at right angles across such airway at a point 50 miles northeast of the Anchorage, Alaska, radio range station; from a line extended at right angles across such airway through a point 50 miles southwest of the Northway, Alaska, radio range station to the Northway, Alaska, radio range station.

(b) *Amber civil airways*—(1) *Amber civil airway No. 1 airway traffic control areas (United States-Mexican Border to Nome, Alaska).* Those portions of Amber civil airway No. 1 within the limits of the continental United States; from the Alaskan Canadian Border to a line extended at right angles across such airway through a point 50 miles west of the Annette Island, Alaska, radio range station and from a line extended at right angles across such airway through a point 25 miles southeast of the Cordova, Alaska, radio range station to a line extended at right angles across such airway through a point 25 miles northwest of the Skwentna, Alaska, radio range station.

(2) *Amber civil airway No. 2 airway traffic control areas (Long Beach, Calif., to Fairbanks, Alaska).* Those portions of Amber civil airway No. 2 within the limits of the continental United States; from the Alaska Canadian Border to the Fairbanks, Alaska, radio range station.

(3) *Amber civil airway No. 3 airway traffic control areas (El Paso, Tex., to Great Falls, Mont.).* All of Amber civil airway No. 3.

(4) *Amber civil airway No. 4 airway traffic control areas (Brownsville, Tex., to Minot, N. Dak.).* All of Amber civil airway No. 4.

(5) *Amber civil airway No. 5 airway traffic control areas (New Orleans, La., to Milwaukee, Wis.).* All of Amber civil airway No. 5.

(6) *Amber civil airway No. 6 airway traffic control areas (Jacksonville, Fla., to United States-Canadian Border).* All of Amber civil airway No. 6.

(7) *Amber civil airway No. 7 airway traffic control areas (Key West, Fla., to Caribou, Maine).* All of Amber civil airway No. 7.

(8) *Amber civil airway No. 8 airway traffic control areas (Los Angeles, Calif., to The Dalles, Oreg.).* All of Amber civil airway No. 8 from the Los Angeles, Calif., radio range station to a line extended at right angles across such airway through a point 25 miles northwest of the Santa Barbara, Calif., radio range station and from the Red Bluff, Calif., radio range station to The Dalles, Oreg., radio range station.

(c) *Red civil airways*—(1) *Red civil airway No. 1 airway traffic control areas (Portland, Oreg., to Kansas City, Mo.).* All of Red civil airway No. 1 from Portland, Oreg., radio range station to the intersection of the southeast course of the Laramie, Wyo., radio range and the north course of the Denver, Colo., radio range. From the Akron, Colo., radio range station to a line extended at right angles across such airway through a point 25 miles southeast of the Akron, Colo., radio range station; from such line and between the altitudes of 6,500 feet above mean sea levels and 8,500 feet above mean sea level to a line extended at right angles across such airway through a point 25 miles west of the Kansas City, Mo., radio range station; from such line to the Kansas City, Mo., radio range station.

(2) *Red civil airway No. 2 airway traffic control areas (Butte, Mont., to Rapid City, S. Dak.).* All of Red civil airway No. 2.

(3) *Red civil airway No. 3 airway traffic control areas (Philipsburg, Pa., to Hartford, Conn.).* All of Red civil airway No. 3.

(4) *Red civil airway No. 4 airway traffic control areas (Ott), N. Mex., to Las Vegas, N. Mex.).* All of Red civil airway No. 4.

(5) *Red civil airway No. 5 airway traffic control areas (Sioux Falls, S. Dak., to St. Paul, Minn.).* All of Red civil airway No. 5.

(6) *Red civil airway No. 6 airway traffic control areas (Las Vegas, Nev., to Omaha, Nebr.).* All of Red civil airway No. 6 from 25 miles west of Grand Junction, Colo., to Omaha, Nebr.

(7) *Red civil airway No. 7 airway traffic control areas (Atlanta, Ga., to Greensboro, N. C.).* All of Red civil airway No. 7.

(8) *Red civil airway No. 8 airway traffic control areas (Altoona, Pa., to Wilkes-Barre, Pa.).* All of Red civil airway No. 8.

(9) *Red civil airway No. 9 airway traffic control areas (San Diego, Calif., to Winslow, Ariz.).* All of Red civil airway No. 9.

(10) *Red civil airway No. 10 airway traffic control areas (Trinidad, Colo., to Charleston, S. C.).* All of Red civil airway No. 10.

(11) *Red civil airway No. 11 airway traffic control areas (Tulsa, Okla., to Boston, Mass.).* All of Red civil airway No. 11.

(12) *Red civil airway No. 12 airway traffic control areas (Kansas City, Mo., to Detroit, Mich.).* All of Red civil airway No. 12.

(13) *Red civil airway No. 13 airway traffic control areas (Sunbury, Pa., to Boston, Mass.).* All of Red civil airway No. 13.

(14) *Red civil airway No. 14 airway traffic control areas (Lone Rock, Wis., to Louisville, Ky.).* All of Red civil airway No. 14.

(15) *Red civil airway No. 15 airway traffic control areas (Las Vegas, Nev., to Gila Bend, Ariz.).* All of Red civil airway No. 15.

(16) *Red civil airway No. 16 airway traffic control areas (Augusta, Ga., to Florence, S. C.).* All of Red civil airway No. 16.

(17) *Red civil airway No. 17 airway traffic control areas (Fort Wayne, Ind., to Baltimore, Md.).* All of Red civil airway No. 17.

(18) *Red civil airway No. 18 airway traffic control areas (Indianapolis, Ind., to Washington, D. C.).* All of Red civil airway No. 18.

(19) *Red civil airway No. 19 airway traffic control areas (Washington, D. C., to Grand Rapids, Mich.).* All of Red civil airway No. 19.

(20) *Red civil airway No. 20 airway traffic control areas (Lansing, Mich., to Chincoteague Island, Va.).* All of Red civil airway No. 20.

(21) *Red civil airway No. 21 airway traffic control areas (Lansing, Mich., to Newark, N. J.).* All of Red civil airway No. 21.

(22) *Red civil airway No. 22 airway traffic control areas (United States-Canadian Border to Buffalo, N. Y.).* All of Red civil airway No. 22.

(23) *Red civil airway No. 23 airway traffic control areas (United States-Canadian Border to New York, N. Y.).* All of Red civil airway No. 23.

(24) *Red civil airway No. 24 airway traffic control areas (Amarillo, Tex., to Oklahoma City, Okla.).* All of Red civil airway No. 24.

(25) *Red civil airway No. 25 airway traffic control areas (Tallahassee, Fla., to Miami, Fla.).* All of Red civil airway No. 25.

(26) *Red civil airway No. 26 airway traffic control areas (Syracuse, N. Y., to New York, N. Y.).* All of Red civil airway No. 26.

(27) *Red civil airway No. 27 airway traffic control areas (Knoxville, Tenn., to Detroit, Mich.).* All of Red civil airway No. 27 from the Knoxville, Tenn., radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the Knoxville, Tenn., radio range station and from a line extended at right angles across such airway through a point 25 miles south of the Cincinnati, Ohio, radio range station to the intersection of the north course of the Toledo, Ohio, radio range and the west course of the Romulus, Mich., radio range.

(28) *Red civil airway No. 28 airway traffic control areas (Rockford, Ill., to Grand Rapids, Mich.).* All of Red civil airway No. 28.

(29) *Red civil airway No. 29 airway traffic control areas (Rochester, N. Y., to Baltimore, Md.).* All of Red civil airway No. 29.

(30) *Red civil airway No. 30 airway traffic control areas (Mobile, Ala., to Jacksonville, Fla.).* All of Red civil airway No. 30.

(31) *Red civil airway No. 31 airway traffic control areas (Cheyenne, Wyo., to Minneapolis, Minn.).* All of Red civil airway No. 31.

(32) *Red civil airway No. 32 airway traffic control areas (Laredo, Tex., to Houston, Tex.).* All of Red civil airway No. 32.

(33) *Red civil airway No. 33 airway traffic control areas (Richmond, Va., to New Hackensack, N. Y.).* All of Red civil airway No. 33.

(34) *Red civil airway No. 34 airway traffic control areas (Pulaski, Va., to Raleigh, N. C.).* All of Red civil airway No. 34.

(35) *Red civil airway No. 35 airway traffic control areas (Pueblo, Colo., to Wichita, Kans.).* All of Red civil airway No. 35.

(36) *Red civil airway No. 36 airway traffic control areas (Rochester, Minn., to LaCrosse, Wis.).* All of Red civil airway No. 36.

(37) *Red civil airway No. 37 airway traffic control areas (Dallas, Tex., to Washington, D. C.).* All of Red civil airway No. 37.

(38) *Red civil airway No. 38 airway traffic control areas (Big Spring, Tex., to San Antonio, Tex.).* All of Red civil airway No. 38.

(39) *Red civil airway No. 39 airway traffic control areas (Bethel, Alaska, to Fairbanks, Alaska).* From a line extended at right angles across such airway through a point 25 miles southwest of the Nenana, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

(40) *Red civil airway No. 40 airway traffic control areas (Shemya, Alaska, to Homer, Alaska).* From a line extended at right angles across such airway through a point 25 miles south of the Homer, Alaska, radio range station to the Homer, Alaska, radio range station.

(41) *Red civil airway No. 41 airway traffic control areas (Yakutat, Alaska, to Gustavus, Alaska).* From a line extended at right angles across such airway through a point 50 miles southwest of the Gustavus, Alaska, radio range station to the Gustavus, Alaska, radio range station.

(42) *Red civil airway No. 42 airway traffic control areas (Joliet, Ill., to La-Fayette, Ind.).* All of Red civil airway No. 42.

(43) *Red civil airway No 43 airway traffic control areas (Chicago, Ill., to La-Fayette, Ind.).* All of Red civil airway No. 43.

(44) *Red civil airway No. 44 airway traffic control areas (Bellingham, Wash., to United States-Canadian Border).* All of Red civil airway No. 44.

(45) *Red civil airway No. 45 airway traffic control areas (Washington, D. C., to Allentown, Pa.).* All of Red civil airway No 45.

(46) *Red civil airway No. 46 airway traffic control areas (Oakland, Calif., to Sacramento, Calif.)* All of Red civil airway No. 46.

(47) *Red civil airway No. 47 airway traffic control areas (Tampa, Fla., to Daytona Beach, Fla.)* All of Red civil airway No. 47.

(48) *Red civil airway No. 48 airway traffic control areas (Missoula, Mont., to Livingston, Mont.).* All of Red civil airway No. 48.

(49) *Red civil airway No. 49 airway traffic control areas (Elko, Nev., to Fort Bridger, Wyo.).* All of Red civil airway No. 49.

(50) *Red civil airway No. 50 airway traffic control areas (Galena, Alaska, to Fairbanks, Alaska).* All of Red civil airway No. 50 between the Nenana, Alaska, radio range station and the intersection of the southeast course of the Nenana, Alaska, radio range and the northeast course of the Summit, Alaska, radio range.

(51) *Red civil airway No. 51 airway traffic control areas (El Paso, Tex., to Johnson's Ranch, Tex.).* All of Red civil airway No. 51 from the El Paso, Tex., radio range station to a line extended at right angles across such airway through a point 25 miles southeast of the El Paso, Tex., radio range station.

(52) *Red civil airway No. 52 airway traffic control areas (Memphis, Tenn., to Birmingham, Ala.).* All of Red civil airway No. 52.

(53) [Unassigned.]

(54) *Red civil airway No. 54 airway traffic control areas (Burley, Idaho, to Salt Lake City, Utah).* All of Red civil airway No. 54.

(55) *Red civil airway No. 55 airway traffic control areas (Burlington, Iowa, to Joliet, Ill.).* All of Red civil airway No. 55.

(56) [Unassigned.]

(57) [Unassigned.]

(58) [Unassigned.]

(59) *Red civil airway No. 59 airway traffic control areas (Toledo, Ohio, to the United States-Canadian Border).* All of Red civil airway No. 59.

(60) *Red civil airway No. 60 airway traffic control areas (Oakland, Calif., to*

Stockton, Calif.). All of Red civil airway No. 60.

(61) *Red civil airway No. 61 airway traffic control areas (Pittsburgh, Pa., to Washington, D. C.).* All of Red civil airway No. 61.

(d) *Blue civil airways*—(1) *Blue civil airway No. 1 airway traffic control areas (Pendleton, Oreg., to Spokane, Wash.).* All of Blue civil airway No. 1.

(2) *Blue civil airway No. 2 airway traffic control areas (Birmingham, Ala., to Erie, Pa.).* All of Blue civil airway No. 2.

(3) *Blue civil airway No. 3 airway traffic control areas (Mobile, Ala., to Terre Haute, Ind.).* All of Blue civil airway No. 3.

(4) *Blue civil airway No. 4 airway traffic control areas (Boston, Mass., to United States-Canadian Border).* All of Blue civil airway No. 4.

(5) *Blue civil airway No. 5 airway traffic control areas (Galveston, Tex., to Wichita, Kans.).* All of Blue civil airway No. 5.

(6) *Blue civil airway No. 6 airway traffic control areas (Abilene, Tex., to Muskegon, Mich.).* All of Blue civil airway No. 6.

(7) *Blue civil airway No. 7 airway traffic control areas (Fresno, Calif., to Hamilton Field, Calif.).* All of Blue civil airway No. 7.

(8) *Blue civil airway No. 8 airway traffic control areas (Fargo, N. D., to United States-Canadian Border).* All of Blue civil airway No. 8.

(9) *Blue civil airway No. 9 airway traffic control areas (Columbia, Mo., to United States-Canadian Border).* All of Blue civil airway No. 9.

(10) *Blue civil airway No. 10 airway traffic control areas (Fresno, Calif., to Williams, Calif.).* All of Blue civil airway No. 10.

(11) *Blue civil airway No. 11 airway traffic control areas (Cleveland, Ohio, to Niagara Falls, N. Y.).* All of Blue civil airway No. 11.

(12) *Blue civil airway No. 12 airway traffic control areas (The Dalles, Oreg., to Ellensburg, Wash.).* All of Blue civil airway No. 12.

(13) *Blue civil airway No. 13 airway traffic control areas (Houston, Tex., to Kansas City, Mo.).* All of Blue civil airway No. 13 from the Houston, Tex., radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the Houston, Tex., radio range station; from a line extended at right agles across such airway through a point 25 miles southwest of the Shreveport, La., radio range station to the intersection of the northwest course of the Shreveport, La., radio range and the southeast course of the Texarkana, Ark., radio range; from the Texarkana, Ark., radio range station to a line extended at right angles across such airway through a point 25 miles north of the Texarkana, Ark., radio range; from the intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Joplin, Mo., radio range to the Kansas City, Mo., radio range station.

(14) *Blue civil airway No. 14 airway traffic control areas (El Centro, Calif., to Bakersfield, Calif.).* All of Blue civil airway No. 14.

(15) *Blue civil airway No. 15 airway traffic control areas (Columbus, Ohio, to Erie, Pa.).* All of Blue civil airway No. 15.

(16) *Blue civil airway No. 16 airway traffic control areas (Dillon, Mont., to Helena, Mont.).* All of Blue civil airway No. 16.

(17) *Blue civil airway No. 17 airway traffic control areas (Millinocket, Maine, to Presque Isle, Maine).* All of Blue civil airway No. 17.

(18) *Blue civil airway No. 18 airway traffic control areas (Philadelphia, Pa., to Burlington, Vt.).* All of Blue civil airway No. 18.

(19) *Blue civil airway No. 19 airway traffic control areas (Melbourne, Fla., to Orlando, Fla.).* All of Blue civil airway No. 19.

(20) *Blue civil airway No. 20 airway traffic control areas (Millville, N. J., to Allentown, Pa.).* All of Blue civil airway No. 20.

(21) *Blue civil airway No. 21 airway traffic control areas (Pittsburgh, Pa., to Erie, Pa.).* All of Blue civil airway No. 21.

(22) *Blue civil airway No. 22 airway traffic control areas (Memphis, Tenn., to Wichita, Kans.).* All of Blue civil airway No. 22 from the intersection of the southwest course of the Memphis, Tenn., radio range and the southeast course of the Little Rock, Ark., radio range to a line extended at right angles across such airway through a point 25 miles northwest of the Little Rock, Ark., radio range station; from a line extended at right angles across such airway through a point 25 miles southeast of the Tulsa, Okla., radio range station to the intersection of the northwest course of the Tulsa, Okla., radio range and the southeast course of the Wichita, Kans., radio range.

(23) *Blue civil airway No. 23 airway traffic control areas (Detroit, Mich., to Flint, Mich.).* All of Blue civil airway No. 23.

(24) [Unassigned.]

(25) *Blue civil airway No. 25 airway traffic control areas (Cordova, Alaska, to Big Delta, Alaska).* From the Cordova, Alaska, radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the Cordova, Alaska, radio range station; from a line extended at right angles across such airway through a point 50 miles south of the Big Delta, Alaska, radio range station to the Big Delta, Alaska, radio range station.

(26) *Blue civil airway No. 26 airway traffic control areas (Anchorage, Alaska, to Fairbanks, Alaska).* From the Anchorage, Alaska, radio range station to a line extended at right angles across such airway through a point 50 miles southwest of the Summit, Alaska, radio range station and from the intersection of the northeast course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range to the Fairbanks, Alaska, radio range station.

(27) [Unassigned.]

(28) *Blue civil airway No. 28 airway traffic control areas (Columbia, S. C., to Charleston, S. C.).* All of Blue civil airway No. 28.

(29) [Unassigned.]

(30) *Blue civil airway No. 30 airway traffic control areas (San Antonio, Tex., to Big Spring, Tex.).* All of Blue civil airway No. 30.

(31) *Blue civil airway No. 31 airway traffic control areas (Burlington, Iowa, to Moline, Ill.).* All of Blue civil airway No. 31.

(32) *Blue civil airway No. 32 airway traffic control areas (Seattle, Wash., to Fairbanks, Alaska).* From the Seattle, Wash., radio range station to the United States-Canadian Border and from the Skwentna, Alaska, radio range station to a line extended at right angles across such airway through a point 50 miles southwest of the Summit, Alaska, radio range station.

(33) *Blue civil airway No. 33 airway traffic control areas (Fort Wayne, Ind., to Toledo, Ohio).* All of Blue civil airway No. 33.

(34) *Blue civil airway No. 34 airway traffic control areas (Little Rock, Ark., to Tulsa, Okla.).* All of Blue civil airway No. 34 from a line extended at right angles across such airway through a point 25 miles southeast of the Tulsa, Okla., radio range station to the Tulsa, Okla., radio range station.

(35) *Blue civil airway No. 35 airway traffic control areas (Kansas City, Mo., to Des Moines, Iowa).* All of Blue civil airway No. 35.

(36) *Blue civil airway No. 36 airway traffic control areas (Akron, Colo., to North Platte, Nebr.).* All of Blue civil airway No. 36.

(37) *Blue civil airway No. 37 airway traffic control areas (Casper, Wyo., to Rapid City, S. Dak.).* All of Blue civil airway No. 37.

(38) *Blue civil airway No. 38 airway traffic control areas (Annette Island, Alaska, to United States-Canadian Border).* From the Annette Island, Alaska, radio range station to a line extended across such airway through a point 50 miles north of the Annette Island, Alaska, radio range station. From a line extended at right angles across such airway through a point 50 miles southeast of the Gustavus, Alaska, radio range station to a line extended across such airway through a point 50 miles north of the Gustavus, Alaska, radio range station.

(39) *Blue civil airway No. 39 airway traffic control areas (Knoxville, Tenn., to Syracuse, N. Y.).* All of Blue civil airway No. 39 from the Tri-City, Tenn., radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the Tri-City, Tenn., radio range station; from a line extended at right angles across such airway through a point 25 miles south of the Charleston, W. Va., radio range to the Charleston, W. Va., radio range station; from the intersection of the west course of the Elkins, W. Va., radio range and the southwest course of the Morgantown, Pa., radio range to the intersection of the northeast course of the Elmira, N. Y., radio range and the south course of the Syracuse, N. Y., radio range.

(40) *Blue civil airway No. 40 airway traffic control areas (Concord, N. H., to Burlington, Vt.).* All of Blue civil airway No. 40.

(41) *Blue civil airway No. 41 airway traffic control areas (New York, N. Y., to United States-Canadian Border).* All of Blue civil airway No. 41.

(42) *Blue civil airway No. 42 airway traffic control areas (South Bend, Ind., to Battle Creek, Mich.).* All of Blue civil airway No. 42.

(43) [Unassigned.]

(44) *Blue civil airway No. 44 airway traffic control areas (Memphis, Tenn., to Fort Wayne, Ind.).* All of Blue civil airway No. 44 from the Advance, Mo., radio range station to a line extended at right angles across such airway through a point 25 miles east of the Advance, Mo., radio range station; from a line extended at right angles across such airway through a point 25 miles southwest of the Evansville, Ind., radio range station to the Evansville, Ind., radio range station; from the Indianapolis, Ind., radio range station to the Fort Wayne, Ind., radio range station.

(45) [Unassigned.]

(46) [Unassigned.]

(47) *Blue civil airway No. 47 airway traffic control areas (Martinsburg, W. Va., to Philipsburg, Pa.).* All of Blue civil airway No. 47.

(e) *Airway traffic control area extensions*—(1) *Airway traffic control area extension (Abilene, Tex.).* From the Abilene, Tex., radio range station, extending within five miles on either side of the center line of the on course signal of the north course of the Abilene radio range, to a point 20 miles north of the radio range station.

(2) *Airway traffic control area extension (Austin, Tex.).* From the Austin, Tex., radio range station, extending within five miles on either side of the center line of the on course signal of the northwest course of the Austin, radio range, to a point 20 miles northwest of the radio range station.

(3) *Airway traffic control area extension (Beaumont, Tex.).* From the Beaumont, Tex., radio range station, extending within five miles on either side of the center line of the on course signal of the north course of the Beaumont, radio range, to a point 20 miles north of the radio range station.

(4) *Airway traffic control area extension (Brownsville, Tex.).* From the Brownsville, Tex., radio range station, extending within five miles on either side of the center line of the on course signal of the north course of the Brownsville radio range, to a point 30 miles north of the radio range station.

(5) *Airway traffic control area extension (Jacksonville, Fla.).* From the Jacksonville, Fla., radio range station, extending within four miles north of and five miles south of the center line of the on course signal of the east course of the Jacksonville radio range, to a point 30 miles of the radio range station.

(6) *Airway traffic control area extension (Lake Charles, La.).* From the Lake Charles, La., radio range station, extending within five miles on either side of the center line of the on course signal of the south course of the Lake Charles radio range, to a point 20 miles south of the radio range station.

(7) *Airway traffic control area extension (Laredo, Tex.).* From the Laredo, Tex., radio range station, extending within five miles on either side of the center line of the on course signal of the northwest course of the Laredo radio range, to a point 20 miles northwest of the radio range station.

(8) *Airway traffic control area extension (Savannah, Ga.).* From the Savannah, Ga. radio range station, extending within five miles on either side of the center line of the on course signal of the southwest course of the Savannah radio range, to a point 30 miles southwest of the radio range station.

(9) *Airway traffic central area extension (Augusta, Ga.).* From the Augusta, Ga., radio range station, extending within five miles on either side of the center line of the on course signal of the southwest course of the Augusta radio range, to a point 20 miles southwest of the radio range station.

(10) *Airway traffic control area extension (Charlotte, N. C.).* From the Charlotte, N. C., radio range station, extending within five miles on either side of the center line of the on course signal of the south course of the Charlotte radio range, to a point 20 miles south of the radio range station.

(11) *Airway traffic control area extension (Daytona Beach, Fla.).* From the Daytona Beach, Fla., radio range station, extending within five miles on either side of the center line of the on course signal of the west course of the Daytona Beach radio range, to a point 20 miles west of the radio range station.

(12) *Airway traffic control area extension (Florence, S. C.).* From the Florence, S. C., radio range station, extending within five miles on either side of the center line of the on course signal of the east course of the Florence radio range, to a point 20 miles east of the radio range station.

(13) *Airway traffic control area extension (Fort Myers, Fla.).* From the Fort Myers, Fla., radio range station, extending within five miles on either side of the center line of the on course signal of the southwest course of the Fort Myers radio range, to a point 20 miles southwest of the radio range station.

(14) *Airway traffic control area extension (Greenville, S. C.).* From the Greenville, S. C., radio range station, extending within five miles on either side of the center line of the on course signal of the north course of the Greenville radio range, to a point 20 miles north of the radio range station, and extending within five miles on either side of the center line of the on course signal of the south course of the Greenville radio range, to a point 20 miles south of the radio range station.

(15) *Airway traffic control area extension (Greenwood, Miss.).* From the Greenwood, Miss., radio range station, extending within five miles on either side of the center line of the on course signal of the east course of the Greenwood radio range, to a point 20 miles east of the radio range station.

(16) *Airway traffic control area extension (Jack's Creek, Tenn.).* From the Jack's Creek, Tenn., radio range station, extending within five miles on either side of the center line of the on course signal of the north course of the Jack's Creek radio range, to a point 20 miles north of the radio range station.

(17) *Airway traffic control area extension (Macon, Ga.).* From the Macon, Ga., radio range station, extending within five miles on either side of the center line of the on course signal of the northeast course of the Macon radio range, to a point 20 miles northeast of the radio range station.

(18) *Airway traffic control area extension (Meridian, Miss.).* From the Meridian, Miss., radio range station, extending within five miles on either side of the center line of the on course signal of the north course of the Meridian radio range, to a point 20 miles north of the radio range station.

(19) *Airway traffic control area extension (Nashville, Tenn.).* From the Nashville, Tenn., radio range station, extending within five miles on either side of the center line of the on course signal of the northeast course of the Nashville radio range, to a point 30 miles northeast of the radio range station.

(20) *Airway traffic control area extension (Smithville, Tenn.).* From the Smithville, Tenn., radio range station, extending within five miles on either side of the center line of the on course signal of the north course of the Smithville radio range, to a point 20 miles north of the radio range station.

(21) *Airway traffic control area extension (Tampa, Fla.).* From the Tampa, Fla., radio range station, extending within five miles on either side of the center line of the on course signal of the southwest course of the Tampa radio range, to a point 20 miles southwest of the radio range station.

(22) *Airway traffic control area extension (West Palm Beach, Fla.).* From the West Palm Beach, Fla., radio range station, extending within five miles on either side of the center line of the on course signal of the west course of the West Palm Beach radio range, to a point 20 miles west of the radio range station.

(23) *Airway traffic control area extension (Akron, Colo.).* From the Akron, Colo., radio range station, extending within five miles on either side of the center line of the on course signal of the north course of the Akron radio range, to a point 20 miles north of the radio range station.

(24) *Airway traffic control area extension (Burlington, Iowa).* From the Burlington, Iowa, radio range station, extending within five miles on either side of the center line of the on course signal of the south course of the Burlington radio range, to a point 20 miles south of the radio range station.

(25) *Airway traffic control area extension (Garden City, Kans.).* From the

Garden City, Kans., radio range station, extending within five miles on either side of the center line of the on course signal of the north course of the Garden City radio range, to a point 20 miles north of the radio range station.

(26) *Airway traffic control area extension (Grand Island, Nebr.).* From the Grand Island, Nebr., radio range station, extending within five miles on either side of the center line of the on course signal of the north course of the Grand Island radio range, to a point 20 miles north of the radio range station.

(27) *Airway traffic control area extension (Kansas City, Mo.).* From the Kansas City, Mo., Municipal Airport, extending within five miles on either side of the center line of the on course signal of the north course of the Instrument Landing System localizer (bearing 171° magnetic toward the airport), to a point 20 miles north of the Kansas City Municipal Airport.

(28) *Airway traffic control area extension (Kirksville, Mo.).* From the Kirksville, Mo., radio range station, extending within five miles on either side of the center line of the on course signal of the southeast course of the Kirksville radio range, to a point 20 miles southeast of the radio range station.

(29) *Airway traffic control area extension (La Junta, Colo.).* From the La Junta, Colo., radio range station, extending within five miles on either side of the center line of the on course signal of the northeast course of the La Junta radio range, to a point 20 miles northeast of the radio range station.

(30) *Airway traffic control area extension (Lebo, Kans.).* From the Lebo, Kans., radio range station, extending within five miles on either side of the center line of the on course signal of the southeast course of the Lebo radio range, to a point 20 miles southeast of the radio range station.

(31) *Airway traffic control area extension (North Platte, Nebr.).* From the North Platte, Nebr., radio range station, extending within five miles on either side of the center line of the on course signal of the south course of the North Platte radio range, to a point 20 miles south of the radio range station.

(32) *Airway traffic control area extension (Scottsbluff, Nebr.).* From the Scottsbluff, Nebr., radio range station, extending within five miles on either side of the center line of the on course signal of the southeast course of the Scottsbluff radio range, to a point 20 miles southeast of the radio range station.

(33) *Airway traffic control area extension (St. Joseph, Mo.).* From the St. Joseph, Mo., range range station, extending within five miles on either side of the center line of the on course signal of the south course of the St. Joseph radio range, to a point 20 miles south of the radio range station.

(34) *Airway traffic control area extension (Springfield, Mo.).* From the Springfield, Mo., radio range station, extending within five miles on either side of the center line of the on course signal of the northwest course of the Springfield radio range, to a point 20 miles northwest of the radio range station.

(35) *Airway traffic control area extension (Sioux Falls, S. Dak.).* From the Sioux Falls, S. Dak., radio range station, extending within five miles on either side of the center line of the on course signal of the southwest course of the Sioux Falls radio range, to a point 20 miles southwest of the radio range station.

(36) *Airway traffic control area extension (Vichy, Mo.).* From the Vichy, Mo., radio range station, extending within five miles on either side of the center line of the on course signal of the southeast course of the Vichy radio range, to a point 20 miles southeast of the radio range station.

(37) *Airway traffic control area extension (Pensacola, Fla.).* From the Pensacola, Fla., radio range station, extending within five miles on either side of the center line of the on course signal of the south course of the Pensacola radio range, to a point 10 miles south of the radio range station.

(38) *Airway traffic control area extension (Great Falls, Mont.).* From the Great Falls, Mont., radio range station, extending within five miles on either side of the center line of the on course signal of the northeast course of the Great Falls radio range, to a point 30 miles northeast of the radio range station.

(39) *Airway traffic control area extension (Portland, Oreg.).* From the Portland, Oreg., radio range station, extending within five miles on either side of the center line of the on course signal of the west course of the Portland radio range, to a point 30 miles west of the radio range station.

(40) *Airway traffic control area extension (Medford, Oreg.).* From the Medford, Oreg., radio range station, extending within five miles on either side of the center line of the on course signal of the west course of the Medford radio range, to a point 20 miles west of the radio range station.

(41) *Airway traffic control area extension (Boise, Idaho).* From the Boise, Idaho, radio range station, extending within five miles on either side of the center line of the on course signal of the southwest course of the Boise radio range, to a point 20 miles southwest of the radio range station.

(42) *Airway traffic control area extension (Cincinnati, Ohio).* From the Cincinnati, Ohio, radio range station, within five miles on either side of the center line of the on course signal of the northeast course of the Cincinnati radio range, extending northeast to the 84th meridian of west longitude.

(43) *Airway traffic control area extension (Bowling Green, Ky.).* From the Bowling Green, Ky., radio range station, extending within five miles on either side of the center line of the on course signal of the southeast course of the Bowling Green radio range, to a point 20 miles southeast of the radio range station.

(44) *Airway traffic control area extension (Lafayette, Ind.).* From the Lafayette, Ind., radio range station, extending within five miles on either side of the center line of the on course signal of the southwest course of the Lafayette range to a point 20 miles southwest of the radio range station, and extending within five miles on either side of the center line of the on course signal of the northeast course of the Lafayette radio range to Red civil airway No. 14.

(45) *Airway traffic control area extension (Presque Isle, Maine).* From the Presque Isle, Maine, radio range station, within 5 miles either side of the center line of the south course of the Presque Isle radio range, extending 20 miles south of the Presque Isle, Maine, radio range station.

(46) *Airway traffic control area extension (Montpelier, Vt.).* From the Montpelier, Vt., radio range station, within 5 miles either side of the center line of the northeast course of the Montpelier, Vt., radio range, extending 20 miles northeast of the Montpelier, Vt., radio range station.

(47) *Airway traffic control area extension (Bangor, Maine).* From the Bangor, Maine, radio range station within 5 miles either side of the center line of the northwest course of the Bangor, Maine, radio range, extending 30 miles northwest of the Bangor, Maine, radio range station and within 5 miles either side of the center line of the southeast course of the Bangor, Maine, radio range, extending 10 miles southeast of Dow Field.

(48) *Airway traffic control area extension (Syracuse, N. Y.).* From the Syracuse, N. Y., radio range station, within 5 miles either side of the center line of the north course of the Syracuse, N. Y., radio range, extending 20 miles north of the Syracuse, N. Y., radio range station.

(49) *Airway traffic control area extension (Utica, N. Y.).* From the Utica, N. Y., radio range station, within 5 miles either side of the center line of the northwest course of the Utica, N. Y., radio range, extending 20 miles northwest of the Utica, N. Y., radio range station.

(50) *Airway traffic control area extension (Hartford, Conn.).* From the Hartford, Conn., radio range station, within 5 miles either side of the center line of the southeast course of the Hartford radio range, extending 20 miles southeast of the Hartford, Conn., radio range station.

(51) *Airway traffic control area extension (Portland, Maine).* From the Portland, Maine, radio range station, within 5 miles either side of the center line of the northwest course of the Portland, Maine, radio range, extending 20 miles northwest of the Portland, Maine, radio range station.

(52) *Airway traffic control area extension (Westfield, Mass.).* From the Westfield, Mass., radio range station, within 5 miles either side of the center line of the north course of the Westfield radio range, extending 10 miles north of the Barnes Airport.

(53) *Airway traffic control area extension (Houlton, Maine).* From the Houlton, Maine, radio range station, within 5 miles either side of the center line of the south course of the Houlton, Maine, radio range, extending 10 miles south of the Houlton Army Air Field.

(54) *Airway traffic control area extension (Philipsburg, Pa.).* From the Philipsburg, Pa., radio range station, within 5 miles either side of the center line of the north course of the Philipsburg, Pa., radio range, extending 20 miles north of the Philipsburg, Pa., radio range station.

(55) *Airway traffic control area extension (Elmira, N. Y.).* From the Elmira, N. Y., radio range station, within 5 miles either side of the center line of the southwest course of the Elmira, N. Y., radio range, extending 20 miles southwest of the Elmira, N. Y., radio range station.

(56) *Airway traffic control area extension (Wilkes-Barre, Pa.).* From the Wilkes-Barre, Pa., radio range station, within 5 miles either side of the center line of the northeast course of the Wilkes-Barre, Pa., radio range, extending 20 miles northeast of the Wilkes-Barre, Pa., radio range station.

(57) *Airway traffic control area extension (Altoona, Pa.).* From the Altoona, Pa., radio range station, within 5 miles either side of the center line of the north course of the Altoona, Pa., radio range, extending 20 miles north of the Altoona, Pa., radio range station; and within 5 miles either side of the center line of the south course of the Altoona, Pa., radio range, extending 10 miles south of the Altoona-Blair County Airport.

(58) *Airway traffic control area extension (Martinsburg, W. Va.).* From the Martinsburg, W. Va., radio range station, within 5 miles either side of the center line of the southwest course of the Martinsburg, W. Va., radio range, extending 20 miles southwest of the Martinsburg, W. Va., radio range station; and within 5 miles either side of the center line of the northeast course of the Martinsburg, W. Va., radio range, extending 10 miles northeast of the Shepherd Airport.

(59) *Airway traffic control area extension (Lynchburg, Va.).* From the Lynchburg, Va., radio range, within 5 miles either side of the center line of the north course of the Lynchburg, Va., radio range, extending 20 miles north of the Lynchburg, Va., radio range station; and within 5 miles either side of the center line of the south course of the Lynchburg, Va., radio range, extending 10 miles south of the Preston Glenn Airport.

(60) *Airway traffic control area extension (Elkins, W. Va.).* From the Elkins, W. Va., radio range station, within 5 miles either side of the center line of the south course of the Elkins radio range, extending 10 miles south of the Elkins, W. Va., Airport.

(61) *Airway traffic control area extension (Gordonsville, Va.).* From the Gordonsville, Va., radio range station, within 5 miles either side of the center line of the southeast course of the Gordonsville, Va., radio range, extending 10 miles southeast of the C. A. A. Intermediate Field.

(62) *Airway traffic control area extension (Raleigh, N. C.).* From the Raleigh, N. C., radio range station, within 5 miles either side of the center line of the southeast course of the Raleigh, N. C., radio range, extending 20 miles southeast of the Raleigh, N. C., radio range station.

(63) *Airway traffic control area extension (Roanoke, Va.).* From the Roanoke, Va., radio range station, within 5 miles either side of the center line of the south course of the Roanoke, Va., radio range, extending 20 miles south of the Roanoke, Va., radio range station; and within 5 miles either side of the center line of the north course of the Roanoke, Va., radio range, extending 10 miles north of Woodrum Field.

(64) *Airway traffic control area extension (Chicopee Falls, Mass.).* From the Westover radio range station, Chicopee Falls, Mass., within 5 miles either side of the center line of the northwest course of the Westover radio range, Chicopee Falls, Mass., extending to a point 25 miles northwest of the Westover radio range station.

(65) *Airway traffic control area extension (Pendleton, Oreg.).* From the Pendleton, Oreg., radio range station, within 5 miles either side of the center line of the northwest course of the Pendleton, Oreg., radio range, extending to a point 30 miles northwest of the Pendleton, Oreg., radio range station.

(66) *Airway traffic control area extension (Mitchel Field, N. Y.).* From the Mitchel Field, N. Y., radio range, within 7 miles either side of the center line of the east course of the Mitchel Field, N. Y., radio range, extending to Fire Island, N. Y.

(67) *Airway traffic control area extension (Dayton, Ohio).* From the Dayton, Ohio, radio range station within 5 miles either side of the west course of the Dayton, Ohio, radio range, extending to its intersection with the northeast course of the Indianapolis, Ind., radio range.

§ 601.5 *Scope of airport approach zones.* Each airport approach zone shall include the navigable air space above all that area on the surface of the earth lying within the specified radius of the center points prescribed for such zone (except where otherwise described herein), but shall not include any of the air space of an air-space reservation.

§ 601.6 *Designation of airport approach zones.* The following described portions of the navigable air space of the United States are hereby designated as airport approach zones:

(a) Within a ten mile radius of the following airports:

Cherry Point, N. C.: Cherry Point MCAS.
Elmira, N. Y.: Chemung County Airport.
Fairfield, Calif.: Fairfield-Suisun AAF.
San Antonio, Tex.: Randolph Field.
San Marcos, Tex.: San Marcos Army Air Field.

(b) Within the specified radius of the following points:

(1) *Salina, Kans. (Smoky Hill AAF), Airport Approach Zone.* Within a 30 mile radius of Smoky Hill AAF, Salina, Kans.

(2) *Roswell, N. Mex. (Roswell Army Air Field), Airport Approach Zone.* Within a 30 mile radius of Roswell Army Air Field, Roswell, N. Mex.

(3) *Patuxent River, Md. (Patuxent Naval Air Station), Airport Approach Zone.* Within a 25 mile radius of Patuxent Naval Air Station, Patuxent River, Md., up to and including the altitude of 4,000 feet above mean sea level.

(4) *Albany, Ga. (Turner Army Air Field), Airport Approach Zone.* Within a 25 mile radius of Turner Army Air Field, Albany, Ga., up to and including the altitude of 6,000 feet above mean sea level.

(c) Within a ten mile radius of the following airports, excluding those portions of the zones lying outside the boundaries of civil airways:

Akron, Colo.: C. A. A. Int. Field.
Anchorage, Alaska: Merrill Field.
Annette Island, Alaska: C. A. A. Field.
Big Delta, Alaska: C. A. A. Field.
Fairbanks, Alaska: Weeks Field.
Homer, Alaska: C. A. A. Field.
Kenai, Alaska: C. A. A. Field.
Nenana, Alaska: C. A. A. Field.
Northway, Alaska: C. A. A. Field.
Sioux Falls, S. Dak.: Sioux Falls Municipal Airport.
Skwentna, Alaska: C. A. A. Field.
Smithville, Tenn.: C. A. A. Int. Field.
Tanacross, Alaska: C. A. A. Field.

§ 601.7 *Scope of airport traffic zones.* Each airport traffic zone shall include the navigable air space above all that area on the surface of the earth lying within the specified radius of the center points prescribed for such zone (except where otherwise described herein), but shall not include any of the air space of an air-space reservation.

§ C01.8 *Designation of airport traffic zones.* The following described portions of the navigable air space of the United States are hereby designated as airport traffic zones.

(a) Within a three mile radius of the following airports:

Dubois, Idaho: Dubois Intermediate Field.
Bozeman, Mont.: Gallatin-Bozeman Municipal Airport.
Custer, Mont.: Custer Intermediate Field.
Cut Bank, Mont.: Cut Bank Municipal Airport.
Dillon, Mont.: Dillon Intermediate Field.
Drummond, Mont.: Drummond Municipal Airport.
Lewistown, Mont.: Lewistown Municipal Airport.
Miles City, Mont.: Miles City Municipal Airport.
Missoula, Mont.: Missoula County Airport.
Whitehall, Mont.: Whitehall Municipal Airport.
Baker, Oreg.: Baker Municipal Airport.
Eugene, Oreg.: Mahlon-Sweet Airport.
Klamath Falls, Oreg.: Klamath Falls Municipal Airport.
Redmond, Oreg.: Redmond-Roberts Field.
Salem, Oreg.: Salem-McNary.
The Dalles, Oreg.: The Dalles Municipal Airport.
Ellensburg, Wash.: Bowers Field.
Ephrata, Wash.: Ephrata Municipal Airport.
Spokane, Wash.: Spokane AAF.
Toledo, Wash.: Toledo Intermediate Airport.
Lucin, Utah: Intermediate Field.
Needles, Calif.: Needles Airport.
Williams, Calif.: Intermediate Field.
Allentown, Pa.: Allentown-Bethlehem Airport.
Altoona, Pa.: Altoona-Blair County Airport.
Blackstone, Va.: Blackstone A. A. F.
Gordonsville, Va.: C. A. A. Intermediate Field.
Philadelphia, Pa.: Philadelphia Northeast Airport.

Wilkes-Barre, Pa.: Wilkes-Barre Municipal Airport.
Williamsport, Pa.: Williamsport Municipal Airport.
Acomita, N. Mex.: C. A. A. Intermediate Field.
Columbus, N. Mex.: C. A. A. Intermediate Field.
Corpus Christi, Tex.: Cliff Maus Airport.
El Morro, N. Mex.: C. A. A. Intermediate Field.
Engle, N. Mex.: C. A. A. Intermediate Field.
Navasota, Tex: C. A. A. Intermediate Field.
Palacios, Tex.: Palacios Airport.
Rodeo, N. Mex.: C. A. A. Intermediate Field.
Aberdeen, S. Dak.: Aberdeen Airport.
Chanute, Kans.: Municipal Airport.
Bendix, N. J.: Teterboro Air Terminal.
Glendale, Calif.: Grand Central Airport.

(b) Within a five mile radius of the following airports:

Boise, Idaho.: Boise Air Terminal.
Billings, Mont.: Billings Municipal Airport.
Great Falls, Mont.: Great Falls Municipal Airport.
Medford, Oreg.: Medford AAF.
Portland, Oreg.: Portland AAF.
Seattle, Wash.: Boeing Field.
Spokane, Wash.: Geiger AAF.
Tacoma, Wash.: McChord Field.
Walla Walla, Wash.: Walla Walla AAF.
St. Paul, Minn.: Helman Airport.
Fresno, Calif.: Hammer Field.
Ogden, Utah.: Hill Field.
Red Bluff, Calif.: Red Bluff Municipal (Bidwell Field).
Reno, Nev.: Hubbard Field.
Riverside, Calif.: March Field.
Santa Barbara, Calif.: Santa Barbara Municipal, (Goleta Field).
Sunnyvale, Calif.: Moffett Field.
Tucson, Ariz.: Davis-Monthan Field.
Tucson, Ariz: Municipal Airport No. 2 (Consolidated).
Winslow, Ariz.: Winslow Airport.
Bridgeport, Conn.: Bridgeport Municipal Airport.
Elkins, W. Va.: Elkins Airport.
Houlton, Maine: Houlton Airport.
Lynchburg, Va.: Preston Glenn Airport.
Martinsburg, W. Va.: Martinsburg Airport.
Montpelier, Vt.: Barre-Montpelier Airport.
Newburgh, N. Y.: Stewart A. A. F.
New York, N. Y.: LaGuardia Field.
Presque Isle, Maine: Presque Isle A. A. F.
Pulaski, Va.: Leving Field.
Roanoke, Va.: Woodrum Field.
Rome, N. Y.: Rome A. A. F.
Syracuse, N. Y.: Syracuse Municipal Airport.
Westfield, Mass: Barnes Airport.
Abilene, Tex.: Abilene Air Terminal.
Alice, Tex: Alice Airport.
Austin, Tex.: Robert Mueller Airport.
Beaumont, Tex.: Jefferson County Airport.
Gage, Okla.: Gage Airport.
Lake Charles, La.: Lake Charles A. A. F.
Las Vegas, N. Mex.: Las Vegas Airport.
Oklahoma City, Okla.: Will Rogers Field.
Otto, N. Mex: C. A. A. Intermediate Field.
Salt Flat, Tex.: C. A. A. Intermediate Field.
San Antonio, Tex.: Alamo Field.
Santa Fe, N. Mex.: Santa Fe Airport.
Texarkana, Ark.: Texarkana Airport.
Tucumcari, N. Mex.: Tucumcari Airport.
Tyler, Tex.: Pounds Field.
Waco, Tex.: Waco Municipal Airport.
Wichita Falls, Tex.: Sheppard (Kell) Field.
Wink, Tex: Wink Airport.

(c) *Additional airport traffic zones*—(1) *Albany, N. Y., Airport Traffic Zone.* Within a 5 mile radius of the Albany Municipal Airport and within 2 miles either side of the north course of Albany radio range extending 10 miles from the radio range station.

(2) *Augusta, Maine, Airport Traffic Zone.* Within a 5 mile radius of the Augusta State Airport and within 2 miles either side of the southwest course of Augusta radio range extending 10 miles from the radio range station.

(3) *Baltimore, Md., Airport Traffic Zone.* Within a 5 mile radius of the Baltimore Municipal Airport and within 2 miles either side of the south course of Baltimore radio range extending 10 miles from the radio range station.

(4) *Bangor, Maine, Airport Traffic Zone.* Within a 5 mile radius of Dow Field and within 2 miles either side of the northwest course of Bangor radio range extending to the east corinth fan marker.

(5) *Boston, Mass., Airport Traffic Zone.* Within a 5 mile radius of Logan International Airport, within 2 miles either side of the north course of Boston radio range extending to the Peabody fan marker and within 2 miles either side of the southwest course of Boston radio range extending to the Franklin fan marker.

(6) *Buffalo, N. Y., Airport Traffic Zone.* Within a 5 mile radius of the Buffalo Municipal Airport and within 2 miles either side of the northeast course of Buffalo radio range extending to the Wolcottsville fan marker.

(7) *Burlington, Vt., Airport Traffic Zone.* Within a 5 mile radius of the Burlington Municipal Airport and within 2 miles either side of the northwest course of Burlington radio range extending to the Grand Isle fan marker.

(8) *Concord, N. H., Airport Traffic Zone.* Within a 5 mile radius of the Concord Municipal Airport and within 2 miles either side of the southeast course of Concord radio range extending 10 miles from the radio range station.

(9) *Erie, Pa., Airport Traffic Zone.* Within a 5 mile radius of Port Erie Airport and within 2 miles either side of the southwest course of Erie radio range extending to the North Springfield fan marker.

(10) *Harrisburg, Pa., Airport Traffic Zone.* Within a 5 mile radius of Harrisburg State Airport and within 2 miles either side of the east and west courses of Harrisburg radio range extending 10 miles east and west of the radio range station.

(11) *Hartford, Conn., Airport Traffic Zone.* Within a 5 mile radius of Brainard Field and within 2 miles either side of the southeast course of Hartford radio range extending 10 miles from the radio range station.

(12) *Millinocket, Maine, Airport Traffic Zone.* Within a 5 mile radius of Millinocket Municipal Airport and within 2 miles either side of the east course of Millinocket radio range extending 10 miles from the radio range station.

(13) *Newark, N. J., Airport Traffic Zone.* Within a 5 mile radius of Newark Municipal Airport and within 2 miles either side of the southwest course of Newark radio range extending to the Metuchen fan marker.

(14) *Norfolk, Va., Airport Traffic Zone.* Within a 5 mile radius of Norfolk Municipal Airport and within 2 miles either side of the southwest course of Norfolk radio range extending to the Deep Creek fan marker.

(15) *Philadelphia, Pa., Airport Traffic Zone.* Within a 5 mile radius of Philadelphia Southwest Airport and within 2 miles either side of the west course of Philadelphia radio range extending to the Boothwyn fan marker.

(16) *Philipsburg, Pa., Airport Traffic Zone.* Within a 5 mile radius of the Philipsburg State Airport and within 2 miles either side of the north course of Philipsburg radio range extending 10 miles from the radio range station.

(17) *Pittsburgh, Pa., Airport Traffic Zone.* Within a 5 miles radius of the Allegheny County Airport and within 2 miles either side of the west course of Pittsburgh radio range extending to the Cecil fan marker.

(18) *Portland, Maine, Airport Traffic Zone.* Within a 5 mile radius of Portland Municipal Airport and within 2 miles either side of the northwest course of Portland radio range extending 10 miles from the radio range station.

(19) *Providence, R. I., Airport Traffic Zone.* Within a 5 mile radius of the Theodore Francis Greene Airport (excluding area which would intercept danger area in vicinity of Ohio Ledge-Gull Point, R. I.) and within 2 miles either side of the southwest course of Providence radio range extending 10 miles from the radio range station.

(20) *Richmond, Va., Airport Traffic Zone.* Within a 5 mile radius of the Richmond Municipal Airport and within 2 miles either side of the southwest course of Richmond radio range extending to the Chester fan marker.

(21) *Rochester, N. Y., Airport Traffic Zone.* Within a 5 mile radius of the Rochester Municipal Airport and within 2 miles either side of the east course of Rochester radio range extending 10 miles from the radio range station.

(22) *Washington, D. C., Airport Traffic Zone.* Within a 5 mile radius of Washington National Airport (excluding that portion which would lie within the Airspace Reservation established by Executive Order No. 8950 as amended by Executive Order No. 9153) and within 2 miles either side of the southwest course of Washington radio range extending to the Doncaster fan marker.

(23) *Albuquerque, N. Mex., Airport Traffic Zone.* Within a 5 mile radius of Kirtland Field and within 2 miles either side of the south course of Albuquerque radio range extending to the Peralta fan marker.

(24) *Amarillo, Tex., Airport Traffic Zone.* Within a 5 mile radius of English Field and within 2 miles either side of the west course of Amarillo radio range extending to the Soncy fan marker.

(25) *Big Spring, Tex., Airport Traffic Zone.* Within a 5 mile radius of Big Spring Airport and within 2 miles either side of the west course of Big Spring radio range extending to the Stanton fan marker.

(26) *Brownsville, Tex., Airport Traffic Zone.* Within a 5 mile radius of Brownsville International Airport (excepting that portion of such circle which lies within Mexico) and within two miles either side of the northwest course of Brownsville radio range extending to the Los Fresnos fan marker.

(27) *Dallas, Tex., Airport Traffic Zone.* Within a 5 mile radius of Love Field, within 2 miles either side of the south course of Dallas radio range extending to the Duncanville fan marker, and within 2 miles either side of the north course of Dallas radio range extending to the Dallas intersection (intersection of the north course of Dallas radio range and the northeast course of Fort Worth radio range).

(28) *El Paso, Tex., Airport Traffic Zone.* Within a 5 mile radius of El Paso Municipal Airport and within 2 miles either side of the east course of El Paso radio range extending to the Hueco Mountain fan marker.

(29) *Fort Worth, Tex., Airport Traffic Zone.* Within a 5 mile radius of Meacham Field and within 2 miles either side of the north course of Fort Worth radio range extending to the Haslet fan marker.

(30) *Galveston, Tex., Airport Traffic Zone.* Within a 5 mile radius of Galveston Airport and within 2 miles either side of the northwest course of Galveston radio range extending 3 miles northwest of the radio range station.

(31) *Houston, Tex., Airport Traffic Zone.* Within a 5 mile radius of Houston Municipal Airport and within 2 miles either side of the southeast course of Houston radio range extending to the Webster fan marker.

(32) *Laredo, Tex., Airport Traffic Zone.* Within a 5 mile radius of Laredo A. A. F. Airport and within 2 miles either side of the northwest course of Laredo radio range extending 3 miles northwest of the radio range station excepting that portion of such zone that would lie within Mexico.

(33) *Little Rock, Ark., Airport Traffic Zone.* Within a 5 mile radius of Adams Field and within 2 miles either side of the southeast course of Little Rock radio range extending 3 miles southeast of the radio range station.

(34) *Monroe, La., Airport Traffic Zone.* Within a 5 mile radius of Selman Field and within 2 miles either side of the southwest course of Monroe radio range extending 4 miles southwest of the radio range station.

(35) *New Orleans, La., Airport Traffic Zone.* Within a 5 mile radius of Moisant International Airport, within 2 miles either side of the west course of New Orleans radio range extending to the La Place fan marker and within 2 miles either side of the east course of New Orleans radio range extending to the boundary of the New Orleans Airport Traffic Zone.

(36) *Ponca City, Okla., Airport Traffic Zone.* Within a 10 mile radius of Ponca City Airport.

(37) *San Angelo, Tex., Airport Traffic Zone.* Within a 10 mile radius of Mathis Field (San Angelo A. A. F.).

(38) *Shreveport, La., Airport Traffic Zone.* Within a 5 mile radius of Shreveport Municipal Airport and within 5 miles either side of the northwest course of Shreveport radio range extending to the Dixie fan marker.

(39) *Tulsa, Okla., Airport Traffic Zone.* Within a 5 mile radius of Tulsa Airport, within 2 miles either side of the northeast course of Tulsa radio range extending to the Verdigris River fan marker, within 2 miles either side of the northwest course of Tulsa radio range extending to the Skiatook fan marker and within 2 miles either side of the southwest course of Tulsa radio range extending to the Red Fork fan marker.

(40) *Advance, Mo., Airport Traffic Zone.* Within a 3 mile radius of the center of the C. A. A. Intermediate Field and within 2 miles either side of the center line of the south course of Advance radio range extending 10 miles from the radio range station.

(41) *Akron, Colo., Airport Traffic Zone.* Within a 3 mile radius of the C. A. A. Intermediate Field and within 2 miles either side of the center line of the north and south courses of Akron radio range extending 10 miles north of the radio range station.

(42) *Burlington, Iowa, Airport Traffic Zone.* Within a 5 mile radius of Burlington Municipal Airport and within 2 miles either side of the center line of the south course of Burlington radio range extending 10 miles from the radio range station.

(43) *Casper, Wyo., Airport Traffic Zone.* Within a 5 mile radius of Wardwell Field and within 2 miles either side of the center line of the east course of Casper radio range extending 10 miles from the radio range station.

(44) *Cheyenne, Wyo., Airport Traffic Zone.* Within a 5 mile radius of Cheyenne Municipal Airport, within 2 miles either side of the center line of the west course of Cheyenne radio range extending to the Silver Crown fan marker and within 2 miles either side of the center line of the east course of Cheyenne radio range extending 10 miles from the radio range station.

(45) *Colorado Springs, Colo., Airport Traffic Zone.* Within a 5 mile radius of Petersen A. A. F. Airport and within 2 miles either side of the center line of the north course of Colorado Springs radio range extending 10 miles from the radio range station.

(46) *Columbia, Mo., Airport Traffic Zone.* Within a 5 mile radius of Columbia Municipal Airport and within 2 miles either side of the center line of the west course of Columbia radio range extending 10 miles from the radio range station.

(47) *Denver, Colo., Airport Traffic Zone.* Within a 5 mile radius of Stapleton Field, within 2 miles either side of the center line of the north course of Denver radio range extending to the Henderson fan marker and within 2 miles either side of the center line of the south course of Denver radio range extending 10 miles from the radio range station.

(48) *Des Moines, Iowa, Airport Traffic Zone.* Within a 5 mile radius of Des Moines Municipal Airport and within 2 miles either side of the center line of the south course of Des Moines radio range extending 10 miles from the radio range station.

(49) *Fort Bridger, Wyo., Airport Traffic Zone.* Within a 3 mile radius of the C. A. A. Intermediate Field and within 2 miles either side of the center line of the east course of Fort Bridger radio range extending 10 miles from the radio range station.

(50) *Garden City, Kans., Airport Traffic Zone.* Within a 5 mile radius of Garden City Municipal Airport and within 2 miles either side of the center line of the north course of Garden City radio range extending 10 miles from the radio range station.

(51) *Grand Island, Nebr., Airport Traffic Zone.* Within a 5 mile radius of the Grand Island A. A. F. Airport and within 2 miles either side of the center line of the north course of Grand Island radio range extending 10 miles from the radio range station.

(52) *Hayes Center, Nebr., Airport Traffic Zone.* Within a 3 mile radius of the C. A. A. Intermediate Field and within 2 miles either side of the west course of Hayes Center radio range extending 10 miles from the radio range station.

(53) *Huron, S. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Huron Municipal Airport and within 2 miles either side of the center line of the southwest course of Huron radio range extending 10 miles from the radio range station.

(54) *Hutchinson, Kans., Airport Traffic Zone.* Within a 5 mile radius of the Hutchinson Municipal Airport and within 2 miles either side of the center line of the south course of Hutchinson radio range extending 10 miles from the radio range station.

(55) *Joplin, Mo., Airport Traffic Zone.* Within a 5 mile radius of the Joplin Municipal Airport and within 2 miles either side of the center line of the north and south courses of Joplin radio range extending 10 miles north of the radio range station.

(56) *Kansas City, Mo., Airport Traffic Zone.* Within a 5 mile radius of Kansas City Municipal Airport, within 2 miles either side of the center line of the north course of Kansas City radio range extending to the Linkville fan marker and within 2 miles either side of the localizer course (351° outbound) of the Instrument Low Approach System extending 10 miles north of the airport.

(57) *Kirksville, Mo., Airport Traffic Zone.* Within a 3 mile radius of the Kirksville Municipal Airport and within 2 miles either side of the center line of the southeast course of Kirksville radio range extending 10 miles from the radio range station.

(58) *La Junta, Colo., Airport Traffic Zone.* Within a 5 mile radius of the La Junta A. A. F. Airport and within 2 miles either side of the center line of the northeast course of La Junta radio range extending 10 miles from the radio range station.

(59) *Laramie, Wyo., Airport Traffic Zone.* Within a 5 mile radius of General Brees Field and within 2 miles either side of the center line of the northwest course of Laramie radio range extending 10 miles from the radio range station.

(60) *Lebo, Kans., Airport Traffic Zone.* Within a 3 mile radius of the C. A. A. Intermediate Field and within 2 miles either side of the center line of the southeast course of Lebo radio range extending 10 miles from the radio range station.

(61) *Lincoln, Nebr., Airport Traffic Zone.* Within a 5 mile radius of the Lincoln Municipal Airport and within 2 miles either side of the center line of the north course of Lincoln radio range ex-

tending 10 miles from the radio range station.

(62) *Mason City, Iowa, Airport Traffic Zone.* Within a 3 mile radius of the Mason City Municipal Airport and within 2 miles either side of a line 180° true from Mason City non-directional radio-beacon extending 10 miles from the radio beacon.

(63) *North Platte, Nebr., Airport Traffic Zone.* Within a 5 mile radius of Lee Bird Field and within 2 miles either side of the center line of the south course of North Platte radio range extending 10 miles from the radio range station.

(64) *Omaha, Nebr., Airport Traffic Zone.* Within a 5 mile radius of Omaha Municipal Airport and within 2 miles either side of the center line of the north course of Omaha radio range extending 10 miles from the radio range station.

(65) *Pierre, S. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Pierre A. A. F. Airport and within 2 miles either side of the center line of the east course of Pierre radio range extending 10 miles from the radio range station.

(66) *Pueblo, Colo., Airport Traffic Zone.* Within a 5 mile radius of the Pueblo Municipal Airport and within 2 miles either side of the center line of the southeast course of Pueblo radio range extending 10 miles from the radio range station.

(67) *Rapid City, S. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Rapid City, A. A. F., Airport and within 2 miles either side of the center line of the south and north courses of Rapid City radio range extending 10 miles south of the radio range station.

(68) *Rock Springs, Wyo., Airport Traffic Zone.* Within a 5 mile radius of the Rock Springs Municipal Airport and within 2 miles either side of the center line of the east course of Rock Springs radio range extending 10 miles from the radio range station.

(69) *St. Joseph, Mo., Airport Traffic Zone.* Within a 5 mile radius of Rosecrans Field and within 2 miles either side of the south course of St. Joseph radio range extending 10 miles from the radio range station.

(70) *St. Louis, Mo., Airport Traffic Zone.* Within a 5 mile radius of the Lambert-St. Louis Municipal Airport and within 2 miles either side of the center line of the east course of St. Louis radio range extending to the Spanish Lake fan marker.

(71) *Scottsbluff, Nebr., Airport Traffic Zone.* Within a 5 mile radius of Scottsbluff Municipal Airport and within 2 miles either side of the center line of the southeast and northwest courses of Scottsbluff radio range extending 10 miles southeast of the radio range station.

(72) *Sheridan, Wyo., Airport Traffic Zone.* Within a 5 mile radius of the Sheridan Municipal Airport and within 2 miles either side of the center line of the southeast course of Sheridan radio range extending 10 miles from the radio range station.

(73) *Sinclair, Wyo., Airport Traffic Zone.* Within a 3 mile radius of the C. A. A. Intermediate Field and within 2 miles either side of the center line of the west course of Sinclair radio range extending 10 miles from the radio range station.

(74) *Sioux City, Iowa, Airport Traffic Zone.* Within a 5 mile radius of Sioux City Municipal Airport and within 2 miles either side of the center line of the south course of Sioux City radio range extending to the Sloan fan marker.

(75) *Springfield, Mo., Airport Traffic Zone.* Within a 5 mile radius of Springfield Municipal Airport and within 2 miles either side of the center line of the southeast and northwest courses of Springfield radio range extending 10 miles northwest of the radio range station.

(76) *Topeka, Kans., Airport Traffic Zone.* Within a 5 mile radius of Phillip Billard Airport and within the confines of Red Civil Airway No. 1 extending 10 miles east and west of the airport.

(77) *Trinidad, Colo., Airport Traffic Zone.* Within a 3 mile radius of Trinidad Municipal Airport and within 2 miles either side of the center line of the north course of Trinidad radio range extending 10 miles from the radio range station.

(78) *Vichy, Mo., Airport Traffic Zone.* Within a 3 mile radius of Vichy Municipal Airport and within 2 miles either side of the center line of the southeast and northwest courses of Vichy radio range extending 10 miles southeast of the radio range station.

(79) *Watertown, S. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Watertown, A. A. F., Airport and within 2 miles either side of the center line of the east course of Watertown radio range extending 10 miles from the radio range station.

(80) *Wichita, Kans., Airport Traffic Zone.* Within a 5 mile radius of Wichita Municipal Airport, within 2 miles either side of the center line of the north course of Wichita radio range extending to the Kechi fan marker and within 2 miles either side of the localiser course (192° inbound) of the Instrument Low Approach System extending 10 miles south of the airport.

(81) *Coeur D'Alene, Idaho, Airport Traffic Zone.* Within a 3 mile radius of the Coeur D'Alene Air Terminal, Coeur D'Alene, Idaho, and within 2 miles either side of the center line of the north course of Coeur D'Alene radio range, extending to the Coeur D'Alene radio range station.

(82) *Akron, Ohio, Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the southwest course of the Akron, Ohio, radio range, extending 10 miles southwest of the radio range station.

(83) *Alexandria, Minn., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the north course of the Alexandria, Minn., radio range, extending 10 miles north of the radio range station.

(84) *Battle Creek, Mich., Airport Traffic Zone.* Within a 5 mile radius of Kellogg Field and within 2 miles either side of the center line of the south course of the Battle Creek, Mich., radio range, extending 10 miles south of the radio range station.

(85) *Bismarck, N. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the east course of the Bismarck, N. Dak., radio range, extending 10 miles east of the radio range station.

(86) *Chicago, Ill., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport, within 2 miles either side of the center line of the southeast course of the Chicago, Ill., radio range, extending to the Thornton intersection (intersection southeast course of Chicago radio range and east course of Harvey, Ill. radio range) and within 2 miles either side of the northwest course of the Chicago, Ill., radio range extending to the Franklin Park fan marker.

(87) *Cincinnati, Ohio, Airport Traffic Zone.* Within a 5 mile radius of the Lunken Airport and within 2 miles either side of the center line of the northeast course of the Cincinnati, Ohio, radio range extending 10 miles northeast of the Loveland fan marker.

(88) *Cincinnati, Ohio, Airport Traffic Zone.* Within a 5 mile radius of the Greater Cincinnati Airport (Covington, Ky.) and within 2 miles either side of the center line of the Instrument Low Approach System (360° magnetic and toward the airport) extending 14.3 miles south of the south end of the runway.

(89) *Cleveland, Ohio, Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the west course of the Cleveland, Ohio, radio range, extending to the Elyria fan marker.

(90) *Columbus, Ohio, Airport Traffic Zone.* Within a 5 mile radius of the Port Columbus Municipal Airport, within 2 miles either side of the center line of the west course of the Columbus, Ohio, radio range, extending to the Hilliard fan marker and within 2 miles either side of the center line of the east course of the Columbus radio range, extending to the Newark fan marker.

(91) *Dayton, Ohio, Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the west course of the Dayton, Ohio, radio range, extending to the Verona fan marker.

(92) *Detroit, Mich., Airport Traffic Zone.* Within a 5 mile radius of the Detroit City Airport and within 2 miles either side of the center lines of the northwest and southeast courses of the Windsor radio, Windsor, Ontario, Canada, extending 10 miles southeast of the radio range station, excluding that portion which lies outside the continental limits of the United States.

(93) *Dickinson, N. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the north course of the Dickinson radio range, extending 10 miles north of the radio range station.

(94) *Duluth, Minn., Airport Traffic Zone.* Within a 5 mile radius of the Williamson-Johnson Airport and within 2 miles either side of the center line of the south course of the Duluth, Minn., radio range, extending 10 miles south of the radio range station.

(95) *Effingham, Ill., Airport Traffic Zone.* Within a 5 mile radius of the Effingham Airport and within 2 miles either side of the center line of the east course of the Effingham, Ill., radio range, extending 10 miles east of the radio range station.

(96) *Evansville, Ind., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the north course of the Evansville, Ind., radio range, extending 10 miles north of the radio range station.

(97) *Fargo, N. Dak., Airport Traffic Zone.* Within a 5 mile radius of Hector Field and within 2 miles either side of the center line of the east course of the Fargo, N. Dak., radio range, extending 10 miles east of the radio range station.

(98) *Flint, Mich., Airport Traffic Zone.* Within a 5 mile radius of the Bishop Airport, within 2 miles either side of a line 307° magnetic and toward the airport, extending 10 miles southeast of the airport and within 2 miles either side of a line 73° magnetic and toward the airport, extending 10 miles west of the airport.

(99) *Fort Wayne, Ind., Airport Traffic Zone.* Within a 5 mile radius of Baer Field and within 2 miles either side of the center line of the southwest course of the Fort Wayne, Ind., radio range, extending 10 miles southwest of the radio range station.

(100) *Glenview, Ill., Airport Traffic Zone.* Within a 5 mile radius of the Glenview, Ill., Naval Air Station and within 2 miles either side of the center line of the northwest course of the Glenview, Ill., radio range, extending 10 miles northwest of the radio range station.

(101) *Goshen, Ind., Airport Traffic Zone.* Within a 5 mile radius of the Goshen Airport and within 2 miles either side of the center line of the west course of the Goshen, Ind., radio range, extending 10 miles west of the radio range station.

(102) *Grand Forks, N. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the south course of the Grand Forks, N. Dak., radio range, extending 10 miles south of the radio range station.

(103) *Grand Rapids, Mich., Airport Traffic Zone.* Within a 5 mile radius of the Kent County Airport and within 2 miles either side of the center line of the southeast course of the Grand Rapids radio range, extending 10 miles southeast of the radio range station.

(104) *Huntington, W. Va., Airport Traffic Zone.* Within a 5 mile radius of the Mayes Airport, Chesapeake, Ohio, and within 2 miles either side of the center line of the west course of the Huntington, W. Va., radio range, extending 10 miles west of the radio range station.

(105) *Indianapolis, Ind., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport, within 2 miles either side of the center line of the west course of the Indianapolis, Ind., radio range, extending to the Greencastle fan marker and within 2 miles either side of the center line of the north course of the Indianapolis, Ind., radio range extending to the Advance fan marker.

(106) *Jamestown, N. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the east course of the Jamestown, N. Dak., radio range, extending 10 miles east of the radio range station.

(107) *Joliet, Ill., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the northwest course of the Joliet, Ill., radio range, extending 10 miles northwest of the radio range station.

(108) *Lansing, Mich., Airport Traffic Zone.* Within a 5 mile radius of the Capitol City Airport and within 2 miles either side of the center line of the east course of the Lansing, Mich., radio range, extending 10 miles east of the radio range station.

(109) *Lafayette, Ind., Airport Traffic Zone.* Within a 5 mile radius of the Purdue University Airport and within 2 miles either side of the center line of the southwest course of the Lafayette, Ind., radio range, extending 10 miles southwest of the radio range station.

(110) *Lone Rock, Wis., Airport Traffic Zone.* Within a 5 mile radius of the Lone Rock, Wis., Municipal Airport and within 2 miles either side of the center line of the west course of the Lone Rock radio range, extending 10 miles west of the radio range station.

(111) *Louisville, Ky., Airport Traffic Zone.* Within a 5 mile radius of Bowman Field and within 2 miles either side of the center line of the east course of the Louisville, Ky. radio range, extending to the Eastwood fan marker.

(112) *Madison, Wis., Airport Traffic Zone.* Within a 5 mile radius of the Truax Airport and within 2 miles either side of the center line of the southeast course of the Madison, Wis. radio range, extending 10 miles southeast of the radio range station.

(113) *Milwaukee, Wis., Airport Traffic Zone.* Within a 5 mile radius of the General Mitchell Airport and within 2 miles either side of the center line of the south course of the Milwaukee, Wis., radio range, extending to the Kenosha fan marker.

(114) *Minneapolis, Minn., Airport Traffic Zone.* Within a 5 mile radius of the Wold-Chamberlain Airport and within 2 miles either side of the center line of the southeast course of the Minneapolis, Minn., radio range, extending to the Hastings fan marker.

(115) *Minot, N. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Port O'Minot Field and within 2 miles either side of the center line of the southeast course of the Minot radio range, extending 10 miles southeast of the radio range station.

(116) *Moline, Ill., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport, within 2 miles either side of the center line of the west course of the Moline localizer, extending 10 miles west of the station and within 2 miles either side of the south course of the Moline radio range, extending from the radio range station to the intersection of the south course of the Moline radio range and the west course of the Moline localizer.

(117) *Muskegon, Mich., Airport Traffic Zone.* Within a 5 mile radius of the Muskegon County Airport and within 2 miles either side of the center line of the southeast course of the Muskegon, Mich., radio range, extending 10 miles southeast of the radio range station.

(118) *Pembina, N. Dak., Airport Traffic Zone.* Within a 5 mile radius of the Pembina Airport and within 2 miles either side of the center line of the south course of the Pembina, N. Dak., radio range, extending 10 miles south of the radio range station, excluding that portion which lies outside the continental limits of the United States.

(119) *Peoria, Ill., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the north course of the Peoria, Ill., radio range, extending 10 miles north of the radio range station.

(120) *Rochester, Minn., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the south course of the Rochester, Minn., radio range, extending 10 miles south of the radio range station.

(121) *Rockford, Ill., Airport Traffic Zone.* Within a 5 mile radius of the MacHesney Airport and within 2 miles either side of the center line of the southwest course of the Rockford, Ill., radio range, extending 10 miles southwest of the radio range station.

(122) *Romulus, Mich., Airport Traffic Zone.* Within a 5 mile radius of the Romulus Army Air Field and within 2 miles either side of the center line of the west course of the Romulus, Mich., radio range, extending to the Saline fan marker.

(123) *South Bend, Ind., Airport Traffic Zone.* Within a 5 mile radius of the Bendix Airport within 2 miles either side of the center line of the west course of South Bend, Ind., radio range, extending 10 miles west of the radio range station and within 2 miles either side of the center line of the east course of South Bend radio range, extending to the Union intersection (intersection of north course of Goshen radio range, Goshen, Ind., and east course of South Bend, Ind., radio range).

(124) *Springfield, Ill., Airport Traffic Zone.* Within a 5 mile radius of the Springfield Airport and within 2 miles either side of the center line of the northwest course of the Springfield, Ill., radio range, extending 10 miles northwest of the radio range station.

(125) *Terre Haute, Ind., Airport Traffic Zone.* Within a 5 mile radius of Hulman Field and within 2 miles either side of the center line of the west course of Terre Haute, Ind., radio range, extending 10 miles west of the radio range station.

(126) *Toledo, Ohio, Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the south course of the Toledo, Ohio, radio range, extending to the Bowling Green fan marker.

(127) *Youngstown, Ohio, Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the north course of the Youngstown, Ohio, radio

range, extending 10 miles north of the radio range station.

(128) *Ypsilanti, Mich., Airport Traffic Zone.* Within a 5 mile radius of Willow Run Airport within 2 miles either side of a line 275° magnetic and toward the station, extending 5 miles beyond the circular area and within 2 miles either side of a line 65° magnetic and toward the station, extending 5 miles beyond the circular area.

(129) *Bowling Green, Ky., Airport Traffic Zone.* Within a 5 mile radius of Bowling Green, Ky., Airport and within 2 miles either side of the center line of the southeast course of Bowling Green radio range, extending 10 miles southeast of the radio range station.

(130) *Atlanta, Ga., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport, within 2 miles either side of the center line of the southeast course of the Atlanta, Ga., radio range, extending to the Jonesboro fan marker and within 2 miles either side of the center line of the northwest course of the Atlanta radio range, extending 10 miles northwest of the radio range station.

(131) *Augusta, Ga., Airport Traffic Zone.* Within a 5 mile radius of Daniel Field and within 2 miles either side of the center line of the southwest course of the Augusta, Ga., radio range, extending 10 miles southwest of the radio range station.

(132) *Biloxi, Miss., Airport Traffic Zone.* Within a 5 mile radius of Keesler Field and within 2 miles either side of the center line of the northeast course of Keesler Field radio range, extending 5 miles northeast of the radio range station.

(133) *Birmingham, Ala., Airport Traffic Zone.* Within a 5 mile radius of Birmingham Airport and within 2 miles either side of the center line of the north course of the Birmingham, Ala., radio range, extending 10 miles north of the Birmingham, Ala., radio range station.

(134) *Charleston, S. C., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the northwest course of the Charleston, S. C., radio range, extending to the Summerville fan marker.

(135) *Charlotte, N. C., Airport Traffic Zone.* Within a 5 mile radius of Douglas Airport and within 2 miles either side of the center line of the south course of Charlotte, N. C., radio range, extending 5 miles south of the radio range station.

(136) *Chattanooga, Tenn., Airport Traffic Zone.* Within a 5 mile radius of Lovell Field and within 2 miles either side of the center line of the northeast course of the Chattanooga, Tenn., radio range, extending 10 miles northeast of the radio range station.

(137) *Columbia, S. C., Airport Traffic Zone.* Within a 5 mile radius of Lexington County Airport and within 2 miles either side of the center line of the east and west courses of the Columbia, S. C., radio range, extending 5 miles east of the radio range station.

(138) *Crestview, Fla., Airport Traffic Zone.* Within a 5 mile radius of Crestview Airport and within 2 miles either side of the center line of the east course of Crestview, Fla., radio range, extending 10 miles east of the radio range station.

(139) *Cress City, Fla., Airport Traffic Zone.* Within a 5 mile radius of Cress City Airport and within 2 miles either side of the center line of the southeast course of Cress City, Fla., radio range, extending 10 miles southeast of the radio range station.

(140) *Daytona Beach, Fla., Airport Traffic Zone.* Within a 5 mile radius of Daytona Beach Airport and within 2 miles either side of the center line of the west course of Daytona Beach, Fla., radio range, extending 10 miles west of the radio range station.

(141) *Dothan, Ala., Airport Traffic Zone.* Within a 5 mile radius of Dothan Airport and within 2 miles either side of the center line of the southwest course of Dothan, Ala., radio range, extending 10 miles southwest of the radio range station.

(142) *Florence, S. C., Airport Traffic Zone.* Within a 5 mile radius of Florence Airport and within 2 miles either side of the center line of the east course of Florence, S. C., radio range, extending 10 miles southeast of the radio range station.

(143) *Fort Myers, Fla., Airport Traffic Zone.* Within a 5 mile radius of Page Field and within 2 miles either side of the center line of the southwest course of Fort Myers, Fla., radio range, extending 10 miles southwest of the radio range station.

(144) *Greensboro, N. C., Airport Traffic Zone.* Within a 5 mile radius of the Greensboro-High Point Airport and within 2 miles either side of the center line of the northeast course of the Greensboro, N. C., radio range, extending 10 miles northeast of the radio range station.

(145) *Greenville, S. C., Airport Traffic Zone.* Within a 5 mile radius of the Greenville Airport and within 2 miles either side of the center line of the south course of Greenville, S. C., radio range, extending 10 miles south of the radio range station.

(146) *Greenwood, Miss., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the east course of Greenwood, Miss., radio range, extending 10 miles east of the radio range station.

(147) *Jack's Creek, Tenn., Airport Traffic Zone.* Within a 5 mile radius of Jack's Creek Intermediate Field and within 2 miles either side of the center line of the north course of Jack's Creek, Tenn., radio range, extending 10 miles north of the radio range station.

(148) *Jackson, Miss., Airport Traffic Zone.* Within a 5 mile radius of Jackson Airport and within 2 miles either side of the center line of the north course of Jackson, Miss., radio range, extending to the Flora fan marker.

(149) *Jacksonville, Fla., Airport Traffic Zone.* Within a 5 mile radius of Municipal Airport No. 1 and within 2 miles either side of the center line of the east course of Jacksonville, Fla., radio range, extending to the Fort George Island fan marker.

(150) *Key West, Fla., Airport Traffic Zone.* Within a 5 mile radius of Meacham Airport and within 2 miles either side of the center line of the west course of Key West, Fla., radio range, extending 10 miles west of the radio range station.

(151) *Knoxville, Tenn., Airport Traffic Zone.* Within a 5 mile radius of the McGhee-Tyson Airport and within 2 miles either side of the center line of the north course of Knoxville, Tenn., radio range, extending 10 miles north of the radio range station.

(152) *Macon, Ga., Airport Traffic Zone.* Within a 5 mile radius of Herbert Smart Airport and within 2 miles either side of the center line of the northeast and southwest courses of the Macon, Ga., radio range, extending 10 miles northeast of the radio range station.

(153) *Melbourne, Fla., Airport Traffic Zone.* Within a 5 mile radius of Melbourne Airport and within 2 miles either side of the center line of the north course of Melbourne, Fla., radio range, extending 10 miles north of the radio range station.

(154) *Memphis, Tenn., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the south course of Memphis, Tenn., radio range, extending to the Nesbitt fan marker.

(155) *Meridian, Miss., Airport Traffic Zone.* Within a 5 mile radius of Key Field and within 2 miles either side of the center line of the northwest course of Meridian, Miss., radio range, extending 10 miles northwest of the radio range station.

(156) *Miami, Fla., Airport Traffic Zone.* Within a 5 mile radius of Miami International Airport and within 2 miles either side of the center line of the east course of Miami, Fla., radio range, extending to the Miami Bay Shore fan marker.

(157) *Mobile, Ala., Airport Traffic Zone.* Within a 5 mile radius of Bates Field, within 2 miles either side of a direct line between Bates Field and Mobile radio range station and within 2 miles either side of the center line of the northeast course of Mobile, Ala., radio range, extending 10 miles northeast of the radio range station.

(158) *Mobile, Ala., Airport Traffic Zone.* Within a 5 mile radius of Brookley Field and within 2 miles either side of the center line of the northwest course of Mobile, Ala., radio range, extending 10 miles northwest of the radio range station.

(159) *Montgomery, Ala., Airport Traffic Zone.* Within a 5 mile radius of Maxwell Field, and within 2 miles either side of the center line of the west course of Maxwell radio range, extending 10 miles west of the radio range station.

(160) *Muscle Shoals, Ala., Airport Traffic Zone.* Within a 5 mile radius of Muscle Shoals Airport and within 2 miles either side of the center line of the southeast course of Muscle Shoals radio range, extending 10 miles southeast of the radio range station.

(161) *Nashville, Tenn., Airport Traffic Zone.* Within a 5 mile radius of Berry Field and within 2 miles either side of the center line of the east course of Nashville, Tenn., radio range, extending to the Mount Juliet fan marker.

(162) *Orlando, Fla., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the northeast course of Orlando, Fla., radio range, extending 10 miles northeast of the radio range station.

(163) *Pensacola, Fla., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center line of the south course of Pensacola, Fla., radio range, extending 10 miles south of the radio range station.

(164) *Raleigh, N. C., Airport Traffic Zone.* Within a 5 mile radius of Raleigh-Durham Airport and within 2 miles either side of the center line of the southeast course of Raleigh, N. C., radio range, extending 10 miles southeast of the radio range station.

(165) *Savannah, Ga., Airport Traffic Zone.* Within a 5 mile radius of Hunter Field and within 2 miles either side of the center line of the southwest course of Savannah, Ga., radio range, extending to Richmond Hill fan marker.

(166) *Spartanburg, S. C., Airport Traffic Zone.* Within a 5 mile radius of Memorial Airport and within 2 miles either side of the center line of the southwest course of Spartanburg, S. C., radio range, extending 10 miles southwest of the radio range station.

(167) *Tallahassee, Fla., Airport Traffic Zone.* Within a 5 mile radius of Dale Mabry Field and within 2 miles either side of the center line of the northwest course of Tallahassee, Fla., radio range, extending 10 miles northwest of the radio range station.

(168) *Tampa, Fla., Airport Traffic Zone.* Within a 5 mile radius of Drew Field, within 2 miles either side of a direct line between Drew Field and Tampa, Fla., radio range station, and within 2 miles either side of the center line of the south course of Tampa radio range, extending 10 miles south of the radio range station.

(169) *Tri City, Tenn., Airport Traffic Zone.* Within a 5 mile radius of the Tri City Airport and within 2 miles either side of the center line of the northeast course of Tri City, Tenn., radio range, extending 10 miles northeast of the radio range station.

(170) *West Palm Beach, Fla., Airport Traffic Zone.* Within a 5 mile radius of Morrison Field and within 2 miles either side of the center line of the west course of West Palm Beach, Fla., radio range, extending 10 miles west of the radio range station.

(171) *Winston-Salem, N. C., Airport Traffic Zone.* Within a 5 mile radius of Smith-Reynolds Airport and within 2 miles either side of the center line of the southeast and northwest courses of Winston-Salem radio range, extending 10 miles southeast of the radio range station.

(172) *Alma, Ga., Airport Traffic Zone.* Within a 5 mile radius of Alma Intermediate Field and within 2 miles either side of the center line of the northwest course of the Alma, Ga., radio range, extending 10 miles northwest of the radio range station.

(173) *Bakersfield, Calif., Airport Traffic Zone.* Within a 5 mile radius of the Bakersfield-Kern County Airport and within 2 miles either side of the center line of the northwest course of Bakersfield, Calif., radio range, extending 11 miles northwest of the radio range station.

(174) *Burbank, Calif., Airport Traffic Zone.* Within a 5 mile radius of Lockheed Air Terminal, within 2 miles either side of the center line of the northwest course of Burbank radio range, extending to the Simi intersection (intersection of northwest course of Burbank radio range and southwest course of Newhall radio range, Newhall, Calif.), within 2 miles either side of the center line of the southwest course of Newhall radio range, extending to and including the area within a 2 mile radius of Newhall radio range station and within 2 miles either side of the center line of the southeast course of Newhall radio range, extending to the intersection of northwest course of Burbank radio range and northwest course of Los Angeles radio range, Los Angeles Calif.

(175) *El Centro, Calif., Airport Traffic Zone.* Within a 5 mile radius of the El Centro, Calif., Naval Air Station and within a 2 mile radius of El Centro radio range station.

(176) *Fresno, Calif., Airport Traffic Zone.* Within a 5 mile radius of Chandler Airport and within 2 miles either side of the center line of the southeast course of Fresno, Calif., radio range, extending 15 miles southeast of the radio range station.

(177) *Las Vegas, Nevada, Airport Traffic Zone.* Within a 5 mile radius of McCarran Field and within 2 miles either side of the center line of the northeast course of the Las Vegas, Nev., radio range, extending to Crystal fan marker.

(178) *Long Beach, Calif., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport (Daugherty Field), within 2 miles either side of the center line of the southeast course of Long Beach radio range, extending to Huntington Beach fan marker, within 2 miles either side of the center line of the northeast course of Long Beach radio range, extending to La Habra intersection (intersection east course of Los Angeles radio range and northeast course of Long Beach radio range), within 2 miles either side of the center line of the southeast course of Long Beach radio range extending to San Pedro intersection (intersection southwest course of Long Beach radio range and southwest course of Los Angeles radio range), within 2 miles either side of the center line of the southeast course of Los Angeles radio range from San Pedro intersection, extending to the Los Angeles Airport Traffic Zone and within 2 miles either side of the center line of the northwest course of Long Beach radio range, extending to Los Angeles Airport Traffic Zone.

(179) *Los Angeles, Calif., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport (Minos Field), within 2 miles either side of the center line of the east course of the Los Angeles radio range, extending to La Habra intersection and within 2 miles either side of the center line of the northwest course of Los Angeles radio range, extending to the Burbank Airport Traffic Zone.

(180) *Oakland, Calif., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport within 2 miles either side of the center line of the southeast course of the Oakland, Calif., radio range, extending to Newark fan marker, within 2 miles either side of the center line of the northwest course of Oakland radio range, extending to Richmond intersection (intersection northwest course of Oakland radio range and southwest course of Fairfield radio range, Fairfield, Calif.), within 2 miles either side of the center line of the northeast course of Oakland radio range, extending to Bay Point fan marker and within 2 miles either side of the center line of the southwest course of Oakland radio range, extending 6.25 miles southwest of the radio range station.

(181) *Ogden, Utah, Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport (Hinckley Field), within 2 miles either side of the center line of the north course of Ogden radio range, extending to Corinne fan marker, within 2 miles either side of the center line of the east course of Ogden radio range, extending to Huntsville fan marker, within 2 miles either side of the center line of the south course of Ogden radio range, extending to Layton fan marker and within 2 miles either side of the center line of the west course of Ogden radio range, extending 19 miles west of the radio range station.

(182) *Palmdale, Calif., Airport Traffic Zone.* Within a 3 mile radius of the Palmdale Airport and within 2 miles either side of the center line of the northeast course of Palmdale, Calif., radio range, extending 10 miles northeast of the radio range station.

(183) *Phoenix, Ariz., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport (Sky Harbor) and within 2 miles either side of the center line of the east course of Phoenix, Ariz., radio range, extending to Mesa fan marker.

(184) *Prescott, Ariz., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport (Ernest Love Field) and within 2 miles either side of the center line of the southeast course of Prescott, Ariz., radio range to and including the area within a 2 mile radius of Prescott radio range station.

(185) *Sacramento, Calif., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport and within 2 miles either side of the center lines of all courses of Sacramento radio range, extending 10 miles in each direction from the radio range station.

(186) *San Diego, Calif., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport (Lindbergh Field), within 2 miles either side of the center line of the north course of San Diego, Calif., radio range, extending to Oceanside fan marker, within 2 miles either side of the center line of the south course of San Diego, Calif., radio range, extending to Coronado fan marker and within 2 miles either side of the center line of the west course of San Diego

radio range, extending 10 miles west of the radio range station.

(187) *San Francisco, Calif., Airport Traffic Zone.* Within a 5 mile radius of the Municipal Airport (Mills Field), within 2 miles either side of the center line of the southeast course of San Francisco, Calif., radio range, extending to Belmont fan marker, within 2 miles either side of the center line of the northeast course of San Francisco radio range, extending 6.25 miles northeast of the radio range station and within 2 miles either side of the center line of the northwest course of the San Francisco radio range, extending to Golden Gate intersection (intersection northwest course of San Francisco radio range and southwest course of Fairfield radio range).

(188) *Salt Lake City, Utah, Airport Traffic Zone.* Within a 5 mile radius of Municipal Airport No. 1, within 2 miles either side of the center line of the north course of Salt Lake City, Utah radio range, extending to Layton fan marker and within 2 miles either side of the center line of the west course of the Salt Lake City radio range, extending 10 miles west of the radio range station.

§ 601.9 *Designation of radio fixes.* The following locations are designated as radio fixes:

(a) *Green civil airways—Green civil airway No. 1 (United States-Canadian Border to Forest City, Maine).* No radio fix designation.

(2) *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur D'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station; Superior, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; Bozeman, Mont., radio range station; Billings, Mont., radio range station; Miles City, Mont., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; LaCrosse, Wis., radio range station; Lone Rock, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; Wixom, Mich., fan type radio marker station or the intersection of the north course of the Romulus, Mich. (Romulus Army Air Field), radio range and the east course of the Lansing, Mich., radio range; Romulus, Mich., radio range station; Buffalo, N. Y., radio range station; Rochester, N. Y., radio range station; the intersection of the northeast course of the Hartford, Conn., radio range and the southeast course of the Westfield, Mass., radio range; Franklin, Mass., fan type radio marker station or the intersection of the northeast course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range; Boston, Mass., radio range station.

(3) *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacramento, Calif., radio range station; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Elko, Nev., radio range station; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; Cheyenne, Wyo., radio range station; the intersection of the southeast course of the Scotts Bluff, Nebr., radio range and the west course of the North Platte, Nebr., radio range; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Joliet, Ill., radio range station; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; the intersection of the southeast course of the Romulus, Mich., radio range and the west course of the Cleveland, Ohio, radio range; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; Philipsburg, Pa., radio range station; the intersection of the east course of the Philipsburg, Pa., radio range and the south course of the Williamsport, Pa., radio range; Allentown, Pa., radio range station.

(4) *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* Los Angeles, Calif., radio range station; the intersection of the north course of the Los Angeles, Calif., radio range and the southwest course of the Palmdale, Calif., radio range or the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; Needles, Calif., radio range station; Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; El Morro, N. Mex., radio range station; Acomita, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; Lebo, Kans., radio range station; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the north course of the Dayton, Ohio, radio range and the west course of the Columbus, Ohio, range range; Columbus, Ohio, radio range station; the intersection of the west course of the Pittsburgh, Pa., radio range and the southeast course of the Cleveland, Ohio, radio range; Pittsburgh, Pa., radio range station; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; Philadelphia, Pa., radio range station.

(5) *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).* Los Angeles, Calif., radio range station; Riverside, Calif., radio range station; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; Tucson, Ariz., radio range station; Rodeo, N. Mex., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; Memphis, Tenn., radio range station; Jack's Creek, Tenn., radio range station; Nashville, Tenn., radio range station; Smithville, Tenn., radio range station; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; Doncaster, Md., fan type radio marker station or the intersection of the northeast course of the Gordonsville, Va., radio range and the south course of the Washington, D. C., radio range; Brandywine, Md., radio range station; the intersection of the southeast course of the Baltimore, Md., radio range and the southwest course of the Millville, N. J., radio range; the intersection of the southeast course of the Hartford, Conn., radio range and the southwest course of the Boston, Mass., radio range.

(6) *Green civil airway No. 6 (Alice Tex., to Norfolk, Va.).* Alice, Tex., radio range station; Palacios, Tex., radio range station; the intersection of the southeast course of the Richmond, Tex., radio range and the southwest course of the Houston, Tex., radio range; Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station; New Orleans, La., radio range station; Mobile, Ala., radio range station; Maxwell Field, Ala., radio range station; Atlanta, Ga., radio range station; Spartansburg, S. C., radio range station; Greensboro, N. C., radio range station; Blackstone, Va., radio range station; Richmond, Va., radio range station.

(7) *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* Nome, Alaska, radio range station; Moses Point, Alaska, radio range station; Galena, Alaska, radio range station; the intersection of the west course of the Fairbanks, Alaska, radio range and the northwest course of the Nenana, Alaska, radio range; Fairbanks, Alaska, radio range station.

(8) *Green civil airway No. 8 (Attu, Alaska, to Northway, Alaska).* Attu, Alaska, radio range station; Sheyma, Alaska, radio range station; Adak, Alaska, radio range station; the intersection of the west course of the Atak, Alaska, radio range and the northeast course of the Adak, Alaska, radio range; Atak, Alaska, radio range station; Umnak (North Shore), Alaska, radio range station; the intersection of the northeast course of the Umnak (North Shore), Alaska, radio range and the west course of the Cold Bay, (Randall), Alaska, radio range; Cold Bay (Randall), Alaska, radio range station; Heiden, Alaska, radio range station; Naknek, Alaska, radio range station; the intersection of the northeast course of the Naknek, Alaska, radio range and the southeast course of the Iliamna, Alaska, radio range; the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenia, Alaska, radio range; Homer, Alaska, radio range station; Kenia, Alaska, radio range station; Anchorage, Alaska, radio range station; the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentana, Alaska, radio range; Gulkana, Alaska, radio range station; Northway, Alaska, radio range station.

(b) *Amber Civil Airways—Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* San Diego, Calif., radio range station; Long Beach, Calif., radio range station; Bakersfield, Calif., radio range station; Fresno, Calif., the intersection of the northwest course of the Fresno, Calif., radio range and the southeast course of the Oakland, Calif., radio range; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; Everett, Wash., radio range station; Bellingham, Wash., radio range station; Annette Island, Alaska, radio range station; the intersection of the west course of the Annette Island, Alaska, radio range and the southwest course of the Sitka (Biorka Island), Alaska, radio range; Sitka (Biorka Island), Alaska, radio range station; the intersection of the northwest course of the Sitka (Biorka Island), Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range; Yakutat, Alaska, radio range station; Yakataga, Alaska, radio range station; Cordova (Hinchinbrook Island), Alaska, radio range station; the intersection of the northwest course of the Cordova (Hinchinbrook Island), Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; Skwentana, Alaska, radio range station.

(2) *Amber civil airway No. 2 (Long Beach, Calif., to Fairbanks, Alaska).* Silver Lake, Calif., radio range station; Las Vegas, Nev., radio range station; Enterprise, Utah, radio range station; Delta, Utah, radio range station; Salt Lake City, Utah radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; Dubois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Great Falls, Mont., radio range station; the Cut Bank, Mont., radio range station; Tanacross, Alaska, radio range station; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the south course of the Fairbanks, Alaska, radio range.

(3) *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).* The intersection of the east course of the Otto, N. Mex., radio range and the southwest course of the Las Vegas, N. Mex., radio range; Las Vegas, N. Mex., radio range station; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; Denver, Colo., radio range station; the intersection of the northeast course of the Laramie, Wyo., radio range and the north course of the Cheyenne, Wyo., radio range; Casper, Wyo., radio range station; Sheridan, Wyo., radio range station; Lewiston, Mont., radio range station.

(4) *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).* Brownsville, Tex., radio range station; Alice, Tex., radio range station; the Alamo, radio range station; San Antonio, Tex.; Spring Branch, Tex., fan type radio marker station or the intersection of the north course of the Alamo radio range; San Antonio, Tex., and the southwest course of the Austin, Tex., radio range; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the east course of the Granbury, Tex., radio range and the south course of the Fort Worth, Tex., radio range; Marietta, Tex., fan type radio marker station or the intersection of the north course of the Fort Worth, Tex., radio range and the south course of the Oklahoma City, Okla., radio range; Oklahoma City, Okla., radio range station; Tulsa, Okla., radio range station; Chanute, Kans., radio range station; St. Joseph, Mo., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station.

(5) *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wis.).* Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Advance, Mo., radio range station; Springfield, Ill., radio range station; the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range; Chicago, Ill., radio range station.

(6) *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* Jacksonville, Fla., radio range station; Alma, Ga., radio range station; Macon, Ga., radio range station; Chattanooga, Tenn., radio range station; Bowling Green, Ky., radio range station; Louisville, Ky., radio range station; Cincinnati, Ohio, radio range station.

(7) *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine).* Key West, Fla., radio range station; Miami, Fla., radio range station; Morrison Field, West Palm Beach, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; Florence, S. C., radio range station; Raleigh, N. C., radio range station; Washington, D. C., radio range station; the intersection of the northeast course of the Washington, D. C., radio range and the west course of the Baltimore, Md., radio range; Newark, N. J., radio range station; Portland, Maine, radio range station; Augusta, Maine, radio range station; Bangor, Maine, radio range station; Millinocket, Maine, radio range station; Presque Isle, Maine, radio range station.

(8) *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.).* Whitmore, Calif., radio range station; the Klamath Falls, Oreg., radio range station; the Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station.

(c) *Red civil airways—Red civil airway No. 1 (Portland, Oreg., to Kansas City, Mo.).* Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; Burley, Idaho, radio range station; Laramie, Wyo., radio range station; Salina, Kans., radio range station.

(2) *Red civil airway No. 2 (Butte, Mont., to Rapid City, S. Dak.).* Butte, Mont., radio range station.

(3) *Red civil airway No. 3 (Philipsburg, Pa., to Hartford, Conn.).* No radio fix designation.

(4) *Red civil airway No. 4 (Otto, N. Mex., to Las Vegas, N. Mex.).* No radio fix designation.

(5) *Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).* No radio fix designation.

(6) *Red civil airway No. 6 (Las Vegas, Nev., to Omaha, Nebr.).* St. George, Utah, VHF radio range station; Hanksville, Utah, VHF radio range station; Eagle, Colo., VHF radio range station; Akron, Colo., radio range station; Hayes Center, Nebr., radio range station; Lincoln, Nebr., radio range station.

(7) *Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).* Greenville, S. C., radio range station; Charlotte, N. C., radio range station.

(8) *Red civil airway No. 8 (Altoona, Pa., to Wilkes-Barre, Pa.).* No radio fix designation.

(9) *Red civil airway No. 9 (San Diego, Calif., to Winslow, Ariz.).* El Centro, Calif., radio range station; Gila Bend, Ariz., radio range station.

(10) *Red civil airway No. 10 (Trinidad, Colo., to Charleston, S. C.).* Wichita Falls, Tex., radio range station; Dallas, Tex., radio range station; Shreveport, La., radio range station; Monroe, La., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; Augusta, Ga., radio range station.

(11) *Red civil airway No. 11 (Tulsa, Okla., to Boston, Mass.).* The intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Joplin, Mo., radio range; Springfield, Mo., radio range station; Vichy, Mo., radio range station; the intersection of the northeast course of the Scotts Field, Ill., radio range and the northwest course of the Evansville, Ind., radio range; Evansville, Ind., radio range station; the intersection of the southeast course of the Albany, N. Y., radio range and the northeast course of the Westfield, Mass., radio range.

(12) *Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.).* Kirksville, Mo., radio range station; Burlington, Iowa, radio range station; the intersection of the north course of the Peoria, Ill., radio range and the northeast course of the Burlington, Iowa, radio range; South Bend., Ind., radio range station; the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Romulus, Mich., radio range.

(13) *Red civil airway No. 13 (Sunbury, Pa., to Boston, Mass.).* Wilkes-Barre, Pa., radio range station; Stewart Field, N. Y., radio range station; the intersection of the southwest course of the Boston, Mass., radio range and the west course of the Providence, R. I., radio range; Providence, R. I., radio range station.

(14) *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* Rockford, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range.

(15) *Red civil airway No. 15 (Las Vegas, Nev., to Gila Bend, Ariz.).* No radio fix designation.

(16) *Red civil airway No. 16 (Augusta, Ga., to Florence, S. C.).* Columbia, S. C., radio range station.

(17) *Red civil airway No. 17 (Fort Wayne, Ind., to Baltimore, Md.).* Baltimore, Md., radio range station.

(18) *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* Huntington, W. Va., radio range station; Charleston, W. Va., radio marker station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station.

(19) *Red civil airway No. 19 (Washington, D. C., to Grand Rapids, Mich.).* Fort Wayne, Ind., radio range station.

(20) *Red civil airway No. 20 (Lansing, Mich., to Chincoteague Island, Va.).* Akron, Ohio, radio range station; Martinsburg, W. Va., radio range station; the intersection of the southeast course of the Washington, D. C., radio range and the northeast course of the Patuxent River, Md. (Navy), radio range; the intersection of the southeast course of the Washington, D. C., radio range and the northeast course of the Norfolk, Va., radio range.

(21) *Red civil airway No. 21 (Lansing, Mich., to Newark, N. J.).* The intersection of the northeast course of the Pittsburgh, Pa., radio range and the north course of the Altoona, Pa., radio range.

(22) *Red civil airway No. 22 (United States-Canadian Border to Buffalo, N. Y.).* No radio fix designation.

(23) *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).* Elmira, N. Y., radio range station; the intersection of the southeast course of the Elmira, N. Y., radio range and the south course of the Syracuse, N. Y., radio range; the intersection of the northeast course of the Allentown, Pa., radio range and the northwest course of the New York, N. Y. (LaGuardia Field), radio range.

(24) *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).* No radio fix designation.

(25) *Red civil airway No. 25 (Tallahassee, Fla., to Miami, Fla.).* Tampa, Fla., radio range station; Fort Meyers, Fla., radio range station.

(26) *Red civil airway No. 26 (Syracuse, N. Y., to New York, N. Y.).* No radio fix designation.

(27) *Red civil airway No. 27 (Knoxville, Tenn., to United States-Canadian Border).* No radio fix designation.

(28) *Red civil airway No. 28 (Rockford, Ill., to Grand Rapids, Mich.).* The intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range; the intersection of the northeast course of the Chicago, Ill., radio range and the north course of the South Bend, Ind., radio range.

(29) *Red civil airway No. 29 (Rochester, N. Y., to Balimore, Md.).* Williamsport, Pa., radio range station.

(30) *Red civil airway No. 30 (Mobile, Ala., to Jacksonville, Fla.).* Crestview, Fla., radio range station; Tallahassee, Fla., radio range station.

(31) *Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.).* The intersection of the east course of the Cheyenne, Wyo., radio range and the southwest course of the Scottsbluff, Nebr., radio range; Scottsbluff, Nebr., radio range station; Rapid City, S. Dak., radio range station; Pierre, S. Dak., radio range station; Watertown, S. Dak., radio range station.

(32) *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).* Laredo, Tex., radio range station; San Antonio, Tex. (Kelly), radio range station.

(33) *Red civil airway No. 33 (Richmond, Va., to Boston, Mass.).* Arcola, Va., radio range station; the intersection of the northeast course of the Arcola, Va., radio range and the west course of the Baltimore, Md., radio range.

(34) *Red civil airway No. 34 (Pulaski, Va., to Raleigh, N. C.).* No radio fix designation.

(35) *Red civil airway No. 35 (Pueblo, Colo., to Wichita, Kans.).* La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station.

(36) *Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).* Rochester, Minn., radio range station.

(37) *Red civil airway No. 37 (Dallas, Tex., to Washington, D. C.).* Tyler, Tex., radio range station; Little Rock, Ark., radio range station.

(38) *Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).* The San Angelo, Tex., radio range station.

(39) *Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).* Bethel, Alaska, radio range station; Aniak, Alaska, radio range station; Minchumina, Alaska, radio range station; Nenana, Alaska, radio range station.

(40) *Red civil airway No. 40 (Shemya, Alaska, to Homer, Alaska).* Anchitka, Alaska, radio range station; the intersection of the southwest course of the Adak, Alaska, radio range and the southeast course of the Tanana, Alaska, radio range; the Kodiak, Alaska, radio range station.

(41) *Red civil airway No. 41 (Yakutat, Alaska, to Gustavus, Alaska).* Gustavus, Alaska, radio range station.

(42) *Red civil airway No. 42 (Joliet, Ill., to Lafayette, Ind.).* No radio fix designation.

(43) *Red civil airway No. 43 (Chicago, Ill., to Lafayette, Ind.).* No radio fix designation.

(44) *Red civil airway No. 44 (Bellingham, Wash., to United States-Canadian Border).* No radio fix designation.

(45) *Red civil airway No. 45 (Washington, D. C., to Allentown, Pa.).* No radio fix designation.

(46) *Red civil airway No. 46 (Oakland, Calif., to Sacramento, Calif.).* Fairfield-Suisun, Calif., radio range station.

(47) *Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).* Orlando, Fla., radio range station.

(48) *Red civil airway No. 48 (Missoula, Mont., to Livingston, Mont.).* No radio fix designation.

(49) *Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).* Wendover, Utah, radio range station.

(50) *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* Tanana, Alaska, radio range station.

(51) *Red civil airway No. 51 (El Paso, Tex., to Johnson's Ranch, Tex.).* No radio fix designation.

(52) *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).* Muscle Shoals, Ala., radio range station.

(53) [Unassigned.]

(54) *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* No radio fix designation.

(55) *Red civil airway No. 55 (Burlington, Iowa, to Joliet, Ill.).* The Peoria, Ill., radio range station.

(56) [Unassigned.]

(57) [Unassigned.]

(58) [Unassigned.]

(59) [Unassigned.]

(60) *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).* Stockton, Calif., radio range station.

(d) *Blue civil airways*—(1) *Blue civil airway No. 1 (Pendleton, Oreg., to Spokane, Wash.).* No radio fix designation.

(2) *Blue civil airway No. 2 (Birmingham, Ala., to Erie, Pa.).* Morgantown, W. Va., radio range station.

(3) *Blue civil airway No. 3 (Tallahassee, Fla., to Terre Haute, Ind.).* Cross City, Fla., radio range station; Dothan, Ala., radio range station.

(4) *Blue civil airway No. 4 (Boston, Mass., to United States-Canadian Border).* Burlington, Vt., radio range station; Concord, N. H., radio range station.

(5) *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).* Galveston, Tex., radio range station; the intersection of the northwest course of the Houston, Tex., radio range and the northeast course of the Richmond, Tex., radio range; Navasota, Tex., radio range station.

(6) *Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).* No radio fix designation.

(7) *Blue civil airway No. 7 (Fresno, Calif., to Hamilton Field, Calif.).* Hamilton Field, Calif., radio marker station.

(8) *Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).* Pembina, N. Dak., radio range station.

(9) *Blue civil airway No. 9 (Columbia, Mo., to United States-Canadian Border).* Duluth, Minn., radio range station.

(10) *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* No radio fix designation.

(11) *Blue civil airway No. 11 (Cleveland, Ohio, to Niagara Falls, N. Y.).* Erie, Pa., radio range station.

(12) *Blue civil airway No. 12 (The Dalles, Oreg., to Ellensburg, Wash.).* No radio fix designation.

(13) *Blue civil airway No. 13 (Houston, Tex., to Kansas City, Mo.).* The Joplin, Mo., radio range station.

(14) *Blue civil airway No. 14 (El Centro, Calif., to Bakersfield, Calif.).* No radio fix designation.

(15) *Blue civil airway No. 15 (Columbus, Ohio, to Erie, Pa.).* No radio fix designation.

(16) *Blue civil airway No. 16 (Dillon, Mont., to Helena, Mont.).* No radio fix designation.

(17) *Blue civil airway No. 17 (Millinocket, Maine, to Presque Isle, Maine).* No radio fix designation.

(18) *Blue civil airway No. 18 (Philadelphia, Pa., to Burlington, Vt.).* No radio fix designation.

(19) *Blue civil airway No. 19 (Melbourne, Fla., to Orlando, Fla.).* No radio fix designation.

(20) *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).* No radio fix designation.

(21) *Blue civil airway No. 21 (Pittsburgh, Pa., to Erie, Pa.).* The intersection of the northwest course of the Pittsburgh, Pa., radio range and the south course of the Youngstown, Ohio, radio range.

(22) *Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.).* No radio fix designation.

(23) [Unassigned.]

(24) [Unassigned.]

(25) *Blue civil airway No. 25 (Cordova, Alaska, to Big Delta, Alaska).* The intersection of the northeast course of the Cordova, Alaska, radio range and the southeast course of the Gulkana, Alaska, radio range.

(26) *Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).* Talkeetna, Alaska, nondirectional radio marker; Summit, Alaska, radio range station; the intersection of the northeast course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range.

(27) *Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).* The intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the Naknek, Alaska, radio range.

(28) *Blue civil airway No. 28 (Columbia, S. C., to Charleston, S. C.).* No radio fix designation.

(29) [Unassigned.]

(30) *Blue civil airway No. 30 (San Antonio, Tex., to Big Spring, Tex.).* The intersection of the west course of the San Antonio, Tex. (Alamo), radio range and the northwest course of the San Antonio, Tex. (Kelly), radio range.

(31) [Unassigned.]

(32) *Blue civil airway No. 32 (Seattle, Wash., to Fairbanks, Alaska).* No radio fix designation.

(33) *Blue civil airway No. 33 (Fort Wayne, Ind., to Toledo, Ohio).* No radio fix designation.

(34) *Blue civil airway No. 34 (Little Rock, Ark., to Tulsa, Okla.).* No radio fix designation.

(35) *Blue civil airway No. 35 (Kansas City, Mo., to Des Moines, Iowa).* No radio fix designation.

(36) *Blue civil airway No. 36 (Akron, Colo., to North Platte, Nebr.).* No radio fix designation.

(37) *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).* No radio fix designation.

(38) *Blue civil airway No. 38 (Annette Island, Alaska, to United States-Canadian Border).* Haines, Alaska, radio range station.

(39) [Unassigned.]

(40) *Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).* No radio fix designation.

(41) *Blue civil airway No. 41 (New York, N. Y., to United States-Canadian Border).* No radio fix designation.

(42) *Blue civil airway No. 42 (South Bend, Ind., to Battle Creek, Mich.).* Battle Creek, Mich., radio range station.

(43) *Blue civil airway No. 43 (Birmingham, Ala., to Nashville, Tenn.).* No radio fix designation.

(44) *Blue civil airway No. 44 (Memphis, Tenn., to Fort Wayne, Ind.).* No radio fix designation.

(45) *Blue civil airway No. 45 (Lake Charles, La., to Baton Rouge, La.).* No radio fix designation.

(46) *Blue civil airway No. 46 (Los Angeles, Calif., to Oakland, Calif.).* No radio fix designation.

This part, as revised herein, shall become effective July 1, 1947.

[SEAL] T. P. WRIGHT,
Administratbr of Civil Acronautics.

[F. R. Doc. 47-6112; Filed, June 27, 1947; 8:49 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary

CERTIFICATION OF ALLOCATION OF CERTAIN MATERIALS NECESSARY TO MEET INTERNATIONAL COMMITMENTS

Pursuant to subsection (e) of section 3 of the First Decontrol Act of 1947, it is hereby certified that the allocation of nitrogenous fertilizer materials for export is necessary to meet international commitments. The certificate issued by the undersigned on March 31, 1947 (12 F. R. 2155) is hereby amended by deleting the phrase therein, "allocation of ammonium nitrate for export," and substituting the following phrase in lieu thereof, "allocation of nitrogenous fertilizer materials for export."

Issued this 18th day of June 1947.

G. C. MARSHALL,
Secretary of State.
WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-6100; Filed, June 27, 1947; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-403]

PART 173—DOLL AND STUFFED TOY INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 24th day of June 1947.

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of June 28, 1947.

Statement by the Commission. Trade practice rules for the Doll and Stuffed Toy Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The rules are designed to prevent various unfair trade practices and to maintain fair competitive conditions in the industry, in the interest of the industry and the public, and in harmony wth the requirements of law.

Members of the industry are the persons, firms, corporations, and organizations engaged in the business of manufacturing, distributing, or selling dolls or stuffed toys, or parts and accessories for such articles. Aggregate sales of such products during 1946 approximated $56,000,000 at retail value.

Proceedings for establishment of the rules were instituted upon application from members of the industry. During the course of such proceedings, a general industry conference was held by the Commission in New York City on March 24, 1947, at which rules were proposed and considered by the industry. Thereafter, a draft of proposed rules in appropriate form was published by the Commission and made available to all interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or objections as they might desire to offer, and to be heard in the premises. Pursuant to the notice, such hearing was held on June 19, 1947, in Washington, D. C., and all matters presented, or otherwise received in the proceeding, were duly considered.

Thereupon, and after full consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the trade practice rules hereinafter appearing in Group I and Group II. Such rules become operative thirty (30) days after date of promulgation.

Being directed to the maintenance of fair competition, the rules do not permit of any agreement, understanding, combination, conspiracy, or concert of action between two or more members of the industry, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. Such rules likewise do not supplant, or relieve any member of the industry or other party of the necessity of complying with, whatever other provisions of regulations or law, Federal or State, may be applicable to the products or business of this industry.

NOTE: The term "dolls or stuffed toys," as used in these rules, shall be understood to include not only dolls and stuffed toys, but also parts and accessories therefor.

GROUP I

Sec.
173.0 General statement.
173.1 Imitation or simulation of trade-marks, trade names, etc.
173.2 Defamation of competitors or disparagement of their products.
173.3 Discrimination.
173.4 Unfair threats of infringement suits.
173.5 Commercial bribery.
173.6 Selling below cost.
173.7 Consignment distribution.
173.8 Enticing away employees of competitors.
173.9 Use of lottery schemes.
173.10 Combination or coercion to fix prices, suppress competition, or restrain trade.
173.11 Tie-in sales.
173.12 Deception in general.
173.13 Deception as to used material or merchandise.
173.14 Deception as to status of distributor.
173.15 Discriminatory returns.
173.16 False invoicing.

GROUP II

173.100 General statement.
173.101 Return of merchandise.
173.102 Arbitration.

AUTHORITY: §§ 173.1 to 173.102, inclusive, issued under 38 Stat. 717, as amended, 15 U. S. C. 41, et seq.

GROUP I

§ 173.0 *General statement.* The unfair trade practices embraced in § 173.0 to 173.16, inclusive, are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 173.1 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 1]

§ 173.2 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable business conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 2]

§ 173.3 *Discrimination—(a) Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* In the marketing in commerce[1] of dolls or stuffed toys of like grade and quality for use, consumption, or resale within the jurisdiction of the United States, and subject to subdivisions (i), (ii), and (iii) of subparagraph (1) of this paragraph, it is an unfair trade practice for any member of the industry engaged therein to discriminate in price between different purchasers where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with such industry member or with any person who knowingly receives the benefit of such discrimination or with their customers.

(1) The inhibitions against such discrimination in price shall be applicable irrespective of whether the discrimination in the price itself is effected in the form, or through the means, of rebates, refunds, discounts, credits, allowances, or other form of price differential, and whether such discounts, refunds, or other form of price differential, are given for early buying or are accomplished through false dating of deliveries or by any other means or in any other manner.

(i) However, nothing contained in this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which dolls or stuffed toys are sold or delivered to said purchasers.

(ii) Nor shall anything contained in this section prevent persons engaged in selling such products in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade.

(iii) Nor shall anything contained in this section prevent price changes from time to time where made in response to changing conditions affecting either (*a*) the market for the products concerned, or (*b*) the marketability of the products, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the products concerned.

(b) *Prohibited brokerage or commissions.* In the selling of dolls or stuffed toys in commerce,[1] it is an unfair trade practice for any member of the industry engaged therein to pay or grant, or to receive or accept, any commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of such products, either to the other party to such transaction or to an agent, representative, resident buyer, or other intermediary therein, where such agent, representative, resident buyer, or other intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* In the selling of dolls or stuffed toys in commerce[1] by any member of the industry, and in the course thereof, it is an unfair trade practice for such member to pay or contract for the payment of any advertising or promotional allowances or any other thing of value to or for the benefit of his customer as compensation or in consideration for certain services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers of such member competing in the distribution of such products.

(1) As used in this paragraph, the certain services or facilities referred to are such as are furnished by or through the customer in connection with the processing, handling, sale, or offering for sale, of such industry member's products.

(d) *Prohibited discrimination in services or facilities.* In the sale of dolls or stuffed toys bought for resale, with or without processing, it is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser by furnishing certain services or facilities upon terms not accorded to all purchasers on proportionally equal terms.

(1) The services or facilities referred to in this paragraph are such as are connected with the processing, handling, sale, or offering for sale, of the products purchased, and the term "furnishing" as used in this paragraph shall be construed as including contracting to furnish, and contributing to the furnishing of, the services or facilities.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry, in the course of commerce[1] in which he is engaged, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. [Rule 3]

§ 173.4 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 4]

§ 173.5 *Commercial bribery.* It is an unfair trade practice for a member of the industry to give, or offer to give, or permit or cause to be given, directly or indirectly, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase dolls or stuffed toys manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 5]

§ 173.6 *Selling below cost.* The practice of selling dolls or stuffed toys below the seller's cost, when pursued with wrongful intent of thereby injuring a competitor and where the effect of such practice is to unreasonably restrain trade, tend to create a monopoly, or substantially lessen competition, is an unfair trade practice.

This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and coupled with the effect of unreasonably restraining trade, tending to create a monopoly, or substantially lessening competition.

The costs referred to in this section are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 6]

§ 173.7 *Consignment distribution.* It is an unfair trade practice for any member of the industry to employ the practice of shipping dolls or stuffed toys on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, and with the effect of thereby injurying, destroying, or preventing competition, or tending to create a monopoly or to unreasonably restrain trade. However, nothing in this section shall be construed as restricting or preventing consignment shipping or marketing of dolls or stuffed toys in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected. [Rule 7]

§ 173.8 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided*, That nothing in this rule shall be construed as prohibiting employees or agents from seeking or obtaining more favorable employment. [Rule 8]

§ 173.9 *Use of lottery schemes.* It is an unfair trade practice for any member of the industry to sell, distribute, or promote the sale or distribution of dolls or stuffed toys by means of a game of chance, gift enterprise, or lottery scheme. [Rule 9]

§ 173.10 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is an unfair trade practice for a member of the industry, or any other person:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 10]

§ 173.11 *Tie-in sales.* The practice of coercing or requiring the purchase of one or more products as a prerequisite or condition to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 11]

§ 173.12 *Deception in general.* It is an unfair trade practice for any member of the industry to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, designation, or representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public:

(a) With respect to the grade, quality, quantity, weight, size, type, kind, brand, color, design, characteristics, workmanship, construction, composition, material, finish, washability, sanitary properties, performance, durability, or origin of any doll or stuffed toy; or

(b) With respect to the price, value, or terms or conditions of sale, of any doll or stuffed toy; or

(c) With respect to the manufacture, distribution, or marketing of any such product; or

(d) In any other material respect. [Rule 12]

§ 173.13 *Deception as to used material or merchandise.* (a) It is an unfair trade practice to sell, offer for sale, advertise, or otherwise represent, directly or indirectly, any doll or stuffed toy as being new when such product is not in fact new or is not composed wholly of new parts and materials.

(b) In the marketing of dolls or stuffed toys containing used or secondhand parts, materials or accessories, it is an unfair trade practice to fail or refuse to make full and nondeceptive disclosure, by tag or label attached to the merchandise and in all advertising and trade promotional literature, of the fact that such dolls or stuffed toys, or parts or materials or accessories, are not new but are used or secondhand, such failure or refusal to disclose having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public.

(c) Nothing in this section shall be construed as permitting the sale or distribution of dolls or stuffed toys which contain any unsanitary materials. [Rule 13]

§ 173.14 *Deception as to status of distributor.* The practice by a member of the industry of selling or marketing dolls or stuffed toys through a pretended independent distributor, in such manner or under such circumstances as to lead purchasers or prospective purchasers to believe that such distributor is independent of such industry member when such is not the fact, is an unfair trade practice. [Rule 14]

§ 173.15 *Discriminatory returns.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one customer-purchaser against another customer-purchaser of dolls or stuffed toys, bought from such member for resale, by contracting to furnish, or furnishing in connection therewith, upon terms not accorded to all customer-purchasers on proportionally equal terms, the service or facility whereby such favored purchaser is accorded the privilege of returning products so purchased and receiving therefor credit or refund of purchase price.

However, nothing in §§ 173.1 to 173.16, inclusive, shall be construed as prohibiting the return of merchandise by purchasers for credit or refund of purchase price because such merchandise is defective in material, workmanship, or in any other respect, contrary to guarantee, warranty, or purchase contract. [Rule 15]

§ 173.16 *False invoicing.* Withholding from or inserting in an invoice, billing, or statement any material information by reason of which omission or insertion a false record is made, wholly or in part, of the transaction which such invoice, billing, or statement purports to represent, with the effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 16]

GROUP II

§ 173.100 *General statement.* Compliance with trade practice provisions embraced in §§ 173.101 and 173.102 is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not per se constitute violation of law. Where, however, the practice of not complying with § 173.101 or § 173.102 is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of §§ 173.1 to 173.16, inclusive.

§ 173.101 *Return of merchandise.* The practice, by members of the industry, of selling any doll or stuffed toy and later permitting the purchaser to return it for credit or refund of purchase price,

[1] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States".

[1] See footnote on p. 4226.

without just cause, creates waste and loss, increases the cost of doing business to the detriment of both the industry and the public, and is condemned by the industry, subject, however, to the requirements and limitations set forth in the provisions of §§ 173.3 and 173.15.

§ 173.102 *Arbitration.* The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to arbitration.

Promulgated and issued by the Federal Trade Commission June 28, 1947.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 47-6092; Filed, June 27, 1947; 8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

CERTIFICATION OF ALLOCATION OF CERTAIN MATERIALS NECESSARY TO MEET INTERNATIONAL COMMITMENTS

CROSS REFERENCE: For certification of allocation of certain materials necessary to meet international commitments see Title 15, Subtitle A, *supra.*

TITLE 24—HOUSING CREDIT

Chapter I—Federal Home Loan Bank Administration

[Bulletin 88]

PART 4—OPERATIONS OF THE BANKS

DEPOSITS FROM MEMBERS

JUNE 25, 1947.

Notice having been duly given pursuant to 24 C. F. R. 8.3 (c), of the proposed amendment of 24 C. F. R. 4.1 (f), said amendment is hereby adopted effective June 28, 1947, as follows:

§ 4.1 *General powers.* • • •

(f) *Deposits from members.* (1) Banks may accept demand deposits from members, but no interest shall be paid thereon. At least 25% of such funds on deposit shall be reserved in the form of cash and/or U. S. Treasury Bills. The remaining 75% of such funds on deposit shall be invested within the provisions of section 11 (g) of the act. The Governor may, in his discretion, upon the application of a Bank, waive all or a part of these reserve requirements, subject to the provisions of the Federal Home Loan Bank Act, as now or hereafter amended. Immediate withdrawal may be permitted in the form of the check of the Bank or as otherwise authorized from time to time by order of the Federal Home Loan Bank Administration.

(2) Banks may accept time deposits from members but shall reserve the right to require, in writing, thirty days' notice of intention to withdraw such deposits or any part thereof. At least 25% of such funds on deposit shall be reserved in the form of cash and/or U. S. Treasury Bills. The remaining 75% of such funds on deposit shall be invested within the provisions of section 11 (g) of the act. The Governor may, in his discretion, upon the application of a Bank, waive all or a part of these reserve requirements, subject to the provisions of the Federal Home Loan Bank Act, as now or hereafter amended. The rates of interest to be paid on such deposits as remain unwithdrawn for periods of thirty days or more may be established by the board of directors of each Bank, within the ranges established by the Federal Home Loan Bank Administration. Withdrawals of such deposits shall be in the form of the check of the Bank, or in such other manner as may from time to time be authorized by order of the Federal Home Loan Bank Administration.

(3) As used in subparagraphs (1) and (2) of this paragraph, the word "cash" shall not include deposits in any other Bank.

(Secs. 11 (e), 11 (g), 12, 16, 47 Stat. 733, 735, 736, 60 Stat. 237; 12 U. S. C. 1431 (e), 1431 (g), 1432, 1436)

[SEAL] HAROLD LEE,
Governor.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 47-6125; Filed, June 27, 1947; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 339]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding thereto the following commodities:

Dept. of Com. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
	Petroleum products:			
501325	Blending agents or anti-knock compounds of petroleum origin.	Gls....	$100	$100
501600	Aviation Motor Fuel...	Bbls..	1,000	1,000
501700	Other Motor Fuel and Gasoline.	Bbls..	1,000	1,000
502700	Kerosene.....	Bbls..	1,000	1,000
503000	Gas, Oil and Distillate Fuel Oil.	Bbls..	1,000	1,000
503400	Residual fuel oil.....	Bbls..	1,000	1,000

This amendment shall become effective June 30, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: June 25, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-6110; Filed, June 27, 1947; 8:49 a. m.]

[Amdt. 338]

PART 802—GENERAL LICENSES

SHIPMENTS OF LIMITED VALUE

Section 802.10 *Shipments of limited value "GLV"* is amended to read as follows:

§ 802.10 *Shipments of limited value "GLV"*—(a) *Purpose and symbol.* The general license for shipments of limited value "GLV" authorizes the exportation from the United States without a validated export license of shipments falling within certain specified value limits. In making shipments under this general license the exporter must note the symbol GLV on the Shipper's Export Declaration to certify that his shipment conforms to the provisions of this general license.

(b) *Definitions and interpretations.* The following definitions and interpretations are applicable to this general license:

(1) "Single shipment" means the shipment of all commodities which move at the same time from one exporter to one importer on the same exporting carrier.

(2) "Net value" means the actual selling price less shipping charges or the current market price to the same type of purchaser in the United States, whichever is the larger.

(3) "One importer" is interpreted as follows: For exportation under the provisions of general license GLV, not more than the amount authorized under this general license may be exported in a single shipment from a designated exporter to a designated consignee or to an intermediate consignee even though such shipment is to be forwarded to one or more ultimate consignees.

(c) *General provisions.* (1) Subject to the special provisions for Mexico set forth in paragraph (d) of this section, all commodities included in the list of commodities set forth in § 801.2 of this chapter which have a dollar value specified may be exported to Group K destinations, or to Group E destinations where, in a single shipment, the net value of the commodities classified in a single entry in the Positive List does not exceed the specified dollar value limit in the columns headed "GLV Dollar Value Limits Country Group K" or "GLV Dollar Value Limits Country Group E," whichever is applicable.

(2) Commodities not included in the list of commodities set forth in § 801.2 of this chapter may be exported to Group K destinations without value limit under the general license set forth in § 802.7. Such commodities may be exported under general license GLV to Group E destinations where, in a single shipment, the net value of all the commodities classified under a single Schedule B number does not exceed $25.

(3) Commodities licensed by other government agencies and commodities included in the list of commodities set forth in § 801.2 of this chapter with the word "none" in the country group under the column headed "GLV Dollar Value Limits" may not be exported under this general license.

(4) Where an asterisk precedes the dollar value limit for any commodity in the list of commodities set forth in § 801.2 of this chapter, all forms, conversions and derivatives of such commodity, even though not covered by the Schedule B number for the entry, are included in the value specified.

(d) *Special provisions for Mexico.* (1) Exportations to Mexico under the provisions of general license "GLV" are permitted only when such shipments are made in conformity with one of the following two conditions:

(i) The shipment is a "single shipment" as defined in paragraph (b) of this section, provided that such shipment is transported by a common carrier or is a mail shipment; or

(ii) If the shipment is not a mail shipment or is transported otherwise than by a common carrier not more than one such shipment may be made by or on behalf of the same exporter to or for the account of the same ultimate consignee during the same calendar week.

(2) Any person making an exportation to Mexico under this general license which is not a mail shipment and which is to be transported otherwise than by common carrier shall enter on his Shipper's Export Declaration covering such shipment a certification in the following form:

The undersigned certifies to the Department of Commerce that the merchandise above described is the only shipment of the commodity(ies) classified under the Schedule B number(s) set forth herein to be exported under the provisions of general license "GLV" by the undersigned exporter to the consignee named herein during the current calendar week.

Signed

(3) Collectors of Customs are authorized to limit or prevent altogether the exportation of any commodity to Mexico under this general license whenever they shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading any of the regulations of the Department of Commerce.

(4) In any case where the Collector of Customs determines that the limitations in subdivision (ii) of subparagraph (1) of this paragraph would create an unnecessary hardship or that an emergency exists in a particular case, he is authorized to permit more than one such shipment in a calendar week under this general license: *Provided*, That the value of each such shipment does not exceed the value limitation provided for the commodities included in such shipment under this general license.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; 50 U. S. C. App. & Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: June 19, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-6109; Filed, June 27, 1947; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8184]

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

PART 43—REPORTS (RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.)

REPORTS OF CHANGES IN DEPRECIATION RATES OF COMMUNICATION COMMON CARRIERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the matter of rules and regulations concerning reports of changes in depreciation rates of communication common carriers;

It appearing, that on May 8, 1947, the Commission adopted a notice of proposed rule making which was distributed among interested parties and published in the FEDERAL REGISTER on May 24, 1947 (12 F. R. 3360), setting forth the proposed addition of a new section, § 43.43, to Part 43 (Reports) of the Commission's rules and regulations, as described in that notice, and the proposed rescission of Commission Order No. 100 (7 F. R. 4277) and § 1.551, and providing for comment upon such proposal by any interested person;

It further appearing, that the period in which interested persons were afforded an opportunity to submit comment expired on June 15, 1947, and the Commission has not received any comments in opposition to the said proposal;

It further appearing, that since many carriers make changes in depreciation rates on July 1, and since representatives of the carriers participated in the formulation of the proposed rule and no carrier has expressed any opposition thereto, the Commission finds that both the public interest and the interest of the carriers will best be served by making this order effective less than thirty days after publication thereof in the FEDERAL REGISTER as required by section 4 (c) of the Administrative Procedure Act.

It is ordered, That § 43.43 is added to Part 43 (Reports) of the Commission's rules and regulations, as follows:

§ 43.43 *Reports of changes in depreciation rates.* (a) Each communication common carrier subject to the Communications Act of 1934, as amended, having annual operating revenues in excess of $250,000 shall, with respect to any proposed change in its depreciation rates, and at least sixty (60) days prior to the last day of the month in the accounts for which the effect of such change is first recorded, file with the Commission, in triplicate, the following information with respect to each depreciation rate proposed to be changed on or after the effective date of this section:

(1) A statement showing the class or subclass of plant to which applicable, the effective date of the proposed change, the rate in effect immediately before and after such change, and the corresponding service-life and net-salvage estimates;

(2) A general statement describing the method or methods employed in the development of the service-life and the net-salvage estimates, and the reasons for the proposed change in the rate.

(b) When the proposed change in rate applicable to any class or subclass of plant (1) amounts to twenty percent (20%) or more of the rate currently applied thereto, or (2) would have changed by one percent (1%) or more the aggregate annual depreciation charges for all depreciable plant if the new rate applicable to such class or subclass had been in effect during the preceding calendar year, the statements required in paragraph (a) of this section shall be supplemented by copies of supporting data, calculations, and charts underlying the service-life and net-salvage estimates. (If compliance with this requirement involves submittal of a large volume of data of a repetitive nature, an illustrative portion may be filed.)

(c) The foregoing statements shall be accompanied by a statement, likewise in triplicate, showing the expected net change in the annual depreciation charges resulting from the revised depreciation rates and indicating the basis of determining the expected net change.

It is further ordered, That Commission Order No. 100 is rescinded, and that § 1.551 of the Commission's rules and regulations is revised so as to make proper cross-reference to § 43.43, as follows:

§ 1.551 *Reports of changes in depreciation rates.* Carriers having annual operating revenues in excess of $250,000 shall file reports relating to changes in depreciation rates as required by § 43.43 of this chapter.

It is further ordered, That this order shall become effective July 1, 1947.

(Sec. 4 (i), 219 (b), 220 (b), 48 Stat. 1068, 1078, 1079; 47 U. S. C. 154 (i) 219 (b), 220 (b))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6114; Filed, June 27, 1947; 8:51 a. m.]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

UNLICENSED OPERATION OF INDUSTRIAL HEATING EQUIPMENT

In the matter of amendment of §§ 18.21 and 18.22 of Part 18 of the Commission's rules and regulations.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of June 1947;

The Commission having under consideration the revision of Part 18 of its rules and regulations which permits the unlicensed operation of industrial heating equipment manufactured and assembled on or after July 1, 1947, only if such equipment is covered by a certification of the manufacturer or a competent engineer, containing certain data with respect to the operation of such equipment; and

It appearing, that the Commission having determined from available information that the public interest would be served by permitting the temporary certification on a tentative basis of industrial heating equipment manufactured during the period July 1, 1947 through December 31, 1947; and

It further appearing, that the proposed amendments to the Commission's rules and regulations are designed to relax certain requirements contained therein, which requirements will be effective on June 30, 1947, and that compliance with the provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, convenience and necessity;

It is ordered, effective June 30, 1947, that the following proviso be added to §§ 18.21 and 18.22 of Part 18 of the Commission's rules and regulations: "*Provided*, That the certification required by this section may, for equipment manufactured and assembled during the period July 1, 1947 to December 31, 1947, be tentative in nature stating that tests sufficient to make the full certification required above have not been completed but that certain tests have been completed upon the basis of which it is believed that the equipment meets requirements of these rules and regulations. No such tentative certification shall be valid for a period in excess of six months from the date of tentative certification or beyond March 31, 1948. Any such tentative certification, to be valid, shall also contain a guarantee of the certifier to give the full certification required by this section, within the period during which the tentative certification is valid, and to make such changes and modifications in the equipment covered as may be necessary for the equipment to be entitled to such full certification."

[SEAL] FEREAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6124; Filed, June 27, 1947; 8:54 a. m.]

[Docket No. 8401]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the matter of an amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations;

It appearing that on May 28, 1947, the Commission adopted a notice of proposed rule making which was distributed among interested parties and published in the FEDERAL REGISTER on June 5, 1947 (12 F. R. 3676), setting forth a proposed amendment of Part 31 of the Commission's rules and regulations, as described in that notice, and providing for comment upon such proposal by any interested person;

It further appearing that the period in which interested persons were afforded an opportunity to submit comment expired on June 16, 1947, and that the Commission has not received any comments in opposition to the said proposal;

It further appearing that under section 220 (g) of the Communications Act of 1934, as amended, notice of alterations by the Commission in the required manner or form of keeping accounts shall be given by the Commission at least six months before the same are to take effect;

It is ordered, That effective January 1, 1948, Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations, is amended as set forth below.

Amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations as revised to August 1, 1946.[1]

1. Following § 31.01–9, insert the following new instruction:

§ 31.01–9a *Sequence of accounts.* The order in which the accounts are presented in this system of accounts is not to be considered as necessarily indicative of the order in which they will be scheduled at all times in reports to the Commission.

2. Amend § 31.1–13 (b) to read as follows:

(b) The necessary adjustments for the difference between (1) the face amount of bonds and other evidences of debt that have been reacquired and (2) the amounts actually paid for them plus the amounts of expenses incurred in connection with their reacquisition shall be included, when a debit, in account 413, "Miscellaneous debits to earned surplus," and when a credit, in account 402, "Miscellaneous credits to earned surplus." In the case of refinancing, amounts that ordinarily would thus be charged or credited to earned surplus may be made subject to amortization upon approval by the Commission in the specific instance.

3. Following § 31.1–13, paragraph (b), add new paragraphs as follows:

(c) The necessary adjustments for the difference between (1) the face amount of bonds and other evidences of debt that previously have been reacquired and are resold and (2) the amounts actually received for them less the amounts of expense incurred in connection with their resale shall be included when a debit in account 413, "Miscellaneous debits to earned surplus," and, when a credit, in account 402, "Miscellaneous credits to earned surplus."

(d) The necessary adjustments for the difference between (1) the book amount of capital stock that has been reacquired and (2) the amount actually paid for it plus the amounts of expense incurred in connection with its reacquisition shall be included in account 179, "Other capital surplus," except that the excess of a debit adjustment over the balance in account 179, applicable to capital stock of the same class, shall be charged to earned surplus: *And, provided further*, That a credit adjustment shall be included in earned surplus to the extent that any previous charges to earned surplus on account of transactions in the same class of stock have not been offset by previous credits to earned surplus on account of such transactions.

(e) The necessary adjustments for the difference between (1) the book amount of capital stock that previously has been reacquired and is resold, and (2) the amount actually received for it less the amounts of expense incurred in connection with its resale shall be included in account 179, "Other capital surplus," except that the excess of a debit adjustment over the balance in account 179, applicable to capital stock of the same class, shall be charged to earned surplus: *And provided further*, That a credit adjustment shall be credited to earned surplus to the extent that any previous charges to earned surplus on account of transactions in capital stock of the same class have not been offset by previous credits to earned surplus on account of such transactions.

(f) The company's records shall be so maintained that in reports to the Commission there may be shown the extent to which the surplus accounts have been charged and credited in connection with transactions in each class of capital stock.

4. Amend paragraph (e) of § 31.1–14 to read as follows:

(e) When capital stock which has been actually issued or assumed by the company is reacquired the proportion (based upon the relation of the amount of stock reacquired to the total amount of that particular class or series of stock outstanding before its reacquirement) of the balance in the discount and premium account with respect to the stock reacquired shall be cleared to account 179, "Other capital surplus," except that any excess of a debit amount over the balance in account 179, applicable to capital stock of the same class, shall be charged to earned surplus: *And, provided further*, That a credit amount shall be credited to earned surplus to the extent that any previous charges to earned surplus on account of transactions in capital stock of the same class have not been offset by previous credits to earned surplus on account of such transactions.

[1] For sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

5. Following § 31.1–17, insert a new section as follows:

§ 31.1–18 *Surplus.* (a) The accounts designated as capital surplus accounts are designed to show (1) paid-in surplus (i. e., proprietary contributions in excess of the stated capital included in the capital-stock accounts), (2) donated surplus (including (i) surplus created by donations of stock or assets by proprietary interests, and (ii) contributions of assets or forgiveness of debt by others) when the intent of the donor or bondholder is to increase the company's invested capital, (3) surplus arising from reacquisition or resale of, or otherwise trading in, the company's own capital stock, and (4) surplus arising from the reduction of the stated value of capital stock due to such occasions as retirement, reorganization, or recapitalization.

(b) The balance-sheet accounts designated as earned-surplus accounts are designed to show the accumulated undistributed surplus derived from the normal operations of the company and from all sources (including sales of fixed assets) other than those sources referred to in paragraph (a) of this section.

(c) Not later than April 1, 1948 (except as provided in note hereto), the company shall submit to the Commission a transcript of its capital-surplus account or accounts covering the entire period from inception to January 1, 1948, showing in detail the nature and amounts of charges and credits, respectively, and the balance that was or, if it had always been maintained, would have been in the account at the close of each year. The transcript shall be accompanied by a summary statement in which the charges and credits for the entire period covered by the transcript have been classified according to their nature and summarized to show the aggregate amount of each such classification as well as the aggregate amount of charges and credits, respectively, for the period and the resulting balance in the account or accounts at January 1, 1948.

NOTE: Where a segregation corresponding to account 179, "Other capital surplus," has not been maintained in the past and any credits which would have been made to that account are obviously exceeded by the charges which would have been made thereto, the company may file a certified statement, in lieu of the foregoing transcript and summary, specifying that as of December 31, 1947, the balance in account 181, "Unappropriated earned surplus," contained no capital surplus. For the purpose of this determination write downs or write offs of valid intangible assets shall be considered to have been a charge against other capital surplus, except where conclusive evidence indicates that such action was intended to be made against earnings.

6. Following § 31.100:4, insert a new section as follows:

§ 31.100:7 *Telephone plant adjustment.* (a) This account shall include the difference between the original cost (note instruction 31.01–3 (x)), estimated if not known, and the book cost of telephone plant, as at December 31, 1947, to the extent that such difference is not properly includible in account 100:4, "Telephone plant acquisition adjustment," and for which disposition has not previously been made.

(b) The amounts included in this account shall be so classified as to show the nature of each amount and shall be disposed of as the Commission may approve or direct.

NOTE: The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of plant.

7. Amend paragraphs (b) and (c) of § 31.134:2 to read as follows:

(b) When any issue of capital stock, or a portion thereof, is reacquired, there shall be credited to this account and charged to account 179, "Other capital surplus," the amount herein with respect to such stock, except that any excess of such amount over the balance in account 179 applicable to capital stock of the same class, shall be charged to earned surplus.

(c) The company may amortize or write off the balance carried in this account by credits hereto and concurrent charges to account 179, "Other capital surplus," or to earned surplus in case the amount exceeds the balance in account 179 applicable to the same class of stock.

8. Following § 31.174, insert a new section as follows:

§ 31.179 *Other capital surplus.* Among the amounts includible in this account are credits arising from the reacquisition and resale, from the retirement and cancellation, from a reduction of a stated value, and from the donation by stockholders of the company's capital stock; surplus arising from the forgiveness of debt of the company; surplus recorded upon the reorganization or recapitalization of the company; and amounts that become the property of the company as a result of a forfeiture by others of deposits on subscriptions to capital stock and of installments paid on capital stock.

NOTE: When the circumstances under which debt is forgiven indicate that its forgiveness is an adjustment of earned surplus, it may be treated as such upon the approval by this Commission in the specific instance.

9. Change the center caption "Surplus" to read "Earned Surplus" and amend § 31.180, "Surplus reserved," to read as follows:

§ 31.180 *Earned surplus reserved.* (a) This account shall include the amount of earned surplus reserved or otherwise set aside for any purpose not provided for elsewhere. (Note § 31.3–31.)

(b) Separate subaccounts shall be maintained under such titles as will designate the purpose for which each reserve recorded hereunder was created.

10. Amend § 31.181, "Unappropriated surplus," to read as follows:

§ 31.181 *Unappropriated earned surplus.* An account under this title shall be maintained in the general books of the company. It shall include the balance of all earned surplus accounts (400 to 416, inclusive).

11. Amend § 31.402 to read as follows:

§ 31.402 *Miscellaneous credits to earned surplus.* This account shall include amounts creditable to earned surplus not provided for elsewhere. Among the items which shall be credited to this account are (Note § 31.01–8):

Amount of adjustments arising from transactions in the company's own capital stock which are not includible in account 179. (Note § 31.1–13 (d), (e), (f).)

Amounts of the credit balance at the time of its reacquirement in the discount, premium, and debt expense account relating to long-term debt reacquired. (Note § 31.1–15.)

Amounts received for abrogation of contracts.

Credits for amounts previously written off through charges to earned surplus.

Credits from adjustments in connection with the reacquisition of bonds and other evidences of debt. (Note also § 31.1–13 (b).)

Delayed credits to income, operating revenue, and operating expense accounts as provided in § 31.01–5.

Forfeitures of amounts deposited with the company under options for the sale or lease of property.

Profits arising from foreign exchange. (Note § 31.01–7.)

Profits derived from the resale of company securities owned other than capital stock.

Profits derived from the sale of securities of other companies.

Profits derived from the sale of unexpired leases.

Profits from the sale of land carried in account 103 and of depreciable property in account 103 not previously used in telephone service. (Note also account 174.)

Unclaimed dividends.

Unclaimed wages and vouchered accounts written off.

12. Amend § 31.413 to read as follows:

§ 31.413 *Miscellaneous debits to earned surplus.* This account shall include amounts chargeable to earned surplus not provided for elsewhere. Among the items which shall be charged to this account are (Note § 31.01–8):

Amortization, at the company's option, of the balance in account 201.

Amortization not provided for elsewhere.

Amount of adjustments arising from transactions in the company's own capital stock which are not includible in account 179. (Note § 31.1–13 (d), (e), (f).)

Amounts charged to earned surplus to cover past accrued depreciation not provided for. (Note also account 171.)

Amounts charged to earned surplus to extinguish, at the company's option, all or any part of the debit balance remaining in any particular discount, premium, and debt expense account for long-term debt actually outstanding. (Note § 31.1–15.)

Amounts charged to earned surplus in recognition of the decline in value of current assets and securities owned. (Note §§ 31.1–11, 31.1–12.)

Amounts of capital-stock expense written off which are not includible in account 179. (Note account 134:2.)

Amounts of the debit balance at the time of its reacquirement in the discount, premium, and debt expense account relating to long-term debt reacquired. (Note § 31.1–15.)

Amounts paid for abrogation of contracts.

Appropriations to nonpar stock accounts. (Note § 31.1–16:1.)

Debits resulting from adjustments required in connection with the reacquisition of bonds and other evidences of debt. (Note § 31.1–13.)

Delayed debits to income, operating revenue, and operating expense accounts as provided in § 31.01–5.

Forfeiture of amounts deposited by the company under options for the purchase or lease of property.

Inventory, appraisal, and other costs incident to the contemplated acquisition, sale or lease of property when the projects are abandoned.

Losses arising from foreign exchange. (Note § 31.01-7.)

Losses of funds due to bank failures.

Losses resulting from the resale of company securities owned other than capital stock.

Losses resulting from the sale of land carried in account 103 and losses resulting from the sale, destruction, or retirement of depreciable property carried in account 103 not previously used in telephone service. (Note account 174.)

Losses resulting from the sale of securities of other companies.

Payments of amounts previously written off through credits to earned surplus.

Penalties and fines paid on account of violations of statutes pertaining to regulation.

Uncollectible receivables, or provisions therefor, not chargeable to other accounts.

13. Make the following changes in the table of contents and other points of reference:

(a) Make the following additions to the table of contents:

(1) Following § 31.01-9 insert: "31.01-9A Sequence of accounts."

(2) Following § 31.1-17 insert: "31.1-18 Surplus."

(3) Following § 31.100:4 insert: "31.100:7 Telephone plant adjustment."

(4) Following § 31.174 insert: "31.179 Other capital surplus."

(5) Following § 31.174 insert: "Earned" to precede the word "Surplus."

(6) Change § 31.180 as follows: "31.180 Earned surplus reserved."

(7) Change § 31.181 as follows: "31.181 Unappropriated earned surplus."

(8) Following § 31.343 insert: "Earned" to precede the word "Surplus" in the heading.

(9) Change § 31.4-40 as follows: "31.4-40 Purpose of earned surplus accounts."

(10) Following § 31.4-40 insert: "Earned" to precede the word "Surplus" in heading.

(11) Change § 31.402 as follows: "31.402 Miscellaneous credits to earned surplus."

(12) Change § 31.413 as follows: "31.413 Miscellaneous debits to earned surplus."

(13) Change § 31.414 as follows: "31.414 Contractual reservations of earned surplus."

(14) Change § 31.415 as follows: "31.415 Miscellaneous reservations of earned surplus."

(b) Change cross reference to § 31.1-13 (b) to read § 31.1-13 (d-f) at the following points:

Section	Paragraph	Line (of paragraph)
31.01-3	(ee)	12
31.134:2	(a)	6
31.150	(b)	5

(c) Insert the word "earned" to precede the word "surplus" at the following points:

Section	Paragraph	Line (of paragraph)
31.01-5	(b)	4
31.01-7	(a)	11
31.01-7	(a)	1
31.1-11	(b)	5
31.1-12	(b)	7
31.1-15	(c)	3
31.1-15	(f)	12
31.1-15	(f)	1, 4
31.139		2
31.168	(a)	3
31.170	(a)	2
31.171	(a)	2
31.172	(b)	2
31.172	(c)	10
31.174	(b)	2
31.2-25	(c)	2
31.3-30		10
31.4-31		4, 5, 9
31.313	(d)	6
31.314	(b)	12, 13
31.4-40		1, 2, 4, 8, 12, 14
31.401		2
31.410		2
31.414		1, 3 and note A
31.415		1, 3, 6
31.672	(c)	2

Insert the word "Earned" to precede "Surplus" in the headings "Instructions for Surplus Accounts" and "Surplus Accounts".

(d) Make these additional changes in the following sections:

(1) In § 31.01-3, paragraph (ee), insert "or" before "sale" and delete "or resale."

(2) In § 31.1-14, paragraph (a), delete "or resale."

(3) In § 31.1-15, paragraph (a), delete "or resale."

(4) In § 31.134:2, paragraph (a), insert "or" before "sale" and delete "or resale."

(e) In the footnote designated by dagger, change § 31.1-17 to § 31.1-18.

(Sec. 4 (i), 220 (a), 48 Stat. 1068, 1078; 47 U. S. C. 154 (i), 220 (a))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6113; Filed, June 27, 1947; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 110]

AIRPORTS OF ENTRY; REVOCATION OF DESIGNATION OF DINNER KEY SEAPLANE BASE, MIAMI, FLORIDA, CHANGES IN DESIGNATION OF HAVRE-HILL COUNTY AIRPORT, HAVRE, MONTANA, JOHN G. HINDE AIRPORT, SANDUSKY, OHIO, AND WATERTOWN MUNICIPAL AIRPORT, WATERTOWN, NEW YORK

NOTICE OF PROPOSED RULE MAKING

JUNE 23, 1947.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003), notice is hereby given of the proposed issuance by the Attorney General of the following rule relating to the revocation and changes in designation of certain airports of entry for aliens. In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1806, Franklin Trust Building, Philadelphia 2, Pennsylvania, written data, views, or arguments relative to this proposed action. Such representations may not be presented orally in any manner. All relevant material received within twenty days following the day of publication of this notice will be considered.

Section 110.3, *Airports of entry*, Chapter I, Title 8, Code of Federal Regulations is hereby amended in the following respects:

Section 110.3 (a) is amended by deleting "Miami, Fla., Dinner Key Seaplane Base" from the list of permanent airports of entry for aliens.

Section 110.3 (a) is further amended by making the following insertions in the list of permanent airports of entry for aliens: "Havre, Mont., Havre-Hill County Airport" between "Fairbanks, Alaska, Weeks Municipal Airfield" and "Juneau, Alaska, Juneau Airport"; "Sandusky, Ohio, John G. Hinde Airport" between "San Diego, Calif., San Diego Municipal Airport (Lindbergh Field)" and "San Juan, P. R., Isla Grande Airport"; and "Watertown, N. Y., Watertown Municipal Airport" between "Swanton, Vt., Warren R. Austin Airport" and "West Palm Beach, Fla., Roosevelt Flying Service Base (Currie Common Park)".

Section 110.3 (b) is amended by making the following deletions from the list of temporary airports of entry for aliens: "Havre, Mont., Havre-Hill County Airport"; "Sandusky, Ohio, John G. Hinde Airport"; and "Watertown, N. Y., Watertown Municipal Airport".

(Sec. 7 (d), 44 Stat. 572; 49 U. S. C. 177 (d); sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV)

[SEAL] TOM C. CLARK,
Attorney General.

Recommended: June 5, 1947.

UGO CARUSI,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 47-6107; Filed, June 27, 1947; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 729]

PEANUTS

NOTICE OF PROPOSED PROCLAMATION WITH RESPECT TO NATIONAL MARKETING QUOTA FOR 1948 CROP

Pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. and Sup. 1301-1393), the Secretary of Agriculture is required by section 358 (a) thereof to proclaim, between July 1 and December 1 of each calendar year, the amount of national marketing quota for peanuts from the crop produced in the next succeeding calendar year.

Any person interested in the proclamation to be made by the Secretary may submit his views thereon in writing to the Director, Fats and Oils Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

All submissions must be postmarked not later than July 10, 1947.

Issued at Washington, D. C. this 25th day of June, 1947.

[SEAL] JESSE B. GILMER,
Administrator.

JUNE 25, 1947.

[F. R. Doc. 47-6115; Filed, June 27, 1947; 8:51 a. m.]

CIVIL SERVICE COMMISSION

[5 CFR, Part 34]

APPOINTMENT, COMPENSATION AND REMOVAL OF HEARING EXAMINERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Civil Service Commission has under consideration regulations and standards covering the appointment and tenure of hearing examiners to be appointed under section 11 of the Administrative Procedure Act (60 Stat. 244; 5 U. S. C. Sup. 1010). In this connection, a hearing will be held on July 9, 1947, in the Hearing Room of the Tariff Commission, located on the third floor of the Tariff Commission Building, F Street between Seventh and Eighth Streets, Northwest, beginning at 10 a. m., eastern daylight time, at which interested parties will be afforded an opportunity to present their views to the Commission.

Persons desiring to be heard must notify the Commission, attention Chief Law Officer, prior to 5:15 p. m. July 7, 1947. It is requested that such persons also submit, in writing, a summary of their views prior to the date of the hearing. Persons not desiring to appear personally may submit a written statement of their views or arguments prior to the date of the hearing.

The proposed regulations are set out below. Additional copies of these proposed regulations and of the proposed standards for appointment may be obtained from the Commission (Information Office of the Examining and Placement Division, Seventh and F Streets Northwest).

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

SUBPART A—REGULATIONS

Sec.
34.1 Coverage.
34.2 Definitions.
34.3 Board of examiners.
34.4 Appointment of incumbents.
34.5 Method of filling vacancies.
34.6 Appointments.
34.7 Promotion, reassignment, and transfer.
34.8 Reinstatement and restoration.
34.9 Compensation.
34.10 Efficiency ratings.
34.11 Rotation of examiners.
34.12 Utilization of examiners of other agencies.
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34.101 The Commission.
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34.115 Hearing examiners.
34.116 Subpenas.
34.117 Witnesses and fees.
34.118 Evidence.
34.119 Depositions.
34.120 Admissions as to facts and documents.
34.121 Proposed findings and conclusions before hearing examiners.
34.122 Hearing examiner's recommended decision.
34.123 Exceptions.
34.124 Commission's adjudication.
34.125 Reopening of proceedings.
34.126 Report of action taken.

AUTHORITY: §§ 34.1 to 34.126, inclusive, issued under sec. 11, 60 Stat. 244; 5 U. S. C. Sup. 1010.

SUBPART A—REGULATIONS

§ 34.1 *Coverage.* (a) The regulations in this part shall be applicable to persons appointed under section 11 of the Administrative Procedure Act for proceedings pursuant to sections 7 and 8 of that act, and to hearing examiner positions.

(b) Except as otherwise provided in the regulations in this part, the rules and regulations applicable to positions in the competitive service shall apply to hearing examiner positions.

§ 34.2 *Definitions*—(a) *In general.* The definitions in § 4.301 of this chapter shall apply to terms used in the regulations in this part except as such terms are otherwise defined herein.

(b) *Hearing examiner position.* A hearing examiner position is one in which any portion of the duties includes those prescribed by the Administrative Procedure Act for presiding officers appointed under section 11 thereof. Decision within the Commission as to whether or not a particular position is a hearing examiner position when presented for allocation shall be made by the Commission's Personnel Classification Division.

(c) *Agency.* Agency means an agency subject to the Administrative Procedure Act as defined in that act.

(d) *Removal.* As used in the regulations in this part, removal means any involuntary change in the status of a hearing examiner, including demotion, promotion, reassignment, removal and suspension as defined in § 4.301 of this chapter.

§ 34.3 *Board of examiners.* All examinations held under authority of the Administrative Procedure Act shall be conducted by a board appointed by the Commission, to be known as the Board of Examiners for Hearing Examiner Positions. The Board shall consist of three members, not more than one of whom shall be selected from among officers or employees of the Commission. The Board shall function as a section of the Examining and Placement Division.

§ 34.4 *Appointment of incumbents*—(a) *Incumbents with competitive status.* Persons who were serving in positions that became hearing examiner positions on June 11, 1947, and who have competitive status may be given permanent appointments as hearing examiners, with the prior approval of the Commission. The Commission's approval will be given only after the qualifications of the person concerned have been passed upon and his character and suitability for Federal employment have been established by investigation. An oral interview may also be required. Persons proposed for permanent appointment under this paragraph who were conditionally appointed on June 11, 1947, may be continued under such conditional appointment pending receipt of the Commission's approval or disapproval of a permanent appointment.

(b) *Incumbents without competitive status*—(1) *Temporary or war service appointees.* Persons who were serving under a temporary or war service appointment in positions that became hearing examiner positions on June 11, 1947, must compete in the open competitive examination in order to qualify for a permanent appointment as a hearing examiner. Until such time as a register is established, persons formerly serving under a temporary or war service appointment who were given a conditional appointment on June 11, 1947, may continue to serve under such conditional appointment with the prior approval of the Commission. The Commission's approval will be given only after the qualifications of the person concerned have been passed upon and his character and suitability for Federal employment have been established by investigation. An oral interview may also be required. The conditional appointment that was given on June 11, 1947, may be continued pending receipt of the Commission's approval or disapproval.

(2) *Excepted appointees.* (i) Persons who were serving under an excepted appointment in positions that became hearing examiner positions on June 11, 1947, and who were appointed to such positions prior to December 11, 1946, may

acquire a competitive status in accordance with Civil Service Rule III and the Commission's regulations thereunder (Part 3 of this chapter). The Commission's approval of persons proposed for status under this subdivision will be given only after the qualifications of the person concerned have been passed upon and his character and suitability for Federal employment have been established by investigation. An oral interview may also be required. Persons proposed for status under this subdivision who were given a conditional appointment on June 11, 1947, may be continued under such conditional appointment pending receipt of the Commission's approval or disapproval of the granting of status.

(ii) Persons who were serving under an excepted appointment in positions that became hearing examiner positions on June 11, 1947, and who were appointed to such positions subsequent to December 11, 1946, must compete in the open competitive examination in order to qualify for a permanent appointment as a hearing examiner. Until such time as a register is established, persons of this class who were given a conditional appointment on June 11, 1947, may continue to serve under such conditional appointment with the prior approval of the Commission. The Commission's approval will be given only after the qualifications of the person concerned have been passed upon and his character and suitability for Federal employment have been established by investigation. An oral interview may also be required. Pending receipt of the Commission's approval or disapproval, the conditional appointment that was given on June 11, 1947, may be continued.

§ 34.5 *Method of filling vacancies.* (a) Vacancies in hearing examiner positions shall be filled either:

(1) By selection from the open competitive eligible register, upon requisition to and certification by the Commission, in accordance with § 34.6 and Part 2 of this chapter.

(2) By promotion, reassignment, or transfer, in accordance with § 34.7.

(3) By reinstatement or restoration, in accordance with § 34.8.

(4) By temporary utilization of examiners of another agency, in accordance with § 34.12.

§ 34.6 *Appointments.* (a) Except as otherwise provided in the regulations in this part, the regulations for appointment through the competitive system (Part 2 of this chapter) shall apply to appointments to hearing examiner position, *Provided*, That no appointment whatsoever, except one made by selection from a certificate of eligibles from the open competitive register, shall be made without the prior approval of the Commission.

(b) All appointments to hearing examiner positions shall be conditional for the first year of service in such position, except where the person appointed has previously served satisfactorily for one year in a hearing examiner position. At the completion of the first year of service (or at any time during the first year of service if the agency decides that the hearing examiner is performing his duties unsatisfactorily), agencies shall submit to the Commission a complete report on the work of the hearing examiner. On the basis of this report the Commission will decide whether or not the hearing examiner is qualified for a permanent appointment. When the decision is that the hearing examiner is not qualified, his appointment shall be terminated after opportunity for a hearing, in accordance with Subpart B.

§ 34.7 *Promotion, reassignment, and transfer.* (a) Promotion, reassignment, and transfer from one hearing examiner position to another shall be made only with the prior approval of the Commission. The Commission's approval will be given only after the qualifications of the person concerned have been passed upon. An investigation of his character and suitability and an oral interview may also be required.

(b) When an agency desires to fill a hearing examiner position by the promotion, reassignment, or transfer of a person who has a competitive status and is serving in a position other than a hearing examiner position, it shall submit its request to the Commission. An application form (Standard Form 57), executed by the person proposed for promotion, reassignment, or transfer, shall be submitted at the same time. The Commission will rate the applicant on the basis of the open competitive requirements and will enter his name on the open competitive register in accordance with the rating received. If the person is within reach for certification, the Commission will approve the promotion, reassignment, or transfer requested by the agency; otherwise it will disapprove the request.

§ 34.8 *Reinstatement and restoration*—(a) *Reinstatement to a hearing examiner position.* Reinstatement of a person with reinstatement status who formerly served as a hearing examiner or trial examiner shall be made only with the prior approval of the Commission. The Commission's approval will be given only after the qualifications of the person proposed for reinstatement have been passed upon and his character and suitability for Federal employment established by investigation. An oral interview may also be required.

(b) When an agency desires to fill a hearing examiner position by the reinstatement of a person who has a reinstatement status and who formerly served in a position other than a hearing examiner position, it shall submit its request to the Commission. An application form (Standard Form 57), executed by the person proposed for reinstatement, shall be submitted at the same time. The Commission will rate the applicant on the basis of the open competitive requirements and will enter his name on the open competitive register in accordance with the rating received. If the person is within reach for certification, the Commission will approve the reinstatement requested by the agency; otherwise it will disapprove the request.

(c) The regulations in Part 10 of this chapter governing reemployment and restoration of persons having reemployment or restoration rights shall apply to reemployment and restoration in hearing examiner positions. Persons applying for reemployment or restoration shall have the same status on the date of application for reemployment or restoration as they would have had under § 34.4 if they were serving in hearing examiner positions on June 11, 1947, and shall be required to qualify for permanent appointment in the manner prescribed by that section.

§ 34.9 *Compensation.* (a) Hearing examiner positions shall be allocated by the Commission under the Classification Act of 1923, as amended. Such allocations shall be made independently of agency recommendations and ratings.

(b) Hearing examiners shall receive within grade salary advancements in accordance with Part 25 of this chapter, except that the requirements of a good or better than good efficiency rating and of certification by head of the agency as to satisfactory service and conduct shall not apply.

§ 34.10 *Efficiency ratings.* Agencies shall not rate the efficiency of hearing examiners.

§ 34.11 *Rotation of examiners.* Insofar as practicable, examiners shall be assigned in rotation to cases of the level of difficulty and importance that are normally assigned to positions of the salary grade they hold.

§ 34.12 *Utilization of examiners of other agencies.* (a) At the request of agencies occasionally or temporarily insufficiently staffed, the Commission will arrange, if possible, for the temporary utilization by those agencies of the services of hearing examiners of other agencies.

(b) Agencies, by agreement between themselves, may arrange for the temporary utilization by one agency of a hearing examiner or hearing examiners of another agency. Such agreements must have the prior approval of the Commission before being put into effect.

§ 34.13 *Separations*—(a) *Removals.* Hearing examiners shall be subject to removal (as defined in § 34.2 (d)) by the agencies in which they are employed only for good cause established and determined by the Commission after opportunity for a hearing and upon the record thereof, as provided in the rules of practice in Subpart B.

(b) *Furlough.* In exceptional cases, where there are circumstances by reason of which the retention of a hearing examiner in his position, pending adjudication of the existence of good cause for his removal, would be detrimental to the interests of the Government, agencies shall either (1) assign the hearing examiner to duties in which these conditions would not exist, (2) place him on annual leave for the period that will be covered by the annual leave to his credit, or (3) furlough him. Action under this paragraph may be taken only with the prior approval of the Commission after filing of the letter of charges and the answer thereto.

(c) *Dismissals at request of Commission.* The procedures in this part governing the removal of hearing examiners shall not apply in making dismissals requested by the Commission under § 5.4 of the Civil Service Rules (E. O. 9830, Part II, 12 F. R. 1259, 1263).

§ 34.14 *Reductions in force*—(a) *Retention credits.* Retention credits for purposes of reductions in the force of hearing examiners are credits for length of service in determining retention order in each retention subgroup. They are computed by allowing one point for each full year of Federal Government service.

(b) *Retention preference; classification.* For the purpose of determining relative retention preference in reductions in force, hearing examiners shall be classified according to tenure of employment in competitive retention groups and subgroups, as follows:

Group A: All hearing examiners who have met all requirements for indefinite retention in their present positions. This includes all hearing examiners currently serving under absolute civil service appointments or who were appointed, transferred, or promoted from absolute civil service appointments to war service indefinite or trial period appointments without a break in service of 30 days or more.

A–1 Plus during one year period after return to duty from military, naval, or merchant marine service, as required by law.

A–1 With veteran preference.

A–2 Without veteran preference.

Group B: All hearing examiners serving under appointments limited to the duration of the present war or for the duration of the war and not to exceed six months thereafter, or otherwise limited in time to a period in excess of one year, except those specifically covered in Groups A and C.

B–1 With veteran preference.

B–2 Without veteran preference.

Group C: All hearing examiners serving under appointments specifically limited to one year or less, all non-citizen hearing examiners serving within the continental limits of the United States, all hearing examiners continued beyond the automatic retirement age, and all annuitants appointed under section 2 (b) of the Civil Service Retirement Act, as amended.

C–1 With veteran preference.

C–2 Without veteran preference.

(c) *Appeals.* (1) Any hearing examiner who feels that there has been a violation of his rights under the regulations governing reductions in force may appeal to the Commission (Attention: Chief Law Officer) within 10 days from the date he received his notice of the action to be taken.

(2) Each appeal shall state clearly the grounds on which it is based, whether error in the records, violation of the rule of selection, restriction of the competitive area or level, disregard of a specified right under the law or regulations, or denial of the right to examine the regulations, retention register, or records.

(3) The agency in which the hearing examiner is employed shall be notified of the appeal and shall be allowed to file an answer thereto.

(4) Except as modified by the foregoing subparagraphs of this paragraph, the procedures prescribed in the rules of practice governing the removal of hearing examiners (Subpart B) shall be followed in adjudicating appeals under this paragraph.

(d) *Retention preference regulations.* The retention preference regulations for use in reductions in force (Part 20 of this chapter), except as modified by this section, shall apply to reductions in the force of hearing examiners.

SUBPART B—HEARINGS IN REMOVAL CASES; RULES OF PRACTICE

§ 34.101 *The Commission*—(a) (1) *Offices.* The principal office of the Commission is at Washington, D. C.

(2) All communications to the Commission must be addressed to "United States Civil Service Commission, Washington 25, D. C., Attention: Chief Law Officer," unless otherwise specifically directed.

(b) *Hours.* The office is open on each business day except Saturday from 8:45 a. m. to 5:15 p. m.

(c) *Proceedings.* The Commission may meet and exercise all its powers at any place and may, by one or more of its members or by such examiners as it may designate, conduct any inquiry or hearing necessary to its duties in any part of the United States.

§ 34.102 *Executive officer.* The Executive Director and Chief Examiner is the executive officer of the Commission and has legal custody of its papers, records, and property. All orders of the Commission shall be authenticated by the signature of the Executive Director and Chief Examiner or by such other officer as may be authorized by the Commission.

§ 34.103 *Service.* (a) Processes of the Commission shall be served by the Executive Director and Chief Examiner of the Commission by registered mail, except when service by other method shall be specifically ordered by the Commission, by registering and mailing a copy thereof addressed to the hearing examiner and to the agency involved in the proceedings under these rules of practice.

(b) When service is not accomplished by registered mail, processes of the Commission may be served by anyone duly authorized by the Commission or by any examiner of the Commission:

(1) By delivering a copy of the document to the person or the agency to be served; or

(2) By leaving a copy thereof at the principal office of such person or agency.

(c) The return post office receipt for processes registered and mailed as aforesaid, or the verified return by the person serving such process, setting forth the manner of said service, shall be proof of the service of the document.

§ 34.104 *Appearance.* (a) Any individual who is a party to a proceeding before the Commission under these rules of practice may appear for himself or by an attorney at law possessing the requisite qualifications, as hereinafter set forth, to practice before the Commission. Any agency may appear or be represented by an attorney at law possessing the requisite qualifications, as hereinafter set forth, to practice before the Commission.

(b) Attorneys at law who are admitted to practice before the Federal courts or before the courts of any State or Territory of the United States may practice before the Commission.

(c) No register of attorneys who may practice before the Commission in proceedings arising under these rules of practice shall be maintained. No application for admission to practice before the Commission is required. Written notice of appearance on behalf of a specific party or parties in a particular proceeding should be submitted by attorneys desiring to appear for such specific party or parties. The notice of appearance shall contain a statement that the attorney is eligible under the provisions of this section. Any attorney practicing before the Commission or desiring so to practice may, for good cause shown, be disbarred or suspended from practicing before the Commission, but only after he has been afforded an opportunity to be heard in the matter.

(d) No former officer, examiner, attorney, clerk, or other former employee of this Commission shall appear as attorney or counsel for or represent any party in any proceeding (or one factually related thereto) resulting from any investigation the files of which came to the personal attention of such former officer, examiner, attorney, clerk, or other former employee during the term of his service or employment with the Commission.

§ 34.105 *Documents*—(a) *Filing.* Documents submitted in a proceeding under these rules of practice shall be filed by delivering them by registered mail, addressed to the United States Civil Service Commission, Washington 25, D. C. (Attention: Chief Law Officer), or by personal delivery to the hearing examiner to whom the proceeding may be assigned.

(b) *Form.* Documents shall show clearly the title and docket number of the proceeding. If not printed, they shall be typewritten, double spaced, on one side of the paper. Signatures to documents shall be in written script above the typed name of the signer.

(c) *Copies.* Parties to a proceeding shall file with the Commission the original and four copies of documents submitted in the proceeding, other than correspondence, unless other specific directions are given.

§ 34.106 *Complaint.* Agencies shall initiate removal proceedings against a hearing examiner by filing with the Commission, attention Chief Law Officer, a complaint which shall set forth specifically and in detail the facts that are alleged to constitute good cause for the hearing examiner's removal. The complaint shall be captioned substantially as follows:

UNITED STATES OF AMERICA
BEFORE THE UNITED STATES CIVIL SERVICE COMMISSION

In the Matter of [Examiner's Name], Hearing Examiner for [Agency Name] — Docket No. ----

COMPLAINT

. . . . .

The Complaint shall be signed and verified under oath by a representative or representatives of the agency; but the verification may be, to whatever extent desired, upon information and belief.

§ 34.107 *Summons.* Upon the filing of the complaint, the Commission, through its Chief Law Officer, may issue a summons to be served, with a copy of the complaint, upon the hearing examiner named in the complaint. The summons shall state the time within which these rules of practice require the hearing examiner to file an answer, and shall inform him of his right to a hearing.

§ 34.108 *Answers.* (a) In case of desire to contest the proceedings, the respondent shall, within fifteen (15) days of the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts that constitute the ground of defense. Respondent shall specifically admit or deny, or explain each of the facts alleged in the complaint unless respondent is without knowledge, in which case respondent shall so state.

(b) Failure of the respondent to file answer within time above provided, or failure, without acceptable explanation, to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

(c) If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may state that respondent admits all the material allegations of fact in the complaint. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in the complaint and to have authorized the Commission, without further evidence or other intervening procedure, to find such facts to be true. The respondent may also give notice in writing that he desires to be heard on the question whether the admitted facts constitute good cause for removal as charged in the complaint.

§ 34.109 *Investigations* — (a) *When made.* The Chief Law Officer of the Commission shall make such investigations as may be necessary to develop all the facts and circumstances and to obtain pertinent testimony of witnesses.

(b) *Manner of taking testimony in investigations.* Testimony of witnesses in investigations made under this section will be taken by affidavit without any pledge of confidence. Where it is impracticable to obtain testimony under oath from the witness, such statement will be obtained without any pledge of confidence, as the circumstances will permit, and such weight will be given to the unsworn testimony as the record may warrant. Where, however, there is involved a question of the respondent's loyalty to the Government of the United States, testimony and evidence will be obtained under a pledge of confidence and the source of the information secured will not be divulged. Where there is a question of loyalty involved, the standards promulgated in Executive Order 9835 shall be applicable.

§ 34.110 *Intervention.* (a) So far as responsible conduct of public business shall permit, any interested person or organization, after leave granted, may appear before the Commission or its hearing examiner for the presentation, adjustment, or determination of any issue or controversy in any proceeding arising under these rules of practice.

(b) Any person or organization desiring to intervene shall make application in writing to the Commission, setting out the grounds on which he or it claims to be interested.

(c) The Commission may, by order, permit intervention by such person or organization, or by counsel for such person or organization, to the extent and upon such terms as it shall deem proper.

(d) The Commission's Chief Law Officer may intervene as provided in this section to present evidence obtained as a result of an investigation that he authorized, or for such other reasons as will qualify him as an interested person.

§ 34.111 *Notice of hearing.* After the filing of answer or other appropriate response, the Commission shall fix a time and place for a hearing and shall, by registered mail, send to the hearing examiner and to the department or agency who are parties to the proceeding, a notice of a time and place of hearing.

§ 34.112 *Motions.* (a) A party may submit any appropriate motion during the pendency of a proceeding by filing it with the Commission or with the presiding hearing examiner during the conduct of a hearing; or by leave of the presiding hearing examiner, may dictate it into the record during the course of a hearing.

(b) Any motion filed after submission by the presiding hearing examiner of a recommended decision to the Commission shall be acted upon by the Commission. Other motions shall be acted upon by the presiding hearing examiner, or may be referred by him to the Commission for decision: *Provided, however,* That if the ruling on the motion would be tantamount to final disposition of the case, the presiding hearing examiner shall submit the motion with his recommendation for ruling to the Commission, and shall serve a copy of his recommendation on each party, and shall fix a time within which they may file exceptions thereto. All rulings by a presiding hearing examiner shall be subject to review by the Commission upon its decision of the case.

§ 34.113 *Continuances and extensions of time.* The Commission or the presiding hearing examiner, upon timely motion and good cause shown, may extend any time limit prescribed by these rules of practice.

§ 34.114 *Hearings.* (a) All hearings under these rules of practice shall be public unless otherwise ordered by the Commission.

(b) Hearings shall be stenographically reported by the official reporter of the Commission under the supervision of the presiding hearing examiner. A transcript of said report shall be a part of the record and the sole official transcript of the proceedings. Transcripts will be supplied the parties and to the public by the official reporter at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter.

(c) Each party shall have the right of due notice, cross examination, presentation of evidence, objection, exception, motion, argument, appeal, and all other rights guaranteed by law.

(d) The presiding hearing examiner may withdraw from a case when he deems himself disqualified, or he may be withdrawn by the Commission if timely evidence alleging personal bias or other disqualifications have been filed and the matter has been heard by the Commission or by a hearing examiner whom it has delegated to investigate and report.

(e) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No changes shall be made in or upon the official record or copies thereof in the custody of the Commission. Lists of changes agreed to in writing by opposing counsel may be incorporated into the record if and when approved by the presiding hearing examiner at the close of evidence in support of the complaint, or at the final hearing before the presiding hearing examiner, or at any time thereafter before he files his report, and at no other times. If any changes are ordered by the presiding hearing examiner without such written agreement by the opposing counsel, they shall be subject to opposition and exception.

§ 34.115 *Hearing examiners.* (a) All hearings under these rules of practice shall be presided over by the Commission, by a member of the Commission, or by a hearing examiner appointed under the Administrative Procedure Act.

(b) The presiding hearing examiner is charged with the duty of conducting a fair and impartial hearing and of maintaining order in form and manner consistent with the dignity of the Commission. He will note on the record any disregard by counsel of his rulings on matters of order and procedure, and where he deems it necessary shall make special written report thereof to the Commission. In the event that counsel shall be guilty of disrespect to orders, or of contumacious language or conduct in connection with any hearing, the presiding hearing examiner shall, at the conclusion of the hearing, submit to the Commission his report thereon, together with his recommendation as to whether any ruling should be issued to show cause why such counsel should not be suspended or disbarred, or subjected to other appropriate action in respect thereto. A copy of such hearing examiner's report shall be furnished to any counsel upon whose language or conduct such report is made, and the Commission will take disciplinary action only after an opportunity for hearing has been accorded such counsel.

§ 34.116 *Subpenas.* (a) Subpenas requiring the attendance of witnesses or the production of documentary evidence from any place in the United States, at any designated place of hearing, may be issued by the presiding hearing examiner or by a member of the Commission. Application therefor may be made either to the presiding hearing examiner or to the Commission.

(b) Application for subpenas for the production of documentary evidence shall be made in writing to the presiding hearing examiner or to the Commission. The application must specify as exactly as possible the documents desired and show their general relevancy. The application shall be verified by oath or affirmation.

(c) An appeal may be taken to the Commission by the parties from the presiding hearing examiner's denial of a motion to quash or refusal to issue a subpena for the production of documentary evidence.

§ 34.117 *Witnesses and fees.* Witnesses at hearings and witnesses whose depositions are taken shall be entitled to the same fees and mileage as are paid for like services in courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witness appears. A witness may decline to appear unless mileage and a fee for one day's appearance are paid in advance. Parties, other than Government agencies, should arrange for tender thereof when the subpena or notice to appear is served. Witnesses may appear voluntarily without subpena.

§ 34.118 *Evidence*—(a) *In general.* The agency supporting a complaint shall have the general burden of proof and the proponent of any factual proposition shall be required to sustain the burden of proof with reference thereto. The presiding hearing examiner shall rule upon offers of proof, receive relevant evidence, and shall exclude irrelevant, immaterial, or unduly repetitious evidence.

(b) *Documentary.* Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant and not intended to be put in evidence, such immaterial or irrelevant parts shall be excluded and shall be segregated insofar as practicable.

(c) *Official notice of facts.* Where any recommended decision of the presiding hearing examiner or any decision of the Commission, or part thereof, rests upon the taking of official notice of a material fact not appearing in the evidence in the record, any party shall, upon timely motion, be afforded an opportunity to show the contrary.

(d) *Objections.* Objections to evidence shall be stated briefly and shall include the grounds relied upon. The transcript shall not include argument on objections except as ordered by the presiding officer. Rulings on such objections shall appear in the record.

§ 34.119 *Depositions* — (a) *When taken.* For good and exceptional cause, testimony may be allowed to be taken by deposition upon written motion by a party to a proceeding.

(b) *Form of motion.* The motion for taking a deposition shall set out the reasons for taking, the proposed time and place, and the name and post office addresses of the witness and of the official proposed to take the depositions; and shall certify that a copy of the motion has been served, or is being coincidentally served, on all other parties. Any objection to the motion received from a party prior to action on the motion shall be duly considered.

(c) *Action on motion.* If the motion be granted, an order shall be issued specifying the time, place, and official before whom the deposition is to be taken, but these details need not coincide with those proposed in the motion.

(d) *Method of taking.* The deposition shall be taken upon oral examination or written interrogatories, in accordance with generally recognized practices in respect to such procedure, and in accordance with specified directions (which shall be consistent with generally recognized practices) given in the order allowing the taking of the deposition.

§ 34.120 *Admissions as to facts and documents*—(a) *Request for admission.* At any time after answer has been filed, any party may serve upon any other party a written request for the admission of the genuineness of any relevant document, or the admission of the truth of any relevant matters of fact set forth in such document.

(b) *Procedure.* A copy of the document shall be delivered with the request unless it has already been furnished. The requested admission shall be deemed made unless within a period designated in the request, not less than ten (10) days after service thereof, or within such further time as the Commission or hearing examiner may allow upon motion and notice, the party receiving said request serves upon the party making it a sworn denial, or a sworn statement setting forth why he can neither admit nor deny.

§ 34.121 *Proposed findings and conclusions before hearing examiners.* At the termination of a hearing, the hearing examiner shall fix a time within which parties may submit to the examiner proposed findings, conclusions, and reasons therefor (or briefs which may contain the same). Proposals submitted shall give exact references to the record and to authorities relied upon. The party shall furnish copies of briefs or proposals to other parties to the proceeding (certifying to the Commission that this has been done), and shall deliver to the examiner three copies including the original. Reasonable time for oral argument before the examiner shall be allowed on request.

§ 34.122 *Hearing examiner's recommended decision.* The hearing examiner, as soon as practicable after receipt of the transcript of the hearing and of submissions pursuant to the preceding section (or expiration of the time therefor) shall make and file a recommended decision in accordance with section 8 (b) of the Administrative Procedure Act. All findings, conclusions, and orders recommended by the examiner shall be upon the whole record, together with matters of which he may take official notice, and shall accord with what he deems to be the applicable law and the greater weight of evidence.

§ 34.123 *Exceptions.* Upon filing the recommended decision, the examiner shall cause a copy thereof to be served upon each party to the proceeding. Any party may within ten (10) days submit exceptions to the examiner's recommended decision, or to any omission therein, and additional proposals for findings and conclusions, and reasons therefor. The portions of the record and authorities relied upon to sustain each point shall be clearly specified. A party making such submissions shall furnish copies to other parties (certifying to the Commission that this has been done), and shall file three copies, including the original, with the Commission.

§ 34.124 *Commission's adjudication.* Upon receipt of exceptions, filed pursuant to the preceding section, or expiration of time therefor, the examiner shall prepare the files of the proceeding for transmittal to the Commission, certifying that the record submitted is complete. The Commission will thereafter consider the entire record, including the recommended decision, and decide the issues in accordance with what it deems to be the applicable law and the greater weight of evidence.

§ 34.125 *Reopening of proceedings.* (a) Within seven (7) days after receipt of the Commission's order, any party may, for good cause shown, petition the Commission to reopen the proceeding for the reception of further evidence. Such petition shall clearly state the grounds relied on.

(b) The Commission may, upon consideration of the petition, order the proceeding to be reopened, and with such limitations as may seem proper, may authorize the reception of further evidence by the hearing examiner who presided at the original proceeding, by another hearing examiner designated by the Commission, by any member of the Commission, or by the Commission itself.

(c) The provisions of these rules of practice governing proceedings leading up to and through the Commission's adjudication shall apply to reopened proceedings.

§ 34.126 *Report of action taken.* (a) Not later than ten (10) days after receipt of the Commission's order, agencies shall report to the Commission the action taken or proposed to be taken.

(b) Where a petition for reopening a proceeding is filed and the petition is denied, the report required by this section shall be made not later than ten (10) days after notice of the denial of the petition is received. Where a petition for rehearing is granted, the required report shall be made not later than ten (10) days after receipt of the Commission's final decision and order.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-6106; Filed, June 27, 1947; 8:48 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-910]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

JUNE 24, 1947.

Upon consideration of the application filed June 13, 1947, by Tennessee Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it through consolidation with Tennessee Gas and Transmission Company, a Tennessee corporation with its principal place of business in Houston, Texas, to do the following:

(1) To acquire and operate all the facilities now operated by Tennessee Gas and Transmission Company, subject to the Commission's jurisdiction, and to acquire, construct and operate facilities now under construction and authorized to be constructed by Tennessee Gas and Transmission Company pursuant to certificates of public convenience and necessity issued to it by the Commission; and

(2) To succeed to all other rights and obligations of Tennessee Gas and Transmission Company over which the Commission has jurisdiction under authority of the Natural Gas Act, as amended.

It appearing to the Commission that:

(a) Applicant states that it has not begun operations of any nature as it was organized for the sole purpose of acquiring the properties and other assets and assuming the liabilities of Tennessee Gas and Transmission Company;

(b) Applicant proposes the above-described acquisition and operation for the purpose of engaging in the transportation and sale in interstate commerce of natural gas for resale and states it will conduct its operations in all respects as Tennessee Gas and Transmission Company presently operates and will, therefore, be a natural-gas company subject to the jurisdiction of the Commission;

(c) Among other things, Applicant recites that it has entered into an agreement of consolidation with Tennessee Gas and Transmission Company, which agreement will constitute the charter or certificate of incorporation of the continuing corporation (Applicant) after the consolidation; that Applicant now has and the continuing corporation will have the same directors and officers as does Tennessee Gas and Transmission Company; that the outstanding capital stock of Tennessee Gas and Transmission Company will be converted into the same number of shares of the continuing corporation with substantially the same rights and preferences except that the authorized amount of preferred stock will be increased from 150,000 shares of the par value of $100 per share to 400,000 shares of the par value of $100 per share, and the authorized amount of common stock will be increased from 2,250,000 shares of the par value of $5 per share, to 5,000,000 shares, of the par value of $5 per share; that the outstanding capital stock will not be increased by such consolidation and the funded and other indebtedness will not be affected thereby; that the proposed consolidation and acquisition by Applicant will not require a revaluation of the properties of Tennessee Gas and Transmission Company, which will be acquired at their book values at the time of consolidation; and that no change will be recorded in the books of account of Tennessee Gas and Transmission Company because of the consolidation; nor will it necessitate any accounting entries, excepting the change of names.

(d) Applicant has requested that its application be heard under the shortened procedure provided by Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946.)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on July 11, 1947 at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding: *Provided, however*, That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (18 CFR 1.8 and 1.37) of the Commission's rules of practice and procedure (effective September 11, 1946).

(C) Any person desiring to be heard or to make any protest with reference to the application, shall file with the Federal Power Commission, Washington 25, D. C., not later than July 9, 1947, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined.

Date of issuance: June 25, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6103; Filed, June 27, 1947; 8:49 a. m.]

[Docket No. IT-6066]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JUNE 23, 1947.

Notice is hereby given that on June 20, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Northwestern Public Service Company (hereinafter called "Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of $1,000,000 principal amount of First Mortgage Bonds (hereinafter called "New Bonds"), 3% Series. The New Bonds are proposed to be issued on or about August 1, 1947, and will mature on October 1, 1973. The New Bonds, if issued as coupon bonds, will have all interest coupons maturing prior to the date of issuance detached, and if sold as registered bonds, will bear interest from the interest payment date next preceding the date of issuance; and in either case the price to Applicant will include accrued interest from the last preceding interest payment date to the date of delivery and payment for the New Bonds. Applicant proposes to sell the New Bonds to The Equitable Life Assurance Society of the United States at a price of 101⅝% of the principal amount thereof, plus accrued interest from April 1, 1947, to the date of delivery and payment; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 11th day of July 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6104; Filed, June 27, 1947; 8:49 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Special Allocation Order ODT R-2, Amdt. 2]

ALLOCATION OF TANK CARS FOR USE IN TRANSPORTATION OF LIQUEFIED PETROLEUM GAS

Pursuant to Title III of the Second War Powers Act, as amended, Executive Order 8989, as amended, and Executive Order 9729, Special Allocation Order ODT R-2, as amended (12 F. R. 2211, 2341, 2569), is hereby further amended as shown in the Revised Appendix attached hereto.

This Amendment 2 to Special Allocation Order ODT R-2 shall become effective on June 25, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 25th day of June 1947.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

REVISED APPENDIX

Anchor Petroleum Co., Tulsa, Okla.:

Car No. USQX

12156	12307	12442	12477	12708
12157	12319	12447	12506	12710
12165	12321	12452	12513	12729
12173	12334	12456	12514	12740
12174	12339	12458	12617	12762
12197	12377	12468	12659	12764
12301				

Ashland Oil & Refining Co., Ashland, Ky.:

Car No. USQX

12192	12312	12361	12654	

Barnsdall Oil Co., Tulsa, Okla.

Car No. USQX

12162	12201	12335	12352	12486
12171	12202	12337	12484	12501
12200	12208	12349	12485	12716

Cumberland Gasoline Corp., Westfield, N. J.:

Car No. USQX

12220	12351	12469	12522	12728
12303	12374	12517	12523	12730
12342	12443	12520	12524	12739
12345	12467	12521	12600	12757

Hagy, Harrington and Marsh, Amarillo, Tex.:

Car No. USQX

12144	12353	12410	12422	12437
12168	12367	12420		

Phillips Petroleum Co., Bartlesville, Okla.:

Car No. USQX

12143	12306	12431	12487	12601
12148	12332	12435	12493	12662
12150	12400	12436	12502	12666
12185	12401	12446	12511	12744
12239	12423	12463	12519	

Shell Oil Co., Inc., San Francisco, Calif.:

Car No. USQX

12190	12198	12205	12323	12336
12193	12199	12322	12326	12472
12196				

Sinclair-Prairie Oil Co., New York, N. Y.:

Car No. USQX

12141	12212	12434	12638	12704
12155	12223	12440	12639	12705
12161	12300	12448	12645	12707
12164	12305	12449	12646	12712
12166	12311	12459	12648	12714
12167	12317	12460	12649	12722
12170	12324	12462	12658	12725
12172	12327	12465	12661	12727
12175	12331	12476	12663	12741
12176	12346	12479	12669	12743
12177	12363	12480	12670	12745
12178	12369	12483	12671	12746
12179	12373	12491	12673	12747
12180	12379	12494	12674	12748
12182	12380	12498	12690	12749
12186	12421	12612	12692	12750
12203	12424	12634	12694	12751
12204	12429	12635	12696	12752
12206	12432	12636	12697	12755
12207	12433	12637	12698	12756

Skelly Oil Co., Kansas City, Mo.:

Car No. USQX

12145	12217	12362	12482	12629
12147	12218	12365	12488	12650
12154	12238	12366	12496	12699
12160	12313	12371	12497	12703
12189	12318	12372	12499	12709
12194	12328	12375	12500	12711
12195	12338	12381	12503	12723
12210	12341	12382	12507	12738
12211	12343	12439	12510	12753
12213	12344	12464	12516	12760
12214	12348	12466	12518	12771
12215	12359	12470	12628	

Sun Oil Co., Philadelphia, Pa.:

Car No. USQX

12183	12237	12368	12492	12717
12187	12315	12370	12672	12726
12188	12333	12453	12702	12758
12216	12355	12457	12706	12759
12231	12360	12474	12715	12763

Warren Petroleum Corp., Tulsa, Okla.:

Car No. USQX

12140	12236	12409	12473	12713
12142	12304	12411	12475	12718
12146	12308	12412	12478	12719
12149	12309	12413	12481	12720
12151	12310	12414	12489	12721
12152	12314	12415	12490	12724
12153	12316	12416	12495	12731
12159	12320	12417	12504	12732
12163	12325	12418	12505	12733
12169	12329	12419	12508	12734
12181	12330	12425	12509	12735
12209	12347	12426	12512	12736
12219	12350	12427	12515	12737
12221	12354	12428	12647	12742
12222	12356	12430	12656	12754
12224	12357	12438	12660	12761
12225	12358	12441	12664	12765
12226	12378	12444	12665	12766
12227	12402	12445	12667	12767
12228	12403	12450	12668	12768
12229	12404	12451	12691	12769
12230	12405	12454	12693	12770
12232	12406	12455	12695	12772
12233	21407	12461	12700	12773
12234	12408	12471	12701	12774
12235				

[F. R. Doc. 47-6108; Filed, June 27, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-544]

INDUSTRIAL ELECTRICA MEXICANA, S. A.

ORDER GRANTING APPLICATION FOR EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of June 1947.

Industrial Electrica Mexicana, S. A., an electric utility company incorporated and operating in the Republic of Mexico, having filed an application and an amendment thereto pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 requesting an exemption from the provisions of said act which would otherwise attach to it as a direct subsidiary of Hydro-Electric Securities Company and as an indirect subsidiary of California Electric Power Company; and

A notice of filing having been issued on June 6, 1947, with respect to said application, said notice having stated that any interested person may not later than June 20, 1947, request the Commission in writing that a hearing be held on such matter, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Industrial Electrica Mexicana, S. A., has no subsidiaries and derives no material part of its income, directly or indirectly, from sources within the United States, and is not a public utility company operating in the United States, and further finding that it is not detrimental to the public interest or the interests of investors or consumers to grant the exemption requested;

It is hereby ordered, Effective forthwith, that the application, as amended, of Industrial Electrica Mexicana, S. A., for exemption pursuant to section 3 (b) of the act be, and it hereby is, granted, said exemption being subject, however, to the provisions of section 3 (c) of the act, and said company remaining subject to any obligations imposed on it by any provisions of the act in any capacity other than that of a subsidiary company of a holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6095; Filed, June 27, 1947; 8:49 a. m.]

[File Nos. 70-1494, 70-1495]

STANDARD GAS AND ELECTRIC CO. AND CALIFORNIA OREGON POWER CO.

ORDER PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE AND RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of June 1947.

On May 8, 1947, we issued our Order in this matter permitting, among other things, the proposed issue and sale by The California Oregon Power Company ("Copco") of 60,000 shares of its --% Cumulative Preferred Stock, par value $100 per share, and 18,000 shares of Common Stock, par value $20 per share, and the sale by Standard Gas and Electric Company ("Standard Gas"), the parent of Copco, of 390,000 shares of Common Stock of Copco, par value of $20 per share. These sales were to be made pursuant to the competitive bidding requirements of Rule U-50 promulgated under the Public Utility Holding Company Act of 1935 ("act") and our order provided that the sales should not be consummated until the results of the competitive bidding had been made a matter of record in these proceedings and a further order issued thereon.[1] Standard

[1] A further condition contained in our order of May 8, 1947 requiring Copco to obtain authorizations from the Public Utilities Commission of the State of California and the Public Utilities Commissioner of Oregon for the transactions proposed to be done by it in these proceedings has been satisfied by an amendment to Copco's application and declaration herein containing copies of the orders of these two State Commissions authorizing the transactions proposed to be done by Copco.

Gas and Copco by public advertisement invited separate sealed written bids for the aggregate amount of the Common Stock of Copco to be sold and Copco similarly advertised as to the preferred stock, which bids were to be opened on May 20, 1947. On May 19, however, Standard Gas and Copco considered it advisable to postpone the opening of all bids in view of the market conditions existing on that date and so notified the interested prospective bidders and this Commission.

The applicants-declarants have now filed amendments to their separate applications and declarations requesting that the Commission exempt from the requirements of Rule U-50 promulgated under the act the proposed sale by Standard Gas of 390,000 shares of Common Stock, par value $20 per share, of Copco and the proposed sale by Copco of 18,000 shares of its Common Stock, par value $20 per share, and that the Commission modify its Order of May 8, 1947, so as to permit the sale of said 408,000 shares of common stock on the basis of negotiating in lieu of competitive bidding.

At a public hearing held on June 23, 1947 the applicants-declarants submitted evidence on their request for exemption from competitive bidding and with respect to what was done by them in an effort to sell said 408,000 shares of common stock by "shopping around". The testimony revealed that the three underwriting groups headed by (1) Smith, Barney & Co. and Kuhn, Loeb & Co., (2) Harriman Ripley & Co., Incorporated, Merrill Lynch, Pierce, Fenner & Beane and Bear, Stearns & Co., and (3) Blyth & Co., Inc. and The First Boston Corporation, which had previously shown interest in the proposed offering had been advised on June 11, 1947 that informal permission had been given tentatively by the Commission to effect a negotiated sale. A series of negotiations was subsequently held between the representatives of these three groups and officials of the two companies. As the underwriting group headed by Smith, Barney & Co. and Kuhn Loeb & Co. indicated that it would require thirty days or more to build up a selling group and enter into a purchase contract, negotiations with it were abandoned. Several conferences were had with each of the other groups and a number of offers of purchase was received from each of them. As a result of these conferences the representatives of Standard Gas and Copco came to the conclusion that it was more profitable to continue the negotiations with the group headed by Blyth and First Boston since it offered a somewhat higher price for the stock and in the applicants' opinion indicated greater assurance of ability to close the transactions on a basis most advantageous to Standard Gas and Copco. Thereafter, on June 23, 1947 a formal purchase contract, a copy of which has been filed in these proceedings, was entered into with the group headed by Blyth and First Boston for the sale of said 408,000 shares of Common Stock of Copco.[2] Pursuant to such contract said group of underwriters proposes to purchase this stock at a price of $20.35 per share, and to offer this stock to the public at a price of $22.25 per share, resulting in an underwriter's spread of $1.90 per share.[3]

In support of their request, Standard Gas and Copco have presented various reasons why they are of the opinion that an exemption from the competitive bidding requirements of Rule U-50 should be granted. While we are very doubtful that the reasons which they offer are valid, we have determined, in the light of the special circumstances of this case referred to below, to grant the exemption from competitive bidding.

Standard Gas has since 1941 been under an order of this Commission to divest itself of its holdings in Copco.[4] During June, 1946 Standard Gas offered its holdings in Copco for sale pursuant to the competitive bidding requirements of Rule U-50. Bids were solicited and received.[5] Standard Gas rejected the bids as being in its opinion inadequate. As noted above, these same holdings were again scheduled to be sold on May 20 of this year, but on May 19, 1947 the applicants-declarants herein came to the conclusion that the bidding should be postponed because, in their opinion, market conditions had so deteriorated on that date that there was little likelihood that any bid would be received for the new preferred stock of Copco or that any bids submitted for the purchase of the common stock would prove satisfactory to the sellers.

In connection with the hitherto abortive efforts made by Standard Gas to sell its holdings in Copco it should be noted that there are certain outstanding bank loans of Standard Gas as to which two extensions of maturities have been previously approved by us (File Nos. 70–1479 and 70–1511) and that an aggregate amount of $8,010,826.95 of said bank loans will be due and payable on July 10, 1947. In order for Standard Gas to meet the commitments which it undertook at the time it modified its plan of reorganization, it is, of course, urgent that it dispose of assets in order to provide for funds to meet the July 10th maturities. Such action must necessarily be taken within the very near future.[6]

In the light of the past difficulties which have arisen in connection with the various attempts to sell the securities, in view of the present urgency presented in connection with the approaching maturities of the bank loans, and after consideration of all the special circumstances in the case, we have determined that it is appropriate to grant the exemption. So far as appears from the record the applicants-declarants have attempted to maintain, within the limitations of the "shopping around" procedure, competitive conditions so far as they could do so without the use of competitive bidding.

We have also concluded that the price and underwriting spread are not unreasonable. Accordingly we are granting the application and permitting the declaration to become effective. In connection with the transactions applicants-declarants have requested that we find the transactions necessary or appropriate to comply with section 11 of the act in order that they may obtain certain relief under Supplement R and section 1808 (f) of the Internal Revenue Code. Upon consideration we deem such findings appropriate, and we are so ordering as hereinafter provided.

It is therefore ordered, That the applications for exemption from competitive bidding be granted and that the applications-declarations, as amended, with respect to the issue and sale by Copco of 18,000 shares of its Common Stock, par value $20 per share, and the sale by Standard Gas of 390,000 shares of the Common Stock, par value $20 per share, of Copco be granted and permitted to become effective.

It is further ordered and the Commission finds, That the reclassification of the presently outstanding 312,000 shares of Common Stock of Copco into 390,000 shares of Common Stock of Copco, par value $20 per share, and the issuance to Standard Gas and Electric Company of such reclassified common stock are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and that the proposed sale by Standard Gas and Electric Company of said 390,000 shares of Common Stock of Copco, par value $20 per share, is in accordance with and in obedience to an order of this Commission dated August 8, 1941, is necessary or appropriate to the integration or simplification of the holding company system of which Standard Gas and Electric Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That the reservations of jurisdiction heretofore made with respect to fees and expenses be, and are hereby, released with respect to legal fees and expenses payable to Isham, Lincoln and Beale, counsel for the underwriters, and with respect to fees payable to Public Utility Engineering and Service Corporation, and that the reservation of jurisdiction with respect to other legal fees and expenses (payable to A. Louis Flynn and to Brobeck, Phleger and Harrison, counsel for the applicants-declarants) be, and is hereby, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6099; Filed, June 27, 1947; 8:48 a. m.]

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[2] In connection with the transactions as presently proposed, the applicants-declarants have determined to take no action at this time with respect to the issue and sale by Copco of 60,000 shares of Cumulative Preferred Stock.

[3] Copco has declared a dividend on its common stock equivalent to 40¢ per share on the 390,000 shares of common stock owned by Standard Gas, payable in July 1947, to holders of record on June 23, 1947. As record holder on that date Standard Gas will be the recipient of that dividend payment and the stock is being offered by the underwriters "ex-dividend".

[4] 9 S. E. C. 862 (1941). In March 1943 Standard Gas filed a plan which provided, among other things, for a distribution by Standard Gas of its holdings in Copco to its security holders. The plan was the subject matter of considerable litigation and was never consummated. Subsequently, the company secured authority from the Court and the Commission to modify its plan to the extent of calling for redemption its notes and debentures, the funds for that purpose to be received from an issuance of bank loan notes. Standard Gas undertook at that time to repay the bank loan notes from the proceeds of sales of various assets, including its holdings in Copco (Standard Gas and Electric Company, — S. E. C. — (1946), Holding Company Act Release No. 6435).

[5] The highest bid at that time was $28.33 per share net to Standard Gas, on the basis of the then outstanding 312,000 shares. Consummation of that sale would have resulted in net proceeds to the company of $8,838,960. To realize an equivalent amount in the present transaction, Standard Gas would have had to receive $22.66 per share for each of the 390,000 shares now being sold.

[6] See, in this connection, our opinion in Standard Gas and Electric Company, — S. E. C. — (1947), Holding Company Act Release No. 7395, permitting the most recent extension of the maturities of these bank loans.

[File No. 70–1521]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of June A. D. 1947.

Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, regarding the issuance and sale at competitive bidding of $4,500,000 principal amount First Mortgage Bonds, Series B, --% due 1977; and

The Commission by order dated June 12, 1947 having granted said application, as amended, subject to the condition that the proposed sale of the bonds should not be consummated until the results of the competitive bidding, pursuant to Rule U-50, shall have been made a matter of record herein and a further order shall have been entered by the Commission in the light of the record so completed; and

New Hampshire having filed an amendment to its application setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids, seven bids on said bonds by groups of underwriters represented by the firms set forth below were received:

Underwriting group	Coupon rate	Price to company	Cost to company
	Percent		
The First Boston Corp	2¾	101.49	2.67743
Equitable Securities Corp	2¾	101.183	2.69227
Kidder, Peabody & Co	2¾	100.8299	2.70941
Salomon Bros. & Hutzler	2¾	100.82	2.70980
W. C. Langley & Co	2¾	100.80	2.71087
Halsey, Stuart & Co., Inc	2¾	100.65	2.71857
Lazard Freres & Co	2¾	100.62	2.71961

The said amendment having stated further that New Hampshire has accepted the bid of the group represented by The First Boston Corporation as set out above, and that the bonds will be offered for sale to the public at a price of 101.915% of the principal amount thereof, resulting in an underwriters' spread of 0.425% of the principal amount of said bonds; and

The Commission having examined the record herein as so completed by said amendment and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds or the underwriters' spread and allocation thereof;

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50, be, and the same hereby is, released, and that said application, as further amended, be, and the same hereby is granted, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6094; Filed, June 27, 1947; 8:49 a. m.]

[File No. 70–1525]

COLUMBIA GAS & ELECTRIC CORP. AND ATLANTIC SEABOARD CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of June 1947.

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its wholly owned subsidiary, Atlantic Seaboard Corporation ("Seaboard"), also a registered holding company, having filed a joint declaration pursuant to the provisions of section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, regarding a cash contribution of $1,535,000 to Seaboard which, in turn, proposes to make a capital contribution of $150,000 to Amere Gas Utilities Company ("Amere"), $75,000 to Virginia Gas Distribution Corporation ("Distribution"), and $560,000 to Virginia Gas Transmission Corporation ("Transmission") for the purpose of financing their construction programs, said companies being wholly owned subsidiaries of Seaboard. The remaining $750,000 to be received by Seaboard will be used to finance its own construction program; and

The contribution by Seaboard and the acceptance of such contribution by Transmission and Distribution having been approved by the State Corporation Commission of Virginia by its order dated May 20, 1947; and

Said joint declaration having been filed on May 13, 1947 and an amendment thereto having been filed on June 9, 1947, and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint declaration be permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid joint declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6097; Filed, June 27, 1947; 8:49 a. m.]

[File No. 70–1526]

COLUMBIA GAS & ELECTRIC CORP. AND CENTRAL KENTUCKY NATURAL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of June 1947.

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its public utility subsidiary, Central Kentucky Natural Gas Company ("Central Kentucky"), having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, 9 and 10 thereof, with respect to the following transactions:

Central Kentucky proposes to issue and sell to Columbia $2,300,000 principal amount of 3¼% Installment Promissory Notes, such notes to be unsecured and non-negotiable. The principal amounts thereof are to be payable in equal annual installments on August 15 of each of the years 1950 to 1974, inclusive; interest upon the unpaid principal amount thereof is to be payable semi-annually on February 15 and Au-

gust 15. The proceeds of such sale are to be used by Central Kentucky to finance its 1947 construction program, which, it is estimated, will involve expenditures of approximately $2,583,000. The notes are to be issued by Central Kentucky at such time and in such amounts as funds are required in connection with the construction program, but none of such notes will be issued and sold subsequent to December 31, 1947.

Said joint application-declaration having been filed on May 14, 1947 and an amendment thereto having been filed on June 11, 1947, notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied, and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6096; Filed, June 27, 1947; 8:47 a. m.]

[File No. 70-1539]

CENTRAL VERMONT PUBLIC SERVICE CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of June A. D. 1947

Central Vermont Public Service Corporation ("Central Vermont"), a subsidiary of New England Public Service Company, a registered holding company, having filed an application, and an amendment thereto, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

Central Vermont proposes to borrow from one or more banks, during the remainder of the year 1947, an amount not in excess of $1,600,000 (including $550,000 presently outstanding short-term obligations) and to issue from time to time in evidence thereof its promissory notes with a maturity of not more than nine months from the date of issue thereof. The proceeds of said loans are to be used to finance the company's construction program (including the rebuilding, repairing and replacing of certain of its properties damaged by flood) prior to the time when funds will be available from permanent financing. Applicant states that it has been informed by the First National Bank of Boston that it will loan the company the additional funds required at the rate of 1½% per annum. It is represented by applicant that the transactions are not subject to the jurisdiction of any commission other than this Commission.

The application having been filed on May 28, 1947, and an amendment thereto having been filed on June 10, 1947, and notice of said filing, as amended, having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant having requested that the Commission's order granting the application, as amended, become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said application, as amended, that the requirements of the applicable sections of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be, and the same hereby is granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6098; Filed, June 27, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

RUDOLF A. SEMS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Rudolf A. Sems, Cleveland, Ohio	5880	$1,658.95 in the Treasury of the United States.

Executed at Washington, D. C., on June 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6123; Filed, June 27, 1947; 8:53 a. m.]

[Vesting Order 2580, Amdt.]

JAKOB DICHTER AND LUIGI MARZOCCHI

In re: Patents and patent applications of Jakob Dichter and Luigi Marzocchi; Interests of Jakob Dichter, Felix Meyer and Jenaer Glaswerk Schott und Genossen in contracts relating to patents.

Vesting Order 2580, dated November 10, 1943, is hereby amended as follows and not otherwise:

By deleting subparagraph 8 (h) of said Vesting Order 2580 and substituting therefor the following:

(h) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Jenaer Glaswerk Schott und Genossen by virtue of an agreement dated on or about April 18, 1940 (including all modifications thereof and supplements thereto, if any) by and between Jenaer Glaswerk Schott und Genossen and Kimble Glass Company, relating among others to Patent No. 1,699,305, dated January 15, 1929, inventor Felix Meyer, for method of making glass vessels,

All other provisions of said Vesting Order 2580 and all action taken by or on behalf of the Alien Property Custodian or the Attorney General in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-6119; Filed, June 27, 1947; 8:53 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 31—FEDERAL LAND BANK OF BERKELEY

PERSONAL RISK INVESTIGATION FEES

Section 31.1 *Personal risk investigation fees*, of Title 6, Code of Federal Regulations, is hereby revoked. (Res. Bd. Dir., December 19, 1944.)

[SEAL] FEDERAL LAND BANK OF BERKELEY,
W. E. YORK,
Vice President and Treasurer.

[F. R. Doc. 47-6128; Filed, June 30, 1947; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 972—MILK IN THE TRI-STATE MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 972.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159), a public hearing was held on March 7–8, 1947, upon a proposed marketing agreement and to proposed amendments to the order, as amended, regulating the handling of milk in the Tri-State marketing area; and the decision (12 F. R. 4144) was made, with respect to the amendments, by the Secretary on June 20, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the order, as amended, to reflect current marketing conditions and to give producers immediately some assurance of a substantial seasonal increase in prices as an incentive to a needed increase in milk production during the fall and winter months of 1947–48. Any delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Tri-State marketing area and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30

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FEDERAL REGISTER

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days after its publication. (See section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended, and as hereby further amended, which is marketed within the Tri-State marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (April 1947), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That such handling of milk in the Tri-State marketing area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 972.1 (h) and substitute therefor the following:

§ 972.1 *Definitions.* • • •

(h) "Fluid milk plant" means a plant out of which a route is operated wholly or partially within the marketing area: *Provided*, That a "fluid milk plant" shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

2. Delete § 972.5 (b) and substitute therefor the following:

§ 972.5 *Minimum class prices.* • • •

(b) *Class I milk prices.* Subject to the provisions of (e), (f), (g) and (h) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk, shall be the basic formula price determined pursuant to paragraph (a) of this section plus the following amounts for the delivery periods indicated:

Delivery period	Huntington district plants	Other plants
May and June	$1.10	$0.90
March, April, July, and August	1.20	1.00
September, October, November, December, January, and February	1.35	1.15

Provided, That for the months of July and August, 1947, the price for Class I milk shall not be less than $4.62 and $4.42 for the Huntington and other than Huntington district, respectively, and for the months of September, October, November and December, 1947, such prices shall not be less than $5.06 and $4.86: *And provided further*, That the Class I prices for January 1948 shall not be less than the December 1947 Class I prices minus $0.44 and that the February 1948 Class I prices shall not be less than the January 1948 Class I prices minus $0.44.

3. Delete § 972.5 (c) and substitute therefor the following:

(c) *Class II milk prices.* Subject to the provisions of (e), (f), (g) and (h) of this section, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class II milk, shall be the basic formula price determined pursuant to paragraph (a) of this section plus the following amounts for the delivery periods indicated:

Delivery period	Huntington district plants	Other plants
May and June	$0.80	$0.60
March, April, July, and August	.90	.70
September, October, November, December, January, and February	1.05	.85

Provided, That for the months of July and August, 1947, the price for Class II milk shall not be less than $4.32 and $4.12 for the Huntington and other than Huntington district, respectively, and for the months of September, October, November and December, 1947, such prices shall not be less than $4.76 and $4.56: *And provided further*, That the Class II prices for January 1948 shall not be less than the December 1947 Class II prices minimum $0.44 and that the February 1948 Class II prices shall not be less than the January 1948 Class II prices minus $0.44.

4. Delete § 972.8 (g).

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 25th day of June 1947, to be effective on and after the 1st day of July 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: June 26, 1947.

HARRY S. TRUMAN,
President of the United States.

[F. R. Doc. 47-6171; Filed, June 30, 1947; 8:47 a. m.]

PART 974—MILK IN COLUMBUS, OHIO, MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 974.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held on March 10–14, 1947, upon a proposed marketing agreement and to proposed amendments to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area; and the decision (12 F. R. 4147) was made, with respect to the amendments, by the Secretary on June 20, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to give producers immediately some assurance of a substantial seasonal increase in prices as an incentive to a needed increase in milk production during the fall and winter months of 1947–48. Any delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Columbus, Ohio, marketing area, and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication. (See section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237.)

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Columbus, Ohio, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (April, 1947), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That such handling of milk in the Columbus, Ohio, marketing area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 974.1 (e) and substitute therefor the following:

§ 974.1 *Definitions.* • • •

(e) "Fluid milk plant" means the premises and portions of the building and facilities used in the receipt and processing or packaging of milk all or a portion of which is disposed of from such plant during the delivery period on a route(s), wholly or partially within the marketing area, but not including any portion of such buildings or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area.

2. Add at the end of § 974.1 the following paragraph:

(l) "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including a State or municipal institution, other than to a fluid milk plant(s) or to a plant(s) manufacturing milk products.

3. At the end of § 974.4 (b) (4) change the period (.) to a colon (:) and add thereafter the following: *"Provided,* That producer milk transferred by a handler to any plant of another handler without first having been received for purposes of weighing and testing in the transferring handler's fluid milk plant shall be included in the receipts at the plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the fluid milk plant of the transferring handler in computing his plant shrinkage."

4. Delete § 974.5 and substitute therefor the following:

§ 974.5 *Minimum prices*—(a) *Basic formula prices for skim milk and butterfat.* The basic formula prices of skim milk and butterfat, respectively, shall be computed by the market administrator for each delivery period in the following manner:

(1) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Locations

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) Compute the price per hundredweight by adding together the amounts resulting under subdivisions (i) and (ii) of this subparagraph:

(i) From the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period in which such milk was received, subtract 3.5 cents, add 20 percent, and then multiply the resulting amount by 3.5, and

(ii) From the arithmetical average of the carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), roller and spray process, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture during the delivery period, deduct 4 cents, multiply by 8.5, and multiply by 0.965.

(3) Multiply the higher of the prices resulting from subparagraphs (1) and (2) of this paragraph by 0.2798 (which amount shall be known as the basic formula price per hundredweight of skim milk); and

(4) Multiply the higher of the prices resulting from subparagraphs (1) and (2) of this paragraph by 20.86 (which amount shall be known as the basic formula price per hundredweight of butterfat).

(b) *Class I milk, Class II milk, and Class III milk prices.* Subject to the provisions of paragraphs (d) and (e) of this section, the minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class I milk, Class II milk, and Class III milk, respectively, shall be determined by adding the appropriate amounts set forth in the following schedule to the basic formula prices per hundredweight of skim milk and butterfat, respectively, for the delivery period:

	Skim milk		Butterfat	
	August through March	April through July	August through March	April through July
Class I milk	$0.2798	$0.2098	$20.86	$15.64
Class II milk	.2098	.1399	15.64	10.43
Class III milk	.1679	.0979	12.52	7.30

Provided, That in no event shall the price of skim milk or butterfat in any such class be lower, respectively, than the skim milk and the higher butterfat prices, in Class IV milk: *And provided further,* That for the month of August, 1947, the prices per hundredweight for skim milk and butterfat in Class I milk shall not be less than $1.175 and $87.61, respectively, and in Class II milk not less than $1.105 and $82.40, respectively; and for the months of September, October, November, and December, 1947, such prices for skim milk and butterfat in Class I milk shall not be less than $1.298 and $96.79, respectively, and in Class II milk not less than $1.228 and $91.58, respectively: *And provided also,* That the prices per hundredweight for skim milk and butterfat in Class I milk and Class II milk for January, 1948, shall not be less than the December, 1947, prices of skim milk and butterfat in such classes minus $0.123 and $9.18, respectively, and such prices for February, 1948, shall not be less than such prices for January, 1948, minus $0.123 and $9.18, respectively.

(c) *Class IV milk prices.* Subject to the provisions of paragraph (e) of this section the minimum prices to be paid by each handler for that portion of skim milk or butterfat in producer milk received at his fluid milk plant and classified as Class IV milk shall be determined as follows:

(1) The price per hundredweight of such skim milk shall be the prices determined pursuant to paragraph (a) (2) (ii) of this section, divided by 0.965; and

(2) The price per hundredweight of such butterfat shall be the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period, multiplied by 120: *Provided,* That the price per hundredweight of butterfat made into butter shall be such price per hundredweight less $4.20.

(d) *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a handler for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Columbus, Ohio, marketing area: *Provided,* That Class I milk or Class II milk disposed of in another marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Columbus, Ohio, marketing area, pursuant to this section, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

(e) *Emergency price provisions.* (1) Whenever the provisions in this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the price of Class I milk, Class II milk, or Class III milk computed for any delivery period pursuant to paragraph (b) of this section is above a level which is in the public interest, the price of Class I milk, Class II milk, or Class III milk for such delivery period shall be the same as the corresponding price for Class I milk, Class II milk, or Class III milk for the delivery period immediately preceding.

5. Delete from § 974.6 (a) the following proviso: *"Provided,* That if such handler received milk, skim milk, or cream from a handler who received no producer milk other than that of his own production and disposed of the skim milk or butterfat contained therein as other than in the lowest-priced use of the receiving handler, there shall be added an amount equal to the difference between (1) the value of such skim milk or butterfat at the price of such lowest-priced use and (2) the value computed in accordance with its class use."

6. Delete from § 974.6 (c) (3) the term "4 percent" wherever it appears and substitute therefor the term "3.5 percent."

7. Delete from § 974.6 (c) (5) the term "4.0 percent" and substitute the term "3.5 percent."

8. Delete from § 974.7 (f) the section reference "§ 974.5 (e) (2)" and substitute therefor the section reference "§ 974.5 (c) (2)."

9. Delete the provisions of § 974.8 and substitute therefor the following:

§ 974.8 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 974.2 (c) (3) each handler shall pay the market administrator on or before the 12th day after the end of each delivery period 2 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts of skim milk and butterfat (except receipts from other handlers) in (a) producer milk and (b) other source milk at a fluid milk plant.

10. Delete the provisions of § 974.9 (a) and substitute therefor the following:

§ 974.9 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section each handler shall deduct from his payments pursuant to § 974.7 (a), 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all producer milk (except such handler's own production) received during each delivery period, and shall pay such deduction to the market administrator on or before the 12th day after the end of each delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of such producer milk and to provide producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C. this 25th day of June 1947, to be effective on and after the 1st day of July 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved: June 26, 1947.

HARRY S. TRUMAN,
President of the United States.

[F. R. Doc. 47—6170; Filed, June 30, 1947; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. Serial No. 394]

PART 302—DESCRIPTION OF FUNCTIONS; COURSE AND METHOD BY WHICH FUNCTIONS ARE CHANNELED; SCOPE AND CONTENTS OF DOCUMENTS

CHANNELING OF CERTAIN ROUTINE FUNCTIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of June 1947.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 205 (a) thereof, and pursuant to the Administrative Procedure Act, particularly sections 3 and 12 thereof, and in order to provide for the processing of applications filed with the Board pursuant to §§ 292.1 and 292.5 of the Economic Regulations, hereby amends § 302.4 (c) of Title 14 of the Code of Federal Regulations to read as follows, effective immediately:

§ 302.4 *Channeling of certain routine functions.* * * *

(c) *Requests and submissions from air carriers.* (1) The Director of the Economic Bureau is authorized to take the following preliminary action on behalf of the Board:

(i) To approve any application for Letter of Registration filed pursuant to § 292.1 of this chapter. (Pursuant to such approval, such Letter will be issued by the Secretary of the Board.)

(2) The Director of the Economic Bureau, with the concurrence of the Assistant General Counsel having jurisdiction over the subject matter involved, is authorized to take the following preliminary action on behalf of the Board:

(i) To approve all Airport Notices from holders of certificates indicating an intention to serve regularly a point through any airport not then regularly used by such holder, including the granting or denying of requests for an effective date earlier than thirty days subsequent to filing such notice, if no new and substantial question of policy appears to be involved.

(ii) To approve Nonstop Notices from holders of certificates indicating an intention to inaugurate a scheduled nonstop service between any two points not consecutively named in the certificate, including the granting or denying of requests for an effective date earlier than twenty days subsequent to the filing of such notice, if such nonstop service does not appear to be adverse to the public interest, or to involve a substantial deviation from the shortest course between such points as determined by the route described in the certificate, or to involve a schedule designated for the transportation of mail and the inauguration of such service on such date would be prohibited pursuant to the provisions of section 405 (c) of the act; or to involve a new and substantial question of policy.

(iii) To approve revocation or modification of suspension of service orders in cases in which the carrier concerned requests such revocation or modification, if no new and substantial question of policy appears to be involved.

(iv) To approve contracts and agreements, and modifications and cancellations thereof, filed under section 412 of the act, relating exclusively to the following enumerated services and facilities: Air conditioning; oxygen bottles; cleaning machines; radio site space; office space; field post offices; porter, janitor, and guard services; flight quarters and lounge space; storage space for cargo, gasoline, or parts; electric power and light; and other joint facility arrangements involving similar routine matters.

(v) To approve, in whole or in part, any application for Letter of Registration filed pursuant to § 292.5 of this chapter. (Pursuant to such approval, such Letter will be issued by the Secretary of the Board.)

(vi) To deny any application for Letter of Registration filed pursuant to §§ 292.1 or 292.5 of this chapter.

(58 Stat. 984 as amended; secs. 3, 12, 60 Stat. 238, 284, 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6156; Filed, June 30, 1947; 8:53 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, Amdt. 109 (§ 821.2)]

PART 821—RENT REGULATIONS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942, AS AMENDED

DECONTROL OF A PORTION OF THE AUSTIN DEFENSE-RENTAL AREA IN TEXAS

The application of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts is terminated in a portion of the Austin Defense-Rental Area, and consequently, the said portion of the said area is decontrolled and Item 300 of Schedule A of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts is amended to read as follows:

(300) Austin	Texas	Hays, Travis, and Williamson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943

This amendment shall become effective June 30, 1947.

(56 Stat. 23; 60 Stat. 664; E. O. 9809, 11 F. R. 14281; E. O. 9841; 12 F. R. 2645)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

Statement To Accompany Amendment 117 to the Rent Regulation for Housing, and Amendment 109 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts

By these amendments the application of the rent regulations is terminated in a

[1] 11 F. R. 13032, 13056, 13305, 14013, 14187; 12 F. R. 395, 409, 1444, 2166, 2358, 2770, 3220.

Whereas by Proclamation No. 2714 of December 31, 1946, the President proclaimed the cessation of hostilities in World War II, effective December 31, 1946:

Now, therefore, it is hereby ordered as follows:

1. Possession by the Government of all bituminous coal mines (except as provided in paragraph 5 hereof), including any and all real property, franchises, rights, facilities, funds and other assets used in connection with the operation of such mines, taken by the United States pursuant to Executive Order 9728 and Orders 2200 and 2200-B of the Secretary of the Interior and now in Government possession, is hereby terminated.

2. There shall be conspicuously displayed at each such mine property on July 1, 1947, and for a reasonable period thereafter, a copy of a poster, to be supplied by the Coal Mines Administration, which shall read as follows:

NOTICE. Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

3. This order shall not affect, and shall not be deemed to have relieved any operating manager of any of the aforesaid mines from the obligation to comply with applicable directions and orders of the Coal Mines Administrator issued during the period of Government possession. Nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession for the purpose of ascertaining the existence and amount of claims against the United States, if any, so that the administration of the provisions of Executive Order 9728, pursuant to which Government possession was taken, may be concluded in an orderly manner.

4. The appointment of each of the operating managers of the aforesaid mines is terminated, upon condition, however, that (a) the operating manager shall have fully and completely complied with all applicable directions and orders issued by the Coal Mines Administrator during the period of Government possession, and (b) the mining company shall have executed and filed with the Coal Mines Administrator an Instrument of Agreement and Certification or shall have executed and filed either an Instrument No. 1 or an Instrument No. 2. The appointment of any operating manager not terminated under this paragraph shall continue solely for the purposes of complying with applicable directions and orders issued by the Coal Mines Administrator during the period of Government possession and for the purposes of accounting in the event that the mining company fails to execute and file one of the above-mentioned instruments.

5. This order shall not apply to the Olga #1, Olga #2, and Caretta #5 Mines of the Carter Coal Company or to Mine No. 3 of the Fox Coal Company, concerning which separate orders are being issued at this time.

6. This order shall become effective as of 12:00 noon, e. s. t., June 30, 1947.

J. A. KRUG,
Secretary of the Interior.

JUNE 27, 1947.

[F. R. Doc. 47-6192; Filed, June 30, 1947; 11:50 a. m.]

[Order No. CMAN T-8]

APPENDIX TO PART 801—OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

TERMINATION OF POSSESSION OF CERTAIN BITUMINOUS COAL MINES

Whereas under authority of the War Labor Disputes Act the Secretary of the Interior pursuant to Executive Orders 9728 and 9758 took possession of Olga No. 1, Olga No. 2 and Caretta No. 5 mines of the Carter Coal Company; and

Whereas the War Labor Disputes Act by its terms shall cease to be effective at the end of six months following the termination of hostilities in the present war as proclaimed by the President of the United States; and

Whereas by Proclamation No. 2714 of December 31, 1946, the President proclaimed the cessation of hostilities in World War II effective December 31, 1946:

Now, therefore, it is hereby ordered as follows:

1. Possession by the Government of Olga No. 1, Olga No. 2 and Caretta No. 5 mines of the Carter Coal Company, including any and all real property, franchises, rights, facilities, funds and other assets used in connection with the operation of such mines taken by the United States pursuant to Executive Order 9728 and Order No. 2200-B of the Secretary of the Interior, is hereby terminated.

2. There shall be conspicuously displayed at each such mine property on July 1, 1947, and for a reasonable period thereafter, a copy of a poster, to be supplied by the Coal Mines Administration, which shall read as follows:

NOTICE. Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

3. This order shall not affect, and shall not be deemed to have relieved any operating manager of any of the aforesaid mines from the obligation to comply with applicable directions and orders of the Coal Mines Administrator issued during the period of Government possession. Nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession for the purpose of ascertaining the existence and amount of claims against the United States, if any, so that the administration of the provisions of Executive Order 9728, pursuant to which Government possession was taken, may be concluded in an orderly manner.

4. The appointment of each of the operating managers of the aforesaid mines is terminated, upon condition, however, that (a) the operating manager shall have fully and completely complied with all applicable directions and orders issued by the Coal Mines Administrator during the period of Government possession, and (b) the mining company shall have executed and filed with the Coal Mines Administrator an Instrument of Agreement and Certification or shall have executed and filed either an Instrument No. 1 or an Instrument No. 2. The appointment of any operating manager not terminated under this paragraph shall continue solely for the purposes of complying with applicable directions and orders issued by the Coal Mines Administrator during the period of Government possession and for the purposes of accounting in the event that the mining company fails to execute and file one of the above-mentioned instruments.

5. This order shall not apply to the Olga #1, Olga #2, and Caretta #5 Mines of the Carter Coal Company or to Mine No. 3 of the Fox Coal Company, concerning which separate orders are being issued at this time.

6. This order shall become effective as of 12:00 noon, e. s. t., June 30, 1947.

J. A. KRUG,
Secretary of the Interior.

JUNE 27, 1947.

[F. R. Doc. 47-6193; Filed, June 30, 1947; 11:50 a. m.]

[Order No. CMAN T-9]

APPENDIX TO PART 801—OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

TERMINATION OF POSSESSION OF A CERTAIN BITUMINOUS COAL MINE

Whereas under authority of the War Labor Disputes Act the Secretary of the Interior pursuant to Executive Order 9728 took possession of Mine No. 3 of Ralph A. Fox d. b. a. Fox Coal Company; and

Whereas the War Labor Disputes Act by its terms shall cease to be effective at the end of six months following the termination of hostilities in the present war as proclaimed by the President of the United States; and

Whereas by Proclamation No. 2714 of December 31, 1946, the President proclaimed the cessation of hostilities in World War II effective December 31, 1946:

Now, therefore, it is hereby ordered as follows:

1. Possession by the Government of Mine No. 3 of Ralph A. Fox d. b. a. Fox Coal Company, including any and all real property, franchises, rights, facilities, funds and other assets used in connection with the operation of such mine taken by the United States pursuant to Executive Order 9728 and Order No. 2200-B of the Secretary of the Interior, is hereby terminated.

2. There shall be conspicuously displayed at such mine property on July 1, 1947, and for a reasonable period thereafter, a copy of a poster, to be supplied by the Coal Mines Administration, which shall read as follows:

NOTICE. Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

3. Nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession for the purpose of ascertaining the existence and amount of claims against the United States, if any, so that the administration of the provisions of Executive Orders 9728 and 9758, pursuant to which Government possession was taken, may be concluded in an orderly manner.

4. Nothing contained herein shall be deemed to affect, or to require the Government to pay over to the Carter Coal Company, or any other corporation or person, monies or funds utilized by the Government in the operation of said mines, or monies or funds derived from the operation of said mines by the Government for its account and risk.

5. This order shall become effective as of 12:00, noon, e. s. t., June 30, 1947.

J. A. KRUG,
Secretary of the Interior.

JUNE 27, 1947.

[F. R. Doc. 47-6193; Filed, June 30, 1947; 11:50 a. m.]

[Housing, Amdt. 117 (§ 821.1)]

PART 821—RENT REGULATIONS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942, AS AMENDED

DECONTROL OF A PORTION OF THE AUSTIN DEFENSE-RENTAL AREA IN TEXAS

The application of the rent regulation for housing is terminated in a portion of the Austin Defense-Rental Area, and consequently, the said portion of the said area is decontrolled and Item 300 of Schedule A of the rent regulation for housing is amended to read as follows:

(300) Austin	Texas	Hays, Travis, and Williamson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943

This amendment shall become effective June 30, 1947.

(56 Stat. 23; 60 Stat. 664; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

Statement To Accompany Amendment 117 to the Rent Regulation for Housing, and Amendment 109 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts

By these amendments the application of the rent regulations is terminated in a portion of the Austin Defense-Rental Area, consisting of Bastrop County in Texas.

It is the judgment of the Housing Expediter, that these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

It is the judgment of the Housing Expediter, that the issuance of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-6223; Filed, June 30, 1947; 10:53 a. m.]

[Housing, Amdt. 117 (§ 821.1)]

PART 821—RENT REGULATIONS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942, AS AMENDED

DECONTROL OF A PORTION OF THE AUSTIN DEFENSE-RENTAL AREA IN TEXAS

The application of the rent regulation for housing is terminated in a portion of the Austin Defense-Rental Area, and consequently, the said portion of the said area is decontrolled and Item 300 of Schedule A of the rent regulation for housing is amended to read as follows:

(300) Austin	Texas	Hays, Travis, and Williamson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943

This amendment shall become effective June 30, 1947.

(56 Stat. 23; 60 Stat. 664; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

Statement To Accompany Amendment 117 to the Rent Regulation for Housing, and Amendment 109 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts

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It is the judgment of the Housing Expediter, that these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-6224; Filed, June 30, 1947; 10:53 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VIII—Coal Mines Administration, Department of the Interior

[Order No. CMAN T-7]

APPENDIX TO PART 801—OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

TERMINATION OF POSSESSION OF CERTAIN BITUMINOUS COAL MINES

Whereas under authority of the War Labor Disputes Act, the Secretary of the Interior pursuant to Executive Order No. 9728, took possession of certain bituminous coal mines in the United States; and

Whereas the War Labor Disputes Act by its terms shall cease to be effective at the end of six months following the termination of hostilities in the present war as proclaimed by the President of the United States; and

[111 F. R. 12955, 13069, 13913, 14189; 12 F. R. 2289, 2681, 2848, 2961, 2967, 2972, 2986, 3111]

and 9758 and Orders No. 2200 and 2230½ of the Secretary of the Interior, is hereby terminated.

2. There shall be conspicuously displayed at such mine property on July 1, 1947, and for a reasonable period thereafter, a copy of a poster, to be supplied by the Coal Mines Administration, which shall read as follows:

NOTICE. Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

3. Nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession for the purpose of ascertaining the existence and amount of claims against the United States, if any, so that the administration of the provisions of Executive Order 9728, pursuant to which Government possession was taken, may be concluded in an orderly manner.

4. Nothing contained herein shall be deemed to affect, or to require the Government to pay over to Ralph A. Fox d. b. a. Fox Coal Company, or any other person or corporation, monies or funds utilized by the Government in the operation of said mine, or monies or funds derived from the operation of said mine by the Government for its account and risk.

5. This order shall become effective as of 12:00 noon, e. s. t., June 30, 1947.

J. A. KRUG,
Secretary of the Interior.

JUNE 27, 1947.

[F. R. Doc. 47-6194; Filed, June 30, 1947; 11:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; MAILING OF CIGARETTES AND TOBACCO PRODUCTS TO GERMANY

The regulations under the country "Germany" (39 CFR, Part 21, Subpart B—Service to Foreign Countries), as amended (11 F. R. 14517; 12 F. R. 705 and 3303) are further amended by adding to the list of APO's shown in the item "Prohibitions" (12 F. R. 3303) the numbers 321 and 305.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-6127; Filed, June 30, 1947; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order 127-C]

PART 15—RADIO STATIONS IN THE WAR EMERGENCY RADIO SERVICE

STATE GUARD STATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

Whereas, by Order No. 127 (10 F. R. 11157) the Commission ordered that all War Emergency Radio Service station licenses (including State Guard stations), all War Emergency radio operator permits, and the rules and regulations governing the operations of stations and of operators in this service be cancelled, effective November 15, 1945; and

Whereas, by Order No. 127-A (10 F. R. 14029) the Commission amended Order No. 127 to permit State Guard stations to operate on the frequencies 3655 and 3825 kilocycles until July 1, 1946, and to permit the rules and regulations governing the War Emergency Radio Service, to the extent that they relate to State Guard stations, to remain in effect until July 1, 1946; and

Whereas, by Order No. 127-B (11 F. R. 6685) the Commission amended and extended the provisions of Order No. 127-A to permit State Guard stations to operate on the frequency 5500 kilocycles until July 1, 1947, and to permit the rules and regulations governing the War Emergency Radio Service, to the extent they relate to State Guard stations, to remain in effect until July 1, 1947; and

Whereas, the War Department has requested the Commission to permit the continued operation of State Guard stations in the War Emergency Radio Service for the proper training and functioning of State Guard organizations for a further temporary period pending reactivation of the National Guard; and

Whereas, the frequency 5500 kilocycles is available for assignment to State Guard stations; and

Whereas, it appears advisable to amend Order No. 127, as amended by Orders No. 127-A and 127-B, to provide for the continued operation of State Guard stations in the War Emergency Radio Service for a further temporary period; *It is ordered*, That:

1. State Guard station licenses, now in effect or granted subsequent to the date of this order, shall remain in effect until July 1, 1948 (3 a. m. eastern standard time).

2. The rules and regulations governing the War Emergency Radio Service (Part 15), to the extent that they relate to State Guard stations and to operators of State Guard stations, shall remain in effect until July 1, 1948 (3 a. m. eastern standard time); *Provided, however*, That such stations may be operated only on the frequency 5500 kilocycles. The use of this frequency will be on a shared basis with stations operated by the War Department.

3. The provisions of Order No. 127, to the extent that they are inconsistent with the provisions of this order are hereby revoked.

4. This order shall become effective on July 1, 1947 (3 a. m. eastern standard time).

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6169; Filed, June 30, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 04a, 04b]

FIRE PREVENTION IN AIR CARRIER AIRCRAFT

JUNE 26, 1947.

A review of the fire prevention regulations adopted by the Civil Aeronautics Board on September 20, 1946, reveals that practical application of these regulations requires minor changes in substance and some clarification of language. The proposed changes in substance are in line with the recently proposed International Civil Aviation Organization Airworthiness Standards which require the installation of fire detectors in the engine power section, irrespective of the presence of a shroud between the power and accessory sections. The implementation of the pertinent ICAO Standards by their inclusion in the Civil Air Regulations is considered in the public interest.

Pursuant to section 4 (a) of the Administrative Procedure Act, the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will propose to the Board amendments to the Civil Air Regulations as follows:

1. Amend the last paragraph of § 04a.062 to read as follows:

All aircraft certificated under the transport category, the manufacture of which is completed after September 30, 1947, shall employ with the following sections of Part 04b of the Civil Air Regulations as amended July —, 1947: §§ 04b.075, 04b.38210, 04b.38230, 04b.3824, 04b.38251, 04b.38252, 04b.4113, 04b.4211, 04b.4231 (c), 04b.425 through 04b.4251, 04b.4320, 04b.4321, 04b.433, 04b.434, 04b.441 and subsections, 04b.470 through 04b.472, 04b.49 through 04b.4902, 04b.491 and 04b.4910 through 04b.493.

2. Amend the last paragraph of § 04b.00 to read as follows:

All aircraft certificated under the transport category, the manufacture of which is completed after September 30, 1947, shall comply with the following sections as amended: §§ 04b.075, 04b.38210, 04b.38230, 04b.3824, 04b.38251, 04b.38252, 04b.4113, 04b.4211, 04b.4231 (c), 04b.425 through 04b.4251, 04b.4320, 04b.4321, 04b.433, 04b.434, 04b.441 and subsections, 04b.470 through 04b.472, 04b.49 through 04b.4902, 04b.491, and 04b.4910 through 04b.493.

3. Amend § 04b.49 to read as follows:

§ 04b.49 *Powerplant fire protection.* Designated fire zones comprise the following regions:

Engine power section.

Engine accessory section.

Complete powerplant compartments in which no isolation is provided between the engine power section and the engine accessory section.

Auxiliary power unit compartments.

Fuel burning heater and other combustion equipment installations.

Such zones shall be protected from fire by compliance with the following requirements.

4. Amend the last clause of the first sentence in § 04b.4901 to read as follows: "shall be flexible fire-resistant lines with fire-resistant end fittings of the permanently attached, detachable, or other approved types."

5. Add the following clause at the end of the last sentence of § 04b.491 (a): "* * *, except in the case of engine power sections which are completely isolated from the engine accessory section by a fireproof diaphragm complying with the provisions of § 04b.4700."

6. Amend § 04b.491 (b) to read as follows:

(b) The fire extinguishing system, the quantity of extinguishing agent, and the rate of discharge shall be such as to provide two adequate discharges. It shall be possible to direct both discharges to any main engine installation. Individual "one-shot" systems shall be acceptable in the case of auxiliary power units, fuel burning heaters, and other combustion equipment.

The Safety Bureau invites those interested to offer comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON, *Director.*

[F. R. Doc. 47-6160; Filed, June 30, 1947; 8:46 a. m.]

[14 CFR, Part 04b]

GYROSCOPIC BANK AND PITCH INDICATOR

JUNE 26, 1947.

Section 04b.51 (a) (5) currently requires that all airplanes subject to certification under the airworthiness requirements of Part 04b be equipped with a non-upsetting type gyroscopic bank and pitch indicator. A study of available instruments indicates that at this time no instruments of the non-upsetting type are available which would be considered sufficiently reliable in all respects. It appears therefore that at least for the present time safety would be served better if instruments which do not meet this restriction but which experience has shown to be reliable were allowed to be used.

Pursuant to section 4 (a) of the Administrative Procedure Act, the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will propose to the Board an amendment to the Civil Air Regulations deleting the words "non-upsetting type" from § 04b.51 (a) (5).

The Safety Bureau invites those interested to offer comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON, *Director.*

[F. R. Doc. 47-6161; Filed, June 30, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1278]

ALLOCATION OF FUNDS FOR LOANS

MAY 15, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Texas 135E Ochiltree	$385,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6129; Filed, June 30, 1947; 8:49 a. m.]

[Administrative Order 1279]

ALLOCATION OF FUNDS FOR LOANS

MAY 16, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 95H Clinch	$50,000
Illinois 48F Clay	200,000
Kansas 28F Norton	515,000
Oklahoma 29K Hughes	96,000
Vermont 7R Orleans	189,000
Wisconsin 49N Dunn	235,000

[SEAL] CARL HAMILTON, *Acting Administrator.*

[F. R. Doc. 47-6130; Filed, June 30, 1947; 8:49 a. m.]

[Administrative Order 1280]

ALLOCATION OF FUNDS FOR LOANS

MAY 16, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 30F Arkansas	$135,000
Minnesota 10K Carlton	195,000
North Carolina 47G Wake	292,000
Wisconsin 27G Buffalo	355,000

[SEAL] CARL HAMILTON, *Acting Administrator.*

[F. R. Doc. 47-6131; Filed, June 30, 1947; 8:49 a. m.]

[Administrative Order 1281]

ALLOCATION OF FUNDS FOR LOANS

MAY 16, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Montana 15G Fergus	8500,000

[SEAL] CARL HAMILTON, *Acting Administrator.*

[F. R. Doc. 47-6132; Filed, June 30, 1947; 8:50 a. m.]

[Administrative Order 1282]

ALLOCATION OF FUNDS FOR LOANS

MAY 16, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Illinois 7K Henry	$20,000
Kansas 45C Ellsworth	287,000
Missouri 54G Crawford	214,000
North Dakota 11U Cass	300,000
Ohio 93N Washington	260,000
Tennessee 19U Rutherford	322,000

[SEAL] CARL HAMILTON, *Acting Administrator.*

[F. R. Doc. 47-6133; Filed, June 30, 1947; 8:50 a. m.]

[Administrative Order 1283]

ALLOCATION OF FUNDS FOR LOANS

MAY 19, 1947.

I hereby amend:

(a) Administrative Order No. 565, dated March 17, 1941, by rescinding the allocation of $25,000 therein made for "California 1024A1 Bard";

(b) Administrative Order No. 1171, dated November 4, 1946, by rescinding the allocation of $302,000 therein made for "Virginia 50A Appomattox."

[SEAL] CARL HAMILTON, *Acting Administrator.*

[F. R. Doc. 47-6134; Filed, June 30, 1947; 8:50 a. m.]

[Administrative Order 1284]

ALLOCATION OF FUNDS FOR LOANS

MAY 26, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Idaho 10L Nez Perce	$700,000
Iowa 16H Monona	245,000
Kansas 37D McPherson	128,000
Kentucky 50M Graves	525,000
New Jersey 6F Sussex	20,000
Pennsylvania 6U Indiana	343,000
Washington 47E Douglas District Public	150,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6135; Filed, June 30, 1947; 8:50 a. m.]

[Administrative Order 1285]

ALLOCATION OF FUNDS FOR LOANS

MAY 26, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Michigan 26Z Ingham	$290,000
North Dakota 25B Morton	365,000
Virginia 31N Mecklenburg	144,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6136; Filed, June 30, 1947; 8:50 a. m.]

[Administrative Order 1286]

ALLOCATION OF FUNDS FOR LOANS

MAY 26, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alaska 5A Kenai	$217,000
Alaska 6A Golden Valley	270,000
Alaska 7A Juneau	230,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6137; Filed, June 30, 1947; 8:50 a. m.]

[Administrative Order 1287]

ALLOCATION OF FUNDS FOR LOANS

MAY 26, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Maryland 4Y St. Marys	$133,000
Nebraska 93B Valley	331,000
North Carolina 25N Rutherford	50,000
Wyoming 23D Shoshone	58,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6146; Filed, June 30, 1947; 8:51 a. m.]

[Administrative Order 1288]

ALLOCATION OF FUNDS FOR LOANS

MAY 27, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kentucky 52N Fleming	$685,000
Kentucky 56K Morgan	225,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6138; Filed, June 30, 1947; 8:51 a. m.]

[Administrative Order 1289]

ALLOCATION OF FUNDS FOR LOANS

MAY 28, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Colorado 40B Rio Blanco	$248,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6139; Filed, June 30, 1947; 8:51 a. m.]

[Administrative Order 1290]

ALLOCATION OF FUNDS FOR LOANS

MAY 28, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Kansas 47B Trego	$24€,000
Louisiana 18L Beauregard	1,005,000
Minnesota 79N Big Stone	250,000
North Dakota 37C McLean	300,000
Texas 48K Hidalgo	150,000
Texas 49K Denton	300,000
Texas 85H Wise	50,000
Virginia 39L Northampton	159,000
Wisconsin 41H Vernon	363,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6140; Filed, June 30, 1947; 8:51 a. m.]

[Administrative Order No. 1291]

ALLOCATION OF FUNDS FOR LOANS

MAY 28, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Oregon 29B Morrow	$200,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6141; Filed, June 30, 1947; 8:51 a. m.]

[Administrative Order No. 1292]

ALLOCATION OF FUNDS FOR LOANS

MAY 29, 1947.

I hereby amend Administrative Order No. 1212, dated January 29, 1947, by changing the allocation therein made for "North Dakota 20H Grand Forks" in the amount of $2,500,000 to read "North Dakota 20H Grand Forks" in the amount of $3,360,000.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6142; Filed, June 30, 1947; 8:51 a. m.]

[Administrative Order 1293]

ALLOCATION OF FUNDS FOR LOANS

JUNE 2, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 22H Clay	$264,000
North Carolina 33K Martin	13,000
Pennsylvania 12H Sullivan	134,000
Pennsylvania 13R Tioga	240,000
South Carolina 22N Fairfield	30,000
Texas 69S Erath	200,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-6143; Filed, June 30, 1947; 8:51 a. m.]

[Administrative Order 1294]

ALLOCATION OF FUNDS FOR LOANS

JUNE 2, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Nebraska 51V Burt District Public	$125,000
North Carolina 21R Sampson	55,000
North Carolina 39M Union	285,000
North Carolina 48F Mecklenburg	46,000
Oklahoma 18N Beckham	150,000
Pennsylvania 4R Crawford	225,000
Pennsylvania 20U Blair	190,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-6144; Filed, June 30, 1947; 8:51 a. m.]

[Administrative Order 1295]

ALLOCATION OF FUNDS FOR LOANS

JUNE 2, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Washington 9K San Juan	$450,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 47-6145; Filed, June 30, 1947; 8:51 a. m.]

[Administrative Order 1296]

ALLOCATION OF FUNDS FOR LOANS

JUNE 4, 1947.

I hereby amend:

(a) Administrative Order No. 1079, dated May 31, 1946, by reducing the allocation of $270,000 therein made for "California 32A San Bernardino" by $179,927.95 so that the reduced allocation shall be $90,072.05;

(b) Administrative Order No. 1131, dated September 3, 1946, by rescinding the allocation of $225,000 therein made for "California 32B San Bernardino";

(c) Administrative Order No. 1103, dated July 3, 1946, by rescinding the allocation of $30,000 therein made for "Maine 12E Washington";

(d) Administrative Order No. 319, dated January 31, 1939, by reducing the allocation of $72,000 therein made for "Virginia R9018B1 T. E. S." by $4,113.56 so that the reduced allocation shall be $67,886.44.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6147; Filed, June 30, 1947; 8:52 a. m.]

[Administrative Order 1297]

ALLOCATION OF FUNDS FOR LOANS

JUNE 4, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Alabama 32M Geneva	$480,000
Iowa 80G Ringgold	230,000
Louisiana 13N East Baton Rouge	224,000
Missouri 22H Howard	152,000
North Carolina 25P Rutherford	27,000
Texas 103K Polk	350,000
Texas 115G Grimes	125,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6148; Filed, June 30, 1947; 8:52 a. m.]

[Administrative Order 1298]

ALLOCATION OF FUNDS FOR LOANS

JUNE 5, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Florida 35D Glades	$90,000
Kansas 52A Thomas	730,000
Montana 29B Valbaux	84,000
West Virginia 10P Harrison	100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6149; Filed, June 30, 1947; 8:52 a. m.]

[Administrative Order 1299]

ALLOCATION OF FUNDS FOR LOANS

JUNE 5, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Louisiana 10S Washington	$220,000
Minnesota 92F South Itasca	187,000
Minnesota 96H Beltrami	190,000
North Dakota 32B Oliver	250,000
Oregon 17K Douglas	150,000
Tennessee 25F Jackson	155,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6150; Filed, June 30, 1947; 8:52 a. m.]

[Administrative Order 1300]

ALLOCATION OF FUNDS FOR LOANS

JUNE 9, 1947

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 96G Pickens	$75,000
Idaho 15F Idaho	68,000
Indiana 70E White	80,000
Kansas 15L Dickinson	155,000
Kansas 34L, M, N Barton	607,000
Texas 95R Victoria	100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6151; Filed, June 30, 1947; 8:52 a. m.]

[Administrative Order 1301]

ALLOCATION OF FUNDS FOR LOANS

JUNE 9, 1947.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Louisiana 18M Beauregard	$15,000
Texas 52K Fannin	20,000
Texas 124D Emory	7,000
Texas 133C Waller	17,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6152; Filed, June 30, 1947; 8:52 a. m.]

[Administrative Order 1302]

ALLOCATION OF FUNDS FOR LOANS

JUNE 11, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Louisiana 12S Franklin	$208,000
Montana 10L Madison	405,000
Texas 80N Collingsworth	209,000
Washington 17E Klickitat District Public	775,000
Washington 23E Grays Harbor	43,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6153; Filed, June 30, 1947; 8:52 a. m.]

[Administrative Order 1303]

ALLOCATION OF FUNDS FOR LOANS

JUNE 12, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Minnesota 35K Brown	$480,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6154; Filed, June 30, 1947; 8:52 a. m.]

[Administrative Order 1304]

ALLOCATION OF FUNDS FOR LOANS

JUNE 17, 1947.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Texas 145B Dallam	$500,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 47-6155; Filed, June 30, 1947; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-606]

TENNESSEE GAS AND TRANSMISSION CO.

ORDER FURTHER POSTPONING HEARING

JUNE 25, 1947.

It appearing to the Commission that:

Good cause exists for further postponing the hearing in the above-docketed matter heretofore set to commence on June 30, 1947; and

The Commission orders that:

The public hearing in the above-docketed matter is hereby postponed to such date as may hereafter be fixed by further order of the Commission.

Date of issuance: June 25, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6126; Filed, June 30, 1947; 8:49 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Special Allocation Order ODT R-2, Amdt. 2]

ALLOCATION OF TANK CARS FOR USE IN TRANSPORTATION OF LIQUEFIED PETROLEUM GAS

Correction

In Federal Register document 47-6108 appearing at page 4238 of the issue for Saturday, June 28, 1947, under the heading Warren Petroleum Corp., Tulsa, Okla., of the Revised Appendix, the number "21407" should read "12407".

SECURITIES AND EXCHANGE COMMISSION

[File No. 68-89]

C. SHELBY CARTER AND RALPH H. HAAS

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of June A. D. 1947.

C. Shelby Carter and Ralph H. Haas, constituting themselves a Committee for the holders of International Hydro-Electric System preferred stock, having filed a declaration on June 11, 1947 pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935, and having filed amendments thereto on June 20, 1947, regarding the solicitation of limited authorizations from the preferred stockholders of said International Hydro-Electric System; and

The Commission being fully advised in the premises and considering that it is in the public interest and in the interest of investors that said declaration, as amended, become effective forthwith:

It is ordered, That said declaration, as amended, be and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6159; Filed, June 30, 1947; 8:53 a. m.]

[File No. 70-1532]

AMERICAN WATER WORKS AND ELECTRIC CO. INC., AND WICHITA WATER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of June A. D. 1947.

American Water Works and Electric Company, Incorporated, ("American"), a registered holding company, and its direct subsidiary, The Wichita Water Company ("Wichita"), an operating water utility company, have filed a joint application - declaration, with three amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transactions:

Wichita proposes to issue and sell to John Hancock Mutual Life Insurance Company $950,000 principal amount of First Mortgage Bonds, Series B, 2⅞%, due June 1, 1977, at a price of 101% of their principal amount, plus accrued interest. These bonds are to be issued under a mortgage and deed of trust dated as of April 1, 1941, between Wichita and City Bank Farmers Trust Company, as Trustee, and an indenture supplemental thereto to be dated as of June 1, 1947, John Hancock Mutual Life Insurance Company now owns all of the outstanding funded debt of Wichita consisting of $3,000,000 principal amount of First Mortgage Bonds, Series A, 3⅝%, due April 1, 1971. The proceeds of the sale of the bonds will be used by Wichita to pay its presently outstanding 2½% notes payable to banks in the aggregate amount of $280,000 and to pay for extensions, improvements and additions to its properties.

American proposes to make a capital contribution of $868,000 to Wichita in

satisfaction of a like amount of advances on open account due from Wichita. The amount of this capital contribution is to be added by American to its investment in the common stock of Wichita and will be credited by Wichita to capital surplus. American owns all of the issued and outstanding common stock of Wichita (22,720 shares, par value $100 per share).

This joint application-declaration was filed on May 15, 1947, and the last amendment thereto on June 18, 1947. Notice of this filing was duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission has not received a request for a hearing with respect thereto, within the period specified in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective, and further deeming it appropriate to grant the request of applicants-declarants that this order become effective upon issuance;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that this joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6158; Filed, June 30, 1947; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 23]

TITAN CO., INC., ET AL.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Titan Co., Inc., New York, N. Y., claims Nos. A-421 and 4167	12 F. R. 2429, Apr. 12, 1947	Property described in Vesting Order No. 294 (7 F. R. 9840, November 28, 1942), relating to United States Patent Application Serial No. 388,276 (now United States Letters Patent No. 2,339,760), to the extent owned by claimant immediately prior to the vesting thereof.
Hansea Corp., New York, N. Y., Claim No. 1076	12 F. R. 2367, Apr. 17, 1947	Forty percent of all property described in subparagraph 3, b, of Vesting Order No. 1239 (8 F. R. 7041, May 27, 1943), which 40% includes $18,264.14 in royalties received thereunder.
American Chain & Cable Co., Inc., Bridgeport Conn., Claim No. 4280	..... do	Property described in Vesting Order No. 201 (6 F. R. 625, January 16, 1941), relating to United States Letters Patent No. 2,010,184, to the extent owned by claimant immediately prior to the vesting thereof.
Antonina Vallentin Lacharre, Paris, France, Claim No. 5609	..... do	Property described in Vesting Order No. 3439 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to the literary works "Leonardo da Vinci" and "Poet in Exile", to the extent owned by claimant immediately prior to the vesting thereof, including royalties pertaining thereto in the amount of $23,182.63.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 24, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6121; Filed, June 27, 1947; 8:53 a. m.]

[Return Order 25]

SANODERM CO. AND FRANCOIS SEIGNOBOSC

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
The Sanoderm Co., Inc., New York, N. Y., Claim No. A-388	12 F. R. 3235, May 17, 1947	Property described in Vesting Order No. 201 (6 F. R. 625, January 16, 1941), relating to United States Letters Patent No. 1,710,133, to the extent owned by claimant immediately prior to the vesting thereof.
Francoise Seignobosc, New York, N. Y., Claim No. 5812	12 F. R. 3327, May 23, 1947	Property, to the extent owned by the claimant immediately prior to the vesting thereof, described in Vesting Order No. 3439 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to the literary works "The Gay A B C" and "Story of Collette" (listed in Exhibit A of said vesting order), and described in Vesting Order No. 3918 (9 F. R. 8815, August 4, 1944; 9 F. R. 13773, November 17, 1944), relating to the literary work "Mr. and Mrs. So and So" (listed in Exhibit A of said vesting order), including royalties pertaining thereto, in the amount of $2,198.87.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 24, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6122; Filed, June 27, 1947; 8:53 a. m.]

[Return Order 26]

JOSEPH MAHLER

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published and Property

Joseph Mahler, Brookline, Mass., Claim No. A-273; 12 F. R. 3327, May 23, 1947; Property described in Vesting Order No. 676 (8 F. R. 5039, April 17, 1943), relating to United States Letters Patent No. 1,992,872, to the extent owned by the claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6168; Filed, June 30, 1947; 8:46 a. m.]

[1] Filed as part of the original document.

reference

JUL 10 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 129

Washington, Wednesday, July 2, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2735

FREE IMPORTATION OF TIMBER, LUMBER, AND LUMBER PRODUCTS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Proclamation No. 2708 of October 25, 1946, authorizes the Secretary of the Treasury to permit, under such regulations and subject to such conditions as the Secretary may deem necessary, the importation free of duty of any articles which the Housing Expediter designates and certifies as timber, lumber, or lumber products suitable for the construction or completion of housing accommodations; and

WHEREAS it now appears that it would be in the public interest to terminate the aforesaid proclamation on August 15, 1947;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the Constitution and laws of the United States, and in particular by section 318 of the Tariff Act of 1930 (46 Stat. 590, 696), do hereby declare that Proclamation No. 2708 is hereby amended to provide that it shall terminate on August 15, 1947.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of June in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL] HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-6233; Filed, June 30, 1947; 2:57 p. m.]

EXECUTIVE ORDER 9869

AMENDMENT OF EXECUTIVE ORDER NO. 9744B OF JUNE 29, 1946, PRESCRIBING REGULATIONS GOVERNING THE FURNISHING OF CLOTHING IN KIND OR PAYMENT OF CASH ALLOWANCES IN LIEU THEREOF TO ENLISTED PERSONNEL OF THE NAVY, THE COAST GUARD, THE NAVAL RESERVE, AND THE COAST GUARD RESERVE

By virtue of and pursuant to the authority vested in me by section 10 of the Pay Readjustment Act of 1942 (56 Stat. 359, 363), it is hereby ordered as follows:

1. Sections A1 (b), A2 (b), and A3 (b) of Executive Order No. 9744B of June 29, 1946, prescribing regulations governing the furnishing of clothing in kind or payment of cash allowances in lieu thereof to enlisted personnel of the Navy, the Coast Guard, the Naval Reserve, and the Coast Guard Reserve, are amended to read, respectively, as follows:

"A1 (b) Enlisted men in other ratings	$124.25	$12.00"
"A2 (b) Within 30 days from date of enlistment or reporting for active duty	175.75	20.00"
"A3 (b) Within 90 days from date of enlistment or reporting for active duty	175.75	20.00"

2. Paragraph 1 hereof shall become effective on July 1, 1947, and the said Executive Order No. 9744B as amended by Executive Order No. 9785 of October 1, 1946, and by this order shall continue in effect during the fiscal year ending June 30, 1948.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 30, 1947.

[F. R. Doc. 47-6282; Filed, July 1, 1947; 10:39 a. m.]

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1946 SUPPLEMENT

to the

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[1947 C. C. C. Wheat Bulletin 1, Supp. 1]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

Pursuant to the provisions of Article Third, paragraphs (b) and (j) of the Corporate Charter of Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4 as amended, sec. 8, 56 Stat. 767 as amended; 15 U. S. C. Sup., 713 (a), 50 U. S. C. App., Sup., 968, Commodity Credit Corporation and the Production and Marketing Administration have issued regulations (12 F. R. 4167) governing the making of loans and purchase agreements on wheat produced in 1947. Such regulations are hereby supplemented as follows:

§ 251.126 *Rates at which loans and purchases will be made*—(a) *Rates at terminal markets.* For loan or purchase at the full rate shown in the following schedule, the wheat must have been shipped on a domestic interstate freight rate basis. The rate at the designated terminal market will be reduced by the difference between the freight paid and the domestic freight rate on any wheat shipped at other than the domestic freight rate. The following schedule of rates applies to wheat delivered to any designated terminal market in carload lots which has been shipped by rail from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges and other documents as required in 1947 C. C. C. Wheat Bulletin 1: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee minimum proportional freight rates from the terminal market, there shall be deducted from the applicable terminal rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional freight rate. The warehouse receipts must be accompanied by the registered freight bills, or by a statement written in the following form and signed by the warehouseman, or a certificate of such warehouseman containing such an undertaking, or such forms as may hereafter be approved by CCC. In the absence of such freight bills or certificates, a deduction of 6 cents per bushel shall be made.

FREIGHT CERTIFICATE FOR TERMINALS

The wheat represented by attached warehouse receipt No. _____ was received by rail freight from _____ (Town) _____ (County) _____ (State) point of origin, as evidenced by freight bill described as follows:

Way Bill, Date _____ No. _____
Car No. _____ Init. _____
Freight Bill, Date _____ No. _____
Carrier _____ Transit Wt. _____
Freight Rate In _____
Amt. Collected _____
Number Unused Transit Stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 19 of the Uniform Grain Storage Agreement.

_____
(Date of Signature)

_____ _____
(Warehouseman's Signature) (Address)

Wheat trucked to a designated terminal market and stored in a warehouse shall have a rate equal to the higher of the terminal rate minus 6 cents per bushel, or the county rate for the county in which the wheat is stored.

(1) *Terminal rates for No. 1 wheat.* 1947 wheat rates on No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 hard amber durum, No. 1 amber durum, No. 1 durum, stored in eligible warehouse storage at the following terminal markets shall be as follows:

Market	Rate per bushel
Kansas City, St. Joseph, Mo.; Kansas City, Kans.; Omaha, Nebr.; Council Bluffs, Iowa	$2.03
Chicago, Ill.; Milwaukee, Wis.; St. Louis, Mo.; East St. Louis, Ill.	2.08
Minneapolis, St. Paul, Duluth, Minn.; Superior, Wis.	2.05
Portland, Oreg.; Seattle, Vancouver, Tacoma, Longview, Wash.	1.98
San Francisco, Los Angeles, Stockton, Oakland, Calif.	2.06
Galveston, Houston, Tex.; New Orleans, La.	2.11
Cairo, Ill.	2.09
Evansville, Ind.; Louisville, Ky.; Cincinnati, Ohio	2.10
Philadelphia, Pa.; Baltimore, Md.; Norfolk, Va. (except as provided in paragraph b (2) of this section)	2.19
Albany, N. Y.	2.20

The terminal rate for other than No. 1 wheat shall be determined by subtracting the following discounts from the applicable terminal rates:

Classification	Cents per bushel
No. 1 red durum	15
No. 1 mixed wheat (containing less than 10 percent of wheats of the classes durum and/or red durum)	2
No. 1 mixed wheat (containing in excess of 10 percent of wheats of the class durum and/or red durum)	15
No. 1 mixed wheat grading amber mixed durum	5
No. 1 mixed wheat grading mixed durum	10

(2) *Variations for grades.* Rates for eligible grades and subclasses shall be at the following schedule of discounts and premiums:

(i) *Discounts.*

	No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring	No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard amber durum, No. 1 amber durum, No. 1 durum, No. 1 amber mixed durum, No. 1 mixed durum, No. 1 red durum, No. 1 mixed wheat
	Cents per bushel	Cents per bushel
No. 1 (not heavy)	1	0
No. 2	2	1
No. 3	4	3
No. 4	6	6
No. 5	9	9
Smut-degree basis:		
Light smutty	2	2
Smutty	6	6
Smut-percentage basis:		
¼ of 1 percent	2	2
1 percent or over	6	6
Light garlicky	2	2
Garlicky	6	6

(ii) *Premiums.*

Protein content (percent)	Minneapolis, St. Paul, Duluth, Minn.; Milwaukee, Superior, Wis.; Kansas City, St. Joseph, Mo.; Kansas City, Kans.; Omaha, Nebr.; Council Bluffs, Iowa; Chicago, East St. Louis, Ill.; St. Louis, Mo.; Galveston, Houston, Tex.; New Orleans, La.; Philadelphia, Pa.; Baltimore, Md.; Albany, N. Y.		Portland, Oreg.; Seattle, Vancouver, Longview, Tacoma, Wash.; San Francisco, Los Angeles, Stockton, Oakland, Calif.	
	Hard red spring	Hard red winter; hard white wheat	Hard red spring	Hard red winter; hard white wheat
	Cents per bushel	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*
10.0–10.9	.....	.....	1	1
11.0–11.9	.....	.....	2	2
12.0–12.9	.....	.....	3	3
13.0–13.9	1	1	4	4
14.0–14.4	2	1½	5	4½
14.5–14.9	3	2	6	5
15.0–15.4	4	2½	7	5½
15.5–15.9	5	3	8	6
16.0–16.4	6	3½	9	6½
16.5–16.9	7	4	10	7
17.0–17.4	8	4½	11	7½
Over 17.4	(1)	(2)	(3)	(4)

[1] 1 for each ½ percent of protein over 17.4 percent.
[2] ½ for each ½ percent of protein over 17.4 percent.
[3] 1 for each ½ percent of protein over 17.4 percent.
[4] ½ for each ½ percent of protein over 17.4 percent.

(b) *Rates at other than designated terminal markets.* (1) For States and counties other than those designated in subparagraph (2) of this paragraph, the rate for wheat in storage on the farm or in country warehouses shall be determined by deducting from the designated terminal market rate an amount equal to the receiving and loading-out charges computed in accordance with the schedule of rates of the Uniform Grain Storage Agreement (CCC Form H, revised June 1, 1946) plus the all-rail interstate freight rate (plus tax) from the country warehouse point, or the shipping point designated by the producer, to such terminal market; except that in such counties of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Arkansas, Texas, and Wisconsin as may be recommended by the State PMA committee such rates shall be computed on the basis of the average freight rate from all shipping points other than subterminal markets in each county to the appropriate terminal market.

The rate for wheat stored in approved warehouses (other than those situated in the designated terminal markets or in the States and counties designated in subparagraph (2) of this paragraph) which was shipped by rail shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance of the through freight rate from point of origin for such wheat to such terminal market, plus freight tax on such transit balance. *Provided*, That in the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line or other costs incurred in storing wheat in such position, as determined by CCC. The warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges or by a statement of the warehouseman in the following form, or a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The wheat represented by attached warehouse receipt No. ---------- was received by rail freight from ----------
(Town)

(County) (State)
point of origin, as evidenced by freight bill described as follows:

Way Bill, Date ---------- No. ----------
Car No. ---------- Init. ----------
Freight Bill, Date ---------- No. ----------
Carrier ---------- Transit Wt. ----------
Freight Rate In------ Amt. Collected ------
Transit Balance, if any, of through freight rate to ----------
of --- ---------- @ per 100 pounds
Number Unused Transit Stops ----------

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 19 of the Uniform Grain Storage Agreement.

(Date of Signature)
---------- ----------
(Warehouseman's Signature) (Address)

(2) Separate schedules of rates for wheat at other than designated terminal markets and for certain wheat at Norfolk, Virginia, will be issued with respect to the States and counties hereinafter set forth:

All counties in Arizona, Delaware, Kentucky, Maryland, New York, New Jersey, North Carolina, Tennessee, Virginia, West Virginia;

In New Mexico, the counties of Bernalillo, Colfax, Curry, Harding, Quay, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Torrance, Union, and Valencia;

In Colorado, the counties of Alamosa, Archuleta, Chaffee, Conejos, Costilla, Delta, Dolores, Eagle, Garfield, Grand, Gunnison, Hinsdale, Jackson, Lake, La Plata, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Grande, Routt, Saguache, San Juan, San Miguel, Summit.

The rate for wheat originating in the counties of Cecil, Kent, Queen Annes, Caroline, Talbot, Dorchester, Wicomico, Somerset, and Worcester in Maryland; all counties in Delaware; and Accomac and Northampton counties in Virginia which is shipped to Norfolk, Virginia, and stored in the Norfolk terminal elevator of the Norfolk and Western Railroad shall be the rate shown on such separate schedule for the county from which the wheat is shipped plus the amount of freight per bushel paid, plus 5½ cents per bushel.

The rate for wheat stored in other approved warehouses (except those situated at designated terminal markets) in the foregoing States and counties, which was shipped by rail in the movement of natural market direction as approved by CCC, shall be determined by adding to the county rate shown on such separate schedule for the county from which the wheat was shipped an amount per bushel equal to the receiving and loading-out charges computed in accordance with the schedule of rates of the Uniform Grain Storage Agreement (CCC Form H, revised June 1, 1946), and an amount equal to the transit value of the freight paid from point of origin to markets designated by CCC, plus freight tax on the transit value from point of origin to the warehouse. Lending agencies and county committees are advised that in each instance the transit value must be verified by the Grain Branch Office serving the area. The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehousemen and other required documents as set forth in subparagraph (1) of this paragraph. If the wheat is stored in approved warehouses located at transit points, taking a penalty by reason of back haul, or out-of-line of natural market movement, such penalty or other costs by reason of such movement, as determined by CCC, shall be deducted from the loan rates as determined above.

(Art. Third, Corporate Charter of Commodity Credit Corporation, sec. 7 (a), 49 Stat. 4, as amended, sec. 8, 56 Stat. 767, as amended; 15 U. S. C. Sup. 713 (a), 50 U. S. C. App. Sup. 968)

Date program announced, June 17, 1947.

[SEAL] C. C. FARRINGTON,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 47-6218; Filed, July 1, 1947, 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[BEPQ 74]

PART 319—FOREIGN QUARANTINE NOTICES

CUT FLOWER QUARANTINE

Examination by plant quarantine inspectors of imported cut flowers arriving from foreign countries, especially via air cargo has disclosed that such flowers may carry injurious insects and plant diseases not known to occur in the United States. If introduced into this country, these pests could cause serious injury to our domestic floriculture and horticulture industries. To prevent the introduction of such pests, it has become necessary that authorization and procedures be established to regulate the entry of cut flowers from foreign sources. The accompanying quarantine and regulations issued in compliance with and under authority of the Plant Quarantine Act provide for this.

The Secretary of Agriculture has determined that the unrestricted importation of cut flowers from foreign countries, including those in Europe, Asia, Africa, Australasia, South America, Central America, North America, and other foreign countries and islands (other than cut flowers produced in the Dominion of Canada, Labrador, Newfoundland, and the United States), may result in the entry into the United States from these foreign countries and localities of injurious insects and plant diseases, including the citrus blackfly (Aleurocanthus woglumi Ashby) and a Cercospora leaf spot, and that it is therefore necessary to restrict the entry of cut flowers from these foreign countries and localities to prevent the introduction of such injurious insects and plant diseases into the United States.

SUBPART—CUT FLOWERS

QUARANTINE

Sec.
319.74 Notice of quarantine.

RULES AND REGULATIONS

319.74–1 Definitions.
319.74–2 Regulated articles.
319.74–3 Conditions governing the entry of cut flowers.
319.74–4 Procedure for obtaining permits.
319.74–5 Notice of arrival.
319.74–6 Shipments for experimental or scientific purposes.

AUTHORITY: §§ 319.74 to 319.74–6, inclusive, issued under secs. 5 and 7, 37 Stat. 316, 317; 7 U. S. C. 159, 160.

SUBPART—CUT FLOWERS

QUARANTINE

§ 319.74 *Notice of quarantine.* The Secretary of Agriculture, having given the public hearing required by law and having determined the pest risk involved, forbids the importation of cut flowers into the continental United States, Hawaii, and Puerto Rico from foreign countries, including those in Europe, Asia, Africa, Australasia, South America, Central America, North America, and other foreign countries and islands (other than cut flowers produced in the Dominion of Canada, Labrador, Newfoundland, and the United States), except as provided in the regulations supplemental hereto.

This quarantine shall not be construed to modify provisions applicable to cut flowers included in special quarantine or other restrictive orders now in force or hereafter promulgated.

RULES AND REGULATIONS

§ 319.74–1 *Definitions.* For the purpose of these regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Cut flower.* The highly perishable commodity known in the commercial flower-producing industry as a cut flower, and being the severed portion of a plant, including the inflorescence, and any parts of the plant attached thereto, in a fresh state. This definition shall not include dried, bleached, dyed, or chemically treated decorative plant materials; filler or greenery, such as fern fronds and asparagus plumes, frequently packed with fresh cut flowers; nor to Christmas greenery, such as holly, mistletoe, and Christmas trees.

(b) *Inspector.* An employee of the United States Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act.

(c) *Permit.* A form of authorization to allow the importation of cut flowers in accordance with the regulations in this subpart. In the case of cut flowers imported in small quantities, this may be an oral authorization by the inspector at the port of entry.

§ 319.74–2 *Regulated articles.* (a) All cut flowers imported into the United States from the foreign countries and islands designated in the quarantine are subject to the regulations in this subpart.

(b) Such types of cut flowers as may be determined by the Chief of the Bureau of Entomology and Plant Quarantine and designated by him in administrative instructions as involving special risk of introducing into the United States any new and potentially injurious insect or plant disease shall be admitted only under permit.

(c) Whenever, in the opinion of the Chief of the Bureau of Entomology and Plant Quarantine, a State or Territory of the United States shall have taken action to suppress types of pests that may be imported with certain cut flowers, and shall have promulgated, when such action contributes to the suppressive program, a plant quarantine prohibiting the entry in interstate movement of specific kinds of cut flowers that might introduce such pests, and further shall have requested through the responsible State official that the United States Department of Agriculture cooperate by restricting the importation from foreign countries named in this quarantine of such cut flowers into the State or Territory in question, importations thereof to said State or Territory may be denied by the Chief of the Bureau of Entomology and Plant Quarantine either through refusing approval of a permit or such other means as he may announce.

§ 319.74–3 *Conditions governing the entry of cut flowers.* (a) All cut flowers imported from the named foreign countries and localities, whether or not subject to permit requirements, shall be given such inspection and treatment at the port of entry as may be deemed necessary by the inspector. Any cut flowers found upon inspection to be infested with injurious insects or infected with plant diseases, which cannot be eliminated by treatment, shall be denied entry. The importer will be given the option of abandoning for destruction such rejected cut flowers or immediately shipping them to a point outside the United States.

(b) Under circumstances which will in the judgment of the inspector eliminate pest risk, the inspector may orally authorize entry in small quantities of cut flowers that are subject to the permit requirements.

(c) Whenever, during the inspection of cut flowers imported in accordance with the regulations in this subpart, the inspector shall find them to be infested with an injurious insect or infected with an injurious plant disease, either of which can be eliminated by a method of treatment selected by him in accordance with administratively authorized procedures known to be effective under the conditions applied, he may prescribe as a condition of entry that such treatment be applied by the importer or his agent, under the supervision of the inspector. All costs for such treatment, except for the services of the inspector, shall be borne by the importer or his agent. Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of such treatment on the cut flowers so treated. In lieu of treatment the importer of infested or infected cut flowers shall be given the option of immediately shipping them to a point outside the United States or abandoning them for immediate destruction.

§ 319.74–4 *Procedure for obtaining permits.* (a) Persons desiring to import cut flowers subject to the permit requirements of the regulations in this subpart shall submit to the Bureau of Entomology and Plant Quarantine, an application[1] stating the exact designation of the cut flowers to be imported, the name and address of the exporter, the country where grown, the port of entry, their destination in the United States, and the name and address of the importer or agent in the United States to whom the permit should be sent.

(b) Application for permit should be made in advance of the proposed importation.

(c) Upon receipt and approval of such application by the Bureau of Entomology and Plant Quarantine, a permit will be issued which will authorize the importation, specify the port of entry, and prescribe conditions that may be needed to safeguard against the entry of pests.

§ 319.74–5 *Notice of arrival.* Immediately upon the arrival at a port of entry of a commercial shipment of cut flowers, the entry of which is permissible only under permit, the permittee shall submit to the Bureau of Entomology and Plant Quarantine through the Collector of Customs, duplicate copies of a notice of arrival. A form is provided by the Bureau of Entomology and Plant Quarantine for that purpose.

§ 319.74–6 *Shipments for experimental or scientific purposes.* Cut flowers may be imported for experimental or scientific purposes by the United States Department of Agriculture upon such conditions and restrictions as the Chief of the Bureau of Entomology and Plant Quarantine may prescribe.

This quarantine and these regulations shall be effective on and after August 1, 1947.

Done at the city of Washington this 26th day of June 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6207; Filed, July 1, 1947, 8:47 a. m.]

[1] Address applications to Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, New Jersey. Form EQ-687 may be used, but a letter or telegram setting forth the required information will be accepted in lieu of an application on form EQ-687.

[B. E. P. Q. 563]

PART 319—FOREIGN QUARANTINE NOTICES

DESIGNATION OF CUT FLOWERS SUBJECT TO PERMIT REQUIREMENTS UNDER CUT FLOWER QUARANTINE

§ 319.74-2a *Administrative instructions relative to the cut flower quarantine.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (b) of § 319.74-2 (Notice of Quarantine No. 74), it has been determined that the following types of cut flowers involve special risk of introducing into the United States new and potentially injurious insects or plant diseases when imported into the continental United States, Hawaii, and Puerto Rico from the foreign countries and localities designated in § 319.74:

Camellia—Camellia spp.
Gardenia, cape jasmine—Gardenia spp.
Rhododendron—Rhododendron spp. (including Azalea)
Rose—Rosa spp.
Lilac—Syringa spp.

Accordingly it is hereby required that the above types of cut flowers may be imported from the designated foreign countries and localities only under permits issued in accordance with the procedure authorized in §§ 319.74-3 to 319.74-5, inclusive.

These instructions shall be effective on and after August 1, 1947.

(Sec. 5, 37 Stat. 316; 7 U. S. C. 159; §§ 319.74-2 to 319.74-5, inclusive)

Done at Washington, D. C. this 26th day of June 1947.

[SEAL] P. M. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 47-6206; Filed, July 1, 1947; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

DETERMINATION RELATIVE TO THE BUDGET OF EXPENSES AND THE FIXING OF RATES OF ASSESSMENT FOR THE 1947-48 SEASON

Notice was published in the FEDERAL REGISTER (12 F. R. 3033), dated May 7, 1947, that consideration was being given to proposals regarding the budget of expenses and the fixing of the rates of assessment for the 1947-48 season under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 936.201 *Budget of expenses and rates as assessment for the 1947-48 season—(a) Rate of assessment for general overhead expenses.* The general overhead expenses necessary to be incurred by the Control Committee and each of the commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of the said committees for the season beginning April 1, 1947, and ending March 31, 1948, both dates inclusive, will amount to $40,910.00, and the rate of assessment to be paid by each handler who handles fruit shall be nine mills ($0.009) per hundred pounds of fruit handled by such handler during said season; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

(b) *Rate of assessment for additional expenses.* The additional expenses necessary to be incurred, during the aforesaid season, by the respective commodity committees in administering the regulation of shipments of fruit pursuant to sections 3, 4, and 5 of the amended marketing agreement and §§ 936.3 to 936.5, both inclusive, of the amended order, will be in the following amounts:

(1) To be incurred by the Bartlett Pear Commodity Committee: $1,390.00;

(2) To be incurred by the Plum Commodity Committee: $1,315.00;

(3) To be incurred by the Elberta Peach Commodity Committee: $645.00; and

the rate of assessment for such additional expenses to be paid, in accordance with the aforesaid amended marketing agreement and order, by each handler who handles fruit with respect to which regulations are made effective during said season shall be one mill ($0.001) per hundred pounds of fruit so handled; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

(c) *Effective date.* Compliance with the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable, unnecessary, and contrary to the public interest in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, plums, and Elberta peaches shipped during the aforesaid season; (2) the fruit season in California is somewhat earlier than usual this year; (3) the shipment of plums was begun during the week beginning May 11, and nine regulations have already been placed in effect; (4) it is expected that the first shipments of Early Elberta peaches will begin about June 20; (5) initial shipments of Bartlett pears are expected during the first week in July; and (6) in order for the aforesaid necessary assessments to be collected, it is essential that the specification of the assessment rates be issued immediately so as to enable the said Control Committee and commodity committees to perform their duties and functions under said amended marketing agreement and order.

As used herein, the terms "handler," "handle," "fruit," "shipped," and "shipments" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.8 et seq.)

Done at Washington, D. C., this 26th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary.

[F. R. Doc. 47-6205; Filed, July 1, 1947; 8:47 a. m.]

Chapter XXI—Organization, Functions and Procedure

Subchapter C—Production and Marketing Administration

PART 2301—OFFICE OF THE ADMINISTRATOR

ORGANIZATION

Section 2301.1 (b) *Office of the Administrator* (11 F. R. 177A-258) is amended in the following respects:

1. Subparagraph (1) is revised to read as follows:

(1) *The Administrator.* Under the general direction of the Secretary, the Administrator is responsible for the formulation and administration of all programs assigned to the Production and Marketing Administration. Authority is delegated to the Deputy Administrator to act for and on behalf of the Administrator. Authority is delegated to the Assistant Administrators to act on behalf of and for the Administrator except with respect to authorities which are restricted from redelegation.

2. The following subparagraph (1a) is inserted between subparagraphs (1) and (2):

(1a) *Deputy Administrator.* Under the general direction of the Administrator, the Deputy Administrator (who is a Vice-President of Commodity Credit Corporation), is assigned general responsibility for all activities of the Administration.

(R. S. 161, secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. 22)

Dated: June 26, 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6187; Filed, July 1, 1947; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5159]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EMMETT J. SMITH AND DAUGHTER, ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government connection:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Organization and operation:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Breeder and hatcher:* § 3.6 (a) *Advertising falsely or misleadingly — Business status, advantages or connections of advertiser—Stock, product or service:* § 3.6 (j) *Advertising falsely or misleadingly—Government approval, connection or standards—Government indorsement:* § 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.18 *Claiming indorsements or testimonials falsely or misleadingly.* I. In connection with the offering for sale, sale, and distribution of chickens and baby chicks or other poultry in commerce, (1) representing, directly or by implication, that respondents are U. S. Record of Performance breeders or R. O. P. poultry breeders or that they operate a poultry plant under the supervision of an official from the agency supervising U. S. Record of Performance work; (2) representing, directly or by implication, that respondents own, operate, or control a hatchery wherein their baby chicks are produced when in fact such chicks are procured from various hatcheries for resale by respondents to their customers; (3) representing, directly or by implication, that respondents' baby chicks are produced from or sired by U. S. Record of Performance males unless the chicks so offered for sale have been actually sired by males which have been officially banded with U. S. R. O. P. sealed and numbered official leg bands and duly resigtered as such; or, (4) using the term "U. S. Approved" or any other term of similar import or meaning or any other official terminology of the National Poultry Improvement Plan, to designate or describe chickens or baby chicks sold by the respondents; and, II., in connection with the offering for sale, sale, and distribution of respondents' medicinal preparations known as "Save'm" and "Va-Po-Spra", or any other preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondents' preparations, which advertisements represent directly or by implication, (a) that respondents' preparation Save'm has any therapeutic value in the treatment of diarrhea, coccidiosis, typhoid, cholera, worms, or paralysis in poultry or that it has any therapeutic value in the treatment of blackhead in turkeys or that the use of said preparation will prevent poultry or turkeys from contracting any of said ailments or conditions; (b) that respondents' preparation Va-Po-Spra is a competent or effective treatment for bronchitis, brooder pneumonia, gapes, colds, tracheitis, roup, canker, pox, or sore head in poultry or that its use will prevent chickens and turkeys from contracting any of said ailments or conditions; (c) that respondents' preparation Va-Po-Spra will kill a sufficient number of disease germs in or about the premises used or frequented by poultry so as to afford any significant protection to poultry; (d) that the use of respondents' preparation Va-Po-Spra is effective in preventing or combating respiratory ailments in dogs or that it has any value in the treatment of distemper or pneumonia; (e) that respondents' preparation Va-Po-Spra will be effective in preventing or combating respiratory ailments in man; (f) that respondents' preparation Va-Po-Spra constitutes a cure or remedy for colds, asthma, or hay fever or that it has any value in the treatment thereof; or, (g) that respondents' preparation Va-Po-Spra will be effective in relieving pain incident to burns, bee stings, insect bites, or sunburn; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Emmett J. Smith and Daughter, etc., Docket 5159, May 5, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of May A. D. 1947.

In the Matter of Emmett J. Smith and Sarah Alma Maxwell, Individuals Trading as Emmett J. Smith and Daughter, Smith Baby Chix, and Emmett J. Smith and Daughter Poultry Farms

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission as amended, answer of the respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondents or oral argument requested), and the Commission having made its findings as to the facts and conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

I. *It is ordered*, That the respondents, Emmett J. Smith and Sarah Alma Maxwell, individually and trading as Emmett J. Smith and Daughter, Smith Baby Chix, or Emmett J. Smith and Daughter Poultry Farms, or trading under any other trade name, and their respective representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of chickens and baby chicks or other poultry in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents are U. S. Record of Performance breeders or R. O. P. poultry breeders or that they operate a poultry plant under the supervision of an official from the agency supervising U. S. Record of Performance work.

2. Representing, directly or by implication, that respondents own, operate, or control a hatchery wherein their baby chicks are produced when in fact such chicks are procured from various hatcheries for resale by respondents to their customers.

3. Representing, directly or by implication, that respondents' baby chicks are produced from or sired by U. S. Record of Performance males unless the chicks so offered for sale have been actually sired by males which have been officially banded with U. S. R. O. P. sealed and numbered official leg bands and duly registered as such.

4. Using the term "U. S. Approved" or any other term of similar import or meaning or any other official terminology of the National Poultry Improvement Plan, to designate or describe chickens or baby chicks sold by the respondents.

II. *It is further ordered*, That the respondents, Emmett J. Smith and Sarah Alma Maxwell, individually and trading as Emmett J. Smith and Daughter, Smith Baby Chix, or Emmett J. Smith and Daughter Poultry Farms, or trading under any other trade name, and their respective agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of their medicinal preparation known as "Save'm" and "Va-Po-Spra," or any other preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication:

a. That respondents' preparation Save'm has any therapeutic value in the treatment of diarrhea, coccidiosis, typhoid, cholera, worms, or paralysis in poultry or that it has any therapeutic value in the treatment of blackhead in turkeys or that the use of said preparation will prevent poultry or turkeys from contracting any of said ailments or conditions.

b. That respondents' preparation Va-Po-Spra is a competent or effective treatment for bronchitis, brooder pneumonia, gapes, colds, tracheitis, roup, canker, pox, or sore head in poultry or that its use will prevent chickens and turkeys from contracting any of said ailments or conditions.

c. That respondents' preparation Va-Po-Spra will kill a sufficient number of disease germs in or about the premises used or frequented by poultry so as to afford any significant protection to poultry.

d. That the use of respondents' preparation Va-Po-Spra is effective in preventing or combating respiratory ailments in dogs or that it has any value in the treatment of distemper or pneumonia.

e. That respondents' preparation Va-Pro-Spra will be effective in preventing

or combating respiratory ailments in man.

f. That respondents' preparation Va-Po-Spra constitutes a cure or remedy for colds, asthma, or hay fever or that it has any value in the treatment thereof.

g. That respondents' preparation Va-Po-Spra will be effective in relieving pain incident to burns, bee stings, insect bites, or sunburn.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of respondents' preparations, which advertisement contains any of the representations prohibited in subparagraph 1 of paragraph II hereof or the subdivisions thereof.

III. *It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-6190; Filed, July 1, 1947; 8:48 a. m.]

[Docket No. 5280]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ENERGETIC WORSTED CORP. ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Foreign, in general:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign, in general.* In connection with the offering for sale, sale and distribution of knitting yarns in commerce, and on the part of respondent Spinnerin Yarn Company, Inc., and its officers, etc., (1) using the word "Shetland", or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product which is not composed entirely of wool of Shetland sheep raised on the Shetland Islands or the contiguous mainland of Scotland; (2) using the word "Cashmere", or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product which is not composed entirely of hair of the Cashmere goat; (3) using the word "Saxony", or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product not imported from the Province of Saxony or made of wool imported from said Province; or (4) using the word "Astrachan", or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product not imported from the City of Astrachan on the Volga Basin in Russia or made of wool imported from said city; prohibited, subject to the provisions, however, as respects said four prohibitions, that in the case of a product composed in part of the particular wool concerned and in part of other fibers or materials, the word concerned may be used as descriptive of the Shetland wool content, the Cashmere fiber content, the content imported from Saxony, or the content imported from Astrachan, if there are used in immediate connection therewith, in letters of at least equal conspicuousness, words truthfully describing such other constituent fibers or materials. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Energetic Worsted Corporation et al., Docket 5280, May 5, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of May A. D. 1947.

In the Matter of Energetic Worsted Corporation, a Corporation, Spinnerin Yarn Company, Inc., a Corporation, and John J. Hosey, Jr., Edna M. McManus, Dorothy H. Cassel and Edna J. Hosey, Individually and as Copartners Trading and Doing Business as Norr-Bridge Yarn Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner and the exceptions thereto, and briefs in support of and in opposition to the complaint (oral argument not having been requested) and the Commission having made its findings as to the facts and its conclusion that respondent Spinnerin Yarn Company, Inc., has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Spinnerin Yarn Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of knitting yarns in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Shetland", or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product which is not composed entirely of wool of Shetland sheep raised on the Shetland Islands or the contiguous mainland of Scotland: *Provided, however*, That in the case of a product composed in part of wool of Shetland sheep and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection therewith, in letters of at least equal conspicuousness, words truthfully describing such other constituent fibers or materials.

2. Using the word "Cashmere", or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product which is not composed entirely of hair of the Cashmere goat: *Provided, however*, That in the case of a product composed in part of hair of the Cashmere goat and in part of other fibers or materials, such word may be used as descriptive of the Cashmere fiber content if there are used in immediate connection therewith, in letters of at least equal conspicuousness, words truthfully describing such other constituent fibers or materials.

3. Using the word "Saxony", or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product not imported from the Province of Saxony or made of wool imported from said Province: *Provided, however*, That in the case of a product composed in part of wool imported from Saxony and in part of other fibers or materials, such word may be used as descriptive of the content imported from Saxony if there are used in immediate connection therewith, in letters of at least equal conspicuousness, words truthfully describing such other constituent fibers or materials.

4. Using the word "Astrachan", or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product not imported from the City of Astrachan on the Volga Basin in Russia or made of wool imported from said city: *Provided, however*, That in the case of a product composed in part of wool imported from Astrachan and in part of other fibers or materials, such word may be used as descriptive of the content imported from Astrachan if there are used in immediate connection therewith, in letters of at least equal conspicuousness, words truthfully describing such other constituent fibers or materials.

It is further ordered, That said respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent Energetic Worsted Corporation and as to respondents John J. Hosey, Jr., Edna M. McManus, Dorothy H. Cassel and Edna J. Hosey, copartners, trading as Norr-Bridge Yarn Company.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-6188; Filed, July 1, 1947; 8:48 a. m.]

[Docket No. 5436]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DRAPER CORP.

§ 3.39 *Dealing on exclusive and tying basis:* § 3.45 (c) *Discriminating in price—Direct discrimination—Charges and prices.* In connection with the sale, or any contract for the sale, of bobbins, shuttles, or any repair and replacement parts for any looms in commerce; (1) entering into or continuing in operation or effect any contract for the sale of bobbins, shuttles, or repair and replacement parts for any looms, upon or containing any condition, agreement, or understanding that a purchaser shall not use or deal in bobbins, shuttles, or repair and replacement parts for looms of a competitor or competitors of respondent; or (2) discriminating between purchasers of bobbins, shuttles, or repair and replacement parts for looms by the sale thereof at different prices or on different terms or conditions, where such different prices, terms, or conditions are based on any agreement, condition, or understanding that a purchaser shall deal exclusively with or obtain all or substantially all of his requirements of bobbins, shuttles, or repair and replacement parts for any looms from respondent; prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U. S. C., sec. 13 (a); sec. 3, 38 Stat. 731; 15 U. S. C., sec. 14; sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Draper Corporation, Docket 5436, May 5, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of May A. D. 1947.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the amended answer of the respondent, and the Commission having made its findings as to the facts and conclusions of law: (1) That said respondent has violated the provisions of section 2 (a) of the act of Congress approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," as amended by section 1 of any act of Congress entitled "An act to amend section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October 15, 1914, as amended (U. S. C. Title 15, sec. 13), and for other purposes", approved June 19, 1936; (2) that said respondent has violated the provisions of section 3 of said act of Congress approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes"; and (3) that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Draper Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale, or any contract for the sale, of bobbins, shuttles, or any repair and replacement parts for any looms in commerce, as "commerce" is defined in the Clayton Act and the Federal Trade Commission Act, do forthwith cease and desist from:

1. Entering into or continuing in operation or effect any contract for the sale of bobbins, shuttles, or repair and replacement parts for any looms, upon or containing any condition, agreement, or understanding that a purchaser shall not use or deal in bobbins, shuttles, or repair and replacement parts for looms of a competitor or competitors of respondent.

2. Discriminating between purchasers of bobbins, shuttles, or repair and replacement parts for looms by the sale thereof at different prices or on different terms or conditions, where such different prices, terms, or conditions are based on any agreement, condition, or understanding that a purchaser shall deal exclusively with or obtain all or substantially all of his requirements of bobbins, shuttles, or repair and replacement parts for any looms from respondent.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-6189; Filed, July 1, 1947; 8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 428]

PART 401—GENERAL

MISCELLANEOUS AMENDMENTS

Amending Part 401, Chapter IV, Title 24 of the Code of Federal Regulations. Sections 401.05–1, 401.05–2, 401.10–20 and 401.12–4 (b) are amended to read as follows:

§ 401.05–1 *Who may order; cost limits.* Credit reports may be ordered from established and approved credit agencies by the Regional Manager or Regional Counsel, or by brokers when such credit reports are permitted or required by the regulations or are necessary in the business of the Corporation. The cost of such reports shall not exceed one dollar per report, except as is otherwise provided herein. Credit agencies must be approved by the General Manager or the Regional Manager, and notice of such approval shall be filed with the Comptroller.

§ 401.05–2 *Additional costs.* The General Manager may authorize compensation not exceeding two dollars per report to approved credit agencies in localities where such reports can not be obtained at a lower cost, and shall file with the Comptroller and with the Auditor a schedule of fees in excess of one dollar per report which are authorized generally for any locality; and such reports may be ordered within the limits of such schedules by the officers or brokers mentioned in the preceding section.

§ 401.10–20 *Charges, how paid.* All charges for services obtained on Government Transportation Requests will be paid only on bills to be rendered by the carrier to the Corporation. The carbon copies of the Transportation Requests shall be attached to Standard Form No. 1012 and, upon approval of the proper authority in accordance with the instructions herein contained, shall be forwarded to the Comptroller.

§ 401.12–4 *Variations in quantity.* • • •

(b) Except as otherwise provided herein, the Regional Manager or the Secretary may certify as to receipt of, and administratively approve vouchers for, supplies, equipment, or services performed under contracts for recurring services, where such purchases and contracts have been authorized previously by the General Manager. Such vouchers shall be transmitted directly to the Comptroller.

Effective: July 1, 1947.

(Secs. 4 (a) and 4 (k), 48 Stat. 129, 132, 643, 647; 12 U. S. C. and Sup. 1463; E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47-6195; Filed, July 1, 1947; 8:49 a. m.]

[Bulletin 429]

PART 402—LOANS AND PROPERTIES

MISCELLANEOUS AMENDMENTS

Amending Part 402, Chapter IV, Title 24 of the Code of Federal Regulations. The sixth unlettered paragraph of § 402.08–3, the third paragraph of § 402.08–4, and § 402.23–1 are amended to read as follows:

§ 402.08–3 *Processing advances for reconditioning under* § 402.08–2 (a) • • •

When the home owner informs the Corporation of the satisfactory completion of the work and furnishes the necessary forms, properly executed, the Analysis and Real Estate Section shall prepare and process a voucher for payment of the work performed by the contractor, provided that the amount of such voucher shall not exceed the amount of the advance, assemble all papers, and transmit with Form R–18 to the Comptroller for certification and disbursement. Any unexpended portion of the advance shall be credited to the home owner's account. With the advice of the Regional Counsel, the Regional Manager may direct that the funds advanced by the Corporation be made payable to both the contractor and the home owner.

§ 402.08–4 *Processing advances for reconditioning under* § 402.08–2 (b) • • •

Upon completion of the reconditioning and its acceptance by the home owner and by the Corporation, and after review by the Legal Department, if required, the Analysis and Real Estate Section shall prepare the proper vouchers for payment of the work and services performed, assemble all papers and transmit with Form R–18 to the Comptroller for certification and disbursement. Any unexpended portion of the advance shall be credited to the home owner's account.

§ 402.23–1 *Schedule of broker's fees.* The schedule of fees or compensation to be paid to brokers for the sale, rental, and management of properties shall be fixed by the General Manager and, in in specific cases, he may direct the payment of fees in amounts in excess of, or less than, those provided in any such schedule. Approved schedules of fees shall be filed with the Comptroller and Auditor.

(Secs. 4 (a) and 4 (k), 48 Stat. 129, 132, 643, 647; 12 U. S. C. and Sup. 1463. E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

Effective: July 1, 1947.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47-6196; Filed, July 1, 1947; 8:49 a. m.]

Chapter VIII—Office of Housing Expediter

[Priorities Reg. 1, as Amended Mar. 4, 1947, Amdt. 2]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

Section 803.10 *Priorities Regulation 1* (formerly §§ 944.1 through 944.20), as amended March 4, 1947, is amended in the following respects:

1. Paragraph (f) (2) is amended to read as follows:

(2) The above preference ratings were generally assigned as follows:

(i) The AAA rating was assigned in emergencies under existing procedures until March 31, 1947; and the RRR rating was assigned until June 30, 1947, in extreme emergencies and where an RR rating was inadequate. Some of the AAA ratings outstanding at the end of March 1947, expired at that time under the terms of Priorities Regulation 35.

(ii) The MM rating has in the past been assigned by the Army and Navy and other military and governmental agencies in accordance with the provisions of Directive 41 and other CPA directives issued from time to time. These directives have been revoked and no additional MM ratings will be assigned in the future. Revocation of these directives did not affect the validity of any ratings which were assigned under them before their revocation. However, some of these ratings expired at the end of March 1947, under the terms of Priorities Regulation 35.

(iii) The CC rating was assigned until March 31, 1947, as described in Priorities Regulation 28; and the RR rating was assigned before or after the end of March as described in Priorities Regulation 28 and Supplement 1 of that regulation. That regulation and supplement described the limited conditions under which the CC or RR ratings were assigned. Many of the CC ratings outstanding at the end of March 1947 expired at that time under the terms of Priorities Regulation 35.

(iv) The HHH and HH ratings were assigned for housing under the rules explained in Priorities Regulation 33. These ratings were not affected in any way by Priorities Regulation 35, but Amendment 1 to Schedule A to Priorities Regulation 33, March 31, 1947, established cut-off dates with respect to the placing of HH rated orders.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821; Housing and Rent Act of 1947)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6258; Filed, June 30, 1947; 5:11 p. m.]

[Priorities Reg. 4 as Amended Jan. 27, 1947, Amdt. 4]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

CERTIFICATES AND DIRECTIVES FOR SURPLUS MATERIALS AND EQUIPMENT

Section 803.4 *Housing Expediter Priorities Regulation 4*, as amended January 27, 1947, is amended in the following respects:

1. Paragraph (q), which provides for the issuance of Housing Expediter directives, is deleted.

2. After paragraph (x), add a new paragraph (y) to read as follows:

(y) *Termination date.* This section became effective September 13, 1946 to provide special assistance, in the form of Housing Expediter certificates and directives, to qualified persons in obtaining surplus government materials and equipment which were needed for the housing program. The right to apply for Housing Expediter certificates or for the renewal of such certificates was suspended effective May 1, 1947, by Amendment 1 to this section. Issuance of Housing Expediter directives is suspended by this amendment.

This section shall terminate on June 30, 1947, except that:

(1) Housing Expediter directives issued under this section prior to the date of this amendment shall continue to be valid;

(2) Outstanding Housing Expediter certificates issued under this section shall continue to be valid until they have expired; and

(3) This amendment does not affect any liabilities incurred for violations of this section or for violations of orders issued by the Housing Expediter under this section.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821; Housing and Rent Act of 1947)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6260; Filed, June 30, 1947; 5:11 p. m.]

[Priorities Reg. 7, Amdt. 2]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SALE AND REMOVAL OF SURPLUS GOVERNMENT INSTALLATIONS

Section 803.7 *Housing Expediter Priorities Regulation 7* is amended in the following respect:

1. Paragraph (w) is amended to read as follows:

(w) *Effective date.* This section became effective February 17, 1947 to provide for the sale and removal of certain surplus government installations and the channeling of the resulting structures, materials and equipment into the housing program. This section shall terminate on June 30, 1947, except that:

(1) Structures, materials and equipment publicly advertised under this section prior to the date of this amendment for sale after that date shall be sold in accordance with the provisions of this section.

(2) Structures, materials and equipment acquired under this section shall be used or disposed of in accordance with the provisions of this section.

(3) This amendment does not affect any liabilities incurred for violation of this section or for violations of orders issued by the Housing Expediter under this section.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821; Housing and Rent Act of 1947)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6259; Filed, June 30, 1947; 5:11 p. m.]

[Priorities Reg. 28, as amended May 9, 1947, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

RESTRICTED PRIORITIES ASSISTANCE

1. After paragraph (h), add a new paragraph (i) to read as follows:

(i) *Termination date.* This section, as amended, became effective May 9, 1947 to provide for special assistance in the form of RR ratings for producers of certain critical building products. Issuance of RR ratings is suspended by this amendment.

This section shall terminate on June 30, 1947, except that:

(1) Outstanding RR preference ratings shall continue to be valid.

(2) Materials and equipment obtained with RR ratings shall be used if possible for the production of the specific item or items for which the assistance was granted. If it becomes impossible to use the materials and equipment in the kind of production for which the assistance was given, they may be used for the production of any of the housing items listed on Schedule A to PR-33.[1] If even this use is impossible, an appeal for relief may be made in accordance with the Appeals Order.[2]

(3) This amendment does not affect any liabilities incurred for violations of this section or for violations of orders issued by the Civilian Production Administration, Office of Temporary Controls or the Office of the Housing Expediter under this section.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821; Housing and Rent Act of 1947)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6256; Filed, June 30, 1947; 5:11 p. m.]

[Priorities Reg. 28, Direction 25, as Amended Apr. 29, 1947, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

PRIORITIES ASSISTANCE FOR MERCHANT PIG IRON, FOR CAST IRON SOIL PIPE AND CAST IRON SOIL FITTINGS

Direction 25 to Priorities Regulation 28, as amended April 29, 1947, is hereby amended in the following respect:

1. After paragraph (e), add a new paragraph (f) to read as follows:

(f) *Termination date.* This direction, as amended, became effective April 29, 1947, to provide special assistance in the form of authorization to producers of cast iron soil pipe and fittings to place certified orders for pig iron. Issuance of such authorization is suspended by this amendment.

This direction shall terminate on June 30, 1947 except that:

(1) Outstanding certified orders shall continue to be valid;

(2) Pig iron obtained under this direction shall be used in accordance with the provisions of this direction; and

(3) This amendment does not affect the right to institute or maintain enforcement actions for any liabilities incurred for violations of this direction or for violations of orders issued by the Civilian Production Administration, Office of Temporary Controls or the Office of the Housing Expediter under this direction.

(60 Stat. 207; 50 U. S. C. App. Supp. 1821; Housing and Rent Act of 1947)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6257; Filed, June 30, 1947; 5:11 p. m.]

[Veterans' Housing Program Order 1, Revocation]

PART 809—VETERAN'S HOUSING PROGRAM ORDERS

GENERAL RESTRICTION ON CONSTRUCTION AND REPAIRS

Veterans' Housing Program Order 1, and the supplements and directions to that order, are revoked effective June 30, 1947, simultaneously with the approval by the President of the Housing and Rent Act of 1947.

However, all authorizations granted under Veterans' Housing Program Order 1 to do work which is covered by the Construction Limitation Regulation (issued under the Housing and Rent Act of 1947, and effective simultaneously with this revocation) remain in full force and effect. All the restrictions imposed upon persons granted such authorizations also remain in full force and effect, in accordance with § 812.1 (t) and (u) of the Construction Limitation Regulation.[1] The Construction Limitation Regulation covers construction work on "structures to be used for recreational or amusement purposes," as defined in that regulation.

This revocation does not affect any liabilities incurred for violation of Veterans' Housing Program Order 1 or any of its supplements or directions; or for violation of any actions taken by the Civilian Production Administration, Office of Temporary Controls, or Office of the Housing Expediter under said order, supplements, or directions.

(60 Stat. 207; 50 U. S. C. App. Sup. 1321; Housing and Rent Act of 1947.)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6254; Filed, June 30, 1947; 12:55 p. m.]

[Veterans' Housing Program Orders 3, 4 and 5, Revocation]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

The following orders are hereby revoked:

Veterans' Housing Program Order 3, Cast Iron Soil Pipe—Use Restriction.

Veterans' Housing Program Order 4, Production Restriction on Cast Iron Soil Pipe and Fittings.

Veterans' Housing Program Order 5, Delivery Restriction on Douglas Fir and Western Pine Shop Lumber.

This revocation does not affect any liabilities incurred for violation of any of these orders or of any action taken by the Civilian Production Administration, Office of Temporary Controls or the Office of the Housing Expediter under any of these orders.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6261; Filed, June 30, 1947; 5:11 p. m.]

[1] To appear in the issue of Thursday, July 3, 1947.

[Veterans' Preference Reg.]

PART 813—VETERANS' PREFERENCE REGULATION UNDER HOUSING AND RENT ACT OF 1947

§ 813.1 *Veterans' Preference Regulation*—(a) *What this section does.* This section (Veterans' Preference Regulation) explains the preference given to veterans and their families by the Housing and Rent Act of 1947 in the sale or rent of housing accommodations completed between June 30, 1947 and March 31, 1948. Among other things, it determines the manner in which such housing accommodations shall be publicly offered in good faith for sale or rent to veterans and their families.

The veterans' preference requirements for housing accommodations completed on or before June 30, 1947, continue as provided in Priorities Regulation 33, Housing Expediter Priorities Regulation 5 and the Housing Permit Regulation, which ever is applicable.

NOTE: This section of the Code of Federal Regulations, § 813.1, is called the "Veterans' Preference Regulation." When the term "this section" is used in this Veterans' Preference Regulation, it means this entire regulation and not just a part of it. The regulation is divided into paragraphs marked with small letters; these are divided into subparagraphs marked with numbers.

DEFINITIONS

(b) *Definitions.* As used in this section:

(1) The terms "veterans of World War II or their families," "veterans or their families," and "veterans" shall mean:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring housing accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring housing accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires housing accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, re-

[1] 12 F. R. 2118.
[2] 12 F. R. 3740.

quiring housing accommodations for his dependent family.

(2) The term "person" shall include an individual, corporation, partnership, association, or any other organized group of persons, or a legal successor or representative of any of the foregoing.

(3) The time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

(4) The term "housing accommodations" shall include any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property sold or offered for sale or rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes for other than transients) together with all privileges, services, furnishings, furniture, and facilities connected with the use or occupancy of such property.

PREFERENCE PERIODS

(c) *Veterans' preference in sale of housing accommodations.* In order to assure preference or priority to veterans of World War II or their families in the sale of housing accommodations designed for a single family residence, the construction of which is completed after June 30, 1947, and prior to March 31, 1948, the folowing rules must be observed:

(1) *30-day veterans' preference period.* No person shall sell, offer to sell, or otherwise dispose of such housing accommodations until 30 days after construction is completed, except for occupancy by veterans or their families.

No person shall purchase such housing accommodations until 30 days after construction is completed, unless such purchase is made in good faith for occupancy, during the time that this section remains in effect, by veterans or their families.

(2) *7-day offer at a price.* No person shall sell, offer for sale, or otherwise dispose of such housing accommodations to a non-veteran at a price less than the price at which the accommodations have been publicly offered for at least 7 days to veterans or their families. No non-veteran shall purchase such housing accommodations at a price less than the price at which the accommodations have been publicly offered for at least 7 days to veterans or their families.

This prohibits a sale or an offer to sell to, or a purchase by, a non-veteran unless the housing accommodations were first publicly offered for sale by the seller or his agent to veterans or their families for 7 days at the same price (or a lower price) than sold or offered for sale to a non-veteran. Any reduction in price (whether during or after the 30-day veterans' preference period provided in subparagraph (1) of this paragraph) requires a public offering exclusively to veterans for at least 7 days at the reduced price.

This subparagraph applies to all sales and offers to sell whether made by the first or subsequent owner or purchaser.

(d) *Veterans' preference in renting of housing accommodations.* In order to assure preference or priority to veterans of World War II or their families in the renting of housing accommodations designed for occupancy by other than transients, the construction of which is completed after June 30, 1947, and prior to March 31, 1948, the following rules must be observed:

(1) *30-day veterans' preference period.* No person shall rent, offer for rent, or otherwise dispose of such housing accommodations until 30 days after construction is completed, except for occupancy by veterans or their families.

No person shall acquire such housing accommodations by rent until 30 days after construction is completed, unless such acquisition by rent is made in good faith for occupancy, during the time that this section remains in effect, by veterans or their families.

(2) *7-day offer at a price.* No person shall rent, offer for rent, or otherwise dispose of such housing accommodations to a non-veteran at a price less than the price at which the accommodations have been publicly offered for at least 7 days to veterans or their families. No non-veteran shall acquire such housing accommodations by rent at a price less than the price at which the accommodations have been publicly offered for at least 7 days to veterans or their families.

This prohibits a renting or offer to rent to, or an acquisition by rent by, a non-veteran unless the housing accommodations were first publicly offered for rent by the landlord or his agent to veterans or their families for 7 days at the same price (or a lower price) than rented or offered for rent to the non-veteran. Any reduction in price (whether during or after the 30-day veterans' preference period provided in subparagraph (1) of this paragraph) requires a public offering exclusively to veterans for 7 days at the reduced price.

This subparagraph applies to all rents, offers to rent, and acquisitions by rent whether made by the first or subsequent landlord or tenant.

PUBLIC OFFERING

(e) *Public offering in good faith.* In order to assure preference or priority to veterans of World War II or their families, all housing accommodations covered by paragraph (c) and (d) of this section which are intended for sale or rent, must, until sold or rented, be publicly offered in good faith, as provided in this section, for sale or rent for occupancy by veterans or their families:

(1) *Period during which offer must be made.* Such public offering in good faith must be made (i) for not less than 30 days (excluding period of construction) immediately following completion of construction, and (ii) for not less than 7 days after any later reduction in offering price. This applies to the first and subsequent sales and rents as long as this section remains in effect.

(2) *Must give veterans reasonable opportunity.* To make a public offering in good faith, the owner must take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These affirmative steps include at least those steps which are customary in the community for making a public offering of housing accommodations. The refusal of the owner to sell or rent to a particular veteran for personal reasons, which are in accordance with local law and customary real estate practices in the community, does not by itself necessarily constitute a violation of this public offering requirement. If, however, the owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent, and then sells or rents to a non-veteran, the owner has violated this section.

(3) *Posting of placards or signs.* A placard or sign must be posted in front of each housing structure, or in a conspicuous location on the site of the construction of the housing accommodations. Such placard or sign must legibly contain the rent or sales price, the fact that the housing accommodations are offered for sale or rent exclusively to veterans or their families for the prescribed period, and the name and address of the person authorized to sell or rent the housing accommodations. If the rent or sales price is reduced after the placard or sign is posted, the price on the placard or sign must be changed accordingly.

(4) *Newspaper advertisement.* Unless already sold or rented to veterans, all such housing accommodations must be publicly advertised exclusively to veterans or their families for at least 3 days during the first 20 days of the 30-day preference period. This advertisement shall be in a newspaper of general circulation in the community where the housing accommodations are located. The advertisement shall contain the same information as required for placards and signs in subparagraph (3) of this paragraph. If a newspaper advertisement is made as provided in this subparagraph, it is not necessary to advertise again in a newspaper during any 7-day public offering period required by subparagraph (1) (ii) of this paragraph, unless newspaper advertising is the customary method in the community of making a public offering of housing accommodations.

MISCELLANEOUS

(f) *Violations and enforcement*—(1) *General.* The veterans' preference requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a sale or rent or an agreement for the sale or rent, or to solicit or attempt, offer or agree to make such sale or rent, of any housing accommodations in violation of the veterans' preference requirements of this section. It shall also be unlawful for any such person to sell or rent or agree to sell or rent such housing accommodations during the veterans' preference periods if he knows or has reason to know that the housing accommodations will not be occupied by veterans or their families, and for any purchaser or tenant to effect or agree to effect a sale or rent for the purpose of evading the veterans' preference requirements of this section.

(2) *Penalties.* Any person who willfully violates any provision of this section or section 4 of the Housing and Rent Act of 1947, and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, shall upon conviction thereof be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section may be prohibited or restrained as authorized by law.

(g) *Exceptions.* The veterans' preference requirements set forth in this section are not applicable to:

(1) Housing accommodations which are built to replace a dwelling destroyed or damaged by fire, flood, tornado, or other similar disaster;

(2) Sales of housing accommodations in the course of judicial or statutory proceedings in connection with foreclosures;

(3) The occupancy by an owner, or his building service employee, of a dwelling unit which does not exceed in floor space (i) a normal one family unit in the structure or project, or (ii) 15 percent of the residential floor space of the structure or project.

(4) Sales of any housing accommodations to any person for investment purposes rather than for occupancy by the purchaser; but the purchaser of such housing accommodations is bound by the veterans' preference requirements in this section in renting or selling for occupancy.

(h) *Appeals.* Any person who considers that compliance with any provision of this section would result in a hardship on him may appeal for relief. The appeal shall be in the form of a letter in duplicate and should be filed with the Housing Expediter, Washington 25, D. C., marked "Appeal Veterans' Preference Regulation." The appeal must state clearly the specific provision of this section appealed from and describe the substantial injury which will result from compliance with the section. (Housing and Rent Act of 1947)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6255; Filed, June 30, 1947; 5:07 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 7]

PART 705—ADMINISTRATION

EXEMPTIONS FROM PRICE CONTROL OF CERTAIN TRANSACTIONS IN SUGAR

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority conferred upon the Secretary of Agriculture by the Sugar Control Extension Act of 1947, it is ordered:

§ 705.107 *Exemption from price control of certain transactions in sugar.* Notwithstanding the provision of any maximum price regulation, sales, contracts, and the trading in contracts for the sale of raw cane sugars or direct consumption sugars for delivery on and after March 1, 1948, entered into between members of the New York Coffee and Sugar Exchange, and subject to the rules of that Exchange, are exempt from price control. "Raw cane sugars" and "direct consumption sugars" mean "raw cane sugars" and "direct consumption sugars" as defined in Revised Maximum Price Regulation No. 16[1] and Maximum Price Regulation No. 60,[2] respectively.

This General Order shall become effective July 1, 1947.

(Public Law 30, 80th Cong., 1st session)

Issued this 27th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Sugar Rationing Administration, Department of Agriculture, Opinion Accompanying General Order 7

The New York Coffee and Sugar Exchange, which has been closed since January 1, 1942, is planning to reopen. The Secretary has informed members of the Exchange that the Agriculture Department has no objection to the reopening of the Exchange for the purpose of permitting members of the Exchange to sell or enter into sales contracts, and trading in contracts, subject to the rules of the Exchange, providing for the delivery of sugar on or after March 1, 1948. In order to permit such trading while sugar remains subject to price control, the accompanying order is issued exempting from price control sales, contracts, and the trading in contracts for raw cane sugars or direct consumption sugars for delivery on and after March 1, 1948, when such transactions are entered into between members of the New York Coffee and Sugar Exchange and subject to the rules of that Exchange.

[F. R. Doc. 47-6292; Filed, July 1, 1947; 11:35 a. m.]

[3d Rev. RO 3,[3] Amdt. 58]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respect:

Section 5.5 is amended by adding a new paragraph (c) to read as follows:

(c) This section shall not apply to deliveries of sugar to be made on and after March 1, 1948, pursuant to contracts, agreements, or commitments between members of the New York Coffee and Sugar Exchange, entered into in, and subject to the rules of, said Exchange, and providing for delivery on and after March 1, 1948.

This amendment shall become effective July 1, 1947.

Issued this 27th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 58 to Third Revised Ration Order 3

The New York Coffee and Sugar Exchange which has been closed since January 1, 1942 is planning to reopen. The Secretary of Agriculture has informed members of the Exchange that the Agriculture Department has no objection to the reopening of the Exchange for the purpose of permitting members of the Exchange to sell or enter into sales contracts, and trading in contracts, subject to the rules of the Exchange, providing for the delivery of sugar on and after March 1, 1948.

With certain exceptions, the present regulations provide that a person is not permitted to deliver sugar pursuant to a contract, agreement or commitment, regardless of when made, providing for delivery more than three days after the making thereof. Also, a person is prohibited from delivering sugar to fill any order, regardless of when received, calling for delivery more than three days after the receipt of the order.

In order to allow trading in sugar on the Exchange while rationing controls continue, this amendment provides that the general prohibition against future deliveries shall not apply to deliveries of sugar to be made on and after March 1, 1948, pursuant to contracts, agreements, or commitments entered into between members of the New York Coffee and Sugar Exchange, subject to the rules of the Exchange, and providing for delivery on and after March 1, 1948.

[F. R. Doc. 47-6291; Filed, July 1, 1947; 11:34 a. m.]

Chapter IX—Bureau of Foreign and Domestic Commerce, Office of Materials Distribution, Department of Commerce[1]

[Allocation Order M-393, Revocation]

PART 3293—CHEMICALS

Section 3293.113c, *Allocation Order M-393*, is hereby revoked, except as to the reporting provisions of paragraph (f). Paragraph (f) is hereby revoked, effective July 6, 1947.

Use and delivery authorizations issued under the order have no further force and effect.

This revocation does not affect any liabilities incurred for violation of the order or of actions taken under the or-

[1] 10 F. R. 10978; 11 F. R. 1434, 3201, 13694; 12 F. R. 391, 2165.

[2] 10 F. R. 14812; 11 F. R. 1434, 3299, 7036, 13524, 13854, 13695; 12 F. R. 391, 1927, 2165.

[3] 11 F. R. 177, 14281.

[1] Formerly Office of Temporary Controls, Civilian Production Administration.

der by the Civilian Production Administration or the Office of Materials Distribution.

OFFICE OF MATERIALS DISTRIBUTION,
By H. B. McCOY,
Director.

[F. R. Doc. 47-6229; Filed, June 30, 1947; 12:35 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter III—Corps of Engineers, War Department

PART 321—PUBLIC USE OF LAKE TEXOMA AND DENISON RESERVOIR AREA, RED RIVER, OKLAHOMA AND TEXAS

Part 321, including §§ 321.0 to 321.19, inclusive, setting forth rules and regulations governing public use of Lake Texoma and the Denison Reservoir Area, Red River, Oklahoma and Texas, is added as follows:

Sec.
321.0 Determination of the Secretary.
321.1 Areas administered by other Federal agencies.
321.2 Definition of enforcement areas.
321.3 Boats, commercial.
321.4 Boats, private.
321.5 Houseboats.
321.6 Swimming and bathing
321.7 Fishing.
321.8 Hunting.
321.9 Camping.
321.10 Picnicking.
321.11 Access to water areas.
321.12 Destruction of public property.
321.13 Firearms and explosives.
321.14 Gasoline and oil storage.
321.15 Sanitation.
321.16 Fires.
321.17 Advertisements.
321.18 Unauthorized solicitations and business activities.
321.19 Commercial operations.

AUTHORITY: §§ 321.0 to 321.19, inclusive, issued under 58 Stat. 889, as amended by sec. 4, Pub. Law 526, 79th Cong.; 16 U. S. C. Sup. 460d.

§ 321.0 *Determination of the Secretary.* The Secretary of War, having determined that use of Lake Texoma and Denison Reservoir area by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, thereby prescribes the following rules and regulations pursuant to the provisions of section 4 of an act of Congress approved December 22, 1944 (58 Stat. 889; 16 U. S. C. 460d) as amended by section 4 of the Flood Control Act of 1946 (Public Law 526, 79th Congress) for the public use of Lake Texoma and the Denison Reservoir areas.

§ 321.1 *Areas administered by other Federal agencies.* The War Department has basic administrative jurisdiction over the entire Denison Dam and Reservoir Project area; however, arrangements have been made with other Federal agencies whereby those agencies are responsible for managing certain areas in the project area as follows:

(a) *National Park Service Area.* In accordance with a cooperative agreement between the National Park Service, Department of the Interior, and the Chief of Engineers, War Department, approved April 18, 1946, the National Park Service is responsible for and controls all recreational activities to be conducted in the National Park Service Area which includes all the Denison Dam and Reservoir Project area with the exception of the Tishomingo and Hagerman Wildlife Refuge, the Cumberland Oil Field, areas licensed to the States of Texas and Oklahoma, and the area in the immediate vicinity of the Denison Dam. The National Park Service, in accordance with that agreement, is also responsible for the issuance of leases, licenses, permits or other instruments regarding the occupation of lands in the National Park Service area, except such occupation as is necessary in connection with the operation and maintenance of the Denison Dam and Reservoir for its primary purposes, and that Service is authorized to make and enforce such rules and regulations in addition to regulations in this part as may be necessary for the safety and health of the using public and as may be necessary for the conservation of any historic or archeological remains, and for control of all archeological excavation and historic or archeological research within the National Park Service Area.

(b) *Tishomingo and Hagerman National Wildlife Refuges.* Approximately 13,450 acres of land and water areas on the Washita River arm of the Denison Reservoir in Oklahoma and approximately 12,650 acres on the Mineral Creek arm of the reservoir in Texas are reserved for the use of the Department of the Interior as the Tishomingo and Hagerman National Wildlife Refuges in accordance with Public Land Orders 312 and 314. These land orders are published under Title 43—Public Lands: Interior, Chapter I—General Land Office, of the Code of Federal Regulations. The U. S. Fish and Wildlife Service, Department of the Interior, is administering and developing these refuge areas in accordance with laws and regulations governing national wildlife refuges. Use of these areas by the general public for recreation is subject to the prior requirements in administering and developing the areas as wildlife refuges.

§ 321.2 *Definition of enforcement areas.* The functions, responsibilities, and duties, as contemplated by the regulations in this part, to be exercised within the area by either the National Park Service or the District Engineer, Corps of Engineers, shall be performed (a) by the National Park Service within the National Park Service areas as defined in § 321.1 (a), and (b) by the District Engineer, Corps of Engineers, within the remainder of Lake Texoma and the Denison Reservoir area.

§ 321.3 *Boats, commercial.* No boat, barge or other vessel shall be placed upon or operated upon any water of Lake Texoma for a fee or profit, either as a direct charge to a second party or as incident to other services provided to the second part, except as specifically authorized by lease, license, concession contract, or other written agreement with either the National Park Service or the Corps of Engineers on behalf of the United States.

§ 321.4 *Boats, private.* (a) The operation of boats on Lake Texoma for fishing and recreational use is permitted except in prohibited areas designated by the District Engineer, Corps of Engineers, in charge of the area, or the National Park Service.

(b) No privately-owned boat, raft, shooting blind, or other floating structure shall be placed or operated on the waters of Lake Texoma without a permit from the National Park Service.

§ 321.5 *Houseboats.* No houseboat shall be placed or maintained upon the waters of Lake Texoma, nor may any boat be used for permanent living accommodations. In the case of a boat having a paid crew, a member or members of the crew may be permitted to live aboard if necessary for the care and operation of the boat.

§ 321.6 *Swimming and bathing.* Swimming and bathing are permitted except in prohibited areas. Swimming and bathing near the regularly travelled thoroughfares without proper bathing clothes is prohibited.

§ 321.7 *Fishing.* Fishing is permitted in accordance with all applicable Federal, State and local laws and regulations, except in prohibited areas designated by the District Engineer or the National Park Service.

§ 321.8 *Hunting.* (a) Hunting is permitted in accordance with all applicable Federal, State and local laws and regulations except in prohibited areas designated by the District Engineer or the National Park Service.

(b) Hunting shall be with shotgun only.

§ 321.9 *Camping.* Camping is permitted only at areas designated by the National Park Service in accordance with additional rules governing the use of the individual camp areas.

§ 321.10 *Picnicking.* Picnicking is permitted except in prohibited areas designated by the District Engineer or the National Park Service.

§ 321.11 *Access to water areas.* (a) Pedestrian access is permitted along the shores of the lake except in areas designated by the District Engineer or the National Park Service.

(b) Automobile access is permitted only over open public and reservoir roads.

§ 321.12 *Destruction of public property.* The destruction, injury, defacement, or removal of public property or of vegetation, rock, minerals, or relics, except as specifically authorized, is prohibited.

§ 321.13 *Firearms and explosives.* Loaded rifles, loaded pistols and explosives of any kind are prohibited in the area, except when in the possession of a law enforcement officer on official duty or specifically authorized. Loaded shotguns are also prohibited in the area except during the hunting season, when in the possession of a law enforcement officer on official duty, or when specifically authorized.

§ 321.14 *Gasoline and oil storage.* Gasoline and other inflammable or combustible liquids shall not be stored in, upon, or about the lake or shores thereof without written permission.

§ 321.15 *Sanitation.* Refuse, garbage, rubbish or waste of any kind shall not be thrown on or along roads, picnicking or camping areas, in the reservoir waters or on any of the lands around the reservoir, but shall be burned or buried, or disposed of at designated points or places designed for the sanitary disposal thereof.

§ 321.16 *Fires.* Due diligence shall be exercised in building and putting out fires to prevent damage to trees and vegetation and to prevent forest and grass fires. In areas provided with such facilities, the fireplaces constructed for the convenience of visitors must be used. The building of fires on any lands within the reservoir area may be prohibited or limited when the hazard makes such action necessary.

§ 321.17 *Advertisements.* Private notices and advertisements shall not be posted, distributed, or displayed in the reservoir area except such as the District Engineer or his authorized representative, or the National Park Service, may deem necessary for the convenience and guidance of the public using the area for recreational purposes.

§ 321.18 *Unauthorized solicitations and business activities.* No person, firm or corporation, or their representatives, shall engage in or solicit any business on the reservoir area without permission in writing from the District Engineer, National Park Service, or in accordance with terms of a lease, license, or concession contract with the United States.

§ 321.19 *Commercial operations.* All commercial operations or activities on the waters of the reservoir or on the lands under the control of the War Department around the reservoir shall be in accordance with lease, license, concession contract or other written agreements with the United States.

[Regs. June 9, 1947—ENGWF]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6178; Filed, July 1, 1947; 8:46 a. m.]

TITLE 49—TRANSPORATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[4th Rev. S. O. 180, Amdt. 15]

PART 95—CAR SERVICE

DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of June A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 180 (10 F. R. 14970) as amended (11 F. R. 1627, 1991, 3605, 4038, 6983, 9453, 10092, 11707, 12395; 12 F. R. 1421, 3032, 3672, 4028), and good cause appearing therefor: *It is ordered,* That:

Fourth Revised Service Order No. 180, (49 CFR § 95.330), as amended, be, and it is hereby, further amended as follows:

No common carrier by railroad subject to the Interstate Commerce Act shall charge or collect any demurrage on a refrigerator car subject to paragraph (a) (1) of this section for any detention to such a car on the demurrage days of July 4, 5, and 6, 1947.

Effective date. This amendment shall become effective at 7:00 a. m., July 4, 1947.

It is further ordered, That a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6182; Filed, July 1, 1947; 8:46 a. m.]

[Rev. S. O. 188, Amdt. 13]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 188 (10 F. R. 15175) as amended (11 F. R. 1626, 1992, 3605, 4038, 7043, 9453, 10092; 12 F. R. 1420, 3033, 3672, 3673, 4001), and good cause appearing therefor: *It is ordered,* That:

Revised Service Order No. 188 (49 CFR § 95.334), as amended, be, and it is hereby, further amended as follows:

The State Belt Railroad of California shall not charge or collect any demurrage on a refrigerator car subject to paragraph (a) (1) of this section for any detention to such a car on the demurrage days of July 4, 5 and 6, 1947.

Effective date. This amendment shall become effective at 7:00 a. m., July 4, 1947.

It is further ordered, That a copy of this order and direction be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6184; Filed, July 1, 1947; 8:47 a. m.]

[S. O. 396, Amdt. 10]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNING OF PERISHABLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of June A. D. 1947.

Upon further consideration of Service Order No. 396 (10 F. R. 15008), as amended (11 F. R. 1627, 4038, 9453; 12 F. R. 1235, 2288, 2479, 3673, 4002, 4029), and good cause appearing therefor: It is ordered, that:

Service Order No. 396, *Perishables; restrictions on reconsigning,* (codified as 49 CFR § 95.396), as amended, be, and it is hereby, further amended as follows:

When computing the two-day (48 hour) period provided in paragraph (b) of this section July 4, 5, and 6, 1947, shall not be counted, or be included in such period.

It is further ordered, that this amendment shall become effective at 12:01 a. m., July 4, 1947, and it shall apply only on cars to be diverted or reconsigned on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6183; Filed, July 1, 1947; 8:47 a. m.]

Subchapter B—Carriers by Motor Vehicle

PART 166—IDENTIFICATION OF VEHICLES

DISPLAY OF IDENTIFICATION PLATES BY MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Division 5, held at its

office in Washington, D. C., on the 11th day of June A. D. 1947.

It appearing, that the Commission, Division 5, by order of March 21, 1947 (12 F. R. 2203), instituted an investigation, designated Ex Parte No. MC-41, for the purpose of revising rules and regulations prescribed by the said Division by unnumbered order of May 7, 1937 (49 CFR, Cum. Supp. 166.1-6), as modified by order of the said Division of September 30, 1943 (49 CFR, 1943 Supp., 166.11), in Emergency Order No. M-4, respecting identification of motor vehicles;

It further appearing, that recommendations have been received and conferences conducted on the need for said revision and without public hearing such need has been shown to exist; It is ordered, that:

Sec.
166.1 Vehicles subject to regulations.
166.2 Method of identification.
166.3 Size, shape, and color.
166.4 Vehicles in driveaway service.
166.5 Use of identification plates prohibited.

AUTHORITY: §§ 166.1 to 166.5, inclusive, issued under 49 Stat. 546, 566; 52 Stat. 1237, 1240; 54 Stat. 921; 56 Stat. 176; 49 U. S. C. 304, 324.

§ 166.1 *Vehicles subject to regulations.* Every for-hire motor carrier operating under authority granted pursuant to the Interstate Commerce Act (49 U. S. C., 1 et seq.) shall observe the rules and regulations prescribed in this part respecting each motor vehicle operating under such authority.

§ 166.2 *Method of identification.* There shall be displayed on both sides of each vehicle operated under its own power, either alone or in combination, except as otherwise provided in this part respecting vehicles in driveaway service, the name or trade name, of the motor carrier under whose authority the vehicle or vehicles is or are being operated, and the certificate, permit, or docket number assigned to such operating authority by the Interstate Commerce Commission. Such certificate, permit, or docket number, or numbers, shall be in the following form: "I. C. C. ----------", but shall not include any sub numbers which may have been assigned. If the name of any persons other than the operating carrier appears on the vehicle operated under its own power, either alone or in combination, the name of the operating carrier shall be followed by the information required above, and be preceded by the words, "Operated by". Nothing in the regulations in this part shall prohibit display of such additional identification as is not inconsistent herewith.

§ 166.3 *Size, shape, and color.* The display of name and number prescribed in this part shall be in letters and figures in sharp color contrast to the background and be of such size, shape, and color as to be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is not in motion, and such display shall be kept and maintained in such manner as to remain so legible. If desired, display may be accomplished through use of a removable device so prepared as otherwise to meet the identification and legibility requirements of the regulations in this part.

§ 166.4 *Vehicles in driveaway service.* If a removable device is used on vehicles in driveaway service it either may be affixed on both sides, or, at the rear of the singly driven vehicle. In the case of a combination driveaway operation the removable device may be affixed on both sides of any one of the units comprising the combination, or at the rear of the rearmost unit of the combination.

§ 166.5 *Use of identification plates prohibited.* On and after September 1, 1947, identification plates theretofore issued by the Interstate Commerce Commission shall not be displayed on any motor vehicle operating under authority of that Commission, or otherwise.

It is further ordered, that the said orders of May 7, 1937, and September 30, 1943 (49 CFR 166), be, and they are hereby, vacated effective September 1, 1947, and the current order also shall become effective that date.

And it is further ordered, that a copy of this order be served upon all for-hire motor carriers and that notice hereof be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6181; Filed, July 1, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

U. S. STANDARDS FOR RAW WHITE SPANISH PEANUT KERNELS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of the United States Standards for Raw White Spanish Peanut Kernels, pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., approved June 22, 1946), and the Agricultural Marketing Act of 1946 (Pub. Law 733, 79th Cong., Approved August 14, 1946). These standards will supersede the United States Standards for Shelled White Spanish Peanuts that have been in effect since September 1, 1939.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.319 *Raw White Spanish Peanut Kernels*—(a) *Grades.* (1) U. S. No. 1 shall consist of White Spanish peanut kernels which are not noticeably or badly discolored, or damaged, and which are free from foreign material. The kernels shall be whole and shall not pass through a screen of the type customarily in use, having $^{14}/_{64}$ x $^{3}/_{4}$ inch slots.

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 1.0 percent for kernels of other varieties.

(*b*) 1.25 percent for kernels with noticeably or badly discolored skins but which are otherwise undamaged: *Provided*, That not more than one-fifth of this amount, or 0.25 percent of the kernels may have badly discolored skins.

(*c*) 0.75 percent for damaged kernels, damaged portions of kernels, and kernels in the shell.

(*d*) 0.1 percent for foreign material.

(*e*) 2.0 percent for split or broken kernels.

(*f*) 2.0 percent for whole kernels which are not damaged but which will pass through a screen of the type customarily in use having $^{11}/_{64}$ x $^{3}/_{4}$ inch slots.

(2) U. S. No. 2 shall consist of White Spanish peanut kernels which are not damaged, and which are free from foreign material. The kernels may be whole, split or otherwise broken, but shall not pass through a screen of the type customarily in use having $^{17}/_{64}$ inch round openings.

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 1.0 percent for other varieties of peanut kernels.

(*b*) 2.5 percent for damaged kernels, damaged portions of kernels, and kernels in the shell.

(*c*) 0.25 percent for foreign material.

(*d*) 6.0 percent for kernels or portions of kernels which are not damaged but which will pass through a screen of the type customarily in use, having $^{17}/_{64}$ inch round openings.

(b) *Definitions.* (1) "Noticeably discolored" means that more than one-fourth of the skin of the kernel is affected by a medium blue, medium gray, or dark brown discoloration or staining. A kernel having a darker shade of discoloration on a lesser area which affects the appearance to as great an extent as the discoloration described above shall also be considered noticeably discolored.

(2) "Badly discolored" means that more than one-half of the skin of the kernel is affected by a dark blue, dark gray, or blackish-brown discoloration or staining. A kernel having a darker shade of discoloration on a lesser area, which affects the appearance to as great an extent as the discoloration described above shall also be considered badly discolored.

(3) "Damaged" means that the kernel is affected as follows:

(i) Rancid or decayed to an extent visible externally.

(ii) Moldy.

(iii) Very soft and spongy.

(iv) Sprouted, with sprout extending more than one-eighth inch from the end of the kernel.

(v) Distinctly dirty.

(vi) Wormy, or has worm frame adhering, or has worm cuts which are more than superficial.

(vii) Defective in any way to the extent that its edible or keeping quality is materially affected.

(4) "Foreign material" means any substance other than peanut kernels or portions of kernels. Empty hulls shall be classed as foreign material.

(5) "Whole" means that the halves of the kernel are not completely separated, and that not more than one-fourth of the kernel has been broken off.

(6) "Slots" are holes which are rectangular in shape except that the corners are slightly rounded.

(7) "Split" means the separated half of the kernel.

Issued this 27th day of June 1947.

[SEAL] E. A. MEYER, *Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 47-6201; Filed, July 1, 1947; 8:46 a. m.]

[7 CFR, Part 51]

STANDARDS FOR RAW RUNNER PEANUT KERNELS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of the United States Standards for Raw Runner Peanut Kernels pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., approved June 22, 1946), and the Agricultural Marketing Act of 1946 (Pub. Law 733, 79th Cong., approved August 14, 1946). These standards will supersede the United States Standards for Shelled Runner Peanuts that have been in effect since September 3, 1946.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.320 *Raw Runner peanut kernels*—(a) *Grades.* (1) U. S. No. 1 shall consist of Runner peanut kernels which are not damaged and which are free from foreign material. The kernels shall be whole and shall not pass through a screen of the type customarily in use having $^{15}/_{64}$ x $^{3}/_{4}$ inch slots.

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 1.0 percent for kernels of other varieties.

(*b*) 2.5 percent for damaged kernels, damaged portions of kernels, and kernels in the shell.

(*c*) 0.1 percent for foreign material.

(*d*) 3.0 percent for split or broken kernels.

(*e*) 2.0 percent for whole kernels which are not damaged but which will pass through a screen having $^{15}/_{64}$ x $^{3}/_{4}$ inch slots.

(2) U. S. No. 2 shall consist of Runner peanut kernels which are not damaged and which are free from foreign material. The kernels may be whole, split or otherwise broken but shall not pass through a screen of the type customarily in use having $^{15}/_{64}$ inch round openings.

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 1.0 percent for kernels of other varieties.

(*b*) 2.5 percent for damaged kernels, damaged portions of kernels, and kernels in the shell.

(*c*) 0.25 percent for foreign material.

(*d*) 6.0 percent for kernels or portions of kernels which are not damaged but which will pass through a screen having $^{15}/_{64}$ inch round openings.

(b) *Definitions.* (1) "Damaged" means that the kernel is affected as follows:

(i) Rancid or decayed.

(ii) Moldy.

(iii) Very soft and spongy.

(iv) Sprouted, with sprout extending more than one-eighth inch from the end of the kernel.

(v) Distinctly dirty.

(vi) Wormy, or has worm frass adhering, or has worm cuts which are more than superficial.

(vii) Defective in any way to the extent that its edible or keeping quality is materially affected.

(2) "Foreign material" means any substance other than peanut kernels or portions of kernels. Empty hulls shall be classed as foreign material.

(3) "Whole" means that the halves of the kernel are not completely separated, and that not more than one-fourth of the kernel has been broken off.

(4) "Slots" are holes which are rectangular in shape except that the corners are slightly rounded.

(5) "Split" means the separated half of the peanut kernel.

Issued this 27th day of June 1947.

[SEAL] E. A. MEYER, *Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 47-6203; Filed, July 1, 1947; 8:47 a. m.]

[7 CFR, Part 51]

U. S. STANDARDS FOR FARMERS' STOCK RUNNER PEANUTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of the United States Standards for Farmers' Stock Runner Peanuts pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., approved June 22, 1946) and the Agricultural Marketing Act of 1946 (Pub. Law 733, 79th Cong., approved August 14, 1946). These standards will supersede the United States Standards for Farmers' Stock Runner Peanuts that have been in effect since September 1, 1931.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.321 *Farmers' Stock Runner Peanuts*—(a) *General.* Farmers' Stock Peanuts often contain varying amounts of loose shelled kernels and foreign material. Such kernels and material are objectionable, and in making inspections, their weight shall be included in the total weight of the sample. Loose kernels shall not be included with the kernels obtained from shelling the sample in determining the percentage of kernels in the sample. All calculations of percentages shall be made on the basis of the total weight of the sample.

(b) *Grades.* (1) U. S. No. 1 shall consist of Runner peanuts in the shell which are mature and dry. When shelled, the kernels which will not pass through a screen of the type customarily in use having $^{15}/_{64}$ x $^{3}/_{4}$ inch slots shall meet the following requirements:

(i) Not less than 65 percent, by weight, of the sample shall consist of kernels which are free from damage.

(ii) Not more than 1 percent, by weight, of the sample may consist of kernels of other varieties.

(iii) Not more than 2 percent, by weight, of the sample may consist of kernels which are damaged: *Provided*,

That for each percent above 65 percent of the kernels which are free from damage there may be an equal percentage above 2 percent of damaged kernels, but in no case shall the damaged kernels exceed 3 percent in U. S. No. 1.

(2) U. S. No. 2 shall consist of Runner peanuts in the shell which are mature and dry. When shelled, the kernels which will not pass through a screen of the type customarily in use having $^{15}/_{64}$ x $^{3}/_{4}$ inch slots shall meet the following requirements:

(i) Not less than 60 percent, by weight, of the sample shall consist of kernels which are free from damage.

(ii) Not more than 1 percent, by weight, of the sample may consist of kernels of other varieties.

(iii) Not more than 2 percent, by weight, of the sample may consist of kernels which are damaged: *Provided*, That for each percent above 60 percent of the kernels which are free from damage there may be an equal percentage above 2 percent of damaged kernels, but in no case shall the damaged kernels exceed 5 percent in U. S. No. 2.

(3) U. S. No. 3 shall consist of Runner peanuts in the shell which are mature and dry. When shelled, the kernels which will not pass through a screen of the type customarily in use having $^{15}/_{64}$ x $^{3}/_{4}$ inch slots shall meet the following requirements:

(i) Not less than 55 percent, by weight, of the sample shall consist of kernels which are free from damage.

(ii) Not more than 1 percent, by weight, of the sample may consist of kernels of other varieties.

(iii) Not more than 2 percent, by weight, of the sample may consist of kernels which are damaged: *Provided*, That for each percent above 55 percent of the kernels which are free from damage there may be an equal percentage above 2 percent of damaged kernels, but in no case shall the damaged kernels exceed 6 percent in U. S. No. 3.

(c) Unclassified shall consist of Runner peanuts in the shell which fail to meet the requirements of any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) Explanatory table showing kernel requirements of U. S. standards:

The percentages below apply only to kernels which will not pass through a screen having $^{15}/_{64}$ x $^{3}/_{4}$ inch slots. All percentages are based on the total weight of the sample

Grade	Tolerance for other varieties	Kernels free from damage	Tolerance for damaged kernels
	Percent		*Percent*
U. S. No. 1	1	65 percent	2
		66 percent or more	3
U. S. No. 2	1	60 percent	2
		61 percent	3
		62 percent	4
		63 percent or more	5
U. S. No. 3	1	55 percent	2
		56 percent	3
		57 percent	4
		58 percent	5
		59 percent or more	6

(e) *Definitions.* (1) "Slots" are holes which are rectangular in shape except that the corners are slightly rounded.

(2) "Sample" means the total quantity of peanuts taken for the determination of grade, including loose shelled kernels and foreign material.

(3) "Foreign material" means any substance other than peanuts in the shell, loose kernels or portions of kernels.

(4) "Damaged" means that the peanut kernel is affected as follows:

(i) Rancid or decayed.

(ii) Moldy.

(iii) Very soft and spongy.

(iv) Sprouted, with sprout extending more than one-eighth inch from the end of the kernel.

(v) Distinctly dirty.

(vi) Wormy, or has worm frass adhering, or has worm cuts which are more than superficial.

(vii) Defective in any way, to the extent that its edible or keeping quality is materially affected.

Issued this 27th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-6202; Filed, July 1, 1947; 8:46 a. m.]

[7 CFR, Part 51]

U. S. STANDARDS FOR FARMERS' STOCK WHITE SPANISH PEANUTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of the United States Standards for Farmers' Stock White Spanish Peanuts pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., approved June 22, 1946), and the Agricultural Marketing Act of 1946 (Pub. Law 733, 79th Cong., approved August 14, 1946). These standards will supersede the United States Standards for Farmers' Stock White Spanish Peanuts that have been in effect since October 11, 1926.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.322 *Farmers' Stock White Spanish Peanuts—(a) General.* Farmers' Stock peanuts often contain varying amounts of loose shelled kernels and foreign material. Such kernels and material are objectionable, and in making inspections, their weight shall be included in the total weight of the sample. Loose kernels shall not be included with the kernels obtained from shelling the sample in determining the percentage of kernels in the sample. All calculations of percetanges shall be made on the basis of the total weight of the sample.

(b) *Grades.* (1) U. S. No. 1 shall consist of White Spanish peanuts in the shell which are mature and dry. When shelled, the kernels which will not pass through a screen of the type customarily in use having $^{14}/_{64}$ x $^{3}/_{4}$ inch slots shall meet the following requirements:

(i) Not less than 70 percent, by weight, of the sample shall consist of kernels which are free from damage.

(ii) Not more than 1 percent, by weight, of the sample may consist of kernels of other varieties.

(iii) Not more than 2 percent, by weight, of the sample may consist of kernels which are damaged: *Provided*, That for each percent above 70 percent of the kernels which are free from damage there may be an equal percentage above 2 percent of damaged kernels, but in no case shall the damaged kernels exceed 3 percent in U. S. No. 1.

(2) U. S. No. 2 shall consist of White Spanish peanuts in the shell which are mature and dry. When shelled, the kernels which will not pass through a screen of the type customarily in use having $^{14}/_{64}$ x $^{3}/_{4}$ inch slots shall meet the following requirements:

(i) Not less than 65 percent, by weight, of the sample shall consist of kernels which are free from damage.

(ii) Not more than 1 percent, by weight, of the sample may consist of kernels of other varieties.

(iii) Not more than 2 percent, by weight, of the sample may consist of kernels which are damaged: *Provided*, That for each percent above 65 percent of the kernels which are free from damage there may be an equal percentage above 2 percent of damaged kernels, but in no case shall the damaged kernels exceed 5 percent in U. S. No. 2.

(3) U. S. No. 3 shall consist of White Spanish peanuts in the shell which are mature and dry. When shelled, the kernels which will not pass through a screen of the type customarily in use having $^{14}/_{64}$ x $^{3}/_{4}$ inch slots shall meet the following requirements:

(i) Not less than 60 percent, by weight, of the sample shall consist of kernels which are free from damage.

(ii) Not more than 1 percent, by weight, of the sample may consist of kernels of other varieties.

(iii) Not more than 2 percent, by weight, of the sample shall consist of kernels which are damaged: *Provided*, That for each percent above 60 percent of the kernels which are free from damage there may be an equal percentage above 2 percent of damaged kernels, but in no case shall the damaged kernels exceed 6 percent in U. S. No. 3.

(c) Unclassified shall consist of White Spanish peanuts in the shell which fail to meet the requirements of any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

(d) Explanatory table showing kernel requirements for U. S. standards:

The percentages below apply only to kernels which will not pass through a screen having $^{14}/_{64}$ x $^{3}/_{4}$ inch slots. All percentages are based on the total weight of the sample

Grade	Tolerance for other varieties	Kernels free from damage	Tolerance for damaged kernels
	Percent		*Percent*
U. S. No. 1	1	70 percent	2
		71 percent or more	3
U. S. No. 2	1	65 percent	2
		66 percent	3
		67 percent	4
		68 percent or more	5
U. S. No. 3	1	60 percent	2
		61 percent	3
		62 percent	4
		63 percent	5
		64 percent or more	6

(e) *Definitions.* (1) "Slots" are holes which are rectangular in shape except that the corners are slightly rounded.

(2) "Sample" means the total quantity of peanuts taken for the determination of grade, including loose shelled kernels and foreign material.

(3) "Foreign material" means any substance other than peanuts in the shell, loose kernels or portions of kernels.

(4) "Damaged" means that the peanut kernel is affected as follows:

(i) Rancid or decayed.

(ii) Moldy.

(iii) Very soft and spongy.

(iv) Sprouted, with sprout extending more than one-eighth inch from the end of the kernel.

(v) Distinctly dirty.

(vi) Wormy, or has worm frass adhering, or has worm cuts which are more than superficial.

(vii) Discolored, with more than one-fourth of the skin of the kernel affected by a medium blue, medium gray or dark brown discoloration or staining. Darker shades of discoloration on lesser areas, which affect the appearance to as great an extent as the discoloration described above shall also be considered damage.

(viii) Defective in any way, to the extent that its edible or keeping quality is materially affected.

Issued this 27th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-6200; Filed, July 1, 1947; 8:46 a. m.]

[7 CFR, Part 944]

HANDLING OF MILK IN QUAD CITIES MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER

Pursuant to Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held at Rock Island, Illinois, on February 27, 1947, upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Quad Cities marketing area. The hearing, on the basis of which the proposed amendments hereinafter set forth have been formulated, was held pursuant to notice issued on February 19, 1947 (12 F. R. 1246).

A notice of a recommended decision and opportunity to file exceptions thereto was issued by the Assistant Administrator on May 21, 1947 (12 F. R. 3350).

The only material issue presented on the record of the hearing involved the sales of Class I and Class II milk in the marketing area by persons who are handlers under other milk marketing orders issued pursuant to the act.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing it is hereby found and concluded that:

(1) Class I milk and Class II milk are being sold in the marketing area by a person who is a handler under another Federal milk marketing order issued pursuant to the act. This person is able to purchase such milk at minimum prices under the other Federal order of from 20 cents to 40 cents per hundredweight (approximately $^{1}/_{2}$ cent to 1 cent per quart) less than the minimum prices fixed by the Quad Cities order. Thus the handler subject to the other Federal order is able to market milk in the marketing area at a competitive advantage over handlers subject to the Quad Cities marketing order, and this situation constitutes a serious threat to the orderly marketing of milk in the Quad Cities marketing area.

(2) In order to place all handlers who market milk in the marketing area on a more equitable competitive basis with respect to the cost of milk, the Quad Cities order, as amended, should be further amended to provide that the order shall not apply to any handler who, as determined by the Secretary, disposes of the greater portion of his milk as Class I and Class II milk in another marketing area regulated by another Federal milk marketing order, except to the extent that (a) such handler shall file, with the market administrator of the Quad Cities area, such reports with respect to his total receipts and utilization of milk as the market administrator may require, and allow verification of those reports; and (b) if the price which such handler is required to pay under the other Federal order for milk which would be classified as Class I or Class II milk under the Quad Cities order is less than the price of such milk under the Quad Cities order, such handler shall pay into the producer-settlement fund under the Quad Cities order (with respect to all milk disposed of by him as Class I or Class II milk in the Quad Cities market) an amount equal to the difference.

(3) The proposed marketing agreement and order, as amended and as proposed to be amended, regulating the handling of milk in the said marketing area and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(4) The proposed marketing agreement and the order, as amended and as proposed to be amended, regulate the handling of milk in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said proposed marketing agreement and the order, as amended and as proposed to be amended, upon which a hearing has been held.

(5) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8c of the act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on requested findings and conclusions. No requested findings or conclusions have been submitted and no exceptions were filed to the recommended decision of the Assistant Administrator.

Marketing agreement and order relative to handling. Annexed hereto and made a part hereof are two documents entitled "Marketing agreement regulating the handling of milk in the Quad Cities marketing area," and "Order amending the order, as amended, regulating the handling of milk in the Quad Cities marketing area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

Neither of these documents shall become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure have been met.

This decision filed at Washington, D. C. this 26th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Quad Cities Marketing Area

§ 944.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11701;

11 F. R. 7737; 12 F. R. 1159), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Quad Cities marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is hereby found that:

(a) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which a hearing has been held;

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

The foregoing findings are supplementary to and in addition to the findings made in connection with the issuance of the aforesaid order and of each of the previously issued amendments hereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

It is hereby ordered, That such handling of milk in the Quad Cities marketing area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

Amend § 944.6 by adding at the end thereof the following:

(e) *Handlers subject to other Federal orders.* In the case of any handler, who the Secretary determines disposes of a greater portion of his milk as Class I and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with the provisions of § 944.5 (e);

(2) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I or Class II milk under this order is less than the price provided pursuant to §§ 944.4 (a) (1) and (2) and 944.4 (c), such handler shall pay to the market administrator for deposit into the producer settlement fund (with respect to all milk disposed of as Class I milk or Class II milk within this marketing area) an amount equal to the difference between the value of such milk as computed pursuant to §§ 944.4 (a) (1) and (2) and 9.44.4 (c) and its value as determined pursuant to the other order to which he is subject.

NOTE: This order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure have been met.

[F. R. Doc. 47-6185; Filed, July 1, 1947; 8:47 a. m.]

[7 CFR, Part 961]

HANDLING OF MILK IN THE PHILADELPHIA, PA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED AMENDMENT TO THE ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a marketing agreement and an amendment to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the seventh day after publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. On March 24, 1947, a hearing was announced to be held at Philadelphia beginning April 9, 1947, to consider amendments to Order No. 61. The hearing which lasted three days was conducted jointly with the Pennsylvania Milk Control Commission. Conferences have been held with the Commission to discuss conclusions which would facilitate the issuance of orders for Philadelphia and for the adjacent territory by the Commission and the amendment of Order No. 61 so that regulation by the two authorities in this territory would operate concurrently to the maximum benefit of the industry and the public.

Findings and conclusions—1. *Class I price.* Both producers and handlers expressed strong opinions with regard to the need for maintaining differentials between prices paid for milk in the flush season and prices paid for milk during the short season which would encourage farmers to deliver a greater proportion of their annual production in the short season and thus reduce the necessity for the procurement of milk during the fall months from sources as far away as Minnesota. Producers, as defined in the order, failed to supply the total Class I sales of handlers in the market during any short production season since 1943.

In 1947 a start was made in the Philadelphia milk shed on a program of encouraging the production of more milk in the fall months. The record indicated prices and rates paid for feed, labor, and farm machinery are higher than last year. These factors indicate that the program to encourage more fall production may be seriously hampered unless producers are assured of absolute floor prices for the rest of 1947.

The uncertainty of economic conditions in the fall and winter requires a safeguard in addition to minimum floor prices on Class I milk. Some provision for maintaining the Class I price on a level equivalent to that in competing markets should be adopted.

The New York market takes from equal to the quantity taken by Philadelphia, and is approximately three times as large. It is by far the strongest competitor of Philadelphia for milk supply. The Philadelphia Class I price should be adjusted to correspond with the New York price in a representative competitive area. The 51–60 mile zone represents the radius of the area within which one-half of the Philadelphia producer milk supply is received. That zone falls within Lancester County in which two plants regulated by an order of the Secretary regulating the handling of milk in the New York Metropolitan marketing area and three plants regulated by Order No. 61 are located.

The recommended amendment to the New York Order published in the FEDERAL REGISTER, June 14 (12 F. R. 3838), produces for the third quarter of 1947, a price of $4.695 for Class 1–A milk of 3.7 percent butterfat content, delivered at plants in the 141–150 mile zone from New York, the zone applicable under that order to plants in Lancaster County. Plants in Lancaster County supplying Philadelphia are located 51–60 miles from Philadelphia. The record shows 3.7 percent to be the approximate butterfat content of the largest volume item of Class I, Grade "B" milk, and it is also about the average test of all Class I products taken together. With a butterfat differential of six cents for each 1/10 percent discussed below, and the 33 cent differential applicable to that zone, the equivalent Class I price for 4 percent milk, f. o. b. Philadelphia, is $5.205 per hundredweight.

A survey of farmer's opinion indicated that they believe there is about one dollar per hundredweight difference between the cost of producing milk in the spring and in the fall and winter. Both producers and handlers suggested that a Class I difference of 80 cents to $1.00 would bring about the necessary fall production. A variation of 80 cents plus at least 20 cents difference in the blend which can be expected because of smaller utilization of milk in the lower value Class II use during the fall season, will reflect the $1.00 difference farmers believe is needed. The 40-cent increase for the last quarter should be assured by floor prices.

Producers and handlers contended that the direct dependence on the butter price for the preceding month in determining the Class I price should be deleted entirely from the order and fixed prices substituted for it. Exact levels of prices cannot be determined from this record for nine months to a year in advance. The recommended amendment to the New York Order provides for changes in the New York prices above the floor levels for the rest of 1947 and provides a method of determining the price in 1948. Therefore, in the event the Secretary is unable to hold a hearing and take action thereon for appropriate change in Class I prices in Order No. 61, the amendment should provide for the changes in the Class I price for Philadelphia consistent with changes that may occur under the New York Order. The Class I price in Philadelphia will thus be maintained at the same level as prices established for Class I–A milk sold in the New York marketing area and for Class I–B milk sold by New York handlers in Philadelphia.

Producers argued in a brief that the Class I price should be established at a level not less than parity. They maintained that the act requires such a finding. This requested finding is not made. Section 8c (18) of the act provides that in the case of milk and its products "parity" may be disregarded if it is found to be not reasonable in view of the other factors specified in the section. The seasonal supply and demand conditions in the Philadelphia market are such that a flat Class I price at the parity level will not produce the most desirable seasonal production pattern required to insure a sufficient quantity of pure and wholesome milk and be in the public interest. The record shows that prices under Order 61 should be governed by the standards of section 8c (18) of the act rather than by section 2 of the act. Moreover, even under section 2 parity need not be reached in all cases. Section 2 (2) of the act specifically provides that parity is to be approached with due regard for the protection of the consumer and the public interest.

Producers and several handlers urged the use of a precise cost of production figure for determining the Class I price. Producers relied to considerable extent on evidence of cost of producing milk as indicated by a survey of reported costs obtained from farmers in the Philadelphia milkshed. A comparison of the costs revealed by the survey with the actual prices and subsidies paid farmers during the survey period indicates that costs for the period were in excess of prices plus subsidies received. However, during the period, production per day per farm was 3 percent over the 12 months just preceding the survey. This increasing production when prices were below reported costs suggests that there is some upward bias in the costs reported or the cost price relationship was not the most important factor affecting the supply of milk in that period.

2. *Class II price.* Issues related to the Class II price arise out of proposals (a) to insert an additional ten cents per hundredweight in the butter formula minimum which would be used in case of inordinately low cream prices; (b) for a so-called "distress milk" provision; and (c) to change the milk powder quotation basis for the skim milk value in Class II.

(a) The function of the alternative method is to provide a floor in the butterfat value of Class II milk based upon the value of butterfat in butter. The addition of ten cents to the existing formula, as proposed, reflects the additional cost of shipping cream from midwest points instead of butter. Historically, there is a close relationship between the movement of cream and butter prices so that the alternative method for computing butterfat value of Class II milk would not come into operation unless erratic cream price movements distorted the historical butter-cream price relationship. Such a situation could occur at any time when the receipts of cream are not large and individual operations could unduly affect cream prices. These considerations were present and recited in the report which preceded the amendment effective September 1, 1945, and apply as well to the Class II–D price in the New York Order which would be identical in effect with the Class II price in Order No. 61. This change corrects an inadvertent omission in the September 1, 1945, amendment and should be adopted.

(b) The Class II price recognizes the average value of milk utilized in Class II. Since the present Class II price recognizes that a certain percentage of the Class II milk is disposed of in uses below as well as above the average value, it is concluded that determination of a lower price for milk used in products yielding a low return to the handler should be made in conjunction with a determination of the Class II price at a higher level if these low uses were removed from the application of the Class II price. The evidence in this record is not sufficient to support such a revision of the Class II price structure.

The proposed amendments could not be made effective before the end of the current flush production season and adequate time is available to resolve the whole issue through hearing procedure prior to the next flush production season.

(c) No change in the present skim milk portion of the Class II formula should be made at this time. Witnesses indicated that the price should be maintained in its present relationship to prices established under the New York Order. The change from Producer Price Current quotations to United States Department of Agriculture reported prices would have little effect on the resultant price, and both the New York Order and the orders of the Pennsylvania Milk Commission now use quotations from Producer Price Current.

3. *Butterfat differential for Class I milk.* The fluctuating butterfat differential on Class I milk has made it difficult to compare prices in the Philadelphia market with prices established under the order regulating the handling of milk in the New York market and with prices established by the Pennsylvania Milk Control Commission for other markets in Pennsylvania. Since the milksheds for Philadelphia, New York, and other Pennsylvania markets overlap so completely, it is important that price comparisons be obvious. The New York market and these other Pennsylvania markets now operate on fixed differentials applied to the Class I prices. A flat differential of 6 cents per 1/10 of one percent variation in butterfat content will permit ready comparisons even though the differential is not as low as in these other markets.

Although a proposal was made that the differential be fixed at the rate of 1.5 percent of the Class I price, the proponents indicated that the differential should at no time exceed 6 cents, and at present price levels a 6-cent differential would result in the correct relationship between fat and solids-not-fat in Class I milk. The 6-cent maximum which was recommended would apply in all instances at the price levels recommended herein.

The difference between the differentials in other markets and the 6-cent differential recommended for Philadelphia has been considered in determining the basic Class I price.

4. *Optional differentials for plants located 11 miles or more from City Hall.* The order recognizes the existence of a number of plants located various distances from the center of the city of Philadelphia. For plants within a radius of 11 to 31 miles from City Hall, allowances are established by 5 mile distance zones to offset the difference in hauling rates on shorter hauls from farm to receiving plant. The current hauling charges do not decrease in direct progression with the distance of the receiving plant from the center of the city as the graduated series of deductions presupposes. Moreover, for a considerable length of time, the Pennsylvania Milk Control Commission has had in effect a producer Class I price for its Area I–A, the immediate adjacent suburban territory, fifteen cents per hundredweight less than the price which it had set for its Area I.

As a result of the modification of the marketing area recommended herein, certain plants which have been regulated by Order No. 61 would come under the jurisdiction of the Pennsylvania Milk Control Commission in its Area I–A and would be required to pay the prices established by the Commission which recognizes a 15-cent price difference between the Philadelphia area and the suburban area.

It is concluded that more uniform prices should be established in the suburban area. The graduated deduction permitted for these plants on all milk on an optional basis should be replaced by an allowance on Class I milk of 12 cents per hundredweight in the paragraph which deals with regular class differentials. This would equal approximately the same total deductions as the graduated deductions on all milk have hitherto provided.

(Paragraph (e) of § 961.8 should be deleted entirely including the three-cent deduction per hundredweight permitted at plants 31 miles or more from City Hall. The optional three-cent deduction was intended to compensate handlers for the operation of certain small volume plants which might otherwise have to close and leave producers without a market. Handlers testified that it had been used instead at various plants irrespective of volume according to the competition for supplies of milk in the area where the plant was located. The optional feature of deductions tends to vary the uniformity of payments to producers depending upon the bargaining power of such producers. An optional differential for this purpose does not tend to effectuate the declared purpose of the act.

5. *Class I milk sold outside the marketing area.* Four different proponents suggested adopting as the prices to be paid producers for Class I milk sold outside the marketing area in areas regulated by a state, the prices prescribed by the state for that area. The record indicates the great difficulty of adapting to the pricing and differentials in Order No. 61, various prices issued by state authorities. The market administrator ascertained as prevailing prices, the minimum prices prescribed by the Pennsylvania Milk Control Commission, only when such prices were ceiling prices prescribed by the Office of Price Administration.

The adoption of the suggested language would not meet the problem of the prevailing cost of milk acquired from without the boundaries of the state but sold in competition with milk acquired by dealers within the state.

The evidence indicates that the Philadelphia and New York markets dominate the Philadelphia milkshed. The prices recommended herein for Class I will keep the prices for each of these markets in close alignment. Since these markets are so important in the region the prices established by Order No. 61 should be representative of the prices in the region. The prices established for Class I milk sold outside the marketing area should be the same as for Class I milk sold in the area. There is no present need for the section.

It is accordingly concluded that § 961.4 (d) should be deleted. The proposal to distinguish between sales from wholesale routes and sales from retail routes in determining out-of-area Class I sales is of no significance if all Class I sales are priced at the area price.

6. *Butterfat differential to producers.* Wide disparity between the butterfat differential prescribed in payments to producers and the butterfat differential applied to the Class I and Class II prices, has existed in recent months. The producer butterfat differential should be increased to 6 cents in line with the current higher values of milk and butterfat.

7. *The Marketing area.* A proposal to eliminate from the marketing area that portion of Delaware County lying south and west of Darby Creek has been raised in previous hearings without affirmative action thereon. This southwestern part of Delaware County includes rural territory as contrasted to communities where a distributor of milk would find himself in the marketing area on one side of a street and out of it on the opposite side of the street.

The population of metropolitan Philadelphia and its milk demands, so far outweigh this suburban territory as to influence completely the prices paid farmers for milk by outlying handlers and obviate the necessity for continuing the area beyond a well defined and visible line in Delaware County. Moreover, such outlying handlers will not be free of price regulation since the Pennsylvania Milk Control Commission has issued an order for this area.

It is concluded that that part of Delaware County lying south and west of Darby Creek should be excluded from the marketing area.

8. *Definition of producer plant.* The farmers to whom minimum prices are required to be paid under Order No. 61 are designated by the definition of "producer" and "producer milk plant." By amendment effective September 1, 1945, certain plants of handlers were listed by name as producer plants. In addition, any other plant which shipped milk to a pasteurizing and bottling plant in the marketing area on twenty days or more was defined as a producer plant. Since this original listing plants have changed ownership, additional plants have been acquired, and some have been withdrawn as producer plants by handlers in the manner prescribed by the order.

The list of plants should be revised to show the changes in ownership and to include those plants which have been operated continuously as producer plants especially during the short production season. An essential test for the inclusion of any plant in a handler's pool during the flush season of the year is the extent to which that plant was drawn upon for milk during the previous short season and whether the milk was priced as producer milk during that period. The definition of producer milk should be changed to permit those plants which shipped twenty days in October, November, and December to become producer plants during the following April, May, and June without making shipments to Philadelphia.

9. *Definition of Class II milk.* The present designation of Class II milk as containing not less than 18 percent butterfat should be retained. The Pennsylvania Department of Agriculture prescribes a minimum of 18 percent butterfat for cream, the principal product of Class II milk.

10. *Classification of non-producer milk.* The proposal to eliminate the allocation of non-producer milk first to Class II during the months April-June ignored the opportunity to purchase milk as producer milk during April, May, and June. The proponents failed to establish any reasonable basis for a change.

11. *Date for filing reports.* Extension of one more day for filing reports, when holidays or long weekends intervene in the first eight days, appears reasonable and should be included in the amendment.

12. *Time limit on reaudits.* The proposal to provide a limit of two years with respect to reaudits and the issuance of revised billings should not be adopted at this time. The proponents of this proposal recognize the necessity for a limitation on the time in which a handler could claim credits from the market administrator, although they made no suggestions to cover this eventuality. The possibility of developing a standard rule for all Federal order markets was suggested. A provision dealing with a matter of this nature must be examined carefully in order to protect the rights of all persons. Since the proponents showed no instances of hardship which they suffer from the lack of such a provision, the order should not be amended hurriedly. The collateral issues and specific language concerning such issues should be described.

13. *Emergency price provision.* The language of this provision is interwoven with subsidies and other wartime market conditions and should be revised to remove reference to such obsolete matters.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Inter-State Milk Producers' Cooperative, Milk Distributors Association of the Philadelphia Area, Inc., and Miller-Flounders Dairy, Inc.

The briefs contain statements of fact, conclusions, and arguments with respect to nearly all of the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. Some of the proposed findings of fact are immaterial to the issues presented or outweighed by other facts found herein, and some of the proposed conclusions do not logically follow from the proposed findings of fact. To the extent that the proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the requests to make such findings are denied because of the reasons stated for the conclusions in this recommended decision.

Proponents of a modification of the provision with respect to out-of-area Class I pricing argued that the hearing notice did not give ample indication of the possibility that the provision should be deleted. The hearing notice and the record presented the issue of whether the present provision of the order has been effective and whether it tends to effectuate the purpose of the act. As stated elsewhere in this decision, the solution proposed by the proponents of an amendment to the provision failed to prove that their suggested change was desirable but did show that the present section is no longer useful or desirable. The deletion of the provision is a more proper and effective solution of the problem presented by the issue raised by the notice, and by the record, and is properly within the scope of the notice.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which these conclusions may be carried out.

The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. In § 961.1 (a) (3) delete the words "thence along the Upper Merion Township line as it runs to the Delaware County line; then southeasterly along the Delaware County line as it runs to and along Brandywine Creek and the Delaware State Line to the Delaware River; thence northeasterly along the Pennsylvania State line to the Delaware River to the point of the beginning;" and substitute therefor, "thence along the Upper Merion Township line as it runs to the Chester County line; thence southwesterly along the Chester County line to Darby Creek; thence southeasterly along Darby Creek to the Delaware River and the New Jersey State line; thence northeasterly along the New Jersey State line in the Delaware River to the point of beginning."

2. In the list of plants in § 961.1 (a) (6) (i) delete "Gailey Ice Cream Company, Delta, Pa.," and "Penn Reed Milk Company, Belleville, Pa.," and add "Abbotts Dairies, Inc., Belleville, Pa., Abbotts Dairies, Inc., Reedsville, Pa., Delta Farm Products Co., Delta, Pa., and Philadelphia Dairy Products Co., Inc., Benton, Pa." At the head of the list delete the date "January 1, 1945" and substitute "January 1, 1947."

3. Revise § 961.1 (a) (6) (iii) to read as follows:

(iii) Any other plant from which during the month shipments of milk, except shipments for Class II use only, are made on 20 days or more to a pasteurizing or bottling plant described in subdivision (ii) of this subparagraph, or to a plant or plants supplying such pasteurizing or bottling plants: *Provided*, That a plant operated by any handler which was a producer milk plant during October, November, and December, shall be a producer milk plant of the same handler during the next April, May, and June, if such handler files with the market administrator not later than the date on which reports for April, May, or June receipts and utilization of milk are required pursuant to § 961.5 (a), a request that such plant be a producer milk plant for the previous month.

4. In § 961.4 (a) delete the words "Except as set forth in subparagraph (d) of this section," and capitalize the first letter of the following word "each"; and delete § 961.4 (a) (1) and substitute:

(1) *Class I milk.* (i) In 1947, $5.20 per hundredweight for August and September, 1947 and $5.60 per hundredweight for October, November, and December, 1947: *Provided*, That the price shall be not less than the price for Class I–A milk of 3.5 percent butterfat content at the 201–210 mile zone established by an order of the Secretary regulating the handling of milk in the metropolitan New York marketing area plus 62 cents during August and September, 1947, and plus 58 cents during October, November, and December, 1947; (ii) and after 1947 the price for each month shall be the above-named price established by an order of the Secretary for the metropolitan New York marketing area plus 62 cents.

5. In § 961.4 (a) (2) (i) insert just before the colon preceding the word "*Provided*," the words "and add 10 cents."

6. Revise § 961.4 (b) to read as follows:

(b) *Butterfat differential.* The Class I price shall be subject to a butterfat differential of 6 cents for each one-tenth of 1 percent variation above or below 4 percent and the Class II price shall be subject to a butterfat differential for each one-tenth of 1 percent variation above or below 4 percent calculated as follows: Divide the average of the cream quotations used in calculating the Class II price by 334.8 and subtract 0.67 cents; or in the case of butterfat in Class II to which the "butter-value" is applicable, divide the "butter-value" by 40.

7. Revise § 961.4 (c) (1) to read as follows:

(1) *Class I milk.* At plants more than 11 and not more than 31 miles from the City Hall in Philadelphia, 12 cents per hundredweight; at plants 31–40 miles from the City Hall in Philadelphia, 31 cents per hundredweight; and at plants in excess of 40 miles from the City Hall in Philadelphia, 31 cents per hundredweight plus 1 cent for each additional 10 miles or part thereof, except the total differential shall not exceed 64 cents per hundredweight.

8. Delete § 961.4 (d).

9. In § 961.5 (a) after the words "On or before the 8th day", insert a comma and the words "or if during the first 8 days, three days represent Saturdays, Sundays, or legal holidays, on or before the 9th day."

10. In § 961.8 (c) delete the words "5 cents per hunderdweight" and substitute the words "6 cents per hundredweight."

11. Delete § 961.8 (e) and renumber § 961.8 (f) as § 961.8 (e). In § 961.8 (a) (2) delete the words "subject to paragraphs (c) (d), (e), (f), and (g) of this section" and substitute "subject to paragraphs (c), (d), and (e) of this section."

12. Revise § 961.10 to read as follows:

§ 961.10 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price or prices for milk or any milk product, for the purpose of determining class prices, or for any other purpose, if for any reason the price specified is not reported or published as indicated, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

Filed at Washington, D. C., this 27th day of June 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-6204; Filed, July 1, 1947; 8:47 a. m.]

[7 CFR, Part 970]

HANDLING OF MILK IN CLINTON, IOWA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER

Pursuant to Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held at Clinton, Iowa, on February 28, 1947, upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Clinton, Iowa, marketing area. The hearing, on the basis of which the proposed amendments hereinafter set forth have been formulated, was held pursuant to notice issued on February 19, 1947 (12 F. R. 1247).

A notice of a recommended decision and opportunity to file written exceptions thereto was issued by the Assistant Administrator on May 21, 1947 (12 F. R. 3351).

The material issues presented on the record of the hearing are:

(1) The status of handlers who sell milk in Clinton, Iowa, as well as in other marketing areas regulated by Federal milk orders, and

(2) The level of the Class I price.

Findings and conclusions. (1) Handlers, who the Secretary determines have their principal business in another area regulated by another order issued pursuant to the act, should be exempt from most of the provisions of the Clinton, Iowa, order. Such a handler, however, should be required to make reports to the market administrator, and in the event the prices fixed in the Clinton order are higher than those fixed in the other order to which he is subject, he should be required to pay into the producer-settlement fund, an amount equal to the difference in value, as computed under the two orders, of the milk disposed of as Class I milk within the Clinton, Iowa, marketing area. It appears that it would be unreasonable and impractical to pool the milk of a handler under two orders simultaneously. However, if a handler were permitted to purchase milk at a lower price than other handlers by virtue of having his prices fixed by another order he would enjoy a competitive advantage over other handlers in the market. Therefore, he should be required to pay any difference into the producer-settlement fund in order to equalize the buying price of all handlers. Where such a handler is required under the terms of the order to pay prices equal to or higher than those fixed in the Clinton order, no competitive advantage accrues to him and no payment shall be required.

(2) The price of Class I milk should be increased 20 cents per hundredweight.

It appears on the record that producers are entitled to some increase in price but there appears to be no basis for an increase of the amount requested. The City of Clinton recently adopted a new public health ordinance regulating the production and sale of milk in the city. While there seems to be very little difference in the terms of the existing ordinance as compared to that previously in effect, all of the evidence indicates that there is a wide difference in the degree of enforcement. That production costs have increased is evident from the fact that the number of producers has declined from 198 in February 1946 to 146 in January 1947. It was in February 1946 that the new ordinance with its strict enforcement became effective. Most of these producers either had their permits revoked by the health department or withdrew voluntarily because they were unwilling or felt unable to produce milk in accordance with the new requirements.

It appears from the record that producers have been required to make capital expenditures of approximately $400.00 per farm on the average. It appears that an increase of 5 cents per hundredweight would be ample to cover depreciation and interest on this investment. In addition to this capital expenditure producers will incur continuing costs for electricity, supplies and increased labor which were not required previously. Based on the record it appears that an additional 10 cents per hundredweight would cover these costs. In arriving at this figure we have disregarded many of the items mentioned by producers such as disinfectants, cleansers, paints, etc. These are costs which are a part of dairying under any conditions and it is very doubtful that expenditures on these items will be increased materially as a result of the enforcement of the ordinance. Since approximately 75 percent of the milk produced for the Clinton market is disposed of as Class I milk, an increase of 20 cents per hundredweight in the Class I price would return to producers an average of 15 cents per hundredweight on their entire production. Thus it appears that the proposed increase would be ample to compensate producers for the costs incurred by them as a result of the strict enforcement of the local regulations.

With respect to the proposal that the price for Class I milk sold in other markets regulated by other marketing orders, be either the Clinton price or the price prevailing in the market where sold, whichever is higher, we feel that the record is inadequate and fails to justify such an amendment.

(3) The proposed marketing agreement and the order, as amended and as proposed to be amended, regulating the handling of milk in the said marketing area and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(4) The proposed marketing agreement and the order, as amended and as proposed to be amended, regulate the handling of milk in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said proposed marketing agreement and the order, as amended and as proposed to be amended, upon which a hearing has been held.

(5) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings upon proposed findings and conclusions. Proposed findings and conclusions were submitted by the Clinton Cooperative Milk Producers Association, Inc., Elmwood Dairy Farms, and Golden-Mello Dairies. None of these contained any specific proposals with respect to the status of handlers who dispose of milk in the Clinton marketing area as well as in other marketing areas subject to Federal regulation.

The Clinton Cooperative Milk Producers Association, Inc., urged that the Secretary find that the Class I price be increased 50 cents per hundredweight as they had proposed at the hearing. It is their contention that this increase is justified on the record. However, our analysis of the record as set forth above indicates that an increase of 20 cents per hundredweight in the Class I price would be ample to compensate producers for their increased costs.

Elmwood Dairy Farms recommended that no increase in price be granted, largely on the grounds that the new ordinance is virtually identical with the old, and that many of the costs advanced by producers for disinfectants, scouring powders and the like are costs which they have always had and cannot be attributed to the new ordinance.

Granting that there is little difference between the two ordinances as written, the record indicates that there is a considerable degree of difference in the extent of enforcement. In the record Mr. Chester Ryder, proprietor of the Elmwood Dairy Farms, testified that the two ordinances were very closely related "with the exception that one was enforced and the other wasn't." The strict enforcement of the new ordinance has resulted in increased costs to producers. With respect to the point that many of the costs cited by producers are now new expenses resulting from the ordinance, it has been pointed out above that such costs were disregarded in arriving at the amount of increase which should be granted to producers.

Golden-Mello Dairies proposed that an increase of 20 cents be granted on milk disposed of as fluid milk but that no increase be granted on milk disposed of in other uses. Their contention is that such an increase would amply compensate producers for their added costs.

While it is probable that the proposal suggested by Golden-Mello Dairies would return to producers almost the same increase as has been recommended above, it is impossible to fix definitely what the increase would amount to since the record fails to disclose what percentage of Class I milk is disposed of as fluid milk and what percentage is disposed of as cream and milk drinks. The record also fails to show any basis for dividing the present Class I products into other categories. When the original order was issued all products which were required to meet the same health standards were placed in Class I and all other products which were not required to be made from inspected milk were placed in Class II or Class III. The record indicates that the health regulations are unchanged in this respect, and it contains no evidence in support of a change in classification.

No exceptions were filed to the recommended decision of the Assistant Administrator.

Marketing agreement and order relative to handling. Annexed hereto and made a part hereof are two documents entitled "marketing agreement regulating the handling of milk in the Clinton, Iowa, marketing area," and "order amending the order, as amended, regulating the handling of milk in the Clinton, Iowa, marketing area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

Neither of these documents shall become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure have been met.

This decision filed at Washington, D. C. this 26th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Clinton, Iowa, Marketing Area

§ 970.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Clinton, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is hereby found that:

(a) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which a hearing has been held;

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

The foregoing findings are supplementary to and in addition to the findings made in connection with the issuance of the aforesaid order and of each of the previously issued amendments hereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

It is hereby ordered, That such handling of milk in the Clinton, Iowa, marketing area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 970.4 (a) (1) by deleting therefrom the words, "50 cents" and substituting therefor the words, "70 cents."

2. Amend § 970.6 by adding at the end thereof the following:

(f) *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with the provisions of § 970.5 (a).

(2) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I milk under this order is less than the price provided pursuant to § 970.4 (a) (1), such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of by such handler as Class I milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to § 970.4 (a) (1) and its value as determined pursuant to the other order to which he is subject.

NOTE: This order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure have been met.

[F. R. Doc. 47-6183; Filed, July 1, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9242]

KINICHI TADA

In re: Debt owing to and stock owned by Kinichi Tada, also known as Kenichi Tada. D-39-12707-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kinichi Tada, also known as Kenichi Tada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Kinichi Tada, also known as Kenichi Tada, by Merrill Lynch, Pierce, Fenner & Beane, 70 Pine Street, New York 5, N. Y., in the amount of $1,500.13, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Three Hundred (300) shares of capital stock of Avco Manufacturing Company, 420 Lexington Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NC163603; NC163604; and NC163605 for one hundred (100) shares each, registered in the name of Merrill Lynch, Pierce, Fenner & Beane, and presently in the custody of Merrill Lynch, Pierce, Fenner & Beane, 70 Pine Street, New York 5, N. Y., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6199; Filed, July 1, 1947; 8:50 a. m.]

[Vesting Order 9222]

FRED BUDDE

In re: Estate of Fred Budde, deceased. File D-28-11584; E. T. sec. 15799.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hinrich Budde, Marie Holzten, Sophie Tietzen and Meta Pils, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Fred Budde, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6166; Filed, June 30, 1947; 8:46 a. m.]

[Vesting Order 9223]

FANNIE E. CARLSON

In re: Estate of Fannie E. Carlson, also known as Fannie Carlson, also known as F. E. Carlson, deceased. File D-28-11232; E. T. sec. 15610.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Lehrer Katherine Hartel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $1,000.00 was paid to the Attorney General of the United States by Daniel Molander, Executor of the Estate of Fannie E. Carlson, also known as Fannie Carlson, also known as F. E. Carlson, deceased;

3. That the said sum of $1,000.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on February 3, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6167; Filed, June 30, 1947; 8:46 a. m.]

[Dissolution Order 54]

BYK, INC.

Whereas, by Vesting Order Number 34, dated June 30, 1942 (7 Fed. Reg. 5077, July 4, 1942), there were vested all the issued and outstanding shares of the capital stock of Byk, Inc., a Delaware corporation; and

Whereas, by Vesting Order No. 363, dated November 13, 1942 (7 Fed. Reg. 9470, November 18, 1942), there were also vested all the right, title, interest and claim of Byk-Guldenwerke Chemische Fabrik, A. G., Berlin, Germany, in and to all indebtedness owing to it by Byk, Inc., and it has been ascertained that a certain claim in favor of Byk-Guldenwerke Chemische Fabrik, A. G. aggregating $17,108.25 was thereby vested; and

Whereas, by Subordination Order No. 2, executed July 8, 1942, the officers and directors of Byk, Inc., were directed to subordinate the vested claim in the name of Byk-Guldenwerke Chemische Fabrik, A. G. to the claims of other creditors of, and claimants against Byk, Inc.;

Whereas, Byk, Inc. has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the corporation; and except the claim formerly of Byk-Guldenwerke Chemische Fabrik, A. G. which has been vested and subordinated as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having accordingly been issued by the Secretary of State of the State of Delaware, and a Certificate of Surrender of Authority to do business within the State of New York filed with the Secretary of State of the State of New York;

Hereby orders, that the officers and directors of Byk, Inc. (to wit, Francis J. Carmody, President, Treasurer and Director, Robert Kramer, Secretary and Director, and C. P. Goepel, Director, and their successors, or any of them), continue the proceedings for the dissolution of Byk, Inc.; and

Further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied, first, in satisfaction of the vested claim described above, second, in satisfaction of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

Further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further*, That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, that all actions taken and acts done by the said officers and directors of Byk, Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein; and

Further orders, that to the extent that the provisions of this order are inconsistent with the provisions of Subordination Order No. 2 executed July 8, 1942, the provisions of this order shall govern.

Executed at Washington, D. C., this 24th day of June 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6120; Filed, June 27, 1947; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 1932, 1890]

NORTHEAST AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Northeast Airlines, Inc., over its entire system.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that the hearing in the above-entitled proceeding, now set for June 30, 1947, has been postponed, and is assigned for July 15, 1947, at 10:00 a. m. (daylight saving time) in Conference Room A, Departmental Auditorium, Constitution Avenue, between 12th and 14th Sts., N. W., Washington, D. C., before an examiner of the Board.

Dated at Washington, D. C., June 27, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6197; Filed, July 1, 1947; 8:49 a. m.]

[Docket No. SA-146]

ACCIDENT NEAR LOOKOUT ROCK, JEFFERSON COUNTY, W. VA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry NC 88342 which occurred on the western slope of the Blue Ridge Mountain near a point known as Lookout Rock, Jefferson County, West Virginia, on June 13, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, July 2, 1947, at 9:00 a. m., e. d. t., at the Court House, Leesburg, Virginia.

Dated at Washington, D. C., June 25, 1947.

[SEAL] W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 47-6198; Filed, July 1, 1947; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-200, G-207]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER MODIFYING PRIOR ORDER CONTINUING EMERGENCY RULES AND REGULATIONS TO GOVERN DELIVERIES OF NATURAL GAS FROM PANHANDLE SYSTEM WHEN CURTAILMENT OF SUCH DELIVERIES BECOMES NECESSARY AND FIXING DATE FOR HEARING

In the matter of: City of Detroit, Michigan, and County of Wayne, Michigan v. Panhandle Eastern Pipe Line Company and Michigan Gas Transmission Corporation, Docket No. G-200; Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation, and Illinois Natural Gas Company, Docket No. G-207.

Upon consideration of (1) the record made during the course of hearings in this docket convened in Chicago, Illinois, October 23, 1946, and completed, after a recess, in Washington, D. C., on November 19, 1946, (2) the conference held in Chicago, Illinois, on December 4 and 5, 1946, between representatives of the staff of the Commission, in cooperation with representatives of State commisssions having jurisdiction over distributing companies dependent upon Panhandle Eastern Pipe Line Company (Panhandle) for their supply of natural gas, and representatives of such distributing companies, and Panhandle, (3) the order of the Commission under date of December 12, 1946, making effective emergency service rules and regulations to govern deliveries of natural gas by Panhandle when curtailment of natural gas deliveries became necessary during the winter heating season of 1946-1947, (4) reports by Panhandle pursuant to the requirements of the order of December 12, 1946, showing the extent and duration of curtailments pursuant to such emergency service rules and regulations, as well as violations of such rules and regulations during periods of curtailment by reason of excess takes of gas by certain distributing companies, (5) monthly estimates of requirements of natural gas during 1947, and peak day requirements for the winter season of 1947-1948, supplied by individual distributing companies and Panhandle in response to requests for such information by the Commission during April 1947, (6) the order of the Commission under date of April 23, 1947, extending, until further order of the Commission, the emergency service rules and regulations to govern deliveries of natural gas during periods when curtailment of deliveries of gas by Panhandle may be necessary (emergency service rules), (7) data and information compiled by the Commission's staff and submitted at the conference in Chicago, Illinois, on May 7-9, 1947, between representatives of Panhandle, gas distributing companies served by Panhandle, State regulatory commissions of Missouri, Illinois, Indiana, Michigan, and Ohio, having jurisdiction over such distributing companies, and the staff of this Commission, and (8) revised data and information compiled by the Commission's staff, showing estimated requirements in the Panhandle area during the remaining months of 1947 and 1947-1948 peak day requirements, as well as like information and data for the Appalachian area, based on factual information and estimates supplied by distributing companies served by Panhandle and major gas distributing utilities serving the Appalachian area submitted at the conference in Washington, D. C., on June 4, 1947, between representatives of pipe line companies and distributing companies serving such areas, representatives of the regulatory commissions of Missouri, Illinois, Indiana, Ohio, Michigan, Pennsylvania, Maryland, New York, West Virginia, District of Columbia and the staff of this Commission;

It appears to the Commission that:

(a) The record of the hearings convened in Chicago, Illinois, on October 23, 1946, and concluded in Washington, D. C., on November 19, 1946, disclosed that the sales capacity of the pipeline facilities of Panhandle was estimated at 405,000 Mcf per day for the winter season of 1946-1947; that the total estimated 1946-1947 peak day requirements of distributing utilities dependent upon Panhandle for their supply of natural gas and the requirements of direct industrial and other consumers served by Panhandle, adjusted to reflect zero degree temperature, was 522,562 Mcf (440,398 Mcf firm, 82,164 Mcf interruptible); that coincidental peak day deliveries from the Panhandle system during the winter season of 1946-1947 (February 4, 1947) totaled 466,434 Mcf (firm 456,692 Mcf, interruptible 9,742 Mcf), which total to the extent that it exceeds 405,000 Mcf represented utilization of line pack; and that deliveries of natural gas from the Panhandle system on February 4, 1947, adjusted to reflect zero degree temperature, would indicate firm requirements of 479,079 Mcf.

(b) Estimates of firm requirements (based on zero degree temperatures) to meet the consumer demands of distributing companies supplied from the Panhandle system, as compiled by the staff of the Commission from data submitted by Panhandle and such distributing companies, show that peak day requirements for the winter season of 1947-1948 will approximate 518,000 Mcf; that in estimating firm requirements for 1947-1948 at 518,000 Mcf there was not included any amount whatsoever for interruptible sales; that Panhandle has estimated its delivery capacity for the winter season of 1947-1948 at 425,000 Mcf; that such delivery capacity is based in part on the belief that the compressors and a part of the loop lines authorized by the Commission in its order of November 30, 1946, as modified by order of May 28, 1947, in Docket No. G-706, and that certain of the facilities authorized by order of April 22, 1947, in Docket No. G-784, will be completed and in operation early during the winter season of 1947-1948.

(c) The inability of Panhandle to complete facilities authorized by the Commission in Docket Nos. G-706 and G-784 is due to the prevailing shortage of pipe

and other essential material and equipment, and Panhandle will be unable to improve the delivery capacity of its system substantially beyond the estimated 425,000 Mcf for the coming winter.

(d) By its order of June 12, 1947, in Docket No. G–880, providing for the allocation of emergency deliveries of natural gas from the Big Inch Lines, the Commission allocated 20,000 Mcf per day to Panhandle effective until November 1, 1947.

(e) Considering estimates of requirements by distributing companies dependent upon Panhandle for their supply of natural gas, the estimate of delivery capacity from the Panhandle system during the winter season of 1947–1948 (giving due consideration to the continuing emergency deliveries from the Big Inch Lines to the Panhandle area) and the deficiency in delivery capacity when compared with reasonable estimates of requirements, clearly indicate that the Panhandle system cannot meet the requirements of its attached customers during the coming winter season and that the excess of requirements over delivery capacity will be greater than that experienced during the winter season of 1946–1947.

(f) Conferences called by the Commission to effect a voluntary agreement between distributing companies served by Panhandle as a basis for allocation of available pipeline capacity during the winter season of 1947–48, and attended by representatives of such distributing companies, State regulatory commissions having jurisdiction over such distributing companies, Panhandle, and this Commission, in Chicago, Illinois, on May 7–9, 1947, and in Washington, D. C., on June 3–6, 1947, have not resulted in an accord; that subcommittees of such general conference are now working upon problems incident to agreement upon questions of allocation involved and a further meeting of the general conference will be called during the month of July upon completion of such subcommittees' studies and for receipt of and action upon reports from such subcommittees; that it is hoped that at such general conference satisfactory arrangements will be worked out so that revised emergency service rules may be filed and published to govern the allocation of pipeline capacity when curtailment of deliveries of natural gas by Panhandle becomes necessary during the winter season of 1947–48 (revised emergency service rules), that if such arrangements do not result, early public hearing will be necessary in the public interest so that revised emergency service rules may be established by order of the Commission and made effective not later than September 30, 1947.

The Commission finds that:

(1) Consumer demands upon distributing companies dependent upon the Panhandle system for their supply of natural gas will exceed the available pipeline capacity of the Panhandle system for the coming winter; and the establishment of revised emergency service rules are necessary and required in the public interest.

(2) Unless reasonable and non-discriminatory emergency service rules are filed by Panhandle as supplements to existing and presently effective rate schedules, then such reasonable and nondiscriminatory emergency service rules must be established by order of this Commission.

(3) By reason of the extreme emergency and the necessity that all distributing companies and consumers dependent upon Panhandle for their supply of gas may fully realize the urgency of the present situation, as well as the emergency which will obtain during the coming winter and the fact that during the coming winter distributing companies cannot expect substantially greater deliveries of firm natural gas from Panhandle on peak days than such companies were entitled to receive from Panhandle under step 4 of emergency service rules which were in effect during the winter season of 1946–1947, it is necessary in the public interest that the emergency service rules as provided by order of April 23, 1947, be continued in full force and effect until revised emergency service rules are adopted by the general conference to be convened in July, 1947, filed and published by Panhandle and permitted to become effective by order of the Commission, or upon failure to adopt such revised emergency service rules, then the presently effective emergency service rules shall remain and be effective until, after hearing, the Commission by order establishes revised emergency service rules to be thereafter effective.

Wherefore, the Commission orders that:

(A) A public hearing be held commencing at 10:00 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW, Washington 25, D. C., on August 18, 1947, for the purpose of establishing all necessary facts respecting the natural gas requirements of Panhandle's direct customers and distributing companies depending upon Panhandle for all or any part of their supply of natural gas, the pipe line delivery capacity of the Panhandle system which will be available in meeting peak day requirements during the winter season of 1947–1948 and such other and further matters of fact as may be necessary or desirable to enable the Commission to establish reasonable nondiscriminatory emergency service rules to govern curtailment of Panhandle deliveries of natural gas when necessary during the winter season of 1947–1948 and thereafter until the Commission by order shall otherwise provide.

(B) The order of the Commission dated April 23, 1947, extending emergency service rules and regulations to govern deliveries of natural gas by Panhandle Eastern Pipe Line Company, be and the same is hereby modified to provide that such extension of emergency service rules therein specified is only to be effective until such time as reasonable and non-discriminatory emergency service rules are filed by Panhandle as supplements to existing rate schedules and made effective by the Commission or, upon failure to make such emergency service rules effective in such manner the Commission, following the hearing herein provided, shall by order establish such emergency service rules: *Provided, however,* That the presently effective emergency service rules shall not continue in force or effect beyond September 30, 1947, without further order of this Commission.

Date of issuance: June 25, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6173; Filed, July 1, 1947, 8:45 a. m.]

[Docket No. G–855]

MEMPHIS NATURAL GAS CO. ET AL.

NOTICE OF AMENDED APPLICATION

JUNE 25, 1947.

In the matter of Memphis Natural Gas Company, and Kentucky Natural Gas Corporation, and Texas Gas Transmission Corporation, Docket No. G–855.

Notice is hereby given that on May 28, 1947, an amended joint application as supplemented June 17, 1947, was filed with the Federal Power Commission by Memphis Natural Gas Company (Memphis), a Delaware corporation with its principal place of business at Memphis, Tennessee, and Kentucky Natural Gas Corporation (Kentucky), a Delaware corporation with its principal place of business at Owensboro, Kentucky, and Texas Gas Transmission Corporation (Texas), a Delaware corporation with its principal place of business at Owensboro, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition and operation by Texas of the natural gas systems of Memphis and Kentucky upon consummation of the proposed merger of Memphis and Kentucky with and into Texas, in lieu of, and in substitution for the purchase proposed by Memphis of the gas system, and the related physical assets of Kentucky, as set forth in the original application filed herein on January 30, 1947, by Memphis Natural Gas Company and Kentucky Natural Gas Corporation.

Notice of the filing of the original application herein was published in the FEDERAL REGISTER on February 22, 1947 (12 F. R. 1255). The facilities proposed to be acquired are generally described therein.

The amended application recites that Texas is not presently engaged in the transportation or sale of natural-gas but that it owns all of the outstanding stocks, both common and preferred of Kentucky, and approximately 25% of the issued and outstanding common stock of Memphis; that in addition to this 25% interest in Memphis which it owns directly, Texas, by reason of its ownership of all of the stock of Kentucky, is the indirect owner of approximately 24.8% of the issued and outstanding stock of Memphis, or a total ownership of approximately 49.8%.

The amended application recites that it is the intention of Texas, upon the consummation of the proposed merger, to continue without interruption the services presently being rendered by Memphis and Kentucky to the areas being served by the respective systems, which consist of the transportation and sale of natural-gas to distributors for resale to ultimate consumers in such areas.

The application recites that since Texas will not acquire the natural gas systems of Memphis and Kentucky by purchase, but will succeed to the ownership of these and all other assets of those companies by operation of law, no additional financing will be required.

It is further recited that Texas will adopt and continue to charge the present rates of Memphis and Kentucky, as filed with the Commission and published for the various classes of service rendered by the Memphis and Kentucky systems.

The amended application further recites that corporate integration and subsequent physical interconnection will provide the consumers in the area served by Kentucky and Memphis with a unified system under common operation and management reaching from Louisiana, and possibly Texas gas fields, to the distributors now selling gas to consumers, resulting in a larger and financially stronger company, which will be in a better position to finance and carry into effect any plan of physical interconnection the Federal Power Commission may deem appropriate and approve. The amended application recites that a direct merger will result in benefit to consumers and stockholders alike, viz., economies of purchasing as a result of quantity discounts which would not otherwise be available, current borrowing for construction can be effected more easily and at a lower interest rate, and additional supplies can be secured more promptly. Other advantages are stated to be simplification of corporate structure, the elimination of duplicated administrative and supervisory services, together with duplication in the matter of accounts, and transactions with State and Federal agencies.

Any interested State commission is requested to notify the Federal Power Commission whether the amended joint application shall be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission whether it desires a conference, the creation of a board, or a joint or concurrent hearing as defined in said rule and the reasons for such request.

The amended joint application of Memphis, Kentucky and Texas is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the amended application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6172; Filed, July 1, 1947; 8:45 a. m.]

[Docket No. G–913]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

JUNE 25, 1947.

Notice is hereby given that on June 17, 1947, Montana-Dakota Utilities Company (Applicant), a Delaware corporation having its principal place of business at 831 2d Avenue South, Minneapolis, Minnesota, and authorized to do business in Minnesota, Montana, North Dakota, South Dakota, and Wyoming, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities, subject to the jurisdiction of the Commission:

(a) One (1) 300 HP compressor at Applicant's Saco compressor station located near Saco, Montana.

(b) Two (2) 300 HP compressors at Applicant's Fort Peck compressor station, located near Fort Peck, Montana.

(c) Necessary auxiliaries, including cooling facilities, building additions and other changes incident to the installation of these compressors.

Applicant states that upon completion of the facilities proposed herein Applicant will have installed and in operation compressor engines totaling 1440 HP in the Saco compressor station, and will have installed and in operation compressors totaling 2400 HP in its Fort Peck compressor station; that construction and completion of the proposed facilities is desired for use to meet peak load requirements for the winter of 1947–1948, and are not intended to serve any new communities at the present time.

Applicant states the natural gas load in the territory served by the Baker-Glendive and Bowdoin fields has increased rapidly during the past several years, making necessary the imposition of restrictions on firm gas sales on peak days; that the proposed compressors together with the 10-inch pipeline authorized at Docket No. G–732, to be completed and in operation by July 1, 1947, will provide necessary additional capacity in the system; and that the decline in pressures in the Baker-Glendive field in Fallon and Wibaux Counties, Montana, and Bowman County, North Dakota, necessitate the use of additional gas from the Bowdoin field on peak days, and requires provision for increased storage in the Baker field of Bowdoin gas to provide increased service on peak days. Applicant further asserts under present load conditions and under the load conditions which will exist upon completion of installation of the 10-inch pipeline authorized in Docket No. G–732 Applicant will have no spare capacity in any compressor station on its Baker-Bowdoin system.

According to the Applicant, the proposed facilities are necessary to enable the Applicant to meet peak load conditions and to carry on its storage program during the summer months.

Applicant estimates that the total over-all cost of the proposed facilities is $188,452, which will be financed from funds presently available to the Applicant. Applicant states the cost of the additional facilities will not produce any change in revenues or require any change in Applicant's plan of operation.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Montana-Dakota Utilities Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6191; Filed, July 1, 1947, 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 225]

RECONSIGNMENT OF PLUMS AT HARRISBURG, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Harrisburg, Pa., June 25, 1947, by Harrisburg Daily Market, of car PFE 91967, Plums, now on the PRR, to Philadelphia, Pa. (PRR)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-6180; Filed, July 1, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 226]

RECONSIGNMENT OF CAR AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., June 25, 1947, by Larry Lightner, Inc., of car URTX 9224, now on the Mo. Pac., to Pittsburgh, Pa. (PRR)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-6179; Filed, July 1, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2427]

REPUBLIC OF CUBA

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of June A. D. 1947.

In the matter of Republic of Cuba, Public Works 5½% Sinking Fund Gold Bonds, due June 30, 1945, File No. 1-2427.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Public Works 5½% Sinking Fund Gold Bonds, due June 30, 1945, of the Republic of Cuba;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on July 7, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6175; Filed, July 1, 1947; 8:45 a. m.]

[File No. 54-68]

COMMUNITY GAS AND POWER CO. AND AMERICAN GAS AND POWER CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 23d day of June A. D. 1947.

The Commission, by orders dated April 10, 1946, and January 14, 1947, having approved a plan providing, among other things, for the liquidation of Community Gas and Power Company and the reorganization of American Gas and Power Company; and

The Commission having approved said plan subject, among other things, to the conditions specified in Rule U-24 and to the condition that said orders should not be operative to authorize the consummation of the proposed transactions until an appropriate District Court of the United States, upon application thereto, should have entered an order enforcing said plan; and

The District Court of the United States for the District of Delaware, upon application thereto by the Commission, having entered an order enforcing said plan on April 24, 1947; and

Certain debenture holders having appealed from said order to the United States Circuit Court of Appeals for the Third Circuit, and having applied to said Circuit Court for a stay of said order pending final determination of the appeal, which application for stay is now pending before said Circuit Court; and

It appearing that the sixty-day period provided by Rule U-24 expired June 23, 1947, and Community Gas and Power Company and American Gas and Power Company having now requested an extension of time so as to permit consummation of said plan after June 23, 1947; and

The Commission having considered said request and deeming it appropriate that an extension of time to July 31, 1947, be granted;

It is ordered, That the time within which the transactions proposed in said Plan may be consummated be, and it hereby is, extended to July 31, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6174; Filed, July 1, 1947; 8:45 a. m.]

[File No. 70-1520]

KENTUCKY UTILITIES CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING APPLICATIONS-DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of June A. D. 1947.

In the matter of Kentucky Utilities Company, Old Dominion Power Company, The Middle West Corporation, File No. 70-1520.

The Commission, on June 16, 1947, issued its Memorandum Findings and Opinion and Order[1] granting and permitting to become effective, subject to certain conditions, joint applications-declarations, as amended, filed pursuant to the Public Utility Holding Company Act of 1935, by The Middle West Corporation ("Middle West"), a registered holding company, Kentucky Utilities Company ("Kentucky"), a subsidiary of Middle West, and Old Dominion Power Company, a subsidiary of Kentucky, regarding a proposed recapitalization of Kentucky and Old Dominion Power Company and related transactions. Such transactions included the issue and sale by Kentucky, at competitive bidding pursuant to Rule U-50, of $24,000,000 principal amount of its First Mortgage Bonds, Series A, --%, to be dated May 1, 1947 and to mature May 1, 1977, and 130,000 shares of its --% Preferred Stock, cumulative, par value $100 per share, and the purchase by Middle West of shares of the common stock of Kentucky.

A further amendment to said applications-declarations has been filed by Middle West and Kentucky in which it is requested that said order of June 16, 1947 be modified to conform to the requirements of sections 371, 372, 373, and 1808 (f) of the Internal Revenue Code, as amended. Such amendment states that Middle West proposes to invest the proceeds heretofore received by it from the sale of securities of Michigan Gas and Electric Company in the common stock of Kentucky.[2]

With respect to the sale of preferred stock by Kentucky at competitive bidding, such stock was to be sold subject to an offer by Kentucky to its preferred stockholders to exchange shares of --% Preferred Stock for shares of preferred stocks presently held, and the invitation to bid required, among other things, that each bid specify the aggregate amount of compensation to be paid the bidder for his efforts in soliciting exchanges pursuant to the exchange offer, and for the purchase of shares of the --% Preferred Stock not required under the exchange program.

The terms of the order of June 16, 1947 provided that the proposed issue and sale of bonds and preferred stocks by Kentucky shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, and that jurisdiction be reserved for such purpose.

Kentucky has now filed an amendment which states that, in accordance with the permission granted by said order of June 16, 1947, it offered said bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received bids as follows:

Bidders	Coupon rate	Price to Kentucky (percent of principal amount)	Annual cost to Kentucky
	Pct.		
Halsey, Stuart & Co., Inc....	3	101.369	2.939
Union Securities Corp. and Merrill Lynch, Pierce, Fenner & Beane.....	3	100.99	2.95
The First Boston Corp.....	3	100.77	2.961
Lehman Bros. and Lazard Freres & Co.....	3	100.417	2.979

[1] Plus accrued interest from May 1, 1947.

Such amendment further states that Kentucky has accepted the bid of Halsey, Stuart & Co., Inc., as set out above, and that said bonds will be initially offered for sale to the public at a price of 101.985% of the principal amount thereof, plus accrued interest, resulting in an underwriting spread equal to 0.776% of the principal amount of said bonds; and that Kentucky has postponed the date for the presentation and opening of bids for the preferred stock to July 14, 1947.

The Commission has examined said amendments, has considered the record relevant thereto, and finds that there is no basis for imposing terms and conditions with respect to the acceptance by Kentucky of the bid of Halsey, Stuart & Co. Inc., that the jurisdiction heretofore reserved with respect to the sale at competitive bidding of preferred stock by Kentucky should be continued, and that jurisdiction should be reserved with respect to the requested modification of the Commission's order of June 16, 1947 to comply with the requirements of the Internal Revenue Code, as amended.

It is therefore ordered, That the jurisdiction heretofore reserved with respect to matters to be determined by competitive bidding, pursuant to Rule U-50, in connection with the offering for sale by Kentucky Utilities Company of said $24,000,000 principal amount of bonds, be, and hereby is, released and that said applications-declarations, as amended, be, and hereby are, granted and permitted to become effective, subject, however, to the other terms and conditions prescribed in said order of June 16, 1947.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the request of The Middle West Corporation and Kentucky Utilities Company for modification of this Commission's order of June 16, 1947 to conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code, is amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6176; Filed, July 1, 1947; 8:46 a. m.]

[File No. 70-1262]

MICHIGAN GAS AND ELECTRIC CO. AND MIDDLE WEST CORP.

ORDER MODIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of June A. D. 1947.

The Commission, on July 29, 1946, issued its findings and opinion and order[1] granting and permitting to become effective a joint application-declaration, as amended, filed pursuant to the Public Utility Holding Company Act of 1935 by The Middle West Corporation ("Middle West"), a registered holding company, and its subsidiary, Michigan Gas and Electric Company. The transactions approved by such order of July 29, 1946 included the investment by Middle West of the net proceeds resulting from the sale by it of certain securities of Michigan Gas and Electric Company as a contribution to the capital or paid-in surplus of Central Illinois Public Service Company ("Cips"), a subsidiary of Middle West.

Middle West has now filed a supplemental application which states that said proceeds were not invested in Cips for the reason that said proceeds were not received by Middle West until after Middle West had made a substantial contribution to the capital of Cips[2] and requests that said Order be modified so as to strike from the last paragraph thereof the reference to the investment of said proceeds in Cips.

The Commission has examined such Supplemental Application and has considered the record relevant thereto and deems it appropriate to modify said Order as requested by Middle West.

It is therefore ordered, That the last paragraph of this Commission's order of July 29, 1946 entered in the above matter be, and it hereby is, modified to read as follows:

It is further ordered and recited, That the sale and transfer by The Middle West Corporation of 57,226 shares of the par value of $10 each ($572,260 in aggregate par amount) of Common Stock of Michigan Gas and Electric Company and the redemption by Michigan Gas and Electric Company of 4,878 shares without par value of its $6 Non Par Prior Lien Stock held by The Middle West Corporation are necessary or appropriate to the integration or simplification of the holding company system of The Middle West Corporation and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6177; Filed, July 1, 1947; 8:46 a. m.]

[1] See Michigan Gas and Electric Company et al., — S. E. C. — (1946), Holding Company Act Release No. 6815.

[2] See Holding Company Act Release No. 6940.

[1] See Kentucky Utilities Company et al. —— S. E. C. —— (1947), Holding Company Act Release No. 7489.

[2] In this connection, the Commission this day entered a separate order modifying its order of July 29, 1946, issued in the matter of Michigan Gas and Electric Company, et al., File No. 70-1262 (See Holding Company Act Release No. 6815).

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FEDERAL REGISTER

VOLUME 12 NUMBER 130

Washington, Thursday, July 3, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

MISCELLANEOUS AMENDMENTS

1. In § 20.9, *Actions*, the following material is revoked:

In the first sentence in paragraph (c), *Exceptions; status employees*, the final clause, reading "or (2) he has reemployment rights to a position in another department", is revoked.

In the first sentence in paragraph (d), *Exceptions; veterans preference employees*, the final clause, reading "or (2) he has reemployment rights in another department", is revoked.

In paragraph (e), *Exceptions; war service employees with veteran preference*, the final clause in the paragraph, reading "or (2) he has reemployment rights in another department", is revoked.

2. Section 20.10, *Notice to employees*, is amended by the addition of the following paragraph:

§ 20.10 *Notice to employees.* • • •

(e) The right of career employees with competitive status in retention subgroup A–1 or A–2, who have received notice of separation due to reduction in force, to apply for placement in the Federal service by filing, within 90 calendar days after the last day of actice duty, applications on Standard Forms 57 or 60 for two positions with one Civil Service Regional Office, with any Boards of United States Civil Service Examiners in one region, and with the Central Office of the Commission. Each such application must have attached thereto a copy of the advance notice of separation by reduction in force.

These amendments shall be effective, as to notices issued to employees, on and after July 30, 1947, or at such earlier date as agencies may decide upon.

(Sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-6234; Filed, July 2, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 48—REGULATIONS UNDER THE PRODUCE AGENCY ACT

On April 29, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 2774) regarding the revision of the regulations (7 CFR and Supps. 48.1 et seq.) issued under the so-called Produce Agency Act, approved March 3, 1927 (44 Stat. 1355, 7 U. S. C. 494), entitled "An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them." After consideration of all relevant matters presented, including the proposals set forth in the notice, the following revised regulations are hereby promulgated, effective August 1, 1947:

DEFINITIONS

Sec.
48.1 Meaning of words.
48.2 Definitions.

ADMINISTRATION

48.3 Administrator.

VIOLATIONS

48.4 Destroying or dumping.
48.5 False report or statement.
48.6 Failure to account.

CERTIFICATES OF INSPECTION

48.7 Inspection and certification.
48.8 Certificates; issuance; contents.
48.9 Application for inspection and certification; how made; contents.
48.10 Copy of certificate to Administrator.

COMPLAINTS

48.11 Filing of complaints.

AUTHORITY: §§ 48.1 to 48.11, inclusive, issued under 44 Stat. 1355; 7 U. S. C. 494.

DEFINITIONS

§ 48.1 *Meaning of words.* Words in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 48.2 *Definitions.* Unless the context otherwise requires, the following terms shall be construed as follows:

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FEDERAL REGISTER

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(a) "Act" means "An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others, and to require them truly and correctly to account for all farm produce received by them," approved March 3, 1927 (44 Stat. 1355; 7 U. S. C. 491–497).

(b) "Person" means an individual, partnership, association or corporation.

(c) "Secretary" means the Secretary of the United States Department of Agriculture or any person to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(d) "Administration" means the Production and Marketing Administration, United States Department of Agriculture.

(e) "Administrator" means the Administrator of the Production and Marketing Administration, United States Department of Agriculture, or any officer or employee of the Administration to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(f) "Produce" means all fresh fruits and fresh vegetables generally considered by the trade as perishable fruits and vegetables, melons, dairy or poultry products, or any perishable farm products of any kind or character.

(g) "Truly and correctly to account" means, unless otherwise stipulated by the parties, that the consignee of produce shall, within ten days after the final sale is made of any produce received for sale on consignment in interstate commerce or in the District of Columbia, render to the consignor thereof a true and correct itemized statement of the gross sales as well as all selling charges and all other charges or expenses paid and a statement of the net proceeds or deficit, and make full payment to the consignor of the net proceeds so received together with a full explanation of the disposition of any and all produce not sold.

(h) "Good and sufficient cause" means, with respect to destroyed, abandoned, discarded, or dumped produce, that the produce so dealt with had no commercial value, or that some other legal justification for so dealing with such produce existed, such as an order of condemnation by a health officer or definite authority from the shipper.

(i) "Commercial value" means any value that the produce may have for any purpose that can be ascertained in the exercise of due diligence by the consignee without unreasonable expense or loss of time.

ADMINISTRATION

§ 48.3 *Administrator.* The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the administration and enforcement of the provisions of the act and the regulations in this part.

VIOLATIONS

§ 48.4 *Destroying or dumping.* Any person, receiving produce in interstate commerce or in the District of Columbia for or on behalf of another, who, without good and sufficient cause, shall destroy or abandon, discard as refuse, or dump any produce, directly or indirectly or through collusion with any person, shall be considered to have violated the act.

§ 48.5 *False report or statement.* Any person, receiving produce in interstate commerce or in the District of Columbia for or on behalf of another, shall be considered to have violated the act if, knowingly and with intent to defraud, he makes any false report or statement to the person from whom such produce was received concerning the handling, condition, quality, quantity, sale, or disposition thereof.

§ 48.6 *Failure to account.* Any person, receiving produce in interstate commerce or in the District of Columbia for or on behalf of another, shall be considered to have violated the act, if, knowingly and with intent to defraud, he fails truly and correctly to account to the person from whom such produce was received.

CERTIFICATES OF INSPECTION

§ 48.7 *Inspection and certification.* The classes of persons described in paragraphs (a), (b), and (c) of this section are hereby designated to make inspections regarding the quality and condition of produce received in interstate commerce or in the District of Columbia, and to issue certificates setting forth the quality and condition of such produce which is to be destroyed, abandoned, discarded as refuse, or dumped. Any person shipping, receiving, or financially interested in such produce may make application for such inspection to the designated classes of persons.

(a) Any person authorized by the United States Department of Agriculture to inspect fruits and vegetables under any law (including, but not being limited to, the provisions of the so-called Farm Products Inspection law, contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946), the Agricultural Marketing Act of 1946, and any amendment thereto, and the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, as amended, 7 U. S. C. 499a et seq.)), providing for the market inspection of farm products;

(b) Any health officer or food inspector of any State, county, parish, city, or municipality or of the District of Columbia; or

(c) When, and only when, no inspector or health officer, designated in paragraph (a) or (b) of this section, is available, the inspection and certification provided in this section may be made by any two persons having no financial interest in the produce involved or in the business of any person financially interested therein, and who are unrelated by blood or marriage to any such financially interested person, and who, at the time of the inspection and certification, and for a period of at least one year immediately prior thereto, have been engaged in the handling of the same general kind or class of produce with respect to which the inspection and certification are to be made. Any certificate issued by any persons designated in this paragraph must include a statement that each of them possesses the requisite qualifications.

§ 48.8 *Certificates; issuance; contents.* Each certificate issued under the act and pursuant to the regulations in this part must identify the particular lot of produce inspected; name the commodity; give the date upon which the inspection was made; state the quantity of the produce, the name and address of the agent handling the same and the fee, if any, charged therefor; and shall certify as to the quality and condition of such produce, and that it was without commercial value at the time of inspection.

§ 48.9 *Application for inspection and certification; how made; contents.* Application for inspection may be filed with the person or persons authorized to make such inspection or with anyone employed in such person's office and may be made in writing or by telegraph, or orally or by telephone. If made orally, the person or persons requested to make the inspection may require that it be confirmed in writing by the applicant. The application must show the name and address of the shipper, the name and address of the applicant, and the location and description of the produce, with marks, brands, or other specific identification if practicable.

§ 48.10 *Copy of certificate to the Administrator.* Any person issuing a certificate under the regulations in this part must mail promptly a copy of the certificate to the Administrator, Production and Marketing Administration, United

States Department of Agriculture, Washington 25, D. C.

COMPLAINTS

§ 48.11 *Filing of complaints.* Any person having reason to believe that the act or the regulations in this part have been violated should submit promptly all available facts with respect thereto to the Administrator for investigation and appropriate action.

Done at Washington, D. C., this 27th day of June 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6225; Filed, July 2, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 308—ALLOTMENTS OF PAY

MISCELLANEOUS AMENDMENTS

Amend Part 308, Chapter III, Title 10, Code of Federal Regulations as follows:

1. In § 308.3 (a) delete the period at the end of subparagraph (4) and substitute a comma and the following clause:

§ 308.3 *Eligible allottees and authorized purposes.* (a) * * *

(4) * * *, or to a branch office designated by the home office.

2. Rescind §§ 308.6 to 308.8, inclusive, and substitute the following:

§ 308.6 *Allotment offices*—(a) *Class E allotments.* Class E allotments are processed by the Class E Allotment Division, Army Finance Center, OCF, Building 205, St. Louis 20, Missouri.

(b) *Class D and N allotments.* Class D and N allotments are processed by the Insurance and Deposits Division, Army Finance Center, OCF, Building 205, St. Louis 20, Missouri.

§ 308.7 *Payment to allottees in foreign countries.* (a) Except as provided in paragraph (b) of this section, payment of class E allotments will be made to allottees residing in foreign countries as follows:

(1) By check mailed from the Class E Allotment Division, Army Finance Center, OCF, to those countries where payment in United States currency is not blocked.

(2) In local currency by appropriate disbursing officers (or by military attaché where there is no disbursing officer) in the theater or country or residence of the allottee, where payment in United States currency is blocked by Treasury Department regulations. In this instance disbursing officers will receive from the Chief of Finance, properly certified vouchers on which payment will be made, together with appropriate instructions.

(3) In Military payment certificates by appropriate disbursing officers to dependents acquired through marriage to Germans for the support of such dependents.

(b) Military personnel on duty in Germany or Japan are not authorized to make class E allotments to their dependents when such dependents have departed from the United States to join such personnel at their oversea stations. Allotments will be discontinued during the month in which notification is received by such personnel that their dependents have actually departed.

§ 308.8 *Commencing date; Class E allotments.* Ordinarily, class E allotments will be made effective the first of the month following that in which the authorization form is executed and payment will be made accordingly, provided the authorization form is received by the Class E Allotment Division not later than the 10th day of the month in which allotment is to become effective. Exceptions will be made for class E allotments covering monetary allowances in lieu of quarters and those covering commercial insurance premiums where because of circumstances beyond the control of the allotter an earlier effective date may be necessary. Class E allotments covering monetary allowances in lieu of quarters may be made effective the first of the month in which authorization form is executed but no earlier. Allotment checks are mailed so as to reach the allottee by the 15th of the month following the month in which allotment became effective; for example, an allotment effective February 1 will be paid by a check dated March 1 which will be mailed to reach the allottee not later than March 15. A class E allotment will not be made effective with the month in which an officer or enlisted person enters on duty except when an enlisted person is commissioned, or appointed a warrant officer, or when a warrant officer is commissioned.

3. In § 308.10 wherever the words "allotment office" appear substitute the words "allotment division" in lieu thereof; in paragraph (b) of § 308.10 amend the first sentence to read as follows:

§ 308.10 *Effect of certain changes in status on class E, D, and N allotments.* * * *

(b) *Death of allottee.* Upon receipt of information of the death of any person to whom an allotment is payable, the allotment division will discontinue the allotment and report the death to the allotter through his commanding officer giving the date of discontinuance. * * *

4. In § 308.11 wherever the words "allotment office" appear substitute the words "allotment division" in lieu thereof; in paragraph (b) of § 308.11 amend the first sentence to read as follows:

§ 308.11 *Missing, missing in action, beleaguered, beseiged, interned in a neutral country, or captured by enemy.* * * *

(b) *Accounts.* The pay and allowance accounts of persons absent in a missing status are maintained by the Finance Officer, U. S. Army, Army Finance Center, OCF, Building 205, St. Louis 20, Missouri. * * *

5. Revoke § 308.20.

[AR 35-5520, June 4, 1947] (Sec. 16, 30 Stat. 981, 40 Stat. 384, 52 Stat. 354; 10 U. S. C. 894)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6230; Filed, July 2, 1947; 8:53 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-36]

PART 102—PERSONNEL ADMINISTRATION

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to sections 302, 421 and 422 of the Foreign Service Act of 1946 (60 Stat. 1001, 1004), § 102.101 of the Foreign Service Regulations is amended to read as follows:

§ 102.101 *Salaries of officers temporarily in charge*—(a) *Salaries of chargés d'affaires ad interim.* A Foreign Service officer authorized to act as chargé d'affaires ad interim at the post to which he is assigned, shall, if he acts in such capacity for a period in excess of ten days, receive compensation, in addition to his basic salary as Foreign Service officer, as follows:

(1) For the first three months he shall act in such capacity he shall receive one half the difference between his basic salary and the per annum salary provided for the chief of mission at that post. Payment of this additional compensation shall be made for the period beginning the first day the officer is in charge.

(2) For the next three months he shall act in such capacity he shall receive three fourths of the difference between his basic salary and the per annum salary provided for the chief of mission at that post.

(3) Should an assignment to act temporarily in charge extend beyond six months, the officer shall continue to receive compensation as provided in subparagraph (2) of this paragraph and may apply for, and the Director General of the Foreign Service may in his discretion approve, the payment of the full difference in salaries effective as stated in the authorization.

(Sec. 421, Foreign Service Act of 1946)

(b) *Salaries of officers in charge of consulates and consulates general.* A Foreign Service officer, or a consul or vice consul who is not a Foreign Service officer, who is temporarily in charge of a consulate general or a consulate during the absence or incapacity of the principal officer shall, if he acts in such capacity for a period in excess of ten days, receive compensation in addition to his basic salary, as follows:

(1) For the first three months he shall act in such capacity he shall receive one half the difference between his basic salary and the basic salary received by the last principal officer actually in charge of the post. Payment of this additional compensation shall be made for the period beginning the first day the officer is in charge.

(2) For the next three months he shall act in such capacity he shall receive three fourths of the difference between his basic salary and the basic salary received by the last principal officer actually in charge of the post.

(3) Should an assignment to act temporarily in charge extend beyond six months, the officer shall continue to receive compensation as provided in subparagraph (2) of this paragraph and may apply for, and the Director General of the Foreign Service may in his discretion approve, the payment of the full difference in salaries effective as stated in the authorization.

(Sec. 422, Foreign Service Act of 1946.)

(c) The additional compensation paid to a diplomatic or consular officer acting temporarily in charge shall be known as chargé pay.

(d) Chargé pay shall accrue only on the basis of full days and is not subject to retirement deductions.

Section 102.103 is hereby superseded.

(R. S. 161, secs. 302, 421, 422, 60 Stat. 1001, 1004; 5 U. S. C. 22)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

For the Secretary of State.

JOHN E. PEURIFOY,
Assistant Secretary.

JUNE 26, 1947.

[F. R. Doc. 47-6231; Filed, July 2, 1947; 8:53 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners Loan Corporation

[Bulletin 427]

PART 402—LOANS AND PROPERTIES

TAX INFORMATION; TAX SEARCHES

Amending Part 402, Chapter IV, Title 24 of the Code of Federal Regulations.

Section 402.14-3 is amended by substituting the first paragraph thereof with a new first paragraph.

§ 402.14-3 *Obtaining tax information: tax searches.* Information regarding the payment of taxes, assessments, or other governmental levies or charges, as may be necessary to maintain approved records and to protect the Corporation from loss, shall be obtained annually, unless otherwise directed by the General Manager, by search of the public record, information received from Tax Collectors, examination of tax receipts, or other evidence of payment furnished by home owners or other persons paying such items, or by such other method as the General Manager may determine. Generally, tax searches shall be limited to properties of home owners not having Tax and Insurance Accounts and whose loan accounts have been reduced less than 50%, but shall be extended to include properties of any home owners when, in the opinion of the Regional Manager with the advice of the Regional Counsel, it is considered necessary or prudent to do so.

Effective: June 23, 1947.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, 643, 647 as amended; 12 U. S. C. and Sup. 1463; E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47-6232; Filed, July 2, 1947; 8:54 a. m.]

Chapter VIII—Office of Housing Expediter

PART 812—CONSTRUCTION LIMITATION REGULATION UNDER HOUSING AND RENT ACT OF 1947

[Construction Limitation Reg.]

CONSTRUCTION FOR RECREATIONAL AND AMUSEMENT PURPOSES

Par.

PURPOSE

(a) What this section provides.

PROHIBITIONS

(b) Prohibitions on construction.
(c) Persons to whom applicable.
(d) Prohibition on deliveries.

CONSTRUCTION COVERED

(e) Structures covered.
(f) Structures not covered.
(g) Work covered.
(h) Work not covered.

EXEMPTIONS

(i) Small jobs.
(j) Disaster.
(k) Military construction.
(l) Veterans Administration construction.
(m) State and county fairs and non-profit expositions.

APPLICATIONS FOR CONSTRUCTION PERMITS

(n) Filing of applications.
(o) Calculating cost for purpose of application.
(p) Responsibility for statements in application.

STANDARDS FOR APPROVAL

(q) Essentiality.
(r) Hardship.
(s) Impact on housing and other construction.

RESTRICTIONS ON AUTHORIZED CONSTRUCTION

(t) Restrictions imposed by CLR permit or VHP-1 authorization.
(u) Permits and authorizations not transferable.

MISCELLANEOUS

(v) Violations.
(w) Communications.
(x) Reports.
(y) Geographical applicability.
(z) Effective date.

PURPOSE

§ 812.1 *Construction for recreational and amusement purposes*—(a) *What this section provides.* The Housing and Rent Act of 1947 authorizes the Housing Expediter, if he determines that there is a shortage of building materials or is likely to be such a shortage, to require a permit in order to construct buildings or facilities to be used for recreational or amusement purposes.

There is a shortage of building materials which are critically needed for the construction of housing and for other purposes. In order to conserve such materials, this section forbids the beginning or carrying on of construction work of any kind on buildings and other structures to be used for recreational or amusement purposes, unless a construction permit is obtained. (However, certain small jobs and other work are exempt from this requirement, as explained in paragraphs (i) through (m) of this section.) Paragraphs (q) through (s) of this section explain the conditions upon which applications for construction permits may be approved. The provisions of this section apply whether the materials needed for the proposed work are already on hand or not.

This section of the Code of Federal Regulations, § 812.1, is called the "Construction Limitation Regulation." It is issued pursuant to the authority of the Housing and Rent Act of 1947.

NOTE: When the term "this section" is used in this Construction Limitation Regulation, it means this entire regulation and not just a part of it. The regulation is divided into paragraphs marked with small letters; these are divided into subparagraphs marked with numbers.

PROHIBITIONS

(b) *Prohibitions on construction.* This section establishes the following prohibitions on construction work:

(1) *Beginning construction.* No person shall begin to construct, to repair, to make additions or alterations to, to improve, or to convert from one purpose to another, any structure, public or private, to be used for recreational or amusement purposes, unless (i) he was granted authorization for the work under Veterans' Housing Program Order 1, or (ii) he is issued a construction permit for the work under this section. (Paragraphs (i) through (m) of this section provide certain exemptions from this requirement.)

To "begin" work on a structure means to incorporate in a structure on the site materials which are to be an integral part of the structure in question. Materials are incorporated in a structure when they are placed in the position in which they are to remain as a part of the structure. Materials are considered to be an integral part of a structure if they are physically attached to the structure and will be permanently located within the boundary lines of its walls.

(2) *Carrying on construction.* No person shall carry on any construction, repair, additions, alterations, improvement, or conversion in connection with any structure, public or private, to be used for recreational or amusement purposes, unless (i) the work was begun (as defined in subparagraph (1) of this paragraph) prior to the time this section became effective on June 30, 1947, and was exempt from Veterans' Housing Program Order 1, or (ii) he was granted authorization for the work under Veterans' Housing Program Order 1, or (iii) he has been issued a construction permit for the work under this section. (See paragraphs (i) through (m) of this section for exemptions from this requirement.)

(c) *Persons to whom applicable.* The prohibitions of paragraph (b) of this section apply to a person who does his

own construction work, as well as to a person who gets a contractor to do the work. The prohibitions also apply to contractors, subcontractors, architects, and engineers who are either working on a job, or getting others to work on it or supply materials for it.

(d) *Prohibition on deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this section.

This prohibition does not impose on a fabricator or supplier any duty to investigate whether a proposed construction job is exempt from this section, whether a permit has been issued for it, or whether it will be begun or carried on in violation of this section. Mere knowledge that the kind of work involved is a kind which would ordinarily require a construction permit under this section does not constitute reason to believe that the work will be begun or carried on in violation of this section, and, in the absence of some other reason to believe the contrary, the supplier may rely on the builder to get a permit if one is required. A supplier need not get from his customer a certificate to the effect that the customer is not violating and will not violate this section, or a certificate to the effect that the job for which the materials will be used is exempt under this section or is covered by a construction permit issued under this section.

CONSTRUCTION COVERED

(e) *Structures covered.* This section, the Construction Limitation Regulation, covers certain kinds of work on structures to be used for recreational or amusement purposes. The term "structure to be used for recreational or amusement purposes" includes two classes of items: buildings, and structures other than buildings. These two classes are described below:

(1) *Buildings.* The term "structure to be used for recreational or amusement purposes" includes any building or part of a building to be used, or designed to be used, for or in connection with any of the following purposes:

Amusement arcade.
Amusement park.
Assembly hall used primarily for recreation or amusement (commercially or municipally operated).
Athletic field house (commercially or municipally operated).
Bar serving alcoholic beverages.
Baseball park.
Bathhouse for swimming.
Billiard or pool parlor.
Boat or canoe club.
Bowling alley.
Cabana.
Canteen.
Carnival.
Cocktail lounge.
Community recreation building.
Country club.
Dance hall.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition (unless exempt under paragraph (m) (2) of this section).
Fair (except a State or county fair).
Gambling establishment.
Golf club or golf course.
Golf driving range.
Gymnasium (commercially or municipally operated).
Night club.
Race track, any kind.
Recreational club, any kind.
Riding academy.
Rodeo.
Seasonal camp used primarily for recreation or amusement.
Shooting gallery.
Skating rink.
Slot machine establishment.
Stadium, indoor (commercially or municipally operated).
Swimming pool, indoor (private, or commercially or municipally operated). (Outdoor swimming pools are covered by subparagraph (2) of this paragraph.)
Table tennis establishment.
Tavern serving alcoholic beverages.
Theatre, any kind (commercially or municipally operated).
Any other recreational, amusement, or entertainment purpose, whether public or private.

If only a part of a building is to be used for or in connection with the above purposes, this section applies to that particular part of the building only.

(2) *Structures other than buildings.* The term "structure to be used for recreational or amusement purposes" also includes the following structures:

Amphitheaters (commercially or municipally operated).
Amusement devices such as roller coasters or similar devices of a kind used in amusement parks.
Arenas (commercially or municipally operated).
Band stands.
Bleachers and similar seating arrangements (commercially or municipally operated).
Boardwalks used primarily for recreation or amusement.
Grandstands (commercially or municipally operated).
Music shells.
Piers used primarily for recreation or amusement (commercially operated).
Stadiums (commercially or municipally operated).
Swimming pools, outdoor (private, or commercially or municipally operated).
Walls or fences built principally of wood, used in connection with any other item in this list or any building listed in subparagraph (1) of this paragraph.

(f) *Structures not covered.* This paragraph explains what kinds of structures are not covered by this Construction Limitation Regulation:

(1) *Structures not used for recreation or amusement.* If no part of a building is to be used for or in connection with any recreational, amusement, or entertainment purpose, the building is not covered by this section. If a structure other than a building is not listed in paragraph (e) (2) of this section, it is not covered by this section.

(2) *Recreation room in private dwelling.* This section does not cover a private "recreation room" in a house, or in an individual dwelling unit of an apartment building or other residential structure.

(g) *Work covered.* This paragraph explains what kinds of work are covered by this Construction Limitation Regulation, when done in connection with a structure to be used for recreational or amusement purposes:

(1) *General.* This section covers construction, repairs, additions, alterations, improvements, and conversions. These terms include any kind of work on a structure which involves putting up or putting together building materials, supplies, or equipment of any kind. This definition determines whether a particular kind of work is covered by this section, except that the rules set out in paragraphs (g) (2) through (g) (5) and paragraph (h) of this section control in the special cases described in those paragraphs.

(2) *Nailed, screwed, bolted, connected, installed on base, or cemented.* This section covers the installation or relocation of the following items if they are (i) attached to a building or other structure by nails, screws, or bolts, (ii) connected with the plumbing or other piping system of the structure, (iii) connected to the lighting system of the structure (except by connection to an existing outlet without installing new wires or a new outlet), (iv) installed on a base or foundation built for the particular item in question, or (v) cemented to the structure:

Air conditioning equipment (except self-contained individual units with no duct systems).
Bars.
Bowling alleys.
Furnaces and furnace burner or boiler burner units.
Heating equipment.
Kitchen cabinets.
Lighting equipment.
Marquees.
Panelling.
Plumbing equipment.
Ventilating equipment.
(None of the above items include any item specifically listed in paragraph (h) (3) of this section.)

(3) *Attached as part of structure.* This section covers the installation or relocation of the following items if they are attached to a building or other structure in such a manner that they cannot be removed without demolition of the item or substantial injury to the structure:

Bins.
Bookcases.
Booths.
Counters.
Partitions.
Refrigerators.
Showcases, including refrigerated showcases.
Signs, electric and other.
Soda fountains.
Storage racks.
Water coolers.

NOTE: If the items listed in subparagraphs (2) and (3) of this paragraph are not attached to a building or other structure in the manner described in the respective subparagraph, their installation or relocation is not covered by this section.

(4) *Construction for temporary purpose.* This section covers the erection of a structure to be used for recreational or amusement purposes, even though it is erected only for a single occasion or event and taken down afterwards. (This does not apply to the erection of a previously used structure which is rented for the single occasion or event.) For example, this section covers the construction of bleachers for a prize fight, a circus, or a football season.

However, as provided in paragraph (j) (4) (ii) of this section, the cost or value of previously used materials may be excluded when calculating the cost of such a job if the materials were severed from the same structure or another structure owned by the builder, and if they are to be used without change of ownership. The cost of labor working on such materials may also be excluded. Thus, a circus, for example, is not required to obtain a permit in order to put up bleachers which it has previously used and which it owns.

(5) *Alterations in connection with installation of machinery.* This section covers alterations to a building or other structure covered by the section, even though the alterations are made in connection with an installation or relocation of machinery and equipment which is itself exempt under paragraph (h) (3) of this section.

For example, if a foundation is built inside a building to receive the equipment, or if new walls are installed to separate a machine from the rest of the building, these alterations are covered by this section. This is so even though the installation of the machinery or equipment is exempt.

The installation of an elevator (exempt under paragraph (h) (3) of this section) provides a second example. In such a job, the following work is covered by this section: preparing the shaft, strengthening the building to support the elevator, and constructing a penthouse on the roof of the building or a room in the basement to enclose the motors. However, the installation of the following items, is exempt: the elevator car, the guide rails between which the car runs, the sheaves, the motors, the cables, and the doors or frames to the elevator shaft.

(h) *Work not covered.* This paragraph explains what kinds of work are not covered by this section, even though done in connection with a structure to be used for recreational or amusement purposes:

(1) *Certain work on existing structures.* This section does not cover the following kinds of work, when done on existing buildings or other structures:

Greasing, overhauling or repairing existing equipment, or installing repair or replacement parts in existing equipment. This includes the replacement of parts which are no longer serviceable, but does not include the replacement of the entire piece of equipment.
Sanding floors and sand blasting buildings.
Painting or papering an existing structure or applying waterproofing to an existing structure by painting or spraying where no work covered by this section is done in connection with the painting, papering or waterproofing. This exception does not apply to new parts of a structure which has been altered.
Pointing bricks, sparkling plaster and caulking windows.
Installing loose fill, blanket, or batt insulation in existing buildings or installing insulation on existing equipment or piping.
Laying asphalt or other floor tile or linoleum or installing cork block insulation, in existing buildings (whether or not cemented to the building).

These kinds of work are exempt from this section only if done on existing buildings or other structures. If they are done in connection with the original construction of a building or other structure, or in order to complete a building or other structure immediately after its original construction, they are covered by this section.

(2) *Preliminary and outside work.* This section does not cover the following kinds of work:

Site preparation, such as excavating, grading, filling with dirt, gravel or crushed stone, and landscaping.
Constructing or erecting forms for concrete.
Erecting construction fences, work sheds and construction shanties.
Laying sidewalks, driveways (public or private), roads or streets.
Laying pipes, conduits and wires outside the boundary lines of the walls of the structure.
Installing any item of equipment outside of and not attached to a building or other structure, even though a foundation is built for it and even though the equipment is connected with a building or other structure by pipes or pipe lines, wires or the like.
Building retaining walls not physically incorporated within the structure.
Building bridges, breakwaters, bulkheads, piers or docks (except commercial amusement piers).
Driving sheet piling to prevent cave-ins.
Demolition of buildings.
Tearing out partitions or walls in a building which is being altered.

(3) *Installation of certain equipment.* This section does not cover the installation of relocation of the following items:

Air conditioning equipment comprised of self-contained individual units with no duct systems.
Automatic fire protection sprinkler systems.
Conversion oil or gas burners installed in or attached to a furnace or boiler already in use in the building.
Cooling towers.
Escalators, elevators and dumb waiters.
Lighting equipment for flood lighting baseball parks or other outdoor operations.
Projection and sound equipment.
Radio and television towers and other transmitting and receiving equipment.
Stokers installed in connection with heating equipment already installed in a building.
Storm windows, storm doors, screens, awnings and venetian blinds.
Stoves.
Theatre seats.
Any item listed in paragraph (g) (2) of this section, if not installed so as to be covered by that paragraph.
Any machinery or equipment installed to provide a special service in a structure and not installed merely to operate the structure, including any item listed in paragraph (g) (3) of this section if not installed so as to be covered by that paragraph.
Any kind of equipment or furniture not attached to a building or other structure.

EXEMPTIONS

(i) *Small jobs.* This paragraph provides exemptions for small jobs as follows:

(1) *Amount of exemptions.* It is not necessary to get a construction permit under this section to do any separate construction, repair, addition, alteration, improvement, or conversion job on any structure covered by this section if the cost of the job does not exceed $2,500.

However, this exemption does not apply to any job consisting of conversion to recreational, amusement, or entertainment purposes of any part or all of a structure last used for residential purposes. In such a case, the small job exemption is $200.

(2) *Separate jobs.* No job which would ordinarily be done as a single piece of work may be subdivided for the purpose of coming within the exemption given under subparagraph (1) of this paragraph. A related series of operations in a structure which are performed at or about the same time, or as part of a single plan or program, always constitute a single job.

When a building or part of a building is being converted from one purpose to another, all work incidental to and done in connection with the conversion must be considered as one job. In the same way, if a building is being renovated, improved or modernized over an extended period, all work done in connection with the modernization must be considered as one job, even though separate contracts are let for different parts of the work.

(3) *Separate structures.* Work done on two or more separate structures is not considered one job, even if done as a part of a single plan. In this case, the rules of subparagraph (2) of this paragraph are applied to each structure separately. For example, if two or more related structures are to be built and the cost of each does not exceed the small job exemption, each of these structures may be built without getting a construction permit.

(4) *How to figure cost.* For the purpose of determining whether a particular job is exempt from this section under the small job exemption, the "cost" of a job means the cost of the entire construction job as estimated at the time of beginning construction. The following rules govern the calculation of cost of a job:

(i) *Items to be included.* The cost of a job includes the following:

The cost or value of materials and equipment incorporated in the structure, whether or not obtained without paying for them, except the items listed in (ii) below.
The cost of paid labor engaged in the construction work, regardless of who pays for it, excluding, however, the cost of paid labor exempt under (ii) below. If it is impracticable to allocate the labor specifically to exempt or non-exempt items, the cost of all paid labor may be divided between the work on the two different classes of items in proportion to the value of the two classes of items.
The amount paid for contractors' fees.

(ii) *Items not to be included.* The cost of a job does not include the following:

The cost or value of materials, equipment, and labor used in work exempt under paragraph (h) of this section.
The cost or value of previously used materials and equipment, when these have been severed from the same structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership; and the cost of labor engaged in installing these items.
The cost or value of materials which were produced on the property of the owner or actual or proposed occupant of the structure, except where he is in the business of producing these materials for sale; and the cost of labor engaged in installing these items. This exemption does not apply to materials or products assembled by the builder from new or used materials not themselves exempt.

The value of unpaid labor.
The cost or value of the land and existing structures.
The amount paid for architects' and engineers' fees.

(j) *Disaster.* This paragraph provides the following exemptions for work made necessary by disasters:

(1) *General.* It is not necessary to get a construction permit under this section to do the minimum work necessary to prevent more damage to a building or other structure (or its contents) covered by this section which has been damaged by flood, fire, tornado, or similar disaster. This does not include the restoration of the structure to its former condition.

(2) *Special cases.* Until further notice, it is not necessary to get a construction permit under this section to do a restoration job on any building or other structure covered by this section in the (i) Woodward, Oklahoma area, (ii) Texas City, Texas area, or (iii) Rutland County, Vermont area, if the restoration is made necessary by damage caused by the disasters which occurred in Woodward on April 9, 1947, which commenced in Texas City on April 16, 1947, and which occurred in Rutland County on June 2 and 3, 1947. In each case the exemption is limited to the restoration of structures to substantially the same size and condition as on the day immediately preceding the disaster. (This continues the exemptions originally provided by Directions 4, 5, and 6 to Veterans' Housing Program Order 1.)

(k) *Military construction.* It is not necessary to get a construction permit under this section to do any work by or for the account of the U. S. Army or Navy.

(l) *Veterans Administration construction.* It is not necessary to get a construction permit under this section to do any work on construction projects of the Veterans Administration, including projects being built by the Corps of Engineers for the Veterans Administration. Also, it is not necessary to get a construction permit under this section to do any remodeling job on a building or any part of a building which has been leased to the Veterans Administration, or to Public Buildings Administration for occupancy or use by the Veterans Administration.

(m) *State and county fairs and nonprofit expositions.* It is not necessary to get a construction permit under this section to do any work on buildings or other structures for use in connection with:

(1) a State or county fair; or

(2) an agricultural, livestock or industrial exposition or exhibition, the net proceeds from which are used exclusively for improvement, maintenance and operation of such exposition or exhibition.

However, this exemption does not apply to commercially operated fairs other than State or county fairs, nor to expositions or exhibitions which do not come under subparagraph (2) of this paragraph.

APPLICATIONS FOR CONSTRUCTION PERMITS

(n) *Filing of applications.* Applications for construction permits under this section should be made on Form OHE 14–171. This form was formerly used to apply for authorization under Veterans' Housing Program Order 1. Any statement in Form OHE 14–171 which is inconsistent with this section, the Construction Limitation Regulation, is no longer applicable. Copies of Form OHE 14–171 may be obtained at the Area Rent Offices of the Office of the Housing Expediter. Until approximately July 31, 1947, they may also be obtained at the OHE District Construction Offices.

Applications should be prepared in accordance with paragraphs (o) and (p) of this section, and addressed to the Housing Expediter, Washington 25, D. C., Ref: Non-residential Construction Branch.

(o) *Calculating cost for purpose of application.* Form OHE 14–171 requires the applicant to state, in Item 5, the estimated cost of the proposed job for which he is requesting a construction permit. For this purpose, the cost of a job should be calculated by the same method as provided in paragraph (i) (4) for the purpose of the small job exemption.

Item 5 on the application form is broken down into two parts: (1) cost of the structure less cost of fixtures, and (2) cost of fixtures. For this purpose, "fixtures" means the items listed in paragraphs (g) (2) and (3) of this section if installed so as to be covered by those paragraphs.

(p) *Responsibility for statements in application.* In reviewing an application for a construction permit to determine whether it should be approved, the Office of the Housing Expediter relies upon the statements and representations made in the application, and in supplementary documents filed with the application. Severe criminal penalties may be imposed for making willfully false statements or representations in connection with these applications and documents.

This imposes upon persons making statements and representations in connection with applications great responsibility for the correctness of these statements and representations. In addition, the granting of the construction permit imposes upon the builder and others concerned with the project the responsibility of carrying out the provisions of the permit and the representations made. Therefore, it is important that each of the statements and representations involved should be made by a person familiar with the facts and responsible for their correctness and truthfulness.

Applicants should observe the following rules in this regard:

(1) *Statements concerning construction.* The application should be made and signed by the person who is to be responsible for the construction. Normally, this is the individual who (or a responsible officer of the corporation which) owns or is to own the building or other structure involved. However, tenants, contractors, and architects may be in a position to assume responsibility for the performance of the construction in accordance with the permit, and if they do sign the application they will be held responsible.

(2) *Statements as to need and use.* On the other hand, contractors and architects are ordinarily not in a position to accept responsibility for the correctness of statements and representations as to the need for the building and the use to which it will be put. If the person who signs the application is not personally familiar with the need for the proposed work, and therefore is not in a position to assume responsibility for statements and representations with respect to the need for the building and the purpose to which it is to be put, these statements and representations should be made in a letter attached to the application and signed by (i) the prospective occupant of the building, or (ii) a responsible officer of the corporation which is to occupy it, or (iii) any other person who is in a position to accept the responsibility for these statements.

STANDARDS FOR APPROVAL

(q) *Essentiality.* An application for a construction permit may be approved on the ground that it is essential to construct the proposed project at the present time. In general, a proposed project will be considered essential if it falls into one of the categories listed in this paragraph. The applicant must show clearly that the proposed construction is necessary to accomplish the purpose involved.

(1) *Community facilities.* Applications for a permit for the construction of essential community facilities covered by this section may be approved if it is clearly shown that the lack of such facilities constitutes a severe and unreasonable hardship on the community or area to be served. In general, applications for additional community facilities will not be approved under this subparagraph unless there has recently been such a substantial growth in population that the existing facilities are clearly inadequate.

(2) *Repairs and maintenance.* Applications for a permit to make repairs and to do maintenance work covered by this section may be approved if denial would make it impossible to continue use of a building or other structure, or if serious injury to a building or other structure would result. Permits will be granted only for the minimum work necessary to keep the building or other structure in sound working condition. Alterations, expansions and modernizations will not be approved under this subparagraph.

(r) *Hardship.* An application for a construction permit for work necessary to alleviate or forestall hardship may be approved if denial would work a severe and unusual hardship. The hardship must be exceedingly severe, such as threatened bankruptcy or substantial impairment of means of livelihood.

For example, an applicant who has lost or is about to lose his place of business as a result of eviction, condemnation or disaster may be issued a construction permit to replace the facilities, if it is impracticable for him to repair or restore the old facilities or to buy or rent any other place to conduct his business. However, applications will not generally be approved on the basis of loss of former facilities if the loss occurred more than six months before the filing of the applications. The authorization will generally be limited to approximately the same amount of space which has been or will be lost. Evidence of practical impossibility of continuing in the premises must be shown in the case of eviction or condemnation.

Applications which involve the conversion of residential space to recreational or amusement purposes will rarely be approved on the ground of hardship.

(s) *Impact on housing and other construction.* There is a shortage of building materials for housing and other purposes. It is the purpose of this section to conserve such materials. Each different construction job will have a different impact, measured in terms of the scarce materials used, on housing and other construction. This impact is considered by the Office of the Housing Expediter, when passing upon applications for construction permits, in the following way:

(1) *No impact.* An application for a construction permit will be approved if the proposed work will require no scarce building materials, such as cast iron pressure pipe and fittings, cast iron soil pipe, electrical service equipment and wiring devices, galvanized sheet steel, gypsum board and lath, hardwood flooring, millwork, nails, plywood (construction grades), steel and wrought iron pipe, and water closet bowls and tanks.

(2) *Negligible impact.* An application for a construction permit may be approved if (i) the proposed work very nearly qualifies under paragraph (q) or (r) of this section, and (ii) the proposed work will require only negligible quantities of scarce building materials, such as those listed in subparagraph (1) of this paragraph. To assist in the processing of his application, the applicant may submit the approximate quantities and sizes of such materials which he estimates he will use in his proposed construction job.

(3) *Materials on hand.* The mere fact that an applicant already has materials on hand will not generally be considered to mean that their use will constitute only a negligible impact, or no impact, on housing and other construction.

(4) *Related work.* In measuring the impact of a project on housing and other construction, consideration will be given to the scarce building materials to be used in work related to the proposed project (such as temporary construction buildings, fences, and the like), as well as materials to be used in the project itself.

(5) *Elimination of housing.* An application for a construction permit will generally not be approved under this paragraph (s) if the proposed project would result in elimination of residential accommodations, such as the conversion of apartments to a night club or other recreational club.

RESTRICTIONS ON AUTHORIZED CONSTRUCTION

(t) *Restrictions imposed by CLR permit or VHP–1 authorization.* A person who has been issued a construction permit under this section, or an authorization under Veterans' Housing Program Order 1, to do work covered by this section must observe all the restrictions imposed on him by the permit or the authorization. In doing the work authorized by the permit or authorization, he must not do any work of the kinds covered by this section unless it is specifically covered by the permit or authorization. He may not, in connection with a job which has been specifically authorized, do additional work under the small job exemption given by paragraph (i) of this section.

(u) *Permits and authorizations not transferable.* Construction permits are issued in reliance on representations made by the applicant. This was also true of authorizations issued under Veterans' Housing Program Order 1. For this reason, no person to whom a construction permit has been issued under this section shall transfer the permit, and no person to whom an authorization has been issued under Veterans' Housing Program Order 1 shall transfer the authorization. Any such transfer attempted is void.

If for any reason a builder wishes to abandon a project and another builder wishes to continue it, the new builder should apply to the Housing Expediter attaching to his application a letter from the former builder joining in the request for the issuance of a new permit.

MISCELLANEOUS

(v) *Violations.* It shall be unlawful for any person to do any act prohibited by this section. Any person who wilfully violates any provision of this section and any person who makes any false statement or who wilfully conceals a material fact in connection with any statements made under this section, shall upon conviction thereof be subject to fine or imprisonment or both. In addition, any such person or any other person who violates any provision of this section may be subject to such administrative and civil enforcement action as authorized by law.

(w) *Communications.* All communications concerning this section should be addressed to the Housing Expediter, Washington 25, D. C., Ref.: CLR.

(x) *Reports.* All persons affected by this section shall file such reports as may be requested by the Housing Expediter, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with that Act.

(y) *Geographical applicability.* This section applies to the forty-eight States and the District of Columbia.

(z) *Effective date.* This section shall become effective on June 30, 1947, simultaneously with the revocation of Veterans' Housing Program Order 1.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821; Housing and Rent Act of 1947)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–6253; Filed, June 30, 1947; 12:55 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION FOR NEW YORK CITY DEFENSE-RENTAL AREA

§ 825.2 *Controlled Housing Rent Regulation for New York City Defense-Rental Area.* The Controlled Housing Rent Regulation for New York City Defense-Rental Area, issued pursuant to the Housing and Rent Act of 1947, Public Law 129, 80th Congress, is as follows:

Sec.
1. Definitions and scope of this regulation.
2. Prohibition against higher than maximum rents.
3. Minimum space, services, furniture, furnishings and equipment.
4. Maximum rents.
5. Adjustments and other circumstances.
6. Inspection.
7. Registration.
8. Evasion.
9. Enforcement.
10. Procedure.
11. Requests for amendment.
12. Adoption of orders.

SECTION 1. *Definitions and scope of this regulation.* "Act" means the Housing and Rent Act of 1947.

"Expediter" means the Housing Expediter or the Rent Director or such other person or persons as the Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Area rent office" means the office of the Rent Director in the defense-rental area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Controlled housing accommodations" means any housing accommodation in any defense-rental area which is not specifically exempted from control or decontrolled under this regulation.

"Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the

use or occupancy of any housing accommodation, or an agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

"Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service: *Provided, however,* That if 75 percent or more of the units in the establishment are self-contained dwelling units including a bathroom and kitchen and were rented on other than a daily term of occupancy, on June 30, 1947, the establishment shall not be considered a hotel for the purpose of this regulation and the Housing and Rent Act of 1947.

"Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes not serving transient guests exclusively.

"Maximum rent date" means March 1, 1943, the maximum rent date for the New York City Defense-Rental Area as established under the Emergency Price Control Act of 1942, as amended.

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular housing accommodation in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder, or under section 4 (c) of this regulation, whichever is applicable.

"Effective date of regulation" means November 1, 1943, the effective date of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, for the New York City Defense-Rental Area. The term "Rent Regulation for Housing," as hereinafter used, means the Rent Regulation for Housing for the New York City Defense-Rental Area.

(a) *Housing and defense-rental area to which this regulation applies.* This regulation applies to all housing accommodations in the New York City Defense-Rental Area, consisting of the City of New York (including the boroughs of Bronx, Brooklyn, Manhattan, Queens, and Richmond) and the counties of Nassau and Suffolk in the State of New York, except as provided in paragraph (b) of this section. The New York City Defense-Rental Area is referred to hereinafter in this regulation as the "defense-rental area."

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(3) *Accommodations subject to the rent regulation for controlled rooms in rooming houses and other establishments.* Rooms or other housing accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.

(4) *Structures subject to underlying leases.* (i) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises.

(ii) Entire structures or premises wherein 25 or less rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structures or premises: *Provided,* That all of the housing accommodations in such structures or premises are exempt under the provisions of this act, or section 1 (b) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.

(iii) This regulation does apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt under this section or section 1(b) of the rent regulation for controlled rooms in rooming houses and other establishments.

(5) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(6) *Resort housing; summer resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from July 1, 1947, to September 30, 1947, inclusive.

(See rent regulation for housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, for similar exemptions from June 1 to June 30, 1947.)

(7) *Accommodations in hotels, motor courts and tourist homes.* (i) Housing accommodations in any establishment which is commonly known as a hotel (see definition of "hotels" in section 1) in the community in which it is located, which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; (ii) housing accommodations in motor courts; and (iii) housing accommodations in any tourist home serving transient guests, exclusively: *Provided, however,* That all such housing accommodations referred to in the paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later: *And provided further,* That if a landlord fails to file said application for decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provision of this regulation until the date on which he files said application.

(8) *Accommodations first offered for rent.* (i) Housing accommodations, the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947, except that contracts for the rental of housing accommodations to veterans of World War II and their immediate families, the construction of which was assisted by allocations or priorities under Public Law 388, Seventy-ninth Congress, approved May 22, 1946, shall remain in full force and effect; (ii) Housing accommodations which at no time during the period February 1, 1945 to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations: *Provided, however,* That all housing accommodations referred to in this paragraph (8) shall be subject to this regulation unless the landloard files in the area rent office a report of decontrol on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided further,* That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (8) the construction of housing accommodations is considered completed on the date the last material, fixtures or equipment is incorporated into the structure provided the dwelling is suitable for occupancy at that time.

For the purposes of this paragraph (8) the word "conversion" means (1) a change in a structure from a nonhousing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(9) *Maximum rents established under section 4 (b).* Housing accommodations for which the maximum rent is established under section 4 (b) of this regulation, *Provided, however,* That such housing accommodations shall be subject to this regulation until January 1, 1948.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this regulation.

SEC. 2. *Prohibition against higher than maximum rents.*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall offer, demand or receive any rent for or in connection with the use or occupancy on and after the effective date of this regulation of any housing accommodations within the defense-rental area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. A reduction in the minimum space, services, furniture, furnishings or equipment required under section 3 of this regulation shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by this regulation may be demanded or received.

(b) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to November 1, 1943, and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this regulation may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Expediter if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the act or this regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain, and the tenant shall be authorized to offer, payments provided by the lease in excess of the maximum rent for periods commencing on or after November 1, 1943. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive, or the tenant to offer, payments in excess of the maximum rent in the absence of an order of the Expediter as herein provided. Where a lease of housing accommodations has been entered into on or after November 1, 1943, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive, nor shall the tenant offer, payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

(c) *Security deposits.*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand, receive or retain a security deposit for or in connection with the use or occupancy of housing accommodations within the defense-rental area except as provided in this paragraph (c). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) or (b) of the rent regulation for housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a) or (b), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent established under said section 4 (a) or (b).

(3) *Maximum rent established under section 4 (c) or (d) of the rent regulation for housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (c) or (d), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter entered. Where such lease or other rental agreement provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(4) *Maximum rent established under section 4 (e) of the rent regulation for housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (e), no security deposit shall be demanded or received.

(5) *Maximum rent established under section 4 (f) of the rent regulation for housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (f), no security deposit shall be demanded, received, or retained.

(6) *Maximum rent established under section 4 (g) or (h) of the rent regulation for housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (g) or (h), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations were or are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(7) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

(8) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is or was rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease.

SEC. 3. *Minimum space, services, furniture, furnishing and equipment.* Except as set forth in section 5 (b) every landlord shall, as a minimum, provide with housing accommodations the same living space as provided June 30, 1947, or on the date he first rented on or after July 1, 1947, and the same essential services, furniture, furnishings, and equipment as those he was required to provide on June 30, 1947, in accordance with the rent regulation for housing, issued pursuant to the Emergency Price Control Act

of 1942, as amended, or those he provided on the date he first rented on or after July 1, 1947, and as to other services, furniture, furnishings and equipment not substantially less than those he was required to provide on June 30, 1947, or actually provided on the date of first renting on or after July 1, 1947.

SEC. 4. (a) *Maximum rents in effect on June 30, 1947.* The maximum rent for any housing accommodation under this regulation (unless and until changed by the Expediter as provided in section 5, shall be the maximum rent which was in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rent established under a lease.* In any case in which a tenant and landlord, on or before December 31, 1947, voluntarily enter into a valid written lease in good faith with respect to any controlled housing accommodations and such lease takes effect after July 1, 1947, and expires on or after December 31, 1948, the maximum rent for such housing accommodations shall be, as of the date such lease takes effect, the rent provided by the lease if it does not represent an increase of more than 15 percent over the maximum rent otherwise applicable. Such lease shall increase the maximum rent otherwise applicable for any housing accommodations only if a true copy thereof signed by both the landlord and tenant is filed with the area rent office for the defense-rental area in which the accommodations are located within fifteen days after the date the lease is executed. Every landlord shall file with a true copy of such lease Form D–92, Registration of Lease, in triplicate. A maximum rent established under this paragraph shall not be subject to additional increase by execution of a subsequent lease. No maximum rent established under this paragraph shall be subject to modification by any order of the Expediter.

A lease shall be effective under this paragraph to increase the maximum rent only if it provides with the housing accommodations the same living space and the same essential services, furniture, furnishings, and equipment as required by this regulation prior to the effective date of the lease, and as to other services, furniture, furnishings and equipment, not substantially less than required prior to the effective date of the lease. The landlord shall continue to provide such space and services, furniture, furnishings, and equipment at all times after the effective date of such lease.

(c) *First rent after June 30, 1947.* For controlled housing accommodations first rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations. Within 30 days after so renting, the landlord shall register the accommodations as provided in section 7. The Expediter may order a decrease in the maximum rent as provided in section 5(c)(1) and 5(c)(6).

If the landlord fails to file a proper registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting shall be received, subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1) or 5 (c) (6). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under section 5 (c) may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under section 5 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(d) *Housing subject to rent schedule of War or Navy Department.* Where housing accommodations on June 30, 1947, are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such housing accommodations cease to be governed by the national rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or shall be established under section 4 (c) of this regulation.

SEC. 5. *Adjustments and other determinations.* In the circumstances enumerated in this section the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in case where the maximum rent is established under section 4 (b) of this regulation or where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (a) (12), (a) (13), (a) (14), (a) (15), (c) (6), (c) (8) and (c) (9) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *Provided, further,* That in cases under sections 5 (a) (3) and 5(c)(3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939, except that in the case of construction initiated prior to November 23, 1945, such allowance shall reflect general increases in costs of construction in the defense-rental area since March 1, 1943.

In cases under paragraphs (a) (7), (a) (14), and (c) (6) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on September 30, 1943.

In cases under paragraph (c) (8) of this section the adjustment shall be on the basis of the average rent during the period of occupancy of the lease or other rental agreement in effect on the date determining the maximum rent.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

In cases under paragraph (c) (9) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on interrelated matters.

In cases under paragraph (a) (15) of this section, the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the grounds that:

(1) *Major capital improvement after effective date.* There has been on or after the effective date of the rent regulation for housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance or a substantial increase in the services, furniture, furnishings, or equipment, and the rent on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the housing accommodations by a major capital improvement, as distinguished from ordinary repair, replacement, and maintenance or a substantial increase in the services, furniture, furnishings, or equipment, and the rent on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in space, services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent or a substantial increase in the living space since June 30, 1947. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Expediter finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) *Special relationship between landlord and tenant.* The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That no adjustment under this subparagraph increasing the maximum rent shall be made effective with respect to any accommodations regularly rented to employees of the landlord while the accommodations are rented to an employee, and no petition for such an adjustment will be entertained until the accommodations have been or are about to be rented to one other than an employee.

(5) *Lease for term commencing one year or more before maximum rent date.* There was in force on the maximum rent date, a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date; or the housing accommodations were not rented on the maximum rent date, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(6) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal rents.* The rent on the date determining the maximum rent was substantially lower than at other time of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Substantial increase in occupancy.* (i) There has been, since the date determining the maximum rent a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant.

(ii) There has been, since the date determining the maximum rent a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on the maximum rent date.

(iii) There has been, since the date determining the maximum rent an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(9) On the date determining the maximum rent the housing accommodations were temporarily exempt from real estate taxes, the landlord was passing the benefit of this tax exemption on to the tenant and as a result the rent on that date was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(10) *Priority rating granted on September 1941 application form of Office of Production Management.* The maximum rent for the housing accommodations was originally established under section 4 (f) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, the application for priority rating for the construction of the housing accommodations was filed on the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941, the landlord did not make, prior to the maximum rent date, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and the maximum rent for the accommodations is substantially lower than the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, giving due consideration to general increases in costs of construction, if any, in the defense-rental area since the maximum rent date.

This paragraph (a)(10) shall apply only to housing accommodations which were first rented prior to March 29, 1944.

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income (before interest) of the property for the current year as compared with a representative period prior to the maximum rent date, due to a substantial and unavoidable increase in property taxes or operating costs.

In proper cases increases in payroll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a)(12) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means (a) the most recent full calendar or fiscal year used by the landlord, or (b) any twelve-month period ending not more than 90 days prior to the filing of the petition: *Provided, however,* That the current year in all cases shall begin on or after the

maximum rent date: *And provided, further,* That if allowance is requested for increases in payroll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(vi) "Prior representative period" means any period of two consecutive years prior to the "current year" but not beginning before January 1, 1939, which the Expediter finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Expediter in his discretion may for the purposes of this section accept a representative period of not less than one year.

(13) *Rented to an employee of landlord.* The housing accommodations were rented to an employee of the landlord both on the date determining the maximum rent and at the time the order under this paragraph (a) (13) is issued, and after the date determining the maximum rent but prior to the effective date of regulation the landlord and tenant agreed, as the result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

(14) *Changes from year-round to seasonal renting.* The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, are vacant and the establishment of seasonal variations in the rent would not, in the opinion of the area rent director, be inconsistent with the purposes of the act.

(15) The maximum rent was established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

(b) *Decreases in minimum services, furniture, furnishings, equipment and space.* (1) The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, equipment and living space as required under section 3, unless and until he has filed a petition to decrease the services, furniture, furnishings, equipment or living space and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, equipment or living space below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (3).

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, equipment or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment or living space. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable only on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations established under paragraphs (c) or (e) of section 4 of the rent regulation for housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under paragraph (c) or (d) of section 4 of this regulation is higher than the rent generally prevailing in the area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said housing accommodations was originally established under paragraphs (c), (d) or (e) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed to file a proper registration statement in accordance with the provisions of said Rent Regulation for Housing on or before June 30, 1947, and fails to file a proper registration statement in accordance with the provisions of this regulation within the time specified in section 7 or where the maximum rent is established under section 4 (c) of this regulation and the landlord fails to file a registration statement in accordance with the provisions of section 7 of this regulation, the rent received for any rental period commencing on or after July 1, 1947, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to file the proper registration statement within the time specified, the order under this section may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) *Decrease in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since the date or order determining the maximum rent or a substantial decrease in the living space since June 30, 1947.

(4) *Special relationship between landlord and tenant or peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and tenant, or by peculiar circumstances and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a lower rent at other periods during the term of such lease or agreement: *Provided,* That this subparagraph shall not apply to cases covered by paragraph (c) (8) of this section.

(6) *Seasonal rent.* The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(7) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (8) of this section or section 5 (a) (8) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.

(8) *Rent concession.* The rent on the date determining the maximum rent was established by a lease or other rental agreement for a period of occupancy of one or more years, which provided for a rent concession during such period of occupancy in the form of either a rent-free period or an abatement of rent.

(9) *Modification or elimination of necessity for increase under section 5 (a) (12).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section or section 5 (a) (12) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, since the order issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the services, furniture, furnishings or equipment required to be provided with the accommodations is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the services, furniture, furnishings, and equipment required to be provided with the accommodations, which order shall be effective to establish the maximum rent from July 1, 1947, or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the services, furniture, furnishings and equipment included in such rent.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant the tenant may petition the Expediter for leave to exercise any right he would have except for this regulation to sell his underlying lease or other rental agreement. The Expediter may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result in the circumvention or evasion of the act or this regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Expediter may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on the maximum rent date.

(h) Where the maximum rent for any housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such accommodations may with the consent of the Expediter increase the maximum rents to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

SEC. 6. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Expediter as he may, from time to time, require.

SEC. 7. *Registration*—(a) *Registration statement.* Every landlord of controlled housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the rent regulation for housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. For housing accommodations rented prior to June 1, 1947, such registration statement shall be filed on or before July 10, 1947. For housing accommodations first rented after June 1, 1947, such registration statement shall be filed on or before July 30, 1947, or within 30 days after first renting, whichever is later. The statement shall identify each dwelling unit and specify the maximum rent provided by this regulation for such dwelling unit and shall contain such other information as the Expediter shall require. The original shall remain on file with the Expediter and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement and shall obtain the tenant's signature and the date thereof, on the back of such statement.

When the maximum rent is changed by order of the Expediter, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

Where, since the filing of the registration statement for any controlled housing accommodations, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity within 15 days after the change, or July 1, 1947, whichever is later. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Expediter shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph (a).

Any notice, order or other process or paper directed to the person named on the registration as the landlord at the address given thereon, or, where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Rent Procedural Regulation 1 constitute notice to the person who is then the landlord.

The provisions of this section shall be applicable to any housing accommodations whose maximum rent was determined under section 4 (g) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in subsection (a) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a State of the United States or any of its political subdivisions, or any agency of the foregoing, subsection (c) of this section shall continue to be applicable.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exceptions from registration requirements*—(1) *Housing owned and constructed by governmental agencies.* The provisions of this section shall not apply to housing accommodations whose maximum rent was originally determined under section 4 (g) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Expediter shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

SEC. 8. *Evasion*—(a) *General.* The maximum rents and other requirements

provided in this regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchased money or other form of mortgage, or sale with option to repurchase or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Expediter is obtained.

SEC. 9. *Enforcement.* Persons violating any provision of this regulation are subject to civil enforcement actions and suits for treble damages as provided by the act.

SEC. 10. *Procedure.* All registration statements, reports and notices provided for by this regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Rent Procedural Regulation 1.

SEC. 11. *Requests for amendment.* Persons seeking any amendments of general applicability to any provision of this regulation may file requests therefor in accordance with Rent Procedural Regulation 1.

SEC. 12. *Adoption of orders.* All orders issued pursuant to section 2 (c), 2 (d) (3) and 2 (d) (7) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, which were in effect on June 30, 1947, shall be deemed to continue in effect under this regulation unless and until revoked or modified by the Expediter.

Effective date. This Controlled Housing Rent Regulation for the New York City Defense-Rental Area shall become effective July 1, 1947.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of June 1947, effective July 1, 1947.

OFFICE OF THE HOUSING EXPEDITER,
JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6266; Filed, June 30, 1947; 5:15 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

§ 825.5 *Rent regulation for controlled rooms in rooming houses and other establishments.* Rent regulation for controlled rooms in rooming houses and other establishments issued pursuant to the Housing and Rent Act of 1947, Public Law 129, 80th Congress, is as follows:

Sec.
1. Definitions and scope of this regulation.
2. Prohibition.
3. Minimum space, services, furniture, furnishings and equipment.
4. Maximum rents.
5. Adjustments and other determinations.
6. Inspection.
7. Registration and records.
8. Evasion.
9. Enforcement.
10. Procedure.
11. Requests for amendment.
12. Adoption of orders.

SECTION 1. *Definitions and scope of this regulation.* "Act" means the Housing and Rent Act of 1947.

"Expediter" means the Housing Expediter, or the Rent Director or such other person or persons as the Housing Expediter may appoint or designate to carry out any of the duties delegated to him by the Act.

"Rent Director" means the person designated by the Expediter as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Area rent office" means the Office of the Rent Director in the defense-rental area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Room" means a room or group of rooms, not constituting an apartment, rented or offered for rent as a housing accommodations unit in a rooming house, hotel, or other establishment. The term includes ground rented as trailer space.

"Services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or any agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

"Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for or in connection with the use or occupancy of a room or for the transfer of a lease of such room.

"Term of occupancy" means occupancy on a daily, weekly, or monthly basis.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service: *Provided, however,* That if 75 percent or more of the units in the establishment are self-contained dwelling units including a bathroom and kitchen and were rented on other than a daily term of occupancy on June 30, 1947, the establishment shall not be considered a hotel for the purposes of this regulation and the Housing and Rent Act of 1947.

"Motor court" means an establishment renting rooms, cottages or cabins, supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments, and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Apartment" means a room or rooms providing facilities commonly regarded in the community as necessary for a self-contained dwelling unit, and of a class of accommodations customarily rented without variations in rent dependent on terms of occupancy and number of occupants: *Provided, however,* That a self-contained dwelling unit containing a kitchen and bath shall be deemed an apartment.

"Other establishments" means multiple unit establishments, other than hotels or rooming houses, containing more than two rooms (see definition of room) rented or offered for rent on a short time basis of daily, weekly or monthly occupancy.

"Maximum rent date" means the date established as the maximum rent date in any particular defense-rental area under the authority of the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder and set forth in Schedule A, and there designated "maximum rent date."

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular room in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder.

"The 30-day period determining the maximum rent" means the period provided in the "Hotel Regulation" for determining, under section 4 (a) or (b) of that regulation, the maximum rent for any room.

"Effective date of regulation" means the effective date of the "Hotel Regulation", for each defense-rental area, or portion thereof, as indicated in Schedule A, except where the context indicates clearly to the contrary.

"Hotel Regulation" means the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses, and Motor Courts in effect on June 30, 1947, issued under authority of and pursuant to the Emergency Price Control Act of 1942, as amended.

(a) *Rooms in rooming houses, hotels, and other establishments and Defense-Rental Areas to which this regulation applies.* This regulation applies to all rooms in hotels, rooming houses, and other establishments and to all accommodations brought under this regulation by consent of the Area Rent Director pursuant to section 1 (e), and to all accommodations brought under the "Hotel Regulation" by consent of the Area Rent Director pursuant to section 1 (e) of that regulation, within each of the Defense-Rental Areas and each of the portions of a defense-rental area (each of which is referred to hereinafter in this regulation as the "defense-rental area"), which are listed in Schedule A of this regulation, except as provided in paragraph (b) of this section.

In Schedule A of this regulation, "the maximum rent date" and "the effective date of regulation" as established under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, is given for each defense-rental area listed. More than one effective date is given for different portions of a defense-rental area where the same effective date is not applicable to the entire defense-rental area.

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(3) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(4) *Entire structures.* Entire structures or premises, as distinguished from the rooms within such entire structures or premises.

(5) *Non-profit clubs.* Rooms in a bona fide club certified by the Expediter as exempt. The Expediter shall so certify if on written request of the landlord, he finds that the club (i) is a non-profit organization and is recognized as such by written statement of the Bureau of Internal Revenue, (ii) rents rooms only to members, bona fide guests of members, and members of bona fide clubs with which the club has reciprocal arrangements for the exchange of privileges, and (iii) is otherwise operated as a bona fide club.

(6) *College fraternity or sorority houses.* Rooms in a bona fide college fraternity or sorority house certified by the Expediter as exempt. The Expediter shall so certify if, on written request of the landlord, he finds that the fraternity or sorority is a bona fide organization operated for the benefit of students and not for profit as a commercial or business enterprise. This exemption shall not apply when the rooms are rented to persons who are not members of the fraternity or sorority.

(7) *Resort housing*—(i) *Summer resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from July 1, 1947, to September 30, 1947, inclusive, and shall not apply to the rooms in the Los Angeles Defense-Rental Area and in the Santa Cruz Defense-Rental Area.

(See Hotel Regulation issued pursuant to the Emergency Price Control Act of 1942, as amended, for similar exemptions from June 1 to June 30, 1947.)

(ii) *Winter resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to the effective date of the "Hotel Regulation" in the area, which were not rented during any portion of the period beginning on June 1, 1945, and ending on September 30, 1946: *Provided, however,* That the Area Rent Director may by order extend the above exemption to rooms otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1, 1947, to February 29, 1948.

(8) *Accommodations in hotels, motor courts, tourist homes and other establishments.* (i) These housing accommodations, in any establishment which is commonly known as a "hotel" (See definition of "hotel" in section 1) in the community in which it is located, which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; (ii) Rooms in any motor court; (iii) Rooms in any tourist home serving transient guests, exclusively; (iv) Rooms in other multiple-unit establishments (see definition "other establishments" in section 1) which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service;

Provided, however, That all such rooms referred to in this paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided, further,* That if a landlord fails to file said application for decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said application.

(9) *Newly constructed rooms or converted rooms.* (i) Rooms, the construction of which was completed on or after February 1, 1947, or which are additional accommodations created by conversion on or after February 1, 1947, except that contracts for the rental of housing accommodations to veterans of World War II and their immediate families, the construction of which was assisted by allocations or priorities under Public Law 388, Seventy-ninth Congress, approved May 22, 1946, shall remain in full force and effect; or (ii) rooms which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented either as individual rooms or as part of a larger housing accommodation (other than to members of the immediate family of the occupant): *Provided, however,* That all such rooms referred to in this paragraph (9) shall be subject to this regulation unless the landlord files in the area rent office a report of decontrol on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later; and *Provided, further,* That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the proisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (9), the construction of housing accommodations is considered completed on the date the last material, fixture or equipment is incorporated into the structure provided the dwelling is suitable for occupancy at that time.

For the purposes of this paragraph (9), the word "conversion" means (1) a change from non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(10) *Maximum rents established under section 4 (b).* Housing accommodations for which the maximum rent is established under section 4 (b) of this regulation: *Provided, however,* That such housing accommodations shall be subject to this regulation until January 1, 1948.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by

reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this regulation.

(e) *Election by landlords to bring housing under this regulation.* Where a building or establishment contains one or more furnished rooms or other furnished housing accommodations whose maximum rents are determined under the Controlled Housing Rent Regulation, the landlord may with the consent of the Expediter, elect to bring all housing accommodations within such building or establishment under the control of this regulation. A landlord who so elects shall file the registration statements required by section 7 for all such housing accommodations, accompanied by a written request to the Expediter to consent to such election.

If the Expediter finds that the provisions of this regulation establishing maximum rents are better adapted to the rental practices of such building or establishment than the provisions of the Controlled Housing Rent Regulation, he shall consent to the landlord's election by order. Accommodations so brought under this regulation shall be considered "rooms" for the purposes of the regulation.

The landlord may at any time, with the consent of the Expediter, revoke his election made under this section 1 (e) or under section 1 (e) of the "Hotel Regulation," and thereby bring under the control of the Controlled Housing Rent Regulation all housing accommodations previously brought under this regulation by such election. He shall make such revocation by filing a registration statement or statements under the Controlled Housing Rent Regulation, including in such registration statement or statements all housing accommodations brought under this regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Expediter to consent to such revocation. The Expediter may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Expediter finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Controlled Housing Rent Regulation.

SEC. 2. *Prohibition*—(a) *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall offer, demand, or receive any rent for or in connection with the use or occupancy on and after July 1, 1947, of any room subject to this regulation, within the defense-rental area, higher than the maximum rents provided by this regulation; and no person shall solicit, attempt, or agree to do any of the foregoing. A reduction in the minimum space, services, furniture, furnishings or equipment required under section 3 of this regulation shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by this regulation may be demanded or received.

(b) *Terms of occupancy*—(1) *Tenant not required to change term of occupancy.* No tenant shall be required to change his term of occupancy.

(2) *Term of occupancy during June 1942.* Where, during June 1942, a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during June 1942. However, if during the year ending on June 30, 1942, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Expediter to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Expediter may withdraw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the Act or this regulation or are likely to result in the circumvention or evasion thereof.

(3) *Request by tenant to change term of occupancy.* Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2). If the room occupied by such tenant was not rented or offered for rent for such term during June 1942, the landlord may transfer the tenant to a room, as similar as possible, which was so rented or offered for rent.

(4) *Defense-Rental Areas with maximum rent date later than March 1, 1942*—(i) *Maximum rent date later than March 1, 1942, but prior to July 1, 1943.* In defense-rental areas with a maximum rent date later than March 1, 1942, but prior to July 1, 1943, in section 2 (b) (2), the words "June 1943" shall be substituted for the words "June 1942", and the words "June 30, 1943" shall be substituted for the words "June 30, 1942"; in section 2 (b) (3) the words "June 1943" shall be substituted for the words "June 1942."

(ii) *Maximum rent date of July 1, 1943, or later.* In defense-rental areas with a maximum rent date of July 1, 1943, or later, in section 2 (b) (2) the words "the thirty days ending on the maximum rent date" shall be substituted for the words "June 1942" and the words "the maximum rent date" shall be substituted for the words "June 30, 1942"; in section 2 (b) (3) the words "the thirty days ending on the maximum rent date" shall be substituted for the words "June 1942."

(5) If the landlord's duty under subparagraph (2), with reference to a room is in dispute, or in doubt, or not known, the Expediter, at any time on his own initiative may issue an order determining the necessary facts and establishing such duty; or, if the Expediter is unable to ascertain the necessary facts, he may issue an order pursuant to subparagraph (6).

(6) Where subparagraph (2) does not require the offering of a room on a weekly or monthly basis, or where the Expediter is unable to ascertain the facts necessary to establish the landlord's duty under that paragraph, he may at any time on his own initiative issue an order requiring the room to be offered for rent for a weekly or monthly term of occupancy, or both. The Expediter may issue such orders if he finds that, during a reasonable period prior to the time the proceeding hereunder is commenced, the room has been rented under circumstances which make appropriate the application of weekly or monthly rents. In determining whether the landlord shall be required to offer the room on a weekly basis, or on a monthly basis, or both, the Expediter will consider the practices which prevailed in the defense-rental area for similar accommodations during a reasonable period prior to the effective date of regulation.

Upon issuance of such an order, the room shall be offered for rent on a weekly or monthly basis, or both, as the order may require, for each number of occupants for which it is offered by the landlord for any other term of occupancy. A tenant of the room on a daily or weekly basis shall on request be permitted by the landlord to change to any term of occupancy which the landlord is required to offer pursuant to the order.

(c) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive or retain a security deposit for or in connection with the use or occupancy of any room subject to this regulation within the defense-rental area, except as provided in this paragraph (c). The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) of the "Hotel Regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the name terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

(3) *Maximum rent established under section 4 (b) or (c) of the "Hotel Regulation"*—(i) *Renting prior to "effective date of regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (b) or (c) by a renting prior to the effective date of regulation, no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(ii) *Renting on or after "effective date of regulation."* Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (c) of the "Hotel Regulation" by a renting on or after the effective date of regulation, no security deposit shall be demanded or received.

(4) *Maximum rent established under section 4 (d) or (f) of the "Hotel Regulation."* Where the maximum rent of the housing accommodations is or initially was established under section 4 (d) or (f), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) as provided in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(5) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars to secure the return of the movable articles specified in the order.

SEC. 3. *Minimum space, services, furniture, furnishings and equipment.* Except as set forth in section 5 (b), every landlord shall, as a minimum, provide with a room the same living space as provided June 30, 1947, or on the date he first rented on or after July 1, 1947, and the same essential services, furniture, furnishings and equipment as those he was required to provide on June 30, 1947, in accordance with the Hotel Regulation or those he provided with the room on the date establishing the maximum rent under this regulation; and as to other services, furniture, furnishings and equipment not substantially less than those he was required to provide on June 30, 1947, or actually provided on the date establishing the maximum rent under this regulation.

SEC. 4. *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a rooming house and for controlled rooms in hotels and other establishments (unless and until changed by the Expediter as provided in section 5) shall be:

(a) *Maximum rents in effect on June 30, 1947.* The maximum rents for any room under this regulation (unless and until changed by the Expediter as provided in section 5) shall be the maximum rents which were in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rents established under a lease.* In any case in which a tenant and landlord, on or before December 31, 1947, voluntarily enter into a valid written lease in good faith with respect to any controlled room and such lease takes effect after July 1, 1947, and expires on or after December 31, 1948, the maximum rent for such room shall be, as of the date which such lease takes effect, the rent provided by the lease if it does not represent an increase of more than 15 percent over the maximum rent otherwise applicable. Such lease shall increase the maximum rent otherwise applicable for any room only if a true copy thereof signed by both the landlord and tenant is filed with the area rent office fkor the defense-rental area in which the accommodations are located within fifteen days after the date the lease is executed. Every landlord shall file with a true copy of such lease Form D–92—Registration of Lease—in triplicate. A maximum rent established under this paragraph shall not be subject to additional increase by execution of a subsequent lease. No maximum rent established under this paragraph shall be subject to notification by any order of the Expediter.

A lease shall be effective under this paragraph to increase the maximum rent only if it provides with the room the same living space and the same essential services, furniture, furnishings, and equipment as required by this regulation prior to the effective date of the lease, and as to other serves, furniture, furnishings and equipment, not substantially less than required prior to the effective date of the lease. The landlord shall continue to provide such space and services at all times after the effective date of such lease.

(c) *Maximum rents established on or after July 1, 1947.* For a room subject to this regulation first rented or offered for rent on or after July 1, 1947, the rent for each term or number of occupants for which it is first offered for rent; if such room is thereafter offered for rent for other terms or numbers of occupants, the rents for which it is first offered for such other term and numbers of occupants. The landlord shall file a registration statement within ten days after any maximum rent is established under this section as provided in section 7. The Expediter may order a decrease in the maximum rent as provided in section 5 (c).

(d) *First rents for terms and number of occupants not covered by (a).* For a room having a maximum rent in effect on June 30, 1947, rented for a particular term or number of occupants for which no maximum rent is established under paragraph (a) of this section, the first rent for the room on or after July 1, 1947, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same establishment.

(e) *Meals with room.* For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Expediter at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two.

In defense-rental areas with a maximum rent date of March 1, 1942, or earlier, no landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942. In defense-rental areas with a maximum rent date later than March 1, 1942, no landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on the maximum rent date.

(f) Where rooms on June 30, 1947, are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such rooms cease to be governed by the national rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the "Hotel Regulation", or shall be established under section 4 (c) of this regulation.

(g) *Rent fixed by order of Expediter.* For a room for a particular term or number of occupants for which no maximum rent has been established under any other provision of this regulation, the rent fixed by order of the Expediter as provided in this paragraph (g).

The Expediter at any time on his own initiative or on petition of the landlord may enter an order fixing the maximum rent and specifying the minimum services for a room for a particular term or number of occupants for which no maximum rent has been established prior to issuance of the order under any other provision of this regulation. Such maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(h) *Decontrolled maximum daily rents for controlled rooms.* Controlled rooms in establishments classified as hotels or tourist homes under section 7 of the "Hotel Regulation" permitted under and pursuant to section 4 (k) of said regulation to be rented on June 30, 1947, for daily terms of occupancy free of the limitations imposed by said Regulation, by reason of the landlord of such

establishment having complied with the requirements of said section 4 (k) prior to June 30, 1947, including the proper filing of Form DH–DC, may continue to be rented for daily terms of occupancy free of the limitations imposed by this regulation.

SEC. 5. *Adjustments and other determinations.* In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where the maximum rent is established under section 4 (b) of this regulation or where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the "Hotel Regulation."

In those cases involving a major capital improvement, an increase or decrease in services, furniture, furnishings or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date or during the thirty-day period establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases, except those under paragraphs (a) (7), (a) (9), (a) (10), (c) (4), and (c) (5) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraph (a) (6) of this section the adjustment may be on the basis of the rental agreement in force during the thirty-day period determining the maximum rent, or the date establishing the maximum rent: *Provided, further,* That in cases under sections 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher.

In cases involving construction appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939, except that in the case of construction initiated prior to November 23, 1945, such allowance shall reflect general increases in costs of construction in the defense-rental area since the maximum rent date.

In cases under paragraphs (a) (7), (a) (10) and (c) (4) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

In cases under paragraph (a) (9) of this section, the adjustment shall be on the basis of the rents which the Expediter finds necessary to relieve the substantial hardship: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

In cases under paragraph (c) (5) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (9) of this section.

(a) *Grounds for increase of maximum rents.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the ground that:

(1) *Major capital improvement since maximum rent period.* There has been, since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room, under either the "Hotel Regulation" or this regulation a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance or a substantial increase in services, furniture, furnishings or equipment, and the rent during the thirty-day period ending on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in space, services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room under either the "Hotel Regulation" or this regulation, or a substantial increase in the living space since June 30, 1947.

(4) *Special relationship between landlord and tenant.* The maximum rent for the room was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(5) *Lease for term commencing one year or more before maximum rent date.* There was in force on the maximum rent date a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(6) *Varying rents.* The maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal demand.* The maximum rent for the room is substantially lower than the rent at other times of year by reason of seasonal demand for such room. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Peculiar circumstances.* The maximum rent was materially affected by peculiar circumstances and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(9) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income (before interest) of the property for the current year as compared with a representative period prior to the maximum rent date, due to a substantial and unavoidable increase in property taxes or operating costs.

In proper cases increases in pay roll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (9) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means (a) the most recent full calendar or fiscal year used by the landlord, or (b) any twelve-month period ending not more than 90 days prior to the filing of the petition: *Provided, however,* That the current year in all cases shall begin on or after the maximum rent date: *And provided, further,* That if allowance is requested for increases in payroll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(10) *Change from year-round to seasonal renting.* The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, and the establishment of seasonal variations in the rent would not

in the opinion of the area rent director, be inconsistent with the purposes of the Act.

(b) *Decrease in space, minimum services, furniture, furnishings or equipment.* (1) The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, equipment and living space as required under section 3, unless and until he has filed a petition to decrease the services, furniture, furnishings, equipment or living space and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, equipment or living space below the minimum: within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (3).

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, equipment or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment or living space. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) *Rent higher than rent generally prevailing.* The maximum rent for the room is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(2) *Substantial deterioration.* There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order establishing its maximum rent.

(3) *Decrease in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since the date or order establishing the maximum rent or a substantial decrease in the living space since June 30, 1947.

(4) Seasonal demand. The maximum rent for the room is substantially higher than the rent at other times of year by reason of seasonal demand for such room. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(5) *Modification or elimination of necessity for increase under section 6 (a) (9).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of the "Hotel Regulation" or under paragraph (a) (9) of this section, since the order, issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the services, furniture, furnishings or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947, or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the services, furniture, furnishings and equipment included in such rent.

(e) *Interim orders.* Where a petition is filed by a landlord on one of the ground set out in paragraph (a) of this section, or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(f) *Government housing.* Where the maximum rent for any room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such room may with the consent of the Expediter increase the maximum rent to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

SEC. 6. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Expediter as he may from time to time require.

SEC. 7. *Registration and records.*—(a) *Registration statements.*—(1) *Registration.* Every landlord of a room, subject to this regulation, rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Expediter shall require, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the "Hotel Regulation," for rooms rented on or before June 30, 1947, such registration statement shall be filed on or before July 10, 1947. Any maximum rent established after the "effective date of regulation" under paragraphs (b) or (c) of section 4 of the "Hotel Regulation" which has not been reported on the first registration statement shall be reported on or before July 10, 1947, either by amending a registration statement previously filed, or by filing a new registration statement. Any maximum rent established on or after July 1, 1947, which has not been reported on the first registration statement shall be reported within ten days after such rent is established either by amending a registration statement previously filed or by filing a new registration statement.

(2) *Notice of change in identity of landlord.* Where, since the filing of a registration statement, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity, within fifteen days after the change or July 1, 1947, whichever is the later.

(3) *Notice to landlord.* Any notice, order or other process or paper directed to the person named on the registration statement as landlord at the address given thereon, or where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Rent Procedural Regulation 1, constitute notice to the person who is then the landlord.

(4) *Registration where maximum rent formerly determined under section 4 (d) of the "Hotel Regulation."* The provisions of this section shall be applicable to any housing accommodations whose maximum rent was determined under section 4 (d) of the "Hotel Regulation" on its sale by the owning agency, and on or before July 10, 1947, or within ten days after the sale of such accommodations, whichever is the later, the new landlord shall file registration statements as provided in paragraph (a) (1) of this section: *Provided, however,* That if the housing accommodations are sold

to the United States or a State of the United States or any of its political subdivisions, or any agency of the foregoing, the provision in the second paragraph of (b) of this section shall continue to be applicable.

(b) *Posting maximum rents.* On or before July 10, 1947, or within ten days after a maximum rent was established under paragraph (b) or (c) of section 4, whichever is the later, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Expediter, the landlord within ten days after the effective date of the order shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms whose maximum rents were established under section 4 (d) of the "Hotel Regulation." The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) *Rooms subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) *Records*—(1) *Existing records.* Every landlord of a room subject to this regulation rented or offered for rent shall preserve, and make available for examination by the Expediter, all his existing records showing or relating to (i) the rent for each term and number of occupants for such room rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c) of the "Hotel Regulation", (iii) rooms rented and offered for rent on a weekly and monthly basis during June 1942, in defense-rental areas with a maximum rent date of March 1, 1942, or earlier, (iv) rooms rented or offered for rent on a weekly or monthly basis during June 1943, in defense-rental areas with a maximum rent date later than March 1, 1942, but prior to July 1, 1943, (v) rooms rented and offered for rent on a weekly and monthly basis during the thirty days ending on the maximum rent date, in defense-rental areas with a maximum rent date of July 1, 1943, or later.

(2) *Record keeping.* Every landlord of an establishment containing more than 20 rooms subject to this regulation, rented or offered for rent, shall keep, preserve, and make available for examination by the Expediter, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Expediter, records of the same kind as he has customarily kept relating to the rents received for rooms.

SCHEDULE A—DEFENSE-RENTAL AREAS

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(1) [Revoked]					
(1a) [Decontrolled]					
(1b) Anniston	Alabama	Calhoun and Cleburne	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(2) Birmingham	Alabama	Jefferson	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(2a) Talladega	Alabama	St. Clair, Shelby, and Talladega	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(3) Dothan-Ozark	Alabama	Dale and Houston	May 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Alabama	Coffee	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(4) Gadsden	Alabama	Etowah	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(5) [Revoked]					
(6) Lanett	Alabama	Chambers	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(7) Mobile	Alabama	Mobile	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(8) Montgomery	Alabama	Elmore and Montgomery	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Alabama	Macon	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(9) Muscle Shoals-Huntsville	Alabama	Colbert, Lauderdale, Limestone, Madison, and Morgan	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(9a) Opelika	Alabama	Lee	Mar. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(10) Selma	Alabama	Dallas	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(10a) Troy, Ala	Alabama	Pike	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(10b) Tuscaloosa	Alabama	Tuscaloosa	Nov. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(11) [Revoked]					
(12) [Revoked]					
(13) Ft. Huachuca [1]	Arizona	Cochise and Santa Cruz	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(14) Phoenix-Salt River Valley	Arizona	In Gila County, the portion bounded on the north, west, and south by Crook National Forest, and on the east by San Carlos Indian Reservation; and Maricopa County, except the portion lying west of the west line of Range 2 West, Gila and Salt River Meridian; lying north of the north line of Township 3, North, Gila and Salt River Base Line; and lying south of the south line of Township 2 South, Gila and Salt River Base Line.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(15) Prescott-Flagstaff	Arizona	Coconino and in Yavapai County, Townships 13 and 14 North, Range 2 West, Gila and Salt River Base, and Meridian, including the city of Prescott.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
		That portion of the County of Mohave south of the Colorado River.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(16) Tucson	Arizona	In Pima County, the portion lying east of the Papago Indian Reservation.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(17) Yuma	Arizona	In Yuma County, the portion lying west of the west line of Range 21 West, Gila and Salt River Meridian.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(18) [Revoked]					
(18a) Winslow	Arizona	In Navajo County Supervisoral Districts 1 and 2, except those portions lying within the Navajo Indian Reservation and the Sitgreaves National Forest.	July 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(19) Blytheville	Arkansas	Mississippi	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(19a) [Revoked—Decontrolled]					
(19b) Camden, Arkansas	Arkansas	Calhoun, and Ouachita	Sept. 1, 1944	Nov. 1, 1944	Dec. 15, 1944
	Arkansas	Dallas, and Nevada	Sept. 1, 1944	May 1, 1945	June 15, 1945
(20) El Dorado	Arkansas	Union	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(20a) Fayetteville, Ark	Arkansas	Benton	Mar. 1, 1945	Sept. 1, 1946	Oct. 15, 1946
	Arkansas	Washington	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(21) Fort Smith	Arkansas	Sebastian	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(22) [Revoked]					
(22a) Hot Springs	Arkansas	Garland	Mar. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(23) Little Rock	Arkansas	(Lonoke, Pulaski	Mar. 1, 1942	Aug. 1, 1942	sept. 15, 1942
		Saline	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(23a) Malvern	Arkansas	Hot Springs	Mar. 1, 1942	Jan. 1, 1945	Feb. 15, 1945
(24) Newport-Walnut Ridge	Arkansas	Craighead, Independence, Jackson, and Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Arkansas	Randolph	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(25) Pine Bluff	Arkansas	Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Northern District of Arkansas County, consisting of the Townships of Gum Pond, Henton, Keaton, McFall, Mill Bayou, and Morris; and the Southern District of Prairie County, consisting of the Townships of Belcher, Center, Hazen, Lower Surrounded Hill, Roc Roe, Tyler, and Watensaw.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(26) [Revoked]					
(26a) Alameda County	California	Alameda	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(27) [Revoked]					
(27a) Fresno	California	Fresno	Jan. 1, 1944	June 1, 1944	July 15, 1944
(27b) [Decontrolled]					
(27c) Kern	California	Kern	Dec. 1, 1943	May 1, 1945	June 15, 1945
(28) Lassen County	California	In Lassen County, the portion consisting of Township 29 North Range 12 East, Township 29 North Range 11 East, Township 30 North Range 12 East, and Township 30 North Range 11 East, Mt. Diable Base and Meridian.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(29) [Revoked]					
(30) Los Angeles	California	Orange County and Los Angeles County except Catalina township.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(31) Marysville-Chico	California	Sutter and Yuba	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	California	Butte	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(32) [Revoked]					
(33) Modesto-Merced	California	Merced and Stanislaus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(33a) Monterey Bay	California	Monterey County and in Santa Cruz County the Township of Watsonville.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(33b) Placer-Nevada	California	In Nevada County, the Townships of Bloomfield, Bridgeport, Grass Valley, Little York, Nevada, and Rough and Ready, and in Placer County, Townships 1, 3, 9, 10, 13, and 14.	Jan. 1, 1944	Oct. 1, 1945	Nov. 15, 1945
(34) Richmond-Vallejo	California	Contra Costa, Napa, and Solano	Jan. 1, 1941	Aug. 1, 1942	Oct. 15, 1942
(35) Riverside	California	In Riverside County, that portion lying west of Range 12 east, San Bernardino Base Line and Meridian.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(35a) Sacramento	California	Sacramento, San Joaquin and Yolo	Mar. 1, 1942	July 1, 1942	Sept. 15, 1942
(35b) San Benito	California	San Benito, and	Oct. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(36) San Bernardino	California	San Bernardino	Mar. 1, 1942	Sept. 1, 1942	Nov. 15, 1942
(37) San Diego	California	In San Diego County, the portion lying west of the San Bernardino Meridian.	Jan. 1, 1941	June 1, 1942	July 15, 1942
(38) San Francisco Bay	California	Marin, San Francisco, San Mateo, and Sonoma, except the Judicial Townships of Redwood and Sonoma (including the City of Sonoma).	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(39) San Luis Obispo	California	San Luis Obispo	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(39a) Santa Cruz	California	Santa Cruz County except the Township of Watsonville	Jan. 1, 1944	Oct. 1, 1944	Nov. 15, 1944
(39b) Santa Barbara	California	In the County of Santa Barbara the Judicial Townships 1, 2, and 3.	Sept. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(39c) San Jose	California	Santa Clara	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(40) Santa Maria	California	In the County of Santa Barbara Judicial Townships Nos. 4, 5, 6, 7, 9, and 10.	July 1, 1941	Dec. 1, 1942	Jan. 15, 1943
(40a) Ventura	California	Ventura	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(41) Tulare-Kings	California	Kings and Tulare	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(41a) Boulder	Colorado	Boulder	June 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(41b) Canon City	Colorado	Fremont	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(42) Colorado Springs	Colorado	El Paso	Mar. 1, 1941	Oct. 1, 1942	Nov. 15, 1942
(42a) Craig	Colorado	Moffat	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
		Rio Blanco	Oct. 1, 1944	May 1, 1946	June 15, 1946
(43) Denver	Colorado	Adams, Arapahoe, Denver and Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(43a) Glenwood Springs	Colorado	Garfield	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(44) Fort Collins	Colorado	Larimer County, part consisting of Townships 4, 5, 6, 7, 8, 9, 10, 11, and 12 North, east of the range line between ranges 71 and 72 West.	Jan. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(44) [Revoked]					
(44a) Grand Junction	Colorado	Mesa	July 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(44b) Greeley	Colorado	Weld	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(45) [Revoked]					
(46) Pueblo	Colorado	Otero and Pueblo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(47) Bridgeport	Connecticut	In the County of Fairfield the Towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Connecticut	County of Fairfield other than the Towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(48) Hartford-New Britain	Connecticut	In the County of Hartford the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks; in the County of Middlesex the Towns of Cromwell, Middlefield, Middletown, and Portland; in the County of New Haven the Towns of Meriden and Wallingford; and in the County of Tolland the Town of Vernon.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Connecticut	County of Hartford other than the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks; County of Middlesex, other than the Towns of Cromwell, Middlefield, Middletown and Portland; and the County of Tolland other than the Town of Vernon.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(49) New Haven	Connecticut	In the County of New Haven the Towns of Ansonia, Branford, Derby, East Haven, Guilford, Hamden, Madison, Milford, New Haven, North Branford, North Haven, Orange, Seymour, West Haven and Woodbridge.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(50) New London	Connecticut	New London and Windham	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(51) Waterbury	Connecticut	In the County of Litchfield the Towns of Plymouth, Thomaston, and Watertown; and in the County of New Haven the Towns of Beacon Falls, Cheshire, Waterbury, Middlebury, Naugatuck, Prospect, and Wolcott.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Connecticut	County of Litchfield other than the Towns of Plymouth, Thomaston, and Watertown; and in the County of New Haven and the Towns of Bethany, Oxford, and Southbury.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(52) [Revoked]					
(53) Delaware	Delaware	New Castle	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Delaware	Kent and Sussex	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(54) [Revoked]					
(54a) De Funiak Springs	Florida	Walton	Oct. 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(55) Banana River	Florida	Brevard	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(55a) Fort Pierce	Florida	St. Lucie	Mar. 1, 1943	Dec. 1, 1943	Jan. 1, 1944
(55b) [Revoked—Decontrolled].					
(55c) Fort Lauderdale	Florida	Broward County except the City of Hollywood and the Town of Hallandale.	Aug. 1, 1944	Oct. 1, 1944	Nov. 30, 1944
(56) Gainesville, Fla	Florida	Alachua	Jan. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(57) Jacksonville, Fla	Florida	Duval	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(58) Key West	Florida	Monroe	Oct. 1, 1941	Oct. 1, 1942	Nov. 15, 1942
(59) Lake City	Florida	Columbia	Mar. 1, 1942	May 1, 1943	June 15, 1943
(60) Marianna	Florida	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(61) Orlando	Florida	Orange	Oct. 1, 1941	Nov. 1, 1942	Dec. 16, 1942
(61a) [Revoked—Decontrolled].					

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(61b) Palm Beach County	Florida	In Palm Beach County, Precincts, 20, 21, 22, 23, 24, 25, 26, 28, and 30, including the Cities of Delray Beach and Lake Worth, and the Towns of Boca Raton, Boynton, Gulf Stream, Lantana, Manalapan, and Ocean Ridge.	Aug. 1, 1944	Oct. 1, 1944	Nov. 30, 1944
	Florida	The remainder of Palm Beach County	Aug. 1, 1944	May 1, 1945	June 15, 1945
(62) Panama City	Florida	Bay County, except the portion bounded on the north by the line beginning at the western boundary of Bay County at the Northwest corner of Section 31, Township 2 South, Range 17 west, and running thence East along section lines to the water's edge of West Bay, bounded on the east and northeast by West Bay and Saint Andrews Bay, bounded on the south by the Gulf of Mexico, and bounded on the west by Walton County.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Gulf	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(62a) [Revoked—Decontrolled].					
(62b) Polk County	Florida	Polk	Mar. 1, 1942	Sept. 1, 1946	Oct. 15, 1946
(63) Pensacola	Florida	Escambia	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Okaloosa	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Florida	Santa Rosa	Mar. 1, 1942	May 1, 1943	June 15, 1943
(63a) St. Augustine	Florida	St. Johns County, except that portion of Ponte Vedra Beach located in Precinct 1.	Mar. 1, 1943	June 1, 1944	July 15, 1944
(63b) [Revoked—Decontrolled.]					
(63c) Sarasota	Florida	Sarasota	Mar. 1, 1944	Sept. 1, 1946	Oct. 15, 1946
(64) [Revoked]					
(64a) Sanford	Florida	Seminole	July 1, 1943	May 1, 1945	June 15, 1945
(64b) Starke	Florida	Bradford and Clay	Jan. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(64c) St. Petersburg	Florida	Pinellas County, except the Islands lying immediately off the mainland which are known as the Gulf Beaches extending from Pass-A-Grille Beach northward to and including Clearwater Beach.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(65) Tallahassee	Florida	Leon	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(66) Tampa	Florida	Hillsborough	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(66a) Daytona Beach	Florida	Volusia	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(66b) Vero Beach	Florida	Indian River	Jan. 1, 1944	May 1, 1945	June 15, 1945
(67) [Revoked]					
(67a) Americus	Georgia	Sumter	Mar. 1, 1942	Nov. 1, 1942	Dec. 15, 1942
(68) Albany, Ga	Georgia	Dougherty	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(69) Athens	Georgia	Clarke	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(70) Atlanta	Georgia	Clayton, Cobb, DeKalb, and Fulton	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(71) Augusta, Ga	Georgia	Richmond	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(72) Bainbridge-Cairo	Georgia	Decatur and Grady	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(73) [Revoked]					
(74) Columbus, Ga	Georgia	Muscogee	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
	Alabama	In the County of Russell, Election Precinct One, including the City of Phenix City.	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(74a) Dublin	Georgia	Laurens	July 1, 1943	June 1, 1944	July 15, 1944
(74b) Gainesville	Georgia	Hall	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(74c) Dalton	Georgia	Whitfield	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(75) [Revoked—Decontrolled]					
(75a) [Revoked—Decontrolled]					
(75b) Griffin	Georgia	Spalding	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(76) Macon	Georgia	Bibb, Houston, and Peach	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(77) Moultrie	Georgia	Colquitt	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(77a) Rome	Georgia	Floyd	Mar. 1, 1944	May 1, 1945	June 15, 1945
(78) Savannah	Georgia	County of Chatham except Tybee and Wilmington Islands	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(78a) Thomasville	Georgia	Thomas County and those portions of the towns of Pavo and Barwick in Brooks County and that portion of the town of Meigs in Mitchell County.	Mar. 1, 1943	June 1, 1944	July 15, 1944
(78b) Tifton	Georgia	Tift	Mar. 1, 1945	May 1, 1946	June 15, 1946
(79) [Decontrolled]					
(79a) Waycross	Georgia	Ware	Mar. 1, 1942	May 1, 1943	June 15, 1943
(80) [Decontrolled]					
(80a) Boise	Idaho	Ada and Elmore	Jan. 1, 1943	Jan. 1, 1944	Feb. 15, 1944
(80b) Blackfoot	Idaho	Bingham	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(81) [Decontrolled]					
(81a) Idaho Falls	Idaho	Bonneville	Mar. 1, 1944	Apr. 1, 1945	May 15, 1945
(81b) Nampa-Caldwell	Idaho	Canyon	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(82) Pocatello	Idaho	Bannock	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(82a) [Decontrolled]					
(82b) Bloomington	Illinois	McLean	Jan. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
(82c) Centralia	Illinois	Marion County, and in Clinton County those parts of Centralia City and Wamac Village located therein, and in Washington County that part of Wamac Village located therein.	Oct. 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(82d) Carmi	Illinois	White and that portion of Grayville City in Edwards County	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(83) Chicago	Illinois	Cook, Du Page, Kane, and Lake	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(83a) Clinton	Illinois	De Witt	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(83b) Crab Orchard	Illinois	Jackson and Williamson	Mar. 1, 1942	Nov. 1, 1946	Dec. 15, 1946
(84) [Revoked]					
(85) Dixon	Illinois	Lee	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(85a) Freeport	Illinois	Stephenson	Mar. 1, 1944	June 1, 1945	July 15, 1945
(85b) Jacksonville	Illinois	Morgan	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(86) Joliet	Illinois	Will	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(87) Kankakee	Illinois	Kankakee	Mar. 1, 1942	May 1, 1943	June 15, 1943
(87a) Kewanee	Illinois	Henry	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(88) La Salle County	Illinois	La Salle	Mar. 1, 1942	May 1, 1943	June 15, 1943
(88a) Macomb-Canton	Illinois	Fulton, McDonough, and Mason	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(88b) Peoria	Illinois	Peoria and Tazewell	Mar. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(88c) Mattoon	Illinois	Coles	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(88d) Mount Vernon, Ill	Illinois	Jefferson	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(89) Quad Cities	Illinois	Rock Island	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Scott	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(90) Quincy	Illinois	Adams	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Missouri	Marion	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(91) Champaign-Vermilion	Illinois	Champaign and Vermilion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(91a) Galesburg	Illinois	Knox	July 1, 1943	May 1, 1944	June 15, 1944
(91b) Paxton	Illinois	Ford	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(92) Rockford	Illinois	Boone and Winnebago	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Illinois	De Kalb	Mar. 1, 1942	Sept. 1, 1942	Oct. 15, 1942
	Illinois	Carroll	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(93) Savanna-Clinton	Illinois	Clinton	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Jackson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(94) Springfield-Decatur	Illinois	Christian, Logan, Macon, and Sangamon	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(94a) Woodstock	Illinois	McHenry	Oct. 1, 1943	Nov. 1, 1944	Dec. 15, 1944
(94b) Bloomington, Ind.	Indiana	Monroe	Sept. 1, 1943	Jan. 1, 1945	Feb. 15, 1945
(95) [Revoked]					

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(95a) Auburn	Indiana	De Kalb and that part of Ashley Town located in Steuben County.	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(96) [Revoked]					
(96a) Crawfordsville	Indiana	Montgomery	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(97) Columbus, Indiana	Indiana	Bartholomew, Johnson, Morgan, and Shelby	*Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(97a) Mt. Vernon, Ind	Indiana	Posey	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(97b) Princeton, Ind	Indiana	Gibson	Jan. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(98) Richmond-Connersville	Indiana	Fayette	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Wayne	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(98a) Valparaiso	Indiana	Porter	July 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(99) [Revoked]					
(100) Evansville-Henderson	Indiana	Vanderburgh	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Henderson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(101) Fort Wayne	Indiana	Allen	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Adams	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(101a) Frankfort, Ind	Indiana	Clinton	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(102) Gary-Hammond	Indiana	Lake	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(103) Indianapolis	Indiana	Marion	July 1, 1941	July 1, 1942	Aug. 31, 1942
(104) La Fayette	Indiana	Fountain and Tippecanoe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(104a) Logansport	Indiana	Cass	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(105) La Porte-Michigan City	Indiana	La Porte and Starke	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(105a) New Castle	Indiana	Henry	Oct. 1, 1943	Apr. 1, 1945	May 15, 1945
(106) Anderson	Indiana	Huntington, Miami, and Wabash	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Delaware, Grant, Howard, and Madison	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(107) [Revoked]					
(108) South Bend	Indiana	St. Joseph and Elkhart	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(109) Terre Haute	Indiana	Parke and Vermillion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Illinois	Edgar	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Vigo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(110) Vincennes	Indiana	Daviess and Knox	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Illinois	Lawrence	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Martin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(110a) Dubuque	Iowa	Dubuque County, and in Delaware County, that part of Dyersville City located therein; in Jones County, that part of Cascade Town located therein in Jackson County, that part of Zwingle Town located therein.	May 1, 1945	Apr. 1, 1946	May 15, 1946
	Illinois	The City of East Dubuque in Jo Daviess County	May 1, 1945	Apr. 1, 1946	May 15, 1946
(110b) Ames-Marshalltown	Iowa	Marshall and Story	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(111) [Revoked]					
(111a) Iowa City	Iowa	Johnson	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(112) Burlington	Iowa	In the County of Des Moines the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union; in the County of Henry the Townships of Baltimore, Center, Mount Pleasant, and New London; and in the County of Lee the Townships of Denmark, Green Bay, Madison, and Washington.	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
	Iowa	County of Des Moines other than the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union; County of Henry other than the Townships of Baltimore, Center, Mount Pleasant, and New London; County of Lee other than the Townships of Denmark, Green Bay, Madison, and Washington.	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
	Illinois	County of Henderson	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(112a) Charles City	Iowa	Floyd	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(113) Cedar Rapids	Iowa	Linn	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(113a) Mason City	Iowa	Cerro Gordo	Oct. 1, 1945	May 1, 1946	June 15, 1946
(113b) Fort Dodge	Iowa	Webster	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(113c) Muscatine	Iowa	Muscatine	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(114) Des Moines	Iowa	Polk	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Jasper	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(114a) Ottumwa	Iowa	Wapello	Mar. 1, 1942	Sept. 1, 1943	Oct. 15, 1943
(114b) Sioux City	Iowa	Woodbury	July 1, 1943	June 1, 1944	July 15, 1944
	Nebraska	Dakota	July 1, 1943	June 1, 1944	July 15, 1944
(114c) Fairfield	Iowa	Jefferson	Jan. 1, 1944	Nov. 1, 1944	Dec. 15, 1944
(114d) Waterloo	Iowa	Black Hawk	May 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(114e) Butler-Cowley	Kansas	Butler, Cowley, and that portion of Geuda Springs located in Sumner County.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(115) Baxter Springs	Kansas	Cherokee and Crawford	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Oklahoma	Ottawa	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(115a) Concordia	Kansas	Cloud	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(115b) Council Grove	Kansas	Morris	July 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(115c) Emporia	Kansas	Lyon	Mar. 1, 1945	May 1, 1946	June 15, 1946
(115d) Chanute	Kansas	Neosho and Wilson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(116) Dodge City	Kansas	Finney, Ford, and Gray	Mar. 1, 1942	May 1, 1943	June 15, 1943
(116a) Great Bend	Kansas	Barton	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
	Kansas	Ellis and Russell	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
	Kansas	Pawnee	Mar. 1, 1943	Nov. 1, 1944	Dec. 15, 1944
(117) Hutchinson	Kansas	Reno	Mar. 1, 1942	May 1, 1943	June 15, 1943
(118) Junction City-Manhattan	Kansas	Geary and Riley	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(119) Liberal	Kansas	Seward	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(120) Parsons	Kansas	Labette	July 1, 1941	July 1, 1942	Aug. 31, 1942
	Kansas	Montgomery	July 1, 1941	Sept. 1, 1942	Oct. 15, 1942
(120a) Pratt	Kansas	Pratt	Mar. 1, 1943	June 1, 1944	July 15, 1944
(121) Salina	Kansas	Dickinson, McPherson, Ottawa, and Saline	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(121a) Stafford County	Kansas	Stafford	Jan. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(122) Topeka-Lawrence	Kansas	Douglas, Franklin, and Shawnee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(123) Wichita	Kansas	Sedgwick	July 1, 1941	July 1, 1942	Aug. 31, 1942
(123a) Danville, Ky	Kentucky	Boyle	Oct. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(123b) Bowling Green	Kentucky	Warren	Mar. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(123c) Harrodsburg	Kentucky	Mercer	Oct. 1, 1944	Mar. 1, 1946	Apr. 15, 1946
(123d) Frankfort, Ky	Kentucky	Franklin, Scott, Woodford	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(124) Fort Knox	Kentucky	Bullitt, Hardin, and Meade	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(124a) Lexington	Kentucky	Clark and Fayette	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(125) Louisville	Kentucky	Jefferson	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
	Kentucky	Clark and Floyd	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(125a) Mayfield	Kentucky	Graves	May 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(125b) Madisonville	Kentucky	Hopkins	Aug. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(126) [Revoked].					
(126a) Owensboro	Kentucky	Daviess	Mar. 1, 1943	June 1, 1944	July 15, 1944
(127) Paducah	Kentucky	McCracken	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(128) Richmond, Ky	Kentucky	Madison	Mar. 1, 1942	Nov. 1, 1943	Dec. 16, 1942
(128a) Somerset	Kentucky	Pulaski	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive
(129) Alexandria-Leesville	Louisiana	Parishes of Beauregard and Rapides	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(130) Baton Rouge	Louisiana	Parishes of East Baton Rouge and West Baton Rouge	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(130a) Lafayette	Louisiana	Lafayette Parish	Oct. 1, 1944	Mar. 1, 1946	Apr. 15, 1946
(130b) Ferriday	Louisiana	Concordia Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(130c) Hammond	Louisiana	Tangipahoa Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(130d) Jennings	Louisiana	Jefferson Davis Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(131) Lake Charles	Louisiana	Parish of Calcasieu	Mar. 1, 1942	Apr. 15, 1943	May 30, 1943
(132) Minden	Louisiana	Parish of Webster	July 1, 1941	July 1, 1942	Aug. 15, 1942
(133) Monroe-Bastrop	Louisiana	Parishes of Morehouse, Ouachita, and Union	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(133a) New Iberia	Louisiana	Iberia and Vermillion	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(134) New Orleans	Louisiana	Parishes of Jefferson, Orleans, and St. Bernard	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(134a) Shreveport	Louisiana	Parishes of Bossier and Caddo	July 1, 1943	Sept. 1, 1944	Oct. 15, 1944
(134b) Ruston	Louisiana	Lincoln Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(134c) Augusta	Maine	Kennebec	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(135) Bangor	Maine	Penobscot	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(136) Bath	Maine	Lincoln and Sagadahoc	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(136a) Eastport	Maine	In the County of Washington, in the City of Eastport and the Towns of Lubec, Perry, Pembroke, and Robbinston.	Mar. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(137) Portland	Maine	Androscoggin and Cumberland	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Maine	York	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(138) Presque Isle	Maine	Aroostook	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(138a) Rockland	Maine	Knox	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(138b) Rumford	Maine	Oxford	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(139) Baltimore	Maryland	City of Baltimore and the Counties of Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(139a) Frederick	Maryland	Frederick	July 1, 1943	June 1, 1944	July 15, 1944
(139b) Cumberland	Maryland	Allegany	Mar. 1, 1944	Apr. 1, 1945	May 15, 1945
(139c) [Decontrolled]					
(140) Hagerstown	Maryland	Washington	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(141) Indian Head-Patuxent River	Maryland	Charles	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Maryland	St. Marys and Calvert	Mar. 1, 1942	Nov. 1, 1942	Dec. 15, 1942
(142) Montgomery-Prince Georges	Maryland	Montgomery and Prince Georges	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(143) Eastern Massachusetts	Massachusetts	Barnstable, Bristol, Middlesex, Norfolk, Plymouth, and Suffolk.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(144) Essex County, Mass	Massachusetts	Essex	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(144a) Greenfield	Massachusetts	Franklin	Jan. 1, 1945	May 1, 1946	June 15, 1946
(145) Pittsfield	Massachusetts	Berkshire	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(146) Springfield, Mass	Massachusetts	Hampden and Hampshire	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(147) Worcester	Massachusetts	Worcester	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(148) [Revoked]					
(149) Detroit	Michigan	Macomb, Oakland, and Wayne	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Michigan	Washtenaw	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(149a) Escanaba-Marquette	Michigan	Dickinson and Marquette	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(150) Grand Rapids-Muskegon	Michigan	Muskegon	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Michigan	Kent	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(150a) [Decontrolled]					
(150b) [Decontrolled]					
(150c) Ironwood	Michigan	Gogebic	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(151) Jackson, Michigan	Michigan	Jackson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Michigan	Lenawee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(152) Kalamazoo-Battle Creek	Michigan	Calhoun	Mar. 1, 1942	Oct. 1, 1942	Nov. 16, 1942
	Michigan	Kalamazoo	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(153) Lansing	Michigan	Clinton, Eaton, and Ingham	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(154) [Decontrolled]					
(154a) Monroe, Mich	Michigan	Monroe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(155) Niles	Michigan	Berrien	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(155a) Owosso	Michigan	Shiawassee	Mar. 1, 1943	June 1, 1944	July 15, 1944
(156) Port Huron	Michigan	St. Clair	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(156a) [Decontrolled]					
(157) Saginaw-Bay City	Michigan	Bay, Midland, and Saginaw	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(157a) [Decontrolled]					
(158) [Revoked]					
(158a) Brainerd	Minnesota	Crow Wing	Jan. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(158b) Austin	Minnesota	Mower	May 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(158c) Albert Lea-Faribault	Minnesota	Freeborn, Rice, Steele, Waseca, and that portion of Dennison Village in Goodhue County.	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(158d) Fergus Falls	Minnesota	Otter Tail, and in Wilkin County the Village of Rothsay	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(159) Duluth-Superior	Minnesota	Carlton and St. Louis	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Wisconsin	Douglas	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(159a) Mankato	Minnesota	Blue Earth County, and in Nicollet County, the City of North Mankato.	Mar. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(159b) International Falls	Minnesota	In Koochiching County, all of Township 71, Range 23, including Ranier; all of Township 70, Range 24, including South International Falls; all of Township 71, Range 24, including International Falls.	July 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(159c) New Ulm	Minnesota	Brown	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(160) Minneapolis-St. Paul	Minnesota	Anoka, Dakota, Hennepin, Ramsey, and Washington	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(160a) Rochester	Minnesota	Olmsted	Mar. 1, 1944	Aug. 1, 1944	Sept. 15, 1944
(160b) St. Cloud	Minnesota	In Benton County the portions of St. Cloud City and Sartell Village located therein, and Sauk Rapids Village; in Sherburne County the portion of St. Cloud City located therein; in Stearns County the portions of St. Cloud City and Sartell Village located therein, and Waite Park Village.	Jan. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
(160c) Winona	Minnesota	Winona	July 1, 1945	Apr. 1, 1946	May 15, 1946
(161) [Revoked]					
(162) Biloxi-Pascagoula [1]	Mississippi	Harrison and Jackson	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(162a) Brookhaven	Mississippi	Lincoln	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(163) Centreville [2]	Mississippi	Adams, Amite, Pike, and Wilkinson	Mar. 1, 1942	May 1, 1943	June 15, 1943
(163a) Columbia, Miss	Mississippi	Marion	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(164) Columbus, Miss	Mississippi	Clay and Lee	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Mississippi	Lowndes	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(165) Grenada [3]	Mississippi	Grenada, Leflore, and Montgomery	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(165a) Greenville, Miss	Mississippi	Washington	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(166) Hattiesburg	Mississippi	Forrest	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(167) Jackson, Miss	Mississippi	Hinds, Madison and Rankin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(167a) Laurel	Mississippi	Jones	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(167b) [Revoked]					
(168) Meridian	Mississippi	Lauderdale	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(168a) Vicksburg, Miss	Mississippi	Warren	Dec. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(168b) Columbia	Missouri	Audrain and Boone	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(168c) Franklin County	Missouri	Franklin	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(168d) Cape Girardeau	Missouri	Cape Girardeau	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(168e) Chillicothe, Mo	Missouri	Livingston and Grundy	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(169) Joplin-Neosho	Missouri	Jasper and Newton	July 1, 1941	July 1, 1942	Aug. 31, 1942
(169a) Jefferson City	Missouri	Cole	July 1, 1945	May 1, 1946	June 15, 1946
(170) Kansas City	Missouri	Clay, Jackson, and Platte	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kansas	Johnson, Leavenworth, and Wyandotte	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(170a) Kirksville	Missouri	Adair	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(170b) Monette-Aurora	Missouri	Barry and Lawrence	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(171) [Revoked]					
(172) Rolla-Waynesville	Missouri	Laclede, Phelps, and Pulaski	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(173) Sedalia	Missouri	Johnson and Pettis	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(173a) Springfield, Mo	Missouri	Greene	July 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(173b) St. Joseph	Missouri	Buchanan	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(174) St. Louis	Missouri	City of St. Louis and the Counties of Jefferson, St. Charles, and St. Louis.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Illinois	Madison, Monroe, and St. Clair	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(175) Great Falls	Montana	Cascade	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(175a) Billings	Montana	Yellowstone	July 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(175b) Bozeman	Montana	Gallatin	July 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(175c) Missoula	Montana	Missoula	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(175d) [Decontrolled]					
(175e) Havre	Montana	Hill	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(175f) Helena	Montana	Lewis and Clark	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(175g) Kalispell	Montana	Flathead	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(175h) [Revoked]					
(175i) Livingston	Montana	Park	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(175j) Miles City	Montana	Custer	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(176) Alliance	Nebraska	Box Butte	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(176a) [Revoked—Decontrolled]					
(176b) [Decontrolled]					
(176c) [Decontrolled]					
(177) Grand Island	Nebraska	Hall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(178) Hastings	Nebraska	Adams and Clay	Mar. 1, 1942	Dec. 12, 1942	Jan. 26, 1943
(178a) Holdrege	Nebraska	Phelps	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(179) Kearney	Nebraska	Buffalo	Mar. 1, 1942	May 1, 1943	June 15, 1943
(180) Lincoln	Nebraska	Lancaster	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(180a) McCook	Nebraska	Redwillow	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(180b) North Platte	Nebraska	Lincoln	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(180c) Norfolk, Nebr	Nebraska	Madison and that portion of Tilden City in Antelope County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(181) Omaha	Nebraska	Dodge and Saunders	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Nebraska	Douglas and Sarpy	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Iowa	Pottawattamie	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(181a) Scottsbluff	Nebraska	Scotts Bluff	Mar. 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(182) Sidney, Nebr	Nebraska	Cheyenne	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(182a) [Decontrolled]					
(183) [Revoked]					
(183a) [Revoked—Decontrolled]					
(183b) [Decontrolled]					
(183c) Elko	Nevada	Township 5 in Elko County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(184) Las Vegas	Nevada	Clark	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(185) Reno	Nevada	Washoe	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(185a) Keene	New Hampshire	Cheshire	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(185b) Concord	New Hampshire	Merrimack and Belknap	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(185c) Coos County	New Hampshire	Coos	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(186) Manchester	New Hampshire	Sullivan	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New Hampshire	Hillsborough	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(187) Portsmouth	New Hampshire	Rockingham and Strafford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(187a) Atlantic County	New Jersey	Atlantic	Sept. 1, 1943	June 1, 1944	July 15, 1944
(188) [Revoked]					
(188a) Southern New Jersey	New Jersey	Burlington, Camden, and Gloucester	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	New Jersey	Salem	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	New Jersey	Cumberland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(189) [Revoked]					
(189a) Northeastern New Jersey	New Jersey	Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	New Jersey	Sussex	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(190) [Revoked—Decontrolled]					
(191) Trenton	New Jersey	Warren	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	New Jersey	Hunterdon and Mercer	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(192) [Revoked]					
(193) Albuquerque	New Mexico	Bernalillo	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(193a) Belen	New Mexico	That portion of Valencia County lying east of Rio Puerco River.	Oct. 1, 1943	Dec. 1, 1944	Jan. 16, 1945
(193b) Carlsbad	New Mexico	Eddy	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(194) Clovis	New Mexico	Lea	Mar. 1, 1942	Nov. 1, 1942	Dec. 15, 1942
(195) [Revoked]		Curry and Roosevelt	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(196) [Revoked]					
(196a) Las Cruces	New Mexico	Dona Ana	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
		Chaves	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(197) Roswell	New Mexico	Otero	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(197a) [Revoked—Decontrolled]					
(197b) Santa Fe	New Mexico	Santa Fe County and Precinct No. 28 (Espanola) in Rio Arriba County.	July 1, 1944	Oct. 1, 1945	Nov. 15, 1945
			July 1, 1944	Sept. 1, 1946	Oct. 15, 1946
(198) [Revoked—Decontrolled]					
(198a) Tucumcari	New Mexico	Quay	Oct. 1, 1944	May 1, 1945	June 15, 1945
(199) Albany-Troy, N. Y	New York	Albany and Rensselaer	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(200) Binghamton	New York	Broome and Tioga	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(201) Buffalo	New York	Erie and Niagara	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(201a) Cortland	New York	Cortland	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(202) Elmira	New York	Chemung and Steuben	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(202a) Glens Falls	New York	Warren and Washington	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
(202b) Ithaca	New York	Tompkins	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
(202c) Gloversville	New York	Fulton	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(202d) Hudson	New York	Columbia	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(203) Jamestown	New York	Chautauqua County except the Chautauqua Institution	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(203a) Olean	New York	Cattaraugus	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(203b) Plattsburg	New York	Clinton and that portion of Keeseville Village in Essex County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(204) Poughkeepsie	New York	Dutchess, Ulster, and Orange, except that portion of Orange County which is within the West Point Military Reservation.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(205) Rochester	New York	Genessee, Monroe, and Orleans	Mar. 1, 1942	Oct. 1, 1944	Nov. 15, 1942
(205a) Rockland County	New York	Rockland	Mar. 1, 1945	June 1, 1946	July 15, 1946
(206) [Revoked]					
(207) Schenectady	New York	County of Schenectady and in the County of Saratoga the towns of Ballston, Charlton, and Clifton Park.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	New York	County of Montgomery and the County of Saratoga other than the towns of Ballston, Charlton, and Clifton Park.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed inclusive
(208) Seneca	New York	Ontario, Seneca, and Yates	Mar. 1, 1942	Nov. 1, 1942	Dec. 15, 1942
(209) Sidney, N. Y.	New York	Chenango, Delaware, and Otsego	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(210) Syracuse	New York	Wayne	Mar. 1, 1942	Oct. 1, 1944	Nov. 15, 1944
	New York	Cayuga, Onondaga, and Oswego	Mar. 1, 1942	Nov. 1, 1942	Dec. 15, 1942
(211) Utica-Rome	New York	Herkimer, Madison, and Oneida	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(211a) Westchester County	New York	Westchester	Aug. 1, 1944	Nov. 1, 1944	Dec. 15, 1944
(212) Watertown	New York	Jefferson and St. Lawrence	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(212a) Burlington, N. C.	North Carolina	Alamance	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(212b) Asheville	North Carolina	Buncombe	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(212c) Charlotte	North Carolina	Mecklenburg	July 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(212d) Chapel Hill	North Carolina	Orange	Mar. 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(213) Durham	North Carolina	Durham	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(214) Elizabeth City, N. C.	North Carolina	Pasquotank	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	North Carolina	Chowan and Perquimans	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(215) Fayetteville, N. C.	North Carolina	Cumberland and Hoke	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(215a) Gastonia	North Carolina	Gaston	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(216) Goldsboro	North Carolina	Lenoir, Wayne and Wilson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(216a) Greensboro	North Carolina	County of Guilford other than High Point Township	July 1, 1943	June 1, 1944	July 15, 1944
(216b) Greenville	North Carolina	Beaufort and Pitt	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(217) Henderson	North Carolina	Vance	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(217a) High Point	North Carolina	In the County of Guilford, the Township of High Point, including the City of High Point.	July 1, 1944	Feb. 1, 1946	Mar. 15, 1946
(217b) Hickory	North Carolina	Catawba	Mar. 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(217c) Hendersonville	North Carolina	Henderson	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(218) Jacksonville, N. C.	North Carolina	Onslow	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(219) Laurinburg	North Carolina	Richmond, Robeson, and Scotland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	South Carolina	Marlboro	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(220) [Revoked—Decontrolled]					
(220a) Oxford	North Carolina	Granville	Nov. 1, 1943	May 1, 1945	June 15, 1945
(221) New Bern	North Carolina	Carteret and Craven	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(221a) Rocky Mount	North Carolina	Edgecomb and Nash	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(221b) Pender County	North Carolina	Pender	Jan. 1, 1943	May 1, 1944	June 15, 1944
(221c) Plymouth	North Carolina	Washington	Jan. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(221d) Raleigh	North Carolina	Wake	Mar. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(221e) Salisbury	North Carolina	Davidson, Iredel, and Rowan	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(222) [Revoked—Decontrolled]					
(223) Wilmington, N. C.	North Carolina	New Hanover County, except the portion consisting of Wrightsville Beach and Harbor Island, which are situated approximately one mile East of the U. S. Inland Waterway; Carolina Beach, Kure Beach, Wilmington Beach and Ft. Fisher Beach, which are within the territory bounded on the North by the U. S. Inland Waterway, on the East by the Atlantic Ocean, on the West by the Cape Fear River, and on the South by old Ft. Fisher remains.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(223a) Winston-Salem	North Carolina	Forsyth	Mar. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(223b) Minot	North Dakota	Ward	June 1, 1944	Apr. 1, 1945	May 15, 1945
(223c) Fargo-Moorhead	North Dakota	Cass	July 1, 1944	June 1, 1945	July 15, 1945
	Minnesota	Clay	July 1, 1945	June 1, 1945	July 15, 1945
(223d)-Grand Forks	North Dakota	Grand Forks	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
	Minnesota	City of East Grand Forks in Polk County	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(223e) Bismarck-Mandan	North Dakota	Burleigh and Morton Counties and that part of Wilton City in McLean County.	Mar. 1, 1945	May 1, 1946	June 15, 1946
(223f) Jamestown, N. D.	North Dakota	Stutsman	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(224) Akron	Ohio	County of Summit and in the County of Medina the Township of Wadsworth	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Ohio	County of Medina other than the Township of Wadsworth	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(225) Ashtabula	Ohio	Ashtabula	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(225a) Athens	Ohio	Athens	Jan. 1, 1946	Sept. 1, 1946	Oct. 15, 1946
(226) Canton	Ohio	Stark	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Ohio	Tuscarawas	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(226a) Cambridge, Ohio	Ohio	Guernsey	Mar. 1, 1944	June 1, 1945	July 15, 1945
(226b) Chillicothe, Ohio	Ohio	Ross	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(227) Cincinnati	Ohio	Butler, Clermont, Hamilton, and Warren	Mar. 1, 1942	Nov. 1, 1942	May 31, 1943
	Kentucky	Campbell and Kenton	Mar. 1, 1942	Nov. 1, 1942	May 31, 1943
(228) Cleveland	Ohio	County of Cuyahoga and in the County of Lake the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 31, 1942
	Ohio	County of Geauga, and the County of Lake other than the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 31, 1942
(229) Columbus, Ohio	Ohio	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Licking	Mar. 1, 1942	May 1, 1943	June 15, 1943
(230) Dayton	Ohio	Champaign, Clark, Darke, Greene, Miami, Montgomery, and Preble.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(230a) Delaware County	Ohio	Delaware	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(231) [Revoked]					
(231a) Lancaster	Ohio	Fairfield	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(232) Lima	Ohio	Allen	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(233) Lorain-Elyria	Ohio	Lorain	July 1, 1941	July 1, 1942	Aug. 15, 1942
(234) Mansfield	Ohio	Ashland, Crawford, and Richland	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Knox	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(235) Marion	Ohio	Marion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(236) [Revoked]					
(236a) Portsmouth, Ohio	Ohio	Scioto	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(237) Ravenna	Ohio	Portage	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(238) Sandusky-Port Clinton	Ohio	Erie, Huron, Ottawa, and Sandusky	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(239) Sidney, Ohio	Ohio	Shelby	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(240) Toledo	Ohio	Lucas and Wood	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Hancock and Seneca	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(240a) Wilmington, Ohio	Ohio	Clinton	July 1, 1941	April 1, 1945	May 15, 1945
(241) Youngstown-Warren	Ohio	Mahoning and Trumbull	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(241a) Washington Court House, Ohio	Ohio	Fayette	Oct. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(241b) Zanesville	Ohio	Muskingum County and that part of Roseville Village located in Perry County.	Mar. 1, 1945	May 1, 1946	June 15, 1946
(241c) Wooster	Ohio	Wayne	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(242) [Revoked]					
(242a) [Revoked—Decontrolled]					
(242b) Ardmore	Oklahoma	Carter	July 1, 1944	Oct. 1, 1943	Nov. 15, 1943
(242c) Ada	Oklahoma	Garvin, Pontotoc, and Seminole	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(242d) Bartlesville	Oklahoma	Washington	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(243) Choteau	Oklahoma	Craig, Mayes, Rogers, and Wagoner	Oct. 1, 1941	Oct. 1, 1942	Nov. 15, 1942
(244) [Decontrolled]					

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed inclusive
(244a) Duncan	Oklahoma	Stephens	Oct. 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(244b) Frederick	Oklahoma	Tillman	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(244) Enid	Oklahoma	Garfield	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(244a) Guymon	Oklahoma	Texas	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(244b) Guthrie	Oklahoma	Logan	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(244) Lawton	Oklahoma	Comanche	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(244) McAlester	Oklahoma	Atoka, Haskell, Hughes, Latimer, McIntosh, and Pittsburg	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(244) Muskogee	Oklahoma	Muskogee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(244) [Revoked]					
(244) Ponca City	Oklahoma	Kay	Mar. 1, 1945	June 1, 1946	July 15, 1946
(244) Okmulgee	Oklahoma	Okmulgee	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(244) Oklahoma City	Oklahoma	Cleveland, McClain, and Oklahoma	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oklahoma	Caddo and Grady	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Oklahoma	Canadian	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(244) Shawnee	Oklahoma	Pottawatomie	Mar. 1, 1944	Aug. 1, 1944	Sept. 15, 1944
(244) Stillwater	Oklahoma	Payne	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(244) Tulsa	Oklahoma	Creek, Osage, and Tulsa	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(244) [Revoked]					
(244) [Revoked]					
(244) Corvallis	Oregon	Benton and Linn	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(244a) Klamath Falls	Oregon	Klamath	Oct. 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(244b) Lane County	Oregon	Lane	Jan. 1, 1944	Jan. 1, 1945	Mar. 31, 1945
(244c) Douglas	Oregon	Douglas	Jan. 1, 1944	May 1, 1945	June 15, 1945
(244) Medford	Oregon	Jackson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(244) Pendleton	Oregon	Umatilla	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(244) Portland-Vancouver	Oregon	Clackamas, Multnomah, and Washington	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Washington	Clark	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Oregon	Clatsop	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oregon	Tillamook	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(244a) Salem	Oregon	Marion, and in Polk County, the City of West Salem	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(244) Allentown-Bethlehem	Pennsylvania	Lehigh and Northampton	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(244) Altoona-Johnstown	Pennsylvania	Blair, Cambria, and Somerset	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(244a) Bradford County	Pennsylvania	Bradford	Jan. 1, 1944	May 1, 1945	June 15, 1945
(244) [Revoked]					
(244) [Revoked]					
(244) Erie	Pennsylvania	Erie	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(244) Harrisburg	Pennsylvania	Cumberland, Dauphin, Lebanon, and Perry	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Franklin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(244a) Indiana County	Pennsylvania	Indiana	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(244) Lancaster-York-Reading	Pennsylvania	Berks, Lancaster and York	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(244a) Lewistown	Pennsylvania	Mifflin	Jan. 1, 1946	Sept. 1, 1946	Oct. 15, 1946
(244) Meadville-Titusville	Pennsylvania	Crawford and Venango	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(244) [Revoked]					
(244) Philadelphia	Pennsylvania	Bucks, Chester, Delaware, Montgomery, and Philadelphia	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(244) Pittsburgh	Pennsylvania	Allegheny, Armstrong, Beaver, Butler, Fayette, Lawrence, Washington, Westmoreland, and Greene, except the townships of Meppo, Centre, Freeport, Gilmore, Gray, Jackson, Morris, Perry, Richhill, Springhill and Wayne.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(244) [Revoked]					
(244) [Revoked]					
(244) Scranton Wilkes-Barre	Pennsylvania	Carbon, Lackawanna, and Schuylkill Counties in their entireties, and Luzerne County except Nescopeck Borough, Nescopeck Township, and Salem Township.	Mar. 1, 1946	June 1, 1946	July 15, 1946
(244a) State College	Pennsylvania	Centre	Jan. 1, 1946	Sept. 1, 1946	Oct. 15, 1946
(244) Sharon-Farrell	Pennsylvania	Mercer	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(244a) Warren	Pennsylvania	Warren	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(244) [Revoked]					
(244) Williamsport	Pennsylvania	Lycoming	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Cameron, Columbia, Montour, Northumberland, Snyder, and Union	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	County of Elk and in the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Pennsylvania	Clinton	Mar. 1, 1942	Feb. 1, 1944	Mar. 15, 1944
(244) Newport	Rhode Island	Newport	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(244) Providence	Rhode Island	Bristol, Kent, and Providence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(244) Washington County	Rhode Island	Washington	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(244) [Revoked]					
(244) Charleston, S. C.	South Carolina	Charleston and Dorchester	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	South Carolina	Beaufort	Mar. 1, 1942	Apr. 15, 1943	May 30, 1943
(244) Columbia, S. C.	South Carolina	Lexington and Richland	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
		Sumter	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
		Florence	Mar. 1, 1942	May 1, 1943	June 15, 1943
(244a) Darlington	South Carolina	Darlington	Jan. 1, 1944	July 1, 1945	Aug. 15, 1945
(244) [Revoked]					
(244a) Georgetown	South Carolina	Georgetown	July 1, 1944	July 1, 1945	Aug. 15, 1945
(244) Greenville, S. C.	South Carolina	Greenville	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
(244a) [Revoked—Decontrolled]					
(244a) [Revoked—Decontrolled]					
(244) Marion	South Carolina	Marion	Mar. 1, 1944	July 1, 1945	Aug. 15, 1945
(244) Spartanburg	South Carolina	Cherokee, Spartanburg, and Union	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
(244a) Aberdeen	South Dakota	Brown	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(244b) Brookings	South Dakota	Brookings	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(244c) Huron	South Dakota	Beadle and those portions of Wessington City in Hand County and Iroquois City in Kingsbury County.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(244) [Revoked]					
(244a) Mitchell	South Dakota	Davison	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(244) [Revoked—Decontrolled]					
(244a) Provo-Hot Springs, S. Dak.	South Dakota	Fall River	Mar. 1, 1942	Nov. 1, 1946	Dec. 15, 1946
(244) Rapid City-Sturgis	South Dakota	Lawrence, Meade, and Pennington	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(244) Sioux Falls	South Dakota	Lincoln, Minnehaha, and Turner	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Iowa	Lyon	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Minnesota	Rock	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(244) [Decontrolled]					
(244b) Vermillion	South Dakota	Clay and that portion of Irene Town in Yankton County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(244) Bristol-Kingsport	Tennessee	Greene, Hawkins, Sullivan, Unicoi, and Washington	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Virginia	Independent City of Bristol and the Counties of Scott and Washington.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(244) Chattanooga	Tennessee	Bradley, Hamilton, and Marion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Georgia	Catoosa, Dade, and Walker	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(288) Cleveland	Ohio	County of Cuyahoga and in the County of Lake the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 31, 1942
	Ohio	County of Lake other than the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 31, 1942
(288a) Columbia, Tenn	Tennessee	Maury	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(288b) Cookeville	Tennessee	Putnam	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(289) Copperhill-McCaysville	Tennessee	Polk	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Georgia	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(290) Dyersburg	Tennessee	Crockett, Dyer, and Lauderdale	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(290a) Elizabethton	Tennessee	Carter	Jan. 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(290b) Fayetteville, Tenn	Tennessee	Lincoln	Jan. 1, 1941	Nov. 1, 1946	Dec. 15, 1946
(291) Jackson-Milan-Humboldt	Tennessee	Carroll, Gibson, and Madison	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(292) Knoxville	Tennessee	Blount and Knox	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Tennessee	Anderson and Roane, except the portion consisting of the Clinton Engineering Works.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(292a) Lenoir City	Tennessee	Loudon	Mar. 1, 1944	June 1, 1944	July 15, 1944
(293) Memphis	Tennessee	Shelby	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Arkansas	Crittenden	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(294) [Revoked]					
(295) Nashville	Tennessee	Davidson and Rutherford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(295a) [Revoked—Decontrolled]					
(295b) Paris, Tenn	Tennessee	Henry	Mar. 1, 1942	Nov. 1, 1946	Dec. 15, 1946
(296) [Revoked]					
(296a) Springfield, Tenn	Tennessee	Robertson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(297) [Revoked—Decontrolled]					
(298) [Revoked—Decontrolled]					
(298a) Alice	Texas	Jim Wells	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(299) Amarillo	Texas	Potter and Randall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(300) Austin	Texas	Hays, Travis, and Williamson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(301) [Revoked]					
(302) Beaumont-Port Arthur	Texas	Jefferson and Orange	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(303) Big Spring	Texas	Howard	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(304) [Revoked]					
(305) Borger	Texas	Carson, Gray, and Hutchinson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(305a) [Revoked—Decontrolled]					
(306) [Decontrolled]					
(307) Bryan	Texas	Brazos	Mar. 1, 1942	May 1, 1943	June 15, 1943
(308) Childress	Texas	Childress	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(308a) Corsicana	Texas	Ellis, Kaufman, and Navarro	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(309) Corpus Christi	Texas	San Patricio and Nueces, except the Town of Port Aransas	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Texas	Bee and Kleberg	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(309a) [Decontrolled]					
(310) [Revoked]					
(311) Dallas	Texas	Dallas	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(312) [Revoked—Decontrolled]					
(312a) [Revoked—Decontrolled]					
(313) [Revoked]					
(314) [Revoked]					
(315) El Paso	Texas	El Paso	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(316) Fort Worth	Texas	Tarrant	Mar. 1, 1942	Oct. 15, 1942	
				Nov. 1, 1942	Dec. 16, 1942
	Texas	Denton	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(317) [Revoked]					
(318) Greenville, Tex	Texas	Hunt	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(319) Galveston	Texas	Galveston and Brazoria	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(319a) Houston	Texas	Chambers, Harris, and Liberty	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(319b) Kerrville	Texas	Kerr	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(319c) [Revoked—Decontrolled]					
(319d) Huntsville	Texas	Walker	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(320) Killeen-Temple	Texas	Bell	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Lampasas	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(321) Laredo	Texas	Webb	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(321a) Lockhart	Texas	Justices' Precincts 1, 6, and 7 in Caldwell County	Jan. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(321b) Longview	Texas	Gregg	July 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(322) Lower Rio Grande Valley	Texas	Cameron, Hidalgo, and Willacy	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(322a) Lubbock	Texas	Lubbock	Mar. 1, 1942	Mar. 1, 1944	Apr. 15, 1944
(322b) Estex	Texas	Angelina, Nacogdoches, Panola and Rusk	Oct. 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(323) Marin-Alpine	Texas	Presidio	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Brewster	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(324) Marshall	Texas	Harrison, Marion, and Upshur	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Texas	Camp, Morris, and Titis	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(324a) Matagorda Bay	Texas	Calhoun, Jackson, and Matagorda	Jan. 1, 1944	June 1, 1944	July 15, 1944
(324b) McKinney	Texas	Collin	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(324c) Midland-Odessa	Texas	Ector and Midland	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(324d) Memphis-Quanah	Texas	Collingsworth, Cottle, Hall, and Hardeman	July 1, 1943	Apr. 1, 1945	May 15, 1945
(325) [Decontrolled]					
(325a) Palestine	Texas	Anderson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(326) [Decontrolled]					
(327) San Angelo	Texas	Tom Green	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(328) San Antonio	Texas	Atascosa, Bandera, Bexar, Comal, Guadalupe, Kendall, Medina, and Wilson.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Texas	Uvalde	Mar. 1, 1943	May 1, 1943	June 15, 1943
(329) Sherman Denison	Texas	Grayson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(329a) Sweetwater	Texas	Nolan	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(330) Texarkana	Texas	Bowie	July 1, 1941	July 1, 1942	Aug. 31, 1942
	Arkansas	Miller	July 1, 1941	July 1, 1942	Aug. 15, 1942
(330a) Tyler	Texas	Smith	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(330b) Vernon	Texas	Wilbarger	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(331) Victoria	Texas	Victoria	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(332) Waco	Texas	McLennan	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(333) Wichita Falls	Texas	Wichita	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(333a) Mineola	Texas	Wood County and that portion of the City of Winnsboro in Franklin County.	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(333b) [Decontrolled]					
(333c) Logan, Utah	Utah	Cache	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(334) [Revoked]					
(335a) Ogden	Utah	Box Elder except the portion lying north of the north boundary of Township 12 North and west of the west boundary of Range 3, West, Salt Lake Base and Meridian.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Utah	Davis and Weber	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(335b) Price	Utah	Carbon	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(335c) Provo, Utah	Utah	Utah	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(336) Salt Lake City	Utah	Salt Lake	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Utah	Tooele	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Nevada	That portion of Elko County, Nevada, situated within the radius of 3 miles from the center of U. S. Highway 40, where said highway crosses the Nevada-Utah State Line.	Mar. 1, 1942	May 1, 1944	June 15, 1944
(336a) Vernal	Utah	Duchesne	Oct. 1, 1944	Apr. 1, 1946	May 15, 1946
		Uintah	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(337) [Revoked]					
(337a) Burlington, Vermont	Vermont	Chittenden	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(337b) Brattleboro	Vermont	Windham	Jan. 1, 1945	May 1, 1946	June 15, 1946
(337c) Montpelier	Vermont	Caledonia and Washington	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(337d) Rutland	Vermont	Rutland and Bennington	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(338) Springfield-Windsor	Vermont	Windsor	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(338a) St. Albans	Vermont	Franklin	Jan. 1, 1945	May 1, 1946	June 15, 1946
(339) Alexandria-Arlington	Virginia	Independent City of Alexandria and the Counties of Arlington and Fairfax.	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(340) Blackstone	Virginia	Nottoway	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(340a) Covington	Virginia	Alleghany	Jan. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
	Virginia	The Independent City of Clifton Forge	Jan. 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(340b) Charlottesville	Virginia	Independent City of Charlottesville, and the County of Albemarle.	Oct. 1, 1941	Feb. 1, 1946	Mar. 15, 1946
(341) Cape Charles	Virginia	Northampton	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(341a) Front Royal	Virginia	Warren	Oct. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(341b) Danville, Va	Virginia	The Independent City of Danville, and in Pittsylvania County the Magisterial Districts of Tunstall and Dan River.	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(341c) Fredericksburg	Virginia	The Counties of Spotsylvania and Stafford, and the Independent City of Fredericksburg.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(342) Hampton Roads	Virginia	Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, and South Norfolk; the County of Elizabeth City, in the County of Norfolk the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; in the County of Warwick, the Magisterial District of Newport, and in the County of Princess Anne, the Magisterial Districts of Kempsville and Lynnhaven, except Virginia Beach Town.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Virginia	Independent City of Suffolk; the County of Nansemond; the County of Norfolk other than the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; the County of Princess Anne other than the Magisterial Districts of Kempsville and Lynnhaven.	Apr. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(342a) Lexington	Virginia	In the County of Rockbridge, the Magisterial District of Lexington.	Mar. 1, 1944	July 1, 1945	Aug. 15, 1945
(342b) Lynchburg	Virginia	Independent City of Lynchburg, and the Counties of Amherst, Bedford and Campbell.	July 1, 1945	May 1, 1946	June 15, 1946
(343) Petersburg	Virginia	Independent Cities of Hopewell and Petersburg, the Counties of Dinwiddie and Prince George; and in the County of Chesterfield the Magisterial District of Matoaca.	Apr. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(343a) Quantico	Virginia	In the County of Prince William, the Magisterial District of Dumfries.	Mar. 1, 1942	Dec. 1, 1943	Jan. 15, 1944
(344) Radford-Pulaski	Virginia	Independent City of Radford and the Counties of Montgomery and Pulaski.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1943
(345) Richmond	Virginia	Independent City of Richmond, the County of Henrico; and in the County of Chesterfield the Magisterial Districts of Bermuda, Clover Hill Dale, Manchester and Midlothian.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(345a) Roanoke	Virginia	Roanoke County and the Independent City of Roanoke	Jan. 1, 1944	May 1, 1945	June 15, 1945
(345b) Winchester	Virginia	Independent City of Winchester and the Counties of Frederick and Shenandoah.	Mar. 1, 1944	July 1, 1945	Aug. 15, 1945
(345c) Staunton	Virginia	The County of Augusta and the Independent City of Staunton; the County of Rockingham and the Independent City of Harrisonburg.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(345d) Wise County	Virginia	Wise	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(346) Yorktown	Virginia	Independent City of Williamsburg; the Counties of James City and York; and in the County of Warwick the Magisterial Districts of Denbigh and Stanley.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(347) Bellingham	Washington	Whatcom	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	Skagit	Mar. 1, 1942	Nov. 1, 1943	Dec. 16, 1942
(347a) Ephrata	Washington	Portion of Grant County lying between the south line of Township 23 North and the north line of Township 16 North.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(347b) Ellensburg	Washington	Kittitas	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(348) Everett	Washington	Snohomish	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Island	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(349) [Revoked]					
(349a) [Decontrolled]					
(349b) Longview-Kelso	Washington	Cowlitz	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(350) [Revoked]					
(350a) Olympia	Washington	Thurston	May 1, 1943	May 1, 1945	June 15, 1945
(351) Port Angeles-Port Townsend	Washington	Clallam	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(351a) Pullman-Moscow	Washington	Whitman	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
	Idaho	Latah	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(352) Puget Sound	Washington	County of Kitsap and those parts of the Counties of King and Pierce lying west of the Snoqualmie National Forest.	Apr. 1, 1941	July 1, 1942	Sept. 21, 1942
(352a) [Decontrolled]					
(353) Spokane	Washington	Spokane	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(353a) Wenatchee	Washington	Chelan	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(354) Walla Walla	Washington	Walla Walla	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	In the County of Benton the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland.	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(354a) Yakima	Washington	In the County of Benton, the Precincts of Benton City, Carley, Columbia East Prosser Expansion Hanford, Highlands, Horn Rapids, Hover, Kiona, North Prosser, Paterson, Prosser, Rattlesnake, Riverside, Walnut Grove, Wellington, West Prosser, and White Bluffs, and the County of Yakima.	Mar. 1, 1943	Apr. 1, 1944	May 15, 1944
(354b) Bluefield	West Virginia	Mercer County	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
		McDowell, Mingo, Raleigh, and Wyoming	Jan. 1, 1945	May 1, 1946	June 15, 1946
	Virginia	Bluefield Town in Tazewell County	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
(355) Charleston, West Virginia	West Virginia	Kanawha	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	West Virginia	In Putnam County the Magisterial District of Pocatelico	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(356a) Clarksburg	West Virginia	Harrison	June 1, 1944	June 1, 1945	July 15, 1945

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (no date shown)
(356) Huntington	West Virginia	Cabell and Wayne	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Kentucky	Boyd and Greenup	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(356a) Martinsburg	West Virginia	Berkeley	Mar. 1, 1943	Apr. 1, 1944	May 15, 1944
(356b) Logan	West Virginia	Logan	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(356c) Mineral County	West Virginia	Mineral	Oct. 1, 1944	Mar. 1, 1946	Apr. 15, 1946
(357) Morgantown	West Virginia	Marion and Monongalia	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(357a) Parkersburg	West Virginia	Wood	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
	Ohio	Washington	Mar. 1, 1945	Apr. 1, 1945	May 15, 1945
(358) Point Pleasant-Gallipolis	West Virginia	Jackson and Mason	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Ohio	Gallia and Meigs	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(359) Wheeling-Steubenville	West Virginia	Brooke, Hancock, Marshall, Ohio, and Wetzel	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Belmont, Columbiana, and Jefferson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(359a) Appleton	Wisconsin	Outagamie County and that part of New London located in Waupaca County.	Mar. 1, 1945	Apr. 1, 1945	May 15, 1945
(359b) Ashland	Wisconsin	Ashland	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(360) Beloit-Janesville	Wisconsin	Rock	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(360a) Green Bay	Wisconsin	Brown	Mar. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
(360b) Kenosha-Racine	Wisconsin	Kenosha and Racine	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(361) Eau Claire	Wisconsin	Chippewa Dunn, and Eau Claire	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(361a) La Crosse	Wisconsin	La Crosse	Mar. 1, 1942	Dec. 1, 1943	Jan. 15, 1944
(362) Madison, Wis	Wisconsin	Columbia, Dane, and Sauk	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(363) Manitowoc	Wisconsin	Manitowoc	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Wisconsin	That portion of the City of Kiel in the County of Calumet	Mar. 1, 1942	Apr. 1, 1944	May 15, 1944
(363a) Marinette	Wisconsin	Marinette	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(364) Milwaukee	Wisconsin	Milwaukee and Waukesha	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(364a) Mondovi-Durand	Wisconsin	Buffalo and Pepin	Mar. 1, 1944	June 1, 1945	July 15, 1945
(365) Oshkosh-Fond du Lac	Wisconsin	Fond du Lac and Winnebago	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Wisconsin	That portion of the City of Waupun in the County of Dodge	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(365a) Sheboygan	Wisconsin	Sheboygan	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(366) Sparta	Wisconsin	Monroe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(367) Sturgeon Bay	Wisconsin	Wisconsin	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(367a) Watertown, Wis	Wisconsin	Dodge County, except the City of Waupun, and Jefferson County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(367b) Wausau	Wisconsin	Marathon and Portage and that portion of Abbotsford Village, Colby City and Unity Village in Clark County.	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(368) Casper	Wyoming	Natrona	Mar. 1, 1942	Oct. 1, 1942	Nov. 17, 1942
(368a) Cody-Lovell	Wyoming	That portion of Big Horn County lying outside of the Big Horn National Forest and that portion of Park County lying outside of the Shoshone National Forest.	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(369) Cheyenne	Wyoming	That part of Laramie County, consisting of Townships 13 and 14 in Ranges 66 and 67 west of the 6th Principal Meridian, including the City of Cheyenne.	Mar. 1, 1942	Oct. 1, 1942	Nov. 17, 1942
(369a) Douglas	Wyoming	Converse	Mar. 1, 1943	May 1, 1944	June 15, 1944
(369b) Thermopolis	Wyoming	Hot Springs	Mar. 1, 1944	May 1, 1945	June 15, 1945
(369c) Laramie	Wyoming	Albany	Jan. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(369d) [Decontrolled]					
(369e) Sheridan	Wyoming	Sheridan	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(370) Alaska	Alaska	Territory of Alaska	Mar. 1, 1942	Nov. 1, 1942	Mar. 15, 1944
(371) Puerto Rico	Puerto Rico	Puerto Rico	Oct. 1, 1942	Feb. 1, 1944	Mar. 31, 1944

[1] For the portion of the County of San Diego, other than the Judicial Townships of Encinitas, National, and San Diego in their entireties, and that part of the Judicial Township of El Cajon lying west of the Cleveland National Forest, and which remains under control after March 1, 1947, the effective date is July 1, 1942.
[2] This regulation is applicable only to that portion of the defense rental area set forth in the third column of this Schedule A.
[3] Sections 1, 6, 13.
[4] Remaining sections.
[5] Decontrolled as to accommodations in transient hotels and rooms in motor courts.
[6] Decontrolled as to accommodations in transient hotels.

SEC. 8. *Evasion*—(a) *General.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly in connection with the renting or leasng or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting rooms unless the prior written consent of the Expediter is obtained.

SEC. 9. *Enforcement.* Persons violating any provisions of this regulation are subject to civil enforcement actions, and suits for treble damages as provided for by the act.

SEC. 10. *Procedure.* All registration statements, reports, and notices provided for by this regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Rent Procedural Regulation 1.

SEC. 11. *Requests for amendment.* Persons seeking any amendment of general applicability to any provision of this regulation may file requests therefor in accordance with Rent Procedural Regulation 1.

SEC. 12. *Adoption of orders.* All certificates and orders issued pursuant to sections 1 (b) (5), 1 (b) (6), 2 (b) (2), 2 (c) (3), and 2 (c) (5) of the "Hotel Regulation" which were in effect on June 30, 1947, shall be deemed to continue in effect under this regulation unless and until revoked or modified by the Expediter.

Effective date. This Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments shall become effective July 1, 1947.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of June 1947, effective July 1, 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6264; Filed, June 30, 1947, 5:14 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN NEW YORK CITY DEFENSE-RENTAL AREA

§ 825.6 *Rent regulation for controlled rooms in rooming houses and other establishments for New York City defense-rental area.* Rent regulation for controlled rooms in rooming houses and other establishments for the New York City defense-rental area issued pursuant to the Housing and Rent Act of 1947, Public Law 129, 80th Congress, is as follows:

Sec
1. Definitions and scope of this regulation.
2. Prohibition.
3. Minimum space, services, furniture, furnishings and equipment.
4. Maximum rents.
5. Adjustments and other determinations.
6. Inspection.
7. Registration and records.
8. Evasion.
9. Enforcement.
10. Procedure.
11. Requests for amendment.
12. Adoption of orders.

SECTION 1. *Definitions and scope of this section.* "Act" means the Housing and Rent Act of 1947.

"Expediter" means the Housing Expediter, or the Rent Director or such other person or persons as the Housing Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Area Rent Office" means the Office of the Rent Director in the defense-rental area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Room" means a room or group of rooms, not constituting an apartment, rented or offered for rent as a housing accommodations unit in a rooming house, hotel, or other establishment. The term includes ground rented as trailer space.

"Services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or any agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

"Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for or in connection with the use or occupancy of a room or for the transfer of a lease of such room.

"Term of occupancy" means occupancy on a daily, weekly, or monthly basis.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services: *Provided, however,* That if 75 percent or more of the units in the establishment are self-contained dwelling units including a bathroom and kitchen and were rented on other than a daily term of occupancy on June 30, 1947, the establishment shall not be considered a hotel for the purposes of this regulation and the Housing and Rent Act of 1947.

"Motor court" means an establishment renting rooms, cottages or cabins, supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments, and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Apartment" means a room or rooms providing facilities commonly regarded in the community as necessary for a self-contained dwelling unit, and of a class of accommodations customarily rented without variations in rent dependent on terms of occupancy and number of occupants: *Provided, however,* That a self-contained dwelling unit containing a kitchen and bath shall be deemed an apartment.

"Other establishments" means multiple unit establishments, other than hotels or rooming houses, containing more than two rooms (see definition of room) rented or offered for rent on a short time basis of daily, weekly or monthly occupancy.

"Maximum rent date" means March 1, 1943, the date established as the maximum rent date in the New York City defense-rental area under the authority of the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder.

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular room in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder.

"The 30-day period determining the maximum rent" means the period provided in the "Hotel Regulation" for determining, under section 4 (a) or (b) of that regulation, the maximum rent for any room.

"Effective date of regulation" means November 1, 1943, the effective date of the "Hotel Regulation", for the New York City defense-rental area, except where the context indicates clearly to the contrary.

"Hotel Regulation" means the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses, and Motor Courts for the New York City defense-rental area in effect on June 30, 1947, issued under authority of and pursuant to the Emergency Price Control Act of 1942, as amended.

(a) *Rooms in rooming houses, hotels, and other establishments and defense-rental area to which this regulation applies.* This regulation applies to all rooms in hotels, rooming houses, and other establishments and to all accommodations brought under this regulation by consent of the Area Rent Director pursuant to section 1 (e), and to all accommodations brought under the "Hotel Regulation" by consent of the Area Rent Director pursuant to section 1 (e) of that regulation, within the New York City defense-rental area, consisting of the City of New York (including the Boroughs of Bronx, Brooklyn, Manhattan, Queens, and Richmond) and the Counties of Nassau and Suffolk in the State of New York, except as provided in paragraph (b) of this section. The New York City defense-rental area is referred to hereinafter in this regulation as the "defense-rental area."

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the duelling space is a part.

(3) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(4) *Entire structures.* Entire structures or premises, as distinguished from the rooms within such entire structures or premises.

(5) *Non-profit clubs.* Rooms in a bona fide club certified by the Expediter as exempt. The Expediter shall so certify if on written request of the landlord, he finds that the club (i) is a non-profit organization and is recognized as such by written statement of the Bureau of Internal Revenue, (ii) rents rooms only to members, bona fide guests of members, and members of bona fide clubs with which the club has reciprocal arrangements for the exchange of privileges, and (iii) is otherwise operated as a bona fide club.

(6) *College fraternity or sorority houses.* Rooms in a bona fide college fraternity or sorority house certified by the

Expediter as exempt. The Expediter shall so certify if, on written request of the landlord, he finds that the fraternity or sorority, is a bona fide organization operated for the benefit of students and not for profit as a commercial or business enterprise. This exemption shall not apply when the rooms are rented to persons who are not members of the fraternity or sorority.

(7) *Summer resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from July 1, 1947, to September 30, 1947, inclusive.

(See Hotel Regulation issued pursuant to the Emergency Price Control Act of 1942, as amended, for similar exemptions from June 1 to June 30, 1947.)

(8) *Accommodations in hotels, motor courts, tourist homes, and other establishments.* (i) Those housing accommodations, in any establishment which is commonly known as a "hotel" (See definition of "hotel" in section 1) in the community in which it is located, which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures and bellboy service; (ii) Rooms in any motor court; (iii) Rooms in any tourist home serving transient guests, exclusively; (iv) Rooms in other multiple-unit establishments (See definition "other establishments" in section 1) which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services: *Provided, however*, That all such rooms referred to in this paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided, further*, That if a landlord fails to file said application for decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said application.

(9) *Newly constructed rooms or converted rooms.* (i) Rooms, the construction of which was completed on or after February 1, 1947, or which are additional accommodations created by conversion on or after February 1, 1947, except that contracts for the rental of housing accommodations to veterans of World War II and their immediate families, the construction of which was assisted by allocations or priorities under Public Law 388, Seventy-ninth Congress, approved May 22, 1946, shall remain in full force and effect; or (ii) rooms which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented either as individual rooms or as part of a larger housing accommodation (other than to members of the immediate family of the occupant): *Provided, however*, That all such rooms referred to in this paragraph (9) shall be subject to this regulation unless the landlord files in the area rent office a report of decontrol on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided, further*, That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (9), the construction of housing accommodations is considered completed on the date the last material, fixture or equipment is incorporated into the structure provided the dwelling is suitable for occupancy at that time.

For the purposes of this paragraph (9), the word "conversion" means (1) a change from non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(10) *Maximum rents established under section 4 (b).* Housing accommodations for which the maximum rent is established under section 4 (b) of this regulation: *Provided, however*, That such housing accommodations shall be subject to this regulation until January 1, 1948.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this regulation.

(e) *Election by landlords to bring housing under this regulation.* Where a building or establishment contains one or more furnished rooms or other furnished housing accommodations whose maximum rents are determined under the Controlled Housing Rent Regulation, the landlord may with the consent of the Expediter, elect to bring all housing accommodations within such building or establishment under the control of this regulation. A landlord who so elects shall file the registration statements required by section 7 for all such housing accommodations, accompanied by a written request to the Expediter to consent to such election.

If the Expediter finds that the provisions of this regulation establishing maximum rents are better adapted to the rental practices of such building or establishment than the provisions of the Controlled Housing Rent Regulation, he shall consent to the landlord's election by order. Accommodations so brought under this regulation shall be considered "rooms" for the purposes of the regulation.

The landlord may at any time, with the consent of the Expediter, revoke his election made under this section 1 (e) or under section 1 (e) of the "Hotel Regulation", and thereby bring under the control of the Controlled Housing Rent Regulation all housing accommodations previously brought under this regulation by such election. He shall make such revocation by filing a registration statement or statements under the Controlled Housing Rent Regulation, including in such registration statement or statements all housing accommodations brought under this regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Expediter to consent to such revocation. The Expediter may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Expediter finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Controlled Housing Rent Regulation.

SEC. 2. *Prohibition* — (a) *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall offer, demand, or receive any rent for or in connection with the use or occupancy on and after July 1, 1947 of any room subject to this regulation, with the defense-rental area, higher than the maximum rents provided by this regulation; and no person shall solicit, attempt, or agree to do any of the foregoing. A reduction in the minimum space, services, furniture, furnishings or equipment required under section 3 of this regulation shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by this regulation may be demanded or received.

(b) *Terms of occupancy*—(1) *Tenant not required to change term of occupancy.* No tenant shall be required to change his term of occupancy.

(2) *Term of occupancy during June 1943.* Where, during June 1943, a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during June 1943. However, if during the year ending on June 30, 1943, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Expediter to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Expediter may withdraw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the act or this regulation or are likely to result in the circumvention or evasion thereof.

(3) *Request by tenant to change term of occupancy.* Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2). If the room occupied by such tenant was not rented or offered for rent for such term during June 1943, the landlord may transfer the tenant to a room, as similar as possible, which was so rented or offered for rent.

(4) If the landlord's duty under subparagraph (2), with reference to a room is in dispute, or in doubt, or not known, the Expediter, at any time on his own initiative may issue an order determining the necessary facts and establishing such duty; or, if the Expediter is unable to ascertain the necessary facts, he may issue an order pursuant to subparagraph (5).

(5) Where subparagraph (2) does not require the offering of a room on a weekly or monthly basis, or where the Expediter is unable to ascertain the facts necessary to establish the landlord's duty under that paragraph, he may at any time on his own initiative issue an order requiring the room to be offered for rent for a weekly or monthly term of occupancy, or both. The Expediter may issue such orders if he finds that, during a reasonable period prior to the time the proceeding hereunder is commenced, the room has been rented under circumstances which make appropriate the application of weekly or monthly rents. In determining whether the landlord shall be required to offer the room on a weekly basis, or on a monthly basis, or both, the Expediter will consider the practices which prevailed in the defense-rental area for similar accommodations during a reasonable period prior to the effective date of regulation.

Upon issuance of such an order, the room shall be offered for rent on a weekly or monthly basis, or both, as the order may require, for each number of occupants for which it is offered by the landlord for any other term of occupancy. A tenant of the room on a daily or weekly basis shall on request be permitted by the landlord to change to any term of occupancy which the landlord is required to offer pursuant to the order.

(c) *Security deposits* — (1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive or retain a security deposit for or in connection with the use or occupancy of any room subject to this regulation within the defense-rental area, except as provided in this paragraph (c). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) of the "Hotel Regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

(3) *Maximum rent established under section 4 (b) or (c) of the "Hotel Regulations"*—(i) *Renting prior to "effective date of regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (b) or (c) by a renting prior to the effective date of regulation, no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(ii) *Renting on or after "effective date of regulation."* Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (c) of the "Hotel Regulation" by a renting on or after the effective date of regulation, no security deposit shall be demanded or received.

(4) *Maximum rent established under section 4 (d) or (f) of the "Hotel Regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (d) or (f), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) as provided in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(5) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars to secure the return of the movable articles specified in the order.

SEC. 3. *Minimum space, services, furniture, furnishings and equipment.* Except as set forth in section 5 (b), every landlord shall, as a minimum, provide with a room the same living space as provided June 30, 1947, or on the date he first rented on or after July 1, 1947, and the same essential services, furniture, furnishings and equipment as those he was required to provide on June 30, 1947, in accordance with the "Hotel Regulation" or those he provided with the room on the date establishing the maximum rent under this regulation; and as to other services, furniture, furnishings and equipment not substantially less than those he was required to provide on June 30, 1947, or actually provided on the date establishing the maximum rent under this regulation.

SEC. 4. *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a rooming house and for controlled rooms in hotels and other establishments (unless and until changed by the Expediter as provided in section 5) shall be:

(a) *Maximum rents in effect on June 30, 1947.* The maximum rents for any rooms under this regulation (unless and until changed by the Expediter as provided in section 5) shall be the maximum rents which were in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rents established under a lease.* In any case in which a tenant and landlord, on or before December 31, 1947, voluntarily enter into a valid written lease in good faith with respect to any controlled room and such lease takes effect after July 1, 1947, and expires on or after December 31, 1948, the maximum rent for such room shall be, as of the date which such lease takes effect, the rent provided by the lease if it does not represent an increase of more than 15 percent over the maximum rent otherwise applicable. Such lease shall increase the maximum rent otherwise applicable for any room only if a true copy thereof signed by both the landlord and tenant is filed with the area rent office for the Defense-Rental Area in which the accommodations are located within fifteen days after the date the lease is executed. Every landlord shall file with a true copy of such lease Form D–92—Registration of Lease—in triplicate. A maximum rent established under this paragraph shall not be subject to additional increase by execution of a subsequent lease. No maximum rent established under this paragraph shall be subject to modification by any order of the Expediter.

A lease shall be effective under this paragraph to increase the maximum rent only if it provides with the room the same living space and the same essential services, furniture, furnishings, and equipment as required by this regulation prior to the effective date of the lease, and as to other services, furniture, furnishings and equipment, not substantially less than required prior to the effective date of the lease. The landlord

shall continue to provide such space and services at all times after the effective date of such lease.

(c) *Maximum rents established on or after July 1, 1947.* For a room subject to this regulation first rented or offered for rent on or after July 1, 1947, the rent for each term or number of occupants for which it is first offered for rent; If such room is thereafter offered for rent for other terms or numbers of occupants, the rents for which it is first offered for such other term and numbers of occupants. The landlord shall file a registration statement within ten days after any maximum rent is established under this section as provided in section 7. The Expediter may order a decrease in the maximum rent as provided in section 5 (c).

(d) *First rents for terms and number of occupants not covered by (a).* For a room having a maximum rent in effect on June 30, 1947, rented for a particular term or number of occupants for which no maximum rent is established under paragraph (a) of this section, the first rent for the room on or after July 1, 1947, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same establishment.

(e) *Meals with room.* For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Expediter at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on the maximum rent date.

(f) Where rooms on June 30, 1947, are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such rooms cease to be governed by the national rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the "Hotel Regulation", or shall be established under section 4 (c) of this regulation.

(g) *Rent fixed by order of Expediter.* For a room for a particular term or number of occupants for which no maximum rent has been established under any other provision of this regulation, the rent fixed by order of the Expediter as provided in this paragraph (g).

The Expediter at any time on his own initiative or on petition of the landlord may enter an order fixing the maximum rent and specifying the minimum services for a room for a particular term or number of occupants for which no maximum rent has been established prior to issuance of the order under any other provision of this regulation. Such maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(h) *Decontrolled maximum daily rents for controlled rooms.* Controlled rooms in establishments classified as hotels or tourist homes under section 7 of the "Hotel Regulation" permitted under and pursuant to section 4 (h) of said regulation to be rented on June 30, 1947, for daily terms of occupancy free of the limitations imposed by said regulation, by reason of the landlord of such establishment having complied with the requirements of said section 4 (h) prior to June 30, 1947, including the proper filing of Form DH–DC, may continue to be rented for daily terms of occupancy free of the limitations imposed by this regulation.

SEC. 5. *Adjustments and other determinations.* In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where the maximum rent is established under section 4 (b) of this regulation or where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the "Hotel Regulation."

In those cases involving a major capital improvement, an increase or decrease in services, furniture, furnishings or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date or during the thirty-day period establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases, except those under paragraphs (a) (7), (a) (9), (a) (10), (c) (4), (c) (5), and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraph (a) (6) of this section the adjustment may be on the basis of the rental agreement in force during the thirty-day period determining the maximum rent, or the date establishing the maximum rent: *Provided, further,* That in cases under sections 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher.

In cases involving construction appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939, except that in the case of construction initiated prior to November 23, 1945, such allowance shall reflect general increases in costs of construction in the defense-rental area since the maximum rent date.

In cases under paragraphs (a) (7), (a) (10) and (c) (4) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

In cases under paragraph (c) (5) of this section the adjustment shall be on the basis of the average rent during the period of occupancy of the lease or other rental agreement in effect on the date determining the maximum rent.

In cases under paragraph (a) (9) of this section, the adjustment shall be on the basis of the rents which the Expediter finds necessary to relieve the substantial hardship: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

In cases under paragraph (c) (6) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (9) of this section.

(a) *Grounds for increase of maximum rents.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the ground that:

(1) *Major capital improvement since maximum rent period.* There has been, since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room, under either the "Hotel Regulation" or this regulation a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance or a substantial increase in services, furniture, furnishings or equipment, and the rent during the thirty-day period ending on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in space, services, furniture, furnishings or equipment.*

There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room under either the "Hotel Regulation" or this regulation, or a substantial increase in the living space since June 30, 1947.

(4) *Special relations between landlord and tenant.* The maximum rent for the room was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(5) *Lease for term commencing one year or more before maximum rent date.* There was in force on the maximum rent date a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(6) *Varying rents.* The maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal demand.* The maximum rent for the room is substantially lower than the rent at other times of year by reason of seasonal demand for such room. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Peculiar circumstances.* The maximum rent was materially effected by peculiar circumstances and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(9) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income (before interest) of the property for the current year as compared with a representative period prior to the maximum rent date, due to a substantal and unavoidable increase in property taxes or operating costs.

In proper cases increases in pay roll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (9) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means (a) the most recent full calendar or fiscal year used by the landlord, or (b) any twelve-month period ending not more than 90 days prior to the filing of the petition: *Provided, however,* That the current year in all cases shall begin on or after the maximum rent date: *And provided, further,* That if allowance is requested for increases in payroll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(10) *Change from year-round to seasonal renting.* The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, and the establishment of seasonal variations in the rent would not, in the opinion of the area rent director, be inconsistent with the purposes of the Act.

(b) *Decrease in space, minimum services, furniture, furnishings or equipment.*

(1) The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, equipment and living space as required under section 3, unless and until he has filed a petition to decrease the services, furniture, furnishings, equipment or living space and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, equipment or living space below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (3).

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, equipment or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment or living space. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) *Rent higher than rent generally prevailing.* The maximum rent for the room is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(2) *Substantial deterioration.* There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order establishing its maximum rent.

(3) *Decrease in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since the date or order establishing the maximum rent or a substantial decrease in the living space since June 30, 1947.

(4) *Seasonal demand.* The maximum rent for the room is substantially higher than the rent at other times of year by reason of seasonal demand for such room. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(5) *Rent concession.* The rent on the date determining the maximum rent was established by a lease or other rental agreement for a period of occupancy of one or more years, which provided for a rent concession during such period of occupancy in the form of either a rent-free period or an abatement of rent.

(6) *Modification or elimination of necessity for increase under section 5 (a) (9).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of the "Hotel Regulation" or under paragraph (a) (9) of this section, since the order issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the services, furniture, furnishings or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947, or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental

area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the services, furniture, furnishings and equipment included in such rent.

(e) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(f) *Government housing.* Where the maximum rent for any room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such room may with the consent of the Expediter increase the maximum rent to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

SEC. 6. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Expediter as he may from time to time require.

SEC. 7. *Registration and records—*(a) *Registration statements—*(1) *Registration.* Every landlord of a room, subject to this regulation, rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Expediter shall require, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the "Hotel Regulation." For rooms rented on or before June 30, 1947, such registration statement shall be filed on or before July 10, 1947. Any maximum rent established after the "effective date of regulation" under paragraphs (b) or (c) of section 4 of the "Hotel Regulation" which has not been reported on the first registration statement shall be reported on or before July 10, 1947, either by amending a registration statement previously filed, or by filing a new registration statement. Any maximum rent established on or after July 1, 1947, which has not been reported on the first registration statement shall be reported within ten days after such rent is established either by amending a registration statement previously filed or by filing a new registration statement.

(2) *Notice of change in identity of landlord.* Where, since the filing of a registration statement, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity, within fifteen days after the change or July 1, 1947, whichever is the later.

(3) *Notice to landlord.* Any notice, order or other process or paper directed to the person named on the registration statement as landlord at the address given thereon, or where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Rent Procedural Regulation 1, constitute notice to the person who is then the landlord.

(4) *Registration where maximum rent formerly determined under section 4 (d) of the "Hotel Regulation."* The provisions of this section shall be applicable to any housing accommodations whose maximum rent was determined under section 4 (d) of the "Hotel Regulation" on its sale by the owning agency; and on or before July 10, 1947, or within ten days after the sale of such accommodations, whichever is the later, the new landlord shall file registration statements as provided in paragraph (a) (1) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a State of the United States or any of its political subdivisions, or any agency of the foregoing, the provision in the second paragraph of (b) of this section shall continue to be applicable.

(b) *Posting maximum rents.* On or before July 10, 1947, or within ten days after a maximum rent was established under paragraph (b) or (c) of section 4, whichever is the later, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Expediter, the landlord within ten days after the effective date of the order shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms whose maximum rents were established under section 4 (d) of the "Hotel Regulation." The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) *Rooms subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) *Records—*(1) *Existing records.* Every landlord of a room subject to this regulation rented or offered for rent shall preserve, and make available for examination by the Expediter, all his existing records showing or relating to (i) the rent for each term and number of occupants for such room rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c) of the "Hotel Regulation", (iii) rooms rented and offered for rent on a weekly and monthly basis during June 1943.

(2) *Record keeping.* Every landlord of an establishment containing more than 20 rooms subject to this regulation, rented or offered for rent, shall keep, preserve, and make available for examination by the Expediter, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Expediter, records of the same kind as he has customarily kept relating to the rents received for rooms.

SEC. 8. *Evasion—*(a) *General.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting rooms unless the prior written consent of the Expediter is obtained.

SEC. 9. *Enforcement.* Persons violating any provisions of this regulation are subject of civil enforcement actions, and suits for treble damages as provided for by the Act.

SEC. 10. *Procedure.* All registration statements, reports and notices provided for by this regulation shall be filed with the area rent office. All landlord's positions and tenant's applications shall be filed with such office in accordance with Rent Procedural Regulation 1.

SEC. 11. *Requests for amendment.* Persons seeking any amendment of general applicability to any provision of this regulation may file requests therefor in accordance with Rent Procedural Regulation 1.

SEC. 12. *Adoption of orders.* All certificates and orders issued pursuant to sections 1 (b) (5), 1 (b) (6), 2 (b) (2), 2 (c) (3) and 2 (c) (5) of the "Hotel Regulation" which were in effect on June 30, 1947, shall be deemed to continue in effect under this regulation unless and until revoked or modified by the Expediter.

Effective date. This Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments for the New York City defense-rental area shall become effective July 1, 1947.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of June 1947, effective July 1, 1947.

OFFICE OF THE HOUSING EXPEDITER,
JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6262; Filed, June 30, 1947; 5:12 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN MIAMI DEFENSE-RENTAL AREA

§ 825.7 *Rent regulation for controlled rooms in rooming houses and other establishments in the Miami Defense-Rental Area.* Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments in the Miami Defense-Rental Area issued pursuant to the Housing and Rent Act of 1947, Public Law 129, 80th Congress, is as follows:

Sec.
1. Definitions and scope of this regulation.
2. Prohibition.
3. Minimum space, services, furniture, furnishings and equipment.
4. Maximum rents.
5. Adjustments and other determinations.
6. Inspection.
7. Registration and Records.
8. Evasion.
9. Enforcement.
10. Procedure.
11. Requests for amendment.
12. Adoption of orders.

SECTION 1. *Definitions and scope of this regulation.* "Act" means the Housing and Rent Act of 1947.

"Expediter" means the Housing Expediter, or the Rent Director or such other person or persons as the Housing Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Area Rent Office" means the Office of the Rent Director in the Defense-Rental Area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Room" means a room or group of rooms, not constituting an apartment, rented or offered for rent as a housing accommodations unit in a rooming house, hotel, or other establishment. The term includes ground rented as trailer space.

"Services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or any agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

"Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for or in connection with the use or occupancy of a room or for the transfer of a lease of such room.

"Term of occupancy" means occupancy on a daily, weekly, or monthly basis.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; *Provided, however,* That if 75 percent or more of the units in the establishment are self-contained dwelling units including a bathroom and kitchen and were rented on other than a daily term of occupancy on June 30, 1947, the establishment shall not be considered a hotel for the purposes of this regulation and the Housing and Rent Act of 1947.

"Motor court" means an establishment renting rooms, cottages, or cabins, supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments, and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Apartment" means a room or rooms providing facilities commonly regarded in the community as necessary for a self-contained dwelling unit, and of a class of accommodations customarily rented without variations in rent dependent on terms of occupancy and number of occupants: *Provided, however,* That a self-contained dwelling unit containing a kitchen and bath shall be deemed an apartment.

"Other establishments" means multiple unit establishments, other than hotels or rooming houses, containing more than two rooms (see definition of room) rented or offered for rent on a short time basis of daily, weekly or monthly occupancy.

"Maximum rent date" means September 1, 1943, the date established as the maximum rent date in the Miami Defense-Rental Area under the authority of the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder.

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular room in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder.

"The 30-day period determining the maximum rent" means the period provided in the "Hotel Regulation" for determining, under section 4 (a) or (b) of that regulation, the maximum rent for any room.

"Effective date of regulation" means October 15, 1943, the effective date of the "Hotel Regulation," for the Miami Defense-Rental Area, except where the context indicates clearly to the contrary.

"Hotel Regulation" means the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses, and Motor Courts for the Miami Defense-Rental Area in effect on June 30, 1947, issued under authority of and pursuant to the Emergency Price Control Act of 1942, as amended.

(a) *Rooms in rooming houses, hotels, and other establishments and Defense-Rental Area to which this regulation applies.* This regulation applies to all rooms in hotels, rooming houses, and other establishments in the Miami Defense-Rental Area, consisting of the County of Dade and the City of Hollywood and the Town of Hallandale in the County of Broward in the State of Florida, except as provided in paragraph (b) of this section. The Miami Defense-Rental Area is referred to hereinafter in this regulation as the "Defense-Rental Area."

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(3) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(4) *Entire structures.* Entire structures or premises, as distinguished from the rooms within such entire structures or premises.

(5) *Non-profit clubs.* Rooms in a bona fide club certified by the Expediter as exempt. The Expediter shall so certify if, on written request of the landlord, he finds that the club (i) is a non-profit organization and is recognized as such by written statement of the Bureau of Internal Revenue, (ii) rents rooms only to members, bona fide guests of members, and members of bona file clubs with which the club has reciprocal arrangements for the exchange of privileges, and (iii) is otherwise operated as a bona fide club.

(6) *College fraternity or sorority houses.* Rooms in a bona fide college fraternity or sorority house certified by the Expediter as exempt. The Expediter shall so certify if, on written request of the landlord, he finds that the fraternity or sorority is a bona fide organization operated for the benefit of students and not for profit as a commercial or business enterprise. This exemption shall not apply when the rooms are rented to persons who are not members of the fraternity or sorority.

(7) *Winter resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonable basis prior to October 15, 1943, the effective date of the "Hotel Regulation" which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however,* That the Area Rent Director may by order extend the above exemption to rooms otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1, 1947, to February 29, 1948.

(8) *Accommodations in hotels, motor courts, tourist homes and other establishments.* (i) Those housing accommodations, in any establishment which is commonly known as a "hotel" (see definition of "hotel" in section 1) in the community in which it is located, which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; (ii) Rooms in any motor court; (iii) Rooms in any tourist home serving transient guests, exclusively; (iv) Rooms in other multiple-unit establishments (see definition "other establishments" in section 1) which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service: *Provided, however,* That all such rooms referred to in this paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided further,* That if a landlord fails to file said application for decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said application.

(9) *Newly constructed rooms or converted rooms.* (i) Rooms, the construction of which was completed on or after February 1, 1947, or which are additional accommodations created by conversion on or after February 1, 1947, except that contracts for the rental of housing accommodations to veterans of World War II and their immediate families, the construction of which was assisted by allocations or priorities under Public Law 388, Seventy-ninth Congress, approved May 22, 1946, shall remain in full force and effect; or (ii) rooms which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented either as individual rooms or as part of a larger housing accommodation (other than to members of the immediate family of the occupant): *Provided, however,* That all such rooms referred to in this paragraph (9) shall be subject to this regulation unless the landlord files in the area rent office a report of decontrol on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later; and *Provided, further,* That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (9), the construction of housing accommodations is considered completed on the date the last material, fixture or equipment is incorporated into the structure provided the dwelling is suitable for occupancy at that time.

For the purposes of this paragraph (9), the word "conversion" means (1) a change from non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(10) *Maximum rents established under section 4 (b).* Housing accommodations for which the maximum rent is established under section 4 (b) of this regulation: *Provided, however,* That such housing accommodations shall be subject to this regulation until January 1, 1948.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this regulation.

SEC. 2. *Prohibition—(a) Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall offer, demand, or receive any rent for or in connection with the use or occupancy on and after July 1, 1947, of any room subject to this regulation, within the defense-rental area, higher than the maximum rents provided by this regulation; and no person shall solicit, attempt, or agree to do any of the foregoing. A reduction in the minimum space, services, furniture, furnishings or equipment required under section 3 of this regulation shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by this regulation may be demanded or received.

(b) *Terms of occupancy.* (1) *Tenant not required to change term of occupancy.* No tenant shall be required to change his term of occupancy.

(2) *Term of occupancy during September 1943.* Where, during September 1943, a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during September 1943. However, if during the year ending on September 30, 1943, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Expediter to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Expediter may withdraw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the act or this regulation or are likely to result in the circumvention or evasion thereof.

(3) *Request by tenant to change term of occupancy.* Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2). If the room occupied by such tenant was not rented or offered for rent for such term during September 1943, the landlord may transfer the tenant to a room, as similar as possible, which was so rented or offered for rent.

(4) If the landlord's duty under subparagraph (2), with reference to a room is in dispute, or in doubt, or not known, the Expediter, at any time on his own initiative may issue an order determining the necessary facts and establishing such duty; or, if the Expediter is unable to ascertain the necessary facts, he may issue an order pursuant to subparagraph (5).

(5) Where subparagraph (2) does not require the offering of a room on a weekly or monthly basis, or where the Expediter is unable to ascertain the facts necessary to establish the landlord's duty under that paragraph, he may at any time on his own initiative issue an order requiring the room to be offered for rent for a weekly or monthly term of occupancy, or both. The Expediter may issue such orders if he finds that, during a reasonable period prior to the time the proceeding hereunder is commenced, the room has been rented under circumstances which make appropriate the application of weekly or monthly rents. In determining whether the landlord shall be required to offer the room on a weekly basis, or on a monthly basis, or both, the Expediter will consider the practices which prevailed in the defense-rental area for similar accommodations during a reasonable period prior to the effective date of regulation.

Upon issuance of such an order, the room shall be offered for rent on a weekly or monthly basis, or both, as the order may require, for each number of occupants for which it is offered by the landlord for any other term of occupancy. A tenant of the room on a daily or weekly basis shall on request be permitted by the landlord to change to any term of occupancy which the landlord is required to offer pursuant to the order.

(c) *Security deposits—(1) General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive or retain a security deposit for or in connection with the use or occupancy of any room subject to this regulation within the defense-rental area, except as provided in this paragraph (c). The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) of the "Hotel Regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

(3) *Maximum rent established under section 4 (b) or (c) of the "Hotel Regulation"—(i) Renting prior to "effective date of regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (b) or (c) by a renting prior to the effective date of regulation, no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreements provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(ii) *Renting on or after "effective date of regulation."* Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (c) of the "Hotel Regulation" by a renting on or after the effective date of regulation, no security deposit shall be demanded or received.

(4) *Maximum rent established under section 4 (d) or (f) of the "Hotel Regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (d) or (f), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) as provided in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(5) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars to secure the return of the movable articles specified in the order.

SEC. 3. *Minimum space, services, furniture, furnishings and equipment.* Except as set forth in section 5 (b), every landlord shall, as a minimum, provide with a room the same living space as provided June 30, 1947, or on the date he first rented on or after July 1, 1947, and the same essential services, furniture, furnishings and equipment as those he was required to provide on June 30, 1947, in accordance with the "Hotel Regulation" or those he provided with the room on the date establishing the maximum rent under this regulation; and as to other services, furniture, furnishings and equipment not substantially less than those he was required to provide on June 30, 1947, or actually provided on the date establishing the maximum rent under this regulation.

SEC. 4. *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a rooming house and for controlled rooms in hotels and other establishments (unless and until changed by the Expediter as provided in section 5) shall be:

(a) *Maximum rents in effect on June 30, 1947.* The maximum rents for any rooms under this regulation (unless and until changed by the Expediter as provided in section 5) shall be the maximum rents which were in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rents established under a lease.* In any case in which a tenant and landlord, on or before December 31, 1947, voluntarily enter into a valid written lease in good faith with respect to any controlled room and such lease takes effect after July 1, 1947, and expires on or after December 31, 1948, the maximum rent for such room shall be, as of the date which such lease takes effect, the rent provided by the lease if it does not represent an increase of more than 15 per cent over the maximum rent otherwise applicable. Such lease shall increase the maximum rent otherwise applicable for any room only if a true copy thereof signed by both the landlord and tenant is filed with the area rent office for the defense-rental area in which the accommodations are located within fifteen days after the date the lease is executed. Every landlord shall file with a true copy of such lease Form D–92, Registration of Lease, in triplicate. A maximum rent established under this paragraph shall not be subject to additional increase by execution of a subsequent lease. No maximum rent established under this paragraph shall be subject to modification by any order of the Expediter.

A lease shall be effective under this paragraph to increase the maximum rent only if it provides with the room the same living space and the same essential services, furniture, furnishings, and equipment as required by this regulation prior to the effective date of the lease, and as to other services, furniture, furnishings and equipment, not substantially less than required prior to the effective date of the lease. The landlord shall continue to provide such space and services at all times after the effective date of such lease.

(c) *Maximum rents established on or after July 1, 1947.* For a room subject to this regulation first rented or offered for rent on or after July 1, 1947, the rent for each term or number of occupants for which it is first offered for rent; if such room is thereafter offered for rent for other terms or numbers of occupants, the rents for which it is first offered for such other term and numbers of occu-

pants. The landlord shall file a registration statement within ten days after any maximum rent is established under this section as provided in section 7. The Expediter may order a decrease in the maximum rent as provided in section 5 (c).

(d) *First rents for terms and number of occupants not covered by (a).* For a room having a maximum rent in effect on June 30, 1947, rented for a particular term or number of occupants for which no maximum rent is established under paragraph (a) of this section, the first rent for the room on or after July 1, 1947, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same establishment.

(e) *Meals with room.* For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge thereafter, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Expediter at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on the maximum rent date.

(f) Where rooms on June 30, 1947, are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such rooms cease to be governed by the national rent schedule of the War and Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the "Hotel Regulation", or shall be established under section 4 (c) of this regulation.

(g) *Rent fixed by order of Expediter.* For a room for a particular term or number of occupants for which no maximum rent has been established under any other provision of this regulation, the rent fixed by order of the Expediter as provided in this paragraph (g).

The Expediter at any time on his own initiative or on petition of the landlord may enter an order fixing the maximum rent and specifying the minimum services for a room for a particular term or number of occupants for which no maximum rent has been established prior to issuance of the order under any other provision of this regulation. Such maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(h) *Decontrolled maximum daily rents for controlled rooms.* Controlled rooms in establishments classified as hotels or tourist homes under section 7 of the "Hotel Regulation" permitted under and pursuant to section 4 (h) of said regulation to be rented on June 30, 1947, for daily terms of occupancy free of the limitations imposed by said regulation, by reason of the landlord of such establishment having complied with the requirements of said section 4 (h) prior to June 30, 1947, including the proper filing of Form DH–DC, may continue to be rented for daily terms of occupancy free of the limitations imposed by this regulation.

SEC. 5. *Adjustments and other determinations.* In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where the maximum rent is established under section 4 (b) of this regulation or where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the "Hotel Regulation."

In those cases involving a major capital improvement, an increase or decrease in services, furniture, furnishings or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date or during the thirty-day period establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases, except those under paragraphs (a) (7), (a) (9), (c) (4), and (c) (5) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraph (a) (6) of this section the adjustment may be on the basis of the rental agreement in force during the thirty-day period determining the maximum rent, or the date establishing the maximum rent: *Provided, further,* That in cases under section 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher.

In cases involving construction appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939, except that in the case of construction initiated prior to November 23, 1945, such allowance shall reflect general increases in costs of construction in the defense-rental area since the maximum rent date.

In cases under paragraphs (a) (7), and (c) (4) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

In cases under paragraph (a) (9) of this section, the adjustment shall be on the basis of the rents which the Expediter finds necessary to relieve the substantial hardship: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

In cases under paragraph (c) (5) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (9) of this section.

(a) *Grounds for increase of maximum rents.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the ground that:

(1) *Major capital improvement minus maximum rent period.* There has been, since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room, under either the "Hotel Regulation" or this regulation a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance or a substantial increase in services, furniture, furnishings or equipment, and the rent during the thirty-day period ending on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in space services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room either the "Hotel Regulation" or this regulation, or a substantial increase in the living space since June 30, 1947.

(4) *Special relationship between landlord and tenant.* The maximum rent for the room was materially affected by the blood, personnel or other special relationship between the landlord and the tenant, or by allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(5) *Lease for term commencing one year or more before maximum rent date.* There was in force on the maxium rent date a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(6) *Varying rents.* The maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal demand.* The maximum rent for the room is substantially lower than the rent at other times of year by reason of seasonal demand for such room. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Peculiar circumstances.* The maximum rent was materially affected by peculiar circumstances and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(9) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income (before interest) of the property for the current year as compared with a representative period prior to the maximum rent date, due to a substantial and unavoidable increase in property taxes or operating costs.

In proper cases increases in payroll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (9) the terms:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means (a) the most recent full calendar or fiscal year used by the landlord, or (b) any twelve-month period ending not more than 90 days prior to the filing of the petition: *Provided, however,* That the current year in all cases shall begin on or after the maximum rent date: *Provided, further,* That if allowance is requested for increases in pay roll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(b) *Decrease in space, minimum services, furniture, furnishings or equipment.* (1) The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, equipment and living space as requred under section 3, unless and until he has filed a petition to decrease the services, furniture, furnishings, equipment or living space and an order permitting a decrease has been entered therein. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, equipment or living space below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (3).

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, equipment or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment or living space. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) *Rent higher than rent generally prevailing.* The maximum rent for the room is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(2) *Substantial deterioration.* There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order establishing its maximum rent.

(3) *Decrease in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since the date or order establishing the maximum rent or a substantial decrease in the living space since June 30, 1947.

(4) *Seasonal demand.* The maximum rent for the room is substantially higher than the rent at other times of year by reason of seasonal demand for such room. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(5) *Modification or elimination of necessity for increase under section 5 (a) (9).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of the "Hotel Regulation" or under paragraph (a) (9) of this section, since the order issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the services, furniture, furnishings or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947, or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the services, furniture, furnishings and equipment included in such rent.

(e) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(f) *Government housing.* Where the maximum rent for any room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent gener-

ally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such room may with the consent of the Expediter increase the maximum rent to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

SEC. 6. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Expediter as he may from time to time require.

SEC. 7. *Registration and records*—(a) *Registration statements*—(1) *Registration.* Every landlord of a room, subject to this regulation, rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Expediter shall require, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the "Hotel Regulation." For rooms rented on or before June 30, 1947, such registration statement shall be filed on or before July 10, 1947. Any maximum rent established after the "effective date of regulation" under paragraphs (b) or (c) of section 4 of the "Hotel Regulation" which has not been reported on the first registration statement shall be reported on or before July 10, 1947, either by amending a registration statement previously filed, or by filing a new registration statement. Any maximum rent established on or after July 1, 1947, which has not been reported on the first registration statement shall be reported within ten days after such rent is established either by amending a registration statement previously filed or by filing a new registration statement.

(2) *Notice of change in identity of landlord.* Where, since the filing of a registration statement, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity, within fifteen days after the change or July 1, 1947, whichever is the later.

(3) *Notice to landlord.* Any notice, order or other process or paper directed to the person named on the registration statement as landlord at the address given thereon, or where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Rent Precedural Regulation 1, constitute notice to the person who is then the landlord.

(4) *Registration where maximum rent formerly determined under section 4 (d) of the "Hotel Regulation."* The provisions of this section shall be applicable to any housing accommodations whose maximum rent was determined under section 4 (d) of the "Hotel Regulation" on its sale by the owning agency; and on or before July 10, 1947, or within ten days after the sale of such accommodations, whichever is the later, the new landlord shall file registration statements as provided in paragraph (a) (1) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a State of the United States or any of its political subdivisions, or any agency of the foregoing, the provision in the second paragraph (b) of this section shall continue to be applicable.

(b) *Posting maximum rents.* On or before July 10, 1947, or within ten days after a maximum rent was established under paragraph (b) or (c) of section 4, whichever is the later, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Expediter, the landlord within ten days after the effective date of the order shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms whose maximum rents were established under section 4 (d) of the "Hotel Regulation." The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) *Rooms subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) *Records*—(1) *Existing records.* Every landlord of a room subject to this regulation rented or offered for rent shall preserve, and make available for examination by the Expediter, all his existing records showing or relating to (i) the rent for each term and number of occupants for such room rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c) of the "Hotel Regulation", (iii) rooms rented and offered for rent on a weekly and monthly basis during September 1943.

(2) *Record keeping.* Every landlord of an establishment containing more than 20 rooms subject to this regulation, rented or offered for rent, shall keep, preserve, and make available for examination by the Expediter, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Expediter, records of the same kind as he has customarily kept relating to the rents received for rooms.

SEC. 8. *Evasion*—(a) *General.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting rooms unless the prior written consent of the Expediter is obtained.

SEC. 9. *Enforcement.* Persons violating any provisions of this regulation are subject to civil enforcement actions, and suits for treble damages as provided for by the act.

SEC. 10. *Procedure.* All registration statements, reports and notices provided for by this regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Rent Procedural Regulation 1.

SEC. 11. *Requests for amendment.* Persons seeking any amendment of general applicability to any provision of this regulation may file requests therefor in accordance with Rent Procedural Regulation 1.

SEC. 12. *Adoption of orders.* All certificates and orders issued pursuant to sections 1 (b) (5), 1 (b) (6), 2 (b) (2), 2 (c) (3), and 2 (c) (5) of the "Hotel Regulation" which were in effect on June 30, 1947, shall be deemed to continue in effect under this regulation unless and until revoked or modified by the Expediter.

Effective date. This Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in the Miami Defense-Rental Area shall become effective July 1, 1947.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of June 1947, effective July 1, 1947.

OFFICE OF THE HOUSING EXPEDITER,
JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6265; Filed, June 30, 1947; 5:15 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION

§ 825.10 *Controlled Housing Rent Regulation.* The Controlled Housing Rent Regulation, issued pursuant to the Housing and Rent Act of 1947, Public Law 129, 80th Congress, is as follows:

Sec.
1. Definitions and scope of this regulation.
2. Prohibition against higher than maximum rents.
3. Minimum space, services, furniture, furnishings and equipment.
4. Maximum rents.
5. Adjustments and other determinations.
6. Inspection.
7. Registration.
8. Evasion.
9. Enforcement.
10. Procedure.
11. Requests for amendment.
12. Adoption of orders.

SECTION 1. *Definitions and scope of this regulation.* "Act" means the Housing and Rent Act of 1947.

"Expediter" means the Housing Expediter or the Rent Director or such other person or persons as the Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Area rent office" means the office of the Rent Director in the defense-rental area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Controlled housing accommodations" means any housing accommodation in any defense-rental area which is not specifically exempted from control or decontrolled under this regulation.

"Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, and removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

"Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service: *Provided, however,* That if 75 percent or more of the units in the establishment are self contained dwelling units including a bathroom and kitchen and were rented on other than a daily term of occupancy on June 30, 1947, the establishment shall not be considered a hotel for the purposes of this regulation and the Housing and Rent Act of 1947.

"Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes not serving transient guests exclusively.

"Maximum rent date" means the maximum rent date applicable in any particular defense-rental area as established under the authority of the Emergency Price Control Act of 1942, as amended, as set forth in Schedule A.

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular housing accommodation in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder, or under section 4 (c) of this regulation, whichever is applicable.

"Effective date of regulation" means the effective date of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, for each defense-rental area, or portion thereof, as indicated in Schedule A, except where the context indicates clearly to the contrary.

(a) *Housing and defense-rental areas to which this regulation applies.* This regulation applies to all housing accommodations within each of the defense-rental areas and each of the portions of a defense-rental area (each of which is referred to hereinafter in this regulation as the "defense-rental area") which are listed in Schedule A of this regulation, except as provided in paragraph (b) of this section.

In Schedule A, "the maximum rent date" and "the effective date of regulation", as established under the rent regulations, issued pursuant to the Emergency Price Control Act of 1942, as amended, is given for each defense-rental area listed. More than one effective date is given for different portions of a defense-rental area where the same effective date is not applicable to the entire defense-rental area.

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(3) *Accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.* Rooms or other housing accommodations subject to the rent regulation for controlled rooms in rooming houses and other establishments.

(4) *Structures subject to underlying leases.* (i) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises.

(ii) Entire structures or premises wherein 25 or less rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structures or premises: *Provided,* That all of the housing accommodations in such structures or premises are exempt under the provisions of this act, or section 1 (b) of the rent regulation for controlled rooms in rooming houses and other establishments.

(iii) This regulation does apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt under this section or section 1 (b) of the rent regulation for controlled rooms in rooming houses and other establishments.

(5) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,*

That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(6) *Resort housing*—(i) *Summer resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from July 1, 1947 to September 30, 1947, inclusive, and shall not apply to housing accommodations in the Los Angeles Defense-Rental Area and in the Santa Cruz Defense-Rental Area.

(See Rent Regulations for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, for similar exemptions from June 1 to June 30, 1947).

(ii) *Winter resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to the effective date of the regulation in the area, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however,* That the Area Rent Director may by order extend the above exemption to housing accommodations otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1, 1947 to February 29, 1948.

(7) *Accommodations in hotels, motor courts and tourist homes.* (i) Housing accommodations in any establishment which is commonly known as a hotel (See definition of hotel in section 1) in the community in which it is located, which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; (ii) housing accommodations in motor courts; and (iii) housing accommodations in any tourist home serving transient guests, exclusively: *Provided, however,* That all such housing accommodations referred to in this paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later: and *Provided, further,* That if a landlord fails to file said application for decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said application.

(8) *Accommodations first offered for rent.* (i) Housing accommodations, the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947, except that contracts for the rental of housing accommodations to veterans of World War II and their immediate families, the construction of which was assisted by allocations or priorities under Public Law 388, Seventy-ninth Congress, approved May 22, 1946, shall remain in full force and effect; (ii) Housing accommodations which at no time during the period February 1, 1945 to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations: *Provided, however,* That all housing accommodations referred to in this paragraph (8) shall be subject to this regulation unless the landlord files in the area rent office a report of decontrol on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: and *Provided further,* That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (8) the construction of housing accommodations is considered completed on the date the last material, fixture or equipment is incorporated into the structure provided the dwelling is suitable for occupancy at that time.

For the purposes of this paragraph (8) the word "conversion" means (1) a change in a structure from a non-housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(9) *Maximum rents established under section 4 (b).* Housing accommodations for which the maximum rent is established under section 4 (b) of this regulation: *Provided, however,* That such housing accommodations shall be subject to this regulation until January 1, 1948.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this regulation.

SEC. 2. *Prohibition against higher than maximum rents*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall offer, demand or receive any rent for or in connection with the use or occupancy on and after the effective date of this regulation of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. A reduction in the minimum space, services, furniture, furnishings, or equipment required under section 3 of this regulation shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by this regulation may be demanded or received.

(b) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to the effective date of regulation (or prior to October 20, 1942, where the effective date of regulation is prior to that date) and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this regulation may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Expediter if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain and the tenant shall be authorized to offer payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive or the tenant to offer payments in excess of the maximum rent in the absence of an order of the Expediter as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of regulation (or on or after October 20, 1942, where the effective date of regulation is prior to that date), and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive nor shall the tenant offer payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payment on or for the option to buy.

(c) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand, receive or retain a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area except as provided in this paragraph (c). The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) or (b) of the rent regulation for housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a) or (b), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent established under said section 4 (a) or (b).

(3) *Maximum rent established under section 4 (c) or (d) of the rent regulation for housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodation is or initially was established under said section 4 (c) or (d), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter entered. Where such lease or other rental agreement provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(4) *Maximum rent established under section 4 (e) or (f) of the rent regulation for housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (e) or (j), no security deposit shall be demanded or received.

(5) *Maximum rent established under section 4 (f) of the rent regulation for housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (f), no security deposit shall be demanded, received, or retained.

(6) *Maximum rent established under section 4 (g) or (h) of the rent regulation for housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (g) or (h), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations were or are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(7) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

(8) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is or was rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease.

SEC. 3. *Minimum space, services, furniture, furnishings and equipment.* Except as set forth in section 5 (b), every landlord shall, as a minimum, provide with housing accommodations the same living space as provided June 30, 1947 or on the date he first rented on or after July 1, 1947 and the same essential services, furniture, furnishings, and equipment as those he was required to provide on June 30, 1947, in accordance with the Rent regulation for housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or those he provided on the date he first rented on or after July 1, 1947, and as to other services, furniture, furnishings and equipment not substantially less than those he was required to provide on June 30, 1947, or actually provided on the date of first renting on or after July 1, 1947.

SEC. 4. *Maximum rents*—(a) *Maximum rents in effect on June 30, 1947.* The maximum rent for any housing accommodation under this regulation (unless and until changed by the Expediter as provided in section 5) shall be the maximum rent which was in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rent established under a lease.* In any case in which a tenant and landlord, on or before December 31, 1947, voluntarily enter into a valid written lease in good faith with respect to any controlled housing accommodations and such lease takes effect after July 1, 1947, and expires on or after December 31, 1948, the maximum rent for such housing accommodations shall be, as of the date such lease takes effect, the rent provided by the lease if it does not represent an increase of more than 15 percent over the maximum rent otherwise applicable. Such lease shall increase the maximum rent otherwise applicable for any housing accommodations only if a true copy thereof signed by both the landlord and tenant is filed with the area rent office for the Defense-Rental Area in which the accommodations are located within fifteen days after the date the lease is executed. Every landlord shall file with a true copy of such lease Form D–92—Registration of Lease—in triplicate. A maximum rent established under this paragraph shall not be subject to additional increase by execution of a subsequent lease. No maximum rent established under this paragraph shall be subject to modification by any order of the Expediter.

A lease shall be effective under this paragraph to increase the maximum rent only if it provides with the housing accommodations the same living space and the same essential services, furniture, furnishings, and equipment as required by this regulation prior to the effective date of the lease, and as to other services, furniture, furnishings and equipment, not substantially less than required prior to the effective date of the lease. The landlord shall continue to provide such space and services, furniture, furnishings, and equipment at all times after the effective date of such lease.

(c) *First rent after June 30, 1947.* For controlled housing accommodations first rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations. Within 30 days after so renting, the landlord shall register the accommodations as provided in section 7. The Expediter may order a decrease in the maximum rent as provided in sections 5 (c) (1) and 5 (c) (6).

If the landlord fails to file a proper registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting shall be received, subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under sections 5 (c) (1) or 5 (c) (6). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under section 5 (c) may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under section 5 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(d) *Housing subject to rent schedule of War or Navy Department.* Where housing accommodations on June 30, 1947 are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such housing accommodations cease to be governed by the national rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the Rent Regulation

for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or shall be established under section 4 (c) of this regulation.

SEC. 5. *Adjustments and other determinations.* In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where the maximum rent is established under section 4 (b) of this regulation or where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (a) (12), (a) (13), (a) (14), (a) (15), (c) (6) and (c) (8) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *Provided, further,* That in cases under sections 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939, except that in the case of construction initiated prior to November 23, 1945, such allowance shall reflect general increases in costs of construction in the defense-rental area since the maximum rent date.

In cases under paragraphs (a) (7), (a) (14) and (c) (6) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

In cases under paragraph (c) (8) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on interrelated matters.

In cases under paragraph (a) (15) of this section, the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the grounds that:

(1) *Major capital improvement after effective date.* There has been on or after the effective date of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement, and maintenance or a substantial increase in the services, furniture, furnishings, or equipment, and the rent on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the housing accommodations by a major capital improvement, as distinguished from ordinary repair, replacement, and maintenance or a substantial increase in the services, furniture, furnishings, or equipment, and the rent on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in space, services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings, or equipment provided with the housing accommodations since the date or order determining its maximum rent or a substantial increase in the living space since June 30, 1947. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Expediter finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) *Special relationship between landlord and tenant.* The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date: *Provided,* That no adjustment under this subparagraph increasing the maximum rent shall be made effective with respect to any accommodations regularly rented to employees of the landlord while the accommodations are rented to an employee, and no petition for such an adjustment will be entertained until the accommodations have been or are about to be rented to one other than an employee.

(5) *Lease for term commencing one year or more before maximum rent date.* There was in force on the maximum rent date, a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date; or the housing accommodations were not rented on the maximum rent date, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on the maximum rent date.

(6) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal rents.* The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Substantial increase in occupancy.* (i) There has been, since the date determining the maximum rent a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant.

(ii) There has been, since the date determining the maximum rent a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on the maximum rent date.

(iii) There has been, since the date determining the maximum rent an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(9) On the date determining the maximum rent the housing accommodations were temporarily exempt from real estate taxes, the landlord was passing the benefit of this tax exemption on to the tenant and as a result the rent on that date was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(10) *Priority rating granted on September 1941 application form of Office of Production Management.* The maximum rent for the housing accommodations was originally established under section 4 (f) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, the application for priority rating for the construction of the housing accommodations was filed on the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941, the landlord did not make, prior to the maximum rent date, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and the maximum rent for the accommodation is substantially lower than the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, giving due consideration to general increases in cost of construction, if any, in the defense-rental area since the maximum rent date.

This paragraph (a) (10) shall apply only to housing accommodations which were first rented prior to March 29, 1944.

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income (before interest) of the property for the current year as compared with a representative period prior to the maximum rent date, due to a substantial and unavoidable increase in property taxes or operating costs.

In proper cases increases in payroll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (12) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means (a) the most recent full calendar or fiscal year used by the landlord, or (b) any twelve-month period ending not more than 90 days prior to the filing of the petition: *Provided, however,* That if allowance is requested for increases in payroll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(vi) "Prior representative period" means any period of two consecutive years prior to the "current year" but not beginning before January 1, 1939, which the Expediter finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Expediter in his discretion may for the purposes of this section accept a representative period of not less than one year.

(13) *Rented to an employee of landlord.* The housing accommodations were rented to an employee of the landlord both on the date determining the maximum rent and at the time the order under this paragraph (a) (13) is issued, and after the date determining the maximum rent but prior to the effective date of regulation the landlord and tenant agreed, as the result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

(14) *Changes from year round to seasonal renting.* The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, are vacant and the establishment of seasonal variations in the rent would not, in the opinion of the area rent director, be inconsistent with the purposes of the act.

(15) The maximum rent was established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

(b) *Decreases in minimum services, furniture, furnishings, equipment and space.* (1) The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, equipment and living space as required under Section 3, unless and until he has filed a petition to decrease the services, furniture, furnishings, equipment or living space and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, equipment or living space below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (3).

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, equipment or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment or living space. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable only on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations established under paragraphs (c), (e) or (j) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under paragraph (c) or (d) of section

4 of this regulation is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said housing accommodations was originally established under paragraphs (c), (d), (e), or (j) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed to file a proper registration statement in accordance with the provisions of said Rent Regulation for Housing on or before June 30, 1947, and fails to file a proper registration statement in accordance with the provisions of this Regulation within the time specified in section 7 or where the maximum rent is established under section 4 (c) of this regulation and the landlord fails to file a registration statement in accordance with the provisions of section 7 of this regulation, the rent received for any rental period commencing on or after July 1, 1947, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation No. 1. If the Expediter finds that the landlord was not at fault in failing to file the proper registration statement within the time specified, the order under this section may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order of determining its maximum rent.

(3) *Decreases in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since the date or order determining the maximum rent or a substantial decrease in the living space since June 30, 1947.

(4) *Special relationship between landlord and tenant or peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and tenant, or by peculiar circumstances and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a lower rent at other periods during the term of such lease or agreement.

(6) *Seasonal rent.* The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(7) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (8) of this section or section 5 (a) (8) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.

(8) *Modification or elimination of necessity for increase under Section 5 (a) (12).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section or 5 (a) (12) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, since the order issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the services, furniture, furnishings or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947 or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the services, furniture, furnishings and equipment included in such rent.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Expediter for leave to exercise any right he would have except for this regulation to sell his underlying lease or other rental agreement. The Expediter may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result in the circumvention or evasion of the act or this regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Expediter may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on the maximum rent date.

(h) Where the maximum rent for any housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, the owner of such accommodations may with the consent of the Expediter increase the maximum rent to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

SEC. 6. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Housing Expediter as he may, from time to time, require.

SEC. 7. *Registration*—(a) *Registration statement.* Every landlord of controlled housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. For housing accommodations rented prior to June 1, 1947, such registration statement shall be filed on or before July 10, 1947. For housing accommodations first rented after June 1, 1947, such registration statement shall be filed on or before July 30, 1947, or within 30 days after first renting, whichever is later. The statement shall identify each dwelling unit and specify the maximum rent provided by this regulation for such dwelling unit and shall contain such other information as the Expediter shall require. The original shall remain on file with the Expediter and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement and shall obtain the tenant's signature and the date thereof, on the back of such statement.

When the maximum rent is changed by order of the Expediter, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

Where, since the filing of the registration statement for any controlled housing accommodations, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity within 15 days after the change or July 1, 1947, whichever is later. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Expediter shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph (a).

Any notice, order or other process or paper directed to the person named on the registration statement as the landlord at the address given thereon, or, where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Rent Procedural Regulation 1 constitute notice to the person who is then the landlord.

The provisions of this section shall be applicable to any housing accommodation whose maximum rent was determined under section 4 (g) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in subsection (a) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a State of the United States or any of its political subdivisions, or any agency of the foregoing, paragraph (c) of this section shall continue to be applicable.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exceptions from registration requirements*—(1) *Housing owned and constructed by governmental agencies.* The provisions of this section shall not apply to housing accommodations whose maximum rent was originally determined under section 4 (g) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Expediter shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) *Housing in Puerto Rico Defense-Rental Area.* The provisions of this section 7 (d) shall be substituted for the provisions of section 7 (a) for housing accommodations in the Puerto Rico defense-rental area.

Every landlord of housing accommodations rented or offered for rent shall file in the area rent office a form provided by the area rent office for this purpose, unless a form was heretofore filed in accordance with the provisions of section 7 (d) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. For housing accommodations rented prior to June 1, 1947, such form shall be filed on or before July 10, 1947. For housing accommodations first rented after June 1, 1947, such form shall be filed on or before July 30, 1947, or within 30 days after first renting, whichever is later. The form shall identify each dwelling unit and shall specify the maximum rent provided by this regulation for such dwelling unit and shall contain such other information as the Expediter shall require.

(1) *Notice of maximum rent.* The landlord shall prepare the form known as "Notice of Maximum Rent", if the maximum rent for the dwelling unit was originally determined under paragraph (a) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. The landlord shall prepare the notice in duplicate and shall send one copy to the tenant and one copy to the area rent office.

(2) *Registration statement.* The landlord shall prepare the form known as "Registration Statement" if the maximum rent for the dwelling unit originally was, or is, determined otherwise than indicated in subparagraph (1) above. The landlord shall prepare the registration statement in triplicate and shall send the three copies to the area rent office. The Expediter shall retain one copy on file and he shall cause one copy to be delivered to the tenant and one copy stamped to indicate that it is a correct copy of the original, to be returned to the landlord.

(3) Where, since the filing of the notice of maximum rent or the registration statement for any controlled housing accommodations, there has been a change in the identity of the landlord by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity, within fifteen days after the change or July 1, 1947, whichever is later. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Expediter shall cause to be prepared and delivered to him, a true copy of said original, which may be used to satisfy all the requirements of this paragraph.

Any notice, order or other process or paper directed to the person named on the registration statement or on the notice of maximum rent as the landlord at the address given thereon, or, where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Rent Procedural Regulation 1, constitute notice to the person who is then the landlord.

SEC. 8. *Evasion*—(a) *General.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Expediter is obtained.

SEC. 9. *Enforcement.* Persons violating any provision of this regulation are subject to civil enforcement actions and suits for treble damages as provided by the act.

SEC. 10. *Procedure.* All registration statements, reports and notices provided for by this regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Rent Procedural Regulation 1.

SEC. 11. *Requests for amendment.* Persons seeking any amendment of general applicability to any provision of this regulation may file requests therefor in

accordance with Rent Procedural Regulation 1.

SEC. 12. *Adoption of orders.* All orders issued pursuant to section 2 (c), 2 (d) (3) and 2 (d) (7) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, which were in effect on June 30, 1947, shall be deemed to continue in effect under this regulation unless and until revoked or modified by the Expediter.

SCHEDULE A—DEFENSE-RENTAL AREAS

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(1) [Revoked]					
(1a) [Revoked]					
(1b) Anniston	Alabama	Calhoun and Cleburne	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(2) Birmingham	Alabama	Jefferson	Apr. 1, 1941	June 1, 1942	July 15, 1942
(2a) Talladega	Alabama	St. Clair, Shelby, and Talladega	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(3) Dothan-Ozark	Alabama	Dale and Houston	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Alabama	Coffee	Nov. 1, 1943	Dec. 1, 1943	Dec. 15, 1943
(4) Gadsden	Alabama	Etowah	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(5) [Revoked]					
(6) Lanett	Alabama	Chambers	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1944
(7) Mobile	Alabama	Mobile	Apr. 1, 1941	June 1, 1942	July 15, 1942
(8) Montgomery	Alabama	Elmore and Montgomery	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Alabama	Macon	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(9) Muscle Shoals-Huntsville	Alabama	Colbert, Lauderdale, Limestone, Madison and Morgan	Apr. 1, 1942	July 1, 1942	Aug. 15, 1942
(9a) Opelika	Alabama	Lee	Mar. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(10) Selma	Alabama	Dallas	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(10a) Troy, Ala	Alabama	Pike	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(10b) Tuscaloosa	Alabama	Tuscaloosa	Nov. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(11) [Revoked]					
(12) [Revoked]					
(13) Ft Huachuca	Arizona	Cochise and in Santa Cruz County the portion within the corporate limits of the city of Nogales.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(14) Phoenix-Salt River Valley	Arizona	In Gila County, the portion bounded on the north, west, and south by Crook National Forest, and on the east by San Carlos Indian Reservation; and Maricopa County, except the portion lying west of the west line of Range 2 West, Gila and Salt River Meridian; lying north of the north line of Township 3, North, Gila and Salt River Base Line; and lying south of the south line of Township 2, south, Gila and Salt River Base Line.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(15) Prescott-Flagstaff	Arizona	Coconino and in Yavapai County, Townships 13 and 14 North, Range 2 West, Gila and Salt River Base and Meridian, including the city of Prescott.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
		That portion of the County of Mohave south of the Colorado River.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(16) Tucson	Arizona	In Pima County, the portion lying east of the Papago Indian Reservation.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(17) Yuma	Arizona	In Yuma County, the portion lying west of the west line of Range 21 West, Gila and Salt River Meridian.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(18) [Revoked]					
(18a) Winslow	Arizona	In Navajo County Supervisorial Districts 1 and 2, except those portions lying within the Navajo Indian Reservation and the Sitgreaves National Forest	July 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(19) Blytheville	Arkansas	Mississippi	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(19a) [Revoked and decontrolled]					
(19b) Camden, Ark	Arkansas	Calhoun and Ouachita	Sept. 1, 1944	Nov. 1, 1944	Dec. 15, 1944
	Arkansas	Dallas and Nevada	Sept. 1, 1944	May 1, 1945	June 15, 1945
(20) El Dorado	Arkansas	Union	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(20a) Fayetteville, Ark	Arkansas	Benton	Mar. 1, 1945	Sept. 1, 1946	Oct. 15, 1946
	Arkansas	Washington	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(21) Fort Smith	Arkansas	Sebastian	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(22) [Revoked]					
(22a) Hot Springs	Arkansas	Garland	Mar. 1, 1941	Dec. 1, 1941	Jan. 15, 1942
(23) Little Rock [1]	Arkansas	Lonoke and Pulaski	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Saline	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(23a) Malvern, Ark	Arkansas	Hot Spring	Mar. 1, 1942	Jan. 1, 1945	Feb. 15, 1945
(24) Newport-Walnut Ridge	Arkansas	Craighead, Independence, Jackson, and Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Arkansas	Randolph	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(25) Pine Bluff	Arkansas	Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Northern District of Arkansas County, consisting of the Townships of Gum Pond, Henton, Kenton, McFall, Mill Bayou, and Morris; and the Southern District of Prairie County, consisting of the Townships of Belcher, Center, Hazen, Lower Surrounded Hill, Roe Roe, Tyler, and Watensaw.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(26) [Revoked]					
(26a) Alameda County	California	Alameda	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(27) [Revoked]					
(27a) Fresno	California	Fresno	Jan. 1, 1944	June 1, 1944	July 15, 1944
(27b) [Revoked]					
(27c) Kern	California	Kern	Dec. 1, 1943	May 1, 1945	June 15, 1945
(28) Lassen County	California	In Lassen County, the portion consisting of Township 29 North Range 12 East, Township 29 North Range 11 East, Township 30 North Range 12 East, Township 30 North Range 11 East, Mt. Diablo Base and Meridian	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(29) [Revoked]					
(30) Los Angeles	California	Orange County and Los Angeles County except Catalina Township	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(31) Marysville-Chico	California	Sutter and Yuba	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	California	Butte	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(32) [Revoked]					
(33) Modesto-Merced	California	Merced and Stanislaus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(33a) Monterey Bay	California	Monterey County and in Santa Cruz County the Township of Watsonville.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(33b) Placer-Nevada	California	In Nevada County, the Townships of Bloomfield, Bridgeport, Grass Valley, Little York, Nevada, and Rough and Ready, and in Placer County, Townships 1, 3, 9, 10, 13, and 14.	Jan. 1, 1944	Oct. 1, 1945	Nov. 15, 1945
(34) Richmond-Vallejo	California	Contra Costa, Napa, and Solano	Jan. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(35) Riverside	California	In Riverside County, that portion lying west of Range 12 east, San Bernardino Base Line and Meridian.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(35a) Sacramento	California	Sacramento, San Joaquin, and Yolo	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(35b) San Benito	California	San Benito	Oct. 1, 1943	Dec. 1, 1943	Jan. 15, 1944
(36) San Bernardino	California	San Bernardino	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(37) San Diego	California	In San Diego County, the portion lying west of San Bernardino Meridian.	Jan. 1, 1941	June 1, 1942 [2]	July 15, 1942
(38) San Francisco Bay	California	Marin, San Francisco, San Mateo, and Sonoma, except the Judicial Townships of Redwood and Sonoma (including the City of Sonoma).	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(39) San Luis Obispo	California	San Luis Obispo	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(40) Santa Cruz	California	Santa Cruz County except the Township of Watsonville	Jan. 1, 1944	Oct. 1, 1944	Nov. 15, 1944
(41) Santa Barbara	California	In the County of Santa Barbara the Judicial Townships 1, 2, and 3.	Sept. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(42) San Jose	California	Santa Clara	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(43) Santa Maria	California	In the County of Santa Barbara Judicial Townships Nos. 4, 5, 6, 7, 9, and 10.	July 1, 1941	Dec. 1, 1942	Jan. 15, 1943
(44) Ventura	California	Ventura	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(45) Tulare-Kings	California	Kings and Tulare	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(46) Boulder	Colorado	Boulder	June 1, 1941	Oct. 1, 1944	Nov. 15, 1944
(47) Canon City	Colorado	Fremont	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(48) Colorado Springs	Colorado	El Paso	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(49) Craig	Colorado	Moffat	Oct. 1, 1941	Jan. 1, 1946	Feb. 15, 1946
		Rio Blanco	Oct. 1, 1941	May 1, 1946	June 15, 1946
(50) Denver	Colorado	Adams, Arapahoe, Denver, and Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(51) Glenwood Springs	Colorado	Garfield	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(52) Fort Collins	Colorado	Larimer County, part consisting of Townships 4, 5, 6, 7, 8, 9, 10, 11, and 12 North, east of the range line between ranges 71 and 72 West	Jan. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(53) Revoked]					
(54) Grand Junction	Colorado	Mesa	July 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(55) Greeley	Colorado	Weld	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(56) Revoked]					
(57) Pueblo	Colorado	Otero and Pueblo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(58) Bridgeport	Connecticut	In the County of Fairfield the Towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport	Apr. 1, 1941	June 1, 1942	July 15, 1942
	Connecticut	County of Fairfield other than the Towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(59) Hartford-New Britain	Connecticut	In the County of Hartford the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastenbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks, in the County of Middlesex the Towns of Cromwell, Middlefield, Middletown, and Portland, in the County of New Haven the Towns of Meriden and Wallingford and in the County of Tolland the Town of Vernon.	Apr. 1, 1941	June 1, 1942	July 15, 1942
	Connecticut	County of Hartford other than the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastenbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks, County of Middlesex other than the Towns of Cromwell, Middlefield, Middletown, and Portland; and the County of Tolland other than the Town of Vernon	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(60) New Haven	Connecticut	In the County of New Haven the Towns of Ansonia, Branford, Derby, East Haven, Guilford, Hamden, Madison, Milford, New Haven, North Branford, North Haven, Orange, Seymour, West Haven, and Woodbridge	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(61) New London	Connecticut	New London and Windham	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(62) Waterbury	Connecticut	In the County of Litchfield the Towns of Plymouth, Thomaston, and Watertown; and in the County of New Haven the Towns of Beacon Falls, Cheshire, Middlebury, Naugatuck, Prospect, Waterbury, and Wolcott	Apr. 1, 1941	June 1, 1942	July 15, 1942
	Connecticut	County of Litchfield other than the Towns of Plymouth, Thomaston, and Watertown; and in the County of New Haven the Towns of Bethany, Oxford, and Southbury	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(63) [Revoked]					
(64) Delaware	Delaware	New Castle	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Delaware	Kent and Sussex	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(65) [Revoked]					
(65a) De Funiak Springs	Florida	Walton	Oct. 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(65b) Panama City	Florida	Brevard	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(65c) Fort Pierce	Florida	St. Lucie	Mar. 1, 1943	Dec. 1, 1944	Jan. 1, 1945
(65d) [Revoked and decontrolled]					
(65e) Fort Lauderdale	Florida	Broward County except the City of Hollywood and the Town of Hallandale.	Aug. 1, 1944	Oct. 1, 1944	Nov. 30, 1944
(65f) Gainesville	Florida	Alachua	Jan. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(65g) Jacksonville	Florida	Duval	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(65h) Key West	Florida	Monroe	Oct. 1, 1941	Oct. 1, 1942	Nov. 16, 1942
(65i) Lake City	Florida	Columbia	Mar. 1, 1942	May 1, 1943	June 15, 1943
(65j) Marianna	Florida	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(65k) Orlando	Florida	Orange	Oct. 1, 1941	Nov. 1, 1942	Dec. 16, 1942
(65l) [Revoked and decontrolled]					
(65m) Palm Beach County	Florida	In Palm Beach County, Precincts 20, 21, 22, 23, 24, 27, 28, 28, and 29, including the Cities of Delray Beach and Lake Worth, and the Towns of Boca Raton, Boynton, Gulf Stream, Lantana, Manalapan, and Ocean Ridge.	Aug. 1, 1944	Oct. 1, 1944	Nov. 30, 1944
	Florida	The remainder of Palm Beach County	Aug. 1, 1944	May 1, 1945	June 15, 1945
(65n) Panama City	Florida	Bay County, except the portion bounded on the north by the line beginning at the western boundary of Bay County at the Northwest corner of Section 31, Township 2 South, Range 17 west, and running thence East along section lines to the west 1/8 edge of West Bay, bounded on the east and northeast by West Bay and Saint Andrews Bay, bounded on the south by the Gulf of Mexico, and bounded on the west by Walton County.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Gulf	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(65o) [Revoked and decontrolled]					
(65p) Polk County	Florida	Polk	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(65q) Pensacola	Florida	Escambia	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Okaloosa	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Florida	Santa Rosa	Mar. 1, 1942	May 1, 1942	June 15, 1943
(65r) St. Augustine	Florida	St. Johns	Mar. 1, 1943	June 1, 1944	July 15, 1944
(65s) [Revoked and decontrolled]					
(65t) Sarasota	Florida	Sarasota	Mar. 1, 1944	Sept. 1, 1946	Oct. 15, 1946
(65u) [Revoked]					
(65v) Sanford	Florida	Seminole	July 1, 1943	May 1, 1945	June 15, 1945
(65w) Starke	Florida	Bradford and Clay	Jan. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(65x) St. Petersburg	Florida	Pinellas County, except the Islands lying immediately off the mainland which are known as the Gulf Beaches extending from Pass-A-Grille Beach northward to and including Clearwater Beach.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(65y) Tallahassee	Florida	Leon	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(66) Tampa	Florida	Hillsborough	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(66a) Daytona Beach	Florida	Volusia	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(66b) Vero Beach	Florida	Indian River	Jan. 1, 1941	May 1, 1945	June 15, 1945
(67) [Revoked]					
(67a) Americus	Georgia	Sumter	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(68) Albany, Ga	Georgia	Dougherty	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(69) Athens	Georgia	Clarke	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(70) Atlanta	Georgia	Clayton, Cobb, De Kalb, and Fulton	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(71) Augusta, Ga	Georgia	Richmond	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(72) Bainbridge-Cario, Ga	Georgia	Decatur and Grady	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(73) [Revoked]					
(74) Columbus, Ga	Georgia	Muscogee	Jan. 1, 1941	June 1, 1942	July 15, 1942
	Alabama	In the County of Russell Election Precinct One, including the City of Phenix City.	Jan. 1, 1941	June 1, 1942	July 15, 1942
(74a) Dublin	Georgia	Laurens	July 1, 1943	June 1, 1944	July 15, 1944
(74b) Gainesville	Georgia	Hall	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(74c) Dalton	Georgia	Whitfield	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(75) [Revoked and decontrolled]					
(75a) [Revoked and decontrolled]					
(75b) Griffin	Georgia	Spalding	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(76) Macon	Georgia	Bibb, Houston, and Peach	Apr. 1, 1941	July 1, 1942	Aug. 14, 1942
(77) Moultrie	Georgia	Colquitt	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(77a) Rome	Georgia	Floyd	Mar. 1, 1944	May 1, 1945	June 15, 1945
(78) Savannah	Georgia	County of Chatham other than Tybee Island	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(78a) Thomasville	Georgia	Thomas County and those portions of the towns of Pavo and Barwick in Brooks County and that portion of the town of Meigs in Mitchell County.	Mar. 1, 1943	June 1, 1944	July 15, 1944
(78b) Tifton	Georgia	Tift	Mar. 1, 1945	May 1, 1946	June 15, 1946
(79) [Revoked]					
(79a) Waycross	Georgia	Ware	Mar. 1, 1942	May 1, 1943	June 15, 1943
(80) [Revoked]					
(80a) Boise	Idaho	Ada and Elmore	Jan. 1, 1943	Jan. 1, 1944	Feb. 15, 1944
(80b) Blackfoot	Idaho	Bingham	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(81) [Revoked]					
(81a) Idaho Falls	Idaho	Bonneville	Mar. 1, 1944	Apr. 1, 1945	May 15, 1945
(81b) Nampa-Caldwell	Idaho	Canyon	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(82) Pocatello	Idaho	Bannock	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(82b) Bloomington	Illinois	McLean	Jan. 1, 1935	Jan. 1, 1946	Feb. 15, 1946
(82c) Centralia	Illinois	Marion County, and in Clinton County those parts of Centralia City and Wamac Village located therein, and in Washington County that part of Wamac Village located therein.	Oct. 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(82d) Carmi	Illinois	White and that portion of Grayville City in Edwards County	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(83) Chicago	Illinois	Cook, Du Page, Kane, and Lake	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(83a) Clinton, Ill	Illinois	De Witt	July 1, 1943	Nov. 1, 1946	Dec. 15, 1946
(83b) Crab Orchard	Illinois	Jackson and Williamson	Mar. 1, 1942	Nov. 1, 1946	Dec. 15, 1946
(84) [Revoked]					
(85) Dixon	Illinois	Lee	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(85a) Freeport	Illinois	Stephenson	Mar. 1, 1944	June 1, 1945	July 15, 1945
(85b) Jacksonville, Ill	Illinois	Morgan	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(86) Joliet	Illinois	Will	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(87) Kankakee	Illinois	Kankakee	Mar. 1, 1942	May 1, 1943	June 15, 1943
(87a) Kewanee	Illinois	Henry	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(88) La Salle County	Illinois	La Salle	Mar. 1, 1942	May 1, 1943	June 15, 1943
(88a) Macomb-Canton	Illinois	Fulton, McDonough, and Mason	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(88b) Peoria	Illinois	Peoria and Tazewell	Mar. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(88c) Mattoon	Illinois	Coles	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(88d) Mount Vernon, Ill	Illinois	Jefferson	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(89) Quad Cities	Illinois	Rock Island	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Scott	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(90) Quincy	Illinois	Adams	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Missouri	Marion	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(91) Champaign-Vermilion	Illinois	Champaign and Vermilion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(91a) Galesburg	Illinois	Knox	July 1, 1943	May 1, 1944	June 15, 1944
(91b) Paxton	Illinois	Ford	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(92) Rockford	Illinois	Boone and Winnebago	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Illinois	De Kalb	Mar. 1, 1942	Sept. 1, 1943	Oct. 15, 1943
(93) Savanna-Clinton	Illinois	Carroll	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Clinton	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(94) Springfield-Decatur	Illinois	Christian, Logan, Macon, and Sangamon	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(94a) Woodstock	Illinois	McHenry	Oct. 1, 1943	Nov. 1, 1944	Dec. 15, 1944
(94b) Bloomington, Ind	Indiana	Monroe	Sept. 1, 1943	Jan. 1, 1945	Feb. 15, 1945
(95) [Revoked]					
(95a) Auburn	Indiana	De Kalb and that part of Ashley Town located in Steuben County.	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(96) [Revoked]					
(96a) Crawfordsville	Indiana	Montgomery	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(97) Columbus, Ind	Indiana	Bartholomew, Johnson, Morgan, and Shelby	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(97a) Mt. Vernon, Ind	Indiana	Posey	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(97b) Princeton, Ind	Indiana	Gibson	Jan. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(98) Richmond-Connersville	Indiana	Fayette	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Wayne	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(98a) Valparaiso	Indiana	Porter	July 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(99) [Revoked]					
(100) Evansville-Henderson	Indiana	Vanderburgh	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Henderson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(101) Fort Wayne	Indiana	Allen	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Adams	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Indiana	Clinton	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(101a) Frankfort, Ind	Indiana	Lake	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(102) Gary-Hammond	Indiana	Marion	July 1, 1941	July 1, 1942	Aug. 15, 1942
(103) Indianapolis	Indiana	Fountain and Tippecanoe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(104) La Fayette	Indiana	Cass	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(104a) Logansport	Indiana	La Porte and Starke	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(105) La Porte-Michigan City	Indiana	Henry	Oct. 1, 1943	Apr. 1, 1945	May 15, 1945
(105a) New Castle	Indiana	Huntington, Miami, and Wabash	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(106) Anderson	Indiana	Delaware, Grant, Howard, and Madison	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(107) [Revoked]					
(108) South Bend	Indiana	St. Joseph and Elkhart	Apr. 1, 1941	June 1, 1942	July 15, 1942
(109) Terre Haute	Indiana	Parke and Vermilion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Illinois	Edgar	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Vigo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(110) Vincennes	Indiana	Daviess and Knox	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Illinois	Lawrence	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Martin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(110a) Dubuque	Iowa	Dubuque County, and in Delaware County, that part of Dyersville City located therein; in Jones County, that part of Cascade Town located therein; in Jackson County, that part of Zwingle Town located therein.	May 1, 1945	Apr. 1, 1946	May 15, 1946
	Illinois	The City of East Dubuque in Jo Daviess County	May 1, 1945	Apr. 1, 1946	May 15, 1946
(110b) Ames-Marshalltown	Iowa	Marshall and Story	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(111) [Revoked]					
(111a) Iowa City	Iowa	Johnson	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(112) Burlington	Iowa	In the County of Des Moines the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union, in the County of Henry the Townships of Baltimore, Center, Mount Pleasant, and New London; and in the County of Lee the Townships of Denmark, Green Bay, Madison, and Washington.	Jan. 1, 1941	June 1, 1942	July 15, 1942
	Iowa	County of Des Moines other than the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union; County of Henry other than the Townships of Baltimore, Center, Mount Pleasant, and New London; County of Lee other than the Townships of Denmark, Green Bay, Madison, and Washington.	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
	Illinois	County of Henderson	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(112a) Charles City	Iowa	Floyd	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(113) Cedar Rapids	Iowa	Linn	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(113a) Mason City	Iowa	Cerro Gordo	Oct. 1, 1945	May 1, 1946	June 15, 1946
(113b) Fort Dodge	Iowa	Webster	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(113c) Muscatine	Iowa	Muscatine	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(114) Des Moines	Iowa	Polk	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Jasper	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(114a) Ottumwa	Iowa	Wapello	Mar. 1, 1942	Sept. 1, 1943	Oct. 15, 1943
(114b) Sioux City	Iowa	Woodbury	July 1, 1943	June 1, 1944	July 15, 1944
	Nebraska	Dakota	July 1, 1943	June 1, 1944	July 15, 1944
(114c) Fairfield	Iowa	Jefferson	Jan. 1, 1944	Nov. 1, 1944	Dec. 15, 1944
(114d) Waterloo	Iowa	Black Hawk	May 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(114e) Butler-Cowley	Kansas	Butler, Cowley, and that portion of Geuda Springs located in Sumner County.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(115) Baxter Springs	Kansas	Cherokee and Crawford	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Oklahoma	Ottawa	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(115a) Concordia	Kansas	Cloud	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(115b) Council Grove	Kansas	Morris	July 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(115c) Emporia	Kansas	Lyon	Mar. 1, 1945	May 1, 1946	June 15, 1946
(115d) Chanute	Kansas	Neosho and Wilson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(116) Dodge City	Kansas	Finney, Ford and Gray	Mar. 1, 1942	May 1, 1943	June 15, 1943
(116a) Great Bend	Kansas	Barton	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
	Kansas	Ellis and Russell	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
	Kansas	Pawnee	Mar. 1, 1943	Nov. 1, 1944	Dec. 15, 1944
(117) Hutchinson	Kansas	Reno	Mar. 1, 1942	May 1, 1943	June 15, 1943
(118) Junction City-Manhattan	Kansas	Geary and Riley	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(119) Liberal	Kansas	Seward	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(120) Parsons	Kansas	Labette	July 1, 1941	July 1, 1942	Aug. 15, 1942
	Kansas	Montgomery	July 1, 1941	Sept. 1, 1942	Oct. 16, 1942
(120a) Pratt	Kansas	Pratt	Mar. 1, 1943	June 1, 1944	July 15, 1944
(121) Salina	Kansas	Dickinson, McPherson, Ottawa, and Saline	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(121a) Stafford County	Kansas	Stafford	Jan. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(122) Topeka Lawrence	Kansas	Douglas, Franklin and Shawnee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(123) Wichita	Kansas	Sedgwick	July 1, 1941	June 1, 1942	July 15, 1942
(123a) Danville, Ky	Kentucky	Boyle	Oct. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(123b) Bowling Green	Kentucky	Warren	Mar. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(123c) Harrodsburg	Kentucky	Mercer	Oct. 1, 1944	Mar. 1, 1946	Apr. 15, 1946
(123d) Frankfort, Ky	Kentucky	Franklin, Scott, Woodford	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(124) Fort Knox	Kentucky	Bullitt, Hardin, and Meade	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(124a) Lexington	Kentucky	Clark and Fayette	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(125) Louisville	Kentucky	Jefferson	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
	Indiana	Clark and Floyd	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(125a) Mayfield	Kentucky	Graves	May 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(125b) Madisonville	Kentucky	Hopkins	Aug. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(126) [Revoked]					
(126a) Owensboro	Kentucky	Daviess	Mar. 1, 1943	June 1, 1944	July 15, 1944
(127) Paducah	Kentucky	McCracken	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(128) Richmond Ky	Kentucky	Madison	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(128a) Somerset	Kentucky	Pulaski	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(129) Alexandria-Leesville	Louisiana	Parishes of Beauregard and Rapides	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(130) Baton Rouge	Louisiana	Parishes of East Baton Rouge and West Baton Rouge	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(130a) Lafayette	Louisiana	Lafayette Parish	Oct. 1, 1944	Mar. 1, 1946	Apr. 15, 1946
(130b) Ferriday	Louisiana	Concordia Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(130c) Hammond	Louisiana	Tangipahoa Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(130d) Jennings	Louisiana	Jefferson Davis Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(131) Lake Charles	Louisiana	Parish of Calcasieu	Mar. 1, 1942	Apr. 15, 1943	May 30, 1943
(132) Minden	Louisiana	Parish of Webster	July 1, 1941	July 1, 1942	Aug. 15, 1942
(133) Monroe-Bastrop Louisiana	Louisiana	Parishes of Morehouse, Ouachita, and Union	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(133a) New Iberia	Louisiana	Iberia and Vermilion	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(134) New Orleans	Louisiana	Parishes of Jefferson, Orleans and St. Bernard	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(134a) Shreveport	Louisiana	Parishes of Bossier and Caddo	July 1, 1943	Sept. 1, 1943	Oct. 15, 1944
(134b) Ruston	Louisiana	Lincoln Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(134c) Augusta	Maine	Kennebec	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(135) Bangor	Maine	Penobscot	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(136) Bath	Maine	Lincoln and Sagadahoc	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(136a) Eastport	Maine	In the County of Washington, the City of Eastport and the Towns of Lubec, Perry, Pembroke, and Robbinston.	Mar. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(137) Portland	Maine	Androscoggin and Cumberland	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Maine	York	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(138) Presque Isle	Maine	Aroostook	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(138a) Rockland	Maine	Knox	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(138b) Rumford	Maine	Oxford	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(139) Baltimore	Maryland	City of Baltimore and the Counties of Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard.	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(139a) Frederick	Maryland	Frederick	July 1, 1943	June 1, 1944	July 15, 1944
(140) Cumberland	Maryland	Allegany	Mar. 1, 1944	Apr. 1, 1945	May 15, 1945
(140a) [Revoked]					
(140b) Hagerstown	Maryland	Washington	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(141) Indian Head-Patuxent River	Maryland	Charles	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Maryland	St. Marys and Calvert	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(142) Montgomery-Prince Georges	Maryland	Montgomery and Prince Georges	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(143) Eastern Massachusetts	Massachusetts	Barnstable, Bristol, Middlesex, Norfolk, Plymouth, and Suffolk	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(144) Essex County, Mass	Massachusetts	Essex	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(144a) Greenfield	Massachusetts	Franklin	Jan. 1, 1945	May 1, 1946	June 15, 1946
(145) Pittsfield	Massachusetts	Berkshire	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(146) Springfield, Mass	Massachusetts	Hampden and Hampshire	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(147) Worcester	Massachusetts	Worcester	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(148) [Revoked]					
(149) Detroit	Michigan	Macomb, Oakland, and Wayne	Apr. 1, 1941	June 1, 1942	July 15, 1942
	Michigan	Washtenaw	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(149a) Escanaba-Marquette	Michigan	Dickinson and Marquette	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(150) Grand Rapids-Muskegon	Michigan	Muskegon	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Michigan	Kent	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(150a) [Revoked]					
(150b) [Revoked]					
(150c) Ironwood	Michigan	Gogebic	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(151) Jackson, Michigan	Michigan	Jackson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Michigan	Lenawee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(152) Kalamazoo-Battle Creek	Michigan	Calhoun	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Michigan	Kalamazoo	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(153) Lansing	Michigan	Clinton, Eaton, and Ingham	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(154) [Revoked]					
(154a) Monroe, Michigan	Michigan	Monroe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(155) Niles	Michigan	Berrien	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(155a) Owosso	Michigan	Shiawassee	Mar. 1, 1941	June 1, 1941	July 15, 1941
(156) Port Huron	Michigan	St. Clair	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(156a) [Revoked]					
(157) Saginaw-Bay City	Michigan	Bay, Midland, and Saginaw	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(157a) [Revoked]					
(158) [Revoked]					
(158a) Brainerd	Minnesota	Crow Wing	Jan. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(158b) Austin	Minnesota	Mower	May 1, 1945	Aug. 15, 1946	Aug. 15, 1946
(158c) Albert Lea-Faribault	Minnesota	Freeborn, Rice, Steele, Waseca, and that portion of Dennison Village in Goodhue County.	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(158d) Fergus Falls	Minnesota	Otter Tail and in Wilkin County the Village of Rothsay	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(159) Duluth-Superior	Minnesota	Carlton and St. Louis	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Wisconsin	Douglas	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(159a) Mankato	Minnesota	Blue Earth County, and in Nicollet County, the City of North Mankato.	Mar. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(159b) International Falls	Minnesota	In Koochiching County, all of Township 71, Range 23, including Ranier; all of Township 70, Range 24, including South International Falls; all of Township 71, Range 24, including International Falls.	July 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(159c) New Ulm	Minnesota	Brown	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(160) Minneapolis-St. Paul	Minnesota	Anoka, Dakota, Hennepin, Ramsey, and Washington	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(160a) Rochester	Minnesota	Olmsted	Mar. 1, 1944	Aug. 1, 1944	Sept. 15, 1944
(160b) St. Cloud	Minnesota	In Benton County the portionsof St. Cloud City and Sartell Village located therein, and Sauk Rapids Village; in Sherburne County the portion of St. Cloud City located therein; in Stearns County the portions of St. Cloud City and Sartell Village located therein, and Waite Park Village.	Jan. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
(160c) Winona	Minnesota	Winona	July 1, 1945	Apr. 1, 1946	May 15, 1946
(161) [Revoked]					
(162) Biloxi-Pascagoula	Mississippi	Harrison and Jackson	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(162a) Brookhaven	Mississippi	Lincoln	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(163) Centreville	Mississippi	Adams, Amite, Pike, and Wilkinson	Mar. 1, 1942	May 1, 1943	June 15, 1943
(163a) Columbia, Miss	Mississippi	Marion	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(164) Columbus, Miss	Mississippi	Clay and Lee	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Mississippi	Lowndes	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(165) Grenada	Mississippi	Grenada, Leflore, and Montgomery	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(165a) Greenville, Miss	Mississippi	Washington	July 1, 1941	Feb. 1, 1945	Mar. 15, 1945
(166) Hattiesburg	Mississippi	Forrest	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(167) Jackson, Miss	Mississippi	Hinds, Madison, and Rankin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(167a) Laurel	Mississippi	Jones	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(167b) [Revoked]					
(168) Meridian	Mississippi	Lauderdale	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(168a) Vicksburg, Miss	Mississippi	Warren	Dec. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(168b) Columbia	Missouri	Audrain and Boone	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(168c) Franklin County	Missouri	Franklin	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(168d) Cape Girardeau	Missouri	Cape Girardeau	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(168e) Chillicothe, Mo	Missouri	Livingston and Grundy	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(169) Joplin-Neosho	Missouri	Jasper and Newton	July 1, 1941	July 1, 1942	Aug. 15, 1942
(169a) Jefferson City	Missouri	Cole	July 1, 1945	May 1, 1946	June 15, 1946
(170) Kansas City	Missouri	Clay, Jackson, and Platte	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kansas	Johnson, Leavenworth, and Wyandotte	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(170a) Kirksville	Missouri	Adair	Jan. 1, 1946	Dec. 1, 1946	Dec. 15, 1946
(170b) Monette-Aurora	Missouri	Barry and Lawrence	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(171) [Revoked]					
(172) Rolla Waynesville	Missouri	Laclede, Phelps, and Pulaski	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(173) Sedalia	Missouri	Johnson and Pettis	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(174) Springfield, Mo	Missouri	Greene	July 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(175) St. Joseph	Missouri	Buchanan	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(176) St. Louis	Missouri	City of St. Louis and the Counties of Jefferson, St. Charles, and St. Louis.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Illinois	Madison, Monroe, and St. Clair	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(176a) Great Falls	Montana	Cascade	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(176b) Billings	Montana	Yellowstone	July 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(176c) Bozeman	Montana	Gallatin	July 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(176d) Missoula	Montana	Missoula	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(176e) [Revoked]					
(176f) Havre	Montana	Hill	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(176g) Helena	Montana	Lewis and Clark	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(176h) Kalispell	Montana	Flathead	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(176i) [Revoked]					
(176j) Livingston	Montana	Park	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(176k) Miles City	Montana	Custer	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(176l) Alliance	Nebraska	Box Butte	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(176m) [Revoked and decontrolled]					
(176n) [Revoked]					
(176o) [Revoked]					
(177) Grand Island	Nebraska	Hall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(178) Hastings	Nebraska	Adams and Clay	Mar. 1, 1942	Dec. 12, 1942	Jan. 28, 1943
(178a) Holdrege	Nebraska	Phelps	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(179) Kearney	Nebraska	Buffalo	Mar. 1, 1942	May 1, 1943	June 15, 1943
(180) Lincoln	Nebraska	Lancaster	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(180a) McCook	Nebraska	Redwillow	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(180b) North Platte	Nebraska	Lincoln	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(180c) Norfolk, Nebr	Nebraska	Madison, and that portion of Tilden City in Antelope County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(181) Omaha	Nebraska	Dodge and Saunders	Mar. 1, 1942	Sept. 1, 1942	Sept. 15, 1942
	Nebraska	Douglas and Sarpy	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Iowa	Pottowatamie	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(181a) Scottsbluff	Nebraska	Scotts Bluff	Mar. 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(182) Sidney, Nebr	Nebraska	Cheyenne	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(182a) [Revoked]					
(183) [Revoked]					
(183a) [Revoked and decontrolled]					
(183b) [Revoked]					
(183c) Elko	Nevada	Township 5 in Elko County	Jan. 1, 1946	Nov. 1, 1946	Dec. 17, 1946
(184) Las Vegas	Nevada	Clark	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(185) Reno	Nevada	Washoe	Mar. 1, 1942	Dec. 1, 1942	Jan. 17, 1943
(185a) Keene	New Hampshire	Cheshire	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(185b) Concord	New Hampshire	Merrimack and Belknap	Jan. 1, 1946	Nov. 1, 1946	Dec. 17, 1946
(185c) Coos County	New Hampshire	Coos	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(186) Manchester	New Hampshire	Sullivan	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New Hampshire	Hillsborough	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(187) Portsmouth	New Hampshire	Rockingham and Strafford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(187a) [Revoked]					
(188) [Revoked]					
(188a) Southern New Jersey	New Jersey	Burlington, Camden, and Gloucester	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	New Jersey	Salem	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	New Jersey	Cumberland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(189) [Revoked]					
(190) Northeastern New Jersey	New Jersey	Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	New Jersey	Sussex	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(190a) Ocean County	New Jersey	Ocean	Feb. 1, 1944	Apr. 1, 1945	May 15, 1945
(191) Trenton	New Jersey	Warren	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	New Jersey	Hunterdon and Mercer	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(192) [Revoked]					
(193) Albuquerque	New Mexico	Bernalillo	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(193a) Belen	New Mexico	That portion of Valencia County lying east of Rio Puerco River	Mar. 1, 1943	Dec. 1, 1943	Jan. 15, 1944
(193b) Carlsbad	New Mexico	Eddy	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
		Lea	Mar. 1, 1942	Nov. 1, 1942	Dec. 15, 1942
(194) Clovis	New Mexico	Curry and Roosevelt	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(195) [Revoked]					
(196) [Revoked]					
(196a) Las Cruces	New Mexico	Dona Ana	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(197) Roswell	New Mexico	Chaves	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
		Otero	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(197a) [Revoked and decontrolled]					
(197b) Santa Fe	New Mexico	Santa Fe County and Precinct No. 28 (Espanola) in Rio Arriba County.	July 1, 1944	Oct. 1, 1945	Nov. 15, 1945
			July 1, 1944	Sept. 1, 1946	Oct. 15, 1946
(198) [Revoked and decontrolled]					
(198a) Tucumcari	New Mexico	Quay	Oct. 1, 1944	May 1, 1945	June 15, 1945
(199) Albany-Troy, N. Y.	New York	Albany and Rensselaer	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(200) Binghamton	New York	Broome and Tioga	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(201) Buffalo	New York	Erie and Niagara	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(201a) Cortland	New York	Cortland	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(202) Elmira	New York	Chemung and Steuben	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(202a) Glens Falls	New York	Warren and Washington	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
(202b) Ithaca	New York	Tompkins	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
(202c) Gloversville	New York	Fulton	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(202d) Hudson	New York	Columbia	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(203) Jamestown	New York	Chautauqua County except the Chautauqua Institution	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(203a) Olean	New York	Cattaraugus	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(203b) Plattsburgh	New York	Clinton and that portion of Keeseville Village in Essex County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(204) Poughkeepsie	New York	Dutchess, Ulster, and Orange, except that portion of Orange County which is within the West Point Military Reservation.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(205) Rochester	New York	Genesee, Monroe, and Orleans	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(205a) Rockland County	New York	Rockland	Mar. 1, 1947	June 1, 1946	July 15, 1946
(206) [Revoked]					
(207) Schenectady	New York	County of Schenectady and in the County of Saratoga the Towns of Ballston, Charlton, and Clifton Park.	Apr. 1, 1941	June 1, 1942	July 15, 1942
	New York	County of Montgomery and the County of Saratoga other than the Towns of Ballston, Charlton, and Clifton Park.	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(208) Seneca	New York	Ontario, Seneca, and Yates	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(209) Sidney, N. Y.	New York	Chenango, Delaware, and Otsego	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(210) Syracuse	New York	Wayne	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New York	Cayuga, Onondaga, and Oswego	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(211) Utica-Rome	New York	Herkimer, Madison, and Oneida	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(211a) Westchester County	New York	Westchester	Aug. 1, 1941	Nov. 1, 1944	Dec. 15, 1944
(212) Watertown	New York	Jefferson and St. Lawrence	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(212a) Burlington, N. C	North Carolina	Alamance	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(212b) Ashville	North Carolina	Buncombe	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(212c) Charlotte	North Carolina	Mecklenburg	July 1, 1944	Aug. 1, 1944	Sept. 15, 1944
(212d) Chapel Hill	North Carolina	Orange	Mar. 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(213) Durham	North Carolina	Durham	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(214) Elizabeth City, North Carolina	North Carolina	Pasquotank	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	North Carolina	Chowan and Perquimans	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(215) Fayetteville, N. C	North Carolina	Cumberland and Hoke	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(215a) Gastonia	North Carolina	Gaston	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(216) Goldsboro	North Carolina	Lenoir, Wayne, and Wilson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(216a) Greensboro	North Carolina	County of Guilford other than High Point Township	July 1, 1943	June 1, 1944	July 15, 1944
(216b) Greenville	North Carolina	Beaufort and Pitt	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(217) Henderson	North Carolina	Vance	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(217a) High Point	North Carolina	In the County of Guilford, the Township of High Point, including the City of High Point.	July 1, 1944	Feb. 1, 1946	Mar. 15, 1946
(217b) Hickory	North Carolina	Catawba	Mar. 1, 1947	Aug. 1, 1946	Aug. 15, 1946
(217c) Hendersonville	North Carolina	Henderson	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(218) Jacksonville, N. C	North Carolina	Onslow	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(219) Laurinburg	North Carolina	Richmond, Robeson, and Scotland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	South Carolina	Marlboro	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(220) [Revoked and decontrolled]					
(220a) Oxford	North Carolina	Granville	Nov. 1, 1943	May 1, 1945	June 15, 1945
(221) New Bern	North Carolina	Carteret and Craven	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(221a) Rocky Mount	North Carolina	Edgecombe and Nash	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(221b) Pender County	North Carolina	Pender	Jan. 1, 1943	May 1, 1944	June 15, 1944
(221c) Plymouth	North Carolina	Washington	Jan. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(221d) Raleigh	North Carolina	Wake	Mar. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(221e) Salisbury	North Carolina	Davidson, Iredell, and Rowan	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(222) Southern Pines	North Carolina	Moore	Mar. 1, 1942	May 1, 1943	June 15, 1943
(223) Wilmington, N. C.	North Carolina	New Hanover County, except the portion consisting of Wrightsville Beach and Harbor Island, which are situated approximately one mile east of the U. S. Inland Waterway; Carolina Beach, Kure Beach, Wilmington Beach, and Ft. Fisher Beach, which are within the territory bounded on the North by the U. S. Inland Waterway, on the East by the Atlantic Ocean, on the West by the Cape Fear River, and on the South by old Ft. Fisher remains.	Apr. 1, 1941	June 1, 1942	July 15, 1942
(223a) Winston-Salem	North Carolina	Forsyth	Mar. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(224b) Minot	North Dakota	Ward	June 1, 1944	Apr. 1, 1945	May 15, 1945
(224c) Fargo-Moorhead	North Dakota	Cass	July 1, 1944	June 1, 1945	July 15, 1945
	Minnesota	Clay	July 1, 1944	June 1, 1945	July 15, 1945
(224d) Grand Forks	North Dakota	Grand Forks	Oct. 1, 1944	Jan. 1, 1945	Feb. 15, 1946
	Minnesota	City of East Grand Forks in Polk County	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(224e) Bismarck-Mandan	North Dakota	Burleigh and Morton Counties and that part of Wilton City in McLean County.	Mar. 1, 1945	May 1, 1946	June 15, 1946
(224f) Jamestown, N. Dak.	North Dakota	Stutsman	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(224) Akron	Ohio	County of Summit and in the County of Medina the Township of Wadsworth.	Apr. 1, 1941	June 1, 1942	July 15, 1942
	Ohio	County of Medina other than the Township of Wadsworth	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(225) Ashtabula	Ohio	Ashtabula	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(226a) Athens	Ohio	Athens	Jan. 1, 1946	Sept. 1, 1946	Oct. 15, 1946
(226) Canton	Ohio	Stark	Apr. 1, 1941	June 1, 1942	July 15, 1942
	Ohio	Tuscarawas	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(226a) Cambridge, Ohio	Ohio	Guernsey	Mar. 1, 1944	June 1, 1945	July 15, 1945
(226b) Chillicothe, Ohio	Ohio	Ross	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(227) Cincinnati	Ohio	Butler, Clermont, Hamilton, and Warren	Mar. 1, 1942	Nov. 1, 1942	(5)
	Kentucky	Campbell and Kenton	Mar. 1, 1942	Nov. 1, 1942	(5)
(228) Cleveland	Ohio	County of Cuyahoga and in the County of Lake the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	June 1, 1942	July 15, 1942
	Ohio	County of Lake other than the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 15, 1942
(229) Columbus	Ohio	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Licking	Mar. 1, 1942	May 1, 1943	June 15, 1943
(230) Dayton	Ohio	Champaign, Clark, Darke, Greene, Miami, Montgomery, and Preble.	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(230a) Delaware County	Ohio	Delaware	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(231) [Revoked]					
(231a) Lancaster	Ohio	Fairfield	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(232) Lima	Ohio	Allen	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(233) Lorain-Elyria	Ohio	Lorain	July 1, 1941	July 1, 1942	Aug. 15, 1942
(234) Mansfield	Ohio	Ashland, Crawford, and Richland	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Knox	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(235) Marion	Ohio	Marion	Mar 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(236) [Revoked]					
(236a) Portsmouth, Ohio	Ohio	Scioto	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(237) Ravenna	Ohio	Portage	Apr. 1, 1941	June 1, 1942	July 15, 1942
(238) Sandusky-Port Clinton	Ohio	Erie, Huron, Ottawa, and Sandusky	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(239) Sidney, Ohio	Ohio	Shelby	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(240) Toledo	Ohio	Lucas and Wood	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Hancock and Seneca	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(240a) Wilmington, Ohio	Ohio	Clinton	July 1, 1943	Apr. 1, 1945	May 15, 1945
(241) Youngstown-Warren	Ohio	Mahoning and Trumbull	Apr. 1, 1941	June 1, 1942	July 15, 1942
(241a) Washington Court House, Ohio	Ohio	Fayette	Oct. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(241b) Zanesville	Ohio	Muskingum County and that part of Roseville Village located in Perry County.	Mar. 1, 1945	May 1, 1946	June 15, 1946
(241c) Wooster	Ohio	Wayne	July 1, 1943	Oct. 1, 1946	Nov. 15, 1946
(242) [Revoked]					
(242a) [Revoked and decontrolled]					
(242b) Ardmore	Oklahoma	Carter	July 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(242c) Ada	Oklahoma	Garvin, Pontotoc, and Seminole	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(242d) Bartlesville	Oklahoma	Washington	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(243) Choteau	Oklahoma	Craig, Mayes, Rogers, and Wagoner	Oct. 1, 1941	Oct. 1, 1942	Nov. 15, 1942
(244) [Revoked]					
(244a) Duncan	Oklahoma	Stephens	Oct. 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(244b) Frederick	Oklahoma	Tillman	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(245) Enid	Oklahoma	Garfield	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(245a) Guymon	Oklahoma	Texas	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(245b) Guthrie	Oklahoma	Logan	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(246) Lawton	Oklahoma	Comanche	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(247) McAlester	Oklahoma	Atoka, Haskell, Hughes, Latimer, McIntosh, and Pittsburg	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(248) Muskogee	Oklahoma	Muskogee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(249) [Revoked]					
(249a) Ponca City	Oklahoma	Kay	Mar. 1, 1945	June 1, 1946	July 15, 1946
(249b) Okmulgee	Oklahoma	Okmulgee	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(250) Oklahoma City	Oklahoma	Cleveland, McClain, and Oklahoma	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oklahoma	Caddo and Grady	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Oklahoma	Canadian	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(250a) Shawnee	Oklahoma	Pottawatomie	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(250b) Stillwater	Oklahoma	Payne	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(251) Tulsa	Oklahoma	Creek, Osage and Tulsa	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(252) [Revoked]					
(252a) [Revoked]					
(253) Corvallis	Oregon	Benton and Linn	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(253a) Klamath Falls	Oregon	Klamath	Oct. 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(253b) Lane County	Oregon	Lane	Jan. 1, 1944	Jan. 1, 1945	Mar. 31, 1945
(253c) Douglas	Oregon	Douglas	Jan. 1, 1944	May 1, 1945	June 15, 1945
(254) Medford	Oregon	Jackson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(255) Pendleton	Oregon	Umatilla	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(256) Portland-Vancouver	Oregon	Clackamas, Multnomah, and Washington	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Washington	Clark	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Oregon	Clatsop	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oregon	Tillamook	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(256a) Salem	Oregon	Marion, and in Polk County, the City of West Salem	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946

See footnotes at end of table

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(257) Allentown-Bethlehem	Pennsylvania	Lehigh and Northampton	Mar. 1, 1942	Sept. 1, 1942	Oct. 15, 1942
(258) Altoona-Johnstown	Pennsylvania	Blair, Cambria, and Somerset	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(258a) Bradford County	Pennsylvania	Bradford	Jan. 1, 1944	May 1, 1945	June 15, 1945
(259) [Revoked]					
(260) [Revoked]					
(261) Erie	Pennsylvania	Erie	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(262) Harrisburg	Pennsylvania	Cumberland, Dauphin, Lebanon, and Perry	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Franklin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(262a) Indiana County	Pennsylvania	Indiana	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(263) Lancaster-York-Reading	Pennsylvania	Berks, Lancaster and York	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(263a) Lewistown	Pennsylvania	Mifflin	Jan. 1, 1946	Sept. 1, 1946	Oct. 15, 1946
(264) Meadville-Titusville	Pennsylvania	Crawford and Venango	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(265) [Revoked]					
(266) Philadelphia	Pennsylvania	Bucks, Chester, Delaware, Montgomery, and Philadelphia	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(267) Pittsburgh	Pennsylvania	Allegheny, Armstrong, Beaver, Butler, Fayette, Lawrence, Washington, Westmoreland, and Greene, except the townships of Aleppo, Center, Freeport, Gilmore, Gray, Jackson, Morris, Perry, Richill, Springhill and Wayne.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(268) [Revoked]					
(269) [Revoked]					
(269a) Scranton-Wilkes-Barre	Pennsylvania	Carbon, Lackawanna, and Schuylkill Counties in their entireties, and Luzerne County except Nescopeck Borough, Nescopeck Township, and Salem Township.	Mar. 1, 1946	June 1, 1946	July 15, 1946
(269b) State College	Pennsylvania	Centre	Jan. 1, 1946	Sept. 1, 1946	Oct. 15, 1946
(270) Sharon-Farrell	Pennsylvania	Mercer	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(270a) Warren	Pennsylvania	Warren	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(271) [Revoked]					
(272) Williamsport	Pennsylvania	Lycoming	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Cameron, Columbia, Montour, Northumberland, Snyder, and Union.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	County of Elk and in the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Pennsylvania	Clinton	Mar. 1, 1942	Feb. 1, 1944	Mar. 15, 1944
(273) Newport	Rhode Island	Newport	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(274) Providence	Rhode Island	Bristol, Kent, and Providence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(275) Washington County	Rhode Island	Washington	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(276) [Revoked]					
(277) Charleston, South Carolina	South Carolina	Charleston and Dorchester	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	South Carolina	Beaufort and Colleton	Mar. 1, 1941	Apr. 15, 1943	May 30, 1943
(278) Columbia, S. C.	South Carolina	Lexington and Richland	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
		Sumter	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
		Florence	Mar. 1, 1942	May 1, 1943	June 15, 1943
(278a) Darlington	South Carolina	Darlington	Jan. 1, 1944	July 1, 1945	Aug. 15, 1945
(279) [Revoked]					
(279a) Georgetown	South Carolina	Georgetown	July 1, 1944	July 1, 1945	Aug. 15, 1945
(280) Greenville, S. C.	South Carolina	Greenville	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
(280a) [Revoked and decontrolled]					
(280b) [Revoked and decontrolled]					
(280c) Marion	South Carolina	Marion	Mar. 1, 1944	July 1, 1945	Aug. 15, 1945
(281) Spartanburg	South Carolina	Cherokee, Spartanburg and Union	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
(281a) Aberdeen	South Dakota	Brown	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(281b) Brookings	South Dakota	Brookings	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(281c) Huron	South Dakota	Beadle and those portions of Wessington City in Hand County and Iroquois City in Kingsbury County.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(282) [Revoked]					
(282a) Mitchell	South Dakota	Davison	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(283) [Revoked and decontrolled]					
(283a) Provo-Hot Springs, S. Dak.	South Dakota	Fall River	Mar. 1, 1942	Nov. 1, 1946	Dec. 15, 1946
(284) Rapid City-Sturgis	South Dakota	Lawrence, Meade, and Pennington	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(285) Sioux Falls	South Dakota	Lincoln, Minnehaha, and Turner	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Iowa	Lyon	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Minnesota	Rock	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(285a) [Revoked]					
(285b) Vermillion	South Dakota	Clay and that portion of Irene Town in Yankton County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(286) Bristol-Kingsport	Tennessee	Greene, Hawkins, Sullivan, Unicoi, and Washington	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Virginia	Independent City of Bristol and the Counties of Scott and Washington.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(287) Chattanooga	Tennessee	Bradley, Hamilton, and Marion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Georgia	Catoosa, Dade, and Walker	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(288) Clarksville	Tennessee	Montgomery and Stewart	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Christian, Todd, and Trigg	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(288a) Columbia, Tenn.	Tennessee	Maury	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(288b) Cookeville	Tennessee	Putnam	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(289) Copperhill-McCaysville	Tennessee	Polk	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Georgia	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(290) Dyersburg	Tennessee	Crockett, Dyer, and Lauderdale	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(290a) Elizabethton	Tennessee	Carter	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(290b) Fayetteville, Tenn.	Tennessee	Lincoln	Jan. 1, 1941	Nov. 1, 1946	Dec. 15, 1946
(291) Jackson-Milan-Humboldt	Tennessee	Carroll, Gibson, and Madison	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(292) Knoxville	Tennessee	Blount and Knox	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Tennessee	Anderson and Roane, except the portion consisting of the Clinton Engineering Works.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(293) Lenoir City	Tennessee	Loudon	Mar. 1, 1943	June 1, 1944	July 15, 1944
(294) Memphis	Tennessee	Shelby	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Arkansas	Crittenden	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(294) [Revoked]					
(295) Nashville	Tennessee	Davidson and Rutherford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(295a) [Revoked and decontrolled]					
(295b) Paris, Tenn.	Tennessee	Henry	Mar. 1, 1942	Nov. 1, 1946	Dec. 15, 1946
(296) [Revoked]					
(296a) Springfield, Tenn.	Tennessee	Robertson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(297) [Revoked and decontrolled]					
(298) [Revoked and decontrolled]					
(299) Alice	Texas	Jim Wells	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(300) Amarillo	Texas	Potter and Randall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(301) Austin	Texas	Hays, Travis, and Williamson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(302) [Revoked]					
(302a) Beaumont-Port Arthur	Texas	Jefferson and Orange	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(303) Big Spring	Texas	Howard	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(304) [Revoked]					
(305) Pampa	Texas	Carson, Gray, and Hutchinson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(306) [Revoked and decontrolled]					
(307) [Revoked]					

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(307) Bryan	Texas	Brazos	Mar. 1, 1942	May 1, 1943	June 15, 1943
(308) Childress	Texas	Childress	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(308a) Corsicana	Texas	Ellis, Kaufman, and Navarro	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(309) Corpus Christi	Texas	San Patricio and Nueces, except the town of Port Aransas	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Texas	Bee and Kleberg	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(309a) [Revoked]					
(310) [Revoked]					
(311) Dallas	Texas	Dallas	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(312) [Revoked and decontrolled]					
(312a) [Revoked and decontrolled]					
(313) [Revoked]					
(314) [Revoked]					
(315) El Paso	Texas	El Paso	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(316) Fort Worth	Texas	Tarrant	Mar. 1, 1942	(Oct. 15, 1942[2] Nov. 1, 1942[3]	Dec. 16, 1942
	Texas	Denton	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(317) [Decontrolled]					
(318) Greenville, Tex	Texas	Hunt	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(319) Galveston	Texas	Galveston and Brazoria	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(319a) Houston	Texas	Chambers, Harris, and Liberty	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(319b) Kerrville	Texas	Kerr	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(319c) [Revoked and decontrolled]					
(319d) Huntsville	Texas	Walker	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(320) Killeen-Temple	Texas	Bell	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Lampasas	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(321) Laredo	Texas	Webb	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(321a) Lockhart	Texas	Justices' Precincts 1, 6, and 7 in Caldwell County	Jan. 1, 1943	Feb. 1, 1944	Mra. 15, 1944
(321b) Longview	Texas	Gregg	July 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(322) Lower Rio Grande Valley	Texas	Cameron, Hidalgo, and Willacy	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(322a) Lubbock	Texas	Lubbock	Mar. 1, 1942	Mar. 1, 1944	Apr. 15, 1944
(322b) Eatex	Texas	Angelina, Nacogdoches, Panola, and Rusk	Oct. 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(323) Marfa-Alpine	Texas	Presidio	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Brewster	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(324) Marshall	Texas	Harrison, Marion, and Upshur	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Texas	Camp, Morris, and Titus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(324a) Matagorda Bay	Texas	Calhoun, Jackson, and Matagorda	Jan. 1, 1943	June 1, 1944	July 15, 1944
(324b) McKinney	Texas	Collin	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(324c) Midland-Odessa	Texas	Ector and Midland	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(324d) Memphis-Quanah	Texas	Collingsworth, Cottle, Hall, and Hardeman	July 1, 1943	Apr. 1, 1945	May 15, 1945
(325) [Revoked]					
(325a) Palestine	Texas	Anderson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(326) [Revoked]					
(327) San Angelo	Texas	Tom Green	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(328) San Antonio	Texas	Atascosa, Bandera, Bexar, Comal, Guadalupe, Kendall, Medina, and Wilson.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Texas	Uvalde	Mar. 1, 1942	May 1, 1943	June 15, 1943
(329) Sherman-Denison	Texas	Grayson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(329a) Sweetwater	Texas	Nolan	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(330) Texarkana	Texas	Bowie	July 1, 1941	July 1, 1942	Aug. 15, 1942
	Texas	Miller	July 1, 1941	July 1, 1942	Aug. 15, 1942
	Arkansas	Smith	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(330a) Tyler	Texas	Wilbarger	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(330b) Vernon	Texas	Victoria	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(331) Victoria	Texas	McLennan	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(332) Waco	Texas	Wichita	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(333) Wichita Falls	Texas	Wood County and that portion of the City of Winnsboro in Franklin County.	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(333a) Mineola	Texas				
(333b) [Revoked]					
(333c) Logan, Utah	Utah	Cache	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(334) [Revoked]					
(334a) Ogden	Utah	Box Elder except the portion lying north of the north boundary of Township 12 North and west of the west boundary of Range 3 West, Salt Lake Base and Meridian.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Utah	Davis and Weber	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(334b) Price	Utah	Carbon	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(335) Provo, Utah	Utah	Utah	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(336) Salt Lake City	Utah	Salt Lake	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Utah	Tooele	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Nevada	That portion of Elko County, Nevada, situated within the radius of 3 miles from the center of U. S. Highway 40, where said highway crosses the Nevada-Utah State Line.	Mar. 1, 1942	May 1, 1944	June 15, 1944
(336a) Vernal	Utah	Duchesne	Oct. 1, 1944	Apr. 1, 1946	May 15, 1946
		Uintah	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(337) [Revoked]					
(337a) Burlington, Vermont	Vermont	Chittenden	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(337b) Brattleboro	Vermont	Windham	Jan. 1, 1945	May 1, 1946	June 15, 1946
(337c) Montpelier	Vermont	Caledonia and Washington	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(337d) Rutland	Vermont	Rutland and Bennington	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(338) Springfield-Windsor	Vermont	Windsor	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(338a) St. Albans	Vermont	Franklin	Jan. 1, 1945	May 1, 1946	June 15, 1946
(339) Alexandria-Arlington	Virginia	Independent City of Alexandria and the Counties of Arlington and Fairfax	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(340) Blackstone	Virginia	Nottoway	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(340a) Covington	Virginia	Alleghany	Jan. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
	Virginia	The Independent City of Clifton Forge	Jan. 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(340b) Charlottesville	Virginia	Independent City of Charlottesville and the County of Albemarle.	Oct. 1, 1944	Feb. 1, 1946	Mar. 15, 1946
(341) Cape Charles	Virginia	Northampton	Mar. 1, 1942	Jan. 1, 1944	Feb. 15, 1944
(341a) Front Royal	Virginia	Warren	Oct. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(341b) Danville, Va.	Virginia	The Independent City of Danville, and in Pittsylvania County the Magisterial Districts of Tunstall and Dan River.	July 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(341c) Fredericksburg	Virginia	The Counties of Spotsylvania and Stafford, and the Independent City of Fredericksburg.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(342) Hampton Roads	Virginia	Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, and South Norfolk; the County of Elizabeth City; in the County of Norfolk, the Magesterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; in the County of Princess Anne the Magisterial Districts of Kempsville and Lynnhaven, and in the County of Warwick the Magisterial District of Newport.	Apr. 1, 1941	June 1, 1942	July 15, 1942

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(342) Hampton Roads	Virginia	Independent City of Suffolk; the County of Nansemond; the County of Norfolk other than the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; the County of Princess Anne other than the Magisterial Districts of Kempsville and Lynnhaven.	Apr. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(342a) Lexington, Virginia	Virginia	In the County of Rockbridge, the Magisterial District of Lexington.	Mar. 1, 1944	July 1, 1945	Aug. 15, 1945
(342b) Lynchburg	Virginia	Independent City of Lynchburg, and the Counties of Amherst, Bedford, and Campbell.	July 1, 1945	May 1, 1946	June 15, 1946
(343) Petersburg	Virginia	Independent Cities of Hopwell and Petersburg; the Counties of Dinwiddie and Prince George; and in the County of Chesterfield the Magisterial District of Matoaca.	Apr. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(342a) Quantico[1]	Virginia	In the County of Prince William, the Magisterial District of Dumfries.	Mar. 1, 1942	Dec. 1, 1943	Jan. 15, 1944
(344) Radford-Pulaski	Virginia	Independent City of Radford, and the Counties of Montgomery and Pulaski.	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(345) Richmond, Va	Virginia	Independent City of Richmond; the County of Henrico; and in the County of Chesterfield the Magisterial Distrlcts of Bermuda, Clover Hill, Dale, Manchester, and Midlothian.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(345a) Roanoke	Virginia	Roanoke County and the Independent City of Roanoke	Jan. 1, 1944	May 1, 1945	June 15, 1945
(345b) Winchester	Virginia	Independent City of Winchester, and the Counties of Frederick and Shenandoah.	Mar. 1, 1944	July 1, 1945	Aug. 15, 1945
(345c) Staunton	Virginia	The County of Augusta and the Independent City of Staunton; the County of Rockingham and the Independent City of Harrisonburg.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(345d) Wise County	Virginia	Wise	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(346) Yorktown	Virginia	Independent City of Williamsburg; the Counties of James City and York; and in the County of Warwick the Magisterial Districts of Denbigh and Stanley.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(347) Bellingham	Washington	Whatcom	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	Skagit	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(347a) Ephrata	Washington	Portion of Grant County lying between the south line of Township 23 North and the north line of Township 16 North.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(347b) Ellensburg	Washington	Kittitas	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(348) Everett	Washington	Snohomish	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Island	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(349) [Revoked]					
(349a) [Revoked]					
(349b) Longview-Kelso	Washington	Cowlitz	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(350) [Revoked]					
(350a) Olympia	Washington	Thurston	May 1, 1943	May 1, 1945	June 15, 1945
(351) Port Angeles-Port Townsend	Washington	Clallam	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(351a) Pullman-Moscow	Washington	Whitman	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
	Idaho	Latah	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(352) Puget Sound	Washington	County of Kitsap and those parts of the Counties of King and Pierce lying west of the Snoqualmie National Forest.	Apr. 1, 1941	June 1, 1942	July 15, 1942
(352a) [Revoked]					
(353) Spokane	Washington	Spokane	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(353a) Wenatchee	Washington	Chelan	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(354) Walla Walla	Washington	Walla Walla	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	In the County of Benton the precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland.	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(354a) Yakima	Washington	In the County of Benton, the precincts of Benton City, Carley, Columbia, East Prosser, Expansion, Hanford, Highlands, Horn Rapids, Hover, Kiona, North Prosser, Paterson, Prosser, Rattlesnake, Riverside, Walnut Grove, Wellington, West Prosser, and White Bluffs, and the County of Yakima.	Mar. 1, 1943	Apr. 1, 1944	May 15, 1944
(354b) Bluefield	West Virginia	Mercer	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
	West Virginia	McDowell, Mingo, Raleigh, and Wyoming	Jan. 1, 1945	May 1, 1946	June 15, 1946
	Virginia	Bluefield Town in Tazewell County	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
(355) Charleston, West Virginia	West Virginia	Kanawha	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	West Virginia	In Putnam County the Magisterial District of Pocatalico	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(355a) Clarksburg	West Virginia	Harrison	June 1, 1944	June 1, 1945	July 15, 1945
(356) Huntington	West Virginia	Cabell and Wayne	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Kentucky	Boyd and Greenup	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(356a) Martinsburg	West Virginia	Berkeley	Mar. 1, 1943	Apr. 1, 1944	May 15, 1944
(356b) Logan	West Virginia	Logan	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(356c) Mineral County	West Virginia	Mineral	Oct. 1, 1944	Mar. 1, 1946	Apr. 15, 1946
(357) Morgantown	West Virginia	Marion and Monongalia	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(357a) Parkersburg	West Virginia	Wood	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
	Ohio	Washington	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(358) Point Pleasant-Gallipolis	West Virginia	Jackson and Mason	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Ohio	Gallia and Meigs	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(359) Wheeling-Steubenville	West Virginia	Brooke, Hancock, Marshall, Ohio, and Wetzel	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Belmont, Columbiana, and Jefferson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(360) Appleton	Wisconsin	Outagamie County, and that part of New Londen located in Waupaca County.	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(360a) Ashland	Wisconsin	Ashland	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(360b) Beloit-Janesville	Wisconsin	Rock	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(360c) Green Bay	Wisconsin	Brown	Mar. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
(360d) Kenosha-Racine	Wisconsin	Kenosha and Racine	Mar. 1, 1942	Aug. 1, 1942	Sept. 5, 1942
(361) Eau Claire	Wisconsin	Chippewa, Dunn, and Eau Claire	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(361a) La Crosse	Wisconsin	La Crosse	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(362) Madison, Wisconsin	Wisconsin	Columbia, Dane, and Sauk	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(363) Manitowoc	Wisconsin	Manitowoc	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Wisconsin	That portion of the City of Kiel in the County of Calumet	Mar. 1, 1942	Apr. 1, 1944	May 15, 1944
(363a) Marinette	Wisconsin	Marinette	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(364) Milwaukee	Wisconsin	Milwaukee and Waukesha	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(364a) Mendovi-Durand	Wisconsin	Buffalo and Pepin	Mar. 1, 1944	June 1, 1945	July 15, 1945
(365) Oshkosh-Fond du Lac	Wisconsin	Fond du Lac and Winnebago	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Wisconsin	That portion of the City of Waupun in the County of Dodge	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(365a) Sheboygan	Wisconsin	Sheboygan	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(366) Sparta	Wisconsin	Monroe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(367) Sturgeon Bay	Wisconsin	Door	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(367a) Watertown, Wis	Wisconsin	Dodge County, except the City of Waupun, and Jefferson County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(367b) Wausau	Wisconsin	Marathon and Portage and that portion of Abbotsford Village, Colby City and Unity Village in Clark County.	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(368) Casper	Wyoming	Natrona	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(368a) Cody-Lovell	Wyoming	That portion of Big Horn County lying outside of the Big Horn National Forest and that portion of Park County lying outside of the Shoshone National Forest.	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(369) Cheyenne	Wyoming	That part of Laramie County, consisting of Townships 13 and 14 in Ranges 66 and 67 west of the 6th Principal Meridian including the City of Cheyenne.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(368a) Douglas	Wyoming	Converse	Mar. 1, 1943	May 1, 1944	June 15, 1944
(368b) Thermopolis	Wyoming	Hot Springs	Mar. 1, 1944	May 1, 1945	June 15, 1945
(368c) Laramie	Wyoming	Albany	Jan. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(368d) [Revoked]					
(368e) Sheridan	Wyoming	Sheridan	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(370) Alaska	Alaska	Territory of Alaska	Mar. 1, 1942	Nov. 1, 1942	Mar. 15, 1943
(371) Puerto Rico	Puerto Rico	Puerto Rico	Oct. 1, 1942	Feb. 1, 1944	Mar. 31, 1944

[1] This regulation is applicable only to that portion of the defense-rental area set forth in the third column of this Schedule A.
[2] For the position of the County of San Diego, other than the Judicial Townships of Encinitas, National, and San Diego in their entireties, and that part of the Judicial Township of El Cajon lying west of the Cleveland Forest, and which remains under control after March 1, 1947, the effective date is July 1, 1942.
[3] Sections 1, 6, 13.
[4] Remaining sections.
[5] May 31, 1943, except registrations required by Amendment 87 which must be filed by July 15, 1946.

Effective date. This Controlled Housing Rent Regulation shall become effective July 1, 1947.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of June 1947, effective July 1, 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6268; Filed, June 30, 1947; 5:17 p. m.]

PART 851—ORGANIZATION, DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

OFFICIAL SIGNATURE FOR OFFICE OF HOUSING EXPEDITER

§ 851.23 *Official signature for Office of Housing Expediter.* (a) The Housing Expediter may take in his own name any action in performance of the functions vested in him under the Housing and Rent Act of 1947 and any other statute or executive order.

Except as otherwise provided in this section, all actions taken or heretofore taken in performance of the functions vested in the Housing Expediter under the Housing and Rent Act of 1947 and any other statute or executive order (but not including delegations of authority) are or shall be taken and issued in the name of the Office of the Housing Expediter, countersigned or attested by the Authorizing Officer in substantially the following form:

Office of the Housing Expediter,
By ----------
Authorizing Officer.

This shall be the official signature of the Office of the Housing Expediter.

Unless authorized by the Housing Expediter to take official action in his own name, every officer and employee of the Office of the Housing Expediter shall be governed by the provisions of this section in taking action requiring the official signature of the Office of the Housing Expediter.

(b) *Appointment of Authorizing Officer.* James V. Sarcone is hereby appointed Authorizing Officer for the Office of the Housing Expediter. The Authorizing Officer will be governed by instructions of the Housing Expediter or his duly authorized representative in countersigning, attesting, or issuing any action of the Office of the Housing Expediter.

(c) *Effective date.* This section shall become effective July 1, 1947.

(Housing and Rent Act of 1947)

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-6322; Filed, July 1, 1947; 5:13 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXII—Retraining and Reemployment Administration

[Order 12]

RECISION OF RRA ADMINISTRATIVE ORDERS, AND DISSOLUTION OF INTERAGENCY COMMITTEE ESTABLISHED BY SUCH ORDERS

1. The following RRA orders are rescinded and the Interagency Committee established thereby is dissolved effective June 30, 1947:

RRA order No.	Subject	Date	F. R. citation
9	Interagency Committee on Employment of the Physically Handicapped.	7/3/46	11 F. R. 7426
9a	Amendment No. 1	3/26/47	12 F. R. 2128

2. Rescission of the above cited orders, and dissolution of the Interagency Committee established by such orders are directed in liquidation of the Retraining and Reemployment Administration pursuant to section 603 of the War Mobilization and Reconversion Act (50 U. S. C. A. App. 1651, note) and are not intended to preclude or hinder voluntary cooperative activities of Federal agencies directed toward the objectives of the Interagency Committee in accordance with other laws.

(Title III, sec. 302, 58 Stat. 769; 50 U. S. C. App. Sup. 1662)

ROBERT K. SALYERS,
Acting Administrator.

JUNE 27, 1947.

[F. R. Doc. 47-6213; Filed, July 2, 1947; 8:50 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 27—PROCEDURES OF THE NAVAL ESTABLISHMENT

DISPOSITION OF PROPERTY

Renumber § 27.5 (a) (1) of the regulations relating to the procedures of the Naval Establishment (11 F. R. 177A-184) to § 27.5 (a) (1) (i) and add a new subdivision as follows:

§ 27.5 *Disposition of property.* * * *
(a) *Disposition under the Surplus Property Act.* * * *
(1) *Waste scrap and salvage.* (i) * * *

(ii) Under the provisions of Public Law 520, 79th Congress, 2d Session, and War Assets Administration Regulation No. 17, as amended, the Navy Department may be from time to time directed to sell certain surplus strategic and critical materials, in lieu of reporting such materials for disposition by the Reconstruction Finance Corporation. For example, the Navy Department has been directed by the Reconstruction Finance Corporation to sell the following types of strategic materials when available to any one location within the continental limits of the United States, at any given time in excess of 50,000 pounds: cartridge brass ingots, slabs, discs, bars, partly or completely manufactured ammunition cases (new or demilitarized), fired cases or remelt ingot, guilding metal mill forms or remelt ingot.

In making such sales, Navy Department selling activities are required by Amendment No. 2, War Assets Administration Regulation No. 17 to be guided by recommendations of the Office of Materials Distribution, Department of Commerce, as to eligible bidders and quantities. Persons, firms or corporations wishing to purchase strategic materials offered for sale by the Navy Department, should make application in writing for recommendation as to eligibility to bid directly to the office of Materials Distribution, Department of Commerce, Washington, D. C. In general recommendations will be made to sell only to brass mills, wire mills, smelters and refiners, in quantities sufficient to satisfy an immediate 30 day operating period.

(Sec. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-6214; Filed, July 2, 1947; 8:50 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels

[CGFR 47—35]

PART 147—USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. No. 47-6090 appearing at page 4184 of the issue for Friday, June 27, 1947, the reference to "Table 3" in paragraphs 15 and 20 should read "Table S".

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

ORDER EXTENDING EXEMPTION FROM EXISTING RULES

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on June 20, 1947;

The Commission having before it a proposal to extend to September 30, 1947, the action of the Commission of March 27, 1947 waiving the requirements of § 3.661 (a) of the rules and regulations of the Federal Communications Commission until June 30, 1947; and

It appearing, that because of construction and operating difficulties the deferment of the effect of § 3.661 (a), which requires television licensees to broadcast a minimum of 2 hours of broadcast service in any given broadcast day and not less than 28 hours of broadcast service per week, should be continued until September 30, 1947; and

It further appearing, that since the proposed extension constitutes an exemption from existing Commission rules and that it is necessary that it become effective immediately upon the expiration on June 30, 1947, of a similar exemption, compliance with the public notice and procedure requirements of section 4 of the Administrative Procedure Act is hereby found to be impracticable;

It is hereby ordered, That § 3.661 (a) of the Commission's rules and regulations be amended effective immediately, so that the footnote at the end of § 3.661 (a) will read as follows:

"The requirements of § 3.661 (a) are waived until September 30, 1947."

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6241; Filed, July 2, 1947; 8:50 a. m.]

[Docket No. 8163]

PART 5—EXPERIMENTAL RADIO SERVICES
PART 10—EMERGENCY RADIO SERVICES
PART 11—MISCELLANEOUS RADIO SERVICES
PART 16—RAILROAD RADIO SERVICE
PART 17—UTILITY RADIO SERVICE

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the matter of amendments of §§ 5.29, 10.82, 11.42, 16.23, and 17.123, and the revocation of §§ 10.83 and 11.43, in order to provide a unified method of identification of portable and mobile units operated, respectively, in the Experimental, Emergency, Miscellaneous, Railroad, and Utility Radio Services; and

It appearing, that on March 11, 1947, general notice of proposed rule making with respect thereto was published in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing, that suggestions and comments pertaining to the proposed rule changes were filed with, and carefully considered by, the Commission, and the substance thereof adopted; and

It further appearing, that public interest, convenience, and necessity will be served by adoption of the proposed rule changes as hereafter set forth;

Now, therefore, *It is ordered,* That, effective September 1, 1947, §§ 10.83 and 11.43 of the Commission's rules and regulations be revoked and that §§ 5.29, 10.82, 11.42, 16.23, and 17.123 of the Commission's rules and regulations be amended to read as follows:

Display of station license and transmitter identification cards.

(a) The current authorization for each mobile or portable station shall be retained as a permanent part of the station record. An executed Transmitter Identification Card (FCC Form No. 452-C, Revised) shall be affixed to each mobile and each portable transmitter or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the identification card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of the permittee or licensee.
(2) Station call signal assigned by the Commission.
(3) Exact location or locations of the transmitter records.
(4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate, and
(5) Signature of the permittee or licensee, or a responsible official thereof.

(b) The current authorization for each land or fixed station shall be displayed at the principal control position of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be displayed. In addition, an executed Transmitter Identification Card (FCC Form No. 452-C, Revised) shall be affixed to each transmitter or associated equipment operated at a fixed location, when the transmitter is not in view of, and readily accessible to the operator at the principal control position.

(Sec. 301, 48 Stat. 1081, 303 (r), 50 Stat. 191; 47 U. S. C. 301, 303 (r))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6240; Filed, July 2, 1947; 8:50 a. m.]

[Docket No. 6651]

PART 11—MISCELLANEOUS RADIO SERVICES

FREQUENCIES

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of June 1947;

It appearing, that pursuant to proceedings in Docket No. 6651, a final decision was rendered by the Commission on May 25, 1945, which allocated a stated number of channels in the frequency spectrum from 25,000 to 30,000,000 kilocycles to the various non-government radio services and provided that further reports allocating specific frequencies in the various frequency bands would be made at a later date; and

It appearing, that on July 12, 1946, the Commission issued its proposal for the final allocation of specific frequencies in the band 152–162 Mc; on October 21, 1946, the Commission issued its proposal for the final allocation of specific frequencies in the band 30–40 Mc; that copies of these proposals were served upon all interested parties; written comments, briefs, and recommendations regarding the proposed allocations in each of these frequency bands were filed by interested parties; and oral argument with respect to the Commission's proposed allocations in each of these bands was held February 3, 1947; that the Commission considered, carefully, all of the suggestions, comments, and recommendations submitted by interested parties; that some of the recommendations were adopted and others were rejected; and that on March 20, 1947, final reports were issued by the Commission allocating specific frequencies in the bands 30–40 Mc and 152–162 Mc to the various non-government services; and

It appearing, that on July 19, 1946, the Commission issued its final decision, without a prior proposed report, allocating frequencies in the bands 42–44 Mc and 72–76 Mc to the various non-government radio services, a proposed report regarding these allocations having been omitted for the reason that the final allocations of frequencies in each of these bands were made in conformity with the recommendations of the Radio Technical Planning Board which represented the interested parties in the proceedings in Docket No. 6651;

It further appearing, that a portion of the frequency allocations made in the Commission's final decisions covering allocation of frequencies in the bands 30–40 Mc, 42–44 Mc, 72–76 Mc, and 152–162 Mc, is at variance with existing provisions of §§ 11.83, 11.103, 11.113, and 11.122 of the Commission's rules and regulations governing Miscellaneous Radio Services, which sections enumerate the specific frequencies available for assignment, respectively, to Geological, Relay Press, Motion Picture, and Provisional radio stations; wherefore, it is necessary that the aforesaid §§ 11.83, 11.103, 11.113, and 11.122 be amended to conform with the final frequency allocations made in the Commission's reports of July 19, 1946, and March 20, 1947;

It is ordered, That, effective August 1, 1947, §§ 11.83, 11.103, 11.113, and 11.122 of the rules and regulations governing Miscellaneous Radio Services be and they are hereby amended to read as follows:

§ 11.83 *Frequencies.* (a) The center frequency of each specific channel allocated for shared use by Geological stations is listed below. These channels are available for type A–0, A–1, A–2, A–3, and Special emission. Frequencies marked with an asterisk (*) will not ordinarily be assigned, pending development of equipment capable of satisfactory adjacent channel operation.

Kc	*Mc*	*Mc*
1602	35.18*	152.99
1628	43.02	153.05*
1652	43.06*	153.11
1676	43.10	153.17*
1700	43.14*	153.23
	43.18	153.29*
Mc	152.75	153.35
35.06	152.81*	153.41*
35.10*	152.87	153.47
35.14	152.93*	153.53*

(b) Additional channels for use by Geological stations are to be designated in the 25–30 Mc band, and may be designated in the following television channels: 44–50; 54–60; 60–66; 66–72; 76–82; 186–192; 192–198; 198–204; 204–210; and 210–216 Mc. Frequencies designated in the television channels will be assigned on a mutually non-interfering basis.

§ 11.103 *Frequencies.* (a) The center frequency of each specific channel allocated for shared use by mobile or portable Relay Press stations is listed below. These channels are available for type A–1, A–2, and A–3 emission and Special emission for frequency modulation, using a maximum transmitter power output of 250 watts. Frequencies marked with an asterisk (*) will not ordinarily be assigned, pending development of equipment capable of satisfactory adjacent channel operation.

Mc	*Mc*	*Mc*	*Mc*
152.75	152.81*	153.47	153.53*

(b) Additional channels for use by Relay Press stations are to be designated in the 25–30 Mc band, and may be designated in the following television channels: 44–50; 54–60; 60–66; 66–72; 76–82; 186–192; 192–198; 198–204; 204–210; and 210–216 Mc. Frequencies designated in the television channels will be assigned on a mutually non-interfering basis.

§ 11.113 *Frequencies.* (a) The center frequency of each specific channel allocated for shared use by Motion Picture stations is listed below. These channels are available for type A–1, A–2, and A–3 emission and (1652 kc excepted) Special emission for frequency modulation, using a maximum transmitter power output of 250 watts. Frequencies marked with an asterisk (*) will not ordinarily be assigned, pending development of equipment capable of satisfactory adjacent channel operation.

Kc 1652		
Mc	*Mc*	*Mc*
152.75	153.05*	153.35
152.81*	153.11	153.41*
152.87	153.17*	153.47
152.93*	153.23	153.53*
152.99	153.29*	

(b) Additional channels for use by Motion Picture stations are to be designated in the 25–30 Mc band, and may be designated in the following television channels: 44–50; 54–60; 60–66; 66–72; 76–82; 186–192; 192–198; 198–204; 204–210; and 210–216 Mc. Frequencies designated in the television channels will be assigned on a mutually non-interfering basis.

§ 11.122 *Frequencies.* (a) The center frequency of each specific channel allocated for shared use by Provisional stations is listed below. These channels are available for type A–1, A–2, and A–3 emission and Special emission for frequency modulation. Frequencies marked with an asterisk (*) will not ordinarily be assigned, pending development of equipment capable of satisfactory adjacent channel operation.

Mc	*Mc*	*Mc*
30.58	42.98	72.54
30.62*	72.06	72.58
30.66	72.10	72.66
30.70*	72.18	75.54
30.74	72.22	154.49
30.78*	72.30	[1] 154.57
30.82	72.34	158.31
[1] 33.14	72.42	
[1] 35.02	72.46	

(b) Additional channels for use by Provisional stations are to be designated in the 25–30 Mc band, and may be designated in the following television channels: 44–50; 54–60; 60–66; 66–72; 76–82; 186–192; 192–198; 198–204; 204–210; and 210–216 Mc. Frequencies designated in the television channels will be assigned on a mutually non-interfering basis.

[1] Low power (Maximum antenna input—8 watts peak)

[2] Width 100 kc.

(c) Upon proper showing of need, the Commission may authorize the use of one or more additional frequencies for use by Provisional stations, with appropriate emission and power, upon the condition that interference will not be caused to any other service and under such restrictions as may be deemed necessary.

(Sec. 301, 303 (c), 48 Stat. 1081, 1082, sec. 303 (r) 50 Stat. 191; 47 U. S. C. 301, 303 (c), 303 (r))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6242; Filed, July 2, 1947; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CROSS REFERENCE: For exceptions to the provisions of §§ 500.3 and 500.72, see Part 520 of this chapter, F. R. Doc. 47-6250 through 47-6252, *infra*.

[General Permit ODT 18A, Rev. 29, Amdt. 2]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF NEW IMMATURE IRISH POTATOES OF VARIETY KNOWN AS BLISS TRIUMPH

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, *It is hereby ordered*, That General Permit ODT 18A Revised-29 (12 F. R. 401), shall remain in force and effect until further order of the Office of Defense Transportation.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 30th day of June 1947.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 47-6243; Filed, July 2, 1947; 8:47 a. m.]

[General Permit ODT 1, Rev.-10, Amdt. 4]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS FROM OFFICIAL CLASSIFICATION TERRITORY

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 1, Revised, as amended, *It is hereby ordered*, That General Permit ODT 1, Revised-10 (11 F. R. 12364), shall remain in force and effect until further order of the Office of Defense Transportation.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 30th day of June 1947.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 47-6251; Filed, July 2, 1947; 8:47 a. m.]

[General Permit ODT 1, Rev. 11, Amdt. 4]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS WITHIN OFFICIAL CLASSIFICATION TERRITORY

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 1, Revised, as amended, *It is hereby ordered*, That General Permit ODT 1, Revised-11 (11 F. R. 12364), shall remain in force and effect until further order of the Office of Defense Transportation.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 30th day of June 1947.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 47-6252; Filed, July 2, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

STANDARDS FOR FRESH FRUITS AND VEGETABLES AND OTHER PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under the authority contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 60 Stat. 270) and the Agricultural Marketing Act of 1946 (Pub. Law 733, 79th Cong., 60 Stat. 1082), that the United States Department of Agriculture is considering the issuance of further amendments, as hereinafter proposed, to the United States Standards for citrus fruits (11 F. R. 13239; 12 F. R. 1).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Delete paragraphs (b) (7) and (8) from § 51.191 *Citrus fruits* (11 F. R. 13239; 12 F. R. 1) and substitute therefor the following:

§ 51.191 *Citrus fruits.* • • •

(b) *Grades.* • • •

(7) *U. S. No. 2.* U. S. No. 2 grade shall consist of citrus fruits of similar varietal characteristics, which are mature, fairly firm, not more than slightly misshapen or slightly rough, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, black or unsightly discoloration, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, disease, insects, mechanical, or other means. As applied to oranges, each fruit shall, in addition, meet the following requirements for color:

(i) Oranges of the early and midseason varieties shall be reasonably well colored.

(ii) Oranges of the Valencia and other late varieties shall show yellow or orange color predominating over the green color on at least one-third of the fruit surface, in the aggregate, which is not discolored.

(iii) Not more than two-thirds of the surface, in the aggregate, may be affected with discoloration.

(8) *U. S. Combination Grade.* (i) Any lot of citrus fruits, except oranges, may be designated "U. S. Combination" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade.

(ii) As applied to oranges, not less than 50 percent, by count, of the fruits in each container shall meet the requirements of U. S. No. 1 grade, and each of the remainder of the oranges, in addition to meeting all other requirements of the U. S. No. 2 grade, shall be well formed, shall have not more than one-half of the surface, in the aggregate, affected with discoloration, and shall meet the following requirements for color:

(*a*) Oranges of the early and midseason varieties shall be fairly well colored.

(*b*) Oranges of the Valencia and other late varieties shall be reasonably well colored.

2. Add the words "for grapefruit and oranges except the Temple variety" to the heading of paragraph (d) § 51.191 *Citrus fruits* (11 F. R. 13239; 12 F. R. 1).

3. Delete paragraphs (e) (13) and (14) from § 51.191 *Citrus fruits* (11 F. R. 13239; 12 F. R. 1) and substitute therefor the following:

(e) *Definition of terms.* • • •

(13) "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not materially elongated or pointed, or otherwise deformed.

(14) "Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

4. Add the following subparagraph (19) at the end of paragraph (e) of § 51.191 *Citrus fruits* (11 F. R. 13239; 12 F. R. 1):

(19) "Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate, which is not discolored.

Issued this 30th day of June 1947.

[SEAL] F. R. BURKE, *Acting Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 47-6249; Filed, July 2, 1947; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 1, 3]

[Docket No. 8337]

ORGANIZATION AND PRACTICE AND PROCEDURE; RADIO BROADCAST SERVICES; STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD AND FM BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of proposed new and revised application forms in the broadcast services and amendment of Parts 1 and 3 of the Rules and Regulations and the Standards of Good Engineering Practice Concerning Standard and FM Broadcast Stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The attached proposed revised forms[1] are intended to cover (except in the International Facsimile, or Experimental Broadcast Services) applications for the following authorizations:

Construction permit for a new broadcast station.

[1] Filed as part of the original document.

Construction permit to replace an expired construction permit.

Modification of an existing broadcast station authorization.

Station license.

Renewal of station license.

Authorization for station in the auxiliary broadcast services.

Assignment of station license or construction permit.

Transfer of control.

3. Numbers and titles of the proposed forms are as follows:

FCC Form 301, Application for authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station.

FCC Form 302, Application for New Broadcast Station License.

FCC Form 303, Application for Renewal of Broadcast Station License.

FCC Form 313, Application for Authorization in the Auxiliary Broadcast Services.

FCC Form 314, Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License.

FCC Form 315, Application for Consent to Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License.

FCC Form 321, Application for Construction Permit to Replace Expired Permit.

4. It is proposed that the forms in current use bearing the above numbers be made obsolete, that the existing forms bearing the numbers FCC 309, 310, 311, and 312 be used only in connection with applications in the International Facsimile, and Experimental Broadcast Services, and that the following numbered forms be made obsolete for all purposes; 303A, 303B, 304, 305, 306, 316, 319, 320, 322, 327, 330, 333, 335.

5. It is proposed that Part 1 of the rules and regulations be amended as follows:

In § 1.311 delete present language and substitute the following:

§ 1.311 *Application forms for construction permit or modification thereof; broadcast services.* Application forms for authority to construct a new station or make changes in an existing station; broadcast services. Applications for new facilities or modification of existing facilities in the broadcast services including AM (standard), FM (frequency modulation), non-commercial educational, commercial television, commercial facsimile, international, experimental (experimental television, experimental facsimile and developmental), and auxiliary (remote pickup and studio transmitter) shall be made on the following forms:

(a) FCC Form 301, "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station."

(b) FCC Form 309, "Applications for International, Facsimile, or Experimental Broadcast Station Construction Permit or Modification Thereof." To be submitted with FCC Form 318 for experimental television applications.

(c) FCC Form 313, "Application for Authorization in the Auxiliary Broadcast Services."

(d) FCC Form 318, "Supplemental application for experimental television broadcast station construction permit, license or modification thereof."

(e) FCC Form 340, "Application for New Noncommercial Educational Broadcast Station Construction Permit.

In § 1.314 change heading to read "*Application for extension of construction permit or for construction permit to replace expired construction permit, (broadcast); application for extension of construction permit (nonbroadcast),*" and add a new paragraph as follows:

(c) In the broadcast services, when it is desired to replace an expired construction permit, application shall be made on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

In § 1.317 change paragraph (b) to read as follows:

(b) The following application forms shall be used:

(1) FCC Form 302, "Application for New Broadcast Station License."

(2) FCC Form 310, "Application for International, Facsimile, or Experimental Broadcast Station License."

(3) FCC Form 313, "Application for Authorization in the Auxiliary Broadcast Services."

(4) FCC Form 403, "Application for Radio Station License or Modification Thereof (other than broadcasting, amateur, ship, and aircraft)."

In § 1.318 (b) (1), delete the word "standard".

In § 1.319 delete present language in paragraph (b) (1) and substitute the following:

(1) FCC Form 301, "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station"—To be used for all applications for modification of any term of an existing authorization of a broadcast station (except in the International, Facsimile, Experimental, or Auxiliary Broadcast Services)."

Delete present § 1.319 (b) (2) entirely.

Delete present language in § 1.319 (b) (3) and substitute the following:

(3) FCC Form 312, "Application for Modification of International, Facsimile, or Experimental Broadcast Station License."

Delete present § 1.319 (b) (4) entirely.

Renumber remaining subparagraphs of § 1.319 (b) in accordance with deletions.

In § 1.320 (c) (1), delete the word "standard".

Delete present § 1.320 (b) (2) entirely.

Delete present § 1.320 (b) (3) entirely.

Delete present language in § 1.320 (b) (4) and substitute the following:

(4) FCC Form 311, "Application for Renewal of International, Facsimile, or Experimental Broadcast Station License"—To be used for all applications for renewal of licenses of international, facsimile, noncommercial educational, and experimental broadcast stations.

Delete present language in § 1.320 (b) (5) and substitute the following:

(5) FCC Form No. 313, "Application for Authorization in the Auxiliary Broadcast Services"—to be used for all applications for renewal of regular licenses of auxiliary (remote pickup and ST) radio broadcasting stations.

Renumber remaining subparagraphs of § 1.320 (b) in accordance with deletions.

In § 1.321 delete present paragraph (f) (3) entirely and renumber remaining subparagraphs in accordance with deletion.

In § 1.328 delete present language and substitute the following:

§ 1.328 *Application to determine operating power by direct measurement of antenna power.* Application to determine operating power by direct measurement of antenna power—Application to determine operating power of broadcast stations by direct measurement of antenna power shall be made on FCC Form 302, "Application for New Broadcast Station License."

§ Delete § 1.345 entirely.

6. It is proposed that Part 3 of the rules and regulations be amended as follows:

In § 3.211 delete present language in the last sentence and substitute the following: "If the application is for a construction permit or for modification of an existing authorization, FCC Form 301 shall be filed; if for a license, FCC Form 302 shall be filed; if for a renewal of license, FCC 303 shall be filed."

In § 3.215 add a new paragraph (c) to read:

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

In § 3.220 delete reference to form number in paragraph (a) and substitute the following: "(FCC Form 303)."

In § 3.611 delete present language in the last sentence and substitute the following: "If the application is for a new station or for modification of an existing authorization, FCC Form 301 shall be filed; if for a license, Form 302 shall be filed; if for a renewal of license, FCC Form 303 shall be filed."

In § 3.615 add a new paragraph (c) to read:

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

In § 3.620 delete reference to form number in paragraph (a) and substitute the following: "(FCC Form 303)".

7. It is proposed that the Standards of Good Engineering Practice Concerning Standard Broadcast Stations be amended as follows:

In section 24 delete present language down to the words "Informal requests (letters or telegrams may be filed for requests: . . ." and substitute the following:

SEC. 24. *Standard broadcast application forms.* The Communications Act of 1934, as amended, and the rules and regulations of the Commission require that application be made to the Commission for various authorizations. In order to be of aid to applicants, there are set out below the correct forms to be submitted in making application for various authorizations applicable to Standard Broadcast Stations.

FCC Form 301, Application for Authority to Construct a New Broadcast Station or make Changes in an Existing Broadcast Station.

FCC Form 302, Application for New Broadcast Station License.

FCC Form 303, Application for Renewal of Broadcast Station License.

FCC Form 308, Application for Permit to Locate, Maintain, or Use Studio Apparatus for Production of Programs to be Transmitted or Delivered to Foreign Radio Stations.

FCC Form 314, Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License.

FCC Form 315, Application for Consent to Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License.

FCC Form 317, Application for Standard Broadcast Station Special Service or Extension Thereof (See § 1.325).

FCC Form 321, Application for Construction Permit to Replace Expired Permit.

FCC Form 701, Application for Additional Time to Construct a Radio Station.

8. It is proposed that the Standards of Good Engineering Practice Concerning FM Broadcast Stations be amended as follows:

In section 19 delete present language and substitute the following:

SEC. 19. *Broadcast application forms.*

FCC Form 301, Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station.

FCC Form 302, Application for New Broadcast Station License.

FCC Form 303, Application for Renewal of Broadcast Station License.

FCC Form 314, Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License.

FCC Form 315, Application for Consent to Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License.

FCC Form 321, Application for Construction Permit to Replace Expired Permit.

FCC Form 701, Application for Additional Time to Construct a Radio Station.

9. Copies of the proposed forms will be available at the Commission's Office of Information, Room 7230, New Post Office Building, Washington 25, D. C.

10. The proposed revisions of forms and amendments of the Commission's rules and regulations are issued pursuant to authority contained in sections 303 (r) and 308 (b) of the Communications Act of 1934, as amended.

11. Any interested person who is of the opinion that the proposed forms and amendments of the rules and regulations should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before July 21, 1947 a written statement or brief setting forth his comments. The Commission will consider these written comments and if comments are submitted which appear to warrant the Commission's holding on oral argument, notice of time and place of such oral argument will be given.

(Sec. 308 (b), 48 Stat. 1084, 303 (r), 50 Stat. 191; 47 U. S. C. 303 (r) 308 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6243; Filed, July 2, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Geological Survey

[Alaska No. 8]

SHEEP CREEK NEAR JUNEAU, ALASKA

MODIFICATION NO. 420 OF POWER SITE CLASSIFICATION NO. 203

Pursuant to Order No. 2333 of the Acting Secretary of the Interior, dated June 10, 1947, Power Site Classification No. 203, approved October 18, 1928, is hereby modified under the acts of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and June 10, 1920, as amended (sec. 24, 41 Stat. 1075; 16 U. S. C., Supp. V., 818), to read as follows:

All lands within 1,000 feet of Sheep Creek, Alaska, from its mouth to a point about 2.3 miles upstream, said point being 1,800 feet S. 70° E. of U. S. L. M. 3A, excepting lands within U. S. Survey 2572 and the strip of adjacent land approximately 300 feet wide comprising the area between the southeast boundary of Survey 2572 and the southeast boundary of this reservation; Sheep Creek being a stream from the mainland emptying into Gastineau Channel about 4 miles southeast of Juneau.

This land will not become subject to appropriation under any act of Congress until an order of restoration has been issued by the Director, Bureau of Land Management.

W. E. WRATHER,
Director.

[F. R. Doc. 47-6212; Filed, July 2, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6885, 7435, 7959]

UNITED BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of United Broadcasting Company, Ogden, Utah, for construction permit, Docket No. 6885, File No. BP-4107; Ogden Broadcasting Co., Inc., Ogden, Utah, for construction permit, Docket No. 7435, File No. BP-4553; The Central Utah Broadcasting Co. (KCSU), Provo, Utah, for construction permit, Docket No. 7959, File No. BP-4703.

The Commission having scheduled a further hearing upon the above-entitled applications for 10:00 o'clock a. m., Monday, June 23, 1947, at Washington, D. C.; and

It appearing, that public interest, convenience and necessity would be served by a continuance of said further hearing;

It is ordered, This 19th day of June, 1947, on the Commission's own motion, that the said further hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m., Monday, July 28, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6244; Filed, July 2, 1947; 8:46 a. m.]

[Docket Nos. 7766, 7956]

C. THOMAS PATTEN AND PITTSBURG BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR HEARING

In re applications of C. Thomas Patten, Oakland, California, Docket No. 7766, File No. BP-4876; Pittsburg Broadcasting Company, Pittsburg, California, Docket No. 7956, File No. BP-5356; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the above applications of C. Thomas Patten for construction permit for a new standard broadcast station to operate on the frequency 1010 kc, 1 kw, daytime only, at Oakland, California and of Pittsburg Broadcasting Company for construction permit for a new standard broadcast station to operate on the frequency 990 kc, 1 kw, unlimited time, at Pittsburg, California, together with petitions filed by C. Thomas Patten on April 7, 1947 and Pittsburg Broadcasting Company on April 8, 1947; each petition requesting severance of petitioner's application from the above consolidated proceeding and grant of said application forthwith; and

Whereas, a hearing has been held and the record closed in the above consolidated proceeding; and

It appearing, that from the evidence adduced at the hearing no electrical interference exists between the above-entitled applications; and

It further appearing, that on the basis of the testimonial record compiled in the above proceeding and the petitions here under consideration, there is not sufficient evidence before the Commission upon which it could presently determine that the respective applicants are legally, technically, financially and otherwise qualified to operate the proposed stations, and that, therefore, further hearings are necessary in order that all pertinent facts relating thereto may be before the Commission;

It is ordered, That the said petitions, insofar as each requests severance of

petitioner's application from the above consolidated proceeding be, and they are hereby, granted; that said applications be, and they are hereby, severed from said proceeding; and that the said petitions, insofar as they request immediate grants of the respective application, be, and they are hereby, denied;

It is further ordered, That the record in Docket No. 7766, C. Thomas Patten, and the record in Docket No. 7956, Pittsburg Broadcasting Company, be, and they are hereby, reopened, and that each of the above applications be, and it is hereby, designated for further separate hearing, at times and places to be set by subsequent order of the Commission.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6245; Filed, July 2, 1947; 8:46 a. m.]

[Docket No. 7974]

MACKAY RADIO AND TELEGRAPH CO. INC.

ORDER DESIGNATING APPLICATION FOR HEARING

In the matter of Radiotelegraph service between the United States and foreign and overseas points and assignment of frequencies for such service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of June 1947;

The Commission, having under consideration a request by Mackay Radio and Telegraph Company, Inc., that its application dated February 11, 1947, for modification of license to add Helsinki, Finland, as an authorized point of communication, File No. 10364-MLHT-B, be included herein together with its applications heretofore designated for hearing in the proceedings herein; and

It appearing, that the above-described application should properly be considered in the proceedings herein;

It is ordered, That the above-described application of Mackay Radio and Telegraph Company, Inc., is designated for hearing in this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6246; Filed, July 2, 1947; 8:46 a. m.]

WCJU, COLUMBIA, MISS.

NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on June 19, 1947, there was filed with it an application (BAL-616) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of WCJU, Columbia, Mississippi, from C. J. Wright, B. M. Wright & C. J. Wright, Jr., d/b as Forrest Broadcasting Company to Lester Williams, Columbia, Miss. The proposal to assign the license arises out of a contract of May 15, 1947, pursuant to which assignor, Forrest Broadcasting Company agrees to sell and the assignee, Lester Williams agrees to buy all the assets and properties of WCJU for a total consideration of $22,500 (which sum has been placed in escrow with the Columbia Bank, Columbia, Mississippi) plus all accounts receivable and cash or money on deposit at the time of approval of instant transfer. Further information as to the arrangements may be found with the application and associated papers which are on file at the office of the Commission in Washington, D. C.

On July 25, 1946 the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by applicant on June 19, 1947, that starting on June 19, 1947, notice of the filing of the application would be inserted in the Columbian Progress and the Columbia Sunday Mirror newspapers of general circulation at Columbia, Mississippi, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from June 19, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6247; Filed, July 2, 1947; 8:46 a. m.]

[1] Section 1.321, Part I, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Docket No. G-803]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed May 15, 1947, in Docket No. G-803 by Hope Natural Gas Company (Applicant), a West Virginia corporation with its principal place of business at Clarksburg, West Virginia, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural gas pipe-line facilities described in the application, which is on file with the Commission and open to public inspection. The notice of Application was published in the FEDERAL REGISTER on June 4, 1947 (12 F. R. 3636).

It appearing to the Commission that:

This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that it application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 4, 1947 (12 F. R. 3636);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on July 17, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding; *Provided, however*, That if no request to be heard, or protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested state commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: June 27, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6209; Filed, July 2, 1947; 8:48 a. m.]

[Docket No. G-897]

WEST TEXAS GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 30, 1947, by West Texas Gas Company, a Delaware corporation with its principal place of business at Lubbock, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas compressor facilities as fully described in such application on file with the Commission and open to public inspection; and

It appearing to the Commission that:

(1) Temporary authorization to construct and operate the requested facilities was granted by the Commission on June 2, 1947;

(2) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 21, 1947 (12 F. R. 3278).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on July 17, 1947 at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding: *Provided, however*, That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: June 27, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6208; Filed, July 2, 1947; 8:48 a. m.]

[Docket No. G-900]

CONSOLIDATED GAS UTILITIES CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed May 19, 1947, by Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain additional natural gas facilities as fully described in such application on file with the Commission and open to public inspection; and

It appearing to the Commission that:

(a) Temporary authorization to construct and operate the facilities described in said application was granted by the Commission on June 6, 1947.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 11, 1947 (12 F. R. 3815-16); The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on July 15, 1947, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding: *Provided, however*, That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: June 27, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6210; Filed, July 2, 1947; 8:50 a. m.]

[Docket No. IT-6067]

OTTER TAIL POWER CO.

NOTICE OF APPLICATION

JUNE 26, 1947.

Notice is hereby given that on June 25, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Otter Tail Power Company, a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of $3,000,000 principal amount of First Mortgage Bonds, 2¾% Series of 1977, to be dated June 1, 1947 and to mature June 1, 1977, and to carry interest at the rate of 2¾% per annum, payable semi-annually on December 1 and June 1 of each year; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 17th day of July, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6211; Filed, July 2, 1947; 8:50 a. m.]

[Docket No. IT-6042]

NORTHERN STATES POWER CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR WANT OF JURISDICTION

JUNE 30, 1947.

Notice is hereby given that, on June 30, 1947, the Federal Power Commission issued its order entered June 27, 1947, dismissing application for want of jurisdiction in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6228; Filed, July 2, 1947; 8:53 a. m.]

[Docket No. IT-6062]

GULF PUBLIC SERVICE CO., INC.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

JUNE 30, 1947.

Notice is hereby given that, on June 30, 1947, the Federal Power Commission issued its order entered June 27, 1947, authorizing and approving issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6227; Filed, July 2, 1947; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 227]

RECONSIGNMENT OF ONIONS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Phila., Pa., June 27, 1947, by I. Meltzer, of cars GARX 67827 and PFE 97402, onions, now on the PRR to Providence, R. I. (PRR-NH).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent

of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of June 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-6226; Filed, July 2, 1947; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER APPROVING PLAN SUBJECT TO CONDITIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of June A. D. 1947.

New England Public Service Company ("NEPSCO"), a registered holding company and a subsidiary of Northern New England Company ("Northern"), also a registered holding company, having filed an application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of an amended plan ("plan") providing for the retirement of all NEPSCO's outstanding Prior Lien Preferred Stock by payment in cash at the call price or through a voluntary exchange offer whereunder the holders of Prior Lien Preferred Stock would have the option to take common stock of NEPSCO's subsidiary, Public Service Company of New Hampshire ("New Hampshire"), at the initial public offering price per share to be established at competitive bidding, subject to the right of NEPSCO to reduce pro rata elections to receive stock insofar as necessary to exhaust $16,500,000 of eash now in the company's treasury; and the plan further providing for the following three alternatives which NEPSCO might elect on five days' written notice to the Commission of the action it proposed to take, and if the Commission within five days after receiving such notice should notify NEPSCO that it objected thereto, NEPSCO would not proceed unless and until the Commission should, with or without a hearing, have approved such election; (1) Alternative 1 permitting NEPSCO to abandon the sale of the New Hampshire stock at competitive bidding and to fix the price at which it may be optionally taken by the holders of Prior Lien Preferred Stock in lieu of cash; (2) Alternative 2 permitting NEPSCO to abandon entirely the exchange offer of New Hampshire and to borrow from banks the balance of cash needed to retire the Prior Lien Preferred Stock; and (3) Alternative 3 providing that the payment to the holders of Prior Lien Preferred Stock in excess of $100 per share and an amount equal to accrued dividends may be postponed until the amount, if any, of such excess be finally determined; pending such determination, the right, if any, of prior lien holders to such excess payment would be represented by a certificate of contingent interest calling for payment of such amount (not exceeding $20 per share for the $7 Series and $10 per share for the $6 Series), and such compensation for delay in such payment as may be finally determined; and the depositing with a bank or trust company ("Plan Trustee") of $4,000,000 in cash under an Escrow Deposit Agreement providing that on or before a date fixed or approved by a final order, the Plan Trustee shall distribute to the holders of said certificates, against the surrender thereof, the amounts payable by said order; under Alternative 3, the payment of $100 per share and an amount equal to accrued dividends would be in cash with the election to take stock, as provided in the plan or in Alternative 1, or solely in cash if Alternative 2 is adopted; and

Said plan having been filed for the stated purpose of complying with the provisions of section 11 (b) of the act and in partial compliance with the Commission's order dated May 2, 1941 requiring the recapitalization or liquidation of NEPSCO; and

The Commission having issued its notice of filing and notice of and order for hearing on said plan, copies having been mailed to all of the stockholders of NEPSCO of record and to all the shareholders of Northern of record, notice having been given to all interested persons, public hearings having been held, at which hearings security holders of NEPSCO and Northern and other interested persons were afforded an opportunity to be heard with respect to all matters pertaining to said proceedings, briefs having been filed and oral argument having been heard, and the Commission having considered the record and having this date issued its Findings and Opinion in respect to such proceedings; and

The Commission having found that the plan is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected thereby on condition that it is amended within five days from the date of our order herein (or such longer period as may be hereafter allowed for good cause) to provide for the payment to the holders of the Prior Lien Preferred Stock of $100 per share and an amount equal to accrued dividends on account of their claims and the issuance to such holders of Certificates of Contingent Interest evidencing their right to receive any additional payment (not exceeding $20 for the $7 Series and $10 for the $6 Series) and such compensation for delay in payment as shall be finally determined and providing for the adoption of provisions similar to those embodied in Alternative 3, including the escrowing of $4,000,000 in cash; and

NEPSCO having requested that the Commission's order herein contain appropriate recitals conforming to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended; and NEPSCO having further requested the Commission upon its approval of the plan, to apply to an appropriate court, as provided in section 11 (e) of the act, to enforce and carry out the terms and provisions of the plan; and NEPSCO having further requested that the Commission's order become effective immediately upon its issuance;

It is ordered, That said plan be and hereby is approved, subject, however, to the terms and conditions contained in Rule U-24 and to the further condition that NEPSCO shall, within five days from the date hereof (or such longer period as may be hereafter allowed for good cause shown), file with this Commission a further amendment to said plan providing for the payment to the holders of the Prior Lien Preferred Stock of $100 per share and an amount equal to accrued dividends on account of their claims and the issuance to such holders of Certificates of Contingent Interest evidencing their right to receive any additional amount (not exceeding $20 for the $7 Series and $10 for the $6 Series) and such compensation for delay in payment as shall be finally determined and providing for the adoption of provisions similar to those embodied in Alternative 3, including the escrowing of $4,000,000 in cash.

It is further ordered, That jurisdiction be and hereby is reserved:

1. To take such further action as the Commission shall deem necessary or appropriate to effectuate the requirements of section 11 (b) of the act; and

2. To entertain such further proceedings, to make such supplemental orders, findings, and to take such further action as the Commission may deem appropriate in connection with the plan, as modified, the transactions incident thereto and the consummation thereof, and to take such further action as it may deem necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and jurisdiction is specifically reserved to consider and determine the following matters:

(a) The reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the plan and the transactions incident thereto;

(b) The accounting entries to be made in connection with the carrying out of the provisions of the plan;

(c) The reasonableness of the price to be paid for the New Hampshire common stock; the terms of the offering thereof, the underwriters' spread and the fees and expenses in connection therewith;

(d) To pass upon what further amounts, if any, on the basis of the record herein without further proceedings, the holders of the $7 and $6 Prior Lien Preferred Stock are entitled to receive, including the fair and equitable disposition of the cash to be escrowed under the amendment adopting substantially the terms of Alternative 3 of the plan; and

(e) To pass upon the selection of Alternatives 1 and 2, and the specific steps proposed to be taken in implementing such alternatives, in the event NEPSCO adopts one or both of such alternatives in the amounts specified in subparagraph I, above, in exchange for shares of Prior Lien Preferred Stock.

V. The use by NEPSCO, prior to the use of any other money, of the entire proceeds, amounting to $16,500,000, from the sale of the stock and securities of non-utility and industrial subsidiary companies specified and recited in the Order of the Commission dated October 11, 1945 (File No. 59-15) to cancel and retire the Prior Lien Preferred Stock.

VI. The acquisition by NEPSCO, for cancellation and retirement of all shares of its Prior Lien Preferred Stock, such cancellation and retirement to be effective upon the consummation of the plan as modified by our requirement previously described, and the delivery to the Plan Trustee, upon appropriate instructions, (1) of the cash specified in subparagraph I, above, or (2) of the cash and Common Stock of New Hampshire specified in subparagraph III, above, plus, in either case, the Certificates of Contingent Interest.

VII. The sale, transfer and delivery by NEPSCO of such shares of Common Stock of New Hampshire as shall not be taken by the holders of Prior Lien Preferred Stock under the option referred to in subparagraph III, above, and the use of said proceeds in the cancellation and retirement of Prior Lien Preferred Stock.

It is further ordered and recited, That the Commission reserves jurisdiction to determine, by subsequent order or orders herein, upon application by NEPSCO, the expenditure, distribution or investment (except temporary investment in securities of the United States of America) that shall be made, within twenty-four (24) months of the sale of shares of Common Stock of New Hampshire, of the proceeds thereof in excess of the amount required in the cancellation and retirement of Prior Lien Preferred Stock; and also reserves jurisdiction to make, by subsequent order or orders herein, upon application by NEPSCO, such other and further determinations and specifications as may be found to be necessary or appropriate to the simplification of the holding company system, of which NEPSCO is a member, and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

It is further ordered, That this order shall be effective immediately upon its issuance, but it shall not be operative to authorize the consummation of any of the transactions proposed in the plan as modified by our requirement herein until an appropriate United States District Court shall, upon an application thereto, enter an order enforcing the plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6221; Filed, July 2, 1947; 8:53 a. m.]

[File No. 70-1530]

PUBLIC SERVICE COMPANY OF NEW MEXICO

ORDER PERMITTING APPLICATION AND DECLARATION TO BECOME EFFECTIVE AND RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of June A. D. 1947.

Public Service Company of New Mexico ("Public Service"), a subsidiary of Federal Light & Traction Company, a registered holding company, having filed an application and declaration and amendments thereto, pursuant to sections 6 (a), 6 (b) and 7 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, with respect to: (a) The issuance and sale, pursuant to the competitive bidding provisions of Rule U-50, of $6,800,000 principal amount of First Mortgage Bonds, --% Series, due 1977, and 20,000 shares of $100 par value --% Cumulative Preferred Stock; (b) The amendment of the Articles of Incorporation of Public Service to provide for an increase of its authorized capital stock from $5,250,000 to $10,000,000, such increase to consist of 47,500 shares of $100 par value, Cumulative Preferred Stock; and (c) The use by Public Service of the proceeds of the sale of the new bonds and new preferred stock to redeem and retire all of the outstanding First Mortgage Bonds, 3½% Series due 1966, issued or assumed by Public Service aggregating $5,492,000 at their respective redemption prices, 103½% of the principal amount thereof, to prepay a 2% Bank Loan Note due November 14, 1947 in the principal amount of $1,000,000 and to obtain funds for construction purposes.

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said application and declaration, as amended, regarding the transactions summarized above be, and the same hereby are, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and the further condition that the proposed issue and sale of the aforesaid First Mortgage Bonds and Preferred Stock by Public Service shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, as to which matter jurisdiction is hereby specifically reserved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6222; Filed, July 2, 1947; 8:53 a. m.]

[File No. 70-1542]

THE MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of June 1947.

The Milwaukee Electric Railway & Transport Company ("Transport") and its parent, Wisconsin Electric Power Company ("Electric"), a subsidiary holding company of The North American Company, a registered holding company, having filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the general Rules and Regulations promulgated thereunder regarding the following transactions:

Transport proposes to redeem prior to January 1, 1948, at the principal amount thereof plus accrued interest, the balance, aggregating $4,000,000 in principal amount, of its First Mortgage 4% Bonds, held by Electric. Such redemption is contingent upon and will be made simultaneously with the receipt of the proceeds from the proposed sale by Transport of substantially all of its operating properties, consisting principally of its Milwaukee Metropolitan System, its bus lines operated in the City of Milwaukee and known as Wisconsin Motor Bus Lines, its local suburban railway service and certain properties incidental to such operations.

The proposed sale of such transportation properties is to be made pursuant to the terms and conditions of a competitive bidding procedure adopted by the company, under the terms of which procedure sealed written proposals for the purchase of such properties are to be submitted to the company not later than 12:00 noon, central standard time, July 21, 1947, at Room 444, Public Service Building, 231 West Michigan Street, Milwaukee 1, Wisconsin.

Electric seeks authorization to surrender the bonds to Transport upon the basis above described.

The joint application-declaration having been filed on the 2nd day of June, 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request within the period specified in said notice or otherwise and not having ordered a hearing thereon; and the Commission finding that the requirements of sections 12 (c) and 12 (f) and Rules U-42 and 43 are satisfied and the Commission deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration be granted and permitted to become effective.

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act that the said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

It is further ordered, That nothing in this order shall be construed to relieve the applicants-declarants from compliance with Rule U-44 (c) under the Public Utility Holding Company Act of 1935 with respect to the proposed sale, by filing an appropriate notice of intention to sell pursuant to that rule at such time as a definitive contract of sale shall have been entered into.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6220; Filed, July 2, 1947; 8:52 a. m.]

[File No. 70-1543]

AMERICAN WATER WORKS AND ELECTRIC CO., INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of June A. D. 1947.

American Water Works and Electric Company, Incorporated ("American"), a registered holding company, has filed a declaration, with an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transactions:

American proposes to make a capital contribution of $335,000 in cash to its subsidiary, Huntington Water Corporation ("Huntington"). This capital contribution is to be added by American to its investment in the common stock of Huntington (10,000 shares, no par value, the total issue outstanding), and is to be credited by Huntington to its capital surplus. It is represented that Huntington will use this cash, together with other funds, to carry out a proposed construction program, estimated to be in the amount of $645,000 for the year 1947, made necessary by increased demand for water service. It is stated that no expenses are to be incurred in connection with the proposed transaction.

Notice of this filing was duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission has not received a request for a hearing with respect thereto, within the period specified in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this declaration that there is no basis for any adverse findings under the applicable provisions of the act and rules thereunder, deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and further deeming it appropriate to grant the request of declarant that this order be effective upon issuance;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that this declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6215; Filed, July 2, 1947, 8:52 a. m.]

[File No. 70-1547]

CENTRAL AND SOUTH WEST CORP. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of June A. D. 1947.

In the matter of Central and South West Corporation, Central Power and Light Company and Southwestern Gas and Electric Company.

Notice is hereby given that Central and South West Corporation ("Central"), a registered holding company, Central Power and Light Company ("Power and Light"), and Southwestern Gas and Electric Company ("Southwestern"), public utility subsidiaries of Central, have filed applications-declarations (or both) with this Commission pursuant to the Public Utility Holding Company Act of 1935. Applicants-declarants have designated sections 6, 7, 9, 10 and 12 (c) of the act and Rules U-42, U-43, and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the said applications-declarations (or both) on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central has requested an exemption from the competitive bidding requirements of Rule U-50 with respect to the execution of a loan agreement with the First National Bank of Chicago and John Hancock Mutual Life Insurance Company in connection with a loan of $4,300,000. Such loan will be evidenced by twenty-four unsecured serial notes ("notes") in the principal amount of $125,000 each, except for note numbered 24 which is in the principal amount of $1,425,000. The notes will mature on January 1 and July 1 of each year commencing January 1, 1948 through July 1, 1959, inclusive. The notes numbered 1 through 6, 7 through 12, and 13 through 24 will bear interest at the rate of 2% per annum, 2¼% per annum, and 3% per annum, respectively, and will be dated as of the date of issue. Central will apply the proceeds of the loan, together with treasury funds, as follows:

(1) The prepayment and retirement of two secured notes of Central, each in the principal amount of $174,000, maturing on January 31, 1948, and January 31, 1949. These notes are held by The Middle West Corporation ("Middle West").

(2) The purchase of 299,996 shares of common stock, par value $10, of Power and Light for $2,999,960.

(3) The purchase of 65,500 shares of common stock, no par value, of Southwestern for $1,000,000.

Power and Light proposes to increase the stated value of its common stock capital from $7,721,039 to $7,721,040 by transferring the sum of $1 from earned surplus account to common stock capital account, and to amend its Articles of Incorporation to increase and change its authorized common stock from 250,000 shares, no par value, to 1,072,100 shares having a par value of $10 each, to change the 202,180 shares of presently outstanding common stock (all owned by Central) into 772,104 shares having a par value of $10 each and to issue and sell to Central 299,996 shares, par value $10 each, at the par value thereof.

Southwestern proposes to issue and sell to Central 65,500 shares of common stock, no par value, for $1,000,000 in cash.

Applicants-declarants stated that it is desired to consummate the proposed transactions in order to furnish Power and Light and Southwestern with additional cash to finance in part their present construction programs, and that the prepayment and retirement of Central's secured note payable to Middle West is proposed in order to facilitate the arrangement of the most favorable terms for the proposed bank loan by Central.

Applicants-declarants further stated Southwestern will apply to the Arkansas Public Service Commission for authority to issue its common stock, and that no other State commission has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to said applications-declarations, and that said applications-declarations shall not be granted nor permitted to become effective except pursuant to further order of the Commission;

It is ordered, That a hearing, under the applicable provisions of the act and rules thereunder, be held at 10:30 a. m., e. d. s. t., on July 9, 1947, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that date by the hearing room clerk in Room 318.

It is further ordered, That Allen MacCullen, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the applications-declarations, and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions for further examination:

(1) Whether the proposed issue and sale of unsecured notes in the aggregate principal amount of $4,300,000 by Central is reasonably adapted to the earning power and the security structure of Central and whether such issue and sale is necessary and appropriate to the economical and efficient operation of the business or businesses in which Central is engaged;

(2) Whether the proposed issue and sale of unsecured notes in the aggregate principal amount of $4,300,000 by Central should be exempted from the requirements of Rule U-50;

(3) Whether the terms and conditions of the proposed issue and sale of unsecured notes in the aggregate principal amount of $4,300,000 by Central are detrimental to the public interest or to the interest of investors or consumers;

(4) Whether the proposed issue and sale of common stock by Southwestern and by Power and Light is for the purpose of financing the business of each company as a public utility company;

(5) Whether the proposed acquisition of the shares of common stock of Power and Light and Southwestern by Central satisfy the standards of section 10 of the act.

(6) Whether the accounting treatment of the proposed transactions is proper and in conformity with sound accounting principles;

(7) Whether the fees, commissions or other remunerations to be paid in connection with the proposed transactions are reasonable.

(8) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before July 8, 1947, his request relative thereto as provided by Rule XVII of the Commission's rules of practice, stating the nature of his interest, which of the foregoing matters and questions, he desires to controvert and what additional matters and questions, if any, he deems raised by said applications or declarations (or both).

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to the Central and South West Corporation, Central Power and Light Company, Southwestern Gas and Electric Company, the Arkansas Public Service Commission, and the Secretary of the State of Texas, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6218; Filed, July 2, 1947; 8:52 a. m.]

[File No. 70-1551]

FLORIDA POWER & LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of June A. D. 1947.

Notice is hereby given that Florida Power & Light Company ("Florida"), an electric utility subsidiary of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 (a) and 7 of the act and rules U-42 and U-50 of the rules promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Florida proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50: (a) $10,000,000 principal amount of First Mortgage Bonds, --% series, due 1977, to be issued under and secured by the company's presently existing Mortgage and Deed of Trust dated as of January 1, 1944, supplemented by an indenture to be dated as of July 1, 1947; (b) $10,000,000 principal amount --% sinking fund debentures due 1972; and (c) 150,000 shares of --% cumulative preferred stock of the par value of $100 per share. The interest rates on the bonds and debentures and the dividend rate on the preferred stock will be determined by competitive bidding.

Florida proposes to use the proceeds from the sale of the bonds, debentures and preferred stock as follows: (a) to redeem and retire its outstanding 4⅛% sinking fund debentures, due 1979, in the principal amount of $14,200,000 at the redemption price of 104⅝% of said principal amount plus accrued interest; (b) to repay the presently outstanding 2⅜% and 2¾% serial notes in the aggregate amount of $3,500,000; (c) to pay off the presently outstanding note due to American in the principal amount of $500,000; (d) to construct new facilities and to extend and improve present facilities.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission,

It is ordered, That a hearing on said application-declaration pursuant to the applicable provisions of the act and the rules of the Commission be held on July 8, 1947 at 10 a. m., e. d. s. t., at the offices of the Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise

wishing to participate in this proceeding shall file with the Secretary of this Commission on or before July 7, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer or officers so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division, having advised the Commission that it has made a preliminary examination of the application-declaration, and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the bonds, debentures and preferred stock proposed to be issued by Florida are reasonably adapted to the security structure of Florida and to its earning power and whether the financing by the issue and sale of such bonds, debentures and preferred stock is necessary or appropriate to the economic and efficient operation of the business in which Florida is engaged,

(2) Whether the fees and expenses to be paid in connection with the proposed issue and sale of the above securities are reasonable,

(3) Whether the proposed accounting treatment with respect to the transactions is appropriate and in confofmity with sound accounting principles,

(4) Whether in the event that the application-declaration shall be granted and permitted to become effective, it is necessary or appropriate to impose any terms or conditions to assure compliance with the standards of the act or in the public interest or for the protection of investors or consumers.

It is ordered, That particular attention be directed at said hearing to the foregoing matters and questions:

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the declarant herein and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6217; Filed, July 2, 1947; 8:52 a. m.]

[File No. 70-1652]

PACIFIC POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of June A. D. 1947.

Notice is hereby given that American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Pacific Power & Light Company ("Pacific"), an electric utility subsidiary of American, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935. Applicants-declarants have designated sections 6 (a), 7, 9 (a), 10 and 12 of the act and rules U-42, U-43 and U-50 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 7, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after July 7, 1947 said application-declaration, as filed or as amended may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file with this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Pacific proposes (a) to issue $29,000,000 principal amount of First Mortgage Bonds, __% Series due 1977, of which $26,900,000 principal amount will be sold pursuant to the competitive bidding requirements of Rule U-50 and $2,100,000 principal amount will be exchanged for a like principal amount of Northwestern Electric Company 4½% Debentures due 1959, owned by American and assumed by Pacific; and (b) to issue and sell at private sale $4,000,000 principal amount of 2% ten-year Serial Notes payable in twenty equal semi-annual installments.

The proceeds from the sale of the securities described above will be applied (a) to the redemption of $20,500,000 principal amount of Pacific's outstanding First Mortgage and Prior Lien Gold Bonds, 5% Series due 1955, at 101½% of the principal amount thereof plus accrued interest: (b) to the payment of the balance due on Pacific's 6% note, due November 25, 1940, in the amount of $1,794,500; (c) to the redemption of $6,700,000 principal amount of Northwestern Electric Company First Mortgage Bonds, 4% Series due 1969, assumed by Pacific, at 104% of the principal amount thereof plus accrued interest; and (d) the balance will be used in connection with Pacific's construction program.

Applicants-declarants request that the Commission's order herein be issued as promptly as possible and become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6216; Filed, July 2, 1947; 8:52 a. m.]

[File No. 70-1554]

ARKANSAS POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of June A. D. 1947.

Notice is hereby given that Arkansas Power & Light Company, ("Arkansas"), an utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935. Applicant has designated sections 6 (b) and 7 of the act and Rule U-50 as applicable to the proposed transactions:

Notice is further given that any interested person may not later than July 9, 1947 at 5:30 p. m., e. d. s. t. request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after July 9, 1947 said application as filed or as amended may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file with this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Arkansas proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $11,000,000 principal amount of First Mortgage Bonds __% Series, due 1977, to be issued under and secured by the company's presently existing Mortgage and Deed and Trust dated as of October 1, 1944, as supplemented by a First Supplemental Indenture to be dated as of July 1, 1947. The proceeds from the sale of the bonds will be applied as follows: (a) $4,000,000 will be retained by the Trustees pending withdrawal by Arkansas under the terms of the Mortgage and Deed of Trust dated October 1, 1944, as supplemented, on the basis of property additions; (b) $1,750,000 will be used to repay Arkansas' outstanding short term note of like principal amount; and (c) the balance will be added to Arkansas' general cash funds to be used for construction of new facilities,

extension and improvement of present facilities, and other corporate purposes.

The application states that in the event an order shall be entered approving the proposed transactions this Commission may make such reservation of jurisdiction as it deems appropriate with respect to the results of competitive bidding and the reasonableness of legal fees and expenses to be incurred in connection with the proposed transactions.

The proposed transactions have been approved by the Public Service Commission of the State of Arkansas, the State in which Arkansas was organized and is doing business.

Applicants request that the Commission's order herein be issued as promptly as may be practicable and become effective forthwith upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6219; Filed, July 2, 1947; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9229]

ALFRED P. FINK

In re: Stock owned by Alfred P. Fink. F-28-25628-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred P. Fink, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five (5) shares of No par value preferred capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered IL37422 for four (4) shares, and VL97399 for one (1) share, registered in the name of Alfred P. Fink, and presently in the custody of Henry Fink, Box 334, Crookston, Minnesota, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6235; Filed, July 2, 1947; 8:46 a. m.]

[Vesting Order 9232]

UN ITOW

In re: Stock owned by Un Itow. F-39-1430-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Un Itow, whose last known address is Sendai, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Sixteen (16) shares of $12.50 par value common capital stock of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by certificates numbered A47711 for ten (10) shares; and F86841 for six (6) shares, registered in the name of Un Itow, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6236; Filed, July 2, 1947; 8:46 a. m.]

[Vesting Order 9233]

WALTER JOBST

In re: Stock owned by Walter Jobst. F-28-1382-D-1, F-28-1383-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Jobst, whose last known address is Coburg-Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-five (25) shares of No par value common capital stock of American Power & Light Company, 2 Rector Street, New York, N. Y., a corporation organized under the laws of the State of Maine, evidenced by a certificate numbered O183685, registered in the name of Walter Jobst, together with all declared and unpaid dividends thereon, and

b. Eight (8) shares of $5.00 par value common capital stock of Electric Bond and Share Company, 2 Rector Street, New York 6, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 106728, registered in the name of Walter Jobst, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6237; Filed, July 2, 1947; 8:46 a. m.]

[Vesting Order 9248]

FRANK DOMBI

In re: Estate of Frank Dombi also known as Frank Dombe, deceased. File D-57-465; E. T. sec. 16096.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susana Dombi, Andrei Dombi and Catalina Dombi, whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Frank Dombi also known as Frank Dombe, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Rumania);

3. That such property is in the process of administration by Homer N. Waltner, as administrator, acting under the judicial supervision of the Probate Court of Stark County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6238; Filed, July 2, 1947; 8:47 a. m.]

[Vesting Order 9283]

I. G. FARBENINDUSTRIE A. G. ET AL.

In re: Patent applications and contract interests owned by I. G. Farbenindustrie Aktiengesellschaft, Wolf Rodenacker and Paul Schlack.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie Aktiengesellschaft of Frankfurt a. M., Germany, is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That Wolf Rodenacker and Paul Schlack, whose last known address is Germany, are residents of Germany and nationals of a foreign country (Germany);

3. That the property described as follows:

A. Applications for United States patents identified as follows:

Serial No.	Filing date	Inventor	Title
220,256	6-20-38	Heinrich Fink, W. Rodenacker, M. Leo.	Spinning of thermoplastic and fusible masses.
273,441	5-12-39	Paul Schlack.	Spinneret.
277,948	6- 7-39	Emil Hubert; P. Schlack; H. Ludewig	Synthetic resins.
291,909	8-25-39	Rudolf Baumiller, O. von Schickh	High molecular weight condensation products, process of producing the same.
302,907	11- 4-39	Wolf Rodenacker	Method and apparatus for the manufacture of threads, ribbons and so on from organic melts.
308,093	12- 7-39	Paul Schlack	Polyamides.

B. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated May 23, 1939 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and E. I. du Pont de Nemours and Company, which agreement relates, among other things, to United States Letters Patent No. 2,288,279;

are property of, and are property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie Aktiengesellschaft of Frankfurt a. M., Germany, is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That Wolf Rodenacker and Paul Schlack, whose last known address is Germany, are residents of Germany and nationals of a foreign country (Germany);

3. That the property described as follows:

A. Applications for United States patents identified as follows:

Serial No.	Filing date	Inventor	Title
220,256	6-20-38	Heinrich Fink, W. Rodenacker, M. Leo.	Spinning of thermoplastic and fusible masses.
273,441	5-12-39	Paul Schlack.	Spinneret.
277,948	6- 7-39	Emil Hubert; P. Schlack; H. Ludewig	Synthetic resins.
291,909	8-25-39	Rudolf Baumiller, O. von Schickh	High molecular weight condensation products, process of producing the same.
302,907	11- 4-39	Wolf Rodenacker	Method and apparatus for the manufacture of threads, ribbons and so on from organic melts.
308,093	12- 7-39	Paul Schlack	Polyamides.

B. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated May 23, 1939 (including all modifications thereof and supplements thereto, if any) by and between I. G. Farbenindustrie Aktiengesellschaft and E. I. du Pont de Nemours and Company, which agreement relates, among other things, to United States Letters Patent No. 2,288,279;

are property of, and are property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6239; Filed, July 2, 1947; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 12 NUMBER 131

Washington, Friday, July 4, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2736

JOHN PAUL JONES BICENTENNIAL DAY, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the sixth of July nineteen hundred and forty-seven is the two-hundredth anniversary of the birth of John Paul Jones at Arbigland in the parish of Kirkbean, Kirkcudbright, Scotland; and

WHEREAS John Paul Jones drew his sword in the struggle of the American colonies for freedom and the rights of man; and

WHEREAS, on February the fourteenth in the year seventeen hundred and seventy-eight, in the United States Frigate *Ranger*, John Paul Jones received from Admiral La Motte Piquet, commander of the French squadron of Louis XVI, the first salute to the Stars and Stripes from a foreign power; and

WHEREAS John Paul Jones was the first American Naval officer to be awarded a gold medal by the Continental Congress for fearlessness and perseverance in the face of overwhelming odds and, in the words of the Congress, "for the zeal, prudence, and intrepidity, with which he hath supported the honor of the American Flag"; and

WHEREAS he gave our Navy its earliest traditions of heroism and victory which have fostered the high morale and initiative demonstrated throughout our history by the men of our fighting forces:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim and designate the sixth day of July nineteen hundred and forty-seven as John Paul Jones Bicentennial Day, and I direct the appropriate officials of the Federal Government to have the flag of the United States displayed from public buildings on that day. I also request State and local officials, civic organizations, and interested individuals to observe the day with ceremonies which will reflect honor upon the career of this Naval hero and strengthen the pride of the American people in their Navy and its glorious achievements.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this second day of July in the year of our Lord nineteen hundred and forty-[SEAL] seven, and of the Independence of the United States of America the one hundred and seventy-first.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-6331; Filed, July 2, 1947; 3:32 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—ACQUISITION OF A COMPETITIVE STATUS

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

MISCELLANEOUS AMENDMENTS

The second paragraph of § 3.101 (c) (12 F. R. 4063) is amended to read as follows:

§ 3.101 *Incumbents of positions brought into the competitive service.*

* * *

(c) * * *

Incumbents of positions on the date the positions are brought into the competitive service who are involuntarily separated because of reductions of force, within 60 days after change in status of the positions and before acquiring a competitive status under this section, may be recalled to duty for permanent appointment to their former positions within 90 days after separation: *Provided*, They are recalled in the inverse order in which they were considered for separation on the appropriate retention preference register. Employees so recalled and appointed may be recommended for a com-

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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A limited sales stock of the 1945 Supplement (4 books) is still available at $3 a book.

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petitive status in accordance with this section as if their service had been continuous, but the period of separation shall not be regarded as service.

(Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633)

Effective as to notices issued to employees on and after August 4, 1947, § 20.3 is amended to read in part as follows:

§ 20.3 *Retention preference; classification.* For the purposes of determining relative retention preference for reductions in force, employees shall be classified according to tenure of employment in competitive retention groups and subgroups as follows:

Group A: All employees currently serving under absolute or probational civil service appointments or who were appointed, reappointed, transferred, or promoted from absolute or probational civil service appointments to war service indefinite or trial period appointments without a break in service of 30 days or more. With respect to positions excepted from the Civil Service Act and rules, this includes all status and non-status employees currently serving in excepted positions under appointments without time limitation, or all employees who transferred from absolute or probational appointments in the competitive service to war service indefinite or trial period excepted appointments.

* * * * * *

Group B: All employees serving in positions in the competitive service without competitive status or serving under appointments limited to the duration of the present war or for the duration of the war and not to exceed six months thereafter, or otherwise limited in time to a period in excess of one year, except those specifically covered in Groups A and C.

(Sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-6320; Filed, July 8, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 228, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Paragraph (b) of § 953.335 *Lemon Regulation 228* (12 F. R. 4198) is hereby amended to read as follows:

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 29, 1947, and ending at 12:01 a. m., P. s. t., July 6, 1947, is hereby fixed at 750 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 227 (12 F. R. 4016) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of July 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-6334; Filed, July 3, 1947; 8:47 a. m.]

[Lemon Reg. 229]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENT

§ 953.336 *Lemon Regulation 229*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 6, 1947, and ending at 12:01 a. m., P. s. t., July 13, 1947, is hereby fixed at 675 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of July 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage Date: June 29, 1947

[12:01 a. m. July 6, 1947, to 12:01 a. m. July 20, 1947]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co	.009
American Fruit Growers, Fullerton	.705
American Fruit Growers, Lindsay	.050
American Fruit Growers, Upland	.389
Consolidated Citrus Growers	.000
Corona Plantation Co	.436
Hazeltine Packing Co	.393
Leppla-Pratt, Produce Distributors, Inc	.000
McKellips, C. H.-Phoenix Citrus Co.-McKellips Mutual Citrus Growers, Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.201
Ventura Pacific Co	1.409
Total A. F. G	4.513
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc	.030
Mesa Citrus Growers	.050
Elderwood Citrus Association	.000
Klink Citrus Association	.090
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.351
La Verne Lemon Association	.785
La Habra Citrus Association	1.827
Yorba Linda Citrus Association, The	1.027
Alta Loma Heights Citrus Association	.878
Etiwanda Citrus Fruit Association	.305
Mountain View Fruit Association	.519
Old Baldy Citrus Association	1.079
Upland Lemon Growers Association	5.758
Central Lemon Association	1.343
Irvine Citrus Association, The	1.135
Placentia Mutual Orange Association	.469
Corona Citrus Association	.174
Corona Foothill Lemon Co	1.490
Jameson Co	.850
Arlington Heights Fruit Co	.395
College Heights Orange and Lemon Association	3.037
Chula Vista Citrus Association, The	1.285
El Cajon Valley Citrus Association	.129
Escondido Lemon Association	3.109
Fallbrook Citrus Association	1.616
Lemon Grove Citrus Association	.422
San Dimas Lemon Association	1.891
Carpinteria Lemon Association	2.612
Carpinteria Mutual Citrus Association	2.849
Goleta Lemon Association	2.957
Johnston Fruit Co	4.893
North Whittier Heights Citrus Association	.817
San Fernando Heights Lemon Association	.773
San Fernando Lemon Association	.475
Sierra Madre-Lamanda Citrus Association	1.756
Tulare County Lemon and Grapefruit Association	.030
Briggs Lemon Association	3.005
Culbertson Investment Co	.697
Culbertson Lemon Association	1.536

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Fillmore Lemon Association	1.623
Oxnard Citrus Association No. 1	3.545
Oxnard Citrus Association No. 2	3.011
Rancho Sespe	1.050
Santa Paula Citrus Fruit Association	3.847
Saticoy Lemon Association	3.992
Seaboard Lemon Association	3.642
Somis Lemon Association	2.884
Ventura Citrus Association	1.389
Limoneira Co	3.540
Teague-McKevett Association	1.146
East Whittier Citrus Association	.734
Lelingwell Rancho Lemon Association	.842
Murphy Ranch Co	1.615
Whittier Citrus Association	.796
Whittier Select Citrus Association	.683
Total C. F. G. E	87.590
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	.811
Escondido Cooperative Citrus Association	.377
Glendora Cooperative Citrus Association	.168
Index Mutual Association	.324
La Verne Cooperative Citrus Association	1.521
Libbey Fruit Packing Co	.000
Orange Cooperative Citrus Association	.177
Pioneer Fruit Co	.030
Tempe Citrus Co	.000
Ventura County Orange & Lemon Association	2.390
Whittier Mutual Orange & Lemon Association	.213
Total M. O. D	5.901
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.002
California Citrus Groves, Inc. Ltd	.000
El Modena Citrus, Inc	.010
El Rio Citrus Co	.047
Evans Bros. Packing Co.—Riverside	.037
Evans Bros. Packing Co.—Schimel Butte Ranch	.000
Foothill Packing Co	.035
Granada Packing House	.000
Harding & Leggett	.000
Morris Bros. Fruit Co	.000
Orange Belt Fruit Distributors	1.537
Potato House, The	.000
Raymond Bros	.000
Riverside Growers, Inc	.000
Rooke, B. G., Packing Co	.000
San Antonio Orchard Co	.004
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.110
Western States Fruit & Produce Co	.000
Total Independents	1.907

[F. R. Doc. 47-6335; Filed, July 3, 1947; 8:47 a. m.]

[Peach Order 3]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY SIZE

§ 962.303 *Peach Order 3*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 62 (7 CFR, Cum. Supp., 962.1 *et seq.*), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., July 7, 1947, and ending at 12:01 a. m., e. s. t., September 1, 1947, no handler shall ship:

(i) Any peaches of the Alton, Bush, Carman, Delicious, Dixie Gem, Dixie Gold, Early Belle, Early Carman, Early Hiley, Fair Beauty, Fisher, Flaming Gold, Georgia Belle, Georgia Gem, Golden Hale Haven, Hale Gold, Hansford's Beauty, Henrietta, Jasper Rose, Lucile, Mack's Pride, Marigold, Mikado, Orr's Pride, Pearson Hiley, Red Bird, Red Elberta, Red Gem, Regular Hiley, Raritan Rose, Rochester, Rosalind, U. S. Nos. 10, 11, and 13, Vedette, Yellow Cling, or Yellow Hiley varieties which are of a size smaller than $1^{3}/_{4}$ inches in diameter (as "diameter" is defined in the United States Standards for Peaches, 12 F. R. 3798), except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or in any lot of packages may be of a size smaller than $1^{3}/_{4}$ inches in diameter, as aforesaid, but not more than fifteen (15) percent, by count, of such peaches contained in any individual package in any lot may be of a size smaller than $1^{3}/_{4}$ inches in diameter, as aforesaid; or

(ii) Any peaches of any variety, other than the varieties specified in paragraph (b) (1) (i) of this section, which are of a size smaller than $1^{5}/_{8}$ inches in diameter (as "diameter" is defined in the United States Standards for Peaches, 12 F. R. 3798), except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or in any lot of packages may be of a size smaller than $1^{5}/_{8}$ inches in diameter, as aforesaid, but not more than fifteen (15) percent, by count, of such peaches contained in any individual package in any lot may be of a size smaller than $1^{5}/_{8}$ inches in diameter, as aforesaid.

(2) When used in this section, the terms "handler," "ship," and "peaches" shall have the same meaning as when used in the aforesaid marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of July 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-6336; Filed, July 3, 1947; 8:47 a. m.]

[Orange Reg. 185]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 966.331 *Orange Regulation 185*—*Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum, Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 6, 1947, and ending at 12:01 a. m., P. s. t., July 13, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1200 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of July 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. July 6, 1947, to 12:01 a. m. July 13, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0774
A. F. G. Fullerton	.9256
A. F. G. Orange	.6321
A. F. G. Redlands	.2331
A. F. G. Riverside	.1254
A. F. G. San Juan Capistrano	.8468
A. F. G. Santa Paula	.4182
Corona Plantation Co	.2432
Hazeltine Packing Co	.2923
Signal Fruit Association	.0815
Azusa Citrus Association	.4186
Azusa Orange Co., Inc	.1350
Damerel-Allison Co	.8093
Glendora Mutual Orange Association	.3886
Irwindale Citrus Association	.3761
Puente Mutual Citrus Association	.1987
Valencia Heights Orchards Association	.4358
Glendora Citrus Association	.3567
Glendora Heights Orange and Lemon Growers Association	.0779
Gold Buckle Association	.5775
La Verne Orange Association	.6577
Anaheim Citrus Fruit Association	1.4597
Anaheim Valencia Orange Association	1.4128
Eadington Fruit Co., Inc	2.0851
Fullerton Mutual Orange Association	1.6526
La Habra Citrus Association	1.1751
Orange County Valencia Association	.6756
Orangethorpe Citrus Association	1.0366
Placentia Cooperative Orange Association	.7517
Yorba Linda Citrus Association, The	.5824
Alta Loma Heights Citrus Association	.0959
Citrus Fruit Growers	.1164
Cucamonga Citrus Association	.1497
Etiwanda Citrus Fruit Association	.0429
Old Baldy Citrus Association	.1322
Rialto Heights Orange Growers	.0910
Upland Citrus Association	.4110
Upland Heights Orange Association	.1544
Consolidated Orange Growers	1.9094
Frances Citrus Association	1.0847
Garden Grove Citrus Association	1.7676
Goldenwest Citrus Association, The	1.3924
Irvine Valencia Growers	2.3723
Olive Heights Citrus Association	1.6504
Santa Ana-Tustin Mutual Citrus Association	.9798
Santiago Orange Growers Association	3.6466
Tustin Hills Citrus Association	1.8659
Villa Park Orchards Association, The	1.8160

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Bradford Bros., Inc	0.6491
El Modena Citrus, Inc	.4313
Placentia Mutual Orange Association	1.7770
Placentia Orange Growers Association	2.5156
Call Ranch	.0082
Corona Citrus Association	.4665
Jameson Company	.0309
Orange Heights Orange Association	.3741
Break & Son, Allen	.0575
Bryn Mawr Fruit Growers Association	.2690
Crafton Orange Growers Association	.3883
E. Highlands Citrus Association	.0874
Fontana Citrus Association	.0853
Highland Fruit Growers Association	.0316
Krinard Packing Co	.2692
Mission Citrus Association	.1457
Redland Cooperative Fruit Association	.4134
Redlands Heights Groves	.2535
Redlands Orange Growers Association	.2656
Redlands Orangedale Association	.2881
Redlands Select Groves	.1639
Rialto Citrus Association	.1531
Rialto Orange Co	.1526
Southern Citrus Association	.2051
United Citrus Growers	.1479
Zilen Citrus Co	.1034
Arlington Heights Fruit Co	.1030
Brown Estate, L. V. W	.1340
Gavilan Citrus Association	.1569
Hemet Mutual Groves	.1140
Highgrove Fruit Association	.0787
McDermont Fruit Co	.1867
Mentone Heights Association	.0682
Monte Vista Citrus Association	.2263
National Orange Co	.0414
Riverside Growers, Inc	.0861
Riverside Heights Orange Growers Association	.0389
Sierra Vista Packing Association	.0595
Victoria Avenue Citrus Association	.1791
Claremont Citrus Association	.1293
College Heights Orange and Lemon Association	.2244
El Camino Citrus Association	.0837
Indian Hill Citrus Association	.1800
Pomona Fruit Growers Exchange	.3188
Walnut Fruit Growers Association	.4382
West Ontario Citrus Association	.3181
El Cajon Valley Citrus Association	.3175
Escondido Orange Association	2.4525
San Dimas Orange Growers Association	.5083
Covina Citrus Association	1.0267
Covina Orange Growers Association	.4031
Duarte-Monrovia Fruit Exchange	.2547
Santa Barbara Orange Association	.0518
Ball & Tweedy Association	.6199
Canoga Citrus Association	.8443
North Whittier Heights Citrus Association	.9383
San Fernando Fruit Growers Association	.4445
San Fernando Heights Orange Association	.9064
Sierra Madre-Lamanda Citrus Association	.3999
Camarillo Citrus Association	1.5049
Fillmore Citrus Association	3.5833
Mupu Citrus Association	2.3777
Ojai Orange Association	.9864
Piru Citrus Association	2.0174
Santa Paula Orange Association	1.0927
Tapo Citrus Association	1.1116
Limoneira Co	.3936
East Whittier Citrus Association	.4059
El Ranchito Citrus Association	1.3848
Murphy Ranch Co	.4614
Rivera Citrus Association	.5491

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Whittier Citrus Association	0.6961
Whittier Select Citrus Association	.4679
Anaheim Cooperative Orange Association	1.1570
Bryn Mawr Mutual Orange Association	.0918
Chula Vista Mutual Orange Association	.0923
Escondido Cooperative Citrus Association	.3352
Euclid Avenue Orange Association	.4261
Foothill Citrus Union, Inc	.0334
Fullerton Cooperative Orange Association	.3023
Garden Grove Orange Cooperative, Inc	.7271
Glendora Cooperative Citrus Association	.0568
Golden Orange Groves, Inc	.2809
Highland Mutual Groves	.0570
Index Mutual Association	.1584
La Verne Cooperative Citrus Association	1.1902
Olive Hillside Groves	.7630
Orange Cooperative Citrus Association	1.1764
Redlands Foothill Groves	.4436
Redlands Mutual Orange Association	.1665
Riverside Citrus Association	.0081
Ventura County Orange and Lemon Association	.9418
Whittier Mutual Orange and Lemon Association	.1757
Babijuice Corp. of Calif	.4934
Banks Fruit Co	.2938
Banks, L. M	.5469
Borden Fruit Co	.7375
California Fruit Distributors	.3206
Cherokee Citrus Co., Inc	.1005
Chess Company, Meyer W	.2305
Escondido Avocado Growers	.0555
Evans Brothers Packing Co	.3657
Gold Banner Association	.2830
Granada Hills Packing Co	.0632
Granada Packing House	2.3219
Hill, Fred A	.0770
Inland Fruit Dealers	.0536
Mills, Edward	.1078
Orange Belt Fruit Distributors	1.9096
Panno Fruit Company, Carlo	.0868
Paramount Citrus Association	.4157
Placentia Orchards Co	.4899
Placentia Pioneer Valley Growers Association	.6530
San Antonio Orchards Co	.4046
Santa Fe Groves Co	.0511
Snyder & Sons Co., W. A	.9806
Stephens, T. F	.0878
Sunny Hills Ranch, Inc	.1190
Ventura County Citrus Association	.0149
Verity & Sons Co., R. H	.0363
Wall, E. T	.1233
Webb Packing Co	.2080
Western Fruit Growers, Inc., Anaheim	.0494
Western Fruit Growers, Inc., Redlands	.6624
Yorba Orange Growers Association	.6319

[F. R. Doc. 47-6342; Filed, July 3, 1947; 8:47 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[W. F. O. 141, Termination]

PART 1468—GRAIN

USE OF GRAIN BY DISTILLERS, BREWERS, AND MIXED FEED MANUFACTURERS

War Food Order No. 141, as amended (11 F. R. 2217, 3997, 14065; 12 F. R. 1347), is hereby terminated.

This order shall become effective at 12:01 a. m., e. s. t., July 1, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 141, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability, or appeal.

(E. O. 9280, Dec. 5, 1942; E. O. 9577, June 29, 1945)

Issued this 30th day of June 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-6286; Filed, July 3, 1947; 8:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 200—ORGANIZATION AND PROCEDURES

DESCRIPTION OF FORMS AND INSTRUCTIONS

The following paragraphs are added to § 200.7 (a):

§ 200.7 *Description of forms and instructions.* (a) * * *

(91) *Form G-467, Parent's Certificate of Dependency and Support.* This is the form on which a parent who is applicant for benefits as a dependent parent of a deceased employee must furnish information with regard to his support by, and dependence on, the employee.

(92) *Form SI-3, Claim for Sickness Benefits.* This is the form to be used for making claim for sickness benefits under the Railroad Unemployment Insurance Act and is to be forwarded to the Board office indicated on the form.

(93) *Form SI-10, Statement of Authority to Act for Employee.* This is a form to be used by a person in furnishing information concerning his authority when applying for sickness benefits under the Railroad Unemployment Insurance Act on behalf of an employee who is unable to sign documents and transact business in connection with obtaining such benefits.

(94) *Form SI-101, Application for Maternity Benefits.* This is the form to be used by a female employee in applying for a claim form on which to claim maternity benefits. The form provides for a statement by the employee of prior employment and of the birth or expected birth of a child; and also for a waiver of any existing "doctor-patient privilege" with respect to the maternity sickness for which the claim is made. This form is to be mailed, together with completed Form SI-104, *Statement of Maternity Sickness* to the Railroad Retirement Board, 844 Rush Street, Chicago 11, Illinois.

(95) *Form SI-103, Claim for Maternity Benefits.* This is the form to be used in making claim for maternity benefits under the Railroad Unemployment Insurance Act.

(96) *Form SI-104, Statement of Maternity Sickness.* This is the form to be executed by a doctor of medicine in connection with an application for maternity benefits, and is to be furnished to the Board, upon execution, together with completed Form SI-101, *Application for Maternity Benefits.*

(Secs. 3, 12 Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Dated: June 30, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS, *Secretary of the Board.*

[F. R. Doc. 47-6272; Filed, July 3, 1947; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PENICILLIN WITH VASOCONSTRICTOR

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong.; 21 U. S. C. Sup. 357) § 141.14 of the tests and methods of assay of antibiotic drugs (12 F. R. 2215) is amended to read:

§ 141.14 *Penicillin with vasoconstrictor.* Proceed as directed in §§ 141.1, 141.2, 141.3, 141.4, and 141.5.

This order, which provides for the use of crystalline penicillin in penicillin with vasoconstrictor shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of penicillin with vasoconstrictor using crystalline penicillin.

(Sec. 507, 52 Stat. 1040, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong.; 21 U. S. C., Sup. 357)

Dated: June 30, 1947.

[SEAL] MAURICE COLLINS, *Acting Administrator.*

[F. R. Doc. 47-6305; Filed, July 8, 1947; 8:48 a. m.]

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong.; 21 U. S. C., Sup. 357) the regulations for the certification of penicillin-containing drugs and streptomycin-containing drugs (12 F. R. 2231), as amended, are hereby further amended as indicated below:

1. Section 146.24 (d) (3), seventh line, is amended by deleting the figure "40" and substituting "60" therefor.

2. Section 146.25 (d) (3) (ii), fifth line, is amended by deleting the figure "40" and substituting "60" therefor.

3. Section 146.26 (d) (3) (ii), fourth line, is amended by deleting the figure "40" and substituting "60" therefor.

4. Section 146.27 (d) (3) (ii), fifth line, is amended by deleting the figure "40" and substituting "60" therefor.

5. Section 146.30 (d) (3) (ii), fifth line, is amended by deleting the figure "40" and substituting "60" therefor.

6. Section 146.31 (d) (3) (ii), third line, is amended by deleting the figure "40" and substituting "60" therefor.

7. Section 146.32 (a) first sentence is amended by inserting the words "or crystalline penicillin" between the words "calcium penicillin" and "and" in line three.

8. Section 146.32 (c) (1), line three, is amended by deleting the word "calcium".

9. Section 146.32 (c) (1) (iii) is amended to read: "The statement 'Expiration date _____', the blank being filled in with the date which is 18 months or if it is crystalline penicillin 36 months, after the month during which the batch was certified."

10. Section 146.32 (c) (2) (iii) is amended to read: "If it is not crystalline penicillin the statement 'Store in refrigerator not above 15° C. (59° F.)', or 'Store below 15° C. (59° F.)';"

11. Section 146.32 (d) (2) (i) is amended to read: "The penicillin; potency, sterility, toxicity, pyrogens, moisture, pH, clarity, crystallinity and heat stability if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G.

12. Section 146.32 (d) (3) (i) is amended to read: "The penicillin; one package for each 5,000 packages in the batch, but in no case less than 20 packages if it is calcium penicillin, or 40 packages if it is crystalline penicillin, and not more than 100 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

13. Section 146.33 (d) (3) (ii), line three, is amended by deleting the figure "40" and substituting "60" therefor.

14. Section 146.34 (d) (3) (ii), line five, is amended by deleting the figure "40" and substituting "60" therefor.

15. Section 146.35 (d) (3) (ii), line four, is amended by deleting the figure "40" and substituting "60" therefor.

16. Section 146.36 (d) (3) (ii), line five, is amended by deleting the figure "40" and substituting "60" therefor.

17. Section 146.38 (d) (3) (ii), line three, is amended by deleting the figure "40" and substituting "60" therefor.

This order, which provides for the use of crystalline penicillin in penicillin with vasoconstrictor and for increasing the size of sample from bulk batches of penicillin from 40 milligrams to 60 milligrams, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of penicillin with vasoconstrictor using crystalline penicillin and increasing the size of the samples of penicillin from 40 to 60 milligrams.

(Sec. 507, 52 Stat. 1040, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong.; 21 U. S. C., Sup. 357)

Dated: June 30, 1947.

[SEAL] MAURICE COLLINS, *Acting Administrator.*

[F. R. Doc. 47-6304; Filed, July 3, 1947; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter A—Property Improvement Loans

PART 501—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

Sec.
501.1 Citation.
501.2 Definitions.
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501.15 Amendments.
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AUTHORITY: §§ 501.1 to 501.16, inclusive, issued under 53 Stat. 804, 805, 55 Stat. 364, 365, 56 Stat. 305, 57 Stat. 571; and Pub. Law 120, 80th Cong.; 12 U. S. C. and Sup., 1703.

§ 501.1 *Citation.* The sections in this part may be cited and referred to as "Regulations of the Federal Housing Commissioner Governing Property Improvement Loans effective July 1, 1947."

§ 501.2 *Definitions.* As used in the regulations in this part the term:

(a) "Act" means the National Housing Act, as amended.

(b) "Administration" means the Federal Housing Administration.

(c) "Commissioner" means the Federal Housing Commissioner or his duly authorized representative.

(d) "Contract of Insurance" includes all of the provisions of the regulations in this part and of the applicable provisions of the act.

(e) "Insured" means a financial institution holding a contract of insurance under Title I of the Act.

(f) "Loan" means an advance of funds or credit or the purchase of an obligation evidenced by a note.

(g) "Note" includes a note, bond, mortgage, or other evidence of indebtedness.

(h) "Payment" includes a deposit to an account or fund which represents the full or partial repayment of a loan.

(i) "Borrower" means one who applies for and receives a loan in reliance upon the provisions of the act and whose interest in the property to be improved is (1) a fee title, or (2) a life estate, or (3) an equitable interest under an instrument of trust or contract, or (4) a lease having a fixed term, expiring not less than six calendar months after the maturity of the loan.

(j) "Class 1 (a) Loan" means a loan, other than a loan defined in paragraph (k) of this section as a "Class 1 (b) Loan", which is for the purpose of financing the repair, alteration, or improvement of an existing structure or of the real property in connection therewith, exclusive of the building of new structures. The term "existing structure" means a completed building that has or had a distinctive functional use.

(k) "Class 1 (b) Loan" means a loan which is (1) made for the purpose of financing the alteration, repair, improvement, or conversion of an existing structure located in an area or locality in which the President shall find that an acute shortage of housing exists or impends, which would impede national war activities and (2) is made for the purpose of providing additional living accommodations to which the borrower shall establish in a manner and upon forms prescribed by the Commissioner that occupancy priority will be for veterans of World War II.

(l) "Class 2 (a) Loan" means a loan which is for the purpose of financing the construction of a new structure which is to be used exclusively for other than residential or agricultural purposes.

(m) "Class 2 (b) Loan" means a loan which is for the purpose of financing the construction of a new structure for use in whole or in part for agricultural purposes, exclusive of residential purposes.

(n) "Class 1 Loan" includes both "Class 1 (a)" and "Class 1 (b)" loans as defined in paragraphs (j) and (k) of this section.

(o) "Class 2 Loan" includes both "Class 2 (a)" and "Class 2 (b)" loans as defined in paragraphs (l) and (m) of this section.

§ 501.3 *Eligible notes.* (a) *Validity.* The note shall bear the genuine signature of the borrower as maker, shall be valid and enforceable against the borrower or borrowers as defined in § 501.2 (i), and shall be complete and regular on its face. The signatures of all parties to the note must be genuine. If the note is executed for and on behalf of a corporation or in a representative capacity, the note must create a binding obligation of the principal.

(b) *Acceleration clause.* The note shall contain a provision for acceleration of maturity, either automatic or at the option of the holder, in the event of default in the payment of any installment upon the due date thereof.

(c) *Payments.* The note shall be payable in equal monthly, semi-monthly, or weekly installments. The final installment may be more or less than the other installments provided that it is not less than one-half or more than one and one-half times the preceding installment. A note may not provide for a first payment less than six day nor more than two calendar months from the date of the note. However, if fifty-one per cent or more of the income of the borrower is derived directly from the sale of agricultural crops, commodities, or livestock produced by him, a note may be made payable in installments corresponding to income periods shown on the Credit Application. In such cases, the first payment must be made within twelve months of the date of the note and at least one payment shall be made in each twelve months thereafter. *Provided*, That no two payments shall be more than twelve months apart, and the proportion of total principal to be paid in later years shall not exceed the proportion of total principal payable in earlier years. In lieu of an installment note payable in equal periodic installments a loan may be evidenced by a series of notes provided each is of an equal amount as provided in this section and that each note indicates on its face that it is one of a series signed by the same borrower.

(d) *Maturity*—(1) *Minimum.* The note shall not have a final maturity of less than six calendar months from the date of the note.

(2) *Maximum.* The maximum permissible maturity of a note evidencing:

(i) A Class 1 (a) or a Class 2 (a) loan is three years and thirty-two days from the date of the note.

(ii) A Class 1 (b) loan is seven years and thirty-two days from the date of the note.

(iii) A Class 2 (b) loan is seven years and thirty-two days from the date of the note, except that if a Class 2 (b) loan is secured by a first mortgage, first deed of trust, or other security instrument constituting a first lien upon the improved property, the loan may have a final maturity not in excess of fifteen years and thirty-two days from the date of the note.

(iv) A combination of any of the above classes of loans shall be no greater than the maximum maturity governing that component part of the loan having the shortest maturity if made alone.

(e) *Late charges.* The note may provide for a late charge, not to exceed 5 cents for each $1.00 of each installment more than fifteen days in arrears. No late charge on a past due installment may be accrued in excess of $5.00. In lieu of late charges, notes may provide for interest on past due installments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the Contract of Insurance.

§ 501.4 *Maximum amount of loans*—(a) *Class 1 (a) Loan.* A Class 1 (a) loan shall not involve a principal amount, exclusive of financing charges to the borrower, in excess of $2,500.

(b) *Class 1 (b) Loan.* A Class 1 (b) loan shall not involve a principal amount, exclusive of financing charges to the borrower, in excess of $5,000.

(c) *Class 2 Loan.* A Class 2 loan shall not involve a principal amount, exclusive of financing charges to the borrower, in excess of $3,000.

§ 501.5 *Financing charges*—(a) *Maximum charge.* The maximum permissible financing charges, exclusive of fees and charges as provided by paragraph (b) of this section, which may be paid by the borrower for interest, discount and fees of all kinds in connection with the transaction, shall be computed as follows:

(1) Class 1 loans having a principal amount not in excess of $2,500 shall not have a financing charge in excess of an amount equivalent to $4.00 discount per $100 original face amount of a one year note, to be paid in equal monthly installments calculated from the date of the note.

(2) Class 1 loans having a principal amount in excess of $2,500 shall not have a financing charge in excess of an amount equivalent to $4.00 discount per $100 original face amount of a one year note, to be paid in equal monthly installments calculated from the date of the note.

(3) Class 2 loans shall not have a financing charge in excess of an amount equivalent to $5.00 discount per $100 original face amount of a one year note, to be paid in equal monthly installments calculated from the date of the note, except that Class 2 (b) loans having a maturity in excess of seven years and thirty-two days shall not have a financing charge in excess of an amount equivalent to $3.50 discount per $100 original face amount of a one year note, to be paid in equal monthly installments calculated from the date of the note. Such charges correctly based on tables of calculations issued by the Federal Housing Commissioner are deemed to comply with this section.

An increase in the ratio of the charge to the average amount outstanding on the debt over the maximum provided in this section, which increase results from the first payment falling due less than thirty days after the date of the note as provided in § 501.3 (c), shall not be deemed to be in conflict with this section.

(b) *Permissible additional charges.* If the insured takes security in the nature of a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien, or other security device for the purpose of securing the payment of eligible loans, the insured may collect from the borrower, in addition to the maximum permissible financing charge as provided in paragraph (a) of this section, the following expenses actually incurred by the insured in connection with the transaction. Recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums: *Provided*, That such costs or expenses are not paid from the proceeds of the loan or included in the face amount of the note. Such costs or expenses shall not be included by the insured as a portion of a claim under the Contract of Insurance and if such costs or expenses are assessed against the borrower, proper evidence thereof should be in the file.

(c) *Partial disbursement of proceeds.* If the insured in purchasing a note takes the maximum charge permitted by this section, but employs a "holdback" and does not advance the entire proceeds of the note to the seller, it shall calculate its financing charge on the amount advanced and credit to the account of the seller the difference between the financing charge calculated on the face amount of the note and the financing charge calculated on the amount advanced.

(d) *Prepayment rebate.* If a note is paid in full prior to maturity, the insured shall make a rebate at a rate not less than 6% per annum of the amounts so paid in advance of their due dates, if the maximum permissible financing charge in connection with the transaction is in an amount equivalent to $5.00 discount as provided in paragraph (a) of this section. If a lesser charge has been taken, the rebate shall be at not less than a proportional rate.

§ 501.6 *Credits and collections*—(a) *Credit application.* Prior to making a loan the insured shall obtain a dated Credit Application executed by the borrower on a form approved by the Commissioner. A separate Credit Application is required for each loan made or note purchased.

(b) *Credit investigation.* The Credit Application, supplemented by such other information as the insured deems necessary, must, in the judgment of the insured, clearly show the borrower to be solvent, with reasonable ability to pay the obligation and in other respects a reasonable credit risk. If, after the loan is made, an insured who acted in good faith discovers any material misstatements or misuse of the proceeds of the loan by the borrower, dealer, or others, the eligibility of the note for insurance will not be affected. However, the insured shall promptly report such discovery to the Commissioner.

(c) *Outstanding FHA and direct federal obligations.* The proceeds of a loan shall not be disbursed if the insured has knowledge that the borrower is past due more than fifteen days as to either principal or interest with respect to an obligation owing to, or insured by, any department or agency of the Federal Government: *Provided*, That nothing contained herein shall prevent the making of a loan otherwise eligible, even though the borrower is in default under such an obligation by reason of his military service and the approval of the Commissioner is obtained.

(d) *Past due Title I Notes at time of purchase.* A note shall not be purchased when any installment thereon is part due more than fifteen days at the date of purchase except purchases of notes under the provisions of § 501.12.

(e) *Prior approval by Commissioner.* Any loan in excess of $2,500, exclusive of financing charges, or any loan which increases the principal amount outstanding as to all Class 1 or Class 2 loans to any individual borrower to an amount in excess of $2,500, exclusive of financing charges, will be accepted for insurance only upon prior approval of the Commissioner.

(f) *Security.* The taking of security to secure the payment of a loan is left to the discretion of the insured unless specifically required by the Commissioner in accordance with the provisions of paragraph (e) of this section or of § 501.3 (d) (2) (iii). An insured may permit the substitution or subordination of security provided it can be shown when claim is made that at the time of such action the original security value was not impaired or reduced as a result of such action. Upon presentation of the facts the prior approval of the Commissioner may be obtained by the insured to any proposed substitution or subordination of security.

(g) *Collections.* The insured is required to service loans in accordance with acceptable practices of prudent lending institutions. In the event of default, the insured should have adequate facilities for contacting the borrower and otherwise exercise diligence in collecting the amount due. The insured is responsible to the Commissioner for proper collection efforts even though actual collection may be performed by an agent.

§ 501.7 *Eligible expenditures*—(a) *Property location.* The property to be improved shall be located within the United States, its Territories, or Possessions.

(b) *Use of proceeds.* The proceeds of a loan shall be used only to finance alterations, repairs, and improvements upon real property or in connection with existing structures, commenced in reliance upon the credit facilities afforded by Title I of the act.

(c) *Reliance on credit application.* An insured acting in good faith may, in the absence of information to the contrary, rely upon all statements of fact made by the borrower, which are called for by the borrower's Credit Application, in determining the eligibility of the improvements to the property.

(d) *Technical services and direct costs.* The proceeds of a loan may be used to pay the cost of architectural and engineering services, and fees paid for obtaining building permits that are directly connected with the eligible alterations, repairs, or improvements financed in accordance with the regulations in this part.

(e) *Supplementing an uninsured obligation.* The proceeds of a loan shall not be used to supplement another obligation of the borrower not reported for insurance, the payment of which is to be secured by a prior lien created in connection with the proposed alteration, repairs, or improvements.

§ 501.8 *Disbursement of loan proceeds*—(a) *Disbursement.* Before disbursing the proceeds of a loan to one other than a borrower or a borrower and another jointly, the insured shall:

(1) *Dealer approval.* Have approved the dealer after such investigation as the insured considers necessary to establish to its satisfaction that the dealer is reliable, financially responsible and qualified to perform satisfactorily the work to be financed and to extend proper service to the customer. This approval, signed and dated, together with the supporting information, shall be in the insured's file. For the purpose of this section the term "dealer" means the one who executes the dealer's completion certificate.

(2) *Completion certificates.* Obtain a completion certificate signed by the borrower and a completion certificate signed by the dealer on forms approved by the Commissioner. If there are two or more eligible borrowers involved in the transaction, only one signature is required on the borrower's certificate.

(3) *Authorization to pay loan proceeds.* Obtain written authorization from the borrower, if the insured is the payee of the note and the proceeds are to be disbursed to one other than the borrower.

(b) *Precautionary measures.* If the insured has not approved the dealer, as provided in paragraph (a) (1) of this section or has reason to withdraw such approval, the proceeds of a loan shall not be disbursed until:

(1) The insured has verified all statements contained on the borrower's credit application.

(2) The borrower has signed the borrower's completion certificate in the presence of the insured.

(3) The insured has inspected the work performed in every instance when the amount involved is $500 or more, and in at least one out of every three transactions when the amounts involved are less than $500.

(4) The insured has signed a statement to the effect that the above requirements were complied with prior to releasing the proceeds of any such loans, such statement must accompany each loan report.

§ 501.9 *Refinancing*—(a) *General requirements.* New obligations to liquidate loans previously reported for insurance pursuant to Title I of the act after July 1, 1947, which may or may not include an additional amount advanced will be covered by insurance, provided they meet the requirements of all applicable regulations and the special provisions of this section.

(b) *Maximum maturity.* (1) A Class 1 (a) loan or a Class 2 (a) loan may be refinanced for an additional period not in excess of three years and thirty-two days from the date of the refinancing, but not to exceed five years from the date of the original note.

(2) A Class 1 (b) loan may be refinanced for an additional period not in excess of seven years and thirty-two days from the date of the refinancing, but not to exceed ten years from the date of the original note.

(3) A Class 2 (b) loan may be refinanced for an additional period not in excess of seven years and thirty-two days from the date of the refinancing, but not to exceed ten years from the date of the original note, except that if a Class 2 (b) loan is secured by a first mortgage, first deed of trust, or other security instrument, constituting a first lien upon the improved property, the new note may have a final maturity not in excess of

fifteen years and thirty-two days from the date of the refinancing, but not to exceed twenty-five years from the date of the original note.

(4) When a Class 1 loan or a Class 2 loan is made or refinanced and consolidated with another Class 1 loan or Class 2 loan, the new note evidencing the consolidated obligation shall not be for a longer term than that which the component loan having the shortest permissible maturity could have if made or refinanced alone.

(c) *Rebate.* The full unearned charge on the original note shall be refunded to the borrower. If no additional advance is made a handling charge not in excess of $2.00 may be assessed the borrower.

(d) *Special cases.* The Commissioner may upon presentation of the facts approve the refinancing or refinancing and consolidation of any loan or loans upon such terms and conditions as he may determine within the limits provided by the act.

(e) *Deferred payments.* An agreement to defer payments on a note previously reported for insurance under the regulations in this part without rewriting the note is not considered refinancing. Such agreement will not affect the insurance coverage on the loan: *Provided*, That:

(1) Such agreement is evidenced in writing;

(2) Payments shall not be deferred for more than five months from the due date of the last fully-paid installment;

(3) Such agreement shall not extend the final maturity of the obligation beyond the maturity date of the obligation as provided by its original terms;

(4) The insured may assess the borrower for the cost of such deferment if such charge is not in excess of an equivalent amount of late charges as provided in § 501.3 (e).

§ 501.10 *Report of loans.* Loans shall be reported on the prescribed form to the Federal Housing Administration at Washington, D. C., within thirty-one days from the date of the note or date upon which it was purchased. Any loan refinanced as provided in § 501.9 shall likewise be reported on the prescribed form within thirty-one days from date of refinancing. In any case, the Commissioner may, in his discretion, accept a late report.

§ 501.11 *Claims*—(a) *Claim application.* Claim for reimbursement for loss on an eligible loan shall be made on a form provided by the Commissioner, and executed by a duly qualified officer of the insured. The claim shall be accompanied by the insured's complete credit and collection file pertaining to the transaction.

(b) *Claim after default.* Claim may be made after default (earliest installment for which full payment has not been received) provided demand has been made upon the debtor for the full unpaid balance of the note.

(c) *Maximum claim period.* For the purpose of this section, any payment received on an account, including payments on a judgment predicated thereon, shall be applied to the earliest unpaid installment, and in the case of:

(1) Yearly installment notes, whenever an installment is twelve months in default, claim must be made within thirty-one days thereafter;

(2) All other installment notes, whenever an installment is six months in default, claim shall be made within thirty-one days thereafter.

(d) *Extension of maximum claim period.* Upon presentation to the Commissioner of the facts of a particular case within the allowable claim period prescribed in this section, he may, in his discretion, extend the time within which claim must be made: *Provided*, That in computing the claim no interest will be allowed for the period of such extension.

(e) *Claim amount.* An insured will be reimbursed for its loss on loans made in accordance with the regulations in this part up to the amount of its reserve as established by § 501.12 as follows:

(1) Net unpaid amount of the loan actually made or the actual purchase price of the note, whichever is the lesser;

(2) Uncollected earned interest to date of default and interest at the rate of 4% per annum from the date of default to the date of the application for reimbursement of loss sustained, but in no event shall the total interest allowed exceed the maximum permissible financing charge on the principal amount outstanding to the date of application for reimbursement.

(3) Uncollected court cost, including fees paid for issuing, serving, and filing summons;

(4) Attorney's fees actually paid not exceeding:

(i) 15% of the amount collected by the attorney on the defaulted note provided the insured does not waive its claim against the borrower for such fees; and

(ii) $25.00 or 15% of the balance due on the note, whichever is the lesser, if a judgment is secured by suit.

(f) *Assignment of documents.* The note and any security held or judgment taken must be assigned in its entirety and if any claim has been filed in bankruptcy, insolvency, or probate proceedings, such claim shall likewise be assigned to the United States of America.

(g) *Form of assignment.* The following form of assignment properly dated shall be used in assigning a note, judgment, real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien, or any other security device in event of claim.

All right, title, and interest of the undersigned is hereby assigned (without warranty, except that the note qualifies for insurance) to the United States of America.

_____
(Financial Institution)

By _____

Date _____ Title _____

Provided, That if this form is not valid or generally acceptable in the jurisdiction involved, a form which is valid and generally acceptable shall be used.

(h) *Election of action.* Where a real-estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien, or any other security device has been used to secure the payment of a loan made under the provisions of Title I of the act, the insured may not both proceed against such security and also make claim under its contract of insurance, but shall elect which method it desires to pursue.

§ 501.12 *Insurance reserve*—(a) *Legal limit.* Subject to the limitation on the total liability which may be outstanding at any time as stipulated in section 2 of Title I of the act, the Commissioner, in accordance with § 501.11, will reimburse any insured for losses sustained by it up to a total aggregate amount equal to 10% of the total amount advanced on all eligible loans made by it on and after July 1, 1947, and prior to July 1, 1949, and reported for insurance during the time its contract of insurance is in force.

(b) *General insurance reserve.* There shall be established for each insured a general insurance reserve equal to 10% of the aggregate amount advanced on all loans originated by it on and after July 1, 1947, and prior to July 1, 1949 pursuant to the provisions of both Part 501 and Part 502.

(c) *Transfer of loans reported for insurance.* The insured shall not assign or otherwise transfer any loan reported for insurance to a transferee not holding a contract of insurance under Title I of the National Housing Act, provided that nothing contained herein shall be construed to prevent the pledging of such loans as collateral security under a trust agreement, or otherwise, in connection with a bona fide loan transaction.

(d) *Transfer of insurance reserve.* Insurance reserve of more than $5,000 shall not be transferred to or from the reserve account of any insured during any fiscal year (July 1 through June 30) without the prior approval of the Commissioner. Except in cases involving the transfer of loans sold with recourse or under a guaranty, guarantee, or repurchase agreement, the reports required by § 501.10 shall be submitted, indicating the intent of the parties with respect to the transfer of the insurance reserve and unless the approval of the Commissioner is obtained, the insurance reserve shall be transferred as follows:

(1) In cases involving the transfer of notes purchased without recourse, guaranty, guarantee, or repurchase agreement, provided no installment payment is past due more than one calendar month at the time of purchase, the insurance reserve shall be transferred to the general insurance reserve of the purchasing institution on the basis of 10% of the actual purchase price or net unpaid original advance, whichever is the lesser.

(2) In cases involving the transfer of notes sold with recourse or under a guaranty, guarantee, or repurchase agreement, no insurance reserve will be transferred and no reports will be required.

(e) *FHA recovery shall not affect reserve.* Amounts which may be salvaged by the Commissioner with respect to a loan in connection with which an insured has been reimbursed under its contract of insurance shall not be added to the insurance reserve remaining to the credit of such insured.

§ 501.13 *Insurance charge*—(a) *Rate.* The insured shall pay to the Commissioner an insurance charge equal to three-fourths (¾) of one per centum per annum of the net proceeds of any eligible loan reported and acknowledged for insurance: *Provided*, That in the case of a Class 1 (b) loan in excess of $2,500, exclusive of financing charges, and in the case of a Class 2 (b) loan having a maturity in excess of seven years, such insurance charge shall be one-half (½) of one per centum per annum. In computing the insurance charge, no charge shall be made for the fractional period of a month of 15 days or less, and a charge for a full month shall be made for the fractional period of a month of more than 15 days.

(b) *When payable.* Such insurance charge for the entire term of the loan shall be paid within twenty-five days after the date the Commissioner acknowledges receipt to the insured institution of the report of loan: *Provided*, That on loans having a maturity in excess of three years and thirty-two days, such charge may be paid in installments, the first of which shall be equal to the charge for three years and be paid within said twenty-five days, and the second and succeeding installments, each equal to the charge for one year, shall be paid on the first and each succeeding anniversary of the first day of the month following the date of the note.

(c) *Notes transferred.* Any adjustments of the insurance charge already paid on any obligation transferred between insureds shall be made by the insureds, except that any unpaid installments of the insurance charge shall be paid by the purchasing insured.

(d) *Refund or abatement.* There shall be no refund or abatement of any portion or installment of the insurance charge except:

(1) The charge on a refinanced note may be credited with the unearned portion of the charge on the original note;

(2) Insurance charges falling due after claim is filed or the note is prepaid in full;

(3) The charge paid on a loan or portion thereof found to be ineligible.

(e) *When not chargeable to borrower.* The insurance charge paid by the insured shall not be charged to the borrower if such charge would cause the total payments made by the borrower to exceed the maximum permissible amount which may be charged to the borrower for interest, discount, and all other charges in connection with the transaction.

§ 501.14 *Administrative reports and examination.* The Commissioner, or his authorized representative, may at any time call upon an insured for such reports as he may deem to be necessary in connection with the regulations in this part, or may inspect the books or accounts of the insured as they pertain to the loans reported for insurance.

§ 501.15 *Amendments.* The regulations in this part may be amended by the Commissioner at any time, but such amendment shall not adversely affect the insurance privileges of an insured with respect to any loan previously made.

§ 501.16 *Effective date.* The regulations in this part are effective as to all loans made on or after July 1, 1947, pursuant to the provisions of Title I of the National Housing Act, as amended, and shall have the same force and effect as if included in and made a part of each Contract of Insurance.

Issued at Washington, D. C., June 27, 1947.

RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. D. Doc. 47-6281; Filed, July 3, 1947; 8:47 a. m.]

PART 502—THE REGULATIONS OF THE FEDERAL HOUSING COMMISSIONER GOVERNING CLASS 3 LOANS

MISCELLANEOUS AMENDMENTS

1. Section 502.1 *Citation* of the regulations of the Federal Housing Commissioner governing Class 3 Loans, effective March 28, 1946, as amended, is hereby amended to read as follows: The regulations in this part, applicable to Class 3 Loans, may be cited as Part II of the "Regulations of the Federal Housing Commissioner Governing Property Improvement Loans, effective July 1, 1947".

2. Section 502.8 *Refinancing* is hereby amended by striking out "after March 28, 1946" and inserting in lieu thereof "on and after July 1, 1947".

3. In Section 502.11 *Insurance reserve*, paragraph (a) *Legal limit* is hereby amended by striking out "after July 1, 1944" and inserting in lieu thereof "on and after July 1, 1947, and prior to July 1, 1949".

4. Section 502.11 (b) *General insurance reserve* is hereby amended by striking out the date "July 1, 1944" and inserting in lieu thereof "July 1, 1947, and prior to July 1, 1949".

The amendment contained herein is effective as to all loans made on or after July 1, 1947, and shall have the same force and effect as if included in and made a part of each contract of insurance.

Issued at Washington, D. C., June 27, 1947.

RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. R. Doc. 47-6280; Filed, July 3, 1947; 8:47 a. m.]

Chapter VIII—Office of Housing Expediter

[List 1, Revocations]

PART 807—SUSPENSION ORDERS

LUCY GARNO AND E. F. GARNO ET AL.

In view of the removal of restrictions on construction by the Housing and Rent Act of 1947, except amusement and recreational construction with certain exceptions, the Chief Compliance Commissioner has directed that the suspension orders hereinafter listed be revoked forthwith.

It is therefore ordered, That the following suspension orders be revoked, effective June 30, 1947; *Provided, however*, That this revocation does not affect any liabilities incurred for violations of the suspension order prior to revocation,

S-1 Lucy Garno and E. F. Garno.
S-2 E. L. Livers.
S-4 John Cavaglierl and Adolph Devencenzi.
S-5 Irwin Topper, Oscar Topper, and Samuel Levine.
S-6 Mrs. Emma T. Dee.
S-7 Link & Link, Inc.
S-8 W & F Manufacturing Co., Inc.
S-9 Joseph Pinpsten.
S-10 George B. Charisen and R. M. Stauffer.
S-12 Ralph T. Chilton and Stonewall J. Webster.
S-13 Kurtz-Hodge Implement Co., Inc.
S-17 Silvis Ice & Fuel Co.
S-18 John H. Wood.
S-19 Dr. Gerald B. Winrod, et al.
S-21 Detroit Construction Co.
S-23 Arlington Lumber & Supply Co.
S-24 Donald M. Sills.
S-25 Edwin P. Bergeron.
S-26 N. Y. M. Construction Corp.
S-27 Leland Z. Arthur.
S-29 Elmer W. Mottern.
S-30 Dorsey Greeno, d b a Dorsey Motor Sales.
S-31 Ira N. Petersheim.
S-32 Joseph Lieberman.
S-34 Jamison Motors, Inc.
S-35 Albert Wille.
S-36 Ernest M. Daland.
S-37 John A. Pring and Floyd L. Kersey.
S-39 Alfred H. Wilson.
S-40 James H. Pflanz.
S-41 Willis E. Miller.
S-42 Wm. E. Schott and Clarence A. Schott.
S-43 Charles Allario, Oreste Allario, and John Weber.
S-44 Samuel B. Meisner.
S-45 Harry Williams.
S-47 Conrad Construction Co.
S-49 Adam Ferrare.
S-52 F. L. Kersey.
S-54 Hartline Cold Storage Co.
S-55 Sam J. Bradford and Albert J. Thompson.
S-57 Robert Callahan.
S-58 Adrian Beverages, Inc.
S-904 Ohio Valley Lumber Co.
S-937 Daylite Markets, Inc.
S-945 Etta Wamsher.
S-947 Tower Craftsmen, Inc. and Erwin Kottler.
S-948 Kansas Petroleum Co.
S-950 M. J. Murtin & Sons, Inc.
S-955 Joe Sicilia.
S-956 Morris Skillken.
S-957 James Godshalk.
S-960 Willard G. Daniels.
S-961 Carl Schroeder.
S-962 Service Screw Products Co.
S-963 Harry and Anna Zola.
S-966 Russell M. Larson.
S-968 Superbuilt Construction Corp.
S-969 George L. Dubin and Dubin Construction Corp.
S-970 C. K. Sivas.
S-972 E. B. Strickland and M. C. Herider.
S-973 Louis Ruben and Bernard Ruben.
S-975 Charles Lesser and Leonard Salvaggio.
S-979 Leonard Blumenthal.
S-982 Stephen E. Shigoe.
S-985 Co-Ed Rollerdrome Co.
S-986 Robert L. Hauman.
S-987 Lad and Lassie Shop and Pin Rose Studios, Inc.
S-989 Thomas Hollins.
S-991 Charles A. Lemmo.
S-996 Walter F. Smith.
S-997 Henry O'Sheskey.
S-999 Ben H. Goodwin and Roy Holsworth.
S-1001 Joseph S. Lampman.
S-1003 Bruno Polkowski.
S-1006 Anton Lajavic.
S-1008 Seymour Building Co.
S-1010 Rosemore Building Co.

S-1011---- Stephen and Mary Montella.
S-1016---- Philip H. Marcell.
S-1017---- Lloyd E. Eckert and Eva B. Eckert.
S-1018---- Nicholas Deltufo, Jr.
S-1019---- Morris Warren and Anna Warren.
S-1020---- Joseph W. Luepintz.
S-1021---- Alvin Thomas and Robert Thomas.
S-1022---- Shamballa Ashrama, Inc.
S-1023---- Leo S. Hyland.
S-1024---- King Starr Realty Co.
S-1025---- Hardwood Flooring, Inc., and Samuel Weinman.
S-1027---- J. C. Zehring and Theodore Zehring.
S-1028---- Abraham Shmookler and Francis Fine.
S-1030---- James and Kathryn Montella.
S-1034---- Fred H. Wolfe.
S-1035---- Louis Foss and B. H. Tronnem.
S-1040---- J. Schnitzer.
S-1044---- Travelers Oil Co.
S-1046---- Dura-Bilt Garage Bldg. Co., Inc., and Jack Scherr and Meyer Yagoda.
S-1049---- Huntington Building, Inc.
S-1050---- Sam Murman.
S-1052---- Frank E. Clegg and Paul C. Peters, Jr.
S-1055---- A. Melville Cox.
S-1056---- Leo J. Linbergèr.
S-1057---- George Chang and Nicholas Cantera.
S-1058---- David Bloom.
S-1060---- Harry Rosen.
S-1061---- Charles Posternack.
S-1062---- Ben C. Richards.
S-1065---- Louis Miller and Santo Nastasi.
S-1066---- M. J. Dontas.
S-1069---- Thompson & Smith and John S. Cook.
S-1071---- Wilshire Realty Co., and Hayes Construction Co.
S-1073---- Malkov Lumber Co. and James Burton Co.
S-1074---- Keith Spalding.
S-1075---- R. M. O'Neal.
S-1076---- Charles W. Althen.
S-1077---- Grover D. King.
S-1078---- Raymond Nicewonger.
S-1080---- Arrow Motor Sales.
S-1081---- S. E. Pancoast and Al Baker.
S-1082---- Charles A. Limberg and Al Baker.
S-1084---- J. C. Nichols.
S-1085---- E. J. McIlmurray.
S-1086---- A. L. Wiese and Fred Perschau.
S-1087---- J. J. Mellinger.
S-1088---- Wright & Company, Inc.
S-1089---- Reuben Newman and Anthony Didonato, Jr.
S-1091---- Joseph Shaffer.
S-1095---- John A. Harney.
S-1096---- Singer Sewing Machine Co., Paul M. Newstrom, and Warren Beaman.
S-1099---- Superior Boat & Mill Co.
S-1103---- Kimball Brothers.
S-1104---- United States Fidelity & Guaranty Co.
S-1111---- Floyd Gearhart.
S-1114---- Charles G. Imburgia.
S-1115---- Joseph Zuckerberg and Celia Zuckerberg.
S-1116---- City Chevrolet Co. and O. B. Peavey.
S-1120---- Louis and Lucy Spinelli.
S-1121---- Joseph Kukuruza, Stephen Kukuruza, and Charles Mick.
S-1122---- Frank Niemczewski and Maurice La Belle.
S-1124---- Ralph L. Landas.
S-1125---- Pomeroy Motor Co.
S-2001---- Edouard E. and Kathleen M. Robert.
S-1126---- Pete Cladianos and G. W. Friedhoff.
S-1009---- B & O Construction Co.
S-14------ Frank Weddell.

Issued this 30th day of June 1947.

OFFICE OF HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6330; Filed, July 2, 1947; 3:27 p. m.]

PART 825—RENT REGULATION UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION FOR MIAMI DEFENSE-RENTAL AREA

§ 825.3 *Controlled Housing Rent Regulation for Miami Defense-Rental Area.* The Controlled Housing Rent Regulation for Miami Defense-Rental Area, issued pursuant to the Housing and Rent Act of 1947, Public Law Eightieth Congress, is as follows:

Sec.
1. Definitions and scope of this regulation.
2. Prohibition against higher than maximum rents.
3. Minimum space, services, furniture, furnishings and equipment.
4. Maximum rents.
5. Adjustments and other determinations.
6. Inspection.
7. Registration.
8. Evasion.
9. Enforcement.
10. Procedure.
11. Requests for amendment.
12. Adoption of orders.

SECTION 1. *Definitions and scope of this regulation.* "Act" means the Housing and Rent Act of 1947.

"Expediter" means the Housing Expediter or the Rent Director or such other person or persons as the Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Controlled housing accommodations" means any housing accommodation in the Defense-Rental Area which is not specifically exempted from control or decontrolled under this regulation.

"Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, and removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

"Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service: *Provided, however,* That if 75 percent or more of the units in the establishment are self-contained dwelling units including a bathroom and kitchen and were rented on other than a daily term of occupancy on June 30, 1947 the establishment shall not be considered a hotel for the purposes of this regulation and the Housing and Rent Act of 1947.

"Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishment; and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes not serving transient guests exclusively.

"Maximum rent date" means September 1, 1943, the maximum rent date for the Miami County Defense-Rental Area as established under the Emergency Price Control Act of 1942, as amended.

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular housing accommodation in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder, or under section 4 (c) of this regulation, whichever is applicable.

"Effective date of regulation" means November 1, 1943, the effective date of all provisions of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, except as to section 7 of that regulation which became effective October 1, 1943 in the County of Dade and October 15, 1943 in the City of Hollywood and the Town of Hallandale in the County of Broward, in the State of Florida.

The term "Rent Regulation for Housing" as herein used, means the Rent Regulation for Housing for the Miami Defense-Rental Area.

(a) *Housing and defense-rental area to which this regulation applies.* This regulation applies to all housing accommodations in the Miami Defense-Rental Area, consisting of the County of Dade and the City of Hollywood and the Town of Hallandale in the County of Broward in the State of Florida, except as provided in paragraph (b) of this section. The Miami Defense-Rental Area is referred to hereinafter in this regulation as the "Defense-Rental Area."

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(3) *Accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.* Rooms or other housing accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.

(4) *Structures subject to underlying leases.* (i) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structure or premises.

(ii) Entire structures or premises wherein 25 or less rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structures or premises; *Provided,* That all of the housing accommodations in such structures or premises are exempt under the provisions of this section or section 1 (b) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.

(iii) This regulation does not apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt under this section or section 1 (b) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.

(5) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(6) *Winter resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to November 1, 1943, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however,* That the area rent director may by order extend the above exemption to housing accommodations otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1, 1947, to February 29, 1948, inclusive.

(7) *Accommodations in hotels, motor courts, and tourist homes.* (i) Housing accommodations in any establishment which is commonly known as a hotel (see definition of "hotel" in section 1) in the community in which it is located, which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; (ii) housing accommodations in motor courts; and (iii) housing accommodations in any tourist home serving transient guests, exclusively: *Provided, however,* That all such housing accommodations referred to in this paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later: *And provided further,* That if a landlord fails to file said application for decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said application.

(8) *Accommodations first offered for rent.* (i) Housing accommodations, the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947, except that contracts for the rental of housing accommodations to veterans of World War II and their immediate families, the construction of which was assisted by allocations or priorities under Public Law 388, Seventy-ninth Congress, approved May 22, 1946, shall remain in full force and effect; (ii) housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations: *Provided, however,* That all housing accommodations referred to in this paragraph (8) shall be subject to this regulation unless the landlord files in the area rent office a report of decontrol on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided further,* That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (8) the construction of housing accommodations is considered completed on the date the last material, fixture or equipment is incorporated into the structure provided the dwelling is suitable for occupancy at that time.

For the purposes of this paragraph (8) the word "conversion" means (1) a change in a structure from a non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(9) *Maximum rents established under section 4 (b).* Housing accommodations for which the maximum rent is established under section 4 (b) of this regulation; *Provided, however,* That such housing accommodations shall be subject to this regulation until January 1, 1948.

(10) Housing accommodations located in a resort community which, during at least six months of the year ending May 31, 1947, were either rented to tourist tenants or not rented, or both, and which were rented to a tourist tenant or not rented on May 31, 1947. This exemption shall apply to such accommodations only while rented to tourist tenants. For the purpose of this section, the term "tourist tenant" shall mean a tenant having his domicile outside of the resort community who is, or was, temporarily residing within such community; *Provided, however,* That the term shall not include a tenant who has continuously resided in the resort community for a period of more than nine months immediately prior to May 31, 1947, or more than nine months immediately prior to the date of renting the accommodations, whichever is the later.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this regulation.

SEC. 2. *Prohibition against higher than maximum rents*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall offer, demand or receive any rent for or in connection with the use or occupancy on and after the effective

date of this regulation of any housing accommodations within the defense-rental area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. A reduction in the minimum space, services, furniture, furnishings or equipment required under section 3 of this regulation shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by this regulation may be demanded or received.

(b) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to the effective date of regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this regulation may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Expediter if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain and the tenant shall be authorized to offer payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive or the tenant to offer payments in excess of the maximum rent in the absence of an order of the Expediter as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive nor shall the tenant offer payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

(c) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand, receive or retain a security deposit for or in connection with the use or occupancy of housing accommodations within the defense-rental area except as provided in this paragraph (c). The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent established under said section 4 (a).

(3) *Maximum rent established under section 4 (b) or (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (b) or (f), no security deposit shall be demanded or received.

(4) *Maximum rent established under section 4 (c) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (c), no security deposit shall be demanded, received, or retained.

(5) *Maximum rent established under section 4 (d) or (e) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (d) or (e), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations were or are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(6) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

(7) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is, or was, rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease.

SEC. 3. *Minimum space services, furniture, furnishings and equipment.* Except as set forth in section 5 (b) every landlord shall, as a minimum, provide with housing accommodations the same living space as provided June 30, 1947 or on the date he first rented on or after July 1, 1947 and the same essential services, furniture, furnishings, and equipment as those he was required to provide on June 30, 1947, in accordance with the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or those he provided on the date he first rented on or after July 1, 1947, and as to other services, furniture, furnishings and equipment not substantially less than those he was required to provide on June 30, 1947, or actually provided on the date of first renting on or after July 1, 1947.

SEC. 4. (a) *Maximum rents in effect on June 30, 1947.* The maximum rent for any housing accommodation under this regulation (unless and until changed by the Expediter as provided in section 5), shall be the maximum rent which was in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rent established under a lease.* In any case in which a tenant and landlord, on or before December 31, 1947, voluntarily enter into a valid written lease in good faith with respect to any controlled housing accommodations and such lease takes effect after July 1, 1947, and expires on or after December 31, 1948, the maximum rent for such housing accommodations shall be, as of the date such lease takes effect, the rent provided by the lease if it does not represent an increase of more than 15 percent over the maximum rent otherwise applicable. Such lease shall increase the maximum rent otherwise applicable for any housing accommodations only if a true copy thereof signed by both the landlord and tenant is filed with the area rent office for the defense-rental area in which the accommodations are located within fifteen days after the date the lease is executed. Every landlord shall file with a true copy of such lease Form D-92—Registration of Lease—in triplicate. A maximum rent established under this paragraph shall not be subject to additional increase by execution of a subsequent lease. No maximum rent established under this paragraph shall be subject to modification by any order of the Expediter.

A lease shall be effective under this paragraph to increase the maximum rent only if it provides with the housing accommodations the same living space and the same essential services, furniture, furnishings, and equipment as required by this regulation prior to the effective date of the lease, and as to other services, furniture, furnishings and equipment, not substantially less than required prior to the effective date of the lease. The landlord shall continue to provide such space and services, furniture, furnishings, and equipment at all times after the effective date of such lease.

(c) *First rent after June 30, 1947.* For controlled housing accommodations first rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations or one-twelfth of the total rent for the year ending on August 31, 1943, whichever is the higher. Within 30 days after so renting, the landlord shall register the accommodations as provided in section 7. The Expediter may order a decrease in the maximum rent as provided in section 5 (c) (1).

If the landlord fails to file a proper registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting shall be received, subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in falling to file a proper registration statement within the time specified, the order under section 5 (c) may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under section 5 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(d) *Housing subject to schedule of War or Navy Department.* Where housing accommodations on June 30, 1947 are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such housing accommodations cease to be governed by the national rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or shall be established under section 4 (c) of this regulation.

SEC. 5. *Adjustments and other determinations.* In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where the maximum rent is established under section 4 (b) of this regulation, or where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In cases under paragraphs (a) (2), (a) (4), (a) (5), (a) (7), (a) (8), (a) (9), (a) (11), (c) (1), (c) (3), and (c) (5), the adjustment of the maximum rent shall be on the basis of the maximum rent which the Expediter finds is generally prevailing in the defense-rental area for comparable housing accommodations.

In cases under paragraphs (a) (1), (a) (3), (a) (6), (c) (2), (c) (4) and (c) (6), the adjustment of the maximum rent shall be the amount the Expediter finds would have been, on September 1, 1943, or during the year ending on August 31, 1943, the difference in the rental value of the housing accommodations by reason of the change upon which the adjustment is based: *Provided*, That in cases under sections 5 (a) (3) and 5 (c) (4) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher.

In cases under paragraph (b), the adjustment of the maximum rent shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations during the corresponding month of the year ending on August 31, 1943.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939, except that in the case of construction initiated prior to November 23, 1945, such allowance shall reflect general increases in costs of construction in the defense-rental area since September 1, 1943.

In cases involving a major capital improvement, an increase or decrease in the services, furniture, furnishings or equipment, an increase or decrease in the number of subtenants or other occupants, or a deterioration, no adjustment shall be ordered to the extent that a rent used in establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In cases under paragraph (a) (10) the maximum rent shall be adjusted to an amount to be ascertained by adding to the total rent for the year ending on August 31, 1943, an amount equal to the rent for the housing accommodations during the month or months of that year most nearly comparable to the month or months during which the accommodations were not rented, and dividing by twelve.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs: *Provided*, That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

In cases under paragraph (c) (7) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided*, That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on interrelated matters.

In cases under paragraph (a) (14) of this section, the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the grounds that:

(1) *Major capital improvement after September 1, 1943.* There has been, since September 1, 1943, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance or a substantial increase in the services, furniture, furnishings, or equipment, and the rent on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(2) *Major capital improvement or change to furnished prior to September 1, 1943.* There was during the year ending on August 31, 1943, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, or a change from unfurnished to fully furnished, and as a result the maximum rent for the housing accommodations is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(3) *Substantial increase in space, services, furniture, furnishings or equipment.* There has been, since September 1, 1943, a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations or a substantial increase in the living space since June 30, 1947. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided*, That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Expediter finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part of (ii) is necessary for the preservation or maintenance of the accommodations.

(4) *Special relationship between landlord and tenant.* The rent during some portion of the year ending on August 31, 1943, or on the date subsequent thereto

determining the maximum rent, was materially affected by the blood, personal or other special relationship between the landlord and the tenant, and as a result the maximum rent for the housing accommodations is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations: *Provided*, That no adjustment under this paragraph (a) (4) increasing the maximum rent shall be made effective with respect to any accommodations regularly rented to employees of the landlord while the accommodations are rented to an employee, and no petition for such an adjustment will be entertained until the accommodations have been or are about to be rented to one other than an employee.

(5) *Written lease for term commencing on or prior to September 1, 1941.* There was in force on September 1, 1943, or during some portion of the year ending on August 31, 1943, a written lease for a term commencing on or prior to September 1, 1941, and as a result the maximum rent for the housing accommodations is lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(6) *Substantial increase in occupancy.* (i) There has been, since the date determining the maximum rent a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant.

(ii) There has been, since the date determining the maximum rent a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on the maximum rent date.

(iii) There has been, since the date determining the maximum rent an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(7) On the date determining the maximum rent the housing accommodations were temporarily exempt from real estate taxes, the landlord was passing the benefit of this tax exemption on to the tenant and as a result the rent on that date was subsantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(8) *Not rented during twelve weeks of year ending August 31, 1943.* The housing accommodations were not rented during at least twelve weeks of the year ending on August 31, 1943, and the maximum rent established under section 4 for such accommodations is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(9) *Priority rating granted on September 1941 application form of Office of Production Management.* The maximum rent for the housing accommodations was, originally established under section 4 (c) of the Rent Regulation for Housing issued pursuant to Emergency Price Control Act of 1942, as amended, the application for priority rating for the construction of the housing accommodations was filed on the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941, the landlord did not make, prior to the maximum rent date, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and the maximum rent for the accommodations is substantially lower than the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, giving due consideration to general increases in costs of construction, if any, in the defense-rental area since the maximum rent date.

This paragraph (a) (9) shall apply only to housing accommodations which were first rented prior to March 29, 1944.

(10) *Not rented for one or two full months during the year ending on August 31, 1943.* The housing accommodations were not rented for one or two full months but less than twelve weeks during the year ending on August 31, 1943 and the maximum rent established under section 4 for such accommodations is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations. The term "full month" means a period of consecutive days constituting a month.

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income (before interest) of the property for the current year as compared with a representative period prior to the maximum rent date, due to a substantial and unavoidable increase in property taxes or operating costs.

In proper cases increases in payroll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (12) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means (a) the most recent full calendar or fiscal year used by the landlord, or (b) any twelve-month period ending not more than 90 days prior to the filing of the petition: *Provided, however*, That the current year in all cases shall begin on or after the maximum rent date: *And provided, further*, That if allowance is requested for increases in payroll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(vi) "Prior representative period" means any period of two consecutive years prior to the "current year" but not beginning before January 1, 1939, which the Expediter finds to be representative of the property's normal operation: *Provided, however*, That where a representative period of two consecutive years is not available the Expediter in his discretion may for the purposes of this section accept a representative period of not less than one year.

(13) *Rented to an employee of landlord.* The housing accommodations were rented to an employee of the landlord both on the date determining the maximum rent and at the time the order under this paragraph (a) (13) is issued, and after the date determining the maximum rent but prior to the effective date of regulation the landlord and tenant agreed, as the result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

(14) The maximum rent was established under section 4 (c) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

(b) *Decreases in minimum services, furniture, furnishings, equipment and space.* (1) The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, equipment and living space as required under Section 3, unless and until he has filed a petition to decrease the services, furniture, furnishings, equipment or living space and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, equipment or living space below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (4).

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, equipment or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment or living space. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable only on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations established under paragraphs (b) or (f) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under paragraph (c) or (d) of section 4 of this regulation is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said housing accommodations was originally established under paragraphs (b), (d) or (f) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed to file a proper registration statement in accordance with the provisions of said Rent Regulation for Housing on or before June 30, 1947, and fails to file a proper registration statement in accordance with the provisions of this Regulation within the time specified in section 7 or where the maximum rent is established under section 4 (c) of this regulation and the landlord fails to file a registration statement in accordance with the provisions of section 7 of this regulation, the rent received for any rental period commencing on or after July 1, 1947, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to file the proper registration statement within the time specified, the order under this section may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since September 1, 1943.

(3) *Substantial deterioration or change to unfurnished prior to September 1, 1943.* There was a substantial deterioration of the housing accommodations or a change from fully furnished to unfurnished during the year ending on August 31, 1943, and as a result the maximum rent for such accommodations is substantially higher than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(4) *Decrease in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since September 1, 1943, or a substantial decrease in the living space since June 30, 1947.

(5) *Special relationship between landlord and tenant or peculiar circumstances.* The rent during some portion of the year ending on August 31, 1943, or on the date subsequent thereto determining the maximum rent, was materially affected by the blood, personal, or other special relationship between the landlord and the tenant, or by peculiar circumstances, and as a result the maximum rent for the housing accommodations is substantially higher than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(6) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (6) of this section or section 5 (a) (6), of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.

(7) *Modification or elimination of necessity for increase under section 5 (a) (12).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section or section 5 (a) (12) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, since the order issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the services, furniture, furnishings or equipment required to be provided with the accommodations is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947 or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the services, furniture, furnishings and equipment included in such rent.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other person occupying under a rental agreement with the tenant the tenant may petition the Expediter for leave to exercise any right he would have except for this regulation to sell his underlying lease or other rental agreement. The Expediter may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result in the circumvention or evasion of the act or this regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section or a proceedings is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are subject to the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Expediter may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the

maximum rent on the basis of the rent which the Expediter finds is generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on the maximum rent date.

(h) *Election by landlord of seasonal maximum rents*—(1) *Landlord's election.* Where the total rent for housing accommodations for the eight months September 1942 through December 1942 and May 1943 through August 1943 was less than one-half of the total rent for the four months January 1943 through April 1943, the landlord may elect to have seasonal maximum rents applicable to the accommodations. A landlord so elects when he files a registration statement as provided in section 7 and expresses such election on the registration statement. After the landlord has elected seasonal maximum rents, the maximum rents provided by this paragraph shall apply to the housing accommodations until, on petition of the landlord, the Expediter consents to the landlord's request to revoke the election. Upon the granting of such request the maximum rents provided by section 4 shall apply to the accommodations.

(2) *Maximum rents for particular months.* Upon the landlord's election as provided in subparagraph (1), the maximum rent for the housing accommodations for a particular month, beginning with the first rental period after the landlord's election, shall be the rent for the accommodations for the corresponding month of the year ending on August 31, 1943: *Provided, however*, That, where the accommodations were not rented or were rented for less than 21 days during such corresponding month of the year ending on August 31, 1943, the maximum rent for the particular month shall be the rent on September 1, 1943, or, if the accommodations were not rented on that date, the first rent after that date.

(3) *Adjustments of maximum rents.* If the maximum rent for a particular month is established under subparagraph (2) by either the rent on September 1, 1943 or the first rent after that date, and is lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations for the corresponding month of the year ending on August 31, 1943, the Expediter on petition of the landlord, may order an increase in the maximum rent. If such maximum rent is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations for the corresponding month of the year ending August 31, 1943, the Expediter on his own initiative or on application of the tenant, may order a decrease in the maximum rent.

(4) *Reporting first rent.* Where the housing accommodations were not rented on September 1, 1943 and the maximum rent for a particular month is established under subparagraph (2) by the first rent after that date, the landlord, if he has previously filed a registration statement for the accommodations, shall report the first rent after September 1, 1943, within 30 days after the accommodations are first rented after that date, on the form provided therefor. If the landlord has not previously filed a registration statement for the accommodations, he shall file such registration statement within 30 days after first renting, as provided in section 7. If the landlord fails to file the report or registration statement within the time specified, the rent received from the time of first renting on November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amounts in excess of the maximum rents which may later be fixed by an order under subparagraph (3) decreasing maximum rents. In such case, the order under subparagraph (3) shall be effective to decrease the maximum rents from the time of such first renting or November 1, 1943, whichever is the later.

(i) Where the maximum rent for any housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such accommodations may with the consent of the Expediter increase the maximum rents to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

SEC. 6. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Expediter as he may, from time to time, require.

SEC. 7. *Registration*—(a) *Registration statement.* Every landlord of controlled housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. For housing accommodations rented prior to June 1, 1947, such registration statement shall be filed on or before July 10, 1947. For housing accommodations first rented after June 1, 1947, such registration statement shall be filed on or before July 30, 1947 or within 30 days after first renting, whichever is later. The statement shall identify each dwelling unit and specify the maximum rent provided by this regulation for such dwelling unit and shall contain such other information as the Expediter shall require. The original shall remain on file with the Expediter and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement and shall obtain the tenant's signature and the date thereof, on the back of such statement.

When the maximum rent is changed by order of the Expediter, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

Where, since the filing of the registration statement for any controlled housing accommodations, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity within 15 days after the change or July 1, 1947, whichever is later. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Expediter shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph (a).

Any notice, order or other process or paper directed to the person named on the registration statement as the landlord at the address given thereon, or when a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Rent Procedural Regulation 1 constitute notice to the person who is then the landlord.

The provisions of this section shall be applicable to any housing accommodations whose maximum rent was determined under section 4 (d) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in subsection (a) of this section: *Provided, however*, That if the housing accommodations are sold to the United States or a state of the United States or any of its political subdivisions, or any agency of the foregoing, subsection (c) of this section shall continue to be applicable.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exemptions from registration requirements*—(1) *Housing owned and constructed by governmental agencies.* The provisions of this section shall not apply to housing accommodations whose maximum rent was originally determined under section 4 (d) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental [illegible]a and containing such other information as the Expediter shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

SEC. 8. *Evasion*—(a) *General.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchased money or other form of mortgage, or sale with option to repurchase or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Expediter is obtained.

SEC. 9. *Enforcement.* Persons violating any provision of this regulation are subject to civil enforcement actions and suits for treble damages as provided by the act.

SEC. 10. *Procedure.* All registration statements, reports and notices provided for by this regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Rent Procedural Regulation 1.

SEC. 11. *Requests for amendment.* Persons seeking any amendment of general applicability to any provision of this regulation may file requests therefor in accordance with Rent Procedural Regulation 1.

SEC. 12. *Adoption of orders.* All orders issued pursuant to section 2 (c), 2 (d) (5) and 2 (d) (6) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, which were in effect on June 30, 1947, shall be deemed to continue in effect under this regulation unless and until revoked or modified by the Expediter.

Effective date. This Controlled Housing Rent Regulation for the Miami Defense-Rental Area shall become effective July 1, 1947.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of June 1947, effective July 1, 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6267; Filed, June 30, 1947; 5:15 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION FOR ATLANTIC COUNTY DEFENSE-RENTAL AREA

§ 825.4 *Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area.* The Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area, issued pursuant to the Housing and Rent Act of 1947, Public Law 129, Eightieth Congress, is as follows:

Sec.
1. Definitions and scope of this regulation.
2. Prohibition against higher than maximum rents.
3. Minimum space services, furniture, furnishings and equipment.
4. Maximum rents.
5. Adjustments and other determinations.
6. Inspection.
7. Registration.
8. Evasion.
9. Enforcement.
10. Procedure.
11. Requests for amendment.
12. Adoption of orders.

SECTION 1. *Definitions and scope of this regulation.* "Act" means the Housing and Rent Act of 1947.

"Expediter" means the Housing Expediter or the Rent Director or such other person or persons as the Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Area rent office" means the office of the Rent Director in the Defense-Rental Area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Controlled housing accommodations" means any housing accommodation in the Defense-Rental Area which is not specifically exempted from control or decontrolled under this regulation.

"Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, and removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

"Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service: *Provided, however*, That if 75 per cent or more of the units in the establishment are self-contained dwelling units including a bathroom and kitchen and were rented on other than a daily term of occupancy on June 30, 1947, the establishment shall not be considered a hotel for the purposes of this regulation and the Housing and Rent Act of 1947.

"Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes not serving transient guests exclusively.

"Maximum rent date" means September 1, 1943, the maximum rent date for the Atlantic County Defense-Rental Area, as established under the Emergency Price Control Act of 1942, as amended.

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular housing accommodation in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder, or under section 4 (c) of this regulation, whichever is applicable.

"Effective date of regulation" means June 1, 1944. The term Rent Regulation for Housing, as hereinafter used, means the Rent Regulation for Housing in Atlantic County Defense-Rental Area issued pursuant to the Emergency Price Control Act of 1942, as amended.

(a) *Housing and defense-rental area to which this regulation applies.* This regulation applies to all housing accommodations in the Atlantic County Defense-Rental Area, consisting of the County of Atlantic, New Jersey, except as provided in paragraph (b) of this section. The Atlantic County Defense-Rental Area is referred to hereinafter in this regulation as the "defense-rental area."

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(3) *Accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.* Rooms or other housing accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.

(4) *Structures subject to underlying leases.* (i) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises.

(ii) Entire structures or premises wherein 25 or less rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structures or premises, *Provided*, That all of the housing accommodations in such structures or premises are exempt under the provisions of this section, or section 1 (b) of the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.

(iii) This regulation does apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt under this section or section 1 (b) of the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.

(5) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however*, That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(6) *Resort housing; summer resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from July 1, 1947, to September 30, 1947, inclusive.

(See Rent Regulation for Housing issued pursuant to Emergency Price Control Act of 1942, as amended, for similar exemption from June 1 to June 30, 1947.)

(7) *Accommodations in hotels, motor courts, and tourist homes.* (i) Housing accommodations in any establishment which is commonly known as a hotel (see definition of hotel in section 1) in the community in which it is located, which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; (ii) housing accommodations in motor courts; and (iii) housing accommodations in any tourist home serving transient guests, exclusively: *Provided, however*, That all such housing accommodations referred to in this paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later: *And provided further*, That if a landlord fails to file said application for decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said application.

(8) *Accommodations first offered for rent.* (i) Housing accommodations, the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947, except that contracts for the rental of housing accommodations to veterans of World War II and their immediate families, the construction of which was assisted by allocations or priorities under Public Law 388, Seventy-ninth Congress, approved May 22, 1946, shall remain in full force and effect; (ii) housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations: *Provided, however*, That all housing accommodations referred to in this paragraph (8) shall be subject to this regulation unless the landlord files in the area rent office a report of decontrol on a form provided by the Expediter within 30 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided further*, That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (8) the construction of housing accommodations is considered completed on the date the last material, fixture or equipment is incorporated into the structure provided the dwelling is suitable for occupancy at that time.

For the purposes of this paragraph (8) the word "conversion" means (1) a change in a structure from a non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(9) *Maximum rents established under Section 4 (b).* Housing accommodations for which the maximum rent is established under section 4 (b) of this regulation, *Provided, however*, That such housing accommodations shall be subject to this regulation until January 1, 1948.

(10) *Subletting.* The subletting or other subrenting of housing accommodations for a term beginning on or after June 1, 1947 and ending on or before September 30, 1947 by a tenant who remained in occupancy and used the accommodations as his home from January 1, 1947, to the date of subletting or other subrenting.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this regulation.

SEC. 2. *Prohibition against higher than maximum rents.*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall offer, demand or receive any rent for or in connection with the use or occupancy on and after the effective date of this regulation of any housing accommodations within the defense-rental area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. A reduction in the minimum space, services, furniture, furnishings or equipment required under section 3 of this regulation shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by this regulation may be demanded or received.

(b) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to the effective date of regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this regulation may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent

for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Expediter if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the act or this regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain, and the tenant shall be authorized to offer payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive, or the tenant to offer payments in excess of the maximum rent in the absence of an order of the Expediter as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive, nor shall the tenant offer payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

(c) *Security deposits.*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand, receive or retain a security deposit for or in connection with the use or occupancy of housing accommodations within the defense-rental area except as provided in this paragraph (c). The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) or (b) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a) or (b), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent established under said section 4 (a) or (b).

(3) *Maximum rent established under section 4 (c) or (d) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (c) br (d), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter entered. Where such lease or other rental agreement provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(4) *Maximum rent established under section 4 (e) or (i) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (e) or (i), no security deposit shall be demanded or received.

(5) *Maximum rent established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (f), no security deposit shall be demanded, received, or retained.

(6) *Maximum rent established under section 4 (g) or (h) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (g) or (h), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations were or are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(7) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

(8) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is or was rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease.

SEC. 3. *Minimum services, furniture, furnishings and equipment.* Except as set forth in section 5 (b) every landlord shall, as a minimum, provide with housing accommodations the same living space as provided June 30, 1947, or on the date he first rented on or after July 1, 1947, and the same essential services, furniture, furnishings, and equipment as those he was required to provide on June 30, 1947, in accordance with the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or those he provided on the date he first rented on or after July 1, 1947, and as to other services, furniture, furnishings and equipment not substantially less than those he was required to provide on June 30, 1947, or actually provided on the date of first renting on or after July 1, 1947.

SEC. 4. (a) *Maximum rents in effect on June 30, 1947.* The maximum rent for any housing accommodation under this regulation (unless and until changed by the Expediter as provided in Section 5), shall be the maximum rent which was in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rent established under a lease.* In any case in which a tenant and landlord, on or before December 31, 1947, voluntarily enter into a valid written lease in good faith with respect to any controlled housing accommodations and such lease takes effect after July 1, 1947, and expires on or after December 31, 1948, the maximum rent for such housing accommodations shall be, as of the date such lease takes effect, the rent provided by the lease if it does not represent an increase of more than 15 percent over the maximum rent otherwise applicable. Such lease shall increase the maximum rent otherwise applicable for any housing accommodations only if a true copy thereof signed by both the landlord and tenant is filed with the area rent office for the Defense-Rental Area in which the accommodations are located within fifteen days after the date the lease is executed. Every landlord shall file with a true copy of such lease Form D-92—Registration of Lease—in triplicate. A maximum rent established under this paragraph shall not be subject to additional increase by execution of a subsequent lease. No maximum rent established under this paragraph shall be subject to modification by any order of the Expediter.

A lease shall be effective under this paragraph to increase the maximum rent only if it provides with the housing accommodations the same essential services, furniture, furnishings, and equipment as required by this regulation prior to the effective date of the lease, and as to other services, furniture, furnishings and equipment, not substantially less than required prior to the effective date of the lease. The landlord shall continue to provide such space and services, furniture, furnishings, and equipment at all times after the effective date of such lease.

(c) *First rent after June 30, 1947.* For controlled housing accommodations first

rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations. Within 30 days after so renting, the landlord shall register the accommodations as provided in section 7. The Expediter may order a decrease in the maximum rent as provided in section 5 (c) (1) and 5 (c) (6).

If the landlord fails to file a proper registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting shall be received, subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1) and 5 (c) (6). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under section 5 (c) may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under section 5 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(d) *Housing subject to schedule of War or Navy Department.* Where housing accommodations on June 30, 1947 are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such housing accommodations cease to be governed by the national rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or shall be established under section 4 (c) of this regulation.

SEC. 5. *Adjustments and other determinations.* In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where the maximum rent is established under section 4 (b) of this regulation, or where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (a) (12), (a) (13), (a) (14), (a) (15), (c) (6) and (c) (8) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *Provided, further,* That in cases under section 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939, except that in the case of construction initiated prior to November 23, 1945, such allowance shall reflect general increases in costs of construction in the defense-rental area since the maximum rent date.

In cases under paragraph (a) (7), (a) (14), and (c) (6) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs: *Provided,* That the adjustment shall not result in a maximum rent higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

In cases under paragraph (c) (8) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on interrelated matters.

In cases under paragraph (a) (15) of this section, the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the grounds that:

(1) *Major capital improvement after effective date.* There has been on or after the effective date of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance or a substantial increase in the services, furniture, furnishings, or equipment, and the rent on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the housing accommodations by a major capital improvement, as distinguished from ordinary repair, replacement, and maintenance or a substantial increase in the services, furniture, furnishings, or equipment, and the rent on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent or a substantial increase in the living space since June 30, 1947. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Expediter finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part of (ii) is necessary for the preservation or maintenance of the accommodations.

(4) *Special relationship between landlord and tenant.* The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That no adjustment under this subparagraph increasing the maximum rent shall be made effective with respect to any accommodations regularly rented to employees of the landlord while the accommodations are rented to an employee, and no petition for such an adjustment will be entertained until the accommodations have been or are about to be rented to one other than an employee.

(5) *Lease for term commencing one year or more before maximum rent date.* There was in force on the maximum rent date, a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date; or the housing accommodations were not rented on the maximum rent date, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to the date one year before the maximum rent date, requiring a rent lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(6) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal rents.* The rent on the date determining the maximum rent was substantially lower than at other time of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems it advisable provide for different maximum rent for different periods of the calendar year.

(8) *Substantial increase in occupancy.* (i) There has been, since the date determining the maximum rent a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant.

(ii) There has been, since the date determining the maximum rent a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on the maximum rent date.

(iii) There has been, since the date determining the maximum rent an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(9) On the date determining the maximum rent the housing accommodations were temporarily exempt from real estate taxes, the landlord was passing the benefit of this tax exemption on to the tenant and as a result the rent on that date was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(10) *Priority rating granted on September 1941 application form of Office of Production Management.* The maximum rent for the housing accommodations was originally established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, the application for priority rating for the construction of the housing accommodations was filed on the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941, the landlord did not make, prior to the maximum rent date, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and the maximum rent for the accommodations is substantially lower than the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, giving due consideration to general increases in costs of construction, if any, in the defense-rental area since the maximum rent date.

This paragraph (a) (10) shall apply only to housing accommodations which were first rented prior to March 29, 1944.

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(12) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a substantial decrease in the net income (before interest) of the property for the current year as compared with a representative period prior to the maximum rent date, due to a substantial and unavoidable increase in property taxes or operating costs.

In proper cases increases in payroll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (12) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated, including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means (a) the most recent full calendar or fiscal year used by the landlord, or (b) any twelve-month period ending not more than 90 days prior to the filing of the petition: *Provided, however,* That the current year in all cases shall begin on or after the maximum rent date: *And provided, further,* That if allowance is requested for increases in payroll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(vi) "Prior representative period" means any period of two consecutive years prior to the "current year" but not beginning before January 1, 1939, which the Expediter finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Expediter in his discretion may for the purposes of this section accept a representative period of not less than one year.

(13) *Rented to an employee of landlord.* The housing accommodations were rented to an employee of the landlord both on the date determining the maximum rent and at the time the order under this paragraph (a) (13) is issued, and after the date determining the maximum rent but prior to the effective date of regulation the landlord and tenant agreed, as the result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

(14) *Changes from year-round to seasonal renting.* The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, are vacant and the establishment of seasonal variations in the rent would not, in the opinion of the area rent director, be inconsistent with the purposes of the act.

(15) The maximum rent was established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

(b) *Decreases in minimum services, furniture, furnishings, equipment and space.* (1) The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, equipment and living space as required under section 3, unless and until he has filed a petition to decrease the services, furniture, furnishings, equipment or living space and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, equipment or living space below the minimum: within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require

an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of section 5 (c) (3).

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furnitdre, furnishings, equipment or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment or living space. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable only on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations established under paragraphs (c), (e), or (i) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under paragraph (c) or (d) of section 4 of this regulation is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said housing accommodations was originally established under paragraphs (c), (d), (e), or (i) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed to file a proper registration statement in accordance with the provisions of said Rent Regulation for Housing on or before June 30, 1947, and fails to file a proper registration statement in accordance with the provisions of this Regulation within the time specified in section 7 or where the maximum rent is established under section 4 (c) of this regulation and the landlord fails to file a registration statement in accordance with the provisions of section 7 of this regulation, the rent received for any rental period commencing on or after July 1, 1947, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 1. If the Expediter finds that the landlord was not at fault in failing to file the proper registration statement within the time specified, the order under this section may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) *Decrease in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since the date or order determining the maximum rent, or a substantial decrease in the living space since June 30, 1947.

(4) *Special relationship between landlord and tenant or peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and tenant, or by peculiar circumstances and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a lower rent at other periods during the term of such lease or agreement.

(6) *Seasonal rent.* The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems advisable provide for different maximum rents for different periods of the calendar year.

(7) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (8) of this section, or section 5 (a) (8) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.

(8) *Modification or elimination of necessity for increase under section 5 (a) (12).* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section or section 5 (a) (12) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, since the order issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the services, furniture, furnishings or equipment required to be provided with the accommodations is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947 or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the services, furniture, furnishings and equipment included in such rent.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant the tenant may petition the Expediter for leave to exercise any right he would have except for this regulation to sell his underlying lease or other rental agreement. The Expediter may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result in the circumvention or evasion of the Act or this regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Expediter may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on the maximum rent date.

(h) Where the maximum rent for any housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such accommodations may with the consent of the Expediter increase the maximum rents to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

SEC. 6. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Expediter as he may, from time to time, require.

SEC. 7. *Registration*—(a) *Registration statement.* Every landlord of controlled housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. For housing accommodations rented prior to June 1, 1947, such registration statement shall be filed on or before July 10, 1947. For housing accommodations first rented after June 1, 1947, such registration statement shall be filed on or before July 30, 1947, or within 30 days after first renting, whichever is later. The statement shall identify each dwelling unit and specify the maximum rent provided by this regulation for such dwelling unit and shall contain such other information as the Expediter shall require. The original shall remain on file with the Expediter and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement and shall obtain the tenant's signature and the date thereof, on the back of such statement.

When the maximum rent is changed by order of the Expediter, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

Where, since the filing of the registration statement for any controlled housing accommodations, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity within 15 days after the change or July 1, 1947, whichever is later. If the new landlord indicates on the notice of change of identity that he has not obtained the landlord's copy of the original registration statement, the Expediter shall cause to be prepared and delivered to him a true copy of the original, which may be used to satisfy all requirements of this paragraph (a).

Any notice, order or other process or paper directed to the person named on the registration statement as the landlord at the address given thereon, or, where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances, prescribed in Rent Procedural Regulation 1 constitute notice to the person who is then the landlord.

The provisions of this section shall be applicable to any housing accommodations whose maximum rent was determined under section 4 (g) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in subsection (a) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a state of the United States or any of its political subdivisions, or any agency of the foregoing, paragraph (c) of this section shall continue to be applicable.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exceptions from registration requirements*—(1) *Housing owned and constructed by governmental agencies.* The provisions of this section shall not apply to housing accommodations whose maximum rent was originally determined under section 4 (g) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Expediter shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

SEC. 8. *Evasion*—(a) *General.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchased money or other form of mortgage, or sale with option to repurchase or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Expediter is obtained.

SEC. 9. *Enforcement.* Persons violating any provision of this regulation are subject to civil enforcement actions and suits for treble damages as provided by the act.

SEC. 10. *Procedure.* All registration statements, reports and notices provided for by this regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Rent Procedural Regulation 1.

SEC. 11. *Requests for amendment.* Persons seeking any amendment of general applicability to any provision of this regulation may file requests therefor in accordance with Rent Procedural Regulation 1.

SEC. 12. *Adoption of orders.* All orders issued pursuant to section 2 (c), 2 (d) (3) and 2 (d) (7) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, which were in effect on June 30, 1947, shall be deemed to continue in effect under this regulation unless and until revoked or modified by the Expediter.

Effective date. This Controlled Housing Rent Regulation for the Atlantic County Defense-Rental Area shall become effective July 1, 1947.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of June 1947, effective July 1, 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 6263; Filed, June 30, 1947; 5:12 p. m.]

TITLE 25—INDIANS

Chapter III—Indian Claims Commission

PART 503—GENERAL RULES OF PROCEDURE

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AUTHORITY: §§ 503.1 to 503.40, inclusive, issued under sec. 9, 60 Stat. 959, 25 U. S. C. 70.

§ 503.1 *Petitioners.* (a) Claims within the jurisdiction of the Indian Claims Commission of the United States (60 Stat. 959; 25 U. S. C. 70), hereafter referred to in this part as the Commission, may be presented by any Indian tribe, band or other identifiable group of Indians.

(b) Claims by Indian tribes, bands or groups which have tribal organizations recognized by the Secretary of the Interior as having authority to represent such tribe, band or group shall be filed and presented by the duly appointed or elected officers of such organization, except as provided in paragraph (c) of this section.

(c) Where by virtue of fraud, collusion or laches on the part of a recognized tribal organization a claim has not been presented (or has not been included as part of a presented claim), any member of such tribe, band or group may file claim on behalf of all the other members of such tribe, band or group upon complying with the provisions of § 503.8 (a).

(d) Claims on behalf of any unorganized tribe, band or other identifiable group may be filed by any member of such tribe, band or identifiable group as the representative of all its members.

§ 503.2 *Commencement of action.* (a) A claim shall be commenced by the filing of a petition with the Commission.

(b) Twenty printed copies of each petition shall be filed. The Commission on motion accompanying a typewritten petition assigning good and sufficient cause, may waive or postpone printing of the petition. When printing of the petition is waived 8 legible typewritten copies thereof shall be filed.

§ 503.3 *Service of petition.* Service shall be made upon the United States as follows:

By sending 15 copies of the printed petition or 4 copies of the typed petition by registered mail (return receipt requested) to the Attorney General of the United States at Washington, D. C. Service by mail is complete upon mailing. The return receipt shall be delivered to the Clerk of the Commission to be filed in the case.

Said copies of the petition may be delivered to the Attorney General at Washington, D. C., and obtaining his written receipt therefor, and in such cases service shall be complete upon the date they are received by him. Such receipt shall be delivered to the Clerk of the Commission to be filed in the case.

§ 503.4 *Service and filing of other papers*—(a) *Service*—(1) *When required.* Every order required by its terms to be served, every pleading subsequent to the original petition, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, designation of record on appeal, and similar papers shall be served upon each of the parties affected thereby, but no service need be made on parties in default for failure to appear, except that pleadings asserting new or additional claims for relief shall be served in the manner provided for service in § 503.3.

(2) *How made.* Whenever under the rules in this part service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney of record (hereinafter provided for in this paragraph) unless service upon the party himself is ordered by the Commission. Service upon the attorney of record or upon a party shall be made by delivering a copy to him or by mailing it to him at his address registered with the Clerk as required by § 503.35. Delivery of a copy within the provisions of this section means: Handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing.

(b) *Proof of service*—(1) *File before taking action.* Proof of service of papers required or permitted to be served, other than those for which a method of proof is prescribed by the Federal rules of civil procedure, shall be filed before action is to be taken thereon.

(2) *Form of.* The proof shall show the time and manner of service, and may be by written acknowledgment of service, by affidavit of the person making service, by certificate of a member of the bar of this Commission, or by other proof satisfactory to the Commission.

(3) *Failure to make.* Failure to make proof of service will not affect the validity thereof. The Commission may at any time allow the proof to be amended or supplied, unless to do so would result in material prejudice to a party.

(c) *Filing.* All papers after the petition required to be served upon a party shall be filed with the Commission either before service or within a reasonable time thereafter.

(d) *Filing with the Commission defined.* The filing of pleadings and other papers with the Commission as required by the rules in this part shall be made by filing them with the Clerk of the Commission, except that a Commissioner or Examiner when a claim is being heard by him may permit the papers to be filed with him, in which event he shall note thereon the filing date and forthwith transmit them to the office of the Clerk.

§ 503.5 *Time*—(a) *Computation.* In computing any period of time prescribed or allowed by the rules in this part by order of Commission, Commissioner or Examiner or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day upon which the Commission is open for business. Legal holidays in the District of Columbia are as follows:

1st day of January, New Year's Day;
Day of the inauguration of the President in every fourth year, January 20;
22d day of February, Washington's Birthday;
30th day of May, Decoration Day;
4th day of July, Independence Day;
First Monday in September, Labor's Holiday;
11th day of November, Armistice Day;
Any day appointed or recommended by the President of the United States as a day of public fasting or thanksgiving (Thanksgiving, generally the last Thursday in November);
25th day of December, Christmas Day.
(Code of Law for the District of Columbia, sec. 1389, 31 Stat. 1405.)

When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

(b) *Enlargement.* When by the rules in this part or by a notice given thereunder or by order of the Commission an act is required or allowed to be done at or within a specified time, the Commission, or a Commissioner or Examiner in a case being heard by him, or by stipulation of the parties, for cause shown may at any time in its or his discretion (1) with or without motion or notice if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

(c) *For motions; affidavits.* A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than 5 days before the time specified for the hearing, unless a different period is fixed by the rules in this part or by order of the Commission. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion; opposing affidavits may be served not later than 1 day before the hearing, unless the Commission permits them to be served at some other time.

(d) *Additional time after service by mail.* Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.

§ 503.6 *Pleadings allowed, form of motions*—(a) *Pleadings.* There shall be a petition and an answer; and there shall be a reply to a counterclaim denominated as such. No other pleading shall be allowed, except that the Commission may order a reply to an answer.

(b) *Motions and other papers.* (1) An application to the Commission for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.

(2) The rules applicable to captions, signing, and other matters of form of pleadings apply to all motions and other papers provided for by the rules in this part.

(c) *Demurrers, pleas, etc.* Demurrers, pleas, and exceptions for insufficiency of a pleading shall not be used.

§ 503.7 *General rules of pleading*—(a) *Pleading to be concise and direct; consistency.* (1) Each averment of a pleading shall be simple, concise and direct. No technical forms of pleading or motions are required.

(2) A party may set forth two or more statements of a claim or defense alternatively or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them, if made independently, would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as he has, regardless of consistency and regardless of the nature of the grounds on which they are based. All statements shall be made subject to the obligations set forth in § 503.10 (b).

(b) *Statement of petition.* A petition shall state with particularity. (1) Any action on the claim previously taken by Congress or by any department of the Government or in any judicial proceeding and whether the claim or any part thereof is included in any suit pending in the Court of Claims or in the Supreme Court of the United States or whether the same has been filed in the Court of Claims under any legislation in effect on the date of the approval of the Indian Claims Commission Act.

(2) If the claim or defense is founded upon an act of Congress or upon the regulation of an executive department or independent establishment, the act and the section thereof on which the pleader relies shall be specified and the particular

regulation of the department of independent establishment stated, and a copy of such regulation attached to the petition.

(3) If the claim or defense is founded on a contract or treaty with the United States or an Executive order of the President, the substance of the same shall be set forth in the petition; if in writing, the original or a copy thereof shall be annexed thereto. All parts immaterial to the claim or defense or to the relief sought may be omitted.

(c) *Construction of pleadings.* All pleadings shall be so construed as to do substantial justice.

§ 503.8 *Capacity.* (a) Petitions filed by any tribal organization recognized by the Secretary of the Interior as having authority to represent a tribe, band or group need not aver the capacity of such organization to sue except to the extent required to show the jurisdiction of the Commission. When the United States desires to raise an issue as to the capacity of such a recognized tribal organization to sue, it shall do so by specific negative averments, which shall include supporting particulars.

(b) If a petition is filed by one or more members of a tribe, band or other identifiable group having a tribal organization which is recognized by the Secretary of the Interior because the tribal organization has failed or refused to take any action authorized by the act, the petition shall be verified and shall aver that the petitioner is a member of the tribe, band or group. The petitioner shall also set forth with particularity the efforts of the petitioner to secure from the duly constituted and recognized officers of said tribal organization such action as he desires and the reasons for his failure to obtain such action (such as fraud, collusion or laches) or the reasons for not making such effort.

(c) Petitions filed by one or more members on behalf of an unorganized tribe, band or other identifiable group shall be verified and shall aver (1) that the petition or petitioners are members of the tribe, band or group (2) a description of the unorganized tribe, band or group of sufficient comprehension to identify the tribe, band or group on whose behalf the petition is filed.

§ 503.9 *Form of pleadings*—(a) *Caption; names of parties.* Every pleading shall contain a caption setting forth the name of the Commission, and the title of the action, and a designation as in § 503.6 (a). A petition filed on behalf of a tribal organization under the provisions of § 503.1 (b) shall be commenced in the name of such tribe, band or group. A petition filed on behalf of an organized tribe, band or group under the provisions of § 503.1 (c), or an unorganized group under § 503.1 (d), shall be in the name of the member or members filing the same on the relation of the tribe, band or group. In the petition the title of the action shall include the names of all the parties, but in other pleadings it shall be unnecessary to name more than one of the petitioners.

(b) *Paragraphs; separate statements.* All averments of claims or defenses shall be made in numbered paragraphs, the contents of each of which shall be limited as far as possible to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

(c) *Adoption by reference; exhibits.* Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

§ 503.10 *Signing of pleadings*—(a) *Petitioner.* Every pleading of a party other than the United States represented by an attorney shall be signed by the attorney of record, designated under § 503.35 in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign its pleading and state its address.

(b) *Effect of.* The signature of an attorney constitutes a certificate by him that he has read the pleadings; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay.

§ 503.11 *Defenses and objections*—(a) *When presented.* The United States shall serve its answer to the petition except a demand for a counterclaim or set-off, within 60 days after service on the Attorney General as provided in this part. The service of any motion permitted under this section alters this period of time as follows, unless a different time is fixed by order of the Commission: (1) If the Commission denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within 30 days after notice of the Commission's action or before the expiration of 60 days from the service of the petition, whichever is latest; (2) if the Commission grants a motion for a more definite statement the responsive pleading shall be served within 60 days after the service of the more definite statement.

(b) *How presented.* Every defense to a claim for relief in any pleading, except a counterclaim or set-off by the United States, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) insufficiency of service, (4) failure to state a claim upon which relief can be granted. A motion making any of these defenses shall be made before pleading if a further pleading is permitted. No defense or objection is waived by being joined with one or more other defenses or objections in a responsive pleading or motion. If a pleading sets forth a claim for relief to which the adverse party is not required to serve a responsive pleading, it may assert at the trial any defense in law or fact to that claim for relief. If, on a motion asserting the defense numbered

(4) to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the Commission, the motion shall be treated as one for summary judgment and disposed of, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion.

(c) *Motion for judgment on the pleadings.* After the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings. If, on a motion for judgment on the pleadings, matters outside the pleadings are presented to and not excluded by the Commission, the motion shall be treated as one for summary judgment and disposed of, and all parties shall be given a reasonable opportunity to present all material pertinent to such a motion.

(d) *Preliminary hearings.* The defenses specifically enumerated as subparagraphs (1) through (4) in paragraph (b) of this section, whether made in a pleading or by motion, and the motion for judgment mentioned in paragraph (c) of this section shall be heard and determined before trial on application of any party, unless the Commission orders that the hearing and determination thereof be deferred until the trial. Any pleading which includes any of the defenses enumerated in paragraph (b) of this section shall be accompanied by the statement of points and authorities required by § 503.22 (a) (1).

(e) *Motion for more definite statement.* If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, it may move for a more definite statement before interposing its responsive pleading. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the Commission is not obeyed within 10 days after notice of the order or within such other time as the Commission may fix, the Commission may strike the pleading to which the motion was directed or make such order as it deems just.

(f) *Motion to strike.* Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these rules, upon motion made by a party within 20 days after the service of the pleading upon it or upon the Commission's own initiative at any time, the Commission may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.

(g) *Consolidation of motions.* A party who makes a motion under this section may join with it the other motions provided for in this section and then available to it. If a party makes a motion under this section and does not include therein all defenses and objections then available to it which this section permits to be raised by motion, it shall not thereafter make a motion based on any of the defenses or objections so omitted, except as provided in paragraph (h) of this section.

(h) *Waiver of defenses.* The United States waives all defenses and objections which it does not present either by motion as hereinbefore provided in this section or, if it has made no motion, in its answer or reply, except (1) that the defense of failure to state a claim upon which relief can be granted, and the objection of failure to state a defense to a claim may also be made by a later pleading, if one is permitted, or by motion for judgment on the pleading or at the trial on the merits, and except (2) that, whenever it appears by suggestion of the parties or otherwise that the Commission lacks jurisdiction of the subject matter, the Commission shall dismiss the action. The objection or defense, if made at the trial, shall be disposed of as provided in § 503.13 (b) in the light of any evidence that may have been received.

(i) *Default by United States.* Unless the Attorney General shall within 60 days after the service of the petition serve a defensive pleading upon the petitioner, if the time is not extended by order of the Commission, or consent of the parties, the Commission may, on motion of the petitioner and after notice to the Attorney General, have the Clerk note on the docket that no answer has been filed and the Commission shall hear the petitioner's evidence and such facts as the Investigation Division of the Commission may assemble, before making its final determination.

§ 503.12 *Counterclaim, cross-claim and set-off*—(a) *Set-offs.* If, after a preliminary hearing under § 503.22 (f) it is determined that the United States is liable to the petitioner in any amount, the United States shall, within 60 days after the entry of the final order determining that right, unless extended by the Commission, amend its answer by setting forth the amount of any off-sets, counter-claims or any other demands against the petitioner authorized by the Act.

(b) *Omitted counterclaim or set-off.* When the United States fails to set up a counterclaim or set-off, through oversight, inadvertence, or excusable neglect, or when justice requires, it may by leave of the Commission set up the counterclaim or set-off by amendment.

(c) *Answer to counterclaim or set-off.* Within 40 days after the filing of a set-off or counterclaim or other demand by the defendant, the petitioner or his attorney shall serve a reply thereto.

§ 503.13 *Amended and supplemental pleadings*—(a) *Amendments.* (1) A party may amend its pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been set for hearing, it may so amend it at any time within 20 days after it is served. Otherwise a party may amend its pleading only by leave of the Commission or by written consent of the adverse party; and leave shall be freely given when justice so requires. A party shall plead in response to an amended pleading within the time allowed for responding to an original pleading, unless the Commission otherwise orders.

(2) *Printed or by interlineation.* Amended petitions shall be printed and the same number filed as in the case of original petitions, unless printing is waived by the Commission. Where the amendments are slight and can be understood without a reprint of the entire petition they may either be interlined in the existing petition or printed pasters may be attached to the original petition.

Where a petition is amended in accordance with that portion of this section which permits interlineations or printed pasters to be attached to the original petition, the Clerk shall endorse on its face the fact that it is an amended petition and also the date of the amendment or amendments and such amended petition shall be verified when required by § 503.8.

(b) *Amendments to conform to the evidence.* When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment; but failure to so amend does not affect the result of the trial of these issues. If evidence not within the issues made by the pleadings is offered at a hearing held by a Commissioner or an Examiner, upon objection such evidence shall be rejected; whereupon the party may make an offer of proof. Upon motion to amend the pleading the Commission shall after notice to the adverse party allow the pleading to be amended to conform to the offered evidence and shall do so freely when the presentation of the merits of the claim or defense will be subserved thereby and the objecting party fails to satisfy the Commission that the amendment of the pleading and the admission of such evidence would prejudice it in maintaining its claim or defense. The Commission may grant a continuance to enable the objecting party to meet such evidence.

(c) *Relation back of amendments.* Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading.

§ 503.14 *Depositions pending action*—(a) *When depositions may be taken.* Any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. After service of the petition the deposition may be taken without leave of the Commission, except that leave, granted with or without notice, must be obtained if notice of the taking is served by the petitioner within 20 days after service of the petition. The attendance of witnesses may be compelled by the use of subpoena as provided in § 503.24 (a) (1). Depositions shall be taken only in accordance with the rules in this part.

(b) *Scope of examination.* Unless otherwise ordered by the Commission, the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the examining party or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence.

(c) *Examination and cross-examination.* Examination and cross-examination of deponents may proceed as permitted at the hearings under the provisions of § 503.23.

(d) *Use of depositions.* At a hearing before the Commission, a Commissioner or Examiner or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the Commission, Commissioner or Examiner finds: (i), that the witness is dead; or (ii) that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii), that the witness is unable to attend or testify because of age, sickness, infirmity or imprisonment; or (iv), that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (v), upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(3) If only a part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts.

(e) *Objections to admissibility.* Subject to the provisions of § 503.19 (c), objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(f) *Effect of taking or using depositions.* A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition. At the hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

§ 503.15 *Depositions to perpetuate testimony.* Depositions taken under the provisions of section 13 (a) of the act creating the Commission shall be taken pursuant to the notices hereinafter provided for, which shall be given to the Attorney General of the United States, and if a petition has been filed, to the attorney of record for the petitioner, of which the aged or invalid Indians whose depositions are to be taken are members, provided that the Commission may, if it deems it necessary, authorize the taking of such depositions on shorter notice than that hereinafter provided for. Depositions of such aged or invalid Indians may be used in any case in which the same may be material.

§ 503.16 *Persons before whom depositions may be taken*—(a) *Within the United States.* Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, or before a person appointed by the Commission. A person so appointed has power to administer oaths and take testimony.

(b) *Disqualification for interest.* No deposition shall be taken before a person who is directly or indirectly interested in the outcome of the claim.

§ 503.17 *Depositions upon oral examination*—(a) *Notice of examination; time and place.* A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of any party upon whom the notice is served, the Commission may for cause shown enlarge or shorten the time.

(b) *Witnesses by other party.* When depositions are taken on notice, as provided in this part, if both parties are present or represented at the time and place specified in the notice, either party may, after the examination of the witnesses summoned under the notice, be entitled to summon and examine other witnesses; but in such case one day's notice shall be given to the adverse party or its attorney there present, unless such notice is waived.

(c) *Record of examinations; oath; objections.* The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

(d) *Interpreter.* If a witness is in need of an interpreter the interpreter shall be sworn to well and truly translate all questions asked and answers given.

(e) *Submission to witness; changes; signing.* When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness. If the witness refuses to sign the deposition, the officer shall sign it and state on the record the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under § 503.19 (d) the Commission holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(f) *Certification and filing by officer; copies; notice of filing.* (1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly file it with the Commission or send it by registered mail to the Clerk thereof for filing.

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(3) The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 503.18 *Depositions of witnesses upon written interrogatories*—(a) *Serving interrogatories; notice.* A party desiring to take the deposition of any person upon written interrogatories shall serve them upon every other party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom the deposition is to be taken. Within 10 days thereafter, a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within 5 days thereafter, the latter may serve

redirect interrogatories upon a party who has served cross-interrogatories. Within 3 days after being served with redirect interrogatories, a party may serve recross interrogatories upon the party proposing to take the deposition.

(b) *Officer to take responses and prepare record.* A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall proceed promptly, in the manner provided by § 503.17 (c), (d) and (e) to take the testimony of the witness in response to the interrogatories and to prepare, certify, and file or mail the deposition, attaching thereto the copy of the notice and the interrogatories received by him.

(c) *Notice of filing.* When the deposition is filed, the party taking it shall promptly give notice thereof to all other parties.

§ 503.19 *Effect of errors and irregularities in depositions*—(a) *As to notice.* All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

(b) *As to disqualification of officer.* Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(c) *As to taking of deposition.* (1) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

(3) Objections to the form of written interrogatories submitted under § 503.18 are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other interrogatories and within 3 days after service of the last interrogatories authorized. Answers to interrogatories to which objection is made shall be deferred until the objections are determined.

(d) *As to completion and return of deposition.* Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer under §§ 503.17 and 503.18 are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

§ 503.20 *Calls on departments or agencies of the Government.* (a) A call will be made on any department or agency of the Government on motion of any party upon the approval of the Commission.

(b) The motion shall show with particularity what is sought to be proved by the papers or information desired, and how or in what respect they are relevant and material to the issues of the case.

(c) Motions for calls upon any department or agency of the Government shall be filed in the Clerk's office. If no objection is filed with the Clerk within 10 days after the motion has been served on the Attorney General, the motion will be presented to and acted upon by the Chief Commissioner or a Commissioner acting in his stead, as in the case of other motions.

(d) The Attorney General may offer in evidence duly certified information and papers from any department or agency of the Government without calling for the same under the provisions of paragraph (a) of this section.

(e) All information and papers furnished by any department or agency of the Government in response to a call or offered in evidence by the Attorney General shall be subject to objection by either party; but as to duly certified copies furnished on call or offered by the Attorney General, neither party will be required to produce the originals of such papers or prove their execution.

§ 503.21 *Documentary evidence.* (a) At any hearing held under the rules in this part, any official letter, paper, document, map or record in the possession of any officer or department or court of the United States, or committee of Congress (or a certified copy thereof), may be used in evidence insofar as the same is relevant or material.

(b) Original depositions or original transcripts of other testimony of record (or certified copies of either) in any suit or proceeding in any court of the United States to which an Indian or Indian tribe or group was a party may be used in evidence insofar as relevant and material.

(c) Objections to the competency, relevancy and materiality of any evidence hereunder shall be made at the time it is offered in evidence.

§ 503.22 *Hearings*—(a) *Motions.* (1) With each motion there shall be filed and served a separate paper stating the specific points of law and authorities to support the motion. Such statement shall be additional to a statement of grounds in the motion itself, and shall be entered on the docket but shall not be a part of the record. A statement of opposing points and authorities shall be similarly filed, noted and served within 10 days or such further time as the Commission may grant or the parties agree upon. If not filed within the prescribed time, the Commission may treat the motion as conceded. If so filed, the motion shall be treated as submitted unless the Commission directs or either party requests an oral hearing.

(2) *Nonappearance of parties.* If at the time set for hearing there be no appearance for the moving party, the Commission may treat the motion as submitted or waived, or continue or strike it from the motion calendar. If there be no appearance for the opposing side, it may be treated as submitted or conceded.

(b) *Assignment of case.* When a claim is at issue, the same shall be assigned for hearing by the Commission. Any claim may be retained for hearing by the Commission or assigned for hearing to a Commissioner or an Examiner. When retained by the Commission to determine the facts, the rules applicable to hearings by a Commissioner or an Examiner shall be applicable.

(c) *Authority of Commissioner or Examiner.* When a claim has been assigned to a Commissioner or to an Examiner for hearing, such Commissioner or Examiner shall act in the name of the Commission and all lawful and proper orders made and directions given by such Commissioner or Examiner shall have the same force and effect as though made by the Commission; but any party feeling himself aggrieved at any order made or direction given may have such order or direction reviewed by the Commission by motion to review filed within a reasonable time thereafter, or by objections to the findings of fact filed by said Commissioner or Examiner.

(d) The Commission, the Commissioner or the Examiner shall rule on the competency, materiality and relevancy of all evidence offered.

(e) *Pre-trial procedure; formulating issues.* In any proceeding the Commission may in its discretion direct the attorneys for the parties to appear before it or a Commissioner designated for that purpose for a conference to consider:

(1) The simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the action.

If the proceeding has been assigned to a Commissioner or Examiner he shall be present. The Commissioner shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and which limits the issues for trial to those not disposed of by admissions or agreements of counsel; and such order when entered controls the subsequent course of the action, unless modified at the trial to prevent manifest injustice.

(f) *On merits.* (1) In every case, unless otherwise ordered, the hearing before the Commission, a Commissioner or an Examiner in the first instance shall be limited to the issue of fact and law relating to the right of the plaintiff to recover.

(2) The burden of going forward with its proof shall be on the petitioner and the defendant shall not be required to produce any evidence until the petitioner has closed its proof. When hearings are being held in any place other than the District of Columbia, the defendant, may, if it so desires, take the testimony of any witness available at the time and place. If the hearing at any other place than the District of Columbia is on the part of the defendant, the petitioner may, at the same time and place, produce evidence in rebuttal of any evidence theretofore or then being produced.

(3) When the Commissioner or the Examiner has reason to believe that there are other material witnesses and evidence which have not been procured by either party, he may, after reasonable notice to the parties, summon and examine such witnesses and procure such evidence and consider the same in connection with the proof submitted by the parties. When the Commissioner or the Examiner has reason to believe that the case is being unnecessarily delayed by the failure of either or both parties to produce witnesses, he may fix a reasonable time in which said party delaying the same must close the testimony.

(g) *Swearing witnesses.* Witnesses shall be sworn or affirmed by the Commissioner or Examiner. When testimony is taken orally before a Commissioner or Examiner at a hearing, it shall not be necessary for the witness to sign the same.

(h) *Date and place.* When a claim has been assigned for hearing, the Commission, the Commissioner or the Examiner shall notify the interested parties to produce before it or him witnesses or evidence within such reasonable time and at such place as it or he may designate.

(i) *Reporter.* At all hearings, whether before the Commission, a Commissioner or an Examiner, the testimony shall be taken by a disinterested reporter named by the Commission, a Commissioner or an Examiner, as the case may be, who shall take the testimony and transcribe the same. The reporter shall be sworn by a member of the Commission or an Examiner to well and truly take down and transcribe the questions propounded to and the answers given by the witnesses, and to do all other things required of him by the Commission, a Commissioner or an Examiner. A reporter who is in the regular employ of the Commission shall take the oath required by section 4 of the act creating the Commission and the oath prescribed in this paragraph and need not thereafter take the latter oath, but reporters selected for a particular case must be sworn as herein provided in this paragraph.

§ 503.23 *Evidence*—(a) *Form and admissibility.* In all hearings, the testimony of witnesses shall be taken orally in open court, unless otherwise provided by the rules in this part. All evidence shall be admitted which is admissible under the statutes of the United States or under the rules of evidence heretofore applied in the courts of the United States on the hearing of suits in equity, or under the rules of evidence at common law. In any case, the statute or rule which favors the reception of the evidence governs and the evidence shall be presented according to the most convenient method prescribed in any of the statutes or rules to which reference is made in this part. The competency of a witness to testify shall be determined in like manner.

(b) *Record of excluded evidence.* If an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, except that upon request the evidence shall be reported in full, unless it clearly appears that the evidence is not admissible on any ground or that the evidence of the witness is privileged.

(c) *Affirmation in lieu of oath.* Whenever under the rules in this part an oath is required to be taken, a solemn affirmation may be accepted in lieu thereof.

(d) *Rulings; exceptions unnecessary.* The Commission or person presiding at any hearing shall rule on the competency, relevancy and materiality of all evidence offered. Formal exceptions to rulings or orders are unnecessary.

(e) When at any hearing documentary evidence is offered and objection is made thereto the Commission, Commissioner or Examiner conducting the hearing, shall rule upon the same and, if the ruling is adverse to the party offering said evidence, the document may be marked for identification and added to the record.

§ 503.24 *Subpoena*—(a) *For attendance of witnesses; form; issuance; fees.* (1) Every subpoena shall be issued in the name of the Commission and shall be signed by the Clerk under the seal of the Commission. Every subpoena shall state the title of the claim and the number and shall command each person to whom it is directed to attend and give testimony at a time and place therein specified. The Clerk shall issue a subpoena, or a subpoena for the production of documentary evidence, signed and sealed but otherwise in blank, to a party requesting it, who shall fill it in before service.

(2) The fees and mileage of witnesses shall be such as are now or may hereafter be prescribed by statute, for like service in the District Courts of the United States, and shall be paid by the party at whose instance the witnesses appear.

(b) *For production of documentary evidence.* A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein; but the Commission, upon motion made promptly and, in any event, at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the subpoena if it is unreasonable and oppressive, or (2) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(c) *Service.* (1) A subpoena may be served by any person who is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees for one day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the United States, fees and mileage need not be tendered.

(2) The fees and mileage shall be the same as allowed by law for service of subpoenas issued by United States District Courts, which shall be paid by the party requesting the service.

(d) *Return.* The person serving the process shall make proof of service thereon to the Commission promptly and in any event within the time during which the person served must respond to the process. If service is made by a person other than a United States Marshal or his deputy, he shall make affidavit thereof. Failure to make proof of service does not affect the validity of the service.

§ 503.25 *Proposed findings of fact.* Upon the closing of proof by the parties in any case, the petitioner shall, unless otherwise directed by the Commission, a Commissioner or an Examiner, have 30 days from the filing of the transcript within which to file proposed findings of fact and the defendant shall have 30 days after the service of petitioner's proposed findings of fact to file its objections to petitioner's proposed findings of fact and its own proposed findings of fact, and the petitioner shall have 20 days after the service of defendant's proposed findings of fact within which to file its objections thereto, but such requested findings of fact or objections to proposed findings need not be printed. The time designated in this section may be extended by the Commission, a Commissioner or an Examiner hearing the claim. Such proposed findings shall, upon the filing of the report, be filed with the original record in the case for consideration of the Commission in connection with any exceptions by either party and may be referred to by either party in support of any exceptions to the findings of fact.

§ 503.26 *Report.* When a case has been referred to a Commissioner or Examiner and proof has been closed by both parties, the Commissioner or Examiner shall proceed to ascertain the facts, including ultimate facts, considered by him to be established by the evidence, and make a report of his findings to the Commission within a reasonable time.

§ 503.27 *Exceptions to findings of fact.* The petitioner may have 40 days from the date of the filing of the report to file printed exceptions thereto, unless the time is extended. The defendant shall have 40 days after the filing of petitioner's exceptions within which to file its exceptions thereto, unless the time is extended. Each exception, at the end thereof, shall have appropriate references to the parts of the record relied upon for its support.

§ 503.28 *Briefs*—(a) *Petitioner.* (1) The petitioner shall within 40 days from the filing of such report file in the Clerk's office 25 printed copies of its request for findings of fact and brief and serve 10 copies on the Attorney General.

(2) The petitioner's brief shall begin with a clear statement of the case and may include in the statement references

to parts of the record. It shall present and discuss in its original brief all propositions upon which it relies for a recovery.

(b) *Defendant.* (1) Within 40 days from the filing of petitioner's brief as above, the defendant shall file in the Clerk's office 25 printed copies of its brief and serve 10 copies on the attorney of record for other parties.

§ 503.29 *Reply brief.* (a) Petitioner may file a printed reply brief within 20 days after the filing of defendant's brief, unless the time is extended by order of the Commission, and no brief shall be received after the prescribed time except upon order of the Commission for cause shown; nor shall any briefs other than those described in §§ 503.28 and 503.29 be received at any time except upon such order.

(b) Statements of fact or propositions of law presented in defendant's brief as matters of defense, and not properly within the scope of Petitioner's original brief, may be discussed by petitioner in a reply brief, but matters within the proper scope of petitioner's original brief shall not again be discussed in a reply brief.

(c) After a cause has been submitted, any stipulation or additional authorities which counsel desires to call to the attention of the Commission shall by leave of the Commission be submitted by appropriate supplemental memorandum of at least 8 copies filed with the Clerk of the Commission, and not by letter. The Clerk shall serve a copy upon opposing counsel.

Supplemental or reply briefs shall be permitted only in accordance with the rules in this part.

§ 503.30 *Trial calendar.* (a) The Commission shall dispose of (1) all motions or other pleadings containing the defenses enumerated in § 503.11 (b) and all other motions or requests for action by the Commission, (2) all exceptions to the report of a Commissioner or Examiner, (3) all motions for rehearing and amendments of findings.

(b) Said matters when ordered by the Commission shall be placed on a trial calendar by the Clerk and a copy of said trial calendar mailed to the attorneys of record interested therein in sufficient time to permit the attorneys of record to appear before the Commission on the date and place appointed for the hearing.

(c) All matters shall be calendared for hearing as follows:

(1) Motions and pleadings containing the defenses enumerated in § 503.11 (b) when the opposing points and authorities have been filed as required by § 503.22 (a) (1).

(2) All other motions or requests for action by the Commission upon the filing of a responsive pleading as provided for in this part.

(3) All exceptions to the report of a Commissioner or Examiner when the briefs have been filed as provided in §§ 503.28 and 503.29.

(4) Motions for rehearing and amendments of findings when the briefs have been filed as provided in § 503.39.

(d) *Non-appearance of parties.* If at the time set for hearing there be no appearance for the moving party, the Commission may treat the motion as submitted or waived, or, for good cause shown, continue or strike it from the motion calendar. If there be no appearance for the opposing side, it may be treated as conceded.

§ 503.31 *Evidence in other cases*—(a) *Documents.* Any information or papers duly certified from any department or agency of the Government and filed in any case may, by leave of the Commission, a Commissioner or an Examiner in a case being heard by him, on motion made therefor, be used and applied in any other pending cause to which the same may be applicable or pertinent.

(b) *Depositions.* The deposition of a witness, subjected to cross-examination, on file in a case may be used by leave of the Commission in another case, notice of the purpose to use it being given the adverse party; or if the Commission desires the benefit of evidence appearing in another case it may, by appropriate order and upon reasonable notice to the parties and an opportunity to them to be heard, consider the same.

§ 503.32 *Stipulations.* All stipulations shall be signed on behalf of the petitioner by the attorney of record, and on behalf of the United States by the Attorney General or Assistant Attorney General, unless made at a hearing or other proceeding before the Commission, a Commissioner or an Examiner by the attorney representing the United States and recorded by the reporter.

§ 503.33 *Motions for rehearing and for amendment of findings.* (a) Whenever either party desires to question the correctness or the sufficiency of the Commission's conclusions on its findings of fact or to amend the same, the complaining party shall file a motion which shall be known as a motion for a rehearing. All grounds relied upon for any or all of said objections shall be included in one motion. After the Commission has announced its decision upon such motion no other motion for a rehearing shall be filed by the same party unless by leave of the Commission. Motions for a rehearing shall be filed within 30 days from the time the final determination of the Commission is filed with the clerk.

(b) A motion for rehearing shall be founded upon one or more of the following grounds: First, error of fact; second, error of law; and, third, newly discovered evidence.

(1) A motion founded upon an error of fact shall specify with minuteness the fact or facts which are regarded as erroneously found or erroneously omitted to be found by the Commission, with full references to the evidence which is relied upon to support the motion.

(2) A motion founded upon error of law shall specify with like minuteness the points upon which the Commission is supposed to have erred, with references to the authorities relied upon to support the motion.

(3) A motion by either plaintiff or defendant upon the ground of newly discovered evidence shall not be entertained unless it appears therein that the newly discovered evidence came to the knowledge of such party, its attorneys of record, or counsel, after the hearing and before the motion was made; that it was not for want of due diligence that it did not sooner come to its knowledge; that it is so material that it would probably produce a different determination if the rehearing were granted; and that it is not cumulative.

Such motion shall be accompanied by the affidavit of the party or the attorney of record, setting forth:

(i) The facts in detail which the party expects to be able to prove, and whether the same are to be proved by witnesses or by documentary evidence.

(ii) The name, occupation, and residence of each and every witness whom it is proposed to call to prove said facts.

(iii) That the said facts were unknown to either the party or the attorney of record, and, if other counsel was employed at the hearing, were unknown to such counsel until after the close of the hearing.

(iv) The reason why the party, the attorney of record, or counsel, could not have discovered said evidence before the hearing by the exercise of due diligence.

(c) A motion for a rehearing shall also be accompanied by the brief of the moving party, a copy of which shall be served upon the opposing party, who may file its brief in response thereto within 15 days, unless the time is extended by the Commission.

(d) All motions for rehearing or for amendment of findings, and briefs thereon, and briefs in reply to such motions, exceeding ten typewritten pages in length, shall be printed before presentation for filing in the Clerk's office, unless by order of the Commission first obtained the time for printing is extended.

§ 503.34 *Claims filed by attorney.* Claims may be filed on behalf of a claimant by an attorney or firm of attorneys retained for that purpose under the provisions of section 15 of the act creating the Commission. Where a claimant has retained more than one attorney or more than one firm of attorneys, only one of said attorneys shall be designated individually as the attorney of record. All pleadings, notices or other papers required by these rules or by orders of the Commission to be served upon a claimant, shall be sent to such attorney of record at the address designated by him, and service upon him shall be deemed to be service upon the claimant.

§ 503.35 *Attorneys to register.* An attorney of record, on appearing in a case, shall register with the Clerk of the Commission his name and post office address or the designation as such and his post office address may be shown at the end of the petition.

§ 503.36 *Attorney's death or incapacitation.* If the attorney of record dies or is incapacitated, a suggestion of his death or incapacity shall be made and a motion to substitute any other attorney shall be made by plaintiff or an attorney authorized by it.

§ 503.37 *Attorney's qualification.* Any person of good moral character who has been admitted to practice in the Supreme Court of the United States or in any other Federal court, or in the highest court of any State or Territory, and is in good standing therein, may practice as an attorney before the Commission.

§ 503.38 *Disbarment and suspension.* Where it is shown to the Commission that any member of the bar representing a party before the Commission has been disbarred or suspended from practice in the Supreme Court of the United States or in any other Federal court, or in any court of record of any State or Territory, he shall be forthwith suspended from practice before this Commission; and unless, upon notice mailed to him at the address shown in the Clerk's records and to the clerk of any of the courts mentioned in which he shall have been disbarred, or suspended, he shows good cause to the contrary within 30 days, he shall be barred from appearing before the Commission as attorney for any claimant.

§ 503.39 *Clerk, docket and journal.* (a) The administrative officer of the Commission, unless one is otherwise designated, shall be the clerk who shall receive and file all pleadings, reports, orders, briefs, documents and other papers, and shall keep all records connected with all claims filed with the Commission. He shall also perform such other duties as the Commission may from time to time prescribe.

(b) The Clerk shall, after filing, promptly mail or deliver to the party not filing the same, the required number of copies of all pleadings, motions, briefs, notices, or other papers, not required to be served by a party, and shall note on the docket the date the same were so mailed or delivered.

(c) The Clerk shall be custodian of the seal of the Commission and shall affix the same to all papers, subpoenas, or instruments that he is now or may hereafter be required to sign or certify in his official capacity. He shall authenticate all papers where an authentication is required, under his hand and the seal of the Commission.

(d) It shall be the duty of the Clerk to keep an appearance docket in which there shall be separately entered the title of each claim, the names of the attorneys filing the same and the designated attorney of record; and there shall be entered thereon, on the date received, each pleading, motion, demurrer, brief, and other paper filed in a cause. Following each entry showing the filing of a paper required to be recorded in the Journal of the Commission, there shall be shown the volume number of the Journal, and the page thereof in which the paper is recorded.

(e) The Clerk shall keep a Journal in which shall be recorded in each cause all orders made by the Commission or a Commissioner, the final determination of each claim, including the way each Commissioner voted thereon, and the instrument or instruments by which employees of the Commission are designated by the Chief Commissioner for the purpose of administering oaths and examining witnesses. The Journal shall be approved by the Commission, or any two members thereof.

§ 503.40 *Seal.* The Commission shall have an official seal, around the border of which shall be the name: "Indian Claims Commission", and in the center shall be the words: "Official Seal".

EDGAR E. WITT,
Chief Commissioner.
WILLIAM M. HOLT,
Associate Commissioner.
LOUIS J. O'MARR,
Associate Commissioner.

[F. R. Doc. 47-6290; Filed, July 3, 1947; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5567]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

TAXABILITY OF INCOME OF CERTAIN TRUSTS

On January 28, 1947 notice of proposed rule making regarding the taxability of the income of certain trusts was published in the FEDERAL REGISTER (12 F. R. 560). After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments to Regulations 111 (26 CFR Part 29) are hereby adopted. These amendments are designed to set forth the application in certain cases of the principles enunciated in Helvering v. Clifford, 309 U. S. 331, and related cases.

PARAGRAPH 1. Section 29.22 (a)-21, *Trust income taxable to the grantor as substantial owner thereof,* added by Treasury Decision 5488, approved December 29, 1945, is amended as follows:

(A) By striking out the last sentence of paragraph (a) of such section and inserting in lieu thereof the following: "Such factors are set forth in general in paragraph (b) and in detail in paragraphs (c), (d) and (e), below."

(B) By striking out the words "subsection (a)", "subsection (c)", "subsection (d)" and "subsection (e)" wherever they appear in paragraph (b) of such section and inserting in lieu thereof "paragraph (a)", "paragraph (c)", "paragraph (d)" and "paragraph (e)".

(C) By striking out of subparagraph (2) of paragraph (c) of such section the words: "or spouse living with the grantor", and inserting in lieu thereof the following: "or spouse (living with the grantor, and not having a substantial adverse interest in the corpus or income of the trust),".

(D) By striking out the second undesignated paragraph of paragraph (c) of such section beginning: "Where the grantor's reversionary interest is to take effect in possession or enjoyment" to and including subdivision (ii) and inserting in lieu thereof the following:

Where the grantor's reversionary interest is to take effect in possession or enjoyment by reason of some event other than the expiration of a specific term of years, the trust income is nevertheless attributable to him if such event is the practical equivalent o the expiration of a period less than 10 or 15 years, as the case may be. For example, a grantor is taxable on the income of a trust if the corpus is to return to him or his estate on the graduation from college or prior death of his son, who is 18 years of age at the date of the transfer in trust. Trust income is, however, not attributable to the grantor where such reversionary interest is to take effect in possession or enjoyment at the death of the person or persons to whom the income is payable.

(E) By striking out the words "exceptions (1) to (5)" in the first parenthetical clause in the first undesignated paragraph of paragraph (d) and inserting in lieu thereof "subparagraphs (1) to (4)".

(F) By striking out the second sentence of the first undesignated paragraph of paragraph (d) of such section and inserting in lieu thereof the following: "The grantor is not taxable, however, if the power, whether exercisable with respect to corpus or income, may only affect the beneficial enjoyment of the income for a period commencing 10 years from the date of the transfer (or 15 years where any power of administration specified in paragraph (c) is exercisable solely by the grantor, or spouse living with the grantor and not having a substantial adverse interest, or both, whether or not as trustee)."

(G) By striking out the last sentence of the first undesignated paragraph of paragraph (d) of such section and inserting in lieu thereof the following: "Where the income affected by the power is for a period beginning by reason of some event other than the expiration of a specific term of years, the grantor will be taxable if such event is the practical equivalent of the expiration of a period less than 10 or 15 years, as the case may be, in accordance with the criteria stated in paragraph (c)."

(H) By striking out the clause constituting the beginning of the second undesignated paragraph of paragraph (d) reading as follows: "This paragraph shall not apply to any one or more of the following excepted powers:" and inserting in lieu thereof the following: "The foregoing provisions of this paragraph shall not apply to any one or more of the following powers:"

(I) By striking out all of paragraph (d) following subparagraph (2) and inserting in lieu thereof the following:

(3) If (i) the power is exercisable by a trustee or trustees, none of whom is the grantor, spouse living with the grantor, or a related or subordinate trustee of the type and under all the conditions referred to in subparagraph (4) (ii), and (ii) the exercise of the power is not subject to the approval or consent of any person other than such trustee or trustees, this subparagraph shall not apply to a power:

(*a*) To distribute, apportion, or accumulate income to or for a beneficiary or beneficiaries, or to, for, or within a class of beneficiaries,

(*b*) To pay out corpus to or for a beneficiary or beneficiaries or to or for a

class of beneficiaries (whether or not income beneficiaries).

The powers herein described include all the powers described in subparagraph (4), since the latter powers are more limited than those herein described.

(4) If the power:

(i) Is exercisable by the grantor or spouse living with the grantor, or both, whether or not as trustee, or

(ii) Is exercisable (*a*) solely by a trustee or trustees who include the father, mother, issue, brother, sister, or employee of the grantor, or a subordinate employee of a corporation in which the grantor is an executive or in which the stockholdings of the grantor and the trust are significant from the viewpoint of voting control, and (*b*) in a manner which may affect the interests of beneficiaries which include the spouse or any child of the grantor (see subparagraph (3) for a power exercisable by a related or subordinate trustee of the class hereinabove described where the exercise of the power does not affect the interest of the spouse or a child of the grantor or where the power is exercisable only with the concurrence of an unrelated and nonsubordinate trustee), or

(iii) Is exercisable by any person or persons other than as trustee, or

(iv) Is exercisable by any trustee or trustees, and the exercise of the power is subject to the approval or consent of any person or persons (other than such trustee or trustees), or of the grantor or spouse living with the grantor, or both, in the capacity of trustee,

this paragraph shall not apply.

(aa) To a power to pay out corpus to or for a beneficiary or beneficiaries or to or for a class of beneficiaries (whether or not income beneficiaries): *Provided*, That the power is limited by a reasonably definite external standard. Such standard must be set forth in the trust instrument and must consist of needs and circumstances of the beneficiaries;

(bb) If the power is not limited by a reasonably definite external standard, to a power to pay out corpus to or for any current income beneficiary: *Provided*, That any such payment of corpus must be chargeable against the proportionate share of corpus held in trust for the payment of income to such beneficiary as if such corpus constitutes a separate trust;

(cc) To a power to distribute or apply income to or for any current income beneficiary or to accumulate such income for him: *Provided*, That any accumulated income must ultimately be payable to the beneficiary from whom distribution or application is withheld, to his estate, or to his appointees (or persons named as alternate takers in default of appointment): *Provided*, That such beneficiary possesses a power of appointment which does not exclude from the class of possible appointees any person other than the beneficiary, his estate, his creditors or the creditors of his estate; or, if payable upon the termination of the trust or in conjunction with a distribution of corpus which distribution is augmented by such accumulated income, is ultimately payable to the current income beneficiaries in shares which have been irrevocably specified in the trust instrument. Accumulated income shall be considered so payable although it is provided that if any beneficiary does not survive a date of distribution which may reasonably be expected to occur within the beneficiary's lifetime, the share of such deceased beneficiary is to be paid to such persons as the beneficiary may appoint, or is to be paid to one or more designated alternate takers (other than the grantor or the grantor's estate) if the share of such alternate taker or the shares of such alternate takers have been irrevocably specified in the trust instrument;

(dd) To a power, exercisable only during (*1*) the existence of a legal disability of any current income beneficiary, or (2) the period in which any income beneficiary shall be under the age of twenty-one years, to distribute or apply income to or for such beneficiary or to accumulate and add such income to corpus;

(ee) In a case falling under subdivision (ii) hereof, to a power to distribute, apportion, or accumulate income to or for a beneficiary or beneficiaries, or to, for, or within a class of beneficiaries, whether or not the conditions in subdivision (cc) or (dd) are satisfied; *Provided*, That such power is limited by a reasonably definite external standard. For the requirements of such standard, see subdivision (aa) hereof.

A power does not fall within the powers described in subparagraphs (3) and (4) if the trustee is enabled to add to the class of beneficiaries designated to receive the income or corpus, except insofar as provision may be made for afterborn or after-adopted children. A mere power to allocate receipts as between corpus and income, even though expressed in broad language, is not deemed a power over beneficial enjoyment with respect to income or corpus.

(J) By striking out paragraph (e) of such section in its entirety and inserting in lieu thereof the following:

(e) *Administrative control.* Income of a trust, whatever its duration, is taxable to the grantor where, under the terms of the trust or the circumstances attendant on its operation, administrative control is exercisable primarily for the benefit of the grantor rather than the beneficiaries of the trust. Administrative control is exercisable primarily for the benefit of the grantor where:

(1) A power exercisable by the grantor, or any person not having a substantial adverse interest in its exercise, or both, whether or not in the capacity of trustee, enables the grantor or any person to purchase, exchange or otherwise deal with or dispose of the corpus or the income therefrom for less than an adequate and full consideration in money or money's worth; or

(2) A power exercisable by the grantor, or any person not having a substantial adverse interest in its exercise, or both, whether or not in the capacity of trustee, enables the grantor to borrow the corpus or income, directly or indirectly, without adequate interest in any case, or without adequate security except where a trustee (other than the grantor or spouse living with the grantor) is authorized under a general lending power to make loans without security to the grantor and other persons and corporations upon the same terms and conditions; or

(3) The grantor has directly or indirectly borrowed the corpus or income and has not completely repaid the loan, including any interest, before the beginning of the taxable year; or

(4) Any one of the following powers of administration over the trust corpus or income is exercisable in a nonfiduciary capacity by the grantor, or any person not having a substantial adverse interest in its exercise, or both: a power to vote or direct the voting of stock or other securities, a power to control the investment of the trust funds either by directing investments or reinvestments or by vetoing proposed investments or reinvestments, and a power to reacquire the trust corpus by substituting other property of an equivalent value.

If a power is exercisable by a person as trustee, it is presumed that the power is exercisable in a fiduciary capacity primarily in the interests of the beneficiaries. Such presumption may be rebutted only by a clear and convincing proof that the power is not exercisable primarily in the interests of the beneficiaries. If a power is not exercisable by a person as trustee, the determination of whether such power is exercisable in a fiduciary or a nonfiduciary capacity depends on all the terms of the trust and the circumstances surrounding its creation and administration. For example, where the trust corpus consists of diversified stocks or securities or corporations the stock of which is not closely held and in which the holdings of the trust, either by themselves or in conjunction with the holdings of the grantor, are of no significance from the viewpoint of voting control, a power with respect to such stocks or securities held by a person who is not a trustee will be regarded as exercisable in a fiduciary capacity primarily in the interests of the beneficiaries. Where the trust corpus consists of stock or securities of a closely-held corporation, such a power may or may not, depending upon all the facts, be considered exercisable in a fiduciary capacity.

The mere fact that a power exercisable by the trustee is described in broad language does not indicate that the trustee is authorized to purchase, exchange, or otherwise deal with or dispose of the trust property or income for less than an adequate and full consideration in money or money's worth, or is authorized to lend the trust property or income to the grantor without adequate interest. On the other hand, such authority may be indicated by the actual administration of the trust.

PAR. 2. Section 29.22 (a)-21 as amended shall be applicable to taxable years beginning after December 31, 1941.

(53 Stat. 32; 26 U. S. C. 62)

This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: June 30, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6303; Filed, July 3, 1947; 8:48 a. m.]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

POLICY REGARDING EXTENT OF APPLICATION OF TREASURY DECISION 5567, RELATING TO TAXABILITY OF INCOME OF CERTAIN TRUSTS

1. Section 29.22 (a)-21, dealing with the taxation of trust income to the grantor within the principles of Helvering v. Clifford, 309 U. S. 331, was added to Regulations 111 by Treasury Decision 5488 (11 F. R. 65), approved December 29, 1945. Section 29.22 (a)-21 was amended by Treasury Decision 5567, approved June 30, 1947.[1] Such section, as amended, is applicable only to taxable years beginning after December 31, 1945. However, it will be the policy of the Bureau, where no inconsistent claims prejudicial to the Government are asserted by trustees or beneficiaries, not to assert liability of the grantor for any prior taxable year under the general provisions of section 22 (a) of the Internal Revenue Code if the trust income would not be taxable to the grantor under the regulations as amended.

2. IT-Mimeograph, Coll. No. 6071, R. A. No. 1544 (11 F. R. 12044), approved October 10, 1946, provided that where the grantor's control over a trust created prior to January 1, 1946 was terminated at any time during the calendar year 1946, with the result that the trust income on the last day of such calendar year was no longer taxable to the grantor under the provisions of § 29.22 (a)-21 of Regulations 111, it would be the policy of the Bureau not to assert liability of the grantor under such provisions for any part of the calendar year 1946. In view of the amendments made by Treasury Decision 5567 grantors who have not heretofore terminated their substantial ownership of the trust income under IT-Mimeograph 6071 may now desire to terminate such controls over the trusts as subject them to tax under the provisions of § 29.22 (a)-21 as amended by Treasury Decision 5567.

It will, therefore, be the policy of the Bureau where the grantor's control over a trust created prior to January 1, 1946 is terminated at any time prior to January 1, 1948 with the result that the trust income on the last day of the calendar year 1947 is no longer taxable to the grantor under the provisions of § 29.22 (a)-21 as amended by Treasury Decision 5567 not to assert liability of the grantor under these regulations for any part of the calendar years 1946 and 1947. The Bureau may, however, assert liability of the grantor in such a case under section 22 (a) of the Internal Revenue Code without reference to § 29.22 (a)-21 for any part of the calendar year 1946 or the calendar year 1947 preceding the termination of the grantor's control over the trust. The complete repayment by the grantor prior to January 1, 1948 of a loan of trust corpus or income made to him directly or indirectly prior to January 1, 1946, shall be considered, for the purposes of the applicability of this mimeograph, a termination (with respect to such loan) of the controls defined in paragraph (e) (3) of § 29.22 (a)-21, as amended.

Correspondence in regard to this mimeograph should refer to Coll. No. 6156, R. A. No. 1595, and the symbols IT:EIM.

This mimeograph is published without prior general notice of its proposed issuance, inasmuch as taxpayers, in order to secure the benefits provided herein, must act prior to January 1, 1948, and notice and public rule making procedure in connection herewith would result in delay, which is hereby found to be contrary to the public interest. See section 4 (a) of the Administrative Procedure Act, approved June 11, 1946.

This mimeograph, being within the parenthetical exception to section 4 (c) of the Administrative Procedure Act, shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner.

Approved: June 30, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6302; Filed, July 3, 1947; 8:48 a. m.]

[1] See F. R. Doc. 47-6303, in this chapter, *supra*.

Subchapter C—Miscellaneous Excise Taxes

PART 316—MANUFACTURERS' EXCISE TAXES

PART 320—RETAILERS' EXCISE TAXES

EXEMPTION FROM MANUFACTURERS AND RETAILERS EXCISE TAXES

JUNE 30, 1947.

By virtue of the authority vested in me by section 307 (c) of the Revenue Act of 1943 (Pub. Law 235, Seventy-eighth Cong.), as amended by section 303 of the Revenue Act of 1945 (Pub. Law 214, Seventy-ninth Cong.), exemption is hereby authorized from the taxes imposed by Chapters 19 and 29 of the Internal Revenue Code (26 U. S. C. Chapters 19 and 29), with respect to articles sold on or after June 1, 1944, to any corporation created by act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864 (American Red Cross), for its exclusive use, at a price not including such taxes.

NOTE: The text set forth above affects the notes for Parts 316 and 320 of Title 26 in the 1944 Supplement to the Code of Federal Regulations.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6301; Filed, July 3, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration,[1] Department of Agriculture

[Rev. Gen. RO 18,[2] Amdt. 2 to Supp. 1]

PART 705—ADMINISTRATION

DISTRIBUTION OF BASES TO CERTAIN FORMER MEMBERS OF THE ARMED FORCES

Supplement 1 to Revised General Ration Order 18 issued by the Office of Price Administration and amended by the Office of Temporary Controls under § 1305.217 of Title 32, Chapter XI is designated Supplement 1 to Revised General Ration Order 18, issued under § 705.4, Title 32, Chapter VII pursuant to the authority vested in the Secretary of Agriculture by the "Sugar Control Extension Act of 1947" and is amended in the following respects:

1. Schedule I, is amended to read as follows:

SCHEDULE I—INDUSTRIAL USERS

Group of products	Maximum annual base permitted (number of pounds of sugar)
1. Bread and rolls only	12,800
2. General baking products (excluding bread and rolls)	28,200
3. Ice cream, ices, sherbets, frozen custards (including mixes used for any of these products)	40,000
4. Bottled beverages (nonalcoholic)	80,000
5. Candy	31,300
6. Caramel popcorn	16,600
7. Mayonnaise	600
8. Salad dressing	1,200
9. Baking mixes	78,200
10. Fruit compote	20,000
11. Gelatins, puddings, powdered desserts	80,000
12. Insecticides	1,200
13. Jams, jellies, marmalades, preserves, fruit butters	80,000
14. Meat spreads	1,500
15. Peanut butter	6,000
16. Pharmaceuticals:	
(a) cough drops	25,000
(b) cough syrups	9,200
(c) general	1,400
17. Sauces (for meat, poultry, etc.)	9,800
18. Spaghetti, macaroni, and noodle products packed in sauce	14,000
19. Stews (brunswick, etc.)	3,600
20. Flavoring extracts	80,000
21. Glaced fruits for baking purposes	20,000
22. Shredded sweetened cocoanut	58,000
23. Table syrups	80,000
24. Fountain syrups	80,000
25. Maraschino cherries	80,000
26. Sugared egg yolks	24,000
27. Other (specify)	(*)

*To be determined by the Washington Office.

2. Schedule II is revoked.

This order shall become effective July 3, 1947.

Issued this 30th day of June 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6360; Filed, July 3, 1947; 11:52 a. m.]

[1] Formerly Chapter XI, Office of Temporary Controls, Office of Price Administration.
[2] 11 F. R. 7576.

[Gen. RO 19, Amdt. 1]

PART 705—ADMINISTRATION

DISTRIBUTION OF BASES TO CERTAIN NEW USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

General Ration Order 19 is amended in the following respects:

1. Section 4.3 is amended to read as follows:

SEC. 4.3 *Group of products and maximum annual industrial user base for such products authorized to be established.*

INDUSTRIAL USERS

Group of products	Maximum annual base permitted (number of pounds of sugar)
1. Bread and rolls only	12,800
2. General baking products (excluding bread and rolls)	28,200
3. Ice cream, ices, sherbets, frozen custards (including mixes used for any of these products)	40,000
4. Bottled beverages (nonalcholic)	80,000
5. Candy	31,300
6. Caramel popcorn	16,600
7. Mayonnaise	600
8. Salad dressing	1,200
9. Baking mixes	78,200
10. Fruit compote	20,000
11. Gelatins, puddings, powdered desserts	80,000
12. Insecticides	1,200
13. Jams, jellies, marmalades, preserves, fruit butters	80,000
14. Meat spreads	1,500
15. Peanut butter	6,000
16. Pharmaceuticals:	
(a) cough drops	25,000
(b) cough syrups	9,200
(c) general	1,400
17. Sauces (for meat, poultry, etc.)	9,800
18. Spaghetti, macaroni, and noodle products packed in sauce	14,000
19. Stews (brunswick, etc.)	3,600
20. Flavoring extracts	80,000
21. Glaced fruits for baking purposes	80,000
22. Shredded sweetened coconut	58,000
23. Table syrups	80,000
24. Fountain syrups	80,000
25. Maraschino cherries	80,000
26. Sugared egg yolks	24,000
27. Other (specify)	(*)

*To be determined by the Washington Office.

2. Section 4.4 is revoked.

This order shall become effective July 3, 1947.

Issued this 30th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Rationale Accompanying Amendment No. 1 to General Ration Order 19

Provision is made in General Ration Order 19 for the granting of sugar bases to certain new users. Section 4.3 of General Ration Order 19 contains a restriction which quite generally limits the recipients of bases under this order to the manufacture of products in consumer size containers. This restriction was imposed when the sugar supply situation required more stringent controls and in order to insure that bases provided new users under General Ration Order 19 would be used chiefly to provide consumers with sugar-containing products and to prevent a diversion of such products to industrial and institutional users.

Owing to the improved sugar supply situation, which is now reflected in the liberalization of the rationing program, and the recent removal of rationing controls on consumers and institutional users, the consumer size limitation is no longer deemed necessary. Removal of the consumer size limitation will also permit greater freedom and flexibility in the marketing of products by new industrial users who obtain sugar bases under the provisions of General Ration Order 19.

In view of the removal of rationing controls on institutional users, the amendment to General Ration Order 19 also provides for the revocation of section 4.4, which sets forth the type of refreshment service and maximum monthly institutional user refreshment bases authorized institutional users under that order.

[F. R. Doc. 47-6359; Filed, July 3, 1947; 11:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; MAIL SERVICE TO YUGOSLAVIA

The regulations under the country "Yugoslavia" (39 CFR, Part 21, Subpart B—Service to Foreign Countries) are amended to read as follows:

YUGOSLAVIA

Regular mails. See Table No. 1, § 21.116 for classifications, rates, weight limits and dimensions. Small packets accepted.

Indemnity. See § 21.110.

Special delivery. No service.

Air mail service. Postage rate, 15 cents one-half ounce.

Money-order service. (See §§ 17.51 to 17.97.)

Dutiable articles (merchandise) prepaid at letter rate. Accepted. (See § 21.3.)

Observations. Regular mail articles containing merchandise sent for commercial purposes must be accompanied by the original invoice in the same manner as indicated for parcel post under the subheading "Observations."

The Postal Administration of Yugoslavia suggests that specimens, 12 centimeters long and 12 centimeters wide, of the fabrics used in made-up garments accompany each shipment in order that the rate of customs duties applicable to the particular material may be assessed at the time of delivery, otherwise the maximum rate will be imposed in the event that the addressee refuses to permit the customs officials to cut a piece for examination purposes.

The importation and distribution of foreign newspapers and magazines within Yugoslavia is regulated by the law of December 5, 1931, on the basis of which the "Agencija Avala A. D." in Beograd has exclusive permission to import foreign newspapers and magazines.

However, exception is made in the cases of persons taking direct subscriptions to foreign newspapers and magazines, not for the purpose of resale and for scientific and professional magazines considered as such by the Ministry of Commerce and Industry, which may be imported by bookstores. Fashion magazines, needlecraft magazines and the like are not considered as professional magazines, and may be imported for resale only through the intermediary of the agency above mentioned.

Customs duties are collected on fashion journals, whether addressed to the Avala Agency and its representatives or to direct subscribers. Therefore, the paper form of customs declarations (form 2976-A) should be completed and enclosed in packages containing such fashion journals when transmitted in the Postal Union (regular) mails.

Gold, silver, and platinum watchcases are to be submitted to analysis and stamping only if they are complete, whether mounted or not. If parcels received from abroad do not contain complete cases, but only detached pieces, such parcels will be delivered to the addressees only after the arrival of the other parts so as to permit of the complete stamping of the cases, after which the analysis and stamping of the metal will be undertaken. If within a reasonable period the other pieces of the watchcases do not arrive, the incomplete parts having already arrived will be returned to the sender.

Prohibitions. Advertisements and articles relating to the "snowball" system of selling.

Various tokens which, by their dimensions and color, resemble money of the State.

Emigration advertisements.

Also all articles prohibited in the parcel-post mails.

Parcel post. (*Yugoslavia.*)

(Rates include surcharges)

Pounds:	Rate	Pounds:	Rate
1	$0.22	23	$3.30
2	.36	24	3.44
3	.50	25	3.58
4	.64	26	3.72
5	.78	27	3.86
6	.92	28	4.00
7	1.06	29	4.14
8	1.20	30	4.28
9	1.34	31	4.42
10	1.48	32	4.56
11	1.62	33	4.70
12	1.76	34	4.84
13	1.90	35	4.98
14	2.04	36	5.12
15	2.18	37	5.26
16	2.32	38	5.40
17	2.46	39	5.54
18	2.60	40	5.68
19	2.74	41	5.82
20	2.88	42	5.96
21	3.02	43	6.10
22	3.16	44	6.24

(Gift parcels only. The following rates are applicable to parcels sent as gifts. See "Observations" below.)

Pounds:	Rate	Pounds:	Rate
1	$0.14	23	$3.23
2	.28	24	3.37
3	.42	25	3.51
4	.56	26	3.64
5	.70	27	3.78
6	.84	28	3.92
7	.98	29	4.06
8	1.12	30	4.20
9	1.26	31	4.34
10	1.40	32	4.48
11	1.54	33	4.62
12	1.68	34	4.77
13	1.82	35	4.90
14	1.96	36	5.04
15	2.10	37	5.18
16	2.24	38	5.32
17	2.38	39	5.46
18	2.52	40	5.60
19	2.66	41	5.74
20	2.80	42	5.88
21	2.94	43	6.02
22	3.08	44	6.16

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes (see § 21.81).
Registration: No.
Insurance: No.
C. o. d.: No.
Exchange office: New York.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Storage charges. See section 93 relative to storage charges on returned parcels.

Observations. (a) Gift parcels weighing up to 22 pounds are admitted free of duty and without previous permission for importation under the following conditions:

(1) The parcel must be plainly marked by the sender on the address side to indicate that it is intended as a gift.

(2) Permissible contents are as follows:

Nonperishable foodstuffs.

Used clothing and shoes.

New clothing and shoes and materials for making them (free of customs duty only up to 44 pounds per year for each person of the addressee's family).

Tobacco and its preparations up to 40 grams (about 1.4 ounces) per parcel.

Other articles for daily use in small quantities (luxury items are prohibited).

(b) Ordinary (unregistered and uninsured) gift parcels not exceeding $25.00 in value may be sent by parcel post free of postage to prisoners of war held by Yugoslavian forces under the following conditions:

(1) Contents permitted are nonperishable foodstuffs, cigarettes, clothing, soaps and shaving preparations, mailable medicines and similar items of a relief nature. Parcels must not contain any written or printed communications of any kind, except a list of the contents which should be placed inside the parcel.

(2) Maximum weight: 11 pounds. Maximum dimensions: Greatest length, 20 inches. Greatest length and girth combined, 72 inches.

(3) The parcels shall not be sealed, and shall be packed closely, and carefully and securely wrapped in a manner which will facilitate opening for inspection.

(4) Parcels must be addressed to the prisoner of war in care of the Yugoslav Red Cross, which will act as intermediary in the transmittal. The wrappers of the parcels must be endorsed—

POKLON RATNOM ZAROBLJENIKU—OSLOBODJENO POSTARINE
PRISONER OF WAR GIFT PARCEL—POSTAGE FREE

(5) The contents of each parcel shall be listed on a customs declaration (Form 2966) which shall be affixed to the outside of the parcel. No other postal forms are required to accompany the parcels.

(6) No labels will be required for the sending of parcels to Yugoslav-held prisoners of war. However, not more than one parcel per week may be sent by the same sender to the same Yugoslav-held prisoner of war.

(c) It is prohibited to effect the clearance of parcels unless the respective addresses are in a position to produce a permit to import the contents from the commission of the national bank appointed to issue importation permits. That measure, dictated by the state of exchange, affects only merchandise addressed to merchants for commercial purposes. It does not affect private individuals or merchants importing for their personal or domestic use.

Parcels containing merchandise sent for commercial purposes, for which the senders are to receive payment, must be accompanied by the original invoice. Packages not accompanied by the original invoice will be cleared through the customs in Yugoslavia and delivered to the addressees, but the latter will be unable to make payment to the sender for the merchandise involved, since the Yugoslav authorities will grant the means for payment only if packages are accompanied by the original invoice. Senders should endorse the wrappers of such packages to indicate that the original invoice is enclosed.

It should be recommended to senders that, in order to facilitate customs handling, a copy of the ordinary invoice, signed by the senders, be transmitted to the addressees by letter mail, giving notice of the mailing of the parcels. The invoice copy is submitted by the addressees to the customs authorities and serves as a basis for collecting the import duties.

Certificates of origin should be furnished for parcels addressed for delivery in Yugoslavia. However, in lieu thereof, it is permissible for senders to indicate on the customs declarations of their parcels the country of origin of the merchandise contained therein, the said indication taking the place of the certificate of origin so far as the Yugoslav customs authorities are concerned.

Parcels not accompanied by certificates of origin or whose customs declarations do not bear an indication of the country of origin of the merchandise contained in the parcel will be assessed with the duty at the maximum rate.

The Postal Administration of Yugoslavia suggests that specimens, 12 centimeters long and 12 centimeters wide, of the fabrics used in made-up garments accompany each shipment in order that the rate of customs duties applicable to the particular material may be assessed at the time of delivery, otherwise the maximum rate will be imposed in the event that the addressee refuses to permit the customs official to cut a piece for examination purposes.

Gold, silver, and platinum watchcases are to be submitted to analysis and stamping only if they are complete, whether mounted or not. If parcels received from abroad do not contain complete cases, but only detached pieces, such parcels will be delivered to the addressees only after the arrival of the other parts so as to permit of the complete stamping of the cases, after which the analysis and stamping of the metal will be undertaken. If within a reasonable period, the other pieces of the watchcases do not arrive, the incomplete parts having already arrived will be returned to the sender.

Prohibitions. For reasons of public safety: Newspapers, magazines, pamphlets, books, and other prints in general whose circulation is prohibited.

Hunting arms, but not those in use in the Army; empty cartridges and projectiles for those arms; ammunition prepared for unrifled hunting rifles, with smokeless powder, as well as ammunition for all kinds of arms not in use in the Army.

Wireless and telegraph and telephone apparatus.

Lithographic copies of plans, except those on the scale of 1:25,000 and below.

Communistic cards, advertisements, pamphlets, etc.

(The arms, wireless telegraph and telephone apparatus, and lithographic copies of plans mentioned above may be imported by previous authorization from the competent ministry.)

For reasons of sanitary policy: Concentrated acetic acid having a strength of over 15 percent.

Grains and fruits.

Serums and vaccines for veterinary use.

Apparatus for the treatment of flukeworm.

Essences for the manufacture of wines and brandies.

Whistles, spoons, and all articles intended to contain foods, having more than 10 percent of lead, unless the part coming into contact with the mouth is nickel plated.

Musts containing any quantity, no matter how small, of sulphuric acid.

Leaven containing plaster, chalk, saccharine, or other harmful ingredients, as well as leaven not having the normal fermenting power (75–80 percent).

Friedmann vaccines against tuberculosis.

Foodstuffs, in any form, containing more than 0.35 percent of sulphuric acid as a preservative.

(The acetic acid, grains and fruits, serums and vaccines, and apparatus for treating flukeworm mentioned above may be imported by special permission of the competent ministry.)

For the protection of plants and animals: Poisonous herbs for fishing.

The exotic nut "acajou" (cashew nut).

Special authorization is required for the importation of silkworm eggs; grapevines, plants and cuttings, with or without roots; enological preparations and means for combating diseases of grapevines and fruit trees; meats.

Arms, munitions, etc.: All kinds of firearms used in the Army and their detached parts, as well as all kinds of ammunition therefor.

Playing cards made of metal.

Nonexplosive components of artillery fuses.

Foreign military uniforms.

State monopolies, etc.: All articles placed under the regime of the monopoly. Tobacco seed and plants destined for reproduction or transplanting.

Valid dinars. If found in the mails they will be confiscated and deposited in blocked accounts in the National Bank of Yugoslavia, which will credit the confiscated sums to the interested parties only after a certain delay.

For other reasons: Live or dead ruminants, primary substances and waste thereof, fresh or dried; fowl; and everything which may propagate epizootic diseases; forage.

Foreign merchandise in general bearing false marks of native artisans or agriculturists or any marks of native origin.

Forms and extracts therefrom: Church records, animal certificates, deposit books (of the forms used by the State Administrations for financial operations), registers, protocols, copy books, exercise books, notes, drawing books, and printed papers in general use exclusively for the official service of the State, of the post, and of the school.

Samples of medicines, unless addressed to national or provincial hospitals, university clinics, or national medical institutions.

(R. S. 161, 396, Sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-6283; Filed, July 3, 1947; 8:46 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; GIFT PARCELS TO GERMANY

Paragraph (h) of the regulations under the Country "Germany" (12 F. R. 706), as amended, is further amended to read as follows:

(h) Ordinary (unregistered and uninsured gift parcels will be accepted for mailing when addressed for delivery in all parts of Germany (American, British, French, and Russian Zones, including all sectors of Berlin), except the portions of Germany under Polish control, which are subject to the conditions applicable to Poland. The parcels will be subject to the same conditions as were in effect prior to the suspension of the service and also to the following restrictions:

(1) Only one parcel per week may be sent by or on behalf of the same sender to or for the same addressee.

(2) Contents may include any commodities intended for personal use that are not prohibited in the parcel post mails to foreign countries generally, as shown in section 57 on page 49 of the 1946 Postal Guide, Part II. The following may not be included: Writing or printed matter of any kind, cigarettes or other tobacco products, money or dollar instruments, firearms of any kind, and nonessential luxury items such as jewelry, perfume, cosmetics and the like.

(3) Parcels must not exceed 22 pounds in weight, or measure more than 36 inches in length or 72 inches in length and girth combined.

(4) Parcel post rates are 14 cents per pound or fraction of a pound.

(5) The parcels and relative customs declarations must be conspicuously marked "Gift Parcel" by the senders, who must itemize the contents and value on the customs declarations. Parcels are liable to censorship and customs examination in the zone of destination.

(6) Parcels should bear the name of the addressee, street and house number, town, postal district number (if known), province, and, in addition to the word "Germany", indication of the zone of destination. If known, the name of the sector should be included as part of the address of parcels destined for Berlin. Box numbers may be used as part of the address provided the name of the box holder is shown. Parcels shall not be accepted for mailing when addressed "General Delivery."

(7) Parcels which are undeliverable will not be returned to senders but will be turned over to authorized German relief organizations for distribution to the needy.

The export control regulations of the Office of International Trade, Department of Commerce, Washington 25, D. C., are applicable to parcels for delivery in Germany.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

This amendment shall become effective at once.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-6277; Filed, July 3, 1947; 8:46 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; MAILING OF CIGARETTES AND TOBACCO PRODUCTS TO A. P. O.'S IN FRANCE AND AUSTRIA PROHIBITED

1. The regulations under the Country "Austria" (39 CFR, Part 21), as amended (12 F. R. 1604, 3974) are further amended by the addition of the following:

However, the transmission of cigarettes and tobacco products for delivery in Austria through A. P. O.'s 174, 541, and 777, c/o Postmaster, New York, New York, is prohibited.

Postmasters are, therefore, directed to question the mailers as to the contents of parcels addressed for delivery through the A. P. O.'s above mentioned and shall refuse to accept for mailing any containing cigarettes or other tobacco products.

This does not affect the shipment of such products through the international mails.

2. The regulations under the Country "France" (39 CFR, Part 21) are amended by the addition of the following:

The transmission of cigarettes and tobacco products for delivery in France through A. P. O.'s 58 and 741, c/o Postmaster, New York, New York, is prohibited.

Postmasters are, therefore, directed to question the mailers as to the contents of parcels addressed for delivery through the A. P. O.'s above mentioned and shall refuse to accept for mailing any containing cigarettes or other tobacco products.

This does not affect the shipment of such products through the international mails.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

These amendments shall become effective July 1, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-6279; Filed, July 3, 1947; 8:47 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; MAIL SERVICE TO CHINA.

The regulations under "China" (39 CFR, Part 21, Subpart B—Service to foreign countries), as amended (12 F. R. 3864) are further amended by deleting all the regulations under China, except those published at 12 F. R. 3864, and inserting in lieu thereof the following:

Regular mails. See Table No. 1, § 21.116 for classifications, rates, weight limits, and dimensions. Small packages not accepted.

Indemnity. See § 21.110.

Special delivery. Fee, 20 cents. Special-delivery service in China is confined to the delivery radius of Chinese express or delivery offices. See page 16 of the February 1937 Supplement for a list of the post offices in China participating in the special delivery service. Special delivery service not available to Manchuria. (Also see § 21.18.)

Money-order service. Suspended.

Air-mail service. Postage rate, 25 cents one-half ounce. Limit of weight, 4 pounds, 6 ounces.

Observations. Hong Kong is a British possession and articles destined for that place should not be dispatched under the conditions applicable to China. (For information regarding Hong Kong, refer to that country.)

Macao is a Portuguese possession and articles destined for that place should not be dispatched under the conditions applicable to China. (For information regarding Macao, refer to that country.)

Prohibitions. Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles.

Dutiable articles (merchandise) in letters and packages prepaid at letter rate.

Also, all articles prohibited by parcel post.

Parcel post. (China.)[1]

Pounds:	Rate	Pounds:	Rate
1	$0.14	5	$0.70
2	.28	6	.84
3	.42	7	.98
4	.56	8	1.12
9	1.26	30	4.20
10	1.40	31	4.34
11	1.54	32	4.48
12	1.68	33	4.62
13	1.82	34	4.76
14	1.96	35	4.90
15	2.10	36	5.04
16	2.24	37	5.18
17	2.38	38	5.32
18	2.52	39	5.46
19	2.66	40	5.60
20	2.80	41	5.74
21	2.94	42	5.88
22	3.08	43	6.02
23	3.22	44	6.16
24	3.36	45	6.30
25	3.50	46	6.44
26	$3.64	47	6.58
27	3.78	48	6.72
28	3.92	49	6.86
29	4.06	50	7.00

Weight limit: 22[2] 50 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.
Exchange offices: San Francisco, Seattle, Honolulu, San Pedro.

Indemnity. No provision.

Dimensions. Parcels addressed to steamer-served offices: Greatest length, 3½ feet. Greatest length and girth combined, 7 feet: *Provided, however,* That parcels exceeding 6 feet in combined length and girth are restricted to 2 feet 6 inches in length. Parcels addressed to non-steam-served offices: Greatest length, 1½ feet. Greatest length and girth combined, 5 feet. A list of the steamer-served offices in China is published on pages 28 to 32 of the August 1936 Supplement.

Observations. There is no parcel-post service to the Chinese Province of Mongolia. The name of the Province in which the office of destination is located must be indicated in the addresses of all parcels for China.

In order to facilitate customs operations and prompt delivery of parcels to addressees a copy of the original invoice relative to the merchandise contained therein, together with a detailed description of the contents, should be inclosed.

Chinese senders should indicate in Chinese characters on the customs declaration, in addition to English, the name and address of the addressee if the parcel is addressed to a Chinese.

Hong Kong is a British possession and parcels destined for that place should not be dispatched under the conditions applicable to China. (For information regarding Hong Kong, refer to that country.)

Macao is a Portuguese possession and parcels destined for that place should not be dispatched under the conditions applicable to China. (For information regarding Macao, refer to that country.)

Parcels mailed simultaneously by the same sender to the same addressee at one address, although not mailable as a "group shipment", must be marked in the following manner in order that customs officials in China may more readily ascertain the combined value of the parcels contained in a single mailing.

Each parcel in a single mailing must bear a fractional number, the numerator of which indicates the number of the parcel and the denominator the number of parcels comprised in the mailing. For example, if a single mailing were composed of 15 parcels, the parcels would be numbered, 1/15, 2/15, 3/15, etc. A customs declaration must accompany each parcel.

The Chinese postal service will collect a demurrage fee of 5 cents (Chinese currency) on each parcel for each day the parcel is left in the post office after the expiration of 10 days, counting from the delivery to the addressee of notice of arrival.

Liquids, greases, powders, and dyes in powder form, in lead-sealed metal containers, properly boxed and wrapped to afford the utmost protection to the accompanying mail matter, are admissible.

Prohibition

For the Protection of Animals and Plants

Bees and their eggs must be accompanied by a certificate that they are in good health.

Silkworm eggs may be imported only upon presentation of a certificate issued by the merchandise inspection bureau of the Ministry of Industry.

Parasites and predators of injurious insects are admitted.

Virus, bacteria, fungi, and protozoa of contagious diseases, also all insects harmful to agriculture, may be imported only by permit.

Cottonseed may be imported only by permit.

Arms, etc.

All types of arms, munitions, and war materials, including plans for their manufacture, may be imported only with the permission of the government. Sword canes and other articles in which a weapon is concealed. Toy air guns less than 31 inches in length and toy pistols; also ammunition therefor. Handcuffs.

For Other Reasons

Gambling equipment.

Flags, cards, and printed matter implying recognition of the so-called government of "Manchukuo".

Prosperity bonds and similar articles.

Blank copper coins.

Flashlights in the form of pistols.

The following books and periodicals:

"Ways That are Dark," by Ralph Townsend.

"The Chinese Soviets," by Victor A. Yakhontoff.

"China's Red Army Marches," by Agnes Smedley.

"China Today," printed monthly at New York.

"Asia," printed monthly in the United States.

Counterfeit banknotes and plates for printing them.

Apparatus for manufacturing tobacco or cigarettes to be rolled by hand.

Other articles which may be prohibited by the customs authorities.

The Importation of the Following Articles Is Subject to Restrictions

Chinese or Russian banknotes. Salt. Chinese, Russian, or Japanese coins. Coin-making machinery. Copper for use of provincial monetary establishments. Radio apparatus and equipment. Aviation instruments, accessories and materials. Hypodermic syringes of 5 cc. or less, and needles of 0.7 mm. or less in diameter. Banknote paper. Cigarette paper. Adulterated sugar. Revenue stamps.

Many articles of merchandise require a special import permit from the Ts'ai-cheng Pu (Ministry of Finances). The acceptance of parcels containing articles subject to import permit will be considered to be at the risk of the senders insofar as concerns the treatment which may be accorded the parcels upon their receipt in China.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-6278; Filed, July 3, 1947; 8:46 a. m.]

[1] Parcel post service to Manchuria and to the Provinces of Shansi, Suiyuan and Chahar is suspended. There is no parcel post service to Mongolia.

[2] Parcels exceeding 22 pounds accepted for the cities of Canton (Kwangtung), Peiping (Hopeh), Shanghai (Kiangsu), Swatow (Kwangtung), and Tientsin (Hopeh) only.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

ARIZONA GRAZING DISTRICT NO. 1

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see F. R. Doc. 47-6273 under Department of the Interior, Bureau of Land Management, in the Notices section, *infra*, relating to lands within Arizona Grazing District No. 1.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 760]

PART 97—ROUTING

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of June A. D. 1947.

It appearing, that floods have washed out the tracks on the Des Moines-Osceola Branch of the Chicago, Burlington & Quincy Railroad Company at 43 places between Osceola and Burch, Iowa; that the complete restoration of service on the eleven (11) mile segment of track between Osceola and New Virginia, Iowa will be made shortly but that due to emergency work elsewhere the restoration of the forty-two (42) mile segment of track between New Virginia and Burch, Iowa, will not be completed for some time; the Commission is of opinion that the Chicago, Burlington & Quincy Railroad Company is unable to transport the traffic offered it to, from, or between points on the Des Moines-Osceola Branch so as to properly serve the public and that handling, routing, and movement of this carrier's traffic (including trains) over The Great Western Railway Company's track (over a temporary track connecting the former's and latter's tracks) between Afton Junction and Burch, Iowa, will best promote the service in the interest of the public and the commerce of the people. It is ordered, that:

§ 97.760 *Rerouting.* (a) The Chicago, Burlington & Quincy Railroad Company shall handle, route, and move its traffic; (including trains) originating or terminating at points on the Des Moines-Osceola Branch between Burch and Des Moines, Iowa, inclusive, over The Great Western Railway Company's track (over a temporary track connecting the former's and latter's tracks) between Afton Junction and Burch, Iowa.

(b) *Compensation.* The handling, routing, and movement of traffic ordered and described in paragraph (a) herein shall be upon such terms as between the carriers as they may agree upon or in the event of their disagreement as the Commission may, after subsequent hearing find to be just and reasonable.

(c) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(d) *Rates to be applied.* Inasmuch as such disregard of routing is deemed to be due to carrier's disability, the rates applicable to traffic so forwarded by routes other than those designated by shippers, or by carriers shall be the rates which were applicable at date of shipment over the routes so designated.

(e) *Division of rates.* In executing the orders and directions of the Commission provided for in this order, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereinafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized they shall not be changed or affected by this order.

(f) *Effective date.* The provisions of this order shall become effective at 6:00 p. m., June 27, 1947.

(g) *Expiration date.* The provisions of this order shall expire at 6:00 p. m., August 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of the Commission.

It is further ordered, That copies of this order and direction shall be served upon the Iowa State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6293; Filed, July 3, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED GREEN BEANS AND CANNED WAX BEANS

NOTICE OF PROPOSED RULE MAKING

Correction

In F. R. Doc. 47-5982, appearing at page 4117 of the issue for Wednesday, June 25, 1947, the second unnumbered paragraph of § 52.165 (i) (3) (iii) (*a*) has been corrected to read as follows:

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

[7 CFR, Part 904]

HANDLING OF MILK IN GREATER BOSTON, MASS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

A public hearing was held at St. Johnsbury, Vermont, on February 1 and 2, 1946, and continued at Boston, Massachusetts, on February 4–9, February 15–16, and March 11–13, 1946. Action has been completed with respect to all of the issues developed at that hearing except the issue concerning service payments to cooperative associations. A notice of report and opportunity to file exceptions with regard to this issue was published in the FEDERAL REGISTER (12 F. R. 1169) on February 20, 1947. The revised report on this issue was filed with the Hearing Clerk, United States Department of Agriculture, June 11, 1947, and on June 30, 1947, the Secretary of Agriculture tentatively approved a marketing agreement containing provisions amending the sections of the order relating to service payments to cooperative associations. Sections 904.8 and 904.10 of the marketing agreement and the order amending the order, as amended, annexed hereto and made a part hereof contain provisions identical to the amended cooperative service payment provisions of the aforesaid tentatively approved marketing agreement.

A hearing was held at Burlington, Vermont, on March 14 and 15, 1947, and continued at Boston, Massachusetts, on March 17–19 and 24–26, 1947. Previously a hearing was held at Boston on November 20, 1946, to consider amendments to Order No. 4, which had been proposed by cooperative associations of producers and by the Dairy Branch. Action has been taken with respect to all of the issues except one which were developed at that hearing. The issue upon which action has not been completed deals with contraseasonal changes in the Class I price which might occur as the result of the formula-determined price. A notice of recommended decision and opportunity to file written exceptions with respect to the issues developed at the March 1947 hearing and the open issue of the hearing held November 20, 1946, was published in the FEDERAL REGISTER (12 F. R. 3340) May 24, 1947. Exceptions have been filed to that recommended decision and were considered in arriving at the findings and conclusions contained herein.

Findings and conclusions. The issues which were listed in the notice and which were developed at the hearing in March 1947 are grouped under the following headings. The issue developed at the hearing held November 20, 1946, is included under the issue "Basis for determining Class I prices".

(1) Basis for determining Class I prices.

(2) Minimum floor prices for Class I milk for the latter half of 1947.

(3) A "take-out" and "pay-back" plan of seasonal pricing.

(4) Reported prices to be used as basis for Class II skim value.

(5) Allowance to handlers to cover freight and administration assessment on Class II milk.

(6) Pricing of butterfat made into butter or cheese.

(7) Months in which butter and cheese adjustment should apply.

(8) Pricing of skim milk made into casein and animal feed powder.

(9) Transportation differentials on Class II milk shipped to city plants in fluid form.

(10) Basis of pooling.

(11) Uniform payment of premiums.

(12) Permissive variation in butterfat differential.

(13) Months in which milk subject to the New York order is allocated to Class II.

(14) Modification of emergency milk definition and classification.

(15) Revision of the definition of producer-handler.

(16) Maintenance of records by handlers.

(17) Reports regarding individual producers.

(18) Time limit on reaudits and rebillings.

(19) Time of payment to producers.

(20) Bringing up to date table of transportation differentials and emergency price provision.

(21) General.

The recommended decision contained rulings upon the proposed findings and conclusions submitted by interested parties in this proceeding. Such rulings are confirmed except as they are modified by the findings and conclusions set forth herein.

Exceptions were filed on behalf of New England Milk Producers' Association, Bethel Cooperative Creamery, Grand Isle County Cooperative Creamery, Milton Cooperative Dairy Corporation, Shelburne Cooperative Creamery, United Farmers of New England, David Buttrick Company, H. P. Hood and Sons, Inc., White Brothers Milk Company, and Whiting Milk Company.

No exceptions were filed to the findings and conclusions contained in the aforesaid recommended decision with regard to issues (3), (10), (14), (15), (16), (17), (19), and (20). The findings and conclusions contained in the recommended decision on these issues are adopted as the findings and conclusions of this decision. With regard to the findings and conclusions of the recommended decision to which specific exception has been taken, by either producers or handlers, this decision contains a ruling thereon in the discussion of the material issue to which the exception refers.

The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

(1) *Basis for determining Class I prices.* The butter-powder formula for determining the Class I price should be retained in its present form with a provision to prevent contraseasonal changes in the Class I price. In addition, minimum floor prices for the period from July 1947 through December 1947 should be provided.

There is a very serious need for encouraging a shift toward more fall production. During three of the last four years the production of milk in the Boston milk shed has been insufficient in November and December to supply the needs for Class I milk. Production varies seasonally to such an extent that it is nearly twice as great in May and June as in November and December. A price plan to encourage increasing fall production is imperative for the Boston market. Minimum Class I floor prices are required for each month through December 1947 in order to assure a substantial rise in prices from the spring to the fall and thus develop a better seasonal pattern of production.

The uncertainty of economic conditions in the fall and winter requires a safeguard in addition to minimum floor prices for Class I milk. The butter-powder formula should be retained to give producers the benefit of any increase over the floor prices which may be justified by the prices of other dairy products and by the general price level in the fall and winter. The butter-powder formula should be modified to prevent contraseasonal price changes in the months just preceding or during the season of greatest shortage or seasonal flush production. Generally, the Class I price for any of the months of September through December

of any year should not be lower than the Class I price in effect for the preceding month and the Class I price for the months of March through June of any year should not be higher than the Class I price in effect for the preceding month. The provision to prevent a contraseasonal price change will avoid nullification of the seasonal price plan by movements of the general price level. It is not considered advisable to provide for complete prevention of downward price movements in the last half of the year or upward price movements in the first half because such a provision would hold back unduly adjustments to the general price level.

Producers contended that the butter-powder formula method of determining the Class I price be deleted entirely from the order and fixed prices substituted for it. Exact prices cannot be determined from this record for nine months to a year in advance. The present trend toward increasing production and decreasing consumption and the general uncertainty as to business conditions this fall and winter precludes a fixed guarantee of exact Class I prices. Producers indicated that they do consider fixed prices as a guarantee and it would be misleading to write into the order fixed prices to be effective beyond the time for which they can be assured. The present butter-powder formula should be retained until some other plan is developed. The formula will establish prices this fall above the floor prices named if conditions warrant higher prices, and will provide a method of pricing after December. If the rise in prices of butter and nonfat dry milk solids which took place in 1946 is repeated in 1947, the formula will establish prices as high as those established in November 1946.

(2) *Minimum floor prices for Class I milk for the latter half of 1947.* The minimum floor price for Class I milk in the 201–210-mile zone of the Boston milkshed should be $4.77 per hundredweight in July and August, 1947 and $5.21 for each of the months September through December 1947. If the formula produces a price higher than $5.21 in August, September, October, or November, this price should continue to the end of the year. The maximum drop in price from either level between December and January or January and February should be 44 cents.

In 1946 a start was made in New England on a program of encouraging the production of more milk in the fall months. Shifting to fall freshening has involved substantial additional costs of producing milk. These special costs include breeding difficulties and the cost of purchasing additional fall-freshening cows. The current prices and rates paid for feed, labor, and farm machinery are higher than last year. These factors indicate that the program to encourage more fall production may be seriously hampered unless producers are assured of absolute floor prices for the last quarter of 1947 as high as the floor established in 1946.

Absolute floor prices should be established for July and August at 44 cents above the prices established for May and June to assure a seasonal rise this year on July 1. The short season rise in prices which should normally take place on October 1 should be advanced to September 1 this year, in order to encourage feeding during the fall season to get more milk this fall. Adjustment of breeding practices cannot be expected to be far enough advanced this year to result in enough increase in fall milk production and extra feeding and good care of spring-freshened cows will be necessary to increase the supply of milk during October, November, and December this year. The current trend toward greater milk production this year with some indication of smaller Class I sales does not justify absolute floor prices for Class I milk for the last quarter of 1947 higher than the last quarter of 1946.

A seasonal price spread equivalent to about 40 percent of the May–June price is necessary to encourage fall production. Farmers indicated that at present price levels this would require a price in November as near as possible to $1.50 above the blended price for May and June. Such a spread should encourage farmers who have already started the shift toward more fall production to continue and encourage other farmers to follow their example. The minimum floor price for Class I milk of $5.21 in October, November, and December will provide this encouragement. Following a seasonal pattern, the drop from December 1947 to January 1948 should not exceed 44 cents with a floor price of $4.77 for January and any further drop which might be indicated by the formula for February should be limited to not more than 44 cents. The limitation of any price decrease from December to January and January to February will prevent any precipitous price drop immediately following the period for which greater production is to be encouraged. This limitation is not intended to establish the level of prices for 1948. The exact prices would be determined by the present formula provision or on the basis of a hearing nearer the end of this year if a further hearing this year is considered advisable.

(3) *A "take-out" and "pay-back" plan of seasonal pricing.* The proposal to "take-out" of the Class I price during April, May, and June, 44 cents to be paid back according to the amount collected, in equal amounts during October, November, and December should not be adopted.

The seasonal change in Class I prices will accomplish the adjustment in producer prices which proponents of the "take-out" and "pay-back" plan advocated. Since the change in Class I prices was generally supported and better understood than this proposal, it can be expected to encourage producers more effectively to produce more fall milk.

(4) *Reported prices to be used as basis for Class II skim value.* No change should be made at this time in the reported prices used as a basis for Class II skim value.

The proponents of a change to another price series did not show that official prices published by the United States Department of Agriculture for nonfat dry milk solids manufactured by the roller process for human food or animal feed products do not reflect changes in the value of skim milk marketed in Class II milk. Class II milk is utilized in products such as cream, ice cream, condensed milk and skim milk products, dried milk and skim milk products, butter and several types of cheeses. The prices reported by the United States Department of Agriculture for nonfat dry milk solids reflect the changes in the value of skim milk for these uses. The problem is not one of matching the published price against prices received for any particular Class II product. The formula is primarily a device for bringing about changes in the price as the general level of skim milk values changes.

The lower prices reported by the United States Department of Agriculture for nonfat dry milk solids have established lower values for skim milk utilized in Class II in recent months. The weaker market for nonfat dry milk solids and sweetened condensed skim milk is reflected in these quotations. There is no evidence in the record that further reductions by changes in the formula are necessary to reflect the current value of Class II skim milk.

(5) *Allowance to handlers to cover freight and administration assessment on Class II milk.* No change should be made in the allowance to cover freight and administration assessment on Class II milk.

The handling allowance is only one of the many factors which are included in the Class II price formula. With so many factors, it is easy for one or more factors to be out of line in one direction while at the same time other factors are out of line in the opposite direction. One group of factors may underprice skim milk somewhat while other factors may overprice Class II milk at the same time. There is no evidence that the total allowance should be changed or that the increase in freight and administration assessment is not offset by other factors in the Class II price. The proponents of an increase in the allowance described changes in the items of freight and administration cost and relied on the fact that evidence of change in the other factors was not presented to support their claim that the total allowance should reflect the changes in these two items. Evidence on the entire allowance cannot be developed in this piece-meal fashion. One proponent argued in his exceptions that the revision of the allowance would bring about a needed reduction in the total Class II price. Although the hearing notice called particular attention to the necessity for introducing evidence concerning the total level of the Class II price in support of particular adjustments, no case for a definite change in the level of the Class II price was made at the hearing.

(6) *Pricing of butterfat made into butter or cheese.* The butter and cheese adjustment provisions of the order should be limited to butterfat which is manufactured into salted butter and the named cheeses and which is disposed of as such, and a separate cheese class should not be established.

Plastic cream or cream containing 80 percent butterfat is widely used in ice cream mix and is not eligible for special pricing because the fat in ice cream mix has a value comparable with that of the fat in fluid cream. Sweet butter is interchangeable with plastic cream in making ice cream mix and, therefore, should not be eligible for special pricing. A separate cheese class is not needed to provide an additional outlet for milk and might return to producers less than the butter value of the fat in Class II milk.

Exceptions were filed by a group of operating cooperatives objecting to the language recommended to carry out these findings. It was contended that the language would prevent a cheesemaker from receiving the credit on milk which he made into processed types of cheeses. The subject of pricing milk made into processed cheese was not discussed at the hearing. The language recommended herewith does not revise the order with respect to its application to processed cheese. A hearing on this point would be necessary to permit the credit to apply to products other than those already listed.

(7) *Months in which butter and cheese adjustment should apply.* The months in which the butter and cheese adjustment should apply should not be changed.

The requirements of the marketing area for fluid cream far exceed cream available from producer milk except in a few of the months of flush production. The fluid cream market is generally available to all handlers. The proposed year-around butter price which would permit certain handlers to churn butter and thus keep New England cream off the Boston market could not be expected to influence in any compensating degree the market price of the large volume of cream sold in Boston from western sources. Although proponents claimed that a butter and cheese class on a year-around basis was necessary to prevent large cream users from boycotting the cream of a particular cooperative, no evidence of such boycotts actually happening was presented.

Temporary oversupplies of cream were described as a normal burden incidental to the handling of milk and cream. The normal operations in handling Class II milk are recognized in the regular Class II formula.

The proposal to permit a handler to claim the butter price in April and July only if the market administrator could not market his cream in fluid channels would involve special machinery for administration and detailed plans for determining whether the cream was of marketable quality and what price should be considered reasonable. Proponents did not show the details of the plan to carry out their proposal.

(8) *Pricing of skim milk made into casein and animal feed powder.* The special price for skim milk made into casein should be eliminated from the order and there should be no special price provision for skim milk made into animal powder.

Prior to 1942, casein returned a higher skim value than skim milk powder. During the war, casein production was purposely discouraged by a low ceiling price. The casein market has been strong since the end of the war while the powder market is slow and sluggish. A return to the price relationship which existed before the war between the two products may be expected. Although the latest prices reported in the record showed a drop in January and February from the prices prevailing last year, the January and February prices were strong in relation to the market for nonfat dry milk solids.

The casein adjustment, and any separate adjustment for skim milk made into animal feed powder, tends to remove the incentive to vigorous merchandising which will return to producers the regular Class II price for skim milk. The skim formula is already heavily weighted with animal powder in the months of flush production. The pool should not absorb losses on lower value uses of skim milk when alternative outlets for higher value uses are available. Since it is concluded to eliminate the special price for skim milk made into casein, the proposal to change the quotation on which such price is based become a moot issue.

(9) *Transportation differentials on Class II milk shipped to city plants in fluid form.* Class I transportation differentials on Class II milk shipped to city plants in fluid form should not be allowed.

The differential proposed would have the effect of creating a separate class for skim milk which would return less than the regular Class II price for milk shipped to city plants from certain zones. The alternative outlet for this milk would be in fluid cream and manufactured skim products as regular Class II milk at country plants. Since this alternative outlet exists, the value of Class II milk at country plants should not be lower than the regular Class II value. The proposal would also have increased the cost of Class II milk from certain near-by zones but since the Class II milk price covers milk utilized in a number of different ways, some higher and some lower in value than others, there is no good reason to single out this particular use of milk for a higher price. The proposal to achieve more uniformity with respect to the cost of Class II milk moved as milk to city plants was not accompanied by evidence upon which a new class price based upon the value of milk in this particular use could be established.

Exceptions filed by certain handlers indicated their willingness to have the price for Class II milk received at or moved to city plants increased so that the net effect of this adjustment would result in no reduction in the cost of Class II milk to any handler. The effect of this adjustment would be to increase the cost of Class II milk principally for those handlers who have no country plants. This change was not proposed clearly at the hearing and it cannot be concluded that the record covers fully the subject of pricing milk at city plants.

The proposal as it was supported in the hearing does not achieve complete uniformity since it would apply differently to different types of handlers. The proponents did not offer a revised proposal which would apply uniformly to all city buyers.

(10) *Basis of pooling.* The proposed revision of the basis of pooling and related proposals made by the market administrator should be adopted. The revised basis of pooling should permit an individual producer to be retained on the pay roll of a pool plant even if his milk is delivered directly to a nonpool plant of the handler, provided the pool receives full Class I credit for the milk of such producer. The proposal to provide that the operation of the three-day provision in paragraph (c) of § 904.8 be measured from the date on which the plant first becomes a pool plant rather than being measured from August 1 should not be adopted except with regard to New York pool plants.

The adoption of the administrator's proposal would reduce or eliminate the possibility of accidental inclusion or exclusion of a plant from the pool, would curb the movement of plants in and out of the pool to the handler's advantage and loss to the pool, and would promote a more efficient physical handling of milk. The proposal sets up sound basic requirements for the inclusion of country plants in the market pool, which will prevent any plant from participation in the pool unless it is actually qualified to supply milk to the marketing area.

Producer milk and all other sources of milk should be clearly defined and the obligations on handlers with respect to all sources of milk should be stated. Administration expense should be shared by handlers who receive milk which is not a part of the normal supply of the market. This outside milk involves additional administrative cost which should be borne by the handlers who receive it, including producer-handlers and buyer-handlers.

In connection with the proposed change in the section regarding expense of administration, the change in the rate of assessment should be made by the Secretary instead of by the market administrator subject to review by the Secretary. Payments to the producer settlement fund on outside milk which displaces producer milk in Class I should be made by the handler who receives the milk for disposition in the Boston marketing area. During an emergency period, when supplies of producer milk are not sufficient to meet the needs of the market, the outside milk which is considered emergency milk should not be subject to such payments.

More efficient handling of milk will be provided by allowing an individual producer to be retained on the pay roll of a plant even if his milk is delivered directly to a nonpool plant of the handler, provided the pool receives full Class I credit for the milk of such producer.

The proposal to provide that the operation of the three-day provision in the "Dairy Farmers for Other Markets" paragraph be measured from the date on which the plant first becomes a pool plant rather than being measured from August 1 would apply to plants other than those newly acquired if it were adopted as it was proposed in the notice. If the inclusion were that broad, the provisions to prevent transfers in and out of the pool could be circumvented by this provision. If the proposal were revised to apply only to newly acquired plants, it, too, could provide a vehicle for circumvention if a handler wished to maintain his newly acquired plant as a supply for a Class I outlet in another market outside the pool for several delivery periods. The lapse of time during each calendar month is sufficient for the ordinary acquisition of the plant by passing legal papers and obtaining other evidence of the right to ship milk to the Boston market. In general, under the revised basis of pooling, if a newly acquired plant otherwise qualified makes one shipment of Class I milk to the marketing area in the form of milk during any month, it becomes eligible for pooling for the entire month. However, this is not true in the case of New York pool plants.

In the case of a transfer of a milk plant from the New York pool to the Boston pool, the New York order would require that the plant be pooled for the entire month if it were pooled for any part of the month. The Boston order exempts from pooling any plant which is a New York pool plant. Therefore, the transfer of a plant from New York to Boston would have to be accomplished on the first day of the month to prevent the producers delivering to that plant from being considered "dairy farmers for other markets" during the following April, May, June, and July.

(11) *Uniform payment of premiums.* The uniform payment of premiums to producers should not be required.

Recurring milk shortages since 1943 have caused an acute increase in the payment of cash premiums and in the building of new plants in the supply area of existing plants as competitive means of securing milk. Hauling subsidies and free use of cans are other forms of premium payments in use in the Boston milkshed. Regulation of cash premiums only would not be an effective solution of the problems involved. The problem will gradually disappear as supplies become more ample. It is possible that the administration of such a provision would discourage the payment of premiums for quality and incentives for seasonal production.

The evidence failed to show that the payment of premiums to producers supplying the Boston market constituted unfair trade practices. The record indicates that handlers paid premiums to secure needed supplies of milk.

(12) *Permissive variation in butterfat differential.* Handlers should not be allowed to use an adjusted butterfat differential in making payments to producers at any of their plants in any period even if total payments to producers at such a plant during the period were not less than the total payments required by the order.

A permissive variation in the butterfat differential was offered as a device to aid in meeting competition in areas where producers can deliver to handlers subject to the provisions of Order No. 27. If it were adopted, producers delivering milk with a high butterfat content would receive less and producers delivering milk with a low butterfat content to the same plant would receive more than the minimum prices required by the order. The high-test producers would, in effect, be paying part of the handler's cost in meeting local competition for milk. Even though producers agreed to sharing this expense the departure from the principle of uniform payments to all producers could not be countenanced under the requirements of the act.

(13) *Months in which milk subject to the New York order is allocated to Class II.* The months in which milk subject to the New York order is allocated to Class II should not be changed.

The record does not show the need for a change. In each of the months of April and July since January 1, 1938, Class II milk has exceeded 42 percent of total producer receipts except during 1946 when Class II milk exceeded 30 percent of receipts. In case of an emergency, New York milk would be available under the provision discussed in issue 14, which is recommended for adoption. The pricing of milk under each Federal order requires the appraisal of the local conditions and the relationship of any adjacent Federal order market to the market for which prices are being established. The proposal to extend the months during which New York milk should be allocated entirely to Class II was not in the hearing notice and was not fully developed at the hearing.

(14) *Modification of emergency milk definition and classification.* The provision for classifying emergency milk should apply only to the period within the month during which the handler brings in some emergency milk, and the wording should be revised to make clear how it is applied. The definitions of emergency period and emergency milk should be revised to delete any reference to the New York milkshed and make any milk outside the regular Boston supply available on an emergency basis.

Since handlers who do not purchase any emergency milk are not limited in the amount of Class II milk they may handle during an emergency period, other handlers who purchase emergency milk only during a part of the period should have the same privilege during the part of the period in which they bring in no emergency milk.

The language of the section which provides for allocating emergency milk to classes should also be worded to make clear that receipts of cream are not used in determining the base or the quantity of Class II milk, and that total receipts of other products are adjusted for inventory variations.

There may be extra milk in the New York milkshed which is not available to Boston handlers because of provisions of health regulations. Boston may need emergency milk even when New York is adequately supplied.

The supply of milk in Boston pool plants should be the basis for determining whether an emergency exists in the Boston market. New York milk should be considered as emergency milk during any emergency which might occur during April, May, June, and July.

(15) *Revision of the definition of producer-handler.* A producer-handler should be defined as any person who is both a dairy farmer and a handler who receives milk of his own production only from farms within 80 miles of Boston and who receives no milk from other dairy farmers except producer-handlers.

The present definition of producer-handler in the order can work a hardship and is not needed to establish the bona fide nature of a producer-handler's operation. The proposed 80-mile limit is consistent with other provisions of the order which grant special pricing to producers within that area and there have never been producer-handlers under Order No. 4 located beyond 80 miles.

(16) *Maintenance of records by handlers.* Handlers should be required to maintain detailed and summary records which will show all receipts, movements, and disposition of milk and milk products.

The order does not now specifically require that records be maintained although proper verification of reports is not possible in the absence of adequate records. The requirement that adequate records be maintained should be set forth in the order so that it could be relied on in legal proceedings to compel a handler to maintain records.

(17) *Reports regarding individual producers.* The section of the order providing for reports regarding individual producers should be clarified and revised to permit handlers to submit such reports only twice a month.

The first subparagraph of paragraph (c) of the reports has been in the order since August 1, 1937, and was intended for use in connection with base ratings. It has never been used and should be deleted.

Filing reports regarding individual producers twice each month will be a convenience to some handlers and will not create any administrative difficulties.

(18) *Time limit on reaudits and rebillings.* The proposal to provide a time limit with respect to the retention of records and with respect to reaudits and the issuance of revised billings should not be adopted at this time.

The evidence indicated that a limitation of time on the keeping of records involved important collateral issues which were not included in the notice of hearing or fully developed at the hearing. For example, it was pointed out that if there were a time limit on reaudits, it would be necessary to set a companion limit on the time within which handlers would be permitted to file revised reports. Safeguards would have to be provided with respect to records which become involved in audit adjustments, litigation, or where there is fraud or intentional falsification. There is involved also the question of a limitation of time within which the market administrator could enforce a claim against a handler or a handler against the market administrator. The order should not be amended to provide for these matters until a hearing has been held on proposals which contain specific language to cover these collateral issues.

Although certain handlers excepted to the finding that a recommendation on a

limitation should be delayed until the above issues could be resolved, they failed to show such a need for the proposed amendment that would justify adoption without further consideration.

(19) *Time of payment to producers.* An advance payment to producers should not be required if a first and final payment is made on or before the seventeenth day after the end of the delivery period.

A single monthly payment will be advantageous to some handlers in that they can reduce their total pay-roll work. Producers will not be inconvenienced and payment by the seventeenth will not require them to extend handlers any more credit than they do now.

(20) *Bringing up to date table of transportation differentials and emergency price provision.* The table of plant handling and transportation differentials in the minimum price section should be brought up to date by substituting the table of differentials which has been in use since January 1, 1947, when "New England Joint Tariff M-5" became effective.

The emergency price provision should be revised to delete references to subsidies and maximum uniform prices which were wartime measures and are no longer in effect.

(21) *General.* (a) The proposed marketing agreement and the proposed amended order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the proposed amended order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the proposed amended order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area" and "Order amending the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 30th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Order,[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area

§ 904.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 C. F. R., Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(a) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

It is therefore ordered, That on and after the first day of August 1947, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 904.1 *Definitions.* The following words and phrases shall have the following meanings unless the context otherwise requires.

(a) *General.* (1) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) "Greater Boston, Massachusetts, marketing area", also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Arlington.	Newton.
Belmont.	Peabody.
Beverly.	Quincy.
Boston.	Reading.
Braintree.	Revere.
Brookline.	Salem.
Cambridge.	Saugus.
Chelsea.	Somerville.
Dedham.	Stoneham.
Everett.	Swampscott.
Lexington.	Wakefield.
Lynn.	Waltham.
Malden.	Watertown.
Marblehead.	Wellesley.
Medford.	Weymouth.
Melrose.	Winchester.
Milton.	Winthrop.
Nahant.	Woburn.
Needham.	

(3) "Month" means a calendar month.

(4) "Marketing year" means the twelve months' period from August 1 of each year through July 31 of the following year.

(5) "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

(b) *Persons.* (1) "Person" means any individual, partnership, corporation, association, or any other business unit.

(2) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(3) "Market administrator" means the agency which is described in § 904.2.

(4) "Dairy farmer" means any person who delivers milk of his own production to a plant, except a producer-handler in respect to his deliveries in packaged form to another handler.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(5) "Segregated dairy farmer" means a dairy farmer whose milk is kept separate from the supply for the marketing area.

(6) "Dairy farmer for other markets" means any dairy farmer, except a segregated dairy farmer, whose milk is received by a handler at a pool plant during April, May, June, or July from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of August through March. The term shall not include a person who was a producer-handler or a person delivering to a New York order pool plant during any of the preceding months of August through March.

(7) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a segregated dairy farmer. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to one of the handler's nonpool plants, if the handler, in filing his monthly report pursuant to § 904.6 (a), reports the milk as receipts from a producer and as Class I milk at such pool plant.

(8) "Handler" means any person who, in a given month, operates a pool plant, or engages in the handling of milk or other fluid milk products which are received at any plants from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(9) "Pool handler" means any handler who receives milk from producers at a pool plant.

(10) "Buyer-handler" means any handler who operates a bottling or processing plant from which Class I milk is disposed of in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(11) "Producer-handler" means any person who is both a handler and a dairy farmer and who receives milk of his own production only from farms located within 80 miles of the State House in Boston, and who receives no milk from other dairy farmers except producer-handlers or segregated dairy farmers.

(12) "Dealer" means any person who engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(13) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

(c) *Plants.* (1) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(2) "City plant" means any plant which is located not more than 40 miles from the State House in Boston.

(3) "Country plant" means any plant which is located more than 40 miles from the State House in Boston.

(4) "Receiving plant" means any milk plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(5) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in § 904.4 for being considered a pool plant in that month.

(6) "Regulated plant" means any pool plant; any of a pool handler's plants which is located in the marketing area and from which Class I milk is disposed of in the marketing area; and any plant operated by a handler in his capacity as a buyer-handler or producer-handler.

(7) "Distributing plant" means any plant from which Class I milk in the form of milk is disposed of to consumers in the marketing area without intermediate movement to another plant.

(8) "New York order pool plant" means any plant designated as a pool plant in accordance with the provisions of Order No. 27, issued by the Secretary, regulating the handling of milk in the New York metropolitan marketing area.

(d) *Milk and milk products.* (1) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(2) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term "cream" also includes sour cream, frozen cream, and milk and cream mixtures containing 16 percent or more of butterfat.

(3) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, and buttermilk, either individually or collectively.

(5) "Pool milk" means milk, including fluid milk products derived therefrom, which a handler has received as milk from producers.

(6) "Outside milk" means:

(i) All milk received from dairy farmers for other markets;

(ii) All nonpool milk, including other fluid milk products derived therefrom except cream, which is received at a regulated plant from any unregulated plant, except receipts from a New York order pool plant and receipts of emergency milk; and

(iii) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant without its intermediate movement to another plant.

(7) "Emergency milk" means fluid milk products, other than cream, received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

§ 904.2 *Market administrator — (a) Selection, removal, and bond.* The market administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as may be determined by the Secretary.

(c) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To make rules and regulations to effectuate its terms and provisions;

(3) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(4) To recommend to the Secretary amendments to it.

(d) *Duties.* The market administrator, in addition to the duties described in the other sections of this order, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for in this order;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 904.6, or made payments pursuant to § 904.9;

(6) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status, for the first month of the marketing year in which the plant's status has changed or is changing to that of a nonpool plant;

(7) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(8) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties; and

(9) Pay, out of the funds provided by § 904.11,

(i) The cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator,

(ii) His own compensation, and

(iii) All other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

(e) *Responsibility.* The market administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler, or to any other person, for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own willful misfeasance, malfeasance, or dishonesty.

§ 904.3 *Classification of milk and other fluid milk products*—(a) *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to the other provisions of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(2) Class II milk shall be all fluid milk products the utilization of which is established:

(i) As being sold, distributed, or disposed of other than as or in milk; and other than as or in flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(ii) As plant shrinkage, not in excess of 2 percent of the volume handled.

(b) *Classification of milk and milk products utilized at regulated plants of pool handlers.* All milk and milk products received at a regulated plant of any pool handler shall be classified in accordance with their utilization at such plant, except as provided otherwise in paragraph (c) of this section.

(c) *Classification of fluid milk products, other than cream, moved to other plants.* Milk, flavored milk, skim milk, cultured or flavored skim milk, or buttermilk which is moved from the regulated plant of a pool handler to any other plant shall be classified as follows:

(1) If moved to any other regulated plant, it shall be classified in accordance with its utilization at the plant to which it is moved.

(2) If moved to an unregulated plant, it shall be classified as Class I milk up to the total quantity of milk, or the corresponding milk product so moved, which is utilized as Class I milk at the unregulated plant.

(3) If moved to a regulated plant of a nonpool handler or to an unregulated plant, and thence to another such plant, it shall be classified as Class I milk.

(d) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

§ 904.4 *Determination of pool plant status*—(a) *Basic requirements for pool plant status.* Subject to the provisions of paragraph (b) of this section, each receiving plant shall be a pool plant in the first month in which the handler operates it in conformity with the basic requirements specified in this paragraph, and shall thereafter be a pool plant for the remaining months of the marketing year in which it is operated by the same handler. The basic requirements for acquiring pool plant status shall be as follows:

(1) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, section 16, of the Massachusetts General Laws.

(2) The handler holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(3) Class I milk in the form of milk is disposed of in the marketing area from the plant.

(4) The handler's total Class I milk in the marketing area exceeds 10 percent of his total receipts of fluid milk products other than cream.

(b) *Conditions resulting in nonpool plant status.* (1) Each plant which has acquired pool plant status but from which no Class I milk in the form of milk is disposed of in the marketing area for two successive months in the marketing year shall be a nonpool plant in the second of the two months and for each consecutive succeeding month of the marketing year during which no such Class I disposition is made.

(2) Each nondistributing plant for which the market administrator has received on or before the 16th day of the preceding month the handler's written request for nonpool plant designation shall be a nonpool plant in each month of the marketing year to which the request applies.

(3) Each city distributing plant operated by a handler who operates no other plant which is a pool plant in the same month shall be a nonpool plant in any month in which the handler's total Class I milk in the marketing area does not exceed 10 percent of his total receipts of fluid milk products other than cream.

(4) Each plant which is operated as the plant of a producer-handler shall be a nonpool plant in any month in which it is so operated.

(5) Each plant which is operated as a New York order pool plant or as a plant from which emergency milk is received shall be a nonpool plant during the month or portion of a month of such operation.

(6) Each of a handler's plants which is a nonpool receiving plant during any of the months of August through March shall be a nonpool plant in any of the months of April through July of the same marketing year in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during August through March was in the handler's capacity as a producer-handler or as the operator of a New York order pool plant which had been acquired by him after June 30 of the immediately preceding marketing year.

(c) *Disposition of Class I milk in the form of milk in the marketing area.* For the purposes of this section, each plant from which milk is moved at some time during the month to another plant from which Class I milk in the form of milk is disposed of in the marketing area shall itself be considered to have made such a disposition, except that no movement of milk to any unregulated nondistributing plant shall be considered a disposition of Class I milk in the form of milk in the marketing area.

(d) *Total receipts of fluid milk products other than cream.* For the purpose of this section, each handler's total receipts of fluid milk products other than cream, referred to in this paragraph as "total receipts," shall be determined as follows:

(1) For each month of the marketing year until and including the first month in which the handler is a pool handler, his total receipts shall be the receipts at all plants from which Class I milk in the form of milk is disposed of in the marketing area, except his receipts from segregated dairy farmers and his receipts at any plant which fails to meet the applicable standards set forth in subparagraphs (1) and (2) of paragraph (a) of this section or which is a nonpool plant pursuant to subparagraph (2) of paragraph (b) of this section.

(2) For each of the other months of the marketing year, the handler's total receipts shall be the total receipts determined pursuant to subparagraph (1) of this paragraph plus the receipts at any other of his plants which is a pool plant in such month.

§ 904.5 *Assignment of receipts to Class I milk and Class II milk*—(a) *General provisions.* Except as provided in the other paragraphs of this section, all receipts of fluid milk products, other than receipts from producers, shall be assigned to Class I milk or Class II milk as follows:

(1) Receipts as to which Class II use is established shall be assigned to Class II milk.

(2) All other receipts shall be assigned to Class I milk.

(b) *Receipts of cream and other milk products.* All receipts of cream, and milk products other than fluid milk products, shall be assigned to Class II milk.

(c) *Receipts of skim milk from producer-handlers.* Skim milk received from a producer-handler shall be assigned to Class II milk, except that if the specific Class I use of the skim milk is established, it shall be assigned to Class I milk.

(d) *Receipts of outside milk.* All receipts of outside milk shall be considered as receipts of Class II milk, and shall be assigned to that class without regard to the specific use of such receipts.

(e) *Receipts from New York order pool plants.* Except as provided in paragraph (f) of this section, receipts of fluid milk products, other than cream, from New York order pool plants shall be assigned to Class I milk or Class II milk as follows:

(1) All receipts during the months of April through July, inclusive, shall be assigned to Class II milk.

(2) Receipts of milk and flavored milk during the months of August through March, inclusive, shall be assigned to Class I milk when classified in Classes I–A, I–B, or I–C under the New York order, except that the quantity as to which specific Class II use is established shall be assigned to Class II milk.

(3) Receipts of skim milk, cultured or flavored skim milk, or buttermilk during the months of August through March, inclusive, shall be assigned to Class II milk, except that if the quantity so received is in excess of the total quantity of the corresponding milk product classified as Class II milk at the plant of receipt, such excess shall be assigned to Class I milk.

(f) *Receipts of emergency milk.* (1) Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products, other than cream, handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this subparagraph, the handler's total Class II milk and total volume handled shall be the total of the respective quantities from the first day on which emergency milk is received by the handler during the month up to and including the last such day in the month.

(2) If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity assigned to Class II milk pursuant to subparagraph (1) of this paragraph, such greater quantity shall be assigned to Class II milk in lieu of the quantity determined under that subparagraph.

(3) Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

§ 904.6 *Reports of handlers*—(a) *Monthly reports of pool handlers.* On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(2) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to § 904.5;

(3) The receipts of outside milk at each plant; and

(4) The respective quantities which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to § 904.3.

(b) *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipt and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

(c) *Reports regarding individual producers.* (1) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer has been delivering prior to starting or resuming deliveries.

(2) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(d) *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer pay roll for such month, which shall show for each producer:

(1) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(2) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(e) *Outside cream purchases.* Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from nonpool handlers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

(f) *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month.

(g) *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this section or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in reports submitted in accordance with this section;

(2) Weigh, sample, and test milk and milk products; and

(3) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

§ 904.7 *Minimum class prices*—(a) *Class I prices.* (1) Each pool handler shall pay producers, in the manner set forth in § 904.9 and subject to the differentials set forth in paragraph (c) of this section, for Class I milk delivered by them, not less than the price per hundredweight determined for each month as follows:

(i) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market.

(ii) Using the midpoint of any range as one quotation, compute the average of all the hot roller process dry skim milk quotations per pound for "other brands, animal feed, carlots, bags, or barrels", and for "other brands, human consumption, carlots, bags, or barrels", published during the 30 days ending on the 24th day of the immediately preceding month in "The Producers' Price Current"; subtract 4 cents; and multiply the remainder by 1.8.

(iii) Add the values determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS 1 PRICE SCHEDULE

Value computed pursuant to (iii) of this subparagraph (cents)		Class I price (dollars per hundredweight)	
At least—	But less than—	April through June	July through March
0	25	1.69	2.13
25	30	1.91	2.35
30	35	2.13	2.57
35	40	2.35	2.79
40	45	2.57	3.01
45	50	2.79	3.23
50	55	3.01	3.45
55	60	3.23	3.67
60	65	3.45	3.89
65	70	3.67	4.11
70	75	3.89	4.33
75	80	4.11	4.55
80	85	4.33	4.77
85	90	4.55	4.99
90	95	4.77	5.21
95	100	4.99	5.43
100	105	5.21	5.65

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from further extension of this table.

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month; and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than $4.77 per hundredweight for the month of August 1947 and shall not be less than $5.21 per hundredweight for each of the months of September through December 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

(2) For the purpose of this section, each pool handler's Class I milk during

the month, after excluding receipts assigned to Class I milk pursuant to § 904.5 shall be allocated to his plants as follows:

(i) His Class I milk first shall be considered to have been the receipts at his city plants of milk from producers' farms, and of outside milk.

(ii) Thereafter, his Class I milk shall be considered to have been the receipts at his country plants of that milk received from producers' farms, and that outside milk, which was shipped as fluid milk products, other than cream, from each of his country plants, in the order of the nearness of the plants to Boston. However, shipments to plants located in the States of Maine, New Hampshire, Vermont, or New York, with respect to which utilization as Class II milk is established, shall not be allocated to Class I milk.

(b) *Class II prices.* Each pool handler shall pay producers, in the manner set forth in § 904.9 and subject to the differentials set forth in this section, for Class II milk delivered by them, not less than the price per hundredweight calculated by the market administrator for each month by combining in one sum such of the following computations as apply:

(1) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, multiply this result by 3.7, and subtract 27 cents.

(2) For any month for which no cream price as described in subparagraph (1) of this paragraph is reported, multiply the average price reported for such month by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the Chicago market by 1.4, multiply this result by 3.7, and subtract 27 cents.

(3) Compute any plus amount for skim milk value which results from the following calculation. Using the midpoint in any range as one price, compute the average price per pound of nonfat dry milk solids in carlots for roller process human food products in barrels, and for hot roller process animal feed products in bags, as published during the month by the United States Department of Agriculture for New York City. Multiply each such average price by the applicable percentage indicated for the month in the following table and combine the results; subtract 4 cents; and multiply the remainder by 7.5.

Month	Percent	
	Human food products	Animal feed products
January	100	0
February	100	0
March	50	50
April	50	50
May	25	75
June	25	75
July	50	50
August	75	25
September	75	25
October	100	0
November	100	0
December	100	0

(c) *Plant handling and transportation differentials.* The minimum prices set forth in paragraphs (a) and (b) of this section shall be subject to the differentials contained in the following table for the zone applicable to the plant at which the milk is received from producers. For each country plant the zone shall be determined in accordance with the railroad freight mileage distance to Boston from the railroad shipping point for such plant. In case the rail tariff for the transportation of milk in carlots in tank cars, as published in the New England Joint Tariff, M–5, is increased or decreased, the differentials set forth in Column B for zones other than 201–210 miles shall be increased or decreased to the extent of any increase or decrease in the difference between the rail tariff for mileage distances of 201–210 miles inclusive and for the other applicable distances. Such adjustment shall be made to the nearest one-half cent per hundredweight, effective with the first complete month in which such increase or decrease in the rail tariff applies. For the purpose of this paragraph, it shall be considered that the rail tariff on milk received at a city plant is zero.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C
Zone (miles)	Class I price differentials (cents per cwt.)	Class II price differentials (cents per cwt.)
City plant	+16.0	+29.0
41–50	+12.0	+5.0
51–60	+11.0	+5.0
61–70	+10.5	+5.0
71–80	+9.5	+5.0
81–90	+9.0	+5.0
91–100	+8.5	+5.0
101–110	+8.0	+1.5
111–120	+7.5	+1.5
121–130	+7.5	+1.5
131–140	+6.5	+1.5
141–150	+4.5	+1.5
151–160	+3.0	+0.5
161–170	+3.0	+0.5
171–180	+1.0	+0.5
181–190	+1.0	+0.5
191–200	0	+0.5
201–210	(1)	(1)
211–220	−3.5	0
221–230	−4.0	0
231–240	−4.5	0
241–250	−4.5	0
251–260	−5.5	−0.5
261–270	−6.0	−0.5
271–280	−6.5	−0.5
281–290	−7.0	−0.5
291–300	−8.0	−0.5
301–310	−11.0	−1.0
311–320	−11.0	−1.0
321–330	−12.0	−1.0
331–340	−12.0	−1.0
341–350	−12.5	−1.0
351–360	−12.5	−1.5
361–370	−12.5	−1.5
371–380	−13.0	−1.5
381–390	−13.0	−1.5
391 and over	−13.0	−1.5

(1) No differential.

(d) *Butter and cheese adjustment.* During the months of April, May, June, and July, the value of a pool handler's milk computed pursuant to § 904.8 (a) (2) shall be reduced by an amount determined as follows:

(1) Using the midpoint of any range as one price, compute the average of the daily prices for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market which are reported during the month by the United States Department of Agriculture, deduct 5 cents, and add 20 percent.

(2) Divide by 3.7 the value determined as applicable to milk delivered to country plants in the 201–250 freight mileage zone pursuant to subparagraph (1) or (2) of paragraph (b) of this section, whichever applies, and subtract therefrom the value determined in subparagraph (1) of this paragraph. The result is the butter and cheese differential.

(3) Determine the pounds of butterfat in Class II milk received from producers, which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(4) Subtract such portion of the quantity determined in subparagraph (3) of this paragraph as was disposed of by the handler or such second person in a form other than salted butter or one of the designated types of cheese.

(5) Multiply the remaining pounds of butterfat determined pursuant to subparagraph (4) of this paragraph by the butter and cheese differential determined pursuant to subparagraph (2) of this paragraph.

(e) *Use of equivalent prices in formulas.* If for any reason a price for any milk product specified by this section or § 904.9 (d) for use in computing class prices and for other purposes is not reported or published in the manner described by this section or § 904.9 (d), the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

(f) *Announcement of class prices and differentials.* The market administrator shall make public announcements of the class prices and differentials in effect pursuant to this section, as follows:

(1) He shall announce any change in the Class I price on the 25th day of the month preceding the month in which such change is effective.

(2) He shall announce the Class II price and the butter and cheese differential on or before the 5th day after the end of each month.

§ 904.8 *Minimum blended prices to producers*—(a) *Computation of value of milk received from producers.* For each month, the market administrator shall compute the value of milk received from producers which is sold, distributed, or used by each pool handler, in the following manner:

(1) Multiply the quantity of milk in each class by the price applicable pursuant to § 904.7 (a) and (b); and

(2) Add together the resulting value of each class.

(3) Adjust the value determined in subparagraph (2) of this paragraph as provided in § 904.7 (d).

(b) *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(1) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section, for each pool handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to § 904.9 (b) (2) and (g) for milk received during each month since the effective date of the most recent amendment of this order;

(2) Add the total amount of payments required from handlers pursuant to § 904.9 (g);

(3) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to § 904.9;

(4) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 904.9 (e);

(5) Subtract the total amount of cooperative payments required by § 904.10 (b);

(6) Divide by the total quantity of milk for which a value is determined pursuant to subparagraph (1) of this paragraph;

(7) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in § 904.9. This result shall be known as the basic blended price for milk containing 3.7 percent butterfat.

(c) *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(1) Such of these computations as do not disclose information confidential pursuant to the act;

(2) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 904.9 (e); and

(3) The names of the pool handlers, designating those whose milk is not included in the computations.

§ 904.9 *Payments for milk*—(a) *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this paragraph shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by subparagraph (1) of paragraph (b) of this section.

(b) *Final payments.* On or before the 25th day after the end of each month, each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 904.8 (a), as follows:

(1) To each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in paragraphs (d) and (e) of this section, for the quantity of milk delivered by such producer; and

(2) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments required to be made pursuant to subparagraph (1) of this paragraph are less than or exceed the value of milk as required to be computed for such handler pursuant to § 904.8 (a), as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

(c) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to subparagraph (2) of paragraph (b) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by this section, the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

(d) *Butterfat differential.* Each pool handler shall, in making the payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10: *Provided*, That if no such cream price is reported, multiply the average price reported for such period by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the Chicago market by 1.4, subtract 1.5 cents, and divide the result by 10.

(e) *Location differentials.* The payments to be made to producers by handlers pursuant to subparagraph (1) of paragraph (b) of this section shall be subject to the differentials set forth in Column B of the table in § 904.7 (c), and to further differentials as follows:

(1) With respect to milk delivered by a producer whose farm is located more than 40 miles but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to § 904.7 (a) and (c) which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(2) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to § 904.7 (a) and (c) which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(f) *Other differentials.* In making the payments to producers set forth in subparagraph (1) of paragraph (b) of this section, pool handlers may make deductions as follows:

(1) With respect to milk delivered by producers to a city plant which is located outside the marketing area and more than 14 miles from the State House in Boston, 10 cents per hundredweight;

(2) With respect to milk delivered by producers to a country plant, at which plant the average daily receipts of milk from producers are:

(i) Less than 17,000 but greater than 8,500 pounds, 4 cents per hundredweight, and

(ii) 8,500 pounds or less, 8 cents per hundredweight.

(g) *Payments on outside milk.* (1) Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity to producers, through the market administrator, at the difference between the price pursuant to § 904.7 (a) and the price pursuant to § 904.7 (b) effective for the location or freight mileage zone of the plant at which the handler received the outside milk.

(2) Within 23 days after the end of each month, each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment to producers, through the market administrator, on the quantity so disposed of. The payment shall be at the difference between the price pursuant to § 904.7 (a) and the price pursuant to § 904.7 (b) effective for the location or freight mileage zone of the handler's plant.

(h) *Adjustment of overdue accounts.* Any balance due pursuant to this section, for any month since August 1, 1937, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

(i) *Statements to producers.* In making the payments to producers prescribed by subparagraph (1) of paragraph (b) of this section, each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month, and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (b), (d), and (e) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under paragraph (f) of this section and § 904.10, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 904.10 *Payments to cooperative associations*[2]—(a) *Application and qualification for cooperative payments.* Any cooperative association of producers duly organized under the laws of any state may apply to the Secretary for a determination that it is qualified to receive cooperative payments in accordance with the provisions of this section. Upon notice of the filing of such an application, the market administrator shall set aside for each month, from the funds provided by handlers' payments to the market administrator pursuant to § 904.9, such amount as he estimates is ample to make payment to the applicant, and hold it in reserve until the Secretary has ruled upon the application. The applicant association shall be considered to be a qualified association entitled to receive such payments from the date fixed by the Secretary, if he determines that it meets all of the following requirements.

(1) It conforms to the requirements relating to character of organization, voting, dividend payments, and dealing in products of nonmembers, which are set forth in the Capper-Volstead Act and in the state laws under which the association is organized.

(2) It operates as a responsible producer-controlled marketing association exercising full authority in the sale of the milk of its members.

(3) It systematically checks the weights and tests of milk which its members deliver to plants not operated by the association.

(4) It guarantees payment to its members for milk delivered to plants not operated by the association.

(5) It maintains, either individually or together with other qualified associations, a competent staff for dealing with marketing problems and for providing information to its members.

(6) It constantly maintains close working relationships with its members.

(7) It collaborates with similar associations in activities incident to the maintenance and strengthening of collective bargaining by producers and the operation of a plan of uniform pricing of milk to handlers.

(8) It is in compliance with all applicable provisions of this order.

(b) *Cooperative payments.* On or before the 25th day after the end of each month, each qualified association shall be entitled to receive a cooperative payment from the funds provided by handlers' payments to the market administrator pursuant to § 904.9. The payment shall be made under the conditions and at the rates specified in this paragraph, and shall be subject to verification of the receipts and other items upon which such payment is based.

(1) Each qualified association shall be entitled to payment at the rate of 1 cent per hundredweight on the milk which its producer members deliver to the plant of a handler other than a qualified association; except on milk delivered by a producer who is also a member of another qualified association, and on milk delivered to a handler who fails to make applicable payments pursuant to § 904.9 (b) (2) and § 904.11 within 10 days after the end of the month in which he is required to do so. If the handler is required by paragraph (e) of this section to make deductions from members of the association at a rate lower than 1 cent per hundredweight, the payment pursuant to this subparagraph shall be at such lower rate.

(2) Each qualified association shall be entitled to payment at the rate of 2 cents per hundredweight on milk received from producers at a plant operated by that association.

(c) *Reports relating to cooperative payments.* Each qualified association shall, upon request by the market administrator, make reports to him with respect to its use of cooperative payments and its performance in meeting the requirements set forth as the basis for such payments, and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) *Suspension of cooperative payments.* Whenever there is reason to believe that an association is no longer meeting the qualification requirements, the market administrator shall, upon request by the Secretary, suspend cooperative payments to it, and shall give the association written notice of the suspension. Such suspended payments shall be held in reserve until the Secretary has, after notice and opportunity for a hearing, ruled upon the performance of the association.

(e) *Deductions from payments to members.* (1) Each association which is entitled to receive cooperative payments on milk which its producer members deliver to a handler other than a qualified association may file a claim with the handler for amounts to be deducted from the handler's payments to such members. The claim shall contain a list of the producers, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer, authorizing the claimed deduction.

(2) In making payments to his producers for milk received during the month, each handler shall make deductions in accordance with the association's claim, and shall pay the amount deducted to the association within 25 days after the end of the month.

§ 904.11 *Payments of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order. The payment shall be at the rate of 2.5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts of milk from producers and receipts of outside milk during the month.

§ 904.12 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions of this order, or any amendment to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any of its provisions whenever he finds that this order or any of its provisions obstruct or do not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall:

(i) Continue in such capacity until removed by the Secretary;

(ii) From time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and

(iii) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this order.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this order the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this order, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.13 *Agents.* The secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this order.

[F. R. Doc. 47-6287; Filed, July 3, 1947; 8:47 a. m.]

[2] Provisions of this section are identical to those contained in the marketing agreement tentatively approved by the Secretary June 30, 1947.

[7 CFR, Part 927]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan area.

A public hearing was held at Utica, New York on March 17–21, 1947, and continued at New York City on March 24 and 25, 1947. Previously a public hearing was held at Albany, New York, on November 20, 1946. Action has been taken with respect to all except one of the issues which were developed at this earlier hearing. The issue upon which action has not been completed deals with contra-seasonal changes in the Class I–A and Class II–A prices which might occur as the result of the formula-determined prices. A notice of recommended decision and opportunity to file written exceptions with respect to the issues developed at the March 1947 hearing and the open issue of the hearing held on November 20, 1946, was published in the FEDERAL REGISTER (12 F. R. 3838) on June 12, 1947. Exceptions have been filed to that recommended decision and were considered in arriving at the findings and conclusions contained herein.

Findings and conclusions. The material issues[1] presented at the March 1947 hearing (plus the issue remaining from the November 1946 hearing) are divided, for purposes of this decision, into three categories: (1) Those issues included in the notice of hearing with respect to which the submission of evidence has been postponed for a later hearing, and therefore concerning which no findings and conclusions are herein set forth, (2) those issues with respect to which findings and conclusions are being deferred pending further study and analysis of the hearing record, and (3) those issues with respect to which findings and conclusions are herein set forth.

The first category of issues consists of the following:

1. Elimination or revision of provisions relating to payments to cooperative associations (H. N. Nos. 46, 47, 48, 49, and 50).

2. Elimination or revision of provisions relating to location differentials (H. N. Nos. 41, 42, and 43).

The second category of issues consists of the following:

1. Revision of the pricing provision for Class I–C milk (H. N. Nos. 29, 30, and 31).

2. Elimination of the "floor provisions" as now contained in the pricing provisions for Class II–B, II–D, and II–E milk (H. N. Nos. 32 and 33).

3. Revision of the pricing provision for Class III milk (H. N. Nos. 35 and 36).

4. Elimination of the "floor provisions" and to make other changes in the pricing provisions for Class IV–A and IV–B milk (H. N. Nos. 6, 37, 38, 39, and 40).

5. A new method of calculating the butterfat differential used in connection with payments to producers (H. N. No. 45).

6. Revision of the pricing provision for Class V–B milk (H. N. No. 58).

7. Revision of provisions for payments for milk or milk products other than from producer sources (H. N. Nos. 52, 53, 54, 55, and 56).

The third category of issues consists of the following:

1. Revision of the method of determining the Class I–A and Class II–A prices:

(a) By preventing contraseasonal Class I–A and Class II–A price changes,

(b) By revision of the present Class I–A price formula,

(c) By replacing the present Class I–A price formula, with specific fixed prices, and

(d) By replacing the present Class I–A price formula with prices calculated on the basis of determinations of the cost of production plus a reasonable profit (H. N. Nos. 3 (of November 1946 hearing), 4, 5, and 19 to 28, inclusive).

2. A requirement that the market administrator publish a bulletin monthly and that it be sent to all producers, and that published information include a report on the activity of check testers (H. N. No. 1).

3. A requirement that on request of any handler an inspection must be made by the market administrator and a determination made by him as to what constitutes a plant, and that the handler be notified of such determination within 30 days of such request (H. N. No. 2).

4. A requirement that the market administrator issue at the request of any handler an interpretative ruling on the classification of milk utilized or moved in the manner described by the handler (H. N. No. 3).

5. Qualification of a plant to be a pool plant even though shipment of milk to the marketing area is prohibited for specified periods by reason of health authority permission for shipping approved skim milk from such plant (H. N. No. 7).

6. Modification of the provisions concerning the suspension of pool plant designations as to the classes of milk which are permitted or required to be included by the market administrator in his determination as to the desirable utilization of milk (H. N. Nos. 8 and 9).

7. The inclusion in the pool during April, May, and June of plants not designated as reserve pool plants (H. N. No. 10).

8. Public announcement each month by the market administrator of any plant included in the pool other than plants designated as reserve pool plants (H. N. No. 11).

9. Removal of the time limitation for establishing the classification of milk held in the form of frozen desserts (H. N. No. 12).

10. Classification as I–C, in any month in which the I–C price is higher than the I–A price, of milk shipped as milk to or through the marketing area but ultimately distributed in an area not regulated by the Secretary (H. N. No. 13).

11. Change procedure for issuance of rules and regulations by deleting reference to the first rules and regulations and by adding a specific requirement that a meeting to consider new rules or amendments be called within 30 days upon request of any handler (H. N. Nos. 14 and 15).

12. Extension of the time, from 48 hours to 7 days, allowed handlers for reporting transfers of cream in storage (H. N. No. 16).

13. Revision or elimination of the temperature requirements for cream held in storage as a basis for establishing its classification in Class II–B (H. N. No. 17).

14. Classification of frozen desserts in Class II–F when moved to a warehouse, as well as to a plant or purchaser as now provided in the Class II–F territory (H. N. No. 18).

15. Revision of the Class II–E price formula by changing the figure of "21.5" as contained therein to "25.5" (H. N. No. 34).

16. Provision for payment by handlers into the producer-settlement fund, and for later disposition, of payments due producers who cannot be located, and of payments concerning which dispute arises as to whether such payments are due producers (H. N. No. 44).

17. Revision in wording storage cream payment provision to more accurately describe the present requirement for payment (H. N. No. 51).

18. Provision for the payment of interest on accounts past due the producer-settlement fund and on monies unlawfully withheld by the market administrator (H. N. No. 57).

19. General.

The recommended decision contained rulings upon the proposed findings and conclusions submitted by interested parties in this proceeding. Such rulings are confirmed except as they are modi-

[1] The description of each issue will be followed by the numbers, as shown in the notice of hearing, of the proposals directly associated with that issue, thus: (H. N. No. __). All proposal numbers refer to the hearing notice issued March 7, 1947 unless otherwise indicated.

fied by the findings and conclusions set forth herein.

Exceptions were filed on behalf of the Milk Dealers' Association of Metropolitan New York, Inc.; Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc.; Eastern Milk Producers' Cooperative Association, Inc.; Mutual Cooperative of Independent Producers, Inc.; Association of Ice Cream Manufacturers of New York State; New York State Association of Refrigerated Warehouses; New England Milk Producers' Association; United Dairy Farmers' Division, District 50, United Mine Workers of America; Mt. Joy Farmers' Cooperative Association; and by Dr. Leland Spencer.

No exceptions were filed to the findings and conclusions contained in the aforesaid recommended decision with regard to issues (third category) 2, 3, 5, 7, 8, 9, 11, 12, 15, 16, 17, and 18. The findings and conclusions contained in the recommended decision on these issues are set forth herein without substantial change and are, in effect, adopted as the findings and conclusions of this decision. With regard to the findings and conclusions of the recommended decision to which specific exception has been taken, this decision contains a ruling thereon in the discussion of the material issue to which the exception refers.

Exception has been taken to the deferment of findings and conclusions concerning the revision of the pricing provisions for Class I–C milk. Study and analysis of the evidence in the hearing record with respect to this issue have not yet been completed. Findings and conclusions with respect to the issue are, therefore, deferred.

The following findings and conclusions on material issues are based upon the evidence introduced at the hearing and the record thereof. (Findings and conclusions are numbered to correspond to the numbers of the issues above set forth under the third category of issues.)

1. The present method of determining the Class I–A price should be continued by retention of the present butter-powder formula without revision. The formula should be supplemented, however, by adding a provision to prevent contraseasonal price changes, and by providing minimum floor prices of $4.58 per hundredweight for the month of August 1947, and $5.02 per hundredweight for the months of September through December 1947. Provision should also be made for limiting to 44 cents per hundredweight any reduction which might occur from December 1947 to January 1948 or from January to February 1948. No provision to prevent contraseasonal price changes in the Class II–A price should be adopted. The foregoing conforms to the standards set forth in section 8c (18) of the Agricultural Marketing Agreement Act of 1937, as amended.

It is essential that the production of pool milk be increased in the fall months in relation to production in the spring months, thus bringing about a seasonal pattern of production which is more nearly in line with market requirements. Significant seasonal variation in the Class I–A price is necessary to encourage such a seasonal pattern of production.

During the years 1940–1946, there was a trend toward wider variation between spring and fall levels of production. Seasonal variation in price tended to grow narrower during the same period. Sales of fluid milk during the years 1940–1946 increased more than production, not only in the New York market, but particularly so in other northeastern markets. Shortages in surrounding areas have resulted in heavy demands for milk from the New York milk shed, thereby accentuating the supply problem during the months of lowest production.

A seasonal increase in the returns to producers during the fall months equivalent to about 30 to 35 percent of such returns during the months of April–June is necessary to encourage less seasonal variation in production. Definite assurance of such a seasonal price relationship in 1947 should be provided by the establishment of a minimum floor price for Class I–A milk of $5.02 per hundredweight for the months of September through December 1947. As further safeguards against factors which might operate to offset the incentive for fall production, a floor price of $4.58 per hundredweight should be established for the month of August 1947, and provision should be made for limiting to 44 cents per hundredweight any reduction in the Class I–A price which might occur from December 1947 to January 1948 or from January to February 1948.

The level of the Class I–A price should, in general, move up and down consistent with changes in the level of prices of manufactured dairy products. Such adjustments in the general level of the Class I–A price should occur in such amounts and at such times as will result in a minimum of interference with necessary seasonal price changes. Accordingly, provision should be made in the order for controlling adjustments in the general level of the Class I–A price to the extent of providing that the Class I–A price for any of the months of September through December of any year should not be lower than in the preceding month, and that the Class I–A price for the months of March through June of any year should not be higher than in the preceding month. The provision to prevent seasonal price changes should be confined to periods of four months in order to result in a minimum of interference with necessary adjustments in the general level of the Class I–A price.

Evidence on the record concerning contraseasonal price changes relates only incidentally to the Class II–A price and fails to indicate that such a provision applied to the Class II–A price would have enough effect on the uniform price to warrant interference with formula changes in the Class II–A price.

Proposals to substitute fixed prices for the present pricing formula were considered at the hearing. Economic conditions during the last half of 1947, or after, cannot be determined on evidence in the record with sufficient accuracy to constitute a sound basis for fixing Class I–A prices for that period at a more exact and inflexible level than will result from the establishment of minimum floor prices as herein provided to assure minimum seasonal increases, and from the continued operation of the present butter-powder pricing formula. Retention of the present butter-powder pricing formula provides a method of establishing Class I–A prices after the period for which minimum floor prices can be established, and for prices for the months of July–December 1947 higher than the minimum floor prices, if justified by economic condition then prevailing.

Evidence on the record for revision of the present butter-powder formula as a method of fixing Class I–A prices relates only to proposed technical changes which could do no more than correct minor weakness of the present formula, rather than to changes in the basic factors necessary to produce a Class I–A price at the proper level and a price which changes at the proper time. The emphasis at the hearing on prices for the immediate future, rather than for the long run, indicates contemplation by handlers and producers of further consideration of the basis for pricing Class I–A milk at another hearing this year. A more complete analysis of the basic factors involved, and of the present formula in its entirety, should be considered at another hearing before making change in the present formula.

The average cost of producing milk was higher in February and March of 1947 than at the same time in 1946. Such cost increased, due principally to the price of feed, between February 15, 1947 and March 15, 1947. The cost of milk production during the last half of 1947 cannot be determined from evidence in the record. The level of production, both in terms of pool milk and production per day per dairy, was higher in the first part of 1947 than at the same time in 1946. Per capita sales of fluid milk in the marketing area were slightly lower in 1946 than in 1945 but still substantially higher than in 1940. Total sales of fluid milk in the marketing area in February 1947 fell below sales in the same month a year earlier for the first time since 1941.

Various proposals were considered at the hearing to establish the Class I–A price solely on the basis of the cost of production, or the cost of production plus a "reasonable" profit. A reasonable profit was not defined. It was proposed that the cost of production be determined from cost data submitted at frequent public hearings, and also that the function of determining the cost of production and of fixing the Class I–A price be delegated to a board of experts. The best available cost of production figures are estimates of the year-around cost. The cost of production varies widely between individual farms, between counties, and between states.

The cost of production is not the only factor affecting the supply of milk for the marketing area. In addition to the necessity for the consideration of other factors affecting supply, the economic conditions affecting the demand for milk in the marketing area are important factors which must also be considered if orderly marketing is to result. Furthermore, the Agricultural Marketing Agreement Act requires that due consideration be given to all of the economic conditions affecting both the supply and demand for milk in the marketing area.

Question was raised at the hearing concerning the level of the New York Class I–A price in relation to the Boston Class I price. The Class I–A butterfat differential is different from the butterfat differential in the Boston market. The existence of this difference precludes a complete and precise alignment of New York and Boston prices. Prices precisely the same for milk of one butterfat test would be different for milk of any other test. A different relationship of Class I prices between the two markets would not necessarily result in a constant and continuing alignment of the uniform or blended prices received by producers.

Exception was taken to the conclusion, as set forth in the recommended decision, that the present butter-powder formula should be retained as a method of pricing Class I–A milk. A conclusion to the contrary would necessitate adoption of some substitute method. Adoption of any substitute method considered at the hearing is not justified by evidence in the record. Accordingly, the ruling on the exception is that the butter-powder formula should be retained subject to the supplemental provisions herein set forth.

Exception was taken to the recommended conclusion, and to the recommended effectuating amendment, that provision should be made for limiting to 44 cents per hundredweight any reduction in the Class I–A price which might occur from December 1947 to January 1948 or from January to February 1948. This exception was on the basis that there is no evidence in the record to support a finding as to what the level of the Class I–A price should be in January or February 1948. The provision does not fix the absolute level of the Class I–A price during January and February 1948, but establishes only the lower limit in relation to the December 1947 price, thus providing insurance against a too precipitous and abrupt price decline. Subject only to this limitation, the exact level of the Class I–A price in January and February 1948 would be determined on the basis of the present butter-powder formula. Therefore, the exception is not granted.

Exceptions were taken to the recommended provision to prevent contraseasonal changes in the Class I–A price. Reasons supporting the exceptions were that (1) the recommended provision is wrong in principle and of no significance at this time, (2) the periods of September–December and March–June are too short, and (3) no notice was given in the March 1947 notice of hearing that such a provision would be considered, and no action can be taken on evidence in the November 20, 1946 hearing record since that record allegedly is closed.

The records of both hearings (November 20, 1946 and March 1947) support adoption of a provision to prevent contraseasonal price changes. The findings herein indicate the reasons for making the provision applicable only during the months of September–December and March–June. The March 1947 notice of hearing gave adequate notice for consideration of evidence to prevent contraseasonal changes in the Class I–A price. Numerous references to such a provision are in the record of the March 1947 hearing. Action taken following the November 20, 1946 hearing specifically deferred, in accordance with applicable regulations, conclusions with respect to the question of contraseasonal changes in the Class I–A and Class II–A prices. For these reasons and in accordance with the findings herein set forth, the exceptions are not granted.

Exceptions were taken to the recommended provision to establish floor prices for Class I–A milk of $4.58 for the months of July, August, and September 1947 and $5.02 for the months of October, November, and December 1947. The reasons advanced in support of the exceptions are that (1) such prices are inadequate to cover production costs or to result in a sufficient supply of milk during the last half of 1947, (2) evidence in the record supports higher floor prices during all or a part of the period, and (3) economic conditions prevailing since the hearing and now definitely in prospect merit official notice. Suggested revisions in the recommended decision are that the floor prices should be:

(1) $4.58 for July and $5.02 for August through December;

(2) $5.02 for July through September and $5.46 for October through December; or

(3) $4.58 for July, $5.02 for August and September and $5.46 for October through December.

Further analysis of the record, in connection with the consideration of the exceptions, indicates (1) the necessity of reliance upon feeding practices to a greater extent than on any adjustment thus far made in breeding practices to produce an adequate supply of milk during the fall of 1947, and (2) the definite prospect of the maintenance during 1947 of a relatively high level of feed costs.

Action has heretofore been taken fixing a Class I–A price of $4.58 for July 1947. As to later months, the exceptions are granted to the extent that it is hereby found and concluded that the Class I–A price should be not less than $4.58 for August 1947 and not less than $5.02 for the months of September through December 1947.

Exception was taken to the finding in the recommended decision that the level of the Class I–A price should, in general, move up and down consistent with changes in the level of prices of manufactured dairy products. This exception is not granted. Evidence in the record shows that changes in the level of prices of manufactured dairy products quite accurately reflect changes in the essential economic conditions affecting the supply of and demand for milk for the marketing area, and that such economic conditions are of major importance in establishing the general level of the Class I–A price.

Exception was also taken to the finding in the recommended decision that the cost of production is not the only factor affecting the supply of milk in the marketing area. This exception is not granted. The requirements of other markets for milk from the same general production area is definitely shown to be a factor affecting the supply of milk for the New York metropolitan milk marketing area.

Exception was taken to the findings in the recommended decision concerning the relationship between the New York Class I–A price and the Boston Class I price. The exception is not granted. Argument in support of the exception was to the effect that the existing disparity between the New York and Boston uniform or blended prices is shown by evidence in the record to be caused almost entirely by the fact that the Boston Class I price is 19 cents higher than the New York Class I–A price. It is not conceded that the evidence so indicates.

2. No provision should be included in the order requiring monthly publication by the market administrator of a bulletin or that such bulletin contain reports on the activity of check testers or that it be sent to all producers.

It has not been shown that the function of reaching producers with necessary market information would thereby be materially enhanced. Producers are not now deprived of essential and timely information by reason of publication of the market administrator's bulletin less frequently than monthly. Cooperative associations receiving cooperative payments are relied upon to provide, and to some extent at least do provide, their members with essential market information. The market administrator's bulletin is now sent to all producers who are not members of qualified cooperatives and to others on request. The activities of check testers, or the amount of check testing performed would not be changed by adoption of this proposal. Reports on the activities of check testers are now authorized.

3. The duty of the market administrator relative to the making of inspections and determinations as to what constitutes a plant should be amended by adding a provision requiring prompt determination by the market administrator, upon receipt of request therefor by any handler, and prompt notice to the handler of such determination.

The market administrator's determination of what constitutes a plant is important and handlers are entitled to such determination. The evidence does not show, however, what is involved in making an inspection and a determination nor the probable number of requests. It is entirely possible that 30 days would be an insufficient time in which to make all requested inspections and determinations. Request for reinspection should include a showing of the necessity for inspection by reason of conditions which have changed since a previous determination.

4. The order should not be amended by adding, as a duty of the market administrator, a requirement that he issue at the request of any handler an interpretative ruling on the classification of milk to be utilized or moved in the manner described by the handler. The appropriate solution of the problem here presented is the clarification of the order, or the rules and regulations issued by

the market administrator, to the extent necessary to eliminate the need for interpretative rulings.

Administrative difficulty would arise in determining whether milk was utilized or moved precisely as described in the request.

Under the proposal an erroneous prospective ruling would be final if in favor of the petitioning handler. However, the petitioning handler could at will disregard an erroneous unfavorable ruling and establish a correct classification by subsequent appeal. No method was proposed to protect other interested persons against erroneous prospective rulings.

No satisfactory method was proposed which would avoid prospective rulings upon purely hypothetical facts.

No specifications have been proposed for inclusion in a description of a proposed utilization or movement of facts and circumstances which are comparable with the facts and circumstances which the market administrator, pursuant to provisions of the order and the rules and regulations, would be required to consider in determining the final classification of milk.

Exception was taken by the Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc. to the conclusion in the recommended decision that the order should not be amended by adding, as a duty of the market administrator, a requirement that he issue at the request of any handler an interpretative ruling on the classification of milk to be utilized or moved in a manner described by the handler. The findings in the recommended decision, and herein affirmed, on the basis of evidence in the record outweigh the reasons advanced in support of the exception. The exception is not granted.

5. The proposal concerning the qualification of a plant to be a pool plant, even though shipments of milk to the marketing area are prohibited for specified periods by reason of health authority permission for shipping approved skim milk from such plant should be adopted.

A plant given health authority permission for the shipment of approved skim milk is in the same category as a plant which is given permission to receive unapproved milk or skim milk insofar as its qualification to ship milk to the marketing area is concerned. The addition of this proposal more accurately describes the conditions under which it is intended that a plant be considered as being in a position to meet the requirements of a source of milk for the marketing area.

6. No change should be made in the order with respect to the classes of milk which must be included by the market administrator in making his determination of the desirable utilization of milk in connection with the conditions under which pool plant designations may be suspended.

Inclusion of the classes of milk, which the proposal would require to be included in the desirable utilization of milk, is now permitted except for Class II-F.

The prices for Class II-A, II-B and II-F milk, particularly during the months of short production, are lower than the prices for Class I-A and Class I-C milk. The proponents of this proposal are also requesting a further reduction in prices for Class II-B and II-F milk. There are numerous areas outside of the marketing area which depend upon pool milk during the low production period of the year to supplement their regular sources of supply, and in addition, numerous handlers distributing milk in the marketing area also distribute milk in other areas and operate plants approved for the shipment of milk both to the marketing area and to such other areas.

While it has also been the practice of New York City ice cream manufacturers to utilize for ice cream purposes a portion of the current production of pool milk during the low production period of the year, there is available to them butterfat from other sources, among which are butter and storage cream, which are not available as sources of milk for distribution as fluid milk. Whether or not ice cream manufacturers are restricted to plants approved by New York City health authorities as sources of fresh supplies depends upon regulations of such health authorities rather than upon provisions of Order No. 27. It was not shown that the health authorities could not permit the use of fresh supplies from other than normally approved sources if conditions so warrant. The order cannot properly require the market administrator to endeavor to influence the activities or policies of marketing area health authorities.

Ice cream manufacturers are not restricted by Order No. 27 to pool plants as sources of fresh supplies of butterfat and other milk solids. Plants furnishing fresh supplies for ice cream can be withheld or withdrawn from the pool by the handler if he considers it to be in his interest to do so, and irrespective of whether such plants are approved by the health authority.

The present provisions of the order with respect to the desirable utilization of milk may result, by reason of the issuance of a determination of the desirable utilization of milk in which ice cream classes are not specified, in the utilization by a handler in fluid milk classes of milk which would otherwise be utilized in ice cream. Such a determination, however, does not preclude the handler from utilizing milk in ice cream, nor does it follow that a handler's pool plant designation will be automatically suspended or cancelled if milk is so utilized. A determination of the desirable utilization of milk under the present provisions of the order constitutes a standard which, if met by a handler, insures him during most months against suspension of pool plant designations, and during all months against cancellation of pool plant designations.

Evidence in the record does not show that the present provisions of the order have prevented ice cream manufacturers from marketing a satisfactory product and in sufficient volume to meet market requirements for frozen desserts. The authority of the market administrator under the present provisions of the order authorizing the suspension of pool plant designations has not been exercised in an arbitrary manner.

Several exceptions were taken by the Association of Ice Cream Manufacturers of New York State to the findings and conclusion set forth therein concerning issue No. 6. Their exceptions were (1) to the conclusion that "no change should be made in the order with respect to the classes of milk which must be included by the market administrator in making his determination of the desirable utilization of milk in connection with the conditions under which pool plant designations may be suspended." (2) to certain of the findings set forth in the recommended decision and (3) to the failure to make certain additional findings.

The conclusion to which exception was taken is herein affirmed and the exception is not granted. Exception was taken to the finding that "The prices for Class II-A, II-B, and II-F milk, particularly during the months of short production, are lower than the prices for Class I-A and Class I-C milk. The proponents of this proposal are also requesting a further reduction in prices for Classes II-B and II-F." The reason advanced for the exception was that the finding is neither relevant nor material to the issue since the determination of the desirable utilization of milk is a matter completely disassociated from price. The exception is not granted. The provision in question cannot logically be considered to be unrelated to the price of the various classes of milk. Price is an important consideration influencing the decision of a handler as to whether plants operated by him are to be withheld or withdrawn from the pool. The utilization of milk can hardly be considered to be a desirable utilization of milk from the standpoint of producers, if it tends to result in the utilization of milk in low priced classes at a time when higher priced uses are available. If, as alleged, the price of Class I-A milk in relation to the price of Class II-B is not material, a handler can readily effect the desirable utilization of milk as determined, by the utilization of Class I-A milk in the manufacture of ice cream.

Each of the exceptions numbered 3, 4, 5, 6, and 7 taken by the Association of Ice Cream Manufacturers of New York State are to the failure to make certain additional findings. After consideration of these exceptions certain new findings are herein set forth. Otherwise, each of these exceptions is denied.

Exceptions 8 and 9 of the Association of Ice Cream Manufacturers of New York State allege error in making certain findings. The findings in the recommended decision to which these two exceptions refer have been revised as set forth herein. Otherwise, the exceptions and the proposed substitute findings are denied.

Exception was also taken to the refusal of the Assistant Administrator to rule that the present § 927.3 (a) (4) (iv) is illegal, and to his failure to find that "The utilization of milk in any class within the marketing area may not lawfully be prohibited or limited with respect to a product in which a health authority of the area requires approved milk." The latter finding is requested for the first time in such exceptions. Section 8c (18) and section 8c (5) (G) of the act are cited in support of such contentions.

These exceptions are overruled and the proposed finding is not made. Section 927.3 (a) (4) (iv) of Order No. 27 was not shown to be illegal. It is neither inconsistent with section 8c (18) of the act, nor does it prohibit or limit the marketing of milk or its products in the marketing area within the meaning of section 8c (5) (G) of the act.

7. The provisions for automatic designation of a pool plant as a pool plant during the months of April, May, and June on the basis of milk sold or distributed in, or shipped to the marketing area from such plant should be clarified to leave no question that the requirement for shipment of 60 percent of the milk received during the preceding period of October, November, and December applies only to a plant at which some milk was in fact received directly from dairy farmers during such preceding period.

The pool status of a plant during April, May, and June is uncertain in the case of a plant not designated as a reserve pool plant and at which no milk was received from dairy farmers during the preceding October, November, and December. The proposed amendment will eliminate that uncertainty, and will not materially impair the effectiveness of the provision nor result in practices contrary to the interests of handlers or producers.

8. There should be included in the order a provision requiring the market administrator to make public each month the location, and the name of the operator, of each plant other than a designated reserve pool plant, for which a report of receipts from dairy farmers was used in the computation of the uniform price for the previous month.

It might be desirable that the market administrator make public at the time of announcement of the uniform price, the location, and name of the operator, of each plant automatically designated, in accordance with § 927.3 (b), as a pool plant for the previous month by reason of shipment of Class I-A milk. However, such information is not at that time available. The market administrator, in releasing such information, would have to rely solely on the unverified report of the handler. Plants automatically designated as pool plants pursuant to § 927.3 (b) can be determined only after verification of the handler's report. Handler's reports for any month cannot be verified by the 14th of the following month. The market administrator, consequently, is in a position to make public at the time of announcing the uniform price only the location, and the name of the operator, of each plant the report for which was used, pursuant to § 927.3 (b), in the computation of the uniform price for the previous month. Such information will probably include most, if not all, of the information requested by the proponents.

9. The proposal to remove the time limitation for establishing the classification of milk held in the form of frozen desserts should not be adopted at this time.

This proposal involves the apparent necessity or desire on the part of ice cream manufacturers to hold frozen desserts in inventory longer than the period permitted for establishing classification. Adoption of this proposal could materially accentuate the problem of accounting for milk. The proponent of this proposal, in its brief filed, recognized administrative difficulties involved, and concluded with the statement: "Therefore, we desire to give further study to the problem, with the view toward overcoming such difficulties through a more complete suggestion at a later date."

10. The order should not be amended to provide that in any month in which the Class I-C price is higher than the Class I-A price, milk shipped to or through the marketing area but ultimately distributed in an area not regulated by the Secretary should be classified as Class I-C rather than as Class I-A. However, the words "which has not passed through the marketing area, but including milk which was received directly from producers at a plant in the marketing area," as they appear in the Class I-C definition, should be deleted.

The proposal was designed to deny handlers a lower price on milk distributed in the Class I-C territory merely by reason of having first transported the milk in bulk through the marketing area. This objective would be more appropriately accomplished by the recommended change in the Class I-C definition.

A change in § 927.4 (a) (3) (i), as proposed, would be inconsistent with § 927.5 (c) (3), the definition of Class I-C milk. Section 927.4 (a) (3) (i) provides that milk shipped in the form of milk to a plant in the marketing area shall be classified as Class I-A, and constitutes a condition to which the Class I-C definition is subject. Deletion from the Class I-C definition of the above quoted words leaves a definition which, together with § 927.4 (a) (3) (i) defines milk ultimately distributed in an area not regulated by an order of the Secretary as Class I-C unless the milk was previously shipped in the form of milk from the plant at which it was received from dairy farmers to a plant in the marketing area.

Exception was taken by the Milk Dealers' Association of Metropolitan New York, Inc., to the proposed amendment No. 6, the definition of Class I-C milk, as set forth in the recommended decision. The basis of the exception was that the proposed amendment does not solve the alleged problem; that is, that milk shipped in the form of milk to a plant in the marketing area and ultimately distributed in the I-C area would still be Class I-A milk, even though the price of Class I-C milk might be higher than the price of Class I-A milk. It is true that the proposed amendment will result in no change with respect to milk shipped in the form of milk to a plant in the marketing area, but it will clarify the order with respect to milk ultimately distributed in the I-C area and which has not previously been shipped in the form of milk to a plant in the marketing area. This record does not justify a more extensive change. The exception, therefore, is not granted.

11. The procedure for issuance by the market administrator of rules and regulations should be amended by deletion of language, now obsolete, relative to issuance of the first rules and regulations, and by including a provision requiring the market administrator, within 30 days after receipt of a written request of any handler for issuance, amendment or repeal of any rule, to either call a meeting for consideration of such request or notify the handler that the request is denied and of the reasons for denial.

Effective administration of the order and proper exercising by the market administrator of his function in the issuance of necessary rules and regulations to effectuate the terms and provisions of the classification section of the order requires prompt consideration by the market administrator of evidence of the necessity for the issuance, amendment or repeal of a rule.

Requests of handlers showing evidence of the necessity for issuance, amendment or repeal of any rule have been given prompt consideration. Handlers have not been denied an opportunity to be heard on such requests. Proponents intended to allow the market administrator wide discretion in determining what is a bona fide request. Adoption of the proposal results in expressly setting forth in the order, and in more specific terms, the already existing responsibility of the market administrator in the issuance of the necessary rules and regulations.

12. The time allowed for reporting the transfer of cream from one licensed cold storage warehouse to another should be extended from 48 hours to 7 days.

A period of 7 days in which to report transfers of storage cream is a more reasonable allowance of time than is the period of 48 hours. Handlers experience difficulty giving notice within 48 hours. No necessary purpose is served by a provision requiring notice within a period shorter than 7 days.

13. There should be deleted from the order the requirements as to the temperature below which cream must be held in a licensed cold storage warehouse for purposes of qualifying it for a II-B classification.

Present temperature requirements were originally adopted as a safeguard against misuse of a provision designed to encourage the storage of cream. The order contains other such safeguards. The burden on warehouse operators resulting from the present temperature requirements causes reluctance to accept cream for storage thus creating a potential scarcity of storage space for cream. Storage warehouses equip themselves with recording thermometers only for the purpose of meeting the storage cream requirements of the order. The failure to meet the temperature requirements frequently results from the unavoidable breakdown of recording thermometers and the inability to repair them promptly.

The breakdown of recording thermometers results in failure to meet requirements of the order, even though the

cream is actually held at the required temperatures. Cream held in storage for 28 days or longer is not physically suitable for Class II–A purposes unless held during such period in a frozen condition.

Exception was taken by the New York State Association of Refrigerated Warehouses to the proposed elimination from the Class II–B definition of the specific temperature requirements for cream held in storage as a condition for its classification in Class II–B. The reasons advanced in support of the exception were that the elimination of temperature requirements would jeopardize the maintenance of quality in storage cream, and open the door to abuses inconsistent with the objectives of the order. These reasons do not appear, on the basis of the evidence in the hearing record, to be sufficient to outweigh the advantages resulting from the elimination of the specific temperature requirements. The exception is not granted.

14. The proposal to classify frozen desserts as Class II–F on the basis of shipments to a warehouse as well as to a plant or purchaser in the II–F territory should not be adopted.

Adoption of this proposal would extend a privilege to ice cream manufacturers operating in the II–F territory which is not extended to manufacturers of other products or to ice cream manufacturers operating in other territories. To the extent that a warehouse is a point of storage rather than a point of distribution, as in the case of a plant or a purchaser, adoption of this proposal could have the effect of extending the period for establishing classification with respect to frozen desserts in the II–F territory.

Exception was taken by the Association of Ice Cream Manufacturers of New York State to the findings and conclusion No. 14 set forth in the recommended decision with respect to the classification of frozen desserts as Class II–F on the basis of shipments to a warehouse in the II–F territory, and to failure to make a different finding. Further analysis of the evidence in the record incident to the consideration of these exceptions fails to support revision of the recommended findings and conclusion. The exceptions are not granted.

15. The proposal to revise the Class II–E price formula by changing the figure "21.5" to "25.5" should not be adopted.

This proposal was withdrawn during the hearing by its proponent and no evidence was submitted in support of the proposal.

16. A new provision should be included in the order to provide for payment by handlers into the producer-settlement fund, and for later disposition, of payments due producers who cannot be located, and of payments concerning which dispute arises as to whether such payments are actually due producers.

This provision will assist in the administration of the order and more completely effectuate its terms and provisions.

17. The storage cream payment provision should be reworded as set forth in proposal No. 51.

Adoption of this proposal makes no substantive change in the order, but merely clarifies the present provision and more accurately describes the conditions under which storage cream payments are at present authorized.

18. The proposal for payment of interest on accounts past due to the producer-settlement fund and on monies unlawfully withheld by the market administrator should not be adopted at this time.

The absence of such a provision was not shown to have adversely affected the interests of producers or handlers. The record contains insufficient detail with respect to several questions involved, such as, the identity of monies unlawfully withheld by the market administrator and the date on which interest would begin to accrue.

General exception was taken on behalf of United Dairy Farmers' Division, District 50, United Mine Workers of America to the proposed findings as a whole, as set forth in the recommended decision, on the ground that they do not reflect the evidence received at the hearing. This exception was taken with no indication as to specific instances in which the recommended findings do not reflect evidence in the record. The exception is denied.

Exception was taken conditionally by the Milk Dealers' Association of Metropolitan New York, Inc., to the failure of the recommended decision to contain recommended rulings on certain findings and rulings proposed by that association dealing with questions of law and procedure. The exception was on the condition that the sentence, "These requested rulings of law were not shown to be material and necessary to the decision of any issue decided herein and they are accordingly not made herein", means final dismissal of the proposed findings and rulings. Since the above quoted sentence does not mean final dismissal but merely deferment of the requested rulings pending a decision on issues to which such requested rulings are shown to be material and necessary, it is considered that no exception has been taken to the failure to make the requested rulings at this time. A similar exception taken by the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc., likewise is denied for the same reasons.

19. *General.* (a) The proposed marketing agreement and the proposed amendments to the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the proposed amendments to the order, as amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to § 2 and § 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the proposed amendments to the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 30th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Order, Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area [1]

§ 927.1 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(a) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 927.2 (d) (10) to read:

(10) The market administrator, shall from time to time, cause inspections to be made of the buildings, facilities and surroundings of the plant and shall notify handlers of his determination as to what constitutes the plan and its equipment. If any handler makes written request for such determination, the market administrator shall promptly notify such handler of his determination: *Provided*, That if the request is for a revised determination or for affirmation of a previous determination, the handler shall set forth in his request the changed conditions which he believes make a new determination necessary. Such determination shall be ruling for all purposes hereunder, and any revision in the determination of which handlers have been notified shall be effective not earlier than the date of notice to handlers of such revised determination.

2. Amend § 927.3 (a) (3) (ii) by adding the words: "or for shipment of approved skim milk from such plant" at the end of the proviso contained therein so that the proviso will read: "*Provided*, That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant; and"

3. Amend § 927.3 (b) by changing the first proviso therein to read: "*Provided*, That for the months of April, May, or June no plant at which milk was received from dairy farmers during the preceding period of October, November, and December shall be a pool plant on this basis, unless at least 60 percent of such milk was classified in Class I–A, and either directly, or through other plants, was sold or distributed in or shipped to the marketing area in the form of milk," and by adding at the end of § 927.3 (b) the following sentence: "At the time of announcing the uniform price for each month, the market administrator shall make public the location, and name of the operator, of any plant for which a report of receipts from dairy farmers was used, pursuant to this paragraph, in the computation of that uniform price."

4. Amend § 927.4 (a) (2) by changing the proviso contained therein to read: "*Provided*, That the holding of milk in the form of cream in a licensed cold storage warehouse for at least 7 days shall constitute that portion of the handling of such cream required pursuant to § 927.4 (c) (5) that is required to be performed during the month following its receipt from dairy farmers."

5. Amend § 927.4 (b) by deleting the two provisos contained therein and substituting the following:

Provided, That at any time upon a determination by the Secretary that an emergency exists which requires the immediate adoption of rules and regulations, the market administrator may issue, with the approval of the Secretary, temporary rules and regulations without regard to the following procedure:

Provided further, That if any interested person makes written request for the issuance, amendment, or repeal of any rule, the market administrator shall within 30 days either issue notice of meeting pursuant to (1) of this paragraph or deny such request, and except in affirming a prior denial, or where the denial is self-explanatory, shall state the grounds for such denial.

6. Amend § 927.4 (c) (3) to read:

(3) Class I–C milk shall be all milk which leaves a plant as milk, or cultured or flavored milk drinks containing 3.0 percent butterfat or more, and which is ultimately distributed in an area not regulated by an order of the Secretary.

7. Amend § 927.4 (c) (5) to read as follows:

(5) Class II–B milk shall be all milk, except as set forth in (7), (8), and (9) of this paragraph, the butterfat from which leaves or is on hand at a plant in the form of plain condensed milk, frozen desserts or homogenized mixtures; or which leaves or is on hand at a plant in the form of cream which is subsequently held in a licensed cold storage warehouse for at least 28 days, and which is subject at all times to being inspected by a representative of the market administrator to determine the physical presence of the cream. After the first 7 days such cream may be moved from one licensed cold storage warehouse to another: *Provided*, That the market administrator receives notice of such removal within 7 days thereafter. Any handler whose report claimed the original classification of milk in this class shall be liable under the provisions of § 927.9 (e) for the difference between the Class II–B and Class II–A prices for the month in which the II–B classification was claimed on any such milk, if the storage of the cream does not comply with all the requirements of this subparagraph.

8. Amend § 927.5 (a) (1) by deleting that portion of such subparagraph preceding the table contained therein and by substituting therefor the following:

(1) Except as provided in subdivisions (i), (ii), and (iii) of this subparagraph, for Class I–A milk the price per hundredweight during each month shall be as set forth in the following table:

and by adding after the table contained therein the following three subdivisions:

(i) The Class I–A price for any of the months of March through June of each year shall not be higher than the Class I–A price for the immediately preceding month, and the Class I–A price for any of the months of September through December of each year shall not be lower than the Class I–A price for the immediately preceding month.

(ii) The Class I–A price shall not be less than $4.58 per hundredweight for the month of August 1947, and shall not be less than $5.02 per hundredweight for each of the months of September through December 1947.

(iii) The Class I–A price for January 1948 shall not be less than the December 1947 Class I–A price minus 44 cents, and the Class I–A price for February 1948 shall not be less than the January 1948 Class I–A price minus 44 cents.

9. Amend § 927.8 (a) by adding at the end thereof the following: "*Provided* That if a handler claims that he cannot make the required payment because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, such payment shall be made to the producer-settlement fund, and in the event that a lawful claim is later established, the market administrator shall make such payment from the producer-settlement fund. *Provided further*, That, if not later than the date when such payment is required to be made, legal proceedings have been instituted by the handler for the purpose of administrative or judicial review of the market administrator's finding upon verification as provided above, such payment shall be made to the producer-settlement fund and shall be held in reserve until such time as the above-mentioned proceedings have been completed, or until the handler submits proof to the market administrator that the required payment has been made to the producer

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

or association of producers, in which latter event the payment shall be refunded to the handler."

10. Amend § 927.9 (g) by deleting therefrom the words "and was used in Classes II-D, II-E, or II-F during the months of July to March, inclusive, or in Class IV-A during the months of January to March, inclusive." and by substituting therefor the words: "and was assigned, in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to § 927.4 (b), to Classes II-D, II-E, or II-F during the months of July to March, inclusive, or to Class IV-A during the months of January to March, inclusive."

[F. R. Doc. 47-6289; Filed, July 3, 1947; 8:47 a. m.]

[7 CFR, Part 934]

HANDLING OF MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENTS WITH RESPECT TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

A hearing was held at Lawrence, Massachusetts, on March 20, 1947. Previously, a hearing was held at Boston on November 20, 1946, to consider amendments to Order No. 34, which had been proposed by cooperative associations of producers and by the Dairy Branch. Action has been taken with respect to all of the issues except one which were developed at that hearing. The issue upon which action has not been completed deals with contraseasonal changes in the Class I price which might occur as a result of the formula-determined price. A notice of recommended decision and opportunity to file written exceptions with respect to the issues developed at the March 1947 hearing and the open issue of the hearing held November 20, 1946, was published in the Federal Register May 30, 1947 (12 F. R. 3535). Exceptions have been filed to that recommended decision and were considered in arriving at the findings and conclusions contained herein.

Findings and conclusions. The issues which were listed in the notice and which were developed at the hearing in March 1947 are grouped under the following headings. The issue developed at the hearing held November 20, 1946, is included under the issue "Determination of Class I prices."

(1) Determination of Class I prices.
(2) Emergency price provision.
(3) Reports regarding individual producers.
(4) Reports of payments to producers.
(5) Maintenance of records by handlers.
(6) Expense of administration.
(7) Relationship between Class II prices in Boston and in Lowell-Lawrence.
(8) General.

Exceptions were filed on behalf of New England Milk Producers' Association and H. P. Hood and Sons, Inc. No exceptions were filed to the findings and conclusions contained in the aforesaid recommended decision with regard to issues (2), (4), (5), (6), and (7). The findings and conclusions contained in the recommended decision on these issues are adopted as the findings and conclusions of this decision. With regard to the findings and conclusions of the recommended decision to which specific exception has been taken, this decision contains a ruling thereon in the discussion of the material issue to which the exception refers.

The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

(1) *Determination of Class I prices.* The butter-powder formula for determining the Class I price should be retained in its present form but minimum floor prices for the period from August 1947 through December 1947 should be provided and there should be a provision to prevent contraseasonal changes in the Class I price. The minimum floor price should be $5.23 per hundredweight in August 1947 and $5.67 for each of the months of September through December 1947. If the formula produces a price higher than $5.67 in August, September, October, or November, this price should continue to the end of the year. The maximum drop between December and January and between January and February should be 44 cents. These prices are in conformity with those set forth for the Greater Boston marketing area in a decision of the Secretary of Agriculture issued June 1947.

There is a serious need for encouraging a shift toward more fall production in New England. Minimum Class I floor prices are required for each month through December 1947 in order to assure a substantial rise in prices from the spring to the fall and thus develop a better seasonal pattern of production in this area.

The closeness of the Boston and Lowell-Lawrence marketing areas and the overlapping of milk sheds necessitate a close correlation of price plans and, consequently, of the actual Class I prices. Since it is possible for certain producers under Order No. 34 to shift to Boston city plants if the price there becomes more attractive, the basic Class I price under the Lowell-Lawrence order should reflect the higher differential now applicable at Boston city plants as a result of the increase in freight rates effective January 1, 1947. A handler excepted to the alignment of the Lowell-Lawrence Class I prices with the Class I prices established for Boston city plants, contending that the prices resulting from this alignment were not proposed, discussed, or supported at the hearing. This exception is without merit. The price proposal in the hearing notice was based upon this alignment, and the evidence clearly indicated that the Lowell-Lawrence Class I prices should be identical to the Class I prices at Boston city plants in order to discourage the shifting of producers between these two markets.

In 1946 a start was made in New England on a program of encouraging more milk in the fall months. The current prices and rates paid for feed, labor, and farm machinery are higher than last year. These factors indicate that the program to encourage more fall production may be seriously hampered unless producers are assured of absolute floor prices for the last quarter of 1947 as high as the floor prices established in 1946. Absolute floor prices should be established for July and August at 44 cents above the prices established for May and June to assure a seasonal rise this year on July 1. The short season rise in prices which should normally take place on October 1 should be advanced to September 1 this year in order to encourage feeding during the fall season to get more milk this fall. The current trend toward greater milk production this year with some indication of smaller Class I sales does not justify absolute floor prices for Class I milk for the last quarter of 1947 higher than the last quarter of 1946.

The uncertainty of economic conditions in the fall and winter requires a safeguard in addition to minimum floor prices on Class I milk. The butter-powder formula should be retained to give producers the benefit of any increase over the floor prices which may be justified by the prices of other dairy products and by the general price level in the fall and winter. The butter-powder formula should be modified to prevent contraseasonal price changes in the months just preceding or during the season of greatest shortage or seasonal flush production. Generally, the Class I price for any of the months of September through December of any year should not be lower than the Class I price in effect for the preceding month and the Class I price for the months of March through June of any year should not be higher than the Class I price in effect for the preceding month. The provision to prevent a contraseasonal price change will avoid nullification of the seasonal price plan by movements of the general price level. It is not considered advisable to provide for complete prevention of downward price movements in the last half of the year or upward price movements in the first half because such a provision would hold back unduly adjustments to the general price level.

Producers contended that the butter-powder formula method of determining the Class I price should be deleted entirely from the order and fixed prices substituted for it. Exact prices cannot be determined from this record for nine months to a year in advance. The present trend toward increasing production and decreasing consumption and the general uncertainty as to business conditions this fall and winter preclude a fixed guarantee of exact Class I prices. The present butter-powder formula will

establish prices this fall above the floor prices named if conditions warrant higher prices, and will provide a method of pricing after December. If the rise in prices of butter and nonfat dry milk solids which took place in 1946 is repeated in 1947, the formula will establish prices as high as those established in November 1946.

(2) *Emergency price provision.* The emergency price provision should be revised to delete references to subsidies and maximum uniform prices which were wartime measures and are no longer in effect.

(3) *Reports regarding individual producers.* Subparagraphs (1), (3), and (4) of paragraph (c) and paragraph (d) of § 934.7 should be deleted. It is recommended that a new § 934.7 (c) be incorporated in the order and that it require submission of individual producer reports within seven days of the events specified.

Section 934.7 (c) (1) was originally put in the order for use in connection with base ratings. It has never been used and should be deleted. Section 934.7 (c) (3) provides for the reporting by handlers of a schedule of transportation rates and paragraph (c) (4) provides for the reporting of any changes in the rates charged to producers for moving their milk from the farm to the handler's plant. Section 934.7 (d) provides for the announcement of these rates and rate changes. The reporting, compilation, and publication of information on these transportation rates constitute a burden upon the market administrator and upon the handlers. The information is not sufficiently illuminating to justify the burden. Each producer is in a position to appraise his own rates and, if dissatisfied, can make changes in his hauling arrangements.

The order does not now provide specifically for the submission by handlers of reports respecting individual producers when they start or resume deliveries, move from one farm to another, or stop deliveries. This information is needed to facilitate the auditing of handlers' reports and is now being submitted but it is desirable that the order specifically require such information, the same as the Boston order does. The market administrator has a butterfat testing program under the Lowell-Lawrence order and needs to know promptly of any new producers who begin deliveries to handlers. On the other hand, requirement of such reports within a very short time might inflict a hardship on handlers, as indicated in the handler's exceptions. Under these circumstances, the requirement that such reports be submitted within seven days of the events specified is reasonable.

(4) *Reports of payments to producers.* Each handler should be required to submit his producer pay roll to the market administrator within five days after his request, made not earlier than 14 days after the end of the delivery period. For the sake of clarity this requirement should be a separate paragraph designated as § 934.7 (d).

A handler can meet the present requirements of § 934.7 (c) (2) by submitting his producer pay roll by the twenty-fifth of each month. Since under § 934.10 (a) a handler must pay producers by the eighteenth of each month, there is no reason why he should not be able to submit his pay roll at any time after the eighteenth of each month.

(5) *Maintenance of records by handlers.* Handlers should be required to maintain detailed and summary records which will show all receipts, movements, and disposition of milk and milk products.

The order does not now specifically require that records be maintained although proper verification of reports is not possible in the absence of adequate records. The requirement that adequate records be maintained should be set forth in the order so that it could be relied on in legal proceedings to compel a handler to maintain records.

(6) *Expense of administration.* The Lowell-Lawrence order should be made to conform with other Federal orders in providing that the Secretary, rather than the market administrator, determine the use of a lower assessment rate than the maximum provided under the order.

Inasmuch as the market administrator clears the use of a lower rate with the Secretary, it is proper that the Secretary's determination be recognized in the order.

Under § 934.12 (a) reference to assessments paid the market administrator by the Massachusetts Milk Control Board should be deleted. No such assessments have been paid for several years and no payments are contemplated.

Announcement of the assessment rate should be required only as the rate is changed. This is the present method and it has proved satisfactory.

In connection with this proposal, § 934.12 (b) should be deleted. This section expresses the right of the market administrator to maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense. As this provision is also made in the Agricultural Marketing Agreement Act under section 10 (b) (2), it is unnecessary to restate the right in Order No. 34. The market administrator has never maintained a suit in his own name since the order first became effective.

(7) *Relationship between Class II prices in Boston and in Lowell-Lawrence.* Since no change is being recommended at this time in the regular Class II price under the Boston order, there is no question of making changes in the Class II price for Lowell-Lawrence market to correspond with changes in Boston.

Changes being recommended in the Boston order would require a rephrasing of § 934.8 (c) and § 934.9 (b) (2). These sections provide that the Lowell-Lawrence order shall not apply to milk fully subject to the Boston order. The new wording in these sections would preserve this effect.

(8) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 30th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Order, Amending the Order, as Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area[1]

§ 934.1 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 C. F. R., Supps. 900.1 et seq.,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(a) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 934.6 (a) (1) delete the words "except that from the effective date hereof through February 1947 the price shall be not less than $5.70 per hundredweight: *Provided*, That for each delivery period or part thereof prior to February 1, 1947, which falls within any emergency period declared by market administrator of the order, as amended, regulating the handling of milk in the Greater Boston marketing area pursuant to § 904.3 (a) (14) of that order, the price shall be not less than $6.09."

2. Delete § 934.6 (a) (1) (iv) and substitute the following:

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Value computed pursuant to (iii) of this subparagraph (cents)		Class I price (dollars per cwt.)	
At least—	But less than—	April through June	July through March
0	25	2.15	2.59
25	30	2.37	2.81
30	35	2.59	3.03
35	40	2.81	3.25
40	45	3.03	3.47
45	50	3.25	3.69
50	55	3.47	3.91
55	60	3.69	4.13
60	65	3.91	4.35
65	70	4.13	4.57
70	75	4.35	4.79
75	80	4.57	5.01
80	85	4.79	5.23
85	90	5.01	5.45
90	95	5.23	5.67
95	100	5.45	5.89
100	105	5.67	6.11

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from an extension of this table.

3. Add three new subdivisions to § 934.6 (a) (1) as follows:

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month; and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than $5.23 per hundredweight for the month of August 1947 and shall not be less than $5.67 per hundredweight for each of the months of September through December 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

4. In § 934.6 add a new paragraph as follows:

(d) *Use of equivalent prices in formulas.* If for any reason a price for any milk product specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described by the order, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

5. In § 934.7 renumber paragraph (e) as (f), delete paragraphs (c) and (d), and add new paragraphs (c), (d), and (e) to read as follows:

(c) *Reports regarding individual producers.* (1) Within 7 days after a producer moves from one farm to another, or starts or resumes deliveries to a handler's plant, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering immediately prior to starting or resuming deliveries.

(2) Within 7 days after the 5th consecutive day on which a producer has failed to deliver to a handler's plant, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(d) *Reports of payments to producers.* Each handler shall submit to the market administrator within 5 days after his request, made not earlier than 14 days after the end of the delivery period, his producer pay roll for such delivery period which shall show for each producer:

(1) The daily and total pounds of milk delivered with the average butterfat test thereof, and

(2) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(e) *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month.

6. Revise § 934.8 (c) to read as follows:

(c) *Milk subject to the Greater Boston order.* The provisions hereof shall not apply, except as provided in § 934.5 and § 934.7, to the handling of milk which is received from a plant which is a regulated plant, as defined in the order of the Secretary regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, or which is received from a person who is a producer, as defined in that order.

7. Revise § 934.9 (b) (2) to read as follows:

(2) Subtract any amounts which the handler is required to pay on such milk pursuant to those provisions of the order of the Secretary regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (i) which require a handler under that order who operates an unregulated plant from which outside milk is disposed of to consumers in the Greater Boston, Massachusetts, marketing area, without intermediate movement to another plant, to make payments to producers as defined in that order, through the administrator of that order, on the quantity so disposed of, and (ii) which require payments for administrative expense under that order; and

8. Delete § 934.12 and substitute therefor the following:

§ 934.12 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler, except as set forth in § 934.8 (a) shall, on or before the 18th day after the end of each delivery period, pay to the market administrator 4 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to all milk received by him during such delivery period, from producers from his own production, and with respect to milk or skim milk received from the type of handler described in § 934.8 (f) and moved to the marketing area.

9. Delete § 934.15.

[F. R. Doc. 47-6285; Filed, July 3, 1947; 8:47 a. m.]

NOTICES

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51708]

BLACK DIAMOND STEAMSHIP CORP.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

JUNE 30, 1947.

House flag and funnel mark of Black Diamond Steamship Corp. registered in accordance with § 3.81 (a), Customs Regulations of 1943.

The Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 28, 1908 (46 U. S. C. 49), as modified by section 102, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), and in accordance with § 3.81 (a) of the Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered the house flag and funnel mark of the Black Diamond Steamship Corp. described below:

(a) *House flag.* The house flag is a square flag having a buff field; the hoist is 4 feet in height; the fly is 6 feet. Superimposed upon the buff field is a black diamond whose points bisect the four sides of the flag.

(b) *Funnel mark.* The mark is to appear on a buff-colored stack and consists of a black band around the top of the funnel .500 of funnel diameter in width; then .667 of the funnel diameter below that is a second black band .333 of the funnel diameter in width. Between these two bands and on a buff background are two black diamonds (one on each side of the funnel) with two of their points horizontal and with a gap of .046 funnel diameter between the horizontal points of the two diamonds at forward and after centers of the funnel and with a gap of .046 diameter of funnel between the vertical points of the diamond and the upper and lower bands. The sizes of these two diamonds are .954 of the funnel diameter between horizontal points and .575 of the funnel diameter between vertical points.

Colored scale replica drawings of the house flag and of the funnel mark described above are on file with the Division of the Federal Register, The National Archives.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 47-6321; Filed, July 3, 1947; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 27]

RAOUL ROLAND RAYMOND SARAZIN

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, be returned after adquate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Raoul Roland Raymond Sarazin, 10 Square Monsey, Paris (Seine), France, Claim No. 3992	12 F. R. 878, Feb. 6, 1947.	Title to United States Patents Nos. Re. 20,773, 2,079,227 and 2,292,967 (vested by Vesting Order No. 1589, 8 F. R. 10383, July 29, 1943), owned and held by Raoul Roland Raymond Sarazin immediately prior to the vesting thereof, together with the right to all damages and profits recoverable by him at law or in equity from any person, firm, corporation, or government other than the Government of the United States for infringement thereof prior to July 8, 1943, provided, however, that this return is expressly subject to the reservation for future consideration of the determination of claimant's asserted rights respecting a return (1) of all interests and rights in and to all damages and profits directly or indirectly recoverable at law or in equity from the Government of the United States for infringement of said patents (2) of all interests and rights in and to all damages and profits recoverable at law or in equity from any one for infringement of said patents on or after July 8, 1943 and prior to the return of these patents and (3) of all interests and rights in any and all agreements of any kind or nature whatsoever relating to said patents including all royalties and any monies now or hereafter payable or held with respect to said interests and rights and all damages for breach of said agreements together with the right to sue therefor.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-6319; Filed, July 3, 1947; 8:51 a. m.]

[Dissolution Order 55]

M. A. IRMISCHER, INC.

Whereas, by Vesting Order No. 344, dated November 7, 1942 (7 F. R. 11033, December 29, 1942), and Supplemental Vesting Order No. 4284, dated November 6, 1944 (9 F. R. 13536, November 11, 1944), there were vested 89 of the 90 issued and outstanding shares of capital stock of M. A. Irmischer, Inc., a New York corporation; and

Whereas, the remaining 1 share of issued and outstanding capital stock is owned by Karl Vaitl, a citizen of the United States; and

Whereas, by said Vesting Order No. 344 there were also vested all right, title and interest of Max A. Irmischer, Saalfield, Germany, in and to an indebtedness owed him by M. A. Irmischer, Inc., and it has been determined that a certain obligation in the amount of $2,096.36 was thereby vested; and

Whereas, M. A. Irmischer, Inc. is indebted to the Attorney General of the United States, as successor to the Alien Property Custodian, for monies advanced or services rendered to or on behalf of the corporation in the amount of $236.40; and

Whereas, M. A. Irmischer, Inc. is insolvent and has been substantially liquidated;

Now, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim as the Attorney General of the United States has for monies advanced or services rendered to or on behalf of the corporation; and except the claim formerly of Max A. Irmischer, in the amount of $2,096.36 and which was vested as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved and that its assets be distributed, and a certificate of dissolution having been issued by the Secretary of State of the State of New York;

hereby orders that the officers and directors of M. A. Irmischer, Inc. (to wit: M. S. Watts, President and Director, Francis J. Carmody, Secretary and Director, and Robert Kramer, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of M. A. Irmischer, Inc.; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

a. They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of the said corporation and the dissolution thereof; and

b. They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

c. They shall then pay over, transfer, assign, and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of the vested claim against the corporation in the amount of $2,096.36, as hereinbefore described, and

[1] Filed as part of the original document.

second, in satisfaction of such claim as he may have for monies advanced or services rendered to or on behalf of the corporation;

and further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against the said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *And provided, further,* That any such claim shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the officers and directors of M. A. Irmischer, Inc. pursuant to this order and the directions contained therein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section (5) of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 30th day of June 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6318; Filed, July 3, 1947; 8:50 a. m.]

[Dissolution Order 56]

NATIONAL SEED CO., INC.

Whereas, by Vesting Order Number 3454, dated April 17, 1944 (9 F. R. 5451, May 23, 1944), there were vested all the issued and outstanding shares of the capital stock of The National Seed Company, Inc., a New York corporation; and

Whereas, by said Vesting Order No. 3454, there was also vested the interest of Algemeene Zaadteelt-en Handelmaatschappij, Roosendaal, Holland, in The National Seed Company, Inc., represented on the books and records of said company as an account payable, and it has been ascertained that a certain claim in favor of Algemeene Zaadteelt-en Handelmaatschappij in the amount of $11,430.62 was thereby vested; and

Whereas, The National Seed Company, Inc., has been substantially liquidated under the supervision of the undersigned.

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the corporation; and except the claim formerly of Algemeene Zaadteelten Handelmaatschappij which has been vested as aforesaid; and

2. Having determined that it is in the national interest of the United States that the said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of The National Seed Company, Inc. (to wit, Robert Kramer, President and Director, Francis J. Carmody, Secretary and Director, and Martin S. Watts, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of The National Seed Company, Inc.; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied, first, in satisfaction of the vested claim described above, second, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation;

and further orders, that nohting herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against funds or property received by the Attorney General of the United States hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of The National Seed Company, Inc., pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6316; Filed, July 3, 1947; 8:50 a. m.]

[Dissolution Order 57]

ORANGE PETROLEUM CORP.

Whereas, by Vesting Order No. 63, dated July 28, 1942, (7 F. R. 7045, September 5, 1942), and Vesting Order No. 1048, dated March 11, 1943 (8 F. R. 3644, March 24, 1943), there were vested all the issued and outstanding shares of the capital stock of Orange Petroleum Corporation, a Delaware corporation; and

Whereas, by said Vesting Order No. 63, there were also vested all right, title, interest and claim of Kawasaki Dockyard Company, Ltd., Kobe, Japan and or its successor, Kawasaki Heavy Industries, Ltd., Osaka, Japan, in and to all indebtedness owing to them or either of them by Orange Petroleum Corporation, and it has been ascertained that certain claims in the total amount of $1,409,072.73 were thereby vested; and

Whereas, by Vesting Order No. 77, dated July 30, 1942 (7 F. R. 7048, September 5, 1942), there was vested all property of Kawasaki Kisen Kaisha, Ltd., Kobe, Japan, as well as of its three American branches, and it has been ascertained that a certain claim against Orange Petroleum Corporation in the amount of $3,000.00 was thereby vested; and

Whereas, Orange Petroleum Corporation has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation, and except the claims which have been vested as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of Delaware;

hereby orders, that the officers and directors of Orange Petroleum Corporation (to wit, Henry S. Sellin, President and Director, Stanley B. Reid, Vice-President and Director, and Robert Kramer, Secretary, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of Orange Petroleum Corporation; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of the vested claims described above, second, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation;

and further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Orange Petroleum Corporation, pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 30th day of June, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6317; Filed, July 3, 1947; 8:50 a. m.]

[Vesting Order 9151]

PAUL BRAUN

In re: Stock and participating receipt owned by and debt owing to Paul Braun. F-28-23397-D-1/3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Braun, whose last known address is Edgmont St. 4, Berlin-Lichtenberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifteen (15) shares of no par value common capital stock of National Dairy Products Corporation, 230 Park Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 3244353, registered in the name of Paul Braun, together with all declared and unpaid dividends thereon,

b. Four (4) shares of $20 par value common capital stock of E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificate number WE72769, registered in the name of Paul Braun, and presently in the custody of The First National Bank of Jersey City, Jersey City 3, New Jersey, together with all declared and unpaid dividends thereon,

c. One (1) participating receipt for 16/206 share of $20 par value common capital stock of E. I. du Pont de Nemours and Company, 1007 Market Street, a corporation organized under the laws of the State of Delaware, bearing number 5387, issued by Bankers Trust Company, 16 Wall Street, New York, New York, and presently in the custody of The First National Bank of Jersey City, Jersey City 3, New Jersey, together with any and all rights thereunder and thereto, and

d. That certain debt or other obligation owing to Paul Braun by Bankers Trust Company, 16 Wall Street, New York, New York, in the amount of $10.79, as of December 31, 1945, arising out of a distribution under the plan for reorganization of Pathe Film Corporation, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6312; Filed, July 8, 1947; 8:49 a. m.]

[Vesting Order 9159]

ERNST HASCHE

In re: Bank account, bonds and stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Mr. Ernst Hasche, deceased, also known as Ernst Friedrich Carl Hasche. F-28-970-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Mr. Ernst Hasche, deceased, also known as Ernst Friedrich Carl Hasche, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Mr. Frank Hasche, deceased, also known as Ernst Friedrich Carl Hasche, by Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a Custody Cash Account, Account Number FC8483, and any and all rights to demand, enforce and collect the same,

b. Twenty (20) shares of no par value cumulative first preferred capital stock of American Water Works and Electric Company, Inc., 50 Broad Street, New York 4, New York, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Number PO7353, registered in the name of Schmidt & Co., and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon,

c. Two (2) Colombia Republic 4% Arrears Certificates of $130.00 face value each, in bearer form, bearing the numbers G2420 and G2421, which Certificates are presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with any and all rights thereunder and thereto, and

d. These certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, in bearer form, and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Mr. Ernst Hasche, deceased, also known as Ernst Friedrich Carl Hasche, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Description of issue	Face value	Certificate No.
Mortgage Bank of Chile, 6¼% guaranteed sinking fund gold bond.	2@$1,000	M535 M536
Agricultural Mortgage Bank of Colombia, 7% guaranteed sinking fund gold bond.	2@$1,000	M2294 M2393
Republic of Colombia, 6% external sinking fund gold bond.	2@$1,000	M2024 M2026

[F. R. Doc. 47-6313; Filed, July 3, 1947; 8:50 a. m.]

[Vesting Order 9162]

METTA KUCK

In re: Debts owing to and mortgage certificate owned by the personal representatives, heirs, next of kin, legatees and distributees of Metta Kuck, deceased. F-28-341-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Metta Kuck, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All those debts or other obligations owing to the personal representatives, heirs, next of kin, legatees and distributees of Metta Kuck, deceased, by William F. Wund, 12 East 41st Street, New York 17, New York, including particularly but not limited to that sum of money on deposit with The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, in a checking account, entitled William F. Wund, Special, maintained at the branch office of the aforesaid bank located at 60 East 42nd Street, New York, New York, and any and all rights to demand, enforce and collect the same,

b. One (1) 5½% New York Title and Mortgage Company Guaranteed First Mortgage Certificate, Series F-1, of $10,000.00 face value, bearing the number 7966, registered in the name of Metta Kuck, and presently in the custody of William F. Wund, 12 East 41st Street, New York 17, New York, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Metta Kuck, deceased, by Trustees of the Reorganization of Series F-1 Guaranteed First Mortgage Certificate of New York Title and Mortgage Company, 39 Broadway, New York 6, New York, in the amount of $300.00, as of May 13, 1947, evidenced by the issuance of a check, by the aforesaid Trustees for the benefit of Metta Kuck, which check is presently in the possession of William F. Wund, 12 East 41st Street, New York 17, New York, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation, together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Metta Kuck, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6314; Filed, July 3, 1947; 8:50 a. m.]

[Vesting Order 9231]

VALENTINE HOFMANN

In re: Debt owing to and stock, bonds and a mortgage interest owned by Valentine Hofmann. F-28-6565-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Valentine Hofmann, whose last known address is Bad Durkheim, Ostertag Strasse, Saarpfalz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Valentine Hofmann by Land Title Bank and Trust Company, 100 South Broad Street, Philadelphia 10, Pennsylvania, in the amount of $8,005.99 as of October 5, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. Forty (40) shares of $1.00 par value common capital stock of Benjamin Franklin Hotel Company, Securities Building, 1632 Bankers Street, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificates numbered 4534 to 4541 inclusive for five shares each, and presently in the custody of Land Title Bank and Trust Company, 100 South Broad Street, Philadelphia 10, Pennsylvania, together with all declared and unpaid dividends thereon,

c. That certain debt or other obligation owing to Valentine Hofmann, represented on the books of the Land Title Bank and Trust Company, 100 South Broad Street, Philadelphia 10, Pennsylvania, as an interest in omnibus mortgage numbered 718, on the premises 29 South 16th Street, Philadelphia, Pennsylvania, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

d. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, owned by Valentine Hofmann, and presently in the custody of Land Title Bank and Trust Company, 100 South Broad Street, Philadelphia 10, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

Issuer	Description of bond	Bond No.	Face value
The United States of America.	United States of America Treasury 2½ percent bond due Sept. 15, 1967-72.	5586C	$1,000
		9190L	100
		9194A	100
		7028-2B	100
		5578-C	100
		5579-F	100
		5578-H	100
Do	United States of America Treasury 2½ percent bond, due June 15, 1964-69.	32516	1,000
Do	United States of America Treasury 2½ percent bond, due Dec. 15, 1967-72.	40066	500

[F. R. Doc. 47-6306; Filed, July 3, 1947; 8:48 a. m.]

[Vesting Order 9241]

MAX STANSCHUS

In re: Stock owned by Max Stanschus, also known as Max Stenchus. F-28-26066-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Stanschus, also known as Max Stenchus, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One Hundred (100) shares of $1.00 par value common capital stock of Central Foundry Co., 386 Fourth Avenue, New York, N. Y., a corporation organized under the laws of the State of Maine, evidenced by a certificate numbered NC-16182, registered in the name of Max Stenchus, together with all declared and unpaid dividends thereon, and

b. Twenty (20) shares of $7.00 par value common capital stock of Pennsylvania-Dixie Cement Corporation, 60 East 42nd Street, New York 17, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered CO-10405, registered in the name of Max Stenchus, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-6307; Filed, July 3, 1947; 8:48 a. m.]

[Vesting Order 9246]

JOSEPH MULLER ET AL.

In re: Interest in real property, property insurance policy and claim owned by Joseph Muller, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

Name	*Address*
Joseph Muller	Germany.
Alois Muller	Germany.
Bertha Hoffele	Germany.
Maria Bader	Germany.
Joseph Eisele	Germany.
Englebert Eisele	Germany.
Josephine Krupp	Germany.

2. That the property described as follows:

a. An undivided 7/9ths interest in real property, situated in the City and County of Philadelphia and State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1, in and to Fire Insurance Policy No. 235056, issued by Franklin Fire Insurance Co., Philadelphia, Pennsylvania, in the name of "Estate of Otto Muller, deceased", which policy expires December 21, 1947, and insures the property described in subparagraph 2-a hereof, and

c. That certain debt or obligation, owing to the persons named in subparagraph 1 hereof by Theresia Lorenz, 7342 Limekiln Pike, Philadelphia 38, Pennsylvania, arising out of rents collected from the premises described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain lot or piece of ground with the buildings and improvements thereon erected situate on the Southerly side of Dounton Street (No. 1616) at the distance of Five hundred and nineteen feet Eastwardly from the Easterly side of Germantown Avenue in the Forty third Ward of the said City of Philadelphia containing in front or breadth on the said Dounton Street—Fourteen feet and extending of that width in length or depth Southwardly between lines at right angles to the said Dounton Street Fifty feet to ground now or late of Zepperneck.

[F. R. Doc. 47-6309; Filed, July 3, 1947; 8:49 a. m.]

[Vesting Order 9259]

AUGUSTA RUESTIG

In re: Estate of Augusta Ruestig, deceased. File D-28-11543; E. T. sec. 15749.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Leonhardt and Else Grallapp, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Augusta Ruestig, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Fred G. Sutherland, as executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6310; Filed, July 3, 1947; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1218080]

ARIZONA

PARTIAL REVOCATION OF PUBLIC WATER RESERVE NO. 107

JUNE 25, 1947.

Pursuant to the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865, 43 U. S. C. 300), and in accordance with 43 CFR § 4.275 (50) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), it is ordered as follows:

The Departmental order of June 16, 1928 (Interpretation No. 69), construing certain lands as withdrawn by the Executive order of April 17, 1926, creating Public Water Reserve No. 107 under the act of June 25, 1910 (36 Stat. 847, 43 U. S. C. 141), is hereby revoked as to the lands hereinafter described.

At 10:00 a. m. on August 27, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from August 28, 1947, to November 26, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 8, 1947, to August 27, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on August 28, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on November 27, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from November 7, 1947, to November 26, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on November 27, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Phoenix, Arizona.

The lands affected by this order are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 39 N., R. 3 E.,
Sec. 13, W½SW¼;
Sec. 14, SE¼.

The area described aggregates 240 acres.

The lands, which are within Grazing District No. 1, are desert in character and are located on the Kaibito Plateau.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6273; Filed, July 3, 1947; 8:46 a. m.]

[Misc. 2130223]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 23, 1947.

Order dated November 29, 1946, and approved March 13, 1947, revoked Departmental order of December 22, 1903, so far as it withdrew in the second form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the Boise Project, Idaho, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on August 25, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from August 26, 1947, to November 24, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 6, 1947, to August 25, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on August 26, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on November 25, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from November 5, 1947, to November 24, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on November 25, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Blackfoot, Idaho.

The lands affected by this order are described as follows:

BOISE MERIDIAN, IDAHO

T. 3 N., R. 4 W.,
Sec. 26, NE¼NE¼.

The area described aggregates 40 acres.

The land has a gently rolling surface, and a sandy loam soil. The vegetative covering consists of sagebrush, with an understory of native grasses.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6274; Filed, July 3, 1947; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Admin. 282]

GREATER BOSTON, MASS. MARKETING AREA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG THE PRODUCERS SUPPLYING MILK; DETERMINATION THAT FEBRUARY 1947 IS A REPRESENTATIVE PERIOD; AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, it is hereby directed that a referendum be conducted among the producers (as defined in the amended order included in the decision with respect to proposed amendments to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area issued simultaneously herewith) who, during the month of February 1947, were engaged in the production of milk for sale in the said marketing area, as defined in the aforesaid amended order, to determine whether such producers favor the issuance of an order which would regulate the handling of milk in the said marketing area in the same manner as provided by the aforesaid amended order.

The month of February 1947 is hereby determined to be a representative period for the conduct of such referendum.

R. D. Alpin is hereby designated agent to conduct such referendum in accordance with the instructions contained in Form Dr-14 and any other supplementary instructions that may be issued by the Director of the Dairy Branch, Production and Marketing Administration; and such referendum shall be completed on or before the 7th day after the date this order is issued.

Done at Washington, D. C., this 30th day of June 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6288; Filed, July 8, 1947; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of Materials Distribution

[Certificate 216, as Amended June 18, 1947]

TRANSPORTATION IN HIGH PRESSURE TANK CARS AND STORAGE OF SPECIFIED MATERIALS; APPROVAL OF HAULAGE REQUEST TR-3 AS AMENDED

The ATTORNEY GENERAL:

I submit herewith Haulage Request TR-3 [1] issued by the Civilian Production Administration on October 24, 1946, as amended by the Department of Commerce on June 18, 1947. Haulage Request TR-3 relates to the transportation in high pressure tank cars and the storage of anhydrous ammonia, liquefied petroleum gas and chlorine.

Pursuant to Executive Order 9841, dated April 23, 1947, I have succeeded to the powers of the Temporary Controls Administrator under section 12 of Public Law 603, 77th Congress (56 Stat. 357). For the purposes of said section 12 I approve the request, as amended; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing or the omission to do any act or thing by any person in compliance with Haulage Request TR-3, as amended, is requisite to the prosecution of the war.

W. A. HARRIMAN,
Secretary of Commerce.

JUNE 18, 1947.

[Haulage Request TR-3, as Amended June 18, 1947]

TRANSPORTATION IN HIGH PRESSURE TANK CARS AND STORAGE OF SPECIFIED MATERIALS

It is requisite to the prosecution of the war that the maximum amount of certain essential materials be delivered to essential industries with a minimum dislocation of the general economy, with a minimum of delay, and with a minimum of strain upon transportation facilities already severely taxed. This can best be accomplished through voluntary arrangements which permit materials to be consumed as near as may be to their source. Now therefore, it is hereby requested that:

SECTION 1. *Purchases, sales, exchanges, and common use of facilities.* All persons engaged in producing, supplying or distributing the materials listed on Schedule X hereto annexed (herein referred to as "Schedule X materials") may make such purchases, sales, exchanges or loans of Schedule X materials and arrange for such common use of transportation in high pressure tank cars and storage facilities as may be requisite or necessary in order to attain the most efficient utilization of such facilities. All such purchases, sales, exchanges or loans, and all such arrangements for common use of transportation in high pressure tank cars and storage facilities shall remain subject to review and adjustment by the Department of Commerce to the end (a) that no producer, supplier or distributor of any Schedule X material shall be deprived of an opportunity to share equitably in the available supply of such material and the use of transportation

[1] 11 F. R. 12971, 13114.

and storage facilities, (b) that no consumer shall be inequitably treated in the distribution of Schedule X materials, by reason of such arrangements, and (c) that such arrangements shall not go beyond the purpose and objective of this request.

SEC. 2. *Reports.* All persons who effect purchases, sales, exchanges or loans of Schedule X materials or arrangements for common use of transportation in high pressure tank cars and storage facilities pursuant to section 1 hereof, shall inform the Office of Materials Distribution, Department of Commerce by letter giving the following information:

1. Names and addresses of parties, including names and addresses of persons to whom inquiries concerning the report should be directed.
2. Effective date and duration of arrangement.
3. Kind and quantity of material involved.
4. Location of points of origin and destination of Schedule X materials to be shipped or location of storage facilities to be jointly used.
5. A statement that to the best of the informant's knowledge and belief, no supplier, distributor or producer of the material involved in the arrangement is or will be deprived by the arrangement of an opportunity to share equitably in the available supply and use of transportation and storage facilities.
6. A statement that to the best of the informant's knowledge and belief, no consumer of the material involved in the arrangement is or will be treated inequitably in the distribution of such material by reason of the arrangement.

A separate letter for each Schedule I material involved shall be filed. Further information may be specifically requested in particular cases.

SEC. 3. *Certification of this request.* Having consulted with the Attorney General, the Secretary of Commerce has amended Certificate 216, under section 12, Public Law 603, 77th Congress (56 Stat. 357), with respect to this Haulage Request TR-3, as amended.

SEC. 4. *Communications.* All communications concerning this request and all information filed hereunder shall, unless otherwise directed, be addressed to: Office of Materials Distribution, Department of Commerce, Washington 25, D. C., Reference TR-3 (Specify Schedule X material).

SEC. 5. *Time limit on making arrangements on this request.* No arrangements pursuant to this request shall be entered into after September 15, 1947 and this request shall not extend to any purchase, sale, exchange, loan arrangement or act occurring after December 15, 1947 or after the withdrawal of this request if an effective date of withdrawal prior to December 15, 1947 is established.

Issued this 18th day of June 1947.

DEPARTMENT OF COMMERCE, OFFICE OF MATERIALS DISTRIBUTION,
By J. JOSEPH WHELAN,
Issuance Officer.

SCHEDULE X

1 Anhydrous ammonia.
2 Liquefied petroleum gas.
3. Chlorine.

[F. R. Doc. 47-6343; Filed, July 3, 1947; 9:00 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF FEDERAL RESERVE SYSTEM

CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured mutual savings bank not a member of the Federal Reserve System be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Monday, June 30, 1947, on Form 64 (Savings).[1] Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Earnings and Dividends on Form 73 (Savings) by Insured Mutual Savings Banks," issued December 1945.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 47-6271; Filed, July 3, 1947; 8:46 a. m.]

INSURED STATE BANKS NOT MEMBERS OF FEDERAL RESERVE SYSTEM, EXCEPT BANKS IN DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of paragraph 3 of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Monday, June 30, 1947, on Form 64 (Short form)[1]—Call No. 27. Said report of condition shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Short form)," issued December 1946.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 47-6270; Filed, July 3, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-852]

UNION GAS SYSTEM, INC.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 30, 1947.

Notice is hereby given that, on June 30, 1947, the Federal Power Commission issued its findings and order entered June 27, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6275; Filed, July 3, 1947; 8:46 a. m.]

[Docket No. G-885]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER AUTHORIZING AND APPROVING ABANDONMENT OF FACILITIES

JUNE 30, 1947.

Notice is hereby given that, on June 30, 1947, the Federal Power Commission issued its findings and order entered June 27, 1947, authorizing and approving abandonment of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6276; Filed, July 3, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

WILLARD YORK CO.

ORDER DISMISSING PROCEEDINGS AND CANCELING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of June A. D. 1947.

In the matter of Willard Harris York, doing business as Willard York Co., 419 South Texas Bank Building, San Antonio, Texas.

The Commission having instituted proceedings on April 7, 1947 to determine whether it was in the public interest to revoke the broker-dealer registration of Willard Harris York, doing business as Willard York Company, or to permit withdrawal thereof without conditions, and whether to suspend or to expel respondent from membership in the National Association of Securities Dealers, Inc.;

Hearings having been held and the hearing officer having recommended the revocation of respondent's registration;

The Commission having been advised of respondent's death following the filing of the hearing officer's recommended decision, and deeming it appropriate to dismiss the proceedings and to cancel the registration of Willard York Company;

It is ordered, That the proceedings be and they hereby are dismissed and that the registration of Willard Harris York, doing business as Willard York Company, be, and it hereby is, cancelled.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6284; Filed, July 3, 1947; 8:46 a. m.]

[1] Filed as part of the original document.

FEDERAL REGISTER
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Washington, Tuesday, July 8, 1947

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 24-2]

PART 24—MECHANIC CERTIFICATES

TEMPORARY CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of June 1947.

The Civil Air Regulations require an airman to have in his possession a certificate issued by the Administrator when performing the duties of an airman. After June 30, 1947, the Civil Aeronautics Administration will issue all regular certificates from the Washington office. Applicants who have completed the prescribed tests will be prevented from exercising the privileges of their certificates during the interval between successful completion of the tests and receipt of regular certificates unless a provision is made for the issuance of temporary certificates.

The purpose of this rule is to provide for the issuance of a valid interim certificate and to conform this rule with other airman certificate rules.

Effective June 27, 1947, Part 24 of the Civil Air Regulations is amended by adding a new § 24.33 to read as follows:

§ 24.33 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary mechanic certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6296; Filed, July 7, 1947; 8:47 a. m.]

[Civil Air Regs., Amdt. 25-4]

PART 25—PARACHUTE TECHNICIAN CERTIFICATES

TEMPORARY CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of June 1947.

The Civil Air Regulations require an airman to have in his possession a certificate issued by the Administrator when he is performing the duties of an airman. After June 30, 1947, the Civil Aeronautics Administration will issue all regular airman certificates from Washington, D. C. Thus, applicants for such certificates will be subjected to undue delay after successful completion of the prescribed tests, unless provision is made for the issuance of certificates valid while the regular certificates are being processed in Washington.

The purpose of this rule is to provide for the issuance of a valid interim certificate and to conform these rules to the other airman certification rules.

Effective June 27, 1947, Part 25 of the Civil Air Regulations is amended as follows:

1. By amending § 25.70, *Duration*, to read as follows:

§ 25.70 *Duration.* A parachute technician certificate shall remain in effect unless it is suspended, or revoked, or until a general termination date for such certificate is fixed by the Board.

2. By adding a new § 25.701 to read as follows:

§ 25.701 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary parachute technician certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6294; Filed, July 7, 1947; 8:47 a. m.]

[Civil Air Regs., Amdt. 26-2]

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

TEMPORARY CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of June 1947.

The Civil Air Regulations require an airman to have in his possession a cer-

(Continued on next page)

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FEDERAL REGISTER

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A limited sales stock of the 1945 Supplement (4 books) is still available at $3 a book.

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he is performing the duties of an airman. After June 30, 1947, the Civil Aeronautics Administration will issue all regular airman certificates from Washington, D. C. Thus, applicants for such certificates will be subjected to undue delay after successful completion of the prescribed tests, unless provision is made for the issuance of certificates valid while the regular certificates are being processed in Washington.

The purpose of this rule is to provide for the issuance of a valid interim certificate and to conform these rules to the other airman certification rules.

Effective June 27, 1947, § 26.40 of the Civil Air Regulations is amended to read as follows:

§ 26.40 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary air-traffic control-tower operator certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-6295; Filed, July 7, 1947; 8:47 a. m.]

[Civil Air Regs., Amdt. 27-1]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

TEMPORARY CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of June 1947.

The Civil Air Regulations require an airman to have in his possession a certificate issued by the Administrator when performing the duties of an airman. After June 30, 1947, the Civil Aeronautics Administration will issue all regular certificates from the Washington office. Applicants who have completed the prescribed tests will be prevented from exercising the privileges of their certificates during the interval between successful completion of the tests and receipt of regular certificates unless a provision is made for the issuance of temporary certificates.

The purpose of this rule is to provide for the issuance of a valid interim certificate and to conform this rule with other airman certificate rules.

Effective June 27, 1947, Part 27 of the Civil Air Regulations is amended by adding a new § 27.220 to read as follows:

§ 27.220 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary aircraft dispatcher certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-6297; Filed, July 7, 1947; 8:47 a. m.]

[Civil Air Regs., Amdt. 51-2]

PART 51—GROUND INSTRUCTOR RATING

TEMPORARY CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of June 1947.

The Civil Air Regulations require an airman to have in his possession a certificate issued by the Administrator when performing the duties of an airman. After June 30, 1947, the Civil Aeronautics Administration will issue all regular certificates from the Washington office. Applicants who have completed the prescribed tests will be prevented from exercising the privileges of their certificates during the interval between successful completion of the tests and receipt of regular certificates unless a provision is made for the issuance of temporary certificates.

The purpose of this rule is to provide for the issuance of a valid interim certificate and to conform this rule with other airman certificate rules.

Effective June 27, 1947, Part 51 of the Civil Air Regulations is amended by adding a new § 51.220 to read as follows:

§ 51.220 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary ground instructor certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-6298; Filed, July 7, 1947; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. OR 6]

PART 1—FUNCTIONS AND ORGANIZATION

MISCELLANEOUS AMENDMENTS

Under authority contained in R. S. 161 (5 U. S. C. 22) and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 238) Part 1 of Title 22 of the Code of Federal Regulations is hereby amended as follows:

1. Paragraph (c) of § 1.400 is amended to read as follows:

§ 1.400 *The Assistant Secretary, Public Affairs.* * * *

(c) *Organization.* The Assistant Secretary has under his jurisdiction the Office of Public Affairs, Office of International Information and Cultural Affairs, and UNESCO Relations Staff.

2. A new § 1.401 is added as follows:

§ 1.401 *Unesco Relations Staff*—(a) *Purpose.* To develop policies, to provide planning and coordination, and to perform operations required for United States participation in the United Nations Educational, Scientific, and Cultural Organization.

(b) *Major functions.* The Staff performs the following functions:

(1) Serves as the policy, planning, and administrative agency in the Department to develop, review, integrate, and direct the two-way flow of findings, policies, recommendations, and materials between UNESCO and the Department, other Federal agencies, the United States National Commission for UNESCO, and interested United States organizations and individuals.

(2) Serves as the Secretariat for the United States National Commission for UNESCO to give advice on policy issues, and provides, in collaboration with the appropriate offices and divisions of the Department, planning, analysis, and administrative and informational services for the Commission and its committees. It is specifically responsible for conference arrangements and informational services for meetings and activities of the National Commission.

(3) Provides, in collaboration with the appropriate offices and divisions of the Department, policy and research services for delegates to UNESCO, and policy, research and administrative services for the United States Counselor on UNESCO affairs resident in Paris and the member from the United States on the Executive Board of UNESCO.

(4) Collaborates with officers of the Office of Special Political Affairs, Office of Departmental Administration, Office of Budget and Planning, and other offices of the Department in matters concerning the organization and budget of UNESCO; with the Office of International Information and Cultural Affairs and other Department Offices, in program matters; and with the Office of Public Affairs, with regard to informational aspects of the program.

(c) *Organization.* The Staff reports and is responsible to the Assistant Secretary for Public Affairs. The Staff includes a Director, a Deputy Director, and officials responsible for activities in the following fields: Organization Relations; Policy Liaison; Planning and Administration; and Program-Analysis.

3. Paragraph (c) of § 1.420 is amended to read as follows:

§ 1.420 *Office of International Information and Cultural Affairs* * * *

(c) *Organization.* The Office consists of the Office of the Director, which includes the Policy Coordination and Liaison Staff, Secretariat of the Interdepartmental Committee on Scientific and Cultural Cooperation, Information Liaison Unit, Program Planning, and Evaluation Board, and the Executive Office; Division of International Press and Publications; Division of International Broadcasting; Division of International Motion Pictures; Division of International Exchange of Persons; Division of Libraries and Institutes; Area Division I, Europe; Area Division II, Near East and Africa; Area Division III, Far East; Area Division IV, Other American Republics; and Area Division V, Occupied Areas.

4. Paragraphs (c) (2) (i), (ii) and (iii), of § 1.420 are rescinded.

5. In § 1.420, paragraphs (c) (3) to (6), inclusive, are redesignated, respectively, to (2), (3), (4), and (5).

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

(R. S. 161, secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 5 U. S. C. 22)

Approved: June 27, 1947.

[SEAL] JOHN E. PEURIFOY, *Assistant Secretary of State.*

[F. R. Doc. 47-6328; Filed, July 7, 1947; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 437]

PART 404—TREASURY, HOME OFFICE

EMPLOYEE DEATH AND OTHER CLAIMS

Section 404.02-6 is amended to read as follows:

§ 404.02–6 *Employee death and other claims.* It is the responsibility of the Treasurer to submit to the General Accounting Office for settlement claims properly supported by an administrative report prepared by the Comptroller and concurred in by the Auditor, for proceeds of checks erroneously issued and covered by United States Treasury into "Outstanding Liabilities Account."

Claims for amounts due deceased or incompetent employees or creditors of the Corporation, claims for the proceeds of unpaid checks which have not been covered by the United States Treasury into "Outstanding Liabilities Account", and any other type of claim on behalf of such employees or creditors, shall be disbursed by the Treasurer of the Corporation upon certification by the Authorized Certifying Officer. Such claims shall be supported by an administrative report prepared by the Comptroller and concurred in by the Auditor, and a signed copy of the determination of the General Counsel as to the payee or payees entitled to the proceeds thereof.

(Secs. 4 (a) and 4 (k), 48 Stat. 129, 132, 643, 647; 12 U. S. C. and Sup. 1463; E.O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

Effective: July 1, 1947.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47–6341; Filed, July 7, 1947; 8:49 a. m.]

[Bulletin 435]

PART 406—LEGAL DEPARTMENT

Sections 406.02c, 406.02–1 (b) and 406.02–4d are amended to read as follows:

§ 406.02c *Reimbursement.* Where the payment of any such fees or expenses is made by a salaried attorney, fee attorney, title company or trustee, an itemized statement covering such disbursements, certified to by any such attorney, title company or trustee, shall, when approved by the General Counsel, be accepted by the Authorized Certifying Officer as sufficient evidence of the disbursement for the purpose of reimbursing the attorney, title company or trustee by whom the moneys were paid or as settlement for funds advanced. Where the payment of any such fees or expenses is made by other than an attorney, title company or trustee, a properly certified voucher, or approval by the General Counsel, supported by receipts for all funds actually expended, shall be accepted by the Authorized Certifying Officer either as sufficient evidence of the disbursement for the purpose of reimbursing the individual payer or as settlement for funds advanced. The statement of the General Counsel as to the reason for the absence of any receipts, exclusive of tax receipts, shall be accepted by the Authorized Certifying Officer in lieu thereof.

§ 406.02–1 *Regional Counsel's authority to incur expense.* * * * (b) Where schedules of fees or expenses have been approved by the General Counsel and filed with the Authorized Certifying Officer and the Auditor, fees and expenses in excess of those authorized by such schedules shall be paid only when authorized or approved by the General Counsel.

§ 406.02–4d *When receipts dispensed with.* In cases where receipts are required in acounting for funds expended, the Regional Counsel may qualify any item or class of items of fees or expenses without receipts, either by assigning a reason for their absence on the voucher or by filing with the Authorized Certifying Officer a memorandum stating the reasons why it is not practical or possible to obtain receipts covering items within the particular class. But, in accounting for funds expended, all disbursements made in payment of real estate taxes or assessments must be supported by receipts, anything in this section to the contrary notwithstanding.

(Secs. 4 (a) and 4 (k), 48 Stat. 129, 132, 643, 647; 12 U. S. C. and Sup. 1463. E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

Effective: July 1, 1947.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47–6340; Filed, July 7, 1947; 8:48 a. m.]

Chapter VIII—Office of Housing Expediter

[Housing Expediter Priorities Reg. 5 as Amended Feb. 13, 1947, Amdt. 4]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Section 803.5 *Housing Expediter Priorities Regulation 5*, as amended February 13, 1947, is amended in the following respects:

1. Add the following subparagraph at the end of paragraph (i):

(9) *Effect of Housing and Rent Act of 1947.* The requirements of this section with respect to the establishment or maintenance of maximum rents do not apply to any housing accommodations the construction of which is completed on or after February 1, 1947 (or to additional housing accommodations created by conversion on or after that date), unless such accommodations are being rented to a veteran of World War II or his immediate family who, on June 30, 1947, either:

(i) Occupied such housing accommodations, or

(ii) Had a right to occupy such accommodations at any time on or after July 1, 1947, under any agreement, whether written or oral.

In addition, the requirements of this section with respect to maximum rents shall not apply after June 30, 1947, to any housing accommodations which are not in a defense-rental area under rent control maintained pursuant to Title II of the Housing and Rent Act of 1947.

2. Add the following subparagraph at the end of paragraph (j):

(6) *Effect of Housing and Rent Act of 1947.* The veterans' preference requirements of this section shall not apply to any housing accommodations which were completed after June 30, 1947. The veterans' preference requirements applicable to such accommodations are contained in the Veterans' Preference Regulation (12 F. R. 4265). For purposes of this subparagraph, the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

3. This amendment shall become effective on June 30, 1947, simultaneously with the approval by the President of the Housing and Rent Act of 1947.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821; Pub. Law 129, 80th Cong.)

Issued this 3d day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–6385; Filed, July 3, 1947; 4:47 p. m.]

[Priorities Reg. 33, as Amended Feb. 28, 1947, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

EFFECT OF HOUSING AND RENT ACT OF 1947

Section 803.11 *Priorities Regulation 33*, as amended February 28, 1947, is amended in the following respects:

1. Add the following subparagraph at the end of paragraph (g):

(9) *Effect of Housing and Rent Act of 1947.* The requirements of this section with respect to the establishment or maintenance of maximum rents do not apply to any housing accommodations the construction of which is completed on or after February 1, 1947 (or to additional housing accommodations created by conversion on or after that date), unless such accommodations are being rented to a veteran of World War II or his immediate family who, on June 30, 1947, either:

(i) Occupied such housing accommodations, or

(ii) Had a right to occupy such accommodations at any time on or after July 1, 1947, under any agreement, whether written or oral.

In addition, the requirements of this section with respect to maximum rents shall not apply after June 30, 1947, to any housing accommodations which are not in a defense-rental area under rent control maintained pursuant to Title II of the Housing and Rent Act of 1947.

2. Add the following subparagraph at the end of paragraph (h):

(6) *Effect of Housing and Rent Act of 1947.* The veterans' preference requirements of this section shall not apply to any housing accommodations which were completed after June 30, 1947. The veterans' preference requirements applicable to such accommodations are contained in the Veterans' Preference Regulation (12 F. R. 4265). For purposes of this subparagraph, the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

3. This amendment shall become effective on June 30, 1947, simultaneously with the approval by the President of the Housing and Rent Act of 1947.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821; Pub. Law 129, 80th Cong.)

Issued this 3d day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–6386; Filed, July 8, 1947; 4:47 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Rev. Gen. RO 5, Revocation]

PART 705—ADMINISTRATION

SUGAR RATIONING FOR INSTITUTIONAL USERS

Subject to section 5.1 of General Ration Order 8, Revised General Ration Order 5 (Sugar Rationing for Institutional Users) and all Sugar Rationing Administration suspension orders to the extent that they relate to sugar rationing for institutional users, are revoked.

This order of revocation shall become effective at 12:01 a. m. June 12, 1947.

Issued this 2d day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47–6409; Filed, July 7, 1947; 11:42 a. m.]

Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce

[Allocations Reg. 2, Revocation of Direction 3]

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

PRIORITIES ASSISTANCE FOR THE CANADIAN HOUSING PROGRAM

Direction 3 to Allocations Regulation 2 is hereby revoked.

Direction 3 was issued for the purpose of assigning priorities assistance to aid the Canadian Veterans' Housing Program by the issuance of RR preference ratings assigned only under the same conditions, and to the same extent that, and only so long as ratings were being assigned by the Housing Expediter for the Veterans' Emergency Housing Program in this country. The Housing Expediter has issued an amendment to Housing Expediter's Regulation 28, under which preference ratings will no longer be issued for the Veterans' Emergency Housing Program. Therefore, no RR ratings will be issued by the Office of Materials Distribution under Direction 3 to Allocations Regulation 2 and the direction is accordingly revoked.

Issued this 7th day of July 1947.

OFFICE OF MATERIALS DISTRIBUTION,
By RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 47–6411; Filed, July 7, 1947; 11:48 a. m.]

PART 3290—MANILA (ABACA) AND AGAVE FIBERS AND CORDAGE

[Conservation Order M–84, as Amended July 7, 1947]

MANILA (ABACA) AND AGAVE FIBER AND CORDAGE

Findings under sec. 4 (a) of the Administrative Procedure Act. In connection with the issuance of the amendment of Conservation Order M–84, on July 7, 1947, as incorporated in the following order, and the revocation of Direction 1 and Direction 2 to Conservation Order M–84, at the same time, the Office of Materials Distribution, pursuant to sec. 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237), for good cause, finds that compliance with the notice, public rule-making procedures and effective date requirements of the said act is impracticable and unnecessary. The reasons therefor are that (a) processing quotas for binder and baler twine and agave rope would have to be issued immediately, unless those provisions of paragraph (c) providing for such processing quotas were deleted at once, and it is considered appropriate by the Office of Materials Distribution to eliminate such processing quotas for the future; (b) processing quotas under paragraph (c) of the order for Manila (abaca) fiber, and inventory restrictions for such fiber, have already been suspended by Direction 2 to Order M–84, issued May 2, 1947; (c) the amendment of the order has been discussed with members of the Cordage Industry Advisory Committee, including the Binder Twine Subcommittee and their recommendations have been considered; and (d) the time intervening between the date of applicability of said sec. 4 (a) of the Administrative Procedure Act, and the date when the said amendment and revocations must become effective, in order to avoid undue delay in the changes thereby made, and to avoid the issuance of the further processing quotas referred to above, is insufficient for such compliance. Therefore, the Office of Materials Distribution hereby takes the action of amending Conservation Order M–84 to read as set forth below and of revoking Direction 1 and Direction 2 to that order, as set forth in the revocation of those directions.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of manila and agave and products made from them for defense for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3290.221 *Conservation Order M–84.* (a) *Restrictions on sales, deliveries, receipts, and use of certain cordage products.*—(1) *Rope and twine (except binder and baler twine).* No processor or dealer may sell, deliver, or accept delivery of new rope or new twine produced in the United States in whole or in part from Manila or agave, or from yarn made from such fibers, for end uses for which the rope or twine may not be manufactured under this order. However, this rule shall not prohibit the sale, delivery, or acceptance of rope made from agave fiber put into process before January 16, 1947 for any end use, or of those twines listed in Schedule B made from agave fiber put into process before March 25, 1947.

(2) *Binder and baler twine.* No person may sell or deliver new binder or new baler twine (wherever produced) if he knows or has reason to believe that:

(i) The binder twine will not be used with mechanical harvesting equipment or in the growing, harvesting, or delivering of agricultural crops, or that the binder twine will be converted into rope or any other product; or

(ii) The baler twine will not be used in a self-tying machine for baling hay, straw, or other fodder crops.

(3) No person may use new binder or new baler twine (wherever produced) to manufacture rope for sale.

(b) *Purposes for which Manila or agave fiber or yarn may not be used.*—(1) *Manila.* No processor may put into process any spinnable Manila fiber, or yarn made from such fiber (wherever produced) except to make rope for any end use, or twines permitted in Schedule B of this order, or binder and baler twine. Nonspinnable Manila fiber may be used for any purpose.

(2) *Agave.* No processor may put into process any agave fiber, or yarn made from such fiber (wherever produced), except to make rope for any end use, and binder and baler twine.

Except as specifically authorized or directed in writing by the Office of Materials Distribution, no processor may

manufacture any binder or baler twine from agave fiber, unless made in accordance with the following specifications: The binder twine must measure 500 to 650 feet to the pound with a plus or minus tolerance of five per cent; and must contain a luubricant of at least ten per cent of the total weight of the twine, and an insect repellent. The baler twine must measure 200 to 300 feet to the pound with a plus or minus tolerance of five per cent; must contain a lubricant of at least ten per cent of the total weight of the twine, and an insect and rodent repellent.

(c) *Quantities of manila and agave fibers which may be used.* This order, as amended July 7, 1947, does not limit the quantities of the products permitted under paragraph (b) above, which any processor may produce. All processing quotas and all directions and authorizations for the use of extenders issued under this paragraph (c) are therefore hereby revoked.

(d) *Inventory restrictions on Manila and agave cordage products.*

(1) [Deleted July 7, 1947.]

(2) [Deleted July 7, 1947.]

(3) [Deleted July 7, 1947.]

(4) *Inventories of rope and twines.* A person buying new rope or new twines made from Manila or agave fiber, whether for use or resale (including a person buying for export) may not accept delivery of any of such materials if his inventory of that material is, or will be, more than a practicable minimum working inventory reasonably necessary to meet his own deliveries or to supply his services on the basis of his current or scheduled method and rate of operation.

(5) *Restriction on ordering more than needed.* A person may not place any order for delivery of any material on earlier dates or in larger amounts than he would be permitted to receive under this order or any other applicable orders or regulations of OMD. Orders aggregating more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery.

(6) *Adjusting outstanding orders when requirements change.* If because of a change in operations, slowing or stoppage of production, delayed delivery by a supplier, or any other change in requirements, a person who has ordered material for future delivery would, if he accepted delivery on the date specified, exceed the limits prescribed by this order, he must promptly adjust his outstanding orders, and if necessary, postpone or cancel them.

(e) *Distribution of binder twine held by Reconstruction Finance Corporation.* The Office of Materials Distribution may from time to time specifically direct the time and quantities in which deliveries of binder twine held by the Reconstruction Finance Corporation shall be made or withheld, and the purposes for which such deliveries may be made.

(f) *Allocation of agave fiber held by RFC.* (1) The Office of Materials Distribution may from time to time allocate to processors such supplies of agave fiber as are held by the Reconstruction Finance Corporation, and specifically direct the time, manner, and quantities in which deliveries to processors shall be made or withheld.

(2) It will be the general policy of the Office of Materials Distribution to allocate such fiber with the primary objective of assuring, insofar as possible with the limited quantities of agave fiber available, the production of binder and baler twine in the quantities and by the time required for the agricultural crop seasons, but with due regard to the requirements for rope, as well as the expanding need for baler twine. Within the aggregate amounts of fiber to be allocated for binder and baler twine, and for rope, allocations will in general be made in proportion to the base period operations of individual processors, subject to any exceptional conditions (such as any substantial increase or decrease in facilities) which may justify a different proportion. The allocations made according to base period operations will be without regard to any quantities of Manila (abaca) or agave fiber which processors may obtain from other sources. The base periods to be used are explained below.

(3) The total allocations of agave fiber for use in making binder and baler twine will in general be pro-rated among processors in proportion to their respective production of binder and baler twine during the period August 1, 1946 through July 31, 1947.

(4) The total allocations of agave fiber for use in making rope will in general be pro-rated among processors in proportion to their respective average monthly sales of agave (sisal) cordage during the period January 1, 1939 through December 31, 1941. The aggregate allocations of fiber will be limited, and be determined from the requirements for rope.

(5) In those cases where the allocation to a particular processor would be less than a freight carload, one carload will be considered a minimum quantity and be allocated whenever feasible.

(6) A manufacturer who was not in the hard fiber cordage business during the periods referred to in paragraph (f) (3) or (f) (4) above may apply to the Office of Materials Distribution for an allocation of agave fiber. The application should be filed by letter stating the quantity of fiber desired to be processed for each permitted product, and should include a statement of the facilities available for the manufacture of cordage products permitted under this order, the maximum poundage of fiber which can be processed with his facilities on the basis of a 40-hour week, and the minimum poundage of fiber needed for economical operation during a 3-month period. Applications from new manufacturers will be considered on an equitable basis, in view of the allocations issued to other manufacturers, and other pertinent circumstances.

(7) Since the only fiber to be allocated under this paragraph (f) will be that held by RFC, the amounts allocated will be limited; and such additional amounts of agave fiber (or of manila fiber) as a processor may wish to obtain for making permitted products must be obtained from other sources without allocations.

(8) Agave fiber allocated for use in making binder or baler twine may be used only for that purpose, and fiber allocated for making rope may be used only for making rope, unless otherwise authorized in writing by the Office of Materials Distribution. However, No. 1 agave tow which has been allocated under this order may be used or disposed of for any purpose, unrestricted by this order or by AR–1.

(g) *End use information.* No person may sell or deliver any product controlled by this order to any person who he knows or has reason to believe will use the product in a manner which this order does not permit. He should satisfy himself as to this in some reasonable manner before delivering. He may, but need not, require a statement in writing showing the specific purpose or use for which the item is ordered.

(h) *Restrictions on the use of damaged material.* Any processor or dealer who has in his possession damaged or defective manila or agave fiber or cordage, may report by letter the extent of the damage and state to the Office of Materials Distribution the percentage not suitable for the manufacture of products or for use permitted by this order. He may then upon receipt of acknowledgment, without objection from the Office of Materials Distribution, use or dispose of any portion unsuitable for the manufacture of products permitted by this order, free from its restrictions.

(i) *Reports.* (1) Processors of manila and agave fiber shall report monthly on OMD–2901, sections 1 and 2.

(2) Every person, except the Reconstruction Finance Corporation, who imports or purchases for import any spinnable Manila fiber, or yarn made from Manila fiber, or any spinnable agave fiber, or yarn made from agave fiber, shall report in writing (by letter or other written communication) to the Office of Materials Distribution, Washington 25, D. C., Ref: M–84, stating the information required by the following instructions:

(i) Send this report to the above address not later than the 10th of each month to cover the preceding month. Keep one copy for your files. Date the report, state calendar month for which filed, name of your company, and its address (street, city, zone, and state).

(ii) As Item No. 1, list Manila (Abaca) Fiber (in bales); as Item No. 2, list Manila Yarn (in thousands of pounds; as Item No. 3, list Agave (Sisal) Fiber (in bales); and as Item No. 4, list Agave (Sisal) yarn (in thousands of pounds).

(iii) For each item, show separately the monthly shipments to you from any foreign countries during the calendar month covered by the report, and your inventory of each item as of the end of the month, for United States consumption. List separately that which is afloat to the United States, and that which is in the United States. For the purpose of this report (although not under paragraph (d) above), inventory includes fiber and yarn afloat, and on hand in the continental United States, where title has not been transferred to some other person (or in the case of an importer who is also a processor, all fiber and yarn afloat, and all within the continental U. S. except that held in this country for his own use). Report in units of bales on fiber, and in thousands of pounds on yarn.

(iv) To avoid partial duplication in reports by processors and importers, if a quantity of fiber in the United States has been sold and the sales invoice for it sent the purchaser during the calendar month, the seller should exclude it from his report, even though physical transfer has not been completed. Similarly, the purchaser should include in his report fiber invoiced to him during the month, even though still in transit to him at the end of the month.

(j) *Imports.* The provisions of this paragraph (j) replace those in General Imports Order M–63, insofar as that order has applied to materials subject to this paragraph. However, authorizations for the importation of such materials issued under Order M–63 shall continue to have the same force and effect as if issued under this Order M–84.

(1) *Definitions.* For the purposes of this paragraph (j):

(i) "Fibers subject to import control under this order" means any of the following materials: agave fibers, unmanufactured (except flume tow and bagasse waste), cantala (except maguey), unmanufactured, and sisal and henequen, unmanufactured (except agave tow No. 1 and No. 2 grades, flume tow and bagasse waste).

(ii) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(iii) "Consignee" means the person to whom a material is consigned at the time of importation.

(iv) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation. It does not include shipments in transit in bond through the continental United States without processing or manufacture, to Canada, Mexico or any other foreign country, or shipments through a free port or free zones to a foreign country without processing or manufacture.

(v) Material shall be deemed "in transit" if it is afloat, if an on board ocean bill of lading has actually been issued with respect to it, or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States.

(2) *Restrictions on imports.*—(i) *General restriction.* No person, except as authorized in writing by the Office of Materials Distribution shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any fibers subject to import control under this order. The foregoing restrictions shall apply to the importation of any fibers subject to import control under this order regardless of the existence of any contract or other arrangement for the importation of such material.

(ii) *Authorization by Office of Materials Distribution.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form OMD–1041 addressed to the Office of Materials Distribution Ref: M–84, Washington 25, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(iii) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation of any fibers subject to import control under this order, unless such bank or person either has received a copy of the authorization issued by the Office of Materials Distribution under the provisions of paragraph (j) (2) (ii) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (j) (2) (iv).

(iv) *Exceptions.* Unless otherwise directed by the Office of Materials Distribution, the restrictions set forth in this paragraph (j) (2) shall not apply:

(a) To the Reconstruction Finance Corporation, U. S. Commercial Company, Commodity Credit Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(b) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(c) To any material consigned or imported as a sample where the value of each consignment or shipment is less than $25.00.

(3) *Reports.*—(i) *Reports on customs entry.* No fibers subject to import control under this order, including materials imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, Commodity Credit Corporation or any other United States governmental department, agency or corporations, shall be entered through the United States Bureau of Customs for any purpose, unless the person making the entry shall file with the entry Form OMD–1040 in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Office of Materials Distribution, Ref.: M–84, Washington 25, D. C.

(ii) *Other reports.* All persons having any interest in, or taking any action with respect to any fibers subject to import control under this order, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the Office of Materials Distribution.

(k) *Definitions.* In this order:

(1) "Manila" means fiber which is commonly known in the trade by this term and also known as Abaca or Manila Hemp wherever grown (either stripped or decorticated), but does not mean processor's mill waste or bagasse. "Spinnable Manila" means Manila which is spinnable over machinery but does not mean the fiber grades of O, T, Y, and W or equivalent as established by the Insular Government of the Philippine Islands.

(2) "Agave" means fiber spinnable over machinery of the species agave sisalana, agave fourcroydes, and agave cantala, of all grades and quantities including tow and fiber under 20" in length, commonly known in the trade as sisal, henequen, and cantala, and sometimes preceded by an adjective designating the country or district of origin, but does not include processor's mill waste, bagasse, maguey or agave tow No. 1 and 2 grades.

(3) "Rope" means any rope or cable, treated or untreated, composed of three or more strands each strand composed of two or more yarns, and not less than 10 percent cordage lubricant (excluding tent, awning and lariat rope), but does not include strings and twines of whatever construction which are commonly

used for tying, sewing, baling or other commercial packaging use.

(4) "Twine" means any single or plied yarn or roving, including marlin, for use as a tying material, for sewing or for any similar purpose, but does not include any product falling within the definition of "rope" "binder twine" or "baler twine."

(5) "Binder twine" means a single yarn twine usually containing agave, but sometimes containing manila, istle, jute, coir, hemp, cotton or paper, suitable for use in a harvesting machine and of the type customarily heretofore manufactured. It is also known as binding twine.

(6) "Baler twine" means a single yarn usually made of agave fiber and used in a self-tying machine for baling hay, straw or other fodder crops.

(7) "Processor" means any person (other than a United States Government agency) who spins, twists or otherwise uses any fiber or yarn in the manufacture of rope or twine, or who uses manila or agave fiber in the manufacture of any other product.

(l) *Appeals.* Any appeal from the provisions of this order should be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(m) *Applicability of regulations.* Except as specifically otherwise provided this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the Office of Materials Distribution as amended from time to time.

(n) *Violations.* Any person who willfully violates any provision of this order, or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Office of Materials Distribution.

(o) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Office of Materials Distribution, Washington 25, D. C., Ref.: M–84.

(p) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of July 1947.

OFFICE OF MATERIALS DISTRIBUTION,
RAYMOND S. HOOVER,
Issuance Officer.

NOTE: Schedule A deleted July 7, 1947.

SCHEDULE B—MANILA TWINE END USE

NOTE: "Wrapping and tying twine" deleted March 25, 1947.

This list specifies the permitted end uses for which twine may be manufactured from manila. It does not include wrapping and tying twine, which is defined as a single yarn used as twine, or plied twine twisted or laid used for tying, packaging, baling or bundling.

End use	*Definition*
Hanging twine—Hard and soft fiber nets	Twine used to hang hard and soft fiber nets to lines.
Heading twine	See Marline-Lobster.
Marline-Lobster	A twine required in the manufacture of the inside tunnels of lobster pots.
Net twine-Otter trawls	A hard laid twine, usually 2, 3, or 4 ply in sizes from ±600 to ±1355 used for the manufacture of hard fiber fishing nets. Also for mending nets.

[F. R. Doc. 47–6410; Filed, July 7, 1947; 11:48 a. m.]

[Conservation Order M–84, Direction 1 Revocation]

PART 3290—MANILA (ABACA) AND AGAVE FIBERS AND CORDAGE

Direction 1 to Conservation Order M–84 is hereby revoked.

Issued this 7th day of July 1947.

OFFICE OF MATERIALS DISTRIBUTION,
By RAYMOND S. HOOVER,
Issuance Officer.

[F. R Doc. 47–6413; Filed, July 7, 1947; 11:48 a. m.]

[Conservation Order M–84, Direction 2. Revocation]

PART 3290—MANILA (ABACA) AND AGAVE FIBERS AND CORDAGE

Direction 2 to Conservation Order M–84 is hereby revoked.

Issued this 7th day of July 1947.

OFFICE OF MATERIALS DISTRIBUTION,
By RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 47–6412; Filed, July 7, 1947; 11:48 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (a) of § 2.11 *Firearms, etc.,* is amended to read as follows:

(a) Explosives, traps, seines, nets, and loaded or assembled firearms are prohibited within the parks and monuments, except upon the written permission of the superintendent, or his authorized representative, unless they are adequately sealed, cased, broken down, or otherwise packed in such a way as to prevent their use while in the area: *Provided, however,* That visitors entering the parks and monuments, or traveling through them to places beyond, shall, at entrance, report all such objects in their possession and, if required to do so in the interest of special park protective measures, surrender them to the first park or monument officer whom they encounter. Such objects as may be surrendered will be returned to the owners upon their departure from the area. The Government, however, assumes no responsibility for the loss of, or damage to, any such objects so surrendered to any park or monument officer, nor are such officers authorized to accept the responsibility or custody of any other property for the convenience of visitors.

2. Paragraphs (c) and (d) of § 2.31 *Private operations,* are amended to read as follows:

(c) No person, firm, or corporation shall construct, or attempt to construct, a telephone line, telegraph line, power line, or other private or public utility, over, through, or under any parkway lands without a revocable permit from the Director or, when authorized by the Director, the appropriate Regional Director as designated in sections 01.30 and 01.82 of this chapter.

(d) No person, firm, or corporation shall construct, or attempt to construct, a road, trail, path, or other way, over, across, or upon any parkway lands without a revocable permit from the Director or, when authorized by the Director, the appropriate Regional Director as designated in §§ 01.30 and 01.82 of this chapter.

3. Section 20.14 *Great Smoky Mountains National Park,* is amended as follows:

Subparagraph (1) *North Carolina Division* of paragraph (a) *Fishing; open and closed waters,* is amended by placing a period after the words "Raven Fork from mouth to Indian Boundary" and deleting the words "and from Indian Boundary to Three Forks."

(Sec. 3, 39 Stat. 535, 49 Stat. 2041, 52 Stat. 407, 54 Stat. 249; 16 U. S. C. 3, 460a, 460a–2, 460a–3)

Issued this 23d day of June 1947.

[SEAL] WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47–6323; Filed, July 7, 1947; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 47–36]

PART 1—GENERAL ORGANIZATION AND JURISDICTION

FIELD ORGANIZATION

By virtue of the authority vested in me by the act of Aug. 29, 1916, ch. 417, 39 Stat. 601; 14 U. S. C. 95, the following amendments to the regulations are prescribed, to become effective July 1, 1947:

1. Section 1.10–1 is amended as follows:

Change the number of Coast Guard Districts from "14" to "12".

2. Section 1.10–5 is amended to read as follows:

§ 1.10–5 *Coast Guard districts and offices.* The 12 Coast Guard districts comprise the areas indicated and have offices as specified in the table below:

Coast Guard district	Comprises	Address of Coast Guard district office
First	Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island; all U. S. Naval reservations on shore in Newfoundland.	1400 Custom House, Boston 13, Mass.
Second	West Virginia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Iowa, Missouri; Pennsylvania south of latitude 41° N., and west of longitude 79° W.; those parts of Ohio and Indiana south of latitude 41° N.; Illinois, except that part north of latitude 41° N. and east of longitude 90° W.; Wisconsin south of latitude 46°20' N. and west of longitude 90° W.; Minnesota south of latitude 46°20' N.; and those parts of Arkansas, Mississippi and Alabama north of latitude 34° N.	232 Old Custom House, 8th and Olive Sts., St. Louis 1, Mo.
Third	Connecticut; New York, except that part north of latitude 42° N. and west of longitude 74°30' W.; New Jersey; Pennsylvania east of longitude 79° W.; Delaware, including Fenwick Island.	42 Broadway, New York 4, N. Y.
Fifth	Maryland, Virginia and North Carolina	Box 540, New Post Office Bldg., Norfolk 1, Va.
Seventh	South Carolina and Georgia; Florida, except that part west of the Apalachicola River.	Dupont Bldg., P. O. Box 2088, Miami 30, Fla.
Eighth	Texas and Louisiana; those parts of Alabama, Mississippi and Arkansas south of latitude 34° N.; and that part of Florida west of the Apalachicola River.	P. O. Box 282, New Orleans 9, La. (Custom House).
Ninth	Michigan; New York north of latitude 42° N. and west of longitude 74°30' W.; Pennsylvania north of latitude 41° N. and west of longitude 79° W.; those parts of Ohio and Indiana north of latitude 41° N.; Illinois north of latitude 41° N. and east of longitude 90° W.; Wisconsin, except that part south of latitude 46°20' N. and west of longitude 90° W.; and Minnesota north of latitude 46°20' N.	1700 Keith Bldg., Cleveland 15, Ohio.
Tenth	Panama Canal Zone; all of the island possessions of the United States pertaining to Puerto Rico and Virgin Islands; and all United States naval reservations in the islands of the West Indies and on the north coast of South America.	La Marina, San Juan, P. R.
Eleventh	New Mexico and Arizona; Clark County in Nevada; and the southern part of California comprising the counties of Santa Barbara, Kern and San Bernardino, and all counties south thereof.	706 Times Bldg., Long Beach 2, Calif.
Twelfth	Colorado and Utah; Nevada, except Clark County; and the northern part of California comprising the counties of San Luis Obispo, Kings, Tulare, and Inyo and all counties north thereof.	907 Appraisers Bldg., 630 Sansome St., San Francisco 26, Calif.
Thirteenth	Washington, Oregon, Idaho, Montana, Wyoming, and the Territory of Alaska.	New World Life Bldg., 618 Second Ave., Seattle 4, Wash.
Fourteenth	Territory of Hawaii; and the Pacific Islands belonging to the United States west of longitude 140° W. and south of latitude 42° N.	Federal Bldg., Honolulu, T. H.

(39 Stat. 601; 14 U. S. C. 95)

Dated: June 27, 1947.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47–6329; Filed, July 7, 1947; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ships Sales Act of 1946

[Gen. Order 60, Amdt. 2 to Supp. 2]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

Correction

In Federal Register Document 47–5411, appearing at page 3743 of the issue for Saturday, June 7, 1947, amendatory paragraph 6 is corrected by changing the last three lines to read: "counting period) beginning with the fiscal year ended in 1939 and ending with the date of the balance sheet."

Subchapter G—Emergency Operations

[General Order 2, Supp. 13, Amdt. 2 WSA Function Series]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE UNITED STATES MARITIME COMMISSION

UNIFORM SUGAR CHARTER

Effective with respect to all contracts entered into on and after July 15, 1947, § 301.1 *Uniform sugar charter* is amended by striking out the words "and waiting for orders" in the first sentence of the first paragraph of article 5 in the charter form prescribed by paragraph (e); by striking out the words "and waiting for orders" in the first paragraph of article 7 of that charter; and by adding the following sentence to said first paragraph of article 7: "Except as otherwise provided in the succeeding paragraphs of this article, all time used awaiting docking orders shall count as laytime, irrespective of weather conditions."

Sec. 202 of Pub. Law 492, 79th Cong. (60 Stat. 501).

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

JUNE 26, 1947.

[F. R. Doc. 47–6333; Filed, July 7, 1947; 8:48 a. m.]

Subchapter I—Philippine Rehabilitation

[Gen. Order 68]

PART 311—CHARTERS UNDER PHILIPPINE REHABILITATION ACT OF 1946

The part heading in General Order 68, published in the FEDERAL REGISTER June 25, 1947, 12 F. R. 4116, should read as set forth above.

A. J. WILLIAMS,
Secretary.

JUNE 30, 1947.

[F. R. Doc. 47–6332; Filed, July 7, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Corr. S. O. 760]

PART 97—ROUTING

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of June A. D. 1947.

It appearing, that floods have washed out the tracks on the Des Moines-Osceola Branch of the Chicago, Burlington & Quincy Railroad Company at 43 places between Osceola and Burch, Iowa; that the complete restoration of service on the eleven (11) mile segment of track between Osceola and New Virginia, Iowa will be made shortly but that due to emergency work elsewhere the restoration of the forty-two (42) mile segment of track between New Virginia and Burch, Iowa, will not be completed for some time; the Commission is of opinion that the Chicago, Burlington & Quincy Railroad Company is unable to transport the traffic offered it to, from or between points on the Des Moines-Osceola Branch so as to properly serve the public and that handling, routing and movement of this carrier's traffic (including trains) over the Chicago Great Western Railway Company's track (over a temporary track connecting the former's and latter's tracks) between Afton Junction and Burch, Iowa, will best promote the service in the interest of the public and the commerce of the people. It is ordered, that:

§ 97.760 *Rerouting.* (a) The Chicago, Burlington & Quincy Railroad

Company shall handle, route and move its traffic (including trains) originating or terminating at points on the Des Moines-Osceola Branch between Burch and Des Moines, Iowa inclusive, over the Chicago Great Western Railway Company's track (over a temporary track connecting the former's and latter's tracks) between Afton Junction and Burch, Iowa.

(b) *Compensation.* The handling, routing and movement of traffic ordered and described in paragraph (a) of this section shall be upon such terms as between the carriers as they may agree upon or in the event of their disagreement as the Commission may, after subsequent hearing find to be just and reasonable.

(c) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(d) *Rates to be applied.* Inasmuch as such disregard of routing is deemed to be due to carrier's disability, the rates applicable to traffic so forwarded by routes other than those designated by shippers, or by carriers shall be the rates which were applicable at date of shipment over the routes so designated.

(e) *Division of rates.* In executing the orders and directions of the Commission provided for in this section, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this section remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereinafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized they shall not be changed or affected by this section.

(f) *Effective date.* The provisions of this section shall become effective at 6:00 p. m., June 27, 1947.

(g) *Expiration date.* The provisions of this section shall expire at 6:00 p. m., August 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of the Commission.

It is further ordered, That copies of this order and direction shall be served upon the Iowa State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6327; Filed, July 7, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Part 20]

GLIDER FLIGHT TIME

NOTICE OF PROPOSED RULE MAKING

JULY 2, 1947.

The use of airplane tow in the training of glider pilots is becoming more and more extensive. With this type of training it is more equitable to log the time of flight in terms of hours and minutes rather than in terms of number of flights.

The purpose of this section is to provide a more equitable means of logging glider time by providing that an applicant for a glider rating can log glider time either in terms of number of flights or in terms of hours and minutes.

Therefore, the following amendments to Part 20 of the Civil Air Regulations are proposed.

1. By amending § 20.25 (b) to read as follows:

§ 20.25 *Aeronautical experience.*
* * *

(b) *Glider.* Applicant for a glider rating shall have had at least 100 gliding flights or 10 hours of glider flight time, including at least 50 take-offs and landings. As part of the foregoing requirement, at least 25 flights must have included a 360° turn.

2. By amending § 20.35 (b) to read as follows:

§ 20.35 *Aeronautical experience.*
* * *

(b) *Glider.* Applicant shall have had at least 250 gliding flights or 25 hours of glider flight time including at least 125 take-offs and landings. At least 5 flights must have been made within 60 days preceding the date of application. Applicant also shall have had at least one hour of flight instruction in recovery from stalls and spins. An applicant who is the holder of a private or commercial rating for powered aircraft who has had not less than 100 gliding flights or 10 hours of glider flight time including at least 50 take-offs and landings, will be deemed to have met the requirements of this section.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

Pursuant to section 4 (a) of the Administrative Procedure Act, the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will recommend to the Board that these amendments be adopted with an effective date 30 days after adoption. It is the desire of the Bureau that those interested submit written comments or suggestions regarding the proposed amendment, addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] W. S. DAWSON, *Director.*

[F. R. Doc. 47-6269; Filed, July 7, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9052]

ANNA UHL ET AL.

In re: Bank accounts owned by Anna Uhl and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual, whose name is set forth in Exhibit A, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of the savings accounts, described in the manner set forth in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Names of owners and titles of accounts	Account No.	OPA Files No.
Anna Uhl	1,360,946	F-28-28410-E-1
Elisabeth Jacobson	1,361,096	F-28-28416-E-1
Klara Jaspar	1,373,708	F-28-28458-E-1
Stanislaus Jaspar	1,373,791	F-28-28457-E-1
Sophie Jaenick	1,373,795	F-28-28456-E-1
Martha Hinz	1,365,856	F-28-28763-E-1
Wilhelmine Koelbow	1,368,872	F-28-28428-E-1
Margarete Kopsch	1,375,594	F-28-28437-E-1
Emma Koschmieder	1,375,589	F-28-28435-E-1
Emily Krabbo	1,360,128	F-28-28434-E-1
Rosa Lurz	1,370,398	F-28-28318-E-1
James Lyer	1,360,294	F-28-28317-E-1
Marie Mary	1,375,586	F-28-28353-E-1
Josephine Meiderl	1,351,557	F-28-28342-E-1
Karl Moeller	1,361,097	F-28-28378-E-1
Andreas Mueller	1,356,392	F-28-28387-E-1
Elsa Mueller	1,371,998	F-28-28564-E-1
Heinrich Mueller	1,350,397	F-28-28396-E-1
Johann Mueller	1,370,369	F-28-28397-E-1
Karl Mueller	1,351,565	F-28-28388-E-1
Martha Mueller	1,350,705	F-28-28402-E-1
Richard Mueller	1,351,563	F-28-28393-E-1
Theodor Mueller	1,351,564	F-28-28392-E-1
Emil Pachte	1,368,873	F-28-28177-E-1
Erwin Gustav Palis	1,361,826	F-28-28175-E-1
Ursula Johanna Luis Palis	1,361,821	F-28-28174-E-1
Elisabeth Hilda Gertrud Palis	1,361,827	F-28-28173-E-1
Kurt Walter Palis	1,361,825	F-28-28176-E-1
Hans Richard Gustav Palis	1,361,828	F-28-28172-E-1
Wilhelmine Rasch	1,368,715	F-28-28402-E-1
August Redmann	1,361,528	F-28-28451-E-1
Bernhardine Redmann	1,361,522	F-28-28450-E-1
Eduard Redmann	1,361,529	F-28-28449-E-1
Elisabeth Redmann	1,361,524	F-28-28448-E-1
Maria Redmann	1,361,523	F-28-28447-E-1
Pauline Redmann	1,361,520	F-28-28446-E-1
Reinhold Redmann	1,361,527	F-28-28445-E-1
Georg Rehbach	1,354,286	F-28-28442-E-1
Wilhelm Rehbach	1,354,289	F-28-28441-E-1
Hedwig Reichel	1,360,743	F-28-28444-E-1
Hans Reichel	1,360,744	F-28-28443-E-1
Anna Roeder	1,360,746	F-28-28215-E-1
Fritz Sauer	1,360,914	F-28-28268-E-1
Hugo Sauer	1,360,547	F-28-28270-E-1
Emma Schaepe	1,361,554	F-28-28241-E-1
Erich Scheller	1,345,913	F-28-28218-E-1
George Scheller	1,345,911	F-28-28219-E-1
Gustav Scheller	1,345,915	F-28-28220-E-1
Paul Scheller	1,345,916	F-28-28221-E-1
Friedrich Schlegelmilch	1,350,681	F-28-28140-E-1
Gerda Schlegelmilch	1,350,938	F-28-28139-E-1
Johann Schlegelmilch	1,350,935	F-28-28138-E-1
Walter Schlegelmilch	1,350,957	F-28-28137-E-1
Apollonia Schenk	1,350,704	F-28-28335-E-1
Gustav Schlumpf	1,355,584	F-28-28095-E-1
Margareta Schwemmer	1,350,966	F-28-28094-E-1
Frieda Seydler	1,364,822	F-28-28072-E-1
Walter Seydler	1,364,821	F-28-28074-E-1
Minna Simson	1,361,593	F-28-28078-E-1
Mrs. Margarete Vogel	1,351,290	F-28-28276-E-1

[F. R. Doc. 47-6337; Filed, July 7, 1947; 8:48 a. m.]

[Vesting Order 9122, Amdt.]

MARY LOUISE BLAU

In Re: Estate of Mary Louise Blau, deceased. File D-66-309; E. T. sec. 2563.

Vesting Order 9122, dated May 29, 1947, is hereby amended as follows and not otherwise:

By deleting subparagraph 1 of said Vesting Order 9122, and substituting therefor the following:

1. That Mary Schepelman, Margarethe Blau, Erich Blau, Ida Schroder, Lydia Huhn, Johannes Huhn, Karl Victor Huhn, Marie Emmy Gertraude Munnich, Gertrude Brandt, Charlotte Blau, Hermann Blau, Gustav Moritz Wilhelm, Paul Axthelm, Anna Therese Helene Hoffmann, Auguste Maria Brand, August Fritz Axthelm, Barbara Pinkpank, Moritz Otto Peritz, Maria Agnes Peritz, Robert Moritz, Kurt Kruger, Klara Johanna Charlotte Hartmann, Rudolf Arthur Oskar Kruger, Julie Rosa Blume, Martha Elsa Boettcher, Clara Maria Axthelm, Louise Clara Axthelm, Anna Elizabeth Axthelm, August Kurt Axthelm, Rosalie Wilhelmine Axthelm, Charlotte Anna Axthelm, Elli Elsa Wiedemann, Ernst Otto Axthelm, Anna Pauline Louise Schied, Minna Hedwig Kaulfuss, Rosalie Rosa Grotzner, Emmi Rothe, Margarethe Elizabeth Franke, Paul Sommering, Anna Sommering, Hugo Tolle and Alma Achel, nee Tolle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

All other provisions of said Vesting Order 9122 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., June 24, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6339; Filed, July 7, 1947; 8:48 a. m.]

[Vesting Order 9287]

ALBERT GRÜN ET AL.

In re: Real property, insurance policies and claim owned by Albert Grün, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

Name and Address

Albert Grün, Hanau am Main, (Hessen), Germany.
Hermann Grün, Bobzin b/Lübz, 1./Mecklenburg, Germany.
Erna Ahl, Potsdam, b/Berlin, Germany.
Ernst Grün, Altotting, (Oberbayern), Germany.
Martha König, Grossauheim, b Hanau am Main, (Hessen), Germany.
Hertha Hallstein, Grossauheim, b Hanau am Main, (Hessen), Germany.

2. That the property described as follows:

a. Real property situated in the Borough of Bronx, City of New York, County of Bronx and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, and interest of the persons named in subparagraph 1 hereof, in and to the following insurance policies, which insure the property described in subparagraph 2-a hereof.

Fire Insurance Policy No. 205331, issued by Merchants and Manufacturers Insurance Co. of New York, 92 William Street, New York, New York, in the amount of $4,000.00, which policy expires on November 17, 1947,

Fire Insurance Policy No. 502665, issued by Transcontinental Insurance Co., 85 John Street, New York, New York, in the amount of $3,000.00, which policy expires on April 18, 1948,

Rent Insurance Policy No. 206330, issued by the Merchants and Manufacturers Insurance Co., 92 William Street, New York, New York, in the amount of $600.00, which policy expires on November 16, 1947, and

Public Liability Policy No. 209005, issued by the Standard Accident Insurance Co., 640 Temple Avenue, Detroit, Michigan, in the amount of $25,000/$50,000, which policy expires on November 15, 1947,

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof by Henry W. Riossick, 1932 McGraw Avenue, Bronx, New York, arising out of rents collected from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such person be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, en-

cumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–b and 2–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Bronx, City of New York, County of the Bronx and State of New York (formerly in the town of Morrisania, County of Westchester) being the lot known and designated by the number 18 in Block No. 22 on a certain map entitled "Map of Section A of North New York, Town of Morrisania, Westchester County S, New York," dated New York July 10, 1862, surveyed by James E. Serrell, City Surveyor and filed in the Office of the Register of Westchester County at White Plains on July 14, 1862. The premises hereby conveyed being bounded and described as follows:

Beginning at a point on the easterly side of the Boston Road (now Third Avenue) distant northwardly 112 feet and ½ inch from the corner formed by the intersection of the northerly line of 146th Street with the easterly line of the Boston Road (now Third Avenue), thence running northwardly along the easterly line of the Boston Road (now Third Avenue), 28 feet and ⅛ of an inch; thence running eastwardly and parallel with 146th Street 78 feet, 7 inches; thence running southwardly along the westerly line of Lot No. 11 on said map 25 feet; and thence running westwardly along the center line of the block and parallel with said 146th Street 91 feet, 2 inches to the point or place of beginning.

Be the said dimensions, more or less, said premises being known by the number 2774 Third Avenue.

[F. R. Doc. 47–6338; Filed, July 7, 1947; 8:48 a. m.]

[Vesting Order 9243]

MRS. ERNA VOGT

In re: Stock owned by and debt owing to Mrs. Erna Vogt. F–28–24077–A–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Erna Vogt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Mrs. Erna Vogt, by White, Weld & Co., 40 Wall Street, New York 5 N. Y., in the amount of $119.83, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Certificate No.	Number of shares	Par value	Type of stock	Registered owner
Anaconda Copper Mining Co., 25 Broadway, New York 4, N. Y.	Montana	F951945	15	$50	Capital	Erna Vogt.
Vogt Manufacturing Corp., 100 Fernwood Ave., Rochester, N. Y.	New York	(NY 0) 3162	25	(1)	do	Mrs. Erna Vogt.
United Gas Corp., United Gas Bldg., Shreveport, La.	Delaware	TO 7848	33	10	Common	White, Weld & Co.
Do	do	S 6379	206	10	do	Bearer Form.
Eastern Sugar Associates, Cagnas, P. R.	Organized in Maryland under a trust agreement dated Jan. 16, 1934.	CF 660	30	1	do	White, Weld & Co.

1 No par.

[F. R. Doc. 47–6308; Filed, July 3, 1947; 8:48 a. m.]

[Vesting Order 9260]

HENRIETTA RUPPE

In re: Estate of Henrietta Ruppe, sometimes known as Henrietta Ruppe, deceased. File No. D–28–11729; E. T. sec. 15927.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albin Oswald, Martha Sesselman, Rose Wapler, Martha Ruppe, Frieda Ruppe, Elizabeth Ruppe and Johanna Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Henrietta Ruppe, sometimes known as Henrietta Ruppe, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Gustave Frey, as executor, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–6311; Filed, July 3, 1947; 8:49 a. m.]

[Vesting Order CE 395]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN DELAWARE, NEW YORK AND CONNECTICUT COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Helen G. Gordon-Mann	Italy	Estate of Theodore B. Rogers, deceased. Court of chancery, New Castle County, Del.	$560.72	Helen G. Gordon-Mann, Post Office Box 667, Southern Pines, N. C.	$26.00
		Item 2			
Mary Knight Mason	do	Trust under the will of Charles G. Wood, deceased. Surrogate's court, New York County, New York, N. Y.	3,962.04	Francis J. Mulligan, Public Administrator, Hall of Records, 31 Chambers St., New York, N. Y.	106.00
		Item 3			
Eugenia Trillo	do	Estate of Michele D'Asti, deceased. Probate court, District of New Haven, State of Connecticut.	675.22	Carmine Ciociola, administrator, 1175 Campbell Ave., West Haven, Conn.	52.50
		Item 4			
Lucia Capozzi	do	Same	675.22	Same	52.50
		Item 5			
Agnes Ragozzino Marro	do	Estate of John Ragozzino, deceased. Probate court, District of New Haven, Conn.	1,080.92	Anna R. Ragozzino, 4 Ames Ave., Meriden, Conn., administratrix.	87.00

[F. R. Doc. 47–6315; Filed, July 3, 1947; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 435]

MARKET AGENCIES AT UNION STOCK YARDS, DENVER, COLO.

NOTICE OF PETITION FOR MODIFICATION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Judicial Officer issued an order on June 5, 1947, effective July 1, 1947, providing for certain temporary rates and charges for the respondent market agencies for a period ending June 30, 1948.

By a petition filed June 20, 1947, the respondents have requested modification of the current order so as to be authorized to file and establish the following tariff:

DENVER LIVE STOCK EXCHANGE

TARIFF NO. 11

Article 1—Definitions

Cattle are animals of the bovine species weighed in drafts the average weight of the animals in which is over 400 pounds.

Calves are animals of the bovine species weighed in drafts the average weight of the animals in which is 400 pounds or under.

Bulls are animals of the bovine species sold for slaughter or as feeders weighed in drafts the average weight of the animals in which is 800 pounds or over.

Hogs are all swine, irrespective of weight.

Sheep are all animals of the ovine species and, for purposes of assessing charges in this tariff, include goats.

A consignment, for the purpose of assessing selling charges, is all the livestock of one species belonging to one owner and delivered to one market agency to be offered for sale during the trading hours of one day.

A consignment, for the purpose of assessing buying charges, is all the livestock of one species bought at any time but shipped to or delivered to one person on one market day.

A draft is all the animals of one consignment weighed as a single sales classification.

A person is an individual, a partnership, a corporation and/or an association of any such acting as a unit.

NOTE: For the purpose of assessing charges under Section B in this tariff, cattle, calves and bulls are to be considered as belonging to different species.

Article 2—Selling Charges

Section A—Straight Car, Single Ownership

	Per car
Cattle, calves and bulls:	
Single deck	$21.00
Double deck	24.50
Sheep:	
Single deck	14.00
Double deck	19.00
Hogs:	
Single deck	15.00
Double deck	23.00

Section B—Other Modes of Arrival

	Per head
Cattle:	
Consignments of one head and one head only	$0.90
Consignments of more than one head:	
First 15 head in each consignment	.80
Each head over 15 in each consignment	.65
Calves:	
Consignments of one head and one head only	.50
Consignments of more than one head:	
First 15 head in each consignment	.40
Each head over 15 in each consignment	.30
Bulls:	
Sold for slaughter or as feeders	1.25

Article 2—Selling Charges—Continued

Section B—Other Modes of Arrival—Con.

	Per head
Hogs:	
Consignments of one head and one head only	$0.45
Consignments of more than one head:	
First 10 head in each consignment	.35
Next 15 head in each consignment	.25
Each head over 25 in each consignment	.20
Sheep:	
Consignments of one head and one head only	.35
Consignments of more than one head:	
First 10 head in each 250 head in each consignment	.25
Next 50 head in each 250 head in each consignment	.15
Next 60 head in each 250 head in each consignment	.08
Next 130 head in each 250 head in each consignment	.04
Milk cows with or without calf at side	1.00
Purebred or registered cows, heifers, and bulls	5.00
Rams for breeding purposes	1.00

NOTE: The commission charged for selling the animals arriving in a consignment of one straight car of single ownership shall not exceed what they would have been had the animals arrived in any other manner. On consignment of two or more straight cars of single ownership charges shall be assessed as provided in Section A.

(a) When two or more 36-foot cars are furnished in lieu of longer cars ordered, the basis for such commission charges shall be that provided in Section B not to exceed the charges applicable under Section A, based on the number of cars containing the animals when they arrive at the market.

(b) When a consignment consists of a trailer car in addition to any number of revenue cars the entire consignment shall be assessed on the basis of Section B, not to exceed the rates applicable under Section A to the number of cars in the consignment.

(c) When single-deck cars are furnished in lieu of double-deck car or cars ordered each two single-deck cars shall be considered to be a double-deck car and charges thereon assessed under Section A.

(d) Where not to exceed two animals of different ownership are contained in a single owner consignment, the consignment shall be considered to be a single owner consignment and charges shall be assesed on that basis; in addition thereto the rates under Section B shall be assessed against the other ownership animals.

Section C

The sale of "plants", or livestock which have been previously weighed and on which a commission has been charged for regularly established and registered traders at the Denver Union Stock Yards, will be charged for according to the regular rate of commission.

Article 3—Extra Service Charges

The following Extra Service Charges are applicable to all species:

Section A

When a buyer who has purchased livestock from a commission firm requests any service and/or assistance, and/or elects to have the firm place billing order or orders and service is actually rendered, one-fourth of the regular buying commission shall be charged for such service. This service charge shall not be assessed to purchasers of registered or purebred cattle bought for breeding purposes during the week of the Stock Show, or when regular buying commission is charged.

Section B

For each additional weight draft over 3, on account of sales classification	$0.15
For each additional check, each additional account of sales, each proceeds deposited or bank credit, over 2	$0.05

Article 4—Buying Charges

Section A

The rates for buying livestock of the various species shall be the same as those for selling like species.

Section B

When livestock bought from other firms by the purchaser himself is paid for and/or picked up and/or billed out or any other assistance is rendered in the purchase of the stock, the regular buying commission shall be charged to the buyer.

Section C

No person doing a livestock commission business is to act in the dual capacity of buyer and seller on any shipment of livestock consigned to him, with the exception of fat sheep and fat lambs.

Article 5—Deductions Made by Selling Agencies at Denver for the Account of Others

(a) For the Colorado-Nebraska Lamb Feeders Association, for the Colorado Wool Growers Association and for the Colorado Stockgrowers and Feeders Association, such assessments on livestock consignments of their members may be levied by the respective bodies from time to time, the names of said members to be filed with the respective firms. Such collections, however, to be optional with each of said member shippers.

(b) For the Colorado Board of Live Stock Inspection Commissioners, 5 cents per head on all cattle originating in said state when such inspection fee has not been paid at loading point, for the purpose of providing proper brand inspection on such shipments.

(c) For the National Live Stock and Meat Board, 25 cents per straight cars (single ownership on all consignments) of cattle and hogs, and 75 cents on all consignments of sheep to be sold on this market. Such collection, however, to be optional with shippers. Commensurate charges for all other modes of arrival.

(e) For the building fund of the National Western Stock Show Association, in compliance with its rules and regulations, subscription to the fund shall be made on the basis of a schedule as set forth below:

1. 1½% on all registered cattle sold at auction or at private sale. This will include all Hereford, Shorthorn and Angus breeding cattle entered in competition or exhibited on the hill property or in the yard.

2. $10.00 per carload on feeder or fat cattle sold. This charge will apply on all feeder and fat cattle sold through the show auction, except ordinary commercial cattle not entered in the show.

3. $10.00 per carload on all carloads sheep (110 head) and $5.00 per truckload sheep (25 head) exhibited and sold.

4. $1.00 per head on Junior Show Cattle; 50 cents per head on Junior Sheep and Hogs.

5. The above subscriptions, however, shall be subject to refund within a reasonable time, not more than sixty (60) days, in the event such request is made by the subscriber in writing.

(f) For fire insurance coverage on livestock exhibited at the National Western Stock Show during the week of Stock Show the following charges shall be made and deducted:

	Per head
Breeding cattle and fat steers	$0.50
Nurse Cows	.50
Breeding sheep	.20
Junior Show sheep and hogs	.20

(g) There shall be collected in addition to the regular selling commission on all livestock passing through the sales ring of the Denver Union Stock Yards, an auctioneer fee as hereinafter provided:

During Stock Show Week

Cattle or calves: $1.00 for each individual head.
Cattle or calves: $3.00 for each carload.
Lots of three head or more sold together to be assessed at the carload rate.
Fat wethers and barrows: $0.50 per head
More than six head of either hogs or sheep to be assessed at carload rate of $3.00 provided they are sold as a group.
On all carloads of livestock that are put through the auction sales ring during Stock Show Week, the regular selling commission shall be charged by the market agency when said livestock are offered for sale.
4-H Club Sales and Future Farmers of America Sales at Auction Other Than During Stock Show Week
Cattle or calves: $0.50 for each individual head.
Cattle or calves: $2.50 when sold in groups of five or more.

Authorization of the filing of this tariff would increase the commission charges paid by shippers for selling carloads of cattle, calves, bulls, and sheep by $1.50 per straight car and thus provide additional revenue to the respondents.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for modification of temporary rates and charges.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 1st day of July 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-6326; Filed, July 7, 1947; 8:49 a. m.]

[P. & S. Docket No. 456]

MARKET AGENCIES AT THE OGDEN UNION STOCKYARDS

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture issued an order on August 21, 1946 (5 A. D. 605), providing for certain temporary rates and charges for the respondent market agencies for a period ending August 21, 1947.

By petition filed on June 19, 1947, the respondent has requested that the said temporary rates and charges of the respondent market agencies be extended and made effective until August 21, 1948.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an extension of temporary rates and charges.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 1st day of July 1947.

[SEAL] H. E. REED,
Director, Livestock Branch; Production and Marketing Administration.

[F. R. Doc. 47-6325; Filed, July 7, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1906]

ALL AMERICAN AVIATION, INC.

NOTICE OF HEARING CONCERNING MAIL RATE FOR ROUTE 49

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of All American Aviation, Inc., over route No. 49.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that a hearing in the above-entitled proceeding is hereby assigned to be held on July 21, 1947, at 10:00 a. m. (daylight saving time) in Room 1302, Temporary "T" Building, Constitution Avenue, between 12th and 14th Sts., N. W., Washington, D. C., before Examiner Ralph L. Wiser.

For a detailed statement of the matters in issue in this proceeding reference is made to the Examiner's Prehearing Conference Report and appendices thereto served on June 19, 1947, which is on file with the Civil Aeronautics Board.

Dated at Washington, D. C., June 30, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6300; Filed, July 7, 1947; 8:47 a. m.]

[Docket No. 2849]

TRANSCONTINENTAL AND WESTERN AIR, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the motion of Public Counsel for denial of the petition of Transcontinental & Western Air, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended.

Transcontinental & Western Air, Inc., having by petition filed March 14, 1947, requested the Board to fix and determine the fair and reasonable rate of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over routes 2, 38, 44, and 58; and

Public Counsel, by motion filed May 27, 1947, having moved to dismiss the petition, to which motion Transcontinental & Western Air, Inc., on June 13, 1947, filed an answer requesting oral argument before the Board;

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above proceeding, with respect to the pleadings above referred to, is assigned to be held on July 16, 1947, 10 a. m., daylight saving time, in Room 5042 Commerce Bldg., 14th St. and Constitution Ave., N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., June 30, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6299; Filed, July 7, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1549]

ROCHESTER GAS AND ELECTRIC CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of June 1947.

Notice is hereby given that Rochester Gas and Electric Corporation ("Rochester"), a subsidiary of General Public Utilities Corporation, a registered holding company, has filed an application, as amended, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicant has designated the first sentence of section 6 (b) of the act as applicable to the proposed transaction.

All interested persons are referred to said application, as amended, which is on file in the offices of this Commission for a statement of the transaction therein proposed which is summarized as follows:

Rochester will, from time to time, issue its unsecured notes, each of which will bear interest in an amount not to exceed 2% per annum, will mature not more than nine months after the date of issue thereof, and which (together with all other then outstanding unsecured notes of a maturity of nine months or less) will aggregate in principal amount not more than $8,000,000. Rochester requests that the issuance of such notes be exempted by order of the Commission pursuant to the first sentence of section 6 (b) of the act and that such exemption, with request to the initial issuance of such notes, be for a period of two years from the date on which such exemption may be granted. The proceeds from the initial issuance of such notes are to be used for new construction.

Applicant states that no commission, other than this Commission, has jurisdiction over the proposed transaction.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application, as amended, and that said application, as amended, shall not be granted except pursuant to further order of the Commission.

It is ordered, Pursuant to section 6 (b) and 18 of the act, that a hearing be held on said application, as amended, on July 10, 1947, at 10:30 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before July 9, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application, as amended, and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether or not the requested exemption pursuant to the provisions of the first sentence of section 6 (b) is necessary or appropriate in the public interest or for the protection of investors or consumers.

(2) What terms and conditions, if any, with respect to the requested exemption is necessary or appropriate in the public interest or for the protection of investors or consumers, and, in particular, what, if any, terms and conditions are necessary or appropriate to protect the financial integrity of Rochester.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to Rochester Gas and Electric Corporation, the Public Service Commission of the State of New York, and the City of Rochester, New York and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6324; Filed, July 7, 1947; 8:49 a. m.]

JUL 10 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 133

Washington, Wednesday, July 9, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[FCA Order 454]

PART 70—LOAN INTEREST RATES AND SECURITY

INTEREST RATE ON LOANS SECURED BY COMMODITY CREDIT CORPORATION LOAN DOCUMENTS

Section 70.90–51 of Title 6 of the Code of Federal Regulations, is hereby amended, effective June 30, 1947, to read as follows:

§ 70.90–51 *Interest rate on loans secured by Commodity Credit Corporation loan documents.* The rate of interest on loans made on or after June 30, 1947, by any district bank for cooperatives or the Central Bank for Cooperatives to eligible farmers' cooperatives, upon the security of approved Commodity Credit Corporation loan documents, shall be 1½ per centum per annum.

(Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f)

[SEAL] I. W. DUGGAN, *Governor.*

JULY 1, 1947.

[F. R. Doc. 47-6354; Filed, July 8, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

Subchapter K—Federal Seed Act

PART 201—FEDERAL SEED ACT REGULATIONS

KENTUCKY BLUEGRASS SEED; EXEMPTION OF LABELING REQUIREMENTS

It having been found that the time interval between seed harvesting and sowing is not sufficient to assure the completion of a germination test of freshly harvested seed of Kentucky bluegrass, Poa pratensis, now therefore pursuant to the provisions of section 203 (c) of the Federal Seed Act of August 9, 1939 (53 Stat. 1275; 7 U. S. C. 1573 (c)), the following regulation is hereby promulgated:

Exemption from labeling as to germination of Kentucky bluegrass seed. The requirements of paragraph 201 (a) (8) of the Federal Seed Act of August 9, 1939, as to labeling seed for germination when transported or delivered for transportation in interstate commerce for seeding purposes, shall not apply to the 1947 crop of seed of Kentucky bluegrass, Poa pratensis, during the period beginning August 7, 1947, and ending October 15, 1947.

Section 203 (c) of the Federal Seed Act of August 9, 1939, provides that the Secretary of Agriculture may, with or without hearing, amend the regulations issued thereunder to provide exemptions from labeling requirements with respect to germination. Pursuant to this provision, the Secretary in various prior years amended the regulations to provide for a seasonal exemption from such labeling requirements, similar to the one provided for herein, for freshly harvested seed of Kentucky bluegrass, and there were never any objections to such action. The carry-over of this seed from the former crop year is not sufficient to meet the planting requirements therefor and by reason of the imminence of the planting season it is in the public interest that notice of the exemption of such seed from labeling requirements as to germination be published as soon as possible. In view of these facts, and the further fact that such an amendment grants an exemption, it is found that compliance with sections 4 (a) and 4 (b) of the Administrative Procedure Act is unnecessary and contrary to the public interest.

Issued this 3d day of July 1947.

(Sec. 203 (c), 53 Stat. 1275, 7 U. S. C. 1573 (c))

[SEAL] N. E. DODD, *Acting Secretary of Agriculture.*

[F. R. Doc. 47-6388; Filed, July 8, 1947; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

DISCLOSURES CONTRAVENING CODE OF WARTIME PRACTICES

The Securities and Exchange Commission, acting pursuant to the Securities

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FEDERAL REGISTER

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1946 SUPPLEMENT

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PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

DEFINITIONS OF TERMS USED IN THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly sections 2 (11) and 19 (a) thereof, and deeming such action necessary to carry out the provisions of the act and appropriate in the public interest and for the protection of investors, hereby takes the following action:

Section 230.144 (Rule 144) is adopted under the Securities Act of 1933, to read as follows:

§ 230.144 *Definition of "has purchased," "sells for," "participates," and "participation" as used in section 2 (11), in relation to certain transactions in the securities of international banking organizations.* The terms "has purchased," "sells for," "participates," and "participation," in section 2 (11), shall not be deemed to apply to any action of any person in acquiring or selling securities issued by any international banking organization, *Provided*, (a) The United States is a member of such organization pursuant to treaty or statute, (b) The officers and directors of such organization are immune from legal process with respect to acts performed by them in their official capacities, (c) The interest of the person acquiring or selling the securities is limited to a Commission or concession not in excess of the usual and customary distributors' or sellers' commission or concession, and (d) Such person makes a bona fide attempt for a reasonable time to distribute such securities, at no more than the public offering price initially specified in the prospectus filed under the act, before any part of the securities purchased by such person from the issuer or sold by such person for the issuer at a commission or concession is retained by such person for his own account or sold or offered to (1) a partner, officer, director or employee of such persons or (2) any other person controlling, controlled by, or under common control with, such person, or (3) any account in which such person or any person described in clause (1) or (2) has a beneficial interest. (Secs. 2 (11) and 19 (a), 48 Stat. 74, 85; 15 U. S. C. 77b, 77a)

The Commission finds that § 230.144 is an interpretative rule; that the other rules grant exemptions and relieve restrictions; that notice and public procedure pursuant to section 4 (a) and (b) of the Administrative Procedure Act are impracticable and unnecessary; and that the rules may be declared effective immediately pursuant to section 4 (c) of that act.

Effective June 25, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 25, 1947.

[F. R. Doc. 47-6438; Filed, July 8, 1947; 8:55 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

DISCLOSURES CONTRAVENING CODE OF WARTIME PRACTICES

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly section 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary and appropriate to carry out the provisions of the foregoing act and for the exercise of the functions vested in the Commission thereunder, hereby repeals § 240.0–6 (Rule X-6) under the Securities Exchange Act of 1934, which relates to disclosures contravening the Code of Wartime Practices. The Commission finds that this section no longer serves any useful purpose.

(Sec. 23 (a), 48 Stat. 901; 15 U. S. C. 78w)

Effective August 1, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 24, 1947.

[F. R. Doc. 47-6347; Filed, July 8, 1947; 8:54 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXEMPTION OF CERTAIN SECURITIES OF INTERNATIONAL BANKING ORGANIZATIONS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly sections 3 (a) (12), 12, 15 (a), 15A (m) and 23 (a) thereof, and deeming such action necessary for the execution of the functions vested in the Commission and appropriate in the public interest and for the protection of investors, hereby takes the following action:

1. Section 240.15a–3 (Rule X-15A–3) is adopted under the Securities Exchange Act of 1934, to read as follows:

§ 240.14a–3 *Exemption of securities of international banking organizations from section 15 (a).* Securities of any international banking organization are hereby exempted from the operation of section 15 (a) of the Securities Exchange Act of 1934: *Provided*, (a) The United States is a member of such organization pursuant to treaty or statute, (b) The interest of the broker or dealer purchasing or selling such securities is limited to a commission or concession not in excess of the usual and customary distributors' or sellers' commission or concession, and (c) The broker or dealer purchasing or selling such securities makes a bona fide attempt for a reasonable time to distribute such securities, at no more than the public offering price initially specified in the prospectus filed under the Securities Act of 1933, before any part of the securities purchased by such broker or dealer from the issuer or sold by such broker or dealer for the issuer at a commission or concession is retained by such broker or dealer for his own account or sold or offered to a partner, officer, director or employee of such broker or dealer or to any person controlling, controlled by, or under common control with, such broker or dealer or to any account in which such broker or dealer or any such person has a beneficial interest.

2. Section 240.15am–1 (Rule X-15AM–1) is adopted under the Securities Exchange Act of 1934, to read as follows:

§ 240.15am–1 *Exemption of securities of international banking organizations from section 15 (a).* Securities of any international banking organization are hereby exempted from the operation of section 15A of the Securities Exchange Act of 1934: *Provided*, (a) The United States is a member of such organization pursuant to treaty or statute, (b) The interest of the broker or dealer purchasing or selling such securities is limited to a commission or concession not in excess of the usual and customary distributors' or sellers' commission or concession, and (c) The broker or dealer purchasing or selling such securities makes a bona fide attempt for a reasonable time to distribute such securities, at no more than the public offering price initially specified in the prospectus filed under the Securities Act of 1933, before any part of the securities purchased by such broker or dealer from the issuer or sold by such broker or dealer for the issuer at a commission or concession is retained by such broker or dealer for his own account or sold or offered to a partner, officer, director or employee of such broker or dealer or to any person controlling, controlled by, or under common control with, such broker or dealer or to any account in which such broker or dealer or any such person has a beneficial interest.

3. Section 240.12d3–11 (Rule X-12D3–11) is adopted under the Securities Exchange Act of 1934, to read as follows:

§ 240.12d3–11 *Exemption of unissued securities to be issued by international banking organizations.* Securities of any international banking organization are hereby exempted from the operation of the last sentence of section 12 (d) of the Securities Exchange Act of 1934: *Provided*, (a) The United States is a member of such organization pursuant to treaty or statute, and (b) Such unissued security is in process of admission to dealing on the exchange on which it is registered for "when-issued dealing."

(Secs. 3 (a) (12), 12, 15 (a), 48 Stat. 882, 892, 895, 15A (m), 52 Stat. 1070, 23 (a), 48 Stat. 901; 15 U. S. C. 78c, 78l, 78o, 78o–3, 78w)

Effective June 25, 1947.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

JUNE 25, 1947.

[F. R. Doc. 47-6340; Filed, July 8, 1947; 8:55 a. m.]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

DISCLOSURES CONTRAVENING CODE OF WARTIME PRACTICES

The Securities and Exchange Commission, acting pursuant to the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary and appropriate to carry out the provisions of the foregoing act and for the exercise of the functions vested in the Commission thereunder, hereby repeals § 250.105 (Rule U-105) under the Public Utility Holding Company Act of 1935, which relates to disclosures contravening the Code of Wartime Practices. The Commission finds that this section no longer serves any useful purpose.

(Sec. 20 (a), 49 Stat. 833; 15 U. S. C. 79t)

Effective August 1, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 24, 1947.

[F. R. Doc. 47-6348; Filed, July 8, 1947; 8:54 a. m.]

PART 261—INTERPRETATIVE RELEASES RELATING TO TRUST INDENTURE ACT OF 1939 AND GENERAL RULES AND REGULATIONS THEREUNDER

SECURITIES OF INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

§ 261.37 *Interpretation with reference to the securities of the International Bank for Reconstruction and Development.*

The Securities and Exchange Commission today announced the promulgation of an interpretation under the Trust Indenture Act of 1939, with reference to the securities of the International Bank for Reconstruction and Development. The Bank's request for this action was supported by the National Advisory Council on International Monetary and Financial Problems. The Council was created by the Bretton Woods Agreements Act, pursuant to which the United States became a member of the Bank and the International Monetary Fund. It consists of the Secretary of the Treasury (who is Chairman), the Secretary of State, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of Trustees of the Export-Import Bank of Washington. Its statutory purpose is "to coordinate the policies and operations of the representatives of the United States on the Fund and the Bank and of all agencies of the Government which make or participate in making foreign loans or which engage in foreign financial, exchange or monetary transactions."

So far as the Trust Indenture Act of 1939 is concerned, the Commission concurs in the opinion of counsel for the bank that an exemption is available under the statute.

[Trust Indenture Act Release No. 37 dated June 25, 1947]

Effective June 25, 1947.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

JUNE 9, 1947.

[F. R. Doc. 47-6437; Filed, July 8, 1947; 8:55 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51713]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PUBLIC INTERNATIONAL ORGANIZATIONS

Section 10.30a, Customs Regulations of 1943 (11 F. R. 5440), as amended by T. D. 51657 (12 F. R. 2383), is hereby further amended as follows:

Paragraph (a) is amended by deleting the word "and" before "The International Wheat Advisory Committee (International Wheat Council)," by changing the period thereafter to a comma, and by adding the following: "The United Nations Educational, Scientific, and Cultural Organization, The International Civil Aviation Organization, and The International Telecommunication Union."

The first sentence of footnote 33b is amended to read as follows: "Executive Orders Nos. 9698, 9751, 9823, and 9863, dated February 19, 1946, July 11, 1946, January 24, 1947, and May 31, 1947, respectively."

(Secs. 498, 624, 46 Stat. 728, 759, Sec. 3, Public Law 291, 79th Cong.; 19 U. S. C., 1498, 1624, 22 U. S. C., Sup. 288b, E. O. 9698, February 19, 1946, 11 F. R. 1809, E. O. 9751, July 11, 1946, 11 F. R. 7713, E. O. 9823, January 24, 1947, 12 F. R. 551, E. O. 9863, May 31, 1947, 12 F. R. 3559)

[SEAL] FRANK DOW, *Acting Commissioner of Customs.*

Approved: July 2, 1947.

A. L. M. WIGGINS, *Acting Secretary of the Treasury.*

[F. R. Doc. 47-6368; Filed, July 8, 1947; 9:10 a. m.]

[T. D. 51714]

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

SPECIAL MARKING ON CERTAIN ARTICLES

Section 11.9, Customs Regulations of 1943 (19 CFR, Cum. Supp., 11.9), is amended by deleting the words "specified in" wherever they appear in that section and substituting therefor the words "classifiable under."

(Sec. 634, 46 Stat. 759; 19 U. S. C. 1694)

[SEAL] FRANK DOW, *Acting Commissioner of Customs.*

Approved: July 2, 1947.

A. L. M. WIGGINS, *Acting Secretary of the Treasury.*

[F. R. Doc. 47-6369; Filed, July 8, 1947; 9:10 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.47]

PART 44—USE OF ORIGINAL RECORDS OF THE DEPARTMENT OF STATE

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to 27 Stat. 395 (20 U. S. C. 91), 22 CFR Part 44, as amended October 17, 1946 (Departmental Regulations 108.21 and 108.28) (11 F. R. 10107 and 12379) is hereby superseded by the following regulations, under a new part heading, as indicated.

Sec.
44.1 Use of records by officials of the United States Government, except officers of the Department of State.
44.2 Use of records by persons who are not officials of the United States Government.
44.3 Liberal interpretation of regulation.

AUTHORITY: §§ 44.1 to 44.3 inclusive issued under R. S. 161, 27 Stat. 395; 5 U. S. C. 22, 20 U. S. C. 91.

§ 44.1 *Use of records by officials of the United States Government, except officers of the Department of State.* The use of the records of the Department of State by Government officials, exclusive of those processed through liaison channels of the Division of Communications and Records and the Office of Intelligence Collection and Dissemination, will be subject to such conditions as the chiefs of the appropriate policy divisions of the Department, in consulation with the Chief of the Division of Historical Policy Research, may deem it advisable to prescribe.

§ 44.2 *Use of records by persons who are not officials of the United States Government—(a) Unpublished files and records of the Department prior to January 1, 1922.* The unpublished files and records of the Department prior to January 1, 1922, are, with certain exceptions, such as records relating to the citizenship of individuals, unsettled claims, and foreign service inspection and personnel records, available for inspection by the general public at the National Archives, subject to its regulations. On January 1, 1948, and each year thereafter until January 1, 1955, this date will be automatically advanced one year. The unpublished files and records of the Department in the period between the open date and January 1, 1933, or such subsequent date as may be fixed by the Department, may be made available for consultation to persons who are not officials of the United States Government, subject to the following conditions:

(1) Files which are in current use in the Department or which cannot be made public without the disclosure of confidences reposed in the Department, or without adversely affecting the public interest, will not be made available to inquirers.

(2) Papers received by the Department from a foreign government which have not been released for publication by that government will not be made available to inquirers without the consent of the government concerned. If there is reason to believe that a foreign government may be willing to permit the use of the papers in question under certain conditions, the permission may, at the discretion of the appropriate officials of the Department, be requested. (If such permission is requested, the expenses of communicating with the foreign government will be met by the person desiring to consult the papers.)

(3) Permission to consult the records of the Department between the open date and January 1, 1933, or such subsequent date as may be fixed by the Department, may be granted, subject to the limitations set forth in the regulations in this part, to such persons as lawyers, publicists, and qualified scholars: *Provided*, That:

(i) The applicants satisfy the Department that they have an important and definite use for the information desired.

(ii) The applicants confine their requests for material to specific subjects or particular papers. The Department is not in a position to assemble large quantities of papers for persons not officials of the United States Government.

(iii) The applicants agree to utilize records made available to them subject to such conditions as the Department may find it necessary to prescribe.

(4) An application from an alien to consult the records of the Department under the regulations in this part, will be considered only if such an application is accompanied by a letter from the head of the embassy or legation at Washington of the country of which the alien is a citizen, subject, or national. Such a letter will show that the applicant is favorably known to the appropriate embassy or legation, and that the mission is familiar with the applicant's work. The Department, however, reserves the right, without prejudice, to refuse permission to consult its original records to any alien applicant.

(5) All applications to consult the records of the Department between the open date and January 1, 1933, or such subsequent date as may be fixed by the Department, will be referred to the Chief of the Division of Historical Policy Research. If the Chief of the Division of Historical Policy Research is of the opinion that the applicant possesses the requisite qualifications as set forth in the regulations in this part, such application will be handled as follows:

(i) Documents or papers previously released or published, and unpublished papers clearly involving no question of policy, intelligence, or security may be made available to qualified applicants by the Chief of the Division of Historical Policy Research without reference to other officials.

(ii) Material or information bearing a security classification originating with another Government agency will not be made available unless specific approval is obtained from the agency of origin.

(iii) In the case of requests for all other material, information, or documents, the Chief of the Division of Historical Policy Research will inform the chief of the policy division charged with the consideration of questions in the field which is the object of research or inquiry of the nature and precise limits of the proposed research and the papers involved.

(iv) If the chief of policy division concerned determines that the applicant will be permitted to use all or part of the papers desired, he will inform the Chief of the Division of Historical Policy Research of the conditions under which the papers may be examined—that is, whether copies may be made of the relevant documents or whether only notes may be taken and whether the copies or notes may be published in whole or in part, or used only for background information; or any other conditions which the chief of policy division may deem it advisable to prescribe. This decision will be final except in cases of unusual importance where the question may be referred to the Under Secretary.

(v) Upon receiving the decision of the chief of the policy division setting forth the conditions deemed advisable and necessary to prescribe, the Chief of the Division of Historical Policy Research will arrange for the applicant to consult the files subject to the conditions decided upon.

(vi) After the applicant has consulted the papers, he will submit to the Chief of the Division of Historical Policy Research all notes, copies of documents, and the like, which he has made. These materials will be examined by the Chief of the Division of Historical Policy Research or submitted to the chief of the policy division, if he so desires.

(vii) After such examination the papers may be transmitted to the applicant by the Chief of the Division of Historical Policy Research or retained at the discretion of the chief of the division concerned.

(b) *Unpublished files or records of the Department of a date later than January 1, 1933, etc.* The unpublished files or records of the Department of a date later than January 1, 1933, or such subsequent date as may be fixed by the Department, may not be made available to persons who are not officials of the United States Government except in circumstances which have been determined to be exceptional in accordance with the principles and procedures set forth below:

(1) A determination to permit access to persons other than officials of the United States Government to the unpublished files and records of the Department during the closed period as defined above may be made only on the grounds that the interests of national policy are served thereby.

(2) Such a determination will be made by a Committee on the Use of Departmental Files, consisting of the Chief of the Division of Historical Policy Research, who shall be Chairman, a representative of the Division of Security and Investigation, and a representative of the offices responsible for the political and or economic policy involved. The Chief of the Division of Historical Policy Research shall designate an Executive Secretary to serve the Committee.

(3) All requests by persons outside the United States Government for permission to use Departmental files in the closed period must be made in writing, with full justification, to the Chief of the Division of Historical Policy Research who will refer the request to the Committee for decision and transmit the Department's decision to the applicant.

(4) Should the Committee fail to arrive at a unanimous agreement as to the policy or its application to particular cases, the matter will be referred, fully documented, to the Under Secretary for decision.

§ 44.3 *Liberal interpretation of regulation.* It is the policy of the Department that its records be made available to persons not officials of the United States Government as liberally as circumstances permit.

Approved: July 1, 1947.

[SEAL] JOHN E. PEURIFOY, *Assistant Secretary of State.*

[F. R. Doc. 47-6353; Filed, July 8, 1947; 8:56 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 21st day of May A. D. 1947.

The matter of accounting regulations for steam railroads being under consideration pursuant to the provisions of section 20 (3) of the Interstate Commerce Act, as amended; and

It appearing, that such regulations, as they were in force June 1, 1938, were published in the First Edition of the Code of Federal Regulations under this chapter and title, and that certain modifications of the regulations appeared in early supplements to that Code; and,

It further appearing, that by order dated May 1, 1943, said accounting regulations with all amendments and modifications to that date were issued in revised form to be known as the "Uniform System of Accounts for Steam Railroads, Issue of 1943," which revised system of accounts and all subsequent amendments

thereof were filed with the Director of the Division of the Federal Register but were not published in the FEDERAL REGISTER or in the Code of Federal Regulations; and,

It further appearing, that the accounting regulations so prescribed for steam railroads are substantive rules which are required by section 3 (a) (3) of the Administrative Procedure Act to be currently published in the FEDERAL REGISTER, but no general notice of proposed rule-making as contemplated by section 4 of that act is required because said regulations were prescribed prior to the effective date of such requirement;

Sec.
10.00 Order of the Commission.

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10.13 Fences, snowsheds, and signs.
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10.20 Shops and enginehouses.
10.21 Grain elevators.
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10.220 Track laying and surfacing.
10.221 Fences, snowsheds, and signs
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10.231 Water stations.
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10.235 Shops and enginehouses.
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AUTHORITY: §§ 10.00 to 10.790, inclusive, issued under 24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20 (3).

SPECIAL NOTE: In the regulations under Part 10 of this chapter the numbers assigned to sections thereof include as a whole number, following the decimal point, the number of the prescribed account. Where references throughout the regulations are to an account, as such, only the account number portion of the section number is used. For example: Account 101, "Freight," may be mentioned in the instructions or in the text of another account, and will be found as § 10.101 under operating revenues. Sections devoted to instructions, as distinguished from the texts of the prescribed accounts, are numbered serially § 10.01 to § 10.08, inclusive, with appropriate sub-numbers following a dash.

§ 10.00 *Order of the Commission.* It is ordered, that: The "Uniform System of Accounts for Steam Railroads, Issue of 1943," as modified and amended prior to January 1, 1947, together with a copy of this order, shall be filed with the Director of the Division of the Federal Register for publication in the FEDERAL REGISTER, and that a copy of this order be deposited in the office of the Secretary of the Commission at Washington, D. C.

INVESTMENT IN ROAD AND EQUIPMENT

§ 10.01 *General instructions.* The carrier's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries made in the accounts provided herein for investment in road and equipment. Where the full information is not recorded in the general books, the entries therein shall be supported by other records in which the full details shall be shown. Such general book entries shall contain sufficient reference to the detail records to permit ready identification, and the detail records shall be filed in such manner as to be readily accessible for examination by representatives of the Interstate Commerce Commission.

§ 10.01–1 *Accounts for investment in road and equipment.* The accounts prescribed in this classification, except in connection with the acquisition of transportation property as provided in accounts 702½A "Acquisition adjustment," and 702½B, "Donations and grants," are designed to show the investment of the carrier in property devoted to transportation service. The carrier's investment in physical property other than transportation property is provided for in balance-sheet account 705, "Miscellaneous physical property." "The carrier" mean the accounting carrier, except when otherwise specifically indicated. The carrier's record shall be kept in such form that expenditures for additions and betterments may be reported separately from those for original road, original equipment, and road extensions, and shall show separately the expenditures under each authorized addition and betterment project. (See balance-sheet account 701, "Road and equipment property," and 702, "Improvements on leased property.") When a building or structure is used primarily for transportation purposes it is not contemplated that parts of such buildings or structures rented to others will be carried in account 705; nor is it contemplated that irregular parcels of land acquired in connection with acquisition of right-of-way which have no value as commercial property shall be transferred to account 705, either for the purpose of making right-of-way boundaries run more or less regular or for the purpose of eliminating from account 701 the cost of unoccupied lands between tracks in yards and terminals.

§ 10.01–2 *Items to be charged.* To these accounts shall be charged the cost of original road, original equipment, road extensions, additions, and betterments; also the estimated values at time of acquisition of right of way and other road and equipment property donated to the carrier, except that unless authorized by the Commission no charges shall be made to these accounts after July 1, 1914, for donations received previously to that date. Applications to the Commission for including such items in the road and equipment accounts shall contain full information concerning the source and character of the donations.

(a) When the property change involves: (1) The acquisition of units and minor items of road property (other than land or tracks) such as defined in paragraphs (e) and (c) of § 10.01–7 *Road property retired* the cost of which is less than $500.00; (2) the betterment of road property (see "Betterments" under paragraph (c) of this section), the betterment cost of which is less than $500.00, the cost of the units and minor items of road property acquired under (1) and betterment costs under (2) shall be charged to operating expenses.

The retirement of units and minor items of road property shall be accounted for in accordance with § 10.01–7 *Road property retired.*

(b) The carrier shall not parcel expenditures or retirements under a general plan for the purpose of bringing the accounting therefor within this rule, neither shall it combine unrelated items of property for the purpose of excluding the accounting therefor from the rule.

(c) The carrier is permitted to adopt for the purpose of its accounting a limit of less than the aforesaid amounts provided it first files with the Commission the maximum amount which it proposes to adopt and makes no subsequent change in this amount except by authority of the Commission, except that when the carrier adopts a limit of less than $500 in reporting property changes to the Bureau of Valuation for valuation purposes it shall adopt a like minimum for accounting purposes in order to coordinate the original cost with the physical property included in the inventory.

"Construction" includes all processes connected with the acquisition and construction of original road and equipment, road extensions, additions, and betterments.

"Original road" means the land and road property provided and arranged for in the original plan for the construction of a new road. When the acquisition of any road property under the original plan

is deferred, such property when acquired, shall be considered an addition. Original road shall not include road property which, under the original plans for the road, it is proposed to substitute at some time subsequent to the beginning of commercial operations, for the property originally installed and used for transportation operations, such as steel bridges substituted for trestles.

"Original equipment" means equipment provided and arranged for under the original plan for the construction of a new road. When the acquisition of such equipment under the original plan is deferred, such equipment, when acquired, shall be considered as additions.

"Road extensions" means the land and road property provided and arranged for in the original plan for the construction of extensions of existing main lines, additional branch lines, and extensions of existing branch lines. When the acquisition of any road property under the original plan is deferred, such property, when acquired, shall be treated as an addition. Road extensions shall not include road property which, under the original plan for the extensions, it is proposed to substitute, at some time subsequent to the beginning of commercial operations for the property originally installed and used for transportation in connection with the commercial operations, such as steel bridges substituted for trestles.

"Equipment" means the rolling stock, boats, highway vehicles, horses, and harness devoted to transportation service, the cost of which is includible in the equipment accounts.

"Road property" means transportation property other than equipment.

"Additions" are additional facilities, such as additional equipment, tracks (including timber and mine tracks), buildings, bridges, and other structures; additions to such facilities, such as extensions to tracks, buildings, and other structures; additional ties laid in existing tracks; and additional devices applied to facilities, such as air brakes applied to cars not previously thus equipped. When a unit of property is retired from service and replaced with property of like purpose, the newly acquired property shall, for the purpose of this classification, be considered as an addition, and the cost thereof accounted for accordingly. (See § 10.01–7 *Road property retired.*)

"Betterments" are improvements of parts (minor items) of existing facilities through the substitution of superior parts for inferior parts replaced. The cost chargeable to the accounts of this classification is the excess cost of new parts over the cost at current prices of new parts of the kind replaced.

"Cost" shall be actual money costs to the carrier. Where a portion of the funds expended by or for the carrier has been obtained by grants from governmental agencies, or by donations from individuals or others, the accounting shall be in accordance with paragraphs (a), (b), or (c) of this section as may be applicable.

(a) *Donations from individuals or others.* The entire cost of constructing transportation property to which the carrier acquires exclusive title and exclusive right of use shall be included in these accounts without deduction on account of contributions received from others. The money value of donations shall be credited to account 702½B, "Donations and grants."

NOTE. Amounts billed against a lessee company for a proportion of the cost of constructing facilities under a contract which covers the joint use of such facilities but does not transfer title, shall be credited by the owning company to account 508, "Joint facility rent income," and charged by the lessee to account 541, "Joint facility rents." The entire cost of the facilities shall be charged by the owning company to the appropriate accounts of this classification.

(b) *Joint projects.* Contributions by governmental agencies, or individuals toward construction of projects involving joint use of facilities by the carrier and others after completion of the project shall not be considered donations and only the cost borne by the carrier in connection with the construction of these projects shall be included in these accounts. In accounting for the cost to the carrier of projects involving joint use of facilities by the carrier and others, such costs shall be first applied to the cost of construction of railway facilities includible in accounts other than 2½, "Other right-of-way expenditures," or 39, "Public improvements—Construction," any remaining balance to be included in account 2½, or account 39, as appropriate.

Illustrations of joint projects referred to are:

(1) Jointly owned tracks, interlockers, etc.;

(2) Construction or widening of highways, spillways, drainage canals, farm and other private passes, pipe lines, drains, and other facilities across the carrier's right of way;

(3) Construction of overhead or undergrade crossings;

(4) Installation of warning signals to protect highway traffic.

(c) *Public improvement projects other than joint projects.* In connection with public improvement projects which do not involve joint use by the carrier and others of the facilities after completion of the projects such as reconstruction and relocation of tracks and appurtenant facilities at the expense of governmental agencies, the ledger value of the property retired shall be credited and the cost of constructing the new property shall be charged to the appropriate accounts of this classification. The sum contributed by the governmental agencies unless contract specifies otherwise shall be applied first to reduce or cancel the amount that otherwise would be charged to operating expenses or depreciation reserve in accounting for the retirements, and the remainder, if any, representing cost of railroad property only, shall be credited to account 702½B, "Donations and grants." The projects here referred to are those such as occur in connection with the carrying out of flood control, reclamation and other public projects where it becomes necessary to abandon a part of the line of road and relocate it.

§ 10.01–3 *Basis of charges.* The charges to the accounts of this classification shall be based upon the cost of the property acquired. When the consideration given for the purchase or the improvement of property the cost of which is chargeable to the accounts of this classification is other than money, the money value of the consideration at the time of the transaction shall be charged to these accounts, and the actual consideration shall be described in the record in sufficient detail to identify it. The carrier shall be prepared to furnish the Commission, upon demand, the particulars of its determination of the actual cash value of the consideration, if other than money.

§ 10.01–4 *Cost of construction.* It is intended that the accounts for road property and equipment shall include the cost of construction of such property. The cost of construction shall include the cost of labor, materials and supplies, work-train service, special machine service, transportation, contract work, protection from casualties, injuries and damages, privileges, and other analogous elements in connection with such work. The several items of cost here referred to are defined as follows:

(a) "Cost of labor" includes the amount paid for labor expended by the carrier's own employees, including the cost of labor expended for preliminary work, such as sinking test holes or making soundings for tunnels, grading, buildings, and other structures; and cost of labor expended in laying and taking up tracks for temporary use in construction, except the cost of labor expended on tracks provided for the protection of traffic during the progress of addition and betterment work. Office expenses and traveling and other personal expenses of employees, when borne by the carrier, shall be considered a part of the cost of the labor, as shall also the cost of fidelity bonds and employers' liability insurance premiums. When officers or employees are specially assigned to construction work, their pay and their traveling and incidental expenses while thus engaged shall be included in the cost of the work. No charge shall be made against road and equipment accounts for the pay of officers and employees who merely render services incidentally in connection with extensions, additions, or betterments, although traveling and incidental expenses incurred by such officers and employees solely on account of such work shall be included in the account to which the cost of the work is chargeable.

(b) "Cost of materials and supplies" includes the purchase price of materials and supplies, including small tools, at the point of free delivery, plus the cost of inspection and loading assumed by the carrier; also a suitable proportion of store expenses. (See § 10.04–16 *Material store expenses* and § 10.04–17 *Stationery store expenses.*) In calculating the cost of materials used, proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc.; for the value of the material recovered from temporary tracks, scaffolding,

cofferdams, and other temporary structures used in construction; and for the value of small tools recovered and used for other purposes.

(c) "Cost of work-train service" includes amounts paid to others for rent and maintenance of equipment used; cost of labor of enginemen, trainmen, and enginehousemen, including wages of engine crews and train crews held in readiness for such service; and cost of fuel and other supplies consumed in connection with the operation of work trains. It shall also include the cost of maintaining the carrier's own equipment used in construction service. However, no rent or return upon the investment in such equipment shall be included as a part of the cost of work-train service.

(d) "Cost of special machine service" includes the cost of labor expended and of materials and supplies consumed in maintaining and operating steam shovels, scrapers, rail unloaders, ballast unloaders, pile drivers, dredges, ditchers, weed burners, and other labor-saving machines; also rents paid for use of such machines. (See Note A under account 37, "Roadway machines," and tenth paragraph of general account 50, "Equipment.")

(e) "Cost of transportation" includes the amounts paid to other companies or individuals for the transportation of men, materials and supplies, special machine outfits, appliances, and tools in connection with construction. Freight charges paid foreign lines for the transportation of construction material to the carrier's line shall be included, so far as practicable, as a part of the cost of the material.

(f) "Cost of contract work" includes amounts paid for work performed under contract by other companies, firms, or individuals, and costs incident to the award of the contract.

(g) "Cost of protection from casualties" includes expenditures for protection against fire, such as payments for discovery or extinguishment of fires, cost of detecting and prosecuting incendiaries, witness fees in relation thereto, amounts paid to municipal corporations and others for fire protection, and other analogous items of expenditure in connection with construction work.

(h) "Cost of injuries and damages" includes expenditures on account of injuries to persons or damage to property when incident to construction projects, and shall be included in the cost of the work in connection with which the injury or damage occurs. It also includes that portion of premiums paid for insuring property applicable to the period prior to the completion or coming into service of the property insured. Insurance recovered on account of compensation paid for injuries to persons incident to construction shall be credited to the accounts to which such compensation is charged, and insurance recovered on account of damages to property incident to construction shall be credited to the accounts chargeable with the expenditures necessary for restoring the damaged property. The cost of injuries and damages incident to the removal of old structures, or parts thereof, shall be charged to operating expenses, except that such costs in connection with the removal of old structures which are incumbrances on newly acquired lands shall be included in account 2, "Land for transportation purposes," or 3, "Grading," as many be appropriate. (See § 10.01–7 *Road property retired.*)

(i) "Cost of privileges" includes compensation for temporary privileges, such as the use of public property or streets, in connection with the construction of the property of the carrier.

§ 10.01–5 *Excavated material.* The cost of disposing of material excavated in connection with construction shall be considered as a part of the cost of the work, except that when such material is used for filling, the cost of removal and dumping shall be equitably apportioned between the work in connection with which the removal occurs and the work in connection with which the material is used.

§ 10.01–6 *Items to be credited.* To these accounts shall be credited the ledger value of property retired.

"Ledger value of property" is the value at which the property is carried in the property investment account in the general ledger of the carrier. In case the value of any item of property is not shown separately in the ledger the ledger value of that item shall be its proportionate share of the value of the entire group in which the particular property is included.

"Property retired" means a unit of property whether replaced or not and a minor item not replaced, which is sold, abandoned, demolished, dismantled, or otherwise withdrawn from transportation service.

§ 10.01–7 *Road property retired.* (a) When a unit of road property, other than land, is retired from service, or a minor item is retired and not replaced, the ledger value of the unit or minor item shall be credited to the appropriate road accounts of this classification at the time of retirement from service. The amount of this credit shall be charged concurrently as follows:

(1) *For depreciable property.* The service value (ledger value less value of salvage) shall be charged, and insurance recovered, if any, shall be credited to account 702½C, "Accrued depreciation—Road." The charge for the salvage shall be in accordance with the disposition of the material recovered. The cost of dismantling or demolishing the property, if borne by the carrier, shall be charged to account 270, "Dismantling retired road property," or account 306, "Dismantling retired shop and power plant machinery," as may be appropriate.

NOTE: When property included in the depreciable accounts but excluded from the depreciation base is retired, the service value (including engineering expenditures assignable to the retired property but not included in the depreciation base) shall be charged to operating expenses.

(2) *For nondepreciable property.* The service value (ledger value less value of salvage) shall be charged to account 267 "Retirements-Road." The cost of dismantling or demolishing the property, if borne by the carrier, shall be charged to account 270, "Dismantling retired road property." The charge for the salvage shall be in accordance with the disposition of the material recovered.

An equitable proportion of any balances carried in accounts 72 to 77, inclusive, applicable to the road property retired, shall be credited thereto concurrently and charged to account 267, "Retirements-Road."

NOTE: For parts (minor items) of road property retired and replaced for both depreciable and nondepreciable accounts the cost of replacement including cost of removal, shall be charged to the accounts in operating expenses appropriate for the cost of repairing such property.

(b) The term "service value" as applied to road property means the ledger value thereof less the value of the salvage recovered therefrom.

(c) The term "minor item" as applied to road property means the associated parts of which units of road property are composed.

(d) The term "value of salvage" means the amount received for property retired, or for the material salvaged therefrom if sold; or if retained, the value at which the property or the material salvaged therefrom is chargeable to account 716, "Material and supplies," or other accounts of this system of accounts. When such material is retained and again used by the carrier, the value shall be determined by deducting a fair allowance for depreciation from current prices of the material as new. If the retired property is held without being torn down the estimated value of the salvage therefrom shall be included in account 722, "Other deferred assets," until the salvage is recovered.

(e) The term "unit of road property" means any structure or item of property that is physically distinct or separate, or any substantial part of a composite or continuous structure (except tracks) such as a bridge, a trestle, a snowshed, or right-of-way fence, the original cost of which can be readily ascertained with reasonable accuracy. With respect to buildings it means the entire structure including component parts. The foregoing is intended as a guide in determining what is a unit of road property and should be regarded as representative only.

(f) *Leased property.* When a unit of road property used but not owned, other than land, the rent for which is includible in account 542, "Rent for leased roads and equipment," is retired from service, or a minor item is retired and not replaced, the service value of nondepreciable property shall be charged to account 267, "Retirements—Road," by the lessee and the service value of depreciable property shall be charged to the depreciation reserve account by either the lessee or lessor, as appropriate. If under terms of the lease the lessor is obligated to reimburse the lessee for additions and betterments and is credited with the ledger value of retired property, the lessor shall credit the ledger value of the retired property to account 701, "Road and equipment property." If under terms of the lease the lessee bears the cost of additions and betterments without reimbursement and is not obligated to reimburse the lessor for the ledger value of retired property, the lessee shall credit the ledger value to account 702, "Improvements on leased property." The salvage shall be accounted for by the company that has title thereto and charged in accordance with the disposition of the material recovered.

When the lessee makes settlement with the lessor currently for retirements of property leased, the lessee shall credit to account 706, "Investments in affiliated companies," or 707, "Other investments," as applicable, the service value of nondepreciable property charged to account 267, "Retirements—Road," and the lessor shall make corresponding charge to account 757, "Amounts payable to affiliated companies," or other liability accounts, as may be appropriate.

The lessee shall furnish the lessor such information as is required to perform the necessary accounting.

§ 10.01–9 *Equipment retired.* The instructions for accounting for equipment retired are contained in the text of general account 50, "Equipment."

§ 10.01–10 *Land retired.* When any land, the cost of which is included in the accounts of this classification, is retired, the ledger value shall be credited to account 2, "Land for transportation purposes." If the land is retained by the carrier, its estimated value shall be charged to balance-sheet account 705, "Miscellaneous physical property," the necessary adjustment of the difference between the ledger value and the estimated value on acount of the loss in the property due to its retirement from transportation service shall be made through account 621, "Miscellaneous debits". If sold, the difference between the ledger value credited to account 2 and the amount received for the land shall be adjusted through accounts 607, "Miscellaneous credits," or 621, "Miscellaneous debits," as appropriate.

§ 10.01–11 *Adjustment for converted property.* If a unit of equipment by its transfer from one class of service to another, with or without physical conversion, becomes includible in a primary investment account other than that in which it has been carried, it shall be accounted for as retired. (See the text of general account 50, "Equipment.")

In accounting for the retirement of such a unit the retirement accounting should be on a basis consistent with the accounting which would be proper if the carrier were to make no further use of it, as in the case of demolition or sale. Following this principle, the salvage value to be used in arriving at the service value shall be the ledger value of the unit less an allowance to reflect consumed, expired or lost usefulness and in no case shall it be less than the estimated value of the scrap and reusable parts which would be recovered if the unit were dismantled. In arriving at this salvage value, the amount which would have been paid, had the old unit in its second-hand condition been purchased from another company, and the further use which it is contemplated will be made of the unit after conversion, are factors to be given consideration.

In accounting for the unit as converted, its ledger value shall be the estimated salvage value used in the retirement accounting less any salvage recovered and not used in the conversion process plus all expenditures for labor and material necessary to fit the unit for its future use, but not in excess of the cost (at current market prices of labor and material) of a new unit of equal capacity and equal expectation of life in service, less a suitable allowance on account of the second-hand portions remaining herein.

NOTE: The procedure outlined in the foregoing with regard to the transfer to equipment from one class of service to another shall be followed in accounting for fixed property when by its transfer from one class of service to another it becomes includible in a primary investment account other than that in which it has been carried.

§ 10.01–12 *Expenses in connection with additions and betterments.* The cost of removing old material from equipment and from buildings, bridges, wharves, tracks, and other fixed improvements, shall be charged to the appropriate operating expense accounts. Such charges shall include the cost of removing old foundations and filling old excavations, and restoring condition of grounds after addition and betterment work; and maintaining or protecting traffic during the progress of addition and betterment work, including the cost of constructing, maintaining, and removing temporary tracks required for maintaining traffic during the progress of the work.

§ 10.01–13 *Interpretation of item lists.* Lists of "items," "details," etc., have been given as a part of this classification for the purpose of clearly indicating the application of the accounting rules in specific cases. The lists in every case are to be considered as merely representative, and not as excluding from any account analogous items which happen to be omitted from the list appended. On the other hand, the appearance of an item in a list warrants the inclusion of the item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list. The item of boilers, for example, will be found under accounts 18, 27, 37, 44, and 45, and the proper charge in any one instance must be determined by the text of the account.

§ 10.01–14 *Submission of questions.* To the end that uniformity of accounting may be maintained from year to year, carriers shall submit all questions of doubtful interpretation of the accounting rules to the Commission for consideration and decision.

PROPERTY ACCOUNTS

ROAD

§ 10.0 *Road.* The several primary accounts included in this general account are designed to show the cost of land and road property owned by the carrier and devoted to transportation service.

§ 10.1 *Engineering.* This account shall include the pay and expenses of engineers, assistants, and clerks engaged in the survey and construction of new lines and extensions, or in making additions to and betterments of the carrier's road, including wharves and docks.

LIST OF OFFICERS AND EMPLOYEES

Chief engineer.
Assistant engineers.
Bridge engineer.
Signal engineer.
Architects.
Chief clerk.
Draftsmen.
Clerks.
Transitmen.
Levelmen.
Rodmen.
Chainmen.
Axmen.
Messengers.
Cooks on business cars.
Porters on business cars.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Axes.
Barometers.
Books for office use.
Boxes for materials and instruments.
Business car service.
Cameras.
Camp equipage.
Chains for surveyors.
Compasses.
Curves.
Drawing boards.
Drawing instruments.
Field glasses.
Field notebooks.
Furniture repairs and renewals.
Hatchets.
Heating and lighting.
Levels.
Magnets.
Magnifiers.
Marking chalk.
Official train service.
Oilstones.
Paper, blue-print.
Parallel rules.
Periodicals and newspapers.
Photographic supplies.
Plane tables.
Planimeters.
Plummets.
Printing and stationery.
Protractors.
Provisions for business cars.
Ranging poles.
Reading glasses.
Rent of offices.
Repairs of rented offices.
Rods for surveyors.
Scales.
Section liners.
Sextants.
Slide rules.
Stakes.
Straightedges.
Tally registers.
Tape lines.
Tee-squares.
Telegraph service.
Telephone service.
Telescopes.
Thermometers.
Thumb tacks.
Tracing linen.
Transits.
Traveling expenses.
Traverse tables.
Triangles.
Tripods.
Verniers.
Water and ice.

NOTE A: When employers designated above are engaged in the maintenance of the road, their pay and expenses while thus employed shall be charged to operating expenses.

NOTE B: Expenditures for tentative or preliminary surveys shall be carried in a suspense account until it is determined whether or not to continue the work. If the project is continued, expenditures for all surveys in connection therewith shall then be transferred to this account, and, if abandoned, to operating expenses, income, or profit and loss, as may be appropriate.

NOTE C: The cost of designing, making plans and specifications, and supervising the construction of equipment shall be included in the cost of the equipment.

NOTE D: The cost of stationery and printing supplies used for accounting purposes in connection with engineering work shall be included in account 74, "Stationery and printing," when not directly assignable to specific road or equipment accounts.

NOTE E: Fees and expenses of architects specially employed for designing or supervising the construction of buildings shall be included in the accounts appropriate for the cost of the buildings constructed.

§ 10.2 *Land for transportation purposes.* This account shall include the cost

of land of necessary width acquired for roadway; the cost of land for station, office, shop, and other grounds; for ingress to or egress from such grounds; for borrow pits, waste banks, snow fences, sand fences, and other railway appurtenances; and for storage of material adjoining the right of way; the cost of land for wharves and docks and the cost of riparian or water rights necessary therefor; the cost of removing from the right of way and locating elsewhere the property of others, and the cost of the necessary land for relocation of the property, when such costs are assumed by the accounting carrier.

The carrier's records shall be kept in such manner as to show separately the cost of land purchased by it and the estimated values at time of acquisition of lands donated.

Proceeds from the sale of timber or of improvements purchased with right of way, less any cost of removal, shall be credited to this account.

ITEMS OF EXPENSE

Abstracts.
Appraisals.
Arbitrators in condemnation cases.
Commissions paid to others.
Condemnation expenses, including court costs and special counsel fees.
Damages to property of others.
Deferred payments for right of way.
Ditches for waterways when part of consideration.
Judgments and decreed costs to clear or defend titles.
Notarial fees.
Plats.
Premiums on condemnation bonds.
Recording deeds.
Payments for relinquishment of cattle passes and other rights.
Removal and relocation of buildings and other structures not purchased.
Rent of land when part of consideration for purchase.
Right-of-way agents' compensation (engaged solely in acquiring right of way).
Taxes accrued and assumed at time of purchase.

NOTE: The cost of land acquired in excess of that necessary for transportation operations shall be included in balance-sheet account 705, "Miscellaneous physical property." When the purchase of land acquired for transportation operation involves the purchase of land not used for such purposes the charges to this account shall be based upon the estimated cost of only that portion which is used for such purposes, and the cost of the remaining land shall be included in account 705, "Miscellaneous physical property." Only the actual cost borne by the carrier for right of way and other lands acquired through vacation of streets and highways shall be included in this account. No donations should be considered as involved in the acquisition of such property.

§ 10.2½ *Other right-of-way expenditures.* This account shall include the cost (in excess of cost of railway facilities installed, if any) actually borne by the carrier of improvement projects (other than public improvement projects), such as the construction of canals, farm and other private passes, pipe lines, drains, and other facilities across the carrier's right of way.

§ 10.3 *Grading.* This account shall include the cost of clearing and grading the roadway, and of constructing protection of a permanent character for the roadway, tracks, embankments, and cuts.

When a part of a bridge or trestle, or the entire structure, is converted by filling into an earth embankment, and the bridge is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such temporary trestle shall be included in the cost of the filling, and charged to this account. (See Note A, under account 6, "Bridges, trestles, and culverts.")

When a tunnel is converted into an open cut, the cost of clearing, grubbing, and excavating shall be included in this account.

DETAILS OF ROADBED AND ITEMS OF EXPENSE

Advertising for contractors' bids.
Berm ditches.
Blasting.
Breakwaters.
Bulkheading.
Clearing land.
Cribbing.
Ditches (not required by right-of-way agreement).
Dressing slopes.
Excavation for conversion of tunnels into open cuts.
Filling bridges, trestles, and culverts.
Grading outfits.
Grubbing land.
Material taken from borrow pits.
Operation of steam shovels.
Payments for privilege of wasting material on the property of others.
Payments for waste banks off the right-of-way.
Retaining walls.
Revetments.
Riprap.
Spoil banks.
Temporary trestling for fills.
Tools for grading.
Wing dams.

§ 10.5 *Tunnels and subways.* This account shall include the cost of tunnels and subways for the passage of trains, including apparatus for ventilating and lighting, and safety devices therein, other than signals.

NOTE A: The cost of tracks, including guard rails, in tunnels shall not be charged to this account.

NOTE B: Station subways not highway crossings are includible in account 16, "Station and office buildings."

NOTE C: If a tunnel be converted into an open cut the accounting shall be in accordance with § 10.01–11 *Adjustment for converted property.*

§ 10.6 *Bridges, trestles, and culverts.* This account shall include the cost of the substructure and superstructure of bridges, trestles, and culverts which carry the tracks of the carrier over watercourses, ravines, public and private highways, and other railways.

DETAILS OF BRIDGE STRUCTURES

Abutments.
Bridge signs.
Cofferdams.
Concrete and masonry ends for culverts.
Cribs.
Decking, including gravel for fire protection.
Dike protection.
Drainage systems.
Draw protection.
Drawbridge engines and machinery.
False work.
Guard timbers.
Ice breakers.
Painting (except repainting).
Pier protection.
Piers and foundations.
Pipe culverts.
Retaining walls.
Riprap around abutments.
Riprap at culvert ends.
Supports.
Water channels.
Waterproofing.
Wing dams.
Wing walls.

NOTE A: When a part of the entire structure of a bridge or trestle is converted, by filling, into an earth embankment, the ledger value of the structure, or of the portion thereof filled, shall be credited to this account. In case the bridge or trestle is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such temporary trestle shall be charged to account 3, "Grading." The ledger value of the structure or portion thereof, filled, less the value of the salvage and the estimated cost of trestle charged to account 3, shall be charged to account 702½C.

NOTE B: The cost of bridges to carry the carrier's tracks over undergrade crossings, including the necessary piers and abutments to sustain them shall be included in this account. (See *"Cost"* in paragraph (c) of § 10.01–2 *Items to be charged.*)

§ 10.7 *Elevated structures.* This account shall include the cost of elevated structures and foundations of elevated railway systems.

This account is applicable to structures other than earthwork, which are for the purpose of elevating tracks above the grade of streets, and which are not properly classable as bridges or trestles.

NOTE: The cost of stations and other structures built on elevated structures shall be accounted for according to the class of the structure thus superimposed and not in this account.

§ 10.8 *Ties.* This account shall include the cost of cross, switch, bridge, and other track ties used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), and the cost of additional ties subsequently laid in such tracks; also the excess cost of metal ties used in repair of track over the cost to replace in kind wooden ties removed.

The cost of handling ties in general supply and storage yards shall be included as store expenses apportioned to this account when the ties are used for construction purposes.

NOTE A: The cost of labor for unloading, distributing, and placing the ties in tracks and the cost of train service in connection with the distribution of ties laid shall be charged to account 12, "Track laying and surfacing."

NOTE B: The cost of ties used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of ties used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

§ 10.9 *Rails.* This account shall include the cost of rails used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), and the cost of the excess in weight of heavier rails laid in replacement of lighter rails.

The cost of handling rails in general supply and storage yards shall be included as store expenses apportioned to this account when the rails are used for construction purposes.

To this account shall be credited the cost (at current prices at time of removal) of the excess weight of heavier rails replaced with lighter rails.

NOTE A: The cost of labor for unloading, distributing, and placing the rails in track and of train service in connection with the distribution of the rails, shall be charged to account 12, "Track laying and surfacing."

NOTE C: The cost of rails used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of rails used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

§ 10.10 *Other track material.* This account shall include the cost of material used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), except ballast and material chargeable to foregoing accounts; also the excess cost of heavier or improved "other track material" used in repairs of tracks over the cost of replacing in kind such material removed.

The cost of handling "other track material" in general supply and storage yards shall be included as store expenses apportioned to this account when such material is used in the construction of new tracks.

ITEMS OF OTHER TRACK MATERIAL

Angle bars.
Anticreepers.
Bumping posts.
Compromise joints.
Connecting rods.
Crossings for steam and electric railways, including foundations or bases.
Derails.
Frog blocking.
Frogs.
Guard-rail blocking.
Guard-rail clamps.
Guard-rail fasteners.
Guard rails, switch and other.
Main rods.
Nut locks.
Nuts.
Offset bars.
Rail braces.
Rail chairs.
Rail clips.
Rail joints.
Rail rests.
Rail shims.
Rail splices.
Splice bars.
Step chairs.
Switch chairs.
Switch crossings.
Switch lamps.
Switch locks and keys.
Switch points.
Switch stands.
Switch targets.
Switches.
Tie plates.
Tie plugs.
Tie rods.
Track bolts.
Track insulators.
Track spikes.

NOTE A: The cost of labor and train service for distributing, unloading, and applying "other track material" shall be charged to account 12, "Track laying and surfacing."

NOTE B: No entry is required in this account with respect to improved "other track material" unless installed under a definite plan of changing standards, such as increasing the weight of rail.

NOTE C: The cost of "other track material" used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of such track material used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

§ 10.11 *Ballast.* This account shall include the cost of gravel, stone, slag, cinders, sand, and like material used in ballasting tracks (including tracks in shops, fuel stations, supply yards, etc.) not previously ballasted, including cost of work-train service and of unloading; cost of ballast applied in excess of ballast required to restore to its maximum height and width the ballast previously put on the roadbed; and the excess cost of improved ballast used in renewals over the cost to replace in kind to the original height and width the ballast removed. Charges to this account shall not exceed the cost of ballast applied to a depth of 24 inches beneath the tie, unless otherwise authorized by the Commission. (§ 10.04–11 *gravel and sand pits and quarries* applies to the accounting for pits from which ballast material is obtained either for construction work or for maintenance, or for both.)

NOTE A: The cost of ballast used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

NOTE B: Earth placed to form a crown in the middle of the track is not to be considered as ballast.

NOTE C: The cost of ballast material placed on the decking of bridges solely for fire-protection purposes shall be included in account 6, "Bridges, trestles, and culverts."

NOTE D: No charge shall be made to the accounts of this classification representing the value of cinders accumulated by the carrier.

§ 10.12 *Track laying and surfacing.* This account shall include the cost of distributing (including train service), laying, and adjusting ties, rails, and other track material used in the construction of tracks for the movement or storage of locomotives or cars, including repair tracks, but not tracks on car floats or temporary tracks the cost of which is chargeable to clearing accounts. It shall also include the cost of the labor expended in placing ballast in tracks not previously ballasted.

NOTE A: The cost of distributing and adjusting ties, rails, ballast, and other track material for repairs shall be charged to operating expenses, both when such materials are replaced in kind and when replaced with improved and heavier material.

NOTE B: The cost of work-train service in delivering ballast and of unloading such material is provided for in account 11, "Ballast."

§ 10.13 *Fences, snowsheds, and signs.* This account shall include:

(a) The cost of right-of-way fences and snow and sand fences, farm gates, cattle guards, wing fences, aprons, and hedges, on property not previously fenced, excluding those around stockyards, fuel stations, station and shop grounds, and building sites.

(b) *Snowsheds.* The cost of snowsheds, including initial cost of planting trees for protecting tracks from snow.

(c) *Signs.* The initial cost of signs other than those for identification of bridges, signals, stations, and other structures.

SIGN ITEMS

Boundary signs.
Bridge-caution signs.
Crossing signs.
Curve and elevation markers.
Division-limit signs.
Mileposts.
Monuments.
Safety-first signs at crossings.
Section-limit signs.
Slow or stop signs.
Tunnel-caution signs.
Water-station signs.
Water-trough signs.
Whistle signs.
Yard-limit signs.

NOTE A: The cost of fences (other than right-of-way boundary fences) around stock yards, fuel and water stations, and other building sites, shall be charged to the accounts appropriate for the cost of the structures.

NOTE B: The cost of signs for identifying bridges, signals, stations, and other structures shall be included in the account appropriate for the cost of the structures.

NOTE C: The cost of crossing signals, including crossing gates, shall be included in account 27, "Signals and interlockers."

NOTE D: It shall also include the cost of replacing units of such property or substantial parts of fences or snowsheds the original cost of which were charged to this account.

§ 10.16 *Station and office buildings.* This account shall include the cost of station and office structures, their fixtures, appurtenances, and furniture necessary first to equip the buildings for use.

STATION AND OFFICE STRUCTURES AND DETAILS

Baggage rooms.
Breakwaters for protection of buildings.
Buildings and rooms for trainmen.
Buildings on piers.
Call bells.
Coal bins.
Coal transferring machinery (not on coal and ore wharves).
Coal trestles (not at fuel stations).
Commissarial buildings.
Drainage and sewerage systems.
Dwellings.
Eating houses.
Electric wiring.
Elevators and machinery.
Express buildings.
Fences
Fire-engine houses.
Freight cranes.
Freight derricks.
Freight handling machinery.
Freight houses.
Garages.
Gas-supply systems.
General office buildings.
Grain cribs.
Grain elevators.
Grain warehouses.
Greenhouses.
Hay houses.
Heating plants.
Hedges.
Hoisting engines, for handling freight.
Hose houses.
Ice houses.
Lighting plants.
Mail cranes.
Milk stands.
Office buildings.
Ore-transferring machinery.
Outhouses.
Pavement within ground limits.
Platforms, freight.
Platforms, passenger, including planking between tracks.
Power distribution systems, interior.
Reading rooms.
Rooms for Y. M. C. A.
Scale houses.
Sidewalks.
Stables.
Station footbridges (not highway crossings).
Station intertrack fences.
Station platforms.
Station signs.
Station stairways.
Station subways (not highway crossings).
Station power houses.
Stations, freight.
Stations, passengers.
Stock pens.
Storehouses.
Telegraph offices.
Telpher systems.
Track scales.
Transfer houses.
Transfer platforms.
Waiting rooms.
Warehouses.
Washrooms.
Water-supply systems.
Yard offices.

NOTE A: Office buildings used exclusively in connection with maintenance of way shall be included in account 17, "Roadway buildings." Those used exclusively in connection with maintenance of equipment shall be in-

cluded in account 20, "Shops and enginehouses."

NOTE B: The cost of grading and preparing grounds, both before and after the construction of station and office buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.17 *Roadway buildings.* This account shall include the cost of roadway shops and other roadway buildings, including drainage, water, gas, and sewer pipes and connections; and all machinery, fixtures, and furniture to equip the building ready for use.

LIST OF ROADWAY BUILDINGS

Bins for material.
Blacksmith shops.
Boarding houses.
Breakwaters for protection of buildings.
Carpenter shops.
Dwellings.
Fire-engine houses.
Frog shops for repair of track material.
Hand-car houses.
Lighting plants.
Lumber sheds.
Offices.
Outhouses.
Planing mills.
Rail shops for repair of track material.
Repair shops.
Scrap bins.
Section dwelling houses.
Stables.
Storehouses.
Tool houses.
Watch houses.

NOTE: The cost of grading and preparing grounds both before and after the construction of roadway buildings, and the cost of constructing sidewalks, driveways, and fences thereon shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.18 *Water stations.* This account shall include the cost of structures, facilities, and appliances necessary to equip for service, stations for supplying water. The cost of analyses of water preliminary to the establishment of water stations shall be included in this account.

WATER STATION STRUCTURES AND DETAILS

Boilers.
Breakwaters for protection of buildings.
Buildings on piers.
Cisterns.
Dams.
Fences.
Outhouses.
Penstocks.
Pump houses.
Pumps.
Purifying plants.
Reservoirs.
Settling basins.
Stationary engines.
Steam pipes.
Tanks and foundations.
Test wells.
Track tanks.
Tubs.
Water cranes.
Water pipe lines.
Water-treating plants.
Wells.
Windmills.

NOTE A: The cost of water stations used solely for supplying water to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B: The cost of a temporary water station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the water station is used.

NOTE C: The cost of grading and preparing grounds both before and after the construction of water station buildings, and the cost of constructing sidewalks, driveways, and fences thereon shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.19 *Fuel stations.* This account shall include the cost of structures, facilities other than tracks, and appliances necessary to equip for service, stations for supplying fuel to locomotives and floating equipment.

FUEL STATION STRUCTURES AND DETAILS

Breakwaters for protection of buildings.
Buckets.
Buildings on piers.
Coal buckets.
Coal buggies.
Coal hoists.
Coal pockets and chutes.
Dumping machinery.
Elevating machinery.
Fences.
Fuel houses or stations.
Fuel-oil columns.
Fuel-oil plants.
Fuel-oil pumps.
Fuel-oil sumps.
Fuel-oil tanks.
Fuel platforms.
Fuel wharves.
Inclines.
Outhouses.
Scales.
Sheds.
Stationary engines.
Tipple cars.
Weighing apparatus.
Wood racks.

NOTE A: The cost of fuel stations, coal houses, etc., used solely for supplying fuel to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B: The cost of a temporary fuel station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the fuel station is used.

NOTE C: The cost of grading and preparing grounds both before and after the construction of fuel station buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.20 *Shops and enginehouses.* This account shall include the cost of buildings to be used as shops, enginehouses, and storehouses for material for maintenance of equipment; foundations, except those special to particular machines and other apparatus; furniture and fixtures other than equipment chargeable to account 44, "Shop machinery"; drainage, sewerage, and water-supply systems; and plants for heat and light.

SHOP AND ENGINEHOUSE STRUCTURES AND DETAILS

Air-compressor houses.
Ash pits and pockets.
Ash plants.
Bins for material.
Blacksmith shops.
Breakwaters for protection of buildings.
Buildings on piers.
Car sheds.
Car shops.
Carpenter shops.
Cinder pits.
Cinder pockets.
Drop pits.
Dry houses.
Electric-power distribution systems within buildings.
Enginehouses.
Fire-engine houses.
Footbridges (not public highways).
Foundries.
Gas-compressor houses.
Heating plants.
Hose houses.
Ice houses.
Laboratories.
Lighting plants.
Lumber sheds.
Machine shops.
Material and supply truck tracks.
Motor-crane tracks.
Offices, shop.
Oil houses.
Outhouses.
Paint shops.
Pipe lines, air, interior.
Pipe lines, car-heating.
Pipe lines, gas, interior.
Planing mills.
Platforms, shop and yard.
Repair shops.
Sand houses.
Scale houses.
Scrap bins.
Sidewalks.
Stables.
Steam-distribution systems, interior.
Storehouses.
Tanks, gas.
Tanks, oil.
Test rooms.
Tin shops.
Tool houses.
Track scales.
Transfer tables.
Turntables.
Upholstering shops.
Warehouses.
Wash rooms.
Watch houses.

NOTE A: The cost of distinct power plant buildings for shop purposes shall be included in account 29, "Power plants." The cost of distribution systems leading from such power plants to shops and enginehouses shall be included in account 31, "Power-transmission systems."

NOTE B: The cost of grading and preparing grounds both before and after the construction of shop and enginehouse buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE C: The cost of shop buildings devoted solely to the maintenance of way and structures shall be included in account 17, "Roadway buildings."

§ 10.21 *Grain elevators.* This account shall include the cost of structures including the cost of conveyors, machinery, and fixtures which the railway companies operate for the transfer, treatment, and storage of grain.

The buildings referred to in this account are not small storage elevators at stations where grain is received for shipment, etc., but large elevators in which grain is stored for various owners.

NOTE A: Small storage elevators at way stations are classed as station buildings.

NOTE B: The cost of grading and preparing grounds both before and after the construction of grain-elevator buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE C: The cost of grain elevators leased to noncarriers shall be included in account 705, "Miscellaneous physical property."

§ 10.22 *Storage warehouses.* This account shall include the cost of storage warehouses, including machinery and fixtures therein.

The buildings herein referred to are not the ordinary freight warehouses or stations where freight is received for shipment, etc., but warehouses in which merchandise is stored and which the railway companies operate as storage warehouses.

NOTE A: The cost of grading and preparing grounds both before and after the construction of storage warehouse buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE B: The cost of warehouses leased to noncarriers shall be charged to account 705, "Miscellaneous physical property."

§ 10.23 *Wharves and docks.* This account shall include the cost of wharves, docks, dry docks, slips, float bridges, and other landings for vessels, including the cost of necessary dredging, and the cost of float-bridge machinery; also the cost of piling, pile protection, cribs, cofferdams, walls, and other necessary devices and apparatus for the operation or protection of wharves and docks.

DETAILS OF WHARVES AND DOCKS

Bridge pontoons.
Bulkheads.
Caissons.
Cribwork.
Dry docks.
Ferry-bridge machinery.
Ferry bridges.
Ferry racks.
Ferry slips.
Jetties.
Jetty inclines.
Transfer-bridge machinery.
Transfer bridges.

NOTE A: The cost of coal and ore wharves and docks shall be included in account 24, "Coal and ore wharves."

NOTE B: The cost of the land on which wharves are built and cost of riparian or water rights for wharves and docks shall be charged to account 2, "Land for transportation purposes."

NOTE C: The cost of buildings located on wharves shall be included in the accounts appropriate for the class of buildings.

NOTE D: The cost of grading and preparing grounds both before and after the construction of wharves (other than coal and ore wharves) and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the wharves, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the wharves.

§ 10.24 *Coal and ore wharves.* This account shall include the cost of wharves and docks for the transfer, treatment, blending, or storage of coal or ore, including the cost of necessary dredging and of conveyors, machinery, and fixtures.

NOTE A: The structures referred to in this account do not include small transfer or storage trestles or wharves at stations where coal is stored or delivered, such trestles being classed as station buildings.

NOTE B: The cost of grading and preparing grounds both before and after the construction of coal and ore wharves, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the wharves, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the wharves, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the wharves.

§ 10.26 *Telegraph and telephone lines.* This account shall include the cost of telegraph and telephone lines, including terminal equipment.

DETAILS OF TELEGRAPH AND TELEPHONE TERMINAL EQUIPMENT

Batteries.
Cables and wires, interior.
Conduits, interior.
Connecting wires.
Current-controlling instruments.
Electric generators and motors.
Electric meters.
Engines, stationary.
Fuses and mechanical protectors.
Rectifiers.
Rheostats.
Sending and receiving instruments.
Switchboards.
Testing outfits.
Transformers.

DETAILS OF TELEGRAPH AND TELEPHONE OUTSIDE PLANT

Aerial attachments.
Braces.
Brackets.
Cable boxes and appurtenances.
Cables and wires, aerial.
Conduits and appurtenances.
Cross arms.
Guy stubs.
Guy wires.
Insulators.
Poles.
Submarine cables and connections.
Telephone pole boxes.
Towers.
Underground cables and connections.

§ 10.27 *Signals and interlockers.* This account shall include the cost of interlocking and other signal apparatus for governing the movements of locotives, cars, and trains, and for the protection of traffic at crossings, including towers and other buildings, furniture, fixtures, and machinery in connection therewith; roadway installations for train control and remote control including the cost of the initial tests of such installations; also the cost of buildings and machinery of power plants used primarily for the production of power for the operation of signals and interlockers.

ITEMS

Air compressors.
Automatic-train control devices other than on equipment.
Batteries.
Battery wells and houses.
Boilers.
Call-bell systems along track to call in flagmen.
Call boxes, electric.
Car-retarder systems.
Centralized traffic control.
Conduits for pipe and wire.
Crossing flasher-light signals.
Crossing gates, highway and railway.
Crossing signal bells.
Crossing warning signals.
Distant signals.
Dynamos.
Engines, stationary.
Home signals.
Impedance bonds.
Interlocker buildings.
Interlocker machinery.
Interlocker mechanism.
Levers.
Power apparatus primarily for the operation of signals and interlockers.
Power-distribution lines primarily for the operation of signals and interlockers.
Rail bonds.
Railway crossing signals.
Relays.
Semaphores.
Signal and switch levers.
Signal arms.
Signal blades.
Signal bridges.
Signal buildings.
Signal cables.
Signal-lamp brackets and connections.
Signal lamps.
Signal machinery.
Signal poles and foundations.
Signal pulleys and foundations.
Special appliances.
Station signals.
Train-order signals.
Wiring.

NOTE A: When signal or interlocking apparatus is located in a station building, only the cost of the signal or interlocking apparatus shall be charged to this account. The entire cost of the building shall be included in account 16, "Station and office buildings."

NOTE B: The cost of track material, such as switches, special rail braces, special rods, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers, shall be included in account 10, "Other track material."

NOTE C: When derails are arranged so as to be thrown from switch stands, the cost of labor expended in the installation of the connections between the switch stand and derail and the devices for throwing the derail shall be included in account 12, "Track laying and surfacing." The cost of the material shall be included in account 10, "Other track material."

NOTE D: The cost of grading and preparing grounds both before and after the construction of signal and interlocker buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.29 *Power plants.* This account shall include the cost of power-plant and substation buildings (housing machinery provided for in account 45, "Power-plant machinery"); all foundations other than those special to particular machines and apparatus; and also dams, canals, pipe lines, and accessories devoted to the utilization of water for power. Gas and sewer pipes and their connections, fixtures (including wiring) for lighting and heating, and furniture and miscellaneous fixtures, shall be considered as a part of the power-plant buildings.

POWER-PLANT STRUCTURE ITEMS

Buildings.
Coal pockets and trestles.
Coal bunkers.
Fences (other than right-of-way boundary fences).
Fixtures for lighting (including wiring) and heating power-plant buildings.
Foundations (except special foundations for machines and other apparatus).
Fuel-oil tanks.
Furniture.
Hose and appliances for protecting buildings against fire.
Pavement within ground limits.
Permanent rights in water supply.
Platforms.
Smoke stacks and chimneys and their foundations when distinct from and not resting on boilers.
Water, sewer, gas, and drainage pipes and connections.
Wells (but not pumps).

DAM, CANAL, AND PIPE-LINE ITEMS

Aqueducts.
Bridges.
Fences (Other than right-of-way boundary fences).
Footbridges.
Forebays.
Gates.
Grids.
Inlet valves.
Penstocks.
Reservoirs.
Roadways.
Sluices.
Valves.
Water rights.

NOTE A: The cost of power-plant machinery, including stacks resting on boilers, and special foundations for machines, shall be included in account 45, "Power-plant machinery."

NOTE B: The cost of the buildings and of the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE C: Investment in buildings and machinery of detached plants for furnishing power both for operating purposes and for sale shall be included in this account and in account 45, "Power-plant machinery," respectively. When plants are intended and used primarily for generating power for sale to other than common carriers, the investment shall be included in account 705, "Miscellaneous physical property."

§ 10.31 *Power-transmission systems.* This account shall include the cost of systems for conveying electricity, steam, and compressed air from producing plants to place or building where used; also the cost of conduits and of poles, cross arms, insulator pins, brackets, and other pole fixtures, and of other structures for power-transmission and distribution systems, including those for electric railway operation, and lighting systems for general lighting purposes.

POWER-TRANSMISSION SYSTEM ITEMS

Air pipe-lines in car yards.
Cables.
Compressed air pipe-lines.
Compressed air storage tanks (not at power houses or shops).
Cut-outs (not at power houses and substations).
Feed wires.
Guard wires.
Insulators and connections.
Overhead trolley wires.
Rail-bond plugs.
Rail bonds.
Rail-insulating devices.
Span wires.
Steam-heating pipe-lines in car yards.
Steam pipe-lines.
Switchboards (not at power houses and substations).
Third rail.
Third-rail braces.
Third-rail insulation and protection.
Third-rail supports.
Transformers (not at power houses and substations).
Underground power tubes.

POLE-LINE AND CONDUIT ITEMS

Braces and other supports for holding poles in position.
Brackets and other pole fixtures.
Conduits for wires and cables.
Cross arms.
Cutting and trimming trees.
Guy stubs.
Guy wires.
Insulator pins.
Manholes.
Poles.
Sewer traps.
Stenciling or painting letters or numbers on poles.
Towers.

NOTE A: The cost of wire and pipe-distribution systems located within shop buildings and in stations and office buildings shall be included in the cost of the buildings, except that lateral service lines to equipment-shop machines shall be included in account 44, "Shop machinery." The cost of distribution systems used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE B: The cost of conduits and of poles and fixtures for telegraph and telephone, or signal lines shall be included in account 26, "Telegraph and telephone lines," or account 27, "Signals and interlockers," as appropriate. The cost of poles and conduits used for telegraph and telephone or signal lines and for power-distribution lines shall be included in the account appropriate according to their predominant use.

§ 10.35 *Miscellaneous structures.* This account shall include the cost of all permanent structures not provided for elsewhere, including all fixtures and furniture to equip them for use.

§ 10.37 *Roadway machines.* This account shall include the cost of the initial outfit of roadway machines provided for the maintenance of roadway and structures at the time the road is opened for commercial traffic, and the cost of additional roadway machines acquired subsequently.

LIST OF ROADWAY MACHINES

Boilers, portable.
Cars, hand.
Cars, lever.
Cars, motor inspection.
Cars, push.
Cars (small), crane, for supply yards and general use.
Concrete mixers.
Ditching machines.
Dredging machines.
Engines, portable.
Grading outfits.
Hydraulic outfits.
Jacks, hydraulic.
Log loaders.
Pile drivers.
Plows, unloading.
Rail unloaders.
Rock crushers.
Steam rollers.
Timber trucks.
Velocipedes.

NOTE A: When an important addition and betterment project or the construction of a new line necessitates the purchase of roadway machines to be used exclusively thereon, the cost shall be included in the accounts to which the cost of the work is charged. The amount realized from any subsequent sale, or the appraised value of the machines retained after the completion of the special work for which they were purchased, shall be credited to the accounts charged with the cost thereof. The appraised value of such machines retained shall be debited to this account and thereafter considered as the cost of such property.

NOTE B: The cost of machines for the equipment of roadway shops shall be included in account 17, "Roadway buildings," as provided for therein.

NOTE C: The cost of roadway machines, such as pile drivers, log loaders, hoist engines, and concrete mixers, when permanently mounted for movement on the carrier's tracks, shall be included in account 57, "Work equipment."

§ 10.38 *Roadway small tools.* This account shall include the cost of the initial outfit of roadway and track small tools provided for the maintenance of way and structures at the time the road is opened for commercial traffic; also the initial outfit of such tools provided for the maintenance of extensions of such road.

LIST OF ROADWAY TOOLS

Adzes.
Anvils.
Augers.
Axes.
Ballast forks.
Bars, claw.
Bars, crow.
Bars, lining.
Bars, pinch.
Bars, raising.
Bars, tamping.
Braces and bits.
Brooms.
Brush hooks.
Cable stretchers.
Cables.
Cans, oil.
Cans, water.
Cant hooks.
Chains.
Chisels, track.
Chisels, wood.
Curbing hooks.
Dippers.
Drawing knives.
Drill bits.
Drills, portable.
Flags, signal.
Furnaces, portable.
Grindstones.
Hammers, napping.
Hammers, paving.
Hammers, spiking.
Handles for tools.
Hatchets.
Hoes.
Jack levers.
Jacks, ratchet.
Jacks, screw.
Jacks, track.
Kegs, water.
Ladders.
Lanterns and fixtures.
Lawn mowers.
Levels.
Lines for ditching.
Nippers.
Oilstones.
Padlocks.
Pails, water.
Paint brushes.
Picks, clay.
Picks, tamping.
Pike poles.
Post-hole diggers.
Post-hole tampers.
Punches.
Rail benders.
Rail tongs.
Rakes.
Rope.
Saws, crosscut.
Saws, hand.
Scrap boxes.
Scythes.
Shovels.
Sickles.
Sledges.
Spades.
Spike mauls.
Spike pullers.
Spot boards.
Squares.
Straightening machines.
Tape lines.
Thermometers for laying rail.
Tongs.
Tool boxes.
Torches.
Track gauges.
Track levels.
Vises.
Weed spuds.
Wheelbarrows.
Whetstones.
Wood mallets.
Wrenches, monkey.
Wrenches, track.

NOTE: The cost of roadway and track small tools of which no specific record is kept shall be charged when acquired to an appropriate materials and supplies account, from which they shall be charged as issued to the appropriate road and equipment, operating expense, or other accounts. When such tools are used both for construction and maintenance work the cost shall be equitably apportioned among the accounts provided for the two classes of work.

§ 10.39 *Public improvements; construction.* This account shall include amounts assessed on carrier property by governmental authority (by mutual agreement or otherwise) to cover the cost of constructing public improvements, when such assessments are made against property within defined areas of taxing districts. It shall also include the cost borne by the carrier of public improvements constructed by it under governmental requirements.

The entire amount of each assessment for public improvements shall be included in this account as soon as it is determined.

ITEMS

Cost of land outside carrier's right of way to provide for the relocation of streets or highways or providing slopes therefor.
Cost of removal and relocation of buildings and other structures in connection with the construction of streets and highways.
Curbing streets and highways.
Damage to property of others when incidental to highway construction.
Drainage systems.
Engineering—When such costs apply to items chargeable to this account.
Flood protection.
Grading streets and highways.
Guttering streets and highways.
Irrigation systems.
Levees.
Overhead highway bridges, including approaches.
Paving streets and highways, including such pavings at crossings.
Planking, highway crossings.
Sewer systems.
Sidewalks.
Street-lighting systems.
Water works.

NOTE A: The cost of railway facilities installed in connection with joint public improvement projects if not in excess of total costs borne by the carrier shall be included in accounts other than account 39, "Public improvements—Construction," appropriate for the class of property installed. Any costs borne by the carrier in excess of the cost of railway facilities shall be charged to this account.

NOTE B: The cost to the carrier of maintaining public improvements shall be included in Operating Expenses.

NOTE C: Any portion of the cost of public improvements which is included in the general tax levy for a regular taxing district shall be included in the account appropriate for taxes.

NOTE D: The amount of the deferred payments of assessments for public improvements if payments are to be made within one year, shall be included in account 768, "Other current liabilities." If the payments are spread over a longer period they shall be credited to account 770, "Other deferred liabilities." The interest paid on such assessments shall be included in account 547, "Interest on unfunded debt."

NOTE E: Interest and penalties imposed, on basis of monthly or annual percentage rates, for failure to pay assessments within the allotted time shall be charged to account 547, "Interest on unfunded debt."

NOTE F: Assessments on noncarrier property for the cost of constructing public improvements shall be charged to account 705, "Miscellaneous physical property."

§ 10.40 *Revenues and operating expenses during construction.* This account shall include the cost of operating a piece of road during the period before the regular operation of revenue trains, including rent and repairs of equipment used in commercial service during such period. It includes the cost of running construction trains over such section of road when the cost of operating such trains can not properly be charged to any specific account.

To this account shall be credited amounts collected for rents of buildings and other properties and for the transportation of commercial freight or of passengers on construction trains; also the net profits from boarding and commissarial outfits, and other sources of operating revenue.

Carriers which wish to subdivide this account shall use appropriate subaccounts corresponding to accounts prescribed for operating revenue, operating expense, or income accounts.

§ 10.42 *Reconstruction of road property acquired.* When road property acquired is in such physical condition that it is necessary to substantially rebuild the road in order to bring it up to the standard required by the carrier the accounting for such reconstruction including retirements in connection therewith shall be presented to the Commission for approval before being entered in the accounts.

NOTE: A comprehensive statement of the estimated amount necessary to reconstruct a road in accordance with the above provision shall be made to the Commission as soon as the estimate is made.

§ 10.43 *Other expenditures; road.* This account shall include items which can not properly be included in any of the foregoing accounts as a part of the cost of any specific work, amounts paid for rent and repairs of equipment and for injuries to persons incident to and in connection with original road, road extensions, or additions and betterments; and analogous items. When assignable, such expenditures shall be included in the cost of the property in connection with which the expenditure occurs.

NOTE: Rents paid for and repairs made to equipment used in commercial operations during the period before the regular operation of revenue trains shall be charged to account 40, "Revenues and operating expenses during construction."

§ 10.44 *Shop machinery.* This account shall include the cost of machinery and other apparatus in shops and engine houses, including the cost of special foundations and installation, and cost of small hand tools necessary first to equip a shop.

LIST OF SHOP MACHINERY

Air compressors.
Ash conveyors.
Belting.
Blowers.
Boilers for furnishing power.
Boring machines.
Cars, motor.
Cars, push.
Cranes.
Drill presses.
Drilling machines.
Drop tables.
Forges.
Framing machines.
Furnaces.
Grinding and polishing machines.
Hoists.
Hydraulic jacks.
Lathes.
Lifting magnets.
Metal chimneys.
Milling machines.
Motors.
Pipe cutting and threading machines.
Planers.
Pneumatic hammers.
Power equipment.
Punches.
Riveters.
Saws.
Shafting.
Shapers.
Slotters.
Stationary engines.
Steam hammers.
Vises.
Welding machines.
Woodworking machines.

NOTE A: The cost of power plant machinery and other apparatus for shop purposes, when located in distinct buildings, shall be included in account 45, "Power plant machinery."

NOTE B: The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building, and not in this account.

§ 10.45 *Power-plant machinery.* This account shall include the cost of machinery and other apparatus in power plants and substations for generating and transforming power used for the operation of trains and cars or to furnish power, heat, and light for stations, shops, and general purposes, and also the cost of foundations special to particular machines or other apparatus including the cost of installation.

ITEMS

Air compressors.
Ammeters.
Ash-conveying machinery.
Batteries.
Battery-charging apparatus.
Belting.
Boiler-room appliances and tools.
Boilers and fittings.
Boosters.
Cables, interior.
Circuit breakers.
Clutches.
Coal-conveying machinery.
Condensers.
Conductors.
Cranes.
Cut-outs.
Draft machinery.
Dynamos.
Economizers.
Engine-room appliances and tools.
Feed water heaters.
Furnaces.
Generators.
Hangers.
Hoists.
Ice-manufacturing machinery and apparatus.
Insulators.
Lubricating devices.
Machinery.
Mechanical stokers.
Metal stacks on boilers.
Piping.
Pumps.
Purifiers.
Refrigerating-machinery and apparatus.
Rheostats.
Rotary convertors.
Sewer connections for machinery.
Shafting.
Special foundations for machines.
Stationary engines.
Steam-distribution systems within the plant.
Steam fittings.
Switchboards.
Switches.
Tanks.
Tractors, trailers, and trucks, permanently assigned to power plants.
Transformers.
Turbines.
Voltmeters.
Water meters.
Waterwheels.
Well pumps.
Wires from generators or transformers to switchboard.

NOTE A: The cost of power machinery and other apparatus installed in a shop as part of the shop equipment shall be included in account 44, "Shop machinery."

NOTE B: The cost of power machinery and other apparatus installed in station and office buildings shall be included in account 16, "Station and office buildings."

NOTE C: The cost of the buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE D: The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building and not in this account.

NOTE E: The cost of machinery and buildings of detached plants for producing power both for operating purposes and for sale shall be included in this account and in account 29, "Power plants," respectively. When plants are intended and used primarily for generating power for sale to non-carriers the investment shall be included in account 705, "Miscellaneous physical property."

§ 10.47 *Unapplied construction material and supplies.* This account shall include the cost of material and supplies located at the point of use which have been purchased for projected new roads and road extensions.

The purpose of this account is to exclude from the current assets the cost of supplies and unapplied material which are located for use on projected new roads and road extensions, under the condition that the material will not be used for other purposes.

NOTE A: Material and supplies designed for projected new roads and road extensions

which are carried in storehouses and store yards and included in the general stock of an operating company shall be included in balance-sheet account 716, "Material and supplies."

NOTE B: The cost of unapplied materials and supplies on hand at the completion of construction work shall be transferred to balance-sheet account 716, "Material and supplies."

EQUIPMENT

§ 10.50 *Equipment.* The several primary accounts included in this general account are designed to show the cost of the several classes of equipment owned by the carrier, or held under equipment trust agreements for purchase.

To the appropriate primary accounts in this general account shall be charged the cost of all equipment, such as steam locomotives, electric locomotives, passenger-train cars, freight-train cars, work equipment, floating equipment, and the necessary appurtenances, furniture, and fixtures first to equip for service, including the cost of inspection, setting up, and trying out, and transportation over foreign lines; also the cost of additions, such as headlights, mechanical stokers, power brakes, vestibules, machinery for self-propulsion, heating and lighting apparatus, and the like; and the excess cost of betterments, such as improved appliances, parts, or appurtenances, over the cost at current prices (as new) of the appliances, parts, or appurtenances removed. The cost of removing the old appliances and applying the improved shall be charged to operating expenses.

The ledger value of each unit of equipment shall be credited to the appropriate equipment account when it is permanently retired from service. (See Note A which follows.)

The service value (see Note B which follows) of the unit shall be charged to account 702½D, "Accrued depreciation—Equipment." An equitable proportion of any balances carried in accounts 72 to 77, inclusive, applicable to the equipment retired, shall be credited thereto concurrently and charged to account 330, "Retirements—Equipment."

The value of the salvage (see Note C which follows) from the unit shall be charged to account 716, "Material and supplies," or to other account appropriate according to the disposition thereof. In case the retired equipment is held without being torn down, the estimated value of the salvage therefrom shall be included in account 722, "Other deferred assets," until the salvage is recovered.

The cost of tearing down the retired unit and recovering the salvage shall be charged to account 329, "Dismantling retired equipment."

The ledger value (estimated if not known) of all parts of equipment retired and not replaced shall be credited to the property investment account and the service value thereof charged to account 702½D, "Accrued depreciation—Equipment."

When equipment of one class is converted so as to be includible in another class, the accounting shall be as provided in § 10.01–11 *Adjustment for converted property.*

When an important addition and betterment project or the construction of new lines necessitates the purchase of equipment to be used exclusively therein, the cost of such equipment shall be included in the accounts representing the cost of the work, and no charge shall be made to operating expenses for depreciation on such equipment while the cost remains so charged. The amount realized from any subsequent sale, or the appraised value of the equipment retained after the completion of the special work for which it was purchased, shall be credited to the accounts charged with its cost. The appraised value of such equipment retained shall be debited to the appropriate primary account herein, and thereafter, for the purposes of accounting, such appraised value shall be considered as the cost of the equipment.

When second-hand equipment acquired is in such physical condition that it is necessary to make extensive repairs to it to bring it up to the standard required by the carrier, the cost of such repairs shall be included in the account appropriate for the cost of the equipment. A comprehensive statement of the amount estimated to be necessary to rebuild second-hand equipment in accordance with the above provision shall be furnished to the Commission as soon as the estimate is made.

When equipment is rebuilt in order to modernize and create an expectation of life fairly comparable with new units of similar type and capacity, the units shall be accounted for as retired from service and their cost as rebuilt shall be charged to the appropriate equipment account. Units of equipment accounted for as rebuilt shall conform to the requirements of the A. A. R. Code of Rules for rebuilt units. The cost of the rebuilt equipment shall be the sum of:

(1) Cost of new material applied.

(2) Current market price new of secondhand parts applied or remaining therein less allowance for secondhand condition.

(3) Cost of labor constructing rebuilt units. *Provided*, That such costs shall not be in excess of the cost (at current market prices of labor and material) of a new unit of equal capacity and equal expectancy of life in service, less a suitable allowance on account of the secondhand portions remaining therein.

The accounting for leased equipment retired shall be in accordance with provisions in § 10.01–7 *Road property retired* relating to leased road property retired.

NOTE A: The term "retired from service" as applied to equipment means equipment which has been permanently withdrawn from transportation service. The dismantling or tearing down of a unit of equipment in order to replace parts thereof with improved parts, when it does not constitute rebuilding such unit, shall be accounted for as repairs. In accounting for such repairs due consideration shall be given to the instructions with respect to accounting for additions and betterments.

NOTE B: The term "service value" as applied to equipment means the ledger value thereof less the value of the salvage therefrom.

NOTE C: The term "value of salvage" means the amount received for property retired, or for the material salvaged therefrom, if sold; or if retained, the value at which the property or the material salvaged therefrom is chargeable to account 716, "Material and supplies," or other account of this system of accounts.

The following list of units of equipment is prescribed for the purpose of designating items of equipment, the ledger value of which shall be credited to the property investment account at the time of retirement:

51. Steam locomotives.
  A complete locomotive.
  A locomotive, exclusive of tender.
  A tender.
  A locomotive booster.
52. Other locomotives.
  A complete locomotive.
  A complete motor equipment.
  A propulsion motor.
  A generator for propulsion power.
53. Freight-train cars.
  A complete car.
  A complete motor equipment.
  A freight container, complete.
  A propulsion motor.
  A generator for propulsion power.
54. Passenger-train cars.
  A complete car.
  A complete motor equipment.
  A propulsion motor.
  A generator for propulsion power.
56. Floating equipment.
  A complete vessel or boat.
  A boiler.
  A steam engine.
  An electric generator.
  A motor.
57. Work equipment.
  (a) Rail equipment:
    (1) A complete car or machine.
    (2) A boiler.
    (3) A steam engine.
    (4) A motor.
    (5) Machinery equipment (with or without tractive machinery) such as concrete mixer, snow plow, derrick, steam shovel, or pile driver.
    (6) A complete motor equipment.
    (7) A generator for propulsion power
  (b) Floating equipment—Work:
    (1) A complete vessel or boat.
    (2) A boiler.
    (3) A steam engine.
    (4) A motor.
    (5) An electric generator.
58. Miscellaneous equipment.
  A horse.
  A wagon.
  An automobile vehicle.

§ 10.51 *Steam locomotives.* This account shall include the cost of steam locomotives and tenders, purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including the cost of inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air-brake equipment and hose.	Metallic packing.
Arm rests.	Pneumatic sanding equipment.
Awnings.	Seat boxes.
Brake fixtures.	Signal lamps.
Cab cushions.	Speed recorders.
Cab lamps.	Steam-gauge lamps.
Clocks.	Steam-heat equipment and hose.
Coal boards.	Storm doors.
Fire-extinguishing apparatus.	Tool boxes.
Gongs.	Train-signal equipment and hose.
Head lamps.	

§ 10.52 *Other locomotives.* This account shall include the cost of locomotives other than steam, purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

NOTE. Cars with motor equipment are not to be classed as locomotives.

§ 10.53 *Freight-train cars.* This account shall include the cost of freight-train cars of all classes, including motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and the cost of inspection and transportation charges to the carrier's line.

LIST OF FREIGHT-TRAIN CARS

Ballast (commercial).	Gun truck.
Beer.	Hay.
Box.	Lime.
Cabin.	Logging.
Caboose.	Oil tank.
Charcoal.	Ore.
Coal.	Platform.
Coke.	Poling.
Dump (commercial).	Poultry.
Flat.	Produce.
Fruit.	Rack.
Furniture.	Refrigerator.
Gondola.	Stock.
Gondola (hopper).	Tank and water (when used as commercial cars).
Gondola (long).	

LIST OF APPURTENANCES TO FREIGHT-TRAIN CARS

Air-brake equipment, including hose.	Lamps and fixtures.
Cooking equipment and utensils.	Seats.
Cushions.	Speed recorders.
Heating equipment.	Train-signal equipment, including hose.
Ice boxes.	Water tanks.

§ 10.54 *Passenger-train cars.* This account shall include the cost of passenger-train cars of all classes, including motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF PASSENGER-TRAIN CARS

Baggage.	Mail.
Baggage-express.	Milk.
Baggage-mail.	Observation.
Baggage-mail-express.	Parlor.
Buffet.	Parlor-baggage.
Cafe.	Passenger.
Chair.	Passenger-baggage.
Club.	Passenger-baggage-mail.
Colonist.	Postal.
Dining.	Refrigerator-express.
Express.	Sleeping.
Immigrant.	Smoking.
Library.	Tourist.

LIST OF APPURTENANCES TO PASSENGER-TRAIN CAR

Air-brake equipment, including hose.	Lighting equipment.
Bedding.	Mail catchers.
Chairs.	Parcel racks.
Coat hooks.	Ranges and boilers.
Curtains and fixtures.	Seats.
Cushions.	Speed recorders.
Electric bells.	Steam-heat hose.
Floor coverings.	Table china.
Heating equipment.	Table glassware.
Ice boxes.	Table linen.
Ice tanks.	Table silver.
Kitchen equipment and utensils.	Toilet equipment.
	Train-signal equipment, including hose.
	Water tanks.

§ 10.56 *Floating equipment.* This account shall include the cost of marine or floating equipment of all kinds except work equipment, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF FLOATING EQUIPMENT

Barges.	Power lighters.
Canal boats.	Scows.
Car and other floats.	Steamboats.
Ferryboats.	Steamships.
Lighters.	Transfer boats.
Power launches.	Tugboats.

LIST OF APPURTENANCES TO FLOATING EQUIPMENT

Anchors.	Linen.
Axes.	Lines.
Barometers.	Logs.
Beds and bedding.	Machinery and foundations.
Binnacle lamps.	Masts.
Blocks and tackle.	Oilcans.
Boilers and foundations.	Pianos and other musical instruments.
Cables.	Pumps.
Capstan bars.	Racks.
Carpets.	Railings.
Charts.	Rakes.
China, crockery, and glassware.	Rigging.
Chronometers.	Safes.
Clocks.	Sails.
Compasses.	Scales.
Counters.	Seats, chairs, and cushions.
Desks.	Shovels.
Engines and foundations.	Slice bars and pokers.
Fire buckets.	Spyglasses.
Fire extinguishers.	Steam distribution systems.
Floor coverings.	Steering equipment.
Flue cleaners.	Telescopes.
Furniture.	Ticket cases.
Gangplanks.	Tool boxes.
Hatchets.	Tools, miscellaneous.
Heating equipment.	Tracks on car floats.
Hoisting equipment.	Ventilating equipment.
Hooks.	Wrenches.
Keys.	
Kitchen equipment.	
Life preservers.	
Lighting equipment.	

§ 10.57 *Work equipment.* This account shall include the cost of work equipment, including motor-driven equipment, purchased or built by the carrier; cost of appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF RAIL WORK EQUIPMENT

Air-brake instruction cars.	Painters' cars.
Ballast cars.	Pay cars.
Ballast unloader cars.	Pile drivers (mounted).
Boarding cars.	Rail saws (mounted).
Bridge cars.	Salt cars.
Business cars.	Sanding cars.
Camp cars.	Scale test cars.
Cinder cars.	Scraper cars.
Concrete mixers (mounted).	Snow dozers.
Derrick cars.	Snow drags.
Dirt spreaders (mounted).	Snow plows (moved by but not attached to locomotives).
Ditching cars.	Sprinkling cars.
Dump cars.	Steam shovels.
Dynamometer cars.	Steam wrecking derricks.
Gas tank cars.	Supply cars.
Grading cars.	Sweeper cars.
Gravel cars.	Tool cars.
Indicator cars.	Tool and block cars.
Locomotive tanks used permanently as water cars.	Water cars.
Locomotives.	Weed burners (mounted).
Officers' cars.	Wrecking cars.
Outfit cars.	

LIST OF FLOATING WORK EQUIPMENT

Derricks.	Pile drivers.
Dredges.	

APPURTENANCES TO FLOATING WORK EQUIPMENT

Anchors.	Hooks.
Axes.	Keys.
Barometers.	Life preservers.
Beds and bedding.	Lighting equipment.
Blocks and tackle.	Linen.
Boilers and foundations.	Lines.
Cables.	Machinery and foundations.
China, crockery, and glassware.	Masts.
Compasses.	Oil cans.
Cushions.	Pumps.
Desks.	Rakes.
Engines and foundations.	Rigging.
Fire extinguishers.	Sails.
Fire buckets.	Seats and chairs.
Floor coverings.	Shovels.
Flue cleaners.	Slice bars and pokers.
Gangplanks.	Steam distribution systems.
Hatchets.	Steering equipment.
Heating equipment.	Tool boxes.
Hoisting equipment.	Tools, miscellaneous.
	Wrenches.

§ 10.58 *Miscellaneous equipment.* This account shall include the cost of horses and harness; and cost of wagons, automobiles, and other highway vehicles.

GENERAL EXPENDITURES

§ 10.70 *General expenditures.* The primary accounts of this general account are designed to include expenditures made in connection with the acquisition and construction of original road and equipment, and with extensions, additions, and betterments to road and equipment property, when such expenditures can not properly be included in any of the foregoing accounts as a part of the cost of any specific work. When assignable, such expenditures shall be included in the cost of the property in connection with which the expenditures occur.

§ 10.71 *Organization expenses.* This account shall include all fees paid to governments for the privilege of incorporation, and office and other expenditures incident to organizing the corporation and putting it in readiness to do business; cost of preparing and distributing prospectuses; costs of soliciting subscriptions for stock; cash fees paid to promoters, and the actual cash value (at the time of the organization) of securities paid to promoters for their services in organizing the enterprise; special counsel fees; cost of preparing and issuing certificates of stock; cost of procuring the necessary certificates from State authorities; and other like costs.

NOTE: Cost of soliciting for loans or for the sale of bonds or other evidences of indebtedness shall be charged to balance-sheet account 725, "Discount on funded debt."

§ 10.72 *General officers and clerks.* This account shall include the pay and expenses of executive and general officers and of general office clerks engaged exclusively in connection with the construction of new road and extensions.

NOTE: The salaries and expenses of executive and general officers and of general office clerks engaged in connection with the conduct of commercial operations during the period before the regular operation of revenue trains shall be included in account 40, "Revenues and operating expenses during construction."

§ 10.73 *Law.* This account shall include specific and distinct expenditures, not provided for elsewhere, for law service in connection with the acquisition of new road, road extensions, additions, and betterments, such as pay and expenses of counsel, solicitors, and attorneys, their clerks and attendants, and expenses of their offices.

ITEMS OF EXPENSES

Arbitrators' services in settlement of disputed questions.
Cost of taking depositions.
Cost of testimony.
Costs of suits.
Court bonds.
Court expenses.
Express charges.
Fees and retainers of attorneys not regularly employed.
Law books.
Legal forms.
Legal reports.
Notarial fees not provided for elsewhere.
Office expenses.
Printing of briefs, testimony, etc.
Rent of offices.
Special fees.
Telegraph service.
Telephone service.
Traveling expenses.
Witness fees not provided for elsewhere.

NOTE: Court costs and special counsel fees in connection with the acquisition of land for transportation operations shall be included in account 2, "Land for transportation purposes."

§ 10.74 *Stationery and printing.* This account shall include the cost of stationery, stationery supplies, postage, office devices, and printed matter used by any class of employees in connection with construction and not provided for elsewhere.

ITEMS OF STATIONERY AND PRINTING

Adding machines.
Addressographs and supplies.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cross-section books.
Cross-section paper.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Drawing paper.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes.
Forms, blank and printed.
Fuel tickets.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Parchment paper.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductors' or baggagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Time-tables.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Waybills.
Wrapping paper.
Wringers for copying presses.

NOTE A: The cost of printing bonds, etc., in connection with the carrier's funded debt shall be included in balance-sheet account 725, "Discount on funded debt."

NOTE B: The cost of stationery and printing, when assignable, shall be included in the cost of the property in connection with the acquirement or construction of which the expenditure occurs.

§ 10.75 *Taxes.* This account shall include State, county, township, city, school, road, annual franchise, and all other taxes and assessments levied and paid on property belonging to the carrier during construction and before the facilities are used for commercial operations, except special assessments for street and other improvements chargeable to account 39, "Public improvements—Construction."

NOTE: Taxes during construction, when assignable, shall be included in the cost of the property acquired or constructed.

§ 10.76 *Interest during construction.* When any bonds, notes, or other evidences of indebtedness are sold, or any interest-bearing debt is incurred for acquisition and construction of original road and equipment, extensions, additions, and betterments, the interest accruing on the part of the debt representing the cost of property chargeable to road and equipment accounts (less interest, if any, allowed by depositaries on unexpended balances) after such funds become available for use and before the receipt or the completion or coming into service of the property so acquired shall be charged to this account.

When such securities are sold at a premium the proportion of such premium assignable to the time between the date of the actual issuance of the securities and the time when the property acquired or the improvement made becomes available for service shall be credited to this account.

This account shall also include such proportion of the discount and expense on funded debt issued for the acquisition of original road, original equipment, road extensions, additions, and betterments, as is equitably assignable to the period between the date of the actual issuance of securities and the time when the property acquired or the improvement made becomes available for the service for which it is intended. The proportion of discount and expense thus chargeable shall be determined by the ratio between the period prior to the completion or coming into service of the facilities or improvements acquired and the period of the entire life of the securities issued.

NOTE A: Interest on bonds, notes, or other evidences of indebtedness accruing before the proceeds from the sale of the securities become available for use shall not be included in this account, nor shall there be included any interest accruing after the property with respect to which the proceeds are expended is received or becomes available for use in connection with commercial service.

NOTE B: If any securities which have been issued or assumed by the carrier are sold or exchanged by or for the carrier for a consideration the actual money value of which at the time of such sale or exchange is less than the value of the securities at par and the accrued interest thereon, if any, the difference between the money value of the consideration received and the par value of the securities plus the accrued interest shall be deemed a discount. In no case (except as provided in the third paragraph of this account) shall discounts be included as part of the cost of anything charged to any account prescribed in this classification.

NOTE C: For definition of securities actually issued, see Note B, under general balance-sheet account 755, "Funded debt unmatured."

NOTE D: Whenever interest, premium or discount assignable to the construction period is incurred in connection with an expenditure covered by some specific road and equipment account or accounts, such interest, premium, or discount shall be charged directly to the specific accounts to which it is related.

NOTE E: This account shall not include interest during the construction period on the carrier's own funds expended in connection with the acquisition or construction of original road and equipment, extensions, additions, and betterments.

§ 10.77 *Other expenditures; general.* This account shall include all expenditures of a special and incidental nature in connection with the acquisition and construction of original road and equipment, road extensions, additions, and betterments which can not properly be included in any other account in this classification.

OPERATING REVENUES AND OPERATING EXPENSES

§ 10.02 *General instructions.* The carrier's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries made in the accounts provided herein for railway operations. Where the full information is not recorded in the general books, the entries therein shall be supported by other records in which the full details shall be shown. Such general book entries shall contain sufficient reference to the detail records to permit ready identification, and the detail records shall be filed in such manner as to be readily accessible for examination by representatives of the Interstate Commerce Commission.

§ 10.02–1 *Operating accounts.* The accounts of this classification are designed to show the revenues and expenses (including the maintenance of the facilities used) of the carrier's railway operations, including rail-line transportation, water-line transportation, if any, and services incident to transportation.

"Transportation" includes the receipt, conveyance, and delivery of traffic.

"Rail-line transportation" includes not only the conveyance of traffic over tracks, but also the necessary conveyance by water transfers (ferriage, lighterage, and floatage) either between track terminals or between track terminals and points not reached by tracks.

Carriers are at liberty to subdivide the general and primary accounts here given, but if this option be exercised a statement of the accounts adopted shall be filed in the office of the Bureau of Accounts of the Interstate Commerce Commission.

"The carrier" means the accounting carrier, except when otherwise specifically indicated.

§ 10.02–2 *Unaudited items affecting operating accounts.* When it is known that a transaction has occurred which affects operating revenues or operating expenses, but the amount involved and its effect upon the accounts cannot be determined with absolute accuracy, the amount thereof shall be estimated and included in the appropriate operating and balance-sheet accounts. Any such estimate shall be revised whenever and at the time a substantial change is indicated and shall be finally adjusted as soon as the exact amount is determined. The carrier is not required to anticipate items which would not appreciably affect the operating accounts.

Any change in practice of accounting for accruals or any unusual accruals involving substantial amounts shall be reported promptly to the Commission. Accruals shall not be recorded for purely speculative items, but shall be limited to reasonable estimates on reliable information of transactions that will be consummated.

§ 10.02–3 *Delayed items.* Delayed items and adjustments, except adjustments pertaining to accounts 702½C, "Accrued depreciation — Road," and 702½D, "Accrued depreciation—Equipment," arising during the current year which are applicable to prior years, shall be included in the same account which would have been charged or credited if the item had been taken up or adjusted in the year to which it pertained. When the amount of the delayed item is relatively so large that its inclusion in the appropriate account for the current year would seriously distort the revenues, expenses or income of the current year, the amount of the delayed item may be credited to account 520, "Delayed income credits," or charged to account 557, "Delayed income debits," as may be appropriate.

When the amount of a delayed item is relatively so large that its inclusion in the accounts for a single month will seriously distort those accounts it may be distributed in equal monthly charges to the remaining months of the calendar year.

"Delayed items" are items representing transactions which occurred before the calendar year.

§ 10.02–4 *Miscellaneous operations.* The revenues and expenses of miscellaneous operations involving the use of such facilities as hotels, restaurants, grain elevators, storage warehouses, stock yards, power plants, cold storage plants, etc., shall not be included in the accounts of this classification unless the operation of the facilities is conducted by the railway companies in connection with furnishing transportation services.

§ 10.02–5 *Submission of questions.* To the end that uniformity of accounting may be maintained from year to year, carriers shall submit all questions of doubtful interpretation of the accounting rules to the Commission for consideration and decision.

OPERATING REVENUES

§ 10.03 *Special instructions.*

§ 10.03–1 *Accounts for operating revenues.* The accounts provided for operating revenues are designed to show amounts of money which a carrier becomes entitled to receive from transportation and from operations incident thereto.

Credits to the revenue accounts shall as nearly as practicable be upon the basis of accruals of revenue.

Uncollected tariff charges on unclaimed and refused shipments of freight, such refused shipments having been transported in accordance with the contract of shipment, shall be charged to the appropriate revenue account to which shall be credited the proceeds derived from the sale of such unclaimed and refused freight.

The carrier's tariff charges on lost, destroyed, or damaged shipments, for which charges neither consignees nor consignors are liable, shall be charged to the revenue accounts previously credited.

Except as otherwise provided in this section, the revenue accounts shall include collections in excess of proper charges, such collections being subject to refund, and there shall be charged to the revenue accounts uncollectible revenue charges determined after the service has been rendered.

§ 10.03–2 *Interpretation of item lists.* Lists of items to be credited and of items to be charged have been given as a part of the text of this classification for the purpose of clearly indicating the application of the accounting rules. They are not to be considered as comprising all the items creditable or chargeable to the several accounts, but merely as representative of them.

The items contained in the lists of items to be charged to the respective accounts are chargeable only when such items have been, through oversight, included in the credits to the accounts, or they are items of revenue payable to others for service to be rendered in accordance with the tariff provisions applicable to the rates upon which the credits to the several accounts have been based.

§ 10.03–3 *Accruals of revenues.* In order that operating revenue accounts may as nearly as practicable include the full amount of revenues accruing to the carrier each month, the carrier shall accrue currently in the appropriate revenue and balance-sheet accounts estimates of unaudited items affecting revenues. If these estimates are not fully adjusted in the following month, the balances in the balance-sheet accounts shall be kept separately by months until each is adjusted. The carrier is not required to anticipate items which would not appreciably affect the revenue accounts.

§ 10.03–5 *Delayed items.* Cancellation of entries recorded in balance-sheet accounts relating to operating revenues of former years shall be recorded in accordance with § 10.02–3 *Delayed items.*

REVENUE ACCOUNTS

TRANSPORTATION

§ 10.100 *Transportation; rail line.* The primary accounts included in this general account are designed to show amounts of money which the carrier becomes entitled to receive or which accrue to its benefit from service rendered in transporting property or persons by rail line. (See § 10.02 *General instructions.*)

§ 10.101 *Freight.* This account shall include revenue from the transportation of freight and from transit, stop, and reconsigning privileges, upon the basis of lawful tariff rates.

ITEMS TO BE CREDITED

(a) Revenue upon the basis of local freight tariff rates, regardless of class of train in which the freight is transported.
(b) The carrier's proportion of revenue upon the basis of through freight tariff rates, regardless of class of train on which the freight is transported.
(c) Revenue from transportation of mail matter, and empty mail pouches, at freight tariff rates.
(d) Revenue from transportation of freight on special trains at rates based on weights of shipments.
(e) Revenue on basis of classifications and freight tariffs from transportation of caretakers of freight shipments.
(f) Revenue from reconsigning privileges.
(g) Revenue from stop privileges.
(h) Revenue from transit privileges.
(i) Revenue upon the basis of arbitraries out of freight rates for water transfers (ferriage, lighterage, and flotage).

ITEMS TO BE CHARGED

Amounts paid as bridge and ferry arbitraries on freight.
Amounts paid for completing a haul.
Amounts paid for elevation of freight.
Amounts paid for switching services, in connection with the transportation of freight, on the basis of switching tariffs, and allowances out of through rates, including amounts paid for switching empty cars in connection with a freight revenue movement.
Amounts paid for transferring freight between stations.
Arbitraries and allowances to others for lighterage and wharfage.
The carrier's proportion of overcharges resulting from the use of erroneous rates, weights, classifications or computations.
The carrier's proportion of refunds on account of errors in routing and billing.
The carrier's proportion of uncollected revenue on freight lost or destroyed in transit.
The carrier's proportion of uncollected tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.

NOTE A: Amounts paid for switching empty cars otherwise than in connection with loaded movements shall be charged to operating expense account 411, "Other expenses," except that amounts paid for switching equipment for repairs shall be included in the appropriate equipment repair accounts.

NOTE B: Other carriers' proportion of revenue and of uncollectible undercharges paid by the carrier on account of its errors in routing and billing shall be charged to operating expense account 411, "Other expenses."

NOTE C: Other carriers' proportion of revenue paid by the carrier on freight lost, destroyed, or damaged in transit, for which neither consignees nor consignors are liable shall be charged to operating expense accounts 418, "Loss and damage—Freight."

NOTE D: When a lessee company transports freight over the tracks of another carrier on the basis of a proportion of revenues under a joint arrangement, it shall include the entire compensation in its revenues and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company, and the lessor company shall credit the corresponding accounts.

The accounting in connection with transportation train service operated under a joint arrangement for the benefit of two or more carriers shall be as provided in the second paragraph of § 10.04–9 *Joint facility accounts.*

NOTE E: The accrued revenue derived from the transportation of cream, sweet milk, etc., on a basis of lawful tariffs at rates per package, regardless of weights, shall be included in account 109, "Milk."

NOTE F: Revenue from the transportation of caretakers of freight shipments, when not included as a part of the freight charges on the waybill covering the freight shipments, shall be credited to account 102, "Passenger."

NOTE G: This account shall be maintained so as to show separately payments and allowances (a) to railway express agencies, (b) to motor truck companies and others, and (c) to shippers and consignees, for terminal collection and delivery services when performed in connection with line haul transportation of freight on the basis of freight tariff rates; also (d) payments for switching services when performed in connection wih line haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement.

§ 10.102 *Passenger.* This account shall include the revenue from transportation of passengers at passenger tariff fares; from the transportation of passengers at special fares as provided by law, and from incidental charges in connection therewith.

ITEMS TO BE CREDITED

(a) Revenue from local passenger fares.
(b) The carriers' proportion of revenue from interline passenger fares.
(c) Revenue from extra fares.
(d) Revenue from additional fares or charges for exclusive use of a passenger car, drawing room, compartment, bedroom, etc.
(e) Revenue from mileage and scrip coupons honored for all services covered by this account.
(f) Revenue from transportation of passengers in special cars or on special trains when charge is based on passenger fare per capita, regardless of the number of passengers actually transported.
(g) Revenue from a guaranteed minimum amount not based on per capita fare, for transportation of passengers on special or chartered trains.
(h) Cash fare penalty collections.
(i) Unclaimed collections and deposits for transportation of passengers.
(j) Passenger fare overcharges.
(k) Revenue from transportation of corpses, based on passenger fares.
(l) Revenue from water transfers (ferriage), bride tolls, and transfers between railway stations or between railway stations and docks, received as arbitraries in division of passenger fares.

ITEMS TO BE CHARGED

(a) Amounts paid as bridge tolls, and also for ferry, depots to depot and depot to dock passenger transfer service.
(b) Amounts paid for switch in completing a passenger transportation movement.
(c) Amounts paid for switch empty passenger-train cars in connection with transportation of passengers. (See Note C.)
(d) Redemptions of unused and partially unused local tickets and redemptions of carrier's proportions of unused and partially unused interline tickets.
(e) Refund of extra fares, cash fare penalty collections, and overcharges in excess of tariff fares.
(f) Uncollectible undercharges.
(g) Overcharges on baggage transactions.
(h) Revenue from transportation of emergency shipments and articles based on double gross weight, etc.
(i) Amounts received specifically to cover movement of special or chartered baggage cars including transportation of attendants regardless of whether the charge is based upon passenger tariff fares, a stated minimum, or any other basis. This includes box cars when used for baggage service.
(j) Revenue from issuing duplicate baggage checks.

NOTE A: Gross receipts from the sale of mileage tickets, and scrip books shall be credited to a suspense account. The suspense account shall be charged and this account credited with the value of coupons as honored, in connection with any of the services provided for in "Items To Be Credited."

NOTE B: When a lessee company transports passengers over the tracks of another company under a joint arrangement upon the basis of a proportion of the passenger revenue, it shall include the entire compensation in its passenger revenue and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company and the lessor company shall credit the corresponding joint facility accounts.

The accounting in connection with transportation train service operating under a joint arrangement for the benefit of two or more carriers shall be as provided in the second paragraph of § 10.04–9 *Joint facility accounts,* and Case 297, Accounting Bulletin No. 15.

NOTE C: Amounts paid for switching empty passenger-train cars otherwise than in connection with loaded movements, shall be charged to account 411, "Other expenses," except that when switched for repairs, the amounts paid shall be included in account 317, "Passenger-train cars—Repairs."

NOTE D: Revenue from the transportation of automobiles, with or without trailers, in freight service, in connection with the transportation of passengers, also revenue from loading and unloading automobiles at point of origin, destination, or enroute, shall be credited to account 101, "Freight."

§ 10.103 *Baggage.* This account shall include the revenue from the transportation of baggage, packages, baby carriages, bicycles, household pets, dogs, etc., on passenger trains at other than freight or express tariff rates.

LIST OF ITEMS

(a) Revenue from transportation of baggage in excess of free allowances.
(b) Revenue from transportation of packages, baby carriages, bicycles, household pets, dogs, etc., at baggage tariff rates.
(c) Revenue from transportation of baggage or other articles based upon excess value.
(d) Revenue from transportation of baggage when passenger does not make corresponding trip.
(e) Revenue from excess weight of corpses based on baggage tariff charges and from special charges for transferring corpses between depots.
(f) Revenue from scrip coupons honored for any of the above-mentioned services. (See Note B.)

NOTE A: Revenue derived from transportation of shipments of silk, fish, etc., in passenger trains at freight rates, shall be included in account 101, "Freight."

NOTE B: Amounts of refunds, uncollectible undercharges, etc., involved in these credits, shall be charged to this account.

NOTE C: Gross receipts from the sale of baggage scrip books shall be credited to a suspense account. The suspense account shall be charged and this account credited with the value of the coupons as honored for any of the services covered by this account.

§ 10.104 *Sleeping car.* This account shall include the revenue from berth and seat accommodations furnished in sleeping cars on the basis of berth or seat rates for the space occupied.

§ 10.105 *Parlor and chair car.* This account shall include the revenue from seat accommodations furnished in parlor, observation, chair, and other special passenger cars when operated in passenger-train service or in special-train service at seat rates for space occupied.

§ 10.106 *Mail.* This account shall include the revenue from the transportation of mail at established rates for specified routes; from the use of railway post-office cars when in carrier's service transporting mails; from the use of special mail facilities; and from bonuses for special mail transportation.

To this account shall be charged fines and penalties imposed by the Government when not collected from agents or employees.

NOTE: The revenue from the transportation of mail matter and empty mail pouches on freight trains at freight tariff rates shall be included in account 101, "Freight."

§ 10.107 *Express.* This account shall include the revenue from transportation of express matters and from use of facilities on trains and at stations incident to such transportation.

When a railway company transacts an express business through its regular railway organization, the revenue therefrom shall be credited to this account.

NOTE: When contracts for express privileges provide specific amounts for the rent of facilities at stations, such amounts shall be included in revenue account 142, "Rents of buildings and other property."

§ 10.108 *Other passenger-train.* This account shall include the revenue derived from the operation of passenger trains not provided for elsewhere.

LIST OF ITEMS

(a) The carrier's proportion of contract revenue derived from the operation over its line of sleeping, parlor, chair, observation and other special passenger-train cars, owned and operated by other companies.

(b) Value of portions of mileage tickets or coupons, scrip books or coupons, including baggage, circus and show scrip, unpresented and unredeemed.
(c) Revenue from transportation of newspapers at local tariff rates or at proportions of interline tariff rates.

§ 10.109 *Milk.* This account shall include the revenue from the transportation of cream, sweet milk, skim milk, sour milk, buttermilk, condensed milk, butterfat, and smearcase or pot cheese, upon the basis of lawful tariffs at rates per package, regardless of weights.

NOTE: The revenue from the transportation of milk upon the basis of lawful tariffs at rates per specified weights shall be included in revenue account 101, "Freight."

§ 10.110 *Switching.* This account shall include the revenue from switching service upon the basis of lawful tariff rates.

To this account shall be credited the carrier's revenue upon the basis of tariff rates, or the carrier's allowance out of through rates, from the switching of cars of all kinds, loaded or empty, either locally at a station or within a switching district, between connecting lines, between local industries, or between connecting lines and local industries; revenue upon the basis of distinct tariff rates for "trap-car" and "ferry-car" service and for spotting cars; also the revenue from interwork switching at industrial plants, and the revenue from "penalty switching" incident to the improper delivery of cars by other carriers.

To this account shall be charged amounts paid other for switching when such switching service is provided for in the switching rate charged by the carrier.

NOTE: "Penalty switching" charges paid by the carrier shall be included in expense account 411, "Other expenses."

§ 10.113 *Water transfers; freight.* This account shall include the revenue from the transfer of freight by water transfers (ferriage, lighterage, and floatage) upon the basis of lawful tariff rates for local service.

NOTE: No revenue shall be included in this account upon the basis of arbitraries out of rates for transportation involving rail line haul.

§ 10.114 *Water transfers; passenger.* This account shall include the revenue from the transfer of passengers by water transfers (ferriage) upon the basis of lawful tariff rates for local service.

NOTE: No revenue shall be included in this account upon the basis of arbitraries out of rates for transportation involving rail line conveyance.

§ 10.115 *Water transfers; vehicles and live stock.* This account shall include the revenue from the transfer by water transfers upon the basis of lawful local tariff rates, of vehicles of all classes; horses, cattle, and other animals; and Government artillery and equipment.

NOTE: No revenue shall be included in this account upon the basis of arbitraries out of rates for transportation involving rail line haul.

§ 10.116 *Water transfers; other.* This account shall include the revenue from water transfers not otherwise provided for, such as the revenue from towing beyond lighterage limits and all other towing for which an extra charge is made; insurance of freight afloat when billed out at other than cost; storage of freight afloat; grain overage in boats; pumping performed for outside parties; and from other similar sources.

To this account shall be charged amounts payable to other companies or individuals for extra lighterage, extra towing, and for all other service when such payments represent revenue collected and credited to this account and not a direct expense.

INCIDENTAL

§ 10.130 *Incidental.* The primary accounts included in this general account are designed to show the amounts which the carrier becomes entitled to receive from services rendered incidentally with rail-line and water-line transportation, for the use of facilities of which the expenses for operation and maintenance are not separable from railway expenses, and from incidental sources not provided for elsewhere.

§ 10.131 *Dining and buffet.* This account shall include the revenue from dining and buffet service on trains and transfer boats.

ITEMS TO BE CREDITED

(a) Revenue from lunches furnished.
(b) Revenue from meals furnished.
(c) Revenue from liquors furnished.
(d) Revenue from tobacco furnished.
(e) Revenue from cigars and cigarettes furnished.

§ 10.132 *Hotel and restaurant.* This account shall include the revenue from hotels, restaurants, and station lunch counters. (See § 10.02–4 *Miscellaneous operations.*)

ITEMS TO BE CREDITED

(a) Revenue from the rent of rooms.
(b) Revenue from the use of baths.
(c) Revenue from the use of billiard tables.
(d) Revenue from the use of bowling alleys.
(e) Revenue from lunches furnished.
(f) Revenue from meals furnished.
(g) Revenue from liquors furnished.
(h) Revenue from tobacco furnished.
(i) Revenue from cigars furnished.
(j) Revenue from cigarettes furnished.
(k) Revenue from newspapers furnished.
(l) Revenue from periodicals furnished.
(m) Revenue from tonsorial service.
(n) Revenue from laundry work.

NOTE: This account shall not include the revenues from hotels and restaurants which are entirely distinct from the carrier's transportation plant and the cost of which is included in balance-sheet account 705, "Miscellaneous physical property."

§ 10.133 *Station, train, and boat privileges.* This account shall include revenue from weighing, vending, and other automatic machines located at stations; from advertising at stations and on trains and on transfer boats; from the privilege of operating news stands at stations and selling papers, periodicals, fruit, etc., on trains and on transfer boats; from telephone companies for the privilege of installing and operating commercial telephones at stations; from the operation of eating houses and dining and buffet service on trains and transfer boats when such operation is conducted by individuals or companies other than railway companies and when the expenses incurred by the carrier in connection therewith are not separable from its regular operating expenses; and from similar sources.

§ 10.134 *Parcel room.* This account shall include the revenue from the operation of parcel rooms.

§ 10.135 *Storage; freight.* This account shall include the revenue from the storage of freight.

§ 10.136 *Storage; baggage.* This account shall include the revenue from the storage of baggage.

§ 10.137 *Demurrage.* This account shall include the revenue from the detention of cars incident to loading, unloading, reconsigning, and stops in transit upon the basis of lawful tariffs for demurrage.

§ 10.138 *Telegraph and telephone.* This account shall include the revenue from commercial telegraph and telephone operations; also amounts received from telegraph and telephone companies, whether as a proportion of earnings or otherwise, for the privilege of transacting a commercial telegraph or telephone business in offices along the carrier's lines, when the carrier furnishes some service of employees whose pay is included in its operating expenses.

NOTE: When a telegraph or telephone company rents the telegraph or telephone line of the carrier and pays all expenses incident to its maintenance and operation, the rent received shall be credited to income account 510, "Miscellaneous rent income."

§ 10.139 *Grain elevator.* This account shall include the revenue from the operation of grain elevators. (See § 10.02–4 *Miscellaneous operations.*)

ITEMS TO BE CREDITED

(a) Revenue from the elevation of grain
(b) Revenue from the storage of grain.
(c) Revenue from bagging grain.
(d) Revenue from screening grain.
(e) Revenue from blowing grain.
(f) Revenue from cooling grain.
(g) Revenue from clipping grain.
(h) Revenue from cleaning grain.
(i) Revenue from mixing grain.
(j) Revenue from transferring grain in elevators.
(k) Revenue from loading grain into and unloading grain from boats not covered by elevation charges.
(l) Revenue from trimming grain in boats when performed by elevator employees.
(m) Revenue from the sale of screenings and sweepings.
(n) Revenue from inspecting grain in elevators.

§ 10.140 *Stockyard.* This account shall include the revenue from stockyards. (See § 10.02–4 *Miscellaneous operations.*)

ITEMS TO BE CREDITED

(a) Revenue from feeding livestock.
(b) Revenue from watering live stock.
(c) Revenue from bedding live stock.
(d) Revenue from otherwise caring for live stock.
(e) Revenue from shearing sheep.
(f) Revenue from dipping sheep and cattle.
(g) Revenue from stalling horses.
(h) Revenue from inspecting live stock.

§ 10.141 *Power.* This account shall include the revenue from the sale of electric current and other power. (See § 10.02–4 *Miscellaneous operations.*)

§ 10.142 *Rents of buildings and other property.* This account shall include the revenue from the exclusive use of buildings and other property or portions thereof, such as depot and station grounds and buildings, general and other offices, wharves, ferry landings, elevators, stockyards, fuel yards, enginehouses, repair shops, and section and other houses, when the property is operated and maintained in connection with the property used in the carrier's transportation operations and the expenses of maintaining and operating the rented portion cannot be separated from the expenses of that portion used by the carrier. (See § 10.02–4 *Miscellaneous operations.*)

NOTE: When the expenses of maintaining and those of operating property rented to others are separable, the rents received shall be credited and the expenses of maintenance and operation shall be charged to appropriate income accounts.

§ 10.143 *Miscellaneous.* This account shall include the revenue from railway operations not provided for elsewhere. (See § 10.02–4 *Miscellaneous operations.*)

LIST OF ITEMS

(a) Amounts received for privilege of cutting hay along the right of way.
(b) Commissions received for collecting premiums on insurance policies from employees and installment payments for books, watches, etc., sold by dealers to employees.
(c) Profit from jobbing and installing electric power lines for others.
(d) Revenue from boat demurrage.
(e) Revenue from freight and passenger privileges over a carrier's wharves and docks.
(f) Revenue from garnishee fees.
(g) Revenue from operation of coal and ore wharves, cold-storage plants, coal-storage plants, cotton-compress plants, and wood-preserving plants.
(h) Revenue from privilege of mooring and anchoring boats at wharves and docks.
(i) Revenue from the sale of cinders produced by carrier.
(j) Revenue from use of carrier's bridges by pedestrians, streetcar lines, vehicles, etc.
(k) Revenue from temporary use of carrier's tracks for detouring trains, etc.
(l) Revenue from use of tracks incident to delays in loading or removing freight.
(m) Revenue from water furnished boats from water stations operated by the carrier.
(n) Revenue from weighing cars.
(o) The carrier's proportion of gross revenue from operation of clergy bureaus.
(p) The carrier's proportion of gross revenue from operation of ticket validation agencies.
(q) Collections made by station ushers (Red Caps) for the handling of passengers' baggage.

NOTE: When a bridge of one carrier is jointly used by itself and another carrier and such use is paid for on the basis of flat rent or charge per train-mile or toll per passenger, per ton, or per car, the compensation therefor shall be credited to the appropriate joint facility, operating expenses, and income accounts.

JOINT FACILITY

§ 10.150 *Joint facility.*

§ 10.151 *Joint facility—Cr.* This account shall include the carrier's proportion of revenue collected by others in connection with the operation of joint tracks, yards, terminals, and other facilities.

NOTE A: The purpose of this account is to show the amounts of revenue from the operation of joint tracks, yards, terminals, and other facilities operated by other companies, which under existing contracts or agreements are credited by the operating company to the tenant companies which participate therein. The bill rendered by any creditor company against a debtor company for the latter's proportion of the expense of maintenance and operation of joint facilities, which includes also a credit covering a proportion of the revenue to be paid over, shall show the distribution of the credit for such proportion of the revenue separately from the distribution of the expense of operation.

NOTE B: No credits shall be made to this account representing amounts creditable by the operating company to primary accounts 101 to 109, 113 to 116, 121 to 128, 131, 132, 139, and 140.

§ 10.152 *Joint facility—Dr.* This account shall include that proportion of revenue from the operation of joint tracks, yards, terminals, and other facilities, which is creditable to other companies.

NOTE A: The purpose of this account is to show the amount of revenue from operation of a terminal company or other carrier which, under the terms of existing contracts or agreements covering the joint use of tracks, yards, and other facilities, is credited to other carriers that participate in the benefits from such joint use. The bill rendered by a creditor company against a debtor company for the latter's proportion of expense of maintaining and operating joint facilities, which includes a credit covering the debtor company's proportion of the revenues from operation of such joint facilities, shall indicate separately the proper distribution of both the revenues and the expenses included in the bill, and such distribution shall be adhered to by the debtor.

NOTE B: No debits shall be made to this account representing amounts creditable by the operating company to primary accounts 101 to 109, 113 to 116, 121 to 128, 131, 132, 139, and 140.

OPERATING EXPENSES

§ 10.04 *Special instructions.*

§ 10.04–1 *Accounts for operating expenses.* The accounts prescribed for operating expenses are designed to show expenses of furnishing transportation service including the expense of maintenance and depreciation of the plant used in the service. The account shall be, as nearly as practicable, upon the basis of accruals.

"Road property" means transportation property other than equipment.

Following the texts of the primary operating expense accounts, there are provided condensed groupings of the same accounts to be used by Class II and Class III carriers. For the purpose of these condensed classifications, Class II carriers shall be those having annual operating revenues of $100,000 to $1,000,000 and Class III those having annual operating revenues less than $100,000. Small carriers which elect to use the primary accounts for large railroads shall include in annual reports the group totals required by the condensed classifications for their class.

§ 10.04–2 *Maintenance expenses.* The accounts provided for maintenance of road property and of equipment are designed to show the cost of repairs and also the loss through depreciation of the property used in operations, including all such expenses resulting from ordinary wear and tear of service, exposure to the elements, inadequacy, obsolescence, or other depreciation, or from accident, fire, flood, or other casualty.

The cost of repairs which has been provided for in the several repair accounts shall include the cost of inspecting to determine the repairs necessary, and of adjusting or repairing parts, both of road property and of equipment, such as the repairing of locomotives, cars, frogs, switches, rails, etc.; the cost of inspecting and testing after repairs have been made, such as the testing of locomotives after repairs to determine whether the repairs have been properly made, and the running of repaired locomotives light in order to break them in for regular service; incidental costs of repairs, such as the construction or removal of false work in connection with maintenance, cost of demolishing retired road property and disposing of the wreckage therefrom when the proerty is dismantled by or for the carrier; cost of maintaining or protecting traffic during the progress of construction work, including the cost of constructing, maintaining and removing temporary tracks required for maintaining traffic during the progress of the work; cost of mowing and beautifying grounds around buildings; repairing fences, sidewalks, driveways, and streets within or adjacent to such grounds; cost of removing snow from roofs of buildings (when not removed by those employed in the buildings); cost of periodical restoration of seasonal features, such as gardens, shrubbery, and lawns; cost of operating hothouses in connection with the work of beautifying grounds; and cost of clearing and removing casual incumbrances, such as ice, snow, and fallen timber.

Distinct maintenance accounts have been provided for expenses of a general character, such as superintendence, stationery and printing, and injuries to persons, which, on account of established practice, it is deemed advisable to segregate.

§ 10.04–3 *Cost of repairs.* It is intended that the repair accounts of this classification shall include the cost of labor, materials and supplies, work-train service, floating equipment work service, special machine service, contract work, privileges, protection from casualties, and other analogous items of expense in connection with the maintenance of the plant used in railway service. The several items of cost here referred to are defined as follows:

(a) "Cost of labor" includes amounts paid for the labor of the carrier's own employees. Except where otherwise specified in the text of the accounts, the cost of boarding, traveling, and other incidental expenses of employees shall be included in the accounts to which the pay of the employees is chargeable.

(b) "Cost of materials and supplies" includes the cost of materials and supplies, including small tools, at the point of free delivery, plus freight charges of foreign lines, and the costs of inspection and loading assumed by the carrier; also a proportion of store expenses (see § 10.04–16 *Material store expense*). It should not, however, include expenses of transportation over the carrier's line. In calculating the cost of materials used proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc., and for the value of the material recovered from property repaired and from temporary tracks, scaffolding, cofferdams, and other temporary structures used in repair work.

(c) "Cost of work-train service" includes cost of labor of enginemen, trainmen, and enginehouse men, including the wages of engine crews and train crews held in readiness for such service; and the cost of fuel and other supplies consumed in connection with the operation of work trains.

(d) "Cost of floating equipment work service" includes cost of labor of crews, including wages of crews held in readiness for service; and the cost of fuel and other supplies consumed in connection with the operation of floating equipment work service.

(e) "Cost of special machine service" includes the cost of labor expended and of materials and supplies consumed in operating steam shovels, scrapers, rail unloaders, ballast unloaders, pile drivers, dredges, ditchers, weed burners, and other labor-saving machines; also rents paid for use of such machines.

(f) "Cost of contract work" includes amounts paid for work performed under contract by other companies, firms, or individuals and specific expenses incident to the award of the contract.

(g) "Cost of privileges" includes amounts paid for special privileges, such as the temporary use of public property or streets, in connection with the repairs of the property of the carrier. (Periodical payments for such privileges in connection with permanent use of public property for railway operations shall be included in the income accounts.)

(h) "Cost of protection from casualties" includes expenditures for protection against damage by fire, flood, etc., such as payments for discovery or extinguishment of fires, cost of detecting and prosecuting incendiaries, expense for witnesses in relation thereto, amounts paid to municipal corporations and others for fire protection, and other analogous items of expense in connection with repair work, but does not include insurance premiums paid to assure reimbursement for prospective losses.

§ 10.04–4 *Royalties on appliances.* The royalties for patent rights on mechanical appliances used in repairs of equipment shall be included in the cost of the repairs.

§ 10.04–5 *Road property retired.* The service value (ledger value less salvage and insurance recovered, if any) of road property retired and replaced with property of like purpose, together with the cost of demolishing and removing the retired property, shall be accounted for in accordance with § 10.01–7 *Road property retired.*

§ 10.04–6 *Distribution of charges for nondepreciable road property retired.* In case the amount chargeable to operating expenses for nondepreciable property retired, as provided in § 10.01–7 *Road property retired,* is relatively large and its inclusion would seriously distort the expenses for the year, the carrier, if so authorized by the Commission, may charge the amount thereof to account 726, "Property retired chargeable to operating expenses," and distribute it thereafter in accordance with the provisions of that account to operating expenses of the current and succeeding years.

§ 10.04–7 *Adjustment for converted property.* When a unit of equipment or fixed property by its transfer from one class of service to another, with or without physical conversion, becomes includible in a primary investment account other than that in which it has been carried, the procedure outlined in § 10.01–11 *Adjustment for converted property* shall be followed.

§ 10.04–8 *Depreciation accounting; road property.* (a) There shall be charged monthly to operating expenses or other appropriate accounts and credited to account 702½C, "Accrued depreciation—Road," during the service life of depreciable road property amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. The charges for currently accruing depreciation shall be computed in conformity with the group plan by applying to the original cost or the estimated original cost of the road property as found by the Bureau of Valuation such percentage rates as will distribute the service value by the straight-line method in equal annual charges to operating expenses or other accounts during the estimated life of the property. Pending the compilation of the original cost figures to a current date by the Bureau of Valuation, the carrier shall use as a depreciation base that bureau's figures as far as they have been summarized and add thereto the cost for the subsequent years as recorded in its Order No. 3 records and accounts. Such adjustment of original cost figures as may be necessary after the original cost figures have been summarized by the Bureau of Valuation to a current date shall be made at that time.

NOTE: If a carrier submits proof that the actual cost to it of the depreciable road property which it owns or the actual cost to the owner of the depreciable road property which it uses and for which depreciation accounting is required, was substantially different from the original cost figures of the Bureau of Valuation, with the approval of the Commission, such carrier may use such actual cost figures as the depreciation base.

(b) As soon as the information can be assembled the carrier shall file with the Commission composite annual percentage rates estimated to be applicable to the original cost or estimated original cost of the property in each primary account covering depreciable road property owned or used by it. These percentage rates shall be based on the estimated service values and service lives of the road property developed by a study of the carrier's history and experience and such engineering and other information as may be available with respect to future conditions. Such percentage rates shall, for each primary account comprised of more than one class of road property, produce a charge for depreciation based on the original cost or estimated original cost of the depreciable property included in such account equal to the sum of the amounts that would otherwise be chargeable as depreciation for each of the various classes of property included in such account. The annual percentage rates when filed shall be accompanied by a sworn statement showing the bases therefor and the methods employed in their computation.

(c) The carrier shall keep such records of depreciable property and property retirements as will reflect the service life of property which has been retired, or will permit the determination of service life indications by mortality, turnover, or other appropriate methods; also such records as will reflect the percentage of value of the salvage for property retired from each class of depreciable property. The carrier shall be prepared at any time, upon direction of the Commission, to compute and submit for its approval revised percentage rates in cases where existing rates are deemed inapplicable.

(d) A separate composite annual percentage rate for each account covering depreciable property shall be used in computing depreciation charges. Such composite rates shall be those which are from time to time prescribed by the Commission except, that where no rates for any class of property have previously been prescribed for the carrier's use by the Commission, the carrier's estimate of composite annual percentage rates computed in accordance with paragraph (b) of this instruction shall be used prior to the date such rates are prescribed by the Commission.

NOTE: Until such time as the carrier's estimates of composite annual percentage rates have been computed, the carrier shall base its depreciation charges upon the percentage rates obtained from the Bureau of Valuation which is prepared to furnish such rates upon request.

(e) In computing monthly charges the annual percentage rates shall be applied to the depreciation base as of the first of each month and the result divided by twelve.

(f) In the event annual percentage rates prescribed by the Commission, in the judgment of the carrier, become no longer currently applicable, it shall in like manner file revised annual percentage rates which in its judgment should be established. Where property is acquired for which no rates have been prescribed the carrier shall immediately compile and submit to the Commission appropriate estimates developed in accordance with the provisions of paragraph (b) of this instruction.

(g) For the purpose of the group plan of depreciation accounting for road property the following primary accounts under § 10.0 *Road*, are classed as depreciable accounts:

1. Engineering (as appropriately assigned, but not distributed, to the other depreciable accounts in arriving at the amounts used as the depreciation base).
$2\frac{1}{2}$. Other right-of-way expenditures.

8. Grading (depreciable property recorded in this account).
5. Tunnels and subways.
6. Bridges, trestles and culverts.
7. Elevated structures.
13. Fences, snowsheds, and signs.
16. Station and office buildings.
17. Roadway buildings.
18. Water stations.
19. Fuel stations.
20. Shops and enginehouses.
21. Grain elevators.
22. Storage warehouses.
23. Wharves and docks.
24. Coal and ore wharves.
26. Telegraph and telephone lines.
27. Signals and interlockers.
29. Power plants.
31. Power-transmission systems.
35. Miscellaneous structures.
37. Roadway machines.
39. Public improvements—construction.
44. Shop machinery.
45. Power-plant machinery.

NOTE: With respect to accounts 2½, 3, 5, and 39, carriers may confine the accruals to the depreciable property recorded therein by applying the percentage rates furnished by the Bureau of Valuation to the aggregate cost of such property (omitting nondepreciable property), in computing depreciation charges, or they may request the Bureau of Accounts to prescribe percentage rates covering obsolescence due to the premature retirement of certain nondepreciable property, in which case the composite percentage rates will be applied to the total amount recorded in each of the accounts in computing depreciation charges.

(h) The accounting for depreciation on road property leased from others shall be in accordance with § 10.05–2 *Leased road and equipment; depreciation.* The depreciation on road property includible in operating expenses by the lessee under that instruction shall be computed and stated under the group plan in accordance with the foregoing instructions pertaining to the carrier's own road property.

(i) The term "group plan" means the plan under which depreciation charges are accrued upon the basis of the original cost of depreciable road property for each primary road account using the service lives of the individual depreciable units in the accounts and properly weighting to determine the composite annual rate of depreciation. Upon the retirement of a unit of property, its full service value is chargeable to account 702½C, "Accrued depreciation—Road," whether or not the particular item has attained the average service life.

(j) The owning carrier shall include in the depreciation accounts in operating expenses the charges for depreciation on units of depreciable property jointly used with one or more other carriers. The owning carrier shall credit and each using carrier shall charge the appropriate joint facility accounts in operating expenses with the amounts billed by the owning carrier against each using carrier for its proportion of the service loss on property retired from service whether billed currently as depreciation or when retirements occur as the loss in service value. The using carriers shall be required to account for depreciation or retirement of units of road property jointly used but not owned only to the extent of their contract liability. The same principle shall apply to terminal companies and their nonowner tenants in accounting for depreciation accruals or retirement charges recorded in the accounts of the terminal companies.

(k) If the cause of the retirement of the unit or units of road property is not a recognized factor in depreciation and the loss is not covered by insurance, the carrier may upon proof that the charge will result in unduly depleting the depreciation reserve, and with the approval of the Commission, charge all or a part of the service value of the property, less the estimated depreciation accrued thereon, to account 726, "Property retired chargeable to operating expenses," and distribute it from that account to account 267, "Retirements—Road."

§ 10.04–9 *Joint facility accounts.* Accounts thus designated have been provided for the joint users of tracks, bridges, yards, wharves, stations, and other facilities to indicate the proper accounting for settlements which cover income and operating expenses in connection with the use of such facilities, and for settlement covering cost of yard service. When the compensation for the use of facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned by the operating company among the joint facility operating expense and income accounts. The creditor shall show the distribution of these charges upon its bills, and such distribution shall be adhered to by the debtor.

Train service in connection with the line haul of traffic, including that operated under a joint arrangement for the benefit of two or more carriers is not considered a joint facility operation and the settlements between carriers covering items chargeable to accounts 392 to 403, inclusive, shall not be included in the joint facility accounts.

§ 10.04–10 *Clearing accounts.* In recognition of the fact that certain expenditures incident to the construction and the operation of property are not chargeable directly to any particular property investment or expense account, clearing accounts have been provided for the purpose of securing an equitable distribution of such items to the proper primary accounts, as hereinafter set forth.

§ 10.04–11 *Gravel and sand pits and quarries.* When a gravel or sand pit or quarry is opened for operations likely to extend over a long period, an account shall be set up designated "Operations of gravel pit at _____," or "Operations of quarry at _____," as the case may be. To this account shall be charged:

(a) That part of the cost of the land in excess of its estimated value after the gravel, sand, or stone has been removed, the amount thus charged being concurrently credited to the property account in which the cost of the land is included.

(b) Amounts paid for the right to enter upon and remove ballast from land not owned by the carrier.

(c) The cost of sinking test holes.

(d) The expenses for clearing, stripping, draining, and ditching the land, and of moving and changing fences and buildings preparatory to opening the pit or quarry.

(e) The cost, in excess of the estimated salvage value, of rails and fastenings used in constructing tracks to and in the gravel pit or quarry, the estimated salvage being carried in an appropriate suspense account.

(f) The cost, in excess of the estimated salvage value, of ties and other material, and of labor expended on such tracks.

(g) The cost of labor and train service employed in producing, quarrying, and loading ballast, including the cost of operation, repairs, and depreciation of stationary engines, steam shovels, stone crushers, and other similar machinery, and the pay and expenses of watchmen.

(h) The cost of explosives and hand tools, and miscellaneous expenses.

(i) The cost of installing, operating, and maintaining signals and interlockers at gravel pits.

Credit to these accounts shall be made each month to cover the cost of ballast material produced during the month. The cost of production shall include the expenses directly assignable to the monthly output, plus a proportion of the expenses not directly assignable, such as cost of land, tracks, machinery, and interlockers. This latter amount shall be computed upon the basis of the ratio which the monthly output bears to the total estimated yardage to be taken from the pit.

When any portion of the product of such pits or quarries is sold, the cost thereof shall be credited to this clearing account, and the profit thereon, if any, shall be credited to revenue account 143, "Miscellaneous."

§ 10.04–12 *Power plant operations.* The accounting for the expenses of maintaining and operating an electric, steam, or other power plant (both building and machinery) shall be determined by the purpose for which the power produced is used.

When the power plant is intended and used for producing power solely for the carrier's own operations and the cost of operating the plant is chargeable to clearing account "Shop expenses," or to any one specific account for operating expenses the expenses of maintenance shall be charged to the appropriate maintenance accounts, and the cost of operation to the account appropriate according to the use of the power.

When the power from such a plant is properly chargeable to more than one account, the expenses of maintaining and operating the plant shall be included in clearing account "Power plant operations." The expense of maintenance shall be cleared from that account to the appropriate maintenance accounts for operating expenses. The expenses of operation shall be apportioned to the appropriate accounts upon the basis of quantity of power used for the various purposes.

When a part of the power produced by a power plant is sold and the remainder is used in the carrier's own operations, the cost of maintaining and operating the plant shall be charged to a clearing account. The expense of maintenance shall be cleared from that account to the appropriate maintenance account in operating expenses. The proportion of the expenses of operation assignable to the power sold, on the basis of ratio of quantity of power sold to total quantity of power produced, shall be credited to this clearing account and charged to account 445, "Producing power sold." The remainder of the cost of operation shall be distributed to the appropriate expense accounts for the carrier's own operations, in the manner indicated in the preceding paragraphs.

When power plants are intended and used solely for furnishing power to others, the investment therein shall be included in balance sheet account 705, "Miscellaneous physical property," and the operation shall not be included in the accounts of this classification. (See § 10.02–4 *Miscellaneous operations* and income account 534, "Expenses of miscellaneous operations.")

§ 10.04–14 *Maintaining transmission and distribution systems.* The accounting for the maintenance of transmission systems and distribution systems shall be in accordance with instructions pertaining to power plant operations.

§ 10.04–15 *Shop expenses.* A clearing account entitled "Shop expenses" shall be kept, to which shall be charged items of expense at shops, enginehouses, repair tracks, and other places at which mechanical work is done, not assignable, directly to specific accounts. Such expenses shall be apportioned among the various accounts affected. The basis of distribution shall be the relative proportion which the total amount of charges to "Shop expenses" bears to the total of the directly distributed labor. To avoid monthly fluctuations in the ratio of shop expenses to the total of distributed labor, carriers are permitted to make the monthly apportionment on the basis of a percentage of the distributed labor, provided the shop expense account be adjusted and closed out at the end of each year. The expenses assignable to this account are as follows:

(a) *General shop employees.* The pay of general foremen in small shops, who exercise direct supervision over all departments unassisted by department foremen; the pay of department foremen, assistant department foremen, other supervising or directing employees, and their clerks; pay of chauffeurs and oilers; pay of sweepers, cleaners, roustabouts, and other unskilled laborers employed in general work in and about shops and shop grounds; pay of watchmen, gatekeepers, and policemen at shops, repair tracks, and other places at which mechanical work is done; pay of employees while attending fires or fire drills; and pay of employees while making, repairing, or having charge of small shop tools.

(b) *Power.* The cost of fuel used in steam and other power plants in producing power for shops and for other places at which mechanical work is done; cost of oil, grease, waste, and other material used in the operation of such power plants; pay of stationary engineers, firemen, electricians, coal handlers, and other employees engaged in production of power; cost of carbon brushes, fuses, lamps, picks, pokers, scuttles, shovels, and other small tools and supplies; and cost of water and power purchased. (See § 10.04–12 *Power plant operations.*)

(c) *Heating.* The cost of fuel and other supplies used for heating shops and other places at which mechanical work is done, shop offices, watchmen's and gatekeepers' boxes, and inspectors' shanties; and the pay of firemen, coal handlers, and other employees engaged in operating heating boilers. (See § 10.04–12 *Power plant operations.*)

(d) *Lighting.* The cost of electric current, gas, oil, torches, lamp burners, lamp chimneys, lamps not permanently attached to buildings, incandescent lamps and carbons, and other material used in lighting shops and shop offices, repair tracks, and other places at which mechanical work is done, and cost of material used and labor expended in operating electric-light plants and repairing electric-light and other lamps at shops. (See § 10.04–12 *Power plant operations.*)

(e) *Switching locomotives.* All expenses, including wages, fuel, and supplies, of operating switching locomotives when exclusively assigned to switching service at shops. (The expenses of incidental switching at shops by locomotives in transportation switching service shall be charged to appropriate transportation accounts.)

(f) *Shop supplies.* Fuel for forge and other shop work; supplies and small tools used by mechanics on miscellaneous work and not durable; test-room and laboratory supplies used in connection with shop work; lubricating material for shop machinery and tools; water used at shops and shop offices, repair tracks, and other places at which mechanical work is done; and other supplies used generally in shop work.

LIST OF SUPPLIES AND SMALL TOOLS

Acid.
Adzes.
Ammonia.
Auger bits.
Augers.
Axes.
Basins.
Bath brick.
Battery brushes.
Beeswax.
Bell cord.
Bluestone.
Bone, granulated.
Borax.
Bottles.
Braces and bits.
Brooms.
Brushes, dust.
Brushes, file.
Brushes, oil.
Brushes, paint.
Brushes, scrub.
Brushes, sweeping.
Brushes, varnish.
Brushes, wall.
Brushes, whitewash.
Brushes, window.
Buckets.
Carpenter tools furnished apprentices.
Case hardening compound.
Cement, belt.
Chalk.
Chalk lines.
Chamois skins.
Charcoal.
Chisels.
Clamps, hand.
Coal picks.
Compound for B. S. hammers.
Compound for grinding.
Compound for hydraulic jacks.
Compound for welding.
Corks.
Cosmic to prevent rust.
Crayon.
Cups, tin.
Cushion beaters.
Dippers.
Disinfectants.
Ditching lines.
Drill bits.
Drinking cups.
Drinking glasses.
Dustpans.
Emery.
Emery boxes.
Emery cloth.
Emery paper.
Faucets.
File cards.
Files.
Fire hooks for stationary boilers.
Fire shovels for stationary boilers.
Flags.
Flannel, canton.
Forks.
Forks, coke.
Funnels.
Gimlets.
Glue.
Gluepots.
Glycerin.
Graphite.
Grindstones.
Ground glass.
Hack-saw blades.
Hammers.
Hammers, babbitt.
Hand leathers.
Handles for tools.
Hatchets.
Hoes.
Keel.
Lampblack.
Lead.
Lye.
Mallets.
Marking brushes.
Marking pots.
Measures, liquid.
Mineral paste.
Mop handles.
Mops.
Muslin.
Nippers.
Oil cans.
Oilstones.
Padlocks.
Paint pots.
Picks.
Pipe-joint grease.
Pliers.
Plumbago.
Polish.
Polish, stove.
Potash.
Prisms.
Rakes.
Rasps.
Ratchet braces.
Red lead.
Resin.
Rope.
Rules.
Sal ammoniac.
Sand soap.
Sandpaper.
Saw blades.
Saws, hand.
Scoops.
Screw drivers.
Screws.
Shellac
Shovels.
Slate pencils.
Slates.
Sledges.
Soap.
Soda.
Solder.
Soldering fluid.
Spelter solder.
Spigots for oil barrels.
Spirit-level vials.
Spirit levels.
Sponges.
Sprinkling cans.
Squares.
Squirts (lubricating).
Stencil brushes.
Tacks.
Tape lines.
Tapes, metallic.
Tool steel for small hand tools.
Tripoli.
Trucks.
Twine.
Washbasins.
Wheelbarrows.
Whetstones.
White lead.
Whiting.
Window cloths.
Wire.
Wire brushes.
Wrenches.
Zinc cakes.
Zincs.

(g) *Incidental expenses.* Watchmen's uniforms, clocks, and call boxes; traveling expenses connected with the operation of shops and not directly chargeable to other accounts; removal of snow and ice from transfer tables and shop yards; cleaning of privy vaults; horse keep; cost of ice for shops; and other undistributed shop expenses.

§ 10.04–16 *Material store expenses.* To a clearing account called "Material store expenses" shall be charged expenses in connection with purchasing, handling and storing material in and distributing it from the company's storehouses, including the pay of officers and employees in the purchasing and store departments and their traveling, office, and other expenses; also all expenses, including wages, fuel, and supplies, of operating switching locomotives when exclusively assigned to the service of switching at material storehouses. (Expenses of incidental switching at material yards by locomotives in regular switching service shall be charged to the appropriate transportation accounts.) The pay and expenses of men employed in purchasing or inspecting a single class of material, such as ties, shall be added as store expenses to the cost of that particular material.

The total amount of storehouse expense charged to this account shall be so distributed among the accounts to which material has been charged that the amounts thus distributed will be, for each account, in proportion to the value of the material issued chargeable there-

to, except that the amount representing the purchasing department expenses shall be apportioned on the value of the material issued which was purchased by that department. To avoid monthly fluctuations in the ratio of store expenses to the value of material purchased or issued, carriers may make monthly apportionment on the basis of fair percentage rates, provided the store expense account be adjusted and closed out at the end of each year.

§ 10.04–17 *Stationery store expenses.* A clearing account entitled "Stationery store expenses" shall be kept, to which shall be charged expenses in connection with purchasing, handling, and storing stationery, and for distributing it from the stationery stores, including the pay of officers and employees in the stationery store department and their traveling, office, and other expenses. The amounts charged to this account shall be apportioned to the accounts to which is charged stationery issued from the store, upon the basis of the charges to these accounts for such stationery. To avoid monthly fluctuations in the ratio of store expenses to the value of material issued or purchased, carriers may make a monthly apportionment on the basis of fair percentage rates, provided the stationery store expense account be adjusted and closed out at the end of each year.

§ 10.04–18 *Insurance.* Provision has been made in each of the general accounts for premiums paid and amounts set aside for fire and other insurance. Amounts of insurance recovered on account of losses shall be credited to the accounts to which the losses are chargeable.

§ 10.04–19 *Equalization of maintenance expenses.* The cost of maintaining way and structures and equipment shall be included in the appropriate primary accounts in the month in which the expense is incurred. In case the carrier adopts a budget or estimate for all or a part of the calendar year of expenses includible in one or more primary maintenance accounts or for the general accounts 200, "Maintenance of way and structures," and 300, "Maintenance of equipment," an equitable monthly proportion of the difference between the budgeted or estimated expenses and the actual expenses chargeable each month may be debited or credited as appropriate to account 280, "Equalization—Way and structures," or account 338, "Equalization—Equipment," with contra entries in account 773½, "Equalization reserves." If certain primary accounts only are budgeted the carrier's records shall show for amounts included in the equalization accounts the amount of the equalization assignable to each such primary account.

Amounts included in account 773½, "Equalization reserves," in accordance with the foregoing paragraph, shall be cleared therefrom at the close of each calendar year through the equalization accounts originally charged or credited. (See § 10.04–25 *Deferred maintenance, and major repairs to equipment.*)

§ 10.04–20 *Accruals of expenses.* In order that operating expense accounts may as nearly as practicable include the full amount of expenses incurred by the carrier each month, the carrier shall accrue currently in the appropriate expense and balance-sheet accounts estimates of unaudited items affecting expenses. If these estimates are not fully adjusted in the following month, the balances in the balance-sheet accounts shall be kept separately by months until each is adjusted. The carrier is not required to anticipate items which would not appreciably affect the expense accounts.

§ 10.04–22 *Interpretation of item lists.* Lists of "items," "details," etc., have been given as a part of this classification for the purpose of clearly indicating the application of the accounting rules in specific cases. The lists in every case are to be considered as merely representative and not as excluding from any account analogous items which happen to be omitted from the list appended. On the other hand, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list—for example, the item of blank books under accounts 276, 334, 358, 410, and 458—and the proper charge in any one instance must be determined by the text of the account.

§ 10.04–23 *Delayed items.* Cancellation of entries recorded in balance-sheet accounts relating to operating expenses of former years shall be recorded in accordance with § 10.02–3 *Delayed items.*

§ 10.04–24 *Depreciation accounting; equipment.* The accounting for depreciation of equipment shall be in accordance with the following:

(a) There shall be currently charged to operating expenses, and other accounts and credited to account 702½D, "Accrued depreciation—Equipment," during the service life of equipment, amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. These charges for currently accruing depreciation shall be computed at such percentage rate of the ledger value of the equipment that the service value may be distributed under the straight-line method in equal annual charges to operating expenses and other accounts during the estimated service life of the equipment.

(b) All depreciation charges to operating expenses, and other accounts and concurrent credits to account 702½D, "Accrued depreciation — Equipment," shall be made monthly in conformity with the group plan of accounting for depreciation. The term "group plan" as applied to equipment depreciation accounting means the plan under which "depreciation" charges are accrued upon the basis of the ledger value of the property included in each equipment primary account (51 to 54 and 56 to 58, all inclusive), using the average service life thereof properly weighted and, upon the retirement of any unit of such property, its full service value is charged to account 702½D, "Accrued depreciation—Equipment," whether or not the particular item has attained the estimated average service life. In determining such monthly charges and credits the annual percentage rates shall be applied to the ledger value, as of the first of each month, of the respective primary equipment accounts and the result divided by 12.

(c) For purposes of analysis the carrier shall maintain subsidiary records in which the reserve is broken down into component parts corresponding to each equipment primary account (51 to 54 and 56 to 58, all inclusive) showing in these records also in complete detail by each such primary account the current credits and debits to the reserve. Such detailed information shall be reported annually to this Commission.

(d) In determining monthly depreciation charges to operating expense, and other accounts, and the corresponding credits to the depreciation reserve, the annual percentage rates applied to the ledger value of the property included in each primary equipment account (51 to 54 and 56 to 58, all inclusive) shall be those which are prescribed from time to time by this Commission, except that where no rates previously have been prescribed, the carrier's estimate of the annual percentage rates computed in accordance with this instruction shall be used.

(e) The carrier shall keep such records of equipment retirements, as will reflect the service lives and value of salvage of each class of equipment; shall maintain in convenient and accessible form engineering and other data bearing on prospective service lives; and shall be prepared at any time upon direction of this Commission to compute and submit for its approval, new percentage rates to take the place of those based on service lives or value of salvage found to be inaccurate.

(f) If the cause of retirement of a unit of equipment is not a recognized factor in depreciation but is a cause against which the carrier is insured the depreciation reserve shall be credited with the full amount of the insurance recovered. If the cause is not a recognized factor in depreciation and the loss is not covered by insurance the carrier may upon proof that the charge will result in unduly depleting the depreciation reserve and with the approval of this Commission charge all or a part of the service value of the unit to account 726, "Property retired chargeable to operating expenses," and distribute it from that account to account 330, "Retirements—Equipment."

(g) For the purpose of the group plan of depreciation accounting for equipment, the following primary accounts under account 50, "Equipment," are classed as depreciable accounts:

51. Steam locomotives.
52. Other locomotives.
53. Freight-train cars.
54. Passenger-train cars.
56. Floating equipment.
57. Work equipment.
58. Miscellaneous equipment.

(h) The accounting for the depreciation on equipment includible in operating expenses by the lessee under that instruction shall be stated under the group plan in accordance with the foregoing instructions pertaining to the carrier's owned equipment.

§ 10.04–25 *Deferred maintenance, and major repairs to equipment.* When so authorized by the Commission there may be included each month in account 268, "Deferred maintenance—Way and structures"; account 339, "Deferred maintenance—Equipment"; and account 340, "Major repairs—Equipment"; an equitable proportion of the amount estimated as necessary (a) to provide for the cost of repairs which the carrier finds it is unable to undertake or complete during any calendar year due to non-receipt of material and supplies because of priorities regulations or due to adverse labor conditions; (b) also in anticipation of major repairs to equipment when such repairs are made at intervals of several years. The amounts included in these accounts shall be concurrently credited to account 774, "Maintenance reserves." The cost of such repairs when made shall be charged according to the repairs to the appropriate primary accounts under maintenance of way and structures and maintenance of equipment, and to the extent that provision has been made for such repairs, amounts included in account 774, "Maintenance reserves", shall be cleared therefrom through the accounts originally charged. The carrier in its application to the Commission shall give full particulars concerning the nature of the repair work specifically provided for in this section, and an estimate by primary accounts of the cost of such repairs.

Expense Accounts

Maintenance of Roadway

§ 10.200 *Maintenance of way and structures.* The primary accounts included in this general account are designed to show the expenses of maintaining road property devoted to railway operations, with the exception of shop machinery, power plant machinery, and power plant apparatus, the expenses of maintaining which are includible in general account 300, "Maintenance of equipment."

The accounts for maintenance of way and structures shall be kept in such manner as to show separately, by primary accounts, the expenses directly assignable to sleeping car operations, dining and buffet service, hotels and restaurants, grain elevators, stockyards, producing power sold, and other miscellaneous operations.

§ 10.201 *Superintendence.* This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in the maintenance of roadway and structures.

LIST OF OFFICERS

Vice president.
Assistant vice president.
General manager.
Assistant general manager.
General superintendent.
Assistant general superintendent.
Chief engineer.
Engineer.
Division engineer.
Bridge engineer.
Chief signal engineer.
Assistant engineers.
Architect.
Roadmaster.
Assistant roadmaster.
Master carpenter.
Assistant master carpenter.
Master mason.
Superintendent of roadway structures.
Superintendent of scales.
Inspector of maintenance.
Building inspector.
Inspector of roadway stores.
Supervisor.
Assistant supervisor.
Fire chief.
Fire inspector.
Sanitary inspector.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on the business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief clerk.
Draftsmen.
Clerks.
Stenographers.
Transitmen.
Levelmen.
Rodmen.
Chainmen.
Axmen.
Janitors.
Messengers.
Cooks.
Porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account; also amounts paid detective agencies and others for investigations in connection with maintenance of way and structures.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Books for office use.
Business car service.
Fees and dues in associations.
Furniture repairs and renewals.
Heating.
Lighting.
Official train service.
Periodicals and newspapers.
Power.
Provisions for business cars.
Rent of offices.
Repairs of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

SUPPLIES FOR TECHNICAL ASSISTANTS

Barometers.
Books and maps.
Boxes for materials and instruments.
Cameras.
Camp equipage.
Chains for surveyors.
Compasses.
Curves.
Drafting boards.
Drafting instruments.
Field glasses.
Field notebooks.
Hatchets.
Levels.
Magnets.
Magnifiers.
Marking chalk.
Oilstones.
Paper, blue-print.
Parallel rules.
Photographic supplies.
Plane tables.
Planimeters.
Plummets.
Protractors.
Ranging poles.
Reading glasses.
Rods for surveyors.
Scales.
Section liners.
Sextants.
Slide rules.
Stakes.
Straightedges.
Tally registers.
Tape lines.
Tee-squares.
Telescopes.
Thermometers.
Thumb tacks.
Tracing linens.
Transits.
Traverse tables.
Triangles.
Tripods.
Verniers.

NOTE A: When employees designated above are specifically assigned to construction work, their pay and expenses while thus employed shall be charged to the work upon which engaged. (See § 10.01–4 *Cost of construction.*)

NOTE B: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE C: No part of the pay and expenses of the officers and employees designated above shall be charged to other primary accounts under account 200, "Maintenance of way and structures."

NOTE D: The cost of stationery for maintenance of way and structures offices is chargeable to account 276, "Stationery and printing."

§ 10.202 *Roadway maintenance.* This account shall include:

(a) *Care of roadbed.* The cost of repairing roadbed.

ITEMS OF ROADWAY EXPENSE

Blasting rocks.
Building temporary tracks around slides and washouts.
Constructing and cleaning tile ditches, open ditches, and drains.
Crowning track ties with retaining earth.
Filling borrow and cattle pits.
Keeping tracks clear and repairing sub-grade in case of washouts.
Landscape gardening along roadway.
Oiling roadbed.
Removing temporary tracks around slides and washouts.
Repairing roadbed damaged by washouts.
Removing dangerous rocks.
Removing slides.
Restoring roadbed, cuts, fills, and embankments to standard width.
Sloping cuts.
Sodding roadway.

NOTE A: The cost of drains or sewers laid under tracks shall be included in account 208, "Bridges, trestles, and culverts." The cost of landscape gardening within the limits of the grounds around buildings shall be included in the appropriate repair accounts for buildings.

(b) *General cleaning.* The cost of cutting, removing, and disposing of brush, grass, and weeds from the right of way; plowing and digging fireguards; dressing ballast and cutting sod lines; removing miscellaneous scrap, drift, cinders, dirt, and other material from right of way and from road and terminal tracks (including tracks at stations, engine yards, and car yards); and cleaning streets used as roadways.

NOTE B: Loading ashes at engine-yard tracks shall be charged to the engine-house expense accounts.

(c) *Watching roadway.* The cost of extinguishing fires on right of way and adjacent thereto, and of walking, watching, and patrolling tracks and right of way.

NOTE C: The cost of watching and patrolling bridges, buildings, and miscellaneous property is provided for in accounts specifically relating to such property.

(d) *Bank protection.* Cost of protecting banks by repairing retaining walls, riprap, piling, piers, dikes, breakwaters, and revetments, and by changing the channels of streams to prevent cutting, washing, and sliding of embankments.

(e) *Train service.* The cost of work-train service in connection with work pertaining to roadway maintenance.

(f) *Track changes.* The cost of roadway work in connection with taking up and relocating tracks.

(g) *Other expenses.* The cost of roadway work not provided for elsewhere, such as official roadway inspection train service and premiums in connection with roadway maintenance.

NOTE D: Tools and supplies used by repair men and watchmen in roadway maintenance service shall be charged to account 271, "Small tools and supplies."

§ 10.206 *Tunnels and subways.* This account shall include the cost of repairing, ventilating, lighting, and watching tunnels and subways for the passage of trains, and the cost of special tools and supplies furnished in connection with the work.

NOTE: The cost of repairs to signals and to roadway and tracks in tunnels shall be charged to the appropriate maintenance of way accounts and not to this account.

§ 10.208 *Bridges, trestles, and culverts.* This account shall include the cost of repairing (including fuel and supplies used) and watching bridges, trestles, and culverts, including altering and bracing during process of filling, dredging and cleaning water channels for protection, and cleaning culverts.

The bridges, trestles, and culverts referred to in this account include only structures which carry the carrier's own tracks.

DETAILS OF BRIDGE STRUCTURES

Abutments.	Ice breakers.
Bridge signs.	Painting.
Cofferdams.	Pier protection.
Concrete and masonry ends for culverts.	Piers and foundations.
Cribs.	Pipe culverts.
Decking, including gravel for fire protection.	Retaining walls.
Dike protection.	Riprap around abutments.
Drainage systems.	Riprap at culvert ends.
Draw protection.	Supports.
Drawbridge engines and machinery.	Water channels.
False work.	Waterproofing.
Guard timbers.	Wing dams.
	Wing walls.

NOTE: When a part of the entire structure of a bridge or trestle is converted, by filling into an earth embankment, the ledger value of the structure, or of the portion thereof filled, shall be credited to road and equipment account 6, "Bridges, trestles, and culverts." In case the bridge is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such a temporary trestle shall be charged to road and equipment account 3, "Grading." The ledger value of the structure, or portion thereof, filled, less the value of the salvage and the estimated cost of trestle charged to road and equipment account 3, "Grading," shall be charged to account 702½C.

§ 10.210 *Elevated structures.* This account shall include the cost of repairing elevated structures and foundations of elevated railway systems.

§ 10.212 *Ties.* This account shall include the cost of cross, switch, bridge, and other track ties used in the repairs of tracks.

NOTE A: The cost of labor for unloading, distributing, and putting ties in tracks, the cost of work-train service in connection with the distribution of the ties laid, and the cost of picking up and concentrating or disposing of the ties released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The excess cost of metal ties applied in place of wooden ties over the cost at current prices of replacing in kind the wooden ties removed shall be charged to road and equipment account 8, "Ties."

NOTE C: The cost of ties used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of ties used for repairs of tracks on car floats in account 323, "Floating equipment—Repairs."

§ 10.214 *Rails.* This account shall include the cost (less salvage) of rails used in the repairs of tracks; also the cost (at current prices at time of removal) of the excess in weight of heavy rails removed and lighter rails applied in repairs of tracks.

NOTE A: The cost of labor for unloading, distributing, and putting rails in tracks, the cost of work-train service in connection with the distribution of the rails laid, and the cost of picking up and concentrating the rails released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The cost of the excess weight of heavier rails applied in repairs of tracks in replacement of lighter rails shall be included in account 9, "Rails."

NOTE C: The cost of rails used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of rails used for repairs of tracks on car floats to account 323, "Floating equipment—Repairs."

§ 10.216 *Other track material.* This account shall include the cost (less salvage) of all track material used in the repairs of tracks, other than ballast, ties, and rails.

ITEMS OF OTHER TRACK MATERIAL

Angle bars.	Rail splices.
Anticreepers.	Splice bars.
Connecting rods.	Step chairs.
Derails.	Switch chairs.
Frog and guard-rail blocking.	Switch crossings.
Frogs.	Switch lamps.
Guard-rail clamps.	Switch locks and keys.
Guard-rail fasteners.	Switch points.
Guard rails.	Switch stands.
Main rods.	Switch-stand bolts.
Nut locks.	Switch targets.
Nuts.	Switches.
Offset bars.	Tie plates.
Rail braces.	Tie plugs.
Rail chairs.	Tie-rods.
Rail clips.	Track bolts.
Rail joints.	Track insulators.
Rail rests.	Track spikes.
Rail shims.	

NOTE A: The cost of labor and train service for distributing, unloading, and applying "other track material" used, and the cost of picking up and concentrating the material released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The excess cost of improved or heavier track material applied for repairs of tracks, under a definite plan of changing standards, over the cost, at current prices, of material of the same weight and quality as that released, shall be charged to road and equipment account 10, "Other track material."

NOTE C: The cost of "other track material" used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of such track material used for repairs of tracks on car floats in account 323, "Floating equipment—Repairs."

§ 10.218 *Ballast.* This account shall include the cost of gravel, stone, slag, cinders, sand, and like ballast material used in the repairs of tracks, including the cost of work-train service and of unloading the material. (See § 10.04-11 *Gravel and sand pits and quarries.*)

When the ballast taken from a pit is not sufficient to justify the opening of a clearing account, the cost of gravel and quarry rights and cost of sinking test holes shall be included in this account.

NOTE A: The cost of loading cinders at ash pits shall be charged to account 388, "Enginehouse expenses—Yard," or to account 400, "Enginehouse expenses—Trains." No charge to cover the value of cinders accumulated by the carrier shall be included in this account.

NOTE B: The cost of labor putting ballast in tracks shall be included in account 220, "Track laying and surfacing."

NOTE C: The excess cost of ballasting tracks over the cost of replacing in kind to its maximum height and width the ballast previously put in the roadbed shall be charged to road and equipment account 11, "Ballast."

NOTE D: Earth placed to form a crown in the middle of the track is not to be considered as ballast.

NOTE E: The cost of ballast used for repairs of temporary tracks, such as gravel pit or quarry tracks, shall be included in the appropriate clearing accounts.

§ 10.220 *Track laying and surfacing.* This account shall include:

(a) *Applying ballast.* The cost of labor expended in preparing the roadbed, and applying ballast for repairs of tracks.

(b) *Applying ties.* The cost of labor expended in unloading, distributing and applying ties for repairs of tracks; in gathering up and disposing of the ties released; and in respacing ties.

(c) *Applying rails.* The cost of labor expended in unloading, distributing, cutting, slotting, drilling, adzing for, and laying rails for repairs of tracks; in gathering up and loading rails released; and in adjusting for expansion and contraction of rails.

(d) *Applying other track material.* The cost of labor expended in unloading, distributing, and applying other track material for repairs of tracks; and the cost of gathering up and loading the material released.

(e) *Track maintenance.* The cost of labor expended in alining, surfacing, gauging, and shimming tracks; in tightening track bolts and track spikes; in restoring rails, ties, and ballast in case of washouts, derailments, and wrecks; and in taking up tracks.

(f) *Train service.* The cost of work-train service (except work trains distributing ballast material) in connection with work pertaining to track laying and surfacing.

(g) *Track changes.* The cost of track work (exclusive of the cost of track material) in taking up and relocating tracks.

(h) *Other expenses.* The cost of track laying and surfacing work not provided for elsewhere, and expenses, such as repairing and replacing rail rests, official track inspection train service, and premiums in connection with track repairs.

NOTE: Tools and supplies used by track repair men and watchmen shall be charged to account 271, "Small tools and supplies."

§ 10.221 *Fences, snowsheds, and signs.* This account shall include:

(a) *Fences.* The cost of repairing right-of-way fences and snow and sand fences, farm gates, cattle guards, wing fences, aprons, and hedges, excluding those around stockyards, fuel stations, station and shop grounds, and building sites.

(b) *Snowsheds.* The cost of repairing snowsheds, including cost of replacing trees for protecting tracks from snow.

(c) *Signs.* The cost of repairing signs other than those for identification of bridges, signals, stations, and other structures. (For items of signs see account 13 "Fences, snowsheds, and signs.")

NOTE A: The cost of repairing fences (other than right-of-way boundary fences) around stockyards, fuel and water stations, and other building sites, shall be charged to the accounts appropriate for the cost of repairs of the structures.

NOTE B: The cost of repairing signs for identifying bridges, signals, stations, and other structures shall be included in the account appropriate for the cost of repairs of the structures.

NOTE C: The cost of repairing crossing signals, including crossing gates, shall be included in account 249, "Signals and interlockers."

§ 10.227 *Station and office buildings.* This account shall include the cost of repairing station and office buildings, fixtures, and appurtenances (including those for heating and lighting), used by the carrier in its operations; also the cost of maintaining grounds appurtenant to such buildings.

STATION AND OFFICE STRUCTURES AND DETAILS

Baggage rooms.	Platform, passenger, including planking between tracks.
Breakwaters for protection of buildings.	Power distribution systems, interior.
Buildings and rooms for trainmen.	Reading rooms.
Buildings on piers.	Rooms for Y. M. C. A.
Call bells.	Scale houses.
Coal bins.	Sidewalks.
Coal-transferring machinery (not on coal and ore wharves).	Stables.
Coal trestles (not at fuel stations).	Station footbridges (not highway crossings).
Commissarial buildings.	Station intertrack fences.
Drainage and sewer systems.	Station platforms.
Dwellings.	Station signs.
Eating houses.	Station stairways.
Electric wiring.	Station subways (not highway crossings).
Elevators and machinery.	Station powerhouses.
Express buildings.	Stations, freight.
Fences.	Stations, passenger.
Fire-engine houses.	Stock pens.
Freight cranes.	Storehouses.
Freight derricks.	Telegraph offices.
Freight handling machinery.	Telpher systems.
Freight houses.	Track scales.
Garages.	Transfer houses.
Gas-supply systems.	Transfer platforms.
General office buildings.	Waiting rooms.
Grain cribs.	Warehouses.
Grain elevators.	Washrooms.
Grain warehouses.	Water-supply systems.
Greenhouses.	
Hay houses.	
Heating plants.	
Hedges.	
Hoisting engines, for handling freight.	
Hose houses.	
Ice houses.	
Lighting plants	
Mail cranes.	
Milk stands.	
Office buildings.	
Ore transferring machinery (not on coal and ore wharves).	
Outhouses.	
Pavement in ground limits.	
Platforms, freight.	

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by station or office employees, shall not be included in this account.

§ 10.229 *Roadway buildings.* This account shall include the cost of repairing roadway shops and other roadway buildings, including drainage, water, gas, and sewer pipes and their connections, machinery and other apparatus, fixtures, and furniture in the buildings; also the cost of maintaining the grounds appurtenant to such buildings.

LIST OF ROADWAY STRUCTURES

Bins for material.	Pump houses.
Blacksmith shops.	Pumps.
Boarding houses.	Purifying plants.
Breakwaters for protection of buildings.	Reservoirs.
Carpenter shops.	Settling basins.
Dwellings for roadway employees.	Stationary engines.
Fire-engine houses.	Steam pipes.
Frog shops used solely for repairs of track material.	Tanks and foundations.
Hand-car houses.	Track tanks.
Lumber sheds.	Tubs.
Offices.	Water cranes.
Outhouses.	Water-pipe lines.
Planing mills.	Water - treating plants.
Rail shops used solely for repairs of track material.	Wells.
Repair shops.	Windmills.
Scrap bins.	
Section dwelling houses.	
Stables.	
Storehouses.	
Tool houses.	
Watch houses.	

NOTE A: The cost of repairing signal and interlocker buildings and their appurtenances shall be included in account 249, "Signals and interlockers."

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by employees regularly working in the buildings, shall not be included in this account.

§ 10.231 *Water stations.* This account shall include the cost of repairing water stations, fixtures, and appurtenances used by the carrier in its operations, and the cost of maintaining the grounds appurtenant to such stations.

WATER STATION STRUCTURES AND DETAILS

Boilers.	Cisterns.
Breakwaters for protection of buildings.	Dams.
Buildings on piers.	Fences.
	Outhouses.
	Penstocks.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by water station employees, shall not be included in this account.

§ 10.233 *Fuel stations.* This account shall include the cost of repairing fuel stations, fixtures, and appurtenances used by the carrier in its operations, and the cost of maintaining the grounds appurtenant to such stations.

FUEL STATION STRUCTURES AND DETAILS

Breakwaters for protection of buildings.	Fuel-oil plants.
Buckets.	Fuel-oil pumps.
Buildings on piers.	Fuel-oil sumps.
Coal buggies.	Fuel-oil tanks.
Coal hoists.	Fuel platforms.
Coal pockets and chutes.	Fuel wharves.
Dumping machinery	Inclines.
Elevating machinery	Outhouses.
Fences.	Scales.
Fuel houses.	Sheds.
Fuel-oil columns.	Stationary engines.
	Tipple cars.
	Weighing apparatus.
	Wood racks.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by fuel station employees, shall not be included in this account.

§ 10.235 *Shops and enginehouses.* This account shall include the cost of repairing shop and enginehouse buildings, fixtures, and appurtenances used by the carrier in repairing and preparing equipment, and the cost of maintaining the grounds appurtenant to such buildings.

SHOP AND ENGINEHOUSE STRUCTURES AND DETAILS

Air-compressor houses.	Motor-crane tracks.
Ash pits and pockets.	Offices, shop.
Ash plants.	Oil houses.
Bins for material.	Outhouses.
Blacksmith shops.	Paint shops.
Breakwaters for protection of buildings.	Pipe lines, air, interior.
Buildings on piers.	Pipe lines, car-heating.
Car sheds.	Pipe lines, gas, interior.
Car shops.	Planing mills.
Carpenter shops.	Platforms, shop and yard.
Cinder pits.	Repair shops.
Cinder pockets.	Sand houses.
Drop pits.	Scale houses.
Dry houses.	Scrap bins.
Electric power distribution systems within buildings.	Sidewalks.
	Stables.
Enginehouses.	Steam distribution systems, interior.
Fire-engine houses.	Storehouses.
Footbridges (not public highways).	Tanks, gas.
	Tanks, oil.
Foundries.	Test rooms.
Gas-compressor houses.	Tin shops.
Heating plants.	Tool houses.
Hose houses.	Track scales.
Ice houses.	Transfer tables.
Laboratories.	Turntables
Lighting plants.	Upholstering shops.
Lumber sheds.	Warehouses.
Machine shops.	Wash rooms.
Material and supply truck tracks.	Watch houses.

NOTE A: The cost of repairing machinery and other apparatus, including special foun-

dations in shops for maintenance of equipment shall be included in account 302, "Shop machinery."

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by shop employees, shall not be included in this account.

§ 10.237 *Grain elevators.* This account shall include the cost of repairing structures for the transfer, treatment, and storage of grain, including conveyors, machinery and fixtures; also the cost of maintaining the grounds appurtenant to such buildings.

The buildings referred to in this account are large elevators in which a regular grain business is handled or grain is stored for various owners.

NOTE A: Small storage elevators at way stations, where the freight is received for shipment, etc., are classed as station buildings.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by grain elevator employees shall not be included in this account.

§ 10.239 *Storage warehouse.* This account shall include the cost of repairing storage warehouses, including machinery and fixtures therein; also the cost of maintaining the grounds appurtenant to such warehouses.

The buildings referred to herein are not the ordinary freight warehouses or stations where freight is received for shipment, etc., but are warehouses in which merchandise is stored and which the carrier operates as storage warehouses.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by storage warehouse employees, shall not be included in this account.

§ 10.241 *Wharves and docks.* This account shall include the cost of repairing wharves located at marine, lake, or river docks; dredging waterways to approaches and around such structures, including removal of dredged-out material; and cutting ice in and around docks and wharves to prevent damage; also cost of repairs of cribwork, racks, or caissons for preserving the depth of water in docks; and cost of repairs of guards, piling, and other protection against damage by drift or ice.

DETAILS OF WHARVES AND DOCKS

Bridge pontoons.	Ferry bridges.
Bulkheads.	Ferry racks.
Caissons.	Ferry slips.
Cribwork.	Jetties and inclines.
Drydocks.	Transfer-bridge machinery.
Ferry-bridge machinery.	Transfer bridges.

NOTE A: The cost of repairing buildings, tracks, and machinery (not bridge machinery) on wharves and piers shall be charged to the appropriate expense accounts.

NOTE B The cost of repairing coal and ore wharves shall be charged to account 243, "Coal and ore wharves."

NOTE C: Incidental cleaning, when done by regular wharf employees, shall not be included in this account.

§ 10.243 *Coal and ore wharves.* This account shall include the cost of repairing wharves and docks, including the cost of repairing conveyors, machinery, and fixtures for the transfer, treatment, blending, or storage of coal or ore.

NOTE A: The structures referred to in this account do not include small transfer or storage trestles at stations where coal is stored or delivered, such trestles being classed as station buildings.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by coal and ore wharf employees, shall not be included in this account.

§ 10.247 *Telegraph and telephone lines.* This account shall include:

(a) *Telegraph.* The cost of repairs of telegraph outside plant and terminal equipment for which the carrier is responsible, including the cost of work-train service and of special tools provided for the work.

(b) *Telephone.* The cost of repairs of telephone outside plant and terminal equipment for which the carrier is responsible, including the cost of work-train service and of special tools provided for the work.

DETAILS OF TELEGRAPH AND TELEPHONE TERMINAL EQUIPMENT

Batteries.
Cables and wires, interior.
Conduits, interior.
Connecting wires.
Current-controlling instruments.
Electric generators and motors.
Electric meters.
Engines, stationary.
Fuses and mechanical protectors.
Rectifiers.
Rheostats.
Sending and receiving instruments.
Switchboards.
Testing outfits.
Transformers.

DETAILS OF TELEGRAPH AND TELEPHONE OUTSIDE PLANT

Aerial attachments.
Braces.
Brackets.
Cable boxes and appurtenances.
Cables and wires, aerial.
Conduits and appurtenances.
Cross arms.
Guy stubs.
Guy wires.
Insulators.
Poles.
Submarine cables and connections.
Telephone pole boxes.
Towers.
Underground cables and connections.

NOTE: The salaries, rent, other office expenses, and traveling expenses of superintendents of telegraph and telephone, their assistants, clerks, and attendants, when engaged both in maintaining and operating telegraph and telephone lines, shall be apportioned equally between this account and account 407, "Telegraph and telephone operation."

§ 10.249 *Signals and interlockers.* This account shall include the cost of repairing signals and interlockers governing the movements of locomotives and trains, and for the protection of traffic at crossings, including towers and other buildings, furniture, fixtures, and machinery in connection therewith; also the cost of repairing buildings and machinery of power plants used primarily for the production of power for the operation of signals and interlockers.

For list of items see account 27, "Signals and interlockers."

NOTE A: The pay and expenses of employees engaged both in maintaining and operating signals and interlockers shall be apportioned equitably between this account and account 404, "Signal and interlocker operation."

NOTE B: When signal or interlocking apparatus is located in station buildings, only the cost of repairing the signal or interlocking apparatus shall be charged to this account. The cost of repairing the building shall be included in account 227, "Station and office buildings."

NOTE C: The cost of repairs of track material such as special rail braces, special rods, switches, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers shall be included in account 216, "Other track material."

NOTE D: When derails are arranged so as to be thrown from switch stands, the cost of labor expended for repairs of the connections between the switch stands and the derail and devices for throwing the derail, shall be included in account 220, "Track laying and surfacing."

NOTE E: The salaries, office expenses, and traveling expenses of supervisors or inspectors when engaged in maintaining both telegraph and telephone lines and signals and interlockers shall be equitably apportioned between this account and account 247, "Telegraph and telephone lines."

§ 10.253 *Power plants.* This account shall include the cost of repairing power-plant and substation buildings, including all foundations other than those special to particular machines and apparatus; and also dams, canals, pipe lines, and accessories devoted to the utilization of water for power. Gas and sewer pipes and their connections, fixtures (including wiring) for lighting and heating, and miscellaneous fixtures, shall be considered as a part of the power-plant buildings.

The power-plant buildings here referred to are those in which power is produced for the operation of trains and cars and for general purposes.

For list of items see road and equipment account 29, "Power plants."

NOTE A: The cost of repairing power-plant machinery, including small stacks resting on boilers, and special foundations for machines, shall be included in account 304, "Power-plant machinery."

NOTE B: The cost of repairng the buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

§ 10.257 *Power-transmission systems.* This account shall include the cost of repairing systems for conveying electricity, steam, and compressed air from producing plants to place or building where used; also the cost of conduits and poles, cross arms, insulator pins, brackets and other pole fixtures, and of other structures for power-transmission and distribution systems, including those for electric railway operation, and lighting systems for general lighting purposes.

For list of items see account 31, "Power-transmission systems."

NOTE A: The cost of repairing the portions of distribution systems located within shop buildings and station and office buildings shall be included in the accounts provided for the cost of maintaining the buildings. The cost of repairing distribution systems in plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

NOTE B: The cost of repairing conduits and poles and fixtures for telegraph and telephone lines shall be included in account 247, "Telegraph and telephone lines." If poles and conduits are used both for telegraph and telephone lines, and for power-distribution lines, the cost of repairs thereof shall be included in the account appropriate according to their predominant use.

§ 10.265 *Miscellaneous structures.* This account shall include the cost of repairing permanent structures, not provided for elsewhere, including the cost of repairing all furniture and fixtures to equip them for use. It shall also include the cost of maintenance of the grounds appurtenant to such structures.

NOTE A: When separable the cost of maintaining structures which are rented to other companies or individuals shall be charged to the income account in which is included the rent received for use of the structures.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by employees regularly working in miscellaneous buildings, shall not be included in this account.

§ 10.266 *Road property; depreciation.* This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable road property listed in paragraph (g) of § 10.04–8 *Depreciation accounting; road property*, with the exception of shop machinery and power-plant machinery.

NOTE: Depreciation charges applicable to shop machinery and power-plant machinery shall be included in account 305, "Shop and power-plant machinery—Depreciation."

§ 10.267 *Retirements; road.* This account shall include charges for the service value (ledger value less value of salvage) of nondepreciable road property retired, excluding rail, ties, and other track material, and ballast used in repairs, as defined in this classification. This account shall also include the proportion of the service value of nondepreciable and depreciable road property retired carried in account 726, "Property retired chargeable to operating expenses," which by specific authority of the Commission shall be charged to current operating expenses.

When road property previously subject to amortization accounting under section 124, "Amortization deductions," of the Internal Revenue Code is retired, the difference between the service value (ledger value less value of salvage and insurance recovered) thereof, and the balance in account 702½E, "Accrued amortization of defense projects—Road," with respect to the specific facility retired, after appropriate adjustment for any depreciation accrued thereon, shall be included in this account.

This account shall also be charged with such amounts as are concurrently credited to accounts 72 to 77, inclusive, in accounting for the retirement of road property.

NOTE: The cost of dismantling or demolishing the property, if borne by the carrier, shall be charged to account 270, "Dismantling retired road property," or account 306, "Dismantling retired shop, and power-plant machinery," as may be appropriate.

§ 10.268 *Deferred maintenance; way and structures.* This account shall include the estimated cost of repairs to way and structures which cannot be made during the current year due to priorities for materials and supplies or shortage of labor.

This account shall be credited with amounts cleared from account 774, "Maintenance reserves", in accordance with the text of that account. (See § 10.04–25 *Deferred maintenance, and major repairs to equipment.*)

§ 10.269 *Roadway machines.* This account shall include the cost of repairing roadway machines which are used for the repairs of roadway and structures.

LIST OF ROADWAY MACHINES

Boilers, portable.	Engines, portable.
Cars, hand.	Grading outfits.
Cars, lever.	Hydraulic outfits.
Cars, motor inspection.	Jacks, hydraulic.
Cars, push.	Log loaders.
Cars (small), crane for supply yards and general use.	Pile drivers.
Concrete mixers.	Plows, unloading.
Ditching machines.	Rail unloaders.
Dredging machines.	Rock crushers.
	Steam rollers.
	Timber trucks.
	Velocipedes.

NOTE A: The cost of repairing machines in the maintenance of equipment shops shall be included in account 302, "Shop machinery," as provided for therein.

NOTE B: The cost of repairing roadway machines, such as pile drivers, log loaders, hoisting engines, and concrete mixers, when permanently mounted for movement on carrier's tracks, shall be included in account 326, "Work equipment—Repairs."

§ 10.270 *Dismantling retired road property.* This account shall include the cost of dismantling retired road property and recovering the salvage therefrom with the exception of track material recovered in connection with repairs of tracks as provided for in account 220, "Track laying and surfacing," and shop and power-plant machinery.

NOTE: The cost of removing, gathering up, and disposing of track material in connection with repairs of tracks is includible in account 220, "Track laying and surfacing," and of shop and power-plant machinery in account 306, "Dismantling retired shop and power-plant machinery."

§ 10.270½ *Road; amortization of defense projects.* This account shall include the amount of amortization charges accrued during the accounting period for road property with respect to which the carrier has elected to observe amortization accounting for income tax purposes under section 124, "Amortization deduction," of the Internal Revenue Code. The charges so included shall be in conformity with the allowances acceptable to the Bureau of Internal Revenue under the regulations prescribed by it.

NOTE A: Road property subject to amortization accounting with charges to this account is exempt from the accrual of depreciation under the accounting regulations otherwise applicable.

NOTE B: With respect to road property operated by a lessee, when under the terms of the lease the lessee assumes the amortization charge (either in a specified amount or as an undivided part of the rent), the amortization charges as authorized shall be included in the operating expense accounts of the lessee and the reserve shall be maintained in the accounts of the lessor.

§ 10.271 *Small tools and supplies.* This account shall include:

(a) *Roadway and track tools.* The cost of roadway tools (except special tools provided for elsewhere), including the cost of repairing such tools.

LIST OF ROADWAY AND TRACK TOOLS

Adzes.	Lines for ditching.
Anvils.	Nippers.
Augers.	Oilstones.
Axes.	Padlocks.
Ballast forks.	Pails, water.
Bars, claw.	Paint brushes.
Bars, crow.	Picks, clay.
Bars, lining.	Picks, tamping.
Bars, pinch.	Pike poles.
Bars, raising.	Post-hole diggers.
Bars, tamping.	Post-hole tampers.
Braces and bits.	Punches.
Brooms.	Rail benders.
Brush hooks.	Rail tongs.
Cable stretchers.	Rakes.
Cables.	Rope.
Cans, oil.	Saws, crosscut.
Cans, water.	Saws, hand.
Cant hooks.	Scrap boxes.
Chains.	Scythes.
Chisels, track.	Shovels.
Chisels, wood.	Sickles.
Curbing hooks.	Sledges.
Dippers.	Spades.
Drawing knives.	Spike mauls.
Drill bits.	Spike pullers.
Drills (portable).	Spot boards.
Flags, signal.	Squares.
Furnaces (portable).	Straightening machines.
Grindstones.	Tape lines.
Hammers, napping.	Thermometers for laying rail.
Hammers, paving.	Tongs.
Hammers, spiking.	Tool boxes.
Handles for tools.	Torches.
Hatchets.	Track gauges.
Hoes.	Track levels.
Jack levers.	Vises.
Jacks, ratchet.	Weed spuds.
Jacks, screw.	Wheelbarrows.
Jacks, track.	Whetstones.
Kegs, water.	Wood mallets.
Ladders.	Wrenches, monkey.
Lanterns and fixtures.	Wrenches, track.
Lawn mowers.	
Levels.	

(b) *Roadway and track supplies.* The cost of supplies consumed in connection with the operation of roadway machines while used in repairs of roadway and tracks; and cost of supplies used by trackwalkers, track watchmen, and roadway and track repair men.

ITEMS OF ROADWAY SUPPLIES

Alcohol for hydraulic jacks.
Fuel for heating tool and other section houses.
Fuel for portable forges used in roadway and track work.
Gasoline for motor cars.
Oatmeal and ice for drinking water used by roadway and track repair men.
Oil and waste for hand cars, lever cars, motor inspection cars, and push cars.
Oil and wicks for lanterns used by trackwalkers, track watchmen, and roadway and track repair men.
Oil and wicks for lighting tool and other section houses.
Torpedoes used by trackwalkers, track watchmen, and roadway and track repair men.
Water for section houses.

§ 10.272 *Removing snow, ice, and sand.* This account shall include the cost of keeping track and roadway clear of snow, ice, and sand.

It shall include cost of preventing accumulation, such as the cost of distributing, setting up, inspecting, taking down, and regathering portable snow and sand fences; and cost of tools furnished for the purpose; also cost of storing fences.

It shall include cost of removing accumulations of snow, ice, and sand, cost of snow-plow and flanger service, and of work-train service; cost of applying and removing flangers from locomotives and cars, and of slatting pilots; cost of salt to keep switches clear; and cost of meals and lodging for men employed in removal service.

§ 10.273 *Public improvements; maintenance.* (a) This account shall include the portion borne by the carrier of the expense of maintenance of public improvements, whether done by public authority or by the carrier's employees under governmental requirement.

(b) By public improvements are meant improvements for public benefit such as curbing, grading, guttering, and paving of streets, overhead highway bridges, including approaches; drainage, sewer, irrigation, and water systems; flood protection, parks, sidewalks, etc.

For list of items see account 39, "Public improvements—Construction."

NOTE A: The expense of repairing paving within the grounds of buildings or other structures shall be charged to the accounts provided for repairs of the structures.

NOTE B: Assessments for maintaining public improvements included in the general tax levy for a regular taxing district shall be charged to the appropriate tax account in income.

NOTE C: Interest and penalties, based on monthly or annual percentage rates, for failure to pay assessments within the allotted time shall be included in account 547, "Interest on unfunded debt."

§ 10.274 *Injuries to persons.* This account shall include expenses on account of injuries to persons which occur directly in connection with the maintenance of way and structures, including injuries occurring in connection with the operation of work trains in such service, and injuries caused by defective highways within the right of way.

It shall also include expenses on account of injuries to employees incurred while demolishing structures, the maintenance of which would be chargeable to maintenance of way and structures; services of employees and others called in consultation in connection with claim adjustments; pay and expenses of employees while engaged as witnesses at inquests and lawsuits; and a suitable proportion of donations made to hospitals.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: Amounts donated by a carrier to hospitals shall be distributed, 25 percent to account 274, "Injuries to persons"; 25 percent to account 332, "Injuries to persons"; and 50 percent to accounts 420, "Injuries to persons."

NOTE C: The pay, office rent, office expenses, and other expenses of claim adjusters, claim clerks and others in charge of or engaged in connection with claim cases, when not assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged.

§ 10.275 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to maintenance of way and structures; also premiums on fidelity bonds of employees whose pay is chargeable to maintenance of way and structures. (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amounts of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies in reimbursement for losses under such reinsurance.

§ 10.276 *Stationery and printing.* This account shall include the cost of stationery and printing used in connection with maintenance of way and structures.

STATIONERY AND PRINTING ITEMS

Adding machines.
Addressographs and supplies.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cross-section books
Cross-section paper.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Drawing paper.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Forms, blank and printed.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Profile books and paper.
Punches (not conductors' or baggagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand note books.
Sponge cups.
Sponges.
Stamps, impression
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Wrapping paper.
Wringers for copying presses.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

§ 10.277 *Other expenses.* This account shall include all expenses in connection with maintenance of way and structures not provided for elsewhere.

ITEMS OF EXPENSE

Pay and expenses of maintenance of way employees attending conferences with officers in connection with wage disputes.
Fees paid arbitrators in wage disputes with maintenance of way employees.
Payments to maintenance of way employees for time absent on account of sickness, when not compensation for personal injuries.
Gratuities paid to persons for discovering defective rails, etc.

§ 10.278 *Maintaining joint tracks, yards, and other facilities—Dr.* This account shall include the carrier's proportion of the costs incurred by others in maintaining joint tracks, yards, terminals, and other facilities.

NOTE: The purpose of this account is to show the amounts accruing against the carrier for its proportion of the cost of maintaining tracks, yards, and other roadway and structure facilities maintained by others and in the joint use of which the carrier participates. (See § 10.04–9 *Joint facility accounts.*)

§ 10.279 *Maintaining joint tracks, yards, and other facilities—Cr.* This account shall include amounts chargeable to others as their proportions of the cost incurred by the carrier in maintaining joint tracks, yards, terminals, and other facilities.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of maintaining tracks, yards, and other roadway and structure facilities maintained by the carrier and in the joint use of which others participate. (See § 10.04–9 *Joint facility accounts.*)

§ 10.280 *Equalization; way and structures.* This account shall include adjustments of the differences between the actual and the budgeted or authorized maintenance of way and structures expenses as provided in § 10.04–19 *Equalization of maintenance expenses.* The amounts included in this account shall concurrently be debited or credited to account 773½, "Equalization reserves."

§ 10.281 *Right-of-way expenses.* This account shall include the cost to the carrier of maintaining structures owned by or exclusively used by others, such costs having been assumed by the carrier in order to acquire or to secure a less restricted use of its right of way.

The structures here referred to are those such as bridges above the carrier's tracks, tunnels, and roadways under the carrier's tracks.

NOTE: The cost of maintaining public improvements is includible in account 273, "Public improvements—Maintenance."

MAINTENANCE OF EQUIPMENT

§ 10.300 *Maintenance of equipment.* The primary accounts included in this general account are designed to show the expenses of maintaining the carrier's equipment and the carrier's expense for the repairs of other equipment used in its operations, also the cost of maintaining road property classified as shop and power plant machinery. The repair accounts shall include foreign roads' freight charges for transporting the carrier's equipment to shops for repairs and for transporting such equipment to the carrier's line after repairs have been made. No charge shall be made to these accounts for transporting equipment in the carrier's transportation service trains to shops for repairs or from shops after repairs have been made.

The accounts for maintenance of equipment shall be kept in such manner as to show separately, by primary accounts, the expenses directly assignable to sleeping car operations, dining and buffet service, producing power sold, and other miscellaneous operations.

§ 10.301 *Superintendence.* This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in the maintenance of equipment.

LIST OF OFFICERS

Vice president.
Assistant vice president.
General superintendent of motive power.
Assistant general superintendent of motive power.
Mechanical superintendent.
Superintendent of motive power.
Assistant superintendent of motive power.
Mechanical engineer.
Assistant mechanical engineer.
Chief chemist.
General equipment inspector.
Engineer of tests.
Supervisor of car department.
Electrical engineer.
Assistant electrical engineer.
Chemist and assistant chemist.
Master car builder.
Master mechanic.
General foreman.
Chief car inspector.
Inspector of passenger-train cars.
General car inspector.
Traveling boiler inspector.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief motive power clerks.
Chief clerks.
Draftsmen.
Stenographers.
Motive power clerks.
Shop clerks.
Messengers.
Cooks.
Porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account, and amounts paid to detective agencies and others for investigations in connection with repairs of equipment.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Barometers.
Books for office use.
Business car service.
Drafting instruments.
Drafting supplies.
Engineering supplies.
Fees and dues in technical associations.
Furniture repairs and renewals.
Heating.
Lighting.
Official train service.
Periodicals and newspapers.
Power.
Provisions for business cars.
Rent of offices.
Repair of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

NOTE A: When employees designated above are specifically assigned to construction work, their pay and expenses while thus employed shall be charged to the work upon which engaged. (See paragraph (a) of § 10.01–4 *Cost of construction.*)

NOTE B: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE C: The cost of stationery purchased for maintenance of equipment offices is chargeable to account 334, "Stationery and printing."

NOTE D: The pay of general foremen in small shops, who exercise direct supervision over all departments, unassisted by departmental foremen, shall be apportioned through clearing account "Shop expenses."

§ 10.302 *Shop machinery.* This account shall include the cost of repairing machinery and other apparatus, including special foundations, in shops and enginehouses.

LIST OF SHOP MACHINERY

Air compressors.
Ash conveyors.
Belting.
Blowers.
Boilers for furnishing power.
Boring machines.
Cars, small motor.
Cars, push.
Cranes.
Drill presses.
Drilling machines.
Drop tables.
Forges.
Framing machines.
Furnaces.
Grinding and polishing machines.
Hoists.
Hydraulic jacks.
Lathes.
Lifting magnets.
Metal chimneys.
Milling machines.
Motors.
Pipe cutting and threading machines.
Planers.
Pneumatic hammers.
Power machinery, where no distinct power plant is provided.
Punches.
Riveters.
Saws.
Shafting.
Shapers.
Slotters.
Stationary engines.
Steam hammers.
Vises.
Welding machines.
Woodworking machines.

NOTE A: The cost of repairing power plant machinery for shop power when located in distinct buildings shall be included in account 304, "Power plant machinery."

NOTE B: The cost of repairing boilers used exclusively for heating shall be included in the appropriate repair accounts for buildings.

NOTE C: The cost of small tools which are soon worn out, when used by mechanics on miscellaneous work, shall be included in clearing account "Shop expenses," and when used on repairs of equipment shall be included in the appropriate accounts for repairs of equipment.

NOTE D: The cost of repairing machinery and tools in shops used exclusively for maintenance of way and structures shall be included in account 229, "Roadway buildings."

§ 10.304 *Power-plant machinery.* This account shall include the cost of repairing machinery and other apparatus including special foundations in power plants and substations for generating and transforming power used for the operation of trains and cars or to furnish power, heat, and light for general purposes.

For list of items see account 45, "Power-plant machinery."

NOTE A: The cost of repairing power-machinery and apparatus in shop power plants shall be included in account 302, "Shop machinery."

NOTE B: The cost of repairing power-machinery and apparatus in stations and offices used primarily for station and office purposes shall be included in account 227, "Station and office buildings."

NOTE C: The cost of repairing power-machinery and apparatus in plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

NOTE D: The cost of repairing foundations, other than those special to particular machines and other apparatus, shall be included in cost of repairing the building and not in this account.

NOTE E: The cost of repairing machinery in distinct plants for furnishing power both for carrier purposes and for sale shall be included in this account. When plants are used solely for generating power for sale the cost of repairs shall be included in account 534, "Expenses of miscellaneous operations."

§ 10.305 *Shop and power-plant machinery; depreciation.* This account shall include the amount of depreciation charges applicable to the accounting period for all classes of property the cost of which is includible in accounts 44, "Shop machinery" and 45, "Power-plant machinery." (See also § 10.04–8 *Depreciation accounting; road property.*)

§ 10.306 *Dismantling retired shop and power-plant machinery.* This account shall include the cost of dismantling retired shop and power-plant machinery and recovering the salvage therefrom.

§ 10.308 *Steam locomotives; repairs.* This account shall include the cost of repairing transportation service steam locomotives and tenders, including all appurtenances, and the cost of small hand tools used in repair work.

This account shall also include the cost of work-train service for the transportation of locomotives without steam, to shops for repairs, including the pay and expenses of caretakers, and the pay and expenses of caretakers of locomotives without steam which are hauled in transportation service trains to shops for

repairs; also notarial fees in connection with reports on conditions of locomotives.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air-brake equipment and hose.
Arm rests.
Awnings.
Brake fixtures.
Cab cushions.
Cab lamps.
Clocks.
Coal boards.
Fire extinguishing apparatus.
Gongs.
Head lamps.
Packing (except for lubricating).
Pneumatic sanding equipment.
Seat boxes.
Speed recorders.
Steam-gauge lamps
Steam-heat equipment and hose.
Storm doors.
Tool boxes.
Train-signal equipment and hose.

NOTE A: The cost of inspecting smokestacks and ash pans of locomotives in service shall be included in the appropriate engine-house expense accounts.

NOTE B: The cost of repairing steam locomotives and tenders of foreign lines, waybilled as freight, and damaged in transit shall be charged to account 418, "Loss and damage—Freight"; and the cost of repairing steam locomotives and tenders of foreign lines having trackage rights over the carrier's line, damaged by collision, wreck, or other cause, for which the carrier is liable, shall be charged to account 416, "Damage to property."

NOTE C: The cost of running locomotives under steam to shops for repairs in connection with transportation service shall be included in the cost of the service in connection with which the movement occurs.

NOTE D: The cost of repairing steam locomotives used solely in work service in connection with operations shall be included in account 326, "Work equipment—Repairs." The cost of repairing locomotives on account of construction work shall be included in the cost of the work. (See paragraph (c) of § 10.01–4 *Cost of construction.*)

§ 10.311 *Other locomotives; repairs.* This account shall include the cost of repairs of transportation service locomotives other than steam locomotives, analogous to those set forth for steam locomotives in account 308 "Steam locomotives—Repairs."

§ 10.314 *Freight-train cars; repairs.* This account shall include the cost of repairing freight-train cars and appurtenances, and the cost of repairing motor equipment affixed to freight-train cars engaged in transportation service; also cost of small hand tools used in repairs. This account shall also include the net loss sustained on account of the destruction of foreign freight cars in the carrier's transportation service and amounts paid to others for repairs of freight cars for which the carrier is liable.

LIST OF FREIGHT-TRAIN CARS

Ballast (commercial).
Beer.
Box.
Cabin
Caboose
Charcoal.
Coal.
Coke.
Dump (commercial)
Flat.
Fruit.
Furniture.
Gondola.
Gondola (hopper).
Gondola (long).
Gun truck.
Hay.
Lime.
Logging.
Oil tank.
Ore.
Platform.
Poling.
Poultry.
Produce.
Rack.
Refrigerator.
Stock.
Tank (in commercial service).
Water (in commercial service).
Work (in commercial service).

LIST OF APPURTENANCES TO FREIGHT-TRAIN CARS

Air-brake equipment, including hose.
Cooking equipment and utensils.
Cushions.
Heating equipment.
Ice boxes.
Lamps and fixtures.
Seats.
Speed recorders.
Train-signal equipment, including hose.
Water tanks.

NOTE A. The cost of candles, wicks, lamp chimneys, globes, and shades for oil or other lamps in freight-train cars shall be charged to account 402, "Train supplies and expenses."

NOTE B. The cost of repairing freight-train cars of foreign lines waybilled as freight and damaged in transit shall be charged to account 418, "Loss and damage—Freight"; and the cost of repairing freight-train cars of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck, or other cause, for which the carrier is liable, shall be charged to account 416, "Damage to property."

§ 10.317 *Passenger-train cars; repairs.* This account shall include the cost of repairing passenger-train cars and appurtenances and the cost of repairing motor equipment affixed to passenger-train cars used in transportation service; small hand tools used in repairs; the net loss sustained on account of the destruction of foreign passenger-train cars in the carrier's transportation service, and amounts paid others for repairs of passenger-train cars for which the carrier is liable.

LIST OF PASSENGER-TRAIN CARS

Baggage.
Baggage-express.
Baggage-mail.
Baggage - mail - express.
Buffet.
Café.
Chair.
Club.
Colonist.
Combination passenger and baggage.
Dining.
Express.
Immigrant.
Library.
Mail.
Milk.
Observation.
Parlor.
Parlor-baggage.
Passenger.
Passenger-baggage.
Passenger - baggage-mail.
Postal.
Refrigerator-express.
Sleeping.
Smoking.
Tourist.

LIST OF APPURTENANCES TO PASSENGER-TRAIN CARS

Air-brake equipment, including hose.
Bedding.
Chairs.
Cont hooks.
Curtains and fixtures.
Cushions.
Electric bells.
Floor coverings.
Heating equipment and steam-heat hose.
Ice boxes.
Ice tanks.
Kitchen equipment and utensils.
Lighting equipment.
Mail catchers.
Parcel racks.
Ranges and boilers.
Seats.
Speed recorders.
Steam heat hose.
Table china.
Table glassware.
Table linen.
Table silver.
Toilet equipment.
Train-signal equipment, including hose.
Water tanks.

NOTE A: The cost of candles, wicks, and lamp chimneys, and of globes and shades for electric and other lights in passenger-train cars shall be charged to account 402, "Train supplies and expenses."

NOTE B: The cost of repairing passenger-train cars of foreign lines, which are waybilled as freight and have been damaged in transit, shall be charged to account 418, "Loss and damage—Freight," and the cost of repairing passenger-train cars of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck, or otherwise, for which the carrier is liable, shall be charged to account 416, "Damage to property."

§ 10.323 *Floating equipment; repairs.* This account shall include the cost of repairing floating equipment (other than work equipment), including appurtenances, and cost of small hand tools used in repairs.

The pay and expenses of captains and engineers and of boat employees, while engaged on maintenance of floating equipment, shall be included in this account.

LIST OF FLOATING EQUIPMENT

Barges.
Canal boats.
Car and other floats
Ferryboats.
Lighters.
Power launches.
Power lighters.
Scows.
Steamboats.
Steamships.
Transfer boats.
Tugboats.

LIST OF APPURTENANCES, TOOL EQUIPMENT, AND FURNITURE

Anchors.
Axes.
Barometers.
Beds and bedding.
Binnacle lamps.
Blocks and tackle.
Boilers and foundations.
Cables.
Capstan bars.
Carpets.
Charts.
China, crockery, and glassware.
Chronometers.
Clocks.
Compasses.
Counters.
Desks.
Engines and foundations.
Fire buckets.
Fire extinguishers.
Floor coverings.
Flue cleaners.
Furniture.
Gangplanks.
Hatchets.
Heating equipment.
Hoisting equipment.
Hooks.
Keys.
Kitchen equipment.
Life preservers.
Lighting equipment.
Linen.
Lines.
Logs.
Machinery and foundations.
Masts.
Office furniture.
Oil cans.
Pianos and other musical instruments.
Pumps.
Racks.
Railings.
Rakes.
Rigging.
Safes.
Sails.
Scales.
Seats, chairs, and cushions.
Shovels.
Slice bars and pokers.
Spyglasses.
Steam distributor systems.
Steering equipment
Telescopes.
Ticket cases.
Tool boxes.
Tools, miscellaneous
Tracks on car floats
Ventilating equipment.
Wrenches.

§ 10.326 *Work equipment; repairs.* This account shall include the cost of repairing rail and floating work equipment, including appurtenances, and cost of small hand tools used in repairs.

The cost of fitting up commercial cars for work service in connection with maintenance and operation; the cost of refitting them for commercial service; the cost of repairs to locomotives while in service for repairs of road and equipment; and the cost of repairs to foreign cars damaged while in such service shall be included in this account; also amounts paid in settlement for such cars destroyed in such service.

LIST OF WORK EQUIPMENT—RAIL

Air-brake instruction cars.
Ballast cars.
Ballast unloader cars.
Boarding cars.
Bridge cars.
Business cars.
Camp cars.
Cinder cars.
Concrete mixers (mounted).
Derrick cars.
Dirt spreaders (mounted).
Ditching cars.
Dump cars.
Dynamometer cars.
Gas-tank cars.
Grading cars.
Gravel cars.
Indicator cars.
Locomotive tanks used as water cars.
Locomotives.
Officers' cars.
Outfit cars.
Painters' cars.
Pay cars.
Pile drivers (mounted).
Rail saws (mounted).
Salt cars.
Sanding cars.
Scale test cars.
Scraper cars.
Snow dozers.
Snow drags.
Snow plows (not attached to but moved by locomotives).
Sprinkling cars.
Steam shovels.
Steam wrecking derricks.
Supply cars.
Sweeper cars.
Tool and block cars.
Tool cars.
Water cars.
Weed burners (mounted).
Wrecking cars.

APPURTENANCES TO WORK EQUIPMENT—RAIL

Air-brake equipment.
Beds and bedding.
Blocking.
Blocks and tackle.
Boilers on cars.
Bunks, seats, and chairs.
Chains.
China, crockery, and glassware.
Cushions.
Engines on cars.
Flue cleaners.
Hatchets.
Heating equipment.
Hooks.
Jacks.
Kitchen utensils.
Lighting equipment.
Linen.
Lines.
Machinery on cars.
Oil cans.
Rakes.
Ranges.
Shovels.
Slice bars and pokers.
Tool boxes.
Tools, miscellaneous.
Train-signal equipment.
Wrecking trucks.
Wrenches.

LIST OF WORK EQUIPMENT—FLOATING

Derricks.
Dredges.
Pile drivers.

APPURTENANCES TO WORK EQUIPMENT—FLOATING

Anchors.
Axes.
Barometers.
Beds and bedding.
Blocks and tackle.
Boilers and foundations.
Cables.
China, crockery, and glassware.
Compasses.
Cushions.
Desks.
Engines and foundations.
Fire extinguishers.
Fire buckets.
Floor coverings.
Flue cleaners.
Gangplanks.
Hatchets.
Heating equipment.
Hoisting equipment.
Hooks.
Keys.
Life preservers.
Lighting equipment.
Linen.
Lines.
Machinery and foundations.
Masts.
Oil cans.
Pumps.
Rakes.
Rigging.
Sails.
Seats and chairs.
Shovels.
Slice bars and pokers.
Steam distribution systems.
Steering equipment.
Tool boxes.
Tools, miscellaneous.
Wrenches.

NOTE: The cost of repairs to work equipment on account of construction work shall be included in the cost of the construction work on which it is used. (See paragraph (c) of § 10.01–4 *Cost of construction.*)

§ 10.328 *Miscellaneous equipment; repairs.* This account shall include the cost of repairing miscellaneous equipment, such as wagons, automobiles, and other highway vehicles, and harness.

§ 10.329 *Dismantling retired equipment.* This account shall include the cost of tearing down retired equipment and recovering the salvage therefrom.

§ 10.330 *Retirements; equipment.* This account shall include the proportion of the service value of equipment retired carried in account 726, "Property retired chargeable to operating expenses," which by specific authority of this Commission shall be charged to operating expenses in the period. (See paragraph (f) of § 10.04–24 *Depreciation accounting; equipment.*)

When equipment previously subject to amortization accounting under section 124, "Amortization deductions," of the Internal Revenue Code is retired, the difference between the service value (ledger value less value of salvage and insurance recovered) thereof and the balance in account 702½F, "Accrued amortization of defense projects—Equipment," with respect to the specific equipment retired, after appropriate adjustment for any depreciation accrued thereon, shall be included in this account.

This account shall also be charged with such amounts as are concurrently credited to accounts 72 to 77, inclusive, in accounting for the retirement of equipment.

§ 10.331 *Equipment; depreciation.* This account shall include the amount of depreciation charges applicable to the accounting period for all classes of equipment the ledger value of which is includible in accounts 51 to 54 and 56 to 58, all inclusive. (See also § 10.04–24 *Depreciation accounting; equipment.*)

§ 10.331½ *Equipment; amortization of defense projects.* This account shall include the amount of amortization charges accrued during the accounting period for equipment with respect to which the carrier has elected to observe amortization accounting for income tax purposes under Section 124, "Amortization deductions," of the Internal Revenue Code. The charges so included shall be in conformity with the allowances acceptable to the Bureau of Internal Revenue under the regulations prescribed by it.

NOTE A: Equipment subject to amortization accounting with charges to this account is exempt from the application of sub-orders, prescribing depreciation rates, under the order in No. 15100, Depreciation Charges of Steam Railroad Companies.

NOTE B: With respect to equipment operated by a lessee, when under the terms of the lease the lessee assumes the amortization charge (either in a specified amount or as an undivided part of the rent), the amortization charges as authorized shall be included in the operating expense accounts of the lessee and the reserve shall be maintained in the accounts of the lessor.

§ 10.332 *Injuries to persons.* This account shall include expenses on account of injuries to persons which occur directly in connection with repairs of equipment.

Services of employees and others called in consultation in relation to claim adjustments, pay and expenses of employees while engaged as witnesses at inquests and lawsuits, and a suitable proportion of donations made to hospitals shall be included in this account.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: Amounts donated by a carrier to hospitals shall be distributed 25 percent to account 274, "Injuries to persons"; 25 percent to account 332, "Injuries to persons"; and 50 percent to account 420, "Injuries to persons."

NOTE C: The pay, office rent, and office and other expenses of claim adjusters, claim clerks, and others in charge of or engaged in connection with claim cases, when not assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged.

§ 10.333 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss, through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to maintenance of equipment; also premiums on fidelity bonds of employees whose pay is chargeable to maintenance of equipment. (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

§ 10.334 *Stationery and printing.* This account shall include the cost of stationery and printing used in connection with maintenance of equipment.

STATIONERY AND PRINTING ITEMS

Adding machines.
Addressographs and supplies.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.

Drawing paper.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Forms, blank and printed.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papygrographs.
Parchment paper.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductor's or bagagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Wrapping paper.
Wringers for copying presses.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

§ 10.335 *Other expenses.* This account shall include expenses in connection with the maintenance of equipment not properly chargeable to other accounts for maintenance of equipment or to clearing accounts such as "Material store expenses" and "Shop expenses."

ITEMS OF EXPENSE

Pay and expenses of mechanical department employees attending conferences with officers in connection with mechanical department wage disputes.
Fees paid arbitrators in connection with mechanical department wage disputes.
Payments to mechanical department employees for time absent on account of sickness when not in compensation for personal injuries.

§ 10.336 *Joint maintenance of equipment expenses—Dr.* This account shall include the carrier's proportion of expenses incurred by others in maintaining equipment used in the operation of joint facilities, including the carrier's proportion of the expenses of repairing such equipment damaged by accidents when such expenses are participated in by more than one carrier. It shall also include the carrier's proportion of expenses incurred by others in maintaining joint shop machinery and power-plant machinery.

NOTE: The purpose of this account is to show the amount accruing against the carrier for its proportion of the expense of maintaining equipment, shop machinery, and power-plant machinery, which is maintained by others and in the joint use of which the carrier participates.

§ 10.337 *Joint maintenance of equipment expenses—Cr.* This account shall include the amount chargeable to others as their proportion of expenses incurred by the carrier in maintaining equipment used in the operation of joint facilities, and for expenses of repairing equipment damaged by accidents, when such expenses are participated in by more than one carrier. It shall also include amounts chargeable to others as their proportions of the expenses incurred by the carrier in maintaining joint shop machinery and power-plant machinery.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier due from others for their proportions of the expense of maintaining equipment, shop machinery, and power-plant machinery, which is maintained by the carrier and in the joint use of which others participate.

§ 10.338 *Equalization; equipment.* This account shall include adjustments of the differences between the actual and the budgeted or authorized maintenance of equipment expenses as provided in § 10.04–19 *Equalization of maintenance expenses.* The amounts included in this account shall concurrently be debited or credited to account 773½, "Equalization reserves."

§ 10.339 *Deferred maintenance; equipment.* This account shall include the estimated cost of repairs to equipment which cannot be made during the current year due to priorities for materials and supplies or shortage of labor.

This account shall be credited with amounts cleared from account 774, "Maintenance reserves," in accordance with the text of that account. (See § 10.04–25 *Deferred maintenance, and major repairs to equipment.*)

NOTE: Estimated costs of heavy or extraordinary repairs to equipment that are usually made at intervals of several years shall be charged to account 340, "Major repairs—Equipment."

§ 10.340 *Major repairs; equipment.* This account shall be charged with the estimated cost of anticipated major repairs to equipment that are usually made at intervals of several years.

This account shall be credited with amounts cleared from account 774, "Maintenance reserves," in accordance with the text of that account. (See § 10.04–25 *Deferred maintenance, and major repairs to equipment.*)

TRAFFIC

§ 10.350 *Traffic.* The primary accounts included in this general account are designed to show the expenses incurred for advertising, soliciting, and securing traffic for the carrier's lines and for preparing and distributing tariffs governing such traffic.

§ 10.351 *Superintendence.* This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in supervising the procurement of traffic, and the preparation and distribution of tariffs, division sheets, and classifications.

LIST OF OFFICERS

Vice president.
Assistant to vice president.
Traffic director.
Traffic manager.
General freight agent.
Assistant general freight agent.
Chief of tariff bureau.
Traveling tariff inspector.
Live stock agent.
General passenger agent.
Assistant general passenger agent.
Division passenger agent.
Division freight agent.
General baggage agent.
General express agent.
General express manager.
Coal traffic agent.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief clerk.
Clerks.
File clerks.
Stenographers.
Messengers.
Cooks.
Porters.
Attendants.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Barometers.
Bicycles.
Books for office use.
Business car service
Express charges.
Fees and dues in commercial and other clubs.
Furniture repairs and renewals.
Heating.
Lighting.
Official train service
Periodicals and newspapers.
Power.
Provisions for business cars.
Rent for offices.
Repairs of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

NOTE A: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants, and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The pay and expenses of officers engaged exclusively in soliciting traffic are chargeable to account 352, "Outside agencies."

NOTE C: The cost of stationery for traffic offices is chargeable to account 358, "Stationery and printing," except stationery chargeable to accounts 354, 355, and 356.

§ 10.352 *Outside agencies.* This account shall include the pay, and the office, traveling, and other expenses of general, commercial, city, and district agents and others soliciting traffic, the employees of their offices, and traveling agents and solicitors located on or off the line of the carrier's road.

City ticket and freight offices, separate from regular station ticket and freight offices, shall be treated as outside agencies; the pay and expenses of the employees therein and the expenses of such offices shall be charged to this account.

Commissions for services pertaining to either freight or passenger business, except commissions paid in lieu of salaries to carrier's agents located upon the carrier's own line (which shall be charged to account 373, "Station employees"), shall be included in this account.

ITEMS OF EXPENSE

Bicycles.
Books for office use.

Express charges.
Furniture repairs and renewals.
Heating.
Lighting.
Membership fees and dues in agency associations.
Membership fees and dues in commercial clubs.
Office supplies.
Periodicals and newspapers.
Rent of offices.
Repairs of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

§ 10.353 *Advertising.* This account shall include the cost of advertising for the purpose of securing traffic; pay of advertising agents, their clerks and attendants; rent of offices, and the office, traveling, and other expenses of such employees; also donations to carnivals, local development associations, summer schools, and other gatherings, when made for the purpose of increasing traffic.

ITEMS OF ADVERTISING EXPENSE

Advertisements in newspapers.
Advertisements in periodicals.
Bulletin boards and cards.
Card cases.
Customs charges on advertising matter.
Display and other advertising cards.
Distributing folders.
Distributing general notices to shippers.
Distributing time-tables.
Dodgers.
Express charges.
Frames.
Handbills.
Maps used for advertising.
Pamphlets.
Photographs and views.
Postage.
Posters.
Publishing advertising matter.
Publishing folders.
Publishing notices to shippers.
Publishing time-tables.
Racks.

NOTE: Advertising expenses of industrial and immigration bureaus shall be included in account 356, "Industrial and immigration bureaus."

§ 10.354 *Traffic associations.* This account shall include the cost to the carrier of participation in traffic associations, including its proportion of the pay of officers and employees of such associations and of their office, stationery and printing, traveling, and other expenses.

LIST OF TRAFFIC ASSOCIATIONS

Boards of trade.
Classification bureaus.
Clergy bureaus.
Commercial associations.
Freight associations.
Mileage ticket bureaus.
Passenger associations.
Tariff bureaus.
Ticket validating agencies.

§ 10.355 *Fast freight lines.* This account shall include the cost to the carrier of participation in fast freight or dispatch organizations, including its proportion of the pay of officers, soliciting agents, and employees of such organizations, and their office, stationery and printing, traveling, and other expenses.

§ 10.356 *Industrial and immigration bureaus.* This account shall include the cost to the carrier of industrial and immigration bureaus, including the pay of industrial and immigration agents, and exhibit agents, their clerks and attendants and their office, stationery and printing, traveling, and other expenses.

ITEMS OF EXPENSE

Advertising.
Agricultural trains.
Dairy trains.
Donations to expositions.
Donations to fairs.
Donations to stock shows.
Exhibits.
Experimental farms.
Good roads trains.
Premiums to fairs.
Premiums to stock shows.

§ 10.357 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to Traffic; also premiums on fidelity bonds of employees whose pay is chargeable to Traffic. (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account the amount of all claims for injuries to persons and damages to the property covered by its insurance shall be charged. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

§ 10.358 *Stationery and printing.* This account shall include the cost of stationery and printing used in connection with securing traffic, including the cost of tariffs governing such traffic.

STATIONERY AND PRINTING ITEMS

Adding machines.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Classifications.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Division sheets.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Flexotype machines.
Forms, blank and printed.
Freight classifications.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papygrographs.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductors' or bagagemen's).
Rate sheets.
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Tariffs, printed.
Telegraph blanks.
Tissue (impression) paper.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Wrapping paper.
Wringers for copying presses.

NOTE A: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

NOTE B: The cost of stationery and printing used by traffic associations, fast freight lines, and industrial and immigration bureaus shall be included in the accounts provided for the expenses of such organizations.

§ 10.359 *Other expenses.* This account shall include all expenses in connection with traffic not properly chargeable to other traffic accounts.

TRANSPORTATION

§ 10.370 *Transportation; rail line.* The primary accounts included in this general account are designed to show expenses incurred for transporting persons and the property of others, including the expenses of station, train, yard, and terminal service; also the expense of transporting company material in transportation service trains.

§ 10.371 *Superintendence.* This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in conducting transportation.

LIST OF OFFICERS

Vice president.
Assistant to the vice president.
General manager.
Assistant general manager.
General superintendent of transportation.
Superintendent of transportation.
General superintendent.
Assistant general superintendent.
Superintendent.
Division superintendent.
Assistant division superintendent.
Superintendent of car service.
Chief special agent.
Members of examining boards.
Superintendent of mail service.
Traveling train and station inspectors.
Air-brake instructor.
Superintendent of agencies.
Superintendent of transfer stations.
Trainmaster.
Assistant trainmaster.
General road foreman of locomotives.
Road foreman of locomotives.
Traveling locomotive engineer.
Traveling locomotive fireman.

(b) *Pay of clerks and attendants.* The pay of clerks and others employed in the offices and on busines cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Division clerk.
Chief clerk.
Clerks.
Special agents.
Detectives.
Stenographers.
Messengers.
Cooks.
Porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable

to this account; also the pay and expenses of employees attending investigations concerning the cause of or responsibility for accidents, and amounts paid detective agencies and others for work in connection with such investigations.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Barometers.
Books for office use.
Business car service.
Express charges.
Fees and dues in associations.
Furniture repairs and renewals.
Heating.
Lighting.
Official train service.
Periodicals and newspapers.
Power.
Provisions for business cars.
Rent of air-brake instruction cars.
Rent of offices.
Repairs of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

NOTE A: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants, and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The cost of stationery purchased for transportation offices is chargeable to account 410, "Stationery and printing."

§ 10.372 *Dispatching trains.* This account shall include the pay of chief and other train dispatchers, their clerks, copying operators, and attendants, and pay of operators on the line whose duties are confined to directing train movements; also the office, traveling, and other expenses of such employees.

NOTE: Pay of operators who also perform station work shall be charged to account 373, "Station employees."

§ 10.373 *Station employees.* This account shall include:

(a) *Agents, clerks, and attendants.* The pay of agents, clerks, and attendants in charge of, or engaged in, the operation of stations, wharves, and piers located on the carrier's line; also payments to such station or ticket agents in lieu of salaries.

Special payments to customs inspectors on account of opening and resealing cars under unusual conditions, and payments to produce-exchange inspectors for inspecting, measuring, and weighing grain shall be here included.

LIST OF EMPLOYEES

Accountants.
Assistant agents.
Assistant depot masters.
Assistant station masters.
Baggage agents at stations.
Baggagemen.
Car clerks.
Cashiers.
Chauffeurs.
Clerks.
Collectors.
Customs inspectors.
Depot masters.
Detectives.
Express agents.
Gatemen.
Information bureau employees.
Janitors.
Maids.
Matrons.
Messengers.
Package and parcel room employees.
Policemen.
Porters.
Relief agents.
Station agents.
Station foremen.
Station passenger agents.
Station freight agents.
Stationmasters.
Telegraph and telephone operators.
Ticket agents.
Ticket collectors.
Ticket examiners.
Train callers.
Ushers.
Watchmen.

(b) *Labor at stations.* Station and other labor expended in handling freight, mail, baggage, and express at stations, wharves, and piers; in loading, unloading, feeding, and watering stock; in disinfecting stations, stockyards, and stock pens; in transferring, picking up, straightening, and reloading freight in the ordinary course of transportation; in miscellaneous station work, including (when done by station employees) cleaning station grounds, station platforms, walks, stockyards, and stock pens, and removing snow and ice therefrom; and in tending switch lamps not in yards and terminals.

Payments to elevator companies (when not made as division of rate) for transferring grain en route, and payments to other companies and individuals for load loading and unloading commercial freight under contract or otherwise shall be included in this account.

LIST OF EMPLOYEES

Baggage storeroom employees.
Car sealers.
Checkmen.
Coal handlers.
Coopers.
Delivery men.
Electricians.
Freight callers.
Freight handlers.
Freight house foremen.
Freight loaders.
Freight unloaders.
Longshoremen.
Mail carriers.
Mail weighers.
Station cleaners.
Stationary engineers.
Stationary firemen.
Stevedores.
Stock-pen laborers.
Tallymen.
Teamsters.
Truckmen.
Warehousemen.
Weighmasters.

NOTE A: The cost of transferring freight, mail, baggage, and express on account of wrecks shall be included in account 415, "Clearing wrecks."

NOTE B: This account shall not include the pay of telegraph and telephone operators provided for under accounts 372, "Dispatching trains," and 407, "Telegraph and telephone operation," or pay of employees provided for under account 375, "Coal and ore wharves."

§ 10.374 *Weighing, inspection, and demurrage bureaus.* This account shall include the cost to the carrier of its participation in joint weighing, inspection, demurrage, and car distribution bureaus and associations.

§ 10.375 *Coal and ore wharves.* This account shall include cost of operating docks, and wharves, piers, and other marine, lake, or river landings, and the machinery located thereon, used in connection with the transportation of coal and ore.

(a) *Labor and expenses.* The pay and the office, traveling, and other expenses of employees engaged in operating coal and ore wharves.

(b) *Tools and supplies.* The cost of all tools and supplies used in the operation of coal and ore wharves.

ITEMS OF TOOLS AND SUPPLIES

Cylinder oil.
Fuel for stationary boilers.
Illuminating oil.
Lantern parts.
Lanterns.
Lubricating oil.
Picks.
Shovels.
Slice bars.
Waste.
Wicks.

NOTE: The cost of switching service in connection with coal and ore wharves shall not be included in this account.

§ 10.376 *Station supplies and expenses.* This account shall include:

(a) *Heating.* The cost of fuel (including cost of unloading), water, steam, and miscellaneous supplies used for heating stations, waiting rooms, freight and passenger offices, and other station buildings.

(b) *Lighting.* The cost of fuel, water, gas, oil, electricity, lamp globes, lamp chimneys, wicks, lamp carbons, incandescent lamps, and miscellaneous supplies used in lighting stations, waiting rooms, freight and passenger offices, other station buildings, street approaches thereto, and passenger footbridges and subways at stations.

(c) *Other expenses.* The cost of miscellaneous station supplies and station expenses.

ITEMS OF EXPENSE

Cleaning privy vaults.
Express charges.
Feeding and shoeing horses.
Furniture repairs and renewals.
Garage expenses.
Licenses for ticket agents.
Mail transfer by others than employees
Membership fees and dues in agents' associations.
Power for station machinery.
Rent of automatic weighing and recording devices.
Rent of scales.
Rent of station buildings (not jointly used).
Reports to agents of commercial standing
Sprinkling station grounds.
Station employees' expenses.
Telegraph service.
Telephone service.
Warehouse charges for storage of freight.
Washing towels.

ITEMS OF TOOLS AND SUPPLIES

Atlases and maps.
Auto trucks.
Awnings.
Axes.
Badges.
Baggage checks.
Barometers.
Baskets.
Bicycles.
Blocking.
Brooms.
Brushes.
Buckets.
Bulletin boards.
Call bells.
Candles.
Car-seal presses.
Car seals.
Carpets.
Chains.
Chair cushions.
Chairs.
Chalk.
Chamois skins.
Check boxes.
Check racks.
Checks.
Clocks.
Coal hods.
Cold chisels.
Cooperage material.
Copy-press stands.
Counter brushes.
Counter scales.
Cups.
Curtains.
Cuspidors.
Desks.
Dippers.
Directories.
Dusters.
Electric fans.
Electric lamps.
Electric-light supplies.
Feather dusters.
Feed for horses.
Files, document.
Fire buckets.
Fire grenades.
Flags.
Floor coverings.
Gangplanks.
Gas.
Gasoline.
Hampers.
Hatchets.
Hoes.
Hooks.
Hose and couplings.
Ice.
Ice barrels.
Ice boxes.
Ice buckets.
Ice carts.
Ice tongs.
Keys.
Ladders.
Lamp burners.
Lamp chimneys.
Lamp fittings.
Lamp globes.
Lamp mantles.
Lampblack.
Lamps (not permanently attached to buildings).
Lantern fittings
Lantern globes.
Lanterns.
Letter boxes.
Mail bags.
Marking brushes.
Marking pots.
Marline.
Matches.
Measures.
Medical boxes.
Medical supplies.
Mirrors.
Money drawers.
Nails for boxing.
Newspapers.
Oil.
Oil cans.
Packing material.
Padlocks.
Pails.
Pinch bars
Punches for baggagemen and gatemen.
Rakes.
Reflectors.
Rolling chairs for invalids.
Safes.
Sawdust.
Saws.
Scoops.
Scales, portable.
Scrubbing brushes.
Settees.
Shovels.
Sledges.
Soap.
Spades.
Sponges.
Sprinkling cans.
Stools.
Stove blacking.
Stoves and stovepipe.
Switch lamp supplies at points where regular switching service is not maintained.
Tables.
Tacks.
Tarpaulins (not for cars).
Thermometers.
Ticket cases.
Tongs.
Tool boxes.
Torpedoes.
Towels.
Trucks.
Twine.
Uniforms.
Washbasins.
Waste.
Water.
Water barrels.
Water bowls.
Water cans.
Water coolers.
Water pails.
Wheelbarrows.
Whisk brooms.
Wicks.
Wrenches.

§ 10.377 *Yardmasters and yard clerks.* This account shall include the pay of general yardmaster, yardmaster, assistant yardmaster, general yard foreman, and yard clerks and attendants in yards where regular switching service is maintained and in terminal switching and transfer service, including employees engaged in calling yardmen and trainmen; also pay of policemen, watchmen, and detectives in yard service. (See account 389, "Yard supplies and expenses.")

§ 10.378 *Yard conductors and brakemen.* This account shall include the pay of yard conductors or foremen and yard brakemen or switchmen handling cars in passenger and freight yards where regular switching service is maintained and in terminal switching and transfer service, including pay while dead-heading in connection with such service. (See account 389, "Yard supplies and expenses.")

NOTE: When conductors and brakemen are engaged in both train and yard service their pay shall be apportioned between the train and yard accounts on the basis of service rendered. This does not apply to train switching service performed by train crews, the entire pay of whom shall be charged to account 401, "Trainmen."

§ 10.379 *Yard switch and signal tenders.* This account shall include the pay of employees in yards where regular switching service is maintained, who are engaged in the operation of yard switches and signals, including interlockers used solely or principally for the government of all movements of locomotives and trains between main and yard tracks, movements of locomotives between yard tracks and engine houses, and yard switching movements. (See account 389, "Yard supplies and expenses.")

LIST OF EMPLOYEES

Battery men.
Interlocker oilers.
Lamp cleaners.
Lamp men.
Lamplighters.
Lever men.
Signalmen.
Switch oilers.
Switch tenders.
Tower men.

§ 10.380 *Yard enginemen.* This account shall include the pay of yard engineers, and firemen while engaged in yards where regular switching service is maintained and in terminal switching and transfer service, including pay of such employees while deadheading in connection with yard service.

NOTE: The pay of enginemen on locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. Pay of enginemen on train locomotives while engaged in train switching service shall be included in account 392, "Train enginemen." The pay of enginemen on locomotives engaged in work service shall be included in the cost of the work to which the service pertains.

§ 10.381 *Yard motormen.* This account shall include the pay of yard motormen while engaged in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service, including pay of such employees while deadheading in connection with yard service.

NOTE: The pay of motormen on locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. Pay of motormen on train locomotives while engaged in train switching service shall be included in account 393, "Train motormen." The pay of motormen on locomotives engaged in work service shall be included in the cost of the work to which the service pertains.

§ 10.382 *Yard switching fuel.* This account shall include the cost, delivered on locomotives or motor cars, of coal, coke, oil, wood, and other fuels consumed in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service, including a suitable proportion of the pay of fuel agents, fuel inspectors, fuel weighers, and clerks engaged in accounting for fuel at fuel stations; pay of foremen and other fuel-station employees; also a suitable proportion of the cost of tools, such as wheelbarrows, shovels, scoops, and picks, used for handling fuel at such stations and the cost of operating machinery at fuel stations.

NOTE A: The cost of repairs and renewals of coal chutes, buggies, pockets, air hoists, mechanical hoists, and mechanical conveyors at fuel stations shall be charged to account 233, "Fuel stations."

NOTE B: The cost of supplies consumed by locomotives and motor cars engaged in more than one class of service shall be apportioned upon the basis of service rendered. The cost of supplies consumed by train locomotives and motor cars in train switching service shall be included in accounts provided for train service. The cost of supplies consumed by locomotives and motor cars in work service shall be included in the cost of the work to which the service pertains.

§ 10.383 *Yard switching power produced.* This account shall include the cost of the production and distribution of electric power used in operating locomotives and cars in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service.

(a) *Employees.* The pay of employees engaged in operating electric-power stations and substations, such as engineers, firemen, electricians, dynamo men, oilers, cleaners, and coal passers.

(b) *Fuel.* The cost of coal, oil, gas, and other fuel, including the cost of labor unloading or stocking fuel.

(c) *Water.* The cost of water used to produce steam or to operate water plants, including pumping, rent of ponds, streams, and pipe lines; also water tests, boiler compounds, and other like supplies and expenses.

(d) *Other supplies and expenses.* The cost of lubricants, such as oil and grease used in lubricating engines, shafting, dynamos, and pumps; cost of waste, carbon brushes, fuses, lamps, and other supplies; also the cost of heating and lighting power plants, and other expenses not elsewhere specified in connection with operation of electric-power plants. (See § 10.04–12 *Power plant operations.*)

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.384 *Yard switching power purchased.* This account shall include the cost of electric power purchased for the propulsion of engines and cars in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.385 *Water for yard locomotives.* This account shall include the cost of water supplied to locomotives in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service, including rent of ponds, lakes, other sources of water supply, and right of way for pipe lines; cost of water purchased, expenses of work trains while engaged in hauling water for locomotive supply, and cost of testing water; also cost of labor expended and cost of materials and supplies used in the operation of water stations and purifying plants.

The cost of operating boilers, engines, and pumps at water stations; heating and lighting water stations, breaking ice in water tanks, thawing out tank spouts and water cars, keeping fires in tanks and water cars to prevent freezing, shoveling snow into locomotive tanks; also temporary connections between water cars and locomotive tenders, compounds injected into locomotive boilers to decrease scale formation, and other expenses directly incident to the supplying of water to such locomotives, shall be included in this account.

An equitable proportion of the pay and the office, traveling, and other expenses of superintendent of water service engaged in connection with water supply for locomotives shall be included in this account.

ITEMS OF WATER STATION SUPPLIES

Axes.	Hose.
Boiler compounds.	Oil.
Chemicals.	Rubber packing.
Coal.	Shovels.
Coal picks.	Siphons.
Engine igniter batteries.	Slice bars.
Gasoline.	Stove fixtures.
Gasoline drums.	Stoves.
Hand tools.	Waste.
	Wrenches.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.386 *Lubricants for yard locomotives.* This account shall include the cost of valve, engine, car, and other lubricating oils, grease, compounds, and waste used for lubrication of locomotives in switching service in yards where regular switching service is maintained and in terminal switching and transfer service.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.387 *Other supplies for yard locomotives.* This account shall include the cost of supplies, other than fuel, water, and lubricants, used on locomotives in switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including the cost of repairs and renewals of furniture, tools, and other movable articles required for use on locomotives in yard service.

The cost of sand charged to this account shall include the cost of material and supplies used in preparing and drying the sand for use, such as the cost of fuel, wheelbarrows, shovels, and sand screens.

ITEMS OF TOOLS AND SUPPLIES

Ash hoes.	Hose (not air-brake, air-signal, or steam).
Ash-pan rods.	Hose, thaw-out.
Axes.	Hose reels.
Bars, buggy.	Ice.
Bell cords.	Jacks.
Boxes, portable.	Jackscrews.
Brooms.	Lanterns and parts.
Brushes.	Locks for portable boxes.
Buckets.	Matches.
Carbide for acetylene gas.	Oil cans.
Carbons for electric lights.	Oil for headlights.
Chimneys for headlights.	Oil for lanterns.
Chimneys for signal lamps.	Oil for signal lamps.
Chisels.	Oil for torches.
Clinker hooks.	Oilers.
Crowbars.	Packing hooks.
Files.	Packing spoons.
First-aid boxes.	Picks, coal.
Flags.	Pinch bars.
Globes for lanterns.	Plugging bars.
Grate shakers.	Pokers.
Hammers.	Sand.
Handsaws.	Saws.
Hatchets.	Scoops.
	Shovels.
Signal lamps.	Waste.
Sledges.	Water buckets.
Slice bars.	Water coolers.
Soap.	Wicks for headlights.
Switch chains.	Wicks for lanterns.
Switch poles.	Wicks for signal lamps.
Switch ropes.	Wicks for torches.
Tool boxes, portable.	Wrecking frogs.
Torches.	Wrenches.
Torpedoes.	

NOTE A: Where the quantity of sand used on locomotives engaged in yard service is relatively small as compared with the quantity used by locomotives engaged in train service, the entire cost of such material shall be included in account 399, "Other supplies for train locomotives." Where the quantity used in yard service is relatively large, the entire cost shall be included in this account.

NOTE B: The cost of other supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.388 *Enginehouse expenses; yard.* This account shall include the expense of caring for and preparing locomotives for switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including a proportion of such expenses as are common to train, yard switching, and work service.

(a) *Enginehouse men.* The pay of enginehouse employees engaged in wiping, cleaning, watching, and dispatching locomotives; keeping and preparing fires, dumping ashes, washing boilers, cleaning fire boxes, packing driving boxes and truck boxes; cleaning smokestacks, air-brake equipment, and front ends of locomotives; checking locomotive tool equipment, cleaning ash and cinder pits; operating turntables, drying sand, inspecting smokestacks and ash pans; calling enginemen, and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks.

(b) *Miscellaneous expenses.* The cost of tools, supplies, and sundry expenses on account of caring for and preparing locomotives at enginehouses.

ITEMS OF MISCELLANEOUS EXPENSES

Boiled oil.
Compounds for cleaning and polishing.
Enginehouse cupboards.
Gas, oil, and electricity for lighting.
Heating enginehouses, including offices.
Lampblack.
Lanterns used by enginehouse men.
Lighting enginehouses, including offices.
Lubricating oil for enginehouse, ash pit, transfer table, and turntable machinery.
Lye.
Packing tools.
Paint for front ends of locomotives.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Shovels.
Signal lights on transfer tables and turntables.
Waste.
Water for cinder pits.
Water for washing boilers.
Water hose.
Wheelbarrows.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate accounts for locomotive repairs.

§ 10.389 *Yard supplies and expenses.* This account shall include the cost of supplies (except locomotive supplies) used in yard service, yard signal and interlocker supplies, and miscellaneous yard expenses for yards where regular switching service is maintained; also office and other expenses of employees whose pay is chargeable to accounts 377, 378, and 379.

ITEMS OF YARD SUPPLIES

Electric-light carbons.	Lubricants for machinery and switches.
Electric-light globes	Semaphore lamps.
Flags.	Signal lamps.
Fuel for heating.	Stoves.
Fuel for power.	Switch chains.
Illuminating oil.	Switch lamps.
Lamp burners.	Switch ropes.
Lamp chimneys.	Waste.
Lamp wicks.	Wrecking frogs.
Lantern globes.	Wrecking wedges.
Lantern wicks.	
Lanterns.	

ITEMS OF YARD EXPENSE

Electricity purchased for lighting yards and yard buildings.
Furniture repairs and renewals.
Gas purchased for lighting yards and yard buildings.
Power produced for operating switches and signals.
Power purchased for operating switches and signals.
Rent of telephones.
Rent of yard buildings (not jointly used).

§ 10.390 *Operating joint yards and terminals—Dr.* This account shall include the carrier's proportion of the costs incurred by others in their operation of joint yards and terminals, including signals, interlockers, and other facilities at such joint yards and terminals.

NOTE A: The purpose of this account is to show the amounts accruing against the carrier for its proportion of the cost of operating yards and terminals operated by others, and in the joint use of which the carrier participates. (See § 10.04-9 *Joint facility accounts.*)

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

§ 10.391 *Operating joint yards and terminals—Cr.* This account shall include amounts chargeable to others as their proportions of the costs incurred by the carrier in the operation of joint yards and terminals, including signals, interlockers, and other facilities at such joint yards and terminals.

NOTE A: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of operating yards and terminals operated by the carrier and in the joint use of which others participate. (See § 10.04-9 *Joint facility accounts.*)

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

§ 10.392 *Train enginemen.* This account shall include the pay of steam locomotive engineers and firemen while engaged in transportation train service or while deadheading in connection therewith and pay of such enginemen engaged in piloting trains over home lines; also the pay of employees while regularly engaged in shoveling coal forward on locomotive tenders.

NOTE: The pay of enginemen on locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. Pay of enginemen on train locomotives while engaged in train switching service shall be included in this account. The pay of enginemen on locomotives engaged in work service shall be included in the cost of the work to which the service pertains.

§ 10.393 *Train motormen.* This account shall include the pay of motormen while engaged in running other than steam locomotives and cars in transportation train service or while deadheading in connection therewith; also the pay and expenses of motormen while engaged in piloting trains or cars over home lines.

NOTE: The pay of motormen on locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. Pay of motormen on train locomotives while engaged in train switching service shall be included in this account. The pay of motormen on locomotives engaged in work service shall be included in the cost of the work to which the service pertains.

§ 10.394 *Train fuel.* This account shall include the cost, delivered on locomotives or motor cars, of coal, coke, oil, wood, and other fuel for propulsion of trains in transportation-train service, including a suitable proportion of the pay of fuel agents, fuel inspectors, fuel weighers, and clerks engaged in accounting for fuel at fuel stations; pay of foremen and other fuel station employees; also a suitable proportion of the cost of tools, such as wheelbarrows, shovels, scoops, and picks, used for handling fuel at such stations, and the cost of operating machinery at fuel stations.

NOTE A: The cost of repairs and renewals of coal chutes, buggies, pockets, air hoists, mechanical hoists, and mechanical conveyors at fuel stations shall be charged to account 233, "Fuel stations."

NOTE B: The entire cost of supplies consumed by train locomotives and motor cars in train-switching service shall be included in the accounts provided for train service. The cost of supplies consumed by locomotives and motor cars in work service shall be included in the cost of the work to which the service pertains.

§ 10.395 *Train power produced.* This account shall include the cost of producing and distributing electric power for the propulsion of electric locomotives and cars in transportation train service.

(a) *Employees.* The pay of employees engaged in operating electric-power stations and substations, such as engineers, firemen, electricians, dynamo men, oilers, cleaners, and coal passers.

(b) *Fuel.* The cost of coal, oil, gas, and other fuel, including the cost of labor unloading or stocking fuel.

(c) *Water.* The cost of water used to produce steam or to operate water plants, including pumping, rent of ponds, streams, and pipe lines; also water tests, boiler compounds, and other like supplies and expenses.

(d) *Other supplies and expenses.* The cost of lubricants, such as oil and grease, used in lubricating engines, shafting, dynamos, and pumps; cost of waste, carbon brushes, fuses, lamps, and other supplies; also cost of heating and lighting power plants, and other expenses not elsewhere specified in connection with operation of electric-power plants. (See § 10.04-12 *Power plant operations.*)

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work serve shall be included in the cost of the work to which the service pertains.

§ 10.396 *Train power purchased.* This account shall include the cost of electric power purchased for the propulsion of locomotives and cars in transportation train service.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.397 *Water for train locomotives.* This account shall include the cost of water supplied to locomotives in transportation train service, including rent of ponds, lakes, other sources of water supply, and right of way for pipe lines; cost of water purchased, expenses of supply trains while engaged in hauling water for locomotive supply, and cost of testing water; also cost of labor expended and cost of material and supplies used in the operation of water stations and purifying plants.

The cost of operating boilers, engines, and pumps at water stations, heating and lighting water stations, breaking ice in water tanks, thawing out tank spouts and water cars, keeping fires in tanks and water cars to prevent freezing, shoveling snow into locomotive tanks; also temporary connections between water cars and locomotive tenders, compounds injected into locomotive boilers to decrease scale formation, and other expenses directly incident to the supplying of water to such locomotives, shall be included in this account.

An equitable proportion of the pay and the office, traveling, and other expenses of superintendent of water service, engaged in connection with water supply for locomotives, shall be included in this account.

ITEMS OF WATER STATION SUPPLIES

Axes.	Hose.
Boiler compounds.	Oil.
Chemicals.	Rubber packing.
Coal.	Shovels.
Coal picks.	Siphons.
Engine igniter batteries.	Slice bars.
Gasoline.	Stove fixtures.
Gasoline drums.	Stoves.
Hand tools.	Waste.
	Wrenches.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.398 *Lubricants for train locomotives.* This account shall include the cost of valve, engine, car, and other lubricating oils, grease, compounds, and waste used for lubrication of locomotives in transportation train service.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.399 *Other supplies for train locomotives.* This account shall include the cost of supplies other than fuel, water, and lubricants, including the cost of repairs and renewals of furniture, tools, and other movable articles required for use on locomotives in transportation train service.

The cost of sand charged to this account shall include the cost of material and supplies used in preparing and drying the sand for use, such as the cost of fuel, wheelbarrows, shovels, and sand screens.

ITEMS OF TOOLS AND SUPPLIES

Ash hoes.	Matches.
Ash-pan rods.	Oil cans.
Axes.	Oil for headlights.
Bars, buggy.	Oil for lanterns.
Bell cords.	Oil for signal lamps.
Boxes, portable.	Oil for torches.
Brooms.	Oilers.
Brushes.	Packing, fiber.
Buckets.	Packing, rubber.
Carbide for acetylene gas.	Packing, hooks.
Carbons for electric lights.	Packing spoons.
Chimneys for headlights.	Picks, coal.
Chimneys for signal lamps.	Pinch bars.
Chisels.	Plugging bars.
Clinker hooks.	Pokers.
Crowbars.	Sand.
Files.	Saws.
First-aid boxes.	Sledges.
Flags.	Slice bars.
Globes for lanterns.	Soap.
Grate shakers.	Switch chains.
Hammers.	Switch poles.
Handsaws.	Switch ropes.
Hatchets.	Tool boxes, portable.
Hose (not air-brake, air-signal, or steam).	Torches.
Hose, thaw-out.	Torpedoes.
Hose reels.	Waste.
Ice.	Water buckets.
Jacks.	Water coolers.
Jackscrews.	Wicks for headlights.
Lanterns and parts.	Wicks for lanterns.
Locks for portable boxes.	Wicks for signal lamps.
	Wicks for torches.
	Wrecking frogs.
	Wrenches.

NOTE A: Where the quantity of sand used on locomotives engaged in train service is relatively small as compared with the quantity used by locomotives engaged in yard service, the entire cost of such material shall be included in account 387, "Other supplies for yard locomotives." Where the quantity used in train service is relatively large, the entire cost shall be included in this account.

NOTE B: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.400 *Enginehouse expenses; train.* This account shall include the expense

of caring for and preparing locomotives for transportation train service, including a proportion of such expenses as are common to train, yard switching, and work service.

(a) *Enginehouse men.* The pay of enginehouse employees engaged in wiping, cleaning, watching, and dispatching locomotives; preparing and keeping fires, dumping ashes, washing boilers, cleaning fire boxes, packing driving boxes and truck boxes; cleaning smokestacks, air-brake equipment, and front ends of locomotives; checking locomotive tool equipment, cleaning ash and cinder pits; operating turntables, drying sand, inspecting smokestacks and ash pans; and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks.

(b) *Miscellaneous expenses.* The cost of tools and supplies and sundry expenses on account of caring for and preparing locomotives at enginehouses.

ITEMS OF MISCELLANEOUS EXPENSES

Boiled oil.
Compounds for cleaning and polishing.
Gas, oil, and electricity for lighting.
Heating enginehouses, including offices.
Lampblack.
Lanterns used by enginehouse men.
Lighting enginehouses, including offices.
Lubricating oil.
Lye.
Packing tools.
Paint for front ends of locomotives.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Shovels.
Signal lights on transfer tables and turntables.
Waste.
Water for cinder pits.
Water for washing boilers.
Water hose.
Wheelbarrows.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate accounts for locomotive repairs.

§ 10.401 *Trainmen.* This account shall include the pay of conductors; of train auditors, ticket collectors, and others engaged in lifting or examining authorities for transportation; and of baggagemen, brakemen, flagmen, train porters, train guards, train stenographers, maids, and other train employees while engaged in transportation train service or while deadheading in connection therewith; also the pay of trainmen while engaged in piloting trains over home lines.

NOTE: The pay of trainmen while engaged in work-train service shall be included in the cost of the work to which the service pertains.

§ 10.402 *Train supplies and expenses.* This account shall include miscellaneous expenses of transportation service trains and the cost of all supplies other than locomotive supplies.

(a) *Cleaning cars.* The cost of cleaning and disinfecting passenger and freight cars in transportation train service, including cost of removing from freight-train cars such refuse material as sawdust, hay, and straw.

ITEMS OF SERVICE AND SUPPLIES

Brooms.
Brushes.
Cleaning compounds.
Compressed air.
Disinfectants.
Disinfecting machines.
Fuel for heating water.
Hose and fixtures.
Labor of employees.
Polishing compounds.
Soap.
Sponges.
Water.

(b) *Heating cars.* The cost of heating cars in transportation train service, including cost of operating steam-heating plants for car heating at stations and yards.

ITEMS OF SERVICE AND SUPPLIES

Connections between steam heating lines and cars.
Fuel.
Labor of employees.
Removal of ashes from car stoves.
Stoves temporarily in freight cars.

(c) *Lighting cars.* The cost of lighting cars in transportation train service, including the cost of filling and cleaning lamps and of operating plants for supplying gas or electricity for lighting purposes.

ITEMS OF SERVICE AND SUPPLIES

Battery renewals.
Candles.
Chimneys.
Electricity.
Gas.
Gas mantles.
Globes.
Hose and connections.
Incandescent lamp bulbs.
Labor of employees.
Lamp carbons.
Oil.
Shades.
Wicks.

NOTE: Repairs of gas lighting and electric lighting plants shall be included in the proper maintenance accounts. Repairs and renewals of electric lighting equipment of cars, except supplies as above provided, shall be included in the appropriate car-repair account.

(d) *Lubricating cars.* The cost of lubricating cars in transportation train service, including cost of inspecting, repacking, and oiling car journal boxes and air-brake equipment.

ITEMS OF SERVICE AND SUPPLIES

Cotton waste.
Grease buckets.
Labor of employees.
Oil cans.
Oil, grease, and other lubricants.
Packing buckets.
Packing hooks.
Packing irons.
Packing, miscellaneous.
Wool waste.

(e) *Icing and watering cars.* The cost of icing and watering cars in transportation train service, including icing cars for refrigeration purposes. Credits shall be made to this account for refrigeration charges collected from other companies and individuals.

ITEMS OF SERVICE AND SUPPLIES

Buckets.
Hose and fixtures.
Ice.
Ice tools.
Labor of employees.
Ladders.
Salt.
Water.

(f) *Detouring trains.* The compensation for temporary use of tracks of other carriers, including the cost of pilot service, on account of wrecks, washouts, landslides, snow blockades, and other defects of the tracks, bridges, or tunnels on the carrier's line.

(g) *Train supplies.* The cost of supplies furnished for use on cars in transportation train service.

ITEMS OF TRAIN SUPPLIES

Axes.
Badges.
Beds.
Bell cords.
Boxes for trainmen.
Brooms.
Brushes.
Chains.
Chairs for cabooses (not permanently attached).
Cold chisels.
Combs.
Conductors' punches.
Cuspidors.
Drinking cups and glasses.
Fire buckets.
Flags.
Fuses.
Hammers.
Hatchets.
Jacks.
Lamp boards.
Lamp sticks.
Lantern globes.
Lantern parts.
Lanterns.
Matches.
Medical boxes.
Oil for lanterns.
Order hoops.
Padlocks.
Pails.
Punches.
Sawdust.
Saws.
Scoops.
Shovels.
Signal boxes.
Signal lamps (rear).
Sledges.
Soap.
Switch chains.
Switch ropes.
Toilet paper.
Torpedoes.
Towels.
Train tool boxes
Uniform trimmings.
Uniforms.
Ventilator sticks.
Waste.
Water buckets.
Wrecking irons.
Wrenches.

(h) *Other expenses.* The cost of miscellaneous supplies required to equip trains for transportation service and miscellaneous expenses incident to operation of such trains.

ITEMS OF EXPENSE ON ACCOUNT OF EMPLOYEES

Apparatus for testing the sight and hearing of enginemen and trainmen.
Employees' reading and bunk room expense including pay of attendants and supplies furnished.
Laundry work.
Physicians' fees for examination of train employees.
Wages paid to superintendents and secretaries of reading rooms.

ITEMS OF EXPENSE ON ACCOUNT OF TRANSPORTATION

Bedding for stock cars.
Boarding and slatting box and stock cars for carrying coal, coke, and other freight.
Boards for flooring fruit cars.
Chains for securing loads.
Cleaning, trimming, and filling trainmen's lanterns and rear signal lamps.
Coupling and uncoupling cars at terminals.
Disinfecting cars.
Dunnage used in loading cars or fitting cars for freight shipments.
Feed for live stock in snow-bound or otherwise delayed trains.
Flowers and plants for cars.
Laundry for revenue service cars other than for dining and buffet service and sleeping car service.
Occasional turning of engines on Y of other carriers.
Oil and other supplies for locomotives hauled as freight.
Periodicals for use of passengers on trains.
Planking cars for billet shipments and other material.
Provisions, supplies, or board for passengers in delayed trains.
Removing advertisements from cars.
Rent of fare registers in cars.
Safety chains for use between twin and triple cars.
Supplies for parlor and chair cars.
Supplies furnished cars for the purpose of protection against accidents and fires.
Temporary grain doors.
Temporary lining of cars for freight shipments and stoves and heaters to prevent freezing.
Temporary openings in cars for freight shipments.
Temporary racking of cars for handling sugar-cane, corn, bark, or cordwood.
Transferring passengers, express matter, baggage, mail, and freight on account of defective tracks, bridges, or tunnels.

NOTE: The expenses of operating sleeping, dining, and buffet car features of train service shall be included in the account 403, "Operating sleeping cars," or in account 441, "Dining and buffet service," as may be appropriate.

§ 10.403 *Operating sleeping cars.* This account shall include the cost of operating sleeping car service on trains.

(a) *Superintendence.* The pay of officers directly in charge of operating sleeping car service; the pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers and employees.

(b) *Station employees.* The pay and expenses of local agents, ticket agents, cashiers, clerks, and attendants; also the office and other expenses of such employees.

(c) *Station expenses.* The expenses of fuel, water, steam, and supplies used in heating station offices; gas, oil, electric current, and other supplies for lighting; repairs and renewals of station furniture, and all other station expenses connected with sleeping car service when separable from the station expenses chargeable to account 376, "Station supplies and expenses."

(d) *Conductors.* The pay of conductors employed on sleeping cars.

(e) *Porters and maids.* The pay of porters and maids employed on sleeping cars.

(f) *Car supplies.* The cost of miscellaneous supplies used on sleeping cars, such as combs, brushes, brooms, and toilet paper; also uniforms, caps, and service stripes for employees.

(g) *Laundry.* Expenses for laundry work, such as laundering sheets, pillowcases, towels, blankets, etc.

(h) *Other expenses.* The cost of flowers and plants, heating cars, cleaning the interior of cars, and of supplies used in interior cleaning, rent and cost of supplies for rooms furnished for sleeping car service employees, and such other expenses in connection with the operation of sleeping cars as are not provided for elsewhere.

NOTE: When officers have immediate supervision over sleeping car service and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.404 *Signal and interlocker operation.* This account shall include the cost of operating signals and interlockers other than those solely or principally used for governing all movements of locomotives and trains between main and yard tracks, movements of locomotives between yard tracks and enginehouses, and yard switching movements.

(a) *Labor.* The wages of employees engaged in operating signals and interlockers or power producing plants in connection therewith, such as switch tenders, signalmen other than telegraph operators, lever men, switch and signal oilers, battery men, lamp men, lamp cleaners, and lamplighters; gatemen at crossings of other railroads, engineers and others operating plants furnishing compressed air for signals and interlockers; engineers, electricians, and others operating plants furnishing electric power for signals and interlockers.

(b) *Supplies.* The cost of supplies used in operating signals and interlockers or in signal offices, such as gasoline, vitriol, battery zincs, battery coppers, lubricating oils, fuel for heating, fuel for power purposes, produced and purchased power used in operating switches and signals, furniture repairs and renewals, water, and light.

NOTE: The cost of operating signals and interlockers solely or principally used for governing the movement of yard locomotives and trains shall be included in the appropriate yard expense accounts.

§ 10.405 *Crossing protection.* This account shall include the pay of street and highway crossing gatekeepers and flagmen, the cost of supplies used by them, the cost of lights at street and highway crossings not a part of the lighting outfit at stations or in yards, and the cost of compressed air for operating gates.

§ 10.406 *Drawbridge operation.* This account shall include the cost of operating drawbridges.

(a) *Labor.* The wages of employees engaged in operating drawbridges, such as bridge engineers, tenders, and watchmen.

(b) *Supplies.* The cost of produced and purchased power and of supplies, such as fuel, oil, lantern, water, waste, boats, stoves, chairs, brooms, and pails used in drawbridge operation.

§ 10.407 *Telegraph and telephone operation.* This account shall include the cost of telegraph and telephone operation not provided for elsewhere.

(a) *Superintendence; telegraph.* The pay of superintendents of telegraph, telegraph censors, their clerks, and attendants.

(b) *Telegraph operators and messengers.* The pay of telegraph operators, block inspectors, and messengers in telegraph and relay offices other than those employed in dispatching trains and those located in general offices or at stations.

(c) *Other telegraph expenses.* Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of telegraph conduits, lines, and poles; cost of battery renewals and supplies, bicycles for messengers, and electric current for telegraph purposes; also excess payments to telegraph companies when in connection with telegraph service and not provided for elsewhere.

NOTE A: The pay, rent, other office expenses, and traveling expenses of superintendents of telegraph, their assistants, clerks, and attendants, when engaged both in maintaining and operating telegraph lines, shall be apportioned equally between this account and account 247, "Telegraph and telephone lines."

(d) *Superintendence; telephone.* The pay of superintendents of telephone, their clerks, and attendants.

(e) *Telephone operators and messengers.* The pay of telephone operators and messengers in telephone office other than those employed in dispatching trains and those located in general offices or at stations.

(f) *Other telephone expenses.* Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; Rent of telephone conduits, lines, and poles; cost of battery renewals and supplies, bicycles for messengers, and electric current for telephone purposes; also excess payments to telephone companies when in connection with telephone service and not provided for elsewhere.

NOTE B: The pay, rent, other office expenses, and traveling expenses of superintendents of telephone, their assistants, clerks, and attendants, when engaged both in maintaining and operating telephone lines, shall be apportioned equally between this account and account 247, "Telegraph and telephone lines."

§ 10.408 *Operating floating equipment.* This account shall include the cost of operating floating equipment in water transfer (ferriage, lighterage, and floatage). (See § 10.02–1 *Operating accounts.*)

(a) *Superintendence.* The pay of vice presidents and other officers directly in charge of or engaged in the operation of boats; the pay of their assistants, clerks, and attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Wages of crews.* The pay of captains, pilots, chief officers, mates, sailors, wireless telegraph operators, and other employees of the deck department; engineers, assistant engineers, electricians, oilers, firemen, coal passers, and all other employees of the engineer's department; and pursers, porters, and all other employees in the steward's department, except when engaged in dining and buffet service.

(c) *Fuel.* The cost, on board boats (including the cost of trimming) of coal, oil, wood, and other fuel used for generating power, heat, or light.

(d) *Lubrication.* The cost of oil, grease, tallow, graphite, and other material furnished for lubricating purposes.

(e) *Other supplies and departmental expenses.* The cost of supplies furnished to deck department; the incidental expenses of deck department employees; supplies other than fuel and lubricants, furnished the engineer's department; water furnished to boats; incidental expenses of engineer's department employees; supplies (other than dining and buffet supplies) furnished to the steward's department; laundry for boats; and incidental expenses of steward's department employees.

ITEMS OF SUPPLIES

Axes.
Brooms.
Brushes.
Commissarial supplies.
Flags.
Gas.
Globes.
Grease.
Handspikes.
Hatchets.
Hose.
Ice.
Lamps.

Laundry.
Lines.
Mops.
Oil.
Pails.
Planks.
Provisions.
Ropes.
Shovels.
Soap.
Tallow.
Tools, miscellaneous.
Trucks.
Waste.
Water.
Wicks.
Wrenches.

(f) *Other expenses.* Expenses incident to the operation of floating equipment not otherwise provided for in this account.

ITEMS OF EXPENSE

Customhouse fees.
License fees.
Pumping out boats laid up.
Raising sunken boats.
Transferring passengers in case of accidents.
Wharfage.

(g) *Elevation and Longshore labor.* The cost of shore labor in connection with loading and unloading lighterage freight at wharves and piers, such as labor of bridgemen at transfer bridges and of watchmen, longshoremen, stevedores, and other wharf men.

(h) *Elevation and shore expenses.* Shore expenses in connection with loading and unloading lighterage freight, such as the cost of steam and electricity for power, heating, and lighting; power and supplies used for transfer or float bridges; supplies used in connection with operating wharves and piers and not chargeable to account 376, "Station supplies and expenses."

ITEMS OF SUPPLIES

Brooms.
Carbons.
Chalk.
Coal hods.
Coal shovels.
Cold chisels.
Crowbars.
Gas.
Hammers.
Hatchets.
Ice.
Ice tongs.
Incandescent lights.
Lamps, reflector.
Lanterns.
Marline.
Matches.
Oil.
Oil cans.
Pails.
Pinch bars.
Ropes.
Salt.
Scoops.
Shovels.
Soap.
Tacks.
Tallow.
Torches.
Towels.
Twine.
Waste.
Water.
Water coolers.
Wheelbarrows.

NOTE A: When the compensation for the use of floating equipment used in water transfer service includes rent, maintenance, and operation, the portion covering rent shall be charged to income account 539, "Rent for floating equipment," the portion covering maintenance shall be charged to the appropriate account for maintenance of equipment, and the portion covering operation shall be included in this account.

NOTE B: This account shall not include the pay of station employees or labor engaged in handling freight at stations, wharves, and piers provided for under account 373, "Station employees," or the pay of employees or labor provided for under account 375, "Coal and ore wharves."

§ 10.409 *Express service.* This account shall include the cost of operating express service.

(a) *Drivers and messengers.* Pay of express messengers, drivers, and helpers, and cost of their uniforms, uniform trimmings, and badges; and pay of baggagemasters handling express.

(b) *Other expenses.* Pay of stablemen in express service, rent of stables, and expense of feeding and shoeing horses.

§ 10.410 *Stationery and printing.* This account shall include the cost of stationery and printing used in connection with rail line transportation, including operation of floating equipment.

STATIONERY AND PRINTING ITEMS

Adding machines.
Addressographs and supplies.
Arm rests.
Baggage checks, printed.
Baggage scrip.
Baggage storage checks.
Bills of lading.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Conductors' hat checks.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cross-section books.
Cross-section paper.
Cyclostyles.
Dating stamps and ribbons.
Delivery tickets.
Dictaphones.
Dictographs.
Drawing paper.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Forms, blank and printed.
Fuel tickets.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mileage books.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Parchment paper.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductors' or baggagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping orders.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Ticket stamps.
Tickets.
Time-tables (employees).
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Time-tables (embons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Waybills.
Wrapping paper.
Wringers for copying presses.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in appropriate superintendence accounts, and city directories and books of reference used by station agents shall be charged to account 376, "Station supplies and expenses."

§ 10.411 *Other expenses.* This account shall include all expenses in connection with rail line transportation not properly chargeable to other transportation accounts.

ITEMS OF EXPENSE

Amounts paid for switching empty cars otherwise than in connection with loaded movements or with the repairs to the equipment
Amounts paid on account of bills of lading issued on fraudulent receipts.
Amounts paid to suspended transportation department employees covering periods of suspension.
Compensation for property loss incident to failure to stop at station to pick up passengers.
Demurrage accruing on a foreign line by reason of error of carrier's agent.
Extra drayage due to agent's error in routing interline shipment.
Fees paid arbitrators in wage disputes of transportation department employees
Loss of station funds by burglary, when not covered by insurance.
Loss of train collections in holdup.
Overcharges paid foreign lines on account of error of the carrier's agent in routing and billing.
Pay and expenses of transportation department employees attending conferences with officers in connection with wage disputes
Payments for switching on account of cars not passing inspection at junction points.
Penalties imposed under reciprocal demurrage laws for failure to furnish cars.
"Penalty switching" payments on account of improper delivery of cars to other carriers

§ 10.412 *Operating joint tracks and facilities—Dr.* This account shall include the carrier's proportion of the transportation expenses incurred by others in the operation of joint tracks, interlockers, and other facilities which are not provided for in account 390, "Operating joint yards and terminals—Dr."

NOTE A: The purpose of this account is to show the amount accruing against the carrier for its proportion of the cost of operating tracks and facilities (other than at joint yards and terminals) operated by others and in the joint use of which the carrier participates. (See § 10.04–9 *Joint facility accounts.*)

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

§ 10.413 *Operating joint tracks and facilities—Cr.* This account shall include amounts chargeable to others as their proportions of transportation expenses incurred by the carrier in the operation of joint tracks, interlockers, and other facilities which are not provided for in account 391, "Operating joint yards and terminals—Cr."

NOTE A: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of operating tracks and facilities (other than at joint yards and terminals) operated by the carrier and in the joint use of which others participate. (See § 10.04–9 *Joint facility accounts.*)

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

§ 10.414 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to ray line transportation; also premiums on fidelity bonds of employees whose pay is chargeable to rail line transportation. (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amount of all claims for

injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to property reinsured by them.

§ 10.415 *Clearing wrecks.* This account shall include the cost of clearing wrecks other than wrecks of work trains.

(a) *Labor.* The wages of employees while engaged in connection with wrecking service, loading, and transferring contents of wrecked cars, building temporary tracks around wrecks, and removing such tracks.

(b) *Train service.* The cost of train service in connection with replacing wrecked equipment upon the tracks and transporting such equipment to shops for repairs, including amounts paid to other companies for service of locomotives, derricks, and other equipment and for wages of crews in wrecking service.

(c) *Other supplies and expenses.* Payments for reloading or transferring freight, express, baggage, and mail; transferring passengers, and cost of provisions or board for men clearing up or watching at wrecks.

NOTE A: Expenses of clearing wrecks of work trains shall be included in the cost of the work in connection with which the wrecked train was engaged.

NOTE B: The cost of restoring roadbed and tracks to original condition after wrecks and the cost of repairing equipment damaged or destroyed by wrecks shall be charged to the appropriate accounts for maintenance of way and structures and maintenance of equipment.

NOTE C: That proportion of payments to other companies for use of locomotives, derricks, and other equipment in wrecking service which represents rent shall be included in the income accounts.

§ 10.416 *Damage to property.* This account shall include payments and expenses on account of damages to the property of others, whether by fire, collision, flood, or other cause, with the exception of payments and expenses on account of damage to property intrusted to the carrier for transportation, and for damage to stock on right of way. It shall include also fines or compensation paid for interference with the business of others, as by detention of vessels at drawbridges, or by blocking streets.

This account shall include also the pay, office rent, and office, traveling, and other expenses of employees and others engaged as claim adjusters or as witnesses in lawsuits in connection with damage to property cases, or engaged in detection of thieves; notarial fees paid in connection with such cases; and payments for or repairs of damage to equipment of other carriers, or to property contained therein, such carriers having trackage rights upon or grade crossings over the carrier's tracks.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Damage to live stock on right of way, and damage to freight and baggage intrusted for transportation, are provided for under accounts 417, "Damage to live stock on right of way"; 418, "Loss and damage—Freight"; and 419, "Loss and damage—Baggage."

NOTE B: Expenses incident to suits growing out of damage to property claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE C: The pay, office rent, and the traveling, office, and other expenses of claim adjusters, claim clerks, and other engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

§ 10.417 *Damage to live stock on right of way.* This account shall include payments on account of cattle and other live stock killed or injured while crossing or trespassing on the right of way, including cost of removing and burying the same.

There shall be included in this account also the pay and the traveling, office, and other expenses of employees and others engaged as live-stock claim adjusters or engaged as witnesses in law-suits in connection with damage to live stock on right of way; also notarial fees in connection with claims for damage to live stock on right of way.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of live-stock claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

§ 10.418 *Loss and damage; freight.* This account shall include payments and expenses on account of loss, destruction, damage, or delays to revenue freight shipments, including locomotives and cars transported as freight, express matter, milk shipments, and livestock, and expenses incurred on account of such payments; also expenses on account of loss, destruction, or damage to shipments of company material.

This account shall also include the cost of repacking and boxing damaged freight shipments; notarial fees in connection with freight claims; freight charges paid other carriers on lost, destroyed, or damaged shipments; pay, traveling, office, and other expenses of employees or others engaged as freight-claim adjusters, as witnesses in lawsuits in connection with freight-claim cases, in selling damaged and unclaimed shipments, or in detecting thieves; rent of warehouses used for storage of damaged and astray freight shipments, payments for storage of such shipments in public warehouses, and interest and penalties assessed for nonpayment of freight claims.

Amounts received from the sale of astray and damaged freight shall be credited to this account.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of loss and damage (freight) claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

§ 10.41[9] *Loss and damage; baggage.* This account shall include payments for loss, destruction, damage, or delays to baggage and other personal property carried as baggage, and damage to personal apparel; also expenses on account of such loss or damage.

This account shall also include the cost of repacking and boxing damaged baggage; notarial fees in connection with baggage claims; baggage claim payments made to other carriers on lost, destroyed, damaged, or delayed shipments; pay, traveling, office, and other expenses of employees or others engaged as baggage claim adjusters, as witnesses in lawsuits in connection with baggage claim cases, in selling damaged and unclaimed baggage, or in detecting thieves; rent of warehouses used exclusively for storage of damaged and unclaimed baggage, payments for storage of such shipments in public warehouses, and interest and penalties assessed for nonpayment of claims.

Amounts received from the sale of astray and damaged baggage shall be credited to this account.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of loss and damage (baggage) claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

NOTE C: When a payment on account of injuries to passengers includes allowance for damage to personal apparel the damage allowance shall be included in this account

when separable; otherwise in the appropriate personal injury account.

§ 10.420 *Injuries to persons.* This account shall include expenses on account of injuries to persons which occur directly in connection with transportation service, including damages for ejectment of passengers.

Services of employees and others called in consultation in relation to claim adjustments; pay and expenses of employees while engaged as witnesses at inquests and lawsuits, and a suitable proportion of donations made to hospitals, shall be included in this account.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: Amounts donated by a carrier to hospitals shall be distributed, 25 percent to account 274, "Injuries to persons"; 25 percent to account 332, "Injuries to persons"; and 50 percent to account 420, "Injuries to persons."

NOTE C: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

NOTE D: When a payment on account of injuries to persons includes allowances for damages to personal apparel, the damage allowance shall be included in account 419, "Loss and damage—Baggage," when separable; otherwise the entire payment shall be included in this account.

MISCELLANEOUS OPERATIONS

§ 10.440 *Miscellaneous operations.* The primary accounts included in this general account are designed to show the expenses incurred in miscellaneous operations. (See § 10.02–4 *Miscellaneous operations.*)

§ 10.441 *Dining and buffet service.* This account shall include the cost of operating dining and buffet service on trains and transfer boats. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of operating dining and buffet service; the pay of their assistants, clerks, and office attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Commissarial employees.* The pay of storekeepers, assistant storekeepers, clerks, porters, and other employees in commissarial supply depots and storehouses.

(c) *Stewards.* The pay of stewards or conductors employed on dining and buffet cars and transfer boats.

(d) *Cooks and waiters.* The pay of cooks, waiters, and assistants on dining and buffet cars and transfer boats.

(e) *Fuel and supplies.* The cost of fuel for cooking purposes; of provisions, such as meats, groceries, vegetables, fish, table waters, ice, etc.; bar supplies, such as wines, liquors, beers, ales, etc.; cost of licenses; and cost of cigars, cigarettes, and tobacco.

(f) *Laundry.* Expenses for laundry work, such as laundering tablecloths, napkins, aprons, etc.

(g) *Stationery and printing.* The cost of stationery and printing used in connection with dining and buffet service.

(h) *Other expenses.* The cost of flowers and plants; cleaning the interior of cars; rent and cost of supplies for rooms furnished for dining and buffet service employees; and such other expenses in connection with the operation of dining and buffet service as are not provided for elsewhere.

NOTE: When officers have immediate supervision over dining and buffet service and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.442 *Hotels and restaurants.* This account shall include the cost of operating hotels, restaurants, and lunch counters when the cost of the operated property is includible in the road and equipment accounts. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of operating hotels, restaurants, and lunch counters; pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers.

(b) *Employees.* The pay of stewards, hotel keepers, storekeepers, checkers, linen clerks, butchers, chefs, cooks, kitchen help, maids, porters, elevator men, call boys, hat and cloak attendants, waiters, waitresses, laundresses, engineers, firemen, and other employees engaged in operating hotels, restaurants, and lunch counters.

(c) *Fuel and supplies.* The cost of fuel for cooking and heating purposes; provisions, such as meats, groceries, vegetables, fish, table waters, ice, etc.; bar supplies, such as wines, liquors, beers, ales, etc.; the cost of liquor licenses; the cost of tobacco, cigars, cigarettes, etc.; and miscellaneous supplies for operating the service.

(d) *Stationery and printing.* The cost of stationery and printing used in connection with the operation of hotels and restaurants.

(e) *Other expenses.* The cost of lighting, and other items of expense not otherwise provided for in this account.

NOTE: When officers have immediate supervision over hotels, restaurants, and lunch counters and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.443 *Grain elevators.* This account shall include the cost of operating grain elevators other than small elevators which are classed as station facilities. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of grain-elevator service; the pay of their assistants, clerks, and office attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Employees.* The pay of engineers, firemen, foremen, machine men, oilers, millwrights, carpenters, trimmers, weighers, spout men, sweepers, laborers, watchmen, and all other employees engaged in operating grain elevators.

(c) *Fuel and supplies.* The cost of fuel for power, heating, and lighting plants; power for heating, lighting, and operating machinery; and water, ice, oil, waste, and other supplies for operating such property.

(d) *Stationery and printing.* The cost of stationery and printing used in connection with the operation of grain elevators.

(e) *Other expenses.* The cost of grain used to make up shortage in elevators; rent for and repairs of rented offices; and other operating expenses not otherwise provided for in this account.

NOTE. When officers have immediate supervision over grain elevators and other operations their pay, office, and other expenses, also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.444 *Stockyards.* This account shall include the cost of operating stockyards other than small stockyards or stock pens at stations, which are classed as station facilities. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of stockyard operations; the pay of their assistants, clerks, and office attendants; also the office, traveling, and other expenses of such officers and employees.

(b) *Employees.* The pay of foremen, subforemen, yardmen, talleymen, weighmasters, stock loaders, drovers, drivers, engineers, firemen, shovelers, watchmen, policemen, and other stockyard employees.

(c) *Fuel and supplies.* The cost of fuel, gas, electric current, water; hay, grain, oats, and other feed for stock; straw and other bedding material; and other stockyard supplies.

(d) *Stationery and printing.* The cost of stationery and printing used in connection with the operation of stockyards.

(e) *Other expenses.* Payments for loss or damage to live stock, and other expenses not otherwise provided for in this account.

NOTE: When officers have immediate supervision over stockyard service and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.445 *Producing power sold.* This account shall include the cost of operating power plants, substations, transmission systems and distribution systems, for the production of power sold.

The proportion of the cost assignable to the production of the power sold only shall be included in this account. (See § 10.04–12 *Power plant operations* and § 10.04–14 *Maintaining transmission and distribution systems.*)

This account shall include:

(a) *Superintendence.* The pay of officers directly in charge of power plants, substations, transmission systems and distribution systems; pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers and employees.

(b) *Employees.* The pay of foremen, subforemen, engineers, firemen, electricians, system operators or load dispatchers, dynamo tenders, foremen regulators, regulators and assistants, switchboard men, brush men, oilers, wipers, wiremen, and others engaged in the operation of power plant and substation apparatus and devices.

(c) *Fuel.* The cost of fuel used in the production of power and for heating power plants.

(d) *Other supplies.* The cost of water, lubricants, and other power plant and substation supplies.

(e) *Stationery and printing.* The cost of stationery and printing used in connection with producing power sold.

(f) *Other expenses.* The items of expense not otherwise provided for in this account.

NOTE: When officers have immediate supervision over producing power sold and other operations, their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.446 *Other miscellaneous operations.* This account shall include the operations of facilities such as cold-storage plants; coal-storage plants; cotton-compress plants; wood-preserving plants; ice-supply plants, etc., when the cost of the facilities is includible in the road and equipment accounts and they are operated by the railway companies.

NOTE: When officers have immediate supervision over other miscellaneous service and other operations, their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

GENERAL

§ 10.450 *General.* The primary accounts included in this general account are designed to show the expenses incurred of a general character not chargeable to the preceding general accounts, such as those for general administration and accounting, and those of the financial, law, real estate, tax, and claim departments.

NOTE: Directly assignable organization and administration expenses incident to investments in leased or nonoperating physical property, and in stocks, bonds, and other securities, are chargeable to income account 549, "Maintenance of investment organization."

§ 10.451 *Salaries and expenses of general officers.* This account shall include:

(a) *Salaries.* The pay of all general officers not otherwise provided for, including salaries and fees of receivers and commissions paid to general officers in lieu of salaries.

LIST OF OFFICERS

Chairman of the board.
President.
Assistant to president.
Vice president.
Assistant to vice president.
Secretary.
Assistant secretary.
Transfer agent.
Treasurer.
Assistant treasurer.
Local treasurer.
Comptroller.
Assistant comptroller.
General auditor.
Auditor.
Assistant auditor.
Auditor of revenues.
Auditor of passenger accounts.
Assistant auditor of passenger accounts.
Auditor of freight accounts.
Assistant auditor of freight accounts.
Auditor of station accounts.
Auditor of disbursements.
Assistant auditor of disbursements.
Auditor of miscellaneous accounts.
Assistant auditor of miscellaneous accounts.
Auditor of coal and coke accounts.
Freight claim agent.
Assistant freight claim agent.
General accountant.
Real-estate agent.
Assistant real-estate agent.
Tax commissioner.

(b) *Expenses.* The traveling and other expenses of officers whose pay is included in this account, including supplies for business cars used by them, cost of running official trains for them, and cost of membership fees and dues in railway and other associations.

NOTE A: When officers' duties are restricted to a single department, their salaries and expenses shall be charged to that department in the accounts for superintendence or for law expenses, as may be appropriate. When officers have immediate supervision over more than one department, their salaries and expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The pay and expenses of the purchasing agent, assistant purchasing agent, assistant to purchasing agent, general storekeeper, division storekeeper, their clerks and attendants, shall be charged through clearing accounts "Material store expenses" and "Stationery store expenses," or material account "Fuel," as may be appropriate.

§ 10.452 *Salaries and expenses of clerks and attendants.* This account shall include the pay and expenses of clerks and attendants of the officers whose salaries are includible in account 451, "Salaries and expenses of general officers."

(a) *Pay of clerks.* The pay of persons employed in accounting and clerical service.

LIST OF EMPLOYEES

Cashiers.
Chief accountants.
Chief clerks.
Clerks.
Inspectors.
Mail clerks.
Paymasters.
Postmasters.
Route agents.
Special agents.
Stenographers.
Ticket reclevers.
Traveling account-ants.
Traveling auditors.

(b) *Pay of attendants.* The pay of persons employed in attendance at general offices and on business cars.

LIST OF EMPLOYEES

Bank messengers.
Chauffeurs.
Cleaners.
Cooks.
Drivers of service wagons.
Elevator operators.
Engineers.
Firemen.
Janitors.
Messengers.
Porters.
Pump men.
Stablemen.
Superintendent of general office building.
Telegraph operators
Telephone operators
Ushers.
Waiters.
Watchmen.

(c) *Expenses.* The traveling and other expenses of employees designated above, including the cost of supplies for business cars and cost of running official trains for them.

§ 10.453 *General office supplies and expenses.* This account shall include the office expenses of officers designated in account 451, "Salaries and expenses of general officers."

ITEMS OF EXPENSE AND SUPPLIES

Alterations of partitions and fixtures in general offices.
Atlases and maps.
Books for office use.
Cable tolls.
Cleaning.
Express charges.
Furniture repairs and renewals.
Heating.
Horse keep.
Lighting.
Local messenger service.
Periodicals and newspapers.
Rent of general offices.
Rent of tabulating machines.
Repairs of rented general offices.
Reports of commercial standings.
Service of automobiles.
Telegraph service.
Telephone service.
Watchmen service.

NOTE: The proportion of general office expenses occasioned by the law department shall be included in account 454, "Law expenses."

§ 10.454 *Law expenses.* This account shall include the pay and the office and other expenses, when not provided for elsewhere, of officers and employees of the law department, the cost of suits, and the payments of special law fees.

LIST OF OFFICERS AND EMPLOYEES

General counsel.
General solicitor.
Assistant counsel.
Solicitor.
Commerce counsel.
Commerce agent.
Special counsel.
Statutory attorney.
Attorney.
Counsel.
Law agent.
Clerks.
Office attendants.

ITEMS OF EXPENSE AND SUPPLIES

Arbitrators' services in settlement of disputed questions.
Cost of taking depositions.
Cost of testimony.
Cost of suits.
Court bonds.
Court expenses.

Drawing and recording agreements as to trackage rights, etc.
Express charges.
Fees and retainers of attorneys (not regular employees).
Law books.
Legal forms.
Legal reports.
Membership fees and dues in associations to protect carriers against litigation in respect to patents.
Membership fees and dues in law associations.
Notarial fees not provided for elsewhere.
Office expenses.
Printing of briefs, testimony, and reports.
Proportion of general office expenses.
Rent of offices.
Special fees.
Telegraph service.
Telephone service.
Traveling expenses.
Witness fees not provided for elsewhere.

§ 10.455 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss, through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to general account 450, "General"; also premiums on fidelity bonds of officers and employees whose pay is chargeable to general account 450, "General." (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

§ 10.456 *Relief department expenses.* This account shall include salaries and expenses incurred in connection with conducting relief departments; also contributions to such departments.

§ 10.457 *Pensions.* This account shall include pensions or gratuities paid out of the carrier's funds to retired employees or their heirs and the expenses solely in connection therewith.

NOTE: If the carrier has definitely undertaken by contract to pay pensions to employees when regularly retired for superannuation and/or disability and has established a fund to be held in trust for such pension purposes, it shall charge to this account monthly amounts determined through the application of equitable actuarial factors to the current payrolls, which, together with interest accruals on the trust funds, will as nearly as may be, provide for the payment of such pensions, or for the purchase of annuities corresponding thereto. The amounts so charged shall be concurrently credited to a reserve account under account 769, "Liability for provident funds." The amounts accrued in each year shall correspond to the aggregate of the amounts paid into the trust fund and expended directly by the carrier for pensions or annuities during the year. The carrier shall maintain a complete record of the actuarial computations through which the accrual each month of its pension liabilities is established.

Upon the adoption of the accrual plan of accounting, pension payments to employees retired before the adoption of such plan shall be charged to an existing pension reserve or to profit and loss.

Before adopting the accrual plan of accounting for pensions the carrier shall inform the Commission of the details of its pension plan giving full statement of the facts which in its judgment establishes a contractual obligation for pension payments together with the actuarial formula under which it proposes to create its pension trust fund, and also a copy of the declaration of trust under which the fund is established.

No charge to this account shall be made in anticipation of discretionary pension payments in the future.

The accounting is effective as of the date on which the carrier makes effective its definite contractual obligation to pay such pensions.

§ 10.458 *Stationery and printing.* This account shall include the cost of stationery and printing used in general offices and not chargeable to other accounts, including the cost of printing annual reports, contracts, leases, stock certificates, and passes.

STATIONERY AND PRINTING ITEMS

Adding machines.
Addressographs and supplies.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Drawing paper.
Duplicator.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Forms, blank and printed.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Parchment paper.
Passes.
Pay checks.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductors' or baggagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand note books.
Sponge cups.
Sponges.
Stamps.
Stamps, impression
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Wrapping paper.
Wringers for copying presses.

NOTE A: The cost of printing briefs, legal forms, testimony, reports, etc., for the law department is chargeable to account 454, "Law expenses."

NOTE B: The cost of printing bonds, etc., in connection with the carrier's funded debt shall be included in balance-sheet account 725, "Discount on funded debt."

§ 10.459 *Valuation expenses.* This account shall include expenses incident to the ascertainment (in accordance with the Act to Regulate Commerce as amended March 1, 1913, or with other Federal or State requirements) of the value of property owned or used by the carrier, such expenses including pay, and office, traveling, and other expenses of officers specially employed or assigned to such work, and of their assistants, clerks, and attendants, and the cost of stationery and printing, and of engineering supplies consumed.

NOTE: No charge shall be made to this account for the salaries of officers or of their clerks and attendants for incidental services in connection with valuation work; but special office, clerical, traveling, and incidental expenses incurred by these officers on account of such work shall be included as a part of the cost of the work.

§ 10.460 *Other expenses.* This account shall include incidental general expenses which are not properly chargeable to any of the foregoing accounts.

ITEMS OF EXPENSE

Cost of draping buildings.
Cost of publishing annual reports in newspapers, and other corporate and financial notices of general character.
Cost of publishing notices of stockholders' meetings and of election of directors.
Donations on account of catastrophes, epidemics, etc.
Donations to local fire departments.
Donations to Y. M. C. A., and similar institutions.
Exchange on checks cashed or deposited
Exchange on drafts bought.
Fees and expenses paid to directors and trustees.
Loss through payment of wages to a wrong person.
Penalties assessed for nonpayment of claims for overcharges.

§ 10.461 *General joint facilities—Dr.* This account shall include the carrier's proportions of general expenses incurred by others incident to maintaining and operating tracks, yards, terminals, and other facilities used jointly.

NOTE: The purpose of this account is to show the amount accruing against the carrier for its proportion of the expense of general administration of tracks, yards, terminals and other facilities administered by others, and in the joint use of which the carrier participates. (See § 10.04–9 *Joint facility accounts.*)

§ 10.462 *General joint facilities—Cr.* This account shall include amounts chargeable to others as their proportions of general expenses incurred by the carrier incident to maintaining and operating tracks, yards, terminals, and other facilities used jointly.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the expense of general administration of tracks, yards, terminals, and other facilities administered by the carrier, and in the joint use of which others participate. (See § 10.04–9 *Joint facility accounts.*)

CONDENSED CLASSIFICATION OF OPERATING EXPENSES

§ 10.480 *Accounts for small carriers, Class II.* See provisions of § 10.04–1 *Accounts for operating expenses.* The condensed groupings of accounts for Class II small carriers are as follows:

Accounts for Small Carriers—Class II

Maintenance of Equipment—Continued
1232. Major repairs—Equipment.
1233. Equalization—Equipment.
1234. Equipment—Amortization of defense projects.
1235. Deferred maintenance—Equipment.
1236. Equipment—Depreciation.
1237. Injuries to persons.
1238. Other equipment expenses.
1239. Joint maintenance of equipment expenses—Dr.
1240. Joint maintenance of equipment expenses—Cr.

Traffic

1251. Traffic expenses.

Transportation—Rail Line

1261. Superintendence and dispatching.
1262. Station service.
1263. Yard enginemen and motormen.
1264. Other yard employees.
1265. Yard switching fuel.
1266. Yard switching power.
1267. Other yard expenses.
1268. Operating joint yards and terminals—Dr.
1269. Operating joint yards and terminals—Cr.
1270. Train enginemen and motormen.
1271. Train fuel.
1272. Train power
1273. Other train locomotive supplies and expenses.
1271. Trainmen.
1275. Train supplies and expenses.
1277. Injuries to persons.

Accounts for Small Carriers—Class II

Maintenance of Way and Structures

1201. Superintendence.

1202. Maintaining roadway and track.

1203. Maintaining track structures.

1204. Maintaining ancillary structures.

1204½. Retirements—Road.
1205. Dismantling retired road property.
1206. Equalization—Way and structures.
1207. Road—Amortization of defense projects.
1208. Deferred maintenance—Way and structures.
1209. Road property—Depreciation.
1210. Injuries to persons.

1211. Other way and structure expense.

1212. Maintaining joint tracks, yards, and other facilities—Dr.
1213. Maintaining joint tracks, yards, and other facilities—Cr.

Maintenance of Equipment

1221. Superintendence.
1222. Repairs of machinery and other apparatus.
1223. Shop and power-plant machinery—Depreciation.
1224. Dismantling retired shop and power-plant machinery.
1225. Locomotive repairs.
1226. Car repairs.
1227. Floating equipment—Repairs.
1228. Work equipment—Repairs.
1229. Miscellaneous equipment—Repairs.
1230. Dismantling retired equipment.
1231. Retirements—Equipment.

Accounts for Small Carriers—Class II Con.

Maintenance of Equipment—Continued
1232. Major repairs—Equipment.
1233. Equalization—Equipment.
1234. Equipment—Amortization of defense projects.
1235. Deferred maintenance—Equipment.
1236. Equipment—Depreciation.
1237. Injuries to persons.
1238. Other equipment expenses.
1239. Joint maintenance of equipment expenses—Dr.
1240. Joint maintenance of equipment expenses—Cr.

Traffic

1251. Traffic expenses.

Transportation—Rail Line

1261. Superintendence and dispatching.
1262. Station service.
1263. Yard enginemen and motormen.
1264. Other yard employees.
1265. Yard switching fuel.
1266. Yard switching power.
1267. Other yard expenses.
1268. Operating joint yards and terminals—Dr.
1269. Operating joint yards and terminals—Cr.
1270. Train enginemen and motormen.
1271. Train fuel.
1272. Train power
1273. Other train locomotive supplies and expenses.
1271. Trainmen.
1275. Train supplies and expenses.
1277. Injuries to persons.

Accounts for Small Carriers—Class II Con.

Maintenance of Way and Structures—Continued
1201. Superintendence.
1202. Roadway maintenance.
1203. Ties.
1204. Rails.
1205. Other track material.
1206. Ballast.
1207. Track laying and surfacing.
1208. Removing snow, ice, and sand.
1209. Trestles and culverts.
1210. Elevated structures and culverts.
1211. Fences, snowsheds, and sheds.
1212. Telegraph and telephone lines.
1213. Signals and interlockers
1214. Station and office buildings.
1215. Roadway buildings.
1216. Water stations.
1217. Fuel stations.
1218. Shops and enginehouses.
1219. Grain elevators.
1220. Storage warehouses.
1221. Wharves and docks.
1222. Coal and ore wharves.
1223. Power plants.
1224. Power-transmission systems.
1225. Miscellaneous structures
1226. Retirements—Road.
1227. Dismantling retired road property.
1228. Equalization—Way and structures.
1229. Road—Amortization of defense projects.
1230. Deferred maintenance—Way and structures.
1231. Road property—Depreciation.
1232. Injuries to persons.
1233. Roadway machines.
1234. Small tools and supplies.
1235. Public improvements—Maintenance.
1236. Insurance.
1237. Stationery and printing.
1238. Other expenses.
1239. Right-of-way expenses.
1240. Maintaining joint tracks, yards, and other facilities—Dr.
1241. Maintaining joint tracks, yards, and other facilities—Cr.

Maintenance of Equipment

1301. Superintendence.
1302. Shop machinery.
1303. Power-plant machinery.
1305. Shop and power-plant machinery—Depreciation.
1306. Dismantling retired shop and power-plant machinery.
1308. Steam locomotives—Repairs.
1311. Other locomotives—Repairs.
1314. Freight-train cars—Repairs.
1317. Passenger-train cars—Repairs.
1323. Floating equipment—Repairs.
1326. Work equipment—Repairs.
1328. Miscellaneous equipment—Repairs.
1329. Dismantling retired equipment.
1330. Retirements—Equipment.

Accounts for Small Carriers—Class II—Con.	*Accounts for Large Carriers—Class I—Con.*
Maintenance of Way and Structures—Con.	200 Maintenance of Way Structures—Con.
	227. Station and office buildings.
	229 Roadway buildings.
	231. Water stations.
	233. Fuel stations.
	235. Shops and enginehouses.
2203. Maintaining structures.	237. Grain elevators.
	239 Storage warehouses.
	241. Wharves and docks.
	243. Coal and ore wharves.
	253. Power plants.
	257. Power-transmission systems.
	265. Miscellaneous structures.
2203½. Retirements—Road.	267. Retirements—Road.
2204. Dismantling retired road property.	270. Dismantling retired road property.
2205. Equalization—Way and structures.	280 Equalization—Way and structures.
2206. Road—Amortization of defense projects.	270½. Road—Amortization of defense projects.
2207. Deferred maintenance—Way and structures.	268. Deferred maintenance—Way and structures.
2208. Road property—Depreciation	266. Road property—Depreciation.
	269. Roadway machines.
	271. Small tools and supplies.
	273. Public improvements—Maintenance.
2209. Other maintenance of way expenses.	274. Injuries to persons.
	275. Insurance.
	276. Stationery and printing.
	277. Other expenses.
2210. Maintaining joint tracks, yards, and other facilities—Dr.	281. Right-of-way taxes—Dr.
	273. Maintaining joint tracks, yards, and other facilities—Dr.
2211. Maintaining joint tracks, yards, and other facilities—Cr	279. Maintaining joint tracks, yards, and other facilities—Cr.
Maintenance of Equipment	300. Maintenance of Equipment
2221. Superintendence.	301. Superintendence.
2222. Repairs of shop and power-plant machinery.	302. Shop machinery.
	304. Power-plant machinery.
2223. Shop and power-plant machinery—Depreciation.	305. Shop and power-plant machinery—Depreciation.
2224. Dismantling retired shop and power-plant machinery.	306. Dismantling retired shop and power-plant machinery.
2225 Locomotive repairs.	308 Steam locomotives—Repairs.
	311 Other locomotives—Repairs.
2226 Car repairs.	314 Freight-train cars—Repairs.
	317 Passenger-train cars—Repairs.
2227. Other equipment repairs.	323 Floating equipment—Repairs.
	326. Work equipment—Repairs.
2228. Dismantling retired equipment.	328 Miscellaneous equipment—Repairs.
2229. Retirements—Equipment.	329 Dismantling retired equipment.
2230. Major repairs—Equipment.	330. Retirements—Equipment.
2231 Equalization—Equipment.	310 Major repairs—Equipment.
2232 Equipment—Amortization of defense projects	338. Equalization—Equipment.
	331½. Equipment—Amortization of defense projects.
2233 Deferred maintenance—Equipment.	339 Deferred maintenance—Equipment.
2234 Equipment—Depreciation.	331. Equipment—Depreciation.
	33. Injuries to persons.
2235. Other equipment expenses.	333. Insurance.
	334. Stationery and printing.
	335. Other expenses.
2236 Joint maintenance of equipment expenses—Dr.	336. Joint maintenance of equipment expenses—Dr
2237. Joint maintenance of equipment expenses—Cr.	337. Joint maintenance of equipment expenses—Cr.

Accounts for Small Carriers—Class II—Con.	*Accounts for Large Carriers—Class I—Con.*
Transportation—Rail Line—Continued	370. Transportation—Rail Line—Continued
1276. Loss and damage.	418. Loss and damage—Freight.
	419. Loss and damage—Baggage.
1279. Other casualty expenses.	414. Insurance.
	415. Clearing wrecks.
	416. Damage to property.
	417. Damage to live stock on right of way.
	404. Signal and interlocker operation.
	405 Crossing protection.
	406 Drawbridge operation.
1280. Other rail transportation expenses.	407. Telegraph and telephone operation.
	408. Operating floating equipment.
	409. Express service.
	410. Stationery and printing.
	411. Other expenses.
1281. Operating joint tracks and facilities—Dr.	412. Operating joint tracks and facilities—Dr.
1282. Operating joint tracks and facilities—Cr.	413. Operating joint tracks and facilities—Cr.
Miscellaneous Operations	440. Miscellaneous Operations
	441. Dining and buffet service.
	442. Hotels and restaurants.
1288. Miscellaneous operations.	443. Grain elevators.
	444. Stockyards.
	445. Producing power sold
	446. Other miscellaneous operations.
General	450. General
1291. Administration.	451. Salaries and expenses of general officers.
	452. Salaries and expenses of clerks and attendants.
1292. Insurance.	453. General office supplies and expenses.
1293. Valuation expenses.	454. Law expenses.
	455. Insurance.
	459. Valuation expenses.
	456. Relief department expenses.
	457. Pensions.
1294. Other general expenses.	458. Stationery and printing.
	460. Other expenses.
1295. General joint facilities—Dr.	461. General joint facilities—Dr.
1296. General joint facilities—Cr.	462. General joint facilities—Cr.

§ 10.490 *Accounts for small carriers, Class III.* See provisions of § 10.04–1 *Accounts for operating expenses.* The condensed groupings of accounts for Class III small carriers are as follows:

Accounts for Small Carriers—Class III	*Accounts for Large Carriers—Class I*
Maintenance of Way and Structures	200 Maintenance of Way and Structures
2201. Superintendence.	201 Superintendence.
	202. Roadway maintenance.
	206. Tunnels and subways.
	208. Bridges, trestles, and culverts.
	210. Elevated structures.
	212. Ties.
	214 Rails.
	216 Other track material.
2202. Roadway maintenance.	219 Ballast.
	220. Track laying and surfacing.
	221. Fences, snowsheds, and signs.
	247. Telegraph and telephone lines.
	249. Signals and interlockers.
	252. Removing snow, ice and sand.

Accounts for Small Carriers—Class III—Con.	*Accounts for Large Carriers—Class I—Con.*
Traffic	350. Traffic
	351. Superintendence.
	352. Outside agencies.
	353. Advertising.
	354. Traffic associations.
2240. Traffic expenses.	355. Fast freight lines.
	356. Industrial and immigration bureaus.
	357. Insurance.
	358. Stationery and printing.
	359. Other expenses.
Transportation—Rail Line	370. Transportation—Rail Line
2241 Superintendence and dispatching.	371. Superintendence.
	372. Dispatching trains.
	373. Station employees.
2242 Station service.	374. Weighing, inspection, and demurrage bureaus.
	375. Coal and ore wharves.
	376. Station supplies and expenses.
2243 Yard employees.	377. Yardmasters and yard clerks.
	378. Yard conductors and brakemen.
	379. Yard switch and signal tenders.
	380. Yard enginemen.
2244. Yard switching fuel.	381. Yard motormen.
	382. Yard switching fuel.
	383. Yard switching power produced.
	384. Yard switching power purchased.
2245 Miscellaneous yard expenses.	385. Water for yard locomotives.
	386. Lubricants for yard locomotives.
	387. Other supplies for yard locomotives.
	388. Enginehouse expenses—Yard.
	389. Yard supplies and expenses.
2246. Operating joint yards and terminals—Dr.	390. Operating joint yards and terminals—Dr.
2247 Operating joint yards and terminals—Cr.	391. Operating joint yards and terminals—Cr.
2248 Train employees.	392. Train enginemen.
	393. Train motormen.
	401. Trainmen.
2249 Train fuel.	394. Train fuel.
	395. Train power produced.
	396. Train power purchased.
	397. Water for train locomotives.
2251. Other train expenses.	398. Lubricants for train locomotives.
	399. Other supplies for train locomotives.
	400. Enginehouse expenses—Train.
	402. Train supplies and expenses.
	403. Operating sleeping cars.
2252 Injuries to persons.	420. Injuries to persons.
	418. Loss and damage—Freight.
2253. Loss and damage.	419. Loss and damage—Baggage.
	414. Insurance.
	415. Clearing wrecks.
	416. Damage to property.
2254 Other casualty expenses.	417. Damage to live stock on right of way.
	404. Signal and interlocker operation.
	405. Crossing protection.
	406. Drawbridge operation.
	407. Telegraph and telephone operation.
	408. Operating floating equipment.
2255 Other rail transportation expenses.	409. Express service.
	410. Stationery and printing.
	411. Other expenses.
2256 Operating joint tracks and facilities—Dr.	412. Operating joint tracks and facilities—Dr.
2257. Operating joint tracks and facilities—Cr.	413. Operating joint tracks and facilities—Cr.
Miscellaneous Operations	440. Miscellaneous Operations
	441. Dining and buffet service.
	442. Hotels and restaurants.
	443. Grain elevators.
2259. Miscellaneous operations.	444. Stockyards.
	445. Producing power sold.
	446. Other miscellaneous operations.
General	450. General
	451. Salaries and expenses of general officers.
2261 Administration.	452. Salaries and expenses of clerks and attendants.
	453. General office supplies and expenses.
2262. Insurance.	454. Law expenses.
2263. Valuation expenses.	455. Insurance.
	459. Valuation expenses.
	456. Relief department expenses.
2264 Other general expenses.	457. Pensions.
	458. Stationery and printing.
	460. Other expenses.
2265. General joint facilities—Dr.	461. General joint facilities—Dr.
2266. General joint facilities—Cr.	462. General joint facilities—Cr.

INCOME, PROFIT AND LOSS, AND GENERAL BALANCE SHEET

§ 10.05 *General instructions.* The carrier's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries made in the accounts provided herein for income, profit and loss, and general balance sheet. Where the full information is not recorded in the general books, the entries thereto shall be supported by other records in which the full details shall be shown. Such general book entries shall contain sufficient reference to the detail records to permit ready identification, and the detail records shall be filed in such manner as to be readily accessible for examination by representatives of the Interstate Commerce Commission.

§ 10.05–1 *General ledger accounts.* When the title and definition of an income, profit and loss, or general balance-sheet account clearly indicate that it is a summary of other accounts, it is not required that a special ledger account shall be kept under such a title to include the balances from the accounts usually kept in the ledger, but in such case the titles of the subaccounts in the ledger shall give references by numbers, titles, or both, to the income, profit and loss, or general balance-sheet account prescribed herein of which they are subdivisions.

§ 10.05–2 *Leased road and equipment; depreciation.* The carrier shall include in operating expenses charges for depreciation on road property and equipment used but not owned the rent for which is includible in account 542, "Rent for leased roads and equipment," and shall maintain the same records of service lives, salvage values, etc., as provided for owned road property and equipment. The amount currently to be charged to account 542, "Rent for leased roads and equipment," is the excess of the total compensation over the amount chargeable by the carrier to the depreciation accounts in operating expenses. If settlement between the carrier and the lessor is not currently made, the amount of the depreciation accrued during the period of the lease shall be credited by the carrier to account 779, "Accrued depreciation—Leased property." The necessary adjustments of the difference between the balance thus accrued in that account and the actual amount of settlement shall appropriately be made through account 607, "Miscellaneous credits," or account 621, "Miscellaneous debits," at the time settlement for depreciation on the property is made with the lessor.

The carrier shall not include in the depreciation account in operating expenses any charges for depreciation of equipment used but not owned when the rents therefor are included in the rent for equipment and joint facility rent accounts 503 to 508 and 536 to 541, inclusive.

§ 10.05–3 *Closing general ledger.* Accounts shall be written up, posted to the general ledger and balanced monthly. The final entries for any month shall be made not later than 60 days after the last day of the month for which the accounts are stated, except that the period

within which the final entries for the month of December shall be made may be extended to such date in the following March as shall not interfere with the preparation and filing of annual reports as required by paragraph 2 of section 20 of the Interstate Commerce Act.

INCOME

§ 10.06 *Special instructions.*

§ 10.06–1 *Income accounts defined.* Income accounts are those designed to show, as nearly as practicable, for each fiscal period, the total amount of money that a carrier becomes entitled to receive for services rendered, the returns accrued upon investments, the accrued costs paid or payable for the services rendered by it, the losses sustained by it, the amounts accrued for taxes, for use of moneys and for use of properties of others, and the appropriations made from income during the period. The net balance of income (or loss) shall be carried to profit and loss.

§ 10.06–2 *Delayed items.* The carrier shall account for delayed items and adjustments and cancellation of entries recorded in balance-sheet accounts relating to income of former years in accordance with the instructions contained in § 10.02–3 *Delayed items.*

§ 10.06–3 *Unaudited items.* When the amount of any item affecting income cannot be accurately determined in time for inclusion in the accounts of the month in which the transaction occurs, the amount of the item shall be estimated and in such form included in the proper income account with contra entry to the appropriate balance-sheet account. When the item is audited the necessary adjustments shall be made through the accounts in which the estimate was recorded. If, during the interval between the date of inclusion of the item in the accounts and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustments shall be made in the current accounts to cover such difference. The carrier is not required to anticipate items which would not appreciably affect the accounts.

INCOME ACCOUNTS

CREDITS

§ 10.501 *Railway operating revenues.* This account shall include the total revenues derived from operations as shown in the primary revenue accounts provided in these regulations.

§ 10.502 *Revenues from miscellaneous operations.* This account shall include the total revenues derived from the operation of miscellaneous operating physical property, such as that the cost of which is includible in balance-sheet account 705, "Miscellaneous physical property."

NOTE: The income from miscellaneous nonoperating physical property shall be included in account 511, "Miscellaneous nonoperating physical property."

§ 10.503 *Hire of freight cars; credit balance.* This account shall include the net credit balance of (1) amounts receivable accrued for the use of the accounting company's freight cars leased for less than one year, or interchanged, and (2) amounts payable accrued for the use of the freight cars of others, leased for less than one year, or interchanged. (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: If the net balance is a debit, it shall be included in account 536, "Hire of freight cars—Debit balance."

NOTE B: Rent for freight cars included in the lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

NOTE C: Rents paid for freight cars used in construction work-train service are chargeable to the cost of the work. (See paragraph (c) of § 10.01–4 *Cost of construction.*)

§ 10.504 *Rent from locomotives.* This account shall include amounts receivable accrued as rent for the use of the accounting company's locomotives leased for less than one year, or interchanged.

NOTE: Rent for locomotives included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

§ 10.505 *Rent from passenger-train cars.* This account shall include amounts receivable accrued as rent for the use of the accounting company's passenger-train cars leased for less than one year, or interchanged.

NOTE: Rent for passenger-train cars included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment.

§ 10.506 *Rent from floating equipment.* This account shall include amounts receivable accrued as rent for the use of the accounting company's floating equipment leased for less than one year or chartered.

NOTE: Rent from floating equipment included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

§ 10.507 *Rent from work equipment.* This account shall include amounts receivable accrued as rent for the use of the accounting company's work equipment leased for less than one year or interchanged.

NOTE: Rent for work equipment included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

§ 10.508 *Joint facility rent income.* This account shall include amounts receivable accrued for rent of equipment, tracks, yards, terminals, and other facilities owned or controlled by the accounting company and used jointly with other companies or individuals.

Amounts receivable from other companies in reimbursement for taxes on property jointly used shall be credited to this account.

NOTE: The portion of the cost of maintenance, operation, or administration of joint facilities recoverable from others shall be credited to the various joint facility accounts provided for operating expenses. When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned by the creditor between this account and the appropriate joint facility operating expense accounts.

§ 10.509 *Income from lease of road and equipment.* This account shall include the entire amount receivable accrued for the exclusive use of road, tracks, or bridges (including equipment or other railway property covered by the contract), and specific equipment leased for one year or more, the rented property being owned or controlled by the accounting company, whether payable to the accounting company in cash or disbursed by the lessee on behalf of the accounting company as interest on funded debt, guaranteed dividends on stock, or otherwise. (See Note C to account 717, "Interest and dividends receivable.")

When the lessor company maintains the road and equipment leased, the cost of maintaining the property rented shall be charged to this account, except that when the rent thus receivable for the use of property other than equipment is relatively small and the expense of maintenance is not separable, the entire amount received may be credited to revenue account 142, "Rents of buildings and other property."

If, under the terms of a lease, the deficit, or any portion of it, resulting from the lessee company's operations of the property leased is payable by the lessor company, the amount thus payable shall be charged to this account by the lessor.

NOTE A: When taxes on leased property are assumed by the lessor, the accruals of such taxes shall be included in the lessor's account 532, "Railway tax accruals."

NOTE B: If property the rent of which is chargeable to account 542, "Rent for leased roads and equipment," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE C: When specific charges against the lessee are made by the lessor for repairs of equipment which is actually maintained by it the amount of such charges shall be appropriately credited by the lessor to its equipment repair accounts and charged by the lessee to the corresponding accounts.

§ 10.510 *Miscellaneous rent income.* This account shall include such rents of property owned and controlled by the accounting carrier as are not provided for in the foregoing accounts.

To this account shall be charged the cost of maintenance of the property rented, also specific incidental expenses in connection with such property, such as the cost of negotiating contracts, advertising for tenants, fees paid conveyances, collectors' commissions, and analogous items.

NOTE A: If property the rent of which is chargeable to account 543, "Miscellaneous rents," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE B: Taxes on property the rent of which is creditable to this account shall be charged to account 532, "Railway tax accruals."

NOTE C: The rent from property carried in balance-sheet account 705, "Miscellaneous physical property," shall not be included in this account, but in account 511, "Miscellaneous nonoperating physical property."

NOTE D: Rent and other income from real estate acquired for new lines or for additions and betterments shall be credited to the appropriate road and equipment accounts until the completion or coming into service of the property.

§ 10.511 *Miscellaneous nonoperating physical property.* This account shall include the net credit balance of the nonoperating revenues or income from, and the expenses (including depreciation, but excluding taxes) of, physical property the cost of which is carried in balance-sheet account 705, "Miscellaneous physical property."

NOTE A: Net debit balances in this account shall be shown in red ink.

NOTE B: The revenues from the operation of miscellaneous operating physical property shall be included in income account 502, "Revenues from miscellaneous operations," and the expenses of operation shall be included in account 534, "Expenses of miscellaneous operations."

§ 10.512 *Separately operated properties: profit.* This account shall include amounts receivable under the terms of agreements or contracts whereby the surplus resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, to the accounting company.

In determining the amount receivable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses but also to other items of income or deduction which affect that amount.

NOTE A: The amount payable by the operating company shall be charged by it to account 550, "Income transferred to other companies."

NOTE B: Dividends or other returns upon securities issued by separately operated companies, and held or controlled by the accounting company, shall be included in accounts 513, "Dividend income"; 514, "Income from funded securities"; 515, "Income from unfunded securities and accounts"; or 516, "Income from sinking and other reserve funds," as may be appropriate.

§ 10.513 *Dividend income.* This account shall include dividends declared on railway and other stocks, the income from which is the property of the accounting company, whether such stocks are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

Dividends declared shall not be credited prior to actual collection unless their payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 717, "Interest and dividends receivable.")

Accruals of guaranteed dividends may be included in this account if their payment is reasonably assured.

NOTE A: This account shall not include credits for dividends on stocks issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: Dividends on stocks of other companies held in sinking or other reserve funds shall be credited to account 516, "Income from sinking and other reserve funds."

§ 10.514 *Income from funded securities.* This account shall include interest on bonds and other funded securities and on debenture stock of other companies, the income from which is the property of the accounting company, whether such securities are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise. Interest accrued shall not be credited prior to actual collection unless its payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 717, "Interest and dividends receivable.")

At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on funded securities of other companies owned. Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried.

NOTE A: The term "funded securities" as here used means all unmatured bonds, notes, and other evidences of indebtedness (except open accounts for advances) none of which by the terms of the creation of the debt matures until more than one year after the date of such creation, provided that in case of an obligation maturing serially, such as car-trust notes, the entire amount shall be included in funded securities if any portion of the obligation matures later than one year after date of issue.

NOTE B: This account shall not include interest on funded securities issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE C: Interest on funded securities of other companies held in sinking or other reserve funds shall be included in account 516, "Income from sinking and other reserve funds."

§ 10.515 *Income from unfunded securities and accounts.* This account shall include interest on unfunded securities, notes, and other evidences of indebtedness payable on demand or having dates of maturity one year or less from the date of issue, interest on bank balances and on open accounts, and other analogous items, including discount on short-term notes. The discount on short-term notes shall be distributed, through equal monthly credits, over the terms of the notes. (See Note C to account 717, "Interest and dividends receivable.")

NOTE A: Interest on assets held in sinking and other reserve funds shall be included in account 516, "Income from sinking and other reserve funds."

NOTE B: Discount on bills for material purchased shall be credited to the accounts to which is charged the cost of the material with respect to which the discount is allowed.

§ 10.516 *Income from sinking and other reserve funds.* This account shall include the income accrued on cash, securities, and other assets (not including securities issued or assumed by the accounting company) held in sinking and other reserve funds. (See Note C to account 717, "Interest and dividends receivable.")

At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on funded securities held in sinking or other reserve funds. Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried.

NOTE: Credits to fund reserve accounts representing income on reserve funds shall be concurrently charged to account 552, "Income applied to sinking and other reserve funds."

§ 10.517 *Release of premiums on funded debt.* This account shall include, during each fiscal period, such proportion of the premiums on outstanding funded debt as may be applicable to the period. This proportion shall be determined in accordance with § 10.08–3 *Discount, expense, and premium on funded debt.*

§ 10.518 *Contributions from other companies.* This account shall include amounts received or receivable from other companies or individuals, representing the whole or a part of the net deficit of the accounting company when, under the terms of agreements or contracts, no obligation for subsequent reimbursement is incurred.

In determining the amount receivable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE: The amount payable shall be charged by the contributing company to account 545, "Separately operated properties—Loss."

§ 10.519 *Miscellaneous income.* This account shall include all items, not provided for elsewhere, properly creditable to income account during the fiscal period.

§ 10.520 *Delayed income credits.* This account shall include delayed credit items and adjustments for which no provision has previously been made, relating to operating revenues, operating expenses, and income arising during the current year which are applicable to prior years and which are relatively so large that their inclusion in the appropriate accounts of the current year would seriously distort the accounts for the year. (See § 10.02–3 *Delayed items.*)

NOTE: All entries in this account shall be made in such detail as will indicate the operating-revenue, operating-expense or income accounts to which they relate.

DEBIT

§ 10.531 *Railway operating expenses.* This account shall include the total expenses caused by operations, as shown in the primary expense accounts provided in these regulations.

§ 10.532 *Railway tax accruals.* This account shall include accruals for taxes of all kinds (including Federal income tax) relating to railway property (including floating equipment, if any), operations, and privileges, whether based upon the valuation of the property, amount of stocks and bonds or other evidences of debt issued or outstanding; gross or net earnings, dividends declared, number of passengers carried, quantity of freight transported, length of line operated or owned, rolling stock operated or owned, or other basis; also taxes for issuing and recording mortgages and

trust deeds and for issuing bonds or other evidences of long-term debt.

The taxes on leased property shall be included in this account by the carrier obligated to assume such expenses under the terms of the lease.

NOTE A: Taxes on leased property paid by one party to the lease and chargeable to the other party to the lease shall be charged directly to the party bearing the expense and not included in the income account of the party first making payment.

NOTE B: Taxes on other than railway property, operations, and privileges shall be charged to account 544, "Miscellaneous tax accruals," when the amount is separable from the taxes chargeable to this account.

NOTE C: Special assessments for street and other improvements, and special benefit taxes, such as water taxes and the like, shall be included in operating expense accounts or investment accounts, as may be appropriate.

NOTE D: Amounts received in reimbursement of taxes on property jointly used shall be credited to account 508, "Joint facility rent income." Amounts paid in reimbursement of such taxes shall be charged to account 541, "Joint facility rents."

NOTE E: Taxes accruing on new lines under construction or on property acquired for the extension of existing lines or for addition or betterment purposes before the facilities are opened for commercial operation or the property acquired becomes available for service shall be charged to road and equipment accounts.

§ 10.534 *Expenses of miscellaneous operations.* This account shall include the total expenses caused by the operation of miscellaneous physical property the cost of which is includible in balance-sheet account 705, "Miscellaneous physical property,"

NOTE: The expenses of miscellaneous nonoperating physical property shall be included in account 511, "Miscellaneous nonoperating physical property."

§ 10.535 *Taxes on miscellaneous operating property.* This account shall include accruals of taxes paid or payable upon miscellaneous operating property, such as that the cost of which is includible in account 705, "Miscellaneous physical property."

NOTE: Taxes upon miscellaneous nonoperating physical property shall be included in account 544, "Miscellaneous tax accruals."

§ 10.536 *Hire of freight cars; debit balance.* This account shall include the net debit balance of (1) amounts receivable accrued for the use of the accounting company's freight cars leased for less than one year, or interchanged, and (2) amounts payable accrued for the use of the freight cars of others, leased for less than one year, or interchanged. (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: If the net balance is a credit it shall be included in account 503, "Hire of freight cars—Credit balance."

NOTE B: Rent for freight cars included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE C: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE D: Rents paid for freight cars used in construction work-train service are chargeable to the cost of the work. (See paragraph (c) of § 10.01–4 *Cost of construction.*)

§ 10.537 *Rent for locomotives.* This account shall include amounts payable accrued for the use of the locomotives of others, leased for less than one year, or interchanged, except as provided for in the classification for investment in road and equipment. (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: The rent for locomotives included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE C: Rent paid for locomotives used in construction work-train service is chargeable to the cost of the work. (See paragraph (c) of § 10.01–4 *Cost of construction.*)

§ 10.538 *Rent for passenger-train cars.* This account shall include amounts payable accrued for the use of the passenger-train cars of others, leased for less than one year, or interchanged, and also for use of sleeping cars operated under contract arrangement, except as provided for in the classification for investment in road and equipment. (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: The rent for passenger-train cars included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

§ 10.539 *Rent for floating equipment.* This account shall include amounts payable accrued for the use of the floating equipment of others, leased for less than one year, or chartered, except as provided for in the classification for investment in road and equipment. (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: The rent of floating equipment included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

§ 10.540 *Rent for work equipment.* This account shall include amounts payable accrued for the use of the work equipment of others, leased for less than one year, or interchanged. (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: The rent for work equipment included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE C: Rent paid for work equipment when used in construction work-train service is chargeable to the cost of the work. (See paragraph (c) of § 10.01–4 *Cost of construction.*)

§ 10.541 *Joint facility rents.* This account shall include amounts payable accrued as rent for equipment, tracks, yards, terminals, and other facilities owned or controlled by other carriers, companies, or individuals, and in the joint use of which the accounting company participates.

Amounts paid or payable by the accounting company in reimbursement for taxes on property jointly used shall be charged to this account.

NOTE: The cost of maintenance, operation, or administration of joint facilities, chargeable to the accounting company, shall be charged to the various joint facility accounts provided for operating expenses. When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned between this account and the appropriate joint facility operating expense accounts. This apportionment shall be made by the operating company, and shall be followed by the accounting company.

§ 10.542 *Rent for leased roads and equipment.* This account shall include amounts payable accrued as rent for roads, tracks, or bridges (including equipment or other railway property covered by the contract), and for specific equipment held under lease for one year or more, the property being owned by other companies and held under lease or other agreement by the terms of which exclusive use and control for operating purposes are secured. The entire amount of rent payable by the lessee in accordance with the agreement shall be included in this account, whether paid to the lessor in cash or disbursed by the lessee, on behalf of the lessor, as interest on funded debt, guaranteed dividends on stock, or otherwise. (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: When taxes on leased property are assumed by the lessee the accruals of such taxes shall be included in the lessee's account 532, "Railway tax accruals."

NOTE B: If, under the terms of a lease, the deficit or any portion of it resulting from the lessee's operation of the property leased is payable by the lessor company, the amount shall be charged to account 509, "Income from lease of road and equipment," by the lessor and credited to this account by the lessee.

NOTE C: If property, the rent of which is chargeable to this account, is sublet by the accounting company to others, the rent from the sublease shall be credited to account 509, "Income from lease of road and equipment."

NOTE D: Payments for the exclusive use of road and equipment maintained by the lessor and used in the accounting company's operations (when considerable in amount and when not provided for in the classifications of operating expenses) shall be divided into two portions: One, representing cost of maintenance shall be charged to the appropriate maintenance accounts and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account.

NOTE E: When specific charges against the lessee are made by the lessor for repairs of equipment which is actually maintained by it the amount of such charges shall be appropriately credited by the lessor to its equipment repair accounts and charged by the lessee to the corresponding accounts.

§ 10.543 *Miscellaneous rents.* This account shall include rents payable accrued on property held by the accounting company under lease or other agreement and not properly chargeable to any of the foregoing accounts.

NOTE A: This account shall not include rents provided for in the operating expense accounts.

NOTE B: If property, the rent of which is chargeable to this account, is sublet by the accounting company to others, the rent from the sublease shall be credited to account 510, "Miscellaneous rent income."

NOTE C: Payments for the exclusive use of miscellaneous property maintained by the lessor and used by the accounting company shall be divided into two portions: One, representing the cost of maintenance, shall be charged to the appropriate operating accounts, and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account. The bill rendered by the creditor shall show the distribution of the payments as between maintenance and rent, and such distribution shall be adhered to by the debtor.

§ 10.544 *Miscellaneous tax accruals.* This account shall include all accruals for taxes not provided for elsewhere, such as taxes on securities owned, taxes on income from securities owned, and taxes on miscellaneous nonoperating physical property the cost of which is includible in balance-sheet account 705, "Miscellaneous physical property."

NOTE A: When the proper separation of any particular tax is not ascertainable the entire amount shall be included in account 532, "Railway tax accruals."

NOTE B: Taxes upon miscellaneous operating property shall be charged to account 535, "Taxes on miscellaneous operating property."

§ 10.545 *Separately operated properties; loss.* This account shall include amounts payable under the terms of agreements or contracts whereby the deficit resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, by the accounting company.

In determining the amount payable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deductions which affect that amount.

NOTE A: The amount receivable by the operating company shall be credited by it to account 518, "Contributions from other companies."

NOTE B: Dividends or other returns upon securities issued by separately operated companies and held or controlled by the accounting company shall not be included in this account to offset a deficit payable, but in accounts 513, "Dividend income"; 514, "Income from funded securities"; 515, "Income from unfunded securities and accounts," as may be appropriate.

§ 10.546 *Interest on funded debt.* This account shall include the current accruals of interest on all classes of long-term debt, the principal of which is includible in account 755, "Funded debt unmatured"; 755½, "Debt in default"; 756, "Receivers' and trustees' securities"; 756½, "Equipment obligations"; and 757, "Amounts payable to affiliated companies," also interest accruals on debenture stock. This account shall be kept in such form that the interest on debenture stock, on receivers' and trustees' securities, and on other classes of funded debt may be shown separately in the annual report to the Commission.

NOTE A: This account shall not include charges for interest on funded debt obligations issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds. (See account 552, "Income applied to sinking and other reserve funds.")

NOTE B: When funded debt is incurred for new lines or extensions, or for addition and betterment purposes, the accruals of interest on such funded debt (less interest received on unexpended balances), to the date of completion or coming into service of the property so acquired shall be included in the road and equipment accounts.

NOTE C: This account shall be maintained so as to show separately: (a) fixed interest which will be paid, or for which provision for payment will be made, when the interest matures; (b) interest in default; and (c) contingent interest determined to be payable.

§ 10.547 *Interest on unfunded debt.* This account shall include interest accrued on unfunded debt, such as short-term notes payable on demand or having dates of maturity one year or less from dates of issue, and open accounts including interest on overcharge claims, discount and expense on demand and short-term loans, interest on receipts outstanding for installments paid on capital stock, and other analogous items. The discount on short-term notes, if of a considerable amount, shall be distributed through equal monthly charges, over the term of the notes.

NOTE: When short-term notes or other evidences of unfunded indebtedness are issued for new lines or extensions or for addition and betterment purposes the accrual of interest to the date of completion or coming into service of the property shall be included in the road and equipment accounts.

§ 10.548 *Amortization of discount on funded debt.* This account shall be charged during each fiscal period with the proportion of the discount and expense on funded debt obligations applicable to that period. This proportion shall be determined according to a rule the uniform application of which through the interval between the date of sale and the date of maturity will extinguish the discount and expense on funded debt. The charge to this account for any period must not be either greater or less than the proportion of the balance remaining unamortized applicable to that period so long as any portion of the discount and expense remains unextinguished, except that if the total discount and expense applicable to any particular issue of securities does not exceed $25,000, the entire amount may be charged to this account at time of issue. (See § 10.08–3 *Discount expense and premium on funded debt.*)

§ 10.549 *Maintenance of investment organization.* This account shall include the directly assignable organization and administration expenses of the accounting company which are incident to its investments in leased or nonoperating physical property, and in stocks, bonds, or other securities.

ITEMS OF EXPENSE

Advertising annual reports (lessor companies only).
Calls for bonds in accordance with sinking fund provisions of mortgages.
Directors' fees.
Printing and mailing dividend checks.
Publishing and mailing annual reports and other corporate statements to shareholders.
Publishing notices of declaration of dividends.
Law expenses.
Office expenses.
Salaries of officers, clerks, and attendants.
Stationery and printing.

NOTE: Organization and administration expenses incident to railway operation are provided for in operating expense general account 450, "General."

§ 10.550 *Income transferred to other companies.* This account shall include the whole or any portion of the income of the accounting company payable to another company under the terms of agreements or contracts without obligation for reimbursement.

In determining the amount payable by the accounting company, consideration shall be given not only to operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE A: The amount receivable by the other company shall be credited by it to account 512, "Separately operated properties—Profit."

NOTE B: Dividends or other payments upon securities issued or assembled by the accounting company shall not be included in this account.

§ 10.551 *Miscellaneous income charges.* This account shall include all items in the nature of fixed charges properly chargeable to income account for a fiscal period not provided for elsewhere, such as "normal" and "additional" income tax upon the interest on accounting company's funded debt when assumed by it.

§ 10.552 *Income applied to sinking and other reserve funds.* This account shall include amounts applied to sinking and other reserve funds from income, whether definite appropriations from income; allotments or payments of definite amounts from income under the terms of mortgages, deeds of trust, or other contracts that provide for such allotments or payments; or accretions representing interest or other returns accrued on the contents of such funds and required to be retained therein.

NOTE A: The amounts charged to this account shall be concurrently credited to account 785, "Earned surplus—Appropriated."

NOTE B: Similar appropriations made from surplus shall be charged to profit and loss account 613, "Surplus applied to sinking and other reserve funds."

§ 10.553 *Dividend appropriations of income.* This account shall include amounts definitely declared payable from the income of the fiscal period, as dividends on actually outstanding capital stock issued or assumed by the accounting company, other than debenture stock. (See definition of the several classes of capital stock in balance-sheet account 751, "Capital stock.") If a dividend is not payable in cash the consideration shall be described in the entry with sufficient particularity to identify it.

This account shall be subdivided so as to show separately the dividends on the various subclasses of capital stock.

NOTE A: Interest accrued on debenture stock shall be charged to account 546, "Interest on funded debt."

NOTE B: This account shall not include charges for dividends on capital stock issued or assumed by the accounting company and owned by it, whether pledged as collateral, or held in its treasury, in special deposits, or in sinking or other reserve funds. (See account 552, "Income applied to sinking and other reserve funds.")

NOTE C: This account shall be used when the appropriations are definitely made chargeable to income. Similar appropriations made from surplus shall be charged to profit and loss account 614, "Dividend appropriations of surplus."

§ 10.554 *Income appropriated for investment in physical property.* This account shall include amounts definitely appropriated from income to be applied for the construction or acquisition of new lines and extensions and of additions to and betterments of property the cost of which is chargeable to road and equipment accounts or applied for the construction or acquisition of property the cost of which is includible in balance-sheet account 705, "Miscellaneous physical property."

Records of the accounting carrier shall be so kept that the appropriations charged to this account for any fiscal period may be distinguished as relating to (a) amounts expended during preceding fiscal periods, (b) amounts expended during the current fiscal period, and (c) amounts held in reserve.

The records shall also show separately appropriations for investment in road and equipment and for investment in miscellaneous physical property.

NOTE A: Similar appropriations made from surplus shall be charged to profit and loss account 615, "Surplus appropriated for investment in physical property."

NOTE B: The amounts charged to this account shall be concurrently credited to account 785, "Earned surplus—Appropriated."

§ 10.555 *Stock discount extinguished through income.* This account shall include amounts definitely appropriated from income to reduce or extinguish the amount of discount on capital stock issued by the accounting company. (See balance-sheet account 754, "Discount on capital stock.")

NOTE: Similar appropriations made from surplus shall be charged to profit and loss account 616, "Stock discount extinguished through surplus."

§ 10.556 *Miscellaneous appropriations of income.* Except as provided in account 552, "Income applied to sinking and other reserve funds," this account shall include amounts definitely appropriated from income for the discharge of the principal (less the discount, if any, suffered at the time of sale) of any indebtedness incurred in the acquisition or improvement of property carried in the road and equipment accounts; also amounts similarly appropriated to provide a reserve for doubtful accounts, and for other purposes not provided for elsewhere.

NOTE A: Similar appropriations made from surplus shall be charged to profit and loss account 618, "Miscellaneous appropriations of surplus."

NOTE B: The amounts charged to this account shall be concurrently credited to account 785, "Earned surplus—Appropriated."

§ 10.557 *Delayed income debits.* This account shall include delayed debit items and adjustments for which no provision has previously been made, relating to operating revenues, operating expenses, and income arising during the current year which are applicable to prior years, and which are relatively so large that their inclusion in the appropriate accounts of the current year would seriously distort the accounts for the year. (See § 10.02–3 *Delayed items.*)

NOTE: All entries in this account shall be made in such detail as will indicate the operating-revenue, operating-expense or income accounts to which they relate.

§ 10.560 *Form of income statement.* The classified form of income statement is designed to show the financial changes resulting from transportation operations and other business of the accounting company during any specified period.

OPERATING INCOME

Railway operating income

501. Railway operating revenues [1] ——
531. Railway operating expenses [1] ——
Net revenue from railway operations [2] ——
532. Railway tax accruals ——
Railway operating income [2] ——

Rent income

503. Hire of freight cars—Credit balance ——
504. Rent from locomotives ——
505. Rent from passenger-train cars ——
506. Rent from floating equipment ——
507. Rent from work equipment ——
508. Joint facility rent income ——
Total rent income ——

Rents payable

536. Hire of freight cars—Debit balance ——
537. Rent for locomotives ——
538. Rent for passenger-train cars ——
539. Rent for floating equipment ——
540. Rent for work equipment ——
541. Joint facility rents ——
Total rents payable ——
Net rents [2] ——
Net railway operating income [2] ——

OTHER INCOME

502. Revenues from miscellaneous operations ——
509. Income from lease of road and equipment ——
510. Miscellaneous rent income —— ——
511. Miscellaneous nonoperating physical property ——
512. Separately operated properties—Profit ——
513. Dividend income ——
514. Income from funded securities ——
515. Income from unfunded securities and accounts ——
516. Income from sinking and other reserve funds ——
517. Release of premiums on funded debt ——
518. Contributions from other companies ——
519. Miscellaneous income ——
520. Delayed income credits ——
Total other income ——
Total income [2] ——

MISCELLANEOUS DEDUCTIONS FROM INCOME

534. Expenses of miscellaneous operations ——
535. Taxes on miscellaneous operating property ——
543. Miscellaneous rents ——
544. Miscellaneous tax accruals ——
545. Separately operated properties—Loss ——
549. Maintenance of investment organization ——
550. Income transferred to other companies ——
551. Miscellaneous income charges ——
557. Delayed income debits ——
Total miscellaneous deductions ——
Income available for fixed charges [2] ——

FIXED CHARGES

542. Rent for leased roads and equipment ——
546. Interest on funded debt
(a) Fixed interest not in default ——
(b) Interest in default ——
547. Interest on unfunded debt ——
548. Amortization of discount on funded debt ——
Total fixed charges ——
Income after fixed charges [2] ——

CONTINGENT CHARGES

552. Income applied to sinking and other reserve funds
(a) Income applied to capital funds under Governmental authority or other arrangements ——
(b) Increments to other special funds required to be retained therein and not subject to withdrawal except for purposes of the funds ——
546. Interest on funded debt
(c) Contingent interest ——
Total contingent charges ——
Net income after fixed charges and other deductions [2] ——

DISPOSITION OF NET INCOME

552. Income applied to sinking and other reserve funds
(c) Appropriations, allotments, and payments of definite amounts to funds from income not includible in 552 (a) or 552 (b) ——
553. Dividend appropriations of income ——
554. Income appropriated for investment in physical property ——
555. Stock discount extinguished through income ——
556. Miscellaneous appropriations of income ——
Total appropriations of income ——
602. Balance of income transferred to Profit and Loss [2] ——

SUPPLEMENTARY STATEMENT OF SPECIFIED INCOME ITEMS

Net railway operating income ——
Add depreciation—Way and structures ——
Add depreciation—Equipment —— ——
Add amortization of defense projects—Road —— ——
Add amortization of defense projects—Equipment —— ——
Net railway operating income before depreciation and amortization of defense projects ——
Net income ——
Add Federal income taxes ——
Net income before Federal income taxes ——
Net income ——
Add depreciation—Way and structures ——
Add depreciation—Equipment ——
Add amortization of defense projects—Road —— ——
Add amortization of defense projects—Equipment —— ——
Add Federal income taxes —— ——
Net income before depreciation, amortization of defense projects, and Federal income taxes ——

[1] Includes operations of Water Lines, if any.
[2] If a loss the amount shall be shown in red.

PROFIT AND LOSS

§ 10.07 *Special instructions.* This group of accounts forms the connecting link between the income accounts and general balance sheet account 786, "Earned surplus — Unappropriated." They are designed to show the changes in earned surplus during each fiscal period as affected by the balance of the income accounts as reported for the period; by any disposition of earned surplus made at the option of the carrier; and by miscellaneous gains and losses not accounted for elsewhere.

PROFIT AND LOSS ACCOUNTS

CREDIT

§ 10.601 *Credit balance (at beginning of calendar year).* This account shall include the net credit balance in the earned surplus account at the beginning of the calendar year.

§ 10.602 *Credit balance transferred from income.* This account shall show the net credit balance brought forward from the income account for the calendar year.

§ 10.607 *Miscellaneous credits.* This account shall include amounts, not provided for elsewhere, transferred from other accounts to profit and loss, and amounts representing increases of resources not properly assignable to the income accounts. Among the items which shall be included in this account are:

Adjustments or cancellations of balance-sheet accounts, relating to profit and loss accounts,

Cancellation of balance-sheet accounts representing unclaimed wages and vouchered accounts written off because of carrier's inability to locate the creditor.

Profit from the sale of land carried in account 701, "Road and equipment property," (see § 10.01–10 *Land retired*),

Profit derived from the sale of investment securities,

Profit derived from the sale of property carried in balance-sheet account 705, "Miscellaneous physical property,"

Credits resulting from adjustments required to bring to par funded debt securities issued or assumed by the accounting company and reacquired at a cost less than the par value,

Unreleased premiums on funded debt reacquired before maturity (see § 10.08–3 *Discount, expense, and premium on funded debt*),

Collection of old accounts previously written off to profit and loss.

DEBIT

§ 10.611 *Debit balance (at beginning of calendar year).* This account shall include the net debit balance in the earned surplus account at the beginning of the calendar year.

§ 10.612 *Debit balance transferred from income.* This account shall show the net debit balance brought forward from the income account for the calendar year.

§ 10.613 *Surplus applied to sinking and other reserve funds.* This account shall include amounts definitely appropriated from earned surplus and applied to sinking and other reserve funds; and allotments or payments of definite amounts from earned surplus into sinking and other reserve funds under the terms of mortgages, deeds of trust, or other contracts that provide for such allotments or payments.

NOTE A: The amounts charged to this account shall be concurrently credited to account 785, "Earned surplus—Appropriated."

NOTE B: Similiar appropriations made from income shall be charged to income account 552, "Income applied to sinking and other reserve funds."

§ 10.614 *Dividend appropriations of surplus.* This account shall include amounts definitely declared payable from earned surplus as dividends on actually outstanding capital stock issued or assumed by the accounting company, other than debenture stock. (See definition of the several classes of capital stock in balance-sheet account 751, "Capital stock.") If a dividend is not payable in cash the consideration shall be described in the entry with sufficient particularity to identify it.

This account shall be subdivided so as to show separately the dividends on the various subclasses of capital stock.

NOTE A: Interest accrued on debenture stock shall be charged to income account 546, "Interest on funded debt."

NOTE B: This account shall not include charges for dividends on capital stock issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds. (See account 613, "Surplus applied to sinking and other reserve funds.")

NOTE C: Similar appropriations made from income shall be charged to income account 553, "Dividend appropriations of income."

§ 10.615 *Surplus appropriated for investment in physical property.* This account shall include amounts definitely appropriated from earned surplus, to be applied for the construction or acquisition of new lines and extensions and of additions to and betterments of property the cost of which is includible in the road and equipment accounts or applied for the construction, acquisition, or improvement of property the cost of which is includible in balance-sheet account 705, "Miscellaneous physical property."

Records of the accounting carrier shall be so kept that the appropriations charged to this account for any fiscal period may be distinguished as relating to (a) amounts expended during preceding fiscal periods, (b) amounts expended during the current fiscal period, and (c) amounts held in reserve.

NOTE A: Similar appropriations made from income shall be charged to income account 554, "Income appropriated for investment in physical property."

NOTE B: The amounts charged to this account shall be concurrently credited to account 785, "Earned surplus—Appropriated."

§ 10.616 *Stock discount extinguished through surplus.* This account shall include amounts definitely appropriated from earned surplus to reduce or extinguish the amount of discount on capital stock issued by the accounting company. (See § 10.08–2 *Discount, premium, and assessment on capital stock.*)

NOTE: Similar appropriations made from income shall be charged to income account 555, "Stock discount extinguished through income."

§ 10.618 *Miscellaneous appropriations of surplus.* This account shall include amounts definitely appropriated from earned surplus to provide a reserve for doubtful accounts and, except as provided in account 613, "Surplus applied to sinking and other reserve funds," for the discharge of the principal (less the discount, if any, suffered at the time of sale) of any indebtedness incurred in the acquisition or improvement of property carried in the road and equipment accounts; also other amounts appropriated from surplus and not provided for elsewhere.

NOTE A: Similar appropriations made from income shall be charged to income account 556, "Miscellaneous appropriations of income."

NOTE B: The amounts charged to this account shall be concurrently credited to account 785, "Earned surplus—Appropriated."

§ 10.621 *Miscellaneous debits.* This account shall include amounts, not provided for elsewhere, chargeable to profit and loss from other accounts, amounts written off in consequence of adjustments, and payments not properly chargeable to the income accounts. Among the items which shall be charged to this account are:

Adjustments or cancellations of balance-sheet accounts, relating to profit and loss accounts,

Losses resulting from the sale of investment securities,

Losses resulting from the sale, destruction, or abandonment of property carried in balance-sheet account 705, "Miscellaneous physical property,"

Debits resulting from adjustments required to bring to par funded debt securities issued or assumed by the accounting company and reacquired at a cost exceeding the par value,

Adjustments of the difference between the ledger value of land credited to account 701, "Road and equipment property," and the estimated value thereof charged to account 705, "Miscellaneous physical property" (see § 10.01–10 *Land retired*),

Loss from the sale of land carried in account 701, "Road and equipment property" (see § 10.01–10 *Land retired*),

Discount on capital stock remaining unextinguished at the time of its reacquisition, resale, or retirement if in excess of the pro rata portion includible in unearned surplus,

Unextinguished discounts on funded debt reacquired before maturity,

Payments of old accounts previously written off to profit and loss,

Penalties and fines for violation of the Interstate Commerce Act, or other Federal laws, when not specifically provided for elsewhere.

GENERAL BALANCE SHEET

§ 10.08 *Special instructions.*

§ 10.08–1 *Balance sheet accounts.* Balance sheet accounts are intended to disclose the financial condition of the carrier as of a given date by showing the assets, liabilities, capital stock, and related items and surplus or deficit of the carrier.

§ 10.08–2 *Discount, premium, and assessment on capital stock.* Separate ledger accounts shall be provided for each subclass of capital stock issued or assumed by the accounting company to cover discount suffered and premium realized at the sale or resale of capital stock. General levies or assessments against stockholders shall be credited to the appropriate ledger accounts for the subclass of capital stock against which the levy or assessment is made.

The total of net debit balances in these ledger accounts shall be included in account 754, "Discount on capital stock," and the total of net credit balances in account 753, "Premiums and assessments on capital stock."

By the term "discount" is meant the excess of the par value of stocks issued or assumed, plus dividends declared and accrued at the date of sale, over the money value of the consideration receive at their sale.

By the term "premium" is meant the excess of the money value of the consideration received at the sale of stocks over the sum of their par value and dividends declared and accrued at the date of sale.

Discount on each subclass of capital stock may be offset or reduced by charges to account 753, "Premiums and assessments on capital stock," t the extent that net gains from premiums or assessments have been included therein or to subaccount 784.1, "Paid-in surplus," to the extent that net gains from reacquisition and resale or retirement of capital stock applicable to such subclass have been included therein. Any remaining discount may be amortized by charges to account 555, "Stock discount extinguished through income"; account 616, "Stock discount extinguished through surplus"; or discount may be retained and carried in account 754, "Discount on capital stock," until the stock to which the discount applies is retired.

In case the accounting company is permitted and elects with the approval of the Commission, to distribute all or any part of the net balance of paid-in surplus to its stockholders, the amount thus distributed shall be charged to subaccount 784.1, "Paid-in surplus."

When an issue of capital stock, or any part thereof, is reacquired either by purchase or through donations by shareholders, and is not canceled, it shall be charged at its par value or if stock without par value at the proportionate amount at which the particular class of stock is included in account 751, "Capital stock," account 703, "Sinking funds"; 704, "Capital and other reserve funds"; 721, "Insurance and other funds"; 728, "Securities issued or assumed—Unpledged"; or 729, "Securities issued or assumed—Pledged," as may be appropriate.

The difference between the amount at which such reacquired stock was recorded in account 751, "Capital stock," and the amount paid by the accounting company for such stock, including any premium or discount applicable to such subclass carried in account 753, "Premiums and assessment on capital stock," or in account 754, "Discount on capital stock," and the commissions and expense in connection with its reacquisition shall be included in subaccount 784.1, "Paid-in surplus"; *Provided, however,* That the excess of a debit over the amount of accumulated net gains applicable to such subclass included in paid-in surplus shall be charged to account 621, "Miscellaneous debits."

When reacquired capital stock is resold the difference between the amount at which such stock is included in a particular asset account and the net sale price realized when resold shall be included in subaccount 784.1, "Paid-in surplus"; *Provided, however,* That the excess of a debit over the amount of accumulated net gains applicable to each subclass of capital stock resold included in paid-in surplus shall be charged to account 621, "Miscellaneous debits."

In no case shall discount on capital stock be charged to or included in any account as a part of the cost of acquiring property or as a part of the cost of operation.

§ 10.08–3 *Discount, expense, and premium on funded debt.* Ledger accounts shall be provided to cover the discounts, expense, and premiums at the sale or resale of each subclass of funded debt and of receivers' and trustees' securities issued for the benefit of or assumed by the company. For explanation of "subclass" see account 755, "Funded debt unmatured."

By the term "discount" is meant the excess of the par value of funded debt securities (of whatever kind) issued or assumed, and the accrued interest thereon, over the actual cash value of the consideration received for such securities.

By the term "premium" is meant the excess of the actual cash value of the consideration received for funded debt securities (of whatever kind) issued or assumed over the par value of such securities and the accrued interest thereon.

By the term "expense" is meant all expense in connection with the issue and sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees for issuing or recording mortgages and trust deeds; cost of engraving and printing bonds, certificates of indebtedness, and other negotiable paper having a life of more than one year; fees paid trustees provided for in mortgages and trust deeds; fees paid for legal services to trustees relative to mortgage securities; fees and commissions paid underwriters and brokers for marketing such evidences of debt; and other like expense except taxes for issuing or recording mortgages and trust deeds and for issuing bonds or other evidences of long term debt which shall be charged to account 532, "Railway tax accruals."

The total of the net debit balances remaining in these several accounts should be included in account 725, "Discount on funded debt," and the total of the net credit balances in account 772, "Premium on funded debt."

Each fiscal period there shall be charged to income account 548, "Amortization of discount on funded debt," a proportion (based upon the ratio of such fiscal period to the remaining life of the respective securities reckoned from the beginning of the period to the date of maturity of the debt to which the charges relate) of each of the debit balances in these accounts, and correspondingly there shall be credited to income account 517, "Release of premiums on funded debt," a similar proportion of each of the credit balances in these accounts. When the total discount and expense applicable to any particular issue of securities does not exceed $25 000, carriers may charge the entire amount to account 548, "Amortization of discount on funded debt," at time of issue.

When any funded debt which has been actually issued to bona fide holders for value is reacquired by the accounting company, that proportion of the balance remaining in the accounts containing discount, expense, and premium on funded debt for the subclass of the security reacquired applicable to the portion reacquired shall be credited or charged thereto, as may be appropriate, and concurrently charged or credited to profit and loss. Such proportion shall be based upon the ratio of the par value of the security reacquired to the par value of all the securities of the subclass actually outstanding immediately before such reacquirement.

In case, however, the premium realized or discount suffered at the prior sale of the securities reacquired has been included (in excess of the amount authorized in the text of road and equipment account 76, "Interest during construction") in an asset account other than the premiums and discounts account, such asset account shall be concurrently adjusted through profit and loss to the extent of such excess of the premium or discount previously included therein with respect to the securities reacquired.

Except as provided for in road and equipment account 76, "Interest during construction," no discount and expense on funded debt shall be charged to or included in any account as a part of the cost of acquiring any property, tangible or intangible, or as a part of the cost of operation.

§ 10.08–4 *Contingent assets and liabilities.* Contingent assets and liabilities shall not be included in the body of the balance-sheet statement, but shall be shown in detail in a supplementary statement accompanying the balance-sheet statement. Contingent assets are those without value to the accounting company until the fulfillment of conditions regarded as uncertain. Contingent liabilities include items which may, under certain conditions, become obligations of the company, but are neither direct nor assumed obligations on the date of the balance sheet.

§ 10.08–5 *Book value of securities owned.* (a) The investment in securities other than those issued or assumed by the accounting company shall be recorded in these accounts at the money value, at the time of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends. The accounting company shall write down the ledger value of any securities to the extent of impairment in their value. Fluctuations in market value shall not be recorded however. Securities shall be written down to reflect anticipated loss in value or written off entirely if there be no reasonable prospect of realizing any value whatever therefrom. Adjustments in the ledger values of securities shall not be delayed beyond the year in which a loss is claimed for income tax purposes. In accordance with paragraph (c) of this section carriers may create reserves from surplus to cover such reductions in value. Under no circumstances shall the investment in the securities be stated in these accounts at an amount in excess of their cost to the accounting company.

(b) The amount of the adjustment shall be charged to account 621, "Miscellaneous debits."

(c) Carriers may create reserves from surplus to provide for depreciation in the value of securities owned and recorded in accounts 706, "Investments in affiliated companies," and 707, "Other investments," by charges to account 621, "Miscellaneous debits." See account 707½, "Reserve for adjustment of investment in securities."

§ 10.08–6 *Income from sinking fund assets.* Accrued interest on uninvested sinking fund cash on deposit in banks or trust companies, and accrued interest and other income arising from stocks, bonds, or other assets held in sinking and reserve funds shall be credited to account 516, "Income from sinking and other reserve funds," and when required by the mortgage or other provision to be held in the funds shall be charged, according to the character of the funds, to account 703, "Sinking funds," or to account 721, "Insurance and other funds," and concurrently, if a reserve is required, an equal amount shall be charged to income account 552, "Income applied to sinking and other reserve funds," and credited to account 785, "Earned surplus—appropriated."

§ 10.08–7 *Current assets.* In the group of accounts designated as current assets (accounts 708 to 719, inclusive) shall be included cash, those assets which are readily convertible into cash or are held for current use in operations, current claims against others and amounts accruing to the carrier which are subject to current settlement. There shall not be included in this group of accounts any item the collection of which is not reasonably assured by the known financial condition of the debtor. Items of current character but of doubtful value previously credited to operating revenue, operating expense or income accounts shall be written down or written off by charging those accounts. If there has been any impairment in value, such items shall be included in account 722, "Other deferred assets," at an amount not in excess of a reasonable estimate of future value. If it is desired to retain a record of assets written off they shall be recorded at a nominal value in account 722, "Other deferred assets."

§ 10.08–8 *Joint liabilities.* The accounting company shall state as a liability in its balance sheet the difference between the total par value of securities jointly or severally issued by it and others and the portion of such liability which, under the joint arrangement, it is expected will be liquidated by the other party or parties to the joint arrangement. The amount of the jointly or severally issued securities it is expected will be liquidated by the other party or parties shall be shown as a contingent liability in accordance with § 10.08–4 *Contingent assets and liabilities.*

§ 10.08–9 *Surplus.* Records shall be maintained in such manner as to show two major divisions of surplus:

1. Unearned surplus.
2. Earned surplus.

Unearned surplus and earned surplus shall be segregated and clearly differentiated, and no transfer shall be made from the former to the latter, either directly by credits to earned surplus representing gains on transactions in the accounting company's own capital stock, or indirectly by charges against unearned surplus to cover losses, write-downs, chargeoffs, or dividend distributions unless specifically allowed and approved by the Commission.

The carrier shall maintain account 784, "Unearned surplus"; account 785, "Earned surplus—appropriated"; and account 786, "Earned surplus—unappropriated." Surplus shall be segregated so far as practicable, into "Unearned surplus," "Earned surplus—appropriated," and "Earned surplus—unappropriated," and any unsegregated balance shall be included in a subaccount under account 786, "Earned surplus—Unappropriated."

GENERAL BALANCE SHEET ACCOUNTS

DEBIT

§ 10.701 *Road and equipment property.* This account, except in connection with the acquisition of transportation property as provided for in accounts 701½A, "Acquisition adjustment" and 702½B, "Donations and grants," shall include the acounting company's investment in road and equipment (including that held under contract for purchase), used or held for use as transportation property in existence at the date of the balance sheet.

When property is retired from service this account shall be credited with the ledger value of the property retired. (See § 10.01–6 *Items to be credited.*)

NOTE A: This account shall not include any items representing titles to securities.

NOTE B: When any equipment is acquired under an agreement which provides that the cost shall be paid in installments, the cost (its money value at time of purchase) shall be charged to the apropriate road and equipment accounts at the time the equipment is delivered to the carrier, and included in this account in the same manner as the cost of equipment purchased outright. When the par value of notes or other securities issued in payment, or in part payment, for such equipment is more (or less) than the actual cash value of the equipment at the time of the purchase, or of the proportion to which the securities are applicable, the difference between the par value of the securities and the actual cash value of the equipment, or of the proportion paid for by the securities, shall be charged (or credited) to the proper discount and premium accounts.

NOTE C: Held for use, as referred to above, implies the ability of the carrier to substantiate by plans or policy its characterization of the probable future use which is to be made of the property within a reasonable period of time.

§ 10.702 *Improvements on leased property.* This account, except in connection with the acquisition of transportation property as provided for in accounts 702½A, "Acquisition adjustment" and 702½B, "Donations and grants," shall include the cost of improvements made by the lessee to property which is held under lease from others or through control of the company owning the property, where such improvements are used by the lessee in transportation service, and the lessee is not to be reimbursed by the lessor for such improvements.

When the cost of improvements made by the lessee is to be refunded by the lessor periodically during the term of the lease agreement or at the termination thereof, and provided further that in the meantime the lessor company does not include the cost of such improvements in account 701, "Road and equipment property," the lessee shall include the cost thereof in this account.

When leased property is retired from service this account shall be credited with the ledger value of any improvements thereto the cost of which has been included in this account, and also with the amount representing the liability of the carrier to the lessor or owner for any property retired that has been used in transportation service and was held under lease or through control of the company owning the property.

The carrier's records shall be kept in such manner as to show the debits and credits to this account in accordance with the provisions for road and equipment.

NOTE A: This account shall not include any items representing titles to securities.

NOTE B: When the lessor company includes in account 701, "Road and equipment property," the cost of improvements made by the lessee to property leased by it from the lessor and settlement is not made at the time for the cost thereof, the lessee, pending settlement with the lessor, shall include the cost thereof in account 706, "Investments in affiliated companies," or 707, "Other investments," as may be appropriate.

§ 10.702½A *Acquisition adjustment.* This account shall be charged with the cost of a railway or portion thereof acquired since January 1, 1938, as an operating entity or system by purchase, merger, consolidation, reorganization, receivership sale or transfer, or otherwise. If the consideration or a part thereof given for the property acquired consists of securities issued by the accounting carrier, the cash value thereof for the purpose of determining the cost to be charged to this account shall be the sum of the par value of securities having par values and the stated or assigned values of no par securities as determined and approved by the Commission. Where the consideration given for the property acquired is other than cash or securities issued by the accounting carrier, such consideration shall be valued on a current cash basis.

The accounting for assets acquired and liabilities assumed shall then be as follows:

(a) Assets acquired, except property includible in accounts 701, "Road and equipment property," or 702, "Improvements on leased property," and liabilities assumed shall be recorded in their appropriate accounts in the manner provided for in classification of general balance sheet accounts.

(b) Property includible in primary road and equipment accounts 1 and $2\frac{1}{2}$ to 58, inclusive, and 72 to 77, inclusive, shall be recorded in those accounts at original cost or estimated original cost as found by the Bureau of Valuation.

(c) In the primary road and equipment account 2, there shall be recorded the original cost of lands owned by predecessor carrier or carriers at basic valuation date as reported under Valuation Order No. 7, dated November 21, 1914, and included in the Commission's basic valuation reports. Any lands so reported without cost except those donated shall be estimated by the accounting company, which will be subject to verification by the Bureau of Valuation. To this shall be added the cost at the time of dedication to public use of any lands acquired since the basic valuation date.

(d) In the primary road and equipment account 71, there shall be recorded the expenditures incident to the organization or reorganization of the accounting company.

(e) The money outlay expended by a predecessor carrier or carriers for additions and betterments to property leased from other companies whose physical properties are not included in the reorganization, shall be transferred to account 702, "Improvements on leased property," in the amounts recorded in that account on the books of the predecessor carrier or carriers.

(f) The amounts thus recorded in primary accounts 1 to 77, inclusive, shall be concurrently charged to balance sheet accounts 701, "Road and equipment property," or 702, "Improvements on leased property," as appropriate.

(g) Balances in accounts $702\frac{1}{2}$C, "Accrued depreciation—Road," $702\frac{1}{2}$D, "Accrued depreciation—Equipment," and 779, "Accrued depreciation—Leased property," carried on the books of the predecessor carrier or carriers as of the date of acquisition or reorganization shall be carried over and recorded in the respective accounts on the books of the accounting company. To the extent that a credit balance is available in this account, the accounting company shall credit account $702\frac{1}{2}$C, "Accrued depreciation—Road," and charge this account with the estimated amount by which the balance in account $702\frac{1}{2}$C, "Accrued depreciation—Road," appears to be deficient with respect to past accrued depreciation on depreciable road property included in account 701, "Road and equipment property."

(h) This account shall concurrently be debited or credited, as appropriate, to offset assets and liability items recorded in accordance with paragraphs (a) to (g), inclusive, of this section.

(i) To the extent that a credit balance is available in this count, if so authorized upon application to the Interstate Commerce Commision, retirement of nondepreciable property in existence at the date of acquisition or reorganization which is not replaced may be charged hereto if the loss is not assignable to operations subsequent to date of acquisition or reorganization. Other charges to this account may be made upon specific approval by the Commission.

NOTE: The accounting company shall be prepared to furnish the Interstate Commerce Commission with a full report of the contract of organization and a statement showing in detail the consideration given for the property acquired. It shall procure in connection with the organization all existing records, memoranda and accounts in possession or control of the grantor relating to construction and improvement of the property acquired and shall preserve such records, memoranda and accounts until authorized by law to destroy or otherwise dispose of them.

Where the records, memoranda and account are so involved with other records, memoranda and accounts of the grantor as to make this transfer impracticable, certified copies shall be procured and retained by the accounting company; the verity of the copies should be certified by the custodian of the originals.

§ 10.$702\frac{1}{2}$B *Donations and grants.* This account shall be credited with grants obtained from governmental agencies, and with donations from individuals and others in connection with the construction or acquisition of property the cost of which is chargeable to accounts 701, "Road and equipment property," and 702, "Improvements on leased property." (See "Cost," under paragraph (c) of § 10.01–2 *Items to be charged.*)

§ 10.$702\frac{1}{2}$C *Accrued depreciation; road.* (a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the loss in service value of depreciable road property; also with any balance in account 776, "Accrued depreciation—Road and equipment," as of December 31, 1944, for depreciation of road property. It shall also include amounts which the Commission may authorize the accounting company to credit to account 607, "Miscellaneous credits," or charge to account 621, "Miscellaneous debits," or to account $702\frac{1}{2}$A, "Acquisition adjustment," in respect to past accruals of depreciation.

(b) At the time of the retirement of each unit of depreciable road property, this account shall be charged with the entire service value of the unit retired or minor item retired and not replaced.

(c) For balance sheet purposes, this account shall be treated as a single composite reserve for road property. However, for purposes of analysis, the accounting company shall maintain subsidiary records in which this reserve is broken down into components corresponding to the primary accounts for depreciable road property. These subsidiary records shall show the current debits and credits to this reserve by primary accounts. (See § 10.04–8 *Depreciation accounting; road property.*)

§ 10.$702\frac{1}{2}$D *Accrued depreciation; equipment.* (a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the loss in service value of equipment; also with any balance in account 776, "Accrued depreciation—Road and equipment," as of December 31, 1944, for depreciation of equipment. It shall also include amounts which the Commission may authorize the accounting company to credit to account 607, "Miscellaneous credits," or charge to account 621, "Miscellaneous debits," or to account $702\frac{1}{2}$A, "Acquisition adjustment," in respect to past accruals of depreciation.

(b) At the time of the retirement of each unit of equipment this account shall be charged with the entire service value of the unit retired or minor item retired and not replaced.

(c) For balance sheet purposes, this account shall be treated as a single composite reserve for equipment. However, for purposes of analysis, the accounting company shall maintain subsidiary records in which this reserve is broken down into components corresponding to the primary accounts for equipment. These subsidiary records shall show the current debits and credits to this reserve by primary accounts. (See § 10.04–24 *Depreciation accounting; equipment.*)

§ 10.$702\frac{1}{2}$E *Accrued amortization of defense projects; road.* This account shall be credited with amounts charged to account $270\frac{1}{2}$, "Road—Amortization of defense projects," to cover the amortization of road property, the cost of which is included in account 701, "Road and equipment property," or account 702, "Improvements on leased property." (See also Note B to account $270\frac{1}{2}$.) This account shall be charged with the credit balance herein applicable to specific road property at the time the property is retired.

§ 10.$702\frac{1}{2}$F *Accrued amortization of defense projects; equipment.* This account shall be credited with amounts charged to account $331\frac{1}{2}$, "Equipment—Amortization of defense projects," to cover the amortization of equipment, the cost of which is included in account 701, "Road and equipment property," or account 702, "Improvements on leased property." (See also Note B to account $331\frac{1}{2}$.) This account shall be charged with the credit balance herein applicable to specific equipment at the time the equipment is retired.

§ 10.703 *Sinking funds.* This account shall include the amount of cash, the ledger value of live securities of other companies, and other assets which are held by trustees of sinking and other funds for the purpose of redeeming outstanding obligations, including such assets so held in the hands of the accounting company's treasurer when the assets are segregated in a distinct fund; also amounts deposited with such trustees on account of mortgaged property sold the proceeds of which are to be held for the redemption of securities, and the par value or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of live securities issued or assumed by the accounting company and held in such funds. A separate account shall be kept for each fund. The title of each such account shall designate the obligation in support of which the fund is created.

NOTE: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

§ 10.704 *Capital and other reserve funds.* This account shall include the amounts of cash and the ledger value of other assets segregated for capital purposes other than sinking funds. A separate account shall be kept for each fund.

(a) The account shall be charged with:

(1) Funds that have been realized from the sale of equipment obligations and other long-term obligations and that have not been applied toward the specific purposes for which the obligations were incurred;

(2) Funds deposited with trustees to be held until mortgaged property sold is replaced;

(3) The ledger value of assets held by trustees, or by the accounting company's treasurer when segregated in a distinct fund or funds, which have been set aside in accordance with governmental, mortgage, or contractual requirements in connection with reorganizations or otherwise.

(b) The account shall be credited with:

(1) Direct expenditures from the funds;

(2) Amounts transferred to sinking funds;

(3) The ledger value of assets of the character indicated in paragraph (a) (3) of this section, by transfer to the appropriate current asset account, when the assets are definitely assigned in advance of expenditure to the payment of interest or other recorded current liabilities.

NOTE: An appropriate record shall be maintained with respect to securities issued or assumed by the accounting company and held in the funds, identifying those that are nominally issued or nominally outstanding.

NOTE B: Funds specifically set aside for sinking fund purposes shall be included in account 703, "Sinking funds." If one purpose of a capital fund is to provide contributions to a sinking fund under specified conditions, the entire amount of the fund shall be included in this account until the contributions to the sinking fund are made, at which time the amounts thereof shall be transferred to account 703, "Sinking funds."

§ 10.$704\frac{1}{2}$ *Maintenance funds.* This account shall be charged with the amounts of cash on special deposit and the cost of United States Treasury securities that have been set aside to be held by the accounting company's treasurer until disbursed in settlement of charges incurred for deferred maintenance of way and structures and equipment due to priorities of material and supplies or shortage of labor, also charges incurred for major repairs to equipment that are usually made at intervals of several years.

It shall be credited with withdrawals therefrom as disbursements are made for the purposes for which the funds were set aside.

§ 10.705 *Miscellaneous physical property.* This account shall include the accounting company's investment in physical property other than property assignable to accounts 701 and 702, including hotels, restaurants, power plants, etc., which are not operated by the accounting company or another carrier in connection with its transportation service.

ITEMS OF INVESTMENT

Coal and other mines.
Commercial power plants.
Hotels and restaurants.
Lands and buildings not used in transportation operations.
Lands and other property acquired and held in anticipation of future use.
Mineral and timber lands.
Rails and other track material leased to others.
Saw mills and other manufacturing plants not operated in connection with transportation service.

§ 10.$705\frac{1}{2}$ *Accrued depreciation; miscellaneous physical property.* This account shall be credited with amounts charged to income or other accounts to cover the depreciation of property the cost of which is included in account 705, "Miscellaneous physical property."

When any miscellaneous physical property is destroyed, sold, or otherwise retired from service, the amount included in this account with respect to the property retired shall be charged hereto.

§ 10.706 *Investments in affiliated companies.* This account shall include the ledger value of the accounting company's investment in securities issued or assumed by affiliated companies other than securities held in special deposits or special funds, and also investment advances made to affiliated companies. (See § 10.08–5 *Book value of securities owned.*)

This account shall be maintained in such manner as to show each of the following classes of investment in each affiliated company:

(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.

A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A: Accounts with affiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, but if settlement is deferred beyond one year such items shall be transferred to account 722, "Other deferred assets."

NOTE B: The term "affiliated companies" includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement.

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

NOTE C: The value of securities borrowed by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 703, "Sinking funds," 704, "Capital and other reserve funds," or 721, "Insurance and other funds," as may be appropriate.

§ 10.707 *Other investments.* This account shall include the ledger value of the accounting company's investment in securities issued or assumed by nonaffiliated companies other than securities held in special deposits or special funds; also investment advances made to nonaffiliated companies and to individuals. (See § 10.08–5 *Book value of securities owned.*)

This account shall be maintained in such manner as to show each of the following classes of investment in each nonaffiliated company:

(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.

A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A: Accounts with nonaffiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, but if settlement is deferred beyond one year such items shall be transferred to account 722, "Other deferred assets."

NOTE B: The term "nonaffiliated companies" includes all companies other than those defined as affiliated in NOTE B of account 706, "Investments in affiliated companies."

NOTE C: The value of securities borrowed by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 703, "Sinking funds," 704, "Capital and other reserve funds," or 721, "Insurance and other funds," as may be appropriate.

§ 10.707½ *Reserve for adjustment of investment in securities.* This account shall include the total of the balances in such reserves as are maintained by the accounting company for the purpose of providing for reductions in the value of securities owned and recorded in accounts 706, "Investments in affiliated companies," or 707, "Other investments." Corresponding charges shall be made to account 621, "Miscellaneous debits." (See paragraph (c) of § 10.08–5 *Book value of securities owned.*)

If reserves are maintained in provision for anticipated losses in specific securities, when the related assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extent of the credit balance in the account applicable to the particular securities involved, and the remainder, if any, shall be charged to account 621, "Miscellaneous debits." In case a general reserve for losses in unspecified security values is maintained, all such losses resulting from write-downs, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 621, "Miscellaneous debits."

§ 10.708 *Cash.* This account shall include money, checks, sight drafts, and sight bills of exchange in the hands of the accounting company's financial officers and agents, or in transit from its agents and conductors for which such agents and conductors have received credit. It shall include also, deposits with banks and trust companies available for use on demand, and savings accounts subject to the usual clause reserving the right to defer payment for a specified number of days. (See § 10.08–7 *Current assets.*)

§ 10.709 *Temporary cash investments.* This account shall include the cost of securities and other collectible obligations acquired for the purpose of temporarily investing cash, such as United States Treasury certificates, marketable securities, time drafts receivable, demand loans, time loans, time deposits with banks and trust companies, and other similar investments of a temporary character.

§ 10.711 *Special deposits.* This account shall include the unexpended balances in funds deposited specifically for the payment of dividends, interest, or other recorded current liabilities. (See § 10.08–7 *Current assets.*)

§ 10.712 *Loans and bills receivable.* This account shall include the book value of all collectible obligations in the form of demand or time loans and bills receivable, or other similar evidences (except interest coupons) of money receivable within a time not exceeding one year from date of issue. (See § 10.08–7 *Current assets.*)

NOTE A: Obligations held as investments which mature more than one year after date of issue shall be included in accounts 706, "Investments in affiliated companies"; or 707, "Other investments," as may be appropriate.

NOTE B: Loans and bills receivable acquired for the purpose of temporarily investing cash shall be included in account 709, "Temporary cash investments."

§ 10.713 *Traffic and car-service balances—Dr.* This account shall include the net of the balances receivable from or payable to other companies in the accounts representing interline freight, passenger, and baggage revenues, and charges for equipment interchanged on a per diem or a mileage basis, when such balances result in a net debit.

NOTE A: When the net of the balances is a credit it shall be included in acount 759, "Traffic and car-service balances—Cr."

NOTE B: The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain currently separate subaccounts under the following captions:

713 and 759 (a) Interline freight, balance.
713 and 759 (b) Interline passenger, balance.
713 and 759 (c) Interline baggage, balance.
713 and 759 (d) Equipment interchanged, balance.

§ 10.714 *Net balance receivable from agents and conductors.* This account shall include the net balance due in current accounts from agents, from train, sleeping car, and dining car conductors, and from train collectors, train auditors, porters, and other employees and representatives charged with the collection or custody of current revenues. (See § 10.08–7 *Current assets.*)

NOTE: Amounts advanced to general and special agents as working funds shall not be included in this account, but in account 720, "Working fund advances."

§ 10.715 *Miscellaneous accounts receivable.* This account shall include amounts due in audited accounts considered good, such as those due from the United States or other Governments for the transportation of malls and Government property, and from express companies for express facilities furnished under contract; amounts due from other carriers on account of freight claims paid; miscellaneous bills against other railway companies, corporations, firms, and individuals, and other similar items. (See § 10.08–7 *Current assets.*)

NOTE: The amount to be entered in this account is not the net balance between this account and account 761, "Miscellaneous accounts payable."

§ 10.716 *Material and supplies.* This account shall include the balances representing the cost, less depreciation, if any, of all unapplied material, such as road and shop material, articles in process of manufacture by the accounting company, fuel, stationery, and dining car and other supplies. In determining the cost of material and supplies suitable allowance shall be made for any discounts allowed in the purchase thereof.

NOTE A: Balances representing the cost of unapplied construction material and supplies located at the point of use, which have been purchased for projected new roads and extensions, are provided for in road and equipment account 47, "Unapplied construction material and supplies."

NOTE B: An inventory of material and supplies shall be taken during each calendar year and the necessary adjustments to bring this account into harmony with the actual inventory balances shall be made in the accounts of the year in which the inventories are taken. In effecting this adjustment determined differences in accounting for important classes of material shall be equitably assigned among the accounts to which the classes of material are ordinarily chargeable. Other differences shall be equitably apportioned among the primary accounts to which material has been charged since the last inventory.

§ 10.717 *Interest and dividends receivable.* This account shall include the amount of interest accrued to the date of the balance sheet on bonds owned and on loans made, the amount of dividends declared on stocks owned, and dividends accrued on such stocks when contracts require that the dividends be paid at stated times. (See § 10.08–7 *Current assets.*)

NOTE A: No amount representing interest or dividends receivable shall be included in this account unless its payment is reasonably assured by past experience, anticipated provision, or otherwise.

NOTE B: No dividends or other returns on securities issued or assumed by the accounting company shall be included in this account.

NOTE C: If settlement of amounts included in this account is not made when due either in cash or with other tangible assets of equal money value, such amounts shall be cleared from this account and charged to the income account originally credited (subject to § 10.06–2 *Delayed items*). If notes are taken in settlements of amounts included in this account, the amounts thereof shall be charged to account 712, "Loans and bills receivable," or account 722, "Other deferred assets," as may be appropriate (see § 10.08–7 *Current assets,*) but such amounts shall not be credited to income (or if previously credited to income shall be cleared therefrom as provided in the first sentence of this note), unless inclusion therein is justified by the current asset position of the obligor. If such notes are of doubtful value, the amount at which they are charged to account 722, "Other deferred assets," in accordance with § 10.08–7 *Current assets,* shall be credited to account 778, "Other unadjusted credits," and income shall not be credited until payment is received, and then only with the amount collected. If long-term notes are taken in settlement of current assets, the credit to income shall be canceled and account 722, "Other deferred assets," shall be charged with their true values, and a like sum shall be credited to account 778, "Other unadjusted credits."

§ 10.718 *Accrued accounts receivable.* This account shall include estimates of all unaudited current items receivable by the carrier to the date of the balance sheet which are creditable to revenue, expense, or income accounts in accordance with § 10.02–2 *Unaudited items affecting operating accounts,* and § 10.06–3 *Unaudited items.* (See also § 10.08–7 *Current assets.*)

Examples, without limitation, of items to be accrued:

Rents receivable under leases which are not includible in account 715, "Miscellaneous accounts receivable." (See note C to account 717, "Interest and dividends receivable.")

Amounts receivable from others for unreported interline traffic.

Amounts receivable from others for use of facilities, including equipment, for which bills have not been rendered.

Amounts receivable from others for services for which bills have not been rendered.

§ 10.719 *Other current assets.* This account shall include items of current assets not covered by accounts 708 to 718, inclusive.

It shall include asset items not includible in any of the foregoing current asset accounts that have been advanced beyond the stage of deferred assets. (See § 10.08–7 *Current assets.*)

§ 10.720 *Working fund advances.* This account shall include amounts advanced to general and special agents, and to other officers and employees, as working funds from which certain expenditures are to be made and accounted for. It also includes advances to fast freight lines and to demurrage and other bureaus.

§ 10.721 *Insurance and other funds.* This account shall include the amount of cash and the ledger value of securities of other companies and other assets which are in the hands of trustees or managers of insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for specific purposes not provided for elsewhere; also the par value or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of securities issued or assumed by the accounting company and held in such funds. A separate account shall be kept for each fund.

NOTE A: Sinking funds and capital and other reserve funds are provided for in accounts 703 and 704, respectively.

NOTE B: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

NOTE C: This account shall not include funds held by the accounting company solely as trustee and in which it has no beneficial interest.

§ 10.722 *Other deferred assets.* This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason; items of a current character but of doubtful value; and all other deferred items not covered by accounts 720 or 721. (See § 10.08–7 *Current assets.*)

§ 10.723 *Prepayments.* This account shall include the balances in the accounts representing prepaid rents chargeable to the appropriate rent accounts as the term is consumed for which the rents are paid; also interest and insurance premiums paid in advance of their accrual, which are to be apportioned and charged as they accrue, to the appropriate accounts.

§ 10.725 *Discount on funded debt.* This account shall include the total of the net debit balances in the discount, expense, and premium accounts for the several subclasses of funded debt. (See § 10.08–3 *Discount, expense, and premium on funded debt.*)

§ 10.726 *Property retired chargeable to operating expenses.* This account is intended as a suspense account in which may be included amounts chargeable to operating expenses as follows:

(a) Amounts representing the service value of nondepreciable road property retired which are relatively so large that their inclusion in the accounts for a single year would distort those accounts. (See § 10.04–6 *Distribution of charges for nondepreciable road property retired.*)

(b) Amounts representing the service value of depreciable road property retired which are relatively so large that their inclusion in the depreciation reserve would result in unduly depleting the reserve. (See paragraph (k) of § 10.04–8 *Depreciation accounting; road property.*)

(c) Amounts representing the service value of equipment retired which are relatively so large that their inclusion in the depreciation reserve would result in unduly depleting the reserve. (See paragraph (f) of § 10.04–24 *Depreciation accounting; equipment.*)

(d) This account is to be used only after permission of the Commission has been asked and given. The carrier in its application to the Commission shall give full particulars concerning the property retired, the amount which it is proposed to charge to operating expenses, and the period over which, in its judgment, the amount of such charge shall be distributed.

§ 10.727 *Other unadjusted debits.* This account shall include the amount of debit balances in suspense accounts that cannot be cleared and disposed of until additional information is received, such as freight claims paid when found to be correct, but in advance of investigation with other carriers; debit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operations of gravel pits," and "Operation of quarries"; unextinguished discount on short-term notes; unadjusted debit items not otherwise provided for and similar items the proper disposition of which is uncertain.

§ 10.728 *Securities issued or assumed; unpledged.* This account shall include the par value, or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of securities issued or assumed by the accounting company that are held unpledged in the company's treasury or by its agents or trustees, except those held by trustees of sinking or other similar funds.

This account shall be divided into:

(a) Stocks, and

(b) Bonds and other evidences of long-term debt, each of which divisions shall be further subdivided between:

(1) Amounts nominally but not actually issued, and

(2) Amount nominally outstanding.

NOTE A: The term "securities," as used in this account, includes all authorized certificates of stock and evidences of indebtedness which have been signed, sealed, and, when required, certified by the registrar or by the trustees under the mortgage or contract, and are not "short-term securities." By "short-term securities are meant those which are payable on demand or which mature not more than one year from date of issue. (See also Notes B to accounts 751 and 755.)

NOTE B: This account shall not include securities that are merely guaranteed.

NOTE C: This account shall not include any securities held in sinking and other reserve funds.

NOTE D: In the general balance-sheet statement the balance in this account shall be stated in the short column only.

NOTE E: When securities that have been issued to bona fide holders for value, or after issuance by another company have been assumed by the accounting company, are reacquired and not canceled or retired, they shall be included in this account at their par value; or with respect to no par stock the amounts recorded in account 751, "Capital stock," relating thereto. If such securities are subsequently pledged, they shall be included in account 729, "Securities issued or assumed—Pledged." (See § 10.08–2 *Discount, premium, and assessment on capital stock,* and § 10.08–3 *Discount, expense, and premium on funded debt.*)

NOTE F: Stocks having no par value classable as nominally issued shall be recorded by number of shares. (See Note C under account 751, "Capital stock.")

§ 10.729 *Securities issued or assumed; pledged.* This account shall include the par value, or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of securities issued or assumed by the accounting company that have been pledged as collateral security for any of its long-term debt or short-term loans.

This account shall be divided into:

(a) Stocks, and

(b) Bonds and other evidences of long-term debt, each of which divisions shall be further subdivided between:

(1) Amounts nominally but not actually issued, and

(2) Amounts nominally outstanding.

NOTE A: The term "securities" as used in this account includes all authorized certificates of stock and evidences of indebtedness which have been signed, sealed, and, when required, certified by the registrar or by the trustees under the mortgage or contract, and are not short-term securities. By "short-term securities" are meant those which are payable on demand or which mature not more than one year from date of issue. (See also Notes B to accounts 751 and 755.)

NOTE B: This account shall not include securities that are merely guaranteed.

NOTE C: This account shall not include securities which have been borrowed by the accounting company and pledged, nor any securities held in sinking and other reserve funds.

NOTE D: In the general balance-sheet statement the balance in this account shall be stated in the short column only.

NOTE E: The par value or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of securities issued or assumed that have been pledged for other purposes shall be included as may be appropriate in accounts 703, "Sinking funds," 704, "Capital and other reserve funds," or 721, "Insurance and other funds."

NOTE G: Stocks having no par value classable as nominally issuer shall be recorded by number of shares. (See Note C under account 751, "Capital stock.")

CREDIT

§ 10.751 *Capital stock.* This account shall include the total par value of par value stock, and the total amount paid in or the amount approved by the Commission for stock without par value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona

fide purchasers and have not been reacquired and canceled, also shares of stock nominally issued, and reacquired shares which have not been canceled.

Appropriations of surplus which have been transferred to no par stock account shall also be included. The amount of the consideration received from the sale of par value stock in excess of the amount credited to this account shell be credited to account 753, "Premiums and assessments on capital stock."

When capital stock is retired or canceled, this account shall be charged with the amount at which such stock is carried in this account. In the case of no par stock the amount to be charged hereto shall be the proportion, applicable to the reacquired shares immediately prior to reacquisition, of the total book liability included herein of actually outstanding shares of the particular class and series of stock of which the reacquired shares are a part.

The amounts included in this account shall be recorded so as to show:

(a) Par value of shares of par value stock and amount paid in or approved by the Commission of shares of no par stock (pledged or unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control including shares nominally but never actually issued and

(b) Par value of shares of par value stock and amount paid in or approved by the Commission of shares of no par stock issued and actually outstanding, being the share not held by the company, its agents or trustees, or subject to its control.

The amounts included herein shall be further divided so as to show the amount of each class of stock issued, separated as between par value and nonpar value stock, as follows:

(1) *Common stock.* Stocks which have no preference over other issues of stock in distribution of dividends or of assets.

(2) *Preferred stock.* Stocks having preference over other issues of stock in distribution of dividends or of assets.

(3) *Debenture stock.* Stocks issued under a contract to pay a specified return at specified intervals.

(4) *Receipts outstanding for installments paid.* Receipts for payments on account of subscriptions to capital stock.

When the subscriber has paid his subscription in full and is entitled to receive certificates representing the shares for which he has subscribed, the par value of stocks having par value or the agreed purchase price or the price authorized by the Commission of stock without par value shall be included in the division appropriate for the class for which the certificates are issued.

Each of the above classes shall also be divided into subclasses according to differences in dividend or interest rights, voting rights, or conditions under which the securities may be retired.

NOTE A: When a general levy or assessment is made against the holders of capital stock, requiring the payment of any sum in addition to the consideration agreed upon at the time of sale, the amount collected upon such levy or assessment shall be credited to account 753, "Premiums and assessments on capital stock."

NOTE B: When capital stock having par value is exchanged for capital stock without par value any sums resting in account 753, "Premiums and assessments on capital stock," with respect thereto shall be cleared to account 751, "Capital stock," and any amounts resting in the discount account with respect thereto shall be cleared to subaccount 784.1, "Paid-in surplus"; *Provided, however,* That any excess over the amount of accumulated net gains applicable to the subclass exchanged included in paid-in surplus shall be charged to account 621, "Miscellaneous debits." (See § 10.08–2 *Discount, premium, and assessment on capital stock.*)

NOTE C: An appropriate record shall be maintained with respect to shares of capital stock showing the number of shares nominally issued, nominally outstanding, actually issued and actually outstanding.

NOTE D: For the purpose of the balance-sheet statement capital stock is considered to be "nominally issued" when certificates are signed and sealed and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company. It is considered to be "actually issued" when it has been sold to a bona fide purchaser for a valuable consideration, and such purchaser holds it free from all control by the accounting company. All capital stock actually issued and not reacquired and held by or for the accounting company is considered to be "actually outstanding." If reacquired by or for the accounting company under such circumstances as required it to be considered as held alive and not canceled or retired, it is considered to be "nominally outstanding."

§ 10.752 *Stock liability for conversion.* This account shall include the company's liability under agreements to exchange its capital stock for the outstanding securities of companies whose physical property has been acquired under such agreements, but whose securities have not yet been surrendered for exchange.

§ 10.753 *Premiums and assessments on capital stock.* This account shall include the excess of the actual cash value (at the time of the sale of the stock) of the consideration received over the amounts recorded in account 751, "Capital stock," for par value stock plus accrued dividends, if any, also subsequent assessments against stockholders representing payments required in excess of par or other amounts recorded in account 751, "Capital stock," in accordance with the text of that account. (See § 10.08–2 *Discount, premium, and assessment on capital stock.*)

When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be charged hereto.

§ 10.754 *Discount on capital stock.* This account shall include discount suffered in the issuance and sale of capital stock. Record supporting the entries to this account shall be kept to show the discount suffered, if any, on such subclass of capital stock. (See § 10.08–2 *Discount, premium, and assessment on capital stock.*)

§ 10.755 *Funded debt unmatured.* There shall be included in this account the total par value of unmatured debt (other than equipment obligations), maturing more than one year from date of issue, issued by the accounting company and not retired or canceled, and the total par value of similar unmatured debt of other companies, the payment of which has been assumed by the accounting company.

The amounts included in this account shall be divided so as to show the par value of (1) certificates or other evidences of funded debt (pledged and unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including both those reacquired after actual issue and those nominally but never actually issued; and (2) certificates or other evidences of funded debt issued and actually outstanding, being those not held by the company, its agents or trustees, or subject to its control.

The amounts included herein shall be further divided so as to show the amount of each class of funded debt, as follows:

(a) *Mortgage bonds.* Bonds secured by lien on physical property and not includible in the other subdivisions of this account.

(b) *Collateral trust bonds.* Bonds and notes secured by a lien on securities or other negotiable paper; and stock trust certificates that are similar in character to collateral trust bonds.

(c) *Income bonds.* Bonds which are a lien on a carrier's revenue alone, or bonds which, while being a lien on its property and franchises, can claim payment of interest only in case interest is earned.

(d) *Miscellaneous obligations.* All funded obligations not provided for by the other subdivisions of this account, also notes, unsecured certificates of indebtedness, debenture bonds, plain bonds, real estate mortgages executed or assumed and other similar obligations maturing more than one year from date of issue, but excluding liabilities for assessments for public improvements and those evidenced by conditional or deferred equipment purchase contracts for which provision is made in account 770, "Other deferred liabilities," and account 756½, "Equipment obligations," respectively.

(e) *Receipts outstanding for funded debt.* Receipts for payments on account of funded debt. When certificates are issued for amounts so paid, the par value shall be included in the account covering the class of funded debt for which the certificates are issued.

Each of the above classes shall also be divided into subclasses according to differences in mortgage or other lien or security therefor, rate of interest, interest dates, or date of maturity. Parts of any issue agreeing in other characteristics but maturing serially may be treated as of the same subclass.

Records shall be maintained in such manner as to show (1) securities the issuance or assumption of which has been authorized by the Commission under section 20a of the Interstate Commerce Act, and similar securities issued or assumed prior to the effective date of that provision of the act, and (2) other obligations of a kind which may legally be issued or assumed without such authorization.

NOTE A: Securities (other than equipment obligations) maturing one year or less from date of issue shall be included in accounts 757, "Amounts payable to affiliated companies," or 758, "Loans and bills payable,"

except that where an issue of securities maturing serially over a period of years contains short-term obligations such obligations may be included as funded debt. Matured funded debt shall be included in account 768, "Other current liabilities" if provision has been made for current settlement. If no provision has been made for current settlement, matured funded debt shall be included in account 755½, "Debt in default" except that when the collection of matured funded debt of affiliated companies is not enforced by controlling companies, the principal amount (to the extent held by a controlling company) shall be included in account 757, "Amounts payable to affiliated companies."

NOTE B: For the purposes of the balance-sheet statement funded debt securities are considered to be "nominally issued" when certified by trustees and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company. They are considered to be "actually issued" when they have been sold to a bona fide purchaser for a valuable consideration, and such purchaser holds them free from all control by the accounting company. All funded debt securities actually issued and not reacquired and held by or for the accounting company are considered to be "actually outstanding." If reacquired by or for the accounting company under such circumstances as require them to be considered as held alive and not canceled or retired, they are considered to be "nominally outstanding."

NOTE C: Nonnegotiable notes having a maturity of more than one year after date of issue, held by affiliated companies, shall be included in account 757, "Amounts payable to affiliated companies."

NOTE D: In the general balance-sheet statement the total unmatured funded debt included in the account shall be shown in the first short column. The amount nominally but not actually issued and the amount nominally outstanding shall be shown in the second short column, and in the long column shall be shown the amount actually outstanding.

§ 10.755½ *Debt in default.* This account shall include amounts transferred from other accounts representing matured funded securities or obligations, receivers' and trustees' securities, equipment obligations and short-term notes, when maturity dates of such obligations have not been extended.

NOTE A: The principal amount of matured funded debt of affiliated companies the collection of which is not enforced by the controlling company shall (to the extent of the principal amount held by the controlling company) be included in account 757, "Amounts payable to affiliated companies."

NOTE B: The principal amount of unpresented funded debt obligations which have matured, and for which provision has been made for payment shall be included in account 768, "Other current liabilities."

§ 10.756 *Receivers' and trustees' securities.* When receivers or trustees acting under the orders of a court are in possession of the property of the company, and under the order of such court issue or assume evidences of indebtedness (other than equipment securities or obligations) the par value of such evidences shall be credited to this account.

NOTE: The par value of equipment securities or the principal amount of obligations incurred for the purchase of equipment under conditional or deferred payment contracts shall be included in account 756½, "Equipment obligations."

§ 10.756½ *Equipment obligations.* This account shall include the par value of equipment securities and the principal amount of contractual obligations including those maturing serially or payable in installments over a period of more than one year.

The amounts included herein shall be divided as follows:

(a) Principal amount of equipment securities including those maturing serially, issued or assumed by the accounting company or by receivers and trustees, which have been authorized by the Commission under section 20a of the Interstate Commerce Act and similar securities issued or assumed prior to the effective date of that provision of the act.

(b) Principal sums of obligations for equipment purchased under conditional or deferred payment contracts, which may be legally entered into or assumed by the accounting company or by receivers and trustees, without authorization by the Commission.

NOTE: Amounts included in this account which are payable within one year from the date of the balance sheet shall be shown in a footnote thereto.

§ 10.757 *Amounts payable to affiliated companies.* This account shall include the par value of nonnegotiable notes issued to affiliated companies, matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension as to time of payment and collection of the principal is not enforced, credit balances in open accounts with such companies other than credit balances in current accounts classable as current liabilities, and interest accrued on notes, matured funded debt of affiliated companies and open accounts included in this account, when such interest is not subject to current settlements.

This account shall be divided:

(a) Notes, including herein not only nonnegotiable notes that run longer than a term of one year, but also such notes payable on demand or within one year from the date of issue when it is mutually agreed that the notes shall not be enforced as current assets by the holder.

(b) Par value of mature funded debt of affiliated companies held by controlling companies where there is no agreement for an extension of time and collection is not enforced.

(c) Open accounts not subject to current settlement.

(d) Interest accrued on amounts included in this account when not subject to current settlements.

NOTE A: Accounts with affiliated companies which are subject to current settlements, such as traffic and car-service balances, charges for material and supplies currently furnished, charges for repairs to equipment, etc., shall be classed as current assets or current liabilities, as may be appropriate.

NOTE B: No item shall be included in this account which is not known to be the property of an affiliated company.

NOTE C: The term affiliated companies includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointed controlled by the accounting company and others under a joint arrangement.

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

§ 10.758 *Loans and bills payable.* This account shall include the balances representing obligations outstanding in the form of loans and bills payable or other similar evidences (except interest coupons) of indebtedness payable on demand or within a time not exceeding one year from date of issue.

This account shall be kept in such form so as to show separately the amounts of notes payable within one year from date of issue that are secured by collateral.

NOTE. This account shall not include obligations which mature more than one year after date of issue, or demand or short-term notes issued to affiliated companies and includible in account 757, "Amounts payable to affiliated companies."

§ 10.759 *Traffic and car-service balances—Cr.* This account shall include the net of the balances receivable from or payable to other companies in the accounts representing interline freight, passenger, and baggage revenues, and charges for equipment interchanged on a per diem or a mileage basis, when such balances result in a net credit.

NOTE A: When the net of the balances is a debit it shall be included in account 713 "Traffic and car-service balances—Dr."

NOTE B: The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain currently separate subaccounts under the following captions:

713 and 759 (a) Interline freight, balance.
713 and 759 (b) Interline passenger, balance.
713 and 759 (c) Interline baggage, balance.
713 and 759 (d) Equipment interchanged, balance.

§ 10.760 *Audited accounts and wages payable.* This account shall include the amount of audited vouchers or accounts

and audited pay rolls unpaid on the date of the balance sheet. It shall include balances representing unclaimed wages and outstanding pay and time or discharge checks issued in payment of wages and all other unpaid vouchered items.

§ 10.761 *Miscellaneous accounts payable.* This account shall include outstanding drafts drawn by station agents, outstanding drafts drawn on the company in settlement of freight claims, conductors' refund and extra-fare checks not presented for redemption, deposits of affiliated companies subject to current settlement, taxes collected from employees and others for the account of taxing agencies, and other items of the nature of demand liabilities not covered by accounts 758, 759, 760, 762, and 763.

NOTE: The amount to be reported under this account is not the net balance between this account and account 715, "Miscellaneous accounts receivable."

§ 10.762 *Interest matured unpaid.* This account shall include the amount of matured and unpaid interest on funded debt, and other obligations of the accounting company for which provision has been made for current settlement.

Interest which matures on the first day following that for which the balance sheet is made shall be included in this account.

NOTE: Interest matured unpaid on nonnegotiable debt to affiliated companies, if not subject to current settlement, shall be included in account 757, "Amounts payable to affiliated companies."

§ 10.763 *Dividends matured unpaid.* This account shall include the amount of dividends payable on capital stock but unpaid, uncalled for, or unclaimed at the date of the balance sheet.

Dividends which become payable on the first day following that for which the balance sheet is made shall be included in this account.

§ 10.764 *Unmatured interest accrued.* This account shall include the amount of interest subject to current settlement accrued to the date the balance sheet is made but not payable until after the first day following that date on funded securities or obligations, debt in default, receivers' and trustees' securities, amounts payable to affiliated companies, notes payable and other indebtedness issued or assumed by the accounting company.

NOTE A: Interest accrued which is not paid when it matures shall be included in account 769½, "Interest in default," unless provision has been made for current settlement. Where interest is in default, subsequent accruals shall be credited direct to account 769½, "Interest in default."

NOTE B: Interest accrued on amounts recorded in account 757, "Amounts payable to affiliated companies," and not subject to current settlement, shall be included in that account.

§ 10.765 *Unmatured dividends declared.* This account shall include dividends declared on capital stock, but not payable until after the first day following the date of the balance sheet.

§ 10.766 *Accrued accounts payable.* This account shall include estimates of all unaudited items payable by the carrier to the date of the balance sheet which are chargeable to revenue, expense, or income accounts in accordance with § 10.02–2 *Unaudited items affecting operating accounts,* and § 10.06–3 *Unaudited items.* (See also § 10.08–7 *Current assets.*)

Examples, without limitation, of items to be accrued:

Rents payable under leases due subsequent to the date of the balance sheet which are not includible in account 761, "Miscellaneous accounts payable."

Amounts payable to others for unreported interline traffic.

Amounts payable to others for use of facilities, including equipment, for which bills have not been rendered.

Amounts payable to others for services for which bills have not been rendered.

NOTE: Do not include in this account the carrier's estimate of liability in respect of injuries to persons and loss and damage claims. Such estimated liability shall be credited to account 778, "Other unadjusted credits."

§ 10.767 *Taxes accrued.* This account shall be credited with the accruals of all taxes which have been concurrently charged to the appropriate income or other accounts for taxes. Such accruals may be based upon estimates, provided such estimates shall be adjusted so as to reflect in this account at all times the carrier's estimate of its unpaid liability for each of the several classes of taxes which have not been finally settled.

Vouchers for the current payment of taxes, including taxes for which accruals have not been made previously, shall be charged to this account. Taxes paid in advance shall also be charged to this account.

The records supporting the entries in this account shall be kept to show separately by classes of taxes the amount of the tax accruals for the current year and adjustments of accruals for prior years.

§ 10.768 *Other current liabilities.* There shall be included in this account the principal amount of unpresented bonds drawn for redemption through the operation of sinking and redemption fund agreements, also the principal amount of unpresented funded debt obligations, and receivers' and trustees' securities which have matured (for which provision has been made for current settlement), and other current liabilities not covered by accounts 758 to 767, inclusive.

§ 10.769 *Liability for provident funds.* This account shall include the ledger balances representing the liability of the accounting carrier for the amount of the assets (whether contributed by the company, by the employees, or by others) in the hands of its treasurer or of trustees or managers acting for it in the administration of employees' pension, savings, relief, hospital, and other association funds.

NOTE A: This account shall not include items representing funds in which the accounting company has no beneficial interest and which it holds purely as trustee.

NOTE B: In stating the balance sheet in the annual reports to the Commission, the liability for provident funds which are carried in the current cash of the company shall be included under current liabilities, in account 761, "Miscellaneous accounts payable."

§ 10.769½ *Interest in default.* This account shall include the amount of matured and unpaid interest (for which no provision has been made for current settlement) on all indebtedness issued or assumed by the accounting company except interest which is added to the principal of the debt on which incurred. Where interest is in default, subsequent accruals shall be credited direct to this account.

§ 10.770 *Other deferred liabilities.* This account shall include items of deferred liabilities not covered by accounts 769 and 769½ such as assessments for public improvements payable over a period longer than one year; retained percentages due contractors to be paid upon completion of contracts; deposits for construction of side tracks to be refunded on basis of an agreed portion of the earnings from the traffic handled over the tracks, and other similar items.

NOTE: The amount of assessments for public improvements, if payments are to be made within one year, shall be included in account 768, "Other current liabilities."

§ 10.772 *Premium on funded debt.* This account shall include the total of the net credit balances in the discount, expense, and premium accounts for the several sub-classes of funded debt. (See § 10.08–3 *Discount, expense, and premium on funded debt.*)

§ 10.773 *Insurance reserves.* This account shall include the net credit balance in the accounts to which are credited insurance premiums concurrently charged to operating expenses to cover self-carried risks on fire, fidelity, boiler, casualty, burglar, and other insurance, and to which are charged losses sustained on items protected by such insurance.

§ 10.773½ *Equalization reserves.* This account shall include ledger balances representing reserves created by charges to operating expenses for maintenance of road and equipment, in accordance with § 10.04–19 *Equalization of maintenance expenses.* The debit or credit balances in this account shall be closed at the end of each calendar year to the accounts through which they were created.

§ 10.774 *Maintenance reserves.* This account shall be credited with amounts systematically reserved by accruals to maintenance of way and structures and maintenance of equipment for deferred maintenance and major repairs to equipment in accordance with § 10.04–25 *Deferred maintenance, and major repairs to equipment.*

When the maintenance work for which provision was made has been performed, the cost of such repairs shall be charged, according to the nature of the repairs to the appropriate primary accounts under maintenance of way and structures and maintenance of equipment. Concurrently this account shall be cleared to the extent that provision has been made herein for such repairs through the accounts originally charged therewith.

NOTE: To the extent that provision is made in this account for deferred maintenance and major repairs to equipment an amount of cash equal thereto shall be deposited in a special account or invested in United States Treasury securities and included in account 704½, "Maintenance funds."

§ 10.778 *Other unadjusted credits.* This account shall include the amount of credit balances in suspense accounts that cannot be cleared and disposed of until additional information is received, such as amounts received from sales of mileage tickets, to be disposed of as mileage is honored; amounts received from sales of as coupons are honored; interchangeable mileage credential ticket redemption funds; amounts collected from the sale of damaged, unclaimed and overfreight held pending claim; estimated liability for injuries to persons and loss and damage claims; credit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operating gravel pits," and "Operating quarries"; estimated revenue overcharges such as those covered by reclamation claims or by claims of Governmental departments for the application of land-grant rates instead of commercial rates; unadjusted credit items not otherwise provided for and similar items, the proper disposition of which is uncertain.

NOTE: With respect to injuries to persons and loss and damage claims, if the settlements when audited are charged to this account the balances for each year shall be kept separately until all items have been adjusted and cleared, but, if the settlements when audited are charged to the appropriate expense accounts the balance in this account shall be adjusted through the appropriate expense accounts so as to reflect the probable liability at the close of each year.

§ 10.779 *Accrued depreciation; leased property.* This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the estimated accrued depreciation on leased road and equipment when settlements between the accounting company and the lessor are not made currently. (See § 10.05–2 *Leased road and equipment; depreciation.*) It shall also be credited with depreciation accrued on property the cost of which is included in account 702, "Improvements on leased property." When leased property for which accruals have been included in this account is retired from service, the entire service value of property the cost of which has been charged to account 702 by the lessee and the service value of property, the ledger value of which is carried in account 701, "Road and equipment property," by the lessor for which the lessee is liable to the lessor shall be charged to this account.

§ 10.784 *Unearned surplus.* This account shall include all surplus arising from sources other than those classable under profit and loss and earned surplus accounts or other balance sheet accounts for which specific provision is made. Subaccounts shall be maintained as follows:

§ 10.784–1 *Paid-in surplus.* This subaccount shall include such items as amount of consent dividends on the accounting company's capital stock; surplus arising from donations by the accounting company's stockholders; amounts representing reduction of the par or recorded value of the accounting company's capital stock; amounts of forfeited subscriptions to the accounting company's capital stock; gain from the acquisition, retirement, or resale of reacquired shares of the accounting company's capital stock; and long-term debt of the accounting company forgiven by stockholders.

It shall be charged with amounts included herein when capitalized by stock dividends or otherwise with the approval of the Commission, and losses from retirement or resale of reacquired shares up to an amount not in excess of credits included herein applicable to the reacquired shares; and may be charged with the amortization of discount on capital stock to the extent of credits herein. (See § 10.08–2 *Discount, premium, and assessment on capital stock.*)

§ 10.784–2 *Other unearned surplus.* This subaccount shall include unearned surplus, as above defined, arising from sources other than those enumerated under subaccount 784.1.

§ 10.785 *Earned surplus; appropriated.* This account shall include the total of the net balances of appropriations of income and earned surplus for the acquisition of capital assets; the retirement of debt; sinking and redemption funds; and all other appropriations specifically set aside in the hands of trustees as well as appropriations held in general funds for which no specific investment or segregation of assets has been made. It shall also include accretions to the assets held in such special funds. (See income account 552, "Income applied to sinking and other reserve funds.")

A subdivision of this account shall be maintained by classes of appropriations, the titles of which shall indicate the purpose for which the appropriations were made.

§ 10.786 *Earned surplus; unappropriated.* This account shall include the net balance (debit or credit) of the amounts included in accounts 601 to 621, inclusive. It shall not include transfers either to or from account 784, "Unearned surplus," unless so authorized upon application to the Commission.

The balance of all profit and loss accounts (601 to 621, inclusive) shall be closed into this account at the end of each calendar year.

§ 10.790 *Form of general balance-sheet statement.* The classified form of general balance-sheet statement is designed to show the financial condition of the accounting company at any specified date.

ASSET SIDE

Investments:
- 701. Road and equipment property.
- 702. Improvements on leased property.
- 702½A. Acquisition adjustment.
- 702½B. Donations and grants.
- Investment in transportation property.
- 702½C. Accrued depreciation—Road.
- 702½D. Accrued depreciation—Equipment.
- 702½E. Accrued amortization of defense projects—Road.
- 702½F. Accrued amortization of defense projects—Equipment.
- Investment in transportation property less recorded depreciation and amortization.
- Investments—Continued
- 703. Sinking funds.
  - Total book assets at date. (In short column.)
  - Carrier's own issues at date. (In short column.)
  - Other assets at date. (In long column.)
- 704. Capital and other reserve funds.
  - Total book assets at date. (In short column.)
  - Carrier's own issues at date. (In short column.)
  - Other assets at date. (In long column.)
- 704½. Maintenance funds.
- 705. Miscellaneous physical property.
- 705½. Accrued depreciation—Miscellaneous physical property.
- Miscellaneous physical property less recorded depreciation.
- 706. Investments in affiliated companies—
  - (a) Stocks.
  - (b) Bonds.
  - (c) Other secured obligations.
  - (d) Unsecured notes.
  - (e) Investment advances.
- 707. Other investments—
  - (a) Stocks.
  - (b) Bonds.
  - (c) Other secured obligations.
  - (d) Unsecured notes.
  - (e) Investment advances.
- 707½. Reserve for adjustment of investment in securities.
  - Total.

Current assets:
- 708. Cash.
- 709. Temporary cash investments.
- 711. Special deposits.
  - Total book assets at date. (In short column.)
  - Carrier's own issues at date. (In short column.)
  - Other assets at date. (In long column.)
- 712. Loans and bills receivable
- 713. Traffic and car-service balances—Dr
- 714. Net balance receivable from agents and conductors.
- 715. Miscellaneous accounts receivable
- 716. Material and supplies.
- 717. Interest and dividends receivable.
- 718. Accrued accounts receivable.
- 719. Other current assets.
  - Total.

Deferred assets:
- 720. Working fund advances.
- 721. Insurance and other funds.
  - Total book assets at date. (In short column.)
  - Carrier's own issues at date. (In short column.)
  - Other assets at date (In long column).
- 722. Other deferred assets.
  - Total.

Unadjusted debits:
- 723. Prepayments.
- 725. Discount on funded debt
- 726. Property retired chargeable to operating expenses.
- 727. Other unadjusted debits
- 728. Securities issued or assumed—Unpledged. (In short column only.)
- 729. Securities issued or assumed—Pledged. (In short column only.)
  - Total.

LIABILITY SIDE

Stock:
- 751. Capital stock—
  - Book liability date. (In short column.)
  - Held by or for carrier at date. (In short column.)
  - Actually outstanding at date. (In long column.)
- 752. Stock liability for conversion.
- 753. Premiums and assessments on capital stock.
- 754. Discount on capital stock.
  - Total.

Long term debt:
- 755. Funded debt unmatured—
  - Book liability at date. (In short column.)
  - Held by or for carrier at date. (In short column.)
  - Actually outstanding at date. (In long column.)
- 755½. Debt in default.
- 756. Receivers' and trustees' securities.
- 756½. Equipment obligations.
- 757. Amounts payable to affiliated companies.
  - (a) Notes.
  - (b) Par value of matured funded debt of affiliated companies.
  - (c) Open accounts.
  - (d) Interest accrued on amounts included in this account.
  - Total.

Current liabilities:
- 758. Loans and bills payable.
- 759. Traffic and car-service balances—Cr.
- 760. Audited accounts and wages payable.
- 761. Miscellaneous accounts payable.
- 762. Interest matured unpaid.
- 763. Dividends matured unpaid.
- 764. Unmatured interest accrued.
- 765. Unmatured dividends declared.
- 766. Accrued accounts payable.
- 767. Taxes accrued.
- 768. Other current liabilities.
  - Total.

Deferred liabilities:
- 769. Liability for provident funds.
- 769½. Interest in default.
- 770. Other deferred liabilities.
  - Total.

Unadjusted credits:
- 772. Premium on funded debt.
- 773. Insurance reserves.
- 773½. Equalization reserves.
- 774. Maintenance reserves.
- 778. Other unadjusted credits.
- 779. Accrued depreciation—Leased property.
  - Total.

Surplus:
- 784. Unearned surplus. (In long column.)
  - 1. Paid-in surplus. (In short column only.)
  - 2. Other unearned surplus. (In short column only.)
- 785. Earned surplus—Appropriated.
- 786. Earned surplus—Unappropriated.
  - Total surplus.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6356; Filed, July 8, 1947; 8:47 a. m.]

[S. O. 624, Amdt. 7]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of July A. D. 1947.

Upon further consideration of Service Order No. 624 (11 F. R. 12183), as amended (11 F. R. 13792, 14272; 12 F. R. 48, 775, 1420, 4185), and good cause appearing therefor, it is ordered, that:

Section 95.624 *Movement of grain to terminal elevators by permit*, of Service Order No. 624, as amended be, and it is hereby, further amended by substituting the following paragraphs (a) and (b) for paragraphs (a) and (b) thereof:

(a) (1) *Movement of grain into port areas restricted.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, transport, or move any car loaded with export grain waybilled and consigned to any elevator or for direct delivery to a vessel in the port area of Albany, New York, or any Atlantic Seaboard port (Hampton Roads, Va., and north thereof) unless such origin carrier has first obtained a permit from the elevator or the delivering railroad in the port area.

(2) *Priority for loading certain grain required.* All common carriers by railroad, subject to the Interstate Commerce Act, serving points where export grain subject to this order is loaded, shall give preference and priority over all other traffic to supplying or placing a box car or cars for loading grain, providing the Agent appointed herein, certifies in writing that such box car is intended for loading with grain for the foreign relief program.

(b) *Appointment of agent and designation of duties.* (1) Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., is hereby designated and appointed as an agent of this Commission and authorized to appoint elevators or delivering carriers in the port areas as permit agents under paragraph (a) hereof.

(2) In appointing elevators and delivering carriers in port areas described herein as permit agents Agent King is authorized to prescribe the terms and conditions under which permits may be issued and is authorized at any time to change, revoke or cancel the terms or conditions under which permits may be issued.

It is further ordered, that this amendment shall become effective at 6:00 p. m., July 2, 1947; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6355; Filed, July 8, 1947; 8:56 a. m.]

Chapter II—Office of Defense Transportation

[Administrative Order ODT 33, Revocation]

PART 503—ADMINISTRATION

PROCEDURES; CERTIFICATION OF TRANSPORTATION PERSONNEL FOR DEFERMENT FROM MILITARY SERVICE

Pursuant to Executive Orders 8989, as amended, and 9729, *It is hereby ordered*, That Administrative Order ODT 33, §§ 503.550 to 503.552, inclusive (11 F. R. 9762) be, and it is hereby, revoked.

(E. O. 8989, December 18, 1941, 6 F. R. 6725; E. O. 9389, October 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 2d day of July 1947.

J. M. JOHNSON, *Director of the Office of Defense Transportation.*

[F. R. Doc. 47-6382; Filed, July 8, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 953]

[Docket No. AO 144-A1 RO1]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR and Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of a public hearing to be held at Room 212, United States Court House, First Avenue and Van Buren Street, Phoenix, Arizona beginning at 10:00 a. m., P. s. t., August 4, 1947 and continued in Room 324, Federal Building, Los Angeles, California beginning at 10:00 a. m., P. s. t., August 7, 1947.

Such hearing is to be held, on the application of the California Fruit Growers Exchange, Los Angeles, California, for the purpose of receiving further evidence with respect to all aspects of the proposed amendments, set forth in the notice of hearing (11 F. R. 13219) dated November 1, 1946, to the marketing agreement and Order No. 53 (7 CFR Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the States of California and Arizona, which were considered at a public hearing held at Los Angeles, California, on December 3, 4, and 5, 1946, which hearing is hereby reopened to that extent. The public hearing commencing on August 4, 1947, is also for the purpose of receiving evidence with respect to economic or marketing conditions relating to all aspects of additional proposed amendments, to the said marketing agreement and order, as hereinafter set forth, and appropriate modifications thereof.

The proposed amendments have not received the approval of the Secretary of Agriculture.

The matters as to which the prior hearing is reopened are as follows:

1 to 11, inclusive. All of the proposals set forth in the notice of hearing (11 F. R. 13219) dated November 1, 1946.

Additional proposals submitted by the California Fruit Growers Exchange, Los Angeles, California:

12. Add to section 4 of the marketing agreement and § 953.4 of the order the following new paragraph "o":

(o) There are hereby established two separate prorate districts for lemons, designated as follows:

District 1—consisting of the entire California lemon production area except that portion in District 2.

District 2—consisting of the entire Arizona lemon production area, and Imperial County, California, and that part of Riverside County, California, South and East of the San Gorgonio Pass.

The regulatory provisions of this section shall be applied independently within each of said districts. In determining and recommending to the Secretary the portion of the total weekly allotment of lemons to be allocated to each of such districts, the following factors shall be considered by the committee: the comparative marketing seasons and marketing practices of the two districts, the relative maturity of the fruit in the two districts throughout the current lemon season, the relative susceptibility or nonsusceptibility to storage of lemons in the two districts, the total quantity of lemons which can be shipped fresh during the normal marketing period of each of said districts, and the market opportunities for lemons throughout the season.

The Fruit and Vegetable Branch, Production and Marketing Administration, has proposed that consideration be given to such other changes in the provisions of the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with the proposed amendments contained in this notice of hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or from the Fruit and Vegetable Branch, Production and Marketing Administration, 1206 Santee Street, Los Angeles, California.

Done at Washington, D. C., this 3d day of July 1947.

[SEAL] F. R. BURKE, *Acting Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 47-6383; Filed, July 8, 1947; 8:48 a. m.]

[7 CFR, Part 961]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING WRITTEN EXCEPTIONS WITH RESPECT TO RECOMMENDED DECISION ON PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given that the time for filing exceptions to a recommended decision (12 F. R. 4274) of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and an amendment to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.) is hereby extended. Interested parties may file exceptions to the recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., postmarked not later than July 12, 1947.

Filed at Washington, D. C., this 3d day of July 1947.

[SEAL] F. R. BURKE, *Acting Assistant Administrator.*

[F. R. Doc. 47-6387; Filed, July 8, 1947; 9:05 a. m.]

[7 CFR, Part 965]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601), (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1, et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held at Cincinnati, Ohio, on March 3, 1947, pursuant to the notice thereof which was published in the FEDERAL REGISTER on February 27, 1947 (12 F. R. 1397), upon certain proposed amendments to the order, as amended, and to a proposed marketing agreement regulating the handling of milk in the Cincinnati, Ohio, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on June 10, 1947 filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER June 13, 1947 (12 F. R. 3865).

The material issues presented on the record of the hearing were:

(1) How and to what extent, if any, should the level of the price differential for Class I milk above the basic Class III milk price be changed;

(2) How and to what extent, if any, should the level of the price differential for Class II milk above the basic Class III milk price be changed;

(3) Establishing a lower price for Class III milk disposed of as butter; and

(4) Revising the manner of computing the value of milk for each handler so that the average price (blend of Class I, Class II, and Class III milk values) for any handler can never exceed the price for Class I milk.

Findings and conclusions. The findings and conclusions herein set forth together with the reasons therefor are, on the basis of the hearing record, as follows:

(1) The Class I price differential over the basic Class III price should be revised to provide a seasonal pattern, including floor prices, and an increase in the annual average level of the differential.

General economic conditions and business activity in the Cincinnati area indicate a continued good demand for milk and milk products.

The prices of livestock and grains have advanced sharply in 1947 and compared to declining milk prices offer returns from alternative farm enterprises which will tend to discourage milk production if these price relationships continue over an extended period of time.

Cincinnati handlers compete with milk buyers in other areas for supplies to be used for fluid milk purposes. Several condenseries also buy milk from farmers residing in or near the Cincinnati milkshed. The record is replete with references to the keen competition for milk between the Cincinnati and the Dayton-Springfield areas. The price relationship between these two areas shows historically that the Cincinnati price has been somewhat higher.

The Cincinnati basic or Class III price is derived from the prices paid dairy farmers by five named nearby Ohio, Indiana, and Kentucky condenseries and is different from the basic formula price used in a number of competing fluid milk markets. The basic formula price used in the Dayton-Springfield, Columbus, Tri-State, and Louisville markets is derived from the prices paid dairy farmers by eighteen named Wisconsin and Michigan condenseries. On a hundredweight basis for milk containing 3.5 percent butterfat the Cincinnati basic price averaged 22 cents lower for 1945 and 19 cents lower for 1946 than the basic price used in the above-named markets. Thus after giving consideration to other price-making factors found in varying degrees in this group of neighboring markets the Cincinnati Class I differential must be

about 20 cents per hundredweight above the others to be on a comparable basis and keep the resulting Class I prices in line.

More rigid enforcement of the Cincinnati Health Department Regulations has resulted in producers having to use costly mechanical milk refrigerators. The regulations requiring farmers to deliver cold milk have come about over a period of years. Handlers originally offered premiums for milk of special quality which was usually produced under mechanical refrigeration. About the time of the war emergency the Health Department announced that it would require all milk to be delivered to the Cincinnati fluid milk market at or below a temperature of 60 degrees. This requirement was not enforced because mechanical refrigerators were unobtainable and the effective date requiring cold milk has been extended from time to time. The record indicates that as of May 1, 1947, the requirement would be enforced. Handlers and producer associations have procured great numbers of refrigerators for their producers and will continue until all producers are so equipped. The premium paid for mechanically cooled milk has gradually declined over several years to a level of approximately 10 cents per hundredweight. It would appear that this amount has been the minimum incentive necessary to induce producers to incur the added cost of cooling milk mechanically up to the time they were required to do so by health department regulations.

The trend of the cost of feeds, labor, and supplies incurred by farmers in the production of milk has been upward during 1946 and 1947. The price of some feeds decreased somewhat from the peak reached when ceilings were removed in 1946 until February 1947. During February and March of 1947 the price of dairy feeds advanced sharply and established a new upward trend. Attempting to find an index that will reflect many milk price-making factors, the order provides for a basic Class III price which is the price paid for manufacturing milk by a selected group of condenseries in the Cincinnati territory. The basic Class III price does not, however, reflect fully all the factors necessary to arrive at a price for Class I milk. The order, therefore, provides a differential that is added to the basic Class III price to arrive at the Class I price. This differential is utilized to reflect various price-making factors not fully covered by the basic Class III price and to balance the relative weights of such factors under current local economic conditions, so that the Class I price will be at a level which will reflect, in addition to the price and availability of feeds, other economic conditions which affect market supply and demand for milk in the marketing area and will insure an adequate supply of pure and wholesome milk and be in the public interest. Farmers producing milk for fluid purposes must use feed, labor and supplies more extensively to maintain production at a more uniform and high level than is required of manufacturing milk producers. Consequently, the increases in the prices which have taken place in these items affect the fluid milk producers more than producers of milk for condenseries. The trend of basic Class III price is downward and has decreased 54 cents from November 1946 to January 1947, the last price quoted in the record.

The level of production of regular producer milk has been insufficient to meet the needs of Class I milk and Class II milk in the Cincinnati market. It has been necessary for handlers to supplement their supplies of producer milk in Class I and Class II with substantial quantities of milk from other sources usually of a lower quality standard than producer milk.

Furthermore, there has been a maladjustment in the supply of regular producer milk in relation to the demand for Class I and Class II milk in the Cincinnati market. The utilization of Class I milk and Class II milk has been relatively uniform throughout the year; whereas the receipts of milk from producers vary among the seasons of the year. The variation in the receipts of producer milk between the flush production season and the short production season has become progressively wider for several years. Production varies seasonally to such an extent that in 1946 the production for November was only 57 percent of that for June. The cost of producing milk is considerably higher during the fall and winter months than during the months of April, May, June, and July. Recent price plans employed in the Cincinnati area have not provided as great a seasonal variation in producer prices as was customary prior to the maximum price regulations effective during the war emergency. For this period of time farmers were urged to produce all the milk possible with little regard to the season or the requirements of their local fluid milk market. Under these conditions, maximum milk production shifted to the spring months when production costs were at their lowest level. To halt and reverse this trend, especially at a time when general milk market conditions are unsettled, will require a guarantee that the fall and winter prices are to be substantially higher than spring prices. Absolute floor prices for the 1947–48 season in conjunction with a Class I price differential employing a seasonal pattern, from a long time standpoint, will give this assurance. If the basic Class III formula produces a higher price for these fall and winter months, it should prevail as a further guarantee that the Class I price will be more in line with the then current marketing conditions. The record indicates the need of a seasonal Class I price differential which would be 30 cents more for the eight months of August through March than for the four months of April through July. Normally, the basic Class III price is about 20 to 40 cents higher for the months of short production. Also normally, the percentage utilization of producer milk for fluid purposes is higher during the fall and winter months, resulting in about a 10 to 20 cent higher blend price compared to the flush production season. Adding these three factors together, it is estimated that the blend price for the short production months will exceed that for the flush production months by about 60 to 90 cents.

Handlers, in their brief proposing certain findings, contend that, on the basis of the record, the present class price differentials should be lowered, but because of the uncertainties in the market conclude no changes should be made in the class prices for milk at the present time. These very uncertainties in market conditions are the best argument for changing the price-making patterns to one calculated to stabilize the fluid milk market as much as possible during the post-war realignment of dairy prices and other commodity prices. Aside from this the other heretofore mentioned price-making factors warrant a revision of the pricing plan.

It is concluded that the weighing of the above-mentioned price-making factors indicates the need for revising the level of the Class I price differential upward about 10 cents per hundredweight on an annual average. It is further concluded that the milk producers of the Cincinnati area need at this time, when they are planning their fall and winter production program, more definite assurance as to the level of milk prices than is presently afforded by the basic Class III price. In order to obviate uncertainty inherent in the basic Class III price during abnormal postwar marketing conditions, a floor price for Class I milk is established below which the price will not be permitted to go. The level of floor prices for the fall and winter months should be substantially higher than the prices prevailing during May and June to emphasize the seasonal factor of milk pricing and assure farmers of higher prices during the season when an increase in milk production is most needed by the market. A Class I floor price beginning July 1, 1947, of $4.80 and increasing to $5.24 beginning September 1, 1947 (approximately 1 cent per quart below December 1946) will recognize this seasonality and result in prices well above the current level of May and June prices. These changes are accomplished by revising the present year-around Class I price differential of $1.15, over the basic Class III price, to the seasonal pattern of $1.05 for the four months of April through July and $1.35 for the eight months of August through March (annual average $1.25); *Provided*, That for the months of July and August, 1947, the price for Class I milk shall not be less than $4.80 and for the months of September, October, November, and December, 1947, such price shall not be less than $5.24: *And provided further*, That the Class I price for January 1948 shall not be less than the December 1947 Class I price minus $0.44 and that the February 1948 Class I price shall not be less than the January 1948 Class I price minus $0.44.

Handlers, in their exceptions to the recommended decision, contended that the price differentials are actually increased over 20 cents per hundredweight on an annual average. As applied to price differentials, specifically, this statement is not mathematically correct. However, a computation included with the above exceptions produced such a result by basing the computation on

condensery price forecasts (not in the record) through March 1948, and (2) use of floor prices to arrive at price differentials when, if the condensery price forecasts were correct, such floor prices would prevail. Such a computation commingles the factors of floor prices, which have been designed to insure minimum seasonality for a limited period, with the factors of price differentials, which have been employed to accomplish seasonality over a long term, and indicates that the exceptions are more concerned with actual price levels than with price differentials. In this connection the handlers' exceptions stated that, with the floor of $5.24 (for Class I milk), handlers will have to pay much more for milk in 1947–48 than they did in 1946–47. The record shows that the average of prices for Class I milk actually paid by handlers in the Cincinnati marketing area during the months of September 1946 through March 1947 was $5.242. The floor prices, as well as price differentials, have been designed to accomplish seasonality in the pricing plan and, on an annual basis, do not exceed producers' proposals, as was stated in the handlers exceptions. Such prices have been calculated to afford a better alignment with neighboring markets and, subsequently, on the basis of a hearing held on May 7–9, 1947, revisions of the Dayton prices are being considered.

(2) The Class II milk price differential over the basic Class III prices should be revised to provide a seasonal price pattern, including floor prices, and an increase in the annual average level of the differential. The relationship between the present Class I and Class II differentials should be maintained month by month in the revised seasonal class pattern and in the floor prices.

The material factors with reference to revising the Class II price differential over the basic formula price to a seasonal pattern and a higher annual average level and the floor prices are the same as those set forth with respect to Class I.

(3) A lower price for Class III milk disposed of as butter should not be established at this time.

During the heavy production months some milk received in excess of Class I and Class II requirements is disposed of as butter (Class III) by some handlers. When milk is disposed of as butter, the skim milk is normally processed into a by-product. All handlers are not equipped to process condensed skim milk. Some handlers contend that the Class III price is too high for milk disposed of as butter unless the skim milk is salvaged. Handlers not equipped to process skim milk normally sell it to handlers so equipped. The record shows that sufficient sugar would be unavailable for handlers to process the anticipated amount of skim milk during the flush production season of 1947 unless the rationing plan was revised to make more sugar available for condensing milk.

The evidence introduced in support of this proposal was promised primarily on a reasonable price for milk made into butter without making an allowance for the value of the skim milk. The evidence fails to show a basis for lowering the price of Class III milk when made into butter and sugar is available for the manufacture of condensed skim milk or other manufacturing outlets for skim milk are available. The testimony offered in support of this proposal indicated that any lower price for Class III milk made into butter should apply only for the months of April, May, and June. Inasmuch as an amendment to the order cannot be made effective for such period in 1947 and the record fails to show sufficiently that such conditions may be anticipated in the future, and for the other foregoing reasons it is concluded that a lower price for Class III milk disposed of as butter should not be established at this time.

(4) The manner of computing the value of milk for each handler should not be changed at this time.

A proposal was made to revise the manner of computing the value of milk for each handler so that the average price (blend of Class I, Class II, and Class III milk values) for any handler can never exceed the price for Class I milk.

While on its face this proposal might seem reasonable, it completely overlooks the fact that the method of computing the value of milk for a handler was adopted, on the basis of prior hearing records, so that under certain conditions the composite price will exceed the Class I price. The proposal ignores the fact that under the present plan of classification a handler's composite price would normally exceed the Class I price when—(a) most of the butterfat used in the lower classes is so-called "differential fat," (b) considerable milk from undisclosed sources is used to replace producer milk, (c) there is a decided "overrun" (sales exceed purchases) or (d) sizable upward classification changes are made through audit corrections. This proposal could not be adopted without disrupting or nullifying the particular method of classifying milk and computing price employed by the Cincinnati order unless a complete revision of the plan is made. The record is inadequate for this purpose and for this reason it is concluded that no revision should be made in the manner of computing the value of milk for a handler.

The recommended decision containing rulings on the proposed findings and conclusions submitted by interested parties in this proceeding. Such findings are confirmed, except as modified, by the findings and conclusions set forth herein. Exceptions were led on behalf of certain handlers subject to Order No. 65 with respect to certain of the findings and conclusions contained in the recommended decision. With regard to the exceptions filed by handlers to certain findings and conclusions in the recommended decision, such exceptions do not make reference to specific amendments, but with reference to the principal issues raised therein, this decision contains a ruling thereon in the discussion of the material issue to which the exception refers. Such other exceptions of a general, specific, or implied nature are hereby denied. Exceptions were also raised by certain individuals (mostly Cincinnati, Ohio, residents) to the general effect that the proposed actions will increase the prices paid to producers, and that, in turn, will cause increases in the prices charged the consumers which will decrease milk consumption. The exceptions take no cognizance of the fact that there is a shortage of inspected milk, requiring the importation of emergency milk, and that it is necessary to encourage the producers to increase the supply of pure and wholesome milk, especially in the fall and winter months. Also, it is heretofore concluded that the prices proposed to be fixed are in accordance with the standards and objectives fixed by the act and are in the public interest. Such exceptions are, therefore, denied.

(4) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing agreement regulating the handling of milk in the Cincinnati, Ohio, marketing area" and "Order amending the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as further amended by the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 3d day of July 1947.

[SEAL] N. E. DODD,
Secretary of Agriculture.

Order,[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area

§ 965.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held upon certain proposed amendment to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 965.6 (a) (1) and substitute therefor the following:

(1) The price for Class I milk shall be the price for Class III milk plus $1.05 for the delivery periods of April through July and $1.35 for the delivery periods of August through March: *Provided*, That for the delivery periods of July and August, 1947, the price for Class I milk shall not be less than $4.80 and that for the delivery periods of September, October, November, and December, 1947, such price shall not be less than $5.24: *And provided further*, That the Class I price for January 1948 shall not be less than the December 1947 Class I price minus $0.44 and that the February 1948 Class I price shall not be less than the January 1948 Class I price minus $0.44.

2. Delete § 965.6 (a) (2) and substitute the following:

(2) The price for Class II milk shall be the price for Class III milk plus $0.66 for the delivery periods of April through July and $0.90 for the delivery periods of August through March: *Provided*, That for the delivery periods of July and August, 1947, the price for Class II milk shall not be less than $4.35 and that for the delivery periods of September, October, November, and December, 1947, such price shall not be less than $4.79: *And provided further*, That the Class II price for January 1948 shall not be less than the December 1947 Class II price minus $0.44 and that the February 1948 Class II price shall not be less than the January 1948 Class II price minus $0.44.

[F. R. Doc. 47-6384; Filed, July 8, 1947; 9:05 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 369]

SPECIAL INDUSTRY COMMITTEE NO. 5 FOR PUERTO RICO

ADDITION TO LIST OF INDUSTRIES

Whereas on June 16, 1947 by Administrative Order No. 367, published in the FEDERAL REGISTER on June 20, 1947 (12 F. R. 4006), I appointed Special Industry Committee No. 5 for Puerto Rico and charged it with the duty of investigating conditions in the industries in Puerto Rico enumerated and defined in the order and of recommending minimum wage rates for employees in such industries; and

Whereas, I now desire to amend Administrative Order No. 367 so as to extend the scope of the Committee's investigation to include the Leather and Skin Products Division of the Leather, Textile, Rubber, Straw, and Related Products Industries in Puerto Rico, and so as to charge the Committee with the duty of recommending minimum wage rates for employees in that Division;

Now therefore, by virtue of and pursuant to the authority vested in me by section 5 (c) of the Fair Labor Standards Act of 1938, as amended (Sec. 3 (c), 54 Stat. 615; 29 U. S. C. 205 (c)), *It is ordered*, That Administrative Order No. 367, dated June 16, 1947, is hereby amended by deleting the word "and" before "Vegetable Packing Industry" at the end of the enumeration of industries in paragraph 2 of said order; changing the period at the end of the paragraph to a semicolon and adding thereafter the following: "And the Leather and Skin Products Division of the Leather, Textile, Rubber, Straw and Related Products Industries"; and adding the following at the end of paragraph 3 of the said order:

Leather and Skin Products Division of the Leather, Textile, Rubber, Straw, and Related Products Industries in Puerto Rico. This division consists of the manufacture of products made from cured hides, skins, leather, or furs, except activities or products included in the Decorated Leather Button Division of the Leather, Textile, Rubber, Straw, and Related Products Industries or the Needlework Industries, as those industries in Puerto Rico are defined in the wage orders applicable thereto, or in the Shoe Manufacturing and Allied Industries or the Small Leather Goods and Related Products Industry, as those industries in Puerto Rico are defined in Administrative Order No. 367 appointing Special Industry Committee No. 5 for Puerto Rico.

Signed at Washington, D. C., this 2d day of July 1947.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 47-6352; Filed, July 8, 1947; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-809]

COLORADO-WYOMING GAS CO.

NOTICE OF FINAL DECISION AND ORDER

JULY 3, 1947.

Notice is hereby given that the initial decision and order issuing a certificate of public convenience and necessity in the above-designated matter became effective on July 1, 1947, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6362; Filed, July 8, 1947; 8:56 a. m.]

[Docket No. G-912]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF APPLICATION

JUNE 27, 1947.

Notice is hereby given that on June 16, 1947, Interstate Natural Gas Company, Inc. (Applicant), a Delaware corporation, having its principal office in Monroe, Louisiana, filed an application with the Federal Power Commission pursuant to section 7 of the Natural Gas Act, as amended, for authority to abandon and remove a certain portion of its natural-gas facilities, subject to the jurisdiction of the Commission, described as follows:

Approximately 1.63 miles of 10.75-inch pipe in the second from the upstream line across the Mississippi River, near Natchez, Mississippi, beginning at the main line header in Section 20, Township 7 North, Range 10 East, Concordia Parish, Louisiana, and ending at the main line header in Section 56, Township 7 North, Range 3 West, Adams County, Mississippi.

Applicant states in its application that the line proposed to be abandoned will be removed in part, and the balance abandoned in its present location. The portion to be removed is that portion from the main line header to the waters edge in Concordia Parish, Louisiana, and that portion of pipe from the main line header to the waters edge in Adams County, Mississippi. Applicant wishes to reclaim this portion of the pipeline for use elsewhere on Applicant's system. The portion to be abandoned in place is that portion of the pipe from waters edge to waters edge in the river bed. Applicant further states in its application that the portion of line proposed to be abandoned has been out of service since December 19, 1944, at which time it was broken by a Navy vessel weighing anchor and that this portion of line cannot be repaired economically.

Applicant, further states that there will not be any loss of service by reason of the abandonment and removal of this pipe, and that its main transmission system has a capacity of 170,000 Mcf per 24 hours. Applicant estimates that a total daily volume of 122,000 Mcf of gas will be available to it under peak conditions from the Monroe Field, the Vixen Field, Caldwell Parish, Louisiana, and the Carthage Point Field, Adams County, Mississippi. In addition, Applicant anticipates that other quantities of gas will be available from other fields recently developed adjacent to Applicant's main transmission system, such as the Holly Ridge field in Tensas Parish, Louisiana, and that in this way Applicant will be able to meet any demand expected to be made on the main transmission system and thus the original delivery capacity of 170,000 Mcf per 24 hours can be maintained.

Applicant estimates that the cost of removing a portion of the 1.63 miles of pipe is $5,327.65. The estimated total original installed cost of the materials to be retired is $67,185.49; and, the estimated total value of saleable material is $11,236.43.

Any interested State commisison is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Interstate Natural Gas Company, Inc., is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6365, Filed, July 8, 1947; 8:57 a. m.]

[Docket No. G-914]

MEMPHIS NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 1, 1947.

Notice is hereby given that on June 17, 1947, Memphis Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Memphis, Tennessee, and authorized to do business in the States of Louisiana, Arkansas, Mississippi and Tennessee, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following:

(a) One 1,200 h. p. gas compressor unit at its Lula, Mississippi compressing station.

(b) One 1,200 h. p. gas compressor unit at its Benoit, Mississippi compressing station.

(c) One 1,200 h. p. gas compressor unit at its Wilmot, Arkansas compressing station.

(d) One 14-inch O. D. submarine pipe line across the Mississippi River near Greenville, Mississippi to replace one 10-inch line lost by changing river currents.

Applicant states that the present maximum pipe line flow capacity, excluding gas for company use, is 159,954 Mcf. Applicant estimates peak day requirements of 185,000 Mcf for the 1947-1948 winter season. The proposed facilities will increase the capacity by 25,046 Mcf. Applicant states that the 14-inch submarine pipeline crossing is needed to replace a 10-inch crossing which has been lost by changing river currents.

Applicant estimates the over-all capital cost of the facilities totals $654,323, of which not more than $500,000 will be borrowed from banks at a probable rate of interest of 2¼%.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Memphis Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6363; Filed, July 8, 1947; 8:57 a. m.]

[Docket No. G-915]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

JULY 1, 1947.

Notice is hereby given that on June 19, 1947, United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal place of business at Shreveport, Louisiana, and authorized to do business in the States of Alabama, Florida, Louisiana, Mississippi, and Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of approximately 33 miles of 20-inch natural gas transmission line extending from the outlet side of

Applicant's gasoline plant in the Carthage Field, Panola County, Texas, in a northwesterly direction to a point at or near the terminus of the 24-inch natural gas transmission line of Texas Eastern Transmission Corporation (Texas Eastern) near the City of Longview, Gregg County, Texas, together with approximately 9 miles of 10-inch lateral transmission line to connect with the gasoline plant of Lone Star Gas Company in said Carthage Field and necessary appurtenant facilities. Said 20-inch line is proposed to be interconnected with said 24-inch line of Texas Eastern as well as with the existing transmission system of Applicant in the vicinity of Longview, Texas.

Applicant states that the proposed pipeline will be used to reenforce and augment the delivery capacity of its present Dallas District System west of Longview, Texas, to make more gas available for delivery in the Dallas area, where a deficit presently exists, to transport for, as well as to sell and deliver natural gas to Texas Eastern. The application recites that the estimated maximum daily delivery capacity of the proposed facilities will be approximately 230,000 Mcf with a pressure of 800 pounds at the point of delivery to Texas Eastern. Applicant estimates that the maximum day demand for 1947–48 on these facilities will be 155,000 Mcf, of which 100,000 Mcf will be sold to Texas Eastern, 25,000 transported for Texas Eastern from the Gasoline Plant of Lone Star Gas Company, and 30,000 Mcf to be delivered into Applicant's Longview West System.

Applicant estimates that the total over-all capital cost of the proposed facilities is $1,730,000. In order to finance its 1947 construction including construction covered by this application, Applicant will either (1) borrow from its parent, United Gas Corporation, and issue unsecured notes for the amount of such borrowing, or (2) sell bonds to its parent, United Gas Corporation, in accordance with Applicant's mortgage and Deed of Trust dated September 25, 1944.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of United Gas Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6364; Filed, July 8, 1947; 8:57 a. m.]

FEDERAL SECURITY AGENCY

Social Security Administration

CERTIFICATION TO UNEMPLOYMENT COMPENSATION COMMISSION OF MONTANA PURSUANT TO SECTION 1602 OF INTERNAL REVENUE CODE

The Unemployment Compensation Commission of the State of Montana having duly submitted to the Commissioner for Social Security, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Montana unemployment compensation law; and

The Acting Commissioner for Social Security having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Acting Commissioner for Social Security hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Acting Commissioner for Social Security hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of Montana.

[SEAL] W. L. MITCHELL,
Acting Commissioner for Social Security.

Approved: July 1, 1947.

MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-6361; Filed, July 8, 1947; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5486]

INDEPENDENT DIRECTORY CORP. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of July A. D. 1947.

In the matter of Independent Directory Corporation, a corporation; New Jersey Directory Corporation, a corporation; William Oleck Advertising Corporation, a corporation; and William Oleck, David Oleck and Maury Oleck, individually and as officers of the aforesaid corporations.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, July 9, 1947, at one o'clock in the afternoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the records, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 47-6367; Filed, July 8, 1947; 8:46 a. m.]

[Docket No. 5488]

UNICORN PRESS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of June A. D. 1947.

In the matter of Joseph L. Morse, Mac Gache, Gertrude Morse, and Rose Gache, individually and as copartners, trading as Unicorn Press.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Clyde M. Hadley, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, July 21, 1947, at nine o'clock in the forenoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 47-6366; Filed, July 8, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 749-A]

UNLOADING OF POPCORN AT LAREDO, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of July A. D. 1947.

Upon further consideration of Service Order No. 749 (12 F. R. 3752), and good cause appearing therefor; it is ordered, that:

(a) Service Order No. 749, *Popcorn at Laredo, Tex., on IGN be unloaded*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 6:00 p. m., July 3, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 418; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6356; Filed, July 8, 1947; 8:46 a. m.]

[S. O. 751-A]

UNLOADING OF FERTILIZER AT GALVESTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of July A. D. 1947.

Upon further consideration of Service Order No. 751 (12 F. R. 3786), and good cause appearing therefor; it is ordered, that:

(a) Service Order No. 751, *Fertilizer at Galveston, Tex., on B-RI R. R. be unloaded*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 6:00 p. m., July 3, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 418; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6357; Filed, July 8, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

BEHEL, JOHNSEN & CO., INC.

ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of June A. D. 1947.

Proceedings having been instituted to determine whether the registration of Behel, Johnsen & Company, Inc. ("registrant") as a broker and dealer should be revoked pursuant to section 15 (b) of the Securities Exchange Act of 1934 and to determine whether registrant should be expelled, pursuant to section 15A (*l*) (2) of said act, from membership in the National Association of Securities Dealers, Inc. ("NASD");

Registrant having filed a stipulation of facts in these proceedings and having admitted the facts set forth in the order for proceedings, and having consented to revocation of its registration and to its expulsion from membership in the NASD;

The Commission being fully advised in the premises and having this day issued its findings and opinion herein, on the basis of said findings and opinion and the said consent,

It is ordered, That the registration of Behel, Johnsen & Company, Inc., as a broker and dealer be and hereby is revoked, and that the registrant be, and hereby is expelled from membership in the NASD.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6350; Filed, July 8, 1947; 8:55 a. m.]

[File Nos. 59-9 and 59-88]

PHILADELPHIA CO. ET AL.

ORDER GRANTING ORAL ARGUMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of July A. D. 1947.

In the matter of Philadelphia Company and certain of its subsidiary companies, Standard Power and Light Corporation, and Standard Gas and Electric Company, respondents, File No. 59-88; Standard Power and Light Corporation Standard Gas and Electric Company and subsidiary companies thereof, respondents, File No. 59-9.

Maurice J. Dix, counsel for Jules Guggenheim, et al., public holders of certain of the securities of certain of the underliers of the Pittsburgh Railways Company having moved for a review by the Commission of a ruling by the trial examiner which struck out said counsel's appearance in the proceedings, barred him from further participation and struck from the record all statements made by such counsel; and

Oral argument and consideration of said motion having been requested thereon;

The Commission having considered such request and deeming it appropriate that the request be granted;

It is ordered, That the oral argument on the aforesaid motion shall take place before the Commission on July 8, 1947 at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid oral argument by mailing copies of this order by registered mail to all persons and parties entitled to notice in these proceedings.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6344; Filed, July 8, 1947; 8:54 a. m.]

[File No. 30-36]

MIDLAND UNITED CO.

NOTICE OF FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of June 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act") by Hugh M. Morris, formerly Surviving Trustee of the Estate of Midland United Company, for an order under said act finding that he has ceased to be a holding company.

Notice is further given that any interested person may, not later than July 15, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing, that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law

raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time thereafter, such application, as filed or as amended, may be granted.

All interested persons are referred to said application which is on file in the office of this Commission for a complete statement of the matters contained in such application, which may be summarized as follows:

On or about December 1, 1935, Hugh M. Morris and John N. Shannahan, as Trustees of the Estate of Midland United Company, a corporation in reorganization under section 77B of the Bankruptcy Act in the United States District Court for the District of Delaware ("Court"), filed a notification of registration under section 5 (a) of the act. On February 9, 1939, an amendment to such notification of registration was filed in which it was suggested that John N. Shannahan had died on August 16, 1938, and that Hugh M. Morris thereby became the sole Surviving Trustee of the Estate of Midland United Company. A joint modified plan of reorganization for Midland United Company, and its subsidiary, Midland Utilities Company, filed pursuant to section 11 (f) of the act and Chapter X of the Bankruptcy Act, was confirmed by the Court on April 7, 1945, and has since been consummated. On May 25, 1945, Hugh M. Morris, pursuant to an order of the Court, divested himself of all right, title, and interest in and to all assets held by him as Trustee. As a result of such action taken by him, applicant states that he does not own, control, or hold with power to vote, directly or indirectly, 10% or more of the outstanding voting securities of a public utility company or a holding company. In addition, pursuant to an order of the court, Hugh M. Morris has been discharged as Surviving Trustee of the Estate of Midland United Company. Accordingly, applicant requests that the Commission find and declare by order that Hugh M. Morris, as Surviving Trustee of the Estate of Midland United Company, has ceased to be a holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6351; Filed, July 8, 1947; 8:55 a. m.]

[File No. 70-1520]

KENTUCKY UTILITIES CO. ET AL.

ORDER MODIFYING PREVIOUS ORDER PERMITTING SIMPLIFICATION OF HOLDING COMPANY SYSTEM

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of July A. D. 1947.

In the matter of Kentucky Utilities Company, Old Dominion Power Company, and The Middle West Corporation, File No. 70-1520.

The Commission, on June 16, 1947, issued its memorandum findings and opinion and order granting and permitting to become effective, subject to certain conditions, joint applications-declarations, as amended, filed pursuant to the Public Utility Holding Company Act of 1935, by The Middle West Corporation ("Middle West"), a registered holding company, Kentucky Utilities Company ("Kentucky"), a subsidiary of Middle West, and Old Dominion Power Company ("Dominion"), a subsidiary of Kentucky, regarding a proposed recapitalization of Kentucky and Dominion and related transactions (see Holding Company Act Release No. 7489). Such transactions included the issue and sale by Kentucky, at competitive bidding pursuant to Rule U-50, of bonds and preferred stock, the acquisition by Middle West of shares of the common stock of Kentucky, and the acquisition by Kentucky of shares of the common stock of Dominion.

Amendments to said applications-declarations were filed by the applicants-declarants which set forth the action taken by Kentucky to comply with the requirements of Rule U-50 and which requested that said order of June 16, 1947 be modified to conform to the requirements of sections 371, 372, 373, and 1808 (f) of the Internal Revenue Code, as amended.

The Commission thereafter, on June 25, 1947, issued a supplemental order approving the action taken by Kentucky pursuant to Rule U-50, subject to certain conditions, and reserving jurisdiction with respect to the request for modification of said order of June 16, 1947 (see Holding Company Act Release No. 7515).

There is presently pending before the Commission proceedings instituted pursuant to sections 11 (b) (1) and 11 (b) (2) with respect to Middle West and Kentucky and certain other subsidiaries of Middle West (see Holding Company Act Release No. 6010).

Applicants-declarants now have submitted additional information with respect to the request for modification of said order of June 16, 1947, and the Commission has considered the record relevant to such request and finds that the proposed investment by Middle West of funds in the common stock of Kentucky and the proposed investment of funds by Kentucky in the common stock of Dominion are appropriate steps toward the simplification of the holding company system of Middle West, and that it is appropriate to modify said order June 16, 1947 in certain respects to conform with the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code, as amended.

It is therefore ordered, That the order of this Commission issued on June 16, 1947 in the above matter be, and hereby is, modified by adding thereto the following paragraph:

It is further ordered and recited, That the following transactions are necessary or appropriate to the simplification of the holding company system of The Middle West Corporation and to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(1) The issue, upon original issue, and the sale by Kentucky Utilities Company to The Middle West Corporation for cash at par of 1,049,689 additional shares of Common Stock of Kentucky Utilities Company of the par value of $10 per share in accordance with the terms of this order;

(2) The expenditures by The Middle West Corporation for 457,972.46 shares of the said 1,049,689 shares of Common Stock of Kentucky Utilities Company of (a) $1,465,714.43, being the amount received by The Middle West Corporation from the sale of 57,226 shares of the par value of $10 each of Common Stock of Michigan Gas and Electric Company and from the redemption by Michigan Gas and Electric Company of 4,878 shares without par value of its $6 Non Par Prior Lien Stock held by The Middle West Corporation, and (b) $2,613,760.17, being the amount received by The Middle West Corporation from the sale of 146,923 shares without par value of common stock of Northern Indiana Public Service Company, and (c) $500,250, being the amount received by The Middle West Corporation from the sale of 9,000 shares without par value of $3 Cumulative Preferred Stock of Copper District Power Company; and

(3) The issue by Old Dominion Power Company to Kentucky Utilities Company of 60,193 shares of common stock of the par value of $25 per share in accordance with the terms of this order.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6345; Filed, July 8, 1947; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788 Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9009]

FRIEDRICH HENBECK

In re: Bank account owned by Friedrich Henbeck. F-28-24003-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Henbeck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America, National Trust and Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 19635, entitled Friedrich Henbeck, maintained at the Humboldt Branch, San Francisco, California, of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6370; Filed, July 8, 1947; 8:47 a. m.]

[Vesting Orded 9066]

ASAHI PETROLEUM CO. AND NIHON SEKIYU KABUSHIKI KAISHA

In re: Debts owing to Asahi Petroleum Company, also known as Asahi Sekiyu Kabushiki Kaisha, and Nihon Sekiyu Kabushiki Kaisha. F-39-2365-C-1, F-39-2311-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Asahi Petroleum Company, also known as Asahi Sekiyu Kabushiki Kaisha, and Nihon Sekiyu Kabushiki Kaisha, the last known address of which is Tokyo, Japan, the corporations, partnerships, associations or other business organizations, organized under the laws of Japan, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Japan and are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Asahi Petroleum Company, also known as Asahi Sekiyu Kabushiki Kaisha, by Balfour, Guthrie & Co., Limited, 351 California Street, San Francisco, California, in the amount of $3,180.94, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Nihon Sekiyu Kabushiki Kaisha, by Balfour, Guthrie & Co., Limited, 351 California Street, San Francisco, California, in the amount of $5,392.78, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan).

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6371; Filed, July 8, 1947; 8:47 a. m.]

[Vesting Order 9067]

PAULA KOHLER DEINHARDT

In re: Debt owing to Paula Kohler Deinhardt, also known as Paula Deinhardt Kohler, also known as Paula Deinhard. F-28-847-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Kohler Deinhardt, also known as Paula Deinhardt Kohler, also known as Paula Deinhard, whose last known address is Heuchling, near Rauf, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Paula Deinhard, by Trust Company of North America, 115 Broadway, New York 5, New York, as Agent for Trustees of Series C-2 New York Title & Mortgage Company, in the amount of $15.76, evidenced by a check issued by Trust Company of North America, to Paula Deinhard, dated December 30, 1939, and numbered 1432, said check presently in the custody of McNamara & Seymour, 120 Broadway, New York 5, New York, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation, and any and all rights in, to and under the aforementioned check.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6372; Filed, July 8, 1947; 8:47 a. m.]

[Vesting Order 9072]

MARIE HUBER ET AL.

In re: Debts owing to Marie Huber (nee Hippman), Wilhelmina Emma Huber and Marie Huber. F-28-11487-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Huber (nee Hippman), Wilhelmina Emma Huber and Marie Huber, each of whose last known address is Dresden, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to Marie Huber (nee Hippman), Wilhelmina Emma Huber and Marie Huber by The Ninth Bank and Trust Company, Front and Norris Streets, Philadelphia, Pennsylvania, in the amounts of $267.67, $401.50, and $401.50, respectively, as of January 24, 1947, evidenced

by certificates of deposit numbered 261, 262 and 263, respectively, issued by said bank and presently in the custody of Mowitz & Kohlhas, 1420 Walnut Street, Philadelphia, Pennsylvania, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under, including particularly the right to possession of the aforesaid certificates of deposit,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6373; Filed, July 8, 1947; 8:47 a. m.]

[Vesting Order 9073]

FREDRICK LINGG

In re: Bank account owned by Fredrick Lingg, also known as Fred Lingg, also known as Fritz Lingg. F-28-28091-C-1, F-28-28091-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fredrick Lingg, also known as Fred Lingg, also known as Fritz Lingg, whose last known address is Moos, Post Weitman 13 b, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Fredrick Lingg, also known as Fred Lingg, also known as Fritz Lingg, by The First National Bank of Pleasanton, 700 Main Street, Pleasanton, California, arising out of a savings account, Account Number 3124, entitled Fred Lingg, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6374; Filed, July 8, 1947; 8:47 a. m.]

[Vesting Order 9074]

SOPHIE MICHAELIS

In re: Bank account owned by Sophie Michaelis. F-28-4049-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Michaelis, whose last known address is Suestedt, Post Vilsen, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Sophie Michaelis, by Bank of America, National Trust and Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 6743, entitled Sophie Michaelis, maintained at the Market-New Montgomery Office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6375; Filed, July 8 1947; 8:47 a. m.]

[Vesting Order 9105]

MARGARETE ALSGUTH AND DIEDRICH VON DOEHLEN

In re: Bank accounts owned by Margarete Alsguth and Diedrich Von Doehlen. F-28-2945-C-1, F-28-3727-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Alsguth and Diedrich Von Doehlen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Margarete Alsguth, by Anglo California National Bank, San Francisco, California, arising out of a Savings Account, Account Number 26765, entitled Margarete Alsguth and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Diedrich Von Doehlen, by Anglo California National Bank, San Francisco, California, arising out of a Savings Account, Account Number 26772, entitled Diedrich Von Doehlen, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6376; Filed, July 8, 1947; 8:47 a. m.]

[Vesting Order 9106]

CARL BOCK

In re: Debts owing to Carl Bock. F-28-806-C-1/3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Bock, whose last known address is Alstertor 1, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Carl Bock, by The Jarka Corporation, 15 Whitehall Street, New York 4, New York, in the amount of $1571.31, as of March 20, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Carl Bock, by Jarka Corporation of Philadelphia, 15 Whitehall Street, New York 4, New York, in the amount of $163.42, as of March 20, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Carl Bock, by Jarka Corporation of Baltimore, 15 Whitehall Street, New York 4, New York, in the amount of $873.23, as of March 20, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Carl Bock, by Jarka Corporation of New England (formerly known as Jarka Corporation of Boston) 15 Whitehall Street, New York 4, New York, in the amount of $352.93, as of March 20, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation owing to Carl Bock, by Southern Stevedoring Corporation, c/o The Jarka Corporation, 15 Whitehall Street, New York 4, New York, in the amount of $160.39, as of March 20, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

f. That certain debt or other obligation owing to Carl Bock, by Tidewater Stevedoring Corporation, c/o The Jarka Corporation, 15 Whitehall Street, New York 4, New York, in the amount of $156.16, as of March 20, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6377; Filed, July 8, 1947; 8:48 a. m.]

[Vesting Order 9113]

RHEINISCHE BAUERNBANK AND WESTDEUTSCHE LANDBANK

In re: Bank accounts owned by Rheinische Bauernbank and Westdeutsche Landbank. F-28-25708-E-1, F-28-1032-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rheinische Bauernbank and Westdeutsche Landbank, whose last known addresses are c/o Bank fuer Landwirtschaft Aktiengesellschaft, 8 Bahnhof Strasse, Koeln, Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Rheinische Bauernbank, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Rheinische Bauernbank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Westdeutsche Landbank, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Westdeutsche Landbank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6378; Filed, July 8, 1947; 8:48 a. m.]

[Vesting Order 9116]

SALE & CO., LTD.

In re: Debt owing to Sale and Company, Ltd. F-39-822-C-1, F-39-822-C-2, F-39-822-C-3.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sale and Company, Ltd., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Sale and Company, Ltd., by Dewey and Almy Chemical Company, 62 Whittemore Avenue, Cambridge 40, Massachusetts, in the amount of $1,175.78, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Sale and Company, Ltd., by Asbestos Limited Inc., Millington, New Jersey, in the amount of $3,051.32, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect, the same, and

c. That certain debt or other obligation owing to Sale and Company, Ltd., by Balfour, Guthrie & Co., Limited, 67 Wall Street, New York 5, N. Y., in the amount of $423.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6379; Filed, July 8, 1947; 8:48 a. m.]

[Vesting Order 9117]

ANNA SCHUH AND FRIEDA FEYERBEND

In re: Bank account owned by Anna Schuh and Frieda Feyerbend. F-28-25865-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schuh, whose last known address is Parkstrasse 75, Wiesbaden, Germany and Frieda Feyerbend, whose last known address is Auguste Viktoria Strasse 65, Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central National Bank of Cleveland, Cleveland 1, Ohio, arising out of a savings account, account number E-67944, entitled Gretchen Schneider Atty-in-Fact for Anna Schuh and Frieda Feyerbend, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany).

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6380; Filed, July 8, 1947; 8:48 a. m.]

[Vesting Order 9240]

GUSTAV SONTAG ET AL.

In re: Bonds, Stock, Investment Certificates, Bank Accounts owned by and debts owing to Gustav Sontag, Helene Wolff Berthold, Erich Wolff, Richard Reimer, Kurt E. Reimer, Walter Reimer, Friedrich Reimer and Magdalene Reimer.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Sontag, Helene Wolff Berthold, Erich Wolff, Richard Reimer, Kurt E. Reimer, Walter Reimer, Friedrich Reimer and Magdalene Reimer, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) City of Los Angeles Sewage Disposal, 4½% Bond, due April 1, 1954, of $1,000 face value, bearing the number 1538, in bearer form, and presently in the custody of Bank of America National Trust and Savings Association, Trust Department, San Bernardino, California, together with any and all rights thereunder and thereto,

b. One (1) Fruitvale Mutual Water Company first mortgage sinking fund, 4% to 5% Bond, due April 1, 1967, of $1,000 face value, bearing the number M-25, in bearer form, and presently in the custody of Bank of America National Trust and Savings Association, Trust Department, San Bernardino, California, together with any and all rights thereunder and thereto,

c. One (1) Southern Pacific, Oregon Lines first mortgage bond Series A, 4½%, due March 1, 1977, of $1,000 face value, bearing the number 43,353, in bearer form, and presently in the custody of Bank of America National Trust and Savings Association, Trust Department, San Bernardino, California, together with any and all rights thereunder and thereto,

d. Forty (40) shares of $10.00 par value preferred capital stock of North Ontario Packing Company, Los Angeles California, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Numbered 135, and presently in the custody of Bank of America National Trust and Savings Association, Trust Department, San Bernardino, California, together with all declared and unpaid dividends thereon,

e. Forty (40) shares of $2.50 par value Class A common capital stock of North Ontario Packing Company, Los Angeles California, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Numbered 135, and presently in the custody of Bank of America National Trust and Savings Association, Trust Department, San Bernardino, California, together with all declared and unpaid dividends thereon,

f. Nine (9) Ostpreussische Landschaftel Pfandbrief, bearing Certificate Numbers 03445, 03446, 01897, 18000, 13453, 13454, 03584, 08676, 08677, and presently in the custody of Bank of America National Trust and Savings Association, Trust Department, San Bernardino, California, together with any and all rights thereunder and thereto,

g. Eight (8) Investment Certificates of Pacific States Savings and Loan Company, c/o Building & Loan Commissioner, 745 Market Street, San Francisco, California, representing claims against Pacific States Savings and Loan Company, said certificates numbered as listed below, and registered in the names of the persons as follows; and presently in the custody of Bank of America National Trust and Savings Association, Trust Department, San Bernardino, California:

Certificate Number, Registered Owner, and OAP File No.
C 33655-A; Gustav Sontag; F 28 12268-A-1, F 28-12269-A-2, F-28-12268-C-1.
C 33655-B, Helene Berthold; F 28-9261-A 1, F-28-9261-A 2, F-28-9261-C-1.
C 33655-C; Erich Wolff; F-28-12791 A 1, F 28-12791 A 2, F-28-12791 C-1.
C 33655 D, Richard Reimer; F-28 13310-A-2, F 28-13310-A-1, F-28-13310-C-1, F-28-13310 E-1.
C 33655-E; Kurt E. Reimer; F-28-13308 A 1, F-28-13308 A-2, F 28-11308-C-1.
C 33655-F; Walter Reimer; F-28-13311-A-1, F 28-13311 A-2, F-28-13311-C 1, F-28-13311 E-1.
SF 33655-C; Friedrich Reimer; F 28 13307-A-1, F 28-13307-A-2, F-28-13307 C-1.
C-33655-H; Magdalene Reimer; F-28 13309-A-1, F 28-13309-A-2, F-28-13309-C-1.

together with any and all rights thereunder and thereto,

h. That certain debt or other obligation of Bank of America National Trust and Savings Association, San Bernardino, California, arising out of a Trust Account, entitled Heirs of Richard Sontag, Account Numbered 196-AN-47, maintained with the Trust Department of the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

i. One (1) small yellow metal watch chain, presently in the custody of Bank of America National Trust and Savings Association, Trust Department, San Bernardino, California,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gustav Sontag, Helene Wolff Berthold, Erich Wolff, Richard Reimer, Kurt E. Reimer, Walter Reimer, Friedrich Reimer and Magdalene Reimer, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Richard Reimer, by Bank of America National Trust and Savings Association, Upland Branch, 198 North 2d Avenue, Upland, California, arising out of a savings account, Account Number 6771, entitled Richard Reimer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Walter Reimer, by Bank of America National Trust and Savings Association, Upland Branch, 198 North 2d Avenue, Upland, California, arising out of a savings account, Account Number 6773, entitled Walter Reimer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Richard Reimer and Walter Reimer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6381; Filed, July 8, 1947; 8:48 a. m.]

JUL 12 '47

THE NATIONAL ARCHIVES

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9870

REGULATIONS PERTAINING TO THE GRANTING OF AND ACCOUNTING FOR CERTAIN FOREIGN SERVICE ALLOWANCES AND ALLOTMENTS

By virtue of the authority vested in me by the Foreign Service Act of 1946, approved August 13, 1946 (60 Stat. 999), and by section 202 of the Revised Statutes of the United States (5 U. S. C. 156), it is hereby ordered, in the interest of the internal management of the Government, as follows:

1. The Secretary of State is authorized to prescribe regulations governing the granting and payment of any allowances authorized by section 901 of the Foreign Service Act of 1946: *Provided*, that except as to allowances for the cost of lodging at temporary quarters the Secretary of State shall grant the allowances authorized by paragraph (1) of the said section 901 in accordance with the provisions of Part A of Bureau of the Budget Circular A–8, as it now exists or as it may hereafter be revised. *And provided further*, that the Secretary of State shall grant the allowances authorized by paragraphs (2) (i) and (3) of the said section 901 in accordance with the provisions of Executive Order No. 5643 of June 8, 1931, as amended, which shall be deemed to refer to all officers and employees of the Foreign Service who are citizens of the United States.

2. The Secretary of State is authorized to prescribe regulations governing the accounting for (1) the allowances granted or paid pursuant to section 901 of the Foreign Service Act of 1946 and (2) the allotments of funds made pursuant to section 902 of the said Act.

3. All regulations and orders which have been prescribed or issued by the Secretary of State subsequent to the effective date of the Foreign Service Act of 1946 with respect to the granting or payment of allowances authorized by section 901 of the said Act or the accounting therefor as required by section 903 of the said Act are hereby confirmed and ratified.

4. This order shall become effective as of July 1, 1947, and shall continue in effect to and including June 30, 1948.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 8, 1947.

[F. R. Doc. 47-6471; Filed, July 8, 1947; 2:31 p. m.]

EXECUTIVE ORDER 9871

REGULATIONS GOVERNING THE GRANTING OF ALLOWANCES FOR QUARTERS AND SUBSISTENCE TO ENLISTED MEN OF THE ARMY, NAVY, MARINE CORPS, AND COAST GUARD, AND PER DIEM ALLOWANCES TO MEMBERS OF SUCH SERVICES AND COAST AND GEODETIC SURVEY AND PUBLIC HEALTH SERVICE ON DUTY OUTSIDE THE CONTINENTAL UNITED STATES OR IN ALASKA

By virtue of and pursuant to the authority vested in me by sections 10 and 12 of the Pay Readjustment Act of 1942, as amended (56 Stat. 363, 364, 60 Stat. 853, 858; 37 U. S. C. Sup. 110, 112), I hereby prescribe the following regulations governing the granting of (1) allowances for quarters and subsistence to enlisted men in active service in the Army, Navy, Marine Corps, and Coast Guard who are not furnished quarters or rations in kind; (2) per diem allowances in lieu of actual and necessary expenses to members of the above-mentioned services and members of the Coast and Geodetic Survey and Public Health Service on duty outside the continental United States or in Alaska, whether or not in a travel status; and (3) allowances for quarters to enlisted men of the first, second, and third grades in active service in the Army, Navy, Marine Corps or Coast Guard having dependents as defined in section 4 of the said act, for periods during which public quarters are not provided and available for such dependents:

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FEDERAL REGISTER

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to the

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[1] Sec. 202, R. P. 1 of 1947.
[2] Sec. 301, R. P. 1 of 1947.
[3] Sec. 101, R. P. 1 of 1947.
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[5] E. O. 9871.
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Part 171—Leasing of Indian allotted and tribal lands for farming, grazing, and business 4544

Title 31—Money and Finance: Treasury
Subtitle A—Office of the Secretary of the Treasury:
Part 1—Office of the Secretary, and bureaus, divisions, and offices performing chiefly staff and service functions 4544

Title 32—National Defense
Chapter VII—Sugar Rationing Administration, Department of Agriculture:
Part 705—Administration 4544
Part 707—Rationing of sugar (2 documents) 4544, 4545
Chapter XX—Office of Contract Settlement 4546
Chapter XXIII—War Assets Administration 4546

Title 33—Navigation and Navigable Waters Page
Chapter II—Corps of Engineers, War Department:
Part 203—Bridge regulations 4546

Title 36—Parks and Forests
Chapter II—Forest Service, Department of Agriculture:
Part 251—Land uses 4546

Title 42—Public Health
Chapter I—Public Health Service, Federal Security Agency:
Part 11—Foreign quarantine (proposed) 4547

shall be granted daily allowances as follows:

	No Government Messing facilities furnished	Government Messing facilities furnished
1. General—If not otherwise provided for underauthority of Parts 1 A 2 or II hereof, including those absent from their ships on temporary duty not involving travel		
(a) Subsistence	$2.25	$1.35
(b) Quarters	1.25	1.25
2. Special—Enlisted men assigned to duty where emergency conditions justify such allowances, including those absent from their ships at such places on temporary duty not involving travel, payable at the discretion and upon the determination of the head of the department concerned in lieu of allowances at rates otherwise specified in paragraph 1.		
(a) Subsistence—at not to exceed	3.00	3.00
(b) Quarters—at not to exceed	2.00	2.00

B. Upon arrival at or departure from a station where allowances for subsistence are paid, such allowances shall be computed as follows, the day to begin at midnight: For 18 hours or more at the station, one whole day; for 12 hours or more but less than 18 hours at the station, two-thirds of one day; for 6 hours or more but less than 12 hours at the station, one-third of one day. No allowance for subsistence shall be paid for the day on which a man arrives at a station after 6 o'clock P. M.

C. In determining station allowance for quarters, a fractional part of a day shall be computed as a whole day; payment for station allowance shall accrue from midnight; and station allowance shall be paid for the day of arrival at, but not for the day of departure from, a permanent station.

D. Men traveling on duty, including detentions not exceeding thirty-one days at any one place, when not furnished sleeping-car or stateroom accommodations or other quarters and rations in kind, shall be granted a daily allowance of $5.00: Provided, that when quarters in kind are furnished they shall be entitled only to an allowance for subsistence at the rate of $1.00 per meal, and when subsistence is furnished they shall be entitled only to an allowance for quarters at the rate of $2.00 per day; ex-

cept that where travel is performed by rail or water, the allowance for subsistence shall be $1.25 for each meal required to be taken in a dining car on a train or in a dining room on a steamer, and if quarters are not provided for the day of such travel, the allowance for quarters shall be $1.75 when an allowance for subsistence is so furnished for one meal, $1.50 when an allowance for subsistence is so furnished for two meals, or $1.25 when an allowance for subsistence is so furnished for three meals.

E. For the purposes of this section, quarters in kind shall be considered as furnished for the day of arrival at a permanent station. Men absent under orders from their station upon duty which involves travel and also temporary detentions during the journey shall be deemed to be traveling under orders during the entire period of such absence including the day of departure therefrom and return thereto. For periods of detention in excess of thirty-one days at any one place, the allowances prescribed in Part I, A, above shall be applicable.

F. Payments of allowances for quarters and subsistence may be made to enlisted men not more than one month in advance, except that as to men proceeding to or from a station beyond the continental limits of the United States or in Alaska, such payments may be made not more than three months in advance. The heads of the departments concerned may prescribe such additional regulations as may be necessary to carry out the provisions of this paragraph.

PART II

Without regard to monetary limitations contained in the Pay Readjustment Act of 1942 as amended, the heads of the departments concerned may authorize the payment to members of their respective services on duty outside continental United States or in Alaska, whether or not in a travel status, of per diem allowances in lieu of actual and necessary expenses, considering all elements of cost of living, including cost of quarters, subsistence, and other necessary incidental expenses. Such per diem allowances shall be uniform for all the services. The heads of the departments concerned may prescribe such additional regulations as may be necessary to carry out the provisions of this Part, such regulations to be uniform to the fullest extent practicable.

PART III

Each enlisted man of the first, second, or third grade in active service in the Army, Navy, Marine Corps or Coast Guard who is not entitled to a money allowance for quarters in a non-travel status under the provisions of sections 10 or 12 of the said Act of June 16, 1942, and who has a dependent as defined in section 4 of the said Act, shall be entitled to receive for any period during which public quarters are not provided and available for such dependent, the money allowance for quarters prescribed for enlisted men in a non-travel status by Parts I or II above. Any such enlisted man, although receiving an allowance for quarters in a non-travel status prescribed by Parts I or II above, shall be entitled to an additional money allowance for quarters if by reason of orders of competent authority his dependent is prevented from dwelling with him, such additional money allowance for quarters to be paid at the rate prescribed in Part I A 1 above: Provided, that notwithstanding any other provisions herein contained enlisted men on duty ashore, or on ships assigned home ports, outside the continental limits of the United States or in Alaska, who are otherwise entitled to a money allowance for quarters for dependents shall be paid such money allowance at the rate prescribed in Part I A 1 above when their dependents have not established a residence in the locality of their respective permanent station or home port as determined under regulations prescribed by the head of the department concerned.

This order shall supersede Executive Order No. 9386 of October 15, 1943, as amended by Executive Order No. 9561 of June 1, 1945; Executive Order No. 9741C of June 29, 1946; and Executive Order No. 9825 of January 30, 1947, and shall be effective from July 1, 1947 until June 30, 1948 unless sooner modified or revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 8, 1947.

[F. R. Doc. 47-6480; Filed, July 8, 1947; 4:23 p. m.]

REORGANIZATION PLAN 1 OF 1947

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 1, 1947, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945

PART I. PRESIDENT AND DEPARTMENT OF JUSTICE

SECTION 101. *Functions of the Alien Property Custodian.* (a) Except as provided by subsection (b) of this section, all functions vested by law in the Alien Property Custodian or the Office of Alien Property Custodian are transferred to the Attorney General and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of Justice as he may designate.

(b) The functions vested by law in the Alien Property Custodian or the Office of Alien Property Custodian with respect to property or interests located in the Philippines or which were so located at the time of vesting in or transfer to an officer or agency of the United States under the Trading with the Enemy Act, as amended, are transferred to the President and shall be performed by him or, subject to his direction and control, by such officers and agencies as he may designate.

SEC. 102. *Approval of agricultural marketing orders.* The function of the President with respect to approving determinations of the Secretary of Agriculture in connection with agricultural marketing orders, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (9)), is abolished.

PART II. DEPARTMENT OF THE TREASURY

SEC. 201. *Contract settlement functions.* The functions of the Director of Contract Settlement and of the Office of Contract Settlement are transferred to the Secretary of the Treasury and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of the Treasury as he may designate. The Contract Settlement Advisory Board created by section 5 of the Contract Settlement Act of 1944 (58 Stat. 649) and the Appeal Board established under section 13 (d) of that Act are transferred to the Department of the Treasury: *Provided*, That the functions of the boards shall be performed by them, respectively, under such conditions and limitations as may now or hereafter be prescribed by law. The Office of Contract Settlement is abolished.

SEC. 202. *National Prohibition Act functions.* The functions of the Attorney General and of the Department of Justice with respect to (a) the determination of Internal Revenue taxes and penalties (exclusive of the determination of liability guaranteed by permit bonds) arising out of violations of the National Prohibition Act occurring prior to the repeal of the eighteenth amendment to the Constitution, and (b) the compromise, prior to reference to the Attorney General for suit, of liability for such taxes and penalties, are transferred to the Commissioner of Internal Revenue, Department of the Treasury: *Provided*, That any compromise of such liability shall be effected in accordance with the provisions of section 3761 of the Internal Revenue Code. All files and records of the Department of Justice used primarily in the administration of the functions transferred by the provisions of this section are hereby made available to the Commissioner of Internal Revenue for use in the administration of such functions.

PART III. DEPARTMENT OF AGRICULTURE

SEC. 301. *Agricultural research functions.* The functions of the following agencies of the Department of Agriculture, namely, the Bureau of Animal Industry, the Bureau of Dairy Industry, the Bureau of Plant Industry, Soils, and Agricultural Engineering, the Bureau of Entomology and Plant Quarantine, the Bureau of Agricultural and Industrial Chemistry, the Bureau of Human Nutrition and Home Economics, the Office of Experiment Stations, and the Agricultural Research Center, together with the functions of the Agricultural Research Administrator, are transferred to the Secretary of Agriculture and shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of Agriculture as he may designate.

PART IV. FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 401. *Credit union functions.* The functions of the Farm Credit Administration and the Governor thereof under the Federal Credit Union Act, as amended, together with the functions of the Secretary of Agriculture with respect thereto, are transferred to the Federal Deposit Insurance Corporation.

PART V. WAR ASSETS ADMINISTRATION

SEC. 501. *War Assets Administration and War Assets Administrator.* All functions of the War Assets Administration and of the War Assets Administrator established by Executive Order Numbered 9689 of January 31, 1946, are transferred to the Surplus Property Administration and the Surplus Property Administrator, respectively, which were created by the Act of September 18, 1945 (59 Stat. 533, ch. 368). The latter agencies shall hereafter be known as the War Assets Administration and the War Assets Administrator, respectively. The agencies established by Executive Order Numbered 9689 are abolished. The functions transferred by this section shall be performed by the War Assets Administrator or, subject to his direction and control, by such officers and agencies of the War Assets Administration as he may designate: *Provided*, That the functions specifically vested in the Surplus Property Administrator by the Surplus Property Act of 1944, as amended, and by the Act of September 18, 1945, shall be performed by the War Assets Administrator or by the Associate Administrator as provided in section 502 hereof.

SEC. 502. *Associate War Assets Administrator.* There shall be in the War Assets Administration an Associate War Assets Administrator, who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate of $10,000 per annum. The Associate War Assets Administrator shall act for the War Assets Administrator in all matters during the absence or disability of the Administrator, or in the event of a vacancy in the office of Administrator, and shall perform such other duties as the Administrator may prescribe.

PART VI. GENERAL PROVISIONS

SEC. 601. *Termination of functions.* Nothing contained in this reorganization plan shall be deemed to extend the duration of any function beyond the time when it would otherwise expire as provided by law.

SEC. 602. *Transfer of records, property, personnel, and funds.* There are hereby transferred to the respective agencies in which functions are vested pursuant to the provisions of this plan, to be used, employed, and expended in connection with such functions, respectively, or in winding up the affairs of agencies abolished in connection with the transfer of such functions, (1) the records and property now being used or held in connection with such functions, (2) the personnel employed in connection with such functions, and (3) the unexpended balances of appropriations, allocations, or other funds available or to be made available for use in connection with such functions.

SEC. 603. *Effective date.* The provisions of this plan shall take effect on July 1, 1947, unless a later date is required by the provisions of the Reorganization Act of 1945.

[F. R. Doc. 47-6514; Filed, July 9, 1947; 10:33 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

TRANSFER OF FUNCTIONS

CROSS REFERENCE: For transfer of functions to the Secretary of Agriculture see section 301 of Reorganization Plan 1 of 1947, *supra*.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

APPROVAL OF CERTAIN DETERMINATIONS BY THE PRESIDENT

CROSS REFERENCE: For abolishment of the function of the President with respect to approving determinations of the Secretary of Agriculture in connection with agricultural marketing orders see section 102 of Reorganization Plan 1 of 1947, *supra*.

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1946-47 FISCAL YEAR

On December 11, 1946, the Secretary of Agriculture approved (11 F. R. 14451) the rate of assessment for the 1946-47 fiscal year under Marketing Agreement No. 94 and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or the State of Arizona. Such approval was given after consideration of all relevant matters presented, including the proposals set forth in the notice of proposed rule making which was published in the FEDERAL REGISTER on November 19, 1946 (11 F. R. 13596). One of the factors considered as a basis for the approved rate of assessment was that interstate shipments of lemons for the 1946-47 fiscal year would, according to the estimate of the Lemon Administrative Committee (established pursuant to the marketing agreement and order), aggregate 7,850,000 boxes. It has become necessary, since that time, to revise such estimate to 7,240,000 boxes.

Section 3 of the marketing agreement and § 953.3 of Order No. 53 provide that at any time during a fiscal year the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the aforesaid committee. Such increase shall be applicable to all lemons handled during the fiscal year.

Pursuant to the provisions of such marketing agreement and order and on the basis of available information, it is hereby found that the necessary expenses to be incurred by the Lemon Administrative Committee for its maintenance and functioning during the fiscal year beginning on November 1, 1946, and ending on October 31, 1947, both dates inclusive, will amount to $90,500.00.

It is, therefore, ordered, That the provisions in paragraph (a) of § 953.201 *Budget of expenses and rate of assessment for the 1946-47 fiscal year* (11 F. R. 14451) are hereby amended to read as follows:

(a) The expenses necessary to be incurred by the Lemon Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, for the maintenance and functioning, during the fiscal year beginning on November 1, 1946, and ending on October 31, 1947, both dates inclusive, of such committee will amount to $90,500.00, and the rate of assessment to be paid, in accordance with the aforesaid marketing agreement and order, by each handler who first handles lemons shall be one and one-quarter cents ($0.0125) per box of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during said fiscal year; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

Compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong.) is impracticable, unnecessary, and contrary to the public interest in that: (1) the rate of assessment is applicable, pursuant to the marketing agreement and order, to all lemons handled during the fiscal year beginning on November 1, 1946, and ending on October 31, 1947, both dates inclusive; (2) the expenses of operating this regulatory program since November 1, 1946, have been paid, in accordance with the applicable provisions of the marketing agreement and order, with funds representing assessments collected on the basis of the rate of assessment approved on December 11, 1946 (11 F. R. 14451); (3) a substantial operating deficit now exists which must be liquidated at the earliest possible date so that current operations may be carried on satisfactorily; (4) sufficient funds also must be provided, as soon as possible, to cover all current expenses and to provide a reserve for contingencies; and, inasmuch as the heaviest lemon shipments of the season occur in the summer months and assessments are much easier to collect at time of shipment than at some future date, (5) it is essential that the specification of the amended assessment rate be issued immediately in order for the amended regulatory assessments to be collected so as to enable the Lemon Administrative Committee to perform its duties and functions under the aforesaid marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 953.1 et seq.)

Done at Washington, D. C., this 3d day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6408; Filed, July 9, 1947; 8:48 a. m.]

PART 962—FRESH PEACHES GROWN IN GEORGIA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND THE FIXING OF THE RATE OF ASSESSMENT FOR THE 1947–48 FISCAL PERIOD

Notice was published in the FEDERAL REGISTER (12 F. R. 3538), dated May 30, 1947, that the consideration was being given to proposals regarding the budget of expenses and the fixing of the rate of assessment for the 1947–48 fiscal period under the marketing agreement and Order No. 62 (7 CFR, Cum. Supp., 962.1 et seq.), regulating the handling of fresh peaches grown in the State of Georgia. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Industry Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 962.201 *Budget of expenses and rate of assessment for the 1947–48 fiscal period.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions of the aforesaid marketing agreement and order, during the fiscal period beginning March 1, 1947, and ending on the last day of February 1948, both dates inclusive, will amount to $21,672.00, and the rate of assessment to be paid, in accordance with the aforesaid marketing agreement and order, by each handler who first handles peaches shall be eight mills ($0.008) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk, shipped by him as the first shipper thereof during said fiscal period; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

It is hereby further found and determined that compliance with the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable, unnecessary, and contrary to the public interest in that (1) regulations with respect to shipments of peaches have been in effect since June 5, 1947; (2) a large volume of the Georgia peach crop is handled by itinerant truckers and cash buyers who operate in the area only part of the season; and (3) in order for regulatory assessments to be collected, especially from those handlers who do not have definite or established places of business in the production area, it is essential that the specification of the assessment rate be issued immediately so as to enable the said Industry Committee to perform its duties and functions under said marketing agreement and order.

As used herein, the terms "handler," "shipped," "peaches," and "fiscal period" shall have the same meaning as is given to each such term in the said marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 962.5)

Done at Washington, D. C., this 3d day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6406; Filed, July 9, 1947; 8:48 a. m.]

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.317 *Plum Order 15*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Late Rosa plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 11, 1947, and ending 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Late Rosa plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of twenty-five (25) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Late Rosa plums containing plums of a size smaller than a size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows:

(i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{9}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plus contained in any such pack measure, as aforesaid, not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{5}/_{16}$ inches in diameter.

(3) Each shipper, prior to making each shipment of Late Rosa plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Late Rosa plums contained in each such lot or shipment: *Provided, however,* That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Frnancisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) As used in this section, the terms "shipper," "ship," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order, and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] S. R. SMITH
Director
Fruit and Vegetable Branch

[F. R. Doc. 47 6495; Filed, July 9 1947; 9:19 a. m.]

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.318 *Plum Order 16*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Late Duarte plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 11, 1947, and ending 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Late Duarte plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Late Duarte plums containing plums of a size smaller than a size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard park is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{9}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{5}/_{16}$ inches in diameter.

(3) Each shipper, prior to making each shipment of Late Duarte plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Late Duarte plums contained in each such lot or shipment: *Provided, however,* That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) As used in this section, the terms "shipper," "ship," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order, and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-6494; Filed, July 9, 1947; 9:18 a. m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.319 *Plum Order 17*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Late Tragedy plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 11, 1947, and ending at 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Late Tragedy plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of twenty-five (25) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Late Tragedy plums containing plums of a size smaller than a size that will pack a 6 x 6 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 6 x 6 standard pack is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Late Tragedy plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(a) Of said total quantity, at least eighty-five (85) percent, by number of packages, shall be of a size not smaller than a size that will pack a 5 x 6 standard pack, as specified in the aforesaid United States Standards, in the aforesaid standard basket; and said 5 x 6 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

(b) The remainder of such total quantity may be of a size that will pack a 6 x 6 standard pack, as aforesaid, or of larger sizes up to, but not including, a size that will pack a 5 x 6 standard pack, as aforesaid.

(ii) If any shipper, during any two (2) consecutive days, ships from any such

shipping point less than the maximum allowable portion of such Late Tragedy plums that will pack a 6 x 6 standard pack, and larger sizes, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Late Tragedy plums of such size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{7}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{5}/_{16}$ inches in diameter.

(4) As used in this section, the aforesaid 6 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{5}/_{16}$ inches in diameter; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{1}/_{16}$ inches in diameter.

(5) Nothing contained herein shall be construed (i) as preventing a shipper from shipping Late Tragedy plums of a size larger than a size that will pack a 5 x 6 standard pack, as aforesaid, if said plums meet the grade requirements hereof; or (ii) as permitting the shipment of Late Tragedy plums of a size smaller than a size that will pack a 6 x 6 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(6) Each shipper, prior to making each shipment of Late Tragedy plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Late Tragedy plums contained in each such lot or shipment: *Provided, however*, That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(7) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(8) As used in this section, the terms "shipper," "ship," "shipping," "shipping point," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order, and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-6493; Filed, July 9, 1947; 9:18 a. m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.320 *Plum Order 18*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Sharkey plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 11 1947, and ending 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Sharkey plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards, or

(ii) Any package or container of Sharkey plums containing plums of a size smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{11}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{7}/_{16}$ inches in diameter.

(3) Each shipper, prior to making each shipment of Sharkey plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Sharkey plums contained in each such lot or shipment: *Provided, however*, That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) As used in this section, the terms "shipper," "ship," and "shipment," shall have the same meaning as when used in the amended marketing agreement and order, and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 936.1 et seq.)

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-6492; Filed, July 9, 1947; 9:18 a. m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.321 *Plum Order 19*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Kelsey plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 11, 1947, and ending at 12:01 a. m., P. s. t., November 1, 1947, no shipper shall ship:

(i) Any package or container of Kelsey plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of twenty-five (25) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Kelsey plums containing plums of a size smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Kelsey plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(*a*) Of said total quantity, not more than fifty (50) percent, by number of packages, shall be of a size that will pack a 4 x 5 standard pack, as aforesaid, in the aforesaid standard basket; and

(*b*) The remainder of such total quantity shall be of a size larger than a size that will pack a 4 x 5 standard pack, as aforesaid, in the aforesaid standard basket.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Kelsey plums that will pack a 4 x 5 standard pack as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Kelsey plums of such 4 x 5 size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{11}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{7}/_{16}$ inches in diameter.

(4) Nothing contained in this section shall be construed (i) as preventing a shipper from shipping Kelsey plums of a size larger than a size that will pack a 4 x 5 standard pack, as aforesaid, if said plums meet the grade requirements hereof, or (ii) as permitting the shipment of Kelsey plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(5) Each shipper, prior to making each shipment of Kelsey plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Kelsey plums contained in each such lot or shipment: *Provided, however*, That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(6) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(7) As used in this section, the terms "shipper," "ship," "shipping," "shipping point," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order, and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-6491; Filed, July 9, 1947; 9:18 a. m.]

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.322 *Plum Order 20*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement

Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of President plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 11, 1947, and ending at 12:01 a. m., P. s. t., November 1, 1947, no shipper shall ship:

(i) Any package or container of President plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of President plums containing plums of a size smaller than a size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of President plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(*a*) Of said total quantity, at least fifty (50) percent, by number of packages, shall be of a size not smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in the aforesaid standard basket; and said 4 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

(*b*) The remainder of such total quantity may be of a size that will pack a 5 x 5 standard pack, as aforesaid, or of larger sizes up to, but not including, a size that will pack a 4 x 5 standard pack, as aforesaid.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such President plums that will pack a 5 x 5 standard pack, and larger sizes, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such President plums of such size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{11}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter; and, (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{7}/_{16}$ inches in diameter.

(4) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter, (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{5}/_{16}$ inches in diameter.

(5) Nothing contained in this section shall be construed (i) as preventing a shipper from shipping President plums of a size larger than the size that will pack a 4 x 5 standard pack, as aforesaid, if said plums meet the grade requirements hereof, or (ii) as permitting the shipment of President plums of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(6) Each shipper, prior to making each shipment of President plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the President plums contained in each such lot or shipment: *Provided, however,* That, in case the following conditions exist in connection with any such shipments:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(7) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(8) As used in this section, the terms "shipper," "ship," "shipping," and "shipping point" shall have the same meaning as when used in the amended marketing agreement and order, and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C. this 8th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-6490; Filed, July 9, 1947; 9:17 a. m.]

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.323 *Plum Order 21*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Grand Duke plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 11, 1947, and ending at 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Grand Duke plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States standards; or

(ii) Any package or container of Grand Duke plums containing plums of a size smaller than a size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Grand Duke plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(*a*) Of said total quantity, not more than fifty (50) percent, by number of packages, shall be of a size that will pack a 5 x 5 standard pack, as aforesaid, in the aforesaid standard basket; and

(*b*) The remainder of such total quantity shall be of a size larger than a size that will pack a 5 x 5 standard pack, as aforesaid, in the aforesaid standard basket.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Grand Duke plums that will pack a 5 x 5 standard pack, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Grand Duke plums of such 5 x 5 size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{9}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{5}/_{16}$ inches in diameter.

(4) Nothing contained in this section shall be construed (i) as preventing a shipper from shipping Grand Duke plums of a size larger than a size that will pack a 5 x 5 standard pack, as aforesaid, if said plums meet the grade requirements hereof, or (ii) as permitting the shipment of Grand Duke plums of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(5) Each shipper, prior to making each shipment of Grand Duke plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Grand Duke plums contained in each such lot or shipment: *Provided, however,* That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(6) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(7) As used in this section, the terms "shipper," "ship," "shipping," "shipping point," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order, and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-6472; Filed, July 9, 1947; 9:17 a. m.]

[Plum Order 22]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.324 *Plum Order 22*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Giant plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 11, 1947, and ending 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Giant plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Giant plums containing plums of a size smaller than a size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{9}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{5}/_{16}$ inches in diameter.

(3) Each shipper, prior to making each shipment of Giant plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted

promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Giant plums contained in each such lot or shipment: *Provided, however*, That in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) As used in this section, the terms "shipper," "ship," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order; and, the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-6488; Filed, July 9, 1947; 9:17 a. m.]

[Plum Order 23]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.325 *Plum Order 23*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Ace plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 11, 1947, and ending at 12:01 a. m., P. s. t., October 11, 1947, no shipper shall ship:

(i) Any package or container of Ace plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Ace plums containing plums of a size smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Ace plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(a) Of said total quantity, not more than fifty (50) percent, by number of packages, shall be of a size that will pack a 4 x 5 standard pack, as aforesaid, in the aforesaid standard basket; and

(b) The remainder of such total quantity shall be of a size larger than a size that will pack a 4 x 5 standard pack, as aforesaid, in the aforesaid standard basket.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Ace plums that will pack a 4 x 5 standard pack, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Ace plums of such 4 x 5 size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than $1^{11}/_{16}$ inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than $1^{5}/_{16}$ inches in diameter.

(4) Nothing contained in this section shall be construed (i) as preventing a shipper from shipping Ace plums of a size larger than a size that will pack a 4 x 5 standard pack, as aforesaid, if said plums meet the grade requirements hereof, or (ii) as permitting the shipment of Ace plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(5) Each shipper, prior to making each shipment of Ace plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Ace plums contained in each such lot or shipment: *Provided, however*, That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(6) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(7) As used in this section the terms "shipper," "ship," "shipping," "shipping point," and "shipment," shall have the same meaning as when used in the amended marketing agreement and order, and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-6489; Filed, July 9, 1947; 9:17 a. m.]

Chapter XXI—Organization, Functions and Procedure, Department of Agriculture

AGRICULTURAL RESEARCH FUNCTIONS

CROSS REFERENCE: For transfer of functions of the following agencies to the Secretary of Agriculture see section 101 of Reorganization Plan 1 of 1947, *supra*:

Agency	Part No.
Office of Administrator, Agricultural Research Administration	2401
Bureau of Animal Industry	2403
Bureau of Dairy Industry	2405
Bureau of Plant Industry, Soils, and Agricultural Engineering	2409
Bureau of Entomology and Plant Quarantine	2406
Bureau of Agricultural and Industrial Chemistry	2402
Bureau of Human Nutrition and Home Economics	2408
Office of Experiment Stations	2407
Agricultural Research Center	2404

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

CONTINUATION OF TRANSFER OF FUNCTIONS

CROSS REFERENCE: For continuation of transfer of functions see section 101 of Reorganization Plan 1 of 1947, *supra*.

Chapter III—Office of Philippine Alien Property Administration

CONTINUATION OF ADMINISTRATION OF FUNCTIONS

CROSS REFERENCE: For continuation of administration of functions through the Office of Philippine Alien Property Administration see section 101 of Reorganization Plan 1 of 1947, *supra*.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

TRANSFER OF FUNCTIONS

CROSS REFERENCE: For transfer of functions to the Secretary of Agriculture see section 301 of Reorganization Plan 1 of 1947, *supra*.

Chapter III—Bureau of Dairy Industry, Department of Agriculture

TRANSFER OF FUNCTIONS

CROSS REFERENCE: For transfer of functions to the Secretary of Agriculture see section 301 of Reorganization Plan 1 of 1947, *supra*.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 701—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Rescind paragraph (c) of § 701.30 and substitute the following therefor:

§ 701.30 *Enlistments and reenlistments in the Regular Army pursuant to the Act of June 1, 1945, as amended by the Armed Forces Voluntary Recruitment Act of 1945.* * * *

(c) *Men discharged.* Except as indicated in paragraphs (g), (h), (i) of this section, individuals discharged from the Army and receiving an honorable discharge or general discharge, will be afforded the opportunity of enlisting or reenlisting in the Regular Army within 20 days after the date of such discharge, without regard to the restrictions as to age prescribed in paragraph (f) (2) of this section.

[WD Cir 31, Feb. 4, 1947, as amended by Cir 149, June 11, 1947] (41 Stat. 765, Pub. Law 72, 79th Cong., as amended by Pub. Law, 190, 79th Cong., 10 U. S. C. 42)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6417; Filed, July 9, 1947; 8:49 a. m.]

Chapter VIII—Supplies and Equipment

PART 824—DISPOSITION OF NON-REPAIRABLE PROPERTY

REVOCATION OF REGULATIONS

Sections 824.101 to 824.110 are hereby revoked. These regulations are prescribed in Procurement Regulation No. 7, § 824.407, Part 824, Title 10, Code of Federal Regulations.

[AR 35-6590, May 22, 1942, as rescinded by W. D. Cir. 156, June 17, 1947] (41 Stat. 976; 50 U. S. C. 62)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6415; Filed, July 9, 1947; 8:48 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter B—Federal Open Market Committee

PART 281—STATEMENTS OF POLICY

PURCHASE OF TREASURY BILLS

The following statement of policy was issued by the Federal Open Market Committee on July 2, 1947:

§ 281.1 *Purchase of Treasury bills.* The Federal Open Market Committee of the Federal Reserve System has directed the Federal Reserve Banks to terminate the policy of buying all Treasury bills offered to them at a fixed rate of $^{3}/_{8}$ per cent per annum and to terminate the repurchase option privilege on Treasury bills. The new policy will apply to bills issued on or after July 10, 1947. Existing policy will continue to apply to bills issued prior to that date. (Sec. 205, 49 Stat. 705, as amended by sec. 1, 56 Stat. 647; 12 U. S. C. and Sup. 263)

FEDERAL OPEN MARKET COMMITTEE,
S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 47-6399; Filed, July 9, 1947; 8:47 a. m.]

Chapter III—Federal Deposit Insurance Corporation

Subchapter D—Federal Credit Unions

CONTINUATION OF TRANSFER OF FUNCTIONS

CROSS REFERENCE: For continuation of transfer of functions with respect to Federal Credit Unions, from the Farm Credit Administration to the Federal Deposit Insurance Corporation, see section 401 of Reorganization Plan 1 of 1947, *supra*.

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter F—National Mortgage Associations

PART 561—REGULATIONS UNDER TITLE III OF THE NATIONAL HOUSING ACT

HANDLING OF MORTGAGES

Section 561.10 (a) (2) is hereby amended to read as follows:

§ 561.10 *Investment of funds*—(a) *Real estate loans and purchase of mortgages.* * * *

(2) To purchase and sell any mortgages, or partial interests therein, which are insured under Title II and Title VI of such act.

(Secs. 301-308, 48 Stat. 1252-1255; 12 U. S. C. 1716-1723)

Issued at Washington, D. C., July 3, 1947.

RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. R. Doc. 47-6414; Filed, July 9, 1947; 8:48 a. m.]

Chapter VIII—Office of Housing Expediter

[Priorities Reg. 32, Revocation]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

INVENTORIES

Section 803.9, Priorities Regulation 32, is revoked, effective on June 30, 1947, simultaneously with the approval by the President of the Housing and Rent Act of 1947 (P. L. 129, 80th Cong.).

This revocation does not affect any liability incurred for violation of this section or any action taken by the Office of the Housing Expediter under this section.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821; P. L. 129, 80th Cong.)

Issued this 7th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6519; Filed, July 9, 1947; 11:55 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter Q—Leases and Permits on Restricted Indian Lands

[Order 2342]

PART 171—LEASING OF INDIAN ALLOTTED AND TRIBAL LANDS FOR FARMING, GRAZING, AND BUSINESS

LEASING PRIVILEGES

Section 171.4 is amended to read as follows:

§ 171.4 *Leasing privilege.* Notwithstanding any provisions of this Part to the contrary, all adult Indians may negotiate farming and grazing leases on restricted Indian land owned by them or by their minor children. The rentals due under leases so negotiated shall be paid by the lessees of the land directly to the adult owners of the land or to the parents of the minor owners of the land except when the leases approved by the Superintendent or other officer in charge of the reservation provide otherwise. This privilege is revocable by the Superintendent or other officer in charge of the reservation at any time the individual Indian proves himself incompetent or irresponsible in the exercise of the privilege.

(R. S. 161, sec. 1, 31 Stat. 229, sec. 4, 36 Stat. 856, sec. 1, 41 Stat. 1232; 5 U. S. C. 22, 25 U. S. C. 393, 395, 403)

[SEAL] WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JULY 1, 1947.

[F. R. Doc. 47-6400; Filed, July 9, 1947; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 1—OFFICE OF THE SECRETARY, AND BUREAUS, DIVISIONS, AND OFFICES PERFORMING CHIEFLY STAFF AND SERVICE FUNCTIONS

CONTINUATION OF TRANSFER OF FUNCTIONS OF OFFICE OF CONTRACT SETTLEMENT

CROSS REFERENCE: For the continuation of the transfer of the functions of the Office of Contract Settlement to the Secretary of the Treasury in the Treasury Department as set forth in § 1.1 (b) see section 201 of Reorganization Plan 1 of 1947, *supra*.

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 8]

PART 705—ADMINISTRATION

PRESERVATION OF RECORDS (RICE)

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority conferred upon the Secretary of Agriculture by Executive Order No. 9841, it is ordered:

§ 705.108 *Preservation of records, with respect to rice.* (a) All persons shall preserve for examination by the Department of Agriculture, until June 30, 1948, all records, documents, reports, books, accounts, invoices, sales lists, sales slips, orders, vouchers, contracts, receipts, bills of lading, correspondence, memoranda, and other papers, and drafts and copies thereof, which were required to be made or kept on or before June 30, 1947, with respect to rough rice or finished rice and rice milling by-products by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, or by any regulation, order or other document issued thereunder by the Price Administrator, Office of Price Administration, The Temporary Controls Administrator, Office of Temporary Controls or by the Secretary of Agriculture.

(b) *Definition.* When used in this order the terms:

(1) "Person" shall have the same meaning as in the Emergency Price Control Act of 1942, as amended.

(2) "Rough rice" shall have the same meaning as in Maximum Price Regulation 518.

(3) "Finished rice and rice milling by-products" shall have the same meaning as in Second Revised Maximum Price Regulation 150.

This order shall become effective June 30, 1947.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E. O. 9841, 12 F. R. 2645)

Issued this 8th day of July, 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Opinion Accompanying General Order 8

Section 1 (b) of the Emergency Price Control Act of 1942, as amended, provides that as to offenses committed or rights or liabilities incurred on or before June 30, 1947, the provisions of the Emergency Price Control Act and all regulations, orders, price schedules and requirements issued thereunder shall be treated as remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability or offense.

Executive Order 9841 transferred to the Secretary of Agriculture all powers with respect to price control over rice which had been vested in the Price Administrator.

In order to carry out the mandate of section 1 (b) of the Emergency Price Control Act of 1942, as amended, with respect to rice, it is necessary to require the preservation until June 30, 1948, of all records and documents pertaining to rice which were required to be kept on or before June 30, 1947. The accompanying order requires the continued preservation of such records.

[F. R. Doc. 47-6522; Filed, July 9, 1947; 11:58 a. m.]

[3d Rev. RO 3,[1] Amdt. 59]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 26.4 (a) is amended to read as follows:

(a) *Industrial users.* Any checks, valid for the delivery of sugar as provided in section 26.3, received by an industrial user must be endorsed on the back and may be transferred to his supplier for the delivery of sugar or, if such user has been authorized to transfer ration evidences to another person for industrial use under the provisions of section 8.8, such checks may be transferred as authorized under that section.

2. Section 26.4 (b) is amended to read as follows:

(b) *Wholesalers.* A wholesaler who receives checks, valid for the delivery of sugar as provided in section 26.3, from an industrial user must keep such checks as part of his records as required by section 5 of General Ration Order 20.

3. Section 26.4 (c) is amended to read as follows:

(c) *Primary distributors.* A primary distributor who receives checks, valid for the delivery of sugar as provided in section 26.3, from an industrial user must keep such checks as part of his records as required by section 5 of General Ration Order 20.

4. The second sentence of section 26.6 is amended to read as follows:

However, no more than six checks may be issued in exchange for such check except that in the case of a multiple registration, six checks may be issued for each establishment registered to such

5. Section 26.7 is redesignated section 26.8 and a new section 26.7 is added to read as follows:

SEC. 26.7 *Industrial user who fails to close out his bank account by June 11.* (a) Any industrial user who did not close out his ration bank account by June 11, 1947 in accordance with the provisions of section 26.2, may draw a check payable to the Sugar Rationing Administration for the balance in his account less outstanding checks and surrender such check, together with a letter stating that the check is one closing out his ration bank account and the reason why his ration bank account was not closed out within the time specified in section 26.2, to the Sugar Branch Office. The Sugar Branch Office, if it finds that such industrial user does have a ration bank account and that such account has not been closed, will authorize the issuance of a check or checks to such industrial user for the amount of the balance in his account less outstanding checks.

[1] 11 F. R. 177, 14281.

This amendment shall become effective July 8, 1947.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 59 to Third Revised Ration Order 3

This amendment will permit industrial users who receive checks issued by the Sugar Rationing Administration to either transfer such checks to another person for industrial use under the provisions of section 8.8 or to his supplier for the delivery of sugar.

This amendment also provides that in case an industrial user who has a combined registration, wishes to exchange a Sugar Rationing Administration check for checks in smaller denominations, he may receive not more than six checks for each establishment registered together. The previous limitation of only one check for each establishment registered together did not permit such establishment to acquire sugar in accordance with its general business practice. The issuance of not more than six checks for each establishment registered together will more adequately provide for the purchase and delivery of sugar by each establishment.

This amendment also sets up a procedure to be followed by an industrial user who failed to close out his bank account by June 11 in accordance with the provisions of section 26.2. Such industrial user may draw a check payable to the Sugar Rationing Administration for the balance in his account and surrender such check, together with a letter stating that the check is one closing out his ration bank account and the reason why his ration bank account was not closed out within the time specified to the Sugar Branch Office. The Sugar Branch Office will issue a check to such industrial user in exchange for the check surrendered by such user.

[F. R. Doc. 47-6521; Filed, July 9, 1947; 11:57 a. m.]

[3d Rev. RO 3,[1] Amdt. 60]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respect:

1. Section 26.8 is redesignated section 26.9, and a new section 26.8 is added to read as follows:

SEC. 26.8 *Procedure to be followed if delivery of sugar cannot be made to an industrial user who has a credit balance with a supplier.* (a) If an industrial user has deposited ration evidences with a retailer or wholesaler for the delivery of sugar and a delivery of sugar for all or part of the amount of such ration evidences cannot be or is not made by the retailer or wholesaler, the industrial user may request a refund of all or part of his credit balance. After such request has been made, the retailer or wholesaler must send a letter signed by such retailer or wholesaler to the D.V.I. Center covering his area stating as follows:

(1) Amount of the refund requested by the industrial user;

(2) Name and address of the industrial user requesting such refund;

(3) Amount of credit owing to such industrial user;

(4) That the supplier is deducting the amount of the refund requested from the credit balance of such industrial user;

(5) The name and address of the retailer or wholesaler.

The D. V. I. Center will issue a check payable to the industrial user for the amount of the refund requested and will notify the retailer or wholesaler that the check in the amount requested, has been issued to the industrial user.

(b) If an industrial user has deposited ration evidences with a primary distributor and a delivery of sugar for all or part of the amount of such evidences cannot be or is not made by the primary distributor, the primary distributor, upon request of the industrial user, may transfer a check issued by the Sugar Rationing Administration to the industrial user for all or part of the credit balance owing to such industrial user. Before such check is transferred, the primary distributor must fill in the name and address of the industrial user as payee and must endorse it by writing his name on the back of such check. In order to obtain Sugar Rationing Administration checks which may be used for the purpose of refund or as change under the provisions of this paragraph the primary distributor must apply in writing to the D. V. I. Center covering his area stating the number of checks of each denomination required (checks will be issued in denominations of 100,000 pounds, 10,000 pounds, 1,000 pounds and 100 pounds) and the amount of credit owing to industrial users he has on his books. The D. V. I. Center will issue the number of checks and in the denominations requested: *Provided, however,* That in no event shall the total amount issued exceed 50% of the total industrial user credit balance owed by such primary distributor. The name and address of the payee of such checks will be left blank to be filled in by the primary distributor in accordance with the provisions of this paragraph. The primary distributor must send a report once a week to the D. V. I. Center stating the number of checks, the amount of each check and the name and address of the industrial user to whom such checks have been transferred by the primary distributor during that week.

This amendment shall become effective July 8, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 60 to Third Revised Ration Order 3

This amendment sets up a procedure to be followed if delivery of sugar cannot be made to an industrial user who has a credit balance with a supplier. Cases have arisen where a supplier is unable to deliver sugar at the time and in the amount requested by an industrial user who has a credit balance with such supplier. It is necessary, therefore, to provide some method whereby the industrial user may be able to obtain a refund of all or part of the credit balance which he has with a supplier who is unable to deliver sugar to him so that he may acquire sugar from some other supplier.

If a retailer or wholesaler, who owes ration credits to an industrial user, is unable to deliver sugar to such industrial user, such retailer or wholesaler must, upon request for a refund of such credit by the industrial user, write a letter to the Distribution, Verification and Issuance Center of the Sugar Rationing Administration stating the amount of the refund requested by the industrial user, the name and address of the industrial user requesting such refund, the amount of credit owing to such industrial user, the name and address of the retailer or wholesaler writing the letter and that the retailer or wholesaler is deducting the amount of the refund requested from the credit balance of the industrial user. The D. V. I. Center will issue a check to the industrial user in the amount requested and this check may be transferred by the industrial user to another supplier for the delivery of sugar.

If an industrial user has deposited ration evidences with a primary distributor who is unable to make a delivery for all or part of the amount of such evidences the primary distributor may, upon request of the industrial user, transfer a check issued by the Sugar Rationing Administration to the industrial

[1] 11 F. R. 177, 14281.

user for all or part of the credit balance owing to such industrial user so that the industrial user may acquire sugar from some other supplier. In order to obtain checks which may be used for this purpose, the primary distributor must apply in writing to the D. V. I. Center covering his area stating the number of checks required and the amount of credit owing to industrial users he has on his books. The primary distributor must send a report once a week to the D. V. I. Center stating the number of checks, the amount of each check and the name and address of the industrial user to whom Sugar Rationing Administration checks have been transferred by the primary distributor.

[F. R. Doc. 47-6520; Filed, July 9, 1947; 11:57 a. m.]

Chapter XX—Office of Contract Settlement

CONTINUATION OF TRANSFER OF FUNCTIONS

CROSS REFERENCE: For continuation of the transfer of contract settlement functions to the Secretary of the Treasury and the Department of the Treasury see section 201 of Reorganization Plan I of 1947, *supra*.

Chapter XXIII—War Assets Administration

TRANSFER OF FUNCTIONS

CROSS REFERENCE: For reorganization and transfer of functions of the War Assets Administration see sections 501 and 502 of Reorganization Plan 1 of 1947, *supra*.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

SAN JOAQUIN RIVER BELOW PARADISE DAM, MIDDLE RIVER, BURNS CUT-OFF, POTATO SLOUGH, HONKER CUT, AND KING ISLAND CUT

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), paragraph (b) (5) of § 203.710 prescribing rules and regulations governing the operation of drawbridges across navigable waterways of the United States within the State of California, is hereby amended as follows:

§ 203.710 *State of California; bridge regulations for all navigable waterways of the United States within California, including San Francisco Bay and connected bays and river systems tributary thereto.* • • •

(b) *Special Regulations.* • • •

(5) *San Joaquin River below Paradise Dam, Middle River, Burns Cut-Off, Potato Slough, Honker Cut, and King Island Cut.*

Stockton Port District railroad bridge across San Joaquin River between Rough and Ready Island and Stockton. Owners of vessels passing through this bridge are requested to notify the Director of the Port, Stockton, California, of the beginning and ending of the season of navigation for their vessels and of any contemplated trip of a vessel through this bridge, giving at least 12 hours' notice when practicable. When such notices are given, prompt opening of the draw upon proper signal will be insisted upon. Vessels making trips through this bridge without first notifying the Director of the Port may expect delays at the bridge, but every reasonable means shall be used to expedite openings at all times. A sign giving instructions as to where and how the bridge operator can be reached shall be posted in a conspicuous place on both the downstream and upstream side of the bridge.

San Joaquin County highway bridge across San Joaquin River between Rough and Ready Island and Stockton. Owners of vessels passing through this bridge are requested to notify the San Joaquin County Highway Department or County Surveyor at Stockton, California, of the beginning and ending of the season of navigation for their vessels and of any contemplated trip of a vessel through this bridge, giving at least 12 hours' notice when practicable. When such notices are given, prompt opening of the draw upon proper signal will be insisted upon. Vessels making trips through this bridge without first notifying the San Joaquin County Highway Department or County Surveyor may expect delays at the bridge, but every reasonable means shall be used to expedite openings at all times. A sign giving instructions as to where and how the bridge operator can be reached shall be posted in a conspicuous place on both the downstream and upstream side of the bridge.

San Joaquin County highway bridge across King Island Cut between King Island and Bishop Tract. Owners of vessels passing through this bridge are requested to notify the San Joaquin County Highway Department or County Surveyor at Stockton, California, of the beginning and ending of the season of navigation for their vessels and of any contemplated trip of a vessel through this bridge, giving at least 12 hours' notice when practicable. When such notices are given, prompt opening of the draw upon proper signal will be insisted upon. Vessels making trips through this bridge without first notifying the San Joaquin County Highway Department or County Surveyor may expect delays at the bridge, but every reasonable means shall be used to expedite openings at all times. A sign giving instructions as to where and how the bridge operator can be reached shall be posted in a conspicuous place on both the downstream and upstream side of the bridge.

San Joaquin County highway bridge across Honker Cut between Empire Tract and King Island. During the months of September, October, and November, and during such periods as crop movements may justify, or during periods when, in the opinion of the District Engineer, an emergency exists which requires a draw tender in constant attendance, this bridge shall, upon proper signal, be opened promptly for the passage of vessels unable to pass under the closed bridge. In the event that the crop moving season is started earlier than September 1 or extended later than November 30, the period for prompt opening of the bridge upon the prescribed signal shall be adjusted accordingly, provided the operators of vessels navigating the waterway give 15 days' written notice to the San Joaquin County Highway Department or County Surveyor at Stockton, California, that such adjustment is necessary to take care of the contemplated traffic.

During the periods not specified above prompt opening of the bridge may be assured only after previously notifying the San Joaquin County Highway Department or County Surveyor of any contemplated trip through this bridge, giving at least 12 hours' notice when practicable. When previous notice, including the time of the intended passage, is given prompt opening of the bridge upon proper signal will be insisted upon. Vessels making trips through this bridge without first notifying the bridge owner, as provided above may expect delays at the bridge, but every reasonable means shall be used to expedite openings at all times. A sign giving instructions as to where and how the bridge operator can be reached shall be posted in a conspicuous place on both the downstream and upstream side of the bridge.

[Regs. June 11, 1947, CE 823.01—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General

[F. R. Doc. 47-6416; Filed, July 9, 1947; 8:48 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

EXERCISE OF MINERAL RIGHTS RESERVED IN CONVEYANCES TO THE UNITED STATES

Pursuant to the provisions of the act of March 1, 1911 (36 Stat. 961), as amended, particularly by the act of March 4, 1913 (37 Stat. 855) and of the act of March 20, 1922 (42 Stat. 465), as amended, I, N. E. Dodd, Acting Secretary of Agriculture, do hereby order that conveyance to the United States of title to lands under the provisions of the acts above cited, or of any acts of similar character heretofore or hereafter enacted, which reserve the right to enter upon the conveyed lands and to prospect for, to mine and remove minerals, oil, gas or other inorganic substances, hereafter shall embody or be made subject to the following conditions, rules and regulations:

§ 251.15 *Conditions relating to removal of minerals from lands conveyed to the United States under the act of March 1, 1911 (36 Stat. 961), as amended, and March 20, 1922 (42 Stat. 465), as amended.* (a) Whoever undertakes to exercise the reserved rights shall give prior notice to the Forest Supervisor in charge of the lands and shall submit to him satisfactory evidence of authority to exercise such rights. Only so much of the surface of the lands shall be occupied, used or disturbed as is necessary in bona fide prospecting for, drilling, mining (including the milling or concentration of ores), and removal of the reserved minerals, oil, gas or other inorganic substances. No permit, as provided for in paragraph (b) of this section will be required for preliminary examination or exploration to determine the existence of the reserved minerals, oil, gas or other inorganic substances which will involve only transient and non-exclusive occupancy and only small excavations, test pits or borings, but such activities shall be subject to the general national forest rules and regulations.

(b) None of the lands in which minerals are reserved shall be so used, occupied or disturbed as to preclude their full use for national forest purposes until the record owner of the reserved rights, or the successors, assigns, or lessees thereof, shall have applied for and received from the Forest Supervisor having jurisdiction a permit authorizing such use, occupancy or disturbance of those specifically described parts of the lands as may reasonably be necessary to exercise of the reserved rights. Said permit shall be issued by the Forest Supervisor upon agreement as to the lands to be covered thereby and conditions necessary to protect national forest interests, and upon initial payment of the annual fee, which shall be at the rate of $2.00 per acre, or fraction of acre included in the permit. Failure to comply with the terms and conditions of the aforesaid permit shall terminate all rights to use, occupy or disturb the surface of the lands covered thereby, but in event of such termination a new permit shall be issued upon application when the causes for termination of the preceding permit have been satisfactorily remedied and the United States reimbursed for any resultant damage to it.

(c) All structures, other improvements and materials shall be removed from the lands within one year after date of termination of the aforementioned permit, or of an alternative permit, if any, issued under regulations applicable to national forest lands, and all such structures, improvements or materials not so removed shall become the property of the United States.

(d) Timber or young growth necessarily removed or utilized in connection with exercise of reserved rights shall be paid for (1) if merchantable at the rates charged in the locality for comparable national forest timber or (2) otherwise at the rates currently assigned by the Forest Supervisor to comparable growth in appraisals of lands to be acquired for national forest purposes. Other timber shall be cut or removed only pursuant to sale agreements or permits issued in accordance with national forest rules and regulations. All slash resulting from cutting or destruction of timber or young growth shall be disposed of as required by the Forest Supervisor.

(e) If exercise of the reserved rights results in stripping, collapse or other damage to the land or to improvements thereon, the record owner of the reserved rights, or the successors, assigns or lessees thereof, shall repair or replace the improvements damaged or destroyed, and/or restore the land to a condition safe and reasonably serviceable for usual national forest purposes, and prior to commencement of the work which will cause such result shall so notify the Forest Supervisor and provide such bond or cash deposit as will in the opinion of the Forest Supervisor guarantee such repair, replacement or restoration; or, the record owner of the reserved rights, or the successors, assigns or lessees thereof, may deposit in a cooperative fund such amounts as are estimated by the Forest Supervisor to be necessary to accomplish the aforesaid repair or replacement of improvements or restoration of the land, which cooperative deposits shall be available for expenditure by the United States for said purposes with refund to the depositor of the amount, if any, in excess of the cost of such repair, replacement or restoration, and related supervision. Where reserved minerals will be extracted by means of shafts, tunnels, pits or wells, provisions for fencing, covering, filling or plugging thereof upon termination of the mining activities may be required by the Forest Supervisor, together with delivery of acceptable bond, or such requirement may be met through payment into a cooperative fund of the amounts estimated by the Forest Supervisor to be necessary to fulfill said requirement, which deposits shall be available for expenditure by the United States for the purposes for which deposited, with refund to the depositor of the amount, if any, in excess of the cost of the required work.

(f) In the prospecting for, mining and removal of reserved minerals, oil, gas or other inorganic substances all reasonable provisions shall be made for the disposal of tailings, dumpage and other deleterious materials or substances in such manner as to prevent obstruction, pollution or deterioration of springs, streams, ponds or lakes.

(g) Nothing contained in this section shall be construed to exempt operators or the mining operations from any requirements of applicable state laws nor from compliance with or conformity to any requirements of any law which later may be enacted and which otherwise would be applicable.

(h) While any activities and or operations incident to the exercise of the reserved rights are in progress the operators, contractors, sub-contractors and any employees thereof who work on the national forest shall use due diligence in the prevention and suppression of fires, shall comply with all national forest rules and regulations, and shall be available for service in the suppression of fires within a reasonable distance of said operations: *Provided*, That if such fires do not originate from the operations incident to exercise of the reserved rights, and do not threaten structures, improvements or property employed in or related to such operations, services in fire suppression so rendered shall be paid for at the current rates of fire fighters employed by the United States. (Sec. 9, 36 Stat. 962 as amended, 16 U. S. C. 518)

NOTE: The above section is a revision of §§ 251.15 and 251.16. Section 251.16 is herewith canceled.

All regulations heretofore issued by the Secretary of Agriculture to govern the exercise of mineral rights reserved in conveyances to the United States shall continue to be effective in the cases to which they are applicable, but are hereby superseded as to mineral rights hereafter reserved.

In testimony thereof I have hereunto set my hand and official seal at the City of Washington this 3d day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6407; Filed, July 9, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

FEDERAL SECURITY AGENCY

Public Health Service

[42 CFR, Part 11]

FOREIGN QUARANTINE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that it is proposed to amend the Foreign Quarantine Regulations of the Public Health Service (42 CFR, 1943 Supp., 11.1, 11.2; 11 F. R. 5327):

(1) To enumerate communicable diseases the presence of which may make a vessel or aircraft subject to quarantine inspection under the provisions of § 11.46 (b) (1);

(2) To provide in § 11.66 that persons held under observation pursuant to the provisions of Subpart F of the regulations may be held at facilities of the Public Health Service or on vessels in quarantine;

(3) To make more specific the requirements of § 11.82 (d) regarding food on cholera-infected vessels and aircraft;

(4) To extend the vaccination and related provisions of § 11.87 (b) to all persons who do not present satisfactory evidence of either a previous attack of smallpox or successful vaccination within three years prior to arrival;

(5) To exempt from the present permit requirements of § 11.152 (b) persons who bring in psittacine birds for retention in

their households as pets and to extend the application of that section to birds brought into ports under the control of the United States;

(6) To provide that excluded psittacine birds shall, pending their disposition, be detained at the expense of the owner (§ 11.153);

(7) To extend the present rule governing the importation of pet cats, dogs and monkeys (§ 11.154) to all cats, dogs and monkeys, require pre-arrival detention for monkeys put aboard in endemic yellow fever areas and for monkeys coming from such areas, exempt from rabies immunization requirements cats, dogs and monkeys brought in for research purposes when immunization would interfere with their use for such purposes, exempt from the requirements of this section cats, dogs and monkeys brought in from Bermuda and Eire, and make the provisions of paragraph (b) of this section applicable to cats, dogs, and monkeys brought in from Australia and New Zealand;

(8) To extend the present provisions for the disposition of excluded pet cats, dogs and monkeys to all cats, dogs and monkeys (§ 11.155).

Interested persons may submit, in writing, views, data, and arguments on the foregoing to the Surgeon General, Public Health Service, Washington 25, D. C., at any time prior to 30 days after publication of this notice in the FEDERAL REGISTER.

(Secs. 215, 361–369, inclusive, 58 Stat. 690, 703–706; 42 U. S. C., Sup. IV, 216, 264–272, inclusive)

[SEAL] THOMAS PARRAN, *Surgeon General.*

Approved: July 3, 1947.

MAURICE COLLINS, *Acting Federal Security Administrator.*

[F. R. Doc. 47-6418; Filed, July 9, 1947; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1996985]

LOUISIANA

NOTICE OF FILING OF PLAT OF SURVEY

JULY 2, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m. on September 3, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 3, 1947 to December 2, 1947 inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead law, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 14, 1947 to September 3, 1947 inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 3, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 2, 1947 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from November 12, 1947 to December 2, 1947 inclusive, and all such applications, together with those presented at 10:00 a. m. on December 2, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and application under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that Title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

The lands affected by this notice are described as follows:

LOUISIANA MERIDIAN

T. 20 S., R. 25 E.,
Sec. 28, lot 1;
Sec. 31, lot 1.

The areas described aggregate 25.08 acres.

It appears from the plat and field notes of survey that the islands described are swamp and overflowed within the meaning of the acts of March 2, 1849 (9 Stat. 352), and September 28, 1850 (9 Stat. 519). Should the lands finally be determined to be swamp and overflowed in character, they must be held to have inured to the State as of the dates of the grants.

FRED W. JOHNSON, *Director.*

[F. R. Doc. 47-6401; Filed, July 9, 1947; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 228]

RECONSIGNMENT OF APRICOTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 1, 1947, by Chas. Abbate, of cars PFE 71943 and ART 18570, apricots, now on the C&NW to New York, N. Y. (Erie).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of July 1947.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 47-6403; Filed, July 9, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 229]

RECONSIGNMENT OF ONIONS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., July 2, 1947, by Dan Storey & Co., of car MDT 146077, onions, now on the Frisco Railway to United Fruit & Produce Co., St. Louis, Mo. (Mo. Pac.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of July 1947.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 47-6404; Filed, July 9, 1947; 8:48 a. m.]

[Rev. S. O. 620, Special Permit 7]

LIGHTWEIGHING OF CARS AT NORFOLK, VA., AND NEW YORK, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the lightweighing at Norfolk, Va., and New York, N. Y., of cars for loading with imported logs.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of July 1947.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 47-6405; Filed, July 9, 1947; 8:48 a. m.]

[S. O. 761]

UNLOADING OF TALKING MACHINES AT BOSTON, MASS.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of July A. D. 1947.

It appearing, that car NYC 92052, containing talking machines, at Boston, Mass., on the Boston and Albany Railroad (The New York Central Railroad Company, lessee), has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Talking machines at Boston, Mass., be unloaded.* The Boston and Albany Railroad (The New York Central Railroad Company, lessee), its agents or employees, shall unload immediately car NYC 92052, containing talking machines, on hand at Boston, Massachusetts.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., July 7, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6402; Filed, July 9, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-735]

CONSUMERS GAS CO.

ORDER GRANTING REQUEST FOR EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of July 1947.

Consumers Gas Company, a subsidiary of The United Gas Improvement Company, a registered holding company, having requested a one year extension (to July 2, 1948) of the time fixed by our order of July 2, 1943 (Holding Company Act Release No. 4409) as extended by our orders of June 16, 1944, June 21, 1945 and July 1, 1946 (Holding Company Act Release Nos. 5110, 5876, 6753) within which Consumers Gas Company may purchase a maximum of 800 shares of capital stock of Reading Gas Company from non-affiliated interests as shares become available for purchase; and

Consumers Gas Company having stated that to date 370 shares of the capital stock of Reading Gas Company have been purchased, and that an additional one year extension is desired in order to consummate the said purchase program; and

It appearing to the Commission that the requested extension of time is not unreasonable or detrimental to the public interest or the interests of investors or consumers;

It is ordered, That Consumers Gas Company be, and hereby is, granted an additional period of one year from July 2, 1947 within which to consummate the proposed purchase program covered by our order of July 2, 1943, subject, however, to the same conditions and reservation of jurisdiction as are imposed by said order.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-6391; File, July 9, 1947; 8:45 a. m.]

[File Nos. 70-1134, 70-1135 and 59-12]

AMERICAN POWER & LIGHT CO. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 2nd day of July A. D. 1947.

In the matter of American Power & Light Company, Texas Utilities Company, File No. 70-1134; American Power & Light Company, Texas Utilities Company, and Electric Power & Light Corporation, File No. 70-1135; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, et al., Respondents, File No. 59-12.

The Commission having heretofore, on October 24, 1945, entered an order granting and permitting to become effective certain joint applications and declara-

tions of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, and American's wholly owned subsidiary, Texas Utility Company, subject to the terms and conditions of an agreement and stipulation set forth in full in the findings and opinion of the Commission of that date, and which stipulation and agreement, among other things, provides that American will within one year from the date of the said order (unless the Commission extends such time) sever its relations with Texas Utilities Company and the subsidiaries of that Company, and irrevocably and finally dispose of all of its interest, direct or indirect, therein, either by disposition among American's stockholders, or by a sale or otherwise in a manner found by the Commission to be appropriate. Said stipulation and agreement further containing specific provisions relating to the carrying out by American of said commitment and the enforcement thereof by the Commission as more fully set forth at length therein; and

American and Bond and Share having on September 6, 1946, filed an application with the Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan for retirement of American's outstanding preferred stock through exchange of certain portfolio securities of American or by specified cash payments, which plan, American states, is designed to result in the disposition by American of its interest in Texas Utilities Company and other subsidiaries of that Company; and

The Commission having on January 24, 1947 entered an order extending the time in which American shall comply with said order of October 24, 1945 until June 30, 1947, subject to certain reservations of jurisdiction; and

American having on May 22, 1947 filed an application requesting the Commission (a) to further extend the time within which American be required to comply with the terms and conditions of said order of October 24, 1945, and the provisions of the aforesaid stipulation and agreement, until further order of the Commission to be entered after reasonable notice to American, and (b) that the Commission consolidate the application for an extension with the pending proceeding on the joint plan, and grant a temporary extension until it disposes of such application; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the time within which American be required to comply with the aforementioned Order of October 24, 1945 and the stipulation and agreement entered into by American, be extended until December 31, 1947, subject to the reservation of jurisdiction described below; but that the particular request for extension of time as set forth above and the request for consolidation with the pending proceeding under section 11 (e) should be denied;

It is ordered, That the time within which American shall comply with said order of October 24, 1945 and the stipulation and agreement entered into by American is hereby extended until December 31, 1947, subject, however, to the reservation of jurisdiction to terminate, after notice and opportunity for hearing, such extension prior to December 31, 1947, if during such extended period the Commission shall issue an order disapproving the section 11 (e) plan filed by American and Bond and Share on September 6, 1946 and described above, or if such plan shall be withdrawn by either Bond and Share or American.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6392; Filed, July 9, 1947; 8:45 a. m.]

[File No. 70-1271]

COLUMBIA GAS & ELECTRIC CORP. AND THE DAYTON POWER & LIGHT CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of July 1947.

The Commission by orders dated May 23, 1946 and June 7, 1946 having granted and permitted to become effective a joint application-declaration filed by Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and Columbia's public utility subsidiary, The Dayton Power & Light Company ("Dayton"), pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, regarding the sale at competitive bidding, pursuant to the requirements of Rule U-50, of Columbia's holdings of the common stock of Dayton, and having in said orders reserved jurisdiction over all legal fees and other expenses in connection therewith;

Further information having been filed concerning the nature and extent of the legal services rendered, and the fees proposed to be paid therefor;

It appearing to the Commission that the fee of Cowden, Pfarrer & Crew, counsel for Dayton, in the amount of $17,500 (of which $12,500 is to be paid by Columbia and $5,000 by Dayton, the latter in consideration of services rendered in connection with an amendment to Dayton's Articles of Incorporation as a preliminary step to the public distribution of the Dayton stock), and the fee of Davis, Polk, Wardwell, Sunderland & Kiendl, counsel for the underwriters, in the amount of $15,000, are not unreasonable and that jurisdiction over such matters should be released:

It is ordered, That jurisdiction heretofore reserved over the payment of legal fees of Cowden, Pfarrer & Crew and Davis, Polk, Wardwell, Sunderland & Kiendl be, and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6393; Filed, July 9, 1947; 8:47 a. m.]

[File No. 70-1341]

COLUMBIA GAS & ELECTRIC CORP. AND CINCINNATI GAS & ELECTRIC CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of July 1947.

The Commission having by Order dated August 13, 1946 and August 22, 1946 granted and permitted to become effective a joint application-declaration filed by Columbia Gas & Electric Corporation ("Columbia") and its public utility subsidiary, The Cincinnati Gas & Electric Company ("Cincinnati"), pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, regarding the disposition by Columbia of its holdings of the common stock of Cincinnati through an underwritten offering to Columbia's stockholders, and having in said orders reserved jurisdiction over all legal fees and other expenses in connection therewith;

Further information having been filed with respect to the nature and extent of services of counsel in connection with the transaction, the fees to be paid therefor, and the expenses for which reimbursement is requested:

It appearing to the Commission that the fee of $12,500 of Peck, Shaffer & Williams is not unreasonable and that jurisdiction over such matter should be released:

It is ordered, That jurisdiction heretofore reserved over the payment of the legal fees of Peck, Shaffer & Williams be and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN
Assistant to the Secretary

[F. R. Doc. 47-6394; Filed, July 9, 1947; 8:46 a. m.]

[File No. 70-1343]

COLUMBIA GAS & ELECTRIC CORP

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of July 1947.

The Commission by orders entered in this proceeding on August 28, 1946 and September 11, 1946 having permitted to become effective the declaration, as amended, filed by Columbia Gas & Electric Corporation, a registered holding company, pursuant to sections 6, 7, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 promulgated thereunder, regarding the issuance and sale of $77,500,000 principal amount of Debentures due 1971 and $20,000,000 principal amount of ten-year Serial Debentures (Holding Company Act Release Nos. 6866 and 6885); and

The Commission having in said orders reserved jurisdiction with respect to the payment of all legal fees and expenses of counsel in connection with the proposed transactions; and

An amendment having been filed setting forth the nature and extent of the legal services rendered, the fees proposed to be paid therefor and the expenses for which reimbursement is requested;

It appearing to the Commission that the legal fees and expenses of counsel set forth in Table I below, are not unreasonable and that jurisdiction over such matters should be released:

TABLE I

	Fees	Expenses	Total
Hunton, Williams, Anderson, Gay & Moore	$500	$17 89	$517 89
Hinman, Howard & Kattell	500	25 00	525 00
Huckin & Huckin	200	11 82	211 82
Eagleson & Laylin	1,500	-	1,500 00
Total	2,700	54 71	2,754 71

It is ordered, That the jurisdiction heretofore reserved in the orders of August 28, 1946 and September 11, 1946 with respect to the payment of legal fees and expenses of Hunton, Williams, Anderson, Gay & Moore; Hinman, Howard & Kattell; Huckin & Huckin; Eagleson & Laylin be, and the same hereby is, released, and that the reservation of jurisdiction be continued as respects all other legal fees and expenses of counsel.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6395; Filed, July 9, 1947; 8:46 a. m.]

[File No. 70-1448]

IOWA-ILLINOIS GAS AND ELECTRIC CO. AND THE UNITED LIGHT AND RAILWAYS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 2d day of July 1947.

Iowa-Illinois Gas and Electric Company ("Iowa-Illinois") and its parent, The United Light and Railways Company ("Railways"), a registered holding company, having filed a joint application and declaration and amendments thereto pursuant to sections 6, 7, 9, 10, 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder regarding the issue and sale at competitive bidding of $22,000,000 principal amount of First Mortgage Bonds, --% Series due 1977 and the issue and sale by Iowa-Illinois, and the purchase by Railways, of 35,000 additional authorized but unissued shares of common stock of Iowa-Illinois having a par value of $100 per share for a cash consideration of $3,500,000; and

Iowa-Illinois having requested that the order of the Commission become effective forthwith in order to avoid any delay in calling its outstanding bonds; and

A public hearing having been held on said amended application and declaration and the Commission having considered the record and made and filed its findings and opinion herein; and

It appearing to the Commission that it is appropriate that the company's request that the order become effective forthwith be granted:

It is ordered, That the application, as amended, and the declaration, as amended, be granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the condition that the proposed transactions shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, jurisdiction being reserved for this purpose.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6393; Filed, July 9, 1947; 8:46 a. m.]

[File No. 70-1534]

THE POTOMAC EDISON CO. AND NORTHERN VIRGINIA POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of July A. D. 1947.

The Potomac Edison Company ("Potomac"), a registered holding company, and its public utility subsidiary company, Northern Virginia Power Company ("Northern Virginia"), having filed a joint declaration and application, as amended, pursuant to sections 6 (a), 7, 9 (a), 10, 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and rules U-43 and U-44 promulgated thereunder with respect to the following transactions:

Northern Virginia proposes to issue and sell 4,630 shares of its authorized and unissued common stock, par value $100 per share, and Potomac proposes to acquire such shares for a cash consideration of $463,000, the aggregate par value thereof.

Potomac now owns all of the outstanding capital stock and long-term debt of Northern Virginia, consisting of 50,370 shares of common stock, par value $100 per share, 1,500 shares of 7% Preferred Stock, par value $100 per share, and $100,000 principal amount of open account advances. Such shares of common stock are presently pledged under the Indenture of Potomac dated as of October 1, 1944, securing its First Mortgage and Collateral Trust Bonds, 3% Series due 1974. The additional shares of common stock of Northern Virginia to be acquired by Potomac will be pledged under said Indenture in accordance with the requirements thereof.

Northern Virginia proposes to use the proceeds from the sale of such additional shares of Common Stock to pay its indebtedness to Potomac and for the construction of extensions, additions and improvements to its property, plant and equipment.

Said declaration and application having been filed on May 22, 1947, notice of said filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration and application, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon, and

The declarant and applicant having requested that the Commission's order herein become effective forthwith, and the Commission deeming it appropriate to grant said request; and

The Commission finding with respect to said declaration and application, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration and application, as amended, be permitted to become effective and granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and provisions prescribed in Rule U-24, that said declaration and application, as amended, be, and the same hereby are, respectively, permitted to become effective and granted forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6389; Filed, July 9, 1947; 8:45 a. m.]

[File No. 70-1553]

ATLANTIC CITY ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of July A. D. 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Atlantic City Electric Company ("Atlantic City"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company. Applicant-declarant designates sections 6, 7, and 12 (c) of the act and Rule U-42 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 10, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Phila-

delphia 3, Pennsylvania. At any time after July 10, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Atlantic City has entered into a credit agreement whereby the banks named below will make loans to Atlantic City in the aggregate amounts shown below during the period from the effective date of said agreement to September 1, 1950. Of the aggregate amount of $3,600,000 which the banks are obligated to lend, $2,000,000 will be borrowed and notes will be issued therefor, within 10 days after the effective date of the agreement in the amounts shown below. The remaining $1,600,000 may be borrowed as needed and notes issued therefor subject to approval by the Board of Public Utility Commissioners of the State of New Jersey and this Commission.

Name of bank	Amount of commitment	Amount of immediate loan
Guaranty Trust Co., of New York	$1,800,000	$1,000,000
Irving Trust Co	1,800,000	1,000,000
Total	3,600,000	2,000,000

The proposed loans will be evidenced by promissory notes maturing December 31, 1950 and are to bear interest from their respective issue dates at the rate of $1\frac{1}{2}\%$ per annum for the period from the effective date of the agreement to a date two years from such effective date, and at the rate of $1\frac{3}{4}\%$ per annum during the period commencing two years from the effective date to maturity. Atlantic City will pay to each bank a commitment fee of $\frac{1}{4}$ of 1% per annum until August 31, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on three days' notice, and may be prepaid on 10 days' notice, such loans and prepayments to be borne by or made ratably to both banks. Atlantic City may, on 10 days' notice to the banks, terminate or reduce pro-rata in the aggregate amount of $100,000 or multiples thereof, the obligations of the banks to make the loans provided for in the agreement.

Applicant-declarant states that from the proceeds of the immediate borrowing in the amount of $2,000,000 it will repay its outstanding $1\frac{1}{2}\%$ note, due September 11, 1947, in the amount of $1,000,000. It is further stated that the balance of the proposed loans is necessary to provide funds to enable applicant-declarant to proceed with its construction program and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the credit agreement.

Atlantic City has applied to the Board of Public Utility Commissioners of the State of New Jersey, the State in which Atlantic City was organized and is doing business, for an order approving the proposed transactions. In the event of approval of the proposed transactions by the New Jersey Commission, a copy of the order of said Commission will be filed by amendment herein.

The application-declaration requests that the Commission's order granting the application and permitting the declaration herein, to become effective be issued at the earliest practicable date and that it shall be effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6390; Filed, July 9, 1947; 8:45 a. m.]

[File No. 70-1558]

THE UNITED GAS IMPROVEMENT CO. AND ALLENTOWN-BETHLEHEM GAS CO.

NOTICE OF FILING OF APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of July 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The United Gas Improvement Company ("UGI"), a registered holding company, and a subsidiary public utility company, Allentown-Bethlehem Gas Company ("Allentown"), designating section 12 of the act and Rule U-45 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than July 18, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issue of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon; that such request should be addressed: Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and that at any time after July 18, 1947, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 of the rules and regulations promulgated under the act.

All interested persons are referred to said joint application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

UGI, the owner of all the outstanding common capital stock of Allentown, proposes to make a cash contribution not to exceed $600,000 to Allentown in order to create capital surplus in sufficient amount, which together with earned surplus at June 30, 1947 will enable Allentown to write off the balance of utility plant adjustments amounting to $912,370, which is the balance of such adjustments, resulting from a determination of the original cost of its utility plant after charging $250,000 of such adjustments to reserve for depreciation renewals and replacements. It is stated that Allentown's proposal for the disposition of its utility plant adjustment account was approved by order of the Pennsylvania Public Utility Commission dated June 9, 1947.

Allentown proposes to use the funds to be received from UGI to pay off bank loans amounting to $325,000 and apply the balance toward the payment of capital additions presently underway or contemplated for the remaining months of 1947.

Applicants-declarants have requested entry of the Commission's order on or before July 25, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN
Assistant to the Secretary.

[F. R. Doc. 47-6397; Filed, July 9, 1947; 8:46 a. m.]

[File No. 70-1559]

NATIONAL FUEL GAS CO. ET AL

NOTICE OF FILING APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of July 1947

In the matter of National Fuel Gas Company, United Natural Gas Company, and Iroquois Gas Corporation, File No. 70-1559.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935; by National Fuel Gas Company (National), a registered holding company, and its public utility subsidiaries, United Natural Gas Company (United) and Iroquois Gas Corporation (Iroquois), designating sections 6, 7, 10 and 12 of the act and Rules U-45 and U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 14, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issue of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon; that such request should be addressed: Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and that at any time after July 14, 1947, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100, of the rules and regulations promulgated under the act.

All interested persons are referred to said joint application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

National has entered into a credit agreement with Chase National Bank, in the City of New York, whereby the bank will make loans to National in an aggregate amount not to exceed $6,500,000 from the effective date of the agreement to July 1, 1950, with the right on the part of National to terminate the arrangement at any time on thirty days' notice.

The proposed loans are to be evidenced by promissory notes to be issued at various dates on or after July 15, 1947, are to be of three months maturity, and are to bear interest at the rate of $1\frac{1}{2}\%$ per annum to July 1, 1949 and at the rate of $1\frac{3}{4}\%$ per annum thereafter. National will pay Chase a commitment fee of $\frac{1}{4}$ of 1% per annum on the average daily unused amount which Chase is obligated to lend.

National proposes to extend to two of its wholly-owned subsidiaries, United and Iroquois, a line of credit of up to but not to exceed at any one time $5,000,000 and $1,500,000, respectively, which the subsidiaries may borrow, renew and repay from time to time during the period July 1, 1947 to June 30, 1948. The loans of the two subsidiaries are to be evidenced by promissory notes to be issued from time to time during the period July 1, 1947 to June 30, 1948, are to bear interest at the rate of $1\frac{1}{2}\%$ per annum, and are to mature three months from date of issue, or June 30, 1948, whichever shall be earlier. Each subsidiary agrees to pay the parent a commitment fee of $\frac{1}{4}$ of 1% per annum on the daily average unused amount which the parent is obligated to lend to each subsidiary.

It is stated that the proposed loans are necessary to provide funds to enable United and Iroquois to make needed additions to their natural gas transmission systems and to proceed with construction programs which are urgently required to meet an increased demand for natural gas which has developed in their operating territories. It is further stated that the proposed indebtedness of the three companies is to be refunded within a period of approximately one year as a part of a program of long-term financing which will also cover additional expenditures necessary to be made during the years 1948 and 1949.

Applicants-declarants request an acceleration of the Commission's order to be entered with respect to the proposed transactions so that funds may be available not later than July 15, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6396; Filed, July 9, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9118]

ERNEST SEIFERT

In re: Bank account owned by Ernest Seifert. F-28-26076-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Seifert, whose last known address is Glauchau, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ernest Seifert, by American Trust Company, 464 California Street, San Francisco 20, California, arising out of a Checking Account, entitled Ernest Seifert, maintained at the branch office of the aforesaid bank located at 1011 10th Street, Sacramento, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6419; Filed, July 9, 1947; 8:49 a. m.]

[Vesting Order 9119]

MRS. MARIANNE STAHL

In re: Bank account owned by Mrs. Marianne Stahl. F-28-26084-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Marianne Stahl, whose last known address is Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mrs. Marianne Stahl, by American Trust Company, 464 California Street, San Francisco 20, California, arising out of a Savings Account, Account Number 7108, entitled Mrs. Marianne Stahl, maintained at the branch office of the aforesaid bank located at Livermore, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6420; Filed, July 9, 1947; 8:49 a. m.]

[Vesting Order 9149]

OTTO BENGSCH

In re: Claims owned by Otto Bengsch. F-28-20517-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and pursuant to law, after investigation, it is hereby found:

1. That Otto Bengsch, whose last known address is Entin, Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: The claim or claims of Otto

Bengsch against the State of New York and the Comptroller of the State of New York, arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of the following:

(1) That sum of money previously on deposit with Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, in a savings account, Account Number 66,064 entitled Otto Bengsch in trust for Ingrid Bengsch;

and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim or claims,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Otto Bengsch, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6421; Filed, July 9, 1947; 8:49 a. m.]

[Vesting Order 9153]

CARL J. AND MRS. CORA ISABEL DUNCKER

In re: Bank accounts owned by Carl J. Duncker and Mrs. Cora Isabel Duncker. D-28-664-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl J. Duncker and Mrs. Cora Isabel Duncker, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Carl J. Duncker and Mrs. Cora Isabel Duncker, by The Chase National Bank of the City of New York, 20 Pine Street, New York, N. Y., arising out of a Checking Account, entitled Carl J. Duncker or/Mrs. Cora Isabel Duncker, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Mrs. Cora Isabel Duncker, by The Chase National Bank of the City of New York, 20 Pine Street, New York, N. Y., arising out of a Checking Account, entitled Mrs. Cora Isabel Duncker, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6422; Filed, July 9, 1947; 8:49 a. m.]

[Vesting Order 9157]

AKIRA GUNJI ET AL.

In re: Bank accounts owned by Akira Gunji, also known as A. Gunji, and others. D-39-3416-E-1, D-39-5706-E-1, D-39-9974-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is as set forth in Exhibit A, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to the persons listed in Exhibit A, by The Bank of California, National Association, 400 California Street, San Francisco 20, California, arising out of Checking Accounts, entitled as set forth in Exhibit A, maintained at the branch office of the aforesaid bank located at 815 2d Avenue, Seattle, Washington, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, the persons listed in Exhibit A, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Name and Last Known Address of Owner and Title of Account

Akira Gunji, also known as A. Gunji—Japan. A. Gunji.

S. Kashio, also known as Seiichiro Kashio—Japan. S. Kashio.

Shuntaro Okawa, also known as S. Okawa—Japan. S. Okawa.

[F. R. Doc. 47-6423; Filed, July 9, 1947; 8:50 a. m.]

[Vesting Order 9158]

AQUARIUM HAMBURG

In re: Debt owing to Aquarium Hamburg. F-28-4336-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Aquarium Hamburg, the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Aquarium Hamburg, by Paramount Aquarium, Inc., 61 Whitehall Street, New York 4, N. Y., in the amount of $4,632.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6424; Filed, July 9, 1947; 8:50 a. m.]

[Vesting Order 9160]

ANNE HASUIKE ET AL.

In re: Bank accounts owned by Anne Hasuike, Donald Hasuike and Jean Hasuike and Mrs. G. S. Hasuike, also known as May M. Hasuike. F-39-18843-E-1, F-39-18844-E-1, F-39-18845-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anne Hasuike, Donald Hasuike, Jean Hasuike, and Mrs. G. S. Hasuike, also known as May M. Hasuike, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Security First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles 54, California, arising out of a Savings Account, Account Number 59572, entitled Mrs. G. S. Hasuike, trustee for Donald Hasuike, a minor, maintained at the branch office of the aforesaid bank located at Burbank, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Donald Hasuike and Mrs. G. S. Hasuike, also known as May M. Hasuike, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of Security First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles 54, California, arising out of a Savings Account, Account Number 59571, entitled Mrs. G. S. Hasuike, trustee for Jean Hasuike, a minor, maintained at the branch office of the aforesaid bank located at Burbank, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Jean Hasuike and Mrs. G. S. Hasuike, also known as May M. Hasuike, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6425; Filed, July 9, 1947; 8:50 a. m.]

[Vesting Order 9163]

META LUHRS

In re: Debt owing to Meta Luhrs. D-28-5161-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Meta Luhrs, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Meta Luhrs, by The Pacific States Savings and Loan Company and or the Building and Loan Commissioner, 475 Market Street, San Francisco, California, evidenced by a Full Paid Investment Certificate Number FP16-21200 of the Pacific States Savings and Loan Association, 745 Market Street, San Francisco, California, in the amount of $798.69, as of March 26, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6427; Filed, July 9, 1947; 8:50 a. m.]

[Vesting Order 9176]

CARLOS WEBER

In re: Bank account owned by Carlos Weber. F-28-27815-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carlos Weber, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Carlos Weber, by The National City Bank of New York, 55 Wall Street, New York, N. Y., arising out of a Checking Account, entitled Mr. Carlos Weber, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6429; Filed, July 9, 1947; 8:50 a. m.]

[Vesting Order 9161]

BERTHA KRUEGER ET AL.

In re: Bank accounts owned by Bertha Krueger and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual, whose name is set forth in Exhibit A, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of the savings accounts, described in the manner set forth in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Names of owners and titles of accounts	Account No.	OAP file No.
Bertha Krueger	1,355,633	F-28-19691 E-1
Mrs. Minna Bilde	1,357,721	F-28-25585 E-1
Margarethe Carstens	1,351,994	F-28-25494 E-1
Ludwig Christiansen	1,354,038	F-28-25502 E-1
Mrs. Margaret Danz	1,348,262	F-28-25169 E-1
Dora Dehnbostel	1,350,702	F-28-25172 E-1
Friedrich Gustav Deichmann	1,350,701	F-28-25174 E-1
Hermann Deichmann	1,350,700	F-28-25176 E-1
Juliane Donat	1,350,704	F-28-25425 E-1
Wilhelm Enders	1,350,161	F-28-25258 E-1
Gregor Endres	1,351,551	F-28-25927 E-1
Johanne Fischer	1,352,351	F-28-26249 E-1
Marie Gebers	1,350,714	F-28-25616 E-1
Margaretha Germann	1,351,992	F-28-25495 E-1
Adolph Hanke	1,375,592	F-28-25714 E-1
Emil Hanke	1,375,590	F-28-25714 E-1
Karl Hanke	1,375,588	F-28-25543 E-1
Martin Hanke	1,375,593	F-28-25742 E-1
Paul Hanke	1,375,595	F-28-25741 E-1
Reinhold Hanke	1,375,597	F-28-25740 E-1
Richard Hanke	1,375,596	F-28-25740 E-1
Johannes Hartmann	1,350,071	F-28-25415 E-1
Ludwig Hartmann	1,350,057	F-28-25752 E-1
Maria Hartmann	1,350,078	F-28-25751 E-1
Anna Hassmaecker	1,350,393	F-28-25740 E-1
Balbina Herbst	1,350,396	F-28-25782 E-1
Rosa Heuwer	1,350,945	F-28-25772 E-1
Linda Koerner	1,350,747	F-28-25810 E-1
Elizabeth Langenhagen	1,350,944	F-28-26721 E-1
Emma Meyer	1,350,703	F-28-25263 E-1
George Reinhardt	1,350,942	F-28-26241 E-1
Julius Reinhardt	1,350,935	F-28-26242 E-1
Eduard Riesing	1,355,684	F-28-19690 E-1
Julius Riesing	1,355,632	F-28-19689 E-1
Babette Schlegelmilch	1,350,939	F-28-26141 E-1
Bernhard Schlegner	1,375,587	F-28-25489 E-1
Erna Schlegner	1,375,585	F-28-25957 E-1
Wanda Schulz	1,368,874	F-28-25946 E-1
Helen Sternke	1,347,043	F-28-25857 E-1
Martha Tatzel	1,375,591	F-28-25530 E-1
Regina Teurwerin	1,350,395	F-28-25761 E-1
Elsa Johanna Henriette Wagner	1,364,823	F-28-26038 E-1
Marie Weil	1,352,250	F-28-26490 E-1
Mrs. Anna Wellendorf	1,372,811	F-28-25957 E-1

[F. R. Doc. 47-6426; Filed, July 9, 1947; 8:50 a. m.]

[Vesting Order 9167]

NIPPON MENKWA KABUSHIKI KAISHA

In re: Debt owing to Nippon Menkwa Kabushiki Kaisha. F-39-593-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nippon Menkwa Kabushiki Kaisha, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Nippon Menkwa Kabushiki Kaisha by Anderson, Clayton & Co., P. O. Box 2538, Houston, Texas, in the amount of $7,935.63, as of March 31, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6428; Filed, July 9, 1947; 8:50 a. m.]

[Vesting Order 9200]

BECK & CO.

In re: Portion of a bank account owned by Beck & Co.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Beck & Co., the last known address of which is am Deich 49, Bremen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That dividends for the last two quarters of 1941 on five hundred (500) shares of no par value capital stock of Cerveceria Nacional Dominicana, Inc., then registered in the name of Beck & Co., aggregating $1,750, were paid to The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, for deposit in an account in the name of Maatschappij voor Buitenlandschen Handel "Mijbuh", N. V., Amsterdam, Holland;

3. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $1,750, constituting a portion of an account entitled Maatschappij voor Buitenlandschen Handel "Mijbuh", N. V., Amsterdam, Holland, maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

represents dividends declared and paid on the shares of stock described in subparagraph 2 hereof for the last two quarters of 1941 and is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Beck & Co., the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-6430; Filed, July 9, 1947; 8:50 a. m.]

[Vesting Order 9247]

MALVINA BUCHHOLZER

In re: Estate of Malvina Buchholzer, deceased. File F-57-169; E. T. sec. 5526.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Buchholzer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Liesbeth Buchholzer and Helene Buchholzer Burmaz, whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania);

3. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Malvina Buchholzer, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 2 hereof in and to the estate of Malvina Buchholzer, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Rumania);

5. That such property is in the process of administration by Genevieve McQuaid and Rudolph Buchholzer, Jr., executors, acting under the judicial supervision of the Probate Court of Cuyahoga County, Ohio;

and it is hereby determined:

6. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

7. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6431; Filed, July 9, 1947; 8:51 a. m.]

[Vesting Order 9253]

MAYER MOSTEL

In re: Estate of Mayer Mostel, deceased. File No. D-65-41; E. T. sec. 781.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leon Wilhelm Mostel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Mayer Mostel, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6433; Filed, July 9, 1947; 8:51 a. m.]

[Vesting Order 9264]

BERTHA WALTERS

In re: Estate of Bertha Walters, deceased. File 017-21612.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Walter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $300.00 was paid to the Attorney General of the United

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States by Gladys S. Mannheimer, Executrix of the Estate of Bertha Walters, deceased;

3. That the said sum of $300.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 7, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6434; Filed, July 9, 1947; 8:51 a. m.]

[Vesting Order 9266]

DINA WESSELS

In re: Estate of Dina Wessels, deceased. File D-28-11411; E. T. sec. 15634.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Barthelme, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $182.24 was paid to the Attorney General of the United States by Albert Wessels, Executor of the Estate of Dina Wessels, deceased;

3. That the said sum of $182.24 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on December 20, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6435; Filed, July 9, 1947; 8:51 a. m.]

[Vesting Order 9276]

CHIZO AND YOSHIKO KAKU

In re: Stock and a bank account owned by Chizo Kaku and Yoshiko Kaku. F-39-4374-E-1, F-39-4374-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chizo Kaku and Yoshiko Kaku, whose last known addresses are Osaka, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Twenty-one (21) shares of $12.50 par value common capital stock of Bank of America, National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by certificates numbered A50151 for thirteen (13) shares, and F87350 for eight (8) shares, registered in the name of Chizo Kaku, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Chizo Kaku and Yoshiko Kaku, by Bank of America, National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a Savings Account, Account Number 4359, entitled Chizo or Yoshiko Kaku, maintained at the branch office of the aforesaid bank located at 552 Montgomery Street, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6436; Filed, July 9, 1947; 8:51 a. m.]

JUL 17 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 135

Washington, Friday, July 11, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LIST OF POSITIONS EXCEPTED

Under authority of § 6.1 (a) of Executive Order No. 9830 and at the request of the Indian Claims Commission, the Commission has determined that appointments to the positions listed below should be made in the same manner as are appointments to positions under Schedule A. The following subparagraph is therefore added to § 6.4 (a):

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(40) *Indian Claims Commission.* One private secretary or confidential assistant to each Commissioner.

(Sec. 6.1 (a) E. O. 9830 Feb. 24, 1947, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-6457; Filed, July 10, 1947; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Tobacco 12, Part II (1947)]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1947-48 MARKETING YEAR

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AUTHORITY: §§ 726.755 to 726.786, inclusive, issued under 52 Stat. 47, 48, 65, 66, 204, 53 Stat. 1261, 1262, 54 Stat. 393, 394, 727, 728, 1209, 1210, 59 Stat. 506, 60 Stat. 21; 7 U. S. C. and Sup. 1301 et seq.

GENERAL

§ 726.755 *Basis and purpose.* The regulations contained in §§ 726.755 to 726.786, inclusive, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of fire-cured and dark air-cured tobacco during the 1947-48 marketing year. Prior to preparing the regulations in §§ 726.755 to 726.786, inclusive, public notice (12 F. R. 235) of their formulation was given

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to the

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in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views and recommendations pertaining to the regulations in §§ 726.755 to 726.786, inclusive, which were submitted have been duly considered within the limits prescribed by the act, in formulating the procedural provisions of the regulations.

§ 726.756 *Definitions.* As used in the regulations in §§ 726.755 to 726.786, inclusive, and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "County committee" means the group of persons elected within a county to assist in the administration of the Agricultural Conservation Program in such county.

(c) "Dealer or buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(d) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Field Service Branch, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(e) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of a county committee whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(f) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehousemen for sale in the form accumulated. Floor sweepings shall not include tobacco defined as "pick-ups."

(g) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under these regulations relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(h) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(i) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(l) "Pick-ups" means any tobacco previously marketed at auction but not delivered to the buyer because of rejection by the buyer, loss of identification, or any other reason. Pick-ups shall include any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business.

(m) "Producer" means a person who, as owner, landlord, tenant, share cropper, or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds thereof.

(n) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(o) "Resale" means the disposition by sale, barter, exchange or gift inter vivos, of tobacco which has been marketed previously.

(p) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(q) "Secretary" means the Secretary or Acting Secretary of Agriculture of the United States.

(r) "State Committee" means the group of persons designated as the State Committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(s) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(t) "Tobacco" means: (1) Type 21, known as Virginia fire-cured tobacco, (2) types 22, 23, and 24 collectively known as fire-cured tobacco, and (3) types 35 and 36 collectively known as dark air-cured tobacco as classified in Service and Regulatory Announcements No. 118 (7 CFR 30.4 and 30.5) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

"Virginia sun-cured tobacco" means type 37 known as Virginia sun-cured tobacco as classified in Service and Regulatory Announcements No. 118 (7 CFR 30.5).

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either fire-cured or dark air-cured tobacco shall be con-

sidered fire-cured or dark air-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(u) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1947 and all tobacco produced on the farm prior to the calendar year 1947 and carried over to the 1947–48 marketing year, which is not disposed of in accordance with § 726.768.

(v) "Tobacco subject to marketing quotas" means: Any fire-cured or dark air-cured tobacco marketed during the period October 1, 1947, to September 30, 1948, inclusive, and any fire-cured or dark air-cured tobacco produced in the calendar year 1947 and marketed prior to October 1, 1947.

(w) "Trucker" means a person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(x) "Warehouseman" means a person engaged in the business of holding sales of tobacco at public auction at a warehouse.

(y) "Warehouse sale" means a marketing by a sale at public auction through a warehouse in the regular course of business.

(z) "Memorandum of sale" means form Tobacco 20 or 21, Fire-cured—47; Tobacco 20 or 21, Dark Air-cured—47; and, in the case of type 21, fire-cured tobacco, a form which provides for information comparable to that appearing in completed form Tobacco 20 or Tobacco 21, as the case may be, and which is approved by the State committee for use by warehousemen in connection with warehouse bills.

(aa) "Bill of nonwarehouse sale" means the form appearing on the reverse side of forms Tobacco 20 and Tobacco 21, except that with respect to type 21, fire-cured tobacco, it shall mean form Tobacco 614, Bill of Nonwarehouse Sale.

(bb) "Marketing card" means form Tobacco 20, Within Quota Marketing Card, or Tobacco 21, Excess Marketing Card, except that with respect to type 21, fire-cured tobacco, it shall mean Tobacco 20X, Within Quota Marketing Card, or Tobacco 21X, Excess Marketing Card.

§ 726.757 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration shall cause to be prepared and issued such instructions and forms as may be necessary for carrying out the regulations in §§ 726.757 to 726.786, inclusive.

§ 726.758 *Extent of calculations and rule of fractions.* (a) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than a tenth shall be dropped.

(b) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped.

FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS AND MARKETING CARDS

§ 726.759 *Amount of farm marketing quota.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Tobacco 12, Part I, Fire-cured and Dark Air-cured Tobacco Marketing Quota Regulations, 1947–48 (11 F. R. 243). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1947 times the farm acreage allotment. The excess tobacco on any farm shall be (a) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1947 times the number of acres harvested in excess of the farm acreage allotment, plus (b) any quantity of tobacco carried over from a prior marketing year which, if marketed during the 1946–47 marketing year, would have been subject to penalty when marketed. The acreage of tobacco determined for a farm for the purpose of issuing the correct marketing card for the farm, as provided in § 726.761, shall be considered the harvested acreage for the farm unless the farm operator furnishes proof satisfactory to the county committee that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage harvested will be disposed of other than by marketing.

§ 726.760 *No transfers.* There shall be no transfer of farm marketing quotas.

§ 726.761 *Issuance of marketing cards.* A marketing card shall be issued for every farm having tobacco available for marketing. Subject to the approval of the county committee, two or more marketing cards may be issued for any farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the office of the county committee of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been reported to the county committee as having been lost, destroyed, or stolen.

(a) *Within quota marketing card.* A Within Quota Marketing Card (Tobacco 20 or 20K) authorizing the marketing without penalty of the tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1947 is not in excess of the farm acreage allotment; if any excess tobacco carried over from any prior marketing year can be marketed without penalty under the provisions of § 726.767 (b); and if the operator of the farm does not operate another farm having excess tobacco.

(2) If excess tobacco produced on the farm is disposed of in accordance with § 726.768, or

(3) If the tobacco was grown for experimental purposes on land owned or leased by a publicly-owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Excess marketing card.* An Excess Marketing Card (Tobacco 21 or 21X) showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota card is required to be issued for the farm under paragraph (a) of this section, except if (1) the farm operator fails to disclose or otherwise furnish, or prevents the county committee from obtaining any information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 726.771 or (2) the county committee determines that it is necessary to issue a "zero-penalty" excess marketing card in order to protect the interest of the Government and insure proper identification of and accounting for tobacco produced on the farm and the proper use of the marketing card issued for the farm.

(c) *Marketing cards for Virginia sun-cured tobacco.* In those counties in which both type 21, Virginia fire-cured tobacco and type 37, Virginia sun-cured tobacco are produced, a within quota marketing card, Tobacco 20X, with the words "Fire-cured" deleted and the words "Virginia Sun-cured" stamped or printed thereon shall be issued for any farm having Virginia sun-cured tobacco available for marketing for use in identifying any marketing of Virginia sun-cured tobacco.

§ 726.762 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 726.763 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 726.764 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 726.765 *Invalid cards.* A marketing card shall be invalid if:

(a) It is not issued or delivered in the form and manner prescribed;

(b) Entries are omitted or incorrect;

(c) It is lost, destroyed, stolen, or becomes illegible;

(d) Any erasure or alteration has been made, and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the county office at which it was issued.

If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 726.766 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the State committee.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 726.767 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no "carry-over" tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 726.768 of the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having "carry-over" tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of "carry-over" tobacco from the prior year by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over" acres by multiplying the "carry-over" acres (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the "carry-over" tobacco was produced.

(3) Determine the "total acres" of tobacco by adding the "carry-over" acres (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1947 allotment and the "within quota carry-over" acres (subparagraph (2) of this paragraph).

(5) Determine the percentage subject to penalty by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) The burden of any penalty with respect to "carry-over" tobacco shall be borne by those persons having an interest in such tobacco.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraphs (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 726.768 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

(a) By a declaration of intention to market all tobacco available for marketing and the payment at the office of the county committee by check or draft or, if required by the county committee, by certified check, cashier's check or postal money order drawn payable to the Treasurer of the United States, in an amount equal to the penalty which would be due upon the marketing of all tobacco available for marketing. Any additional amount of penalty due after all marketings of tobacco from the farm have been made shall be paid by the operator not later than 20 days after receipt of notice of such additional penalty. Any amount collected in excess of the penalty due shall be refunded.

(b) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1947 crop produced on the farm, and posting of a bond approved by the county committee and the State committee in the penal sum of twice the amount of penalty which will become due upon the marketing of the excess tobacco.

(c) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 726.769 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the marketing card (Tobacco 20 or Tobacco 21) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales each marketing shall be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale) except that such form is not required to be executed by warehousemen who are authorized on Tobacco 23 to issue memoranda of sale.

(a) *Memorandum of sale.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed within four weeks after such sale day, the marketing shall be identified by Tobacco 28, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or Tobacco 28 shall be executed only by a field assistant with the following exceptions.

(1) A warehouseman, or his authorized representative, who has been designated on Tobacco 23, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(2) A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the information specified in § 726.778 and who has been authorized on Authorization to Issue Memoranda of Sale (Tobacco 23) may issue memoranda of sale covering tobacco delivered directly to such receiving point and marketed to such dealer.

The authorization on Tobacco 23 to issue memoranda of sale may be withdrawn by the State committee from any warehouseman or dealer if such action is determined to be necessary in order to properly enforce the provisions of the regulations in §§ 726.755 to 726.786, inclusive. The authorization shall terminate upon receipt of written notice setting forth the State committee's reason therefor.

Each excess memorandum of sale issued by a field assistant shall be verified by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator, except that if such tobacco is purchased by or for a warehouseman who is authorized on Tobacco 23 to issue memoranda of sale, he or his representative who is also authorized shall issue a memorandum of sale identifying each such purchase, record the purchase in Tobacco 25, Dealer's Record, and attach thereto the county copy of the memorandum of sale.

Each bill of nonwarehouse sale covering any marketing shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in Tobacco 25.

§ 726.770 *Identification of tobacco.* Any warehouseman upon whose floor both Virginia fire-cured tobacco and Virginia sun-cured tobacco are offered for sale at public auction shall display the Virginia fire-cured tobacco separately and shall make and keep records that will insure a separate accounting of all Virginia fire-cured tobacco sold at auction over the warehouse floor.

§ 726.771 *Rate of penalty.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be ten (10) cents per pound in the case of fire-cured tobacco and nine (9) cents per pound in the case of dark air-cured tobacco.

With respect to tobacco marketed from farms having excess tobacco available for marketing the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm.

§ 726.772 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse (nonwarehouse sale) shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 726.773 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco.

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale within four weeks following the date of marketing shall be identified by a Tobacco 28, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid memorandum of sale and (2) is not recorded in Tobacco 25 within one week following the date of purchase, or (3) if purchased prior to the opening of the local auction markets, is not recorded in Tobacco 25 within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales, as reported under the regulations in §§ 726.755 to 726.786, inclusive, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the Director, Tobacco Branch, Production and Marketing Administration, showing that such tobacco is not a marketing of excess tobacco. The penalty found to be due thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on Tobacco 25 shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the Director, Tobacco Branch, Production and Marketing Administration, showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under the regulations in §§ 726.755 to 726.786, inclusive, is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by the regulations in §§ 726.755 to 726.786, inclusive, shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the Director, Tobacco Branch, Production and Marketing Administration. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Producer marketings.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1947 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon shall be paid by the producer.

§ 726.774 *Payment of penalty.* Penalties shall become due at the time the tobacco is marketed and shall be paid by remitting the amount thereof to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

If the penalty due on any warehouse sale of tobacco by a producer as determined under the regulations in §§ 726.755 to 726.786, inclusive, is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (a) advances to producers, (b) charges for hauling, or (c) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

§ 726.776 *Request for return of penalty.* Any producer of tobacco, after the marketing of all tobacco available for marketing from the farm, and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under the regulations in §§ 726.755 to 726.786, inclusive, to be paid. Such request shall be filed with the county committee within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 726.776 *Producer's records and reports*—(a) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1947 shall return to the office of the county committee each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to account for disposition of tobacco marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise and the allotment next established for such farm shall be reduced.

(b) *Additional reports by producers.* In addition to any other reports which may be required under the regulations in §§ 726.755 to 726.786, inclusive, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall upon written request by registered mail from the State committee and within 10 days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the State committee showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced.

§ 726.777 *Warehouseman's records and reports*—(a) *Record of marketing.* Each warehouseman shall keep such records as will enable him to furnish the Secretary the following information with respect to each sale or resale of tobacco made at his warehouse:

(1) Name of seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced).

(2) Name of purchaser.

(3) Date of sale.

(4) Number of pounds sold.

(5) Gross sale price.

(6) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer.

Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups.

Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each marketing of tobacco from a farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a sale without marketing card shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman who is not authorized on Tobacco 23 to issue memoranda of sale, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehousemar who obtains possession of any scrap tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended", write thereon the serial number of the suspended sale, and record the bills on Tobacco 29, Field Assistant's Report: *Provided*, That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall enter on Tobacco 25 the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1947 the entry on Tobacco 25 shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on Tobacco 25, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

The county copy of each memorandum of sale issued to identify each purchase under subparagraph (1) of this paragraph shall accompany the report on which such purchase is recorded.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the State committee not later than thirty (30) days following the last sale day of the marketing season a report on Tobacco 26, Auction Warehouse Report, showing for each dealer or buyer (1) the total pounds and gross price of tobacco purchased and resold on the warehouse floor during the 1947–48 marketing year and (2) the total pounds and gross price of tobacco purchased and resold by such warehouseman during the 1947–48 marketing year.

(h) *Report of penalties.* Each warehouseman shall make reports on Tobacco 27, Report of Penalties, showing the information required with respect to each sale subject to penalty. Tobacco 27 shall be prepared for each week and forwarded, together with remittance of the penalties due, as shown thereon, to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on Tobacco 32, Report of Resales, showing the information required with respect to each resale of tobacco at auction on the warehouse floor. Tobacco 32 shall be prepared for each sale day and forwarded to the State committee not later than the end of the calendar week following the week in which the tobacco was resold.

§ 726.778 *Dealer's records and reports.* Each dealer, except as provided in § 726.779, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address, and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the State committee "Receipt for Dealer's Record" contained in Tobacco 25 which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on Tobacco 25, Dealer's Record, showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1947 the fact that such tobacco was bought by him and carried over from a crop produced prior to 1947.

(c) *Report of penalties.* Each dealer shall make a report on Tobacco 27, Report of Penalties, showing the information with respect to all purchases subject to penalty made by him during each calendar week. The penalties listed on each such report shall be remitted with the report.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse (nonwarehouse sale). No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale, on the reverse side of the memorandum of sale, has been executed.

(e) *Additional records.* Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the Secretary the following information with respect to each lot of tobacco purchased or sold by him:

(1) Name of the seller, and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced.

(2) Name of the purchaser.

(3) Date of the transaction.

(4) Number of pounds sold.

(5) Gross purchase or sale price.

(6) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer.

(7) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1947 the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the State committee not later than the end of the week following the calendar week covered by the reports.

§ 726.779 *Dealers exempt from regular records and reports.* Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of § 726.778; but each such dealer shall make such reports to the Secretary as the Director, Tobacco Branch, Production and Marketing Administration, may find necessary to enforce the regulations in §§ 726.735 to 726.786, inclusive.

§ 726.780 *Records and reports of truckers and persons redrying, prizing, or stemming tobacco.* (a) Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Secretary a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the

tobacco, (3) the number of pounds received, and (4) the place to which it was delivered.

(b) Every person engaged in the business of redrying, prizing, and stemming tobacco for producers shall keep such records as will enable him to furnish the Secretary a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

Each such person shall make such reports to the Secretary as the Director, Tobacco Branch, may find necessary to enforce these regulations.

§ 726.781 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any records or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 726.782 *Failure to keep records or make reports.* Any warehouseman, dealer, processor, or common carrier of tobacco, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under the regulations in §§ 726.755 to 726.786, inclusive, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5 000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Director, Tobacco Branch.

§ 726.783 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing, or stemming tobacco for producers shall make available for examination upon written request by the State committee or Director, Tobacco Branch, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State committee or Director, Tobacco Branch, has reason to believe are relevant and are within the control of such person.

§ 726.784 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person under the regulations in §§ 726.755 to 726.786, inclusive, for the 1947–48 marketing year shall be kept by him until September 30, 1950. Records shall be kept for such longer period of time as may be requested in writing by the Director, Tobacco Branch.

§ 726.785 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of the regulations in §§ 726.755 to 726.786, inclusive, shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of county committees, and data so reported or acquired shall be made available only to the person supplying the data and also to the extent deemed relevant by the Assistant Administrator for Production, Production and Marketing Administration, in any suit or administrative hearing under Title III of the act.

§ 726.786 *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 726.755 to 726.786, inclusive, may be redelegated by the State Committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Budget Bureau No. 40–R1281 2.

Done at Washington, D. C. this 8th day of July 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6496; Filed, July 10, 1947; 8:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

IMMIGRATION BONDS

MISCELLANEOUS AMENDMENTS TO CHAPTER

JULY 1, 1947.

Reference is made to the notice which was published in the FEDERAL REGISTER dated May 10, 1947 (12 F. R. 3085) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) and which stated in full the terms of proposed rules relative to immigration bonds. Such rules are hereby adopted as they were stated in the notice of May 10, 1947, except that §§ 169.1 and 169.2 (b), Chapter I, Title 8, Code of Federal Regulations are modified.

PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

Section 60.20 *Bonds; violation; authority to cancel,* is revoked.

PART 110—PRIMARY INSPECTION AND DETENTION

1. Section 110.20 is amended to read as follows:

§ 110.20 *Immigrant aliens liable to be excluded as public charges; admission under bond.* The immigration officer conducting the primary inspection in the case of an alien who is applying for admission to the United States for permanent residence and who is liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis or a dangerous contagious disease shall refer the question of admission to the officer in charge of the port and that official may in his discretion admit the alien on primary inspection, if otherwise admissible, upon the furnishing of a bond in the sum of not less than $1,000 conditioned as prescribed on Form I–354, or, in lieu of such bond, upon the depositing of cash or a postal money order in the sum of not less than $1,000 for the same purposes and subject to the same conditions as the bond. If the officer in charge of the port does not so admit the alien, the question of admission shall be referred to a board of special inquiry and such board may in its discretion admit the alien, if otherwise admissible, upon the furnishing of the bond or the depositing of the cash or the postal money order described in the preceding sentence. (Sec. 21, 39 Stat. 891; 8 U. S. C. 158)

2. Section 110.21 is amended to read as follows:

§ 110.21 *Form of public charge bonds; action where no longer required.* All bonds, including agreements covering deposits of cash or postal money orders, given as a condition of the admission of an alien under section 21 of the Immigration Act of 1917 (39 Stat. 891; 8 U. S. C. 158) shall be executed on Form I–354 entitled "Bond That Alien Shall Not Become a Public Charge". Where cash or a postal money order is deposited, the depositor shall give his power of attorney and agreement on Form I–304, authorizing the officers designated thereon to collect, assign, or transfer such deposit, in whole or in part, in case of any violation of the conditions of the bond; and the officers accepting such deposit shall give his receipt therefor on Form I–305. If proofs are submitted that the alien is no longer likely to become a public charge or is no longer afflicted with a physical disability, the bond with its appurtenant documents shall be forwarded to the Commissioner of Immigration and Naturalization with an appropriate recommendation.

3. A cross reference as follows is added immediately following § 110.21:

CROSS REFERENCE: For approval and cancellation of public charge bonds, see 8 CFR Part 169.

4. Section 10.33 *Nonimmigrant bonds; approval and cancelation* is revoked.

PART 140—MEDICAL OFFICERS AND HOSPITAL TREATMENT

Section 140.12 is amended by changing the language preceding the first semicolon to read as follows:

§ 140.12 *Hospital treatment of wife or minor child of naturalized citizen; conditions.* No application for hospital treatment on behalf of the wife or minor child of a naturalized citizen shall be considered unless it affirmatively appears in such application that the applicant or someone in his behalf has deposited with the proper hospital official a sum sufficient to defray the cost of such treatment for a period of 60 days or for a less period if it is estimated that a cure may possibly be effected in less than 60 days, and that a bond has been furnished on Form I–355 with approved surety in the sum of not less than $500 conditioned that at least 15 days prior to the expiration of the period above referred to a further deposit of cash will be made sufficient to cover the cost of treatment for an additional period of 30 days; * * *

PART 150—ARREST AND DEPORTATION

1. Section 150.5 (c) *Delivery bonds* is amended by striking out the second, third, fourth, and last sentences, which read as follows: The approval of the form and execution of the bond by the district director or officer in charge shall be sufficient for the release of an alien, pending final approval of the bond by the Central Office. The sureties may justify in real estate or may deposit any public debt obligations of the United States and any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, and which are not redeemable within one year from the date on which they are offered for deposit. The justification in real estate shall be by two owners, each in double the amount of the penalty of the bond over and above all encumbrances. A surety company authorized by the Treasury Department to transact federal bond business shall be an acceptable surety.

2. The cross reference immediately following said § 150.5 (c), reading as follows, shall be stricken out:

CROSS REFERENCE: For "Acceptance of bonds, notes, or other obligations issued or guaranteed by the United States as security in lieu of surety or sureties on penal bonds," see 31 CFR Part 225 (Treasury Department Circular No. 154, revised February 6, 1935).

and the following cross reference shall be inserted in its place:

CROSS REFERENCE: For approval and cancellation of delivery bonds, see 8 CFR Part 169.

The following part is added:

PART 169—IMMIGRATION BONDS

Sec.
169.1 Acceptable sureties.
169.2 Approval; extension agreements; consent of surety; collateral security.
169.3 Violation; authority to cancel.

AUTHORITY: §§ 169.1 to 169.3, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V (3 CFR, Cum. Supp., Ch. IV); 8 CFR, 1943 Supp., 90.1.

NOTE: §§ 169.1 to 169.3, inclusive, prescribe procedural and substantive provisions under, and interpret, those sections of the immigration laws pertaining to bonds, including 9th proviso, sec. 3, 39 Stat. 875, sec. 18, 39 Stat. 887, 45 Stat. 1551, 58 Stat. 816, sec. 20, 39 Stat. 890, 57 Stat. 553, secs. 21, 22, 39 Stat. 891, sec. 15, 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 669; 8 U. S. C. 136 (q), 8 U. S. C. and Sup., 154, 156, 8 U. S. C. 158, 159, 8 U. S. C. and Sup., 215.

§ 169.1 *Acceptable sureties.* In cases other than those where cash or postal money orders are deposited pursuant to § 110.20 of this chapter, the following are the only acceptable sureties on a bond furnished in connection with the administration of the immigration laws or regulations:

(a) A surety company authorized by the Treasury Department to transact Federal bond business;

(b) A surety who deposits United States bonds or notes of the class described in section 1126 of the Revenue Act of 1926, as amended (6 U. S. C. 15), and Treasury Department Regulations issued pursuant thereto, which bonds or notes are not redeemable within one year from the date on which they are offered for deposit; or

(c) Sureties, who must be two in number, each of whom shall justify in real property not exempted from levy and sale upon execution, which real property is actually valued, over and above all encumbrances, at double the amount of the bond, and each of whom shall, in addition to making such justification, satisfactorily establish to the immigration and naturalization officer or employee authorized to approve the bond that his net worth, over and above all obligations and liabilities of any kind, secured or unsecured, is equal to double the amount of the bond.

CROSS REFERENCES: For list of companies acceptable as sureties on Federal bonds, see 31 CFR Part 226 (Treasury Department Form 356 issued semiannually); for acceptance of United States bonds or notes as security, see 31 CFR Part 225 (Treasury Department Circular No. 154, revised February 6, 1935).

§ 169.2 *Approval; extension agreements; consent of surety; collateral security.* (a) Regardless of the section of law or regulations under which the bond has been required, the officers in charge of the several ports, stations, or districts are authorized, either directly or through officers or employees designated by them, where no substantial change is made in the conditions printed on the forms, to approve bonds which are prepared on the following approved forms:

(1) Form I–331 or Form 557, "Bond for Alien Admitted for Medical Treatment".

(2) Form I–336 or Form 636, "Bond for Alien in Transit".

(3) Form I–337 or Form 637, "Bond Conditioned for Departure of an Alien Temporarily Admitted under the Immigration Act of 1924 as a Tourist or Visitor for Business or Pleasure".

(4) Form I–338 or Form 638, "Bond That an Alien Admitted in Pursuance of a Treaty to Carry on Trade Shall Depart upon Failure to Maintain Status".

(5) Form I–353 or Form 553, "Bond Conditioned for the Delivery of an Alien".

(6) Form I–354, "Bond That Alien Shall Not Become a Public Charge".

(7) Form I–355, "Bond Conditioned for Guarantee of Payment of Hospital Expenses of Alien Receiving Treatment under the Provisions of section 22, Immigration Act of 1917 (39 Stat. 891; 8 U. S. C. 159)".

(8) Form I–372 or Form 572, "Bond for Payment of Extra Compensation for Overtime Services of Immigrant Inspectors and Employees in Connection with the Examination and Landing of Passengers and Crews".

(9) Form I–374 or Form 574, "Bond Conditioned for Departure of an Alien Temporarily Admitted under the Immigration Act of 1924 as a Student".

(b) Such officers are also authorized to approve formal agreements by which a surety consents to an extension of his liability on any such bond and to approve any power of attorney executed on Form I–312 or Form I–313 which purports to authorize the delivery after its release of collateral deposited to secure the performance of any such bond to some person or concern other than the depositor thereof. Unless otherwise specifically provided, bonds prepared on the forms listed in paragraph (a) of this section, all agreements of extension of liability relating thereto, and all powers of attorney for delivery of collateral security deposited in connection therewith shall be retained at the ports, stations, or districts where approved. Bonds prepared on any form other than one of those listed in paragraph (a) of this section, or bonds prepared on any such forms in which the conditions have been materially altered, as well as any agreements of extension of liability relating thereto and any powers of attorney to receive back collateral deposited in connection therewith, shall be submitted to the Commissioner of Immigration and Naturalization for approval. Regardless of the form on which the bond is prepared, any power of attorney not executed on Form I–312 or Form I–313, purporting to authorize the delivery after its release of any deposit of collateral security to some person or concern other than the depositor thereof, shall be forwarded, together with the bond and all appurtenant documents, to the Commissioner for approval. In the same manner, all requests for delivery of collateral security to a person other than the depositor or his approved attorney in fact shall be forwarded to the Commissioner for approval. Instruments and other papers forwarded to the Commissioner under the provisions of this paragraph shall be handled by the General Counsel in accordance with the provisions of § 90.17 (d) of this chapter.

§ 169.3 *Violation; authority to cancel.* If any condition of a bond executed in connection with the administration of the immigration laws is violated, the district director shall report the facts to the Commissioner of Immigration and Naturalization and shall forward with his report the bond and all appurtenant documents, including in the case of a bond containing the condition that an alien shall not become a public charge, a statement of the exact amount of any expenditure made in the alien's behalf by any agency of the United States Government or of any state or local government. Except as otherwise specifically provided in this chapter, if all the conditions of a bond executed in connection with the administration of the immigration laws are complied with, the district director shall cancel the bond by issuing Form I–391. Such authority to cancel

shall include any case in which none of the conditions of the bond had been violated and all of the conditions ceased to have effect because:

(a) The alien departed, or was deported, from the United States;

(b) The warrant for the arrest or deportation of the alien was canceled;

(c) The alien complied with an order suspending his deportation;

(d) The alien died;

(e) The alien was imprisoned;

(f) The alien was naturalized as a citizen of the United States; or

(g) A new bond was furnished to take the place of the existing bond.

If a bond canceled by a district director is on file in the Central Office, the district director shall notify the Commissioner of Immigration and Naturalization of the cancellation.

This order shall become effective on September 1, 1947. These rules are based on those provisions of statutes which pertain to the furnishing of bonds in immigration cases, such provisions being cited in the rules hereby prescribed. The general purpose of these rules is to enable the Immigration and Naturalization Service to handle its bond work as expeditiously as possible and to inform persons doing immigration bond business of the requirements.

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

Approved: July 4, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-6512; Filed, July 10, 1947; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5472]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HI-POTE PRODUCTS, ETC.

§ 3.6 (l) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.72 (e) *Offering deceptive inducements to purchase or deal—Free goods.* I. In connection with the offering for sale, sale or distribution of respondent's product Hi-Pote, or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondent's said product, which advertisements represent, directly or by implication; (a) that it has been established that gray hair results from a vitamin deficiency; (b) that said product will restore the original natural color or any color resembling the original natural color to gray hair; or, (c) that said product is effective in improving the condition of the finger nails; and, II., in connection with the offering for sale, sale and distribution of respondent's products in commerce, using the word "free," or any other term of similar import, to describe or refer to any product which is not in fact given free of charge, but the price of which is included in the price charged for the same or other products; prohibited. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Hi-Pote Products, etc., Docket 5472, May 14, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of May A. D. 1947.

In the Matter of Edward I. Frankel, an Individual Trading as Hi-Pote Products and as Edward I. Frankel and Associates

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Edward I. Frankel, individually and trading as Hi-Pote Products and as Edward I. Frankel and Associates, or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondent's product Hi-Pote, or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That it has been established that gray hair results from a vitamin deficiency;

(b) That said product will restore the original natural color or any color resembling the original natural color to gray hair;

(c) That said product is effective in improving the condition of the finger nails.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondent, Edward I. Frankel, individually and trading as Hi-Pote Products and as Edward I. Frankel and Associates, or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondent's products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from using the word "free", or any other term of similar import, to describe or refer to any product which is not in fact given free of charge, but the price of which is included in the price charged for the same or other products.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-6462; Filed, July 10, 1947; 8:46 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

FIELD ORGANIZATION

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A-886) is amended, effective July 1, 1947, by deleting the address "Parkhill Bldg." opposite "Vermont, Burlington" and substituting therefor the following address "Union Station."

(Sec. 1, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1702)

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner.

JULY 1, 1947.

[F. R. Doc. 47-6463; Filed, July 10, 1947; 8:46 a. m.]

PART 500—GENERAL

FIELD ORGANIZATION

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A-886) is amended, effective July 7, 1947, by deleting the address "70 Market Street" opposite "New Hampshire, Manchester" and substituting therefor the following address "Post Office Building."

(Sec. 1, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1702)

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner.

JULY 7, 1947.

[F. R. Doc. 47-6464; Filed, July 10, 1947; 8:47 a. m.]

PART 500—GENERAL

FIELD ORGANIZATION

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A-886) is amended, effective July 1, 1947, by deleting the address "Richards Bldg." opposite Louisiana, New Orleans" and substituting therefor the following address "Farm Credit Administration Bldg."

(Sec. 1, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1702)

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner.

JULY 1, 1947.

[F. R. Doc. 47-6465; Filed, July 10, 1947; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5569]

PART 7—TAXATION PURSUANT TO TREATIES

UNITED KINGDOM; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1944

Regulations affecting the taxation of nonresident aliens who are residents of the United Kingdom and foreign corporations managed and controlled in the United Kingdom under the income tax convention and protocol between the United States and the United Kingdom, proclaimed by the President of the United States on July 30, 1946.

On February 22, 1947, notice of proposed rule making under the income tax convention and supplementary protocol between the United States and the United Kingdom of Great Britain and Northern Ireland, both of which were proclaimed by the President of the United States on July 30, 1946, was published in the FEDERAL REGISTER (12 F. R. 1236). After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following regulations are adopted for the purposes of such convention and protocol (see § 7.514).

Sec.
7.512 Introductory.
7.513 Applicable provisions of the Internal Revenue Code.
7.514 Scope of the convention.
7.515 Definitions.
7.516 Scope of convention with respect to determination of "industrial or commercial profits."
7.517 Control of a domestic enterprise by a United Kingdom enterprise.
7.518 Income from operation of ships and aircraft.
7.519 Exemption from, or reduction in rate of, United States tax in the case of dividends, interest, royalties, natural resource royalties, and real property rentals.
7.520 Government wages, salaries, pensions, and similar remunerations.
7.521 Compensation for labor or personal services.
7.522 Pensions and life annuities.
7.523 Capital gains.
7.524 Dividends and interest paid by a United Kingdom corporation.
7.525 United Kingdom corporations; exemption from Federal taxation with respect to accumulated profits or undistributed income.
7.526 Visiting professors or teachers.
7.527 Remittances.
7.528 Credit against United States tax liability for income tax paid or deemed to have been paid to the United Kingdom.
7.529 Adjustment of tax liability of nonresident aliens who are residents of the United Kingdom and of United Kingdom corporations.
7.530 Reciprocal administrative assistance.
7.531 Information to be furnished in due course.
7.532 Information in specific cases.

§ 7.512 *Introductory.* The income tax convention between the United States and the United Kingdom of Great Britain and Northern Ireland, signed April 16, 1945, and supplementary protocol, signed at Washington on June 6, 1946, both of which were proclaimed by the President of the United States on July 30, 1946, and effective (for the purposes of United States income and excess profits taxes) for taxable years beginning on or after January 1, 1945 (hereinafter referred to as the convention), provide as follows:

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the United States of America: The Federal income taxes, including surtaxes and excess profits taxes (hereinafter referred to as United States tax).

(b) In the United Kingdom of Great Britain and Northern Ireland: The income tax (including surtax), the excess profits tax and the national defense contribution (hereinafter referred to as United Kingdom tax).

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either Contracting Party subsequently to the date of signature of the present Convention or by the government of any territory to which the present Convention is extended under Article XXII.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

(b) The term "United Kingdom" means Great Britain and Northern Ireland, excluding the Channel Islands and the Isle of Man.

(c) The terms "territory of one of the Contracting Parties" and "territory of the other Contracting Party" means the United States or the United Kingdom as the context requires.

(d) The term "United States corporation" means a corporation, association or other like entity created or organized in or under the laws of the United States.

(e) The term "United Kingdom corporation" means any kind of juridical person created under the laws of the United Kingdom.

(f) The terms "corporation of one Contracting Party" and "corporation of the other Contracting Party" mean a United States corporation or a United Kingdom corporation as the context requires.

(g) The term "resident of the United Kingdom" means any person (other than a citizen of the United States or a United States corporation) who is resident in the United Kingdom for the purposes of United Kingdom tax and not resident in the United States for the purposes of United States tax. A corporation is to be regraded as resident in the United Kingdom if its business is managed and controlled in the United Kingdom.

(h) The term "resident of the United States" means any individual who is resident in the United States for the purposes of United States tax and not resident in the United Kingdom for the purposes of United Kingdom tax, and any United States corporation and any partnership created or organized in or under the laws of the United States, being a corporation or partnership which is not resident in the United Kingdom for the purposes of United Kingdom tax.

(i) The term "United Kingdom enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom.

(j) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident of the United States.

(k) The terms "enterprise of one of the Contracting Parties" and "enterprise of the other Contracting Party" mean a United States enterprise or a United Kingdom enterprise, as the context requires.

(l) The term "permanent establishment" when used with respect to an enterprise of one of the Contracting Parties means a branch, management, factory or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the Contracting Parties shall not be deemed to have a permanent establishment in the territory of the other Contracting Party merely because it carries on business dealings in the territory of such other Contracting Party through a bona fide commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the Contracting Parties maintains in the territory of the other Contracting Party a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one Contracting Party has a subsidiary corporation which is a corporation of the other Contracting Party or which is engaged in trade or business in the territory of such other Contracting Party (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(2) For the purposes of Articles VI, VII, VIII, IX and XIV a resident of the United Kingdom shall not be deemed to be engaged in trade or business in the United States in any taxable year unless such resident has a permanent establishment situated therein such taxable year. The same principle shall be applied, mutatis mutandis, by the United Kingdom in the case of a resident of the United States.

(3) In the application of the provisions of the present Convention by one of the Contracting Parties any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Party relating to the taxes which are the subject of the present Convention.

ARTICLE III

(1) A United Kingdom enterprise shall not be subject to United States tax in respect of its industrial or commercial profits unless it is engaged in trade or business in the United States through a permanent establishment situated therein. If it is so engaged, United States tax may be imposed upon the

income of such enterprise from sources within the United States.

(2) A United States enterprise shall not be subject to United Kingdom tax in respect of its industrial or commercial profits unless it is engaged in trade or business in the United Kingdom through a permanent establishment situated therein. If it is so engaged, United Kingdom tax may be imposed upon the entire income of such enterprise from sources within the United Kingdom: *Provided*, That nothing in this paragraph shall affect any provisions of the law of the United Kingdom regarding the imposition of United Kingdom excess profits tax and national defence contribution in the case of inter-connected companies.

(3) Where an enterprise of one of the Contracting Parties is engaged in trade or business in the territory of the other Contracting Party through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment, and the profits so attributed shall, subject to the law of such other Contracting Party, be deemed to be income from sources within the territory of such other Contracting Party.

(4) In determining the industrial or commercial profits from sources within the territory of one of the Contracting Parties of an enterprise of the other Contracting Party, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the territory of the former Contracting Party by such enterprise.

ARTICLE IV

Where an enterprise of one of the Contracting Parties, by reason of its participation in the management, control or capital of an enterprise of the other Contracting Party, makes with or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which would but for those conditions have accrued to one of the enterprises but by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

(1) Notwithstanding the provisions of Articles III and IV of the present Convention, profits which an individual (other than a citizen of the United States) resident in the United Kingdom or a United Kingdom corporation derives from operating ships documented or aircraft registered under the laws of the United Kingdom, shall be exempt from United States tax.

(2) Notwithstanding the provisions of Articles III and IV of the present Convention, profits which a citizen of the United States not resident in the United Kingdom or a United States corporation derives from operating ships documented or aircraft registered under the laws of the United States, shall be exempt from United Kingdom tax.

(3) This Article shall be deemed to have superseded, on and after the first day of January 1945, as to United States tax, and on and after the 6th day of April, 1945, as to United Kingdom tax, the arrangements relating to reciprocal exemption of shipping profits from income tax effected between the Government of the United States and the Government of the United Kingdom by exchange of Notes dated August 11, 1924, November 18, 1924, November 26, 1924, January 15, 1925, February 13, 1925, and March 16, 1925, which shall accordingly cease to have effect.

ARTICLE VI

(1) The rate of United States tax on dividends derived from a United States corporation by a resident of the United Kingdom who is subject to United Kingdom tax on such dividends and not engaged in trade or business in the United States shall not exceed 15 percent: *Provided*, That such rate of tax shall not exceed five percent if such resident is a corporation controlling, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends received from its own subsidiary corporations.' Such reduction of the rate to five percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

(2) Dividends derived from sources within the United Kingdom by an individual who is (a) a resident of the United States, (b) subject to United States tax with respect to such dividends, and (c) not engaged in trade or business in the United Kingdom, shall be exempt from United Kingdom surtax.

(3) Either of the Contracting Parties may terminate this Article by giving written notice of termination to the other Contracting Party, through diplomatic channels, on or before the thirtieth day of June in any year after the year 1945, and in such event paragraph (1) hereof shall cease to be effective as to United States tax on and after the first day of January, and paragraph (2) hereof shall cease to be effective as to United Kingdom tax on and after the 6th day of April, in the year next following that in which such notice is given.

ARTICLE VII

(1) Interest (on bonds, securities, notes, debentures, or on any other form of indebtedness) derived from sources within the United States by a resident of the United Kingdom who is subject to United Kingdom tax on such interest and not engaged in trade or business in the United States, shall be exempt from United States tax; but such exemption shall not apply to such interest paid by a United States corporation to a corporation resident in the United Kingdom controlling, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation.

(2) Interest (on bonds, securities, notes, debentures, or on any other form of indebtedness) derived from sources within the United Kingdom by a resident of the United States who is subject to United States tax on such interest and not engaged in trade or business in the United Kingdom, shall be exempt from United Kingdom tax; but such exemption shall not apply to such interest paid by a corporation resident in the United Kingdom to a United States corporation controlling, directly or indirectly, more than 50 percent of the entire voting power in the paying corporation.

ARTICLE VIII

(1) Royalties and other amounts paid as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulae, trademarks, and other like property, and derived from sources within the United States by a resident of the United Kingdom who is subject to United Kingdom tax on such royalties or other amounts and not engaged in trade or business in the United States, shall be exempt from United States tax.

(2) Royalties and other amounts paid as consideration for the use of, or for the privilege of using, copyrights, patents, designs, secret processes and formulae, trade-marks, and other like property, and derived from sources within the United Kingdom by a resident of the United States who is subject to United States tax on such royalties or other amounts and not engaged in trade or business in the United Kingdom, shall be exempt from United Kingdom tax.

(3) For the purposes of this Article the term "royalties" shall be deemed to include rentals in respect of motion picture films.

ARTICLE IX

(1) The rate of United States tax on royalties in respect of the operation of mines or quarries or of other extraction of natural resources, and on rentals from real property or from an interest in such property, derived from sources within the United States by a resident of the United Kingdom who is subject to United Kingdom tax with respect to such royalties or rentals and not engaged in trade or business in the United States, shall not exceed 15 percent: *Provided*, That any such resident may elect for any taxable year to be subject to United States tax as if such resident were engaged in trade or business in the United States.

(2) Royalties in respect of the operation of mines or quarries or of other extraction of natural resources, and rentals from real property, or from an interest in such property, derived from sources within the United Kingdom by an individual who is (a) a resident of the United States, (b) subject to United States tax with respect to such royalties and rentals, and (c) not engaged in trade or business in the United Kingdom, shall be exempt from United Kingdom surtax.

ARTICLE X

(1) Any salary, wage, similar remuneration or pension, paid by the Government of the United States to an individual (other than a British subject who is not also a citizen of the United States) in respect of services rendered to the United States in the discharge of governmental functions, shall be exempt from United Kingdom tax.

(2) Any salary, wage, similar remuneration or pension, paid by the Government of the United Kingdom to an individual (other than a citizen of the United States who is not also a British subject) in respect of services rendered to the United Kingdom in the discharge of governmental functions, shall be exempt from United States tax.

(3) The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Parties for purposes of profit.

ARTICLE XI

(1) An individual who is a resident of the United Kingdom shall be exempt from United States tax upon compensation for personal (including professional) services performed during the taxable year within the United States if (a) he is present within the United States for a period or periods not exceeding in the aggregate 183 days during such taxable year, and (b) such services are performed for or on behalf of a person resident in the United Kingdom.

(2) An individual who is a resident of the United States shall be exempt from United Kingdom tax upon profits, emoluments or other remuneration in respect of personal (including professional) services performed within the United Kingdom in any year of assessment if (a) he is present within the United Kingdom for a period or periods not exceeding in the aggregate 183 days during that year, and (b) such services are performed for or on behalf of a person resident in the United States.

(3)[1] The provisions of this Article shall not apply to the compensation, profits, emoluments or other remuneration of public entertainers such as stage, motion picture or radio artists, musicians and athletes.

[1] Paragraph (3) of Article XI was deleted by the Protocol approved June 6, 1946.

ARTICLE XII

(1) Any pension (other than a pension to which Article X applies), and any life annuity, derived from sources within the United States by an individual who is a resident of the United Kingdom shall be exempt from United States tax.

(2) Any pension (other than a pension to which Article X applies), and any life annuity, derived from sources within the United Kingdom by an individual who is a resident of the United States shall be exempt from United Kingdom tax.

(3) The term "life annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

ARTICLE XIII

(1) Subject to section 131 of the United States Internal Revenue Code as in effect on the first day of January, 1945, United Kingdom tax shall be allowed as a credit against United States tax. For this purpose, the recipient of a dividend paid by a corporation which is a resident of the United Kingdom shall be deemed to have paid the United Kingdom income tax appropriate to such dividend if such recipient elects to include in his gross income for the purposes of United States tax the amount of such United Kingdom income tax.

(2) Subject to such provisions (which shall not affect the general principle hereof) as may be enacted in the United Kingdom, United States tax payable in respect of income from sources within the United States shall be allowed as a credit against any United Kingdom tax payable in respect of that income. Where such income is an ordinary dividend paid by a United States corporation, such credit shall take into account (in addition to any United States income tax deducted from or imposed on such dividend) the United States income tax imposed on such corporation in respect of its profits, and where it is a dividend paid on participating preference shares and representing both a dividend at the fixed rate to which the shares are entitled and an additional participation in profits, such additional profits shall likewise be taken into account in so far as the dividend exceeds such fixed rate.

(3) For the purposes of this Article, compensation, profits, emoluments and other remuneration for personal (including professional) services shall be deemed to be income from sources within the territory of the Contracting Party where such services are performed.

ARTICLE XIV

A resident of the United Kingdom not engaged in trade or business in the United States shall be exempt from United States tax on gains from the sale or exchange of capital assets.

ARTICLE XV

Dividends and interest paid on or after the first day of January 1945 by a United Kingdom corporation shall be exempt from United States tax except where the recipient is a citizen of or a resident of the United States or a United States corporation.

ARTICLE XVI

A United Kingdom corporation shall be exempt from United States tax on its accumulated or undistributed earnings, profits, income or surplus, if individuals who are residents of the United Kingdom control, directly or indirectly, throughout the last half of the taxable year, more than 50 percent of the entire voting power in such corporation.

ARTICLE XVII

(1) The United States income tax liability for any taxable year beginning prior to January 1, 1936 of any individual (other than a citizen of the United States) resident in the United Kingdom, or of any United Kingdom corporation, remaining unpaid on the date of signature of the present Convention, may be adjusted on a basis satisfactory to the United States Commissioner of Internal Revenue: *Provided*, That the amount to be paid in settlement of such liability shall not exceed the amount of the liability which would have been determined if:

(a) The United States Revenue Act of 1936 (except in the case of a United Kingdom corporation in which more than 50 percent of the entire voting power was controlled, directly or indirectly, throughout the latter half of the taxable year, by citizens or residents of the United States), and

(b) Articles XV and XVI of the present Convention, had been in effect for such year.

If the taxpayer was not, within the meaning of such Revenue Act, engaged in trade or business in the United States and had no office or place of business therein during the taxable year, the amount of interest and penalties shall not exceed 50 percent of the amount of the tax with respect to which such interest and penalties have been computed.

(2) The United States income tax unpaid on the date of signature of the present Convention for any taxable year beginning after the thirty-first day of December 1935 and prior to the first day of January 1945 in the case of an individual (other than a citizen of the United States) resident of the United Kingdom, or in the case of any United Kingdom corporation shall be determined as if the provisions of Articles XV and XVI of the present Convention had been in effect for such taxable year.

(3) The provisions of paragraph (1) of this Article shall not apply:

(a) Unless the taxpayer files with the Commissioner of Internal Revenue on or before the thirty-first day of December 1947 a request that such tax liability be so adjusted and furnishes such information as the Commissioner may require; or

(b) In any case in which the Commissioner is satisfied that any deficiency in tax is due to fraud with intent to evade the tax.

ARTICLE XVIII

A professor or teacher from the territory of one of the Contracting Parties who visits the territory of the other Contracting Party for the purpose of teaching, for a period not exceeding two years, at a university, college, school or other educational institution in the territory of such other Contracting Party shall be exempted by such other Contracting Party from tax on his remuneration for such teaching for such period.

ARTICLE XIX

A student or business apprentice from the territory of one of the Contracting Parties who is receiving full-time education or training in the territory of the other Contracting Party shall be exempted by such other Contracting Party from tax on payments made to him by persons within the territory of the former Contracting Party for the purposes of his maintenance, education or training.

ARTICLE XX

(1) The taxation authorities of the Contracting Parties shall exchange such information (being information available under the respective taxation laws of the Contracting Parties) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose any trade secret or trade process.

(2) As used in this Article, the term "taxation authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his authorized representative; in the case of the United Kingdom, the Commissioners of Inland Revenue or their authorized representatives; and, in the case of any territory to which the present Convention is extended under Article XXII, the competent authority for the administration in such territory of the taxes to which the present Convention applies.

ARTICLE XXI

(1) The nationals of one of the Contracting Parties shall not, while resident in the territory of the other Contracting Party, be subjected therein to other or more burdensome taxes than are the nationals of such other Contracting Party resident in its territory.

(2) The term "nationals" as used in this Article means:

(a) In relation to the United Kingdom, all British subjects and British protected persons, from the United Kingdom or any territory with respect to which the present Convention is applicable by reason of extension made by the United Kingdom under Article XXII; and

(b) In relation to the United States, United States citizens, and all persons under the protection of the United States, from the United States or any territory to which the present Convention is applicable by reason of extension made by the United States under Article XXII;

and includes all legal persons, partnerships and associations deriving their status as such from, or created or organized under, the laws in force in any territory of the Contracting Parties to which the present Convention applies.

(3) In this Article the word "taxes" means taxes of every kind or description, whether national, Federal, state, provincial or municipal.

ARTICLE XXII

(1) Either of the Contracting Parties may at the time of exchange of instruments of ratification or thereafter while the present Convention continues in force, by a written notification of extension given to the other Contracting Party through diplomatic channels, declare its desire that the operation of the present Convention shall extend to all or any of its colonies, overseas territories, protectorates, or territories in respect of which it exercises a mandate, which impose taxes substantially similar in character to those which are the subject of the present Convention. The present Convention shall apply to the territory or territories named in such notification on the date or dates specified in the notification (not being less than sixty days from the date of the notification) or, if no date is specified in respect of any such territory, on the sixtieth day after the date of such notification, unless, prior to the date on which the Convention would otherwise become applicable to a particular territory, the Contracting Party to whom notification is given shall have informed the other Contracting Party in writing through diplomatic channels that it does not accept such notification as to that territory. In the absence of such extension, the present Convention shall not apply to any such territory.

(2) At any time after the expiration of one year from the entry into force of an extension under paragraph (1) of this Article, either of the Contracting Parties may, by written notice of termination given to the other Contracting Party through diplomatic channels, terminate the application of the present Convention to any territory to which it has been extended under paragraph (1), and in such event the present Convention shall cease to apply, six months after the date of such notice, to the territory or territories named therein, but without affecting its continued application to the United States, the United Kingdom or to any other territory to which it has been extended under paragraph (1) hereof.

(3) In the application of the present Convention in relation to any territory to which it is extended by notification by the United States or the United Kingdom references to the "United States" or, as the case may be, the "United Kingdom" shall be construed as references to that territory.

(4) The termination in respect of the United States or the United Kingdom of the present Convention under Article XXIV or of Article VI shall, unless otherwise expressly agreed by both Contracting Parties, terminate the application of the present Convention or, as the case may be, that Article to any territory to which the Convention has been extended by the United States or the United Kingdom.

(5) The provisions of the preceding paragraphs of this Article shall apply to the Channel Islands and the Isle of Man as if they were colonies of the United Kingdom.

ARTICLE XXIII

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

(2) Upon exchange of ratifications, the present Convention shall have effect

(a) As respects United States tax, for the taxable years beginning on or after the first day of January 1945;

(b) (i) As respects United Kingdom income tax, for the year of assessment beginning on the 6th day of April 1945 and subsequent years; (ii) as respects United Kingdom surtax, for the year of assessment beginning on the 6th day of April 1944 and subsequent years; and (iii) as respects United Kingdom excess profits tax and national defence contribution, for any chargeable accounting period beginning on or after the first day of April 1945 and for the unexpired portion of any chargeable accounting period current at that date.

ARTICLE XXIV

(1) The present Convention shall continue in effect indefinitely but either of the Contracting Parties may, on or before the 30th day of June in any year after the year 1946, give to the other Contracting Party, through diplomatic channels, notice of termination and, in such event, the present Convention shall cease to be effective

(a) As respects United States tax, for the taxable years beginning on or after the first day of January in the year next following that in which such notice is given;

(b) (i) As respects United Kingdom income tax, for any year of assessment beginning on or after the 6th day of April in the year next following that in which such notice is given; (ii) as respects United Kingdom surtax, for any year of assessment beginning on or after the 6th day of April in the year in which such notice is given; and (iii) as respects United Kingdom excess profits tax and national defense contribution, for any chargeable accounting period beginning on or after the first day of April in the year next following that in which such notice is given and for the unexpired portion of any chargeable accounting period current at that date.

(2) The termination of the present Convention or of any Article thereof shall not have the effect of reviving any treaty or arrangement abrogated by the present Convention or by treaties previously concluded between the Contracting Parties.

In witness whereof the above-mentioned Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at Washington, in duplicate, on the 16th day of April, 1945.

For the Government of the United States of America:

E. R. STETTINIUS, Jr.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

HALIFAX.

PROTOCOL

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland,

Desiring to conclude a supplementary Protocol modifying in certain respects the Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income which was signed at Washington on April 16, 1945,

Have agreed as follows:

ARTICLE I

Paragraph (3) of Article XI of the Convention of April 16, 1945, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income shall be deemed to be deleted and of no effect.

ARTICLE II

This Protocol, which shall be regarded as an integral part of the said Convention, shall be ratified and the instruments of ratification thereof shall be exchanged at Washington.

In witness whereof the undersigned Plenipotentiaries, being authorized thereto by their respective Governments, have signed this Protocol and have affixed thereto their seals.

Done at Washington, in duplicate, this sixth day of June, 1946.

For the Government of the United States of America:

JAMES F. BYRNES,
Secretary of State,
of the United States of America.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

JOHN BALFOUR,
His Majesty's Envoy Extraordinary and Minister Plenipotentiary in Washington.

§ 7.513 *Applicable provisions of the Internal Revenue Code.* The Internal Revenue Code provides in part as follows:

CHAPTER 1—INCOME TAX

* * * * *

SEC. 22. GROSS INCOME

* * * * *

(b) Exclusions from Gross Income. The following items shall not be included in gross income and shall be exempt from taxation under this chapter:

* * * * *

(7) Income exempt under treaty. Income of any kind, to the extent required by any treaty obligation of the United States:

* * * * *

SEC. 62. RULES AND REGULATIONS

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

Pursuant to section 62 of the Internal Revenue Code, and other provisions of the internal revenue laws, the following regulations, which are designated as §§ 7.514 to 7.532, are hereby prescribed and all regulations inconsistent herewith are modified accordingly.

§ 7.514 *Scope of the convention.* The primary purposes of the convention, to be accomplished on a reciprocal basis, are to avoid double taxation upon major items of income derived from sources in one country by persons resident in the other country, and to exchange fiscal information complementary to other provisions of the convention, including those relating to avoidance of double taxation.

The specific classes of income from sources within the United States exempt under the convention from United States tax for taxable years beginning on or after January 1, 1945, are:

(a) Industrial and commercial profits of a United Kingdom enterprise having no permanent establishment in the United States (Article III);

(b) Income derived by a nonresident alien who is a resident of the United Kingdom, or by a United Kingdom corporation, from the operation of ships documented or aircraft registered, under the laws of the United Kingdom (Article V);

(c) Interest and royalties (including film rentals) derived by a nonresident alien who is a resident of the United Kingdom or by a foreign corporation managed and controlled in the United Kingdom if such alien or corporation (1) is subject to United Kingdom tax upon such interest or royalties, and (2) has no permanent establishment in the United States (but such exemption does not apply to interest paid to such foreign corporation controlling the corporation paying such interest) (Articles VII and VIII);

(d) Compensation and pensions paid by the United Kingdom to individuals (other than a citizen of the United States who is not also a British subject) for services rendered to the United Kingdom in the discharge of its governmental functions (Article X);

(e) Compensation for personal services derived by a nonresident alien who is a resident of the United Kingdom if (1) such alien is present in the United States for a period or periods not exceeding 183 days during the taxable year, and (2) such services are performed for, or on behalf of, a person resident in the United Kingdom (Article XI);

(f) Pensions (other than pensions paid by the Government of the United States) and life annuities derived by nonresident alien individuals residing in the United Kingdom (Article XII);

(g) Gains from the sale or exchange of capital assets by a nonresident alien who is a resident of the United Kingdom or by a foreign corporation managed and controlled in the United Kingdom, if such alien or corporation has no permanent establishment in the United States (Article XIV);

(h) Dividends and interest paid on or after January 1, 1945, by a corporation organized under the laws of the United Kingdom to a nonresident alien or foreign corporation (Article XV);

(i) Remuneration derived from teaching in the United States for a period of not more than two years by a professor or teacher who is from the territory of the United Kingdom, but who is temporarily present in the United States (Article XVIII);

(j) Remittances from sources within the United Kingdom received in the United States by a nonresident alien individual who is from the territory of the United Kingdom but who is temporarily present in the United States for the purpose of education, or training, such remittances being for the purpose of his maintenance, education, or training (Article XIX).

The convention also reduces to 15 percent the rate of tax otherwise imposed upon dividends, natural resource royalties and rentals from real property, derived by a nonresident alien who is resident in the United Kingdom or by a foreign corporation managed and controlled in the United Kingdom if such alien or corporation meets the tests of liability to United Kingdom tax and absence of permanent establishment in the United States set out in paragraph (c) of this section with respect to exemption in the case of interest and royalties.

As to exemption from withholding of the tax at the source in the case of interest, royalties, pensions and life annuities and reduction in the rate of tax from 30 percent to 15 percent in the case of dividends, natural resource royalties, and rentals arising from real property, see Treasury Decision 5532 (26 CFR 7.500 to 7.511).

The convention does not affect the liability to United States income taxation of subjects of the United Kingdom who are residents of the United States except that such individuals are entitled to the benefits of Article X (relating to United Kingdom Government salaries and the like), of Article XIII (1) (relating to credit for United Kingdom income tax), and of Article XXI (relating to equality of taxation). Except as provided in Article X with respect to a citizen of the United States who is also a British subject and in Article XIII relating to the credit for income tax, the convention does not affect taxation by the United States of a citizen of the United States or of a domestic corporation, even though such citizen is resident in the United Kingdom and such corporation is managed and controlled in the United Kingdom. The convention has general application to foreign corporations managed and controlled in the United Kingdom even though such corporations are not organized under the laws of the United Kingdom, but, in the case of corporations organized under the laws of the United Kingdom but managed and controlled outside the United Kingdom, the provisions of Articles V, XV and XVI are applicable.

§ 7.515 *Definitions.* As used in §§ 7.512 to 7.532, inclusive, unless the context otherwise requires, the terms defined in the convention shall have the meanings so assigned to them. Any term used in §§ 7.512 to 7.532, inclusive, which is not defined in the convention, but which is defined in the Internal Revenue Code shall be given the definition contained therein unless the context otherwise requires.

As used in §§ 7.512 to 7.532, inclusive:

(a) The term "permanent establishment" means a branch, management, factory, mine, oil well, farm, timberland, plantation, workshop, warehouse, office, or other fixed place of business. The fact that a foreign corporation managed and controlled in the United Kingdom has a domestic subsidiary corporation, or a foreign subsidiary corporation having a branch in the United States, does not of itself constitute either subsidiary corporation a permanent establishment of the parent United Kingdom enterprise. The fact that a United Kingdom enterprise has business dealings in the United States through a bona fide commission agent, broker, or custodian, acting in the usual course of his business as such, or maintains in the United States an office or other fixed place of business used exclusively for the purchase of goods or merchandise, does not mean that such United Kingdom enterprise has a permanent establishment in the United States. If, however, a United Kingdom enterprise carries on business in the United States through an agent who has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or if it has an agent who maintains within the United States a stock of merchandise from which he regularly fills orders on behalf of his principal, then such enterprise shall be deemed to have a permanent establishment in the United States. However, an agent having power to contract on behalf of his principal but only at fixed prices and under conditions determined by the principal does not constitute a permanent establishment of such principal. The mere fact that an agent (assuming he has no general authority to contract on behalf of his employer or principal) maintains samples or occasionally fills orders from incidental stocks of goods maintained in the United States will not constitute a permanent establishment within the United States. The mere fact that salesmen, employees of a United Kingdom enterprise, promote the sale of their employer's products in the United States or that such enterprise transacts business in the United States by means of mail-order activities, does not mean such enterprise has a permanent establishment therein. The term "permanent establishment" as used in the convention implies the active conduct therein of a business enterprise. The mere ownership, for example, of timberlands or a warehouse in the United States by a United Kingdom enterprise does not mean that such enterprise has a permanent establishment therein. As to the effect of the maintenance of a permanent establishment within the United States upon exemption from United States tax in the case of interest and royalties and reduction in the rate of United States tax in the case of dividends, natural resource royalties, and rentals arising from real property, see § 7.519.

(b) The term "enterprise" means any commercial or industrial undertaking whether conducted by an individual, partnership, corporation, or other entity. It includes such activities as manufacturing, merchandising, mining, processing, and banking. It does not include the rendition of personal services. Hence, a nonresident alien who is a resident of the United Kingdom and who renders personal services is not, merely by reason of such services, engaged in an enterprise within the meaning of the convention and his liability to United States tax is not affected by Article III of the convention.

(c) The term "United Kingdom enterprise" means an enterprise carried on by any person (including an individual and foreign corporation, whether or not a corporation organized under the laws of the United Kingdom, which is managed and controlled in the United Kingdom but not including a United States citizen or domestic corporation) who is a resident of the United Kingdom, regardless of whether such enterprise is carried on within or without the United Kingdom.

(d) The term "resident of the United Kingdom" means any nonresident alien (including an individual, fiduciary and partnership) resident in the United Kingdom for the purposes of United Kingdom income tax, and any foreign corporation managed and controlled from within the United Kingdom but not engaged in trade or business within the United States.

(e) The term "industrial and commercial profits", means profits arising from industrial, commercial, mercantile, manufacturing, and like activities of a United Kingdom enterprise as defined in this section. Such term does not include rentals, royalties, interest, dividends, fees, compensation for personal services, nor gains derived from the sale or exchange of capital assets. Such enumerated items of income are not governed by the provisions of Article III of the convention but are subject to the rules elsewhere set forth in the convention and in §§ 7.512 to 7.532, inclusive.

§ 7.516 *Scope of convention with respect to determination of "industrial or commercial profits"*—(a) *General.* Article III of the convention adopts the principle that an enterprise of one of the contracting parties shall not be taxable in the territory of the other contracting party upon its industrial or commercial profits unless it has a permanent establishment in the territory of the latter party. Hence, a United Kingdom enterprise is subject to United States tax upon its industrial and commercial profits to the extent of such profits from sources within the United States only if it has a permanent establishment within the United States. From the standpoint of Federal income taxation, the article has application only to a United Kingdom enterprise and to the industrial and commercial income thereof from sources within the United States. It has no application, for example, to compensation for labor or personal services performed in the United States nor to income derived from real property located in the United States, including rentals and

royalties therefrom, nor to gains from the sale or disposition of such property, nor to interest, dividends, royalties, other fixed or determinable annual or periodical income and gains derived from the sale or exchange of capital assets.

(b) *No United States permanent establishment.* A nonresident alien individual who is a resident of the United Kingdom or a foreign corporation managed and controlled in the United Kingdom, having no permanent establishment in the United States is not, for taxable years beginning on or after January 1, 1945, subject to United States income tax upon industrial and commercial profits from sources within the United States. For example, if such United Kingdom enterprise sells, in 1946, merchandise, such as leather goods, porcelain, textiles, or liquors, through a bona fide commission agent or broker in the United States acting in the ordinary course of his business as such agent or broker, the resulting profits are, under the terms of Article III of the convention, exempt from United States income tax. Likewise no permanent establishment exists if such enterprise, through its sales agents in the United States, secures orders for its products, the sales being made in the United Kingdom.

(c) *United States permanent establishment.* A nonresident alien (including a nonresident alien individual, fiduciary and partnership) who is a resident of the United Kingdom or a foreign corporation managed and controlled in the United Kingdom, having a permanent establishment in the United States, is subject to tax upon industrial and commercial profits from sources within the United States to the same extent as are nonresident aliens and foreign corporations engaged in trade or business therein. In the determination of the income taxable to such alien or foreign corporation all industrial and commercial profits from sources within the United States shall be deemed to be allocable to the permanent establishment in the United States. Hence, for example, if a United Kingdom enterprise having a permanent establishment in the United States sells in the United States, through a commission agent therein goods produced in the United Kingdom, the resulting profits derived from United States sources from such transactions are allocable to such permanent establishment even though such transactions were carried on independently of such establishment. In determining industrial and commercial profits no account shall be taken of the mere purchase of merchandise within the United States by the United Kingdom enterprise. The industrial or commercial profits of the permanent establishment shall be determined as if the establishment were an independent enterprise engaged in the same or similar activities and dealing at arm's length with the enterprise of which it is a permanent establishment.

§ 7.517 *Control of a domestic enterprise by a United Kingdom enterprise.* Article IV of the convention provides, in effect, that if a United Kingdom enterprise by reason of its control of a domestic enterprise imposes on such latter enterprise conditions different from those which would result from normal business relations between independent enterprises, the accounts between the enterprises may be adjusted so as to ascertain the true net income of each enterprise. The purpose is to place the controlled domestic enterprise on a tax parity with an uncontrolled domestic enterprise by determining, according to the standard of an uncontrolled enterprise, the true net income from the property and business of the controlled enterprise. The basic objective of the article is that if the accounting records do not truly reflect the net income from the property and business of such domestic enterprise the Commissioner of Internal Revenue may intervene and, by making such distributions, apportionments, or allocations as he may deem necessary of gross income or deductions of any item or element affecting net income as between such domestic enterprise and the United Kingdom enterprise by which it is controlled or directed, determine the true net income of the domestic enterprise. The provisions of § 29.45–1 of this chapter (Regulations 111), shall, insofar as applicable, be followed in the determination of the net income of the domestic business.

§ 7.518 *Income from operation of ships and aircraft.* The income derived from the operation of ships documented, or aircraft registered, under the laws of the United Kingdom by a nonresident alien who is a resident of the United Kingdom or by a corporation, association, or other like entity created under the laws of the United Kingdom, is, for taxable years beginning on or after January 1, 1945, exempt from United States income tax under the provisions of Article V of the convention. It is immaterial for the purpose of the exemption whether such corporation is managed and controlled in the United Kingdom.

§ 7.519 *Exemption from, or reduction in rate of, United States tax in the case of dividends, interest, royalties, natural resource royalties, and real property rentals*—(a) *Dividends, natural resource royalties, and rentals from real property*—(1) *General.* The tax imposed by the Internal Revenue Code in the case of dividends, natural resource royalties, and rentals arising from real property (including leasehold and other interest in such property), received in any taxable year beginning on or after January 1, 1945, from sources within the United States by (i) a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of the United Kingdom, or (ii) a foreign corporation (whether or not created under the laws of the United Kingdom) which is managed and controlled in the United Kingdom, is limited to 15 percent under the provisions of Article VI (1) (relating to dividends) and Article IX (1) (relating to natural resource royalties and rentals from real property) of the convention if such alien or corporation:

(a) Is subject to United Kingdom tax on such dividends, natural resource royalties and rentals, and

(b) At no time during the taxable year in which such dividends, natural resource royalties and rentals were so derived, was engaged in trade or business within the United States.

For the purposes of Articles VI, VII, VIII, IX and XIV of the convention, the nonresident alien or foreign corporation is not deemed to be engaged in trade or business within the United States unless such alien or foreign corporation has a permanent establishment situated therein at some time in the taxable year in which the income is derived. See Article II (2) of the convention. Thus, if a nonresident alien who is a resident of the United Kingdom, performs personal services within the United States during the calendar year 1946, has no permanent establishment within the United States at any time during such year, and is subject to United Kingdom tax upon dividends derived by him from United States sources in that year, he is entitled to the reduced rate of tax with respect to such dividends, as provided in Article VI (1) of the convention, even though by reason of his having rendered personal services within the United States he is engaged in trade or business therein in that year within the meaning of section 211 (b) of the Internal Revenue Code. If, for example, A, a nonresident alien who is a resident of the United Kingdom, derives in 1946, $5,000 compensation for such personal services and his only other income from sources within the United States consists of dividends, the dividends are subject to tax at the rate not to exceed 15 percent and his earned income is subject to normal tax and surtax without taking the dividends into account in determining the tax on such earned income.

In any case, however, in which a nonresident alien or a foreign corporation derives from sources within the United States in any taxable year beginning on or after January 1, 1945, royalties from the operation of mines, quarries, or other extraction of natural resources or rentals from real property situated within the United States and is entitled to the reduced rate of 15 percent prescribed in Article IX of the convention, such alien or foreign corporation may for such taxable year elect instead to be subject to Federal income tax as if such alien or corporation were engaged in trade or business within the United States by reason of having a permanent establishment therein. Such election shall be made by so signifying on the return for such year. The election so signified shall be irrevocable for the taxable year for which such election is made. In such a case a return may be filed by the nonresident alien or foreign corporation even though the sole income of such alien or corporation from sources within the United States is fixed or determinable annual or periodical income upon which the tax has been fully satisfied at the source and there exists no necessity for the filing of the return except for the purposes of securing the benefits of Article IX of the convention. See § 29.217–2 of this chapter (Regulations 111).

(2) *Dividends paid by a United States subsidiary corporation.* Under the proviso of Article VI (1) of the convention, dividends paid by a domestic corporation to its foreign parent corporation are subject to tax at the rate of only 5 percent if (i) such foreign corporation controls, directly or indirectly, at the time the dividend is paid 95 percent or more of the voting power in such domestic corporation, (ii) not more than 25 percent of the gross income of the domestic corporation paying the dividend consists of dividends and interest (other than dividends and interest paid to such domestic corporation by its own subsidiary corporations, if any), and (iii) the relationship between such domestic corporation and such foreign corporation has not been arranged or maintained primarily with the intention of securing such reduced rate of 5 percent.

Thus, for example, the X Corporation is a domestic corporation, 97 percent of the entire voting stock of which is controlled by the Y Company, Ltd., a foreign corporation managed and controlled in the United Kingdom, not having a permanent establishment in the United States at any time during the calendar year 1946, and subject to United Kingdom tax with respect to any dividends received by it or credited to its account in the United States. The X Corporation makes its income tax returns on the calendar year basis and throughout each of the years 1943, 1944, and 1945 derived not more than 25 percent of its gross income from interest and dividends from corporations not controlled by it. The relationship between the X Corporation and the Y Company, Ltd., is a relationship arranged and maintained without reference to the reduced rate of tax on dividends provided in the proviso in Article VI (1) of the convention. A dividend was paid by the X Corporation to the Y Company, Ltd., on July 1, 1946. The reduced rate of tax of 5 percent is applicable to such dividend.

(b) *Interest and royalties*—(1) *General.* Interest (other than interest paid by a subsidiary corporation to its United Kingdom parent corporation, as explained in subparagraph (2) of this paragraph), whether on bonds, securities, notes, debentures or any other form of indebtedness (including interest on obligations of the United States and on obligations of instrumentalities of the United States) and royalties for the privilege of using copyrights, patents, designs, secret processes and formulae, trade-marks, and other like property (including film rentals) received in any taxable year beginning on or after January 1, 1945, from sources within the United States by (i) a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of the United Kingdom, or (ii) a foreign corporation (whether or not organized under the laws of the United Kingdom) which is managed and controlled in the United Kingdom, are exempt from United States tax under the provisions of Articles VII and VIII of the convention if such alien, or corporation:

(a) Is subject to United Kingdom tax on such interest or royalty, and

(b) At no time during the taxable year in which such interest or royalty was so derived, had a permanent establishment situated within the United States.

Such interest and royalties are, therefore, not subject to the withholding provisions of the Internal Revenue Code.

(2) *Interest paid by subsidiary corporation to its United Kingdom parent corporation.* Article VII (1) of the convention provides in part that the exemption from United States tax of interest paid to residents of the United Kingdom shall not apply to interest paid by a domestic corporation to a foreign corporation managed and controlled in the United Kingdom if such foreign corporation controls more than 50 percent of the voting power of all classes of stock of such domestic corporation.

(c) *Beneficiaries of an estate or trust.* A nonresident alien who is a resident of the United Kingdom and who is a beneficiary of a domestic estate or trust, shall be entitled to the exemption, or reduction in the rate of tax, as the case may be, provided in Articles VI, VII, VIII, IX and XIV of the convention with respect to dividends, interest, royalties, natural resource royalties, rentals from real property and capital gains to the extent such item or items are included in his distributive share of income of such estate or trust if he is taxable in the United Kingdom on such income and is not engaged in trade or business in the United States through a permanent establishment. In such case such beneficiary must, in order to be entitled to the exemption or reduction in the rate of tax, execute Form 1001–UK or Form 1001A–UK (modified to show dividends where applicable) and file such form with the fiduciary of such estate or trust in the United States.

In any case in which dividends, interest, royalties, rents or the like are derived from United States sources by a United Kingdom estate or trust any beneficiary of such estate or trust who is not a resident of the United Kingdom is not entitled to any exemption under the convention with respect to such income included in his distributive share of the income of the estate or trust.

§ 7.520 *Government wages, salaries, pensions, and similar remunerations.* Under Article X of the convention any salary, wage, similar remuneration, or pension, paid in taxable years beginning on or after January 1, 1945, by the Government of the United Kingdom for services rendered such Government (whether within or without the United States) in the discharge of its governmental functions by any individual who is not a citizen of the United States, is exempt from Federal income tax. For the purposes of the exemption an individual is treated as not a citizen of the United States if he or she has the dual status of being a citizen of the United States as well as being a subject of the United Kingdom. Thus, if A, a United States citizen, marries a British subject and assumes the status of a British subject by reason of such marriage without relinquishing her United States citizenship and performs personal services in the United States for the Government of the United Kingdom, the compensation for such services is excluded from gross income. As to the taxation, generally, of compensation of alien employees of foreign governments see section 116 (h) of the Internal Revenue Code § 29.116–2 of this chapter (Regulations 111). The exemption granted by Article X of the convention does not apply to compensation for services rendered incident to the carrying on of any trade or business by the United Kingdom.

§ 7.521 *Compensation for labor or personal services.* Article XI provides, upon a reciprocal basis, that a nonresident alien who is a resident of the United Kingdom is, for taxable years beginning on or after January 1, 1945, exempt from Federal income tax upon compensation (regardless of amount of such compensation) for personal (including professional) services performed during the taxable year within the United States if for such taxable year:

(a) Such alien is temporarily present in the United States for a period or periods not exceeding 183 days during such taxable year, and

(b) Such services are performed for or on behalf of a person resident in the United Kingdom.

As to the source of compensation for labor or personal services see section 119 (a) (3), Internal Revenue Code.

§ 7.522 *Pensions and life annuities.* Under the provisions of Article XII of the convention, pensions (other than pensions paid by the United States) and life annuities derived from sources within the United States by a nonresident alien individual who is a resident of the United Kingdom are exempt from Federal income tax for taxable years beginning on or after January 1, 1945. The term "life annuities" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make payments in consideration of payments made for such obligation.

§ 7.523 *Capital gains.* Under Article XIV of the convention, when read in association with Article II (2) of the convention, gains from the sale or exchange of capital assets by a nonresident alien individual who is a resident of the United Kingdom or by a foreign corporation managed and controlled in the United Kingdom are, for taxable years beginning on or after January 1, 1945, exempt from Federal income tax unless such alien or corporation has a permanent establishment in the United States. As to what constitutes capital assets, see section 117, Internal Revenue Code. As to what constitutes a permanent establishment see § 7.515. If A, a nonresident alien individual who is a resident of the United Kingdom, performs personal services within the United States during the calendar year 1946 for a domestic employer, he is engaged in trade or business within the United States in such taxable year. Section 211 (b), Internal Revenue Code. He carries on in that year no other business activity within the United States other than certain securities transactions upon a domestic stock exchange and maintained no office or other fixed place of business within the United

States at any time during such year. A is not subject to Federal income tax upon his capital gains, if any, realized from his securities transactions. Likewise, a foreign corporation managed and controlled in the United Kingdom selling its products manufactured in the United Kingdom through a resident commission agent or broker in the United States and having certain securities transactions within the United States as its only other business activity therein is exempt from United States tax upon those capital gains, if any, arising from the securities transactions within the United States.

§ 7.524 *Dividends and interest paid by a United Kingdom corporation.* A dividend paid by a foreign corporation constitutes in whole or in part income from sources within the United States and hence is subject to tax in the hands of a nonresident alien or foreign corporation, if 50 percent or more of the gross income of the foreign corporation paying such dividend is derived from sources within the United States during the period prescribed by the statute. Section 119 (a) (2) (B), Internal Revenue Code, and § 29.119–3 (b) of this chapter (Regulations 111). Interest paid by a resident foreign corporation constitutes in its entirety income from sources within the United States, and hence is subject to tax in the hands of a nonresident alien individual or foreign corporation, if 20 percent or more of the gross income of the foreign corporation paying such interest is derived from sources within the United States during the period prescribed by the statute. Section 119 (a) (1) (B), Internal Revenue Code, and § 29.119–2 (b) of this chapter (Regulations 111).

Under the provisions of Article XV of the convention, dividends and interest paid by a corporation created under the laws of the United Kingdom to any nonresident alien or to any foreign corporation, whether or not such alien is a resident of the United Kingdom and whether or not such foreign corporation is organized under the laws of the United Kingdom, are, for taxable years beginning on or after January 1, 1945, not subject to Federal income tax regardless of whether the corporation paying such dividends or interest is a resident foreign (as to the United States) corporation and regardless of the percentage of its gross income derived from sources within the United States.

§ 7.525 *United Kingdom corporations; exemption from Federal taxation with respect to accumulated profits or undistributed income.* Section 102 of the Internal Revenue Code imposes (in addition to other taxes imposed by Chapter 1 of such Code) a graduated income tax or surtax upon any domestic or foreign corporation formed or availed of to avoid the imposition of the individual surtax upon its shareholders or the shareholders of any other corporation through the medium of permitting earnings or profits to accumulate instead of dividing or distributing them. Such tax, however, does not apply in the case of personal holding companies as defined in section 501 of the Internal Revenue Code nor to foreign personal holding companies as defined in Supplement P (section 331) of such Code. Section 500 of the Internal Revenue Code imposes (in addition to the taxes imposed by Chapter 1 of such code) a graduated income tax or surtax upon corporations classified as personal holding companies, regardless of whether or not they are formed or availed of to accumulate earnings or profits for the purpose of avoiding surtax upon shareholders.

Under the provisions of Article XVI of the convention corporations organized under the laws of the United Kingdom are, for taxable years beginning on or after January 1, 1945, subject to neither the tax imposed by section 102 of the Internal Revenue Code nor the tax imposed by section 500 of such code if more than 50 percent of the entire voting power in such corporation is controlled directly or indirectly throughout the last half of the taxable year by nonresident alien individuals who are residents of the United Kingdom. To come within the scope of the exemption, the prescribed proportion of the stock of the United Kingdom corporation concerned must be so owned at all times throughout the last half of the taxable year in which the taxable status of the corporation is involved. In determining the ownership of the voting stock of the United Kingdom corporation, the provisions of §§ 29.503 (a)–1 to 29.503 (a)–7, inclusive, and § 29.503 (b)–1 of this chapter (Regulations 111), shall, in so far as not inconsistent with the convention, be applicable in the administration of the provisions of the convention.

§ 7.526 *Visiting professors or teachers.* Under Article XVIII of the convention, an alien individual who is from the territory of the United Kingdom, but who is temporarily present within the United States for the purposes of teaching, lecturing, or instructing, at any university, college, school, or other educational institution situated within the United States, is, for a period not exceeding two years from the date of his arrival in the United States, exempt for taxable years beginning on or after January 1, 1945, from Federal income tax on remuneration received for such services. It shall be deemed that such alien coming to the United States for the purposes indicated has, for a period of not more than two years immediately succeeding the date of his arrival within the United States for such purposes, the tax status of a nonresident alien in the absence of proof of his intention to remain indefinitely in the United States.

§ 7.527 *Remittances.* Under Article XIX of the convention nonresident alien individuals who are from the territory of the United Kingdom but who are temporarily present in the United States for the purposes of study or for acquiring business experience or training are exempt, for taxable years beginning on or after January 1, 1945, from Federal income tax upon amounts representing remittances from sources within the United Kingdom for the purposes of their maintenance, education, and training.

§ 7.528 *Credit against United States tax liability for income tax paid or deemed to have been paid to the United Kingdom.* For the purpose of avoidance of double taxation, Article XIII of the convention provides that there shall be allowed on the part of the United States, in accordance with section 131 of the International Revenue Code as in effect on the first day of January, 1945, for taxable years beginning on or after January 1, 1945, against the United States income and excess profits tax liability a credit for United Kingdom taxes.

In determining the credit under section 131 of the Internal Revenue Code, in any case in which a taxpayer receives a dividend from a foreign corporation managed and controlled in the United Kingdom it shall be deemed that such taxpayer has paid to the United Kingdom, the United Kingdom income tax at the rate appropriate to such dividend, if such taxpayer elects to include in his gross income an amount equivalent to such United Kingdom income tax in addition to the amount of the dividend otherwise included in gross income.

Thus, if such foreign corporation declares during the taxable year 1945 a gross dividend of which the taxpayer's share is $1,000, and the standard rate of United Kingdom income tax in 1945 is 50 percent and such corporation is not entitled to any "relief" from the payment of the standard rate of tax because of any Dominion income tax paid by it, there is deducted at the source of such corporation incident to the payment of the dividend of $1,000 the sum of $500, leaving a net amount of $500 actually received by the taxpayer. If the taxpayer elects to include the entire amount of $1,000 in his gross income, the amount of $500, representing the United Kingdom income tax deemed to have been paid, is allowable as a credit under section 131 of the Internal Revenue Code, subject to the limitations provided in that section. If, however, the foreign corporation is entitled to "relief" for Dominion income tax paid by it so that the amount of tax deducted from the gross dividend is the net United Kingdom income tax (representing the standard tax reduced by the relief for Dominion income tax) the amount of such net United Kingdom tax is the amount allowable as a credit against the United States income tax under the provisions of section 131 of the Internal Revenue Code, subject to the limitations provided in that section provided the taxpayer elects to include in his gross income, in addition to the amount of the dividend received by him, the net United Kingdom tax appropriate to the dividend. See §§ 29.131–1 to 29.131–8 inclusive, of this chapter (Regulations 111).

The net United Kingdom tax is also the basis of the credit in the case of a dividend paid by such corporation subsequent to 1945 even though the tax required to be deducted from such dividend must be determined without taking into account any reduction by reason of "relief" from double taxation to which the corporation paying such dividend may be entitled. Thus, for example, a foreign corporation managed and controlled in the United Kingdom derives all of its income from sources within a British Dominion which imposes an income tax at an effective rate of 20 percent. On July 1, 1946, it pays a dividend, the gross amount of which in the case of A, a United States citizen shareholder resident in the United States, is $1,000. The amount of tax required to be withheld by the corporation is $450 or a rate of 45 percent applied to the gross amount of the dividend and A receives a net dividend of $550. However, the corporation in the payment of its United Kingdom income tax received a credit against the rate of 45 percent for the 20 percent tax paid to the Dominion. Hence the net United Kingdom rate is 25 percent which, applied to the gross dividend of $1,000, equals $250 which constitutes the United Kingdom income tax appropriate to the dividend. In such case, if A elects to take a credit for the United Kingdom tax appropriate to the dividend, he must include in gross income the amount of $550 plus $250, or $800, the sum of $250 being the basis of the resulting credit under the provisions of section 131, Internal Revenue Code.

Assume that a domestic corporation owns stock in a foreign corporation managed and controlled in the United Kingdom (hereinafter referred to as the first United Kingdom corporation), that the first United Kingdom corporation has as its sole income dividends received from a second United Kingdom corporation and that such second United Kingdom corporation derives all its income from sources within the X British Colony which imposes upon such second United Kingdom corporation tax at the rate of 20 percent of its income. Both the first and second United Kingdom corporations are subject to tax imposed by the United Kingdom. However, in the imposition of such tax upon the second United Kingdom corporation, there is allowed under United Kingdom law against the United Kingdom standard tax of 45 percent a credit of 20 percent imposed by the X Colony and hence such corporation pays United Kingdom tax at the rate of 25 percent. The second United Kingdom corporation is deemed under United Kingdom law to have paid the 25 percent United Kingdom tax with respect to the dividends paid by it and, in turn, the first United Kingdom corporation is deemed to have paid United Kingdom tax of 25 percent with respect to such dividends. When, therefore, dividends are received by the domestic corporation from the first United Kingdom corporation, such domestic corporation will for the purposes of the credit under section 131 be deemed to have paid United Kingdom tax of 25 percent. Such domestic corporation may elect to include in its gross income the amount of United Kingdom tax thus deemed to have been paid and to claim credit for such tax under the provisions of section 131 of the Internal Revenue Code.

§ 7.529 *Adjustment of tax liability of nonresident aliens who are residents of the United Kingdom and of United Kingdom corporations.* Article XVII (1) of the convention confers upon the Commissioner of Internal Revenue authority to adjust the tax liability for taxable years beginning prior to January 1, 1936, of any nonresident alien individual who is a resident of the United Kingdom and of any corporation organized under the laws of the United Kingdom (whether or not such corporation is managed and controlled in the United Kingdom) in any case in which such tax liability remained unpaid on April 16, 1945 (the date of signature of the convention). Such provisions, however, will not apply unless:

(a) The taxpayer files with the Commissioner of Internal Revenue on or before December 31, 1947, a request that such tax liability be so adjusted and a sworn statement showing for each year involved and for such other years as the Commissioner of Internal Revenue may require, (1) by items and classes of income the amounts of dividends, interest, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical income, gains, profits, and income derived from sources within the United States; (2) the business transactions, if any, carried on in the United States by or in behalf of the taxpayer during each of such years; and (3) such further information as the Commissioner of Internal Revenue may require in the particular case; and

(b) The Commissioner of Internal Revenue is satisfied that the additional income tax involved did not arise by reason of fraud with intent to evade the tax on the part of the taxpayer concerned.

In any case in which the Commissioner of Internal Revenue deems it appropriate to exercise the authority thus conferred, the resulting tax liability for any such year or years may not exceed the amount of the liability which would be determined had the following been given effect for such year or years:

(1) The Revenue Act of 1936 (but this does not apply in the case of a United Kingdom corporation in which more than 50 percent of the entire voting power was controlled, directly or indirectly, through the latter half of the taxable year for which the liability is being determined by citizens or residents of the United States);

(2) Article XV of the convention, exempting from United States tax dividends and interest paid by a United Kingdom corporation to nonresident aliens or foreign corporations; and

(3) Article XVI of the convention, exempting United Kingdom corporations from the tax imposed by the United States with respect to accumulated or undistributed earnings, profits, income, or surplus.

In any case in which the Commissioner of Internal Revenue has exercised his authority to apply the provisions of Article XVII (1) of the convention, if the taxpayer was not engaged in trade or business within the United States and had no office or place of business therein during the taxable year involved, the aggregate amount of interest and penalties may not exceed 50 percent of the amount of the tax with respect to which such interest and penalties have been computed.

Article XVII (2) of the convention provides that the Federal income tax liability for taxable years beginning after December 31, 1935, and prior to January 1, 1945, which remains unpaid on April 16, 1945, the date of signature of the convention, in the case of any nonresident alien individual, a resident of the United Kingdom, or of any United Kingdom corporation, shall be determined under the United States internal revenue law properly applicable thereto, except that Articles XV (relating to exemption from United States tax of dividends and interests paid by a United Kingdom corporation) and XVI (relating to exemption of a United Kingdom corporation from United States tax with respect to accumulated earnings or profits) of the convention shall be treated as being in effect for such years. (See §§ 7.524 and 7.525.)

§ 7.530 *Reciprocal administrative assistance.* By Article XX of the convention, the United States and the United Kingdom adopt the principle of exchange of such information as is necessary to the administration of the provisions of the convention or for the prevention of fraud or for the detection of practices which are aimed at reduction of the revenues of either Contracting Party but not including information which would disclose any trade secret or trade process. Pursuant to such principle, every United States withholding agent shall make and file with the collector, in duplicate, an information return on Form 1042D, in addition to the withholding return, Form 1042, for the calendar year 1946 and each subsequent calendar year, with respect to: (a) Dividends from which a tax of 15 percent was withheld from persons whose addresses are in the United Kingdom (5 percent in the case of dividends falling within the scope of the proviso of Article VI (1) of the convention); (b) real property rentals and natural resource royalties from which a tax of 15 percent was withheld from persons whose addresses are in the United Kingdom; (c) royalties and like amounts and interest from which no tax was withheld from persons whose addresses are in the United Kingdom; and (d) all other fixed or determinable annual or periodical income paid to persons whose addresses are in the United Kingdom.

The information and correspondence relative to exchange of information may be transmitted directly by the Commissioner of Internal Revenue to the Commissioners of Inland Revenue.

§ 7.531 *Information to be furnished in due course.* In accordance with the provisions of Article XX of the convention the Commissioner of Internal Revenue will forward to the Commissioners of Inland Revenue as soon as practicable after the close of the calendar year 1946, and of each calendar year thereafter during which the convention is in effect, the names and addresses of all persons whose addresses are within the United Kingdom and who derived from sources within the United States dividends, interest, rents, royalties, salaries, wages, pensions, annuities, or other fixed or determinable annual or periodical profits and income, showing the amounts of

such items of income in the case of each addressee. For these purposes the transmission to the Commissioners of Inland Revenue of information return Form 1042D as provided in § 7.530 for the calendar year 1946, and subsequent calendar years, shall constitute compliance with the provisions of Article XX of the convention and of §§ 7.512 to 7.532 inclusive.

§ 7.532 *Information in specific cases.* Under the provisions of Article XX of the convention and upon request of the Commissioners of Inland Revenue, the Commissioner of Internal Revenue shall furnish to the Commissioners of Inland Revenue any information (other than information that would disclose any trade secret or trade process) available to or obtainable by the Commissioner of Internal Revenue relative to the tax liability of any person under the revenue laws of the United Kingdom in any case in which such information is necessary to the administration of the provisions of the convention or for the prevention of fraud or the administration of statutory provisions against legal avoidance.

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: July 3, 1947.

JOSEPH J. O'CONNELL, Jr.,
Secretary of the Treasury.

[F. R. Doc. 47-6479; Filed, July 10, 1947; 8:47 a. m.]

[T. D. 5568]

PART 182—INDUSTRIAL ALCOHOL

MISCELLANEOUS AMENDMENTS

1. On April 23, 1947 a notice of proposed rule making regarding industrial alcohol was published in the Federal Register (12 F. R. 2605).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of Regulations 3, "Industrial Alcohol" (26 CFR, Part 182), §§ 182.6 (h) and (aa), 182.94, 182.99, 182.102, 182.175, 182.179, 182.182, 182.183, 182.229 (g), 182.371 (a), 182.377 (a), 182.383 (a), 182.389 (a), 182.514, 182.706, 182.728, 182.731, 182.738, 182.750, 182.752 (b), 182.754 (Par. 1), 182.785, 182.786, 182.798, 182.802, 182.811, 182.812 (Par. 1), 182.813, 182.816, 182.908, 182.994, 182.995, 182.997, and 182.1006 are hereby adopted.

3. These amendments are designed to terminate the transportation in tank trucks of tax-free alcohol and tax-free distilled spirits authorized by regulations issued during the national emergency due to the shortage of transportation facilities, but considered a jeopardy to the revenue during peace time; to strengthen the requirements for the transportation in tank trucks of denatured alcohol; and to authorize the transportation in tank trucks of butyl alcohol, acetone, ether and fusel oil produced by industrial alcohol plants.

DEFINITIONS

§ 182.6 *Definitions.* * * *

(h) "Carrier" shall mean a person or agency regularly engaged in the transportation of movable property by railroad, steamship, ferryboat, barge, motor truck, airplane, or other vehicle capable of being used as a means of transportation on land, in water, or through the air. The term "motor carrier" shall mean a motor carrier licensed under the Motor Carrier Act of 1935, or an applicable State law, the consignor or consignee acting as a private carrier, or a private carrier employed by, or acting as agent for, the consignor or consignee.

* * * * *

(aa) "Tank car" shall mean a railroad tank car conforming to the requirements of the regulations in this part. "Tank truck" shall mean a motor driven tank truck, including tank truck trailer, conforming to the requirements of the regulations in this part, and of a capacity of not less than 1,000 gallons. (Secs. 3105, 3124, 3176, I. R. C.)

EQUIPMENT

DENATURING PLANTS

§ 182.94 *Denatured alcohol storage tanks.* The proprietor of the denaturing plant shall provide substantially constructed denatured alcohol storage tanks for the storage of all alcohol denatured by him, unless permission is granted by the district supervisor to use mixing tanks for the storage of denatured alcohol or the denatured alcohol is drawn into packages or other portable containers for immediate shipment or storage in the denatured alcohol storeroom, or transferred to tank cars or tank trucks for immediate shipment, or transferred by pipe line to contiguous premises operated by the denaturer. Where denatured alcohol storage tanks are provided, they shall be constructed and secured in conformity with the provisions of § 182.74, and must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated; *Provided*, That wooden storage tanks may be used for formulas for which metal storage tanks are unsuitable. Each such tank shall have plainly and legibly painted thereon the words "Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons. The denatured alcohol storage tanks must be located in the denaturing plant: *Provided further*, That the proprietor may be permitted to store denatured alcohol in tanks constructed in conformity with these provisions not necessarily located in a room or building, provided they are permanently fixed and of such size that they may not be readily removed. (Secs. 2829, 3105, 3124, 3176, I. R. C.)

SPECIALLY DENATURED ALCOHOL USERS' PREMISES

§ 182.99 *Tanks.* If the proprietor desires to receive specially denatured alcohol in tank cars, tank trucks or by pipe line from a denaturing plant on contiguous premises operated by him, he must provide tanks for the storage of the specially denatured alcohol so received by him. Each such tank must be constructed of metal, and shall be of uniform dimensions and equipped with a suitable measuring device whereby the actual contents will be correctly indicated: *Provided*, That wooden tanks may be used for formulas for which metal tanks are unsuitable. Each such tank shall have plainly and legibly painted thereon the words "Specially Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons. The tanks shall be equipped for locking in such a manner as to prevent access to the denatured alcohol. (Secs. 2829, 3105, 3124, 3176, I. R. C.)

SPECIALLY DENATURED ALCOHOL BONDED DEALERS' PREMISES

§ 182.102 *Tanks.* If specially denatured alcohol is received in tank cars or tank trucks, the proprietor must provide suitable storage tanks for the storage of such alcohol. Each such tank must be constructed in the manner prescribed in § 182.99 and all openings affording access to the contents shall be equipped for locking. Each such tank must have plainly and legibly painted thereon the words "Specially Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons, and be equipped with a suitable measuring device, whereby the actual contents will be correctly indicated. (Secs. 2829, 3105, 3124, 3176, I. R. C.)

QUALIFYING DOCUMENTS

CARRIERS

§ 182.175 *Application, Form 144.* Every person desiring to transport tax-free alcohol or specially denatured alcohol must file Form 144, "Application for Permit to Transport Tax-free or Specially Denatured Alcohol," in triplicate, for permit so to do. The carrier will specify the mode of transportation, such as railroad, express company, steamship, barge line, truck, etc., and the supervisory districts in which tax-free or specially denatured alcohol will be transported. Where steamship or barge lines or motor carriers operate between certain points and over certain courses or routes, such points and courses or routes will be specified in the application. Where the mode of transportation is by tank truck, the carrier will give the serial number of each tank truck and its capacity. In cases where transportation is in more than one supervisory district, the application shall be filed with the district supervisor in whose district the principal office or place of business of the applicant is located. The provisions of §§ 182.105, 182.106, 182.115, 182.117, and 182.118 are hereby extended, insofar as applicable, to carriers.

(a) *Persons entitled to permit.* Basic permits to transport tax-free or specially denatured alcohol shall be issued only to reputable carriers who are actively and regularly engaged generally in the legitimate business of transportation, and who possess adequate facilities to insure safe delivery at destination of any tax-free or specially denatured alcohol transported by them. (Secs. 3105, 3114 (a), 3124, 3176, I. R. C.)

§ 182.179 *Conditions of approval.* No application shall be approved unless and until it is established by the applicant to the satisfaction of the district supervisor that he is a reputable carrier and is actively and regularly engaged generally in the legitimate business of transportation and that he possesses adequate facilities to insure safe delivery at destination of any tax-free alcohol or specially denatured alcohol which may be transported by him. No application for an original or renewal permit for the transportation in tank trucks of specially denatured alcohol shall be approved unless and until it is determined by the district supervisor, after inspection, that each tank truck meets the requirements of the regulations in this part. (Secs. 3105, 3124, 3176, I. R. C.)

§ 182.182 *Bond, Form 49.*—(a) *Tax-free alcohol and specially denatured alcohol in containers other than tank trucks.* Every person filing an application for a basic permit to transport tax-free alcohol or specially denatured alcohol, upon filing his application, Form 144, and before issuance of basic permit pursuant thereto, and before transporting any tax-free alcohol or specially denatured alcohol, shall execute a bond on Form 49, "Bond to Transport Specially Denatured or Tax-free Alcohol," in triplicate, in conformity with the provisions of §§ 182.184 to 182.205, inclusive, and file the same with the district supervisor: *Provided*, That a bond will not be required if the applicant is a railroad or steamship company, or an express company operating thereon, or a motor carrier who has qualified with the Interstate Commerce Commission as a "self-insurer."

(b) *Specially denatured alcohol in tank trucks.*—(1) *Transportation by motor carriers.* Motor carriers, as defined in the regulations in this part, in order to transport specially denatured alcohol by tank trucks, must procure permits so to do, in accordance with the regulations in this part and file bond, Form 49, in the penal sum specified in § 182.183. Where such permit is obtained and bond is filed, the permit will also authorize transportation of tax-free alcohol or specially denatured alcohol in barrels or drums without additional bond requirement.

(2) *Transportation by consignors or consignees.* A consignor or consignee, in order to transport specially denatured alcohol in tank trucks controlled and operated by such consignor or consignee, must file application on Form 144 and procure permit, Form 145, authorizing such transportation and file consent of surety, Form 1533, on his bond Form 1432-A, 1435, 1475 or 1480, extending the terms thereof to be liable for the tax, together with penalties and interest on all specially denatured alcohol withdrawn, transported, used, or sold in violation of laws or regulations now or hereafter in force. If the maximum of the present bond is not sufficient when computed as set forth in § 182.183, a new bond in a sufficient penal sum must be furnished to cover the additional liability. These requirements shall not apply where specially denatured alcohol is withdrawn by the United States or any governmental agency thereof and is transported in tank trucks operated by employees of the United States.

(3) *Present permits and bonds.* Basic permits and bonds now held by motor carriers, and by consignors and consignees, which authorize the transportation of tax-free alcohol and specially denatured alcohol, may, on application and the filing of consents of surety, be modified to authorize tank truck shipments of specially denatured alcohol and to contain an undertaking to be liable for the tax, or an amount equal to the tax as provided in subparagraph (2) of paragraph (b) of this section. The consent of surety (or, if preferred, a new bond) must be modified so that the principal and surety will be responsible to the extent specified in § 182.183. (Secs. 3105, 3114 (a), 3124, 3176, I. R. C.)

§ 182.183 *Penal sum.* The penal sum of the bond must be computed at the rate of not less than $1,000 for each vehicle (other than a tank truck) to be used by the permittee, nor more than $10,000 for all such vehicles so used. The penal sum of the bond for the transportation of specially denatured alcohol in tank trucks shall be in the penal sum of $50,000 for each such tank truck, and not more than $200,000 for the total of all trucks used. (Secs. 3105, 3114 (a), 3124, 3176, I. R. C.)

BASIC PERMITS

ISSUANCE OF ORIGINAL BASIC PERMITS

§ 182.229 *Limitations under permit.*

* * *

(g) *Permit to transport tax-free and specially denatured alcohol, Form 145.* The permit will specify the supervisory districts in which the carrier will be permitted to transport tax-free or specially denatured alcohol. If the carrier is a steamship or barge line or motor carrier operating between certain points and over certain courses or routes, such points and courses or routes will be specified in the permit. If the carrier is other than a railroad, steamship, express company, or motor carrier qualified with the Interstate Commerce Commission as a "self-insurer," or has filed bond in less than the maximum penal sum, specified in § 182.183, the permit shall specify the number of vehicles to be used by the permittee in transporting tax-free or specially denatured alcohol in vehicles other than tank trucks and in case of tank trucks the permit shall specify the number of tank trucks to be used in the transportation of specially denatured alcohol and the serial number and capacity of each. (Secs. 3105, 3114, 3124, 3176, I. R. C.)

OPERATION OF INDUSTRIAL ALCOHOL PLANTS

COLLECTION AND REMOVAL OF FUSEL OIL

§ 182.371 *Removal.*—(a) *Containers.* Removable fusel oil may be drawn off into barrels, drums, or similar packages, or into tank cars or tank trucks. Packages containing such fusel oil shall be marked by the proprietor with his name, plant number, location (city or town and State), the words "Fusel Oil," and the date of removal in distinct and legible letters. When removal is made in tank cars or tank trucks, the proprietor will affix to the route board of each tank car or tank truck a label containing such data. (Secs. 3105, 3124, 3176, I. R. C.)

PRODUCTION AND REMOVAL OF BUTYL ALCOHOL

§ 182.377 *Removal.*—(a) *Containers.* Removable butyl alcohol may be drawn off into barrels, drums, or similar packages, or into tank cars or tank trucks. Packages containing such butyl alcohol shall be marked by the proprietor with his name, plant number, location (city or town and State), the words "Butyl Alcohol," and the date of removal in distinct and legible letters. When removal is made in tank cars or tank trucks, the proprietor will affix to the route board of each tank car or tank truck a label containing such data. (Secs. 3105, 3124, 3176, I. R. C.)

PRODUCTION AND REMOVAL OF ACETONE

§ 182.383 *Removal.*—(a) *Containers.* Removable acetone may be drawn off into barrels, drums, or similar packages, or into tank cars or tank trucks. Packages containing such acetone shall be marked by the proprietor with his name, plant number, location (city or town and State), the word "Acetone," and the date of removal in distinct and legible letters. When removal is made in tank cars or tank trucks, the proprietor will affix to the route board of each tank car or tank truck a label containing such data. (Secs. 3105, 3124, 3176, I. R. C.)

PRODUCTION AND REMOVAL OF ETHER

§ 182.389 *Removal.*—(a) *Containers.* Removable ether may be drawn off into barrels, drums, or similar packages, or into tank cars or tank trucks. Packages containing such ether shall be marked by the proprietor with his name, plant number, location (city or town and State), the word "Ether," and the date of removal in distinct and legible letters. When removal is made in tank cars or tank trucks, the proprietor will affix to the route board of each tank car or tank truck a label containing such data. (Secs. 3105, 3124, 3176, I. R. C.)

OPERATION OF INDUSTRIAL ALCOHOL BONDED WAREHOUSES

APPROVED CONTAINERS

§ 182.514 *Tank wagons and tank trucks prohibited.* The transportation of undenatured ethyl alcohol in tank wagons or tank trucks will not be permitted. (Secs. 3101, 3105, 3124, 3176, I. R. C.)

OPERATION OF INDUSTRIAL ALCOHOL DENATURING PLANTS

DENATURING MATERIALS

§ 182.706 *Sample for chemist.* The storekeeper-gauger shall take a 1-pint sample of each lot of each denaturant received at the denaturing plant, and forward or deliver the sample to the authorized chemist. Where a lot of any denaturant is received in a tank car, tank truck or in packages and is placed in two or more storage tanks, or is received in a number of packages and retained therein pending analysis and approval of the denaturant, the storekeeper-gauger will take a proportionate sample from each tank or package, as the case may be, and thoroughly mingle the samples together.

From this mixture the officer will take a 1-pint sample and forward or deliver it to the authorized chemist. The storekeeper-gauger shall then lock the tanks with a Government lock or securely close and seal the packages and none of the contents of the tanks or packages may be used until the sample has been officially tested and approved and a report of such test is received by the storekeeper-gauger in charge of the denaturing plant. All samples submitted for analysis must be placed in heavy glass bottles or other suitable containers, to be provided by the denaturer, and must be securely closed and sealed with a wax seal furnished for this purpose or a paper seal signed by the storekeeper-gauger taking the sample.

(a) *Labels on samples.* Each sample shall have a label, Form 1469, "Label for Denaturing Material," affixed thereto showing the name of the denaturer, plant number, serial number of the tank or the number and kind of the package from which the sample was taken, the kind and quantity of the denaturant represented by the sample, the date taken, and the name of the officer taking the sample. (Secs. 3070, 3102, 3105, 3124, 3176, I. R. C.)

APPROVED CONTAINERS

§ 182.728 *Railroad tank cars or tank trucks.* Denatured alcohol may be shipped in railroad tank cars only where the premises of both the denaturer and the consignee are equipped with suitable railroad siding facilities. Denatured alcohol may be transported by tank trucks only where suitable storage tanks are provided on the consignees' premises. The manhole covers, outlet valves and all other openings on all railroad tank cars or tank trucks used for shipping denatured alcohol shall be equipped with facilities for sealing so that the contents cannot be removed without showing evidence of tampering. Railroad or other appropriate seals, dissimilar in marking from cap seals used by the Bureau of Internal Revenue, for securing manhole covers, outlet valves and all other openings in tank cars or tank trucks containing denatured alcohol shall be furnished and affixed by the carrier or the proprietor: *Provided*, That serially numbered cap seals for use on tank trucks for the transportation of specially denatured alcohol shipped from denaturing plants shall be furnished by the Government and affixed by the storekeeper-gauger. Immediately after filling, the tank car or tank truck shall be sealed in such a manner as will secure all openings affording access to the contents of the tank.

(a) *Shipments of completely denatured alcohol*—(1) *To denaturers and their agents.* Completely denatured alcohol may be shipped in tank cars or tank trucks to other denaturing plants, as authorized in § 182.743. Completely denatured alcohol may also be shipped in tank cars or tank trucks by the denaturer to a person or concern acting as his agent, where the title does not pass from the denaturer, for transfer to packages for sale to others, and such packages shall be furnished by the denaturer. When completely denatured alcohol is thus shipped, the packages filled by the agent must be marked the same as if filled in the denaturing plant of the denaturer (except that the registry number of such plant will be omitted), and must also bear the embossed symbol and serial number, as required in § 182.727. Completely denatured alcohol may also be shipped in tank cars or tank trucks by the denaturer to himself at other premises for disposition in the same manner as in the case of completely denatured alcohol disposed of directly from the denaturing plant of the producer, or it may be so shipped by the denaturer to other producers of completely denatured alcohol at points not on the denaturing plant premises of such other producers, where the product will be filled into properly marked and embossed packages of the person to whom the shipment is made.

(2) *To users.* Upon approval of the district supervisor, completely denatured alcohol may be shipped in tank cars or tank trucks to manufacturers for their own exclusive use and not for resale: *Provided*, That the completely denatured alcohol is run directly from the tank car or tank truck into suitable storage tanks on the manufacturer's premises. Manufacturers desiring to procure completely denatured alcohol in tank cars or tank trucks shall file application therefor with the district supervisor of their district. If the completely denatured alcohol is to be procured from a denaturer located in the same district, the application shall be filed in triplicate, and if the completely denatured alcohol is to be procured from another district, the application shall be filed in quadruplicate. The application shall give the name and address of the denaturer from whom it is desired to procure the completely denatured alcohol, and shall specify the quantity to be received, the reasons for desiring to receive the completely denatured alcohol in tank cars or tank trucks and whether the applicant's premises are equipped with railroad siding facilities. Where it is desired to receive completely denatured alcohol in tank cars or tank trucks regularly, the application may be made for that purpose. If the district supervisor approves the application he will note his approval on all copies thereof, retain one copy, return one copy to the applicant, and forward one copy to the denaturer, and, where shipment is to be made from another district, one copy to the district supervisor of such district. (Secs. 2808, 3070, 3105, 3108 (a), 3109, 3124, 3176, I. R. C.)

§ 182.731 *Tank trucks.* Tank trucks may be used for transporting completely denatured alcohol or specially denatured alcohol subject to the provisions of the regulations in this part. Every tank truck used to transport denatured alcohol must conform to the following requirement: The tank shall be securely and permanently attached to the frame or chassis of the truck or trailer and shall be securely constructed. Interior bulkheads or stiffeners must have proper drainage cut-outs. Manhole covers, outlet valves, vents or pressure relief valves, and all other openings shall be equipped for sealing so as to prevent unauthorized access to the contents of the tank. Outlets of each compartment must be so arranged that delivery of any compartment will not afford access to the contents of any other compartment. Partial delivery, by meter or otherwise, will not be permitted. There shall be but one consignor per load and not less than the entire contents of any one compartment shall be delivered to any one consignee. Calibrated charts, prepared or certified by competent and recognized authorities or engineers, showing the capacity of each compartment in wine gallons for each inch of depth shall be carried in each truck. Each tank truck shall also be equipped with a route board, at least 10 by 12 inches, constructed of substantial material and permanently attached thereto by roundheaded or carriage bolts, nutted and riveted, battered or welded. Provision will also be made for protection, against the weather, of the permit and label by the use of celluloid or equally substantial material. A copy of the basic permit under which transportation is authorized (as required by § 182.230) and the prescribed label will be affixed to such route board. Tanks shall be so constructed that they will completely drain the contents of each compartment, even when the ground is not perfectly level. Suitable ladders and cat walks, permanently attached, must be provided in order to permit ready examination of manholes and other openings. Provision shall be made for the proper grounding of tank trucks when filling or emptying. Prior to filling, the storekeeper-gauger, or the proprietor where no storekeeper-gauger is assigned, shall determine whether the tank truck is authorized to be used, by comparing the serial number and the capacity of the tank as marked thereon, with the copy of the basic permit, and will inspect all openings to the tank truck to determine whether they may be effectively sealed. If the tank truck does not meet such requirements, its use for the transportation of denatured alcohol will not be permitted. After filling, the storekeeper-gauger or the proprietor, as the case may be, shall seal the tank truck in such a manner as will secure all openings affording access to the contents of the tank. (Secs. 3070, 3105, 3108 (a), 3109, 3124, 3176, I. R. C.)

MARKS AND BRANDS

§ 182.738 *Tank cars and tank trucks*—(a) *Tank cars.* Every railroad tank car used to transport denatured alcohol must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name or symbols of the owner. If the tank car consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A," "B," etc., and the capacity in wine gallons of the compartment must be marked thereon. The denaturer shall securely attach to the route board of each such tank car a label showing the name, registry number, and location (city or town and State) of the denaturing plant, and the name, address, and permit number (if any) of the person to whom the denatured alcohol is shipped, followed by the date of shipment.

(b) *Tank trucks.* Every tank truck used to transport denatured alcohol must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name of the owner in letters at least four inches in height. If the tank truck consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A," "B," etc., and the capacity in wine gallons of each compartment must be marked thereon. The consignor shall securely attach to the route board of each tank truck, a label showing the name, registry number, and location (city or town and State) of the shipping plant or premises; the name, address and permit number (if any) of the person to whom the denatured alcohol is shipped, followed by the date of shipment; the quantity in wine gallons; and the formula number of denatured alcohol contained in each compartment. Such labels shall be destroyed upon emptying the tank truck. (Sec. 2808, 3105, 3124, 3176, I. R. C.)

TRANSFER OF DENATURED ALCOHOL BETWEEN DENATURING PLANTS

§ 182.750 *Receipt of denatured alcohol; general.* Upon receipt of the Forms 1467 and 1473, the storekeeper-gauger in charge of the receiving denaturing plant will make a memorandum record of the shipment and deliver the forms to the proprietor. When the denatured alcohol is received at the denaturing plant, the proprietor and the storekeeper-gauger will examine the shipment and where packages bear evidence of having sustained losses in transit, or railroad tank cars or tank trucks bear evidence of having sustained a loss, the losses will be determined and a report of such losses and of the examination of the shipment will be made to the district supervisor. (Secs. 3105, 3124, 3176, I. R. C.)

§ 182.752 *Method of deposit.* • • •

(b) *Denatured alcohol received in tank cars or tank trucks.* Denatured alcohol received in tank cars or tank trucks shall be weighed or measured and transferred immediately to storage tanks. If it is desired to receive denatured alcohol in railroad tank cars, proper railroad siding facilities must be provided at the denaturing plant. When denatured alcohol is received in tank cars or tank trucks, the seals must not be broken or any denatured alcohol removed, except in the presence of the storekeeper-gauger assigned to the receiving denaturing plant. (Secs. 3105, 3124, 3176, I. R. C.)

WITHDRAWAL OF DENATURED ALCOHOL

§ 182.754 *Specially denatured alcohol.* Specially denatured alcohol may be procured under appropriate permit by manufacturers using specially denatured alcohol, dealers in specially denatured alcohol, and the United States or governmental agency thereof. Prospective permittees or manufacturers may procure samples of specially denatured alcohol, as provided in § 182.826. Specially denatured alcohol must be removed from denaturing plants in approved containers, including tank cars and tank trucks provided the consignee's premises are equipped with suitable storage tanks. The exact contents of each package must be determined and the package marked in accordance with the regulations in this part. The details of such packages shall be entered on the appropriate forms as hereinafter provided. Specially denatured alcohol removed from denaturing plants must be transported in accordance with § 182.677. The denaturer shall present the permit, Form 1477, 1485, 1486, or 1512, authorizing shipment, to the storekeeper-gauger prior to withdrawal. (Secs. 3070, 3105, 3108 (a), 3109, 3114 (a), 3124, 3176, I. R. C.)

RECORDS AND REPORTS OF PROPRIETOR

§ 182.785 *Form 1453–A.* When specially denatured alcohol is shipped to the United States or a governmental agency thereof, the proprietor will prepare one copy of Form 1453–A, except in the case of tank truck shipments when two copies will be prepared, and deliver them to the storekeeper-gauger who will check the forms with the records and permit, and, if found to agree therewith, he will initial all copies of the form and in the case of tank truck shipments, enclose one copy in a sealed envelope addressed to the Government officer to whom the specially denatured alcohol is consigned, and give the same to the driver of the tank truck for delivery to such officer. Upon receipt of the specially denatured alcohol, the receiving Government officer will execute the certificate of receipt on the form, after noting thereon any deficiency in the quantity received, and forward it to the district supervisor specified at the bottom of the form. The other copy of Form 1453–A will be forwarded by the storekeeper-gauger at the time of shipment to the district supervisor of the district in which the consignor's premises are located. The data required by § 182.786 to be entered on Form 1473 covering tank truck shipments will be entered on Form 1453–A for such transactions. The provisions of § 182.786 (d) will be followed by district supervisors in verifying such shipments of specially denatured alcohol. (Secs. 3070, 3105, 3124, 3176, I. R. C.)

§ 182.786 *Form 1473.* When specially denatured alcohol is shipped from the denaturing plant, the proprietor will prepare Form 1473 reporting the shipment. One copy of the form will be made for intradistrict shipments, and two copies for interdistrict shipments. An additional copy of the form will be prepared in the case of tank truck shipments. Where the proof of the alcohol used in producing specially denatured alcohol is other than 190 degrees of proof, the proof must be shown on Form 1473. Where shipments are made in tank cars, tank trucks, or consist of barrels or drums in carload lots, the name of the carrier and number of the car or tank truck, together with the routing (in the case of railroad tank cars or box cars), shall be entered on the form. The consignor shall not change the routing without giving prompt notice of such action to the district supervisor of his district, and if shipment is made to another district, to the district supervisor of such district. In addition, the serial numbers of the seals used, and in the case of tank trucks, the State license number, the driver's full name, and the driver's permit number and State issuing the same, shall be recorded on all copies of Form 1473.

(a) *Disposition of forms.* At the time of shipment, the proprietor will deliver all copies of Form 1473 to the storekeeper-gauger, who will check the forms with the records and permits (in the case of specially denatured alcohol), and if found to agree therewith, he will initial the forms. In the case of tank truck shipments, he will enclose one copy in a sealed envelope addressed to the consignee, and give the same to the driver of the tank truck for delivery to the consignee. On receipt at the consignee's premises, the storekeeper-gauger or the consignee will receipt for the shipment, verify the information on the form and note thereon any discrepancies relative to the shipment. The Form 1473 will be forwarded by the storekeeper-gauger or the consignee immediately to the district supervisor of the district in which the consignor is located. In addition, on the day shipments are made, the storekeeper-gauger will forward one copy of the form to the district supervisor of the district in which the consignor is located, and, if shipments are made to another district, one copy to the district supervisor of such district. The same procedure will be followed where shipments in tank trucks are made of completely denatured alcohol, except Forms 1473 will be modified to read "completely" instead of "specially" denatured alcohol.

(b) *Intradistrict shipments.* Where shipment is made to a consignee located in the same district as the denaturing plant, the district supervisor will check Form 1473 with the monthly reports of the consignor and the consignee, and, if receipt of the shipment is duly reported by the consignee and the form agrees with the consignor's monthly report, the district supervisor will initial Part II of the form.

(c) *Interdistrict shipments.* Where shipment is made to another district, the district supervisor of the consignee's district will check Form 1473 with the consignee's monthly report, and, if receipt of the shipment is duly reported, he will execute Part III of the form and forward it to the district supervisor of the district in which the alcohol was shipped, who will check the receipted form with the consignor's monthly report, and, if found to agree therewith, he will initial Part II of the form.

(d) *Nonreceipt of shipment.* When specially denatured alcohol is not received within a reasonable time after shipment, or where any material or unexplained difference exists between the kind and quantity shipped and that received, or where there is reasonable ground to suspect that the specially denatured alcohol has been or will be used for purposes other than those authorized by the consignee's permit and by the law and regulations, the district supervisor shall investigate each case and take appropriate action in respect thereto. In addition, the district supervisor will check daily, on receipt, the Form 1473 covering tank truck shipments, and make any inquiry which he deems necessary with respect to any dis-

crepancy. In the event of failure to receive a form from the storekeeper-gauger at the consignee's premises or from the consignee, as the case may be, within the time normally required for the truck to make the shipment and the form to be sent by mail, the district supervisor will make appropriate investigation. (Secs. 3070, 3105, 3124, 3176, I. R. C.)

SALE AND USE OF COMPLETELY DENATURED ALCOHOL

PROPRIETARY ANTI-FREEZE SOLUTIONS

§ 182.798 *Manufacture of proprietary anti-freeze solutions.* Proprietary anti-freeze solutions may be made with completely denatured alcohol for sale under trade names: *Provided*, That materials such as dye, rust inhibtor, petroleum distillates, etc., satisfactory to the Commissioner are added to the completely denatured alcohol in sufficient quantities to materially change to the composition and character of the completely denatured alcohol. Such solutions are not classified as completely denatured alcohol and may not be marked, branded, or sold as completely denatured alcohol. Completely denatured alcohol may not be obtained in tank cars or tank trucks for use in manufacturing proprietary anti-freeze solutions except by producers of denatured alcohol. (Secs. 3070, 3105, 3109, 3111, 3124, 3176, I. R. C.)

§ 182.802 *Prohibited containers.* Proprietary anti-freeze solutions may not be shipped in tank cars, tank trucks, tank wagons, or packages exceeding 55 wine gallons in capacity, except when shipped in tank cars or tank trucks by manufacturers to themselves at another location for packaging thereat in accordance with these regulations. (Secs. 3070, 3105, 3124, 3176, I. R. C.)

OPERATIONS BY DEALERS IN SPECIALLY DENATURED ALCOHOL

RECEIPT OF SPECIALLY DENATURED ALCOHOL

§ 182.811 *Railroad tank cars or tank trucks.* If the bonded dealer receives specially denatured alcohol in railroad tank cars, railroad siding facilities for the receipt of such tank cars must be provided at the bonded dealer's premises. The denatured alcohol received in tank cars or tank trucks must be immediately deposited in storage tanks constructed in conformity with the provisions of § 182.102. When so deposited, the formula of the denatured alcohol shall be plainly marked on the storage tank. (Secs. 3070, 3105, 3124, 3176, I. R. C.)

FILLING OF PACKAGES BY BONDED DEALERS

§ 182.812 *When permissible.* Bonded dealers who receive specially denatured alcohol in tank cars or tank trucks and transfer the same to storage tanks in their storerooms, as provided in § 182.811, may fill packages of such specially denatured alcohol. Bonded dealers may also fill packages of specially denatured alcohol from denaturers' original packages where such original packages have been so damaged in transit as to necessitate repackaging, or where, upon receipt of approved Form 1477, Form 1485, Form 1486, or Form 1512, it is necessary to fill smaller packages for sale to authorized permittees in quantities less than the contents of the denaturer's original package, and specially denatured alcohol of the formula desired is not available in storage tanks for the filling of such packages. (Secs. 2808, 2866, 3070, 3105, 3124, 3176, I. R. C.)

§ 182.813 *Sale.* Specially denatured alcohol may be sold by bonded dealers holding basic permit, Form 1476, to manufacturers using specially denatured alcohol, and to other bonded dealers in specially denatured alcohol, pursuant to withdrawal permit, Form 1485 or Form 1477, as the case may be. Bonded dealers may also furnish samples of specially denatured alcohol to manufacturers, other bonded dealers, and to prospective permittees pursuant to sample permit, Form 1512: *Provided*, That in the case of samples, where the quantity involved in any case does not exceed 8 fluid ounces, permit, Form 1512, will not be required. Sales of specially denatured alcohol may also be made to the United States or governmental agencies thereof pursuant to permit, Form 1468. The provisions of § 182.754, respecting sales of specially denatured alcohol by denaturers, are hereby made applicable to sales of specially denatured alcohol by bonded dealers. Specially denatured alcohol sold by bonded dealers must be transported in accordance with § 182.677. Record and report of such transactions shall be reported on Form 1478, as provided in § 182.822. Tank trucks used for the transportation of specially denatured alcohol by bonded dealers, after filling, shall be sealed by appropriate seals, serially numbered, furnished and affixed by the shipper. The seal shall be dissimilar in marking from the cap seals used by the Bureau of Internal Revenue. The serial numbers of seals used and the data with respect to the carrier set forth in § 182.786 will be recorded by the dealer on Form 1473. One copy of the form will be forwarded by the dealer to the district supervisor of the district in which the dealer is located. One copy of the form will be forwarded to, and verified by, the consignee, and forwarded by him to the district supervisor of the district in which the consignor is located. (Secs. 3070, 3105, 3109, 3114 (a), 3124, 3176, I. R. C.)

LOSSES OF SPECIALLY DENATURED ALCOHOL

§ 182.816 *Losses in transit.* Losses in transit to bonded dealer's premises must be ascertained at the time the specially denatured alcohol is received by the bonded dealer. Accordingly, when packages, tank cars or tank trucks are received which show evidence of having sustained a loss in transit the bonded dealer should determine the extent of the loss at that time. The quantity ascertained to have been lost will be reported on Form 1478 on the line on which receipt of the shipment is reported, and in the column provided therefor. Where the quantity lost from any package, tank car or tank truck exceeds 1 per cent of the quantity originally contained therein, claim for allowance of the entire quantity lost from the package, tank car or tank truck will be made by the bonded dealer. If the loss does not exceed 1 per cent, so calculated, claim for allowance will not be required, provided there are no circumstances indicating that the specially denatured alcohol lost or any part thereof, was unlawfully used or removed. (Secs. 3105, 3113, 3124, 3176, I. R. C.)

CARRIERS

§ 182.908 *Restricted use of containers*—(a) *Tank wagons or tank trucks.* Tank wagons or tank trucks shall not be used for the transportation of undenatured ethyl alcohol.

(b) *Railroad tank cars.* Shipment of alcohol or denatured alcohol by railroad tank cars may be made only when the premises of the consignor and consignee are equipped with satisfactory railroad siding facilities and the consignee is otherwise authorized to receive such shipment. (Secs. 3105, 3111, 3114 (a), 3124, 3176, I. R. C.)

IMPORTATION OF ALCOHOL FOR INDUSTRIAL PURPOSES

§ 182.994 *Customs gauge and release.* Prior to release from customs custody, the alcohol will be gauged by a customs officer who will enter the details of the gauge on all copies of the Form 1440. When shipments are made in tank cars, the details of the gauge of each tank car will be reported separately thereon in accordance with the column headings on Form 1440. The customs officer will also show on each copy of Form 1440 the country of exportation of the alcohol. In addition, he will ascertain and state on each copy of the Form 1440 the rate of customs duty paid on the alcohol and the rate of customs duty which would have been applicable had such spirits been imported for beverage purposes. The customs officer will forward two copies of Form 1440 to the storekeeper-gauger at the industrial alcohol plant, bonded warehouse, or denaturing plant designated in the application, and retain one copy for customs purposes. The storekeeper-gauger at the plant or warehouse will, on receipt of the two copies of Form 1440, verify the shipment, note on both copies any discrepancies, forward one copy to the district supervisor of the district in which the plant or warehouse is located, and deliver the remaining copy to the proprietor of the plant or warehouse. (Secs. 3105, 3124, 3125 (a), 3176, I. R. C.)

§ 182.995 (a) *Tank cars to be sealed.* Where shipments of alcohol from customs custody to the industrial alcohol plant, bonded warehouse, or denaturing plant are made in tank cars, all openings affording access to the tanks will be sealed by the customs officer with customs seals.

(b) *Packages.* Where shipments of alcohol from customs custody are made in packages, the customs officer will gauge and release the alcohol pursuant to appropriate permit, Form 1436 or Form 1463, and application, Form 1440, in triplicate, in the same manner as alcohol shipped in tank cars, except that the sealing of the car in which transported will not be required. (Secs. 3105, 3124, 3125 (a), 3176 I. R. C.)

§ 182.997 *Gauging.* Upon receipt of the alcohol at the industrial alcohol plant, bonded warehouse, or denaturing plant from customs custody, it will be gauged in accordance with §§ 182.325 to 182.469 and §§ 182.683 to 182.790, inclusive, and the Gauging Manual: *Provided*, That where the bonded premises consist of storage tanks only, the spirits may be gauged upon receipt at such premises by any one of the following four methods, preference to be given in the order named:

(1) Weighed in scale tanks.

(2) Gauged by volume in accurately calibrated storage tanks.

(3) Weighed on railroad car scales located on bonded premises by weighing tank cars before and after filling and emptying, as the case may be.

(4) Gauged by volume in accurately calibrated tank cars. (Secs. 3105, 3124, 3125 (a), 3176, I. R. C.)

WITHDRAWAL OF IMPORTED ALCOHOL TAX FREE FOR USE OF THE UNITED STATES

§ 182.1006 *Bill of lading and customs seals.* Where the alcohol is transported by common carrier, the person to whom the alcohol was delivered for shipment shall furnish a copy of the bill of lading covering transportation of the alcohol from the port of entry to final destination to the governmental agency of the United States to whom the alcohol is consigned. If the alcohol is shipped in tank cars, all openings affording access to the tanks will be sealed by the customs officer with customs seals. (Secs. 3105, 3124, 3125 (b), 3176, I. R. C.)

4. Treasury Decision 5121, approved February 26, 1942, and Treasury Decision 5164, approved July 15, 1942, are hereby revoked.

5. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 2808, 2829, 2866, 3070, 3101, 3102, 3105, 3108, 3109, 3111, 3113, 3114, 3124, and 3176, 53 Stat. 307, 318, 330, 355, 357, 358, 359, 360, 364, sec. 3125, 56 Stat. 971; 26 U. S. C. and Sup. 2808, 2829, 2866, 3070, 3101, 3102, 3105, 3108, 3109, 3111, 3113, 3114, 3124, 3125, and 3176)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: July 3, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6478; Filed, July 10, 1947; 8:47 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 776—COVERAGE OF WAGE AND HOURS PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938

Sec.
776.0 Introductory statement.
776.1 General scope of statutory provisions.
776.2 Employee basis of coverage.
776.3 Place of work.
776.4 Coverage not dependent on method compensation.
776.5 Exemptions.
776.6 Engagement in commerce.
776.7 Engagement in production of goods for commerce.
776.8 Collection and dissemination of information; production of written materials.
776.9 Performance of both covered and noncovered work.
776.10 Local producers using out-of-State raw materials.
776.11 Production of materials used in production of other goods for commerce.

AUTHORITY: §§ 776.0 to 776.11, inclusive, issued under 52 Stat. 1060; 29 U. S. C. 201 et seq.

§ 776.0 *Introductory statement.* (a) Since the enactment of the Fair Labor Standards Act of 1938, the views of the Administrator as to who are within the general coverage of the wage and hours provisions of the act have been expressed in interpretations issued from time to time in various forms. These interpretations were always issued with the understanding that they were only advisory, so far as the rights and liabilities of employers and employees were concerned, because the courts alone had the authority to make legally binding interpretations. However, the Portal-to-Portal Act of 1947[1] contemplates that interpretations of the Administrator will now, under certain circumstances, be controlling in determining such rights and liabilities in the courts. This has made it necessary, for the protection of employees and employers who may seek to rely on the Administrator's interpretations, that interpretations previously issued concerning coverage under the wage and hours provisions of the Fair Labor Standards Act be re-examined in order to determine whether they now correctly interpret the law in the light of developments subsequent to their issuance, and that the Administrator's position be clarified for the future. This part, as of the date of its publication in the FEDERAL REGISTER, supersedes and replaces such prior interpretations. Its purpose is to make available in one place general interpretations of the Administrator which will provide "a practical guide to employers and employees as to how the office representing the public interest in enforcement of the law will seek to apply it."[2] The interpretations contained in this part indicate, with respect to the general coverage of the wage and hours provisions of the Fair Labor Standards Act, the construction of the law which the Administrator believes to be correct and which will guide him in the performance of his administrative duties under the Act unless and until he is otherwise directed by authoritative decisions of the courts or concludes, upon re-examination of an interpretation, that it is incorrect.

(b) Effective on the date of publication of this part in the FEDERAL REGISTER, all prior general and specific interpretations contained in interpretative bulletins, releases, opinion letters and other statements issued with respect to the interpretation of the general coverage of the wage and hours provisions of the Fair Labor Standards Act of 1938 are rescinded and withdrawn. An interpretation so rescinded and withdrawn shall not hereafter constitute an interpretation of the Administrator unless and until it is reissued as such. However, the action of the Administrator in rescinding or withdrawing any such prior interpretation or his omission to discuss a particular problem in this part or in interpretations supplementing it does not constitute an administrative interpretation or practice or enforcement policy.

§ 776.1 *General scope of statutory provisions.* (a) Under sections 6 and 7 the wage and hours provisions are applicable to employees "engaged in commerce or in the production of goods for commerce." "Commerce" is defined as trade, commerce, transportation, transmission, or communication among the several States, or from any State to any place outside thereof—or roughly, "interstate commerce." In the preliminary declaration of policy in section 2, Congress recited that it sought to remedy certain evils, namely, "labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers," which Congress found "(1) causes commerce and the channels and instrumentalities of commerce to be used to perpetuate such labor conditions among the workers of the several States; (2) burdens commerce and the free flow of goods in commerce; (3) constitutes an unfair method of competition in commerce; (4) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce; and (5) interferes with the orderly and fair marketing of goods in commerce." From this declared policy of Congress it is evident that, apart from certain specific exemptions enumerated later in the statute, Congress intended a very wide application of its regulatory power over interstate commerce; and the Administrator, in interpreting the statute for the purpose of performing his administrative duties, should properly lean toward a broad interpretation of the key words, "engaged in commerce or in the production of goods for commerce."

(b) Congress might have extended the act to purely local commerce within the District of Columbia, or within a Territory or possession, in virtue of the national legislative power over such political units. Congress did not do so, however. The employees must be "engaged in commerce, or in the production of goods for commerce." "Commerce" is defined in section 3 (b) as meaning "trade, commerce, transportation, transmission, or communication among the several States, or from any State to any place outside thereof." In section 3 (c) "State" is defined as meaning "any State of the United States, or the District of Columbia, or any Territory or possession of the United States."

(c) Therefore, employees within the District of Columbia, and the Territories and possessions (Alaska, Hawaii, Puerto Rico, the Canal Zone, Guam, Guano Is-

[1] Pub. Law 49, 80th Cong., Chap. 52, 1st Sess.
[2] Skidmore v. Swift & Co., 324 U. S. 134.

lands, Samoa, Virgin Islands) are dealt with on the same basis as employees working in any of the 48 States.

§ 776.2 *Employee basis of coverage.* It is noted that the coverage as described in sections 6 and 7 does not deal in a blanket way with industries as a whole. Thus, in section 6, it is provided that every employer shall pay the statutory minimum wage to "each of his employees who is engaged in commerce or in the production of goods for comerce." It thus becomes primarily an individual matter as to the nature of the employment of the particular employee. Some employers in a given industry may not be subject to the act at all; other employers in the industry may be subject to the act in respect to some of their employees, and not others; still other employers in the industry may be subject to the act in respect to all their employees.

§ 776.3 *Place of work.* Since the act contains no prescription as to the place where the employee must work, it is evident that employees otherwise coming within the terms of the act are entitled to its benefits whether they perform their work at home, in the factory, or elsewhere.

§ 776.4 *Coverage not dependent on method of compensation.* The act is not limited to employees working on an hourly wage. The present requirement of section 6 as to minimum wages is that the employee must be paid at the rate of not less than 40 cents an hour. This does not mean that employees cannot be paid on a piece-work basis; it merely means that whatever the basis on which the workers are paid, whether it be monthly, weekly, or on a piece-work basis, they must receive at least the equivalent of the minimum hourly rate. Rules and regulations prescribed by the Administrator (Part 516 of this chapter) provide for the keeping of records in such form as to enable compensation on a piece-work basis to be translated into terms of an hourly rate.

§ 776.5 *Exemptions.* This part does not deal with the various exemptions provided in the statute. Some of these exemptions are self-executing; others call for definitions or other action by the Administrator.

§ 776.6 *Engagement in commerce.* The first category of workers included, those "engaged in (interstate) commerce," applies, typically but not exclusively, to employees in the telephone, telegraph, radio, and transportation industries, since these industries serve as the actual instrumentalities and channels of interstate commerce. Employees who are an essential part of the stream of interstate commerce are also included in the phrase "engaged in commerce"; for example, employees of a warehouse whose activities are connected with the interstate receipt or distribution of goods. Employees engaged in producing fuel, power, or other goods or facilities for use or consumption entirely within the State by essential instrumentalities of interstate commerce, when such use or consumption directly aids or facilitates the interstate activities performed by means of such instrumentalities, may likewise be deemed "engaged in commerce." They would, in any event, be producing goods "for commerce" as explained in § 776.7 (c). Thus, for example, the act is considered applicable to employees engaged in producing electric energy, steam, fuel, or water for use within the State by railway terminals or depots, telephone exchanges, radio broadcasting stations, etc. The activities of such employees directly facilitate, aid, and contribute to interstate transportation, transmission and communication.

§ 776.7 *Engagement in production of goods for commerce.* (a) The second category of workers included, those engaged "in the production of goods for (interstate) commerce," applies typically but not exclusively, to that large group of employees engaged in manufacturing, processing, or distributing plants, a part of whose goods moves in commerce out of the State in which the plant is located. This is not limited merely to employees who are engaged in actual physical work on the product itself, because by express definition in section 3 (j) an employee is deemed to have been engaged "in the production of goods, if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any process or occupation necessary to the production thereof, in any State." Therefore the benefits of the statute are extended to such employees as maintenance and repair workers, watchmen, clerks, stenographers, messengers, all of whom, if not actually engaged in the production of goods, must be considered as engaged in processes or occupations "necessary to the production" by the producer of goods for commerce. Enterprises cannot operate without such employees. If they were not doing work "necessary to the production" of the goods they would not be on the payroll. Significantly, it is provided in section 15 (b) that "proof that any employee was employed in any place of employment where goods shipped or sold in commerce were produced, within 90 days prior to the removal of the goods from such place of employment, shall be prima facie evidence that such employee was engaged in the production of such goods." Hence, all the employees, in a place of employment where goods shipped or sold in interstate commerce were produced, are included in the coverage, unless the employer maintains the burden of establishing, as to particular employees, that their functions are so definitely segregated that they do not contribute to the production of the goods for interstate commerce as these terms are broadly defined in the act.

(b) Employees are engaged in the production of goods "for commerce" where the employer intends or hopes or has reason to believe that the goods or any unsegregated part of them will move in interstate commerce. The fact that the goods do move in interstate commerce is strong evidence that the employer intended, hoped, or had reason to believe that the goods would move in interstate commerce.

(c) The Fair Labor Standards Act, however, in its application to employees engaged in the production of goods for interstate commerce, is not limited to employees engaged in the production (as defined in the act) of goods for shipment across State lines. The courts have indicated that goods are produced "for commerce," even though they do not subsequently leave the State, if they are produced in order to supply the needs of interstate commerce, or to serve as an essential part of such commerce, or to aid or facilitate the carrying on of interstate commerce by essential instrumentalities or facilities of commerce such as interstate railroads, highways, telegraph or telephone systems, pipe lines, airports, harbors, and the like. For example, employees must be considered engaged in the production of goods for interstate commerce when engaged within a State in such activities as producing ice, electric energy, railroad ties, crushed rock, bituminous aggregate, ready-mixed concrete, telephone and telegraph poles, or other similar items for use or consumption wholly within the same State by interstate railroads, telegraph or telephone companies, etc., in carrying on interstate transportation or communication; or for use or consumption within that State in the maintenance, repair, or reconstruction of essential instrumentalities of interstate trade, commerce, transportation, transmission or communication.

(d) Whether employees are engaged "in the production of goods for (interstate) commerce" depends upon circumstances as they exist at the time the goods are being produced, not upon some subsequent event. Thus, if a lumber manufacturer produces lumber to fill the order of a local contractor in the expectation that the lumber will be used to build a schoolhouse within the State, the manufacturer will not become retroactively subject to the act in respect to those goods, because the contractor subsequently goes bankrupt and the lumber is sold to a purchaser who moves the lumber to another State. On the other hand, if the lumber manufacturer produced the lumber to fill an out-of-State order, the rights of the employees under sections 6 and 7 of the act are not affected by the subsequent fact that a fire destroys the finished lumber before it is shipped out of the State.

(e) Employees engaged in the production of goods that move out of the State of production are engaged "in the production of goods for commerce" even though the employer does not himself ship the goods across State lines. It is immaterial that the producer passes title to the purchaser within the State of production. If the goods are purchased by an out-of-State purchaser, f. o. b. the factory, and are taken by the purchaser out of the State, the employees in the factory are engaged in the production of goods for interstate commerce. The same is true if the producer sells his products within the State of production to a wholesaler or retailer who, in turn, sells them in interstate commerce.

(f) There are other situations in which employees of an employer who does not ship his goods directly in interstate commerce may yet be engaged in the production of goods for commerce. This will be true where one producer sells goods to a second producer within the State who, in turn, sells goods in interstate commerce, the first producer's goods being a part or ingredient of the second producer's goods. In this connection, attention is called to section 3 (j) which defines the term "goods" to include "any part or ingredient" of goods. Thus, if a manufacturer of buttons sells his products within the State to a manufacturer of shirts, the shirts being shipped in interstate commerce, the employees of the button manufacturer are engaged in the production of goods for commerce; and, if a lumber manufacturer sells his lumber locally to a furniture manufacturer who sells furniture in interstate commerce, the employees of the lumber manufacturer would likewise come within the scope of the act.

(g) Even where the goods which one producer sells to another producer are not technically parts or ingredients of the goods which the second producer sells in interstate commerce, the employees of the first producer may be within the scope of the act. Thus, where the manufacturer of containers sells the containers within the State to another manufacturer or to a shipper who packs goods into the containers and sells the goods in the containers in interstate commerce, the employees of the container manufacturer would be engaged in the production of goods for commerce. A contrary interpretation has been suggested, based upon the definition of the term "goods" in section 3 (i), which provides that the term "goods" does not include goods after their delivery into the "actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof." From this definition it has been suggested that the manufacturer or shipper who uses the containers to ship his own goods out of the State is the ultimate consumer of the containers and that, consequently, the employees of the container manufacturer are not engaged in the production of goods for commerce as the term "goods" is used in the act. It is our opinion that the manufacturer or shipper above is not the ultimate consumer of the containers. At times, the purchaser who consumes the contents of the containers is the ultimate consumer of the containers. For example, the ultimate consumer of a shoe box is not the manufacturer of the shoes, but the man who buys and wears the shoes. At other times, the ultimate consumer is the dealer who destroys the containers. Thus, if goods are shipped in boxes and the wholesaler or retailer in the State of destination removes the goods and destroys the boxes, such wholesaler or retailer would be the ultimate consumer of the boxes.

(h) Irrespective of the question as to who is the ultimate consumer, however, it is our opinion that the employees of the container manufacturer are subject to the act. The fact that products lose their character as "goods" when they come into the actual physical possession of the ultimate consumer does not affect the coverage of the act as far as the employees producing the products are concerned. The facts at the time that the products are being produced determine whether an employee is engaged in the production of goods for commerce, and at the time of the production of the containers they were clearly "goods" within the meaning of the statute since they were not, at that point of time, in the actual physical possession of the ultimate consumer. All that the term "goods" quoted above is intended to accomplish is to protect ultimate consumers, other than producers, manufacturers, or processors of the goods in question from the "hot goods" provision of section 15 (a) (1). This seems clear from the language of the statute. Thus section 15 (a) (1) makes it unlawful for any person "to transport * * * (or) * * * ship * * * in commerce * * * and goods" produced in violation of the labor standards set up by the act. By defining "goods" in section 3 (i) so as to exclude goods "after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof," the Congress made it clear that it did not intend to hold the ultimate consumer as a violator of section 15 (a) (1) if he should transport "hot goods" across a State line. Thus, if a person purchases a pair of shoes from a retail store[1] and carries the shoes across a State line, the purchaser is not, in our opinion, guilty of a violation of section 15 (a) (1) if the shoes were produced in violation of the wage or hours provisions of the statute. But Congress clearly did not intend to permit an employer to avoid the minimum wage and maximum hours standards of the act by making delivery within the State into the actual physical possession of the ultimate consumer who transports or ships the goods outside the State. Thus, it is our opinion that employees engaged in building a boat for delivery to the purchaser at the boatyard are within the coverage of the act if the employer, at the time the boat is being built, intends, hopes, or has reason to believe that the purchaser will sail it outside the State.

(i) A case somewhat similar to those that have been considered above should be noted. A garment manufacturer sends his goods to an independent contractor within the State to have the materials sewn and returned to him for further processing. After the materials have been sewn by the employees of the independent contractor they are returned to the garment manufacturer and subsequently move in interstate commerce. It seems clear that the employees of the independent contractor are engaged in the production of goods for commerce. There is nothing in the definition of the word "produced" in section 3 (j) that would lend any credence to the argument that the division of the production functions between the employees of the garment manufacturer and the employees of the independent contractor who do the work of sewing the garments in any way militates against the employees of the independent contractor being engaged in the production of goods for commerce. On the contrary, section 3 (j) expressly provides that "an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing * * * such goods, or in any process or occupation necessary to the production thereof."

[1] Note that the retail or service establishment exemption in section 13 (a) (2) does not protect the retail store from a violation of the "hot goods" provision if it sells in interstate commerce goods produced in violation of sections 6 or 7.

§ 776.8 *Collection and dissemination of information; production of written materials.* Attention is again called to section 3 (i) which defines goods to include "articles or subjects of commerce of any character." It seems clear that the term "goods" includes publications, pamphlets, or any other written materials. Accordingly, employees engaged in the collection and dissemination of information which is transmitted to other States in the form of publications, pamphlets, or any other written materials are engaged in the production of goods for commerce even though the actual work of printing may be done by an independent printing establishment. Typically this would apply to employees of organizations such as trade associations and research and compilation services. It should be noted, too, that such employees may also be "engaged in commerce" inasmuch as the continued use of the mails and the channels and instrumentalities of interstate commerce in collecting and disseminating information would bring the employees' work within the category of work in interstate commerce.

§ 776.9 *Performance of both covered and noncovered work.* (a) Where an employee is engaged in the production of any goods for interstate commerce, the act makes no distinction as to the percentage of his employer's goods or of the goods upon which he works that move in interstate commerce. The entire legislative history of the act leads to the conclusion that Congress intended to exclude from the channels of interstate commerce all goods produced under labor conditions detrimental to the health, efficiency, and general well-being of workers. The President's message advocating the passage of wage and hours legislation stated that "goods produced under conditions which do not meet rudimentary standards of decency should be regarded as contraband and ought not to be allowed to pollute the channels of interstate trade." The Congress expressly found in section 2 (a) (1) that the production of goods under labor conditions detrimental to health, efficiency, and general well-being of workers "causes commerce and the channels and instrumentalities of commerce to be used to spread and perpetuate such labor conditions among the workers of the several States." The reference in section 15 (a) (1) to "any goods" is convincing proof of this intent of Congress to make no distinction as to the percentage of goods which move in interstate commerce. That section makes it unlawful for any person "(1) to transport, offer for transportation, ship, deliver, or sell

in commerce, or to ship, deliver, or sell with knowledge that shipment or delivery or sale thereof in commerce is intended, any goods in the production of which any employee was employed in violation of section 6 or section 7."

(b) Thus, there is no justification for determining the applicability of the act to a particular employee on the basis of the percentage of the goods he produces, or of his employer's goods, which move in interstate commerce. However, this does not necessarily mean that an employee who at some particular time may engage in work which brings him within the coverage of the act is, by reason of that fact, thereafter indefinitely entitled to the benefits of the statute. In determining the applicability of the act, the workweek is to be taken as the standard. Thus, if in any workweek an employee produces goods for commerce and also produces goods for local consumption or performs work otherwise outside the coverage of the act, the employee is entitled to both the wage and hours benefits of the act for all the time worked during that week. The proportion of the employee's time spent in each type of work is not material. An employee spending any part of a workweek producing goods for commerce will be considered on exactly the same basis as an employee engaged exclusively in producing goods for commerce during the workweek and the total number of hours which the employee works during the workweek at both types of work must be compensated for in accordance with the minimum wage and maximum hours standards of the act.

(c) It is thus recognized that an employee may be subject to the act one week and not the next. It is likewise true that some employees of an employer may be subject to the act and others not. But the burden of effecting segregation between workweeks and between different employees is upon the employer (see § 776.7 (a)) and, as to any particular employee not accorded the benefits of the act during any workweek, it would be necessary, for example, to show that he did not prepare or handle materials used in the production of goods for interstate commerce, nor clean machinery used in such production, nor aid in any way in the production of any goods for commerce, nor engage in interstate commerce. Our experience thus far has indicated that much so-called "segregation" does not satisfy these tests and that many so-called "segregated employees" were in fact engaged in the production of goods for commerce.

§ 776.10 *Local producers using out-of-state raw materials.* There are manufacturers or processors who produce goods for consumption wholly within the State of manufacture or processing, but receive their raw materials from outside the State. Typical of this group is a baker who receives his flour from outside the State and sells his bread for consumption within the State. Employees of employers engaged in the production of goods for local consumption cannot be considered as "engaged in (interstate) commerce" merely because they are working on or processing goods brought from outside the State that have come to rest within the State and have ceased to be articles moving in interstate commerce. However, employees of such employers may be covered on other grounds. Thus, employees ordering or purchasing the raw materials from other States or handling or unpacking them upon receipt from other states, are "engaged in commerce" and therefore entitled to the benefits of the act. See also the situations described in §§ 776.6, 776.7 (c), and 776.11. As stated in § 776.2, the coverage of the act is primarily an individual matter as to the nature of the employment of the particular employee.

§ 776.11 *Production of materials used in production of other goods for commerce.* There are cases where employees producing goods for use entirely within the State of production can be said to be engaged in a "process or occupation necessary to the production" of other goods which move out of the State of production, and are, therefore, subject to the act. This would be true of the employees of a tool and die concern which sells all its products within the State for use by a producer of goods for commerce. The legislative history and subsequent court decisions indicate that the act was intended to apply, for example, to employees who make or create tools, dies, patterns, designs, blueprints, machinery or parts, all of which are sold within the State to a local purchaser who uses the tools, dies, patterns, designs, blueprints, machinery or parts in th production of goods which move in interstate commerce. Coverage likewise extends to employees engaged in repairing, reconstructing or installing within the States machine parts for machinery used ir the production of goods for interstate commerce. Similarly, the act applies to employees engaged in producing fuel, power, water, or other goods, which are used or consumed entirely within the State in the production of goods for interstate commerce. In accordance with this principle, the act is applicable typically to employees engaged in producing power or water, all of which is locally consumed, but some of which is sold to local manufacturers and consumed by them within the State in the production of other goods for interstate commerce.

Signed at Washington, D. C., this 3d day of July 1947.

[SEAL] WM. R. MCCOMB,
Administrator.

[F. R. Doc. 47-6456; Filed, July 10, 1947; 12:30 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[3d Rev. RO 3,[1] Amdt. 61]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 13.1 (a) is amended by revoking subparagraphs (5) and (6) and redesignating subparagraphs (7), (8), (9), and (10) as subparagraphs (5), (6), (7), and (8) respectively, and adding a new subparagraph (9) to read as follows:

(9) The United States Atomic Energy Commission, Los Alamos, New Mexico Project.

2. Section 13.2 (a) (3) is amended to read as follows:

(3) On or after July 1, 1943, by any of the other designated agencies, by a naval vessel or naval activity of the United Nations, by the Navy, Army and Air Force Institutes (of Great Britain), or by the India Supply Mission.

3. Section 13.5 (c) is amended by revoking subparagraph (2) and redesignating subparagraphs (3) and (4) as subparagraphs (2) and (3) respectively.

This amendment shall become effective July 1, 1947.

Issued this 8th day of July 1947.

[SEAL] N. E. DODD.
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 61 to Third Revised Ration Order 3

In view of the liquidation of the activities the Maritime Commission has been carrying on as a designated agency under the provisions of the rationing regulations, this amendment removes the Maritime Commission from the list of designated agencies.

This amendment also adds to the present list of designated agencies The Atomic Energy Commission, Los Alamos, New Mexico Project. Hitherto it has obtained sugar-containing products for the subsistence of its personnel from the Army, which is a designated agency. Owing to the fact that the Army will cease to be connected with this project after June 30, 1947, and due to its isolated condition, it is deemed desirable to name the project a "designated agency" in order to facilitate its obtaining of sugar-containing products for the personnel employed there.

[F. R. Doc. 47-6558; Filed, July 10, 1947, 10:34 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

CERTAIN EXPORT LICENSES

REVOCATION AND MODIFICATION

It is hereby ordered, That (1) all outstanding individual export licenses validated prior to June 30, 1947 authorizing the exportation of petroleum products classified under Department of Commerce Schedule B Nos. 501325, 501600, 501700, 502700, 503000, and 503100 are hereby revoked and shall be returned by the holders thereof to the Office of International Trade; and (2) all outstanding SP (Special Project) licenses are modified by revoking any authority granted prior to June 30, 1947 to export petroleum products classified under Department of Commerce Schedule B Nos. 501325, 501600, 501700, 502700, 503000, and 503100.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215, Pub. Law 145, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: July 3, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47-6470; Filed, July 10, 1947; 8:47 a. m.]

[1] 11 F. R. 177, 14281.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1947 Department Circular 1]

PART 129—VALUES OF FOREIGN MONEYS

JULY 1, 1947.

§ 129.10 *Calendar year 1947.*[1] • • •

(c) *Quarter beginning July 1, 1947.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning July 1, 1947, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, Title IV, of the Tariff Act of 1930.

The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.

Country	Monetary unit	Value in terms of U. S. money	Remarks
Argentina	Peso (gold)	$1.6335	Conversion of notes into gold suspended Dec. 16, 1929. Paper peso circulating medium.
Brazil	Cruzeiro	.2025	Decree law of Oct. 6, 1942, established the cruzeiro as the unit of currency, replacing the milreis. Conversion of notes into gold suspended Nov. 22, 1930.
Canada and Newfoundland	Dollar	1.0031	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5714	Present gold content of .50424 grams of gold 9/10 fine established by law of Nov. 19, 1938, effective Nov. 30, 1938. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rico	Colon	.1781	Parity of .158267 fine gram gold established by decree law effective Mar. 22, 1947.
Cuba	Peso	1.0000	Gold content of .9873 gram 9/10 fine established by Law No. 244 of May 22, 1934, and confirmed by Law No. 410 of Aug. 10, 1934.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 27, 1931.
Egypt	Pound (100 piasters)	$ 3.3692	Conversion of notes into gold suspended Sept. 21, 1931.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0126	Conversion of notes into gold suspended Oct. 12, 1931.
Great Britain	Pound sterling	$ 2.2857	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Guatemala	Quetzal	1.0000	Decree No. 293 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Ireland	Pound	$ 2.2857	Conversion of notes into gold suspended Sept. 21, 1931.
Nicaragua	Cordoba	1.6933	Embargo on gold exports Nov. 13, 1931.
Panama	Balboa	1.0000	U. S. money principal circulating medium.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932. Exchange control established Jan. 23, 1947.
Philippines	Peso	.5000	Act of Mar. 16, 1935; agreement between U. S. and Philippines governing trade and related matters based on Philippine Trade Act of 1946.
Rumania	Leu	.0101	Exchange control established May 18, 1932.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of South Africa	Pound	$ 2.2857	Conversion of notes into gold suspended Dec. 28, 1932.
Union of Soviet Socialist Republics	Ruble	.1981	On basis of 5.0667 rubles per gram of fine gold.
Uruguay	Peso	.6583	Present gold content of .758518 grams fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1939.

(Sec. 25, 28 Stat. 552, sec. 403, 42 Stat. 17, sec. 522, 42 Stat. 974, sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6477; Filed, July 10, 1947; 8:45 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

TONGASS NATIONAL FOREST; EXCLUSION OF TRACT OF LAND

CROSS REFERENCE: For order affecting the tabulation in § 201.1 by the exclusion of a tract of land from Tongass National Forest, and restoration to entry, see Public Land Order 377 under Title 43, Chapter I, *infra.*

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2344]

PART 4—DELEGATIONS OF AUTHORITY

MISCELLANEOUS AMENDMENTS

Sections 4.1 to 4.3, inclusive (11 F. R. 8164; Order No. 2233) are revised to read as follows:

§ 4.1 *Supervisory assignments.* The following assignments of bureaus and offices are made for supervisory purposes:

(a) Secretary and Under Secretary.
(1) Office of the Solicitor.
(2) Program Staff.
(i) Oil and Gas Division.
(ii) Office of Land Utilization.
(3) Office of Information.
(4) Division of Power.
(i) Bonneville Power Administration.
(ii) Southwestern Power Administration.
(iii) Power activities of other bureaus.
(5) Division of Personnel Supervision and Management.
(6) Division of Budget and Administrative Management.
(7) Division of Administrative Services.
(8) Division of Territories and Island Possessions.
(b) Assistant Secretary Davidson.
(1) Bureau of Land Management.
(2) Bureau of Mines.
(3) Geological Survey.
(4) National Park Service.
(c) Assistant Secretary Warne.
(1) Bureau of Reclamation.
(2) Bureau of Indian Affairs.
(3) Fish and Wildlife Service.

The Secretary or Under Secretary will refer any matter to one of the Assistant

[1] 12 F. R. 1190, 2451.

Secretaries when the demands upon his time do not permit personal attention. The assignments made in this section shall in no way impair the responsibilities and review functions of the several policy, legal, or administrative offices of the Department.

§ 4.2 *Departmental mail.* All mail and papers requiring action at the Secretarial level will be set up for signature by "Secretary of the Interior" (and placed on the appropriate letterhead under existing orders, using "Office of the Secretary" in case of doubt). The Secretary's Mail Center will distribute papers and mail in accordance with the assignments made in §4.1, unless instructions to the contrary are issued by a member of the Secretariat.

§ 4.3 *Succession of authority.* The officers of the Department who are authorized to perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of the Secretary are designated by the President in Executive Order No. 9866 (June 14, 1947; 12 F. R. 3909).

(R. S. 161, secs. 3, 12, Pub. Law, 404, 79th Cong., 60 Stat. 238, 244; 5 U. S. C. 22)

J. A. KRUG,
Secretary of the Interior.

JULY 3, 1947.

[F. R. Doc. 47-6445; Filed, July 10, 1947; 8:47 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 377]

ALASKA

EXCLUDING A TRACT OF LAND FROM THE TONGASS NATIONAL FOREST AND RESTORING IT TO ENTRY

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C. Title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described tract of public land in Alaska, occupied as a resort site, and identified by a survey of which the plat and field notes are on file in the Bureau of Land Management, Washington, D. C., is hereby excluded from the Tongass National Forest as hereinafter indicated, and restored, subject to valid existing rights, to application and sale under the trade and manufacturing site act of May 14, 1898, 30 Stat. 413, as amended (U. S. C. Title 48, sec. 461):

TONGASS NATIONAL FOREST

U. S. Survey No. 2403, Lot 93, Herring Bay, 2.14 acres; latitude 55°19'20" N., longitude 131°30'00" W.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 1, 1947.

[F. R. Doc. 47-6439; Filed, July 10, 1947; 8:46 a. m.]

[Public Land Order 378]

NEW MEXICO

REVOCATION OF EXECUTIVE ORDER NO. 6086 OF MARCH 28, 1933

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 6086 of March 28, 1933, establishing the Rio Grande Wildlife Refuge within Socorro and Sierra Counties, New Mexico, is hereby revoked.

Part of the land released by this order is covered by first form reclamation withdrawal and some of it has been patented. Information as to the status of any particular tract will be furnished on request, by the District Land Office at Las Cruces, New Mexico, where applications for any land subject to disposal shall be filed.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on September 2, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 2, 1947 to December 2, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 12, 1947, to September 2, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 2, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 2, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from November 11, 1947, to December 2, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 2, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Available information indicates that the lands embraced in the Rio Grande Wildlife Refuge are generally rough in character, being largely canyon walls, but having some areas of fairly level and marsh lands in the floor of the canyon.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 1, 1947.

[F. R. Doc. 47-6440; Filed, July 10, 1947; 8:46 a. m.]

[Public Land Order 379]

ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND WISCONSIN

RESERVING LANDS FOR USE OF DEPARTMENT OF INTERIOR AS WILDLIFE REFUGE AND MANAGEMENT AREAS

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, and in furtherance of the purposes of and in accordance with the act of March 10, 1934, 48 Stat. 401 (U. S. C. Title 16, secs. 661–666), as amended by the act of August 14, 1946 (60 Stat. 1080), it is ordered as follows:

Subject to valid existing rights, the following-described lands in Illinois, Iowa, Minnesota, Missouri, and Wisconsin, are hereby reserved and set apart for the use of the Department of the Interior as wildlife refuge and management areas:

LOCK AND DAM NO. 9

IOWA, ALLAMAKEE COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 97 North, Range 2 West

Section 5: That portion of the west 25 acres of the $NE\frac{1}{4}NW\frac{1}{4}$ lying east of the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said $NE\frac{1}{4}NW\frac{1}{4}$.

Section 9: All of Government Lots 1, 2, 3, and 4.

Section 10: All of Government Lot 2.

Section 16: All of Government Lot 1.

Section 17: All of Government Lot 2. That portion of Government Lots 3 and 4 described as follows: beginning at a point on the west bank of St. Paul Slough 264.0 feet south of the northeast corner of said Lot 3, thence west along a line 412.5 feet, thence north 7 degrees 00 minute east, 1485.0 feet, thence east along a line 412.5 feet, more or less, to the west bank of St. Paul Slough, thence in a southwesterly direction along said west bank of St. Paul Slough to point of beginning.

Township 98 North, Range 2 West

Section 33: All of Government Lot 8.

Section 34: All of Government Lot 3.

Township 99 North, Range 3 West

Section 4: All of Government Lots 1, 2, 3, 4, and 5. $SW\frac{1}{4}NW\frac{1}{4}$.

Section 5: All of Government Lots 1, 2, 3, 4 and 5.

Section 6: All of Government Lots 11 and 13.

Section 7: All of Government Lots 1, 4, 5, 6 and 11.

Section 8: All of Government Lots 1, 2, 3, 4, 5, 6, and 7. All of an unsurveyed island located in "Big Lake," so called.

Section 9: All of fractional section.

Section 16: All of Government Lots 1, 2, 5, and 6.

Section 17: All of Government Lots 1, 2, 3, 4, 5, 6, and 8.

Section 18: That portion of Government Lot 1 described as follows: beginning at the northeast corner of said Lot 1, thence in a southeasterly direction along a straight line along the shore line of Big Slough, running through said Lot 1, 528.0 feet, thence west along a line parallel to the north line of said Lot 1, 280.5 feet, thence northwesterly along a line 528.0 feet, more or less, to a point on the north line of said Lot 1, 280.5 feet west of the point of beginning, thence east along the north line of said Lot 1, 280.5 feet to the point of beginning.

Section 20: All of Government Lots 1 and 2.

Township 99 North, Range 4 West

Section 1: All of Government Lot 1.

Section 12: All of Government Lot 1.

Township 100 North, Range 3 West

Section 17: All of Government Lots 4, 7, 8, 9 and 10.

Section 18: All of Government Lot 5.

Section 19: All of Government Lot 5.

Section 20: All of Government Lot 1.

Section 29: All of fractional section.

Section 30: All of Government Lots 1, 2, 4, 5, 6, 8, and 9; $S\frac{1}{2}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$.

Section 31: All of Government Lots, 4, 5, 6, 7, 8, 9, 10, 11, and 12; $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$.

Section 32: All of Government Lots 1, 2, 3, and 4; $SW\frac{1}{4}SE\frac{1}{4}$; $SE\frac{1}{4}SW\frac{1}{4}$; $E\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$.

Section 33: All of fractional section.

Township 100 North, Range 4 West

Section 24: All of Government Lot 2.

Section 25: All of Government Lot 1.

Section 36: All of Government Lots 2, 8, 4, 5, 6, and 7; $NW\frac{1}{4}NE\frac{1}{4}$.

MINNESOTA, HOUSTON COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 101 North, Range 3 West

Section 18: $W\frac{1}{2}NW\frac{1}{4}$ and the $NW\frac{1}{4}SW\frac{1}{4}$.

Township 101 North, Range 4 West

Section 13: $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ excepting the east 33.0 feet thereof, and $S\frac{1}{2}SE\frac{1}{4}$.

Section 24: $E\frac{1}{2}$, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, and $E\frac{1}{2}SW\frac{1}{4}$.

WISCONSIN, CRAWFORD COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 9 North, Range 6 West

Section 2: That portion of Government Lots 2 and 3 lying west of the westerly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said Lots 2 and 3. All of Government Lot 9.

Section 3: That portion of Government Lot 7 described as follows: Beginning at corner 1, on the bank and water's edge of the Mississippi River, a point a 4" x 4" x 48" post on high bank in a mound of stones bears north 72 degrees east, 9.9 feet distant, faced and scribed K1. Navigation Day Mark No. 773 on the Iowa shore of the Mississippi River bears south 6 degrees 15 minutes west; thence north 72 degrees east, 198.0 feet to corner 2, a 4" x 4" x 48" maple post marked K2. A 10-inch maple blazed and scribed B. T. bears north 50 degrees east 33 feet distant, thence south 18 degrees east, 440.22 feet to corner 3 in a marsh, a point no witness trees available, thence south 72 degrees west 198.0 feet to corner 4 on the bank and the water's edge of the Mississippi River. A point a 4" x 4" x 48" post set in a mound of stone bears north 72 degrees east, 9.9 feet distant, faced and scribed K4. From this post a 10-inch blazed willow north 792.0 feet distant, thence north 18 degrees west along shore line of the Mississippi River 440.22 feet to the place of beginning.

Section 23: That portion of Government Lot 2 described as follows: beginning at the point of intersection of the south line of said Lot 2, with the original westerly right of way line of the Chicago, Burlington and Quincy Railroad, thence west along the south line of said Lot 2, 140.0 feet, to a point 100.0 feet, more or less, from and at right angles to the center line of the new west-bound main track of the said railroad company, thence north 50 degrees 40 minutes east, more or less, 820.0 feet; thence easterly at right angles to last-described course 36.0 feet to a point in said original westerly right of way line, thence southwesterly 740.0 feet, more or less, measured along said westerly right of way line to the place of beginning. That portion of Government Lot 3 lying east of a line 100.0 feet radially distant from, parallel to and southeasterly of the present easterly main track of the Chicago, Burlington and Quincy Railroad and west of a line described as follows: beginning at a point on the west line of said Lot 3, 799.0 feet north of the southwest corner thereof, thence north 44 degrees 44 minutes east, 729.5 feet, more or less, to a point on the north line of said Lot 3, 865.0 feet west of the northeast corner thereof.

Township 10 North, Range 6 West

Section 6: That portion of the $NW\frac{1}{4}SW\frac{1}{4}$ lying southwesterly of a line described as follows: beginning at a point on the south line of the $NW\frac{1}{4}SW\frac{1}{4}$, 780.0 feet west of the southeast corner thereof, thence north 65 degrees 56 minutes west, 275.4 feet, more or less, to a point on the west line of said $NW\frac{1}{4}SW\frac{1}{4}$, 1200.0 feet south of the northwest corner thereof. That portion of the $SW\frac{1}{4}SW\frac{1}{4}$ described as follows: beginning at the northwest corner of the $SW\frac{1}{4}SW\frac{1}{4}$, thence east along the north line of said $SW\frac{1}{4}SW\frac{1}{4}$ to a point 780.0 feet west of the northeast corner thereof, thence south 61 degrees 19 minutes east, 314.9 feet, thence south 47 degrees 17 minutes east 176.8 feet, thence south 14 degrees 28 minutes east 294.1 feet, more or less, to the intersection with the northerly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said $SW\frac{1}{4}SW\frac{1}{4}$, thence northwesterly along said northerly right of way line to the intersection with the west line of said $SW\frac{1}{4}SW\frac{1}{4}$, thence north along the west line of said $SW\frac{1}{4}SW\frac{1}{4}$, 315.0 feet, more or less, to the point of beginning.

Section 15: That portion of the $SW\frac{1}{4}SW\frac{1}{4}$ lying southwesterly of the southwesterly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said $SW\frac{1}{4}SW\frac{1}{4}$.

Section 19: All of Government Lots 5, 6 and 7.

Section 21: All of Government Lot 1.

Section 22: That portion of Government Lots 1, 2, 3, and 4, and $NE\frac{1}{4}NW\frac{1}{4}$, and $SW\frac{1}{4}NE\frac{1}{4}$ lying southwesterly of the southwesterly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said Section 22.

Section 26: That portion of the $NW\frac{1}{4}NW\frac{1}{4}$ lying southwesterly of the southwesterly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said $NW\frac{1}{4}NW\frac{1}{4}$.

Section 27: That portion of Government Lot 1 lying southerly and westerly of the westerly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said Government Lot 1.

Section 35: That portion of Government Lots 2, 3, and 4 lying west of the westerly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said Section 35.

Township 10 North, Range 7 West

Section 1: All that portion of the $W\frac{1}{2}NW\frac{1}{4}$ lying south of the southwesterly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out excepting therefrom that portion described as follows: beginning at a point on the southwesterly right of way line of said railroad 130.0 feet southeasterly from the intersection of said southwesterly right of way line and the north line of the $SW\frac{1}{4}NW\frac{1}{4}$, southwesterly at right angles to said right of way line 150.0 feet, thence southeasterly at right angles to last-described course 770.0 feet, thence northeasterly at right angles to last-described course 150.0 feet, to a point in the said southwesterly right of way line, thence northwesterly along said southwesterly right of way line to place of beginning.

That portion of the $NW\frac{1}{4}SE\frac{1}{4}$ lying south of the southerly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said $NW\frac{1}{4}SE\frac{1}{4}$.

Section 14: All of Government Lot 9.

Township 11 North, Range 7 West

Section 26: All of Government Lot 3.

Section 27: All of Government Lots 4 and 5.

Section 34: All of Government Lots 2, 3 and 4. All of the $SE\frac{1}{4}$ excepting therefrom the Iowa-Wisconsin Bridge Company Road as now laid out across said $SE\frac{1}{4}$.

Section 35: All of Government Lots 3 and 4 excepting therefrom that portion lying northeasterly of the southwesterly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said Government Lots 3 and 4. All of Government Lots 5 and 7 excepting therefrom the Iowa-Wisconsin Bridge Company road as now laid out across said Government Lots 5 and 7.

Section 36: That portion of the $SW\frac{1}{4}SW\frac{1}{4}$ lying southwesterly of the southwesterly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said $SW\frac{1}{4}SW\frac{1}{4}$.

WISCONSIN, VERNON COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 12 North, Range 7 West

Section 16: That portion lying west of the westerly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said section and southerly of the Bad Axe River passing through said section.

LOCK AND DAM NO. 11

WISCONSIN, GRANT COUNTY, FOURTH PRINCIPAL MERIDIAN:

Township 1 North, Range 2 West

Fractional section 7: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 17: All that part of $W\frac{1}{2}W\frac{1}{2}$ lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way. $W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$.

Fractional section 18: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 19: $N\frac{1}{2}$.

Fractional section 20: $NW\frac{1}{4}$.

Township 1 North, Range 3 West

Fractional section 1: All that part of $NE\frac{1}{4}$-$NE\frac{1}{4}$ lying westerly of the Chicago, Burlington and Quincy Railroad Company's right of way except that part of an island therein.

Townships 1 and 2 North, Range 3 West

An unnamed island lying at the mouth of Grant River located in section 1, township 1 north and section 36, township 2 north.

Township 2 North, Range 3 West

Fractional section 5: All that part of $SW\frac{1}{4}$ and all that part of $SW\frac{1}{4}SE\frac{1}{4}$ lying southerly of Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 6: All that part of Government lots 3, 4, 5, and 6, lying southerly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 7: Government lots 3 and 4. $SW\frac{1}{4}NE\frac{1}{4}$.

Fractional section 8: Government lots 1, 2, 3 and 4. $NW\frac{1}{4}NE\frac{1}{4}$.

Fractional section 9: Government lots 3 and 10. All that part of Government Lot 4 in $E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$. All that part of $NE\frac{1}{4}$-$NE\frac{1}{4}$, all that part of $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, all that part of $W\frac{1}{2}W\frac{1}{2}$ and all that part of Government lot 5 lying southwesterly of Chicago, Burlington and Quincy Railroad Company's right of way. All that part of Government lots 8 and 9 lying northerly of the following described line: Beginning at a point which is north 00°12' west, 2381.3 feet from the southwest corner of Government lot 10; thence north 88°16' west, 361.2 feet; south 36°09' west, 213.5 feet; south 44°13' west, 1903.0 feet; south 28°44' west, 300.3 feet; north 74°12' west, 221.0 feet; north 12°38' east, 317.8 feet; north 32°50' west, 127.6 feet; north 74°31' west, 41.3 feet to a point in the center line of Grant River, said point being north 21°21' east, 1116.4 feet from the southwest corner of said Government lot 8.

Fractional section 10: All that part lying southerly and southwesterly of the following described line, except Government lot 2: Beginning on the south line of fractional section 10 at a point which is north 89°53' west, 173.0 feet from the southeast corner thereof; thence north 49°33' west 717.6 feet along the Chicago, Burlington and Quincy Railroad Company's southwesterly right of way line; thence south 46°00' west, 459.4 feet; south 62°56' west, 316.7 feet to the southwest corner of $SE\frac{1}{4}SE\frac{1}{4}$ said fractional section 10; thence north 45°25' west, 1885.0 feet to the northeast corner said Government lot 2; thence north 89°55' west, 500.0 feet along the north line thereof; thence north 18°20' west, 1390.0 feet to a point on the north line of Government lot 1; thence north 58°45' west, 1475.0 feet; north 22°05' east, 200.0 feet to a point on said southwesterly right of way line; thence northwesterly along said right of way line, a total distance of 600.1 feet to the west line of said fractional section 10.

Section 14: All that part of Government lots 1 and 2 lying southerly of the following-described line: Beginning on the west line of said lot 1 at a point which is south 00°04' east, 1076.0 feet from the northwest corner thereof; thence south 53°30' east, 2400.0 feet; south 70°07' east, 800.8 feet to the intersection of the east line of said lot 2 with the center line of Grant River. All that part of Government lots 3, 4, and 5 lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 15: All that part of the $NE\frac{1}{4}$ lying northerly of the center line of Grant River and southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 16: Government lot 5. All that part of Island No. 210 located in fractional sections 16 and 17, lying easterly of the following described line: Beginning at a point on the ordinary high water line on the northerly side of said island, said point being south 05°04' west, 1668.8 feet, more or less, from the northwest corner of said fractional section 16; thence south 14°34' west, 425.3 feet, more or less, to a point on the aforesaid ordinary high water line on the southerly line of said island.

Fractional section 23: Government lots 4 and 5. All that part of $E\frac{1}{2}$ northeasterly of the center line of Grant River and southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Section 24: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way and northeasterly of the center line of Grant River.

Fractional section 25: All that part of Government Lots 1, 2, 4, and 5, lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 36: Government Lot 2. All that part of $E\frac{1}{2}$ lying easterly of the center line of Grant River and westerly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Township 2 North, Range 4 West

Fractional section 1: All that part of Government Lots 1, 2, and 3 lying southerly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 2: All that part of Government Lots 1, 2, and 3 lying southerly of the Chicago, Burlington and Quincy Railroad Company's right of way. Government Lots 5, 6, and 7.

Fractional section 3: Government Lots 5 and 10.

Fractional section 4: Government Lots 1, 3, 4, 5, and 6. All that part of $N\frac{1}{2}$ lying southerly of the Chicago, Burlington and Quincy Railroad Company's right of way and northerly of Government Lots 1, 2, and 6.

Fractional section 5: Government Lots 5 and 6. All that part of Island No. 201 in $E\frac{1}{2}W\frac{1}{2}$.

Fractional section 6: Government Lots 2, 3, and 4. An unnamed island lying immediately upstream from Island No. 201.

Fractional section 10: Government Lot 2, subject to the right of the Chicago, Burlington and Quincy Railroad Company to enter upon and use a portion for maintaining a drainage ditch.

Township 3 North, Range 4 West

Fractional section 31: All that part of Government Lots 1 and 2 lying southerly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 32: All that part of Government Lots 1, 2, and 3 lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 33: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Township 3 North, Range 5 West

Fractional section 35: All that part of $NE\frac{1}{4}NE\frac{1}{4}$ lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way. $S\frac{1}{2}N\frac{1}{2}$. $S\frac{1}{2}$, subject to the right of way easement of the Interstate Power Company for constructing, operating, and maintaining power lines.

Fractional section 36: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way excepting Government Lot 7.

IOWA, DUBUQUE COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 89 North, Range 2 East

Fractional section 1: All that part of $NW\frac{1}{4}NW\frac{1}{4}$, and Government Lots 1 and 2 lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way. Lot 2 of Lot "C" (according to the plat recorded in the records of Dubuque County, Iowa, in Plat Book 3 of Lands at page 129) being part of Island No. 219.

Township 90 North, Range 2 East

Fractional section 14: All that part of Government Lot 3 lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way. Government Lot 4

Fractional section 23: All that part lying easterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way except that part of Maquoketa Island therein.

Fractional section 25: All except that part of the town site of Peru and that part of Maquoketa Island located therein.

Fractional section 26: All that part lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way except the town site of Peru and that part of the west 660.0 feet of Government lot 1 included therein.

Fractional section 36: All that part lying easterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way except lot 3 of lot 2 of Government lot 6 and except those parts of Island No. 219 and the town site of Peru located therein. Townsite of Peru (according to the plat thereof recorded in the records of Dubuque in Book of Plats No. 4, at pages 16, 17 and 18) located in fractional sections 25, 26 and 36 and Section 35. Lots No. 237, 238, 239, 240, 255, 256, 257 258, 259, 260, and 261 and all those parts of the streets adjacent thereto.

Township 89 North, Range 3 East

Fractional section 6: Lots E and F (according to the plat recorded in the records of Dubuque County in Plat Book 3 of Lands at page 114) consisting of Island No. 220 and 2 small islands southeasterly thereof.

CLAYTON COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 91 North, Range 1 West

Island No. 195 located in fractional sections 16 and 21. Island No. 198 and an unnamed island northeasterly thereof located in fractional sections 23 and 24. Island No. 199 and Island No. 200 located in fractional sections 23, 24 and 25.

Township 92 North, Range 2 West

Fractional section 21: Goetz Island. An unnamed small island immediately south of Goetz Island located in fractional sections 21 and 28.

Fractional section 27: All that part of Government lot 2 lying in $SE\frac{1}{4}NW\frac{1}{4}$, being a part of Island No. 189.

Fractional section 28: All that part of the north 3500 feet lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way except islands therein.

Fractional section 29: All that part lying easterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way except that part lying northeasterly of the center line of a former slough.

Fractional section 33: All that part of Island No. 189 therein.

Fractional section 34: Government Lot 2 with accretions thereto, being a part of Island No. 189.

LOCK AND DAM NO. 12

ILLINOIS, JO DAVIESS COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 27 North, Range 1 East

Section 5: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 8: All that part of Government Lot 2 of $N\frac{1}{2}$ lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way. $S\frac{1}{2}$ Government Lot 1 of $S\frac{1}{2}$. Government Lot 2 of $S\frac{1}{2}$.

Section 9: All that part described as follows: beginning at the southwest corner of said section 9; thence north 01°21' west, 756.2 feet along the west line thereof; thence due east, 1222.1 feet; thence south 02°06' west, 778.7 feet to a point on the south line of said section 9; thence along said south line north 88°56' west, 1176.0 feet to the point of beginning.

Section 16: All that part of $N\frac{1}{2}N\frac{1}{2}$ lying southwesterly of the right of way for a public road situated in $E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, and in $SW\frac{1}{4}$ $NW\frac{1}{4}NE\frac{1}{4}$. All that part of the $S\frac{1}{2}N\frac{1}{2}$ and all that part of $S\frac{1}{2}$ lying westerly of the rights of way for the Chicago, Burlington and Quincy Railroad Company and for a public road situated in $NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$.

Fractional section 20: Except Island No. 246. Island No. 246 located in fractional sections 20, 21 and 29.

Fractional section 21: All that part lying westerly of the Chicago, Burlington and Quincy Railroad Company's right of way except Island No. 246, subject to the right, title and interest of the Chicago, Burlington and Quincy Railroad Company to construct and maintain a drainage ditch through, on, over, upon, and across said land.

Fractional section 28: All that part lying westerly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 29: Except Islands Nos. 245 and 246. Island No. 245 located in fractional sections 29 and 32.

Fractional section 32: Except Island No. 245.

Fractional section 33: All that part of $N\frac{1}{2}NW\frac{1}{4}$ lying westerly of Chicago, Burlington and Quincy Railroad Company's right of way. $SW\frac{1}{4}NW\frac{1}{4}$; $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$. All that part of $S\frac{1}{2}$ lying westerly of centerline of Crooked Slough.

Township 27 North, Ranges 1 East and 1 West

Island No. 241 located in fractional sections 8 and 17, township 27 north, range 1 east and in fractional sections 12 and 13, township 27 north, range 1 west.

Township 27 North, Range 1 West

Fractional section 1: All that part of $E\frac{1}{2}$ lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way and northeasterly of Galena River.

Fractional section 12: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way, and easterly of Galena River.

An unnamed island lying at the head of Stone Slough between Islands Nos. 239 and 241.

Townships 27 and 28 North, Range 1 West

All that part of Island No. 239 lying in fractional sections 1 and 12, township 27 north and in fractional sections 34, 35 and 36, township 28 north, with the following exceptions:

(a) All that part of said section 1 lying southwesterly of the following described line: Beginning on the west line of said fractional section 1 at a point which is south 00°06' east, 1712.0 feet from the northwest corner thereof to a point on the centerline of an unnamed slough thence northeasterly along the centerline of said slough, a total distance of 372.0 feet to the centerline of Harris Slough thence southerly and southeasterly along centerline of said slough to the south line of said fractional section 1.

(b) All that part of said fractional section 34 lying westerly and southerly of the following described lines: Beginning at a point on the east line of said fractional section 34 at a point which is north 03°39' west, 423.1 feet from the east quarter corner thereof; thence north 61°59' west, 1550.0 feet; thence due north, 900.0 feet to a point on the right bank of Harris Slough.

(c) West 863.1 feet of the $SW\frac{1}{4}$ said fractional section 35.

Township 28 North, Range 1 West

Section 17: All that part lying southwesterly of Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 18: All that part of $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ lying southwesterly of Chicago, Burlington and Quincy Railroad Company's right of way except Island No. 233.

Fractional section 20: All that part lying southwesterly of Chicago, Burlington and Quincy Railroad Company's right of way and northerly and easterly of the centerline of Menominee Slough except that part of $W\frac{1}{2}$-$SW\frac{1}{4}NE\frac{1}{4}$ included therein. An unnamed island located in fractional sections 19 and 20. Island No. 234 located in fractional section 20.

Fractional section 21: All that part in $N\frac{1}{2}S\frac{1}{2}$ except Island No. 233 and all that part in $NW\frac{1}{4}$ lying southwesterly of Chicago, Burlington and Quincy Railroad Company's right of way. $NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$ and the $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$.

Township 28 North, Ranges 1 West and 2 West

All that part of Island No. 233 located in fractional sections 18, 19, 20, and 21, township 28 north, range 1 west, and in fractional sections 13 and 24, township 28 north, range 2 west, except parts lying in south 870.0 feet of $SE\frac{1}{4}SE\frac{1}{4}$ of said fractional section 18, in $E\frac{1}{2}$ said fractional section 19, and in $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$ said fractional section 20.

Township 28 North, Range 2 West

Fractional section 2: All that part of $E\frac{1}{2}W\frac{1}{2}$ and all that part of $E\frac{1}{2}$ lying southwesterly of the Chicago, Burlington, and Quincy Railroad Company's right of way. All that part of $W\frac{1}{2}W\frac{1}{2}$ lying southwesterly of the Illinois Central Railroad Company's right of way.

Fractional section 3: All that part of $E\frac{1}{2}NE\frac{1}{4}$ lying easterly of the westerly bank of Menominee River and southwesterly of the Illinois Central Railroad Company's right of way. All that part of $W\frac{1}{2}NE\frac{1}{4}$ described as follows: Beginning at the center of fractional section 3; thence north 00°01' west, 1833.1 feet along the north and south quarter line; thence due east, 456.2 feet; south 37°15' west, 317.4 feet; south 05°31' east, 353.1 feet; south 23°34' east, 260.6 feet; south 04°27' east, 259.8 feet; south 38°40' west, 201.7 feet; south 07°33' west, 216.8 feet; south 57°06' east, 576.6 feet; south 74°18' east, 151.5 feet to a point on the east and west quarter line; thence south 89°34' west, 897.3 feet to the point of beginning. All that part of Island No. 230 located in $SE\frac{1}{4}$ fractional section 3. All that part of $W\frac{1}{2}W\frac{1}{2}$ lying southerly of Frentress Lake, except islands therein. All that part of $E\frac{1}{2}W\frac{1}{2}$ except Island No. 230. $SE\frac{1}{4}$ except Island No. 230.

Fractional section 4: All that part of the easterly 1800 feet southerly of Frentress Lake except islands.

Fractional section 11: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way except islands therein. An unnamed island located in $NE\frac{1}{4}$ and $NW\frac{1}{4}$ fractional section 11. An unnamed small island located northeasterly of the toe of an unnamed island located in $NE\frac{1}{4}$ and $NW\frac{1}{4}$ fractional section 11. An unnamed small island located southeasterly of an unnamed island located in $NE\frac{1}{4}$ and $NW\frac{1}{4}$ fractional section 11. An unnamed island located in $NW\frac{1}{4}$ fractional section 11.

Fractional section 12: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way except islands therein. An unnamed island located in fractional sections 12 and 13.

Fractional section 13: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way except that part of Island No. 233 and two unnamed islands therein. An unnamed island located in fractional sections 13 and 24.

Township 29 North, Range 2 West

All that part of an unnamed island located in $NE\frac{1}{4}$ fractional section 30.

Fractional section 33: All that part of the $SW\frac{1}{4}SE\frac{1}{4}$ lying southerly of Frentress Lake, except that part of an island therein.

IOWA, DUBUQUE COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 88 North, Range 3 East

All that part of Nine Mile Island or Green's Island located in fractional sections 11, 13, 14 and 24, except that part of said fractional section 24 lying southwesterly of the centerline of that unnamed slough which intersects the north line thereof at a point which is 956.7 feet easterly from the northwest corner thereof. An unnamed island easterly of Nine Mile Island located in fractional section 13. An unnamed island, westerly of Nine Mile Island located in fractional sections 14 and 15. An unnamed island, southwesterly of Nine Mile Island, located in fractional sections 14, 23 and 24.

JACKSON COUNTY FIFTH PRINCIPAL MERIDIAN

Township 87 North, Range 5 East

Island No. 242 located in fractional sections 19 and 30. Island No. 243 located in fractional sections 19, 30 and 31.

LOCK AND DAM NO. 13

ILLINOIS CARROLL COUNTY FOURTH PRINCIPAL MERIDIAN

Township 25 North, Range 2 East

Island No. 259 located in fractional sections 11, 12 and 13. An unnamed small island located in fractional section 13 southerly of Island No. 259. An unnamed island located in fractional section 13 southeasterly of Island No. 259.

Township 25 North, Ranges 2 and 3 East

An unnamed island located in fractional section 13, township 25 north, range 2 east, and in fractional section 18, township 25 north, range 3 east.

ILLINOIS, WHITESIDE COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 22 North, Range 3 East

Section 2: All that part westerly of the following described line: Beginning at the northeast corner of section 2; thence south 00°38' east, 900.0 feet along the east line thereof; south 23°50' west, 2470.0 feet; south 43°13' west, 2050.0 feet; north 86°31' west, 274.5 feet; south 01°13' east, 300.0 feet to the south quarter corner of said section 2.

Fractional section 3: All except parts of islands therein. Island No. 284 and that part of an unnamed island therein.

Fractional section 10: $N\frac{1}{2}$ and $N\frac{1}{2}SE\frac{1}{4}$. All that part of $SW\frac{1}{4}$ lying easterly of an unnamed slough in the $W\frac{1}{2}$ of said $SW\frac{1}{4}$.

Section 11: $W\frac{1}{2}NW\frac{1}{4}$ and $NW\frac{1}{4}SW\frac{1}{4}$.

ILLINOIS, CARROLL COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 23, North, Range 3 East

Fractional section 2: All of lots 12, 13, and 14 of fractional section 2, of the subdivision

of fractional sections 2 and 3 (according to a plat recorded in Surveyors Record "F" of Carroll County at page 8). All that part lying westerly of the centerline of Big Slough and southerly of the north line of Lot 15, section 2, of the subdivision of fractional sections 2 and 3 (according to a plat recorded in Surveyor's Record "F" of Carroll County at page 8).

Fractional section 3: All that part lying southwesterly of the centerline of Big Slough except lot 5 of the subdivision of fractional sections 2 and 3 (according to a plat recorded in Surveyor's Record "F" of Carroll County at page 8).

Fractional section 10: All except that part of an island therein. An unnamed island located in fractional sections 10 and 15.

Section 11: All that part lying westerly of the centerline of Big Slough.

Section 14: All that part lying westerly of the centerlines of Mill Slough and Big Slough.

Fractional section 15: $N\frac{1}{2}$ except that part of an island therein. $SW\frac{1}{4}$ and all that part lying southeasterly of the centerline of Big Slough.

Fractional section 21: $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$, and the north 484.1 feet of $SE\frac{1}{4}SE\frac{1}{4}$.

Fractional section 22: All that part of $NE\frac{1}{4}$ lying easterly of the centerline of Big Slough. $NW\frac{1}{4}$ except $NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$. $S\frac{1}{2}$ except $SW\frac{1}{4}SW\frac{1}{4}$.

Section 23: All that part in $N\frac{1}{2}$ lying southwesterly of the centerline of Mill Slough. All that part of $SW\frac{1}{4}$ except school lots 6 and 7 of the subdivision of said $SW\frac{1}{4}$ section 23 (according to a plat recorded in Surveyor's Records of Carroll County, in Book "E" at page 13). All those parts of lots 6, 7, and 8 of the subdivision in $SE\frac{1}{4}$ section 23 (according to a plat recorded in Surveyor's Records of Carroll County in Book "C" at page 521) lying westerly of the centerline of Crooked Slough.

Section 26: All that part of lots 1, 2, 3 and 4 of the subdivision of $NE\frac{1}{4}$ (according to a plat recorded in Surveyor's Records of Carroll County in Book "C" at page 521, lying westerly of the centerline of Crooked Slough. $W\frac{1}{2}$ except $SE\frac{1}{4}SW\frac{1}{4}$ and except $N\frac{1}{2}$ Lot 31 of the subdivision of $NW\frac{1}{4}$ section 26 (according to a plat recorded in the records of Carroll County in Book "U" of Deeds at page 80).

Section 27: $E\frac{1}{2}$ except the following described part: Beginning at the center of section; thence along the west line of said $E\frac{1}{2}$ north 00°17' west, 1626.5 feet; thence north 89°45' east, 1325.0 feet to a point in the centerline of Big Slough; thence southerly along said centerline, a total distance of 390.3 feet to a point; thence south 89°55' west, 278.1 feet; south 21°02' west, 499.3 feet; south 00°01' west, 774.9 feet to a point on the east and west quarter line of said section 27; thence along said quarter line south 89°20' west, 781.4 feet to the point of beginning. All that part of an unnamed island located in fractional sections 21, 23 and 33 lying in said fractional section 33 and in $S\frac{1}{2}$ fractional section 28. All that part of Island No. 263 located in fractional sections 33 and 34 lying northerly of the following described line: Beginning at a point on the ordinary high water line of the southwesterly bank of said island which point is south 00°53' west, 3719.1 feet from the northeast corner of said fractional section 33; thence north 74°07' east, 307.2 feet to a point on the ordinary high water line of the northeasterly bank of said island $SE\frac{1}{4}NW\frac{1}{4}$. All of an unnamed island located in fractional sections 27, 28, 33 and 34, except that part in $N\frac{1}{2}$ of said fractional sections 27 and 28.

Fractional section 34: Lots 5, 6, 9, 10, 11, 21, 22, 23, 24, 28 and 30 of the subdivision of fractional section 34 (according to plat recorded in the records of Carroll County in Surveyor's Record Book "F" at page 15). All that part of $E\frac{1}{2}SE\frac{1}{4}$ lying westerly of the centerline of Big Slough. All that part of lot 29 of the subdivision of fractional section 34 (according to plat recorded in the records of Carroll County in Surveyor's Record Book "F" at page 15) described as follows: Beginning on the south line of said lot 29 at a point which is south 89°53' west, 963.1 feet from the southeast corner thereof; thence south 89°53' west, 316.6 feet along said south line to a point on the centerline of an unnamed slough; thence north 21°41' east, 195.7 feet; north 89°55' east, 348.1 feet; south 29°43' west, 209.3 feet to the point of beginning. All that part of an unnamed island located in fractional section 34, opposite the mouth of Turkey Slough, lying northerly of the following described line: Beginning on the ordinary high water line on the westerly bank of said island at a point which is south 12°49' east, 3566.4 feet from the northwest corner of said fractional section 34; thence north 74°07' east, 207.7 feet to a point on the said ordinary high water line of the easterly bank of said island.

Section 35: All that part of $NW\frac{1}{4}NW\frac{1}{4}$ lying easterly of the centerline of Big Slough.

Township 24 North, Range 3 East

Fractional section 9: All that part exclusive of Savanna Island lying southerly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way. All that part of Savanna Island located in fractional sections 9, 16, 21 and 28 described as follows: All that part of said fractional section 9 lying southeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way, and all that part of $S\frac{1}{2}S\frac{1}{2}$ said fractional section 9, westerly of said right of way, subject to right of Northwestern Illinois Utilities Company to reconstruct and maintain a transmission power line; lots 1, 5, 8, 9, 14, 18, 21 and $S\frac{1}{2}$ lot 2 of the subdivision of said fractional section 16 (according to a plat recorded in the Surveyor's Records of Carroll County in Book "D" at page 528) and also that part of Lots 10, 22 and 23 of the aforesaid subdivision exclusive of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way; $S\frac{1}{2}N\frac{1}{2}$ and $S\frac{1}{2}$ said fractional section 21 and said fractional section 28.

Section 15: All that part of $W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$ lying southerly of the centerline of Plum River. All that part of $W\frac{1}{2}NW\frac{1}{4}$ lying southeasterly of the easterly and southerly right of way line for the Carroll County Drainage and Levee District No. 1. $S\frac{1}{2}$ except $NE\frac{1}{4}SE\frac{1}{4}$.

Fractional section 16: Lots 24 to 29, inclusive, of the subdivision of fractional section 16 (according to a plat recorded in the Surveyor's Records of Carroll County in Book "D" at page 528).

Fractional section 21: $NE\frac{1}{4}$ except Savanna Island. All that part of $SE\frac{1}{4}$ lying easterly of Savanna Island and westerly of the centerlines of a former slough and Stedman Lake and lying southerly of the following described line: Beginning on the centerline of Savanna Slough at a point which is north 24°28' west, 2040.3 feet from the southeast corner of fractional section 21; thence south 89°51' east, 138.4 feet; south 35°36' west, 264.3 feet to a point on said centerline of former slough.

Section 22.

Section 23: $SW\frac{1}{4}NW\frac{1}{4}$ and $SW\frac{1}{4}$.

Section 26: $W\frac{1}{2}$.

Fractional section 27: Except that part of Island No. 271 therein.

Fractional section 28: All that part of $N\frac{1}{2}NE\frac{1}{4}$ lying northeasterly of Savanna Island and northerly and westerly of the centerlines of Stedman Lake and an unnamed slough. An unnamed island located in fractional section 28 lying west of Savanna Island. An unnamed small island located in $SE\frac{1}{4}$ fractional section 28 lying northwesterly of Island No. 271. Island No. 271 located in fractional sections 27, 28 and 34.

Fractional section 34: All that part of $NE\frac{1}{4}$ lying southwesterly of the southwesterly right of way for the levee of the Carroll County Drainage and Levee District No. 1. South 790.8 feet of $NW\frac{1}{4}$ and north 454.9 feet of said $NW\frac{1}{4}$ except that part of Island No. 271 therein. $S\frac{1}{2}$ except the following described part: Beginning on the east line of fractional section 34 at a point which is north 00°05' east, 2,170.7 feet from the southeast corner thereof; thence north 89°32' west, 216.1 feet to a point on the centerline of an unnamed slough; thence in a southerly direction along said centerline, a total distance of 2,257.8 feet, to a point on the south line of said fractional section 34 which point is south 89°54' west, 641.6 feet from said southeast corner.

Section 35: All that part of $W\frac{1}{2}$ lying northerly and easterly of the right of way for the levee of the Carroll County Drainage and Levee District No. 1.

Township 25 North, Range 3 East

Section 20: $NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$.

Fractional section 28: All that part of $NW\frac{1}{4}NW\frac{1}{4}$ lying westerly of the following described line: Beginning on the north line of said fractional section 28 at a point which is south 89°12' east, 1,113.9 feet from the northwest corner thereof; thence southerly along said centerline, a total distance of 1,290.6 feet; thence south 59°49' west, 170.7 feet to a point on the south line of said $NW\frac{1}{4}NW\frac{1}{4}$ which point is south 89°03' east, 1,108.9 feet from the southwest corner thereof. Island No. 266, located in fractional sections 28 and 33.

Fractional section 29: $NE\frac{1}{4}NW\frac{1}{4}$ and $NE\frac{1}{4}$ except $NW\frac{1}{4}NE\frac{1}{4}$. Island No. 263, locally known as Santa Fe Island located in fractional section 29. Two unnamed islands located in fractional section 33 and lying southerly of Island No. 266.

IOWA, JACKSON COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 85 North, Range 5 East

Fractional section 1: Except that part of Island No. 255 therein. Island No. 255 located in fractional sections 1 and 12.

Fractional section 2: Except Government Lot 1.

Section 11: $N\frac{1}{2}SE\frac{1}{4}$.

Fractional section 12: All that part of $NE\frac{1}{4}$ lying northeasterly of the centerline of the former channel of the Maquoketa River. $N\frac{1}{2}SW\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}$. All that part of $S\frac{1}{2}SE\frac{1}{4}$ lying northwesterly of the following described line: Beginning on the south line of said $S\frac{1}{2}SE\frac{1}{4}$ at a point which is north 89°52' east, 1962.7 feet from the southwest corner thereof; thence north 37°35' east, 1084.1 feet to the east line of said $S\frac{1}{2}SE\frac{1}{4}$.

Fractional section 13: All that part of Government Lots 1 and 5 lying northerly of the following described line: Beginning on the north line of said fractional section 13 at a point which is north 89°52' east, 349.8 feet from the northwest corner of said government lot 1; thence south 38°33' east, 1311.2 feet; north 37°35' east, 1301.7 feet to the north line of said government lot 5.

Townships 85 and 86 North, Range 5 East

Island No. 250 located in fractional sections 3 and 4, township 85 north and in fractional sections 33 and 34, township 86 north except government lot 7 of said fractional section 3. An unnamed island located in fractional section 3, township 86 north and in fractional sections 33 and 34 and lying northeasterly of Island No. 250.

Township 86 North, Range 5 East

Two unnamed islands located in $SW\frac{1}{4}$ fractional section 20.

Township 85 North, Range 6 East

The following described lands in sections 7, 8, 16, 17 and 21 are subject to the right of the Green Island Levee and Drainage District to maintain existing levees and ditches thereon.

Fractional section 7: All that part of $W\frac{1}{2}$ lying northerly and easterly of the following described line: Beginning on the south line of fractional section 7 at a point which is south 89°52' west, 658.3 feet from the south quarter corner thereof; thence north 39°37' west, 254.2 feet; north 75°39' west, 389.1 feet; north 53°27' east, 541.1 feet; north 13°19' west, 719.7 feet; north 40°46' west, 706.4 feet; south 71°58' west, 293.9 feet; south 59°59' west, 415.7 feet; south 37°35' west, 882.9 feet to a point on the west line of said section 7; thence along said west line to the centerline of Maquoketa River; thence along said centerline in a northeasterly direction for a total distance of 1,367.1 feet to a point on the centerline of a former channel of said river; thence northwesterly along said former channel in a northwesterly direction to the said west line of section 7. All of Government Lot 1 except the south 660.0 feet thereof. North 803.3 feet of the west 808.3 feet of Government Lot 2.

Fractional section 8:

Fractional section 15: $S\frac{1}{2}$ Government Lot 4.

Fractional section 16: $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$.

Fractional section 17: All that part of $NE\frac{1}{4}$ and all that part of the east 500 feet of $SE\frac{1}{4}NW\frac{1}{4}$ lying northeasterly of Snag Slough. $N\frac{1}{2}NW\frac{1}{4}$.

Section 21: $E\frac{1}{2}$ except $SE\frac{1}{4}NE\frac{1}{4}$. All that part of $W\frac{1}{2}$ lying southeasterly of the right of way for the Green Island Levee and Drainage District No. 1.

Fractional section 22: $NW\frac{1}{4}NW\frac{1}{4}$ and $SW\frac{1}{4}SW\frac{1}{4}$. Island No. 260 located in fractional sections 24 and 25.

Fractional section 25: All that part lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way except islands therein. An unnamed island located in fractional section 25, lying northeasterly of Indian Island. All that part of Island No. 258 located in the $S\frac{1}{2}$ of fractional sections 25 and 26 except that part of Government Lot 2 said fractional section 25 therein. Indian island located in fractional sections 25 and 36.

Fractional section 26: All that part of Government Lots 4, 5, 6 and 7 lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way, subject to the right of the Chicago, Milwaukee, St. Paul and Pacific Railway Company to maintain ditch.

Section 27: All that part of the $NE\frac{1}{4}NE\frac{1}{4}$ lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way and southerly of the centerline of an unnamed slough, subject to right of the Chicago, Milwaukee, St. Paul and Pacific Railway Company to maintain ditch.

Section 28: All that part of the $E\frac{1}{2}$ lying northerly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Fractional section 36: All that part lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way, except that part of Indian Island therein.

IOWA, CLINTON COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 82 North, Range 7 East

Fractional section 5: Except the north 523.0 feet of $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ and the south 164.6 feet of $SW\frac{1}{4}SE\frac{1}{4}$.

Fractional section 8: Government Lot 1 except west 333.4 feet thereof, Government Lot 2 except south 131.1 feet thereof, $N\frac{1}{2}$ Government Lot 3, Government Lot 4, $W\frac{1}{2}NE\frac{1}{4}$ and $W\frac{1}{2}$ except $W\frac{1}{2}SW\frac{1}{4}$. Island No. 285 located in fractional section 8. An unnamed island located in fractional sections 8 and 17 lying northwesterly of Island No. 266.

Fractional section 17: Lots 2 and 4 of Government Lot 5 (according to a plat recorded in the records of Clinton County, in Deed Record No. 44 at page 390). Government Lot 1, $S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}$ and $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$. All that part of $NW\frac{1}{4}SW\frac{1}{4}$ lying easterly of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way, subject to drainage easement of Chicago, Milwaukee, St. Paul and Pacific Railroad Company for the purpose of permitting water to drain across. An unnamed small island located in fractional section 17 opposite Government Lot 5. An unnamed small island located in fractional section 17 and 20.

Township 83 North, Range 7 East

Fractional section 4: Except that part of islands therein. An unnamed island located in fractional section 4 lying easterly of Island No. 274.

Fractional section 5: All that part of $SE\frac{1}{4}$ lying easterly of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way except that part of Island No. 274 therein.

Fractional section 9: All that part lying easterly of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Fractional section 16: All that part lying easterly of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Fractional section 20: Government Lot 3. All that part of Government Lot 2, all that part of $N\frac{1}{2}NE\frac{1}{4}$ and all that part of $W\frac{1}{2}$ lying southeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way. Round Island located in fractional section 20, 21 and 29. Island No. 279 located in fractional sections 20 and 21 Island No. 280 located in fractional sections 20, 21, 28 and 29.

Fractional section 21: Government Lot 1 and All that part lying westerly of Government Lots 1 and 2. Island No. 278, an unnamed island northwesterly thereof and Bucks Bar Island located in fractional section 21. An unnamed island located in fractional sections 21, 28 and 29 lying easterly of Islands No. 279, 280 and 281. Island No. 281 located in fractional sections 28 and 29.

Fractional section 29: All that part lying southeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way except that part of Islands therein. Island No. 282 lying in fractional sections 29 and 32.

Fractional section 32: Except that part of Island No. 282 therein.

CLINTON AND JACKSON COUNTIES FIFTH PRINCIPAL MERIDIAN

Townships 83 and 84 North, Range 7 East

Island No. 273 located in fractional section 5, township 83 north and in fractional section 32, township 84 north. Island No. 274 located in fractional sections 4 and 5, township 83 north and in fractional sections 32 and 33, township 84 north.

JACKSON COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 84 North, Range 7 East

Fractional section 5: Government Lot 1. Island No. 265 and two unnamed islands lying northwesterly thereof located in fractional section 5. All that part of Keller's Island located in fractional sections 5, 8, 17, 18 and 20 described as follows: Government Lots 1, 9 and south 737.4 feet of Government Lot 8 in said fractional section 5; all that part of Government Lot 5 said fractional section 8 lying northwesterly of the northwesterly line of the Savanna-Sabula bridge Company's right of way and east of the following described line; Beginning on the north line of said Lot 5 due west, 293.1 feet from its intersection with said right of way line; thence due south, 1241.4 feet to said right of way line; all that part of Government Lots 5, 6, and 7 lying southeasterly of the Savanna-Sabula Bridge Company's right of way and all that part of Government Lot 8 exclusive of said right of way and the north 742.0 feet of Government Lot 4 exclusive of said right of way and all that part of Government Lot 6 lying northwesterly of the northwesterly line of the Savanna-Sabula Bridge Company's right of way in said fractional section 8; said fractional sections 17 and 20 exclusive of said right of way, subject to right of Northwestern Illinois Utilities Company to reconstruct and maintain a transmission power line; Government Lot 9 in said fractional section 18.

Fractional section 6: Government Lots 6 and 8 and that part of Government Lot 7 lying southeasterly of the following-described line: Beginning on the north line of said Government Lot 7 at a point which is south 89°41' west, 1170.1 feet from the northeast corner thereof; thence south 00°20' east 395.4 feet; south 89°40' west, 770.4 feet to a point on the centerline of Esmay Slough. All that part of $S\frac{1}{2}S\frac{1}{2}$ westerly of Government Lot 8 and easterly of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Fractional section 7: All that part of $N\frac{1}{2}$ lying easterly of the centerline of Esmay Slough except the north 500.0 feet of $NE\frac{1}{4}NE\frac{1}{4}$. All that part of $S\frac{1}{2}$ lying easterly of the following described line: Beginning at a point on the south line of section 7 at a point which is north 89°41' west, 3206.3 feet from the southeast corner thereof; thence north 01°38' west, 1367.3 feet to a point on the south line of $N\frac{1}{2}S\frac{1}{2}$; thence north 06°09' west, 1331.2 feet to a point on the north line of said $S\frac{1}{2}$.

Fractional section 8: All of Government Lot 2 exclusive of the Savanna-Sabula Bridge Company's right of way except the north 657.1 feet of the south 880.9 feet thereof. All that part of Government Lot 3 lying southeasterly of the Savannah-Sabula Bridge Company's right of way. An unnamed island located in fractional sections 8 and 17 lying easterly of Kellers Island.

Fractional section 17: Government Lot 1 and that part lying southwesterly of Government Lot 5. Island No. 267 and an unnamed island lying northeasterly thereof located in fractional section 17, subject to right of Northwestern Illinois Utilities Company to reconstruct and maintain a transmission power line. An unnamed island located in fractional sections 17 and 20 lying easterly of Kellers Island, subject to right of Northwestern Illinois Utilities Company to reconstruct and maintain a transmission power line.

Fractional section 18: All that part easterly and northerly of the following described line except Government Lot 9: Beginning at the north quarter corner of section 19; thence north 00°22' east, 1045.9 feet; thence south 89°52' west, 661.3 feet; thence north 02°30' east, 886.9 feet; thence north 02°00' east, 1797.2 feet; thence north 00°55' east, 471.5 feet; thence north 00°27' east, 628.4 feet; thence north 01°38' west, 454.4 feet to a point on the north line of section 18 which is north 89°41' west, 3206.3 feet from the northeast corner thereof.

Section 19: All that part of $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$ lying northeasterly of the right of way for a public road.

Fractional section 20: All that part lying northerly of Esmay Slough and westerly of Kellers Island. An unnamed island located in $NW\frac{1}{4}$ fractional section 20. Island No. 269 located in fractional sections 29 and 32.

Township 85 North, Range 7 East

Two unnamed islands located in fractional section 31 lying northwesterly of Kellers Island.

LOCK AND DAM NO. 14

ILLINOIS, ROCK ISLAND COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 19 North, Range 1 East

An unnamed island located in N½ fractional section 1. An unnamed island located in N½ and S½ fractional section 1. An unnamed island located in S½ fractional section 1.

Township 20 North, Range 1 East

The northernmost of two small unnamed islands located in fractional section 36. The southernmost of two small unnamed islands located in fractional section 36.

Township 20 North, Ranges 1 and 2 East

An unnamed island located in fractional sections 25 and 36, township 20 north, range 1 east, and in fractional section 30, township 20 north, range 2 east.

Township 20 North, Range 2 East

An unnamed island located in fractional sections 30 and 31.

Township 21 North, Range 2 East

An unnamed island located in W½ fractional section 33. An unnamed island located in N½ and SW¼ fractional section 33. An unnamed island located in fractional sections 33 and 34 lying westerly of Island No. 294. All that part of Island No. 294 also known as Meredosia Island, located in fractional sections 26, 27, 33, 34 and 35 lying in said fractional section 33 and in W½W½ said fractional section 34.

WHITESIDE COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 21 North, Range 2 East

Fractional section 26: All that part northwesterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way, and southwesterly of the southwesterly line of Lower Albany, Village of Albany, except islands therein. Island No. 294 also known as Meredosia Island located in fractional sections 26, 27, 34 and 35. An unnamed island located in SW¼ fractional section 26 lying northeasterly of Island No. 294. An unnamed island located in W½ and NE¼ fractional section 26. The northernmost of two unnamed islands located in N½ fractional section 26. The southernmost of two unnamed islands located in N½ fractional section 26.

Fractional section 35: All that part northwesterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way except that part of Island No. 294 therein.

Township 21 North, Range 3 East

Section 4: All that part described as follows: Beginning at a point north 61°17' west, 1638.4 feet from the southeast corner SW¼SE¼; thence south 10°16' west, 228.1 feet along the westerly line, Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way; south 77°41' west, 147.7 feet; north 51°35' east, 69.5 feet; north 15°57' west, 532.0 feet; south 42°48' east, 407.3 feet along the southwesterly line of the Chicago, Burlington and Quincy Railroad Company's right of way to the point of beginning.

Fractional section 5: All that part described as follows: Beginning on the southerly line of the Clinton and Illinois Bridge Company's right of way at a point south 45°22' west, 446.2 feet from the east quarter corner; thence south 07°16' west, 110.3 feet; south 89°20' west, 1028.0 feet; north 20°43' west 197.2 feet to a point on said southerly right of way line; thence easterly 1127.0 feet along said southerly right of way line to the point of beginning.

Township 22 North, Range 3 East

Fractional section 16: All that part described as follows: Beginning at the southeast corner of school lot 2 (according to a plat recorded in the records of Whiteside County in Plat Book 1 at page 18); thence south 89°41' west, 328.9 feet; north 00°08' west, 1373.7 feet; south 89°01' east, 330.1 feet; south 00°05' east, 1366.2 feet to the point of beginning. School Lot 5 (according to a plat recorded in the records of Whiteside County in Plat Book 1 at page 18).

Fractional section 21: Lot 3 (according to a plat recorded in the records of Whiteside County in Plat Book 4 at page 44). All that part of Lots 4 and 5 (according to a plat recorded in the records of Whiteside County in Plat Book 4 at page 44) northerly of the Chicago, Burlington and Quincy Railroad Company's right of way. All that part of Lots 6 and 7 (according to a plat recorded in the records of Whiteside County Plat Book 4 at page 44) westerly of the following-described line: Beginning at a point north 02°16' west, 345.1 feet from the southeast corner of said lot 6; thence south 02°16' east, 146.0 feet; south 60°48' west, 83.8 feet; south 69°52' west, 316.8 feet; south 57°58' west, 189.4 feet; south 33°14' west, 233.2 feet; south 54°22' west, 130.1 feet; south 38°48' west, 138.2 feet; south 38°46' west, 156.7 feet; south 21°24' west, 134.2 feet; south 24°40' west, 176.6 feet; south 43°42' west, 152.5 feet; south 16°54' west, 243.7 feet; south 61°57' east, 22.6 feet to the northwesterly line of the Chicago, Burlington and Quincy Railroad Company's right of way; thence southerly along said right of way line to the south line of said Lot 7.

IOWA, SCOTT COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 80 North, Range 5 East

Fractional section 24: All that part northerly and easterly of the northerly and easterly toe of Carroll District (Private) levee except islands therein. An unnamed island in SE¼ fractional section 24. Island No. 299.- also known as Island No. 3 located in fractional sections 24, 25 and 36.

Fractional section 25: All that part easterly of the easterly toe of Carroll District (Private) levee and westerly and northerly of centerline of Grant Slough except islands therein. All that part of Island No. 300 in fractional section 25 and N½ fractional section 36.

Fractional section 36: All that part easterly of the easterly toe of Carroll District (Private) levee and westerly of the centerline of Grant Slough. An unnamed small island located in N½ fractional section 36 lying westerly of Island No. 300.

CLINTON COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 80 North, Range 6 East

An unnamed island located in NE¼NE¼ fractional section 5. An unnamed island located in NE¼ fractional section 5. An unnamed small island located in NE¼SW¼ fractional section 5. An unnamed island located in SW¼ fractional section 5. An unnamed island located in fractional section 7 lying northeasterly of Adams Island also known as Island No. 6. An unnamed island in fractional section 18 lying easterly of Adams Island.

Townships 80 and 81 North, Range 6 East

Swan Island also known as Island No. 295 located in fractional sections 4 and 5, township 80 north, and in fractional sections 32 and 33, township 81 north. An unnamed island located in fractional sections 4 and 5, township 80 north, and in fractional section 33 township 81 north southerly of Swan Island. Willow Island located in fractional section 4, township 80 north and in fractional section 33, township 81 north, southeasterly of Swan Island.

Township 81 North, Range 6 East

An unnamed island located in fractional section 25 lying southerly of Beaver Island. Island No. 292 located in fractional section 26 lying southerly of Beaver Island. An unnamed small island located in SE¼ fractional section 33 northerly of Swan Island.

Township 81 North, Ranges 6 and 7 East

All that part of Beaver Island, located in fractional sections 13, 23, 24, 25 and 26, township 81 north, range 6 east and fractional sections 18 and 19, township 81 north, range 7 east, described as follows: All that part of said fractional section 23 except N½ of south 380.8 feet of Government Lot 4, except north 205.3 feet of south 778.5 feet of said Government Lot 4, except S½N½SE¼SE¼ and except S½SE¼SE¼; all that part of fractional section 24 described as follows: Beginning at the southwest corner NE¼NE¼; thence north 39°22' east 722.5 feet; south 67°03' east, 1,066.5 feet to a point on east line; south 00°15' east, 164.0 feet along said east line; south 88°13' west, 1,441.8 feet; north 00°01' east, 66.2 feet to the point of beginning. SW¼, N½NE¼SE¼, NW¼SE¼ and lot 5 of the subdivision of Government Lots 3 and 4 of said fractional section 24 (according to recorded records of Clinton County in Book 10 at page 191); Lots 1, 2, 3, 4, and 6 of Doolittle's subdivision of Government Lot 1. Lots 2 and 9 of Doolittle's subdivision of Government Lot 2, and Lot 5 of Doolittle's subdivision of Government Lot 3 of said fractional section 26 (according to a plat recorded in the records of Clinton County in Book 4 at page 33); NE¼NW¼ and SW¼ said fractional section 19; all that part of SW¼SW¼ said fractional section 18 described as follows: Beginning at the southeast corner of said SW¼SW¼; thence south 89°39' west, 658.4 feet along the south line thereof; north 00°04' east, 331.5 feet; south 89°37' west, 339.0 feet; north 00°01' east, 813.5 feet; north 79°25' east, 1,012.5 feet to the northeast corner of said SW¼SW¼; thence south 00°04' east, 1,324.7 feet along the east line thereof to the point of beginning; all that part of said fractional section 13 and W½W½ said fractional section 18 lying northerly of the following described line except the part also described herein: Beginning at the southwest corner of Government Lot 6 said fractional section 13 thence north 00°35' east, 152.4 feet along the west line thereof; thence north 74°17' east 836.6 feet; north 88°46' east, 505.7 feet to a point on the west line of Government Lot 5 said fractional section 13; thence south 00°21' east, 349.4 feet along said west line to the southwest corner thereof; thence north 88°57' east, 660.4 feet along south line of said Lot 5; north 00°03' east, 323.8 feet; north 88°46' east, 343.5 feet; north 34°00' west, 864.7 feet; north 66°26' east, 1,667.6 feet; north 81°15' east, 718.0 feet to a point on the east line of said W½W½ fractional section 18, excepting from the above described part of said fractional section 13 the following described part: Beginning at a point which is north 11°50' east, 1,755.5 feet from the said southwest corner of Government Lot 5; thence north 00°47' east, 666.4 feet to a point on the ordinary high water line of Beaver Slough; thence 349.5 feet northeasterly along said ordinary high water line to a point; south 00°47' east, 780.0 feet; south 89°15' west, 320.0 feet to the point of beginning.

LOCK AND DAM NO. 24

ILLINOIS, CALHOUN COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 8 South, Ranges 4 and 5 West

Middleton Island, also known as Island No. 462, located in fractional sections 6 and 7, township 8 south, range 4 west and fractional sections 1 and 12, township 8 south range 5 west.

Township 8 South, Range 5 West

An unnamed island located in fractional sections 1 and 2 lying northwesterly of Middleton Island.

PIKE COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 7 South, Range 5 West

Fractional section 18: All that part lying southerly of the Alton Railroad Company's right of way and southwesterly of the right of way for the levee of the Sny Island Levee Drainage District.

Fractional section 19: Except islands therein. An unnamed island located in fractional sections 19, 20, and 29. An unnamed island located in NW¼ fractional section 19. The northernmost of two unnamed islands located in SE¼ fractional section 35. The southernmost of two unnamed islands in SE¼ fractional section 35.

Township 6 South, Range 6 West

An unnamed island located in SW¼ fractional section 7 lying northeasterly of Denmark Island. An unnamed island located in fractional sections 7 and 18 lying northeasterly of Denmark and Atlas Islands.

Fractional section 15: All that part lying southwesterly of the right of way for the levee of the Sny Island Levee Drainage District except parts of islands therein. Bay Island located in fractional sections 15 and 16. Cottonwood Island, also known as Island No. 452 and as Island No. 39, located in fractional sections 16 and 17. An unnamed small island located in NE¼ fractional section 18.

Fractional section 22: All that part of NE¼ lying southwesterly of the right of way for the levee of the Sny Island Levee Drainage District excepting the islands therein. Willow Bar Island located in N½ fractional section 22 lying southeasterly of Willow Island.

Township 6 South, Range 7 West

An unnamed island located in SW¼ fractional section 1. The northernmost of two unnamed islands located in N½ fractional section 12. The southernmost of two unnamed islands located in N½ fractional section 12.

MISSOURI, PIKE COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 53 North, Range 1 East

Fractional section 6: SE¼SW¼ and S½SE¼.

Fractional section 7: All that part of E½ and all that part of E½W½ lying northeasterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 8: All that part northerly of the Chicago, Burlington and Quincy Railroad Company's right of way except that part easterly of the following described line: Beginning on the northerly line of said right of way which point is north 17°29' west, 1775.5 feet from the southeast corner of said fractional section 8; thence north 13°12' east, 14.8 feet to the ordinary high water line on the right bank of the Mississippi River.

Townships 53 and 54 North, Range 1 East

An unnamed small island located in fractional section 6, township 53 north, and in fractional section 31, township 54 north, lying northeasterly of Pharrs Island.

Townships 53 and 54 North, Ranges 1 East and 1 West

Pharrs Island, also known as Mackey Island and as Island No. 24, located in fractional section 6, township 53 north, range 1 east, fractional section 31, township 54 north, range 1 east, fractional section 1, township 53 north, range 1 west, fractional section 36, township 54 north, range 1 west.

Township 54 North, Ranges 1 East and 1 West

Island No. 461 located in fractional section 31, township 54 north, range 1 east, and fractional section 36, township 54 north, range 1 west.

Township 54 North, Range 1 West

Two unnamed small islands located in SE¼ fractional section 36, lying between Pharrs Island and Island No. 461. An unnamed small island located in SE¼ fractional section 36, lying northwesterly of Island No. 461.

Township 55 North, Range 2 West

Three small unnamed islands located in N½ fractional section 17 lying upstream and adjacent to Blackbird Island.

Township 55 North, Ranges 2 West and 3 West

An unnamed island in Gilberts Chute located in fractional section 6, township 55 north, range 2 west and fractional section 1, township 55 north, range 3 west, lying southerly of Slim Island.

LOCK AND DAM NO. 25

ILLINOIS, CALHOUN COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 12 South, Range 2 West

Section 6: W½. SW¼NE¼. All that portion of the SE¼ lying west of a line described as follows: Beginning at a point in the south line of said SE¼, distant therein south 88 degrees 51½ minutes east, 324 feet from a stone marking southwest corner SE¼SE¼; running thence north 7 degrees 12½ minutes east, 2,648.2 feet to a point in the north line of said SE¼, distant therein north 87 degrees 44½ minutes west, 669.6 feet from a stone marking the east quarter corner of said section.

Section 7: All that portion lying west of a line described as follows: Beginning at a point in the south line of said section, distant therein south 89 degrees 43½ minutes west, 809.3 feet from a walnut tree marking the southeast corner of said section; running thence, from said point of beginning north 0 degrees 13 minutes west, 1589.1 feet; thence north 0 degrees 58 minutes west, 526.4 feet; thence north 1 degree 42 minutes west, 373.8 feet; thence north 36 degrees 49 minutes west, 156.9 feet; thence north 11 degrees 17½ minutes west, 385.9 feet; thence north 5 degrees 36½ minutes west, 603.9 feet; thence north 5 degrees 27½ minutes east, 273.2 feet; thence north 0 degrees 30½ minutes west, 678.0 feet; thence north 7 degrees 57½ minutes east, 721.5 feet to a point in the north line of said section, distant therein south 88 degrees 51½ minutes east, 324 feet from a stone marking the northwest corner NE¼NE¼.

Section 18: All of an unnamed island, in the Mississippi River, opposite the N½ of said section. All that portion of the fractional N½ lying west of a line described as follows: Beginning at a point in the south line of said N½, distant therein south 89 degrees 29½ minutes west, 193.9 feet from a stone marking the east quarter corner of said section; running thence north 23 degrees 06 minutes west, 485.3 feet; thence north 48 degrees 20 minutes west, 425.7 feet; thence north 9 degrees 47½ minutes west, 347.1 feet; thence north 3 degrees 17 minutes west, 246.2 feet; thence north 0 degrees 12½ minutes east, 983.4 feet; thence north 8 degrees 23½ minutes west, 353.5 feet to a point in the north line of said section, distant therein south 89 degrees 43½ minutes west, 809.3 feet from a walnut tree marking the northeast corner of said section.

Townships 11 and 12 South, Range 3 West

All of Turner Island, otherwise known as Island No. 55, along with three towheads, or small islands lying between said Turner Island and the Illinois mainland, in the Mississippi River, located in fractional section 36, township 11 south, and fractional section 1, township 12 south, aforesaid range 3 west.

Township 12 South, Range 3 West

Section 1: All of fractional section.
Section 12: All of fractional section.
Section 13: All of fractional section.

LOCK AND DAM NO. 26

ILLINOIS, JERSEY AND MADISON COUNTIES, THIRD PRINCIPAL MERIDIAN

Township 6 North, Ranges 10 and 11 West

All of Piasa Island in the Mississippi River, also known as Island No. 60, located in fractional section 31, township 6 north, range 10 west, Madison County, Illinois, and in fractional section 25, township 6 north, range 11 west, Jersey County, Illinois.

MADISON COUNTY, THIRD PRINCIPAL MERIDIAN

Township 6 North, Range 10 West

Section 31: All of Sunflower Island in the Mississippi River. All of Island No. 61 in the Mississippi River located in fractional sections 31 and 32.

JERSEY COUNTY, THIRD PRINCIPAL MERIDIAN

Township 6 North, Range 11 West

Section 26: All of Eagles Nest Island in the Mississippi River.

Township 6 North, Range 13 West

Section 4: NW¼NW¼, and SW¼SW¼.
Section 5: All of fractional section.
Section 8: All of fractional section.
Section 9: W½.

Section 13: All that portion lying south of the right of way of Illinois State Highway No. 109, and west of a line described as follows: Beginning at a stake in the south right of way line of Illinois State Highway No. 109, distant south 0 degrees 55 minutes east, 2,209.5 feet from a stone set at the northwest corner of lands conveyed by Helen A. Smith to the State of Illinois, by deed recorded in Book 150, Page 440 of the Deed Records of Jersey County, Illinois; thence, from said point of beginning, south 0 degrees 55 minutes east, 461.1 feet, more or less, to the ordinary high water mark of the Illinois River.

Section 14: All that portion lying south of a line described as follows: Beginning at a point in the west line of said section 14, distant therein south 0 degrees 58 minutes east, 2,377.3 feet from a fence post marking the northwest corner of said section; thence, from said point of beginning, south 85 degrees, 40½ minutes east, 536.8 feet; thence south 77 degrees 33½ minutes east, 475.0 feet; thence north 85 degrees 48½ minutes east, 883.6 feet; thence north 26 degrees 30 minutes east, 483.1 feet; thence north 23 degrees 09½ minutes east, 436.8 feet; thence north 49 degrees, 49½ minutes east, 462.0 feet; thence north 70 degrees 02 minutes east, 916.9 feet; thence south 71 degrees 02½ minutes east, 822.1 feet; thence north 45 degrees 24 minutes east, 471.5 feet; thence north 2 degrees 41½ minutes east, 201.4 feet to the south right of way line of Illinois State Highway No. 109; thence, with said south right of way line in an easterly direction to the east line of said section 14.

Section 15: All that portion lying south of a line described as follows: Beginning at a point in the west line of said section, distant therein south 0 degrees 47 minutes east, 1,225.0 feet from a stone set at the northwest corner of said section; thence, from said point of beginning, south 55 degrees 10½ minutes east, 264.2 feet; thence south 40 degrees 10 minutes east, 691.6 feet; thence south 77 degrees 49 minutes east, 345.8 feet; thence south 52 degrees 47 minutes east, 384.2 feet; thence south 69 degrees 06 minutes east, 661.1 feet; thence south 81 degrees 30 minutes east, 485.5 feet; thence south 64 degrees 23 minutes east, 255.2 feet; thence east along the north line of the SE¼ of said section to the north quarter corner of said SE¼; thence, along the north line of the SE¼ of

said section, north 89 degrees 00 minutes east, 839.2 feet; thence north 78 degrees 50 minutes east, 326.2 feet; thence north 29 degrees 34½ minutes east, 291.2 feet to the east line of said section, distant therein south 0 degrees 53 minutes east, 2,377.3 feet from a fence post marking the northeast corner of said fractional section.

Township 7 North, Range 13 West

Sections 5 and 6: A parcel of land described as follows: Beginning at a stone marking the southwest corner of section 5, thence, from said point of beginning, south 89 degrees 00 minutes east, 1323.2 feet to a stake marking the south quarter corner of section 5, thence north 0 degrees 08½ minutes east, 511.0 feet; thence north 68 degrees 46½ minutes west, 1,677.6 feet; thence south 82 degrees 31½ minutes west, 2014.8 feet; thence south 29 degrees 51 minutes west, 399.8 feet; thence north 86 degrees 30 minutes west, 326.3 feet; thence north 39 degrees 23 minutes west, 80.4 feet; thence south 45 degrees 40½ minutes west, 72.9 feet; thence south 18 degrees 2 minutes west 226.1 feet; thence south 0 degrees 16 minutes east, 309.8 feet to a point in the south line of section 6; thence north 89 degrees 50 minutes east, 1608.8 feet to the point of beginning.

Section 7: All of fractional section lying east of Otter Creek.

Section 8: W½.

Section 17: N½NW¼; SW¼NW¼; and NW¼SW¼ except 16 acres taken off the east side of the said NW¼SW¼.

Section 18: All of fractional N½ on the mainland. All of fractional NE¼SE¼ on the mainland.

Section 32: All that portion lying south of right of way of the Mississippi River Power Company.

Section 33: All that portion of the W½ of the W½ of said section lying south of the right of way of the Mississippi River Power Company.

CALHOUN COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 12 South, Range 1 West

Section 30: Fractional S½.

Section 31: Fractional E½. E½ of NW¼. All of the SW¼ lying north and east of a line described as follows: Beginning at a point in the south line of said section 31, distant therein south 89 degrees 50 minutes east, 2,657.7 feet from a stone marking the southwest corner of said section; thence, from said point of beginning, north 33 degrees 11 minutes west, 1698.7 feet; thence north 17 degrees 36 minutes west, 800.5 feet; thence south 68 degrees 27 minutes west, 215.0 feet; thence north 21 degrees 15 minutes east, 270.4 feet; thence north 40 degrees 46 minutes west, 427.0 feet to a point in the north line of the SW¼ of said fractional section, distant therein south 89 degrees 20 minutes west, 1,528.6 feet from the center of said fractional section.

Section 32: All of fractional section on the mainland. All of Six Mile Island in the Illinois River, located in fractional sections 30, 31 and 32, township and range aforesaid.

Township 13 South, Range 1 West

Section 1: All of fractional section on the mainland. All of Island No. 525 in the Mississippi River, also known as Island No. 59, located in said fractional section.

Section 2: All that portion lying south and east of a line described as follows: Beginning at a point in the south line of said section, distant therein north 88 degrees 53 minutes east, 210.0 feet from a stone set at the southwest corner of said fractional section; thence, from said point of beginning, north 36 degrees 20 minutes east, 1,171.4 feet; thence north 44 degrees 24½ minutes west, 545.9 feet; thence north 19 degrees 29 minutes east, 205.8 feet; thence north 43 degrees 13½ minutes east, 434.0 feet; thence south 31 degrees 00 minutes east, 365.6 feet; thence north 65 degrees 20 minutes east, 1,770.8 feet; thence north 0 degrees 25 minutes west, 456.7 feet; thence north 89 degrees 08 minutes east, 1,338.0 feet; thence due north 315.0 feet; thence north 50 degrees 57 minutes east, 1,722.6 feet to a point in the east line of said fractional section, distant therein due north 1,380.0 feet from a stone marking the east quarter corner of said fractional section.

Section 4: All of fractional section.

Section 5: All of fractional section.

Section 6: All that portion lying east of a line described as follows: Beginning at a stone marking the southeast corner of said section, and running thence north 21 degrees 12½ minutes west, 880.3 feet; thence north 9 degrees 43½ minutes west, 1,077.8 feet; thence south 89 degrees 32 minutes west, 490.0 feet; thence north 56 degrees 32 minutes east, 647.3 feet; thence north 69 degrees 51½ minutes west, 1,292.4 feet; thence north 28 degrees 20 minutes west, 570.3 feet; thence north 22 degrees 31 minutes east, 578.8 feet; thence north 6 degrees 21½ minutes west, 1,498.9 feet to a point in the north line of said section, distant therein south 89 degrees 50 minutes east, 3,357.6 feet from a stone marking the northwest corner of said section.

Section 8: All that portion lying north and east of a line described as follows: Beginning at a stone marking the northwest corner of said section, and running thence south 30 degrees 30½ minutes east, 696.3 feet; thence south 44 degrees 14½ minutes east, 988.3 feet; thence south 49 degrees 01 minute east, 1,131.3 feet; thence south 40 degrees 09 minutes east, 728.3 feet; thence north 88 degrees 57 minutes east, 270.0 feet; thence south 0 degrees 04 minutes east, 189.0 feet; thence south 66 degrees 46½ minutes east, 734.5 feet; thence south 82 degrees 28½ minutes east, 697.8 feet; thence north 81 degrees 01 minute east, 512.3 feet; thence south 57 degrees 48½ minutes east, 902.9 feet to a point in the east line of said section, distant therein north 0 degrees 01 minute east, 1,638.5 feet from a stone marking the southwest corner of said section.

Section 9: All of fractional section, except a parcel described as follows: Beginning at a stone marking the southwest corner of said fractional section, and running thence, along the west line of said fractional section, north 0 degrees 01 minute east, 880.0 feet; thence south 56 degrees 52½ minutes east, 1,573.2 feet to a point in the south line of said fractional section; thence, along said south line south 89 degrees 07 minutes west, 1,317.8 feet to the point of beginning.

Section 10: All that portion lying west of a line described as follows: Beginning at a point in the south line of said section, distant therein north 89 degrees 07 minutes east, 586.5 feet from a stone set at the southwest corner of said section; thence, from said point of beginning, north 12 degrees 16 minutes west, 427.5 feet; thence north 33 degrees 24½ minutes east, 1,689.1 feet; thence north 29 degrees 56½ minutes east, 1,442.5 feet; thence north 37 degrees 34 minutes east, 492.0 feet; thence south 34 degrees 27 minutes east, 340.2 feet; thence due north 690.0 feet; thence north 25 degrees 22 minutes east, 1,489.5 feet, more or less, to the ordinary high water mark of the Illinois River.

Section 11: All of fractional section, except W½NW¼. All of Squaw Island in the Mississippi River, located in fractional sections 11, 12 and 14.

Section 12: All of fractional section. All of a small unnamed island in the Mississippi River, located in the fractional NW¼ of said section.

Section 14: All of fractional section.

Section 15: All that portion lying east of a line described as follows: Beginning at a point in the north line of said section, distant therein north 89 degrees 58½ minutes west, 200.0 feet from a stone marking the northeast corner of said section; thence, from said point of beginning, south 26 degrees 48½ minutes west, 1,473.1 feet; thence south 18 degrees 52 minutes west 1,138.4 feet; thence south 23 degrees 11 minutes west, 1,069.5 feet; thence south 6 degrees 12 minutes west, 370.2 feet; thence due east 44.0 feet; thence south 7 degrees 37 minutes west, 561.6 feet; thence south 15 degrees 32½ minutes west, 338.0 feet; thence south 29 degrees 36 minutes west 400.0 feet; thence south 28 degrees 12 minutes west, 380.0 feet to a point in the south line of said section, distant therein south 89 degrees 26½ minutes west, 881.0 feet from a stone marking the southeast corner of SW¼SE¼ of said section.

Township 11 South, Range 2 West

Section 25: S½.

Section 26: All that portion of the SE¼ lying east of a line described as follows: Beginning at a point in the south line of said SE¼, distant therein south 89 degrees 26 minutes east, 2,102.6 feet from a stone set at the south quarter corner of said section 26; thence, from said point of beginning north 1 degree 49½ minutes east, 1,097.6 feet; thence north 65 degrees 32 minutes east, 487.8 feet to a point in the east line of said section 26; thence, with said east line, north 0 degrees 01 minutes west, 760.0 feet; thence, leaving said west line, north 56 degrees 03 minutes west, 232.8 feet; thence north 25 degrees 25½ minutes west, 706.1 feet to the north line of said SE¼, distant therein south 89 degrees 44 minutes west, 496.0 feet from a stake marking the east quarter corner of said section.

Section 35: All that portion lying north and east of a line described as follows: Beginning at a point in the north line of said section, distant therein south 89 degrees 26 minutes east, 2,102.6 feet from a stone marking the north quarter corner of said section; thence, from said point of beginning, south 6 degrees 02½ minutes west, 968.4 feet; thence south 13 degrees 22 minutes east, 1,049.2 feet; thence south 25 degrees 25 minutes east, 917.6 feet to a point in the east line of said section distant therein north 0 degrees 15½ minutes west, 2,473.5 feet from a stone marking the southeast corner of said section.

Section 36: All that portion lying north and east of a line described as follows: Beginning at a point in the south line of said section, distant therein south 89 degrees 24½ minutes east, 1,410.2 feet from a stone marking the southwest corner of said section; thence, from said point of beginning, north 27 degrees 03 minutes west, 1,265.9 feet; thence north 35 degrees 06 minutes west, 1,069.5 feet; thence north 25 degrees 25 minutes west, 537.6 feet to a point in the west line of said section, distant therein north 0 degrees 15½ minutes west, 2,473.5 feet from a stone marking the southwest corner of said fractional section. All of Helmbold Island in the Illinois River located in fractional sections 25 and 36, township and range aforesaid.

Township 12 South, Range 2 West

Section 1: A parcel of land described as follows: Beginning at a point in the north line of said section, distant therein south 89 degrees, 24½ minutes east, 1,542.2 feet from a stone set at the northwest corner of said section; thence, from said point of beginning, and with the north line of said section, south 89 degrees, 24½ minutes east, 881.5 feet, more or less, to the ordinary high water mark of the Illinois River, thence downstream with said ordinary high water mark the following courses and distances: South 23 degrees 17 minutes west, 373.0 feet; south 17 degrees 36 minutes west, 334.8 feet; and south 11 degrees 15 minutes west, 326.3 feet; thence leaving said ordinary high water mark, north 89 degrees 24½ minutes west, 336.4 feet, more or less; thence north 7 degrees 47 minutes west, 477.7 feet, thence

north 17 degrees 59 minutes west, 541.6 feet to the place of beginning.

MISSOURI, ST. CHARLES COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 48 North, Range 6 East

Section 6: All of Slim Island in the Mississippi River, located in section 1, township 48 north, range 5 east of the fifth principal meridian, and in section 6, township 48 north, range 6 east of the fifth principal meridian.

Section 8: All of two islands in the Mississippi River, collectively known as Lawler Islands, located in sections 5, 8 and 9, township and range aforesaid.

Section 9: All of Portage Island in the Mississippi River, located in section 9, township and range aforesaid.

The above described lands are shown upon War Department maps entitled "Mississippi River", "Lock and Dam No. 25", Sheet 1 dated January 31, 1939; "Lock and Dam No. 26", Sheets 1, 2, 4 and 5 dated February 18, 26, 19 and 27, 1937, respectively, and "Lock and Dam No. 24", Sheets 1 to 5, inclusive, dated July 6, 1937, File Nos. 24-G-6.2, 7.2, 8.3, 9.2 and 10.3, filed in the United States Engineer Office, St. Louis; "Lock and Dam No. 9", Sheets 1 to 7, File Nos. MISS L/D 9/28-1, 2, 3, 4, 5, 6 and 7, filed in the United States Engineer Office, St. Paul, Minnesota; "Lock and Dam No. 11", Sheets 1, 2, 3, 4 and 6 dated April 13, 1937, File Nos. 11-G-46.3, 47.4, 48.6, 49.3 and 51.4, respectively; "Lock and Dam No. 12", Sheets 1 to 5, inclusive, dated May 10, 1937, File Nos. 12-G-16.4, 17.5, 18.5, 19.5 and 20.5; "Lock and Dam No. 13", Sheets 1 to 6, inclusive, dated June 2, 1937, file Nos. 13-G-18.5, 19.3, 20.7, 21.5, 22.4 and 23.4; and "Lock and Dam No. 14", Sheets 2 to 6, inclusive, dated June 11, 1937, File Nos. 14-G-11.4, 12.4, 13.5, 14.4 and 15.6, filed in United States Engineer Office at Rock Island, Illinois.

The above-described lands have been acquired by the United States in connection with the improvement of navigation in Mississippi River Pools Nos. 9, 11, 12, 13, 14, 24, 25, and 26, and their reservation and use as wildlife refuge and management areas shall be subject to the primary use thereof by the War Department for navigation, flood-control, and all other related purposes, including, but not limited to, temporary or permanent change in water-surface elevation, dredging, spoil areas, construction of training works, bank protection, and navigation aids. Nothing herein recited shall restrict the right of the public to use for purposes of navigation any navigable waters within the area covered by this order.

Details in connection with the use and administration of these lands may be agreed upon between the War Department and the Department of the Interior.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 2, 1947.

[F. R. Doc. 47-6441; Filed, July 10, 1947; 8:46 a. m.]

[Public Land Order 380]

ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND WISCONSIN

RESERVING LANDS FOR USE OF DEPARTMENT OF INTERIOR AS WILDLIFE REFUGE AND MANAGEMENT AREAS

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, and in furtherance of the purposes of and in accordance with the act of March 10, 1934, 48 Stat. 401 (U. S. C. Title 16, secs. 661-666) as amended by the act of August 14, 1946 (60 Stat. 1080), it is ordered as follows:

Subject to valid existing rights, the following described lands in Illinois, Iowa, Minnesota, Missouri, and Wisconsin are hereby reserved and set apart for the use of the Department of the Interior as wildlife refuge and management areas;

LOCK AND DAM NO. 9

IOWA, ALLAMAKEE COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 97 North, Range 2 West

Section 6: That portion of Government Lot 1 lying south of the southeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said Government Lot 1.

Section 7: That portion of Government Lot 3 lying east of the southeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said Government Lot 3.

Township 98 North, Range 2 West

Section 7: That portion of Government Lot 1 lying north of the northeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said Government Lot 1.

Section 17: That portion of Government Lots 2, 3, and 4 lying east of the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section.

Section 20: That portion of Government Lot 4 lying east of the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section.

Section 28: All of Government Lot 1.

Section 29: That portion of Government Lots 1, 2, and 3 lying east of the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section.

Section 32: That portion of Government Lots 3, 4, and 5 lying east and south of the southeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section. All of Government Lot 6 excepting therefrom the south 7.48 acres. All of the SW¼SE¼ excepting therefrom the south 7.52 acres. That portion of the E½SW¼ lying east of the southeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section.

Township 99 North, Range 3 West

Section 7: All of Government Lots 12, 13, and 14, excepting therefrom that portion of Government Lot 14 lying west of the northeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section.

Section 18: That portion of Government Lots 7, 8, 9, and 10 lying east of the northeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section.

Section 19: That portion of Government Lot 2 lying east of the northeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said Government Lot 2. That portion of the SE¼NE¼ lying northeasterly of the northeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said SE¼NE¼.

Section 20: That portion of Government Lots 7 and 8 lying north and east of the northeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section.

Section 33: That portion of Government Lots 2 and 3 lying east and north of the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section.

Township 99 North, Range 4 West

Section 1: That portion of Government Lots 5, 6, 7, and 8 lying east of the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section. All of Government Lot 9.

Section 12: That portion of Government Lots 2 and 3, SW¼NE¼ and the NE¼SE¼ lying east of the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out.

Township 100 North, Range 3 West

Section 7: All of Government Lot 10.

Section 18: All of Government Lot 3. That portion of Government Lot 4 lying north of a line 775.5 feet north of and parallel to the south line of said Government Lot 4, and that portion of said Lot 4 described as follows: beginning at the southwest corner of said Lot 4, thence north along the west line of said Lot 4, 775.5 feet, thence east 842.49 feet, thence south 775.5 feet to the south line of said Lot 4, thence west along the south line of said Lot 4, 842.49 feet to the point of beginning.

Section 19: All of Government Lot 12.

Section 30: All of Government Lot 3.

Township 100 North, Range 4 West

Section 12: E½NW¼. NE¼SW¼. NW¼SE¼.

Section 13: W½W½.

Section 14: That portion of the SE¼NE¼ lying east of a line described as follows: Beginning at a point on the south line of said SE¼NE¼, 721.0 feet west of the southeast corner thereof, thence north 35 degrees 07 minutes west, 225.0 feet, thence north 42 degrees 22 minutes east, 1261.1 feet, more or less, to a point on the east line of said SE¼NE¼, 200.0 feet south of the northeast corner thereof. That portion of Government Lot 5 lying east of a line described as follows: Beginning at a point on the east line of said Lot 5, 1620.0 feet north of the southeast corner thereof, thence north 35 degrees 07 minutes west, 1255.2 feet, more or less, to a point on the north line of said Lot 5, 721.0 feet west of the northeast corner thereof.

Section 23: All of Government Lot 5.

Section 24: All of Government Lots 3, 4, 6, 7, 8, 9, 10, and 11.

Section 25: All of Government Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13. That portion of Government Lot 14 lying east of the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said Lot 14.

Section 36: All of Government Lots 8 and 12. That portion of Government Lots 9, 10, and 11 lying east of the easterly right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section.

MINNESOTA, HOUSTON COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 101 North, Range 3 West

Section 31: All of Government Lot 1.

Section 32: All of Government Lot 3.

Township 101 North, Range 4 West

Section 13: S½SW¼.

Section 14: That portion of the SE¼ lying east of the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said SE¼.

Section 23: NE¼NE¼. All of Government Lots 1, 2, 3, and 4. That portion of Government Lots 5, 6, 7, and 8 lying east of the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section.

Section 24: N½NW¼.

Section 26: That portion of Government Lot 5 lying east of a line described as follows: beginning at a point on the south line of said Lot 5, 860.0 feet east of the southwest corner thereof, thence north 2 degrees 32 minutes east, 352.1 feet, thence north 26 degrees 03 minutes east, 250.4 feet, thence north 3 degrees 26 minutes west, 250.4 feet, thence north 6 degrees 29 minutes west, 492.7 feet, more or less, to a point on the north line of said Lot 5, 910.0 feet, east of the northwest corner thereof. That portion of Government Lots 6, 7, and 8 lying east of the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad as now laid out across said section.

Section 35: All of Government Lot 1. That portion of the NW¼NE¼ lying east of the easterly line of the recorded plat of the Village of Jefferson, Minnesota. All of the SE¼NE¼. All of the E½E½SE¼.

Section 36: All of Government Lots 8, 9, 10, and 11. All of the SW¼.

WISCONSIN, CRAWFORD COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 9 North, Range 6 West

Section 27: That portion of Government Lots 1 and 2 lying west of the northwesterly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said Lots 1 and 2.

Township 10 North, Range 6 West

Section 7: That portion of Government Lots 3 and 4 lying south of the southerly right of way line of the Chicago, Burlington, and Quincy Railroad as now laid out across said Lots 3 and 4.

Township 11 North, Range 7 West

Section 26: That portion of Government Lot 2 lying west of the southwesterly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said Lot 2.

Section 35: That portion of Government Lot 1 lying west of the southwesterly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said Lot 1.

WISCONSIN, VERNON COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 11 North, Range 7 West

Section 4: All of Government Lots 2, 3, and 4. That portion of Government Lot 5 and the SW¼NE¼ lying west of the westerly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said section.

Section 9: All of Government Lots 1, 2, 3, 4, 5 and 6.

Section 16: All of Government Lot 1.

Township 12 North, Range 7 West

Section 21: That portion of Government Lots 1 and 2 lying west of the westerly right of way line of the Chicago, Burlington and Quincy Railroad as now laid out across said section.

LOCK AND DAM NO. 11

WISCONSIN, GRANT COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 1 North, Range 2 West

Fractional section 17: All that part of NE¼SW¼, all that part of E½SE¼SW¼ and all that part of SE¼ lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 20: All that part of NW¼NE¼ lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Township 2 North, Range 3 West

Section 4: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 5: All that part of SE¼SE¼ lying southerly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Township 2 North, Range 5 West

Fractional section 1.

Township 3 North, Range 5 West

Fractional section 26: All that part lying southerly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 27: All that part of SE¼ lying southerly of government lots 3 and 4. Island No. 194 located in fractional sections 27, 28, 29, 33 and 34.

Fractional section 34: All that part of Government lot 4 lying in NW¼NE¼. Government lots 5, 6, and 7.

Fractional section 35: All that part of NW¼NE¼ and all that part of N½NW¼ lying southerly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Township 3 North, Range 6 West

Fractional section 2: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 3: All that part of Government Lot 1 except that part occupied by the Chicago, Burlington and Quincy Railroad Company for drainage ditch right of way, lying westerly and southwesterly of the following described line: Beginning on the north line of said Government Lot 1 at a point which is south 89 degrees 59 minutes west, 105.4 feet from the south quarter corner of fractional section 34; thence south 16 degrees 21 minutes east, 438.7 feet to a point on the southeasterly line of said drainage ditch right of way; thence south 62 degrees 12 minutes east, 820.6 feet; thence due east, 573.6 feet to a point on the east line of said Government Lot 1; thence south 00 degrees 11 minutes east, 516.0 feet along said east line to the southeast corner of said Government Lot 1. All that part of Government Lots 2 and 3 and all that part of E½NE¼ lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way excepting that part occupied by said railroad company for drainage ditch right of way in said Government Lot 3. Government Lot 4.

Fractional section 10: All that part lying northeasterly of the following described centerline of a former slough: Beginning in the center of said slough at a point on the east line of said fractional section 10 which is south 00 degrees 24 minutes east, 1650.0 feet, more or less, from the northeast corner of said section; thence in a northwesterly direction, along the meanders of said centerline, a total distance of 2288.5 feet, more or less to a point on the ordinary high water line on the left bank of Cassville Slough, a part of the Mississippi River; thence up-stream along said ordinary high water line a total distance of 620.2 feet more or less to a point on the north line of said fractional section 10, which point is south 89 degrees 59 minutes west, 1343.5 feet from said northeast corner.

Fractional section 11: All that part of Government Lot 1, all that part of E½NW¼ and all that part of E½ lying southwesterly of Chicago, Burlington and Quincy Railroad Company's right of way. Government Lots 2 and 3.

Fractional section 14.

Township 4 North, Range 6 West

Fractional section 34: All that part of Government Lot 2 except the drainage ditch right of way occupied by the Chicago, Burlington and Quincy Railroad Company lying westerly and northerly of the following described line: Beginning on the south line of said Government Lot 2 at a point which is south 89 degrees 59 minutes west, 105.4 feet from the southeast corner thereof; thence north 16 degrees 21 minutes west, 950.5 feet to a point on the northwesterly line of said drainage ditch right of way; thence north 00 degrees 56 minutes west, 841.0 feet; north 02 degrees 41 minutes west, 755.8 feet; north 87 degrees 44 minutes east, 314.3 feet to a point on the east line of said Government Lot 2; thence north 02 degrees 27 minutes west, 138.8 feet, along said east line to a point on the westerly line of the Chicago, Burlington and Quincy Railroad Company's right of way; thence north 18 degrees 15 minutes west, 40.0 feet along said westerly right of way line to a point on the north line of said Government Lot 2 which point is north 89 degrees 59 minutes west, 10.9 feet from the northeast corner thereof.

IOWA, DUBUQUE COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 90 North, Range 2 East

Fractional section 3: All that part of Government Lot 1 lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Fractional section 10: All that part of Government Lots 1, 2, and 3, all that part of W½SE¼ and all that part of SE¼SE¼ lying easterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way. An unnamed island located in fractional sections 10 and 11.

Fractional section 11: Government Lot 1.

Fractional section 14: Government Lots 1 and 2.

Section 15: All that part lying easterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

CLAYTON COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 91 North, Range 1 West

Fractional section 7: Except the following described part: Beginning on the west line of said fractional section 7 at a point which is north 00 degrees 09 minutes west, 746.0 feet from the southwest corner thereof; thence north along said west line, north 00 degrees 09 minutes west, 2458.2 feet; north 74 degrees 36 minutes east, 144.4 feet; north 50 degrees 58 minutes east, 323.8 feet; north 41 degrees 59 minutes east, 385.5 feet; north 45 degrees 17 minutes east, 271.7 feet; north 29 degrees 03 minutes east, 272.9 feet; south 65 degrees 56 minutes east, 388.3 feet; south 59 degrees 38 minutes east, 713.7 feet; south 54 degrees 05 minutes east, 993.6 feet; south 33 degrees 31 minutes west, 693.1 feet to a point on the east and west quarter line; thence along said quarter line north 86 degrees 14 minutes west, 556.1 feet; south 42 degrees 56 minutes east, 496.7 feet; south 37 degrees 47 minutes east, 385.4 feet; south 48 degrees 40 minutes west, 1290.8 feet; south 41 degrees 36 minutes east, 332.8 feet; south 89 degrees 51 minutes west, 1633.0 feet to the point of beginning.

Fractional section 8:

Fractional section 16: Except Island No 195.

Fractional section 17: All that part lying northeasterly of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Section 18: All that part lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way except the following described part of Government Lot 4: Beginning on the northeasterly line of said right of way at its intersection with the north line of said Government Lot 4 which point is north 86 degrees 23 minutes west, 1715.8 feet from the northeast corner thereof; thence along said north line south 86 degrees 23 minutes east, 725.1 feet; south 63 degrees 40 minutes east, 392.1 feet; south 29 degrees 53 minutes east, 929.3 feet to a point on the said northeasterly right of way line; thence northwesterly along said right of way line to the point of beginning.

Section 20: All that part lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Fractional section 21: All that part except Island No. 195, lying northerly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Fractional section 23: All that part lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way, except islands therein.

Fractional section 24: Except islands therein.

Fractional section 25: All that part lying northerly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way, except that part of an island therein.

Section 26: All that part lying northerly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Township 91 North, Range 2 West

Fractional section 11: All that part lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way and northerly of the following described line, except islands therein. Beginning at a point on the northeasterly line of said railroad company's right of way, which point is north 38 degrees 20 minutes east, 3901.2 feet from the south quarter corner of said fractional section 11; thence north 45 degrees 59 minutes east, 340.0 feet to a point on the east line of said fractional section 11, said point being north 38 degrees 57 minutes east, 4238.4 feet from said quarter corner. A small unnamed island located in fractional section 11.

Fractional section 12: All that part lying northerly of the following described line: Beginning on the east line of said fractional section 12 on the centerline of Turkey River at a point which is north 00 degrees 09 minutes west, 3518.9 feet from the southeast corner thereof; thence upstream along said centerline, south 44 degrees 09 minutes west, 278.5 feet; thence north 00 degrees 29 minutes west, 540.1 feet; south 68 degrees 26 minutes west, 886.7 feet; north 79 degrees 28 minutes west, 576.4 feet; south 62 degrees 14 minutes west, 2802.9 feet; north 04 degrees 37 minutes east, 225.2 feet; north 66 degrees 43 minutes east, 148.1 feet; north 07 degrees 11 minutes east, 283.2 feet; north 06 degrees 32 minutes west, 397.7 feet; north 72 degrees 55 minutes west, 222.9 feet; north 03 degrees 53 minutes west, 137.3 feet; north 76 degrees 53 minutes west, 917.4 feet; south 45 degrees 59 minutes west, 366.7 feet to a point on the west line of said fractional section 12, said point being north 38 degrees 57 minutes east, 4238.4 feet from the south quarter corner of fractional section 11.

LOCK AND DAM NO. 12

ILLINOIS, JO DAVIESS COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 27 North, Range 1 East

Fractional section 33: All that part of E½SE¼NW¼ lying westerly of Chicago, Burlington and Quincy Railroad Company's right of way. All that part of S½ lying easterly of the centerline of Crooked Slough and southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Township 28 North, Range 1 West

Fractional section 18: All that part lying southwesterly of Chicago, Burlington and Quincy Railroad Company's right of way except that part in W½SW¼NW¼ and in Island No. 233. All that part of Island No. 233 lying in the south 870.0 feet of SE¼SE¼ fractional section 18 and in E½ fractional section 19.

Fractional section 19: All that part northeasterly of the centerline of Menominee Slough. Island No. 1, also known as Island No. 235, located in fractional sections 20, 28 and 29. Island No. 236 located in fractional section 28, 33 and 34.

IOWA, DUBUQUE COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 88 North, Range 3 East

All that part of Nine Mile or Green's Island located in fractional sections 23 and 24 lying southwesterly of that unnamed slough which intersects the north line of said fractional section 24 at a point which is 325.5 feet easterly of the northwest corner thereof.

LOCK AND DAM NO. 13

ILLINOIS, WHITESIDE COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 22 North, Range 3 East

Section 1: All that part described as follows: Beginning at the northwest corner of said section 1; thence north 89 degrees 45 minutes east, 400.0 feet along the north line thereof; thence south 13 degrees 02 minutes west, 1262.5 feet to a point on the south line of NW¼NW¼ of said section 1; thence north 89 degrees 46 minutes west, 101.7 feet along said south line to the southwest corner of said NW¼NW¼; thence north 00 degrees 38 minutes west, 1228.8 feet along the west line of said section 1 to the point of beginning.

Section 2: All that part described as follows: Beginning at the south quarter corner of section 2; thence north 01 degrees 13 minutes west, 300.0 feet; south 86 degrees 31 minutes east, 274.5 feet; north 43 degrees 13 minutes east, 2050.0 feet; north 23 degrees 50 minutes east, 2470.0 feet to a point on the east line of said section 2; thence south 00 degrees 38 minutes east, 1555.4 feet along said east line to the east quarter corner; thence south 00 degrees 36 minutes east, 902.3 feet along said east line to the northwesterly line of the Chicago, Burlington and Quincy Railroad Company's right of way; thence south 19 degrees 54 minutes west, 439.4 feet along said right of way to a point on the south line of NE¼SE¼; thence north 88 degrees 14 minutes west, 844.6 feet along said south line; thence south 00 degrees 19 minutes west, 1295.5 feet to a point on the south line of said section 2; thence north 86 degrees 36 minutes west, 340.0 feet to the southeast corner of SW¼SE¼; thence north 86 degrees 29 minutes west, 1358.3 feet to the point of beginning.

Section 11: All that part of E½ northwesterly of following described lines: Beginning on the north line of section 11 at a point which is south 86 degrees 29 minutes east, 781.8 feet from the north quarter corner thereof; thence south 20 degrees 15 minutes west, 659.2 feet; south 16 degrees 23 minutes west, 709.3 feet; south 11 degrees 21 minutes west, 1,045.7 feet; south 21 degrees 08 minutes west, 287.2 feet; north 86 degrees 39 minutes west, 23.2 feet to the center of said section 11. E½NW¼ and NE¼SW¼.

ILLINOIS, CARROLL COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 23 North, Range 3 East

Section 23: All of W½SE¼ except those parts of lots 6, 7 and 8 of the subdivision of SE¼ section 23 (according to a plat recorded in Surveyor's Record of Carroll County in Book "C" at page 521) lying westerly of the centerline of Crooked Slough. All that part of E½SE¼ lying westerly of the right of way for a public road.

Section 24: All that part of W½SW¼SW¼ lying southwesterly of the right of way of a public road.

Section 25: All that part of S½, S½N½ and N½NW¼ lying westerly of the Chicago, Burlington and Quincy Railroad Company's right of way, westerly and southerly of Norman D. French's First Addition to the Village of Thomson and southerly of the following described line: Beginning on the north line of section 25 at a point which is north 87 degrees 41 minutes east, 207.7 feet from the northwest corner thereof, thence south 19 degrees 06 minutes east, 32.4 feet along the westerly line of the right of way for a public road; thence north 87 degrees 41 minutes east, 402.4 feet along the southerly right of way line for said public road; thence south 05 degrees 17 minutes east, 739.7 feet; north 87 degrees 42 minutes east, 330.0 feet; north 05 degrees 23 minutes west, 396.6 feet; north 87 degrees 26 minutes east, 346.1 feet to a point on the west line of NE¼NW¼; thence north 00 degrees 11 minutes west, 41.2 feet along said west line; thence north 87 degrees 45 minutes east, 717.0 feet to a point on said west line of Norman D. French's First Addition to the Village of Thomson.

Section 26: All that part of N½NE¼ lying easterly of the centerline of Crooked Slough. S½NE¼, SE¼SW¼ and SE¼.

Fractional section 34: All that part of SE¼ and all that part of SE¼NE¼ lying easterly of the centerline of Big Slough.

Section 35: Except NW¼NW¼.

Section 36: All that part lying westerly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Township 24 North, Range 3 East

Section 10: All that part of SW¼ lying southerly and southwesterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's rights of way except that part of Savanna Island therein. All that part of Savanna Island located in sections 10 and 15.

Section 14: All that part lying southwesterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Section 15: All that part of W½NW¼ lying westerly and northerly of the easterly and southerly line of the right of way for the levee of the Carroll County Drainage and Levee District No. 1 except that part of Savanna Island therein. All that part of NE¼ all that part of E½E½NW¼ and all that part of NE¼SE¼ lying southwesterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way. All that part of W½NE¼NW¼ lying northerly of the centerline of Plum River.

Section 23: All that part of N½ lying southwesterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way except SW¼NW¼. All that part of SE¼ lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Section 25: All that part lying westerly of the Chicago, Burlington and Quincy Railroad Company's right of way and northerly and westerly of the right of way for a public road located on the south line of section 25.

Section 26: All that part of E½ lying westerly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Section 35: All that part of E½ lying northerly of the right of way of the levee for the Carroll County Drainage and Levee District No. 1 and northwesterly and northerly of the right of way for a public road.

Section 36: All that part of W½NW¼ lying westerly and northerly of the right of way for a public road.

Township 25 North, Range 3 East

Section 17: All that part lying southwesterly of Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 18: All that part of SE¼ lying southwesterly of Chicago, Burlington and Quincy Railroad Company's right of way except W½SW¼SE¼.

Fractional section 19: E½NE¼ and E½W½NE¼.

Section 20: All that part of NE¼, all that part of E½NW¼, all that part of NW¼NW¼, and all that part of NE¼SE¼ lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way. All that part of S½SE¼ lying northeasterly of the northeasterly bank of a former slough described as follows: Beginning on the east line of section 20 at a point which is north 00 degrees 40 minutes west, 456.9 feet from the southeast corner thereof; thence along said northeasterly bank, a total distance of 1784.1 feet to a point on the north line of SW¼SE¼ which point is south 88 degrees 56 minutes west, 196.7 feet from the northeast corner thereof.

Section 21: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Fractional section 28: All that part lying southwesterly of the Chicago, Burlington and Quincy Railroad Company's right of way and northeasterly of the following described line: Beginning on the north line of fractional Section 28 at a point which is south 89 degrees 12 minutes east, 1113.9 feet from the northwest corner thereof; thence southerly along the centerline of a former slough, 1505.4 feet; thence along the centerline of Savanna Bay, 1481.4 feet; thence along the westerly bank of a small unnamed creek, 1017.5 feet; thence along said centerline of Savanna Bay, 2779.0 feet to a point on the ordinary high water line on the left bank of an unnamed slough, a part of the Mississippi River.

IOWA, JACKSON COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 85 North, Range 5 East

Fractional section 2: Government Lot 1.

Fractional section 3: Government Lots 1, 2, 3 and NE¼SE¼. All that part of S½S½ and all that part of Government Lot 4 lying northeasterly of the following described line: Beginning on the southeast corner of SW¼SW¼; thence north 43 degrees 01 minutes west, 1929.9 feet to the west line of section 3.

Fractional section 4: All that part of Government Lots 1 and 2, all that part of SW¼NE¼ and all that part of N½SE¼ lying easterly of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way and northerly of the following described line: Beginning at a point on the east line of fractional section 4 at a point which is north 00 degrees 12 minutes east, 1426.5 feet from the southeast corner thereof; thence north 55 degrees 14 minutes west, 736.0 feet; north 29 degrees 11 minutes east, 467.2 feet; north 67 degrees 10 minutes west, 595.2 feet; north 37 degrees 53 minutes west, 1311.5 feet; south 43 degrees 50 minutes west, 335.1 feet; south 75 degrees 05 minutes west, 389.9 feet; south 08 degrees 23 minutes east, 749.6 feet; south 45 degrees 16 minutes west, 195.9 feet to a point on said railroad right of way.

Section 10: All that part of NW¼NW¼ lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Section 11: All that part of SE¼SE¼ lying northeasterly of the following described line: Beginning at the northwest corner of said SE¼SE¼; thence south 58 degrees 28 minutes east, 1543.7 feet to a point on the east line thereof.

Section 12: S½SW¼.

Township 86 North, Range 5 East

Fractional section 33: All that part of Government Lots 1, 2, 3 and 4 lying northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way. All that part of S½S½SE¼ lying southeasterly of the centerline of Pleasant Creek and southwesterly of the centerline of an unnamed slough.

Township 85 North, Range 6 East

Fractional section 7: All that part described as follows: Beginning on the south line of fractional section 7 at a point which is south 89 degrees 52 minutes west, 1384.1 feet from the south quarter corner thereof; thence south 89 degrees 52 minutes west, 908.5 feet along said south line; thence north 04 degrees 50 minutes west, 340.0 feet; south 67 degrees 29 minutes east, 687.4 feet; south 76 degrees 19 minutes east, 189.3 feet; north 25 degrees 44 minutes east, 266.8 feet; south 00 degrees 31 minutes east, 269.0 feet to the point of beginning.

Fractional section 16: S½SW¼.

Fractional section 17: All that part of SW¼NE¼ lying southwesterly of the centerline of Snag Slough. SE¼NW¼ except that part of the east 500.0 feet thereof lying northeasterly of the centerline of Snag Slough. All that part of SW¼NW¼ and all that part of S½ lying easterly of the following described line: Beginning on the north line of said SW¼NW¼ at a point which is south 89 degrees 28 minutes east, 235.2 feet from the northwest corner thereof; thence south 13 degrees 23 minutes east, 372.1 feet; south 86 degrees 31 minutes east, 542.1 feet; south 00 degrees 52 minutes west, 3652.7 feet to the south line of said fractional section 17.

Section 18: All that part described as follows: Beginning at the northeast corner of said section 18; thence south 00 degrees 52 minutes west, 3147.9 feet along the east line thereof; south 88 degrees 48 minutes west, 966.0 feet; south 00 degrees 35 minutes west, 865.8 feet to a point on the north line of S½SE¼; south 89 degrees 27 minutes east, 307.1 feet along said north line to a point on the east line of W½SE¼SE¼; south 01 degree 01 minute west, 1343.6 feet along said east line W½SE¼SE¼ to a point on south line of said section 18; north 89 degrees 04 minutes west, 1250.0 feet along said south line; north 00 degrees 34 minutes east, 1335.3 feet to a point on aforesaid north line of S½SE¼; south 89 degrees 27 minutes east, 99.7 feet along said north line; north 10 degrees 55 minutes west, 450.2 feet; south 61 degrees 14 minutes west, 558.5 feet, north 03 degrees 35 minutes west, 1298.2 feet, north 83 degrees 05 minutes east, 1120.4 feet; north 78 degrees 17 minutes east, 652.2 feet; north 16 degrees 54 minutes west, 218.5 feet; south 82 degrees 52 minutes west, 1333.9 feet; north 51 degrees 01 minutes west, 573.9 feet; north 03 degrees 16 minutes east, 492.4 feet; north 89 degrees 20 minutes west, 461.0 feet; north 00 degrees 35 minutes east, 179.8 feet; south 89 degrees 21 minutes east, 1032.8 feet; north 60 degrees 14 minutes east, 683.8 feet; north 36 degrees 47 minutes west, 269.2 feet; south 88 degrees 29 minutes west, 2771.9 feet; north 01 degrees 56 minutes west, 655.1 feet; north 89 degrees 41 minutes west, 547.5 feet; north 04 degrees 50 minutes west, 48.9 feet to a point on the north line of said section 18; thence north 89 degrees 52 minutes east, 4929.9 feet to the point of beginning.

Section 19: All that part described as follows: Beginning at the southeast corner of SW¼NE¼; thence north 89 degrees 00 minutes west, 588.5 feet along the south line thereof; north 00 degrees 34 minutes east, 2662.6 feet to a point on the north line of section 19; south 89 degrees 04 minutes east, 1498.5 feet along said north line; south 02 degrees 52 minutes west, 920.7 feet; south 80 degrees 30 minutes east, 419.1 feet; south 00 degrees 07 minutes west, 349.3 feet to a point on the north line of SE¼NE¼; north 89 degrees 00 minutes west, 150.6 feet along said north line of SE¼NE¼; south 00 degrees 25 minutes west, 815.1 feet; north 89 degrees 22 minutes west, 810.3 feet to a point on the east line of W½W½SE¼NE¼; south 00 degrees 38 minutes west, 512.7 feet along said east line to the southeast corner thereof; thence north 89 degrees 00 minutes west, 330.7 feet along the south line of said SE¼NE¼ to the point of beginning.

Section 20: All that part of E½ lying northerly and westerly of the following described line: Beginning at the southwest corner of SE¼SE¼; thence north 00 degrees 15 minutes east, 199.4 feet along the west line thereof; north 42 degrees 54 minutes east, 1163.4 feet; south 88 degrees 51 minutes east, 541.3 feet to a point on the east line of said SE¼SE¼, E½W½.

Section 21: All that part of W½ lying northwesterly of the southeasterly line of the right of way for the Green Island Levee and Drainage District No. 1.

Section 28: All that part W½NW¼ and all that part of SE¼NW¼ lying northerly of the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company's right of way and southeasterly of the right of way for the levee of the Green Island Levee and Drainage District No. 1.

Section 29: All that part of NE¼ lying northerly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way and westerly of the following described line: Beginning on the north line of said NE¼ at a point which is south 89 degrees 43 minutes east, 377.4 feet from the northwest corner thereof; thence south 02 degrees 58 minutes west, 1355.8 feet to a point on said railroad right of way. All that part lying northerly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way and southeasterly of the right of way for the levee of the Green Island Levee and Drainage District No. 1. All that part of the east 755.7 feet of the NE¼NW¼ lying northerly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

IOWA, CLINTON COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 82 North, Range 7 East

Section 6: All that part lying easterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Section 7: All that part lying easterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Fractional Section 8: W½SW¼.

Fractional section 17: All that part of W½W½NW¼ lying northeasterly of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Section 18: All that part lying easterly of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Township 83 North, Range 7 East

Section 30: All that part lying southeasterly of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

Section 31: All that part lying southeasterly of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way.

IOWA, JACKSON COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 84 North, Range 7 East

Section 6: All that part of NW¼NW¼ and all that part of Government Lots 1, 2, and 3 lying easterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way. All that part of Government Lot 7 lying northerly and westerly of the following described line: Beginning on the centerline of an unnamed slough at a point which is south 89 degrees 41 minutes west, 1170.1 feet from the northeast corner of said Government Lot 7; thence south 00 degrees 20 minutes east, 395.4 feet; south 89 degrees 40 minutes west, 770.4 feet to a point on the centerline of Esmay Slough.

Fractional section 18: All that part described as follows: Beginning at the north quarter corner of section 19; thence north 89 degrees 12 minutes west, 511.5 feet along south line of section 18 to a point on the northerly right of way for a public road; thence north 77 degrees 48 minutes west, 191.5 feet along said right of way line; thence north 02 degrees 30 minutes east, 997.8 feet; thence north 89 degrees 52 minutes east, 661.3 feet; thence south 00 degrees 22 minutes west, 1045.9 feet to the point of beginning.

Fractional section 19: All that part described as follows: Beginning at the north quarter corner; thence south 00 degrees 56 minutes west, 103.0 feet; thence north 77 degrees 48 minutes west, 521.0 feet; thence south 89 degrees 12 minutes east, 511.5 feet to the point of beginning.

Township 85 North, Range 7 East

Fractional section 31: All that part lying westerly of government lot 2 and northeasterly of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right of way except two unnamed islands therein.

LOCK AND DAM NO. 14

IOWA, SCOTT COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 79 North, Range 5 East

Fractional section 1: All that part lying southwesterly of the centerline of Grant Slough.

Fractional section 2: All that part easterly and northerly of the following described line: Beginning at a point on the north line, south 89 degrees 28 minutes west, 806.2 feet from the northeast corner; thence south 07 degrees 51 minutes east, 442.0 feet; thence south 85 degrees 02 minutes west, 159.0 feet; south 04 degrees 47 minutes east, 1006.9 feet; south 89 degrees 59 minutes east, 588.0 feet to a point on the ordinary high water line of the right bank of Mississippi River.

Township 80 North, Range 5 East

Section 14: All that part between the Davenport, Rock Island and Northwestern Railway Company's right of way and the Clinton, Davenport and Muscatine Railway Company's right of way.

Section 23: All that part northerly of the northerly toe of the levee for the Carroll District (private) and easterly of the Davenport, Rock Island and Northwestern Railway Company's right of way. All that part between the westerly line of the Davenport, Rock Island and Northwestern Railway Company's right of way and the easterly line of the Clinton, Davenport and Muscatine Railway Company's right of way, northerly of the following described line: Beginning at a point south 11 degrees 38 minutes west, 975.4 feet from a point which is the intersection of the north line of said section 23 and the said westerly right of way line; thence south 33 degrees 58 minutes west, 163.7 feet; south 23 degrees 08 minutes west, 211.3 feet; south 43 degrees 09 minutes west, 202.3 feet; south 63 degrees 05 minutes west, 176.9 feet; south 86 degrees 03 minutes west, 476.9 feet; north 54 degrees 27 minutes west, 349.2 feet; south 78 degrees 09 minutes west, 156.2 feet; south 48 degrees 01 minutes west, 206.3 feet; south 66 degrees 15 minutes west, 157.1 feet; thence north 82 degrees 51 minutes west, 281.3 feet to a point on said easterly right of way line. All that part in S½ described as follows: Beginning at a point on the south line of said section 23, south 89 degrees 55 minutes west, 1606.9 feet from the southeast corner thereof; thence south 89 degrees 55 minutes west, 1518.0 feet along said south line; north 02 degrees 18 minutes east, 526.7 feet; north 11 degrees 23 minutes east, 669.9 feet; thence north 88 degrees 23 minutes east, 1362.4 feet; thence south 00 degrees 08 minutes east, 1219.2 feet to the point of beginning. All that part of SE¼ described as follows: Beginning at southeast corner section 23; thence south 89 degrees 55 minutes west, 101.8 feet; thence north 00 degrees 04 minutes west, 398.5 feet to a point; thence east 101.8 feet to the east line of section 23; thence south 398.5 feet to the point of beginning.

Fractional section 24: All that part of southwesterly of the northwesterly toe of the levee for Carroll District (private) and northeasterly of the following described line: Beginning at the southwest corner of said section 24; thence north 00 degrees 04 minutes west, 398.5 feet along the west line thereof; north 89 degrees 57 minutes east, 1136.3 feet; north 00 degrees 06 minutes east, 897.9 feet; north 89 degrees 27 minutes east, 329.6 feet; north 09 degrees 33 minutes west, 613.5 feet; north 40 degrees 04 minutes west, 1337.5 feet; north 86 degrees 16 minutes west, 510.0 feet; to the westerly line of section 24.

Fractional section 25: All that part W½ westerly of the easterly toe of the levee for the Carroll District (private).

Section 26: All that part N½ easterly of the Davenport, Rock Island and Northwestern Railway Company's right of way, The north 1067.1 feet of SE¼. The south 1579.3 feet of the east 1994.3 feet SE¼.

Section 35: All that part E½ westerly of centerline of Grant Slough and easterly of the following-described line: Beginning at the northeast corner of said section 35; thence along the north line thereof south 89 degrees 57 minutes west, 1762.1 feet; south 00 degrees 05 minutes east, 507.3 feet; south 88 degrees 17 minutes east, 877.5 feet; south 00 degrees 34 minutes west, 1256.1 feet; south 87 degrees 47 minutes west, 445.6 feet; south 00 degrees 19 minutes west, 152.6 feet; south 04 degrees 15 minutes east, 2310.9 feet; south 70 degrees 53 minutes west, 553.6 feet to a point on the easterly line of the Davenport, Rock Island and Northwestern Railway Company's right of way; thence south 19 degrees 06 minutes east, 242.1 feet along said right of way line, thence south 44 degrees 46 minutes east, 811.1 feet to a point on the south line of said section 35.

Fractional section 36: All that part of NW¼ northwesterly of the southeasterly toe of levee for Carroll District (private). All that part of SW¼ southwesterly of the centerline of Grant Slough.

CLINTON COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 80 North, Range 5 East

Section 11: South 100.0 feet more or less of SE¼ between the Clinton, Davenport and Muscatine Railway Company's right of way and the Davenport, Rock Island and Northwestern Railway Company's right of way.

Section 12: All that part southeasterly of the centerline of Schricker Slough.

Fractional section 14: All that part between the Clinton, Davenport and Muscatine Railway Company's right of way and the Davenport, Rock Island and Northwestern Railway Company's right of way.

Township 80 North, Range 6 East

Fractional section 5: Except islands therein.

Fractional section 6: All that part southeasterly of the following described line (except that part which is also described herein): Beginning at a point on the west line north 00 degrees 02 minutes west, 333.5 feet from the southwest corner; thence north 89 degrees 49 minutes east, 292.5 feet; north 38 degrees 20 minutes east, 1701.0 feet; north 11 degrees 27 minutes east, 1310.3 feet to a point on the southeasterly line of the Davenport, Rock Island and Northwestern Railway Company's right of way; thence north 45 degrees 26 minutes east, 3347.6 feet along said right of way to a point on the north line of said section 6; (exception) Beginning at the southwest corner of government lot 7 of said section 6; thence north 00 degrees 30 minutes east, 1794.4 feet to a point in the centerline of Schricker Slough; thence northeasterly along said centerline 681.4 feet; thence south 00 degrees 31 minutes west, 738.4 feet; north 89 degrees 41 minutes west, 79.1 feet; south 00 degrees 14 minutes west, 882.7 feet; south 37 degrees 27 minutes west, 624.2 feet; thence south 89 degrees 50 minutes west, 146.6 feet to the point of beginning.

Fractional section 7: Except islands therein.

Township 81 North, Range 6 East

Fractional section 31: All that part southeasterly of the Davenport, Rock Island and Northwestern Railway Company's right of way.

Fractional section 32: All that part southeasterly of the Davenport, Rock Island and Northwestern Railway Company's right of way.

Fractional section 33: All that part southerly and westerly of the following described line except parts of islands therein: Beginning on the intersection of the west line of said section and the southerly line of the Davenport, Rock Island, Northwestern Railway Company's right of way; thence along said right of way 1707.2 feet; thence south 00 degrees 17 minutes west, 162.0 feet, more or less, to the ordinary high water line. All that part of Beaver Island located in fractional sections 13 and 24 described as follows: All that part of said fractional section 13 described as follows: Beginning at a point north 11 degrees 50 minutes east, 1755.5 feet from the southwest corner of government lot 5; thence north 00 degrees 47 minutes west, 666.4 feet; north 60 degrees 58 minutes east, 29.1 feet; north 71 degrees 03 minutes east, 320.4 feet; south 00 degrees 47 minutes east, 780.0 feet; south 89 degrees 13 minutes west, 330.0 feet to the point of beginning; All that part of government lot 6 of said fractional section 13 southerly of the following described line: Beginning at a point on the west line of said lot 6, north 00 degrees 35 minutes east, 152.4 feet from the southwest corner thereof; thence north 74 degrees 17 minutes east, 836.6 feet; north 88 degrees 46 minutes east, 505.7 feet to a point on the east line of said lot 6; NW¼NE¼ and NW¼ said fractional section 24.

LOCK AND DAM NO. 24

ILLINOIS, PIKE COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 7 South, Range 6 West

Fractional section 2: All that part lying westerly of the right of way for the levee of the Sny Island Levee Drainage District.

Fractional section 11: All that part lying southwesterly of the right of way for the levee of the Sny Island Levee Drainage District.

Fractional section 12: All that part lying southwesterly of the right of way for the levee of the Sny Island Levee Drainage District.

Fractional section 13: All that part of N½ lying westerly and southwesterly of the rights of way for the Chicago, Burlington and Quincy Railroad Company and for the Alton Railroad Company with the following described exception: Beginning on said westerly line of the Chicago, Burlington and Quincy Railroad Company's right of way at a point which is north 51 degrees 27 minutes west, 2825.0 feet from the southeast corner of said N½ thence north 87 degrees 43 minutes west, 457.7 feet; south 85 degrees 56 minutes west, 239.6 feet; south 57 degrees 58 minutes west, 478.9 feet; south 58 degrees 26 minutes west, 946.9 feet to a point on the ordinary high water line of the left bank of the Mississippi River; thence upstream along said ordinary high water line, a total distance of 287.2 feet; north 57 degrees 39 minutes east, 201.6 feet; north 61 degrees 52 minutes east, 343.6 feet; north 56 degrees 53 minutes east, 219.7 feet; north 61 degrees 30 minutes east, 278.8 feet; north 64 degrees 11 minutes east, 218.4 feet; south 42 degrees 57 minutes east, 36.1 feet to a point on the northerly right of way line of U. S. Highway No. 54; thence a total distance

of 686.9 feet along said northerly line to its intersection with said westerly line of Chicago, Burlington and Quincy Railroad Company's right of way; thence southerly along said railroad right of way 98.2 feet to the point of beginning.

Township 6 South, Range 6 West

Fractional section 7: All that part lying southwesterly of the right of way for the levee of the Sny Island Levee Drainage District excepting islands therein.

Fractional section 8: All that part lying southwesterly of the right of way for the levee of the Sny Island Levee Drainage District excepting Island No. 36, also known as Drift Island. Island No. 36, also known as Drift Island, located in fractional sections 7, 8, 16, 17 and 18. Atlas Island, also known as Eagle Island and as Island No. 37 located in fractional sections 17 and 18.

Fractional section 17: All that part lying southerly of the right of way for the levee of the Sny Levee Drainage District except islands therein.

Township 6 South, Ranges 6 and 7 West

Denmark Island, also known as Island No. 38, located in fractional sections 7 and 18, township 6 south, range 6 west and fractional sections 12 and 13, township 6 south, range 7 west.

Township 6 South, Range 7 West

Fractional section 1: All that part lying southwesterly of the right of way for the levee of the Sny Island Levee Drainage District except islands therein.

Fractional section 12: All that part lying southwesterly of the right of way for the levee of the Sny Island Levee Drainage District except islands therein.

MISSOURI PIKE COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 53 North, Range 1 East

Fractional section 6: All that part of the $SW\frac{1}{4}SW\frac{1}{4}$ lying northeasterly of the Chicago, Burlington and Quincy Railroad Company's right of way and southeasterly of the centerline of O'Neils Branch except Islands therein.

Fractional section 7: All that part of Government lot 2 of the $NW\frac{1}{4}$ lying northeasterly of the Chicago, Burlington and Quincy Railroad Company's right of way.

Township 54 North, Range 1 West

Buffalo Island also known as Island No. 457, located in fractional sections 20 and 21.

Township 55 North, Ranges 1 and 2 West

Ducket Island, also known as Island No. 455, located in fractional section 31, township 55 north, range 1 west and fractional sections 25 and 36, township 55 north, range 2 west.

Township 54 North, Range 2 West

Fractional section 1: All that part lying northeasterly of the Chicago, Burlington and Quincy Railroad Company's right of way except islands therein. The northernmost of two small unnamed islands located in $N\frac{1}{2}$ fractional section 1 easterly of Angle Island. The southernmost of two small unnamed islands located in $N\frac{1}{2}$ fractional section 1 easterly of Angle Island. Blackburn Island, also known as Stewart's Island and as Blackbird Island, located in fractional section 1 and 12. An unnamed island located in fractional sections 1 and 12 lying easterly of Blackburn Island.

Fractional section 2: All that part lying northeasterly of Salt River.

Fractional section 3: All that part lying easterly of Salt River.

Fractional section 12: All that part lying northerly of Salt River except islands therein.

Townships 54 and 55 North, Range 2 West

Angle Island, also known as Minor's Island, as Island No. 456 and as Islands No. 20 and 21, located in fractional section 1, township 54 north and fractional section 36, township 55 north.

Township 55 North, Range 2 West

Blackbird Island, also known as Block Island and as Scoggins Island, located in fractional sections 16 and 17. An unnamed island located in fractional sections 16 and 17 lying southerly of Blackbird Island. North Fritz Island also known as Indian Camp Island, as Island No. 453 and as Island No. 17 located in fractional sections 14, 23, 24 and 25.

Fractional section 23: $S\frac{1}{2}S\frac{1}{2}$. South Fritz Island, also known as Hickory Island, as Island No. 454 and as Island No. 18, located in fractional sections 23, 24 and 25.

Fractional section 25: Except islands therein.

Fractional section 26.

Fractional section 27: $S\frac{1}{2}$ except west 850.0 feet thereof.

Fractional section 34: All that part lying northerly of Salt River except west 850.0 feet thereof.

Fractional section 35: All that part lying northerly of Salt River.

Fractional section 36: Except islands therein.

Township 55 North, Ranges 2 and 3 West

Slim Island, also known as Island No. 16 located in fractional section 6, township 55 north, range 2 west and fractional section 1, township 55 north, range 3 west.

Township 55 North, Range 3 West

An unnamed island located in fractional section 1, lying easterly of Gilberts Island.

PIKE COUNTY AND RALLS COUNTY, FIFTH PRINCIPAL MERIDIAN

Townships 55 and 56 North, Range 3 West

Gilberts Island located in fractional sections 1 and 2, township 55 north and fractional sections 35 and 36, township 56 north. An unnamed island located in fractional section 2 township 55 north and fractional section 35, township 56 north lying westerly of Gilbert's Island.

RALLS COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 56 North, Range 3 West

An unnamed island located in fractional sections 35 and 36 lying northerly of Gilberts Island. The easternmost of two small unnamed islands located in fractional section 35. The westernmost of two small unnamed islands located in fractional section 35. An unnamed small island located in fractional section 36 lying northerly of Gilberts Island.

LOCK AND DAM NO. 25

ILLINOIS, CALHOUN COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 10 South, Range 2 West

Section 30: All that portion lying southwesterly of a line described as follows: Beginning at a point in the south line of said section, distant therein north 89 degrees $28\frac{1}{2}$ minutes west, 4,633.2 feet from a stone marking the southeast corner of Section 30; running thence, from said point of beginning, north 3 degrees 54 minutes east, 735.6 feet; thence north 10 degrees $26\frac{1}{2}$ minutes west, 452.5 feet, thence north 18 degrees 44 minutes west, 1,451.0 feet; thence north 30 degrees 45 minutes, 330.1 feet west to a point in the west line of said section, distant therein south 0 degrees $28\frac{1}{2}$ minutes west, 1,657.8 feet from a stone set at the northwest corner of said section.

Section 31: All that portion lying west of a line described as follows: Beginning at a point in the south line of said section, distant therein south 89 degrees $29\frac{1}{2}$ minutes west, 2,110.0 feet from a stone set at the southeast corner of Section 31; running thence, from said point of beginning, north 3 degrees $38\frac{1}{2}$ minutes east, 140.0 feet, thence north 67 degrees 24 minutes west, 854.6 feet; thence north 18 degrees $29\frac{1}{2}$ minutes west, 2,223.2 feet; thence south 89 degrees 41 minutes west, 80.0 feet; thence north 19 degrees $41\frac{1}{2}$ minutes west, 703.3 feet; thence north 21 degrees $34\frac{1}{2}$ minutes west, 2,129.0 feet to a pipe in the north line of said section, distant therein north 89 degrees $23\frac{1}{2}$ minutes west, 4,730.2 feet from a stone marking the northeast corner of said section.

Township 11 South, Range 2 West

All of Willow Bar Island, in Mississippi River, located in Fractional Sections 7 and 18. All of Maple Island, in Mississippi River, located in Fractional Sections 17, 18, 19 and 20. All of Hog or Campbell Island, in Mississippi River, lying opposite Fractional Sections 19 and 30.

Section 6: All that portion lying west of a line described as follows: Beginning at a point in the south line of Section 6, distant therein south 89 degrees 51 minutes west, 1,328.0 feet from an iron rod marking the southeast corner of said section, and running thence north 0 degrees $10\frac{1}{2}$ minutes east, 908.4 feet; thence north 89 degrees 22 minutes west, 635.0 feet; thence north 3 degrees $38\frac{1}{2}$ minutes east, 1,733.4 feet to a point in the north line of said section, distant therein south 89 degrees $29\frac{1}{2}$ minutes west, 1820 feet from a stone set at the northeast corner of said section.

Section 7: All that portion lying west of a line described as follows: Beginning at a point in the south line of Section 7, distant therein south 89 degrees 51 minutes west, 129.8 feet from a stone marking the southeast corner of said section, running thence, from said point of beginning, north 0 degrees 22 minutes west, 1271.7 feet; thence north 11 degrees 15 minutes west, 1790.3 feet; thence north 22 degrees 05 minutes west, 499.4 feet; thence south 89 degrees 27 minutes west, 312.0 feet; thence north 10 degrees $46\frac{1}{2}$ minutes west, 123.0 feet; thence north 6 degrees 22 minutes west, 225.5 feet; thence north 61 degrees $39\frac{1}{2}$ minutes east, 505.6 feet; thence north 19 degrees $31\frac{1}{2}$ minutes west, 583.5 feet; thence north 23 degrees 40 minutes west, 398.5 feet; thence north 56 degrees 10 minutes west, 502.0 feet to a point in the north line of said section, distant therein south 89 degrees 51 minutes west, 1,328.0 feet from an iron rod marking the northeast corner of said section.

Section 17: All that portion lying west of a line described as follows: Beginning at a point in the south line of said section, distant therein south 89 degrees $52\frac{1}{2}$ minutes west, 1,600.0 feet from the south quarter corner of said section; running thence, from said point of beginning, north 2 degrees 34 minutes west, 2,235.7 feet; thence north 50 degrees 43 minutes east, 286.3 feet; thence north 11 degrees $43\frac{1}{2}$ minutes west, 1,698.0 feet; thence north 28 degrees 14 minutes west, 352.0 feet, thence north 8 degrees $26\frac{1}{2}$ minutes west, 599.5 feet; thence north 80 degrees $04\frac{1}{2}$ minutes west, 527.9 feet, thence north 43 degrees $59\frac{1}{2}$ minutes west, 51.6 feet to a point in the west line of said section, distant therein south 0 degrees 20 minutes west, 154.9 feet from a stone marking the northwest corner of said section.

Section 18: All of fractional section, except that portion lying northeasterly from a line described as follows: Beginning at a point in the east line of said section, distant therein south 0 degrees 20 minutes west, 154.9 feet from a stone marking the northeast corner of said section; running thence, from said point of beginning north 43 degrees $59\frac{1}{2}$ minutes west, 214.7 feet to the north line of said section, distant therein south 89 degrees $29\frac{1}{2}$ minutes west, 2,110.0 feet from a stone set at the southeast corner of Section 31; running thence, from said point of beginning, north 3 degrees $38\frac{1}{2}$ minutes east, 140.0 feet, thence north 67 degrees 24 minutes west, 854.6 feet; thence north 18 degrees $29\frac{1}{2}$ minutes west, 2,223.2 feet; thence south 89 degrees 41 minutes west, 80.0 feet; thence north 19 degrees $41\frac{1}{2}$ minutes west, 703.3 feet; thence north 21 degrees $34\frac{1}{2}$ minutes west, 2,129.0 feet to a pipe in the north line of said section, distant therein north 89 degrees $23\frac{1}{2}$ minutes west, 4,730.2 feet from a stone marking the northeast corner of said section.

51 minutes west, 150 feet from said northeast corner.

Section 19: All of fractional section except that part lying south of a line 132.0 feet north of and parallel to the south line of said fractional section lying east of a line 298.3 feet west of and parallel to the east line of said fractional section.

Section 20: All that portion of the fractional $NW\frac{1}{4}$ lying west of a line described as follows: Beginning at a point in the south line of said $NW\frac{1}{4}$, distant therein south 88 degrees $54\frac{1}{2}$ minutes east, 100.0 feet from a stone marking the west quarter corner of Section 20; thence, from said point of beginning, north 23 degrees 05 minutes east, 1,708.8 feet; thence north 16 degrees 10 minutes east, 962.6 feet to a point in the north line of said section, distant therein south 89 degrees $52\frac{1}{2}$ minutes west, 1600 feet from the north quarter corner of said section. A parcel of land in the west part of the $SW\frac{1}{4}$ of said section, more particularly described as follows: Beginning at a point in the west line of Section 20, distant therein north 0 degrees $23\frac{1}{2}$ minutes east, 305.0 feet from a stone marking the southwest corner of said section; running thence, from said point of beginning, and with the west line of said section, north 0 degrees $23\frac{1}{2}$ minutes east, 1,770.0 feet; thence south 44 degrees 22 minutes east, 1099.5 feet; thence south 6 degrees 12 minutes west, 647.8 feet; thence south 64 degrees $26\frac{1}{2}$ minutes west, 788.0 feet to the place of beginning.

Section 30: $SW\frac{1}{4}SW\frac{1}{4}$. All that portion of the fractional $E\frac{1}{2}$ of said section lying west of a line described as follows: Beginning at a point in the south line of Section 30, distant therein south 89 degrees $53\frac{1}{2}$ minutes west, 221.0 feet from a stone marking the southeast corner of said section; running thence from said point of beginning, north 37 degrees $10\frac{1}{2}$ minutes west, 24.5 feet; thence north 25 degrees 09 minutes east, 235.3 feet; thence north 21 degrees 22 minutes west, 582.0 feet; thence north 34 degrees $54\frac{1}{2}$ minutes west, 560.9 feet; thence north 6 degrees 45 minutes east, 493.4 feet; thence north 2 degrees $53\frac{1}{2}$ minutes west, 931.2 feet; thence due west 108.0 feet; thence north 0 degrees $36\frac{1}{2}$ minutes west, 944.0 feet; thence north 13 degrees $34\frac{1}{2}$ minutes east, 387.8 feet; thence north 12 degrees 36 minutes east, 513.4 feet; thence north 61 degrees 21 minutes east, 319.1 feet; thence north 0 degrees 36 minutes west, 664.6 feet to a point in the north line of said section, distant therein north 89 degrees 53 minutes west, 296.0 feet from a stone set at the northeast corner of said section.

Section 31: All of section, excepting two parcels described as follows: Parcel No. 1.—A small triangular tract lying in the northeast corner of said section, described as follows: Beginning at a stone marking the northeast corner of said section, and running thence south 0 degrees $16\frac{1}{2}$ minutes west, 290.0 feet along the east line of said section; thence north 37 degrees $10\frac{1}{2}$ minutes west, 368.5 feet to a point in the north line of said section; thence north 89 degrees $53\frac{1}{2}$ minutes east 221.0 feet, along said north line to the place of beginning. Parcel No. 2—A tract in the southeast corner of said section, lying south and east of a line described as follows: Beginning at a point in the south line of said section, distant therein south 89 degrees $27\frac{1}{2}$ minutes east, 1492.0 feet from the south quarter corner of said section; running thence from said point of beginning due north 181.1 feet; thence due east 576.0 feet; thence due north 427.0 feet; thence north 89 degrees 14 minutes west, 374.0 feet; thence north 10 degrees 03 minutes west, 687.9 feet; thence north 49 degrees 08 minutes east, 1413.2 feet to a point in the east line of said section, distant therein south 0 degrees $16\frac{1}{2}$ minutes west, 2949.1 feet from a stone set at the northeast corner of said section.

Section 32: All that portion lying west of a line described as follows: Beginning at a point in the west line of said section, distant therein north 0 degrees $16\frac{1}{2}$ minutes east, 925.4 feet from the west quarter corner of said section; running thence, from said point of beginning, due east, 185.1 feet; thence due north 425.0 feet; thence north 7 degrees $55\frac{1}{2}$ minutes west, 913.7 feet; thence north 51 degrees 58 minutes west, 66.5 feet to a point in the west line of said section, distant therein south 0 degrees $16\frac{1}{2}$ minutes west, 290.0 feet from a stone set at the northwest corner of said section.

Township 12 South, Range 2 West

All of Sarah Ann Island, otherwise known as Island No. 500, in the Mississippi River, lying opposite Sections 18 and 19.

Section 6: $NW\frac{1}{4}NE\frac{1}{4}$. All that portion of the $E\frac{1}{2}NE\frac{1}{4}$ lying west of a line described as follows: Beginning at a point in the south line of said $E\frac{1}{2}NE\frac{1}{4}$, distant therein north 87 degrees $47\frac{1}{2}$ minutes west, 669.6 feet from a stone marking the southeast corner of said $E\frac{1}{2}NE\frac{1}{4}$, running thence north 5 degrees $42\frac{1}{2}$ minutes east, 675.5 feet; thence north 19 degrees $32\frac{1}{2}$ minutes east 636.7 feet; thence north 58 degrees $49\frac{1}{2}$ minutes east, 44.0 feet; thence north 1 degree $03\frac{1}{2}$ minutes east, 608.9 feet; thence north 8 degrees 34 minutes east, 410.4 feet; thence north 21 degrees 11 minutes east, 376.4 feet; thence north 25 degrees 16 minutes east, 425.8 feet to a point marking the northeast corner of said section.

Section 18: All that portion of the $S\frac{1}{2}$ of section lying west of a line described as follows: Beginning at a point in the south line of said section, distant therein south 89 degrees $29\frac{1}{2}$ minutes west, 542.0 feet from a pipe marking the southeast corner of Section 18; running thence, from said point of beginning north 2 degrees $39\frac{1}{2}$ minutes west, 1398.0 feet; thence north 3 degrees $36\frac{1}{2}$ minutes east, 364.7 feet; thence north 18 degrees $57\frac{1}{2}$ minutes east, 434.3 feet; thence north 25 degrees 30 minutes east, 511.5 feet to a point in the north line of said $S\frac{1}{2}$, distant therein south 89 degrees $29\frac{1}{2}$ minutes west, 200.0 feet from a stone set at the northeast corner of the $SE\frac{1}{4}$ of said section.

Township 9 South, Range 3 West

All of Dog Island and four unnamed islands, in the Mississippi River, located in Fractional Sections 15, 16 and 22.

Township 10 South, Range 3 West

All of Island No. 54, together with a towhead, or small island, lying between said island and the Illinois mainland, in the Mississippi River, located in Fractional Sections 11 and 12.

Section 13: All that portion lying west of a line described as follows: Beginning at a point in the south line of said section, distant therein north 89 degrees $39\frac{1}{2}$ minutes west, 1,320.0 feet from a stone set at the southeast corner of said section; running thence, from said point of beginning, north 55 degrees 07 minutes west, 1,000.1 feet; thence north 1 degree 36 minutes west, 400.0 feet; thence north 32 degrees $59\frac{1}{2}$ minutes east, 1,060.0 feet; thence north 23 degrees $12\frac{1}{2}$ minutes west, 840.0 feet to a point in the north line of the $SE\frac{1}{4}$ of said section; thence north 89 degrees 06 minutes west, 691.6 feet along said north line to the center of said section 13; thence north 0 degrees $13\frac{1}{2}$ minutes east, 1500.0 feet along the east line of the $NW\frac{1}{4}$ of said section; thence north 72 degrees 35 minutes west, 2,113.8 feet; thence north 31 degrees $03\frac{1}{2}$ minutes west, 628.0 feet; thence north 49 degrees $55\frac{1}{2}$ minutes west, 409.2 feet to a point in the west line of said section, distant therein due north 1549.7 feet from a stone set at the west quarter corner of said section.

Section 14: All of fractional section, except that portion lying northeasterly from a line described as follows: Beginning at a point in the east line of Section 14, distant therein due north, 1549.7 feet from a stone set at the east quarter corner of said section; running thence from said point of beginning north 49 degrees $55\frac{1}{2}$ minutes west, 134.4 feet; thence north 3 degrees $23\frac{1}{2}$ minutes west 962.9 feet to a point in the north line of said section, distant therein due west along the north line of Section 13 and said Section 14, 2,839.7 feet from an iron rod marking the north quarter corner of said Section 13.

Section 24: All that portion lying west of a line described as follows: Beginning at a point in the south line of Section 24, distant therein south 89 degrees $40\frac{1}{2}$ minutes west, 2,187.0 feet from a stone marking the southeast corner of said section; running thence from said point of beginning north 0 degrees $16\frac{1}{2}$ minutes east 632.5 feet; thence north 78 degrees 01 minutes east 1582.3 feet; thence north 13 degrees $56\frac{1}{2}$ minutes east, 1,245.0 feet; thence north 0 degrees 19 minutes east, 1,293.2 feet; thence north 10 degrees 14 minutes west, 663.5 feet; thence north 22 degrees 31 minutes west, 1,180.0 feet to a point in the north line of said section, distant therein north 89 degrees $39\frac{1}{2}$ minutes west, 905.0 feet from a stone set at the northeast corner of said section.

Section 25: All of fractional section, except that portion lying northeasterly of a line described as follows: Beginning at a point in the east line of Section 25, distant therein south 0 degrees $28\frac{1}{2}$ minute west, 1657.8 feet from a stone set at the northeast corner of said section; running thence from said point of beginning, north 30 degrees 45 minutes west, 405.2 feet; thence north 50 degrees $00\frac{1}{2}$ minutes east, 235.0 feet; thence north 41 degrees 13 minutes west, 192.8 feet; thence south 81 degrees $12\frac{1}{2}$ minutes west, 209.5 feet; thence north 37 degrees 12 minutes west 552.4 feet; thence north 15 degrees $05\frac{1}{2}$ minutes west, 343.7 feet; thence north 37 degrees 18 minutes west, 211.2 feet; thence north 17 degrees 28 minutes west, 274.8 feet; thence south 89 degrees 27 minutes west, 332.0 feet; thence north 27 degrees $50\frac{1}{2}$ minutes west, 499.2 feet; thence north 26 degrees $48\frac{1}{2}$ minutes east, 104.4 feet to an iron rod in the north line of said section, distant therein south 89 degrees $40\frac{1}{2}$ minutes west, 1,527.0 feet from aforesaid northeast corner.

Section 36: All of fractional section. All of two small islands, in the Mississippi River, lying opposite said section.

Township 11 South, Range 3 West

Section 1: All of fractional section, including all that portion of an unnamed island lying opposite said section.

Section 25: All of fractional section.

Section 36: All of fractional section, except islands lying opposite said section.

MISSOURI, LINCOLN COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 51 North, Ranges 2 and 3 East

All of Westport Island, also known as Island No. 31, together with a towhead, or small island, formerly designated as Island No. 33, constituting a separate island but now attached to said Westport Island located in Fractional Sections 1, 12, 13, 24 and 25, Township 51 North, Range 2 East and Sections 6, 7, 18, 19 and 30, Township 51 North, Range 3 East.

Township 51 North, Range 2 East

All of Island No. 32, together with 2 towheads or small islands lying between said Island No. 32 and Westport Island, in Mississippi Aiver, located in fractional Sections 12, 13, 14 and 24.

Section 25: All that portion lying east of the easterly toe of the Elsberry Drainage District Levee, and south of the north line of Lot 2, as shown on the plat of a subdivision of the lands of the R. H. Norton Estate, recorded in Plat Book 3, Page 6 of the records of Lincoln County, Missouri.

Township 50 North, Range 3 East

Survey 1817: All that portion of Lot 1 of a subdivision of said survey, according to a plat thereof recorded in Book "G", Page 437, of the deed records of Lincoln County, Missouri, north of a line 277.8 feet north of and parallel to the south line of said Lot 1, lying east of the right of way of the Kings Lake Drainage District. All of Jim Crow Island, in the Mississippi River lying opposite Survey 1817.

Survey 1716: All that portion lying east of the right of way of the Kings Lake Drainage District. All of Hausgen Island, in the Mississippi River, lying opposite Survey 1716.

Survey 1748: All that portion lying east of the right of way of the Kings Lake Drainage District. All of little Stag Island, otherwise known as the south part of Island No. 39, in the Mississippi River, lying opposite Surveys 1716 and 1748.

Survey 1693: All that portion lying east of the right of way of the Kings Lake Drainage District. All of Stag Island, otherwise known as the north part of Island No. 39, together with three towheads, or small islands, lying east of Stag Island aforesaid, in the Mississippi River, lying opposite Survey 1693. All of Keeton Island, together with a towhead, or small island, lying immediately south of said Keeton Island, in the Mississippi River, lying opposite Survey 1693.

Survey 1678: All that portion lying east of the right of way of the Kings Lake Drainage District.

Section 6: All that portion lying northeasterly of the riverward toe of the Elsberry Drainage District Levee.

Township 50 and 51, Range 3 East

Survey 1679: All that portion lying north and east of the right of way of the Kings Lake Drainage District, and north and east of the riverward toe of the Elsberry Drainage District Levee. All of Sterling Island, in the Mississippi River otherwise known as Island No. 38, together with a small attached island on the north, known as Island No. 37, lying opposite Section 31, Township 51 North, Range 3 East and Survey 1679. All of three islands, designated as Island No. 1, Island No. 2 and Island No. 3, in the Mississippi River, lying between Sterling Island and Survey 1679.

Township 51 North, Range 3 East

All of Island No. 35, together with a towhead, or small island, adjacent to and immediately downstream from said Island No. 35, in Mississippi River, located in Fractional Sections 30 and 31. All of Eagle Island, being formerly composed of two islands designated as Island No. 34 and Island No. 36, together with a towhead or small island lying immediately downstream from said Eagle Island, in the Mississippi River, located in Fractional Sections 19, 30 and 31. All of Island No. 486, in Mississippi River, located in Fractional Sections 19 and 30. All of Island No. 487, together with a towhead or small island lying immediately southwesterly of said Island No. 487, in Mississippi River, located in Fractional Sections 19 and 30.

Section 30: All of fractional $SW\frac{1}{4}$.

Section 31: All that portion lying east of easterly toe of the Elsberry Drainage District Levee.

MISSOURI, PIKE COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 52 North, Range 2 East

All of Mozier Island, otherwise known as Island No. 30, together with Howard Island, otherwise known as Island No. 29, including also two towheads or small islands, lying between said Howard Island and said Mozier Island, in the Mississippi River; all of said islands located in Fractional Sections 23, 24, 25 and 26.

LOCK AND DAM NO. 26

ILLINOIS, JERSEY COUNTY, THIRD PRINCIPAL MERIDIAN

Township 6 North, Range 11 West

Sections 13, 14, 23 and 24: A tract of land in said sections described as follows: Beginning at a stone marking the quarter corner common to Sections 23 and 24, and running thence north 88 degrees 49½ minutes east, 1,336.9 feet; thence due south 595.4 feet; thence due east 129.6 feet; thence due south 2,004.5 feet to a point in the north line of the right of way of the Alton & Eastern Railroad Company; thence, with said north line, north 71 degrees 34 minutes west, 762.0 feet to a point of curve, thence westerly, along a curve to the right, having a radius of 1,379.0 feet, a distance of 299.2 feet; thence north 30 degrees 45 minutes east, 299.0 feet; thence north 78 degrees 53½ minutes east, 384.7 feet; thence north 17 degrees 06 minutes west, 203.6 feet; thence north 29 degrees 36½ minutes west, 295.3 feet; thence north 60 degrees 31½ minutes west, 915.0 feet to a point in the west line of said Section 24; thence north 60 degrees 26 minutes west, 814.4 feet; thence south 25 degrees 53 minutes west, 668.0 feet to a point in the northeasterly line of the right of way of the Alton & Eastern Railroad Company; thence northwestwardly, with said northeasterly line along a curve to the right, having a radius of 1,375.8 feet, a distance of 461.0 feet to a point of tangency; thence, continuing with said northeasterly line, north 35 degrees 35 minutes west, 955.8 feet to a point of curve; thence northwardly, continuing with the northeasterly line of the right of way of the Alton & Eastern Railroad Company, and with the northeasterly line of the right of way of the C. S. & St. L. Railroad Company, along a curve to the right, having a radius of 975.8 feet, a distance of 434.8 feet to a point of tangency; thence, continuing with the northeasterly line of the right of way of the aforesaid C. S. & St. L. Railroad Company, north 10 degrees 03 minutes west, 160.8 feet; thence south 84 degrees 55 minutes east, 288.1 feet; thence south 69 degrees 00½ minute east, 345.8 feet; thence north 36 degrees 08½ minutes east, 207.8 feet; thence north 20 degrees 22½ minutes east, 136.2 feet; thence north 10 degrees 58 minutes west, 215.6 feet; thence south 78 degrees 11 minutes west, 165.5 feet; thence north 65 degrees 49½ minutes west, 102.7 feet; thence north 36 degrees 13 minutes west, 310.8 feet; thence north 81 degrees 56½ minutes east, 473.8 feet; thence south 63 degrees 37 minutes east, 603.7 feet; thence north 9 degrees 35 minutes east, 164.8 feet; thence north 33 degrees 10 minutse east, 388.7 feet; thence north 10 degrees 06½ minutes east, 784.0 feet; thence north 68 degrees 47 minutes east, 59.1 feet to a point in the centerline of Piasa Creek, thence, in a northerly direction with said centerline to its intersection with the east line of said Section 14; thence, in a southerly direction, with said eastline, to a point distant therein north 0 degrees 48½ minutes east, 346.7 feet from a stone marking the southeast corner of said Section 14; thence, leaving said east line, north 30 degrees 30 minutes east, 1,041.8 feet; thence south 5 degrees 58 minutes west, 652.9 feet; thence south 24 degrees 57 minutes west, 1,241.8 feet; thence due south 786.1 feet; thence south 19 degrees 35 minutes west, 812.5 feet; thence south 9 degrees 44 minutes east, 383.8 feet; thence south 46 degrees 34 minutes east, 313.8 feet to the point of beginning.

Sections 24, 25 and 26: A tract of land in said sections described as follows: Beginning at a point marking the intersection of the south right of way line of the Alton & Eastern Railroad Company with the west line of the $NE\frac{1}{4}$ of said Section 26, said point being distant south 0 degrees 41 minutes west, 987.7 feet from a stone marking the west quarter corner of said $NE\frac{1}{4}$; thence, from said point of beginning, and with the southerly line of the right of way of the Alton & Eastern Railroad Company, north 80 degrees 50 minutes east, 559.7 feet to a point of curve; thence eastwardly along a curve to the left, having a radius of 2,104.4 feet, a distance of 526.4 feet to a point of tangency; thence north 66 degrees 30 minutes east, 1,068.8 feet to a point of curve; thence northeastwardly, along a curve to the left, having a radius of 1,047.5 feet, a distance of 614.9 feet; thence, leaving said right of way line, north 72 degrees 01½ minutes east, 1,403.7 feet; thence north 10 degrees 03½ minutes west, 890.2 feet to a point in the south line of the right of way of the Alton & Eastern Railroad Company, aforesaid, which point is on a curve and a tangent thereto, through said point, bears south 79 degrees 34 minutes east; thence eastwardly, with the south line of said right of way, along a curve to the right, having a radius of 379.7 feet, a distance of 53.0 feet to a point of tangency; thence south 71 degrees 34 minutes east, 449.0 feet; thence, leaving said right of way line, south 45 degrees 41 minutes east, 846.8 feet; thence north 86 degrees 33 minutes east, 606.9 feet; thence south 82 degrees 50 minutes east, 609.3 feet to a point on a curve in the south line of the right of way of the aforesaid Alton & Eastern Railroad Company (a tangent to the said curve, at the last-named point, bears south 58 degrees 24½ minutes east); thence, with said south line, southeastwardly along a curve to the right, having a radius of 1,877.9 feet, a distance of 594.8 feet to a point of tangency; thence, south 40 degrees 15½ minutes east, 414.4 feet to a point of curve; thence southeastwardly, along a curve to the left, having a radius of 1,457.7 feet, a distance of 1,042.7 feet to a point of reverse curve; thence along a curve to the right, having a radius of 1,910.1 feet, for a distance of 624.6 feet to a point in the east line of said Section 25; thence, with said east line, south 0 degrees 22 minutes west, 97.0 feet, more or less, to the ordinary high water mark of the Mississippi River; thence upstream, along said ordinary high water mark, to its intersection with the west line of the $NE\frac{1}{4}$ of said Section 26, aforesaid; thence, with said west line, north 0 degrees 41 minutes east, 112.1 feet, more or less, to the point of beginning.

Township 6 North, Range 13 West

Section 4: $NE\frac{1}{4}$ $NW\frac{1}{4}$. $SW\frac{1}{4}$ $NW\frac{1}{4}$. $NW\frac{1}{4}$ $SW\frac{1}{4}$. All that portion of the $SE\frac{1}{4}$ $NW\frac{1}{4}$ lying north of a line described as follows: Beginning at a point in the east line of said $SE\frac{1}{4}$ $NW\frac{1}{4}$, distant therein north 1 degree 15 minutes west, 1,146.8 feet from an iron rod marking the center of said Section 4; thence, from said point of beginning, south 74 degrees 24 minutes west, 1,377.0 feet to a point in the west line of said $SE\frac{1}{4}$ $NW\frac{1}{4}$, distant therein south 1 degree 19 minutes east, 558.3 feet from a stake marking the center of the $NW\frac{1}{4}$ of said section. All that portion of the $NW\frac{1}{4}$ $NE\frac{1}{4}$ lying west of a line described as follows: Beginning at a point in the north line of said Section 4, distant therein north 89 degrees 59 minutes east, 398.5 feet from an iron rod marking the north quarter corner of said section; thence, from said point of beginning, south 19 degrees 44½ minutes east, 361.3 feet; thence south 3 degrees 58 minutes east, 997.4 feet to a point in the south line of the said $NW\frac{1}{4}$ $NE\frac{1}{4}$, distant therein north 89 degrees 57 minutes east, 561.4 feet from a stake marking the west quarter corner of the $NE\frac{1}{4}$ of said section. All that portion of the $SE\frac{1}{4}$ $SW\frac{1}{4}$ lying south and west of a line described as follows: Beginning at a point in the north line of said $SE\frac{1}{4}$ $SW\frac{1}{4}$, distant therein south 89 degrees 53 minutes east, 389.8 feet from a stake marking the center of the $SW\frac{1}{4}$ of said Section 4; thence, from said point of beginning, south 47 degrees 21 minutes east, 1,306.1 feet to a point in the east line of the said $SE\frac{1}{4}$ $SW\frac{1}{4}$ of said section, distant therein north 1 degree 19 minutes west, 446.6 feet from an iron rod marking the south quarter corner of said section.

Section 16: All that portion lying south and east of a line described as follows: Beginning at a point in the east line of said section, distant therein south 0 degrees 47 minutes east, 1,225.0 feet from a stone set at the northeast corner of said section; thence, from said point of beginning, north 54 degrees 55½ minutes west, 350.9 feet; thence north 47 degrees 04½ minutes west, 519.6 feet to a stake set at the center of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of said section; thence north 73 degrees 35 minutes west, 419.9 feet; thence north 81 degrees 02 minutes west, 501.9 feet; thence north 26 degrees 56 minutes west, 262.1 feet; thence south 44 degrees 42 minutes west, 400.6 feet, more or less, to the ordinary high water mark of the Illinois River.

Township 7 North, Range 13 West

Section 7: All that portion of said section lying west of Otter Creek.

Section 8: $S\frac{1}{2}$ of $NW\frac{1}{4}NE\frac{1}{4}$. $SW\frac{1}{4}NE\frac{1}{4}$. $W\frac{1}{2}$ of $SE\frac{1}{4}$. All that portion of the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ lying west of a line described as follows: Beginning at a point in the west line of the said $E\frac{1}{2}$, distant therein south 0 degrees 04 minutes west, 82.6 feet from a stone marking the north quarter corner of the $NE\frac{1}{4}$ of said section; thence, from said point of beginning, south 16 degrees 50½ minutes east, 1,310.8 feet; thence south 6 degrees 21½ minutes west, 825.7 feet; thence south 29 degree 09½ minutes west, 538.7 feet to a point marking the south quarter corner of the $NE\frac{1}{4}$ of said Section 8.

Section 17: $W\frac{1}{2}$ of $NE\frac{1}{4}$. All that portion of the $SE\frac{1}{4}NE\frac{1}{4}$ lying west of a line described as follows: From a stone marking the northeast corner of said Section 17 measure south 0 degrees 20 minutes east, 1,363.6 feet and north 88 degrees 22 minutes west, 840.5 feet to the point of beginning of the line herein described; thence, from said point of beginning, south 11 degrees 08 minutes east, 414.2 feet; thence south 17 degrees 50½ minutes west, 952.0 feet to a point in the south line of the said $SE\frac{1}{4}NE\frac{1}{4}$, distant therein north 89 degrees 57 minutes east, 1,591.4 feet from a stone marking the center of said fractional section. All that portion of the $SE\frac{1}{4}NW\frac{1}{4}$ lying north of a line described as follows: Beginning at a point in the east line of said $SE\frac{1}{4}NW\frac{1}{4}$, distant therein north 1 degree 12 minutes west, 444.0 feet from a stone set at the center of said Fractional Section 17; thence, from said point of beginning, north 80 degrees 49½ minutes west, 868.1 feet; thence south 59 degrees 47½ minutes west, 548.7 feet to a point in the west line of said $SE\frac{1}{4}NW\frac{1}{4}$, distant therein south 1 degree 43 minutes west, 1,000.9 feet from a stone marking the center of the $NW\frac{1}{4}$ of said fractional section. East 16 acres of the $NW\frac{1}{4}SW\frac{1}{4}$ of said Fractional Section 17. All that portion of the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of said section lying west of a line described as follows: Beginning at a stake set at the center of the $SW\frac{1}{4}$ of said section and running thence south 69 degrees 12 minutes east, 485.0 feet; thence south 11 degrees 49¼ minutes east, 750.6 feet; thence south 53 degrees 28¼ minutes east, 490.8 feet; thence south 70 degrees 13½ minutes east 365.0 feet to a steel post marking the south quarter corner of said section. All of Twelve Mile Island in the Illinois River, located in Sections 18 and 19, township and range aforesaid.

Section 20: $W\frac{1}{2}$. $NW\frac{1}{4}SE\frac{1}{4}$. $S\frac{1}{2}$ of $SE\frac{1}{4}$. All that portion of the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ lying west of a line described as follows: Beginning at a steel post marking the north quarter corner of said section and running thence south 59 degrees 57½ minutes east, 846.2 feet; thence south 15 degrees 37 minutes east, 503.0 feet; thence south 7 degrees 12½ minutes east, 390.3 feet; thence south 0 degrees 55¼ minutes west, 1,001.4 feet; thence south 29 degrees 14 minutes east, 404.0 feet to a point in the south line of said $W\frac{1}{2}$ of the $NE\frac{1}{4}$, distant therein south 89 degrees 22 minutes east, 1,075.0 feet from a steel post marking the center of said fractional section.

Section 21 and 28: All that portion lying west of a line described as follows: Beginning at a stake marking the west quarter corner of the $SW\frac{1}{4}$ of Section 21, thence from said point of beginning south 61 degrees 07½ minutes east, 571.0 feet; thence south 4 degrees 10 minutes east 939.6 feet; thence south 30 degrees 07½ minutes east 226.4 feet; thence south 3 degrees 21½ minutes east, 351.9 feet; thence south 7 degrees 38 minutes west, 547.9 feet; thence south 9 degrees 20 minutes east, 772.5 feet; thence south 26 degrees 15 minutes east, 398.9 feet; thence south 65 degrees 3 minutes east, 508.2 feet; thence south 21 degrees 15½ minutes east, 339.2 feet; thence south 44 degrees 17½ minutes east, 432.3 feet; thence south 22 degrees 12½ minutes east, 1088.0 feet; thence south 20 degrees 40 minutes east, 685.0 feet; thence south 36 degrees 43 minutes west, 885.7 feet to a point in the south line of Section 28, distant therein north 89 degrees 15 minutes west, 958.1 feet from a stake marking the south quarter corner of said Section 28.

Section 29: All of fractional section.

Section 32: All that portion lying north and west of the right of way of the Mississippi River Power Company.

Section 33: $E\frac{1}{2}$ of $SW\frac{1}{4}$. All that portion of the $W\frac{1}{2}$ of the $SE\frac{1}{4}$ lying west of Illinois State Highway No. 109. All that portion of the $E\frac{1}{2}$ of the $NW\frac{1}{4}$ lying south of the right of way of the Mississippi River Power Company, and west of a line described as follows: Beginning at a stake marking the center of said section and running thence north 67 degrees 38 minutes west, 399.4 feet; thence north 38 degrees 05½ minutes west, 779.4 feet; thence north 24 degrees 52 minutes west, 638.0 feet; thence north 2 degrees 37 minutes east, 658.5 feet; thence north 5 degrees 49 minutes east, 600.0 feet to a point in the south right of way line of the Mississippi River Power Company, aforesaid, said point being south 89 degrees 15 minutes east, 351.5 feet, and south 0 degrees 56 minutes east, 80.0 feet, from a stone set at the northwest corner of said $E\frac{1}{2}NW\frac{1}{4}$.

ILLINOIS, GREEN COUNTY, THIRD PRINCIPAL MERIDIAN

Township 9 North, Range 14 West

Section 1: All of Crater Island in the Illinois River, located in said section.

Township 10 North, Range 14 West

Section 25: All of Willow Island in the Illinois River, located in Fractional Sections 25 and 26.

ILLINOIS, CALHOUN COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 12 South, Range 1 West

Section 7: All of fractional section.

Section 18: All of fractional section.

Section 19: All of fractional section lying south of the right of way of the Mississippi River Power Company.

Section 30: $N\frac{1}{2}$.

Section 31: A tract of land in the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ described as follows: Beginning at a stone marking the northwest corner of said fractional section, and running thence, along the north line of said fractional section, north 88 degrees 51 minutes east, 1,324.8 feet; thence south 0 degrees 25 minutes east, 2,671.4 feet to a point in the south line of said $NW\frac{1}{4}$ of said fractional section; thence, with said south line, south 89 degrees 20 minutes west, 202.8 feet; thence north 39 degrees 44 minutes west, 565.0 feet; thence north 27 degrees 11 minutes west, 997.6 feet; thence north 23 degrees 57 minutes west to a point in the west line of said fractional section; thence, in a northerly direction with said west line to the point of beginning.

Township 13 South, Range 1 West

Sections 10 and 11: A parcel of land described as follows: Beginning at an iron axle marking the east quarter corner of Fractional Section 10, thence from said point of beginning along the east line of said Fractional Section 10, south 0 degrees 3 minutes west, 1,331.0 feet; thence due west 1,110.0 feet; thence north 18 degrees 01 minute east, 511.8 feet; thence north 39 degrees 21½ minutes east, 993.3 feet; thence north 19 degrees 26½ minutes west, 360.6 feet; thence south 83 degrees 05½ minutes west 332.4 feet; thence north 13 degrees 46 minutes east, 1,302.4 feet; thence north 24 degrees 11 minutes east, 805.7 feet; thence north 35 degrees 36 minutes east, 542.9 feet to a point in the north line of said Section 11; thence along the north line of said Section 11, north 88 degrees 53 minutes east, 1,141.2 feet to the north quarter corner of the northwest quarter of said Section 11; thence south 0 degrees 10 minutes east, 2,675.8 feet to the south quarter corner of said northwest quarter; thence south 89 degrees 30 minutes west, 1,325 feet to the point of beginning.

Sections 15 and 16: A parcel of land described as follows: Beginning at a stone marking the northwest corner of said Section 15, thence, from said point of beginning, along the north line of said section, north 89 degrees 07 minutes east, 586.5 feet; thence south 12 degrees 16 minutes east, 1,690.8 feet; thence south 68 degrees 28½ minutes west, 763.2 feet; thence south 31 degrees 26 minutes east, 211.0 feet; thence south 64 degrees 16½ minutes east, 610.5 feet; thence south 27 degrees 35½ minutes east, 626.2 feet; thence south 3 degrees 56½ minutes west, 872.1 feet; thence south 31 degrees 04½ minutes west, 852.4 feet; thence south 14 degrees 05½ minutes west, 752.4 feet; thence south 89 degrees 51 minutes west, 170.0 feet; thence north 17 degrees 42½ minutes west, 1,033.0 feet to a point in the west line of said section; thence north 0 degrees 14½ minutes west, 1,365.0 feet along said west line of said Section 15; thence north 60 degrees 30½ minutes west, 2,236.8 feet; thence north 71 degrees 50½ minutes west, 1,315.5 feet; thence north 29 degrees 59 minutes west, 1,538.0 feet to a point in the north line of Section 16; thence north 89 degrees 07 minutes east, 3,953.5 feet along said north line of Section 16 to the point of beginning. All of Iowa Island, also known as Big Styers Island or Island No. 516, in the Mississippi River, together with a small towhead lying southeast of said Iowa Island and immediately upstream from Island No. 518, both islands being located in Fractional Sections 22, 23 and 27, excepting therefrom the right of way of the Mississippi River Power Company, across the upstream portion of said Iowa Island. All of Island No. 518, also known as Little Styers Island, in the Mississippi River, located in Fractional Sections 23, 26 and 27, township and range aforesaid. All of Island No. 519, also known as Viney Island or Ivy Island, in Mississippi River, located in Fractional Sections 14 and 23. All of Enterprise Island, also known as Island No. 520, in Mississippi River, located in Fractional Sections 14 and 23. All of Island No. 521, in the Mississippi River, located in Fractional Sections 13 and 14.

Township 9 South, Range 2 West

Section 11: All that portion lying east of Illinois State Highway No. 38, except two parcels described as follows: Parcel No. 1— All that portion of the $NE\frac{1}{4}$ of the $NW\frac{1}{4}$ of said Section 11 lying north and west of a line described as follows: Beginning at a point in the north line of said Section 11 distant therein south 88 degrees 40 minutes east, 490.5 feet from a stone marking the north quarter corner of said section; thence, from

said point of beginning, south 16 degrees 20 minutes east, 434.5 feet to a stake marking the southeast corner of Lot 57 of Kamp's South Addition to the Village of Kampsville, according to an unrecorded plat thereof, said lot being now or formerly owned by William Ellenberger; thence, along the south line of said Lot 57, south 76 degrees 26 minutes west, 128.7 feet to a point in the easterly line of the right of way of Illinois State Highway No. 38. Parcel No. 2—All that portion of the NW¼ of the NE¼ of said Section 11 lying north and east of a line described as follows: Beginning at a stone marking the north quarter corner of said section and running thence, along the west line of said NE¼, south 0 degrees 22 minutes west, 700.7 feet to a stone; thence south 88 degrees 41 minutes east, 338.2 feet, more or less, to the ordinary high water mark of the Illinois River.

Section 14: All that portion of the fractional E½ of the fractional NW¼ lying east of Illinois State Highway No. 38. All that portion of the fractional SW¼ lying east of Illinois State Highway No. 38.

Section 23: All that portion lying east of a line described as follows: Beginning at a point in the north line of said fractional section, distant therein due east 380.3 feet from the northwest corner of said fractional section; thence, from said point of beginning, south 5 degrees 11½ minutes east, 104.3 feet; thence south 37 degrees 05 minutes east, 914.1 feet; thence south 6 degrees 25½ minutes east, 475.4 feet; thence south 35 degrees 23 minutes east, 445.3 feet; thence south 56 degrees 09 minutes west, 361.3 feet; thence south 26 degrees 26 minutes east, 429.3 feet; thence south 6 degrees 46 minutes east, 351.9 feet; thence south 2 degrees 58½ minutes west, 496.0 feet; thence south 32 degrees 34 minutes west, 763.5 feet; thence south 3 degrees 58½ minutes east, 1,309.5 feet to a point in the south line of said fractional section, distant therein south 89 degrees 58½ minutes east, 866.1 feet from the southwest corner of said fractional section

Section 26: All that portion lying east of a line described as follows: Beginning at a point in the north line of said fractional section, distant therein south 89 degrees 58½ minutes east, 866.1 feet from the northwest corner thereof; thence, from said point of beginning, south 11 degrees 55 minutes west, 560.6 feet; thence south 58 degrees 24½ minutes east, 665.9 feet to a stake set in the east line of the NW¼ of the fractional NW¼ of said fractional section; thence, in a southerly direction with said east line to a stake marking the center of the fractional NW¼ of said fractional section; thence north 89 degrees 58 minutes west, 536.3 feet; thence south 44 degrees 34 minutes west, 585.5 feet; thence south 3 degrees 22 minutes west, 492.3 feet; thence south 0 degrees 23½ minutes west, 387.9 feet; thence south 12 degrees 12 minutes west, 189.7 feet; thence south 4 degrees 28 minutes east, 1,136.6 feet; thence south 4 degrees 29 minutes east, 830.7 feet; thence south 30 degrees 02 minutes east, 574.9 feet to a point in the south line of said fractional section, distant therein south 89 degrees 58½ minutes east, 762.5 feet from a stone marking the southwest corner of said fractional section.

Section 35: All that portion lying east of a line described as follows: Beginning at a point in the north line of said fractional section, distant therein south 89 degrees 58½ minutes east, 762.5 feet from a stone marking the northwest corner of said fractional section; thence, from said point of beginning, south 35 degrees 03½ minutes east, 608.9 feet; thence south 38 degrees 58 minutes west, 700.4 feet; thence due south 319.9 feet; thence south 89 degrees 28½ minutes east, 798.0 feet; thence south 60 degrees 47 minutes west, 1,076.9 feet; thence south 34 degrees 56½ minutes west, 907.6 feet to a stone marking the west quarter corner of said fractional section; thence, with the west line of said fractional section, south 0 degrees 01 minute west, 1,879.1 feet; thence south 53 degrees 11½ minutes east, 650.2 feet; thence south 13 degrees 12 minutes east, 377.9 feet to a point in the south line of said fractional section, distant therein south 89 degrees 52 minutes east, 607.2 feet from the southwest corner of said fractional section.

Townships 9 and 10 South, Range 2 West

All of Hurricane Island, in the Illinois River, located in Fractional Sections 26 and 35, township and range aforesaid, and Fractional Section 1, Township 10 South, Range 2 West of the Fourth Principal Meridian.

Township 10 South, Range 2 West

Section 1: All of fractional section on the mainland.

Sections 2, 3 and 11: All that portion lying east of a line described as follows: Beginning at a point in the north line of Fractional Section 2, distant therein south 89 degrees 52 minutes east, 607.2 feet from the northwest corner thereof, thence from said point of beginning south 47 degrees 07½ minutes west, 1,160.2 feet to a point in the easterly right of way line of Illinois State Highway No. 38; thence along the said right of way line, south 16 degrees 44½ minutes east, 1,067.4 feet; thence south 16 degrees 37½ minutes east, 838.9 feet; thence south 17 degrees 31½ minutes east, 167.3 feet; thence south 12 degrees 42½ minutes east, 341.4 feet; thence south 6 degrees 49½ minutes east, 293.3 feet; thence south 4 degrees 40 minutes east, 296.5 feet; thence departing from said right of way line south 62 degrees 05 minutes east, 698.4 feet; thence due south 300 feet; thence south 32 degrees 11 minutes west, 500.6 feet; thence south 0 degrees 30½ minutes west, 500.2 feet to a point in the south line of Section 2; thence north 89 degrees 58 minutes west, 54.9 feet along said south line to the intersection with the aforesaid easterly right of way line of Illinois Highway No. 38; thence southerly along the said easterly right of way line to the northwest corner of a tract conveyed by John A. Godar and wife to J. Edward Godar, by deed dated 25 August 1926, recorded in Volume A–8, page 494, of the deed records of Calhoun County, Illinois, said point being north 89 degrees 30½ minutes east, 1,487.8 feet, and north 0 degrees 13½ minutes west, 655.2 feet, from the southwest corner of Section 11; thence departing from said right of way line along the north line of said tract conveyed by John A. Godar and wife to J. Edward Godar north 89 degrees 30½ minutes east, 217.3 feet; thence south 23 degrees 32½ minutes west, 160.1 feet; thence south 48 degrees 09 minutes east, 755.5 feet to a point in the south line of said Section 11, distant therein north 89 degrees 30½ minutes east, 2,201.4 feet from a stone marking the said southwest corner of Section 11. All of Diamond Island, in the Illinois River, located in Fractional Sections 1, 2, 11, 12, 13, and 14, township and range aforesaid.

Section 35: All of fractional section.

Township 11 South, Range 2 West

Sections 2 and 3: All that portion of said sections lying south and east of a line described as follows: Beginning at a stone in the north line of said Fractional Section 2 marking the southeast corner of Fractional Section 35, Township 10 South, Range 2 West of the Fourth Principal Meridian; thence, from said point of beginning, south 14 degrees 13½ minutes east, 1,096.6 feet; thence north 47 degrees 22 minutes west, 342.5 feet; thence south 74 degrees 09 minutes west, 672.4 feet to a point in the centerline of a public highway; thence, with the said centerline, south 1 degree 12½ minutes west, 300.0 feet; thence, continuing along said centerline, south 1 degree 37 minutes west, 601.4 feet; thence south 10 degrees 33 minutes east with said centerline to its intersection with the south line of said Section 3.

Section 10: All that portion of the NE¼ NE¼ lying east of the centerline of a public highway.

Section 11: NW¼. All that portion of the fractional SW¼ of Fractional Section 11 lying east of a line described as follows: Beginning at a point in the south line of said fractional section, distant therein south 89 degrees 46½ minutes east, 1,326.2 feet from a stone marking the southwest corner of said fractional section; thence, from said point of beginning, north 9 degrees 18½ minutes west, 185.4 feet; thence north 31 degrees 35 minutes west, 944.5 feet; thence south 75 degrees 36 minutes west, 571.1 feet to a point in the east right of way line of a public highway; thence, with said line, north 3 degrees 41 minutes west, 388.8 feet; thence, leaving said right of way line, north 60 degrees 14½ minutes east, 425.0 feet; thence, north 12 degrees 34 minutes west, 440.2 feet; thence, north 34 degrees 09 minutes west, 603.3 feet to a point in the east right of way line of said public highway; thence north 4 degrees 44½ minutes west, 264.5 feet to a point in the north line of the said fractional SW¼ of said fractional section, distant therein south 89 degrees 55½ minutes east, 162.0 feet from a stone marking the west quarter corner of said fractional section. All of Mortland Island, in the Illinois River, located in Fractional Sections 2, 11, and 14, township and range aforesaid.

Section 14: A parcel of land in the fractional N½ described as follows: Beginning at a point in the north line of said fractional section, distant therein south 89 degrees 46½ minutes east, 1,326.2 feet from a stone marking the northwest corner of said fractional section; thence, from said point of beginning and along said north line, south 89 degrees 46½ minutes east, 553.6 feet, more or less, to the ordinary high water mark of the Illinois River; thence downstream with said ordinary high water mark to its intersection with the south line of the fractional N½ of said fractional section; thence, with said south line, south 89 degrees 12½ minutes west, 239.0 feet, more or less; thence north 35 degrees 22 minutes west, 416.5 feet; thence north 54 degrees 57½ minutes west, 1,289.0 feet; thence south 7 degrees 13 minutes west, 1,108.4 feet to a point in the south line of said fractional N½ of said fractional section; thence, with said south line, south 89 degrees 12½ minutes west, 350.2 feet; thence north 3 degrees 29½ minutes west, 929.6 feet; thence north 8 degrees 29 minutes east, 673.0 feet; thence north 23 degrees 52 minutes west, 1,118.5 feet to the point of beginning.

Section 24: A parcel of land in the south part described as follows: Beginning at a stone marking the southwest corner of said fractional section and running thence north 0 degrees 00½ minute west, 24.8 feet; thence north 89 degrees 34 minutes east, 307.6 feet; thence north 16 degrees 58½ minutes east, 999.4 feet; thence north 77 degrees 04 minutes east, 544.4 feet, more or less, to the ordinary high water mark of the Illinois River; thence downstream with said ordinary high water mark to its intersection with the south line of said fractional section; thence, with said south line, south 89 degrees 34 minutes west, 1,305.3 feet, more or less, to the point of beginning.

Section 25: All that portion of the fractional NW¼ lying east of a line described as follows: Beginning at a point in the north line of said fractional section, distant therein north 89 degrees 34 minutes east, 300.0 feet from a stone marking the northwest corner of said fractional section; thence, from said point of beginning, south 12 degrees 21½ minutes west, 1,356.9 feet to a stone marking the west quarter corner of said fractional NW¼. Thence southerly along the west line of said fractional NW¼ to the southwest corner thereof.

Section 26: All that portion of the SE¼ of the NE¼ lying south and east of a line described as follows: Beginning at a point in the south line of said NE¼, distant therein south 89 degrees 44 minutes west, 496.0 feet from a stake marking the east quarter corner of said Section 26; thence, from said point of beginning, north 20 degrees 32½ minutes east, 1,415.5 feet to a stone marking the east quarter corner of said NE¼ of said section.

Township 12 South, Range 2 West

Section 1: All that portion lying south and east of a line described as follows: Beginning at a point in the south line of said fractional section, distant therein south 89 degrees 21 minutes east, 938.5 feet from a stone marking the southwest corner of said fractional section; thence, from said point of beginning, north 7 degrees 30 minutes east, 100.0 feet; thence north 1 degree 03½ minutes east, 1,023.3 feet; thence north 36 degrees 52 minutes east, 525.0 feet; thence north 35 degrees 23½ minutes west, 466.2 feet; thence north 46 degrees 05 minutes east, 937.1 feet; thence north 14 degrees 32 minutes east, 418.4 feet; thence north 7 degrees 03 minutes west, 494.8 feet; thence north 7 degrees 47 minutes west, 920.1 feet; thence south 89 degrees 24½ minutes east, 336.4 feet, more or less, to the ordinary high water mark of the Illinois River.

Section 12: E½. All that portion of the W½ lying east of a line described as follows: Beginning at a point in the south line of Fractional Section 12. Distant therein south 89 degrees 56½ minutes east, 2,419.9 feet from a stone marking the southwest corner of said fractional section; thence, from said point of beginning, north 66 degrees 57½ minutes west, 631.0 feet; thence north 3 degrees 48½ minutes east, 767.8 feet; thence north 37 degrees 13½ minutes east, 935.6 feet; thence north 20 degrees 57½ minutes west, 636.5 feet; thence south 42 degrees 53 minutes west, 441.3 feet; thence north 65 degrees 37½ minutes west, 586.3 feet; thence north 15 degrees 21 minutes west, 937.3 feet; thence north 24 degrees 51½ minutes west, 877.5 feet; thence north 7 degrees 30 minutes east, 1,379.5 feet to a point in the north line of said fractional section, distant therein south 89 degrees 21 minutes east, 998.5 feet from a stone marking the northwest corner of said fractional section.

Section 13: E½. All that portion of the NW¼ lying north and east of a line described as follows: Beginning at a point in the north line of said section, distant therein south 89 degrees 56½ minutes east, 2,419.9 feet from a stone set at the northwest corner of said section; thence, from said point of beginning, south 2 degrees 40½ minutes east, 273.3 feet; thence south 37 degrees 27½ minutes west, 1,104.0 feet; thence south 9 degrees 49 minutes east, 294.4 feet; thence south 53 degrees 54 minutes east, 1,069.3 feet to a point in the east line of said NW¼ of said section, distant therein north 1 degree 20 minutes west, 480.1 feet from the center of said section.

Section 24: All that portion of the E½ lying south of the right of way of the Mississippi River Power Company, and east of a line described as follows: Beginning at a point in the south line of said section, distant therein north 89 degrees 51 minutes east, 1,709.4 feet from a stone marking the south quarter corner of said Section 24; thence, from said point of beginning, north 12 degrees 37½ minutes west, 2,364.1 feet; thence north 25 degrees 20½ minutes west, 2,121.4 feet; thence north 5 degrees 51 minutes west, 980.5 feet to a point in the south line of the right of way of the Mississippi River Power Company, said point being 589 degrees 36 minutes west, 2,638.1 feet and south 2 degrees 06 minutes west, 88.0 feet from the northeast corner of said Section 24.

Section 25: All that portion of the E½ lying east of a line described as follows: Beginning at a point in the north line of said section, distant therein north 89 degrees 51 minutes east, 1,709.4 feet from a stone marking the north quarter corner of said section; thence, from said point of beginning, south 4 degrees 51 minutes east, 543.0 feet; thence due west 335.0 feet; thence south 19 degrees 40½ minutes east, 878.0 feet; thence south 2 degrees 40½ minutes east, 1,340.4 feet; thence south 8 degrees 33½ minutes east, 1,340.2 feet; thence south 19 degrees 41½ minutes east, 1,437.1 feet to a point in the south line of said section, distant therein south 88 degrees 51 minutes west, 262.0 feet from a stone marking the southeast corner of said section.

Section 36: A small triangular tract in the northeast corner described as follows: Beginning at a stone marking the northeast corner of said section and running thence, along the north line of said section, south 88 degrees 51 minutes west, 282.0 feet; thence south 23 degrees 57 minutes east to a point in the east line of said section; thence, in a northerly direction with said east line to the point of beginning.

MISSOURI, ST. CHARLES COUNTY, FIFTH PRINCIPAL MERIDIAN

Township 47 and 48 North, Range 4 East

All of Dardenne Island in the Mississippi River, located in Fractional Sections 1, 2 and 3, Township 47 North, Range 4 East of the Fifth Principal Meridian, and in Fractional Sections 35 and 36, Township 48 North, Range 4 East of the Fifth Principal Meridian, together with a towhead lying immediately north of the upstream end of said Dardenne Island in Sections 3 and 4, Township 47 North, Range 4 East and Sections 33 and 34, Township 48 North, Range 4 East. All of Oriole Island in the Mississippi River located in said Fractional Section 4

Township 48 and 49 North, Range 5 East

All of Mason's Island in the Mississippi River, located in Fractional Section 4, Township 48 North, Range 5 East of the Fifth Principal Meridian, and in Fractional Sections 33 and 34, Township 49 North, Range 5 East of the Fifth Principal Meridian. All of Island No. 526 in the Mississippi River, located in Fractional Section 34, township and range aforesaid. All of an unnamed island in the Mississippi River, located in Fractional Sections 34 and 35, township and range aforesaid, and lying immediately downstream from Island No. 526.

Township 48 North, Ranges 4 and 5 East

All of Bolter Island in the Mississippi River, located in Fractional Sections 24, 25, 26, 35 and 36, Township 48 North, Range 4 East of the Fifth Principal Meridian, and in Fractional Sections 19 and 30, Township 48 North, Range 5 East of the Fifth Principal Meridian, together with an attached island at the upstream end thereof, known as Baird Island, and a small towhead lying immediately downstream from said Bolter Island, excepting therefrom the right of way of the Missouri Transmission Company.

Township 48 North, Range 5 East

Section 3: All that portion lying north of a line described as follows: Beginning at a point in the east line of said fractional section, distant therein north 0 degrees 54½ minutes east, 1,165.9 feet from a stone marking the east quarter corner of said fractional section; thence, from said point of beginning, north 59 degrees 04 minutes west, 1,877.0 feet; thence south 64 degrees 59 minutes west, 1,197.1 feet; thence south 53 degrees 23½ minutes west, 1,668.5 feet; thence south 47 degrees 35 minutes west, 1,830.2 feet to a point in the west line of said fractional section.

Section 4: All that portion of Fractional Section 4 lying north of a line described as follows: From an iron pipe marking the northeast corner of the NW¼ of the SW¼ of Fractional Section 3, township and range aforesaid, measure north 89 degrees 21 minutes west, 613.4 feet, and south 47 degrees 35 minutes west, 995.9 feet to a point in the east line of said Fractional Section 4, marking the point of beginning of the line herein described; thence, from said point of beginning, south 70 degrees 01 minute west, 1,053.4 feet; thence north 88 degrees 53 minues west, 487.3 feet; thence south 78 degrees 19 minutes west, 698.6 feet, more or less to its intersection with the ordinary high water mark of the Mississippi River. All of Perry Island in the Mississippi River, located in Fractional Sections 4 and 9, township and range aforesaid.

Township 48 North, Range 6 East

Survey 1692: All that portion lying north of a line described as follows: Beginning at a point in the east line of said survey, distant therein north 22 degrees 16 minutes east, 2,155.0 feet from a stake set at the southwest corner of lands now or formerly owned by Carolyn Weber; thence, from said point of beginning, north 63 degrees 07 minutes west, 1,090.1 feet; thence north 25 degrees 17 minutes west, 244.7 feet; thence north 65 degrees 46½ minutes west, 1,303.8 feet; thence north 38 degrees 17½ minues west to a point in the east line of said survey.

Survey 3281: All that portion lying north and east of a line described as follows: From a stone marking the southwest corner of Section 6, Township 48 North, Range 6 East of the Fifth Principal Meridian, measure north 0 degrees 51½ minutes east, 2,284.5 feet to a stone; thence north 85 degrees 29½ minutes east, 354.8 feet; thence north 0 degrees 37½ minutes east, 49.9 feet to a stone marking the point of beginning of the line herein described; thence, from said point of beginning, north 67 degrees 20 minutes east, 197.9 feet to a stone; thence north 82 degrees 30½ minutes east, 511.7 feet to an iron pipe thence south 71 degrees 35½ minutes east, 317.3 feet; thence south 38 degrees 14½ minutes east, 217.8 feet; thence south 70 degrees 17 minutes east, 1,139.1 feet; thence south 70 degrees 17½ minutes east, 465.3 feet; thence south 0 degrees 53 minutes west, 287.1 feet; thence south 23 degrees 58 minutes east, 804.4 feet; thence south 38 degrees 17½ minutes east to a point in the south line of said survey.

Section 7: All that portion of said section, Township 48 North, Range 6 East of the Fifth Principal Meridian, lying north and east of a line described as follows: From a stone set at the southwest corner of a tract of land conveyed by George H. Boeck and Pearl S. Boeck, his wife, to Alice E. O'Connor wife of Thomas F. O'Connor, and Mary R. Roth, wife of Henry J. Roth, by deed dated October 7, 1924, and recorded October 10, 1924, in Book 151, Page 100 of the Deed Records of St. Charles County, Missouri, measure north 0 degrees 53½ minutes east, 4115.6 feet along the west line of the tract conveyed as aforesaid; thence south 23 degrees 58 minutes east, 804.4 feet; thence south 38 degrees 17½ minutes east, intersecting the north and east lines of said section.

Township 48 North, Range 7 East

Survey 1765: A tract of land described as follows: Beginning at an iron pipe in the east line of Lot 1 of a partition of the estate of Vital M. Garesche in said survey, distant therein north 8 degrees 12½ minutes east, 6,847.5 feet from a stone marking the southeast corner of said Lot 1; thence, from said point of beginning, south 58 degrees 25 minutes west, 463.3 feet to an iron pipe; thence north 62 degrees 07½ minutes west, 87.9 feet to an iron pipe; thence north 56 degrees 30½ minutes west, 746.3 feet to an iron pipe; thence north 53 degrees 37½ minutes west to the west line of said survey; thence, in a northerly direction with the said west line to a point in the slough between the Missouri

mainland and McPike's Island; thence downstream along said slough the following courses and distances: South 60 degrees 27 minutes east to the northeast corner of a tract of land formerly owned by Charles Wesley Townsend; south 60 degrees 27 minutes east, 4.355 chains; south 78 degrees 05 minutes east, 6.04 chains; and south 66 degrees 33 minutes east, 5.483 chains; thence leaving said slough, south 7 degrees 59 minutes west, 16.68 chains, more or less, to a point in the center line of a county road; thence south 8 degrees 12½ minutes west 32.8 feet to a point in the southerly line of said county road; thence along said southerly line the following courses and distances: South 31 degrees 46 minutes east, 664.9 feet; south 36 degrees 01 minutes east, 200.0 feet; south 46 degrees 16 minutes east, 300.0 feet; south 48 degrees 07 minutes east, 420.1 feet; and thence, leaving said southerly line, south 59 degrees 25 minutes west, 545.9 feet; thence north 80 degrees 17½ minutes west, 93.3 feet; thence north 78 degrees 17½ minutes west, 100.0 feet; thence north 76 degrees 17½ minutes west, 100.0 feet; thence north 74 degrees 17½ minutes west, 100.0 feet; thence north 72 degrees 17½ minutes west, 100.0 feet; thence north 70 degrees 17½ minutes west, 255.1 feet to a point in the east line of said Lot 1; thence, along said east line, south 8 degrees 12½ minutes west, 714.9 feet to the point of beginning.

Survey 1730: All that portion lying north of a line described as follows: From an iron pipe in the east line of Lot 1 of the partition of the estate of Vital M. Garesche in U. S. Survey No. 1765 (distant therein north 8 degrees 12½ minutes east, 6,847.5 feet from a stone marking the southeast corner of said Lot 1), measure south 58 degrees 25 minutes west, 463.3 feet to an iron pipe; thence north 62 degrees 07½ minutes west, 87.9 feet to an iron pipe; thence north 56 degrees 30½ minutes west, 746.3 feet to an iron pipe; thence north 53 degrees 37½ minutes west, intersecting the east line of said Survey 1730 410.1 feet to an iron pipe; thence north 45 degrees 26½ minutes west, 287.9 feet to an iron pipe; thence north 50 degrees 15 minutes west, 525.1 feet to an iron pipe; thence north 33 degrees 22 minutes west, 460.4 feet to an iron pipe; thence north 32 degrees 55 minutes west, 827.3 feet to an iron pipe; thence south 7 degrees 16½ minutes west, 50.3 feet to an iron pipe; thence north 72 degrees 56 minutes west to the west line of said survey.

Survey 3292: All of Dresser Island in the Mississippi River, located in said survey. All of a small island, in the Mississippi River, formerly owned by Laura Merrtt Allen, and lying opposite Dresser Island.

Section 26: All of fractional section.

Section 27: All of fractional section.

Section 34: All that portion lying north of a line described as follows: Beginning at an iron pipe in the east line of U. S. Survey No. 1703, distant therein south 6 degrees 47 minutes west, 27.546 chains from a stone marking the northeast corner of Lot 10 of Lamothe Subdivision of said U. S. Survey No. 1703; thence, from said point of beginning, south 72 degrees 56 minutes east to the east line of said Fractional Section 34.

Survey 1703: Lots 10 and 11 of Lamothe Subdivision of said survey.

Township 48 North, Ranges 6 and 7 East

Survey 1838: All that portion, except Lot 4 of Nicholson's Subdivision lying north of a line described as follows: Beginning at an iron pipe in the east line of said survey, marking the southeast corner of Lot 12 of Nicholson's Subdivision of said survey; thence, from said point of beginning, north 52 degrees 03 minutes west, 523.6 feet; thence north 19 degrees 35 minutes west, 400.6 feet; thence north 25 degrees 44½ minutes west, 255.8 feet; thence north 21 degrees 15 minutes west, 262.2 feet; thence north 9 degrees 14 minutes west, 240.1 feet; thence north 5 degrees 31 minutes west, 219.5 feet; thence north 84 degrees 39½ minutes west, 115.2 feet to a point in the west line of said Lot 12; thence, with said west line, south 8 degrees 55½ minutes west, 66.6 feet to a stone set at the southeast corner of Lot 11 of said Nicholson's Subdivision; thence north 15 degrees 50½ minutes west, 1,205.6 feet to an iron pipe; thence north 19 degrees 10 minutes west, 955.0 feet to an iron pipe; thence north 71 degrees 14 minutes west, 89.7 feet to an iron pipe; thence north 7 degrees 31½ minutes east, 95.3 feet to a point in the centerline of Missouri State Highway No. 94; thence, with said centerline, north 82 degrees 30½ minutes west, 827.5 feet to an iron pipe; thence north 8 degrees 32½ minutes east, 20.0 feet; thence north 83 degrees 52 minutes east, 107.2 feet; thence north 16 degrees 00½ minute west, 991.2 feet; thence north 7 degrees 15½ minutes east, 939.0 feet; thence north 10 degrees 24 minutes east, 1,359.2 feet; thence south 81 degrees 43 minutes west, 547.5 feet to a point in the west line of Lot 3 of said Nicholson's Subdivision; thence, with said west line, south 8 degrees 33 minutes west, 785.0 feet to a stone set at the southwest corner of said lot; thence, with the south line of Lot 2 of said subdivision, north 82 degrees 24½ minutes west, 610.0 feet; thence south 21 degrees 21 minutes east, 423.7 feet; thence south 5 degrees 41 minutes east, 407.9 feet; thence, south 70 degrees 07½ minutes west, 741.5 feet; thence south 8 degrees 33 minutes west, 540.0 feet; thence north 41 degrees 39 minutes west, 650.6 feet; thence north 9 degrees 35 minutes east, 905.5 feet; thence north 73 degrees 51 minutes west, 471.3 feet to a point in the west line of Lot 7 of said Nicholson's Subdivision; thence north 72 degrees 20½ minutes west, 1,160.8 feet; thence north 75 degrees 44 minutes west, 439.4 feet; thence north 82 degrees 16 minutes west, 320.0 feet; thence north 49 degrees 05 minutes west, 397.0 feet; thence north 63 degrees 16 minutes west, 818.9 feet; thence north 64 degrees 43 minutes west, 561.1 feet; thence north 74 degrees 40 minutes west, 538.8 feet to a point in the west line of Lot C of Oakley vs O'Fallon partition of said survey; thence, with said west line, north 7 degrees 46½ minutes east to an iron pipe in the south bank of Brickhouse Slough; thence, upstream with the meanders of said slough bank the following courses and distances: South 81 degrees 17 minutes west, 614.4 feet; south 87 degrees 13½ minutes east, 388.2 feet to an iron pin; north 82 degrees 17½ minutes west, 210.0 feet to an iron pin; north 76 degrees 20 minutes west, 316.2 feet; north 59 degrees 40½ minutes west, 285.9 feet; north 53 degrees 35½ minutes west, 499.5 feet; thence, leaving said slough bank, south 7 degrees 52½ minutes west, to a stone marking the northeast corner conveyed by Frank Timmermeier and wife to Lola M. Scholz, by deed dated 28 September 1936, and recorded 28 September 1936, in Book 177, at Page 120 of the deed records of St. Charles County, Missouri; thence north 28 degrees 59 minutes west, 181.2 feet; thence north 46 degrees 12½ minutes west, 157.0 feet; thence north 66 degrees 22½ minutes west, 205.1 feet; thence north 56 degrees 43½ minutes west, 1,002.4 feet; thence south 8 degrees 41 minutes west, 132.5 feet; thence north 35 degrees 49 minutes west, 589.5 feet; thence north 25 degrees 09 minutes west, 1,014.1 feet; thence north 32 degrees 31 minutes west, 694.1 feet; thence north 41 degrees 30 minutes west, 409.9 feet; thence north 75 degrees 37 minutes west, 914.5 feet; thence north 7 degrees 52½ minutes east, 220.0 feet; thence north 62 degrees 28 minutes west, 1,218.9 feet to an iron pipe; thence north 60 degrees 56 minutes west, 1,710.8 feet; thence north 8 degrees 10 minutes east, 1,205.8 feet; thence south 80 degrees 34 minutes west, 1,324.6 feet; thence south 70 degrees 49½ minutes west, 2,160.2 feet; thence south 86 degrees 27 minutes west, 726.3 feet; thence south 74 degrees 04½ minutes west, 868.4 feet; thence south 82 degrees 33 minutes west, 842.9 feet; thence north 62 degrees 57 minutes west, 992.9 feet; thence north 77 degrees 51½ minutes west, 1,395.0 feet; thence north 66 degrees 34½ minutes west, 1,370.3 feet to a point in the west line of said survey.

The above described lands are shown upon War Department maps entitled "Mississippi River," "Lock and Dam No. 25," Sheets 1, 2 and 3 dated January 31, February 1 and 2 1939, respectively; "Lock and Dam No. 26 Sheets 1 to 7, inclusive, dated February 18 26, April 2, February 19, 27, 25 and 24, 1937 respectively, and "Lock and Dam No. 24 Sheets 1, 3, 4, 5, 6 and 7, inclusive, dated July 6, 1937, File Nos. 24–G–6.2, 8.3, 9.2, 10.2 11.2 and 29.2, all filed in United States Engineer Office at St. Louis, Missouri; "Lock and Dam No. 9:" Sheets 1 to 7, inclusive File Nos. MISS L/D 9/28–1, 2, 3, 4, 5, 6 and 7, filed in United States Engineer Office, St Paul, Minnesota; "Lock and Dam No. 11 Sheets 1 to 6 inclusive, dated April 13, 1937 File Nos. 11–G–46.3, 47.4, 48.6, 49.3, 50.3 and 51.4; "Lock and Dam No. 12," Sheets 1 and 4, inclusive, dated May 10, 1937, File Nos. 12–G–16.4, 18.5 and 19.5; "Lock and Dam No. 13," Sheets 1 to 6 inclusive, dated June 2, 1937, File Nos. 13–G–18.5, 19.3, 20.7, 21.5 22.4 and 23.4; and "Lock and Dam No. 14 Sheets 2 to 5, inclusive, dated June 11, 1937 File Nos. 14–G–11.4, 12.4, 13.5 and 14.4, filed in the United States Engineer Office, Rock Island, Illinois.

The above-described lands have been acquired by the United States in connection with the improvement of navigation in Mississippi River Pools Nos. 9, 11, 12 13, 14, 24, 25, and 26. The right, power and privilege to patrol and to prohibit hunting and trapping on any of such lands is hereby granted to the Department of the Interior: *Provided*, That any prohibition against hunting and trapping as may be established on said lands may be so modified by mutual agreement between the War Department and the Department of the Interior as to permit the War Department to grant leases or licenses to Federal, State, or local government agencies and individuals for the purpose of using said lands or portions thereof for hunting and trapping. The rights so granted to the Department of the Interior shall be subject to the primary use thereof by the War Department for navigation, flood control, and all other related purposes, including, but not limited to, temporary or permanent change in water-surface elevation, dredging, spoil areas, construction of a training works, bank protection, and navigation aids. Nothing herein recited shall restrict the right of the public to use for purposes of navigation any navigable waters within the areas covered by this order.

Other details in connection with the use and administration of these lands may be agreed upon between the War Department and the Department of the Interior.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 2, 1947

[F. R. Doc. 47–6442, Filed, July 10, 1947, 8:46 a. m.]

[Public Land Order 381]

ILLINOIS

RESERVING LANDS FOR THE USE OF THE DEPARTMENT OF THE INTERIOR AS WILDLIFE REFUGE AND MANAGEMENT AREAS

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, and in furtherance of the purposes of and in accordance with the act of March 10, 1934, 48 Stat. 401 (U. S. C. Title 16, Secs. 661–666), as amended by the act of August 14, 1946 (60 Stat. 1080), it is ordered as follows:

Subject to valid existing rights, the following-described lands in Illinois are hereby reserved and set apart for the use of the Department of the Interior as wildlife refuge and management areas:

LOCK AND DAM NO. 26

JERSEY COUNTY, THIRD PRINCIPAL MERIDIAN

Township 6 North, Range 13 West

Section 9: All that portion of the W½ of the NW¼ of the NE¼ of Fractional Section 9 lying west of Illinois State Highway No. 109.

Township 7 North, Range 13 West

Section 8: A parcel of land in the N½ of the NW¼ of the NE¼ of said section described as follows: Beginning at a point in the east line of said NW¼ of the NE¼, distant therein south 0 degrees 04 minutes west, 82.6 feet from a stone marking the north quarter corner of the NE¼ of said section; thence, from said point of beginning, and along the said east line, south 0 degrees 04 minutes west, 585.3 feet; thence due west 1,339.8 feet; thence, along the west line of said NW¼ of the NE¼, north 0 degrees 04 minutes east, 173.7 feet; thence north 77 degrees 13½ minutes east, 694.4 feet; thence north 46 degrees 58 minutes east, 376.4 feet; thence north 89 degrees 49 minutes east, 387.9 feet to the point of beginning.

LOCK AND DAM NO. 25

CALHOUN COUNTY, FOURTH PRINCIPAL MERIDIAN

Township 11 South, Range 2 West

Section 30: All of the W½, except the SW¼ of the SW¼. The above described lands are shown upon War Department maps entitled "Mississippi River", "Lock and Dam No. 25", Sheet 1 dated January 31, 1939, and "Lock and Dam No. 26", Sheets 4 and 5 dated February 19 and 27, 1937, respectively, filed in the United States Engineer Office at St. Louis, Missouri.

The above-described lands have been acquired by the United States in connection with the improvement of navigation in Mississippi River Pools Nos. 25 and 26, and their reservation and use as wildlife refuge and management areas shall be subject to the primary use thereof by the War Department for navigation, flood-control, and all other related purposes, including, but not limited to, temporary or permanent change in water-surface elevation, dredging, spoil areas, construction of training works, bank protection, and navigation aids. Nothing herein recited shall restrict the right of the public to use for purposes of navigation any navigable waters within the area covered by this order.

No hunting or trapping will be permitted on the lands hereby reserved.

Details in connection with the use and administration of these lands may be agreed upon between the War Department and the Department of the Interior.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 2, 1947.

[F. R. Doc. 47–6443; Filed, July 10, 1947; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[3d Rev. S. O. 244]

PART 95—CAR SERVICE

DISTRIBUTION OF GRAIN CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of July A. D. 1947.

It appearing, that the demand for box cars for grain loading at country stations in the United States is placing a severe burden on the car supply, and that the need for an equitable distribution of such cars to obtain a fair supply between all country shippers is of vital importance; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

§ 95.244 *Distribution of grain cars*—(a) *Definitions.* (1) The term "prompt loading," as used in this section, is intended to mean that a car placed for loading not later than 12:00 noon must be loaded and billing instructions tendered on or before 10:00 a. m. the following business day, failing which, such car will be charged against the consignor's or shipper's allotment as an additional empty for each succeeding day held for loading, or for billing instructions.

(2) The term "blocked elevator", as used in this section, shall be held to mean an elevator containing grain to at least 90% of its rated capacity and that the carrier's agent has been notified to this effect in writing and other consignors or shippers have been given an opportunity for verification. The term "rated capacity" shall be held to mean the capacity filed with State authorities as basis for license.

(3) The term "grain" means barley, buckwheat, corn, grain sorghums, oats, rye, spelt and wheat; also soybeans and flaxseed.

(4) For the purpose of this section, where a shipper owns, leases, operates or manages more than one grain loading facility served by one common carrier at a given station all such facilities shall be considered as a unit and the term "elevator" shall be construed accordingly.

(b) *Cars not to be furnished or supplied for grain loading.* No common carrier by railroad subject to the Interstate Commerce Act shall supply or furnish any car to any consignor or shipper of grain for loading and transportation unless such consignor or shipper has first:

(1) Advised the carrier's agent daily of the total quantity of grain on hand available for tender for rail shipment the following day, and

(2) Made a written order on the carrier's agent (See note below) for cars wanted for grain loading showing the (i) date of order, (ii) number of cars wanted, (iii) whether car is for bulk or sacked grain, (iv) destinations, (v) date wanted to load, (vi) quantity of each kind of grain on hand and conveniently located for prompt loading tendered for rail shipment, and (vi) name of shipper.

NOTE: Orders from shippers served by more than one railroad shall be placed jointly when cars are required from more than one carrier. Copies of all orders, whether single or joint, shall be sent as information to each of the other roads serving the industry. Such combined orders shall not exceed the total grain conveniently located for prompt loading tendered for shipment.

(c) *Distribution.* After a consignor or shipper has complied with paragraph (b) of this section, each common carrier by railroad subject to the Interstate Commerce Act shall supply a car or cars to such consignor or shipper but such carrier or carriers shall distribute its cars available for grain loading in accordance with the following standards:

(1) (i) Number of cars ordered.

(ii) Quantity of grain on hand for immediate shipment as shown in paragraph (b) (1) of this section (Expressed in car loads).

(iii) Number of cars which can actually be loaded per day.

Whichever of the above standards requires the least number of cars shall govern, and shall establish the ratio among the distributors to the cars available.

(2) In case one or more elevators at a station are blocked, the available cars shall be distributed as follows: the first car to first elevator blocked and thereafter during such time as elevators remain blocked, cars shall be distributed consecutively to blocked elevators in the order in which they became blocked until the blocked condition in all elevators is relieved. After each blocked elevator has been furnished one car, any cars remaining will be furnished all shippers at such station in accordance with the provisions of paragraph (c) of this section.

(d) *Application.* (1) The provisions of this section shall apply to intrastate as well as interstate commerce.

(2) This section shall apply only at country loading points located in the United States.

(e) *Effective date.* This section shall become effective at 12:01 a. m., July 7, 1947.

(f) *Expiration date.* This order shall expire at 11:59 p. m., December 31, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

It is further ordered, that this order shall vacate and supersede Second Revised Service Order No. 244, as amended on the effective date hereof; that a copy of this order and direction shall be served upon all state regulatory bodies regulating common carriers by railroad, and upon the Association of American

Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6461; Filed, July 10, 1947; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—National Wildlife Refuges; General Regulations

PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

RIO GRANDE WILDLIFE REFUGE, SOCORRO AND SIERRA COUNTIES, N. MEX.

CROSS REFERENCE: For order affecting the tabulation in § 11.1 by the revocation of Executive Order No. 6086 of March 28, 1933, which established the Rio Grande Wildlife Refuge within Socorro and Sierra Counties, New Mexico, see Public Land Order 378 under Title 43, Chapter I, *supra.*

PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND WISCONSIN

CROSS REFERENCE: For orders affecting the tabulation in § 11.1 by reserving lands as wildlife refuges and management areas, see Public Land Orders 379, 380 and 381, under Title 43, *supra.*

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[50 CFR, Ch. I, Subch. Q]

ALASKA COMMERCIAL FISHERIES REGULATIONS

NOTICE OF INTENTION TO ADOPT AMENDMENTS TO EXISTING REGULATIONS

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong.), and the authority contained in the act of June 6, 1924 (43 Stat. 465, 48 U. S. C. 221, et seq.), as amended and supplemented, notice is hereby given that the Secretary intends to take the following action:

Adopt amended regulations permitting and governing the time, means, and methods for the taking of commercial fish in the waters of Alaska, and related matters.

The foregoing regulations are to be effective beginning February 1, 1948, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or arguments in writing to the Director of the Fish and Wildlife Service, Department of the Interior, Washington, D. C., or by presenting their views at a series of open discussions scheduled to be held at the following designated places on the dates specified:

Juneau	Sept. 19
Sitka	Sept. 22
Craig	Sept. 24
Petersburg	Sept. 26
Ketchikan	Sept. 29
Anchorage	Oct. 2
Kodiak	Oct. 4
Cordova	Oct. 9
Seattle	Oct. 27

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JULY 2, 1947.

[F. R. Doc. 47-6444; Filed, July 10, 1947; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 903]

[Docket No. AO-10 A-10]

HANDLING OF MILK IN ST. LOUIS, MO., MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp, 900.1 et seq.; 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159), notice is hereby given of a public hearing to be held at the Coronado Hotel, St. Louis, Missouri, beginning at 9:00 a. m. CST, July 17, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the St. Louis, Missouri, milk marketing area (8 F. R. 17451). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed by Sanitary Milk Producers, St. Louis, Missouri:

Delete the provisions of § 903.4 (a) (1) and (2) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the price computed under (3) of this paragraph, plus the following amount per hundredweight for the following delivery periods:

Delivery periods:	*Amount*
January–March	$1.25
April–June	.90
July–December	1.65

(2) *Class II milk.* The price for Class II milk shall be the price computed under (3) of this paragraph, plus the following amount per hundredweight for the following delivery periods:

Delivery periods:	*Amount*
January–March	$0.4
April–June	.3
July–December	.65

By the Dairy Branch, Production and Marketing Administration:

Make such other changes as may be required to make the entire marketing agreement or order conform with any amendments thereto which may result from this hearing.

* * * * *

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the market administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0308, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 8, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-6407; Filed, July 10, 1947; 8:49 a. m.]

[7 CFR, Part 904]

HANDLING OF MILK IN GREATER BOSTON, MASS., MARKETING AREA

NOTICE OF PUBLIC MEETING FOR CONSIDERATION OF PROPOSED AMENDED RULES AND REGULATIONS

Notice is hereby given that pursuant to authority contained in order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, a public meeting will be held at Room 726, 80 Federal Street, Boston, Massachusetts, on July 15, 1947, at 10:00 a. m., to consider proposed amended rules and regulations to supersede the rules and regulations[1] issued by the market administrator to effectuate the terms and provisions of said order. All persons who desire to submit oral data, views, or arguments in connection with the proposed amended rules and regulations will be given an opportunity to do so at the meeting. All persons who desire to submit written data, views, or arguments in connection with the proposed amended rules and regulations shall submit them to the market administrator at Room 746, 80 Federal Street, Boston, Massachusetts, by mail or otherwise, in time to be received not later than 5:15 p. m., July 18, 1947.

[1] These rules and regulations have been filed with the Division of the Federal Register.

The market administrator proposes the following amended rules and regulations to be made effective at the same date as an amended Order No. 4 is made effective. All references to "provisions of Order No. 4 are related to the proposed order which is a part of the Secretary's decision with respect to proposed amendments to the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area which was issued June 30, 1947, and published in the FEDERAL REGISTER July 4, 1947.

§ 904.101 *Scope.* This subpart consists of rules and regulations made by the market administrator pursuant to § 904.2 (c) (2) of "Order No. 4, as Amended, Issued by the Secretary of Agriculture, Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area," hereinafter referred to as "the order."

§ 904.102 *Receipts from producer-handlers and from segregated dairy farmers*—(a) *Receipts from producer-handlers.* (1) Milk received in packaged form from a producer-handler shall be considered as a receipt from a handler.

(2) Milk received from a producer-handler for the purpose of being processed or packaged for him shall be considered as a receipt from a handler. However, any excess of receipts in bulk from a producer-handler over the quantity of processed or packaged milk returned to him during the month shall be considered as a receipt from a dairy farmer.

(b) *Receipts from segregated dairy farmers.* Milk received from dairy farmers and handled in conformity with subparagraphs (1) and (2) of this paragraph shall be considered as receipts from segregated dairy farmers. The burden of proof rests on the handler who receives the milk from dairy farmers to establish such handling.

(1) In the process of being received at the handler's plant, the milk shall be kept entirely separate from the milk of producers and from any other fluid milk products which are shipped to or disposed of in the marketing area.

(2) The milk shall not be shipped to or disposed of in the marketing area in any form of fluid milk products, and shall not be intermingled with any other fluid milk products which are shipped to or disposed of in the marketing area.

§ 904.103 *Classification of milk and other fluid milk products*—(a) *Application of this section.* The provisions of this section shall apply only to fluid milk products which are not required to be classified as Class I milk pursuant to § 904.3 (c) (2) and (3).

(b) *Fluid milk products disposed of to consumers.* Fluid milk products disposed of by a handler or dealer to consumers shall be classified as follows:

(1) Milk, flavored milk, cultured or flavored skim milk, and buttermilk shall be classified as Class I milk, except as provided in subparagraphs (3) and (4) of this paragraph.

(2) Cream and skim milk shall be classified as Class II milk.

(3) Sour milk and milk otherwise unsuitable for human consumption as milk, which is disposed of to a livestock farmer and used by him for animal feed, shall be classified as Class II milk.

(4) Flavored milk, cultured or flavored skim milk, and buttermilk, which is disposed of to a livestock farmer and used by him for animal feed, shall be classified as Class II milk.

(c) *Fluid milk products manufactured into other milk products.* Fluid milk products manufactured by a handler or dealer into any of the following milk products shall be classified as Class II milk, unless the resulting milk product is subsequently reconverted into fluid milk products for which Class II utilization is not established.

Acidophilus milk.
Butter.
Buttermilk powder.
Casein.
Cheese and cheese paste.
Condensed milk.
Condensed skim milk.
Eggnog (unless found to be flavored milk).
Evaporated milk.
Evaporated skim milk.
Ice cream, ice cream mix, and similar frozen desserts.
Milk powder.
Nonfat dry milk solids (skim powder).
Whey and whey products.
Yarhout (Bulgarian milk).

(d) *Miscellaneous uses.* Fluid milk products used or disposed of by a handler or dealer in accordance with this paragraph shall be classified as follows:

(1) Milk dumped or discarded shall be classified as Class I milk, unless established as sour milk or milk otherwise unsuitable for human consumption as milk.

(2) Fluid milk products dumped or discarded, except milk suitable for human consumption as milk, shall be classified as Class II milk.

(3) Fluid milk products destroyed or spilled under extraordinary circumstances shall be classified as Class II milk.

(4) Plant shrinkage in excess of 2 percent of the volume of fluid milk products handled shall be classified as Class I milk.

(e) *Inventories.* Fluid milk products on hand at any plant at the close of the month may be classified tentatively as Class II milk, subject to final classification in the following month.

§ 904.104 *Plant shrinkage*—(a) *Application of this section.* The provisions of this section shall apply in determining the quantity of plant shrinkage to be classified as Class II milk pursuant to § 904.3 (a) (2) (ii).

(b) *Requirement to establish plant shrinkage.* (1) Plant shrinkage may be considered as established only if both the volume of fluid milk products handled during the month and the total of specific uses of fluid milk products during the month are established.

(2) If plant shrinkage is not established, the total quantity of fluid milk products not specifically accounted for shall be classified as Class I milk.

(c) *Computation of volume handled and of total of specific uses.* (1) The volume of fluid milk products handled by a handler during the month shall consist of the total receipts of fluid milk products at the handler's regulated plants, plus the opening inventory, and minus the closing inventory, at such plants.

(2) Each handler's total of specific uses of fluid milk products during the month shall consist of the total quantity of fluid milk products the specific disposition of which is established at the handler's regulated plants, minus the quantity of syrup or other flavoring material disposed of in flavored milk or flavored skim milk.

(d) *Determination and classification of plant shrinkage.* (1) Plant shrinkage shall be determined by deducting the total of specific uses from the volume handled. The remainder, if it can reasonably be considered to represent the loss or shrinkage in fluid milk products normally incurred by the handler in the receiving, processing, packaging, and distribution of the milk and milk products handled by him, shall be considered his plant shrinkage.

(2) The classification of plant shrinkage shall be determined by computing 2 percent of the volume handled, and comparing the result with the plant shrinkage. Plant shrinkage not in excess of such result shall be classified as Class II milk. Plant shrinkage in excess of such result shall be classified as Class I milk.

§ 904.105 *Butterfat subject to the butter and cheese adjustment*—(a) *Application of this section.* The provisions of this section shall apply in determining the quantity of butterfat subject to the butter and cheese adjustment provided in § 904.7 (d). As used in this section, the term "Cheddar-type cheese" shall mean Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese; and the term "salted butter" shall mean butter which contains not less than 1.5 percent of salt by weight.

(b) *General provisions for determining quantity subject to the adjustment.* (1) The butter and cheese adjustment shall not apply to the butterfat in receipts of milk from dairy farmers who are not producers, receipts of butterfat in farm-separated cream, and receipts of butterfat in other fluid milk products derived from nonpool milk, regardless of the form in which the butterfat is received or used at any plant.

(2) The butter and cheese adjustment shall not apply to butterfat processed into salted butter or Cheddar-type cheese at any plant other than a plant of the first handler of the butterfat or of

a second person to which the butterfat is moved.

(3) In general, the butter and cheese adjustment shall apply only to butterfat processed into salted butter or Cheddar-type cheese during any of the months of April through July. In the case of movements of butterfat to the plant of a second person however, the date of shipment to such person, rather than the date of processing, shall govern. Accordingly, the adjustment shall not apply to butterfat shipped to a second person during March, but shall apply to butterfat so shipped during July if the butterfat is otherwise eligible for the adjustment.

(4) The butter and cheese adjustment shall not apply to butterfat which is disposed of by the first handler or the second person in a form other than salted butter or Cheddar-type cheese after being processed into those products. However, if the salted butter or Cheddar-type cheese is held in inventory by the first handler or the second person at the close of any month, the butterfat in such butter or cheese may be tentatively considered as eligible for the adjustment, subject to proof of the form in which the butterfat was subsequently disposed of by the first handler or the second person.

(5) The butter and cheese adjustment may apply to the butterfat in route returns which is processed into salted butter or Cheddar-type cheese, except as provided in subparagraph (1) of this paragraph.

(c) *Assignment of identified butterfat to source.* When the source of butterfat processed into salted butter or Cheddar-type cheese at any plant is established by the processor's records, the butterfat shall be assigned to that source.

(d) *Assignment of unidentified butterfat to source.* When the source of butterfat processed into salted butter or Cheddar-type cheese at any plant is not established by the processor's records, the butterfat so used shall be assigned in the following manner:

(1) Butterfat processed into salted butter shall first be assigned to the butterfat in receipts of farm-separated cream at the plant, unless the records establish other uses of the cream.

(2) Butterfat processed into salted butter or Cheddar-type cheese at a plant at which the receipts of butterfat in fluid milk products are derived partly from pool milk and partly from nonpool milk shall be assigned proportionately to butterfat derived from pool milk and from nonpool milk, except as provided in subparagraph (1) of this paragraph.

(3) After butterfat processed into salted butter or Cheddar-type cheese has been assigned to butterfat derived from nonpool milk as provided in subparagraphs (1) and (2) of this paragraph, any remaining quantity of butterfat so processed shall first be assigned to the processing handler's receipts from producers, and then to his receipts from other handlers.

(4) Butterfat shipped to the plant of another person for processing into salted butter or Cheddar-type cheese shall be assigned to the butterfat in the shipping plant's receipts from pool sources and from nonpool sources in the manner set forth in subparagraph (2) of this paragraph. The butterfat assigned to pool sources shall be considered eligible for the butter and cheese adjustment, but not in excess of the quantity of butterfat available at the shipping plant from the handler's receipts from producers.

§ 904.106 *Due dates for reports of receipts and disposition*—(a) *Application of this section.* The provisions of this section shall apply with respect to the due dates for the filing of reports by nonpool handlers relating to their total receipts and utilization of fluid milk products, and to the filing of reports by all handlers relating to their purchases of outside cream, pursuant to paragraphs (b) and (c) of § 904.6.

(b) *Reports of buyer-handlers and producer-handlers.* (1) Each buyer-handler and producer-handler whose daily average disposition of milk during the month is at least 300 quarts per day shall report on or before the 8th day after the end of the month.

(2) Except as provided in subparagraphs (3) of this paragraph, each buyer-handler or producer-handler whose daily average disposition of milk during each month is less than 300 quarts per day shall report semiannually. The handler shall report on or before July 8 with respect to his receipts and disposition of fluid milk products in the preceding six months' period ended June 30, and shall report on or before January 8 for the preceding six months' period ended December 31.

(3) Any buyer-handler or producer-handler whose daily average disposition of milk is less than 300 quarts per day but who receives outside milk during any month shall report within 8 days after the end of such month, and shall thereafter file separate reports for each subsequent month of the semiannual period involved. Separate reports for each prior month of the semiannual period shall be due on the same date as the report for the month in which the outside milk is received.

(c) *Reports of handlers who operate unregulated distributing plants.* Each handler who operates an unregulated distributing plant during the month shall report within 8 days after the end of such month.

(d) *Reports of subhandlers.* Each nonpool handler who disposes of Class I milk directly to consumers in the marketing area, but who does not operate a plant, shall report at the same time as a buyer-handler or producer-handler is required to report.

(e) *Reports of handlers who purchase outside cream.* Each handler who purchases bottling quality cream from nonpool handlers shall report on the 16th day of each month with respect to his purchases of such cream in the preceding 15 days, and shall report on the first day of the following month with respect to his purchases of such cream from the 16th day to the last day of the previous month.

§ 904.107 *Prescribed detail for reports of receipts and disposition*—(a) *Application of this section.* The provisions of this section shall apply with respect to the detail and form for the filing of reports by all handlers relating to their total receipts and utilization of fluid milk products, pursuant to paragraphs (a) and (b) of § 904.6.

(b) *Requirements applicable to pool handlers.* Each pool handler shall report the following information:

(1) The respective quantities of milk received at each plant from producers whose farms are located not more than 40 miles, more than 40 miles but not more than 80 miles, and more than 80 miles from the State House in Boston; and the number of producers in each group;

(2) The total receipts at each plant other than the plant of a qualified operating association, from producers who are members of each cooperative association qualified pursuant to § 904.10 from producers who are nonmembers; and the number of producers in each group;

(3) The shipments of fluid milk products from each country pool plant;

(4) The information necessary to calculate the amount of the butter and cheese adjustment provided for in § 904.7 (d); and

(5) The total receipts at each pool plant from segregated dairy farmers and the use classification of such receipts pursuant to § 904.3.

(c) *Requirements applicable to nonpool handlers.* Each nonpool handler shall report the following information:

(1) The receipts of fluid milk products at each plant from other handlers and dealers;

(2) The receipts of milk from his own production, and from other dairy farmers, including receipts from segregated dairy farmers;

(3) The total quantity of Class I milk disposed of to consumers without intermediate movement to another plant, showing the respective quantities so disposed of in the marketing area and outside the marketing area;

(4) The total quantity of Class I milk disposed of to individual handlers and dealers, showing the respective quantities so disposed of in the marketing area and outside the marketing area; and

(5) The total quantity of fluid milk products disposed of as Class II milk, and information as to the quantities so disposed of to individual handlers and dealers.

§ 904.108 *Averaging of producers' semimonthly butterfat tests.* In making payments for milk to each producer, pursuant to § 904.9, each handler may determine the average butterfat content of the milk by using the simple average of the butterfat tests of semimonthly composite samples of the milk, unless the difference between the semimonthly tests is more than two points (.2%), or the quantity of milk delivered by the producer in either semimonthly period is as much as three times as large as his deliveries in the other semimonthly period.

§ 904.109 *Deductions from payments to producers*—(a) *Authorization for deductions.* In making payments to producers as required by §§ 904.9 (a) and 904.9 (b) (1), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

(b) *Deductions for cooperative associations.* The handler shall be relieved of the obligation to make the cooperative association deduction provided for in § 904.10 (e) to the extent that the market administrator, after such investigation or verification as he deems necessary determines and so notifies the handler.

§ 904.110 *Weights of fluid milk products*—(a) *Application of this section.* The provisions of this section shall apply in determining the respective quantities of fluid milk products received or used by each handler or dealer.

(b) *Basis for determination of quantity.* The determination of the quantity of fluid milk products received or used by each handler or dealer shall be on the basis of the weight, in pounds, of the fluid milk products.

(c) *Standard weights.* In the absence of specific weights, the weight of fluid milk products received or disposed of in a quart or 40-quart container shall be determined according to the following table, and the weight of such products in any other container shall be determined by multiplying the equivalent number of quarts by the respective standard weight per quart container.

TABLE OF STANDARD WEIGHTS

Product	Butterfat test	Weight (pounds)	
		Per quart container	Per 40-quart container
Milk and flavored milk	(1)	2.15	85.0
Skim milk, flavored skim milk, buttermilk, and cultured skim milk	(1)	2.16	86.1
	Percent		
Cream	16	2.136	85.42
	17	2.134	85.34
	18	2.132	85.26
	19	2.130	85.18
	20	2.128	85.10
	21	2.126	85.02
	22	2.124	84.94
	23	2.122	84.86
	24	2.120	84.78
	25	2.118	84.70
	26	2.116	84.62
	27	2.113	84.52
	28	2.111	84.42
	29	2.109	84.36
	30	2.108	84.30
	31	2.106	84.24
	32	2.105	84.18
	33	2.103	84.12
	34	2.102	84.06
	35	2.100	84.00

(1) Any test.

TABLE OF STANDARD WEIGHTS—Continued

Product	Butterfat test	Weight (pounds)	
		Per quart container	Per 40-quart container
	Percent		
Cream	36	2.099	83.94
	37	2.097	83.88
	38	2.096	83.82
	39	2.094	83.76
	40	2.093	83.70
	41	2.091	83.64
	42	2.090	83.58
	43	2.088	83.52
	44	2.087	83.46
	45	2.085	83.40
	46	2.084	83.34
	47	2.082	83.28
	48	2.081	83.22
	49	2.079	83.16
	50	2.078	83.10

(Order No. 4, as amended (8 F. R. 3109, 8294; 9 F. R. 4972; 11 F. R. 5897, 10693, 14093)

Issued at Boston, Massachusetts, this 8th day of July 1947.

[SEAL] RICHARD D. APLIN,
Acting Market Administrator.

[F. R. Doc. 47-6498; Filed, July 10, 1947; 8:50 a. m.]

NOTICES

DEPARTMENT OF STATE

[DA 606]

CERTAIN REAL PROPERTY OF FORMER GERMAN GOVERNMENT LOCATED IN SAN FRANCISCO, CALIF.

RELINQUISHMENT OF CONTROL

By virtue of the authority vested in me by Executive Order 9760 (11 F. R. 7999), as amended by Executive Order 9788 (11 F. R. 11981), and pursuant to law (R. S. 161; 5 U. S. C. 22), the undersigned, after appropriate investigation and consultation, deeming it necessary in the national interest:

Hereby waives his authority to exercise control and supervision over certain real property of the former German Government occupied by the former German Consulate at 2090 Jackson Street in the city and county of San Francisco, California, together with the buildings, hereditaments, fixtures, improvements and appurtenances thereto, and all that certain lot of household furnishings, personalty, and items of office furniture and equipment found on the premises of the former German Consulate General at San Francisco, California, as particularly described in the Appendix attached hereto; said property being particularly described on page 240 of Liber 3752 of the official records of the city and county of San Francisco, California, as:

Beginning at the point of intersection of the northerly line of Jackson Street and the easterly line of Laguna Street; running thence northerly along said line of Laguna Street 139 feet and 6¼ inches; thence North 85° 30' East 87.802 feet to a point perpendicularly distant 87 feet and six inches easterly from the easterly line of Laguna Street; thence southerly and parallel with the easterly line of Laguna Street 4.583 feet to a point perpendicularly distant 127 feet and 8¼ inches northerly from the northerly line of Jackson Street; thence at a right angle westerly 7 feet and 6 inches; thence at a right angle southerly 127 feet and 8¼ inches to the northerly line of Jackson Street; thence at a right angle westerly along said line of Jackson Street 80 feet to the point of beginning.

Being a portion of Western Addition Block No. 194.

and relinquishes his custody of such property to the Office of Alien Property of the Department of Justice, and authorizes a notification in writing to the Office of Alien Property of the action taken hereby.

This release shall become effective on the date of publication in the FEDERAL REGISTER of a vesting order issued by the Office of Alien Property covering the property described herein.

In connection herewith reference is made to the antepenultimate paragraph of Department of State Public Notice DA 170 of July 26, 1946 (General Supervisory Order) (11 F. R. 8372).

Issued: July 3, 1947.

Approved: July 3, 1947.

[SEAL] G. C. MARSHALL,
Secretary of State.

APPENDIX—INVENTORY OF PROPERTY ON PREMISES OF FORMER GERMAN CONSULATE GENERAL AT SAN FRANCISCO, CALIF.

6 tan drapes.
2 andirons.
1 fireplace grate.
4 venetian blinds.
1 persian oval rug.
1 red broadloom rug, 27' x 15'
2 andirons.
1 Persian rug fitted to room.
3 venetian blinds.
1 green octagonal rug.
3 venetian blinds.
1 umbrella stand.
1 rug 9' x 9'.
1 large rug 18' x 20'.
1 upholstered chair.
1 upholstered settee.
1 marble (urn) stand.
1 large framed picture (in closet).
1 rug 9' x 6'.
1 large brown seat cushion.
1 wastebasket.
1 iron safe. Underwriters Laboratory, 4½ x 3' (combination missing).
2 venetian blinds.
1 roll corrugated paper.
1 wooden case (containing 162 holes).
1 wooden table 9' x 4'.
1 rug 22' x 20'.
1 small oak table.
1 oak rolltop desk.
1 carpet fitted to room.
2 window seats (circular) and cushions.
1 overstuffed window seat, L-shaped.
2 overstuffed window seats.
2 overstuffed sofas.
1 overstuffed settee.
2 green armchairs.
2 large pillows.
1 upholstered red chair (broken).
7 straight wooden chairs (kitchen).
2 wooden armchairs.
1 urn.
1 rocking chair.
7 large oil paintings.
1 oak bookcase (3-section).
1 large scales.
1 flag pole and stand.
9 large brass chandeliers.
2 large chrome chandeliers.
40 small brass chandeliers.
1 small leaded glass lampshade.
75 small glass lampshades.
1 round table and base.

Numerous curtain fixtures, poles, wooden files (in basement) (nominal value).
2 rug runners (nominal value).
1 scrub bucket (nominal value).
11 open bookracks wooden (nominal value).
1 rug runner.
1 waste basket.
1 straight kitchen chair.
1 hat rack.
11 glass lamp covers.
2 venetian blinds.
11 cartons containing light bulbs (now being used).
4 metal fixtures.
Numerous items (worthless) (in garage).
1 waxer.
3 mops.
1 carpet sweeper.
1 feather duster.
1 dust mop.
1 lawnmower and grasscatcher.
1 garden hose.
1 leaf rake.
1 garden rake.
1 pruning saw.
1 crosscut saw.
1 file 8".
1 large gardeners' table.
2 kitchen chairs.
1 kitchen table.
2 galvanized tubs.
2 pails.
2 wire wastepaper baskets.
1 broom.
1 dust pan.
3 garbage cans.
1 fitted linoleum.
1 small rug.
1 step ladder.
1 rug runner.
1 settee, brocade, high back with arms.
2 matching brocade chairs.
1 carpet, fitted to room.
1 mahogany dresser.
3 venetian blinds.
1 fitted carpet.
1 walnut bookcase.
4 venetian blinds.
3 venetian blinds.
1 fitted carpet.
2 large plush drapes over bookcase shelving.
2 venetian blinds.
1 carpet fitted to room.
1 steel correspondence form locker—30 pigeon holes.
1 curtain to closet.
1 set of stationary wooden bookshelves.
2 venetian blinds.
1 carpet, fitted to room.
1 fitted carpet in dressing room.
3 venetian blinds.
1 carpet, fitted to room.
1 wooden correspondence form.
1 electric hot plate.
2 pictures.
1 kitchen chair.
3 venetian blinds.
2 rug runners.
12 pieces of draping.
1 carpet runner.
1 floor runner.
2 overstuffed armchairs.
1 clothes tree.
2 oak occasional tables.
1 magazine rack.
1 straightbacked telephone chair.
1 pair of chairs.
1 paper punch.
1 fitted carpet
1 mahogany bed
1 mattress.
1 bed table.
1 rosewood straightback occasional chair.
3 venetian blinds.
1 wooden oak arm chair.
1 white straightbacked chair.
1 fitted rug.
2 window seat cushions and window seats.
3 pillows.
1 fitted carpet.
1 rocking chair, brocade.
1 davenport.
3 venetian blinds.
1 fireplace grate.
1 piano stool.
1 Hoover vacuum with attachments.
1 carpet sweeper.
1 step ladder.
1 clothes tree.
1 double chest of drawers (10 drawers painted).
1 fitted carpet.
1 oak bed.
1 mattress.
1 oak night table.
2 overstuffed brocade chairs.
1 step ladder.
1 oak table.
Mops and buckets and other cleaning equipment.
1 fitted carpet.
1 overstuffed occasional chair, yellow brown cover.
1 bookcase.
1 side table, twisted legs.
1 blue vase.
4 pillows.
1 dressing screen.
1 fitted carpet.
1 piano.
1 stool, 3 legs.
2 straightbacked dining room chairs.
1 overstuffed occasional chair.
1 dining room table.
1 pillow.
3 venetian blinds.
1 ice chest (Olympic).
1 hotpoint electric stove.
1 enameled kitchen table.
1 red kitchen chair.
2 glass vases.
1 small red kitchen garbage can.
1 fitted floor linoleum.
2 kitchen curtains.
1 fitted rug.
1 oak table.
1 straightback chair.
1 electric heater.
1 venetian blind.
1 fitted linoleum floor.
Stair coverings for six flights of stairs.
1 blotter (rocker type).
2 chairs with leather upholstery.
1 typewriter chair
1 wastepaper basket.
1 file cabinet, steel, for cards.
1 desk in walnut with armchair.
1 table.
1 wastepaper basket.
1 metal box.
1 desk blotter.
1 typewriter desk.
1 typewriter desk chair.
1 typewriter "Royal".
1 stapler.
1 small filing cabinet.
1 table.
1 bookcase.
1 file cabinet with four drawers.
1 table.
1 shelf, three partitioned.
1 metal box.
1 case for papers.
1 letter opener.
1 typewriter table.

[F. R. Doc. 47-6458; Filed, July 10, 1947; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

PHILADELPHIA RECORD CO., PHILADELPHIA, PA.

NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on June 27, 1947 there was filed with it an application (BTC-556) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Philadelphia Record Company, licensee of AM station WCAU and WCAU-FM, Philadelphia, Pennsylvania, from J. David Stern to Bulletin Company, Philadelphia, Pennsylvania.

The proposal to transfer control arises out of a contract of February 1, 1947 between the proposed transferors (J. David Stern, individually and as agent for other stockholders of Courier-Post Company, which company in turn controls Philadelphia Record Company) and transferee, Bulletin Company, pursuant to which transferors agree to sell all the outstanding stock of Courier-Post Company for $4,500,000. Partial payment of $1,250,000 has been made by Bulletin Company and the balance of the purchase price is to be paid and the stock transferred within 20 days after written consent of the Federal Communications Commission. Further down payments are provided upon certain contingencies. The principal assets of Courier-Post Company presently consist of the "Morning Post" and the "Evening Courier" at Camden, New Jersey and approximately 92% of the stock of Philadelphia Record Company. Said newspapers are presently under lease and purchase option agreement, subject to certain conditions in said instruments. Philadelphia Record Company owns no newspaper assets, the same having been sold. The present business of Philadelphia Record Company consists solely of operation of stations WCAU and WCAU-FM. Courier-Post Company and Philadelphia Record Company are substantially indebted upon certain mortgage obligations.

The arrangements provided for in the proposed transfer application of WCAU and WCAU-FM are related to certain other applications simultaneously filed with and now pending before the Federal Communications Commission, i. e., Application (file BAL-621) pursuant to which Philadelphia Record Company proposes to assign WCAU-FM to William Penn Broadcasting Company; application (file BAL-619) pursuant to which WPEN-FM and WPEN-TV would be assigned by William Penn Broadcasting Company to Philadelphia Record Company; and an application (BTC-557) pursuant to which control of William Penn Broadcasting Company would be transferred by Bulletin Company to Sun Ray Drug Company. Further details concerning arrangements between the parties may be obtained from the applications and associated papers which are on file at the office of the Federal Communications Commission, Washington D. C.

On June 27, 1947 the Commission was advised that starting June 30, 1947 publication concerning these matters would be given in local newspapers of general circulation at Philadelphia, Pennsylvania in conformity with § 1.321. In accordance with the procedure set out in said section no action will be had upon the applications for a period of 60 days from June 30, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions.

[1] Section 1.321, Part I, Rules of Practice and Procedure.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 910 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6473; Filed, July 10, 1947; 8:47 a. m.]

WCAU-FM ET AL.

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on June 27, 1947 there were filed with it applications (BAL-619 and BAL-621) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of WCAU-FM, Philadelphia, Pennsylvania, from Philadelphia Record Company to William Penn Broadcasting Company, and for assignment of the license for WPEN-FM and permit for WPEN-TV from William Penn Broadcasting Company to Philadelphia Record Company.

The proposal to assign WCAU-FM to William Penn Broadcasting Company and the license for WPEN-FM and permit for WPEN-TV to Philadelphia Record Company arises out of an agreement of June 7, 1947 between William Penn Broadcasting Company and Philadelphia Record Company which contemplates that if the Commission should consent to the acquisition of control of WCAU-FM by Bulletin Company (which now controls William Penn Broadcasting Company) see BTC-556 concerning which notice is given simultaneously herewith as well as the exchange of licenses and permits for WCAU-FM, WPEN-FM and WPEN-TV as provided, William Penn Broadcasting Company will transfer to Philadelphia Record Company existing licenses and permits for WPEN-FM and WPEN-TV and assets of said stations described in the contract in return for which Philadelphia Record Company will transfer to William Penn Broadcasting Company licenses and permits for WCAU-FM and assets described in the contract, after which call letters of WPEN-FM and WPEN-TV would be changed to WCAU-FM and WCAU-TV and call letters of WCAU-FM would be changed to WPEN-FM. The price to be paid by the respective assignees for the assets of the stations involved would be the fair market value fixed by appraisal as of the closing date, subject to adjustments provided in the agreement. Further details concerning arrangements between the parties may be obtained from the applications and associated papers which are on file at the offices of the Federal Communications Commission, Washington, D. C.

On June 27, 1947 the Commission was advised that starting June 30, 1947 publication concerning these matters would be given in local newspapers of general circulation at Philadelphia, Pennsylvania in conformity with § 1.321. In accordance with the procedure set out in said section no action will be had upon the applications for a period of 60 days from June 30, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 910 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6474; Filed, July 10, 1947; 8:48 a. m.]

WILLIAM PENN BROADCASTING CO., PHILADELPHIA, PA.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on June 27, 1947 there was filed with it an application (BTC-557) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of William Penn Broadcasting Company (AM Station WPEN and associated FM station), Philadelphia, Pennsylvania, from Bulletin Company to Sun Ray Drug Company, 1227 North Broad Street, Philadelphia, Pennsylvania.

The proposal to transfer control arises out of a contract of June 7, 1947 between the Bulletin Company and Sun Ray Drug Company under which the former would sell to the latter all the outstanding 500 shares of no par value common voting stock of the licensee company for a consideration of $800,000. Of this amount $40,000 has been paid and the balance will be paid in full on transfer of the stock, upon closing, which is to be within 20 days of Commission consent. If the current assets exceed current liabilities at closing, such amount should be added to the purchase price; if such liabilities exceed such assets the excess shall be deducted from the purchase price. Seller agrees to allow buyer a credit on the purchase price not to exceed $25,000, which would be reduced by the cost of acquisition and installation of FM facilities. Reference is hereby made to the pendency of other related applications (i. e., for transfer of control of Philadelphia Record Company to Bulletin Company, BTC-556; and for exchange of licenses and station properties between Philadelphia Record Company and William Penn Broadcasting Company, (BAL-619 and BAL-621)) upon the granting of which this application is contingent. Further details concerning the application as well as with reference to the other related applications may be found with the applications and associated papers which are on file at the offices of the Commission, Washington, D. C.

On June 27, 1947 the Commission was advised that public notice concerning the application would be inserted in a newspaper of general circulation at Philadelphia beginning June 30, 1947, in conformity with § 1.321.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from June 30, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 910 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6475; Filed, July 10, 1947; 8:48 a. m.]

HERALD PUBLISHING CO., ALBANY, GA.

NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on June 30, 1947 there was filed with it an application (File No. T-C-555) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Herald Publishing Company, licensee of Station WALB, Albany, Georgia, from Henry T. McIntosh and others to James H. Gray. The proposal to transfer control of Station WALB arises out of a contract of December 18, 1946 and an amended agreement dated June 16, 1947 pursuant to which Henry T. McIntosh agrees to sell to James H. Gray 173.33 shares of stock of Herald Publishing Company, publishing The Albany Herald and licensee of Station WALB, for the sum of $233,995.50 subject to the terms and agreements set forth therein. This purchase together with other related purchases by Gray will give him control (304.4 shares, 79.353% of the stock) of licensee. The value of the stock allocated to Station WALB is $493 per share or the sum of $150,069 for the 79.353% interest in Station WALB acquired and to be acquired by James H. Gray. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

The Commission has been informed that commencing June 30, 1947 public notice of the filing of the above described application would be inserted in The Albany Herald, a newspaper of general circulation in Albany, Georgia, pursuant to Commission § 1.321.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from June 30, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6476; Filed, July 10, 1947; 8:49 a. m.]

[1] Section 1.321, Part I, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Docket No. DI-178]

NANTAHALA POWER AND LIGHT CO.

NOTICE OF FINDING OF THE COMMISSION

JULY 8, 1947.

Notice is hereby given that, on July 7, 1947, the Federal Power Commission issued its finding entered July 3, 1947, in the above-designated matter, that the interest of interstate or foreign commerce will not be affected by the proposed construction.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6466; Filed, July 10, 1947; 8:47 a. m.]

[Docket No. G-891]

UNITED NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 3, 1947.

Upon consideration of the application filed April 18, 1947, and supplement thereto filed June 16, 1947, by United Natural Gas Company (Applicant) a Pennsylvania corporation with its principal office in Oil City, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas pipeline transportation facilities, subject to the jurisdiction of the Federal Power Commission as fully described in such application, as supplemented, public notice thereof having been published in the FEDERAL REGISTER on May 10, 1947 (12 F. R. 3091).

It appearing to the Commission that:

(a) The proposed pipe line is to be used for the purpose of providing a connection of Applicant's facilities with the so-called "Big Inch" pipe lines to provide an additional source of supply of natural-gas to Applicant so that it may be enabled to satisfy the requirements of its customers during the winter of 1947–1948.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER May 10, 1947 (12 F. R. 3091),

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure (effective September 11, 1946), a hearing be held on July 18, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding: *Provided, however,* If no request to be heard, protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may after such hearing, forthwith dispose of the proceeding by order, upon consideration of the application supplement thereto and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: July 7, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6446; Filed, July 10, 1947; 8:47 a. m.]

[Docket No. G-905]

EQUITABLE GAS CO.

ORDER FIXING DATE OF HEARING

JULY 3, 1947.

Upon consideration of the application filed on May 28, 1947, by Equitable Gas Company (Applicant), a Delaware corporation having its principal place of business at Pittsburgh, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas facilities, subject to the jurisdiction of the Commission, fully described in such application, public notice thereof having been given as hereinafter noted.

It appearing to the Commission that:

This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 17, 1947 (12 F. R. 3920).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on July 21, 1947, at 9:45 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding: *Provided, however,* That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: July 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6447; Filed, July 10, 1947; 8:47 a. m.]

[Docket No. IT-6056]

SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER APPROVING RATES FOR SALE OF ELECTRIC POWER AND ENERGY FROM DENISON DAM PROJECT TO TEXAS POWER & LIGHT CO.

JULY 8, 1947.

Notice is hereby given that, on July 7, 1947, the Federal Power Commission issued its order entered July 3, 1947, approving rates for sale of electric power and energy from Denison Dam Project to Texas Power & Light Company in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6467; Filed, July 10, 1947; 8:47 a. m.]

[Docket No. IT-6059]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER APPROVING AND AUTHORIZING ACQUISITION OF SECURITIES, MERGER OF FACILITIES AND ASSUMPTION OF LIABILITY ON BONDS

JULY 8, 1947

Notice is hereby given that, on July 7, 1947, the Federal Power Commission issued its order entered July 3, 1947, approving and authorizing acquisition of securities, merger of facilities and assumption of liability on bonds in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6468; Filed, July 10, 1947; 8:47 a. m.]

[Docket No. IT-6061]

ALBANY LIGHTING CO.

NOTICE OF ORDER AUTHORIZING SALE OF FACILITIES

JULY 8, 1947.

Notice is hereby given that, on July 7, 1947, the Federal Power Commission issued its order entered July 3, 1947, authorizing sale of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-6469; Filed, July 10, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 762]

UNLOADING OF FERTILIZER AT GALVESTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of July A. D. 1947.

It appearing, that two cars, containing ammonium nitrate fertilizer, at Galveston, Texas, on the International-Great Northern Railroad Company (Guy A. Thompson, Trustee), have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Fertilizer at Galveston, Texas, be unloaded.* The International-Great Northern Railroad Company, (Guy A. Thompson, Trustee), its agents or employees, shall unload immediately cars Alton 53625 and M-K-T 60065, loaded with ammonium nitrate fertilizer, now on hand at Galveston, Texas, consigned French Supply Council, J. D. Latta.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., July 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6459; Filed, July 10, 1947; 8:46 a. m.]

[S. O. 763]

UNLOADING OF FERTILIZER AT GALVESTON, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of July A. D. 1947.

It appearing, that four cars, containing ammonium nitrate fertilizer, at Galveston, Texas, on the Missouri-Kansas-Texas Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Fertilizer at Galveston, Tex., be unloaded.* The Missouri-Kansas-Texas Railroad Company, its agents or employees, shall unloaded immediately cars WM 28745, NP 23904, ATSF 138111 and ATSF 146312 loaded with ammonium nitrate fertilizer, now on hand at Galveston, Texas, consigned French Supply Council, J. D. Latta.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., July 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6460; Filed, July 10, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-534, 31-535]

MAINE PUBLIC SERVICE CO. AND MAINE AND NEW BRUNSWICK ELECTRICAL POWER CO. LTD.

ORDER GRANTING APPLICATION FOR EXEMPTION AND DISMISSING APPLICATION FOR EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of July A. D. 1947.

Maine Public Service Company ("Maine"), a registered holding company, having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 on behalf of itself and its subsidiary, New Brunswick Electrical Power Company, Limited ("New Brunswick"), requesting that Maine and its said subsidiary, as such, be granted an exemption from the provisions of the act pursuant to section 3 (a) (2) thereof; and

New Brunswick having filed an application requesting an exemption from the provisions of the act pursuant to section 3 (b) thereof; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, effective forthwith, That the application, as amended, of Maine Public Service Company on behalf of itself and its subsidiary, as such, for exemption pursuant to section 3 (a) (2) of the act be, and it hereby is, granted.

It is further ordered, That the application of New Brunswick Electrical Power Company, Limited, for exemption pursuant to section 3 (b) of the act be, and it hereby is, dismissed, without prejudice to the right of such company to apply at any time hereafter for an exemption from any provisions of the act pursuant to section 3 (b) or otherwise as may be deemed appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-6449; Filed, July 10, 1947; 8:49 a. m.]

[File Nos. 59-10, 54-82, 59-39, 54-50]

NORTH AMERICAN CO. ET AL.

ORDER APPROVING PLAN SUBJECT TO CONDITIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of June A. D. 1947.

In the matter of The North American Co. and its subsidiary companies, file No. 59-10; The North American Co. File No. 54-82; North American Light & Power Company Holding-Company System and The North American Co., File No. 59-39; North American Light & Power Co., File No. 54-50.

The North American Company ("North American"), a registered holding company, having filed an application for approval of a plan (designated as Plan I) pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 providing for the disposition of claims and counterclaims asserted by or against North American, its registered holding company subsidiary, North American Light & Power Company ("Light & Power"), and Light & Power's registered holding company subsidiary, Illinois Power Company ("Illinois Power") in connection with the liquidation of Light & Power; and

The Commission having previously on February 28, 1947, severed and approved so much of Plan I as provides for the settlement of all claims and counterclaims affecting Illinois Power, and said portion of Plan I having been approved and enforced on May 28, 1947 by the United States District Court for the District of Delaware; and

Public hearings having been held, briefs filed and oral argument held with respect to the remaining portion of Plan I; and

The Commission being duly advised and having this day issued its findings and opinion approving said remaining portion of Plan I as necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to all persons affected thereby, on condition that said Plan I be amended as therein provided;

It is ordered, That said remaining portion of Plan I be and hereby is approved subject to the terms and conditions specified in Rule U-24 and further subject to the following terms and conditions:

(1) That North American shall, within ten days from the date of this order, file and serve upon the participants in these proceedings appropriate amendments to said Plan I providing that:

(a) Light & Power will distribute to its public common stockholders (i. e., common stockholders other than North American), in lieu of the distribution of $7.50 presently proposed in said Plan I, $\frac{3}{10}$ of a share of the common stock of Illinois Power Company for each share of Light & Power common stock;

(b) North American will undertake, for a period of twenty-one days from the date when the Illinois Power stock is made available for distribution to the Light & Power public common stockholders, to stand ready to repurchase for cash from said public stockholders any or all of the shares so distributed to them on the basis of $7.50 for each $\frac{3}{10}$ of a share of Illinois Power common stock, irrespective of the then market price of such stock;

(c) North American will agree to pay such fees and remuneration for services rendered and for proper costs as the Commission may approve, including those incurred in connection with the matters involved in the settlement of the claims and counter claims involving Illinois Power, and will also agree to pay all other fees and expenses in connection with the liquidation of Light & Power;

(d) North American will expressly assume the contingent liability of Light & Power as guarantor of the principal and interest on $1,233,000 principal amount of St. Clair County Gas and Electric Company 5% First Consolidated Mortgage Gold Bonds due 1959;

(2) That jurisdiction be and hereby is reserved

(a) Over all fees and expenses to be paid in connection with Plan I, including the portion thereof which provides for the settlement of all claims and counterclaims affecting Illinois Power;

(b) To enter such other and further orders or to take such other or further action as may be necessary or appropriate in this matter with respect to all of the issues in these consolidated proceedings except as otherwise specifically provided herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6448; Filed, July 10, 1947; 8:49 a. m.]

[File No. 70-1432]

NORTH AMERICAN CO.

SUPPLEMENTAL ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of June 1947.

The Commission having previously permitted to become effective an application-declaration filed by The North American Company ("North American"), a registered holding company, providing for the sale by North American of its holdings of common stock of The Cleveland Electric Illuminating Company ("Cleveland") except for 133,383 shares of such common stock; and

North American having filed a supplemental application-declaration pursuant to sections 10, 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-44 and U-50 promulgated thereunder with respect to the following transactions:

North American has completed the sale of 1,714,525 shares of its holdings of Cleveland common stock and proposes to sell pursuant to the competitive bidding requirements of Rule U-50 its remaining holdings of 133,383 shares of such stock. The net proceeds of such sale are to be applied towards the payment of North American's outstanding Bank Loan Notes.

North American requests authority to purchase on both the New York Stock Exchange and the Cleveland Stock Exchange, respectively, such number of shares of Cleveland common stock as it may deem appropriate in order to stabilize the price of such stock on such exchanges on the day fixed by it for the opening of bids. North American further requests that the ten-day period provided in Rule U-50 for the invitation of bids be shortened to a period of eight days.

North American having requested that the Commission's order herein become effective upon the issuance thereof and that such order contain the recitals specified by Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended and

The Commission finding with respect to said supplemental application-declaration that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said supplemental application-declaration be granted and permitted to become effective and further deeming it appropriate to grant applicant-declarant's request that the ten-day period for invitation of bids required by Rule U-50 be shortened:

It is hereby ordered, That said supplemental application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further conditions that:

(1) The proposed sale of common stock of Cleveland shall not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction is hereby reserved.

(2) North American shall make available to the prospective bidders at any time prior to the submission of bids full details with respect to any stabilizing operations which it may have conducted including the time of purchases and the number of shares acquired.

(3) Any shares of Cleveland common stock acquired by North American in its proposed stabilizing operations shall be subject to the provisions of the Commission's order dated April 14, 1942 in the same manner as Cleveland common stock now held by North American.

It is further ordered, Pursuant to the provisions of Rule U-100 (a) that the ten-day period for inviting bids as provided in Rule U-50 be, and the same hereby is reduced to a period of not less than eight days.

It is further ordered and recited, And the Commission finds that the proposed sale and transfer of 133,383 shares of Cleveland common stock (represented by Certificates Nos. NCB439 to 452, inclusive, NCB454 to 466, inclusive, NCB468, NCB472, NCB474, NC4538 and NCO-8471) by North American and the proposed expenditure of the proceeds, after the payment of expenses of sale, to the payment of the Bank Loan Notes of North American, all as authorized or permitted by this order, are necessary or appropriate to the integration or simplification of the holding company system of which North American is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

North American having reported to the Commission that in connection with its sale of 1,714,525 shares of Cleveland common stock heretofore permitted by the Commission's order dated March 11, 1947, its estimate of expenses was exceeded in the amount of $16,250 due primarily to printing costs, overtime pay and amounts paid to temporary employees; and it appearing to the Commission that such expenses as so increased above such original estimates are not unreasonable and that no adverse findings are required with respect thereto;

It is further ordered, That the Commission's order dated March 11, 1947, granting the application and permitting to become effective the declaration with respect to the sale of 1,714,525 shares of Cleveland common stock, be and hereby is supplemented to the extent necessary to permit the payment of such expenses in amounts exceeding said original estimates as set forth in the supplemental application-declaration herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6455; Filed, July 10, 1947; 8:50 a. m.]

[File No. 70-1540]

CONSOLIDATED ELECTRIC AND GAS CO. AND ATLANTA GAS LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of July A. D. 1947.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its direct subsidiary, Atlanta Gas Light Company ("Atlanta"), have filed with this Commission a joint application-declaration, with an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transactions:

Atlanta proposes to increase its authorized common stock from 250,000 shares to 1,000,000 shares and to reclassify its outstanding 240,145 shares of common stock, having a par value of $25 per share, into 802,533 shares, having a par value of $10 per share, and to make additional amendments to its charter to provide for a change in the number of directors and cumulative voting in the election thereof, to provide certain preemptive rights to the holders of the common stock in the event of the issuance of additional common stock, and to provide certain limitations with respect to the declaration and payment of common stock dividends.

Consolidated, as the owner of all of the 240,145 shares of common stock of Atlanta, proposes to surrender the certificates for such shares to Atlanta in exchange for certificates of the new common stock. At the present time the common stock of Atlanta is pledged by Consolidated as part security for certain of Consolidated's outstanding indebtedness. In the event that this stock has not been released from this lien prior to the reclassification by Atlanta and the exchange of the old common stock for the new common stock, Consolidated will pledge the new common stock as security for Consolidated's indebtedness.

The filing, among other things, contains a copy of an application made to the Georgia Public Service Commisison by Atlanta and a copy of that Commission's order dated June 16, 1947, permitting the proposed reclassification.

The filing was made with this Commission on May 28, 1947, and the amendment was filed on June 26, 1947. Notice of this filing was duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission has not received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this joint application-declaration that the applicable statutory standards are satisfied and that there is no basis for any adverse findings, deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective, and further deeming it appropriate to grant the request of applicants-declarants that this order should be effective upon issuance;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that this joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-6451; Filed, July 10, 1947; 8:49 a. m.]

[File No. 70-1546]

SOUTHERN UTAH POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 3d day of July 1947.

Southern Utah Power Company ("Southern Utah"), an electric utility company and a subsidiary of Nathan A. Smyth and Leo Loeb as Trustees in Reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor, a public utility and a registered holding company, said Trustees being also a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transaction:

Southern Utah proposes to issue privately its notes, each maturing not more than nine months after the date of issue, up to an aggregate amount of $175,000, inclusive of presently outstanding notes, consisting of two six-month notes, issued to a bank and aggregating $65,000. The issuance of additional notes is for the stated purpose of temporarily financing part of the company's construction requirements.

The application states that the principal amount and par value of the outstanding securities of Southern Utah together with the fair market value, as of the date of issue, of its outstanding securities without par value, aggregate $1,615,975. The amount of $175,000 will represent approximately 10.8% of said $1,615,975. The company requests authorization, pursuant to the first sentence of section 6 (b) of the act, to issue its notes as above-stated. It is represented by the applicant that no State Commission has jurisdiction over the proposed transaction.

Said application having been filed on June 11, 1947 and notice of such filing having been duly given in the manner and form prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicant having requested that the Commission take appropriate action to accelerate its order herein and that the order become effective immediately upon issuance, and the Commission deeming it appropriate to grant such request; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant such application:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act that the aforesaid application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that notes issued or renewed pursuant to this authorization shall not mature later than May 31, 1948.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-6453; Filed, July 10, 1947; 8:50 a. m.]

[File No. 70-1548]

MISSISSIPPI POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pa., on the 3rd day of July 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Mississippi Power Company ("Mississippi"), a public utility subsidiary of The Commonwealth & Southern Corporation, a registered holding company. The applicant-declarant has designated sections 6 (a), 7 and 12 (c) of the act and Rules U-42 and U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 16, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after July 16, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Mississippi proposes to issue $2,500,000 principal amount of First Mortgage Bonds, to be dated August 1, 1947 and to mature in 30 years, and 20,099 shares of cumulative preferred stock with a par value of $100 per share.

The bonds are to be issued under and secured by Mississippi's present mortgage dated September 1, 1941, as supplemented by indentures dated September 1, 1946 and to be dated on August 1, 1947. The bonds will be sold at competitive bidding and the interest rate and the price to be paid to the company, which shall be not less than 100% nor more than 102¾% of principal amount, exclusive of accrued interest, will be determined by the bidding. It is proposed that the coupon rate shall not be greater than 3¼%.

The preferred stock will also be sold at competitive bidding, subject, however, to an offer of exchange to the holders of the presently outstanding preferred stocks as summarized below. The dividend rate and the price to the company, which shall also be the initial public offering price and which shall not be less than $100.00 nor more than $102.75 per share, will be determined by the bidding. The Invitation for Proposals requires, among other things, that the bid specify the aggregate amount of compensation to be paid the bidder for his efforts in soliciting exchanges and for purchasing the shares of new preferred stock not required under the exchange program.

After acceptance of a bid for the new preferred stock, Mississippi proposes to offer for a period of 12 days to the holders of its presently outstanding preferred stock the right to exchange its present $6 no par preferred stock, share for share, for new preferred stock plus an amount in cash equal to the difference between the price per share specified in the successful proposal and the redemption price of $110 per share for the $6 preferred stock. Any shares of $6 preferred stock not exchanged will be redeemed.

The application-declaration states that Mississippi will use the proceeds from the sale of the new bonds to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and betterments. Property additions are contemplated during the years 1947, 1948 and 1949 in the amount of approximately $10,336,000.

Mississippi also proposes to transfer the balance of capital surplus, amounting to $1,190,927, to common capital account.

Mississippi requests that the Commission's order granting the application and permitting the declaration herein to become effective be issued on or before July 17, 1947 and that it shall become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6452; Filed, July 10, 1947; 8:50 a. m.]

[File No. 70-1555]

LOUISVILLE GAS AND ELECTRIC CO. (DEL.) AND LOUISVILLE GAS AND ELECTRIC CO. (KY.)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of July A. D. 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the act) by Louisville Gas and Electric Company, a Delaware corporation (Louisville of Delaware), a registered holding company subsidiary of Standard Gas and Electric Company, also a registered holding company, and Louisville Gas and Electric Company, a Kentucky corporation (Louisville of Kentucky), a public utility subsidiary of Louisville of Delaware. The application-declaration designates sections 6, 9, 10 and 12 of the act and Rules U-23, U-24 and U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 21, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after July 21, 1947, said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Louisville of Kentucky will issue and sell 34,864 additional shares of its no par value common stock to be acquired by Louisville of Delaware at $25 per share, aggregating an investment of approximately $936,000. This will increase the holdings of Louisville of Delaware in such common stock to 918,025 shares, which shares are proposed to be distributed by Louisville of Delaware under its Second Amended Plan for liquidation filed pursuant to section 11 (e) of the act (File Nos. 59-78, 54-113 and 70-1015). The proceeds to be received by Louisville of Kentucky from the issuance and sale of such shares of stock are proposed to be used by Louisville of Kentucky partially to reimburse its treasury for funds expended by it for construction.

The application-declaration states that the Public Service Commission of Kentucky has jurisdiction over the proposed transactions and that approval of such transactions by said Commission has been obtained.

The Commission has been requested to grant the application and permit the declaration to become effective pursuant to the provisions of Rule U-23 without a hearing.

It appearing to the Commission that it is appropriate that a copy of this notice be served upon each of the holders of the common stock of Louisville of Kentucky.

It is hereby ordered, That Louisville of Kentucky shall serve a copy of this notice upon each of the holders of its common stock, insofar as the identity of such holders is known or available to the company, by mailing a copy of said notice to each of said stockholders not later than July 10, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6454; Filed, July 10, 1947; 8:50 a. m.]

[File No. 70-1556]

COMMUNITY WATER SERVICE CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of July A. D. 1947.

In the matter of Community Water Service Co., Greenwich Water System, Inc., Dedham Water Co. File No. 70-1556.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to sections 6 (b), 12 (b), 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-45 promulgated thereunder by Community Water Service Company ("Community"), an indirect subsidiary of American Water Works and Electric Company, Incorporated, a registered holding company, Greenwich Water System, Inc. ("Greenwich"), a direct subsidiary of Community, and Dedham Water Company ("Dedham"), a direct subsidiary of Greenwich.

Notice is further given that any interested person may, not later than July 17, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of law and fact raised by said joint application-declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. Any time after July 17, 1947, said joint application-declaration as filed, or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said joint application-declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized below:

Dedham, a water works company rendering service in the towns of Dedham and Westwood, Massachusetts, is proposing to issue and sell to John Hancock Mutual Life Insurance Company $150,000 principal amount of its First Mortgage Bonds 3% Series due 1972 at a price of 100% of principal amount plus accrued interest and to issue and sell 3,830 shares of its capital stock, par value $100 per share, to Greenwich for cash in the amount of $383,000. The proceeds from the sale of its bonds, together with other treasury cash, are to be used by Dedham to carry out a construction program, which the company estimates will require the expenditure of $154,800, for the period from April 30, 1947 to December 31, 1948. The proceeds from the sale of its capital stock are to be used by Dedham to discharge an open account indebtedness to Community in the amount of $100,000 and note indebtedness and open account indebtedness to Greenwich in the total amount of $283,000.

Community is proposing to increase its investment in Greenwich by making a capital contribution of $100,000 in cash to Greenwich. This amount will be added by Community to its investment in the Common stock of Greenwich (100,000 shares no par value, all owned by Community), and Greenwich will credit its capital surplus in like amount.

The filing further states that the proposed issuances and sales by Dedham of the aforesaid bonds and capital stock are also subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts. It is represented that no expenses are to be incurred by Community in connection with the proposed transactions and that the estimated expenses of Dedham will be $3,300 and for Greenwich $900.

The filing requests that the Commission's order granting and permitting effectiveness to the joint application-declaration be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6450; Filed, July 10, 1947; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Dissolution Order 58]

AMERICAN GIESE WIRE CORP.

Whereas, by Vesting Order Number 772, dated January 27, 1943 (8 F. R. 3637, March 24, 1943), there were vested all of the issued and outstanding shares of the capital stock of American Giese Wire Corporation, a New York corporation; and

Whereas, American Giese Wire Corporation has been substantially liquidated,

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except an obligation in the amount of $1,639.18 owed to Steel Wire Corporation, and except such claim if any as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

Hereby orders, that the officers and directors of American Giese Wire Corporation (to wit, Robert Kramer, President and Director, Francis J. Carmody, Secretary and Director, and Martin S. Watts, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of American Giese Wire Corporation; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay the obligation in the amount of $1,639.18 owed to Steel Wire Corporation; and

(d) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

Further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; *And provided, further*, That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto, as well as in the form and manner designated therein; and further orders, that all actions taken and acts done by the said officers and directors of American Giese Wire Corporation, pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 7th day of July 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6487; Filed, July 10, 1947; 8:47 a. m.]

[Vesting Order 9251]

M. E. LIES ET AL.

In re: M. E. Lies vs. John Wirth, et al. File D-28-9644; E. T. sec. 13378.

Under the authority of the Trading with the Enemy Act, as amended, Ex-

ecutive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Andrew Wirth and Anna Rosina Botsch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $323.80 was paid to the Attorney General of the United States by A. B. Dorsey, as referee in accordance with the decree of the Superior Court of the State of Washington for Douglas County, dated March 19, 1946, in the proceeding entitled: "M. E. Lies vs. John Wirth, et al.";

3. That the said sum of $323.80 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 13, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6481; Filed, July 10, 1947; 8:46 a. m.]

[Vesting Order 9284]

SCHRODER GEBRUDER & CO. AND GEORG VON SCHRODER

In re: Stock owned by Schroder Gebruder & Co. and George von Schroder. F-28-1840-D-1, F-28-25505-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Schroder Gebruder & Co., the last known address of which is Brodschrangen 35, Hamburg, Germany, is a partnership organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designanted enemy country (Germany);

2. That Georg von Schroder, whose last known address is Killinghausen 1. Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows: Five hundred ten (510) shares of $100 par value capital stock of J. Henry Schroder Banking Corporation, 46 William Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite said names as follows:

Registered Owner and Certificate Number	*Number of shares*
Schroder Gebruder & Co.: A 10	480
Georg von Schroder: A 61	30

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6486; Filed, July 10, 1947; 8:46 a. m.]

[Vesting Order 9250]

FRANK HARSCH

In re: Trust under the will of Frank Harsch, deceased. File No. D-28-7457; E. T. sec. 7667.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Harsch, Joseph Harsch and Mina Princing whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue of Hans Harsch, the issue of Joseph Harsch and the issue of Mina Princing, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust under the Will of Frank Harsch, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Herta M. Harsch Mueller, as Executrix and Trustee of the Trust under the Will of Frank Harsch, deceased, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the issue of Hans Harsch, the issue of Joseph Harsch, and the issue of Mina Princing, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6432; Filed, July 9, 1947; 8:51 a. m.]

JUL 15 '47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12 NUMBER 136

Washington, Saturday, July 12, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2737

AIR FORCE DAY, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Army Air Forces contributed immeasurably to our victory over the enemy in Europe and Asia, and stands ever ready to defend our nation in time of danger; and

WHEREAS our appreciation of liberty is strengthened by our recollection of the achievements of the living and the sacrifices of the dead, which through four decades have nurtured the growth of American air power; and

WHEREAS August 1, 1947, marks the fortieth anniversary of the birth of the Army Air Forces:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, in order that we may more justly honor the men and women of the Army Air Forces and more fully acknowledge the contributions of all those who have developed and maintained our nation's air strength, do hereby proclaim Friday, August 1, 1947, as Air Force Day, and invite the Governors of all the States to issue proclamations calling for the observance of that day; and I also direct that the flag of the United States be displayed on all public buildings on that day.

I remind all of our citizens that the air power of the nation is essential to the preservation of our liberty, and that the continued development of the science of air transportation is vital to the trade and commerce of a peaceful world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 10th day of July in the year nineteen hundred and forty-seven, and of [SEAL] the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-6570; Filed, July 10, 1947; 4:10 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

U. S. STANDARDS FOR DATES [1]

On December 10, 1946, notice of proposed rule making was published in the FEDERAL REGISTER (11 F. R. 14210) regarding the proposed issuance of United States Standards for grades of dates. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for grades of dates are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (Pub. Law 733, 79th Cong., approved Aug. 14, 1946):

§ 52.293 *Dates*—(a) *Identity.* Dates are the properly cured fresh fruit of the date tree (Phoenix dactylifera).

(b) *Styles of dates.* (1) "Whole unpitted dates" or "whole dates" means whole dates from which the pits have not been removed and which may or may not be slit longitudinally.

(2) "Whole pitted dates" or "pitted dates" means whole dates from which the pits have been removed.

(3) "Cut dates" means pitted dates cut into pieces not less than ½ inch in any dimension.

(4) "Macerated dates" means dates that are ground, chopped, mashed, or broken, or that are cut or sliced into small pieces less than ½ inch in any dimension.

(c) *Moisture.* Federal inspection certificates will indicate the moisture content of the finished product.

(d) *Count.* Federal inspection certificates will indicate the number of whole unpitted dates or whole pitted dates per pound.

(e) *Grades for dates.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of whole dates or whole pitted dates of

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

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1946 SUPPLEMENT
to the
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A limited sales stock of the 1945 Supplement (4 books) is still available at $3 a book.

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one variety that are well matured, well developed, plump, and well fleshed; are practically uniform in size; are practically uniform in color; and may possess defects within the following limits:

(i) Not more than a total tolerance of 10 percent by weight may be damaged by discoloration, broken skin, checking, deformity, puffiness, scars, sunburn, side spot, insect injury, semi-dry calyx end, dry calyx end, lack of pollination, improper curing or improper hydrating, mashing, blacknose, black scald, or mechanical injury; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material: *Provided*, That,

(a) Not more than three-fifths of the total tolerance, or 6 percent by weight, may be damaged by side spot or by black scald; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material;

(b) Not more than two-fifths of the total tolerance, or 4 percent by weight, may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material; and

(c) Not more than one-tenth of the total tolerance, or 1 percent by weight, may be affected by decay.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of whole dates or whole pitted dates of one variety that are reasonably well matured, reasonably well developed, reasonably plump, and reasonably well fleshed; are reasonably uniform in size; are reasonably uniform in color; and may possess defects within the following limits:

(i) Not more than a total tolerance of 15 percent by weight may be damaged by deformity, puffiness, scars, sunburn, side spot, insect injury, semi-dry calyx end, dry calyx end, lack of pollination, improper ripening, improper curing or improper hydrating, mashing, blacknose, black scald, or mechanical injury; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material: *Provided*, That,

(a) Not more than eight-fifteenths of the total tolerance or 8 percent by weight, may be damaged by side spot or by black scald; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material;

(b) Not more than one-third of the total tolerance, or 5 percent by weight, may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material; and

(c) Not more than one-fifteenth of the total tolerance, or 1 percent by weight, may be affected by decay.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of whole dates or whole pitted dates of one variety; are fairly well matured, fairly well developed, fairly plump, and fairly well fleshed; are fairly uniform in size; fairly uniform in color; and may possess defects within the following limits:

(i) Not more than a total tolerance of 20 percent, by weight, may be damaged by deformity, puffiness, scars, sunburn, side spot, insect injury, dry calyx end, lack of pollination, improper ripening, improper curing or improper hydrating, mashing, blacknose, black scald, or mechanical injury; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material: *Provided*, That,

(a) Not more than one-half of the total tolerance, or 10 percent, by weight, may be damaged by side spot or by black scald; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material;

(b) Not more than one-fourth of the total tolerance, or 5 percent, by weight, may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material; and

(c) Not more than one-tenth of the total tolerance, or 2 percent, by weight, may be affected by decay.

(4) "U. S. Grade D" or "Substandard", when applied to whole dates or whole pitted dates, is the quality of such dates that are wholesome and edible but fail to meet the requirements of U. S. Grade C or U. S. Standard; and, when applied to cut dates or macerated dates, is the quality of such cut or macerated dates that are wholesome and edible, *Provided*, That the particular style of dates may possess defects within the following limits:

(i) Not more than a total tolerance of 5 percent, by weight, may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt, or other foreign material; and not more than 2 percent, by weight, of the dates may be affected by decay.

(f) *Explanation of terms*—(1) *Maturity.* (i) "Well matured" means that the dates are fully ripe and are soft, moist, and translucent.

(ii) "Reasonably well matured" means that the dates may not have reached the fully ripe stage but are pliable and translucent.

(iii) "Fairly well matured" means that the dates may be firm but are not immature and are semi-translucent.

(2) *Uniformity of size.* (i) "Practically uniform in size" means that not more than a total of 10 percent, by weight, of whole unpitted dates or whole pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(ii) "Reasonably uniform in size" means that not more than a total of 15 percent, by weight, of whole unpitted dates or whole pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(iii) "Fairly uniform in size" means that not more than a total of 20 percent, by weight, of whole unpitted dates or whole pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(3) *Uniformity of color.* (i) "Practically uniform in color" means, with respect to an individual container of dates that are predominantly light amber, there may be not more than 5 percent, by count, dark amber dates; and, with respect to an individual container of dates that are predominantly dark amber, there may be not more than 5 percent, by count, light amber dates.

(ii) "Reasonably uniform in color" means, with respect to an individual container of dates that are predominantly light amber, there may be not more than 10 percent, by count, dark amber dates; and, with respect to an individual container of dates that are predominantly dark amber, there may be not more than 10 percent, by count, light amber dates.

(iii) "Fairly uniform in color" means, with respect to an individual container of dates that are predominantly light amber, there may be not more than 20 percent, by count, dark amber dates; and, with respect to an individual container of dates that are predominantly dark amber, there may be not more than 20 percent, by count, light amber dates.

(4) *Definition of defects.* (i) "Damage by discoloration" is the presence of a dark area, in the flesh of the date, that is visible through the skin, which dark area is more than one-fourth inch in width and extends more than half the length of the date, such darkening being

of natural origin and not caused by mold or other organism.

(ii) "Damage by broken skin" is any rupture of the skin in a manner to expose the flesh of the date, the shortest dimension of such exposed area being not less than three-sixteenths inch.

(iii) "Damage by checking" is the presence of fine lines, resulting from water injury, affecting the surface of the skin over an area not less than one-fourth of the total skin surface.

(iv) "Damage by deformity" is any abnormal shape sufficient to produce an appearance discernibly at variance with the normal shape that is typical of the variety.

(v) "Damage by puffiness" is the condition of a date of which the skin is dry, hard, and brittle and from which the skin is separated from the flesh over an area not less than one-half of the total surface.

(vi) "Damage by scars" are any blemishes that affect the exterior of the date and which are not less than three-sixteenths inch in the shortest dimension.

(vii) "Damage by sunburn" is an area, usually light in color, scarred by the heat of the sun, such area being not less than three-sixteenths inch in the shortest dimension.

(viii) "Damage by side spot" means a very dark area, generally occurring circular in appearance, extending into the flesh of the date and, when decayed tissue or mold is not present, affects in the aggregate an area not less than the area of a circle three-sixteenths inch in diameter.

(ix) "Damage by insect injury" is any blemish, resulting from the activity of insects or mites, distributed over an area of not less than one-eighth of the total surface of the date.

(x) "Damage by semi-dry calyx end" means that the flesh at the stem end of the date, constituting not less than one-eighth and not more than one-fourth of the date, is immature in character and appreciably harder and more dry than the balance of the date.

(xi) "Damage by dry calyx end" means that the flesh at the stem end of the date, constituting more than one-fourth of the date, is immature in character and appreciably harder and more dry than the balance of the date.

(xii) "Damage by lack of pollination" means, with respect to whole dates, that pollination of the date was not accomplished, such condition being manifested by the absence of a pit in the whole or whole unpitted dates or by thin, immature appearance of the date.

(xiii) "Damage by improper ripening" means evidence of "green shrivel" of the date or that the date possesses a puffy flesh or a decidedly rubbery texture resulting from failure of the tissue of the date to reach a desirable soft pliable condition.

(xiv) "Damage by improper curing or improper hydrating" means that the date has been injured by excessive heat or that the curing or hydrating process is incomplete.

(xv) "Damage by mashing" means any physical injury to the flesh and skin of the date leaving the date partially mangled but otherwise whole.

(xvi) "Damage by blacknose" is the condition of a date involving severe checking in which the flesh becomes dark, crusty, and dry and affects an area greater than one-eighth of the total surface of the date.

(xvii) "Damage by black scald" means the collapse, death, and blackening of the flesh along the side of the date, usually accompanied by a bitter taste in the affected area.

(xviii) "Damage by mechanical injury" means excessive trimming or similar injury that damages the appearance or that damages or affects the eating quality of the whole date or the whole unpitted date.

(xix) "Affected by souring" is the condition of a date in which the sugar has been broken down into alcohol and acetic acid by yeasts and bacteria.

(xx) "Affected by mold" is the presence of visible mold.

(xxi) "Affected by decay" is a condition of decomposition.

(xxii) "Affected by insect infestation" is the presence of dead insects, insect parts, or excreta. (No live insects permitted.)

(xxiii) "Affected by dirt or other foreign material" is the presence of any quantity of such substances.

(g) *Work sheet for dates.*

Size and kind of container					
Container code or markings					
Label or brand					
Net weight					
Style					
Moisture					
Count of whole (unpitted or pitted) (per pound):					
Whole (unpitted or pitted)	A	B	C	D	
Maturity					
Development					
Plumpness and flesh					
Uniformity of size					
Uniformity of color					
DEFECTS	Maximum (by weight) total defects				
Damage by— Discoloration, broken skin, checking, deformity, puffiness, scars, sunburn, side spot, insect injury, semi-dry calyx end, dry calyx end, lack of pollination, improper ripening, improper curing or improper hydrating, mashing, blackness, black scald, mechanical injury	Percent 10	Percent [1] 15	Percent [1] 20	Percent (1)	
or					
Affected by— Souring, mold, decay, insect infestation (no live insects), dirt, or other foreign material					
Damage by side spot or black scald or affected by souring, mold, decay, insect infestation (no live insects), dirt, or other foreign material	6	8	10	(2)	
Affected by souring, mold, decay, insect infestation (no live insects), dirt, or other foreign material	4	5	5	5	
Affected by decay	1	1	2	2	
Cut or macerated				Same as above.	
Grade					

[1] No limit for damage by discoloration, broken skin, or checking.
[2] No limit for damage by discoloration, broken skin, checking, or semi-dry calyx end.
[3] No limit, except as specifically stated.

(h) *Effective time.* The United States Standards for Grades of Dates (which are the first issue) contained in this section shall become effective thirty days after publication of these standards in the FEDERAL REGISTER. (Pub. Law 733, 79th Cong.)

Issued at Washington, D. C., this 9th day of July 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-6546; Filed, July 11, 1947; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Bartlett Pear Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY SIZES

§ 936.326 *Bartlett Pear Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 14, 1947, and ending at 12:01 a. m., P. s. t., December 1, 1947, no shipper shall ship any box or container of Bartlett pears containing pears of a size smaller than the size known commercially as size 195 that will pack a standard pack, as specified in the United States Standards for summer and fall pears (12 F. R. 3800). The aforesaid size 195 is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Bartlett pears which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(a) Of said total quantity, at least ninety-five (95) percent, by number of boxes, shall be of a size not smaller than the size known commercially as size 180 that will pack a standard pack, specified as aforesaid; and the aforesaid size 180 is defined more specifically in subparagraph (3) of this paragraph; and

(b) The remainder of such tota. quantity shall be of the aforesaid size 195.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Bartlett pears of the aforesaid size 195, the amount of such undershipment of such pears may be shipped only during the next succeeding calendar day, in addition to such Bartlett pears of such size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid size 180 is defined more specifically as the size that will pack a standard pack, specified as aforesaid, in the standard pear box numbered 20, as specified in section 828.3 of the Agricultural Code of California, with five tiers per box with six rows per tier and six pears in each row; and the twenty (20) smallest pears shall weigh not less than five pounds.

(4) As used in this section, the aforesaid size 195 is defined more specifically as the size that will pack a standard pack, specified as aforesaid, in the aforesaid standard pear box, with five tiers per box with six rows per tier, and each of three of such rows shall contain six pears, and the remaining three rows shall contain seven pears each per row; and the twenty-two (22) smallest pears shall weigh not less than five pounds.

(5) Each shipper, prior to making each shipment of Bartlett pears, shall, during the period set forth in subparagraph (1) of this paragraph, have the pears included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Bartlett Pear Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Bartlett Pear Commodity Committee, Federal-State shipping point inspection certificates stating the sizes of the Bartlett pears contained in each such lot or shipment: *Provided, however,* That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection as made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted such signed statement to the Bartlett Pear Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(6) As used in this section, the terms "shipper," "ship," "shipped," and "shipping point" shall have the same meaning as when used in the amended marketing agreement and order. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 10th day of July 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 47-6565; Filed, July 11, 1947; 8:49 a. m.]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1947-48 SEASON

Notice was published in the FEDERAL REGISTER (12 F. R. 3537), dated May 30, 1947, that consideration was being given to proposals regarding the budget of expenses and the fixing of the rate of assessment for the 1947-48 season under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 951.202 *Budget of expenses and rate of assessment for the 1947-48 season.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions of the aforesaid amended marketing agreement and order, during the season beginning April 1, 1947, and ending March 31, 1948, both dates inclusive, will amount to $21,021.00, and the rate of assessment to be paid, in accordance with the aforesaid amended marketing agreement and order, by each handler who first handles Tokay grapes shall be fourteen mills ($0.014) per each 100 pounds, billing weight, of Tokay grapes shipped by him as the first shipper thereof during said season; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

The approved rate of assessment in the amount of fourteen mills ($0.014) per each 100 pounds, billing weight, of Tokay grapes shipped, as aforesaid, shall become effective thirty days after the publication of this determination in the FEDERAL REGISTER.

As used in this section, the terms "handler," "handles," "shipped," and "season" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 951.3 et seq.)

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6517; Filed, July 11, 1947; 8:47 a. m.]

[Lemon Reg. 230]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.337 *Lemon Regulation 230*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the section is based became available and the time when this section must become effective in order to effectuate the declared

policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 13, 1947, and ending at 12:01 a. m., P. s. t., July 20, 1947, is hereby fixed at 685 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 229 (12 F. R. 4366) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-6566; Filed, July 11, 1947; 8:49 a. m.]

[Peach Order 3, Amdt. 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY SIZE

Findings. (1) Pursuant to the marketing agreement and Order No. 62 (7 CFR, Cum Supp., 962.1 et seq.), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Peach Order 3, as amended. During the period beginning at 12:01 a. m., e. s. t., July 14, 1947, and ending at 12:01 a. m., e. s. t., September 1, 1947, the provisions in paragraph (b) (1) (i) of § 962.303 (Peach Order 3, 12 F. R. 4366) shall read as follows:

(i) Any peaches of the Brackett, Early Elberta, Elberta, Early Hale, Halberta, Harden's Pride, J. H. Hale, Krummel, Murray Hale, Rio Oso Gem, White Hale, or Woodland Cling varieties which are of a size smaller than $1^{3}/_{4}$ inches in diameter (as "diameter" is defined in the United States Standards for Peaches, 12 F. R. 3798), except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or in any lot of packages may be of a size smaller than $1^{3}/_{4}$ inches in diameter, as aforesaid, but not more than fifteen (15) percent, by count, of such peaches contained in any individual package in any lot may be of a size smaller than $1^{3}/_{4}$ inches in diameter, as aforesaid; or

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Peach Order 3, or (2) as releasing or extinguishing any violation of said Peach Order 3 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 962.1 et seq.)

Done at Washington, D. C., this 10th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-6564; Filed, July 11, 1947; 9:25 a. m.]

[Orange Reg. 186]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.332 *Orange Regulation 186*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 13, 1947, and ending at 12:01 a. m., P. s. t., July 20, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1,500 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

PRORATE BASE SCHEDULE

[12:01 a. m. July 13 1947 to 12:01 a. m. July 20, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0738
A. F. G. Fullerton	.9174
A. F. G. Orange	.6418
A. F. G. Redlands	.2395
A. F. G. Riverside	.1271
A. F. G. San Juan Capistrano	.8456
A. F. G. Santa Paula	.4208
Corona Plantation Co	.2455
Hazeltine Packing Co	.3446
Signal Fruit Association	.0820
Azusa Citrus Association	.4040
Azusa Orange Co., Inc	.1358
Damerel-Allison Co	.3044
Glendora Mutual Orange Association	.[illegible]8
Irwindale Citrus Association	.[illegible]3
Puente Mutual Citrus Association	.1309

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Valencia Heights Orchards Association	0.4382
Glendora Citrus Association	.3588
Glendora Heights Orange & Lemon Growers Association	.0784
Gold Buckle Association	.5803
La Verne Orange Association	.6615
Anaheim Citrus Fruit Association	1.4783
Anaheim Valencia Orange Association	1.4209
Eadington Fruit Co	2.0972
Fullerton Mutual Orange Association	1.6621
La Habra Citrus Association	1.1819
Orange County Valencia Association	.6783
Orangethorpe Citrus Association	1.0425
Placentia Cooperative Orange Association	.7534
Yorba Linda Citrus Association, The	.5857
Alta Loma Heights Citrus Association	.0965
Citrus Fruit Growers	.1069
Cucamonga Citrus Association	.1358
Etiwanda Citrus Fruit Association	.0431
Old Baldy Citrus Association	.1361
Rialto Heights Orange Growers	.0914
Upland Citrus Association	.4134
Upland Heights Orange Association	.1553
Consolidated Orange Growers	1.9204
Frances Citrus Association	1.0909
Garden Grove Citrus Association	1.7718
Goldenwest Citrus Association, The	1.4005
Irvine Valencia Growers	2.3859
Olive Heights Citrus Association	1.6599
Santa Ana-Tustin Mutual Citrus Association	.9855
Santiago Orange Growers Association	3.6676
Tustin Hills Citrus Association	1.8767
Villa Park Orchards Association, The	1.8264
Bradford Bros., Inc	.6585
El Modena Citrus, Inc	.3809
Placentia Mutual Orange Association	1.7872
Placentia Orange Growers Association	2.5301
Call Ranch	.0686
Corona Citrus Association	.4692
Jameson Co	.0371
Orange Heights Orange Association	.3763
Brea & Son, Allen	.0578
Bryn Mawr Fruit Growers Association	.2706
Crafton Orange Growers Association	.3904
E Highlands Citrus Association	.0880
Fontana Citrus Association	.0858
Highland Fruit Growers Association	.0519
Kinyard Packing Co	.2677
Mission Citrus Association	.1466
Redlands Cooperative Fruit Association	.4157
Redlands Heights Groves	.2550
Redlands Orange Growers Association	.2671
Redlands Orangedale Association	.2898
Redlands Select Groves	.1648
Rialto Citrus Association	.1540
Rialto Orange Co	.1535
Southern Citrus Association	.2062
United Citrus Growers	.1488
Zilen Citrus Co	.1040
Arlington Heights Fruit Co	.1036
Brown Estate, L. V. W	.1348
Gavilan Citrus Association	.1578
Hemet Mutual Groves	.1147
Highgrove Fruit Association	.0791
McDermont Fruit Co	.1837
Meintone Heights Association	.0686

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Monte Vista Citrus Association	0.2276
National Orange Co	.0417
Riverside Growers, Inc	.0866
Riverside Heights Orange Growers Association	.0893
Sierra Vista Packing Association	.0599
Victoria Avenue Citrus Association	.1801
Claremont Citrus Association	.1229
College Heights Orange & Lemon Association	.2256
El Camino Citrus Association	.0842
Indian Hill Citrus Association	.1721
Pomona Fruit Growers Exchange	.3060
Walnut Fruit Growers Association	.4406
West Ontario Citrus Association	.3028
El Cajon Valley Citrus Association	.3193
Escondido Orange Association	2.4667
San Dimas Orange Growers Association	.5111
Covina Citrus Association	1.0327
Covina Orange Growers Association	.4055
Duarte-Monrovia Fruit Exchange	.2561
Santa Barbara Orange Association	.0521
Ball & Tweedy Association	.6235
Canoga Citrus Association	.8491
N. Whittier Heights Citrus Association	.9410
San Fernando Fruit Growers Association	.4471
San Fernando Heights Orange Association	.9721
Sierra Madre-Lamanda Citrus Association	.4021
Camarillo Citrus Association	1.5136
Fillmore Citrus Association	3.6039
Mupu Citrus Association	2.2987
Ojai Orange Association	.9921
Piru Citrus Association	2.0291
Santa Paula Orange Association	1.0989
Tapo Citrus Association	1.1201
Limoneira Co	.4019
E. Whittier Citrus Association	.4082
El Ranchito Citrus Association	1.3927
Murphy Ranch Co	.4797
Rivera Citrus Association	.5523
Whittier Citrus Association	.7002
Whittier Select Citrus Association	.4706
Anaheim Cooperative Orange Association	1.1636
Bryn Mawr Mutual Orange Association	.0924
Chula Vista Mutual Lemon Association	.0928
Escondido Cooperative Citrus Association	.3371
Euclid Avenue Orange Association	.4285
Foothill Citrus Union, Inc	.0336
Fullerton Cooperative Orange Association	.4129
Garden Grove Orange Cooperative, Inc	.7313
Glendora Cooperative Citrus Association	.0571
Golden Orange Groves, Inc	.2825
Highland Mutual Groves	.0674
Index Mutual Association	.1508
La Verne Cooperative Citrus Association	1.1971
Olive Hillside Groves	.7704
Orange Cooperative Citrus Association	1.1831
Redlands Foothill Groves	.4512
Redlands Mutual Orange Association	.1675
Riverside Citrus Association	.0692
Ventura County Orange & Lemon Association	.9472
Whittier Mutual Orange & Lemon Association	.1768
Babijuice Corp. of Calif	.4692
Banks Fruit Co	.2913
Banks, L. M	.5492
Borden Fruit Co	.7763
California Fruit Distributors	.2627

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Cherokee Citrus Co., Inc	0.1011
Chess Co., Meyer W	.2108
Escondido Avocado Growers	.0559
Evans Bros. Packing Co	.2336
Gold Banner Association	.2846
Granada Hills Packing Co	.0035
Granada Packing House	2.1726
Hill, Fred A	.0774
Inland Fruit Dealers	.0524
Mills, Edward	.1085
Orange Belt Fruit Distributors	1.9260
Panno Fruit Co., Carlo	.0827
Paramount Citrus Association	.4069
Placentia Orchards Co	.4928
Placentia Pioneer Valley Growers Association	.6567
San Antonio Orchards Co	.3938
Santa Fe Groves Co	.0513
Snyder & Sons Co., W. A	.9733
Stephens, T. F	.0884
Sunny Hills Ranch, Inc	.1197
Ventura County Citrus Association	.0259
Verity & Sons Co., R. H	.0365
Wall, E. T	.1241
Webb Packing Co	.1999
Western Fruit Growers, Inc., Ana	.0497
Western Fruit Growers, Inc., Reds	.6662
Yorba Orange Growers Association	.6355

[F. R. Doc. 47-6567; Filed, July 11, 1947; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Wheat Bulletin 1, Supp. 1]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 47-6248, appearing at page 4257 of the issue for Wednesday, July 2, 1947, the undesignated paragraph preceding the final table in subparagraph (1) of § 251.126 (a) should read as follows:

The terminal rate for other No. 1 wheat shall be determined by subtracting the following discounts from the applicable terminal rates:

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF INTERNATIONAL FALLS MUNICIPAL AIRPORT, INTERNATIONAL FALLS, MINN., AS TEMPORARY AIRPORT OF ENTRY FOR ALIENS

JULY 2, 1947.

Paragraph (b) of § 110.3, *Airports of entry*, Chapter I, Title 8, Code of Federal Regulations is amended by inserting "International Falls, Minn., International

Falls Municipal Airport" between "Havre, Mont., Havre-Hill County Airport" and "Laredo, Tex., Laredo Municipal Airport" in the list of temporary airports of entry for aliens.

Notice of the proposed designation of the International Falls Municipal Airport as a temporary airport of entry for aliens was published in the FEDERAL REGISTER dated June 4, 1947 (12 F. R. 3631), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup. 1003). The designation shall be considered as having become effective on June 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with for the reasons that (1) it is in the public interest that the immigration facilities be made available as soon as possible, and (2) the designation for customs purposes has been made effective on June 1, 1947 (12 F. R. 3806). The designation of this airport is based on a determination that a sufficient need exists to justify such designation and the designation is made for the purpose of providing for convenient compliance with immigration requirements.

(Sec. 7 (d), 44 Stat. 572; sec. 1, 54 Stat. 1238; 49 U. S. C. 177 (d); 5 U. S. C. 133t)

TOM C. CLARK,
Attorney General.

Recommended: June 25, 1947.

UGO CARUSI,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 47-6526; Filed, July 11, 1947; 8:48 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Functions and Procedures

PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH PUBLIC

QUARTERMASTER GENERAL

Part 2, Subtitle A, Title 10, Code of Federal Regulations is amended as follows:

1. In § 2.163 (11 F. R. 177A-795) revise paragraphs (a) and (b), and amend subparagraphs (10) and (14) of paragraph (c) as follows:

§ 2.163 *Responsibility.* The Quartermaster General is responsible for supplying the Army with equipment, supplies and services for which the Quartermaster Corps is responsible; for procuring, storing and distributing such equipment and supplies in quantities and at such times as may be required to meet the Army Supply Program and directives of higher authority; for procuring for the Technical and Administrative Services and agencies of the Government items normally stored and issued by the Quartermaster Corps and items similar thereto for which the Quartermaster Corps has been assigned purchase responsibility; for the administrative control of General Depots; and for the administration and operation of Quartermaster Depots; for providing Quartermaster items required for civilian needs in occupied territories; for insuring proper training of technical supply and service troops under the jurisdiction of The Quartermaster General and QM personnel and units of the organized reserve; for providing for the training of Quartermaster technical specialists for the whole Army; for advising with major commands at their request or as directed by the Chief of Staff on the training of their organic troops performing Quartermaster functions; for recommending methods of operation for installations providing Quartermaster services to troops; for insuring by technical assistance that prescribed methods are used; for maintaining an adequate supply of spare parts for which The Quartermaster General has supply responsibility; for developing Quartermaster supplies and equipment which will meet the most exacting requirements of combat and service conditions; for developing standards for the preparation, service, and selection of food for the Army, and for insuring that these standards are adhered to, except for those items pertaining only to Army Air Forces; for supplying and training horses, mules and dogs for military purposes; for providing for the proper disposition of deceased personnel of the War Department and overseas American dead of World War II, and for the handling and dispositions of personal effects.

(a) The office of The Quartermaster General will perform the following staff functions for the War Department:

(1) Determine policies and procedures for the operation of the Quartermaster Corps within the limits prescribed by higher authority.

(2) Determine over-all requirements of Quartermaster items of supply with respect to quantities needed and timing of delivery.

(3) Participate in the preparation of future war plans, readjustment plans and post war plans with respect to activities of the Quartermaster Corps.

(4) Plan and supervise the purchase and inspection of clothing, equipage, general supplies, subsistence, fuels (liquid and solid), lubricants, materials handling equipment and other equipment and supplies assigned to the Quartermaster Corps; procure for the Technical and Administrative Services and agencies of the Government items assigned to the Quartermaster Corps for procurement.

(5) Plan and supervise the storage and distribution of Quartermaster items of supply in installations controlled by the Quartermaster General; develop and install standard storage operating procedures in Headquarters and Quartermaster Sections of General Depots and in Quartermaster Depots; plan and supervise the classification of returns of excess Quartermaster supplies; develop and install standard classification procedures in Quartermaster Sections of General Depots and in Quartermaster Depots; supervise the administration of the War Department Commercial Warehouse Storage Plan which provides commercial storage space for the Technical and Administrative services; maintain technical control of the utilization of refrigerated space for the storage of subsistence.

(6) Prescribe policies and procedures for the determination and establishment of depot quantitative stock levels for Quartermaster items of supply; review and approve stock levels established by depots for reasonable distribution and determine levels for filler stocks of Quartermaster items of supply.

(7) Coordinate with the Civil Affairs Division, the supply of Quartermaster items for civilian needs in occupied territories in accordance with directives of higher authority and coordinates with Military Government the development of Quartermaster issue requirements for civilian needs in occupied areas under Army responsibility.

(8) Prepare and recommend procedures for the use of the Army areas with respect to the storage, issue and maintenance of Quartermaster supplies and equipment, and by means of inspections, determine if established procedures are properly followed.

(9) Supervise the purchase, storage and issue of spare parts for Quartermaster equipment, the operations of Quartermaster controlled shops for the repair of such equipment, and the development of maintenance manuals; exercise technical supervision of other than Quartermaster shops which repair Quartermaster equipment.

(10) Supervise the establishment and technical control of the operation of installations for bread baking, central meat cutting, fat rendering, central pastry baking, laundering, dry cleaning, repairing of Quartermaster supplies and equipment, and Quartermaster Sales Stores and Commissaries.

(11) Insure, by proper inspection, the operating efficiency of Quartermaster installations, and headquarters and Quartermaster Sections of General Depots, and the Technical efficiency of Quartermaster units under the Armies.

(12 Conduct research on, design and develop new and improved Quartermaster items; arrange for field and laboratory tests of the suitability of such items; prepare specifications for Quartermaster items.

(13) Prepare tables of organization and equipment for units under the jurisdiction of the Quartermaster General; review and edit from a technical viewpoint the Quartermaster section of all tables of organization and equipment and tables of allowances; prepare tables of allowances and/or equipment for Quartermaster items of supply and tables of organization and equipment when required.

(14) Develop plans for, and supervise the operation of the Army Food Service Program, including mess management and menu planning activities except the operation of hospital patient messes and aboard vessels operated by the Chief of Transportation; prepare master menus for the Army.

(15) Represent the War Department on the Food Requirements and Allocations Committee and all Inter-Agency Committees concerned with procurement, cold storage and other requirements and allocations activities connected with food. (Representation on Food Requirements and Allocations Committees and all Inter-Agency Committees on matters pertaining to civilian food requirements of the occupied areas will be coordinated with Civil Affairs Division.)

(16) Perform all staff functions necessary to the discharge of operating responsibilities for fuels (liquid and solid), lubricants and containers therefor within the Technical Services except for staff functions specifically assigned to the War Department General Staff, to other Technical Services or the Army Air Forces.

(17) Maintain liaison for the War Department on all matters pertaining to fuels (liquid, solid and gaseous) and lubricants with other Government agencies; act for the Director of Service, Supply and Procurement, WDGS, in his capacity as member of the Army-Navy Petroleum Board, represent the War Department on Inter-Agency Committees concerned with solid fuels.

(18) Determine Quartermaster Corps personnel requirements and provide Quartermaster personnel under War Department plans.

(19) Plan and schedule quotas of Quartermaster Corps personnel to be trained, and supervise the training of military and civilian personnel within the Quartermaster Corps, and of Quartermaster specialists for the Army at large; approve training programs for Quartermaster personnel and units of the Organized Reserve.

(20) Formulate training doctrine for Quartermaster schools and training installations; prepare curricula, training courses, technical instructions, manuals and other publications for the training of Quartermaster personnel, and supervise information and education activities at Class II installations under the jurisdiction of The Quartermaster General.

(21) Supervise remount activities, including the operation of the Army Horse Breeding Program, and the acquisition and training of dogs for military purposes.

(22) Plan and supervise the handling and disposition of personal effects, and the recovery and disposition of deceased personnel, the establishment, operation and maintenance of National Cemeteries in the United States and territories and Temporary American Military Cemeteries overseas.

(23) Represent the Quartermaster Corps in securing funds necessary for Quartermaster activities.

(24) Interpret laws of Congress and regulations of Federal Agencies with respect to their effect upon Quartermaster activities.

(25) Store household effects as prescribed by the War Department.

(26) Prepare plans for mobilization of industrial and supply facilities, in accordance with instructions from higher authority.

(27) Maintain control of Quartermaster items of matériel required for reserve stocks; establish policies regarding administration of such stocks.

(28) Supervise conservation policies and practices throughout the Quartermaster Corps.

(29) Administers the over-all control of sugar rationing within the War Department.

(30) Supervise disposal of surplus Quartermaster property in accordance with policies established by higher authority.

(31) Determined Quartermaster Corps requirements of strategic and critical items to be included in national stock piles.

(32) Prepare Quartermaster Corps annexes of war and mobilization plans and maintain the plans current in accordance with policies established by higher authority.

(b) The Office of The Quartermaster General will directly perform the following functions for the War Department General Staff:

(1) Allocate storage space in Quartermaster Depots, Quartermaster Sections of Army General Depots, and Commercial storage space for Quartermaster supplies, equipment and parts; allocate commercial storage space used by all technical services.

(2) Determine requirements and make recommendations for final selection of sites for, and approve plans for the development of all cemeteries under the jurisdiction of the War Department; procure headstones and markers; maintain all grave registration and interment records of deceased personnel; provide for the disposition of deceased personnel of the War Department and World War II American dead; maintain all grave registration records.

(3) Formulate policies governing the Technical Services in the computation and compilation of requirements of petroleum products, fuels (liquid and solid), and lubricants of Quartermaster Supply, and containers therefor (excluding requirements for Army Air Forces aircraft) and conduct necessary inspections as to adherence to such policies; supervise and standardize methods employed by Technical Services in reporting procurement and consumption, supervise computation of requirements of the U. S. Army, screen and adjust such requirements for inclusion in the Army Supply Program; under the general direction of the Civil Affairs Division, formulate policies and procedures governing the computation of civilian requirements of these items in occupied areas for which the Army has responsibility, and assemble all such requirements for approval of the Civil Affairs Division of the Army Special Staff for inclusion in the Army Supply Program; consolidate above requirements for presentation to higher Army authority and to the Army-Navy Petroleum Board; and notify the Technical Services of approval of such requirements, or, if reductions have been made, make allocations between the Technical Services and notify them accordingly.

(4) Perform the detailed planning functions (including screening requirements and requisitions received from theaters of operation) and assume responsibility for supervision and coordination of planning by the Chiefs of Technical Services for the procurement, storage and distribution (including mode of movement) of all petroleum products with which The Quartermaster General is normally concerned; maintain close liaison and coordinate plans if necessary for the o[illegible] receipt, storage and movement of aviation petroleum products with Army Air Forces and the Technical Services concerned.

(c) The Office of Quartermaster General. • • •

(10) Maintenance installations under the jurisdiction of The Quartermaster General for the repair of clothing and equipage, general supplies, and Quartermaster mechanical equipment items except in connection with installed kitchen equipment which is the responsibility of the Corps of Engineers.

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(14) American Graves Registration Service activities in the American Zone, Africa-Middle East Theater Zone, China Zone and India-Burma Zone, and such other areas and zones as may be subsequently assigned to The Quartermaster General by the War Department.

2. Section 2.164 (11 F. R. 177A-797) is superseded by the following:

§ 2.164 *Organization.* The organizational elements of the office of The Quartermaster General and their functions are:

(a) *Executive Office.* (1) Performs such duties as The Quartermaster General may assign.

(2) Provides a management consulting service to the Office of The Quartermaster General and to Quartermaster field installations on questions of policy, organization, procedures and controls in the Quartermaster Corps.

(3) Performs all legal functions and carries on all legal business arising in or pertaining to any of the divisions within the Office of The Quartermaster General.

(4) Plans, secures information for and prepares press releases, special articles, radio scripts, motion picture scripts, picture layouts, fact sheets, pamphlets, speeches and miscellaneous information material on Quartermaster Corps activities for dissemination to the public.

(b) *Administrative Division.* (1) Distributes all mail and messages received within OQMG, except top secret and registered documents pertaining to War Plans.

(2) Collects and dispatches all communications from the OQMG.

(3) Maintains all correspondence files (except top secret and registered documents pertaining to War Plans) for all OQMG activities and renders service in connection therewith.

(4) Serves as focal point for the clearance of all identical instructions and information addressed to two or more field installations, headquarters or agencies.

(5) Reviews and edits proposed QMC publications and War Department publications initiated in the OQMC and processes those received from without OQMG for comment, concurrence, etc.

(6) Reviews for justification, edits and approves OQMG requests for all types of material which is printed or otherwise reproduced.

(7) Reviews and revises printed and duplicated forms used in the OQMG and supplied by the Quartermaster Corps, and authorizes their reproduction.

(8) Supervises the procurement of printed matter and operation of field printing plants for which The Quartermaster General is responsible.

(9) Distributes copies of regulations, circulars, and other published War Department material.

(10) Requisitions, stores and issues office supplies and equipment for the OQMG.

(11) Compiles historical data concerning Quartermaster Corps activities.

(c) *Fiscal Division.* (1) Directs the compilation of all estimates for appropriations for the Quartermaster Corps, and arranges for their justification before higher echelons.

(2) Supervises the distribution and administration of funds appropriated and made available to the Quartermaster Corps.

(3) Prepares and issues instructions relating to fiscal and property accounting policies and procedures within the Quartermaster Corps.

(4) Supervises accounting procedures and audits fiscal records in field installations.

(5) Supervises processing of commercial accounts for payments in field installations.

(6) Supervises procedures relating to the sale and pricing of Quartermaster Corps property.

(7) Maintains liaison with Budget Officer for the War Department, Chief of Finance, and other Government departments and agencies on all fiscal and property accounting matters.

(8) Maintains fiscal accounts for all funds administered by the Quartermaster General.

(9) Prepares fiscal reports required.

(10) Processes reimbursement transactions for the Quartermaster Corps.

(11) Analyzes and processes requests for advance payments to contractors.

(12) Collects amounts due from contractors under renegotiation and royalty adjustment agreements.

(d) *Field Service Division.* (1) Supervises the storage and handling of QM Supplies in all installations under the control of The Quartermaster General; develops and installs policies and procedures for such storage and handling operations.

(2) Exercises staff supervision over operating efficiency of field installations under control of The Quartermaster General; inspects and renders reports on the overall administration and operation of such field installations.

(3) Supervises the operation of classification and maintenance facilities under the jurisdiction of The Quartermaster General; develops and installs policies and procedures for such classification and maintenance facilities.

(4) Exercises staff supervision over all laundry and dry cleaning facilities of the Army and exercises technical control of operations of laundry and dry cleaning facilities at Class I, II and III installations, and at designated special installations, including laundries operated in conjunction with hospitals. (Included under technical control are responsibilities for formulation of policies; the establishment of prices and the authority to issue instructions covering the utilization of experiments, plant methods, plant layouts, supply allowances and procedures.)

(5) Supervises the purchase, care, training, and issue of horses, mules and war dogs and the operation of Remount Depots and the War Dog Reception and Training Center.

(6) Supervises the Army Safety Program and Internal Security Program at Class II installations under the direct control of The Quartermaster General.

(7) Supervises and performs all necessary activities relating to the transportation responsibilities of The Quartermaster General including the preparation and defense of the transportation requirements of the Quartermaster Corps.

(8) Exercises staff supervision over buildings and facilities at field installations under jurisdiction of The Quartermaster General, including review and processing of projects covering new construction, alterations to buildings and facilities, and the lease and purchase of real estate, buildings and installed facilities.

(9) Develops and installs policies and procedures for the proper allocation, utilization, and first and second echelon maintenance of administrative vehicles, including motor pools, in Class II installations under the control of The Quartermaster General.

(10) Develops and installs policies and procedures for the handling and disposition of personal effects and funds by the Army Effects Bureau; exercises staff supervision over the operations of the Army Effects Bureau to insure conformity with established policies and procedures.

(11) Develops and installs policies and instructions for storage and disposition of stored historical and organizational trophies.

(e) *Memorial Division.* (1) Prescribes policies for the recovery and final disposition of remains of all deceased personnel of the War Department and of World War II overseas American deceased personnel.

(2) Exercises staff supervision over U. S. Military Cemeteries overseas (excluding those under the jurisdiction of the American Battle Monuments Commission).

(3) Exercises general supervision over national, post and prisoner of war cemeteries, soldiers' plots, Confederate burial plots, monuments and parks under the jurisdiction of the War Department.

(4) Prescribes policies for the operation of the American Graves Registration Service.

(5) Establishes requirements for permanent U. S. Military Cemeteries overseas, and for national, post, and prisoner of war cemeteries, soldiers' plots, Confederate burial plots, monuments and parks under the jurisdiction of the War Department.

(6) Initiates procurement of grave sites.

(7) Procures and supplies government headstones and markers.

(8) Maintains grave site reservations, and records of interments in cemeteries under the jurisdiction of the War Department, and of overseas World War II Deceased.

(9) Maintains historical records of cemeteries under the jurisdiction of the War Department.

(10) Directs, controls, and supervises all American Graves Registration Service activities in independent zones and areas.

(11) Handles all American Graves Registration Service activities in the United States.

(f) *Supply Division.* (1) Establishes purchase policies for the Quartermaster Corps, within the limits prescribed by Procurement Regulations and other directives of higher authority; directs the purchase of finished items and component materials of clothing, equipage, general supplies, and all equipment assigned subsistence, fuels and lubricants including solid fuels to the Quartermaster Corps; directs the purchase of supplies for other forces and services of the War Department, other war agencies, and war aid supplies, for which purchase responsibility if assigned to The Quartermaster General; supervises the inspection of supplies delivered to insure that they conform to the standards, quality, and specifications prescribed, except for headstones and markers; supervises the expediting of deliveries on contracts.

(2) Directs the administration of priorities policy, operation and procedure throughout the Quartermaster Corps and maintains liaison with the Army and Navy Munitions Board, Civilian Production Administration, and all other higher authorities on matters pertaining to priorities, including policy, interpretation of regulations and application of preference ratings; assists contractors holding Quartermaster contracts in obtaining allocations of critical materials; gathers financial information on contractors, conducts contract renegotiation, makes determinations of excessive profits, and arranges for their refunding; establishes forward pricing policy to be applied in placing contracts and supervises the performance of this activity in the procuring depots for all supplies procured by them; prescribes procedures to implement the policies for contract termination established by higher authority and supervises the performance of this activity in the procuring depots.

(3) Supervises the distribution and issue of clothing, equipage and general supplies items including graphic arts equipment, power operated kitchen equipment, materials handling equipment, special purpose vehicles, tools, spare and repair parts, laundry and dry cleaning equipment and supplies, storage, distribution and issue of subsistence items; supervises the translation of authorized stock levels in terms of days of supply in quantities of those supplies to be maintained at depots; supervises, through depots, the review and approval of station control levels; participates in the determination of supply needs for those items; initiates procurement requests for items not on Master Production Schedules; directs the distribution of new production and redistribution of stocks of the above items between depots and stations; determines quantities of the above items in excess of the needs of the Quartermaster Corps, including

appropriate disposition action at both depots and stations; determines items and quantities to be included in reserves.

(4) Develops supply policies and procedures for operations at Quartermaster Depots and Quartermaster Sections of General Depots; appraises the performance of stock control activities within the OQMG and depots, including establishment of stock levels, maintenance of stocks at prescribed levels, distribution and stock control practices, prescribing such corrective action as may be necessary; develops the formulae by which stock levels for Quartermaster items at depots and stations will be calculated; directs action to be taken when such levels appear to be inadequate or excessive; supervises depot liaison with stations, including the determination of related responsibilities; assures that the technical interest and responsibility of The Quartermaster General is carried out in all echelons of supply; reviews and concurs in Supply and Demand Studies and Master Production Schedules for all items of Quartermaster supply for the purpose of insuring that planned production is balanced to supply needs and stock levels; circularizes when necessary other agencies with regard to excess Quartermaster property; processes surplus declarations of Quartermaster property, and directs depots to report surplus Quartermaster property to Disposal Agencies.

(5) Maintains technical control of the utilization of refrigerated space for the storage of subsistence; prepares master menus and special menus; formulates policies for mess supervision and mess management in the Army; collaborates with the Training Branch of Personnel and Training Division in the preparation of training manuals and courses of instructions in baking, cooking and mess management; formulates policies for, and directs the operations of the Market Center System; maintains liaison with War Department and other government agencies on subsistence matters, and represents the War Department on Inter-Agency Committees concerned with food matters.

(6) Directs the storage, research, design and development, issue and distribution of all petroleum products, gaseous fuels, and containers therefor (for which Army has procurement responsibility), excluding fuels and lubricants for aircraft operated by Army Air Forces and petroleum products and containers for which procurement responsibility has been assigned to other Technical Services; performs all staff functions necessary to discharge operating responsibilities in connection with solid fuels; prescribes methods and procedures for and supervises the computation of, assembles and edits requirements for all fuels and lubricants and containers therefor, used by the Army, excluding those used in aircraft operated by Army Air Forces; formulates comprehensive programs for the General Staff and as may be assigned by higher authority on matters affecting research, supply, procurement, conservation and usage of all fuels and lubricants, and initiates technical plans for the development of petroleum and coal resources and facilities in Army occupied territories, assigns to the various Technical Services responsibility for the preparation and testing of specifications for petroleum products, and containers therefor, excluding those consumed by aircraft operated by Army Air Forces, maintains liaison with other Technical Services, Army Air Forces, and other military and civilian agencies on matters pertaining to fuels and lubricants; directs the purchase, inspection, storage, research, design and development, issue and distribution of all equipment especially designed for handling petroleum products; prepares specifications for such equipment; formulates plans and policies for the employment and operation of overseas can and drum plants by the Army, with the concurrence of the Director of SS&P, WDGS.

(g) *Military Planning Division.* (1) Serves as technical coordinator with other agencies and Secretariat of Quartermaster Corps Technical Committee.

(2) Conducts research on, and design and development of, new and improved Quartermaster items of supply and equipment.

(3) Conducts laboratory and field tests to determine performance of items.

(4) Prepares and approves specifications for Quartermaster items and components.

(5) Establishes quality standards to assure procurement of items of desired quality for military use.

(6) Maintains staff of observers in United States and overseas theaters to investigate and report on performance of Quartermaster clothing, equipment and subsistence.

(7) Exercises technical supervision over control laboratories servicing the inspection zones.

(8) Exercises technical control over field agencies engaged in research and development activities.

(9) Designs and approves coats of arms, distinctive insignia, decorations, etc. for military service.

(10) Determines, reviews and maintains requirements for civilian needs in occupied areas, for troops of all Quartermaster units, for all Quartermaster items contained in the War Department Program of Procurement except those items assigned to Fuels and Lubricants Branch of Supply Division and for all data allied thereto.

(11) Edits and reviews the Quartermaster sections of all Tables of Organization and Equipment and Tables of Allowances as they pertain to the technical use of Quartermaster equipment; prepares and maintains Tables of Organization and Equipment and Tables of Allowances for all Quartermaster organizations and installations under the jurisdiction of the Quartermaster General.

(12) Prepares and maintains Tables of Allowances for the issue of clothing and individual equipment for all military personnel; prepares and maintains Tables of Allowances for the issue of all Technical Services to Posts, Camps and Stations and the equipment of all Technical Services for training purposes in the Continental United States.

(13) Develops, initiates and recommends specific methods and procedures for the computation of requirements and the processing of data for supply control purposes; develops replacement, consumption and issue rates based on actual issue experience.

(14) Maintains records of all civilian supply shipments and cost data pertaining thereto; prepares for submission to the Chief of Finance the Civilian Supply Report.

(15) Prepares plans for supply of occupation forces, bases, operational projects and for mobilization of industrial and supply facilities.

(16) Reviews, analyzes and perfects strategic and tactical plans from other elements of OQMG.

(17) Reviews and supervises preparation of plans for mobilization, demobilization, postwar planning, training, and readjustment.

(18) Plans, coordinates and prepares the QMC troop bases for support of the RA, NG, OR and UMT programs.

(19) Develops plans for return of Quartermaster items to depot stocks through repair and/or reclamation activities.

(20) Advises Quartermaster General on logistics for supply planning.

(21) Coordinates and supervises all intelligence activities and controls security measures for Corps.

(22) Administers all matters pertaining to materials for the Quartermaster Corps and within Quartermaster depots.

(23) Prepares the Master Production Schedule and translates end item schedules into raw materials requirements.

(24) Directs conservation policies and practices of the Quartermaster Corps.

(h) *Personnel and Training Division.* (1) Obtains authorizations and makes sub-authorizations of officers, warrant officers and enlisted men and civilian personnel under the jurisdiction of The Quartermaster General.

(2) Obtains, assigns, promotes, transfers, and recommends separation of military personnel.

(3) Screens records of applicants for integration in the Quartermaster Corps Regular Army and recommends appointments.

(4) Selects military personnel for special training in accordance with specialized needs.

(5) Directs the inspection of T O units at Class II installations under jurisdiction of The Quartermaster General, to correct organizational records, and any personnel deficiencies, both when activated and alerted.

(6) Establishes and classifies civilian positions.

(7) Recruits, appoints, assigns, promotes, transfers, and separates civilian employees of the Quartermaster Corps, in accordance with Civil Service laws and regulations and War Department directives.

(8) Establishes plans for work measurement studies; and assists Quartermaster installations in the use of work measurement techniques; supervises the Work Measurement Program and analyzes work measurement data for purposes of controlling both military and civilian personnel authorizations.

(9) Exercises staff direction and supervision over military and civilian training activities at installations under the jurisdiction of The Quartermaster General.

(10) Prepares curricula for and inspects the training of food service specialists in Food Service Schools under the jurisdiction of the Army Commanders.

(11) Develops training doctrine, materials, methods, programs, and courses of study for all phases of Quartermaster training.

(12) Directs, inspects for quality, and renders staff assistance to, training programs in installations under the jurisdiction of The Quartermaster General designed for the improvement of employee competence.

(13) Renders technical assistance in the preparation of individuals and units of the civilian components for duty with the Regular Army in the event of a national emergency.

(14) Devises, applies and evaluates the results of appropriate tests for the selection of military and civilian personnel in accordance with specialized needs.

(15) Provides for the orderly operation of the activities of the Technical Training Service at The Quartermaster School.

(16) Initiates and develops long range personnel and training plans and studies.

(17) Prepares plans relating to possible new functions to be carried on by the Personnel and Training Division and recommends organization and procedures for putting them into effect.

(18) Studies, or coordinates the study of, War Department plans, proposals and policies affecting the personnel and training functions of the QMC, and prepares recommendations or comments to be sent to the War Department General Staff.

(19) Reviews plans of other Divisions and of outside organizations other than the War Department General Staff which affect the Personnel and Training Division, OQMG.

(j) *Food Service Division.* (1) Inspects food service facilities within the Army and renders such reports of inspections and recommendations to the Chief of Staff as may be appropriate.

(2) Prepares from time to time for publication in War Department order such recommendations as will improve food service throughout the Army.

(3) Prepares for prompt implementation suitable plans, in collaboration with the Chief, Personnel and Training Division, for the training of food service personnel required to execute the mission of The Quartermaster General under War Department orders.

(4) Establishes effective liaison with a group of civilian food consultants to The Quartermaster General.

(5) Collates, evaluates, and acts upon such recommendations as the group of civilian food consultants to The Quartermaster General may from time to time render.

(6) Collaborates with Subsistence Branch, Supply Division, on matters pertaining to menu planning, supply of subsistence, centralized food service activities and utilization of mess equipment and machinery.

(7) Collaborates with Military Planning Division on matters pertaining to research and development of subsistence and food service machinery and equipment.

(8) Collaborates with other War Department and other governmental agencies on all matters pertaining to the efficient execution of the Food Service Program.

(Sec. 3, 12 Pub. Law 404, 79th Cong.; 60 Stat. 238, 244)

[SEAL] EDWARD F. WITSELL,
Major General.
The Adjutant General.

[F. R. Doc. 47-6513; Filed, July 11, 1947, 8:52 a. m.]

Chapter IX—Transport

PART 903—TRANSPORTATION OF INDIVIDUALS

SLEEPING CAR AND SIMILAR ACCOMMODATIONS

Part 903, Chapter IX, Title 10, Code of Federal Regulations is amended as follows:

Rescind §§ 903.15 to 903.21, inclusive, and substitute the following:

§ 903.15 *Sleeping car and similar accommodations* — (a) *Allowances* — (1) *Through accommodations.* When sleeping-car accommodations are authorized in this part, the transportation requests will be issued for the accommodations authorized, from starting point to destination unless only coach service is operated at the beginning or end of the journey.

(2) *Standard accommodations: Persons entitled to.* (i) Subject to the provisions of paragraphs (b) and (c) of this section, regarding patients and their attendants, the following-named persons, when traveling under orders, are entitled at public expense to a lower berth in a standard sleeping car, or a seat in a sleeping car or parlor car: *Provided*, That whenever they travel in groups comprised of such persons on journeys involving night travel, and the number of persons included in a particular group is sufficient to justify the utilization of a special standard sleeping car for their accommodation (see paragraph (e) of this section), each person included in the group will be furnished a lower berth in such car, except that if there are more than a sufficient number of persons to occupy all the lower berths in the entire car, then the remaining persons will be furnished an upper berth each in the same car. Whenever civilian employees entitled to a lower berth in a standard sleeping car, under the provisions of War Department Civilian Personnel Regulations No. 155, are included in a group together with any of the following-named persons, and the total number in the group is sufficient to justify the utilization of a special standard sleeping car(s) for their accommodation, the civilian employees will be furnished berth accommodations on the same basis as that prescribed above for the other persons included in the group.

(a) Members of the Reserve Officers' Training Corps while traveling, except by organizations, to and from camps of instruction, when not paid travel allowances.

(b) Relative acting as attendant to remains, and return of attendant when required, under the provisions of Army Regulations.

(c) Civilian candidates, Citizens' Military Training Camps, when transportation is furnished by the United States.

(d) Cadets discharged from the United States Military Academy who are authorized to be furnished transportation in kind under the provisions of AR 55-120. (See also subdivision (ii) of this subparagraph.)

(ii) Cadets, United States Military Academy, when traveling under orders, are entitled at public expense to the accommodations prescribed in the following subdivisions on the basis set forth therein. (See subdivision (i) (d) of this subparagraph for cadets discharged from the United States Military Academy.)

(a) Sleeping accommodations: Except as provided in (c) of this subdivision, when the journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train, cadets traveling individually, or included in groups of 14 cadets or less, will be furnished a berth in a standard sleeping car, a lower if available, otherwise an upper. Groups of 15 cadets or more will be furnished standard sleeping-car accommodations on the basis of sections, 2 cadets to a section (one lower and one upper berth), the "odd number" cadet, if any, to be furnished a lower standard berth.

(b) Seating accommodations: Except as provided in (c) of this subdivision, for journeys other than those set forth in (a) of this subdivision, cadets traveling individually, or included in groups of 14 cadets or less, will be furnished seats in a sleeping car or parlor car. Groups of 15 cadets or more will be furnished coach accommodations only.

(c) Exceptions to (a) of this subdivision: Cadets traveling as patients will be furnished the accommodations prescribed in paragraphs (b) and (c) of this section.

(iii) Aviation cadets; noncommissioned officers of first grade: Subject to the provisions of paragraphs (b) and (c) of this section regarding patients and their attendants, aviation cadets and noncommissioned officers of first grade, when traveling under orders, are entitled at public expense to the accommodations prescribed in the following subdivisions on the basis set forth therein.

(a) Sleeping accommodations: When the journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train, aviation cadets and noncommissioned officers of first grade traveling individually, or included in groups of 4 persons or less consisting of aviation cadets and/or noncommissioned officers of first grade, will be furnished a berth in a standard sleeping car, a lower if available, otherwise an upper, and groups of 5 persons or more consisting of aviation cadets and/or noncommissioned officers of first grade will be furnished

standard sleeping-car accommodations on the basis of sections, 2 persons to a section (one lower and one upper berth), the "odd number" person, if any, to be furnished a lower standard berth. When aviation cadets and/or noncommissioned officers of first grade are included in the same group with any number of enlisted persons below the first grade and/or applicants or rejected applicants for enlistment the sleeping-car accommodations prescribed in subparagraph (3) of this paragraph will be furnished.

(b) Seating accommodations: For journeys other than those set forth in (a) of this subdivision, aviation cadets and noncommissioned officers of first grade will be furnished with seats in a sleeping car or parlor car when they are traveling individually, or are included in groups of 14 persons or less consisting of aviation cadets and or noncommissioned officers of first, and or second and or third grades. Aviation cadets and noncommissioned officers of first grade will be furnished only coach accommodations when they are included in groups of 15 persons or more consisting of aviation cadets and or noncommissioned officers of first and or second and or third grades, and when they are included in the same group with any number of enlisted persons below the third grade and/or applicants or rejected applicants for enlistment.

(iv) Noncommissioned officers of second and third grades: Subject to the provisions of paragraphs (b) and (c) of this section regarding patients and their attendants, noncommissioned officers of second and third grades, when traveling under orders, are entitled at public expense to the accommodations prescribed in the following subdivisions on the basis set forth therein.

(a) Sleeping accommodations: The foregoing noncommissioned officers will be furnished an upper berth in a standard sleeping car when they are accompanying dependents whose transportation is authorized at public expense, and such authorized dependents are furnished sleeping-car berth accommodations under the provisions of subdivision (vi) of this subparagraph. See subparagraph (3) of this paragraph for accommodations authorized when not accompanying dependents.

(b) Seating accommodations: When berth accommodations are not authorized under (a) of this subdivision or subparagraph (3) of this paragraph, noncommissioned officers of second and third grades will be furnished with seats in a sleeping car or parlor car when they are traveling individually, or are included in groups of 14 persons or less consisting of aviation cadets and/or noncommissioned officers of first and or second and/or third grades. Noncommissioned officers of second and third grades will be furnished only coach accommodations when they are included in groups of 15 or more persons consisting of aviation cadets and or noncommissioned officers of first and or second and/or third grades, and when they are included in the same group with any number of enlisted persons below the third grade and/or applicants or rejected applicants for enlistment.

(v) Enlisted persons below third grade: Enlisted persons below third grade will be furnished an upper berth in a standard sleeping car, or a seat in a sleeping car or parlor car, when they are accompanying dependents whose transportation is authorized at public expense, and such authorized dependents are furnished berth or seat accommodations under the provisions of subdivision (vi) of this subparagraph. See subparagraph (3) of this paragraph for accommodations authorized when not accompanying dependents.

(vi) Dependents: Wives, dependent children, and dependent fathers and mothers whose transportation is authorized by AR 55-120 are entitled to seats in a sleeping car or parlor car on the basis of one individual seat for each person, or to berths in a standard sleeping car on the following basis, regardless of the accommodations to which the individual changing station may be entitled under the provisions of this section (dependents, other than wives, children, fathers, or mothers, whose transportation may be authorized under the "Missing Persons Act" by AR 55-121 are entitled to seats in a sleeping car or parlor car, or to berth accommodations in a standard sleeping car on the same basis as prescribed in this section for a dependent father or dependent mother).

(a) One lower berth for:

Wife.
Dependent father.
Dependent mother.
Child alone.
Wife and child under 6 years of age.
Wife and female child over 6 years of age.
Two children, same sex.
Two children, opposite sex, both under 6 years of age.

(b) One section, or separated lower and upper berths for:

Wife and one child, male, over 6 years of age.
Wife and two children.
Two children, opposite sex, one or both over 6 years of age.

(c) When the number of children exceeds two, accommodations for the additional children will be provided on the basis prescribed above for the first two children.

(d) If a lower berth is not available under subdivisions (a) and (b) of this subdivision, one upper berth may be furnished to each individual.

(e) The foregoing allowance is based on all the dependents traveling together at the same time. If the dependents travel separately and the total allowance becomes exhausted through being furnished the accommodations and/or by claiming monetary allowance in lieu thereof (AR 55-120), no further accommodations may be furnished.

(vii) In certain other cases, as prescribed in this section, standard accommodations may be furnished when other kind of accommodations are not available.

(3) *Tourist accommodations: Persons entitled to whenever available.* Subject to the provisions of paragraphs (b) and (c) of this section regarding patients and their attendants, the persons named herein, when traveling under orders are entitled at public expense to the sleeping-car accommodations in accordance with prescribed regulations when journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train.

(a) Aviation cadets and noncommissioned officers of first grade when included in the same group with any number of enlisted persons below the first grade and/or applicant or rejected applicants on enlistment.

(b) Enlisted persons below the first grade when not accompanying authorized dependents (see subparagraph (2) (iv) and (v) of this paragraph).

(c) Applicants or rejected applicants for enlistment.

(4) *Transportation of aliens and other persons evacuated from military areas.* The lowest class of transportation by the facility used will be furnished aliens or other persons evacuated from military areas pursuant to the provisions of Executive Order No. 9066 (7 F. R. 1407), except that where transportation is by rail carriers and the journey involves spending two nights or more on the train, sleeping-car accommodations will be furnished as prescribed in subdivisions (i) and (ii) of this subparagraph for the entire distance from point of origin to destination only for all children under 14 years of age and females who may be included in a movement.

(i) Fourteen persons or less: When the total number of children under 14 years of age and females included in a particular movement is 14 or less, sleeping-car accommodations will be furnished in tourist sleeping cars of the regular section type, if available, otherwise in Pullman Company three-tier tourist sleeping cars, if available; otherwise in standard sleeping cars of the regular section type. Each person assigned to space in a Pullman Company three-tier tourist sleeping car will be furnished an individual tier berth, and persons assigned to space in sleeping cars of the regular section type will be furnished berth accommodations on the following basis:

(a) A mother with her child or children under 14 years of age or a woman in charge of a child or children under 14 years of age, as prescribed for a wife and child or children in paragraph (a) (2) (vi). (See also (d) and (e) of this subdivision.)

(b) Other women 50 years of age and over, a separate lower berth for each. (See (d) and (e) of this subdivision.)

(c) Other females 14 years of age and over, and under 50 years, two persons to a lower berth, the "odd number" persons, if any, to be furnished an upper berth. If an upper berth is not available for the "odd number" person, she will be furnished a lower berth. (See (d) and (e) of this subdivision.)

(d) Where lower berths or a sufficient number thereof are not available, one upper berth will be furnished each individual to the extent that lower berths are not available on the basis set forth in (a), (b) and (c) of this subdivision.

(e) The alternative allowances (upper or lower berths; tourists or standard ac-

commodations) provided for in this subdivision contemplate furnishing the most economical accommodations available on the train (and connecting trains en route) and authorized. The higher cost berths and accommodations will be utilized only to the extent that those of lower cost are not available.

(ii) Fifteen persons or more: (a) Kind of accommodations to be furnished. When the total number of children under 14 years of age and females included in a particular movement is 15 or more, they will be furnished accommodations in a tourist sleeping car or non-air-conditioned standard sleeping car substituted therefor, of the regular section type; *Provided*, That whenever a special sleeping car of the foregoing kind and type cannot be made available by the carriers, they will be furnished accommodations in the kind and type of special sleeping car which can be made available at the time the movement takes place.

The order of precedence in which special sleeping cars will be furnished by the carriers, according to availability, and the order of precedence in which such cars will be utilized when it is necessary for the carriers to furnish more than one kind of sleeping car for a particular movement, is prescribed in the current Joint Military Passenger Agreement (War Department Commercial Traffic Bulletin No. 6 of current year).

(b) *Physically disabled patients not traveling in a mileage status*—(1) *Kind of accommodations.* It will be the policy to furnish accommodations for physically disabled patients, and any authorized attendants while accompanying such patients, in air-conditioned sleeping cars or air-conditioned parlor cars whenever possible under the conditions set forth in this paragraph, in cases where United States Army hospital cars are not used. The term "physically disabled patients" as used in this paragraph includes evacuees under Executive Order No. 9066 (7 FR 1407), but it does not include dependents in view of decision of the Comptroller of the Treasury (27 Comp. Dec. 1042) that no extra traveling expenses occasioned by disability will be paid by the Government in the case of dependents. No air-conditioned accommodations will be requested for attendants while not actually accompanying physically disabled patients but in such circumstance they will be furnished any authorized accommodations to which they be entitled for normal travel under the provisions of this section.

(i) Except as set forth in subdivision (ii) of this subparagraph, physically disabled patients in movements of less than 15 persons (patients, including attendants) will be furnished one lower berth each or one upper berth each, whichever may be determined by the responsible medical officer. For persons (patients) restricted to tourist accommodations whenever available, under the provisions of this section the berths will be requested in sleeping cars, air-conditioned tourist where operated, otherwise air-conditioned standard where operated for the distance that such tourist is not operated. Where no air-conditioned sleeping cars of either kind are operated for any portion of the distance, the berths will be requested for such distance in non-air-conditions standard where operated. For persons (patients) entitled to standard accommodations, under the provisions of this section, the berths will be requested in air-conditioned standard sleeping cars where operated and in non-air-conditioned standard where operated for any portion of the distance that such air-conditioned cars are not operated. The foregoing shall not be construed to require a change of cars other than at the terminus of the car occupied. Whenever the condition of a physically disabled patient warrants the use of a seat and daylight sleeping-car or parlor-car schedules are available and adequate, as determined by the responsible medical officer, each such patient will be furnished a seat in such sleeping car or parlor car, observing the same rules with respect to air-conditioned cars as apply above to furnishing a berth. Attendants will be provided for such physically disabled patients whenever the responsible medical officer determines that such is necessary. Regardless of grade or status, attendants will be furnished accommodations in the same car with the patients, a seat in the case of seat service, or the berth accommodations to which they are entitled under the provisions of this section, in the case of berth service.

(ii) Whenever a physically disabled patient in movements of less than 15 persons (patients, including attendants) may be expected to be noisy, ill-mannered, unpresentable, or otherwise objectionable to the public, or is in such physical condition as to require exclusive accommodations, the responsible medical officer will furnish the transportation officer issuing the transportation request a certificate, in duplicate, stating that the condition of the patient(s) requires exclusive accommodations. Attendants will be provided at all times for such physically disabled patients. Accommodations will be furnished for such physically disabled patients and their attendants in drawing rooms in air-conditioned parlor cars or in roomettes, bedrooms, compartments, or drawing rooms in air-conditioned sleeping cars, where such air-conditioned cars are operated; otherwise such room accommodations will be furnished in nonair-conditioned parlor or sleeping cars, where operated. The responsible medical officer, in coordination with the transportation officer, will determine in each case the number of attendants required, the class of accommodations required (that is, roomettes, bedrooms, compartments, or drawing rooms, whichever is the most economical available and meets the needs), and the total number of persons (physically disabled patients and attendants), not less than two, to occupy each double bedroom, compartment, or drawing room. Superior room accommodations will not be requested in any case where lower class room accommodations are adequate and available.

(c) *Insane patients not traveling in a mileage status*—(1) *Kind of accommodations.* It will be the policy to furnish accommodations for insane patients, and attendants while accompanying such patients, in air-conditioned sleeping cars or air-conditioned parlor cars whenever possible under the conditions set forth in this paragraph, in cases where United States Army hospital cars are not used. The term "insane patients" as used in this paragraph means patients who are insane or who are undergoing observation for insanity or mental disorders. The term includes evacuees under Executive Order No. 9066 (7 F. R. 1407), but it does not include dependents (27 Comp. Dec. 1042). No air-conditioned accommodations will be requested for attendants while not actually accompanying insane patients but in such circumstance they will be furnished any authorized accommodations to which they may be entitled for normal travel under the provisions of this section.

(d) *Attendants with remains.* Attendants accompanying remains will be furnished the authorized accommodations to which entitled, except that transportation requests for parlor-car or sleeping-car accommodations will not be furnished for officer attendants, or other attendants entitled to the same mileage allowances, traveling in a mileage status.

(e) *Utilization of special sleeping cars or parlor cars.* Special sleeping cars or parlor cars will be utilized only when the expense does not exceed the cost of berths and seats authorized to be furnished. See the current Joint Military Passenger Agreement (War Department Commercial Traffic Bulletin No. 6 of current year).

(f) *Receipt for accommodations furnished.* Travelers will be informed of the pertinent requirements of AR 55-110. Whenever the face of the transportation request is indorsed by the transportation officer, "Tourist whenever available," the traveler will be instructed to indorse over his signature in the space provided on the back of the request a statement as to the points between which tourist accommodations are furnished. In case tourist accommodations become available en route and the transportation request cannot be indorsed on account of its having been lifted by the agent or by the first conductor (there having been a change of conductors), then the traveler will promptly forward the statement to the disbursing officer designated to pay the carrier's bill. The statement will also cite the serial number of the transportation request. Travelers will be instructed to advise the foregoing disbursing officer promptly whenever the accommodations used are less than those called for by sleeping-car or parlor-car tickets or transfer tickets.

(g) *Accommodations at variance with transportation request.* Procurement from a carrier on a transportation request of excess space of a lower class than that called for by the request is prohibited, even though no additional cost to the Government is involved; for example, two lower tourist berths in lieu of a double berth in a standard sleeping car or seats in a parlor car in lieu of berths. [TM 55-525, June 1945 as amended by C4, June 12, 1947] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6549; Filed, July 11, 1947; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5570]

PART 142—TAX-FREE WITHDRAWALS OF CIGARS FROM CUSTOMS BONDED WAREHOUSES, CLASS 6

MISCELLANEOUS AMENDMENTS

On April 24, 1947, notice of proposed rule-making regarding the tax-free withdrawal of cigars from customs bonded warehouses, class 6, was published in the FEDERAL REGISTER (12 F. R. 2635). No objection to the rules proposed having been received, the following amendments to Treasury Decision 5438 (26 CFR, Part 142) are hereby adopted. These amendments are designed to eliminate provisions relative to the tax-free withdrawal from such bonded warehouses of cigars for use of the military or naval forces of the United States in United States Territories, which tax-free withdrawals were permissible only until the date on which the President proclaimed that hostilities in the present war have terminated. The President having proclaimed the termination of hostilities, the provisions of Treasury Decision 5438 for withdrawal tax-free from customs bonded warehouses, of cigars for use of the military or naval forces of the United States in United States Territories were rendered obsolete and, accordingly, they are eliminated by the amendments hereby made. The amendments are also designed to adopt procedure consonant with customs procedure and establish the greatest practicable degree of coordination of the Internal Revenue and Customs Bureaus, in respect of the withdrawals of cigars without payment of internal revenue tax from the customs warehouses indicated.

Treasury Decision 5438, approved February 7, 1945 (26 CFR, Part 142), is amended as follows:

(A) By inserting immediately following the heading "Table of Contents" an additional center heading as follows: "Subpart A".

(B) By changing the first line of the table of contents reading "142.0 Scope of regulations" to read "142.0 Scope of Subpart A".

(C) By inserting immediately following the table of contents the following:

SUBPART B

142.20 Scope of Subpart B.
142.21 Definitions.
142.22 Shipment restricted.
142.23 Bond.
142.24 Packing, marking or branding.
142.25 Shipping containers.
142.26 Application for withdrawal.
142.27 Inspection and verification of shipment.
142.28 Report of inspecting officer.
142.29 Delay in withdrawal of shipment; cancelation of shipment.
142.30 Change in consignee.
142.31 Withdrawal of shipment and disposition of original of application, Form 550.
142.32 Return of shipment to warehouse.
142.33 Tax liability.
142.34 Credit for shipment.
142.35 Penalties.

AUTHORITY: §§ 142.20 to 142.35, inclusive, issued under sec. 3, 44 Stat. 1382, sec. 556, 46 Stat. 743, sec. 2135, 53 Stat. 234; 5 U. S. C. 281b, 19 U. S. C. 1556, 26 U. S. C. 2135.

(D) By inserting immediately preceding § 142.0 a center heading as follows: "Subpart A".

(E) By substituting for the words "these regulations" wherever occurring in §§ 142.0 to 142.15, inclusive, the words "the regulations in this subpart".

(F) By changing the heading of § 142.0 *Scope of regulations* to read *Scope of Subpart A.*

(G) By inserting in the first sentence of § 142.0 immediately following the word "withdrawal" the following: ", prior to the effective date of Treasury Decision 5570,".

(H) By inserting immediately following § 142.15 the following:

SUBPART B

§ 142.20 *Scope of Subpart B.* This subpart comprising §§ 142.20 to 142.35, inclusive, relates to the withdrawal, on and after the effective date of Treasury Decision 5570, without payment of tax from customs bonded manufacturing warehouses, class 6, for export to foreign countries or shipment to possessions of the United States, of cigars produced in such warehouses of imported tobacco on which the duties have been paid. Duties paid on tobacco used in the manufacture of cigars withdrawn under this subpart may not be recovered. However, this subpart is exclusive only with respect to the withdrawal of cigars for shipment to a foreign country or possession of the United States where the customs regulations are not applicable to such shipment. This subpart does not relate to any withdrawal of cigars made of imported tobacco on which the customs duties have not been paid, which withdrawals must always be made in accordance with customs regulations and procedure.

§ 142.21 *Definitions.* As used in this subpart:

(a) The term "collector" means the collector of internal revenue for the district in which is located the customs bonded manufacturing warehouse, class 6, from which withdrawal of cigars under this subpart is made or intended to be made.

(b) The term "manufacturer" means the proprietor of a customs bonded manufacturing warehouse, class 6.

(c) The term "warehouse" means a customs bonded manufacturing warehouse, class 6, where cigars withdrawn, or intended to be withdrawn, under this subpart, are made.

(d) The term "Commissioner" means the Commissioner of Internal Revenue.

SEC. 2135 [Internal Revenue Code]. EXEMPTION FROM TAX (As amended by act approved March 23, 1943, 57 Stat. 42).

(a) *Shipments to foreign countries and possessions of the United States*—(1) *Manufactures.* Manufactured tobacco, snuff, cigars or cigarettes may be removed for export to a foreign country or for shipment to a possession of the United States (or, until the date on which the President proclaims that hostilities in the present war have terminated, to a territory of the United States for the use of members of the military or naval forces of the United States) without payment of tax under such rules and regulations and the making of such entries, and the filing of such bonds and bills of lading as the Commissioner, with the approval of the Secretary, shall prescribe.

A PROCLAMATION

. . . . . .

. . . I, Harry S. Truman, President of the United States of America, do hereby proclaim the cessation of hostilities of World War II, effective twelve o'clock noon, December 31, 1946.

§ 142.22 *Shipment restricted.* The withdrawal of cigars under this subpart, without payment of tax, may be made only for export to foreign countries or possessions of the United States where the United States internal revenue laws are not in effect.

§ 142.23 *Bond.* Before or at the time of filing his first application, a manufacturer who desires to withdraw cigars from his warehouse without payment of tax under this subpart, shall furnish to the collector a bond, in duplicate, in such form as the Commissioner shall prescribe, with surety satisfactory to the collector. The penal sum of the bond shall be sufficient to cover the estimated amount of tax which shall at any time constitute a charge against the bond, and in no case less than $5,000.00. When the bond, in duplicate, is received by the collector, he shall, if the bond meets with his approval, make endorsement to that effect on both the original and duplicate of the bond and forward the duplicate to the Commissioner. The liability under such bond shall be a continuing one, and will be subject to increase or decrease as withdrawals are made and completed. When the limit of liability under such bond has been reached, further withdrawals may not be made thereunder. Instead, a new bond, in duplicate, must be filed by the manufacturer, under which subsequent withdrawals shall be made.

§ 142.24 *Packing, marking, or branding.* Cigars withdrawn under this subpart may be put up in packages of any sizes desired. Each package of cigars shall have securely affixed in place of the internal revenue stamp a label, which label shall be readily distinguishable from an internal revenue stamp and on which shall be printed the following legend:

Free of tax. For use only outside the jurisdiction of the internal revenue laws of the United States.

§ 142.25 *Shipping containers.* Each shipping container in which cigars are to be withdrawn under this subpart shall be plainly numbered by the manufacturer, the number to be a consecutive one of a series beginning with No. 1, and begin again with No. 1 on July 1 of each subsequent year.

Shipping containers shall not be closed and fastened until their contents have been inspected and verified by a customs officer at the warehouse, as hereinafter prescribed.

§ 142.26 *Application for withdrawal.* An application on Internal Revenue Form 550, appropriately modified, shall be executed and filed by the manufacturer with the collector for each shipment intended to be withdrawn under this subpart. Such application shall be filed in triplicate for each parcel post shipment, and in quadruplicate for each shipment otherwise than by parcel post. Each application shall bear a serial number, such number to be a consecutive one of a series beginning with No. 1 to cover the first shipment, and commencing again with No. 1 on July 1 of each year thereafter. Copies of each application shall bear the same serial number as the original. Each application shall be completely and legibly modified and filled in. The cigars described in the application shall not be withdrawn from the warehouse until after inspection and verification by the customs officer as hereinafter required.

Upon receipt of each application, properly executed, the collector shall, if the tax liability on the particular shipment does not increase the outstanding liability in excess of the penal sum of the bond under which the withdrawal is to be made, immediately after signing the original and each copy of the application, forward the original and the two or three copies of the application to the customs officer in charge of the warehouse from which the shipment is to be withdrawn, in order that the customs officer can make proper inspection and verification of the cigars described in the application.

§ 142.27 *Inspection and verification of shipment.* It shall be the duty of the customs officer in charge of the warehouse from which the shipment of cigars is to be withdrawn under this subpart, to inspect the shipment and determine definitely that the shipment contains the exact class and quantity of cigars specified in the application, and that the boxes or packages of such cigars meet the requirements of this subpart. The packing of the shipping containers shall be under the supervision of the customs officer who will see that the number required by this subpart is properly inscribed on each shipping container.

Cigars withdrawn under this subpart may be stored within the jurisdiction of the internal revenue laws of the United States only under Government control and supervision, or with the approval of the Commissioner. Cigars withdrawn and otherwise held in such jurisdiction are subject to seizure by and forfeiture to the United States.

§ 142.28 *Report of inspecting officer.* After inspection and verification of the shipment have been completed and the shipping containers have been made ready for withdrawal and the customs officer has filled in and signed his report on the original and each copy of the application, the shipment shall be released for withdrawal by the manufacturer. One copy of the application is to be retained for customs purposes, one copy forwarded immediately to the collector and the original and the remaining copy delivered to the manufacturer to go forward with the shipment and be disposed of as hereinafter prescribed.

§ 142.29 *Delay in withdrawal of shipment; cancelation of shipment.* In case a shipment is not withdrawn from the warehouse within ten days after inspection and verification as provided in this subpart, the manufacturer must advise the collector as to the probable date of withdrawal. If the order for the shipment has been canceled, the manufacturer should so advise the collector and request premission to return the shipment to stock in the warehouse under the supervision of the customs officer in charge of the warehouse.

§ 142.30 *Change in consignee.* If, after inspection and verification, but before withdrawal of the shipment, the manufacturer for good and sufficient reasons desires to change the consignee or the address of the original consignee shown by the application, the manufacturer shall forward to the collector for correction and endorsement the original and copy of the application delivered to him by the inspecting officer with a letter setting forth his reasons for the change. The collector, after making correction and endorsement of the change, shall forward the original and copy of the application to the customs officer in charge of the warehouse with a letter instructing the customs officer to make similar change in the copy of the application which he retained after inspection and verification of the shipment, and to deliver the original and copy of the application to the manufacturer.

§ 142.31 *Withdrawal of shipment and disposition of original of application, Form 550*—(a) *General.* After the shipment has been released for withdrawal, the manufacturer shall enter on the original and copy of the application the actual date of withdrawal of the shipment from the warehouse, after which the shipment may go forward to the consignee. The original and copy of the application shall then be disposed of by the manufacturer as hereinafter prescribed.

(b) *Shipment other than by parcel post.* (1) If the warehouse is located at the port of exportation, the manufacturer shall file with the collector of customs at the port, at least six hours prior to lading of the shipment, the original and one copy of the application on Form 550 returned to him by the customs officer who inspected the shipment at the warehouse.

(2) If the warehouse is located elsewhere than at the port of exportation, the manufacturer shall forward the original and one copy of the application on Form 550 to the collector of customs at the port or to the agent of the manufacturer at the port so that these forms may reach or be filed with the collector of customs at least six hours prior to lading of the shipment. Where the original and one copy of the Form 550 are forwarded by the manufacturer to his agent at the port, the agent may fill in the name of the carrier or exporting vessel and give the location of the pier where the shipment will be laden.

(3) In case of exportation to a foreign contiguous territory by rail through a border port the manufacturer will forward the original and one copy of the application on Form 550 to the collector of customs at the border port through which the shipment will be routed for exportation.

(4) After the shipment has been inspected and laden on the exporting vessel or carrier or where the shipment has been inspected at the border port of exit with respect to shipment to a foreign contiguous territory the customs inspector who supervised the inspection and lading of the shipment will execute the Certificate of Inspection and Lading on the reverse side of both the original and copy of the Form 550 and return these forms to his collector of customs. After the vessel or carrier has cleared from the port of exportation or exit, the collector of customs will execute the Certificate of Exportation on both the original and copy of the Form 550, retain the copy for his file and forward the completed original to the collector of internal revenue of the district from which the shipment originated as indicated on the back of the form.

(c) *Shipment by parcel post.* If the shipment is to be made by parcel post, the manufacturer shall execute on each shipping container or parcel a waiver of his right to withdraw the container or parcel from the mails, and then at the time of mailing present the original Form 550 covering the shipment to the postmaster or his agent for execution of the certificate of mailing provided on the back of the form. The original Form 550 so executed shall be filed promptly thereafter by the manufacturer with the collector.

§ 142.32 *Return of shipment to warehouse.* If, after withdrawal, the manufacturer desires to return a shipment to the warehouse, he must make application to the Commissioner for permission to do so. The manufacturer must identify the shipment, and show where it has been since it left the factory, where held and in whose custody it is at the time of making application, and the reasons for returning the shipment. After receipt of such application, the Commissioner will issue appropriate instructions. The return of cigars to the warehouse will operate only to relieve the manufacturer of liability to internal revenue tax. Cigars so returned may not thereafter be withdrawn with benefit of refund of duties on the tobacco of which the cigars were made. Section 558, Tariff Act of 1930, as amended (19 U. S. C. 1558).

§ 142.33 *Tax liability.* The responsibility for the delivery to the consignee of cigars withdrawn under this subpart shall rest upon the manufacturer making the withdrawal, who will be liable for the internal revenue tax on any cigars withdrawn or delivered otherwise than in accordance with this subpart.

§ 142.34 *Credit for shipment.* Upon receipt of the original of the application on Form 550 with the "Certificate of Inspection and Lading" and the "Certificate of Exportation" executed by the appropriate customs officers or the "Certificate of Mailing by Parcel Post" executed by the appropriate postal officer with no shortage reported, the collector shall enter the proper credit in the account, Form 94, which he shall keep with the bond under which the shipment was made. In case a shortage is reported, the collector shall enter credit for the cigars actually delivered and require the manufacturer to pay the amount of tax due on the shortage.

§ 142.35 *Penalties.* Various sections of the Internal Revenue Code impose severe penalties for the unlawful withdrawal of cigars from the place of manufacture and for the possession, use, or delivery within the United States (including its territories) of manufactured cigars upon which the tax has not been paid. These sections apply to cigars withdrawn without the payment of tax under this subpart, and, accordingly, any person withdrawing, possessing, using, or delivering any such cigars otherwise than as authorized by this subpart may be subject to the penalties prescribed by these sections of the Code.

This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.
FRANK DOW,
Acting Commissioner of Customs.

Approved: July 8, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6551; Filed, July 11, 1947; 8:48 a. m.]

[T. D 5571]

PART 194—WHOLESALE AND RETAIL DEALERS IN LIQUORS

MISCELLANEOUS AMENDMENTS

1. On May 6, 1947, notice of proposed rule-making regarding the keeping of records by wholesale liquor dealers was published in the FEDERAL REGISTER (12 F. R. 3020).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments to §§ 194.27 (a), 194.75 (a) and (b), 194.76, and 194.78 (a) of Regulations 20, approved June 6, 1940 (26 CFR, Cum. Supp., Part 194), are hereby adopted.

3. These amendments are designed to supplement existing regulations by providing more definite instructions regarding the keeping of records involving the receipt and disposal of distilled spirits through transactions in warehouse receipts.

4. Regulations 20, approved June 6, 1940 (26 CFR, Cum. Supp., Part 194), as amended, are hereby amended as follows:

§ 194.27 *Warehouse receipts covering spirits.* (a) Since the sale of warehouse receipts for spirits is equivalent to the sale of spirits, a person engaged in the business of selling, or offering for sale, warehouse receipts for spirits stored in Government bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors, unless exempted by the provisions of §§ 194.62 to 194.73, inclusive.

* * * * *

§ 194.75 *Records to be kept by wholesale liquor dealers.* (a) Every wholesale dealer in liquors who sells distilled spirits (by warehouse receipt or otherwise) shall keep Record 52, "Wholesale Liquor Dealer's Record," and render monthly transcripts, Forms 52A and 52B, "Wholesale Liquor Dealer's Monthly Report," and Form 338, "Wholesale Liquor Dealer's Monthly Report (Summary of Forms 52A and 52B)." Separate Records 52 shall be maintained and separate Forms 338 shall be rendered for first, the recording of transactions in warehouse receipts and second, the recording of receipts and removal of spirits. The Record 52 and Form 338 covering transactions in warehouse receipts shall be so identified.

(1) The receipt and disposal of nonnegotiable warehouse receipts issued by a warehouseman to the owner of spirits as evidence of the custody of the spirits need not be entered in the Record 52. The receipt and disposal of other warehouse receipts or the surrender thereof to a warehouseman to effect changes in identification of the spirits represented thereby (by change of package or bottling) must be recorded in Record 52.

(b) Daily entries shall be made on Record 52 of all distilled spirits received and disposed of (by warehouse receipt or otherwise), as indicated by the headings of the various columns, and in accordance with the instructions printed thereon and contained in pertinent regulations, not later than the close of business of the day on which the transactions occur: *Provided*, That if the keeping of such separate record is approved by the district supervisor, a wholesale liquor dealer may keep a separate record of the disposal of distilled spirits, showing the data required to be entered on Record 52, but the daily entries of the disposal of distilled spirits shall be made on Record 52 not later than the close of business of the following business day.

* * * * *

§ 194.76 *Separate record of serial numbers of cases.* Serial numbers of cases of distilled spirits disposed of need not be entered on Record 52: *Provided*, That the proprietor keeps at his place of business a separate record, showing such serial numbers, with necessary identifying data, including the date of removal (or the date of disposal in the case of warehouse receipts) and the name and address of the person or persons to whom sold and consigned: *Provided further*, That the keeping of such record is approved by the district supervisor. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of four years and in such manner that the required information may be readily ascertained therefrom, and, during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by revenue officers. If a record in book form is kept, entries shall be made on such separate approved record not later than the close of business of the day on which the transactions occur. The dealer shall note on Record 52, in the column for reporting serial numbers of cases of spirits disposed of, "Serial numbers shown on commercial records per authority, dated ----------" (Sec. 2857, I. R. C.)

§ 194.78 *Place where Record 52 shall be kept.* (a) Every wholesale dealer in liquors shall keep the Record 52 covering transactions in warehouse receipts at the place of business covered by the wholesale liquor dealer special tax stamp, and, except as provided in paragraph (b) of this section, shall keep Records 52 covering the receipt and removal of spirits at such premises.

* * * * *

5. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 2857, 2858, 3254, 3791, 53 Stat. 327, 328, 391, 467; 26 U. S. C. 2857, 2858, 3254, 3791)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: July 8, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6550; Filed, July 11, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Rev. Gen RO 18,[1] Amdt. 7]

PART 705—ADMINISTRATION

DISTRIBUTION OF BASES TO CERTAIN FORMER MEMBERS OF THE ARMED FORCES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 18 is amended in the following respects:

1. Section 1.6 (a) (1) is amended to read as follows:

(1) Sugar or evidences obtained with respect to that base is transferred (tolled) to another person for industrial use except as authorized by section 6.3 of this order;

2. Section 2.3 (a) is amended to read as follows:

(a) The provisions of section 1.6 apply with respect to any adjustment granted under the provisions of section 2.1. Thus, a veteran may not transfer any sugar or evidences for use by others obtained on that part of the base received as an adjustment under section 2.1 except as authorized by section 6.3 of this order. He may continue to transfer sugar or evidences obtained on

[1] 11 F. R. 7576.

the base he had before getting the adjustment under section 2.1 in accordance with the provisions of section 8.8 of Third Revised Ration Order 3.

3. Section 3.6 (a) is amended to read as follows:

(a) The provisions of section 1.6 apply with respect to any base or adjustment in base granted under the provisions of this article. Thus, a veteran may not transfer any sugar or evidences for use by others obtained on that part of the base received as an adjustment under this article except as authorized by section 6.3 of this order. He may continue to transfer sugar or evidences obtained on the base he had before getting an adjustment under this article if he had not obtained that base under this order. Such transfer, however, may be made only in accordance with the provisions of section 8.8 of Third Revised Ration Order 3.

4. A new section 6.3 is added to read as follows:

SEC. 6.3 *A veteran may transfer sugar or ration evidences for industrial use.* (a) A veteran registered as an industrial user may deliver sugar without the surrender of ration evidences, subject to the provisions of Article XX of Third Revised Ration Order 3, or he may transfer ration evidences without obtaining sugar, to any person for making a product if such product will be delivered by the transferee to the transferor for use in producing a product which the transferor is authorized to make under the provisions of this order and the transferor will so use it. However, prior to the delivery of sugar or evidences the transferor and the transferee must give the notice required under paragraph (b) of this section.

(b) Before any deliveries may be made under this section both the transferor and the transferee must notify, in writing, the Sugar Branch Office with which the transferor is registered. The notice must be given at least two weeks in advance of any delivery of sugar or ration evidences under this section and must state:

(1) The amount of sugar or ration evidences to be transferred;

(2) The names and addresses of the transferor and the transferee;

(3) The use to be made of the sugar delivered (or the sugar acquired with the ration evidences transferred);

(4) That the product will be transferred by the transferee to the transferor for use in producing a product which the transferor is authorized to make.

However, the Sugar Branch Office with which the transferor is registered may authorize deliveries to be made in a period of less than two weeks after the notice is given if it is satisfied that the transferor and the transferee will comply with the provisions of this section.

(c) The transferee may use sugar delivered or ration evidences obtained in accordance with this section even if he is not a registered industrial user. If he is a registered industrial user he may use the sugar or ration evidences in addition to any use permitted him under this order, Third Revised Ration Order 3, or General Ration Order 19.

(d) The transferee may use any sugar delivered (or sugar obtained with ration evidences transferred) to him under this section only to make the product specified in the notice and only to make a product which will be transferred to the transferor for use in producing a product which the transferor is authorized to make under this order. The transferor must use this product only to make a product which he is authorized to make under this order. Any sugar used by the transferee under this section is considered to have been used by the transferor as well as the transferee.

(e) If, however, the means of production of the transferor have been temporarily so disrupted that production of the finished product which the transferor is authorized to make is impossible, he may apply, in writing, to the Sugar Branch Office with which he is registered for permission to deliver sugar or ration evidences under this section to any person for making a finished product which the transferor is authorized to make under this order if the product will be delivered by the transferee to the transferor for distribution by the transferor. The application must be signed by the transferor and the transferee and must contain the information required by (1), (2) and (3) of paragraph (b). In addition, the application must state that the product to be made is one which the transferor is authorized to make under this order, that such product will be delivered by the transferee to the transferor for distribution by the transferor, and the reasons why and the way in which the means of production of the transferor have been temporarily so disrupted that production of the finished product by the transferor is impossible. Notwithstanding the provisions of paragraph (d), the transferee may use any sugar delivered (or sugar acquired with ration evidences transferred) to him under this paragraph only to make the products stated in the application and only to the extent that the transferor might use the sugar or ration evidences for that purpose and only if the product will be delivered by the transferee to the transferor for distribution by the transferor.

(f) The transferee must make and keep at his principal business office, records showing by months the amounts of sugar received by him under this section and the amount used for each product produced with such sugar.

(g) Sugar or ration evidences may not be transferred under this section to make a product for which a provisional allowance may be obtained.

5. Section 7.1 (a) (1) is amended to read as follows:

(1) Transfer (toll) any sugar or evidences for use by others obtained on the base received under this order or obtained on that part of the base received as an adjustment under this order except as authorized by section 6.3 of this order.

6. Section 8.1 (c) is amended to read as follows:

(c) The terms "institutional user" and "institutional user establishment" have the meaning which they have as defined in Third Revised Ration Order 3.

This amendment shall become effective July 14, 1947.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 7 to Revised General Ration Order 18 and Amendment No. 2 to General Ration Order 19

The amendments to Revised General Ration Order 18 and to General Ration Order 19 permit a person, registered as an industrial user under these orders, to deliver sugar or ration evidences to another person for making a product if such product will be delivered by the transferee to the transferor for use in producing a product which the transferor is authorized to make under the provisions of this order and the transferor will so use it. However, prior to the delivery of sugar or evidences the transferor and the transferee must give the notice required under paragraph (b) of this section.

These amendments also contain a provision which will permit industrial users registered under these orders to apply for permission to transfer sugar or ration evidences to another person if the means of production of the industrial user have been temporarily so disrupted that production of the finished product by the transferor is impossible. Notwithstanding the provisions of paragraph (d), the transferee may use any sugar delivered (or sugar acquired with ration evidences transferred) to him under this paragraph only to make the products stated in the application and only to the extent that the transferor might use the sugar or ration evidences for that purpose and only if the product will be delivered by the transferee to the transferor for distribution by the transferor, and the reasons why and the way in which the means of production of the transferor have been temporarily so disrupted that production of the finished product by the transferor is impossible. Notwithstanding the provisions of paragraph (d), the transferee may use any sugar delivered (or sugar acquired with ration evidences transferred) to him under this paragraph only to make the products stated in the application and only to the extent that the transferor might use the sugar or ration evidences for that purpose and only if the product will be delivered by the transferee to the transferor for distribution by the transferor, and the reasons why and the way in which the means of production of the transferor have been temporarily so disrupted that production of the finished product by the transferor is impossible. Notwithstanding the provisions of paragraph (d), the transferee may use any sugar delivered (or sugar acquired with ration evidences transferred) to him under this paragraph only to make the products stated in the application and only to the extent that the transferor might use the sugar or ration evidences for that purpose and only if the product will be delivered by the transferee to the transferor for distribution by the transferor.

(f) The transferee must make and keep at his principal business office, records showing by months the amounts of sugar received by him under this section and the amount used for each product produced with such sugar.

(g) Sugar or ration evidences may not be transferred under this section to make a product for which a provisional allowance may be obtained.

2. Section 3.1 (a) (1) is amended to read as follows:

(1) Transfer (toll) any sugar or evidences obtained on the base received under this order to another person for industrial use except as authorized by section 1.8 of this order;

3. Section 3.1 (a) (6) is deleted.

4. Section 6.1 (d) is amended to read as follows:

(d) The terms "institutional user" and "institutional user establishment" have the meaning which they have as defined in Third Revised Ration Order 3.

This amendment shall become effective July 14, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 7 to Revised General Ration Order 18 and Amendment No. 2 to General Ration Order 19

The amendments to Revised General Ration Order 18 and to General Ration Order 19 permit a person, registered as an industrial user under these orders, to deliver sugar or ration evidences to another person for making a product if such product will be delivered by the transferee to the transferor for use in producing a product which the transferor is authorized to make under the provisions of these orders. However, before any deliveries of sugar or evidences are made for this purpose, the transferor and the transferee must file a notice with the Sugar Branch Office with which the transferor is registered for permission to transfer sugar or evidences for industrial use. The notice must be filed at least two weeks in advance of any delivery of sugar or evidences. By permitting persons registered as industrial users under these orders to transfer sugar or evidences to another person to make an intermediate product which the industrial user will then use in producing the product for which he obtained his allotment, the operations of the industrial user will be greatly facilitated and he will be able to operate more efficiently with the equipment and machinery which he is able to obtain. For example, a candy manufacturer may wish to deliver sugar or evidences to another person who will make chocolate coating for him.

These amendments also contain a provision which will permit industrial users registered under these orders to apply for permission to transfer sugar or ration evidences to another person if the means of production of the industrial user have been temporarily so disrupted that production of the finished product which he is authorized to make is impossible and if such product will be delivered back to the industrial user for distribution by him.

As long as the products are delivered back to the industrial user, customary distribution of his product will be maintained.

[F. R. Doc. 47-6631; Filed, July 11, 1947, 10:28 a. m.]

[3d Rev. RO 3,[1] Amdt. 62]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 2.1 (c) and section 2.1 (d) are redesignated section 2.1 (d) and section 2.1 (e) respectively, and a new section 2.1 (c) is added to read as follows:

(c) *Change of registration.* An industrial user who has more than one industrial user establishment and who has registered them separately (on OPA Form R-1200) may, if he so desires, re-

[1] 11 F. R. 177, 14281.

[Gen. RO 19, Amdt. 2]

PART 705—ADMINISTRATION

DISTRIBUTION OF BASIS TO CERTAIN NEW USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

General Ration Order 19 is amended in the following respects:

1. A new section 1.8 is added to read as follows:

SEC. 1.8 *A person registered as an industrial user may transfer sugar or ration evidences for industrial use.* (a) A person registered as an industrial user under the provisions of this order may deliver sugar without the surrender of ration evidences, subject to the provisions of Article XX of Third Revised Ration Order 3, or he may transfer ration evidences without obtaining sugar, to any person for making a product if such product will be delivered by the transferee to the transferor for use in producing a product which the transferor is authorized to make under the provisions of this order and the transferor will so use it. However, prior to the delivery of sugar or evidences the transferor and the transferee must give the notice required under paragraph (b) of this section.

(b) Before any deliveries may be made under this section both the transferor and the transferee must notify, in writing, the Branch Office with which the transferor is registered. The notice must be given at least two weeks in advance of any delivery of sugar or ration evidences under this section and must state:

(1) The amount of sugar or ration evidences to be transferred;

(2) The names and addresses of the transferor and the transferee;

(3) The use to be made of the sugar delivered (or the sugar acquired with the ration evidences transferred);

(4) That the product will be transferred by the transferee to the transferor for use in producing a product which the transferor is authorized to make.

However, the Branch Office with which the transferor is registered may authorize deliveries to be made in a period of less than two weeks after the notice is given if it is satisfied that the transferor and the transferee will comply with the provisions of this section.

(c) The transferee may use sugar delivered or ration evidences obtained in accordance with this section even if he is not a registered industrial user. If he is a registered industrial user he may use the sugar or ration evidences in addition to any use permitted him under this order, Third Revised Ration Order 3 or Revised General Ration Order 18.

(d) The transferee may use any sugar delivered (or sugar obtained with ration evidences transferred) to him under this section only to make the product specified in the notice and only to make a product which will be transferred to the transferor for use in producing a product which the transferor is authorized to make under this order. The transferor must use this product only to make a product which he is authorized to make under this order. Any sugar used by the transferee under this section is considered to have been used by the transferor as well as the transferee.

(e) If, however, the means of production of the transferor have been temporarily so disrupted that production of the finished product which the transferor is authorized to make is impossible, he may apply, in writing, to the Sugar Branch Office with which he is registered for permission to deliver sugar or ration evidences under this section to any person for making a finished product which the transferor is authorized to make under this order if the product will be delivered by the transferee to the transferor for distribution by the transferor. The application must be signed by the transferor and the transferee and must contain the information required by subparagraphs (1), (2) and (3) of paragraph (b). In addition, the application must state that the product to be made is one which the transferor is authorized to make under this order, that such product will be delivered by the transferee to the transferor for distribution by the transferor, and the reasons why and the way in which the means of production of the transferor have been temporarily so disrupted that production of the finished product by the transferor is impossible. Notwithstanding the provisions of paragraph (d), the transferee may use any sugar delivered (or sugar acquired with ration evidences transferred) to him under this paragraph only to make the products stated in the application and only to the extent that the transferor might use the sugar or ration evidences for that purpose and only if the product will be delivered by the transferee to the transferor for distribution by the transferor.

(f) The transferee must make and keep at his principal business office records showing by months the amounts of sugar received by him under this section and the amount used for each product produced with such sugar.

(g) Sugar or ration evidences may not be transferred under this section to make a product for which a provisional allowance may be obtained.

2. Section 3.1 (a) (1) is amended to read as follows:

(1) Transfer (toll) any sugar or evidences obtained on the base received under this order to another person for industrial use except as authorized by section 1.8 of this order;

3. Section 3.1 (a) (6) is deleted.

4. Section 6.1 (d) is amended to read as follows:

(d) The terms "institutional user" and "institutional user establishment" have the meaning which they have as defined in Third Revised Ration Order 3.

This amendment shall become effective July 14, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 7 to Revised General Ration Order 18 and Amendment No. 2 to General Ration Order 19

The amendments to Revised General Ration Order 18 and to General Ration Order 19 permit a person, registered as an industrial user under these orders, to deliver sugar or ration evidences to another person for making a product if such product will be delivered by the transferee to the transferor for use in producing a product which the transferor is authorized to make under the provisions of these orders. However, before any deliveries of sugar or evidences are made for this purpose, the transferor and the transferee must file a notice with the Sugar Branch Office with which the transferor is registered for permission to transfer sugar or evidences for industrial use. The notice must be filed at least two weeks in advance of any delivery of sugar or evidences. By permitting persons registered as industrial users under these orders to transfer sugar or evidences to another person to make an intermediate product which the industrial user will then use in producing the product for which he obtained his allotment, the operations of the industrial user will be greatly facilitated and he will be able to operate more efficiently with the equipment and machinery which he is able to obtain. For example, a candy manufacturer may wish to deliver sugar or evidences to another person who will make chocolate coating for him.

These amendments also contain a provision which will permit industrial users registered under these orders to apply for permission to transfer sugar or ration evidences to another person if the means of production of the industrial user have been temporarily so disrupted that production of the finished product which he is authorized to make is impossible and if such product will be delivered back to the industrial user for distribution by him.

As long as the products are delivered back to the industrial user, customary distribution of his product will be maintained.

[F. R. Doc. 47-6631; Filed, July 11, 1947, 10:28 a. m.]

[3d Rev. RO 3,[1] Amdt. 62]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 2.1 (c) and section 2.1 (d) are redesignated section 2.1 (d) and section 2.1 (e) respectively, and a new section 2.1 (c) is added to read as follows:

(c) *Change of registration.* An industrial user who has more than one industrial user establishment and who has registered them separately (on OPA Form R-1200) may, if he so desires, re-

[1] 11 F. R. 177, 14281.

register his establishments together and they will then be treated as a unit for all purposes of this order. An industrial user who has more than one industrial user establishment and who has registered them together (on OPA Form R–1200) as a unit may, if he so desires, reregister his establishments separately. Upon doing so, each establishment must be treated and operated separately for all the purposes of this order (including computation of allotments and base period use), just as though the establishments were owned by different persons, and the industrial user is considered as a different industrial user as to each such establishment. An industrial user who desires to change his form of registration must apply in writing to the Sugar Branch Office serving the area in which his principal office is located. He may change his form of registration under the provisions of this section only once.

This amendment shall become effective July 14, 1947.

Issued this 8th day of July 1947.

[SEAL] N. E. DODD,[1]
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 62 to Third Revised Ration Order 3

Under the present regulations an industrial user who now has his industrial user establishments registered separately cannot reregister them together as a unit. Similarly, an industrial user who now has his industrial user establishments registered together as a unit cannot reregister his establishments separately. Thus, an industrial user is required to retain the form of registration he presently has. Therefore, if his industrial user establishments are registered separately, they must be treated and operated separately for all the purposes of Third Revised Ration Order 3, and if they are registered together as a unit, they must be treated as a unit for all purposes of the order.

The form of registration, separate or combined, may have direct bearing upon certain actions an industrial user may take under the rationing regulations and the actions he can take to meet changed operating conditions. For example, an industrial user who has two or more establishments registered together as a unit is permitted to use interchangeably the allotments he is granted for the establishments which compose the unit. However, an industrial user who has two or more establishments registered separately is not permitted to use the allotments interchangeably which he is granted for his separate establishments. Thus, where an industrial user acquires a plant and owned other plants which are registered separately, the newly acquired plant must also be registered separately. Although there may be a decreased demand for sugar-containing products in the areas where his older plants are located, he cannot use the allotments granted for his older plants in his newly acquired plant where there is a greater demand. This may result in lack of return on his investment in the newly acquired plant and increased transportation costs for shipping finished products manufactured in such plant, into the area of greater demand. By permitting the industrial user to reregister his establishments together as a unit, he can adjust his operations to meet this condition.

Under the provisions of the regulations population increase adjustments may not be granted to persons receiving either a base or an adjusted base as "War Producers" under the provisions of section 17.7 of Third Revised Ration Order 3. When the base for any class of product is adjusted under section 17.7 no population increase may then be allowed the industrial user on either the base or adjustment of base for that class of product, and if he has obtained such a population increase adjustment, he loses it for that class of product for which he receives a base or an adjusted base as a "War Producer." Thus, an industrial user who has two or more establishments registered together and who receives a base or adjusted base as a "War Producer" for a class of product, loses any population increase he may have for that class of product he manufactures in any of his establishments which are registered together as a unit. If, on the other hand, his establishments were registered separately, he would only lose the population increase he has for that class of product manufactured in the separately registered establishment for which the "War Producer" base or adjusted base was granted. In order to alleviate the hardship industrial users are suffering by reason of losing population increases when they receive adjustments as "War Producers," this amendment will permit an industrial user to change his form of registration from combined to separate if he finds that separate registration will be more advantageous to his operation.

Thus, this amendment will permit greater flexibility of operation to industrial users who desire to change the form of their registration to meet changed operating conditions. However, under the provisions of this amendment an industrial user may change the form of his registration only once.

[F. R. Doc. 47-6630; Filed, July 11, 1947; 10:28 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 241—WILDLIFE

HUNTING, FISHING, AND TRAPPING IN PISGAH NATIONAL FOREST, N. C.

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), and the act of August 11, 1916 (39 Stat. 476; 16 U. S. C. 683), I, N. E. Dodd, Acting Secretary of Agriculture, do make and publish the following regulation (W–7) relative to hunting, trapping and fishing in the Pisgah National Game Preserve, in the State of North Carolina, to constitute § 241.7, Part 241, Chapter II, Title 36, Code of Federal Regulations:

§ 241.7 *Hunting, fishing, and trapping.* Hunting, trapping and fishing are hereby authorized within the Pisgah National Game Preserve, North Carolina, under permits issued by or under the authority of the Supervisor of the Pisgah National Forest, in accordance with instruction received by him from the Chief of the Forest Service, Washington, D. C., which permits shall state where applicable the place and time of hunting, fishing, or trapping, the fee, the kind, number, sex, and size of the species that may be taken and the manner and place in which they may be taken. (Sec. 1, 30 Stat. 35, sec. 1, 33 Stat. 628, Chapter 313, 39 Stat. 476; 16 U. S. C. 551, 472, 683)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 8th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6518; Filed, July 11, 1947; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1648]

PART 160—GRAZING LEASES

This part is hereby completely revised to read as follows:

Sec.
160.1 Statutory authority.
160.2 Definitions.
160.3 Classes of applicants; preference rights.
160.4 Filing of applications; copies necessary.
160.5 Qualifications of applicants.
160.6 No right conferred by application prior to lease.
160.7 Filing fees.
160.8 Protests.
160.9 Filing of petitions for renewals.
160.10 Leases of withdrawn or reserved lands.
160.11 Offer and issuance of lease; disposition of protests and conflicting applications.
160.12 Reduction in leased area.
160.13 Leased lands subject to classification and disposition; compensation to lessee for improvements and damages.
160.14 Rental.
160.15 Term of lease.
160.16 Construction and removal of improvements.
160.17 Cancellation of lease.
160.18 Inspection of leased premises.
160.19 Assignment of lease; subleases of leased lands.
160.20 Leases pledged as security for loans.
160.21 Appeals.

AUTHORITY: §§ 160.1 to 160.21, inclusive, issued under sec. 15, 48 Stat. 1275 sec. 5, 49 Stat. 1978, 43 U. S. C. sec. 315m

§ 160.1 *Statutory authority.* Section 15 of the act of June 28, 1934 (48 Stat. 1275), as amended, authorizes the Secretary of the Interior, to lease for grazing purposes, vacant, unappropriated and unreserved public lands outside of established grazing districts in the continental United States.

§ 160.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Regional Administrator" means the Regional Administrator, Bureau of Land Management. Where there is no Regional Administrator, it means the Director, Bureau of Land Management.

(d) "Manager" means Manager of the District Land Office. Where there is no District Land Office, it means the Regional Administrator.

(e) "The act" means section 15 of the act of June 28, 1934 (48 Stat. 1275), as amended by section 5 of the act of June 26, 1936 (49 Stat. 1978, 43 U. S. C. 315m).

§ 160.3 *Classes of applicants; preference rights.* In general, the act, as amended, provides for the issuance of grazing leases to three classes of applicants, as follows:

(a) Leases where no preference right applicant is involved.

(b) Preference right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

(c) Preference-right leases to applicants who are the owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract embracing 760 acres or less,[1] for the whole of such tract, upon the terms and conditions prescribed by the Secretary, provided the preference right is asserted during a period of 90 days after such tract is offered for lease.[2]

§ 160.4 *Filing of applications; copies necessary.* An application for lease should be submitted on Form 4–721[3] and filed in the district land office for the district in which the lands applied for are situated, except that in the states in which there are no district land offices, the application should be filed with the Regional Administrator for the Region in which the lands are situated. The application must be filed in triplicate, except where it embraces lands within the jurisdiction of more than one district land office, in which event it must be furnished in quadruplicate and may be filed in either office. The application need not be under oath but must be signed by the applicant.[4]

§ 160.5 *Qualifications of applicants.* Any person who is a citizen of the United States or who has declared his intention to become a citizen and whose declaration is still valid, or any group or association composed of such persons, or any corporation organized under the laws of the United States, or of any State or Territory thereof authorized to conduct business in the State in which the lands involved are situated, may file an application for a lease.

§ 160.6 *No right conferred by application, prior to lease.* The filing of an application will not segregate the land applied for from application by other persons for a grazing lease or from other disposition under the public-land laws. As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for, pending the issuance of a lease. Any such unauthorized use constitutes a trespass.

§ 160.7 *Filing fees.* Every applicant for a lease must pay to the Manager, at the time of filing an application, a fee of $5 if his lease application is for 1,000 acres or less, and an additional $5 for each additional 1,000 acres or fractional part thereof, which fee will be carried as unearned pending action on the application. If the application is rejected, the fee will be returned. If a lease, based on the application, is offered the applicant, and he refuses to accept the same, the fee will be retained as a service charge.

§ 160.8 *Protests.* Protests against the approval of an application for a lease should be in duplicate, contain a complete disclosure of all facts upon which the protest is based, and describe the lands involved in such protest, and should be accompanied by evidence of service of a copy of the protest on the applicant. If the protestant desires to lease all or part of the land embraced in the application against which the protest is filed, the protest should also be accompanied by an application for a grazing lease.

§ 160.9 *Filing of petitions for renewals.* A lessee who desires to renew a lease should file in triplicate approximately 90 days prior to the expiration of the lease a petition for renewal of the lease on Form 4–725.[5] The petition may include a request for the consolidation of other outstanding grazing leases held by the lessee. No filing fee will be required in connection with a petition for renewal. The filing of a petition for renewal does not confer on the lessee any preference right to a renewal. The timely filing of a petition will, however, authorize the exclusive grazing use of the lands by the lessee in accordance with the terms of the prior lease pending final action on the petition.

§ 160.10 *Leases of withdrawn or reserved lands.* Leases may be issued for public lands withdrawn for resurvey, or withdrawn and reserved in aid of legislation, or for power sites, classification or other public purposes,[6] if the use of the land for grazing is not inconsistent with the purposes of the withdrawal. Lands included in stock driveway and public water reserve withdrawals may be leased in accordance with the regulations, 43 CFR 295.7 (c). Any lease issued covering withdrawn lands must contain the stipulations which have been prescribed by the Director of the Bureau of Land Management for the protection and use of the land for the purpose for which it was withdrawn or reserved.

§ 160.11 *Offer and issuance of lease; disposition of protests and conflicting applications.* The Manager, after consideration of the field report as to the area, term, and rental to be included in the proposed lease, shall forward it, in quadruplicate, on Form 4–722a,[3] to the applicant for execution. After execution, the applicant will return the proposed lease forms, together with the amount of rental due under § 160.14 to the district land office. If all is found to be regular, a lease will be issued by the Manager after final action has been taken by the Manager on any protests or conflicting applications which may have been filed.

Where it is determined that more than one applicant should receive a lease and a division of the lands is necessary, the conflicting applicants will be afforded an opportunity to agree to the division of such lands at the time of field investigation. If an acceptable adjustment cannot be made by the parties in interest, the matter will be determined by the Manager in the light of all available information, including the field report.

After the proposed lease forms have been transmitted to an applicant, and if such lease is executed by him, any application filed subsequent to such transmittal will be rejected as to any lands included in that proposed lease.

§ 160.12 *Reduction in leased area.* The leased area may be reduced if it is excessive for the number of stock owned by the lessee, or if it is determined that such area is required for the protection of camping places, sources of water supply to communities, stock driveways, roads and trails, town sites, mining claims, or for feeding grounds near villages for the use of draft animals or near the slaughtering or shipping points for use of stock to be marketed. In that event, a proportionate reduction will be made in the annual rental charges.

§ 160.13 *Leased lands subject to classification and disposition; compensation to lessee for improvements and damages.*

[1] Where the lands applied for include the even-numbered sections within the limits of a railroad grant, even though in the aggregate such lands exceed 760 acres, each such section will be considered as an isolated or disconnected tract within the meaning of this provision.

[2] By Departmental Notice of July 31, 1937, all vacant, unreserved and unappropriated public lands, exclusive of Alaska, not included in an established grazing district, were then offered for lease under section 15; all lands not then subject to lease under section 15 because of their appropriation or reservation, were offered for lease as of the date any such lands first became subject to lease.

[3] Not filed with the Division of the Federal Register.

[4] Title 16, U. S. C. sec. 80, makes it a crime for any person knowingly or willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

[5] Certain lands withdrawn for reclamation purposes are, pursuant to the cooperative agreement of February 28, 1945, between the Bureau of Reclamation and the Bureau of Land Management, leased in accordance with the principles of section 15 leases, under authority of subsection (l) of section 4, act of December 5, 1924 (43 Stat. 703, 43 U. S. C., sec. 501).

Lands embraced in a grazing lease are subject to classification and disposition under the provisions of section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315f): *Provided*, That before any application for such classification and disposition is allowed, evidence is furnished that the applicant has agreed to compensate the lessee for any grazing improvements placed on the lands under the authority of the lease, and for any injury caused to the lessee's grazing operations by reason of the loss of the leased lands from his leasehold. All such agreements, to be effective, must be approved by the Regional Administrator. If the interested parties are unable to reach an agreement as to the amount of such compensation, the amount shall be fixed by the Regional Administrator. The failure of the applicant to pay the lessee in accordance with the agreement shall be just cause for cancellation of any rights or interests in the lands acquired by the applicant by reason of the allowance of his application.

Where part of the lands embraced in a grazing lease are disposed of as provided by this section, the subsequent annual rental charges will be reduced proportionately to reflect the loss of the lands from the leasehold.

Any agency of the Federal Government which needs lands embraced in a grazing lease for a governmental use other than one described in § 160.12, and requests a permit, withdrawal, reservation, lease or patent, shall be considered an applicant within the meaning of this section.

§ 160.14 *Rental.* Each lessee shall pay to the district land office specified in the lease, in accordance with the terms of the lease, such annual rental as may be determined to be a fair compensation for the grazing use of the leased land. In no lease, however, will the rental charge be fixed at less than $1 per annum. The rental may be adjusted at the end of the third year and at the end of each three-year period thereafter.

§ 160.15 *Term of lease.* A lease may be issued for a period of not more than 10 years. Renewals may be for periods of not more than 10 years, upon such terms and conditions as may then be prescribed.

§ 160.16 *Construction and removal of improvements.* After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. The lessee will be required to comply with the provisions of the laws of the State in which the leased lands are located with respect to the cost and maintenance of partition fences.

Upon the expiration of a lease or its earlier termination, the Regional Administrator may, in his discretion and upon a written petition filed by the lessee within 30 days from date of such expiration or termination, direct the Manager to require a proposed subsequent lessee, prior to the execution of a new lease, to agree to compensate the lessee for any grazing improvements of a permanent nature that may have been placed upon the leased lands under authority of section 15 leases. The amount of such compensation shall be determined in accordance with the procedure set forth in § 160.13. The failure of the subsequent lessee to pay the lessee in accordance with such agreement shall be just cause for cancellation of the subsequent lessee's lease.

The lessee will be allowed three months from the date of expiration or termination of the lease within which to remove such improvements as are not disposed of in the manner set forth above; if not removed or otherwise disposed of within the said period, such improvements shall become the property of the United States.

§ 160.17 *Cancellation of lease.* If the lessee shall fail to comply with any of the provisions of these regulations or of the lease, and such default shall continue for 60 days after service of written notice thereof, the lease may be terminated and canceled by the Manager.

§ 160.18 *Inspection of leased premises.* The land described in the lease shall be subject to inspection at all reasonable times by duly authorized representatives of the Department of the Interior, and other Federal agents, as well as game wardens, shall be permitted access to the lands in connection with necessary Government business.

§ 160.19 *Assignment of lease; subleases of leased land.* Proposed assignments of a lease, and proposed subleases of the leased lands, in whole or in part, must be filed in the district land office and may be approved by the Manager. The assignments and subleases must contain all of the terms and conditions agreed upon by the parties thereto; must be accompanied by the same showing by the assignee or sublessee as is required of applicants for a lease; and must be supported by a showing that the assignee or sublessee agrees to be bound by the provisions of the lease. No assignment or sublease will be recognized unless and until approved.

§ 160.20 *Leases pledged as security for loans.* (a) A lease may be pledged as security for a loan of $500 or more from a lending agency when the loan is made for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may ascertain from the District Land Office the status of the grazing lease and other pertinent information concerning the lease.

(b) Upon request of the borrower-lessee, where such extension will be in accordince with applicable law and not contrary to the public interest, the lease will be extended for a period of ten years from the date of the loan subject to such terms and conditions as are then provided by these regulations.

(c) In case the property of the lessee which was the basis for the granting of a preference right, is acquired by the lending agency through foreclosure or otherwise, such agency or its tenants on the property, if qualified, or any person who purchases the property from such agency, if qualified, on application, shall be recognized in lieu of the lessee. If in making a sale the lending agency takes back a mortgage on the property, the agency shall be entitled to the same consideration as in the case of the original loan.

(d) Where a lending agency files in the District Land Office notice that it has made a loan and has accepted a grazing lease as security therefor, in conformity with the provisions of this section, such agency will be advised of any action taken affecting the lease.

§ 160.21 *Appeals.* An appeal may be taken from any decision of the Manager to the Director, and from any decision of the Director to the Secretary, pursuant to the Rules of Practice (43 CFR, Part 221).

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 2, 1947.

[F. R. Doc. 47-6500; Filed, July 11, 1947, 8:46 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

RIVERTON IRRIGATION PROJECT, WYOMING

CROSS REFERENCE: For public notice opening public lands to entry and announcing availability of water for public and private lands in Riverton Irrigation Project, Wyoming, see Bureau of Reclamation, Department of the Interior, in Notices section, *infra*.

TITLE 45—PUBLIC WELFARE

Chapter VI—Office of Vocational Rehabilitation, Federal Security Agency

PART 601—BUSINESS ENTERPRISES PROGRAM FOR THE BLIND

Regulations pursuant to Labor-Federal Security Appropriation Act, 1948, approved July 8, 1947, Title II, Subheading "Office of Vocational Rehabilitation," governing Federal reimbursement for one-half necessary expenditures for acquisition of vending stands and other equipment to be controlled by the State Agency for the use of blind persons.

Introductory. Pursuant to the authority conferred by the Labor-Federal Security Appropriation Act, 1948, the following regulations are prescribed with respect to the availability, under such act, of Federal reimbursement for one-half the necessary expenditures for the acquisition of vending stands and other equipment for the use of blind persons where such vending stands and other equipment are to be controlled by a State Agency.

Sec.
601.1 Purpose and scope.
601.2 Terms.
601.3 Applicability of the regulations in this part.

Sec.
601.4 Plan materials.
601.5 Content of plan materials; form, submission and amendment.
601.6 Content of plan materials; coverage.
601.7 In-service training.
601.8 Selection of locations.
601.9 Selection of types of business enterprises.
601.10 Selection of operators.
601.11 Vending stands in Federal buildings.
601.12 Supervision of operator.
601.13 Management, control and operation of the program.
601.14 Use of program proceeds.
601.15 Utilization of services of public agencies or private non-profit corporations serving the blind.
601.16 Limitation on amount of Federal reimbursement.
601.17 Expenditures for which Federal reimbursement is unavailable.
601.18 State's interest in vending stands and other equipment.
601.19 Disposition of vending stand and other equipment.
601.20 Maintenance of accounts.
601.21 Maintenance of inventories.
601.22 Reports.
601.23 Payments to States.
601.24 Limitation on payments to States.
601.25 Suspension of reimbursement authorization.
601.26 District of Columbia.
601.27 Continued operations of programs under plans submitted previous to the issuance of the regulations in this part.

AUTHORITY: §§ 601.1 to 601.27, inclusive, issued under the authority contained in Title II, subheading "Office of Vocational Rehabilitation," of the Labor-Federal Security Appropriation Act, 1948, (60 Stat. 679)[1] are superseded by the following regulations.

§ 601.1 *Purpose and scope.* The Business Enterprises Program includes vending stands, and any type of small business the operation of which will be improved through management and supervision by the State Agency controlling the program. Its purpose is to create and preserve employment opportunities for the successive use of qualified blind persons.

§ 601.2 *Terms.* Unless otherwise herein specifically indicated, the terms listed below are defined as follows:

(a) "Act" means Title II, subheading "Office of Vocational Rehabilitation," of Public Law 165, approved July 8, 1947, known officially as the "Labor-Federal Security Appropriation Act, 1948."

(b) "Vocational Rehabilitation Act" means Public Law 236, 66th Congress, approved June 2, 1920, as amended by Public Law 113, 78th Congress, 1st Session, approved July 6, 1943.

(c) "State plan" means a State plan of vocational rehabilitation approved under the provisions of the Vocational Rehabilitation Act.

(d) "Administrator" means the Federal Security Administrator.

(e) "Director" means the officer in the Federal Security Agency, acting under the immediate supervision of the Commissioner for Special Services to whom the Administrator has delegated the primary responsibility for carrying out the Vocational Rehabilitation Act under section 7 (c) thereof, other than that which involves the rule making power and the making of annual reports and recommendations to the Congress.

(f) "State" means the several States, Puerto Rico, and the Territories of Alaska and Hawaii.

(g) "State Agency" means State Board or Agency for the Blind as hereinafter defined.

(h) "State Board" means the State Board of Vocational Education. (The term includes a Rehabilitation Commission in existence prior to the date of the act operating under an agreement with the Board approved by the Administrator.)

(i) "Agency for the Blind" means the State Blind Commission or other agency administering that part of the Plan under which vocational rehabilitation is provided the blind.

(j) "Vending stands" includes such counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment, as are necessary in order to establish suitable retail business enterprises for the benefit of blind persons.

(k) "Other equipment" includes such implements, apparatus, fixtures and appliances determined to be necessary for the establishment, for the benefit of blind persons, of appropriate business enterprises other than vending stands. The business enterprises established shall include only such manufacturing, servicing, selling, and agricultural activities as are best adapted to the most effective utilization of the skills and aptitudes of blind persons and shall be limited to such types of business enterprises as are set forth in the approved plan materials.

(l) "Cost of acquisition of vending stands and other equipment" means costs of vending stands and other equipment as well as costs of construction, delivery, and installation thereof.

(m) "Controlled by the State Agency" means a system under which the vending stands, and other equipment are owned, directly or indirectly, by the State Agency and the operations of the business enterprises, established by the State Agency through the use of vending stands and other equipment, are managed, regulated, and supervised, directly or indirectly, by the State Agency.

(n) "Program" means the establishment, maintenance, and operation for the benefit of blind persons of vending stands and other business enterprises controlled by the State Agency, where Federal reimbursement under the act is claimed for any portion of the expenditures for the acquisition of the vending stands or other equipment used or where funds are used which are derived in whole or in part from the operation of such vending stands or other business enterprises.

(o) "Private nonprofit corporation serving the blind" means any corporation organized for the promotion of the social and economic welfare of disabled persons, no part of the net earnings of which inures to the benefit of any shareholder or individual and which performs any functions in connection with the Business Enterprises Program under the direction and control of the State Agency.

(p) "Operator" means the blind individual selected by the State Agency to conduct the daily operations of a particular vending stand or other business enterprise in the program.

(q) "Randolph-Sheppard Act" means Public Law 732, approved June 20, 1936, enacted by the 74th Congress.

(r) "Designated State Licensing Agency" means a State Commission for the blind or other public agency designated under the provisions of the Randolph-Sheppard Act to issue licenses to blind persons for the operation of vending stands in Federal buildings in the State.

§ 601.3 *Applicability of the regulations in this part.* Regulations in this part are applicable only to those State Agencies administering State plans, or parts thereof, providing for the vocational rehabilitation of blind persons and desiring to claim Federal reimbursement, under this act, for one-half the necessary expenditures for the acquisition of vending stands and other equipment for the program.

§ 601.4 *Plan materials.* Federal reimbursement, in accordance with the act and regulations in this part, shall be available only to the extent that such expenditures are made pursuant to the provisions of plan materials approved by the Director, who shall approve plan materials which are found by him to comply with the requirements set forth in the act and regulations in this part and which are determined by him to be feasible and to contain no provisions substantially increasing the costs or impairing the effectiveness of the program.

§ 601.5 *Content of plan materials: form, submission and amendments.* Plan materials shall follow the main outlines as to form and content indicated in the guide for the submission of plan materials relating to controlled vending stands and business enterprises for the blind, which will be released pursuant to the regulations in this part. The plan materials shall be transmitted over the signature of the duly authorized officer of the State Board and also over the signature of the duly authorized officer of the Agency for the Blind, where the program is administered by such Agency for the Blind, and shall indicate the date of adoption, the effective date, and the fulfillment of any necessary conditions precedent. Amendments shall be similarly submitted as frequently as may be necessary to reflect actual or, where Federal requirements are involved, contemplated changes in any material phase of the program.

§ 601.6 *Content of plan materials: coverage.* The plan materials shall include descriptions of the material phases of the management, control and operation of the program, including the following:

(a) Pertinent legal provisions relating to the operations of the program and to the authority of the State Agency for its administration.

(b) The organizational structure of the unit of the State Agency and of any public agency or private non-profit corporation serving the blind, utilized by

[1] 11 F. R. 8226.

the State Agency for providing necessary ministerial services in connection with the operating phases of the program, including a description of the functions of such unit and of such agency or corporation (together with copies of the charter and bylaws thereof), and the relationships of such unit to such agency or corporation and to other units of the State Agency.

(c) The standards of personnel administration applicable to all State Agency personnel engaged in the management or control of the program, including job classification and compensation schedules, examination, selection and appointment procedures, and all applicable rules and standards.

(d) The policies, procedures and standards employed in the selection of suitable locations for vending stands and other business enterprises for the program.

(e) The policies, procedures and standards governing the relationship of the State Agency to the operators, including selection, duties, supervision, transfer, financial participation, entitlement to health retirement and other benefits, and training designed to improve their proficiency.

(f) The arrangements made or contemplated for the utilization of the services of public agencies or private nonprofit corporations serving the blind, the agreements with such agencies or corporations and the services to be provided, the procedures for the supervision and control of the services provided by the public agency or corporation and methods used in evaluating services received, the basis for remuneration to such agencies or corporations, and the fiscal controls and accounting procedures.

(g) The policies, procedures and standards for the management, control and operation of the program, including the scope and areas of assistance to and supervision of the operators, the design and purchase of the vending stands and other equipment for the program and the purchase of the stock, merchandise, materials and supplies used, sold or manufactured in the program.

(h) The policies, procedures and standards with respect to the fiscal, statistical and reporting aspects of the program, including sources of funds, procedures and policies relating to the collection, custody, safeguarding and disbursement of the funds used in and derived from the operations of the program, and the accounting, budgeting, auditing and statistical methods employed.

§ 601.7 *In-service training.* The plan materials shall provide for the establishment of such a system of in-service training for State Agency personnel engaged in the management and control of the program as is necessary to provide such personnel with adequate working knowledge of subjects essential to the efficient fulfillment of their duties.

§ 601.8 *Selection of locations.* The plan materials shall provide that locations for vending stands and other business enterprises in the program shall be selected in accordance with such standards as are necessary to assure the most productive utilization of the Federal funds granted and the maximum development of economic opportunities for the blind.

§ 601.9 *Selections of types of business enterprises.* The plan materials shall provide that the types of business enterprises selected for the program shall be such as are determined to be suitable for the most effective utilization of the skills and aptitudes of blind persons in the program and as are set forth in the approved plan materials. They shall also set forth the bases for the selection of enterprises.

§ 601.10 *Selection of operators.* The plan materials shall provide that the State Agency will select the operators for the program in accordance with such standards and in such manner as may be necessary to assure the operation of the program by blind persons who are in need of such economic opportunities and who are qualified therefor through vocational rehabilitation.

§ 601.11 *Vending stands in federal buildings.* The plan materials shall provide that vending stands in Federal buildings shall be established under the program only where the operators thereof have been licensed by the Designated State Licensing Agency and shall be managed, controlled and operated by the State Agency only in accordance with the provisions of the Randolph-Sheppard Act, the Regulations promulgated thereunder and the regulations in this part.

§ 601.12 *Supervision of operator.* The plan materials shall set forth such policies and procedures as are necessary to assure the establishment and maintenance of working relations by the State Agency and the operators to insure sound business practices and designed to protect and foster their economic and social welfare.

§ 601.13 *Management, control and operation of the program.* The plan materials shall provide that the program shall be managed, operated and controlled by the State Agency in accordance with such sound business principles and practices as are determined to be necessary for the successful operation of each type of enterprise in order to safeguard the social and economic welfare of all blind persons under the program.

§ 601.14 *Use of program proceeds.* The plan materials shall provide that any program proceeds derived directly or indirectly by the State Agency from the operations of the program shall be retained by or for the benefit of the State Agency in a separate, continuing account. The funds of this account shall be subject to disbursement, under the control and at the direction of the State Agency, for such purposes and only in such manner as may be set forth in the approved plan material. These purposes may include the payment of a pro rata share of the necessary managerial, supervisory and operating expenses, the establishment of a fair minimum return for all operators, the expansion of the program, the preservation and replacement of program assets, and the provision of retirement and other benefits to the operators.

§ 601.15 *Utilization of services of public agencies or private nonprofit corporations serving the blind.* The plan materials shall provide that if, in the operation of any phase of the program, the State Agency utilizes the services of a public agency or private nonprofit corporation serving the blind, the terms of the agreement between the State Agency and such agency or corporation shall comply with such standards and contain such provisions as are determined to be necessary to insure the retention by the State Agency of full responsibility for the management, control, and operation of all phases of the program and to protect the interests of the operators. The plan materials shall also provide that the State Agency will not enter into any agreement or arrangement with any public or private agency or corporation which will in any way, either directly or indirectly, prejudice, impair, or limit the authority of the State Agency to take any action deemed by it necessary for the proper and efficient management, control, and operation of the program, including all actions with respect to the selection, placement, and financial participation of the operators and the purchase, utilization, and disposition of program assets.

§ 601.16 *Limitation on amount of Federal reimbursement.* Federal reimbursement under the act and the regulations in this part shall not exceed one-half the necessary cost of acquisition of vending stands or other equipment for the program: *Provided*, That such Federal reimbursement shall not exceed $600.00 for any one vending stand or for any one business enterprise irrespective of the number of operators placed in such vending stand or business enterprise.

§ 601.17 *Expenditures for which Federal reimbursement is unavailable.* Federal funds under the act are available only as set forth in § 601.16 and are not available for reimbursement, directly or indirectly, for the following types of expenditures: The purchase, erection, rental or repair of any building or buildings; the purchase or rental of any land; the payment of any costs incurred in the management, control or operation of the program; the purchase of stock, livestock, materials, merchandise, supplies, heat, light or power; expenditures for the acquisition of vending stands or other equipment for the blind purchased with State funds prior to the submission of approvable plan materials under the regulations in this part, or for payments to individuals for vending stands or other equipment where such individuals will participate in the program.

§ 601.18 *State's interest in vending stands and other equipment.* The plan materials shall provide that the right and title to and interest in the vending stands and other equipment used in the program will be vested, in accordance with the laws of the State, in the State Agency for use and disposition for program purposes only; *Provided*, That subject to the provisions of the regulations in this part such right, title and interest

may be vested, in accordance with the laws of the State, in a public agency or a private non-profit corporation serving the blind where such corporation or agency has been designated by the State Agency as its nominee to hold such right, title and interest only for program purposes subject to the paramount right of the State Agency to direct and control the use, transfer and disposition of such vending stands and other equipment.

§ 601.19 *Disposition of vending stand and other equipment.* With respect to the disposition of vending stand or other equipment used in the program, the plan materials shall provide as follows:

(a) All sales of vending stands and other equipment used in the program shall be made in accordance with applicable State laws, regulations, and standards governing the sale of State-owned equipment. In the absence or inapplicability of State laws, regulations, and standards the plan materials shall provide that the State Agency will secure bids from individuals or dealers in sufficient number to insure receiving the highest possible returns for the articles sold.

(b) When old or obsolete vending stand or other equipment is exchanged as part payment for new equipment, the trade-in allowance accepted by the State Agency for the equipment so exchanged shall be in accordance with applicable State laws, regulations, and standards. In the absence or inapplicability of such State laws, regulations, and standards, the trade-in allowance accepted by the State Agency will be comparable to the allowance customarily made for articles of like character in like condition.

(c) Upon the disposition or use of the vending stand or other equipment for other than program purposes, any proceeds of such disposition or the fair value of vending stand or other equipment which is used for other than program purposes shall be credited to the Federal account in proportion to the Federal participation in the original expenditure for such vending stand or other equipment.

§ 601.20 *Maintenance of accounts.* The plan materials shall provide for the maintenance by the State Agency of such accounts and supporting documents as (a) will permit an accurate and expeditious determination to be made at any time both of the status of the Federal funds granted for the purposes of the act and of the operation of the program and (b) will provide for each individual operating location at least the minimum of data as indicated in the Accounts Guide released to accompany the regulations in this part.

§ 601.21 *Maintenance of inventories.* The plan materials shall provide that the State Agency shall maintain complete inventories of all vending stands, other equipment, stock, materials and supplies acquired for or used in the program. The plan materials shall, in addition, provide that all vending stands and other equipment used in the program will be suitably marked so as to indicate clearly the nature and extent of the State Agency's interest therein and that such other action will be taken by the State Agency as may be necessary under the laws of the State to establish, protect and maintain such interest.

§ 601.22 *Reports.* The plan materials shall provide that fiscal, statistical and operating reports with respect to the program shall be furnished at such time and with such frequency as the Director shall determine to be necessary upon forms prescribed therefor.

§ 601.23 *Payments to States.* Payments to the States for the purposes of the act will be made in the manner set forth in and under the conditions prescribed by §§ 600.35, 600.36, and 600.37 of the regulations issued pursuant to the Vocational Rehabilitation Act relating to estimates, certification and the effect of certification. The estimates submitted in accordance therewith shall contain such additional information with respect to the Federal funds requested for the purposes of the act as the Director may deem necessary.

§ 601.24 *Limitation on payments to States.* With respect to the Federal funds granted for reimbursement under the act for the acquisition of vending stands and other equipment for the program, the Director may limit, for particular periods, the amount of Federal funds granted to a State.

§ 601.25 *Suspension of reimbursement authorization.* The Director shall, if he finds that a State Agency has failed to comply substantially with the provisions of the plan materials approved hereunder, withhold authorization for any further reimbursement from Federal funds for the acquisition of vending stands and other equipment for the program until such time as there is no longer any such failure to comply.

§ 601.26 *District of Columbia.* All operations within the District of Columbia pursuant to the act will be administered by the District of Columbia Rehabilitation Service and all applicable provisions of the regulations in this part, including the formulation and submission for approval of plan materials, will govern such operations.

§ 601.27 *Continued operations of programs under plans submitted previous to the issuance of regulations in this par* Insofar as they are not inconsistent with the act or the regulations in this part, plan materials submitted pursuant to Public Law 549, 79th Congress (60 Stat. 679), approved July 26, 1946, or to the regulations issued by the Federal Security Administrator under the date of July 26, 1946, pursuant to that act, shall be of the same force and effect and shall be subject to the same terms and conditions as though submitted under the regulations in this part.

[SEAL] MAURICE COLLINS,
Acting Federal Security Administrator.

JULY 8, 1947.

[F. R. Doc. 47-6527; Filed, July 11, 1947; 8:57 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR, Part 904]

[Admin. 282, Amdt. 1]

MILK HANDLING IN GREATER BOSTON, MASS., MARKETING AREA

AMENDMENT OF ORDER DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS

The order of the Secretary of Agriculture, issued June 30, 1947 (12 F. R. 4429), directing that a referendum be conducted among the producers supplying milk to the Greater Boston, Massachusetts, marketing area is hereby amended to provide that such referendum shall be completed not later than July 9, 1947.

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6548; Filed, July 11, 1947; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1944503]

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

JULY 3, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the District Land Office, Blackfoot, Idaho effective at 10:00 a. m. on September 4, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 4, 1947, to December 3, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2)

application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 15, 1947 to September 4, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 4, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 3, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from November 13, 1947, to December 3, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 3, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Blackfoot, Idaho.

The lands affected by this notice are described as follows:

BOISE MERIDIAN

T. 6 N., R. 5 W.,
Sec. 6, lot 4.

The area described aggregates 25.71 acres. The land referred to is an island in Snake River, Idaho. It has a level surface with a rich, sandy, loam soil and can be cultivated and irrigated by pumping from the Snake River, its elevation being only 6 to 10 feet above the water surface of the river.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6501; Filed, July 11, 1947; 8:46 a. m.]

[1996984]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED APRIL 22, 1947

JULY 7, 1947.

Notice is given that the plat of extension survey of lands hereinafter described will be officially filed in the District Land Office, Sacramento, California, effective at 10:00 a. m. on September 8, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 8, 1947, to December 8, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 19, 1947, to September 8, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 8, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference-right-filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 8, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from November 18, 1947, to December 8, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 8, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Sacramento, California.

The lands affected by this notice are described as follows:

MOUNT DIABLO MERIDIAN

T. 18 S., R. 42 E.,
Sec. 18, lots 1, 2, 3, 4, $E\frac{1}{2}W\frac{1}{2}$, $SE\frac{1}{4}$;
Sec. 19, lots 1, 2, 3, 4, $E\frac{1}{2}W\frac{1}{2}$, $NE\frac{1}{4}$;
Sec. 30, lots 1, 2, 3, 4, $E\frac{1}{2}W\frac{1}{2}$, $SE\frac{1}{4}$;
Sec. 31, all;
Sec. 32, lots 1, 2, 3, 4, $NW\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}$.

The areas described aggregate 2,569.05 acres. The land involved is rough and rocky in character.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6502; Filed, July 11, 1947; 8:46 a. m.]

Bureau of Reclamation

[Public Notice 26]

RIVERTON IRRIGATION PROJECT, WYOMING

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

JUNE 26, 1947.

1. *Land for which water will be furnished.* Pursuant to the act of June 17, 1902 (32 Stat. 388), as amended and supplemented, herein called the Federal Reclamation Law, announcement is hereby made that water will be available in the irrigation season of 1948, for certain irrigable lands under the Riverton Irrigation Project, Wyoming, and that beginning at 2:00 p. m., July 10, 1947, entry may be made in accordance with this public notice for the public land described hereinunder. Water will be made available under the provisions of the Federal Reclamation Law and in accordance with the terms, conditions, and charges herein provided. The irrigable lands for which water is to be made available are shown on the farm unit plats for Townships 2 and 3 North, Ranges 3, 4, 5 and 6 East, Wind River Meridian, Wyoming. These lands are described as follows:

(a) *Public lands.*

WIND RIVER MERIDIAN, WYOMING

Section	Farm unit	Description	Total irrigable acres
		Township 2 North, Range 3 East	
2	A	Lots 1, 2, 3 and $W\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$ of sec. 2	108.6
2	C	Lot 4, $SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}$ and $S\frac{1}{2}$ of sec. 35, T. 3 N., R. 3 E.	86.9
3	A	Lot 1 and $S\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}$, $NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$ of sec. 3	90.5
4	B	Lots 2 and 3, $N\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$ of sec. 3	118.4
4	C	$S\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}$ of sec. 4, $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ of sec. 10	100.6
4	A	$S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}E\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ of sec. 4; $NW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}$ of sec. 9	104.8
5	B	$S\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ of sec. 4, $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ of sec. 5, $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ of sec. 8, $N\frac{1}{2}NE\frac{1}{4}$ of sec. 8	117.6
6	A	$SE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$ of sec. 5, $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ of sec. 8, $NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, of sec. 9	132.4
7	C	$W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ of sec. 8, $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$ of sec. 7	115.3
8	A	$SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ of sec. 6, $N\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$ of sec. 7, $S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$ of sec. 6	121.6
8	D	$E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$ of sec. 7, $NE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ of sec. 8, $NW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$ of sec. 17	86.4
9	C	$SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ of sec. 9	86.9
9	D	$SE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$ of sec. 9	86.1
10	E	$S\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$ of sec. 8, $W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ of sec. 9, $NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$ of sec. 16, $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$ of sec. 17	104.8
10	F	$N\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ of sec. 16, $SW\frac{1}{4}SE\frac{1}{4}$ of sec. 9,	110.5
11	A	$S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ of sec. 10	109.9
11	B	$S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ of sec. 10	96.4
11	A	$W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, of sec. 15	99.1
12	A	$S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$ of sec. 10,	107.0
13	B	$S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$ of sec. 16, $N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$ of sec. 17	120.6
21	C	$W\frac{1}{2}W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ of sec. 15, $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ of sec. 16, $N\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ of sec. 21	128.1
22	A	$S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ of sec. 21	118.7
23	B	$N\frac{1}{2}SE\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ of sec. 20	127.8
23	D	$S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ of sec. 26, $NE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}$ of sec. 35,	99.2
27	E	$W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}$, $SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ of sec. 27, $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ of sec. 34,	108.0
28	E	$E\frac{1}{2}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ of sec. 28, $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ of sec. 33.	104.6
		Township 3 North, Range 3 East	
36	A	$E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ of sec. 26, $W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ of sec. 35	105.9
36	B	$W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$ of sec. 26	93.8
12	D	$N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ of sec. 33; $N\frac{1}{2}NE\frac{1}{4}$ of sec. 32,	89.0
27	E	$E\frac{1}{2}SE\frac{1}{4}$ of sec. 27, $NE\frac{1}{4}NE\frac{1}{4}$ of sec. 34	112.2
34	D	$E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ of sec. 27, $E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$ of sec. 34	107.8
31	A	$SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}E\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ of sec. 31, $N\frac{1}{2}NE\frac{1}{4}$ of sec. 33.	109.6

Section	Farm unit	Description	Total irrigable acres
		Township 3 North, Range 3 East—Continued	
34	B	$S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$ of sec. 31	112.6
35	A	$E\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ of sec. 35	88.2
35	B	$W\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ of sec. 35	82.5
35	D	$W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ of sec. 35	90.6
		Township 3 North, Range 4 East	
12	C	Lot 1, $SW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$ of sec. 12.	78
		Township 3 North, Range 5 East	
1	A	Lots 2, 3, 4 and $SE\frac{1}{4}NW\frac{1}{4}$ of sec. 1	82
1	B	$SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$ of sec. 1; $S\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ of sec. 2	102
10	E	$W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ of sec. 2, $SE\frac{1}{4}SE\frac{1}{4}$ of sec. 3, $NE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ of sec. 10, $W\frac{1}{2}W\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ of sec. 11	126
3	B	$W\frac{1}{2}SE\frac{1}{4}$ of sec. 3, $NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}N\frac{1}{2}W\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ of sec. 10.	102
3	C	$S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ of sec. 3; $N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ of sec. 10.	94
6	D	$E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ of sec. 6, $E\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$ of sec. 7.	85
12	B	$E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$ of sec. 11; $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}W\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}W\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}W\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$ of sec. 12.	8
11	C	$W\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ of sec. 11, $SW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ of sec. 2	102
11	D	$NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ of sec. 2, $NE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}W\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}W\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}W\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$ of sec. 11.	90
		Township 3 North, Range 6 East	
30	A	Lots 2, 3 and $SE\frac{1}{4}NW\frac{1}{4}$ of sec. 30	78
		Township 3 North, Range 6 East	
5	A	Lots 2, 3 and $S

(b) *Private lands.* The following described lands are privately owned lands. After the date hereof water will be available therefor and the construction charges allocated to them will be repaid under the same terms and conditions as announced for the other lands covered by this order upon water rental applications being properly executed and water rental payments made as required hereby:

WIND RIVER MERIDIAN, WYOMING

Section	Description	Total irrigable acres
	Township 2 North, Range 2 East	
28	NW¼NW¼	15.4
	SW¼NW¼	9.5
	Township 3 North, Range 3 East	
26	SW¼NW¼	16.0
	SE¼NW¼	22.0
	Township 2 North, Range 5 East	
2	SW¼NE¼	14.7
	NW¼SE¼	30.6
	NE¼SW¼	5.5
	Township 1 North, Range 5 East	
25	NE¼SE¼	18.5
	SW¼SE¼	4.6
	SE¼SE¼	31.7
36	NE¼NE¼	35.0
	NW¼NE¼	25.6
	SW¼NE¼	39.8
	SE¼NE¼	22.7
	NE¼NW¼	3.9
	NE¼SW¼	22.2
	SE¼NW¼	38.3
	NE¼SW¼	10.4
	NW¼SW¼	36.4
	SW¼SW¼	36.3
	SE¼SW¼	
	Township 2 North, Range 6 East	
5	Lot 5	20.1
	Lot 8	3.0
	Lot 9	16.3
19	NE¼SE¼	18.1
	SW¼SE¼	39.7
	SE¼SE¼	40.0
20	Lot 1	7
	NW¼NW¼	25.0
	SW¼NW¼	30.0
	Lot 4	9.7
	Lot 7	2.9
	NW¼SW¼	29.0
	SW¼SW¼	21.6
	Lot 2	1.4
29	Lot 1	18.8
30	Lot 2	18.1
	Township 3 North, Range 6 East	
17	SW¼SW¼	4.0

2. *Limit of acreage for which entry may be made or water secured.* The limit of area of public land per entry, representing the acreage which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such lands, is fixed in the amounts shown upon the farm unit plats for the respective farm units listed above. No one can at the same time hold and obtain water rights on a Federal Reclamation Project for both a farm unit of public land and a tract of privately-owned land unless the installments on the water right, either for the farm unit or for the private lands, not exceeding 160 acres, have been paid in full. The maximum area for which water may be secured for lands in private ownership shall be 160 acres of irrigable land for each landowner.

3. *Payment for land required.* The public lands covered by this notice were formerly a part of the Wind River or Shoshone Indian Reservation, and in accordance with the act of March 3, 1905 (33 Stat. 1016), as amended by the act of March 4, 1921 (41 Stat. 1404), the entryman must pay, in addition to the Reclamation charges, one dollar and fifty cents ($1.50) per acre for said land in the District Land Office at Cheyenne, Wyoming, of which fifty cents ($0.50) per acre will be payable on the date of entry, and twenty-five cents ($0.25) per acre per year for each of the four years thereafter. Failure to make deferred payments when due will render the entry subject to cancellation.

4. *Application for public lands.* An application for a farm unit listed in this notice must be filed with the Project Engineer, Bureau of Reclamation, Riverton, Wyoming, if the applicant desires to qualify under the terms of this notice. No advantage will accrue to an applicant presenting his application in person. All applications received prior to 2:00 p. m., October 8, 1947, will be treated as simultaneously filed. Applications for a farm unit received after 2:00 p. m., October 8, 1947, will be considered only as provided in subparagraph (f) (5) of this notice.

(a) *Preference rights of veterans of World War II.* Pursuant to the provisions of the act of Congress of September 27, 1944 (58 Stat. 747) as amended by the acts of June 25, 1946 (Pub. Law 440—79th Cong.) and May 31, 1947 (Pub. Law 82—80th Cong.) a preference right of application for a period of ninety days will be given to any person, including a person under 21 years of age, who has served in the military or naval forces of the United States for a period of at least 90 days at any time on or after September 16, 1940, and prior to the termination of the present war and who is honorably discharged and who makes homestead entry subsequent to such discharge. Such preference right extends to the spouse or in case of death or marriage to the guardian of the minor orphan children of (1) any person who has died as a result of wounds received or disability incurred in line of duty while serving in the military or naval forces of the United States at any time on or after September 16, 1940, and prior to the termination of the present war or (2) any person who, prior to his or her death, had the qualifications set forth in the first sentence of this sub-paragraph and would have been entitled to a preference right of application had he or she lived.

(1) An honorable discharge within the meaning of the act of September 27, 1944 (58 Stat. 747), shall mean (a) the separation of the veteran from the service by means of an honorable discharge or a discharge under honorable conditions; (b) the transfer of the veteran from active duty to a reserve or retired status prior to the termination of the war or (c) the ending of the period of the veteran's war service by reason of termination of the war, even though the veteran remains in the military or naval service.

(2) All applicants are required to answer fully Question 1, on the Farm Application Blank, and, if claiming veterans' preference, must attach thereto a photostatic, certified or authenticated copy of an official document of his respective branch of military or naval service which clearly indicates an honorable discharge as described in subsection (1) of this paragraph (a).

(3) Applicants entitled to veterans' preference must satisfy all requirements of entrymen set forth in this notice. They will be rated as prescribed in subparagraph (e) and, if found eligible, will be listed on a preference register in the order of their ratings.

(4) For the purpose of this notice the ninety-day preference right of application for veterans of World War II shall begin with the day lands described herein are opened for entry, July 10, 1947, and continue until the close of the simultaneous filing period, 2:00 p. m., October 8, 1947. Applicants for farm units who do not claim or establish such veterans' preference will not be rated until it is evident that sufficient qualified applicants, who have veterans' preference rights and who have filed application not later than 2:00 p. m., October 8, 1947, are not available to enter all the farm units listed in this notice. Non-preference applicants, if and when rated, will be listed on a non-preference register in the order of their rating. When the preference register has been fully cleared by awards of farm units or withdrawal of applicants or both, awards will be made to applicants on the non-preference register in the manner described in subparagraph (f) (5).

(b) *How to file an application for a farm unit.* Farm application blanks on which to make application for a farm unit under this notice may be secured from the Project Engineer, Bureau of Reclamation, Riverton, Wyoming; the Regional Director, Bureau of Reclamation, Billings, Montana, or the Commissioner, Bureau of Reclamation, Washington, D. C. The first paragraph of the application blank has spaces for the description of farm units for which the applicant wishes to be considered in the event he qualifies for the award of a unit. These blanks need not be filled in until the applicant is called for personal interview as prescribed in subparagraph (f). However, he must set forth his preference prior to the interview. During the period set for personal interview, but before the actual interview, the Board will permit the applicant to fill in or change the description of the units which he elects after the applicant has had opportunity to make personal inspection of the farm units. If the Board deems it advisable, it may require the applicant to list, on a suitable form, all the units for which he wishes to be considered in the order of preference and sign a statement to the effect that he does not desire to be considered for any unit not listed. No advantage will accrue to an applicant who inspects the units elected prior to filing application, although each successful applicant must personally inspect the unit awarded prior to filing homestead entry with the District Land Office of the Bureau of Land Management. The choice of the applicant will be given full consideration. Except for the description of farm units in the first paragraph, all other questions on the farm application blank must be fully answered. Irrespective of any preference established under subparagraph (a), there must be strict compliance with the provisions of subparagraph (e).

(c) *Applicants must be qualified.* No entry shall be accepted or allowed by the Register of the District Land Office until the applicant therefor has satisfied the Examining Board appointed as set forth in subparagraph (d) below, that he is possessed of qualifications of industry, experience, character, and capital, as set forth in subparagraph (e). These qualifications are in addition to those required under the homestead laws. A statement of the qualifications required by the homestead laws may be secured from the District Land Office at Cheyenne, Wyoming, or from the Bureau of Land Management, Washington, D. C.

(d) *Examining Board.* An Examining Board of three members has been approved by the Commissioner of the Bureau of Reclamation to establish qualifications and consider the fitness of each applicant to undertake the development and operation of a farm. If found necessary, the Commissioner reserves the right to appoint additional or alternate members not to exceed a total of five. The Project Engineer, who is a member of this Board representing the United States, will act as secretary. The statements made by applicants in their farm applications, as corroborated by the persons named as references therein, shall be used by the Board as the basis for determining the relative standing of applicants under subparagraph (e) below. Careful investigations will be made to verify the statements and representations made by applicants both on the farm application blanks and in the course of personal interviews, to the end that no misunderstandings may prevail either regarding the applicant's fitness or his appreciation of the problem before him. Any falsification or fraudulent representation made or discovered at any time will cause an application to be rejected. The Board is authorized to make rules incident to carrying out the provisions of this public notice with respect to rating and selection of applicants, and to establish the time for personal interviews. The Board will rate applicants according to standards described in subparagraph (e) below, and award public land units to successful applicants as set forth in subparagraph (f).

(e) *Determination of relative standing of applicants.* To determine whether an applicant for a farm unit is qualified under the provisions of subsection C of section 4 of the act of December 5, 1924 (43 Stat. 702), he will be rated and examined. The relative standings of the applicants will be based upon percentage rating with the following maximum weights given to the four prescribed qualifications:

	Percent
I. Character	10
II. Industry	20
III. Capital	35
IV. Farm experience	35

Applicants for a farm unit will be rated for each of the above four qualifications according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules:

	Percent
I. Character:	
(a) Fair	4 (minimum)
(b) Good	5 to 7
(c) Excellent	8 to 10
II. Industry:	
(a) Fair	5 (minimum)
(b) Good	6 to 10
(c) Excellent	11 to 20
III. Capital:	
(a) $1,000 to $1,499	20 (minimum) to 24
(b) $1,500 to $1,999	25 to 29
(c) $2,000 to $2,499	30 to 34
(d) $2,500 or above	35 (maximum)
(e) One to four percent may be added to items (a), (b), or (c) for guaranteed credit of from $1,000 to $4,000: *Provided*, That the total percentage allowed for capital shall not exceed 35 percent. The credit must be suitable for the establishment of an economically sound farming operation.	

NOTE: The minimum capital requirement of $1,000 set forth in (a) above must be assets owned by the applicant and credit may not be substituted therefor.

	Percent
IV. Farm experience:	
(a) 2 years of farm work as a farmer's son after the age of 12 years or as a farm hand or farm operator after the age of 15 years	20
(b) Each additional year's work as farm hand, farmer's son or farm operator	5
(c) Each year of agricultural training in college, or technical experience in field of agriculture, if deemed by the Board to be equivalent to farm experience	2½

NOTE: Item (a) is the minimum required for all applicants. The total percent allowed for items (a), (b), and (c), shall not exceed 35 percent. Farm experience must be of such a nature as in the judgment of the board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

V. Although no rating is provided for the physical condition of the applicant, he must be in such physical condition as to permit satisfactory farm operation. If physically handicapped or afflicted with ailments making the condition questionable, a detailed statement by an examining physician should accompany the application. The Examining Board will determine from the individual's application blank and from a personal interview, should he be one of those applicants selected as set forth in subparagraph f (4) below, whether the applicant is physically able to operate a farm and shall disqualify him if facts are such as to warrant such disqualification.

(f) *Showing of applicants and selection thereof.* In conformity with the following method, farm units listed in this public notice will be awarded by the Board as follows:

(1) Each applicant qualifying for veterans' preference under the act of September 27, 1944 (58 Stat. 747), as amended, who satisfies the minimum requirements set forth in subparagraph (e) shall be given a preliminary rating based upon the showing made by his farm application blank. He will be listed on a preference register in the order of his rating. Applicants who do not fulfill the minimum requirements will be so notified by registered mail with return receipt demanded.

(2) As soon as possible after October 8, 1947, the Examining Board shall select from the preference register referred to in subparagraph (f) (1) above, 136 applicants, in the order of their rating. If the preliminary rating of any remaining applicant is the same as the last selected applicant, the Board will add the names of such additional applicants with the same rating to the list of 136 to participate in the drawing set forth in subparagraph (f) (3) below. Immediately following the selection of this group of 136 or more persons, all other applicants remaining on the preference register shall be notified by registered mail, with return receipt demanded, of their standing. Each such applicant shall also be notified that since the number of qualified applicants exceeds the number of available farms, his application must be suspended and held for further consideration as provided in this notice.

(3) The Board, in a suitable and impartial manner, shall then conduct a drawing of the names of all applicants selected as set forth in subparagraph (f) (2) above; entering their names on a priority list in the order drawn.

(4) The Board shall then call the first 68 applicants for personal interviews, advising each applicant of his standing on the priority list as established by the drawing. He shall be advised of the probability that he will be certified as an entryman with priority of award in the order drawn if the interview is satisfactory. Ordinarily the applicant will be certified as an entryman after the interview unless he fails to substantiate his showing on the farm application blank or he fails to elect one of the farm units remaining available after higher priority awards have been made. If the interview is satisfactory and the applicant is next on the list to receive a farm unit, the first unit on his preference list established as provided in subparagraph (b) of this paragraph which is available will be awarded to him. If applicants higher on the priority list remain to be interviewed, definite allocation of a farm unit will be held in abeyance until all such prior award applicants have been allocated farm units. If any applicant is disqualified as set forth in paragraph 4 (e), his name shall be removed from the priority list and the preference register and other applicants on the priority list moved up in the order of their drawing. If any applicant is reduced below the lowest rating of the 136 or more applicants selected to participate in the drawing, his name shall be removed from the priority list and his position on the preference register adjusted in accordance with his revised rating. Additional applicants beyond the first 68, in the order of drawing, shall immediately be called for interview. To avoid the necessity of an applicant making a long journey without a reasonable assurance that he will receive a farm unit, no more applicants shall be called for interview than there are units available. If the available farm units are all allocated before the names of all applicants on the priority list as provided in subparagraph (f) (3) are exhausted, each remaining applicant shall be notified by registered mail, with return re-

ceipt demanded, that all farm units to be opened have been allocated and that his application must be held for rejection. He will, however, retain his place on the priority list for further consideration should any units become available through failure of the entryman to complete his transaction, as provided in paragraph (h) below.

(5) Should the applicants on the priority list be exhausted before the available farm units are allotted, the selection process shall be repeatd with the next highest rated group as outlined in subparagraphs (f) (2), (3) and (4), immediately above. Should any farm units remain available when the preference register is exhausted, applications of persons who do not have veterans' preference and whose applications were filed prior to 2:00 p. m., October 8, 1947, will be considered as outlined in subparagraphs (f) (2), (3) and (4) immediately above. Should any farm units remain available after all applications filed before 2:00 p. m., October 8, 1947, have been considered, applications received after 2:00 p. m., October 8, 1947, will be considered in the order filed.

(6) Each action of the Board with respect to any individual applicant as provided in this subparagraph (f) is subject to appeal to the Director of Region VI, Bureau of Reclamation, Billings, Montana. Such appeals must be filed in the office of the Project Engineer, Riverton, Wyoming, within 15 days of receipt of notice of any action of the Board with respect to his application. The Project Engineer will forward such appeals promptly to the Regional Director.

(g) *Notification of applicants.* (1) The decision of the Board as to the selection of successful applicants and the award of farm units shall be reduced to writing and a copy forwarded to the successful applicant, with return receipt requested. With such notice, the Board shall enclose statement of the minimum water charges due on the farm awarded, and water-rental applications, and where appropriate, petition for the inclusion of such farm unit within the Midvale Irrigation District. Payment of the minimum water charges and such properly executed water-rental application, together with executed petition for the inclusion of lands within the Midvale Irrigation District, where required, must be in the office of the Bureau of Reclamation, Riverton, Wyoming, within 15 days of receipt of the notice of award. Upon receipt by the Project Engineer of the payment of minimum water charges, together with the executed water-rental application and petition for the inclusion of the lands within the Midvale Irrigation District, where required, within the period specified, the Secretary of the Examining Board will furnish each such applicant a certificate stating that his qualifications to enter public lands, as required by Subsection C of section 4 of the act of December 5, 1924 (43 Stat. 702) have been passed upon and approved by that Board. Such certificate may be delivered personally or by registered mail, but in either case a proper acknowledgment of receipt must be secured. Such certificate must be attached by the applicant to his homestead application when he files such application at the District Land Office at Cheyenne, Wyoming. Such homestead application shall be filed within 30 days from the date of the receipt by the applicant of said certificate. Upon return of receipt indicating applicant has received above certificate, the Secretary of the Examining Board will indicate upon a copy thereof the time upon which the 30-day period for filing homestead application expires and forward same to the District Land Office.

(2) After all farm units have been entered, all applicants whose applications have not been previously rejected will be notified that the farm units listed in Public Notice No. 26, have been entered and all pending applications therefor are held for rejection.

(h) *Failure of selected applicant to complete transaction.* Failure of the selected applicant to pay the water charge or to make homestead application, or to execute and file any required water-rental application or petition for inclusion of lands within the Midvale Irrigation District, within the time herein or hereafter specified, shall disqualify the applicant and entitle the Board to cancel the award of his farm unit and to award the same farm unit to another applicant selected in the manner prescribed in subparagraph (f).

(i) *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice; *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

(j) *Oil and gas leases.* Certain of the farm units are covered in whole or in part by oil and gas leases executed through the Bureau of Land Management under the act of February 25, 1920 (41 Stat. 437), as amended. Detailed information concerning these leases may be secured at the Bureau of Land Management, Washington, D. C., or at the District Land Office, Cheyenne, Wyoming.

(k) *Reservation of rights-of-way for County, State and Federal highways and access roads.* Rights-of-way are reserved for County, State, and Federal highways and access roads to the farm units shown on said plats along section lines and other lines shown on the farm plats, said rights-of-way being in general 30 feet in width on each side of said lines for county roads, 20 feet each side of said lines for access roads, and either 40 feet or 50 feet each side of said lines for State and Federal highways.

(l) *Reservation of rights-of-way for telephone and electric transmission lines.* Rights-of-way are reserved for Government-owned telephone and electric transmission lines as now constructed, and the Secretary reserves the right to locate such other Government-owned facilities over and across the farm units above described, as hereafter in his opinion may be necessary for the proper construction, operation, or maintenance of said project.

(m) *Waiver of mineral rights.* All homestead entries for any of the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Land Office; otherwise, the homestead application will be rejected or the homestead entry cancelled.

5. *Application for delivery of water to private lands.* Blanks on which to make water-rental application for private lands described in paragraph 1 may be secured from the Project Engineer, Bureau of Reclamation, Riverton, Wyoming; the Regional Director, Bureau of Reclamation, Billings, Montana, or the Commissioner, Bureau of Reclamation, Washington, D. C. Each such application shall be filed on or after October 3, 1947, in the office of the Project Engineer, Bureau of Reclamation, Riverton, Wyoming. Where the lands covered by such application are not already included within the Midvale Irrigation District, each such application shall be accompanied by an executed petition to have such land included in the District or by evidence that such petition has already been filed with the Irrigation District Board.

6. *Contract with Midvale Irrigation District.* The lands described above in paragraph 1 are within the exterior boundaries of the Midvale Irrigation District, organized under the laws of the State of Wyoming with offices located at Riverton, Wyoming. The United States and the Midvale Irrigation District entered into a contract dated February 12, 1931 (Ilr-629) and amended December 4, 1933, and December 13, 1943. Under this contract the District agreed to make levies to pay the United States required water rental charges covering the cost of operating and maintaining the irrigation works serving the District lands, and agreed to repay the United States the cost of constructing such works. Copy of this contract may be examined in the office of the Project Engineer, Bureau of Reclamation, Riverton, Wyoming, or in the office of the Commissioner of the Bureau of Reclamation, Washington, D. C. To facilitate the furnishing of water to the lands described in paragraph 1, it will be necessary to include all such lands in the Midvale Irrigation District. To this end, it will be required that each water rental application hereunder be accompanied by a petition for the inclusion of lands covered by such application in the Midvale Irrigation District, unless such petition has already been filed or unless such lands are already included in the District.

7. *Water rental charges.* The first payment of water rental charges will be made when the water rental application is filed at the office of the Project Engineer, Bureau of Reclamation, Riverton, Wyoming. Thereafter, water rental charges for lands within the Midvale Irrigation District will be paid pursuant to levy made by the Irrigation District Commissioners.

(1) The minimum water charge for 1948, and thereafter until further notice, shall be one dollar and fifty cents ($1.50) per acre for each irrigable acre of land. Payment of this charge will entitle the entryman or landowner to a farm delivery of 2 acre-feet of water per irrigable acre for each irrigation season.

(2) Additional water will be furnished during the 1948 irrigation season and thereafter until further notice at the rate of fifty cents ($0.50) per acre-foot for the third acre-foot per irrigable acre and seventy-five cents ($0.75) per acre-foot for each additional acre-foot per irrigable acre thereafter. Charges for the additional water are to be paid on or before December 1, of the year in which used. No water shall be delivered to the water user in subsequent years until all such charges have been paid in full.

(3) In the event any applicant does not receive notice of the award of a farm unit until after July 1, 1948, or July 1, of any subsequent year, the entryman's payment of charges under this paragraph shall be applied to payment of water charges for the succeeding year.

(4) The foregoing charges are subject to all provisions of the Federal Reclamation Law relative to collections and penalties for delinquencies. The charges will be paid at the office of the Bureau of Reclamation, Riverton, Wyoming.

8. *Construction charges.* The lands described in paragraph 1 will be subject to the payment of construction charges for the purpose of repaying the United States the cost of constructing the irrigation works serving these lands. Payment of these charges will be in accordance with the terms of the contracts with the Midvale Irrigation District referred to in paragraph 6. These charges will be levied by the Midvale Irrigation District in forty (40) annual installments. The first of these installments is payable in the third year following the year the lands are included in the Midvale Irrigation District. If public lands are already included in the District, the first installment is payable in the third year following the year of entry. The total of the construction costs which the District has agreed to repay is $5,000,000, exclusive of interest and penalties.

9. *Settler assistance in land development.* The Bureau of Reclamation, as an incident to the completion of the project, will assist entrymen, in appropriate cases, on a reimbursable basis, in development of farm units, including clearing and rough leveling the land and roughing in of farm irrigation and surface drainage systems beyond the farm turnout.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 47-6499; Filed, July 11, 1947; 8:46 a. m.]

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51715]

BARBER ASPHALT CORP. ET AL.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

JULY 8, 1947.

House flag and funnel mark of Barber Asphalt Corporation, Trinidad Corporation, and Trinidad Navigation Corporation registered in accordance with § 3.81 (a), Customs Regulations of 1943.

The Acting Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 28, 1908 (U. S. C., Title 46, sec. 49), as modified by section 102, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), and in accordance with § 3.81 (a) of the Customs Regulations of 1943 (19 CFR 3.81 (a)), has reregistered the house flag and funnel mark of the Barber Asphalt Corporation, a New Jersey corporation, as described in a notice published in the FEDERAL REGISTER for November 6, 1946 (T. D. 51557; 11 F. R. 13216), in the name of the Barber Asphalt Corporation, a Delaware corporation, successor in interest to the New Jersey corporation of the same name, and in the names of its two wholly owned subsidiaries, the Trinidad Corporation, a Delaware corporation, and the Trinidad Navigation Corporation, a corporation of Panama.

The registration of the house flag and funnel mark in the name of the Barber Asphalt Corporation, a New Jersey corporation, is hereby cancelled.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 47-6528; Filed, July 11, 1947; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 402]

MARKET AGENCIES AT UNION STOCK YARDS, CHICAGO, ILL.

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Judicial Officer issued an order on August 1, 1946 (5 A. D. 592), effective August 2, 1946, providing for certain temporary rates and charges for the respondent market agencies for a period ending August 2, 1947. Subsequently, on October 11, 1946 (5 A. D. 748), another supplemental order was issued by the Judicial Officer granting permission to the respondents to file an amendment to their tariff.

By petitions dated May 29, 1947, the respondents requested that the temporary rates and charges now in effect be extended "for an additional month beyond August 2, 1947." Notices of the filing of these petitions were published in the FEDERAL REGISTER on June 25, 1947 (12 F. R. 4121). By another petition dated June 30, 1947, the respondents have requested that the supplemental order issued August 1, 1946, supra, as modified by the supplemental order of October 11, 1946, supra, be further extended to and including October 2, 1947.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an extension of temporary rates and charges.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 8th day of July 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-6547; Filed, July 11, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-620, G-807]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF ISSUANCE OF OPINION

JULY 9, 1947.

Notice is hereby given that, on July 8, 1947, the Federal Power Commission issued its Opinion No. 152 and order entered July 3, 1947, in the above-designated matters, terminating proceedings in Docket No. G-807 and modifying order issuing certificate of public convenience and necessity in Docket No. G-620.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6525; Filed, July 11, 1947; 8:48 a. m.]

[Docket No. G-817]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 9, 1947.

Notice is hereby given that, on July 8, 1947, the Federal Power Commission issued its findings and order entered July 3, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6523; Filed, July 11, 1947; 8:48 a. m.]

[Docket No. IT-6063]

FLORIDA POWER CORP.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

JULY 9, 1947.

Notice is hereby given that, on July 8, 1947, the Federal Power Commission issued its order entered July 7, 1947, authorizing and approving issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6524; Filed, July 11, 1947; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 230]

RECONSIGNMENT OF POTATOES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., July 3, 1947, by Piowaty Berchart Company, of car SFRD 21573, potatoes, now on the Wabash to Chicago, Ill., and car CX 50111, potatoes, to Miami, Fla.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6515; Filed, July 11, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 231]

RECONSIGNMENT OF TOMATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., July 7, 1947, by Louis D. Goldstein, of cars ART 23992, ART 16800 and RD 23453, tomatoes, now on the PRR to Harry Klein, New York, N. Y. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6516; Filed, July 11, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-980]

GULF, MOBILE & OHIO RAILROAD CO.

FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of July A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Gulf, Mobile & Ohio Railroad Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange or the purpose of this application is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 585,576 shares outstanding, 63,318 shares are owned by 293 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 323 transactions involving 37,287 shares during a twelve-month period ended February 28, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Gulf, Mobile & Ohio Railroad Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6510; Filed, July 11, 1947; 8:48 a. m.]

[File No. 7-981]

JOY MANUFACTURING CO.

FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of July A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $1.00 Par Value, of Joy Manufacturing Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Chicago Stock Exchange and the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 671,417 shares outstanding, 69,501 shares are owned by 547 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 210 transactions involving 15,265 shares during a twelve-month period ending February 28, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $1.00 Par Value, of Joy Manufacturing Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6507; Filed, July 11, 1947; 8:47 a. m.]

[File No. 7-993]

CHICAGO AND NORTH WESTERN RAILWAY CO.

ORDER DETERMINING EQUIVALENT VALUE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of July A. D. 1947.

The Philadelphia Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the $100 Par 5% Convertible Preferred Stock, Series A, of Chicago and North Western Railway Company is substantially equivalent to the Voting Trust Certificates for $100 Par 5% Convertible Preferred Stock, Series A, of that company; and for a determination that the Common Stock, No Par Value, of Chicago and North Western Railway Company is substantially equivalent to the Voting Trust Certificates for Common Stock, No Par Value, of that company. The Voting Trust Certificates for $100 Par 5% Convertible Preferred Stock, Series A, and the Voting Trust Certificates for Common Stock, No Par Value, of Chicago and North Western Railway Company heretofore have been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the $100 Par 5% Convertible Preferred Stock, Series A, of Chicago and North Western Railway Company is hereby determined to be substantially equivalent to the Voting Trust Certificates for $100 Par 5% Convertible Preferred Stock, Series A, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

It is further ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Common Stock, No Par Value, of Chicago and North Western Railway Company is hereby determined to be substantially equivalent to the Voting Trust Certificates for Common Stock, No Par Value, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6509; Filed, July 11, 1947; 8:48 a. m.]

[File Nos. 59-85, 70-1250]

PENNSYLVANIA EDISON CO. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of July 1947.

In the matter of Pennsylvania Edison Company, Pennsylvania Electric Company, Associated Electric Company, File No. 70-1250; Pennsylvania Edison Company, Associated Electric Company, File No. 59-85.

The Commission by order dated June 19, 1946 having approved a joint application filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Associated Electric Company and its public utility subsidiary companies, Pennsylvania Electric Company and Pennsylvania Edison Company,

for, among other things, the approval of a plan of liquidation of Pennsylvania Edison Company and for the acquisition by Pennsylvania Electric Company of the utility assets of Pennsylvania Edison Company, subject to the following condition, among others:

That Pennsylvania Electric Company divest itself of all direct and indirect interest in and control over any and all gas properties of Pennsylvania Edison Company to be acquired by Pennsylvania Electric Company in connection with the proposed transactions in any appropriate manner not in contravention of the applicable provisions of the act and the rules and regulations thereunder within one year from the acquisition of such properties or within such longer period (not to exceed one additional year) as may be permitted for good cause pursuant to section 11 (c) of the act,

and Pennsylvania Electric Company having requested that the time within which it may complete compliance with the provisions of said order be extended for a period of an additional year, and having stated, in connection with such request, that the acquisition by it of the assets of Pennsylvania Edison Company was consummated on July 2, 1946, and that, since that date, it received certain offers for the gas properties which were not accepted because, in its opinion, none of such offers constituted a fair price for the properties, and that new negotiations with persons who have indicated an interest in the properties are presently pending, and

The Commission having considered the matter and deeming it appropriate and in the public interest that the extension of time be granted for a period of six months without prejudice, however, to any further request for such additional extension of time as may be deemed appropriate but not in excess of an additional six months:

It is ordered, That said order of June 19, 1946, be, and hereby is, modified to the extent necessary to extend to January 2, 1948, the time within which Pennsylvania Electric Company shall divest itself of all direct and indirect interest in and control over any and all gas properties formerly owned by Pennsylvania Edison Company and acquired by Pennsylvania Electric Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6508; Filed, July 11, 1947; 8:48 a. m.]

[File No. 70-1432]

NORTH AMERICAN CO.

SUPPLEMENTAL ORDER GRANTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of July 1947.

The North American Company ("North American"), a registered holding company, having filed a supplemental application-declaration pursuant to the Public Utility Holding Company Act of 1935 with respect to the sale by North American pursuant to the competitive bidding provisions of Rule U-50, of its holdings of 133,383 shares of common stock of The Cleveland Electric Illuminating Company ("Cleveland"); and

The Commission, by order dated June 27, 1947, having granted and permitted to become effective said supplemental application-declaration, subject to the condition, among others, that the proposed sale of said Cleveland common stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose; and

North American having filed an amendment herein stating that the following bids have been received for said 133,383 shares of Cleveland common stock:

Bidding group headed by	*Price per share to company*
Dillon, Read & Co., Inc.	$42.133
Lehman Bros.—Bear, Stearns & Co.	42.041
The First Boston Corp.	41.88
Otis & Co.	41.25
White, Weld & Co.—Shields & Co.	41.25

And it appearing from said amendment that North American has accepted the bid of Dillon, Read & Co., Inc. and that said Cleveland common stock will be offered for sale to the public at a price of $43.25 per share, resulting in an underwriting spread of $1.117 per share; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid for said Cleveland common stock or the underwriting spread:

It is ordered, That jurisdiction heretofore reserved with respect to the results of competitive bidding be, and the same hereby is, released and that said supplemental application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6506; Filed, July 11, 1947; 8:47 a. m.]

[File No. 70-1541]

BIRMINGHAM GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of July A. D. 1947.

Birmingham Gas Company ("Birmingham"), a gas utility subsidiary of Southern Natural Gas Company, a registered holding company, in turn a subsidiary of Federal Water and Gas Cor-

poration, also a registered holding company, having filed an application, as amended, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, with respect to the following transactions:

Birmingham proposes to borrow $400,000 from the Chase National Bank of New York and $200,000 from The Continental Bank & Trust Company of New York, or an aggregate amount of $600,000, and to issue in evidence thereof its promissory notes bearing interest at the rate of 2½% per annum and maturing at the rate of $50,000 semi-annually. The proceeds of said loans are to be used for the construction of improvements and extensions to the company's properties; and

Said application having been filed on the 2nd day of June 1947, and amendments having been filed on June 16th and 30th, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The issue and sale by Birmingham of such promissory notes having been expressly authorized by the Alabama Public Service Commission; and

Applicant having requested that the Commission's order granting the application become effective immediately upon issuance, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to the application, as amended, that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application, as amended, be granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and rules thereunder, and subject to the terms and conditions prescribed in Rule U-24, that the application, as amended, be and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6503; Filed, July 11, 1947; 8:47 a. m.]

[File No. 70-1550]

INTERSTATE POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of July A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Interstate Power Company ("Interstate"), a registered holding company, and a subsidiary of Ogden Corporation, a registered holding company. Declarant designates sections 6 and 7 of the act and Rule U-23 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 14, 1947, and 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

A plan for the reorganization of Interstate was approved under section 11 (e) of the act by the Commission on January 24, 1947 (Holding Company Act Release Nos. 7143 and 7159) and by the District Court of the United States for the District of Delaware on April 24, 1947, but said plan has not, as yet, been consummated. By orders entered on November 14, 1946, and March 6, 1947, (Holding Company Act Release Nos. 7001 and 7329) the Commission approved the issuance and sale by Interstate of an aggregate of $1,400,000 of short-term collateral promissory notes to The Chase National Bank of the City of New York ("Chase") and Manufacturers Trust Company, New York ("Manufacturers"), the proceeds of which were used to finance Interstate's construction program and to restore current working funds which had been reduced below normal requirements in order to finance such new construction. The presently proposed transactions, which are designed to provide further funds for Interstate's construction program, follow:

1. The issue and sale, on or before August 1, 1947, of two Collateral Promissory notes, each in the principal amount of $550,000, bearing interest at the rate of 2% per annum and maturing on December 1, 1947, one of said notes to be sold to Chase, and the other to Manufacturers.

2. The issue and pledge as collateral security for the aforesaid notes of $1,100,000 principal amount of Interstate's First Mortgage Gold Bonds, 5% Series, due January 1, 1957.

3. The issue and sale, on or before October 15, 1947, of two Collateral Promissory Notes, each in the principal amount of $250,000, bearing interest at a rate not exceeding 2% per annum and maturing on December 1, 1947; one of said notes to be sold to Chase, and the other to Manufacturers.

4. If the aforesaid plan of reorganization of Interstate is not consummated prior to the issuance of said $500,000 principal amount of notes, the issue and pledge, as collateral security for said notes, of $500,000 principal amount of Interstate's First Mortgage Bonds, 5% Series, due 1957.

5. If the aforesaid reorganization plan is consummated prior to the maturity date, December 1, 1947, of the aforesaid aggregate $1,600,000 principal amount of notes, the issue and sale of two promissory notes, each in the principal amount of $800,000 and maturity no more than one year from the date of issue and bearing interest at a rate not exceeding 2% per annum, one of said notes to be sold to Chase, and the other to Manufacturers. Said notes are either to be unsecured, or if unsecured loans cannot be obtained, to be secured by the pledge, at the earliest date practicable after issuance of said notes, consistent with the provisions of Interstate's proposed Indenture and First Supplemental Indenture, to be dated as of June 1, 1947, of an equal aggregate principal amount of First Mortgage Bonds, ------% Series, due 1977, to be issued under said Indenture. Said issue and sale of notes will be for the purpose of permitting the repayment of the aforesaid aggregate $1,600,000 principal amount of Collateral promissory notes, which are to be issued for the purpose of financing Interstate's construction program.

Interstate represents that by reason of credits which it will have in its account with the Corporate Trustee under the indenture securing its First Mortgage Gold Bonds, 5% Series, due January 1, 1957, based on property additions, it will be entitled to the authentication and delivery by said trustee, prior to July 15, 1947, of $1,100,000 principal amount of additional 5% Bonds, and will be entitled, by reason of similar credits, to the authentication and delivery by said trustee, prior to October 15, 1947, of an additional $500,000 principal amount of said bonds. Interstate further represents that since property additions, as defined in the proposed Indenture and First Supplemental Indenture to be dated as of June 1, 1947, made subsequent to December 31, 1946, will be fundable, Interstate will be entitled under the provisions of said indenture, on the basis of property additions made subsequent to December 31, 1946, to the authentication and delivery by the Corporate Trustee under said indenture of $1,600,000 principal amount of First Mortgage Bonds, --% Series, due 1977, at the time of the consummation of the reorganization plan, in case it is necessary to issue said bonds as collateral security as outlined in paragraph 5 above.

The filing further states that it is contemplated that the collateral promissory notes in the aggregate principal amount of $1,400,000 heretofore issued and sold to the aforesaid banks will be retired with part of the proceeds of the sale of the new securities to be issued upon consummation of Interstate's reorganization plan. The presently proposed

notes in the aggregate principal amount of $1,600,000 will continue to remain outstanding after the consummation of the reorganization plan, until such time as Interstate considers it feasible to arrange for permanent refinancing of said notes.

The declarant requests that the Commission's order be issued herein on or before July 15, 1947, and become effective forthwith in view of its urgent need of the funds to be obtained from the aforesaid proposed financing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6504; Filed, July 11, 1947; 8:47 a. m.]

[File No. 70-1560]

GAS SERVICE CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of July A. D. 1947.

Notice is hereby given that The Gas Service Company ("Gas Service"), a subsidiary of Cities Service Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicant has designated sections 9 (a) and 10 of the act as applicable to the proposed transactions.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a full statement of the transactions therein proposed which are summarized below:

Gas Service proposes to purchase from Wallace Gilroy and Helene D. Gilroy all of the issued and outstanding capital stock of Interstate Gas Company ("Interstate"), consisting of 500 shares of common stock without par value and 1,200 shares of 6% Non-Cumulative Preferred Stock of the par value of $100 per share, for a cash consideration of $1,200,000. Such purchase price is subject to certain adjustments with respect to the payment of dividends by Interstate subsequent to February 28, 1947 and the amount of proceeds received by Interstate upon divestment of its ownership of all of the issued and outstanding capital stock of its subsidiary, Interstate Pipe Line Company, which divestment is to precede the purchase by Gas Service of the stock of Interstate.

The application states that the purchase of the capital stock of Interstate by Gas Service is solely for the purpose of acquiring the physical property and assets of Interstate, that, upon the acquisition of such stock, Gas Service will cause all such property and assets to be conveyed to it, that Gas Service will assume all liabilities of Interstate, including Mortgage Bonds of Interstate in the principal amount of $341,000, and that Interstate will be dissolved. The application indicates that the Public Service Commission of Missouri and the State Corporation Commission of Kansas are the only other regulatory authorities having jurisdiction with respect to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application, and that said application shall not be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on said application under the applicable provisions of the act and the rules and regulations thereunder be held at 10:00 a. m., e. d. s. t., on the 24th day of July 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person who desires to be heard or otherwise wishes to participate in this proceeding shall file with the Secretary of the Commission on or before July 23, 1947, a written request relevant thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary study of said application and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed acquisition of securities of Interstate by Gas Service will tend toward the economical and efficient development of an integrated public utility system.

2. Whether the proposed transactions are detrimental to the carrying out of the provisions of section 11 (b) of the act.

3. Whether the consideration to be paid by Gas Service for the stock of Interstate is reasonable and bears a fair relation to the sums invested in and the earning capacity of Interstate.

4. Whether the fees and expenses to be paid by Gas Service in connection with the proposed transactions are reasonable and appropriate.

5. Whether the accounting entries to be made by Gas Service in connection with the proposed transactions are proper and in accordance with sound accounting principles.

6. Whether appropriate approval has been obtained from all other regulatory bodies having jurisdiction with respect to the proposed transactions.

7. What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve copies of this order by registered mail on Gas Service, the Public Service Commission of Missouri, the State Corporation Commission of Kansas and the Federal Power Commission; and that notice of said hearing shall be given to all other persons by publication of this order in the FEDERAL REGISTER and by general release distributed to the press.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6505; Filed, July 11, 1947; 8:47 a. m.]

[File No. 811-467]

AMERICAN RAILWAYS CORP.

NOTICE OF SUPPLEMENTAL APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of July A. D. 1947.

Notice is hereby given that American Railways Corporation has filed a supplemental application requesting an extension until December 29, 1947, of the time within which to transmit its first report to stockholders (as of November 30, 1947), in lieu of the requirement imposed by the Commission's findings and order of November 13, 1946 for the transmission of reports to stockholders as of June 30, 1947, and annually thereafter, in accordance with section 30 (d) of the Investment Company Act of 1940 and Rule N-30D-1 thereunder, until final distribution of applicant's assets has been completed.

The supplemental application states that at the time of the entry of the Commission's order applicant anticipated that the determination of taxes due to the Federal Government would have been completed and applicant would be in a position to make a final distribution of its assets on or before June 30, 1947; that such determination has not been completed and it is expected that such determination will be completed in the next three or four months; and that applicant has nothing further to report to stockholders in addition to the facts which were set forth in the report (as of December 31, 1946) mailed to them on or about January 28, 1947.

All interested persons are referred to said application which is on file at the offices of the Commission in Philadelphia, Pennsylvania, for a more detailed statement of the matters of fact and law therein asserted.

Notice is hereby given that an order granting the supplemental application may be issued by the Commission at any time after July 18, 1947, unless prior thereto a hearing upon the supplemental application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 15, 1947, at 5:30 p. m., eastern

daylight saving time, submit to the Commission in writing his views or any additional facts bearing upon this supplemental application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities & Exchange Commission, 18th & Locust Streets, Philadelphia 3, Pa., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6511; Filed, July 11, 1947; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9225]

GOTTFRIED BACHER ET AL.

In re: Bank accounts owned by Gottfried Bacher, Richard Bacher, Emma Bacher and Minnie Bacher, also known as Minna Bacher. F-28-9154-E-1, F-28-9157-E-1, F-28-9155-E-1, F-28-9156-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gottfried Bacher, Richard Bacher, Emma Bacher and Minnie Bacher, also known as Minna Bacher, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Gottfried Bacher by The First National Bank of Chicago, Illinois, arising out of a Savings Account, Account Number 1,367,691, entitled Gottfried Bacher, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Richard Bacher by The First National Bank of Chicago, Illinois, arising out of a Savings Account, Account Number 1,367,692, entitled Richard Bacher, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Emma Bacher by The First National Bank of Chicago, Illinois, arising out of a Savings Account, Account Number 1,367,693, entitled Emma Bacher, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Minnie Bacher, also known as Minna Bacher, by The First National Bank of Chicago, Illinois, arising out of a Savings Account, Account Number 1,367,694, entitled Minnie Bacher, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6529; Filed, July 11, 1947; 8:49 a. m.]

[Vesting Order 9226]

BRINCKMANN, WIRTZ & CO.

In re: Bank account owned by Brinckmann, Wirtz & Co. F-28-22167-E-4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Brinckmann, Wirtz & Co., the last known address of which is Postschliessfach 744, Hamburg 1, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Brinckmann, Wirtz & Co., by Bank of The Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account entitled Brinckmann, Wirtz & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6530; Filed, July 11, 1947; 8:49 a. m.]

[Vesting Order 9227]

C. R. CLAVEL

In re: Debt owing to C. R. Clavel. F-28-4391-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That C. R. Clavel, whose last known address is Chemnitz, Saxony, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to C. R. Clavel, by Corn, Schwarz & Co., 60 Beaver Street, New York 4, N. Y., in the amount of $1,140.70, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6531; Filed, July 11, 1947; 8:49 a. m.]

[Vesting Order 9228]

K. EMURA

In re: Bank account owned by K. Emura. F-39-2255-E-1, F-39-2255-E-2.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That K. Emura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to K. Emura, by The United States National Bank of Galveston, 2201 Market Street, Galveston, Texas, arising out of a Checking Account, entitled K. Emura, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to K. Emura, by Hutchings-Sealy National Bank of Galveston, 2202-2204 Market Street, Galveston, Texas, arising out of a Checking Account, entitled K. Emura, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6532; Filed, July 11, 1947; 8:49 a. m.]

[Vesting Order 9230]

MASUMI HANAOKA ET AL.

In re: Stock owned by Masumi Hanaoka and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That Paul R. Tiefenbacher, whose last known address is Pferdemarkt 45, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Jacob Hirsch, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the property described as follows: Eight (8) shares of no par value common capital stock of Rusi Corporation, % Commodity Exchange, 81 Broad Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by the voting trust certificates whose numbers are listed in Exhibit A, registered in the names of the persons listed therein in the amounts set forth opposite said names, together with all declared and unpaid dividends thereon, and all rights thereunder to proceeds of the liquidation of said Rusi Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons named in Exhibit A, the aforesaid nationals of a designated enemy country (Japan);

5. That the property described as follows: Two (2) shares of no par value common capital stock of Rusi Corporation, % Commodity Exchange, 81 Broad Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by the voting trust certificates whose numbers are listed below, registered in the names of the persons listed below in the amounts set forth opposite said names, as follows:

Registered owner	Voting trust certificate No.	Number of shares
Paul R. Tiefenbacher	B234	1
Estate of Jacob Hirsch, deceased	B99	1

together with all declared and unpaid dividends thereon, and all rights thereunder to proceeds of the liquidation of said Rusi Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Paul R. Tiefenbacher and the personal representatives, heirs, next of kin, legatees and distributees of Jacob Hirsch, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons referred to in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that the persons referred to in subparagraph 1 be treated as nationals of a designated enemy country (Japan) and the persons referred to in subparagraphs 2 and 3 be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of registered owner	Voting trust certificate No.	Number of shares
Masumi Hanaoka	A163	1
Takeo Ito	A121	1
Keisuke Ishida	A120	1
Yoshio Kimura	A127	1
Ryoichi Sato	A166	1
Shigeji Tanjima	B222	1
Shigemitsu Tanaka	A231	1
Keinosuke Yamagishi	B254	1

[F. R. Doc. 47-6533; Filed, July 11, 1947; 8:49 a. m.]

[Vesting Order 9234]

ALBERT JURGELEIT

In re: Stock owned by Albert Jurgeleit. F–28–2553–D–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Jurgeleit, whose last known address is Spandau, Berlin, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Three-Hundred Seventy Five (375) shares of $5.00 par value common capital stock of Utah-Idaho Sugar Company, 200 Beneficial Life Building, Salt Lake City, Utah, a corporation organized under the laws of the State of Utah, evidenced by a certificate numbered 36582, registered in the name of Albert Jurgeleit, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6534; Filed, July 11, 1947; 8:49 a. m.]

[Vesting Order 8235]

WOLFGANG MUELLER

In re: Bank account owned by Wolfgang Mueller. F–28–7866–C–1, F–28–7866–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wolfgang Mueller, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Wolfgang Mueller, by Windham County National Bank, Danielson, Connecticut, arising out of a Checking Account, entitled Wolfgang Mueller, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General
Director, Office of Alien Property

[F. R. Doc. 47-6535; Filed, July 11, 1947; 8:49 a. m.]

EMIL REICHERT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and location
Emil Reichert, Glenside, Pa.	6471	Nineteen (19) shares of $100 par value common capital stock of the American Telephone & Telegraph Co., evidenced by certificates numbered P 153861 and P 153864 for four (4) shares each, P 2 for five (5) shares, and P N 92800 for six (6) shares, registered in the name of the Attorney General of the United States, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York, $126.70 in the Treasury of the United States representing dividends from said shares.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6545; Filed, July 11, 1947; 8:51 a. m.]

[Vesting Order 9237]

FRITZ PINTUS

In re: Bank account owned by Fritz Pintus. F–28–14035–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Pintus, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of American Trust Company, 464 California Street, San Francisco, California, arising out of a Savings Account, Account Number 2676, entitled Philip S. Ehrlich, trustee for Fritz Pintus as a national of Germany, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Pintus, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6537; Filed, July 11, 1947; 8:50 a. m.]

[Vesting Order 9245]

YAMANAKA SHOTEN

In re: Debt owing to Yamanaka Shoten. F–39–5866–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yamanaka Shoten, the last known address of which is Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yamanaka Shoten, by Standard-Vacuum Oil Company, 26 Broadway, New York 4, New York, in the amount of $155.91, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6539; Filed, July 11, 1947; 8:50 a. m.]

[Vesting Order 9257]

ALBERT F. PRZIGODDA

In re: Estate of Albert F. Przigodda, deceased. File No. F–28–22288–G–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Stutius, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Albert F. Przigodda, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Hamilton Gray, as executor, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6540; Filed, July 11, 1947; 8:50 a. m.]

[Vesting Order 9238]

BERTHA RENGERT

In re: Debt owing to Bertha Rengert. F–28–13327–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Rengert, whose last known address is 19 Krefting Str., Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Bertha Rengert, by Schilling Estate Company, 225 Bush Street, San Francisco 4, California, in the amount of $3,861.33, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6538; Filed, July 11, 1947; 8:50 a. m.]

[Vesting Order 9254]

PAUL MUHLENDORF

In re: Trust created under the will of Paul Muhlendorf, deceased. File F–28–7006; E. T. sec. 11862.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Pintus, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the children, names unknown, of Fritz Pintus, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust created under the will of Paul Muhlendorf, deceased

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on ac-

count of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the children, names unknown, of Fritz Pintus are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6482; Filed, July 10, 1947; 8:46 a. m.]

[Vesting Order 9255]

HELENE NEEDHAM

In re: Estate of Helene Needham, deceased. File D-28-11476; E. T. sec. 15699.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorothea Behensee, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Helene Needham, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by L. Catherine Emslie, as executrix, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6483; Filed, July 10, 1947; 8:46 a. m.]

[Vesting Order 9256]

ANNA STERN PLETCHER

In re: Estate of Anna Stern Pletcher, deceased. D-28-11791; E. T. sec. 15998.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lizzie Stern and Henny Stern, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Anna Stern Pletcher, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Pearl Stern Wefel, as Executrix, acting under the judicial supervision of the Probate Court of Muskingum County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6484; Filed, July 10, 1947; 8:46 a. m.]

[Vesting Order 9281]

G. SAKURAI

In re: Stock owned by G. Sakurai F-39-1517-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That G. Sakurai, whose last known address is Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Seven (7) shares of (old) $25.00 par value common capital stock of Fireman's Fund Insurance Company, 401 California Street, San Francisco 20, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered B-22700, registered in the name of G. Sakurai, together with all declared and unpaid dividends thereon, and all rights to exchange each share of (old) $25.00 par value stock for 1½ shares of (new) $10.00 par value stock,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6485; Filed, July 10, 1947; 8:46 a. m.]

Advance

JUL 17 '47

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 12 NUMBER 137

Washington, Tuesday, July 15, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LIST OF POSITIONS EXCEPTED; OFFICE OF SELECTIVE SERVICE RECORDS

Under authority of § 6.1 (a) of Executive Order No. 9830 and at the request of the Office of Selective Service Records, the Commission has determined that appointments to the positions listed below should be made in the same manner as are appointments to positions under Schedules A and B. The following subparagraphs are therefore added:

§ 6.4 *Lists of positions excepted from the competitive service.* — (a) *Schedule A.* • • •

(41) *Office of Selective Service Records.* Fifty-four positions of State Director and fifty-four positions of Assistant State Director.

(b) *Schedule B.* • • •

(14) *Office of Selective Service Records.* Positions filled by the transfer of State Directors and Assistant State Directors who were appointed under Schedule A.

(Sec. 6.1 (a), E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-6581; Filed, July 14, 1947; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 5—SURPLUS PROPERTY DISPOSAL

MISCELLANEOUS AMENDMENTS

Sections 5.301-01, 5.307-04, 5.307-05, 5.307-06 of Chapter I, Title 6, Code of Federal Regulations, are hereby amended so that said amended sections will read as follows:

§ 5.301-01 *Receipt of declaration by disposal agency.* After real property is declared surplus by the owning agency, reported to the WAA, and classified by it, two copies of the declaration (WAA Form 1005 or Form SPB-5), with accompanying schedules, will be forwarded by the WAA to the FCA, either to the central office or in care of one of the Federal land banks. If the copies of the declaration are sent to the central office, it will reproduce such information as it deems necessary for its use and forward both copies of the declaration to the district supervisor. Date of assignment will be the date the declaration is received by the FCA.

In cases where the declaration (WAA Form 1005 or Form SPB-5) does not properly reflect the cost data or physical status of properties, the district supervisor should request the Regional Office of the War Assets Administration for a correction. If a correction is justified, the Regional Office will issue a corrected Form 1219 (formerly WAA Form 2019), adjusting the cost data and such information as pertained originally to the property on which the correction was based. If the change requested requires a corrected declaration from the owning agency, the Regional Office will request a corrected WAA Form 1005 from the owning agency. The advice on Form 1219 will form the basis of advice to the Accounting Division and the authority to adjust the surplus property inventory accounts.

§ 5.307-04 *Advertising order.* The disposal agency shall arrange with the newspapers selected for the publication of the notice of sale on Government Advertising Order, Standard Form No. 1143.

§ 5.307-05 *Payment of public voucher for advertising.* The following forms set forth the requirements to be met as a condition to payment of the voucher:

Standard Form No. 1142, Statement of Advertising Rates—Original.
Standard Form No. 1144, Public Voucher for Advertising—Original.

Standard Form No. 1142 is provided for use by the publisher in filing with the department or office a sworn statement of his advertising rates which must be the commercial rates charged to private individuals with the usual discounts. After this sworn statement is once filed

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with the district office and space is again purchased from the same newspaper, it will not be necessary for the publisher to again file his sworn statement of advertising rates unless there has been a change in the rates charged subsequent to the filing of the last statement. The district office should determine that Standard Form No. 1144 has been properly completed by the publisher and that a clipping from the publication is pasted thereon. The voucher, Standard Form No. 1144, is printed on the reverse side of the Advertising Order, Standard Form No. 1142. The district vice president of the Federal Farm Mortgage Corporation should execute the certifications on the voucher following that of the payee. The bank should retain in its files, as evidence of its payment as agent of the Corporation, a copy of the notice originally submitted to the publisher, the advertising order, and the voucher, to which should be attached a clipping of the notice published.

§ 5.307–06 *Authority for payment of public voucher.* Authority is furnished the vice president of the Federal Farm Mortgage Corporation to sign Standard Form No. 1143 in contracting for newspaper space under order of the Secretary of Agriculture dated September 7, 1945. Copies of this order may be used as required in furnishing the publisher with evidence of the authority of the officer in contracting for newspaper space. Ordinarily, the information to be furnished on the advertising order showing the date of authority to advertise should be sufficient evidence to the publisher of the authority of the officer contracting for newspaper space. Ordinarily, in purchasing advertising space from a particular newspaper, arrangements should be made for the four publications of the notice at the time of submitting the advertising order. This would obviate the necessity of furnishing the same newspaper with additional advertising orders and provide for the payment of one voucher covering the total cost of the four publications required.

The foregoing amendments have been approved by the Secretary of Agriculture.

(58 Stat. 765, 50 U. S. C. App. Sup. 1611; War Assets Administration Regulation 1; War Assets Administration Regulation 5; Order of the Secretary of Agriculture 10 F. R. 4647)

J. W. DUGGAN,
Governor.

JUNE 24, 1947.

[F. R. Doc. 47-6569; Filed, July 14, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

Subchapter D—Warehouse Regulations

PART 101—COTTON WAREHOUSES

DUTIES OF LICENSED WAREHOUSEMEN

Section 101.29 of the regulations (7 CFR and 1944 Supp. 101.1 et seq.) issued pursuant to the United States Warehouse Act is hereby amended to read as follows:

§ 101.29 *Warehouse charges.* A licensed warehouseman shall not make any unreasonable, exorbitant, or discriminatory charge for services rendered. Before a license to conduct a warehouse is granted under the act, the warehouseman shall file with the Department a copy of his rules, if any, and a schedule of the charges to be made by him if licensed. Effective at the beginning of any cotton season, a licensed warehouseman may change his rate of charges for storage and other services, and the new rates may apply to all cotton then in storage as well as cotton received thereafter. At or before the beginning of each season every licensed warehouseman shall file with the Department a copy of his rules, if any, and of his schedule of charges for the ensuing season. Should a licensed warehouseman wish to make changes in his rates to become effective at any time other than at the beginning of a season, he shall file with the Department an amended schedule showing the contemplated changes, accompanied by a statement setting forth the reasons therefor. No increase in the storage rate shown in such an amended schedule shall apply to cotton in storage at the time the changes become effective. A licensed warehouseman may demand payment of all accrued charges at the close of each cotton season. If, upon demand, the owner of the cotton refuses to pay such charges at the end of a season, the warehouseman may take such action to enforce collection of his charges as is permitted by the laws of the State in which the warehouse is located. Each licensed warehouseman shall keep a copy of his current rules and schedule of charges exposed conspicuously in the place prescribed by § 101.6 and at such other place accessible to the public as the Secretary or his designated representative may from time to time designate. For the purposes of this section the cotton season shall commence, with respect to each warehouse, at such time not later than September 15 of each year, as the operator of the warehouse shall select, and he shall notify the Department in writing not less than five days next preceding the date selected.

The principal purposes of this amendment is to change the cotton season contemplated by the regulation from an arbitrary fixed yearly period commencing on August 1 of each year to a flexible period commencing, at the option of each warehouseman, at any time not later than September 15 of each year. The change is being made at the request of the warehousemen themselves, largely because rapid fluctuations in the wages of labor make it impossible for them, on August 1 of any year, to foretell what their labor costs will be at the time cotton is likely to be presented to them for storage. Some of them have labor contracts that expire, for instance, on or before July 31 and others between August 1 and September 1. It is also to the public interest that the rates established for storage shall reflect, as accurately as possible, the cost of service at the time when

a particular season, as it affects each individual warehouseman, arrives. The effect of the change is to relieve existing restrictions. In order to make the change effective this season, action must be taken immediately since cotton picking has already commenced in some areas. For these reasons, notice and public procedure thereon, as provided for in section 4 (a) of the Administrative Procedure Act (act of Congress approved June 11, 1946, 60 Stat. 238), are impracticable and contrary to the public interest and there is good cause for finding that compliance with the publication requirements of section 4 (c) of said act is unnecessary.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 28, 39 Stat. 490; 7 U. S. C. 268)

Done at Washington, D. C., this 9th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6568; Filed, July 14, 1947; 8:46 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 728—WHEAT

NATIONAL, STATE, COUNTY, AND FARM ACREAGE ALLOTMENTS FOR 1948 CROP OF WHEAT, AND WHEAT MARKETING QUOTAS FOR 1948–49 MARKETING YEAR

Whereas, the Agricultural Adjustment Act of 1938, as amended, provides for the proclamation of certain data concerning the supply and consumption requirements requisite to the establishment of a national acreage allotment and marketing quota for wheat, and

Whereas, said act further provides that, in carrying out the purposes of the act, it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers consumers, and

Whereas, said act further provides that quotas shall be terminated if it is determined that such action is necessary in order to effectuate the declared policy of the act or to meet a national emergency or increase in export demand, and

Whereas, an investigation has been made which reveals that it is necessary, in order to effectuate the declared policy of the act, to dispense with marketing quotas for wheat for the marketing year beginning July 1, 1948, and with national, State, county, and farm acreage allotments for wheat for the 1948 crop, and

Whereas, public notice has been given that the Secretary was preparing to issue the proclamation with respect to the 1948 crop of wheat (12 F. R. 3975), and no written views have been received pursuant to such notice:

Now, therefore, it is hereby determined and proclaimed that:

§ 728.901 *1948 acreage allotments for wheat.* In order to maintain a continuous and stable supply of wheat from the domestic production of wheat adequate to meet consumer demand at prices fair to both producers and consumers, and otherwise to effectuate the declared policy of the act, no national, State, county, or farm acreage allotments for wheat for the 1948 crop will be established under provisions of Title III of the Agricultural Adjustment Act of 1938, as amended.

§ 728.905 *National marketing quota for wheat for 1948–49 marketing year.* Wheat marketing quotas will not be in effect for the marketing year beginning July 1, 1948.

(52 Stat. 39, 43, 45, 53, 54, 64, 203, 775, 53 Stat. 1125; 7 U. S. C. 1301 (b), 1301 (c), 1304, 1332, 1333, 1335, 1371)

Issued at Washington, D. C., this 11th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6650; Filed, July 14, 1947; 11:37 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IV—Military Education

PART 403—PROMOTION OF RIFLE PRACTICE

RIFLE AND PISTOL COMPETITIONS IN SCHOOLS AND COLLEGES

Paragraph (c) of § 403.5 is amended as follows: A new sentence is added at the end of subparagraph (1) (iii); subparagraph (3) is revised; in subparagraph (4) amend the headnote, revise subparagraphs (4) (ii) and (4) (iii) (*d*) to read as follows:

§ 403.5 *Rifle and pistol competitions in schools and colleges.* • • •

(c) *Annual indoor rifle matches*—(1) *Indoor rifle matches.* • • •

(iii) • • •. The institutions in the Alaskan and Hawaiian Departments will compete with those of the Sixth Army Area and the institutions of the Antilles Department will compete with those of the Third Army Area.

• • • • • • •

(3) *Army area intercollegiate and interscholastic matches.* From January 1 to March 15 annually, institutions in each group listed in subparagraph (1) of this paragraph will fire matches with the other institutions of their group in the same army area under such regulations as the army commander may prescribe, the object being to rate the relative marksmanship of the institutions. The institutions should be encouraged to enter as many competitors and teams as may be practicable. The marking targets, announcing scores, awarding prizes, etc. will be arranged and prescribed by the army commander. During this period, institutions will be encouraged to fire separate intercollegiate matches within the army area under such conditions as they may agree upon. The membership of teams which enter the national ROTC intercollegiate and interscolastic championship matches referred to in subparagraph (4) of this paragraph is limited to students who are regularly enrolled in the ROTC of the institutions, and to students pursuing the ROTC course under the provisions of Part 602, § 602.17, of this title and AR 145–10.

(4) *National ROTC intercollegiate and interscholastic matches.* • • •

(ii) *Composition of teams.* Each team will consist of a minimum of 10 and a maximum of 15 members who are students regularly enrolled in the ROTC of the institution which they represent, and students pursuing the ROTC course under the provisions of Part 602, § 602.17 and AR 145–10. The 10 high scores in each stage will constitute the team score for that stage. For this competition, each army commander will designate for each group in his army area the high one-third of the number of teams which competed in that group in the Army area ROTC matches. More than one team may be selected from an institution, in which case they be designated and named accordingly. A student will fire as a member of one team only. The members of a team will be designated prior to record firing and no substitutions will be made for any member after a team has started record firing. Disqualification of a team member automatically disqualified the entire team.

(iii) *Stage of competitions.* • • •

(*d*) *Fourth stage.* Ten shots for record, slow fire, kneeling; 10 shots for record, slow fire, standing.

[AR 850–110, Jan. 3, 1947, as amended by C 2, June 20, 1947] (45 Stat. 786; 32 U. S. C. 181b)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-2833; Filed, July 14, 1947 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 340-C[1]]

PART 24—MECHANIC CERTIFICATES

LIMITED MECHANIC CERTIFICATE WITH PROPELLER OR AIRCRAFT APPLIANCE RATING; EXTENSION OF EFFECTIVE PERIOD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of June 1947.

Special Civil Air Regulation Serial Number 340 expires June 30, 1947. It was intended that the provisions of this regulation would be included in the revision of Part 24, Mechanic Certificates, prior to June 30, 1947. It has not been possible to complete the revision of Part 24 within this period.

The purpose of this regulation is to continue the issuance and effectiveness of limited mechanic certificates until revision of the Civil Air Regulations has been made to supersede this regulation. This Special Civil Air Regulation extends Special Civil Air Regulation Serial Number 340 for an additional 6-month period. Termination of Special Civil Air Regulation Serial Number 340, as amended, prior to the intended revision of the Civil Air Regulations would impose an undue burden on propeller and aircraft appliance manufacturers and repair stations.

Effective June 30, 1947, Special Civil Air Regulation Serial Number 340, as amended, is amended by striking the words "June 30, 1947" and inserting in lieu thereof the words "December 31, 1947."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6579; Filed, July 14, 1947; 8:48 a. m.]

[1] Reg. 340, 10 F. R. 7790, Reg. 340-A, 11 F. R. 31, Reg. 340-B, 12 F. R. 40.

[Civil Air Regs., Amdt. 61-7]

PART 61—SCHEDULED AIR CARRIER RULES

AMENDMENT PROVIDING THAT QUALIFIED PERSONNEL OTHER THAN THAT OF THE AIR CARRIER OPERATING THE AIRCRAFT MAY SIGN CLEARANCE FORMS, LOAD AIRCRAFT, AND SIGN LOAD MANIFEST FORMS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of July 1947.

The purpose of this amendment is:

1. To permit the authorized aircraft dispatcher of the air carrier operating the aircraft to delegate the authority to sign the clearance form for a particular flight and,

2. To permit the air carrier to authorize qualified personnel other than that of the air carrier operating the aircraft to supervise the loading of the aircraft and to sign the load manifest form.

Section 61.7103 of the Civil Air Regulations presently requires that the clearance and load manifest forms be signed by personnel of the carrier and that the loading of the aircraft must be done by qualified personnel of the carrier. In some instances, the carriers would benefit by the economic advantages which may be obtained from the consolidation of service facilities. The delegation of authority merely to sign clearances by the authorized aircraft dispatcher will in no way compromise safety, because such dispatcher remains responsible for the dispatch and continued supervision of the flight. In the case of the loading of the aircraft and the signing of the load manifest form, the responsibility for proper accomplishment of these functions remains with the air carrier operating the aircraft.

Effective July 15, 1947, Part 61 of the Civil Air Regulations is amended as follows:

1. By amending § 61.7102 to read as follows:

§ 61.7102 *Clearance and load manifest forms.* The clearance and load manifest forms used shall be approved by the Administrator. The original copies of such forms shall be given to the first pilot and duplicate copies kept in the station file for at least 30 days.

2. By adding two new sections to read as follows:

§ 61.71020 *Preparation of clearance form.* A clearance form shall be prepared for each flight between specified clearance points. The information for such clearance shall be prepared by the authorized aircraft dispatcher of the air carrier operating the aircraft. This form shall be signed by the first pilot and by the authorized aircraft dispatcher only when both believe the flight may be made with safety. The authority to sign such clearance may be delegated for a particular flight by the authorized aircraft dispatcher, but the authority to dispatch cannot be delegated and such dispatcher remains responsible for the dispatch and continued supervision of the flight.

§ 61.71021 *Preparation of load manifest form.* A manifest form showing the loading of the aircraft shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of the load manifest forms, or by qualified persons authorized by the air carrier. The aircraft when loaded shall not exceed the center of gravity limits or maximum allowable weight limits set forth in the aircraft certificate for the particular aircraft.

3. By repealing § 61.7103.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6580; Filed, July 14, 1947; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

ADOPTION OF FORM S–7 FOR REGISTRATION OF SECURITIES ISSUED BY THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby adopts § 239.21 (Form S–7) for registration under the act of securities of international banking organizations of which the United States is a member pursuant to treaty or statute.

§ 239.21 (*Form S–7*)[1]. This form is used for registration under the act of securities of international banking organizations of which the United States is a member pursuant to treaty or statute.

Since at the present time there is only one issuer which will use § 239.21 (Form S–7) and in view of the fact that such issuer desires to use the form immediately, the Commission finds that the preliminary notice and public procedure provided for in section 4 (a) and (b) of the Administrative Procedure Act are unnecessary and declares the form effective immediately pursuant to section 4 (c) of the act.

The foregoing action shall become effective July 9, 1947.

(Secs. 7, 10, 19 (a), 48 Stat. 78, 81, 85; 15 U. S. C., 77g, 77j, 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 8, 1947.

[F. R. Doc. 47-6552; Filed, July 14, 1947; 8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 335—SICKNESS BENEFITS AND MATERNITY BENEFITS

SUBPART A—CLAIMING SICKNESS BENEFITS

Sec.
335.101 Statutory provisions.
335.102 Manner of claiming sickness benefits.
335.103 Execution of statement of sickness and supplemental doctor's statement.
335.104 Filing statement of sickness and claim for sickness benefits.
335.105 Registration period.

SUBPART B—CLAIMING MATERNITY BENEFITS

335.201 Statutory provisions.
335.202 Manner of claiming maternity benefits.
335.203 Execution of statement of maternity sickness and supplement.
335.204 Filing statement of maternity sickness and supplement and claim for maternity benefits.
335.205 Registration period.

AUTHORITY: §§ 335.101 to 335.205, inclusive, issued under the authority of, and interpret and apply, secs. 1, 2, 5, 12, 52 Stat. 1094, 1096, 1099 and 1107, 45 U. S. C. 351, 362, 355 and 362, as amended by Pub. Law 572, 79th Cong., 45 U. S. C. and Sup. 351, 352, 355, 362. The subparts are preceded by the respective statutory provisions to which they refer.

[1] The description given is based upon instructions as to use of the form. Copies of this form and of instructions for its use may be obtained on request addressed to the Administrative Division of the Commission.

SUBPART A—CLAIMING SICKNESS BENEFITS

§ 335.101 *Statutory provisions.*

Subject to the provisions of section 4 of this act, * * * a "day of sickness", with respect to any employee, means a calendar day * * * with respect to which * * * in accordance with such regulations as the Board may prescribe, a statement of sickness is filed within such reasonable period, not in excess of ten days, as the Board may prescribe * * * (section 1 (k) of the act).

The term "statement of sickness" means a statement with respect to days of sickness of an employee * * * executed in such manner and form by an individual duly authorized pursuant to section 12 (l) to execute such statements, and filed as the Board may prescribe by regulations (section 1 (l) (1) of the act).

Claims for benefits * * * shall be made in accordance with such regulations as the Board shall prescribe * * * (section 5 (a) of the act).

The Board shall provide a form or forms for statements of sickness and a procedure for the execution and filing thereof. Such forms and procedure shall be designed with a view to having such statements provide substantial evidence of the days of sickness of the employee and, in the case of maternity sickness, the expected date of birth and the actual date of birth of the child. Such statements may be executed by any doctor (authorized to practice in the State or foreign jurisdiction in which he practices his profession) or any officer or supervisory employee of a hospital, clinic, group health association, or other similar organization, who is qualified under such regulations as the Board may prescribe to execute such statements. The Board shall issue regulations for the qualification of such persons to execute such statements. When so executed by any such person, or, in the discretion of the Board, by others designated by the Board individually or by groups, they may be accepted as initial proof of days of sickness sufficient to certify for payment a claim for benefits * * * (section 12 (l) of the act).

* * * The term "registration period" means also, with respect to any employee, the period which begins with the first day with respect to which a statement of sickness is filed in his behalf in accordance with such regulations as the Board may prescribe, or the first such day after the end of a registration period which will have begun with a day with respect to which a statement of sickness was filed in his behalf, and ends with the thirteenth day thereafter (section 1 (h) of the act).

§ 335.102 *Manner of claiming sickness benefits.* To claim sickness benefits an employee shall (a) on the form provided by the Board for making application for sickness benefits, furnish the information required by such form, and mail the form, properly executed, to an office of the Board, together with a statement of sickness executed in accordance with the provisions of § 335.103 and (b) on forms sent him by the Board for making claims for sickness benefits, furnish the information required by such forms, and mail the forms, properly executed, to an office of the Board, together with any supplemental doctor's statements which may be required by the Board in connection therewith, executed in accordance with the provisions of § 335.103. If satisfied that an employee is so sick or injured that he cannot sign forms, the Board may accept forms executed by someone else in his behalf.

§ 335.103 *Execution of statement of sickness and supplemental doctor's statement.* A statement of sickness, and any supplemental doctor's statement which may be required by the Board, shall be executed by an individual who (a) is a doctor of medicine licensed to practice medicine in the State or foreign jurisdiction in which the form is executed; or (b) is the superintendent or other supervisory official of a hospital, clinic, group health association, or other similar organization, in which all examination and treatment are conducted under the supervision of licensed doctors of medicine and in which medical records are maintained for each patient. Such individual shall execute the statement of sickness, and any supplemental doctor's statement which may be required, on the forms provided by the board, and shall furnish the information required by such forms.

§ 335.104 *Filing statement of sickness and claim for sickness benefits*—(a) *Time for filing statement of sickness.* No day shall be considered a day of sickness with respect to an employee unless a statement of sickness with respect to such day is filed in his behalf at an office of the Board not later than the ninth day after such day.

(b) *Time for filing claim for sickness benefits.* No day shall be considered a day of sickness with respect to an employee unless (1) a claim for sickness benefits with respect to a registration period including such day is filed by or in behalf of the employee at an office of the Board, together with any supplemental doctor's statement which may be required by the Board in connection therewith, within ten days after whichever is the later of (i) the last day of the registration period shown on the claim form or (ii) the day such claim form was mailed to the employee; or (2) failure to file such form or forms within the time prescribed in subparagraph (1) of this paragraph was caused by some circumstance or condition directly affecting the employee and not attributable to any lack of diligence on his part, and such form or forms were filed within a reasonable time thereafter.

(c) *Requirements in event of failure to file claim.* No day subsequent to any registration period with respect to which an employee has failed to file a claim form within the time prescribed in paragraph (b) of this section shall be considered a day of sickness with respect to the employee unless the employee files a new application for sickness benefits and a new statement of sickness within the time prescribed in paragraph (a) of this section, and complies with the other requirements of this part, with respect to such day: *Provided, however,* That such new application for sickness benefits and statement of sickness shall not be required with respect to any such day if, within a reasonable time of such day, the employee notifies the Board that he wishes to claim such day as a day of sickness, and if the Board is satisfied that the employee was unable to work from the beginning of the registration period, with respect to which he failed to file a claim form within the prescribed time, up to and including such day.

(d) *When form considered filed.* A form shall be considered filed within the time prescribed with regard to it in paragraph (a) or (b) (1) of this section if (1) the form was received at an office of the Board within the prescribed time; (2) the form was mailed to an office of the Board within the time specified in the instructions on the form, and was received there; (3) because of some circumstance or condition directly affecting the employee and not attributable to any lack of diligence on his part, the form was not mailed to an office of the Board within the time specified in the instructions on the form, but (i) within that time a communication was mailed to an office of the Board by him or in his behalf and the form was received at such office within a reasonable time thereafter, or (ii) within the time prescribed with regard to the form in paragraph (a) or (b) (1) of this section a representative of the Board made a record of the intention expressed by or in behalf of the employee to apply for or claim sickness benefits, and the form was received at an office of the Board within a reasonable time thereafter; (4) the employee registered for the day in question under § 325.12, but his claim for such day as a day of unemployment was denied on the ground that he was not able to work on such day, and the form was received at an office of the Board within a reasonable time; or (5) a female employee filed a statement of maternity sickness with a view to obtaining maternity benefits for the day in question, and the form was received at an office of the Board within a reasonable time.

(e) *Days for which no statement of sickness deemed filed.* No statement of sickness shall be deemed to have been filed with respect to any day which, if a statement of sickness were filed with respect to it, would be the first day of a registration period in a benefit year in which (1) the employee is not a qualified employee under section 3 of the Railroad Unemployment Insurance Act, or (2) benefits have already been payable to the employee for 10 days of sickness other than days of sickness in a maternity period.

§ 335.105 *Registration period.* For the purposes of this subpart, the term "registration period" means, with respect to any employee, the period of fourteen consecutive days beginning with the first day with respect to which a statement of sickness is filed in his behalf; and thereafter each period of fourteen consecutive days beginning with the first day, with respect to which a statement of sickness is filed in his behalf, occurring after the end of his last preceding registration period begun with a day with respect to which a statement of sickness was filed in his behalf.

SUBPART B—CLAIMING MATERNITY BENEFITS

§ 335.201 *Statutory provisions.*

* * * the term "statement of maternity sickness" means a statement with respect to a maternity period of a female employee, * * * executed in such manner and form by an individual duly authorized pursuant to section 12 (l) to execute such statements, and filed as the Board may prescribe by regulations (section 1 (l) (1) of the act).

See sections 1 (k), 5 (a) and 12 (l) of the act, quoted in § 335.101.

§ 335.202 *Manner of claiming maternity benefits.* To claim maternity benefits a female employee shall (a) on the form provided by the Board for making application for maternity benefits, furnish the information required by such form, and mail the form, properly executed, to an office of the Board, together with a statement of maternity sickness executed in accordance with the provisions of § 335.203; and (b) on forms sent her by the Board for making claims for maternity benefits, furnish the information required by such forms, and mail the forms, properly executed, to an office of the Board. If the statement of maternity sickness filed by an employee does not provide evidence of the actual date of birth of her child, the employee shall also mail to an office of the Board a supplement to such statement of maternity sickness, executed in accordance with the provisions of § 335.203 and providing such evidence.

§ 335.203 *Execution of statement of maternity sickness and supplement.* A statement of maternity sickness, and any supplement thereto which may be required, shall be executed by an individual who is qualified, under § 335.103, to execute a statement of sickness. Such individual shall execute the statement of maternity sickness, and any supplement thereto which may be required, on the form provided by the Board, and shall furnish the information required by such form.

§ 335.204 *Filing statement of maternity sickness and supplement and claim for maternity benefits*—(a) *Time for filing statement of maternity sickness.* No day shall be considered a day of sickness in a maternity period with respect to a female employee unless a statement of maternity sickness is filed in her behalf at an office of the board not later than the ninth day after such day.

(b) *Additional requirement for days after birth of child.* No day after the birth of a female employee's child shall be considered a day of sickness in a maternity period with respect to such employee unless (1) a statement of maternity sickness, which shall provide evidence of the actual date of birth of the child, or a supplement to a statement of maternity sickness providing such evidence, is filed in her behalf at an office of the Board within ten days after whichever is the later of (i) the last day of a registration period including such day, or (ii) the day the proper form was mailed to the employee; or (2) failure to file such form within the time prescribed in subparagraph (1) of this paragraph was caused by some circumstance or condition directly affecting the employee and not attributable to any lack of diligence on her part, and such form was filed within a reasonable time thereafter.

(c) *Time for filing claim for maternity benefits.* No day shall be considered a day of sickness in a maternity period with respect to a female employee unless (1) a claim for maternity benefits with respect to a registration period including such day is filed by or in behalf of the employee at an office of the Board, within ten days after whichever is the later of (i) the last day of the registration period shown on the claim form or (ii) the day such claim form was mailed to the employee; or (2) failure to file such form within the time prescribed in subparagraph (1) of this paragraph was caused by some circumstance or condition directly affecting the employee and not attributable to any lack of diligence on her part, and such form was filed within a reasonable time thereafter.

(d) *Requirements in event of failure to file claim for maternity benefits.* No day subsequent to any registration period with respect to which a female employee has failed to file a claim for maternity benefits within the time prescribed in paragraph (c) of this section shall be considered a day of sickness in a maternity period with respect to such employee unless such employee (1) notifies the Board within a reasonable time of such day that she wishes to claim such day and (2) files the form sent her by the Board within the time prescribed in paragraph (c) of this section.

(e) *When form considered filed.* A form shall be considered filed within the time prescribed with regard to it in paragraphs (a), (b) (1), or (c) (1) of this section if (1) the form was received at an office of the Board within the prescribed time; (2) the form was mailed to an office of the Board within the time specified in the instructions on the form, and was received there; (3) because of some circumstance or condition directly affecting the employee and not attributable to any lack of diligence on her part, the form was not mailed to an office of the board within the time specified in the instructions on the form, but (i) within that time a communication was mailed to an office of the Board by her or in her behalf and the form was received at such office within a reasonable time thereafter, or (ii) within the time prescribed with regard to the form in paragraph (a), (b) (1), or (c) (1) of this section a representative of the Board made a record of the intention expressed by or in behalf of the employee to apply for or claim maternity benefits, and the form was received at an office of the Board within a reasonable time thereafter; (4) the employee registered for the day in question under § 325.12, but her claim for such day as a day of unemployment was denied on the ground that she was not available for work or was not able to work on such day, and the form was received at an office of the Board within a reasonable time; or (5) the employee claimed sickness benefits for the day in question under subpart A of this part, and the form was received at an office of the Board within a reasonable time.

§ 335.205 *Registration period*—(a) *First day.* For the purposes of the regulations in this subpart, the first day of a registration period, with respect to any female employee, is the first day which is included in her maternity period and in a benefit year in which she is a qualified employee, and thereafter the first day in her maternity period occurring after the end of her last preceding registration period begun with a day in her maternity period.

(b) *Last day.* For the purposes of the regulations in this subpart, the last day of a registration period, with respect to any female employee, is the thirteenth day after the first day of such registration period: *Provided, however,* That if any of the following days occurs in the period of fourteen consecutive days beginning with the first day of a registration period, such registration period shall end with the first of such days so occurring: (1) the fourteenth day of the maternity period; (2) the day of birth of the employee's child; (3) the fourteenth day after the day of birth of the employee's child, or (4) the last day of the maternity period.

Dated: July 7, 1947.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-6557; Filed, July 14, 1947; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-35]

PART 102—PERSONNEL ADMINISTRATION

LIMITATION ON EMPLOYMENT OF MEMBERS OF FAMILY IN FOREIGN SERVICE OFFICE

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 302 of the Foreign Service Act of 1946 (60 Stat. 1001), the Foreign Service Regulations comprising Part 102 of Title 22 of the Code of Federal Regulations are amended as follows:

In § 102.811 *Limitation on employment of members of family in Foreign Service office*, the word "American" is inserted before the word "officer" in the two places where that word appears in the section.

(R. S. 161, secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 5 U. S. C. 22)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

For the Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

JUNE 30, 1947.

[F. R. Doc. 47-6563; Filed, July 14, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R–1, as Amended July 14, 1947]

Findings under sec. 4 (a) of Public Law 404, Seventy-ninth Congress. In connection with the issuance of the following amendments, the Office of Materials Distribution, pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237), finds that compliance with the notice, public rule-making procedure and effective date requirements of the said act is impractical and contrary to the public interest, and any delay in the effective date of the following amendments will jeopardize the orderly allocation of natural and synthetic rubber and the production of synthetic rubber, contrary to the policy of Public Law 24, 80th Congress, and to the public interest. Therefore, the Office of Materials Distribution, pursuant to Public Law 24, 80th Congress, hereby takes the following action:

Rubber Order R–1, as amended May 2, 1947, is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of natural rubber and other materials entering into the production of rubber products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

Purpose of this order. Rubber Order R–1 embraces the Office of Materials Distribution regulations covering acceptance of delivery of certain raw materials, restrictions on consumption, delivery, inventories, and importation.

Appendix I, which is printed at the foot of this order, lists the products in the manufacture of which natural rubber and natural rubber latex may be used and provides special restrictions for the use of these raw materials in the manufacture of specified products.

Appendix II, which is printed separately, establishes manufacturing regulations for certain products, principally tires and tubes, set out in lists applicable to the particular product.

Sec.

4600.01 Definitions of certain terms.
4600.02 Authorization by OMD required to accept delivery of certain raw materials from the Office of Rubber Reserve, RFC.
4600.03 Restrictions on consumption of natural rubber (excluding natural rubber latex).
4600.03a Authorization by OMD required to consume natural rubber latex.
4600.03b [Deleted July 14, 1947.]
4600.04 [Deleted July 14, 1947.]
4600.05 Restrictions on making deliveries of natural rubber latex
4600.06 Restrictions on inventories of raw rubber products.
4600.07 Restrictions on importation of rubber materials.
4600.08 [Deleted May 2, 1947.]
4600.11 [Deleted May 2, 1947.]
4600.12 Reports.
4600.13 Applicability of regulations.
4600.14 Appeals.
4600.15 Violations.
4600.16 Communications.
Appendix I—List of permitted products.
Appendix II—Manufacturing regulations (printed separately).

§ 4600.01 *Definitions of certain terms.* As used in this order, (a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber, including guayule but excluding natural rubber latex. Not included in the definitions are balata, chilte, gutta percha, gutta siak, gutta jelutong or pontianac.

(b) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(c) "Reclaimed rubber" means any vulcanized material derived from the processing or treatment of scrap rubber but excluding reclaimed residue or "mud." Reclaimed residue or "mud" means dried or recovered sludge consisting of a mixture of partially hydrolyzed cellulose, finely divided rubber and other waste products of the digester process of reclaiming rubber.

(d) "Scrap rubber" means any finished or semi-finished product or part thereof made in part or in whole from natural rubber or natural rubber latex which through wear, deterioration or obsolescence cannot be used in the processing of any product for which the use of natural rubber or natural rubber latex is permitted in Appendix I hereof. Not included in the definition of scrap rubber is any vulcanized, unvulcanized, compounded or coagulated material with a specific gravity of 1.15 or less which results from or is incident to the handling or the processing of natural rubber or natural rubber latex in the manufacture or the repair of any product and which may be used for a purpose for which originally designed, or which may be used for any product for which the use of natural rubber or natural rubber latex is permitted in Appendix I hereof. Also not included in the definition is any finished or semi-finished product or material containing natural rubber or natural rubber latex which may be used for a purpose for which originally designed, or which may be used for any product for which the use of natural rubber or natural rubber latex is permitted in Appendix I hereof.

(e) "Synthetic rubber" means Neoprene (all types including latex), Butyl (GR–I), all grades except butyl plant clean-up material; all Butadiene polymer and copolymer types including latex, including but not limited to GR–S types, such as Hycar OS and Styraloy; and all Butadiene-Acrylonitrile types, such as Hycar, Perbunan, Chemigum, Butaprene, Thiokol RD and GR–A; and Polyisobutylene.

(f) "Chlorinated natural rubber" means the reaction product of chlorine and natural rubber.

(g) "Consume" means in the case of natural rubber, natural rubber latex, synthetic rubber or reclaimed rubber, to compound, expend, formulate or in any manner make any substantial change in the form, shape or chemical composition, except where any of these materials are used in the preparation of master-batches or compounds prepared for use in the manufacture of products permitted in Appendices I or II hereof.

(h) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

§ 4600.02 *Authorization by the Office of Materials Distribution required to accept delivery of certain raw materials from the Office of Rubber Reserve, Reconstruction Finance Corporation.* No person shall accept delivery *from the Office of Rubber Reserve*, RFC, of any of the following materials:

Natural rubber.
Natural rubber latex.

until he has received an authorization from the Office of Materials Distribution. Application for authorization to accept delivery from the Office of Rubber Reserve, RFC, of either or both of these materials by type shall be made by letter addressed to the Rubber Division, Office of Materials Distribution, specifying quantities, types and grades desired. Authorization to accept delivery from the Office of Rubber Reserve, RFC, will be mailed in letter form by the OMD, to the extent that such materials remain available in government stocks.

§ 4600.03 *Restrictions on consumption of natural rubber.* No person shall consume natural rubber except in the manufacture of permitted products listed in Appendix I hereof, and in accordance with the applicable special restrictions or provisions in Appendix I and the manufacturing regulations in Appendix II. Restrictions on the consumption of natural rubber latex appear in § 4600.03a below.

(1) *Consumption for experimental use of natural rubber.* Not to exceed 75 pounds of natural rubber may be used in any calendar quarter for consumption in experimental purposes.

§ 4600.03a *Authorization by OMD required to consume natural rubber latex.* No person shall consume natural rubber latex until he has received an authorization to do so from the Office of Materials Distribution on Form OMD–4562 or Form OMD–4575. Applications for an authorization to consume natural rubber latex for products, listed in Codes 1 to 22K, inclusive, shall be made on Form OMD–4562, pursuant to instructions accompanying the form. Applications for an authorization to consume natural rubber latex for any product covered by Code 22L shall be made on Form OMD–4575, pursuant to instructions accompanying the form. Authorizations to consume will be made by the OMD only to those persons who have filed applications on Form OMD–4562 or OMD–4575. Authorizations to consume natural rubber latex for any product will be made in the proportion that the supply available for such product bears to the total requirement.

§ 4600.03b [Deleted July 14, 1947.]

§ 4600.04 [Deleted July 14, 1947.]

§ 4600.05 *Restrictions on making deliveries of natural rubber latex.* Any person may deliver natural rubber latex to any consumer provided the purchaser certifies his order in substantially the following form:

The undersigned hereby certifies that the natural rubber latex to be purchased with this order will not exceed the inventory restrictions of § 4600.06 of Office of Materials Distribution Rubber Order R–1, and will be consumed in the manufacture of products for which natural rubber latex is authorized, and such consumption will not exceed the authorization to consume given the undersigned on Form OMD–4562 or Form OMD–4575.

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Date Signature

§ 4600.06 *Restrictions on inventories of raw materials.* No person who consumes any of the following raw materials shall accept delivery of any of them if his inventory is or will by reason of such acceptance become in excess of the amount reasonably necessary to meet his requirements for the period designated below:

	Maximum days
Natural rubber	90
Natural rubber latex	90

§ 4600.07 *Restrictions on importation of rubber products.* For the purpose of this section, "import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It does not include shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States for transshipment to any foreign country.

No person shall import any finished or semi-finished product of which ten percent or more by weight is composed of natural rubber or natural rubber latex, except as permitted under this section. The term "ten percent or more by weight" shall mean the weight of the rubber hydrocarbon content of the finished or semi-finished product.

The foregoing restriction shall not apply to any of the following:

(a) The importation of any finished product made of natural rubber or natural rubber latex by diplomatic representatives of any foreign government for their personal use or the use of members of their staffs, and by commercial representatives of any foreign government for use in their official business.

(b) The importation by any person of any finished or semi-finished product manufactured in accordance with the provisions of Rubber Order R–1 and in respect to which the importer shall furnish to the Collector of Customs at the port of entry a certificate substantially as follows:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code that the products covered by the invoice to which this certificate is attached, as noted therein, are being imported into the United States in accordance with the provisions of § 4600.07 of Office of Materials Distribution Rubber Order R–1. The undersigned further certifies that the products covered by the invoice to which this certificate is attached were manufactured in accordance with the special restrictions or provisions in Appendix I and the manufacturing regulations contained in Appendix II of R–1.

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Date Signature

§ 4600.08 [Deleted May 2, 1947.]

§ 4600.11 [Deleted May 2, 1947.]

§ 4600.12 *Reports.* (a) Every person who consumed or had in stock during any month any type of rubbers listed below in an amount equal to or in excess of the amounts specified below, shall file a monthly report on Form OMD–3410, in accordance with the instructions accompanying the form. This report form covers consumption, stocks, imports, receipts, production and shipments.

Types:	*Amount*
Natural rubber	15,000
Natural rubber latex	5,000
Reclaimed rubber	10,000
GR–S (all types, including GR–S latex)	15,000
Butyl (GR–I) all types	10,000
Neoprene (all types, including Neoprene latex)	5,000
Butadiene-Acrylonitrile types	5,000

No report need be filed as to any of these types of rubbers in respect to which consumption or stocks were less than the amounts specified above.

(b) Each manufacturer of tires and tubes or camelback shall file a report on his production, shipments, and inventory for each calendar month on Form OMD–3438 with the Office of Materials Distribution, Department of Commerce, in accordance with the instructions accompanying the form.

(c) Any person may be required to file such other reports as may be needed, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 4600.13 *Applicability of regulations.* Except as otherwise provided, this order and all transactions affected thereby are subject to all applicable provisions of the Office of Materials Distribution regulations as amended from time to time.

§ 4600.14 *Appeals.* Appeals from any provision of this order shall be made by filing Form OMD–2242 in accordance with the instructions appearing on the form.

§ 4600.15 *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment.

§ 4600.16 *Communications.* All reports required to be filed under this order and all communications concerning this order, shall be addressed to: Department of Commerce, Office of Materials Distribution, Rubber Division, Washington 25, D. C., Ref. Rubber Order R–1.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Pub. Laws 270, 475, 79th Cong., Pub. Law 24, 80th Cong.; E. O. 9024, 7 F. R. 329, E. O. 9040, 7 F. R. 527, E. O. 9125, 7 F. R. 2719, E. O. 9599, 10 F. R. 10155, E. O 9638, 10 F R. 12591, E. O. 9809, 11 F. R. 14281, E. O. 9841, 12 F. R. 2645; Materials Control Reg. 1, May 2, 1947, 12 F. R. 2995; Office of Materials Distribution Reg. 1, May 2, 1947, 12 F. R. 2996)

Issued this 14th day of July 1947.

OFFICE OF MATERIALS DISTRIBUTION,
By RAYMOND S. HOOVER,
Issuance Officer.

APPENDIX I—LIST OF PERMITTED PRODUCTS

Appendix I to Rubber Order R–1 lists the products in the manufacture of which natural rubber and natural rubber latex may be used.

Quarterly consumption of natural rubber and natural rubber latex will be permitted in the manufacture of Appendix I products under the provisions of the applicable code, but only to the extent that material is available.

Explanation of Columns 3, 4 and 5 and of the symbols used. Column 3 shows the quantity expressed in percentage or as the minimum required, of natural rubber which may be used in the manufacture of the product indicated. Column 4 shows the quantity expressed in percentage or as the minimum required, of natural rubber latex which may be used in the manufacture of the product indicated and for which the manufacturer has been authorized to consume on Form OMD–4562 or Form OMD–4575. Column 5 shows special restrictions or provisions applicable to the manufacture of the product. For example, in those products such as pneumatic tires, or tire tubes (Codes No. 1 and 3), where either or both column 3 or 4 is blank, a reference will be found in column 5 to the appropriate list in Appendix II in which the manufacturing regulations for the product are specified.

"X" in column 3 indicates that natural rubber may be used in the minimum quantity required by the manufacturer, subject to any special restrictions or provisions applicable to the particular product.

"X" in column 4 indicates that natural rubber latex may be used in the minimum quantity required by the manufacturer who has received authorization to consume on Form OMD–4562, subject to any special restrictions or provisions applicable to the particular product.

Percentage figures in column 3 or 4 indicate the maximum percentage to total volume of compound, unless otherwise specified.

Asterisk (*) in column 4 indicates that natural rubber latex may be consumed only by persons who have been authorized to do so from the OMD on Form OMD–4575 and in accordance with the special restrictions or provisions contained in Code 22L.

"RHC" appearing in column 5 indicates rubber hydrocarbon. This is the sum of natural rubber, natural rubber latex, synthetic rubber, the rubber hydrocarbon value of reclaimed rubber or hard rubber dust, and the rubber hydrocarbon value of master-batches or compounds of natural rubber or natural rubber latex. The rubber hydrocarbon value of reclaimed rubber or hard rubber dust shall be calculated from the rubber value of reclaimed rubber or hard rubber dust as certified by the manufacturer of the reclaimed rubber or hard rubber dust and shall be determined by the "difference" or "indirect" method. Natural rubber includes the rubber hydrocarbon value of natural rubber or natural rubber latex master-batches or compounds as certified by the manufacturer of master-batches or compounds which include natural rubber or natural rubber latex.

APPENDIX I—LIST OF PERMITTED PRODUCTS

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Special restrictions or provisions
1	Pneumatic tires:			
1A	Airplane tires			See List 8 App. II.
1B	Bicycle tires			Do.
1C	Truck and bus tires			Do.
1D	All other tires			Do.
2	Solid tires			
3	Tire tubes:			
3A	Airplane and safety	X		See List 9 App. II.
3B	Bicycle			Do.
3C	Truck and bus			Do.
3D	All other			Do.
4	Tire tube valves and curing bags:			
	Tire tube valves (including repair valves).	X		Do.
	Tire tube valve inside washers.	X		Do.
	Curing bags			See List 2 App. II.
5	Tire flaps			See List 10 App. II.
6	Tire retreading materials:			
	Airbags, full circle for retreading.			See List 13 App. II.
	Camelback and all other			Do.
7	Tire and tube repair materials.			See Lists 7 and 13 App. II.
8	Rubber tracks and track blocks.	X		See List 8 App. II.
9	Belting			
9A	Conveyor and elevator belting:			
	For severe service only		•	Not less than 55 percent natural rubber by volume of compound permitted.
	Hot material belts	X	•	
	All other	35	•	
9B	Miscellaneous belting and related products:			
	Belt splicing and repair material.	X	•	
	Conveyor skirting or skirtboard rubber.	X	•	
	Hatter belts	X	•	
	Hog beater belts	X	•	
	Postal meter and letter opener feed belts.	X	•	
	Rubber scrapers for conveyor belts.	X	•	
	Special molded conveyor belts.	X	•	
	All other	35		
9C	Transmission belting:			
	Flat transmission belting		•	Natural rubber 0.95 lb. maximum per 1,200 sq. in. per ply permitted.
	Round transmission belting.	35	•	
9D	V-belts	X		Natural rubber latex (33⅓ percent maximum of total volume of belts) permitted.
10	Hose and tubing		•	When tapered nozzles are built on end of hose, the restrictions for the particular type shall prevail.
10A	Automotive and aircraft hose	25	•	
10B	Cement hose:			
	Cement and material hose, dry and ice slinger.	X	•	
	Cement gun hose	X	•	
	Cement handling, including grouting.	X	•	
	Concrete placing	X	•	
10C	Diving equipment hose	X	•	
10D	Hose and tubing not elsewhere listed.	25	•	
10E	Miscellaneous hose and tubing:			
	Acid conducting and acid suction hose.	X	•	
	Alcohol, food and beverage handling hose.	X	•	
	Ammonia hose	X	•	
	Nitroglycerine hose	X	•	
	Oxygen (not welding) hose.	X	•	Aeronautical only.
	Phosphate flexible hose	X	•	
	Rotary drilling hose	X	•	
	Sand blast hose	X	•	For durometer hardness 45 or less only.
	Tubing	X	•	
10F	Miscellaneous related products:			
	Flanged flexible pipe	X	•	Corrosive and abrasive only.
	Pinch valve	X	•	Do.
10G	Railroad hose:			
	Steam and hot water hose (except tender tank hose).	X	•	
10H	Steam hose	X	•	
10I	Suction hose:			
	Dredging sleeves	X	•	
	Rotary slush pump suction hose.	X	•	
	Sand suction hose	X	•	
10J	Vacuum hose:			
	Blower or exhaust hose	X	•	
11	Packing and gaskets:			
11A	Packing without fabric or high percentage of fiber:			
	Sheet packing including cut, extruded or molded strips, gaskets, packing rings or nonfabric diaphragms over 45 durometer.		•	5 percent natural rubber by volume permitted in Thiokol "A" compounds
	Sheet packing including cut, extruded or molded strips, gaskets, packing rings or nonfabric diaphragms 45 durometer or under and over 85 durometer.	X	•	
11B	Packing with high fiber content:			
	Gaskets, including sheet (generally known as compressed asbestos sheet) from which gaskets may be cut.		5	5 Natural rubber and natural rubber latex by weight.
	Rod packing (generally known as rubber bonded plastic packing).		10	• Natural rubber by weight excluding cotton or wire.
11C	Packing with fabric insertion flat:			
	Gaskets including sheet (generally known as cloth inserted sheet) from which gaskets may be cut.		10	•
	Piston packing	X	•	
	Diaphragm sheet, including cut diaphragms made from same.	X	•	
	U-rings for hydraulic presses (fabric or non-fabric).	X	•	
	Rod packing		25	•
11D	Packing with fabric insertion made by folding or rolling:			
	Cotton fabric		25	•
	Asbestos fabric	X		•
11E	Miscellaneous packing and gaskets:			
	Airbrake gaskets	X		•
	Molded and extruded gaskets spliced endless after initial vulcanization—not elsewhere listed.		25	• The definition refers to the percent of natural rubber ratioed to the total natural and synthetic rubber used.
	Pressure cooker gaskets	X		•
	Vulcanizer door gaskets	X		•
11F	Valve and valve parts	X		•
11G	Sealing compounds:			
	Food and beverage closures (molded, extruded or lathe cut).		30	•
	Food closures (flowed-in type for glass containers) for home canning.	X		20
	Food closures (flowed-in type for glass containers) for commercial packing.	X		30
	Molded stoppers for food and beverage containers.		15	•
12	Mechanicals listed in this Code 12:			
12A	Aircraft equipment:			
	Airplane de-icer parts (except propeller hose).	X		•
	All items with a durometer of 45 or less.	X		•
12B	Automotive and railroad equipment:			
	Axle bumpers		10	•
	Contoured automotive floor mats.		10	•
	Hydraulic brake cups	X		•
	Molded or extruded glass and cowl weather strip.		40	•
	Pedal pads		10	•
	Sealed beam gaskets	X		•
12C	Electrical products equipment:			
	Base attachment plugs and cord protectors.			• A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Lineman's protective devices.	X		•
	Telephone and telegraph insulators.		25	•
12D	Hard rubber products:			
	Alkaline storage batteries and parts.	X		•
	Baskets (etching), beakers, buckets, dippers, frames, funnels, measurers, pails, racks and trays.		30	•

APPENDIX I—LIST OF PERMITTED PRODUCTS—Continued

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Special restrictions or provisions
12D	Hard rubber products—Con.			
	Bleaching rods	X	•	
	Blown work	X	•	
	Combs		•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Component hard rubber parts of machinery.	50	•	
	Dye sticks	X	•	
	Filter media	X	X	
	Hard rubber balls	25	•	
	Insulated tools	20	•	
	Jack strips	30	•	
	Knife handles	35	•	Cutlery—slotted type only.
	Latex covering (hard rubber).	X	X	
	Microporous separators	X	X	
	Mine lamp cases	50	•	
	Mouth pieces for musical instruments.	X	•	
	Pipe (commercial)	30	•	
	Pipe bits	15	•	
	Plating barrels and parts	30	•	
	Potentiometer cards	X	•	
	Refrigerator parts	30	•	
	Rods up to 0.040" diameter	X	•	
	Rods 0.040" diameter to ½" diameter, inclusive.	50	•	
	Rods over ½" diameter	30	•	
	Serving trays	25	•	
	Sheets 1/16" or less in thickness.	X	•	
	Sheets thickness over 1/16" to ¼" inclusive.	50	•	
	Sheets thickness ¼" or more.	30	•	
	Steering wheels	10	•	
	Storage batteries, heavy duty cases over 15 lbs. in weight.	50	•	
	Storage batteries (hand wrapped cases only).	30	•	
	Submarine battery jars and parts.	50	•	
	Telephone commutator inserts.	50	•	
	Thin wall containers	30	•	
	Tubing (wall thickness less than 1/32").	X	•	
	Tubing (wall thickness over 1/32" to ⅛", inclusive.)	50	•	
	Tubing (wall thickness over ¼").	30	•	
	Tubular retainers	60	•	
	Water meter parts	X	•	
	X-ray and photographic tanks.	30	•	
12E	Industrial equipment:			
	Flexible connections for vacuum and exhaust equipment.	X	•	
	Industrial abrasive implements.		•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Molds	X		Natural rubber latex permitted, except for mannequin molds.
	Sand blasting equipment	X		Natural rubber latex permitted for shot and sand blast helmets only.
12F	Miscellaneous mechanical goods:			
	Alkaline storage batteries and parts.	X	•	
	Billiard and pool table cushions.	X	•	
	Brake expander tubing	X	•	
	Brake linings, brake blocks and clutch facings.		•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Brush setting compounds	X	•	
	Budding strips	X	•	
	Castors and molded wheels	10	•	Wheels sizes 2" and over, 25 percent natural rubber by volume permitted.
	Core molded parts	35	•	Not elsewhere listed.
	Cutting rubbers	X	•	
	Dam and lock gate seals	X	•	
	Filter media	X	X	
	Flexible bags and parts for forming operations in manufacturing plants.	X	•	
12F	Miscellaneous mechanical goods—Continued.			
	Flexible sanding and buffing pads.	X	•	
	Gas main bags	X	•	
	Goggles and parts		•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Industrial balls	X	•	For vibration screens and ball mills.
	Inflations and cup caps for milking machines.	X	•	
	Instrument parts	X	•	
	Insulation tubing	X	•	Cork or fiber loaded.
	Labels	X		Natural rubber latex permitted for embossing inks only.
	Laboratory stoppers		•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Launder linings (mining)	X	•	
	Mine safety lamp parts	X	•	
	Molded annular tires	10	•	
	Molded boots and dust seals	X	•	
	Molded diaphragms	X	•	
	Molded, extruded and lathe cut parts for food machinery and equipment.	X	•	Permitted only where the packaged food comes in contact with such parts.
	Molded parts attached to adjacent parts by integral undercut buttons, and grommets.	25	•	
	Mountings, shock absorbers, dampers and vibration insulators.	X	•	
	Muckage spreaders	35	•	
	Parts for rayon manufacturing machinery:	X	•	
	Pipe coupling rings	X	•	
	Pressure sensitive signal controls.	X	•	
	Refrigerator parts, internal only.	X	•	
	Rubber-covered beater bars	X	•	
	Sand blast stencil sheet	25	•	
	Seals for electrolytic condensers.	X	•	
	Treadles and door shoes for subways, trolleys, and buses	10	•	
	Tubular grips	X	•	Cork or fiber loaded.
	Vacuum sweeper belts	X	•	
	Windshield wiper blades, squeegee rubber and wiper dies.	X	•	
	X-ray sheets	X	•	
12G	Oil well supplies:			
	Parts for storage, drilling, testing, cementing and pumping oil wells, not elsewhere listed.		•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
12H	Plumbing supplies:			
	Tank balls, designed for flush valves, force cups, and bibb washers.		•	Do.
12I	Printing rubber products:			
	All printing rubber products.		•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Rubber solution for wet plate negative.	X	•	
12J	Rolls and rollers:			
	Rubber covered rolls and roll coverings (excluding wringer rolls).	X	•	
	Wringer rolls	30	•	For household laundry equipment
12K	Rubber protected or lined equipment—Rubber linings (hard or soft) for:			
	Drums and tanks	X	X	
	Pipes and fittings	X	X	
	Rubber coverings for agitators, blowers, exhausters, pumps, pump lining valves, valve parts, and bearings for deep well pumps.	X	X	
	Rubber linings for centrifugal pumps designed to handle ore concentrates,	X	X	

APPENDIX I—LIST OF PERMITTED PRODUCTS—Continued

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Special restrictions or provisions
12K	Rubber protected or lined equipment, etc.—Con.			
	Rubber linings, etc.—Con. sand and other highly abrasive materials in suspension; and slurry.	X	X	Natural rubber latex not permitted for abrasive service.
	Rubber protected equipment for handling corrosive and abrasive materials and explosives.	X	X	
	Tank cars and barge tanks (Spec. ICC–103BW, 103B and AAR–203).	X	X	
12L	Textile machinery parts:			
	Card clothing	X	•	
	Loop pickers, all types	50	•	
	Loom harness and strapping	35	•	
13	Wire and cable:			
13A	Insulation compounds for:			
	Thin wall insulation (18 mils or less) except for building wire.	X	X	
	Insulation except for Type R building wire.	X	•	
	Type R and RU building wire.	------	------	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber, natural rubber latex and synthetic rubber shall be synthetic rubber.
	Frame wire	------	------	Do.
13B	Jacket compounds for:			
	Portable cord jackets ½" or less in overall diameter.	X	•	
13C	Miscellaneous:			
	Friction tapes and splicing compounds.	X		
	Underground cable connectors.	X		
14	Rubber footwear, including colored rubber footwear and no-mark soles for both rubber footwear and tennis.	------	------	Natural rubber shall not be used in excess of 60 percent by volume of the total compound mix for the quarter, and provided that synthetic rubber shall not be less than 10 percent of the total quarterly consumption of natural and synthetic rubber RHC. No type of rubber footwear shall contain more than 98 percent natural rubber. Natural rubber latex permitted in the manufacture of rubber-soled fabric footwear of vulcanized construction—vulcanized as a unit.
15	Heels and soles	------	•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber. No type of rubber heels or soles shall contain more than 98 percent natural rubber.
16	Cements:			
16A	Cements for all purposes not elsewhere listed.	------	------	(a) A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber. (b) A minimum of 33⅓ percent of the total quarterly consumption of natural rubber latex and synthetic rubber latex shall be synthetic rubber latex.
16B	Miscellaneous uses in the manufacture of any product for adhesion, splicing, and repair purposes only.	X	X	
17	Proofed or coated fabrics	------	------	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber. Natural rubber latex permitted only for elastic fabrics (condensed coated knitted fabrics).
18	Drug sundries, medical, surgical and dental:			
18A	Adhesive products:			
	Moleskin and medicated plasters.	X	•	
18A	Adhesive products—Con.			
	Pressure sensitive foot products.	X	•	
	Surgical tape and cohesive bandage.	X	X	
18B	Bulbs:			
	Medical bulbs	X	------	Natural rubber latex permitted for blood pressure bulbs only.
	Medicine droppers	X	•	
	All other bulbs	X	•	
18C	All medical, surgical, dental, veterinary and mortuary products, including infant feeding goods, pacifier nipples and animal feeding nipples (excluding flat goods).	X	X	
	All other sundries including baby pants, bathing caps, crutch tips, dress shields, embalmers' supplies, flat goods, hard rubber druggist sundries, unsupported sheeting, and household and commercial health products.	------	•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
21	Bullet sealing fuel and oil cells.	X	X	
22	Miscellaneous:			
22A	Athletic equipment:			
	Ball centers	X	•	
	Ball covers	X	•	
	Bladders and valves	X	•	
	Exerciser straps	X	•	
	Handballs, squash, La Crosse and tennis balls.	X	•	
	Inflatable balls, including beachballs.	X	•	
22B	Balloons	------	66⅔	No product shall contain in RHC less than 33⅓ percent synthetic latex by weight.
22C	Cushioning and sponge:			
	Curled animal hair	------	------	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber, natural rubber latex and synthetic rubber shall be synthetic rubber
	Later foam products	------	66⅔	No product shall contain in RHC less than 33⅓ per cent synthetic latex by weight.
	Sponge for all purposes not elsewhere listed.	------	•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber
22D	Safety respiratory equipment:			
	Breathing apparatus, safety masks and respirators, including parts.	X	X	
22E	Miscellaneous products:			
	Chlorinated and cyclized rubber for adhesives, protective coatings, including paints and inks.	------	•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Chlorinated and cyclized rubber for all purposes not elsewhere listed.	X	•	
	Flavored masticating gum	X	•	
	Fly paper	------	•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Girdles	X	X	
	Molded undercut falls	------	•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Parachute bands and ventilating rings.	X	•	
	Protective coatings for food packaging.	X	X	
	Protective coatings, including paints and inks.	------	•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Tobacco pouches and key cases.	------	•	Do.

APPENDIX I—LIST OF PERMITTED PRODUCTS—Continued

(1) Code No.	(2) Product	(3) Percent natural rubber	(4) Percent natural rubber latex	(5) Special restrictions or provisions
22I	Pressure sensitive tape	------	------	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber. Natural rubber latex permitted only for the manufacture of protective tape for use on highly polished metal surfaces.
22G	Stationers' supplies:			
	Erasers	------	•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
	Pen sacs	X	X	
	Rubber bands	------	------	Do.
22H	Rubber thread	X	X	Natural rubber latex permitted only for textile thread.
22J	Rubber tape and elastic bands for clothing.	60	•	
22K	Toys:			
	Molded and blown dolls and parts, and inflated gas balls.	X	•	
	All other toys	------	•	A minimum of 33⅓ percent of the total quarterly consumption of natural rubber and synthetic rubber shall be synthetic rubber.
22I	Any product other than products listed in Codes 1–22K inclusive for which natural rubber or natural rubber latex is permitted.	------	------	(a) Natural rubber may be consumed in the manufacture of any product whatsoever to the extent of 10 percent of the RHC by weight.
22L	Any product other than products listed in Codes 1–22K, etc.—Continued.	------	------	(b) Application for an authorization to consume natural rubber latex for any products covered by this Code 22L must be submitted on Form OMD–4–55 as required by Section 4400.93a of Order R–1, as amended. (c) Natural rubber latex may be consumed in the manufacture of any product covered by this Code 22L, but only in the poundage and in the percentage of RHC as specifically authorized by the Office of Materials Distribution, Department of Commerce, on Form OMD–4575. (d) The poundage authorized will be based upon available supplies. The proportion of natural rubber latex which will be authorized for a given product will be based upon the ability of the applicant to blend natural and synthetic latices as disclosed on Form OMD–4575. (e) The restrictions or provisions under this Code 22L do not in any way relieve the obligations imposed by provisions applicable to products listed in any other Code of this Appendix I.

[F. R. Doc. 47–6683; Filed, July 14, 1947; 9:05 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 2,[1] Order 9]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

NATIONAL AND REGIONAL VETERANS SET-ASIDE LISTS

War Assets Administration Regulation 2, Order 9, June 1, 1947, entitled "National and Regional Veterans Set-aside Lists," (12 F. R. 3859) is hereby revised and amended as herein set forth.

Section 8302.4 (a) of this part provides that except as to the amounts of any property necessary for the temporary use of any disposal agency to carry out its responsibilities in disposing of surplus property under the Surplus Property Act of 1944, each disposal agency to which there is assigned for disposal any property of the types set forth by order issued thereunder shall set aside all, or such percentage of such property as is designated in such order. Accordingly, it is hereby ordered that:

§ 8302.59 *National and regional veterans set-aside lists.* Except as indicated the items listed in Exhibit A hereof shall constitute the National Veterans Set-Aside List and the items listed in Exhibit B hereof shall constitute the Regional Veterans Set-Aside List.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265))

This order shall become effective July 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JULY 1, 1947.

EXHIBIT A

NATIONAL VETERANS SET-ASIDE LIST

(The following items in "0" condition or better)

MOTOR VEHICLES

	Commodity code classification
Trucks, amphibian, ¼-ton, 4 x 4	90 1001
Carrier, light cargo (the weasel)	90 1002
Trucks:	
"The Jeep", ¼-ton, 4 x 4	90 1003
Carry-all, ½-ton, 4 x 2	90 1004
Canopy express, ½-ton, 4 x 2	90 1005
Pickup, ½-ton, 4 x 2	90 1006
Panel delivery, ½-ton, 4 x 2	90 1007
Carry-all, ½-ton, 4 x 4	90 1008
Command reconnaissance, ½-ton 4 x 4	90 1009
Emergency repair, ½-ton, 4 x 4	90 1010
Panel delivery, ½-ton, 4 x 4	90 1011
Pickup, ½-ton, 4 x 4	90 1012
Radio, ½-ton, 4 x 4	90 1013
Weapons carrier, ½-ton, 4 x 4	90 1014
Panel delivery, ¾-ton, 4 x 2	90 1015
Pickup, ¾-ton, 4 x 2	90 1016
Carry-all, ¾-ton, 4 x 4	90 1017
Command, ¾-ton, 4 x 4	90 1018
Emergency repair, ¾-ton, 4 x 4	90 1019
Light maintenance and installation, ¾-ton, 4 x 4	90 1020
Weapons carrier, ¾-ton, 4 x 4	90 1021
Canopy express, 1-ton, 4 x 2	90 1022
Pickup, 1-ton, 4 x 2	90 1023

EXHIBIT A—Continued

NATIONAL VETERANS SET-ASIDE LIST—Con.

MOTOR VEHICLES—continued

	Commodity code classification
Trucks—Continued	
Combination stake and platform, 1½-ton, 4 x 2	90 1024
Cargo, 1½-ton, 4 x 2	90 1025
Canopy express, 1½-ton, 4 x 2	90 1026
Dump, 1½-ton, 4 x 2	90 1027
Panel delivery, 1½-ton, 4 x 2	90 1028
Pickup, 1½-ton, 4 x 2	90 1029
Bomb service, 1½-ton, 4 x 4	90 1031
Cargo, 1½-ton, 4 x 4	90 1032
Combination stake and platform, 15 ft., 1½-ton, 4 x 4	90 1033
Combination stake and platform, c. o. e., 1½-ton, 4 x 4	90 1034
Dump, 1½-ton, 4 x 4	90 1035
Panel delivery, 1½-ton, 4 x 4	90 1036
Panel delivery, 1½-ton, 4 x 4 (K–51)	90 1037
Ordnance maintenance, 1½-3-ton, 4 x 4	90 1038
Cargo, 2½-ton, 4 x 2	90 1039
Combination stake and platform, 2½-ton, 4 x 2	90 1040
Dump, 2½-ton, 4 x 2	90 1041
Cargo,[2] 2½-ton, 6 x 4	90 1042
Tractor, 1½-ton, 4 x 2	90 1044
Tractor, 1½-ton, 4 x 4	90 1045
Tractor, 2½-ton, 4 x 2	90 1046
Tractor, c. o. e., 2½-ton, 4 x 4	90 1047
Tractor,[2] 2½-ton, 6 x 4	90 1048

Note: Trucks, tractor, code numbers 90 1044 through 90 1048 include trucks which are cab and chassis units.

Buses:		
Sedan, converted, 15-passenger, 4 x 2	90	1075

[2] Not less than 10% reserve for veterans set-aside.

[1] 12 F. R. 1935.

EXHIBIT A—Continued

NATIONAL VETERANS SET-ASIDE LIST—Con.

MOTOR VEHICLES—continued

	Commodity code classification	
Car:		
Passenger, light, all body types, 4 x 2, includes Crosley, Bantam and others	90	1079
Passenger, medium and heavy, all body types, 4 x 2	90	1080
Station wagon, including auxiliary ambulance station wagon, 4 x 2	90	1081
Motorcycle, all types, 2 x 1 and 3 x 1	90	1085
Scooter, motor, with or without package carrier, all types	90	1086

MEDICAL AND DENTAL EQUIPMENT AND INSTRUMENTS

Medical equipment:		
Electro-cardiographs	90	5103
Basal metabolar	90	5104
Cystoscope	90	5105
X-ray medical equipment and accessories:		
X-ray, field unit, table unit	90	5201
X-ray, field mobile unit	90	5202
X-ray generating equipment:		
200 MA generator, plus tilt table	90	5203
100 MA generator, plus tilt table	90	5204
30 MA mobile unit, office type and field type	90	5205
15 MA portable	90	5206
Vertical fluoroscope	90	5208
Cassette changer	90	5209
Large stereoscope	90	5210
1 Position table for radiography, with Bucky diaphragm	90	5211
Physiotherapy equipment:		
Diathermy apparatus, 110-volt, 60-cycle:		
1 conventional circuit	90	5304
2 crystal control circuits	90	5305
Dental equipment and supplies:		
Cabinet, dental	90	5602
Chairs, dental, operating	90	5603
Unit, operating dental: 110-volt, 25-cycle / 110-volt, 60-cycle / 110-volt, D. C. / 110-volt, 50-cycle / 220-volt, 60-cycle	90	5642
Machine, X-ray, dental, shock-proof 110- to 220-volt 60 cycle	90	5644

OFFICE FURNITURE

Office Furniture—50% of the inventory items listed below in "O" condition or better shall be offered to veterans

Desk—"Top" executive, 72 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges, and matched woods)	90	6501
Desk—"Top" executive, 66 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish, and molding, generally has rounded corners and edges, and matched woods)	90	6502

EXHIBIT A—Continued

NATIONAL VETERANS SET-ASIDE LIST—Con.

OFFICE FURNITURE—continued

	Commodity code classification	
Desk—Executive or regular, 60-inch flat top, mahogany, oak or walnut finish, double pedestal, w/o locks, metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; w/o drawer guides; open or sealed back; double or single	90	6503
Desk—Executive or regular, under 60-inch, flat top, mahogany, oak, or walnut finish; double or single pedestal, with or without locks; metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; with or without drawer guides; open or sealed back, single	90	6504
Desk—"Top" stenographic, left or right pedestal, 60 inch or over, mahogany, oak, or walnut finish, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges and matched woods)	90	6506
Desk—Stenographers' or typewriter desk, 60 inch, mahogany, oak, or walnut finish, typewriter drop center, right or left side; with or without locks; double or single pedestal	90	6507
Desk—Stenographers' or typewriter desk, under 60 inch, mahogany, oak, or walnut finish, double pedestal, with or without lock; typewriter drop center, right or left side; double or single pedestal	90	6508
Chairs—Office, non-swivel chairs with arms; all types of backs, arms and legs, including "Bank of England" type; any type of finish	90	6510
Chairs—Office, w/o arms, non-swivel; all types of backs and legs; any type of finish	90	6511
Chairs—Stenographers' posture; any type of stenographers' chairs with mechanism to adjust back for posture; any type of finish	90	6512
Chairs—Stenographers' regular, all types of swivel chairs w/o arms, except posture; any type of finish (not including Victory)	90	6513
Chairs—Swivel, plain, with arms, full swivel (metal) tilting; back may be padded, including "Bank of England"; all types of finish	90	6514
Chair—"Top" executive, upholstered back, seat, nonswivel or full swivel (metal) tilting with upholstered arms	90	6516
Filing cabinets, metal or wood, recommended set-aside 50%. Cabinets, file, vertical, letter legal, or cap size, with or without locks, suspension arms; any type of finish:		
5-drawer,		
4-drawer,		
3-drawer,		
2-drawer.		
Cabinets—file, metal, vertical, letter, legal or cap size, with or without locks, any type of finish	90	6521
Cap-size: Inside dimensions: 15½ x 10$^{13}/_{16}$ x 26½; with follower block; any type of finish.		
Letter-size: Inside dimensions: 12¼ x 10$^{13}/_{16}$ x 26½; with follower block; any type finish.		

EXHIBIT A—Continued

NATIONAL VETERANS SET-ASIDE LIST—Con.

OFFICE FURNITURE—continued

	Commodity code classification	
Filing cabinets—Continued		
Cabinets—steel (used), filing, insulated, record container; one hour fire resisting; with impact and explosion test	90	6523
Cap-size: Inside dimensions: 15½ x 10$^{13}/_{16}$ x 26½; with follower block; any type finish.		
Letter-size: Inside dimensions: 12¼ x 10$^{13}/_{16}$ x 26½; with follower block; any type finish.		
Tables — Conference; 72-inch or over, with or without drawers; any type of finish	90	6531
Tables—Conference; 60-inch; with or without drawers; any type of finish	90	6532
Tables—36-inch, with or without drawers; any type finish	90	6533
Tables—Telephone, top approximately 16 x 22 inches	90	6534
Tables—Typewriter, with or without rollers	90	6535

NOTE: Exhibit B revised July 1, 1947.

EXHIBIT B

REGIONAL VETERANS SET-ASIDE LIST

ZONE I

BOSTON REGION NO. 1

Lanterns, hand (used by the Navy)	32	7610
Typewriters. (Residue of offerings to Federal agencies and R condition)	38	8000

NEW YORK REGION NO. 2

Guns, lubricating, steel, hand lever operated, low pressure 1 lb. capacity [1]	31	9711
Drill presses, bench and floor, single spindle up to ¾" capacity	34	1310 / 1320
Arc welders, portable type	34	5111
Torches, welding, Model Smith Style #5, with welding pipe hose connections, and shut-off valve	34	5210
Regulator, oxygen, used for welding, Airco Model #6401, ⅜" pipe size, air screwed and connections, automatic pressure compensation	34	5280
HT-36 Fertilizer attachment	35	1800
Photographic equipment except 35 MM projectors and motion picture cameras	55	0000
Tubes, truck 600/16	74	3120
Jacks, auto and truck, 3 ton capacity	75	3118
Vises, machinist and blacksmith	75	3145
Clocks, electric, direct reading, grey, drum type, illuminated, to be mounted horizontally 5¼" x 4½" h x 7½" l	75	6423
Clocks, 8 day luminous dial 6" diameter, phenolic black	75	6930

PHILADELPHIA REGION NO. 3

Drills, electric hand	34	8320
Calculating machines	34	2200
Typewriters, standard. (Residue of offerings to Federal agencies, and also R condition items)	38	8000
Car, passenger, all types. (R condition)	45	1110
Station wagon (R condition)	45	1130

RICHMOND REGION NO. 12

Blankets, except those on National Program A-120	69	3400

[1] Not less than 10% reserve for veterans set-aside.

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE II

ATLANTA REGION NO. 6

	Commodity code classification	
Fan, electric	32	8820
Typewriters. (Residue of offerings to Federal agencies and also R condition items)	38	8000
Cash registers:		
Electric	39	5100
Nonelectric	39	5200
Car, passenger, R condition	45	1110
Station wagon, R condition	45	1130
Truck, jeep ¼ ton, R condition	45	4450
Bicycles, all types	49	1100
Refrigerator:		
Walk-in, complete	52	3100
Reach-in, electric	52	3210
Safe	54	3100
Sphygmomanometers	58	2340
Suits, flying summer	67	32181
Jackets, flying, type B-10	67	3330
Blankets, except those on National Program No. A-120	69	3400

CHARLOTTE REGION NO. 13

Bar towing, steel	25	9999
Machine:		
Comptometer (adding), listing, hand operated	33	2100
Comptometer, manually operated	38	2200
Calculator	38	2200
Duplicating, mimeograph, hand operated	38	5200
Typewriters, all types. (Residue of offerings to Federal agencies, and also R condition items)	38	8000
Sterilizer instrument	58	4310
Life preserver, Army and regular	59 / 79	1620 / 9740
Fire extinguisher, carbon tetrachloride, 14" long	59	5120
Bedspreads, white, chenille, 81" x 108"	69	3290
Blankets, except those on National Program No. A-120	69	3400
Pack, field cargo	69	5900
Hose, water or air, ½", 50' long	74	5106
Watch:		
Navigation	75	6960
Navigation, pocket	75	6960
Naviation, stop	75	6960
Padlocks, tumbler type, with key	75	9110
Shotguns	81	1400

JACKSONVILLE REGION NO. 14

Sprayers, paint, portable	31	9940
Lamp, projector	32	7400
Fans, electric, A. C.	32	8820
Saw:		
Circular, woodworking	33	6210
Band, woodworking	33	6220
Planer, woodworking	33	6310
Machine, sander, woodworking	33	6320
Lathe, woodworking	33	6400
Joiner, matchers and moulders, woodworking	33	6500
Grinder, bench	34	1584
Graders, self-propelled	36	5132
Tractor, wheel type, all purpose, under 30 belt HP	37	1210
Lawn mowers	39	9100
Rafts, life [1]	42	8100
Harness assembly, parachute	42	8390
Jackets, life	42	8400
Car, passenger, all types, R condition [1]	45	1110
Station wagon, R condition [1]	45	1130

[1] Minimum of 50% reserve for veterans' set-aside.

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE II—Continued

JACKSONVILLE REGION NO. 14—continued

	Commodity code classification	
Trucks:		
All types of single unit and truck tractors, R condition [1]	45	1300
Ambulance, R condition [1]	45	1401
Dump, R condition [1]	45	1405
Wrecker, R condition [1]	45	1418
Tank, R condition [1]	45	1517
Trailer house, R condition [1]	45	2105
Trailer, jeep, ¼ ton, R condition [1]	45	2199
Truck, jeep, ¼ ton, R condition [1]	45	4450
Bicycles, men	49	1110
Lamps, table	53	4410
Lamps, floor	53	4420
Lantern, electric, portable	53	9290
Table, reading, folding	54	2223
Chest with drawers, wood	54	2326
Safes, office type	54	3100
Bench, office, wood	54	3420
Costumer, wood	54	3490
Cots, folding, steel	54	5215
Tables, folding	54	55133
Lockers, foot, wood and metal [1]	54	7400
Chairs, folding, wood and metal [1]	54	9020
Camera, motion picture, 16 MM	55	1130
Binoculars, field	56	4100
Glasses, magnifying	56	7100
Microscopes, binocular and monocular	56	7300
Forceps:		
Tooth extract, Model 103	58	1551
Tooth extract, Model 150A	58	1551
Tooth extract, Model 151A	58	1551
Lathes, dental, small	58	1610
Machine, dental, casting, small	58	1690
Compressor unit, dental	58	1690
Table, hospital, major operating	58	4100
Lamp, dental	58	4290
Jackets, leather, unused	67	3310
Trousers, flight	67	3310
Comforter [1]	69	3300
Blankets, except those on National Program No. A 120 [1]	69	3420
Bags, aviation, flight	69 / 79	4100 / 9619
Bags, canvas, field	69	5900
Hose, 25' length, rubber	74	5199
Jacks, hydraulic	75	3100
Vises, all types	75	3145
Watches, wrist	75	6100
Boxes, tool	75	7930
Case, carrying, leather	79	9641
Fishing kits	96-79-1610	

NASHVILLE REGION NO. 18

Motors, electric, fractional and 1 to 5 HP, AC and DC, single and three phase	32	1300
Saw, skill, woodworking	33	6210
Trailer, house	45	2105
Mattresses, innerspring	54	1110
Safes, one and two door combinations	54	3100 / 3700
Drafting tables	58	8320
Overalls, men's cotton twill	67	32121
Jacket:		
Aircraft mech. sheep-lined	67	3300
Flying Type A-2 leather	67	3300
Flying Type B-9, B-10, B-11, B-15	67	3300
Hammock, white duck, cotton	69	5900
Bags, assembly flyers clothing B-4	79	9619
Cases, navigation, pilot	79	9641
Blankets, except those on National Program No. A-120	69	3400

BIRMINGHAM REGION NO. 19

Shoe repair machines	33	9400
Refrigerator, commercial, walk-in	52	8210

[1] Minimum of 25% reserve for veterans' set-aside.

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE II—Continued

BIRMINGHAM REGION NO. 19—continued

	Commodity code classification	
Safe	54	3700
Binoculars	56	4000
Sphygmomanometer:		
Mercurial	58	2340
Aneroid	58	2340
Sterilizer, instrument, small	58	4310
Ear, eye, nose and throat examining chair (specialist)	58	4990
Comforters	69	3300
Watch, wrist	75	6100

ZONE III

CINCINNATI REGION NO. 4

Motors, fraction horsepower (less than one horsepower)	32	1310
Tractors:		
Wheel type, special purpose	37	1100
Wheel type, all purpose	37	1200
Garden	37	2000
Bicycle, men	49	1110
Camera	55	1420
Blankets, except those on National Program A-120	69	3400

CHICAGO REGION NO. 5

Barbed wire roll	22	5211
Fence posts, over 5 feet	25	9903
Air compressor, less than 105 cubic feet	31	2100
Hoist, electric 1 to 5 ton capacity	31	5812
Spray unit, including spray gun	31	9940
Battery charger	32	1280
Motors, fractional HP, 110-220 volt, single phase AC and DC standard listing ratings	32	1310
Hot plates, commercial, gas or electric	32	8450
Skillsaws, electric, hand portable	33	6210
Lift, automobile, drive on or free wheeling	33	9951
Refacer, valve, portable	34	8140
Sander, portable, electric, hand	34	8900
Disc plow	35	2300
Mower, haying machinery	35	5710
Hayraker, haying machinery	35	5720
Concrete mixer, 10s or under	36	7210
Tractor, farm wheel, less than 100 HP	37	1000
Ambulance, 1½ ton, 4 x 2	45	1401
Trailer:		
House type	45	2105
¼ ton, cargo	45	2199
1 ton, cargo	45	3303
Glasses, field, 6 x 30, 7 x 50	56	4100
Binoculars, 6 x 30, 7 x 50	56	4100
Binoculars, 6 x 30, 7 x 50	56	4300
Tool kits, complete with tools:		
Aircraft	96-75-3000	
Auto mechanics	96-75-3000	
Carpenter	96-75-3000	
Machinist	96-75-3000	
Jeweler	96-75-3000	
Any other	96-75-3000	

CLEVELAND REGION NO. 15

Cloth, nylon, camouflage	15	8470
Engines, 4 cycle, gasoline, portable, under 6½ HP	31	15422
Spray units, including spray gun	31	9940
Cord, light extension (maximum of 75% reserved)	32	5990
Batteries, auto storage, unused	32	9211
Skillsaw, circular	33	6210
Skillsaw, band	33	6220
Lathes, engine and toolroom: Under 12" swing with center to center under 30", 110-220 volt.	34	16211 / 16221
Arc welding units:		
Complete, under 300 AMP, AC	34	51110
Complete, under 300 AMP, DC portable	34	51120

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE III—Continued

CLEVELAND REGION NO. 15—continued

	Commodity code classification	
Drills, electric portable	34	8320
Jack, screw w/handle, 1½ ton, maximum of 60% reserved for veterans	36 75	9320 3118
Typewriters (Residue of offerings to Federal agencies and also R condition items)	38	8000
Cash register:		
Electric	39	5100
Nonelectric	39	5200
Trucks, dump to include 2½ ton and over	45	1405
Lantern, hand, portable	53	9512
Table, folding, bedside, wood	54	52331
Tables:		
Metal, work	54	5813
Wood, work	54	5833
Microscopes:		
Binocular	56	7300
Monocular	56	7300
Stereoscopic	56	7300
Gage, pressure, tire	57	3900
Protective suits, rubberized	59	1342
Sweaters, coat, navy blue, women's	67	3123
Suits, bathing, women's	67	3125
Robes, terry coat, women's	67	3127
Shirt, white	67	3216
Uniforms, women's	67	3222
Jackets, wool gabardine, women's	67	3223
Shirts, navy blue, women's	67	3224
Clothes, work, women's	67	3226
Playsuits, women's	67	3227
Raincoats, navy blue, women's	67	3400
Socks, white, women's	67	4200
Gloves, black kid, women's	67	5120
Gloves, black wool, leather palms, women's	67	5328
Ties, windsor light	67	9311
Scarves, white, women's	67	9312
Handbags, white, women's	67	9800
Shoes:		
Women's	68	3000
Dress, women's	68	3100
Gym, low cut, women's	68	3400
Boots, rubber, safety toe, ¾ length, hip	68	7200
Overshoes, women's	68	7300
Blankets, except those on National Program No. A-120	69	3425
Hammer, machinists, (maximum of 30 reserved)	75	31143
Screw drivers:		
Close quarter (maximum of 30% reserved)	75	3134
Machinists (maximum of 2 reserved)	75	31344
Jewelers	75	31345
Wrench:		
Monkey (maximum of 90% reserved)	75	31471
Socket set No. 41-W-2295	75	31476
Miscellaneous	75	31479
Spike, band, tubulous steel hollow	75	3199
Knife, electricians, 3" blade (maximum of 35% reserved)	75	4514
Micrometers	75	8050
Calipers, vernier	75	8163
Tool kits:		
Machinists	96	75-3000
Carpenters	96	75 3000

DETROIT REGION NO. 16

Tape:		
Scotch	14	5599
Rubber	29	1940
Friction	29	1941
Pumps, hand, automotive	31	2260
Motors, fractional HP, 110-220 volt, AC and DC standard listing ratings	32	1310

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE III—Continued

DETROIT REGION NO. 16—continued

	Commodity code classification	
Drilling machines, 110-220 volt, single phase	34	1300
Bench grinder, 110-220 volt, single phase	34	1584
Lathes, bench 110-220 volt, single phase	34	1620
Torches, cutting and welding	34	5210
Regulators:		
Oxygen	34	5280
Acetylene	34	5280
Lamps, bed, double hook	53	4450
Chairs, office, metal	54	3210
Beds, hospital	54	5215
Drafting:		
Instruments	58	8100
Boards	58	8390
Helmets, welding hand shields	59	1210
Goggles, welding	59	1241
Fire extinguishers and brackets	59	5110
Trousers, wool, OD	67	32181
Gloves, asbestos	67	5400
Blankets, except those on National Program A-120	69	3400
Tents, 2-man	69	5200
Bag assembly, stowage (canvas)	69	5900
Tool bag assembly, steel and duck	69	5900
Vises, all types	75	3145
Shotguns	81	1400
Tool kits, mechanics	96-75-3000	
Generator repair kits, automotive	96-45-6190	

LOUISVILLE REGION NO. 17

Machines, adding, electric	38	2100
Typewriters, all types, R condition	38	8000
Car, passenger, 4 x 2, R condition	45	1110
Station wagon, 4 x 2, R condition	45	1130
Trucks:		
S & P, 1½ ton, 4 x 2, R condition	45	13002
S & P, 2½ ton, 4 x 2, R condition	45	13003
Dump, 1½ ton, 4 x 2, R condition	45	1405
Dump, 2½ ton, 4 x 2, R condition	45	14053
¼ ton	45	2100
Jeep, ¼ ton, 4 x 4, R condition	45	4450
Motorcycle, R condition	45	7000
Camera, still, except aerial	55	1400
Microscope, monocular, lab	56	7200
Sphygmomanometer, aneroid	58	2340

MINNEAPOLIS REGION NO. 21

Motors:		
Electric, fractional HP, AC only	32	1311
Electric, 1 HP to 5 HP, AC only single and 3 phase	32	13213
Welders, arc, 200 and 300 AMP	34	5100

ZONE IV

KANSAS CITY REGION NO. 8

Fans, exhaust, mechanical draft	31	7120
Light plants, 1.5 KW, DC, gasoline	32	1242
Fans, office and household types	32	8800
Slicing machines, meat, electric	33	19310
Grinder, automotive, portable (105-115 volts)	33	9959
Sander, electric, portable, 110 volt	34	8320
Tractor, wheel type, all purpose	37	1210
Typewriters, all types. Residue of offerings to Federal agencies, and also R condition items	38	8000
Wheelbarrows, steel	49	2210
Coolers, room, water coil type	52	1120

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE IV—Continued

KANSAS CITY REGION NO. 8—continued

	Commodity code classification	
Refrigerator, walk-in, commercial, complete	52	3100
Coolers, water, electric	52	9310
Lamps, desk, fluorescent	53	5920
Chairs, dining, wood	54	2231
Tables, dining, wood	54	2233
Binoculars, prism with case	56	4300
Forceps, winter #1, dental extracting	58	1551
Teeth combination sets, prosthetic	79	42122
Shot guns	81	1400

DENVER REGION NO. 9

Motors:		
Electric, under 1 HP (single phase)	32	1311
Electric, 1 to 3 HP (single phase)	32	1321
Saws, table, powered, up to 14"	33	6210
Lathes, engine (metalworking) up to 16" swing	33	6950
Typewriters. Residue of offerings to Federal agencies and also R condition items	38	8000
All motor vehicles, listed on National Set Aside List which are less than 0-4 condition	45	0000
Dental laboratory casting machines	58	1690
Blankets, except those on National Program A-120	69	3400
Watches:		
Wrist	75	6100
Pocket	75	6110

ST. LOUIS REGION NO. 22

No additional items other than those included in the National Veterans Set-Aside List (See Exhibit A).

OMAHA REGION NO. 24

Drills, Electric, portable	34	3820
Blanket:		
Wool, white, Army hospital	69	3425
Wool, 67 x 84, OD, Except those on National Program A-120	69	3425
Towel, cannon, bath, white	69	3610
Pail, 14 qt. HD	75	7910

ZONE V

NEW ORLEANS REGION NO. 20

Fan, window, with motor, industrial, axial, light duty	31	7131
Blankets, except those on National Program A-120	69	3400

TULSA REGION NO. 25

Motors, electric, 5 HP and under	32	1300
Vacuum cleaners, domestic type	32	8310
Fans, electric, single phase	32	8800
Machine, sewing, Model 31-15, Singer	33	2511
Saw:		
Circular, 16" Model GK DeWalt	33	6210
Portable, Model 87, Skillsaw 8"	33	6290
Table, Walker Turner	33	6290
Table, Delta 8"	33	6290
Radial, cutoff, 16" DeWalt	33	6290
Radial, Model GP, DeWalt	33	6290
Lathe, woodworking, "Duro"	33	6410
Tractors, farm type under 100 HP	37	1000
Drafting instruments, #	58	8110
Transit, Engr. w/case and tripod	58	8720
Level, Dumpy, 18" w/case and tripod	58	8720
Level, K and E, #5010F, w/cover and tripod	58	8720

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE V—Continued

TULSA REGION NO. 25—continued

	Commodity code classification	
Blankets, except those on National Program A-120	69	3400
Glasses, flying, sun	79	3400

GRAND PRAIRIE, TEXAS REGION NO. 26

(Dallas, Little Rock, Ft. Worth)

Motors:		
Electric, ½ to 1 HP	32	1310
Electric, 1 to 3 HP	32	1320
Fans, electric, table type, oscillating, 6", 12", and 16" sizes	32	8800
Drills, Electric, portable	34	8320
Truck:		
CS & P, 1½ ton, 4 x 2, R condition	45	13002
Cargo, 2½ ton, 6 x 4, R condition	45	13003
Cargo, 2½ ton, 6 x 6, without winch	45	13003
Trailers, Jeep, ¾ ton	45	3299
Table, operating, Equine (Veterinary)	58	4190
Incubator, bacteriological, small, 110 volt	58	5810
Balance prescription, Torsian	58	6590
Blankets, except those on National Program A-120	69	3400
Rolls, bedding, waterproofed	69	6900

HOUSTON REGION NO. 27

Trucks:		
Pickup, ¾ ton, 4 x 2, R condition	45	1300
Pickup, ½ ton, 4 x 2, R condition	45	13001
S & P, 1½ ton, 4 x 2, R condition	45	13002
Cargo, 1½ ton, 4 x 2, R condition	45	13002
Jeep, ¾ ton, 4 x 4, R condition	45	4450
Stools:		
Drafting, metal	54	3122-[illegible]
Drafting, wood	54	3322-[illegible]
Tables:		
Drafting, wood, w/stand	58	8320
Drafting, wood, Model No. 160, 36" x 60"	58	8320
Blankets, except those on National Program A-120	69	3400

SAN ANTONIO REGION NO. 28

Machines, computing and listing	38	2900
Car, passenger, light, 4x2, R condition	45	1110
Station wagon, 4x2, R condition	45	1130
Truck:		
Pick-up, ½ ton, 4x2, R condition	45	1300
CS & P, 1½ ton, 4x2, R condition	45	13002
¼ ton, 4x4, (Jeep) R condition	45	4450
Ranges, cooking, domestic	51	5300
Refrigerators, reach-in, commercial	52	3200
Blankets, except those on National Program A-120	69	3400

ZONE VI

SAN FRANCISCO REGION NO. 10

(Except such items which may be located in or may be on display for sale at the Marine Ship Terminal, San Francisco, California.)

Horses	01	6000

* Only item for Little Rock, Arkansas. A reserve of this item has been made for other priority buyers.

† In all regions under Grand Prairie jurisdiction.

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE VI—Continued

SAN FRANCISCO REGION NO. 10—continued

	Commodity code classification	
Prefabricated Structures, Quonset huts, 20' x 48', except hangars	13 25	9914 1400
Irons, electric, flat	32	8320
Plow:		
Tractor, mold board (R condition or better)	35	2200
Disc, tractor-drawn or mounted (R condition or better)	35	2300
Harrows (R condition or better)	35	3100
Cranes:		
Truck, over 5-ton (R condition or better)	36	4100
Crawler, ½ yard to 1½ yard (R condition or better)	36	4100
Scraper, carryall, 4 yard and 6 yard (R condition or better)	36	4300
Ditchers (R condition or better)	36	4400
Graders, motorized (R condition or better)	36	5130
Mixer, cement, 3 cu. ft. or over (R condition or better)	36	7000
Tractor:		
Wheel type (R condition or better)	37	1000
Tracklaying of the following DBPH: 20-29, 30-45, 46-60, 61-90, and 91-140 (R condition or better)	37	3000
Adding machine	38	2100
Calculating machine	38	2200
Duplicating machine	38	5200
Typewriters (R condition)	38	8000
Typewriter O-4 or better condition. Residue of Offerings to Federal Agencies	38	8000
Laundry equipment, domestic, household type	39	1100
Sewing machine, household	39	2000
Cash registers	39	5000
Radio receiving equipment (as selected for veterans use)	41	1000
Radio transmitting equipment (as selected for veterans use)	41	2000
Radio receiver SX-28, hallicrafters complete with tubes and crystals, with speaker PM-23 (O condition)	41	3642
Recorders, wiretype, SC #6C263-8A	41	9220
Rafts, life, pneumatic, 2 man	42 59	8100 1650
Boat, recon., pneumatic, canvas 2 man	43	5900
All motor vehicles, listed on National Set-Aside List which are less than 0-4 condition	45	0000
Trailers:		
House, all types	45	2105
¼ ton cargo	45	2199
Chifforobes	54	2226
Cameras:		
Motion picture, 16 MM, silent	55	1130
Still, view, except roll film type or aerial	55	1432
Press type, except reflex (combat)	55	14252
Projector, motion picture, 16 MM sound	55	2120
Enlargers, all types, except microfilm	55	2400
Photo lens	55	3220
Film, motion picture, 16 MM color	55	6212
Binoculars:		
6 x 30	56	4100
7 x 30	56	4300
Gen. R. F. Signal, 1-72, port test equip. to align radio sets, range 100 KC, 32 MC, 110-125 volt, 60 cycle, AC	57	2811

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE VI—Continued

SAN FRANCISCO REGION NO. 10—continued

	Commodity code classification	
Signal Corps oscilloscope, I-134, 3" cr. tube, Type #224, unused	57	2832
Vacuum tube voltometer, Model 110, 100-130 volt, AC 40-60 cycle, 20 W tubes, unused	57	2851
Test set multimeter, radio, port, Model 542, less batteries	57	2856
Multimeter:		
1-239, pocket type, VOM ranges AC/DC, V 5001, 1000 OHM volt with cover and test leads Triplett #666	57	2856
Portable, ranges, 0-150 V, AC-015V, AC-0-150MA DC, 0-3000 ohms, 0-200,000 ohms, 0-30V DC, 0-300V DC, 0-1500 V DC, Sens 1000 ohms V	57	2856
AC DC Voma, Simpson, #260, V-ranges (2.5-10-50-250-1000) 0-500 MA ranges -1-10-100 and 500 DC DB-Range-10- to plus 55, ohm Range-0-1000-100,000-10 meg, Sens-20,000 ohms/v-DC-1000, ohms V AC	57	2856
Tools:		
Radio equipment	57	2900
Kits, electronic	96-57	2900
Tool equipment:		
TE-45, tools for aligning receiver	96-57	2900
TE-113, tools for aligning receiver	96-57	2900
Forceps, tooth extraction, Nos. 215, 151A, 150A, 103, 65, 18L, Nor. 18	58	1551
Lathe, dental polishing (R condition)	58	1610
Machine, casting, small dental	58	1640
Engine, dental laboratory, electric (R condition)	58	1690
Engine, dental	58	1700
Cases, diagnostic, ear, nose, throat, unused	58	2199
Sphygmomanometer, aneroid, with bag, bulb and sleeve	58	2340
Table, urological	58	4160
Lamps:		
Operating, unit attachment to dental operating unit	58	4290
Therapeutic, mercury, arc	58	4290
Infra red, small, therapeutic	58	4290
Therapeutic, carbon arc, large	58	4290
Bath:		
Leg, therapeutic, whirlpool	58	4600
Arm, therapeutic, whirlpool	58	4600
Baker, therapeutic, electric	58	5820
X-Ray unit, field machine, consisting of chest MD-X-2, MD-Y-3, and MD-X-4	58	7460
Dryers:		
Load bin, film, X-ray (R condition)	58	7400
Load bin, film, X-ray (O condition)	58	7400
Blankets, except those on National Program A-120	69	3400
Tents, 2 and 4 man mountain, unused	69	5200
Watches, wrist	75	6100
Clocks, ship, all types	75	6900
Tool kits:		
Mechanics	96 75	3000
Carpenter	96 75	3000
Electrician	96 75	3000
Sheet metal	96 75	3000
Dock builders	96 75	3000
Linesman	96 75	3000
Plumbing	96 75	3000

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE VI—Continued

SAN FRANCISCO REGION NO. 10—continued

	Commodity code classification
Tool kits—Continued	
Forge	96 75 3000
Cement finishers	96 75 3000
Wire rope splicing	96 75 3000
SEATTLE REGION NO. 11	
(Spokane and Helena)	
Motors, electric, ½ HP, DC	32 1312
Saw, electric, portable, woodworking	33 6950
Grinder, bench	34 1584
Presses, laundry and tailor	39 1254
Trailers, 1 ton, 2 wheel	45 3299
Stoves, single gas, Coleman	51 5370
Benches, shop, metal	54 5816
Lockers, clothes, steel, single tier with semi-louvered door	54 73111
Lockers, clothes:	
Steel, single tier with full perforated door	54 73113
Wood, single tier with semi-louvered door	54 73311
Chairs, steel folding	54 90201
Glasses, field	56 4180
Blankets, except those on National Program A-120	69 3400
Tent:	
Squad, 32' x 16'	69 5200
Pyramidal, 16' x 16'	69 5200
Tarpaulin	69 5900
Wrenches, pipe, 48"	75 31474
Adze, carpenter's	75 32011
Watches, wrist, navigation type	75 6110
Tool kits, carpenter's	96 75 3000
SALT LAKE CITY REGION NO. 30	
Compressors, air, single acting, two stage mounted and not mounted, stationary and portable	31 21113 31 21114
Motors, electric, single phase, ½ HP, AC and DC current	32 1310
Cleaners, vacuum	32 8310
Irons, electric, household	32 8322
Range, home electric, 3 burner with or without oven	32 8410
Hot plates, electric	32 8450
Woodworking equipment, hand and power operated which is convertible to small shop and home use	33 6000
Grinder, bench	34 1580
Lathes, bench, small	34 16123
Welder, arc, ½ HP motor driven	34 5110
Drills, electric portable, ¼''	34 8320
Bookkeeping (accounting) machine	38 1100
Computing, adding machines	38 2100
Washing machine, household	39 1110
Sewing machine, household	39 2000
Cash register, nonelectric	39 5200
Lawn mower	39 9910
Rafts, life, pneumatic, 7 man	42 8100 59 1640
Trailers:	
House	45 2105
¼ ton	45 2199
Bicycle, men's	49 1110
Wheelbarrow, metal r whl	49 2210
Stove:	
Gas, 2 burner, portable	51 5370
Gas, 1 burner, Coleman	51 5370
Chairs:	
Living room, upholstered	54 23111
Folding, wood, W. D. W. O. arms	54 2319
Porch	54 23611
Rocker, porch	54 23612
Ottoman, overstuffed	54 24123
Stools, office, rotary, 21 inch	54 3122
Files, card:	
11 x 12 x 13	54 3141
12 x 16, 2 drawer, 3 x 5	54 3340
15 x 15, 2 drawer	54 3340

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE VI—Continued

SALT LAKE CITY REGION NO. 30—continued

	Commodity code classification
Table instrument	54 5213
Safety cash deposit box	54 6102
Lockers:	
Steel, 18 x 24 x 72	54 7311
Foot	54 7430
Projectors:	
16 MM, sound	55 2120
W CF	55 2200
Projector, lantern slides	55 2213
Glasses, field, 6 x 30	56 4100
Binocular, 7 x 50 MM	56 4300
Microscope	56 7200
Compass, magnetic watch type	57 6500
Hand piece, dental	58 1500
Elevator, dental	58 1530
Forceps, dental, extraction	58 1551
Lathe, dental laboratory	58 1610
Engine, dental, foot	58 1700
Manometer, wall type and mercurial type	58 2330
Aspirating unit, dental	58 3007
Forceps, medical	58 3043
Tables:	
Examining	58 4120
General operating	58 4130
Lamps, operating	58 4200
Sterilizer, instrument, electric	58 4310
Cabinet, dressing and supply, Med. Tld. Type	58 4930
Centrifuge	58 5111
Transit, engineers	58 8720
Levels, engineers	58 8720
Compass, foresters	58 8740
Drafting tables	58 8320
Sleeping bags—kapok filled	69 6300
Vises:	
Mechanics, bench	75-3145-10
Woodworker	75-3145-20
Watch, pocket and wrist	75 6100
Toboggan, wood, military	79 17991
Mandrel	79 4299
Shot guns	81 1440 81 1450
Instrument drawing set	96-58-8110
Tool kit sets:	
Blacksmith w chest	96-75-3000
Commissary w chest	96-75-3000
Electrician	96-75-3000
Carpenter	96-75-3000
Pipe tap and die, ¼''–1'' set	96-75-3220
Blankets, except those on National Program A-120	69 3400
PORTLAND REGION NO. 32	
Fan, Electric, oscillating, 10'' and 12'' AC	32 8821
Bookkeeping machine, Model DC-44 EK	38 1100
Adding machine, electric	38 2100
Calculator machine	38 2200
Comptometer machine	38 2200
Spirit ditto machine	38 5100
Stencil duplicating machine	38 5200
Recorder, time machine	38 6100
Clock, time stamping machine M-7400	38 6200
Typewriters (R Condition)	38 8000
Machine, numbering	38 9900
Cash register	39 5200
Radio, ship equipment, M-SLR, 12-B	41 3490
Life preservers	42 8400
Car, passenger, 4 x 2 (R condition)	45 1110
Bus, 29 passenger (R condition)	45 1200

* Not less than 10% reserve for veterans set-aside.

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE VI—Continued

PORTLAND REGION NO. 32—continued

	Commodity code classification
Trucks:	
Pickup, ½ ton (R condition)	45 13001
Cargo, 1½ ton (R condition)	45 13002
Stake, 1½ ton (R condition)	45 13002
Cargo, 2½ ton (R condition)	45 13003
Stake, low bed, 3 ton (R condition)	45 13003
Dump, 1½–2½ ton (R condition)	45 1405
Trailers:	
Semi lowbed, 2½ ton	45 2107
Semi bus, 40–50 passenger	45 2108
Semi stake and platform	45 2111
Semi tank, 2,000 gallon	45 2114
Semi van, 7 ton	45 2115
Semi cargo, 5 ton	45 2199
Semi cargo, 3½ ton	45 2199
Trucks:	
Weapons carrier, ¾ ton (R condition)	45 3199
Tractor, 2½ ton, 6 x 4 (R condition)	45 3199
Trailers:	
Cargo, amphibian	45 3299
Semi stake, 10 and 12½ ton	45 3312
Truck, Jeep, ¼ ton (R Condition)	45 4450
Engines:	
6 cylinder, truck, ¾ ton	45 5120
4 cylinder, Jeep, ¼ ton	45 5120
Motorcycle (R condition)	45 7000
Bicycle, men's	49 1110
Cart, food, non electric	51 6900
Lamps:	
Floor, metal and wood	53 4429
Dark room	53 5910
Desk, gooseneck	53 9110
Stool, wood, 13½''	54 33221
Stands:	
Wood (victory type) R condition	54 33329
Ash tray, R condition	54 33329
Desk, island base, victory—R condition	54 33521
File, wood, section	54 3373
Chest, office, metal	54 3729
Table, utility, steel, 30'' x 121'' 1 x 33'' h	54 5813
Costumer, wood (R condition)	54 90113
Enlarger, photographic	55 2410
Misc. photo laboratory chemicals	55 9300
Spyglass, O. M. with case, Code 624, MK III, 16 power	56 3100
Spyglass, Officer of Deck, Code 624, MK II, M del 2	56 3100
Binoculars:	
Ship, 8 x 30	56 4000
Model O, 6 x 30 MM	56 4100
Prism, U. S. N.	56 4300
Model 2, 7 x 50 MM	
Model C, 7 x 50 MM	
Model O, 7 x 50 MM	
Model 4, 7 x 50 MM	
Transit, with tripod, engineers	58 8720
Leveling rod, surveyors	58 8760
Raft, life, pneumatic, 1–10 man	59 1640 42 8100
Parka, medium & large	67 3990
Sleeping bags, kapok filled	69 6300
Clocks:	
Wall, ship	75 6421
Mechanical, 8 day	75 6930
Mirror, wood frame	77 3110
Toboggans, plywood	79 17991
Piano, upright	79 6120
Basket, wire	79 7927
Shotgun, 16 gauge	81 1440
Dolly, converter, 8 and 10 ton	94 4520
Tool kits, complete with tools, misc	96-75-3000
Fishing kits, complete	96-79-1610
Blankets, except those on National Program A-120	69 3400

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST—Con.

ZONE VI—Continued

LOS ANGELES REGION NO. 33

	Commodity code classification
Hoist, chain, 1 and 1½ ton, spur geared 8 ft. lift	31 58132
Raft, life, pneumatic, 4 man	42 8110
Rafts, life, pneumatic, 7 man capacity MK 7 and Mark VII type	42 8110
Rafts, life, pneumatic, parachute type one man seat pack	42 8130
Raft, pneumatic type A-3-5 man, hand pump and oars, and inflated cylinders	42 8140
Trailers:	
House	45 2105
Cargo, amphibian, ¼ ton	45 3299
Cargo, 1 ton	45 3299
Binoculars	56 4000
Raft, pneumatic, Army Type 02, one man size 3' x 5'	58 1640
Jackets, flying:	
Type B-3, winter, brn leather, sheep shearling lined, turn down collar, slide fastener front, two pockets and waist adjustment tabs	67 3310
Similar to type B-3, shearling collar, zipper front opening, pockets and straps for waist adjustment	67 3330
Type ANJ-4, dark brown leather, sheep shearling lined, zipper front	67 3330
Type B-10 cotton twill, O. D. lined with wool pile fabric, mouton collar	67 3330
Raincoats, black, water repellent cloth	67 3400
Watch, navigation, Type A 11, wrist watch with sweep second hand, 15 and 16 jewel	75 6110
Watch, master navigation, Type A-12, 24 hour dial, pocket watch with sweep second hand 21 and 22 jewel	75 6110
Tool kits:	
Painters and glaziers	96-75-3000
Plumbers	96-75-3000
Blankets, except those on National Program A-120	69-3400

[F. R. Doc. 47-6698; Filed, July 14, 1947; 11:31 a. m.]

[Reg. 2,[1] Order 11]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

ELIMINATION OF VETERANS PRIORITY CERTIFICATES AT AUCTION SALES

Section 8302.8 of this part provides that a veteran desiring to exercise his priority under § 8302.5 of this part shall apply for a certificate which he shall present when acquiring property thereunder from a disposal agency.

A disposal agency has advised the War Assets Administration that it desires to hold an auction sale for veterans of surplus property located in San Francisco but that the requirement of a certificate from each veteran as set forth in § 8302.8 of this part is impracticable and uneconomical for an auction sale and that such a requirement at auction sales defeats the objective of the Surplus Property Act to enable veterans to purchase surplus property for the purpose of establishing and maintaining their own small business, professional, or agricultural enterprise.

The War Assets Administrator finds that an exemption should be granted from the requirements of § 8302.8 of this part on the ground that it is impracticable and uneconomical to require veterans to present certificates as therein provided at auction sales for veterans.

Accordingly, it is hereby ordered that:

§ 8302.61 *Elimination of veterans priority certificates at auction sales.* For the purpose of facilitating an auction sale of surplus property located in San Francisco for veterans, an exemption is hereby granted from the requirements of § 8302.8 of this part, and disposal agencies are hereby authorized to utilize such methods as they may deem most practicable for determining the eligibility of veterans to purchase surplus property located in San Francisco at auction sales under the Surplus Property Act, as amended.

(Surplus Property Act of 1944, as amended; 58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611; Pub. Law 181, 79th Cong., 59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b; and E. O. 9689 (11 F. R. 1265))

This section shall become effective July 1, 1947, and shall expire as of the close of business July 31, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JULY 1, 1947.

[F. R. Doc. 47-6697; Filed, July 14, 1947; 11:31 a. m.]

[1] 12 F. R. 1985.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

AUTHORITY DELEGATED TO SECRETARY UPON SECURING APPROVAL OF LAW DEPARTMENT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of June 1947;

The Commission having under consideration a proposal whereby extensions of time to file briefs and comments with respect to proposed rule making should be delegated to the Secretary of the Commission upon receipt of the approval of the Law Department; and

It appearing that such delegation will assist the Commission in carrying out its functions and will aid the general public in submitting comments and briefs with respect to proposed rule making; and

It further appearing that such change in the Commission's rules is procedural and that notice of proposed rule making required by section 4 of the Administrative Procedure Act is not required;

It is ordered, That, effective immediately, § 1.143 of the Commission's rules and regulations be and it is hereby amended by adding paragraph (h) to read as follows:

§ 1.143 *Authority delegated to Secretary upon securing approval of Law Department.* * * *

(h) Extensions of time within which briefs and comments may be filed with respect to proposed rule making.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 2443)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6574; Filed, July 14, 1947; 8:47 a. m.]

[Order 110-G]

PART 3—RADIO BROADCAST SERVICES

TERMINATION OF LICENSES OF INTERNATIONAL BROADCASTING STATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of June 1947;

The Commission having under consideration Order No. 110-F adopted March 20, 1947, providing for the extension of the licenses of international broadcast stations:

It is hereby ordered, That the license term for every international broadcast station presently licensed shall end at the earlier of the following dates: (a) August 31, 1947, or (b) the first day on which its operations are not controlled, by agreement or otherwise, by the State Department, Office of International Information and Cultural Affairs, or other governmental agency supervising the operation of international broadcasting; *Provided*, That this shall be without prejudice to the consideration of any application filed by the licensee of such station for authority to operate otherwise.

It is further ordered, That the portion of § 3.718 (11 F. R. 10300) of the Commission's rules and regulations which establishes for international broadcast stations a normal license term of one year is hereby suspended until further order of the Commission.

(Secs. 4 (i) 303 (b), (c), (e), 325 (a), (c), 48 Stat. 1066, 1082, 1091; 47 U. S. C. 154 (i), (303 (b), (c), (e), 325 (a), (c))

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6576; Filed, July 14, 1947; 8:47 a. m.]

[Order 77-H]

PART 12—AMATEUR RADIO SERVICE

PART 13—COMMERCIAL RADIO OPERATORS

RENEWAL OF LICENSES

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 30th day of June 1947;

Whereas § 12.27 of the Commission's rules governing amateur radio service and § 13.28 of the Commission's rules governing commercial radio operators require a showing of service or use as a condition precedent to the renewal, respectively, of an amateur or commercial operator license; and

It appearing that the Commission by its Order No. 77–G, dated December 17, 1946, suspended until June 30, 1947 § 12.27 of its rules governing amateur radio service and § 13.28 of its rules governing commercial radio operators, insofar as those sections require a showing of service or use as a condition precedent to the renewal, respectively, of an amateur or commercial operator license; and

It further appearing that it would be advisable to extend for an additional period not to exceed one year the suspension of the showing of service or use requirement in order to provide a cushion for the full return to normal peacetime procedures;

It is ordered, That § 12.27 of the Commission's rules governing amateur radio service and § 13.28 of its rules governing commercial radio operators be, and they hereby are, suspended until further order of the Commission, but in no event beyond June 30, 1948.

It is further found and ordered, That, whereas authority for this order is contained in sections 303 (l) and (r) of the Communications Act of 1934, as amended, and the effect of the order is to extend for an additional period after June 30, 1947 the relief from certain restrictions as now afforded by Commission Order No. 77–G, and is noncontroversial, and it is in the public interest that this order be made effective not later than July 1, 1947, notice and public procedure required by section 4 of the Administrative Procedure Act are, hereby, found unnecessary, and this order should be, and is hereby, made effective July 1, 1947.

(Sec. 303 (l) and (r), 48 Stat. 1082, 50 Stat. 191; 47 U. S. C. 303 (l) and (r))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6578; Filed, July 14, 1947; 8:48 a. m.]

[Order 128–C]

PART 13—COMMERCIAL RADIO OPERATORS

RENEWAL OF LICENSES

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of June 1947;

Whereas, the Commission by its Order No. 128–B, adopted December 17, 1946 provided that under certain conditions applications filed or mailed not later than June 30, 1947 for the renewal of certain commercial radio operator licenses, which were valid on December 7, 1941 and had expired, might be acted upon by the Commission notwithstanding the provisions of § 13.11 of the Commission's rules governing commercial radio operators; and

It appearing, that, the provisions of Commission Order No. 128–B should be continued for an additional period not to exceed six months in order to provide for the renewal of numerous commercial radio operator licenses which expired while the holders thereof were serving in the armed forces, or the United States Maritime Service, or who were employed outside the continental limits of the United States in connection with the war effort; and

It appearing, that, the Commission by its Order No. 77–H, adopted today, effective July 1, 1947, has suspended until June 30, 1948 § 13.28 of the Commission's rules insofar as that section requires a showing of service or use as a condition precedent to the renewal of a commercial operator license;

It is ordered, That any application filed or mailed not later than December 31, 1947, for the renewal of a commercial radio operator license (other than a Temporary Emergency Radiotelegraph Second Class Operator License or a Temporary Limited Radiotelegraph Second Class Operator License) which was valid on or after December 7, 1941, and has expired by its own terms without having been cancelled or suspended, may, until further order of the Commission, be acted upon, notwithstanding the provisions of § 13.11, if a statement is filed as a part of the renewal application showing that (1) the applicant has been honorably discharged or separated from the armed forces of the United States since December 7, 1941; or (2) the applicant has voluntarily left the United States Maritime Service since December 7, 1941; or (3) the applicant has been employed in connection with the war effort outside the continental United States and has been unable to file timely application for renewal of license because of such employment outside the continental United States;

It is further found and ordered, That, whereas authority for this order is contained in sections 303 (l) and (r) of the Communications Act of 1934, as amended, and the effect of the order is to extend for an additional period after June 30, 1947 the relief from certain restrictions as now afforded by Commission Order No. 128–B, and is non-controversial, and it is in the public interest that this order be made effective not later than July 1, 1947, notice and public procedure required by section 4 of the Administrative Procedure Act are, hereby, found unnecessary, and this order should be, and is hereby, made effective July 1, 1947.

(Sec. 303 (l) and (r), 48 Stat. 1082, 50 Stat. 191; 47 U. S. C. 303 (l) and (r))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6577; Filed, July 14, 1947; 8:48 a. m.]

PART 41—TELEGRAPH AND TELEPHONE FRANKS

FREE SERVICE TO OFFICIAL PARTICIPANTS IN 1947 WORLD TELECOMMUNICATIONS CONFERENCES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of June 1947;

The Commission, having under consideration its order of May 14, 1947, regarding the matter of amendment of Part 41 of its rules and regulations with respect to free service to official participants in the World Telecommunications Conferences in Atlantic City, New Jersey, in 1947;

It appearing, that such free communications services as may be provided in this connection may appropriately be accorded with respect to services inbound to the United States as well as those outbound from the United States;

It is ordered, That pursuant to Public Law 48, 80th Congress, 1st Session, and section 4 (i) of the Communications Act of 1934, as amended, § 41.41 of the Commission's rules and regulations, is amended forthwith to read as follows:

§ 41.41 *Free service permitted.* For the duration of the world telecommunications conferences to be held in Atlantic City, New Jersey, in 1947, United States communication common carriers may render, to official participants in such conferences, free communications services to and from the United States from and to the respective foreign countries which the official participants represent at the conferences, provided the foreign connecting carriers involved in each case handle free the portion of such communication service rendered by them. The term "official participants" means persons whose names appear on the list of official participants maintained by the official secretariat of the world telecommunications conferences.

It is further ordered, That the amended § 41.41 of these rules and regulations, adopted by the Commission on June 28, 1947, be effective immediately. Since the world telecommunications conferences, referred to above, are in progress, the Commission finds that, with respect to said amended § 41.41, the notice and public procedure thereon provided for in the Administrative Procedure Act are impracticable.

(Sec. 4 (i), 48 Stat. 1066, Pub. Law 48, 80th Cong.; 47 U. S. C. 154 (i))

By the Commission.

Released: July 2, 1947.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6575; Filed, July 14 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[No. 29543]

PART 136 — INSTALLATION, INSPECTION, MAINTENANCE AND REPAIR OF SYSTEMS, DEVICES AND APPLIANCES

APPLIANCES, METHODS, AND SYSTEMS INTENDED TO PROMOTE SAFETY OF RAILROAD OPERATION

1. Respondents required to install (a) automatic or manual block signal systems on such portions of their lines over which any passenger train is operated at a speed of 60 or more miles per hour or any freight train is operated at a speed of 50 or more miles per hour, and (b) automatic train stop or train control systems or automatic cab signal systems on such portions of their lines over which any train is operated at a speed of 80 or more miles per hour.

2. Commission's order of April 13, 1939, amended to include a revised definition of "medium speed" and a definition of "low (restricted) speed".

Report of the Commission—Issues. This is an investigation instituted by the Commission on its own motion to determine (1) whether it is necessary in the public interest to require any respondent to install block signal system, interlocking, automatic train stop, train control and/or cab signal devices, and/or other similar appliances, methods, and systems intended to promote the safety of railroad operation upon the whole or any part of its railroad on which any train is operated at a speed of 50 or more miles per hour, and (2) whether the Rules, Standards and Instructions prescribed by the Commission's order of April 13, 1939, pursuant to the provisions of section 26 (now section 25) of the Interstate Commerce Act should be amended to include a revised definition of the term "medium speed" and a definition of the term "low (restricted) speed". All Class I and all switching and terminal railroads subject to the Interstate Commerce Act were made respondents.

At a prehearing conference it was agreed that each respondent that authorized the operation of a passenger train at a speed of 60 or more miles per hour, or a freight train at a speed of 50 or more miles per hour, should furnish in exhibit form, in advance of hearing, certain basic data which will hereinafter be referred to in detail. The proceeding was thereafter set for hearing to receive in evidence such basic data and any other evidence dealing with the issues from a national standpoint; that is, what, if any, additional appliances, methods, or systems to promote safety of railroad operation should be required to be installed by all respondents on lines on which a train is operated at a speed of 50 or more miles per hour, and what, if any, uniform definitions of the terms "medium speed" and "low (restricted) speed" should be prescribed. The notice of hearing specifically provided that if, following such hearing, an order of general application should be entered, any respondent, upon request made within 60 days of the entry of such order, would be given a further hearing to show that it should be excepted from the order or the order modified with respect to it.

Basic data. At the hearing the basic data referred to above were made a part of the record. The data show for each respondent that operates trains at the speeds referred to:

1. Miles of road operated;

2. Miles of track over which the maximum authorized speeds are less than 60 miles per hour for passenger trains;

3. Miles of track over which the maximum authorized speeds are less than 50 miles per hour for freight trains;

4. Miles of track over which the maximum authorized speeds are 60 or more miles per hour for passenger trains, divided to show separately the miles operated by

(a) Automatic block signal systems,

(b) Manual block signal systems,

(c) Time-table and train orders only,

and further divided to show under each of these methods of operation the miles operated over which there are maximum authorized speeds from 60 to 69 miles inclusive, 70 to 79 miles inclusive, 80 to 89 miles inclusive, and 90 or more miles per hour, and the automatic block signal and manual block signal mileages in each of these speed groups to be further divided to show the miles operated (1) by signal indications only, and (2) by signal indications supplemented by time-table and train orders;

5. Miles of track over which maximum authorized speeds are 50 or more miles per hour for freight trains, divided to show separately the miles operated by each of the three methods referred to above; and further divided to show under each of these three methods of operation the miles operated over which there are maximum authorized speeds from 50 to 59 miles inclusive, and 60 or more miles per hour, and the automatic block signal and manual block signal mileages in each of these speed groups further divided to show the miles operated (1) by signal indications only, and (2) by signal indications supplemented by time-table and train orders;

6. Miles of track equipped with

(a) Automatic train stop or train control,

(b) Automatic cab signal systems,

(c) Centralized traffic control,

(d) Radio and other train communication systems;

7. Information with respect to derailments and collisions on its line between January 1, 1944, and June 30, 1946, both inclusive.

Methods of operation.—Before discussing the evidence, the various methods under which the movement of trains is controlled will be briefly described. Generally speaking, trains are operated either by time-table and train orders, block signal systems, or time-table and train orders supplemented by block signal systems.

Under the time-table and train order system, the oldest of these methods, trains are operated in accordance with schedules published in operating timetables supplemented, when necessary, by train orders issued by train dispatchers and delivered to members of train crews, either before departure of the trains or while they are en route. Generally this system provides an interval of time between trains moving in the same direction, passing points for trains in the same direction, and, in single track operation, meeting points for trains moving in opposite directions. This system is mostly used on lines on which the traffic density is light and there are few conflicts in train movements.

Under a block signal system trains are operated by signal indications. Such a system comprises a single segment of railroad, called a block, or a series of consecutive blocks, and signals with various indications. Under a manual block system, signals are generally displayed at the entrance of each block, operated manually upon information received by the block operator by telephone or telegraph. Under an automatic block system there is generally a signal at the entrance of each block operated automatically by the train or by certain hazardous conditions within the block by means of continuous electric track circuits. The automatic signals may be, however, in the cabs of the locomotives instead of along the wayside, or may be both in the cabs and along the wayside. The distinctive feature of a block signal system is that it provides a method by which an interval of space can be provided between trains in the same direction, which a time-table and train order system does not do. When operation is by time-table and train orders supplemented by either a manual or automatic block signal system, the latter provides an additional and independent check on the movement of trains.

An automatic block signal system, where the signals are displayed in the locomotives, either with or without wayside signals, is referred to as a cab signal system to distinguish it from an automatic block signal system where wayside signals only are used. The cab signals are in the operating compartment of the engine and are actuated to display indications consistent with those displayed by the wayside signals or the indications that would be displayed by the wayside signals if such signals were at the location of the locomotive. An air whistle on the locomotive sounds automatically when the cab signal changes to a more restrictive indication and continues to sound until an acknowledging device is manually operated. The distinctive feature of a cab signal system is that it reflects immediately in the cab any changed condition affecting the movement of the train, while in the absence of cab signals such changed condition would not be known to the engineman until the wayside signal at the entrance of the next block was observed. Cab signals are more easily seen by the engineman than wayside signals, particularly in stormy weather, in fogs, and on curves.

In addition to the above-described general methods of operation, there are automatic train stop or train control systems and centralized traffic control systems on portions of some railroads. An automatic train stop or train control

system is one so arranged that should an engineman fail to observe a restrictive signal, it will automatically cause either one or the other, or both, of the following results: First, application of the brakes until the train has been brought to a stop, and, second, application of the brakes, when the speed of the train exceeds a prescribed rate, until the speed has been reduced to a predetermined prescribed rate. Such a system may be either an intermittent system, where it is brought into operation only at fixed points, or continuous, where by means of continuous electric track circuits its operation is initiated immediately upon any changed conditions affecting train movements. In an intermittent system a forestalling device is usually provided, the manual operation of which by the engineman shortly before passing a fixed point will prevent the application of the brakes at the time his train passes such fixed point. Immediately upon passing the fixed point at which the automatic application of the brakes was forestalled, the automatic train stop apparatus is restored to normal. In a continuous system the automatic stop of the train may be prevented by the manual operation by the engineman of an acknowledging device within a predetermined time, usually a few seconds after a warning signal. Generally in automatic speed control systems which are of the continuous type, the automatic application of the brakes may be prevented by manual operation thereof within a similar short predetermined time.

Centralized traffic control is a system of operation, usually on single track lines, by means of which the movement of trains no a section of track is directed solely by signals controlled from a central station. It requires a wayside signal system and continuous electric track circuits and gives the control station constant information as to the movement and location of trains operated under the control of that station, thereby facilitating the establishment of meeting and passing points. Operation is similar to that under an automatic block signal system, in that the movement of trains is governed by the wayside signals, but dissimilar, in that the wayside signals are controlled by an operator at the control station under some circumstances and automatically by the train or certain hazardous conditions under other circumstances.

Several railroads have installed train communication systems on portions of their lines, mostly in railroad yards and terminals, by means of which telephone communication may be had between wayside stations and trains, or between the engine and a car in the same train, or between the engine or a car in one train and the engineer or a car in another train, or a combination of these services. Some of these systems are of the inductive type. Others employ space radio principles, and still others are a combination of the two. Such systems are use for communication purposes only and not as a means by which trains are operated.

Miles operated. A revised summary of the basic data, heretofore referred to, introduced by defendants, shows that all Class I line-haul carriers operate passenger trains over 236,553.6 miles of track and freight trains over 242,740.6 miles of track. An analysis of the basic data shows numerous errors in the revised summary, particularly in the duplication by some carriers of passenger-train mileages under different speed groups. After correction of the discovered errors our analysis of the basic data shows the following mileages operated by Class I line-haul carriers:

TABLE I—MILES OF TRACK OPERATED

Maximum authorized speed in miles per hour	Automatic block (miles of track)			Manual block (miles of track)			Time-table and train orders only (miles of track)	Total miles of track
	Signals only	Signals time-table and train orders	Total	Signals only	Signals, time-table and train orders	Total		
Passenger trains								
60–69	6,351.0	16,138.5	22,489.5	224.8	4,545.0	4,769.8	15,418.0	42,677
70–79	11,819.3	15,952.6	27,771.9	287.3	2,957.5	3,244.8	3,168.5	34,185
80–89	6,377.1	6,829.7	13,206.8	51.7	346.3	398.0	857.0	14,461
90 and over	7,262.6	11,184.0	18,446.6	0.0	0.0	0.0	106.7	18,553
Under 60	31,810.0	50,104.8	81,914.8	563.8	7,848.8	8,412.6	19,550.2	109,877 118,052
Total, all speeds								227,930
Freight trains								
50–59	22,476.1	28,919.7	51,395.8	563.6	3,903.2	4,466.8	8,539.2	64,401
60 and over	4,210.8	6,601.3	10,812.1	0.0	49.0	49.0	154.7	11,015
Under 50	26,686.9	35,521.6	62,207.9	563.6	3,952.2	4,515.8	8,693.9	75,717 166,560
Total, all speeds								242,318

No switching or terminal line reported authorized freight-train speeds of 50 or more miles per hour and only two reported authorized passenger-train speeds of 60 or more miles per hour, and they reported such operation over only 79.3 miles of track in the 60–69 mile per hour group.

With few exceptions the 75,717.6 miles of track over which freight trains are operated at speeds of 50 or more miles per hour are included in the 109,877.6 miles of track over which passenger trains are operated at speeds of 60 or more miles per hour and, accordingly, our discussion will deal mainly with the passenger train mileage and operation.

The record shows that automatic train stop or train control is in use on 14,121.4 miles of track; automatic cab signals on 8,107.1 miles; centralized traffic control on 8,257.2 miles; and radio or other train communication systems on 2,079.5 miles. The following table shows the miles of track over which passenger trains are operated at speeds of 60 or more miles per hour where automatic train stop or train control, automatic cab signals, centralized traffic control and radio or other train communication systems are in use

TABLE II

Operated with—	Miles of track operated and authorized speed in miles per hour				
	60–69	70–79	80–89	90+	Total
Train stop or train control	1,563.3	4,799.1	3,796.9	1,420.5	11,579
Cab signals [1]	884.0	2,639.7	791.7	599.4	4,914
Centralized traffic control [2]	1,437.9	2,280.7	244.2	1,020.0	5,882
Radio and other communication systems [3]	[4] 251.6	[5] 521.9	[6] 292.6		1,066
Total	4,136.8	10,241.4	5,125.4	3,039.9	23,441

[1] Does not include 1,563.6 miles equipped for train control and cab signals.
[2] Does not include 127.9 miles equipped for centralized traffic control and train control, or 700.2 miles equipped for centralized traffic control and cab signals.
[3] Does not include 366.7 miles equipped for centralized traffic control and radio.
[4] 172.4 miles operation by time-table and train order only; remainder automatic block.
[5] 63.1 miles operation by time-table and train order only; remainder automatic block.
[6] 261.4 miles operation by time-table and train order only; remainder automatic block.

All of the track mileage on which automatic train stop or train control, automatic cab signals, and centralized traffic control is in use is included in the mileage shown in Table I under "Automatic Block."

As shown in Table I, passenger trains are operated at speeds of 60 or more miles per hour over 19,550.2 miles of track under time-table and train orders only. This represents about 18 percent of the total mileage of track over which passenger trains are operated at such speeds. No form of block signal protection is used on these 19,550.2 miles of track, and safety of operation is dependent entirely on strict observance by the train crews of time-tables and consistent and understandable train orders properly delivered.

Table I also shows that where passenger trains are operated at the higher speeds there are many miles of track over which safety of operation is dependent upon signal indication only or time-table and train orders only. For example, there are 33,015.1 miles of track over which passenger trains are

operated at speeds of 80 or more miles per hour. As shown by Table II, automatic train stop or train control, or automatic cab signals are used on 6,608.5 miles of such track, leaving 26,406.6 miles of track over which passenger trains are operated at speeds of 80 or more miles per hour and the safety of operation is dependent upon the correct observance of wayside signals and/or time-tables and train orders properly issued and delivered. If we considered the figures in Tables I and II for miles of track over which passenger trains are operated at 70 or more miles an hour, we find a total of 67,200.3 miles, on 14,047.3 of which automatic train stop or train control or automatic cab signals are used, leaving 53,153 miles with only wayside signals and/or time-table and train order protection.

Derailments and collisions. The evidence of record with respect to accidents shows for each respondent that authorizes passenger trains to operate at 60 or more miles per hour or freight trains at 50 or more miles per hour each derailment and each collision that occurred on its line between January 1, 1944, and June 30, 1946, that was reported to the Commission by telegraph, as required by the Commission's order of December 8, 1928, and with respect to each such derailment or collision the date and place of occurrence, whether a passenger or freight train was involved, whether other vehicles, such as track motor cars or highway vehicles were involved, the number of persons killed, the number injured, whether main track operation was automatic block, manual block, time-table and train orders only, automatic train stop or train control, automatic cab signals, centralized traffic control, or otherwise, the maximum authorized speed of the train involved, the average density of trains in March and October 1945, and March 1946, the cost of death and injury claims (pending claims to be estimated), and property damage.

During the 30-month period there were 356 main-line derailments, exclusive of 30 caused by highway grade crossing accidents. A variety of causes are given for the derailments. In general they were due to abnormal conditions along the right-of-way, irregularities in track structure, equipment, engines and lading, failure to comply with speed restrictions, and broken rails. Of these causes the only one of importance in this proceeding is that of broken rails. Sixty-four of the derailments were attributed to broken rails, of which 23 occurred in automatic block signal territory. An automatic block signal system gives warning of a broken rail if the break is so located and sufficient to break the electric track circuit. The fact that the automatic block signal systems did not give warning of broken rails in these 23 instances indicates that the breaks were so located or that there was not sufficient separation of the parts to break the track circuits, or that the breaks occurred under the derailed trains. While the record does not show the number of instances during the same period in which automatic block signals gave warning of broken rails or other unsafe track conditions, it is well known that they have given such warning in numerous instances in which derailments could have occurred in the absence of such warning. The cost in death and injury claims (partly estimated) and property damage of the 356 derailments was $14,252,427, an average of approximately $40,000 each. If it be assumed that only one-half of the 41 derailments caused by broken rails in manual block and time-table and train order territories could have been averted if automatic block signal systems had been in effect, which seems to be a conservative assumption, the cost of derailments would have been reduced approximately $820,000.

During the 30-month period there were 506 main-line collisions on Class I line-haul railroads, exclusive of 40 highway grade crossing collisions, of which 190 were passenger-train and 316 freight-train collisions.[1] Of the 190 passenger-train collisions, 108 occurred where the maximum authorized speeds are less than 60 miles per hour, and 82 where they are 60 or more miles per hour. Of the 316 freight-train collisions, 249 were where the maximum authorized speeds are less than 50 miles per hour and 67 where they are 50 or more miles per hour. Of the 82 passenger-train collisions in the higher speed territory, 57 were in automatic block territory, of which 6 were where there is automatic train stop or train control, and 7 where there are automatic cab signals; 5 in manual block territory, and 20 in time-table and train order territory. Of the 67 freight-train collisions in the higher speed territory, 46 occurred in automatic block territory, of which 5 were in territory where there is automatic train stop or train control and 8 in territory in which there are automatic cab signals; 8 in manual block territory, and 13 in time-table and train order territory. The 82 passenger-train collisions resulted in 209 persons killed and 2,281 injured, and the death and injury claims (partly estimated) and property damage amounted to $7,134,906, an average of $87,000 per accident. The 67 freight-train collisions resulted in 16 persons killed and 115 injured, and the death and injury claims (partly estimated) and property damage amounted to $1,768,123, an average of $26,390 per accident.

The total of 33 collisions in time-table and train order territory averaged one for each 610 miles of track operated by that method; the 13 in manual block territory, one for each 647 miles; the 77 in automatic block territory, one for each 852 miles; the 11 in train stop or train control territory, one for each 1052 miles; the 15 in cab signal territory, one for each 324 miles; and the 103 in automatic block, train stop or train control, and cab signal territories combined, one for each 797 miles. The ratio of accidents per mile of track under each method of operation is obtained by dividing the passenger track mileage as shown in Tables I and II by the number of accidents. From the above it appears that, except as to cab signal territory, the higher the degree of protection the lesser the number of collisions per mile of track operated.

Our Bureau of Safety investigated 156 of the main-line collisions that occurred on Class I line-haul carriers between January 1, 1944, and June 30, 1946, exclusive of 14 with highway vehicles at highway grade crossings. Of these, 84 were passenger-train and 72 freight-train collisions. Of the former, 36 were where the maximum authorized speed was less than 60 miles per hour and 48 where it was 60 or more miles per hour. Of the 72 freight-train collisions, 23 were where the maximum authorized speed was less than 50 miles per hour, and 49 where it was 50 or more miles per hour. Of the 48 passenger-train collisions in the higher speed territory, 32 were in automatic block signal territory, of which 4 were where there was automatic stop or train control, and 3 where there were automatic cab signals; 2 in manual block signal territory, and 14 in time-table and train order territory. Of the 49 freight-train accidents in the higher speed territory, 31 were in automatic block signal territory, of which 3 were where there was automatic train stop or train control, and 3 where there were automatic cab signals; 3 in manual block signal territory, and 15 in time-table and train order territory.

The average daily train density where the accidents occurred on the dates on which they occurred were as follows:

Method of operation	Number of collisions		Average daily train density	
	Passenger train	Freight train	Where passenger-train accidents occurred	Where freight-train accidents occurred
Cab signals	3	3	161	153.4
Train stop or train control	4	3	76.1	87.7
Other automatic block	25	26	47	55.4
Total automatic block	32	31	61.8	68
Manual block	2	3	12.1	30.9
Time-table and train orders only	14	15	23.6	19.4

It will be noted that generally not only does the ratio of accidents per mile of road decrease as the degree of protection increases, but that this decreased ratio is accompanied by a material increase in train density, and it is well known that the possibility of accident increases rapidly as train density increases.

It seems clear from what has been shown that it is relatively very unsafe to operate passenger trains at 60 or more miles per hour or freight trains at 50 or more miles per hour by time-table and train orders only. The number of collisions and the ratio of collisions per mile of road are relatively high and the train density relatively low in such territory. It also seems clear, when train density as well as the ratio of accidents per mile of road is considered, that operation with automatic train stop or train control or automatic cab signals is safer than when these devices are not used. It

[1] Those involving a passenger train and a freight train are classified herein as passenger-train collisions.

further appears that operation by automatic block signals is safer than operation by manual block signals, notwithstanding that approximately 93 percent of the manual block mileage is operated by signals supplemented by time-table and train orders, whereas approximately 39 percent of the automatic block mileage is operated by signals only. The manual block rules of respondents are not uniform, which may account for the relatively less safe operation shown in manual block territory than in automatic block territory.

Cost of signal systems and train control. Six representative railroads[1] submitted estimates of the present cost of installing certain types of protection on their lines. For automatic block signals these estimates ranged from $4,200 to $8,000 per mile of track for single track lines and from $3,000 to $5,850 per mile of track for multiple track lines; for automatic block signals with intermittent inductive train control from $400 to $700 per mile of track in addition to the cost of the automatic block signals, plus $2,000 to $2,300 per locomotive; for automatic block signals with continuous cab signals, the only estimate, that of the Pennsylvania, $5,000 per mile of track for single track lines and $4,000 per mile of track for multiple track lines in addition to the cost of the automatic block signals, plus $2,260 per locomotive; for automatic block signals on multiple tracks with continuous automatic speed control, the only estimate, that of the Atchison, Topeka & Santa Fe, $3,000 per mile in addition to the cost of the automatic block signals, plus $5,000 per locomotive; and centralized traffic control $11,000 or $12,000 per mile of track for single track lines and $8,750 per mile of track for multiple track lines. The wide variations in some of the estimates of cost are undoubtedly due to the differences in the character of installations covered thereby. The averages of the estimates for automatic block signals approximate $6,000 per mile of road for single track lines and $4,000 per mile of track for multiple track lines and correspond closely to the estimates of the Pennsylvania and Atchison, Topeka & Santa Fe.

Position of parties. It is the position of respondents that sound regulation in the matter of signaling cannot be accomplished by an order of nation-wide application because of differing traffic, geographical, weather, and other conditions on the various railroads, but can only be accomplished by dealing with the various railroads individually, and that, while this record affords a basis for the entry of show cause orders with respect to some respondents, it affords no basis for the entry of a final order of general application.

The only witnesses at the hearing, other than those for respondents, who expressed views with respect to the issues, were those appearing for the Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Railroad Signalmen of America, The Order of Railroad Telegraphers, and American Train Dispatchers Association. It is the view of these witnesses, each of whom has had many years railroad experience, that it is essential for safe operation of any train at a speed of 50 or more miles per hour that block signal systems be used, and that at the higher speeds,[2] automatic train stop or train control, or automatic cab signals, in addition to block signals are essential for safe operation. It is their belief that, as the influence of speed transcends all other considerations as the controlling factor in determining the need for block signal systems and other devices, our order should be of general application, and that exceptions to such order should be made only when the traffic on particular lines was shown to be so sparse as to preclude the need for such additional protection.

Conclusions. The tendency in recent years has been greatly to increase the speeds of trains, and these increases generally have been accompanied by increases in the number of trains. Unquestionably, the higher speeds and the greater number of trains have increased the accident hazards and necessitate more and better protection for the traveling public and the train employees. While this need for better protection is more apparent in areas of high train density, it is generally required throughout the country. We are of the opinion that as a general rule when freight trains are operated at speeds of 50 or more miles per hour, or passenger trains at speeds of 60 or more miles per hour, operation by time-tables and train orders alone, with no means of maintaining a space interval between the trains and safety dependent wholly on strict observance by the train crews of time-tables and consistent and understandable train orders properly delivered, does not afford adequate protection. As heretofore shown, there are 19,550.2 miles of track on which passenger trains are so operated at speeds of 60 or more miles per hour, on 4,132.2 miles of which the speeds are 70 or more miles per hour. In our opinion adequate safety requires that operations at such speeds should be under an automatic or manual block signal system, preferably supplemented by time-tables and train orders.

We are further of the opinion that trains operated at speeds of 80 or more miles per hour should have protection in addition to that afforded by a manual block signal system or an automatic block signal system with wayside signals, and that such additional protection should be either continuous cab signals, automatic train stop or train control, or both cab signals and automatic train stop or train control. We are not unmindful of the fact that speeds of trains alone do not furnish an adequate yardstick for determining what additional protection is necessary on all railroads with their varying geographical, weather, operating, and other conditions. It may be that under some circumstances the additional protection referred to above will not be sufficient, and it also may be that under other circumstances the requirements for such additional protection should be modified. As previously stated, any respondent will, upon request made within 60 days after the entry of an order of general application, be given a hearing to show that it should be excepted from the order or the order modified with respect to it.

As shown by Tables I and II, the additional protection outlined above would require the installation of automatic train stop or train control or automatic cab signals on 25,215.5 miles of passenger track now operated by automatic block signals and without such additional protective devices, on 398 miles of passenger track now operated by manual block signals, and on 1,542.8 miles of passenger track now operated by time-tables and train orders only, a total of 27,156.3 miles, and the installation of manual or automatic block systems on 18,586.5 miles of passenger track. In addition, there would be affected a relatively small additional mileage over which passenger trains are not operated at speeds of 60 or more miles per hour but freight trains are operated at speeds of 50 or more miles per hour under the time-table and train order system, on which mileage manual or automatic block signal systems would have to be installed. While the cost to respondents for such installations would not be insignificant, any respondent subject to the order which we enter may make such order inapplicable to it by making appropriate reductions in the speeds of its trains.

Medium speed and low (restricted) speed. Under the rules, standards and instructions prescribed by the Commission's order of April 13, 1939, medium speed is defined as "A speed not exceeding one-half authorized speed." They contain no definition of low or restricted speed. Respondents operating 127,213 miles of road define medium speed in their operating rules as not exceeding 30 miles per hour. It is defined by other respondents as not exceeding either 35, 40, or 45 miles per hour, which definitions are applicable on 9,832 miles of road. Respondents operating 65,756 miles of road have no definition of medium speed.

A proper medium speed has an important bearing on the safety of railroad operation. Operating rules generally require that when an approach or caution signal is displayed the speed of the train must be reduced to medium speed in order that it may be under control if the next signal is more restricted. Medium speed must be sufficiently low to permit stopping the train if the next signal should call for a stop. It seems manifest that, with the increased speeds of trains in recent years, safe operation requires a medium speed that will not exceed a specific number of miles per hour. We believe it should be defined as one-half authorized speed but not to exceed 30 miles per hour, which is the definition now in effect on most miles of road.

Under certain potentially dangerous conditions it is necessary that trains be so operated that they may be stopped very quickly. For example, when two trains are permitted to enter the same block at the same time. Movement at a very restricted speed is necessary if accidents are to be avoided. Respondents operating 48,722 miles of road have no definition of low or restricted speed. The definition most commonly in use by other respondents is "Proceed prepared to stop short of train, obstruction, or anything that may require the speed of a train to be reduced". Definitions reading either exactly or substantially as above apply on 114,769 miles of road. Similar definitions, but with a further proviso that the speed shall not exceed a specified number of miles per hour, apply over the lines of still other respondents. The specific number of miles per hour is 10 on 6,149 miles of road; 15 on 18,312 miles; and 20 on 8,017 miles.

It seems obvious that a uniform definition of low (restricted) speed that will enable an engineman to stop short of any train or of an obstruction or other dangerous track condition will enhance the safety of operation. In our opinion such a uniform definition should be "a speed that will permit stopping short of another train or an obstruction, but not exceeding 15 miles per hour."

Findings. We find that in order to promote safety of railroad operation it is necessary in the public interest to require each respondent to:

1. Install on that part or parts of its lines over which any passenger train is operated at a speed of 60 or more miles per hour, or any freight train is operated at a speed of 50 or more miles per hour an automatic block signal system which shall conform to the rules, standards and instructions prescribed by the order of the Commission of April 13, 1939, as herein amended, or a manual block system which shall conform to the following conditions:

A passenger train will not be admitted to the block when occupied by another train, except under flag protection; no train will be admitted to the block when occupied by an opposing train or by a passenger train, except under flag protection; and a train other than a passenger train will not be permitted to follow a train other than a passenger train into the block except when authorized by a train order, permissive signal or prescribed form, and when such movement is so authorized the following train must proceed prepared to stop short of a train or obstruction but not to exceed 15 miles per hour.

2. Install on that part or parts of its lines over which any passenger or freight train is operated at a speed of 80 or more miles per hour an automatic train stop or train control system or automatic continuously controlled cab signal system which shall conform to the rules, standards and instructions prescribed by the order of the Commission of April 13, 1939, as herein amended.

We further find that the definition of "medium speed" in the rules, standards and instructions prescribed by the order of the Commission of April 13, 1939, should be amended to read as follows:

[1] Atlantic Coast Line Railroad, Missouri Pacific Railroad, New York Central Railroad, Pennsylvania Railroad, Atchison, Topeka & Santa Fe Railway, and Southern Railway.

[2] Stated by one witness at 50 and more miles per hour and by another as 75 or 80 and more miles per hour, and on brief as 70 and more miles per hour.

Medium speed. A speed not exceeding one-half authorized speed, but not exceeding 30 miles per hour.

We further find that the rules, standards and instructions prescribed by the order of the Commission of April 13, 1939, should be amended to include the following definition:

Low (restricted) speed. A speed that will permit stopping short of another train or an obstruction, but not exceeding 15 miles per hour.

An appropriate order will be entered.

Fast transportation is desirable, but the safety of passengers and employees must come first. This report holds that where passenger trains operate at 60 or more miles per hour and freight trains at 50 or more miles per hour, adequate safety requires the installation of either automatic or manual block signals; and that where the speed is 80 or more miles per hour such block signals must be supplemented either by continuously-controlled cab signals or by an automatic train stop or train control system. The railroads have the choice of either installing the latest safety equipment or of lowering the speed of their trains. The report recognizes that under certain circumstances the requirements for such additional protection may have to be modified with respect to particular roads, and they are given 60 days from the entry of the accompanying order in which to petition therefor.

The requirements here laid down are rather drastic, and it may be that the effective date of the order will have to be postponed with respect to a number of the carriers affected. When the time comes for passing upon petitions with that objective, it seems to me consideration will have to be given, not only to the volume of traffic, but to the accident record and the financial condition of the respective petitioners.

NOTE: The codification structure of Subchapter A is amended in the following respects:

1. The headnote "Part 136: Devices and Appliances" appearing before the headnote "Part 136—Installation, Inspection, Maintenance, and Repair of Systems, Devices and Appliances" at 49 CFR, Cum. Supp., p. 12223 is deleted. The headnote "Part 131–134: Safety Regulations," appearing on the same page, is amended to read "Part 131–136: Safety Regulations."

2. The existing text of Part 136 (49 CFR, Cum. Supp., Part 136) is designated Subpart A—Rules, Standards, and Instructions, and is amended as set forth below. A new Subpart B—Required Installations, is added as set forth below.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of June A. D. 1947.

It appearing, that the Commission under date of May 20, 1946, instituted on its own motion, an investigation to determine whether it is necessary in the public interest to require any respondent to install block signal system, interlocking, automatic train stop, train control and/or cab signal devices, and/or other similar appliances, methods, and systems intended to promote the safety of railroad operation upon the whole or any part of its railroad on which any train is operated at a speed of 50 or more miles per hour, and whether the Rules, Standards and Instructions prescribed by the Commission's order of April 13, 1939 (49 CFR, Cum. Supp., Part 136), pursuant to the provisions of section 26 (now section 25) of the Interstate Commerce Act (49 U. S. C. 26) should be amended to include a revised definition of the term "medium speed" and a definition of the term "low (restricted) speed".

It further appearing, that all Class I and all switching and terminal railroads subject to the Interstate Commerce Act were made respondents to such investigation, and

It further appearing, that a full investigation of the matters and things involved has been made and that said division, on the date hereof, has made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

It is ordered, That:

SUBPART A—RULES, STANDARDS, AND INSTRUCTIONS

The definition of "medium speed" in the rules, standards and instructions for the installation, inspection, maintenance and repair of systems, devices and appliances intended to promote the safety of railroad operation in accordance with section 26 (now section 25) of the Interstate Commerce Act, prescribed by the order of the Commission of April 13, 1939, be, and it is hereby, amended to read as follows:

§ 136.11 *Definitions.* * * *

(q) *Speed*—(1) *Medium.* A speed not exceeding one-half authorized speed, but not exceeding 30 miles per hour.

(2) *Low (restricted) speed.* A speed that will permit stopping short of another train or an obstruction, but not exceeding 15 miles per hour.

(50 Stat. 836, 49 U. S. C. 26 (c))

It is further ordered, That:

SUBPART B—REQUIRED INSTALLATIONS

Class I, and Switching and Terminal Railroads

Sec.
136.101 Block signal systems.
136.102 Installation dates for block signal systems.
136.103 Automatic train stop or control systems.
136.104 Installation dates for automatic train stop or control systems.

AUTHORITY: §§ 136.101 to 136.104, inclusive, issued under sec. 25 (b) 50 Stat. 835, 54 Stat. 919, 49 U. S. C. 26 (b).

§ 136.101 *Block signal systems.* Each Class I and each switching and terminal railroad subject to the Interstate Commerce Act (49 U. S. C. 1 et seq.) which was made respondent in investigation No. 29543[1] is hereby, notified and required to install on that part or parts of its lines over which any passenger train is operated at a speed of 60 or more miles per hour, or any freight train is operated

[1] 11 F. R. 5607.

at a speed of 50 or more miles per hour (a) an automatic block signal system which shall conform to the rules, standards and instructions prescribed by the order of the Commission of April 13, 1939 (49 CFR, Cum. Supp., §§ 136.0–136.11) as amended, or (b) a manual block system which shall conform to the following conditions:

A passenger train will not be admitted to the block when occupied by another train, except under flag protection; no train will be admitted to the block when occupied by an opposing train or by a passenger train, except under flag protection; and a train other than a passenger train will not be permitted to follow a train other than a passenger train into the block except when authorized by a train order, permissive signal or prescribed form, and when such movement is so authorized the following train must proceed prepared to stop short of a train or obstruction, but not to exceed 15 miles per hour.

§ 136.102 *Installation dates for block signal systems.* The installations required by § 136.101 shall be made as follows:

(a) *100 miles or less of track.* When such installations are to be made on 100 or less miles of track, they shall be made on or before December 31, 1948.

(b) *More than 100 miles of track.* When such installations are to be made on more than 100 miles of track, they shall be made on not less than 25 percent of the miles of track, with a minimum of 100 miles, on or before December 31, 1948; on not less than 50 percent of the miles of track, with a minimum of 200 miles or the total miles if less than 200, on or before December 31, 1949; on not less than 75 percent of the miles of track, with a minimum of 300 miles or the total miles if less than 300, on or before December 31, 1950, and on all miles of track on or before December 31, 1951.

§ 136.103 *Automatic train stop or control systems.* Each respondent referred to in § 136.101 is hereby notified and required to install on that part or parts of its lines over which any passenger or freight train is operated at a speed of 80 or more miles per hour an automatic train stop or train control system or automatic continuously controlled cab signal system which shall conform to the rules, standards and instructions prescribed by the order of the Commission of April 13, 1939 (49 CFR, Cum. Supp., §§ 136.0–136.11).

§ 136.104 *Installation dates for automatic train stop or control systems.* The installations required by § 136.103 shall be made as follows:

(a) *100 miles or less of track.* When such installations are to be made on 100 or less miles of track, they shall be made on or before December 31, 1948.

(b) *More than 100 miles of track.* When such installations are to be made on more than 100 miles of track they shall be made on 25 percent of the miles of track, or 800 miles, whichever is less, with a minimum of 100 miles, on or before December 31, 1948; on 50 percent of the miles of track, or 1,600 miles, whichever is less, with a minimum of 200 miles or the total miles, whichever is less, on or before December 31, 1949; on 75 percent of the miles of track, or 2,400 miles, whichever is less, with a minimum of 300 miles or the total miles, whichever is less, on or before December 31, 1950; on 100 percent of the miles of track, or 3,200 miles, whichever is less, on or before December 31, 1951, and on all remaining miles of track on or before December 31, 1952.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-5920; Filed, July 14, 1947; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter K—Alaska Wildlife Protection

PART 91—ALASKA GAME REGULATIONS

OPEN SEASONS, METHODS OF TAKING, AND LIMITS ON PROTECTED ANIMALS, BIRDS AND GAME FISHES

Section 91.9 (e) (2) is amended by adding at the end of that part of the regulation specifying open seasons the words "and except that there shall be no open season in any of the waters of the Clearwater River and its tributaries."

In view of the fact that the supply of game fish in the waters of the Clearwater River is being depleted rapidly, it has been determined that this regulation shall become effective immediately upon its publication in the FEDERAL REGISTER (Sec. 9, 57 Stat. 301, 306; 49 U. S. C. 192–211)

WILLIAM E. WARNE, *Assistant Secretary of the Interior.*

JULY 7, 1947.

[F. R. Doc. 47-6555; Filed, July 14, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 113]

EXEMPTION CERTIFICATE FOR EXEMPT SALES AND TRANSFERS OF CAPITAL STOCK

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791).

PART 113—DOCUMENTARY STAMP TAXES

Amending sections 113.35 and 113.35½ of Regulations 71, relating to specific exemptions provided in section 1802 (b) and (c) of the Internal Revenue Code.

Regulations 71 are amended as follows:

PARAGRAPH 1. Section 113.35 is amended to read as follows:

§ 113.35 *Specific exemptions provided in section 1802 (b)—(a) Stock deposited as collateral security.* The tax does not apply to an agreement evidencing a deposit or certificates of stock as collateral security for money loaned thereon, which certificates are not actually sold, nor upon the delivery or transfer for such purpose of certificates so deposited. The exemption applies also to transfers of stock to a nominee of the lender and from such nominee back to the lender, if the stock is at all times held as collateral security for the loan; and to the return of the stock to the borrower by the lender or his nominee upon payment of the loan. The exemption does not apply, however, to deposits of stock as collateral security made otherwise than in connection with a money loan.

The person making an exempt transfer under this subsection shall furnish and attach to the certificate an exemption certificate in substantially the form prescribed in paragraph (h) of this section.

(b) *Return of stock loaned.* The tax does not apply to the return of stock loaned; but the person returning such stock shall furnish and attach to the certificate an exemption certificate in substantially the form prescribed in paragraph (h) of this section. (But see § 113.33 (b).)

(c) *Transfer from customer to broker.* The mere delivery of a certificate of stock by a customer to his broker solely for the purpose of enabling such broker to sell the stock for the customer, where the broker has no ownership or interest therein, is exempt from stamp tax and does not require an exemption certificate. If, in the same circumstances, the stock is transferred to the name of the broker, or to the name of the broker's registered nominee, the transfer is also exempt from tax, provided the broker, at the time of such transfer, furnishes and attaches to the certificate an exemption certificate in substantially the form prescribed in paragraph (h) of this section.

For provisions relating to the registration of nominees, see § 113.153.

A transfer to the name of a selling agent other than a broker as, for example, a bank, whether the sale be made by the agent direct or through a broker for the agent's account, is subject to tax, since the exemption applies only to deliveries and transfers to brokers. (But see paragraph (f) of this section.) However, liability is not incurred by the mere delivery of a certificate of stock to an agent who obtains no legal title or other interest in the stock.

(d) *Transfer from broker to customer.* The mere delivery of a certificate of stock by a purchasing broker to his customer, if tax was paid upon the sale of the stock to such broker who has no ownership or interest therein, is not subject to stamp tax and does not require an exemption certificate.

It the stock is transferred to the purchasing broker or his nominee who holds the stock for the same purpose as if held by the broker, and tax on such transfer is paid, transfer may thereafter be made to the name of the purchaser without payment of tax. If the tax was paid upon transfer to the purchasing broker, transfer may be made to the name of his nominee and from such nominee to the name of the purchaser, without payment of tax. However, no exemption under this paragraph will apply unless the broker at the time of the exempt transfer attaches to the stock certificate an exemption certificate in substantially the form indicated by paragraph (h) of this section.

For provisions relating to the registration of nominees, see § 113.153.

Delivery to, or transfer to the name of, the customer may not be made tax-free in any case in which the stock was transferred from the seller to the broker or his registered nominee without tax payment, since the law requires that tax shall be paid on the transfer or transfers between the actual seller and actual buyer.

A transfer from the name of a purchasing agent other than a broker, as, for example, a bank, whether the purchase be made direct or through a broker for the agent's account, is subject to tax, since the exemption applies only to deliveries and transfers from brokers. (But see paragraph (f) of this section.) However, liability is not incurred by the mere delivery of a certificate of stock by an agent having no title or interest in the stock, or by a broker for the account of such agent.

(e) *Transfers between fiduciaries and their nominees.* The tax does not apply to deliveries or transfers of stock from a fiduciary to a nominee of such fiduciary, or from one nominee of such fiduciary to another, if the stock continues to be held by such nominee for the same purpose for which it would be held if retained by such fiduciary, or from the nominee to such fiduciary. The person making an exempt transfer under this subsection shall, at the time of such transfer, furnish and attach to the certificate an exemption certificate in substantially the form prescribed in paragraph (h) of this section.

(f) *Transfers to or by a custodian.* The tax does not apply to the delivery or transfer of stock from the owner thereof to a custodian if under a written agreement between the owner and the custodian the stock so delivered or transferred is to be held or disposed of by such custodian for, and subject at all times to the instructions of, the owner; or to the delivery or transfer of stock from such custodian to such owner.

The tax also does not apply to the delivery or transfer from such custodian to a registered nominee of such custodian, or from the owner direct to such registered nominee, or from one such nominee to another such nominee, if the stock continues to be held by the nominee for the same purpose for which it would be held if retained by such custodian; or from such nominee to such custodian or the owner. No exemption is granted unless the nominee is registered in the manner provided in § 113.153.

The tax further does not apply to the delivery or transfer of stock from a custodian of the owner to another custodian of the owner, or from the registered nominee of the first custodian to the second custodian or the registered nominee of the latter, if the transfer would have been exempt under the first or second paragraphs of this subsection if made by the owner direct to the second custodian or the registered nominee of the latter.

The exemption specified in this paragraph shall not be granted in any case unless the delivery or transfer is accompanied by an exemption certificate, signed by the custodian, in substantially the form prescribed in paragraph (h) of this section.

The custodian contemplated by this paragraph is a mere custodian and does not include a trustee. A mere custodian is a person to whom there are delivered or transferred shares or certificates of stock to be held or disposed of by the custodian for, and subject at all times to the instructions of, the owner and not otherwise.

(g) *Transfers of worthless securities by executors, etc.* The tax does not apply to deliveries or transfers of stock by an executor or administrator to a legatee, heir, or distributee, if it is shown to the satisfaction of the Commissioner that the value of the stock so delivered or transferred is not greater than the amount of the tax that would otherwise be imposed on such delivery or transfer.

(h) *Exemption certificate.* Each exempt delivery or transfer specified in paragraphs (a) to (f) inclusive, of this section, except as otherwise shown therein, shall be accompanied by a certificate in substantially the following form:

It is hereby certified that the transfer of the attached shares is made under such circumstances as to come within one of the exemptions specified in section 1802 of the Internal Revenue Code and that evidence in proof of the exemption is maintained by the undersigned and is available for inspection by internal revenue officers.

Signature

PAR. 2. Section 113.36½ is amended as follows:

(A) By striking out "(a)" immediately preceding the first sentence, and by changing the second sentence to read as follows: "However, no exemption under section 1802 (c) may be allowed unless the delivery or transfer is accompanied by a certificate in substantially the form prescribed in § 113.35 (h)."

(B) By striking out paragraph (b).

[SEAL] JOSEPH D. NUNAN, Jr., *Commissioner of Internal Revenue.*

[F. R. Doc. 47-6562; Filed, July 14, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Ch. I]

[Docket No. 8449]

CITIZENS RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of establishment by the Commission of technical requirements and procedure for obtaining type approval of equipment to be used in the Citizens Radio Service.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The proposed rules and regulations and the basis and purpose therefor are set forth below.

3. The proposed rules and regulations are issued under the authority of sections 301 and 303 (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before August 4, 1947, a written statement or brief setting forth his comments. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken with respect to the proposed rules, notice of the time and place of such oral argument will be given interested parties. In accordance with the provisions of § 1.764 of the Commission's rules, all persons filing statements or briefs must furnish the Commission an original and 14 copies of each statement or brief filed.

CITIZENS RADIO SERVICE

To make possible the greatest utilization of the frequencies allocated and to simplify the licensing procedure and administration of the Citizens Radio Service, the Commission will require type approval of the equipment before it is accepted for authorization under the simplified procedure.

General technical requirements; frequency. The following frequencies are available for assignment to Class A and Class B stations:

460–462 Mc	Class A stations (fixed locations exclusively).
462–468	Class A and Class B stations (fixed, mobile and portable).
468–470	Class A stations (fixed, mobile and portable).

Frequency tolerance.

Class A stations—plus or minus 0.02%.

Class B stations—all operation (including tolerance and communication band) shall be

confined to within plus or minus 0.4% of 465 Mc.

Communication band.[1] The communication band for Class A stations shall not exceed 200 kilocycles.

Power. The input power to the anode (plate) circuit of the electron tube or tubes which supply energy to the radiating system shall not exceed the values shown below:

460–462 Mc	50 watts
462–468	10 watts
468–470	50 watts

Emission. Amplitude —, Phase —, or Frequency Modulation for continuous or interrupted carrier, radiotelephony, radiotelegraphy or facsimile.

Percent modulation. When the radio frequency carrier is amplitude modulated such modulation shall not exceed 100% on negative peaks.

Extra band radiation. Spurious radiation from a citizens radio transmitter shall be reduced or eliminated in accordance with good engineering practice. This spurious radiation shall not be of sufficient intensity to cause interference in receiving equipment of good engineering design which is tuned to a frequency or frequencies outside the band 460–470 Mc.

Procedure for securing type approval of equipment. Formal application to the Commission at Washington, D. C. may be made by a manufacturer for type approval[2] of transmitting equipment. When advised by the Commission, the applicant must send a typical production model or prototype of the particular equipment, complete with tubes, and power supply, to the Commission's laboratory at Laurel, Maryland, for test. All instructions which are intended to be supplied to the purchaser of the equipment shall be included. Transportation of the equipment and associated documents to and from the laboratory will be at no cost to the government.

Prior to approval or rejection of the equipment by the Commission, the results of these tests will be made known only to the responsible government officials and to the Commission. An official report of the tests will be made available only to the manufacturer involved; however, the Commission will publish from time to time lists of approved equipment.

The prescribed tests may be conducted by the Federal Communications Commission or by any other cooperating government department. In addition, field tests, as deemed necessary or desirable by the Commission, may be carried out by authorized government personnel to determine the reliability of the equipment under operating conditions equivalent to those expected to be encountered in actual service.

Minimum equipment specifications. Any basic instructions concerning the proper adjustment or operation of the equipment that may be necessary, shall be attached to the equipment in suitable manner and in such position as to be easily read by the operator.

A durable nameplate shall be mounted on each transmitter showing the name of the manufacturer, the type or model designation and providing suitable space for the serial number and the FCC approval number.

The transmitter shall be designed, constructed, and adjusted by the manufacturer to operate on a frequency or frequencies within the band 460–470 Mc. In designing the equipment every reasonable precaution shall be taken to protect the user from high voltage shocks and radio frequency burns. Connection to the batteries (if used) shall be made in such a manner as to permit replacement by the user without causing improper operation of the transmitter. The best engineering principles shall be utilized in the generation of radio frequency currents so as to guard against interference to other radio services. In cases of serious interference, the Commission may require appropriate technical changes in equipment to alleviate the interference.

Controls for adjustment of the carrier frequency of the transmitter shall not be accessible from the exterior of any unless such accessibility is specifically approved by the Commission.

Type approval tests will be conducted under the following conditions to determine whether or not the equipment meets the general technical requirements as set forth above. Additional tests may be perscribed as deemed necessary or desirable.

1. Gradual ambient temperature variations from 0° to 125° F.

2. Relative ambient humidity from 20 to 95 percent. The test will normally consist of subjecting the equipment for at least three consecutive periods of 24 hours each, to a relative ambient humidity of 20, 60 and 95 per cent, respectively, at a temperature of approximately 80° F.

3. Movement of transmitter or objects in the immediate vicinity thereof.

4. Power supply voltage variations normally to be encountered under actual operating conditions.

Procedure for securing approval of composite equipment or equipment manufactured in lots of less than 100 units. Composite transmitting equipment (or equipment constructed by a manufacturer in lots of less than 100 units) will not, in the usual case, be tested by the Commission for the purpose of granting type approval. The applicant shall supply complete information on supplementary sheets showing that the equipment fully complies with either Class A or Class B station requirements. In this connection, the Commission may, at its discretion, require that the equipment or a prototype be made available to its laboratory for test in accordance with the procedures outlined which are applicable to equipment manufactured in lots of more than 100 units. In addition, field tests as deemed necessary or desirable by the Commission may be carried out by authorized government personnel to determine the reliability of the equipment under operating conditions equivalent to those encountered in actual service.

Adopted: June 26, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6573; Filed, July 14, 1947; 8:47 a. m.]

[1] Defined in § 2.15 of the Commission's rules as follows:

"Communication band" means the frequency band or width of the frequency band required for the type of emission authorized.

[2] Type approval will be given only when the manufacturer prepares to produce not less than 100 units of an identical type.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2094977]

CALIFORNIA

ORDER OPENING LANDS TO MINING LOCATION, ENTRY, AND PATENTING

Under authority and pursuant to the provisions of the act of April 23, 1932 (47 Stat. 136, 43 U. S. C. sec. 154) and the regulations thereunder, and subject to (1) valid existing rights, (2) the provisions of the act of August 1, 1946 (60 Stat. 755, sec. U. S. C., Title 42, sec. 1801, et seq.) and (3) the terms of the following quoted stipulation, it is hereby ordered that the NE¼NW¼, N½NE¼ sec. 24, T. 13 N., R. 9 E., M. D. M., California, be and the same are hereby, opened to location, entry and patenting under the general mining laws, the quoted stipulation to be executed and acknowledged in favor of the United States by the locators, for their heirs, successors and assigns, and recorded in the county records and in the United States District Land Office at Sacramento, California, before locations are made:

"There is reserved to the United States, its successors and assigns, the prior right to use any of the lands herein described to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant irrigation structures, and also the right to remove construction materials therefrom, without any payment made by the United States or its successors for such right, with the agreement on the part of the locator that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or the removal of construction materials therefrom, should be made more expensive by reason of the existence of improvements or workings of the locator thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty days after demand is made upon the locator for payment of any such sums, the locator will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or removing construction materials therefrom. The locator further agrees that the United States, its officers, agents, and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation and maintenance of any of the works hereinabove enumerated."

Any location or entry made and any patent issued for the above-described land will be subject to a reservation to the United States, pursuant to the act of August 1, 1946, of all uranium, thorium or other materials therein which are or may be determined by the Atomic Energy Commission to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine and remove the same, and every such location, entry, or patent shall contain a reference to the above quoted stipulations and to the volume and page where they are recorded in the county records.

Any location or entry made and any patent issued for the above-described land will be subject to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, as amended, 49 Stat. 846; 16 U. S. C. 818).

This order shall not become effective to change the status of the lands until 10:00 a. m. on September 2, 1947 at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals and of this order, become subject to disposition under the United States mining laws only, as above provided.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 1, 1947.

[F. R. Doc. 47-6556; Filed, July 14, 1947; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLUMBIA BASIN PROJECT, WASHINGTON

FIRST FORM RECLAMATION WITHDRAWAL

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388).

COLUMBIA BASIN PROJECT

WILLAMETTE MERIDIAN, WASHINGTON

T. 18 N., R. 22 E.,
Sec. 12, Lots 1 to 4, incl., W½E½, N½NW¼, SE¼NW¼ and NE¼SW¼;
Sec. 24, Lot 1.

T. 19 N., R. 22 E.,
Sec. 26, Lot 3.
T. 15 N., R. 23 E.,
Sec. 2, Lots 1, 2, S½NE¼ and S½;
Sec. 10, Lots 1, 4, 5 and 8;
Sec. 12, all;
Sec. 14, all;
Sec. 22, E½SE¼;
Sec. 24, N½;
Sec. 26, W½NW¼;
Sec. 28, NW¼SW¼.
T. 16 N., R. 23 E.,
Sec. 4, Lots 1, 2, 3, S½NE¼, E½SW¼ and SE¼;
Sec. 10, N½ and N½S½;
Sec. 14, N½SW¼ and NW¼SE¼;
Sec. 22, W½NW¼.
T. 17 N., R. 23 E.,
Sec. 4, SW¼SW¼;
Sec. 8, Lot 4, E½ and NE¼NW¼;
Sec. 20, Lots 4 and 5;
Sec. 28, all;
Sec. 34, W½NE¼, W½ and S½SE¼.
T. 18 N., R. 23 E.,
Sec. 6, Lots 6 and 7;
Sec. 18, Lot 1 and E½NW¼;
Sec. 20, E½NE¼ and N½SE¼;
Sec. 22, SW¼ and N½SE¼;
Sec. 28, NW¼;
Sec. 30, all;
Sec. 32, NE¼ and W½.
T. 19 N., R. 23 E.,
Sec. 8, S½NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, S½SW¼ and SE¼;
Sec. 10, S½NE¼, SE¼NW¼, SW¼ and S½SE¼;
Sec. 14, all;
Sec. 20, NW¼NE¼, NW¼, N½SW¼ and SW¼SW¼;
Sec. 22, NE¼, NE¼NW¼, S½NW¼ and SE¼;
Sec. 26, N½NW¼;
Sec. 30, Lots 1 to 4, incl., W½NE¼, E½W½ and NW¼SE¼.
T. 20 N., R. 23 E.,
Sec. 4, Lot 4;
Sec. 8, NW¼;
Sec. 20, W½W½;
Sec. 32, W½W½.
T. 21 N., R. 23 E.,
Sec. 26, NW¼;
Sec. 28, E½SE¼;
Sec. 32, SE¼NE¼, SE¼NW¼ and E½SE¼.
T. 15 N., R. 24 E.,
Sec. 2, Lots 1 to 4, incl.;
Sec. 4, Lots 1 to 4, incl.;
Sec. 6, all;
Sec. 8, all;
Sec. 10, W½NE¼, SW¼ and W½SE¼;
Sec. 12, NE¼ and W½;
Secs. 14, 18, 20, 22 and 24, all.
T. 16 N., R. 24 E.,
Sec. 22, SW¼, NE¼SE¼ and S½SE¼;
Sec. 24, NE¼, NE¼NW¼, S½NW¼, SE¼SW¼, NE¼SE¼ and S½SE¼;
Sec. 26, W½SW¼;
Sec. 28, SE¼NE¼ and S½NW¼;
Sec. 30, Lot 2, S½NE¼, SE¼NW¼ and S½SE¼;
Sec. 32, S½S½;
Sec. 34, S½S½.
T. 21 N., R. 24 E.,
Sec. 28, NW¼NW¼ and S½NW¼.
T. 13 N., R. 25 E.,
Sec. 4, Lot 1.
T. 14 N., R. 25 E.,
Sec. 34, NE¼SW¼ and NW¼SE¼.
T. 15 N., R. 25 E.,
Secs. 2 and 4, all;
Sec. 8, S½;
Secs. 10, 12 and 18, all;
Sec. 20, N½.
T. 16 N., R. 25 E.,
Sec. 20, NE¼ and W½;
Sec. 22, W½;
Sec. 24, NE¼ and N½S½;
Sec. 26, N½NW¼ and SW¼NW¼;
Sec. 28, N½N½;
Sec. 30, Lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼ and E½SE¼;
Sec. 32, S½S½;
Sec. 34, S½N½ and S½.
T. 17 N., R. 25 E.,
Sec. 2, SE¼;
Sec. 12, Lot 2.
T. 18 N., R. 25 E.,
Sec. 10, NE¼ and SW¼;
Sec. 14, NW¼;
Sec. 20, SE¼;
Sec. 22, SE¼;
Sec. 24, SW¼NE¼, SE¼NW¼, NE¼SW¼ and NW¼SE¼;
Sec. 26, SE¼;
Sec. 32, SW¼;
Sec. 34, W½NW¼ and SE¼.
T. 19 N., R. 25 E.,
Sec. 20, SE¼;
Sec. 28, NW¼.
T. 20 N., R. 25 E.,
Sec. 30, Lot 2 and SE¼NW¼.
T. 21 N., R. 25 E.,
Sec. 26, N½.
T. 14 N., R. 26 E.,
Sec. 18, Lots 3, 4 and E½SW¼.
T. 15 N., R. 26 E.,
Sec. 2, Lot 1, SE¼NE¼, S½NW¼ and S½;
Sec. 4, S½N½ and S½;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼, N½SE¼ and SE¼SE¼;
Secs. 8, 10 and 12, all;
Sec. 14, N½, N½SW¼ and SW¼SW¼;
Sec. 18, Lot 1, N½NE¼ and NE¼NW¼.
T. 16 N., R. 26 E.,
Sec. 18, SE¼SE¼;
Sec. 20, NE¼, NE¼SE¼ and S½SE¼;
Sec. 22, N½NE¼, SE¼NE¼, N½NW¼, SW¼NW¼ and E½SE¼;
Sec. 26, SW¼NE¼, W½NW¼ and N½SE¼;
Sec. 28, NE¼NE¼ and N½NW¼;
Sec. 32, NW¼NE¼ and N½NW¼;
Sec. 34, S½NW¼.
T. 17 N., R. 26 E.,
Sec. 2, all;
Sec. 8, E½SE¼;
Sec. 10, NE¼ and S½;
Sec. 12, SW¼;
Sec. 18, Lot 3, NE¼SW¼ and N½SE¼.
T. 18 N., R. 26 E.,
Sec. 10, W½;
Sec. 12, S½;
Sec. 14, NE¼ and S½;
Sec. 20, all;
Sec. 22, NE¼ and SW¼;
Sec. 24, all;
Sec. 26, NE¼ and W½;
Sec. 28, SE¼;
Sec. 34, NW¼ and S½.
T. 20 N., R. 26 E.,
Sec. 2, all;
Sec. 4, Lots 1 and 2.
T. 21 N., R. 26 E.,
Sec. 2, Lot 3, SE¼NW¼, N½SW¼ and SW¼SW¼;
Sec. 12, NE¼NE¼, SW¼NW¼ and S½;
Sec. 14, E½NE¼, SW¼ and SE¼SE¼;
Sec. 20, N½, SW¼ and W½SE¼;
Sec. 24, NE¼ and S½;
Sec. 26, NW¼ and SE¼;
Sec. 30, Lots 1, 2, NE¼ and E½NW¼;
Sec. 34, E½NE¼, SE¼SW¼ and SE¼.
T. 22 N., R. 26 E.,
Sec. 2, SE¼NE¼;
Sec. 34, NW¼ and NW¼SW¼.
T. 23 N., R. 26 E.,
Sec. 24, SW¼NE¼ and W½SE¼;
Sec. 25, W½NE¼ and NW¼SE¼.
T. 13 N., R. 27 E.,
Sec. 2, Lots 3, 4, 5, 6, SW¼NE¼, SE¼NW¼, N½SW¼, SE¼SW¼ and W½SE¼;
Sec. 14, NW¼NE¼, SE¼NE¼ and NE¼SE¼;
Sec. 24, N½NE¼, SE¼NE¼ and NE¼NW¼.
T. 14 N., R. 27 E.,
Sec. 8, E½SE¼;
Sec. 10, SE¼;
Sec. 12, NW¼ and S½;
Sec. 14, all;
Sec. 22, NE¼;
Sec. 26, NE¼;
Sec. 28, N½NE¼ and SE¼NE¼;
Sec. 34, Lots 1 to 5, incl., and NE¼NE¼.

T. 15 N., R. 27 E.,
Sec. 6, Lots 6, 7, E½SW¼ and SE¼;
Sec. 8, all;
Sec. 10, S½NE¼, NW¼ and S½;
Sec. 12, all;
Sec. 14, all;
Sec. 18, all;
Sec. 24, N½N½.
T. 16 N., R. 27 E.,
Sec. 24, E½NE¼, S½SW¼, NE¼SE¼ and S½SE¼;
Sec. 30, Lot 4.
T. 17 N., R. 27 E.,
Sec. 4, all;
Sec. 6, Lots 2 to 7, incl., SW¼NE¼, SE¼NW¼, E½SW¼ and W½SE¼;
Sec. 8, N½;
Sec. 10, SE¼SW¼ and SE¼;
Sec. 12, W½NE¼ and NW¼.
T. 18 N., R. 27 E.,
Sec. 6, Lots 6, 7, E½SW¼ and SE¼;
Sec. 18, Lots 1 to 4, incl., NE¼ and E½NW¼;
Sec. 30, all;
Sec. 32, all.
T. 19 N., R. 27 E.,
Sec. 30, SE¼.
T. 20 N., R. 27 E.,
Sec. 4, Lots 1, 2, 3, 6 to 12, incl., and SE¼;
Sec. 6, Lots 13 and 14;
Sec. 8, SW¼SE¼;
Sec. 10, all;
Sec. 14, NW¼NW¼;
Sec. 18, NE¼;
Sec. 20, NW¼NE¼.
T. 21 N., R. 27 E.,
Sec. 8, NW¼NW¼;
Sec. 10, E½SW¼ and S½SE¼;
Sec. 14, W½;
Sec. 18, Lot 1 and NE¼NW¼;
Sec. 20, NE¼NE¼, NW¼SE¼ and S½SE¼;
Sec. 22, SW¼;
Sec. 24, NW¼NW¼ and S½NW¼;
Sec. 30, NW¼ and SE¼SE¼;
Sec. 32, N½NW¼.
T. 22 N., R. 27 E.,
Sec. 14, NW¼NE¼ and S½SE¼.
Sec. 34, N½NE¼ and SE¼NE¼.
T. 23 N., R. 27 E.,
Sec. 12, NW¼NE¼, NE¼NW¼, SE¼SW¼ and SW¼SE¼;
Sec. 14, S½NE¼, NE¼SW¼ and S½SW¼;
Sec. 22, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼ and W½SE¼;
Sec. 24, N½NW¼;
Sec. 28, W½NW¼.
T. 11 N., R. 28 E.,
Sec. 24, W½E½.
T. 12 N., R. 28 E.,
Sec. 2, SW¼NW¼.
T. 13 N., R. 28 E.,
Sec. 8, NE¼.
T. 14 N., R. 28 E.,
Sec. 12, S½NE¼ and SE¼;
Sec. 22, SW¼;
Sec. 24, all;
Sec. 26, all;
Sec. 28, NW¼.
T. 15, N., R. 28 E.,
Sec. 6, Lots 1, 2 and S½NE¼;
Sec. 18, Lots 1, 2 and E½NW¼;
Sec. 20, S½N½, NE¼SW¼, N½SE¼ and SE¼SE¼;
Sec. 28, N½N½.
T. 16 N., R. 28 E.,
Sec. 2, Lots 1 to 4, incl., NE¼SW¼, S½SW¼ and SE¼;
Sec. 4, Lot 1, SE¼NE¼ and E½SE¼;
Sec. 10, NE¼, NE¼NW¼, S½NW¼ and SW¼;
Sec. 12, S½NW¼ and N½SW¼;
Sec. 14, all;
Sec. 18, S½SE¼;
Sec. 20, SW¼NE¼ and NW¼SE¼;
Sec. 22, SE¼NW¼, NE¼SW¼, S½SW¼ and E½;
Secs. 24, 26 and 28, all;
Sec. 30, Lots 1, 2, 3, NE¼NE¼, W½NE¼, E½NW¼ and NW¼SE¼;
Sec. 32, NE¼ and S½;
Sec. 34, N½ and SE¼.

T. 17 N., R. 28 E.,
Sec. 24, NE¼, NE¼NW¼, NW¼SW¼, S½SW¼ and E½SE¼;
Sec. 26, all;
Sec. 34, all.
T. 18 N., R. 23 E.,
Sec. 8, Lot 3;
Sec. 10, SE¼NE¼ and S½;
Sec. 12, NW¼NW¼, S½N½ and S½;
Sec. 14, all.
T. 19 N., R. 28 E.,
Sec. 4, Lots 1, 2, S½NW¼ and N½SW¼.
T. 20 N., R. 28 E.,
Sec. 26, SW¼SE¼;
Sec. 28, NE¼ and S½.
T. 21 N., R. 28 E.,
Sec. 6, Lots 1 to 5, incl., S½NE¼, SE¼NW¼ and SE¼;
Sec. 18, NE¼NE¼, SE¼SW¼ and SW¼SE¼;
Sec. 20, E½NE¼ and W½W½;
Sec. 26, W½NW¼;
Sec. 28, NE¼NE¼, SW¼NE¼, SW¼, W½SE¼ and SE¼SE¼;
Sec. 30, Lots 1 to 4, incl., SW¼NE¼, E½W½ and NW¼SE¼;
Sec. 34, W½W½.
T. 22 N., R. 28 E.,
Sec. 20, SW¼SE¼;
Sec. 28, NW¼ and NW¼SW¼;
Sec. 30, Lots 1 to 4, incl., and W½E½;
Sec. 32, NE¼NE¼, W½NE¼, NW¼ and NW¼SE¼.
T. 23 N., R. 28 E.,
Sec. 8, SE¼NE¼;
Sec. 32, N½N½, SW¼NW¼ and NW¼SW¼;
Sec. 34, SW¼SW¼.
T. 9 N., R. 29 E.,
Sec. 2, S½SE¼;
Sec. 4, Lots 1 to 4, incl., S½N½ and SW¼;
Sec. 8, NE¼;
Sec. 12, NE¼;
Sec. 14, S½NE¼ and SW¼.
T. 10 N., R. 29 E.,
Sec. 24, SW¼NE¼;
Sec. 26, SW¼ and E½SE¼;
Sec. 28, E½;
Sec. 34, E½NE¼ and SE¼.
T. 13 N., R. 29 E.,
Sec. 2, Lot 1, S½SW¼ and SW¼SE¼;
Sec. 10, E½SE¼;
Sec. 14, E½.
T. 14 N., R. 29 E.,
Sec. 12, NE¼ and E½SE¼;
Sec. 18, Lot 1, N½NE¼ and NE¼NW¼;
Sec. 20, W½;
Sec. 24, all;
Sec. 26, all.
T. 15 N., R. 29 E.,
Sec. 6, Lots 3 and 4;
Sec. 32, SW¼NW¼.
T. 16 N., R. 29 E.,
Sec. 4, Lots 1 to 4, incl., S½N½, N½SW¼ and E½SE¼;
Sec. 6, E½SE¼;
Sec. 8, W½NE¼, NW¼ and W½SE¼;
Sec. 18, Lot 1, NW¼NE¼, NW¼SE¼ and SE¼SE¼;
Sec. 20, NW¼ and S½;
Sec. 30, Lots 1, 2, NE¼ and E½NW¼;
Sec. 32, NW¼NW¼.
T. 17 N., R. 29 E.,
Sec. 8, S½NE¼, SW¼ and N½SE¼;
Sec. 14, S½;
Sec. 20, all;
Sec. 22, N½ and SE¼;
Sec. 28, all;
Sec. 30, Lots 1, 2, N½NE¼, SE¼NE¼ and E½NW¼;
Sec. 32, all.
T. 18 N., R. 29 E.,
Sec. 24, SE¼SW¼;
Sec. 26, N½ and SE¼.
T. 20 N., R. 29 E.,
Sec. 4, SW¼NE¼ and S½SE¼;
Sec. 6, Lot 2.

T. 21 N., R. 29 E.,
Sec. 2, Lots 1, 2, S½NE¼ and SE¼;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼ and SE¼SE¼;
Sec. 8, W½NW¼;
Sec. 14, S½SW¼;
Sec. 18, E½ and E½W½;
Sec. 20, NW¼;
Sec. 22, S½;
Sec. 24, S½N½ and SW¼;
Sec. 26, N½, SE¼SW¼ and S½SE¼;
Sec. 28, N½;
Sec. 30, NE¼, E½NW¼ and SE¼SE¼;
Sec. 34, all.
T. 22 N., R. 29 E.,
Sec. 2, Lots 1, 2 and SW¼NE¼;
Sec. 4, Lots 3 and 4;
Sec. 10, N½NE¼ and SE¼;
Sec. 14, N½N½;
Sec. 26, NE¼.
T. 23 N., R. 29 E.,
Sec. 30, Lots 1 to 4, incl., and E½W½;
Sec. 32, SW¼NW¼ and NW¼SW¼.
T. 10 N., R. 30 E.,
Sec. 18, NW¼.
T. 11 N., R. 30 E.,
Sec. 28, SE¼.
T. 13 N., R. 30 E.,
Secs. 4, 6 and 8, all;
Sec. 18, Lot 1 and NE¼NW¼;
Sec. 20, N½NW¼.
T. 14 N., R. 30 E.,
Sec. 8, S½NW¼ and W½SW¼;
Sec. 10, S½NE¼, SW¼SW¼ and E½SE¼,
Sec. 14, SW¼SW¼;
Sec. 18, E½;
Sec. 24, W½NW¼, NE¼SW¼, S½SW¼ and W½SE¼.
T. 17 N., R. 30 E.,
Sec. 30, SE¼.
T. 21 N., R. 30 E.,
Sec. 20, W½NW¼, SW¼ and S½SE¼;
Sec. 22, N½NE¼ and SE¼NE¼;
Sec. 28, NW¼NE¼ and NW¼;
Sec. 30, SE¼NE¼.
T. 9 N., R. 31 E.,
Sec. 10, SW¼;
Sec. 20, Lots 1, 2, NE¼SW¼ and N½SE¼;
Sec. 22, Lots 1, 2, NW¼NE¼ and N½NW¼.
T. 10 N., R. 31 E.,
Sec. 2, all;
Sec. 4, Lots 1, 2 and S½NE¼;
Sec. 6, SE¼;
Sec. 8, W½E½;
Sec. 10, all;
Sec. 12, all;
Sec. 14, all;
Sec. 20, E½;
Sec. 22, all;
Sec. 24, all;
Sec. 26, NW¼ and S½.
T. 11 N., R. 31 E.,
Sec. 18, Lots 1, 2, NE¼ and E½SE¼;
Sec. 20, all;
Sec. 22, SW¼;
Sec. 24, all;
Sec. 26, all;
Sec. 28, all;
Sec. 30, NE¼;
Sec. 32, N½ and SE¼;
Sec. 34, all.
T. 13 N., R. 31 E.,
Sec. 2, S½NW¼;
Sec. 4, S½;
Sec. 8, W½NW¼, SW¼SW¼ and SE¼SE¼;
Sec. 10, W½NE¼ and SE¼;
Sec. 14, W½NW¼ and W½SW¼;
Sec. 18, Lots 1, 2, 3, 4, NW¼NE¼, E½NW¼ and NE¼SW¼;
Sec. 20, NW¼NE¼, N½NW¼, S½SW¼ and SW¼SE¼;
Sec. 22, N½NW¼, SE¼NW¼ and NE¼SW¼;
Sec. 30, Lot 1, N½NE¼ and NE¼NW¼.
T. 14 N., R. 31 E.,
Sec. 34, S½SW¼ and SW¼SE¼.
T. 9 N., R. 32 E.,
Sec. 4, Lots 1, 2, 6, 7 and 8.

T. 10 N., R. 32 E.,
Sec. 4, Lots 1 to 4, incl., SW¼NE¼, S½NW¼, SW¼, SW¼NE¼ and SE¼SE¼;
Secs. 6, 8 and 18, all.
T. 11 N., R. 32 E.,
Sec. 20, S½NE¼, NW¼ and S½;
Secs. 28, 30 and 32, all.
T. 13 N., R. 33 E.,
Sec. 6, Lots 1 to 4, incl., Lot 7, S½NE¼, N½SE¼ and SW¼SE¼;
Sec. 10, SE¼NW¼.

The above areas aggregate 109,599.32 acres.

JUNE 13, 1947.

MICHAEL W. STRAUS,
Commissioner.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

JUNE 18, 1947.

FRED W. JOHNSON,
Director,
Bureau of Land Management.

Notice for Filing Objections

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order of June 13, 1947, withdrawing certain public lands for use in connection with the Columbia Basin Project, Washington, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

MICHAEL W. STRAUS,
Commissioner,
Bureau of Reclamation.

[F. R. Doc. 47-6554; Filed, July 14, 1947; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2560]

DET DANSKE LUFTFARTSELSKAB, A/B, ET AL.

NOTICE OF FURTHER HEARING

In the matter of the joint petition of Det Danske Luftfartselskab, A/B, Det Norske Luftfartselskap, A/S, and Svensk Interkontinental Lufttrafik, A/B, under section 402 (g) of the Civil Aeronautics Act of 1938, as amended, for alteration, modification, or amendment of their respective permits, if required, to permit operations under a consortium, Scandinavian Airlines System, and of the joint petition of the aforesaid foreign air carriers and the Scandinavian Airlines System under section 402 of the act for the issuance of a foreign air carrier permit to Scandinavian Airlines System authorizing foreign air transportation between the points authorized by the permits now held by Det Danske Luftfartselskab, A/B, Det Norske Luftfartselskap, A/S, and Svensk Interkontinental Lufttrafik, A/B.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 402 (g) of said act, that further hearing in the above-entitled proceeding is assigned to be held July 16, 1947, at 2:00 p. m. (eastern daylight saving time), in Room 1302, Temporary Building T, Constitution Avenue between 12th and 14th Streets NW., before Examiner Herbert K. Bryan.

Each of the petitioners is the holder of a permit, issued by the Board pursuant to section 402 of the act, authorizing it to engage in air transportation between its respective country and the alternate terminal points New York, N. Y., and Chicago, Ill., via various intermediate points. The petitioners entered into a contract creating a consortium to operate the combined routes as a single system, known as the Scandinavian Airlines System, on the condition that each forgoes the exercise of the individual rights granted to it by its permit. They also contracted for the services of Scandinavian Airlines System, Inc., an American company, to perform various duties in the conduct of operations in the United States. Pursuant to this consortium contract, a joint petition was filed with the Board requesting approval of such an operation or, in the alternative, the alternation, modification, or amendment of their respective permits to authorize the combined operation, if such approval or alteration is found necessary under the act. A hearing on said petition was held before an examiner of the Board.

Subsequent to the hearing, an amended agreement was negotiated between the parties providing for the creation of the consortium as a single entity to conduct on behalf of the contracting parties air transportation authorized in the three respective foreign air carrier permits. Pursuant thereto, an amended petition has been filed requesting that a foreign air carrier permit authorizing air transportation between the coterminal points Stockholm, Sweden; Oslo and Stavanger, Norway; and Copenhagen, Denmark; and the alternate terminal points New York, N. Y., and Chicago, Ill., via various intermediate points, be issued to the consortium, Scandinavian Airlines System, as an entity, and that the existing respective foreign air carrier permits of the petitioners be suspended for the duration of such foreign air carrier permit.

For further details of the proposed operations interested parties are referred to the amended petition and the existing permits on file in the office of the Civil Aeronautics Board, Washington 25, D. C.

Without limiting the scope of the issues, particular attention will be directed to the following matters and questions:

1. Is Scandinavian Airlines System a person proposing to engage in foreign air transportation, thus requiring a permit pursuant to section 402?

2. Are amendments of existing permits heretofore issued pursuant to section 402 and/or the issuance of an additional permit to Scandinavian Airlines System necessary in order to permit the proposed operation?

3. Are the issuance of a foreign air carrier permit to Scandinavian Airlines System and/or the modification or suspension of existing permits of the petitioner in the public interest?

4. Is Scandinavian Airlines System fit, willing, and able to properly perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder?

5. Would the issuance of a foreign air carrier permit to the consortium, Scandinavian Airlines System, and or the amendments of the existing permits authorizing air transportation of persons, property, and mail by the consortium, as requested, be consistent with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any other countries, particularly Norway, Sweden, and Denmark?

6. What other, if any, approvals by the Civil Aeronautics Board are necessary to authorize the operations and/or the relationship of the petitioners, the Scandinavian Airlines System, and the Scandinavian Airlines System, Inc.?

Notice also is given that any person not a party of record as of June 20, 1947, desiring to controvert in fact or law any of the issues raised by said amended petition shall file with the Board on or before July 16, 1947, a statement of said issues.

Dated at Washington, D. C., July 9, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47 6561; Filed, July 14, 1947; 8:45 a. m.]

[Docket No. 2987]

LINEA AEROPOSTAL VENEZOLANA

NOTICE OF HEARING

In the matter of the application of Linea Aeropostal Venezolana pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for amendment of its foreign air carrier permit authorizing foreign air transportation between (1) Maiquetia, Venezuela, and Miami, Fla., via Havana, Cuba; and (2) Maiquetia, Venezuela, and Montreal, Canada, via Havana, Cuba, and New York, N. Y.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on July 17, 1947, at 10 a. m. (eastern daylight saving time) in Room 1302, Temporary "T" Building, Constitution Avenue, between 12th and 14th Streets, N. W., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, par-

ticular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and Venezuela.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before July 17, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., July 9, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6560; Filed, July 14, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 232]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., July 8, 1947, by Atlantic Commission Co., Chicago, Ill., of car PFE 14137, potatoes, now on the Pennsylvania Railroad to Atlantic Commission Co., Pier 29, New York, N. Y. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washigton, D. C., this 8th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6559; Filed, July 14, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

FREQUENCY ASSIGNMENTS FOR FM BROADCAST STATIONS

JUNE 26, 1947.

The Commission announces proposed frequency assignments for Class A FM broadcast stations holding conditional grants for construction permits as of June 24, 1947. These assignments are made under the FM broadcast rules and standards, as amended on June 12, 1947.

It is contemplated that the assignment of frequencies to these conditionally granted Class A FM broadcast stations will enable interested parties to determine which Class A channels appear to remain available in any given locality.

State and city	Grantee	Frequency, megacycles	Channel No.
California:			
Big Bear Lake	Big Bear Lake Broadcasting Co	98.7	254
Colton	San Bernardino Valley Broadcasters	94.3	232
Burbank	Burbank Broadcasters, Inc	94.3	232
Long Beach	The Cerritos Broadcasting Co	103.1	276
Berkeley	E. Ogden Driggs	99.3	[illegible]
San Mateo	San Mateo County Broadcasters	100.9	264
Santa Barbara	News-Press Publishing Co	98.3	252
Turlock	Turlock Broadcasting Group	100.9	264
Georgia: Rome	Rome Radio Broadcasting Co	104.9	284
Illinois:			
Aurora	The Copley Press, Inc	103.9	280
Canton	Fulton County Broadcasting Co	100.9	264
Elgin	The Copley Press Inc	94.3	232
Evanston	Sentinel Radio Corp	100.3	264
Joliet	The Copley Press, Inc	96.7	244
Marion	Harry L. Crisp	101.7	269
Oak Park	Gale Broadcasting Co, Inc	98.3	252
Do	Commander Industries	93.5	228
Maryland:			
Bethesda	Broadcast Management, Inc	103.1	276
Bradbury Heights	Chesapeake Broadcasting Co., Inc	96.7	244
Massachusetts:			
Brockton	Plymouth County Broadcasting Corp	105.3	292
Fall River	Narragansett Broadcasting Co	100.9	264
West Yarmouth	E. Anthony & Sons, Inc	94.3	232
Michigan: Grosse Pointe	Grosse Pointe Broadcasting Corp	96.3	244
New Jersey:			
Camden	American Quartz Laboratories, Inc	100.9	264
Trenton	Trent Broadcast Corp	100.1	261
New Mexico: Albuquerque	FM Broadcasting Co	101.7	269
New York:			
Batavia	Batavia Broadcasting Corp	94.3	232
Glens Falls	Warren Broadcasting Corp	103.9	280
Lockport	Lockport Union Sun and Journal, Inc	96.3	244
New Rochelle	Brooklyn Broadcasting Service, Inc	93.5	228
North Carolina:			
Morganton	Beatrice Cobb	94.3	232
Reidsville	Reidsville Broadcasting Co	98.3	252
Rocky Mount	William Avera Wynne	92.1	221
Ohio:			
Cheviot	George Anthony Washvas	96.7	244
Painesville	William M. Miller	101.7	269
Ravenna	Record Publishing Co	92.1	221
Roscoe	Coshocton Broadcasting Co	103.1	276
Springfield	Champion City Broadcasting Co	103.9	280
Oklahoma: Okmulgee	Donald W. Reynolds	93.5	228
Pennsylvania:			
Butler	Butler Broadcasting Co	97.7	249
Do	Eagle Printing Co., Inc	103.9	280
Norristown	Rahall Broadcasting Co	92.1	221
Stroudsburg	Pocono Broadcasting Co	96.7	244
Tennessee: Cleveland	Robert W. Rounsaville	92.1	221
Texas:			
Abilene	Citizens Broadcasting Co., Inc	98.3	252
Brownsville	Brownsville Herald Publishing Co	103.9	280
Edinburg	James Cullen Looney	104.9	284
Goose Creek	Tri-Cities Broadcasting Co	92.1	221
Harlingen	The Valley Publishing Co	98.3	252
McAllen	Valley Evening Monitor, Inc	100.9	264
Utah: Ogden	James B. Littlejohn	103.9	280
Virginia:			
Alexandria	Potomac Broadcasting Corp	98.3	252
Arlington	Arlington-Fairfax Broadcasting Co., Inc	100.3	264
Wisconsin:			
Marshfield	Dairyland's Broadcasting Service, Inc	103.9	280
Stevens Point	do	94.3	232
Wisconsin Rapids	do	99.3	256

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6615; Filed, July 14, 1947; 9:03 a. m.]

FREQUENCY ASSIGNMENTS FOR FM BROADCAST STATIONS

JUNE 20, 1947.

The Commission announces frequency assignments for new FM broadcast stations granted construction permits on June 11 and June 12, 1947. These frequency assignments are shown in the following list. These assignments are made under the FM rules and standards, as amended on June 12, 1947, and under the revised tentative allocation plan for FM broadcast stations adopted June 12, 1947.

Operation prior to March 1, 1948, on channel assignments indicated by asterisks (*) will be contingent on clearance of image frequency interference in present aeronautical navigational aid receivers.

State and City	Permittee	Frequency, megacycles	Channel No.
	June 11 grants		
Hartford, Conn	The Hartford Times, Inc	100.1	261
Ashland, Ky	Ashland Broadcasting Co	93.7	229
Brockton, Mass	Enterprise Publishing Co	97.7	249
Pittsfield, Mass	Leon Podolsky	101.5	268
Bay City, Mich	Bay Broadcasting Co., Inc	96.1	241
Manchester, N. H	Harry M. Bitner	101.1	265
Do	The Radio Voice of New Hampshire, Inc	97.7	*249
Trenton, N. J	Mercer Broadcasting Co	97.5	248
Ashtabula, Ohio	WICA, Inc	102.7	279
	June 12 grants		
Springfield, Mass	WSPR, Inc	97.9	250
Do	Springfield Broadcasting Co	101.9	270
Chicopee, Mass	Regional Broadcasting Co	100.3	262
San Diego, Calif	Union Tribune Publishing Co	107.9	300
Do	Bolton Radio Corp	92.5	223
Atlanta, Ga	Liberty Broadcasting Corp	103.3	277
Do	Atlanta Journal Co	101.5	268
Do	Atlanta Broadcasting Co	97.5	248
Do	Wilson & Cope	99.9	260
Do	Regents of the University System of Georgia for and on behalf of Georgia School of Technology	94.1	231
Do	General Broadcasting Co	95.5	238
Wilmington, Del	WDEL, Inc	93.7	229
Do	Wilmington Tri-State Broadcasting Co., Inc	96.1	*241
Providence, R. I	The Outlet Co	95.5	238
Do	Cherry & Webb Broadcasting Co	92.3	222
Do	The Yankee Network, Inc	94.1	231
Do	Colonial Broadcasting Co	107.7	299
Pawtucket, R. I	Pawtucket Broadcasting Co	101.5	268
Indianapolis, Ind	The Wm. H. Block Co	97.1	246
Do	Scripps-Howard Radio, Inc	93.1	226
Do	Indiana Broadcasting Corp	95.5	238
Do	Capitol Broadcasting Co	98.7	254
Do	Indianapolis Broadcasting, Inc	92.3	222
Do	Universal Broadcasting Co., Inc	96.3	242

The Commission also announces frequency assignments for the New York FM proposed decision (B-348), the Bridgeport FM proposed decision (B-368), and the Philadelphia FM proposed decision (B-373).

State and City	Permittee	Frequency, megacycles	Channel No.
	B-348		
New York, N. Y	WMCA, Inc	92.3	222
Do	News Syndicate Co., Inc	105.1	286
Do	Unity Broadcasting Corp. of New York	103.5	278
Do	American Broadcasting Co. Inc	95.5	238
Paterson, N. J	North Jersey Broadcasting Co. Inc	104.3	282
	B-368		
Bridgeport, Conn	Bridgeport Herald Corp	97.5	248
Do	Harold Thomas	99.9	260
Do	Harry F. Guggenheim	101.5	268
	B-373		
Philadelphia, Pa	Franklin Broadcasting Corp	100.1	261
Do	Unity Broadcasting Corp. of Penna	103.7	279
Do	Independence Broadcasting Co	105.3	287

FM Channel Allocation Plan Change. The Commission approved the following change in the revised tentative allocation plan for FM broadcast stations, dated June 13, 1947, (Mimeograph #8178):

General area	Channels	
	Deleted	Added
Boston, Mass	241	264
Worcester, Mass	264	241

FM Frequency Assignment Changes. The Commission approved the following channel assignments, in lieu of previous assignments:

KRFM, J. E. Rodman, Fresno, Calif., 220, 93.7 mc.

WTAG-FM, WTAG, Inc., Worcester, Mass., 241, 96.1 mc.

In Public Notice 9273, dated June 12, 1947, entitled "Frequency Assignments for FM Broadcast Stations", the following corrections should be noted:

San Jose, Calif.: Change call letters from KPRO to KRPO.

Add: Dublin, Ga.: WMLT-FM Dublin B cg Co. (Channel 251) 98.1 mc.

Peoria, Ill.: Change call letters from WMMJ to WMMJ-FM.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6616; Filed July 14, 1947; 9:03 a. m.]

[Designation Order 11]

DESIGNATION OF MOTIONS COMMISSIONER FOR JULY 1947

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of June 1947;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that R. H. Hyde, Commissioner, be and he is hereby designated as Motions Commissioner, for the month of July 1947.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6572; Filed, July 14, 1947; 8:47 a. m.]

[Docket Nos. 7094, 7412]

MACKAY RADIO AND TELEGRAPH CO., INC., ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of radiotelegraph circuits between the United States and British Commonwealth and certain other foreign points, Docket No. 7094; in the matter of applications of Mackay Radio and Telegraph Company, Inc., R. C. A. Communications, Inc., Tropical Radio Telegraph Company, United States-Liberia Radio Corporation, Press Wireless, Inc., for modification of license for authority to communicate with British Commonwealth and certain other foreign points, Docket No. 7412.

The proposed report of the Commission adopted on June 25, 1947, scheduled oral argument in the above-entitled proceeding on August 8, 1947.

Unless otherwise specified by subsequent notice the aforesaid oral argument will be held in Room 6121 of the offices of the Commission, Washington, D. C., beginning at ten o'clock a. m.

Dated: June 26, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6617; Filed, July 14, 1947; 9:03 a. m.]

[Docket No. 7974]

ASSIGNMENT OF FREQUENCIES FOR RADIOTELEGRAPH SERVICE BETWEEN THE UNITED STATES AND FOREIGN AND OVERSEAS POINTS

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of June 1947;

The Commission, having under consideration a request by Mackay Radio and Telegraph Company, Inc., that its application dated February 11, 1947, for modification of license to add Helsinki, Finland, as an authorized point of communication, File No. 10364-MLHT-B, be included herein together with its applications heretofore designated for hearing in the proceedings herein; and

It appearing, that the above-desoribed application should properly be considered in the proceedings herein;

It is ordered, That the above described application of Mackay Radio and Telegraph Company, Inc., is designated for hearing in this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6571; Filed, July 14, 1947; 8:46 a. m.]

[Docket No. 8033]

ORAL J. WILKINSON

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Oral J. Wilkinson, Murray, Utah, for construction permit; Docket No. 8033, File No. BP-5392.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of June 1947;

The Commission having under consideration the above-entitled application of Oral J. Wilkinson for a construction permit for a new standard broadcast station to operate on 1230 kc, 50 w power, unlimited time, at Murray, Utah; and

It appearing, that the Commission, on December 19, 1946, designated the said application of Oral J. Wilkinson for hearing in a consolidated proceeding with the application of G. Stanley Brewer, d/b as Weber County Service Company (File No. BP-5462, Docket No. 8034), requesting 1240 kc, with 250 watts power, unlimited time, at Ogden, Utah, but that on April 18, 1947 the said application of Oral J. Wilkinson was amended to specify the frequency 1400 kc and was removed from the hearing docket; and

It further appearing, that on May 14, 1947 the applicant, Oral J. Wilkinson, filed with the Commission a verified letter which in effect amended his said application to again specify the originally requested frequency of 1230 kc;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Oral J. Wilkinson be, and it is hereby, designated for hearing in a consolidated proceeding with the said application of G. Stanley Brewer, d/b as Weber County Service Company, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KOVO, Provo, Utah, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That KOVO Broadcasting Company and Cache Valley Broadcasting Company, licensees of Stations KOVO, Provo, Utah, and KVNU, Logan, Utah, respectively, be, and they are hereby, made parties to this proceeding;

It is further ordered, That the Commission's order of December 19, 1946, designating the application of G. Stanley Brewer, d/b as Weber County Service Company, for hearing in the consolidated proceeding, as modified by the removal of the application of Oral J. Wilkinson from the hearing docket as aforesaid, be, and it is hereby, amended to again include that application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6599; Filed, July 14, 1947; 9:00 a. m.]

[Docket Nos. 8170, 8171, 8348, 8432]

WESTERN PENNSYLVANIA BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Western Pennsylvania Broadcasting Corporation, East Liberty, Pennsylvania, Docket No. 8170, File No. BP-5344; East Liverpool Broadcasting Company, East Liverpool, Ohio, Docket No. 8171, File No. BP-5799; United Broadcasting Corporation, Pittsburgh, Pennsylvania, Docket No. 8348, File No. BP-5863; Radio Courier, Inc., East Liverpool, Ohio, Docket No. 8432, File No. BP-6092; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the above-entitled application of Radio Courier, Inc., requesting a construction permit for a new standard broadcast station to operate on 1490 kc, 250 w power, unlimited time, at East Liverpool, Ohio; and

It appearing, that the Commission on March 6, 1947, designated for hearing in a consolidated proceeding the applications of Western Pennsylvania Broadcasting Corporation (File No. BP-5344; Docket No. 8170), East Liberty, Pennsylvania and East Liverpool Broadcasting Company (File No. BP-5799; Docket No. 8171), East Liverpool, Ohio, each requesting a construction permit for a new standard broadcast station to operate on 1490 kc, 250 w power, unlimited time at East Liberty, Pennsylvania and East Liverpool, Ohio, respectively, and that on April 29, 1947 the Commission designated for hearing in said consolidated proceeding the application of United Broadcasting Corporation (File No. BP-5863; Docket No. 8348), requesting a construction permit for a new standard broadcast station to operate on 1470 kc, 5 kw power, unlimited time, employing a directional antenna, at Pittsburgh, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Radio Courier, Inc., be, and it is hereby designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the Commission's order of March 6, 1947 and April 29, 1947, designating the above entitled applications of Western Pennsylvania Broadcasting Corporation (File No. BP-5344; Docket No. 8170), East Liverpool Broadcasting Company (File No. BP-5799; Docket No. 8171) and United Broadcasting Corporation (File No. BP-5863; Docket No. 8348) for hearing in a consolidated proceeding, be, and they are hereby, amended to include the above entitled application of Radio Courier, Inc. (File No. PB-6092) and to include among the issues for hearing, Issue No. 7, stated above.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6606; Filed, July 14, 1947; 9:01 a. m.]

[Docket No. 8426]

THE NAUGATUCK VALLEY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Naugatuck Valley Broadcasting Corporation, Ansonia, Connecticut, for construction permit. Docket No. 8426, File No. BP-5926.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 690 kc, with 1 kw power, daytime only, at Ansonia, Connecticut;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Stations WOR, New York, New York and WNBC, New York, New York or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interefference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station WNHC at New Haven, Connecticut, the nature and extent thereof, and whether such overlap if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That, Bamberger Broadcasting Service, Inc., licensee of Station WOR, New York, New York, and National Broadcasting Company, Inc., licensee of Station WNBC, New York, New York, be, and they are hereby, made parties to this proceeding.

Notice is hereby given, that, § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6610; Filed, July 14, 1947; 9:02 a. m.]

[Docket No. 8425]

WILLIAM COURTNEY EVANS

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of William Courtney Evans, Dover, Delaware, for construction permit, Docket No. 8425, File No. BP-5927.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Dover, Delaware;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Stations WBAB, Atlantic City, New Jersey and WTOP, Washington, D. C., or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Press-Union Publishing Company, licensee of Station WBAB, Atlantic City, New Jersey and Columbia Broadcasting System, Inc., licensee of Station WTOP, Washington, D. C., be, and they are hereby, made parties to this proceeding.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6609; Filed, July 14, 1947; 9:02 a. m.]

[Docket No. 8427]

DOUGLAS L. GRADDOCK (WLOE)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Douglas L. Graddock (WLOE), Leaksville, North Carolina, for modification of license. Docket No. 8427. File No. BML-1253.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the above-entitled application requesting an increase of power from 100 w to 250 w at Station WLOE, Leaksville, North Carolina, and a petition filed by Radio Roanoke, Incorporated, licensee of Station WROV, Roanoke, Virginia, requesting that said application be designated for hearing and that petitioner be made a party thereto;

It is ordered, That the petition of Radio Roanoke, Incorporated, be, and it is hereby granted; and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Douglas L. Graddock be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain

or lose primary service from the operation of Station WLOE as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the station as proposed would involve objectionable interference with Stations WROV, Roanoke, Virginia, WDNC, Durham, North Carolina, WBIG, Greensboro, North Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the station as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of station WLOE as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Radio Roanoke, Incorporated, licensee of station WROV, Roanoke, Virginia, Durham Radio Corporation, licensee of station WDNC, Durham, North Carolina, and North Carolina Broadcasting Company, Incorporated, licensee of station WBIC, Greensboro, North Carolina, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6607; Filed, July 14, 1947; 9:01 a. m.]

[Docket No. 8433]

NORTHEAST GEORGIA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Northeast Georgia Broadcasting Company, Gainesville, Georgia, File No. BP-5659, Docket No. 8433; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1400 kc, with 250 w power, unlimited time, at Gainesville, Georgia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WSGC, Elberton, Georgia, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice corncerning standard broadcast stations.

It is further ordered, That Elberton Broadcasting Company, Elberton, Georgia, licensee of station WSGC, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6613; Filed, July 14, 1947; 9:02 a. m.]

[Docket No. 8434]

HECTOR REICHARD

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Hector Reichard, Aguadilla, Puerto Rico, Docket No. 8434, File No. BP-5952; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1240 kc, 250 w power, unlimited time, at Aguadilla, Puerto Rico; and

It appearing, that the Commission, on December 5, 1946, designated for hearing in a consolidated proceeding the application of Jorama-Fer Radio Corporation (File No. BP-5174, Docket No. 7998), requesting construction permit for a new standard broadcast station to operate on 1240 kc, 250 w, unlimited time, at Caguas, Puerto Rico, and Caguas Radio Broadcasting, Inc., (File No. BP-5475, Docket No. 7999), requesting construction permit for a new standard broadcast station to operate on 1230 kc, 250 w, unlimited time, at Caguas, Puerto Rico;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Hector Reichard be, and it is hereby, designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of December 5, 1946, designating the applications of Jorama-Fer Radio Corporation and Caguas Radio Broadcasting, Inc., for hearing in a consolidated proceeding, be, and it is hereby, amended to include the application of Hector Reichard.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6602; Filed, July 14, 1947; 9:00 a. m.]

[Docket No. 8442]

WAVE PUBLICATIONS

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING

In re application of The Wave Publications, Vernon, California, for FM construction permit, Docket No. 8442, File No. BPH-1273.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of June 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new Class A FM broadcast station at Vernon, California,

It appearing, that on April 23, 1947 and May 22, 1947, the Commission adopted orders designating for hearing in a consolidated proceeding the application of San Pedro Printing and Publishing Company and other applications (Docket Nos. 8318 to 8332, inclusive, and 8334) requesting construction permits for new Class A FM broadcast stations in the Los Angeles, California area, which applications are or may be in conflict with the above-entitled application;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of The Wave Publications (File No. BPH-1273) be, and it is hereby, designated for hearing in the said consolidated proceeding with the applications of San Pedro Printing and Publishing Company (Docket No. 8318) et al., upon Issues Nos. "1" to "6", inclusive, set forth in the Commission's order of April 23, 1947, at a time and place to be designated by subsequent order of the Commission.

It is further ordered, That the Commission's order of April 23, 1947, be, and it is hereby, amended to include the application of the Wave Publications (File No. BPH-1273).

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6614; Filed, July 14, 1947; 9:03 a. m.]

[Docket No. 8443, 8444]

RADIO GREENVILLE AND GREENVILLE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of William W. Hunt & Jeff P. Beeland, Jr., d/b as Radio Greenville, Greenville, Alabama, Docket No. 8443, File No. BP-6025; E. Vernon Stabler, Calvin Poole & Samuel W. Ferrell, Jr., a partnership d/b as The Greenville Broadcasting Company, Greenville, Alabama, Docket No. 8444, File No. BP-6094; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of June 1947;

The Commission having under consideration the above-entitled applications, each for a construction permit for a new standard broadcast station to operate on the frequency 1400 kc, 250 w power, unlimited time, at Greenville, Alabama;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6604; Filed, July 14, 1947; 9:00 a. m.]

[Docket Nos. 8428, 8429, 8430]

HOWDY FOLKS BROADCASTERS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louis P. Myers and Gertrude Jo Myers, d/b as Howdy Folks Broadcasters, Tulsa, Oklahoma, Docket No. 8428, File No. BP-5853; Donald W. Reynolds, Okmulgee, Oklahoma, Docket No. 8429, File No. PB-5871; Procter and Marsh, a partnership consisting of George B. Procter and Hugh M. Marsh, d/b as Muskogee Broadway Broadcasting Company, Muskogee, Oklahoma, Docket No. 8430, File No. BP-5918; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at their respective cities;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant parnerships and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the others, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6605; Filed, July 14, 1947; 9:01 a. m.]

[Docket No. 8447]

WABASH BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Wabash Broadcasting Company, Incorporated, Lafayette, Indiana, for construction permit, Docket No. 8447, File No. BP-6037.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of June 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on the frequency 1340 kc, 250 w power, unlimited time, at Lafayette, Indiana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WJOL, Joliet, Illinois, WSOY, Decatur, Illinois, WLBC, Muncie, Indiana and WTRC, Elkhart, Indiana, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Radio Bedford, Inc., Bedford, Indiana (File No. BP-5346, Docket No. 7944), and Sarkes Tarzian, Bloomington, Indiana (File No. BP-5278, Docket No. 7943), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either of the applications in this consolidated proceeding should be granted.

It is further ordered, That Joliet Broadcasting Co., Commodore Broadcasting Incorporated, Donald L. Burton, and The Truth Publishing Co., Inc., licensees of Stations WJOL, WSOY, WLBC and WTRC, respectively, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R Doc. 47-6608; Filed, July 14, 1947; 9:01 a. m.]

[Docket No. 8431]

PELLEGRIN AND SMEBY

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Frank E. Pellegrin and Lynne C. Smeby d/b as Pellegrin and Smeby, Detroit, Michigan, Docket No. 8431, File No. BP-5805, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commisison having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1460 kc, with 500 w power, daytime only, at Detroit, Michigan;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WJBK, Detroit, Michigan or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, James F. Hopkins, Inc., licensee of Station WJBK, Detroit, Michigan, be, and it is hereby, made a party to this proceeding.

Notice is hereby given, that, § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6611; Filed, July 14, 1947; 9:02 a. m.]

[Docket No. 8435]

KICKAPOO PRAIRIE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Kickapoo Prairie Broadcasting Company, Inc., Springfield, Missouri, Docket No. 8435, File No. BP-5823, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Springfield, Missouri;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KSEK, Pittsburg, Kansas, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That the Pittsburg Publishing Company, licensee of Station KSEK, Pittsburg, Kansas, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6612; Filed, July 14, 1947; 9:02 a. m.]

[Docket Nos. 8436, 8084, 8083]

MORRISTOWN BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Kenneth A. Croy, George S. Croy, James R. Croy and Olive S. Croy, a partnership, d/b as Morristown Broadcasting Company, Morristown, New Jersey, Docket No. 8436, File No. BP-5841; WSWZ, Incorporated, Trenton, New Jersey, Docket No. 8084, File No. BP-5590; Capital Broadcasting Company, Trenton, New Jersey, Docket No. 8083, File No. BP-4832, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the above-entitled application of Kenneth A. Croy, George S. Croy, James R. Croy and Olive S. Croy, a partnership, d/b as Morristown Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1250 kc, with 1 kw power, daytime only, at Morristown, New Jersey;

It appearing, that the Commission on January 30, 1947, designated for hearing in a consolidated proceeding the applications of WSWZ, Incorporated (File No. PP-5590, Docket No. 8084) requesting a construction permit for a new standard broadcast station to operate on 1260 kc, 5 kw, unlimited time, at Trenton, New Jersey, and Capitol Broadcasting Company (File No. BP-4832, Docket No. 8083) requesting a construction permit for a new standard broadcast station to operate on 1260 kc, 1 kw, unlimited time, at Trenton, New Jersey;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Morristown Broadcasting Company be, and it is hereby, designated for hearing in a consolidated proceeding with the applications in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WOV, New York, New York, WHBI, Newark, New Jersey, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of WSWZ, Incorporated (File No. BP-5590, Docket No. 8084) Trenton, New Jersey, Capitol Broadcasting Company (File No. BP-4832, Docket No. 8083) Trenton, New Jersey, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders of January 30, 1947, designating the above-entitled applications of WSWZ, Incorporated (File No. BP-5590, Docket No. 8084) and Capitol Broadcasting Company (File No. BP-4832, Docket No. 8083) for hearing in a consolidated proceeding, be, and they hereby are, amended to include the above-entitled application of Morristown Broadcasting Company (File No. BP-5841) and to include among the issues for hearing, Issue No. 7, stated above; and

It is further ordered, That WODAAM Corporation, licensee of Station WOV, New York City and May Radio Broadcast Corporation, licensee of Station WHBI, Newark, New Jersey, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6603; Filed, July 14, 1947; 9:00 a. m.]

[Docket No. 8446]

HANNA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Joseph A. and Michael R. Hanna, a partnership, d/b as Hanna Broadcasting Company, Utica, New York, Docket No. 8446, File No. BP-6129, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of June 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w power, unlimited time, at Utica, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Utica Observer Dispatch, Inc. (BP-6015), requesting construction permit for a new standard broadcast station to operate on 1230 kc, 250 w power, unlimited time, at Utica, New York, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6601; Filed, July 14, 1947; 9:00 a. m.]

[Docket No. 8445]

UTICA OBSERVER DISPATCH, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Utica Observer Dispatch, Inc., Utica, New York, Docket No. 8445, File No. BP-6015, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of June 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1230 kc, 250 w power, unlimited time, at Utica, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Joseph A. and Michael R. Hanna, a partnership d/b as Hanna Broadcasting Company (BP–6129) requesting a construction permit for a new standard broadcast station to operate on 1230 kc, 250 w power, unlimited time, at Utica, New York, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6600; Filed, July 14, 1947; 9:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–127, 59–3, 59–12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of July A. D. 1947.

In the matters of Electric Bond and Share Company, File No. 54–127; Electric Bond and Share Company and its subsidiary companies, respondents, File No. 59–3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59–12.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having filed with this Commission, pursuant to sections 9, 10 and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-44 and U-50 of the rules and regulations promulgated thereunder a supplemental application and declaration, designated as Amendment No. 5 to its Plan II-A, regarding the sale by Bond and Share of certain shares of the common stock of Carolina Power & Light Company; and

The Commission having by order dated May 6, 1947 granted said application and permitted said declaration to become effective subject to the terms and conditions prescribed in Rule U-24; and

Bond and Share having advised the Commission that, in its opinion, market conditions since May 6, 1947 have not been appropriate to warrant the offering of the said Carolina common stock; and

Bond and Share having requested the Commission to extend until October 6, 1947 the time within which the proposed transactions shall be carried out, in accordance with the terms and conditions of, and for the purposes stated in, the supplemental application and declaration; and

The Commission having considered such request and having concluded that it should not be denied;

It is ordered, That the time within which Bond and Share shall carry out the transactions proposed in said application and declaration be, and hereby is, extended to and including October 6, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6553; Filed, July 14, 1947; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

BOGDANA PALAMIDOVA EGNATEFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Bogdana Palamidova Egnateff, Palisades Park, New Jersey; 5358; $4,400 in the Treasury of the United States. All right, title, interest and claim of any character whatsoever of Bogdana Palamidova Egnateff, in and to the trusts created under Articles Ninth and Thirteenth of the will of Etha D. Kissam, deceased; Trustee, Fidelity Union Trust Company, Newark, New Jersey.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6597; Filed, July 14, 1947; 8:59 a. m.]

ALEXANDER AND AGNES GWIAZDOWSKI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Alexander P. Gwiazdowski and Agnes Gwiazdowski, natural guardians of Barbara Gwiazdowski, Angola, Indiana; 5519; Property described in Vesting Order No. 4034 (9 F R 13781, November 17, 1944) relating to the literary work "Economics of Tool Engineering" (listed in Exhibit A of said vesting order) to the extent owned by the claimant immediately prior to the vesting thereof, including royalties pertaining thereto in the amount of $218.36.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6598; Filed, July 14, 1947; 8:59 a. m.]

[Vesting Order 9236]

GEORGE Y. NISHIMURA

In re: Debts or other obligations owing to and stocks and bonds owned by George Y. Nishimura. F–39–1369–E–1, F–39–1369–A–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found.

1. That George Y. Nishimura, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to George Y. Nishimura, by Seattle-First National Bank, 2nd Avenue and Cherry Street, Seattle, Washington, arising out of a checking account entitled George Y. Nishimura, maintained at the branch office of the aforesaid bank located at 526 Jackson Street, Seattle, Washington, and any and all rights to demand, enforce and collect the same,

b. All right, title and interest of George Y. Nishimura, in and to all obligations, contingent or otherwise and whether or not matured, of Seattle-First National Bank, Seattle, Washington, evidenced by that certain draft, bearing the number V20324, issued in favor of George Y. Nishimura, by the aforesaid Seattle-First National Bank in the principal sum of $5,000.00, and endorsed in blank, together with all right, title, and interest of George Y. Nishimura in, to, and under the aforesaid draft,

c. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of George Y. Nishimura, and presently in the custody of Seattle-First National Bank, 526 Jackson Street, Seattle, Washington, together with all declared and unpaid dividends thereon,

d. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, registered in the name of George Y. Nishimura, and presently in the custody of Seattle-First National Bank, 526 Jackson Street, Seattle, Washington, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Name and address of issuer	Place of incorporation	Type of stock	Par value	Number of shares	Certificate No.
Carbon Dioxide & Chemical Co., Fourth Avenue Bldg., Seattle, Wash.		Common	$1.00	150	2085.
Fashion Petroleum Corp., 1131 1st Ave., Seattle, Wash.		Common	1.00	20,915	8202, 8797, 1886, 2168, 2010, 2775, 6552, 6791, 397, 8157
Hunt Chicago Mining Co., 1557th Ave. So., Seattle, Wash.			1.00	3,000	997, 324
Seattle First National Bank, 2d Ave. and Cherry St., Seattle, Wash.	Washington	Capital	20.00	200	11555, 2216.

EXHIBIT B

Name of issuer	Type of bond	Face value	Certificate No.
City of Tokyo, Japan	5½ percent external sinking fund bonds, due October 1961	$1,000 each	26660, 1140, 7738, 9781, 12829.
Tokyo Electric Power Co., Ltd., Japan	6½ year sinking fund 5½ percent gold bonds of 1951, due July 1, 1971	$1,000 each	17765, 17769, 17792, 17794, 17795, 17796, 17797, 17798, 17720, 17721.
Empire of Japan	Imperial Japanese Government external sinking fund 5½ percent bonds due May 1, 1965	$1,000 each	20283, 23284, 26475, 29609, 23580, 31600, 21452, 42655, 42656, 42670, 12436, 28120, 42668, 42669, 21100, 30258, 8243, 8241, 8245, 8246, 8247, 8248, 8249, 8250, 8251, 44248, 25211, 36751, 39752, 39753, 39754, 36755, 20194, 20193, 20192, 20191, 20190, 20189, 20188, 20187, 20186, 20185, 20184, 20183, 20182

[F. R. Doc. 47-6536; Filed, July 11, 1947; 8:49 a. m.]

[Vesting Order 9239]

YOSHINI SAKURAI

In re: Bonds owned by Yoshini Sakurai.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshini Sakurai, whose last known address is Onotsu Solmatison, Ohshinagun, Kogoshima Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Seventy-two (72) bonds entitled Gouvernement Imperial du Japan, Emprunt 4% de 1910, of the series and face values and bearing the numbers set forth in Exhibit A, attached hereto and by reference made a part hereof, and presently in the possession of the Attorney General of the United States in Account Number 39–200127, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Series	Certificate No.	Face value (French francs)
38	655081	2,500
35	651287	2,500
29	649895	2,500
3	631456	2,500
1	630445	2,500
4	642291	2,500
5	647501	500
5	647527	500
32	4439011 2	1,000
11	1749753	500
11	1479611	400
12	1609071 2	400
12	157317	500
12	16163	500
30	649183	500
5	86441	400
41	6615734 1	500
41	613241	500
44	612508	400
44	649270 1	500
44	66729	400
41	6625676	500
40	5526047	500
30	1643291	500
30	116701	500
31	4258 6102	1,000
31	4 1754 7	1,000
31	42516	200
31	425188	500
17	229428	500
17	230519	500

1 Each.

Series	Certificate No.	Face value (French francs)
5	69058	500
5	92152	500
5	129753	500
43	7645/8640	1 500
32	4455683	500
32	4475259	500
32	4504750	500
32	4565369	500
32	4565402	500
32	4644884	1 500
43	5552365-11	1 500
40	5569862	500
40	5589167	500
49	5599830	500
39	5598457	1 000
39	5425559-60	1 000
43	5567708	500
45	7564210	500
45	7641211	500

[1] Each.

[F. R. Doc. 47-6582; Filed, July 14, 1947; 8:48 a. m.]

[Vesting Order 9244]

MRS. LULU WELCKER

In re: Debt or other obligation owing to and certificates of beneficial interest and certificate of deposit owned by Mrs. Lulu Welcker. F-28-18713-E-1 and F-28-18713-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Lulu Welcker, whose last known address is Waldstrasse 122, (16) Michelstadt, Odenwald, Gross, Hessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Fruit Growers State Bank, Saugatuck, Michigan, arising out of a savings account entitled Mrs. Lulu Welcker, c/o William A. Buechner, Agent, Saugatuck, Michigan, and any and all rights to demand, enforce and collect the same,

b. Those certain certificates of beneficial interest, described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Mrs. Lulu Welcker, and presently in the custody of William A. Buechner, 515 St. Joseph Street, Saugatuck, Michigan, in safe deposit box number 287 in the Fruit Growers State Bank, Saugatuck, Michigan, together with all rights thereunder and thereto, and

c. One (1) Chicago City Railway Company certificate of deposit, representing its bonds of $3,000.00 face value, bearing the number 58704, registered in the name of Mrs. Lulu Welcker, which certificate of deposit is presently in the custody of William A. Buechner, 515 St. Joseph Street, Saugatuck, Michigan in safe deposit box number 287 in the Fruit Growers State Bank, Saugatuck, Michigan, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Lulu Welcker, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Name of issuer	Number of units	Certificate No.
111-81 James Apartments	Chicago Title & Trust Co.	1,331	1157
Northgate Apartments	American National Bank & Trust Co.	1,150	346
Granada Apartments	Chicago Title & Trust Co.	1,311	350
Stewart Apartments	do	125	128
Capitol Plaza Apartments	do	3,445	908
Deerfield Apartments	do	2,759	410
Essex Court Apartments	do	1,875	116
Haddon Hall Apartments	do	925	106
Magnolia Manor	do	615	750
Calhoun Apartments	do	264	179
Verona Apartments	do	829	125
Alameda Apartments	do	868	299
Lawrence Manor	do	809	237
Crittenden Apartments	do	437	734
Lake Lane Apartments	do	399	401
Maraynne Apartments	do	198	216
Mission Court Apartments	do	397	245

[F. R. Doc. 47-6583; Filed, July 14, 1947; 8:48 a. m.]

[Vesting Order 9249]

HENRY GREBENSTEIN

In re: Estate of Henry Grebenstein, deceased. File No. D-28-3899; E. T. sec. 6658.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Kroger, Erna Kroger Beecken (daughter of Maria Kroger), Katharina Haase, Gustave Haase (son of Katharina Haase), Anna Neuman, Anna Elisa Hohmeister, Wilhelm Hohmeister (son of Anna Elisa Hohmeister), Johann Claus Georke (guardian of Wilhelm Hohmeister), Peter Hermann Grebenstein, Maria Rosen, and Margaret Rosen whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, next of kin, distributees, and personal representatives, names unknown, of Maria Kroger, heirs, next of kin, distributees, and personal representatives, names unknown, of Katharina Haase, and the heirs, next of kin, distributees, and personal representatives, name unknown, of Anna Elisa Hohmeister, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Henry Grebenstein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the First Judge of Probate, as Depositary, acting under the judicial supervision of the Probate Court, Hampden County, Massachusetts;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 and the heirs, next of kin, distributees, and personal representatives, names unknown, of Maria Kroger, heirs, next of kin, distributees, and personal representatives, names unknown, of Katharina Haase, and the heirs, next of kin, distributees, and personal representatives, names unknown, of Anna Elisa Hohmeister, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6584; Filed, July 14, 1947; 8:48 a. m.]

[Vesting Order 9252]

EMMA MAIER

In re: Estate of Emma Maier, deceased, and Trust u/w of Emma Maier, deceased. File No. D-28-10006; E. T. sec. 14204.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eva Maier, Stephanie Maier and Paula Ganshirt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children of Paul Ganshirt, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Emma Maier, deceased, and in and to the trust created under the will of Emma Maier, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Elsie R. Strauss, as executrix, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the children of Paula Ganshirt, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6585; Filed, July 14, 1947; 8:48 a. m.]

[Vesting Order 9261]

GUSTAV SCHMIDGALL

In re: Estate of Gustav Schmidgall, deceased. File No. D-28-9440; E. T. sec. 12851.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Klara Maier, Anna Werner, Klara Werner, Karl Werner, Gustave Werner, Christian Baier, Rosa Baier, Emma Baier, Mina Baier, Karl Baier, Emil Baier, Emil Schmidgall, Jakob Schmidgall, Rosa Schmidgall, Anna Schmidgall, Christian Schmidgall, Mathilde Schmidgall, Frieda Schmidgall, Lidya Schmidgall, Louise Schmidgall, Gustav Schmidgall, Emil Schmidgall, Karl Schmidgall and Gottlob Schmidgall, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs at law, next of kin, distributees, legatees and personal representatives (names unknown) of Rosa Baier, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Gustav Schmidgall, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Anna K. Schmidgall, as Administratrix, acting under the judicial supervision of the Probate Court for Essex County, Massachusetts;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1, and the heirs at law, next of kin, distributees, legatees and personal representatives (names unknown) of Rosa Baier, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6541; Filed, July 11, 1947; 8:50 a. m.]

[Vesting Order 9262]

SIGMUND H. SPEYER

In re: Estate of Sigmund H. Speyer, deceased. File No. D-28-9442; E. T. sec. 14422.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Speyer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Sigmund H. Speyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben Reis, as executor, acting under the judicial supervision of the Surrogate's Court of Kings County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General
Director, Office of Alien Property.

[F. R. Doc. 47-6542; Filed, July 11, 1947; 8:50 a. m.]

[Vesting Order 9263]

FLORENCE TRAUDT

In re: Estate of Florence Traudt, deceased. D-28-11773; E. T. sec. 15982.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Strieder and William Strieder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatso-

ever of the persons named in subparagraph 1 hereof in and to the estate of Florence Traudt, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ferdinand J. Schmidt, as executor, acting under the judicial supervision of the County Court of Waukesha County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6586; Filed, July 14, 1947; 8:49 a. m.]

[Vesting Order 9265]

ISIDORE WARSHAUER

In re: Trust under the last will and testament of Isidore Warshauer, deceased. File D-28-10098; E. T. sec. 14365.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur Lesser and Elsie Lesser, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Trust under the last will and testament of Isidore Warshauer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Security-First National Bank of Los Angeles, as Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6587; Filed, July 14, 1947; 8:49 a. m.]

[Vesting Order 9270]

MRS. KARL DUDE ET AL.

In re: Bank accounts owned by Mrs. Karl Dude, Mrs. Anna Miller and Mrs. Wilhelm Tudemann. F-28-25168-E-1, F-28-26365-E-1, F-28-26438-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Karl Dude, Mrs. Anna Miller and Mrs. Wilhelm Tudemann, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Mrs. Karl Dude by American Trust & Savings Bank, Dubuque, Iowa, arising out of a Blocked Savings Account, entitled Mrs. Karl Dude, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Mrs. Anna Miller by American Trust & Savings Bank, Dubuque, Iowa, arising out of a Blocked Savings Account, entitled Mrs. Anna Miller, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Mrs. Wilhelm Tudemann by American Trust & Savings Bank, Dubuque, Iowa, arising out of a Blocked Savings Account, entitled Mrs. Wilhelm Tudemann, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6588; Filed, July 14, 1947; 8:49 a. m.]

[Vesting Order 9273]

KONRAD HACKER

In re: Bank account owned by Konrad Hacker, also known as Conrad Hacker. F-28-28201-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Konrad Hacker, also known as Conrad Hacker, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Konrad Hacker, also known as Conrad Hacker, by The South East National Bank of Chicago, 1180 East 63rd Street, Chicago, Illinois, arising out of a Savings Account, Account Number 51917, entitled Konrad Hacker by John L. Manahan and Peter M. Steinbach, Trustees, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6589; Filed, July 14, 1947; 8:49 a. m.]

[Vesting Order 9275]

ROY ITSUKU

In re: Bank account owned by Roy Itsuku. F-39-4618-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Roy Itsuku, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Roy Itsuku, by The Marine Trust Company of Buffalo, Buffalo, New York, arising out of a Thrift Account, Account Number 71911, entitled Roy Itsuku, and any and all rights to demand, enforce and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6590; Filed, July 14, 1947; 8:58 a. m.]

[Vesting Order 9278]

NISSAN JIDOSHA KAISHA LTD.

In re: Debt owing to Nissan Jidosha Kaisha Ltd., F-39-2029-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nissan Jidosha Kaisha, Ltd., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Nissan Jidosha Kaisha Ltd., by Bethlehem Steel Export Corporation, 25 Broadway, New York, N. Y., in the amount of $7,236.32, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6591; Filed, July 14, 1947; 8:58 a. m.]

[Vesting Order 9279]

HENRY POETKER

In re: Bank account owned by Henry Poetker. F-28-14037-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Poetker, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Henry Poetker, by Manchester Bank of St. Louis, 4015 Chouteau Avenue, St. Louis, Missouri, arising out of a Savings Account, Account Number 47123, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6592; Filed, July 14, 1947; 8:58 a. m.]

[Vesting Order 9280]

EMIL E. PRUEFERT

In re: Debt owing to Emil E. Pruefert, also known as Emil Eric Pruefert. F-28-2445-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil E. Pruefert, also known as Emil Eric Pruefert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Emil E. Pruefert, also known as Emil Eric Pruefert, by C. A. Stern & Co., 40 Exchange Place, New York 5, New York, in the amount of $67.13, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6593; Filed, July 14, 1947; 8:58 a. m.]

[Vesting Order 9285]

K. K. L. LEYBOLD SHOKWAN

In re: Debt owing to K. K. L. Leybold Shokwan, also known as Kabushiki Kaisha L. Leybold Shakwan. F-39-865-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That K. K. L. Leybold Shokwan, also known as Kabushiki Kaisha L. Leybold Shakwan, the last known address of which is Nihonbashi-Ku, Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to K. K. L. Leybold Shokwan, also known as Kabushiki Kaisha L. Leybold Shakwan, by Actina, Inc., 205 East 42nd Street, New York, New York, in the amount of $322.14, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6594; Filed, July 14, 1947; 8:58 a. m.]

[Vesting Order 9286]

M. M. WARBURG & CO.

In re: Bank account owned by M. M. Warburg & Co., F-28-1688-E-4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That M. M. Warburg & Co., the last known address of which is Postschliessfach 744, Hamburg, Germany, is a corporation, partnership, association or other organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to M. M. Warburg & Co., by The Royal Bank of Canada, New York Agency, 68 William Street, New York 5, New York, arising out of a bank account entitled M. M. Warburg & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6595; Filed, July 14, 1947; 8:59 a. m.]

[Vesting Order 9292]

MINNA F. BLUME

In re: Stock owned by and debt owing to Minna F. Blume, also known as Minnie Blume. F-28-8456-D-1, F-28-8456-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna F. Blume, also known as Minnie Blume, whose last known address is Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twelve (12) shares of capital stock of Pavonia Building Corporation, 52 William Street, New York 5, New York, a corporation organized under the laws of the State of New York, evidenced by Certificate Number 367, and registered in the name of Minna F. Blume, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Minna F. Blume, also known as Minnie Blume, by The Baltimore and Ohio Railroad Company, Baltimore and Charles Streets, Baltimore 1, Maryland, evidenced by three (3) The Baltimore and Ohio Railroad Company First Mortgage Fifty Year 4% Gold Bonds, of $1,000.00 face value each, bearing the numbers M29518, M29519 and M29520 registered in the name of Minna F. Blume, and any and all rights to demand, enforce and collect the aforesaid debt.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6596; Filed, July 14, 1947; 8:59 a. m.]

[Vesting Order 9297]

JOSEF GRIMM ET AL.

In re: Stock owned by Joseph Grimm, Paula Noll and Herman Schmidt. F-28-22913-D-1, F-28-22914-D-1, F-28-22915-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Grimm, whose last known address is % Bay Hypotheken und Wechsel Bank Muencden, Zweigstelle Zenett Str., Germany; Paula Noll, whose last known address is Asbach, Westerwald, Germany; and Herman Schmidt, whose last known address is 38 Ludwigsallee, Aschaffenburg 1 Bay, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: One hundred twelve (112) shares of no par value common capital stock of Commercial Solvents Corporation, 17 East 42nd Street, New York, New York, a corporation organized under the laws of the State of Maryland, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite said names as follows:

Registered owner	Certificate No.	Number of shares
Josef Grimm	AO 65796	51
Miss Paula Noll	AO 29671	10
Herman Schmidt	AO 70586	51

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6543; Filed, July 11, 1947; 8:50 a. m.]

[Vesting Order 9298]

SHOTARO HASEGAWA AND KOBE TAJIMA

In re: Stock owned by Shotaro Hasegawa, also known as Shotaro Nasegawa, and the personal representatives, heirs, next of kin, legatees, and distributees of Kobe Tajima, deceased. F-39-3424-D-1, F-39-3511-D-1, F-39-3554-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shotaro Hasegawa, also known as Shotaro Nasegawa, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Kobe Tajima, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the property described as follows: Twelve (12) shares of no par value common capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered J375251 for three (3) shares, J758560 for two (2) shares and J363467, J420012, J585848, J647149, J693306 and J811490 for one (1) share each, registered in the name of Shotaro Hasegawa, and certificate number J393706 for one (1) share, registered in the name of Shotaro Nasegawa, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Shotaro Hasegawa, also known as Shotaro Nasegawa, the aforesaid national of a designated enemy country (Japan);

4. That the property described as follows: One (1) share of $100 par value 7% cumulative preferred capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number C53902, registered in the name of Kobe Tajima, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Kobe Tajima, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that Shotaro Hasegawa, also known as Shotaro Nasegawa, and the personal representatives, heirs, next of kin, legatees and distributees of Kobe Tajima, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6544; Filed, July 11, 1947; 8:51 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 12 NUMBER 138

Washington, Wednesday, July 16, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 23—FEDERAL LAND BANK OF COLUMBIA

FEES

Section 23.6 *Transfer of mortgage and stock interests fees*, of Title 6, Code of Federal Regulations, is hereby revoked, effective June 17, 1947. [Res. Bd. Dir., June 17, 1947] (Sec. 13, "Ninth", 39 Stat. 372; 12 U. S. C. 781 "Ninth")

THE FEDERAL LAND BANK OF COLUMBIA,
[SEAL] By JULIAN H. SCARBOROUGH, *President.*

Confirmed:

C. M. EARLE, Jr., *Secretary.*

[F. R. Doc. 47-6633; Filed, July 15, 1947; 8:46 a. m.]

PART 30—FEDERAL LAND BANK OF HOUSTON

FEES

Part 30 of Title 6 of the Code of Federal regulations is hereby amended to read as follows:

Sec.
30.1 Application fees; loan fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.
30.2 Reamortization fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.
30.3 Expense fee for abstract handling.

AUTHORITY: §§ 30.1 to 30.3, inclusive, issued under sec. 13 "Ninth" 39 Stat. 372, secs. 32, 33, 48 Stat. 49 as amended, secs. 1, 2, 48 Stat. 344, 345; 124 S. C. and Sup. 781 "Ninth," 1016, 1017, 1020, 1020a, and Sup.; 6 CFR, 19.322, 19.326, 19.330.

§ 30.1 *Application fees; loan fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.* A fee of $10 will be collected with each new loan application and each application for an additional or increased loan; and

A fee of $5 will be collected with each application for division of an existing loan.

The initial fee collected in each case will be refunded if no appraisal is made by a land bank appraiser.

§ 30.2 *Reamortization fees; land bank, Land Bank Commissioner, or joint land bank and Land Bank Commissioner loans.* No fee will be collected with an application for reamortization. Each applicant, however, will be required to pay actual cash outlays incurred for abstract expense, notarial fees, recording fees, obtaining tax certificates, and other incidental items necessary for the completion of the transaction.

§ 30.3 *Expense fee for abstract handling.* The Abstract Section is authorized to collect a handling fee of $2 for each abstract of title borrowed from the bank where the abstracts are returned to the bank in as good condition as when delivered.

[Res. Bd. of Dir. Dec. 16, 1942; Res. Bd. of Dir. Sept. 20, 1944; Res. Bd. of Dir. Nov. 20, 1944; Res. Ex. Com. Dec. 4, 1944] [Res. Executive Committee May 26, 1947]

THE FEDERAL LAND BANK OF HOUSTON,
By STERLING C. EVANS, *President.*

[F. R. Doc. 47-6634; Filed, July 15, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Fresh Pea Order 1]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

§ 910.301 *Fresh Pea Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., 910.1 et seq.), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agree-

(Continued on p. 4713)

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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[1] See Interior Department, Bureau of Land Management, Misc. 2084343, 2093374 and 2130586.

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ment and order, and upon other available information, it is hereby found that the limitation of shipments of fresh peas, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 17, 1947, and ending at 12:01 a. m., m. s. t., September 16, 1947, no handler shall handle any lot of fresh peas unless such lot contains not less than eighty (80) percent peas of U. S. No. 1 quality (as defined in the U. S. Standards for Fresh Peas, issued April 25, 1942, effective June 1, 1942, and re-issued by the United States Department of Agriculture on July 19, 1946), and have a minimum pod length of three (3) inches.

(2) As used in this section, the terms "peas", "handlers", and "handle" shall have the same meaning as when used in the amended marketing agreement and order.

(49 Stat. 753, 50 Stat. 246 as amended; 7 U. S. C. 608c; Order 10, Secretary of Agriculture, 7 CFR, Cum. Supp. 910, 2 et seq.)

Done at Washington, D. C., this 14th day of July 1947.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 47-6725; Filed, July 15, 1947; 10:29 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 26-2]

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

TEMPORARY CERTIFICATES

The enacting paragraph of this amendment (12 F. R. 4431) should be corrected to read as follows:

Effective June 27, 1947, Part 26 of the Civil Air Regulations is amended by adding a new § 26.40 to read as follows:

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6648; Filed, July 15, 1947; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 441]

PART 402—LOANS AND PROPERTIES

MISCELLANEOUS AMENDMENTS

Amend Part 402, Chapter IV, Title 24 of the Code of Federal Regulations as follows:

1. The first sentence of § 402.15–14 *Insurance ordered by Corporation on security properties* shall be amended to read as follows: "All insurance contracts protecting the loan or property sold by the Corporation on Sales Contract shall be reviewed immediately upon a cancellation, demand for payment of premium due to the insured's failure to make such payment, notification of lapse or voidance of any insurance policies, and/or fifteen days after the expiration date."

2. Section 402.15–28 *Disposition of insurance loans paid in full* shall be amended by adding thereto the following as the second paragraph thereof:

When the Comptroller's Division informs the Insurance Section that funds have been received purporting to pay a loan in full and the home owner has not previously informed the Corporation of his intention to do so, the Insurance Section shall review the insurance coverage held by the Corporation. If insurance has expired or will expire prior to the time that the home owner can be given reasonable notice of such expiration, the Insurance Section shall notify the home owner on Form 539 that the expired or expiring insurance coverage will not be renewed by the Corporation for a period in excess of fifteen days from the date of the notice to the home owner. An order and cancellation shall be forwarded to the contract carrier to provide coverage from expiration date to the cancellation date shown on Form 539.

Effective: July 11, 1947.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, 643, 647 as amended; 12 U. S. C. and Sup. 1463; E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47-5960; Filed, July 15, 1947; 8:46 a. m.]

Chapter VIII—Office of Housing Expediter

PART 806—HOUSING PERMIT REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Housing Permit Reg., as Amended, June 30, 1947]

AUTHORIZATION FOR HOUSING

Par.
(a) What this section provides.
(b) [Deleted June 30, 1947]
(c) [Deleted June 30, 1947]
(d) [Deleted June 30, 1947]

AUTHORIZATIONS

(e) Kinds of housing authorized.
(f) [Deleted June 30, 1947]
(g) [Deleted June 30, 1947]

CONSTRUCTION

(h) [Deleted June 30, 1947]
(i) Posting of placards or signs.

RENTS

(j) Applicability of rules on maximum rents.
(k) Maximum rents approved.
(l) Amounts approved.
(m) Maximum rent not to be exceeded.
(n) [Deleted June 30, 1947]

PREFERENCE FOR VETERANS

(o) Veterans' preference for family dwellings.
(p) Veterans' preference for dormitories or other single-person housing facilities.

DEFINITIONS

(q) Definitions.

OTHER PROVISIONS

(r) Advertisements.
(s) [Deleted June 30, 1947]
(t) Appeals.
(u) Communications.
(v) Violations and enforcement.
(w) Records and reports.
(x) Effective date.

§ 806.1 *Authorization for housing—*(a) *What this section provides.* This section of the Code of Federal Regulations, § 806.1, is called the "Housing Permit Regulation." It was issued under the Veterans' Emergency Housing Act of 1946, and continues in effect under that act and the Housing and Rent Act of 1947.

NOTE: When the term "this section" is used in this Housing Permit Regulation, it means this entire regulation and not just a part of

it. The regulation is divided into paragraphs marked with small letters; these are divided into subparagraphs marked with numbers.

This section was the method by which the Housing Expediter provided authorization, from December 24, 1946, until June 30, 1947, for the construction, repair, alteration or conversion of housing accommodations. After June 30, 1947, it is no longer necessary to have an authorization to begin residential construction work of any kind.

However, certain of the restrictions on housing already authorized under this section remain in effect. This amendment of June 30 explains which restrictions remain.

(b) [Deleted June 30, 1947.]
(c) [Deleted June 30, 1947.]
(d) [Deleted June 30, 1947.]

AUTHORIZATIONS

(e) *Kinds of housing authorized.* Authorization to do construction work on housing accommodations has been granted under this section to the following:

(1) *Veteran.* A veteran wishing to build, complete, alter, or repair a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner.

(2) *Builder for veterans.* A person wishing to build or complete one or more family dwellings (or convert dwellings or other structures into family dwellings) to which veterans will be given preference in selling or renting.

(3) *Non-veteran building for own occupancy.* A person wishing to build a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner.

(4) *Disaster.* A person wishing to reconstruct (or build on another site, in event of total destruction) or repair a dwelling destroyed or damaged by fire, flood, tornado, or other similar disaster.

(5) *Repairs or alterations to make a dwelling habitable or to provide space for additional persons.* A person wishing to make repairs or alterations to a dwelling necessary in order (i) to maintain it in a habitable condition or to return it to a habitable condition, or (ii) to make a summer home habitable for winter occupancy by a veteran, or (iii) to provide space for additional persons who are either veterans or members of the immediate family of the owner.

(6) *Housing for student veterans.* Any educational institution (or any person under its sponsorship) or any public organization wishing to construct, repair, or alter a dormitory or other single-person housing facility (or repair or alter any family dwelling) for student veterans.

Before starting construction under this subparagraph (6) of this section as amended June 1, 1947, a person under the sponsorship of an educational institution was required to obtain a letter from the institution which (i) requested that the person sponsored construct a certain number of units for student occupancy, (ii) stated that there was not a sufficient number of available rooms in the community for its student veterans, and (iii) represented that the institution would refer student veterans to the proposed accommodations as long as this section is in effect. The person sponsored must keep this letter on file for at least 2 years after construction is begun.

NOTE: For the purposes of this section, dwellings constructed, altered or repaired under paragraph (c) of this section as in effect before June 1, 1947 are deemed to be constructed, altered or repaired under the corresponding subparagraph of paragraph (e) of this section as amended June 30, 1947. However, this does not apply to former paragraph (c) (7).

(f) [Deleted June 30, 1947.]
(g) [Deleted June 30, 1947.]

CONSTRUCTION

(h) [Deleted June 30, 1947.]

(i) *Posting of placards or signs.* The Veterans' Preference Regulation (12 F. R. 4265) gives the rules on the posting of placards or signs in front of housing accommodations constructed under paragraph (e) (2) or (e) (6) of this section, if the construction is completed after June 30, 1947 and before March 31, 1948. (See paragraph (q) (10) of this section for definition of time at which construction is completed.)

If housing accommodations constructed under paragraph (e) (2) or (e) (6) of this section were completed on or before June 30, 1947, the builder must post either placards or signs as explained in this paragraph:

(1) *Placards.* Placards indicating that dwellings are being built for sale or rent to veterans under the Veterans' Emergency Housing Program are available at the State or District Offices of the Federal Housing Administration, and at the Regional Offices of the Federal Public Housing Authority. If the builder elects to post a placard or placards, the builder must obtain an appropriate placard (sale or rent, as the case may be) for each building constructed under paragraph (e) (2) or (e) (6) of this section which is completed on or before June 30, 1947.

He must post such a placard in a conspicuous location in front of each separate residential building within five days after the time construction is begun, and must continue to post the placard at least until completion of the building. In addition, unless all the accommodations in the building have been sold or rented to veterans, the builder must continue to post the placard for 60 days after completion of the building in the case of offer for sale, or 30 days afterwards in the case of offer for rent.

Rent placards contain a space for the maximum rent. In the case of dwellings offered for rent, the builder must legibly and permanently insert in this space the appropriate rent, not to exceed the maximum permitted under paragraphs (j) through (m) of this section. He must do this not later than the date on which construction of the dwellings is completed.

(2) *Signs.* If the builder elects to post a project sign in lieu of the placards, he must post a sign having the approximate dimensions of three by five feet (or greater) in a conspicuous location on the site of each project. In the case of a project comprised of only one dwelling, the sign need not meet these dimension requirements. Such a sign must contain the same information and be posted during the same period as is required under subparagraph (1) of this paragraph in the case of placards.

RENTS

(j) *Applicability of rules on maximum rents.* The restrictions on rents contained in paragraphs (j) through (m) of this section apply to all newly constructed dwellings for which a proposed maximum rent or maximum shelter rent was required to be stated in an application upon which a construction permit was issued under this section, if (1) the construction of the dwelling was completed before February 1, 1947, and (2) the dwelling is located in a defense rental area under rent control maintained pursuant to Title II of the Housing and Rent Act of 1947. This would include, for example, a prefabricated house the erection of which was completed under this section on or before January 31, 1947. (See paragraph (q) (10) of this section for definition of time at which construction is completed.)

These restrictions must be observed for such dwellings completed before February 1, 1947, as long as this section is in effect. However, under the Housing and Rent Act of 1947 the Housing Expediter has no authority to control rents on housing accommodations the construction of which is completed under this section on or after February 1, 1947, so the restrictions of paragraphs (j) through (m) of this section do not apply to such housing.

(k) *Maximum rents approved.* Persons who applied under this section to the FHA or FPHA for a permit to construct dwellings to be offered for rent were required to state in their applications proposed maximum rents and maximum shelter rents. The Federal Housing Administration (or the Federal Public Housing Authority) approved the proposed rents in accordance with paragraph (l) of this section.

(l) *Amounts approved.* No maximum shelter rent exceeding $80 per month was approved for a dwelling under this section unless the average of all maximum shelter rents approved for dwellings in the project in which the dwelling is located was $80 per month or less.

As provided in paragraph (q) (3) of this section, the maximum rent for a dwelling may include, in addition to the maximum shelter rent, a charge for tenant services and a charge for garage space. However, the total charge for tenant services was not approved if more than $3 per room per month. The charge for the garage space was not approved if more than $10 per month, and was allowed only for dwellings in multiple-family accomodations.

Maximum rents and maximum shelter rents were approved under this section only if they were reasonably related to the housing accomodations, the tenant services, and the garage space involved. However, approval of a proposed maximum rent or maximum shelter rent should not be considered as a representation by the processing agency that the rent represents the value of the dwelling for other purposes.

(m) *Maximum rent not to be exceeded.* No person shall rent any dwelling for which a maximum rent or maximum shelter rent has been approved under this section for more than the approved maximum rent or maximum shelter rent, respectively, if (1) the construction of the dwelling was completed before February 1, 1947, and (2) the dwelling is located in a Defense Rental Area under rent control maintained pursuant to Title II of the Housing and Rent Act of 1947.

(n) [Deleted June 30, 1947.]

PREFERENCE FOR VETERANS

(o) *Veterans' preference for family dwellings.* The rules set out in this paragraph apply to all housing accommodations the construction of which is completed under this section on or before June 30, 1947. Paragraph (q) (10) of this section define the time at which construction is deemed to be "completed" for this purpose. (For veterans' preference rules on construction under this section completed after June 30, 1947, see the Veterans' Preference Regulation, 12 F. R. 4265.)

(1) *Preference periods.* If a family dwelling built or converted under this section and completed on or before June 30, 1947, is being offered for sale or rent, the owner (whether the builder or any subsequent owner) or any other person must not sell, rent or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale or rent, as the case may be, to veterans for their own occupancy.

In the case of sale, this offer must be made to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of a builder under paragraph (e) (2) of this section). In the case of rent, this offer must be made to veterans for at least 30 days (or during construction and for 30 days afterwards, in the case of a builder under paragraph (e) (2) or paragraph (e) (6) of this section). If construction of the dwelling was completed before February 1, 1947, this offer must be made at not more than the maximum rent approved under paragraph (k) of this section.

(2) *Must make public offer.* A person who has built or converted a family dwelling for rent or sale under this section must, for the periods of time provided in subparagraph (1) of this paragraph, publicly offer it for sale or for rent to veterans for their own occupancy.

(3) *Most favorable terms to veterans.* No person may sell or rent or otherwise dispose of a dwelling built or converted under this section to a person other than a veteran on terms or at a price more favorable than offered to veterans during the time a public offering must be made to veterans under subparagraphs (1) and (2) of this paragraph.

(4) *Special rules for (e) (5) and (e) (6) cases.* In the event that additional space provided by alterations under paragraph (e) (5) (iii) of this section is vacated, the builder or a subsequent owner or other person must not, while this section is in effect, rent it to any person other than a member of his immediate family or a veteran unless it has been publicly offered for rent to veterans for at least 30 days on the same or more favorable terms.

Family dwellings built, repaired or altered under paragraph (e) (6) of this section by persons under the sponsorship of an educational institution must be made available during the institution's school year only to student veterans and their dependents referred by the institution.

(5) *Exceptions.* This paragraph (o) does not apply to:

(i) Dwellings built in disaster cases under paragraph (e) (4) of this section;

(ii) The initial occupancy of a dwelling built or converted under this section for the occupancy of the builder or the continued occupancy of his tenant;

(iii) The occupancy of a dwelling in two-family or multiple-family housing accommodations by the owner of the entire structure;

(iv) Sales in the course of judicial or statutory proceedings in connection with foreclosures (sales subsequent to such judicial or statutory sales are subject to the provisions of this paragraph (o));

(v) Sales of multiple-family housing accommodations for investment purposes rather than for occupancy by the purchaser; or

(vi) The occupancy of a dwelling by a building service employee which does not exceed 15 percent of the residential floor space of the structure or project.

(p) *Veterans' preference for dormitories or other single-person housing facilities.* The rules set out in this paragraph apply to all single-person housing facilities the construction of which is completed under this section on or before June 30, 1947. Paragraph (q) (10) of this section defines the time at which construction is deemed to be "completed" for this purpose. (For veterans' preference rules on construction under this section completed after June 30, 1947, see the Veterans' Preference Regulation, 12 F. R. 4265.)

(1) *Exclusively for veterans.* A person who has built or converted a dormitory or other single-person housing facility for student veterans under paragraph (e) (6) of this section must make the accommodations available, during the school year of the institution involved, exclusively for veterans and their dependents referred by the institution.

(2) *Exceptions.* However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to non-veterans if it makes available to veterans an equivalent number of similar or better accommodations in other dormitories at rents not higher than the rents to be charged for the new dormitory accommodations. It may also make not more than 15 percent of the residential floor space of any dormitory or dormitory project available to building service employees.

DEFINITIONS

(q) *Definitions.* As used in this section:

(1) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodation for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations as approved under paragraph (k) of this section. This includes charges paid by the tenant for tenant services and charges paid by the tenant for garage space. However, it does not include charges for the rental of furniture or charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes.

(3) "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage space.

(4) "Person" means an individual, corporation, partnership, association, public organization, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(5) "Public organization" means a governing body such as the United States Government, a State, county, city, town, village or other municipal government or an agency, instrumentality, or authority of such a governing body.

(6) "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(7) "Dwelling" means separate living accommodations which are occupied, rented, or sold as a unit. This may be a detached house, semi-detached house, row house, an apartment whether in two-family or multiple-family housing accommodations, or a room or apartment in housing accommodations designed for occupancy by single persons. The term does not include any subsidiary residen-

tial structures, such as private garages, sheds, fences, and the like.

(8) "Project" means construction authorized on a single site, or contiguous sites except for streets, roads and alleyways.

(9) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(10) The time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

(11) "This section" means this Housing Permit Regulation, § 806.1 of the Code of Federal Regulations.

OTHER PROVISIONS

(r) *Advertisements.* The builder and every subsequent owner and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which housing accommodations built under paragraph (e) (1), (2), (3), or (6) of this section, and completed on or before June 30, 1947, are offered for sale or for rent:

Built under the Veterans' Emergency Housing Program. For sale (for rent at $_____). It is being offered for sale (for rent) only to veterans during construction and for 60 (30 in case of rent) days after completion (or for 60 days in case of subsequent sale or 30 days in case of subsequent rent).

(s) [Deleted June 30, 1947.]

(t) *Appeals.* Any person who considers that compliance with any provision of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in duplicate and should be filed with the appropriate local office of the Federal Housing Administration or the Federal Public Housing Authority. The letter must state clearly the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(u) *Communications.* All communications concerning this section should be addressed to the appropriate local office of the Federal Housing Administration or the Federal Public Housing Authority.

(v) *Violations and enforcement*—(1) *General.* The veterans' preference, maximum rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a rental of any dwelling at a rent in excess of the maximum rent applicable to such rental under the provisions of this section, or to solicit or attempt, offer, or agree to make any such rental. It shall also be unlawful for any such person to condition a rental of any dwelling upon the purchase of, or agreement to purchase, any commodity, service or property interest, except tenant services and garage space included in the approved maximum rent, the rental of furniture or an investment interest in the housing accommodations.

The restrictions in paragraphs (o) and (p) of this section apply to the builder and subsequent owners of all housing accommodations constructed in violation of VHP–1. However, this does not relieve the builder of any penalty to which he may be subject by reason of the violation of VHP–1.

(2) *Penalties.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, or who willfully conceals a material fact, in any description or statement required to be filed under this section, shall upon conviction thereof be subject to fine or imprisonment, or both.

(w) *Records and reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting and record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(x) *Effective date.* This section as originally issued became effective December 24, 1946, and was amended from time to time thereafter. It is hereby amended effective June 30, 1947, simultaneously with the approval by the President of the Housing and Rent Act of 1947.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821; P. L. 129, 80th Cong.)

Issued this 30th day of June 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6705; Filed, July 14, 1947; 3:39 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1947 Dept. Circ. 418, Amdt. 4]

PART 309—ISSUE AND SALE OF TREASURY BILLS

MISCELLANEOUS AMENDMENTS

JULY 3, 1947.

Sections 309.4 and 309.7 of the Department Circular No. 418, as amended (31 CFR Cum. Supp. 309.4 and 309.7), are hereby revised to read as follows:

§ 309.4 *Taxation.* The income derived from Treasury bills, whether interest or gain from the sale or other disposition of the bills, shall not have any exemption, as such; and loss from the sale or other disposition of Treasury bills shall not have any special treatment, as such, under the Internal Revenue Code, or laws amendatory or supplementary thereto. The bills shall be subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority. For purposes of taxation the amount of discount at which Treasury bills are originally sold by the United States shall be considered to be interest.[1]

§ 309.7 *Tenders; submission through Federal Reserve banks.* Tenders in response to any such public notice will be received only at the Federal Reserve Banks, or branches thereof, and unless received before the time fixed for closing will be disregarded. Tenders will not be received at the Treasury Department. Each tender must be for an amount in an even multiple of $1,000 (maturity value). In the case of competitive tenders the price or prices offered by the bidder for the amount or amounts (at maturity value) applied for must be stated, and must be expressed on the basis of 100, with not more than three decimals, e. g., 99.925. Fractions may not be used.

(R. S. 161, 40 Stat. 290, 46 Stat. 19, 775, 49 Stat. 20, 50 Stat. 482; 5 U. S. C. 22, 31 U. S. C. 738a, 754)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-6640; Filed, July 15, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 6, Amdt. 1]

PART 705—ADMINISTRATION

EXEMPTION FROM PRICE CONTROL OF CERTAIN SUGAR PRODUCTS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority conferred upon the Secretary of Agriculture by the Sugar Control Extension Act of 1947, General Order No. 6 is amended to read as follows:

§ 705.106. *Exemption from price control of certain sugars and sugar products.* Notwithstanding the provisions of any price regulation or order heretofore issued, the following products are exempt from price control:

(a) Corn sugar.
(b) Corn syrup solids.
(c) Corn syrup.
(d) Syrup blends containing 10% or more by weight or volume of corn syrup or corn sugar.
(e) Syrup blends containing 10% or more by weight or volume of maple syrup or maple sugar.

This amendment shall become effective July 15, 1947.

Issued this 14th day of July, 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Opinion Accompanying Amendment No. 1 to General Order No. 6

The accompanying amendment to General Order No. 6 adds to the list of sugar products exempt from price control the following: Corn sugar, corn syrup solids, corn syrup, and syrup blends which contain 10% or more by weight or volume of corn syrup or corn sugar, hereinafter referred to as corn syrup blends.

The action is taken as a supplement to the action taken on October 24, 1946, decontrolling most food items as supplemented by the action of June 6, 1947, decontrolling syrup blends containing 10% or more by weight or volume or maple syrup or maple sugar.

The wet corn milling industry through its advisory committee has recommended the decontrol of these corn products.

The Secretary of Agriculture has considered this recommendation and is of the opinion that it should be accepted for the following reasons:

(1) Recent changes in the cost of producing these products would require extensive studies to determine the amount and extent of necessary price adjustments, thereby creating administrative problems that far outweigh the advantages that would inure to the public from continued control during the remaining relatively short period for which there is statutory authority to retain such controls.

(2) Price control over these corn products has been retained up to the present time principally to implement the sugar control program. Corn syrup blends can be used to illustrate why continued controls over these products are no longer necessary to implement the sugar control program.

If price controls had not been retained on corn syrup blends, there was a possibility that sugar cane would have been diverted from the manufacture of sugar into unrationed cane syrups, for the production of corn syrup blends.

Statutory authority to impose price controls over sugar expires on October 31, 1947. Sugar cane for the production of sugar that can be marketed before October 31, 1947, has already been processed to such an extent that it would not be economical to use it for the production of cane syrups which in turn could be used for the manufacture of corn syrup blends. Thus, the removal of price control from corn syrup blends at the present time does not create a substantial threat that sugar cane will be diverted from the manufacture of sugar.

In view of the foregoing and the recent improvement in the general supply of sweetening agents, including wet corn milling products, there is no need for further price control over the corn products referred to above; therefore, they are removed from price control by the accompanying action.

[F. R. Doc. 47-6741; Filed, July 15, 1947; 10:59 a. m.]

[1] This section is amended in order to conform to the language of Public Act No. 116 of the 80th Congress.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

GENERAL PROVISIONS POSTAL UNION (REGULAR) MAILS

In § 21.34a *Overcharges on international mail matter* (12 F. R. 1603) paragraph (a) is amended by deleting from the first sentence the words "provisions of the law cited in § 6.19" and substituting therefor the words "provisions of § 6.9".

(Sec. 2, 33 Stat. 1091; 39 U. S. C. 300)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-6625; Filed, July 15, 1947; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Order 272]

PART 50—ORGANIZATION AND PROCEDURE

SUBPART C—DELEGATIONS OF AUTHORITY

The following text is added to Part 50:

DELEGATIONS TO THE REGIONAL ADMINISTRATORS

JUNE 6, 1947.

§ 50.451 *Functions with respect to various statutes.*[1] (a) The Regional Administrators will be responsible for the performance in the regions of the following classes of matters in accordance with applicable regulations and procedures, without obtaining the approval of the Director, unless the Director in any particular matter determines otherwise, subject in any event to an appeal to the Director and the Secretary, according to the rules of practice (43 CFR, Part 221):

(1) Applications to lease public lands for grazing purposes under section 15 of the act of June 28, 1934 (48 Stat. 1275; 43 U. S. C. 315m), and the issuance, modification, renewal, assignment, or cancellation of such leases, and the disposition of protests and conflicting applications.

(2) [See footnote 1.]

(3) Applications to lease public lands for a home, cabin, camp, health, convalescent, recreational, or business site under the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), and the issuance, assignment, modification, or cancellation of such leases.

(4) Applications to lease public lands in Alaska for fur farms under the act of July 3, 1926 (44 Stat. 821; 48 U. S. C. 360, 361), and the issuance, assignment, modification or cancellation of such leases.

(5) Applications to lease public lands in Alaska for grazing purposes under the act of March 4, 1927 (44 Stat. 1452; 48 U. S. C. 471, 471a–471c), and the issuance, assignment, modification or cancellation of such leases.

(6) [See footnote 1.]

(7) Approval of construction in advance of the issuance of a permit or easement in right-of-way cases, in accordance with 43 CFR, 244.10, 245.8, as amended.

(8) Applications to use public lands under right-of-way permits for tramroads under the act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956); and the issuance, assignment, modification or cancellation of such permits.

(9) Applications to use public lands under permits for rights-of-way under the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959, 16 U. S. C. 79), and the issuance, assignment, modification or cancellation of such permits: *Provided, however,* That cancellation shall be only in the circumstances specifically prescribed in regulations of the Secretary. This authority shall not relate to applications or permits involving lands within national parks, Indian reservations, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior.

(10) Applications to use public lands under right-of-way easements under the act of March 4, 1911 (36 Stat. 1235, 1253–54; 43 U. S. C. 961), and the issuance and assignment of such easements. This authority shall not relate to applications or permits involving lands within national parks, Indian reservations, any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior, or to the revocation of any easements granted under the act of March 4, 1911, or to the modification of such easements without the consent of the persons to whom they have been issued.

(11) Approval of applications for rights-of-way and the issuance, modification and assignment of such easement, under the acts listed below: *Provided, however,* That the authority hereunder shall not relate to applications involving lands within national parks, Indian reservations, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior:

(i) Act of March 3, 1891 (26 Stat. 1101), as amended by the act of March 4, 1917 (39 Stat. 1197), act of March 1, 1921 (41 Stat. 1194), and the act of May 28, 1926 (44 Stat. 668; 43 U. S. C. 946 to 950), for right-of-way for canals, lat-

[1] The numbers of the subparagraphs and subdivisions in this section correspond with the numbers of the related subparagraphs and subdivisions in 43 CFR 4.275 (a) and (b). Where the text is not printed (as in paragraph (a) (2)) authority is not delegated by this section.

erals, and reservoir sites for irrigation and drainage purposes, including the right to materials for construction thereof, and permits or easements for caretaker's building sites on adjoining acreage.

(ii) Section 17 of the Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 23 U. S. C. 18), for right-of-way for highways and road building material sites.

(iii) Act of June 8, 1938 (52 Stat. 633), as amended (23 U. S. C. 10b), for right-of-way for road side and landscape development under Federal Aid Highway Act.

(iv) Act of November 19, 1941 (55 Stat. 767; 23 U. S. C., Sup. 108), for right-of-way for flight strips under the Federal Aid Highway Act.

(v) Approval of rights-of-way for railroad purposes under the act of March 18, 1875 (18 Stat. 482; 43 U. S. C. 934).

(vi) Approval of rights-of-way under section 28 of the act of February 25, 1920, as amended (41 Stat. 437, 449; 30 U. S. C. 185), and of modifications and partial or entire relinquishments of such rights-of-way.

(12)–(16) [See footnote 1.]

(17) Applications for oil and gas noncompetitive leases under section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U. S. C. 226), as amended, the issuance of such leases, and consolidations, modifications, revocations, and cancellations thereof.

(18)–(23) [See footnote 1.]

(24) Applications for mineral spring leases under the act of March 3, 1925 (43 Stat. 1133; 43 U. S. C. 971), the issuance of such leases, and assignments, modifications and cancellations relating thereto.

(25) Approval of all bonds filed in connection with noncompetitive leases under section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U. S. C. 226), as amended, and the termination of periods of liability under such bonds.

(26)–(27) [See footnote 1.]

(28) Approval of assignments of leases or royalty interests, of operating agreements and assignments of such agreements, and subleases, filed in connection with noncompetitive leases under section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U. S. C. 226), as amended.

(29) Cancellation of liability on contracts (including leases and permits) and bonds after the contract has been fully performed, or terminated by agreements of the parties, and the determination incident to the cancellation of such liability, in connection with matters under their administration.

(30) Extension of time in which to cut timber under timber patents on Oregon and California revested railroad grant and Coos Bay reconveyed wagon road grant lands, under the act of May 19, 1930 (46 Stat. 369).

(31) Termination of rights under timber patents under the act of June 9, 1916 (39 Stat. 218).

(32) Acceptance of surrender of part or entire leases and permits of all types under their administration.

(33) Elimination from leases and permits of all types under their administration of such lands which, having been previously disposed of, or having been subject to a withdrawal or reservation, were erroneously included.

(34) Applications for reservoir sites for water for livestock under the act of January 13, 1897 (29 Stat. 484), as amended by the act of March 3, 1923 (42 Stat. 1437; 43 U. S. C. 952 to 955).

(35) Issuance of special land use permits.

(36) Sales of isolated or rough and mountainous tracts under section 2455 of the Revised Statutes, as amended (48 Stat. 1269, 1274; 43 U. S. C. 1171), in accordance with existing policies.

(37)–(38) [See footnote 1.]

(39) Applications for permission to film motion or sound pictures with respect to areas under the jurisdiction of the Bureau of Land Management, in accordance with 43 CFR, Part 5.

(40)–(41) [See footnote 1.]

(42) Approval of any sale or contract for the sale of timber involving the disposal of an estimated stumpage volume of not to exceed 15,000,000 feet, board measure and the readjustment of stumpage rates under such contract under the act of April 12, 1926 (44 Stat. 242; 16 U. S. C. 616).

(43) Approval of any sale or contract for the sale of timber involving the disposal of an estimated stumpage volume of not to exceed 15,000,000 feet, board measure under the act of March 4, 1913 (37 Stat. 1015) as amended by the act of July 3, 1926 (44 Stat. 890; 16 U. S. C. 614, 615).

(44) Approval of any sale or contract for the sale of timber involving the disposal of an estimated stumpage volume of not to exceed 15,000,000 feet board measure and the readjustment of stumpage rates under such contract, under the act of August 28, 1937 (50 Stat. 874).

(45)–(47) [See footnote 1.]

(48) Applications and permits for the development of underground water in Nevada under 43 CFR, Part 234.

(49)–(55) [See footnote 1.]

(56) Waiver of the 160-rod restriction as to length of claims or restoration to entry and disposition of the reserved shore spaces in Alaska, under the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372).

(57) The execution, modification, rescinding, terminating and extending of contracts for the protection of the public domain, including the Oregon and California revested railroad grant and Coos Bay reconveyed wagon road grant lands from fire.

(b) The Regional Administrators may cause to be classified under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269, 1272), as amended by the act of June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315f), or pursuant to other laws, land as being suitable for the following types of disposition, without obtaining the approval of the Director, unless the Director in any particular matter determines otherwise, subject in any event to an appeal to the Director according to the rules of practice, 43 CFR, Part 221:

(1) Under the homestead or the desert land laws.

(2) As an isolated or rough and mountainous tract under section 2455 of the Revised Statutes, as amended (48 Stat. 1269, 1274; 43 U. S. C. 1171).

(3) Under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a).

(4) [See footnote 1.]

(5) Indian allotments, with the concurrence of the Commissioner or Assistant Commissioner of Indian Affairs.

(6) [See footnote 1.]

(7) Under 43 CFR, Part 234, relating to the development of underground water in Nevada.

(8)–(11) [See footnote 1.]

(12) Under 43 CFR, Parts 253 and 254 for cemeteries.

(c) Except as expressly provided, this section does not authorize classification pursuant to section 7 of the Taylor Grazing Act or pursuant to any other act requiring classification of public lands. In the event of any disagreement or difference of views with respect to any matter listed in this section between the Regional Administrator and any other bureau or office of this Department, the matter shall be presented by the Regional Administrator to the Director and by the Director to the Secretary for determination and approval. All general rules, regulations, circulars and instructions must be submitted to the Director and approved by the Secretary. Any matter affecting power shall be cleared through the Division of Power.

(d) Where there is no district land office in a state, the Regional Administrator will be charged with all of the responsibilities and will exercise all of the functions of the manager of a district land office.

DELEGATIONS TO THE MANAGERS

§ 50.501 *Functions with respect to various statutes.*[1] (a) The Managers may act in relation to the following classes of matters in accordance with applicable regulations and procedures, without obtaining the approval of the Director or the Regional Administrators, unless the Director in any particular matter determines otherwise, subject in any event to an appeal to the Director and from his decision to the Secretary, in accordance with the rules of practice (43 CFR, Part 221):

(1) Applications to lease public lands for grazing purposes under section 15 of the act of June 28, 1934 (48 Stat. 1275; 43 U. S. C. 315m), and the issuance, modification, renewal, assignment, or cancellation of such leases, and the disposition of protests and conflicting applications.

(2) [See footnote 2.]

(3) Applications to lease public lands for a home, cabin, camp, health, convalescent, or recreational site under the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), and the issuance, assignment, modification, or cancellation of such leases.

[1] The numbers of the subparagraphs in this section correspond with the numbers of the related subparagraphs in 43 CFR 4.275 (a). Where the text is not printed (as in paragraph (a) (2)) authority is not delegated by this section.

(4) Applications to lease public lands in Alaska for fur farms under the act of July 3, 1926 (44 Stat. 821; 48 U. S. C. 360, 361), and the issuance, assignment, modification or cancellation of such leases.

(5) Applications to lease public lands in Alaska for grazing purposes under the act of March 4, 1927 (44 Stat. 1452; 48 U. S. C. 471, 471a–471c, and the issuance, assignment, modification or cancellation of such leases.

(6) [See footnote 2.]

(7) Approval of construction in advance of the issuance of a permit or easement in right-of-way cases, in accordance with 43 CFR, 244.10, 245.8, as amended.

(8) Applications to use public lands under right-of-way permits for tramroads under the act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956); and the issuance, assignment, modification or cancellation of such permits.

(9) Applications to use public lands under permits for rights-of-way under the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959, 16 U. S. C. 79), and the issuance, assignment, modification or cancellation of such permits: *Provided, however*, That cancellation shall be only in the circumstances specifically prescribed in regulations of the Secretary. This authority shall not relate to applications or permits involving lands within national parks, Indian reservations, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior.

(10) Applications to use public lands under right-of-way easements under the act of March 4, 1911 (36 Stat. 1235, 1253–54; 43 U. S. C. 961), and the issuance and assignment of such easements. This authority shall not relate to applications or permits involving lands within national parks, Indian reservations, any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior, or to the revocation of any easements granted under the act of March 4, 1911, or to the modification of such easements without the consent of the persons to whom they have been issued.

(11) Approval of applications for rights-of-way and the issuance, modification and assignment of such easement, under the acts listed below: *Provided*, however, That the authority hereunder shall not relate to applications involving lands within national parks, Indian reservations, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior:

(i) Act of March 3, 1891 (26 Stat. 1101), as amended by the act of March 4, 1917 (39 Stat. 1197), act of March 1, 1921 (41 Stat. 1194), and the act of May 28, 1926 (44 Stat. 668; 43 U. S. C. 946–950), for right-of-way for canals, laterals, and reservoir sites for irrigation and drainage purposes, including the right to materials for construction thereof, and permits or easements for caretaker's building sites on adjoining acreage.

(ii) Section 17 of the Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 23 U. S. C. 18), for right-of-way for highways and road building material sites.

(iii) Act of June 8, 1938 (52 Stat. 633), as amended (23 U. S. C. 10b), for right-of-way for road-side and landscape development under Federal Aid Highway Act.

(iv) Act of November 19, 1941 (55 Stat. 767; 23 U. S. C., Sup. 108), for right-of-way for flight strips under the Federal Aid Highway Act.

(v) Approval of rights-of-way for railroad purposes under the act of March 18, 1875 (18 Stat. 482; 43 U. S. C. 934).

(vi) Approval of rights-of-way under section 28 of the act of February 25, 1920, as amended (41 Stat. 437, 449; 30 U. S. C. 185), and of modifications and partial or entire relinquishments of such rights-of-way.

(12)–(16) [See footnote 2.]

(17) Applications for oil and gas noncompetitive leases under section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U. S. C. 226), as amended, the issuance of such leases, and consolidations, modifications, revocations, and cancellations thereof.

(18)–(23) [See footnote 2.]

(24) Applications for mineral spring leases under the act of March 3, 1925 (43 Stat. 1133; 43 U. S. C. 971), the issuance of such leases, and assignments, modifications and cancellations relating thereto.

(25) Approval of all bonds filed in connection with noncompetitive leases under section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U. S. C. 226), as amended, and the termination of periods of liability under such bonds.

(26)–(27) [See footnote 2.]

(28) Approval of assignments of leases or royalty interests, of operating agreements and assignments of such agreements, and subleases, filed in connection with noncompetitive leases under section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U. S. C. 226), as amended.

(29) Cancellation of liability on contracts (including leases and permits) and bonds after the contract has been fully performed, or terminated by agreements of the parties, and the determination incident to the cancellation of such liability, in connection with matters under their administration.

(30)–(31) [See footnote 2.]

(32) Acceptance of surrender of part or entire leases and permits of all types under their administration.

(33) Elimination from leases and permits of all types under their administration of such lands which, having been previously disposed of, or having been subject to a withdrawal or reservation, were erroneously included.

(34) Applications for reservoir sites for water for livestock under the act of January 13, 1897 (29 Stat. 484), as amended by the act of March 3, 1923 (42 Stat. 1437; 43 U. S. C. 952–955).

(35) Issuance of special land use permits.

(36) Sales of isolated or rough and mountainous tracts under section 2455 of the Revised Statutes, as amended (48 Stat. 1269, 1274; 43 U. S. C. 1171), in accordance with existing policies.

(37)–(47) [See footnote 2.]

(48) Applications and permits for the development of underground water in Nevada under 43 CFR, Part 234.

(b) Except as expressly provided, this section does not authorize classification pursuant to section 7 of the Taylor Grazing Act or pursuant to any other act requiring classification of public lands. (43 CFR 4.275).

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6681; Filed, July 15, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 68, Amdt. 15]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW-LOT RULE AND TWO-FOR-ONE RULE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of July A. D. 1947.

Upon further consideration of the provisions of Service Order No. 68 (8 F. R. 8513, as amended (8 F. R. 8513, 14224, 16265; 9 F. R. 7206, 14306; 10 F. R. 6040, 8142, 9720, 12090; 11 F. R. 562, 6983; 12 F. R. 46, 3837), and good cause appearing therefor; it is ordered, that:

Section 95.15 *Suspension of follow-lot rule and two-for-one rule*, of Service Order No. 68, as amended, be, and it is hereby, further amended by substituting the following paragraph (b) for paragraph (b) thereof:

(b) *Exemptions.* This section shall not apply (1) to shipments of livestock, (2) to shipments of any commodity on flat cars, when the car furnished and used is longer than that ordered by the shipper, and (3) paragraphs 1, 2, and 3 of the original order shall not apply to shipments of import freight loaded by carriers.

It is further ordered, that each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, publishing the provisions of this amendment.

It is further ordered, that this amendment shall become effective at 12:01 a. m., July 20, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it

with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6636; Filed, July 15, 1947; 8:47 a. m.]

[4th Rev. S. O. 180, Corr. to Amdt. 14]

PART 95—CAR SERVICE

DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 180 (10 F. R. 14970) as amended (11 F. R. 1627, 1991, 3605, 4038, 6983, 9453, 10092, 11707, 12395, 12 F. R. 1421, 3032, 3672) and good cause appearing therefor: *It is ordered*, That:

Fourth Revised Service Order No. 180, (49 CFR § 95.330), as amended, be, and it is hereby, further amended by substituting the following paragraphs (a) and (e) for paragraphs (a) and (e) thereof during the effectiveness of this amendment and order.

(a) *Demurrage charges on refrigerator cars.* (1) After the expiration of the free time lawfully provided by tariffs (subject to modification by service orders), on a refrigerator car held for orders, bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, forwarding directions, loading or unloading, the demurrage charges shown in subparagraph (2) of this paragraph shall be applicable in lieu of tariff charges.

(2) Demurrage charges shall be $2.20 per car per day or a fraction thereof for the first and second day; $5.50 per car per day or a fraction thereof for the third and fourth day; and $11.00 per car per day or a fraction thereof for each succeeding day.

* * * * *

(e) *Expiration date.* This amendment and this order shall expire at 7:00 a. m., October 1, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment and this order shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6637; Filed, July 15, 1947; 8:48 a. m.]

[Rev. S. O. 188, Corr. to Admt. 12]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of June A. D. 1947.

Upon further consideration of Revised Service Order No. 188 (10 F. R. 15175) as amended (11 F. R. 1626, 1992, 3605, 4038, 7043, 9453, 10092; 12 F. R. 1420, 3033, 3672, 3673), and good cause appearing therefor; *It is ordered*, That:

Revised Service Order No. 188 (49 CFR 95.334), as amended, be, and it is hereby, further amended by substituting the following paragraphs (a) and (d) for paragraphs (a) and (d) thereof during the effectiveness of this amendment and order:

(a) *Demurrage charges to be applied on refrigerator cars engaged in intra-terminal transportation.* (1) The State Belt Railroad of California shall apply the demurrage charges shown in subparagraph (2) of this paragraph to any refrigerator car used for transporting any commodity to, from, or between industries, plants, or piers located at points or places named in Districts A and or B as described in Item No. 15 of Tariff I. C. C. No. 5 of the State Belt Railroad operated by the State of California.

(2) After the expiration of forty-eight (48) hours free time after a refrigerator car is first placed for loading and until shipping instructions covering such car are tendered to said carrier's agent and/or after forty-eight (48) hours free time after a refrigerator car is first placed for unloading and until such car is unloaded and released, the demurrage charges shall be $2.20 per car per day or fraction thereof for the first and second day; $5.50 per car per day or fraction thereof for the third and fourth days; and $11.00 per car per day or fraction thereof for each succeeding day.

NOTE: After a refrigerator car is loaded and released for movement by the tender of shipping instructions to said carrier's agent, if the car is not actually placed for unloading for any reason within forty-eight (48) hours after such car is released for movement, but is held by the carrier short of place of delivery for unloading, such car will be considered as constructively placed at the expiration of the said forty-eight (48) hours and demurrage time shall be computed from the expiration of the said forty-eight (48) hours until said car is unloaded and released.

* * * * *

(d) *Expiration date.* This amendment and this order shall expire at 7:00 a. m., October 1, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment and this order shall become effective at 12:01 a. m., June 29, 1947; that a copy of this order and direction be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-6638; Filed, July 15, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 802]

FAIR AND REASONABLE SUGARCANE WAGE RATES IN LOUISIANA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsection (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, notice is hereby given that a public hearing will be held at New Iberia, Louisiana, in the Court Room of the New Court House, on July 26, 1947, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary in determining (1), pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wages for persons employed in the harvesting of sugarcane during the period from September 1, 1947, to June 30, 1948, and the planting and cultivating of sugarcane during the calendar year 1948 on farms with respect to which applications for payments under the said act are made, and (2), pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1947 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under the said act; and to receive evidence likely to be of assistance to the Secretary in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane and with respect to the terms and conditions of contracts between laborers and producers of sugarcane.

This hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

George A. Dice, C. R. Oviatt, W. S. Stevenson, and F. T. Gradoville are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Issued this 14th day of July 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-6695; Filed, July 15, 1947; 9:36 a. m.]

[7 CFR, Part 913]

[Docket No. AO-23-A7]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

NOTICE OF HEARING ON PROPOSED RULE MAKING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), a notice is hereby given of a public hearing to be held in the District Court Room, Federal Building at Kansas City, Missouri, beginning at 10 a. m., c. s. t., July 21, 1947, with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the provisions of the proposed amendments to the marketing agreement and to the order, as amended, or to any modifications thereof, which are hereinafter set forth.

The Pure Milk Producers Association of Greater Kansas City and the Bates County Milk Producers Association have proposed the following amendments:

1. Delete § 913.4 (g) (2) and substitute therefor the following:

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (f) (6) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between receipts of milk from producers and the total utilization of milk by classes for such handler.

2. Delete § 913.5 (a) (1) and substitute therefor the following:

(1) *Class I milk prices.* The price per hundredweight to be paid by each handler for milk classified as Class I milk shall be the basic formula price determined pursuant to paragraph (b) of this section plus the following amounts for the delivery periods indicated.

Delivery Period	
May and June	$0.75
April, July, and August	.90
September, October, November, December, January, February, and March	1.20

Provided, That for the months of September 1947 through March 1948 the price for Class I milk shall not be less than $4.96. *And provided further*, That the Class I prices for April 1948 shall not be less than the March 1948 Class I prices minus 46 cents, and that the May 1948 Class I prices shall not be less than April Class I prices minus 46 cents.

3. Delete § 913.5 (a) (2) and substitute therefor the following:

(2) *Class II milk prices.* The price per hundredweight for milk classified as Class II milk shall be the basic formula price determined pursuant to paragraph (b) of this section plus the following amounts for the delivery periods indicated.

Delivery Period	Cents
May and June	50
April, July, and August	65
September, October, November, December, January, February and March	95

Provided, That for the months of September 1947 through March 1948 the price for Class II milk shall not be less than $4.71. *And provided further*, That the Class II prices for April 1948 shall not be less than the March 1948 Class II price minus 46 cents and the May Class II prices shall not be less than the April Class II prices minus 46 cents.

4. Delete § 913.5 (a) (3) and substitute therefor the following:

(3) The minimum price per hundredweight on a 3.8 percent butterfat content basis to be paid by each handler for milk classified as Class III milk, shall be the price as determined pursuant to the butter-skim milk powder formula in § 913.5 (b) of the present order.

5. Add as § 913.5 (a) (4) the following:

(4) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period pursuant to (a) of this section are not in the public interest, and Class I and Class II prices for such delivery period shall be the same as the Class I and Class II for the previous delivery period.

6. Delete § 913.5 (c) and substitute therefor the following:

(c) *Butterfat differential.* If any handler has purchased or received milk from producers containing more or less than 3.8 percent butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of one percent butterfat above or below 3.8 percent, an amount computed as follows: To the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent and divide the result obtained by 10.

7. Change the wording of such other sections as may be required to make the order conform with the foregoing proposals.

The Meyer Sanitary Milk Company of Kansas City, Kansas, and the Kansas City Milk Distributors Association (consisting of Chapman Dairy Co., Borden's Milk & Ice Cream Co., Country Club Dairy Co., Alnes Farm Dairy Co. and Adams Dairy Co.) have proposed the following amendments:

1. Amend § 913.5 (b) by deleting the comma following the figures "3.8" in the first line following the itemized list of plants and places and inserting in lieu thereof a period, and by deleting the words immediately following: "But in no event shall such basic formula price to be used be less than the following:" and inserting in lieu thereof the following: "If any of the plants aforesaid shall become subject to a Federal marketing order with respect to prices paid to producers, or if the basic formula price determined as aforesaid drops below the basic formula price hereinafter set forth, then the basic formula price to be used in determining Class I and Class II prices shall be as follows:

2. Amend § 913.5 (c) by deleting the following words appearing at the end of said subsection: "Equal to the Class III price for such delivery period divided by 38." and inserting in lieu thereof the following: "Computed as follows: Add 4¢ to the average price of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which milk was received, and divide the resulting sum of 10."

3. Amend § 913.7 (a) by adding the following paragraph:

(6) If any handler during the delivery periods of May, June and July disposes of Class III milk in the form of butterfat for churning because of inability to dispose or said milk at Class III prices or higher, the market administrator shall credit such handler's obligation to the pool with the difference between the current market price for such butterfat and Class III price, plus 10¢ per hundredweight for handling and less any amount received for skim from such milk.

Copies of this notice of hearing may be procured from Mr. M. M. Morehouse, Market Administrator, 510 Porter Building, 406 W. 34th Street, Kansas City 2, Missouri, or from the Hearing Clerk, United States Department of Agriculture,

Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 11, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-6652; Filed, July 15, 1947; 8:46 a. m.]

[7 CFR, Part 930]

[Docket No. AO-72-A9]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED RULE MAKING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, Cum. Supps. 901 et seq., 11 F. R. 7737, 12 F. R. 1159), as amended, notice is hereby given of a hearing to be held at the Staff Meeting Room, 2nd Floor, Toledo Public Library, 325 Michigan Street, Toledo, Ohio, beginning at 10:00 a. m., e. s. t., July 24, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement and order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area (12 F. R. 2067). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Dairy Branch, Production and Marketing Administration:

1. Delete from § 930.1 (l) the words "other than cottage cheese."

By The Northwestern Cooperative Sales Association, Inc.:

2. Insert in § 930.4 (b) (2) the word "or" between the words "cream" and "eggnog" and delete the words "or creamed cottage cheese."

3. Add to § 930.5 (a) (1) the following proviso: *Provided*, That in no case shall the Class I price for August, 1947, drop below $4.35 or the Class I price for September, October, November and December, 1947, and January, February, and March, 1948, drop below $4.75 for 3.5% milk. The formula prices provided for in this section shall be disregarded only in the event the prices determined under them are less than the above prices proposed for the above named months.

By the Dairy Branch, Production and Marketing Administration:

4. Make such other changes as may be required to make the entire tentatively approved marketing agreement and the marketing order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and the marketing order, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 11, 1947.

F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-6653; Filed, July 15, 1947; 8:46 a. m.]

[7 CFR Part 941]

HANDLING OF MILK IN CHICAGO, ILL., MARKETING AREA

RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159) notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and to a proposed marketing agreement, regulating the handling of milk in the Chicago, Illinois, milk marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.)

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after the publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed amendments to the order, as amended, and the proposed marketing agreement were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by the Pure Milk Association. Additional proposals for consideration were submitted by several other producer cooperatives, the Associated Milk Dealers, Inc., the Beatrice Foods Company, the Ice Cream Manufacturers' Association of Cook County, and the Dairy Branch, Production and Marketing Administration. The public hearing was held at Chicago, Illinois, on March 5–8 and 10–12, 1947, inclusive, upon notice issued on February 24, 1947 (12 F. R. 1394).

The material issues presented on the record of the hearing were whether:

1. The "handler" definition should be revised to provide that it shall not apply to any person selling a larger percentage of his Class I milk as a handler under a marketing agreement or order effective in another fluid milk marketing area (H. N. proposal No. 2);

2. The defined area known as "surplus milk manufacturing area" should be expanded (H. N. proposal No. 4);

3. All frozen cream, other cream frozen, plastic cream, and similar cream products disposed of beyond the limits of the surplus milk manufacturing area should be classified as Class II milk (H. N. proposal No. 3);

4. The accounting for milk and cream transferred from approved to unapproved plants should be on a daily basis (H. N. proposal No. 5);

5. Flavored milk, flavored milk drinks, and buttermilk should be reclassified from Class I milk to Class II milk (H. N. proposal No. 8);

6. The maximum amount of plant shrinkage allowed as Class IV milk should be increased (H. N. proposals No. 9 and 10);

7. The price structure for Class I milk and Class II milk should be revised as to level and seasonality (H. N. proposals No. 11, 13, 16, and 20);

8. The basic formula price provisions should be revised as to the (i) "evaporated-pay-price" formula, (ii) "butter-nonfat dry milk solids" formula (revision of the butter-nonfat dry milk solids formula therein would affect also the level of the Class IV milk price), and (iii) application of the alternate formulas set forth therein (H. N. proposals No. 12, 13, 15, and 16);

9. The plant location adjustment credits to handlers applicable to (i) fluid milk, fluid skim milk, and certain Class I milk, and (ii) Class II milk should be increased (H. N. proposals No. 14 and 17);

10. The butterfat differential applicable to producer milk testing above or below 3.5 percent of butterfat should be revised (H. N. proposal No. 18);

11. A change should be made in the level and method of determining the prices to be paid for Class I milk disposed of in markets outside the marketing area (H. N. proposal No. 19);

12. The price formula for Class II milk should include a storage allowance for frozen cream stored (H. N. proposal No. 20);

13. The "approved plant" definition should be revised and whether there should be included new provisions (i) establishing additional requirements for plant desiring to participate in the "market-wide pool," and (ii) providing for the suspension as a "pool plant" of any plant not meeting such requirements (H. N. proposals Nos. 1 and 21);

14. The pool treatment of the classified value of frozen cream, based on the inventory character of this product, should be revised for the purpose of implementing a wider seasonal variation in producer prices (H. N. proposal No. 23);

15. The location adjustments applicable to the announced uniform "70 mile zone" price to producers should be changed (H. N. proposal No. 24); and

16. Several revisions of language should be made to obtain further clarity and to simplify administrative problems with respect to:

(i) The determination of tests of chocolate milk drinks (H. N. proposal No. 6);

(ii) Precision of language in pool computation provisions (H. N. proposal No. 7);

(iii) Classification of butterfat remaining in skim milk separated (H. N. proposal No. 22);

(iv) Assessments for expenses of administration (H. N. proposals No. 25 and 26); and

(v) Assessments for marketing services (H. N. proposal No. 27).

Findings and conclusions. The proposed findings and conclusions with respect to the issues presented at the hearing, together with the reasons therefor, are as follows:

(1) The proposed addition of language to the definition of "handler" to exclude "any person who sells a larger percentage of Class I milk handled by him in a marketing area under any other milk marketing agreement or order issued under the act where such person is a handler subject to such other milk marketing agreement or order" should not be adopted at this time.

The primary purpose of this proposal is to change the basis of determining under which order a handler is subject to regulation in case Class I milk is sold in both the Chicago marketing area under Order 41 and the Suburban Chicago marketing area under Order 69. Under the current provisions of these orders a handler becomes subject to regulation under Order 41 when any of his Class I milk is sold in the Chicago marketing area even though a larger percentage of his Class I milk may be sold in the Suburban Chicago (or other) marketing area.

The proposal would make it possible for some handlers to shift constantly from one order to another in different delivery periods depending on seasonal advantages. Such shifting would not be conducive to the orderly marketing of milk in the Chicago marketing area and might provide some undue competitive advantages to these handlers. The proposal also could prevent beneficial transfers of milk between regulated markets if the transferring handler preferred to retain status under one order but the transfer resulted in the loss of that status. The question and problems raised by this proposal are closely related also to the proper phrasing and content of other provisions of each of the orders, such as the type of pool, the limits of the marketing area, and other definitions. These matters were not fully considered at this hearing, and there is a consequent lack of adequate evidence in solution of the various problems which would result from the adoption of this proposal. In addition, application of the particular proposal offered would be administratively burdensome.

(2) The "surplus milk manufacturing area" should be expanded to include the counties of Stark, Marshall, Woodford, Livingston, Ford, and Iroquois, in the State of Illinois, the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermilion, Vigo, and Sullivan, in the State of Indiana, and the county of Van Wert, in the State of Ohio.

Plant facilities operated by or readily available to handlers exist in these counties for the disposal of surplus milk from the Chicago marketing area. The inclusion of these counties will facilitate the handling of such surplus milk.

(3) The classification provisions should be revised to specify the final classification as Class II milk of frozen cream, other cream frozen, plastic cream and any similar cream product disposed of outside the surplus milk manufacturing area.

The surplus milk manufacturing area has been defined broadly enough to furnish under present conditions adequate facilities for the disposal for manufacturing purposes of frozen cream, other cream frozen, plastic cream, and any similar cream product in surplus supply. Therefore, it is reasonable to assume that when such items are moved outside such surplus milk manufacturing area they will be employed in their customary uses as ice cream or as other milk products defined as Class II milk under the Chicago order.

This will provide a uniform method of verifying and classifying all Class I and Class II milk items moved beyond the limits of the surplus milk manufacturing area and readily susceptible of reuse in the form of other milk products.

(4) The classification provisions covering fluid milk or fluid cream transferred from approved plants to unapproved plants located within the "surplus milk manufacturing area" should be amended so as to be more specific in regard to the types of supporting records and to the allocation plan to be followed in classifying such approved fluid milk or fluid cream.

Fluid milk and fluid cream are transferred from approved plants to unapproved plants in the "surplus milk manufacturing area." It has been the practice of the market administrator to accept daily utilization records in support of claimed classification of milk at such unapproved plants. It was proposed that this established market practice be formalized and no objections were raised thereto. It is recommended that this proposal be adopted.

In some unapproved plants approved fluid milk or fluid cream is segregated from receipts of unapproved sources. In other unapproved plants approved fluid milk or fluid cream is commingled with receipts from other sources. Classification problems are more complicated where approved milk is commingled with unapproved receipts. In the classification of approved fluid milk or fluid cream which is commingled with unapproved receipts in a plant having diversified uses it is necessary to allocate the use of such approved milk and cream since its specific utilization cannot be shown.

In most instances the quality of Chicago fluid milk is higher than that of unapproved milk. Fluid milk from approved plants is frequently used for selected manufacturing purposes in preference to that of unapproved sources. Unapproved, or "Grade B," milk is disposed of from unapproved plants in many different forms, including fluid milk and fluid cream, to markets not requiring milk of approved Chicago quality. Unapproved plants may engage for part of the month in the processing of a milk product such as evaporated milk or in the sale of fluid milk and fluid cream, while for the remainder of the month it may engage in the manufacture of other milk products such as butter and nonfat dry milk solids.

Under the recommended provision approved Chicago fluid milk received at the plant which commingles milk would be allocated first to the highest valued manufacturing use (Class III milk) then to the other manufacturing uses (Class IV milk) followed by use as Class II milk and Class I milk, respectively. Because of the relative importance of butterfat in cream, the allocation of approved fluid cream would be first to Class IV milk then to Class III milk, Class II milk, and Class I milk, in that sequence. Also approved fluid milk and fluid cream should not take precedence over unapproved or Grade B milk where the latter type of milk is disposed of for outside markets from such plants in the form of fluid milk or fluid cream. If monthly utilization records only are made available, approved fluid milk or fluid cream would be allocated in sequence beginning with Class I milk and Class II milk, respectively, to prevent approved fluid milk and fluid cream being reported in classes of lower value than the actual class of disposition, which would result in decreased returns to all producers. This is deemed necessary to protect the classification of producer milk.

(5) Flavored milk, flavored milk drinks, and buttermilk should not be moved from Class I milk to Class II milk.

The classification of these products was changed from Class II milk to Class I milk by an amendment to the order effective September 1, 1946. In support of the proposal to change the classification of these products from Class I milk to Class II milk, it was claimed (i) that sales of these items decreased during the 4 months following reclassification to Class I milk as compared with the same period in 1945 and if continued producers' returns might thereby be reduced, and (ii) that the cost of flavoring ingredients has increased.

To be sold in the main segments of the Chicago marketing area these milk drinks must be made from inspected milk. They are disposed of in fluid form through the same retail and wholesale channels as bottled fluid milk and are used principally as a beverage. The physical characteristics, purposes, values, and uses of these items are more nearly similar to those of fluid milk than of items covered by the definition of Class II milk.

It was not shown that the decrease in sales following the amendment of September 1, 1946, was due to the reclassification of these products, since the trend had already started prior to reclassification and a general retail price increase embracing many other factors took place during the same period. Under the circumstances shown a decrease in sales of these products is not in itself an adequate reason for the reclassification proposed. The alleged cost increase of flavored ingredients (no specific information of these increased costs was

shown) might be an element to be considered by the handler in the establishment of his margin but should not be charged against the price to the producer.

(6) The plant shrinkage provisions (§ 941.4 (b) (4) (iii) and § 941.4 (e) (6) (vi)) should be revised only relative to shrinkage on transfers of milk to unapproved plants by deleting the references to unapproved plants.

Proposals made were designed to (i) increase the overall plant shrinkage allowance in Class IV milk and (ii) alter the application of the plant shrinkage provisions to milk transferred to unapproved plants. It was proposed that the shrinkage allowance on butterfat received at an approved plant in the form of bulk fluid milk, bulk fluid skim milk, or bulk fluid cream be increased from 1½ to 2 percent. Also, a second handler would be allowed a maximum of 2 percent butterfat shrinkage in Class IV milk in addition to the shrinkage allowed in Class IV milk to the first handler. These allowances would be in addition to the ½ percent allowance under the present order on butterfat in milk received directly from producers. In suport of the increase, it was pointed out that shrinkage may be enhanced by errors in butterfat testing or by the techniques used in such testing. Under the proposal, a maximum allowance in Class IV milk of 4.5 percent of butterfat shrinkage would be possible if milk were handled by two or more handlers. A second proposal would revise language with respect to transfers of approved milk to unapproved plants to allow shrinkage in Class IV milk on such transfers.

The average plant shrinkage of butterfat, expressed as a percent of total butterfat pounds in producer receipts plus butterfat overrun (including that portion classified in Class I milk as "excess" shrinkage or "unaccounted for milk"), averaged 1.75 percent in 1943, 1.91 percent in 1944, 2.03 percent in 1945, and 2.18 percent in the first 8 months of 1946. Shrinkage for a system of plants operated by a single handler is computed as a net amount after accounting for utilization at all such plants. In light of these shrinkage percentages and the inequities inherent in the first stated proposal, which would permit a greater shrinkage on milk moved from the plant of one handler to the plant of another handler as compared with interplant movements within a system operated by a single handler, such proposal should not be adopted. However, in many instances it is very difficult to ascertain whether milk has been sold to an unapproved plant. Therefore, to simplify the accounting for the shrinkage with respect to milk moved to unapproved plants, the second proposal should be adopted.

(7) The price differentials above the basic price for Class I and Class II milk should be revised to provide for (i) a wider seasonal variation in the uniform price to be paid to producers and (ii) an increase in the average level of price differentials above the basic price for Class I and Class II milk.

Under the present pricing provisions of the order, the Class I differential is 70 cents per hundredweight of milk, except during May and June when it is 50 cents. The Class II differential is 32 cents, except during May and June when it is 20 cents for such milk as is used for frozen cream. During the war years, the seasonal decline in the Class I differential for May and June was suspended but became effective again in 1947.

Three proposals were made to change the differentials for Class I and Class II milk. The first proposal provided for an increase in the average level of such differentials and a substantial increase in their seasonal variation, emphasizing both the shortage and surplus aspects of the problems of seasonal production. The second proposal limited the problem to the surplus aspects and favored a slight decline in the average level of such differentials. The third proposal provided for no change from the present order except that the seasonal decline in the Class I differential for May and June be eliminated.

The seasonal pattern of production is significantly different than is the pattern of demand for Class I and Class II milk, and during recent years the problems associated with these differences have become more acute than formerly. For the market as a whole, the average production per producer in 1940 was 42 percent greater during the month of peak production than during the month of low production; in 1946, it was 53 percent greater, which was the highest variation during the 1940–46 period. The seasonal variation in production is much more pronounced in the far-out zones than in the close-in zones, with the intermediate zones showing an intermediate seasonal variation. In 1946, for example, Zones 1 and 2 produced 42 percent more milk per farm per day in the high month than in the low month, as compared with 54 percent for Zones 3 to 5, 70 percent for Zones 6 to 10, and 100 percent for Zones 11 to 21. In contrast, the market demand for Class I milk is relatively uniform throughout the year with the greatest strength generally exhibited during the autumn months. The demand for Class II milk, excluding the freezing and storing aspects of cream, is less uniform than for Class I, but is nevertheless much more uniform than the production of milk. One important feature of the seasonal problem in Class II milk is the freezing of cream during the months of peak production and its use during the months of lowest milk production. Frozen cream appears to be used principally in the manufacture of ice cream and its related products; it represents, therefore, at least a partial solution to the problem of bringing the supply and demand for milk into a better balance seasonally.

Beyond the relief obtained by freezing and storing cream, the seasonal supply and demand problem is subject to improvement through price incentives and educational influences. The role of education in correcting the problem of uneven production has been dealt with by agencies such as producer associations and agricultural colleges; but education alone has not been sufficient and a price incentive is required in addition thereto.

The proponents of the second proposal advocated a decrease of differentials in Class I and Class II milk during the flush production season and proposed that this season be extended by 1 month over that provided in the present order. In support it was said that the problem was principally one of milk surpluses during the spring months and that "there is an ample supply of milk in the fall months to satisfy the Class I and Class II requirements of the Chicago market if provision is made to channel the milk into the marketing area." The limitations of channeling milk into the marketing area are several. The amount of milk in excess of Class I and Class II milk is very small. Although outside sales represent a much more important volume of milk than is represented by such excess, the record does not adequately show how such milk could be channeled to the marketing area. Furthermore, the amount of milk being moved to other markets is not unrelated to the price structure for milk in the Chicago market; because such sales indicate that other markets can afford to compete with the Chicago market on a favorable basis. In further support it was shown that milk production during the low month of 1946 was 26 percent above the low month of 1940 and that the peak month of 1946 was 36 percent above that of 1940. It was contended that these data supported the statement that the problem of seasonal variation is not caused by insufficient fall production, but rather by too great a supply in the spring. This can hardly be accepted as a valid reason for a decrease in price differentials without considering the influence on price and production throughout the year. These same data demonstrate chiefly that the seasonal variation in production has become wider. While a lower price in the spring months may be expected to reduce the production of milk during such months, it does not follow that fall production will thereby become increased without further price incentives.

During the fall months of 1945 and 1946 the volume of milk in excess of Class I and Class II uses was substantially less than in previous years. The average amount of such excess for the 3 month period, September through November, 1946, is less than 1.5 percent of total market uses and for 1945 slightly over 2 percent. In previous years this percentage ranged from about 7 to 19 percent, except for 1942 when it was 2.3 percent.

In general, a wide seasonal variation in production aggravates the problem of surpluses in the spring months and shortages in the fall months. Unit marketing costs tend to be lower with uniform milk production than with a wide seasonal variation in production. The increase in seasonal variation in milk production during recent years was attributed to the small variation in prices during the war years. A relatively high level of prices, such as now prevails, compared with a low level requires a relatively wider seasonal variation in prices as an incentive to producers to even out production.

The market needs for Class I and Class II milk have increased from an average of 138 million pounds per month in 1940 to 205 million pounds in 1946—an increase of 48 percent. Class I milk showed an increase of 50 percent and Class II milk an increase of 47 percent for that period. Total milk production for the market during this same period increased approximately 29 percent. This increase resulted from an increase in the average monthly number of producers by 1.6 percent and an increased production of milk per farm of 27 percent.

It was contended that the general level of prices should not be increased in view of the fact that the number of producers (based on preliminary data) increased especially during the latter part of 1946 and the first two months of 1947. In February 1947, the preliminary number of producers was 18,118—the highest number on record; but this number is only approximately 2 percent higher than the number for February of 1941 or March 1944, when there were, respectively, 17,726 and 17,767 producers on the market.

The amount of milk in surplus classes during the fall months must be considered as dangerously low in the light of data already indicated; actual deficits are indicated in the record which were apparently offset through the use of frozen cream. Adverse weather and crop conditions could easily place the market in a serious position of milk shortage.

Practically all costs incurred by producers in the production of milk such as feeds, supplies, labor, and equipment have increased during the past year. Prevailing prices for hogs, beef cattle, and other alternative enterprises open to most producers of inspected milk are at relatively high levels.

Handlers paid premiums to producers amounting to an average of 4.8 to 6.5 cents per hundredweight on all milk in the first two zones during the latter months of 1946. Premiums are shown to have been paid in greater and lesser amounts during the past three years throughout the milk supply area.

Class differentials above the basic or manufacturing level of milk prices in addition to meeting the cost of stricter sanitary requirements of inspected milk, should reflect also the competitive and other economic conditions affecting the supply of and demand for milk in the Chicago marketing area.

The Class I and Class II price differentials over the basic formula price, as set forth below, together with the Class III and the modified Class IV prices, will result in such prices as will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

The Class I and Class II price differentials should be as follows:

Period	Amount per hundredweight	
	Class I	Class II
May and June	$0.50	$0.30
August, September, October, and November	.90	.50
All other months	.70	.40

The above schedule of prices substantially increases the seasonal variation of price differentials and may be expected to establish a better relationship between the supply of and demand for milk. It establishes larger and more definite incentives for producers to shift some of their milk production from spring to fall, and it may also influence the seasonal demand if these differentials are reflected in consumer prices. It may also be expected that the future development of new supplies will be somewhat responsive to the seasonal aspects of price regardless of location and result in a more even seasonal production for the market than now prevails.

The general level of Class I milk price differentials is increased by approximately 3 cents over the differential prevailing during the war years, and by about 7 cents over the average level now in the order.

The general level of Class II price differentials is increased by approximately 12 cents over the differentials now in the order. The difference between the Class I and Class II price differentials has been reduced from approximately 38 cents to approximately 31 cents; this reduction will have the effect of placing the price of Class II milk closer to the uniform price and therefore will relieve somewhat the burden placed upon the price of Class I milk in maintaining or developing a desirable uniform price. Both classes of milk require the same standard of health regulation.

The effect of the recommended price schedule, when related to handler and producer location adjustments, is such that at the 21st zone the average annual price of Class I milk will be about 40 cents per hundredweight above the basic price as compared with a Class II average price of about 37–38 cents per hundredweight of milk above the basic price. This places the most distant zone in which milk is received from producers in the position of being in an almost neutral price position on Classes I and II milk but with a slightly higher average price on Class I than on Class II milk.

The Class II milk price differentials as recommended above, provide for 30 cents in May and June as compared with 50 cents for August-November; this allows a 20 cent minimum margin for the storing and freezing of cream. This is an increase of 8 cents above the present order and slightly more than the alleged costs of freezing and storing. It should therefore provide considerable incentive toward freezing cream and help to alleviate seasonal problems.

It may be estimated that the increased differentials on Class I and II milk together with the recommended reduction in the Class IV price will result in an increase of about 4.5 to 6 cents in the uniform price depending upon the percentage of milk in each of the several classes.

(8) The basic formula price provisions should be revised.

(i) One proposal for revision of the Class III formula price provision (alternate basic formula price) would add to the list of manufacturing plants set forth in § 941.5 (a) (1) the names and locations of 5 additional plants. The expressed intent of this proposal is to make such plant list more representative in providing prices for the computation of the basic formula price. Another proposal suggested the addition of 12 more plants in addition to such 5 plants. No definite problem or objection was raised, however, in connection with the reasonableness or propriety of the list of 18 plants as now included in the order.

The proponents of the proposal to add the group of 5 plants to the list indicated an objection to the elimination of the Michigan plants now in the list, although their testimony indicated also that to follow the logic behind the proposal to add the 5 Illinois plants would call for the deletion of the 5 Michigan plants. Appraisal of the testimony leads to the conclusions that the single action of adding the 5 Illinois plants would do little to improve the present Class III price formula and that there are a number of factors involved which should be considered before any revision of this formula is made. Although no direct challenge to the group of 5 plants was made by others, the proponents have not presented convincing evidence that an improvement in the formula as an index of evaporated milk plant prices would result from their inclusion.

The record does not disclose the effects which the 12 other plants suggested would have upon the present Class III price and there is practically no information in the record concerning their operations as to whether they are primarily manufacturing plants. The evidence is not sufficient to support the inclusion of the 12 latter plants. It is recommended that the suggested revision of the list not be made until there is an opportunity to make a more complete analysis of the effect of these or similar changes.

(ii) The butter-nonfat dry milk solids formula price (hereinafter referred to as the Class IV milk price) should be revised.

The proposal to revise the Class IV milk price formula would reduce the price by about 15–16 cents per hundredweight of milk. The revision would be accomplished by reducing in the formula the market price of 92-score butter by 1 cent and the net average price of nonfat dry milk solids by 1½ cents per pound. The argument for a reduction is that Class IV price is based upon two points: (1) That the price of surplus milk under an order "should be at a level which would permit the handler to recover his normal costs of operations but upon which he shall not be given an undue margin of profit"; and (2) that the present formula price is too high to enable handlers to recover their costs on Class IV milk.

The first point has important implications which are not satisfactorily developed in the record. Whether recovery of costs should be limited to efficient handlers only or applied to all handlers, or why this policy or principle should be limited to Class IV milk operations, is not made known. The question of what is an undue margin of profit also is unanswered. Therefore, recovery of "nor-

mal costs" by handlers on Class IV milk and upon which there shall not be "an undue margin of profit," may be accorded some weight but does not permit unqualified acceptance.

As to the second point, the evidence in the record concerning costs of handling Class IV milk is difficult to evaluate for purposes of revising the price formula, except in a reasonably approximate manner. In any case, some other factors must be taken into account. Costs were shown to range from 43 cents to 70 cents per hundredweight of milk. The proponents of the lower Class IV price claim average costs of 57.7 cents per hundredweight of milk, based on a survey of 4 plants, two of which were said to operate at costs of 50–51 cents, and the other 2 at 60.4 and 69.5 cents.

The record indicates that the present so-called "manufacturing allowance" on Class IV milk is 37.5 cents per hundredweight of milk (5 cents times the yield factor of 7.5 pounds of powder). Actually handlers of Class IV milk realize under the present formula a working of something more than this amount: (1) No credit is given to the value of skim milk until a full ½ cent over 5 cents per pound has been reached, allowing the handler actually 5.49 cents per pound in his working margin. This amounts to as much as an additional 3.5 cents per hundredweight of milk; (2) the record shows that actual butter "overrun" approximates 21–22 percent rather than 20 percent as used in the formula. This would amount to another 2 to 4 cents per hundredweight of milk to the handler on the basis of the current butter market; and (3) the record also shows actual nonfat dry milk solids yields per hundredweight of whole milk used to be more than the 7.5 pound factor used in the formula by at least ½ pound, which under prevailing market conditions is not less than another 4.5 cents per hundredweight of milk to the handler.

When the foregoing factors are taken into account, the operating margin for Class IV milk is computed to be approximately 48 cents per hundredweight of milk. It was claimed further that the present formula fails to recognize the cost of transporting butter between a country plant and the Chicago market. It was shown, however, that butter manufactured from Class IV milk by the proponents of the lower price is premium butter, both as to price and as to quality.

The seasonal problem of furnishing the market with adequate supplies of milk and cream is recognized elsewhere in this recommended decision and is dealt with by direct action through seasonal price recommendations on Class I and Class II milk. In the light of the seasonal price plan recommended and in the absence of affirmative action on the "pool plant" proposal, it is concluded that the Class IV price remain unchanged during all months of the year except those shown to be preponderantly surplus supply months. For the months of March, April, May, and June, therefore, the Class IV price formula should be modified to the extent of changing the present 5 cent allowance on nonfat dry milk solids to 6 cents. This means that the margin allowed under the recommended formula for these 4 months amounts to approximately 55–56 cents per hundredweight of Class IV milk, and falls at about the midpoint between the 43–70 cent cost range shown in the record. It is also close to the average cost figure of 57.7 cents per hundredweight of milk claimed by the proponents of a lower price formula. Any revision of the Class IV formula beyond the amounts indicated above would appear to require further inquiry and evidence.

(iii) In the order currently effective, the basic formula price is the highest price computed from three manufacturing milk price formulas based, respectively, on the "paying" prices of several evaporated milk concerns, open market prices of butter and cheese, and open market prices of butter and nonfat dry milk solids for the current delivery period. Two proposals to change the application of these formulas have been made. Under the first, the highest prices resulting from the respective formulas for the current delivery period and that next preceding would be averaged and used as the current basic formula price. Under the second such proposal, the highest price resulting from these manufacturing milk formulas for the delivery period next preceding (formerly the basic formula price for such delivery period) would be used as the basic formula price for the current delivery period. The first proposal was suggested for the purpose of reducing somewhat the monthly variations in Class I milk and Class II milk prices and to enable handlers to estimate more closely in advance the level of such prices which they would be required to pay in the current delivery period. The second appears to be designed to enable handlers to know with certainty their purchase prices for Class I milk and Class II milk by the fifth day of the delivery period during which the milk is received.

Under the present order, class prices are not known until approximately the fifth day after the end of the delivery period during which the milk is received. Handlers complain that they are disadvantaged by not knowing the Class I and Class II milk prices they will have to pay for milk received from producers until after that milk has been disposed of by them.

More orderly marketing of fluid milk and fluid cream may be encouraged by the announcement of the Class I and Class II prices early in the delivery period during which milk covered by such classes is disposed of by handlers. For this reason the proposal to base such class prices upon the manufacturing milk formula prices for the next preceding delivery period is recommended with the condition that the basis formula price effective for July shall not be less than that for the preceding month of June. The latter condition will assist to preserve the proper seasonal trend of prices.

Substantial quantities of Chicago approved milk are disposed of in the form of manufactured milk products covered by the Class III milk and Class IV milk definitions under the order. The latter products, although made from Chicago approved milk, are in open market competition with similar products from milk not meeting any formal health inspection. Because of competitive character of the markets for the products covered by Class III milk and Class IV milk, the prices for the latter classes should continue to be based upon the manufacturing milk formula prices for the current delivery period rather than for the next preceding delivery period.

(9) The rates of location adjustment credits to handlers for fluid milk or fluid skim milk shipped from country plants to the marketing area and on certain Class I milk not so shipped should be increased; the rates on fluid cream should not be increased.

(i) No zone adjustments on fluid milk and fluid skim milk were proposed for Zone 1, and none are allowed under the present order. It was proposed that the present rate of 1½ cents per hundredweight of milk be increased to 2½ cents for each 15-mile zone beyond the 70-mile zone (Zone 1). This proposed rate was determined by subtracting a claimed 13-cent rail rate for Zone 1 from a claimed 62-cent rate for Zone 21, and dividing the result by 20, the number of zones involved. This resulted in a rate of 2.45 cents per hundredweight of milk. Only one location within the 70-mile zone (Zone1) was shown to have a rail rate of 13 cents. The average of several locations in Zone 1 was shown as 28 cents, and in Zone 2 as 29 cents. Rail rates approved by the Interstate Commerce Commission have been increased about 15 percent since September 1, 1946, the date on which the last amendments to zone rates to handlers were made effective under Order 41.

Most fluid milk and fluid skim milk are hauled by truck. Trucking rates appear to be higher than rail rates on long hauls, but lower on short hauls. Hauling rates by truck are shown to be 16 cents per hundredweight in Zone 1, 18 cents for Zone 2, with rather uniform increases at 2 cents for each zone thereafter. Beyond Zone 14 rail rates are lower than trucking rates. Such rates average approximately 1 cent per zone between zones 1 and 21. Location adjustment credits should enable the movement of the necessary quantities of milk for Class I use but should not be high enough to encourage the uneconomic movement of fluid milk. It is economically desirable to secure the necessary fluid milk from the nearest possible sources. It is concluded that a rate of 2 cents per hundredweight per zone between 70 and 265 miles from the marketing area and a rate of 1 cent per hundredweight additional per zone beyond will assist in this objective. Higher rates for such zones would place an undue burden on the returns to producers.

(ii) Two proposals were submitted to change the rates of location adjustment credits to handlers on fluid cream. One proposal would adopt an LCL rate from the country plant location beyond Zone 1 to the perimeter of Zone 1. The second would apply the "effective tariff rates" from the point of origin to the marketing area. Neither proposal contemplates any change in the present provision under which no location adjustment credit is allowed on fluid cream originating within the 70-mile zone.

The record does not contain any information as to what the applicable LCL rail rates are or as to the extent of movements of fluid cream in less than carlot quantities by rail as compared with carlot shipments or with truck shipments. The adoption of any change in rates along the lines of the first named proposal is not warranted on the basis of the record.

The second proposal provides for a zone rate of ¾ cent per hundredweight of milk shipped to the perimeter of the 70-mile zone in the form of fluid cream. However, this proposal was modified by a request that the rates "shall be the effective tariff rates applicable on shipments of cream in cans from the zone and the point of origin to the Chicago marketing area and that such rates be secured and published by the market administrator." The basis for the ¾ cent rate was not indicated, nor was the meaning or application of "effective tariff rates" satisfactorily developed in the record. The application of rates in this second proposal to shipments of fluid cream from beyond the 70-mile zone to the marketing area instead of to the 70 mile perimeter would permit serious inequities. For the above reasons, neither feature of the second proposal should be adopted.

(10) The proposed 4-cent butterfat differential applicable to fluid milk sold as Class I milk testing above or below 3.5 percent of butterfat should not be adopted.

This proposal would have the effect of placing a price on butterfat which is in excess of 3.5 percent in fluid milk sold as Class I milk of 4 cents per point. This is substantially lower than the current price of butterfat for any use including butter, the lowest-valued use under the order. Under the proposal the market pool would subsidize the butterfat in excess of 3.5 percent disposed of in Class I fluid milk. No adequate reasons have been presented to show why these results should prevail.

(11) The method of pricing Class I milk disposed of in markets outside the Chicago, Illinois, marketing area should not be changed.

It was proposed that the price of Class I milk disposed of in any market outside the marketing area should be the "price as ascertained by the market administrator which is being paid for milk of equal grade and of equivalent use in the market where such milk is disposed of." Another proposal would limit such "ascertained prices" to the months of January through July, inclusive, with a fixed minimum of 45 cents over the basic formula price, and would apply a similar pricing principle to Class II milk disposed of outside the marketing area.

Milk approved for Chicago distribution is sold in several markets outside the marketing area. Some of this milk is sold under resale price levels lower than those in the marketing area. A portion of such milk is sold in markets having Grade A health standards similar to the City of Chicago, while some is sold in markets having less stringent health standards.

The price effective under the Chicago order should be such as to induce a supply adequate to meet the demand of the Chicago marketing area but not to fulfill the requirements of outside markets where milk of lesser quality may be used. The Chicago market does not have an excessive supply of milk except for a certain amount of seasonal surplus, which is not uncommon to the market. If Chicago approved milk is permitted to be sold in outside markets at less than the price prevailing in the marketing area, the result is a subsidizing of the outside sale. The proposal that the outside sale of Class I milk and Class II milk be permitted at a lower price only during the months of January through July, inclusive, when milk is relatively plentiful on the Chicago market, as a convenient method of disposing of seasonal surpluses which might otherwise fall into even lower-priced uses, should not be adopted because of the resulting "dumping" effect on the outside market. In addition, the fixing of the proposed lower prices for Chicago milk sold in other markets could have a depressing effect on the prices paid farmers by competing unregulated distributors in such markets, which lower prices in turn might further depress the "ascertained prices" to be used under the Chicago order.

Moreover, prices paid by individual distributors within a single outside market often vary greatly and the standards and method by which the market administrator would ascertain the price being paid in the outside market for milk of equal grade and of equivalent use were not outlined. From the administrative viewpoint, it is considered undesirable to burden the market administrator with the responsibility of determining outside market price levels in such circumstances.

(12) A special storage allowance for storing frozen cream should not be included.

Cream for disposition in the form of ice cream in the City of Chicago must be made from Chicago inspected milk. Ice cream for disposition outside the City of Chicago may be made from cream produced under less rigid health inspection requirements. Chicago ice cream manufacturers sell ice cream both in the City of Chicago and in outside markets, some of which are beyond the limits of the marketing area. Cream is frozen by Chicago handlers in the months of relatively heavy milk production as supply insurance for months of relatively light milk production. Costs incurred in freezing and storing cream are alleged to approach 20 cents per hundredweight of milk. Order No. 41 currently allows an automatic decrease of 12 cents per hundredweight on frozen cream in May and June, but cream for fluid use is not subject to a lower seasonal price differential in May and June. Chicago handlers selling in markets adjacent to the marketing area consider that they are in an unfavorable competitive situation in such markets with ice cream makers not regulated by Order No. 41.

It is proposed under conclusion (7) that a seasonal price plan be established for both Class I milk and Class II milk. The total amount of the seasonal change in the price differential from the May and June level would be 20 cents per hundredweight for Class II milk. The increase in July from the June level would be 10 cents per hundredweight and an additional increase of 10 cents per hundredweight would be effective for the months of August to November, inclusive. In addition it is usual to expect a somewhat higher basic formula price in the fall months than prevails in the months of May and June. Since the expense of freezing and storing cream does not exceed 20 cents per hundredweight of the milk used to produce such frozen cream it would appear that the person incurring such costs would take, under this seasonal price plan, little, if any, risk in protecting his fall supply of cream for ice cream manufacture. This price plan permits him to buy cream for later use at a relatively low price in the summer months and should give an adequate incentive to cream storage rather than to discourage it. An additional allowance of 17 cents per hundredweight is unnecessary in view of the seasonal price plan proposed.

Chicago ice cream manufacturers may compete for business in markets where ice cream makers do not maintain Chicago inspection, but such outside ice cream makers may not compete for ice cream business in the City of Chicago. The Chicago ice cream maker operates with respect to the bulk of his ice cream sales on a market protected against outside competitors not handling Chicago approved ice cream. Chicago producers are producing primarily for this inspected market and have pointed out the need for additional supplies of milk on the Chicago market at certain times of the year. Prices for Chicago milk should be designed to bring forth a sufficient supply of milk to meet the demands for which inspected milk is required, but not to create undue surpluses of high quality milk or to provide supplies for milk products to be sold in other markets where different price and supply conditions call for different purchase prices.

(13) The "approved plant" definition should not be changed; and new provisions for (i) establishing additional requirements for continued pool participation by plants now eligible for inclusion in the market-wide pool and (ii) the suspension of pool plants under certain conditions, should not be adopted at this time.

Producer proponents of the proposal for establishing more stringent requirements on plants with respect to pool participation support their proposal by alleging the failure of certain pool participating plants to ship fluid milk and fluid cream in the months of short production when substantially all available supplies of approved milk are needed in the Chicago market. It was pointed out that plants desiring to receive the year around benefit of a uniform price, which includes in all months the total value of the Class I and Class II milk sold on the market as well as the values of the other classes, should recognize an obligation to furnish the market with fluid milk and fluid cream whenever it is needed even though in most months of the year such plant may be engaged primarily in manufac-

turing operations such as the processing of evaporated milk, butter, powder, or cheese. The particular proposal offered attempts to establish standards of performance with respect to the shipment of milk and cream to be made by each and every handler to remain in the market pool.

Plants commonly considered as "standby plants" which are primarily engaged in manfacturing operations but which have entry into the pool at all times of the year do carry at least a moral obligation to furnish their total pool supply to meet the higher-valued uses if and when it is necessary. This obligation accrues from the benefit which such plants receive throughout the year in the form of price equalization which enables them to pay producer prices equal to those paid by strictly fluid milk plants similarly located. The problem posed can admittedly become serious and irksome in a fluid milk market. However, it has not reached the stage in the Chicago market where the suggested type of remedy or one of equal force is imperative. In addition, the proposal at hand does not cover the problem completely and leaves many questions to be answered, especially regarding its administrative practicality. Because of these considerations, it is concluded that the suggested pool plant provisions should not be adopted at this time.

(14) The pool treatment of the classified value of frozen cream should not be revised (§ 941.7 (b) (3)).

Under the proposal there would be set aside from the pool the difference between the value of frozen cream at the Class II price and its value at the Class IV price for the delivery period in which such cream is frozen, such difference to be returned to the pool during the delivery period in which the frozen cream is utilized.

The proposal seeks to implement seasonal pricing. However, it raises questions and implications relating to other provisions of the order which were not sufficiently developed at the hearing to warrant adoption on the basis of this record.

(15) The location adjustments applicable to the producers' uniform price should be revised.

The order provides for the announcement of the uniform price per hundredweight of milk received from producers at plants located not more than 70 miles (Zone 1) from Chicago. Beyond this distance the uniform price is subject to location adjustments. These deductions are 2 cents per hundredweight of milk for each subsequent 15 mile zone up to 175 miles and $\frac{1}{2}$ cent for each 15 mile zone thereafter. Since the order was first made effective in September, 1939, no changes have been made in these rates. The only interim change with any bearing on location allowances was the adoption, by amendment, of road and rail miles instead of air miles in determining the zone location of plants. Under the present structure, the location adjustment rate to producers parallels, up to a distance of 175 miles from the market, the transportation rate allowed handlers for shipping fluid milk; thereafter the rate of adjustment approximates that allowed for transporting fluid cream.

It was contended on behalf of certain organizations that the present location adjustment rates discriminate against the far-out producer and favor the close-in producer. In support it was shown, for example, that in 1944 location adjustments to handlers for milk received beyond the 70 mile zone totaled about $350,000, whereas location adjustments for producers in the same zones totaled about $650,000. The difference of about $300,000 was described as a "tribute" paid by distant producers to close-in producers. It was proposed on these facts that the producer location adjustments should be equivalent to the present rate of adjustment to handlers for fluid milk shipments, or $1\frac{1}{2}$ cents per hundredweight, for each 15 mile zone beyond the 70 mile zone up to a distance of 130 miles from the marketing area and beyond that at a cream rate of $\frac{1}{4}$ cent per hundredweight per zone. It was proposed further that the $1\frac{1}{2}$ cent rate should drop to 1 cent whenever the accumulated excess of total handler adjustments over total producer adjustments exceed $50,000 and should be restored again to the $1\frac{1}{2}$ cent rate when such excess drops below $25,000. The effect of these proposed rates on producers' uniform prices per hundredweight at the extreme outside and the extreme inside zones would be (i) an increase in the 21st zone (355–370 miles from Chicago) by 10 to 12 cents in relation to the uniform price for the 70-mile zone, and (ii) a decrease in the uniform price in the 70-mile zone of approximately 2 to 3 cents, with proportionate effects on the intermediate zones.

Handler location adjustments are made primarily for the purpose of equalizing among handlers the relative cost of shipping to the marketing area fluid milk and cream from all points in the supply area beyond zone 1. Producer location adjustments are made to the uniform price and are intended to assign proper values to milk delivered by them at different locations in the supply area. A comparison of dollar differences between the two types of adjustment has little significance in dealing with the problem of fixing appropriate rates of location adjustments to producers. All of the following factors affect total dollar differences in such adjustments: (1) The rates of location adjustments to handlers for fluid milk; (2) the rate of location adjustment to handlers for fluid cream (it may be pointed out that the proponents also testified in favor of an increased rate of handler allowances on fluid cream shipments on the basis of cost of shipment but not as a supporting reason for decreasing the dollar differences in adjustments); (3) the volume of milk in each zone to which the fluid milk rate applies; (4) the volume of milk in each zone to which the fluid cream rate applies; (5) the volume of milk received from all producers in each zone; and (6) the rates of location adjustments to producers. The proponents have limited their "remedy" mainly to the dollar differences in adjustments in a revision of the rates of location adjustments to producers and have given little consideration to the importance or influence of the other five factors. The principle employed by the proponents of the changed rates to producers when carried to its logical conclusion, means that when no location adjustments are made to handlers, there shall be no location adjustments made to the uniform price paid to producers. In other words, producers located beyond the 70-mile zone would receive the highest uniform prices, relative to the prices received by producers in the 70-mile zone, if the former group did not ship any fluid milk or fluid cream to the marketing area. Conversely, as shipments of fluid milk or fluid cream are made from distant points, with accompanying increases in the dollar value of handler location adjustments, the uniform prices received by distant producers become relatively lower than the prices received by close-in producers.

Moreover, producer location adjustments affect the uniform price in each zone. The claim of discrimination against far-out producers deserves analysis in this respect also. Zone 21 is the most distant zone from the market in which approved plants are located at present. A comparison of the uniform prices with class prices in Zone 21, 1940–46, inclusive, discloses that if Zone 21 had sold all of its milk for Class I use in Chicago or elsewhere during each month of that period such milk would have drawn money from the pool during 31 out of 84 months because the Class I price in the 21st zone was lower than the uniform price. It may be noted in addition that Class II milk, which is the principal type of milk furnished to the market by most far-out plants, was priced below the uniform price in Zone 21 during 49 months out of 84. During the year 1946, Class II milk in such zone was priced under the uniform price during every month while the Class I price in that zone was lower than the uniform price during the 7 months of the year. Actually, most of the Class I milk for the market came from close-in zones causing these zones to pay into the pool and thereby enabling Zone 21 and other far-out zones to draw even more out of the pool than would result under the above illustration. Under the proposed rate structure described above, the relationship between the Class I and Class II prices and the uniform prices in the outer zones would be further aggravated.

The assertion of discrimination made does not withstand the above consideration.

It was proposed by one producer organization that the rate of location adjustment to producers should be closely related to the cost to the individual producer of moving his milk to the marketing area independently of other producers and that this cost should be a uniform amount for each zone. This proposal was restated to the effect that producer location adjustments should have the same rate that applies to fluid milk shipped by handlers. It was contended also that the proposal for lower location adjustments to producers might result in a uniform price to producers in a distant zone which is higher than the Class I price for that zone. In reply to this statement, the proponents of the lower rates of location adjustments to producers argued that "there is no way under Order 41, if the proposed amendment (for a lower rate) were adopted, by which producers in distant zones could secure higher than Class I prices." However, the latter statement may not be sustained since it has been shown above that even under the rate structure in the present order the Class I price in the 21st zone at times actually has been below the uniform price for such zone and that a lower rate of location adjustment to producers in such zone and other far-out zones would aggravate this situation.

Because of the relationships of prices indicated above, it is desirable to revise rate of location adjustment to producers in a manner which will establish improved price relationships throughout the milkshed. The present rate structure provides a strong incentive for uneconomic development of the supply area. Milk for use as both Class I milk and Class II milk must conform to the same health standards and must be produced on farms meeting the same minimum health standards. Because of transportation costs, efficient marketing is promoted by securing milk for fluid use as near to the market as possible. Although it is recognized that from the practical standpoint the entire requirements of milk for fluid use cannot be produced in the most compact and close-in area, advantages from location which naturally accrue to nearby producers should not be removed to the extent that an uneconomic development of the supply area for fluid milk results.

Because the availability of approved milk in fluid form is a major element in determining its utility in relation to the needs of the marketing area, the cost of transporting such milk in fluid form from the particular zone should determine its value relative to that of milk of other producers closer to or farther away from the marketing area.

In view of the above, it is recommended that the rate of location adjustment to producers be established on the basis of the cost of moving milk in fluid form to the market. It is recognized that it is not necessary for producers to move milk individually to the market and that transportation economies are effected by the assembly and movement of milk by truck or rail either at the instance of the handler or of producers acting jointly. Since it has been recommended, in revising handler location adjustments, that the handler should be allowed credit only on the basis of moving milk from any given zone by the least expensive mode of transportation it is deemed desirable to establish producer location adjustment rates on the same basis at this time.

This would result in a rate structure of 2 cents per hundredweight per zone for zones 2–14, and an additional 1 cent for each zone thereafter. It is estimated that this proposed rate structure would affect the average annual uniform prices to producers as follows: (i) In the first 8 zones such prices would be increased approximately 1 cent per hundredweight compared with the present rate structure, (ii) in the 9th zone a net decrease in such prices of $\frac{1}{2}$ cent per hundredweight, (iii) net decreases of 2, $3\frac{1}{2}$, 5, $6\frac{1}{2}$, and 8 cents per hundredweight for Zones 10, 11, 12, 13, and 14, respectively, and (iv) from the 15th zone to the 21st zone net decreases from $8\frac{1}{2}$ cents to $11\frac{1}{2}$ cents per hundredweight.

(16) Several revisions of language should be made to obtain further clarity and to simplify administrative problems.

(i) In determining the butterfat test of flavored milk and flavored milk drinks the average fat test of these products, including the fat test of chocolate ingredients, should be used as their butterfat test in all cases where a handler's production records do not show the amount of butterfat going into the product (§ 941.4 (c) (3) (iii)).

The order now provides that in determining the pounds of butterfat in flavored milk and flavored milk drinks the weight of the products is multiplied by their average butterfat test. It has been contended in some instances that a variation exists between the total fat test of the finished product and the butterfat test thereof. A representative study by the market administrator showed that the difference between the butterfat test of the milk ingredients and the total fat test of the finished product was insignificant. The procedure presently being followed by the market administrator is to use the total fat test of flavored drinks as their butterfat test in the absence of adequate records showing a different butterfat test. The proposal will specifically spell out this method in the order. Where handlers' records show the amount of butterfat going into these products, such records have been accepted and will continue to be accepted under the proposal.

(ii) In computing the net class volumes of milk to be priced currently, the milk equivalent of any frozen cream, or other intermediate product, carried over from a previous delivery period and used in making another milk product should be deducted (§ 941.4 (f)).

Milk products which are not end products in themselves are classified and priced during the delivery period when made. It is necessary to deduct the milk equivalent of butterfat in such products from the appropriate uses for the delivery period when such products are finally used to make other products in order that a handler will not be charged twice for the same milk. The recommended procedure is administratively necessary and has been followed in the past by administrative application of the classification provisions.

(iii) A butterfat allowance of 0.06 percent should be provided to handlers who are not able to show specific tests as to butterfat content of skim milk.

There has been an administrative problem with respect to the determination of the butterfat content of skim milk. Some handlers do not have testing equipment adequate to ascertain with reasonable accuracy the butterfat content remaining in skim milk after separation. Handlers with adequate records have been permitted to claim butterfat in skim milk. A study by the market administrator indicates an average butterfat content of approximately 0.06 percent for skim milk used by handlers in manufacturing dairy products. It appears that 0.06 percent is a reasonable factor for use in the absence of adequate tests or records. Butterfat in skim milk may be a substantial factor in the shrinkage experienced by a plant engaged primarily in receiving and separating milk and shipping cream to the marketing area.

The proposed amendment would relieve an administrative problem and would tend to bring about a greater degree of equity among handlers in determining the butterfat content of skim milk.

(iv) The section providing for an assessment on handlers covering administrative expenses should be revised to (i) provide that changes in the administrative assessment rate below the maximum fixed in such section shall be determined by the Secretary rather than by the market administrator subject to review by the Secretary, and (ii) eliminate suits by the market administrator to collect such assessments.

Procedure for making changes in such rates will be less complicated if such rate-making is a direct function of the Secretary rather than a review function. This revision will simplify the establishment of appropriate rates of assessment at any time the assessment rate should be changed.

Section 941.9 (b) is unnecessary because the Secretary currently assumes responsibility for enforcement of the payment of such assessments.

(v) The section providing for the marketing services deductions should be revised to provide that changes in the rate of marketing services deductions below the rate specified in such section shall be determined by the Secretary rather than by the market administrator subject to review by the Secretary.

The fixing of the rate of marketing services deductions by the Secretary (who now reviews the rate established by the market administrator) will simplify the procedure for establishing such rate of assessment below that specified in the order when a change in the rate is necessary.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Producer Associations and various handlers subject to Order No. 41. The briefs contain statements of fact, conclusions, and arguments with respect to all of the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. Although all of the briefs do not contain specific requests to make proposed findings, it is assumed that the statements, conclusions, and arguments submitted were for this purpose and are treated accordingly. To the extent that such proposed findings and conclusions are inconsistent with the proposed findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as

amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Delete § 941.4 (a) (2) and substitute therefor the following:

§ 941.4 *Classification of milk*—(a) *Basis of classification.* • • •

(2) Any milk moved as fluid milk from an approved plant to any point located outside the following area (hereinafter referred to as the "surplus milk manufacturing area") shall be classified as Class I milk and any milk moved as fluid cream, frozen cream, other cream frozen, plastic cream, or any cream product in fluid form shall be classified as Class II milk; the State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, DeKalb, Kane, Cook, Du Page, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, La Salle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, and Shelby, in the State of Illinois; the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, La Porte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash and Elkhart, in the State of Indiana; the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien, in the State of Michigan; and the county of Van Wert, in the State of Ohio.

2. Delete § 941.4 (a) (3) and substitute therefor the following:

(3) Any milk moved as fluid milk or fluid cream from an approved plant to an unapproved plant located within the surplus milk manufacturing area, which manufactured during the delivery period butter, cheese (except cottage cheese), evaporated milk, condensed milk, whole milk powder, or ice cream powder shall be classified under paragraph (b) of this section according to its utilization at the latter plant, as shown by adequate daily records: *Provided*, That (i) if in the unapproved plant the receipts of fluid milk or fluid cream from an approved plant are commingled with its other receipts, the receipts of the approved fluid milk shall be allocated, according to such daily records, on the basis of the utilization of all milk receipts at such unapproved plant in products covered by Class III milk, Class IV milk, Class II milk, and Class I milk, in that sequence; and any such receipts of approved fluid cream shall be allocated similarly on the basis of the utilization of all butterfat receipts at such unapproved plant in products covered by Class IV milk, Class III milk, Class II milk, and Class I milk, in that sequence; and (ii) if the unapproved plant does not make available to the market administrator adequate utilization records on a daily basis, but does make available to the market administrator adequate utilization records on a monthly basis, the fluid milk received from an approved plant shall be allocated to Class I milk, Class II milk, Class III milk, and Class IV milk, in that sequence; and the fluid cream received from an approved plant shall be allocated to Class II milk, Class III milk, Class IV milk, and Class I milk, in that sequence.

3. Delete § 941.4 (e) (3) (ii) and substitute therefor the following:

(e) *Computation of milk in each class.* • • •

(3) • • •.

(ii) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat test of the finished product if the handler's production records do not show the amount of butterfat contained therein); and add the results so obtained.

4. Redesignate subparagraphs (2), (3), (4), and (5) of § 941.4 (f) as subparagraphs (3), (4), (5), and (6), respectively, and add as subparagraph (2) the following:

(2) Subtract from the remaining pounds of milk in each class the pounds of milk obtained from frozen cream or from any other product that has been classified in an earlier delivery period and is reused (or utilized) in the current delivery period in such class.

5. Delete § 941.4 (b) (2) and substitute therefor the following:

(b) *Classes of utilization.* • • •

(2) Class II milk shall be all milk the butterfat from which is contained in sweet or sour cream, any fluid cream product having more than 6 percent butterfat, butter cream, filled cream, frozen cream, plastic cream, eggnog, yoghurt, ice cream, ice cream mix (liquid or powder), cottage cheese, and any other milk product of composition and texture similar to any of the products named in this subparagraph; except that this definition shall not include butterfat in cream, fluid cream products, filled cream, and cottage cheese disposed of in bulk to bakeries, soup companies, and candy manufacturing establishments in their capacity as such.

6. Delete from § 941.4 (b) (4) (iii) the words "or to an unapproved plant."

7. Delete from § 941.4 (e) (6) (vi) the words "or to unapproved plants."

8. Delete paragraphs (a) and (b) of § 941.5 and substitute therefor the following:

§ 941.5 *Minimum prices*—(a) *Basic formula price.* Basic formula price to be used in computing the prices of Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to subparagraphs (3) and (4) of paragraph (b) of this section for the delivery period next preceding: *Provided*, That the basic formula price effective for July shall not be less than that effective for June.

(b) *Class prices.* Subject to the appropriate location adjustment credits, as set forth in paragraph (c) of this section, each handler, at the time and in the manner set forth in § 941.8 shall pay per hundredweight of milk purchased or received during each delivery period from producers or from cooperative associations, not less than the prices as set forth below in this paragraph:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June $0.50; August, September, October and November, $0.90; all others, $0.70.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June $0.30; August, September, October, and November, $0.50; all others, $0.40.

(3) *Class III milk.* The price for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in (i) and (ii) of this subparagraph and in subparagraph (4) of this paragraph.

(i) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(ii) The price per hundredweight computed from the following formula:

(*a*) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture, by 6;

(*b*) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula:

(*c*) Divide by 7;

(*d*) Add 30 percent; thereof; and

(*e*) Multiply by 3.5.

(4) *Class IV milk.* The price for Class IV milk shall be that computed from the following formula: Multiply by 3.5 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, add 20 percent thereof, and add to, or subtract from, such sum 3¾ cents for each full ½ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. Chicago area manufacturing plants, as reported by such agency during the delivery period, is respectively above or below 5 cents: *Provided*, That for the delivery periods of March, April, May and June "6 cents" shall be substituted for "5 cents" in such computation: and *Provided further*, That if such f. o. b. manufacturing plant prices of nonfat dry milk solids are not reported there shall be used for the purpose of such computation the arithmetical average of the carlot prices of nonfat dry milk solids delivered at Chicago, Illinois, as reported weekly by such agency during the delivery period; and in the latter event the respective amounts "5 cents" and "6 cents" shall be increased by one cent.

9. Delete § 941.5 (c) (1) and substitute therefor the following:

(c) *Location adjustment credit to handlers.* (1) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (i) which is moved in the form of fluid milk or fluid skim milk from such approved plant to a plant engaged in the bottling of fluid milk, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class I milk but did not move in the manner described in (i) of this subparagraph or in subparagraph (2) (i) of this paragraph, shall be 2 cents per hundredweight for each 15 miles or fraction thereof that such approved plant is located more than 70 miles but not more than 265 miles from the City Hall in Chicago, plus 1 cent per hundredweight additional for each 15 miles or fraction thereof that such approved plant is located beyond 265 miles from the City Hall in Chicago: *Provided*, That there shall be no location adjustment credit with respect to milk classified as Class I milk pursuant to § 941.4 (b) (1) (iii): *And provided further*, That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

10. Add as § 941.6 (d) the following:

§ 941.6 *Application of provisions.* • • • (d) *Butterfat in skim milk.* A handler may claim for classification purposes pursuant to § 941.4 butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 941.3 (a) (2) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

11. Delete § 941.8 (b) and substitute therefor the following:

§ 941.8 *Payment for milk.* • • •

(b) *Location adjustments to producers.* In making payments to producers pursuant to paragraph (a) (2) of this section, each handler shall deduct per hundredweight of milk purchased or received from producers at a plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles or fraction thereof between 70 miles and 265 miles from the City Hall in Chicago, plus 1 cent per hundredweight additional for each 15 miles or fraction thereof that such plant is beyond 265 miles from the City Hall in Chicago: *Provided*, That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

12. Insert in § 941.9 (a) following the phrase "a sum not exceeding 2 cents per hundredweight" the words, "or such lesser amount as the Secretary may prescribe," and delete from such paragraph the words "the exact sum to be determined by the market administrator, subject to review by the Secretary."

13. Delete § 941.9 (b).

14. Delete from § 941.10 (a) the words "or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary" and substitute therefor the words "or such lesser amount as the Secretary may prescribe."

Filed at Washington, D. C., this 11th day of July 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-6654; Filed, July 15, 1947; 8:46 a. m.]

[7 CFR, Part 968]

[Docket No. AO-173-A2]

HANDLING OF MILK IN WICHITA, KANS., MARKETING AREA

NOTICE OF HEARING ON PROPOSED RULE MAKING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of a public hearing to be held in the District Court Room, Federal Building, at Wichita, Kansas, beginning at 10 a. m., c. s. t., July 24, 1947, with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the provisions of the proposed amendments to the marketing agreement and order, as amended, or to any modifications thereof, which are hereinafter set forth.

Proposed by the Wichita Milk Producers Association.

1. Delete § 968.3 (a) and substitute therefor the following:

(a) *Basis of classification.* Milk or cream sold in bulk by handler to nonhandler who distributes milk and cream shall be Class I or Class II except that if:

(1) Handler regularly receives both graded and ungraded milk;

(2) That he has sufficient ungraded to furnish sales in question; and

(3) Such milk or cream is sold, billed and tagged or labeled "uninspected milk for manufacturing only". If it meets all of those conditions it shall be Class III.

Any milk sold by handler to nonhandler who distributes milk or cream and which does not meet all of the above provisions shall be classified as follows:

(i) If such purchasing nonhandler is located more than 100 miles from the plant of the selling handler it shall be classified Class I in the case of milk or Class II in the case of cream.

(ii) If such purchasing nonhandler is located within 100 miles of the selling handler and permits the market administrator to audit his records it shall be classified as follows:

(*a*) Determine the classification of all milk received by such nonhandler and (*b*) allocate the milk or cream disposed of by a handler to such nonhandler to the highest use classification remaining after subtracting, in series beginning with the highest use classification, the receipts of milk by such nonhandler direct from dairy farmers who meet requirements of that market for Class I and Class II.

(iii) If such nonhandler is located within 100 miles of the handler's plant and does not permit the market administrator to audit his records it shall be classified Class I or Class II as the case may be.

2. Provide milk or cream sold by a handler to a nonhandler who does not distribute milk or cream shall be Class III.

3. Delete § 968.3 (b) and substitute therefor the following:

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (a) of this section the classes of utilization shall be as follows:

(1) Class I milk shall be all milk and skim milk disposed of as milk, skim milk, buttermilk or flavored milk drinks and all milk not classified as Class II milk or Class III milk pursuant to subparagraphs (2) and (3) of this paragraph.

(2) Class II milk shall be all milk, used to produce cream which is disposed of in the form of cream, other than for use in products specified in subparagraph (3) of this paragraph, creamed cottage cheese, products sold or disposed of in the form of cream testing less than 18 percent of butterfat, aerated cream, and eggnog.

(3) Class III milk shall be all milk used to produce butter, cheese (other than creamed cottage cheese), evaporated milk, condensed milk, ice cream, ice cream mix, and powdered whole milk; used for starter churning, wholesale baking and candy making purposes; accounted for as salvage from products where the recovery of fat is impossible; and not accounted for but not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers.

4. Amend § 968.4 (a) (1) by deleting "80 cents" and substituting "one dollar ten cents".

5. Amend § 968.4 (a) (2) by deleting "55 cents" and substituting "85 cents".

6. Add to § 968.4 (b) the following: "*Provided*, That during the months of July and August 1947 the Class I price shall be not less than $4.50 per hundredweight and the Class II price shall not be less than $4.25 per hundredweight and provided that during the months of September through December 1947 the Class I price shall not be less than $5.00 and the Class II price shall not be less than $4.75."

7. Amend § 968.5 (a) by deleting the word "7th" and substituting "5th".

8. Amend § 968.7 (b) by deleting the words "10th" and substituting "8th".

9. Amend § 968.8 (a) by deleting the word "12th" and substituting the word "10th".

10. Amend § 968.8 (e) by deleting the words "12th" and substituting the word "10th".

11. Amend § 968.8 (b) by deleting the word "27th" and substituting the word "25th".

12. Amend § 968.8 (f) (1) and (2) by deleting the word "12th" and substituting the word "10th".

13. Amend § 968.6 (e) by adding "either direct from producers or at the plant of another handler at the Class I price".

14. Delete § 968.9 *Base rating* and substitute:

(a) *Determination of period base.* For the delivery periods of each calendar year, the base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: multiply the applicable figure computed pursuant to paragraphs (b) (1), (b) (2) or (b) (3) of this section by the number of days during such delivery period on which milk was received from such producer.

(b) *Determination of daily base.* (1) Effective for the delivery periods of each year the daily base of each producer, who regularly delivered milk to a handler during the next previous delivery periods of August, September, October, and November shall be computed by the market administrator in the following manner:

(i) Determine for each such producer his average daily delivery of milk to a handler for the time he delivered during the period from the next previous August 1 to November 30.

(2) Effective for the delivery periods of each year, the daily base of each producer who did not regularly deliver milk to a handler during the next previous delivery periods of August, September, October, and November but who began deliveries of milk to a handler subsequent to August 31 shall be computed by the market administrator in the following manner:

(i) For each delivery period from the date upon which the producer first delivers milk to a handler until the end of the next full calendar year the market administrator shall multiply such producer's daily average deliveries of milk during each period by that percentage that total Class I and Class II sales are to total deliveries of all producers.

(3) In case of a handler who is also a producer and who disposes of all of his delivery routes to another handler who is not a producer, the market administrator shall determine the daily average of the total sales of Class I milk and Class II milk by such producer during the preceding three months. The figures so determined shall be such producer's base until his base may be established pursuant to subparagraph (1) of this paragraph.

(4) If during any delivery period the total base milk delivered by all producers does not equal 100 percent of Class I and Class II sales for the delivery period, the market administrator shall add thereto, as emergency base, in the case of each producer who delivered milk in excess of his base, the percent of his excess milk which is the percent of total excess milk needed to bring total base deliveries up to approximately 100 percent of Class I and Class II sales.

(c) *Base rules.* (1) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in paragraphs (b) (1) or (b) (2) of this section.

(2) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(3) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another; *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(4) Base may be transferred only under the following conditions: (i) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operation, and (ii) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(5) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(6) For the purposes of this section only, the term "producer" shall include any person who has been a producer as defined in § 968.1 (e), but whom the Wichita Board of Health has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the City of Wichita, Kansas.

Proposed by Wichita handlers.

1. Amend § 968.3 *Classification of milk* by striking out all of paragraph (a) and inserting in lieu thereof a provision for the classification of milk, skim milk and butterfat received from producers and disposed of by a handler to another handler or nonhandler on the basis of the actual use thereof by the transferee.

2. Amend § 968.3 (b) by striking out subparagraphs (1), (2), (3) and inserting in lieu thereof the following:

(b) *Classes of utilization.* (1) Class I milk shall be all milk and skim milk disposed of in the form of milk or in the form of flavored milk drinks containing more than 1 percent butterfat and all milk not specifically accounted for as Class II or Class III milk.

(2) Class II milk shall be all milk except skim milk used to produce cream (for consumption as cream, including any cream product in fluid form which contains 6 percent or more of butterfat), flavored milk drinks containing not more than 1 percent butterfat, buttermilk and aerated cream.

(3) Class III milk shall be all milk and skim milk used to produce butter, cheese, evaporated milk, condensed milk, ice cream, ice cream mix, eggnog, creamed cottage cheese; used for wholesale baking and candy making purposes; accounted for as salvage from products where the recovery of fat is impossible; dumped milk; skim milk or buttermilk disposed of for livestock feed; not accounted for but not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers; and as used to produce a milk product other than those specified in Class I or Class II milk.

3. Amend § 968.4 *Minimum prices* as follows:

a. Provide for the purchasing of milk on a 3.5 percent butterfat basis.

b. Provide for the separate classification and pricing of butterfat and skim milk.

c. Provide for a Class I premium of 80 cents per hundredweight over the basic formula price.

d. Provide for a Class II price of 35 cents per hundredweight below the Class I price.

e. Provide for a basic formula price for milk of 3.5 percent butterfat content determined by the arithmetical average of (1) the average paying price of the 18 northern condenseries and (2) the average paying price of the 5 local manufacturing plants presently used to determine the Class II price.

4. Amend § 968.7 and § 968.8 to provide for an even production incentive plan by having the market administrator withhold 20 cents per hundredweight from the producers prices in the months of April, May and June and the paying back of such in July, August and September of each year commencing in 1948.

5. Amend § 968.4 by adding a new paragraph (b) to read as follows:

(b) *Out of area milk.* Whenever the supply of producer milk available to handlers is in excess of 110 percent of Class I and Class II requirements, the price to be paid by a handler for Class I milk disposed of outside of the marketing area shall be the price which is being paid for milk of equivalent use in the market where such milk is disposed of; *Provided however*, That such price as ascertained by the market administrator shall not be lower than the Class I price within the marketing area minus 45 cents.

6. Amend § 968.6 (e) by striking out all of said paragraph and inserting in lieu thereof the following:

(e) The provision of paragraphs (b), (c), (d) of this section above shall not apply (1) if the handlers can prove to the market administrator that such milk or butterfat was used only to the extent that milk of producers was not available, and (2) until after the market administrator has subtracted 10 percent of the Class I and Class II sales to cover returns of products in these classes.

7. Amend § 968.10 (a) by deleting the last sentence thereof.

Proposed by the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture.

1. Amend § 968.7 *Determination of uniform price to producers* by deleting subparagraph (5) of paragraph (b) and substituting therefor the following:

(5) Compute the total value of the milk which is in excess of the delivered base of producers computed pursuant to subparagraph (4) of this paragraph and which is included in the computation pursuant to paragraph (a) of this section as follows: (i) Determine the classification of milk in excess of base by allocating such milk first to Class III milk and then to each succeeding higher classification until all such milk has been classified, (ii) multiply the total pounds of excess milk allocated to each class by the appropriate class prices provided in paragraph (a) of § 968.4, and (iii) add together the resulting amounts.

2. Delete the proviso in paragraph (a) of § 968.9.

Proposed by Beatrice Foods Company.

1. Amend § 968.1 (f) to read as follows:

(f) "Handler" means any person who on his own behalf or on behalf of others, disposes of as Class I or Class II milk in the marketing area all, or a portion of the milk purchased or received by him at an approved plant from (1) producers, (2) his own production, and (3) other handlers. This definition shall include a cooperative association with respect to milk which it causes to be delivered from a producer to a plant from which no milk is disposed of as Class I milk or as Class II milk, in the marketing area. This definition shall not, however, include a peddler distributor who buys milk in bottle form from a handler and who neither bottles milk nor receives milk in unbottled form.

2. Amend § 968.1 to add a new paragraph (j) to read as follows:

(j) "Milk products" or "dairy products" as used herein shall mean any product manufactured from milk or milk ingredients other than those manufactured products which are disposed of in the form in which received without further processing.

3. Amend § 968.1 by adding a new paragraph (k) to read as follows:

(k) An "approved plant" means any milk plant or section of a milk or dairy manufacturing plant approved by health authorities of the City of Wichita for the handling of milk to be disposed of for fluid consumption as milk in the marketing area and currently used for any or all of the function of receiving, weighing (or measuring), sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

4. Amend § 968.3 (a) to read as follows:

§ 968.3 *Classification of milk*—(a) *Basis of classification.* All milk and milk products produced or received by each handler, including milk of a producer which a cooperative association causes to be delivered to a plant from which no milk is disposed of as Class I milk or Class II milk in the marketing area, shall be reported by the handler in the classes set forth in (b) of this section; *Provided*, That:

(1) Any milk moved as fluid milk from an approved plant to any point outside of a 100-mile radius of the City of Wichita shall be Class I milk;

(2) Any milk moved as fluid cream beyond a radius of 100 miles shall be classified as Class II milk; *Provided, however*, That the market administrator shall be authorized to accept a sworn affidavit from the operator of the receiving plant as to the usage of any milk moved as cream and the market administrator shall not be required to make further verification of the usage of such cream and shall classify the milk so shipped as cream, based upon the reported usage at the receiving plant;

(3) Any milk, skim milk, or cream sold or disposed of by the handler to the plant of a nonhandler who does not distribute fluid milk or cream on wholesale or retail routes shall be Class III milk regardless of the location of such nonhandler; and

(4) Any milk moved from an approved plant of a handler to an approved plant of another handler shall be reported as Class I milk if moved as fluid milk, and shall be reported as Class II milk if moved as fluid cream, unless utilization of another class is indicated in writing to the milk administrator on or before the tenth day after the end of the delivery period within which such transfer was made, but in no event shall the amount so reported in any class exceed the total use in such class by the receiving handler.

5. Amend § 968.3 (d) (1) and (2) to read as follows:

(1) Determine the total pounds of milk received as follows: Add together the total pounds of milk received at the approved plant of the handler from (i) producers, (ii) own farm production, (iii) other handlers, and (iv) other sources.

(2) Determine the total pounds of butterfat received as follows: (i) Multiply by its average butterfat test the weight of milk received at the approved plant of the handler from (a) producers, (b) own farm production, (c) other handlers, (d) other sources, and (ii) add together the resulting amount.

6. Amend § 968.3 (d) (3) by adding after the words "2.15 pounds per quart" the following words: (in the case of flavored milk for flavored milk drink two pounds per quart).

7. Amend § 968.3 (e) (2) to read as follows:

(2) If the total utilization of milk in the various classes for any handler as computed pursuant to paragraph (d) (6) of this section is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class II for such handler by an amount equal to the difference between the receipts from producers and the total utilization of milk by classes for such handler.

8. Amend § 968.5 (a) to read as follows:

§ 968.5 *Reports of handlers*—(a) *Periodic reports.* On or before the 7th day after the end of each delivery period each handler who purchased or received milk from sources other than his own production or other handlers shall, with respect to milk or dairy products which were purchased, or received at an approved plant, produced by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the milk administrator, as follows:

9. Amend § 968.5 (d) in part to read as follows:

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk the classification depends. *Provided, however*, That the market administrator may accept the sworn affidavit of any person to whom milk in the form of fluid cream has been shipped beyond a radius of 100 miles and upon whose disposition of milk the classification of milk depends . . .

10. Amend § 968.6 by deleting paragraphs (b), (c) and the last sentence of paragraph (d).

11. Amend § 968.8 (g) by adding the following sentence: "Whenever verification by the market administrator of the payment by a handler to any purchaser for milk purchased or received by such handler at an approved plant discloses an erroneous payment to such purchaser in excess of that required by this section, such handler may deduct the amount of the excess from the payment to the purchaser next following such disclosures and report the same to the market administrator."

Copies of this notice of hearing may be procured from Mr. M. M. Morehouse, Market Administrator, 311 North Washington Avenue, Wichita 2, Kansas, or from the Hearing Clerk, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 11, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-6651; Filed, July 15, 1947; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Chap. V]

MINIMUM WAGE RATES FOR EMPLOYEES IN VARIOUS INDUSTRIES

REVISED NOTICE OF PUBLIC HEARING TO RECEIVE EVIDENCE FOR RECOMMENDATION

Whereas, on June 20, 1947, there was published in the FEDERAL REGISTER a notice of hearing to be held in Puerto Rico beginning July 14, 1947 before Special Industry Committee No. 5 for Puerto Rico; and

Whereas, on July 2, 1947, Administrative Order No. 367, dated June 16, 1947, appointing Special Industry Committee No. 5 for Puerto Rico was amended by Administrative Order No. 369 so as to extend the scope of the Committee's investigation to include the Leather and Skin Products Division of the Leather, Textile, Rubber, Straw, and Related Products Industries in Puerto Rico, and to as to charge the Committee with the duty of recommending minimum wage rates for employees in that Division;

Now, therefore, the above notice of hearing is hereby amended so as to add the Leather and Skin Products Division of the Leather, Textile, Rubber, Straw, and Related Products Industries in Puerto Rico to the list of industries concerning which the special industry committee will receive evidence for the purpose of recommending minimum wage rates. All of the provisions of the original notice of hearing, including those relating to the filing of a notice of intention to appear, are applicable to any person desiring to appear or submit material in connection with the said Division, with the exception that the period of time for filing of notice of intention to appear is extended to July 21, 1947.

Signed at San Juan, Puerto Rico, this 9th day of July 1947.

ANTONIO J. COLORADO,
Chairman, Special Industry Committee No. 5 for Puerto Rico.

[F. R. Doc. 47-6682; Filed, July 15, 1947; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 41]

FLIGHT NAVIGATOR CERTIFICATES

JULY 11, 1947.

Section 41.330 of the Civil Air Regulations requires that "In all operations where celestial navigation is necessary, either as a primary or secondary means of navigation, at least one member of the flight crew must hold a flight navigator certificate issued in accordance with the provisions of Part — (In preparation.)" New Part 34 providing for the certification of flight navigators will become effective August 1, 1947.

The Civil Aeronautics Board finds that it will require a period of several months for the preparation of necessary examinations by the Administrator and for interested flight navigators in the various parts of the world to be given an opportunity to accomplish the examinations necessary for the issuance of flight navigator certificates under Part 34.

It is proposed to amend Part 41 of the Civil Air Regulations as follows:

1. By amending § 41.330 to read as follows:

§ 41.330 *When required.* In all operations where celestial navigation is necessary, either as a primary or secondary means of navigation, at least one member of the flight crew must be a flight navigator.

2. By adding a new § 41.332 to read as follows:

§ 41.332 *Certificate.* Effective November 15, 1947, each flight navigator shall hold a valid flight certificate issued in accordance with the provisions of Part 34.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt not later than 15 days after the date of this public notice.

(52 Stat. 984; 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

JOHN M. CHAMBERLAIN,
Acting Director.

[F. R. Doc. 47-6679; Filed, July 15, 1947; 8:47 a. m.]

[14 CFR, Part 61]

FLIGHT NAVIGATOR CERTIFICATES

JULY 11, 1947.

Part 61 of the Civil Air Regulations makes no provision requiring flight navigators. It is contemplated that such provision will be made in the proposed revision of this part.

The new Part 34, covering rules for the certification of flight navigators, will become effective August 1, 1947. It will require a period of several months after this effective date for the preparation of necessary examinations by the Administrator and for interested flight navigators to be given an opportunity to accomplish the examinations necessary for the issuance of flight navigator certificates under Part 34. An amendment to Part 61 of the Civil Air Regulations should be promulgated to be consistent with Part 41.

It is therefore proposed to amend Part 61 of the Civil Air Regulations by adding the following sections:

§ 61.57 *Flight navigator.*

§61.570 *Certificate.* Effective November 15, 1947, each flight navigator shall hold a valid flight navigator certificate issued in accordance with the provisions of Part 34.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt not later than 15 days after the date of this public notice.

(52 Stat. 984; 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

JOHN M. CHAMBERLAIN,
Acting Director.

[F. R. Doc. 47-6680; Filed, July 15, 1947; 8:47 a. m.]

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of the Public Debt

[1947 Dept. Cir. 696, Amdt. 2]

TREASURY SAVINGS NOTES, SERIES C

TAXATION

JULY 3, 1947.

In order to conform to the language of Public Act No. 116 of the 80th Congress, section II, paragraph 6 of Department Circular No. 696, First Revision, as amended (filed with the Division of the Federal Register, November 23, 1943) is hereby revised to read as follows:

6. *Taxation.* Income derived from the notes shall be subject to all taxes imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-6629; Filed, July 15, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9258]

HERMAN REICHENBERGER

In re: Estate of Herman Reichenberger, deceased. D-28-9774; E. T. sec. 13736.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Reichenberger and Werner Reichenberger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,518.32 was paid to the Attorney General of the United States by Annie Vollmer, Administratrix of the Estate of Herman Reichenberger, deceased;

3. That the said sum of $2,518.32 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on May 21, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-6655; Filed, July 15, 1947; 8:49 a. m.]

[Vesting Order 9274]

WILLIAM AND ELIZABETH HARTWIG

In re: Stock owned by and debt owing to William Hartwig and Elizabeth Hartwig. F-28-6296-D-1, F-28-6296-D-2, F-28-6296-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Hartwig and Elizabeth Hartwig, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy countrl (Germany);

2. That the property described as follows:

a. One hundred (100) shares of $10.00 par value common capital stock of Tide Water Associated Oil Co., 1 Battery Place, New York 4, New York, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Numbered NC-13654, and registered in the name of William Hartwig, together with all declared and unpaid dividends thereon,

b. Fourteen (14) shares of $1.00 par value common capital stock of The Pennroad Corporation, 1400 Delaware Trust Building, Wilmington 28, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Numbered W110605, and registered in the name of William Hartwig, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation represented by three (3) Income Share Certificates of $1,000 face value each, issued by The Fourteenth Ward Building and Loan Association of the City of Newark, said certificates bearing the numbers 9275A, 9276A and 9277A and registered in the names of William Hartwig and Elizabeth Hartwig, and any and all rights under a Plan of Reorganization and Merger of The Fourteenth Ward Building and Loan Association of the City of Newark with other Associations to form the Hayes Savings and Loan Association, dated November 12, 1942, including particularly the right of exchange for an insured account in the Hayes Savings and Loan Association and a Certificate of Interest numbered L-691, issued by The Fourteenth Ward Building and Loan Association of the City of Newark, Liquidating Corporation, together with any and all accruals to the aforesaid debt, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-6656; Filed, July 15, 1947; 8:49 a. m.]

[Vesting Order 9277]

MOTTAU AND LEENDERTZ

In re: Debt owing to Mottau & Leendertz. F-28-429-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mottau & Leendertz, the last known address of which is Krefeld, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mottau & Leendertz, by L. F. Dommerich & Co., 271 Madison Avenue, New York 16, N. Y., in the amount of $3,548.19, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise deal with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6657; Filed, July 15, 1947; 8:49 a. m.]

[Vesting Order 9288]

WILLIAM B. BOSWELL ET AL.

In re: William B. Boswell et al. vs. Eugene Hallman et al. File No. D-28-2148; E. T. sec. 2728.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hanna Koeble, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $1,853.39 was paid to the Attorney General of the United States by the Bonded Commissioner of Sale, Hugh B. Marsh.

3. That the said sum of $1,853.39 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on May 20, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6659; Filed, July 15, 1947; 8:49 a. m.]

[Vesting Order 9294]

MAX FIEGEL

In re: Bank account owned by Max Fiegel. F-39-346-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Fiegel, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Max Fiegel, by Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a Savings Account, Account Number 5409, entitled Max Fiegel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6660; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9295]

ROBERT FORBERG

In re: Debt owing to Robert Forberg. F-28-4509-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Forberg, whose last known address is Karlstrasse 10, Leipzig, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Robert Forberg by Carl Fischer, Incorporated, 56-62 Cooper Square, New York 3, New York, in the amount of $1231.51, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6661; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9299]

KOSMOS EXPORT

In re: Debt owing to Kosmos Export. F-28-11708-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kosmos Export, the last known address of which is Groeningerstrasse 10, Hamburg 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Kosmos Export, by Firestone International Company, Akron 17, Ohio, in the amount of $1,379.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6662; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9300]

IHEI KUZUHARA

In re: Bank account owned by Ihei Kuzuhara. D-39-192-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ihei Kuzuhara whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of a checking account, entitled Ihei Kuzuhara, or Paul L. Phelan, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ihei Kuzuhara, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6662; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9302]

ANNA MEYER

In re: Bank account owned by Anna Meyer. F-28-28294-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Meyer whose last known address is Zittau, Saxony, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Seamen's Bank For Savings, 74 Wall Street, New York 5, New York, arising out of a Savings Account, Account Number 894,247, entitled Gustav E. Meyer, in trust for Anna Meyer, maintained at the said bank and any and all rights to demand, enforce and collect same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Meyer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6663; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9303]

MINNA MUELLER AND SOPHIE NAEWY

In re: Bank accounts owned by Minna Mueller and Sophie Naewy, also known as Sophia Naewy. F-28-13176-E-1, F-28-13200-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna Mueller and Sophie Naewy, also known as Sophia Naewy, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Minna Mueller, by Bank of America National Trust and Savings Association, 660 South Spring Street, Los Angeles 12, California, arising out of a Savings Account, account number 105899, entitled Minna Mueller, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Sophie Naewy, also known as Sophia Naewy, by Bank of America National Trust and Savings Association, 660 South Spring Street, Los Angeles 12, California, arising out of a Savings Account, account number 105878, entitled Sophia Naewy, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid

nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6664; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9305]

JEAN PIERRE SCHMIDT

In re: Bank account owned by Jean Pierre Schmidt. F-28-570-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jean Pierre Schmidt, whose last known address is 14 11 Heraeus Strasse, Hanau, a/M, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Jean Pierre Schmidt, by Dry Dock Savings Institution, 341 Bowery, New York 3, New York, arising out of a Savings Account, account number 782411, entitled Jean Pierre Schmidt, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6665; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9306]

HERMANN SEIBERT

In re: Bank accounts owned by Hermann Seibert. D-28-6079-C-1, D-28-6079-E-1, D-28-6079-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Seibert whose last known address is Lauterbach, Hessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hermann Seibert by The Bank of Westchester, 124 Chatsworth Avenue, Larchmont, New York, arising out of an interest account, Account Number 6930, entitled Hermann Seibert, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Hermann Seibert by New Rochelle Trust Company, 542 Main Street, New Rochelle, New York, arising out of a savings account, Account Number 45717, entitled Hermann Seibert, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6666; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9307]

EMIL SEIDEL

In re: Savings account owned by Emil Seidel. F-28-590-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Seidel, whose last known address is Schleizer Strasse 12, Pohsneck 15, Thuringia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Emil Seidel by Monroe Savings and Loan Association of Newark, 218 Washington Street, Newark, New Jersey, arising out of a savings account entitled Emil Seidel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6667; Filed, July 15, 1947; 8:50 a. m.]

[Vesting Order 9313]

KARL BUSSE

In re: Real property and property insurance policy owned by Karl Busse.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Busse, whose last known address is Brehme, Kreis Worbus Schmiedegasse, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the County of Prince Georges, State of Maryland, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership or such property.

b. All right, title and interest of Karl Busse, in and to Fire Insurance Policy No. 423199, issued by Royal Insurance Company, Ltd., 150 William Street, New York, New York, in the name of Estate of Marie Busse, which policy expires on June 9, 1948, and insures the property described in subparagraph 2-a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that piece, parcel or tract of land, situate, lying and being in the County of Prince Georges, State of Maryland, described as follows, to wit:

All that part of Snowdens New Birmingham Manor, described as follows: Beginning at a stone at the Northwest corner of the Laurel Road and the Muirkirk Road thence North 4 degrees West 16.20 chains to a stone, North 89¾ degrees West 14.58 chains to a stone thence South 42 degrees West 3.30 chains to the center of the Muirkirk road (stone on East side of same) thence with the centre of road South 35½ degrees East 15 chains South 56¾ degrees East 2 chains to the forks of the road (stone on Northeast side of road) thence with the center of the said road South 83½ degrees East 7.53 chains to the beginning, all courses are magnetic and the variation is 3 degrees 45 minutes West containing twenty (20) acres more or less, being the same property conveyed to the said James C. Louthan by deed from Helen S. Plummer ea al dated August 11th, 1897 and recorded in Liber J. W. B. No. 40, Folio 772, one of the Land Records of said County.

Subject to the easement and right of way over a portion of the foregoing land conveyed by Marea Busse to Washington Suburban Sanitary Commission, by deed, dated May 29, 1942, and recorded June 2, 1942, in Liber 654 at folio 113, Land Records of Prince Georges County, Maryland, and

Saving and Excepting from the said lands such portion of land conveyed by Marea Busse to Otway B. Zantzinger, Jr., and John M. King, by deed dated August 30, 1945, and recorded October 16, 1945, in Liber 797 at folio 89, Land Records of Prince Georges County, Maryland.

[F. R. Doc. 47-6668; Filed, July 15, 1947; 8:51 a. m.]

[Dissolution Order 59]

HEIDELBERG PRINTING MACHINERY CORP.

Whereas, by Vesting Order Number 65, dated July 28, 1942 (7 F. R. 7045, September 5, 1942), there were vested all the issued and outstanding shares of the capital stock of Heidelberg Printing Machinery Corporation, a New York corporation; and

Whereas, the Heidelberg Printing Machinery Corporation has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a certificate of dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of Heidelberg Printing Machinery Corporation (to wit, Martin S. Watts, President and Director, Stanley B. Reid, Secretary and Director, Francis J. Carmody, Treasurer and Director, L. M. Reed, Director, Robert Kramer, Director, Angelo Dispenzere, Director, and Henry S. Sellin, Director, and their successors, or any of them), continue the proceedings for the dissolution of Heidelberg Printing Machinery Corporation; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States, as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Heidelberg Printing Machinery Corporation pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph

numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 11th day of July 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6672; Filed, July 15, 1947; 8:51 a. m.]

[Dissolution Order 60]

OSTRAM CORP.

Whereas, by Vesting Order No. 1469, dated May 15, 1943 (8 F. R. 8572, June 22, 1943), there were vested all the issued and outstanding shares of the capital stock of Ostram Corporation, a New York corporation; and

Whereas, Ostram Corporation has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and except a claim in the sum of $8,171.63, representing an account payable to A. Ultraferramenta, Ltda., Rio de Janeiro, Brazil, a national of a foreign country; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York:

hereby orders, that the officers and directors of Ostram Corporation (to wit, Francis J. Carmody, President and Director, Robert Kramer, Treasurer and Director, and M. S. Watts, Secretary and Director and their successors, or any of them), continue the proceedings for the dissolution of Ostram Corporation; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay the abovementioned account payable to a national of a foreign country to the Custody and Clearance Section, Office of the Executive Officer of the Office of Alien Property, Department of Justice, for safekeeping. Such payment shall not transfer title to such account to the Attorney General but such account shall be subject to his authorization. The payment of the said account as herein directed to the Custody and Clearance Section, Office of the Executive Officer of the Office of Alien Property, Department of Justice, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of Ostram Corporation; and

(d) They shall then pay over, transfer, assign, and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Ostram Corporation, pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 11th day of July 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6673; Filed, July 15, 1947; 8:51 a. m.]

[Dissolution Order 61]

RIBERENA FUEL & CHARTERING CO., INC.

Whereas, by Vesting Order Number 477, dated December 11, 1942 (8 F. R. 1293, January 29, 1943), amended April 10, 1943 (8 F. R. 4937, April 16, 1943), there were vested all the issued and outstanding shares of the capital stock of Riberena Fuel & Chartering Company, Inc., a New York corporation, and by Supervisory Order No. 115, dated December 12, 1942, there were undertaken the direction, management, supervision and control of said Riberena Fuel & Chartering Company, Inc.; and

Whereas, by said Vesting Order No. 477, there were also vested all right, title, interest and claim of "Riberena del Plata" Sudamericana de Comercio, S. A., Buenos Aires, Argentina, in and to all indebtedness owing to it by Riberena Fuel & Chartering Company, Inc., and it has been determined that a certain claim in the total amount of $1,200.00 was thereby vested; and

Whereas, the Riberena Fuel & Chartering Company, Inc. has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims if any as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and except the claim of "Riberena del Plata" Sudamericana de Comercio, S. A., in the amount of $1,200.00 which has been vested as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of Riberena Fuel & Chartering Company, Inc. (to wit, Lewis M. Reed, President and Director, Martin S. Watts, Secretary and Director, and Milton Yanowich, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of Riberena Fuel & Chartering Company, Inc.; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of the vested claim against the corporation in the amount of $1,200.00, as hereinbefore described, and second, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Attorney General of the United States, as holder of all the issued and outstanding stock of the corporation; and

Further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Riberena Fuel & Chartering Company, Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 11th day of July 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6674; Filed, July 15, 1947; 8:52 a. m.]

[Return Order 28]

HERMAN H. FRISCHER AND KARL W. POSNANSKY

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith;[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and Claim Number, Notice of Intention to Return Published, and Property

Herman H. Frischer, New York, N. Y., claim No. A-170; 12 F. R. 3472, May 28, 1947; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent Nos. 1,711,638; 1,733,152; 1,754,156; 1,834,693; 1,910,101; 1,924,312 and 1,939,890, to the extent owned by claimant immediately prior to the vesting thereof.

Karl W. Posnansky, Stamford, Conn., claim No. A-266; 12 F. R. 3471, May 28, 1947; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,152,185, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 11, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6675; Filed, July 15, 1947; 8:52 a. m.]

[1] Filed as part of the original document.

[Return Order 29]

EMMA LOCHNER

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith;[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, subject to any increase or decrease resulting from the administration thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Emma Lochner, Rokville Center, N. Y., claim No. 2393; 12 F. R. 3471, May 28, 1947; $12,853.58 in the Treasury of the United States, representing property and proceeds of property vested by Vesting Orders Nos. 2197, as amended (8. F. R. 15398, November 9, 1943; 9 F. R. 819, January 21, 1944); and 6248 (11 F. R. 5553, May 22, 1946).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 11, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6676; Filed, July 15, 1947; 8:52 a. m.]

HELENE ZENTGRAFT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, and Property and Location

Helene Zentgraf, Warrington, Pa.; 5749; $3,442.54 in the Treasury of the United States, beneficial life interest of Helene Zentgraf under testamentary trust of Emma Ruckgaber, Richmond, N. Y.; trustee, the Continental Bank & Trust Co., New York, N. Y.

Executed at Washington, D. C., on July 11, 1947.

For the Attorney General.

DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6677; Filed, July 15, 1947; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

NOTICE FOR FILING OBJECTIONS TO THE INCLUSION OF CERTAIN LANDS IN STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the order of the Secretary of the Interior dated July 7, 1947, so far as that order adds the NE¼NE¼, sec. 10, NW¼NE¼, N½NW¼, sec. 11, T. 37 N., R. 86 W., and lot 4, sec. 1, T. 36 N., R. 87 W., 6th P. M., to Stock Driveway Withdrawal No. 128, Wyoming No. 13, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the withdrawal should be rescinded, modified, or let stand, will be given to all interested parties of record and the general public.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JULY 7, 1947.

[F. R. Doc. 47-6624; Filed, July 15, 1947; 8:47 a. m.]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13, MODIFIED

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (U. S. C. Title 43, Sec. 315f), and in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (U. S. C., Title 43, Sec. 300), it is ordered as follows:

The following-described public lands in Wyoming are hereby classified as necessary and suitable for the purpose and, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the use of the general public as an addition to stock Driveway Withdrawal No. 128, Wyoming No. 13:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 86 W.,
Sec. 10, NE¼NE¼;
Sec. 11, NW¼NE¼ and N½NW¼.
T. 36 N., R. 87 W.,
Sec. 1, lot 4.

The areas described aggregate 191.67 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and such regulations as have been or may be issued thereunder.

The order of the Secretary of the Interior of March 18, 1920, establishing Stock Driveway Withdrawal No. 128, Wyoming No. 13, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 86 W.,
Sec. 30, lot 1, W½NE¼, NE¼NW¼, NE¼SW¼, and NW¼SE¼.

The area described contains 239.71 acres.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JULY 7, 1947.

[F. R. Doc. 47-6623; Filed, July 15, 1947; 8:47 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 167, ENLARGED

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C. Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public-land laws, for the use of the Civil Aeronautics Administration, Department of Commerce, as an addition to Air-Navigation Site Withdrawal No. 167 near Gulkana, Alaska, established and modified by departmental orders of October 1, 1941, February 14, 1942, and March 4, 1947:

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W.,
Sec. 6, NW¼.
T. 5 N., R. 1 W.,
Sec. 31, S½.

The areas described aggregate 459.69 acres.

This land is subject to a withdrawal for the use of the War Department established by Public Land Order No. 255 of December 15, 1944, so long as that order remains unrevoked.

It is intended that the public lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JULY 8, 1947.

[F. R. Doc. 47-6618; Filed, July 15, 1947; 8:46 a. m.]

[Misc. 2015922]

ARIZONA

RESTORATION ORDER NO. 1179 UNDER FEDERAL POWER ACT

JULY 8, 1947.

Pursuant to the determination of the Federal Power Commission (DA-83 and DA-85, Arizona) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080), it is ordered as follows:

The lands hereinafter described, being withdrawn for Power Site Reserves Nos. 96 and 188, and Power Project No. 306, are hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on September 9, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 10, 1947 to December 9, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 21, 1947 to September 9, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 10, 1947, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 10, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from November 20, 1947 to December 9, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 10, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Phoenix, Arizona.

The lands affected by this order are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 3 W.,
Sec. 10, SW¼SE¼;
Sec. 11, SE¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 14, SW¼NE¼, S½NW¼, and NW¼NW¼;
Sec. 23, lots 5 and 11;
Sec. 24, N½NE¼, NW¼, and W½SW¼;
Sec. 25, W½.

The areas described aggregate 1,020.50 acres.

These lands are generally rough and broken in character. They are within an arid region and have a sandy clay soil containing much rock.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6619; Filed, July 15, 1947; 8:46 a. m.]

[Misc. 2084343]

IDAHO

RESTORATION ORDER NO. 1222 UNDER FEDERAL POWER ACT

JULY 8, 1947.

Pursuant to the determination of the Federal Power Commission (DA-385, Idaho) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080), it is ordered as follows:

The lands hereinafter described, which were withdrawn for Power Site Reserve No. 77 by Executive order of July 2, 1910, and Power Site Classification No. 365 by Departmental order of August 10, 1944, are hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on September 9, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 10, 1947, to December 9, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of

June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 21, 1947 to September 9, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 10, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 10, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from November 20, 1947 to December 9, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 10, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Blackfoot, Idaho.

The lands affected by this order are described as follows:

BOISE MERIDIAN

T. 6 S., R. 6 E.
Sec. 5, lots 1, 2, 3, and 4, and N½SW¼;
Sec. 6, lot 1, and SE¼NE¼.

The areas described aggregate 320.72 acres.

These lands adjoin the Snake River, have a level to rolling surface, and a large part thereof could be irrigated if a water supply were obtainable.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6622; Filed, July 15, 1947; 8:46 a. m.]

[Misc. 2093374]

OREGON

RESTORATION ORDER NO. 1221 UNDER FEDERAL POWER ACT

JULY 8, 1947.

Pursuant to the determination of the Federal Power Commission (DA-353, Oregon) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080), it is ordered as follows:

The land hereinafter described which was withdrawn for Power Site Reserve No. 68 by Executive order of July 2, 1910, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on September 9, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 10, 1947, to December 9, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 21, 1947 to September 9, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 10, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 10, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from November 20, 1947 to December 9, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 10, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at The Dalles, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 17 S., R. 12 E., sec. 7, NE¼SW¼.

The area described contains 40 acres.

This land is traversed by the Deschutes River, but in general has a rolling surface with a rocky soil, and a vegetation of pinon and juniper timber which has no commercial value.

FRED W. JOHNSON,
Director.

[F. R Doc. 47-6621; Filed, July 15, 1947; 8:46 a. m.]

[Misc. 2130586]

CALIFORNIA

RESTORATION ORDER NO. 1220 UNDER FEDERAL POWER ACT

JULY 8, 1947.

Pursuant to the determination of the Federal Power Commission (DA-644, California) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR 4.275 (16), 11 F. R. 9080), it is ordered as follows:

The land hereinafter described, which was withdrawn for Power Site Reserve No. 88 by Executive Order of July 2,

1910, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818), and subject to the existing right-of-way for any power development which may be on the land.

At 10:00 a. m. on September 9, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 10, 1947, to December 9, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 21, 1947 to September 9, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 10, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 10, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from November 20, 1947 to December 9, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 10, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Sacramento, California.

The lands affected by this order are described as follows:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 7 E., sec. 1, SE¼NW¼.

The area described contains 40 acres.

This land is rough and mountainous, with a rocky soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6620; Filed, July 15, 1947; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Admin. Order 370]

SPECIAL INDUSTRY COMMITTEE 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION AND APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. Sandalio Alonso from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employees on such committee, Mr. Gabriel Blanco of San Juan, Puerto Rico.

Signed at Washington this 11th day of July 1947.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 47-6609; Filed, July 15, 1947; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket SA-145]

ACCIDENT NEAR BAINBRIDGE, MD.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 88814 which occurred near Bainbridge, Maryland on May 30, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above entitled proceeding that hearing is hereby assigned to be reconvened on Thursday, July 17, 1947, at 9:30 a. m. (e. d. t.) at the Empire Room, Lexington Hotel, New York, New York.

Dated at Washington, D. C., July 11 1947.

[SEAL] R. W. CHRISP,
Presiding Officer.

[F. R. Doc. 47-6678; Filed, July 15, 1947; 8:47 a. m.]

[Docket No. 730 et al.]

BOSTON, NEW YORK, ATLANTA, NEW ORLEANS CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on August 4, 1947, at 10:00 a. m., eastern daylight saving time, in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., July 10 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6647; Filed, July 15, 1947; 8:45 a. m.]

[Docket No. 1906]

ALL AMERICAN AVIATION, INC.

NOTICE OF POSTPONEMENT OF HEARING CONCERNING MAIL RATE FOR ROUTE NO. 49

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of All American Aviation, Inc., over its route No. 49.

Notice is hereby given that the hearing in the above-entitled proceeding, now assigned for July 21, 1947, is postponed to July 28, 1947, at 10:00 a. m. (eastern daylight saving time) in Room 1302, Temporary Building T, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C.

Dated at Washington, D. C., July 10 1947.

[SEAL] RALPH L. WISER,
Examiner.

[F. R. Doc. 47-6646; Filed, July 15, 1947; 8:45 a. m.]

[Docket No. 2539]

NORTHWEST AIRLINES, INC.

NOTICE OF HEARING

In the matter of the petition of Northwest Airlines, Inc., under section 406 of the Civil Aeronautics Act of 1938, as amended, for the fixing and determining of a temporary rate of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over its route No. 49.

Notice is hereby given that the above matter is assigned to be heard on July 17, 1947, 10 a. m., d. s. t., in Room 1302, Temporary "T" Building, Constitution Ave., between 12th and 14th Streets, N. W., Washington, D. C., before Examiner Frank A. Law, Jr.

Dated Washington, D. C., July 11, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6649; Filed, July 15, 1947; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-656, G-665]

CITIES SERVICE GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JULY 10, 1947.

In the matters of Cities Service Gas Company, Docket No. G-656; Frank Haucke and H. A. Amerine, Docket No. G-665.

Notice is hereby given that, on July 9, 1947, the Federal Power Commission issued its findings and order entered July 8, 1947, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6626; Filed, July 15, 1947; 8:47 a. m.]

[Docket No. G-878]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDER GRANTING PERMISSION AND APPROVAL TO ABANDON CERTAIN FACILITIES

JULY 10, 1947.

Notice is hereby given that, on July 9, 1947, the Federal Power Commission issued its findings and order entered July 8, 1947, granting permission and approval to abandon certain facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6627; Filed, July 15, 1947; 8:47 a. m.]

[Docket No. G-880]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER FURTHER AMENDING PRIOR ORDER ISSUING TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 10, 1947.

Notice is hereby given that, on July 8, 1947, the Federal Power Commission issued its order entered July 8, 1947, further amending prior order issuing temporary certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6628; Filed, July 15, 1947; 8:47 a. m.]

[Docket No. G-890]

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 10, 1947.

Notice is hereby given that, on July 9, 1947, the Federal Power Commission issued its findings and order entered July 8, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-6629; Filed, July 15, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 233]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., July 8, 1947, by John Murdock, McFarland, Calif., of cars SFRD 25517 and ART 24697, potatoes, now on the Union Pacific to Cochran Brokerage Co., Dubuque, Iowa (Mil).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6635; Filed, July 15, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-982]

NORFOLK & WESTERN RAILWAY CO.

FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of July A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $100 Par Value, of Norfolk & Western Railway Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 1,406,483 shares outstanding, 91,477 shares are owned by 2,171 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 443 transactions involving 8,527 shares during a twelve-month period ended February 28, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $100 Par Value, of Norfolk & Western Railway Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6642; Filed, July 15, 1947; 8:48 a. m.]

[File No. 7-983]

PENNSYLVANIA POWER & LIGHT CO.

FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 10th day of July A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Pennsylvania Power & Light Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange and the Philadelphia Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 2,500,752 shares outstanding, 75,654 shares are owned by 1,309 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 502 transactions involving 29,439 shares during a twelve-month period ended February 23, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Pennsylvania Power & Light Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6645; Filed, July 15, 1947; 8:49 a. m.]

[File No. 7-985]

SOUTH CAROLINA ELECTRIC AND GAS CO.

FINDINGS AND ORDER GRANTING UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of July, A. D. 1947.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $7.50 Par Value, of South Carolina Electric and Gas Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 808,587 shares outstanding, 52,449 shares are owned by 2,909 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 656 transactions involving 18,067 shares from November 15, 1946 to February 28, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $7.50 Par Value, of South Carolina Electric and Gas Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6644; Filed, July 15, 1947; 8:49 a. m.]

[File No. 7-997]

TOLEDO EDISON CO.

ORDER DETERMINING EQUIVALENT VALUE OF STOCKS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of July A. D. 1947.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the 4¼% Cumulative Preferred Stock, Par Value $100, of The Toledo Edison Company is substantially equivalent to the two following issues of this company: 7% Preferred Stock, Par Value $100, and 6% Preferred Stock, Par Value $100, which have heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the 4¼% Cumulative Preferred Stock, Par Value $100, of The Toledo Edison Company is hereby determined to be substantially equivalent to the two following issues of this company: 7% Preferred Stock, Par Value $100, and 6% Preferred Stock, Par Value $100 which have heretofore been admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6643; Filed, July 15, 1947; 8:48 a. m.]

[File No. 70-1533]

NORTHERN PENNSYLVANIA POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of July 1947.

Northern Pennsylvania Power Company, a subsidiary of General Public Utilities Corporation, a registered holding company, having filed an application, as amended, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the following transaction:

Northern Pennsylvania Power Company proposes to issue and sell for cash at principal amount to Northwestern Mutual Life Insurance Company $600,000 principal amount of its First Mortgage Bonds, 2¾% Series, due 1975. The cash proceeds of the sale of the bonds are to be used for the purchase or construction of new facilities and betterment of existing facilities.

Such application, as amended, having been duly filed, and notices of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified within said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act are satisfied and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application, as amended, be granted, and deeming it appropriate to grant the request of the company that the order become effective at the earliest date practicable:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application, as amended, be, and the same hereby is, granted and the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6641; Filed, July 15, 1947; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 12 NUMBER 139

Washington, Thursday, July 17, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9872

AMENDMENT OF EXECUTIVE ORDER NO. 7658, RESTORING TO THE TERRITORY OF HAWAII A PORTION OF THE FORT DE RUSSY MILITARY RESERVATION

WHEREAS by Executive Order No. 7658 of July 15, 1937, the President restored to the Territory of Hawaii a certain parcel of land comprising a part of the Fort De Russy Military Reservation but reserved to the United States the right to construct on the said parcel of land a railroad from the Fort De Russy Military Reservation to the existing line of the Honolulu Rapid Transit and Land Company; and

WHEREAS it now appears that there is no necessity for the construction of the said railroad by the United States; and

WHEREAS it is deemed advisable and in the public interest that the United States relinquish its right to construct such railroad:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, the said Executive Order No. 7658 of July 15, 1937, is hereby amended by deleting from the first paragraph thereof the provision reserving to the United States the right to construct a railroad from the Fort De Russy Military Reservation to the existing line of the Honolulu Rapid Transit and Land Company upon the land restored by the order to the Territory of Hawaii.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 15, 1947

[F. R. Doc. 47-6771; Filed, July 15, 1947; 4:17 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LIST OF POSITIONS EXCEPTED, DEPARTMENT OF LABOR

Under authority of § 6.1 (a) of Executive Order No. 9830 (12 F. R. 1263) and at the request of the Secretary of Labor, the Commission has determined that appointments to the position of Administrative Officer, CAF-15 (Special Assistant to the Under Secretary of Labor) should be made in the same manner as appointments are made to positions under Schedule A. Section 6.4 (a) (13) is therefore amended by the addition of the following subdivision:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(13) *Department of Labor.* * * *

(xii) Administrative Officer, CAF-15 (Special Assistant to the Under Secretary of Labor).

(Sec. 6.1 (a), E. O. 9830, Feb. 24, 1947, 12 F. R. 1263)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-6684; Filed, July 16, 1947; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Flaxseed Bulletin 1]

PART 271—FLAXSEED LOANS AND PURCHASE AGREEMENTS

SUBPART 1947

This bulletin states the requirements with respect to the 1947 Flaxseed Loan and Purchase Agreement Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available on flaxseed produced in 1947 in accordance with this bulletin.

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271.102 Availability of loans and purchase agreements.
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FEDERAL REGISTER

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1946 SUPPLEMENT

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[1] E. O. 9872.
[2] See Title 5, Part 6.

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271.110 Liens.
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271.125 Field Offices of Commodity Credit Corporation.

AUTHORITY: §§ 271.101 to 271.125, inclusive, issued under sec. 7 (a), 49 Stat. 4 as amended, sec. 4 (a), 55 Stat. 498, 56 Stat. 768; 15 U. S. C. and Sup., 713 (a), 713a–8, 50 U. S. C. App., Sup., 969; Article Third, paragraphs (b), (j), Charter of Commodity Credit Corporation.

§ 271.101 *Administration.* The program will be administered in the field by the county agricultural conservation committees under the general supervision of State PMA Committee. Forms may be obtained from county committees in areas where loans and purchase agreements are available, or from CCC branch offices. County committees will determine or cause to be determined the quantity and grade of the flaxseed, the amount of the loan, and the value of the flaxseed delivered under a loan or purchase agreement. All loan and purchase agreement documents will be completed and approved by the county committee, which will retain copies of all documents. The county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee. The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents, or with the address of the CCC branch offices to which loan documents may be forwarded for disbursement.

§ 271.102 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans will be available on eligible flaxseed stored on farms in the States and counties for which loan rates are established in Supplement 2 to this bulletin.

(2) Loans shall be available on eligible flaxseed stored in approved public grain warehouses in all areas.

(3) Purchase agreements shall be available on eligible flaxseed in all areas where loans are available.

(b) *Time.* Loans and purchase agreements shall be available from harvest through October 31, 1947, for California, Texas, and Arizona, and through January 31, 1948, for all other states.

§ 271.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA–97) or other form prescribed by the Administrator of PMA.

§ 271.104 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing the flaxseed in 1947, as landowner, landlord, tenant, or sharecropper.

§ 271.105 *Eligible flaxseed.* Eligible flaxseed shall be flaxseed which meets the following requirements.

(a) Such flaxseed must be flaxseed produced in 1947 by the eligible producer, or flaxseed represented by a "Certificate of Indemnity" (Form FCI–574, Revised), covering 1947-crop year flaxseed, issued by the Federal Crop Insurance Corporation to the eligible producer.

(b) The beneficial interest in the flaxseed must be in the person tendering the flaxseed for a loan or purchase and must always have been in him, or must have been in him and a former producer whom he succeeded before the flaxseed was harvested.

(c) Such flaxseed must grade No. 1 or No. 2. Flaxseed which contains more than 30 percent damage or which contains more than 11 percent moisture or which is musty, sour, heating, hot, or which has any commercially objectionable odor, or which is otherwise of low quality is not eligible for loan or purchase.

(d) In order to be eligible for a farm storage loan, flaxseed must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing unless otherwise approved by the county agricultural conservation association.

§ 271.106 *Eligible storage.* Eligible storage for flaxseed shall meet the following requirements:

(a) Under the loan program eligible farm storage shall consist of farm bins and granaries which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of the flaxseed, permit effective fumigation for the destruction of insects, and afford protection against rodents, other animals, thieves, and weather.

(b) Under the loan and purchase agreement program, eligible warehouse storage shall consist of (1) public grain warehouses for which a Uniform Grain Storage Agreement (CCC Form H) has been executed (Warehouseman desiring approval may communicate with the CCC branch offices serving the area in which the warehouse is located); or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission. A list of approved warehouses will be furnished State PMA Offices and county committees, and information relating to such warehouses may be obtained from these offices.

(c) Under the purchase agreement program, flaxseed stored in other than eligible warehouse storage will be purchased on a delivered basis.

§ 271.107 *Approved forms.* The approved forms constitute the loan and purchase agreement documents which, together with the provisions of §§ 271.101 to 271.125, inclusive, govern the rights and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement, or in executing any of the loan or purchase agreement documents, will render him subject to prosecution under the United States Criminal Code.

Notes, note and loan agreements and purchase agreements, must be dated on or before October 31, 1947, for California, Arizona, and Texas, and on or before January 31, 1948, for all other States, and executed in accordance with these instructions, with State and documentary revenue stamps affixed thereto where required by law. Notes, note and loan agreements, and purchase agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producers' notes on CCC Commodity Form A, secured by chattel mortgages on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of note and loan agreements on CCC Commodity Form B, secured by negotiable warehouse receipts representing the flaxseed stored in approved warehouses. All flaxseed pledged as security for a loan on a single CCC Commodity Form B must be stored in the same warehouse.

(c) *Purchase agreement program.* Approved forms shall consist of the Purchase Agreement (CCC Purchase Form 1) signed by the Producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by the Director, Fats and Oils Branch, PMA.

(d) *Warehouse receipts.* Flaxseed in eligible warehouse storage under the loan and purchase agreement program must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouseman.

(2) Each warehouse receipt should set forth in its written terms that the flaxseed is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) The flaxseed represented by each warehouse receipt must be free of all liens for charges prior to unloading in or delivery to the warehouse. Liens for warehouse charges will be recognized by CCC only from April 1, 1947, or the date of the warehouse receipt, whichever is later.

(4) Warehouse receipts must set forth in the written or printed terms the gross weight or bushels, grade, class, subclass, test weight and such other information as is required by the Uniform Warehouse Receipts Acts or be accompanied by a certificate of the warehouseman identified with such warehouse receipt, setting out such information, and shall be based on the inbound movement on delivery of the flaxseed to the warehouse.

§ 271.108 *Determination of quantity.* Loans and purchases will be made at values expressed in cents per bushel. A

bushel will be 56 pounds of flaxseed free of dockage, when determined by weight, or 1.25 cubic feet of flaxseed testing 56 pounds per bushel when determined by measurement. A deduction of ¾ pound for each sack will be made in determining the net quantity of the flaxseed when stored as sacked grain. In determining the quantity of flaxseed in farm storage by measurement, fractional pounds of the test weight per bushel will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 56-pound flaxseed:

For flaxseed testing:	Percent
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	94
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	90
50 pounds or over, but less than 51 pounds	88
49 pounds or over, but less than 50 pounds	85
48 pounds or over, but less than 49 pounds	83
47 pounds or over, but less than 48 pounds	81

§ 271.109 *Determination of dockage.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States and the weight of said dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity available for loan or purchase.

§ 271.110 *Liens.* The flaxseed must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the flaxseed, proper waivers must be obtained.

§ 271.111 *Service fees* — (a) *Loans.* Where the flaxseed under loan is farm-stored, the producer shall pay a service fee of 1 cent per bushel, and where the flaxseed under loan is warehouse-stored, the producer shall pay a service fee of ½ cent per bushel.

(b) *Purchase agreement.* At the time the producer applies for a purchase agreement he shall pay a preliminary minimum service fee of $1.50. In addition, where delivery of flaxseed is made under the purchase agreement, the producer shall pay a service fee of ½ cent per bushel on each bushel of flaxseed delivered in excess of 300 bushels.

§ 271.112 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan or purchase agreement to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lien holders. Indebtedness owing to CCC shall be given first consideration after claims of prior lien holders.

§ 271.113 *Loan rates and purchase price*—(a) *Loan rates.* Loan rates for the designated grades and subclasses will be set out in 1947 CCC flaxseed Bulletin 1, Supplements 1 and 2. An additional payment of $1.00 per bushel will be made to the producer if and when CCC takes title to the flaxseed.

(b) *Purchase price.* The price paid for flaxseed delivered under a purchase agreement shall be the applicable loan rate established for the flaxseed at the approved point of delivery plus $1.00 per bushel.

§ 271.114 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 271.115 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the flaxseed under loan or his remaining interest may be restricted by CCC.

§ 271.116 *Safeguarding of the flaxseed.* The producer who places the flaxseed under loan is obligated to maintain the farm storage structures in good repair, and to keep the flaxseed in good condition.

§ 271.117 *Insurance.* CCC will not require the producer to insure the flaxseed placed under farm storage loan; however, if the producer does insure such flaxseed, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the flaxseed involved in the loss.

§ 271.118 *Loss or damage to the flaxseed.* The producer is responsible for any loss in quantity or quality to the flaxseed placed under farm storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer, and resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 271.119 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the flaxseed by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 271.120 *Maturity and satisfaction*—(a) *Loans.* Loans mature on demand but not later than January 31, 1948, in California, Arizona, Texas, and April 30, 1948 in other states. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity, or to deliver the mortgaged commodity in accordance with instructions of the county committee. Credit will be given for the total quantity delivered, provided it was stored in the bins in which the commodity under loan was stored, at the applicable loan rate, according to grade and/or quality plus $1.00 per bushel. If the settlement value of the commodity is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to the Corporation, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from Commodity Credit Corporation or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the commodity may be delivered before the maturity date of the loan upon prior approval by the County Committee. In the case of warehouse-storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the flaxseed in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 271.121.

(b) *Purchase agreements.* The producer who signs a Purchase Agreement (CCC Purchase Form 1) shall not be obligated to deliver any specified quantity of flaxseed to CCC. If the producer who signs a purchase agreement wishes to sell flaxseed to CCC, he shall, within 30 days from the maturity date shown on the loan notes, or such earlier date as demand for payment of loan notes may be made, submit eligible warehouse receipts representing flaxseed stored in eligible warehouse storage to the county committee for the quantity of such flaxseed he elects to sell to CCC, or in the case of flaxseed stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Delivery shall be made to an approved warehouse, or as otherwise directed by the Administrator of PMA, or his authorized representative. When delivery is completed, payment shall be made as prescribed by the Administrator of PMA, subject to the provisions for set-offs in § 271.112. The producer shall direct to whom payment of the purchase price will be made.

In the case of flaxseed stored in eligible warehouse storage, purchases will be made on the basis of the weight, grade and other quality factors shown on the warehouse receipts and accompanying documents. Flaxseed delivered from other than eligible warehouse storage will be purchased on the basis of official weight, grade, and other quality factors at destination; or on the basis of official weight at destination and official grade, and other quality factors at the inspection point shown on the shipping order furnished the producer, which unless otherwise agreed shall be the customary location, on the route of shipment, of an inspector licensed under the United States Grain Standards Act; or, if such flaxseed is delivered to a local CCC binsite, on the basis of the weight, grade, and other quality factors determined by the county committee (in accordance with instructions for the determination of such factors under the loan program), and approved by the producer at the time of delivery.

§ 271.121 *Removal of the flaxseed under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the flaxseed and sell it, either by separate contract or after pooling it with other lots of the same flaxseed similarly held. The producer shall have no right of redemption after the flaxseed is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled flaxseed as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the flaxseed even though part or all of such pooled flaxseed is disposed of under such policies at prices less than the current domestic price for such flaxseed. Any sum due the producer as a result of the sale of the flaxseed or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 271.122 *Release of the flaxseed under loan.* A producer may at any time obtain release of the flaxseed remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the flaxseed prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan plus charges and accrued interest, represented by the quantity of the flaxseed to be released. In case of warehouse storage loans, each partial release must cover all the flaxseed under one warehouse receipt number.

§ 271.123 *Storage allowance*—(a) *Warehouse-stored loans.* Under the loan program, CCC will assume accrued warehouse charges on flaxseed in eligible warehouse storage.

(b) *Farm-stored loans.* A farm storage payment of 7 cents per bushel will be paid to the producer (1) on flaxseed delivered to CCC on or after the maturity dates in the respective areas, or (2) on flaxseed delivered to CCC prior to the maturity dates in the respective areas, pursuant to demand by CCC for repayment of the loan. If delivery is made prior to January 31, 1948 in Arizona, California, and Texas, or April 30, 1948, in all other States, upon request by the producer and with the approval of CCC, the storage payment will be as follows:

	Arizona, California, and Texas	Other States
6 cents per bushel if delivered in month of	January 1948	April 1948.
5 cents per bushel if delivered in month of	December 1947	March 1948.
4 cents per bushel if delivered in month of	November 1947	February 1948.
3 cents per bushel if delivered in month of	October 1947	January 1948.
2 cents per bushel if delivered prior to	October 1947	December 1947.

Earned storage shall be computed after delivery has been completed.

No storage payment will be made on flaxseed delivered to CCC prior to April 30, 1948, pursuant to demand by CCC for the repayment of a loan if such demand for repayment was due to any fraudulent representation on the part of the producer or the fact that the flaxseed was damaged, threatened with damage, abandoned, or otherwise impaired.

In the case of losses assumed by CCC under the loan program, CCC will pay the producer the full storage payment of 7 cents per bushel for the flaxseed lost.

(c) *Purchase agreements.* Under the purchase agreement program, CCC will assume accrued warehouse charges on flaxseed in eligible warehouse storage, or make a payment of 7 cents per bushel to the producer on flaxseed in such storage if it is shown that all warehouse charges other than receiving charges have been paid by the producer up to the time he submits the warehouse receipt to the county committee. A payment of 7 cents per bushel will be made to the producer on flaxseed delivered from other than eligible warehouse storage pursuant to delivery instructions issued by the county committee.

(d) *Track-loaded flaxseed.* Under the loan and purchase agreement program a payment of 2 cents per bushel will be made to the producer by CCC on flaxseed delivered on track at a country point.

§ 271.124 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on 1940 CCC Form F, or such other form as CCC may prescribe, of all payments received on producers' notes held by them, and they are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum on the amount of the principal collected from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the CCC Branch office serving the area.

§ 271.125 *Field offices of Commodity Credit Corporation.* The field offices of Commodity Credit Corporation and the areas served by each are shown below:

Address and Area

628 South Wabash Avenue, Chicago 5, Ill.:
Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia.

300 Interstate Building, 418 East Thirteenth Street, Kansas City 6, Mo.:
Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.

326 McKnight Building, Minneapolis 1, Minn.:
Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Eastern Outfitting Building, 515 Southwest 10th Street, Portland 5, Oreg.:
Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Date program announced: February 13, 1947.

[SEAL] C. C. FARRINGTON,
Acting President,
Commodity Credit Corporation.

JULY 11, 1947.

[F. R. Doc. 47-6693; Filed, July 16, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE SUGARCANE WAGE RATES IN FLORIDA DURING JULY 1, 1947, TO JUNE 30, 1948

Pursuant to section 301 (b) of the Sugar Act of 1937, as amended, and after investigation and due consideration of the evidence obtained at the public hearing held in Clewiston, Florida on May 10, 1947, the following determination is hereby issued:

§ 802.24aa *Fair and reasonable sugarcane wage rates in Florida during the period July 1, 1947, to June 30, 1948.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production, cultivation and harvesting of sugarcane in Florida during the period July 1, 1947 to June 30, 1948, if all persons employed on the farm during such period in the production, cultivation and harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as follows:

(a) The wage rates agreed upon between the producer and the laborer but after the date of this determination not less than the rates prescribed under paragraphs (b) and (c) of this section.

(b) *For work performed on a time basis.*

	Cents per hour
(1) All work except as otherwise specified:	
Adult males	45.0
Adult females	38.0
(2) Tractor drivers and operators of mechanical harvesting or loading equipment	55.0

	Cents per hour
(3) Workers between 14 and 16 years of age (maximum employment per day of such workers, without deductions from Sugar Act payments, is 8 hours	38.0

(c) *For work performed on a piece work basis.* The piece rate for any operation shall be the rate agreed upon between the producer and the laborer and such rate shall be the same for comparable work for all workers: *Provided, however,* That the individual earnings of not less than 90% of all workers employed on a piece rate basis during each pay period (such period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in paragraph (b) of this section.

(d) The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(e) The provisions of this determination are subject to such changes as may be required by termination of the Sugar Act of 1937 or by such further legislation as the Congress may enact relating to the subject matter hereof. (Sec. 301, 50 Stat. 909; 7 U. S. C. 1131)

Issued this 11th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6694; Filed, July 16, 1947; 8:48 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

FORT DE RUSSY MILITARY RESERVATION

CROSS REFERENCE: For order amending Executive Order 7658 with respect to Fort De Russy Military Reservation, Territory of Hawaii, and affecting the tabulation in § 501.1 of this chapter, see Executive Order 9872, *supra.*

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 202—DEPOSIT OF PUBLIC MONEYS AND PAYMENT OF GOVERNMENT CHECKS

LIMITATION OF TIME FOR PAYMENT OF GOVERNMENT CHECKS

JULY 14, 1947.

Part 202 (appearing also as Treasury Department Circular No. 176 (Revised), dated December 21, 1945, as amended) is hereby further amended by deleting § 202.28, "*One-year restriction on payment of checks,*" and substituting in lieu thereof the following § 202.28:

§ 202.28 *Limitation of time for payment*—(a) *Checks drawn on the Treasurer of the United States.* Checks drawn on the Treasurer of the United States (including checks payable through designated Federal Reserve Banks) are not payable by him after the expiration of ten years from the date on which they were issued, and in cases where the owner or holder has died or is incompetent are not payable by the Treasurer after the expiration of one year following the close of the fiscal year (ending June 30) in which they were issued. Such checks should be transmitted by the owner or holder to the General Accounting Office, Washington 25, D. C., for settlement, accompanied by an application for payment over the signature and address of the owner or holder of such checks: *Provided, however,* That checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws are payable without limitation of time.

(b) *Checks drawn on depositaries.* After the expiration of one year following the close of the fiscal year (ending June 30) in which they are drawn, checks, with the exception of those issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, drawn by authorized officers of the United States on designated depositaries are not payable by those depositaries and should be transmitted by the owner or holder to the General Accounting Office, Washington 25, D. C., for settlement, accompanied by a request for payment over the signature and address of the owner or holder of such checks. This paragraph does not apply to checks drawn by wholly owned or mixed-ownership Government corporations on designated depositaries. (R. S. 161; 5 U. S. C. 22)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6800; Filed, July 16, 1947; 11:45 a. m.]

PART 204—ISSUE OF SUBSTITUTES OF LOST, DESTROYED, MUTILATED AND DEFACED CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

ISSUANCE OF SUBSTITUTE CHECK

JULY 14, 1947.

Part 204 (appearing also as Treasury Department Circular No. 327 (Revised), dated December 3, 1945) is hereby amended by deleting § 204.3, "*Issuance of substitute check,*" and substituting in lieu thereof the following § 204.3:

§ 204.3 *Issuance of substitute check.* Upon approval of the undertaking of indemnity (Form 2244) or application (Form 2244a), and prior to the expiration of ten years from the date on which the original check was issued, the Treasurer of the United States will transfer the amount of the original check from the account of the drawer or the account available for payment of the original check to a Special Deposit Account carried in the name of the Secretary of the Treasury. A substitute check payable from the Special Deposit Account will be issued in favor of the claimant under current date and showing such information as may be necessary to identify the original check. In the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws substitutes may be issued without limitation of time. (R. S. 161; 5 U. S. C. 22)

[SEAL] A. L. M. WIGGINS.
Acting Secretary of the Treasury.

[F. R. Doc. 47-6801; Filed, July 16, 1947; 11:45 a. m.]

Subchapter C—Office of the Treasurer of the United States

PART 360—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

LIMITATION OF TIME FOR PAYMENT

JULY 14, 1947.

Part 360 (appearing also as Treasury Department Circular No. 21 (Revised), dated September 5, 1946) is hereby amended by deleting § 360.9, "*Limitation of time for payment,*" and substituting in lieu thereof the following § 360.9:

§ 360.9 *Limitation of time for payment.* (a) Checks drawn on the Treasurer of the United States (including checks payable through designated Federal Reserve Banks) are not payable by him after the expiration of ten years from the date on which they were issued, and in cases where the owner or holder has died or is incompetent are not payable by the Treasurer after the expiration of one year following the close of the fiscal year (ending June 30) in which they were issued. Such checks should be transmitted by the owner or holder to the General Accounting Office, Washington 25, D. C., for settlement, accompanied by an application for payment over the signature and address of the owner or holder of such checks:

(b) *Provided, however,* That checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws are payable without limitation of time. (R. S. 161; 5 U. S. C. 22)

[SEAL] A. L. M. WIGGINS.
Acting Secretary of the Treasury.

[F. R. Doc. 47-6799; Filed, July 16, 1947; 11:44 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 207—NAVIGATION REGULATIONS

PERDIDO BAY, FLORIDA; RESTRICTED AREA FOR SEAPLANES

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), the following § 207.177 is hereby prescribed to govern the use and navigation of waters of Perdido Bay, Florida, comprising a restricted area for seaplanes used in night flying operations by the Naval Air Training Bases, Pensacola, Florida:

§ 207.177 *Perdido Bay, Fla.; restricted area for seaplanes, Naval Air Training Bases, Pensacola, Fla.*—(a) *Area.* That portion of Perdido Bay, Florida, bounded by a line beginning at latitude 30°22'30", longitude 87°27'00"; thence to latitude 30°22'00", longitude 87°26'55"; thence to latitude 30°20'45", longitude 87°25'50"; thence to latitude 30°20'35", longitude 87°25'50"; thence to latitude 30°20'10", longitude 87°26'30"; thence to latitude 30°19'15", longitude 87°27'20"; thence to latitude 30°19'20", longitude 87°28'35"; thence to latitude 30°19'40", longitude 87°29'20"; thence to latitude 30°20'15", longitude 87°29'50", thence to latitude 30°20'25", longitude 87°29'45"; thence to latitude 30°20'20", longitude 87°29'00"; thence meandering and following the one-fathom line to latitude 30°21'50", longitude 87°27'25"; thence to latitude 30°22'30", longitude 87°27'25"; thence to latitude 30°22'30", longitude 87°27'00"; thence to the point of beginning.

(b) *Regulations.* (1) The area will be used for seaplane operations two nights each week for periods of three hours beginning fifteen minutes before sundown. When such operations are being conducted navigation will be warned by means of a lighted rotating beacon located on a hangar building at Bronson Field, and the area will be lighted and patrolled by Navy surface craft.

(2) When seaplane operations are being conducted, no vessel or other craft shall enter or remain in the area. At all other times navigation shall not be restricted.

(3) The regulations in this section shall be enforced by the Commander, Naval Air Training Bases, Pensacola, Florida, and such agencies as he may designate. [Regs. June 19, 1947 (800.-2121, Perdido Bay, Ala.-Fla.)—ENGWR] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6685; Filed, July 16, 1947; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 01—ORGANIZATION

CENTRAL AND BRANCH OFFICES

§ 01.61 *Branch No. 2 area (New York State, Puerto Rico).* (a) Address of Branch Office No. 2: Deputy Administrator, Veterans' Administration Branch Office No. 2, 346 Broadway, New York 13, N. Y.

(b) This is a guide to the location of VA Centers, Regional Offices and Hospitals, the Subregional Offices and Contact Offices thereunder, in Branch No. 2 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

NEW YORK STATE

Type of Activity, Location, and Address
Regional office: Albany 1, Watervliet Arsenal.
Contact offices:
Albany 7, 112 State Street.
Amsterdam, 20 Market Street.
Glens Falls, 35 Ridge Street.
Gloversville, 33 Bleeker Street.
Kingston, 286 Fair Street.
Liberty, 111 North Main Street.
Oneonta, Post Office Building.
Plattsburg, Post Office Building.
Poughkeepsie, 13 Washington Street.
Saratoga Springs, 374–376 Broadway.
Schenectady, 9–11 Yates Street.
Troy, 297 River Street.
Regional office: Brooklyn 5, 35 Ryerson Street.
Contact offices:
Brooklyn, Kings County Hospital, 451 Clarkson Avenue.
Brooklyn, 1 Hanson Place.
Regional office: Buffalo 1, 151 West Mohawk Street.
Contact offices:
Buffalo, Ellicott Square Building.
Dunkirk, Elementary School No. 7, Lake Shore Drive, East.
Lockport, Post Office Building.
Jamestown, 101 West Third Street.
Lackawanna, 706 Ridge Road.
Niagara Falls, 42 Falls Street.
North Tonawanda, City Hall Building.
Olean, City Building, 108 North Union Street.
Sub-regional office: Rochester, 39 State Street.
Contact offices:
Geneva, 380 Main Street.
Hornell, Federal Building, 38–46 Broadway.
Corning, Veterans' Administration Contact Office.
Regional office: New York City 1, 252 Seventh Avenue.
Contact offices:
Bronx, 851 Grand Concourse.
Flushing, 39–15 Union Street.
Harlem District, 271 West 125th Street, New York, 27.
Huntington, Long Island, 375 New York Avenue.
Jamaica, Long Island, 92–32 Union Hall Street.
Middletown, 16 Mulberry Street.
Mineola, Long Island, Old Nassau County, Courthouse.
Mt. Vernon, 3 North Third Street.
Newburgh, Post Office Building.
New City, Main Street.
Patchogue, Long Island, Brookhaven Town Hall.
Peekskill, City Hall, 840 Main Street.
St. George, Staten Island 1, 25 Hyatt Street.
White Plains, County Office Building.
Yonkers, 20 South Broadway.
Regional office: Syracuse 2, Chimes Bldg., 500 S. Salina Street.
Contact offices:
Auburn, 22 North Street.
Binghamton, 64 Henry Street.
Cortland, Post Office Building.
Endicott, 131 Washington Avenue.
Elmira, 170 Lake Street.
Herkimer, Virginia Contact Office.
Ithaca, Masonic Temple.
Newark, Virginia Contact Office.
Ogdensburg, 301–305 Crescent Street.
Oswego, Post Office Building.
Rome, YWCA—105 West Liberty Street.
Utica 2, 110 Genessee Street.
Watertown, Post Office, 163 Arsenal Street.
Branch of central office: New York 13, 80 Lafayette Street.
Hospitals:
Batavia, Veterans' Administration Hospital.
Bronx 63, 130 West Kingsbridge Road.
Brooklyn 29, Manhattan Beach.
Canandaigua, Veterans' Administration Hospital.
Castle Point, Veterans' Administration Hospital.
Northport, Long Island, Veterans' Administration Hospital.
Sampson, Veterans' Administration Hospital.
Saratoga Springs, Veterans' Administration Hospital.
Staten Island 2, Veterans' Administration Hospital.
Sunmount, Veterans' Administration Hospital.
Center (hospital and domiciliary): Bath, Veterans' Administration Center.
Supply Depot;[1] Hordseheads, care of A. Q. M Depot.

PUERTO RICO (INCLUDING THE VIRGIN ISLANDS)

Center (Hospital and regional office): San Juan, Post Office Box 4424 (All Veterans' Administration mail to be sent air mail; C-files by registered regular mail).
Contact Offices:
Aguadilla, Veterans' Administration Contact Office.
Arecibo, 8 Nicolas Frese Street.
Barranquitas, Munoz Rivera Street.
Bayamon, 115 Dr. Veve Street.
Cabo Rojo, Logia Cuna de Betances, 30 Betances Street.
Caguas, Aldrich Building.
Cayey, 45 Santiago Palmer Street.
Fajardo, Carmoda & Colon Building, Corner Calls Aquilera Street and A. R. Barcelo Street.
Guayama, 21 North Hostos Street.
Humacao, 6 Isidro A. Vidal Street.
Mayaguez, 200 Mendez Vigo Street.
Ponce, 106 Commercio Street.
Rio Piedras, Palma and Garcia Moreno Street.
St. Thomas (Virgin Islands), Charlotte Amalie.
Vega Baja, Veterans' Administration Contact Office.
Yauco, City Hall.

§ 01.66 *Branch Office No. 7 area (Illinois, Indiana, Wisconsin).* (a) Address of Branch Office No. 7: Deputy Administrator, Veterans' Administration Branch Office No. 7, 226 West Jackson Boulevard, Chicago 6, Ill.

(b) This is a guide to the location of VA Regional Offices and Centers, Sub-Regional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 7 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries. Some offices are in process of expansion.

ILLINOIS

Type of Activity, Location, and Address
Regional office: Chicago 6, 366 West Adams Street.
Contact offices:
Aurora, 44½ Downer Place.
Chicago, 6225 Cottage Grove Avenue.
Elgin, 11 South Spring Street.
Evanston, 823 Davis Street.
Joliet, 58 Chicago Street.
Kankakee, Arcade Building.
Oak Park, 4 Madison Street.
Waukegan, Old Post Office Building, 325 Washington Street.
Subregional office: Centralia, 187–9 North Locust Street.
Contact offices:
Effingham, 104 East Section Street.
Harrisburg, 1 North Vine Street.
Metropolis, Post Office Building.
Mt. Vernon, Grigg Building, Eleventh and Main Streets.
Olney, Negley Building, 108 York Street.
Subregional office: Danville, 6 West Seminary Street.

[1] Not for contacts concerning benefits.

Contact offices:
Champaign, 248 Armory Building, University of Illinois Campus.
Mattoon, 1521 Charleston Avenue.
Urbana, 301 West Main Street.
Subregional office: East St. Louis, 435 Missouri Avenue.
Contact offices:
Alton, Luly Building, 123 West Third Street.
Cairo, Post Office Building.
Carbondale, 205½ West Main Street.
Litchfield, 108 East Kirkham Street.
Subregional office: Gary, Ind., City Hall, Fourth Avenue and Broadway.
Contact offices:
East Chicago, Ind., Post Office Building.
Hammond, Ind., 5236 Hohman Avenue.
LaPorte, Ind., First National Bank Building.
Subregional office: Moline, 1630 Fifth Avenue.
Subregional office: Peoria, 517 Fulton Street, Graham Building.
Contact offices:
Bloomington, 427 North Main Street.
Galesburg, 311 East Main Street.
Subregional office: Quincy, 801–3 Maine Street.
Contact office: Macomb, 232 East Jackson Street.
Subregional office: Rockford, 301–5 South Main Street, Cutler Building.
Contact offices:
De Kalb, First National Bank Building.
Dixon, 119 Hennepin Avenue.
Freeport, 2–4–6 East Stephenson Street.
La Salle, 206 Marquette Street.
Subregional office: Springfield, 400–410 East Monroe Street.
Contact offices:
Decatur, County Building.
Jacksonville, 205 East Morgan Street.
Hospitals:
Danville, Veterans' Administration Hospital.
Downey (near Waukegan), Veterans' Administration Hospital.
Dwight, Veterans' Administration Hospital.
Hines (near Maywood), Veterans' Administration Hospital.
Marion, Veterans' Administration Hospital.
Supply depot: [1] Hines, Veterans' Administration Supply Depot.

INDIANA

Regional office, Indianapolis 9, 36 South Pennsylvania Street.
Contact offices:
Anderson, 27 West Twelfth Street.
Bedford, 929 Fifteenth Street.
Bloomington, 102½ West Sixth Street.
Greensburg, 105 East Main Street.
Kokomo, 221½ North Main Street.
Madison, 416 North Jefferson Street.
New Albany, Division Street School Building.
Seymour, 300 North Chestnut Street.
Subregional office: [2] Evansville, Post Office Building.
Contact offices:
Jasper, County Court House.
Vincennes, City Hall Building.
Subregional office: Fort Wayne 2, Utility Building, 116 East Wayne Street (for activities other than contact: Transfer Building, Maine and Calhoun Streets).
Subregional office: [2] La Fayette, Post Office Building.
Subregional office: Muncie, 1128 South Mulberry Street.
Contact office: Richmond, Morton Center, Ninth and B Streets.
Subregional office: South Bend 2, 224 West Jefferson Street.
Subregional office: [2] Terre Haute, 601 Ohio Street, Star Building.
Hospitals:
Indianapolis 44, 2601 Cold Spring Road.
Marion, Veterans' Administration Hospital.
Fort Benjamin Harrison (near Indianapolis), Veterans' Administration Hospital.

WISCONSIN

Regional office: Milwaukee 2, 342 North Water Street.
Contact office: Racine, Arcade Building, 423 North Main Street.
Subregional office: Eau Claire, Mappa School, 118 Mappa Street.
Contact office: Rice Lake, 102½ Main Street.
Subregional office: Green Bay, 112 North Washington Street.
Contact offices:
Appleton, Court House Building.
Fond du Lac, City Hall, 76 East Second Street.
Marinette, 1825½ Hall Avenue.
Oshkosh, Post Office Building, 80 Washington Boulevard.
Sheboygan, 601 North Eighth Street.
Subregional office: La Crosse, 408 South Fourth Street.
Subregional office: Madison 3, 446 State Street.
Contact offices:
Beloit, 603 East Grand Avenue.
Platteville, City Hall.
Subregional office: Superior, 805 East Belknap Street.
Contact office, Ashland, 209 Vaughn Avenue.
Subregional office: Wausau, Court House Annex, Fourth and Scott.
Contact offices:
Rhinelander, 8 A South Brown Street.
Stevens Point, City Hall, 610 Clark Street.
Hospitals:
Mendota, Veterans' Administration Hospital.
Tomah, Veterans' Administration Hospital (opened 3–4–47).
Waukesha, Veterans' Administration Hospital.
Center (Hospital and Domiciliary), Wood, Veterans' Administration Center.

§ 01.67 *Branch No. 8 area (Iowa, Minnesota, Nebraska, North Dakota, South Dakota).* (a) Address of Branch Office No. 8. Deputy Administrator, Veterans' Administration Branch Office No. 8, Fort Snelling, St. Paul, Minn.

(b) This is a guide to the location of VA regional offices and centers, subregional offices and contact offices thereunder, and hospitals in Branch No. 8 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

IOWA

Type of Activity, Location, and Address

Center (regional office and hospital): Des Moines 9, Veterans' Administration Center.
Contact offices:
Algona, McEnroe Building, State and Thorington Streets.
Ames, 302 Kellogg Avenue.
Atlantic, 15–17 East Sixth Street.
Centerville, 100½ East Jackson Street.
Creston, 114 North Maple Street.
Fort Dodge, Snell Building, 803 Central Avenue.
Newton, Jasper County Courthouse.
Iowa Falls, 511½ Washington Avenue.
Marshalltown, 102½ West Main Street.
Mason City, 115 First Street S. E.
Ottumwa, 208 South Green Street.
Shenandoah, 812 West Sheridan Street.
Subregional office: Cedar Rapids, 111 Third Avenue SW.
Contact offices:
Burlington, 214–16 Washington Street.
Clinton, Howes Building, 419 South Second Street.
Davenport, Arcade Building, 111 East Third Street.
Decorah, Water and Winnebago Streets.
Dubuque, Bank and Insurance Building.
Iowa City, 104 South Clinton Street.
Keokuk, 619–629 Blondeau Street.
Waterloo, East Park Avenue and Mulberry Street.
Subregional office: Sioux City 9, Badgerow Building, 632 Fourth Street.
Contact offices:
Council Bluffs, Savings Bank Building.
Sheldon, 416 Ninth Street.
Spencer, 13 West Sixth Street.
Hospital: Knoxville, Veterans' Administration Hospital.

MINNESOTA

Regional office: Minneapolis 8, 1006 West Lake Street.
Contact offices:
Albert Lea, 243 South Broadway.
Alexandria, Chamber of Commerce Building, 608 Broadway.
Austin, 100 West Oakland.
Brainerd, Parker Building, 623 Laurel Street.
Faribault, 229 Central Avenue.
Mankato, 203 South Second Street.
Marshall, 410 West Main Street.
Montevideo, 304 First Street.
Rochester, 332 First Avenue, SW.
St. Cloud, Grand Central Hotel, No. 2 Fifth Avenue.
Tracy, City Hall.
Wilmar, 512 Benson Avenue, W.
Winona, Choate Building, 51 East Third Street.
Worthington, 906 Third Avenue.
Subregional office: Duluth 2, Christie Building, 120 North Fourth Avenue, W.
Contact offices:
Grand Rapids, City Hall, Pokegema Avenue.
Hibbing, 1937 Fifth Avenue, E.
International Falls, 345 Third Street.
Sandstone, Jack Spratt Store Building, Main Street.
Virginia, 302 Chestnut Street.
Subregional office: St. Paul 1, Commerce Building, Fourth and Wabasha.
Hospitals:
Minneapolis 17, Veterans' Administration Hospital.
St. Cloud, Veterans' Administration Hospital.

NEBRASKA

Regional office: Lincoln 1, Veterans Building, Twelfth and O Streets.
Contact offices:
Ainsworth, 155 Main Street.
Alliance, 114 East Fourth Street.
Beatrice, Post Office Building.
Falls City, 1711½ Stone Street.
Grand Island, 314½ North Locust Street.
Hastings, Post Office Building.
Kearney, City Hall Building.
McCook, City Auditorium, 300 West Fifth.
North Platte, 118½ East Sixth Street.
Scottsbluff, 1604 Broadway.
Subregional office: Omaha (overflow of regional office), Federal Office Building, Fifteenth and Dodge Streets.
Contact offices:
Columbus, City Hall, 2522 Fourteenth Street.
Fremont, 546½ North Main Street.
Hartington, City Auditorium.
Norfolk, 111 South First Street.
Hospital: Lincoln 1, Veterans' Administration Hospital.

NORTH DAKOTA

Center (regional office and hospital): Fargo, Veterans' Administration Center.
Contact offices:
Bemidji, Minn., 308 Third Street.
Bismarck, 318 Main Street.
Detroit Lakes, Minn., 112½ Front Street.
Devils Lake, 202 Fourth Street.
Dickinson, 37 East Villard.
Fargo, 114½ Roberts Street, also Universal Building, 510 Fourth Avenue N.
Fergus Falls, Minn., 104 South Court Street.
Grand Forks, 102 North Fourth Street.
Jamestown, 111 First Street West.
Minot, 104 First Avenue Southwest.
Thief River Falls, Minn., 114 North La Bree Avenue.
Williston, Federal Building.

SOUTH DAKOTA

Regional office: Sioux Falls, Veterans' Administration Regional Office.
Contact offices:
Aberdeen, 5 First Avenue, SE.
Brookings, 324 Main Avenue.
Deadwood, 31 Deadwood Street.
Huron, 373 Wisconsin Avenue, SW.
Mitchell, 221–223 North Main.
Pierre, 101 East Capital Avenue.
Rapid City, 521 South Eighth Avenue.
Watertown, 5 West Kemp Avenue.
Yankton, City Hall.
Hospital: Fort Meade, Veterans' Administration Hospital.
Center (hospital and domiciliary): Hot Springs, Veterans' Administration Center.

§ 01.69 *Branch No. 10 area (Louisiana, Mississippi, Texas).* (a) Address of Branch Office No. 10: Deputy Administrator, Veterans' Administration Branch Office No. 10, 1114 Commerce Street, Dallas 2, Texas.

(b) This is a guide to the location of VA Regional Offices and Centers, Sub-Regional Offices and Contact Offices thereunder, and Hospitals, in Branch No. 10 area, where information may be obtained by personal contact concerning benefits to veterans and their dependents and beneficiaries.

LOUISIANA

Type of Activity, Location, and Address

Regional office, New Orleans 12, 833 Saint Charles Street.
Contact offices:
Baton Rouge, 701–703 Laurel Street.
Bogalusa, 110 Louisiana Avenue.
Hammond, City Hall.
Houma, 316 Church Street.
Subregional office: Lafayette, 216 Jefferson Street.
Contact offices:
Franklin, Seller Building, Willow and First Streets.
Lake Charles, 429 Broad Street. (Mail: P. O. Box 444).
New Iberia, New Court House.
Opelousas, Court House.
Regional office: Shreveport 63, 501 Ockley Drive.
Contact Offices:
Bastrop, 225 East Madison Street.
Mansfield, Post Office, Jefferson and Texas Streets.
Minden, 101½ North Broadway Street.
Monroe, 136 S. Grand Street.
Natchitoches, 514 Second Avenue.
Ruston, 102 West Alabama Avenue.
Subregional office: Alexandria 3, 1201 Sixth Street.
Contact offices:
Bunkie, 101 West Church St.
Leesville, 306 Court House Street.
Winnfield, Winn Parish Courthouse.
Winnsboro, Muncipal Building.
Hospitals:
Alexandria, Veterans' Administration Hospital.
New Orleans 12, Veterans' Administration Hospital.

[1] Not for contacts concerning benefits.
[2] Now operating as contact office.

MISSISSIPPI

Regional office: Jackson, Veterans' Administration Regional Office.
Contact offices:
Forest, Masonic Building.
Brookhaven, 121–125 South Railroad Street.
Kosciusko, Potts Building, North Jackson Street.
McComb, 104½ Main Street.
Natchez, 328½ Main Street.
Vicksburg, 1323 Washington Street.
Yazoo City, Yazoo City Hall.
Subregional office: Greenwood, 815 Howard Street.
Contact offices:
Clarksdale, McWilliams Building, Third and Yazoo Streets.
Cleveland, 102 Sharpe Avenue.
Greenville 1, Paxton Building, Main and Poplar Streets.
Grenada, Honeycutt Building, 30 South Main Street.
Indianola, 126½ Main Street.
Senatobia, William Yaffe Building.
Subregional office: Hattiesburg, U. S. O. Building, 222 West Front Street.
Contact offices:
Gulfport, American Legion Building, 13th Street and 26th Avenue.
Columbia, Pope Building, 702½ Main Street.
Laurel, 408 North Magnolia Street.
Pascagoula, Bacot Building, 262 Delmas Avenue.
Subregional office: Meridian, 814–818 Twenty-second Avenue.
Contact offices:
Columbus, City Auditorium, 605 Second Avenue.
Louisville, Ford Building, Columbus and Main Street.
Philadelphia, Stubbs Building, Church and Beacon Streets.
Starkville, Merchants & Farmers Bank Building, Main and Lafayette Streets.
Subregional office: Tupelo, 409 South Spring Street.
Contact offices:
Corinth, County Court House.
Holly Springs, 363 College Street.
Oxford, 116–117 Jackson Avenue.
Center (hospital and domiciliary): Biloxi, Veterans' Administration Center.
Hospitals:
Gulfport, Veterans' Administration Hospital.
Jackson, Veterans' Administration Hospital.

TEXAS

Regional office: Dallas 9, Love Field.
Contact offices:
Greenville, 2716 Lee Street.
Paris, 231 Lamar Avenue.
Sherman, Post Office Building.
Subregional office: [1] Fort Worth, 1107 Commerce Street.
Contact offices:
Cleburne, 111½ East Henderson.
Denton, 107 East Oak Street.
Eastland, Sinclair-Prairie Building., South Seaman Street.
Graham, Boaz Building, 507 Elm Street.
Mineral Wells, 207 Southwest First Avenue.
Vernon, County Court House.
Wichita Falls, 903 Indiana Avenue.
Subregional office: [1] Longview, Buildings 78 and T–79, Letourneau Technical Institute.
Contact offices:
Marshall, Mahon Building.
Mount Pleasant, 105 West Fourth Street.
New Boston, U. S. O. Building.
Tyler, 116½ South College Avenue.
Regional office, Houston 2, Federal Office Building.
Contact offices:
Brenham, 105 East Main Street.
Galveston, Twenty-fifth and Church Streets.
Contact offices—Continued.
Goose Creek, 114 North Ashbel Street.
Huntsville, 1118 Avenue L.
Lufkin, 116 North Cotton Square.
Wharton, Vineyard Building.
Subregional office: Beaumont, 450 Tevis Street.
Contact offices:
Center, 211 Austin Street.
Orange, 116 Market Street.
Port Arthur, Post Office Building.
Regional office: Lubbock, Lubbock Army Air Field.
Contact offices:
Abilene, 104 Pine Street.
Big Spring, 116 West Second Street.
Lubbock, Lubbock National Bank Building.
Odessa, County Court House.
San Angelo, 201 Rust Building.
Subregional office: Amarillo, Oliver-Eakle Building.
Contact offices:
Borger, Borger City Hall.
Childress, County Court House.
Subregional office: El Paso, 109 North Oregon Street.
Contact office: Pecos, 243 South Oak Street.
Regional office: San Antonio 5, 102 West Crockett Street.
Contact offices:
Alpine, Holland Hotel Building.
Del Rio, Post Office Building.
Luling, 203 South Laurel Avenue.
Subregional office: Corpus Christi, Weber Building, 319 Mesquite Street.
Contact offices:
Harlingen, 210 East Harrison Street.
Laredo, Post Office Building.
Victoria, Federal Building.
Weslaco, 516 Texas Avenue.
Center (regional office and hospital): Waco, Veterans' Administration Center.
Contact offices:
Austin 15, 900 Lavaca.
Brownwood, 200 East Baker Street.
Bryan, Bryan City Hall.
Cameron, 206 North Central Street.
Corsicana, State National Bank Building, 101 North Beaton Street.
Georgetown, 114 East Eighth Street.
Mexia, Kendrick Building, North Sherman and Commerce Streets.
Palestine, Post Office Building.
Stephenville, 313 North Belknap Street.
Temple, Municipal Building.
Hospitals:
Amarillo, Veterans' Administration Hospital.
Dallas 2, Veterans' Administration Hospital.
Legion (near Kerrville), Veterans' Administration Hospital.
McKinney, Veterans' Administration Hospital.
Temple, Veterans' Administration Hospital.

[1] Now operating as contact office.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

[F. R. Doc. 47-6708; Filed, July 16, 1947; 8:47 a. m.]

PART 35—VETERANS REGULATIONS

VOCATIONAL REHABILITATION

Paragraph (h) of § 35.017 *Vocational rehabilitation* is amended to read as follows:

(h) There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, available immediately and until expended, the sum of $3,000,-

000, to be utilized by the Veterans' Administration under such rules and regulations as the Administrator may prescribe, as a revolving fund for the purpose of making advancements, not exceeding $100 in any case, to persons commencing or undertaking courses of vocational rehabilitation under this part and advancement to bear no interest and to be reimbursed in such installments as may be determined by the Administrator by proper deductions from any future payments of compensation, pension, or retirement pay. (Public Law 115, 80th Congress)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans Affairs.

JUNE 25, 1947.

[F. R. Doc. 47-6709; Filed, July 16, 1947; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

WITHDRAWAL OF TELEVISION CHANNEL NO. 9 FROM DETROIT, MICH.

At a meeting of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having, since April 1946, carried on conversations and negotiations with representatives of the Dominion of Canada for the purpose of determining mutual problems relative to the allocation of television stations in their respective border areas; and

It appearing, that pending the conclusion of a final television allocation plan by the United States and the Dominion of Canada, an arrangement has been reached by the representatives of both countries whereby television channel No. 9, currently assigned to the Detroit area in Michigan, will be reassigned to the Windsor area in Canada; and

It further appearing, that, the reassignment of said channel No. 9 involves a foreign affairs function of the United States and, as such, is exempt from the requirements of section 4 of the Administrative Procedure Act; and

It further appearing, that said television channel No. 9 is the only channel in the Detroit area in Michigan which has not been assigned to any applicant in the United States, nor is any application pending therefor; and

It further appearing, that, in honoring the reservation by the Dominion of Canada of said channel No. 9, the United States will have taken an important and necessary step in concluding agreements between both countries leading toward a solution of mutual allocation problems for television broadcasting;

It is ordered, That pursuant to the authority vested in the Commission by sections 301, 303 (c) and 303 (r) of the Communications Act of 1934, as amended, § 3.606 of the Commission's rules and regulations be amended so that channel No. 9 is withdrawn from the Detroit metropolitan area in the table showing the allocation of television channels to metropolitan districts in the United States, effective immediately.

(Sec. 301, 48 Stat. 1081, sec. 303 (c), 48 Stat. 1082, sec. 303 (r), 50 Stat. 191; 47 U. S. C. 301, 303 (c), 303 (r))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6712; Filed, July 16, 1947; 8:48 a. m.]

PART 12—AMATEUR RADIO SERVICES

ELIGIBILITY FOR LICENSE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the revision of § 12.21 of its rules governing amateur radio service which requires, among other things, that an applicant for a Class A amateur radio operator license shall, within five years prior to receipt of his application by the Commission, have held, for a period of a year or more, an amateur operator license issued by the Commission; and

It appearing, that it is desirable to amend § 12.21 of the above-mentioned rules insofar as it applies to Class A amateur operator licenses by deleting the words "within 5 years" and inserting the words "at any time", thereby making eligible to apply for a Class A amateur operator license any citizen of the United States who at any time prior to the receipt of his application by the Commission has held, for a period of a year or more, an amateur operator license issued by the Commission; and

It further appearing, that authority to amend § 12.21 as aforesaid is contained in section 303 (l) and (r) of the Communications Act of 1934, as amended, that such amendment relieves an existing restriction is non-controversial and in the public interest and that Public Notice and Procedure required by section 4 of the Administrative Procedure Act are unnecessary;

It is ordered, That § 12.21 of the Commission's rules governing Amateur Radio Service, insofar as it applies to Class A amateur operator licenses, be, and it is hereby, amended to read as follows:

§ 12.21 *Eligibility for license.* The following are eligible to apply for amateur operator license and privileges:

Class A: Any citizen of the United States who at any time prior to receipt of his application by the Commission has held, for a period of a year or more, an amateur operator license issued by the Commission.

It is further ordered, That this order shall take effect immediately.

(Sec. 303 (l), 48 Stat. 1082, sec. 303 (r), 50 Stat. 191; 47 U. S. C. 303 (l), 303 (r))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6713; Filed, July 16, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 947]

HANDLING OF MILK IN FALL RIVER, MASS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENTS

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area.

A hearing was held at Fall River, Massachusetts, on March 21–22, 1947. Previously a hearing was held at Boston on November 20, 1946, to consider amendments to Order No. 47, which had been proposed by cooperative associations of producers and by the Dairy Branch. Action has been taken with respect to all of the issues except one which were developed at that hearing. The issue upon which action had not been completed deals with contraseasonal changes in the Class I price which might occur as the result of the formula-determined price.

A notice of recommended decision and opportunity to file written exceptions with respect to the issues developed at the March 1947 hearing and the open issue of the hearing held November 20, 1946 was published in the FEDERAL REGISTER June 10, 1947 (12 F. R. 3772). Exceptions have been filed to that recommended decision and were considered in arriving at the findings and conclusions contained herein.

Findings and conclusions. The issues which were listed in the notice and which were developed at the hearing in March 1947 are grouped under the following headings. The issue developed at the hearing held November 20, 1946 is included under the issue "Class I prices."

(1) Class I prices.
(2) Pricing all milk sold in the marketing area.
(3) Method of pooling.
(4) Definitions for "producer" and "dairy farmer."
(5) Classification of milk.
(6) Base rating plan.
(7) Class II prices.
(8) Administration assessment.
(9) Language changes to comply with present organization of the Department of Agriculture.
(10) General.

Exceptions were filed on behalf of New England Milk Producers' Association and H. P. Hood & Sons, Inc. Neither party filing exceptions took exception to the findings and conclusions contained in the aforesaid recommended decision with regard to issues (2), (4), (6), (7), (8), and (9). The findings and conclusions hereinafter set forth on these issues are the same as those contained in the recommended decision and, in effect, are adopted as the findings and conclusions of this decision. With regard to the findings and conclusions of the recommended decision to which specific exception has been taken, this decision contains a ruling thereon in the discussion of the material issues to which the exception refers.

The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

(1) *Class I prices.* The butter-nonfat dry milk solids formula for determining the Class I price should be retained in its present form with a provision to prevent contraseasonal changes in the Class I price. Minimum floor prices should be established for each of the months of August through December 1947, and any price decrease in January or February 1948, should be limited to 44 cents per hundredweight below the price of the previous month. The Class I price should be maintained at its present relationship to the Class I price established by the Boston order for milk received at the 201–210 mile zone from that market.

The minimum floor prices should be $5.52 per hundredweight for August and $5.96 per hundredweight for September, October, November, and December. If the butter-nonfat dry milk solids formula yields a price higher than $5.96 in any of the months of August, September, October, or November, that price should continue through December.

There is a serious need for encouraging a shift toward more fall production in the Fall River milk shed. Prior to 1946, for a period of six years, seasonal variation in production increased each year. In 1946 fall production increased relative to spring production. Minimum Class I floor prices are required for each month through December 1947 in order to assure a substantial rise in prices from the spring to the fall and thus develop a better seasonal pattern of production in the area. The short season rise in prices which should normally take place on October 1 should be advanced to September 1 this year in order to encourage feeding during the fall season to get more milk this fall.

The uncertainty of economic conditions in the fall and winter makes necessary a safeguard in addition to minimum floor prices. The butter-nonfat dry milk solids formula should be retained to give producers the benefit of any increase over the floor prices which may be justified by prices of other dairy products and by the general price level. The formula should be modified to prevent contraseasonal price changes in the months just preceding or during the seasons of greater shortage or flush production. The Class I prices for any of the months of September, October, November, and December of any year should not be lower than the Class I price in effect for the preceding month and the Class I prices for the months of March, April, May, and June of any year should not be higher than the Class I price in effect for the preceding month. The provision to prevent contraseasonal price changes will avoid the nullification of the seasonal price plan by movements of the general price level. It is not considered advisable to provide for complete prevention of downward price movements in the last half of the year or upward price movements in the first half because such a provision would hold back unduly adjustments to the general price level. The limitation of price drops from December to January and January to February to 44 cents will prevent any precipitous price drop immediately following the period for which greater production is to be encouraged.

Exact prices cannot be determined from this record for a period of 8 to 12 months in advance. The present trend toward increasing production and decreasing consumption and the general uncertainty as to business conditions this fall and winter preclude a fixed guarantee of exact Class I prices. The formula will establish prices this fall above the floor prices if conditions warrant higher prices and will provide a method of pricing after December. If the rise in prices of butter and nonfat dry milk solids which took place in 1946 is repeated in 1947, the formula will establish prices as high as those established in November 1946.

The large quantities of milk which move from the Boston market into Fall River and the nearness of the two markets make it imperative that the Class I prices in the two markets move together. The prices set forth herein are such that the established relationship will be maintained between Fall River prices and the prices established for the Boston 201–210 mile zone in a decision of the Secretary of Agriculture issued June 30, 1947. The Boston 201–210 mile zone price represents the average price of Boston milk which may be offered for sale in Fall River. An increase of 2 cents in the differential between the Boston price and the prices established herein should not be adopted since the record supports the continuation of the present relationship between prices in the two markets.

Price differentials for Class I milk received at plants located 100 miles or more from Fall River should be continued on the same basis.

(2) *Pricing all milk sold in the marketing area.* The order should be revised to price all milk entering the marketing area except milk from another marketing area regulated by an order of the Secretary of Agriculture, milk which is a part of a handler's normal supply for a market other than the marketing area, and milk delivered by dairy farmers to plants located outside of the New England States and New York.

Large quantities of milk which are not subject to the pricing provisions of the Fall River order or any other order of the Secretary of Agriculture come into the marketing area. The entrance of such unpriced milk into the marketing area constitutes a threat to the stability of the market.

The supply of milk in New England available for fluid uses is increasing. Certain manufacturing outlets for milk are becoming less attractive and milk formerly used in such outlets is becoming available for fluid uses. Plants which are withdrawn from the Boston pool can supply milk to Fall River handlers for Class I use at, or slightly above, the Boston blended price.

Some handlers obtain a larger percentage of their supply from unpriced sources than other handlers. This results in inequality in the prices handlers pay for their milk.

Milk from another marketing area regulated by an order of the Secretary of Agriculture is priced under the provisions of that order and need not be subject to the pricing provisions of Order No. 47. Milk which is a part of a handler's normal supply for a market other than the marketing area should be exempted from the pricing provisions of the order to allow certain handlers to continue their practice of distributing milk in Fall River and one or more nearby markets from the same plant without making those operations in the nearby markets subject to the pricing provisions of the order. Milk received from plants located outside of New England and New York State should not be subject to the pricing provisions of the order because it would not be administratively feasible to regulate plants so far away.

(3) *Method of pooling.* Payment on the basis of individual handler pools should be adopted to replace the present market-wide pool.

The method of pooling must be coordinated with the objective of bringing under the pricing provisions of the order that milk which now enters the marketing area free from any price regulation. To expand the market-wide pool to include all plants from which unpriced milk now enters the marketing area would increase the supply several times over the amount needed for the market. To designate certain of these plants as Fall River pool plants would bring about a problem of which of the plants should and which should not be Fall River pool plants. If the market-wide pool were extended, it would be possible for handlers to shift plants to the Fall River pool, regardless of whether or not the milk was needed in Fall River. Under the individual

handler pool a handler must keep his purchases in line with his Class I requirements and his competitors' uniform prices in order to maintain a supply of milk. Because of this the individual handler pool provides better machinery for the allocation of the available supply of milk between handlers according to their requirements.

A handler excepted to extensive revision of the order on the basis that the record is not complete enough to support the changes. Although the proponents of the individual handler pool did not present for the record specific language to be used to effectuate this proposal, they did adduce evidence in which all of the ramifications of the adoption of the individual handler pool were fully explored and the intention of the proponents in connection therewith was expressly stated and evidence in support thereof was presented. Handlers apparently understood the specific nature of the proposal for they discussed it at the hearing and in their briefs.

(4) *Definitions of "producer" and "dairy farmer."* The definition of a producer should be revised to include more specifically those farmers who constitute a regular source of supply of milk for the marketing area. A definition for a dairy farmer should be provided in order to facilitate references to those farmers who produce milk but are not a regular source of supply for the marketing area.

The present producer definition was placed in the order at a time when the market was practically self-sufficient. Under the present deficit conditions the benefits of the order are limited to only certain of the farmers supplying the market. The definition should be broadened to include those farmers who are now excluded.

Dairy farmers who are part of a handler's normal supply for a market other than the marketing area should be excluded from the producer definition if none of their milk is disposed of as Class I in the marketing area. With the close relationship which exists between the Fall River market and nearby markets, it is doubtful if a situation would develop in which the Fall River supply was below Class I requirements while the supply in nearby markets was substantially in excess of Class I requirements. Producers contended that dairy farmers who are a part of a handler's normal supply for another market should be excluded in the producer definition only if none of their milk was disposed of as Class I in a market other than the one for which they are designated. Such a requirement would cause inefficiencies in plants serving other markets in addition to Fall River.

A large portion of the supply for Class II uses in the Fall River market is obtained from cream plants in the midwest. These suppliers of cream should not be considered handlers of the Fall River milk supply nor should the dairy farmers shipping to such plants be considered producers.

Milk received at a plant which has operations in another market and from which the quantity of Class I milk sold or distributed in the marketing area during the delivery period is no greater than the quantity of Class I milk received from Fall River handlers, plus the quantity of bulk milk received from plants subject to another order of the Secretary of Agriculture during the delivery period should not be considered as milk from producers Such a provision would allow a cooperative association to continue its operation of using one plant to clean up scattered surpluses during the flush season and to provide supplemental supplies in the short season for Fall River handlers and dealers in a nearby market. The provision should apply to any person who engages in such a function.

The producer definition should not contain a qualification based on Board of Health approval of individual dairy farmers since there is no assurance that such inspections could be made in all cases.

In order to be consistent with the producer definition the handler definition should be revised to include any person who receives milk from producers, dairy farmers, or other handlers, all or a portion of which is disposed of as Class I milk in the marketing area.

(5) *Classification of milk.* The provisions for classifying milk received from producers and other sources should contain the directions for computing the amount of each source milk used in each class. Allowable plant shrinkage should be computed and prorated on all receipts at a plant except receipts from other handlers who receive milk from producers and milk received completely processed and packaged. Under the present provisions it is possible for producers to bear plant shrinkage on milk received from sources other than producers.

Milk from other handlers who receive milk from producers would be excluded from the proration because it has already shared in the plant loss at the first handler's plant. Plant shrinkage on milk received completely processed and packaged should be computed on the basis of actual units lost.

Transfers from a handler's plant at which milk is received from producers to another handler should be classified according to agreement between the buyer and seller: *Provided*, That the buyer has utilization in the class agreed upon equal to or greater than the amount transferred during the delivery period. Optional classification of transfers from a handler's plant at which milk is received from producers to another handler will permit a handler with Class II facilities to absorb the surpluses of handler's without Class II facilities without the receiving handler's producer pool being diluted with Class II milk. The receiving handler should not be required to show that it was physically possible for receipts to have been utilized in Class II. Such a requirement would involve additional effort on the part of the market administrator in making his audits of receipts and utilization without affecting net payments to producers.

Milk from sources other than producers, dairy farmers who are a part of a handler's normal supply for a market other than the marketing area, and other marketing areas regulated by an order of the Secretary of Agriculture should be classified as Class II up to the amount of Class II utilization remaining after the classification and proration of allowable plant shrinkage. Such classification is necessary in order to prevent the possible displacement of producer milk by milk from plants located outside New England and New York State which would remain exempt from minimum pricing.

The amount of Class II milk remaining after the classification of allowable plant shrinkage and outside milk at a plant at which milk is received from producers should be prorated to receipts from producers, dairy farmers designated for other markets, and plants subject to an order of the Secretary of Agriculture regulating the handling of milk in another marketing area, except, as presently provided in the order, that the total amount of milk received from producers which is classified as Class II should not exceed 5 percent of total receipts from producers, if receipts from other sources are sufficient to absorb the Class I utilization in excess of 5 percent. The 5 percent limitation should not be extended to cover handlers' receipts from other handlers who receive milk from producers since such a provision would be inconsistent with a provision to allow optional classification of interhandler transfers.

A handler excepted to the continuation of the 5 percent limitation on Class II producer milk on the grounds that an individual handler pool provides an incentive toward minimizing Class II utilization and that the 5 percent limitation is more restrictive to handlers with outside market operation than to handlers with local operations only. The record contains no evidence to indicate that supply conditions have changed since the adoption of the 5 percent provision to such an extent that the limitation of 5 percent is now too restrictive. Although a handler with outside market operations is limited to 5 percent Class II milk in his Fall River operation, there is no limit to the amount of Class II he may have in his other market operations. The provision should be retained until it is subject to more thorough consideration at another hearing.

Since milk of a handler's own production is considered as producer milk, no special provisions for its classification are necessary. If the handler has receipts from producers and from any other source, the amount of Class II which producers bear is limited by the 5 percent provision, and the breakdown of Class II between own farm production and sources other than producers would be only a statistical result.

Milk used in standardizing cream should not be classified as Class I. Classification of such milk as Class I would result in inequalities in prices handlers pay for cream depending upon whether cream was brought into Fall River as cream containing 40 percent butterfat or as cream already standardized.

(6) *Base rating plan.* The base rating provisions should be deleted from the order. These provisions have been suspended since January 31, 1943. Changes which have been made in the order since that date are such as to make the existing base rating plan unworkable in its present form even if such a plan were considered desirable. No new base rating plan should be established at this time. The base rating payment plan was not considered in detail since most witnesses offered testimony on seasonal changes in Class I prices to achieve the level production objective which is the purpose of a base rating plan.

(7) *Class II prices.* No change should be made in the formula for establishing Class II prices.

The established relationship between Fall River and Boston Class II prices should be maintained. No change was recommended in the Boston Class II pricing formula in the recommended decision which was issued on May 21 with respect to the Boston order.

(8) *Administration assessment.* The basis for assessing handlers to defray the expenses of administering the order should not be changed. The language should be clarified to show specifically that a handler should not be assessed on milk which has already borne assessment in another Fall River handler's plant.

Assessment for expense of administration should be paid upon milk from dairy farmers designated for other markets and on milk received in the marketing area and resold in bulk outside the marketing area since the administrative effort required of the market administrator in auditing receipts and disposition is no less for such milk than for any other milk.

The provision that the rate of assessment may be established at an amount lower than the specified maximum rate should be revised to reflect the actual practice that no change is made without the approval of the Secretary of Agriculture.

The records of the Milk Control Board of Massachusetts, with respect to milk received from producers designated for the New Bedford market, should not be adopted by the market administrator in lieu of an audit conducted by him of all the milk received in a handler's plant. An over-all audit of all of the operations in a handler's plant is required to verify the utilization of milk subject to the provisions of Order No. 47. To adopt the audit made by another agency would require the other agency to apply the same rules of auditing and accounting as those applied by the market administrator. No evidence of present similarity of auditing practices was submitted.

(9) *Language changes to comply with present organization of the Department of Agriculture.* Changes in organization within the Department of Agriculture have rendered obsolete certain terms now used in the order. Those terms should be changed to coincide with the present organization.

(10) *General.* (a) The attached marketing agreement and the attached amended order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The attached marketing agreement and the attached amended order regulate the handling of milk in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the tentatively approved marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect the market supply and demand for such milk, and the minimum prices specified in the attached marketing agreement and the attached amended order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 11th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area

§ 947.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of evidence introduced at such hearings and the record thereof, it is found that:

(a) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 947.1 *Definitions.* The following terms as used herein have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(c) "Fall River, Massachusetts, marketing area", hereinafter called the "marketing area," means the city of Fall River and the town of Somerset, both in the Commonwealth of Massachusetts, and the town of Tiverton in the State of Rhode Island.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(e) "Dairy farmer" means any person who produces milk.

(f) "Producer" means any dairy farmer, irrespective of whether such dairy farmer is also a handler, whose milk is received at a plant from which Class I milk is shipped to, or sold in, the marketing area either directly or through another plant during the delivery period: *Provided*, That a dairy farmer shall not be a producer within this definition:

(1) If minimum prices are required to be paid to him under provisions of any other Federal order;

(2) If milk delivered by him is determined by the market administrator to be a part of the handler's normal supply for a market other than the marketing area and (i) is classified in Class II or is disposed of outside the marketing area and is classified as Class I, or (ii) is moved to a plant from which the quantity of Class I milk sold or distributed in the marketing area during the delivery period is no greater than the quantity of Class I milk received during the delivery period at such plant from Fall River handlers plus the quantity of bulk milk received from a Federal order plant during the delivery period; or

(3) If his milk is delivered to a plant located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

(g) "Dairy farmers designated for other markets" means those dairy farmers which are reported to the market administrator by a handler as his normal supply for a market other than the marketing area.

(h) "Cooperative association" means any association of producers or producers and dairy farmers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(i) "Handler" means any person, irrespective of whether such person is also a dairy farmer, a producer, or a cooperative association, who receives milk from producers, dairy farmers, cooperative associations, or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area during the delivery period.

(j) "Producer-handler" means a producer who is also a handler who receives no milk from producers: *Provided*, That such handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care, and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging, and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

(k) "Delivery period" means the calendar month, or the portion thereof, during which the provisions hereof are effective.

(l) "Producer milk" means all milk produced by a producer, which is purchased or received by a handler either directly from such producer or from a cooperative association.

(m) "Other source milk" means all milk received by a handler which is not producer milk, milk from dairy farmers designated for other markets, or milk from a Federal order plant.

(n) "Federal order" means any order of the Secretary regulating the handling of milk pursuant to the act.

(o) "Federal order plant" means any plant at which the milk is subject to the minimum pricing provisions of another Federal order during the delivery period.

(p) "Hundredweight" means one hundred pounds of milk or its volume equivalent, considering 85 pounds of milk and 86 pounds of skim milk per 40-quart can, and 2.15 pounds of milk per quart.

§ 947.2 *Market administrator* — (a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary. The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(b) *Powers.* The market administrator shall have the power to:

(1) Administer the terms and provisions hereof;

(2) Report to the Secretary complaints of violations hereof;

(3) Make rules and regulations to effectuate the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records for examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 947.3 or made payments required by § 947.8;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as do not reveal confidential information;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(8) Pay out of the funds received pursuant to § 947.10 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

(9) Promptly verify the information contained in the reports submitted by handlers; and

(10) Verify, subject to review by the Secretary, evidence furnished by handlers pursuant to § 947.1 (j), such verification to be made within 15 days of the date of receipt of such evidence, and to be effective from the first day of the delivery period during which verification is made.

§ 947.3 *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator in the form and detail prescribed by the market administrator.

(1) On or before the 7th day after the end of each delivery period, the receipts of milk, skim milk, and cream at each plant from producers, from other handlers, from such handler's own production, from any other sources, and inventories on hand at the beginning and end of such delivery period;

(2) On or before the 7th day after the end of each delivery period, the respective quantities of milk, skim milk, and cream which were sold, distributed, or disposed of, including sales or deliveries to other handlers, for the several purposes and classifications as set forth in § 947.5;

(3) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name, post office address, and farm location, (ii) the total pounds of milk delivered, (iii) the average butterfat test of milk delivered, and (iv) the number of days on which deliveries were made;

(4) At such time after the 18th day after the end of each delivery period as the market administrator may require, each handler shall within 10 days submit to the market administrator his producer records for such delivery period which shall show for each producer: (i) The total delivery of milk with the average butterfat test thereof, (ii) the net amount of the payment to each producer and each cooperative association made pursuant to § 947.8, and (iii) the deductions and charges made by the handler;

(5) On or before the 18th day after the end of the first delivery period following the effective date hereof, a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant and such information with respect to distances involved as the market administrator may require;

(6) On or before the 18th day after any changes are made in the schedule filed in accordance with subparagraph (5) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule;

(7) On or before the 7th day after the end of each delivery period, dairy farmers designated for other markets.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent those records which are necessary for the verification of the information contained in reports submitted by such handler pursuant to this section and those facilities necessary for the weighing, measuring, sampling, and testing for butterfat content of milk or any product therefrom and for determining the utilization made by the handler of milk or any product therefrom.

§ 947.4 *Applications of provisions.* (a) Sections 947.6, 947.8, 947.9, and 947.10 are not applicable to any producer-handler as herein defined.

(b) Milk received by a handler from a producer-handler shall be considered as being received from a producer.

§ 947.5 *Classification of milk*—(a) *Responsibility of handlers.* In establishing the classification of milk received by a handler the burden rests upon the handler who received the milk from producers to account for all milk received at each plant at which milk is received from producers, and to prove that such milk should not be classified as Class I. The burden rests upon the handler who distributes milk in the marketing area to establish the source of all milk received.

(b) *Classes of milk.* Milk received by each handler at a plant where milk is received from producers shall be classified in Class I or Class II in accordance with subparagraphs (1) and (2) of this paragraph, subject to paragraphs (c) and (d) of this section.

(1) All milk the utilization of which is not established as Class II shall be Class I.

(2) Class II milk shall be all milk which is accounted for as (i) sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and (ii) actual plant shrinkage not in excess of 2 percent of milk received from all sources including the handler's own production but not including receipts from other handlers who receive milk from producers or milk received completely processed and packaged from a Federal order plant.

(c) *Transfers of milk from a plant at which milk is received from producers.* (1) Transfers to a producer-handler shall be Class I.

(2) Transfers to another handler not a producer-handler or to a Federal order plant shall be classified as reported by the seller, or, if the seller submits no report, as reported by the buyer: *Provided*, That the quantity classified as Class II milk shall not exceed the total quantity of Class II milk of such buyer during the delivery period.

(3) Transfers to a plant, other than a plant at which milk is received from producers or a Federal order plant, from which milk is distributed or at which milk products are manufactured shall be Class I not to exceed the total Class I at such plant during the delivery period.

(d) *Classification of milk received at plants at which milk is received from producers.* For each delivery period each handler shall report the classification of milk which was received at plants at which milk is received from producers by making computations in the order indicated as follows:

(1) Determine the pounds of milk, skim milk, cream, and other milk products received at all plants of the handler at which milk is received from producers (i) from producers, including own production, (ii) from dairy farmers designated for other markets, (iii) in the form of products received completely processed and packaged from a Federal order plant, (iv) in the form of bulk milk received from another Federal order plant, (v) from other handlers who receive milk from producers, and (vi) from other sources, and the total.

(2) Determine the total pounds of milk, skim milk, cream, and other milk products utilized in Class II products including allowable plant shrinkage as provided in paragraph (b) (2) (ii) of this section.

(3) Prorate allowable plant shrinkage classified as Class II to producer milk, milk from dairy farmers designated for other markets, bulk milk received from a Federal order plant, and other source milk, and deduct such plant shrinkage from total Class II computed pursuant to subparagraph (2) of this paragraph.

(4) Classify other source milk as Class II in an amount no greater than the amount of Class II remaining.

(5) Deduct from the remaining pounds in each class the quantity of milk, skim milk, cream, and other milk products received from other handlers who receive milk from producers and classified according to paragraph (c) (2) of this section, and Class I and Class II products received completely processed and packaged from a Federal order plant classified according to the actual use established.

(6) Prorate remaining Class II to producer milk, milk from dairy farmers designated for other markets, and bulk milk received from a Federal order plant: *Provided*, That the amount of producer milk classified as Class II inclusive of plant shrinkage shall not exceed 5 percent of the total amount of producer milk.

(7) Deduct any remaining Class II amounts from the total quantity received from producers and the remainder is Class I producer milk.

(8) From the total receipts from each source listed in subparagraph (1) of this paragraph deduct the amount classified as Class II for each source in subparagraphs (3), (4), (5), (6), and (7) of this paragraph and the remainder from each source is Class I: *Provided*, That the total Class I utilization in the marketing area is not more than the Class I producer milk determined in this subparagraph plus Class I milk received from Federal order plants and Class I milk from plants located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

§ 947.6 *Minimum prices*—(a) *Class I prices.* (1) Each handler shall pay producers or cooperative associations for their milk containing 3.7 percent butterfat, during each delivery period, in the manner set forth in § 947.8 and subject to the differentials set forth in paragraph (c) of this section, for Class I milk delivered by them, not less than the price per hundredweight determined as follows:

(i) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market.

(ii) Using the midpoint of any range as one quotation, compute the average of all that the hot roller process nonfat dry milk solids quotations per pound for "other brands, animal feed, carlots, bags, or barrels," and for "other brands, human consumption, carlots, bags, or barrels," published during the 30 days ending on the 24th day of the immediately preceding month in "The Producers' Price Current;" subtract 4 cents; and multiply the remainder by 1.8.

(iii) Add the values determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Value computed pursuant to subdivision (iii) of this subparagraph (cents)		Class I price (dollars per cwt.)	
At least—	But less than—	April through June	July through March
0	25	2.44	2.88
25	30	2.66	3.10
30	35	2.88	3.32
35	40	3.10	3.54
40	45	3.32	3.76
45	50	3.54	3.98
50	55	3.76	4.20
55	60	3.98	4.42
60	65	4.20	4.64
65	70	4.42	4.86
70	75	4.64	5.08
75	80	4.86	5.30
80	85	5.08	5.52
85	90	5.30	5.74
90	95	5.52	5.96
95	100	5.74	6.18
100	105	5.96	6.40

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from further extension of this table.

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than $5.52 per hundredweight for the month of August 1947 and shall not be less than $5.96 per hundredweight for each of the months of September through December 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

(2) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, there shall be deducted the sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff, for the transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M5 (including revisions and supplements thereto), for the distance from the railroad shipping point for such plant to the handler's railroad delivery point for the marketing area.

(b) *Class II prices.* (1) Except as provided in subparagraph (2) of this paragraph, each handler shall pay producers or cooperative associations for their milk in the manner set forth in § 947.8 not less than the price per hundredweight, for milk containing 3.7 percent butterfat calculated for each delivery period by the market administrator as follows:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply the result by 3.7 and subtract 15 cents.

(ii) Add any plus amount which results from the following computation: using the midpoint in any range as one quotation, compute the average quotation per pound of nonfat dry milk solids in carlots for roller process human food products in barrels, and for hot roller process animal feed products in bags, as published during the delivery period by the United States Department of Agriculture for New York City. Multiply each such quotation by the applicable percentage indicated for the delivery period in the following table and combine the results, subtract 4 cents, and multiply the remainder by 7.5.

Delivery period	Human food products	Animal feed products
	Percent	*Percent*
January	100	
February	100	
March	50	50
April	50	50
May	25	75
June	25	75
July	50	50
August	75	25
September	75	25
October	100	
November	100	
December	100	

(2) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, the price shall be the amount computed pursuant to subparagraph (1) of this paragraph minus 14 cents.

(c) *Butterfat differential.* If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 3.7 percent, such handler shall, in making the payments to such producer prescribed by paragraph (a) of § 947.8, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent an average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, or the last such price reported for a delivery period and if no such price is reported for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, subtract 1½ cents and divide the result by 10.

(d) *Computation of transportation allowances.* For the purpose of this section, the milk which was disposed of during each delivery period by each handler as Class I milk from a plant located within 100 miles of the City Hall in Fall River shall be presumed to have been, first, that milk which was received directly from producers' farms at such plant, and then that milk which was shipped from the nearest plant located more than 100 miles from the City Hall in Fall River.

§ 947.7 *Determination of uniform prices to producers*—(a) *Computation of value of milk of basic test received by each handler from producers.* For each delivery period the market administrator shall compute the value of milk received by each handler from producers in the following manner:

(1) Multiply the quantity of milk received from producers and classified in Class I and Class II pursuant to § 947.5 (d) by the respective class prices pursuant to § 947.6 (a) and (b):

(2) Combine the resulting values.

(b) *Computation of uniform prices.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received from producers during each delivery period in the following manner:

(1) Add to the total value computed pursuant to paragraph (a) of this section the total amount of the differentials pursuant to § 947.8 (b); and

((2) Divide the amount computed pursuant to subparagraph (1) of this paragraph by the total quantity of milk received from producers. This result shall be the handler's uniform price for milk containing 3.7 percent butterfat.

(c) *Announcement of uniform prices.* The market administrator shall, on or before the 11th day after the end of each delivery period, mail to each handler and publicly announce:

(1) The uniform prices per hundredweight computed pursuant to paragraph (b) of this section; and

(2) The Class II price and the butterfat differential.

§ 947.8 *Payments for milk*—(a) *Time and method of payment.* (1) On or before the 1st day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. On or before the 17th day after the end of each delivery period, each handler shall make payment for the total value of milk received from producers or cooperative associations during the preceding delivery period, computed pursuant to § 947.7, subject to the differentials set forth in paragraph (c) of § 947.6 and paragraphs (b) and (c) of this section as follows:

(i) To producers, at not less than the uniform price per hundredweight announced pursuant to § 947.7 (c) for the quantity of milk received from each producer.

(ii) To a cooperative association for milk which is caused to be delivered to a handler from producers by such cooperative association, and for which such cooperative association collects payment, a total amount equal to not less than the sum of the payments otherwise payable to such producers individually, pursuant to subdivision (i) of this subparagraph.

(b) *Differential for plant handling and transportation.* The payments to be made by handlers to producers, pursuant to paragraph (a) of this section shall be reduced by differentials as follows: with respect to milk received from a producer at a plant located more than 100 miles from the City Hall in Fall River, a sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff for transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M5 (including revisions and supplements thereto), for the distance from the railroad shipping point of such plant to the handler's delivery plant for the marketing area.

(c) *Other differentials.* In making payments to producers or cooperative associations pursuant to paragraph (a) of this section, handlers may deduct $0.0075 per hundredweight with respect to milk received from producers in containers supplied by the handler for the transportation of milk from their farms to the handler's plant as rental for such containers.

(d) *Correction of errors in payments to producers.* Errors in making any of the payments required in this section shall be corrected not later than the date for making payments next following the determination of such errors.

§ 947.9 *Marketing service deductions*—(a) *Marketing services performed by market administrator.* On or before the 15th day after the end of each delivery period, in making payments to producers pursuant to § 947.8, each handler shall deduct, with respect to milk received from each producer during such delivery period, except as set forth in paragraph (b) of this section, 4 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall pay an amount equivalent to such deductions to the market administrator. Such amount shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples and tests of milk received from producers. The market administrator may contract with a cooperative association or associations for the furnishing of the whole or any part of such services to or with respect to the milk received by handlers from producers.

(b) *Marketing services performed by cooperative associations.* On or before the 17th day after the end of each delivery period, in making payments to producers pursuant to § 947.8, each handler shall deduct, with respect to milk received from producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act" is actually performing the services set forth in paragraph (a) of this section, such amounts as are authorized by such producers, and pay an equivalent amount to the cooperative association rendering such services to its members.

§ 947.10 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of administration hereof, each handler not a producer-handler shall, on or before the 15th day after the end of each delivery period, pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to all milk received during such delivery period at (1) a plant at which milk is received from producers, and (2) a plant from which Class I milk is disposed of in the marketing area to persons other than handlers who receive milk from producers: *Provided,* That such handler, which is a cooperative association, shall pay such pro rata share of expense of administration on such milk which it causes to be delivered by member producers to a handler's plant for the marketing area and for which milk such cooperative association collects payment: and *Provided further,* That any amounts required by this paragraph to be paid to the market administrator shall be reduced by an amount equivalent to any amounts paid with respect to such milk, for cost of administration of a Federal order.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of payments required by this section.

§ 947.11 *Effective time, suspension, or termination of order*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until removed by the Secretary;

(2) From time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in ar equitable manner.

§ 947.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

§ 947.13 *Marketing committee*—(a) *Establishment.* At the request of handlers of more than 50 percent of the milk which is produced for sale in the marketing area, the Director of the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, (hereinafter referred to as Director) may select a committee, to be known as the "Marketing Committee," which shall have as its members representatives of the various groups directly interested in the marketing of milk in the marketing area, all of whom may be selected from among the persons nominated by the handlers in accordance with the procedure established by the Director.

(b) *Duties.* The Marketing Committee shall have such duties as the Director determines to be necessary and appropriate to effectuate the declared policy of the act in its application to this order, as amended, and the administration thereof, all of which duties shall be prescribed by the Director.

(c) *Compensation.* The members of the Marketing Committee shall serve without compensation but shall be entitled to expenses necessarily incurred by them in the performance of their duties, and such expenses shall be paid by the market administrator out of the assessments collected hereunder for the cost of administration hereof.

(d) *Supervision.* Each and every act of the Marketing Committee shall be subject to the continuing right of the Director or the Secretary to disapprove at any time.

(e) *Procedure.* The procedure to be followed by the Marketing Committee shall be recommended by the market administrator hereunder and shall be approved by the Director.

§ 947.14 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

[F. R. Doc. 47-6696; Filed, July 16, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 292]

ALASKAN AIR CARRIERS

CLASSIFICATION, EXEMPTION AND REGULATION

JULY 7, 1947.

The Civil Aeronautics Board has under consideration a revision of § 292.2 of the Economic Regulations relating to the classification, exemption and regulation of air carriers operating in air transportation within the Territory of Alaska. The revision (text of which is attached hereto) is proposed under the authority of sections 205 (a) and 1001 and Title IV of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 1017, 987–1005,

as amended; 49 U. S. C. 425, 641, 481–496).

The Board has authorized the circulation of the proposed revision to interested persons. Comments should be submitted in writing to the Secretary, Civil Aeronautics Board, Washington 25, D. C., on or before August 14, 1947.

The Board has been conducting an investigation into the matter of the regulation of air transportation within the Territory of Alaska for some time. Hearings have been held and members of the staff have conducted various studies and surveys in order to determine the scope of economic regulation required for an adequate air transportation system.[1] This investigation is being continued and the Board intends to consider further changes in the pattern of regulation for air transportation in the Territory of Alaska upon completion of this investigation.[2] It is the opinion of the Board, however, that additional regulation is required in the interim.

The revised regulation herein proposed is a codification of the existing regulation § 292.2 (Alaskan Air Carriers) and contains new matter which removes some of the existing exemptions under which air carriers in Alaska are now operating.

In order to facilitate understanding of some of the principal changes which the proposed revision will effect, the following explanatory statement is offered.

Classification of Alaskan Air Carriers. Under the provisions of this proposed revision, there would be established a classification of air carriers to be known as "Alaskan Air Carriers". Grouped within this classification would be all classes of air carriers now conducting substantially all of their operations within the Territory of Alaska pursuant to authorization issued by the Civil Aeronautics Board. It would include (a) those air carriers now known as "Alaskan Air Carriers" under the present § 292.2 which are operating within the Territory of Alaska under authority of certificates of convenience and necessity issued by the Board; (b) those air carriers known as "k" carriers which are operating under the authority of paragraph "k" of the present § 292.2; and (c) those air carriers which are operating in accordance with individual exemption orders issued by the Board.

Scope of operations permitted. The revised regulation would grant to the Alaskan Air Carriers, as newly defined therein, an exemption from sections 401 (a) and 404 (a) of the act to permit them to continue to operate in air transportation within the Territory of Alaska over the same routes and to offer service of the same type and class as they are now operating under the exemptions now in effect.

Regulation of Alaskan Air Carriers. Alaskan Air Carriers would be made subject to all the principal Economic Regulations of the Board now applicable to the domestic air carriers. Schedules and tariffs would be required to be filed, the Uniform System of Accounts for Air Carriers would be made effective for Alaskan Air Carriers and filing of reports of financial and operating statistics would be required. Many of the Alaskan Air Carriers may not be able to comply at this time with all of the requirements of §§ 202.1 (Forms of Reports of Financial and Operating Statistics) 202.2 (Forms of Accounts of Air Carriers), 208.2 (Filing of Schedules and Changes therein by Air Carriers), and 224.1 (Filing, Posting and Publishing of Tariffs by Air Carriers), and provision is made in the proposed revision for the relief of such air carriers to the extent required in the circumstances. The Director of the Alaska Office would be granted the authority to relieve any Alaskan Air Carrier from complying with a provision or provisions of any of the regulations enumerated in the preceding sentence upon a finding of undue burden on the air carrier affected. He would be authorized to take preliminary action for the Board in so acting and his action would be subject to objection by any person affected and to ratification by the Board.

In addition to the flexibility which is provided through action by the Director, smaller air carriers which may not have sufficient personnel to comply with the detailed reporting requirements of § 202.1, would be given the option of filing their financial and operating statistical reports upon a simplified form entitle "Short Form Report of Financial and Operating Statistics for Alaskan Air Carriers" in place of Form No. 41 required under that section. This privilege would be limited to Alaskan Air Carriers which do not hold certificates of public convenience and necessity authorizing the carriage of mail over routes totaling more than 200 miles in length.

Procedural provisions. The remoteness of the Territory of Alaska from Washington, D. C., places a great burden upon Alaskan Air Carriers when complying with regulations primarily designed for domestic air carriers. In order to ease this burden and to facilitate the regulation of Alaskan air transportation, certain procedural provisions are included in the proposed revision for the purpose of giving the Alaska Office of the Board greater autonomy and flexibility. In formal proceedings being conducted before examiners of the Board in Alaska, the Director of the Alaska Office would be authorized to take certain actions for the Board subject to modification or reversal by the Board. These actions would include acting on interventions, consolidations and dismissal of certain applications and, upon request of any of the parties, the hearing of oral argument in lieu of argument before the Board.

§ 292.2 *Alaskan Air Carriers* — (a) *Classification of Air Carriers.* There is hereby established, within the meaning of § 416 (a) of the Civil Aeronautics Act of 1938, a classification of air carriers which, except as otherwise authorized in paragraphs (b) (2) and (c) (1) (ii) of this section, engage solely in air transportation within the Territory of Alaska, said classification to be designated as "Alaskan Air Carriers". Such classification shall include both (1) certificated air carriers and (2) air carriers operating under the authority of paragraph (c) of this section.

(b) *Temporary exemption of certificated air carriers.* Until the Board shall adopt further rules, regulations, or orders, any Alaskan Air Carrier which holds a certificate of public convenience and necessity issued by the Board shall be exempt, subject to the conditions and requirements hereinafter set forth, from sections 401 (a) and 404 (a) of the act insofar as the enforcement of said sections would prevent any such air carrier:

(1) From providing, over a regular route designated in a certificate of public convenience and necessity, service, of the same type authorized by the certificate, to such additional points not named in the certificate as are situated within the territory which would ordinarily be served by such route.

(2) From making charter trips and rendering other special services between points on routes which it is authorized by its certificate to serve. Charter trips and other special services may also be rendered to or from any other point within or outside the Territory of Alaska: *Provided, however,* That such trips originate at or are destined to a point on a route (regular or irregular) the carrier is authorized by its certificate to serve: *And, provided, further,* That all such trips are casual, occasional, or infrequent, and are not made in such manner as to result in establishing a regular or schedule service.

(3) From transporting over postal routes 78182 and 78187 (blanket authorization of the Postmaster General relating to the transportation of first-class mail) and over postal routes designated by the Postmaster General as "gratuitous" routes, such mail as may be tendered by postmasters in Alaska for transportation over such routes.

(c) *Temporary exemption of noncertificated air carriers.* (1) Until the Board shall adopt further rules, regulations or orders, any air carrier engaging in air transportation within the Territory of Alaska which does not hold a certificate of public convenience and necessity and which during the six months ending March 31, 1945, was engaging within the Territory of Alaska in air transportation which had not been authorized by the Board, and which heretofore has filed on or prior to September 15, 1945, an application for a permanent or temporary certificate of public convenience and necessity covering such services, shall be exempt, subject to the conditions and requirements hereinafter set forth, from sections 401 (a) and 404 (a) of the act insofar as the enforcement of said sections would otherwise prevent:

(i) Any such air carrier from continuing to engage in air transportation of the same nature, extent, regularity and frequency as was rendered by it within the Territory of Alaska during said period ending March 31, 1945, and for which air transportation such air carrier filed, on or prior to September 15, 1945 an application for a permanent or temporary certificate of public convenience and necessity;

(ii) Any such air carrier from making charter trips and rendering other special services between points on routes which it is authorized to serve by the terms of subdivision (i) of this subparagraph. Charter trips and other special services may also be rendered to or from any other point, within or outside the Territory of Alaska: *Provided,* That such trips originate at or are destined to a point on a route such air carrier is authorized to serve by the terms of subdivision (i) of this subparagraph: *And provided, further,* That all such trips are casual, occasional, or infrequent, and are not made in such a manner as to result in establishing a regular or scheduled service.

The exemptions granted in this subparagraph shall be of no further force or effect as to any air carrier from and after the effective date of an order by the Board denying the application of such air carrier to engage in air transportation, or from the date of the inauguration of air transportation pursuant to an authorization of the Board.

(2) Until the Board shall adopt further rules, regulations or orders, any air carrier engaging in air transportation within the Territory of Alaska pursuant to a specific exemption order adopted by the Board pursuant to section 416 (b) of the act shall be exempt, subject to the conditions and requirements hereinafter set forth, from section 401 (a) and 404 (a) of the act insofar as the enforcement of said sections would otherwise prevent any such air carrier from continuing to engage in air transportation of the same nature, extent, regularity and frequency as is authorized by the Board in specific exemption orders pursuant to section 416 (b) of the act. The exemption granted in this subparagraph shall remain in force and effect as to any air carrier for the term provided for in, and in accordance with the terms of, the order granting the specific exemption for such air carrier.

(d) *Regulation.* The Economic Regulations of the Board shall not be applicable to Alaskan Air Carriers except to the extent provided in this paragraph. Subject to the provisions of subparagraphs (2), (3) and (4) of this paragraph, the following regulations are made applicable to Alaskan Air Carriers:

(1)

Sec.
202.1 Reports of Financial and Operating Statistics.
202.2 Uniform System of Accounts.
202.3 Preservation of Records.
202.5 Audits of Public Accountants.
208.1 Review of Orders of Postmaster General.
208.2 Filing of Schedules.
216.1 Petitions for Mail Compensation.
224.1 Filing and Posting of Tariffs.
228.1 Free Travel of Postal Employees.
228.3 Access to Aircraft.
228.4 Free and Reduced Rate Transportation.
238.1 Application for Certificate of Public Convenience and Necessity.
238.6 (Except paragraph (f)) Temporary Suspensions of Service.
248.1 Interlocking Relationships.
251.1 Filing of Agreements.
251.2 Filing of Agreements with Foreign Countries.

(2) Any Alaskan Air Carrier which is not certificated for the carriage of mail over routes totaling more than 200 miles, may make periodic financial and statistical reports using the appropriate schedules of the "Short Form Report of Financial and Operating Statistics for Alaskan Air Carriers" CAB Form _____, and such amendments thereto as may hereafter be approved by the Board. Such reports shall be made in accordance with, and filed with the Director of the Alaska Office at such times as are specified in the instructions relating to reporting procedure attached to said CAB Form _____, effective _____, 1947, and such amendments thereto as may hereafter be approved by the Board. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) The Director of the Alaska Office may take preliminary action for the Board to relieve any Alaskan Air Carrier or group of Alaskan Air Carriers from complying with a specific provision or provisions of §§ 202.1, 202.2, 208.2 and 224.1 of the Economic Regulations of the Board or of subparagraph (2) of this paragraph when the application of any provision or provisions of these sections are found by him to be an undue burden on such Alaskan Air Carrier or Air Carriers by reason of the limited extent of, or unusual circumstances affecting, the operations of such Alaskan Air Carrier or Air Carriers. Upon finding that such relief is no longer necessary, the Director of the Alaska Office may take preliminary action for the Board to cancel the relief previously granted in accordance with the provisions of this paragraph. The action of the Director shall be subject to ratification by the Board and any person affected by his action may file exceptions thereto with the Board within 15 days after the date the Director makes his action effective. The action of the Director under this paragraph may be taken either on written application to or may be initiated by him in the first instance. Whenever reference is made in § 224.1 to the Economic Bureau or to the Director of the Economic Bureau such reference shall be deemed to mean the Director of the Alaska Office.

(4) An Alaskan Air Carrier which prior to the effective date of this section has suspended service to a point on a regular route named in its certificate and which shall file, within 45 days after the effective date of this section, an "Application for Order Authorizing Temporary Suspension of Service" pursuant to § 238.6 is authorized to continue to suspend service to that point until its application shall have been granted or denied by the Board.

(f) *Procedural requirements* — (1) *Place and time of filing.* Notwithstanding the requirements of any other regulation, order, or rule of the Board, all documents authorized or required by the Civil Aeronautics Act, or any regulation, order, or rule of the Board issued thereunder, to be filed with the Board by any Alaskan Air Carrier or in connection with air transportation performed or sought to be performed by such air carrier shall be filed in accordance with the methods and within the time limitations provided therein with the Director of the Alaska Office of the Board: *Provided,* That applications, motions, and petitions in formal proceedings filed through counsel having addresses outside of Alaska may be filed with the Board at its office in Washington, D. C., in which event one signed copy (being one of the duplicate originals specified in subparagraph 2 of this paragraph) of each such document shall be sent by air mail to the Director of the Alaska Office in Anchorage, Alaska, by the counsel so filing.

(2) *Duplicate originals required.* In addition to the number of copies of each document required to be filed by the regulation, order, or rule under which it is filed, one additional signed copy shall be filed, and if the regulation, order, or rule under which it is filed requires verification of documents filed thereunder, said additional signed copy shall also be verified. Two signed copies will constitute duplicate originals. In the event both copies are filed with the Director of the Alaska Office, that office shall transmit one signed copy to the office of the Board in Washington, D. C., and retain the other signed copy in the files of the Alaska Office.

(3) *Conformity to rules.* All such documents shall in all other respects conform to the requirements of the regulation, order, or rule of the Board under which they are filed; *Provided,* That any such requirement may be waived or substantial compliance authorized by the Director of the Alaska Office if he finds that such requirement will constitute an undue burden on an air carrier or group of air carriers and strict compliance is unnecessary in view of the limited extent of or unusual circumstances affecting the operations of any such air carrier or group of air carriers.

(4) *Posting and preservation of documents.* The Alaska Office copy of all documents subject to this regulation which are required by the act, or by the regulations, orders, or rules, of the Board thereunder, to be posted in the Office of the Secretary of the Board, shall be posted in the Office of the Director of the Alaska Office; and the Alaska Office copy of documents which are required by section 1103 of the act to be preserved as public records in the custody of the Secretary of the Board, shall be preserved as public records in the custody of the Director of the Alaska Office under such reasonable arrangements as he may make for public inspection thereof. Such posting and preservation as public records shall be in addition to that required of the Secretary of the Board.

(5) *Requests for additional information.* The Director of the Alaska Office may at any time require any person filing documents with the Alaska Office to file additional copies thereof, and to make service upon persons other than

[1] Alaskan Air Transportation Investigation, 2 CAB 785 (1941), 3 CAB 804 (1942); Investigation of Classification of Air Service in Alaska, Docket No. 1747.

[2] Investigation of Classification of Air Service in Alaska, Docket No. 1747.

Sec.
280.1 Stock Ownership of Officers and Directors.
280.2 Stock Ownership of Affiliates.
287.1 Definitions of Terms.
292.3 Omission of Stop at Junction Point due to Weather.
Part 285 Rules of Practice.

those specified in the pertinent regulation, order, or rule of the Board, if he finds such requirements necessary in the public interest or in the interest of efficiency and expedition in the work of the Board. If he is of the opinion that a formal or informal application, complaint, petition or other document does not sufficiently set forth the material required to be set forth by any applicable regulation, order or rule of the Board, or is otherwise insufficient, he may advise the party filing the same of the deficiency and require that any additional information be supplied. In case he deems an answer to formal complaints and petitions desirable, he may so notify the parties.

(6) *Extension of time.* The Director of the Alaska Office shall have authority upon good cause shown, to extend the time for filing of any document required by this regulation to be filed with the Alaska Office.

(7) *Recommendations concerning regulations.* The Director of the Alaska Office may submit a draft of proposed regulations affecting air transportation within Alaska, or of amendments or modifications of such regulations to the Alaskan Air Carriers for comment. Upon expiration of the date fixed for submission of comments he shall transmit any comments received, together with his recommendations, to the Board for consideration. The Board may revise any such proposed regulation, amendment, or modification, and in respect of any substantial revision, may direct the Director of the Alaska Office to submit such revision to the Alaskan Air Carriers for further comment.

(g) *Formal proceedings*—(1) *Docket of Alaska Office.* A complete docket of all formal proceedings by or against Alaskan Air Carriers, or by or against persons seeking authority to engage in air transportation solely within the Territory of Alaska, shall be maintained in the offices of the Board at Washington, D. C., and in the Board's Alaska Office.

(2) *Exceptions and oral argument.* Exceptions to the initial or recommended decision of the examiner in any formal proceeding and briefs in support of such exemptions, may be filed with the Board at its office in Washington, D. C., in which event one copy of such exceptions and briefs shall be sent by air mail to the Director of the Alaska Office by the party so filing; or may be filed with the Director of the Alaska Office, in which event they will be transmitted by him to the Board's Office in Washington, D. C. If any of the parties to any such proceeding so desire, the Director of the Alaska Office may on behalf of the Board hear oral argument upon exceptions to the Examiner's report and shall transmit a transcript of such oral argument to the Board. Such oral argument before the Director of the Alaska Office shall be in lieu of oral argument before the Board.

(3) Hearings and Conferences. Hearings and conferences in proceedings on the Board's Alaskan Docket shall be assigned, and procedural notices (other than notice of oral argument before the Board) and examiner's report will be served by the Director of the Alaska Office.

(h) *Powers of the director in formal proceedings.* Subject to the modification or reversal by the Board, on its own motion or upon petition or application of any air carrier or other person affected by or having a substantial interest in his action, the Director of the Alaska Office is authorized and designated to act for the Board in the following matters:

(1) *Intervention.* All petitions for intervention in proceedings on the Board's Alaska Docket shall be referred to the Director of the Alaska Office who shall have authority to grant or deny such intervention. Any person whose petition for intervention shall have been denied by the Director of the Alaska Office may file exceptions thereto within 15 days after such denial and the Director of the Alaska Office shall submit such petition and exceptions to the Board for review.

(2) *Dismissal of applications.* The Director of the Alaska Office shall have authority to order dismissal of any application made to the Board pursuant to the Civil Aeronautics Act of 1938, as amended, and pending on the Board's Alaska Docket, when such dismissal is requested by the applicant or where the applicant has failed to prosecute such application.

(3) *Consolidation of applications.* The Director of the Alaska Office shall have authority to consolidate applications under Title IV of the act on the Board's Alaska Docket for hearing or issuance of initial or recommended decision by an examiner. (52 Stat. 984 and 1004, 49 U. S. C. 425 and 496)

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6701; Filed, July 16, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 5]

[Docket No. 8448]

EXPERIMENTAL RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The proposed rule-change, set forth below, contemplates amendment of § 5.21 to conform with frequency allocations made by the Commission's final reports, issued pursuant to proceedings in Docket No. 6651; restriction of the use of frequencies allocated exclusively to experimental service to class 1 experimental stations, and imposition of the requirement that class 2 experimental radio stations operate on frequencies specifically allocated to the service or proposed service in which experimentation is being conducted, except upon showing of unusual circumstances requiring assignment of other frequencies.

3. The frequencies listed in the proposed amendment of § 5.21 were allocated, specifically, to experimental service in final reports of the Commission issued on July 19, 1946, and March 20, 1947, pursuant to proceedings in Docket No. 6651.

4. The proposed amendment is issued under the authority of sections 301 and 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted (except with respect to the frequency allocations made in the Commission's final reports of July 19, 1946, and March 20, 1947), or should not be adopted in the form set forth herein, may file with the Commission, on or before July 23, 1947, a written statement or brief setting forth his comments. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Proposed amendment of § 5.21, rules and regulations governing Experimental Radio Services.

§ 5.21 *Frequencies.* (a) The following frequencies are allocated for assignment to Class 1 experimental radio stations:

Center frequency:	Channel width (kc)
1614 kc	4
2398 kc	4
3492.5 kc	5
4797.5 kc	5
6425 kc	10
9135 kc	10
12862.5 kc	15
17310 kc	20
23100 kc	25
[1] 27.455 mc	50
30.58 mc	40
30.62 mc	40
30.66 mc	40
30.70 mc	40
30.74 mc	40
30.78 mc	40
30.82 mc	40
33.14 mc	40
35.02 mc	40
42.98 mc	40
72.18 mc	40
72.22 mc	40
154.49 mc	60
154.57 mc	100
158.31 mc	60
Above 30,000 mc	--

[1] This service recognizes that interference to its operations on this frequency may result from the emissions on the frequency 27.320 mc of industrial, scientific and medical devices and from stations in the fixed and mobile services operating on frequencies between 27.430 mc and 27.480 mc.

(b) Class 2 experimental stations may be authorized on non-government frequencies allocated to that service in which the experimental station is to operate or on frequencies allocated for use by a proposed new service in which the experimental station is to operate. In cases where no frequencies have been allocated, the Commission may, upon a proper showing of need, authorize Class 2 experimental stations to use frequencies listed in subsection (a) hereof.

(c) The following frequencies are allocated for assignment to Class 3 experimental stations:

Center frequency:	Channel width (kc)
2398 kc	4
3492.5 kc	5
30.66 mc	40
Above 30,000 mc	--

(d) Class 1 experimental stations may be authorized on frequencies other than those listed in paragraph (a) except for frequencies allocated to the amateur service and except for those frequencies the use of which, in the opinion of the Commission, may result in interference to stations engaged in safety or emergency communications, *Provided:*

(1) The need for the other frequencies is fully stated by the applicant.

(2) A satisfactory showing is made that the frequencies assigned for use by the experimental service are unsuitable for the proposed experimental program.

(3) No interference will be caused to the stations regularly assigned the frequencies requested.

Adopted: July 3, 1947.

Released: July 8, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F R. Doc. 47-6714; Filed, July 16, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 250]

EXEMPTION OF CERTAIN PUBLIC-UTILITY COMPANIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule exempting certain public-utility companies as subsidiary companies of the trustees of certain nonbusiness trusts, and exempting such trustees from all provisions of the act except section 9 (a) (2). It will exempt any such public-utility company and trustees if (a) voting securities of the company are held by trustees of an inter-vivos or testamentary trust created by an instrument executed prior to January 1, 1935; (b) the purposes of the trust are charitable, religious, educational, or the benefit of individuals; (c) the beneficial interests in said trust are not represented by transferable certificates; and (d) such public-utility company is not itself a holding company.

The rule is proposed pursuant to the provisions of the Public Utility Holding Company Act of 1935, particularly sections 3 (a), 3 (d) and 20 (a) of the act.

The proposed rule is being considered because of the fact that the Commission is of the tentative opinion that it is not generally necessary or appropriate in the public interest or for the protection of investors or consumers that such trustees and the public-utility companies whose securities they hold be subject to the obligations, duties, or liabilities imposed upon holding companies and their subsidiary companies under the act.

The proposed rule would provide substantially as follows:

§ 250.12 *Exemption of certain utility companies and nonbusiness trusts.* If voting securities of a public-utility company are owned, controlled or held with power to vote by the trustee or trustees of an inter-vivos or testamentary trust created by an instrument executed prior to January 1, 1935, and if such trust was established for charitable, religious, educational or other nonbusiness purposes, or for the benefit of an individual or individuals, or for more than one of such purposes, and if the beneficial interest or interests in such trust are not represented by transferable certificates, and if such public-utility company is not itself a holding company, then such public-utility company and any subsidiary companies thereof shall not be deemed to be subsidiary companies of such trustees or trust within the meaning of the act or any rule or regulation thereunder, and such public-utility company and any subsidiary companies thereof and such trustees and trust shall be exempt from any provisions of the act other than section 9 (a) (2) thereof, from any rules and regulations thereunder and from any obligations, duties and liabilities thereunder to which they might otherwise be subject by reason of the ownership, control or holding with power to vote of such securities by such trustees. [Rule U-12]

All interested persons may submit data, views, and comments in writing to the Securities and Exchange Commission at its main offices, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before August 15, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 10, 1947.

[F. R. Doc. 47-6691; Filed, July 16, 1947; 8:48 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6737 and 8454]

SOUTHERN CALIFORNIA BROADCASTING CO. AND ORANGE COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Marshall S. Neal, Paul Buhlig, E. F. Foley, and Edwin Earl, d b as Southern California Broadcasting Company (KWKW), Pasadena, California, Docket No. 6737, File No. BP-3710; George W. Berger, George A. Raymer, Fred Forgy and John W. Swallow, d b as Orange County Broadcasting Company, Santa Ana, California, Docket No. 8454, File No. BP-5936; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled application of Marshall S. Neal, Paul Buhlig, E. F. Foley, and Edwin Earl, d/b as Southern California Broadcasting Company, requesting a construction permit to change frequency to 830 kc and increase power to 5 kw, daytime only, at Station KWKW, Pasadena, California, and the application of George W. Berger, George A. Raymer, Fred Forgy and John W. Swallow, d/b as Orange County Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 850 kc, with 1 kw power, daytime only, at Santa Ana, California, and the Commission also having under consideration a petition filed by the Southern California Broadcasting Company requesting that the said applications be designated for a consolidated hearing, and an opposition thereto filed by Orange County Broadcasting Company and a reply filed by the petitioner;

It is ordered, That the petition of Southern California Broadcasting Company be, and it is hereby, granted;

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnerships and the partners to construct and operate the proposed station and Station KWKW as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and Station KWKW as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and Station

KWKW as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station and Station KWKW as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station and Station KWKW as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6719; Filed, July 16, 1947; 8:50 a. m.]

[Docket No. 7964]

WIRED MUSIC, INC.

ORDER CONTINUING HEARING DATE

In re application of Wired Music, Inc., Rockford, Illinois, for construction permit; Docket No. 7964, File No. BP-5296.

The Commission having scheduled a hearing upon the above-entitled application for 10:00 o'clock a. m., July 7, 1947, at Washington, D. C.; and

It appearing, that public interest, convenience and necessity would be served by a continuance of said hearing; and counsel for all parties having consented thereto;

It is ordered, This 3d day of July 1947, on the Commission's own motion, that the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m., Monday, July 21, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6722; Filed, July 16, 1947; 8:50 a. m.]

[Docket No. 8167]

WOODWARD BROADCASTING CO.

ORDER CONTINUING HEARING DATE

In re application of Woodward Broadcasting Company, Detroit, Michigan, for construction permit; Docket No. 8167, File No. BP-5827.

The Commission having under consideration a petition filed June 30, 1947, by Woodward Broadcasting Company, Detroit, Michigan, requesting a continuance in the hearing, presently scheduled for July 8, 1947, at Washington, D. C., upon its above-entitled application;

It is ordered, This 3d day of July 1947 that the instant petition be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m., Wednesday, August 20, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6723; Filed, July 16, 1947; 8:50 a. m.]

[Docket Nos. 8291, 8292, and 8293]

KEYSTONE BROADCASTING CORP. ET AL.

ORDER CONTINUING HEARING DATE

In re applications of Keystone Broadcasting Corporation, Harrisburg, Pennsylvania, Docket No. 8291, File No. BPH-183; York Broadcasting Company, York, Pennsylvania, Docket No. 8292, File No. BPH-184; Reading Broadcasting Company, Reading, Pennsylvania, Docket No. 8293, File No. BPH-522; for FM Construction Permits.

The Commission having under consideration a joint petition filed June 30, 1947, by Keystone Broadcasting Corporation, Harrisburg, Pennsylvania, York Broadcasting Company, York, Pennsylvania, and Reading Broadcasting Company, Reading, Pennsylvania, requesting a continuance in the hearing upon their above-entitled applications, which is presently scheduled for July 7, 1947, at Washington, D. C.;

It is ordered, This 3d day of July, 1947, that the instant petition be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Monday, August 11, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6724; Filed, July 16, 1947; 8:50 a. m.]

[Docket No. 8438]

MONTANA NETWORK

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Montana Network, Missoula Montana, for construction permit; Docket No. 8438, File No. BP-6022.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Missoula, Montana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6716; Filed, July 16, 1947; 8:49 a. m.]

[Docket Nos. 8450 and 8371]

WELDON LAWSON AND TRI-COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Weldon Lawson, Sequin, Texas, Docket No. 8450, File No. BP-4991; H. Miller Ainsworth, A. G. Ainsworth, J. Edward Johnson, and Ross Bohannon, a partnership, doing business as Tri-County Broadcasting Company, Luling, Texas, Docket No. 8371, File No. BP-5636; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled application of Weldon Lawson for construction permit for a new standard broadcast station to operate on 1400 kc, 250 w power, unlimited time, at Sequin, Texas, which application was filed contingent upon a grant of the application of Mission Broadcasting Company (BP-4329, Docket No. 8072) for a change in frequency and power of Station KONO, San Antonio, Texas; and

It appearing, that the Commission, on April 30, 1947, designated for hearing the above application of Tri-County Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1420 kc, 1 kw, employing a directional antenna at night, unlimited time;

It is ordered, That the above application of Weldon Lawson be, and it is hereby, designated for hearing in a consolidated proceeding with the said application of Tri-County Broadcasting Company, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of April 30, 1947, designating the application of Tri-County Broadcasting Company for hearing, be, and it is hereby, amended to include the application of Weldon Lawson.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6717; Filed, July 16, 1947; 8:50 a. m.]

[Docket No. 8451]

FRED O. GRIMWOOD (WTOM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Fred O. Grimwood (WTOM), Bloomington, Indiana, for modification of construction permit; Docket No. 8451, File No. BMP-2669.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled application requesting a modification of construction permit to change the authorized facilities of Station WTOM, Bloomington, Indiana from 1490 kc, with 100 w power, unlimited time to 1490 kc, with 250 w power, unlimited time and for extension of the date for commencement and completion of construction of said station;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WTOM as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station WTOM as proposed would involve objectionable interference with Stations WDAN, Danville, Illinois; WKBV, Richmond, Indiana; and WOMI, Owensboro, Kentucky or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station WTOM as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of Station WTOM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Northwestern Publishing Company, licensee of Station WDAN, Danville, Illinois; Central Broadcasting Corporation, licensee of Station WKBV, Richmond, Indiana; and Owensboro Broadcasting Company, licensee of Station WOMI, Owensboro, Kentucky, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-6715; Filed, July 16, 1947; 8:49 a. m.]

[Docket Nos. 8452 and 8178]

RADIO CALUMET, INC. AND STEEL CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Calumet, Inc., Gary, Indiana, File No. BP-6131, Docket No. 8452; George M. Whitney, Caroline L. Whitney and Frederic K Feyling, d/b as Steel City Broadcasting Company, Gary, Indiana, File No. BP-5681, Docket No. 8178; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled application of Radio Calumet, Inc., requesting a construction permit for a new standard broadcast station to operate on 1270 kc, with 500 w power, daytime only, at Gary, Indiana;

It appearing, that the Commission, on March 6, 1947, designated for hearing the application of George M. Whitney, Caroline L. Whitney and Frederic K. Feyling, d/b as Steel City Broadcasting Company (File No. BP-5681, Docket No. 8178), requesting a construction permit for a new standard broadcast station to operate on 1260 kc, with 250 w power, daytime only, in Gary, Indiana;

It is ordered, That, pursuant to section 309 (a) of the Communications act of 1934, as amended, the said application of Radio Calumet, Inc., be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Steel City Broadcasting Company, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Steel City Broadcasting Company, Gary, Indiana, or in any other pending applications for broadcast facilities and, if so, the nature and extent

thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of March 6, 1947, designating the above-entitled application of Steel City Broadcasting Company (File No. BP–5681, Docket No. 8178) for hearing, be, and it is hereby, amended to include the above-entitled application of Radio Calumet, Inc. (File No. BP–6131), and to include among the issues for hearing, issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–6720; Filed, July 16, 1947; 8:50 a. m.]

[Docket No. 8453]

CLARENCE J. MCCREDIE AND BERNICE M. MCCREDIE

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Clarence J. McCredie and Bernice M. McCredie, a partnership, Wenatchee, Washington, for construction permit; Docket No. 8453, File No. BP–6062.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, in Wenatchee, Washington, and a petition filed by Central Washington Broadcasters, Inc., licensee of Station KXLE, Ellensburg, Washington, asking that said application be designated for hearing and that petitioner be made a party thereto;

It is ordered, That the petition of Central Washington Broadcasters, Inc., be, and it is hereby granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KXLE, Ellensburg, Washington, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Benton County Broadcasters, Kennewick, Washington (File No. BP–5701), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Central Washington Broadcasters, Inc., licensee of Station KXLE, Ellensburg, Washington, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–6718; Filed, July 16, 1947; 8:50 a. m.]

[Docket Nos. 8455, 8456]

NORMAN BROADCASTING CO. AND H. J. GRIFFITH BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Byrne Ross and W. P. Fowler, d/b as Norman Broadcasting Company, Norman, Oklahoma, Docket No. 8455, File No. BP–5839; H. J. Griffith, d/b as H. J. Griffith Broadcasting Company, Norman, Oklahoma, Docket No. 8456, File No. BP–5861; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of July 1947;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w, unlimited time, at Norman, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical financial, and other qualifications of the individual applicant and the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed operation of Norman Broadcasting Company and of Station KLPR at Oklahoma City, Oklahoma, the nature and extent thereof, and whether such overlap, if any, is in contravention of Section 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–6721; Filed, July 16, 1947; 8:50 a. m.]

FM BROADCAST STATION CONSTRUCTION PERMITS [1]

INTERIM PROCEDURE REGARDING LICENSES

JUNE 17, 1947.

In connection with the issuance of licenses to cover construction permits for FM broadcast stations, the Commission wishes to announce that the following procedures will apply.

Pending the adoption of a new application form, license applications should be submitted on Form 320 as modified in accordance with the Form 320 instruction sheet.[2] The forms and instruction sheet are available upon request.

Where frequencies have been changed pursuant to the reallocation plan adopted on June 12, 1947, letters will be sent to permittees and licensees advising them of their changed frequency assignment. Outstanding construction permits and licenses will not be reissued to show the new frequency, as this will be included in subsequent instruments of authorization. During such interval, operation on the new frequency will be authorized by letter or telegram. In instances where a license application is now on file and the station frequency is changed, action on the application will be withheld until the frequency change is made and an appropriate amendment is submitted to the application. License applications now pending need not be otherwise amended unless further data are requested by the Commission.

License applications will not be granted unless an approved frequency and modulation monitor is installed. After installation, a check of the transmitter frequency (and the frequency monitor) with an external frequency measuring service or other standard should be made, if feasible under the circumstances.

The FM license application form requires that measurements of audio frequency operating characteristics be made to insure that the FM engineering standards are met. It is expected that such measurements will also be required in connection with license renewal applications, in order that the technical performance of a station may be periodically reviewed. With respect to present operation, the Commission realizes that in some instances equipment for this purpose and adequately trained personnel for making such measurements are not immediately available. Accordingly, consideration will be given to applications for licenses which do not supply complete measurements to indicate compliance with the engineering standards. As much of this data should be supplied as possible, however, and applications must include reasons therefor when complete measurements are not made. In some instances licensees have reported difficulty in meeting fully all of the engineering requirements at this time due to equipment and measurements problems; applications indicating such conditions will be considered on their individual merits. The Commission wishes to emphasize that the FM engineering standards are not being changed, but only that additional time is being provided where necessary to meet these standards. This procedure will also permit more expeditious licensing of FM stations.

With respect to the field intensity measurements required of Class B FM stations by § 3.216 (c) of the rules, the Commission has received inquiries concerning the time within which such measurements must be submitted. As indicated by a footnote to the rule, this material "shall be submitted within one year after the license has been issued or within such extension of time as the Commission may for good cause grant." The Commission does not desire to impose an undue burden on FM licensees. However, the Commission wishes to obtain as much data as possible concerning FM service areas in order to provide for the best allocation and use of the FM band. While the Commission expects to follow a lenient policy concerning the requirement of field intensity measurements, it is hoped that FM licenses, particularly of the larger stations, will endeavor to supply this data as promptly as feasible.

License applications should not, of course, be filed until full construction has been completed in accordance with the terms of the permit. Equipment tests and program tests may then be conducted in accordance with §§ 3.216 and 3.217 of the rules. Prior to completion of construction and the filing of a license application, program operation may be authorized in accordance with interim operation procedure described by a separate Public Notice of the Commission. If interim operation is being conducted with complete equipment as specified by the construction permit, then equipment tests and program tests need not be made.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–6710; Filed, July 16, 1947; 8:47 a. m.]

[1] Part 1, Rules Relating to Organization and Practice and Procedure, § 1.317 (b) (3); Part 3, Rules Governing Radio Boardcast Services, §§ 3.211, 3.216, and 3.217 (12 F. R. 4351).

[2] Filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. G–916]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

JULY 11, 1947.

Notice is hereby given that on June 26, 1947, Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation, having its principal place of business at Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities:

(1) Approximately 8 miles of 7½-inch O. D. pipeline beginning at Applicant's Hunnewell Compressor Station located in Section 16, Township 35 South, Range 1 East, and extending in a northeasterly direction to a point of connection with Applicant's existing 7-inch pipeline in the Southwest Quarter of Section 2, Township 35 South, Range 2 East, all in Sumner County, Kansas.

(2) Approximately 10,500 feet of 14-inch O. D. pipeline to replace a like amount of 12¾-inch pipeline now installed in that portion of Applicant's interstate pipeline system extending northerly from a point near the southwest corner of Section 33, Township 34 South, Range 1 East, Sumner County, Kansas.

Applicant states that the proposed facilities described in paragraph (1) above, will be used to deliver gas into and withdraw gas from a proposed small gas storage reservoir located on a 160-acre leasehold estate owned by Applicant and located in the Southwest Quarter of Section 29, Township 34 South, Range 3 East, Sumner County, Kansas. The maximum capacity of the proposed facilities is stated to be approximately 10,000 Mcf. per day.

Applicant states that the existing pipeline to be replaced by the proposed facilities described in paragraph (2) above, has deteriorated due to rusting, pitting and corrosion to such an extent that adequate and dependable service cannot longer be rendered through the same, and replacement is necessary.

Applicant states that no new service is proposed to be rendered with the new facilities, all such new facilities being needed in rendering service to Applicant's existing markets.

The total over-all capital cost of the proposed construction described in paragraph (1) above is estimated to be $87,378, and that of the proposed facilities described in paragraph (2) is estimated to be $38,515, all to be financed out of Applicant's funds. Fixed charges in connection with the facilities described in paragraph (1) are estimated to be $2,000 annually.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Consolidated Gas Utilities Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 47–6700; Filed, July 16, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-984]

SEABOARD AIR LINE RAILROAD CO.

ORDER GRANTING PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of July A. D. 1947.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Seaboard Air Line Railroad Company voting trust, expiring April 1, 1951. Voting Trust Certificates for Common Stock, No Par Value.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Voting Trust Certificates for Common Stock, No Par Value, of the Seaboard Air Line Railroad Company Voting Trust, Expiring April 1, 1951.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of voting trust certificates outstanding covering 817,356 shares, voting trust certificates covering 97,980 shares are outstanding in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 1,898 transactions involving voting trust certificates covering 173,196 shares from February 28, 1946 to February 28, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly, *It is ordered*, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Voting Trust Certificates for Common Stock, No Par Value, of the Seaboard Air Line Railroad Company Voting Trust, Expiring April 1, 1951, be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6687; Filed, July 16, 1947; 8:47 a. m.]

[File No. 68-84]

MARKET STREET RAILWAY CO.

ORDER DIRECTING FURNISHING OF STOCKHOLDERS' LIST

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of July A. D. 1947.

In the matter of Russell M. Van Kirk, Bloomfield Hulick, Edmond T. Willetts, Committee for the Market Street Railway Company prior preference capital stock.

Russell M. Van Kirk, Bloomfield Hulick and Edmond T. Willetts ("petitioners"), the owners and holders of shares of Prior Preference Capital Stock of Market Street Railway Company ("Market Street"), a non-utility subsidiary of Standard Gas and Electric Company, a registered holding company, having filed a Petition and a Memorandum and Supplement to Petition with the Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), and having requested in said filings various relief with respect to Market Street, including, inter alia, an order from this Commission directing the management of Market Street to provide said petitioners with a complete list of the names and addresses of all stockholders of Market Street; and the Commission having duly considered the matter and issued its findings and opinion herein, on the basis of said findings and opinion.

It is hereby ordered, That, upon tender by petitioners of the actual cost thereof to Market Street, Market Street shall promptly furnish to petitioners a list of all holders of Prior Preference Capital Stock of record, including the address of and number of shares owned by each such holder; *Provided*, That any material to be used by petitioners in soliciting any representation of Market Street stockholders shall be subject to examination and approval in accordance with the standards of Rule U-62 of the rules and regulations under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-6688; Filed, July 16, 1947; 8:47 a. m.]

[File No. 70-1530]

PUBLIC SERVICE CO. OF NEW MEXICO

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATIONS AND DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of July A. D. 1947.

Public Service Company of New Mexico, a subsidiary of Federal Light & Traction Company, a registered holding company, having filed an application and declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, with respect to, among other things, the issue and sale, pursuant to the competitive bidding provisions of Rule U-50, of $6,800,000 principal amount of First Mortgage Bonds, --% Series due 1977, and 20,000 shares of $100 par value --% Cumulative Preferred Stock; and

The Commission having, by order dated June 26, 1947, granted the application and permitted the declaration, as amended, to become effective, subject to the condition, among others, that the proposed issue and sale of such securities shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose; and

Public Service Company of New Mexico having filed a further amendment herein stating that the First Mortgage Bonds and Cumulative Preferred Stock have been offered for sale pursuant to the competitive bidding requirements of Rule U-50, that no bids were received for the Cumulative Preferred Stock, and that the following bids for the First Mortgage Bonds have been received:

FIRST MORTGAGE BONDS

Bidding group headed by—	Interest rate	Price to company (percent of principal amount)[1]	Cost to company
	Per cent		
Graham, Parsons & Co.	2¾	100.252	2.8[illegible]
Blyth & Co., Inc., and Kidder, Peabody & Co.	3	101.41	2.9[illegible]
Glore, Forgan & Co.	3	100.8956	2.[illegible]
Halsey, Stuart & Co., Inc.	3	100.6899	2.[illegible]
The First Boston Corp., and White, Weld & Co.	3	100.599	2.9[illegible]
Salomon Bros. & Hutzler	3	100.2197	2.[illegible]

[1] Plus accrued interest.

Said amendment having further stated that Public Service Company of New Mexico has accepted the bid of Graham, Parsons & Co. for the First Mortgage Bonds as set out above, and that the said bonds will be offered for sale to the public at a price of 100.625% of the principal amount thereof, plus accrued interest, resulting in an underwriting spread equal to 0.373% of the principal amount of the bonds.

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds or the underwriters' spread; and it appearing to the Commission that the jurisdiction heretofore reserved with respect to the sale at competitive bidding of Preferred Stock by Public Service Company of New Mexico should be continued;

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding in connection with the said bonds under Rule U-50 be, and the same hereby is, released and that said applications and declarations, as further amended, be, and the same hereby are, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to the sale at competitive bidding of Preferred Stock by Public Service Company of New Mexico as prescribed in said order of June 26, 1947 be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6686; Filed, July 16, 1947; 8:47 a. m.]

[File No. 70-1563]

ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of July A. D. 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Bond and Share Company ("Bond and Share"), a registered holding company. Applicant-declarant has designated sections 6 (a) (2), 12 (c), 14 and 15 of the act and Rules U-23 and U-46 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 22, 1947 at 11:00 a. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after July 22, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Bond and Share proposes to restate its accounts as of January 1, 1945 and to set up on its books an "Accounting Reorganization Account" in the total amount of $160,571,680. This account will be created by the transfer of (a) the stated value of the $5 and $6 Preferred Stock as of January 1, 1945, amounting to $107,540,000; (b) Capital Surplus (including reserve created therefrom) as of January 1, 1945, amounting to $328,067,986; and (c) Earned Surplus as of January 1, 1945, amounting to $24,963,694 (after provision for preferred stock dividends or equivalent to date of retirement). From this account $280,000,000 is proposed to be allocated to Investment Reserves as follows: (a) United States Utilities $80,000,000 and (b) Foreign Utilities $200,000,000. The balance of the Accounting Reorganization Account amounting to $180,571,680 together with Capital Surplus additions to December 31, 1946, resulting from the reacquisition and retirement of preferred stocks, amounting to $27,617, will be transferred to a Capital Adjustment and Contingency Reserve, which will include provisions for (a) the payment to Bond and Share's preferred stocks of $70 per share in the aggregate amount of $73,029,600; (b) an amount not in excess of $30,000,000 to be available for adjustment of Investment Reserves—Foreign Utilities and (c) all other charges in connection with action taken by Bond and Share towards compliance with section 11 of the act. Any balance in said account remaining upon consummation of the program for conformance with section 11 of the act and other related matters will be transferred to Capital Surplus.

Applicant-declarant states that its program for conformance with the act as evidenced by various plans heretofore filed by it pursuant to section 11 (e) of the act provides for disposal of the company's investment in domestic public utilities; that the amounts realizable by the company upon sale or disposal of such investments is substantially lower than the ledger value of such investments; and that the plan of reorganization dated October 25, 1944 and amended May 22, 1947 which was filed by its subsidiary, American & Foreign Power Company Inc. ("Foreign Power"), and joined in by Bond and Share, provides for the surrender of Bond and Share's interests in Foreign Power and in the latter's subsidiary, Cuban Electric Company, for securities of a substantially different nature, the value of which is estimated by the applicant-declarant to be considerably lower than the ledger value of its present holdings in Foreign Power.

Applicant-declarant further states that as a result of its joinder in the plan of reorganization of Foreign Power and the required provision for other adjustments in the ledger value of Investment Securities and Advances of the company, an accounting reorganization is necessary.

In addition, by order of this Commission dated July 18, 1946, Bond and Share was ordered to record its investments in the common stocks of Birmingham Electric Company, Carolina Power & Light Company, and Pennsylvania Power & Light Company and its remaining investment in National Power & Light Company, a registered holding company, at such amounts and in such manner as the Commission may approve or direct. The applicant - declarant states that the transactions hereinbefore described will in effect meet the requirements of such order inasmuch as such common stocks are required to be disposed of subject to further order of the Commission by October 6, 1947.

The applicant-declarant has requested that the Commission's order herein be issued as soon as practicable and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. D. Doc. 47-6692; Filed, July 16, 1947; 8:48 a. m.]

[File No. 70-1564]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of July 1947.

Notice is hereby given that Wisconsin Public Service Corporation ("Wisconsin"), a public utility company and an exempt holding company and a subsidiary of Standard Gas and Electric Company, a registered holding company, has filed an application and declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). The applicant-declarant has designated sections 9, 10 and 12 (c) of the act and Rules U-41 and U-46 thereunder as applicable to the transactions proposed.

Notice is further given that any interested person may, not later than July 22, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after July 22, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Wisconsin proposes to purchase, pursuant to contracts and options now in effect, all of the 240 shares of issued and outstanding capital stock of Coleman-Pound Light and Power Company ("Coleman-Pound"), an electric public utility company which distributes electric energy purchased from Wisconsin and serves approximately 335 customers in the villages of Pound and Coleman, Marinette County, Wisconsin. The consideration to be paid for said shares of capital stock is stated to be $254.23 per share, or a total of $61,015.20. As soon as possible after acquisition of all of the outstanding shares of capital stock of

Coleman-Pound, the applicant-declarant proposes to acquire all the assets of Coleman-Pound and to dissolve said Coleman-Pound. The Public Service Commission of Wisconsin, in which State both Wisconsin and Coleman-Pound are incorporated and doing business, has approved the acquisition of the shares of stock of Coleman-Pound by Wisconsin. An application for the approval of the merger of Coleman-Pound into Wisconsin is now pending before said Public Service Commission of Wisconsin. In accordance with the Order of the Public Service Commission of Wisconsin approving the acquisition of the capital stock of Coleman-Pound, Wisconsin proposes to charge to its earned surplus the excess of the purchase price applicable to utility plant over the original cost depreciated of Coleman-Pound.

The applicant-declarant requests that the Commission's order granting said application and permitting said declaration to become effective be issued on or before July 24, 1947 and that it shall at that time become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6689; Filed, July 16, 1947; 8:47 a. m.]

[File No. 70-1567]

POTOMAC ELECTRIC POWER CO. AND WASHINGTON RAILWAY AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of July 1947.

Notice is hereby given that Potomac Electric Power Company ("Pepco"), a subsidiary of Washington Railway and Electric Company ("Washington Railway"), a registered holding company, which in turn is a subsidiary of The North American Company, also a registered holding company, and Washington Railway have filed a joint application-declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Applicants-declarants have designated Sections 6, 7, 9, 10, 11 and 12 of the act and Rules U-23, U-42, U-43, U-50 and U-64 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 25, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by the application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions or part of such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which transactions applicants-declarants represent consist of certain proposed transactions set forth in the application (File No. 54-98) filed by Washington Railway pursuant to section 11 (e) of the Act proposing a plan to comply with section 11 (b) of the act, and approved by order of this Commission dated May 15, 1947 (Holding Company Act Release No. 7410) and approved by order dated June 16, 1947, of the United States District Court for the District of Columbia. The proposed transactions are summarized below. Pepco proposes:

(1) To exchange or redeem on September 1, 1947, all of its outstanding preferred stock (the "Old Preferred Stock"), consisting of 20,000 shares of 6% Cumulative Preferred Stock, Series 1925, of the par value of $100 per share, and 50,000 shares of 5½% Cumulative Preferred Stock, Series of 1927, of the par value of $100 per share. For this purpose Pepco will issue 140,000 shares of --% Preferred Stock ("New Preferred Stock") of the par value of $50 per share, and will offer to the holders of its presently outstanding Old Preferred Stock the right to exchange their shares of Old Preferred Stock for shares of the New Preferred Stock on the basis of 2 shares of New Preferred Stock for 1 share of Old Preferred Stock, plus a cash adjustment. Such cash adjustment will represent the difference between the price to be paid to Pepco for the shares of New Preferred Stock not issued pursuant to the exchange offer and the redemption price of the Old Preferred Stock (exclusive of accrued dividends) less a dividend adjustment. The exchange offer is to be open for acceptance for a period of approximately 10 days. All shares of Old Preferred Stock so acquired will be retired.

In connection with the proposed exchange and redemption, Pepco proposes pursuant to Rule U-50 to invite sealed written proposals for services in obtaining exchanges of shares of Old Preferred Stock and for the purchase of such of the 140,000 shares of New Preferred Stock as are not required to effect exchanges. Each proposal shall specify (a) the price per share (exclusive of accrued dividends) to be paid Pepco for the unexchanged shares, which price shall not be less than the par value ($50 per share) of the New Preferred Stock, after deduction of underwriter's compensation; (b) the aggregate amount of the compensation to be paid to the bidder for the services in connection with the exchanges and the purchases of the unexchanged shares; and (c) the annual dividend rate of New Preferred Stock, which dividend rate shall be in multiples of 1/20 of 1% and shall be not less than 3.60% of the par value of such New Preferred Stock. Pepco reserves the right to reject any and all bids.

(2) To make a short term bank loan in the principal amount of $7,490,000 in order to provide itself with funds to finance the redemption of its Old Preferred Stock, pending the consummation of the sale of the New Preferred Stock. The bank loan will be made pursuant to a bank loan agreement between Pepco and The Chase National Bank of the City of New York and Chemical Bank & Trust Company, New York, under the terms of which Pepco will borrow the $7,490,000 for a period of six days at a cost of $7,500, with the option of extending said loan for a period of 90 days at an interest cost of 1½% per annum.

(3) To increase, after the proposed redemption of its Old Preferred Stock, its authorized capital stock from $30,000,000 to $75,000,000, consisting of 400,000 shares of --% Preferred Stock, par value of $50 per share (the New Preferred Stock) and 5,500,000 shares of New Common Stock, par value $10 per share. As part of such recapitalization the presently outstanding 90,000 shares of Pepco common stock, par value $100 per share, all of which is owned by Washington Railway, will be reclassified into 85,000 shares of the proposed New Preferred Stock and 2,961,250 shares of the proposed New Common Stock.

(4) To make appropriate amendments to its charter to effectuate the proposed transactions, which amendments will contain the provisions of the New Preferred Stock, including certain provisions for the protection of the holders of the New Preferred Stock, as more fully set forth in the application-declaration.

Washington Railway proposes:

(1) To acquire the 85,000 shares of New Preferred Stock and the 2,961,250 shares of New Common Stock of Pepco upon the recapitalization of Pepco as aforesaid.

(2) To acquire, upon the dissolution of its two subsidiaries, The Washington and Rockville Railway Company of Montgomery County (Washington Rockville) and Great Falls Power Company (Great Falls), pursuant to the provisions of Washington Railway's aforesaid section 11 (e) plan, the remaining assets of Washington Rockville and Great Falls and to convey to Pepco all of the real property conveyed by Great Falls to Washington Railway.

Applicant-declarant requests that the Commission's order approving said application and permitting said declaration to become effective be issued on or before August 1, 1947.

It appearing to the Commission that it is appropriate that a copy of this notice be served upon all persons who have participated in the proceedings in connection with the said section 11 (e) plan (File No. 54-98) filed by Washington Railway.

It is hereby ordered, That the Secretary of this Commission shall serve notice of the aforesaid Notice by mailing a copy thereof, to Washington Railway and Electric Company, The North American Company, Potomac Electric Power Company, The Washington and Rockville Railway Company of Montgomery County, Capital Transit Company, Braddock Light & Power Company, Incorporated, Great Falls Power Company, Montgomery Bus Lines, Incorporated, The Glen Echo Park Company, the Public Utilities Commission of the District of Columbia, The Public Service Commission of Maryland, and the State Corporation Commission of Virginia; to all parties who have previously participated in any phase of these proceedings, including the Attorney General, Department of Justice, Washington, D. C., the Administrator, Federal Works Agency, Washington, D. C., The Commissioner of Public Buildings, Washington, D. C., The Director of Procurement, United States Treasury Department, Washington, D. C., the People's Counsel for the District of Columbia, Washington, D. C., National Savings and Trust Company, Washington, D. C., American Security & Trust Company, Washington, D. C., Union Trust Company, Washington, D. C., Washington Loan & Trust Company, Washington, D. C., Norwood B. Orrick, of Venable, Baetjer & Howard, 1409 Mercantile Trust Building, Baltimore Maryland, Goodwin and Olds of Washington, D. C., and Y. E. Booker, of Alexander Brown & Sons, Washington, D. C.; such notice to each of the foregoing to be given by registered mail; and that notice is also given to the foregoing and to all other persons by publication of this order in the FEDERAL REGISTER and in a general release of this Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6690; Filed, July 16, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9282]

SANKO KABUSIKI KAISYA

In re: Debts owing to Sanko Kabusiki Kaisya, formerly C. Itoh & Co. Ltd. F-39-11-A-1, F-39-11-C-1, F-39-11-C-6.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sanko Kabusiki Kaisya (formerly C. Itoh & Co. Ltd.), the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Sanko Kabusiki Kaisya (formerly C. Itoh & Co. Ltd.) by Anderson, Clayton & Co., P. O. Box 2538, Houston, Texas, in the amount of $5,101.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Sanko Kabusiki Kaisya (formerly C. Itoh & Co. Ltd.) by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Sumitoma Bank, Ltd., 80 Spring Street, New York, New York, in the amount of $44,114.61, as of December 31, 1945, arising out of a collection after closing account, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Sanko Kabusiki Kaisya (formerly C. Itoh & Co. Ltd.) by Bunge Corporation, 80 Broad Street, New York, New York, in the amount of $1,057.34, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt G. Sell, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Kurt G. Sell, by The Riggs National Bank of Washington, D. C., arising out of a Checking Account, entitled Kurt G. Sell, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6706; Filed, July 16, 1947; 8:46 a. m.]

[Vesting Order 9308]

KURT G. SELL

In re: Bank account owned by Kurt G. Sell. D-28-3141-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt G. Sell, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Kurt G. Sell, by The Riggs National Bank of Washington, D. C., arising out of a Checking Account, entitled Kurt G. Sell, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt G. Sell, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Kurt G. Sell, by The Riggs National Bank of Washington, D. C., arising out of a Checking Account, entitled Kurt G. Sell, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6707; Filed, July 16, 1947; 8:47 a. m.]

[Vesting Order 9314]

HANS HUBNER ET AL.

In re: Interests in real property and property insurance policy owned by Hans Hubner, Hermann Sondermann, Gretel Dorsch and Trudel Kahlert.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

Name and Address

Hans Hubner, Langerihe 116, Ronnenberg, (Hannover), Germany;

Hermann Sondermann, Wiesenstrasse 14, (15) Sonneberg, (Thuringia), Germany;

Gretel Dorsch, Fehrnstrasse 3, (13a) Weiden, (Oberpfalz), Germany;

Trudel Kahlert, Welchangereuth 6, (13a) Coburg, (Bayern), Germany.

2. That the property described as follows:

a. An undivided 7/8ths interest in real property situated in the Township of Landis, Borough of Vineland, County of Cumberland, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1, in and to Fire Insurance Policy No. 2325, issued by the City of New York Insurance Co., 59 Maiden Lane, New York, New York, in the amount of $3,700.00, which policy insures the property described in subparagraph 2-a hereof and expires on January 5, 1948,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–b, hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain piece or parcel of land and premises situate in the Township of Landis, County of Cumberland and State of New Jersey, bounded and described as follows, to wit:

Beginning at a cement stone on the south side of Roosevelt Boulevard South 81 degrees and 30 minutes East, 2008.32 feet east of the intersection of the south side of Roosevelt Boulevard and the center of Main Road; thence (1) along the south side of Roosevelt Boulevard, south eighty-one degrees and thirty minutes East, one hundred and four feet to a cement stone; thence (2) South eight degrees and thirty minutes West, eleven hundred and twenty-eight and eighty-seven hundredths (1128.87) feet to a cement stone; thence (3) North sixty-six degrees and forty-five minutes West, one hundred seven and fifty-four hundredths (107.54) feet to a cement stone; thence (4) North eight degrees and thirty minutes East, eleven hundred one and thirty-one hundredths (1101.31) feet to the south side of Roosevelt Boulevard and place of beginning.

Containing 2.66 acres of land, more or less.

Being all of Plot No. 17 of Block B, Division of land on the south side of Roosevelt Boulevard, made by H. Lee Fisher, C. E.

[F. R. Doc. 47-6669; Filed, July 15, 1947; 8:51 a. m.]

[Vesting Order 9289]

ERNETINE T. CSECH

In re: Estate of Ernetine T. Csech, deceased, and T/W of Ernetine T. Csech, deceased. File D-34-104; E. T. sec. No. 2700.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jakob Freier, Richard Freier, Paul Freier, Margaret Freier, Jolan Freier and Elisabeth Freier, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Ernetine T. Csech, deceased, and in and to the trust created under the will of Ernetine T. Csche, deceased, is property payable or deliverable to or claimed by the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in partition or similar proceedings by the El Paso National Bank of El Paso, Texas, as Independent Executor and Trustee;

and it is hereby determined:

4. That to the extent that the above-named persons are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6671; Filed, July 15, 1947; 8:51 a. m.]

[Vesting Order 9355]

FREDERICK LIMSKAU RATHKE

In re: Estate of Frederick Limskau Rathke, deceased. File D-28-11847; E. T. sec. 16061.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jenny Christine Wilhelmine Rathke, nee Schlichting, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Frederick Limskau Rathke, deceased, and in and to the trust created under the will of Frederick Limskau Rathke, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Mary E. Rathke, as Administratrix D. B. N. C. T. A., acting under the judicial supervision of the Circuit Court of Noble County, Indiana;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6670; Filed, July 15, 1947; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 12 NUMBER 140

Washington, Friday, July 18, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9873

TRANSFERRING TO THE AMERICAN BATTLE MONUMENTS COMMISSION THE FUNCTIONS OF THE WAR DEPARTMENT PERTAINING TO THE ADMINISTRATION OF THE MEXICO CITY NATIONAL CEMETERY

By virtue of the authority vested in me by section 12 of the act of March 4, 1923, as amended by the act of June 26, 1946, 60 Stat. 318, and as President of the United States, it is hereby ordered as follows:

1. All functions of administration pertaining to the Mexico City National Cemetery, located in Mexico City, Calazada, Molchor Ocampo 31, Mexico, DF, now vested in or exercised by the War Department, together with the field civilian personnel, records, supplies, equipment, and property of every kind pertaining thereto, are hereby transferrd from the War Department to the American Battle Monuments Commission.

2. The unexpended balances of appropriations or allotments of appropriations which are now, or may become, available to the War Department for the performance of the functions transferred by this order shall be transferred to the American Battle Monuments Commission to such extent as the Director of the Bureau of the Budget may deem necessary.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 16, 1947.

[F. R. Doc. 47-6841; Filed, July 17, 1947; 10:37 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

ACTIONS

Effective upon publication in the FEDERAL REGISTER, paragraphs (c) (d) and (e) of § 20.9 are amended to read as follows:

§ 20.9 *Actions* • • •

(c) *Exceptions; status employees.* No employee in retention group A–2, A–3, or A–4 with competitive status and serving in a position in the competitive service may be separated or furloughed in a reduction in force if there is a position in the competitive service in the department in any other competitive area or competitive level within the geographic area, which may reasonably be expected to continue for 3 months or more, not filled by a retention group A employee which he could fill without undue interruption to the activity involved unless he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary. Subject to the other requirements set forth above, agencies shall consider such group A–2 employee with competitive status who is reached in a reduction and who has had five or more years of Federal Government service including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A–2 shall be made prior to the expiration of the first sixty days of nonduty status.

(d) *Exceptions; veterans preference employees.* No employee in subgroup A–1 with competitive status and serving in a position in the competitive service may be separated or furloughed in a reduction in force if there is a position in the competitive service in the department in any other competitive area or competitive level within the geographic area which may reasonably be expected to continue for 3 months or more not filled by an employee in subgroup A–1 which he could fill without undue interruption to the activity involved, unles he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary. Subject to the other requirements set forth above, agencies shall consider such veteran preference career employee in group A–1 with

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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competitive status who is reached in a reduction and who has had five or more years of Federal Government service including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A–1 shall be made prior to the expiration of the first sixty days of nonduty status.

(e) *Exceptions; war service employees with veteran preference.* No employee in subgroup B–1 may be separated or furloughed in a reduction in force from a position in the competitive service if there is another position in the competitive service in the department at the same geographical location in any other competitive area or competitive level which may reasonably be expected to continue for 3 months or more not filled by an employee in retention group A or subgroup B–1 which he could fill without undue interruption to the activity involved, unless he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary.

(Sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47–6763; Filed, July 17, 1947; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Wheat Bulletin 1, Supp. 1]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In F. R. Doc. 47–6248, appearing at page 4257 of the issue for Wednesday, July 2, 1947, in § 251.126 (a) (1) the rate per bushel for wheat in San Francisco, Los Angeles, Stockton, and Oakland, California, should read "$2.08."

[1947 C. C. C. Flaxseed Bulletin 1, Supp. 1]

PART 271—FLAXSEED LOANS

SUBPART 1947

Pursuant to the provisions of Article Third, paragraphs (b) and (j) of the Corporate Charter of Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4 as amended, sec. 4 (a), 55 Stat. 493, 56 Stat. 768; 15 U. S. C., Sup., 713 (a), 713a–8, 50 U. S. C. App., Sup., 969, Commodity Credit Corporation and the Production and Marketing Administration have issued regulations (12 F. R. 4747) governing the making of loans and purchase agreements on flaxseed produced in 1947. Such regulations are hereby supplemented as follows:

§ 271.126 *Loan rates and purchase price.* The purchase price for flaxseed under the purchase agreement program shall be the loan rate determined in accordance with this section plus $1.00 per bushel. If and when CCC takes title to flaxseed placed under loan, an additional payment of $1.00 per bushel will be made to the producer.

(a) *Basic loan rates at terminal markets.* The 1947 loan rates per bushel for No. 1 flaxseed stored in approved public grain warehouses at the following terminal markets shall be as follows:

Market	*Loan rate (per bushel)*
Minneapolis, Minn., Chicago, Ill., and Portland, Oreg.	$5 00
Los Angeles and San Francisco, Calif.	5. 25
Fredonia, Kans.	4. 85
Corpus Christi, Harlingen and Houston, Tex.	4. 80

Flaxseed containing more than 30 percent damage or which contains more than 11 percent moisture, or which is musty, sour, heating, hot, or which has any commercially objectionable odor, or which is otherwise low quality, is not eligible for loan or purchase.

For loan at the full basic rates shown in the above schedule the flaxseed must have been shipped on a domestic interstate freight rate basis. The loan rate at the designated terminal market will be reduced by the difference between the freight paid and the domestic freight rate on any flaxseed shipped at other than the domestic freight rate.

The foregoing schedule of loan rates applies to flaxseed delivered to any of the above designated terminal markets in carload lots which have been shipped by rail from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges and other documents as required under the instructions (§§ 271.101 to 271.125, inclusive); *Provided*, That, in the event the amount of paid-in freight is insufficient to guarantee minimum proportional freight rate from the terminal market, there shall be deducted from the applicable terminal loan rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee out bound movement at the minimum proportional freight rate. The warehouse receipts must be accompanied by the registered freight bills, or by (1) a statement in the following form signed by the warehouseman, (2) a certificate of such warehouseman containing such an undertaking, or, (3) such other form of certification as may be approved by CCC

FREIGHT CERTIFICATE FOR TERMINALS

The Flaxseed represented by attached warehouse receipt No. _____ were received by rail freight from _____ (Town) _____ point of origin, _____ (County) _____ (State) as evidenced by freight bill described as follows:

Way Bill, Date _____ No. _____ Car No. _____ Init. _____ Freight Bill, Date _____ No. _____ Carrier _____ Transit Weight _____ Freight Rate In _____ Amount Collected _____ Number Unused Transit Stops _____

The above-described paid freight bills have been officially registered for transit and will be held in accordance with the provisions of paragraph 22 of the Uniform Grain Storage Agreement.

_____ Date of Signature

_____ Warehouseman's Signature

_____ Address

Flaxseed stored at a designated terminal market (including trucked-in flaxseed) for which neither registered freight bills nor such freight certificates are presented, shall have a loan rate equal to the higher of (i) the terminal loan rate minus 6 cents per bushel, or (ii) the county loan rate for the county in which the flaxseed is stored.

(b) *Basic loan rates at other than designated terminal points.* CCC will determine county loan rates on flaxseed in storage on the farm or in country warehouses by deducting from the designated terminal market loan rate an amount equal to 8 cents more than the applicable county average freight rate, plus freight tax, to such terminal market.

Each approved warehouse will be advised as to the loan rate applicable to flaxseed stored in such warehouse. Producers may obtain from their respective county committees the loan rates applicable to flaxseed stored on farms and in the public warehouses. County loan rates determined in accordance with this section are set forth in 1947 CCC Flaxseed Bulletin 1, Supplement 2.

The loan rate for eligible flaxseed stored in approved warehouses (other than those situated in the designated terminal markets) which was shipped by rail from country shipping points will be determined by deducting from the appropriate designated terminal market loan rate an amount equal to the transit balance of the through freight rate from point of origin for such flaxseed to such terminal market plus freight tax on such transit balance: *Provided*, That in the case of flaxseed stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line or other costs, as determined by Commodity Credit Corporation, incurred in storing loan flaxseed in such position.

The warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges, or by a statement in the following form, signed by the warehouseman, or by a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The flaxseed represented by attached warehouse receipt No. _____ was received by rail freight from _____ (Town) _____ (County) _____ point of origin, as evidenced by _____ (State) freight bill described as follows:

Way Bill, Date _____ No. _____ Car No. _____ Init. _____ Freight Bill, Date _____ No. _____ Carrier _____ Transit Wt. _____ Freight Rate in _____ Amt. Collected _____ Transit Balance, if, any, of through freight rate to _____ of _____ @ per 100 pounds. Number Unused Transit Stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph ____ of the Uniform Grain Storage Agreement.

_____ Date of Signature

_____ Warehouseman's Signature

_____ Address

(c) *Variations for grades.* The loan rate for No. 2 flaxseed shall be 5 cents per bushel less than the loan rate for No. 1 flaxseed. (Sec. 7 (a) 49 Stat. 4 as amended, sec. 4 (a), 55 Stat. 498, 56 Stat. 768; 15 U. S. C. and Sup. 713 (a), 713 (a)-8, 50 U. S. C. App. Sup. 969; Article Third, pars. (b), (j) Charter of Commodity Credit Corporation)

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

JULY 14, 1947.

[F. R. Doc. 47-6758; Filed, July 17, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1947-48 FISCAL YEAR

On June 13, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 3864) regarding the budget of expenses and the fixing of the rate of assessment for the 1947-48 fiscal year under Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., 910.1 et seq.), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache, in the State of Colorado. This regulatory program is effective pursuant to the agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 910.201 *Budget of expenses and rate of assessment for the 1947-48 fiscal year.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee during the fiscal year beginning June 1, 1947, and ending May 31, 1948, both dates inclusive, will amount to $2,500, and the rate of assessment to be paid, in accordance with the aforesaid amended marketing agreement and order by each handler who first handles fresh peas or cauliflower shall be: (1) $1.25 per straight car of peas or cauliflower or per mixed car of peas and cauliflower, and (2) when less than a carload is shipped, one-half ($0.005) cent per bushel of peas or crate of cauliflower or the respective equivalent quantities thereof, but in no event shall the assessment be in excess of $1.25 on a shipment of peas or cauliflower less than a carload lot, or mixed shipment thereof less than a carload lot; and the respective rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

(b) Compliance with the effective date requirements of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d sess.) is impracticable, unnecessary, and contrary to the public interest in that: (1) The respective rate of assessment is applicable, pursuant to the amended marketing agreement and order, to fresh peas and cauliflower handled during the fiscal year beginning June 1, 1947, and ending May 31, 1948, both dates inclusive; (2) the expenses of operating this regulatory program since June 1, 1947, have, in accordance with the applicable provisions of the amended marketing agreement and order, been paid with funds representing assessments collected, which were in excess of expenses incurred, during previous fiscal years; (3) the unexpended balance of such funds does not constitute a reasonable amount on the basis of which current operations may be carried on satisfactorily; and (4) in order for the regulatory assessments to be collected, it is essential that the specification of the assessment rate be issued immediately so as to enable the Administrative Committee to perform its duties and functions under the aforesaid amended marketing agreement and order.

(c) As used in this section, the terms, "handler," "shipped," "peas," "cauliflower" and "fiscal year" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 910.6)

Issued this 14th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6759; Filed, July 17, 1947; 8:51 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 63-24]

PART 1596—FOOD IMPORTS

RICE

Pursuant to the authority vested in me by War Food Order No. 63, as amended (12 F. R. 459), Appendix A is further revised as follows:

1. By adding the designation "2" to the item "Rice" and all the varieties of rice listed thereunder, so that such items shall read as follows:

Item	Commerce import class No.
Rice: [1] [2]	
Paddy [1] [2]	1051.000
Uncleaned or brown rice [1] [2]	1051.000
Cleaned or milled rice [1] [2]	1053.000
Patna rice, cleaned for use in canned soups [1] [2]	1054.000
Rice meal, flour, polish and bran [1] [2]	1059.100
Broken [1] [2]	1059.200

[1] See paragraph (b) (4) (ix).
[2] See paragraph (b) (5) (i).

2. By deleting the first two footnote items immediately following Appendix A and substituting in lieu thereof the following two items:

3. By changing the reference "(b) (5) (IX)" which appears in the third footnote item following Appendix A to read "(b) (4) (IX)."

This amendment shall become effective at 12:01 a. m., e. s. t., July 15, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken prior to said date, under War Food Order No. 63, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

This amendment, which will prohibit imports of rice into Puerto Rico from foreign countries except as specifically authorized, is necessary to implement allocations of rice by the International Emergency Food Council. In order to insure equitable distribution of a scarce commodity in accordance with such allocations, it is necessary that the controls imposed by this amendment go into effect at the earliest possible date. Accordingly, I hereby find that compliance with the notice and procedure requirements of sections 4 (a) and 4 (b) of the Administrative Procedure Act (60 Stat. 237) in connection with the issuance of this amendment is impracticable and contrary to the public interest, and there is good cause for not complying with the publication requirements of section 4 (c) of the said act.

(E. O. 9280, Dec. 8, 1942, 7 F. R. 10179; E. O. 9577, July 3, 1945, 10 F. R. 8087)

Issued this 15th day of July 1947.

[SEAL] JESSE B. GILMER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 47-6786; Filed, July 17, 1947; 8:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

APPEALS FROM ORDERS ISSUED BY COMMISSIONER OF IMMIGRATION AND NATURALIZATION

MISCELLANEOUS AMENDMENTS TO CHAPTER

JULY 14, 1947.

The following amendments to Title 8, Chapter I, Code of Federal Regulations are hereby prescribed.

PART 1—GENERAL INFORMATION REGARDING IMMIGRATION AND NATURALIZATION SERVICE

In the list in § 1.42 of the final powers and authorities delegated to the Commissioner by the Attorney General, paragraph (d) is amended to include the 7th proviso, so that paragraph (d) will read as follows:

(d) Applications for admission under the 7th or 9th proviso to section 3 of the Immigration Act of 1917;

PART 90—DEPARTMENTAL ORGANIZATION AND AUTHORITY

Sections 90.1, 90.2, 90.3, 90.4, 90.5, 90.9, 90.10, 90.11, and 90.12 are amended to read as follows:

§ 90.1 *Commissioner of Immigration and Naturalization and other selected officers; powers.* Under the general direction of the Attorney General, the Commissioner of Immigration and Naturalization (hereinafter called the Commissioner) shall supervise and direct the administration of the Immigration and Naturalization Service and, subject to the limitations of § 90.3 and other provisions of this part, shall have authority to exercise all powers of the Attorney General relating to the administration of that Service and the administration of the immigration, nationality and all other laws administered by that Service and shall designate such officers of the Service as he may select, with the approval of the Attorney General, to exercise any power or authority of the Attorney General in the administration of any designated specific provision of such laws. In any instance in which any officer so selected shall be in doubt as to the construction of the applicable law or as to the proper principle covering the exercise of discretion, he shall refer the matter to the Commissioner for his consideration.

CROSS REFERENCE: For a full description of the organization of the Immigration and Naturalization Service, including delegation of authority, see Part 1 of this chapter, particularly §§ 1.10-1.23 and §§ 1.40-1.49.

§ 90.2 *Board of Immigration Appeals.* There shall be in the Office of the Attorney General a Board of Immigration Appeals. It shall be under the supervision and direction of the Attorney General and shall be responsible solely to him. The Board of Immigration Appeals shall consist of a chairman and four other members and shall have attached to it such number of attorneys and other employees as the Attorney General, upon the recommendation of the Board, shall from time to time direct. In the absence of the chairman, a member designated by him shall act as chairman. The Board shall have authority, with the approval of the Attorney General, to promulgate rules of practice governing the proceedings before it, including rules as to the admission and conduct of attorneys practicing before it, and to disbar any attorney or other person from appearing in a representative capacity before the Board or before any officers of the Immigration and Naturalization Service.

§ 90.3 *Cases appealable to the Board of Immigration Appeals; powers of Board; finality of Board decisions.* (a) When the Commissioner, or officers designated by him in accordance with § 90.1, exercise the power and authority of the Attorney General delegated to them by § 90.1 or other provisions of this chapter by entering orders in proceedings under the immigration, nationality, or other laws administered by the Service, such orders shall be final except that appeals shall lie to the Board of Immigration Appeals where the orders, whatever their nature (excluding mitigation of fines or penalties), arise in:

(1) Exclusion or preexamination proceedings;

(2) Deportation proceedings, except as provided in § 90.10 (b);

(3) Proceedings involving administrative fines and penalties;

(4) Applications for admission under provisions of the 7th or 9th proviso to section 3 of the act of February 5, 1917;

(5) Petitions filed in accordance with section 9 (c) of the Immigration Act of 1924 for nonquota or preference quota status;

(6) Proceedings for revocation of nonquota or preference quota status previously granted.

(b) The Commissioner may, in any case arising under subparagraphs (1) to (6), inclusive, of paragraph (a) of this section in which no appeal has been taken in accordance with § 90.9, certify such case to the Board of Immigration Appeals for final decision.

(c) In considering and determining such appeals, the Board of Immigration Appeals shall exercise such discretion and power conferred upon the Attorney General by law as is appropriate and necessary for the disposition of the case. The decision of the Board shall be in writing and shall be final except in those cases reviewed by the Attorney General in accordance with § 90.12.

(d) Except as may be modified or overruled by the Board of Immigration Appeals or the Attorney General, decisions of the Board of Immigration Appeals shall be binding on all officers and employees of the Immigration and Naturalization Service in the administration of the immigration and nationality laws, and except as such decisions may be deemed confidential, shall serve as precedents in all proceedings involving the same issue or issues.

§ 90.4 *Board of Immigration Appeals; sessions.* The Board of Immigration Appeals will convene for the purpose of hearing oral argument at its offices in Washington, D. C., at 2 p. m. on every day except Saturdays, Sundays, and legal holidays. In computing the time within which oral argument may be fixed pursuant to §§ 90.5 and 90.9, Saturdays, Sundays, and legal holidays shall be disregarded.

§ 90.5 *Board of Immigration Appeals: oral argumnt; representation by Service.* Oral argument shall be heard by the Board of Immigration Appeals, upon request, in any appeal arising under § 90.3 (a). Requests for oral argument shall be directed to the Board of Immigration Appeals, Department of Justice, Washington 25, D. C. The Board shall have authority to fix any date or change the date upon which oral argument is to be heard. The Immigration and Naturalization Service may be represented in argument before the Board of Immigration Appeals by any officer or employee designated by the Commissioner.

§ 90.9 *Service of Commissioner's decision and order; manner of filing appeals*—(a) *Service of Commissioner's decision and order.* In those proceedings in which an appeal may be taken to the Board of Immigration Appeals pursuant to § 90.3 (a), a copy of the Commissioner's decision and order shall be served upon the counsel or representative of the party against whom the order is effective, or, in the absence of such counsel or representative, upon the party himself, by personal service or by registered mail. If the party does not have counsel or a representative, the decision and order shall be served upon him by the appropriate field office of the Immigration and Naturalization Service; otherwise the decision and order shall be served by the Commissioner on the party's counsel or representative. The service shall be accompanied by a written notice of the party's right to appeal to the Board of Immigration Appeals.

(b) *Appeals to the Board of Immigration Appeals; how filed.* All notices of appeal shall be filed in triplicate within 15 business days after the date of notification of the Commissioner's order except that, if the party against whom the order is effective is detained in the custody of the Immigration and Naturalization Service, such appeal shall be filed within five business days after the date of notification of such order. All notices of appeal to the Board of Immigration Appeals shall be filed by the party against whom the order is effective or by his counsel or representative. Two copies of the notice of appeal shall be filed with the Commissioner of Immigration and Naturalization or with the local field office. One copy shall be filed directly with the Board of Immigration Appeals. Filing of an appeal shall operate to stay the execution of the Commissioner's order until action on the appeal has been completed. Upon the filing of a notice of appeal, the Commissioner shall promptly transmit to the Board the entire record of the proceeding, including notice of appeal.

(c) *Waiver of appeal.* If the party against whom the order is effective or his counsel or representative waives, in writing, the filing of an appeal, the order of the Commissioner may be executed without awaiting the expiration of the time stated in paragraph (b) of this section.

§ 90.10 *Reconsideration or reopening of case after Commissioner's order has become final; stay of deportation.* (a) Reconsideration or reopening of any case in which the Commissioner's order is or has become final shall be only upon written motion addressed to the Commissioner in triplicate and submitted to him directly or through the field office handling the case. The Commissioner may, in his discretion, grant or deny such motion. A motion to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. A motion to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. The Commissioner shall serve a copy of his decision and order upon the party against whom the order is effective or his counsel or representative, as provided in paragraph (a) of § 90.9. An appeal from such an order of the Commissioner shall lie to the Board of Immigration Appeals and notice of such appeal shall be filed in accordance with paragraph (b) of § 90.9.

(b) A request for a stay of deportation shall be in writing and shall state the facts upon which the request is based. No appeal shall lie from the Commissioner's order on a motion for a stay of deportation.

§ 90.11 *Board of Immigration Appeals; transmittal of Board decisions; reconsideration or reopening of case after Board decision.* (a) A copy of the decision and order of the Board of Immigration Appeals shall be transmitted by the Board to the counsel or representative of the party against whom the order is effective, or, in the absence of such counsel or representative, to the party himself.

(b) Reconsideration or reopening of any case in which an order has been entered by the Board of Immigration Appeals (except as provided in § 150.11b of this chapter), whether requested by the Commissioner or by the party against whom the order is effective or his counsel or representative, shall be only upon written motion. The Board may, in its discretion, grant or deny such motion, and pending its consideration of the motion may stay deportation. A motion to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. A motion to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. Motions shall be filed in triplicate with the Board of Immigration Appeals. If oral argument upon a motion is desired, it shall be so stated. The Board of Immigration Appeals, in its discretion, may grant or deny oral argument. If the party against whom the order is effective is the moving party, the Board of Immigration Appeals may transmit one copy of the motion to the Commissioner, who shall be given a reasonable time, not exceeding 10 days or any extension thereof, within which to be heard, if oral argument is granted, or to file such briefs or memoranda as he deems appropriate. If the Commissioner is the moving party, he shall serve a copy of his motion upon the counsel or representative of the party against whom the order is effective, or, in the absence of such counsel or representative, upon the party himself, and shall make proof of service thereof. The party shall be given a reasonable time, not exceeding 10 days from the date of service of the Commissioner's motion or any extension thereof, within which to be heard, if oral argument is granted, or to file such briefs or memoranda as he deems appropriate.

§ 90.12 *Board of Immigration Appeals; reference of cases to the Attorney General.* The Board of Immigration Appeals shall refer to the Attorney General for review of the Board's decision all cases which:

(a) The Attorney General directs the Board to refer to him.

(b) The chairman or a majority of the Board believes should be referred to the Attorney General for review of its decision.

(c) The Commissioner requests be referred to the Attorney General by the Board and it agrees.

In any case in which the Attorney General shall review the decision of the Board, his decision shall be stated in writing and shall be transmitted to the party against whom the order is effective or to his counsel or representative, as provided in § 90.11 (a).

PART 130—BOARDS OF SPECIAL INQUIRY

Section 130.6 is amended to read as follows:

§ 130.6 *Excluded alien; informed of rights.* Where an alien is excluded by a board of special inquiry, he shall be advised of the decision of said board and the reason therefor, and when entitled to appeal to the Commissioner of Immigration and Naturalization, he shall be so advised: *Provided*, That the exact language employed in advising the alien of his right to appeal, together with a full and accurate transcript of the alien's reply, shall be inserted in the record and made a part thereof. An excluded alien shall be informed that the return voyage is at the expense of the transportation company which brought him and that such transportation company must return him in the same class in which he came. The fact that he has been so informed shall be entered into the record. (Secs. 16, 17, 18, 39 Stat. 885, 887, 58 Stat. 816; 8 U. S. C. and Sup., 152, 153, 154)

PART 136—APPEALS FROM DECISIONS BY BOARD OF SPECIAL INQUIRY

Part 136 is amended by inserting a new section immediately preceding § 136.1 and by amending §§ 136.3a, 136.4, 136.5, 136.6, and 136.7 as follows:

§ 136.0 *Definitions.* The term "appeal" when used in §§ 136.1 to 136.6, inclusive, means an appeal taken from the decision of a board of special inquiry. The term "appeal" when used in § 136.7 means an appeal taken from the decision of a board of special inquiry or an appeal taken from an order of the Commissioner entered in exclusion proceedings whichever is indicated.

§ 136.3a *Manner of taking an appeal.* An alien may, except as prohibited by § 136.2, take an appeal from the excluding decision of a board of special inquiry and shall be informed that he may appeal merely by stating for the record, as prescribed in § 130.6 of this chapter, that he desires to appeal. If, during the examination by the board of special inquiry, he states that he does not desire to appeal or that he will decide later whether to appeal, he shall be informed that any subsequent notice of appeal shall be sufficient if made in writing and made in accordance with the applicable provisions of this part and Part 130 of this chapter. A notation of any such notice shall be entered in the record of the examination.

§ 136.4 *Forwarding appeal record.* The complete appeal record, including the immigration visa or permit to reenter the United States, and any brief or argument filed by the appellant, his attorney, or his representative shall be forwarded promptly to the Commissioner of Immigration and Naturalization. The officer in charge shall in his discretion allow whatever time is reasonable, as indicated by the nature of the case, for the preparation and filing of briefs or arguments. (Sec. 17, 39 Stat. 887; 8 U. S. C. 153)

§ 136.5 *Cases reopened by Central Office or Department.* Whenever a case is referred back to a board of special inquiry in order that additional evidence may be taken, such case is thereby reopened; and after the new evidence has been taken, the board of special inquiry shall render a new decision, in which it may, in its discretion, reaffirm, alter, or reverse its previous decision. The mere action of referring back a case under such circumstances is not to be taken as an indication of any disapproval of the decision of the board of special inquiry or of what the new decision should be. (Sec. 17, 39 Stat. 887; 8 U. S. C. 153)

§ 136.6 *Reopening of hearing.* (a) After a final order by either the Commissioner or the Board of Immigration Appeals, the hearing shall be reopened only in accordance with § 90.10 (a) or § 90.11 (b) of this chapter, except that where a final order affirming an excluding decision has been entered, local immigration officials may stay deportation and request permission to reopen the case upon learning of new evidence which in their opinion is of such relevancy and materiality as, in justice to the alien or the United States, requires consideration by the board of special inquiry. Any such request of the local immigration officials shall contain a brief statement of the general nature of the new evidence and shall be submitted to the Commissioner. He shall act upon the request unless the final order has been entered by the Board of Immigration Appeals, in which event the request shall be acted upon by the Board.

(b) Where a final order has not been entered, either the alien, his counsel or representative, or the local immigration officials may request reopening of the hearing. Any such requests shall contain a brief statement of the general nature of the new evidence. The request shall be acted upon by the officer in charge if the record has not been forwarded to the Commissioner. If the record has been forwarded, the Commissioner shall act upon the request if the case is pending before him. If the case is pending before the Board of Immigration Appeals, the Commissioner shall forward the request to the Board. The Board shall consider the request and either remand the case for further hearing or deny the request and render a decision on the record. Upon receipt of permission to reopen the hearing, the board of special inquiry shall again acquire full control of the case as provided in § 136.5. (Sec. 17, 39 Stat. 887; 8 U. S. C. 153)

§ 136.7 *Notice of decision on appeal; appeal from order of Commissioner; abandoned applications for admission.* (a) The Commissioner, or officers designated by him in accordance with § 90.1 of this chapter, shall consider and determine all appeals entered from decisions of boards of special inquiry. The Commissioner shall notify the appropriate field office of his decision and shall, in accordance with § 90.9 of this chapter, serve his decision and order upon the alien or his counsel or representative. Further proceedings shall be had in accordance with the provisions of Part 90 of this chapter.

(b) If the decision on appeal provides for the reopening of the case or for the admission of the alien and he is in contiguous territory and does not appear for the reopened hearing or for admission to the United States within whatever period of time is specified in the decision or, where no such period is specified, within 60 days after the date of the notice addressed to him at his last known address, he shall be regarded as having abandoned his application for admission to the United States and the proceedings in his case shall be closed without prejudice to any future application. Any subsequent application for admission shall be considered as a new application. (Sec. 17, 39 Stat. 887; 8 U. S. C. 153)

PART 142—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

Part 142 is amended by amending §§ 142.5, 142.14, and 142.15 as follows and by revoking § 142.6.

§ 142.5 *Preexamination; authorization.* The Commissioner or a designated official in the Central Office shall have authority to authorize the preexamination of any eligible under the provisions of § 142.2.

§ 142.14 *Preexamination; where alien found inadmissible.* Where an alien is held inadmissible by a board of special inquiry in preexamination proceedings (for cause other than the lack of an unexpired immigration visa), the alien may appeal from the decision to the Commissioner of Immigration and Naturalization and further proceedings shall be had in accordance with the provisions of Part 90 of this chapter: *Provided, however*, That the decision of a board of special inquiry shall be based upon the certificate of the examining medical officer and, except as provided in section 21 of the Immigration Act of 1917, shall be final as to the rejection of aliens afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical defect which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of that act.

§ 142.15 *Preexamination; appeal by dissenting inspector.* Subject to the limitations in the proviso in § 142.14, a dissenting inspector may appeal from the decision of a board of special inquiry to the Commissioner of Immigration and Naturalization and further proceedings shall be had in accordance with the provisions of Part 90 of this chapter. In the event of an appeal by a dissenting inspector, no further proceedings shall be taken in the case pending the outcome of the appeal.

PART 150—ARREST AND DEPORTATION

Part 150 is amended by amending §§ 150.8, 150.9, 150.10 (h), 150.11 (d), and 150.11 (e); by revoking §§ 150.11 (f) and 150.14; and by inserting a new section between §§ 150.11a and 150.12, as follows:

§ 150.8 *Reopening the hearing.* At any time prior to the forwarding of the record of hearing to the Commissioner, the officer in charge of a district or suboffice may direct that a case be reopened for proper cause. The Commissioner may direct a reopening of the record of hearing for proper cause at any time prior to such time as an appeal from his

order may be entered in accordance with the provisions of § 90.3 (a) of this chapter. Requests by aliens or their representatives for a reopening of a hearing prior to entry of a final order shall be in writing, state the new facts to be proved, and be supported by affidavits or other evidentiary material. All requests for reopening must be filed with the appropriate field office of the Immigration and Naturalization Service. If the record of hearing has been forwarded to the Commissioner from that office, the request for reopening shall be forwarded to the Commissioner. The Commissioner shall grant or deny the request if the case is pending before him. If the case is pending before the Board of Immigration Appeals, the request shall be forwarded to the Board. The Board shall consider the request and either remand the case for further hearing or deny the request and render a decision on the record.

§ 150.9 *Forwarding record to Central Office.* Upon receipt of exceptions and brief, if any, of the alien or his counsel, or upon the expiration of the time allowed for the submission of exceptions or brief, the entire record, including all copies of Forms I–55 and I–255 filed by the alien, the presiding inspector's proposed findings, conclusions, and order, exceptions and brief, including the exceptions of the examining inspector, if any, shall be forwarded to the Commissioner.

§ 150.10 *Special procedure; application by an alien prior to arrest for suspension of deportation.* * * *

(h) *Termination of special procedure.* The special procedure provided for in paragraphs (f) and (g) of this section may be terminated forthwith (1) by the officer in charge of the district at any time prior to the transmittal of the record to the Commissioner, upon a determination that the alien may leave for parts unknown, or is failing without cause to prosecute his application, or that the alien's eligibility for suspension of deportation is questionable; or (2) by the Commissioner at any time. If such special procedure has been terminated as herein provided, the alien may be released under bond or on his own recognizance and his case shall be handled as other deportation cases under §§ 150.4 to 150.9, inclusive, commencing with the proceedings immediately following the service of the warrant of arrest. The removal of any case from the procedure provided in this section shall be without prejudice to the alien's application for suspension of deportation.

(Sec. 19 (c), 39 Stat. 889, 54 Stat. 671; 8 U. S. C. 155 (c))

§ 150.11 *Special deportation procedure.* * * *

(d) *In cases involving recent illegal entrants and alien seamen; hearing and procedure thereunder.* The hearing and all further proceedings in the case of an alien arrested upon a warrant issued and executed in accordance with paragraph (c) of this section shall be conducted in the manner prescribed in §§ 150.6 and 150.7 with the following exceptions:

(1) Any alien who desires the privilege of departure in lieu of deportation may make such request at any time during the hearing and such request may be acted upon without the necessity of filing Forms I–55 and I–255. The presiding inspector shall require the alien to furnish such information as may be available in support of such request.

(2) The presiding inspector, immediately before the hearing is concluded, shall state for the record in the presence of the alien his findings of fact, conclusions of law, and recommendation as to the disposition of the case, and

(3) The alien shall be required then and there to state whether or not he takes exception to such findings of fact, conclusions of law, and recommendation as to the disposition of the case; and he shall be informed that if he does take exception, the record will be submitted to the Commissioner for decision, and

(4) The transcript of the record, including the findings of fact, conclusions of law, and proposed order of the presiding inspector as stated in the record shall be presented to the officer in charge of the district in which the hearing is held.

(e) *In cases involving recent illegal entrants and alien seamen; issuance of warrant of deportation.* In any case conducted in accordance with the provisions of this section, in which the alien has made an exception to the proposed findings, conclusions, and order of the presiding inspector, or in which the alien has applied for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, or in which the recommendation of the presiding inspector is for any action other than the deportation of the alien, the transcript of the record shall be forwarded to the Commissioner for decision. Any other case shall be referred for determination to the officer in charge of the district. If such officer in charge is not satisfied beyond a doubt that the alien is subject to deportation and that his case falls within the provisions of paragraph (a) of this section, he shall forward the record to the Commissioner, with a statement of his reasons for so doing. If the officer in charge of the district is satisfied beyond a doubt that the alien is subject to deportation and that the case falls within the provisions of paragraph (a) of this section, he may issue a warrant directing the deportation of the alien upon the charges which have been established by the record. In all cases where a warrant of deportation is issued, a complete copy of the record and of the order of deportation shall be forwarded to the Commissioner within two business days. Deportation of an alien ordered deported by an officer in charge of a district shall be effected in the same manner as though deportation had been directed by the Commissioner. Any alien who has been ordered deported by an officer in charge of a district may, within five days after such order, if deportation has not been sooner effected, file an exception to the order of deportation giving his reasons in support thereof, and may request that his case be referred to the Commissioner for decision. Upon the filing of such exception and request, deportation of the alien shall be stayed and the request of the alien, accompanied by the entire record if not previously transmitted, shall be forwarded to the Central Office for review and decision by the Commissioner. If the warrant of deportation issued by the officer in charge of the district is confirmed by the Commissioner, deportation shall proceed upon the warrant issued by the officer in charge unless the respondent appeals to the Board of Immigration Appeals within the time specified in § 90.9 of this chapter. If, on appeal, the Board of Immigration Appeals affirms the order of the Commissioner, deportation shall proceed upon the warrant issued by the officer in charge of the district as soon as notification of such affirmance is received.

§ 150.11b *Requests for extension of time within which to depart voluntarily from the United States.* (a) Where an order has been entered by the Commissioner or by the Board of Immigration Appeals granting an alien permission to depart voluntarily from the United States at his own expense, a request for extension of time within which to effect departure shall be addressed to the Commissioner and filed in triplicate with the appropriate field office. The Commissioner shall act upon the request and, if denied, shall serve notice of his order and decision upon the alien or his counsel or representative, as provided in § 90.9 (a) of this chapter. Further proceedings shall be conducted in accordance with §§ 90.3 and 90.9 (b) of this chapter.

(b) If an alien does not depart from the United States within the time granted or any extension thereof, the field office shall serve a notice upon the alien and his counsel or representative, if any, advising him that it proposes to recommend to the Commissioner that an order of deportation be entered. The notice to the alien and his counsel or representative shall further advise him of his right to file exceptions within such time, but not less than five business days, as the field office deems reasonable. At the expiration of the period granted or any extension thereof, a copy of the notice together with the exceptions filed, if any, shall be forwarded to the Commissioner. The Commissioner shall act upon the recommendation and serve notice of his decision and order upon the alien or his counsel or representative, as provided in § 90.9 (a) of this chapter. Further proceedings shall be conducted in accordance with §§ 90.3 and 90.9 (b) of this chapter.

PART 160—IMPOSITION AND COLLECTION OF FINES

Part 160 is amended by amending §§ 160.18 (b) and 160.19 as follows:

§ 160.18 *Mitigation or remission of fines.* * * *

(b) *Seamen not detained on board or deported.* The fine prescribed by section 20 (a) of the Immigration Act of 1924, as amended (43 Stat. 164, 58 Stat. 817; 8 U. S. C. and Sup., 167 (a)), for failure to detain a seaman on board until inspection or for failure after inspection to carry out any order to detain and deport, may be mitigated in the discretion of the Attorney General. An application for such mitigation shall be submitted in triplicate to the officer in charge at the port where the violation is alleged to have occurred and he shall forward the original and duplicate to the Commissioner. Such application shall include information as to what diligence was exercised in detaining the seaman in compliance with the requirements of said section 20 (a) and what efforts were made to apprehend and return him to the vessel, and any other information pertinent to a showing that imposition of the full penalty would be unjust or inequitable. The application may be submitted in conjunction with a protest. After a final order as to liability for fine has been entered, any application solely for mitigation shall be decided by the Commissioner.

§ 160.19 *Notice of decisions; appeal from Commissioner's order.* The Commissioner shall furnish notice of the decision in all cases to the appropriate field office, and shall, in accordance with § 90.9 of this chapter, serve a copy of his decision and order upon the party against whom the proceedings were instituted or his counsel or representative. The field office shall inform the collector of customs promptly in the event no penalty is imposed, and in all other cases upon the disposition of any appeal, or at the expiration of the time in which an appeal may be entered. The responsibility for such action as may be appropriate in carrying out the provisions of the decision lies with the collector of customs.

This order shall become effective on July 28, 1947. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) relatives to notice of proposed rule making and delayed effective date are inapplicable for the reason that the rule prescribed by this order pertains to organization, particularly to delegation of authority, and to procedure.

(R. S. 161, 360, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150, sec. 1, 54 Stat. 1238; 5 U. S. C. 22, 311; 8 U. S. C. 102, 222 458, 727; 5 U. S. C. 133t)

TOM C. CLARK,
Attorney General.

Approval recommended: June 20, 1947.

UGO CARUSI,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 47-6769; Filed, July 17, 1947; 8:53 a. m.]

Chapter III—Philippine Alien Property Administration

PART 611—SUBSTANTIVE RULES

JUNE 29, 1947.

Reference is made to the notice which was published in the FEDERAL REGISTER dated May 1, 1947 (12 F. R. 2929) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. Sup. 1003) and which stated in full the terms of the proposed substantive rules. Such rules are hereby adopted as they were stated in the notice of May 1, 1947.

Sec.
611.1 Time of effectiveness of vesting orders.
611.2 Valuation of rates of exchange of monetary units of enemy countries.
611.3 Prohibition of transactions and appointment of agents and delegates.
611.4 Service of process upon any person within Japan or Germany.
611.5 Payment, transfer or distribution of property in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.
611.6 Report of persons under judicial supervision.
611.7 Report of property owned by persons to be repatriated.
611.8 Report of property of Germany and Japan and any national thereof.
611.9 Prohibition of transactions by personnel of the Office of Philippine Alien Property Administration.
611.10 Limitations on representative activities by former employees of Philippine Alien Property Administration.

AUTHORITY: §§ 611.1 to 611.10, inclusive, issued under 40 Stat. 411, 55 Stat. 839, 60 Stat. 50 Pub. Laws, 485, 671, 79th Cong.; 50 U. S. C. App. and Sup. 1, 616; E. O. 9142, April 21, 1942, E. O. 9193, July 6, 1942, E. O. 9325, April 7, 1943, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR 1945 Supp., E. O. 9725, May 16, 1946, E. O. 9747, July 3, 1946, E. O. 9760, July 23, 1946, 3 CFR 1946 Supp.

§ 611.1 *Time of effectiveness of vesting orders.* (a) Any property or interest shall be deemed to have vested at the time of the filing with the Official Gazette published in Manila, Philippine Islands, of an order vesting such property or interest: *Provided*, That any property or interest, the conveyance, transfer or assignment of which may be filed, registered or recorded in the office designated by law for the filing of such documents, shall be deemed to have vested at the time of the filing, registering, or recording in such office of the order vesting such property or interest, or at the time of the filing of such order with the Official Gazette, whichever is earlier: *Provided further*, That, as to subsequent purchasers or lienors without actual notice, an order vesting real property or an interest in such property shall be deemed effective from the time of the recordation of such order in the public office designated by law for the recordation of a conveyance, transfer or assignment of such property or interest.

(b) Actual notice, by service or otherwise, of the execution of an order vesting any property or interest shall be deemed (1) notice that the Philippine Alien Property Administrator has undertaken supervision of such property or interest, and (2) notice of the vesting of such property or interest as of the time specified in paragraph (a) of this section.

§ 611.2 *Valuation of rates of exchange of monetary units of enemy countries.* (a) That for the purpose and solely for the purpose of discharging claims and rights of foreign countries and nationals thereof against citizens and residents of the United States and the Philippine Republic, which by contract or agreement made or entered into by the parties prior to vesting are dischargeable by payment in monetary units of certain enemy countries and which heretofore have been or hereafter shall be vested by the Administrator, the equivalent of the monetary units of such enemy countries shall be determined by the Administrator after considering the reasonable value in United States currency of the enemy monetary units at the time the indebtedness was incurred.

(b) All persons now indebted or who shall hereafter be indebted to the Administrator on any claim as aforesaid are hereby ordered and directed to pay such debts, as they become due and payable, in United States currency, computed as above set forth, or the Philippine peso fixed at the rate of two (2) pesos for one (1) dollar United States currency.

(c) Any payment made and computed pursuant to this regulation shall be and constitute a full acquittance and discharge for all purposes of the person making the same for the obligation paid thereby.

(d) Nothing herein shall be deemed in any way to effect or alter any provisions of any contract or agreement made or entered into by the parties prior to vesting by the Administrator whereby there is established a method of computing such equivalents.

(e) The Administrator reserves the right to vary or modify the foregoing basis of computation from time to time by general order or by amendments hereto, or in specific cases upon a finding by the Administrator that application of this regulation would be inequitable.

§ 611.3 *Prohibition of transactions and appointment of agents and delegates.* (a) The following transactions are prohibited unless authorized by the Philippine Alien Property Administrator, or by an agent delegate appointed by the Philippine Alien Property Administrator, or by a supervisor designated by the Philippine Alien Property Administrator or by one of his said agents and delegates as hereinafter provided:

(1) All transactions involving any property, control of which has been released by the Secretary of the Treasury pursuant to Executive Order 9095, as amended, subject to the power and authority conferred upon the Philippine Alien Property Administrator; and

(2) All transactions by, or with, or on behalf of, or pursuant to the direction of, any business enterprise of which the Philippine Alien Property Administrator has undertaken the supervision, or which he has vested, or assets of or interests in which he has vested, or involving any property in which such business enterprise has any interest, control of such property or business enterprise having been released by the Secretary of the Treasury pursuant to Executive Order 9095, as amended.

(b) The Chief of the Division of Business Management and Control, the Chief of the Property Division, the Chief of the Division of Investigation, the Chief of the Division of Real Estate and Liquida-

tion, and the Secretary of the Office of the Philippine Alien Property Administration, are hereby appointed and delegated, severally, as agents and delegates of Philippine Alien Property Administrator to make and to revoke, on behalf of the Philippine Alien Property Administrator, authorization of transactions with respect to any property or business enterprise subject to the authority and power conferred upon the Philippine Alien Property Administrator; and with respect to any such specific property or business enterprise subject to such authority and power, to appoint and designate supervisors for such specific property or business enterprise who shall have authority to make and to revoke on behalf of the Philippine Alien Property Administrator authorizations of transactions.

§ 611.4 *Service of process upon any person within Japan or Germany.* (a) In any court or administration action or proceeding within the United States or within the Republic of the Philippines in which service of process or notice is to be made upon any person in Japan or Germany, the receipt by the Philippine Alien Property Administrator of a copy of such process or notice sent by registered mail to the Philippine Alien Property Administrator, Manila, Philippine Islands, shall be service of such process or notice upon any such persons, if, and not otherwise, the Philippine Alien Property Administrator within sixty days from the receipt thereof shall file with the court or administrative body issuing such process or notice, a written acceptance thereof.

(b) Such process or notice shall otherwise conform to the rules, orders or practice of the court or administrative body issuing such process or notice.

(c) This section shall not be construed to limit the authority of the Philippine Alien Property Administrator to take any measures in connection with representing any such person in any action or proceeding as in his judgment and discretion is or may be in the public interest.

§ 611.5 *Payment, transfer or distribution of property in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.* (a) No designated person shall pay, transfer, or distribute, or cause to be paid, transferred or distributed, any property of any nature whatsoever to or for the benefit of any designated enemy country or designated national, unless:

(1) The Philippine Alien Property Administrator has issued to the designated person a written consent to the payment, transfer or distribution, or

(2) The Philippine Alien Property Administrator has:

(i) Filed a written statement in the court or administrative action or proceeding in connection with which the payment, transfer or distribution is proposed, that he has determined not to represent the designated national, or

(ii) Represented the designated national in such action or proceeding by the appearance therein of a representative on behalf of the designated national, and such representative has been served by the designated person with written notice of the proposed payment, transfer or distribution, and ninety days have expired without the exercise of any other power or authority by the Philippine Alien Property Administrator with respect to such property.

(b) Any payment, transfer, or distribution pursuant to paragraph (a) of this section may be made only if licensed or otherwise authorized by the Secretary of the Treasury pursuant to the provisions of Executive Order 9095, as amended.

(c) For the purpose of this section, the terms:

(1) "Designated person" shall mean a person or officer acting under judicial supervision, or in any court or administrative action or proceeding, or in partition, libel, condemnation or other similar proceedings, including, but not by way of limitation, (i) executor, (ii) administrator, (iii) guardian, (iv) committee, (v) curator, (vi) trustee under will, deed, or settlement, (vii) receiver, (viii) trustee in bankruptcy, (ix) assignee for the benefit of creditors, (x) United States Marshal, (xi) sheriff, (xii) commissioner, (xiii) person acting under trust agreement, and (xiv) all other persons or officers acting in a similar capacity.

(2) "Designated enemy country" shall mean any foreign country against which the United States has declared the existence of a state of war (Germany, Japan), and any other country with which the United States is at war in the future.

(3) "Designated national" shall mean any person in any place under the control of a designated enemy country.

§ 611.6 *Report of persons under judicial supervision.* (a) All designated persons shall file a report of any property or interest in which there is reasonable cause to believe that Germany or Japan, or a person who is a citizen or subject or under control of Germany or Japan, has an interest.

(b) Such report shall be submitted in duplicate on form provided by the Office of Philippine Alien Property Administration, which shall be executed under oath and shall contain complete information in the manner provided in the form.

(c) For the purposes of this section, the terms:

(1) "Designated persons" shall mean persons or officers acting under judicial supervisions, or in any court or administrative action or proceeding, or in partition, libel, condemnation or other similar proceedings, including, but not by way of limitation (i) executors, (ii) administrators, (iii) guardians, (iv) committee, (v) curators, (vi) trustees under wills, deeds or settlements, (vii) receivers, (viii) trustees in bankruptcy, (ix) assignees for the benefit of creditors, (x) United States Marshals, (xi) sheriffs, (xii) commissioners, (xiii) persons acting under trust agreements, and (xiv) all other persons or officers acting in a similar capacity, or who may become such by appointment, qualification, or otherwise.

(d) Upon the execution of such report it shall be forwarded on or before June 1, 1947, to the Philippine Alien Property Administrator, Manila, Philippine Islands.

(e) Subsequent to June 1, 1947, such report shall be filed within thirty (30) days from the date upon which such designated person qualifies.

§ 611.7 *Report of property owned by persons to be repatriated.* (a) Any person proposed for repatriation to an enemy country shall, upon demand by a duly authorized representative of the Philippine Alien Property Administrator, prepare (or assist the representative of the Philippine Alien Property Administrator in preparing), sign and certify a report on Form PAPA–4, of all property of any nature whatsoever within the Republic of the Philippines, which is owned or controlled by, payable or deliverable to, held on behalf of or for the account of such person or in which such person has any interest of any nature whatsoever.

(b) Such duly authorized representatives of the Philippine Alien Property Administrator are hereby authorized to accept any books of account, records, contracts, letters, documents, memoranda, or other papers held in the custody of any person proposed for repatriation, which are useful in establishing the ownership or control of any suoh property.

(c) For the purposes of this section:

(1) "Persons proposed for repatriation" shall mean any person who has been designated by the Department of State of the United States or by the Republic of the Philippines, as one who may be repatriated to a designated enemy country;

(2) "A duly authorized representative of the Philippine Alien Property Administrator" shall include any person who possesses an identification card (bearing his signature and photograph) certifying that he is employed as an investigator, attorney, examiner, business analyst, or in any other responsible position in the Office of Philippine Alien Property Administration.

§ 611.8 *Report of property of Germany and Japan and any national thereof.* (a) Every person in the United States or in the Republic of the Philippines, who has any knowledge of or interest in or legal title to or custody or control or possession of any property or interest of any nature whatsoever within the Republic of the Philippines on or before December 31, 1946, and believes or has cause to believe that such property or interest is or may be directly or indirectly owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or claimed by, or is evidence of ownership or control of property or interest by, Germany or Japan or any national thereof, shall file with the Philippine Alien Property Administrator on or before June 1, 1947, a report on Form PAPA–5, containing the information called for and in conformity with instructions, whether or not a report with respect to any such property or interest shall have been filed previously with any government agency: *Provided*, That if such belief or cause to believe is acquired after June 1, 1947, such reports shall be filed within 30 days after such belief or cause to believe is acquired. For the purposes of this paragraph, safe deposit boxes shall be deemed to be in the "custody" not only of all lessees thereof and all persons having access thereto, but also of the lessors of such boxes, whether or not such lessors have access thereto.

(b) A report on Form PAPA–5, in accordance with the requirements specified in paragraph (a) of this section, shall be filed by every person with respect to all securities and obligations, including, but not limited to, shares of stock, debentures, notes, bonds, trust certificates, coupons, debts, contracts of insurance, issued or incurred by such persons, which are registered or recorded on the books of such person as, or which such person believes or has cause to believe are or may be, directly or indirectly owned or controlled by, payable to or deliverable to, held on behalf of or on account of, or owing to or claimed by, Germany or Japan or any national thereof.

(c) As used in paragraphs (a) and (b) of this section:

(1) The term "person" shall include, but not by way of limitation, an individual, partnership, association, corporation, company or other incorporated or unincorporated body or body politic.

(2) The term "property" shall include, but not by way of limitation, money, checks, drafts, bullion, bank deposits, savings accounts, obligations, financial securities commonly dealt in by bankers, brokers and investment houses, notes, debentures, stocks, bonds, coupons, bank acceptances, mortgages, pledges, liens, or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidence of title, ownership or indebtedness, goods, wares, merchandise, chattels, stock on hand, real estate, vendor's sales agreements, land contracts, lease-holds, ground rents, options, negotiable instruments, trade acceptances, book accounts, accounts payable (to Germany or Japan or any national thereof), patents, copyrights, trademarks, commercial prints and labels, judgments, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, interest in trusts.

(3) The term "Japan," when used in a territorial sense, means that territory which constituted Japan on December 7, 1941, including the mandated islands of Japan and Manchuria, but excluding all other areas in China occupied by the military forces of Japan on that date; and when used in a governmental sense, means the Government of Japan or any political subdivision, agency or instrumentality thereof.

(4) The phrase "national of Germany or Japan" means:

(i) Any person who, at the time on or since June 14, 1941, has been domiciled or resident in, or has been a citizen or subject of, Germany or Japan, except (a) persons domiciled or resident in the Republic of the Philippines on December 31, 1945, and (b) members of the armed forces of, and civilians (other than citizens or subjects of Germany or Japan) on official duty for the United States, China, France, the Union of Soviet Socialist Republics, or the United Kingdom, or organization acting officially on behalf of any of such nations.

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which at any time on or since June 14, 1941, has had its principal place of business in Germany or Japan; and

(iii) Any partnership, association, corporation or other organization, organized under the laws of, or whose principal place of business is located in, any country other than Germany, Japan or the United States, in which at any time on or since January 1, 1939, Germany or Japan or any national thereof has had any direct or indirect interest, or any direct or indirect control other than such control as prevailed solely by virtue of the military occupation by Germany or Japan or the territory in which such partnership, association, corporation or other organization is located.

(d) Philippine Alien Property Administration Form PAPA–5 and instructions may be obtained from Office of Philippine Alien Property Administration, Manila, Philippine Islands.

(e) Reports shall be executed and filed in duplicate with the Office of Philippine Alien Property Administration, Manila, Philippine Islands. The Philippine Alien Property Administrator reserves discretion to grant such extensions of time as he deems advisable for the making of any or all of the reports required by this section.

§ 611.9 *Prohibition of transactions by personnel of the Office of Philippine Alien Property Administrator.* (a) No person connected directly or indirectly with the Philippine Alien Property Administration shall effect, or cause to be effected for personal profit or benefit, any sale or purchase of, or other transaction in, or otherwise deal or participate in any property or interest therein concerning which the Philippine Alien Property Administrator has acted, or may hereafter act under the provisions of the Trading with the Enemy Act, as amended, or pursuant to the powers delegated to the Philippine Alien Property Administrator by the President. *Provided*, That where it is to the benefit of the Philippine Alien Property Administration, employees may act as temporary custodians of property held by the Philippine Alien Property Administration under such conditions as the Administrator may prescribe.

(b) This section shall apply to all transactions of the kind above described whether made directly by, for or on account or behalf of any person connected directly or indirectly with the Office of Philippine Alien Property Administration or in which such person has any beneficial interest. Employees are considered to have a beneficial interest in transactions of their husbands and wives, and therefore such transactions shall be deemed to come within the provisions of this section.

(c) Any person connected directly or indirectly with the Office of Philippine Alien Property Administration who owns or has any interest in any property or interest therein concerning which the Philippine Alien Property Administrator has acted or may hereafter act shall notify the Philippine Alien Property Administrator of such ownership or interest immediately upon the execution of this section or the taking of such action by the Philippine Alien Property Administrator, as the case may be.

§ 611.10 *Limitations on representative activities by former employees of Philippine Alien Property Administration*—(a) *One year bar; former employees.* No person who has served in any capacity as an employee of the Office of the Philippine Alien Property Administration shall act as counsel, attorney or agent for prosecuting in the Office of the Philippine Alien Property Administration any claim against the United States which was pending at the time he was so employed, nor in any manner, nor by any means help in the prosecution of such claim, nor appearing in a representative capacity before the Office of the Philippine Alien Property Administration or an officer, or employer thereof in connection with any matter involving vested property, within one year after the termination of his employment in the office, unless he obtains the prior approval of the Administrator in each matter. To obtain such approval he must file an affidavit stating:

(1) His former connection with the Office of Philippine Alien Property Administrator;

(2) That while he was connected with the Office of Philippine Alien Property Administrator the matter was not pending therein, or if it was so pending;

(i) That he gave no personal consideration to it, and had no knowledge of the facts involved therein while connected, and

(ii) That he is not assisted and will not be assisted by any person who has personally considered it or gained personal knowledge of the facts thereof while connected with the Office of Philippine Alien Property Administrator.

(b) *Continuing bar; confidential material.* Nothing in this section shall be deemed to authorize the disclosure, regardless of the passage of time, of any information in the files and papers of the Office of Philippine Alien Property Administrator within the purview of § 621.2 of this chapter in any manner other than that provided in the said § 621.2.

Executed in Manila, Philippine Islands, June 29, 1947.

[SEAL] JAMES McI. HENDERSON,
Administrator.

[F. R. Doc. 47–6754; Filed, July 17, 1947; 8:42 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 111—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

MISCELLANEOUS AMENDMENTS

Amend Part 111, Chapter I, Title 10, Code of Federal Regulations as follows:

1. Delete the word "theater" in the third line of paragraph (c) of § 111.1.

2. Rescind § 111.2 and substitute the following:

§ 111.2 *Letter of sympathy to nearest relative or other person designated to be notified in case of emergency.* (a) When death occurs on a transport, the letter of sympathy will be prepared by:

(1) The commanding officer of the unit of which the deceased was a member;

(2) If there is no unit commander, the commanding officer of troops on board the transport;

(3) If there is no unit commander or commanding officer of troops, the master of the vessel;

and will be turned over to the transportation agent to be mailed to the nearest relative or other person designated to be notified in case of emergency.

(b) In cases of death in oversea commands, except where the nearest relative or other person designated to be notified in case of an emergency resides locally, the letter of sympathy will be prepared by The Adjutant General upon receipt of the report of death. When the nearest relative or other person designated to be notified in case of an emergency resides in the country in which the death occurs the local commander will prepare the letter of sympathy. In every case of death overseas, the emergency addressee or the next of kin will be advised by air mail letter direct of the circumstances surrounding death, including specific cause and place, the grave location, information about the burial service, and all other information of a personal or sentimental nature which may be of comfort to the family.

3. Rescind § 111.3 and substitute the following:

§ 111.3 *Advice to supposed beneficiary: furnishing vouchers.* (a) Inquiries from a supposed beneficiary will be answered to the effect that gratuities (Part 303, §§ 303.1 to 303.3 and AR 35–1540) are paid by the proper disbursing officer as soon as eligibility therefor can be determined by the Finance Officer, U. S. Army, Army Finance Center, OCF, Building 205, St. Louis 20, Missouri, or the finance officers in oversea commands; that if found eligible, information relative to payment may be expected from the disbursing officer as early as practicable; and that no action on his or her part to secure payment is necessary.

(b) Vouchers will not be furnished to a supposed beneficiary by anyone other than the Finance Officer, U. S. Army, St. Louis, except that in oversea commands such vouchers may be furnished by the disbursing officer authorized to make payment of the gratuity.

4. Rescind §§ 111.4 to 111.7, inclusive, and substitute the following:

§ 111.4 *Effects*—(a) *Disposition of effects.* (1) Action will be taken in accordance with instructions contained in War Department directives upon the death of any person subject to military law as shown in the second article of war who dies within the continental limits of the United States, excluding Alaska.

(2) Upon the death of any person subject to military law as defined in the 2d Article of War who dies or is reported as "missing persons" outside the continental limits of the United States, including Alaska, disposition of his effects will be in accordance with the provisions of Army regulations.

(b) *When death occurs on board a transport.* (1) The effects of persons who die aboard a transport will be secured and listed and each lot will be securely boxed and crated. Three copies of the list will be prepared. One copy of the list will be inclosed with the effects in the container and one securely pasted on the outside of the container. The effects will then be turned over to the transportation agent for safekeeping and for delivery to the port transportation officer at a port in the United States for disposition in the manner prescribed in the 112th Article of War.

(2) When part of the effects are stored in the hold of the transport, or when it is impracticable for any reason to secure all the effects, the effects accessible will be secured and listed and turned over to the transportation agent, who will, upon the arrival of the transport at a port of embarkation or debarkation, secure and list all the effects, prepare the list in triplicate, and take the action indicated in subparagraph (1) of this paragraph. The receipts for the effects will be obtained by the transportation agent from the port transportation officer and filed with the record of the transport.

(3) The transportation officer in the United States will dispose of the effects in the manner provided in the 112th Article of War, prepare the inventory in triplicate, and forward the original and first carbon thereof with the final report direct to The Adjutant General.

(c) *Clothing, Government property, not part of decedent's effects.* Issue clothing of deceased personnel, except authorized purchases, and other than necessary for burial, will be collected and turned in to the unit or other supply office with the individual equipment.

(d) *Care against loss of effects.* The greatest care will be exercised at all times against the loss of personal effects. Each package, box, or crate will be plainly marked "Effects deceased person" and will bear the full name, grade, serial number, and organization of the person to whom the effects belonged.

(e) *Effects of deceased civilian employees not subject to military law.* (1) Within continental limits of United States, excluding Alaska: The foregoing provisions of this section do not apply in the case of deceased civilian employees with the Army when they are not subject to military law. In such cases the officer under whom the decedent was serving or such representative of the service in which the decedent has been employed as said officer may designate, will secure the decedent's effects and deliver them to the legal heirs or their representatives. If the effects are not claimed within a reasonable period of time, said officer, or the person designated by him, will deliver the effects, with all available useful information concerning the decedent, to the person designated by the judicial officer of the local civil government having jurisdiction over the estates of deceased persons. In all cases receipts will be obtained and forwarded through chiefs of arms and services to The Adjutant General with complete report of action taken.

(2) Outside continental limits of United States, including Alaska: Outside the continental limits of the United States, including Alaska, local pertinent laws will be complied with.

(f) *Stocks, bonds, bank accounts, and other commercial paper not to be converted into cash.* (1) The disposal of the effects and cash belonging to the estates of persons dying while subject to military laws will be governed by the procedure set forth in the 112th Article of War.

(2) When delivery of the effects cannot be made to any of the persons named in that article of war and the effects are to be converted into cash, the summary court will not include in the sale of effects any stocks, bonds, bank accounts, or other forms of purely commercial paper, but will forward the same to The Adjutant General for transmission to the Soldiers' Home under the provisions of the act of Congress approved February 21, 1931 (46 Stat. 1203; 10 U. S. C. 1584a).

[AR 600–550, June 23, 1947] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47–6762; Filed, July 17, 1947; 8:46 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

PART 751—ESTABLISHING THE GENERAL RESPONSIBILITIES AND ORGANIZATION OF THE OFFICE OF THE ADMINISTRATOR, NATIONAL HOUSING AGENCY, INCLUDING DELEGATIONS OF FINAL AUTHORITY

DELEGATION OF AUTHORITY TO FEDERAL PUBLIC HOUSING COMMISSIONER TO TERMINATE OR DISPOSE OF HOUSING DEVELOPED UNDER THE HOMES CONVERSION PROGRAM

§ 751.36 *Delegation to Federal Public Housing Commissioner and to his designees.* (a) The Federal Public Housing Commissioner, and such subordinates as may be designated by him, each are hereby authorized to terminate or dispose of conversion leases on properties developed under the Homes Conversion Program, and to execute the legal instruments necessary thereto.

The Homes Conversion Program includes all properties leased by the Federal Government under authority of the Lanham Act (54 Stat. 1125, as amended, 42 U. S. C. Sup. 1521) and converted into dwelling units by the Home Owners' Loan Corporation, responsibility for the management supervision of which was transferred to the Federal Public Housing Authority on August 1, 1944. It does not include properties converted independently by the FPHA prior to the transfer of this program from the HOLC to the FPHA, which properties are included under the Public War Housing Program (Lanham-constructed).

(b) Nothing in this section shall be construed as obligating the Commissioner or his designees to dispose of such properties prior to the expiration of the lease term, except that the interest of the Federal Government in such properties shall be disposed of as expeditiously as possible consistent with the protection of the investment of the Federal Government in such leases.

(c) Restrictions on eligibility established prior to this date are hereby removed, and in accordance with NHA Regulation 60–5G (Part 703, § 703.3 [1]) eligibility for vacancies shall be determined by the Federal Public Housing Commissioner: *Provided, however,* That no family other than a distressed family of a veteran or serviceman shall be admitted when a vacancy occurs if there is a qualified distressed family of a veteran or serviceman available to occupy the vacant accommodations.

(d) Present tenants in Homes Conversion Program properties, managed by the FPHA, shall not be evicted except for violation of the terms of their tenancy.

When the FPHA terminates a Homes Conversion Program lease, the terms of the agreement with the owner shall provide that the termination is subject to the rights of existing tenancies.

(e) This delegation shall be effective immediately and supersedes NHA General Order 30–9B.[2]

Redesignation of § 751.14. Part 751, § 751.14 [3] is hereby redesignated § 751.37. (54 Stat. 1125, as amended, sec. 1, 55 Stat. 838; 42 U. S. C. Sup. 1521, 50 U. S. C. App., Sup. 601, E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

Issued this 18th day of July 1947.

[SEAL] RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 47–6765; Filed, July 17, 1947; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 340]

PART 802—GENERAL LICENSES

GIFT PARCELS

Section 802.29 *General license for gift parcels* is hereby amended to read as follows:

§ 802.29 *General license for gift parcels*—(a) *General license.* There is hereby granted a general license authorizing the exportation of gift parcels, as defined in paragraph (b) of this section, to all destinations to which parcel post service is available; *Provided,* That such exportation is in accordance with the following provisions of this section.

(b) *Definition.* For the purpose of this general license, a gift parcel is defined as a parcel containing commodities donated free of cost to an individual in a foreign country for the personal use of such individual or his immediate family. Exportations under this general license are confined to parcels mailed by parcel post to an individual and shall conform to Post Office Department regulations as to size and weight.

(c) *General license designation.* The legend "gift parcel" shall be plainly written on the address side of the parcel and on any Customs declaration required by the Bureau of Customs. The inscription of the legend "gift parcel" on the parcel shall constitute a certification by the donor that the shipment complies with the provisions of this general license.

(d) *Destinations*—(1) *Shipments to destinations other than Germany and Japan.* Gift parcels may be sent to individuals in all destinations to which parcel post service is available, except Germany and Japan, in accordance with the following provisions:

(i) The combined total domestic retail value of all soap, butter and other edible fats and oils included in each gift parcel shall not exceed $5; and the combined total domestic retail value of al, streptomycin, quinine sulfate, and quinine hydrochloride included in each gift parcel shall not exceed $5.

(ii) Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(2) *Shipments to Germany and Japan.* Gift parcels may be sent to persons in all of the occupied zones of Germany including Berlin and to persons located in the islands of Honshu, Kyushu, Shikoku, or Hokkaido in occupied Japan in accordance with the following provisions:

(i) No gift parcel shall contain commodities other than clothing, nonperishable foodstuffs, medicinals and vitamins, soaps and shaving creams.

(ii) The combined total domestic retail value of all soap, butter and other edible fats and oils included in each gift parcel shall not exceed $5; and the combined total domestic retail value of all streptomycin, quinine sulfate, and quinine hydrochloride included in each gift parcel shall not exceed $5.

(iii) Not more than one gift parcel may be sent from the same donor to the same donee in any one calendar week. (Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 145, 80th Cong.; 50 U. S. C. App. & Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: July 9, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47–6711; Filed, July 17, 1947; 8:49 a. m.]

[1] 11 F. R. 10390, September 17, 1946.
[2] Effective September 1, 1945; not published in FEDERAL REGISTER.
[3] 12 F. R. 3244, May 20, 1947.

Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce [1]

[Conservation Order M–84 Revocation]

PART 3290—MANILA (ABACA) AND AGAVE FIBERS AND CORDAGE

Section 3290.221 *Conservation Order M–84* is hereby revoked, effective at midnight on July 15, 1947. This revocation does not affect any liabilities incurred for violation of this order, or of any actions taken under it by the Office of Materials Distribution, the Civilian Production Administration, or the War Production Board.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Laws 24, 29, and 145, and 188, 80th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645; Materials Control Reg. 1, May 2, 1947, 12 F. R. 2995; Office of Materials Distribution Reg. 1, May 2, 1947, 12 F. R. 2996)

Issued this 15th day of July 1947.

OFFICE OF MATERIALS DISTRIBUTION,
By RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 47–6740; Filed, July 17, 1947; 8:45 a. m.]

[Conservation Order M–131, as amended Nov. 29, 1946, Amdt. 1]

PART 3293—CHEMICALS

CINCHONA BARK AND CINCHONA ALKALOIDS

Section 3293.131 *Conservation Order M–131* is amended by inserting the following at the beginning of paragraph (c):

Nothing contained in this order shall apply, after July 15, 1947, to any cinchona bark, quinine, or quinidine not held by any Government agency, not acquired, prior to, on, or after July 15, 1947, from any Government agency (either directly or through intermediate distributors, processors, or other channels of distribution), or not made from any of such materials so acquired. Persons buying cinchona bark, quinine, or quinidine after July 15, 1947, for acceptance, delivery, or use without authorization under this order should first satisfy themselves, in some reasonable manner, that the material is within the exception stated in the preceding sentence. They may, but need not, require a statement in writing as to the source of the material.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 277, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Pub. Laws 24, 29, 145, and 188, 80th Con-

[1] Formerly Office of Temporary Controls, Civilian Production Administration.

gress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 2599; 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645; Materials Control Reg. 1, May 2, 1947, 12 F. R. 2995; Office of Materials Distribution Reg. 1, May 2, 1947, 12 F. R. 2996)

Issued this 15th day of July 1947.

OFFICE OF MATERIALS DISTRIBUTION,
By RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 47-6739; Filed, July 17, 1947; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

PENICILLIN PROHIBITED IN MAILS TO GERMANY

Effective at once, the regulations under the country "Germany" (39 CFR, Part 21, Subpart B, Service to Foreign Countries) as amended (11 F. R. 14517, 12 F. R. 705, 706, 1604, 3151, 3303, 3863, 3974, 4249, and 4399), are further amended by adding the following to the item "Prohibitions."

The transmission of penicillin in the mails (air or surface, including Parcel Post) to Germany is prohibited.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-6726; Filed, July 17, 1947; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of July 1947:

The Commission having under consideration the consolidation of the Amateur License Section with the Commercial License Section, and the change of location of the Radio Operator Examination Room, the Commercial License Reference Room, and the Amateur License Reference Room, and

It appearing, that such proposals are designed to improve the internal administration of the Commission and will serve the public interest, convenience and necessity; and

It further appearing, that the proposed amendments to the rules and regulations are organizational, and that the publication of general notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is not required:

It is ordered, That, effective immediately, Part I of the Commission's rules and regulations be amended in the following respects:

1. Section 1.12 (b) is amended to read as follows:

§ 1.12 *License Division.* • • •

(b) Commercial License Section, which examines all applications and supporting data relating to all classes of nonbroadcast radio stations, assigns call letters to all classes of radio stations (including broadcast), issues amateur operator and station licenses, maintains records concerning all classes of nonbroadcast radio stations, amateur and commercial operators; examines all applications and supporting data relating to telephone and telegraph extensions or abandonment of facilities, and interlocking directorates; and issues orders, authorizations, and certificates approved by the Commission in the above class of cases in nondocket cases.

2. Revoke § 1.12 (c) and renumber § 1.12 (d) as § 1.12 (c).

3. Amend § 1.213 so as to delete the words "316 F Street NE.," and substitute the words "Room 2120, Temporary Building I, 17th Street and Independence Avenue SW."

4. Amend § 1.204 so as to delete the present addresses in paragraphs (b) and (c) and substitute the following:

(b) Room 1129, Temporary Building I, 17th Street and Independence Avenue SW.

(c) Room 1122, Temporary Building I, 17th Street and Independence Avenue SW.

(Sec. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-6768; Filed, July 17, 1947; 8:53 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. MC-19]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

As a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 14th day of July A. D. 1947.

Upon consideration of requests of petitioners for modification of the effective date of the order of April 25, 1947 (12 F. R. 3151), which by its terms was to become effective July 15, 1947, it is hereby modified so as to become effective on September 15, 1947.

(49 Stat. 547, 558, 560; 49 U. S. C. 304 (c), 316 (e), 317 (a))

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6742; Filed, July 17, 1947; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 322]

IMPORTATION OF ADULT HONEYBEES INTO THE UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Consideration is being given to the revocation of regulation 4 (7 CFR 322.4) of the regulations issued May 12, 1923, by the Secretary of the Treasury and the Secretary of Agriculture, under the authority contained in section 1 of the act of August 31, 1922 (42 Stat. 833; 7 U. S. C. 281 et seq.), regulating the importation of adult honeybees into the United States, and the special rules (7 CFR 322.7–322.10, inclusive), issued by the Secretary of Agriculture June 19, 1923, relating thereto.

The proposed revocation of the above-mentioned regulation and rules is based upon the increased danger of the introduction into the United States of the so-called Isle of Wight or acarine disease, caused by the parasitic mite, Acarapis woodi, which infests adult honeybees in foreign countries and which has greatly increased in such countries during the recent war.

There are no positive symptoms of this disease, and the only method of determining its presence is through dissection and microscopic examination of the bee, which entails its destruction. The present regulations and rules are inadequate to safeguard against the introduction of the disease.

The introduction of such disease into the United States might well endanger the American beekeeping industry with attendant dangers to American agriculture in view of the increased dependence now placed on the honeybee in the pollination of legume and other important seed crops.

Importation of adult honeybees into the United States for experimental or scientific purposes by the United States Department of Agriculture, as provided in the above-mentioned act, will not be affected by the proposed revocation.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid consideration shall file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(42 Stat. 833; 7 U. S. C. 281 et seq.)

Issued this 14th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6760; Filed, July 17, 1947; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 241]

TERMS, CONDITIONS AND LIMITATIONS ATTACHED TO FOREIGN AIR CARRIER PERMITS, AND FILING AND SERVICE OF NOTICES REQUIRED THEREBY

NOTICE OF PROPOSED REVISION OF REGULATIONS

JULY 8, 1947.

The Civil Aeronautics Board has under consideration the proposed addition of §§ 241.2 and 241.3 to its Economic Regulations. The proposed § 241.2 sets forth the terms, conditions and limitations to be attached to all permits issued by the Board authorizing foreign air carriers to engage in foreign air transportation as defined in the act. The proposed § 241.3 sets forth the requirements as to filing and service of notices which foreign air carriers would be required to give under the proposed § 241.2. It has been the practice to date to specify in the order authorizing the issuance of a foreign air carrier permit that the permit shall be subject to the terms, conditions, and limitations prescribed by § 238.4 of the Economic Regulations. Section 238.4, however, relates primarily to the certificated United States air carriers engaging in foreign air transportation, and contains material which is inappropriate for foreign air carriers. The proposed regulations are designed to prescribe terms, conditions and limitations for foreign air carriers' permits only.

The statutory authority for these proposed regulations is sections 402 (f) and 205 (a) of the Civil Aeronautics Act, as amended. (52 Stat. 932, 984, as amended; 49 U. S. C. 482, 425.)

Consideration will be given to written comments on the proposed regulations which are received by the Secretary, Civil Aeronautics Board, Washington 25, D. C., not later than September 1, 1947.

1. Proposed addition of § 241.2 to the Economic Regulations is as follows:

§ 241.2 *Terms, conditions, and limitations attached to foreign air carrier permits*—(a) *Applicability.* Unless the order authorizing the issuance of a particular permit shall otherwise provide, there shall be attached to each permit authorizing a foreign air carrier to engage in foreign air transportation issued pursuant to section 402 of the Civil Aeronautics Acts of 1938, as amended, the terms, conditions, and limitations hereinafter set forth, and such other terms, conditions, and limitations as may from time to time be prescribed by the Board and approved by the President of the United States.

(b) *Airport authorization.* If at any time the holder of a permit desires to serve regularly a point in the United States named in the permit through an airport not then regularly used by the holder, the holder shall file with the Board written notice of its intention so to do. Such notice shall be filed at least 30 days prior to inaugurating the use of such airport. Such notice shall be conspicuously entitled "Airport Notice by Foreign Air Carrier," shall clearly describe such airport and its location, and shall state the reasons why the holder deems the use of such airport to be desirable. At the time such notice is filed with the Board a copy thereof shall be served by the holder upon such persons as the Board may require. The use of such airport may be inaugurated upon the expiration of 30 days after the filing of such notice, unless the Board notifies the holder within said 30-day period that it appears to the Board that such use may adversely affect the public interest, in which event such use shall not thereafter be inaugurated (except as may be expressly permitted by such notification) unless and until the Board finds, upon application filed by the holder that the public interest would not be adversely affected by such use. The Board may permit the use of an airport at any time after the filing of the "Airport Notice by Foreign Air Carrier" whenever the circumstances warrant such action.

(c) *Revocation of permit.* It shall be a condition upon the holding of a permit that any of the following contingencies occurring while the permit is in effect may, after notice and hearing, be deemed sufficient cause for cancellation or revocation of the permit within the meaning of section 402 (g) of the act:

(1) Any intentional contravention in fact by the holder of any of the applicable provisions of Title IV or VI of the act or of the orders, rules, or regulations issued thereunder;

(2) Any intentional contravention in fact by the holder of any of the terms, conditions, or limitations contained in the permit, or contained in any international treaty, convention, or agreement to which the permit is declared by its terms to be subject;

(3) The failure of the holder to be substantially owned and effectively controlled in the manner described in any treaty, convention, or agreement affecting international air transportation then in effect between the United States and the country of which the holder is a national.

(d) *Requirements of other laws and regulations.* Nothing contained in this section, and no permission or authorization granted by the Board pursuant to this section, shall be deemed to relieve a holder from any requirements of, or obligations imposed by, laws or regulations of the United States or of any political subdivision thereof, including but not limited to laws and regulations relative to entry, clearance, immigration, passports, customs, and quarantine. (52 Stat. 992, 934, as amended; 49 U. S. C. 482, 425)

2. Proposed addition of § 241.3 to the Economic Regulations is as follows:

§ 241.3 *Filing and service of notices required by terms, conditions, and limitations attached to foreign air carrier permits*—(a) *Persons upon whom papers shall be served.* A copy of each "Airport Notice by Foreign Air Carrier", filed with the Board pursuant to § 241.2 of the Economic Regulations by the holder of a foreign air carrier permit, shall be served upon the following:

(1) The Secretary of State of the United States, marked for the attention of the Chief, Aviation Division;

(2) The Secretary of the Treasury of the United States marked for the attention of the Commissioner of Customs;

(3) The Attorney General of the United States, marked for the attention of the Commissioner of Immigration and Naturalization;

(4) The Postmaster General of the United States, marked for the attention of the Second Assistant Postmaster General;

(5) The Secretary of Agriculture of the United States, marked for the attention of the Chief, Division of Foreign Plant Quarantine;

(6) The Surgeon General of the Public Health Service of the United States, marked for the attention of the Chief, Foreign Quarantine Division;

(7) The chief executive of the municipality intended to be served through the proposed airport; and

(8) Such other persons as the Board may specifically designate in a particular case.

(b) *Manner of filing and serving papers.* Service of a copy of a notice upon any person pursuant to this section may be made by personal service, by registered mail addressed to such person, or by other safe and expeditious means. Whenever service is made by registered mail, posted from a point within the continental United States, the date of mailing shall be considered as the time when service is made, otherwise, the date of receipt by the party upon whom service is made shall be deemed the date of service. Each copy of a notice served pursuant to this section shall be accompanied by a letter of transmittal stating that such service is being made pursuant to §§ 241.2 and 241.3 of the Economic Regulations of the Civil Aeronautics Board. An executed original and nine copies of each such notice shall be filed with the Board, and each such copy shall be accompanied by a statement to the effect that the foreign air carrier has served a copy thereof upon each such person required to be served hereunder. Such statement shall include the names and addresses of the persons upon whom a copy of such notice was served.

(52 Stat. 992, 984, as amended; 49 U. S. C. 482, 425)

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6770; Filed, July 17, 1947; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 270]

BONDING OF OFFICERS AND EMPLOYEES OF REGISTERED MANAGEMENT INVESTMENT COMPANIES; CUSTODY OF SECURITIES MAINTAINED BY MANAGEMENT COMPANY

NOTICE OF PROPOSALS WITH RESPECT TO ADOPTION AND REVISION OF RULES

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of § 270.17g–1 (Rule N-17G–1) which relates to the bonding of officers and employees of management investment companies registered under the Investment Company Act of 1940 and the revision of the existing § 270.17f–2 (Rule N-17F–2) relating to the manner in which registered management investment companies may maintain portfolio securities and similar investments in their own custody.

The proposed bonding rule is intended to implement the provisions of section 17 (g) of the act. It should be noted that the rule permits management to determine initially the amount of any required bond with the proviso that the Commission may, after appropriate notice and opportunity for hearing, fix the minimum reasonable amount including the type, form and coverage of any such bond.

The purpose of the proposed revision of the custody rule is to permit the maintenance by registered management companies of securities and similar investments in their own custody under a safekeeping arrangement, subject to the same safeguards as in the case of a deposit in a vault or other depositary, with a bank or other company subject to supervision by State or Federal authority. The revision would also make clear that securities and similar investments deposited with a bank or other company, whether in a vault or for safekeeping, under an arrangement which permits the withdrawal of such securities and investments by directors, officers or employees, upon mere receipt, are deemed to be in the custody of the registered company.

The Director of the Corporation Finance Division of the Commission has previously circulated for comment earlier drafts of the proposed new bonding rule and revision of the existing custody rule. As a result of comment received by him, the proposals have been modified to incorporate certain suggested changes. Thus, for example, it is proposed that paragraph (9) of the existing Rule N-17F–2 be deleted so as to permit registration or recording of the securities held by a management investment company in the name of a nominee.

§ 270.17g–1 *Bonding of officers and employees of registered management investment companies.* (a) Each registered management investment company shall provide and maintain a bond issued by a fidelity insurance company, authorized to do business in the place where the bond is issued, against larceny and embezzlement, as defined in section 37 of the act, covering each officer and employee of the registered company, who may singly, or jointly with others, have access to securities or funds of the company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities. Such bond may be in the form of an individual bond for each such person, or a schedule or blanket bond covering all such persons.

(b) Each such bond shall be in such reasonable amount as a majority of the board of directors of such registered company who are not such officers or employees thereof, with due consideration to the value of the aggregate assets of such company, shall determine. Notwithstanding any such determination the Commission may in any case, by order after appropriate notice and opportunity for hearing, prescribe minimum reasonable amounts, including the type, form, and coverage, of a bond or bonds for each such officer and employee or each class of such officers and employees.

(c) One copy of the resolution of the board of directors of the company determining the amount, type, form and coverage of each such bond and one true copy thereof shall be filed with the Commission within ten days after the execution of each bond together with a statement by an officer of the company as to the period for which the premiums for such bond have been paid. Each company shall notify the Commission immediately upon cancellation or termination of each such bond unless contemporaneously with or prior to such cancellation or termination, a new bond or bonds have been provided and are effective.

§ 270.17f–2 *Custody of securities maintained by management company.* (a) Securities and similar investments of a registered management company, maintained by such company with a bank or other company under any arrangement whereunder the directors, officers, agents or employees of such registered management company may withdraw or are authorized to withdraw such securities and similar investments upon mere receipt, are deemed to be in the custody of such management company and may be so maintained upon compliance with the provisions of paragraph (b) of this section.

(b) The securities and similar investments of a registered management company may be maintained in the custody of such company upon the following conditions:

(1) Except as provided in subparagraph (2) of this paragraph, all such securities and similar investments shall be deposited in the safekeeping of, or in a vault or other depository maintained by, a bank or other company whose functions and physical facilities are supervised by Federal or State authority.

(2) The provisions of subparagraph (1) of this paragraph shall not apply to securities on loan which are collateralized to the extent of their full market value, or to securities hypothecated, pledged, or placed in escrow for the account of such registered company in connection with a loan or other transaction authorized by specific resolution of its board of directors, or to securities in transit in connection with a sale, an exchange pursuant to a plan of reorganization, recapitalization or otherwise, redemption, maturity or conversion, the exercise of warrants or rights, assents to changes in terms of the securities, or other transactions necessary in the ordinary routine relating to the management of securities.

(3) The securities and investments deposited pursuant to subparagraph (1) of this paragraph shall be physically segregated at all times from those of any other person.

(4) The securities and investments deposited pursuant to subparagraph (1) of this paragraph shall be withdrawn only in connection with transactions of the character described in subparagraph (2) of this paragraph.

(5) Except as otherwise authorized or permitted by law, no person shall be authorized or permitted to have access to the securities and investments deposited pursuant to subparagraph (1) of this paragraph except pursuant to resolution of the board of directors of such registered company. Each such resolution shall designate not more than five persons who shall be either officers or responsible employees of such company, and shall provide that access to such securities and investments shall be had only by two or more such persons jointly, at least one of whom shall be an officer, except that access to such securities and investments shall be permitted (i) to properly authorized officers and employees of the bank or other company in whose safekeeping the securities and investments are placed under a safekeeping arrangement for the purposes of such safekeeping agreement only and (ii) for the purpose of subparagraph (7) of this paragraph to the independent public accountant jointly with any two persons so designated or with such officer or employee of such bank or such other company.

(6) Each person designated pursuant to subparagraph (5) of this paragraph, when depositing in or withdrawing or ordering the withdrawal and delivery from the safekeeping of the bank or other company or from the depository securities and investments, shall sign a notation in respect of such deposit or withdrawal, or order to withdraw and deliver, which shall show (i) the date and time of the deposit or withdrawal, or order to withdraw and deliver, (ii) the name and amount of the securities and other investments deposited and withdrawn or to be withdrawn and delivered, and an identification thereof by certificate numbers or otherwise, (iii) the manner of acquisition of securities and investments deposited or the purpose for which securities and investments have been withdrawn, or to be withdrawn and delivered, and (iv) if the securities are to be withdrawn and delivered to another person the name of such person. Such notation shall be transmitted promptly to an officer or director of the registered company designated by its board of directors who shall not be a person designated for the purpose of subparagraph (5) of this paragraph. Such notation shall be on forms serially numbered, and shall be preserved for at least one year.

(7) Such securities and investments shall be verified by complete examination by an independent public accountant retained by such registered company or by receipt of a confirmation from such bank or such other company at least three times during the fiscal year, at least two of which shall be chosen by such accountant without prior notice to such company. A certificate of such accountant, stating that he has made an examination of such securities and investments and describing the nature and extent of the examination or that he has received a confirmation from such bank or such other company and accompanied by a copy of such confirmation, shall be transmitted to the Commission promptly after each such examination.

(8) Such securities and investments shall at all times be subject to inspection by the Commission through its authorized employees or agents accompanied, unless otherwise directed by order of the Commission, by one or more of the persons designated pursuant to subparagraph (5) of this paragraph.

All interested persons may submit data, views and comment in writing to the Securities and Exchange Commission at its main office, 18th and Locust Streets, Philadelphia 3, Pennsylvania on or before August 10, 1947.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 11, 1947.

[F. R. Doc. 47–6731; Filed, July 17, 1947; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2090671]

ALASKA

SHORE SPACE RESTORATION NO. 392

JULY 11, 1947.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described land:

A tract of land identified as Lot "M" of the Totem Bight Group of Homesites, U. S. Survey No. 2606.

The area described contains 2.71 acres.

FRED W. JOHNSON, *Director.*

[F. R. Doc. 47–6738; Filed, July 17, 1947; 8:51 a. m.]

OREGON

REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS CLASSIFIED AS TIMBER LANDS

Pursuant to the authority vested in me by section 3 of the act of August 28, 1937, (50 Stat. 874), it is ordered as follows:

Subject to valid existing rights, and to existing withdrawals, including existing power site classifications or withdrawals, all of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands, in Oregon, heretofore classified as agricultural lands under the act of June 9, 1916 (39 Stat. 218) are hereby removed from such classification, these lands, after examination, having been found to be unsuitable for homesteading, and they are hereby classified as timber lands.

WILLIAM E. WARNE, *Assistant Secretary of the Interior.*

JULY 7, 1947.

[F. R. Doc. 47–6737; Filed, July 17, 1947; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8334]

SANTA MONICA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING

In re application of: Santa Monica Broadcasting Company, Santa Monica, California, for FM construction permit; File No. BPH–1252, Docket No. 8334.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 22d day of May 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new Class A FM station to be located at Santa Monica, California;

Whereas, the Commission on April 23, 1947 designated for a consolidated hearing the applications of San Pedro Printing and Publishing Company, et al. Dockets 8318–8332, inclusive, which applications all requested Class A stations in the vicinity of Los Angeles, California;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended; the above-entitled application be and it is hereby designated for hearing in a consolidation with the applications of San Pedro Printing and Publishing Company et al., Dockets 8318–8332, upon the first six issues listed in the order designating Dockets 8318–8332 for hearing.

It is further ordered, That the order heretofore issued in Dockets 8318–8332 be and it is hereby made to include the application of Santa Monica Broadcasting Company (File No. BPH–1252, Docket No. 8334):

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–6767; Filed, July 17, 1947; 8:53 a. m.]

[Docket No. 8465]

MACKAY RADIO AND TELEGRAPH CO.

ORDER PROVIDING OPPORTUNITY FOR ORAL ARGUMENT

In the matter of Mackay Radio and Telegraph Company, Docket No. 8465, File Nos. T1–SA–680, T1–SA–658, T1–SA–659, and T1–SA–657. Applications for special temporary authorizations to communicate with Helsinki, Finland; Lisbon, Portgual; Paramaribo, Surinam; and The Hague, Netherlands.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1947;

The Commission, having under consideration its order of June 14, 1947, denying the subject applications, and also having under consideration a petition filed by Mackay Radio and Telegraph Company, on July 7, 1947, as supplemented by letter dated July 9, 1947, requesting that the Commission reconsider its action of June 14, 1947, denying the subject applications, and grant the applications without hearing, or in the alternative, that the Commission afford the petitioner an opportunity to be heard through oral argument on August 7, 1947, at the same time and place as is now designated for the oral argument in Dockets Nos. 7094 and 7412; and

It appearing, that the disposition of the petition for reconsideration, insofar as it seeks a grant of the subject applications without a hearing, should be deferred until petitioner has had an opportunity to present oral argument;

It is ordered, That leave be granted to the petitioner to be heard in this matter through oral argument on August 8, 1947, following the oral argument now scheduled in Dockets Nos. 7094 and 7412;

It is further ordered, That leave is hereby granted to all other United States carriers engaged in international telegraph communications also to present oral argument with respect to the matters raised by the aforementioned petition.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–6766; Filed, July 17, 1947; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT–6060]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES AND RESCINDING PREVIOUS ORDER

JULY 15, 1947.

Notice is hereby given that, on July 14, 1947, the Federal Power Commission

issued its order entered July 12, 1947, authorizing issuance of securities and rescinding previous order in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-6761; Filed, July 17, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 234]

RECONSIGNMENT OF PEACHES AT HARRISBURG, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Harrisburg, Pa., July 9, 1947, by Chase & Co., of Georgia, of car FGE 11554, peaches, now on the PRR to C. C. Hess-Watson Co., New York, N. Y. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6744; Filed, July 17, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 235]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Greenwich, Philadelphia, Pa., July 9, 1947, by Seaboard Supply Co., Olney, Va., of nine cars of potatoes, now on the PRR to Seaboard Supply Co.

To Charlestown, Mass.:
MDT—36754
NRC—4248
FGE—13629
WFE—62066
ART—20608
To Boston, Mass.:
URT—5939
WFE—67561
WFE—66022
To Providence, R. I.:
MDT—45781

via the Pennsylvania Railroad.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6745; Filed, July 17, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 236]

RECONSIGNMENT OF PEACHES AT OMAHA, NEBR.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Omaha, Nebraska, July 9, 1947, by Chase & Co. of Georgia, of car FGE 11074, peaches, now on the CB&Q R. R., to Fox & Godding, Chicago, Ill (CB&Q).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of July, 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6746; Filed, July 17, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 237]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 10, 1947, by J. Trankina & Co., of car PFE 60463, tomatoes, now on the Chicago Produce Terminal to Leone Fruit & Produce Co., Pittsburgh, Pa. (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6748; Filed, July 17, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 238]

RECONSIGNMENT OF POTATOES AT KANSAS CITY

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, July 10, 1947, by Yankee Brokerage Co., of car SFRD 20821, potatoes, now on the Santa Fe to Chicago, Ill. (Santa Fe).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6749; Filed, July 17, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 239]

RECONSIGNMENT OF POTATOES AT KANSAS CITY

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, July 10, 1947, by Yankee Brokerage Co., of cars URT 8025 and RD 32436, potatoes now on the Santa Fe to Pittsburgh, Pa.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6750; Filed, July 17, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 240]

RECONSIGNMENT OF PEACHES AT KANSAS CITY

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, July 10, 1947, by E. E. Fadler Co., of car ART 17234, peaches, now on the Missouri Pacific to Omaha, Nebr. (Mo.-Pac.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6751; Filed, July 17, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 241]

RECONSIGNMENT OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 11, 1947, by Simon Siegel Co., of car PFE 91302, carrots, now on the Chicago Produce Terminal to St. Louis, Mo. (Wab.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6752; Filed, July 17, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 242]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 11, 1947, by Piowaty Berghart Co., of car PFE 40633, potatoes, now on the Chicago Produce Terminal to Appleton, Wis. (CNW).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6753; Filed, July 17, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 243]

RECONSIGNMENT OF ONIONS AT KANSAS CITY

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, July 9, 1947, by Ritter Price Co., of following cars, onions, now on the KCS: To Chicago, Ill., NWX 1443 and IC 54616 (CB&Q); To St. Louis Mo. MDT 16671 (MP).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6754; Filed, July 17, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 244]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 14, 1947, by Riley McFarland, of car RD 37192, apples, now on the CB&Q to New York, N. Y. (Erie).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6755; Filed, July 17, 1947; 8:46 a. m.]

[S. O 396, Special Permit 245]

RECONSIGNMENT OF CUCUMBERS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 14, 1947, by Sam Egalnick Co., of car ART 21694, cucumbers, now on the Wabash to Detroit, Mich. (Wab.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6756; Filed, July 17, 1947; 8:46 a. m.]

[Rev. S. O. 620, Special Permit 8]

LIGHTWEIGHING OF CARS AT OAKLAND, CALIF.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the lightweighing of railroad cars by or for Howard Terminal Railway, Oakland, California.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July, 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6757; Filed, July 17, 1947; 8:46 a. m.]

[No. 29785]

SOUTHERN RAILROADS

INCREASED PASSENGER FARES

JULY 11, 1947.

By petition dated July 3, 1947, the common carriers operating in the south, listed in the appendix hereto (including those parts of the lines of the Louisville and Nashville Railroad Company, Gulf, Mobile and Ohio Railroad Company, and Southern Railway Company east and south of and including St. Louis, Mo.) request this Commission to authorize petitioners to increase between stations on their lines their interstate basic one-way passenger fares in parlor or sleeping cars by 6.06 percent or to approximately 3.5 cents per mile, with a minimum one-way fare of 15 cents, and to increase such fares between stations on their lines and stations on connecting lines sufficiently to reflect the proposed increases on their lines.

Petitioners state that if authority is granted to increase the basic one-way fares as sought in the petition, it is the intention of petitioners to increase their round-trip fares in parlor or sleeping cars to the following basis: 180 percent of the one-way fares (approximately 3.15 cents per mile in each direction) adding when necessary to make the resulting fare end in "0" or "5".

The Commission is further asked to modify its order of February 28, 1936, in No. 26550, *Passenger Fares and Surcharges*, 214 I. C. C. 174, as subsequently modified, sufficiently to permit the establishment and maintenance of the proposed increased fares on interstate traffic. Petitioners Louisville and Nashville Railroad Company, Gulf, Mobile and Ohio Railroad Company, and Southern Railway Company further ask the Commission to modify its order of November 13, 1920, in No. 11703, *Intrastate Rates within Illinois*, 59 I. C. C. 350, as subsequently modified sufficiently to permit the establishment and maintenance of like increased intrastate fares within Illinois on those portions of the lines of said petitioners above referred to.

The Commission is further asked to grant such fourth-section relief as may be necessary to permit the establishment and maintenance of such increased fares, and to permit such establishment on five days' notice, without suspension, by simple forms of tariff publication.

The petition above described has been docketed as No. 29785, Increased Passenger Fares—Southern Railroads, and is assigned for public hearing before Commissioner John L. Rogers and Examiner Burton Fuller on August 26, 1947, 9:30 o'clock a. m. United States Standard time (or 9:30 o'clock a. m., Daylight Saving Time if that time is observed) at Atlanta Biltmore Hotel, Atlanta, Georgia.

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioners, the Governors and the rate regulatory authorities of the States traversed by petitioners, and at the same time copies have also been posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

W. P. BARTEL,
Secretary.

APPENDIX

LIST OF PETITIONERS

Class I

Atlanta and West Point Rail Road Company—The Western Railway of Alabama.
Atlantic Coast Line Railroad Company.
Carolina, Clinchfield and Ohio Railway.
Carolina, Clinchfield and Ohio Railway of South Carolina (operated as the Clinchfield Railroad by lessees: Atlantic Coast Line Railroad Company; Louisville and Nashville Railroad Company).
Central of Georgia Railway Company (M P Callaway, trustee).
Charleston & Western Carolina Railway Company.
Columbus and Greenville Railway Company.
Florida East Coast Railway Company (Scott M. Loftin and John W. Martin, trustees).
Georgia Rail Road & Banking Company (operated as the Georgia Railroad by lessees Atlantic Coast Line Railroad Company Louisville and Nashville Railroad Company).
Georgia & Florida Railroad (W V. Griffin H W. Purvis and Victor Markwalter, receivers).
Gulf, Mobile and Ohio Railroad Company.
Louisville and Nashville Railroad Company.
Mississippi Central Railroad Company.
The Nashville, Chattanooga & St. Louis Railway.
Norfolk Southern Railway Company.
Richmond, Fredericksburg and Potomac Railroad Company.
Seaboard Air Line Railroad Company.
Southern Railway Company.
The Cincinnati, New Orleans and Texas Pacific Railway Company.
The Alabama Great Southern Railroad Company.
New Orleans and Northeastern Railroad Company.
Georgia Southern and Florida Railway Company.
Tennessee Central Railway Company

Class II

Aberdeen and Rockfish Railroad Company.
Albany and Northern Railway Company.
Blue Ridge Railway Company.
Carolina and Northwestern Railway Company.
Columbia, Newberry and Laurens Railroad Company.
Danville and Western Railway Company.
Fort Myers Southern Railroad Company.
Louisville and Wadley Railroad Company.
Macon, Dublin & Savannah Railroad Company.
Tampa Southern Railroad Company.
Wadley Southern Railway Company.
Winston-Salem Southbound Railway Company.
Wrightsville and Tennille Railroad Company.

[F. R. Doc. 47-6743; Filed, July 17, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1509]

WILLIAM H. AND JOHN M. TAYLOR

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of July 1947

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by William H. Taylor and John M. Taylor.

Notice is further given that any interested person may, not later than July 29, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, raised by the said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application, which is on file in the office of the Commission, for a statement of the transactions therein contained and proposed, which are summarized below:

William H. Taylor and John M. Taylor have requested approval of the acquisition by each of them of the capital stock of Allied Gas Company ("Allied"), distributable to them pursuant to the terms of the section 11 (e) plan of dissolution of Great Lakes Utilities Company ("Great Lakes"), formerly a registered holding company, which plan was approved by this Commission and the District Court of the United States for the Eastern District of Pennsylvania on March 19, 1947, and March 25, 1947, respectively. Allied is a public utility company and just prior to the dissolution of Great Lakes, was Great Lakes only remaining subsidiary. The aforementioned section 11 (e) plan of Great Lakes provides, among other things, that Great Lakes will distribute all of the outstanding capital stock of Allied, consisting of 10,052 shares of such stock with a par value of $10 per share, to the holders of the outstanding Voting Trust Certificates for common stock of Great Lakes, in exchange for such Voting Trust Certificates on the basis of one share of the common stock of Allied for each 15 shares of common stock of Great Lakes.

Allied, an Illinois corporation, distributes propane-air gas to approximately 1,507 customers in its Paxton Division, which serves the communities of Paxton, Gibson City and Rantoul, Illinois, and distributes manufactured gas to approximately 1,253 customers in Rochelle, Illinois.

The filing indicates that the applicants, William H. Taylor and John M. Taylor, own both direct and indirect interests in Voting Trust Certificates for common stock of Great Lakes. Their direct interest consists of Certificates for 50,286 and 1,095 shares, respectively, of a total of 150,780 shares of common stock of Great Lakes formerly outstanding. Their indirect interest is derived through Taylor Fibre Company which owns Certificates for 19,826 shares of common stock of Great Lakes or about 13% of the total number of shares of such stock formerly outstanding. According to the filing William H. Taylor and John M. Taylor own, respectively, 1,887 and 1,770 shares or 27.4% and 25.7%, respectively, of a total of 6,886 shares presently outstanding of the capital stock of Taylor Fibre Company.

The filing further indicates that Taylor Fibre Company, a Pennsylvania corporation which is not registered as a holding company, is primarily engaged in the manufacture and sale of fibre, fibrous materials, bakelite and bakelite materials, and that it also owns and operates farm lands, orchards and real estate, and sells, buys, invests and reinvests its surplus funds in stocks and other securities. In addition, the filing indicates that Taylor Fibre Company does not directly or indirectly own, control or hold with power to vote as much as five percent of the outstanding voting securities of any public utility company or public utility holding company other than Great Lakes and Allied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6734; Filed, July 17, 1947; 8:50 a. m.]

[File No. 70-1544]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE) AND ALABAMA POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of July 1947.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company and Alabama Power Company ("Alabama Power"), a public utility company and a subsidiary of Commonwealth, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules thereunder regarding the proposed sale by Alabama Power to Phenix Natural Gas Company, the assignee of a contract between Alabama Power and George H. Stubbs, Jr., an investment banker of Birmingham, Alabama, of all of Alabama Power's gas properties, comprising the natural gas distribution system serving the City of Phenix City, Alabama, and adjacent territoy, exclusive of automotive equipment, office furniture or equipment, warehouse or warehouse equipment, and materials and supplies, for a base cash consideration of $271,156 plus the cost per books of all additions between December 31, 1946 and the date of transfer, subject to closing adjustments; and

Said declaration having been filed on June 5, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Commonwealth and Alabama Power having requested that the effective date of the declaration be accelerated; and

The Commission observing no basis for adverse findings under section 12 (d) of the act and Rule U-44 thereunder with respect to the proposed sale and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective, and the Commission also deeming it appropriate that the request for acceleration of the effective date of said declaration be granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6735; Filed, July 17, 1947; 8:50 a. m.]

[File No. 70-1552]

PACIFIC POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regulation session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of July A. D. 1947.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Pacific Power & Light Company ("Pacific"), an electric utility subsidiary of American, having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, and U-50 thereunder regarding the following proposed transactions:

Pacific proposes (a) to issue $29,000,000 principal amount of First Mortgage Bonds, --% Series due 1977, of which $26,900,000 principal amount will be sold pursuant to the competitive bidding requirements of Rule U-50 and $2,100,000 principal amount will be exchanged for a like principal amount of Northwestern Electric Company 4½% Debentures due 1959, owned by American and assumed by Pacific; and (b) to issue and sell at private sale $4,000,000 principal amount of 2% ten-year Serial Notes payable in twenty equal semi-annual installments.

The proceeds from the sale of the securities described above will be applied (a) to the redemption of $20,500,000 principal amount of Pacific's outstanding First Mortgage and Prior Lien Gold Bonds, 5% Series due 1955, at 101½% of the principal amount thereof plus ac-

crued interest; (b) to the payment of the balance due on Pacific's 6% note, due November 25, 1940, in the amount of $1,794,500; (c) to the redemption of $6,700,000 principal amount of Northwestern Electric Company First Mortgage Bonds, 4% Series due 1969, assumed by Pacific, at 104% of the principal amount thereof plus accrued interest; and (d) the balance will be used in connection with Pacific's construction program.

Said joint application-declaration having filed on June 18, 1947, and the last amendment thereto on July 8, 1947, and notice of filing thereof having been given in the manner and form prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and not having ordered a hearing with respect to said joint application-declaration, as amended; and

American and Pacific having requested that the Commission's order with respect to said joint application-declaration, as amended, issue at the earliest date possible and become effective upon issuance, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be permitted to become effective forthwith subject to certain reservations of jurisdiction:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition, to which the applicants-declarants have expressly assented, that the proposed sale of bonds by Pacific shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record as so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof;

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the payment of all counsel fees and expenses in connection with the proposed transactions, including the fees and expenses of counsel for the successful bidder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6730; Filed, July 17, 1947; 8:50 a. m.]

[File No. 70-1552]

PACIFIC POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

SUPPLEMENTAL ORDER SHORTENING PERIOD OF TIME FOR BIDS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of July A. D. 1947.

The Commission having, on July 11, 1947, issued its order granting and permitting to become effective, subject to certain conditions, a joint application-declaration, as amended, filed pursuant to the Public Utility Holding Company Act of 1935, by American Power & Light Company ("American"), a registered holding company, and its electric utility subsidiary, Pacific Power & Light Company ("Pacific"), regarding, among other things, the issuance by Pacific of $29,000,000 principal amount of First Mortgage Bonds, --% Series due 1977, of which $26,900,000 principal amount will be sold pursuant to the competitive bidding requirements of Rule U-50; and

American and Pacific having, on July 14, 1947, requested that the ten day period for publicly inviting bids as provided in Rule U-50 be shortened so that bids may be opened on July 22, 1947 and the Commission having considered such request and deeming it appropriate that it be granted:

It is ordered, That the ten day period for the public invitation of bids for the bonds proposed to be sold by Pacific, prescribed by Rule U-50, be, and the same hereby is, shortened to permit the opening of bids on July 22, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6736; Filed, July 17, 1947; 8:51 a. m.]

[File No. 70-1553]

ATLANTIC CITY ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of July A. D. 1947.

Atlantic City Electric Company ("Atlantic City"), an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, having filed an application-declaration and amendments thereto pursuant to sections 6, 7 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder with respect to the following transactions:

Atlantic City has entered into a credit agreement whereby the banks named below will make loans to Atlantic City in the aggregate amounts shown below during the period from the effective date of said agreement to September 1, 1950. Of the aggregate amount of $3,600,000 which the banks are obligated to lend, $2,000,000 will be borrowed and notes will be issued therefor, within 10 days after the effective date of the agreement in the amounts shown below. The remaining $1,600,000 may be borrowed as needed and notes issued therefor subject to approval by the Board of Public Utility Commissioners of the State of New Jersey and this Commission.

Name of bank	Amount of commitment	Amount of maximum date loan
Guaranty Trust Co. of New York	$1,800,000	$1,[illegible]
Irving Trust Co.	1,800,000	1,[illegible]
Total	3,600,000	2,[illegible]

The proposed loans will be evidenced by promissory notes maturing December 31, 1950 and are to bear interest from their respective issue dates at the rate of 1½% per annum for the period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Atlantic City will pay to each bank a commitment fee of ¼ of 1% per annum until August 31, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on three days' notice, and may be prepaid on 10 days' notice, such loans and prepayments to be borne by or made ratably to both banks. Atlantic City may, on 10 days' notice to the banks, terminate or reduce pro-rata in the aggregate amount of $100,000 or multiples thereof, the obligations of the bank to make the loans provided for in the agreement.

Applicant-declarant states that from the proceeds of the immediate borrowing in the amount of $2,000,000 it will repay its outstanding 1½% note, due September 11, 1947, in the amount of $1,000,000. It is further stated that the balance of the proposed loans is necessary to provide funds to enable applicant-declarant to proceed with its construction program and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the credit agreement.

The proposed transactions have been approved by the Board of Public Utility Commissioners of the State of New Jersey, the State in which Atlantic City was organized and is doing business.

The application-declaration having been filed on June 19, 1947 and amendments thereto having been filed on June 27, 1947 and July 9, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application-declaration as amended within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration as amended that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary thereunder and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration as amended be granted and permitted to become effective, and deeming it appropriate to grant the request of the applicant that the order become effective at the earliest date possible.

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said application-declaration as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6733; Filed, July 17, 1947; 8:50 a. m.]

[File No. 70-1554]

ARKANSAS POWER & LIGHT CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of July A. D. 1947.

Arkansas Power & Light Company ("Arkansas"), a utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application and amendment thereto pursuant to sections 6 (b) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 of the rules and regulations promulgated thereunder with respect to the following transactions:

Arkansas proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $11,000,000 principal amount of First Mortgage Bonds --% Series, due 1977, to be issued under and secured by the company's presently existing Mortgage and Deed of Trust dated as of October 1, 1944, as supplemented by a First Supplemental Indenture to be dated as of July 1, 1947. The proceeds from the sale of the bonds will be applied as follows: (a) $4,000,000 will be retained by the Trustees pending withdrawal by Arkansas under the terms of the Mortgage and Deed of Trust dated October 1, 1944, as supplemented, on the basis of property additions; (b) $1,750,000 will be used to repay Arkansas' outstanding short-term note of like principal amount; and (c) the balance will be added to Arkansas' general cash funds to be used for construction of new facilities, extension and improvement of present facilities, and other corporate purposes.

Arkansas has requested that the ten-day period for inviting bids as provided in Rule U-50 be shortened so that bids may be opened on July 21, 1947.

The proposed transaction has been approved by the Public Service Commission of the State of Arkansas, the State in which Arkansas was organized and is doing business.

The application having been filed on June 19, 1947, and an amendment thereto having been filed on July 8, 1947, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the said application, as amended, be granted and deeming it appropriate to grant the request of applicant that the order become effective at the earliest date possible:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24, and subject to the following additional conditions, the imposition of which has been assented to by the company:

(1) That the proposed sale of bonds of Arkansas shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all legal fees and expenses to be paid in connection with said application.

It is further ordered, That the ten day period for the reception of bids with respect to the bonds proposed to be sold, prescribed by Rule U-50, be, and the same hereby is shortened so that bids may be opened on July 21, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6732; Filed, July 17, 1947; 8:50 a. m.]

[File No. 70-1562]

DETROIT EDISON CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of July A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by The Detroit Edison Company ("Detroit Edison"), a utility subsidiary of American Light & Traction Company ("American Light"), a registered holding company, designating sections 6 (a) and 7 of the act and Rules U-20, U-21, U-22, U-23, U-24, U-42 (b) (2) and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested parties are referred to the declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Detroit Edison proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $60,000,000 principal amount of --% General and Refunding Mortgage Bonds, Series I, dated as of October 1, 1924, bearing interest from September 1, 1947, and due September 1, 1982, and it is proposed that the interest rate on, and the price to be received for, said bonds are to be determined by the competitive bidding. It is stated that the proceeds received from the sale of the bonds will be used to redeem, at 105% of the principal amount, $30,000,000 principal amount of outstanding 4% General and Refunding Mortgage Bonds, Series F, the accrued interest on which will be paid out of other funds of the company, to pay notes payable to banks in a principal amount estimated to be $12,000,000 at the time of the sale of the Series I bonds, and to finance the current construction program of the company.

The declaration states that the issuance and sale of the bonds are subject to the jurisdiction of the Michigan Public Service Commission and that the requisite authorization from such Commission will be procured and proper evidence thereof supplied by amendment.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said declaration, and that said declaration shall not be permitted to become effective except pursuant to the further order of this Commission;

It is ordered, That a hearing on the declaration pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on July 29, 1947, at 10:00 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before July 25, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen MacCullen, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing, and is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utility Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consid-

eration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issue and sale of bonds meet the requirements of section 6 (a) and 7 of the act;

2. Whether the indentures securing the bonds contain adequate protective provisions for the benefit of the security holders;

3. Whether the fees, commissions and other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

4. Whether the accounting treatment with respect to the proposed transactions is in conformity with sound accounting principles;

5. What terms or conditions should be prescribed with respect to the proposed transactions in the public interest or for the protection of investors or consumers.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on the declarant herein, The Detroit Edison Company, The Michigan Public Service Commission, and the City of Detroit, and that notice of said hearing shall be given all other persons by publication of this notice and order in the FEDERAL REGISTER, and by general release of this Commission which shall be distributed to the press.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6729; Filed, July 17, 1947; 8:49 a. m.]

[File No. 811-297]

PUBLIC SERVICE TRUST SHARES, SERIES A

NOTICE OF MOTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of July A. D. 1947.

Notice is hereby given that the Corporation Finance Division of the Commission has filed a motion for an order pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") declaring that Public Service Trust Shares, Series A, has ceased to be an investment company.

The Corporation Finance Division has been advised that pursuant to a provision of the trust indenture under which it was created, Public Service Trust Shares, Series A, was terminated because the Depositor under such indenture has been dissolved for failure to pay taxes. The Division has been further advised that all the assets of such trust have been liquidated and that substantially all of the proceeds have been distributed to certificate holders.

All interested persons are referred to said motion which is on file at the Philadelphia, Pennsylvania offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the motion may be issued by the Commission at any time after July 28, 1947, unless prior thereto a hearing upon the motion is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 24, 1947, at 5:30 p. m., in writing submit to the Commission his views or any additional facts bearing upon this motion or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the motion which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6728; Filed, July 17, 1947; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9310]

ERNEST H. SPIELMANN

In re: Stock owned by Ernest H. Spielmann. F-28-23398-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest H. Spielmann, whose last known address is Berlin-Spandau, Hasemark 23, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of no par value common capital stock of National Dairy Products Corporation, 230 Park Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 89674, registered in the name of Ernest H. Spielmann, together with all declared and unpaid dividends thereon, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country;

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 47-6772; Filed, July 17, 1947; 8:47 a. m.]

[Vesting Order 9311]

ALBERT STRASSER

In re: Bank account owned by Albert Strasser. F-28-22576-E-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Strasser, whose last known address is Bartenbach bei Goeppingen, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bowery Savings Bank, 110 East 42nd Street, New York, New York, arising out of a savings account entitled Helene Dietz, in trust for Albert Strasser, son, maintained at the branch office of the aforesaid bank located at 130 Bowery, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Albert Strasser, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6773; Filed, July 17, 1947; 8:47 a. m.]

[Vesting Order 9315]

ALFRED BACKES

In re: Estate of Alfred Backes, deceased. File D-28-10784; E. T. sec. 15122.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugene Backes, Emil Backes, Erwin Backes and Ella Wendel, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Alfred Backes, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ann Hebel, as Administratrix, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6774; Filed, July 17, 1947; 8:47 a. m.]

[Vesting Order 9321]

KARL AU

In re: Stock owned by Karl Au. F-28-36-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Au, whose last known address is Mecklenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ninety (90) shares of $1.00 par value common capital stock of West Indies Sugar Corporation, 60 East 42nd Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 4083, registered in the name of Karl Au, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General,

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6775; Filed, July 17, 1947; 8:47 a. m.]

[Vesting Order 9323]

CARL AUGUST BOECKER ET AL.

In re: Bank accounts owned by Carl August Boecker, also known as August Boecker, Jr., Reimund Boecker, Mrs. Wilhelmina Boecker and Hanna Decker, also known as Hanna Luecke. F-28-9316-E-1, F-28-9317-E-1, F-28-9318-E-1, F-28-9523-E1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl August Boecker, also known as August Boecker, Jr., Reimund Boecker, Mrs. Wilhelmina Boecker and Hanna Decker, also known as Hanna Luecke, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Carl August Boecker, also known as August Boecker, Jr., by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled Carl August Boecker, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Reimund Boecker, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled Reimund Boecker, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Mrs. Wilhelmina Boecker, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled Mrs. Wilhelmina Boecker, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Hanna Decker, also known as Hanna Luecke, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled Hanna Decker, nee Luecke, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON.
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6776; Filed, July 17, 1947; 8:47 a. m.]

[Vesting Order 9325]

HEDWIG DORA

In re: Bank account owned by Hedwig Dora. F–28–11990–C–1, F–28–11990–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Dora, whose last known address is Dingeln, Kreis Treuburg, Ostpreussen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Stamford Savings Bank, 160 Atlantic Street, Stamford, Connecticut, arising out of a savings account, Account Number 63819, entitled Hedwig Dora Trustee for Otto Poschadel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hedwig Dora, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6777; Filed, July 17, 1947; 8:47 a. m.]

[Vesting Order 9327]

AUGUSTA KAUFMANN

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Augusta Kaufmann, deceased. F–28–28300–D–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Augusta Kaufmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: One (1) share of $100 par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number K–12552, registered in the name of Heirs of Augusta Kaufmann, together with all declared and unpaid dividends thereon and all rights of exchange thereof for no par value common capital stock of said General Electric Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6778; Filed, July 17, 1947; 8:47 a. m.]

[Vesting Order 9330]

JULIUS AND RICHARD KRETSCHMAR

In re: Bank accounts owned by Julius Kretschmar and Richard Kretschmar. F–28–26274–E–1, F–28–26273–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Kretschmar and Richard Kretschmar, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Julius Kretschmar, by Security First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, arising out of a Term Savings Account, account number 393577, entitled Julius Kretschmar, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Richard Kretschmar, by Security First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, arising out of a Term Savings Account, account number 393578, entitled Richard Kretschmar, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6779; Filed, July 17, 1947; 8:47 a. m.]

[Vesting Order 9331]

TEIJIRO KUROSAWA

In re: Debt owing to Teijiro Kurosawa. F–39–2751–A–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Teijiro Kurosawa, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Teijiro Kurosawa, by L. C. Smith & Corona Typewriters, Inc., 701 E Washington Street, Syracuse 1, New York, in the amount of $108.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6780; Filed, July 17, 1947; 8:47 a. m.]

[Vesting Order 9333]

SHIBAURA UNITED ENGINEERING CO., LTD.

In re: Debt owing to Shibaura United Engineering Co., Ltd. F–39–3331–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shibaura United Engineering Co., Ltd., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shibaura United Engineering Co., Ltd., by United Engineering and Foundry Company, First National Bank Building, Pittsburgh, Pennsylvania, in the amount of $809.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6781; Filed, July 17, 1947; 8:48 a. m.]

[Vesting Order 9334]

T. SHIMO ET AL.

In re: Bank accounts owned by T. Shimo and others. F–39–15373–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Shimo, Keiko Shimo and Yoki Shimo, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to T. Shimo, by Upper Avenue National Bank of Chicago, 919 North Michigan Avenue, Chicago, Illinois, arising out of a checking account, entitled T. Shimo, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to T. Shimo and Keiko Shimo, by Upper Avenue National Bank of Chicago, 919 North Michigan Avenue, Chicago, Illinois, arising out of a savings account, account number 17727, entitled T. Shimo &/or Keiko Shimo, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Upper Avenue National Bank of Chicago, 919 North Michigan Avenue, Chicago, Illinois, arising out of a savings account, account number 4967, entitled Yoki Shimo by Keiko &/or T. Shimo, and any and all rights to demand, enforce and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by T. Shimo, Keiko Shimo and Yoki Shimo, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6782; Filed, July 17, 1947; 8:48 a. m.]

[Vesting Order 9377]

JOHN BERWIND

In re: Interest in bond and mortgage, property insurance policies and claim owned by John Berwind.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Berwind, whose last known address is N. F. Gossmansdorf Bei Hofheim, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half interest in a mortgage, executed on February 24, 1910, by Charlotte Buchert to J. G. William Pilgrim, and recorded in the Office of the Register of the County of New York, State of New York, on February 26, 1910, in Liber 250 of Mortgages, at Page 111, which mortgage was assigned by Title Guarantee and Trust Company to John

Berwind and Charles Berwind, by instrument, dated April 14, 1927, and recorded in the Office of the Register of New York County, State of New York, on March 7, 1935, in Liber 4223, Page 255, and any and all obligations secured by the aforesaid interest in said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

b. All right, title and interest of John Berwind, in and to the following insurance policies:

Policy No. 35–131071, issued by Globe & Republic Insurance Company of America, 300 Walnut Street, Philadelphia, Pennsylvania, in the amount of $5,000.00, which policy insures the premises subject to the mortgage described in subparagraph 2-a hereof,

Policy No. 91–1322, issued by Globe & Republic Insurance Company of America, 300 Walnut Street, Philadelphia, Pennsylvania, in the amount of $9,000.00, which policy insures the premises subject to the mortgage described in subparagraph 2-a hereof, and

Policy No. 35–128163, issued by Globe & Republic Insurance Company of America, 300 Walnut Street, Philadelphia, Pennsylvania, in the amount of $12,500.00, which policy insures the premises subject to the mortgage described in subparagraph 2-a hereof, and any and all extensions or renewals thereof, and

c. That certain debt or other obligation, owing to John Berwind by the Manufacturers Trust Company, at its office at 55 Broad Street, New York, New York, arising by reason of interest and payments of principal collected on the mortgage described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a to 2–c above, inclusive, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–6783; Filed, July 17, 1947; 8:48 a. m.]

[Vesting Order CE 41, Amdt.]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Vesting Order CE–41, dated September 4, 1945, is hereby amended as follows and not otherwise:

By deleting the words "Bankers Trust Company, 16 Wall Street, New York, New York, Trustee under the will of Lester Field, deceased" appearing in Column 5 of Item 12 in Exhibit A of said Vesting Order CE–41, and substituting therefor the words "Chase National Bank, 18 Pine Street, New York City, New York, Trustee".

All other provisions of said Vesting Order CE–41 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BRAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–6784; Filed, July 17, 1947; 8:48 a. m.]

[Dissolution Order 62]

A. W. LOTZ, INC.

Whereas, by Vesting Order No. 4726, dated March 7, 1945 (10 F. R. 3566, April 3, 1945), there were vested all the issued and outstanding shares of the capital stock of A. W. Lotz, Inc., a New York corporation; and

Whereas, A. W. Lotz, Inc. has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation.

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of A. W. Lotz, Inc. (to wit, Stanley B. Reid, President and Director, M. S. Watts, Vice-President, Robert Kramer, Secretary and Director, and Francis J. Carmody, Treasurer and Director and their successors, or any of them), continue the proceedings for the dissolution of A. W. Lotz, Inc.; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of A. W. Lotz, Inc. pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 15th day of July 1947.

For the Attorney General.

[SEAL] DAVIL L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–6785; Filed, July 17, 1947; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 12 NUMBER 141

Washington, Saturday, July 19, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Wheat Bulletin 1, Supp. 2]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM (KANSAS CITY AREA)

Pursuant to the provisions of Article Third, paragraphs (b) and (j) of the Corporate Charter of Commodity Credit Corporaton; sec. 7 (a), 49 Stat. 4 as amended, sec. 8, 56 Stat. 767 as amended; 15 U. S. C. Sup., 713 (a), 50 U. S. C. App., Sup., 968, Commodity Credit Corporation and the Production and Marketing Administration have issued, in 1947, C. C. C. Wheat Bulletin 1 and Supplement 1 thereto (12 F. R. 4167, 4257), regulations governing the making of loans and purchase agreements on wheat produced in 1947, and listing the rates applicable to wheat in eligible warehouse storage at designated terminal markets. Such regulations are hereby further supplemented as follows:

§ 251.127 *County and station rates, discounts, and premiums (Kansas City area)*—(a) *Schedule of rates.* The 1947 wheat loan and purchase rates listed herein for counties and stations in the Kansas City area are determined and established in accordance with the provisions of § 251.126 (b) (1947 C. C. C. Wheat Bulletin 1, Supplement 1). The rates per bushel on No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, and No. 1 durum shall be as follows:

ARKANSAS

County	Rate	County	Rate
Baxter	$1.84	Izard	$1.86
Benton	1.84	Jackson	1.89
Boone	1.83	Lawrence	1.89
Carroll	1.83	Madison	1.83
Clay	1.90	Marion	1.83
Craig Head	1.89	Mississippi	1.89
Fulton	1.88	Newton	1.83
Greene	1.89	Poinsett	1.89
Independence	1.87	Randolph	1.89
		Searcy	1.84
Sharp	$1.88	Van Buren	$1.85
Stone	1.85	Washington	1.84

COLORADO

Adams County		Boulder County—Continued	
Station	Rate	Station	Rate
All stations	$1.788	Broomfield	$1.788
Alamosa County		Chapman	1.788
Alamosa	$1.730	Coalton	1.788
Baldy	1.730	Crescent	1.724
Corlett	1.717	Dixon's Mills	1.788
Estrella	1.717	Dominion	1.788
Hays	1.730	Eversman	1.788
Henry	1.717	Goodview	1.788
Hooper	1.717	Grenfell	1.788
McGinty	1.717	Highland	1.788
Mosca	1.717	Hygiene	1.788
Willis	1.717	Lafayette	1.788
Arapahoe County		Leyner	1.788
All stations	$1.788	Liggett	1.788
Archuleta County		Longmont	1.788
All stations	$1.674	Louisville	1.788
Baca County		Lyons	1.788
Bartlet	$1.601	Marnett	1.788
Bisonto	1.788	Morey	1.788
Campo	1.788	Niwot	1.788
Frick	1.788	Pine Cliff	1.724
Harbord	1.788	Scenic	1.724
McCall	1.795	Superior	1.788
Pritchett	1.795	Tabor	1.788
Springfield	1.788	Valmont	1.788
Vilas	1.795	White Rock	1.788
Walsh	1.801	*Chaffee County*	
Bent County		Brown Canon	$1.674
Able	$1.795	Buena Vista	1.674
Beethurst	1.788	Charcoal	1.674
Big Bend	1.795	Cleora	1.730
Caddoa	1.788	Garfield	1.674
Cornelia	1.788	Grays	1.674
Ft. Lyon	1.788	Keene	1.674
Gilpin	1.788	Maysville	1.674
Hadley	1.788	Mears Junction	1.674
Hasty	1.788	Monarch	1.674
Hilton	1.795	Nathrop	1.674
Keese	1.788	Poncha Junction	1.674
Keller	1.788	Princeton	1.674
Kroybill	1.788	Riverside	1.674
Las Animas	1.788	Salida	1.730
Lubers	1.788	Shirley	1.674
Marlman	1.788	Wild Horse	1.674
McClave	1.795	Yale	1.674
Melina	1.788	*Cheyenne County*	
Melong	1.788	Arapahoe	$1.810
Prowers	1.795	Arena	1.795
Riverdale	1.788	Aroya	1.788
Ruxton	1.788	Ascalon	1.801
Boulder County		Chemung	1.810
Ara	$1.788	**Cheyenne**	
Boulder	1.788	Wells	1.801
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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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COLORADO—continued

Cheyenne County—Continued

Station	Rate
Kit Carson	$1.795
Salis	1.810
Sorrento	1.795
Wild Horse	1.788

Conejos County

Station	Rate
Antonito	$1.717
Bountiful	1.717
Cumbres	1.674
La Jara	1.717
Los Pinos	1.674
Osier	1.674
Romeo	1.717

Costilla County

Station	Rate
Blanca	1.730
Fort Garland	1.730
Jarosa	1.717
Mesita	1.717
Mortimer	1.730
Ramsey	1.717
Russell	1.730
San Acadio	1.730
Sierra	1.730

Crowley County

Station	Rate
All stations	$1.788

Delta County

Station	Rate
All stations	$1.674

Denver County

Station	Rate
All stations	$1.788

Dolores County

Station	Rate
Coke Ovens	$1.547
Galaghers	1.547
Lizard Head	1.547
Rice	1.547
Winkfields	1.547

Douglas County

Station	Rate
All stations	$1.788

Eagle County

Station	Rate
All stations	$1.674

Elbert County

Station	Rate
All stations	$1.788

El Paso County

Station	Rate
Aetna	$1.788
Aysee	1.764
Breed	1.788
Buttes	1.788
Calhan	1.788
Carlton	1.788
Cascade	1.714
Colorado City	1.788
Colorado Springs	1.788
Craigs	1.714
Crews	1.788

El Paso County—Continued

Station	Rate
Edgerton	$1.788
Falcon	1.788
Fountain	1.788
Green Mountain Falls	1.714
Holmes	1.788
Husted	1.788
Kelker	1.788
Leander	1.788
Lime Rock	1.740
Manitou	1.758
Manitou Iron Springs	1.740
Manitou Junction	1.788
Medlock Spur	1.788
Monument	1.788
Palmer Lake	1.788
Payton	1.788
Pikeview	1.788
Pring	1.788
Ramah	1.788
Roby Spur	1.788
Roswell	1.788
Shirley	1.788
Skinners	1.788
Sommers	1.788
Widefield	1.788
Wigman	1.788
Woodmen	1.788

Fremont County

Station	Rate
Abode	$1.773
Brewster	1.773
Brookside	1.773
Burnito	1.730
Canon City	1.773
Chandler	1.773
Chandler Junction	1.773
Cleland	1.773
Coak Creek (AT&SF)	1.773
Concrete	1.773
Cotopaxi	1.730
Echo	1.730
Fernleaf	7.730
Florence	1.773
Gorge	1.730
Howard	1.730
Kenwood	1.773
Parkdale	1.730
Pleasanton	1.730
Portland	1.773
Rockvale	1.773
Sample	1.730
Spikebuck	1.730
Swissvale	1.730
Texas Creek	1.730
Vallie	1.730

Garfield County

Station	Rate
All stations	$1.674

COLORADO—continued

Huerfano County

Station	Rate
Adel	$1.730
Alamo	1.773
Alamo #2	1.773
Beacon	1.773
Brennan	1.788
Bunkerhill	1.788
Caddell	1.773
Calumet #1	1.773
Calumet #2	1.773
Carbonado	1.773
Carlson	1.773
Codo	1.730
Fir	1.730
Francisco	1.730
Gordon	1.773
Jobal Mine	1.773
Kebler #1	1.773
Kebler #2	1.773
Kincaid	1.730
Larimer	1.788
Lascar	1.788
La Veta	1.730
Lester	1.788
Loma Junction	1.788
Maitland	1.773
Mayne	1.788
Mayne Junction	1.783
Monson	1.768
Mustang	1.788
Mutual	1.730
New Pacific Mine	1.773
Niggerhead	1.730
Nixon	1.730
Oakdale Junction	1.730
Orman	1.773
Pictou	1.773
Pryor	1.788
Ravenwood	1.788
Robinson Mine #4	1.788
Roof	1.788
Rouse	1.788
Sandy	1.788
Sommers	1.773
Solar	1.730
Spanish Peaks	1.773
Walsenburg	1.788
Winchell	1.788

Jefferson County

Station	Rate
Arapahoe	$1.735
Arena	1.727
Arvada	1.788
Bee Hive	1.762
Camp George West	1.762
Chatfield	1.696
Chimney Gulch	1.703
Clear Creek Junction	1.742
College Siding	1.742
Connors	1.788
Elk Creek	1.703
Fire Clay	1.727
Forka Creek	1.703
Golden	1.788
Johnsons	1.752
Kassler	1.696
Leyden Junction	1.735
Morrison Siding	1.752
Mount Olivet	1.788
Oliver	1.717
Osage	1.788
Plainview	1.727
Plastic	1.727
Platte	1.717

Jefferson County—Continued

Station	Rate
Ralston	$1.727
Ridge	1.788
Semper	1.788
Shaft #3	1.735
State Industrial School	1.752
Swadley	1.735
Thomas	1.690
Treatdale	1.752
Winterton	1.696
West End Lakeside	1.742

Kiowa County

Station	Rate
Arlington	$1.788
Brandon	1.801
Chivington	1.801
Diston	1.795
Eads	1.795
Galatea	1.788
Haswell	1.788
Hawking	1.795
Inman	1.788
Sheridan Lake	1.801
Stuart	1.810
Towner	1.810

Kit Carson County

Station	Rate
Bethune	$1.801
Burlington	1.810
Flagler	1.788
Peconic	1.810
Seibert	1.795
Stratton	1.801
Vena	1.795

La Plata County

Station	Rate
Allison	$1.674
Animas City	1.575
Bell	1.566
Bondad	1.566
Cima	1.603
Denby	1.674
Durango	1.674
Florida	1.674
Home Ranch	1.575
La Boca	1.674
Oxford	1.674
Pine River	1.674
Porter	1.609
Posta	1.566
Rockwood	1.566
Tacoma	1.554
Tefft	1.554
Tiffany	1.674
Timble	1.575

Larimer County

Station	Rate
All stations	$1.788

Las Animas County

Station	Rate
Abeyta	$1.773
Acme Junction	1.788
Aguilar	1.788
Anchor	1.727
Barela	1.773
Bear Canon	1.788
Berwind	1.788
Beshoar	1.773
Bingham	1.783
Bon Carbo	1.727
Bowen	1.788
Branson	1.773
Cokedale	1.788
Cokedale Junction	1.788
Delagua	1.788
Delhi	1.788
Dix	1.727
Earl	1.788
East Weston	1.788
El Moro	1.788
Eureka	1.727

COLORADO—continued

Las Animas County—Continued

Station	Rate
Forbes Junction	$1.788
Gallinas	1.788
Garcia	1.776
Haller Junction	1.783
Hastings	1.788
Hoehnes	1.788
Houghton	1.783
Jansen	1.788
Jansen Quarry	1.788
Jewell	1.783
Kadrew	1.783
Leon	1.788
Longs Junction	1.788
Longsdale	1.788
Lorencito	1.783
Ludlow	1.788
Lynn	1.788
Madrid	1.788
Model	1.783
Morley	1.788
Nola	1.773
Oakton	1.773
Primero Junction	1.788
Rapson	1.783
Renzago	1.788
Rugby	1.788
Sarcillo	1.788
Segundo	1.788
Sherman	1.788
Simpson	1.788
Stanley	1.727
Starkville	1.788
Suffield	1.788
Tercio	1.788
Thatcher	1.788
Thor	1.788
Trinchere	1.773
Trinidad	1.788
Tyrone	1.788
Valdez	1.788
Watervale	1.773
Weston	1.788
Wootton	1.788

Lincoln County

Station	Rate
All stations	$1.788

Logan County

Station	Rate
Ackerman	$1.788
Atwood	1.788
Beetland	1.788
Beta	1.788
Buchanan	1.788
Crook	1.795
Dailey	1.788
Fleming	1.788
Ford	1.788
Galen	1.788
Hall	1.788
Halls	1.788
Hayford	1.788
Iliff	1.788
Jessica	1.788
Logan	1.788
Marcott	1.798
Morino	1.788
Minto	1.788
Padroni	1.788
Peetz	1.788
Powell	1.792
Proctor	1.792
Red Lion	1.798
Selma	1.788
Sherwin	1.788
Sterling	1.788
Tobin	1.795
Willard	1.788
Winston	1.788

Mesa County

Station	Rate
All stations	$1.674

COLORADO—continued

Moffat County

Station	Rate
Craig	$1.674

Montezuma County

Station	Rate
Bear Creek	$1.574
Dolores	1.575
Glencoe	1.521
Grady	1.597
Kings	1.551
Longs	1.574
Lost Canon	1.575
Mancos	1.583
Menefee	1.583
Millwood	1.581
Muldoon	1.561
Raymond	1.599
Smalley	1.575
Stapleton	1.569

Montrose County

Station	Rate
All stations	$1.674

Morgan County

Station	Rate
All stations	$1.788

Otero County

Station	Rate
All stations	$1.788

Ouray County

Station	Rate
Colona	$1.674
Dallas	1.674
Deti	1.674
Eldridge	1.674
Hagen	1.674
Joys	1.674
Lotus	1.674
Mayfield	1.674
Ouray	1.674
Piedmont	1.674
Ridgway	1.674
Valley View	1.674

Phillips County

Station	Rate
Amherst	$1.810
Haxtun	1.795
Holyoke	1.810
Paoli	1.801

Pitkin County

Station	Rate
All stations	$1.674

Prowers County

Station	Rate
Amity	$1.810
Barton	1.801
Beta	1.795
Bristol	1.801
Channing	1.795
Clucas	1.795
Culp	1.795
Goodale	1.801
Granada	1.801
Grote	1.801
Hartman	1.810
Holly	1.810
Karl	1.795
Koen	1.801
Kornman	1.795
Lamar	1.795
Markman	1.795
May Valley	1.795
Millwood	1.810
Parrish	1.801
Sugar	1.795
Warwick	1.801
Wiley	1.795

Pueblo County

Station	Rate
Appleton	$1.735
Avondale	1.788
Baxter	1.788
Boone	1.783
Bragdon	1.788
Brooks	1.783
Capers	1.783
Cedarwood	1.783
Chamblin	1.788
Coombs	1.788

COLORADO—continued

Pueblo County—Continued	
Station	Rate
Dempsey	$1.788
Devine	1.788
Dinsmore	1.788
Dundee	1.788
Eden	1.788
Eighth St. Depot	1.788
Fuego	1.788
Furman	1.788
Haig	1.788
Hamlet	1.788
Henkel	1.788
Herrick	1.783
Hobson	1.773
Leeds	1.788
Livesey	1.773
Marnel	1.788
Minnequa	1.788
Myrtle	1.710
Nepesta	1.788
Nyburg	1.788
Pinon	1.788
Pueblo	1.788
Sagco	1.788
Sonora	1.783
Southern Junction	1.783
Stone City	1.696
Swallows	1.773
Turkey Creek	1.710
Vegas	1.773
Waterworks	1.773
West Pueblo	1.771
Woodcroft	1.788
Zino Junction	1.788

Rio Blanco County	
All stations	$1.674

Rio Grande County	
Del Norte	$1.717
Derrick	1.711
Freeman	1.717
Granger	1.711
Hanna	1.711
Haywood	1.717
Middaugh	1.717
Monte Vista	1.717
Parma	1.717
South Fork	1.711
Sugar Junction	1.717
Torres	1.717
Zinzer	1.717

Routt County	
Station	Rate
All stations	$1.674

Saguache County	
All stations	$1.674

San Miguel County	
Ames	$1.569
Brown	1.581
Leopard Creek	1.693
Placerville	1.575
Telluride	1.560
Trout Lake	1.560

Sedgwick County	
Adrian	$1.788
Dorsey	1.798
Hitt	1.807
Julesburg	1.810
Ovid	1.798
Sedgwick	1.801
Weir	1.807

Teller County	
Anaconda	$1.581
Bull Hill	1.581
Cameron	1.581
Cripple Creek	1.581
Divide	1.668
Eclipse	1.581
Edlowe	1.690
Elkton	1.581
Gillette	1.597
Independence	1.581
Midland	1.618
Murphy	1.637
Portland	1.581
Victor	1.581
Woodland	1.708

Washington County	
All stations	$1.788

Weld County	
All stations	$1.788

Yuma County	
Eckley	$1.795
Laird	1.801
Robb	1.795
Schramm	1.795
Wray	1.801
Yuma	1.795

KANSAS

County	Rate	County	Rate
Allen	$1.89	Ellsworth	$1.85
Anderson	1.89	Finney	1.82
Atchison	1.91	Ford	1.84
Barber	1.84	Franklin	1.91
Barton	1.84	Geary	1.87
Bourbon	1.89	Gove	1.83
Brown	1.90	Graham	1.84
Butler	1.86	Grant	1.82
Chase	1.87	Gray	1.83
Chautauqua	1.87	Greeley	1.82
Cherokee	1.88	Greenwood	1.87
Cheyenne	1.82	Hamilton	1.82
Clark	1.82	Harper	1.85
Clay	1.87	Harvey	1.86
Cloud	1.86	Haskell	1.82
Coffey	1.89	Hodgeman	1.84
Comanche	1.83	Jackson	1.90
Cowley	1.83	Jefferson	1.91
Crawford	1.89	Jewell	1.86
Decatur	1.83	Johnson	1.92
Dickinson	1.86	Kearney	1.82
Doniphan	1.91	Kingman	1.85
Douglas	1.91	Kiowa	1.84
Edwards	1.84	Labette	1.88
Elk	1.87	Lane	1.83
Ellis	1.84	Leavenworth	1.92

KANSAS—continued

County	Rate	County	Rate
Lincoln	$1.85	Rice	$1.85
Linn	1.89	Riley	1.88
Logan	1.82	Rooks	1.84
Lyon	1.88	Rush	1.84
McPherson	1.86	Russell	1.84
Marion	1.86	Saline	1.86
Marshall	1.88	Scott	1.82
Meade	1.82	Sedgewick	1.86
Miami	1.91	Seward	1.81
Mitchell	1.86	Shawnee	1.89
Montgomery	1.88	Sheridan	1.83
Morris	1.87	Sherman	1.82
Morton	1.80	Smith	1.85
Nemaha	1.89	Stafford	1.84
Neosho	1.89	Stanton	1.81
Ness	1.84	Stevens	1.81
Norton	1.84	Sumner	1.86
Osage	1.89	Thomas	1.82
Osborne	1.85	Trego	1.84
Ottowa	1.86	Wabaunsee	1.88
Pawnee	1.84	Wallace	1.82
Phillips	1.84	Washington	1.87
Pottawatomie	1.89	Wichita	1.82
Pratt	1.84	Wilson	1.88
Rawlins	1.82	Woodson	1.89
Reno	1.85	Wyandotte	1.92
Republic	1.86		

MISSOURI

County	Rate	County	Rate
Adair	$1.92	Linn	$1.92
Andrew	1.91	Livingston	1.92
Atchison	1.90	McDonald	1.87
Audrain	1.94	Macon	1.93
Barry	1.87	Madison	1.94
Barton	1.89	Maries	1.91
Bates	1.90	Marion	1.95
Benton	1.91	Mercer	1.90
Bollinger	1.93	Miller	1.93
Boone	1.94	Mississippi	1.91
Buchanan	1.91	Moniteau	1.93
Butler	1.91	Monroe	1.94
Caldwell	1.91	Montgomery	1.95
Callaway	1.94	Morgan	1.92
Camden	1.92	New Madrid	1.93
Cape Girardeau	1.93	Newton	1.87
Carroll	1.92	Nodaway	1.90
Carter	1.91	Oregon	1.87
Cass	1.91	Osage	1.94
Cedar	1.89	Ozark	1.87
Chariton	1.93	Pemiscot	1.91
Christian	1.88	Perry	1.95
Clark	1.93	Pettis	1.92
Clay	1.92	Phelps	1.94
Clinton	1.91	Pike	1.95
Cole	1.93	Platte	1.92
Cooper	1.93	Polk	1.89
Crawford	1.95	Pulaski	1.93
Dade	1.88	Putnam	1.92
Dallas	1.90	Ralls	1.94
Daviess	1.91	Randolph	1.94
DeKalb	1.91	Ray	1.91
Dent	1.93	Reynolds	1.91
Douglas	1.88	Ripley	1.91
Dunklin	1.91	St. Charles	1.99
Franklin	1.97	St. Clair	1.90
Gasconade	1.95	St. Francois	1.95
Gentry	1.90	St. Louis	1.99
Greene	1.89	Ste. Genevieve	1.96
Grundy	1.91	Saline	1.92
Harrison	1.90	Schuyler	1.92
Henry	1.90	Scotland	1.93
Hickory	1.89	Scott	1.92
Holt	1.90	Shannon	1.91
Howard	1.94	Shelby	1.94
Howell	1.87	Stoddard	1.93
Iron	1.94	Stone	1.87
Jackson	1.92	Sullivan	1.92
Jasper	1.88	Taney	1.87
Jefferson	1.97	Texas	1.89
Johnson	1.91	Vernon	1.89
Knox	1.93	Warren	1.97
Laclede	1.92	Washington	1.96
Lafayette	1.91	Wayne	1.93
Lawrence	1.88	Webster	1.90
Lewis	1.94	Worth	1.89
Lincoln	1.97	Wright	1.88

NEBRASKA

County	Rate	County	Rate
Adams	$1.87	Jefferson	$1.89
Antelope	1.87	Johnson	1.90
Arthur	1.82	Kearney	1.86
Banner	1.79	Keith	1.82
Blaine	1.84	Keyapaha	1.85
Boone	1.89	Kimball	1.79
Box Butte	1.81	Knox	1.87
Boyd	1.86	Lancaster	1.91
Brown	1.84	Lincoln	1.84
Buffalo	1.87	Logan	1.84
Burt	1.91	Loup	1.84
Butler	1.91	McPherson	1.83
Cass	1.92	Madison	1.88
Cedar	1.88	Merrick	1.89
Chase	1.82	Morrill	1.81
Cherry	1.83	Nance	1.89
Cheyenne	1.79	Nemaha	1.90
Clay	1.87	Nuckolls	1.87
Colfax	1.90	Otoe	1.91
Cuming	1.90	Pawnee	1.89
Custer	1.86	Perkins	1.82
Dakota	1.89	Phelps	1.86
Dawes	1.80	Pierce	1.88
Dawson	1.86	Platte	1.90
Deuel	1.81	Polk	1.89
Dixon	1.89	Red Willow	1.84
Dodge	1.91	Richardson	1.90
Douglas	1.92	Rock	1.85
Dundy	1.82	Saline	1.91
Fillmore	1.88	Sarpy	1.92
Franklin	1.86	Saunders	1.91
Frontier	1.84	Scotts Bluff	1.79
Furnas	1.85	Seward	1.90
Gage	1.90	Sheridan	1.81
Garden	1.81	Sherman	1.88
Garfield	1.87	Sioux	1.79
Gosper	1.85	Stanton	1.89
Grant	1.82	Thayer	1.88
Greeley	1.88	Thomas	1.84
Hall	1.88	Thurston	1.90
Hamilton	1.89	Valley	1.87
Harlin	1.86	Washington	1.92
Hayes	1.83	Wayne	1.88
Hitchcock	1.83	Webster	1.87
Holt	1.86	Wheeler	1.88
Hooker	1.83	York	1.89
Howard	1.88		

NEW MEXICO

Bernalillo County	
Station	Rate
Albuquerque	$1.734

Colfax County	
Maxwell	$1.734
Raton	1.826
Springer	1.734
Taylor Springs	1.734

Curry County	
Clovis	$1.792
Grier	1.783
Melrose	1.783
St. Vrain	1.783
Texico	1.799

Harding County	
Roy	$1.675
Solano	1.678

Mora County	
Levy	$1.734
Wagon Mount	1.734
Watrous	1.734

Quay County	
Logan	$1.777
San Jon	1.792
Tucumcari (Via CRI & P)	1.786

Roosevelt County	
Station	Rate
Portales	$1.780
Elida	1.771

Sandoval County	
Bernalillo	$1.734

San Juan County	
Aztec	$1.539
Farmington	1.539

San Miguel County	
Las Vegas	$1.734
Mosquero	1.734
Rowe	1.734

Santa Fe County	
Lamy	$1.734
Santa Fe (AT&SF)	1.715

Torrance County	
Estancia	$1.749
Moriarty	1.749
Mountainair	1.749
Willard	1.749

Union County	
Clayton	$1.749
Des Moines	1.734

Valencia County	
Belen	$1.734
Grants	1.647
Los Lunas	1.734

OKLAHOMA

County	Rate	County	Rate
Adair	$1.84	McClain	$1.80
Alfalfa	1.83	McIntosh	1.83
Atoka	1.80	Major	1.81
Beaver	1.80	Marshall	1.80
Beckham	1.80	Mayes	1.86
Blaine	1.80	Murray	1.80
Bryan	1.80	Muskogee	1.84
Caddo	1.80	Noble	1.84
Canadian	1.80	Nowata	1.87
Carter	1.80	Okfuskee	1.82
Cimarron	1.78	Oklahoma	1.80
Cleveland	1.80	Okmulgee	1.84
Coal	1.80	Osage	1.85
Comanche	1.80	Ottawa	1.87
Cotton	1.80	Pawnee	1.84
Craig	1.87	Payne	1.82
Creek	1.84	Pittsburg	1.81
Custer	1.80	Pontotoc	1.80
Delaware	1.84	Pottawatomie	1.80
Dewey	1.80	Roger Mills	1.80
Ellis	1.79	Rogers	1.86
Garfield	1.83	Seminole	1.80
Garvin	1.80	Stephens	1.80
Grady	1.80	Texas	1.79
Grant	1.84	Tillman	1.80
Greer	1.80	Tulsa	1.86
Harman	1.80	Wagoner	1.85
Harper	1.80	Washington	1.87
Haskell	1.83	Washita	1.80
Hughes	1.81	Woods	1.82
Jackson	1.80	Woodward	1.80
Jefferson	1.80	Cherokee	1.84
Johnston	1.80	Sequoyah	1.83
Kay	1.84	Latimer	1.82
Kingfisher	1.81	Le Flore	1.82
Kiowa	1.80	Pushnataha	1.80
Lincoln	1.81	McCurtain	1.80
Logan	1.81	Choctaw	1.80
Love	1.80		

TEXAS

County	Rate	County	Rate
Archer	$1.80	Grayson	$1.82
Armstrong	1.80	Hale	1.80
Bailey	1.80	Hall	1.80
Bandera	1.85	Hamilton	1.86
Baylor	1.80	Hansford	1.78
Bell	1.88	Hardeman	1.80
Blanco	1.87	Hartley	1.78
Borden	1.80	Haskell	1.80
Bosque	1.87	Hemphill	1.78
Briscoe	1.80	Hill	1.87
Brown	1.82	Hockley	1.80
Burnet	1.87	Hood	1.85
Callahan	1.80	Hunt	1.85
Carson	1.80	Hutchinson	1.79
Castro	1.80	Jack	1.80
Childress	1.80	Johnson	1.86
Clay	1.80	Jones	1.80
Cochran	1.80	Kendall	1.85
Coke	1.80	Kent	1.80
Coleman	1.80	Kerr	1.84
Collin	1.85	King	1.80
Collingsworth	1.80	Knox	1.80
Comanche	1.83	Lamb	1.80
Concho	1.80	Lampasas	1.87
Cooke	1.82	Lipscomb	1.78
Coryell	1.87	Lubbock	1.80
Cottle	1.80	McCulloch	1.80
Crosby	1.80	McLennan	1.88
Dallam	1.77	Menard	
Dallas	1.86	Mills	1.86
Dawson	1.80	Mitchell	1.80
Deaf Smith	1.80	Montague	1.80
Denton	1.84	Moore	1.78
Dickens	1.80	Motley	1.80
Donley	1.80	Nolan	1.80
Eastland	1.80	Ochiltree	1.78
Ellis	1.87	Oldham	1.80
Erath	1.84	Palo Pinto	1.80
Falls	1.89	Parker	1.84
Fannin	1.82	Parmer	1.80
Fisher	1.80	Potter	1.80
Floyd	1.80	Randall	1.80
Foard	1.80	Roberts	1.79
Garza	1.80	Runnels	1.80
Gillespie	1.85	San Saba	1.85
Gray	1.80	Scurry	1.80
		Shackelford	1.80

TEXAS—continued

County	Rate	County	Rate
Sherman	$1.77	Gaines	$1.80
Stephens	1.80	Andrews	1.80
Stonewall	1.80	Martin	1.80
Swisher	1.80	Howard	1.80
Tarrant	1.85	Sterling	1.80
Taylor	1.80	Lamar	1.82
Throckmorton	1.80	Delta	1.82
Tom Green	1.80	Hopkins	1.85
Wheeler	1.80	Rockwall	1.86
Wichita	1.80	Kaufman	1.86
Wilbarger	1.80	Navarro	1.87
Wise	1.83	Limestone	1.88
Young	1.80	Somervell	1.86
Yoakum	1.80	Bexar	1.87
Terry	1.80	Guadalupe	1.89
Lynn	1.80	Williamson	1.88
		Rains	1.85

WYOMING

Albany County	
Station	Rate
Bosler	$1.674
Laramie	1.674
Rock River	1.674

Big Horn County	
All Stations	$1.652

Campbell County	
Gillette	$1.739

Carbon County	
All Stations	$1.674

Converse County	
Ammon	$1.739
Douglas	1.730
Fetterman	1.724
Foster	1.739
Glenrock	1.717
Irvine	1.739
Lost Springs	1.748
Morton	1.727
Orin	1.739
Orpha	1.724
Shawnee	1.745

Crook County	
All Stations	$1.745

Fremont County	
Arapahoe	$1.652
Bonneville	1.665
Emery	1.659
Gate	1.668
Hudson	1.652
Lander	1.652
Lysite	1.674
Moneta	1.674
Noble	1.659
Ocla	1.668
Richards	1.674
Riverton	1.652
Schoening	1.668
Shoshoni	1.665

Goshen County	
Fort Laramie	$1.773
LaGrange	1.788
Lingle	1.788
Veteran	1.788
Yoder	1.788

Hot Springs County	
All Stations	$1.652

Johnson County	
Buffalo	$1.702

Laramie County	
All Stations	$1.788

Lincoln County	
All Stations	$1.674

Natrona County	
Station	Rate
Bishop	1.702

Natrona County—Continued	
Station	Rate
Bucknum	$1.696
Cadoma	1.702
Casper	1.705
Fry	1.711
Hiland	1.678
Lox	1.680
Natrona	1.693
Powder River	1.693
Waltman	1.680

Niobrara County	
Jirch	$1.751
Keeline	1.751
Lusk	1.767
Manville	1.761
Node	1.770
Van Tassell	1.773

Park County	
All Stations	$1.652

Platte County	
Bona	$1.745
Bordeaux	1.773
Brinton	1.773
Caesa	1.751
Chugwater	1.773
Dwyer	1.761
Elkhorn	1.745
Gibson	1.773
Glendo	1.745
Guernsey	1.767
Hauf Spur	1.745
Slater	1.773
Swan	1.773
Uva	1.761
Wendover	1.761
Wheatland	1.773

Sheridan County	
Arno	$1.717
Arvada	1.730
Big Corral	1.724
Clearmont	1.724
Ohlman	1.711
Parkman	1.705
Ranchester	1.711
Sheridan	1.717
Ucross	1.711
Ulm	1.724
Wakely	1.717

Sweetwater County	
All stations	$1.674

Uinta County	
Altamont	$1.681
Antelope	1.681
Aspen	1.681
Bridger	1.681
Carter	1.675
Chelsea	1.681
Church Buttes	1.675
Elkhurst	1.675
Evanston	1.681

WYOMING—continued

Uinta County—Continued	
Station	Rate
Hampton	$1.675
Knight	1.681
Leroy	1.681
Millis	1.681
Regan	1.681
Spring Valley	1.681

Washakie County	
All stations	$1.652

Weston County	
Station	Rate
Clay Spur	$1.761
Clifton	1.767
Colloid Spur	1.751
Dakoming	1.767
Jerome	1.751
Newcastle	1.767
Osage	1.761
Pedro	1.761
Spencer	1.767
Thornton	1.745
Upton	1.751

Rates on other No. 1 wheat for the counties and stations listed above shall be determined by subtracting from the applicable county and station rates the discounts listed in § 251.126 (a) (1) for such other No. 1 wheat at terminal markets.

(b) *Discounts and premiums.* The grade and other quality discounts, and the protein premiums, shown in § 251.126 (a) (2) for terminal rates, are applicable to the county and station rates listed in this section. (Sec. 7 (a), 49 Stat. 4, as amended, sec. 8, 56 Stat. 767, as amended; 15 U. S. C. and Sup. 713 (a), 50 U. S. C. App. and Sup. 968; Article Third, pars. (b) and (j), Corporate Charter Commodity Credit Corporation)

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

JULY 16, 1947.

[F. R. Doc. 47-6747; Filed, July 18, 1947; 8:48 a. m.]

[1947 C. C. C. Wheat Bulletin 1, Supp. 2]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM (CHICAGO AREA)

Pursuant to the provisions of Article Third, paragraphs (b) and (j) of the Corporate Charter of Commodity Credit Corporations; sec. 7 (a), 49 Stat. 4 as amended, sec. 8, 56 Stat. 767 as amended; 15 U. S. C. Sup., 713 (a), 50 U. S. C. App., Sup., 968, Commodity Credit Corporation and the Production and Marketing Administration have issued, in 1947 C. C. C. Wheat Bulletin 1 and Supplement 1 thereto (12 F. R. 4167, 4257), regulations governing the making of loans and purchase agreements on wheat produced in 1947, and listing the rates applicable to wheat in eligible warehouse storage at designated terminal markets. Such regulations are hereby further supplemented as follows:

§ 251.128 *State and county rates, discounts, and premiums (Chicago area)*—(a) *Schedule of rates.* The 1947 wheat loan and purchase rates listed herein for States and counties in the Chicago area are determined and established in accordance with the provisions of § 251.126 (b) 1947 C. C. C. Wheat Bulletin 1, Supplement 1). The rates per bushel on No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1

hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, and No. 1 durum shall be as follows:

DELAWARE

All counties	$2.05

ILLINOIS

County	Rate	County	Rate
Adams	$1.94	Lee	$1.96
Alexander	1.95	Livingston	1.96
Bond	1.97	Logan	1.95
Boone	1.96	Macon	1.95
Brown	1.94	Macoupin	1.97
Bureau	1.95	Madison	1.97
Calhoun	1.95	Marion	1.95
Carroll	1.95	Marshall	1.95
Cass	1.95	Massac	1.94
Champaign	1.95	Mason	1.95
Christian	1.95	McDonough	1.94
Clark	1.95	McHenry	1.97
Clay	1.95	McLean	1.95
Clinton	1.97	Menard	1.95
Coles	1.95	Mercer	1.94
Cook	1.98	Monroe	1.96
Crawford	1.95	Montgomery	1.96
Cumberland	1.95	Morgan	1.95
DeKalb	1.97	Moultrie	1.95
DeWitt	1.95	Ogle	1.96
Douglas	1.95	Peoria	1.95
Du Page	1.98	Perry	1.95
Edgar	1.95	Piatt	1.95
Edwards	1.93	Pike	1.95
Effingham	1.95	Pope	1.94
Fayette	1.96	Pulaski	1.94
Ford	1.95	Putnam	1.95
Franklin	1.95	Randolph	1.95
Fulton	1.94	Richland	1.95
Gallatin	1.93	Rock Island	1.94
Greene	1.96	Saline	1.93
Grundy	1.97	Sangamon	1.95
Hamilton	1.94	Schuyler	1.95
Hancock	1.93	Scott	1.95
Hardin	1.94	Shelby	1.95
Henderson	1.94	Stark	1.95
Henry	1.95	St. Clair	1.97
Iroquois	1.96	Stephenson	1.95
Jackson	1.95	Tazewell	1.95
Jasper	1.95	Union	1.95
Jefferson	1.95	Vermillion	1.96
Jersey	1.97	Wabash	1.93
Jo Daviess	1.94	Warren	1.94
Johnson	1.94	Washington	1.95
Kane	1.97	Wayne	1.94
Kankakee	1.97	White	1.93
Kendall	1.97	Whiteside	1.95
Knox	1.94	Will	1.98
Lake	1.98	Williamson	1.95
La Salle	1.96	Winnebago	1.95
Lawrence	1.94	Woodford	1.95

INDIANA

County	Rate	County	Rate
Adams	$1.94	Grant	$1.95
Allen	1.93	Greene	1.93
Bartholomew	1.97	Hamilton	1.94
Benton	1.95	Hancock	1.96
Blackford	1.94	Harrison	1.97
Boone	1.94	Hendricks	1.95
Brown	1.96	Henry	1.96
Carroll	1.95	Howard	1.94
Cass	1.94	Huntington	1.93
Clark	1.99	Jackson	1.97
Clay	1.94	Jasper	1.97
Clinton	1.94	Jay	1.95
Crawford	1.97	Jefferson	1.96
Daviess	1.93	Jennings	1.97
Dearborn	1.98	Johnson	1.96
Decatur	1.97	Knox	1.94
De Kalb	1.94	Kosciusko	1.93
Delaware	1.95	La Grange	1.93
Dubois	1.95	Lake	1.97
Elkhart	1.93	La Porte	1.96
Fayette	1.97	Lawrence	1.96
Floyd	1.99	Madison	1.95
Fountain	1.94	Marion	1.95
Franklin	1.93	Marshall	1.94
Fulton	1.95	Martin	1.94
Gibson	1.93	Miami	1.94

INDIANA—continued

County	Rate	County	Rate
Monroe	$1.96	Shelby	$1.96
Montgomery	1.95	Spencer	1.95
Morgan	1.95	Starke	1.96
Newton	1.97	Steuben	1.94
Noble	1.93	Sullivan	1.95
Ohio	1.97	Switzerland	1.97
Orange	1.95	Tippecanoe	1.95
Owen	1.94	Tipton	1.94
Parke	1.94	Union	1.97
Perry	1.95	Vanderburgh	1.93
Pike	1.94	Vermillion	1.94
Porter	1.97	Vigo	1.94
Posey	1.93	Wabash	1.94
Pulaski	1.96	Warren	1.95
Putnam	1.95	Warrick	1.94
Randolph	1.96	Washington	1.98
Ripley	1.97	Wayne	1.96
Rush	1.96	Wells	1.94
St. Joseph	1.95	White	1.97
Scott	1.97	Whitley	1.93

IOWA

County	Rate	County	Rate
Adair	$1.89	Kossuth	$1.89
Adams	1.90	Humboldt	1.89
Allamakee	1.91	Ida	1.89
Appanoose	1.92	Jackson	1.93
Audubon	1.90	Jones	1.93
Benton	1.92	Lee	1.93
Black Hawk	1.91	Linn	1.92
Boone	1.88	Louisa	1.93
Bremer	1.90	Lucas	1.90
Buchanan	1.91	Lyon	1.88
Buena Vista	1.88	Madison	1.89
Butler	1.90	Mahaska	1.91
Calhoun	1.89	Marion	1.90
Carroll	1.90	Marshall	1.91
Cass	1.91	Mills	1.92
Cedar	1.93	Mitchell	1.90
Cerro Gordo	1.90	Montgomery	1.91
Cherokee	1.89	Monona	1.91
Chickasaw	1.90	Monroe	1.91
Clarke	1.90	Muscatine	1.93
Clay	1.89	O'Brien	1.89
Clayton	1.92	Osceola	1.89
Clinton	1.93	Palo Alto	1.89
Crawford	1.91	Plymouth	1.89
Dallas	1.89	Page	1.91
Davis	1.92	Pocahontas	1.88
Decatur	1.90	Polk	1.90
Delaware	1.91	Pottawattamie	1.92
Des Moines	1.93	Poweshiek	1.91
Dickinson	1.89	Ringgold	1.89
Dubuque	1.93	Sac	1.89
Emmet	1.90	Scott	1.93
Fayette	1.91	Sioux	1.89
Floyd	1.90	Shelby	1.91
Franklin	1.89	Story	1.90
Fremont	1.92	Tama	1.91
Greene	1.89	Taylor	1.89
Grundy	1.90	Union	1.89
Guthrie	1.89	Van Buren	1.92
Hamilton	1.89	Wapello	1.91
Hancock	1.89	Warren	1.90
Hardin	1.90	Washington	1.92
Harrison	1.92	Wayne	1.90
Henry	1.92	Webster	1.89
Howard	1.90	Winnebago	1.90
Iowa	1.92	Winneshiek	1.91
Jasper	1.90	Woodbury	1.89
Jefferson	1.92	Worth	1.90
Johnson	1.93	Wright	1.89
Keokuk	1.91		

KENTUCKY

County	Rate	County	Rate
Adair	$2.02	Butler	$2.00
Allen	2.02	Caldwell	1.99
Anderson	2.02	Calloway	1.99
Ballard	1.98	Campbell	1.99
Barren	2.01	Carlisle	1.99
Bath	2.01	Carroll	1.99
Boone	1.99	Carter	2.01
Bourbon	2.02	Casey	2.03
Boyd	1.99	Christian	2.00
Boyle	2.02	Clark	2.02
Bracken	1.99	Clay	2.04
Breckenridge	1.99	Clinton	2.02
Bullitt	2.01	Crittenden	1.98

KENTUCKY—continued

County	Rate	County	Rate
Cumberland	$2.02	Magoffin	$2.01
Daviess	1.98	Marion	2.01
Edmonson	2.01	Marshall	1.99
Elliott	2.01	Mason	1.99
Fayette	2.02	Meade	1.99
Fleming	2.00	Menifee	2.02
Franklin	2.02	Mercer	2.02
Fulton	1.99	Metcalfe	2.01
Gallatin	1.99	Monroe	2.02
Garrard	2.03	Montgomery	2.02
Grant	2.00	Morgan	2.02
Graves	1.99	Muhlenberg	1.99
Grayson	1.99	Nelson	2.00
Green	2.02	Nicholas	2.02
Greenup	1.99	Ohio	1.99
Hancock	1.98	Oldham	2.00
Hardin	2.00	Owen	2.02
Harrison	2.02	Owsley	2.03
Hart	2.00	Pendleton	2.00
Henderson	1.98	Pulaski	2.04
Henry	2.00	Robertson	2.00
Hickman	1.99	Rockcastle	2.04
Hopkins	1.99	Rowan	2.01
Jackson	2.04	Russell	2.03
Jefferson	2.00	Scott	2.02
Jessamine	2.02	Shelby	2.00
Johnson	2.01	Simpson	2.01
Kenton	1.99	Spencer	2.02
Knox	2.04	Taylor	2.02
Larue	2.00	Todd	2.00
Laurel	2.04	Trigg	2.00
Lawrence	1.99	Trimble	2.00
Lewis	1.99	Union	1.98
Lincoln	2.04	Warren	2.01
Livingston	1.99	Washington	2.00
Logan	2.00	Wayne	2.04
Lyon	1.99	Webster	1.99
McCracken	1.98	Whitley	2.04
McLean	1.99	Wolfe	2.02
Madison	2.02	Woodford	2.02

MARYLAND

County	Rate	County	Rate
Allegany	$2.01	Kent	$2.05
Anne Arundel	2.03	Montgomery	2.05
Baltimore	2.05	Prince Georges	2.03
Calvert	2.03	Queen Annes	2.05
Caroline	2.05	St. Marys	2.03
Carroll	2.04	Somerset	2.03
Cecil	2.05	Talbot	2.05
Charles	2.03	Washington	2.03
Dorchester	2.05	Wicomico	2.03
Frederick	2.04	Worcester	2.03
Garrett	2.00	Baltimore City[1]	2.12
Harford	2.04		
Howard	2.05		

MICHIGAN

County	Rate	County	Rate
Alcona	$1.88	Genesee	$1.94
Allegan	1.92	Gladwin	1.89
Alpena	1.88	Grand Traverse	1.88
Antrim	1.87	Gratiot	1.92
Arenac	1.85	Hillsdale	1.94
Barry	1.92	Huron	1.92
Bay	1.91	Ingham	1.92
Benzie	1.88	Ionia	1.92
Berrien	1.94	Iosco	1.88
Branch	1.93	Isabella	1.91
Calhoun	1.93	Jackson	1.93
Cass	1.93	Kalamazoo	1.93
Charlevoix	1.87	Kalkaska	1.88
Cheboygan	1.87	Kent	1.92
Clare	1.89	Lake	1.90
Clinton	1.92	Lapeer	1.94
Crawford	1.88	Leelanau	1.88
Eaton	1.92	Lenawee	1.95
Emmet	1.87		

[1] This rate shall apply to wheat stored in Baltimore which arrived by wagon, truck, or bay boat. If wheat shipped to Baltimore by water is stored in a railroad warehouse, the rate shall be the Baltimore City rate plus 4 cents per bushel. Warehouse receipts representing such wheat shall be accompanied by a warehouseman's supplemental certificate indicating that the wheat was shipped by water.

MICHIGAN—continued

County	Rate	County	Rate
Livingston	$1.94	Oscoda	$1.87
Macomb	1.96	Otsego	1.87
Manistee	1.89	Ottawa	1.92
Mason	1.91	Presque Isle	1.87
Mecosta	1.91	Roscommon	1.88
Midland	1.91	St. Clair	1.96
Missaukee	1.89	St. Joseph	1.93
Monroe	1.96	Saginaw	1.93
Montcalm	1.91	Sanilac	1.94
Montmorency	1.87	Shiawassee	1.92
Muskegon	1.91	Tuscola	1.93
Newaygo	1.91	Van Buren	1.93
Oakland	1.94	Washtenaw	1.95
Oceana	1.91	Wayne	1.96
Ogemaw	1.88	Wexford	1.88
Osceola	1.89		

UPPER PENINSULA

County	Rate	County	Rate
Alger	$1.87	Keweenaw	$1.86
Baraga	1.86	Luce	1.84
Chippewa	1.84	Mackinac	1.84
Delta	1.88	Marquette	1.87
Dickinson	1.88	Menominee	1.89
Gogebic	1.87	Ontonagon	1.87
Houghton	1.86	Schoolcraft	1.84
Iron	1.87		

NEW JERSEY

All counties	$2.01

NEW YORK

All counties	$2.00

NORTH CAROLINA

All counties	$2.08

OHIO

County	Rate	County	Rate
Adams	$1.95	Licking	$1.97
Allen	1.96	Logan	1.95
Ashland	1.97	Lorain	1.97
Ashtabula	1.99	Lucas	1.96
Athens	1.96	Madison	1.96
Auglaize	1.95	Mahoning	1.98
Belmont	1.97	Marion	1.97
Brown	1.95	Medina	1.97
Butler	1.98	Meigs	1.95
Carroll	1.97	Mercer	1.95
Champaign	1.96	Miami	1.96
Clark	1.96	Monroe	1.97
Clermont	1.97	Montgomery	1.97
Clinton	1.96	Morgan	1.97
Columbiana	1.98	Morrow	1.97
Coshocton	1.97	Muskingum	1.97
Crawford	1.97	Noble	1.97
Cuyahoga	1.97	Ottawa	1.97
Darke	1.96	Paulding	1.95
Defiance	1.95	Perry	1.97
Delaware	1.97	Pickaway	1.96
Erie	1.97	Pike	1.95
Fairfield	1.97	Portage	1.97
Fayette	1.96	Preble	1.97
Franklin	1.96	Putnam	1.96
Fulton	1.95	Richland	1.97
Gallia	1.95	Ross	1.96
Geauga	1.99	Sandusky	1.97
Greene	1.96	Scioto	1.95
Guernsey	1.97	Seneca	1.97
Hamilton	1.99	Shelby	1.96
Hancock	1.97	Stark	1.97
Harden	1.96	Summitt	1.97
Harrison	1.97	Trumbull	1.99
Henry	1.95	Tuscarawas	1.97
Highland	1.95	Union	1.96
Hocking	1.97	Van Wert	1.95
Holmes	1.97	Vinton	1.96
Huron	1.97	Warren	1.97
Jackson	1.95	Washington	1.97
Jefferson	1.97	Wayne	1.97
Knox	1.97	Williams	1.95
Lake	1.93	Wood	1.97
Lawrence	1.95	Wyandot	1.97

PENNSYLVANIA

County	Rate	County	Rate
Adams	$2.02	Beaver	$1.98
Allegheny	1.98	Bedford	1.99
Armstrong	1.98	Berks	2.03

PENNSYLVANIA—continued

County	Rate	County	Rate
Blair	$1.99	Lebanon	$2.02
Bradford	2.00	Lehigh	2.02
Bucks	2.04	Luzerne	2.00
Butler	1.98	Lycoming	2.00
Cambria	1.98	McKean	1.99
Cameron	1.99	Mercer	1.98
Carbon	2.00	Mifflin	1.99
Centre	1.99	Monroe	2.00
Chester	2.04	Montgomery	2.04
Clarion	1.98	Montour	2.00
Clearfield	1.98	Northampton	2.01
Clinton	1.99	Northumberland	2.00
Columbia	2.00	Perry	1.99
Crawford	1.98	Pike	2.00
Cumberland	2.01	Potter	1.99
Dauphin	2.00	Schuylkill	2.01
Delaware	2.04	Snyder	1.99
Elk	1.99	Somerset	1.98
Erie	1.99	Sullivan	2.00
Fayette	1.98	Susquehanna	2.00
Forest	1.98	Tioga	2.00
Franklin	2.01	Union	1.99
Fulton	1.99	Venango	1.98
Greene	1.98	Warren	1.99
Huntingdon	1.99	Washington	1.98
Indiana	1.98	Wayne	2.00
Jefferson	1.98	Westmoreland	1.98
Juniata	1.99	Wyoming	2.00
Lackawanna	2.00	York	2.03
Lancaster	2.03		
Lawrence	1.98		

TENNESSEE

County	Rate	County	Rate
Anderson	$2.07	Lake	$1.87
Bedford	2.02	Lauderdale	1.98
Benton	2.00	Lawrence	2.02
Bledsoe	2.05	Lewis	2.01
Blount	2.11	Lincoln	2.02
Bradley	2.07	Loudon	2.09
Campbell	2.06	McMinn	2.08
Cannon	2.02	Macon	2.02
Carroll	1.99	Madison	1.99
Carter	2.10	Marion	2.04
Cheatham	2.02	Marshall	2.02
Chester	2.00	Maury	2.02
Claiborne	2.06	Meigs	2.07
Clay	2.03	Monroe	2.09
Cocke	2.09	Montgomery	2.00
Coffee	2.02	Moore	2.03
Crockett	1.98	Morgan	2.06
Cumberland	2.06	Obion	1.98
Davidson	2.02	Overton	2.03
Decatur	1.99	Pickett	2.04
De Kalb	2.03	Polk	2.08
Dickson	2.02	Putnam	2.02
Dyer	1.98	Rhea	2.06
Fayette	1.99	Roane	2.07
Fentress	2.04	Robertson	2.00
Franklin	2.03	Rutherford	2.02
Gibson	1.99	Sequatchie	2.05
Giles	2.02	Sevier	2.10
Grainger	2.09	Shelby	1.99
Greene	2.11	Smith	2.02
Grundy	2.04	Stewart	2.00
Hamblen	2.09	Sullivan	2.13
Hamilton	2.06	Sumner	2.01
Hancock	2.08	Tipton	1.99
Hardeman	1.99	Trousdale	2.02
Hawkins	2.10	Unicoi	2.10
Haywood	1.98	Union	2.08
Henderson	2.00	Van Buren	2.03
Henry	1.99	Warren	2.03
Hickman	2.01	Washington	2.10
Houston	2.00	Wayne	2.02
Humphreys	2.01	Weakley	1.99
Jackson	2.02	White	2.03
Jefferson	2.09	Williamson	2.02
Johnson	2.10	Wilson	2.02
Knox	2.10		

VIRGINIA

County	Rate	County	Rate
Accomack	$2.03	Augusta	$2.08
Albermarle	2.07	Bath	2.04
Alleghany	2.07	Bedford	2.08
Amelia	2.07	Bland	2.08
Amherst	2.08	Botetourt	2.08
Appomattox	2.08	Brunswick	2.08

VIRGINIA—continued

County	Rate	County	Rate
Buchanan	$2.05	Mathews	$2.05
Buckingham	2.07	Mecklenburg	2.05
Campbell	2.08	Middlesex	2.06
Caroline	2.10	Montgomery	2.08
Carroll	2.08	Nansemond	2.06
Charles City	2.08	Nelson	2.07
Charlotte	2.08	New Kent	2.08
Chesterfield	2.08	Norfolk	2.08
Clarke	2.05	Northampton	2.04
Craig	2.05	Northumberland	2.00
Culpeper	2.05	Nottaway	2.08
Cumberland	2.07	Orange	2.06
Dickenson	2.06	Page	2.06
Dinwiddie	2.07	Patrick	2.08
Essex	2.07	Pittsylvania	2.04
Fairfax	2.06	Powhatan	2.07
Fauquier	2.07	Prince Edward	2.08
Floyd	2.08	Prince George	2.07
Fluvanna	2.07	Prince William	2.06
Franklin	2.09	Princess Anne	2.06
Frederick	2.05	Pulaski	2.06
Giles	2.06	Rappahannock	2.05
Gloucester	2.06	Richmond	2.07
Goochland	2.07	Roanoke	2.10
Grayson	2.09	Rockbridge	2.08
Greene	2.06	Rockingham	2.07
Greensville	2.06	Russell	2.10
Halifax	2.09	Scott	2.13
Hanover	2.10	Shenandoah	2.07
Henrico	2.10	Smyth	2.11
Henry	2.08	Southampton	2.06
Highland	2.04	Spotsylvania	2.08
Isle of Wight	2.06	Stafford	2.09
James City	2.08	Surry	2.06
King & Queen	2.07	Sussex	2.06
King George	2.08	Tazewell	2.06
King William	2.08	Warren	2.05
Lancaster	2.06	Washington	2.13
Lee	2.09	Westmoreland	2.07
Loudoun	2.05	Wise	2.06
Louisa	2.07	Wythe	2.10
Lunenburg	2.08		
Madison	2.06		

WEST VIRGINIA

County	Rate	County	Rate
Barbour	$2.02	Mineral	$2.02
Berkeley	2.03	Monongalia	2.00
Boone	2.01	Monroe	2.04
Braxton	2.03	Morgan	2.03
Brooke	1.99	Nicholas	2.03
Cabell	1.99	Ohio	1.99
Calhoun	2.02	Pendleton	2.04
Clay	2.02	Pleasants	1.99
Dodridge	2.01	Pocahontas	2.03
Fayette	2.03	Preston	2.00
Gilmer	2.02	Putnam	2.00
Grant	2.02	Raleigh	2.03
Greenbrier	2.04	Randolph	2.03
Hampshire	2.03	Ritchie	2.01
Hancock	1.98	Roane	2.01
Hardy	2.03	Summers	2.03
Harrison	2.01	Taylor	2.01
Jackson	2.00	Tucker	2.02
Jefferson	2.03	Tyler	1.99
Kanawha	2.01	Upshur	2.02
Lewis	2.02	Wayne	2.01
Lincoln	2.01	Webster	2.03
Marion	2.00	Wetzel	2.00
Marshall	1.99	Wirt	2.01
Mason	1.99	Wood	2.00
Mercer	2.03		

Rates on other No. 1 wheat for the States and counties listed above shall be determined by subtracting from the applicable State and county rates the discounts listed in § 251.126 (a) (1) for such other No. 1 wheat at terminal markets.

(b) *Discounts and premiums.* The grade and other quality discounts, and the protein premiums, shown in § 251.126 (a) (2) for terminal rates, are applicable to the State and county rates listed in this section. (Sec. 7 (a), 49 Stat. 4, as amended, sec. 8, 56 Stat. 767 as amended; 15 U. S. C. and Sup. 713 (a), 50 U. S. C. App. and Sup. 968; Article Third, para-

graphs (b) and (j), Corporate Charter Commodity Credit Corporation)

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

JULY 16, 1947.

[F. R. Doc. 47-6835; Filed, July 18, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Regulation 231]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.338 *Lemon Regulation 231*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 20, 1947, and ending at 12:01 a. m., P. s. t., July 27, 1947, is hereby fixed at 600 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of July, 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage Date: July 13, 1947.

[12:01 a. m. July 20, 1947, to 12:01 a. m. August 3, 1947]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.694
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.314
Consolidated Citrus Growers	.000
Corona Plantation Co	.358
Hazeltine Packing Co	.371
Leppla-Pratt, Produce Distributors, Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers, Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.343
Ventura Pacific Co	1.498
Total A. F. G	4.578
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.261
La Verne Lemon Association	.697
La Habra Citrus Association	1.661
Yorba Linda Citrus Association, The	.866
Alta Loma Hts. Citrus Association	.848
Etiwanda Citrus Fruit Association	.254
Mountain View Fruit Association	.416
Old Baldy Citrus Association	1.048
Upland Lemon Growers Association	5.295
Central Lemon Association	1.237
Irvine Citrus Association, The	1.055
Placentia Mutual Orange Association	.453
Corona Citrus Association	.141
Corona Foothill Lemon Co	1.386
Jameson Co	.679
Arlington Heights Fruit Co	.336
College Heights Orange & Lemon Association	3.037
Chula Vista Citrus Association, The	1.483
El Cajon Valley Citrus Association	.086
Escondido Lemon Association	2.843
Fallbrook Citrus Association	1.530
Lemon Grove Citrus Association	.374
San Dimas Lemon Association	1.646
Carpinteria Lemon Association	2.910
Carpinteria Mutual Citrus Association	3.057
Goleta Lemon Association	3.342
Johnston Fruit Company	5.368
North Whittier Heights Citrus Association	.769
San Fernando Heights Lemon Association	.752
San Fernando Lemon Association	.435
Sierra Madre-Lamanda Citrus Association	1.554
Tulare County Lemon & Grapefruit Association	.000
Briggs Lemon Association	8.229
Culbertson Investment Co	.791
Culbertson Lemon Association	1.707
Fillmore Lemon Association	1.355
Oxnard Citrus Association No. 1	3.641
Oxnard Citrus Association No. 2	3.321
Rancho Sespe	.917
Santa Paula Citrus Fruit Association	3.875
Saticoy Lemon Association	4.406
Seaboard Lemon Association	3.792
Somis Lemon Association	2.936
Ventura Citrus Association	1.640
Limoneira Company	3.600
Teague-McKevett Association	1.142
East Whittier Citrus Association	.681
Leffingwell Rancho Lemon Association	.767
Murphy Ranch Company	1.662
Whittier Citrus Association	.735
Whittier Select Citrus Association	.560
Total C. F. G. E	87.726
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	.822
Escondido CoOp. Citrus Association	.343
Glendora CoOp. Citrus Association	.085
Index Mutual Association	.285
La Verne CoOp. Citrus Association	1.416
Libbey Fruit Packing Co	.000
Orange CoOp. Citrus Association	.166
Pioneer Fruit Co	.000
Tempe Citrus Co	.000
Ventura Co. Orange & Lemon Association	2.550
Whittier Mutual Orange & Lemon Association	.212
Total M. O. D	5.879
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.000
California Citrus Groves, Inc., Ltd	.000
El Modena Citrus, Inc	.000
Evans Bros. Pkg. Co.—Riverside	.006
Evans Bros. Pkg. Co.—Sentinel Butte Ranch	.000
Foothill Packing Co	.031
Granada Packing House	.000
Harding & Leggett	.000
Morris Bros. Fruit Co	.000
Orange Belt Fruit Distributors	1.587
Potato House, The	.000
Raymond Bros	.000
Riverside Growers, Inc	.000
Rooke, B. G. Packing Co	.000
San Antonio Orchard Co	.044
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.149
Western States Fruit & Produce Co	.000
Total Independents	1.817

[F. R. Doc. 47-6849; Filed, July 18, 1947; 9:40 a. m.]

[Orange Reg. 187]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.333 *Orange Regulation 187*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other

available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 20, 1947, and ending at 12:01 a. m., P. s. t., July 27, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1,500 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of July 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. July 20, 1947 to 12:01 a. m. July 27, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0723
A. F. G. Fullerton	.8985
A. F. G. Orange	.6287
A. F. G. Redlands	.2347
A. F. G. Riverside	.1244
A. F. G. San Juan Capistrano	.8314

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
A. F. G. Santa Paula	0.4122
Corona Plantation Co	.2405
Hazeltine Packing Co	.3865
Signal Fruit Association	.0804
Azusa Citrus Association	.4340
Azusa Orange Co., Inc	.1323
Damerel-Allison Co	.8860
Glendora Mutual Orange Association	.3828
Irwindale Citrus Association	.3705
Puente Mutual Citrus Association	.2012
Valencia Heights Orchards Association	.4294
Glendora Citrus Association	.3514
Glendora Height Orange and Lemon Growers Association	.0768
Gold Buckle Association	.5689
La Verne Orange Association	.6479
Anaheim Citrus Fruit Association	1.4481
Anaheim Valencia Orange Association	1.5584
Eadington Fruit Company, Inc	2.3293
Fullerton Mutual Orange Association	1.6281
La Habra Citrus Association	1.1578
Orange County Valencia Association	.7369
Orangethorpe Citrus Association	1.0212
Placentia Coop. Orange Association	.8361
Yorba Linda Citrus Association, The	.5737
Alta Loma Heights Citrus Association	.0945
Citrus Fruit Growers	.0987
Cucamonga Citrus Association	.1297
Etiwanda Citrus Fruit Association	.0422
Old Baldy Citrus Association	.1332
Rialto Heights Orange Growers	.0896
Upland Citrus Association	.4050
Upland Heights Orange Association	.1521
Consolidated Orange Growers	1.8811
Frances Citrus Association	1.0686
Garden Grove Citrus Association	1.7597
Goldenwest Citrus Association, The	1.4131
Irvine Valencia Growers	2.3371
Olive Heights Citrus Association	1.6259
Santa Ana-Tustin Mutual Citrus Association	.9975
Santiago Orange Growers Association	4.2169
Tustin Hills Citrus Association	1.8474
Villa Park Orchards Association, The	1.7890
Andrews Brothers of California	.4000
Bradford Brothers, Inc	.6451
Placentia Mutual Orange Association	1.7507
Placentia Orange Growers Association	2.4783
Call Ranch	.0672
Corona Citrus Association	.4596
Jameson Company	.0364
Orange Heights Orange Association	.3686
Break & Son, Allen	.0566
Bryn Mawr Fruit Growers Association	.2650
Crafton Orange Growers Association	.3825
E. Highlands Citrus Association	.0862
Fontana Citrus Association	.0852
Highland Fruit Growers Association	.0508
Krinard Packing Co	.2622
Mission Citrus Association	.1436
Redlands Coop. Fruit Association	.4073
Redlands Heights Groves	.2498
Redlands Orange Growers Association	.2616
Redlands Orangedale Association	.2839
Redlands Select Groves	.1614
Rialto Citrus Association	.1509
Rialto Orange Co	.1503
Southern Citrus Association	.2020
United Citrus Growers	0.1457
Zilen Citrus Co	.1019
Arlington Heights Fruit Co	.1015
Brown Estate, L. V. W	.1320
Gavilan Citrus Association	.1546
Hemet Mutual Groves	.1124
Highgrove Fruit Association	.0775
McDermont Fruit Co	.1889
Mentone Heights Association	.0672
Monte Vista Citrus Association	.2229
National Orange Co	.0109
Riverside Growers, Inc	.0848
Riverside Heights Orange Growers Association	.0875
Sierra Vista Packing Association	.0586
Victoria Avenue Citrus Association	.1765
Claremont Citrus Association	.1161
College Heights Orange and Lemon Association	.2211
El Camino Citrus Association	.0324
Indian Hill Citrus Association	.1887
Pomona Fruit Growers Exchange	.2910
Walnut Fruit Growers Association	.4317
West Ontario Citrus Association	.2865
El Cajon Valley Citrus Association	.3128
Escondido Orange Association	2.4162
San Dimas Orange Growers Association	.4975
Covina Citrus Association	1.0115
Covina Orange Growers Association	.3972
Duarte-Monrovia Fruit Exchange	.2497
Santa Barbara Orange Association	.0510
Ball & Tweedy Association	.6108
Canoga Citrus Association	.8317
N. Whittier Heights Citrus Association	.8934
San Fernando Fruit Growers Association	.4379
San Fernando Heights Orange Association	.9521
Sierra Madre-Lamanda Citrus Association	.3940
Camarillo Citrus Association	1.4826
Fillmore Citrus Association	3.5302
Mupu Citrus Association	2.4597
Ojai Orange Association	.9718
Piru Citrus Association	1.9876
Santa Paula Orange Association	1.0764
Tapo Citrus Association	1.0972
Limoneira Co	.3937
E. Whittier Citrus Association	.3999
El Ranchito Citrus Association	1.3642
Murphy Ranch Co	.4348
Rivera Citrus Association	.5410
Whittier Citrus Association	.6880
Whittier Select Citrus Association	.4747
Anaheim Coop. Orange Association	1.2207
Bryn Mawr Mutual Orange Association	.0905
Chula Vista Mutual Lemon Association	.0910
Escondido Coop. Citrus Association	.3302
Euclid Avenue Orange Association	.4197
Foothill Citrus Union, Inc	.0329
Fullerton Coop. Orange Association	.4548
Garden Grove Orange Coop. Inc	.8727
Glendora Coop. Citrus Association	.0559
Golden Orange Groves, Inc	.2767
Highland Mutual Groves	.0661
Index Mutual Association	.1426
La Verne Coop. Citrus Association	1.1726
Olive Hillside Groves	.7546
Orange Coop. Citrus Association	1.1590
Redlands Foothill Groves	.4419
Redlands Mutual Orange Association	.1641
Riverside Citrus Association	.0678
Ventura County Orange and Lemon Association	.9279
Whittier Mutual Orange and Lemon Association	.1931
Babijuice Corp. of California	.5117
Banks Fruit Co	.2947

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Banks, L. M.	0.5004
Borden Fruit Co.	.8091
California Fruit Distributors	.2790
Cherokee Citrus Co., Inc.	.0960
Chess Company, Meyer W.	.2053
Escondido Avocado Growers	.0547
Evans Brothers Packing Co.	.2231
Gold Banner Association	.2867
Granada Hills Packing Co.	.0623
Granada Packing House	2.2672
Hill, Fred A.	.0759
Inland Fruit Dealers	.0504
Mills, Edward	.0838
Orange Belt Fruit Distributors	1.8827
Panno Fruit Company, Carlo	.0371
Paramount Citrus Association	.4840
Placentia Orchards Co.	.4827
Placentia Pioneer Valley Growers Association	.6433
San Antonio Orchards Co.	.3550
Santa Fe Groves Co.	.0503
Snyder & Sons Co., W. A.	.9513
Stephens, T. F.	.0865
Sunny Hills Ranch, Inc.	.1173
Ventura County Citrus Association	.0253
Verity & Sons Co., R. H.	.0358
Wall, E. T.	.1215
Webb Packing Co.	.1904
Western Fruit Growers, Inc., Ana	.0487
Western Fruit Growers, Inc., Reds	.6525
Yorba Orange Growers Association	.6226

[F. R. Doc. 47-6850; Filed, July 18, 1947; 9:40 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IX—Transport

PART 903—TRANSPORTATION OF INDIVIDUALS

CHECKABLE PERSONAL BAGGAGE

Rescind paragraph (d) of § 903.7 and substitute the following:

§ 903.7 *Checkable personal baggage.* * * *

(d) *On transoceanic or Alaska voyages*—(1) *Allowance by the rail carriers and certain steamship lines.* Under the terms and conditions set forth in the Joint Military Passenger Agreement (W D Commercial Traffic Bulletin 6, of current year), with the rail carriers and certain steamship lines in the continental United States, exclusive of Alaska, a free allowance of 350 pounds of personal baggage on an adult ticket and 175 pounds on a child's half-fare ticket, of all classes, except special coach tickets, will be transported by the carriers parties to that agreement, for the following classes of traffic presenting tickets purchased for cash or issued in exchange for War Department transportation requests, when traveling in the United States on such tickets to or from ports en route to or from oversea points as indicated in subdivisions (i), (ii), (iii), of (iv) of this subparagraph, regardless of whether the passengers use Government or commercial facilities between such ports and oversea points:

(i) En route to or from trans-Pacific points via Atlantic or Gulf ports, or via Pacific ports: All military personnel; authorized dependents of military and civilian personnel for whom transportation is authorized by the War Department; civilian employees (including laborers) of the War Department; and employees of the American Red Cross transported at the expense of the War Department.

(ii) Ordered to or detached from duty at stations in Alaska when traveling to or from a Pacific port: Commissioned officers and warrant officers.

(iii) Ordered to or detached from duty at trans-Atlantic stations when traveling to or from an Atlantic port (see subdivision (vi) of this subparagraph. Commissioned officers and warrant officers.

(iv) En route to or from all points outside the continental limits of the United States not covered by subdivision (i) of this subparagraph, via Atlantic or Gulf ports, or en route to or from points in Alaska via Pacific, Atlantic, or Gulf ports (see subdivision (vi) of this subparagraph). Authorized dependents of military and civilian personnel for whom transportation is authorized by the War Department.

(v) Provisional reduction: The foregoing is based upon the commercial allowance in connection with trans-Pacific transportation, as prescribed in current tariffs, and if such allowance is hereafter reduced, the baggage allowance authorized above will be correspondingly reduced.

(vi) Expiration date of provisions covering free allowance via Atlantic or Gulf ports: Under the terms and conditions of the above-mentioned Joint Military Passenger Agreement, the provisions outlined in subdivisions (iii) and (iv) of this subparagraph covering free allowance via Atlantic or Gulf ports will expire 6 months after the termination of the war as officially proclaimed by the President or the Congress of the United States.

(2) *Allowance by bus carriers.* Under the terms and conditions set forth in the Joint Bus Military Agreement (W D Commercial Traffic Bulletin 6, of current year) with certain commercial bus carriers in the continental United States, exclusive of Alaska, the same amounts of personal baggage, for the same classes of traffic and under the same conditions as authorized by the rail carriers and set forth in subparagraph (1) of this paragraph, will be transported by the bus carriers parties to that agreement, and on all classes of trans-Atlantic or trans-Pacific traffic not included in subparagraph (1) of this paragraph, free allowance of 200 pounds of personal baggage will be allowed by the bus carriers on an adult ticket and 75 pounds on a child's half-fare ticket, as prescribed in current tariffs, and if such allowance is hereafter reduced, the baggage allowance authorized by the agreement will be correspondingly reduced.

(3) *Method of obtaining the free allowance.* In order to obtain the weight allowance of baggage authorized in subparagraphs (1) or (2) of this paragraph, outbound passengers will present to the baggage agent, at the time the baggage is offered for checking, a through ticket to the port of embarkation and a copy of travel orders or other official document issued by competent United States Government authority, under the authority of which the person is traveling, showing that the traveler is en route to the applicable points designated in subparagraphs (1) (i), (ii), (iii), or (iv) of this paragraph, as the case may be, by Government or commercial facilities beyond such port. Similarly, inbound passengers will present to the baggage agent, at the time the baggage is offered for checking, a through ticket from the port of entry to destination and a copy of travel orders or other official document issued by competent United States Government authority, under the authority of which the person is traveling, showing that the traveler has arrived by Government or commercial facilities en route from the applicable points designated in subparagraphs (1) (i), (ii), (iii), or (iv) of this paragraph, as the case may be.

(4) *Restrictions.* The foregoing provisions are subject to any restrictions of the War Department which may be currently applicable regarding personal property or equipment which may be taken to or from oversea points or Alaska. [AR 55-120, April 26, 1943, as amended by C 19, July 1, 1947]

(R. S. 161, 41 Stat. 604, 5 U. S. C. 22, 10 U. S. C. 756-756b)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6806; Filed, July 18, 1947; 8:46 a. m.]

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 63]

PART 30—FOREIGN TRADE STATISTICS

SHIPPER'S EXPORT DECLARATIONS CURRENTLY IN USE

Basic statutes require the filing of Shipper's Export Declarations for shipments of merchandise from the United States. The Foreign Commerce Statistical Decision below prescribes the general categories of shipments which are to be reported on the three export declaration forms currently in use. The requirements indicated are substantially in accord with established practice. As no additional burden is being imposed upon respondents, notice and public procedure within the meaning of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) are deemed unnecessary, and the decision is made effective immediately:

1. Paragraph (e) of § 30.7 is amended to read as follows:

§ 30.7 *Shipper's Export Declarations.*
* * *

(e) Shipper's Export Declarations may be purchased for a nominal price from Collectors of Customs, Department of Commerce Field Offices, and the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Declarations may be printed by private parties provided they conform strictly to the official form in size, wording, color and arrangement, including the instructions printed on the reverse side and also the Budget Bureau Approval Number printed in the upper righthand corner on the face of the form.

2. Paragraphs (f), (g), and (h) are added to § 30.7 to read as follows:

(f) Commerce Form 7525-V (Shipper's Export Declaration) (yellow) is prescribed for use in declaring United States exports of domestic and foreign merchandise not provided for in paragraph (g) and (h) of this section.

(g) Commerce Form 7525 DA-V (Defense Aid Shipper's Export Declaration) (white) is prescribed for use in declaring United States exports of domestic and foreign merchandise shipped:

(1) Under the Lend-Lease Program.

(2) Under the U. N. R. R. A. Program.

(3) Under the program covering relief assistance to the people of countries devastated by war.

(4) Under the program to provide for assistance to Greece and Turkey.

(h) Commerce Form 7513 (Shipper's Export Declaration for In-Transit Goods) (pink) is prescribed for use in reporting in-transit shipments as defined in §§ 30.29 and 30.37. Commerce Form 7513 should also be used for in-transit shipments of merchandise made under programs enumerated in paragraph (g) of this section.

3. Foreign Commerce Statistical Decisions 31, 37, 38, 42, 45, 50, 53 and 55 are rescinded.[1]

(R. S. 161, Sec. 4, 32 Stat. 826; 5 U. S. C. 22, 601)

[SEAL] J. C. CAPT,
Director.

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-6788; Filed, July 18, 1947; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Sugar Rationing Administration Delegation Order 2,[2] Amdt. 1]

PART 705—ADMINISTRATION

Delegation Order 2 is amended in the following respects:

1. The title of Delegation Order 2 (§ 705.202) is amended to read as follows: *"Delegation of authority to sign and issue sugar rationing subpoenas and inspection orders."*

2. Paragraph (a) (1) is amended to read as follows:

(a) (1) In connection with any investigation related to the administration or enforcement of the allocation or rationing authority of the Secretary of Agriculture and the Administrator of the Sugar Rationing Administration under the Sugar Control Extension Act of 1947 with respect to sugar, or any regulation or order issued or continued in force and effect pursuant to that authority, the several Directors of the Field Offices of the Sugar Rationing Administration, Department of Agriculture are each authorized within their respective areas or localities to sign and issue: (i) subpoenas requiring any person to appear and testify, or to appear and produce books or records or any other documentary or physical evidence, or both; and (ii) inspection orders for the inspection of the books, records, and other writing, premises, and property of any person. However, any action taken with respect to such subpoenas and inspection orders by the several Regional Sugar Executives and Branch Office Directors within their respective regions or branches prior to the effective date hereof shall remain in full force and effect.

3. Paragraph (a) (2) is amended to read as follows:

(2) The authority conferred upon the several Directors of the Field Offices of the Sugar Rationing Administration, Department of Agriculture, by this paragraph (a) shall be exercised in conformity with the provisions of subparagraphs (3) and (4) of section 2 (a) of the act of June 28, 1940.

(54 Stat. 676, as amended by the act of May 31, 1941 (Public Law No. 89, 77th Cong.) and by Title III of the Second War Powers Act, 1942 (act of March 27, 1942, Public Law No. 507, 77th Cong.), as amended)

This amendment shall become effective July 9, 1947.

Issued this 9th day of July 1947.

IRVIN L. RICE,
Acting Administrator,
Sugar Rationing Administration.

[F. R. Doc. 47-6888; Filed, July 18, 1947; 11:45 a. m.]

[Sugar Rationing Administration Delegation Order 3,[3] Amdt. 1]

PART 705—ADMINISTRATION

Delegation Order 3 is amended in the following respects:

1. The title of Delegation Order 3 (§ 705.203) is amended to read as follows: *"Delegation of authority to sign and issue price subpoenas and inspection requirements."*

2. Paragraph (a) is amended to read as follows:

(a) In connection with any investigation related to the administration or enforcement of the authority of the Secretary of Agriculture and the Administrator of the Sugar Rationing Administration under the Sugar Control Extension Act of 1947 with respect to price control of sugar, or any regulation or order issued or continued in force and effect pursuant to that authority, the several Directors of the Field Offices of the Sugar Rationing Administration, Department of Agriculture are each authorized within their respective areas or localities to sign and issue: (1) subpoenas requiring any person to appear and testify, or to appear and produce documents, or both, at any designated place; (2) inspection requirements requiring any person who is engaged in the business of dealing in sugar, or who uses sugar, to permit the inspection and copying of records and any other documents, and to permit the inspection of inventories, property and premises. However, any action taken with respect to such subpoenas and inspection requirements by the several Regional Sugar Executives and Branch Office Directors within their respective regions or branches prior to the effective date hereof shall remain in full force and effect.

This amendment shall become effective July 9, 1947.

Issued this 9th day of July 1947.

IRVIN L. RICE,
Acting Administrator,
Sugar Rationing Administration.

[F. R. Doc. 47-6887; Filed, July 18, 1947; 11:45 a. m.]

[Sugar Rationing Administration Delegation Order 4,[4] Amdt. 1]

PART 705—ADMINISTRATION

Delegation Order 4 is amended in the following respects:

1. The title of Delegation Order 4 (§ 705.204) is amended to read as follows: *"Delegation of authority to sign and issue subpoenas and inspection requirements in connection with rice price control functions."*

2. Paragraph (a) is amended to read as follows:

(a) In connection with any investigation related to the administration or enforcement of the authority of the Secretary of Agriculture and the Administrator of the Sugar Rationing Administration under the Emergency Price Control Act of 1942, as amended, and under Executive Order 9841, with respect to price control of rice, or any regulation or order issued or continued in force and effect pursuant to that Executive order, the several Directors of the Field Offices of the Sugar Rationing Administration, Department of Agriculture are each authorized within their respective areas or localities to sign and issue: (1) subpoenas requiring any person to appear and testify, or to appear and produce documents, or both, at any designated place; (2) inspection requirements requiring any person who is engaged in the business of dealing in rice, or who uses rice, to permit the inspection and copying of records and any other documents, and to permit the inspection of inventories, property and premises. However, any action taken with respect to such subpoenas and inspection requirements by the several Regional Sugar Executives and Branch Office Directors within their respective regions or branches prior to

[1] Not filed with the Division of the Federal Register.

[2] 12 F. R. 3511.

[3] 12 F. R. 3511.

the effective date hereof shall remain in full force and effect.

This amendment shall become effective July 9, 1947.

Issued this 9th day of July 1947.

IRVIN L. RICE,
Acting Administrator,
Sugar Rationing Administration.

[F. R. Doc. 47-6886; Filed, July 18, 1947; 11:45 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 2,[1] Order 12]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

SURPLUS PROPERTY LOCATED ON THE ALEUTIAN ISLANDS

Application has been made to the Administrator by the disposal agency that surplus property located on the Aleutian Islands, because of remote geographical location, lack of transportation, and climatic conditions, should be disposed of immediately without prior offering to priority claimants.

The disposal agency has advised that since there are no regular airlines or shipping facilities between the Aleutian Islands and the Alaskan mainland, and since the distances involved are so great, that to offer this property first to priority claimants will make disposal impracticable and uneconomical in view of the short summer shipping season to the Aleutian Islands.

The disposal agency has further advised that the military services involved do not have personnel available to segregate, crate, move, or load on shipboard such property and that any offerings must be made on an "as-is, where-is" basis.

The disposal agency has further advised that the interest shown to date by priority claimants in surplus property located on the Aleutian Islands has been small and that to properly offer such surpluses to priority claimants will necessitate shipping such property from the Aleutian Islands to the mainland, which budgetary limitations preclude.

Accordingly, the War Assets Administrator finds that an exemption should be granted from the provisions of this part for any surplus property located on the Aleutian Islands on the ground that it is impracticable and uneconomical for the disposal agency to be required to dispose of surplus property according to the provisions of this part.

In view of all of the foregoing, it is hereby ordered that:

§ 8302.62 *Surplus property located on the Aleutian Islands.* Pursuant to the provisions of § 8302.3 (b) (4) of this part, the War Assets Administration, as disposal agency, is hereby authorized to dispose of any surplus property located on the Aleutian Islands at a fair and reasonable price without regard to any other provisions of this part.

[1] 12 F R 1935.

(Surplus Property Act of 1944, as amended; 58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611; Pub. Law 181, 79th Cong., 59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b; and Reorganization Plan 1 of 1947 (12 F. R. 4534))

This section shall become effective July 11, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JULY 11, 1947.

[F. R. Doc. 47-6885; Filed, July 18, 1947; 11:40 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

NAVAL SENTENCE REVIEW AND CLEMENCY BOARD

Amend § 26.4 (c) (2) to read as follows:

§ 26.4 *Executive Office of the Secretary.* • • •

(c) *Boards, offices, committees and divisions under the direct supervision of the Under Secretary.* • • •

(2) *Naval Sentence Review and Clemency Board.* The Naval Sentence Review and Clemency Board was convened by precept of the Acting Secretary of the Navy dated April 17, 1947, and on that date assumed the functions of the Naval Clemency and Prison Inspection Board. The Board reviews General Courts Martial sentences and other disciplinary matters requiring action of the Secretary of the Navy. The Board considers applications of Naval prisoners for clemency and for restoration to duty. Members of the Board make inspections of Naval places of confinement for Naval prisoners. The Board make recommendations to the Secretary who has final action in all matters coming under the cognizance of the Board.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-6792; Filed, July 18, 1947; 8:57 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter C—Procedures and Forms

PART 50—PROCEDURES OF THE POST OFFICE DEPARTMENT

METERED AND NONMETERED MAIL

The following amendments to Part 50 (11 F. R. 177A-125) are effective at once.

1. Paragraph (p) of § 50.2006 is amended to read as follows:

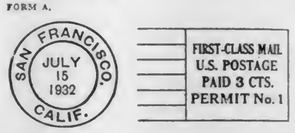
(p) *Cancellation of permit.* If no mailing is made for 12 months the permit is subject to cancellation.

2. Paragraph (b) of § 50.2007 is amended to read as follows:

(b) *Application for permit.* Persons or concerns desiring permits for mailing nonmetered matter should apply to the local postmaster on Form 3612 (see § 55.2014 of this chapter). Each application must be accompanied with a fee of ten dollars as prescribed by 6.4 (c) of this chapter (see paragraph 3 (b) section 579, Postal Laws and Regulations, Postmaster General, 1940) and, unless otherwise instructed, be sent by the postmaster to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, endorsed to show that the fee has been paid.

3. Paragraph (c) of § 50.2007 is amended by changing Forms A and B to the following:

FORM A.



FORM B.



and by adding the following material:

On first-class matter the indicia shall be printed in one of the forms A or B indicated above, and approximately the same size. An hour may be shown in connection with the date when the matter is presented for mailing in ample time to be dispatched at such hour. On second-, third-, and fourth-class matter the forms prescribed for first-class matter may be used by omitting the date and words "First-Class Mail," or form C may be used, in which case the figure representing the amount paid in money shall be printed from type not smaller than 14-point nor larger than 36-point and the other indicia not smaller than 10-point nor larger than 24-point. The amount of postage paid may be omitted from indicia on third-class matter mailed under section 562, Postal Laws and Regulations, but the inscription "Sec. 562, P. L. & R." must be printed adjacent to the indicia on matter mailed under § 5.63 of this chapter.

4. Paragraph (e) of § 50.2007 is amended by inserting before the first sentence of subparagraph (1) the following material:

Each mailing of nonmetered first-class matter must consist of not less than 300 pieces. When, however, in occasional instances a mailer whose mailings of such first-class matter ordinarily consist of 300 pieces or more may have a smaller quantity, or when in order to cooperate with the Postal Service, a mailer whose total daily mailings may not be much in excess of 300 pieces, presents a portion thereof early in the day, such mailings will be accepted, provided it will be to the mutual advantage of the mailer and the Postal Service to do so.

The individual pieces of nonmetered first-class matter must be identical as to weight. Second- and third-class matter mailed under this section must be presented in quantities of not less than 300 identical pieces and fourth-class matter in quantities of not less than 250 identical pieces. When a mailing of first-, second-, third-, or fourth-class matter under this section extends over two or more consecutive days and the number of pieces presented on the last day to complete the mailing is less than the minimum number of pieces prescribed, such number will be accepted and an explanatory endorsement made on receipt form 3603, as contemplated by paragraph 7, section 579, Postal Laws and Regulations (§ 6.4 (f) of this chapter).

5. Paragraph (e) of § 50.2007 is amended by adding the following to subparagraph (2):

(2) *Separation.* • • •

Matter of the first class should, as a means of cooperation, also be so separated by the mailer in cases where this is practicable, and such separation will expedite its handling and dispatch.

The pieces comprising a mailing of first-class matter must be separated according to postage paid, i. e., those subject to 3 cents each to be in one lot, those subject to 6 cents in another lot, and so on.

6. Paragraph (g) of § 50.2007 is amended to read as follows:

(g) *Place of mailing.* Nonmetered matter is mailable only at the post office that issues the permit, the name of which appears in the indicia. The postmaster shall designate a point at the main office or station thereof where nonmetered mail may be deposited and such mail must not be accepted at any other point. In no case may it be deposited in street letter boxes.

7. Paragraph (i) of § 50.2007 is amended to read as follows:

(i) *Registration.* When matter of the first, second, or third class mail without stamps affixed, is accepted for registration, it shall bear on the address side the complete indicia prescribed in paragraph (c) of this section, except that in the case of first-class matter the circle containing the name of the post office and State shall be omitted, and the matter shall be postmarked on the back of the envelope, as provided in paragraph (b) of § 6.13 of this chapter.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-6727; Filed, July 18, 1947; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 52—GRANTS FOR CANCER CONTROL PROGRAMS

Sec.
52.1 Definitions.
52.2 Basis of allotments.
52.3 State plans; submission and amendments.
52.4 State plans; contents.
52.5 State plans; time of submission and approval.
52.6 Payments to States.
52.7 Required expenditure of State and local funds.
52.8 Required administrative standard; State plans; expenditures.
52.9 Required administrative standard; State plans; cancer services.
52.10 Required administrative standard; State plans; personnel administration on a merit basis.
52.11 Required administrative standard; State plans; training of personnel.
52.12 Required administrative standard; fiscal affairs.
52.13 Required information and reports; audits.
52.14 Project grants; eligibility; submission of plan; approval.
52.15 Project plans; contents.
52.16 Payment to project grantees; unused funds.
52.17 Project expenditures; required reports; audits.
52.18 Effective date.

AUTHORITY: §§ 52.1 to 52.18, inclusive, issued under secs. 215 and 402 (f), 58 Stat. 690, 707, as amended, and by the Federal Security Agency Appropriation Act, 1948, approved July 8, 1947, Pub. Law 165, 80th Cong.; 42 U. S. C. Sup. 216, 282.

§ 52.1[1] *Definitions.* As used in this part:

(a) "Act" means the "Public Health Service Act" approved July 1, 1944, 58 Stat. 682, as amended.

(b) "Allotment" means funds allotted to a State on the basis of the formula prescribed in these regulations and to be expended under plans submitted by the State health authority. (§§ 52.2 to 52.13, inclusive, relate to allotted funds).

(c) "Exception" means the amount of Federal funds expended contrary to this part or the State plan.

(d) "Federal funds" means funds appropriated by Congress for carrying out the purposes of Title IV of the act.

(e) "Extent of cancer problem" means the ratio which the average annual number of deaths from cancer during the years 1940–44, inclusive, in each State bears to the total cancer mortality in the United States.

(f) "Financial need" as applied to any State means the relative per capita income, as shown by data supplied by the Bureau of Foreign and Domestic Commerce for the period 1941–1945, inclusive.

(g) "Grantee" includes any State agency administering a cancer program and any university, hospital, laboratory, institution, or professional nonprofit organization whether public or private dealing with the cancer problem which receives a grant of Federal funds under the regulations in this part.

(h) "Official forms" means forms and instructions supplied by the Public Health Service to the State health authority for use in the submittal of State plans or information required with respect to the operation of such plans.

(i) "Political subdivision" includes counties, health districts, municipalities, and other subdivisions of the State established for governmental purposes.

(j) "Population" as applied to any State or political subdivision, means the total population thereof, as of July 1, 1945, according to the estimates of the Bureau of the Census.

(k) "Program" means the activities and services planned for the prevention, control and eradication of cancer.

(l) "Project grant" means funds allotted to a grantee for carrying out special projects. (§§ 52.14 to 52.17, inclusive, relate specifically to projects.)

(m) "Public Health Service" means the Public Health Service in the Federal Security Agency.

(n) "Special projects" means specific programs of a noncontinuing nature relating to the prevention, control and eradication of cancer, including training. Research projects other than for statistical research are excluded.

(o) "State" includes any State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(p) "State health authority" means the official State agency administering the State health program.

(q) "State plan" refers to the information and proposals, including budgets, submitted by the State health authority pursuant to the regulations in this part for activities of the States and political subdivisions thereof for the prevention, control and eradication of cancer.

§ 52.2 *Basis of allotments.* Of the total sum determined by the Surgeon General to be available for the fiscal year 1948 for grants to States on a formula basis, allotments to the several States shall be as follows:

60 percent on the basis of population weighted by financial need.

35 percent on the basis of the extent of the cancer problem.

5 percent on the basis of relative population density.

§ 52.3 *State plans; submission and amendments.* (a) Each State making application for grants for a cancer control program shall submit plans through its State health authority. A State making such an application may consolidate its plan with the plans submitted in accordance with section 314 of the act provided that the information specifically required for a State plan is distinguished with respect to each purpose.

(b) The State plan and amendments thereto shall be prepared in accordance with official forms supplied by the Public Health Service for the purpose.

(c) The State plan may be amended with the approval of the Surgeon General or his designee. Amendments shall state the period they are to be in effect.

§ 52.4 *State plans; contents.* A State plan for a cancer control program shall consist of two parts:

(a) Part I shall describe the current organization and functions of health services for the program and the proposals of the State health authority for extending, improving and otherwise modifying such organization and functions. It shall include a description of the services and a statement that the plan if approved shall be carried out as described and in accordance with the regulations in this part.

(b) Part II shall consist of proposed budgets for carrying out the activities described in Part I, and shall specify the period for which such budgets are submitted.

§ 52.5 *State plans; time of submission and approval.* Review and approval of

Part I shall precede review and approval of Part II. Part II of a plan shall not be approved unless each item thereof relates to activities specifically described in Part I. Part II of a plan shall not be approved for any period antedating receipt of such part by the Public Health Service except that in the event of emergencies involving expenditures not capable of prediction, telegraphic requests for approval of emergency expenditures may be tentatively approved pending submission of necessary amendments to Parts I and II (and justification thereof) at a later date prescribed at the time of such tentative approval.

§ 52.6 *Payments to States.* Payments from allotments to a State having an approved plan shall not exceed the allotment to such State or the total estimated expenditure necessary for carrying out the State plan, whichever is less. Subject to the foregoing limitations, payments shall be made as follows:

(a) The payment for the first quarter shall equal 35 percent of the total amount allotted to each State for the fiscal year.

(b) Payment for subsequent quarters from the allotments for the final three-quarter period shall be made once in each quarter and shall be based upon an application for funds showing the estimated requirements for such quarter and the estimated unencumbered balance of the respective fund in the State Treasury at the beginning of the quarter for which payment is to be made. All such payments shall be in the amount of the difference between the estimated requirement and the estimated unencumbered cash balance adjusted for exceptions, except that the amount paid together with such estimated unencumbered balance shall not exceed 35 percent of the total amount available to the State for the year. Except with respect to the first payment in the first quarter, payments from allotments shall not be certified unless all reports and documents prescribed by the regulations in this part to be due have been received. Any amount in excess of 35 percent of the total allotment to a State remaining unpaid after the third quarter payment shall be placed in the fund for special projects and will be allotted on a project basis for the current year. Any unpaid balance in the allotment account of a State remaining unpaid after the final payment to a State shall be available for allotment on a project basis during the remainder of the current year.

§ 52.7 *Required expenditure of State and local funds.* Federal funds paid to a State for its cancer control program shall not be used to conserve State and local funds otherwise available for such purpose.

§ 52.8 *Required administrative standard; State plans; expenditures.* (a) Federal funds paid to a State shall be expended solely for the purposes specified in plans approved by the Surgeon General or his designee, and in accordance with the regulations in this part.

(b) State laws and regulations governing the custody and disbursement of State funds shall govern the custody and disbursement of Federal funds paid to the State, subject to such modification as may be determined by the Surgeon General.

§ 52.9 *Required administrative standard; State plans; cancer services.* The State plan shall provide for cancer services in substantial accordance with nationally accepted standards. Compliance with standards of performance by health agencies receiving Federal funds shall be evaluated on the basis of criteria prescribed by the Surgeon General.

§ 52.10 *Required administrative standard; State plans; personnel administration on a merit basis.* A system of personnel administration on a merit basis shall be established and maintained for personnel employed in the program, the budget of which provides for the expenditure of Federal funds. Standards for evaluating compliance with this requirement shall be contained in "Merit System Policies of the Public Health Service" in effect at the time of the expenditure.

§ 52.11 *Required administrative standard; State plans; training of personnel.* Use of Federal funds for training personnel for State and local health work shall be authorized by the State health authority in accordance with "Minimum Standards for Sponsored Training of the Public Health Service." Records of authorized training shall be maintained in the State health agency and shall be audited for compliance with these standards.

§ 52.12 *Required administrative standard; fiscal affairs.* (a) A separate and distinct fund account shall be maintained for Federal cancer funds by the principal State accounting officer.

(b) An efficient method for the conduct of fiscal affairs (including financial and property controls) shall be established and maintained with respect to State and local public health agencies receiving financial assistance through grants pursuant to the regulations in this part.

§ 52.13 *Required information and reports; audits.* (a) The Surgeon General may require the submission of information pertinent to the operation of the State plan and to the purpose of the grant, including the following, which wherever possible may be consolidated with data furnished in accordance with section 314 of the act: *Provided*, That the information specifically required for the cancer control program is identified:

(1) A certification on an official form as to the amount of State and local funds available for carrying out the State plan shall be due in duplicate prior to October 1, 1947.

(2) Quarterly reports on official forms showing total receipts, expenditures, unliquidated encumbrances and balances of Federal funds, and total quarterly expenditures from Federal grants and other sources for each budget shall be due in duplicate 45 days after the close of the quarter.

(3) A detailed annual report on an official form showing expenditures for each budget and item for the fiscal year 1948 shall be due in duplicate on October 1, 1948.

(4) A report on an official form showing personnel, facilities and services for each local health organization included in the current State plan shall be due in duplicate on September 15, 1947.

(b) Audit of the activities and program described in the State plan may be made after prior consultation with the State health authority. Records, documents, and information available to the State health authority pertinent to the audit shall be accessible for purposes of audit.

§ 52.14 *Project grants; eligibility; submission of plan; approval.* State health agencies, universities, hospitals, laboratories, institutions, or professional nonprofit organizations, public or private will be eligible to apply for funds for projects relating to cancer control. The applicant shall submit plans for such projects through the State health authority.

§ 52.15 *Project plans; contents.* A project plan with respect to a cancer grant shall describe:

(a) The current organization and functions of the applicant, personnel available for cancer activities, objectives of the project and techniques for operation; and

(b) The amount of funds available to the applicant for the project, the amount of Federal funds required, the personnel needed, the cost of permanent equipment, consumable supplies and travel, and the period during which the project will be operated.

§ 52.16 *Payment to project grantees; unused funds.* Upon the approval of a project plan the total amount of the project will be paid directly to the grantee. A separate and distinct fund account shall be maintained by the grantee for the Federal funds paid hereunder. Any balances of the grant remaining unspent at the close of the project shall be returned to the Treasury of the United States.

§ 52.17 *Project expenditures; required reports; audits.* Federal funds paid to a project grantee shall be expended solely for the purposes specified in the project plan approved by the Surgeon General and in accordance with the regulations in this part. A monthly report of expenditures listing personnel employed and salaries, cost and nature of permanent equipment, cost and type of consumable supplies and cost of travel shall be submitted to the Surgeon General by the grantee. Audit of the activities described in the project plan may be made after prior consultation with the grantee. Records, documents and information available to the grantee pertinent to the audit shall be accessible for purposes of audit.

§ 52.18 *Effective date.* The regulations in this part shall become effective upon the date of their publication in the FEDERAL REGISTER.

[SEAL] JAMES A. CRABTREE,
Surgeon General.

Approved: July 15, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-6787; Filed, July 18, 1947, 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 901]

HANDLING OF WALNUTS IN CALIFORNIA, OREGON, AND WASHINGTON

DECISION WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO MARKETING AGREEMENT AND MARKETING ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held at San Francisco, California, on April 28, 1947, pursuant to notice thereof which was published in the FEDERAL REGISTER on April 10, 1947 (12 F. R. 2369), upon certain proposed further amendments to the marketing agreement, as amended, and to the marketing order, as amended, (7 CFR, 901.1 et seq., as amended, 7 CFR, Cum. Supp., 901.4, 901.17, 901.19), regulating the handling of walnuts grown in California, Oregon, and Washington. This regulatory program became effective on October 15, 1935, but its operation was suspended for the period from October 2, 1943, to March 31, 1947, both dates inclusive. The proposed further amendments upon which the recent hearing was held are designed to adopt this program to present-day conditions, as well as to incorporate therein certain other desirable changes.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on June 11, 1947, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER on June 14, 1947 (12 F. R. 3894). However, no written exception was filed within the prescribed time.

The material issues presented on the record of the hearing are:

(1) The redefining of "Secretary", "act", "merchantable walnuts", "cull walnuts", "pack", "credit value", "sheller", "crop year", and "surplus referable", and the deletion of the definitions of "quality" and "Federal standard".

(2) The rewording of that portion of the provisions relating to the duties of the Walnut Control Board involving the Administration of the provisions of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes (Pub. Law 320), so as to show the current legal reference to such act.

(3) A change in the method of prescribing pack specifications and minimum requirements so as to authorize the Walnut Control Board to take such action, subject to the approval of the Secretary of Agriculture.

(4) A change in the method of fixing the salable and surplus percentages on merchantable walnuts for each year so as to authorize the Secretary of Agriculture to take such action on the basis of pertinent data, including recommendations furnished him by the Walnut Control Board.

(5) The exclusion from the application of the salable and surplus percentages of any separate pack of walnuts of which not over 12 percent by count will pass through a round opening 96/64 inches in diameter.

(6) A change of the phrase "or to be handled" wherever it appears in the agreement and order following the word "handled", to read "or certified for handling".

(7) A change in the form of certification of shipments so as to require indication whether the walnuts are to be shipped interstate or intrastate, or if for export, the country of destination.

(8) The inclusion of provision for assessments to cover expenses in the event no salable and surplus percentages are fixed for any crop year, and of provision for refunding any surplus of assessment collections remaining after all expenses for any crop year have been paid.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, and which are substantially the same as the findings and conclusions which were set forth in connection with the respective issues in the recommended decision, are as follows:

(1) The term "Secretary" should be redefined to recognize the fact that such official actually performs many of his functions through subordinates, and to insure that any such subordinates who perform any of his functions relating to this program pursuant to authority delegated to them by the Secretary, are covered under this term.

The term "act" should be redefined so as to show the current appropriate legal citation therefor.

The term "merchantable walnuts" should be redefined so as (a) to delete reference thereinto "Federal Standard", the reason for the deletion of the term last referred to being discussed below, and (b) to recognize the proposed change in the method of determining pack specifications and minimum requirements as discussed in (3) of these findings and conclusions. The term "cull walnuts" should likewise be redefined so as to delete reference therein to "Federal Standard" and to insert, in lieu thereof, reference to "minimum specifications". The existing definition of the term "Federal Standard" refers to a regulation effective on and after September 1, 1933, issued by the Secretary under the authority of the Federal Food, Drug, and Cosmetic Act (21 U. S. C., 301 et seq.). However, since such time, authority for the administration of that act was transferred to the Federal Security Agency, and there appears to be some question as to whether such regulation is now being followed or used by that agency. The substitute standard is proposed to be the minimum requirements discussed in (3) of these findings and conclusions, which, it is believed, will accomplish a similar objective. For the same reasons the definition of the term "Federal Standard" should be deleted.

The term "pack" should be redefined so as to include, in addition to requirements as to size, variety, or type, requirements as to internal quality and external appearance and condition. The added requirements are now contained under the definitions of the term "quality." However, it is believed that the inclusion of all such requirements under one term, i. e., "pack," is desirable from the standpoint of clearness and simplicity. Such a change, makes the definition of the term "quality" unnecessary, and it should be deleted.

The term "credit value" should be redefined so as to add the words "per pound" after the reference to the value to be established by the Walnut Control Board. This addition does not change the present meaning, but the statement that it is a value per pound is more specific and is in accordance with past practice. Also, the phrase "any pack and quality" in such definition should be changed to read "each pack." The deletion of "quality" is in conformity with the proposed definition of "pack" and the proposed deletion of the definition of "quality." The change from "any" to "each" makes the meaning more specific.

The term "sheller" should be redefined so as to add the word "commercial" before the word "purpose." This will exclude any implication or inference that such term might include shellers producing walnuts only for their own home use.

The term "crop year" should be redefined to cover the period from August 1 through July 31 of the following year, instead of the present period of September 1 through August 31 of the following year. Carryover stocks are customarily reported each year as of August 1. It is desirable that the crop year begin at the same time, since carryover stocks are important in fixing the salable and surplus percentages for the crop year. The use of a uniform crop year would simplify and reduce the amount of both accounting and statistical work. The change also appears advisable for the reason that beginning with August 1 of each year, the Walnut Control Board's activities have to do primarily with preparing for the new crop year, and, therefore, the expenses are properly chargeable to the new crop year.

The term "surplus referable" should be redefined so as to delete the words "and

quality" from the phrase "pack and quality" and to change the phrase "to be handled" so as to read "certified for handling." The reason for the deletion of the words "and quality" is the same as the reason for the deletion of the definition of "quality," discussed above. The reasons for the other change are discussed, in detail, in (6) of these findings and conclusions.

(2) That portion of the provisions relating to the duties of the Walnut Control Board involving the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes (Pub. Law 320), should be reworded so as to show the current appropriate legal citation for such act, i. e., "the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c)." Similar changes in the legal citation for such act should be made wherever it is referred to in other portions of the agreement and order.

(3) Pack specifications and minimum requirements should be prescribed by the Walnut Control Board, subject to the approval of the Secretary, in order to tend to effectuate the declared policy of the act. Under the present provisions, pack specifications are set forth in exhibits which are attached to, and made parts of, the agreement and order, and any change therein can be effected only through formal amendment procedure in connection with such agreement and order, which procedure is too time consuming and expensive. This has resulted, in the past, in the failure to make changes as frequently as might be desirable to keep the pack specifications in line with changes in grading practices. The present proposed method will allow needed changes to be made effective in considerably less time than is practicable under the existing provisions, but, at the same time, it will give interested parties an opportunity to participate in their formulation, through the submission of written data, views, and arguments in connection therewith, in the manner contemplated by the Administrative Procedure Act (60 Stat. 237, Pub. Law 404, 79th Cong., 2d sess., approved June 11, 1946).

(4) The salable and surplus percentages for each crop year should be fixed by the Secretary, after consideration of the recommendations, and the information upon which such recommendations are based submitted to him by the Walnut Control Board, and other pertinent data. Under the existing provisions, such percentages are required to be fixed through formal amendment procedure, including public hearing, and the percentages so fixed for each year are specifically incorporated in the agreement and order. Such a method is unduly expensive and, under existing procedural requirements relating to a public hearing, it will be impracticable, after crop production information becomes available, to make an amendment effective by the time shipments start early in October. In this connection, crop production estimates are not available until about August 12, and the Walnut Control Board will not be able to make findings with respect to carryover and production until after that time. Even when salable and surplus percentage recommendations are made late in August, heat and other weather damage often reduce the prospective crop and require changes in estimates. The percentages must be made effective early in October at the latest. It is believed that the proposed procedure will allow the salable and surplus percentages to be fixed within the necessary time, and, at the same time, it will give interested parties an opportunity to participate in the determining of such percentages, through the submission of written data, views, and arguments in connection therewith, in the manner contemplated by the Administrative Procedure Act. The provisions relating to estimated carryover, consumptive demand, and production should be redrafted so that they will conform with the aforementioned changes.

Testimony presented at the hearing indicates that the current prices are not, and the anticipated prices for the coming crop year will not be in excess of the parity level specified in the act.

(5) The salable and surplus percentages fixed for any crop year should not apply to separate packs of walnuts of which not over 12 percent by count will pass through a round opening 96/64 inches in diameter. Walnuts of such a size are produced under special and expensive cultural practices (often including, among other things, the whitewashing of the exposed walnuts on the trees to prevent sunburn). They represent less than one-tenth of one percent of the total production of merchantable walnuts in the area, and they are sold primarily as gift packages and as novelties. Walnuts of such a size have, during the past several years, brought a price at least twice as high as that of the average large-size commercial walnuts. By reason of their extraordinary size, they have a special and different type of outlet from that of ordinary merchantable walnuts, and generally, production is not sufficient to meet the demand. They represent the largest size of commercial walnuts which has been recognized under this regulatory program.

The proponents of this change previously raised the mattter with the Walnut Control Board, which is composed of representatives of all segments of the commercial walnut industry, which at a regularly called meeting, passed a resolution recommending, in effect, that such proposal be presented at the hearing. The testimony of the Manager of the Walnut Control Board, as well as the testimony of representatives of various segments of the walnut industry, was generally favorable to the adoption of the proposal. In fact, no adverse testimony with respect to such proposal was presented.

(6) The phrase reading "or to be handled" should, wherever it appears in the agreement and order following the word "handled," be changed to read "or certified for handling." Previous experience under this regulatory program has demonstrated that some walnuts have to be certified in advance of shipment in order to accommodate packers, to facilitate off-season distribution or to minimize inspection costs. It was originally believed that this situation would be covered adequately by the use of the phrase "to be handled." It now appears, however, that the phrase last referred to is too broad, in that there is no way to anticipate exactly the quantity of walnuts to be handled during the entire season by any packer, but, after lots of walnuts are certified for handling, they may easily be identified as to both quantities and packs. A request for certification is actually a declaration of future shipment. It is believed that the change is more accurate in terminology, and reflects the operational practice which it has been necessary to follow in that regard. On the other hand, the phrase "or to be handled" should be added after the word "handled" in the provisions relating to certification of shipment, inasmuch as such provisions specify the merchantable walnuts which must be so certified. It is obvious that the provisions should apply to walnuts which are to be handled, as well as to walnuts handled.

(7) The form of certification of shipment which is required for each lot of merchantable walnuts handled or to be handled by any packer, or delivered by him to the Walnut Control Board, should contain provision for the reporting of whether the particular lot will move interstate or intrastate, or, if such lot is to be exported, the name of the country to which it is to be shipped. It was proposed in this regard, in the notice of hearing, that such form should contain provision for the reporting of destination. However, it developed at the hearing that the intended purpose would be served by the requirement proposed to be adopted.

(8) In addition to providing for the collection of assessments in instances where salable and surplus percentages are fixed, provision should be made for the collection from each handler of assessments to defray expenses of operation in the event no salable and surplus percentages are fixed for any crop year. Such assessment should be in an amount (adjusted to the next higher one-hundredths of a cent) per pound of merchantable walnuts handled, or certified for handling, by him during such crop year computed as follows: The amount resulting from dividing the expenses for such crop year as approved by the Secretary by the total aggregate pounds of merchantable walnuts which the Walnut Control Board estimates will be handled by all handlers during that crop year. The provisions with respect to assessments for expenses in the existing agreement and order do not cover such a situation, and it seems reasonable to anticipate that there may be a crop year for which no salable and surplus percentages are fixed and the average seasonal prices are not in excess of parity. Even though, in such an event, there will need to be no delivery of merchantable walnuts to the Walnut Control Board and no accounting in that regard, the regulatory provisions will still require the inspection and certification of all merchantable walnuts handled, or to be handled, by the several handlers. The performance of the functions last referred to will, in the circumstances, be appropriate and in accordance with the provisions of the act. The method of assessment proposed to cover the cost of performing these functions is believed to be obviously fair and equitable. Testimony in the hearing record indicates that the continuance of these inspection and certification functions are very desirable, even though other restrictions should not be operative.

Provision should also be made for the refunding of any money collected to cover expenses of operation for any crop year which is not expended for that purpose in connection with such crop year's operations. No specific provision to that effect is contained in the existing agreement and order, and it is believed that the inclusion of a specific authorization to make such refund would be desirable.

The proposed amendments hereinafter set forth also omit certain provisions of the agreement and order which are not relevant to administration of this program. These recommended changes are proposed for the purpose of simplifying the agreement and order since such omitted matter is merely historical or obsolete and will serve no useful purpose in the future administration of the program. Changes in the provisions of certain other sections which are necessary to make them conform with the changes indicated above should be made.

General. (a) The marketing agreement, as amended and as hereby proposed to be further amended, and the marketing order, as amended and as hereby proposed to be further amended, and all of the terms and conditions of each such document, will tend to effectuate the declared policy of the act;

(b) The marketing agreement, as amended and as hereby proposed to be further amended, and the marketing order, as amended and as hereby proposed to be further amended, regulate the handling of wanuts grown in California, Oregon, and Washington, in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the proposals upon which the hearing was held; and

(c) There are no differences in the production and marketing of said commodity in the production area covered by said marketing agreement, as amended and as hereby proposed to be further amended, and of the marketing order, as amended and as hereby proposed to be further amended, that make necessary different terms applicable to different parts of such area.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "agreement amending the marketing agreement, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington" and "order amending the order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement, as amended, are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 15th day of July 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Walnuts Grown in California, Oregon, and Washington

§ 901.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C., 601 et seq.), (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held at San Francisco, California, on April 28, 1947, upon certain proposed further amendments to the marketing agreement, as amended, and to the marketing order, as amended (7 CFR, 901.1 et seq., as amended, 7 CFR, Cum. Supp., 901.4, 901.17, 901.19), regulating the handling of walnuts grown in California, Oregon, and Washington. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order, as amended and as hereby further amended, and all of the terms and conditions of the said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The said order, as amended and as hereby further amended, regulates the handling of the aforementioned walnuts in the same manner as the aforementioned marketing agreement, as amended and as further amended effective as of the same time as the further amendment of the said marketing order, as amended, and the said marketing order, as amended and as hereby further amended, is applicable only to persons in the respective classes of industrial and commercial activity specified in the proposals upon which the hearing was held; and

(c) There are no differences in the production and marketing of said commodity in the production area covered by the said marketing order, as amended and as hereby further amended, that make necessary different terms applicable to different parts of such area.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of walnuts grown in California, Oregon, and Washington shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and such order, as amended, is hereby further amended as follows:

1. Delete the provisions of paragraph 1, section 1 of Article I (§ 901.2 (a)) and insert, in lieu thereof, the following:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

2. Delete the provisions of paragraphs 9, 10, 11, 12, 13, 14, and 15 of section 1 of Article I (§§ 901.2 (i), (j), (k), (l), (m), (n), (o), and (p)) and insert, in lieu thereof, the following:

(i) "Act" means Public Act No. 10 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(j) "Walnuts" means only walnuts of the "English" (Juglans Regia) varieties grown in the States of California, Oregon, and Washington.

(k) "Merchantable walnuts" means all unshelled walnuts meeting the pack specifications and minimum requirements prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

(l) "Cull walnuts" means all lots of unshelled walnuts which do not meet the minimum specifications for merchantable walnuts and which cannot be brought up to such minimum specifications by standard commercial grading practices.

(m) "Pack" means a specific commercial classification according to size, variety or type, internal quality, and external appearance and condition, of merchantable walnuts, packed in accordance with the pack specifications prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

(n) "Credit value" means that value per pound for each pack established by the Control Board, subject to the approval of the Secretary, pursuant to section 1 of Article IV (§ 901.5 (a)).

(o) "Sheller" means any person engaged in the business of shelling walnuts for any commercial purpose.

3. Delete the provisions of paragraphs 17 and 18 of section 1 of Article I (§§ 901.2 (r) and (s)) and insert, in lieu thereof, the following:

(r) "Crop year" means the twelve months from August 1 to the following July 31, both inclusive.

(s) "Surplus referable" to any walnuts handled or certified for handling or sold

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

to the Control Board means a quantity of walnuts of like pack which bears the same ratio to such quantity of walnuts handled or certified for handling or sold to the Control Board as the surplus percentage bears to the salable percentage.

4. Delete the provisions of paragraph 5 of section 3 of Article II (§ 901.3 (c) (9)) and insert, in lieu thereof, the following:

(9) To perform such duties in connection with the administration of section 32 of the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c), as may from time to time be assigned to it by the Secretary.

5. Delete the provisions of sections 1, 2, and 3 of Article III (§§ 901.4 (a), (b), and (c)) and insert, in lieu thereof, the following:

(a) *Authorized packs.* Except as otherwise provided in Article VII (§ 901.8) hereof for the sale of cull walnuts, no packer shall handle any unshelled walnuts except those packed in accordance with such pack specifications and minimum requirements as the Control Board may prescribe, subject to the approval of the Secretary, in order to tend to effectuate the declared policy of the act. To aid the Secretary in determining whether to grant or withhold such approval, the Control Board shall furnish to the Secretary the data upon which it acted in prescribing such pack specifications and minimum requirements and such other data pertaining thereto as the Secretary may request.

(b) *Salable percentage and surplus percentage.* On the basis of the carryover, estimated consumptive demand, and estimated production of merchantable walnuts, the salable and surplus percentages of merchantable walnuts for each crop year shall be fixed by the Secretary, after consideration of the recommendations submitted to him by the Control Board, and other pertinent data: *Provided*, That the salable and surplus percentages so fixed shall not apply to separate packs of walnuts, of which not over 12 percent by count pass through a round opening 96/64 inches in diameter. The total of the salable and surplus percentages fixed for each crop year shall equal one hundred (100) percent. The Secretary may, subsequently, on request of the Control Board (or if the Control Board shall fail so to request, on request of two or more packers who have handled during the immediately preceding crop year at least ten (10) percent of the total tonnage handled by all packers during such crop year), and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable walnuts, available for sale will not be sufficient to supply the consumptive demand, increase the said salable percentage to conform with such new relation as may be found to exist between consumptive demand and available supply: *Provided, however*, That an increase of the salable percentage shall not be made after January 15 of any crop year unless the quantity of walnuts held unsold by the Control Board is sufficient to permit full delivery to packers as required by section 2 of Article V (§ 901.6 (b)) hereof. The merchantable walnuts handled by any packer in accordance with the provisions hereof shall be deemed to be that packer's quota fixed by the Secretary within the meaning of section 8a (5) of the act.

(c) *Estimated carryover, consumptive demand, and production.* To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than September 1 of each year, the following information; its estimate of the quantity of merchantable walnuts to be produced during such year, herein referred to as the "estimated production," such estimate to be approved by at least a two-thirds (⅔) vote of the Control Board; and, likewise, its estimate of the total consumptive demand in the United States for merchantable walnuts for the coming crop year (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act), such estimate to be approved by at least a two-thirds (⅔) vote of the Control Board; and also a report on the total carryover of merchantable walnuts from preceding crop years held by packers on the preceding August 1. The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting to recommend the salable and surplus percentages to be fixed by the Secretary.

6. In section 4 of Article III (§ 901.4 (d)), change the phrase "of each year after 1935" to read "of each year"; and change the phrase "quantity, pack, quality and location thereof" to read "quantity, pack and location thereof."

7. In section 5 of Article III (§ 901.4 (e)), change the phrase "the surplus referable to each pack and quality of such merchantable walnuts handled or to be handled" to read "the surplus referable to each pack of such merchantable walnuts handled or certified for handling."

8. In section 6 of Article III (§ 901.4 (f)), delete the words "or to be handled" and insert, in lieu thereof, the words "or certified for handling."

9. In section 7 of Article III (§ 901.4 (g)), delete the words "and quality" wherever they now appear in said section.

10. In section 11 of Article III (§ 901.4 (k)), change the phrase "the quantity of each pack and quality handled or to be handled" so as to read "the quantity of each pack handled or certified for handling"; and, in subparagraph (1) thereof, change the phrase "or a total weight equal to the surplus referable to such walnuts so handled or to be handled" to read "of a total weight equal to the surplus referable to such walnuts so handled or certified for handling."

11. Delete the provisions of sections 1 and 2 of Article IV (§ 901.5 (a) and (b)) and insert, in lieu thereof, the following:

(a) *Credit values.* The Control Board shall, on or before October 15 of each year, establish, subject to the approval of the Secretary, credit values for each pack of merchantable walnuts. The establishment of credit values shall require a vote of at least two-thirds (⅔) of the members of the Control Board. To aid the Secretary in determining whether to grant or withhold such approval, the Control Board shall furnish to the Secretary the data upon which it acted in establishing such credit values and such other data pertaining thereto as the Secretary may request. Such credit values shall provide reasonable differentials to the different packs as will reflect the normal differences in market prices thereof.

(b) *Interest of packers in holdings of Control Board.* The equitable interest of each packer in the holdings of the Control Board shall be in the proportion of the net credits of such packer to the total net credits of all packers. For the purpose of this section, "holdings of the Control Board" means the merchantable walnuts held by or for it and the net proceeds from the sale, exchange, or other disposition thereof by the Control Board, and all cash received by the Control Board pursuant to Article III (§ 901.4) hereof, which has not been expended or refunded in accordance with the provisions of said Article III; but shall not include such moneys, if any, as may be received by the Control Board as diversion payments in connection with the encouragement of exportation or encouragement of domestic consumption pursuant to the provisions of section 32 of the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c). The Control Board shall, from time to time, distribute the cash "holdings of the Control Board," ratably to the packers in accordance with their respective interests therein, except that no cash which under the provisions of Article III (§ 901.4) is to be, or may be, used to effect purchases from packers or which, under the provisions of said article, is to be held undistributed until the end of a crop year shall be distributed before the end of such crop year.

12. Delete the provisions of section 1 Article VI (§ 901.7 (a)) and insert, in lieu thereof, the following:

(a) *Certification of shipments.* Every packer, at his own expense, shall obtain a certificate for each lot of merchantable walnuts handled or to be handled by him and all lots of merchantable walnuts which he delivers to the Control Board. Said certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such other requirements as the Control Board may specify, the identity of the packer, whether domestic shipments will move interstate or intrastate and if for export, the country of destination, the quantity and pack of merchantable walnuts in such lot, and that the walnuts covered by such certificate conform to the minimum specifications for quality and soundness prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

The Control Board may direct that such certificate be not issued to any packer who has failed to deliver or otherwise account for his surplus obligation in accordance with the terms of this paragraph.

13. Delete the provisions of section 1 of Article VIII (§ 901.9) and insert, in lieu thereof, the following:

§ 901.9 *Expenses.* Each packer shall pay to the Control Board, upon demand and on the applicable basis provided for hereinafter in this section, his pro rata share of the expenses necessarily incurred by the control Board for its maintenance and functioning under this order for the crop year ending July 31, 1948, and for each crop year thereafter. The amount of such expenses which will necessarily be incurred by the Control Board during the crop year ending July 31, 1948, and each crop year thereafter, shall be fixed by the Secretary on the basis of recommendations by the Control Board and such other pertinent information as may be available to him. Such approved amount for any such crop year may later be adjusted, from time to time, by the Secretary. The recommendation of the Control Board as to the expenses for each such crop year, together with all data supporting such recommendation, shall be submitted to the Secretary on or before September 1 of the crop year in connection with which such recommendation is made.

In the event a surplus percentage of merchantable walnuts is fixed for any crop year, each packer's pro rata share of the expenses of the Control Board for such crop year shall be that proportion thereof which the total credit value of his surplus obligation with respect to merchantable walnuts handled or certified for handling by him and merchantable walnuts sold by him to the Control Board, during such crop year, is of the total credit value of the surplus obligations of all the packers with respect to merchantable walnuts handled or certified for handling by them and merchantable walnuts sold to the Control Board by them during that crop year; *Provided*, That an initial assessment for any such crop year may be levied on each packer of one (1) percent of the total credit value of such packer's estimated surplus obligation for such crop year.

In the event no surplus percentage of merchantable walnuts is fixed for any crop year, each packer shall pay, as his pro rata share of the expenses of the Control Board for that crop year, an amount (adjusted to the next higher one-hundredths of a cent) per pound of merchantable walnuts handled, or certified for handling, by him during such crop year computed as follows: The amount resulting from dividing the approved expenses by the total aggregate pounds of merchantable walnuts which the Board estimates will be handled by all handlers during that crop year.

Any money collected to cover the expenses of the Control Board for any crop year and not expended for that purpose in connection with such crop year's operations shall be refunded to the packers who paid it on the basis of, in the case of each individual packer, the proportion that the amount of the assessment paid by him bears to the total amount of the assessments paid by all packers for the particular crop year.

14. In paragraph 3, section 2, Article XVI (§ 901.17 (third paragraph)), change the phrase "on or before August 1" to read "on or before July 1."

15. Delete Exhibits A and B (§§ 901.19 and 901.20).

[F. R. Doc. 47-6797; Filed, July 18, 1947; 8:58 a. m.]

[7 CFR, Part 953]

[Docket No. AO 144-A1 RO1]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

AMENDED NOTICE OF HEARING ON PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR and Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice was given (12 F. R. 4516) of a public hearing to be held at Room 212, United States Court House, First Avenue and Van Buren Street, Phoenix, Arizona, beginning at 10:00 a. m., P. s. t., August 4, 1947, and continued in Room 324, Federal Building, Los Angeles, California, beginning at 10:00 a. m., P. s. t., August 7, 1947.

The Arizona Orange-Lemon Growers Association, Phoenix, Arizona, has requested that the aforesaid notice of hearing be amended to include proposed amendments, as hereinafter set forth, for the purpose of receiving evidence with respect to economic or marketing conditions relating to all aspects of such additional proposed amendments to the marketing agreement and order. The proposed amendments have not received the approval of the Secretary of Agriculture.

The aforesaid notice of hearing is hereby amended by adding the following paragraphs immediately after paragraph numbered 12 thereof:

Proposals submitted by the Arizona Orange-Lemon Growers Association, Phoenix, Arizona:

13. Delete the words "or in the State of Arizona" from paragraph (d) of section 1 of the marketing agreement and from § 953.1 (d) of the order.

14. Delete the words "or between the State of Arizona and any point outside thereof in the United States or in Canada" from paragraph (g) of section 1 of the marketing agreement and from § 953.1 (g) of the order.

15. Delete the words "or Arizona" from the provisions of paragraph (a) (iii) of section 6 of the marketing agreement and from § 953.6 (a) (3) of the order.

Copies of this amendment to the notice of hearing (12 F. R. 4516) may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or from the Fruit and Vegetable Branch, Production and Marketing Administration, 1206 Santee Street, Los Angeles, California.

Done at Washington, D. C., this 15th day of July 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-6796; Filed, July 18, 1947; 8:58 a. m.]

FEDERAL HOME LOAN BANK ADMINISTRATION

[24 CFR, Part 8]

[Bulletin 89]

PROCEDURE RELATING TO PUBLICATION OF REGULATIONS

PROPOSED AMENDMENT

JUNE 30, 1947.

Pursuant to 24 CFR 8.3 (c), notice is hereby given of the proposed amendment of said section by striking the last sentence of paragraph (c) thereof as follows: "A copy of each proposed amendment or rule shall be filed with the Federal Home Loan Bank Review and shall be published in the next available issue of such Review."

(Sec. 17 of Federal Home Loan Bank Act, 47 Stat. 736, 12 U. S. C. 1437; E. O. 9070, 7 F. R. 1529; Administrative Procedure Act, 60 Stat. 237)

[SEAL] HAROLD LEE,
Governor.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 47-6702; Filed, July 18, 1947; 8:45 a. m.]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[24 CFR, Part 301]

[Bulletin 41]

INSURANCE OF ACCOUNTS

PROPOSED AMENDMENT RELATING TO PUBLICATION OF REGULATIONS

JUNE 30, 1947.

Pursuant to 24 CFR 301.22 (c), notice is hereby given of the proposed amendment of said section by striking the last sentence of paragraph (c) thereof as follows: "A copy of such proposed rule, regulation or amendment shall be filed with the editor of the Federal Home Loan Bank Review for publication in the next available issue of such Review."

(Sec. 402 (a) of National Housing Act, 48 Stat. 1246; 12 U. S. C. 1725 (a); E. O. 9070, 7 F. R. 1529; Administrative Procedure Act, 60 Stat. 237)

[SEAL] WILLIAM H. HUSBAND,
General Manager.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 47-6703; Filed, July 18, 1947; 8:45 a. m.]

FEDERAL SAVINGS AND LOAN SYSTEM

[24 CFR, Part 201]

[Bulletin 90]

PROCEDURE RELATING TO PUBLICATION OF REGULATIONS

PROPOSED AMENDMENT

JUNE 30, 1947.

Pursuant to 24 CFR 201.2 (c), notice is hereby given of the proposed amendment of said section by inserting a period after the word "Council" in the last sentence of paragraph (c) thereof and striking the following from said sentence: "and filed with the editor of the Federal Home Loan Bank Review for publication in the next available issue of such Review."

(Sec. 5 (a) of Home Owners' Loan Act of 1933, 48 Stat. 132; 12 U. S. C. 1464 (a); E. O. 9070, 7 F. R. 1529; Administrative Procedure Act, 60 Stat. 237)

[SEAL] HAROLD LEE,
Governor.
KENNETH G. HEISLER,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc 47-6704; Filed, July 18, 1947; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 40 and 61]

AIR CARRIER OPERATING CERTIFICATES

ISSUANCE TO PERSONS HOLDING TEMPORARY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND SUBSEQUENT MODIFICATIONS THEREOF

JULY 16, 1947.

The Safety Bureau of the Civil Aeronautics Board is presenting a proposed special civil air regulation the purpose of which is to authorize the issuance and modification of air carrier operating certificates for scheduled air carriers where safety will not be adversely affected. This regulation will be applicable to air carriers holding temporary certificates of convenience and necessity which because of the aircraft and equipment used, the navigational facilities available on the routes flown, and the types of services offered are unable to meet all the requirements of the Civil Air Regulations presently applicable to scheduled air carriers. This regulation is necessary to enable such air carriers to operate and continue operation where safety is not adversely affected.

The following is the text of the proposed Special Civil Air Regulation:

An air carrier operating certificate may be issued by the Administrator to an air carrier holding a temporary certificate of public convenience and necessity, issued by the Board, authorizing such carrier to engage in scheduled air carrier operations, although the carrier does not fully comply with all the requirements of Parts 40 and 61 of the Civil Air Regulations, if the Administrator finds that any of such requirements can be omitted or modified without adversely affecting safety. Such omissions or modifications, when approved by the Administrator, shall be listed in the air carrier operating certificate and the Administrator shall promptly notify the Board of the omissions or modifications approved by him and the reasons therefor.

It is proposed that this regulation shall be effective for one year.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested submit written comments or suggestions regarding the proposed regulation, addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

JOHN M. CHAMBERLAIN,
Acting Director.

[F. R. Doc. 47-6807; Filed, July 18, 1947; 8:46 a. m.]

[14 CFR, Parts 41 and 61]

FLIGHT RECORDERS FOR SCHEDULED AIR CARRIER OPERATIONS

JULY 16, 1947.

The use of flight recorders was required by regulation prior to June 9, 1944. On that date the Civil Aeronautics Board found it necessary to repeal the pertinent requirement because of the wartime shortage of material and personnel which made proper maintenance of flight recorders by the air carriers impossible. It was also apparent at that time that the instruments then available were not entirely adequate for the purpose intended, and that new designs would have to be developed in order that practical use could be made of them for safety purposes.

It now appears that new flight recording instruments have been developed and service tested, and they can be made available to the air carriers for installation within a short period of time. Since the use of flight recorders by scheduled air carriers in both passenger and cargo service will promote safety of operation, it is considered in the public interest to require their use at the earliest possible time.

Therefore, the Safety Bureau gives notice that it intends to propose to the Civil Aeronautics Board the adoption of the following amendments to Parts 41 and 61 of the Civil Air Regulations:

§ 41.24 *Flight recorder.* No aircraft shall be operated in scheduled air transportation after June 30, 1948, unless it is equipped with properly functioning instrumentation to record continuously during flight the altitude of the aircraft and the vertical accelerations to which the aircraft may be subjected, the values of both these items to be recorded against a time scale of at least 2 inches to the hour. The recording device shall be substantially protected from jarring and from the effects of fire and shall be located as far back in the fuselage as practicable, in any case at least aft of the most rearward bulkhead.

§ 61.341 *Flight recorder.* No aircraft shall be operated in scheduled air transportation after June 30, 1948, unless it is equipped with properly functioning instrumentation to record continuously during flight the altitude of the aircraft and the vertical accelerations to which the aircraft may be subjected, the values of both these items to be recorded against a time scale of at least 2 inches to the hour. The recording device shall be substantially protected from jarring and from the effects of fire and shall be located as far back in the fuselage as practicable, in any case at least aft of the most rearward bulkhead.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

The Safety Bureau invites those interested to offer comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

JOHN M. CHAMBERLAIN,
Acting Director.

[F. R. Doc. 47-6803; Filed, July 18, 1947; 8:56 a. m.]

[14 CFR, Parts 41 and 61]

ABSOLUTE TERRAIN PROXIMITY INDICATOR REQUIREMENT ON ALL SCHEDULED AIRCRAFT DURING HOURS OF DARKNESS OR UNDER INSTRUMENT FLIGHT RULE CONDITIONS

JULY 14, 1947.

Air carrier accidents in which aircraft have just failed to clear the terrain have established the need for an additional safeguard. The Civil Aeronautics Board proposes to amend the Civil Air Regulations to require the installation of absolute terrain proximity indicators on all scheduled air carrier aircraft after January 1, 1948, which are to be operated during the hours of darkness or under instrument flight conditions. Since the reliability of absolute terrain proximity indicators has not been completely proved in air carrier operations, the device is to be used only as an auxiliary instrument and will not replace or supersede other presently required navigational instruments.

The proposed regulation will be a Special Civil Air Regulation reading as follows:

On and after January 1, 1948, aircraft operated in scheduled air carrier service during the hours of darkness or under instrument flight rule conditions shall be equipped with one absolute terrain proximity indicator, approved by the Administrator, which will warn the pilot of the altitude of the aircraft above the terrain at altitudes of 2,000 feet, 1,000 feet, and any predetermined altitude between 300 feet and 500 feet inclusive.

This special regulation shall terminate January 1, 1950.

During the interim period the Administrator and the Board will determine the effectiveness of this device and, if it is proven effective, will incorporate the requirement in the air carrier operating rules of the Civil Air Regulations.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It appears that the public interest requires this special regulation be made effective with the least delay practicable, and the Board will act on this proposal as soon as possible after July 31, 1947. Any comment concerning this proposal should be submitted in writing to the Secretary, Civil Aeronautics Board, Washington 25, D. C., on or before July 31, 1947.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6804; Filed, July 18, 1947; 8:56 a. m.]

[14 CFR, Parts 42 and 61]

AIR CARRIER FLIGHT ALTITUDE RULES

JULY 14, 1947.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of the air carrier operation rules which under the specified conditions will raise the minimum altitude for air carrier operations.

Air carrier accidents in which aircraft have failed to clear mountainous terrain have pointed to the desirability of raising the minimum en route altitudes to provide for a greater margin of safety in those cases where miscalculations, altimeter errors, or unusual weather conditions may permit insufficient clearance at the presently required altitudes.

It is proposed to amend the air carrier operation rules by inserting the following paragraphs where applicable:

Flight altitude rules; night and instrument operations. Except during takeoffs or landings or when operating in accordance with specific procedures for definite localities approved by the Administrator, no aircraft shall be flown at less than the following altitudes above the highest obstacle located within a horizontal distance of 5 miles from the center line of the ground track being flown.

(a) *Night operations.* (1) Areas of hazardous mountainous terrain, unlighted airways—2,000 feet; (2) areas of hazardous mountainous terrain, lighted airways—1,000 feet; (3) all other terrain—1,000 feet.

(b) *Instrument operations.* (1) Areas of hazardous mountainous terrain—2,000 feet.

(2) All other terrain—1,000 feet.

Within the meaning of this section the term "areas of hazardous mountainous terrain" shall be deemed to be areas specified as such by the Administrator.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Board that those interested offer suggestions and comments regarding the proposed amendment. Comments in writing should be addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6805; Filed, July 18, 1947; 8:46 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-37]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a 4418, 4426, 4429, 4433, 4481, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 163–167, and sec. 5 (e), 55 Stat. 244, as amended (46 U. S. C. 367, 375, 391a, 392, 404, 407, 411, 474, 481, 489, 526–526t, 50 U. S. C. 1275), and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following approvals and termination of approval are prescribed:

BUOYANT CUSHIONS FOR MOTORBOATS

Kapok buoyant cushions for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Acme Products, Inc., 152–156 Brewery St., New Haven, Conn. with approval numbers for the various sizes listed below:

Approval No.	Drawing Nos. with dates	Size	Kapok (oz.)
		Rectangular	
B-485	502; 6-1-47	20″ x 14″ x 2½″	31
B-486	503; 6-1-47	20″ x 15½″ x 2½″	34
B-487	503; 6-1-47	15″ x 15″ x 2½″	25
B-488	504; 6-1-47	22″ x 18″ x 3″	54
B-489	505; 6-1-47	45″ x 14″ x 2½″	71
B-490	506; 6-1-47	48″ x 15″ x 2½″	80
B-491	507; 6-1-47	18″ x 14″ x 2″	23
B-492	508; 6-1-47	20″ x 14″ x 2″	25
B-493	509; 6-1-47	52″ x 15″ x 2″	69
		Trapezoidal	
B-494	510; 6-1-47	65″ x 61″ x 18″ x 2″	101
B-495	511; 6-1-47	66″ x 68″ x 16″ x 2″	95

Approval No. A-336, Standard kapok buoyant cushion; and Approval No. B-497, 15½″ x 26″ x 3″ rectangular kapok buoyant cushion, 54 oz. kapok, Dwg. No. SK-181-103, dated May 24, 1947; for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire; manufactured by Brooklyn Upholstering Co., (rear) 3525 S. Hanover St., Baltimore 25, Md.

Approval No. B-482, 21¼″ x 23″ x 2″ rectangular kapok buoyant cushion, 43 oz. kapok, Dwg. No. III, dated June 2, 1947; Approval No. B-483, 17¼″ x 21¼″ x 22″ x 22¾″ x 2″ trapeziform buoyant cushion, 38 oz. kapok, Dwg. No. II, dated June 2, 1947; for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire; manufactured by Benton Harbor Awning and Tent Co., 136 Territorial Road, Benton Harbor, Mich.

Approval No. B-484, 13″ x 18″ x 2″ rectangular buoyant cushion, 20 oz. kapok, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, submitted by Spiegel, Inc., 1061 W. 35th St., Chicago, Ill., manufactured by The American Pad and Textile Co., Greenfield, Ohio.

Approval No. A-337, Standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by De-More Manufacturing Co., 547 Meeting St., Charleston, S. C.

Approval No. B-496, 15″ x 15″ x 2″ rectangular kapok buoyant cushion, 20 oz. kapok, Dwg. No. 101A, dated June 16, 1947, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Nappe-Smith Manufacturing Co., Southard Ave., Farmingdale, N. J.

CONTAINERS FOR EMERGENCY RATIONS

Emergency drinking water container, "Lifetime" brand, Drawing dated June 3, 1947, submitted by The Multiple Breaker Co., 82 Commercial Wharf, Boston 10, Mass.

DAVIT

Spring powered davit, Type S–80, approved for use on diesel yacht HAIDA only for a maximum working load of 8,000 pounds per set, 4,000 pounds per arm, using two-part falls; identified by General Arrangement Dwg. No. 3054–6 dated Dec. 6, 1946, and revised April 25, 1947; manufactured by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

LIFEBOATS

26′ x 9′ x 3.83′ Aluminum hand-propelled lifeboat, 53-person capacity, identified by construction and arrangement Dwg. No. 3159 dated Mar. 9, 1947, and revised May 16, 1947, manufactured by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

22′ x 7.5′ x 3.15′ Steel oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement Dwg. No. OMS–460A dated June 1947, submitted by Tregoning Industries, Inc., Seattle, Wash.

SAFETY VALVES

Boiler safety valves, diameter sizes 1½ to 4 inches, inclusive, Dwg. No. 1983–B–CG dated Sept. 10, 1945, manufactured by Farris Engineering Co., Commercial Ave., Palisades, N. J. for the following types, with pressure ratings and maximum temperatures:

Type	Primary service pressure rating	Maximum temperature, ° F.
2575A	300	650
2575B	300	750
2575C	300	900
2576A	600	650
2576B	600	750
2576C	600	900
2577A	600	650
2577B	600	750
2577C	600	900
2578A	900	650
2578B	900	750
2578C	900	900

WINCHES

Type H40 lifeboat winch for use with mechanical davits; fitted with wire rope not greater than 3/8 inch in diameter and with not more than five wraps of the falls on the drums; maximum working load of 4,000 pounds at the drums, 2,000 pounds per fall; identified by general arrangement Dwg. No. 3054–5 dated April 17, 1946, and revised April 30, 1947; manufactured by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Type B172 lifeboat winch (formerly Type BWB); maximum working load of 17,200 pounds pull at the drums, 8,600 pounds per fall; identified by general arrangement Dwg. No. 2114, dated Dec. 1, 1941; manufactured by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J. This replaces the listing of Welin Type BWB lifeboat winch published in the FEDERAL REGISTER of Mar. 4, 1942 (7 F. R. 1700), which approval is hereby terminated.

CONDITIONS OF APPROVALS AND TERMINATION OF APPROVAL

The above approvals shall be effective upon the date of publication of this document in the FEDERAL REGISTER.

The termination of approval made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment made before the effective date of termination of approval may be used so long as it is in good and serviceable condition.

Dated: July 11, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-6802; Filed, July 18, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9269]

SHINSHUYA "BABA" HOTEL

In re: Bank accounts owned by Tokuji Baba d. b. a. Shinshuya "Baba" Hotel, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to the persons listed in Exhibit A, attached hereto and by reference made a part hereof, by Pacific Bank, Honolulu, T. H., arising out of bank accounts more particularly described in said Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of owner	Name of account	Type of account	Receiver's liability No.	Alien Property file No.
Tokuji Baba, d. b. a. Shinshuya "Baba" Hotel.	Shinshuya "Baba" Hotel.	Checking	667	D-39-17556-E-1
Toshihiko Hamamura	Toshihiko Hamamura.	Savings	2876	F-39-5899-E-1
Chiseko Isobe	Chiseko Isobe	do	3692	F-39-5898-E-1
H. Y. Kataoka	H. Y. Kataoka	Checking	320	F-39-5894-E-1
Miyano Morizumi	Miyano Morizumi	Fixed savings Deposit.	10173	F-39-538-E-1
I. Murakawa	I. Murakawa	Checking	463	F-39-5895-E-1
Thelma F. Okuda	Thelma F. Okuda	Savings	6728	F-39-5893-E-1
Shiro Shimoko	Aloha Bakery, special account.	Checking	17	D-39-1170-E-1
Masaichi Shiomi	M. Shiomi by Totaro Matsui.	Savings	7584	F-39-5[illegible]
Ichiro Takemori, d. b. a. Takemori Shoten.	Takemori Shoten	Checking	716	F-39-5892-E-1
Kotoya Tanji	Kotoya Tanji	Savings	8248	F-39-5[illegible]
Kimiko Yanagihara	Kimiko Yanagihara	Fixed savings deposit.	10820	F-39-1[illegible]
Kichitaro Yanagihara, also known as Dr. K. Yanagihara.	Dr. K. Yanagihara	Checking	848	F-39-[illegible]

[F. R. Doc. 47-6809; Filed, July 18, 1947; 8:58 a. m.]

[Vesting Order 9267]

JOEL B. WOLFE

In re: Trust under will of Joel B. Wolfe, deceased, for benefit of Anna B. W. Klee. File No. D–66–110; E. T. sec. No. 1893.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolph W. Klee, Tenie Clarita Klee Klotz, and Josefa Franzisca Dagmar Klee Uhlmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue of Rudolph W. Klee, names unknown, the issue of Tenie Clarita Klee Klotz, names unknown, and the issue of Josefa Franzisca Dagmar Klee Uhlmann, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust under Will of Joel B. Wolfe, deceased, for benefit of Anna B. W. Klee, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by United States Trust Company of New York, as trustee under the Will of Joel B. Wolfe, deceased, acting under the judicial supervision of the Supreme Court, State of New York, New York County;

and it is hereby determined:

5. That to the extent that the above named persons and the issue of Rudolph W. Klee, names unknown, the issue of Tenie Clarita Klee Klotz, names unknown, and the issue of Josefa Franzisca Dagmar Klee Uhlmann, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6808; Filed, July 18, 1947; 8:58 a. m.]

[Vesting Order 9271]

SUTEMATSU ENDO ET AL.

In re: Bank accounts owned by Sutematsu Endo and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to the persons listed in Exhibit A, attached hereto and by reference made a part hereof, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of bank accounts more particularly described in said Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons described in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—BANK ACCOUNTS MAINTAINED WITH THE YOKOHAMA SPECIE BANK, LTD., HONOLULU BRANCH

Name of owner	Name of account	Type of account	Receiver's liability No.	Alien Property file No.
Sutematsu Endo	Sutematsu Endo	Savings	408	D-39-17222-E-1
Taka Hayakawa	Taka Hayakawa	do	656	F-39-1894-E-1
E. Hiromitsu	E. Hiromitsu	do	747	F-39-5899-E-1
[illegible] Hiromitsu	do	Checking	33	
Teruko Imamura	Teruko Imamura	Savings	889	F-39-1912-E-1
Morinosuke Kawasaki	Morinosuke Kawasaki.	Checking	67	F-39-5907-E-1
Motoichi Matsuda	(Motoichi Matsuda	Savings	1326	F-39-5911-E-1
	(M. Matsuda	Checking	86	
Toyozo Mitsuda	(Toyozo Mitsuda	Savings	1616	D-39-920-E-1
	(do	Fixed time certificate deposit.	3658	
Eimu Miyake	Eimu Miyake	Savings	1590	F-39-5891-E-1
Goichi Miyashiro	(Goichi Miyashiro	do	1677	F-39-2236-E
	(do	Fixed time certificate deposit.	3662	
Otojiro Okuda	Otojiro Okuda	Checking	127	F-39-5909-E-1
Ryotaro Okuda	Ryotaro Okuda	do	128	F-39-5906-E-1
Koko Sayegusa	Koko Sayegusa per Kinzo Sayegusa.	Fixed time certificate deposit.	3841	F-39-5905-E-1
Tomiko Sayegusa	Mrs. T. Sayegusa per Kinzo Sayegusa.	Savings	2482	F-39-3875-E-1
Tomiko Sayegusa	Tomiko Sayegusa per Kinzo Sayegusa.	Fixed time certificate deposit.	3842	F-39-5904-E-1
Sakusuke Seiki	Sakusuke Seiki	Savings	2489	D-39-1145-E-1
Toshio Shirai	T. Shirai	Checking	162	F-39-5903-E-1
Koten Sinetomi	Koten Sinetomi	Savings	2616	D-39-645-E-1
Torao Takei	Torao Takei	do	2744	F-39-5912-E-1
Tadao Tanabe	Tadao Tanabe	do	2801	F-39-1724-E-1
Asahei Tominaga	Asahei Tominaga	do	2941	D-39-17713-E-1
Warren S. Uyeda	Warren S. Uyeda by T. Uyeda.	do	3060	F-39-5914-E-1
Kyonosuke Yuge	K. Yuge	Checking	201	D-39-17047-E-1
Chizuko Akata	Shizuyo Akata, trustee for Chizuko Akata.	Savings	243	F-39-5923-E-1
Seiji Akata	Shizuyo Akata, trustee for Seiji Akata.	do	245	F-39-5924-E-1
Shizuyo Akata	Shizuyo Akata	do	242	D-39-18037-E-1
Tsutomu Akata	Tsutomu Akata	do	246	F-39-5926-E-1
Yaichiro Akata	Yaichiro Akata	do	247	D-39-18037-E-1
Yoriko Akata	Shizuyo Akata, trustee for Yoriko Akata.	do	244	F-39-5925-E-1
Shinsei Hirayama or Shigeko Hirayama.	Shinsei Hirayama or Shigeko Hirayama.	do	735	F-39-5927-E-1
Sakusuke Seiki	Sakusuke Seiki	Checking	151	D-39-1145-E-1

[F. R. Doc. 47-6810; Filed, July 18, 1947; 8:58 a. m.]

[Vesting Order 9272]

YOTARO FUJINO

In re: Stock and a bank account owned by Yotaro Fujino. F–39–1507–D–2, F–39–1507–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yotaro Fujino, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. 183.97 shares of $10 par value guarantee capital stock of State Savings & Loan Association, 239 Merchant Street, Honolulu, T. H., a corporation organized under the laws of the State of Utah, evidenced by certificates numbered 370, 372, 445, 566, 689, 815, 967, 1025, 1063, and 1221, registered in the name of Yotaro Fujino, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation owing to Yotaro Fujino, by Bishop National Bank of Hawaii, P. O. Box 3200, Honolulu 1, T. H., arising out of a checking account, entitled Yotaro Fujino, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Yotaro Fujino, by Bishop National Bank of Hawaii, P. O. Box 3200, Honolulu 1, T. H., arising out of a checking account, entitled Yotaro Fujino and Tatsunosuke Kobayashi, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6811; Filed, July 18, 1947; 8:59 a. m.]

[Vesting Order 9290]

AUGUST GERKEN

In re: Estate of August Gerken, deceased. File F-28-9822; E. T. sec. No. 16060.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Gerken (Gerzen), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of August Gerken, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Calvert Bank of Baltimore, as trustee, acting under the judicial supervision of the Circuit Court of Baltimore City, Maryland;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6812; Filed, July 18, 1947; 8:59 a. m.]

[Vesting Order 9291]

RINICHI AKINAKA

In re: Bonds owned by Rinichi Akinaka. D-39-749-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rinichi Akinaka, whose last known address is 39 Itakuracho, Koyamashita Kamikyoku, Kyoto, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain bonds in bearer form described in Exhibit A, attached hereto and by reference made a part hereof, owned by Rinichi Akinaka, and presently in the custody of Arthur Yoshinori Akinaka, 1503 Houghtailing Street, Honolulu 51, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Number of bonds and face value	Certificate Nos.
Tokyo Electric Light Co., Ltd., 6 percent first mortgage gold bonds, due 1953 with coupons dated December 1941, ASCA.	10 @ $1,000	[illegible]
Oriental Development Co., Ltd., external loan 5½ percent gold debenture bonds, due May 1958 with coupons dated November 1941, ASCA	10 @ $1,000	M4788 M4789 M4790 M4966 M5252 M5253 M5254 M5255 M5256 M5257
Imperial Japanese Government external loan, 5½ percent gold bonds of 1930 due May 1965 with coupons dated November 1941, ASCA.	3 @ $1,000	[illegible]
Great Consolidated Electric Power Co., Ltd., first mortgage 7 percent sinking fund gold bonds, due August 1944, with coupons dated February 1942, ASCA.	3 @ $1,000	M10748 M823 M11418

[F. R. Doc. 47-6813; Filed, July 18, 1947; 8:59 a. m.]

[Vesting Order 9296]

OSKAR FRIEDRICH

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Oskar Friedrich, deceased. F-28-14356-C-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Oskar Friedrich, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations of United States Steel Corporation, 71 Broadway, New York, New York, in the amounts of $17,988.75, $282.29 and $2514.16, as of December 31, 1945, arising out of a certain contract, dated February 11, 1929, entered into by and between Dr. Ing. Max Schloetter on the one hand and James W. Gerard, Marcus Daly and Richard G. Auspitzer on the other hand, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain debts or other obligations of Carnegie-Illinois Steel Corporation, Carnegie Building, Pittsburgh, Pennsylvania, in the amounts of $17,988.75, $282.29 and $2514.16, as of December 31, 1945, arising out of a certain contract, dated February 11, 1929, entered into by and between Dr. Ing. Max Schloetter on the one hand and James W. Gerard, Marcus Daly and Richard G. Auspitzer on the other hand, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6814; Filed, July 18, 1947; 8:59 a. m.]

[Vesting Order 9301]

KIHACHIRO KIMURA ET AL.

In re: Debts owing to Kihachiro Kimura and others.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain debt or other obligations owing to the persons named in Exhibit A by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, arising out of accepted accounts payable in the amounts, as of December 31, 1945, set forth opposite the names in Exhibit A, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of creditor	Amount of accepted account payable as of Dec. 31, 1945	File No.
Kihachiro Kimura	$125.11	F-39-3655-C-1
Kazuo Nishi	191.74	F-39-3667-C-2
Keuroku Yoshiwara	422.81	F-39-3682-C-1
Kohji Matsumoto	350.76	F-39-4128-C-1
Tsunehiko Kanai	521.32	D-39-5307-C-1
Motonari Miwada	136.33	D-39-7608-C-1

[F. R. Doc. 47-6815; Filed, July 18, 1947; 8:59 a. m.]

[Vesting Order 9304]

SHIRO SAYEGUSA

In re: Bank account owned by Shiro Sayegusa. F-39-1538-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shiro Sayegusa, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shiro Sayegusa by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200 Honolulu, T. H., arising out of an account entitled The Yokohama Specie Bank Limited, Honolulu Office, Trustees for Owners, balance due on first 100% dividend on claim No. 2148, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6816; Filed, July 18, 1947; 8:59 a. m.]

[Vesting Order 9309]

SHIRO SHIMOKO

In re: Bank account owned by Shiro Shimoko.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shiro Shimoko, whose last known address is Higashi Suga-Machi,

Bofu-Shi, Yamaguchi-Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shiro Shimoko by the Bishop National Bank, King Smith Street Branch, Honolulu, T. H., arising out of a savings account, Account No. 10974, entitled Shiro Shimoku, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6817; Filed, July 18, 1947; 9:00 a. m.]

[Vesting Order 9312]

MINORU TANIGUCHI

In re: Bank account and bonds owned by Minoru Taniguchi. D-39-2111-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minoru Taniguchi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Minoru Taniguchi, by Bank of Hawaii, Honolulu, T. H., arising out of a savings account, Account Number A-46490, entitled Minoru Taniguchi, maintained at the branch office of the aforesaid bank located at Hilo, Hawaii, T. H., and any and all rights to demand, enforce and collect the same, and

b. Ten (10) bearer Imperial Japanese Government bond coupons, numbered $5, dated August 31, 1941, each of the face value of $32.50, detached from bonds bearing the following serial numbers:

92956	92756
92692	112829
93516	113085
94604	117509
109766	124671

presently in a custody account entitled Minoru Taniguchi by G. Taniguchi, with the Bank of Hawaii, Hilo Branch, Hilo, Hawaii, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6818; Filed, July 18, 1947; 9:00 a. m.]

[Vesting Order 9316]

HERMAN FRIEDRICH HASTEDT

In re: Estate of Herman Friedrich Hastedt, deceased. File D-28-10458; E. T. sec. 14873.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Hastedt, Emma Krause and Heinrich Hastedt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown of Anna Hastedt, Emma Krause and Heinrich Hastedt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of and trust created under the will of Herman Friederick Hastedt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Adrian M. Unger, trustee, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey and Court of Chancery of New Jersey, Newark, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the personal representatives, heirs, next of kin, legatees and distributees, names unknown of Anna Hastedt, Emma Krause and Heinrich Hastedt, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6819; Filed, July 18, 1947; 9:00 a. m.]

[Vesting Order 9317]

EDWARD H. MARKS

In re: Estate of Edward H. Marks, deceased. D-28-3558; E. T. sec. 5726

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ervin Rudolph and Oscar Rudolph, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $127.62 deposited with the Treasurer of Cook County, Illinois on June 27, 1940 to the credit of the aforesaid nationals, pursuant to an order of the Probate Court of Cook County, Illinois, entered May 28, 1940 in the matter of the estate of Edward H. Marks, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Cook County, Illinois, as depositary acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6820; Filed, July 18, 1947; 9:00 a. m.]

[Vesting Order 9318]

GRETEL NIEBLER

In re: Trust under the will of Gretel Niebler, deceased. File D-28-11181; E. T. sec. 15577.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Betty Kast, Alois Koll and Arthur Koll, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the trust created under the will of Gretel Niebler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Richard Otto, as administrator c. t. a. and trustee, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6821; Filed, July 18, 1947; 9:00 a. m.]

[Vesting Order 9319]

LILLIE H. THEURKAUF OHLY

In re: Estate of Lillie (Lilly) H. Theurkauf Ohly, deceased. File D-28-9801; E. T. sec. 13800.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Melanie Baader, nee Ermeler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees, and distributees of Doctor Charles H. Ohly, also known as Carl Hermann Ohly, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Lillie (Lilly) H. Theurkauf Ohly, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Edward A. Theurkauf, as Executor, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

and it is hereby determined:

5. That to the extent that the above named person and the personal representatives, heirs, next of kin, legatees and distributees of Doctor Charles H. Ohly, also known as Carl Hermann Ohly, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6822; Filed, July 18, 1947; 9:00 a. m.]

[Vesting Order 9320]

CARL SCHULZ

In re: Estate of Carl Schulz, deceased. File No. D-28-10378; E. T. sec. 14787.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Schulz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $4,232.43 was paid to the Attorney General of the United States by Herman Maasch and Arthur Junghans, co-executors of the estate of Carl Schulz, deceased;

3. That the said sum of $4,232.43 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on

May 20, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6823; Filed, July 18, 1947; 9:00 a. m.]

[Vesting Order 9326]

OTTO HOPFNER

In re: Stock owned by Otto Hopfner. F-28-1972-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Hopfner, whose last known address is Munchener Street 9, Berlin, Frohnau, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Three (3) shares of $50 par value common capital stock of Otis Elevator Company, 260 Eleventh Avenue, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 020657 and 019307 for one (1) and two (2) shares respectively, registered in the name of Otto Hopfner, together with all declared and unpaid dividends thereon, and all rights of exchange thereof for no par value common capital stock of said Otis Elevator Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6824; Filed, July 18, 1947; 9:00 a. m.]

[Vesting Order 9335]

GERTRUDE SPIEGEL SPENNER

In re: Debt owing to and tangible personal property owned by Gertrude Spiegel Spenner. F-28-12282-B-1, F-28-12282-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Spiegel Spenner, whose last known address is Anna Str. 21, Frankfurt am M., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Gertrude Spiegel Spenner by First Wisconsin Trust Company, Milwaukee 1, Wisconsin, arising out of an agency account, Account Number A-6668, entitled Gertrude Spiegel Spenner, and any and all rights to demand, enforce and collect the same, and

b. All that certain tangible personal property presently in the custody of First Wisconsin Trust Company, Milwaukee 1, Wisconsin, in Agency Account Number A-6668, including particularly but not limited to the items listed in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

One (1) loose diamond.
Three (3) strands of beads.
One (1) gold lorgnette.
One (1) gold watch, with attached pearl band.
One (1) amethyst-colored stone, with gold serpent setting.
One (1) gold stick pin.
One (1) gold match safe.
One (1) lady's gold watch engraved "AS".
One (1) gold lavalier.
One (1) gold locket.
One (1) black enamel and white gold lorgnette.
One (1) watch fob.
One (1) bar pin, with settings missing.
One (1) small gold bar pin.
One (1) gold masonic bar pin (Tripoli).
Two (2) gold band rings.
Two (2) gold earrings.
Three (3) shirt studs.

[F. R. Doc. 47-6825; Filed, July 18, 1947; 9:00 a. m.]

[Vesting Order 9336]

ANNA STUEVE ET AL.

In re: Stock owned by Anna Stueve also known as Anna Steuve, Elizabeth Stueve also known as Elizabeth Steuve, and Eberhard Stueve also known as Eberhard Steuve. F-28-12332-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Stueve also known as Anna Steuve, Elizabeth Stueve also known as Elizabeth Steuve, and Eberhard Stueve also known as Eberhard Steuve, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: One hundred sixty-nine (169) shares of $5.00 cumulative preferred capital stock of Pacific Lighting Corporation, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by Certificates numbered 6888 and 1107, for 69 and 100 shares, respectively, and registered in the name of D. G. Volkmann and/or Johanna M. Volkmann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Stueve also known as Anna Steuve, Elizabeth Stueve also known as Elizabeth Steuve, and Eberhard Stueve also known as Eberhard Steuve, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6826; Filed, July 18, 1947; 9:01 a. m.]

[Vesting Order 9364]

META BEHRENS

In re: Bank account owned by Meta Behrens. F-28-28363-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Meta Behrens, whose last known address is Westerbeverstedt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Meta Behrens, by American Trust Company, 464 California Street, San Francisco, California, arising out of a savings account, account number 6367, entitled Meta Behrens, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6827; Filed, July 18, 1947; 9:01 a. m.]

[Vesting Order 9365]

EMMA BOEHMER

In re: Bank accounts owned by Emma Boehmer, also known as Emma Bohmer. F-28-2114-C-1, F-28-2114-E-1, F-28-2114-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Boehmer, also known as Emma Bohmer, whose last known address is Berlin W35, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Emma Boehmer, also known as Emma Bohmer, by Union Dime Savings Bank, 1065 Avenue of The Americas, New York 18, N. Y., arising out of a Savings Account, account number 620831, entitled Emma Boehmer, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Emma Boehmer, also known as Emma Bohmer, by The Williamsburgh Savings Bank, 175 Broadway, Brooklyn 11, New York, arising out of a Savings Account, account number 516235, entitled Emma Bohmer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6828; Filed, July 18, 1947; 9:01 a. m.]

[Vesting Order 9406]

YUKICHI K. NAKAMURA

In re: Stock owned by Yukichi K. Nakamura, also known as Yukichi Nakamura. F-39-3887-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yukichi K. Nakamura, also known as Yukichi Nakamura, whose last known address is c/o McKesson & Robbins, Inc., 5 Kaigon Dori, Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Thirty-eight (38) shares of $5.00 par value common capital stock of McKesson & Robbins, Incorporated, 155 East 44th Street, New York, New York, a corporation organized under the laws of the State of Maryland, evidenced by certificate numbered CO28425, registered in the name of Yukichi K. Nakamura, together with all declared and unpaid dividends thereon, and all rights of exchange thereof for $18 par value common capital stock of said McKesson & Robbins, Incorporated, and

b. One (1) share of no par value $3 preference capital stock of McKesson & Robbins, Incorporated, 155 East 44th Street, New York, New York, a corporation organized under the laws of the State of Maryland, evidenced by certificate number PO30813, registered in the name of Yukichi Nakamura, together with all declared and unpaid dividends thereon, and all rights of exchange thereof for $18 par value common capital stock of said McKesson & Robbins, Incorporated,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6834; Filed, July 18, 1947; 9:01 a. m.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 811627]

WASHINGTON

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM YAKIMA PROJECT

JULY 11, 1947

An order of the Bureau of Reclamation dated November 29, 1946, concurred in by the Director, Bureau of Land Management, March 13, 1947, revoked Departmental Order of November 26, 1918, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described in connection with the Yakima Project, Washington, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on September 12, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 13, 1947, to December 12, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 24, 1947, to September 12, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 13, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on Dec. 13, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from November 23, 1947, to December 12, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 13, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Spokane, Washington.

The lands affected by this order are described as follows:

WILLIAMETTE MERIDIAN, WASHINGTON

T. 15 N., R. 17 E., Sec. 2, Lot 4.

The area described aggregates 40.09 acres. The land has a hilly surface with the dominant vegetative type comprising bunch grass.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6789; Filed, July 18, 1947; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-910]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 16, 1947.

Notice is hereby given that, on July 15, 1947, the Federal Power Commission issued its findings and order entered July 12, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-6798; Filed, July 18, 1947; 8:49 a. m.]

[Docket No. G-918]

MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF APPLICATION

JULY 15, 1947.

Notice is hereby given that on June 27, 1947, an application was filed with the Federal Power Commission by Michigan Consolidated Gas Company (Applicant), a Michigan corporation with its principal place of business in Detroit, Michigan, requesting a finding by the Commission that the matters involved therein are not subject to the requirements of section 7 (c) of the Natural Gas Act, as amended, and that Applicant does not require the Commission's authorization therefor, or, in the alternative, the issuance of a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant:

(1) To operate, pending completion of the Michigan-Wisconsin Pipe Line Company (Michigan-Wisconsin) project (Docket No. G-669), the following facilities, which are to be constructed by Austin Field Pipe Line Company pursuant to the latter's application for a certificate, which application is pending before the Commission in Docket No. G-834:

(a) A 26-inch O. D. pipeline, approximately 140 miles in length, extending southeasterly from a point at the Austin Storage Field near the common corner of Sections 3, 4, 9 and 10 in Austin Township, Mecosta County, Michigan, to a point near the southwest corner of Section 35, Township 1 North, Range 10 East, Southfield Township, Oakland County, Michigan;

(b) A metering station at Evergreen, the eastern terminus of the Austin-Detroit line;

(c) A gas compressor station on the Austin-Detroit line at the Austin Storage Field with an initial installation of 3,000 h. p.;

(2) To construct and operate a 26-inch O. D. pipeline connection to extend some 14½ miles from eastern terminus of the above-described Austin-Detroit Line at Evergreen to Melvindale, Michigan, where natural gas is delivered to Applicant by Panhandle Eastern Pipe Line Company (Panhandle); and to change the gas cylinders on the pumps at Applicant's existing River Rouge Station at Melvindale and to continue the operation of such pumps at higher pressures;

(3) To continue the operation, pending completion of the Michigan-Wisconsin project, of Applicant's Austin Storage Field insofar as such operation will involve the storage in and subsequent withdrawal from such field of gas which Applicant shall have obtained from Panhandle.

Applicant proposes to operate the facilities described above for the purpose of transporting to Austin Field and storing therein "off peak" natural gas which Applicant obtains from Panhandle at Melvindale and subsequently returning such gas to Detroit for distribution and sale to Applicant's consumers in its Detroit District. Applicant states that pending completion of the Michigan-Wisconsin project, such facilities will be used to provide some relief in the critical gas supply situation in Applicant's Detroit District.

Pending completion of the Michigan-Wisconsin project, Applicant proposes to lease the facilities described in paragraph (1) above from Austin Field Pipe Line Company and states that it will submit a supplementary Tri-Partite Agreement between Applicant, Michigan-Wisconsin and Austin Field Pipe Line Company providing therefor.

Applicant proposes to undertake the construction of the facilities described in paragraph (2) above as soon as the requisite governmental authorization can be obtained. Applicant further proposes to begin the storage program upon the completion of the facilities required for that purpose, and in any event to begin the storage of gas obtained from Panhandle not later than April 1, 1948.

Applicant states that under its contract, and the amendments thereto, with Panhandle, on file with the Commission as rate schedules, Applicant is entitled to take and Panhandle is obligated to deliver, a daily maximum of 125 million cubic feet of natural gas, and that Applicant proposes to take this amount at substantially a 100% load factor.

Applicant estimates the total overall capital cost of the facilities which it proposes to construct to be $1,014,400, all of which amount Applicant proposes to finance by the use of treasury funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Michigan Consolidated Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the Rules of Practice and Procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-6790; Filed, July 18, 1947; 8:56 a. m.]

[Docket No. G-920]

IROQUOIS GAS CORP.

NOTICE OF APPLICATION

JULY 15, 1947.

Notice is hereby given that on June 30, 1947, Iroquois Gas Corporation (Applicant), a New York corporation having its principal place of business at Buffalo, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of approximately 15.2 miles of 12¾-inch O. D. pipeline, as a loop section in Applicant's main transmission system, from Applicant's Zoar By-pass, located in the Town of Collins, Erie County, New York, and running northerly to Eckert Road junction near the boundary line of the Towns of Eden and Hamburg, Erie County, New York.

Applicant states that the purpose of the proposed loop section is to eliminate excessive pressure drop which now occurs in the transmission system north of Zoar By-pass, particularly between Zoar By-pass and Eckert Road junction. The application recites that the capacity of the existing lines between Zoar By-pass and the city gate stations of Buffalo, with pressures of 110 pounds at Zoar By-pass and 65 pounds at the city gate stations is approximately 68,000 Mcf per day. Applicant estimates that the proposed loop line will provide an additional 11,000 Mcf on peak days. Applicant states that its estimated deficiency on the 1946–1947 peak days was 10,000 Mcf, of which a substantial portion was for domestic customers. No main line industrial customers exist or are contemplated.

Applicant estimates the total over-all cost of the proposed construction at $310,000. Applicant proposes to pay for the proposed construction partly with its own funds and partly with a loan by short-term notes from its parent, National Fuel Gas Company. A joint application for approval of these loans has been filed with the Securities and Exchange Commission.

Applicant recites that prior to the war it served 900 Btu. gas in its Mixed Gas Area, but that with the shortage of natural gas in the Appalachian area during the war, the mixed gas ranged from 840–860 Btu. Applicant states that it desires to resume the serving of 900 Btu. mixed gas as soon as conditions permit.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Iroquois Gas Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-6791; Filed, July 18, 1947; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

[Nos. 29663, 29664]

TRANSCONTINENTAL RAIL RATES AND INTERCOASTAL WATER RATES

JULY 15, 1947.

Upon consideration of the motion filed by respondents in No. 29664 May 12, 1947, the Commission has broadened the scope of these proceedings to include rates on the additional commodities named in that motion. The motion has been denied in so far as it sought inclusion of certain practices outlined therein.

In accordance with the third paragraph of the Commission's notice of March 17, 1947, and for the same purposes as set forth therein, the respondents in these proceedings are hereby directed to confer for mutual consideration of proposals of adjustment of the rates involved in these proceedings as broadened by the orders of July 7, 1947, and to make public for information of interested shippers and others concerned, at the earliest practicable date, any proposals so arrived at.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6793; Filed, July 18, 1947; 8:57 a. m.]

[No. 29663]

TRANSCONTINENTAL RAIL RATES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 7th day of July A. D. 1947.

Upon consideration of the motion filed May 12, 1947, on behalf of certain intercoastal water carriers in the above-entitled proceeding:

It is ordered, That the Commission's order of December 12, 1946, by which this proceeding was instituted, be, and it is hereby, amended so as to embrace the question of the reasonableness of the transcontinental rail rates set forth in Appendix A–1 to this order.

And it is further ordered, That in all other respects said motion be, and it is hereby, denied.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX A–1

RATES FROM TRANSCONTINENTAL GROUPS A, B, C, C–1, D, E, E–1, F, H, K, K–1, L, AND M TO PACIFIC COAST TERRITORIAL GROUPS 1 AND 3 AS SUCH GROUPS ARE DEFINED IN AGENT KIPP'S I. C. C. 1516 AND 1517, AS PUBLISHED IN THE FOLLOWING ITEMS IN KIPP's I. C. C. 1507 AND SIMILAR COMMODITIES IN AGENT KIPP'S I. C. C. 1521

Item No. and Commodity

1650—Vegetable cake and meal, etc.
1651—Dog biscuits.
3130—Acetone, etc.
3080—Harrow discs and teeth, etc.
3230—Asbestos, etc.
3315—Used bags and bagging.
3335—Cotton bags, new.
3365—Baking powder, etc.
5370—Belting, packing, etc.
3255—Asbestos millboard, etc.
4700—Linoleum, etc.
4695—Rugs and carpets—released, etc.
5425—Casein and glue, etc.
3873A—Cement sulphur compound.
4570—Chestnut extract, etc.
4895—Gas—methyl chloride, etc.
5225, 5235—Boilers—radiators, etc.
5415—Ink—mucilage, etc.
4460—Insulators, etc.
7165—Rags, etc.
6150—Machinery, etc.
6265—Matches.
6760—Fibreboard boxes, etc.
6865—Toilet paper, etc.
6790—Wall paper, etc.
6845—Paper, etc.
6780—Paper binders, covers, etc.
6855—Woodpulp boards, etc.
7010—Plumbers goods, etc.
7015—Plumbers goods, etc.
7640—Sodas, etc.
7660—Tri and di sodium phosphate, etc.
1890—Spices, etc.
7965—Rubber heels, etc.
4215—Cotton waste, etc.
6000—Alcoholic liquors.
3870—Cellulose products.
3224—Tongue blades, etc.
1130—Fibreboard boxes, etc.
1678—Paper articles, etc.
1985—Wallboard, etc.

RATES FROM TERRITORIAL GROUPS 1 AND 3 TO TERRITORIAL GROUPS A, B, C, C–1, D, E, E–1, F, H, K, K–1, L AND M AS DEFINED IN AGENT KIPP'S I. C. C. 1516 AND 1517, AS PUBLISHED IN THE FOLLOWING ITEMS IN AGENT KIPP'S I. C. C. 1519 AND SIMILAR COMMODITIES IN AGENT KIPP'S I. C. C. 1515

Item No. and Commodity

4130—Coffee substitutes.
4126—Roasted coffee.
6305—Film scrap.
5465—Magnesium, carbonate of, etc.
6425—Soap.
3065—Argols, etc.
6615—Soapstone or talc.
6270—Sad irons.
4020—Filtering sand, etc.
3971—Dried glue.
4966—Green salted hides.
5012—Honey.
5320—Wine.
2055—Scrap paper.
5456—Magnesite.
6565—Sugar of milk.
5586—Nuts.
5625—Petroleum products.
6940—Woodpulp.
5195, sec. 1—Junk.
5505—Matches.
3155—Aluminum sheets, plates, etc.
3135—Aluminum billets, ingots, etc.
3140—Aluminum bars, beams, angles, etc.
3130—Aluminum articles.

RATES BETWEEN TRANSCONTINENTAL GROUPS A, B, C, C–1, D, E, E–1, F, H, K, K–1, L AND M AND PACIFIC COAST TERRITORIAL GROUPS 1 AND 3 AS SUCH GROUPS ARE DEFINED IN AGENT KIPP'S I. C. C. 1516 AND 1517, AS PUBLISHED IN THE FOLLOWING ITEMS IN AGENT KIPP'S I. C. C. 1528

Item No. and Commodity

1100—Alfalfa feed and meal.
1178—Animal feed as described.
1650—Vegetable cake and meal.
1651—Dog biscuits.
1820—Soya bean meal.

[F. R. Doc. 47-6794; Filed July 18, 1947; 8:57 a. m.]

[No. 29664]

INTERCOASTAL WATER RATES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 7th day of July A. D. 1947.

Upon consideration of the motion filed May 12, 1947, on behalf of respondents in the above-entitled proceeding:

It is ordered, That the Commission's order of December 12, 1946, by which this proceeding was instituted, be, and it is hereby, amended so as to embrace the question of the reasonableness of the intercoastal water rates set forth in Appendix A–1 to this order.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX A–1

WESTBOUND COMMODITIES

Vegetable cake and meal.
Dog biscuits.
Acetone.
Harrow discs and teeth.
Asbestos.
Used bags and bagging.
Cotton bags, new.
Baking powder.
Belting, packing, etc.
Asbestos millboard.
Linoleum.
Rugs and carpets—released.
Casein and glue.
Cement sulphur compound.
Chestnut extract, etc.
Gas—Methyl chloride, etc.
Boilers—radiators.
Ink—mucilage.
Insulators.
Rags.
Machinery.
Matches.
Fibreboard boxes.
Toilet Paper.
Wall paper.
Paper.
Paper binders, covers, etc.
Woodpulp boards.
Plumbers goods.
Sodas.
Tri and di sodium phosphate.
Spices.
Rubber heels, etc.
Cotton waste.
Alcoholic liquors.
Cellulose products.
Tongue blades, etc.
Fibreboard boxes, etc.
Paper articles.
Wallboard.
Soy bean meal.

EASTBOUND COMMODITIES

Coffee substitutes.
Roasted coffee.
Film scrap.
Magnesium, carbonate of, etc.
Aluminum sheets, plates, etc.
Aluminum billets, ingots, etc.
Aluminum angles, bars, beams, etc.
Aluminum articles.
Soap.
Argols, etc.
Soapstone or talc.
Sad irons.
Filtering sand, etc.
Dried glue.
Green salted hides.
Honey.
Wine.
Scrap paper.
Magnesite.
Sugar of milk.
Nuts.
Petroleum products.
Woodpulp.
Junk.
Matches.
Alfalfa feed and meal.
Animal feed as described.

[F. R. Doc. 47-6795; Filed, July 18, 1947; 8:57 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 12 NUMBER 142

Washington, Tuesday, July 22, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9874

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE SOUTHERN PACIFIC COMPANY (PACIFIC LINES), THE NORTHWESTERN PACIFIC RAILROAD COMPANY, AND THE SAN DIEGO & ARIZONA EASTERN RAILWAY COMPANY, AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes, consisting of approximately 531 cases listed in "Official ballot" dated January 6, 1947, exist between the Southern Pacific Company (Pacific Lines), the Northwestern Pacific Railroad Company, and the San Diego & Arizona Eastern Railway Company, carriers, and certain of their employees represented by the Brotherhood of Locomotive Engineers, a labor organization; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce within the States of Arizona, California, Louisiana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington to a degree such as to deprive that portion of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said disputes. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by any of the above-named carriers or their employees in the conditions out of which the said disputes arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 18, 1947.

[F. R. Doc. 47-6923; Filed, July 18, 1947; 5:00 p. m.]

EXECUTIVE ORDER 9875

PROVIDING AN INTERIM ADMINISTRATION FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

WHEREAS the Trust Territory of the Pacific Islands (hereinafter referred to as the trust territory) has been placed under the trusteeship system established in the Charter of the United Nations by means of a trusteeship agreement (hereinafter referred to as the agreement), approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, after due constitutional process; and

WHEREAS the United States of America, under the terms of the agreement, is designated as the administering authority of the trust territory and has assumed obligations for the government thereof; and

WHEREAS it is necessary to establish an interim administration of the trust territory, pending the enactment of appropriate legislation by the Congress of the United States providing for the future government thereof:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The military government in the former Japanese Mandated Islands is hereby terminated, and the authority and responsibility for the civil administration of the trust territory, on an interim basis, is hereby delegated to the Secretary of the Navy.

2. The Secretary of the Navy shall, subject to such policies as the President may from time to time prescribe, and, when appropriate, in collaboration with other departments or agencies of the Federal Government, carry out the obligations which the United States, as

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THE PRESIDENT

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FEDERAL REGISTER

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PART 709—PRESCRIBED SERVICE UNIFORM

INSIGNIA FOR COLLAR AND LAPEL OF COAT

Subdivision (xxv) is added to § 709.24 (b) (2) as follows:

§ 709.24 *Insignia for collar and lapel of coat* • • •

(b) *Other officers, warrant officers, and flight officers.* • • •

(2) *Insignia of arm, service and bureau* • • •

(xxv) *Special services.* Superimposed upon a green enamel wreath three tilting lances, two in saltire and one in pale, 1 inch in height of gold color metal.

[AR 600–35, Mar. 31, 1944 as amended by WD Cir. 174, July 8, 1947] (R. S. 1296; 10 U. S. C. 1391)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6843; Filed, July 21, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 2, Amdt. 1]

PART 705—ADMINISTRATION

AUTHORIZATION TO FIX COMMUNITY CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority conferred on the Secretary of Agriculture by the Sugar Control Extension Act of 1947, *It is ordered*, That paragraph (a) of General Order No. 2 be amended to read as follows:

(a) The Administrator of the Sugar Rationing Administration and any Director of a field office of the Sugar Rationing Administration, Department of Agriculture, may, by order, fix community dollar-and-cents ceiling prices, in any area or locality within their respective jurisdictions, for sales at retail by all sellers (including "retail route sellers" and "health food stores") of any food item subject to price control under the jurisdiction of the Secretary of Agriculture. If an area for which it is deemed appropriate to fix community dollar-and-cents ceiling prices lies within the jurisdiction of more than one field office of the Sugar Rationing Administration, Department of Agriculture, the Administrator may authorize the Field Office Director for the area or locality in which the majority of the sellers to be covered by the order is located to issue an order establishing or adjusting community dollar-and-cents ceiling prices for all sellers in the marketing area.

This amendment shall become effective July 9, 1947.

Issued this 18th day of July 1947.

N. E. DODD,
Acting Secretary of Agriculture.

Opinion Accompanying Amendment No. 1 to General Order No. 2

The accompanying amendment to General Order No. 2 transfers the authority to fix community dollar-and-cents ceiling prices from Regional Sugar Executives and Deputy Regional Sugar Executives of the Sugar Rationing Administration, Department of Agriculture to Field Office Directors of the Sugar Rationing Administration, Department of Agriculture.

This change is necessitated by changes in the field organization of the Sugar Rationing Administration, Department of Agriculture.

[F. R. Doc. 47-6953; Filed, July 21, 1947; 12:02 p. m.]

[Rev. Gen. RO 18,[1] Amdt. 8]

PART 705—ADMINISTRATION

DISTRIBUTION OF BASES TO CERTAIN FORMER MEMBERS OF THE ARMED FORCES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 18 is amended in the following respects:

1. Section 8.1 (e) is amended to read as follows:

(e) "District Office" means a Field Office of the Sugar Rationing Administration, Department of Agriculture.

2. Section 8.1 (f) is amended to read as follows:

(f) "Sugar Branch Office" means a Field Office of the Sugar Rationing Administration, Department of Agriculture.

This amendment shall become effective July 9, 1947.

Issued this 18th day of July 1947.

N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 63 to Third Revised Ration Order 3, Amendment No. 8 to Revised General Ration Order 18, and Amendment No. 3 to General Ration Order 19

By a reorganization of the Sugar Rationing Administration, the present Regional and Sugar Branch Offices are consolidated and in their stead eight Field Offices of the Sugar Rationing Administration, Department of Agriculture, are established in Boston, New York, Cleveland, Atlanta, Dallas, Chicago, Denver and San Francisco. These eight Field Offices encompass the remaining functions of the former Regional and Sugar Branch Offices.

Third Revised Ration Order 3, Revised General Ration Order 18 and General Order 19 are therefore amended to incorporate the changes effected in the organization of the Sugar Rationing Administration as a result of this consolidation.

[F. R. Doc. 47-6949; Filed, July 21, 1947; 11:59 a. m.]

[1] 11 F. R. 7576.

[Gen. RO 19,[1] Amdt. 3]

PART 705—ADMINISTRATION

DISTRIBUTION OF BASES TO CERTAIN NEW USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

General Ration Order 19 is amended to read as follows:

1. The first sentence of section 5.1 is amended to read as follows: "Any person may appeal from any action of the Field Office of the Sugar Rationing Administration, Department of Agriculture, adverse to such person."

2. Section 6.1 (b) is amended to read as follows:

(b) "Branch Office" means a Field Office of the Sugar Rationing Administration, Department of Agriculture.

3. Section 6.1 is amended by adding a new paragraph (f) to read as follows:

(f) "Regional Office" means a Field Office of the Sugar Rationing Administration, Department of Agriculture.

This amendment shall become effective July 9, 1947.

Issued this 18th day of July 1947.

N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 63 to Third Revised Ration Order 3, Amendment No. 8 to Revised General Ration Order 18, and Amendment No. 3 to General Ration Order 19

By a reorganization of the Sugar Rationing Administration, the present Regional and Sugar Branch Offices are consolidated and in their stead eight Field Offices of the Sugar Rationing Administration, Department of Agriculture, are established in Boston, New York, Cleveland, Atlanta, Dallas, Chicago, Denver and San Francisco. These eight Field Offices encompass the remaining functions of the former Regional and Sugar Branch Offices.

Third Revised Ration Order 3, Revised General Ration Order 18 and General Order 19 are therefore amended to incorporate the changes effected in the organization of the Sugar Rationing Administration as a result of this consolidation.

[F. R. Doc. 47-6950; Filed, July 21, 1947; 12:01 p. m.]

[2] 12 F. R. 3398.

[3d Rev. RO 3,[1] Amdt. 63]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 17.1 (b) is amended by revoking subparagraph (4) and redesignating subparagraph (5) as subparagraph (4).

2. Section 17.3 (e) is revoked.

3. Section 17.5 (c) is amended by amending the last sentence thereof to read as follows: "In all other cases applications must be forwarded to the Washington Office of the Sugar Rationing Administration."

4. Section 17.7 is amended by revoking paragraph (g) and redesignating paragraph (h) as paragraph (g).

5. Section 17.7 (d) (3) is revoked.

6. Section 17.8 is amended by revoking paragraph (f) and redesignating paragraph (g) as paragraph (f).

7. Section 22.17 is amended to read as follows:

SEC. 22.17 *Emergency power of Field Office Director.* (a) If a Field Office Director finds that an emergency exists in any area in his region because of the occurrence or imminence of a public disaster (such as a flood, fire or tornado) he may, with the approval of the Administrator of the Sugar Rationing Administration, declare that a public emergency exists in such area.

(b) A Field Office Director who has pursuant to paragraph (a) declared that a public emergency exists in an area, is authorized to take such action with respect to sugar rationed under this order, as he shall deem necessary or advisable to meet or alleviate such emergency, including without limitation, the granting of individual or blanket waivers of or exceptions to this order under such terms and conditions as he shall deem necessary. The authority of the Field Office Director shall continue until he (or the Administrator of the Sugar Rationing Administration) decides that the state of public emergency has ceased to exist.

8. Article XXIII is amended to read as follows:

SEC. 23.1 *Appeals.* (a) Any person may appeal from any action of a Field Office which is adverse to such person. Such appeal shall be brought in accordance with the terms and provisions of this article.

SEC. 23.2 *Appeal to Washington Office: How brought.* (a) An appeal to

[1] 11 F. R. 177, 14281.

the Washington Office from an adverse decision of a Field Office shall be brought by the person entitled to bring such appeal in the following manner:

(1) A written statement of appeal shall be filed with the SRA Field Office. The statement of appeal shall state the basis for the appeal and any other facts deemed by the appellant to be pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(2) Within five days of such filing, the Field Office Director shall forward the statement of appeal together with his decision and all other pertinent records or papers to the Washington Office, unless the Field Office Director shall, within such five-day period, upon reconsideration, reverse his decision.

(b) The Washington Office may require the appellant to furnish additional pertinent information.

(c) The Washington Office shall notify the appellant and the Field Office Director in writing of its decision affirming, modifying or reversing the decision of the Field Office Director. It shall, if it modified or reversed the decision, direct the Field Office Director to take such action as may be necessary to give effect thereto.

(d) When the Washington Office has acted upon the appeal, the record of the case shall be returned to the Field Office where it is to be filed. Thereafter there shall be no further right of appeal.

SEC. 23.3 *Time within which appeal must be brought.* (a) A Field Office shall give notice of its decision, except as otherwise provided by this order, to the person who has the right of appeal or to his agent, at its office or by mail. The appeal from such decision must be received in the Field Office within 30 days after such mailing or the giving of such other notice. However, if the appellant shows good cause for his failure to file his appeal within the time prescribed by this section, such thirty day period may be waived.

9. Section 25.1 (c) (10) is amended to read as follows:

(10) "District Office" means a Field Office of the Sugar Rationing Administration, Department of Agriculture.

10. Section 25.1 (c) (30) is amended to read as follows:

(30) "Sugar Branch Office" means a Field Office of the Sugar Rationing Administration, Department of Agriculture.

11. Section 25.1 (c) is amended by adding new subparagraphs (32), (33), and (34) to read as follows:

(32) "Regional Office" means a Field Office of the Sugar Rationing Administration, Department of Agriculture.

(33) "D.V.I. Center" means a Field Office of the Sugar Rationing Administration, Department of Agriculture.

(34) "Field Office" means a Field Office of the Sugar Rationing Administration, Department of Agriculture.

This amendment shall become effective July 9, 1947.

Issued this 18th day of July, 1947.

N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 63 to Third Revised Ration Order 3, Amendment No. 8 to Revised General Ration Order 18, and Amendment No. 3 to General Ration Order 19

By a reorganization of the Sugar Rationing Administration, the present Regional and Sugar Branch Offices are consolidated and in their stead eight Field Offices of the Sugar Rationing Administration, Department of Agriculture, are established in Boston, New York, Cleveland, Atlanta, Dallas, Chicago, Denver and San Francisco. These eight Field Offices encompass the remaining functions of the former Regional and Sugar Branch Offices.

Third Revised Ration Order 3, Revised General Ration Order 18 and General Order 19 are therefore amended to incorporate the changes effected in the organization of the Sugar Rationing Administration as a result of this consolidation.

[F. R. Doc. 47-6948; Filed, July 21, 1947; 11:59 a. m.]

[3d Rev. RO 3,[1] Amdt. 64]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 19.10 (c) (2) (iii) is amended to read as follows:

(iii) *Canned and bottled fruits, including spiced and pickled.*[1]

	Amount of sugar in pounds per case of 24 No. 2½ cans
Apples	1.39
Applesauce	6.20
Apricots	10.09
Berries:	
Blackberries	6.98
Blueberries	5.76
Boysenberries	9.16
Loganberries	10.92
Raspberries—black	10.25
Raspberries—red	13.68
Strawberries	15.52
Youngberries	13.11
Other berries	5.79
Cherries—red sour	2.21
Cherries—sweet	6.87
Citrus segments	7.65
Cranberries	21.00
Figs	11.11
Fruit cocktail, fruit for salads or mixed fruits	8.89
Grapes	5.80
Nectarines	9.93
Peaches—cling	9.82
Peaches—freestone	9.23
Pears	7.90
Plums	10.77
Prunes	6.98

[1] This table does not apply to baby food.

2. The heading of section 19.11 is amended to read as follows:

[1] 11 F.R. 177, 14281.

SEC. 19.11 *Provisional allowance for pickling cucumbers, cauliflower, onions or watermelon, including relishes made from these products.*

3. Section 19.11 (a) is amended to read as follows:

(a) *General.* An industrial user may obtain a provisional allowance of sugar for pickling cucumbers, cauliflower, onions and watermelon, including relishes made from these products. (Wherever the words "cucumbers, cauliflower, onions and watermelon" are used in this section, they shall include and have reference to relishes made from these products.)

4. Section 19.11 (b) (1) (i) is revoked and subparagraphs (ii), (iii) and (iv) are redesignated subparagraphs (i), (ii) and (iii) respectively.

5. Section 19.11 (b) (1) (iii) as redesignated is amended to read as follows:

(iii) The average amount of sugar which he used per pound for each product during 1941.

6. Section 19.11 (b) (2) is amended to read as follows:

(2) The application must be made on SRA Form R–359 to the Field Office with which the industrial user is registered. The applicant must give all of the information required by that form except that the number of pounds of each product to be packed without sugar need not be stated.

7. The first sentence of section 19.11 (e) is amended to read as follows: "An industrial user who, during a calendar month, has sugar for pickling cucumbers, cauliflower, onions or watermelon, including relishes made from these products, must, before the sixteenth day of the following month, file with the Field Office with which he is registered, a report on SRA Form R–359–A giving all of the information required by that form, except that the number of pounds of each product packed without sugar need not be stated."

This amendment shall become effective July 18, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of July 1947.

N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 64 to Third Revised Ration Order 3

It has been found that fruits packed in light syrup and in water have been accumulating in the warehouses because of the buyer's preference to fruits packed in heavy or extra heavy syrup. It is felt, therefore, that since the sugar allocations have increased this year and since the issuance of sugar on the provisional allowance program on the West Coast alone is 86 million pounds less in the first six months of 1947 than in the corresponding period last year, packers of fruit should be permitted to utilize sufficient sugar per case to enable them to pack their fruit so that it will be salable under the present market conditions. This amendment, therefore, provides that an industrial user may now obtain for canning and bottling fruit the amount of sugar required to pack fruit in extra heavy syrup as set forth in the Table, or 100 percent of his 1941 use of sugar per case, whichever is higher.

This amendment also permits picklers to obtain increased quantities of sugar for the pickling of cucumbers, cauliflower, onions and watermelons including relishes made from these products. This is accomplished by the elimination of pickles packed without sugar in arriving at his average usage. This action is also necessitated by a large accumulation of dills and sours for which the market has diminished.

[F. R. Doc. 47-6951; Filed, July 21, 1947; 12:01 p. m.]

[3d Rev. RO 3,[1] Amdt. 65]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 2.10 (a) (5) is amended to read as follows:

(5) Cheese; other dairy products not included in other items; frozen eggs; and sugared egg yolks.

2. Section 19.6 (b) (1) (i), (ii) and (iii) are amended to read as follows:

(i) The total number of cases of 24 No. 2 cans (or equivalent) of each kind of soup produced by him during 1941 or during the period from August 1, 1943 through June 30, 1944;

(ii) The total amount of sugar used by him for each kind of soup during 1941 or during the period from August 1, 1943 through June 30, 1944;

(iii) The average number of pounds of sugar which he used per case of 24 No. 2 cans (or equivalent) of each kind of soup during 1941 or during the period from August 1, 1943 through June 30, 1944.

3. Section 19.6 (c) (2) (i) is amended to read as follows:

(i) For each kind of soup, the number of cases of 24 No. 2 cans (or equivalent) of soup which the applicant expects to can or bottle during the quarter is multiplied by the average number of pounds of sugar which he used for each case of 24 No. 2 cans (or equivalent) during 1941 or during the period from August 1, 1943 through June 30, 1944.

4. The second sentence of section 19.6 (d) is amended to read as follows: He may not use more sugar for any case of 24 No. 2 cans (or equivalent) of that kind of canned or bottled soup than the average number of pounds of sugar he used for each case of 24 No. 2 cans (or equivalent) of that kind of soup during 1941 or during the period from August 1, 1943 through June 30, 1944.

5. The heading of section 19.8 is amended to read as follows:

SEC. 19.8 *Provisional allowance for manufacturing condensed milk.*

6. Section 19.8 (a) is amended to read as follows:

(a) *General.* An industrial user may apply for a provisional allowance of sugar to manufacture condensed milk.

7. Section 19.8 (b) is amended to read as follows:

(b) *How to apply.* Application for such provisional allowance must be made in duplicate on SRA Form R–360 and must be filed with the Washington Office of the Sugar Rationing Administration, Department of Agriculture. The applicant must give all of the information required by that form. The application may be made on and after the first day of the second month preceding the month in which the sugar is to be used. An industrial user who has not previously applied for a provisional allowance of sugar to make sweetened condensed milk, must at the time he files his first application on SRA Form R–360, file OPA Form R–361 with the Washington Office.

8. Section 19.8 (e) is amended to read as follows:

(e) *Records.* An industrial user who obtains sugar under this section must keep records of his use of such sugar at his principal business office as long as this order remains in effect. Such records shall consist of a copy of all of his applications filed on SRA Form R–360 and a copy of OPA Form R–361.

This amendment shall become effective July 21, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of July 1947.

N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 65 to Third Revised Ration Order 3

This amendment permits an industrial user to apply for a provisional allowance of sugar to manufacture condensed milk whether or not the condensed milk is packaged in containers holding more than one gallon. Prior to this amendment, a provisional allowance of sugar for the manufacture of condensed milk was granted only if such condensed milk would be packaged in containers holding more than one gallon. This action permits manufacturers to obtain a provisional allowance of sugar in order to utilize their excess milk in the production of sweetened condensed milk in bulk, or in the production of sweetened condensed milk in case goods.

This amendment also permits an industrial user to obtain and use for each case of 24, No. 2 cans (or equivalent) of soup which he will bottle or can during the quarter a provisional allowance of sugar equal to 100 percent of his average use of sugar for each case of 24 No. 2 cans (or equivalent) during 1941 or during the period from August 1, 1943 through June 30, 1944. Amendment 51 changed the base period from August 1, 1943 through June 30, 1944 to 1941 for soup manufacturers. This change to 1941 base period use enabled manufacturers to obtain a provisional allowance for many kinds of soups for which there is no historic usage from August 1, 1943 through June 30, 1944. However, many manufacturers during the war because of Army requirements, tin restrictions and other reasons shifted from the production of ready-to-eat soups to condensed soups which they had not manufactured previously. Therefore, requiring industrial users to use 1941 instead of the period from August 1, 1943 through June 30, 1944, as their base period for soup places some of them in a hardship position.

This amendment, therefore, permits an industrial user to obtain for canning or bottling soup either 100 per cent of his 1941 use of sugar per case for each kind of soup or 100 per cent of his use of sugar per case for each kind of soup during the period from August 1, 1943 through June 30, 1944.

[F. R. Doc. 47-6952; Filed, July 21, 1947; 12:02 p. m.]

Chapter XXIV—Department of State, Disposal of Surplus Property

[Dept. Reg. 108.48; FLC Reg. 8, Order 6, Amdt. 1]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

It is hereby ordered, That FLC Regulation 8, Order 6, with Schedules A and B attached thereto (Departmental Regulation 108.44, 12 F. R. 2521) be and is hereby amended so that the proviso in paragraph 2 will read as follows: "*Provided, however*, That items on Schedule A as published January 18, 1947 which are purchased pursuant to Bid Invitation BE–3 of the Field Commissioner for Canada and North Atlantic Areas of the Foreign Liquidation Commissioner, issued January 20, 1947 and supplemented by Addenda No. 1 and No. 2 of February 5, 1947 and March 6, 1947, respectively, are not subject to the importation prohibition of § 8508.15 of FLC Regulation 8 if in transit to a point in the United States on or before March 1, 1948."

(58 Stat. 765, 59 Stat. 533, Pub. Law 375, 79th Cong., 60 Stat. 168, Pub Law 584, 79th Cong., 60 Stat. 754; 50 U. S. C. App. Sup. 1611–46)

This order shall become effective immediately upon publication in the FEDERAL REGISTER.

Issued: July 14, 1947.

Approved: July 14, 1947.

[SEAL] G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-6845; Filed, July 21, 1947; 8:50 a. m.]

[Dept. Reg. 108.49; FLC Reg. 8, Order 6, Supp. 2]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

The President has designated the following items of surplus property as being in critically short supply and urgently needed for reconversion in the United States. In accordance with the provisions of Regulation 8, Order 6 (Departmental Regulation 108.44, 12 F. R. 2521), *It is hereby ordered*, That § 8508.15 shall not apply to prevent the importation of the following items of surplus property if in transit to a point in the United States on or before October 1, 1947:

Stone crushers, jaw type, with openings 20" to 36" or greater.

Tractor parts, for crawler (track-laying) types, all makes and sizes.

These items are hereby added to Schedule A of Order 6.

(58 Stat. 765, 59 Stat. 533, Pub. Law 375, 79th Cong., 60 Stat. 168, Pub. Law 584, 79th Cong., 60 Stat. 754; 50 U. S. C. App. Sup. V, 1611–46)

This order shall become effective immediately upon publication in the FEDERAL REGISTER.

Issued: July 14, 1947.

Approved: July 14, 1947.

[SEAL] G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-6846; Filed, July 21, 1947; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

LAGUNA MADRE AND CORPUS CHRISTI BAY, TEXAS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), section 204.93b is hereby prescribed to provide a restricted area for use by the Naval Air Training Bases, Corpus Christi, Texas:

§ 204.93b *Laguna Madre and Corpus Christi Bay, Texas; Restricted Area, Naval Air Training Bases, Corpus Christi, Texas*—(a) *The area.* Beginning at a point on the south shore of Corpus Christi Bay at the "North Gate" of the Naval Air Station in approximate latitude 27°42'20" north, longitude 97°17'15" west, thence 19°19', 4,000 yards, to a beacon located in Corpus Christi Bay in latitude 27°44'12" north, longitude 97°16'31" west, thence 111°22', 11,286 yards, to a beacon located on the west shore of Mustang Island in latitude 27°42'10" north, longitude 97°10'40" west, thence 245° to a point on Encimal Peninsula in latitude 27°40' north, longitude 97°16'15" west, thence generally northerly along the west shore line of Laguna Madre to Flower Bluff Point, and thence westerly along the south shore of Corpus Christi Bay to the point of beginning.

(b) *The regulations.* (1) No person, vessel, or craft of any type, except vessels operating along the route of the Gulf Intracoastal Waterway, shall enter or remain in the restricted area at any time, day or night, except as provided in this section.

(2) Clearance for water craft operating in the restricted area on set schedules and on prescribed routes may be granted upon written application to the enforcing officer.

(3) Changes in schedules and routes may be made upon written application to the enforcing officer.

(4) Off schedule operation of craft or operation over unprescribed routes may, in cases of necessity, be authorized upon special application in each case. These applications shall be made in writing to the enforcing officer, except as provided for in paragraph (b) (5) of this section.

(5) Commercial fishermen and personnel of oil companies holding leases within the restricted area will not be required to operate on set schedules or over prescribed routes but, in order to enter the restricted area, either day or night, they shall have proper identification and the approval of the enforcing officer.

(6) Every practicable effort will be made by Naval activities, aerial, ground, or water, which are operating in the area to remain clear of any navigation authorized by these regulations but all navigation of private craft, except vessels and craft operating along the Gulf Intracoastal Waterway, shall be conducted at the operator's or owner's risk.

(7) These regulations will be enforced by the Commander, Naval Air Training Bases, Corpus Christi, Texas, through the use of such equipment and personnel as may properly be designated by him for the purpose. [Regs. June 12, 1947, Laguna Madre, Corpus Christi Bay, Texas, 800.2121–ENGWR] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6842; Filed, July 21, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and Part 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

Name and Address of Firm, Industry, Learner Occupations, Number of Learners, Learning Period, Learner Wage, Effective and Expiration Date

Southwestern Junior College, Keene, Texas:

College Press; six (6) learners in the occupations of composition, press and bindery for a learning period of 1,000 hours at 30 cents per hour for the first 500 hours and 35 cents per hour for the remaining 500 hours.

College Chenille; ten (10) learners in the occupation of sewing machine operating for a learning period of 600 hours at 30 cents per hour for the first 400 hours and 35 cents per hour for the remaining 200 hours.

College Mill; seventy-five (75) learners in the occupations of millman, assembler and related operations for a learning period of 480 hours at 30 cents per hour for the first 300 hours and 35 cents per hour for the remaining 180 hours.

This certificate is effective July 1, 1947 and expires June 30, 1948.

Signed at Washington, D. C., this 14th day of July 1947.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 47-6847; Filed, July 21, 1947; 8:48 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent Telephone Learner Regulations, July 17, 1944 (9 F. R. 7125). The special learner certificate(s) issued to the following company(ies) under the above regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., one learner if the exchange employs 8 operators or less, two learners if the exchange employs from 9 to 18 operators, etc. See regulations, Part 522, § 522.083.

Public Utilities Company, Crossett, Arkansas; effective July 18, 1947, expiring July 17, 1948. (This certificate makes special provision for the payment of learners at a rate not less than 35 cents per hour for 480 hours.)

Fayette County Mutual Telephone Company, Fayette, Iowa; effective July 9, 1947, expiring July 8, 1948.

Regulations, Part 522, Regulations Applicable to the Employment of Learners.

Imprenta Venezuela, San Juan, Puerto Rico; to employ one (1) learner in the printing industry as a typesetter at not less than 16 cents an hour for the first 690 hours; not less than 21 cents an hour for the second 690 hours; and not less than 26 cents an hour for the third 690 hours; and for every hour thereafter, not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period. If, however, no applicable wage order is in effect at the time of the termination of the learning period, the statutory minimum required by section 6 of the Fair Labor Standards Act must be paid. This certificate is effective June 25, 1947 and expires June 24, 1948.

El Mundo, Inc., San Juan, Puerto Rico; to employ eight (8) learners in the newspaper printing industry, as follows: five (5) learners as linotypists and three (3) learners as typesetters at not less than 21 cents an hour for the first 690 hours; not less than 27 cents an hour for the second 690 hours; and not less than 33 cents an hour for the third 690 hours; and for every hour thereafter, not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period. If, however, no applicable wage order is in effect at the time of the termination of the learning period, the statutory minimum required by section 6 of the Fair Labor Standards Act must be paid. This certificate is effective July 2, 1947 and expires July 1, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 14th day of July 1947.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 47-6848; Filed, July 21, 1947; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 246]

RECONSIGNMENT OF ORANGES AT BUFFALO, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Buffalo, N. Y., July 15, 1947, by Mutual Orange Distributors, of car PFE 97842, oranges, now on the New York Central to Boston Market Terminal (NYC–NH).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6844; Filed, July 21, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-991]

PEPSI-COLA CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 15th day of July A. D. 1947.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the 33⅓¢ Par Value Common Stock of Pepsi-Cola Company, a security listed and registered on the New York Stock Exchange. Rule X–12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to August 15, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6837; Filed, July 21, 1947; 8:46 a. m.]

[File No. 54–158]

UNITED CORP.

NOTICE OF FILING OF AMENDMENT TO PLAN AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of July 1947.

Notice is hereby given that the United Corporation ("United"), a registered holding company, has filed an amendment to a plan heretofore filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 in respect to

the retirement of its $3 Cumulative Preference Stock (Holding Company Act Release No. 7496). All interested persons are referred to said amendment which is on file in the offices of this Commission for a statement of the transactions therein proposed. The amendment implements the plan as heretofore filed in respect to the matter summarized as follows:

The amendment proposes that each share of the outstanding $3 Cumulative Preference Stock of United, together with the right to any accrued dividends thereon, and all other rights and claims represented thereby, be cancelled and retired by paying to the holder thereof a package consisting of the following:

(a) One share of common stock of Public Service Electric and Gas Company and one-tenth of a share of the common stock of South Jersey Gas Company, provided the Management's amended plan in the matter of Public Service Corporation of New Jersey, and Its Subsidiary Companies, File Nos. 59–86 and 54–148, (Holding Company Act Release Nos. 7336 and 7478), shall, meanwhile, have become effective; otherwise, one share of the common stock of the Public Service Corporation of New Jersey;

(b) One share of the common stock of Columbia Gas & Electric Corporation;

(c) One-fourth share of the common stock of The Cincinnati Gas & Electric Company; and

(d) $6.00 in cash.

The amendment states that this proposal is made on the basis of present operating and financial conditions of the issuing companies, the present condition of the securities markets, and political, financial, and economic conditions generally prevailing as of the date of the amendment, and provides that United may withdraw or amend the plan in any respect prior to or subsequent to final approval by the Commission or by any Court of competent jurisdiction to which application may be made by the Commission for approval and enforcement of the plan and before the plan shall have been consummated pursuant to the order or decree of such Court; subject, however, to approval by the Commission or the Court, or both.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearing heretofore held with respect to the plan and adjourned on July 9, 1947, should be reconvened for the purpose of adducing further evidence and affording all interested persons further opportunity to be heard with respect to the matters and questions relating to the plan as filed and any amendment thereto as heretofore specified in this Commission's order of June 17, 1947 issued in the above-entitled matter (Holding Company Act Release No. 7496):

It is ordered, That the hearing in the above entitled proceeding be reconvened on September 9, 1947, at 10 a. m., e. d. s. t., before the same Hearing Officer heretofore designated, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person not heretofore having appeared in these proceedings and now desiring to be heard or proposing to intervene herein shall file with the Secretary of the Commission, on or before September 5, 1947, his request and application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid reconvened hearing by mailing copies of this order by registered mail to The United Corporation, and that notice be given to all other persons by general release of the Commission distributed to the press and mailed to the mailing list for release issued pursuant to the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER; and that The United Corporation give notice of this hearing to all holders of its common and preference stocks (insofar as the identity of such stockholders is known and available to The United Corporation) by mailing to each of said stockholders a copy of this notice and order at least 30 days prior to September 9, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6839; Filed, July 21, 1947; 8:47 a. m.]

[File Nos. 59–11, 59–17, 54–25]

UNITED LIGHT AND RAILWAYS CO. ET AL.

NOTICE OF FILING OF PLAN AND NOTICE OF AND ORDER FOR HEARING AND ORDER OF CONSOLIDATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of July A. D. 1947.

In the matter of The United Light and Railways Company and American Light & Traction Company, et al., respondents and applicants; File Nos. 59–11, 59–17 and 54–25, Application No. 31.

Notice is hereby given that The United Light and Railways Company ("Railways"), a registered holding company, and its subsidiary holding company, American Light & Traction Company ("American Light"), filed a joint appplication, numbered 31, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for approval of a plan designed to effectuate compliance with that portion of an order issued by the Commission on August 5, 1941 directing, inter alia, that Railways sever its relationship with American Light and its subsidiaries, and directing American Light to dispose of its interests in all properties outside Michigan and adjoining States and its minority investments including that in The Detroit Edison Company ("Detroit Edison"). The plan is also stated to be designed to effectuate compliance by American Light with section 11 (b) (1) and (b) (2) of the act.

In general, the plan provides for (1) the continuance, without change in its capital stock structure, of American Light as a registered holding company owning the gas utility system consisting of the properties owned by Michigan Consolidated Gas Company, Milwaukee Gas Light Company and Milwaukee Solvay Coke Company, and also owning the properties to be owned and operated by Michigan-Wisconsin Pipe Line Company and Austin Field Pipe Line Company and such additional properties as may hereafter be acquired by American Light or its subsidiaries with the approval of State and Federal regulatory bodies having jurisdiction over such acquisitions; (2) the sale or other disposition by American Light of Madison Gas and Electric Company stock and its minority interest in Detroit Edison; and (3) the sale or other disposition by Railways of its interests, direct or indirect, in, and its holdings of stock of, American Light and its subsidiaries, including Madison Gas and Electric Company and Detroit Edison.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are described by applicants as follows:

1. When the plan is approved, American Light will discontinue the payment of cash dividends on its common stock and commence the payment of dividends in Detroit Edison stock. It is contemplated that the market value of Detroit Edison stock distributed (plus cash paid in lieu of fractional shares) will approximate the corporate net income applicable to the common stock of American Light during the period in which dividends are paid in this manner.

2. To the extent which may be necessary, resources and credit of American Light will be utilized to assist in financing the new pipe line system. The common stock to be issued by the two pipe line companies will be retained in the integrated system and senior securities of those companies will be issued to others. Construction funds will be needed by the pipe line companies at various intervals and the funds to be invested by American Light in the pipe line enterprise will be provided (a) from cash now on hand, (b) from cash accumulated by virtue of the discontinuance of cash dividends on common stock and (c) from the sale of shares of Detroit Edison stock.

3. Applicants state that in order to protect the preferred stockholders of American Light by maintaining at all times a high ratio of earnings to preferred stock dividend requirements, the shares of Detroit Edison stock not distributed as dividends or sold for pipe line purposes and the stock of Madison Gas and Electric Company will be retained during the period the pipe line is under construction and no earnings are accruing from that source. When earnings from the pipe line commence to accrue, an additional amount of Detroit Edison stock will be sold to provide funds to meet the reasonably foreseeable needs of American Light and its subsidiaries, and such stock of Detroit Edison as may then remain, together with the common stock of Madison Gas and Electric Company, will be distributed pro rata to the common stockholders of American Light.

4. As soon as practicable after the plan is approved, Railways will sell or otherwise dispose of all shares of preferred stock of American Light held by it. Railways will also promptly sell or otherwise dispose of all shares of Detroit Edison and Madison Gas and Electric Company received by it in distributions made by American Light. The manner in which such sales or other dispositions are to be made shall be subject to the approval of the Commission.

5. When the plan is approved, Railways will discontinue the payment of cash dividends on its common stock and commence the payment of dividends in common stock of American Light. It is contemplated that dividends will be paid in this manner until earnings from the pipe line commence to accrue and that the market value of American Light common stock distributed (plus cash paid in lieu of fractional shares) will approximate the corporate net income of Railways available for common stock during the period in which dividends are paid in this manner. The then remaining American Light common stock held by Railways will be offered for sale to the common stockholders of Railways or otherwise disposed of upon terms and conditions to be submitted to the Commission for approval.

6. In all distributions of common stock of Detroit Edison and Madison Gas and Electric Company made by American Light and in all distributions of common stock of American Light made by Railways, cash may be paid to common stockholders of American Light and Railways in lieu of distributing fractional shares or scrip. The number of shares to be distributed, the basis of distribution, and the method of determining the amount of cash to be paid in lieu of fractional shares or scrip shall be subject to the approval of the Commission.

7. When the Commission may determine that it is desirable to segregate the management of American Light from the management of Railways, the interlocking of officers and directors and the contractual relations between the American Light system and the Railways system shall be terminated to the extent deemed necessary by the Commission.

8. To obtain funds needed for pipe line purposes and to expedite the financing of the pipe line companies, separate applications will be filed requesting prompt approval of the financing program.

Applicants state that Application 21, as amended, and the plan set forth therein providing for the liquidation and dissolution of American Light, heretofore filed in these proceedings, are withdrawn.

Applicants also state that approval and consummation of the plan will effect full compliance by both Railways and American Light with the provisions of the Commission's order of August 5, 1941; and, insofar as American Light is concerned, it is stated that there will remain no questions for determination under subsections (b) (1) or (b) (2) of section 11, and that approval of the plan will enable Railways and American Light to complete compliance with the order of August 5, 1941 in a feasible and expeditious manner.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted, to find after notice and opportunity for hearing that the plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected thereby; and it appearing appropriate that notice of the filing of the plan be given and a hearing held with respect to the plan, and that said plan shall not become effective except pursuant to further order of the Commission; and

The Commission having heretofore instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the act and applicants having heretofore submitted, pursuant to section 11 (e) of the act, a plan to effectuate compliance with the Commission's order of August 5, 1941, and public hearings having been held in said proceedings and the record therein closed and the issues involved having been submitted to the Commission for its determination; and

It appearing to the Commission that the evidence in the consolidated proceedings under sections 11 (b) (1), 11 (b) (2) and 11 (e) of the act with respect to applicants and their subsidiaries (File Nos. 54–11, 54–17 and 54–25) is or may be relevant to the issues presented by the proposed plan and that the prior proceedings and the proceedings in respect of the proposed plan may involve common questions of law and fact and should be consolidated;

It is ordered, That the consolidated proceedings under File Nos. 59–11, 59–17 and 54–25 and the proceedings with respect to the instant application be, and the same hereby are, consolidated without prejudice, however, to the Commission's right upon its own motion or the motion of any interested party, to strike such portions of the record of the prior proceedings as may be deemed irrelevant, and without prejudice to the Commission's right upon its own motion or the motion of any interested party to separate for determination any of the issues involved in the consolidated proceedings.

It is further ordered, That a hearing under the applicable provisions of the act and the rules and regulations thereunder be held at 10:00 a. m., e. d. s. t., on August 12, 1947, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318; and that any person desiring to be heard in connection with this proceeding or proposing to intervene herein, shall file with the Secretary of the Commission on or before August 8, 1947, his request and application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at any such hearing and is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act and constitutes an appropriate step toward compliance with the Commission's order of August 5, 1941;

(2) Whether the plan, as submitted or as modified, is fair and equitable to the persons affected thereby;

(3) Whether the terms of the plan are sufficiently definite and specific to constitute a plan within the meaning of section 11 (e) and, if not, in what respects the plan should be amended or modified;

(4) Whether and to what extent the plan should be amended or modified or terms and conditions imposed to ensure more expeditious compliance by American Light and by Railways with the Commission's order of August 5, 1941;

(5) Whether the gas utility properties which American Light proposes to retain under the plan constitute an integrated public-utility system and whether the other properties proposed to be retained or acquired are properly retainable under the standards specified in section 11 (b) (1) of the act;

(6) Whether the plan, as submitted or as modified, should be approved, or, if disapproved, whether the plan set forth in Application 21, as submitted or as it may be modified by the Commission, or a plan proposed by the Commission, or by any person having a bona fide interest in accordance with the provisions of section 11 (d) of the act, should be approved for the purpose of effectuating the order of the Commission dated August 5, 1941, and for the purpose of effectuating compliance with the provisions of subsections (b) (1) and (b) (2) of section 11 of the act, and if a plan proposed by the Commission or a person having a bona fide interest is to be approved, what the terms and conditions of such plan should be;

(7) Whether and to what extent the plan should be amended or modified, or terms and conditions imposed, to ensure adequate protection of the public interest and the interests of investors and consumers and to prevent circumvention of the act and the rules and regulations thereunder;

(8) Whether or not applicants should be permitted to withdraw Application 21 and the plan set forth therein providing for the liquidation of American Light and, if so, upon what terms and conditions;

(9) Whether the transactions proposed in any such plan comply with all the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder;

(10) Whether the accounting treatment to be accorded the proposed trans-

actions conforms to sound accounting principles and the Uniform System of Accounts for Public Utility Holding Companies;

(11) Whether the plan should be amended to provide for the payment by applicants of such fees, expenses and other remuneration, in connection with the plan, as amended or as modified, and any transactions incident thereto, as the Commission may approve, determine, award or allocate;

(12) Whether the fees, expenses and other remuneration which may be claimed in connection with the plan and transactions incident thereto are necessary services and are reasonable in amount.

It is further ordered, That at said hearing particular attention be directed to the foregoing matters.

It is further ordered, That the Secretary the Commission shall serve notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to applicants herein (Railways and American Light), Michigan Public Service Commission, Wisconsin Public Service Commission, City of Detroit, Federal Power Commission, and all persons who entered appearances at the hearing upon Application 21, and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER, and by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered, That Railways shall give further notice of this hearing to its common stockholders of record and American Light shall give further notice of this hearing to its preferred and common stockholders of record by mailing to each of said persons at his last known address a copy of this notice and order for hearing, at least fifteen days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6838; Filed, July 21, 1947; 8:46 a. m.]

[File Nos. 70-1477, 70-1484]

PUBLIC SERVICE CO. OF INDIANA, INC., AND MIDDLE WEST CORP.

ORDER GRANTING APPLICATION

At a regular meeting of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of July A. D. 1947.

Public Service Company of Indiana, Inc. ("Public Service"), a public utility subsidiary of The Middle West Corporation ("Middle West"), a registered holding company, having filed an application with an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 requesting an exemption from the provisions of sections 6 (a) and 7 thereof with respect to an issue of $11,077,800 principal amount of fifteen-year 2¾% convertible debentures, due May 1, 1962; and

Middle West having filed an application pursuant to sections 9 (a), 10 and 12 (d) of said act requesting permission to acquire the subscription warrants for said debentures to which it will be entitled under its preemptive rights as a stockholder and to sell them at the current market price during the subscription period; and

Public Service having further requested the termination of a condition imposed by the Commission, after proceedings heretofore had (File Nos. 70-1101 and 70-1102), restricting the payment of dividends on the common stock of said company; and

A public hearing having been held after appropriate notice and the Commission having been duly advised and having this day issued its findings and opinion herein;

It is ordered, On the basis of said findings and opinion, that said applications, as amended, be and the same are hereby granted, subject, however, to the terms and conditions prescribed in Rule U-24, and to the following additional conditions:

1. That the period during which the said debentures shall be convertible into shares of Public Service common stock shall terminate on December 31, 1951.

2. That jurisdiction be reserved over the payment of any fees or expenses to Continental Illinois National Bank and Trust Company of Chicago and to Chase National Bank of the City of New York by reason of their services in acting as agents in the execution of orders for the purchase or sale of warrants on behalf of stockholders.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6836; Filed, July 21, 1947; 8:46 a. m.]

[File No. 70-1561]

GENERAL PUBLIC UTILITY CORP. AND NEW YORK STATE ELECTRIC & GAS CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of July 1947.

Notice is hereby given that a joint application-declaration has been filed with the Commission, pursuant to the Public Utility Holding Company Act of 1935, by General Public Utilities Corporation ("GPU"), a registered holding company, and New York State Electric & Gas Corporation ("New York State"), a subsidiary of GPU. Applicants-declarants have designated sections 6, 7, 9, 10 and 12 of the act and Rules U-42 and U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 23, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said joint application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after July 23, 1947, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application-declaration, which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

The authorized common stock of New York State consists of 50,000 shares without par value, of which 46,484 shares are issued and outstanding; all of such shares are held by GPU. The stated capital applicable to such 46,484 shares of common stock is $22,000,000. New York State proposes to eliminate the 3,516 shares of unissued common stock and to reclassify its issued and outstanding 46,484 shares of common stock without par value into 880,000 shares of common stock of a par value of $25 per share. Thus, after the reclassification, the par value of New York State's issued and outstanding common stock will be $22,000,000. Pursuant to such reclassification, GPU proposes to surrender to New York State the 46,484 shares of common stock without par value of New York State now held by it and to receive in exchange therefor the 880,000 shares of $25 par value common stock of New York State which will result from the reclassification.

The joint application-declaration states that the New York State Public Service Commission has jurisdiction over the proposed transaction, and that on April 30, 1947, such commission consented to a reclassification of the common stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6840; Filed, July 21, 1947 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9293]

CATHARINA EWERS

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Catharina Ewers, also known as Catharine Ewers, deceased. F-28-25297-A-1, F-28-25297-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Catharina Ewers, also known as Catharine Ewers, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of no par value common capital stock of Southern Pacific Company, 165 Broadway, New York, New York, a corporation organized under the laws of the State of Kentucky, evidenced by certificate number B79020, registered in the name of Catharina Ewers, presently in the custody of W. H. Otto Krause, 1287 East 22nd Street, Brooklyn, New York, together with all declared and unpaid dividends thereon, and

b. Two (2) shares of no par value common capital stock of Southern Pacific Company, 165 Broadway, New York, New York, a corporation organized under the laws of the State of Kentucky, evidenced by certificate number F168666, registered in the name of Catharine Ewers, presently in the custody of W. H. Otto Krause, 1287 East 22nd Street, Brooklyn, New York, together with all declared and unpaid dividends thereon.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6851; Filed, July 21, 1947; 8:50 a. m.]

[Vesting Order 9322]

CHARLOTTE BADENHOOP AND ALWINE SCHNEEMANN

In re: Stock owned by Charlotte Badenhoop and Alwine Schneemann. F-28-25967-C-1, F-28-8354-A-2, F-28-8355-A-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Badenhoop and Alwine Schneemann, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirty-five (35) shares of no par value $1.30 cumulative participating preferred capital stock of State Guaranty Corp., 447 Monadnock Building, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered PL12938, registered in the name of Charlotte Badenhoop, and presently in the custody of Otto A. Hoecker, 1808 Russ Building, San Francisco, California, together with all declared and unpaid dividends thereon, and

b. Thirty-five (35) shares of no par value $1.30 cumulative participating preferred capital stock of State Guaranty Corp., 447 Monadnock Building, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered PL12936, registered in the name of Alwine Schneemann, and presently in the custody of Otto A. Hoecker, 1808 Russ Building, San Francisco, California, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6852; Filed, July 21, 1947; 8:50 a. m.]

[Vesting Order 9324]

LOTHAR BREUER

In re: Stock owned by Lothar Breuer. F-28-22291-D-4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lothar Breuer, whose last known address is 52 Iken Strasse, Duesseldorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Thirty-one (31) shares of no par value common capital stock of Pfeiffer Brewing Company, 3740 Bellevue Avenue, Detroit 7, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by certificate number 1413 for ten (10) shares, certificate number 1489 for one (1) share and certificate number 1871 for twenty 20 shares, registered in the name of Lothar Breuer, together with all declared and unpaid dividends thereon.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6853; Filed, July 21, 1947; 8:50 a. m.]

[Vesting Order 9328]

KUMATARO KOITABASHI AND MRS. ISABELLA WASSA

In re: Stock owned by Kumataro Koitabashi and Mrs. Isabella Wassa. F-39-4645-D-1, F-39-5129-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kumataro Koitabashi, whose last known address is Tokyo, Japan, and Mrs. Isabella Wassa, whose last known address is 13 Matsugahana Cho, Tennoji Ku Osaka, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Thirty-nine (39) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts set forth opposite said names as follows:

Registered owner	Certificate No.	Number of shares
Kumataro Koitabashi	N0199261	25
Do	W070093	4
Mrs. Isabella Wassa	FN0749	10

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kumataro Koitabashi and Mrs. Isabella Wassa, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows: One (1) share of $50 par value "A" preferred capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number F4022, registered in the name of Mrs. Isabella Wassa, together with all declared and unpaid dividends thereon and all rights to proceeds of the redemption thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Isabella Wassa, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6854; Filed, July 21, 1947; 8:51 a. m.]

[Vesting Order 500A-203]

COPYRIGHTS OF AKADEMISCHE VERLAGSGESELLSCHAFT M. B. H. AND UNIVERSAL-EDITION, GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany, Japan, Bulgaria, Hungary or Rumania and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefit of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof (excepting, whoever, all right, title, interest and claim in, to and under the property described therein which has been acquired since December 7, 1945, by persons, including individuals who are residents of, and partnerships, associations, corporations or other business organizations which are organized under the laws of, or have their principal places of business in, Bulgaria, Hungary or Rumania), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Galvanische elemente und Akkumulatoren, darstellung der theorie und technik, nebst patentregister. 1932.	Carl E. Drucker and A. Finkelstein (nationalities not established).	Akademische Verlagsgesellschaft m. b. H., Leipzig, Germany (nationality German).	Owner.
Do	Die Dreigroschenoper. 1928	Kurt Weill (nationality not established).	Universal-Edition, A. G., Leipzig, Germany (nationality German).	Do.

[F. R. Doc. 47-6855; Filed, July 21, 1947; 8:51 a. m.]

[Vesting Order 500A-204]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany, Japan, Bulgaria, Hungary or Rumania and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefit of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof (excepting, however, all right, title, interest and claim in, to and under the property described therein which has been acquired since December 7, 1945, by persons, including individuals who are residents of, and partnerships, associations, corporations or other business organizations which are organized under the laws of, or have their principal places of business in, Bulgaria, Hungary or Rumania), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 31, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Catalogs, price lists, announcements and advertising circulars relating to Intensiv-Dampf-kochpfannen "Perfekt."	Hans Kock, Lübeck, Maschinenfabrik (nationality German).	Hans Kock, Maschinenfabrik, Lübeck (nationality German).	Owner.
Do	do	Hans Kock, Brauereimaschinenfabrik, Lübeck (nationality German).	do	Do.
Do	Catalogs, price lists, announcements, and advertising circulars relating to certain brew vats.	Holstein & Kappert, Maschinenfabrik "Phönix" G.m.b.H., Dortmund (Nationality German)	Holstein & Kappert, Maschinenfabrik, "Phönix" G.m.b.H., Dortmund (nationality German.)	Do.
Do	Catalogs, price lists, announcements, and advertising circulars relating to brewery apparatus, such as mills, filters and brewing vats.	MIAG (Amme-Luther-Seck) Braunschweig (nationality German).	MIAG (Amme-Luther-Seck), Braunschweig (nationality German).	Do.

[F. R. Doc. 47-6856; Filed, July 21, 1947; 8:51 a. m.]

[Vesting Order 500A-205]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany, Japan, Bulgaria, Hungary or Rumania and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number.

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefit of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof (excepting, however, all right, title, interest and claim in, to and under the property described therein which has been acquired since December 7, 1945, by persons, including individuals who are residents of, and partnerships, associations, corporations or other business organizations which are organized under the laws of, or have their principal places of business in, Bulgaria, Hungary or Rumania), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of Works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners or presumptive owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Kant-Studien Philosophische Zeitschrift (through 1946 only).	Unknown	Pan-Verlag Kurt Metzner G. m. b. H., (nationality German).	Owner.
Do	Die Tat Monatsschrift für die Zukunft deutscher Kultur (through 1946 only).	....do	Eugen Diederichs Jena, Germany (nationality German).	Do.
Do	Der himmlische Spiegel (1927)	Paula Ludwig (nationality not established).	S. Fischer Verlag, Berlin, Germany (nationality German).	Do.

[F. R. Doc. 47-6857; Filed, July 21, 1947; 8:51 a. m.]

[Vesting Order 500A-206]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany, Japan, Bulgaria, Hungary or Rumania and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefit of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof (excepting, however, all right, title, interest and claim in, to and under the property described therein which has been acquired since December 7, 1945, by persons, including individuals who are residents of, and partnerships, associations, corporations or other business organizations which are organized under the laws of, or have their principal places of business in, Bulgaria, Hungary or Rumania), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Religiose Verwirklichung (1929-30)	Dr. Paul Tillich (nationality not established).	Furche-Verlag G. m. b. H., Berlin, Germany (nationality German).	Owner.
Do	Protestantisches Prinzip und Proletarische Situation (1931).	....do	Friedrich Cohen, Bonn, Germany (nationality German).	Do.
Do	Dem dunklen Gott, Ein Jahresgedicht der Liebe (1932).	Paula Ludwig (nationality not established).	Wolfgang Jess Verlag, Dresden, Germany (nationality German).	Do.
Do	Salben und Salbengrundlagen (1939	H. v. Czetsch-Lindenwald and F. Schmidt-La Baume (nationalities not established).	Julius Springer, Berlin, Germany (nationality German).	Do.
A. For—28992	Palaestina (1925)	Georg Landauer (nationality not established).	Meyer & Jessen, Rosental 3, München, Germany (nationality German).	Do.

[F. R. Doc. 47-6858; Filed, July 21, 1947; 8:51 a. m.]

[Vesting Order 500A-207]

COPYRIGHTS OF S. FISHER VERLAG, A. G., AND VERLAG VON R. OLDENBOURG

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany, Japan, Bulgaria, Hungary or Rumania and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights, of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefit of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof (excepting, however, all right, title, interest and claim in, to and under the property described therein which has been acquired since December 7, 1945, by persons, including individuals who are residents of, and partnerships, associa-

tions, corporations or other business organizations which are organized under the laws of, or have their principal places of business in, Bulgaria, Hungary or Rumania), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Betrachtungen. (1928)	Hermann Hesse (nationality not established).	S. Fischer Verlag, A. G., Berlin, Germany (nationality German).	Owner.
Do	Dynamik selbsttätiger Regelungen. (1944)	Rudolf C. Oldenbourg and Hans Sartorius (nationalities not established).	Verlag von R. Oldenbourg, München and Berlin, Germany (nationality German).	Do.

[F. R. Doc. 47-6859; Filed, July 21, 1947; 8:51 a. m.]

[Vesting Order 500A-208]

COPYRIGHTS OF INSEL VERLAG, GERMAN NATIONAL

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany, Japan, Bulgaria, Hungary or Rumania and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefit of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof (excepting, however, all right, title, interest and claim in, to and under the property described therein which has been acquired since December 7, 1945, by persons, including individuals who are residents of, and partnerships, associations, corporations or other business organizations which are organized under the laws of, or have their principal places of business in, Bulgaria, Hungary or Rumania), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Copyright Nos	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Life of the Virgin Mary (Das Marienleben) 1913?.	Rainer Maria Rilke (nationality not established).	Insel Verlag, Leipzig, Germany (nationality, German).	Owner.

[F. R. Doc. 47-6860; Filed, July 21, 1947; 8:52 a. m.]

[Vesting Order 500A-209]

COPYRIGHTS OF GEORG THIEME

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in Germany, Japan, Bulgaria, Hungary or Rumania and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefit of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof (excepting, however, all right, title, interest and claim in, to and under the property described therein which has been acquired since December 7, 1945, by persons, including individuals who are residents of, and partnerships, associations, corporations or other business organizations which are organized under the laws of, or have their principal places of business in, Bulgaria, Hungary or Rumania), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Die Fortschritte der Zahnheilkunde nebst Literaturarchiv (Superseded by Deutsche Kieferchirurgie) Vols. 1-9, Jan. 1925-Dec. 1933.	Unknown	Georg Thieme, Leipzig, Germany (nationality German).	Owner.

[F. R. Doc. 47-6861; Filed, July 21, 1947; 8:52 a. m.]

[Vesting Order 500A-210]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in Germany, Japan, Bulgaria, Hungary or Rumania and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefit of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof (excepting, however, all right, title, interest and claim in, to and under the property described therein which has been acquired since December 7, 1945, by persons, including individuals who are residents of, and partnerships, associations, corporations or other business organizations which are organized under the laws of, or have their principal places of business in, Bulgaria, Hungary or Rumania), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of Works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners or presumptive owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Korrespondenzblatt für Zahnärzte (periodical) (through 1946 only).	Unknown	(1) Buchholz & Weisswange, Berlin-Charlottenburg, Germany (nationality German); (2) Verlag Phönix A. G. für Zahnbedarf, Berlin, Germany (nationality German) and (3) Rosenthal & Co., Verlagsbuchhandlung, Berlin, NW. 21, Germany (nationality German).	Owners.
Do	Eigenschaften von Polyvinylchlorid-Kunststoff; Mitteilungen aus der Materialprüfstelle der I. G. Farbenindustrie A. G. Bitterfeld (1944).	Walter Buchmann (nationality not established).	J. F. Lehmanns Verlag, München-Berlin, Germany (nationality German).	Owner.
Do	Die grundlegenden Arbeiten über Theorie, Apparate sowie Verfahren der Destillation und Rektifikation; Eine Zusammenstellung des Schrifttums aus den Jahren 1920 bis 1944. (1944)	Herausgegeben von VDI-Fachausschuss für Verfahrenstechnik. Bearbeitet von H. Stage und Gg. R. Schultze (nationality not established).	VDI-Verlag G. m. b. H., Berlin, NW. 7, Germany (nationality German).	Do.
Do	Fünf Vorträge, aus den Jahren 1920-1923 (1924).	Fritz Haber (nationality not established).	Verlag von Julius Springer, Berlin, Germany (nationality German).	Do.

[F. R. Doc. 47-6862; Filed, July 21, 1947; 8:52 a. m.]

[Vesting Order 500A-211]

COPYRIGHTS OF JULIUS SPRINGER, GERMAN NATIONAL

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws or have their principal places of business in, Germany, Japan, Bulgaria, Hungary or Rumania and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefit of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing.

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof (excepting, however, all right, title, interest and claim in, to and under the property described therein which has been acquired since December 7, 1945, by persons, including individuals who are residents of, and partnerships, associations, corporations or other business organizations which are organized under the laws of, or have their principal places of business in, Bulgaria, Hungary or Rumania), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners or presumptive owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Deutsche Monatschrift für Zahnheilkunde (als Vierteljahrsschrift gegründet 1861. Organ des Zentral-Vereins deutscher Zahnärzte von 1868-1927. Organ der Gesellschaft deutscher Naturforscher und Ärzte). Presumably ceased publication in 1933. (Through 1946 only.) (Periodical.)	Unknown	Julius Springer, Berlin, Germany. (Nationality, German.)	Owner.

[F. R. Doc. 47-6863; Filed, July 21, 1947; 8:52 a. m.]

[Vesting Order 500A-213]

COPYRIGHTS OF ASTRA-VERLAG, GERMAN NATIONAL

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the title of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany, Japan, Bulgaria, Hungary or Rumania and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number.

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing.

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing.

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof (excepting, however, all right, title, interest and claim in, and under the property described therein which has been acquired since December 7, 1945, by persons, including individuals who are residents of, and partnerships, associations, corporations or other business organizations which are organized under the laws of, or have their principal places of business in, Bulgaria, Hungary or Rumania), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Melodia (Horst Du mein heimliches Rufen?) Walzer-Serenade. 1937.	E. Stöcklein and G. Plato of Germany. (Exact addresses not established.) (Nationalities, German.)	Astra-Verlag, Berlin-Neukölln, Hobrechtstr. 17, Germany. (Nationality German.)	Authors and owner.

[F. R. Doc. 47-6865; Filed, July 21, 1947; 8:53 a. m.]

[Vesting Order 500A-212]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) of Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany, Japan, Bulgaria, Hungary or Rumania and are nationals of such foreign countries, in, or and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefit of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing.

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof (excepting, however, all right, title, interest and claim in, to and under the property described therein which has been acquired since December 7, 1945, by persons, including individuals who are residents of, and partnerships, associations, corporations or other business organizations which are organized under the laws of, or have their principal places of business in, Bulgaria, Hungary or Rumania), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Schulversuche zur Chemie der Kampfstoffe (ein experimentierbuch zum gas- und luftschutz). 1935.	Walter Kintoff. (Nationality not established.)	Carl Heymanns Verlag, Berlin, Germany. (Nationality, German.)	Owner.
Do	Rassenkunde und Rassengeschichte der Menschheit. 1934.	Egon Freiherr von Eickstedt. (Nationality not established.)	Ferdinand Enke Verlag, Stuttgart, Germany. (Nationality, German.)	Do.
A. For. 21903, etc.	Wissenschaftliche Veröffentlichungen aus dem Siemens-Konzern. (Through 1946 only.) (Periodical.)	Kurt Reche and others. (Nationalities not established.)	Julius Springer, Berlin, Germany. (Nationality, German.)	Do.
Unknown	Rede an die deutsche Jugend. 1945	Ernst Wiechert. (Nationality not established.)	Zinnen-Verlag Kurt Desch, München, Germany. (Nationality, German.)	Do.

[F. R. Doc. 47-6864; Filed, July 21, 1947; 8:53 a. m.]

[Vesting Order 500A-214]

COPYRIGHTS OF S. HIRZEL, GERMAN NATIONAL

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany, Japan, Bulgaria, Hungary or Rumania and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefit of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof (excepting, however, all right, title, interest and claim in, to and under the property described therein which has been acquired since December 7, 1945, by persons, including individuals who are residents of, and partnerships, associations, corporations or other business organizations which are organized under the laws of, or have their principal places of business in, Bulgaria, Hungary or Rumania), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
A. For. 3358	Lerbuch der Optik. (1928)	Karl Försterling. (Nationality not established.)	S. Hirzel, Leipzig, Germany. (Nationality, German.)	Owner.

[F. R. Doc. 47-6866; Filed, July 21, 1947; 8:53 a. m.]

OSKAR GLUCK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Oskar Gluck, New York, N. Y.; 4151; $167.75 in the Treasury of the United States. Property described in Vesting Order No. 3555 (9 F. R. 6467, June 13, 1944), relating to copyrights and interests in copyrights, to the extent owned by claimant immediately prior to the vesting thereof. Two motion picture films entitled "Der Himmel Auf Erden" and "Walzer Klange (Immer Wenn Ich Gluecklich Bin)," to the extent owned by claimant immediately prior to the vesting thereof, in New York, New York, and Chicago, Illinois, respectively.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6867; Filed, July 21, 1947; 8:53 a. m.]

[Vesting Order 9366]

DORA BOESCHE AND EMMA CRAMER

In re: Bank accounts owned by Dora Boesche and Emma Cramer. F-28-18871-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Boesche and Emma Cramer, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Staten Island Savings Bank, 81 Water Street, Staten Island No. 4, New York, arising out of a Savings Account, account number 116964, entitled Hermine C. Stueven in trust for Dora Boesche, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dora Boesche, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or obligation of Staten Island Savings Bank, 81 Water Street, Staten Island No. 4, New York, arising out of a Savings Account, account number 108860, entitled Hermine C. Stueven in trust for Emilie Stoffregen, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dora Boesche and Emma Cramer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6829; Filed, July 18, 1947; 9:01 a. m.]

[Vesting Order 9369]

HERMANN FESENMEIER AND ANNA FESENMEIER

In re: Bank account owned by Hermann Fesenmeier and Anna Fesenmeier. F-28-9689-E-1, F-28-9688-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Fesenmeier and Anna Fesenmeier, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hermann Fesenmeier, by Security First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles 54, California, arising out of a Term Savings Account, Account Number 395223, entitled Hermann Fesenmeier, maintained at the Civic Center branch office of the aforesaid bank located at 110 S. Spring Street, Los Angeles 12, California, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Anna Fesenmeier, by Security First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles 54, California, arising out of a Term Savings Account, Account Number 395221, entitled Anna Fesenmeier, maintained at the Civic Center branch office of the aforesaid bank located at 110 S. Spring Street, Los Angeles 12, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6830; Filed, July 18, 1947; 9:01 a. m.]

[Vesting Order 9370]

JUICHI KONO

In re: Bank account owned by Juichi Kono. F-39-1639-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Juichi Kono, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owning to Juichi Kono, by Irving Trust Company, 350 Fifth Avenue, New York, New York, arising out of a checking account, entitled Juichi Kono, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6831; Filed, July 18, 1947; 9:01 a. m.]

[Vesting Order 9372]

SHUICHIRO KANBAYASHI

In re: Cash owned by Shuichiro Kanbayashi.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shuichiro Kanbayashi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the amount of $100.00, presently in the possession of the Federal Reserve Bank of New York, New York, under window ticket 1297,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6832; Filed, July 18, 1947; 9:01 a. m.]

[Vesting Order 9374]

ALFRED H. SCHOLZ

In re: Bank account owned by Alfred H. Scholz. F-28-25949-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred H. Scholz, whose last known address is Dresden, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Alfred H. Scholz, by The Chase National Bank of the City of New York, 18 Pine Street, New York 15, N. Y., arising out of a Compound Interest, account number 6879, entitled Alfred H. Scholz, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General
Director, Office of Alien Property.

[F. R. Doc. 47-6833; Filed, July 18, 1947; 9:01 a. m.]

JUL 28 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 143

Washington, Wednesday, July 23, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

[Farm Credit Administration Order 456]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORITY OF DEPUTY GOVERNOR AND OTHER OFFICIALS TO ACT IN THE ABSENCE OF THE GOVERNOR; REVOCATION OF ORDER 444

Section 3.1 of Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 3.1 *Authority of Deputy Governor and other officials to act in the absence of the Governor.* (a) R. L. Farrington, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor is unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

(b) One of the four commissioners or one of the deputy commissioners in the Farm Credit Administration who is designated by the Governor for such purpose is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor and Deputy Governor Farrington are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause. (48 Stat. 273, 12 U. S. C. 638; E. O. 6084, Mar. 27, 1933, 6 CFR, 1.1 (m); sec. 80)

[SEAL] I. W. DUGGAN,
Governor.

Approved: July 18, 1947.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6916; Filed, July 22, 1947; 8:49 a. m.]

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Wheat Bulletin 1, Supp. 2]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM (MINNEAPOLIS AREA)

Pursuant to the provisions of Article Third, paragraphs (b) and (j) of the Corporate Charter of Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4 as amended, sec. 8, 56 Stat. 767 as amended; 15 U. S. C. Sup. 713 (a), 50 U. S. C. App., Sup., 968, Commodity Credit Corporation and the Production and Marketing Administration have issued, in 1947 C. C. C. Wheat Bulletin 1 and Supplement 1 thereto (12 F. R. 4167, 4257), regulations governing the making of loans and purchase agreements on wheat produced in 1947, and listing the rates applicable to wheat in eligible warehouse storage at designated terminal markets. Such regulations are hereby further supplemented as follows:

§ 251.129 *County and station rates, discounts, and premium (Minneapolis area)*—(a) *Schedule of rates.* The 1947 wheat loan and purchase rates listed herein for counties and stations in the Minneapolis area are determined and established in accordance with the provisions of par. (b) of § 251.126 (1947 C. C. C. Wheat Bulletin 1, Supplement 1). The rates per bushel on No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, and No. 1 durum shall be as follows:

MINNESOTA

County	*Rate*	*County*	*Rate*
Aitkin	$1.93	Benton	$1.92
Anoka	1.95	Big Stone	1.89
Becker	1.89	Blue Earth	1.91
Beltrami	1.90	Brown	1.92

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MINNESOTA—continued

County	Rate	County	Rate
Carlton	$1.94	Dakota	$1.95
Carver	1.94	Dodge	1.92
Cass	1.91	Douglas	1.90
Chippewa	1.91	Faribault	1.91
Chisago	1.94	Fillmore	1.90
Clay	1.88	Freeborn	1.91
Clearwater	1.89	Goodhue	1.92
Cottonwood	1.90	Grant	1.90
Crow Wing	1.91	Hennepin	1.95
Houston	$1.91	Pipestone	$1.89
Hubbard	1.89	East Polk	1.87
Isanti	1.93	West Polk	
Itasca	1.91	Pope	1.91
Jackson	1.90	Ramsey	1.95
Kanabec	1.92	Red Lake	1.87
Kandiyohi	1.92	Redwood	1.91
Kittson	1.86	Renville	1.92
Koochiching	1.86	Rice	1.93
Lac Qui Parle	1.89	Rock	1.89
Lake	1.93	Roseau	1.86
Lake of the Woods	1.87	So. St. Louis	1.92
Le Sueur	1.93	No. St. Louis	
Lincoln	1.89	Scott	1.94
Lyon	1.90	Sherburne	1.93
McLeod	1.93	Sibley	1.93
Mahnomen	1.87	Stearns	1.92
Marshall	1.86	Steele	1.92
Martin	1.91	Stevens	1.90
Meeker	1.93	Swift	1.91
Mille Lacs	1.92	Todd	1.91
Morrison	1.91	Traverse	1.89
Mower	1.90	Wabasha	1.92
Murray	1.90	Wadena	1.90
Nicollet	1.93	Waseca	1.92
Nobles	1.89	Washington	1.95
Norman	1.87	Watonwan	1.91
Olmsted	1.92	Wilkin	1.89
Otter Tail	1.90	Winona	1.92
Pennington	1.87	Wright	1.94
Pine	1.93	Yellow Medicine	1.90
		Cook	1.93

MONTANA (EASTERN COUNTIES)

Big Horn County

Station	Rate
Aberdeen	$1.707
Corinth	1.695
Crow Agency	1.695
Dunmore	1.695
Garryowen	1.704
Hardin	1.695
Ionia	1.704
Little Horn	1.704
Lodgegrass	1.704
Toluca	1.695
Wyola	1.707

Blaine County

Adams	$1.693
Chinook	1.699
Coburg	1.721
Fort Belknap	1.715
Harlem	1.721
Hogeland	1.699
Lohman	1.693
Matador	1.721
North Fork	1.705
Savoy	1.721
Turner	1.705
Zurich	1.715

Broadwater County

Barron	$1.693
Bocher's Spur	1.693
Brewer	1.693
Clow	1.671
Eustis	1.693
Holker	1.684
Lewark	1.684
Lombard	1.693
Placer	1.671
Stanley	1.693
Toston	1.693
Townsend	1.684
Winston	1.671

Carbon County

All stations	$1.693

Cascade County

Hardy	$1.684
Mid Canon	1.674
All other stations	1.693

Choteau County

Station	Rate
All stations	$1.693

Custer County

Clermont	$1.742
Fort Keogh	1.749
Fort Keogh Spur	1.742
Horton	1.742
Ismay	1.770
Kinsey	1.749
Lacomb	1.770
Miles City	1.749
Murn	1.749
Murray	1.749
Owens	1.749
Paragon	1.742
Sheffield	1.742
Shirley	1.749
Tusler	1.749
Ulmer	1.742

Daniels County

Flaxville	$1.742
Four Buttes	1.742
Gluten	1.736
Madoc	1.742
Navajo	1.742
Peerless	1.736
Scobey	1.742
Whitetail	1.742

Dawson County

Allard	$1.770
Colgate	1.770
Conlin	1.764
Curry	1.770
Glendive	1.770
Green	1.764
Hodges	1.770
Hoyt	1.770
Intake	1.770
Iona	1.770
Lindsay	1.764
Marsh	1.764
Richey	1.755
Rimroad	1.764
Stipek	1.770
Thurston	1.770

Fallon County

All stations	$1.770

MONTANA (EASTERN COUNTIES)—continued

Fergus County

Station	Rate
All stations	$1.693

Gallatin County

Beal's Spur	$1.674
Sappington	1.687
Willow Creek	1.690
All other stations	1.693

Golden Valley County

All stations	$1.693

Hill County

All stations	$1.693

Judith Basin County

All stations	$1.693

Liberty County

All stations	$1.693

Madison County

Alcazer	$1.677
All other stations	1.671

McCone County

All stations	$1.755

Meagher County

All stations	$1.693

Musselshell County

Bundy	$1.693
Brisbin	1.687
Delphia	1.715
Elso	1.699
Gage	1.715
Geneva	1.721
Klein	1.699
Melstone	1.721
Musselshell	1.721
Roundup	1.715
Star	1.721
Woodward	1.721

Park County

Allen Spur	$1.687
Carbella	1.671
Chadborn	1.693
Chicory	1.671
Clyde Park	1.693
Corwin Springs	1.671
Dailey	1.671
Deever	1.671
Electric	1.671
Elton	1.693
Emigrant	1.671
Gardiner	1.671
Grannis Crossing	1.693
Hoppers	1.693
Livingston	1.693
Merriman	1.671
Mission	1.693
Muir	1.693
Pray	1.671
Shields	1.693
Sphinx	1.671
Springdale	1.693
Tregloan	1.693
Wilsall	1.693

Petroleum County

Teigen	$1.693
Winnett	1.693

Phillips County

Ashfield	$1.736
Bowdoin	1.727
Chapman	1.705
Cole	1.721
Dodson	1.727
Exeter	1.727

Phillips County—Continued

Station	Rate
Haro	$1.721
Joseph	1.715
Loring	1.715
Malta	1.727
Ordean	1.715
Saco	1.738
Strater	1.727
Tattnall	1.721
Wagner	1.727
Whitewater	1.715

Pondera County

Brady	$1.693
Burke	1.693
Conrad	1.693
Fowler	1.693
Ledger	1.693
Manson	1.668
Pondera Pipe Line Co. Spur	1.693
Valier	1.662
Williams	1.665
Withey	1.693

Prairie County

Benz	$1.740
Blatchford	1.749
Bluffport	1.764
Bonfield	1.749
Calypson	1.764
Fallon	1.764
Kamm	1.764
Mildred	1.764
Saugus	1.749
Terry	1.764
Whitney	1.764

Richland County

Burns	$1.770
Enid	1.764
Epworth	1.770
Fairview	1.770
Gettysburg	1.764
Jenks	1.770
Lambert	1.764
Lane	1.755
Manrock	1.755
Noble	1.770
Ridgelawn	1.770
Savage	1.770
Sidney	1.770

Roosevelt County

Bainville	$1.776
Blair	1.770
Brockton	1.770
Calais	1.770
Chelsea	1.764
Culbertson	1.776
Frold	1.770
Lakeside	1.776
Lanark	1.776
Lohmiller	1.764
McCabe	1.770
Macon	1.764
Poplar	1.770
Snowden	1.776
Sprole	1.770
Wolf Point	1.764

Rosebud County

Ahles	$1.727
Antwerp	1.727
Bascom	1.721
Bower Spur	1.742
Carterville	1.742
Cold Springs	1.727
Colestrip	1.721
Dowlin	1.721
Essig	1.721
Finch	1.727
Forsyth	1.736
Galbraith	1.727
Hathaway	1.742
Hibbard	1.721
Howard	1.727

MONTANA (EASTERN COUNTIES)—continued

Rosebud County—Continued

Station	Rate
Ingomar	$1.727
Nichols	1.727
Orinoco	1.736
Rahway	1.727
Rea	1.727
Rosebud	1.742
Sumatra	1.721
Thebes	1.727
Thurlow	1.742
Vananda	1.727

Sheridan County

Antelope	$1.755
Archer	1.752
Comertown	1.767
Daleview	1.752
Dooley	1.761
Homestead	1.764
McElroy	1.773
Medicine Lake	1.764
Midby	1.752
Outlook	1.752
Plentywood	1.752
Raymond	1.752
Redstone	1.752
Reserve	1.755
Westby	1.783

Stillwater County

All stations	$1.693

Sweet Grass County

All stations	$1.693

Teton County

All stations	$1.693

Toole County

All stations	$1.693

Treasure County

Big Horn	$1.721
Hysham	1.727
Myers	1.727
Rancher	1.727
Sanders	1.727

Valley County

Beaverton	$1.736
Frazer	1.755

MONTANA (EASTERN COUNTIES)—continued

Valley County—Con.

Station	Rate
Glasgow	$1.742
Glentana	1.727
Hinsdale	1.736
Kintyre	1.749
Nashua	1.749
Ophelm	1.721
Oswego	1.764
Paisley	1.742
Richland	1.727
Tampico	1.742
Vandalia	1.727
Whately	1.742
Wiota	1.749

Wheatland County

All stations	$1.693

Wilbaux County

Beaver Hill	$1.770
Carlyle	1.773
Heckman	1.770
Wibaux	1.773
Yates	1.776

Yellowstone County

Acton	$1.693
Anita	1.693
Ballantine	1.693
Billings	1.693
Broadview	1.693
Bull Mountain	1.721
Comanche	1.693
Coombs	1.693
Custer	1.721
Hesper	1.693
Huntley	1.635
Laurel	1.693
Lockwood	1.715
Mossmain	1.635
Newton	1.721
Nibbe	1.721
Osborn	1.715
Pompey's Pillar	1.721
Rimrock	1.693
Shorey	1.693
Waco	1.721
Wickett	1.693
Worden	1.715
Yegen	1.693

MONTANA (WESTERN COUNTIES)

The applicable rate on a lot of wheat in the following counties of Western Montana shall be determined as follows:

1. Substract all applicable discounts from the rate based on Minneapolis and from the rate based on Portland.

2. If 10 percent or more protein is shown, add the Minneapolis protein premium, if any, derived from the protein schedule shown in subsection (a) of section 251.126 to the rate based on Minneapolis; then add the Portland protein premium derived from the same schedule to the rate based on Portland.

3. The rate on the lot of wheat will be the highest rate as determined above.

Beaverhead County

Station	Rate based on Minneapolis (less than 13 percent protein)	Rate based on Portland (less than 10 percent protein)
All stations	[1] $1.645	

Deer Lodge County

All stations	$1.665	$1.645

Flathead County

Belton	$1.650	$1.651
Blacktail	1.650	1.651
Citadel	1.650	1.663
Columbia Falls	1.650	1.669
Grizzly	1.650	1.657

[1] Based on San Francisco. Portland protein premium will apply.

Flathead County—Continued

Station	Rate based on Minneapolis (less than 13 percent protein)	Rate based on Portland (less than 10 percent protein)
Half Moon	$1.650	$1.669
Hidden Lake	1.650	1.651
Kalispell	1.650	1.669
LaSalle	1.650	1.669
Nimrod	1.650	1.651
Pinnacle	1.650	1.651
Red Eagle	1.650	1.651
Singleshot	1.650	1.651
Summit	1.656	1.651
Vista	1.650	1.669
Walton	1.650	1.651
Whitefish	1.650	1.669

Glacier County

Baltic	$1.693	$1.651
Bison	1.656	1.651
Blackfoot	1.662	1.651
Cut Bank	1.693	1.651
Fort Browning	1.662	1.645
Fort Piegen	1.693	1.651
Glacier Park	1.656	1.651
Gunsight	1.693	1.651
Meriwether	1.693	1.651
Rising Wolf	1.656	1.651
Spotted Robe	1.656	1.651
Sundance	1.693	1.651
Triple Divide	1.662	1.651

Granite County

Bearmouth	$1.650	$1.657
Bennett	1.650	1.651
Church	1.650	1.651
Drummond	1.656	1.657
Hall	1.650	1.651
Maxville	1.650	1.651
New Chicago	1.656	1.657
Ozan	1.650	1.657
Philipsburg	1.650	1.651
Stone	1.650	1.651

Jefferson County

All stations	$1.671	$1.645

Lake County

Arlee		$1.666
All other stations	$1.650	1.672

Lewis and Clark County

Austin	$1.665	$1.645
Birdseye	1.665	1.645
Craig	1.671	1.645
East Helena	1.671	1.645
Fort Harrison	1.671	1.645
Four Range	1.671	1.645
Gearing	1.671	1.645
Helena	1.671	1.645
Iron	1.671	1.645
Mares	1.671	1.645
Newdell	1.671	1.645
Sieben	1.671	1.645
Silver City	1.671	1.645
Skyline	1.665	1.645
Wood	1.665	1.645
Wolf Creek	1.671	1.645

Lincoln County

Eureka		$1.672
Fortine		1.672
Jennings		1.694
Kootenai Falls		1.700
Libby		1.694
Rexford		1.679
Ripley		1.694
Stonehill		1.679
Stryker		1.672
Tobacco		1.672
Trego		1.672
Troy		1.700
Ural		1.679
Volcour		1.685
Warland		1.685
Yaak		1.706

Mineral County

Station	Rate based on Minneapolis (less than 13 percent protein)	Rate based on Portland (less than 10 percent protein)
Alberton		$1.672
Bryson		1.679
Cabden		1.672
Cyr		1.672
Drexel		1.679
East Portal		1.679
Haugan		1.679
Henderson		1.679
Martin		1.672
Quartz		1.672
Rivulet		1.679
St. Regis		1.679
Saltese		1.679
Schon		1.679
Spring Gulch		1.679
Superior		1.672
Taft		1.672
Tammany		1.672
Tarkio		1.679
Toole		1.672
Westfall		

Missoula County

Bonita		$1.666
Bonner		1.635
Clearwater		1.666
Clinton		1.666
Denise Spur		1.666
DeSmet		1.666
Evaro		1.663
Frenchtown		1.666
Gaspard		1.666
Grass Valley		1.651
Hayes		1.635
Hobbins		1.666
Huson		1.666
Inch		1.666
Iris		1.651
Lo Lo		1.666
Missoula		1.666
Nagos		1.666
Neal		1.651
Nimrod		1.666
Pest		1.651
Ravenna		1.666
Reed Spur		1.666
Riddle		1.635
Schley		1.666
Sunset		1.651
Thelma		
Willis		

Powell County

Avon	$1.665	$1.645
Blossburg	1.665	1.645
Bradley	1.665	1.645
Calcium	1.665	1.645
Cottonwood	1.622	1.635
Deer Lodge	1.665	1.645
Dempsey	1.665	1.645
Elide	1.665	1.645
Elliston	1.665	1.645
Garrison	1.665	1.657
Gilbert	1.665	1.645
Gold Creek	1.656	1.657
Haskell	1.656	1.657
Jens	1.656	1.657
Kohr	1.665	1.645
Orwell	1.665	1.645
Phosphate	1.656	1.657
Racetrack	1.665	1.645
Sampson	1.665	1.645

Ravalli County

Bass		$1.651
Bing		1.651
Charles Heights		1.645
Como		1.645
Corvallis		1.651
Darby		1.645
Florence		1.651
Gorus		1.645
Grantsdale		1.645
Hamilton		1.651

Ravalli County—Continued

Station	Rate based on Minneapolis (less than 13 percent protein)	Rate based on Portland (less than 10 percent protein)
Ken Spur		$1.651
Kyle		1.651
Quast		1.651
Stevensville		1.651
Tucker		1.651
Victor		1.651
Wood		1.651

Sanders County

Agency		$1.672
Belknap		1.685
Cedar Spur		1.715
Childs		1.685
Dixon		1.672
Donlan		1.679
Eddy		1.685
Frost		1.685
Furlong		1.694
Heron		1.712
McDonald		1.679
Noxon		1.700
Paradise		1.679
Perma		1.679
Pinehurst		1.685
Plains		1.685
Quinns		1.679
Smead		1.706
Talc		1.685
Thompson Falls		1.685
Trout Creek		1.685
Tuscor		1.694
Weeksville		1.685
Woodlin		1.685

NORTH DAKOTA

Adams County

Station	Rate
Bucyrus	$1.801
Haynes	1.801
Hettinger	1.801
Petrel	1.807
Reeder	1.801

Barnes County

Berea	$1.863
Cuba	1.863
Dazey	1.863
Eastedge	1.866
Eckelson	1.860
Fingal	1.866
Frazier	1.860
Hastings	1.863
Kathryn	1.866
Lanona	1.866
Leal	1.863
Litenville	1.863
Lucca	1.870
Nome	1.866
Oriska	1.866
Penk	1.866
Pillsbury	1.866
Rogers	1.863
Sanborn	1.863
Urbana	1.860
Valley City	1.863
Wimbledon	1.860

Benson County

Baker	$1.838
Brinsmade	1.838
Comstock	1.838
Esmond	1.835
Fillmore	1.835
Flora	1.841
Fort Totten	1.847
Harlow	1.838
Hesper	1.841
Josephine	1.844
Knox	1.835
Lallie	1.844
Leeds	1.838
Maddock	1.841
Minnewaukan	1.838

Benson County—Continued

Station	Rate
Niles	$1.841
Oberon	1.844
Pendennis	1.838
Pleasant Lake	1.835
Tilden	1.841
Tokio	1.847
Warwick	1.847
York	1.838

Billings County

Fryburg	$1.801
Little Missouri	1.798
Medora	1.798
Scoria	1.801
Sully Springs	1.801

Bottineau County

Antler	$1.810
Belmar	1.823
Bottineau	1.817
Carbury	1.817
Deep	1.817
Dunning	1.813
Eckman	1.813
Forfar	1.810
Gardena	1.817
Hurd	1.810
Kramer	1.817
Kuroki	1.810
Landa	1.813
Lansford	1.810
Maxbass	1.810
Newburg	1.813
Omemee	1.617
Overly	1.823
Roth	1.813
Russell	1.813
Souris	1.813
Tasco	1.823
Truro	1.810
Westhope	1.810
Willow City	1.823

NORTH DAKOTA—continued

Bowman County

Station	Rate
Bowman	$1.798
Buffalo Springs	1.801
Gascoyne	1.801
Griffin	1.795
Ives	1.789
Rhame	1.702
Scranton	1.801

Burke County

Battleview	$1.807
Bowbells	1.810
Columbus	1.801
Coteau	1.810
Flaxton	1.810
Larson	1.801
Lignite	1.807
Northgate	1.810
Parella	1.810
Portal	1.810
Powers Lake	1.807
Rival	1.807
Spiral	1.810
Stampede	1.801
Woburn	1.810

Burleigh County

Arena	$1.832
Arnold	1.832
Baldwin	1.832
Bismarck	1.832
Brittin	1.835
Burleigh	1.832
Driscoll	1.838
McKenzie	1.835
Moffit	1.835
Regan	1.835
Sterling	1.838
Stewartdale	1.832
Still	1.832
Wing	1.838

Cass County

Absaraka	$1.872
Addison	1.878
Alice	1.869
Amenia	1.872
Argusville	1.872
Arthur	1.872
Ayr	1.869
Bedford	1.869
Buffalo	1.869
Casselton	1.878
Chaffee	1.872
Cotter	1.878
Dairymple	1.878
Davenport	1.878
Durbin	1.878
Embden	1.872
Erie	1.869
Everest	1.878
Fabian	1.869
Fargo	1.881
Fife	1.878
Fleming	1.872
Gardner	1.869
Glacis	1.872
Grandin	1.866
Harwood	1.878
Hickson	1.881
Horace	1.878
Howes	1.872
Hunter	1.869
Kindred	1.878
Langers	1.872
Leonard	1.869
Lynchburg	1.872
Magnolia	1.872
Mapleton	1.878
Mason	1.872
Mortimer	1.869
Myra	1.872
Norpak	1.878
Osgood	1.878
Page	1.869
Persis	1.872
Pinkham	1.878
Prosper	1.878

Cass County—Con.

Station	Rate
Saunders	$1.881
Saxony	1.872
Tower City	1.869
Vance	1.872
Walden	1.869
Warren	1.878
West Fargo	1.881
Wheatland	1.872
Wild Rice	1.881
Woods	1.872

Cavalier County

Alsen	$1.838
Calio	1.838
Calvin	1.835
Clyde	1.835
Dresden	1.841
Easby	1.841
Hannah	1.841
Langdon	1.841
Loma	1.841
Maida	1.844
Minton	1.844
Mowbray	1.844
Munich	1.838
Nekoma	1.841
Osnabrock	1.841
Sarles	1.835
Union	1.844
Wales	1.841
Weaver	1.838

Dickey County

Duane	$1.857
Ellendale	1.863
Forbes	1.860
Fullerton	1.860
Glover	1.860
Guelph	1.866
Luddon	1.866
Merricourt	1.854
Monango	1.857
Norway	1.863
Oakes	1.863
Silver Leaf	1.866
Spur 275	1.860

Divide County

Alkabo	$1.789
Ambrose	1.795
Bounty	1.798
Colgan	1.795
Crosby	1.798
Fortuna	1.810
Imperial	1.798
Juno	1.798
Kermit	1.801
Noonan	1.801
Paulson	1.798
Spur 562	1.801
Spur 568	1.801
Spur 587	1.795

Dunn County

Dodge	$1.801
Dunn Center	1.801
Halliday	1.801
Killdeer	1.801
Werner	1.891

Eddy County

Brantford	$1.854
Divide	1.844
Dundas	1.854
Hamar	1.847
Munster	1.847
New Rockford	1.847
Sheyenne	1.844

Emmons County

Braddock	$1.835
Dana	1.835
Hague	1.835
Hazelton	1.832
Kintyre	1.835

NORTH DAKOTA—continued

Emmons County—Continued

Station	Rate
Linton	$1.822
Spur 384	1.835
Strasburg	1.826
Temvik	1.832

Foster County

Barlow	$1.847
Bordulac	1.857
Carrington	1.854
Chaffee's Spur	1.854
Farquar	1.854
Garland	1.847
Glenfield	1.860
Grace City	1.857
Cuptill	1.847
Juanita	1.857
Lemert	1.847
McHenry	1.854
Melville	1.854
Miller Spur	1.857
Spur 12	1.854

Golden Valley County

Beach	$1.783
Chama	1.786
DeMores	1.792
Golva	1.776
Rider	1.798
Sentinel Butte	1.789
Thelan	1.776

Grand Forks County

Arvilla	$1.863
Emerado	1.863
Gilby	1.857
Grand Forks	1.863
Honeyford	1.857
Inkster	1.857
Johnstown	1.857
Kelly	1.860
Kempton	1.863
Larimore	1.853
McCanna	1.860
Manvel	1.860
Mecklnock	1.830
Merrifield	1.863
Niagara	1.857
Northwood	1.863
Orr	1.830
Powell	1.863
Reynolds	1.863
Shawnee	1.857
Thompson	1.863

Grant County

Brisbane	$1.810
Carson	1.810
Elgin	1.810
Freda	1.810
Heil	1.810
Lark	1.810
Leith	1.810
New Leipsig	1.810
Odessa	1.810
Raleigh	1.810
Shields	1.813

Griggs County

Binford	$1.857
Cooperstown	1.830
Hannaford	1.863
Jessie	1.857
Karnak	1.866
Lovell	1.860
Mose	1.854
Revere	1.863
Shepard	1.863
Sutton	1.860
Walum	1.863

Hettinger County

All stations	$1.810

Kidder County

Crystal Springs	$1.847
Dawson	1.844
Lake Williams	1.841
Pettibone	1.841
Robinson	1.841
Steele	1.841
Tappan	1.844
Tuttle	1.841

LaMoure County

Adrian	$1.854
Alfred	1.847
Berlin	1.854
Delsem	1.854
Dickey	1.854
Edgeley	1.854
Franklin	1.854
Grand Rapids	1.854
Independence	1.857
Jud	1.847
Kulm	1.854
LaMoure	1.854
Marion	1.860
Medberry	1.854
Nortonville	1.854
Verona	1.857

Logan County

Burnstad	$1.841
Fredonia	1.847
Gackle	1.844
Guyson	1.844
Lehr	1.844
Napoleon	1.838
Peters	1.838

McHenry County

Anamoose	$1.835
Balfour	1.823
Bantry	1.823
Bergen	1.826
Berwick	1.823
Deering	1.813
Denbigh	1.823
Drake	1.835
Funston	1.835
Genoa	1.823
Granville	1.823
Guthrie	1.832
Karlsruhe	1.826
Kief	1.835
Kongsberg	1.826
Milroy	1.823
Norfolk	1.835
Norwich	1.823
Rangeley	1.832
Riga	1.823
Rising	1.813
Simcoe	1.823
Towner	1.826
Upham	1.817
Velva	1.823
Verendrye	1.826
Voltaire	1.826

McIntosh County

Ashley	$1.841
Danzig	1.841
Venturia	1.826
Wishek	1.841
Zeeland	1.835

McKenzie County

Alexander	$1.776
Arnegard	1.792
Cartwright	1.770
Charbonneau	1.770
Dore	1.770
East Fairview	1.770
Rawson	1.786
Watford City	1.798

NORTH DAKOTA—continued

McLean County

Station	Rate
Benedict	$1.832
Bitumia	1.826
Butte	1.826
Coleharbor	1.832
Falkirk	1.826
Garrison	1.817
Max	1.817
Mercer	1.832
Merida	1.826
Ruso	1.823
Turtle Creek Spur	1.826
Turtle Lake	1.826
Underwood	1.826
Washburn	1.826
Wilton	1.832

Mercer County

Beulah	$1.810
Deapolis	1.813
Golden Valley	1.807
Hazen	1.810
Republic	1.807
Stanton	1.813
Stephens	1.810
Zap	1.807

Morton County

Almont	$1.820
Bluegrass	1.820
Brelen	1.810
Curlew	1.820
Eagle Nest	1.820
Flasher	1.810
Fort Rice	1.817
Gail	1.810
Glen Ullin	1.820
Harmon	1.826
Hebron	1.820
Huff	1.823
Judson	1.823
Knife River	1.813
Kurtz	1.820
Lyons	1.826
Mandan	1.829
New Salem	1.823
Schmidt	1.826
Sedalia	1.823
Sims	1.820
Sunny	1.826
Sweetbriar	1.826
Timmer	1.810

Mountrail County

All stations	$1.810

Nelson County

Aneta	$1.860
Dahlen	1.854
Elmo	1.847
Kloten	1.860
Lakota	1.847
McVille	1.857
Mapes	1.847
Michigan	1.854
Norval	1.854
Pekin	1.847
Pelto	1.847
Petersburg	1.854
Rector	1.847
Siding 416	1.847
Tolna	1.847
Sardis	1.847
Whitman	1.847

Oliver County

Fort Clark	$1.820
Price	1.823
Sanger	1.823

Pembina County

Backoo	$1.844
Bathgate	1.847
Bowesmont	1.847
Cavalier	1.844
Crystal	1.847

NORTH DAKOTA—continued

Pembina County—Continued

Station	Rate
Drayton	$1.854
Glasston	1.847
Hamilton	1.847
Hensel	1.847
Joliette	1.847
Leyden	1.844
McArthur	1.847
Neche	1.847
Pembina	1.847
Pittsburg	1.854
St. Thomas	1.854
Walhalla	1.844

Pierce County

Aylmer	$1.835
Aslta	1.835
Barton	1.826
Clifton	1.838
Fero	1.835
Hong	1.835
Leverich	1.826
Orrin	1.835
Rugby	1.835
Selz	1.838
Silva	1.835
Tunbridge	1.832
Wolford	1.835

Ramsey County

Bartlett	$1.847
Brocket	1.847
Churchs Ferry	1.841
Crary	1.847
Darby	1.844
Derrick	1.841
Devils Lake	1.847
Doyon	1.847
Edmore	1.844
Essex	1.847
Garske	1.841
Grand Harbor	1.844
Hampden	1.841
Keith	1.847
Lawton	1.844
Penn	1.844
Ramsey	1.844
Rohrville	1.847
Southam	1.847
Stark weather	1.841
Siding 456	1.841
St. Joe	1.841
Sweetwater	1.844
Webster	1.844

Ransom County

Anselm	$1.860
Buttzville	1.866
Coburn	1.869
Elliott	1.863
Enderlin	1.869
Englevale	1.860
Lisbon	1.863
Sheldon	1.869

Renville County

All stations	$1.810

Richland County

Abercrombie	$1.881
Barney	1.878
Berndt	1.884
Blackmer	1.888
Christine	1.881
Colfax	1.878
De Villo	1.888
Dwight	1.884
Enloe	1.881
Fairmount	1.888
Galchutt	1.881
Great Bend	1.884
Greemans Spur	1.888

NORTH DAKOTA—continued

Richland County—Continued

Station	Rate
Hankinson	$1.888
LeMars	1.888
Lidgerwood	1.881
Lithia	1.881
Lurgan	1.884
Mantador	1.884
Mathews	1.884
Mooreton	1.881
Moselle	1.881
Oswald	1.888
Pitcairn	1.878
Slotten	1.884
Stevenson	1.884
Stiles	1.884
Tyler	1.884
Wahpeton	1.884
Walcott	1.878
Wyndmere	1.878

Rolette County

Agate	$1.835
Dunseith	1.820
Fonda	1.826
Gronna	1.832
Mylo	1.835
Nanson	1.832
Rolette	1.832
Rolla	1.832
St. John	1.826
Thorne	1.826
Umbria	1.832

Sargent County

Brampton	$1.869
Cayuga	1.878
Cogswell	1.872
Crete	1.866
DeLamere	1.872
Forman	1.878
Geneseo	1.881
Gwinner	1.869
Havana	1.872
Hoving	1.869
Milnor	1.872
Nicholson	1.872
Perry	1.878
Ransom	1.878
Rutland	1.878
Stirum	1.866
Straubville	1.872

Sheridan County

Denhoff	$1.835
Goodrich	1.838
McClusky	1.835
Martin	1.838
Pickardville	1.832

Sioux County

Cannon Ball	$1.817
Chadwick	1.817
Selfridge	1.820
Solen	1.813

Stark County

Antelope	$1.813
Belfield	1.801
Boyle	1.810
Dickinson	1.810
Eland	1.807
Gladstone	1.810
Lehigh	1.810
Richardton	1.813
South Heart	1.807
Taylor	1.810
Zenith	1.807

Steele County

Blabon	$1.866
Colgate	1.866
Finley	1.863
Hope	1.866
Luverne	1.866
Pickert	1.863
Sharon	1.863

NORTH DAKOTA—continued

Stutsman County

Station	Rate
Bloom	$1.860
Buchanan	1.857
Clementsville	1.860
Cleveland	1.854
Courtenay	1.860
Durkee	1.860
Durupt	1.830
Edmunds	1.854
Eldridge	1.857
Goldwin	1.814
Homer	1.860
Hurning	1.860
Jamestown	1.850
Jamestown Jct.	1.860
Johnson	1.830
Kensal	1.860
Kloze	1.860
Marstonmoor	1.844
Medina	1.847
Millarton	1.857
Montpelier	1.857
Overton	1.850
Parkhurst	1.857
Pingree	1.854
Reeves	1.860
Spiritwood	1.860
State Hospital	1.860
Streeter	1.841
Sydney	1.860
Vashti	1.847
Windsor	1.854
Woodworth	1.844
Ypsilanti	1.860

Towner County

Armourdale	$1.832
Arndt	1.838
Barks Spur	1.838
Bisbee	1.835
Brumbaugh	1.835
Cando	1.838
Considine	1.838
Crocus	1.835
Egeland	1.838
Elsberry	1.832
Hansboro	1.832
Maza	1.841
Newville	1.838
Olmstead	1.838
Pasha	1.835
Perth	1.835
Rock Lake	1.835

Traill County

Alton	$1.863
Ames	1.863
Blanchard	1.869
Buxton	1.863
Clifford	1.866
Cummings	1.863
Galesburg	1.869
Greenfield	1.859
Hatton	1.863
Hillsboro	1.863
Kelso	1.863
Mayville	1.863
Murray	1.866
Portland	1.863
Portland Jct.	1.863
Preston	1.859
Roseville	1.863
Taft	1.863
Volga	1.869

Walsh County

Adams	$1.847
Ardoch	1.857
Auburn	1.854
Cashel	1.854
Edinburg	1.847
Fairdale	1.844
Fordville	1.857
Forest River	1.857

NORTH DAKOTA—continued

Walsh County—Con.

Station	Rate
Grafton	$1.857
Herrick	1.854
Herriott	1.857
Hoople	1.854
Kellogg	1.857
Kerry	1.847
Lankin	1.854
Minto	1.857
Nash	1.857
Ops	1.857
Park River	1.854
Pisek	1.857
Poland	1.860
Voss	1.857

Ward County

Aurelia	$1.810
Biden	1.810
Berthold	1.810
Burlington	1.813
Carpio	1.810
Deslacs	1.813
Donnybrook	1.810
Douglas	1.813
Foxholm	1.810
Hartland	1.810
Kenaston	1.810
Kenmare	1.810
Logan	1.823
Lonetree	1.810
Makoti	1.810
Minot	1.817
Niobe	1.810
Ralston	1.813
Roach	1.810
Ryder	1.813
Sawyer	1.823
Surrey	1.823

Ward County—Con.

Station	Rate
Wolseth	$1.810

Wells County

Bowdon	$1.844
Bremen	1.844
Cathay	1.847
Chaseley	1.841
Dover	1.847
Emrick	1.844
Fessenden	1.844
Hamberg	1.844
Harvey	1.838
Heaton	1.844
Helmdal	1.841
Hurdsfield	1.841
Manfred	1.841
Sykeston	1.847
Wellsburg	1.841

Williams County

Alamo	$1.798
Appam	1.795
Corinth	1.798
Epping	1.801
Grenora	1.792
Hamlet	1.801
Hanks	1.792
McGregor	1.801
Ray	1.807
Springbrook	1.798
Temple	1.807
Tioga	1.807
Trenton	1.795
Wheelock	1.798
Wildrose	1.798
Williston	1.798
Zahl	1.795

SOUTH DAKOTA

County	Rate	County	Rate
Armstrong	$1.83	Jackson	$1.80
Aurora	1.85	Jerauld	1.86
Beadle	1.87	Jones	1.81
Bennett	1.82	Kingsbury	1.86
Ben Homme	1.87	Lake	1.86
Brookings	1.89	Lawrence	1.77
Brown	1.87	Lincoln	1.83
Brule	1.85	Lyman	1.83
Buffalo	1.84	McCook	1.88
Butte	1.77	McPherson	1.85
Campbell	1.84	Marshall	1.87
Charles Mix	1.85	Meade	1.78
Clark	1.88	Mellette	1.84
Clay	1.89	Miner	1.88
Codington	1.83	Minnehaha	1.88
Corson	1.82	Moody	1.89
Custer	1.78	Pennington	1.76
Davison	1.86	Perkins	1.80
Day	1.87	Potter	1.84
Deuel	1.89	Roberts	1.88
Dewey	1.81	Sanborn	1.86
Douglas	1.86	Shannon	1.80
Edmunds	1.85	Spink	1.87
Fall River	1.78	Stanley	1.83
Faulk	1.86	Sully	1.84
Grant	1.89	Todd	1.84
Gregory	1.85	Tripp	1.84
Hanson	1.79	Turner	1.88
Hamlin	1.88	Union	1.89
Hand	1.86	Walworth	1.84
Hanson	1.87	Washabaugh	1.82
Harding	1.77	Washington	1.80
Hughes	1.84	Yankton	1.88
Hutchinson	1.87	Ziebach	1.80
Hyde	1.85		

WISCONSIN

County	Rate	County	Rate
Adams	$1.92	Columbia	$1.93
Ashland	1.88	Crawford	1.91
Barron	1.91	Dane	1.94
Bayfield	1.91	Dodge	1.94
Brown	1.92	Door	1.90
Buffalo	1.91	Douglas	1.94
Burnett	1.92	Dunn	1.92
Calumet	1.93	Eau Claire	1.91
Chippewa	1.91	Florence	1.89
Clark	1.90	Fond du Lac	1.94

WISCONSIN—continued

County	Rate	County	Rate
Forest	$1.90	Pierce	$1.93
Grant	1.92	Polk	1.93
Green	1.94	Portage	1.92
Green Lake	1.93	Price	1.89
Iowa	1.92	Racine	1.98
Iron	1.88	Richland	1.92
Jackson	1.91	Rock	1.95
Jefferson	1.95	Rusk	1.90
Juneau	1.92	St. Croix	1.93
Kenosha	1.99	Sawyer	1.90
Kewaunee	1.92	Sauk	1.93
La Crosse	1.91	Shawano	1.91
Lafayette	1.93	Sheboygan	1.94
Langlade	1.91	Taylor	1.90
Lincoln	1.90	Trempealeau	1.91
Manitowoc	1.93	Vernon	1.91
Marathon	1.91	Vilas	1.88
Marinette	1.90	Walworth	1.97
Marquette	1.92	Washburn	1.92
Milwaukee	1.98	Waukesha	1.95
Monroe	1.92	Washington	1.94
Oconto	1.91	Waupaca	1.92
Oneida	1.89	Waushara	1.92
Outagamie	1.92	Winnebago	1.93
Ozaukee	1.95	Wood	1.92
Pepin	1.91		

Rates on other No. 1 wheat for the counties and stations listed above shall be determined by subtracting from the applicable county and station rates the discounts listed in § 251.126 (a) (1) for such other No. 1 wheat at terminal markets.

(b) *Discounts and premiums.* The grade and other quality discounts, and the protein premiums, shown in § 251.126 (a) (2) for terminal rates, are applicable to the county and station rates listed herein.

(Sec. 7 (a) 49 Stat. 4 as amended, sec. 4 (a), 55 Stat. 498, 56 Stat. 768; 15 U. S. C. and Sup. 713 (a), 713 (a)–8, 50 U. S. C. App. Sup. 969; Article Third, pars. (b), (j) Charter of Commodity Credit Corporation)

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

JULY 18, 1947.

[F. R. Doc. 47-6919; Filed, July 22, 1947; 8:50 a. m.]

[1947 C. C. C. Wheat Bulletin 1, Supp. 2]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM (PORTLAND AREA)

Pursuant to the provisions of Article Third, paragraphs (b) and (j) of the Corporate Charter of Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4 as amended, sec. 8, 56 Stat. 767 as amended; 15 U. S. C. Sup., 713 (a), 50 U. S. C. App., Sup., 968, Commodity Credit Corporation and the Production and Marketing Administration have issued, in 1947 C. C. C. Wheat Bulletin 1 and Supplement 1 thereto (12 F. R. 4167, 4257), regulations governing the making of loans and purchase agreements on wheat produced in 1947, and listing the rates applicable to wheat in eligible warehouse storage at designated terminal markets. Such regulations are hereby further supplemented as follows:

§ 251.130 *Station rates, discounts, and premiums (Portland area)*—(a) *Schedule of rates.* The 1947 wheat loan and purchase rates listed herein for stations in the Portland area are determined and established in accordance with the provisions of paragraph (b) of § 251.126 (1947 C. C. C. Wheat Bulletin 1, Supplement 1). The rates per bushel on No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, and No. 1 durum shall be as follows:

ARIZONA

Maricopa County

Station	Rate
Phoenix	$1.882

Yuma County

Yuma	$1.903

CALIFORNIA

Alameda County

Station	Rate
Decoto	$1.993
Dougherty	1.993
Goecken	1.984
Hayward	1.999
Irvington	1.993
Livermore	1.990
Mt. Eden	1.999
Niles	1.993
Pleasanton	1.993
Sunol	1.993
Warm Springs	1.990

Amador County

Ione	$1.950

Butte County

Biggs	$1.937
Blavo	1.922
Chico	1.922
Durham	1.922
Gridley	1.937
Honcut	1.937
Nelson	1.922
Nord	1.922
Oroville	1.922
Riceton	1.931
Richvale	1.931

Calaveras County

Valley Springs	$1.950

Colusa County

Arbee	$1.937
Arbuckle	1.943
Boyer	1.943
College City	1.943
Colusa	1.937
Cortena	1.937
Delavan	1.937
Delphos	1.937
Genevra	1.943
Grafno	1.943
Grimes	1.943
Harrington	1.943
Hershey	1.956
Maxwell	1.937
Oak Flat	1.937
Princeton	1.931
Stegman	1.931
Sycamore	1.937
Tuttle	1.937
Williams	1.940

Contra Costa County

Antioch	$1.990
Brentwood	1.987

Contra Costa County—Continued

Station	Rate
Byron	$1.987
Concord	1.999
Danville	1.993
Martinez	1.999
McAvoy	1.999
Pinole	2.005
Pittsburg	1.999
Port Costa	2.005
San Pablo	2.005
Walnut Creek	1.999

El Dorado County

Placerville	$1.919
Shingle Springs	1.928

Fresno County

Bowles	$1.937
Burrell	1.937
Calwa	1.937
Caruthers	1.937
Clovis	1.937
Coalinga	1.922
Del Rey	1.937
Figarden	1.937
Firebaugh	1.956
Fowler	1.937
Fresno	1.937
Friant	1.919
Helm	1.937
Herndon	1.943
Huron	1.937
Kingsburg	1.937
Lanare	1.937
Laton	1.937
Malaga	1.937
Mendota	1.956
Monmouth	1.937
Nevaloncia	1.937
Oakhurst	1.937
Oleander	1.937
Orange Cove	1.937
Orosi	1.937
Parlier	1.937
Pinedale	1.919
Raisin City	1.937
Reedley	1.937
Riverdale	1.937
Sanger	1.937
San Joaquin	1.937
Selma	1.937
Tranquillity	1.937
Westhaven	1.937

Glenn County

Artois	$1.922
Athena	1.941

CALIFORNIA—continued

Glenn County—Continued

Station	Rate
Codora	$1.931
Fruto	1.931
Hamilton	1.922
Kurand	1.931
Logandale	1.931
Norman	1.931
Ord Bend	1.922
Orland	1.922
Riz	1.931
Rotavele	1.922
Willows	1.931

Humboldt County

Arcata	$1.872
Eureka	1.903
Fernbridge	1.872

Imperial County

All stations	$1.922

Kern County

All stations	$1.937

Kings County

All stations	$1.937

Lassen County

All stations	$1.848

Los Angeles County

Alhambra	$1.999
Arcadia	1.987
Artesia	1.987
Baldwin Park	1.987
Bellflower	1.990
Burbank	1.993
Canoga Park	1.990
Compton	1.999
Covina	1.987
El Monte	1.990
Gardena	2.008
Hynes	2.008
Inglewood	2.008
Lancaster	1.965
Long Beach	1.999
Monrovia	1.987
Norwalk	1.993
Pacoima	1.990
Palmdale	1.965
Pomona	1.984
Puente	1.987
Roscoe	1.990
San Fernando	1.990
Saugus	1.990
Van Nuys	1.993
Walnut	1.984

Madera County

Berenda	$1.956
Califa	1.956
Chowchilla	1.956
Daulton	1.943
Fairmead	1.956
Gregg	1.943
Kismet	1.956
Madera	1.956
Sharon	1.956
Talbot	1.956
Trigo	1.943

Marin County

Ignacio	$1.990
Novato	1.990
San Rafael	1.993

Mendocino County

Dos Rios	$1.885
Fort Bragg	1.879
Hopland	1.940
Ukiah	1.943
Willits	1.916

Merced County

Station	Rate
Atwater	$1.956
Ballico	1.956
Burchell	1.956
Cressey	1.956
Delhi	1.956
Dickinson	1.956
Dos Palos	1.956
Fergus Siding	1.956
Gustino	1.965
Ingomar	1.965
LeGrand	1.956
Linora	1.965
Lingard	1.956
Livingston	1.956
Los Banos	1.965
Marguerite	1.956
Merced	1.956
Planada	1.956
Sharon	1.956
Trent	1.965
Tuttle	1.956
Volta	1.965

Modoc County

Alturas	$1.789
Canby	1.789
Copic	1.823
Davids Creek	1.789
Fairport	1.789
Lookout	1.848
Stronghold	1.823
Tulelake	1.823
Willow Ranch	1.789

Monterey County

Aromas	$1.968
Bradley	1.937
Camphora	1.956
Castroville	1.956
Chualer	1.956
Cooper	1.956
Gabilan	1.956
Gonzales	1.956
Graves	1.959
King City	1.956
Marina	1.950
Metz	1.956
Molus	1.956
Monterey	1.943
Macimiento	1.937
Pacific Grove	1.943
Salinas	1.950
San Ardo	1.956
San Lucas	1.956
Seaside	1.950
Soledad	1.956
Spence	1.956
Welby	1.956
Workfield	1.950
Wun Post	1.937

Napa County

Bale	$1.968
Calistoga	1.968
Larkmead	1.968
Napa	1.987
Napa Jct	1.987
Oak Knoll	1.981
Oakville	1.974
Rutherford	1.974
St. Helena	1.974
Union	1.981
Yountville	1.981

Orange County

Anaheim	$1.967
Buena Park	1.990
El Toro	1.956
Fullerton	1.984
Garden Grove	1.984
Greenville	1.984
Huntington Beach	1.981
Irvine	$1.968
New Port Beach	1.981
Santa Ana	1.984

Placer County

Auburn	$1.934
Lincoln	1.943
Loomis	1.940
Roseville	1.956
Sheridan	1.943

Plumas County

Chilcoot (Vinton)	$1.848
Crescent Mills	1.848
Greenville	1.848
Hawley	1.848
Mocassin	1.848
Portola	1.848
Quincy	1.842
Quincy Junction	1.860

Riverside County

Arlington	$1.971
Banning	1.922
Beaumont	1.922
Blythe	1.916
Corona	1.971
Hemet	1.956
Indio	1.922
March Field	1.962
Perris	1.965
Riverside	1.971
Romoland	1.965
San Jacinto	1.956
Winchester	1.956

Sacramento County

Antelope	$1.956
Elk Grove	1.956
Elverta	1.943
Folsom	1.940
Franklin	1.956
Galt	1.959
Herald	1.956
Isleton	1.956
Mills	1.943
Rio Linda	1.943
Sacramento	1.956
Sheldon	1.956

San Benito County

Hollister	$1.962

San Bernardino County

Barstow	$1.937
Chino	1.981
Colton	1.971
Crafton	1.965
Fontana	1.974
Helendale	1.937
Henkley	1.937
Mentone	1.965
Ontario	1.981
Oro Grande	1.937
Redlands	1.965
Rialto	1.971
San Bernardino	1.971
South Fontana	1.974
Victorville	1.943

San Diego County

Campo	$1.897
Carlsbad	1.943
Chula Vista	1.913
Del Mar	1.943
El Cajon	1.913
Escondido	1.943
Las Flores	$1.943
La Mesa	1.913
National City	1.943
Oceanside	1.943
Palm City	1.913
San Diego	1.943
San Onofre	1.943
San Ysidro	1.913

San Joaquin County

Acampo	$1.962
Atlanta	1.968
Avena	1.977
Banta	1.981
Bethany	1.981
Blacklands	1.968
Burnham	1.977
Carbona	1.981
Charleston	1.977
Clements	1.962
Escalon	1.971
Farmington	1.977
Forest Lake	1.962
French Camp	1.977
Holden	1.977
Holt	1.977
Kennefick	1.956
Kingdon	1.968
Lanthrop	1.977
Linden	1.953
Lockeford	1.962
Lodi	1.968
Lyoth	1.981
Manteca	1.974
Middle River	1.977
Norton	1.968
Peltier	1.956
Peters	1.977
Ripon	1.968
Simms	1.968
Summer Home	1.968
Terminous	1.962
Thornton	1.962
Tracy	1.981
Turner	1.968
Vernalis	1.974
Victor	1.962
Woodbridge	1.962
Woodsbro	1.977

San Luis Obispo County

Atascadero	$1.937
Oceano	1.937
Paso Robles	1.937
San Luis Obispo	1.937
San Miguel	1.937
Santa Margarita	1.937
Templeton	1.937

San Mateo County

Acqua	$1.999
Belmont	1.993
Burlingame	1.999
Millbrae	1.999
Redwood City	1.993
San Bruno	2.005
San Carlos	1.993
San Mateo	1.999

Santa Barbara County

Casmalia	$1.937
Carpinteria	1.962
Gates	1.937
Gaviota	1.937
Guadalupe	1.937
Lompoc	1.937
Naples	$1.943
Santa Barbara	1.956
Santa Maria	1.937

Santa Clara County

San Jose	$1.990
Milpitas	1.990
Gilroy	1.974

Santa Cruz County

Santa Cruz	$1.968
Watsonville	1.968

Shasta County

Anderson	$1.894
Bieber (Lassen)	1.848
Cottonwood	1.894
Redding	1.894

Sierra County

Loyalton	$1.848

Siskiyou County

Ager	$1.851
Dorris	1.823
Gazelle	1.860
Grenada	1.851
Macdoel	1.823
Montague	1.851
Tulelake	1.823

Solano County

Batavia	$1.974
Bonicia	1.990
Cordelia	1.987
Dixon	1.974
Elmira	1.974
Libfarm	1.977
Molena	1.987
Rio Vista Junction	1.987
South Vallejo	1.987
Subeet	1.987
Suisun-Fairfield	1.987
Tolenas	1.981
Tremont	1.968
Vacaville	1.974
Wolfskill	1.968

Sonoma County

Cloverdale	$1.950
Cotati	1.977
Forestville	1.962
Glen Ellen	1.968
Healdsburg	1.962
Penn Grove	1.977
Petaluma	1.987
Santa Rosa	1.968
Schellville	1.981
Sebastopol	1.968
Sonoma	1.981
Two Rock	1.968

Stanislaus County

Adela	$1.968
Ceres	1.962
Claribel	1.962
Claus	1.968
Covell	1.968
Crows Landing	1.965
Denair	1.956
Empire	1.938
Harp	1.962
Hatch	1.956
Hickman	1.959
Hughson	1.962
Keyes	1.962
Modesto	1.968
Montpellier	1.956
Newman	1.965
Oakdale	1.968

Stanislaus County—Continued

Ohm	$1.974
Patterson	1.968
Paulsell	1.950
Riverbank	1.968
Salida	1.968
Shoemake	1.962
Solyo	1.974
Stewart	1.968
Tegner	1.956
Timba	1.965
Turlock	1.956
Valley Home	1.965
Vanomor	1.968
Warnerville	1.947
Waterford	1.959
Westley	1.968

Sutter County

Bogue	$1.937
Catlett	1.937
East Nicolaus	1.937
Josephine	1.940
Karnak	1.950
Live Oak	1.937
Meridian	1.937
Oswald	1.937
Pleasant Grove	1.940
Riego	1.948
Rio Oso	1.937
Robbins	1.950
Sankey	1.943
Subaco	1.943
Sutter	1.937
Tarke	1.937
Trowbridge	1.937
Tudor	1.937
Yuba City	1.937

Tehama County

Blunt	$1.894
Corning	1.922
Gerber	1.922
Hooker	1.894
Kirkwood	1.922
Los Molinos	1.922
Proberta	1.922
Rawson	1.922
Red Bluff	1.922
Richfield	1.922
Soto	1.922
Tehama	1.922
Vina	1.922

Tulare County

Alpaugh	$1.937
Angiola	1.937
Ducor	1.937
Earlimart	1.937
Crosi	1.937
Orris	1.937
Porterville	1.937
Richgrove	1.937
Strathmore	1.937
Terra Bella	1.937
Tulare	1.937
Visalia	1.937

Ventura County

Camarillo	$1.981
El Rio	1.981
Fillmore	1.981
Keith Siding	1.981
Montalvo	1.974
Moorpark	1.987
Ojai	1.962
Oxnard	1.931
Piru	1.987
Santa Paula	1.974
Santa Susana	1.990
Saticoy	1.974
Simi	1.990
Somis	1.981
Ventura	1.974

CALIFORNIA—continued

Yolo County

Station	Rate
Arroz	$1.962
Beatrice	1.956
Boyer	1.943
Pretona	1.956
Capay	1.956
Carona	1.962
Conaway	1.956
Cranheo	1.956
Curtis	1.956
Davis	1.968
Dufour	1.956
Dunnigan	1.956
Eastham	1.946
Esparto	1.962
Hooron	1.956
Hershey	1.956
Jefferson	1.956
Kiesel	1.956
Knights Landing	1.956
Langenor	1.956

Yolo County—Con.

Station	Rate
Madison	$1.962
Merritt	1.962
Mullen	1.962
Norton	1.968
Oxford	1.956
Saxon	1.977
Swingle	1.962
West Sacramento	1.956
Willow Point	1.956
Winters	1.968
Woodland	1.962
Yolo	1.956
Zamora	1.956

Yuba County

Cleveland	$1.937
Marysville	1.937
Ostrom	1.937
Wheatland	1.943

IDAHO (NORTHERN)

Benewah County

All stations	$1.756

Bonner County

Alamma	$1.737
Blanchard	1.743
Careywood	1.743
Dover	1.737
Elmira	1.728
Granite	1.728
Hope	1.737
Kootenai	1.737
Morton	1.737
Priest River	1.743
Sawyer	1.737

Boundary County

Aliens Spur	$1.722
Banners Ferry	1.728
Copeland	1.722
Crossport	1.722
Deloon Spur	1.722
Houck's Spur	1.722
Leonia	1.722
Port Hill	1.722
Ruz	1.722

Clearwater County

Ahsahka	$1.756
Greer	1.750
Orofino	1.756

Idaho County

Cottonwood	$1.737
Fenn	1.737
Ferdinand	1.737
Grangeville	1.737
Kooskia	1.750
Pardee	1.750
Stites	1.750
Tramway	1.750

Kootenai County

Athol	$1.743
Coeur d'Alene	1.743
North Polo	1.743
Post Falls	1.750
Rathdrum	1.750
Seniors	1.756

Kootenai County—Continued

Station	Rate
Weller	$1.756
Worley	1.756

Latah County

All stations	$1.756

Lewis County

Christman	$1.722
Craigmont	1.737
Dublin	1.737
Harris Siding	1.722
Kamiah	1.750
Meiners Siding	1.722
Nezperce	1.722
Reubens	1.737
Winchester	1.728

Nez Perce County

Agatha	$1.756
Arrow	1.756
Bundy	1.756
Cherry Lane	1.756
Culdesac	1.756
Fort Lapwai	1.756
Jacques	1.756
Lapwai	1.756
Lenore	1.756
Lewiston	1.756
North Lapwai	1.756
Peck	1.756
Penoyer	1.750
Sweetwater	1.756
Summit	1.756
Waha	1.756

Shoshone County

Avery	$1.728
Black Cloud	1.737
Burke	1.737
Calder	1.737
Dorn	1.737
Falcon	1.728
Osburn	1.737
Roland	1.716
Stetson	1.728
Zane	1.737
Wallace	1.737

IDAHO (SOUTHERN)

Ada County

Station	Rate
Barber Junction	$1.685
Beatty	1.694
Blacks Creek	1.685
Boise	1.685
Eby	1.685
Hickey	1.685

Ada County—Con.

Station	Rate
Hillcrest	$1.685
Kiesel	1.685
Kuna	1.694
Leone	1.679
Meridian	1.694
Mora	1.694
Orchard	1.679
Owyhee	$1.685
Perkins	1.685
Shafer	1.685
Sonna	1.694
Vernon	1.685

Adams County

Council	$1.679
Fruitvale	1.679
Glendale	1.672
Goodrich	1.694
Hoover	1.679
Mesa	1.679
New Meadows	1.672
Starkey	1.679
Strawberry	1.672
Tamarack	1.672
Vista	1.679
Woodland	1.672

Bannock County

Arimo	$1.701
Bancroft	1.695
Blaser	1.695
Broxon	1.695
Chubbuck	1.695
Downey	1.701
Grace	1.686
Inkom	1.701
Kinport	1.695
Lava Hot Springs	1.695
McCammon	1.701
Marsh Valley	1.701
Montanna Jct	1.695
Onyx	1.701
Oxford	1.701
Pebble	1.695
Pocatello	1.701
Portneuf	1.701
Renfro	1.695
Swan Lake	1.701
Talmage	1.686
Topaz	1.695
Tyhee	1.695
Virginia	1.701
Zenda	1.701

Bear Lake County

Cavanaugh	$1.686
Dingle	1.680
Georgetown	1.686
Harer	1.686
Manson	1.686
Montpelier	1.686
Ovid	1.680
Paris	1.680
Pegram	1.680
Pescadero	1.686
Wardbow	1.680
Wooleys	1.686

Bingham County

Aberdeen	$1.686
Aberdeen Junction	1.695
Aiken	1.695
Anton	1.686
Army	1.695
Blackfoot	1.695
Cerro Grande	1.680
Collins	1.695
Dumas	1.695
Fingal	1.686
Firth	1.686
Fort Hall	1.695
Furey	1.686
Gardner	1.695
Gibson	1.695
Goshen	1.686
Kimball	1.686
Liberty	1.686
Mitchell	1.686
Monroe	1.686
Moreland	1.695
Peterson	1.695
Pingree	1.686
Rockford	1.696

Bingham County—Continued

Station	Rate
Shelley	$1.686
Springfield	1.686
Sterling	1.686
Strang	1.686
Taber	1.680
Wapello	1.686
Virden	1.686

Blaine County

Bellevue	$1.686
Chybo	1.714
De Wolf	1.714
Gannett	1.686
Gimlet	1.686
Hailey	1.686
Hawley	1.714
Hay	1.686
Ketchum	1.686
Picabo	1.686
Priest	1.686
Tikura	1.686
Triumph	1.686
Wapi	1.707

Boise County

Banks	$1.685
Big Eddy	1.685
Farrell	1.685
Gardena	1.694
Horseshoe Bend	1.694
Mains	1.685

Bonneville County

Ammon	$1.686
Bach	1.686
Coltman	1.686
Cotton	1.686
Cox	1.686
Gerard	1.686
Hackman	1.686
Heath	1.686
Idaho Falls	1.686
Indian	1.686
Iona	1.686
Lincoln	1.686
Milo	1.686
Orvin	1.686
Payne	1.686
Russett	1.686
St. Leon	1.686
Ucon	1.686

Butte County

Arco	$1.680
Darlington	1.673
Lost River	1.673
Moore	1.673
Pioneer	1.680

Camas County

Blaine	$1.686
Corral	1.686
Fairfield	1.686
Hill City	1.680
Macon	1.686
Magic	1.686
Rands	1.686
Selby	1.686

Canyon County

Allendale	$1.694
Apple Valley	1.700
Bowmont	1.694
Caldwell	1.694
Collopy	1.694
Deal	1.694
Enrose	1.694
Greenleaf	1.694
Maddens	1.694
Melba	1.694
Middleton	1.694
Moss	1.694
Nampa	1.694
Noble	1.694
Notus	1.700

IDAHO (SOUTHERN)—continued

Canyon County—Continued

Station	Rate
Parma	$1.700
Shelp	1.694
Stoddard	1.685
Tucker	1.700
Warrens	1.685
Washoe	1.706
Westma	1.694
Wilder	1.694

Caribou County

Alexander	$1.686
Conda	1.657
Formation	1.657
Panting	1.657
Rose	1.686
Soda Springs	1.686

Cassia County

All stations	$1.714

Clark County

All stations	$1.673

Custer County

Leslie	$1.673
Mackay	1.673

Elmore County

Cleft	$1.686
Doran	1.695
Glenns Ferry	1.695
Hammett	1.695
Kinghill	1.695
Mountain Home	1.695
Reverse	1.695
Sand Bank	1.695
Sebree	1.686
Slade	1.695
Sunnyside	1.686

Franklin County

Beers	$1.701
Bullen	1.686
Clifton	1.701
Coulam	1.701
Dayton	1.701
Franklin	1.686
Linrose	1.701
Preston	1.686
Thorenson	1.701
Weston	1.701
Whitney	1.686

Fremont County

Ashton	$1.680
Big Springs	1.664
Chester	1.680
Drummond	1.680
Eccles	1.664
Egin	1.686
France	1.680
Gerrit	1.664
Grainville	1.680
Guild	1.664
Hawgood	1.680
Heman	1.686
Island Park	1.664
Lamont	1.680
Marysville	1.680
Newdale	1.686
Parker	1.686
Pine View	1.664
Pyke	1.686
Reas Pass	1.664
St. Anthony	1.686
Trude	1.664
Warm River	1.680
Wilford	1.686

Gem County

Black Canyon	$1.694
Bramwell	1.694
Emmett	1.700
Jenness	$1.694
Larkin	1.694
Letha	1.700
Little Rock	1.709
Montour	1.694
Plaza	1.694
Sand	1.694

Gooding County

Bliss	$1.701
Gooding	1.701
Ticeska	1.695
Tuttle	1.701
Wendell	1.701

Jefferson County

Barlow	$1.686
Bassett	1.680
Camas	1.673
Grant	1.686
Hamer	1.680
Lewisville	1.686
Lorenzo	1.686
Menan	1.686
Midway	1.686
Rigby	1.686
Ririe	1.686
Roberts	1.680
Tenno	1.680

Jerome County

Appleton	$1.701
Barrymore	1.707
Eden	1.707
Falls City	1.707
Hazelton	1.707
Jerome	1.701
McHenry	1.707
Perrine	1.707
Schodde	1.707
Snyder	1.701
Worthington	1.707

Lincoln County

Bossien	$1.701
Brady	1.701
Burmah	1.686
Dietrich	1.701
Disney	1.701
Kimama	1.707
Marley	1.701
Owinza	1.701
Pagari	1.686
Rawson	1.686
Richfield	1.695
Senter	1.701
Shoshone	1.701
Sid	1.701
Tunupa	1.701

Madison County

All stations	$1.686

Minidoka County

Acequia	$1.714
Adelaide	1.707
Amalga	1.714
Budge	1.707
Cole	1.707
Heyburn	1.714
Max	1.707
Minidoka	1.714
Paul	1.714
Rupert	1.714
Sears	1.707
Travers	1.714

Oneida County

Cherry Creek	$1.686
Igo	1.701
Malad	1.686
Woodruff	1.686
Willow Springs	1.686

IDAHO (SOUTHERN)—continued

Owyhee County

Station	Rate
Claytonia	$1.694
Homedale	1.694
McCoard	1.694
Marsing	1.694
Murphy	1.685
Riva	1.685
Stacy	1.694

Payette County

Bucklingham	$1.700
Effie	1.700
Faulka	1.700
Fruitland	1.700
Ingard	1.700
New Plymouth	1.700
Payette	1.706

Power County

American Falls	$1.707
Bannock	1.701
Borah	1.707
Coolidge	1.707
Michaud	1.701
Quigley	1.707
Schiller	1.701

Teton County

Driggs	$1.673
Dwight	1.673
Felt	1.673
Fox Creek	1.673
Tetonia	1.673
Victor	1.673

Twin Falls County

Amsterdam	$1.729
Berger	1.729
Bickel	1.723
Bills	1.723
Buhl	1.723
Cedar	1.723
Curry	1.723
Filer	1.723
Godwin	1.729
Haggardt	1.729
Hansen	1.723

Twin Falls County—Continued

Hollister	$1.729
Idavada	1.729
Kimberly	1.723
Knull	1.723
McMillan	1.723
Meteor	1.729
Milner	1.723
Murtaugh	1.723
Parsons	1.723
Peavey	1.726
Rabbit Springs	1.729
Rogerson	1.729
Stowe	1.723
Twin Falls	1.729

Valley County

Arling	$1.679
Belvidere	1.679
Cabarton	1.679
Cascade	1.679
Donnelly	1.679
Hawthorne	1.679
McCall	1.672
Macgregor	1.679
Norwood	1.672
Smiths Ferry	1.685

Washington County

Cambridge	$1.700
Cobb	1.706
Concrete	1.706
Crystal	1.706
Diamond	1.700
Dixie	1.706
Eaton	1.706
Farmdale	1.706
Feltham	1.706
Jonathan	1.706
Midvale	1.700
Olds Ferry	1.706
Presley	1.706
Rebecca	1.706
Rock Island	1.706
Welser	1.706
Wood	1.706

NEVADA

Churchill County

Station	Rate
Fallon	$1.817
Hazen	1.823

Clark County

Las Vegas	$1.752
Logandale	1.690
Moapa	1.724

Douglas County

Minden	$1.804

Elko County

Carlin	$1.724
Deeth	1.724
Elko	1.724
Wells	1.724

Eureka County

Beowawe	$1.724

Humboldt County

Winnemucca	$1.724

Lander County

Battle Mountain	$1.724

Lincoln County

Station	Rate
Caliente	$1.724
Panaca	1.690

Lyon County

Fernley	$1.848
Hudson	1.749
Wabuska	1.749
Weeks	1.749
Yerington	1.749

Ormsby County

Carson City	$1.804

Pershing County

Lovelock	$1.823

Washoe County

Andersons	$1.823
Browns	1.817
Flanigan	1.848
Franktown	1.804
Reno	1.848
Sparks	1.848
Verdi	1.848

OREGON

Baker County

Station	Rate
Baker	$1.737
Haines	1.743
Pleasant Valley	1.737
Quartz	1.737

Benton County

Station	Rate
Corvallis	$1.858

Clackamas County

Canby	$1.879

OREGON—continued

Crook County

Station	Rate
Prineville	$1.808

Deschutes County

Bend	$1.808
Deschutes	1.808
Redmond	1.808
Terrebonne	1.808

Douglas County

Drain	$1.808
Myrtle Creek	1.793
Oakland	1.808
Riddle	1.793
Roseburg	1.799
Yoncalla	1.808

Gilliam County

Arlington	$1.861
Barnett	1.848
Blalock	1.861
Clem	1.848
Condon	1.842
Gwendolen	1.842
Mikkalo	1.848
Quinton	1.861
Rock Creek	1.848
Shutler	1.855

Harney County

Burns	$1.657

Jackson County

Ashland	$1.828
Central Point	1.765
Medford	1.828

Jefferson County

Culver	$1.821
Gateway	1.827
Madras	1.821
Metolius	1.821
Opal City	1.821
Paxton	1.821

Josephine County

Grants Pass	$1.765

Klamath County

Chiloquin	$1.808
Dairy	1.772
Klamath Falls	1.828
Malin	1.828
Midland	1.828
Merrill	1.828
Modoc Point	1.794
Pine Ridge	1.771

Lake County

Lakeview	$1.794

Lane County

Cottage Grove	$1.821
Eugene	1.842
Irving	1.842
Junction City	1.842

Linn County

Albany	$1.861
Brownsville	1.842
Halsey	1.842
Harrisburg	1.842
Lebanon	1.861

Malheur County

Harper	$1.694
Nyssa	1.700
Ontario	1.700
Vale	1.700

Marion County

Aumsville	$1.861
Aurora	1.879
Brooks	1.864
Gervais	1.879

OREGON—continued

Marion County—Continued

Station	Rate
Hubbard	$1.879
Jefferson	1.861
Pratum	1.861
Salem	1.861
Silverton	1.879
Woodburn	1.879

Morrow County

Cecil	$1.848
Ewing	1.848
Heppner	1.842
Ione	1.842
Jordon	1.842
Lexington	1.842
McNab	1.842
Morgan	1.845
Rhea	1.848

Polk County

Ballston	$1.870
Dallas	1.861
Derry	1.861
Independence	1.861
Perrydale	1.870
Suver	1.861

Sherman County

Biggs	$1.870
Bourbon	1.848
DeMoss	1.858
Eakin	1.848
Erskine	1.858
Grant	1.864
Grass Valley	1.858
Hay Canyon	1.858
Kent	1.848
Klondike	1.864
Miller	1.870
Moro	1.858
Nish	1.858
Rufus	1.864
Sandon	1.864
Sink	1.864
Thornberry	1.864
Wasco	1.864

Umatilla County

Adams	$1.799
Apex	1.799
Athena	1.799
Bade	1.799
Barnhart	1.808
Blakely	1.799
Blue Mountain	1.799
Cayuse	1.799
Cold Springs	1.808
Crockett	1.799
Downing	1.799
Duroc	1.799
Echo	1.814
Ferndale	1.799
Freewater	1.799
Fulton	1.799
Havana	1.799
Helix	1.799
Holdman	1.821
Lens	1.799
McCormach	1.799
Milton	1.799
Minthorn	1.799
Mission	1.799
Myrick	1.799
Nolin	1.808
Pendleton	1.799
Pilot Rock	1.799
Rew	1.821
Rieth	1.799
Ring	1.799
Sparks	1.799
Spofford	1.799
Stanfield	1.814
Stanton	1.799
Thorn Hollow	1.799
Umapine	1.799

OREGON—continued

Umatilla County—Continued

Station	Rate
Umatilla	$1.821
Vansycle	1.799
Waterman	1.799
Wayland	1.799
Weston	1.799
Yoakum	1.808

Union County

Alicel	$1.743
Conley	1.743
Elgin	1.737
Hot Lake	1.750
Imbler	1.743
Island City	1.743
La Grande	1.750
North Powder	1.743
Union	1.750

Wallowa County

Enterprise	$1.737
Joseph	1.737
Lostine	1.737
Wallowa	1.737

Wasco County

Big Eddy	$1.882
Boyd	1.832
Dufur	1.832
Maupin	1.848
Port O' The Dalles	1.882
Rice	1.832
Shaniko	1.788
The Dalles	1.882
Wrentham	1.858

Washington County

Cornelius	$1.885
Forest Grove	1.885
Gaston	1.879
Hillsboro	1.895
North Plains	1.873

Yamhill County

Amity	$1.873
Carlton	1.879
Dayton	1.879
McMinnville	1.879
Newberg	1.879
Sheridan	1.870
Yamhill	1.879

UTAH

Beaver County

Station	Rate
All stations	$1.724

Box Elder County

Bakers	$1.696
Beaver Dam	1.696
Belmont	1.696
Brigham	1.696
Collinston	1.696
Corinne	1.696
Cropley	1.690
Davis	1.696
Dewey	1.696
Durfey	1.696
Elwood	1.690
Evans	1.690
Fielding	1.690
Garland	1.690
Halbert	1.690
Honeyville	1.696
Madsen	1.696
Perry	1.696
Plymouth	1.690
Portage	1.690
Summit	1.696
Tremonton	1.690
Ukon	1.696
Washakie	1.690
Willard	1.696

Cache County

Baugh	$1.681
Bullen	1.681
Cache Jct.	1.696
Cornish	1.696
Darley	1.681
Glen	1.681
Hodges	1.681
Hyde Park	1.681
Hyrum	1.690
Lewiston	1.681
Logan	1.681
Mack	1.681
Mendon	1.690
Millville	1.681
Petersboro	1.690
Providence	1.681
Richmond	1.681
Rondo	1.690
Smithfield	1.681
Trenton	1.681
Utida	1.696
Webster	1.681
Wellsville	1.690

Carbon County

All stations	$1.731

Davis County

Station	Rate
All stations	$1.702

Emery County

Cedar	$1.668
Grassy	1.675
Green River	1.668
Verde	1.675
Woodside	1.675

Grand County

Elgin	$1.668
Thompson	1.654

Iron County

Cedar City	$1.702
Latimer	1.724
Lund	1.724

Juab County

All stations	$1.702

Millard County

Black Rock	$1.724
Bloom	1.724
Borden	1.724
Clear Lake	1.724
Cline	1.702
Cruz	1.724
Delta	1.724
Edwards	1.718
Fillmore	1.718
Leamington	1.702
Lynndyl	1.702
McCornick	1.718
Malone	1.724
Oasis	1.724
Pumice	1.724
Soma	1.724
Strong	1.724
Van	1.724

Morgan County

Morgan	$1.606
Peterson	1.693

Piute County

Lambert	$1.668
Marysvale	1.668

Rich County

Wasatch	$1.681

UTAH—continued

Salt Lake County

Station	Rate
Bamberger	$1.690
Barclay	1.690
Becks	1.702
Bennion	1.702
Binfidale	1.702
Bringhurst	1.702
Buena Vista	1.702
Burton	1.702
Cahoon	1.702
Cushing	1.702
Dale	1.690
Draper	1.702
Garfield	1.702
Granger	1.702
Harman	1.702
Huslers	1.702
Iverson	1.702
Lampton	1.702
Legrand	1.690
Magna	1.702
Midvale	1.702
Mount	1.702
Murray	1.702
Nash	1.702
Norberg	1.702
Redwood	1.702
Rideout	1.702
Riter	1.702
Riverton	1.702
Roper	1.702
Salt Lake City	1.702
Salt Lake Jct.	1.702
Sandy	1.702
West Jordan	1.702

Sanpete County

Axtell	$1.675
Chester	1.681
Ephraim	1.681
Fairview	1.681
Fountain Green	1.681
Gunnison	1.681
Hill Top	1.681
Indianola	1.696
Manti	1.681
Milburn	1.681
Moroni	1.681

Sanpete County—Continued

Station	Rate
Mount Pleasant	$1.681
Oak Creek	1.681
Phoenix Hill	1.681
Spring City	1.681
Sterling	1.681

Sevier County

Aurora	$1.675
Central	1.668
Cowley	1.675
Hansen	1.668
Ivie	1.675
Jensen	1.668
Joseph	1.668
Redmond	1.675
Richfield	1.675
Salina	1.675
Sevier	1.668
Sigurd	1.675
Spearmint	1.675
Vaca	1.668

Summit County

All stations	$1.690

Tooele County

All stations	$1.702

Utah County

Castilla	$1.696
Mapleton	1.696
Thistle	1.696
All other stations	1.702

Wasatch County

Heber	$1.696
Wallsburg	1.696

Weber County

Station	Rate
Harrisville	$1.696
North Ogden	1.696
Plain City	1.696
Warren	1.696
All other stations	1.702

WASHINGTON

Adams County

Station	Rate
All stations	$1.771

Asotin County

Asotin	$1.756
Couse Creek	1.737

Benton County

Finley	$1.808
Hedges	1.811
Hilford	1.793
Kennewick	1.808
Kiona	1.808
Vista	1.808
Paterson	1.836
Prosser	1.808
Whitstran	1.808
Hover	1.808

Chelan County

Wenatchee	$1.793

Columbia County

All stations	$1.793

Douglas County

Alstown	$1.765
Appledale	1.771
Bridgeport	1.756
Coulee City	1.765
Douglas	1.765
McCue	1.765
Mansfield	1.756
Palisades	1.765
Rock Island	1.777

Douglas County—Continued

Station	Rate
Supplee	$1.756
Touhey	1.756
Waterville	1.756
Withrow	1.756

Ferry County

Malo	$1.706
Republic	1.700

Franklin County

Burr Canyon	$1.777
Connell	1.771
Curry	1.771
Eltopia	1.793
Emery	1.771
Estes	1.771
Kahlotus	1.771
Levey	1.793
McAdam	1.771
Mesa	1.784
Pasco	1.808
Redd	1.787
Snake River	1.787
Sulphur	1.771
Wacota	1.771
Walker N. P.	1.793
Windust	1.777

Garfield County

Central Ferry	$1.771
Chard	1.793
Dodge	1.793
Houser	1.793

WASHINGTON—continued

Garfield County—Continued

Station	Rate
Pomeroy	$1.793
Zumwalt	1.793

Grant County

Coulee	$1.765
Ephrata	1.771
Hanson	1.756
Hartline	1.756
Marlin	1.771
Nagel	1.771
Quincy	1.771
Ruff	1.771
Stratford	1.771
Warden	1.771
Wheeler	1.771
Wilson Creek	1.771

Kittitas County

All stations	$1.814

Klickitat County

Centerville	$1.848
Goldendale	1.848
Klickitat	1.848
Lyle	1.882
Roosevelt	1.861
Goodnoe	1.861
Sundale	1.861
Towal	1.861
Wahkiakus	1.848
Warwick	1.848

Lincoln County

Almira	$1.756
Bluestem	1.756
Canby	1.756
Concord	1.771
Creston	1.756
Davenport	1.756
Downs	1.771
Edwall	1.756
Eleanor	1.756
Fry	1.756
Govan	1.756
Gravelles	1.756
Harrington	1.756
Irby	1.771
Kline	1.771
Lamona	1.771
Mohler	1.765
Mondovi	1.756
Nemo	1.771
Odessa	1.756
Omans	1.756
Reardan	1.756
Rocklyn	1.756
Sprague	1.771
Waukon	1.756
Wells	1.771
Wheatdale	1.756
Wilbur	1.756

Okanogan County

Brewster	$1.771
Monse	1.765
Okanogan	1.765
Oroville	1.756
Riverside	1.756
Tonasket	1.750
Wakefield	1.765

Spokane County

Amber	$1.771
Bell	1.756
Chattaroy	1.750
Cheney	1.771
Chester	1.756
Broadacres	1.756
Clifton	1.756
Coey Siding	1.756
Croskey	1.771
Darknell	1.756
Deer Park	1.750
Denison	1.750
Espanola	1.756
Fairfield	1.756

Spokane County—Continued

Station	Rate
Four Lakes	$1.756
Freedom	1.756
Freeman	1.756
Galena	1.756
Greenacres	1.756
Hillyard	1.756
Hite	1.756
Dishman	1.756
Jefferson	1.756
Latah	1.756
Lenox	1.756
Lockwood	1.756
Manito	1.756
Mason	1.771
Mead	1.750
Medical Lake	1.756
Mica	1.756
Mount Hope	1.756
Newman Lake	1.750
North Pine	1.756
Ochlare	1.756
Plaza	1.756
Rahms	1.756
Rockford	1.756
Rodna	1.771
Rollins	1.756
Saline	1.756
Saxby	1.756
Sharon	1.756
South Cheney	1.771
Spangle	1.756
Spokane	1.756
Spring Valley	1.756
Squaw Canyon	1.756
Tyler	1.771
Valleyford	1.756
Waverly	1.756
West Fairfield	1.756

Stevens County

Addy	$1.737
Boyds	1.722
Chewelah	1.737
Colville	1.728
Kettle Falls	1.728
Springdale	1.743
Valley	1.737
Evans	1.722

Walla Walla County

Adkins	$1.799
Auker	1.799
Ayer	1.793
Babcock	1.793
Baker Langdon	1.799
Berryman	1.799
Blalock	1.799
Bolles	1.799
Buroker	1.799
Clyde	1.793
Coppel	1.793
Coyle	1.799
Divide	1.799
Dixie	1.799
Drum	1.799
Dry Creek	1.799
Eastman	1.799
Elwood	1.793
Ennis	1.799
Eureka	1.799
Finch	1.799
Gilliam	1.799
Hadley	1.799
Harbert	1.799
Harsha	1.799
Harvey	1.793
Hector	1.799
Hatch	1.799
Kibbler	1.799
Lamar	1.799

WASHINGTON—continued

Walla Walla County—Continued

Station	Rate
Lee	$1.793
LeGrow	1.799
Lowden	1.799
Magallon	1.793
Matthews	1.793
Minnick	1.799
Mojonnier	1.799
Orchard	1.799
Paddock	1.799
Page	1.799
Pedigo	1.799
Pickard	1.793
Pleasant View	1.793
Prescott	1.799
Reese	1.799
Reser	1.793
Riffle	1.799
Rulo	1.799
Russell	1.799
Sapolil	1.799
Shaw	1.799
Sheffler	1.793
Spring Creek	1.799
Sudbury	1.799
Thiel	1.799
Tompkins	1.793
Touchet	1.799
Tracy	1.799
Tuke	1.799
Valley Grove	1.799
Waitsburg	1.793
Walker U. P.	1.793
Walla Walla	1.799
Wallula	1.808
Whitman	1.799
Whitney	1.799

Whitman County

Alpowa	1.756
Almota	1.765
Alpowa	1.756
Armstrong	1.756
Balder	1.756
Belmont	1.756
Benner	1.771
Blackwell	1.756
Busby	1.756
Canyon	1.771
Cashup	1.756
Chambers	1.756
Colfax	1.756
Colton	1.756
Coman	1.756
Crabtree	1.756
Diamond	1.756
Donohue	1.756
Duckworth	1.756
Early	1.756
Eden	1.756
Elberton	1.756
Endicott	1.765
Ewan	1.765
Fairbanks	1.756
Fallons	1.756
Farmington	1.756
Flaig	1.756
Farrington	1.771
Fletcher	1.756
Garfield	1.756
Garrison	1.756
Geary	1.756
Glenwood	1.756
Gordon	1.771
Gravel Pit	1.765
Grinnel	1.756
Harris	1.756
Hay	1.771
Hayfield	1.756
Holland	1.756
Hooper	1.771
Huntley	1.756
Interior	1.765
Jerita	1.771
Johnson	1.756

Whitman County—Continued

Station	Rate
Juno	$1.765
Kenova	1.765
LaCrosse	1.771
Ladow	1.756
Lamont	1.771
Lavista	1.765
Leon	1.756
Lincoln	1.756
Lone Pine	1.756
Longwill	1.756
McCoy	1.756
Malden	1.756
Manning	1.756
Mockonema	1.756
Oakesdale	1.756
Palouse	1.756
Pampa	1.771
Pandora	1.756
Parvin	1.756
Peyton	1.771
Penewawa	1.771
Pine City	1.765
Pullman	1.756
Pullman Spur	1.756
Revere	1.771
Ringo	1.756
Riparia	1.771
Risbeck	1.756
Rock Lake	1.765
Rosalia	1.756
Rye	1.756
Schreck	1.771
Seabury	1.756
Seltice	1.756
Shawnee	1.756
Sckulk	1.755
Staley	1.756
Steptoe	1.756
St. John	1.765
Stoneham	1.756
Stoner	1.771
Sunset	1.756
Sunshine	1.756
Sutton	1.771
Swan	1.756
Swift	1.765
Tekoa	1.756
Thera	1.756
Thornton	1.756
Tilma	1.756
Truax	1.756
Uniontown	1.756
Walters	1.756
Warner	1.756
Whelan	1.756
Whitlow	1.756
Willada	1.765
Winona	1.771

Yakima County

Ashue	$1.808
Brownstown	1.808
Byron	1.808
Cowiche	1.799
Emerald	1.808
Grandview	1.808
Granger	1.803
Growmore	1.771
Harrah	1.808
Mabton	1.808
Moxee City	1.799
Naches	1.799
Selah	1.808
Sunnyside	1.808
Tieton	1.799
Topperish	1.808
Wapato	1.808
White Swan	1.808
Wiley City	1.771
Yakima	1.808
Zillah	1.808

Rates on other No. 1 wheat for the stations listed above shall be determined by subtracting from the applicable station rates the discounts listed in § 251.126 (a) (1) for such other No. 1 wheat at terminal markets.

(b) *Discounts and premiums.* The grade and other quality discounts, and the protein premiums, shown in § 251.126 (a) (2) for terminal rates, are applicable to the station rates listed herein.

(Sec. 7 (a) 49 Stat. 4 as amended, sec. 4 (a), 55 Stat. 498, 56 Stat. 768; 15 U. S. C. and Sup. 713 (a), 713 (a)–8, 50 U. S. C. App. Sup. 969; Article Third, pars. (b), (j) Charter of Commodity Credit Corporation)

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

JULY 18, 1947.

[F. R. Doc. 47-6920; Filed, July 22, 1947; 8:50 a. m.]

[1947 C. C. C. Barley Bulletin 1]

PART 264—BARLEY LOANS AND PURCHASE AGREEMENTS

SUBPART—1947

This bulletin states the requirements with respect to the 1947 Barley Loan and Purchase Agreement Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available on barley produced in 1947 in accordance with this bulletin.

Sec.
264.101 Administration.
264.102 Availability of loans and purchase agreements.
264.103 Approved lending agencies.
264.104 Eligible producer.
264.105 Eligible barley.
264.106 Eligible storage.
264.107 Approved forms.
264.108 Determination of quantity.
264.109 Determination of dockage.
264.110 Liens.
264.111 Service fees.
264.112 Set-offs.
264.113 Interest rate.
264.114 Transfer of producer's equity.
264.115 Safeguarding of the barley.
264.116 Insurance.
264.117 Loss or damage to the barley.
264.118 Personal liability.
264.119 Maturity, delivery, and satisfaction.
264.120 Removal of the barley under loan.
264.121 Release of the barley under loan.
264.122 Purchase of notes.
264.123 Field offices of CCC.
264.124 Loan and purchase rates.

AUTHORITY: §§ 264.101 to 264.124, inclusive, issued pursuant to Article Third, par. (b) of Corporate Charter of Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4 as amended, sec. 302 (a), 52 Stat. 48, as amended, sec. 4 (b) 55 Stat. 498, 56 Stat. 768; 15 U. S. C., and Sup., 713 (a), 713a–8 (b), 7 U. S. C. 1302 (a).

§ 264.101 *Administration.* The program will be administered in the field by the county agricultural conservation committees under the general supervision of the State PMA Committee.

Forms may be obtained from county committees in areas where loans and purchase agreements are available, or from other field offices of PMA. County committees will determine or cause to be determined the quantity and grade of the barley, the amount of the loan, and the value of the barley delivered under a loan or purchase agreement. All purchase and loan documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents or with the address of the CCC field office to which loan documents may be forwarded for disbursement.

§ 264.102 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans shall be available on eligible barley stored on farms in the States and counties for which loan rates are shown in § 264.124.

(2) Loans shall be available on eligible barley stored in approved public grain warehouses in all areas.

(3) Purchase agreements shall be available on eligible barley in all areas where loans are available.

(b) *Time.* Loans and purchase agreements shall be available through December 31, 1947.

§ 264.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which the CCC has entered into Lending Agency Agreement (Form PMA–97) or other forms prescribed by the Administrator.

§ 264.104 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing barley in 1947, as landowner, landlord, tenant, or sharecropper.

§ 264.105 *Eligible barley.* Eligible barley shall be barley which was produced in 1947, of any class grading No. 5 or better (except class III Western barley having a test weight of less than 40 pounds per bushel), the beneficial interest in which is now in the producer, and always has been in him, or in him and a former producer whom he succeeded before the barley was harvested; provided such barley does not grade weevily, tough, stained, blighted, bleached, garlicky, ergoty, or smutty, and if offered as security for a farm storage loan, has been stored in the granary at least 30 days prior to its inspection for measurements, sampling, and sealing, unless otherwise approved by the State PMA committee.

§ 264.106 *Eligible storage.* Eligible storage for barley shall meet the following requirements:

(a) Under the loan program, eligible farm storage shall consist of farm bins and granaries which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of the barley, permit effective fumigation for the destruction of insects, and afford protection against rodents, other animals, thieves, and weather.

(b) Under the loan and purchase agreement program, eligible warehouse storage shall consist of (1) public grain warehouses, situated at terminal, subterminal, or country points, for which a Uniform Grain Storage Agreement (CCC Form H) is in effect. (Warehousemen desiring approval should communicate with the CCC field office serving the area in which the warehouse is located); or (2) warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission.

(c) Under the purchase agreement program, barley stored in other than eligible warehouse storage will be purchased on delivered basis.

§ 264.107 *Approved forms.* The approved forms constitute the loan and purchase agreement documents which, together with the provisions of this bulletin, govern the rights and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement or in executing any of the loan or purchase documents, will render him subject to prosecution under the United States Criminal Code.

Notes and chattel mortgages, and note and loan agreements, must be dated prior to January 1, 1948, and be executed in accordance with these instructions, with State and documentary revenue stamps affixed thereto where required by law. Purchase agreements must be signed and dated by the producer and mailed or delivered to the county committee prior to January 1, 1948. Notes and chattel mortgages, note and loan agreements, and purchase agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producer's note on CCC Commodity Form A, secured by a chattel mortgage on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of note and loan agreement on CCC Commodity Form B, secured by negotiable warehouse receipts representing the barley stored in approved warehouses. All barley pledged as security for a loan on a single CCC Commodity Form B must be stored in the same warehouse.

(c) *Purchase agreement program.* The approved forms shall consist of the Purchase Agreement (Purchase Form 1) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by the Director, Grain Branch, PMA.

(d) *Warehouse receipts.* Barley stored in eligible warehouse storage in connection with a loan or purchase agreement must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer properly endorsed in blank so as to vest title in the holder, and be issued by an approved warehouseman.

(2) Each warehouse receipt should set forth in its written terms that the barley is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) Liens for warehouse charges will be recognized by CCC, but only from May 15, 1947, or the date of the warehouse receipt, whichever is later.

(4) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight and grade, dockage, test weight and all special grading factors.

(5) In the case of warehouse receipts issued for barley delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the barley covered thereby in lieu of the information required by subparagraph (4) of this paragraph. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors.

§ 264.108 *Determination of quantity.* A bushel shall be 48 pounds of clean barley free of dockage when determined by weight, or 1.25 cubic feet of barley testing 48 pounds per bushel when determined by measurement. A deduction of ¾ of a pound for each sack will be made in determining the net quantity of the barley when stored as sacked barley. In determining the quantity of barley in farm storage by measurement, fractional pounds of the bushel test weight will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 48-pound barley:

For barley testing	Percent
48 pounds or over	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75
35 pounds or over, but less than 36 pounds	73

§ 264.109 *Determination of dockage.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States, and the weight of such dockage shall be deducted from the gross weight of the barley in determining the net quantity available for loan or purchase.

§ 264.110 *Liens.* The barley must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the barley, proper waivers must be obtained.

§ 264.111 *Service fees*—(a) *Loans.* Where the barley under loan is farm-stored the producer shall pay a service fee of 1 cent per bushel, and where the barley under loan is warehouse-stored the producer shall pay a service fee of ½ cent per bushel.

(b) *Purchase agreement.* At the time the producer applies for a purchase agreement he shall pay a preliminary minimum service fee of $1.50. In addition, where delivery of barley is made under the purchase agreement, the producer shall pay a service fee of ½ cent per bushel on each bushel of barley delivered in excess of 300 bushels.

§ 264.112 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan or purchase agreement to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lien-holders. Indebtedness owing to the CCC shall be given first consideration after claims of prior lien-holders.

§ 264.113 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum; and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 264.114 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the barley under loan or his remaining interest may be restricted by CCC.

§ 264.115 *Safeguarding of the barley.* The producer obtaining a farm-stored loan is obligated to maintain the farm storage structures in good repair, and to keep the barley in good condition.

§ 264.116 *Insurance.* CCC will not require the producer to insure the barley placed under farm-storage loan; however, if the producer does insure such barley such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the barley involved in the loss.

§ 264.117 *Loss or damage to the barley.* The producer is responsible for any loss in quantity or quality of the barley placed under farm-storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 264.118 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the barley by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 264.119 *Maturity, delivery, and satisfaction*—(a) *Loans.* Loans mature on demand but not later than April 30, 1948. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity, or to deliver the mortgaged barley in accordance with instructions of the county committee. Credit will be given for the total quantity delivered, provided it was stored in the bins in which the barley under loan was stored, at the applicable loan rate, according to grade and/or quality. If the settlement value of the barley delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the barley is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the barley may be delivered before the maturity date of the loan upon prior aproval by the county committee. In the case of warehouse storage loans, if the producer does not repay his loan upon maturity CCC shall have the right to sell or pool the barley in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 264.120.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Purchase Form 1) shall not be obligated to deliver any specified quantity of barley to CCC. If the producer who signs a purchase agreement desires to sell barley to CCC he shall, during the month of May 1948, submit warehouse receipts representing eligible barley stored in eligible warehouse storage to the county committe for the quantity of such barley he elects to sell to CCC, or, in the case of barley stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Delivery shall be made to an approved warehouse, or as otherwise directed by the Administrator of PMA or his authorized representative. When delivery is completed, payment shall be made as prescribed by the Administrator. The producer shall direct to whom payment of the purchase price shall be made.

In the case of barley stored in eligible warehouse storage, purchases will be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and accompanying documents. Barley delivered from other than eligible warehouse storage will be purchased on the basis of official weights, grades and other quality factors at destination, or official weights at destination and official grades and other quality factors at the inspection point shown on the shipping order furnished the producer, which unless otherwise agreed shall be the customary location, on the route of shipment, of an inspector licensed under the U. S. Grain Standards Act; or, if such barley is delivered to a local CCC bin site, on the basis of the weight, grade and quality determinations made by the county committee (in accordance with instructions for the determination of such factors under the loan program) and approved by the producer at the time of delivery.

§ 264.120 *Removal of the barley under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the barley and sell it, either by separate contract or after pooling it with other lots of barley similarly held. The producer has no right of redemption after the barley is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled barley as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the barley, even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the barley or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 264.121 *Release of the barley under loan.* A producer may at any time obtain release of the barley remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the barley prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the barley to be released. In the case of warehouse-storage loans, each partial release must cover all of the commodity under one warehouse receipt number.

§ 264.122 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on 1940 C. C. C. Form F, or such other form as the Corporation may prescribe, of all payments received on producer's notes held by them, and are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the CCC field office serving the area.

§ 264.123 *Field offices of CCC.* The field offices of CCC, and the areas served by them, are shown below:

Address and Area
623 South Wabash, Chicago 3, Ill.: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia.
300 Interstate Building, 417 East 13th Street, Kansas City 6, Mo.: Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.
328 McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.
Eastern Building, 515 Southwest Tenth and Washington Streets, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 264.124 *Loan and purchase rates.* Loan and purchase rates for No. 1 barley are set forth below:

(a) *Basic loan and purchase rates at terminal markets.* 1947 barley loan and purchase rates per bushel for No. 1 barley, stored in approved public grain warehouses at the following terminal markets, shall be as follows:

Market	*Loan and purchase rate per bushel*
Chicago, Ill., and St. Louis, Mo.	$1.20
Kansas City, Mo., Omaha, Nebr., Minneapolis and Duluth, Minn., and Superior, Wis.	1.16
Memphis, Tenn.	1.26
San Francisco and Los Angeles, Calif., and Portland, Oreg.	1.23
Baltimore, Md., and Philadelphia, Pa.	1.31

For loan or purchase at the full rates shown in the above schedule, the barley must have been shipped by rail at the domestic interstate freight rate. The rate at the designated terminal market will be reduced by the difference between the freight paid and the domestic interstate freight rate, on any barley shipped at other than such freight rate.

The foregoing schedule of rates applies to barley delivered to any designated terminal market in carload lots which has been shipped by rail from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee minimum proportional freight rate from the terminal market, there shall be deducted from the applicable terminal rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional freight rate. The warehouse receipts must be accompanied by the registered freight bills, or by (1) a statement in the following form signed by the warehouseman, (2) a certificate of the warehouseman containing such a certification, or (3) such forms as may hereafter be approved by CCC.

FREIGHT CERTIFICATE FOR TERMINALS

The barley represented by attached warehouse receipt No. ---------- was received by rail freight from ----------
(Town)
---------- ----------
(County) (State)
point of origin, as evidenced by freight bill described as follows:

Way bill, date ---------- No. ----------
Car No. ---------- Initial ----------
Freight bill, date ---------- No. ----------
Carrier ---------- Transit wt. ----------
Freight rate in ---------- Amt. collected ----------
Number unused transit stops ----------

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 19 of the Uniform Grain Storage Agreement.

Warehouseman's Signature

Address

Date of signature

Barley stored at a designated terminal market (including trucked-in barley) for which neither registered freight bills nor such freight certificates are presented shall have a loan or purchase rate equal to the higher of (1) the terminal rate minus 6 cents per bushel, or, (2) the county rate for the county in which the barley is stored.

(b) *Basic loan and purchase rates at other than designated terminal points.* CCC will determine the loan and purchase rate for barley in storage on the farm or in country warehouses by deducting from the designated terminal market rate an amount equal to (1) the receiving and loading-out charges computed in accordance with the schedule of rates of the Uniform Grain Storage Agreement (CCC Form S) plus (2) the average all-rail interstate freight rate (plus tax), from all shipping points in the county.

Upon request by the county committee, the Branch office of CCC will determine the loan and purchase rate for barley stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail from country shipping points, by deducting from the appropriate designated terminal market rate an amount equal to the transit balance of the through freight from point of origin for such barley to such terminal market, plus freight tax on such transit balance; *Provided*, That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason ,to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line or other costs incurred in storing barley in such position.

The warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges or by a statement in the following form signed by the warehouseman, or a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The barley represented by attached warehouse receipt No. ---------- was received by rail freight from ----------
(Town)
---------- ----------
(County) (State)
point of origin, as evidenced by freight bill described as follows:

Way bill, date ---------- No. ----------
Car No. ---------- Initial ----------
Freight bill, date ---------- No. ----------
Carrier ---------- Transit wt. ----------
Freight rate in ---------- Amt. collected ----------
Transit balance, if any, of through freight rate to ---------- of ----------
per 100 pounds.
Number unused transit stops ----------

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 19 of the Uniform Grain Storage Agreement.

Warehouseman's Signature

Address

Date of signature

(c) *Variations for grades.* The loan and purchase rate for barley which grades No. 2 shall be discounted 2 cents per bushel; No. 3, 5 cents per bushel; No. 4, 8 cents per bushel; and No. 5, 15 cents per bushel. In addition a discount of two cents per bushel shall apply to "mixed" barley.

(d) *Storage allowance.* There shall be no storage allowance on barley under either the loan or purchase agreement program.

A deduction of 7¢ per bushel shall be made from the applicable loan rate on barley being placed under loan in a warehouse, unless evidence is submitted with the warehouse receipt that all warehouse charges except receiving charges have been prepaid through April 30, 1948.

A deduction of 7¢ per bushel shall be made from the applicable purchase rate on warehouse-stored barley offered under the purchase agreement program unless evidence is submitted with the warehouse receipt that all warehouse charges except receiving charges have been paid through the date the warehouse receipts are tendered to the county committee.

(e) *County loan and purchase values.* Loan and purchase values per bushel of eligible barley for the respective States and counties basis No. 1 barley free of dockage are listed below:

ARIZONA

County	No. 1 Barley	County	No. 1 Barley
Apache	$0.79	Mohave	$0.92
Cochise	.95	Navajo	.80
Coconino	.82	Pima	1.01
Gila	.92	Pinal	1.05
Graham	.92	Santa Cruz	.99
Greenlee	.89	Yavapai	.87
Maricopa	1.06	Yuma	1.07

CALIFORNIA

Alameda	$1.15	San Benito	$1.11
Butte	1.10	San Bernardino	1.12
Colusa	1.11	San Diego	1.10
Contra Costa	1.15	San Joaquin	1.13
El Dorado	1.09	San Luis Obispo	1.10
Fresno	1.11	San Mateo	1.15
Glenn	1.10	Santa Barbara	1.11
Humboldt	1.06	Santa Clara	1.14
Imperial	1.09	Santa Cruz	1.13
Kern	1.11	Shasta	1.06
Kings	1.11	Sierra	1.03
Lassen	1.03	Siskiyou	1.03
Los Angeles	1.15	Solano	1.14
Madera	1.12	Sonoma	1.13
Marin	1.15	Stanislaus	1.13
Mendocino	1.09	Sutter	1.11
Merced	1.12	Tehama	1.09
Modoc	1.02	Tulare	1.11
Monterey	1.12	Ventura	1.14
Napa	1.14	Yolo	1.12
Orange	1.14	Yuba	1.11
Placer	1.11		
Plumas	1.04		
Riverside	1.12		
Sacramento	1.12		

COLORADO

Adams	$0.96	Lake	$0.87
Alamosa	.90	La Plata	.81
Arapahoe	.96	Larimer	.96
Archuleta	.87	Las Animas	.96
Baca	.96	Lincoln	.96
Bent	.96	Logan	.96
Boulder	.95	Mesa	.86
Chaffee	.88	Mineral	.89
Cheyenne	.96	Moffat	.87
Conejos	.90	Montezuma	.78
Costilla	.91	Montrose	.81
Crowley	.96	Morgan	.96
Delta	.87	Otero	.96
Denver	.96	Ouray	.87
Dolores	.77	Phillips	.97
Douglas	.96	Pitkin	.89
Eagle	.83	Prowers	.97
Elbert	.96	Pueblo	.96
El Paso	.94	Rio Grande	.90
Fremont	.92	Routt	.87
Garfield	.86	Saguache	.87
Gilpin	.90	San Juan	.77
Grand	.89	San Miguel	.79
Gunnison	.87	Sedgwick	.96
Huerfano	.95	Teller	.82
Jefferson	.93	Washington	.96
Kiowa	.96	Weld	.96
Kit Carson	.97	Yuma	.96

DELAWARE

All counties	$1.16

IDAHO

Ada	$0.99	Custer	$0.90
Adams	.98	Elmore	.98
Bannock	.91	Franklin	.91
Bear Lake	.90	Fremont	.90
Benewah	1.04	Gem	.99
Bingham	.91	Gooding	.92
Blaine	.91	Idaho	1.03
Boise	.99	Jefferson	.90
Bonner	1.03	Jerome	.92
Bonneville	.91	Kootenai	1.04
Boundary	1.01	Latah	1.04
Butte	.90	Lemhi	.90
Camas	.91	Lewis	1.02
Canyon	.99	Lincoln	.92
Caribou	.89	Madison	.90
Cassia	.93	Minidoka	.93
Clark	.90	Nez Perce	1.04
Clearwater	1.04	Oneida	.91

IDAHO—Continued

County	No. 1 Barley	County	No. 1 Barley
Owyhee	$0.90	Teton	$0.90
Payette	1.00	Twin Falls	.94
Power	.92	Valley	.98
Shoshone	1.02	Washington	1.00

ILLINOIS

Adams	$1.07	Lee	$1.08
Alexander	1.08	Livingston	1.09
Bond	1.07	Logan	1.08
Boone	1.10	McDonough	1.07
Brown	1.07	McHenry	1.09
Bureau	1.08	McLean	1.08
Calhoun	1.08	Macon	1.08
Carroll	1.08	Macoupin	1.09
Cass	1.08	Madison	1.09
Champaign	1.08	Marion	1.08
Christian	1.08	Marshall	1.08
Clark	1.08	Mason	1.08
Clay	1.08	Massac	1.08
Clinton	1.09	Menard	1.08
Coles	1.08	Mercer	1.07
Cook	1.10	Monroe	1.09
Crawford	1.08	Montgomery	1.08
Cumberland	1.08	Morgan	1.08
De Kalb	1.09	Moultrie	1.08
De Witt	1.08	Ogle	1.08
Douglas	1.08	Peoria	1.08
Du Page	1.10	Perry	1.08
Edgar	1.08	Piatt	1.08
Edwards	1.08	Pike	1.08
Effingham	1.08	Pope	1.08
Fayette	1.08	Pulaski	1.07
Ford	1.08	Putnam	1.08
Franklin	1.08	Randolph	1.08
Fulton	1.07	Richland	1.07
Gallatin	1.06	Rock Island	1.07
Greene	1.09	St. Clair	1.09
Grundy	1.10	Saline	1.06
Hamilton (E)	1.08	Sangamon	1.08
Hamilton (W)	1.08	Schuyler	1.08
Hancock	1.06	Scott	1.08
Hardin	1.07	Shelby	1.08
Henderson	1.07	Stark	1.08
Henry	1.08	Stephenson	1.08
Iroquois	1.09	Tazewell	1.08
Jackson	1.08	Union	1.08
Jasper	1.08	Vermilion	1.09
Jefferson	1.08	Wabash	1.06
Jersey	1.09	Warren	1.07
Jo Daviess	1.07	Washington	1.08
Johnson	1.07	Wayne	1.07
Kane	1.10	White	1.06
Kankakee	1.10	Whiteside	1.08
Kendall	1.10	Will	1.10
Knox	1.07	Williamson	1.08
Lake	1.10	Winnebago	1.08
La Salle	1.09	Woodford	1.08
Lawrence	1.06		

INDIANA

Adams	$1.10	Hamilton	$1.10
Allen	1.09	Hancock	1.10
Bartholomew	1.08	Harrison	1.06
Benton	1.08	Hendricks	1.07
Blackford	1.10	Henry	1.10
Boone	1.07	Howard	1.08
Brown	1.07	Huntington	1.08
Carroll	1.08	Jackson	1.07
Cass	1.08	Jasper	1.10
Clark	1.07	Jay	1.10
Clay	1.07	Jefferson	1.08
Clinton	1.08	Jennings	1.08
Crawford	1.06	Johnson	1.08
Daviess	1.05	Knox	1.07
Dearborn	1.09	Kosciusko	1.08
Decatur	1.09	Lagrange	1.09
De Kalb	1.10	Lake	1.10
Delaware	1.10	La Porte	1.08
Dubois	1.06	Lawrence	1.07
Elkhart	1.08	Madison	1.10
Fayette	1.10	Marion	1.09
Floyd	1.07	Marshall	1.08
Fountain	1.07	Martin	1.06
Franklin	1.10	Miami	1.08
Fulton	1.08	Monroe	1.07
Gibson	1.06	Montgomery	1.08
Grant	1.09	Morgan	1.08
Greene	1.06	Newton	1.10

INDIANA—Continued

County	No. 1 Barley	County	No. 1 Barley
Noble	$1.09	Starke	$1.08
Ohio	1.09	Steuben	1.10
Orange	1.07	Sullivan	1.08
Owen	1.07	Switzerland	1.08
Parke	1.07	Tippecanoe	1.08
Perry	1.06	Tipton	1.09
Pike	1.06	Union	1.10
Porter	1.09	Vanderburgh	1.06
Posey	1.08	Vermillion	1.09
Pulaski	1.09	Vigo	1.07
Putnam	1.08	Wabash	1.08
Randolph	1.10	Warren	1.08
Ripley	1.09	Warrick	1.06
Rush	1.10	Washington	1.07
St. Joseph	1.08	Wayne	1.10
Scott	1.07	Wells	1.10
Shelby	1.09	White	1.09
Spencer	1.06	Whitley	1.08

IOWA

Adair	$1.04	Johnson	$1.06
Adams	1.05	Jones	1.06
Allamakee	1.04	Keokuk	1.05
Appanoose	1.05	Kossuth	1.03
Audubon	1.05	Lee	1.06
Benton	1.06	Linn	1.06
Black Hawk	1.05	Louisa	1.06
Boone	1.03	Lucas	1.04
Bremer	1.04	Lyon	1.03
Buchanan	1.05	Madison	1.03
Buena Vista	1.03	Mahaska	1.04
Butler	1.04	Marion	1.04
Calhoun	1.03	Marshall	1.04
Carroll	1.05	Mills	1.06
Cass	1.05	Mitchell	1.02
Cedar	1.06	Monona	1.05
Cerro Gordo	1.03	Monroe	1.05
Cherokee	1.03	Montgomery	1.06
Chickasaw	1.04	Muscatine	1.06
Clarke	1.04	O'Brien	1.03
Clay	1.03	Osceola	1.03
Clayton	1.05	Page	1.05
Clinton	1.07	Palo Alto	1.03
Crawford	1.05	Plymouth	1.04
Dallas	1.03	Pocahontas	1.03
Davis	1.05	Polk	1.04
Decatur	1.04	Pottawattamie (W)	1.06
Delaware	1.05	Pottawattamie (E)	1.06
Des Moines	1.06	Poweshiek	1.05
Dickinson	1.03	Ringgold	1.03
Dubuque	1.06	Sac	1.04
Emmet	1.03	Scott	1.07
Fayette	1.05	Shelby	1.06
Floyd	1.03	Sioux	1.03
Franklin	1.03	Story	1.04
Fremont	1.06	Tama	1.05
Greene	1.04	Taylor	1.04
Grundy	1.04	Union	1.04
Guthrie	1.04	Van Buren	1.06
Hamilton	1.03	Wapello	1.05
Hancock	1.03	Warren	1.04
Hardin	1.04	Washington	1.06
Harrison	1.06	Wayne	1.05
Henry	1.06	Webster	1.04
Howard	1.04	Winnebago	1.03
Humboldt	1.03	Winneshiek	1.03
Ida	1.04	Woodbury	1.05
Iowa	1.05	Worth	1.04
Jackson	1.07	Wright	1.03
Jasper	1.04		
Jefferson	1.05		

KANSAS

Allen	$1.04	Coffey	$1.04
Anderson	1.04	Comanche	.99
Atchison	1.05	Cowley	1.01
Barber	1.00	Crawford	1.04
Barton	1.00	Decatur	.99
Bourbon	1.04	Dickinson	1.01
Brown	1.04	Doniphan	1.04
Butler	1.01	Douglas	1.05
Chase	1.02	Edwards	1.00
Chautauqua	1.02	Elk	1.02
Cherokee	1.03	Ellis	1.00
Cheyenne	.98	Ellsworth	1.01
Clark	.98	Finney	.98
Clay	1.02	Ford	1.00
Cloud	1.02	Franklin	1.05

KANSAS—Continued

County	No. 1 Barley	County	No. 1 Barley
Geary	$1.02	Norton	$1.00
Gove	.99	Osage	1.04
Graham	1.00	Osborne	1.01
Grant	.98	Ottawa	1.01
Gray	.99	Pawnee	1.00
Greenley	.98	Phillips	1.00
Greenwood	1.03	Pottawatomie	1.03
Hamilton	.98	Pratt	1.00
Harper	1.00	Rawlins	.98
Harvey	1.01	Reno	1.01
Haskell	.98	Republic	1.02
Hodgeman	1.00	Rice	1.01
Jackson	1.04	Riley	1.03
Jefferson	1.05	Rooks	1.00
Jewell	1.01	Rush	1.00
Johnson	1.06	Russell	1.00
Kearny	.98	Saline	1.01
Kingman	1.01	Scott	.98
Kiowa	1.00	Sedgwick	1.01
Labette	1.03	Seward	.98
Lane	.99	Shawnee	1.04
Leavenworth	1.06	Sheridan	.99
Lincoln	1.01	Sherman	.98
Linn	1.04	Smith	1.01
Logan	.98	Stafford	1.00
Lyon	1.03	Stanton	.97
McPherson	1.01	Stevens	.98
Marion	1.01	Sumner	1.01
Marshall	1.03	Thomas	.98
Meade	.98	Trego	1.00
Miami	1.05	Wabaunsee	1.03
Mitchell	1.01	Wallace	.98
Montgomery	1.03	Washington	1.02
Morris	1.02	Wichita	.98
Morton	.97	Wilson	1.03
Nemaha	1.04	Woodson	1.04
Neosho	1.04	Wyandotte	1.07
Ness	1.00		

KENTUCKY

All counties $1.10

MARYLAND

All counties $1.19

MICHIGAN

Alcona	$1.05	Lake	$1.06
Alger	1.01	Lapeer	1.10
Allegan	1.08	Leelanau	1.05
Alpena	1.05	Lenawee	1.11
Antrim	1.05	Livingston	1.10
Arenac	1.05	Luce	.99
Baraga	1.01	Mackinac	.99
Barry	1.08	Macomb	1.11
Bay	1.08	Manistee	1.06
Benzie	1.05	Marquette	1.01
Berrien	1.08	Mason	1.07
Branch	1.08	Mecosta	1.07
Calhoun	1.08	Menominee	1.03
Cass	1.08	Midland	1.07
Charlevoix	1.04	Missaukee	1.05
Cheboygan	1.04	Monroe	1.12
Chippewa	.99	Montcalm	1.08
Clare	1.07	Montmorency	1.05
Clinton	1.08	Muskegon	1.08
Crawford	1.05	Newaygo	1.07
Delta	1.02	Oakland	1.11
Dickinson	1.02	Oceana	1.07
Eaton	1.08	Ogemaw	1.05
Emmet	1.04	Ontonagon	1.01
Genesee	1.10	Osceola	1.06
Gladwin	1.06	Oscoda	1.05
Gogebic	1.01	Otsego	1.04
Grand Traverse	1.05	Ottawa	1.08
Gratiot	1.08	Presque Isle	1.04
Hillsdale	1.10	Roscommon	1.05
Houghton	1.01	Saginaw	1.09
Huron	1.08	St. Clair	1.11
Ingham	1.08	St. Joseph	1.08
Ionia	1.08	Sanilac	1.10
Iosco	1.05	Schoolcraft	.99
Iron	1.01	Shiawassee	1.09
Isabella	1.07	Tuscola	1.09
Jackson	1.09	Van Buren	1.08
Kalamazoo	1.08	Washtenaw	1.11
Kalkaska	1.05	Wayne	1.11
Kent	1.08	Wexford	1.05
Keweenaw	1.01		

MINNESOTA

County	No. 1 Barley	County	No. 1 Barley
Aitkin	$1.03	Marshall	$1.00
Anoka	1.07	Martin	1.04
Becker	1.02	Meeker	1.05
Beltrami	1.01	Mille Lacs	1.04
Benton	1.04	Morrison	1.04
Big Stone	1.02	Mower	1.04
Blue Earth	1.04	Murray	1.03
Brown	1.04	Nicollet	1.05
Carlton	1.04	Nobles	1.03
Carver	1.06	Norman	1.01
Cass	1.02	Olmsted	1.04
Chippewa	1.04	Otter Tail	1.03
Chisago	1.06	Pennington	1.00
Clay	1.02	Pine	1.05
Clearwater	1.01	Pipestone	1.03
Cook	1.03	Polk	1.01
Cottonwood	1.03	Pope	1.04
Crow Wing	1.03	Ramsey	1.07
Dakota	1.07	Red Lake	1.00
Dodge	1.05	Redwood	1.04
Douglas	1.03	Renville	1.04
Faribault	1.04	Rice	1.06
Fillmore	1.04	Rock	1.03
Freeborn	1.04	Roseau	.99
Goodhue	1.05	St. Louis	1.01
Grant	1.03	Scott	1.07
Hennepin	1.07	Sherburne	1.06
Houston	1.05	Sibley	1.05
Hubbard	1.02	Stearns	1.04
Isanti	1.06	Steele	1.05
Itasca	1.01	Stevens	1.03
Jackson	1.03	Swift	1.04
Kanabec	1.05	Todd	1.04
Kandiyohi	1.05	Traverse	1.02
Kittson	.99	Wabasha	1.05
Koochiching	.99	Wadena	1.03
Lac Qui Parle	1.03	Waseca	1.05
Lake	1.03	Washington	1.07
Lake of the Woods	.99	Watonwan	1.04
Le Sueur	1.06	Wilkin	1.02
Lincoln	1.03	Winona	1.04
Lyon	1.03	Wright	1.06
McLeod	1.05	Yellow Medicine	1.03
Mahnomen	1.01		

MISSOURI

Adair	$1.06	Harrison	$1.04
Andrew	1.05	Henry	1.05
Atchison	1.03	Hickory	1.04
Audrain	1.07	Holt	1.04
Barry	1.02	Howard	1.07
Barton	1.04	Howell	1.01
Bates	1.05	Iron	1.07
Benton	1.04	Jackson	1.07
Bollinger	1.07	Jasper	1.03
Boone	1.07	Jefferson	1.09
Buchanan	1.05	Johnson	1.05
Butler	1.05	Knox	1.06
Caldwell	1.05	Laclede	1.05
Callaway	1.07	Lafayette	1.05
Camden	1.05	Lawrence	1.02
Cape Girardeau	1.07	Lewis	1.07
Carroll	1.05	Lincoln	1.09
Carter	1.01	Linn	1.05
Cass	1.05	Livingston	1.05
Cedar	1.04	McDonald	1.02
Charlton	1.06	Macon	1.06
Christian	1.02	Madison	1.07
Clark	1.06	Maries	1.08
Clay	1.06	Marion	1.07
Clinton	1.05	Mercer	1.04
Cole	1.07	Miller	1.06
Cooper	1.06	Mississippi	1.07
Crawford	1.07	Moniteau	1.06
Dade	1.03	Monroe	1.07
Dallas	1.04	Montgomery	1.08
Daviess	1.05	Morgan	1.06
De Kalb	1.05	New Madrid	1.06
Dent	1.06	Newton	1.02
Douglas	1.01	Nodaway	1.04
Dunklin	1.04	Oregon	1.01
Franklin	1.09	Osage	1.07
Gasconade	1.08	Ozark	1.01
Gentry	1.04	Pemiscot	1.05
Greene	1.03	Perry	1.08
Grundy	1.05	Pettis	1.06
		Phelps	1.07

MISSOURI—Continued

County	No. 1 Barley	County	No. 1 Barley
Pike	$1.08	Schuyler	$1.05
Platte	1.06	Scotland	1.06
Polk	1.03	Scott	1.06
Pulaski	1.06	Shannon	1.01
Putnam	1.05	Shelby	1.07
Ralls	1.07	Stoddard	1.07
Randolph	1.07	Stone	1.02
Ray	1.05	Sullivan	1.05
Reynolds	1.05	Taney	1.01
Ripley	1.05	Texas	1.02
St. Charles	1.11	Vernon	1.04
St. Clair	1.04	Warren	1.09
St. Francois	1.08	Washington	1.08
St. Louis	1.11	Wayne	1.06
Ste. Genevieve	1.08	Webster	1.04
Saline	1.06	Worth	1.04
		Wright	1.02

MONTANA

Beaverhead	$0.90	Madison	$0.95
Big Horn	.88	Meagher	.95
Blaine	.93	Mineral	.98
Broadwater	.95	Missoula	.96
Carbon	.91	Musselshell	.94
Cascade	.95	Park	.95
Chouteau	.95	Petroleum	.95
Custer	.91	Phillips	.91
Daniels	.90	Pondera	.94
Dawson	.92	Powell	.95
Deer Lodge	.95	Prairie	.92
Fallon	.93	Ravalli	.96
Fergus	.95	Richland	.92
Flathead	.97	Roosevelt	.93
Gallatin	.95	Rosebud	.92
Glacier	.96	Sanders	.98
Golden Valley	.95	Sheridan	.92
Granite	.96	Silver Bow	.95
Hill	.95	Stillwater	.95
Jefferson	.95	Sweet Grass	.95
Judith Basin	.95	Teton	.95
Lake	.97	Toole	.95
Lewis and Clark	.95	Treasure	.92
Liberty	.95	Valley	.90
Lincoln	.98	Wheatland	.95
McCone	.91	Wibaux	.93
		Yellowstone	.94

NEBRASKA

Adams	$1.02	Hamilton	$1.03
Antelope	1.03	Harlan	1.01
Arthur	.98	Hayes	.99
Banner	.96	Hitchcock	.99
Blaine	1.00	Holt	1.02
Boone	1.03	Hooker	.99
Box Butte	.97	Howard	1.03
Boyd	1.01	Jefferson	1.04
Brown	1.00	Johnson	1.04
Buffalo	1.02	Kearney	1.02
Burt	1.05	Keith	.98
Butler	1.05	Keya Paha	1.01
Cass	1.06	Kimball	.96
Cedar	1.03	Knox	1.02
Chase	.98	Lancaster	1.05
Cherry	.99	Lincoln	1.00
Cheyenne	.96	Logan	1.00
Clay	1.02	Loup	1.01
Colfax	1.05	McPherson	.99
Cuming	1.05	Madison	1.03
Custer	1.01	Merrick	1.03
Dakota	1.04	Morrill	.97
Dawes	.96	Nance	1.04
Dawson	1.01	Nemaha	1.04
Deuel	.97	Nuckolls	1.02
Dixon	1.04	Otoe	1.05
Dodge	1.05	Pawnee	1.04
Douglas	1.06	Perkins	.98
Dundy	.98	Phelps	1.01
Fillmore	1.03	Pierce	1.03
Franklin	1.01	Platte	1.04
Frontier	1.00	Polk	1.04
Furnas	1.00	Redwillow	1.00
Gage	1.04	Richardson	1.04
Garden	.98	Rock	1.01
Garfield	1.02	Saline	1.04
Gosper	1.01	Sarpy	1.06
Grant	.98	Saunders	1.06
Greeley	1.03	Scotts Bluff	.96
Hall	1.03	Seward	1.05

NEBRASKA—Continued

County	No. 1 Barley	County	No. 1 Barley
Sheridan	$0.98	Valley	$1.02
Sherman	1.02	Washington	1.06
Sioux	.96	Wayne	1.03
Stanton	1.04	Webster	1.02
Thayer	1.03	Wheeler	1.03
Thomas	1.00	York	1.04
Thurston	1.05		

NEVADA

Churchill	$1.01	Lincoln	$0.94
Clark	.93	Lyon	.97
Douglas	1.00	Ormsby	1.00
Elko	.94	Pershing	1.01
Eureka	.94	Washoe	1.02
Humboldt	.94	White Pine	.94
Lander	.94		

NEW JERSEY

All counties $1.17

NEW MEXICO

Bernalillo	$0.85	Mora	$0.89
Catron	.85	Otero	.85
Chaves	.86	Quay	.87
Colfax	.91	Rio Arriba	.86
Curry	.87	Roosevelt	.86
De Baca	.85	Sandoval	.85
Dona Ana	.85	San Juan	.85
Eddy	.85	San Miguel	.86
Grant	.85	Santa Fe	.85
Guadalupe	.85	Sierra	.85
Harding	.87	Socorro	.85
Hidalgo	.85	Taos	.89
Lea	.85	Torrance	.85
Lincoln	.85	Union	.91
Luna	.85	Valencia	.85
McKinley	.85		

NEW YORK

All counties $1.15

NORTH CAROLINA

All counties $1.12

NORTH DAKOTA

Adams	$0.95	McKenzie	$0.94
Barnes	1.00	McLean	.97
Benson	.98	Mercer	.96
Billings	.95	Morton	.97
Bottineau	.96	Mountrail	.96
Bowman	.95	Nelson	.99
Burke	.96	Oliver	.97
Burleigh	.98	Pembina	.99
Cass	1.01	Pierce	.98
Cavalier	.98	Ramsey	.99
Dickey	1.00	Ransom	1.01
Divide	.95	Renville	.96
Dunn	.95	Richland	1.02
Eddy	.99	Rolette	.97
Emmons	.98	Sargent	1.01
Foster	.99	Sheridan	.98
Golden Valley	.94	Sioux	.96
Grand Forks	1.00	Slope	.94
Grant	.96	Stark	.96
Griggs	1.00	Steele	1.00
Hettinger	.96	Stutsman	1.00
Kidder	.99	Towner	.98
La Moure	.99	Traill	1.01
Logan	.99	Walsh	.99
McHenry	.97	Ward	.96
McIntosh	.98	Wells	.99
		Williams	.95

OHIO

Adams	$1.11	Columbiana	$1.13
Allen	1.12	Coshocton	1.12
Ashland	1.12	Crawford	1.12
Ashtabula	1.14	Cuyahoga	1.12
Athens	1.12	Darke	1.11
Auglaize	1.11	Defiance	1.11
Belmont	1.12	Delaware	1.12
Brown	1.11	Erie	1.12
Butler	1.11	Fairfield	1.12
Carroll	1.12	Fayette	1.11
Champaign	1.11	Franklin	1.12
Clark	1.11	Fulton	1.11
Clermont	1.11	Gallia	1.11
Clinton	1.11	Geauga	1.14

OHIO—Continued

County	No. 1 Barley	County	No. 1 Barley
Greene	$1.11	Morrow	$1.12
Guernsey	1.12	Muskingum	1.12
Hamilton	1.11	Noble	1.12
Hancock	1.12	Ottawa	1.12
Hardin	1.12	Paulding	1.11
Harrison	1.12	Perry	1.12
Henry	1.11	Pickaway	1.12
Highland	1.11	Pike	1.11
Hocking	1.12	Portage	1.12
Holmes	1.12	Preble	1.11
Huron	1.12	Putnam	1.11
Jackson	1.11	Richland	1.12
Jefferson	1.12	Ross	1.11
Knox	1.12	Sandusky	1.12
Lake	1.13	Scioto	1.11
Lawrence	1.11	Seneca	1.12
Licking	1.12	Shelby	1.11
Logan	1.11	Stark	1.12
Lorain	1.12	Summit	1.12
Lucas	1.12	Trumbull	1.14
Madison	1.11	Tuscarawas	1.12
Mahoning	1.13	Union	1.12
Marion	1.12	Van Wert	1.11
Medina	1.12	Vinton	1.12
Meigs	1.11	Warren	1.11
Mercer	1.11	Washington	1.12
Miami	1.11	Wayne	1.12
Monroe	1.12	Williams	1.11
Montgomery	1.11	Wood	1.12
Morgan	1.12	Wyandot	1.12

OKLAHOMA

Alfalfa	$1.03	Logan	$1.03
Beaver	1.00	McClain	1.03
Beckham	1.02	Major	1.03
Blaine	1.03	Mayes	1.05
Caddo	1.03	Noble	1.03
Canadian	1.03	Nowata	1.04
Cimarron	.95	Okfuskee	1.04
Cleveland	1.03	Oklahoma	1.03
Comanche	1.03	Okmulgee	1.05
Cotton	1.03	Osage	1.03
Craig	1.05	Ottawa	1.05
Creek	1.04	Pawnee	1.03
Custer	1.03	Payne	1.03
Dewey	1.02	Pottawatomie	1.03
Ellis	1.02	Roger Mills	1.01
Garfield	1.03	Rogers	1.05
Grady	1.03	Texas	.99
Grant	1.03	Tillman	1.03
Greer	1.02	Tulsa	1.05
Harmon	1.02	Wagoner	1.05
Harper	1.00	Washington	1.04
Jackson	1.03	Washita	1.03
Kay	1.03	Woods	1.01
Kingfisher	1.03	Woodward	1.02
Kiowa	1.03		
Lincoln	1.03		

OREGON

Baker	$1.02	Lane	$1.11
Benton	1.12	Linn	1.12
Clackamas	1.14	Malheur	1.00
Columbia	1.12	Marion	1.13
Crook	1.08	Morrow	1.11
Deschutes	1.08	Multnomah	1.14
Douglas	1.08	Polk	1.13
Gilliam	1.12	Sherman	1.12
Grant	1.00	Umatilla	1.08
Harney	1.00	Union	1.03
Jackson	1.05	Wallowa	1.03
Jefferson	1.09	Wasco	1.09
Josephine	1.05	Washington	1.14
Klamath	1.05	Yamhill	1.14
Lake	1.00		

PENNSYLVANIA

All counties $1.17

SOUTH DAKOTA

Armstrong	$0.96	Buffalo	$1.00
Aurora	1.01	Butte	.94
Beadle	1.01	Campbell	.98
Bennett	.98	Charles Mix	1.01
Bon Homme	1.03	Clark	1.01
Brookings	1.02	Clay	1.04
Brown	1.01	Codington	1.02
Brule	1.01	Corson	.97

SOUTH DAKOTA—Continued

County	No. 1 Barley	County	No. 1 Barley
Custer	$0.95	McCook	$1.02
Davison	1.02	McPherson	.99
Day	1.01	Marshall	1.01
Deuel	1.02	Meade	.94
Dewey	.96	Mellette	.99
Douglas	1.02	Miner	1.02
Edmunds	.99	Minnehaha	1.03
Fall River	.95	Moody	1.02
Faulk	1.00	Pennington	.94
Grant	1.02	Perkins	.95
Gregory	1.01	Potter	.98
Haakon	.96	Roberts	1.01
Hamlin	1.02	Sanborn	1.01
Hand	1.00	Shannon	.96
Hanson	1.02	Spink	1.01
Harding	.94	Stanley	.98
Hughes	.99	Sully	.98
Hutchinson	1.02	Todd	.99
Hyde	.99	Tripp	1.00
Jackson	.97	Turner	1.03
Jerauld	1.01	Union	1.04
Jones	.97	Walworth	.98
Kingsbury	1.02	Washabaugh	.98
Lake	1.02	Washington	.96
Lawrence	.94	Yankton	1.03
Lincoln	1.03	Ziebach	.95
Lyman	.99		

TENNESSEE

All counties	$1.12

TEXAS

County	No. 1 Barley	County	No. 1 Barley
Andrews	$0.97	Howard	$0.98
Archer	.99	Hutchinson	.98
Armstrong	.98	Jones	.99
Bailey	.97	Kent	.98
Baylor	.99	King	.98
Borden	.98	Knox	.99
Briscoe	.97	Lamb	.97
Callahan	.99	Lipscomb	.98
Carson	.98	Lubbock	.97
Castro	.97	Lynn	.97
Childress	.99	Martin	.98
Clay	1.01	Mitchell	.98
Cochran	.96	Moore	.97
Coleman	.98	Motley	.97
Collingsworth	.98	Nolan	.98
Cottle	.98	Ochiltree	.97
Crosby	.97	Oldham	.97
Dallam	.96	Parmer	.97
Dawson	.97	Potter	.98
Deaf Smith	.97	Randall	.97
Dickens	.97	Roberts	.98
Donley	.98	Runnels	.98
Fisher	.99	Scurry	.98
Floyd	.97	Shackelford	.99
Foard	.99	Sherman	.97
Gaines	.96	Stonewall	.98
Garza	.97	Swisher	.97
Gray	.98	Taylor	.99
Hale	.97	Terry	.97
Hall	.97	Throckmorton	.99
Hansford	.97	Wheeler	.98
Hardeman	1.00	Wichita	1.01
Hartley	.97	Wilbarger	1.00
Haskell	.99	Yoakum	.96
Hemphill	.98	Young	1.00
Hockley	.97		

UTAH

County	No. 1 Barley	County	No. 1 Barley
Beaver	$0.94	Piute	$0.89
Box Elder	.91	Rich	.90
Cache	.90	Salt Lake	.92
Carbon	.90	Sanpete	.90
Davis	.92	Sevier	.89
Emery	.89	Summit	.91
Grand	.88	Tooele	.92
Iron	.93	Utah	.92
Juab	.92	Wasatch	.91
Millard	.93	Weber	.92
Morgan	.91		

VIRGINIA

	No. 1 Barley
All counties	$1.17

WASHINGTON

County	No. 1 Barley	County	No. 1 Barley
Adams	$1.05	Lewis	$1.11
Asotin	1.03	Lincoln	1.04
Benton	1.08	Mason	1.09
Chelan	1.04	Okanogan	1.02
Clark	1.15	Pacific	1.09
Columbia	1.07	Pend Oreille	1.02
Cowlitz	1.13	Skamania	1.14
Douglas	1.03	Spokane	1.04
Ferry	1.00	Stevens	1.02
Franklin	1.06	Thurston	1.12
Garfield	1.07	Walla Walla	1.08
Grant	1.04	Whitman	1.04
Kittitas	1.08	Yakima	1.07
Klickitat	1.12		

WEST VIRGINIA

All counties	$1.14

WISCONSIN

County	No. 1 Barley	County	No. 1 Barley
Adams	$1.05	Marathon	$1.04
Ashland	1.02	Marinette	1.04
Barron	1.04	Marquette	1.05
Bayfield	1.02	Milwaukee	1.11
Brown	1.06	Monroe	1.05
Buffalo	1.04	Oconto	1.05
Burnett	1.05	Oneida	1.03
Calumet	1.06	Outagamie	1.06
Chippewa	1.04	Ozaukee	1.08
Clarke	1.04	Pepin	1.04
Columbia	1.06	Pierce	1.05
Crawford	1.05	Polk	1.05
Dane	1.07	Portage	1.05
Dodge	1.07	Price	1.02
Door	1.04	Racine	1.11
Douglas	1.04	Richland	1.06
Dunn	1.05	Rock	1.03
Eau Claire	1.04	Rusk	1.03
Florence	1.03	St. Croix	1.07
Fond du Lac	1.07	Sauk	1.06
Forest	1.04	Sawyer	1.03
Grant	1.05	Shawano	1.05
Green	1.07	Sheboygan	1.07
Green Lake	1.06	Taylor	1.03
Iowa	1.06	Trempealeau	1.04
Iron	1.02	Vernon	1.05
Jackson	1.04	Vilas	1.02
Jefferson	1.08	Walworth	1.08
Juneau	1.06	Washburn	1.04
Kenosha	1.11	Washington	1.07
Kewaunee	1.05	Waukesha	1.08
La Crosse	1.05	Waupaca	1.05
Lafayette	1.06	Waushara	1.06
Langlade	1.04	Winnebago	1.06
Lincoln	1.04	Wood	1.05
Manitowoc	1.06		

WYOMING

County	No. 1 Barley	County	No. 1 Barley
Albany	$0.90	Lincoln	$0.87
Big Horn	.85	Natrona	.88
Campbell	.91	Niobrara	.94
Carbon	.87	Park	.85
Converse	.91	Platte	.94
Crook	.92	Sheridan	.90
Fremont	.86	Sweetwater	.85
Goshen	.96	Uinta	.90
Hot Springs	.85	Washakie	.85
Johnson	.82	Weston	.93
Laramie	.94		

Approved: July 18, 1947.

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

[F. R. Doc. 47-6917; Filed, July 22, 1947; 8:50 a. m.]

PART 277—TOBACCO LOANS

SUBPART—1947

Statement with respect to flue-cured tobacco loan program for the 1947-48 marketing year—1947 crop—formulated by the Commodity Credit Corporation and Production and Marketing Administration. Also, announcement of the schedule of advance rates by grades for the 1947 crop of flue-cured tobacco.

Sec.
277.21 Legal authority and level of loans
277.22 Administration.
277.23 Advances to growers.
277.24 Interest rates, recourse, and distribution of net gains.
277.25 1947 Crop—flue-cured tobacco advance schedule (Types 11-14).

AUTHORITY: §§ 277.21 to 277.25, inclusive issued under sec. 8, 56 Stat. 765, 58 Stat. 642, 784, 59 Stat. 306; 50 U. S. C. App. Sup. 968.

§ 277.21 *Legal authority and level of loans.* Section 8 of the Stabilization Act of 1942, as amended (50 U. S. C. App. sec. 968), authorizes and directs Commodity Credit Corporation to make loans to cooperating producers at 90 percent of parity as of the beginning of the marketing year with respect to flue-cured tobacco, and to noncooperators at rates equal to 60 percent of the rate for cooperators with respect to so much of the tobacco as would be subject to penalty if otherwise marketed (excess production above the marketing quota).

§ 277.22 *Administration.* The Tobacco Branch, Production and Marketing Administration, supervises the execution of the operation. Field execution of the operation will be carried out by a producer cooperative organization operating under contract with Commodity Credit Corporation. The name of the contracting organization may be obtained from the Director of the Tobacco Branch. The services include receiving, redrying, packing, storing, and marketing the tobacco. The contracting organization is authorized to enter into sub-contracts subject to the approval of the Tobacco Branch for the performance of certain of these services. Loan rates by official standard grades are established by the Tobacco Branch to reflect quality and other differences among the various kinds, types, and grades and loans are made to the contracting organization which in turn makes advances to growers.

§ 277.23 *Advances to growers.* The contracting organization will make the advances to growers at or through auction warehouses where growers normally offer their tobacco for sale.

§ 277.24 *Interest rates, recourse, and distribution of net gains.* The loans made to the contracting organization bear interest at the rate of 3 percent per annum and are fully nonrecourse both as to principal and interest except in the case of violation of or failure to carry out the terms of the contract. Net gains accruing from the final marketing of the tobacco acquired by the contracting organization will be distributed to the growers of the tobacco.

§ 277.25 *1947 Crop—Flue-cured Tobacco Advance Schedule (Types 11-14)* [1]

[Dollars per 100 pounds—farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
A1L	68.12	H3F	48.12
A2L	64.12	H4F	42.12
A3L	60.12	H5F	36.12
A1F	68.12	H6F	26.12
A2F	62.12	H1R	50.12
A3F	56.12	H2R	46.12
A1R	58.12	H3R	40.12
A2R	54.12	H4R	34.12
A3R	50.12	H5R	28.12
B1L	58.12	H6R	24.12
B2L	54.12	C1L	62.12
B3L	48.12	C2L	62.12
B4L	44.12	C3L	60.12
B5L	38.12	C4L	58.12
B6L	28.12	C5L	52.12
B1F	54.12	C1F	60.12
B2F	48.12	C2F	60.12
B3F	44.12	C3F	58.12
B4F	38.12	C4F	56.12
B5F	30.12	C5F	50.12
B6F	22.12	C4LV	52.12
B1R	50.12	C5LV	46.12
B2R	42.12	C4FM	44.12
B3R	36.12	C5FM	38.12
B4R	28.12	X1L	58.12
B5R	22.12	X2L	56.12
B6R	16.12	X3L	50.12
B3D	32.12	X4L	40.12
B4D	24.12	X5L	30.12
B5D	18.12	X1F	56.12
B6D	14.12	X2F	54.12
B3LV	46.12	X3F	48.12
B4LV	40.12	X4F	36.12
B5LV	34.12	X5F	26.12
B3FV	42.12	X3R	34.12
B4FV	34.12	X4R	26.12
B5FV	26.12	X5R	20.12
B3FM	40.12	X3LV	44.12
B4FM	34.12	X4LV	36.12
B5FM	26.12	X3FV	42.12
B4FK	28.12	X4FV	34.12
B5FK	22.12	X3FM	38.12
B4GL	32.12	X4FM	30.12
B5GL	24.12	X5FM	22.12
B6GL	18.12	X3G	28.12
B4GF	28.12	X4G	24.12
B5GF	22.12	X5G	18.12
B6GF	16.12	P3L	46.12
B4GR	22.12	P4L	34.12
B5GR	16.12	P5L	24.12
B6GR	12.12	P3F	42.12
H1L	60.12	P4F	30.12
H2L	56.12	P5F	20.12
H3L	52.12	P3G	26.12
H4L	46.12	P4G	20.12
H5L	40.12	P5G	16.12
H6L	30.12	N1L	10.12
H1F	56.12	N1R	9.12
H2F	52.12	N1G	8.12

[1] The advance rates quoted above are applicable to tied flue-cured tobacco. Rates for untied flue-cured tobacco are four dollars ($4) per hundred pounds less for each grade. The Cooperative Association through which the loans are made is authorized to deduct from the amount paid to the grower 12 cents per hundred pounds to apply against the overhead costs to the Association of the loan operation. Tobacco can be placed under loan only by the original producer and at these rates only if produced on a cooperating farm. Tobacco graded "W" (wet), "U" (unsound), "DAM" (damaged), N2L, N2R, or N2G will not be accepted.

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

JULY 18, 1947.

[F. R. Doc. 47-6918; Filed, July 22, 1947; 8:50 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary, Department of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

DELEGATION OF AUTHORITY TO CARRY OUT RESPONSIBILITIES OF DEPARTMENT OF AGRICULTURE UNDER GREEK-TURKISH AND RELIEF FOR DEVASTATED COUNTRIES PROGRAMS

In carrying out the authority conferred by the act of May 22, 1947, entitled "An Act to Provide Assistance to Greece and Turkey"; the joint resolution of May 31, 1947, entitled "Joint Resolution Providing for Relief Assistance to the People of Countries Devastated by War"; and Executive Orders 9857 and 9864, the Administrator of the Production and Marketing Administration is hereby authorized in behalf of this Department to cooperate with the Department of State to the extent he deems feasible in keeping with other established Departmental responsibilities and to the extent that funds may be made available therefor and in connection therewith to enter into such contracts and to perform such services as may be necessary to effectuate the commodity purchase and delivery programs under the authority of the aforementioned acts of Congress. In carrying out the authority hereunder, the Administrator of the Production and Marketing Administration may redelegate any of his authority to such employees of the Production and Marketing Administration as he may deem advisable, and may coordinate activities, pursuant to his authorization, within the Department with those of the Commodity Credit Corporation under its Supply Program.

This delegation of authority shall be effective as of July 1, 1947.

(R. S. 161; 5 U. S. C. § 22)

Done at Washington, D. C., this 18th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6921; Filed, July 22, 1947; 8:50 a. m.]

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 30—TOBACCO STOCKS AND STANDARDS

ESTABLISHMENT OF CLASS 3, TYPE 31-V, AIR-CURED TOBACCO

On June 26, 1947, a notice of proposed rule-making was published in the FEDERAL REGISTER (12 F. R. 4144), relative to a proposed amendment of the description of Class 3, air-cured types and groups (7 CFR 30.5), of the standards for tobacco established pursuant to section 2 of the Tobacco Stocks and Standards Act, as amended (45 Stat. 1079; 47 Stat. 662; 49 Stat. 893; 7 U. S. C. 501 et seq.), which proposed amendment is designed to establish a type of tobacco to be known as Type 31-V, under Class 3, air-cured tobacco. Consideration having been given to all relevant matter presented, including the proposal set forth in the aforesaid notice, the standards for tobacco above referred to are hereby amended as follows:

Insert in § 30.5, *Class 3: Air-cured types and groups*, between the descriptions of Type 31 and Type 32, a new paragraph providing as follows:

Type 31-V. Notwithstanding the definitions of "Type" and "Type 31", any tobacco having the general visual characteristics of quality, color, and length of Class 3, Type 31, air-cured tobacco, but which is a low-nicotine strain or variety, produced and to be marketed under such restrictions or controls as shall be specified by the Director of the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, and which in its cured state is found by an authorized representative of the Department to have a nicotine content of not more than eight-tenths of one per centum (8/10 of 1%), oven-dry weight, shall not be classified as Type 31 but shall be classified and designated upon certification by the Department as Type 31-V. No groups are applicable to Type 31-V.

Compliance with the effective date requirements of the Administrative procedure Act (60 Stat. 237; Pub. Law No. 404, 79th Cong., 2d Sess.) is impracticable, unnecessary, and contrary to the public interest in that tobacco for the 1947 crop is currently being produced, it is essential to the proper application of the standards for tobacco established under the Tobacco Stocks and Standards Act, as amended, that tobacco of Type 31-V be distinguished from all other types of tobacco recognized and defined in such standards, and delay in the establishment of Type 31-V will prevent the application of such standard to the 1947 tobacco crop. Accordingly, the aforesaid amendment shall become effective immediately upon publication thereof in the FEDERAL REGISTER.

(45 Stat. 1079, 47 Stat. 662, 49 Stat. 893; 7 U. S. C. 501 et seq.)

Done at Washington, D. C., this 18th day of July 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6922; Filed, July 22, 1947; 8:50 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

MISCELLANEOUS AMENDMENTS

State Bulletins (Subpart—1947) issued December 17, 1946 (11 F. R. 14339), and amendments issued March 19, 1947 (12 F. R. 1831), and May 3, 1947 (12 F. R. 2977), are hereby further amended as follows:

1. Section 701.843 *California*, paragraph (j) (33), (ii), (b), is amended by deleting the language "$0.25" and inserting therefor "$0.30."

2. Section 701.844 *Colorado*, paragraph (j) (36), (i), (a), is amended by deleting the language "$1.50" and inserting therefor "$150."

3. Section 701.844 *Colorado*, paragraph (j) (50) is amended by deleting the language "Payment will be made only for eradication completed in 1947" and substituting therefor the following: "Payment will be made only for eradication completed in 1947, except that eradication is not required where 2,4–D is properly used under adequate supervision and a satisfactory control of the weeds is obtained."

4. Section 701.853 *Kansas*, paragraph (j) is amended by adding the following subparagraph (48):

(48) *Rock phosphate.* Application of rock phosphate in an approved manner in connection with a full seeding of perennial or biennial legumes. Rock phosphate applied to an established stand of perennial or first-year biennial legumes will also be approved, provided the eligible crop is not destroyed by tillage within 60 days after the phosphate is applied. This practice is eligible only in the following counties: Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Pratt, Barber, and all counties east thereof.

Payment rate: $0.50 per 100 pounds of rock phosphate containing at least 28 percent P_2O_5.

5. Section 701.868 *New Mexico*, paragraph (j) is amended by deleting the entire paragraph and substituting therefor the following:

(j) *Conservation practices and rates of payment.* Prior approval by the county committee is required for all practices. Each practice must be carried out in accordance with specifications which may be obtained in the office of the county or State committee. No payment will be made for the practices contained in subparagraphs (23) to (31), inclusive, of this paragraph on any ranching unit containing 640 acres or more of grazing land unless a range-management plan for each unit is approved by the county committee and all requirements met; all prairie dogs are controlled; at least one check plot is available on the unit for the purpose of comparing the grazed area with the production in the ungrazed plot; and the producer complies with the utilization standards approved by the Field Service Branch. No payment will be made for the practices contained in subparagraphs (23), (24), (25), (29), (30), and (31) of this paragraph unless the performance of such practices will contribute to a better distribution of grazing of livestock no the unit.

6. Section 701.868 *New Mexico*, paragraph (j) (32) is amended by deleting all of the subparagraph except the *Payment rates*, and substituting therefor the following:

(32) *Eradication or control of bindweed by the use of chemicals* on cropland, along ditch banks, or on any eligible land in a watershed furnishing water for irrigation. Payment will be made only when complete eradication is obtained, except where 2, 4–D is used and a satisfactory control is obtained.

7. Section 701.871 *North Dakota*, paragraph (i) (11) (iv) is amended by adding the language "pipes" immediately after the language "siphons" in the heading of the subdivision.

8. Section 701.873 *Oklahoma*, paragraph (i) (15) is amended by deleting the entire subparagraph and substituting therefor the following:

(15) *Contouring drilled crops.* Payment will not be made for this practice on any acreage for which payment is made under subparagraph (16) of this paragraph, nor if the distance between the drill rows exceeds 20 inches. Payment may be made for contouring a crop seeded in the fall of 1947 for harvest in 1948 following the contouring of a crop in the spring of 1947.

Payment rates. (i) Performing all cultural operations for the preparation of the seedbed and drilling the seed on the contour, $0.75 per acre.

(ii) Seeding crops on the contour with a drill where the tillage operations are not carried out on the contour, $0.25 per acre.

9. Section 701.881 *Utah*, paragraph (j) (9) is amended by deleting the figure "5" in the last sentence and inserting therefor the figure "3."

10. Section 701.884 *Washington*, paragraph (j) (23) (iv) is amended by adding the language "pipes" immediately after the language "siphons" in the heading of the subdivision.

11. Section 701.884 *Washington*, paragraph (j) (6) (i) is amended by inserting the language "grapevines" immediately following the language "orchard tree prunings."

(49 Stat. 1148, 16 U. S. C. 590g–590q; 1947 National Agricultural Conservation Program Bulletin, as amended (11 F. R. 9467, 11266, 14339))

Approved: July 11, 1947.

[SEAL] THOS. L. AYERS,
Acting Director, Agricultural Conservation Programs Branch.

[F. R. Doc. 47-6915; Filed, July 22, 1947; 8:49 a. m.]

PART 729—PEANUTS

NATIONAL MARKETING QUOTA FOR 1948 CROP

§ 729.601 *Purpose and basis.* The Agricultural Adjustment Act of 1938, as amended, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for peanuts for the crop produced in the next succeeding calendar year. Section 729.602 hereof establishes and announces the national marketing quota for the 1948 crop of peanuts. The determinations contained in § 729.602 are based on the latest available statistics of the Federal Government and the proclamation is made after due consideration of recommendations submitted in response to public notice of the proposed action (12 F. R. 4233).

§ 729.602 *Proclamation and determination, with respect to the national marketing quota, normal yield per acre and national acreage allotment for peanuts for the crop produced in the calendar year 1948*—(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop produced in the calendar year 1948 is 1,520,000,000 pounds.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States for the crop produced in the calendar year 1948 is 654 pounds.

(c) *National acreage allotment.* The national acreage allotment for peanuts for the crop produced in the calendar year 1948 is 2,324,159 acres.

(55 Stat. 88, 89; 7 U. S. C. Sup. 1358)

Issued at Washington, D. C., this 17th day of July 1947.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-6884; Filed, July 22, 1947; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order S-22, Amdt.]

PART 807—SUSPENSION ORDERS

RANCHO ROYALE HOTEL CO. AND SAMUEL H LEVIN

In view of the revocation of Veterans' Housing Program Order 1 and issuance of Construction Limitation Regulation by the Office of the Housing Expediter, the Chief Compliance Commissioner has directed that the Suspension Order S–22 heretofore issued on May 1, 1947, be amended as to its terms as hereinafter set forth.

It is therefore ordered, That paragraph (a) of Suspension Order S–22 be amended to read as follows: Effective July 21, 1947. *Provided; however*, That this does not affect any liabilities incurred for violations of the suspension order prior to its amendment:

§ 807.22 *Suspension Order No. S–22.* (a) Neither the Rancho Royale Hotel Company, a corporation, nor Samuel H. Levin, its or his successors or assigns, nor any other person shall do any further construction of a swimming pool or bar or any other construction for recreational or amusement purposes prohibited by the Construction Limitation Regulation on the premises located approximately three miles southeast of Palm Springs, California, on Highway 111, the Indio-Palm Springs Road, including putting up, completing or altering any such structure located thereon unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

In all other respects, the Suspension Order S–22 shall be in full force and effect in accordance with its terms as of May 1, 1947, the date of issuance.

Issued this 21st day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-6954; Filed, July 21, 1947; 12:31 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5573]

PART 190—RECTIFICATION OF SPIRITS AND WINES

MISCELLANEOUS AMENDMENTS

1. On April 5, 1947, notice of proposed rulemaking regarding rectification of spirits and wine was published in the FEDERAL REGISTER (12 F. R. 2290)

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following added § 190.9a and amendments to §§ 190.42, 190.153, 190.203, 190.279, 190.280, 190.281, 190.414 and 190.416 of Regulations 15, approved May 20, 1940 (26 CFR, Part 190) are hereby adopted.

3. These amendments are designed to regulate the use by rectifiers of alcoholic flavoring material subject to drawback under section 3250 (1), I. R. C., to provide for more practicable operation of rectifying plants by eliminating unnecessary requirements relative to construction and operation, to provide a more efficient method of determining proof of sweetened spirits and wines, and to permit the gauging by weight of rectified products containing solids.

4. Regulations 15, approved May 20, 1940 (26 CFR, Part 190), as amended, are hereby amended as follows:

§ 190.9a *Use of alcoholic flavoring materials*—(a) *Limitation.* The use of alcoholic flavors or flavoring extracts manufactured on premises other than a rectifying plant must be limited by the rectifier, so that the quantity of alcohol (proof gallons) contained therein will not represent more than $2\frac{1}{2}$ percent of the quantity of alcohol (proof gallons) contained in the finished product, except as provided in paragraph (b) of this section. For example, one hundred gallons of a finished cordial, fifty degrees of proof, contain fifty proof gallons. As $2\frac{1}{2}$ percent of fifty equals 1.25, the cordial could contain not more than 1.25 proof gallons of alcohol derived from such flavors or flavoring extracts used in its manufacture.

(b) *Exception to limitation.* In any case where the use of flavors or flavoring extracts in quantities in excess of the $2\frac{1}{2}$ percent limitation prescribed in paragraph (a) of this section is required, such limitation shall not apply to the use of any flavors or flavoring extracts in excess thereof if the flavoring material used is purchased directly from the manufacturer and, as to each lot of purchased flavors or flavoring extracts containing alcohol, the rectifier has available for examination by the storekeeper-gauger an affidavit of the manufacturer showing: (1) the quantity; (2) the date of manufacture; (3) the kind and brand of each flavor or flavoring extract; and (4) that drawback under section 3250 (1), I. R. C., has not been nor will be claimed on any alcohol or distilled spirits contained in the flavor or flavoring extract.

(c) *New formulas required.* The manufacture of rectified products in which are used alcoholic flavors or flavoring extracts to an extent not consistent with the provisions of this section and § 190.153, as amended, shall be discontinued within ninety days after the effective date of this regulation. New formulas, submitted for the purpose of showing the use of alcoholic flavors or flavoring extracts in the manufacture of rectified products, must furnish the information required by section 190.153, as amended. (Secs. 2801 (e) (1), 3176, 3250 (1), I. R. C.)

§ 190.42 *Stills.* All stills in the rectifying plant shall be located in the rectifying room and shall be of substantial construction and must have a clear space of not less than one foot around them. Every still must have plainly and legibly painted thereon words indicating its use, or uses, as "gin still," "cordial still," "water still," etc., followed by its serial number and capacity in wine gallons. All stills, except water stills and cordial stills of not more than 250 wine-gallon capacity, shall be connected with the receiving tanks by continuous permanent pipe lines: *Provided*, That, where such receiving tank is mounted on scales, the pipe line may be connected with the tank by means of flexible connections with the ends permanently attached and secured by means of Government cap seals, or by brazing or welding, to the inlet of the tank and to the pipe line. If the gin still is equipped with a pipe line to bypass the berry basket, such pipe line must be equipped with a valve for locking with a Government lock. (Secs. 2801 (e) (1), 3176, I. R. C.)

§ 190.153 *Description of formula.*

* * *

(a) *Flavoring materials.* Formulas providing for the use of alcoholic flavors or flavoring extracts under the provisions of § 190.9a, in addition to showing the kind of and percentage (by volume) of such material used, must specify the percentage of alcohol (by volume) contained therein. Any formula requiring the use of flavoring materials in excess of the $2\frac{1}{2}$ percent limitation provided in § 190.9a (a) shall show the quantity of alcohol in the finished product derived from (1) flavors or flavoring extracts subject to drawback under section 3250 (1), I. R. C., and (2) flavors or flavoring extracts on which drawback has not been nor will be claimed, and, as to the latter, shall show whether such material is manufactured on rectifying plant premises or obtained from a manufacturer, and if obtained from a manufacturer, whether there will be on file at the rectifying plant a sworn statement by the manufacturer that drawback under section 3250 (1), I. R. C., has not been nor will be claimed on such material. (Secs. 2801 (e) (1), 3176, I. R. C.)

§ 190.203 *Production.* Gin may be produced exempt from the rectifying tax, by the redistillation of a pure spirit over juniper berries and other aromatics. Gin so produced must be run into a receiving tank from which it must be promptly (a) drawn into packages, gauged, stamped, and removed to the finished products room or (b) transferred to a bottling tank, gauged, and (1) bottled and removed to the finished products room or (2) conveyed by pipe line to a contiguous tax-paid bottling house or rectifying plant for bottling. (See §§ 190.313 to 190.339.) (Secs. 2800 (a) (5), 2801 (e) (1), 3176, I. R. C.)

§ 190.279 *Determining proof of sweetened spirits, wines, etc.* The alcoholic content (a) of blended whiskies containing more than 0.6 gram or 600 milligrams of solids per 100 milliliters derived from blending materials such as sherry wine, prune juice, caramel, glycerine, etc., and (b) of wines, cordials, liqueurs, and other rectified products containing saccharine or other solid matter will be determined by the use of an approved ebulliometer or a small laboratory still, provided by the rectifier in accordance with §§ 190.313 to 190.331, inclusive. When using such instruments rectifiers must follow closely the instructions furnished therewith, in order that accurate determinations may be made. Instructions relative to the use of small laboratory stills (or wine sets) and the following ebulliometers: Arnaldo-Sala (with shield), Braun, Juerst, Lefco, L'Ebulliometer Levesque (with shield), Malligand (with shield), Salleron-Dujardin, "TAG" (with shield), and E. B. Torino (with shield), are also set forth in the appendix to Regulations 7, Wine—1945 (26 CFR, Part 178). The alcoholic content of blended spirits containing not more than 0.6 gram or 600 milligrams of solids per 100 milliliters derived from blending materials will be determined by the use of a standard hydrometer or a small still. If determined by a standard hydrometer an obscuration correction factor may be added to the apparent proof in order to obtain the true proof of the blended spirits. Experience has shown that 0.1 gram or 100 milligrams of solids per 100 milliliters will obscure the true proof 0.4 of 1° of proof. For example, if a blended whisky contains 0.25 gram or 250 milligrams of solids per 100 milliliters and the apparent proof corrected to 60° Fahrenheit is found to be 89° proof by a standard hydrometer, a correction factor of 1° of proof (2.5 times 0.4) due to the solids may be added to the apparent proof, hence the true proof would be 90°. The solids in blended spirits due to blending materials will be determined by evaporating 25 milliliters of the blended spirits in a weighed dish on a steam bath and then heating for 30 minutes at the temperature of boiling water in a drying oven. The solids thus determined, multiplied by 4, will give the solids in 100 milliliters of blended spirits. The correction factor to be

used then will be determined on the basis that every 100 milligrams of solids will obscure the proof 0.4 of 1° of proof. The ebulliometer should not be used in determining the alcoholic content of blended spirits containing not more than 0.6 gram or 600 milligrams of solids per 100 milliliters. (Secs. 2801 (e) (1), 2861, 3176, I. R. C.)

§ 190.280 *Determining contents by weight.* Rectified spirits containing not more than 0.6 gram or 600 milligrams of saccharine or other solid matter per 100 milliliters which are transferred to portable packages or to a bottling tank mounted on scales may be gauged by weight in accordance with the official Gauging Manual. To this end accurate scales must be provided. Government officers will frequently test, by means of the test weights provided in accordance with § 190.32, the accuracy of the scales used for weighing packages. Scales used for weighing spirits in lots of not over 500 gallons in bottling tanks will be tested from time to time under the supervision of the storekeeper-gauger by means of the test weights provided in accordance with § 190.32. Such scales will be tested by placing the prescribed test weights upon the scales and checking the weight registered on the beam of the scales. The test weights will then be removed without disturbing the beam and the bottling tank filled with spirits or water to the same weight, whereupon the test weights will again be placed upon the scales, the spirits or water being retained in the tank, and the weight registered on the beam checked. This operation will then be continued until the scales have been checked in 500-pound notches at all weights for which the scales are used. Rectifiers will have scales used for weighing spirits in larger lots tested and their accuracy certified by State, county, or city departments of weights and measures at intervals of not more than six months. The storekeeper-gauger will not permit the use of any scales not so tested or which upon testing are found to be inaccurate. (Secs. 2801 (e) (1), 2861, 3176, I. R. C.)

§ 190.281 *Determining contents by measure.* Rectified spirits transferred to a bottling tank not mounted on scales, and spirits, wines, cordials, liqueurs, and other rectified products containing saccharine and other solid matter will be gauged by measure to determine the wine-gallon content (corrected to volume in accordance with Table 7 of the Gauging Manual); the proof-gallon content will then be determined by multiplying the wine-gallon content by the proof (pointed off in two decimal places) of the spirits. If the spirits, wines, cordial, liqueurs, and other rectified products containing saccharine or other solid matter are transferred to packages, the capacity of each package must be ascertained before the liquors are placed therein, or the quantity to be placed in each package must first be ascertained by actual measure in another vessel provided for that purpose: *Provided, however,* That the quantity in wine gallons of any liquor placed in packages may be determined by weight if the specific gravity of the liquor is ascertained and used in calculating the volume. Secs. 2801 (e) (1), 2861, 3176, I. R. C.)

§ 190.414 *Packages of distilled spirits.* In addition to the serial number, there shall be plainly and durably burned, cut, imprinted, or stenciled, on the Government head of each barrel or similar container of distilled spirits (a) the kind of spirits; (b) the wine gallon content; (c) the proof of the spirits; (d) the proof gallon content; (e) the tare of the container; (f) the date of filling; (g) the number of the approved formula under which rectified; (h) the name (or trade name or style) of the rectifier; (i) the location (city or town, and State) of the rectifying plant; and (j) the number of the rectifier's basic permit issued under the Federal Alcohol Administration Act: *Provided,* That if the spirits were rectified by such rectifier, or if the spirits are unrectified spirits which were produced by such rectifier at a distillery, he may use in connection with his name the designation "Rectifier" or "Distiller," respectively. (Secs. 2801 (e) (1), 2861, 3176, I. R. C.)

§ 190.416 *Packages and cases of wine.* The rectifier shall place marks upon packages and cases of wine similar to the marks required by §§ 190.414 and 190.415 to be placed upon packages and cases of distilled spirits, except: The tare need not be marked on the packages; the alcoholic content of the wine will be shown in percentage by volume in lieu of the proof; and, in the case of unrectified wine, the proof gallons may be omitted. (Secs. 2801 (e) (1), 3040, 3176, I. R. C.)

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 2800 (a) (5), 2801 (e) (1), 2861, 3040, 3176, 53 Stat. 298, 301, 329, 354; 26 U. S. C. A. 2800, 2801, 2861, 3040, 3176, 3250)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 16, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6894; Filed, July 22, 1947; 8:49 a. m.]

[T. D. 5572]

PART 197—DRAWBACK OF TAX ON DISTILLED SPIRITS USED IN THE MANUFACTURE OF NONBEVERAGE PRODUCTS

MISCELLANEOUS AMENDMENTS

1. On April 23, 1947, notice of proposed rule-making regarding drawback of tax on distilled spirits used in the manufacture of nonbeverage products was published in the Federal Register (12 F. R. 2610).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, §§ 197.8, 197.24 (c) (2), 197.26, 197.33 and 197.34 of Regulations 29, approved November 30, 1944 (26 CFR, Cum. Sup., Part 197) are hereby revoked and the following amendments to §§ 197.2, 197.3, 197.5, 197.17, 197.18, 197.21, 197.22, 197.23 (d), 197.24 (d), 197.24 (e), 197.25 and 197.28 of Regulations 29, approved November 30, 1944 (26 CFR, Cum. Supp., Part 197) are hereby adopted.

3. These amendments are designed to eliminate obsolete provisions of the regulations, to provide a more efficient procedure for the filing of claims, and to provide accounting procedure pursuant to the provisions of section 309 of the Revenue Act of 1943 amending section 3250 (1), Internal Revenue Code.

4. Regulations 29, approved November 30, 1944 (26 CFR, Cum. Sup., Part 197) as amended, are hereby amended as follows:

§ 197.2 *Definitions.* As used in the regulations in this part, the following terms shall have the meaning as defined herein:

(a) "Domestic distilled spirits" and "Distilled spirits" shall mean that substance known as ethyl alcohol produced at industrial alcohol plants operated under Regulations 3 (26 CFR, Cum. Sup., Part 182), and those substances known as whisky, brandy, rum, or other spirits, produced at registered distilleries or fruit distilleries operated under Regulations 4 (26 CFR, Cum. Sup., Part 183) and 5 (26 CFR, Cum. Sup., Part 184).

(b) "Year" shall mean the period which begins July 1 and ends on the following June 30.

(c) "Intermediate products" shall mean products containing distilled spirits which are not subject to drawback until used in a nonbeverage product eligible for drawback.

§ 197.3 *Terms used in the statute.*

* * *

(c) *Time.* The "time" at which distilled spirits shall be deemed to have been used is when the product contains the ingredients called for by an approved formula, or formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the American Institute of Homeopathy, as the case may be. (Sec. 3250 (1), I. R. C.)

(d) *Filed.* A claim for drawback shall be deemed to have been "filed" when it is delivered to the office of the proper district supervisor, Alcohol Tax Unit, and by that office received.

(e) *Total annual withdrawals.* The term "total annual withdrawals" shall mean the total quantity of distilled spirits (proof gallons), which are used in the manufacture or production of nonbeverage products during a year.

§ 197.5 *Payment and rates of special tax.* Each person who uses distilled spirits in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, in order to be eligible to claim the drawback on the distilled spirits so used, must pay special tax at the rate of $25 per annum for total annual withdrawals not exceeding 25 proof gallons of distilled spirits; $50 per annum for total annual withdrawals not exceeding 50 proof gallons; or $100 per annum for total annual withdrawals of more than 50 proof gallons. Where a claim is filed in the first quarter of a year, covering distilled spirits used during the last quarter of the preceding year, and special tax has not been paid for the preceding year, special tax for such preceding year must be paid in the appropriate amount prior to or at the time of filing the claim. Special tax, based upon estimated withdrawals, may be paid in advance of actual withdrawals. Adjustments of the special tax where improperly paid will be made in accordance with § 197.17. The manufacturer is not required to pay the special tax if he does not claim drawback on the distilled spirits used by him. Secs. 3250 (1) and 4041 (a), I. R. C.)

§ 197.17 *Change to higher or lower rate of special tax—*(a) *Change to higher rate.* A manufacturer of nonbeverage products who pays special tax of $25 per annum and has filed or intends to file a claim or claims for drawback covering distilled spirits in excess of 25 proof gallons used during the year for which the special tax was paid, must pay special tax of $50 or $100, as the case may be, and obtain a stamp therefor. The manufacturer may thereupon submit the special tax stamp of $25 to the collector of internal revenue to whom the special tax was paid with a claim on Form 843 for refund of the value thereof. Similar procedure will govern in the case of a manufacturer of nonbeverage products who pays special tax of $50 and has filed or intends to file claim for drawback covering distilled spirits used in excess of 50 proof gallons.

(b) *Change to lower rate.* A manufacturer of nonbeverage products who pays special tax of $100 or $50 per annum, as the case may be, and, during the year for which the special tax was paid, files claim or claims for drawback covering the use of not more than 50 or 25 proof gallons of distilled spirits, as the case may be, may file a claim on Form 843 for refund of the difference between the special tax paid and the special tax due. The special tax stamp shall be attached to the claim. (Secs. 3250 (1), 3304, 3770, and 4041 (a), I. R. C.)

§ 197.18 *Refund of special tax.* Refund of special tax may be made if it is established that the taxpayer did not file a claim for drawback for the period covered by the special tax stamp. Where claim for drawback was filed, refund of special tax may be made if it is established that no drawback was allowed or paid for the period covered by the stamp. (Secs. 3250 (1) and 3770, I. R. C.)

§ 197.21 *Claims.* The claim for drawback shall be filed on Form 843, "Claim," in duplicate, with the district supervisor, Alcohol Tax Unit, for the district in which the place of manufacture is located, and shall pertain only to distilled spirits used in the manufacture or production of nonbeverage products during any one quarter of the year, and only one claim may be filed for each quarter. (Sec. 3250 (1), I. R. C.)

§ 197.22 *Date of filing claim.* The claim for drawback must be filed with the district supervisor, Alcohol Tax Unit, within the three months next succeeding the quarter in which the distilled spirits covered by the claim were used in the manufacture of nonbeverage products. (Sec. 3250 (1), I. R. C.)

§ 197.23 *Information to be shown by the claim.* * * *

(d) That the nonbeverage products were manufactured in compliance with (1) quantitative formulas filed with the Commissioner on Form 1678 prior to or at the time of manufacture, or (2) formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the American Institute of Homeopathy.

§ 197.24 *Supporting data.* Each claim will be accompanied by statements of supporting data which shall be prepared in duplicate. One copy shall be attached to the original and one copy shall be attached to the duplicate of the claim.

* * * * *

(d) *Summaries—*(1) *Summary of distilled spirits.* A statement showing in proof gallons the quantity of all distilled spirits on hand at the beginning of the quarter, quantity in process beginning of the quarter, quantity received during the quarter, quantity used during the quarter in the manufacture of nonbeverage products subject to drawback, quantity used in the manufacture of intermediate products, quantity otherwise used not subject to drawback, quantity in process at the end of the quarter, and the quantity remaining on hand at the end of the quarter. Distilled spirits in process will include distilled spirits represented in unfinished nonbeverage products, mixtures, menstruums, etc. Any discrepancy between the amount of distilled spirits on hand at the end of the quarter as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof.

(2) *Summary of distilled spirits recovered from the dregs or marc of percolation, or extraction, of products eligible for drawback under section 3250 (1), Internal Revenue Code.* A statement showing in proof gallons the quantity of all recovered distilled spirits on hand at the beginning of the quarter, quantity in process beginning of the quarter, quantity recovered during the quarter, quantity used not subject to drawback, quantity in process at the end of the quarter, and the quantity remaining on hand at the end of the quarter. Any discrepancy between the amount of recovered distilled spirits on hand at the end of the quarter as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof. Any distilled spirits recovered from the dregs or marc of percolation, or extraction, of intermediate products as defined in the regulations in this part are eligible for drawback of tax only when used in the manufacture of a nonbeverage product.

(e) *Statement of intermediate products.* A statement showing the quantity in wine gallons of each intermediate product and the quantity of distilled spirits (proof gallons) used therein: (1) On hand at the beginning of the quarter, (2) produced during the quarter, and (3) on hand at the end of the quarter, and showing the quantity in wine gallons of each intermediate product and the quantity of the distilled spirits contained therein (proof gallons): (1) Used during the quarter in eligible products, (2) used during the quarter in other intermediate products, and (3) otherwise disposed of during the quarter. Any discrepancy between the amount of intermediate products on hand at the end of the quarter as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the statement with an explanation of the cause thereof. Only the distilled spirits remaining in an intermediate product at the time of its use in the manufacture of an approved nonbeverage product are eligible for drawback.

§ 197.25 *Handling of claims.* The district supervisor, Alcohol Tax Unit, will date-stamp each copy of the claim on Form 843, and, after recording, will examine the claim for the purpose of determining whether it is properly executed and that all supporting data have been submitted and will conduct such inquiries and investigations as may be necessary to verify that drawback is allowable on the distilled spirits covered by the claim. After completion of such verification he will forward the original copies of the claim and supporting data, and a copy of the report of investigation, with his recommendation as to the merit of the claim to the Commissioner. (Sec. 4041 (a), I. R. C.)

§ 197.28 *Statement of process.* The Commissioner, at his discretion, may at any time require any person claiming drawback under the regulations in this part to file a statement of process in addition to that required by Form 1678 and such other data as he may deem necessary for consideration of such person's claim for drawback. When such

additional data are required, the statement of process should be submitted in triplicate with copies of the commercial labels used on the finished products.

5. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 3250, 4041, 53 Stat. 388, 495; 26 U. S. C. 3250, 4041)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 16, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-6893; Filed, July 22, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Sugar Rationing Administration Delegation Order 1, Revocation]

PART 705—ADMINISTRATION

DELEGATION OF AUTHORITY TO REGIONAL SUGAR EXECUTIVES AND DEPUTY REGIONAL SUGAR EXECUTIVES TO ISSUE ORDERS FIXING COMMUNITY DOLLAR-AND-CENTS CEILING PRICES

Pursuant to the authority conferred upon the Administrator of the Sugar Rationing Administration by the Secretary of Agriculture in General Orders No. 1 and 2, and by the Sugar Control Extension Act of 1947, *It is ordered*, That Sugar Rationing Administration Delegation Order No. 1 (§ 705.201) be and the same hereby is revoked.

This revocation shall become effective July 9, 1947.

Issued this 9th day of July 1947.

IRVIN L. RICE.
Acting Administrator,
Sugar Rationing Administration.

[F. R. Doc. 47-6989; Filed, July 22, 1947; 11:54 a. m.]

[Gen. RO 19, Amdt. 4]

PART 705—ADMINISTRATION

DISTRIBUTION OF BASES TO CERTAIN NEW USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 4.6 of General Ration Order 19 is amended to read as follows:

SEC. 4.6 *Industrial base quota established for branch offices.*

Branch office:	*Industrial base quota (pounds)*
Hartford, Conn	1,777,333
Augusta, Maine	822,667
Boston, Mass	4,280,000
Concord, N. H	470,667
Providence, R. I	726,667
Montpelier, Vt	329,333
Baltimore, Md	3,250,667
Newark, N. J	4,290,667
New York City, N. Y	7,869,333
Syracuse, N. Y	4,462,667
Philadelphia, Pa	5,901,333
Pittsburgh, Pa	3,512,000
Indianapolis, Ind	3,529,333
Louisville, Ky	2,680,000
Detroit, Mich	5,668,000
Cleveland, Ohio	3,561,333
Cincinnati, Ohio	3,044,000
Charleston, W. Va	1,849,333
Birmingham, Ala	2,853,333
Miami, Fla	2,216,000
Atlanta, Ga	3,217,333
Jackson, Miss	2,136,000
Raleigh, N. C	3,573,333
Columbia, S. C	1,904,000
Memphis, Tenn	2,974,667
Richmond, Va	2,969,333
Little Rock, Ark	1,840,000
Wichita, Kans	1,538,667
New Orleans, La	2,498,667
Kansas City, Mo	1,498,667
St. Louis, Mo	2,268,000
Oklahoma City, Okla	2,105,333
Houston, Tex	1,648,000
San Antonio, Tex	1,830,667
Dallas, Tex	3,397,333
Omaha, Neb	1,256,000
Fargo, N. D	816,000
Sioux Falls, S. D	720,000
Milwaukee, Wis	3,065,333
Chicago, Ill	4,577,333
Springfield, Ill	3,297,333
Des Moines, Iowa	2,333,333
St. Paul, Minn	2,246,667
Denver, Colo	1,102,667
Boise, Idaho	374,667
Helena, Mont	506,667
Albuquerque, N. Mex	522,667
Salt Lake City, Utah	630,667
Cheyenne, Wyo	241,333
Phoenix, Ariz	616,000
Los Angeles, Calif	5,001,333
San Francisco, Calif	4,013,333
Reno, Nev	140,000
Portland, Oreg	1,474,667
Seattle, Wash	1,630,667
Spokane, Wash	472,000

NOTE: Area quotas as set forth in this section will continue in effect for the same area even though the Branch Office having jurisdiction over such area is discontinued.

This amendment shall become effective July 18, 1947.

Issued this 18th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 4 to General Ration Order 19

This amendment revises the quotas allotted to Branch Offices which were established for industrial and institutional user refreshment bases under this order. Since institutional users are no longer rationed in their use of sugar for institutional use and do not need a base in order to make and serve refreshments in their establishments, the quotas originally established for institutional user refreshment bases are being added to the quotas established for industrial users.

This amendment, therefore, makes available to industrial users the entire quantity of sugar which the Sugar Control Extension Act of 1947 required should be set aside for new sugar users.

[F. R. Doc. 47-6990; Filed, July 22, 1947; 11:55 a. m.]

[3d Rev. RO 3,[1] Amdt. 66]

PART 707—RATIONING OF SUGAR

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

1. Section 22.13 is amended by adding a new paragraph (c) to read as follows:

(c) Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person shall deliver sugar to any retailer, wholesaler or industrial user against whom he knows or has reason to know there is in operation an administrative suspension order prohibiting the acquisition of sugar.

2. Section 25.1 (c) 27 (iii) is amended to read as follows:

(iii) Any grade or type of saccharine product derived from sugarcane or sugar beets, which is principally of non-crystalline structure and, regardless of the percentage amount of non-sugar solids, contains soluble non-sugar solids (exclusive of any foreign substance that may have been added or developed in the product) consisting of less than 20 percent sulphated ash, excluding, however, any saccharine product, irrespective of the ash content thereof, which, under written authority granted to the producer of such product by the Director of the Sugar Branch, Production and Marketing Administration, of the Department of Agriculture, and upon compliance with the labeling and record-keeping requirements of the Department of Agriculture, contains soluble non-sugar solids equal to 6 percent or more of the total soluble solids and which results from reprocessing final beet molasses or blackstrap molasses or edible molasses.

This amendment shall become effective June 18, 1947.

Issued this 18th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Amendment No. 66 to Third Revised Ration Order 3

The present regulations exclude from the definition of sugar certain saccharin products which are produced under written authority granted to the producer of such products by the Department of Agriculture under the provisions of War Food Order No. 51 and which meet certain specified standards. Owing to the termination of War Food Order No. 51 this amendment provides that the Director of the Sugar Branch, Production and Marketing Administration, of the Department of Agriculture shall exercise the authority hitherto exercised in connection with the sugar rationing regulations by the Order Administrator of War Food Order No. 51 with respect to such saccharine products.

This amendment also removes the requirement that a saccharine product, to be excluded from the definition of sugar, must be produced in accordance with the

[1] 11 F. R. 177, 14281.

commercially recoverable sugar formula determined by the Secretary of Agriculture under the provisions of section 302 (a) of the Sugar Act of 1937, as amended, and must be classified by the Order Administrator of War Food Order No. 51, as amended, as edible molasses. The remaining requirements in the regulations for the exclusion of such a product from the definition of sugar continue in effect.

The requirement which this amendment removes was established in order to prevent an unreasonable diversion of sugar into this type of product. The improved sugar supply situation, as reflected in the increase in rationing levels and the removal of rationing controls over consumers and institutional users, coupled with the improved availability of nonrationed sugar substitutes, has reduced this danger of a diversion of sugar into such a product. In view of these improved conditions, it is deemed desirable to remove this requirement at this time.

This amendment further adds a provision to the rationing regulations which specifically prohibits a person from delivering sugar to any retailer, wholesaler, or industrial user against whom he knows or has reason to know that there is in operation an administrative suspension order prohibiting the acquisition of sugar. It is desirable to implement the restrictions of an administrative suspension order so that a person who knows or has reason to know that a retailer or wholesaler or industrial user is prohibited from acquiring sugar will also be prohibited from delivering sugar to such suspended unit or user.

[F. R. Doc. 47-6991; Filed, July 22, 1947; 11:55 a. m.]

[MPR 60,[1] Amdt. 11]

PART 710—FOOD PRICES

DIRECT CONSUMPTION SUGAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 60 issued by the Office of Price Administration and amended by the Office of Temporary Controls under § 1334.51 of Title 32, Chapter XI is redesignated Maximum Price Regulation No. 60 issued under § 710.60, Title 32, Chapter VII pursuant to the authority vested in the Secretary of Agriculture by the Sugar Control Extension Act of 1947 and is amended in the following respects:

Section 10 (b) is amended to read as follows:

(b) "Direct consumption sugars" means any grade, or type of saccharine product derived from sugar beets or sugarcane, which is not to be, and which shall not be, further refined or otherwise improved in quality; and which is principally of crystalline structure containing sucrose, dextrose or levulose; or liquid sugar as herein defined. "Liquid sugar" means:

(i) Any syrup of cane juice, produced from sugarcane grown in the continental United States, which contains less soluble non-sugar solids (exclusive of any foreign substances that may have been added or developed in the product) than 4.5 percent of the total soluble solids; or

(ii) Any other grade or type of saccharine product derived from sugarcane or sugar beets, which is principally of non-crystalline structure and which contains less soluble non-sugar solids (exclusive of any foreign substances that may have been added or developed in the product) than 6 percent of the total soluble solids; or

(iii) Any grade or type of saccharine product derived from sugarcane or sugar beets, which is principally of non-crystalline structure and, regardless of the percentage amount of non-sugar solids, contains soluble non-sugar solids (exclusive of any foreign substance that may have been added or developed in the product) consisting of less than 20 percent sulphate ash, excluding, however, any saccharine product, irrespective of the ash content thereof, which under written authority granted to the producer of such product by the Director of the Sugar Branch, Production and Marketing Administration, of the Department of Agriculture and upon compliance with the labeling and record-keeping requirements of the Department of Agriculture, contains soluble non-sugar solids equal to 6 percent or more of the total soluble solids and which results from reprocessing final beet molasses or blackstrap molasses or edible molasses.

This amendment shall become effective June 18, 1947.

(Pub. Law 30, 80th Cong., 1st session.)

Issued this 18th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment 11 to MPR 60

The accompanying amendment changes the definition of "direct consumption sugars" so that it will be consistent with the definition of sugar contained in Third Revised Ration Order 3, as amended by Amendment 66 to that order. The rationale accompanying that amendment explains the changes made in the definition and the reasons therefor.

For the purpose of clarity the entire definition of "direct consumption sugars" is given in the amendment although the only change in wording is in subdivision (iii) of section 10 (b) in that portion of the definition which defines the term "liquid sugar." "Liquid sugar" is included in the definition of sugar under the regulation except for those products which are specifically excluded.

Subdivision (iii) excludes from the definition of "liquid sugar" any saccharine product which is produced under written authority granted to the producer of such product by the Director of the Sugar Branch, Production and Marketing Administration, Department of Agriculture, upon compliance with the prescribed labeling and record-keeping requirements of the Department. This does not mean, however, that such a saccharine product is exempt from price control. Such a product although excluded from MPR 60 remains subject to price control as a syrup under the provisions of the General Maximum Price Regulation. Similar products have in many instances been priced by individual orders issued under the procedure established by Order 375 to that regulation.

[F. R. Doc. 47-6988; Filed, July 22, 1947; 11:54 a. m.]

[1] 10 F. R. 14816, 11 F. R. 1434, 3299, 7036, 13854, 13524, 13695; 12 F. R. 391, 1927, 2165.

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

MILITARY LIAISON COMMITTEE TO THE ATOMIC ENERGY COMMISSION

Add § 26.4 (b) (8) as follows:

§ 26.4 *Executive office of the Secretary.* * * *

(b) *Boards, offices and committees under the direct supervision of the Secretary.* * * *

(8) *Military Liaison Committee to the Atomic Energy Commission (Navy participation).* The Military Liaison Committee was established on January 17, 1947. Its functions are set forth in the Atomic Energy Act of August 1, 1946 (60 Stat. 756; 42 U. S. C. 1802) as follows: "There shall be a Military Liaison Committee consisting of representatives of the Departments of War and Navy, detailed or assigned thereto, without additional compensation, by the Secretaries of War and Navy in such number as they may determine. The Commission shall advise and consult with the Committee on all atomic energy matters which the Committees deem to relate to military applications, including the development, manufacture, use and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Commission shall keep the Committee fully informed of all such matters before it and the Committee shall keep the Commission fully informed of all atomic energy activities of the War and Navy Departments. The Committee shall have authority to make written recommendations to the Commission on matters relating to military applications from time to time as it may deem appropriate. If the Committee at any time concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Departments of War or Navy, derived from the Constitution, laws and treaties, the Committee may refer such action, proposed action, or failure to act to the Secretaries of War and Navy. If either Secretary concurs,

he may refer the matter to the President, whose decision shall be final."

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-6871; Filed, July 22, 1947; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

SHOSHONE IRRIGATION PROJECT, HEART MOUNTAIN DIVISION (PART II), WYOMING

CROSS REFERENCE: For public notice opening public lands to entry and announcing availability of water for public and state lands in Shoshone Irrigation Project, Heart Mountain Division (Part II), Wyoming, see Bureau of Reclamation, Department of Interior, in Notices section, *infra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 68, Amdt. 16]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW-LOT RULE AND TWO-FOR-ONE RULE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of July A. D. 1947.

Upon further consideration of the provisions of Service Order No. 68 (8 F. R. 8513), as amended (8 F. R. 8513, 14224, 16265; 9 F. R. 7206, 14306; 10 F. R. 6040, 8142, 9720, 12090; 11 F. R. 562, 6983; 12 F. R. 46, 3837, 4719), and good cause appearing therefor: It is ordered, that:

Section 95.15 *Suspension of follow-lot rule and two-for-one rule*, of Service Order No. 68, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Loading by carriers.* When two or more cars are to be loaded by the carriers with import freight each of such cars, except the final one, shall be loaded full or to its safe loading limit.

It is further ordered, that each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, publishing the provisions of this amendment.

It is further ordered, that this amendment shall become effective at 12:01 a. m., July 20, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6876; Filed July 22, 1947; 8:46 a. m.]

[Rev. S. O. 758]

PART 95—CAR SERVICE

FREE TIME AT PORTS ON GONDOLA CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of July A. D. 1947.

It appearing, that there is a critical shortage of gondola cars and that free time published in tariffs for unloading such cars at ports aggravates the shortage thereof; in the opinion of the Commission an emergency exists requiring immediate action at all ports of the country. It is ordered, that:

§ 95.758 *Free time at ports on gondola cars*—(a) *Free time reduced on gondola cars.* No common carrier by railroad, subject to the Interstate Commerce Act, shall allow, grant or permit more than a total of 7 days' free time on gondola cars held for unloading in coastwise, intercoastal or foreign commerce at the point of transshipment from car to vessel or when held short of such transfer point. The provisions of this paragraph shall not be constructed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission.

(b) *Computation of free time.* (1) All Sundays and legal holidays shall be included in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed continuously from the first 7:00 a. m. after notice of arrival is sent, or after actual or constructive placement (whichever occurs first) until final release, less actual time required to move a constructively placed car to point of unloading.

(c) *Description of cars.* This section shall apply to cars suitable for interchange described under the heading Class G-Gondola Car Type.

(d) *Exemptions.* This section shall not apply to cars described in paragraph (c) of this section loaded with bulk freight. Bulk freight means any carload freight consisting of any non-liquid, nongaseous commodity shipped loose or in mass and which in the unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed, or which is not in containers or in units of such size as to permit piece by piece unloading.

(e) *Extreme weather.* During the period when weather conditions exist as described in Rule 8, Section A, Agent B. T. Jones' Tariff I. C. C. No. 3963, the provisions of this order are suspended. In lieu thereof the rules, regulations, and charges provided in lawfully published tariffs shall apply.

(f) *Effective date.* This section shall become effective at 7:00 a. m., July 21, 1947.

(g) *Expiration date.* This section shall expire at 7:00 a. m., December 1, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(h) *Tariff provisions suspended.* The operation of all tariffs, rules and regulations, insofar as they conflict with the provisions of this order is hereby suspended.

(i) *Announcement of suspension.* Each railroad, or its agent shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth herein.

It is further ordered, that this order shall vacate and supersede Service Order No. 758 on the effective date hereof; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6877; Filed, July 22, 1947; 8:46 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Dockets MC-C-542, and MC-C-543]

PART 204—CHARGES ON SMALL SHIPMENTS

TRAFFIC INQUIRY DATA

Pick-up and Delivery Services by Motor Carriers, Docket MC-C-542; Charges on Small Shipments by Motor Carriers, Docket MC-C-543.

The matter of the lawfulness of the rates, charges and practices in connection with small shipments by common carriers by motor vehicle being under consideration: It is ordered, that:

§ 204.1 *Traffic inquiry data.* Each class I common carrier by motor vehicle engaged in intercity service as a carrier of general commodities and subject to Part II of the Interstate Commerce Act, which had an annual gross operating revenue for the year ended December 31, 1946 of $400,000, or more, and every receiver, trustee, executor, administrator, or assignee of any such motor common carrier, is hereby required to compile and furnish to this Commission, the data called for in Traffic Table No. 1 which is attached hereto and made a part hereof. The Traffic Table shall be filed in duplicate with the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before the 15th day of October 1947.

It is further ordered, that a copy of this order and attachment thereto shall be served upon each common carrier of general freight, defined in § 204.1, and notice hereof shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(49 Stat. 563, 54 Stat. 926; 49 U. S. C. 320).

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated at Washington, D. C., this the 10th day of July, A. D. 1947.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

Budget Bureau No. 60-R 255
Approval expires 7-10-48

TRAFFIC TABLE 1

Number of shipments, weight, and through freight charges of intercity traffic originated on Wednesday, August 20, 1947

(See reverse side for general instructions and footnotes)

Code ..... (Leave blank). Name of motor carrier .....
Code ..... [1] Movement between ..... and ..... Territories
Code ..... [2] Length of haul from ..... to ..... miles.

ALL SHIPMENTS OTHER THAN MINIMUM-CHARGE SHIPMENTS

Weight code No.	Weight per shipment (actual pounds)	All traffic (including interline)			Interline traffic only [3]		
		Number of shipments	Actual weight (pounds) [4]	Through freight charges (dollars and cents)	Number of shipments	Actual weight (pounds) [4]	Through freight charge (dollars and cents)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
100	0-50						
101	51-100						
102	101-150						
103	151-200						
104	201-250						
105	251-300						
106	301-500						
107	501-999						
108	1,000-4,999						
109	5,000-9,999						
110	10,000 and over						
113	Total [5] [6]						
	MINIMUM-CHARGE SHIPMENTS—FLAT CHARGE [7]						
200	0-50						
201	51-100						
202	101-150						
203	151-200						
204	201-250						
205	251-300						
212	301 and over						
213	Total [5] [6]						
	ALL OTHER MINIMUM-CHARGE SHIPMENTS [8]						
300	0-50						
301	51-100						
302	101-150						
303	151-200						
304	201-250						
305	251-300						
312	301 and over						
343	Total [5] [6]						

Show Billed weight for all shipments of 10,000 pounds and over reported in Weight Code No. 110 above:
All traffic (including interline) ..... pounds
Interline traffic only ..... pounds

GENERAL INSTRUCTIONS AND FOOTNOTES

Traffic to be included in study. Include all intercity traffic moving, origin to destination, on all motor rates originated by your company on Wednesday, August 20, 1947, for which: (1) the shipper presents the original bill of lading to your company with the shipment; and (2) the destination on the bill of lading presented is a point within the United States.

Include both Local and Interline traffic and both Intrastate and Interstate traffic. Exclude all local cartage traffic and any traffic handled under contract carrier operations.

In determining the revenue of interline shipments, the entire interline revenue without regard to its division between motor carriers is to be used. In determining the appropriate mileage and territorial assignment of interline shipments, the entire motor carrier movement from origin to destination shown on the bill of lading will govern.

Where no through rates are applicable on interline shipments, revenues based on the combination of local rates are to be computed so that the revenue shown will correspond with the territorial and mileage-block assignment.

Procedure to be followed by individual motor carriers. Traffic Table 1 is to be filled out by each reporting motor carrier. Use a separate sheet for each territorial movement and for each mileage group within each territorial movement.

[1] Insert appropriate code number based on movements within and between the following territories:

Code No.	Movement
1	Between New England and New England.
2	Between East, excl. New England and East, excl. New England.
3	Between South and South.
4	Between West and West.
5	Between New England and East, excl. New England.
6	Between East incl. New England and South.
7	Between East, incl. New England and West.
8	Between South and West.

For purposes herein New England refers to territory in which intraterritorial tariffs of New England Motor Rate Bureau and Eastern Motor Freight Conference apply; East, excluding New England, to territory in which intraterritorial tariffs of Middle Atlantic States Motor Carrier Conference and Central States Motor Freight Bureau apply; and South to territory in which intraterritorial tariffs of Southern Motor Carriers Rate Conference apply. West includes the territory of tariff bureaus covering points and areas West of those described above.

[2] Insert appropriate code number based on following mileage blocks or lengths of haul:

Code:	*Length of haul (miles)*
11	0- 50
12	51- 100
21	101- 150
22	151- 200
31	201- 300
41	301- 400
51	401- 500
61	501- 600
62	601- 800
63	801-1,000
71	1,001-1,200
72	1,201-1,400
73	1,401-1,600
74	1,601-2,000
75	2,001-2,400
76	2,401-2,800
77	Over 2,800

NOTE: In grouping the shipments by the above lengths of haul use the Rate-making miles, i. e., the miles upon which the class rates are based. If not available, use Short-line highway miles, i. e., miles computed over the most direct highway route feasible for motor freight operations between origin and destination regardless of the actual handling of the shipment.

[3] After all shipments (both local and interline) have been tabulated in columns (3), (4), and (5), interline shipments are to be segregated and a separate tabulation of such shipments is to be made in columns (6), (7), and (8).

[4] Insert in columns (4) and (7) the actual weight and not the billed weight. In addition thereto insert in the

space provided at the foot of the table the Billed weight on shipments of 10,000 pounds and over.
[4] Sum of codes 100-110, inclusive.
[5] The purpose of showing totals is to facilitate verification in the subsequent machine tabulation work.
[6] Includes those shipments subject to the minimum-charge per shipment rule which are billed at a Flat charge per shipment. (Example: Shipments billed at the flat charge of $1.05.)
[7] Sum of codes 200-212, inclusive.
[8] Includes all shipments subject to the minimum-charge per shipment rule other than those described in footnote 7. (Example: Shipments billed at 100 pounds at first class or 100 pounds at the applicable rate.)
[9] Sum of codes 300-312, inclusive.

[F. R. Doc. 47-6878; Filed, July 22, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 903, 904, 912, 913, 920, 927, 930, 932, 934, 935, 941, 942, 944, 946, 947, 948, 954, 961, 965-975]

[Docket No. AO-186]

HANDLING OF MILK IN DESIGNATED MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENTS, AS AMENDED, AND MARKETING ORDERS, AS AMENDED

Notice of hearing on handling of milk in St. Louis, Missouri, Greater Boston, Massachusetts, Dubuque, Iowa, Greater Kansas City, La Porte County, Indiana, New York Metropolitan, Toledo, Ohio, Ft. Wayne, Indiana, Lowell-Lawrence, Massachusetts, Omaha-Council Bluffs, Chicago, Illinois, New Orleans, Louisiana, Quad Cities, Louisville, Kentucky, Fall River, Massachusetts, Sioux City, Iowa, Duluth-Superior, Philadelphia, Pennsylvania, Cincinnati, Ohio, St. Joseph County, Indiana, Wichita, Kansas, Suburban Chicago, Clinton, Iowa, Dayton-Springfield, Ohio, Tri-State, Minneapolis-St. Paul, Minnesota, Columbus, Ohio, and Cleveland, Ohio marketing areas.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, Cum. Supp., 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159), as amended, notice is hereby given of a hearing to be held in the Jefferson Memorial Auditorium, South Building, United States Department of Agriculture, Washington, D. C., beginning at 10 a. m., e. d. s. t., July 30, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreements, as amended, the marketing agreements and the marketing orders, as amended, regulating the handling of milk in the following specified marketing areas: St. Louis, Missouri, Greater Boston, Massachusetts, Dubuque, Iowa, Greater Kansas City, La Porte County, Indiana, New York Metropolitan, Toledo, Ohio, Ft. Wayne, Indiana, Lowell-Lawrence, Massachusetts, Omaha-Council Bluffs, Chicago, Illinois, New Orleans, Louisiana, Quad Cities, Louisville, Kentucky, Fall River, Massachusetts, Sioux City, Iowa, Duluth-Superior, Philadelphia, Pennsylvania, Cincinnati, Ohio, St. Joseph County, Indiana, Wichita, Kansas, Suburban Chicago, Clinton, Iowa, Dayton-Springfield, Ohio, Tri-State, Minneapolis-St. Paul, Minnesota, Columbus, Ohio, and Cleveland, Ohio. Such proposed amendments have not received the approval of the Secretary of Agriculture.

The amendments, which have been proposed by the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, and with respect to which evidence will be received at the said hearing, are as follows:

1. Amend each of the agreements and orders listed above by inserting appropriate provisions whereby any money claim thereunder shall be terminated or canceled after three years from its accrual, or after some other appropriate time, unless proper action has been instituted or taken within such period of time to enforce or present such claim, with appropriate provisions for an extension of such time in the event of fraud or nondisclosure of material facts or because of some other proper contingency. The addition of the following section to each such agreement and order is suggested as the detailed means of accomplishing this purpose:

Late claims. (a) Any claim against a handler for monies due by him under this order to the market administrator, or to any producer or to a cooperative association shall terminate and become void at the expiration of three years after the end of the delivery period in which the milk involved in the claim was received if an underpayment is claimed or three years after the date of the original payment if a refund is sought, unless a written demand therefor has been made against the handler within such period of time: *Provided*, That in the event of the handler's fraud, concealment of fact, failure to report material facts or failure to permit proper audit, any such claim against the handler shall not be so terminated or voided.

(b) Any claim by a handler against the market administrator for monies allegedly due under any provision hereof shall terminate and become void (1) at the expiration of three years after the end of the delivery period in which the milk involved in the claim was received, if an underpayment is claimed, or three years after the date of the original payment if a refund is sought, unless a written claim therefor has been filed by the handler with the market administrator within such period of time or (2) at the expiration of one year following the date of filing of such claim by the handler unless a proper administrative proceeding or court action based on such claim has been instituted by the handler.

2. Amend the existing record-keeping provisions of each such agreement and order by providing a specific period of time during which such records shall be maintained, which period should be coordinated and related to whatever period may be fixed for filing of claims and institution of proceedings as a result of proposal No. 1, with proper provision for an extension of that time as to specific records upon demand by the market administrator in proper cases.

3. Make such other changes in other existing provisions of each such agreement and order as may be required to effectuate fully the foregoing proposals.

Dated: July 18, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-6924; Filed, July 22, 1947; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 41]

SIGNING OF CLEARANCE FORMS, LOADING OF AIRCRAFT, AND SIGNING OF LOAD MANIFEST FORMS BY QUALIFIED PERSONNEL OTHER THAN THAT OF AIR CARRIER OPERATING AIRCRAFT

JULY 17, 1947.

The Safety Bureau of the Civil Aeronautics Board hereby gives notice that the Bureau will recommend that the Civil Aeronautics Board amend Part 41 of the Civil Air regulations to provide that qualified personnel other than that of the air carrier operating the aircraft may sign clearance forms, load aircraft, and sign load manifest forms. The proposed amendment does not change the present method of preparing and signing the maintenance release forms.

The proposed amendment is the same as that adopted for Part 61. The Safety Bureau will give careful consideration to all replies received and, after making any changes which appear to be appropriate, will present the proposed amendment to the Board for adoption. Any substantial objections to this proposal will be brought to the attention of the Board.

It is proposed to amend § 41.406 to read as follows:

§ 41.406 *Maintenance release, load manifest, and clearance forms.* All maintenance release, clearance, and load manifest forms used shall be approved by the Administrator. The original copies of such forms shall be given to the first pilot and duplicate copies kept in the station file for at least 90 days.

§ 41.4060 *Preparation of maintenance release form.* A maintenance release form shall be prepared for each aircraft delivered by the maintenance department to the operations department. This form must be signed by personnel of the air carrier charged with the duty of supervising the maintenance of the aircraft.

§ 41.4061 *Preparation of clearance form.* A clearance form shall be prepared for each flight between specified clearance points. The information for such clearance shall be prepared by the authorized aircraft dispatcher of the air carrier operating the aircraft. This form shall be signed by the first pilot and by the authorized aircraft dispatcher only when both believe the flight may be made with safety. The authority to sign such clearance may be delegated for a particular flight by the authorized aircraft dispatcher, but the authority to dispatch cannot be delegated, and such dispatcher remains responsible for the dispatch and continued supervision of the flight.

§ 41.4062 *Preparation of load manifest form.* A load manifest form showing the loading of the aircraft shall be prepared and signed for each flight by properly qualified personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of the load manifest forms, or by qualified persons authorized by the air carrier. The aircraft when loaded shall not exceed the center of gravity limits or maximum allowable weight limits set forth in the aircraft certificate for the particular aircraft.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

JOHN M. CHAMBERLAIN,
Acting Director.

[F. R. Doc. 47-6879; Filed, July 22, 1947; 8:46 a. m.]

[14 CFR, Parts 41 and 61]

AIR CARRIER FLIGHT RADIO OPERATORS

MINIMUM RECENT EXPERIENCE REQUIREMENTS

JULY 17, 1947.

The Safety Bureau of the Civil Aeronautics Board is presenting proposed amendments to Parts 41 and 61 of the Civil Air Regulations specifying the minimum recent experience a flight radio operator is required to have before he may serve in air carrier operation.

A proposal to amend was originally published in the FEDERAL REGISTER on May 1, 1947, requiring that the airman demonstrate his competency to the Administrator or his designee.

After further considering this proposal, the Safety Bureau has concluded that it would be preferable to place the responsibility of checking the airman, on the air carrier rather than on the Administrator. The Safety Bureau plans, therefore, to present to the Board the proposed amendments hereinafter set forth. Any substantial objections to the proposal will be brought to the attention of the Board.

The proposed amendment is as follows:

Qualification for duty. An airman shall not serve as a flight radio operator unless, within the preceding 12-month period, he has had at least 4 months of satisfactory experience as a radiotelegraph operator and 25 hours of experience in the operation of aircraft radio during flight; or until the air carrier has checked the airman and determined that he is (1) familiar with all current radio information pertaining to the routes to be flown, and (2) is competent with respect to the operating procedures and radio equipment to be used.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

JOHN M. CHAMBERLAIN,
Acting Director.

[F. R. Doc. 47-6889; Filed, July 22, 1947; 8:47 a. m.]

[14 CFR, Parts 41 and 61]

AIR CARRIER NAVIGATORS

MINIMUM RECENT EXPERIENCE REQUIREMENTS

JULY 17, 1947.

The Safety Bureau of the Civil Aeronautics Board is presenting proposed amendments to Parts 41 and 61 of the Civil Air Regulations specifying the minimum recent experience a flight navigator is required to have before he may serve in air-carrier operation.

A proposal to amend was originally published in the FEDERAL REGISTER on May 1, 1947, requiring that the airman demonstrate his competency to the Administrator or his designee.

After further considering this proposal, the Safety Bureau has concluded that it would be preferable to place the responsibility of checking the airman, on the air carrier rather than on the Administrator. The Safety Bureau plans, therefore, to present to the Board the proposed amendments hereinafter set forth. Any substantial objections to the proposal will be brought to the attention of the Board.

The proposed amendment is as follows:

Qualifications for duty. An airman shall not serve as a flight navigator unless he has served in that capacity for at least 50 hours within the preceding 12-month period; or until the air carrier has checked the airman and determined that he is (1) familiar with all current navigational information pertaining to the routes to be flown, and (2) is competent with respect to the operating procedures and navigational equipment to be used.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

JOHN M. CHAMBERLAIN,
Acting Director.

[F. R. Doc. 47-6890; Filed, July 22, 1947; 8:47 a. m.]

[14 CFR, Parts 41 and 61]

AIR CARRIER FLIGHT ENGINEERS

MINIMUM RECENT EXPERIENCE REQUIREMENTS

JULY 17, 1947.

The Safety Bureau of the Civil Aeronautics Board is presenting proposed amendments to Parts 41 and 61 of the Civil Air Regulations specifying the minimum recent experience a flight engineer is required to have before he may serve in air carrier operation.

A proposal to amend was originally published in the FEDERAL REGISTER on June 3, 1947, requiring that the airman demonstrate his competency to the Administrator or his designee.

After further considering this proposal, the Safety Bureau has concluded that it would be preferable to place the responsibility of checking the airman, on the air carrier rather than on the Administrator. The Safety Bureau plans, therefore, to present to the Board the proposed amendments hereinafter set forth. Any substantial objections to the proposal will be brought to the attention of the Board.

The proposed amendment is as follows:

Qualification for duty. An airman shall not serve as a flight engineer unless, within the preceding 12-month period, he has had at least 50 hours of experience as a flight engineer on the make and model aircraft on which he is to serve; or until the air carrier has checked the airman and determined that he is (1) familiar with all current information and operating procedures relating to the make and model aircraft to which he is to be assigned, and (2) is competent with respect to such aircraft.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washing-

ton 25, D. C., for receipt within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] JOHN M. CHAMBERLAIN,
Acting Director.

[F. R. Doc. 47-6892; Filed, July 22, 1947; 8:48 a. m.]

[14 CFR, Parts 41 and 61]

TAKE-OFF LIMITATIONS TO PROVIDE FOR ENGINE FAILURE

JULY 18, 1947.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 41 and 61 of the Civil Air Regulations which will require that any gradient of the take-off surface shall be taken into account when computing the take-off limitations of aircraft certificated under the transport category.

Parts 41 and 61 now require that in applying take-off requirements to aircraft certificated under the transport category, a correction shall be made for any appreciable gradient of the take-off surface. Since the word "appreciable" has no defined limits, this may under certain conditions constitute a hazard to safety in that the gradient may not always be taken into consideration when establishing take-off limitations.

It is proposed to amend §§ 41.271 (c) and 61.7122 (c) as follows:

1. By striking the word "appreciable" from the first sentence of § 41.271 (c).

2. By striking the word "appreciable" from the first sentence of § 61.7122 (c).

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Board that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C., for receipt by July 31, 1947.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6895; Filed, July 22, 1947; 8:48 a. m.]

NOTICES

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 247]

RECONSIGNMENT OF ORANGES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 16, 1947, by S. Albertson Co., of cars MDT 40951 and FGE 15365, oranges, now on the Santa Fe to Somerville, Mass. (Erie-D&H-B&M).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6879; Filed, July 22, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 248]

RECONSIGNMENT OF ONIONS AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., July 16, 1947, by Piowaty Berghart, of following cars, onions, now on the Wabash Railroad to Cincinnati, Ohio, WFE 67745 (Wab-B&O) New York, N. Y., URT 7369 (Wab-NYC).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6880; Filed, July 22, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 249]

RECONSIGNMENT OF TOMATOES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., July 17, 1947, by American Fruit Growers, of car IC 54459, tomatoes, now on the Missouri Pacific to Chicago, Ill. (MP-Wab).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6881; Filed, July 22, 1947; 8:47 a. m.]

[S. O. 396, Special Permit 250]

RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., July 17, 1947, by Wm. J. McCormick, of following cars, potatoes, now on the Pennsylvania Railroad to Buffalo, N. Y. (PRR) MDT 40904 and to Rochester, N. Y. (PRR-NYC) URT 81289.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6882; Filed, July 22, 1947; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice No. 55]

SHOSHONE IRRIGATION PROJECT, HEART MOUNTAIN DIVISION (PART II), WYOMING

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AN STATE LANDS AND OPENING OF PUBLIC LANDS FOR ENTRY

1. *Land for which water will be furnished.* Pursuant to the act of June 17, 1902 (32 Stat. 388), as amended and supplemented, herein called the Federal Reclamation Law, announcement is hereby made that water will be available as of April 1, 1948, for certain irrigable lands under the Heart Mountain Division of the Shoshone Irrigation Project, Wyoming, and that beginning at 2:00 p. m., July 24, 1947, entry may be made in accordance with this public notice for the public land described hereinunder. Water will be made available under the provisions of the Federal Reclamation Law and in accordance with the terms, conditions, and charges herein provided. The irrigable lands for which water is to be made available are shown on the farm unit plats for Townships 53, 54, and 55 North, Ranges 100, 101, and 102 West, Sixth Principal Meridian, Wyoming. These lands are described as follows:

Public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

Section	Farm unit	Description	Total irrigable acres
		Township 52 North, Range 100 West	
6	A	Lots 1, 2, 19 of Section 6. Lots 5, 17, 35, & N½N½SE¼NE¼ of Section 1, T. 53 N., R. 101 W	101.23
	B	Lots 4, 20, 21 of Section 6. Lots 36, 37, S½N½SE¼NE¼, S½SE¼NE¼ of Section 1, T. 53 N., R. 101 W., Lot 1 of Tract 54, T. 53 N., R. 101 W	104.21
	C	Lots 8, 15, 17, 22 of Section 6. Lots 25, 38 of Section 1, T. 53 N., R. 101 W., Lot 5 of Tract 54, T. 53 N., R. 101 W	105.75
		Township 54 North, Range 100 West	
31	B	Lots 9, 16, 18, 19 of Section 31. Lots 1, 11 of Section 36, T. 54 N., R. 101 W	104.29
	C	Lots 13, 14, 20 of section 31. Lot 12 of Section 36, T. 54 N., R. 101 W	87.07
	G	Lots 19, 24 of Section 18, Tract 12, S½NW¼SW¼, S½S½NW¼SW¼, S½NE¼SW¼, S½S½NE¼SW¼, S½NE¼SE¼SW¼, N½SE¼SW¼, N½N½S½SE¼SE¼SW¼, N½SW¼SW¼, N½N½S½SW¼SW¼ of lot 43	96.63
		Township 53 North, Range 101 West	
1	D	Lots 28, 30, 32, 33 of section 1; Lot 1 of Tract 89	87.47
11	H	Lot 40 of Section 1; Lot 27 of section 2, E½NE¼ of section 11; Lots 21, 22, 40 of section 12	96.16
2	C	Lots 16, 17, 24, 25, 26, 27, 28, 29, 30, 31, SW¼NE¼, S½NW¼NE¼, S½NE¼NE¼ of Section 12. Lot 16 of Section 7, T. 53 N., R. 100 W	102.10
	G	Lots 24, 26 of Section 1; Lot 15, N½NW¼NE¼, N½NE¼NE¼ of Section 12; Lot 6 of Tract 54. Lots 16, 18 of Section 6, T. 53 N., R. 100 W., Lot 17 of Section 7, T. 53 N., R. 100 W	90.31
	F	Lots 23, 29 of section 1; Lots 18, 19, 20, 23, 39 of Section 12; Lots 2, 4 of Tract 54	96.46
36	E	Lots 13, 34 of section 1, Lot 26 of Section 2; Lot 3 of Tract 54; Lot 2 of Tract 89	93.95
		Township 54 North, Range 101 West	
2	F	S½SE¼SE¼, S½N½SE¼SE¼, S½N½S½SE¼SE¼, SW¼SE¼, SE¼SW¼, S½S½SW¼SW¼ of section 35; Lot 15 of section 36. Lots 11, 13, 15, 17 of Section 2, T. 53 N., R. 101 W	100.99

Section	Farm unit	Description	Total irrigable acres
		Township 54 North, Range 101 West—Continued	
36	A	Lots 2, 9, 10 of Section 36	97.58
	D	Lots 3, 7, 8 of section 36	103.86
	E	Lots 4, 5, 6 of Section 36	102.45
	J	Lots 13, 14 of Section 36. Lots 27, 29, 31 of Section 1, T. 53 N., R. 101 W	88.12
		Township 55 North, Range 101 West	
9	A	SW¼SE¼SE¼, S½SW¼SE¼ of Section 4; Lot 4, E½E½E½NE¼NW¼, NW¼NE¼, NW¼NE¼NE¼, S½NE¼NE¼, N½SE¼NE¼, N½N½S½S½SE¼NE¼, N½SW¼NE¼, N½N½S½S½SW¼NE¼ of Section 9	107.40
	B	Lots 3, 8, S½N½W¼SW¼, SW¼NE¼NW¼, W½SE¼NE¼NW¼, W½E½SE¼NE¼NW¼, W½NE¼SW¼, W½E½NE¼SW¼, W½E½E½NE¼SW¼ of Section 9	115.78
	C	Lots 5, 7, 11, NW¼SE¼, S½S½SW¼NE¼, S½N½SW¼NE¼, S½S½SE¼NE¼, S½N½S½SE¼NE¼, E½E½NE¼SE¼SW¼, E½E½E½NE¼SW¼ of section 9	100.71
	D	Lots 6, 12, SE¼SE¼, E½E½SE¼SE¼SW¼ of Section 9; Lot 12 of Section 10; Lot 5 of Section 16	118.00
10	A	Lots 1, 7, 8 of Section 10; Lot 4 of Section 11	116.83
	B	Lots 4, 5, 10, 11, SW¼NW¼, W½NW¼NW¼, W½E½NW¼NW¼ of Section 10	96.89
16	A	Lots 9, 11 of Section 16	107.78
	B	Lots 7, 8, 12, 13 of Section 16	111.90
	C	Lots 10, 15, 16 of Section 16	111.84
	E	Lot 1, W½SE¼SW¼, W½E½SE¼SW¼, W½E½E½E½SE¼SW¼ of Section 9; Lot 6 of Section 16	122.30
21	A	Lots 1, 5 of Section 21	100.23
	B	Lots 6, 7, 11 of Section 21; W½SW¼SW¼ of Section 22; NW¼NW¼NW¼, N½SW¼NW¼NW¼ of Section 27; NE¼NE¼NE¼, N½S½NE¼NE¼, E½NW¼NE¼NE¼, SW¼NW¼NE¼NE¼, E½NW¼NE¼NE¼ of Section 28	117.30
27	A	Lot 2, SE¼SW¼, E½S½W¼SW¼ of Section 22; E½NW¼NW¼, NE¼NW¼, N½NW¼NE¼ of Section 27	122.35
33	A	E½SE¼, SW¼SE¼, SE¼SW¼ of Tract 38	97.38

State lands:

The following described sections and tracts are solely school section lands. After the date hereof, water will be available therefor and the construction charges assessed to them will be repaid under the same terms and conditions as announced for the other lands covered by this notice upon water rental applications being properly executed and water rental payments made as required hereby:

Tract	Description	Irrigable area (acres)
	Township 55 North, Range 101 West	
48	NE¼NE¼	25.70
	SE¼NE¼	32.26
	NE¼SE¼	20.07

The farm unit plats referred to above have been approved and are on file in the Office of the Superintendent, Bureau of Reclamation, Powell, Wyoming, and in the District Land Office at Cheyenne, Wyoming.

2. *Limit of acreage for which entry may be made or water secured.* The limit of area of public land per entry, representing the acreage which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such lands, is fixed in the amounts shown upon the farm unit plats for the respective farm units listed above. The maximum area for which water may be secured for lands in private ownership shall be 160 acres of irrigable land for each landowner. No one can at the same time hold and obtain water rights on a Federal Reclamation Project for both a farm unit of public land and a tract of privately-owned land unless the installations on the water right, either for the farm unit or for the private lands, not exceeding 160 acres, have been paid in full. Until State lands pass to private ownership, water may be secured for such lands on a rental basis.

3. *Application for public lands.* An application for a farm unit listed in this notice must be filed with the Superintendent, Bureau of Reclamation, Powell, Wyoming, if the applicant desires to qualify under the terms of this notice. No advantage will accrue to an applicant presenting his application in person. All applications received prior to 2:00 p. m., October 22, 1947, will be treated as simultaneously filed. Applications for a farm unit received after 2:00 p. m., October 22, 1947, will be considered only as provided in subparagraph (f) (5) of this notice.

(a) *Preference rights of veterans of World War II.* Pursuant to the provisions of the act of Congress of September 27, 1944 (58 Stat. 747), as amended by the acts of June 25, 1946 (Pub. Law 440, 79th Cong.) and May 31, 1947 (Pub. Law 82, 80th Congress) a preference right of application for a period of ninety days will be given to any person, including a person under 21 years of age, who has served in the military or naval forces of the United States for a period of at least ninety days at any time on or after September 16, 1940, and prior to the termination of the present war and who is honorably discharged and

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[F. R. Doc. 47-6882; Filed, July 22, 1947; 8:47 a. m.]

who makes homestead entry subsequent to such discharge. Such preference right extends to the spouse or in case of death or marriage to the guardian of the minor orphan children of (1) any person who has died as a result of wounds received or disability incurred in line of duty while serving in the military or naval forces of the United States at any time on or after September 16, 1940, and prior to the termination of the present war or (2) any person who, prior to his or her death, had the qualifications set forth in the first sentence of this subparagraph and would have been entitled to a preference right of application had he or she lived.

(1) An honorable discharge within the meaning of the act of September 27, 1944 (58 Stat. 747) as amended, shall mean (a) the separation of the veteran from the service by means of an honorable discharge or a discharge under honorable conditions, (b) the transfer of the veteran from active duty to a reserve or retired status prior to the termination of the war or (c) the ending of the period of the veteran's war service by reason of termination of the war, even though the veteran remains in the military or naval service.

(2) All applicants are required to answer fully Question 1, on the Farm Application Blank, and, if claiming veterans' preference, must attach thereto a photostatic, certified or authenticated copy of an official document of his respective branch of military or naval service which clearly indicates an honorable discharge as described in subsection (1) of this paragraph (a).

(3) Applicants entitled to veterans' preference must satisfy all requirements of entrymen set forth in this notice. They will be rated as prescribed in subparagraph (e) and, if found eligible, will be listed on a preference register in the order of their ratings.

(4) For the purpose of this notice the ninety-day preference right of application for veterans of World War II shall begin with the day lands described herein are opened for entry at 2:00 p. m., July 24, 1947, and continue until the close of the simultaneous filing period, 2:00 p. m., October 22, 1947. Applicants for farm units who do not claim or establish such veterans' preference will not be rated until it is evident that sufficient qualified applicants, who have veterans' preference rights and who have filed application not later than 2:00 p. m., October 22, 1947, are not available to enter all the farm units listed in this notice. Non-preference applicants, if and when rated, will be listed on a non-preference register in the order of their rating. When the preference register has been fully cleared by awards of farm units or withdrawal of applicants or both, awards will be made to applicants on the non-preference register in the manner described in subparagraph (f) (5).

(b) *How to file an application for a farm unit.* Farm Application Blanks on which to make application for a farm unit under this notice may be secured from the Superintendent, Bureau of Reclamation, Powell, Wyoming; the Regional Director, Bureau of Reclamation, Billings, Montana; or the Commissioner, Bureau of Reclamation, Washington, D. C. The first paragraph of the application blank has spaces for the description of farm units for which the applicant wishes to be considered in the event he qualifies for the award of a unit. These blanks need not be filled in until the applicant is called for personal interview as prescribed in subparagraph f. However, he must set forth his preference prior to the interview. During the period set for personal interview, but before the actual interview, the Board will permit the applicant to fill in or change the description of the units which he elects after the applicant has had opportunity to make personal inspection of the farm units. If the Board deems it advisable, it may require the applicant to list, on a suitable form, all the units for which he wishes to be considered in the order of preference and sign a statement to the effect that he does not desire to be considered for any unit not listed. No advantage will accrue to an applicant who inspects the units elected prior to filing application, although each successful applicant must personally inspect the unit awarded prior to filing homestead entry with the District Land Office of the Bureau of Land Management. The choice of the applicant will be given full consideration. Except for the description of farm units in the first paragraph, all other questions on the farm application blank must be fully answered. Irrespective of any preference established under subparagraph (a), there must be strict compliance with the provisions of subparagraph (e).

(c) *Applicants must be qualified.* No entry shall be accepted or allowed by the Register of the District Land Office until the applicant therefor has satisfied the Examining Board appointed as set forth in subparagraph d below, that he is possessed of qualifications of industry, experience, character, and capital, as set forth in subparagraph (e). These qualifications are in addition to those required under the homestead laws. A statement of the qualifications required by the homestead laws may be secured from the District Land Office at Cheyenne, Wyoming, or from the Bureau of Land Management, Washington, D. C.

(d) *Examining Board.* An Examining Board of three members has been approved by the Commissioner of the Bureau of Reclamation to establish qualifications and consider the fitness of each applicant to undertake the development and operation of a farm. If found necessary, the Commissioner reserves the right to appoint additional or alternate members not to exceed a total of five. The Project Superintendent, who is a member of this Board representing the United States, will act as secretary. The statements made by applicants in their farm applications, as corroborated by the persons named as references therein, shall be used by the Board as the basis for determining the relative standing of applicants under subparagraph (e) below. Careful investigations will be made to verify the statements and representations made by applicants both on the farm application blanks and in the course of personal interviews, to the end that no misunderstanding may prevail either regarding the applicant's fitness or his appreciation of the problem before him. Any falsification or fraudulent representation made or discovered at any time will cause an application to be rejected. The Board is authorized to make rules incident to carrying out the provisions of this Public Notice with respect to rating and selection of applicants, and to establish the time for personal interviews. The Board will rate applicants according to standards described in subparagraph (e), and award public land units to successful applicants as set forth in subparagraph (f).

(e) *Determination of relative standing of applicants.* To determine whether an applicant for a farm unit is qualified under the provisions of subsection C of Section 4 of the Act of December 5, 1924 (43 Stat. 702), he will be rated and examined. The relative standings of the applicants will be based upon percentage rating with the following maximum weights given to the four prescribed qualifications:

	Percent
I. Character	10
II. Industry	20
III. Capital	35
IV. Farm Experience	35

Applicants for a farm unit will be rated for each of the above four qualifications according to the following schedules, and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules:

	Percent
I. Character:	
(a) Fair	4 (minimum)
(b) Good	5 to 7
(c) Excellent	8 to 10
II. Industry:	
(a) Fair	5 (minimum)
(b) Good	6 to 10
(c) Excellent	11 to 20
III. Capital:	
(a) $1,000 to $1,499	20 (minimum) to 24
(b) $1,500 to $1,999	25 to 29
(c) $2,000 to $2,499	30 to 34
(d) $2,500 or above	35 (maximum)
(e) One to four percent may be added to items (a), (b), or (c) for guaranteed credit of from $1,000 to $4,000: Provided—that the total percentage allowed for capital shall not exceed 35 percent. The credit must be suitable for the establishment of an economically sound farming operation.	

NOTE: The minimum capital requirement of $1,000 set forth in (a) above must be assets owned by the applicant and credit may not be substituted therefor.

	Percent
IV. Farm experience:	
(a) 2 years of work as a farmer's son after the age of 12 years or as a farm operator or farm hand after the age of 15 years	20
(b) Each additional year's work as farm hand, farmer's son or farm operator	5
(c) Each year of agricultural training in college, or technical experience in field of agriculture, if deemed by the Board to be equivalent to farm experience	2

NOTE: Item (a) is the minimum required for all applicants. The total percent allowed for items (a), (b), and (c), shall not exceed 35%. Farm experience must be of such nature as in the judgment of the Board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

V. Although no rating is provided for the physical condition of the applicant, he must be in such physical condition as to permit satisfactory farm operation. If physically handicapped or afflicted with ailments making the condition questionable, a detailed statement by an examining physician should accompany the application. The examining board will determine from the individual's application blank and from a personal interview, should he be one of those applicants selected as set forth in subparagraph f (4) below, whether the applicant is physically able to operate a farm and shall disqualify him if facts are such as to warrant such disqualification.

(f) *Showing of applicants and selection thereof.* In conformity with the following method, farm units listed in this Public Notice will be awarded by the Board as follows:

(1) Each applicant qualifying for veteran's preference under the act of September 27, 1944 (58 Stat. 747), as amended, who satisfies the minimum requirements set forth in subparagraph (e) shall be given a preliminary rating based upon the showing made by his farm application blank. He will be listed on a preference register in the order of his rating. Applicants who do not fulfill the minimum requirements will be so notified by registered mail with return receipt demanded.

(2) As soon as possible after October 22, 1947, the Examining Board shall select from the preference register referred to in subparagraph (f) (1) above, 62 applicants, in the order of their rating. If the preliminary rating of any remaining applicants is the same as the last selected applicant, the Board will add the names of such additional applicants with the same rating to the list of 62 to participate in the drawing set forth in subparagraph (f) (3) below. Immediately following the selection of this group of 62 or more persons, all other applicants remaining on the preference register shall be notified by registered mail, with return receipt demanded, of their standing. Each such applicant shall also be notified that since the number of qualified applicants exceeds the number of available farms, his application must be suspended and held for further consideration as provided in this notice.

(3) The Board, in a suitable and impartial manner, shall then conduct a drawing of the names of all applicants selected as set forth in subparagraph (f) (2) above; entering their names on a priority list in the order drawn.

(4) The Board shall then call the first 31 applicants for personal interviews, advising each applicant of his standing on the priority list as established by the drawing. He shall be advised of the probability that he will be certified as an entryman, with priority of award in the order drawn if the interview is satisfactory. Ordinarily the applicant will be certified as an entryman after the interview unless he fails to substantiate his showing on the farm application blank or he fails to elect one of the farm units remaining available after higher priority awards have been made. If the interview is satisfactory and the applicant is next on the list to receive a farm unit, the first unit on his preference list established as provided in subparagraph (b) above which is available will be awarded to him. If applicants higher on the priority list remain to be interviewed, definite allocation of a farm unit will be held in abeyance until all such prior award applicants have been allocated farm units. If any applicant is disqualified as set forth in paragraph 3 (e), his name shall be removed from the priority list and the preference register and other applicants on the priority list moved up in the order of their drawing. If any applicant is reduced below the lowest rating of the 62 or more applicants selected to participate in the drawing, his name shall be removed from the priority list and his position on the preference register adjusted in accordance with his revised rating. Additional applicants beyond the first 31, in the order of drawing, shall immediately be called for interview. To avoid the necessity of an applicant making a long journey without a reasonable assurance that he will receive a farm unit, no more applicants shall be called for interviews than there are units available. If the available farm units are all allocated before the names of all applicants on the priority list as provided in subparagraph (f) (3) are exhausted, each remaining applicant shall be notified by registered mail, with return receipt demanded, that all farm units to be opened have been allocated and that his application must be held for rejection. He will, however, retain his place on the priority list for further consideration should any units become available through failure of the entryman to complete his transaction, as provided in paragraph (h) below.

(5) Should the applicants on the priority list be exhausted before the available farm units are allotted, the selection process shall be repeated with the next highest rated group as outlined in subparagraph (f) (2), (3) and (4), immediately above. Should any farm units remain available when the preference register is exhausted, applications of persons who do not have veterans' preference and whose applications were filed prior to 2:00 p. m., October 22, 1947, will be considered as outlined in subparagraphs (f) (2), (3) and (4) immediately above. Should any farm units remain available after all applications filed before 2:00 p. m., October 22, 1947, have been considered, applications received after 2:00 p. m., October 22, 1947, will be considered in the order filed.

(6) Each action of the Board with respect to any individual applicant as provided in this subparagraph (f) is subject to appeal to the Director of Region 6, Bureau of Reclamation, Billings, Montana. Such appeals must be filed in the office of the Project Superintendent, Powell, Wyoming, within 15 days of receipt of notice of any action of the Board with respect to his application. The Superintendent will forward such appeals promptly to the Regional Director.

(g) *Notification of applicants.* (1) The decision of the Board as to the selection of successful applicants and the award of farm units shall be reduced to writing and a copy forwarded to the successful applicant, with return receipt requested. With such notice, the Board shall enclose statement of the minimum water charges due on the farm awarded and water-rental applications. Payment of the minimum water charges and such properly executed water-rental application must be in the office of the Bureau of Reclamation, Powell, Wyoming, within 15 days of receipt of the notice of award. Upon receipt by the Superintendent of the payment of minimum water charges, together with the executed water-rental application, within the period specified, the Secretary of the Examining Board will furnish each such applicant a certificate stating that his qualifications to enter public lands, as required by subsection C of section 4 of the act of December 5, 1924 (43 Stat. 702) have been passed upon and approved by that Board. Such certificate may be delivered personally or by registered mail, but in either case a proper acknowledgment of receipt must be secured. Such certificate must be attached by the applicant to his homestead application when he files such application at the District Land Office at Cheyenne, Wyoming. Such homestead application shall be filed within 30 days from the date of the receipt by the applicant of said certificate. Upon return of receipt indicating applicant has received above certificate, the Secretary of the Examining Board will indicate upon a copy thereof the time upon which the 30-day period for filing homestead application expires and forward same to the District Land Office.

(2) After all farm units have been entered, all applicants whose applications have not been previously rejected will be notified that the farm units listed in Public Notice No. 55 have been entered and all pending applications therefore are held for rejection.

(h) *Failure of selected applicant to complete transaction.* Failure of the selected applicant to pay the water charge or to make homestead application, or to execute and file any required water-rental application, within the time herein or hereafter specified, shall disqualify the applicant and entitle the Board to cancel the award of his farm unit and to award the same farm unit to another applicant selected in the manner prescribed in subparagraph (f).

(i) *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice, *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

(j) *Oil and gas lease.* Certain of the farm units are covered in whole or in part by oil and gas leases executed through the Bureau of Land Management under the act of February 25, 1920 (41 Stat. 437), as amended. Detailed information concerning these leases may be secured at the Bureau of Land Man-

agement, Washington, D. C., or at the District Land Office, Cheyenne, Wyoming.

(k) *Reservation of rights-of-way for County, State and Federal highways and access roads.* Rights-of-way are reserved for County, State, and Federal highways and access roads to the farm units shown on said plats along sectfon lines and other lines shown in red on the farm plats, said rights-of-way being in general 30 feet in width on each side of said lines for county roads, 20 feet each side of said lines for access roads, and either 40 feet or 50 feet each side of said lines for State and Federal highways.

(l) *Reservation of rights-of-way for telephone, electric transmission, water and sewer lines and water treating and pumping plants.* Rights-of-way are reserved for Government-owned telephone, electric transmission, water and sewer lines and water treating and pumping plants, as now constructed, and the Secretary reserves the right to locate such other Government-owned facilities over and across the farm units above described, as hereafter in his opinion may be necessary for the proper construction, operation or maintenance of said project.

(m) *Waiver of mineral rights.* All homestead entries for any of the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Land Office; otherwise, the homestead application will be rejected or the homstead entry cancelled.

4. *Application for delivery of water to State lands.* Blanks on which to make water-rental application for the State lands described in paragraph 1, may be secured from the Superintendent, Bureau of Reclamation, Powell, Wyoming; the Regional Director, Bureau of Reclamation, Billings, Montana; or the Commissioner, Bureau of Reclamation, Washington, D. C., and shall be filed on or after October 1, 1947.

5. *Charges payable by all water users.* The Reclamation Law provides that except during a "development period" fixed by the Secretary of the Interior water may not be delivered for the irrigation of lands until an organization, satisfactory in form and powers to the Secretary, has entered into a contract with the United States providing for the repayment of the project construction costs which are allocated to such irrigated lands. Pursuant to section 2 (j) and 7 (b) of the Reclamation Project Act of 1939, lands described in paragraph 1 of this Public Notice are hereby designated a development unit. The development period for the lands so designated is fixed at a period of six years from and including the first year in which water is delivered; provided, that such period may be extended by Supplemental Notice should the Secretary determine that further time is reasonably necessary to bring such lands under irrigation. All lands described in paragraph 1 must, therefore, be included within an organization of the type described and such organization must execute a contract covering the repayment of the construction costs allocated to such lands before the end of the development period.

(a) *Charges payable before execution of the repayment contract.* (1) The minimum water charge for 1948 and thereafter until further notice, shall be one dollar and seventy-five cents ($1.75) per acre for each irrigable acre of land. This charge is due and payable in advance on or before January 1, of the year in which water is to be delivered. Payment of this charge will entitle the entryman or landowner to a farm delivery of 2 acre-feet of water per irrigable acre for each irrigation season.

(2) Additional water will be furnished during the 1948 irrigation season and thereafter until further notice at the rate of seventy-five cents ($0.75) per acre-foot for the third acre-foot per irrigable acre and one dollar and twenty-five cents ($1.25) per acre-foot for each additional acre-foot per irrigable acre thereafter. Charges for the additional water are to be paid on or before December 1, of the year in which used. No water shall be delivered to the water user in subsequent years until all such charges have been paid in full.

(3) In the event any applicant does not receive notice of the award of a farm unit until after July 1, 1948, or July 1 of any subsequent year, the entryman's payment of charges under this subparagraph a shall be applied to payment of water charges for the succeeding year.

(4) The foregoing charges are subject to all provisions of the Federal Reclamation Law relative to collections and penalties for delinquencies. The charges will be paid at the office of the Bureau of Reclamation, Powell, Wyoming.

(b) *Charges payable after execution of the repayment contract.* These charges will be paid by the water users in accordance with the terms of the repayment contract. They will include an annual charge per acre to meet operation and maintenance costs and to repay to the Government that portion of the construction costs allocated to the Heart Mountain Division. On the date of issue of this Public Notice, it is impracticable to determine (1) the total construction cost of the Heart Mountain Division distributary system; (2) the allocation of costs to the Heart Mountain Division of the Shoshone Federal Reclamation Project; and (3) the ultimate water-service area of the Division. Accordingly, no exact statement as to the total and per acre construction charge to be made against lands opened in this Public Notice is practicable. However, total estimated construction costs of the Heart Mountain Division is $6,900,000. When the total construction charge has been determined and allocated by the Secretary of the Interior, and a repayment contract negotiated with the irrigation district, a supplementary notice announcing the total and per acre charges will be issued.

6. *Settler assistance in land development.* The Bureau of Reclamation, as an incident to the completion of the project, will assist entrymen, in appropriate cases, on a reimbursable basis, in development of farm units, including clearing and rough leveling the land and roughing in of farm irrigation and surface drainage systems beyond the farm turnout.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JULY 7, 1947.

[F. R. Doc. 47-6870; Filed, July 22, 1947; 8:45 a. m.]

Geological Survey

COLORADO, OREGON, AND WASHINGTON

POWER SITE CLASSIFICATION NO. 382

JULY 15, 1947

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of the Acting Secretary of the Interior dated June 10, 1947 (12 F R 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (41 Stat. 1075; 16 U. S. C., Supp. V, 818):

SAN MIGUEL RIVER, COLORADO

NEW MEXICO PRINCIPAL MERIDIAN

T. 46 N., R. 14 W.,
Sec. 7, lots 2 and 5.

ROARING FORK, COLORADO

SIXTH PRINCIPAL MERIDIAN

T. 7 S., R. 89 W.,
Sec. 12, lots 6 and 14.

CEDAR CREEK, AND DEEP CREEK, OREGON

WILLAMETTE MERIDIAN

T. 26 S., R. 8 W.,
Sec. 8, N½NW¼.
T. 40 S., R. 22 E.,
Sec. 9, SW¼NE¼;
Sec. 28, NE¼NE¼.

COLUMBIA RIVER, WASHINGTON

WILLAMETTE MERIDIAN

T. 30 N., R. 26 E.,
Sec. 24, lot 6.

The areas described aggregate 129.39 acres in Colorado, 160 acres in Oregon, and 36.00 acres in Washington.

THOMAS B. NOLAN,
Acting Director.

JULY 15, 1947.

[F. R. Doc. 47-6869; Filed, July 22, 1947; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Project 1971]

IDAHO POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JULY 17, 1947.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r) that Idaho Power Company of Boise, Idaho, has made application for preliminary permit for major Project No. 1971 (known as Oxbow development) to be located on Snake River and on lands of the United States in Baker County, Oregon, and Adams and Washington Counties, Idaho. The proposed project is to consist of a concrete dam across Snake River at the Oxbow site approximately 4 miles in a southerly direction from Homestead, Oregon, creating a reservoir about 11 miles long with an area of about 1,000 acres; two tunnels, one of which would be an existing tunnel enlarged, through the Oxbow to the powerhouse site; a powerhouse with installed capacity of approximately 140,000 kilowatts in four units at the outlet of the tunnels on the Oregon bank of the river about 3 miles downstream from the dam; and appurtenant facilities. The proposed project is to replace an existing power plant at the Oxbow site.

Any protest against the approval of this application or request for hearing thereon, with reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted before August 22, 1947, to the Federal Power Commission at Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-6868; Filed, July 22, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1448]

IOWA-ILLINOIS GAS AND ELECTRIC CO. AND UNITED LIGHT AND RAILWAYS CO.

SUPPLEMENTAL ORDER PERMITTING APPLICATION AND DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 16th day of July 1947.

Iowa-Illinois Gas and Electric Company ("Iowa-Illinois") and its parent, The United Light and Railways Company ("Railways"), a registered holding company, having filed a joint application and declaration and amendments thereto pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding (1) the issuance and sale at competitive bidding by Iowa-Illinois of $22,000,000 principal amount of First Mortgage Bonds, due 1977 and the issuance and sale by Iowa-Illinois and the purchase by Railways of 35,000 additional authorized but unissued shares of common stock of Iowa-Illinois having a par value of $100 per share for a cash consideration of $3,500,000; and

Iowa-Illinois and Railways having requested that our order conform to the requirements of sections 371 (b), 371 (f), 373 (a) and 1808 (f) of the Internal Revenue Code, as amended, in respect to the expenditure by Railways of the net cash proceeds ($274,095.73) of the sale in 1946 of 2,436 shares of 5% Cumulative Convertible Preferred Stock of International Paper Company to pay a portion of the purchase price of the 35,000 shares of common stock of Iowa-Illinois and in respect of the issuance by Iowa-Illinois of the common shares to be purchased thereby; and

The Commission having by order dated July 2, 1947, granted said application, as amended, and permitted said declaration, as amended, to become effective subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed transactions shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, jurisdiction having been reserved for this purpose; and

Iowa-Illinois and Railways having filed a further amendment to said application and declaration setting forth the action taken by Iowa-Illinois to comply with the requirements of Rule U-50 and showing that pursuant to the invitation for competitive bids, five groups of bidders have submitted bids for the bonds as follows:

Bidding group headed by—	Price to company	Interest rate	Cost to company
		Percent	*Percent*
The First Boston Corp.....	100.779	2.75	2.712
Harris Hall & Co. (Inc.)....	100.7599	2.75	2.713
Blyth & Co., Inc.....	100.523	2.75	2.724
Halsey, Stuart & Co., Inc..	100.4099	2.75	2.730
Glore, Forgan & Co.....	100.3521	2.75	2.733

Said amendment having further set forth that Iowa-Illinois has accepted the bid of the group headed by The First Boston Corporation for the First Mortgage Bonds as set out above and that such bonds will be offered for sale to the public at a price of 101.4% of the principal amount thereof plus accrued interest from March 1, 1947 to the date of delivery resulting in an underwriters spread of .621% of the principal amount of the bonds; and

The Commission having examined the record in the light of said amendment and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds, the redemption prices thereof, the interest rate thereon, and the underwriters spread and its allocation with respect to the bonds;

It is ordered effective forthwith, That said application and declaration, as amended, be and the same hereby is granted and permitted to become effective, respectively, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered and recited, In view of the requirements of sections 371 (b), 371 (f), 373 (a) and 1808 (f) of the Internal Revenue Code, as amended, that the following transactions proposed in the aforesaid application and declaration, as amended, are necessary or appropriate to the integration or simplification of the holding company system of which Railways and Iowa-Illinois are members and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U. S. C., Title 15, sec. 79K (b)) and that the following transactions be consummated within the time required by Rule U-24 of the general rules and regulations under the Public Utility Holding Company Act of 1935:

1. The expenditure by Railways of the entire net cash proceeds in the amount of $274,095.73, received by it from the sale during 1946, pursuant to prior orders of the Commission, of 2,436 shares of $100 par value 5% Cumulative Convertible Preferred Stock of International Paper Company, for the purchase of common shares of Iowa-Illinois of the par value of $100 per share at the price of $100 per share; and

2. The issuance by Iowa-Illinois of the common shares so to be purchased.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6875; Filed, July 22, 1947; 8:46 a. m.]

[File No. 70-1514]

SOUTHERN NATURAL GAS CO. AND FEDERAL WATER AND GAS CORP.

ORDER MODIFYING CONDITION AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of July A. D. 1947.

Southern Natural Gas Company ("Southern Natural"), a registered holding company and a subsidiary of Federal Water and Gas Corporation ("Federal"), a registered holding company, and Federal, having heretofore filed, respectively, a declaration and an application pursuant to sections 12 (f) and 10 of the Public Utility Holding Company Act of 1935, and Rules U-23 and U-43 promulgated thereunder, with respect to the payment by Southern Natural to its common stockholders of a dividend, consisting of 1,409,212 shares of the common stock of its non-utility subsidiary, Southern Production Company, Inc. ("Production"), on the basis of one share of the common stock of Production for each share of the common stock of Southern Natural, and the acquisition by Federal, as the owner of 765,022 shares of Southern Natural's common stock, of a like number of the common shares of Production; and

The Commission having by order dated May 22, 1947, permitted said declaration to become effective and granted said application subject to the terms and conditions prescribed in Rule U-24, which rule provides in part that, unless otherwise ordered, the proposed transactions be carried out within sixty days of the Commission's order permitting the declaration to become effective and granting the application; and

Southern Natural and Federal having requested that the time within which the transactions set forth in the aforesaid declaration and application may be consummated be extended to July 28, 1947, stating that such extension is necessary by reason of the fact that the aforesaid shares of the common stock of Production are not deliverable to the common stockholders of Southern Natural until said date; and

The Commission having considered said request and deeming it appropriate that it be granted;

It is ordered, That the terms and conditions contained in our order of May 22, 1947, be and hereby are modified to the extent necessary to extend the time within which the aforesaid transactions may be consummated to July 28, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6874; Filed, July 22, 1947; 8:46 a. m.]

[File No. 70-1550]

INTERSTATE POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of July A. D. 1947.

Interstate Power Company ("Interstate"), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 and 7 thereof, regarding the following transactions:

1. The issue and sale, on or before August 1, 1947, of two Collateral Promissory Notes, each in the principal amount of $550,000, bearing interest at the rate of 2% per annum and maturing December 1, 1947, one of said notes to be sold to The Chase National Bank of the City of New York ("Chase") and the other to Manufacturers Trust Company, New York ("Manufacturers").

2. The issue and pledge as collateral security for the aforesaid notes of $1,100,000 principal amount of Interstate's First Mortgage Bonds, 5% Series, due 1957.

3. The issue and sale, on or before October 15, 1947, of two Collateral Promissory Notes, each in the principal amount of $250,000, bearing interest at a rate not exceeding 2% per annum and maturing on December 1, 1947; one of said notes to be sold to Chase, and the other to Manufacturers.

4. In the event that Interstate's plan of reorganization (which was approved by the Commission on January 24, 1947 pursuant to section 11 (e) of the act and by the District Court of the United States for the District of Delaware on April 24, 1947) is not consumated prior to the issuance of said $500,000 principal amount of notes specified in paragraph 3 above, the issue and pledge, as collateral for said notes, of $500,000 principal amount of Interstate's First Mortgage Bonds, 5% Series, due 1957;

5. If the aforesaid reorganization plan is consummated prior to the maturity date, December 1, 1947, of the aforesaid aggregate $1,600,000 principal amount of notes, the issue and sale of two promissory notes, ("refunding notes") each in the principal amount of $800,000 and maturing no more than one year from the date of issue and bearing interest at a rate not exceeding 2% per annum, one of said notes to be sold to Chase, and the other to Manufacturers. Said notes are either to be unsecured, or if unsecured loans cannot be obtained, to be secured by the pledge, at the earliest date practicable after issuance of said notes, consistent with the provisions of Interstate's proposed Indenture and First Supplemental Indenture, to be dated as of June 1, 1947, of an equal aggregate principal amount of First Mortgage Bonds, ------% Series, due 1977, to be issued under said indenture. Said issue and sale of refunding notes will be for the purpose of permitting the repayment of the aforesaid aggregate $1,600,000 principal amount of Collateral Promissory Notes. It is represented that said aggregate $1,600,000 principal amount of refunding notes will be retired, after consummation of said plan of reorganization, through permanent financing as soon as Interstate considers such permanent financing feasible.

The declaration states that the proceeds from the proposed issue and sale of $1,600,000 principal amount of Collateral Promissory Notes will be applied toward the financing of Interstate's construction program. The declaration states further that by reason of credits which it will have in its account with the Corporate Trustee under the indenture securing its First Mortgage Bonds, 5% Series, due 1957, based on property additions, Interstate will be entitled to the authentication and delivery by said trustee, prior to July 15, 1947, of $1,100,000 principal amount of additional 5% bonds, and will be entitled, by reason of similar credits, to the authentication and delivery by said trustee, prior to October 15, 1947, of an additional $500,000 principal amount of said bonds. Interstate further represents that since property additions, as defined in the proposed Indenture and First Supplemental Indenture to be dated as of June 1, 1947, made subsequent to December 31, 1946, will be fundable, Interstate will be entitled under the provisions of said indenture, on the basis of property additions made subsequent to December 31, 1946, to the authentication and delivery by the Corporate Trustee under said indenture of $1,600,000 principal amount of First Mortgage Bonds, ------% Series, due 1977, at the time of the consummation of said reorganization plan, in case it is necessary to issue said bonds as collateral security as outlined in paragraph 5 above.

Said declaration having been filed on June 16, 1947 and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing thereon within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Interstate having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6873; Filed, July 22, 1947 8:46 a. m.]

[File No. 70-1557]

ARKANSAS NATURAL GAS CORP. AND ARKANSAS LOUISIANA GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of July A. D. 1947.

Notice is hereby given that a joint declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Arkansas Natural Gas Corporation ("Arkansas Natural"), a registered holding company, and its subsidiary, Arkansas Louisiana Gas Company ("Arkansas Louisiana"). Declarants have designated sections 6 (a), 7 and 12 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 28, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. At any time after July 28, 1947, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Arkansas Louisiana proposes to enter into a loan agreement with the Guaranty Trust Company of New York pursuant to which the bank will be obligated to lend Arkansas Louisiana $11,500,000 on October 15, 1947 and to extend credit for an additional amount of $2,500,000. Under said agreement Arkansas Louisiana proposes to borrow $11,500,000 on October 15, 1947 and to issue in evidence therefor its installment promissory note, bearing interest at 2¼% per annum, payable at the rate of

$500,000 semi-annually to April 15, 1949 and thereafter at the rate of $625,000 semi-annually to April 15, 1957, the date of the final installment. The remaining $2,500,000 may be borrowed by Arkansas Louisiana as needed in amounts of $250,000 or a multiple thereof at any time prior to October 15, 1948, such borrowings to be evidenced by notes which are to bear interest at the rate of 2½% per annum and mature on October 15, 1957. Arkansas Louisiana will pay the bank a commitment fee at the rate of ¼ of 1% per annum on the maximum aggregate amount of loans to be made under the loan agreement ($14,000,000) from June 19, 1947, the date of the bank's obligation to lend said amount, to October 15, 1947. In addition, Arkansas Louisiana will pay a similar commitment fee on the daily average unused amount of the said $2,500,000 which the bank is obligated to lend from October 15, 1947 to October 15, 1948.

Arkansas Louisiana proposes to use $8,875,465 of the net proceeds of the bank loan of $11,500,000 for the redemption, on October 15, 1947, of its outstanding First Mortgage Bonds in the aggregate principal amount of $8,700,000 at their respective redemption prices. The remaining balance of said loan, together with the net proceeds of any additional notes, is for the stated purpose of financing the company's construction program.

Arkansas Natural, as the holder of all of the 4½% Sinking Fund Debentures due 1955 in the principal amount of $6,500,000 issued by Arkansas Louisiana, proposes to enter into an agreement together with Arkansas Louisiana and the Bank providing for the subordination of said Debentures, with respect to payment of principal and interest thereon, to the payment of the notes proposed to be issued under the aforesaid loan agreement in the manner and to the extent set forth in said Subordination Agreement. In connection with the execution of the Subordination Agreement, Arkansas Natural will place upon the aforesaid debentures an appropriate legend.

Fees and expenses, exclusive of commitment fees, have been estimated at $17,500, of which $12,500 are for legal fees.

Declarants state that no State commission has jurisdiction over the proposed transactions.

Declarants request that the Commission's Order permitting the declaration become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6872; Filed, July 22, 1947; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9339]

ROBERT AHR

In re: Estate of Robert Ahr, deceased. File D-28-11848; E. T. sec. 16059.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Ahr, Otto Ahr and Rosa Bauer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Robert Ahr, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by W. E. Butler, as Administrator, acting under the judicial supervision of the County Court of Coos County, State of Oregon;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6897; Filed, July 22, 1947; 8:48 a. m.]

[Vesting Order 9340]

PAUL ARDEN

In re: Estate of Paul Arden, deceased. File D-28-11952; E. T. sec. 16117.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Martha Wohlers, whose last known address is Germany, is a resident of Germany and a national of a designated enemy county (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Paul Arden, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by J. Ray Keaton, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Marin;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6896; Filed, July 22, 1947; 8:48 a. m.]

[Vesting Order 9341]

FREDERICK C. BECKORD

In re: Estate of Frederick C. Beckord, deceased. File No. D-28-10888; E. T. sec. 15336.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Beckord, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the distributees and next of kin of Frederick C. Beckord, deceased, whose names are unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 and 2 hereof, and each of them, in and to the estate of Frederick C. Beckord, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by George B. Seals, c/o Anthony M. Hauck, Jr., Esq., as administrator of the estate of Frederick C. Beckord, deceased, acting under the judicial supervision of the Hunterdon County Orphans' Court, Flemington, New Jersey.

and it is hereby determined:

5. That to the extent that the above named person and the distributees and next of kin of Frederick C. Beckord, deceased, whose names are unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6898; Filed, July 22, 1947; 8:48 a. m.]

[Vesting Order 9342]

SOPHIE BUDENBENDER

In re: Estate of Sophie Budenbender, deceased. File No. 017-20364.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Helberg, Sophie Helberg, sister-in-law, Sophie Helberg, niece, Frieda Helberg, Heinrich Helberg and Mina Helberg, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of William Helberg, and issue, names unknown, of Mina Helberg, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Sophie Budenbender, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Erich Schwager, as executor, acting under the judicial supervision of the Surrogate's Court of Westchester County, New York;

and it is hereby determined:

5. That to the extent that the above-named persons and the issue, names unknown, of William Helberg, and issue, names unknown, of Mina Helberg, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6899; Filed, July 22, 1947; 8:48 a. m.]

[Vesting Order 9343]

MIKE FARKAS

In re: Estate of Mike Farkas, deceased. File D-66-1834; E. T. sec. 10838.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julianna Farkas Horvath, Anna Farkas Nometh, Terez Farkas, Eva Farkas Kapogs, Pal Farkas, Janos Farkas, Maria Farkas Hingyi, Gyorgy Farkas, Antal Farkas, Maria Farkas Toth, whose last known addresses are Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Mike Farkas, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by Anna Woodhall, as Administratrix, acting under the judicial supervision of the Probate Court of Cuyahoga County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6900; Filed, July 22, 1947; 8:49 a. m.]

[Vesting Order 9344]

DAVID FEITH

In re: Estate of David Feith, deceased. File No. D-34-898; E. T. sec. 15380.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermina Goldstein and Rezsi Goldstein, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That the issue, names unknown, of Hermina Goldstein, and the issue, names unknown, of Rezsi Goldstein, who there is reasonable cause to believe are residents of Hungary, are nationals of a designated enemy country (Hungary);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of David Feith, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

4. That such property is in the process of administration by Emanuel Gross, as executor, acting under the judicial supervision of the Surrogate's Court of Sullivan County, State of New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 and the issue, names unknown, of Hermina Goldstein, and the issue, names unknown, of Rezsi Goldstein, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6901; Filed, July 22, 1947; 8:49 a. m.]

[Vesting Order 9345]

PETER FILIMON

In re: Estate of Peter Filimon, deceased. File No. D-57-463; E. T. sec. 15953.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tiva Stoica, Anna Corpode and Lena Bibolas, whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Peter Filimon, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Rumania);

3. That such property is in the process of administration by Nicholas M. Filimon, as Administrator, acting under the judicial supervision of the Middlesex County Surrogate's Court, New Brunswick, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6902; Filed, July 22, 1947; 8:49 a. m.]

[Vesting Order 9346]

FRIEDRICH ADOLF HOLLAND

In re: Trust u/w of Friedrich Adolf Holland, deceased. File No. D-57-447; E. T. sec. 14893.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erhard Holland, whose last known address is Rumania, is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the trust u/w of Friedrich Adolf Holland, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Rumania);

3. That such property is in the process of administration by Clarence A. McLaughlin, Jr., as trustee, acting under the judicial supervision of the Probate Court, Plymouth County, Massachusetts;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6903; Filed, July 22, 1947; 8:49 a. m.]

[Vesting Order 9348]

EMILIE A. JAHNS

In re: Estate of Emilie A. Jahns, deceased. File No. D-28-11823; E. T. sec. 16019.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Jahns and Sophie Spinzig, whose last known address is Germany, are resident of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Heinrich Jahns, and the issue, names unknown, of Sophie Spinzig, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Emilie A. Jahns, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Carl Kendziora, as Executor of the Estate of Emilie A. Jahns, deceased, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, State of New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown of Heinrich Jahns, and the issue, names unknown, of Sophie Spinzig, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6904; Filed, July 22, 1947; 8:49 a. m.]

[Vesting Order 9349]

WILHELMINE LAMMERS

In re: Estate of Wilhelmine Lammers, a/k/a Minnie Lammers and Minie Lammers, deceased. File No. D-28-1687; E. T. sec. 656.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friederike Lammers, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subpara-

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graph 1 hereof in and to the estate of Wilhelmine Lammers, a/k/a Minnie Lammers and Minie Lammers, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Josephine Giezendanner, as executrix, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6905; Filed, July 22, 1947; 8:49 a. m.]

[Vesting Order 9351]

RUDOLF LESCH

In re: Trust under the will of Rudolf Lesch, also known as Rudolf G. A. Lesch, deceased. File D-28-11512; E. T. sec. 15742.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Trude Kammholz, Ingeborg Kammholz, Carl Becker and Maria Becker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the Estate of and the trust created under the will of Rudolf Lesch, also known as Rudolf G. A. Lesch, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Albert Hirst, as Executor, and Donald R. Allen, as Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6906; Filed, July 22, 1947; 8:49 a. m.]

[Vesting Order 9407]

YAICHIRO AKATA

In re: Real and personal property, bank account and claim owned by Yaichiro Akata. D-39-19037, D-39-19037-B-1, D-39-19037-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yaichiro Akata, whose last known address is Fukuoka-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property situated at Waikahalulu, Honolulu, T. H., particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. One three drawer dresser with mirror and six crates, together with contents, believed to contain clothing, held for Yaichiro Akata in the custody of the Swedish Vice-Consulate, 1742 Nuuanu Avenue, Honolulu, T. H.

c. That certain debt or other obligation owing to Yaichiro Akata by Bishop National Bank of Hawaii, Honolulu, T. H., arising out of a checking account entitled Yaichiro Akata, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Yaichiro Akata by Gustaf W. Olson, arising by reason of rents collected from the real property described in subparagraph 2a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2b-2d inclusive hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All of that certain parcel of land (portion of the land described in and covered by Royal Patent Number 3615, Land Commission Award Number 727, Apana 2 to R. Kunane and situate within the boundaries of the land described in Royal Patent Number 7252, Land Commission Award Number 4452 to Hazaleleponi Kalama) situate, lying and being on the Southeast side of Waikahalulu Lane, at Waikahalulu, Honolulu, City and County of Honolulu, Territory of Hawaii, and thus bounded and described:

Beginning at corner of fence at the West corner of this piece of land, on the Southeast side of Waikahalulu Lane, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being 2520.8 feet North and 2199.6 feet West, and running by true azimuths:

1. 232°30' 73.00 feet along fence along the Southeast side of Waikahalulu Lane;
2. 320°00' 116.80 feet along fence along same extended;
3. 52°30' 73.00 feet;
4. 140°00' 116.80 feet along fence to the point of beginning.

[F. R. Doc. 47-6913; Filed, July 22, 1947; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 12 NUMBER 144

Washington, Thursday, July 24, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter A—Administrative Provisions

[Farm Credit Administration Order 455]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORIZATION TO APPROVE ACTS OF RECEIVERS OF JOINT STOCK LAND BANKS

Section 3.4 of Chapter I, Title 6, Code of Federal Regulations is amended to read as follows:

§ 3.4 *Authorization to approve acts of receivers of joint stock land banks.* Authorization is given, severally and not jointly, to the Land Bank Commissioner, any deputy land bank commissioner, any assistant deputy land bank commissioner, and the Chief, Fiscal and Joint Stock Land Bank Section, to approve, on such terms as he shall direct, the acts pursuant to section 29 of the Federal Farm Loan Act (39 Stat. 381; 12 U. S. C. 961-967), as amended, of any receiver of any joint stock land bank appointed under the provisions of said section 29. (Secs. 7.17a, 39 Stat. 365, 375, secs. 39, 40, 80, 80 (a), 80 (b), 48 Stat. 50, 51, 273, 1221, sec. 5, 50 Stat. 6, 58 Stat. 836; 12 U. S. C. 636-638 (b), 719, 831 (a), 1020m, 177b, 12 U. S. C. Sup. 1150-1150c; E. O. 6084, Mar. 27, 1933, 6 F. R. 1.1 (m); sec. Memo. 846, Jan. 6, 1940.)

[SEAL] I. W. DUGGAN,
Governor.

JULY 9, 1947.

[F. R. Doc. 47-6943; Filed, July 23, 1947; 8:51 a. m.]

PART 11—NATIONAL FARM LOAN ASSOCIATION

PARTICIPATION CERTIFICATES

Chapter I, Title 6, Code of Federal Regulations, is hereby amended by changing "§ 11.1017 *Participation certificates*" (12 F. R. 2713) to read "§ 11.2041."

NOTE: § 11.2041 corresponds with section 841 in the Conservatorship Supplement to Operations Manual for Federal Land Banks, issued as of January 1, 1943.

[SEAL] J. R. ISLEIB,
Land Bank Commissioner.

[F. R. Doc. 47-6944; Filed, July 23, 1947; 8:51 a. m.]

PART 22—THE FEDERAL LAND BANK OF BALTIMORE

FEES

1. Section 22.1 of Title 6, Code of Federal Regulations is revoked.

2. Section 22.2 of said title is amended by striking out all of the section and substituting in lieu thereof the following:

§ 22.2 *New loan fees.* The following new loan fees shall be charged and collected from applicants and borrowers through the Puerto Rico Branch Bank of The Federal Land Bank of Baltimore:

Each application for a new loan shall be accompanied by an initial deposit of $15.00 to cover the cost of examination of title. If the application results in a Federal land bank loan in excess of $1,200.00 there shall be deducted from the proceeds of the loan an additional fee equal to one and one-quarter percent of each $100.00 or fraction thereof in excess of $1,200.00.

Each application for an increased or additional loan, whether or not additional security is offered, shall be accompanied by an initial deposit of $15.00 to cover the cost of examination of title. If a land bank loan in an increased amount is closed, there shall be deducted from the proceeds of such increased loan a fee comparable to the fee which would be collectible in connection with a new land bank loan; *Provided, however,* That the amount of the fee shall be computed only up the basis of the amount of new land bank money loaned to the borrower.

3. Sections 22.3, 22.4, 22.5 are revoked.

(Sec. 13 "Ninth", 39 Stat. 372; 12 U. S. C. 781 "Ninth")

FEDERAL LAND BANK OF BALTIMORE,
[SEAL] E. W. MCSPARRAN,
Treasurer.

[F. R. Doc. 47-6969; Filed, July 23, 1947; 8:50 a. m.]

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Flaxseed Bulletin 1, Supp. 2]

PART 271—FLAXSEED LOANS AND PURCHASE AGREEMENTS

BASIC COUNTY LOAN RATES FOR NO. 1 FLAXSEED

Pursuant to the provisions of Article Third, paragraphs (b) and (j) of the

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FEDERAL REGISTER

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1946 SUPPLEMENT

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[1] See P. L. O. 382.

Corporate Charter of Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4 as amended, sec. 4 (a), 55 Stat. 498, 56 Stat. 768; 15 U. S. C., Sup., 713 (a), 713a–8, 50 U. S. C. App., Sup., 969, Commodity Credit Corporation and the Production and Marketing Administration have issued, in 1947 Flaxseed Bulletin 1 and Supplement 1 thereto (12 F. R. 4747, 4779), regulations governing the making of loans and purchase agreements on flaxseed produced in 1947, and lists the rates applicable to flaxseed in eligible warehouse storage at designated terminal markets. Such regulations are hereby further supplemented as follows:

§ 271.127 *Basic county loan rates for No. 1 Flaxseed.* The 1947 basic county loan rates listed herein are determined in accordance with the provisions of § 271.126 (b) (1947 CCC Flaxseed Bulletin 1, Supplement 1):

CALIFORNIA

County	No. 1 Flaxseed	County	No. 1 Flaxseed
Alameda	$5.13	Riverside	$5.09
Butte	5.06	Sacramento	5.09
Calaveras	5.09	San Bernardino	5.10
Colusa	5.08	San Joaquin	5.11
Contra Costa	5.14	Santa Clara	5.12
Fresno	5.07	Solano	5.12
Glenn	5.06	Sonoma	5.11
Imperial	5.06	Stanislaus	5.10
Inyo	4.98	Sutter	5.08
Kern	5.07	Tehama	5.05
Kings	5.07	Tulare	5.07
Madera	5.09	Yolo	5.10
Merced	5.10	Yuba	5.07
Placer	5.08		

IDAHO

Banner	$4.71	Idaho	$4.72
Boundary	4.70	Jefferson	4.80
Camas	4.80	Latah	4.73
Clearwater	4.73	Nez Perce	4.73

ILLINOIS

Adams	$4.81	Edgar	$4.79
Boone	4.84	Ford	4.83
Bureau	4.83	Fulton	4.82
Carroll	4.82	Grundy	4.85
Champaign	4.83	Hancock	4.81
Cook	4.86	Henderson	4.81
De Kalb	4.85	Henry	4.82
De Witt	4.83	Livingston	4.83
Douglas	4.83	Logan	4.83
Du Page	4.86	McDonough	4.82

ILLINOIS—Continued

County	No. 1 Flaxseed	County	No. 1 Flaxseed
McHenry	$4.84	Kane	$4.85
McLean	4.83	Kankakee	4.85
Macon	4.83	Kendall	4.85
Marshall-Putnam	4.83	Knox	4.82
Mason	4.83	Lake	4.87
Mercer	4.82	La Salle	4.83
Ogle	4.83	Lee	4.83
Peoria	4.83	Stephenson	4.82
Piatt	4.83	Tazewell	4.83
Pike	4.81	Vermillion	4.83
Rock Island	4.82	Warren	4.82
Stark	4.83	Whiteside	4.82
Iroquois	4.83	Will	4.86
Jo Daviess	4.82	Winnebago	4.83
		Woodford	4.83

INDIANA

Benton	$4.81	Howard	$4.79
Delaware	4.79	Montgomery	4.79
Fountain	4.79	Randolph	4.78
Grant	4.79	Wayne	4.78

IOWA

Adair	$4.75	Jefferson	$4.79
Adams	4.75	Johnson	4.80
Allamakee	4.78	Jones	4.80
Appanoose	4.77	Keokuk	4.78
Audubon	4.74	Kossuth	4.81
Benton	4.79	Lee	4.80
Black Hawk	4.80	Linn	4.80
Boone	4.79	Louisa	4.80
Bremer	4.80	Lucas	4.77
Buchanan	4.79	Lyon	4.79
Buena Vista	4.80	Madison	4.76
Butler	4.80	Mahaska	4.78
Calhoun	4.80	Marion	4.78
Carroll	4.75	Marshall	4.78
Cass	4.74	Mills	4.74
Cedar	4.80	Mitchell	4.81
Cerro Gordo	4.81	Monona	4.74
Cherokee	4.79	Monroe	4.78
Chickasaw	4.81	Montgomery	4.74
Clarke	4.76	Muscatine	4.81
Clay	4.80	O'Brien	4.80
Clayton	4.79	Osceola	4.80
Clinton	4.81	Page	4.74
Crawford	4.74	Palo Alto	4.81
Dallas	4.76	Plymouth	4.79
Davis	4.79	Pocahontas	4.80
Decatur	4.76	Polk	4.77
Delaware	4.79	Pottawattamie	4.74
Des Moines	4.80	Poweshiek	4.78
Dickinson	4.81	Ringgold	4.75
Dubuque	4.80	Sac	4.79
Emmet	4.82	Scott	4.81
Fayette	4.80	Shelby	4.74
Floyd	4.81	Sioux	4.79
Franklin	4.80	Story	4.79
Fremont	4.74	Tama	4.79
Greene	4.79	Taylor	4.75
Grundy	4.80	Union	4.76
Guthrie	4.76	Van Buren	4.79
Hamilton	4.80	Wapello	4.78
Hancock	4.81	Warren	4.78
Hardin	4.80	Washington	4.79
Harrison	4.74	Wayne	4.77
Henry	4.80	Webster	4.80
Howard	4.81	Winnebago	4.82
Humboldt	4.80	Winneshiek	4.81
Ida	4.78	Woodbury	4.79
Iowa	4.79	Worth	4.82
Jackson	4.81	Wright	4.80
Jasper	4.78		

KANSAS

Allen	$4.68	Crawford	$4.67
Anderson	4.67	Dickinson	4.64
Atchison	4.61	Doniphan	4.61
Bourbon	4.65	Douglas	4.63
Brown	4.61	Elk	4.69
Butler	4.66	Ellsworth	4.62
Chase	4.65	Franklin	4.65
Chautauqua	4.67	Geary	4.64
Cherokee	4.66	Greenwood	4.68
Clay	4.62	Harper	4.63
Cloud	4.61	Harvey	4.63
Coffey	4.67	Jackson	4.63
Cowley	4.66	Jefferson	4.64

KANSAS—Continued

County	No. 1 Flaxseed	County	No. 1 Flaxseed
Johnson	$4.63	Ottawa	$4.62
Kingman	4.63	Pottawattomie	4.62
Labette	4.67	Reno	4.65
Leavenworth	4.63	Republic	4.61
Lincoln	4.62	Rice	4.63
Linn	4.63	Riley	4.62
Lyon	4.66	Saline	4.63
McPherson	4.64	Sedgwick	4.65
Marion	4.64	Shawnee	4.63
Marshall	4.61	Sumner	4.65
Miami	4.63	Wabaunsee	4.63
Montgomery	4.70	Washington	4.61
Morris	4.65	Wilson	4.70
Nemaha	4.60	Woodson	4.69
Neosho	4.69	Wyandotte	4.64
Osage	4.63		

MICHIGAN

Chippewa	$4.72	Montcalm	$4.77
Jackson	4.78	St. Clair	4.75
Mackinac	4.72	Tuscola	4.75

MINNESOTA

Aitkin	$4.84	Marshall	$4.77
Anoka	4.86	Martin	4.82
Becker	4.80	Meeker	4.84
Beltrami	4.81	Mille Lacs	4.83
Benton	4.83	Morrison	4.82
Big Stone	4.80	Mower	4.82
Blue Earth	4.83	Murray	4.80
Brown	4.83	Nicollet	4.84
Carlton	4.85	Nobles	4.80
Carver	4.85	Norman	4.78
Cass	4.82	Olmsted	4.83
Chippewa	4.82	Otter Tail	4.81
Chisago	4.85	Pennington	4.78
Clay	4.79	Pine	4.84
Clearwater	4.80	Pipestone	4.80
Cottonwood	4.82	Polk	4.78
Crow Wing	4.82	Pope	4.82
Dakota	4.86	Red Lake	4.78
Dodge	4.83	Redwood	4.82
Douglas	4.81	Renville	4.82
Faribault	4.82	Rice	4.84
Fillmore	4.81	Rock	4.80
Freeborn	4.83	Roseau	4.77
Goodhue	4.84	Saint Louis	4.83
Grant	4.81	Scott	4.86
Hennepin	4.86	Sherburne	4.84
Houston	4.81	Sibley	4.84
Hubbard	4.80	Stearns	4.83
Isanti	4.84	Steele	4.83
Itasca	4.83	Stevens	4.81
Jackson	4.81	Swift	4.82
Kanabec	4.83	Todd	4.82
Kandiyohi	4.83	Traverse	4.80
Kittson	4.76	Wabasha	4.83
Koochiching	4.77	Wadena	4.81
Lac qui Parle	4.80	Waseca	4.83
Lake	4.85	Washington	4.86
Lake of the Woods	4.78	Watonwan	4.82
Le Sueur	4.84	Wilkin	4.80
Lincoln	4.80	Winona	4.83
Lyon	4.81	Wright	4.85
McLeod	4.84	Yellow Medicine	4.81
Mahnomen	4.79		

MISSOURI

Barton	$4.70	Jasper	$4.70
Bates	4.72	Johnson	4.74
Benton	4.73	Lawrence	4.71
Caldwell	4.75	Pettis	4.74
Cass	4.72	St. Clair	4.71
Clinton	4.74	Vernon	4.71
Henry	4.72	Worth	4.74

MONTANA

Beaverhead	$4.55	Dawson	$4.67
Big Horn	4.55	Deer Lodge	4.61
Blaine	4.61	Fallon	4.67
Broadwater	4.61	Fergus	4.61
Carbon	4.57	Flathead	4.63
Carter	4.67	Gallatin	4.61
Cascade	4.61	Garfield	4.63
Chouteau	4.61	Glacier	4.62
Custer	4.65	Golden Valley	4.61
Daniels	4.64	Granite	4.62

MONTANA—Continued

County	No. 1 Flaxseed	County	No. 1 Flaxseed
Hill	$4.61	Powell	$4.62
Jefferson	4.61	Prairie	4.66
Judith Basin	4.61	Ravalli	4.62
Lake	4.64	Richland	4.67
Lewis & Clark	4.61	Roosevelt	4.63
Liberty	4.61	Rosebud	4.63
Lincoln	4.65	Sanders	4.65
McCone	4.63	Sheridan	4.63
Madison	4.61	Silver Bow	4.51
Meagher	4.61	Stillwater	4.61
Mineral	4.65	Sweet Grass	4.61
Missoula	4.63	Teton	4.61
Musselshell	4.61	Toole	4.61
Park	4.61	Treasure	4.63
Petroleum	4.61	Valley	4.6
Phillips	4.62	Wheatland	4.61
Pondera	4.60	Wibaux	4.63
Powder River	4.66	Yellowstone	4.60

NEBRASKA

Antelope	$4.75	Madison	$4.75
Burt	4.77	Pierce	4.75
Cedar	4.77	Sarpy	4.77
Cuming	4.76	Sheridan	4.67
Dakota	4.78	Sioux	4.65
Dawas	4.66	Stanton	4.76
Dixon	4.78	Thurston	4.78
Douglas	4.77	Washington	4.77
Knox	4.74	Wayne	4.77

NORTH DAKOTA

Adams	$4.71	McLean	$4.73
Barnes	4.77	Mercer	4.71
Benson	4.75	Morton	4.72
Billings	4.71	Mountrail	4.71
Bottineau	4.72	Nelson	4.76
Bowan	4.70	Oliver	4.73
Burke	4.71	Pembina	4.76
Burleigh	4.75	Pierce	4.74
Cass	4.78	Ramsey	4.75
Cavalier	4.75	Ransom	4.78
Dickey	4.77	Renville	4.71
Divide	4.70	Richland	4.79
Dunn	4.71	Rolette	4.74
Eddy	4.76	Sargent	4.78
Emmons	4.74	Sheridan	4.74
Foster	4.76	Sioux	4.72
Golden Valley	4.69	Slope	4.69
Grand Forks	4.77	Stark	4.71
Grant	4.71	Steele	4.77
Griggs	4.77	Stutsman	4.77
Hettinger	4.71	Towner	4.74
Kidder	4.75	Traill	4.77
La Moure	4.76	Walsh	4.76
Logan	4.75	Ward	4.72
McHenry	4.73	Wells	4.75
McIntosh	4.75	Williams	4.70
McKenzie	4.69		

OHIO

Allan	$4.78	Mercer	$4.78
Auglaize	4.78	Morrow	4.75
Darke	4.78	Putnam	4.78
Huron	4.76	Seneca	4.76
Lorain	4.75	Shelby	4.77
Lucas	4.77	Van Wert	4.78
Medina	4.75		

OKLAHOMA

Alfalfa	$4.62	Kiowa	$4.57
Blaine	4.59	Major	4.60
Caddo	4.58	Mayes	4.64
Canadian	4.59	Murray	4.57
Comanche	4.57	Noble	4.63
Cotton	4.56	Nowata	4.66
Craig	4.65	Osage	4.64
Delaware	4.64	Ottawa	4.64
Dewey	4.58	Pawnee	4.63
Garfield	4.62	Payne	4.62
Grady	4.58	Rogers	4.65
Grant	4.63	Tillman	4.55
Greer	4.56	Tulsa	4.64
Harmon	4.55	Wagoner	4.64
Jackson	4.56	Washington	4.65
Kay	4.64	Washita	4.58
Kingfisher	4.60		

SOUTH DAKOTA

County	No. 1 Flaxseed	County	No. 1 Flaxseed
Armstrong	$4.72	Jackson	$4.70
Aurora	4.75	Jerauld	4.77
Beadle	4.78	Jones	4.71
Bennett	4.68	Kingsbury	4.79
Bon Homme	4.76	Lake	4.79
Brookings	4.79	Lawrence	4.65
Brown	4.77	Lincoln	4.79
Brule	4.74	Lyman	4.72
Buffalo	4.79	McCook	4.79
Butte	4.67	McPherson	4.76
Campbell	4.75	Marshall	4.78
Charles Mix	4.74	Meade	4.69
Clark	4.79	Mellette	4.70
Clay	4.79	Miner	4.79
Codington	4.79	Minnehaha	4.79
Corson	4.73	Moody	4.79
Custer	4.64	Pennington	4.66
Davison	4.77	Perkins	4.71
Day	4.73	Potter	4.75
Deuel	4.80	Roberts	4.79
Dewey	4.72	Sanborn	4.77
Douglas	4.75	Shannon	4.68
Edmunds	4.78	Spink	4.78
Fall River	4.62	Stanley	4.74
Faulk	4.77	Sully	4.74
Grant	4.80	Todd	4.70
Gregory	4.73	Tripp	4.70
Hanson	4.71	Turner	4.78
Hamlin	4.79	Union	4.79
Hand	4.77	Walworth	4.75
Hanson	4.77	Washabaugh	4.70
Harding	4.68	Washington	4.70
Hughes	4.75	Yankton	4.77
Hutchinson	4.73	Ziebach	4.71
Hyde	4.76		

TEXAS

Arkansas	$4.63	Kleberg	$4.60
Atascasa	4.58	Line Oak	4.61
Bee	4.62	Matagarda	4.59
Brazaria	4.62	Nueces	4.62
Calhoun	4.59	Refugia	4.62
Cameron	4.64	San Patricia	4.64
De Witte	4.58	Victoria	4.59
Galiad	4.60	Wharton	4.60
Jackson	4.59	Willacy	4.62
Jim Wells	4.60	Wilson	4.57
Karnes	4.59		

WISCONSIN

Ashland	$4.79	Manitowoc	$4.81
Barron	4.82	Marathon	4.80
Bayfield	4.80	Milwaukee	4.86
Brown	4.80	Ozaukee	4.82
Calumet	4.81	Pepin	4.83
Chippewa	4.62	Pierce	4.85
Clark	4.81	Racine	4.86
Dane	4.82	Richland	4.80
Door	4.78	Rock	4.83
Douglas	4.81	Rusk	4.81
Dunn	4.84	St. Croix	4.85
Eau Claire	4.82	Sheboygan	4.81
Fond du Lac	4.81	Walworth	4.83
Green	4.82	Waushara	4.80
Green Lake	4.81	Winnebago	4.81
Kenosha	4.86	Wood	4.80
Kewaunee	4.79		

WYOMING

Campbell	$4.57	Laramie	$4.63
Crook	4.58	Platte	4.62
Goshen	4.62	Sheridan	4.56
Johnson	4.54	Weston	4.60

(Sec. 7 (a), 49 Stat. 4 as amended, sec. 4 (a), 55 Stat. 498, 56 Stat. 768; 15 U. S. C. and Sup. 713 (a), 713 (a)-8, 50 U. S. C. App. Sup. 969; Article Third, pars. (b), (j) Charter of Commodity Credit Corporation)

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

JULY 18, 1947.

[F. R. Doc. 47-6942; Filed, July 23, 1947; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 900—GENERAL REGULATIONS UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

EXECUTION OF MARKETING AGREEMENT AND ISSUANCE OF MARKETING ORDER

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the Administrative Procedure Act (60 Stat. 237), and in conformity with the provisions of § 102 of Part I of Reorganization Plan No. 1 of 1947 (12 F. R. 4534), the rules of practice and procedure, as amended (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), issued under the Agricultural Marketing Agreement Act of 1937, as amended, are hereby further amended by deleting the provisions of § 900.14 (c) and inserting, in lieu thereof, the following:

§ 900.14 *Execution of marketing agreement and issuance of marketing order.* * * *

(c) *Issuance of marketing order without marketing agreement.* If, despite the failure or refusal of handlers to sign the marketing agreement, as provided in section 8c (8) of the act, the Secretary makes the determinations required under section 8c (9) of the act, the Secretary shall issue and make effective the marketing order, if any, which was filed as a part of his decision pursuant to § 900.13a.

(48 Stat. 37, 49 Stat. 760, 50 Stat. 246, 248, 60 Stat. 237; 7 U. S. C. 608c (15) (A), 610 (c), 671, 5 U. S. C., Supp. 133y et seq.; 12 F. R. 4534)

Done at Washington, D. C., this 18th day of July 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Approved: July 19, 1947.

HARRY S. TRUMAN,
President of the United States.

[F. R. Doc. 47-6970; Filed, July 23, 1947; 8:50 a. m.]

PART 962—FRESH PEACHES GROWN IN GEORGIA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1947-48 FISCAL PERIOD

On July 3, 1947, the Secretary of Agriculture approved (12 F. R. 4536) the rate of assessment for the 1947-48 fiscal period under the marketing agreement and Order No. 62 (7 CFR, Cum. Supp., 962.1 et seq.), regulating the handling of fresh peaches grown in the State of Georgia. Such approval was given after consideration of all relevant matters presented, including the proposals set forth in the notice of proposed rule making which was published in the FEDERAL REGISTER on May 30, 1947 (12 F. R. 3538). One of the factors considered as a basis for the approved rate of assessment was that interstate shipments of peaches for the 1947-48 fiscal period would, according to the estimate of the Industry Committee (established pursuant to the aforesaid marketing agreement and order), aggregate 2,709,000 bushels. It has become necessary, since that time, to revise such estimate to 2,167,200 bushels.

Section 3 of the marketing agreement and § 962.5 of Order No. 62 provide that at any time during a fiscal period the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the aforesaid committee. Such increase shall be applicable to all assessable peaches handled during the fiscal period.

Pursuant to the provisions of the aforesaid marketing agreement and order and on the basis of available information, it is hereby found that the approved rate of assessment (12 F. R. 4536) of eight mills ($0.008) should be increased to one cent ($0.01) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk, shipped during the 1947-48 fiscal period so as to provide sufficient funds with which to defray the expenses of the aforesaid committee.

It is, therefore, ordered, That the provisions of § 962.201 *Budget of expenses and rate of assessment for the 1947-48 fiscal period* (12 F. R. 4536) are hereby amended to read as follows:

§ 962.201 *Budget of expenses and rate of assessment for the 1947-48 fiscal period.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions of the aforesaid marketing agreement and order, during the fiscal period beginning March 1, 1947, and ending on the last day of February 1948, both dates inclusive, will amount to $21,672.00, and the rate of assessment to be paid, in accordance with the aforesaid marketing agreement and order, by each handler who first handles peaches shall be one cent ($0.01) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk, shipped by him as the first shipper thereof during said fiscal period; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

Compliance with the notice, public rule making procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest in that (a) regulations with respect to shipments of peaches have been in effect since June 5, 1947; (b) a large volume of the Georgia peach crop is handled by itinerant truckers and cash buyers who operate in the area only part of the season; and (c) in order for the assessments to be collected, especially from those handlers who do not have definite or established places of business

in the production area, it is essential that the specification of the increased assessment rate be issued immediately so as to enable the said Industry Committee to perform its duties and functions under the aforesaid marketing agreement and order.

As used in this section, the terms "handler," "shipped," "peaches," and "fiscal period" shall have the same meaning as is given to each such term in the aforesaid marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 962.5)

Done at Washington, D. C., this 18th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6945; Filed, July 23, 1947; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5466]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MYNDALL CAIN HOUSE OF BEAUTY

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Qualifications and abilities:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.6 (dd 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.6 (ff 10) *Advertising falsely or misleadingly—Unique nature or advantages:* § 3.96 (a) *Using misleading name—Goods—Qualities or properties.* In connection with the offering for sale, sale and distribution of respondents' products Myndall Cain Gardenia Cleansing Oil (also known as Myndall Cain Cleansing Oil and formerly as Myndall Cain Liquid Cleansing Cream), Myndall Cain Nu-Rich-ing Oil (formerly known as Myndall Cain Liquid Nourishing Cream), Myndall Cain Facial Oil, Myndall Cain Youth Skin Oil (also known as Youth Oil), Myndall Cain Amber Oil (formerly known as Myndall Cain Brazilian Oil), Myndall Cain Facial Masque (also known as Myndall Cain Facial Exerciser), Myndall Cain Eye Tissue Oil (formerly known as Myndall Cain Eye Muscle Oil), Myndall Cain Morning Dew, Myndall Cain Foundation Lotion, Myndall Cain Muscle Massage Oil (formerly known as Myndall Cain Muscle Strengthener), and Myndall Cain Pine Oil Freshener (formerly known as Myndall Cain Pine Oil Astringent and as Myndall Cain Pine Scent Freshener), or any products of substantially similar composition or possessing substantially similar properties, disseminating, etc., any advertisements by means of the United States mail, or in commerce, or by any means to induce, etc., directly or indirectly the purchase in commerce, etc., of any of the said products, which advertisements (a) represent that the use of Myndall Cain Gardenia Cleansing Oil is a natural way to complexion loveliness; that said product will nourish or revitalize the skin or complexion; that all women with beautiful complexions use beauty oils and that the use of this product will result in clear, transparent beauty; that Myndall Cain brought to America a new method of using beauty oils; that the use of the oils in said product will cleanse the complexion, except to the extent that when removed from the skin they will carry with them whatever foreign matter is attached thereto; that the oils in said product replace the natural oils of the skin; that said product is an outstanding scientific triumph or achievement; that the use of said product will relieve sallowness of the skin, will eliminate large pores or flush away dirt or other foreign matter in the skin, penetrate the skin to any significant degree or clear the pores of the skin, or that any number of treatments with the product will make the skin clearer in all cases; (b) represent that Myndall Cain Nu-Rich-ing Oil is composed of ingredients which are a new discovery in cosmetics; that it will nourish the skin; that the skin will absorb said product; that it penetrates the skin to any significant extent; that it replenishes the parched skin cells with nourishment; that it protects the skin against drying and parching conditions, except to the extent that it will temporarily protect the skin against drying due to exposure to heat, wind and sun; that it contains honey or will replenish the natural oils in the skin or act as a natural refreshment for the skin; that its use will eliminate wrinkles of the skin or give the skin new life or color; (c) represent that the use of Myndall Cain Facial Oil is a natural way to care for the skin, that it will relieve crinkling and fine lines in the skin or eliminate sallowness; that it will penetrate into or be absorbed by the skin to any significant degrees; that its use will relieve dryness or flakiness of the skin other than providing temporary relief of chapping; that it will give new life, color or a smooth texture to the skin; that said product is composed of rare or precious ingredients; that it is like a doctor's prescription; that said product is substantially different in composition from many other products on the market; that said Facial Oil is essential or necessary for the proper care of a person's skin; (d) represent that Myndall Cain Youth Skin Oil will eliminate fine lines, wrinkles and crinkling of the skin; that it will stimulate or rejuvenate exhausted or aging skin; that it is composed of the same ingredients as those in the skin; that it contains hormones; that it is a revolutionary product; that there are no other products on the market composed of the same or substantially the same ingredients; that it has any "youthifying" effects upon the skin; that said product is for sale at most department stores, when such is not the fact; (e) represent that Myndall Cain Amber Oil will eliminate lines and wrinkles or have any significant effect upon lines or wrinkles; (f) represent that Myndall Cain Facial Masque flushes sluggish skin or any other type of skin, or that its use relieves sallowness or blemishes of the skin or facial fatigue; (g) represent that Myndall Cain Eye Tissue Oil will eliminate crow's-feet or fine lines around the eyes or have any significant effect upon such condition; (h) represent that Myndall Cain Morning Dew will aid in refining the texture of the skin or make the skin smooth, or that it acts as a skin protection under all conditions; (i) represent that the use of Myndall Cain Foundation Lotion is necessary in order to have a beautiful skin; (j) represent that Myndall Cain Muscle Massage Oil will have any effect upon the facial or other muscles; that its use will have any effect upon the circulation of the blood; (k) represent that Myndall Cain Pine Oil Freshener will improve the texture or structure of the skin or eliminate enlarged pores or coarsened skin; that said product will have any effect on the skin other than that of a temporary astringent action; (l) represent that respondents' products differ in composition from many of those sold by their competitors; that the use of such products will keep the complexion young; that respondents' oils are considered to be the greatest achievement in cosmetology; that they were discovered by the greatest specialists of Europe or that they were perfected by Myndall Cain; that said oils are absorbed by the skin to any significant degree or are a natural way to complexion loveliness; that said products nourish or revitalize the skin; that the oils used in respondents' products are rare or are composed of ingredients which are the same as those of the natural secretions of the skin or as near to such secretions as scientists can blend; that their use will correct any complexion fault; that the most beautiful or lovely women in every group are patrons of Myndall Cain; that respondents' products are shipped all over America or can be purchased at all local stores, when such is not the fact; or, (m) represent that the oils in any of respondents' said products will have any beneficial effect on the skin in excess of their ability to facilitate the removal by mechanical means of foreign matter on the surface of the skin or to temporarily soften dry skin when dryness is caused by external conditions; or which (n) use the word "Youth" as a part of the trade or brand name for the product now known as "Myndall Cain Youth Skin Oil"; (o) use the word "Tissue" as a part of the trade or brand name for the product now known as "Myndall Cain Eye Tissue Oil"; or, (p) use the words "Muscle Massage" as a part of the trade or brand name for the product now known as "Myndall Cain Muscle Massage Oil"; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, The Myndall Cain House of Beauty, Docket 5466, May 19, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of May A. D. 1947.

In the Matter of William A. Wickland, and Myndall Cain Wickland, Individually and as Copartners Doing Business Under the Trade Name and Style of The Myndall Cain House of Beauty

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, William A. Wickland and Myndall Cain Wickland, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their products Myndall Cain Gardenia Cleansing Oil (also known as Myndall Cain Cleansing Oil and formerly as Myndall Cain Liquid Cleansing Cream), Myndall Cain Nu-Rich-ing Oil (formerly known as Myndall Cain Liquid Nourishing Cream), Myndall Cain Facial Oil, Myndall Cain Youth Skin Oil (also known as Youth Oil), Myndall Cain Amber Oil (formerly known as Myndall Cain Brazilian Oil), Myndall Cain Facial Masque (also known as Myndall Cain Facial Exerciser), Myndall Cain Eye Tissue Oil (formerly known as Myndall Cain Eye Muscle Oil), Myndall Cain Morning Dew, Myndall Cain Foundation Lotion, Myndall Cain Muscle Massage Oil (formerly known as Myndall Cain Muscle Strengthener), and Myndall Cain Pine Oil Freshener (formerly known as Myndall Cain Pipe Oil Astringent and as Myndall Cain Pine Scent Freshener), or any products of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mail or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement:

(a) Represents that the use of Myndall Cain Gardenia Cleansing Oil is a natural way to complexion loveliness; that said product will nourish or revitalize the skin or complexion; that all women with beautiful complexions use beauty oils and that the use of this product will result in clear, transparent beauty; that Myndall Cain brought to America a new method of using beauty oils; that the use of the oils in said product will cleanse the complexion, except to the extent that when removed from the skin they will carry with them whatever foreign matter is attached thereto; that the oils in said product replace the natural oils of the skin; that said product is an outstanding scientific triumph or achievement; that the use of said product will relieve sallowness of the skin, will eliminate large pores or flush away dirt or other foreign matter in the skin, penetrate the skin to any significant degree or clear the pores of the skin, or that any number of treatments with the product will make the skin clearer in all cases.

(b) Represents that Myndall Cain Nu-Riching Oil is composed of ingredients which are a new discovery in cosmetics; that it will nourish the skin; that the skin will absorb said product; that it penetrates the skin to any significant extent; that it replenishes the parched skin cells with nourishment; that it protects the skin against drying and parching conditions, except to the extent that it will temporarily protect the skin against drying due to exposure to heat, wind and sun; that it contains honey or will replenish the natural oils in the skin or act as a natural refreshment for the skin; that its use will eliminate wrinkles of the skin or give the skin new life or color.

(c) Represents that the use of Myndall Cain Facial Oil is a natural way to care for the skin, that it will relieve crinkling and fine lines in the skin or eliminate sallowness; that it will penetrate into or be absorbed by the skin to any significant degree; that its use will relieve dryness or flakiness of the skin other than providing temporary relief of chapping; that it will give new life, color or a smooth texture to the skin; that said product is composed of rare or precious ingredients; that it is like a doctor's prescription; that said product is substantially different in composition from many other products on the market; that said Facial Oil is essential or necessary for the proper care of a person's skin.

(d) Represents that Myndall Cain Youth Skin Oil will eliminate fine lines, wrinkles and crinkling of the skin; that it will stimulate or rejuvenate exhausted or aging skin; that it is composed of the same ingredients as those in the skin; that it contains hormones; that it is a revolutionary product; that there are no other products on the market composed of the same or substantially the same ingredients; that it has any "youthifying" effects upon the skin; that said product is for sale at most department stores, when such is not the fact.

(e) Represents that Myndall Cain Amber Oil will eliminate lines and wrinkles or have any significant effect upon lines or wrinkles.

(f) Represents that Myndall Cain Facial Masque flushes sluggish skin or any other type of skin, or that its use relieves sallowness or blemishes of the skin or facial fatigue.

(g) Represents that Myndall Cain Eye Tissue Oil will eliminate crow's-feet or fine lines around the eyes or have any significant effect upon such condition.

(h) Represents that Myndall Cain Morning Dew will aid in refining the texture of the skin or make the skin smooth, or that it acts as a skin protection under all conditions.

(i) Represents that the use of Myndall Cain Foundation Lotion is necessary in order to have a beautiful skin.

(j) Represents that Myndall Cain Muscle Massage Oil will have any effect upon the facial or other muscles; that its use will have any effect upon the circulation of the blood.

(k) Represents that Myndall Cain Pine Oil Freshener will improve the texture or structure of the skin or eliminate enlarged pores or coarsened skin; that said product will have any effect on the skin other than that of a temporary astringent action.

(l) Represents that respondents' products differ in composition from many of those sold by their competitors; that the use of such products will keep the complexion young; that respondents' oils are considered to be the greatest achievement in cosmetology; that they were discovered by the greatest specialists of Europe or that they were perfected by Myndall Cain; that said oils are absorbed by the skin to any significant degree or are a natural way to complexion loveliness; that said products nourish or revitalize the skin; that the oils used in respondents' products are rare or are composed of ingredients which are the same as those of the natural secretions of the skin or as near to such secretions as scientists can blend; that their use will correct any complexion fault; that the most beautiful or lovely women in every group are patrons of Myndall Cain; that respondents' products are shipped all over America or can be purchased at all local stores, when such is not the fact.

(m) Represents that the oils in any of respondents' said products will have any beneficial effect on the skin in excess of their ability to facilitate the removal by mechanical means of foreign matter on the surface of the skin or to temporarily soften dry skin when dryness is caused by external conditions.

(n) Uses the word "Youth" as a part of the trade or brand name for the product now known as "Myndall Cain Youth Skin Oil".

(o) Uses the word "tissue" as a part of the trade or brand name for the product now known as "Myndall Cain Eye Tissue Oil".

(p) Uses the words "Muscle Massage" as a part of the trade or brand name for the product now known as "Myndall Cain Muscle Massage Oil".

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any of the said products, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within six (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-6947; Filed, July 23, 1947; 8:52 a. m.]

[Docket No. 4496]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

TAG MANUFACTURERS INSTITUTE ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain, or unify prices.* In connection with the offering for sale, sale, and distribution of tags, pin tickets, and other similar marking and pricing devices, or "tag products," in commerce, and on the part of respondent Tag Manufacturers Institute, its officers, etc., and respondent Frank H. Baxter, individually and as an officer of said Institute, and his representatives, etc., and respondent members, and their respective representatives, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, mutual agreement, understanding, combination, or conspiracy between and among any two or more of said respondents and others not parties hereto to (1) establish, fix, or maintain prices, terms, or conditions of sale for tags or tag products or adhere to, or promise to adhere to, the prices, terms, or conditions of sale so fixed; (2) hold or participate in any meeting, discussion, or exchange of information among themselves or under the auspices of the respondent Tag Manufacturers Institute, respondent Frank H. Baxter, or any other medium or agency for the purpose of discussing or devising methods or fixing, establishing, or maintaining prices, terms, or conditions of sale for tags or tag products; (3) expressly or impliedly subscribe to, or carry out, any past, presently existing, or new agreement to establish, maintain, or continue any plan for the purpose or with the effect of informing or advising any of the manufacturing respondents or any other manufacturer of tags or tag products as to the price, terms, or conditions of sale at or upon which any manufacturing respondent or other seller of tags or tag products expects to make a sale or sales of tags or tag products; (4) exchange, distribute, or relay among the manufacturing respondents, or any of them, or through respondent Tag Manufacturers Institute, respondent Frank H. Baxter, or through any other medium or central agency, information as to current prices for the purpose or with the effect of fixing or maintaining prices, terms, or conditions of sale for tags or tag products; (5) exchange, distribute, or relay among the manufacturing respondents, or any of them, or through respondent Tag Manufacturers Institute, respondent Frank H. Baxter, or through any other medium or central agency, information concerning prices charged particular customers or information concerning sales or shipments of tags or tag products when the identity of the manufacturer, seller, or purchaser can be determined or disclosed through such information and which has the capacity or tendency of aiding in securing compliance with the prices, terms, or conditions of sale as announced by any one or more of the manufacturing respondents; (6) collectively investigate, review, consider, or act upon, either directly or through respondent Tag Manufacturers Institute, respondent Frank H. Baxter, or any other medium or central agency, the act of any seller of tags in making a sale at prices, terms, or conditions of sale different from those announced, exchanged, or relayed by such seller to other respondents directly, through respondent Frank H. Baxter, or otherwise; (7) take any action for the purpose or with the effect of penalizing in any way, through the assessment or collection of liquidated damages or the imposition of any other penalty upon or against any seller of tags or tag products for failure to file with or exchange among respondents, directly or through respondent Tag Manufacturers Institute, respondent Frank H. Baxter, or any other medium or central agency, information concerning prices, terms, or conditions of sale expected to be charged by such seller or information concerning prices which such seller has charged or is currently charging any one of its customers; (8) take any action having the purpose, capacity, or tendency to aid in securing on the part of any seller of tags or tag products compliance with its announced prices, terms, or conditions of sale; (9) formulate, establish, put into operation, continue, or use in any way any "open price reporting plan" or any price reporting plan which has the tendency or the effect of depriving the public of any benefit of competition in price between and among the manufacturing respondents or between any of them and any other manufacturere or seller of tags or tag products; (10) authorize or permit the examination of the books or other records of the manufacturing respondents by any agent of respondent Tag Manufacturers Institute, respondent Frank H. Baxter, or by any agent of the respondents, or any of them, so as to permit or make possible a collective or cooperative consideration or comparison through any common agent of the prices, terms, or conditions of sale at which the respective manufacturing respondents have made sales, are currently making sales, or expect to make sales; or (11) employ or utilize respondent Frank H. Baxter, respondent Tag Manufacturers Institute, or any other medium or central agency as an instrument, vehicle, or aid in performing or doing any of the acts or practices prohibited by this order; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Tag Manufacturers Institute et al., Docket 4496, May 19, 1947.]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of May A. D. 1947.

In the Matter of Tag Manufacturers Institute, an Unincorporated Trade Association; Frank H. Baxter, Individually and as Secretary-Treasurer and Executive Director of the Tag Manufacturers Institute; Acme Tag Company, a Corporation; Allen-Bailey Tag Co., Inc., a Corporation; American Tag Company, a Corporation; American Tag Company of New Jersey, a Corporation; Atlas Tag Company, a Corporation; Badger Tag Co., Inc., a Corporation; A. C. Baldwin & Sons, a Corporation; Campbell Box and Tag Company, a Corporation; Central Tag Co., a Corporation; Cupples-Hesse Envelope & Litho. Co., a Corporation; Dancyger Manufacturing Company, a Corporation; The Denny Tag Company Incorporated, a Corporation; Dennison Manufacturing Co., a Corporation; Howard W. Eastman and Julia Eastman, Copartners Doing Business Under the Firm Name and Style of Eastman Tag & Label Company; Ennis Tag and Printing Company, a Corporation; Haywood Tag Company, a Corporation; International Tag & Salesbook Co., a Corporation; Keystone Tag Company, a Corporation; A. Kimball Company, a Corporation; Marion Manufacturing Company, a Corporation; J. L. May, J. C. May, and Frank May, Copartners Doing Business Under the Firm Name and Style of J. L. May Company; Michigan Tag Company, a Corporation; Midwest Tag Company, a Corporation; The National Tag Company, a Corporation; The Reyburn Manufacturing Company, Inc., a Corporation; The Robinson Tag and Label Company, a Corporation; Rockmont Envelope Company, a Corporation; Salisbury Mfg. Co., a Corporation; The Standard Envelope Mfg. Co., a Corporation, Which Sometimes Operates Under the Unincorporated Trade Name of Sterling Tag Company; Tagcraft Corporation, a Corporation; Waterbury Buckle Company, a Corporation, Which Sometimes Operates Under the Unincorporated Trade Name of Waterbury Tag Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Tag Manufacturers Institute, an unincorporated association, and its officers, directors, agents, and employees; and Frank H. Baxter, individually and as an officer of Tag Manufacturers Institute, and his representatives, agents, and employees; and Acme Tag Company, a corporation, Allen-Bailey Tag Co., Inc., a corporation, American Tag Company, a corporation, American Tag Company of New Jersey, a corporation, Atlas Tag Company, a corporation, Badger Tag Co., Inc., a corporation, A. C. Baldwin & Sons, a corporation, Campbell Box and Tag Company, a corporation, Central Tag Co., a corporation, Cupples-Hesse Envelope & Litho. Co., a corporation, Dancyger Manufacturing Company, a corporation, The Denney Tag Company Incorporated, a corporation, Dennison Manufacturing Co., a corporation, Ennis Tag and Printing Company, a corporation, Haywood Tag Company, a corporation, International Tag & Salesbook Co., a corpora-

tion, Keystone Tag Company, a corporation, A. Kimball Company, a corporation, Marion Manufacturing Company, a corporation, Michigan Tag Company, a corporation, Midwest Tag Company, a corporation, The National Tag Company, a corporation, The Reyburn Manufacturing Company, Inc., a corporation, The Robinson Tag and Label Company, a corporation, Rockmont Envelope Company, a corporation, Salisbury Mfg. Co., a corporation, The Standard Envelope Mfg. Co., a corporation, which sometimes operates under the unincorporated trade name of Sterling Tag Company, Tagcraft Corporation, a corporation, and Waterbury Buckle Company, a corporation, which sometimes operates under the unincorporated trade name of Waterbury Tag Company, and their respective officers, agents, representatives and employees; and Howard W. Eastman and Julia Eastman, copartners trading as Eastman Tag & Label Company, and J. L. May, J. C. May, and Frank May, copartners trading as J. L. May Company, and their respective representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of tags, pin tickets, and other similar marking and pricing devices, hereinafter referred to as "tag products," in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, mutual agreement, understanding, combination, or conspiracy between and among any two or more of said respondents or between any one or more of said respondents and others not parties hereto to do or perform any of the following acts or practices:

1. Establishing, fixing, or maintaining prices, terms, or conditions of sale for tags or tag products or adhering to, or promising to adhere to, the prices, terms, or conditions of sale so fixed.

2. Holding or participating in any meeting, discussion, or exchange of information among themselves or under the auspices of the respondent Tag Manufacturers Institute, respondent Frank H. Baxter, or any other medium or agency for the purpose of discussing or devising methods of fixing, establishing, or maintaining prices, terms, or conditions of sale for tags or tag products.

3. Expressly or impliedly subscribing to, or carrying out, any past, presently existing, or new agreement to establish, maintain, or continue any plan for the purpose or with the effect of informing or advising any of the manufacturing respondents or any other manufacturer of tags or tag products as to the price, terms, or conditions of sale at or upon which any manufacturing respondent or other seller of tags or tag products expects to make a sale or sales of tags or tag products.

4. Exchanging, distributing, or relaying among the manufacturing respondents, or any of them, or through respondent Tag Manufacturers Institute, respondent Frank H. Baxter, or through any other medium or central agency, information as to current prices for the purpose or with the effect of fixing or maintaining prices, terms, or conditions of sale for tags or tag products.

5. Exchanging, distributing, or relaying among the manufacturing respondents, or any of them, or through respondent Tag Manufacturers Institute, respondent Frank H. Baxter, or through any other medium or central agency, information concerning prices charged particular customers or information concerning sales or shipments of tags or tag products when the identity of the manufacturer, seller, or purchaser can be determined or disclosed through such information and which has the capacity or tendency of aiding in securing compliance with the prices, terms, or conditions of sale as announced by any one or more of the manufacturing respondents.

6. Collectively investigating, reviewing, considering, or acting upon, either directly or through respondent Tag Manufacturers Institute, respondent Frank H. Baxter, or any other medium or central agency, the act of any seller of tags in making a sale at prices, terms, or conditions of sale different from those announced, exchanged, or relayed by such seller to other respondents directly, through respondent Frank H. Baxter, or otherwise.

7. Taking any action for the purpose or with the effect of penalizing in any way, through the assessment or collection of liquidated damages or the imposition of any other penalty upon or against any seller of tags or tag products for failure to file with or exchange among respondents, directly or through respondent Tag Manufacturers Institute, respondent Frank H. Baxter, or any other medium or central agency, information concerning prices, terms, or conditions of sale expected to be charged by such seller or information concerning prices which such seller has charged or is currently charging any one of its customers.

8. Taking any action having the purpose, capacity, or tendency to aid in securing on the part of any seller of tags or tag products compliance with its announced prices, terms, or conditions of sale.

9. Formulating, establishing, putting into operation, continuing, or using in any way any "open price reporting plan" or any price reporting plan which has the tendency or the effect of depriving the public of any benefit of competition in price between and among the manufacturing respondents or between any of them and any other manufacturer or seller of tags or tag products.

10. Authorizing or permitting the examination of the books or other records of the manufacturing respondents by any agent of respondent Tag Manufacturers Institute, respondent Frank H. Baxter, or by any agent of the respondents, or any of them, so as to permit or make possible a collective or cooperative consideration or comparison through any common agent of the prices, terms, or conditions of sale at which the respective manufacturing respondents have made sales, are currently making sales, or expect to make sales.

11. Employing or utilizing respondent Frank H. Baxter, respondent Tag Manufacturers Institute, or any other medium or central agency as an instrument, vehicle, or aid in performing or doing any of the acts or practices prohibited by this order.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-6946; Filed, July 23, 1947; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1624 (b)]

PART 192—OIL AND GAS LEASES

OVERRIDING ROYALTIES

The last paragraph of Circular 1624 (a), approved June 6, 1947, amending sec. 2 (r) of Oil and Gas Lease Form 4–213,[1] is revoked and sec. 2 (q) of the lease form is amended to read as follows:

(q) *Overriding royalties.* To limit the obligation to pay overriding royalties or payments out of production in excess of 5 percent to periods during which the average production per well per day is more than 15 barrels on an entire leasehold or any part of the area thereof or any zone segregated for the computation of royalties.

(Sec. 32, 41 Stat. 450, 60 Stat. 950. 30 U. S. C. 189)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

JULY 17, 1947.

[F. R. Doc. 47-6926; Filed, July 23, 1947; 8:50 a. m.]

[Circular 1649]

PART 192—OIL AND GAS LEASES

APPLICATIONS FOR NONCOMPETITIVE LEASES

The second sentence in the first paragraph of 43 CFR 192.42 (Circular 1624, approved October 28, 1946), is amended to read as follows: "All applications must be filed in duplicate and must be accompanied by the filing fee prescribed in § 191.11 of this chapter, and at least one-half of the first year's rental."

(Sec. 32, 41 Stat. 450, 60 Stat. 950; 30 U. S. C. 189)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

JULY 17, 1947.

[F. R. Doc. 47-6927; Filed, July 23, 1947; 8:50 a. m.]

[1] See 43 CFR 192.44.

Appendix—Public Land Orders

[Public Land Order 382]

WYOMING

MODIFYING PUBLIC LAND ORDER 329 TO PERMIT MINERAL LEASING

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order 329, dated October 17, 1946, withdrawing Tract 63, T. 47 N., R. 93 W., 6th P. M., Wyoming "from all forms of appropriation, including the mining and mineral leasing laws," for the use of the Bureau of Land Management as an administrative site, is hereby modified by deleting from the quoted language the words "and mineral leasing".

This order shall not become effective to change the status of the land until 10:00 a. m. of the sixty-third day from the date on which it is signed.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 17, 1947.

[F. R. Doc. 47-6925; Filed, July 23, 1947; 8:50 a. m.]

TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

Chapter IV—The Alaska Railroad, Department of the Interior

PART 400—ORGANIZATION AND PROCEDURE

REDELEGATIONS OF AUTHORITY

Section 400.100 is added to Chapter IV to read as follows:

§ 400.100 *Redelegations of authority; contracts.* (a) Pursuant to 43 CFR 4.100 and subject to its provisions, the persons specified in paragraph (b) of this section are authorized to enter into contracts on behalf of The Alaska Railroad. All contracts, other than those contracts for the purchase of materials, supplies and commissary requirements, entered into pursuant to the authority granted by this section and requiring payment by The Alaska Railroad of an amount in excess of one thousand dollars must be approved in writing by the General Manager or the Acting General Manager before becoming effective. With respect to any contract entered into on a United States standard form, a person authorized to enter contracts on behalf of the Railroad by virtue of this section, shall be deemed the contracting officer within the meaning of the provisions of said standard forms. In the case of any proposed contract to be entered into on a form other than a United States standard form, the extent of the authority of the person authorized to enter into such contract shall be as determined by the General Manager. The authority delegated by this section includes the authority to enter into a contract without previous advertisement for proposals in any case where the entering into a contract under such circumstances is authorized by section 9 of the act of August 2, 1946 (60 Stat. 806, 809, 41 U. S. C. sec. 5). However, the person entering into any such contract without previous advertisement shall without delay thereafter execute United States Standard Form No. 1034–Rev., including the form "Method of or Absence of Advertising" on the reverse side of said Form No. 1034–Rev. Persons authorized by this section to enter into contracts on behalf of the Railroad shall obtain the advice of the Chief Counsel, Division of Territories and Island Possessions, or the Legal Counsel of the Railroad throughout the course of the negotiations relating to a contract. Invitations for bids, bid forms, specifications, contract forms, and all other forms or materials pertaining to contracts of the Railroad shall be submitted to the said Chief Counsel or Legal Counsel for examination and every contract of the Railroad, other than those contracts for the purchase of materials, supplies and commissary requirements, entered into pursuant to the authority granted by this section and requiring payment by The Alaska Railroad of an amount in excess of one thousand dollars shall be initialed by either the Chief Counsel or the Legal Counsel. Forms or other materials relating to contracts of the Railroad shall be submitted for examination by the Chief Counsel or the Legal Counsel prior to their formal issuance or execution in any case where there is involved any departure from practices or procedures theretofore in effect, or any other novel or unusual circumstances.

(b) The following persons are authorized to exercise the authority with respect to contracts of The Alaska Railroad delegated by paragraph (a) of this section:

(1) The Purchasing Officer, Alaska-Seattle Service Office.

(2) The Assistant General Manager, The Alaska Railroad.

(3) The Superintendent of Operations, The Alaska Railroad.

(4) The Special Representative of The Alaska Railroad, Seattle Office.

(5) The Traffic Manager, The Alaska Railroad.

(6) The Chief Engineer, The Alaska Railroad.

(7) The Superintendent, Stores and Purchases, The Alaska Railroad.

(8) The Superintendent, Motive Power and Equipment, The Alaska Railroad.

(9) The Conservation Engineer, The Alaska Railroad.

(10) The Chief Surgeon, The Alaska Railroad.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

J. P. JOHNSON,
General Manager.

JULY 12, 1947.

[F. R. Doc. 47-6931; Filed, July 23, 1947; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

AIR-NAVIGATION SITE WITHDRAWAL NO. 238

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (U. S. C. Title 43, sec. 315f) and in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C. Title 49, sec. 214), it is ordered as follows:

The following-described public land in New Mexico is hereby classified as necessary and suitable for air-navigation site purposes, and, subject to valid existing rights, is withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 238:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 S., R. 7 W.,
Sec. 5, W½NE¼NE¼, NW¼NE¼, N½SW¼NE¼, and NW¼SE¼NE¼.

The areas described aggregate 90 acres.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 17, 1947.

[F. R. Doc. 47-6928; Filed, July 23, 1947; 8:50 a. m.]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 144, WYOMING NO. 18, MODIFIED

JULY 17, 1947.

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, amended by the act of June 26, 1936, 49 Stat. 1976 (U. S. C. Title 43, sec. 315f), and in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (U. S. C., Title 43, sec. 300), it is ordered as follows:

The following public lands in Wyoming are hereby classified as necessary and suitable for the purpose and, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the use of the general public as an addition to

Stock Driveway Withdrawal No. 144, Wyoming No. 18:

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 86 W.,
sec. 26, NW¼SE¼;
sec. 35, NW¼SE¼.

The areas described aggregate 80 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and such regulations as have been or may be issued thereunder.

The order of the First Assistant Secretary of the Interior dated December 28, 1922 adding certain lands to Stock Driveway Withdrawals Nos. 128 and 144, Wyoming Nos. 13 and 18 is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 86 W.,
sec. 26, SW¼NW¼;
sec. 34, NE¼SE¼.

The areas described aggregate 80 acres.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-6929; Filed, July 23, 1947; 8:50 a. m.]

WYOMING

NOTICE FOR FILING OBJECTIONS TO PROPOSED ORDER MODIFYING STOCK DRIVEWAY WITHDRAWAL NO. 144, WYOMING NO. 18

JULY 17, 1947.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the proposed order of the Secretary of the Interior which would add the NW¼SE¼ sec 26 and NW¼SE¼ sec. 35, T. 42 N., R. 86 W., 6th P. M., Wyoming, to Stock Driveway Withdrawal No. 144, Wyoming No. 18, and release the SW¼NW¼ sec. 26 and NE¼SE¼ sec. 34, in the same townships, from the stock driveway withdrawal, may present their objections to the Secretary of the Interior. The proposed change is designed to effect an improvement in the stock trail. Objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed, and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose, intent and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-6930; Filed, July 23, 1947; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-147]

ACCIDENT AT MELBOURNE, FLA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 79024, which occurred at Melbourne, Florida, on July 13, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Friday, July 25, 1947, at 9:00 a. m. (local time), at the Melbourne Public School Auditorium, 500 New Haven Avenue, Melbourne, Florida.

Dated at Washington, D. C., July 21, 1947.

[SEAL] RUSSELL A. POTTER,
Presiding Officer.

[F. R. Doc. 47-6971; Filed, July 23, 1947; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-912]

INTERSTATE NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed June 16, 1947, by Interstate Natural Gas Company, Inc., a Delaware corporation with its principal place of business in Monroe, Louisiana, for authority pursuant to section 7 of the Natural Gas Act, as amended, to abandon and remove a certain portion of its natural gas facilities as fully described in such application on file with the Commission and open to public inspection; and

It appearing to the Commission that:

The proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 9, 1947 (12 F. R. 4521).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on August 7, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding; *Provided, however*, That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: July 18, 1947.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-6935; Filed, July 23, 1947; 8:46 a. m.]

[Docket No. G-921]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

JULY 16, 1947.

Notice is hereby given that on July 1, 1947, United Gas Pipe Line Company (Applicant), a Delaware corporation with principal place of business at Shreveport, Louisiana, and authorized to do business in the States of Alabama, Florida, Louisiana, Mississippi and Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following facilities to serve the following towns and communities in the State of Mississippi:

(1) *Charleston.* Approximately 8.29 miles of 4-inch and 7.00 miles of 2-inch line and appurtenant facilities, beginning at the Tennessee Gas and Transmission Company's 24-inch line in the southeast part of Quitman County, Mississippi, and extending in a general southeasterly direction, thence in a general southerly direction through Quitman, Panola and Tallahatchie Counties to end near the west city limits of Charleston in Tallahatchie County, Mississippi.

(2) *Crowder.* Approximately 0.85 mile of 2-inch line and appurtenant facilities, beginning at the above-proposed 4-inch and 2-inch Charleston line approximately 1.7 miles from its point of beginning and extending in a general northeasterly direction to end near the west city limits of Crowder, all in Quitman County, Mississippi.

(3) *Drew.* Approximately 1.24 miles of 2-inch line and appurtenant facilities, beginning at the Tennessee Gas and Transmission Company's 24-inch line and extending in a general northwesterly direction to end near the east city limits of Drew, all in Sunflower County Mississippi.

(4) *Marks.* Approximately 6.36 miles of 4-inch and 3.38 miles of 2-inch line and appurtenant facilities, beginning at the Tennessee Gas and Transmission Company's 24-inch line and extending in a general northerly direction to end near the south city limits of Marks, all in Quitman County, Mississippi.

(5) *Lambert.* Approximately 0.40 miles of 2-inch line and appurtenant facilities, beginning at the above-proposed 4-inch and 2-inch Marks line approximately 6.36 miles from its point of beginning and extending in a general westerly direction to end near the east city limits of Lambert, all in Quitman County, Mississippi.

(6) *Ruleville.* Approximately 1.69 miles of 2-inch line and appurtenant facilities, beginning at the Tennessee Gas and Transmission Company's 24-inch line and extending in a general southeasterly direction to end near the north city limits of Ruleville, all in Sunflower County, Mississippi.

(7) *Sardis, Como and Senatobia.* Approximately 7.17 miles of 4-inch and 7.70 miles of 2-inch line and appurtenant facilities, beginning at the Tennessee Gas and Transmission Company's 24-inch line in Panola County, Mississippi, and extending in a general northwesterly direction, passing near the east city limits of Sardis and Como in Panola County, Mississippi, and ending near the east city limits of Senatobia in Tate County, Mississippi.

(8) *Shaw.* Approximately 0.47 miles of 2-inch line and appurtenant facilities, beginning at the Tennessee Gas and Transmission Company's 24-inch line in Sunflower County and extending in a general northwesterly direction through Sunflower and Bolivar Counties to end near the south city limits of Shaw in Bolivar County, Mississippi.

(9) *Sumner-Tutwiler.* Approximately 5.61 miles of 2-inch line and appurtenant facilities, beginning at the Tennessee Gas and Transmission Company's 24-inch line and extending in a general northwesterly direction past the southwest corner of the Sumner city limits to end near the southeast corner of the city limits of Tutwiler, all in Tallahatchie County, Mississippi.

(10) *Water Valley.* Approximately 15.20 miles of 4-inch and 8.00 miles of 2-inch line and appurtenant facilities, beginning at the Tennessee Gas and Transmission Company's 24-inch line in Panola County, Mississippi, and extending in a general southeasterly direction through Panola, Lafayette and Yalobusha Counties to end near the north city limits of Water Valley in Yalobusha County, Mississippi.

(11) *Webb.* Approximately 0.99 mile of 2-inch line and appurtenant facilities, beginning at the Tennessee Gas and Transmission Company's 24-inch line and extending in a general southeasterly direction to end near the west city limits of Webb, all in Tallahatchie County, Mississippi.

Applicant states that it proposes to sell natural gas to United Gas Corporation at or near the corporate limits of the above-named towns for resale in such towns, which towns have not heretofore been served with natural gas. Applicant further proposes to sell to United Gas Corporation such volumes of natural gas as it may require for resale to rural customers along the route of Applicant's proposed pipe line facilities.

Applicant states that said facilities will be operated at the operating pressures prevailing in the 24-inch main pipe line of Tennessee Gas and Transmission Company at the points of connection, and will have an estimated maximum daily delivery capacity of approximately 11,000 Mcf. Applicant estimates the total maximum daily demand of the markets proposed to be served at 5,500 Mcf and the total minimum daily demand at 930 Mcf.

Applicant states that it is negotiating a contract with Tennessee Gas and Transmission Company for the gas supply for the proposed facilities.

Applicant recites that it proposes to enter into a contract with United Gas Corporation, under which Applicant will sell and deliver natural gas to that company at or near the corporate limits of the above-named towns at a price which will be 20 cents per Mcf more than the price which Applicant will pay to Tennessee Gas and Transmission Company for such gas.

Applicant states that there are no main line industrial consumers to be served from the proposed facilities at present, and there is no other natural gas company rendering service in the above-named counties in the State of Mississippi with the exception of the Counties of Bolivar, Panola and Sunflower, in which natural gas service is presently rendered to a limited extent by the following: Memphis Natural Gas Company in Bolivar and Sunflower Counties; Mississippi Power & Light Company in Sunflower County; and Tennessee Gas and Transmission Company in Panola County.

The estimated over-all capital cost of the proposed facilities is approximately $539,000. In order to finance its 1947 construction program, which includes the construction covered by this application, it is expected that in the third quarter of this year the Applicant will either (1) borrow from its parent, United Gas Corporation, and issue unsecured notes for the amount of such borrowings, or (2) sell bonds to its parent, United Gas Corporation, in accordance with Applicant's Mortgage and Deed of Trust dated September 25, 1944.

Any interested state commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of United Gas Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure, and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] J. H. GUTHRIE,
Acting Secretary.

[F. R. Doc. 47-6932; Filed, July 23, 1947; 8:46 a. m.]

[Docket No. G-922]

LOUISIANA-NEVADA TRANSIT CO.

NOTICE OF APPLICATION

JULY 18, 1947.

Notice is hereby given that on July 7, 1947, Louisiana-Nevada Transit Company (Applicant), a Nevada Corporation having its principal offices in Ada, Oklahoma, and Hope, Arkansas, and authorized to do business in the States of Louisiana and Arkansas, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities, subject to the jurisdiction of the Commission:

Approximately 17.15 miles of 6-inch O. D. natural-gas transmission line, and appurtenant facilities, including measuring and regulating equipment, commencing at a point on the properties of Blackwell Oil & Gas Company and G. H. Vaughn, located in Haynesville Pool, Claiborne Parish, Louisiana, more particularly described in a contract executed by Applicant and said property owners, a copy of which contract is attached to the application and on file with the Commission, and extending in a westerly direction to a point of connection with Applicant's 8⅝-inch transmission line approximately two (2) miles south of Springhill, Louisiana, in Township 23 North, Range 11 West, Webster Parish, Louisiana.

Applicant states in its application that the proposed facilities are needed in order to connect an additional gas supply which will be available for the increasing demands made on Applicant's system. Applicant states in its application that, under an existing gas supply contract with the Cotton Valley Operators Committee, Applicant is limited to the purchase of ten million cubic feet of gas per day of 24 hours. Applicant further states that one of its industrial consumers, the Ideal Cement Company of Okay, Arkansas, is increasing its demand by two million cubic feet per day, and other industrial consumers are increasing their demands. Applicant estimates that by virtue of the gas purchase contract with Blackwell Oil & Gas Company, and G. H. Vaughn there is available to the Applicant a gas reserve of approximately 25 billion cubic feet.

Applicant estimates that the total over-all capital cost of the proposed facilities is $137,639.10, which will be financed from

funds on hand. Applicant does not contemplate making any changes in present rates for gas sold from existing facilities as a result of the proposed addition to its pipeline system.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Louisiana-Nevada Transit Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure, and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-6934; Filed, July 23, 1947; 8:46 a. m.]

[Docket No. IT-6064]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF PROMISSORY NOTES

JULY 18, 1947.

Notice is hereby given that, on July 18, 1947, the Federal Power Commission issued its order entered July 18, 1947, authorizing and approving issuance of promissory notes in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47-6933; Filed, July 23, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 29791]

INTRASTATE COAL RATES TO ALTON AND EAST ST. LOUIS

NOTICE OF HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 9th day of July A. D. 1947.

It appearing, that a petition has been filed on behalf of The Alton Railroad Company (Henry A. Gardner, Trustee), and other common carriers by railroad operating in the State of Illinois averring that in Intrastate Coal Rates to East St. Louis, 142 I. C. C. 95 and 161 I. C. C. 371, the Commission prescribed reasonable rates for the transportation of bituminous coal, in carloads, from mines in the Belleville and southern Illinois groups to the St. Louis switching district in Missouri, and found that the intrastate rates from all mines in the inner portion of the Belleville group, the Du Quoin group, and the southern Illinois group, respectively, and from all mines on the Chicago & Illinois Midland Railway to the East St. Louis switching district in Illinois, prescribed by order of the Illinois Commerce Commission entered February 8, 1926, were, and for the future will be, unduly preferential of that district and shippers located therein and unduly prejudicial to the St. Louis switching district and shippers located therein, and unjustly discriminatory against interstate commerce, to the extent that they are lower by more than 25 cents per net ton, than the rates on like traffic from the same mines to the St. Louis switching district therein found reasonable; that the Illinois Commerce Commission has failed and refused to authorize or permit increases in the intrastate rates on bituminous coal from mines in Illinois to stations in the Alton-East St. Louis-Wood River area in Illinois in amounts corresponding to the general increases authorized by the Interstate Commerce Commission in the several proceedings referred to in said petition, in the interstate rates and charges on bituminous coal throughout the United States, including the interstate rates thereon from mines in Illinois, and western Kentucky to the St. Louis, Mo., switching district, and from mines in western Kentucky to destinations in Illinois, including those in the Alton-East St. Louis-Wood River area, with the result that the intrastate rates to the East St. Louis switching district in Illinois are now lower by more than 25 cents per net ton than the present rates on like traffic from the same mines to the St. Louis switching district in Missouri;

It further appearing, that said petitioners allege that the rates and charges which they are required by authority of the State of Illinois to maintain for the intrastate transportation of bituminous coal, in carloads, between points in Illinois cause and result in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce on the one hand, and interstate commerce on the other hand, and undue, unreasonable, and unjust discrimination against interstate commerce;

And it further appearing, that the petition brings in issue rates and charges made or imposed by authority of the State of Illinois:

It is ordered, That in response to the said petition and investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Illinois, for the transportation of bituminous coal, in carloads, moving in intrastate commerce, from mines in Illinois to Illinois stations in the Alton-East St. Louis Wood River area, required by authority of the State of Illinois to be maintained, cause or will cause any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum rates and charges, shall be prescribed thereafter to be charged by common carriers by railroad operating within the State of Illinois to remove the unlawful advantage, preference, prejudice, or discrimination, if any, as may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Illinois subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents; and that the State of Illinois be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of said State and to the Illinois Commerce Commission at 160 No. La Salle St., Chicago, Ill.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C. and filing a copy thereof with the Director, Division of Federal Register, Washington, D. C.

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-6955; Filed, July 23, 1947; 8:48 a. m.]

[No. 29796]

INCREASED COACH FARES; SOUTHERN RAILROADS

NOTICE OF HEARING

JULY 21, 1947.

By petition dated July 15, 1947, the common carriers by railroad operating in the South, listed in the appendix hereto (including that part of the line of the Southern Railway Company east and south of and including St. Louis, Mo.) request this Commission to authorize petitioners to increase between stations on their lines their interstate basic one-way passenger fares in coaches by 13.63 percent or to approximately 2.5 cents per mile, fractions of less than 0.5 cent to be dropped and fractions of 0.5 cent or greater to be increased to the next whole cent, with a minimum one-way fare of 15 cents, and to increase such fares between stations on their lines and stations on connecting lines sufficiently to reflect the proposed increases on their lines.

Petitioners state that if authority is granted to increase the basic one-way fares as sought in the petition, it is the intention of petitioners to increase their round-trip fares in coaches to the following basis: 180 percent of the one-way fares (approximately 2.25 cents per mile in each direction) adding when necessary to make the resulting fare end in "0" or "5."

The Commission is further asked to modify its order of February 28, 1936, in No. 26550, *Passenger Fares and Surcharges*, 214 I. C. C. 174, as subsequently modified, sufficiently to permit the establishment and maintenance of the proposed increased fares on interstate traffic. Petitioner Southern Railway Company further asks the Commission to modify its order of November 13, 1920, in No. 11703, *Intrastate Rates Within Illinois*, 59 I. C. C. 350, as subsequently modified, sufficiently to permit the establishment and maintenance of like increased intrastate fares within Illinois on that part of the line of said petitioner above referred to.

The Commission is further asked to grant such fourth-section relief as may be necessary to permit the establishment and maintenance of such increased fares, and to permit such establishment on five days' notice, without suspension, by simple forms of tariff publication.

The petition above described has been docketed as No. 29796, Increased Coach Fares—Southern Railroads, and is assigned for public hearing before Commissioner John L. Rogers and Examiner Burton Fuller on August 26, 1947, 9:30 o'clock a. m., United States Standard time (or 9:30 o'clock a. m. daylight saving time, if that time is observed) at Atlanta Biltmore Hotel, Atlanta, Ga.

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioners, the Governors and the rate regulatory bodies of the States traversed by petitioners, and at the same time copies have also been posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX

LIST OF PETITIONERS

Aberdeen & Rockfish Railroad Co.
The Alabama Great Southern Railroad Co.
Alabama, Tennessee & Northern Railroad Co.
Atlanta & West Point Railroad Co.
Atlantic Coast Line Railroad Co.
Blue Ridge Railway Co.
Carolina & Northwestern Railway Co.
Carolina, Clinchfield & Ohio Railway; Carolina, Clinchfield & Ohio Railway of South Carolina; (Lessees: Atlantic Coast Line Railroad Co.; Louisville & Nashville Railroad Co.)
Charleston & Western Carolina Railway Co.
The Cincinnati, New Orleans & Texas Pacific Railway Co.
Columbia, Newberry & Laurens Railroad Co.
Danville & Western Railway Co.
Fort Myers Southern Railroad Co.
Frankfort & Cincinnati Railroad Co.
Georgia & Florida Railroad.
(W. V. Griffin, H. W. Purvis, and Victor Markwalter, receivers)
Georgia Rail Road & Banking Co.
(Operated as the Georgia Railroad by lessees: Atlantic Coast Line Railroad Co.; Louisville & Nashville Railroad Co.)
Georgia Southern & Florida Railway Co.
New Orleans & Northeastern Railroad Co.
Norfolk Southern Railway Co.
Richmond, Fredericksburg & Potomac Railroad Co.
Southern Railway Co.
Tampa Southern Railroad Co.
The Western Railway of Alabama
Winston-Salem Southbound Railway Co.

[F. R. Doc. 47-6956; Filed, July 23, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-992]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of July A. D. 1947.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Consolidated Edison Company of New York, Inc., a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to August 18, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6938; Filed, July 23, 1947; 8:47 a. m.]

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

ORDER DISMISSING PROCEEDINGS AND RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of July A. D. 1947.

In the matter of The Middle West Corp., Central and South West Utilities Co. and American Public Service Co.; File No. 54-81.

The Commission by supplemental order entered herein on April 15, 1947, having reserved jurisdiction with respect to certain issues raised by an application-declaration, as amended, filed by The Middle West Corporation ("Middle West") and with respect to a motion filed on behalf of certain stockholders of Central and South West Corporation ("Central") and Middle West; and

Central and Middle West having jointly filed a motion to dismiss said motion on behalf of said stockholders; and

The Commission having held hearings and heard oral argument thereon, and the parties having agreed to the withdrawal of said motion on behalf of said stockholders, and to termination of the proceedings on the aforesaid motions; and

It appearing to the Commission that the aforesaid motions should now be deemed withdrawn and the proceedings thereon dismissed, that the issues as to which jurisdiction was heretofore reserved are now moot, and that jurisdiction, with respect thereto should be released;

It is ordered, That the motions filed on behalf of the said stockholders and on behalf of Middle West and Central, be, and they hereby are, deemed withdrawn and that the proceedings thereon be, and they hereby are, dismissed.

It is further ordered, That the jurisdiction reserved in our supplemental order herein dated April 15, 1947, be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6939; Filed, July 23, 1947; 8:47 a. m.]

[File No. 70-1545]

MARYVILLE ELECTRIC LIGHT AND POWER CO. AND CONTINENTAL GAS & ELECTRIC CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of July A. D. 1947.

Continental Gas & Electric Corporation ("Continental"), a registered holding company, and its public utility subsidiary, Maryville Electric Light and Power Company ("Maryville"), having filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-50 (a) (3) promulgated thereunder with respect to the following transactions:

Maryville proposes to issue and sell to its sole stockholder, Continental, and Continental proposes to acquire, at the par value thereof, 13,712 shares of common stock of the par value of $100 per share. To make possible the issuance and sale of said 13,712 shares of common stock, Maryville proposes to amend its Articles of Incorporation to increase the number of its authorized common shares from 5,000 to 20,000. Maryville also proposes to pay on its open account indebtedness to Continental the sum of $88.80. Continental proposes to pay for said 13,712 shares of common stock by surrendering for cancellation a demand note of Maryville in the principal amount of $328,719.84, by acknowledging full payment of Maryville's open account indebtedness to Continental in the amount of $542,480.16, and by paying $500,000 cash to Maryville, an aggregate consideration of $1,371,200. It is stated that the cash proceeds from the sale of said common stock will be used to pay the cost of construction of additional electric facilities needed in the operation of Maryville's business; and

The application-declaration having been filed June 9, 1947, the amendment thereto having been filed July 14, 1947, and notice of the filing having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicants-declarants having requested that the Commission's order granting the application and permitting the declaration to become effective become effective forthwith; and

The Commission finding that Maryville is entitled to an exemption from the provisions of sections 6 (a) and 7 of the act pursuant to the provisions of section 6 (b) thereof, it appearing that the issuance and sale of said stock are solely for the purpose of financing the business of Maryville and that the Public Service Commission of Missouri, the state commission of the state in which Maryville was organized and is doing business, has expressly authorized applicants-declarants to consummate the proposed transactions; and

The Commission further finding that the proposed transactions satisfy the applicable provisions of the act and the rules and regulations promulgated thereunder, that no adverse findings are necessary, and that the proposed issuance and sale of common stock is exempt from the competitive bidding requirements of Rule U-50 by virtue of the provisions of paragraph (a) (3) thereof; and the Commission deeming it appropriate to grant said application and permit said declaration to become effective and to grant the request of applicants-declarants that the order become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the requirements of Rule U-24, that the aforesaid application-declaration be, and it hereby is, granted and permitted to become effective forthwith; but upon the express condition, however, that nothing herein shall be construed as determining, or in any manner affecting the power and jurisdiction of the Commission to determine, the ultimate retainability by Continental of its interest in Maryville or what action should be taken by Continental to effectuate compliance with section 11 (b) (1) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6937; Filed, July 23, 1947; 8:47 a. m.]

[File No. 70-1548]

MISSISSIPPI POWER CO

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of July 1947.

Mississippi Power Company ("Mississippi"), a public utility subsidiary of The Commonwealth & Southern Corporation, a registered holding company, having filed an application-declaration and amendments thereto, pursuant to sections 6 (a), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 promulgated thereunder, relating to the transactions summarized below:

Mississippi proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $2,500,000 principal amount of additional First Mortgage Bonds, --% Series, due August 1, 1977. The bonds are to be issued under and secured by Mississippi's present mortgage dated September 1, 1941, as supplemented by an indenture dated September 1, 1946 and one to be dated August 1, 1947. The interest rate on said bonds (to be in multiples of $\frac{1}{8}$ of 1% but not greater than 3¼%) and the price to be received by Mississippi (to be not less than 100% nor more than 102¾% of the principal amount of said bonds) are to be determined by competitive bidding.

Mississippi also proposes to issue 20,099 shares of new Preferred Stock, par value $100 per share, and to invite proposals pursuant to the competitive bidding requirements of said Rule U-50 for services in obtaining exchange of shares of its outstanding $6 Preferred Stock for shares of new Preferred Stock and for the purchase of such of the 20,099 shares of new Preferred Stock as are not required to effect exchanges. If such proposal is accepted, Mississippi will then offer for a period of twelve days to the holders of the 20,099 shares of $6 Preferred Stock outstanding the privilege of exchanging their shares for shares of new Preferred Stock on a share for share basis, plus an amount in cash, with respect to shares exchanged, equal to the difference between the price per share specified in the successful proposal and the redemption price of $110 per share of the $6 Preferred Stock, plus a cash dividend adjustment which will give each stockholder who exchanges an amount equal to the dividend on the $6 Preferred Stock from the last regular quarterly dividend date up to the date of redemption, less the amount of the dividend to accrue on the new Preferred Stock to that date. The price to the company per share of new Preferred Stock (to be not less than $100 nor more than $102.75, after deducting the aggregate amount of compensation per share to be paid to the successful bidders), the annual dividend rate (to be a multiple of 4¢ but not more than $4.60), and the aggregate amount of compensation to be paid to the successful bidders for their respective agreements to endeavor to obtain exchanges of $6 Preferred Stock for new Preferred Stock and to purchase the shares of new Preferred Stock not required to effect exchanges, will be determined by competitive bidding. Any shares of $6 Preferred Stock not exchanged will be redeemed.

It is further proposed to include in the supplemental indenture securing the new bonds, among other things, a covenant providing in substance that so long as any bonds of the 1971 Series or of the 1977 Series shall be outstanding, Mississippi will not declare or pay any dividends (other than dividends payable solely in its common stock) or make any distribution, by purchase of shares or otherwise, upon any shares of its common stock, except out of net income earned subsequent to December 31, 1941 and available for distribution of dividends, and unless, upon such declaration, payment or other distribution, there shall remain in the earned surplus account earned subsequent to December 31, 1941 an amount of $241,188 (representing two years' dividend requirements on the presently outstanding Preferred Stock) plus an amount equivalent to the amount by which the aggregate of the charges to income since December 31, 1941 for repairs, maintennace and provision for depreciation shall have been less than 16% of the gross operating revenues of Mississippi subsequent to December 31, 1941, after deducting from such gross operating revenues the amount spent subsequent to December 31, 1941 for electric energy, gas or steam purchased by it for resale.

In addition to such dividend restriction in the indenture Mississippi proposes to amend its by-laws to provide in substance, among other things, that not more than 75% of the net income available for the payment of dividends on the common stock may be paid out as dividends thereon when the ratio of common stock equity to total capitalization and surplus is 20% or more but less than 25%, and not more than 50% of such net income may be paid out as dividends when the ratio of common stock equity to total capitalization and surplus falls below 20%.

Mississippi also proposes to transfer the balance of capital surplus, amounting to $1,190,927, to common capital account.

Said application-declaration having been filed on June 12, 1947 and amendments thereto having been filed on June 27, 1947 and July 14, 1947, and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Mississippi having requested that the Commission's order become effective forthwith; and

Mississippi, in view of the aforementioned proposed dividend restriction in the supplemental indenture, having requested that the condition in the Commission's order dated September 23, 1941, which restricts the payment of dividends on Mississippi's common stock substantially in the form of the proposed restriction shall cease to be effective upon the taking effect of the proposed dividend restriction in the supplemental indenture and, Mississippi, in view of the aforementioned proposed dividend restriction in the by-laws, having requested further that the condition in the Commission's order dated December 28, 1944, which provides in substance that dividends on Mississippi's common stock should not exceed 75% of its net income subsequent to December 31, 1944 if the common equity should be less than 25% of total capitalization and surplus shall cease to be effective upon the taking effect of the proposed dividend restriction in the by-laws; and the Commission deeming it appropriate to grant such requests; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective and that the company's request that the order become effective forthwith be granted:

It is hereby ordered, That, pursuant to Rule U-23, said application-declaration, as amended, be, and the same is hereby granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of new bonds, issuance of new Preferred Stock, and exchange or redemption of $6 Preferred Stock shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction is hereby reserved.

It is further ordered, That the condition is the Commission's order dated September 23, 1941 which restricts the payment of dividends on Mississippi's common stock and the condition in the Commission's order dated December 28, 1944 which also restricts the payment of dividends on Mississippi's common stock shall cease to be effective upon the taking effect of the proposed dividend restrictions in the aforementioned supplemental indenture and by-laws of Mississippi.

It is further ordered, That jurisdiction be, and the same hereby is, reserved, with respect to the fees and expenses in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6940; Filed, July 23, 1947; 8:47 a. m.]

[File No. 70-1551]

FLORIDA POWER & LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of July A. D. 1947.

Florida Power & Light Company ("Florida"), an electric and gas utility subsidiary of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, having filed an application-declaration and amendments thereto under the Public Utility Holding Company Act of 1935, particularly Sections 6 (a), 7, and 12 (c) thereof and Rules U-42 and U-50, regarding the issue and sale in accordance with the competitive bidding provisions of said Rule U-50 of $10,000,000 of First Mortgage Bonds --% Series due 1977, $10,000,000 principal amount --% Sinking Fund Debentures due 1972 and 150,000 shares of --% Cumulative Preferred Stock of the par value of $100 per share. The proceeds from the sale of said securities are to be applied as follows: (a) To redeem $14,210,000 principal amount of Florida's 4⅛% sinking fund debentures due 1979 at the current redemption price of 104⅝% plus accrued interest; (b) to prepay its outstanding 2⅜% and 2¾% serial notes in the aggregate principal amount of $3,250,000 plus accrued interest; (c) to prepay its promissory notes held by American in the aggregate principal amount of $4,250,000 plus accrued interest and (d) to provide funds for additional necessary facilities to Florida's gas and electric systems.

A public hearing having been held on the said application-declaration, as amended, after appropriate notice, and the Commission having examined the record and having made and filed its Findings and Opinion herein; and

The Commission having, by its order of December 28, 1943, directed Florida to appropriate annually out of earned surplus to a contingency reserve at least $700,000, said order stating:

(4) *It is further ordered*, That pending final determination of the amount and disposition to be made of Account 100.5 items presently in the plant account of Florida, Florida shall annually beginning with the calendar year 1944, appropriate out of earned surplus to a contingency reserve, at least $700,000, such act of appropriation to be without prejudice, however, to respondents' right to contest the validity of any definitive order with respect to such items as may ultimately be issued;

and Florida having requested that the above-quoted paragraph of our order of December 28, 1943 be modified to provide that appropriations to contingency reserve therein ordered be made at the monthly rate of 1/12 of $700,000.

It is ordered, That said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith subject to the terms and conditions contained in Rule U-24 and subject to the following additional conditions:

(1) That the proposed sales of securities by Florida shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may be then deemed appropriate, jurisdiction being reserved for that purpose;

(2) That jurisdiction be, and it hereby is, reserved over the payment of all legal fees incurred or to be incurred in connection with the proposed transactions.

It is further ordered, That the provision of our order of December 28, 1943 with respect to the annual appropriation of $700,000 from earned surplus to a contingency reserve be, and hereby is, modified to permit Florida to credit said contingency reserve each month by the amount of 1/12th of $700,000, on condition that a corresponding charge be made to Account 537—Miscellaneous Amortization—and that in all other respects said order of December 28, 1943 be, and hereby is, reaffirmed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6936; Filed, July 23, 1947; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9329]

ANNA KONRICH ET AL.

In re: Bank accounts and mortgage participations owned by Anna Konrich, Friedrich Konrich, Marie Konrich, and Helene Konrich, also known as Leni Konrich. F-28-3233-A-1, F-28-3233-E-1, F-28-3234-A-1, F-28-3234-E-1, F-28-3235-A-1, F-28-3235-E-1, F-28-3236-A-1, F-28-3236-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Konrich, Friedrich Konrich, Marie Konrich, and Helene Konrich, also known as Leni Konrich, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Girard Trust Company, Broad & Chestnut Streets, Philadelphia 2, Pennsylvania, arising out of a checking account, entitled Walter S. Hare, Atty. for Anna Konrich, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Konrich, one of the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Girard Trust Company, Broad & Chestnut Streets, Philadelphia 2, Pennsylvania, arising out of a checking account, entitled Walter S. Hare, Atty. for Marie Konrich, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Marie Konrich, one of the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation of Girard Trust Company, Broad & Chestnut Streets, Philadelphia 2, Pennsylvania, arising out of a checking account, entitled Walter S. Hare, Atty. for Helene Konrich, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Helene Konrich, also known as Leni Konrich, one of the aforesaid nationals of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation of Girard Trust Company, Broad and Chestnut Streets, Philadelphia 2, Pennsylvania, arising out of a checking account, entitled Walter S. Hare, Atty. for Friedrich Konrich, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Friedrich Konrich, one of the aforesaid nationals of a designated enemy country (Germany);

6. That the property described as follows:

a. All those debts or other obligations owing to Anna Konrich, Friedrich Konrich, Marie Konrich and Helene Konrich, also known as Leni Konrich, by Girard Trust Company, including particularly but not limited to a four-fifths interest in the sum of money on deposit with Girard Trust Company, Broad and Chestnut Street, Philadelphia 2, Pennsylvania, in an account, Account Number 28 62-2, entiled Residuary Legatees of Mary Palmer Reese, deceased, and any and all rights to demand, enforce and collect the same, and

b. All right, title and interest of Anna Konrich, Friedrich Konrich, Marie Konrich and Helene Konrich, also known as Leni Konrich, in certain mortgage participations, represented on the books of the Girard Trust Company, Philadelphia, Pennsylvania, as covering property on Nicetown and Harrowgate Lanes, and 719 Sansom Street, said mortgage participations being administered by the aforesaid Girard Trust Company, Trustee for Sundry Trusts,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

7. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6957; Filed, July 23, 1947; 8:48 a. m.]

[Vesting Order 9332]

NARIMITSU MATSUDAIRA

In re: Stock, bond and bank account owned by Mr. Narimitsu Matsudaira, also known as N. Matsudaira. F-39-2027-A-1, F-39-2027-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mr. Narimitsu Matsudaira, also known as N. Matsudaira, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Mr. Narimitsu Matsudaira, also known as N. Matsudaira, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Checking Account, entitled Mr. Narimitsu Matsudaira, and any and all rights to demand, enforce and collect the same,

b. Four (4) General Water Works and Electric Corp., 6% Convertible Debentures, Series A, of $3,000.00 aggregate face value, bearing the numbers M1067 and M1068, each of $1,000.00 face value and numbers D 625 and 400, each of $500.00 face value, in bearer form, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto, including particularly the rights under a Readjustment Plan effective December 1932,

c. Six Hundred Twenty (620) shares of twenty Kronen par value capital stock of Kreuger & Toll Co., evidenced by American certificates numbered and in the amounts as set forth below:

Certificate No.:	Number of shares
NY 134971	100
NY 134972	100
NY 134973	100
NY 134974	100
NY 134975	100
70298	100
NY/O 64083	20

registered in the name of Hurley & Co., 55 Wall Street, New York, New York, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon, and

d. Fifty Seven (57) shares of one (1) pound par value ordinary "A" capital stock of Lautaro Nitrate Co., Ltd., 120 Broadway, New York, New York, evidenced by certificate number 7443, registered in the name of Hurley & Co., 55 Wall Street, New York, New York, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6958; Filed, July 23, 1947; 8:49 a. m.]

[Vesting Order 9358]

ROSE SEHNERT

In re: Estate of Rose Schnert, a k a Rose Schnert, deceased. File No. D-28-9980; E. T. sec. 14166.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Raissle (Raisle), Gottlob Raissle a/k/a Gottlieb Raisle, Rosine Gartner a/k/a Roesel Raisle, Katharine Fix a/k/a Katherine Raisle (Raissle) (daughter of Katherine Raisle), Gottlieb Kubler, Marie (Mary) Kubler, Kathrine Kubler, Christine Haist, a/k/a Christine Kubler and Johann (Johannes) Kubler, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $22,706.22 was paid to the Attorney General of the United States by Hale B. Blair, Administrator of the Estate of Rose Schnert a/k/a Rose Schnert, deceased;

3. That the said sum of $22,706.22 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on May 28, 1947, pursuant to the Training with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6960; Filed, July 23, 1947; 8:49 a. m.]

[Vesting Order 9359]

MARY WASENSZKY

In re: Estate of Mary Wasenszky, deceased. D-34-727; E. T. sec. 9621.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. John (Janosne) Wasenszky nee Zsibai, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Mary Wasenszky, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Hungary);

3. That such property is in the process of administration by Merwyn G. Leatherman, as administrator, acting under the judicial supervision of the Probate Court of Lucas County, Ohio;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6961; Filed, July 23, 1947; 8:49 a. m.]

[Vesting Order 9363]

ASAKO AKINAKA

In re: Bonds owned by Asako Akinaka. F-39-2949-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Asako Akinaka whose last known address is Kyoto, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two Imperial Japanese Government, 5½% Bearer Gold Bonds, External Loan of 1930, due 1965, of $1000 face value, bearing the numbers 2472 and 2473, with coupons dated November, 1941, ASCA, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6961; Filed, July 23, 1947; 8:49 a. m.]

[Vesting Order 9371]

JURO FUJIKAWA

In re: Stock, bonds, bank accounts and a certificate of deposit owned by Juro Fujikawa, also known as Jiro Fujikawa. D-39-658, F-39-1504-A-1, D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Juro Fujikawa, also known as Jiro Fujikawa, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Juro Fujikawa, also known as Jiro Fujikawa, by Bishop National Bank of Hawaii, Honolulu, T. H., in the amount of $721.21, payable July 10, 1947, and any and all accruals thereto, evidenced by certificate of deposit number 3902, issued by said bank, and presently in the custody of Fujii Junichi Shoten, Limited, 120 North Hotel Street, Honolulu, T. H., and any and all rights to demand, enforce and collect the aforementioned debt or other obligation and any and all rights in, to and under the aforementioned certificate of deposit,

b. 15 shares of $5 par value common capital stock of Sunrise Soda Water Works Company, Limited, 967 Robello Lane, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificates number 622 and 670, and registered in the name of Juro Fujikawa, together with all declared and unpaid dividends thereon.

c. All those debts or other obligations owing to Juro Fujikawa, also known as Jiro Fujiwaka, by Sunrise Soda Water Works Company, Limited, 967 Robello Lane, Honolulu, T. H., including particularly but not limited to a portion of the sum of money on deposit with Bishop National Bank of Hawaii, Honolulu, T. H., in the following accounts:

Type and Number of Account and Name of Account

(i) Time certificate of deposit 3615; Sunrise Soda Water Works Company, Limited, Non-Resident Alien Dividend Account.

(ii) Time certificate of deposit 3469; Sunrise Soda Water Works Company, Limited, Non-Resident Dividend Account.

(iii) Time certificate of deposit 3571; Sunrise Soda Water Works Company, Limited, Non-Resident Stockholders Dividend Account.

and any and all rights to demand, enforce and collect the same,

d. Ten Tokyo Electric Light Company, Limited, 6% Bearer Bonds, of $1,000 face value, due 1953 and presently in the custody of the United States Treasury Department, Honolulu, T. H., evidenced by safekeeping receipt No. 1002 and No. 1005, both dated March 15, 1943 issued to Fujii Junichi Shoten, Limited, 120 North Hotel Street, Honolulu, T. H., together with any and all rights thereunder and thereto, and

e. Twenty Shinyetsu Electric Power Company, Limited, 6½% Bearer Bonds, of $1,000 face value, due 1952, presently in the custody of the United States Treasury Department, Honolulu, T. H., evidenced by safekeeping receipt No. 1002 and No. 1005, both dated March 15, 1943 issued to Fujii Junichi Shoten, 120 North Hotel Street, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6962; Filed, July 23, 1947; 8:49 a. m.]

[Vesting Order 9373]

N. OMORI SHOTEN

In re: Debt owing to N. Omori Shoten. File No. F-39-1250-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That N. Omori Shoten, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: All those debts or contractual obligations owing to N. Omori Shoten, by J. Kahn & Co., 1203 Cotton Exchange Building, Dallas, Texas, including particularly but not limited to the amount of $50,677.82, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6963; Filed, July 23, 1947; 8:49 a. m.]

[Vesting Order 8646, Amdt.]

FREDERICK TROGER

In re: Estate of Frederick Troger, deceased. File D-28-3593; E. T. sec. 5837.

Vesting Order Number 8646, dated April 4, 1947, is hereby amended as follows and not otherwise: By deleting "That Johann Troger, Marie Troger, Henry Troger, (Nephew,) George Troger, and Wilhelmina Troger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);" and substituting therefor "That Johann Troger, Frederick Burke, also known as Frederick Bauck, Marie Troger, Henry Troger, (Nephew,) George Troger and Wilhelmina Troger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);".

All other provisions of said Vesting Order Number 8646 and all action taken on behalf of the Attorney General in reliance thereon, pursuant thereto and under authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6967; Filed, July 23, 1947; 8:50 a. m.]

[Vesting Order 9352]

ARNOLD MATRAY

In re: Estate of Arnold Matray also known as Arnold Matrai, deceased. File D-34-872; E. T. sec. 14476.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Weisz Krausz and Etel Weisz, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Arnold Matray also known as Arnold Matrai, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by John T. Dempsey, as Administrator, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6907; Filed, July 22, 1947; 8:49 a. m.]

[Vesting Order 9353]

HENRY MEYER

In re: Estate of Henry Meyer, deceased. File No. D-28-11122; E. T. sec. 15547.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustave Koepke, Anna Koepke and Johann Hinrich Meyer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Henry Meyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Richard Koepke, as administrator, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6908; Filed, July 22, 1947; 8:49 a. m.]

[Vesting Order 9356]

ANNA SCHLESINGER

In re: Estate of Anna Schlesinger, deceased. File No. D-28-10412; E. T. sec. 14839.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eleonore von Crailsheim, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Anna Schlesinger, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the President and Directors of the Manhattan Company, as executors, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6909; Filed, July 22, 1947; 8:49 a. m.]

[Vesting Order 9360]

HENRY CLAUSEN

In re: Estate of Henry Clausen, deceased. File D-28-11572; E. T. sec. 15789.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsie Fleck, Dora Jurgensen, Max Clausen, Helen Setzkorn, Willy Clausen and Anna Tams, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind of character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Henry Clausen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Hans J. Clausen, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Spokane;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6910; Filed, July 22, 1947; 8:49 a. m.]

[Vesting Order 9361]

HUGO ECKART

In re: Estate of Hugo Eckart, deceased. File D-28-11644; E. T. sec. 15857.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Johanna Blasing and Otto Eckart, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Hugo Eckart, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Anne Hodge Reese, as administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6911; Filed, July 22, 1947; 8:50 a. m.]

[Vesting Order 9362]

HUGO M. FRIEDRICHSEN

In re: Estate of Hugo M. Friedrichsen, deceased. File D-28-10686; E. T. 15032.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Badewitz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Hugo M. Friedrichsen, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Earl V. Cline, as executor, acting under the judicial supervision of the District Court of the Thirteenth Judicial District of the State of Montana, in and for the County of Yellowstone;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6912; Filed, July 22, 1947; 8:50 a. m.]

[Vesting Order 9367]

DEUTSCHE BANK

In re: Debt owing to Deutsche Bank. F-28-852-G-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Bank, the last known address of which is Berlin W 8, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Deutsche Bank, by The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, as Trustee, (Successor to The Equitable Trust Company of New York) including particularly but not limited to the amount of $63,570.33, as of June 2, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 47-6914; Filed, July 22, 1947; 8:50 a. m.]

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FEDERAL REGISTER

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Washington, Friday, July 25, 1947

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

Sec.
904.0 Findings and determinations.
904.1 Definitions.
904.2 Market administrator.
904.3 Classification of milk and other fluid milk products.
904.4 Determination of pool plant status.
904.5 Assignment of receipts to Class I milk and Class II milk.
904.6 Reports of handlers.
904.7 Minimum class prices.
904.8 Minimum blended prices to producers.
904.9 Payments for milk.
904.10 Payment to cooperative associations.
904.11 Payments of administration expense.
904.12 Effective time, suspension, or termination.
904.13 Agents.

AUTHORITY: §§ 904.0 to 904.13, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq., Sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534.

§ 904.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area; and the decision (12 F. R. 4402) was made, with respect to amendments by the Secretary on June 30, 1947. Upon the basis of the evidence introduced at such hearings and the record thereof, it was found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest, and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to give producers immediately some assurance of a substantial seasonal increase in prices as an incentive to a needed increase in milk production during the fall and winter months of 1947-48. Any delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Greater Boston, Massachusetts, marketing area and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this

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order, as amended and as hereby further amended, which is marketed within the Greater Boston, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this amended order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this amended order is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1947), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the first day of August 1947, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 904.1 *Definitions.* The following words and phrases shall have the following meanings unless the context otherwise requires.

(a) *General.* (1) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) "Greater Boston, Massachusetts, marketing area," also referred to as the "marketing area," means the territory included within the boundary lines of the following Massachusetts cities and towns.

Arlington.	Newton.
Belmont.	Peabody.
Beverly	Quincy.
Boston.	Reading.
Braintree.	Revere.
Brookline.	Salem.
Cambridge.	Saugus.
Chelsea.	Somerville.
Dedham.	Stoneham.
Everett.	Swampscott.
Lexington.	Wakefield.
Lynn.	Waltham.
Malden.	Watertown.
Marblehead.	Wellesley.
Medford.	Weymouth.
Melrose.	Winchester.
Milton.	Winthrop.
Nahant.	Woburn.
Needham.	

(3) "Month" means a calendar month.

(4) "Marketing year" means the twelve month's period from August 1 of each year through July 31 of the following year.

(5) "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

(b) *Persons.* (1) "Person" means any individual, partnership, corporation, association, or any other business unit.

(2) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(3) "Market administrator" means the agency which is described in § 904.2.

(4) "Dairy farmer" means any person who delivers milk of his own production to a plant, except a producer-handler in respect to his deliveries in packaged form to another handler.

(5) "Segregated dairy farmer" means a dairy farmer whose milk is kept separate from the supply for the marketing area.

(6) "Dairy farmer for other markets" means any dairy farmer, except a segregated dairy farmer, whose milk is received by a handler at a pool plant during April, May, June, or July from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of August through March. The term shall not include a person who was a producer-handler or a person delivering to a New York order pool plant during any of the preceding months of August through March.

(7) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a segregated dairy farmer. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to one of the handler's nonpool plants, if the handler, in filing his monthly report pursuant to § 904.6 (a), reports the milk as receipts from a producer and as Class I milk at such pool plant.

(8) "Handler" means any person who, in a given month, operates a pool plant, or engages in the handling of milk or other fluid milk products which are received at any plants from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(9) "Pool handler" means any handler who receives milk from producers at a pool plant.

(10) "Buyer-handler" means any handler who operates a bottling or processing plant from which Class I milk is disposed of in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(11) "Producer-handler" means any person who is both a handler and a dairy farmer and who receives milk of his own production only from farms located within 80 miles of the State House in Boston, and who receives no milk from other dairy farmers except producer-handlers or segregated dairy farmers.

(12) "Dealer" means any person who engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(13) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

(c) *Plants.* (1) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(2) "City plant" means any plant which is located not more than 40 miles from the State House in Boston.

(3) "Country plant" means any plant which is located more than 40 miles from the State House in Boston.

(4) "Receiving plant" means any milk plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(5) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in § 904.4 for being considered a pool plant in that month.

(6) "Regulated plant" means any pool plant; any of a pool handler's plants which is located in the marketing area and from which Class I milk is disposed of in the marketing area; and any plant operated by a handler in his capacity as a buyer-handler or producer-handler.

(7) "Distributing plant" means any plant from which Class I milk in the form of milk is disposed of to consumers in the marketing area without intermediate movement to another plant.

(8) "New York order pool plant" means any plant designated as a pool plant in accordance with the provisions of Order No. 27, issued by the Secretary, regulating the handling of milk in the New York metropolitan marketing area.

(d) *Milk and milk products.* (1) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(2) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term "cream" also includes sour cream, frozen cream, and milk and cream mixtures containing 16 percent or more of butterfat.

(3) "Skim milk" means that fluid product of milk which remains after the

removal of cream, and which contains less than one-half of 1 percent of butterfat.

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, and buttermilk, either individually or collectively.

(5) "Pool milk" means milk, including fluid milk products derived therefrom which a handler has received as milk from producers.

(6) "Outside milk" means:

(i) All milk received from dairy farmers for other markets;

(ii) All nonpool milk, including other fluid milk products derived therefrom except cream, which is received at a regulated plant from any unregulated plant, except receipts from a New York order pool plant and receipts of emergency milk; and

(iii) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant without its intermediate movement to another plant.

(7) "Emergency milk" means fluid milk products, other than cream, received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

§ 904.2 *Market administrator*—(a) *Selection, removal, and bond.* The market administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as may be determined by the Secretary.

(c) *Powers.* The market administrator shall have the following powers with respect to this part:

(1) To administer its terms and provisions;

(2) To make rules and regulations to effectuate its terms and provisions;

(3) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(4) To recommend to the Secretary amendments to it.

(d) *Duties.* The market administrator, in addition to the duties described in the other sections of this part, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for in this part;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person, who within 15 days after date upon which he is required to perform such acts, has not made reports pursuant to § 904.6, or made payments pursuant to § 904.9;

(6) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status, for the first month of the marketing year in which the plant's status has changed or is changing to that of a nonpool plant;

(7) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(8) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties; and

(9) Pay, out of the funds provided by § 904.11,

(i) The cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator,

(ii) His own compensation, and

(iii) All other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

(e) *Responsibility.* The market administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler, or to any other person, for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own willful misfeasance, malfeasance, or dishonesty.

§ 904.3 *Classification of milk and other fluid milk products*—(a) *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to the other provisions of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(2) Class II milk shall be all fluid milk products the utilization of which is established:

(i) As being sold, distributed, or disposed of other than as or in milk; and other than as or in flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(ii) As plant shrinkage, not in excess of 2 percent of the volume handled.

(b) *Classification of milk and milk products utilized at regulated plants of pool handlers.* All milk and milk products received at a regulated plant of any pool handler shall be classified in accordance with their utilization at such plant, except as provided otherwise in paragraph (c) of this section.

(c) *Classification of fluid milk products, other than cream, moved to other plants.* Milk, flavored milk, skim milk, cultured or flavored skim milk, or buttermilk which is moved from the regulated plant of a pool handler to any other plant shall be classified as follows:

(1) If moved to any other regulated plant, it shall be classified in accordance with its utilization at the plant to which it is moved.

(2) If moved to an unregulated plant, it shall be classified as Class I milk up to the total quantity of milk, or the corresponding milk product so moved, which is utilized as Class I milk at the unregulated plant.

(3) If moved to a regulated plant of a nonpool handler or to an unregulated plant, and thence to another such plant, it shall be classified as Class I milk.

(d) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

§ 904.4 *Determination of pool plant status*—(a) *Basic requirements for pool plant status.* Subject to the provisions of paragraph (b) of this section, each receiving plant shall be a pool plant in the first month in which the handler operates it in conformity with the basic requirements specified in this paragraph, and shall thereafter be a pool plant for the remaining months of the marketing year in which it is operated by the same handler. The basic requirements for acquiring pool plant status shall be as follows:

(1) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, section 16, of the Massachusetts General Laws.

(2) The handler holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(3) Class I milk in the form of milk is disposed of in the marketing area from the plant.

(4) The handler's total Class I milk in the marketing area exceeds 10 percent of his total receipts of fluid milk products other than cream.

(b) *Conditions resulting in nonpool plant status.* (1) Each plant which has acquired pool plant status but from which no Class I milk in the form of milk is disposed of in the marketing area for two successive months in the marketing year shall be a nonpool plant in the second of the two months and for each consecutive succeeding month of the marketing year during which no such Class I disposition is made.

(2) Each nondistributing plant for which the market administrator has received on or before the 16th day of the preceding month the handler's written request for nonpool plant designation shall be a nonpool plant in each month of the marketing year to which the request applies.

(3) Each city distributing plant operated by a handler who operates no other plant which is a pool plant in the same month shall be a nonpool plant in any month in which the handler's total Class I milk in the marketing area does not exceed 10 percent of his total receipts of fluid milk products other than cream.

(4) Each plant which is operated as the plant of a producer-handler shall be a nonpool plant in any month in which it is so operated.

(5) Each plant which is operated as a New York order pool plant or as a plant from which emergency milk is received shall be a nonpool plant during the month or portion of a month of such operation.

(6) Each of a handler's plants which is a nonpool receiving plant during any of the months of August through March shall be a nonpool plant in any of the months of April through July of the same marketing year in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during August through March was in the handler's capacity as a producer-handler or as the operator of a New York order pool plant which had been acquired by him after June 30 of the immediately preceding marketing year.

(c) *Disposition of Class I milk in the form of milk in the marketing area.* For the purposes of this section, each plant from which milk is moved at some time during the month to another plant from which Class I milk in the form of milk is disposed of in the marketing area shall itself be considered to have made such a disposition, except that no movement of milk to any unregulated nondistributing plant shall be considered a disposition of Class I milk in the form of milk in the marketing area.

(d) *Total receipts of fluid milk products other than cream.* For the purposes of this section, each handler's total receipts of fluid milk products other than cream, referred to in this paragraph as "total receipts," shall be determined as follows:

(1) For each month of the marketing year until and including the first month in which the handler is a pool handler, his total receipts shall be the receipts at all plants from which Class I milk in the form of milk is disposed of in the marketing area, except his receipts from segregated dairy farmers and his receipts at any plant which fails to meet the applicable standards set forth in subparagraphs (1) and (2) of paragraph (a) of this section or which is a nonpool plant pursuant to subparagraph (2) of paragraph (b) of this section.

(2) For each of the other months of the marketing year, the handler's total receipts shall be the total receipts determined pursuant to subparagraph (1) of this paragraph plus the receipts at any other of his plants which is a pool plant in such month.

§ 904.5 *Assignment of receipts to Class I milk and Class II milk*—(a) *General provisions.* Except as provided in the other paragraphs of this section, all receipts of fluid milk products, other than receipts from producers, shall be assigned to Class I milk or Class II milk as follows:

(1) Receipts as to which Class II use is established shall be assigned to Class II milk.

(2) All other receipts shall be assigned to Class I milk.

(b) *Receipts of cream and other milk products.* All receipts of cream, and milk products other than fluid milk products, shall be assigned to Class II milk.

(c) *Receipts of skim milk from producer-handlers.* Skim milk received from a producer-handler shall be assigned to Class II milk, except that if the specific Class I use of the skim milk is established, it shall be assigned to Class I milk.

(d) *Receipts of outside milk.* All receipts of outside milk shall be considered as receipts of Class II milk, and shall be assigned to that class without regard to the specific use of such receipts.

(e) *Receipts from New York order pool plants.* Except as provided in paragraph (f) of this section, receipts of fluid milk products, other than cream, from New York order pool plants shall be assigned to Class I milk or Class II milk as follows:

(1) All receipts during the months of April through July, inclusive, shall be assigned to Class II milk.

(2) Receipts of milk and flavored milk during the months of August through March, inclusive, shall be assigned to Class I milk when classified in Classes I–A, I–B, or I–C under the New York order, except that the quantity as to which specific Class II use is established shall be assigned to Class II milk.

(3) Receipts of skim milk, cultured or flavored skim milk, or buttermilk during the months of August through March, inclusive, shall be assigned to Class II milk, except that if the quantity so received is in excess of the total quantity of the corresponding milk product classified as Class II milk at the plant of receipt, such excess shall be assigned to Class I milk.

(f) *Receipts of emergency milk.* (1) Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products, other than cream, handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this subparagraph, the handler's total Class II milk and total volume handled shall be the total of the respective quantities from the first day on which emergency milk is received by the handler during the month up to and including the last such day in the month.

(2) If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity assigned to Class II milk pursuant to subparagraph (1) of this paragraph, such greater quantity shall be assigned to Class II milk in lieu of the quantity determined under that subparagraph.

(3) Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

§ 904.6 *Reports of handlers*—(a) *Monthly reports of pool handlers.* On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(2) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to § 904.5;

(3) The receipts of outside milk at each plant; and

(4) The respective quantities which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to § 904.3.

(b) *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

(c) *Reports regarding individual producers.* (1) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(2) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(d) *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer pay roll for such month, which shall show for each producer:

(1) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(2) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(e) *Outside cream purchases.* Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from nonpool handlers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

(f) *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month.

(g) *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this section or for the purpose of obtaining the information required in any such report where it has been requested and has not

been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in reports submitted in accordance with this section;

(2) Weigh, sample, and test milk and milk products; and

(3) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

§ 904.7 *Minimum class prices*—(a) *Class I prices.* (1) Each pool handler shall pay producers, in the manner set forth in § 904.9 and subject to the differentials set forth in paragraph (c) of this section, for Class I milk delivered by them, not less than the price per hundredweight determined for each month as follows:

(i) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market.

(ii) Using the midpoint of any range as one quotation, compute the average of all the hot roller process dry skim milk quotations per pound for "other brands, animal feed, carlots, bags, or barrels," and for "other brands, human consumption, carlots, bags, or barrels," published during the 30 days ending on the 24th day of the immediately preceding month in "The Producers' Price Current"; subtract 4 cents; and multiply the remainder by 1.8.

(iii) Add the values determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Value computed pursuant to (iii) of this subparagraph (cents)		Class I price (dollars per cwt.)	
At least—	But less than—	April through June	July through March
0	25	1.99	2.14
25	30	1.91	2.35
30	35	2.13	2.57
35	40	2.35	2.79
40	45	2.57	3.01
45	50	2.79	3.23
50	55	3.01	3.45
55	60	3.23	3.67
60	65	3.45	3.89
65	70	3.67	4.11
70	75	3.89	4.33
75	80	4.11	4.55
80	85	4.33	4.77
85	90	4.55	4.99
90	95	4.77	5.21
95	100	4.99	5.43
100	105	5.21	5.65

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from further extension of this table.

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month; and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than $4.77 per hundredweight for the month of August 1947 and shall not be less than $5.21 per hundredweight for each of the months of September through December 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

(2) For the purpose of this section, each pool handler's Class I milk during the month, after excluding receipts assigned to Class I milk pursuant to § 904.5, shall be allocated to his plants as follows:

(i) His Class I milk first shall be considered to have been the receipts at his city plants of milk from producers' farms, and of outside milk.

(ii) Thereafter, his Class I milk shall be considered to have been the receipts at his country plants of that milk received from producers' farms, and that outside milk, which was shipped as fluid milk products, other than cream, from each of his country plants, in the order of the nearness of the plants to Boston. However, shipments to plants located in the States of Maine, New Hampshire, Vermont, or New York, with respect to which utilization as Class II milk is established, shall not be allocated to Class I milk.

(b) *Class II prices.* Each pool handler shall pay producers, in the manner set forth in § 904.9 and subject to the differentials set forth in this section, for Class II milk delivered by them, not less than the price per hundredweight calculated by the market administrator for each month by combining in one sum such of the following computations as apply:

(1) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, multiply this result by 3.7, and subtract 27 cents.

(2) For any month for which no cream price as described in subparagraph (1) of this paragraph is reported, multiply the average price reported for such month by the United States Department of Agriculture for U. S. Grade A (U. S. 92–score) butter at wholesale in the Chicago market by 1.4, multiply this result by 3.7, and subtract 27 cents.

(3) Compute any plus amount for skim milk value which results from the following calculation. Using the midpoint in any range as one price, compute the average price per pound or nonfat dry milk solids in carlots for roller process human food products in barrels, and for hot roller process animal food products in bags, as published during the month by the United States Department of Agriculture for New York City. Multiply each such average price by the applicable percentage indicated for the month in the following table and combine the results; subtract 4 cents; and multiply the remainder by 7.5.

Month	Human food products	Animal food products
	Percent	*Percent*
January	100	----
February	100	----
March	50	50
April	50	50
May	25	75
June	25	75
July	50	50
August	75	25
September	75	25
October	100	----
November	100	----
December	100	----

(c) *Plant handling and transportation differentials.* The minimum prices set forth in paragraphs (a) and (b) of this section shall be subject to the differentials contained in the following table for the zone applicable to the plant at which the milk is received from producers. For each country plant the zone shall be determined in accordance with the railroad freight mileage distance to Boston from the railroad shipping point for such plant. In case the rail tariff for the transportation of milk in carlots in tank cars, as published in the New England Joint Tariff, M–5, is increased or decreased, the differentials set forth in Column B for zones other than 201–210 miles shall be increased or decreased to the extent of any increase or decrease in the difference between the rail tariff for mileage distances of 201–210 miles inclusive and for the other applicable distances. Such adjustment shall be made to the nearest one-half cent per hundredweight, effective with the first complete month in which such increase or decrease in the rail tariff applies. For the purpose of this paragraph, it shall be considered that the rail tariff on milk received at a city plant is zero.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICE

A	B	C
Zone (miles)	Class I price differentials (cents per cwt.)	Class II price differentials (cents per cwt.)
City plant	+16.0	----
11–50	+12.0	----
51–60	+11.0	----
61–70	+10.5	----
71–80	+9.5	----
81–90	+9.0	----
91–100	+8.5	----
101–110	+8.5	----
111–120	+7.5	----
121–130	+7.5	----
131–140	+6.5	----
141–150	+6.5	----
151–160	+5.5	----
161–170	+5.0	----
171–180	+4.0	----
181–190	+4.0	----
191–200	+3.0	----
201–210	0	0
211–220	−2.5	----
221–230	−2.0	----
231–240	−1.5	----
241–250	−1.5	----
251–260	−5.5	----
261–270	−6.0	----
271–280	−6.5	----
281–290	−7.0	----
291–300	−8.0	----
301–310	−11.0	----
311–320	−11.0	----
321–330	−12.0	----
331–340	−12.0	----
341–350	−12.5	----
351–360	−13.5	----
361–370	−13.5	----
371–380	−14.0	----
381–390	−14.0	----
391 and over	−14.0	----

[1] No differential.

(d) *Butter and cheese adjustment.* During the months of April, May, June, and July the value of a pool handler's milk computed pursuant to § 904.8 (a) (2) shall be reduced by an amount determined as follows:

(1) Using the midpoint of any range as one price, compute the average of the daily prices for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market which are reported during the month by the United States Department of Agriculture, deduct 5 cents, and add 20 percent.

(2) Divide by 3.7 the value determined as applicable to milk delivered to country plants in the 201–250 freight mileage zone pursuant to subparagraph (1) or (2) of paragraph (b) of this section, whichever applies, and subtract therefrom the value determined in subparagraph (1) of this paragraph. The result is the butter and cheese differential.

(3) Determine the pounds of butterfat in Class II milk received from producers, which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(4) Subtract such portion of the quantity determined in subparagraph (3) of this paragraph as was disposed of by the handler or such second person in a form other than salted butter or one of the designated types of cheese.

(5) Multiply the remaining pounds of butterfat determined pursuant to subparagraph (4) of this paragraph by the butter and cheese differential determined pursuant to subparagraph (2) of this paragraph.

(e) *Use of equivalent prices in formulas.* If for any reason a price for any milk product specified by this section or § 904.9 (d) for use in computing class prices and for other purposes is not reported or published in the manner described by this section or § 904.9 (d), the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

(f) *Announcement of class prices and differentials.* The market administrator shall make public announcements of the class prices and differentials in effect pursuant to this section, as follows:

(1) He shall announce any change in the Class I price on the 25th day of the month preceding the month in which such change is effective.

(2) He shall announce the Class II price and the butter and cheese differential on or before the 5th day after the end of each month.

§ 904.8 *Minimum blended prices to producers*—(a) *Computation of value of milk received from producers.* For each month, the market administrator shall compute the value of milk received from producers which is sold, distributed, or used by each pool handler, in the following manner:

(1) Multiply the quantity of milk in each class by the price applicable pursuant to § 904.7 (a) and (b); and

(2) Add together the resulting value of each class.

(3) Adjust the value determined in subparagraph (2) of this paragraph as provided in § 904.7 (d).

(b) *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(1) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section, for each pool handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to § 904.9 (b) (2) and (g) for milk received during each month since the effective date of the most recent amendment of this part;

(2) Add the total amount of payments required from handlers pursuant to § 904.9 (g);

(3) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to § 904.9;

(4) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 904.9 (e);

(5) Subtract the total amount of cooperative payments required by § 904.10 (b);

(6) Divide by the total quantity of milk for which a value is determined pursuant to subparagraph (1) of this paragraph;

(7) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in § 904.9. This result shall be known as the basic blended price for milk containing 3.7 percent butterfat.

(c) *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(1) Such of these computations as do not disclose information confidential pursuant to the act;

(2) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 904.9 (e); and

(3) The names of the pool handlers, designating those whose milk is not included in the computations.

§ 904.9 *Payments for milk*—(a) *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this paragraph shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by subparagraph (1) of paragraph (b) of this section.

(b) *Final payments.* On or before the 25th day after the end of each month, each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 904.8 (a), as follows:

(1) To each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in paragraphs (d) and (e) of this section, for the quantity of milk delivered by such producer; and

(2) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments required to be made pursuant to subparagraph (1) of this paragraph are less than or exceed the value of milk as required to be computed for such handler pursuant to § 904.8 (a), as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

(c) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to subparagraph (2) of paragraph (b) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by this section, the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

(d) *Butterfat differential.* Each pool handler shall, in making the payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10: *Provided*, That if no such cream price is reported, multiply the average price reported for such period by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the Chicago market by 1.4, subtract 1.5 cents, and divide the result by 10.

(e) *Location differentials.* The payments to be made to producers by handlers pursuant to subparagraph (1) of

paragraph (b) of this section shall be subject to the differentials set forth in Column B of the table in § 904.7 (c), and to further differentials as follows:

(1) With respect to milk delivered by a producer whose farm is located more than 40 miles but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to § 904.7 (a) and (c) which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(2) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to § 904.7 (a) and (c) which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(f) *Other differentials.* In making the payments to producers set forth in subparagraph (1) of paragraph (b) of this section, pool handlers may make deductions as follows:

(1) With respect to milk delivered by producers to a city plant which is located outside the marketing area and more than 14 miles from the State House in Boston, 10 cents per hundredweight;

(2) With respect to milk delivered by producers to a country plant, at which plant the average daily receipts of milk from producers are:

(i) Less than 17,000 but greater than 8,500 pounds, 4 cents per hundredweight; and

(ii) 8,500 pounds or less, 8 cents per hundredweight.

(g) *Payments on outside milk.* (1) Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity to producers, through the market administrator, at the difference between the price pursuant to § 904.7 (a) and the price pursuant to § 904.7 (b) effective for the location or freight mileage zone of the plant at which the handler received the outside milk.

(2) Within 23 days after the end of each month, each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment to producers, through the market administrator, on the quantity so disposed of. The payment shall be at the difference between the price pursuant to § 904.7 (a) and the price pursuant to § 904.7 (b) effective for the location or freight mileage zone of the handler's plant.

(h) *Adjustment of overdue accounts.* Any balance due pursuant to this section, for any month since August 1, 1937, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 11th day of such month.

(i) *Statements to producers.* In making the payments to producers prescribed by subparagraph (1) of paragraph (b) of this section, each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month, and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (b), (d), and (e) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under paragraph (f) of this section and § 904.10, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 904.10 *Payment to cooperative associations*—(a) *Application and qualification for cooperative payments.* Any cooperative association of producers duly organized under the laws of any state may apply to the Secretary for a determination that it is qualified to receive cooperative payments in accordance with the provisions of this section. Upon notice of the filing of such an application, the market administrator shall set aside for each month, from the funds provided by handlers' payments to the market administrator pursuant to § 904.9, such amount as he estimates is ample to make payment to the applicant, and hold it in reserve until the Secretary has ruled upon the application. The applicant association shall be considered to be a qualified association entitled to receive such payments from the date fixed by the Secretary, if he determines that it meets all of the following requirements.

(1) It conforms to the requirements relating to character of organization, voting, dividend payments, and dealing in products of nonmembers, which are set forth in the Capper-Volstead Act and in the state laws under which the association is organized.

(2) It operates as a responsible producer-controlled marketing association exercising full authority in the sale of the milk of its members.

(3) It systematically checks the weights and tests of milk which its members deliver to plants not operated by the association.

(4) It guarantees payment to its members for milk delivered to plants not operated by the association.

(5) It maintains, either individually or together with other qualified associations, a competent staff for dealing with marketing problems and for providing information to its members.

(6) It constantly maintains close working relationships with its members.

(7) It collaborates with similar associations in activities incident to the maintenance and strengthening of collective bargaining by producers and the operation of a plan of uniform pricing of milk to handlers.

(8) It is in compliance with all applicable provisions of this order.

(b) *Cooperative payments.* On or before the 25th day after the end of each month, each qualified association shall be entitled to receive a cooperative payment from the funds provided by handlers' payments to the market administrator pursuant to § 904.9. The payment shall be made under the conditions and at the rates specified in this paragraph, and shall be subject to verification of the receipts and other items upon which such payment is based.

(1) Each qualified association shall be entitled to payment at the rate of 1 cent per hundredweight on the milk which its producer members deliver to the plant of a handler other than a qualified association; except on milk delivered by a producer who is also a member of another qualified association, and on milk delivered to a handler who fails to make applicable payments pursuant to § 904.9 (b) (2) and § 904.11 within 10 days after the end of the month in which he is required to do so. If the handler is required by paragraph (e) of this section to make deductions from members of the association at a rate lower than 1 cent per hundredweight, the payment pursuant to this subparagraph shall be at such lower rate.

(2) Each qualified association shall be entitled to payment at the rate of 2 cents per hundredweight on milk received from producers at a plant operated by that association.

(c) *Reports relating to cooperative payments.* Each qualified association shall, upon request by the market administrator, make reports to him with respect to its use of cooperative payments and its performance in meeting the requirements set forth as the basis for such payments, and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) *Suspension of cooperative payments.* Whenever there is reason to believe that an association is no longer meeting the qualification requirements, the market administrator shall, upon request by the Secretary, suspend cooperative payments to it, and shall give the association written notice of the suspension. Such suspended payments shall be held in reserve until the Secretary has, after notice and opportunity for a hearing, ruled upon the performance of the association.

(e) *Deductions from payments to members.* (1) Each association which is entitled to receive cooperative payments on milk which its producer members deliver to a handler other than a qualified association may file a claim with the handler for amounts to be deducted from the handler's payments to such members. The claim shall contain a list of the producers, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer, authorizing the claimed deduction.

(2) In making payments to his producers for milk received during the month, each handler shall make deductions in accordance with the association's claim, and shall pay the amount deducted to the association within 25 days after the end of the month.

§ 904.11 *Payments of administration expenses.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 2.5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts of milk from producers and receipts of outside milk during the month.

§ 904.12 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions of this part, or any amendment to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The secretary may suspend or terminate this part or any of its provisions whenever he finds that this part or any of its provisions obstruct or do not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall:

(i) Continue in such capacity until removed by the Secretary;

(ii) From time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and

(iii) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 21st day of July 1947 to be effective on and after the 1st day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6978; Filed, July 24, 1947; 8:46 a. m.]

[Cauliflower Order 1]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

§ 910.302 *Cauliflower Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., 910.1 et. seq.), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh cauliflower, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 26, 1947, and ending at 12:01 a. m., m. s. t., August 10, 1947, no handler shall handle any lot of fresh cauliflower except cauliflower that meets the requirements of U. S. No. 1 Grade, as such grade is defined in the U. S. Standards for Cauliflower, issued by the United States Department of Agriculture, effective August 7, 1939, and that meets the following specifications: (i) The size shall be fairly uniform and shall be that which will pack not more than 14 nor less than 11 heads in a crate having inside dimensions of $8\frac{1}{2}'' \times 17\frac{1}{2} \times 21\frac{5}{8}''$; and (ii) each of such heads shall have an average diameter, exclusive of jacket leaves, of not less than 4 inches, and heads shall be packed at least fairly tight in the crate.

(2) As used in this section, the term "fairly uniform" means that the average diameters, exclusive of jacket leaves, of the several cauliflower heads contained in any crate of the inside dimensions mentioned above do not vary more than two (2) inches.

(3) As used in this section, the term "fairly tight" means that the cauliflower heads, when packed in a crate of the inside dimensions mentioned above, will have no more than a slight movement in such crate, but not so much that there will be any injury under ordinary handling conditions, and will not be loose enough to permit the addition of another head.

(4) As used in this section, the terms "cauliflower," "handler," and "handle" shall have the same meaning as when used in the amended marketing agreement and order. (49 Stat. 753, 50 Stat. 246; 7 U. S. C. 608c; 7 CFR Cum. Supp. 910.7)

Done at Washington, D. C., this 22d day of July 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7008; Filed, July 24, 1947; 8:48 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASS. MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 934.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area; and the decision (12 F. R. 4420) was made with respect to amendments by the Secretary on June

30, 1947. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest, and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to give producers immediately some assurance of a substantial seasonal increase in prices as an incentive to a needed increase in milk production during the fall and winter months of 1947–48. Any delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Lowell-Lawrence, Massachusetts, marketing area and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (Sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Lowell-Lawrence, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this amended order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1947), were engaged in the production of milk for sale in the said marketing area.

It is therefore ordered, That on and after the first day of August 1947, the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 934.6 (a) (1) delete the words "except that from the effective date hereof through February 1947 the price shall be not less than $5.70 per hundredweight: *Provided*, That for each delivery period or part thereof prior to February 1, 1947, which falls within any emergency period declared by market administrator of the order, as amended, regulating the handling of milk in the Greater Boston marketing area pursuant to § 904.3 (a) (14) of that order, the price shall be not less than $6.09."

2. Delete § 934.6 (a) (1) (iv) and substitute the following:

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Value computed pursuant to (iii) of this subparagraph (cents)		Class I price (dollars per cwt.)	
At least—	But less than—	April through June	July through March
0	25	2.15	2.59
25	30	2.37	2.81
30	35	2.59	3.03
35	40	2.81	3.25
40	45	3.03	3.47
45	50	3.25	3.69
50	55	3.47	3.91
55	60	3.69	4.13
60	65	3.91	4.35
65	70	4.13	4.57
70	75	4.35	4.79
75	80	4.57	5.01
80	85	4.79	5.23
85	90	5.01	5.45
90	95	5.23	5.67
95	100	5.45	5.89
100	105	5.67	6.11

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from an extension of this table.

3. Add three new subdivisions to § 934.6 (a) (1) as follows:

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month; and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than $5.23 per hundredweight for the month of August 1947 and shall not be less than $5.67 per hundredweight for each of the months of September through December 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

4. In § 934.6 add a new paragraph as follows:

(d) *Use of equivalent prices in formulas.* If for any reason a price for any milk product specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described by the order, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price which is specified.

5. In § 934.7 renumber paragraph (e) as (f), delete paragraphs (c) and (d), and add new paragraphs (c), (d), and (e) to read as follows:

(c) *Reports regarding individual producers.* (1) Within 7 days after a producer moves from one farm to another, or starts or resumes deliveries to a handler's plant, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering immediately prior to starting or resuming deliveries.

(2) Within 7 days after the 5th consecutive day on which a producer has failed to deliver to a handler's plant, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(d) *Reports of payments to producers.* Each handler shall submit to the market administrator within 5 days after his request, made not earlier than 14 days after the end of the delivery period, his producer pay roll for such delivery period which shall show for each producer:

(1) The daily and total pounds of milk delivered with the average butterfat test thereof and

(2) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(e) *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month.

6. Revise § 934.8 (c) to read as follows:

(c) *Milk subject to the Greater Boston order.* The provisions hereof shall not apply, except as provided in § 934.5 and § 934.7, to the handling of milk which is received from a plant which is a regulated plant, as defined in the order of the Secretary regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, or which is received from a person who is a producer, as defined in that order.

7. Revise § 934.9 (b) (2) to read as follows:

(2) Subtract any amounts which the handler is required to pay on such milk pursuant to those provisions of the order of the Secretary regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (i) which requires a handler under that order who operates an unregulated plant from which outside milk is disposed of to consumers in the Greater Boston, Massachusetts, marketing area, without intermediate movement to another plant, to make payments to producers as defined in that order, through the administrator of that order, on the quantity so disposed of, and (ii) which require payments for administrative expense under that order; and

8. Delete § 934.12 and substitute therefor the following:

§ 934.12 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler, except as set forth in § 934.8 (a) shall, on or before the 18th day after the end of each delivery period, pay to the market administrator 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all milk received by him during such delivery period, from producers, from his own production, and with respect to milk or skim milk received from the type of handler described in § 934.8 (f) and moved to the marketing area.

9. Delete § 934.15.

(48 Stat. 31, 67, 675; 49 Stat. 750; 50 Stat. 246, 7 U. S. C., 601 et seq., Sec. 102, Reorg. Plan I of 1947, 12 F. R. 4534)

Issued at Washington, D. C., this 21st day of July 1947, to be effective on and after the 1st day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6981; Filed, July 24, 1947; 8:46 a. m.]

PART 965—MILK IN CINCINNATI, OHIO, MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 965.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held on March 3, 1947, upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area; and the decision (12 F. R. 4517) was made, with respect to the amendments, by the Secretary on July 3, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to give producers immediately some assurance of a substantial seasonal increase in prices as an incentive to a needed increase in milk production during the fall and winter months of 1947–48. Any delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Cincinnati, Ohio, marketing area and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (See section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (April, 1947), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 965.6 (a) (1) and substitute therefor the following:

(1) The price for Class I milk shall be the price for Class III milk plus $1.05 for the delivery periods of April through July and $1.35 for the delivery periods of August through March: *Provided*, That for the delivery periods of July and August 1947 the price for Class I milk shall not be less than $4.80 and that for the delivery periods of September, October, November, and December 1947, such price shall not be less than $5.24: *And provided further*, That the Class I price for January 1948 shall not be less than the December 1947 Class I price minus $0.44 and that the February 1948 Class I price shall not be less than the January 1948 Class I price minus $0.44.

2. Delete § 965.6 (a) (2) and substitute the following:

(2) The price for Class II milk shall be the price for Class III milk plus $0.60 for the delivery periods of April through July and $0.90 for the delivery periods of August through March: *Provided*, That for the delivery periods of July and August 1947, the price for Class II milk shall not be less than $4.35 and that for the delivery periods of September, October, November, and December 1947 such price shall not be less than $4.79: *And provided further*, That the Class II price for January 1948 shall not be less than the December 1947 Class II price minus $0.44 and that the February 1948 Class II price shall not be less than the January 1948 Class II price minus $0.44.

Issued at Washington, D. C., this 21st day of July 1947, to be effective on and after the 25th day of July 1947. (48

Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246, 7 U. S. C., 601 et seq., Sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534)

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6979; Filed, July 24, 1947; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-7]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

ISSUANCE OF AIR CARRIER OPERATING CERTIFICATES FOR ALASKAN AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of July 1947.

The purpose of this amendment is to permit Alaskan air carriers who are unable to fully comply with the provisions of Part 41 to operate until October 31, 1948.

Alaskan air carriers are unable to meet all the requirements of Part 41, principally with respect to airport spacings, weather reporting facilities, and communications and navigational facilities. These carriers are, however, performing a much needed transportation service and under present operating practices an acceptable degree of safety has been maintained. The public interest will best be served if the carriers are permitted to conduct operations under the terms of air carrier operating certificates which provide such deviations from Part 41 as the Administrator finds can be made with safety.

Effective August 18, 1947, Part 41 of the Civil Air Regulations is amended by adding a new section to read as follows:

§ 41.000 *Alaskan air carriers.* Whenever, upon investigation, the Administrator finds that the general standards of safety required for air carrier operations within the Territory of Alaska require or permit a deviation from any specific requirement of Part 41 for a particular operation or a class of operations for which an application for an air carrier operating certificate has been made, he may issue an air carrier operating certificate with appropriate changes, specifying therein the period during which such deviations may be permitted. The Administrator shall promptly notify the Board of any deviations included in the air carrier operating certificates and the reasons therefor. All certificates issued under the authority of this section shall terminate not later than October 31, 1948. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-7014; Filed, July 24, 1947; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5110]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

S & S TIE CO.

§ 3.72 (n 10) *Offering deceptive inducements to purchase or deal—Terms and conditions;* § 3.72 (p) *Offering deceptive inducements to purchase or deal—Undertakings, in general.* In connection with the offering for sale, sale, and distribution in commerce, of materials, patterns or instructions for making neckties or other articles, representing, directly or by implication, (1) that a contract of sale is a contract for services; or otherwise misrepresenting the character or terms of contracts offered; or, (2) that materials for processing will be furnished in sufficient quantities to afford continuous or profitable employment without any charge in addition to a stated payment, unless this is in fact done; prohibited. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, S & S Tie Company, Docket 5110, June 5, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of June A. D. 1947.

In the Matter of Joseph Schecter and Arnold Stockenberg, Copartners, Trading as S & S Tie Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into upon the record between counsel for the Federal Trade Commission and the respondents which provides, among other things, that the Commission may proceed on said statement of facts to make its report stating its findings as to the facts (including inferences which it may draw from said stipulated facts) and its conclusion based thereon and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs or of a report upon the evidence by the trial examiner, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Joseph Schecter, an individual, and Arnold Stockenberg, an individual, jointly or severally, trading as S & S Tie Company or trading under any other name, their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of materials, patterns, or instructions for making neckties or other articles, do forthwith cease and desist from representing, directly or by implication:

1. That a contract of sale is a contract for services; or otherwise misrepresenting the character or terms of contracts offered.

2. That materials for processing will be furnished in sufficient quantities to afford continuous or profitable employment without any charge in addition to a stated payment, unless this is in fact done.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they are complying with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 47-6994; Filed, July 24, 1947; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

EXEMPTION OF CERTAIN TRANSACTIONS

JULY 25, 1947.

Amendment to General License No. 87 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to Foreign Funds Control.

Section 131.87 (General License No. 87) is hereby amended to read as follows:

§ 131.87 *Exemption from section 2A (2) of the order—(a) Transactions exempted from section 2A (2) of the order.* A general license is hereby granted exempting all transactions from the provisions of section 2A (2) of the order, except transactions with respect to scheduled securities as defined in General Ruling No. 5.[1] (Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, February 19, 1946, June 28, 1946, and January 1, 1947; 31 CFR, Cum. Supp., 130.1-7. 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-6984; Filed, July 24, 1947; 8:47 a. m.]

[1] *Infra.*

APPENDIX A TO PART 131—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

IMPORTATION OR RECEIPT OF SECURITIES FROM FOREIGN COUNTRIES

JULY 25, 1947.

Amendment to General Ruling No. 5 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to Foreign Funds Control.

Part 131, Appendix A, General Ruling No. 5 is hereby amended to read as follows:

(1) *Prohibitions with respect to bringing, receiving, or holding of scheduled securities.* Except as authorized herein, or as authorized by a license or other authorization of the Secretary of the Treasury, the following are prohibited:

(a) The sending, mailing, or otherwise bringing into the United States from any foreign country of any scheduled securities; or

(b) The receiving by any person in the United States of any scheduled securities mailed or otherwise sent directly to such person from any foreign country; or

(c) The receiving or holding in the United States of any scheduled securities by any individual (whether for himself or for any other person, including any corporation or other organization) having actual knowledge that such securities are scheduled securities: *Provided however*, (i) That no such individual shall be deemed to have such actual knowledge solely by reason of the publication in any manner of a list of such securities, or by reason of the fact that he has possession of a list of such securities, or by reason of any obligation express or implied to consult a list of such securities and (ii) that without limitation of the provisions of paragraph (2) hereof, the rights of any holder of scheduled securities who would otherwise be a bona fide holder shall not be affected or impaired hereby or by the publication hereof or of the list of scheduled securities.

(2) *Duty of persons bringing or receiving securities.* (a) Scheduled securities brought from a foreign country to the United States by any person entering the United States shall be forwarded by such person within five (5) days after his arrival in the United States to the Federal Reserve Bank of New York together with a statement in triplicate setting forth the following:

(i) His name and address;

(ii) A complete description of the securities;

(iii) The name and address of the person from whom he received the securities and the date of receipt; and

(iv) The circumstances under which the securities were received.

(b) Scheduled securities mailed or otherwise sent from a foreign country directly to any person in the United States shall be forwarded by such person within five (5) days after receipt thereof to the Federal Reserve Bank of New York together with the above-specified statement in triplicate.

(c) Scheduled securities delivered to any individual (whether for himself or for any other person, including any corporation or other organization) in the United States who, at the time he receives such securities has actual knowledge within the meaning of paragraph (1) (c) above that they are scheduled securities or who subsequently acquires such knowledge while the securities are still in his possession shall be forwarded by such individual within five (5) days after he acquires such securities or such knowledge, as the case may be, to the Federal Reserve Bank of New York, together with the above-specified statement, in triplicate: *Provided however*, (i) That the foregoing provision, insofar as it concerns the subsequent acquisition of such knowledge, shall not affect any person who holds such securities as security for any obligation owing to such person; and (ii) that any individual who would otherwise be required by the provisions of this subparagraph to forward securities to the Federal Reserve Bank of New York may return the securities to the person from whom he received them if such person is in the United States. The individual initiating such return shall file a report with the Federal Reserve Bank of New York giving the name and address of the person originally delivering such securities to him, and shall advise the person to whom he returns such securities that they are scheduled securities which should be deposited with the Federal Reserve Bank of New York pursuant to this ruling unless they are returned with a similar notice to a person in the United States from whom they were received. The last person in the United States to whom such securities are returned shall forward them to the Federal Reserve Bank of New York together with the statement in triplicate herein above provided. In case securities are returned under the rules of a securities exchange, an association of securities dealers, or a similar organization, the last person to whom such securities are returned under such procedure, although he may not be the last person to whom such securities are returned hereunder, shall file with the Federal Reserve Bank of New York the above-specified statement in triplicate with respect to his original receipt of the securities in question together with the date on which he returned such securities to the person from whom he received them.

Securities forwarded to the Federal Reserve Bank of New York or returned to the person from whom received, in compliance with this paragraph, shall not be deemed to have been received or held in violation of this general ruling by the person forwarding or returning such securities. Such securities nevertheless shall be subject to all other provisions hereof.

(3) *Duty of persons to whom securities tendered.* Any person to whom scheduled securities are offered or tendered for the purpose of effecting any transaction with respect thereto who refuses to receive or accept delivery thereof having actual knowledge that they are scheduled securities shall file with the Federal Reserve Bank of New York a statement in triplicate setting forth:

(a) His name and address;

(b) A complete description of the securities;

(c) The name and address of the person who offered or tendered such securities and the date thereof; and

(d) The circumstances under which the securities were offered or tendered.

(4) *Disposition of securities delivered to Federal Reserve Bank of New York.* Except as otherwise instructed by the Treasury Department, the Federal Reserve Bank of New York shall hold securities which are delivered pursuant to this general ruling until the Treasury Department is satisfied as to their status under the Order. Applications for release of securities so held may be filed with the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York shall act only as fiscal agent of the United States hereunder, and shall receive and hold securities delivered to it pursuant to this general ruling as such fiscal agent, subject to the further order of the Secretary of the Treasury.

(5) *Definition.* As used herein, the term "scheduled securities" shall include all securities appearing on the list appended hereto entitled "Scheduled Securities" and evidences thereof, including coupons appertaining thereto.

(Sec. 3 (a), 40 Stat. 412, sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1-7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

SCHEDULED SECURITIES

PART I—BONDS

S. A. Acieries Reunies de Burbach-Eich-Dudelange (A. R. B. E. D.)—5½% Sinking Fund—1926, 42:

$600

B 18528	B 20452	B 22519	B 27017
B 18857	B 20887	23400	27274
B 19060	B 21725	B 24441	27285
B 19469	B 22021	B 24867	27296
B 19410	B 22030	B 25055	D 27367
B 19437	B 22031	B 25842	B 27643
B 19513	B 22032	B 26514	28431
B 20165	B 22033	27015	B 28638
B 20228	22271	27016	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

S. A. Acieries Reunies de Burbach-Eich-Dudelange (A. R. B. E. D.)—5¼% Sinking Fund—1926/42—Continued.

$150

A 282	A 3578	A 4244	9994
A 283	A 3655	A 4315	11834
A 475	A 3656	A 9332	11835
1139	A 3657	A 9645	A 12561
A 3132	A 3658	A 9697	A 13444
3495	A 3754	A 9698	A 17224
3496	A 4237	9884	A 17637
3508	A 4243	A 9932	A 17638

American Foreign Power Company, Inc.—debenture gold 5% due 2030:

$1,000

7332	43592	46048	46537
24397	45452	46049	46578
37119	45584	46055	
37416	46003	46512	
40620	46045	46536	

$500

836 855 884 925

American I. G. Chemical Corporation—5½% Bonds 1929/49:

$1,000

10189

American Smelting & Refining Company—5% 1st mortgage 30-y Bonds:

$1,000

67 6177

American Telephone & Telegraph Company—3¼% Bonds 1936/66:

$1,000

20–884 80–540

American Telephone & Telegraph Company—5½% Bonds 1923/43:

$1,000

16002 95325 95326

American Waterworks and Electric Company, Incorporated—5% Bonds 1927/75:

$1,000

B 2615 B 2616 B 2949

Anaconda Copper Mining Company—4½% Bonds 1935/50:

$1,000

19523 43018 44112 50844

Antwerp, City of—External Sinking Fund gold 5% Loan of 1928—due 1958:

$1,000

222	2090	3512	6379
228	2091	3556	6416
354	2222	3601	6668
355	2223	3968	6914
451	2250	3971	6916
456	2298	4049	7020
749	2300	4134	7021
750	2355	4292	7038
751	2495	4576	7058
752	2560	4695	7881
783	2561	4949	7882
808	2654	5298	8366
1190	2730	5543	8725
1328	2861	5544	8740
1491	2863	5558	9001
1527	3231	5559	9002
1933	3233	5652	9245
1934	3339	5710	9449
1935	3434	6116	

$500

489	491	517	518
490	492		

A. R. B. E. D. (See first listing in this schedule.)

(S. A. Acieries Reunies de Burbach-Eich-Dudelange.)

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Argentine, Republic of—Sinking Fund 4% Conversion Loan due February 15, 1972:

$1,000

2074	25355	40104	55932
2291	25356	40146	55933
5145	28575	41905	56924
9665	28576	46680	58783
11423	28578	47653	59055
11426	30240	48702	59450
11442	30241	48788	59842
11443	31006	49054	59844
12550	31200	49702	59975
12551	31201	50332	60755
12552	31202	50333	60756
12553	33563	50334	60757
12568	34332	50335	60758
12574	34704	50336	60806
15840	34788	50337	60807
16957	35381	50338	60808
17180	35382	50339	62925
19003	35409	50340	62926
19004	35930	50341	62927
20230	35931	50342	62929
20254	35932	50343	64446
21613	35933	50344	66068
21614	39175	50345	67144
23930	39176	50346	67752
24179	39369	50349	68070
24724	39370	54547	68258
25347	40100	54548	68259
25348	40101	55213	68260
25352	40102	55930	68261
25353	40103	55931	68262

$500

1946

Argentine, Republic of—4½% 1938/48 (10 Y.):

$1,000

M 9539 M 24569 M 24570 M 24571

Argentine, Republic of—4½% Bonds 1936/71:

$1,000

1957 21947 21948

Argentine, Republic of—6% Bonds 1923/57:

$1,000

9988

Armour & Company of Delaware (Merged in 1943, Armour and Company) (Illinois)—4% Bonds 1935/55:

$1,000

MB 22525

Associated Gas & Electric Company—3¾% Bonds 1933/78:

$1,000

M 3952 M 14988 M 14987

Associated Gas and Electric Company—Sinking Fund Income Debenture 4% due 1978.

$1,000

402	3059	4184	5316
425	3603	4185	5317
621	3691	4332	5333
959	3692	4339	5777
990	3748	4356	5778
1042	3766	4357	6196
1118	3796	4365	6197
1187	3893	4374	6653
1188	3904	4379	6659
1316	3905	4380	6822
1473	3947	4381	6825
2118	3993	4382	6856
2413	4069	4383	7119
2482	4074	4384	7141
2844	4138	4385	
3057	4139	4862	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Associated Gas and Electric Corporation—Debenture 5½% due 1973:

$1,000

1202	10264	23333	32684
1263	14168	24073	33483
3272	14186	25055	34283
4273	14455	25420	34284
4286	14974	25495	34290
6416	15005	26348	34585
7293	15324	26588	35487
7545	16681	27510	36045
7777	18034	29238	39715
9491	18490	30039	
9904	18544	31183	

Atchison Topeka and Santa Fe Railway Company (The)—Convertible Gold 4% due 1955:

$1,000

753	11024	25383	37589
799	14849	25688	40045
1491	14887	32207	40103
1623	16027	32856	44100
2277	22143	33044	44716
3090	22157	36241	44717
4186	23167	36310	45067
4924	23555	36311	48032
5400	24247	37229	48037
7925	24877	37320	48082

Atchison Topeka and Santa Fe Railway Company (The)—Convertible Gold 4% due 1960:

$1,000

7916	32377	35431	38457
21581	32495	38234	
31503	33044	38297	

Atchison Topeka and Santa Fe Railway Company (The)—General Gold 4% due 1995:

$1,000

289	9685	16961	38151
644	9702	17965	38896
709	10015	18194	38925
770	10016	18507	39058
816	10018	20222	40441
918	10220	20306	40446
1297	10238	20425	40667
1706	10652	21746	41312
1863	11085	23035	42413
1865	11144	23191	43013
2023	11170	23737	43411
2206	11176	25016	44330
2531	11368	26188	45642
2917	11678	26636	46388
3252	11725	27475	47064
3432	11840	28368	47267
3522	11933	28382	48105
3869	11973	28599	48882
3952	12180	28968	49260
4481	12184	29967	49523
4645	12232	30199	51063
4707	12577	30228	51064
4708	13255	30883	51074
4966	13426	30884	53037
5466	13612	32365	53302
5610	13701	32479	53372
5721	13795	32546	53390
5843	14165	32679	53515
5890	14218	34112	54761
5918	14529	34235	55106
5990	14548	34425	55390
6195	14663	34564	55401
6298	14812	34609	55678
6517	14920	34812	56133
6518	14973	35110	56139
6519	15472	35163	56402
6562	15572	35210	56750
6728	15807	35987	57370
6929	15810	36019	59190
7445	15811	36130	59783
7610	15812	36139	60366
7793	15834	36620	60433
7889	16446	36699	60720
7956	16566	37723	60760
8861	16568	38088	60857
9545	16586	38095	60867

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Atchison, Topeka and Santa Fe Railway Company (The)—General Gold 4% due 1995—Continued.

$1,000—Continued

61404	73908	86839	105944
61850	74691	88091	106973
62065	74733	88536	107266
63031	74837	88538	111632
63484	76418	88738	111765
63557	76825	89661	111766
63740	77163	89953	112367
64036	77294	89954	112583
64102	77527	90033	112864
64136	77853	90163	113301
65283	77900	90262	113399
67164	77966	90263	114985
67184	78273	90267	114986
67508	78688	90660	115561
67631	78760	90765	116104
68341	79437	91051	116234
68457	79612	91280	116718
69730	79820	91363	116749
70026	79846	91937	116865
70098	79906	92109	117110
70552	80055	92702	117181
70867	80501	92834	117700
71539	80845	92891	119287
71853	80846	93671	119757
72149	81022	95974	120966
72192	81365	96009	121448
72340	81539	96519	121455
72419	81540	96766	122413
72477	81541	99516	122905
72931	81542	99611	123141
73024	81543	101069	123787
73255	81544	101144	124312
73434	81545	101188	124522
73437	82921	101685	125036
73438	83005	103626	125520
73504	83988	103678	
73715	84327	104056	
73900	84636	104057	

$500

350	5729	21110	40188
403	5730	21576	40254
1271	5788	21910	40611
1325	6133	23817	40883
1558	6654	23818	41071
1559	6802	24518	41072
2314	7102	26107	41073
2380	7110	28109	41074
3102	7181	30700	41076
3103	7259	31950	41676
3249	7624	31976	41812
3476	8272	32107	42239
3517	8660	32361	42391
3532	9273	33051	43044
3535	10252	33346	44215
3620	10740	33773	44308
3650	11198	34232	44412
3655	11670	35480	45006
3704	12436	35513	45239
3828	12621	37142	45240
3944	15579	37274	46449
4136	15734	37540	46895
4431	16884	38130	47725
4615	17349	38622	49293
4854	17805	39592	49615
5257	18965	39664	
5319	19228	40013	
5465	20907	40014	

Atchison Topeka & Santa Fe Railway Company (The)—4% 1895. Adjustment Gold Bonds due 1995:

$1,000

90	4080	70185	113760
437	9431	93413	119329
933	18984	93414	119330
975	54717	105237	125437
1193	70178	105238	125593
2425	70179	105239	

$500

8140	9803	36621	38015
9010	30340	37338	38293

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Atchison Topeka & Santa Fe Railway Company—4½% 1928. Convertible Debenture Gold Bonds, due 1948:

$500

1240

Australia, Commonwealth of—4½% Bonds 1928 due 1956:

$1,000

258	11468	16164	33684
388	13017	16888	33705
389	13153	17245	33997
419	13166	17246	33998
653	13767	17247	34218
660	14577	17257	34219
929	14578	17383	34231
977	14579	19338	34799
979	14580	19939	34816
2579	14581	20251	34817
2580	14582	20862	35499
2767	14583	20936	35500
2793	14584	20997	35715
2860	14852	20998	35716
3406	14853	20999	36293
3407	14854	21000	36294
3426	14967	22425	36295
3428	14968	23549	36296
3623	14969	23577	36718
4584	14970	23578	38004
4879	14971	23761	38718
6644	15014	23912	39531
8302	15015	25455	40596
8303	15016	25766	42306
9740	15017	26604	42343
9814	15018	27202	43872
9908	15019	30481	44858
9909	15020	31011	47066
9910	15175	31127	47907
11464	15343	31854	48194
11465	16156	31855	
11466	16161	32331	
11467	16163	32332	

Australia, Commonwealth of—5% Bonds 1925 due 1955:

$1,000

524	12111	12119	19051
526	12112	12120	21892
527	12113	13938	22879
528	12114	19046	26964
3902	12115	19047	26965
3903	12116	19048	40093
6932	12117	19049	42052
6933	12118	19050	70604

Australia, Commonwealth of—5% Bonds due 1957:

$1,000

2275	12214	28349	37703
2841	12215	29960	37704
2842	15960	29961	37705
7604	15961	31866	37789
7605	17759	34098	37869
7635	25254	35118	37870
10714	26349	35192	
11092	27794	37701	

Baltimore and Ohio Railroad Company (The)—4% Bonds, 50-Y, due 1948:

$1,000

18043	47420	50082	59748
22697	50081	50083	59749

Baltimore and Ohio Railroad Company (The)—4½% Bonds, 1930/60:

$1,000

3019	9109	21736	34886
3110	9110	22198	37366
3113	9111	22206	41213
5639	9112	24714	42340
9107	9113	32626	42589
9108	9114	32627	

Baltimore and Ohio Railroad Company (The)—5% Bonds, 1932/98:

$500

542 543

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Baltimore and Ohio Railroad Company (The)—5% Bonds, 1926/2000:

$1,000

21259 21260 D25263 D25364

Belgium, Kingdom of—30 Year External Sinking Fund 6% Gold Loan of 1925 due 1955:

$1,000

7493 7717 20777 45219

Belgium, Kingdom of, External 25-year 6½%—Gold Loan of 1924 due 1949:

$1,000

54

Belgium, Kingdom of—30-Year External Sinking Fund 7% Gold Loan due 1955:

$1,000

10173

$500

258 259

Bethlehem Steel Corporation—3½% Bonds 1937/52:

$1,000

359	4419	30193	36454
4414	10600	30194	36724
4415	18936	32808	39823
4416	28454	33322	39824
4417	28455	33323	43967
4418	28759	36453	

Bethlehem Steel Corporation—4¼% Bonds 1935/60, Series D:

$1,000

[DM 7290 DM 8920 DM 20122 DM 44276 DM 44277

Bethlehem Steel Corp. 5% 1st Lien Ref. 30 yr. due 1942:

$1,000

2039 3332 13422

Bolivia, Republic of—External Secured Gold 7% loan of 1927 due 1958:

$1,000

35	3188	6054	8362
39	3339	6055	8427
54	3450	6056	8462
65	3886	6057	8822
434	3887	6058	8823
569	4287	6059	8824
597	4804	6071	9454
704	5144	6096	9495
844	5149	6103	9570
903	5151	6117	9579
1012	5152	6128	9991
1486	5153	6134	10035
1793	5154	6139	10018
2572	5155	6150	10332
2573	5156	6154	10686
2680	5157	6167	10892
2698	5593	6196	10925
2857	5916	6215	10948
2881	5966	6219	12339
2989	5973	6222	12340
3008	5977	6225	12387
3009	6000	6286	12945
3038	6008	6401	13431
3136	6046	7941	13432

$500

232	290	383	942
233	291	404	
243	303	405	
244	321	664	

Bolivia, Republic of—External Secured Sinking Fund Gold Bonds 7% of 1928 due 1969:

$1,000

49	65	67	69
64	66	68	179

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Bolivia, Republic of—External Secured Sinking Fund Gold Bonds 7% of 1928 due 1969—Continued.

$1,000—Continued

182	5627	10248	15088
300	5628	10354	15225
522	5630	10357	15226
591	5631	10458	15364
783	5821	10530	15426
847	5875	10531	15429
1089	6059	10532	15438
1257	6639	10609	15546
1260	6640	10611	15595
1486	6827	10612	15730
1948	6976	10638	15871
1949	7047	10852	16290
2025	7096	10853	16648
2202	7146	10854	16989
2297	7166	10973	17088
2648	7250	10985	17092
2835	7251	11012	17344
2859	7325	11216	17345
2860	7326	11329	17347
2861	7335	11453	17449
2868	7361	11745	17605
2957	7431	11797	17606
3042	7467	12026	17609
3126	7886	12055	17733
3127	7964	12246	18070
3299	8020	12474	18195
3505	8027	12583	18295
3507	8038	13238	18426
3700	8098	13756	18945
3784	8171	13766	18946
3931	8175	13789	19115
4026	8193	13824	19488
4401	8203	13825	19530
4434	8252	13855	19858
4742	8413	13898	20497
4977	9189	14118	20769
5063	9190	14438	21218
5115	9659	14482	21368
5217	10060	14700	21347
5256	10112	14706	21428
5257	10113	14807	21429
5549	10242	14822	21544
5569	10247	15009	21546

$500

138	896	2001	2336
545	909	2023	
745	1673	2219	
746	2000	2220	

Bolivia, Republic of—8% Bonds, 1922 47:

$1,000

1083 M-13981 14941

Brazil, United States of—5% Funding bonds due 1951:

$1,000

964	3502	9745	9775	14249

$500

3680 7905

$100

5933	12750	34789	41538
6049	13325	34898	41674
6050	13326	34899	41678
10563	13327	34900	41856
11700	15515	34928	42804
12369	15708	34929	42805
12370	15709	34930	42835
12371	15710	35181	42868
12372	17297	35182	42869
12373	20663	35189	45542
12374	20664	35498	48337
12375	20665	35499	57746
12376	20667	35500	57747
12377	20674	35501	60446
12378	25071	36579	60464
12379	33915	36580	62521
12380	33941	36581	66824
12381	33942	36582	70275
12382	33949	41332	70276
12383	34770	41333	70281

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Brazil, United States of—5% Funding bonds due 1951—Continued.

$100—Continued

71485	74997	75000	90204
71486	74998	90203	
74996	74999		

Brazil, United States of—External Sinking fund gold 6½% loan of 1926 due October 1, 1957:

$1,000

59	19917	22216	28767
106	19975	22316	28855
301	20053	22364	29213
676	20084	22370	29838
2318	20085	22407	31500
2732	20120	22425	31886
3369	20138	22433	32275
3508	20139	22434	32276
4097	20159	22435	32735
4274	20164	22469	33076
4305	20168	22470	33105
6774	20170	22471	33789
7102	20177	22472	34106
7795	20255	22486	34109
7905	20270	22514	34363
8236	20379	22515	34449
8237	20413	22591	34687
8239	20416	22650	35661
8240	20438	22666	36007
8367	20504	22679	36086
9475	20531	22684	36181
9990	20563	22880	36423
10021	20573	22897	36573
10046	20578	22928	36802
10184	20586	22998	37382
10191	20603	23053	38345
10327	20632	23072	38723
10678	20633	23219	38916
10788	20657	23222	39175
12239	20709	23317	40232
12240	20716	23340	40318
12502	20733	23378	40884
13199	20745	23389	41034
13318	20758	23440	41262
13327	20853	23447	41541
13909	20914	23489	41691
13970	20920	23490	42796
13973	20923	23524	42797
14223	20938	23591	45264
14263	21007	23628	45567
14543	21008	23712	46344
15614	21030	23855	47676
17000	21036	24241	47934
17454	21081	24259	47995
18237	21082	24269	48232
18238	21155	24282	48342
18452	21259	24641	48661
18564	21274	24920	48665
19582	21361	24968	48663
19586	21367	25116	48795
19591	21408	25361	48796
19592	21428	25485	48896
19604	21432	25550	49395
19605	21448	25674	49415
19606	21773	25767	50114
19607	21779	25857	51915
19608	21780	26258	52142
19621	21863	26462	52758
19632	21883	26650	53831
19633	21948	26832	53997
19781	21961	27588	54239
19798	21998	27637	54240
19824	22074	27648	54372
19825	22076	27776	54608
19859	22136	27788	55468
19903	22189	28001	55943
19915	22192	28711	56019

$500

520	802	1039	5478
541	803	1082	5664
542	804	1106	5752
545	876	1165	5781
546	887	1221	5805
700	896	4215	
769	943	5431	
801	981	5470	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Brazil, United States of—6½% Bonds issued 1927 due 1957:

$1,000

10327

Brazil, United States of—8% Bonds 1921 due 1941:

$1,000

5059	26398	37165	45222
9883	28934	37166	
10238	37107	42710	

Brisbane, City of—External Sinking Fund gold 5% loan of 1928 due 1958:

$1,000

596	3664	5302	5398
2191	4072	5321	5419
3661	4933	5334	5714

Brooklyn Edison Company, Inc.—3¼ Bonds 1936 66:

$1,000

485 486 487

Budapest, City of—6% Bonds 1927 due 1962:

$2,000

7975 7976

$1,000

5989	7785	7791	7976
6091	7786	7809	7984
7712	7787	7810	7985
7782	7788	7893	
7783	7789	7959	
7784	7790	7975	

$500

1300	1337	1338	1447
1301			

Buenos Aires, Province of—3% Bonds 1936 84:

$1,000

111	179	318	492
112	180	319	
148	181	320	

$500

413	1839	1868	1872
507	1840	1869	1873
508	1841	1870	
1425	1842	1871	

$100

312	1350	1958	5641
313	1378	2127	
758	1891	4099	
1260	1957	4100	

Buenos Aires, Province of—4⅛%-4⅜% Ext. Readjust. sinking fund due 3/1/77:

$1,000

355	7368	14327	17002
356	7369	14328	17003
395	7370	14329	17004
396	7371	14330	17081
1949	7372	14359	17095
4219	7373	14402	17130
4889	8308	14456	17426
5954	8309	14555	17434
7191	8335	16209	17444
7354	10851	16210	17445
7355	11263	16214	17446
7356	11273	16556	17447
7357	11284	16557	17448
7358	11285	16558	17449
7359	11286	16973	17488
7360	11287	17005	17502
7361	11330	17012	17505
7362	13766	17034	18676
7363	14043	17035	19409
7364	14320	17036	19414
7365	14322	17053	21281
7366	14323	17054	21579
7367	14326	17061	21580

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Buenos Aires, Province of—4⅛%-4⅜% Ext. Readjust. sinking fund due 3/1/77—Continued.

$1,000—Continued

21581	21598	23716	31917
21582	21648	24253	32103
21583	21649	24581	32391
21584	21968	24631	32475
21585	22003	24651	32476
21586	22004	24780	32477
21587	22005	25392	32478
21588	22006	25731	32583
21589	22100	26242	32775
21590	22952	26243	32776
21591	22968	26309	32777
21592	22984	26310	32778
21593	22985	26311	32779
21594	22986	31227	32780
21595	22987	31338	32979
21596	22999	31488	34637
21597	23302	31766	34638

$500

1031	1448	1933	3028
1042	1454	2276	3029
1043	1472	2277	3030
1047	1636	2671	3031
1048	1697	2672	3564
1049	1698	2734	4293
1059	1737	2735	7526
1059	1791	2736	
1076	1794	2738	
1446	1932	2739	

Bush Terminal Company—Consolidated gold 5%, due 1955:

$1,000

1889 2334 2419 2431

Caja de Prestamos para Obras de Irrijacion y Fomente de la Agriculture S. A.—4½% 35 year Gold Bonds, due 1943:

$1,000

5446	8189	9692	11420
5574	9061	10132	12622
5984	9082	10134	
6899	9386	10520	
7668	9473	11419	

$500

111	837	2945	6460
138	862	3079	6574
716	863	3080	

$100

3315 3524

Caldas, Dept. of, Colombia—7½% 1926/46:

$1,000

8047

Canada, Dominion of—3% Bonds 1936:

$1,000

8583	13840	13845	43693
8584	13841	E 39767	43694
13837	13842	43445	43695
13838	13843	43691	
13839	13844	43692	

Canada, Dominion of—3% Bonds 1937 due 1967:

$1,000

23721

Canada, Dominion of—3% Bonds 1938 due 1968:

$1,000

B 2656

Canada, Dominion of—4½% Bonds 1931 due 1956:

$1,000

R6 E. O. 26238 R6 E. O. 33132

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Canada, Dominion of—5% Bonds 1922 due 1952:

$1,000

17199	42739	65062	82568
34446	65023	82567	

Canadian National Railway Co.—Guaranteed Gold, 5% Bonds issued July 1929 due 1969:

$1,000

25208 46536

Canadian National Railway Co.—Guaranteed Gold, 5% bonds issued October 1929 due 1969:

$1,000

2873	11253	12680	23709
8090	11254	12681	34712
9886	11257	12682	42141
9936	12078	16701	42142
9963	12211	18717	42143
10701	12234	18965	42988
10702	12256	19451	42989
11241	12257	19897	56895
11251	12420	23672	53982
11252	12677	23708	

Canadian National Railways System—4½% Bonds 1931/51:

$1,000

3337 24004 24477 25886

Canadian National Railways System—4½% Bond 1931/56:

$1,000

44858

Canadian National Railways System—4¾% Bond 1930/55:

$1,000

28324

Canadian Pacific Railway Company—Perpetual 4% Consolidated Debenture Stock:

$1,000

251	6533	10934	16292
252	6817	11115	16304
253	6818	11398	16313
254	6877	11699	16447
255	6993	11769	16470
377	7042	11831	16665
704	7138	11934	16706
810	7267	11938	17148
1022	7372	12032	17779
1082	7381	12089	18053
1121	7438	12232	18097
1162	7467	12348	18179
1372	7470	12455	18480
1643	7648	12489	18482
1951	7704	12532	18508
2210	8088	12868	18661
2244	8411	12980	18769
2277	8426	13323	18885
2316	8435	13494	19188
2389	8436	13500	19322
2729	8531	13735	19661
2733	8583	13834	19663
2893	8604	14039	19665
3034	8640	14118	19666
3745	9051	14256	19667
3816	9346	14843	19668
3839	9515	14844	19791
3852	9529	14951	19960
3881	9547	15568	19984
4165	9798	15570	20085
4166	9967	15653	20101
4521	10016	15677	20313
4653	10149	15831	20323
4755	10208	15900	20349
4783	10230	15901	20362
4864	10262	15902	20462
5008	10385	15990	20545
5042	10428	16066	20628
5205	10432	16109	20629
5617	10522	16285	20716
6045	10932	16291	21227

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Canadian Pacific Railway Company—Perpetual 4% Consolidated Debenture Stock—Continued.

$1,000—Continued

21324	31256	38268	48111
21420	31277	39181	48194
21688	31494	39440	48222
21707	31515	39852	48235
21708	31516	40068	48236
21823	31595	41308	48257
22152	31608	41547	48967
22270	31628	41780	74702
22334	31640	41782	75211
22407	31920	42832	75287
22760	32009	42880	76073
22788	32192	43094	76074
22805	32285	43095	76075
23094	32399	43161	76076
23200	32455	43445	76077
23201	32462	44210	76160
23353	32704	44211	76398
23923	32930	44212	76474
23947	33345	44213	77963
24517	33534	44214	78066
24601	33659	44261	78162
24604	33660	44262	78192
24793	33810	44263	78323
25014	33892	44264	80792
25053	33932	44267	80892
25252	33961	44529	80912
25544	34034	44572	81513
25885	34040	44574	82404
26250	34061	44696	82633
26576	34111	44705	83498
26581	34146	44837	83602
26775	34528	45114	84189
27203	34544	45301	84283
27218	34950	45459	84615
27648	34958	45687	85199
27671	35465	45701	85529
27816	35493	45796	86126
27961	36105	45834	86262
28181	36457	46029	86263
28771	36774	46030	86295
29180	36832	46033	86522
29363	36955	46034	86764
29909	36956	46214	86825
30187	37009	46383	86876
30425	37178	46650	87130
30442	37432	46905	87301
30923	37517	47016	87453
31019	37619	47873	88144
31020	37817	48098	
31146	37840	48109	

$500

128	1888	2780	4133
364	1889	2781	4134
833	2778	3897	
1749	2779	3898	

$100

53	3154	5322	7573
633	3155	5597	7614
1318	3156	5787	7890
1319	3157	5791	7891
1320	3797	6232	7902
1321	4438	6460	7903
3146	4439	6466	7904
3147	4500	6469	8717
3148	4505	6679	8765
3149	4517	6880	8766
3150	4518	6881	8961
3151	4840	6883	9056
3152	5188	7571	9100
3153	5321	7572	24867

Canadian Pacific Railway Company—4½% Gold Bonds 20 Year Guaranteed, 1926/46:

$1,000

3	146	437	749
15	222	470	801
38	300	484	802
50	306	485	863
51	345	581	1394
99	378	582	1425
113	387	617	1427

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Canadian Pacific Railway Company—4½% Gold Bonds 20 Year Guaranteed, 1926/46—Continued.

$1,000—Continued

1455	6652	10424	15662
1512	6790	10709	15813
1513	6820	10732	15818
1681	6853	10762	15897
1813	7038	10831	15898
1822	7054	10832	15966
2252	7483	10835	16074
2273	7496	10836	16097
2288	7717	10837	16232
2323	7757	10838	16281
2325	7891	10900	16282
2500	8145	10902	16286
2505	8146	11052	16382
2509	8147	11155	16488
2696	8153	11190	16489
2872	8358	11253	16490
2873	8359	11395	16491
2911	8720	11503	16847
3169	8897	11516	16856
3194	9340	11522	17121
3558	9368	12016	17135
3562	9369	12043	17210
3747	9370	12047	17243
4081	9374	12048	17248
4618	9400	12651	17600
4779	9550	12821	17633
4865	9551	12918	17634
4880	9557	13127	17667
4881	9558	13768	17868
5375	9845	15556	
5485	9846	15558	
5893	10182	15647	

$500

89	409	1895	3312
147	437	2116	3366
148	496	2117	3386
150	497	2357	3557
207	732	2360	3558
214	733	2472	3559
266	1143	2518	3560
277	1144	2519	3707
278	1173	3086	3708
328	1174	3087	3869
329	1180	3101	3870
334	1181	3123	11120
335	1888	3231	
408	1889	3232	

Canadian Pacific Railway Company—4½% 30 Year Guaranteed Gold Bonds due July 1, 1960:

$1,000

183	316	387	1356
205	347	389	1436
206	370	390	1438
207	371	541	1439
213	372	554	1440
214	374	557	1441
229	376	941	1486
231	377	949	10723
245	386	1325	

$500

13	108	169	262
20	109	172	263
45	110	257	264
86	111	258	274
87	137	259	437
88	158	260	
90	167	261	

Canadian Pacific Railway Company—5% Bonds 1929/54:

$1,000

9756	9760	9764	20367
9757	9761	9765	22848
9758	9762	20365	27438
9759	9763	20366	28374

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Carlsbad, City of—8% External Loan Bonds 1924 due 1954:

$1,000

300	489	598	1098
301	562	1050	
302	595	1051	
303	597	1052	

Cauca Valley, Department of (Colombia)—7% 1948:

$1,000

1149	2024

Central Pacific Railway Company—First Refunding Gold 4% due 1949:

$1,000

141	12311	24849	54726
148	12428	24850	55045
801	12511	26382	55049
1180	12639	27131	55072
1246	12737	27141	55959
1917	13062	28135	56090
2462	13267	28330	56614
2463	13278	29790	57268
2937	13341	30064	57620
3785	13469	30102	57738
3815	13521	30103	58502
4056	13683	30555	58503
4187	13698	31304	58520
4550	13785	31351	58868
4673	14186	31814	58869
5186	14324	31862	58974
5417	14631	31931	59633
5437	14685	32275	59867
5479	14825	33078	60121
6481	14826	33081	60254
6647	14827	33278	60258
6902	14828	33406	60298
6989	14945	33408	60342
7255	14966	34274	60436
7286	14973	34488	60949
7329	15206	36492	61204
7400	15401	36493	62775
7523	15465	36494	64494
7560	15600	36495	64924
7624	15604	36802	68368
7637	15794	36989	68971
7711	16049	37866	69047
7764	16082	37867	69774
7792	16805	38571	70600
7896	17156	39514	71530
8288	17157	39902	71886
8351	17158	40256	72151
8495	17377	40386	72152
8548	17472	40388	72199
8794	18489	40391	73628
9246	19120	40513	74142
9253	19132	40519	76785
9271	19147	41064	77282
9272	19241	41107	77440
9361	19298	43317	77471
9702	19379	43350	77739
9763	19572	44768	77805
9924	19648	44983	78345
9963	20088	44984	79125
9998	20297	47229	80411
10073	20768	47287	80487
10089	20904	47331	80578
10105	20988	47990	82935
10271	20993	47991	84851
10301	21265	47992	84852
10494	21347	47994	84857
10503	21673	48071	84862
10603	21699	48186	84867
10751	21728	51443	84977
10767	21769	51474	85166
10931	22061	51784	87803
11116	23344	53198	88809
11478	23508	53281	89119
11534	24078	53292	89129
11621	24089	53870	89624
12269	24114	54047	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Central Pacific Railway Company—First Refunding Gold 4% due 1949—Continued.

$500

1967	5873	11383	15512
2164	6058	11384	15697
2293	6059	11385	15854
2743	7336	12174	16249
2761	7810	14004	17065
3937	7962	14006	17126
3979	8064	14007	17640
5199	8159	14008	18671
5200	8326	14009	18672
5830	10243	14011	
5872	10244	15249	

Central Pacific Railway Company—Through Short Line First Gold 4% due 1954:

$1,000

735	881	926	1108
750	906		

Central Pacific Railway Company—Guaranteed Gold 5% due 1960:

$1,000

5341

Central States Power & Light Corporation—First mortgage and first lien gold 5½%, 1953:

$1,000

291	2055	3287	3802
456	2134	3329	3839
932	2951	3360	5056
1128	2954	3432	5079
1137	2965	3442	5246
1166	3052	3462	6294
1475	3053	3463	6540
1813	3088	3523	8106
1814	3095	3584	8646
2051	3192	3621	9168
2052	3193	3719	9271
2053	3257	3720	9461
2054	3286	3726	9463

Chesapeake & Ohio Railway Co. (The)—3½% Bonds 1936 96:

$1,000

28604

Chesapeake & Ohio Railway Co. (The)—General Gold 4½% due 1992:

$1,000

30	9465	46880	46884
31	31638	46882	

Chicago & Erie Railroad Co.—First gold 5% due 1982:

$1,000

2162	6495	9064	9724

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—50-Year Mortgage 5%, Series A, due 1975:

$1,000

11	6718	15631	21672
635	6719	15673	21696
1454	6720	16000	21977
2501	9195	16495	21994
2502	9662	16712	22091
2556	11166	17409	22112
3071	11227	17579	22286
3073	11297	18916	23431
3314	12334	18922	24111
3966	12917	19123	24560
4183	13610	19573	24590
4296	14025	19914	25044
4883	14027	20217	26067
6007	15291	20499	27499
6428	15292	21104	29748
6707	15293	21196	29796
6717	15294	21395	29797

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—50-Year Mortgage 5%, Series A, due 1975—Continued.

$1,000—Continued

29880	39411	59667	83486
32257	39431	59668	83487
33834	39933	61116	83515
34456	40427	61246	84086
35384	40535	61412	84087
35792	40888	62565	84088
35793	41394	62566	84089
36427	41765	63114	84090
36428	43562	63115	84091
36803	44249	63491	84092
36861	45529	63982	84093
36877	45838	64409	84094
37458	46680	65265	85428
37790	47033	65266	85433
38396	47358	66284	85775
38736	48000	66474	86421
38749	48089	66920	86427
38757	48938	67355	87037
38789	49952	68026	83522
38790	49953	68027	88565
38860	49956	68363	89290
38898	50459	68364	89741
38915	52156	68585	89779
38935	52407	68797	89781
38941	52563	70021	89782
38945	53410	70664	89818
39007	54436	71200	89898
39008	54736	71607	90581
39019	55463	72536	90568
39020	55464	74234	91283
39032	55510	74391	92950
39041	55533	75967	93169
39043	55534	76059	93168
39048	56437	76562	93469
39060	56500	77500	93470
39065	56501	78982	93540
39106	56503	79674	93575
39179	56504	80314	96151
39180	56507	80235	99836
39205	57317	81070	101339
39275	58207	81795	103394
39295	58715	81987	105976
39316	58718	82435	124560
39374	59330	82701	147765
39386	59356	83421	

$500

781	1578	1854	5557
1555	1584	3692	5913
1556	1615	4056	5914
1567	1633	4727	6571

$100

16755	17235	22525	39296
16756	22525	39295	41100

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Convertible Adjustment Series A 5%, 2000:

$1,000

4	2747	4273	7837
11	2753	4499	7982
580	2784	4527	8025
683	2809	4675	8303
690	2850	4799	8305
965	2871	4840	8309
1165	2902	5108	8384
1172	2903	5193	8493
1233	2904	5213	8655
1283	2927	5698	8694
1321	2932	5782	8698
1343	2934	5889	8970
1570	2935	5937	9004
1814	2936	6014	9008
2012	3034	6045	9119
2116	3041	6312	9179
2117	3093	6479	9195
2311	3206	6482	9208
2503	3236	6576	9296
2588	3330	6916	9345
2589	4104	6990	9573
2622	4177	7631	9647
2626	4212	7822	10057

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Convertible Adjustment Series A 5%, 2000—Continued.

$1,000—Continued

10365	20384	32222	48580
10598	20572	35463	48586
10896	20653	37394	48843
10897	20815	37423	48884
10914	20836	37494	48957
11303	20938	38898	49088
11436	21216	38917	49435
11615	21229	39065	49462
12071	21242	39178	49566
12085	21245	39565	49583
12400	21637	39581	49650
12588	21672	39619	49674
12649	21693	39621	49708
12650	21840	39936	49743
12703	21916	40169	49750
12731	22120	40183	49768
12782	22255	40343	50047
12917	22288	40394	50064
13288	22319	40395	50548
13543	22377	40356	50651
13885	22380	40397	50964
14014	22406	40505	50984
14019	22434	41516	51128
14064	22561	41712	51157
14073	22825	41713	51177
14684	22940	41922	51796
14764	22994	41924	51842
14915	23034	42050	51944
14941	23772	42093	52162
14988	23846	42164	52574
15006	24025	42165	52591
15068	24105	42206	52684
15165	24414	42324	53005
15264	24415	42371	53414
15587	24554	42476	53543
15765	24754	42623	53670
15866	25180	42831	53686
16296	25332	43280	54110
16834	25611	43334	54250
16521	25826	43391	54282
16529	25911	43524	54456
16568	25916	43740	54461
16711	26112	43969	54649
16768	26113	43975	54674
16888	26130	44451	54688
17022	26177	44633	54740
17176	26196	44664	55008
17595	26199	44758	55016
17606	26214	44784	55133
17732	26606	45045	55376
17765	26817	45046	55648
17813	27008	45103	55803
17893	27235	45139	55968
18109	27496	45171	56205
18129	27531	45180	56431
18191	27670	45248	56492
18192	27778	45280	56533
18196	28074	45608	56554
18197	28127	45816	56680
16200	28151	45824	57580
18230	28186	45825	58155
18244	28301	45860	58427
18269	28383	45954	58630
18326	28707	46066	58798
18337	28948	46350	58800
18344	29008	46385	60052
18462	29067	46386	60348
18478	29093	46387	60595
18535	29814	46466	60724
18537	29749	46518	61091
18690	29847	46637	62158
18730	29869	47146	62335
18955	29929	47278	62525
19481	30074	47324	62549
20029	30094	47360	62918
20121	30160	47472	63259
20244	30255	47507	63362
20269	30705	47522	63570
20318	30725	47582	63571
20329	31259	47604	63935
20373	31393	47701	64060
20375	31632	47704	64071
20378	31947	48090	64072
	32178	48503	64197

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Convertible Adjustment Series A 5%, 2000—Continued.

$1,000—Continued

64661	79170	98558	116827
64719	79211	99082	116828
65369	79233	99130	116857
65542	79484	100041	117096
65550	79722	100109	117294
65649	79732	100117	117300
65662	79812	100135	117829
65673	79939	100147	118056
65674	80438	100150	118237
65742	80529	100269	118508
65746	80813	100573	118665
65760	81185	100643	118721
65824	81341	102021	119766
66036	81367	102092	119790
66289	81508	102279	119932
66474	81514	102902	120005
66492	81577	103059	120057
66771	81751	103269	120085
66935	81767	103510	120095
66973	81768	103515	120120
67022	81935	103516	120250
67038	82061	103517	120260
67120	82086	103518	120433
67578	82087	103519	120507
67726	82379	104381	120522
67843	82398	104385	120542
67892	82521	104425	120611
67931	83058	104479	120876
68457	83776	104512	120909
68614	83861	104756	120953
68990	84160	105161	121145
69039	84787	105623	121169
69213	84883	105759	121424
69369	85600	105932	121479
70338	85703	106218	121484
70498	85743	106257	122247
70589	86128	106273	122843
70713	86170	106689	122965
70775	86317	106839	122991
70871	87794	108481	123121
71021	88402	108601	123172
71061	88647	108939	123442
71074	88935	109243	123874
71100	88936	103317	123908
71254	90412	109472	124012
71439	91574	109766	124014
71712	93042	110079	124188
71779	93665	110082	124526
71812	93685	110261	124560
72189	93872	110303	124644
72204	94241	110717	124785
72205	94247	110728	124840
72281	94250	111137	125004
72316	94251	111216	125504
72408	94252	111221	125687
72509	94253	111222	125906
72894	94254	111524	125962
72978	94255	112835	126110
73227	94256	112870	126334
73332	94257	113085	126345
73495	94258	113233	126353
73528	94259	113619	126393
73908	94268	113700	126412
74682	94544	113705	126527
74693	94617	114164	126580
74950	94856	114208	127276
74993	95012	114225	127693
75188	95079	114226	127840
75738	95423	114580	127851
76409	96104	114645	128214
77128	96222	114687	128257
77195	96240	114832	128468
77533	96284	114843	128680
77935	96457	114957	128771
78462	96515	115269	128773
78465	96524	115296	128782
78466	96645	115387	129244
78467	96718	116440	129245
78753	96842	116473	129246
78891	97486	116703	129456
78945	97831	116708	129499
79057	98019	116825	129519
79149	98355	116826	129655

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Convertible Adjustment Series A 5%, 2000—Continued.

$1,000—Continued

129673	142375	154033	167885
129846	144013	154091	168023
129921	144413	154092	168372
130488	144419	154093	168413
130807	144550	154382	168763
131407	144715	155195	169015
131577	144809	155792	169026
132330	145258	156095	169568
132887	145297	156342	169691
133564	145648	156343	169969
133567	145915	156482	170020
133753	145942	156620	170021
133780	145943	156924	170403
133822	146066	157486	170589
133888	146101	157881	170629
133950	146110	158283	170888
133994	146370	158648	170962
134248	146383	159022	170963
134534	146671	159061	170969
134566	146697	159062	171114
134721	146811	159291	171256
134729	147106	159318	171257
135426	147113	159364	171258
135763	147530	159406	171259
136091	147563	160372	171260
136731	147644	161138	171403
136772	147646	161165	171500
137254	147763	161641	171693
137734	148024	161889	171741
137960	148042	161996	171791
138451	148151	162505	172055
139035	148815	163734	172259
139131	148943	163887	172261
139273	149007	164058	172390
139444	149100	164222	172404
139479	149183	164255	172711
139480	149290	164256	173090
139770	149313	164278	173144
139902	149314	164645	173148
139931	149315	164694	180377
140688	149454	164806	180521
141115	149959	165254	180595
141177	150179	165365	180708
141364	150804	165419	180854
141400	150851	165435	180990
141476	150932	165553	181324
141639	151138	165645	181554
141701	151652	165689	181673
141750	151953	165923	181794
141787	152035	166600	181832
141794	152049	166715	181899
141874	152071	166815	181917
142225	152081	166866	182086
142300	152142	167093	182245
142324	152465	167422	182247
142336	153559	167547	182418
142338	153828	167646	182507

$500

234	4319	5918	7778
476	4462	6117	7779
710	4799	6495	8603
1113	5388	7414	9010
1387	5687	7685	9130
3698	5917	7700	

$100

16755	16756	17235	28087	28088

Chicago & North Western Railway Co.—4¾% Bonds 1929/49—Series R:

$1,000

10071

Chicago & North Western Railway Co.—First & Refunding 5% Bonds 1920/2037:

$1,000

150017

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Chicago, Rock Island & Pacific Railway Company—First and Refunding Mortgage 4% 1934:

$1,000

3584	36938	38724	50944
21453	37095	38853	54589
26093	37598	39063	
31198	38291	47278	
36694	38595	47279	

Chicago, Rock Island & Pacific Railway Company—4½% Bonds 1927/52:

$1,000

14765

Chicago, Rock Island & Pacific Railway Co. Convertible Gold 4½% 1960/60:

$1,000

1698	1699	1700	21488

Chile, Republic of, External Sinking Fund Gold 6% Loan of 1926 due 1960:

$1,000

59	3033	4003	24907
60	3142	4004	26800
619	3143	4005	27873
1493	3144	4880	28318
2111	3145	6241	28543
2171	3146	7137	29948
2237	3147	7138	30398
2380	3148	8711	30976
2457	3149	8787	31084
2475	3150	8957	31158
2482	3151	9733	31499
2483	3198	9783	31505
2505	3256	11219	31506
2506	3301	12764	31586
2512	3307	13272	32229
2516	3379	14000	32736
2522	3390	14418	33379
2523	3451	15053	34547
2524	3452	15156	34785
2535	3489	15527	35473
2723	3558	15988	35594
2724	3575	16933	35658
2795	3577	17222	36097
2806	3625	17974	36098
2835	3628	18599	36121
2844	3653	18882	36914
2853	3663	19204	38663
2854	3675	19295	38710
2914	3931	20547	40248
2919	3935	20731	40263
2934	3940	23046	40344
2981	4002	24418	40382

$500

236	548	636	772
241	570	674	787
242	571	736	788
476	572	738	789
507	580	748	790
527	594	749	1605
535	596	750	2411
536	600	751	
543	602	771	

Chile, Republic of, External Sinking fund Gold Loan 6% of 1927 due 1961:

$1,000

126	715	1198	6769
133	717	1223	7334
144	719	1246	9086
171	740	1316	9227
206	807	1317	9228
291	871	2006	9391
353	872	2141	9682
363	877	2415	12812
564	1007	3392	13810
602	1008	5242	15507
620	1129	5283	17229
652	1130	6095	17252

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Chile, Republic of, External Sinking fund Gold Loan 6% of 1927 due 1961—Continued.

$1,000—Continued

17253	21023	22933	24380
19029	21619	23216	24467
19357	22010	23340	24934
19595	22194	23503	25570
20436	22598	23554	

$500

39	182	242	282
181	240	281	

Chile, Republic of, External Railway Ref. Sinking Fund—6% Gold Loan of 1928 due Jan. 1, 1961:

$1,000

642	1609	1934	26441
1264	1612	2110	36849
1273	1618	4111	34642
1288	1626	4967	37811
1359	1638	12746	37842
1382	1643	15048	39003
1393	1687	15254	39004
1394	1698	15342	39005
1409	1711	15343	39036
1445	1738	18128	39760
1451	1924	21363	40718
1491	1925	25910	42943
1569	1932	26403	44191

$500

97	247	474	2115
98	268	657	2294
129	288	658	

Chile, Republic of, External Sinking Fund Gold—6% of 1929 due 1962:

$1,000

39	224	833	7208
45	235	834	7342
144	236	3237	8789
168	237	4778	
210	247	4779	
223	248	7113	

$500

316	556	586	594
317	573	592	600
555	575	593	

Chile, Republic of, External Sinking Fund Gold—6% of 1930 due 1963:

$1,000

32	199	290	604
112	200	291	3380
113	201	292	5001
178	202	293	14425
179	203	294	16055
180	204	347	16428
181	231	350	16764
182	288	351	21243
186	289	385	

$500

52	572	1515	1600
236	1514	1529	

Chile, Republic of, 7% Bonds, 1922/42:

$1,000

802	6734	10461	14009
1139	10040	11395	

Chilean Consolidated Municipal Loan External Sinking Fund gold 7% Series A, 1929/60:

$1,000

27	122	421	434
34	133	422	435
35	151	431	452
36	162	432	453
37	314	433	454

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Chilean Consolidated Municipal Loan External Sinking Fund gold 7%, Series A, 1929/60—Continued.

$1,000—Continued

455	609	1507	8487
456	619	1508	10556
464	620	4575	10557
465	710	6629	11396
535	735	6630	
608	769	7094	

$500

21	152	281	291
24	154	286	342
95	168	287	343
137	180	288	344
138	209	289	1929
139	216	230	

Chinese Republic—5% Bonds 1925/48:

$50

781737	781753	781780	781799
781738	781756	781781	
781747	781777	781788	

Cities Service Company—Convertible 5% Gold Debenture, 1950:

$1,000

1296	23406	26916	75698
1557	23410	28666	76525
2505	23419	33028	80042
3652	23460	33578	81626
4145	23489	41582	82638
7127	23501	45801	85179
7135	23538	47264	89930
7250	23621	49455	95372
9482	23638	55880	100935
9960	23647	56406	101172
10935	23691	57072	101878
15150	23698	58560	103965
16985	23699	58792	105115
21538	23766	59295	106178
23233	23831	70910	106662
23322	23920	71221	107346
23355	23921	72728	
23365	24211	74414	

$500

958

Cities Service Company—5% Gold Debenture, 1958:

$1,000

74	1635	2240	4137
218	1637	2260	4148
229	1646	2261	4200
335	1670	2364	4201
336	1687	2435	4202
372	1707	2523	4203
399	1740	2526	4204
444	1788	2540	4205
551	1851	2749	4206
561	1870	2750	4244
569	1875	2751	4252
613	1876	2765	4295
617	1877	3086	4584
816	1878	3168	4587
831	1895	3169	4605
832	1907	3180	4628
1031	1908	3181	4638
1125	1921	3182	4639
1126	1922	3229	4659
1127	1927	3254	4675
1132	1928	3341	4682
1185	1929	3504	4707
1187	1948	3665	4713
1242	1962	3669	4747
1277	1967	3740	4759
1426	1977	3889	4889
1443	2002	3976	4925
1498	2062	3993	4972
1499	2065	4004	4988
1500	2103	4016	4990
1538	2163	4018	5100
1557	2231	4031	5142
1572	2232	4069	5147

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Cities Service Company—5% Gold Debenture, 1958—Continued.

$1,000—Continued

5256	9758	14414	18914
5266	9794	14417	19011
5335	9800	14420	19080
5359	9309	14421	19120
5454	9840	14426	19183
5474	9941	14427	19240
5561	10127	14428	19300
5575	10192	14429	19326
5521	10201	14430	19327
5791	10271	14663	19369
5818	10351	14756	19455
5832	10360	14757	19625
5897	10388	14807	19660
5938	10540	14812	19794
5960	10567	14879	19883
5968	10574	14882	19885
5973	10575	14994	19929
6096	10581	14997	19995
6104	10611	15098	19996
6302	10659	15099	20032
6303	10801	15109	20065
6429	10882	15309	20248
6437	11081	15518	20283
6452	11158	15526	20315
6524	11173	15546	20316
6534	11190	15757	20317
6881	11206	15758	20385
6882	11274	15759	20446
6953	11392	15760	20462
6959	11401	15761	20586
7031	11450	15763	20595
7086	11478	15764	20691
7110	11589	15827	20762
7116	11610	16300	20842
7123	11611	16061	20883
7197	11638	16062	20942
7226	11689	16067	21012
7251	11824	16068	21099
7257	11831	16369	21101
7331	11852	16070	21107
7348	11918	16202	21316
7350	12007	16228	21348
7389	12061	16244	21421
7476	12127	16254	21470
7501	12146	16402	21577
7511	12301	16506	21740
7512	12308	16510	21808
7574	12367	16613	21936
7576	12442	16614	22007
7577	12458	16615	22028
7675	12537	16616	22050
7676	12554	16617	22097
7678	12583	16618	22110
7688	12639	16619	22113
7700	12786	16697	22169
7726	12811	16778	22245
7756	12812	16808	22246
7768	13114	16822	22247
7782	13152	16878	22248
7785	13159	16959	22398
7786	13162	17020	22423
7844	13163	17119	22475
7845	13169	17149	22953
7885	13273	17223	23054
7886	13296	17317	23141
7917	13302	17367	23176
7973	13303	17584	23528
7974	13315	17597	23708
8005	13351	17634	23758
8100	13424	17663	23796
8278	13776	17769	24143
8279	13858	18020	24195
8494	13895	18024	24456
8565	13896	18134	24470
8722	13900	18141	24495
8723	13902	18205	24496
8791	13904	18229	24500
8864	13928	18445	24505
9004	13931	18514	24547
9036	13935	18620	24569
9040	13941	18629	24700
9064	13948	18631	24760
9132	13960	18660	24784
9434	14413	18901	24792

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Cities Service Company—5% Gold Debenture, 1958—Continued.

$1,000—Continued

24927	29930	34883	41043
24930	30147	34912	41203
24965	30150	35034	41212
24998	30151	35067	41483
25080	30169	35069	41525
25109	30203	35070	41539
25111	30212	35135	41800
25144	30245	35296	41871
25157	30252	35456	41886
25219	30356	35594	41981
25227	30359	35595	42009
25228	30362	35605	42063
25229	30402	35641	42084
25230	30404	35653	42087
25337	30451	35654	42088
25377	30486	35667	42097
25387	30600	35777	42104
25524	30639	35783	42244
25684	30648	35829	42245
25733	30681	35845	42289
25735	30765	35914	42335
25739	30817	35985	42401
25752	30831	36149	42402
25783	30890	36431	42462
25898	30926	36492	42463
26058	31219	36493	42558
26060	31241	36720	42635
26102	31434	36738	42750
26352	31435	36764	42751
26372	31436	36817	42752
26463	31463	36833	42763
26523	31501	36997	42795
26542	31536	37086	42928
26543	31588	37094	43058
26544	31604	37106	43157
26545	31657	37162	43270
26546	31694	37210	43407
26547	31715	37219	43420
26548	31764	37254	43480
26549	31914	37363	43509
26550	31940	37440	43559
26602	32018	37515	43615
26776	32081	37600	43622
26792	32086	37936	43626
26794	32220	38197	43636
26834	32264	38233	43690
26855	32430	38276	43796
26970	32565	38349	43990
27035	32865	38363	44010
27082	32866	38371	44030
27121	33026	38417	44162
27225	33179	38493	44172
27237	33180	38513	44369
27245	33196	38570	44383
27250	33348	38594	44417
27328	33562	38651	44448
27342	33651	38652	44452
27392	33678	38656	44496
27522	33734	38673	44497
27559	33735	38741	44498
27609	33739	38860	44763
27626	33746	38899	44764
27709	33747	39175	44854
27714	33762	39178	44932
27731	33769	39179	44952
27837	33883	39237	45166
27940	33927	39318	45424
28157	33968	39330	45428
28164	34025	39897	45439
28168	34074	39985	45613
28175	34075	40007	45783
28522	34153	40452	45796
28541	34254	40457	46055
28576	34294	40595	46089
28685	34307	40648	46296
28714	34309	40697	46300
28756	34426	40715	46380
29160	34431	40716	46472
29303	34433	40733	46490
29477	34615	40763	46767
29727	34629	40790	46784
29853	34728	40862	46830
29854	34732	40949	46869
29898	34776	10951	46926

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Cities Service Company—5% Gold Debenture, 1958—Continued.

$1,000—Continued

47045	48120	48784	49299
47087	48152	48794	49333
47155	48153	48875	49372
47225	48313	48937	49385
47226	48339	49027	49386
47261	48399	49028	49450
47451	48524	49030	49858
47512	48622	49099	49869
47517	48661	49157	49937
47577	48705	49189	49970
48119	48707	49239	

$500

17	107	590	1006
23	181	626	2281
93			

Cities Service Company—5% Gold Debenture, 1963:

$1,000

5369	6887	12568	12574
5498	6888	12569	12575
6360	6889	12570	12576
6383	7879	12571	12577
6866	12567	12573	12581

Cities Service Company—Refunding 5% Gold Debenture, 1966:

$1,000

121	3191	8841	12860
148	3195	8842	12861
305	3199	8843	12867
313	3200	8955	12993
355	3201	8961	13002
363	3217	8963	13008
756	3218	8969	13013
805	3219	8976	13014
806	3226	8995	13085
972	3263	8956	13215
1005	3514	9012	13220
1026	3843	9105	13331
1036	4026	9174	13332
1114	4168	9864	13424
1489	4184	10048	13433
1560	4359	10049	13498
1662	4592	10050	13596
1724	4906	10051	13821
1787	5109	10052	13930
1855	5211	10053	13975
1946	5255	10054	13976
1959	5357	10227	14167
2156	5373	10251	14603
2295	5608	10337	14682
2313	5610	10338	14819
2373	5713	10366	14862
2374	5906	10420	14863
2375	5961	10425	16070
2376	6096	10492	16071
2377	6205	10582	16257
2392	6242	10820	16261
2432	6250	10887	16364
2468	6438	11007	16523
2476	6700	11011	16524
2515	6923	11074	16526
2517	6924	11094	16582
2593	7178	11339	16589
2594	7228	11537	16634
2596	7229	11556	16712
2597	7241	11596	16832
2619	7271	11722	16887
2620	7349	11847	16900
2621	7583	11963	16948
2704	7584	12373	17304
2795	7585	12384	17349
2812	7710	12523	17416
2845	7787	12531	17498
2862	8112	12613	17640
2884	8125	12637	17699
2908	8176	12638	17816
2927	8178	12763	17837
3006	8502	12801	17847
3054	8779	12855	17848
3133	8839	12859	17866
3155	8840		

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Cities Service Company—Refunding 5% Gold Debenture, 1966—Continued.

$1,000—Continued

17921	18316	18560	18885
17999	18317	18562	18959
18029	18318	18686	19041
18031	18368	18716	19654
18161	18393	18717	19598
18241	18446	18755	19977
18255	18447	18772	20283
18288	18558	18810	
18312	18559	18811	

$500

641	964	2162	2339
720	966	2251	2419
780	1662	2273	3068
781	1827	2274	3257
843	1828	2283	
898	1879	2302	
963	2108	2338	

$100

2432	2434	2464

Cities Service Company—5% Gold Debenture, 1969:

$1,000

26	1381	7323	12502
31	1388	7515	12558
94	1392	7552	12644
110	1439	7553	12696
115	1461	7690	12734
179	1485	7730	12762
265	1492	7771	12766
278	1532	7808	12767
279	1555	7869	13308
299	1566	8010	13614
306	1599	9678	13699
331	2564	9682	13720
438	2565	10135	13750
439	2666	10136	14038
460	2668	10274	14123
468	2738	10304	14204
469	2749	10340	14250
556	2771	10552	14304
566	2786	10654	14305
583	2973	10736	14306
603	3013	10737	14316
604	3144	10776	14322
609	3146	10932	14369
628	3273	10953	15205
629	3641	11022	15215
630	4102	11027	15292
633	4103	11168	15295
652	4104	11234	15297
653	4105	11269	15356
684	4228	11388	15420
692	4270	11397	15486
720	4278	11465	15597
732	4288	11470	15712
734	4293	11471	15907
737	5779	11527	16043
829	5780	11535	16045
895	5781	11575	16063
915	5803	11711	16116
932	5806	11712	16117
938	5965	11737	16130
943	5968	11753	16134
946	5990	11830	16158
947	6019	11842	16182
952	6035	11948	16391
967	6050	11949	16474
972	6060	11980	16495
979	6063	11999	16496
1011	6236	12012	16503
1044	6341	12061	16540
1051	6352	12146	16557
1052	6362	12236	16594
1078	6563	12332	16645
1151	6593	12382	16934
1152	6809	12416	16935
1158	6826	12449	16936
1240	6840	12452	16959
1249	6903	12480	16960
1290	7007	12481	16977
1354	7064	12500	17027

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Cities Service Company—5% Gold Debenture, 1969—Continued.

$1,000—Continued

17037	21179	25931	31298
17038	21194	25974	31304
17157	21278	26151	31372
17208	21309	26185	31521
17250	21311	26296	31530
17291	21329	26451	31531
17429	21338	26464	31545
17439	21523	26543	31600
17642	21526	26544	31674
17663	21691	26553	31720
17696	21701	26603	31741
17837	21713	26675	31765
17846	21772	26677	31819
17850	21808	26678	32113
17851	21868	26683	32191
17866	21875	26713	32203
17995	21880	26769	32205
17996	22207	26807	32236
17999	22275	26809	32267
18212	22418	26837	32268
18213	22423	26924	32338
18269	22426	26992	32434
18274	22432	27025	32461
18293	22471	27033	32546
18648	22475	27049	32547
18671	22477	27069	32597
18825	22505	27178	32642
18882	22557	27195	32646
18916	22608	27196	32702
18948	22621	27204	32737
18986	22637	27209	32774
19067	22658	27230	32778
19305	22659	27231	32842
19325	22663	27308	32880
19441	22679	27479	32933
19448	22680	28376	33130
19463	22683	28414	33140
19477	23124	28582	33141
19491	23125	28591	33149
19824	23127	28775	33252
19825	23130	28809	33262
19886	23900	28909	33411
19916	24012	29001	33470
19928	24075	29123	33501
19931	24079	29165	33540
19965	24081	29204	33642
19975	24085	29216	33676
19976	24086	29246	33692
19978	24087	29348	33836
20015	24088	29357	33858
20089	24089	29373	33889
20097	24179	29487	33940
20142	24219	29550	33947
20214	24290	29531	34002
20323	24464	29640	34013
20324	24478	29641	34014
20325	24534	29658	34045
20326	24593	29679	34138
20328	24595	29818	34321
20360	24696	29900	34367
20374	24697	29969	34468
20401	24699	29980	34554
20441	24754	30050	34577
20452	24839	30354	34781
20475	24850	30368	34784
20506	24851	30442	34794
20532	25004	30544	34798
20553	25028	30550	34861
20555	25037	30661	34879
20556	25041	30670	34882
20720	25148	30678	34889
20732	25189	30685	34999
20733	25194	30727	35000
20741	25290	30880	35060
20778	25298	30903	35200
20800	25304	30911	35227
20802	25311	30930	35231
20803	25367	30934	35232
20811	25377	31009	35233
20813	25396	31010	35234
20825	25457	31083	35236
21037	25551	31159	35243
21051	25593	31160	35314
21178	25606	31175	35315

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Cities Service Company—5% Gold Debenture, 1969—Continued.

$1,000—Continued

35434	39905	42443	46420
35459	39999	42469	46455
35475	40090	42476	46464
35624	40135	42531	46471
35629	40136	42552	46489
35713	40223	42607	46490
35801	40224	42662	46491
35802	40271	42671	46492
35925	40391	42742	46493
36132	40579	42743	46494
36172	40581	42746	46495
36224	40627	42751	46496
36230	40642	42767	46497
36479	40653	42880	46498
36495	40654	42881	46499
36530	40784	43012	46500
36551	40841	43100	46501
36609	40855	43105	46502
36610	40994	43135	46503
36623	40995	43170	46547
36636	40996	43184	46609
36641	41077	43384	46620
36667	41310	43550	46634
36687	41522	43704	46657
36751	41565	43721	46665
37008	41569	43800	46985
37012	41572	43931	46996
37322	41573	43944	47089
37348	41574	43979	47138
37550	41575	43983	47139
37573	41576	44007	47149
37722	41577	44018	47214
37776	41578	44023	47235
37793	41579	44107	47288
37834	41580	44158	47307
37852	41581	44223	47385
37945	41597	44349	47515
38009	41612	44433	47581
38010	41651	44485	47616
38127	41662	44533	47659
38164	41666	44590	47694
38243	41667	44614	47842
38271	41684	44687	47850
38294	41686	44708	47863
38560	41687	44826	47997
38582	41697	44863	48001
38634	41731	44866	48040
38627	41781	44980	48041
38650	41791	45091	48049
38660	41792	45138	48106
38665	41846	45149	48114
38687	41847	45314	48134
38701	41848	45356	48144
38732	41849	45410	48148
38781	41850	45411	48222
38841	41851	45412	48295
38886	41852	45455	48424
38905	41853	45562	48494
38917	41854	45574	48675
38963	41855	45575	48904
38998	41871	45584	48918
39012	41877	45665	48966
39135	41897	45696	49031
39202	41902	45750	49068
39280	41924	45753	49210
39300	41971	45813	49545
39524	41972	45862	49660
39550	41977	45924	49661
39675	41979	45968	49710
39737	41993	46185	49775
39746	42014	46219	49776
39775	42131	46276	49822
39777	42256	46308	49909
39830	42260	46330	49934
39898	42315	46334	

Cities Service Power and Light Company—Debenture 5½%, due 1949:

$1,000

1777	4952	5287	15600
4809	4976	5374	18506
4834	5082	5414	18799
4950	5083	5556	
4951	5145	5557	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Cities Service Power and Light Company—Debenture 5½%, due 1952:

$1,000

4809	11750	22527	36448
6317	15987	23072	39967
6881	17671	23073	40057
7571	17994	24670	41811
9709	18572	25359	42212
9745	18569	26348	42459
10390	18665	29811	43135
10391	18666	32486	43220
10427	19327	33018	43479
10596	19328	34203	44536
10636	19743	34204	
10783	19860	34205	

Colombia Republic of—4% Bonds 1934/46:

$30

E 14125	E 18308	E 47740	E 75660
E 14126	E 45983	E 57146	E 75661
E 14127	E 45984	E 57147	
E 14128	E 45985	E 57148	
E 14129	E 45986	E 57149	

$15

F 7212	F 7213

Colombia Republic of—External Sinking Fund Gold 6% Loan of 1927 due January 1, 1961:

$1,000

419	926	4648	15781
420	929	4823	15855
479	930	4824	16001
485	993	7388	16053
486	995	8168	16054
487	1014	9772	16055
537	1023	10110	16056
548	1173	12358	16057
569	1367	12690	16492
585	1811	13282	16493
612	1850	13649	16494
636	2445	13867	18419
698	2460	13868	18420
716	3488	13869	18532
734	3489	13905	18740
790	3490	14844	19374
881	3491	14898	19392
921	4026	15187	21377
922	4597	15463	22444
923	4647	15689	

$500

66	159	319	691
74	210	320	804
82	211	321	972
83	297	322	973
86	293	323	974
87	299	425	975
89	300	590	
139	318	690	

Colombia Republic of—6% External Sinking Fund Gold Bonds of 1928 due October 1, 1961:

$1,000

28919	28920	28921	28922	28923

Columbia Gas & Electric Corporation—5% Bonds 1931 due 1961:

$1,000

15403	15404	30329	30330

Commonwealth Edison Company—3½% Conv. Bonds 1938 due 1958:

$500

2095

Connecticut Railway and Lighting Company—50 year First & Refunding gold 4½% due 1951:

$1,000

10564	10797

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Consolidated Cities Light, Power & Traction Company—First gold 5% due 1962:

$500

1396	4750	8190	10153
4689	4753	8192	

Consolidated Edison Company of New York—3½% 1936 56:

$1,000

21563

Consolidated Edison Company of New York—3½% 1938 58:

$1,000

14585	14586

Consumers Power Company—First Mortgage Bonds, 3½% Series of 1935 due 1965:

$1,000

16674	16675

Conversion Office for German Foreign Debts—3% Dollar Funding Bonds:

$500

923

$100

8479	8480	16499

Conversion Office for German Foreign Debts—Fractional certificates:

$20

26200

$10

31969

$5

21173

Copenhagen, City of—4½% Bonds 1928 due 1953:

$1,000

2598	2608	2771	10211
2599	2762	4221	10212
2600	2763	4222	10213
2601	2764	4223	10214
2602	2765	4224	10215
2603	2766	4225	11049
2604	2767	8009	11235
2605	2768	8010	
2606	2769	9317	
2607	2770	10210	

$500

113	502	564	567
114	562	565	
501	563	566	

Copenhagen, City of—5% Bonds 1927 due 1952:

$1,000

6763	9680

Costa Rica, Republic of—7% Bonds 1926/51:

$1,000

5289

Cuba Company (The)—3% (formerly 6% Bonds 1905 due 1955):

$1,000

2592	3484	3782	3884

Cuba Railroad Company (The)—First Gold 5% due 1952:

$1,000

294	840	1363	1958
317	841	1421	1960
425	917	1439	2123
468	977	1570	2186
474	1019	1716	2205
477	1082	1801	2304
506	1264	1902	2419

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Cuba Railroad Company (The)—First Gold 5% due 1952—Continued.

$1,000—Continued

2526	5728	8699	11776
2528	5743	8868	11831
2548	5919	8953	11847
2569	5981	9294	11865
2584	6099	9587	12045
2731	6145	9694	12068
2732	6251	9737	12265
2758	6282	9849	12343
2759	6634	10050	12346
2760	6636	10060	12374
2761	6639	10072	12395
2762	6644	10085	12445
2763	6686	10143	12645
2764	6804	10304	12650
2980	6849	10359	12653
3075	6978	10538	12942
3183	6993	10666	12968
3199	7119	10877	13056
3363	7366	10896	13067
3385	7382	10897	13100
3417	7535	10898	13278
3567	7859	10932	13545
3894	7893	10933	13629
4288	7914	10934	13633
4395	7915	10935	13727
4460	7983	11045	13772
4692	8237	11306	13801
4982	8306	11311	13830
5121	8308	11379	13946
5270	8322	11513	14050
5378	8362	11519	14238
5482	8368	11525	14369
5483	8417	11535	
5486	8511	11717	

Cuba Railroad Company—Improvement and Equipment Gold 5% due 1960:

$1,000

38	568	1348	2731

Cuba, Republic of—(6%) 3%—1905/55:

$1,000

604

Cuba, Republic of—External Gold 4½% Loan of 1909 due August 1949:

$1,000

2309	9788	10239	10782
2310	9796	10283	10861
2311	9804	10328	11020
2312	9805	10358	15097
2313	9856	10412	15752
3183	9952	10490	15787

Cuba, Republic of—External Sinking Fund 4½% of 1937 due 1977:

$1,000

79637	79739	79972	80884
79638	79836	80755	80885
79639	79837	80841	80886
79640	79886	80842	80887
79691	79891	80881	80888
79717	79908	80882	80889
79720	79942	80883	80890

$100

6491	6602	6774	7020
6492	6633	6992	7021
6493	6639	6993	7022
6494	6640	7016	7023
6544	6653	7017	7024
6548	6710	7018	7025
6597	6760	7019	

Cuba Republic of—5% Bonds 1905:

$100

2022	6056	6061	34694
2048	6057	6062	35482
3831	6058	34691	35483
6054	6059	34692	62513
6055	6060	34693	62514

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Cuba Republic of—5% Bonds 1905—Continued.

$100—Continued

106085	106568	106573	106578
106086	106569	106574	106579
106087	106570	106575	106580
106088	106571	106576	106581
106567	106572	106577	106963

Cuba, Republic of—External Gold 5% Loan of 1904 due 1944:

$1,000

1193	4964	9626	11520	11527	19913

$500

561 1386

Cuba, Republic of—External Public Works Sinking Fund, 5½% Bonds 1930/45:

$1,000

23170 23604

Cuba, Republic of—5½% Bonds 1923/53:

$1,000

14029 35754 35755 35756 46345 46918 47355

$400

106

$200

17

$100

100

Czechoslovakia State Loan 1922 due 1951—8% Series A with coupons April 1, 1940:

$1,000

6467 7268

$100

484

Czechoslovakia State Loan 1922 due 1952—8% Series B with coupons April 1, 1940:

$1,000

5745

$500

562 830 1296

$100

930 931

Dallas and Waco Railway Company—First gold 5% due 1940:

$1,000

564

Danish Consol—Municipal Loan, 5% due 1953:

$1,000

76	567	910	1412
77	568	911	1846
78	839	1179	1847
365	907	1408	1923
476	908	1409	
566	909	1411	

Danzig Port and Waterways Board—Sec. Eastern Sink fund gold 6½% Loan of 1927—due 1952:

$1,000

3320 3617 3618 3722 3723

$500

1291

Delaware & Hudson Company—4% Bonds 1908 due in 1943:

$1,000

587	8856	11068	25345
1401	11067	15436	50844
1993			

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Denmark, Kingdom of—External Gold 4½% Loan of 1928 due 1962:

$1,000

281	12831	29686	46880
361	13055	30126	47080
365	13056	30617	47082
459	13216	31004	47097
710	13462	31065	47098
961	13471	31162	47099
971	14620	31296	47100
2045	14695	31400	47342
2160	15270	32101	47546
2165	15344	32613	47687
2182	15345	33427	47890
2466	15609	33509	48357
2480	15695	33858	48622
2522	16157	33878	48791
2523	16406	33879	48814
2524	16488	33880	48930
2643	17538	33881	49024
2648	18169	33882	49188
2939	18249	33883	49223
3384	18310	33884	49371
3390	18898	33885	49924
4113	18899	33886	50019
4572	18996	33951	50090
5090	18997	34406	50099
5101	18998	34407	50183
5149	18999	34408	50201
5271	19000	34410	50223
5859	19044	34615	50265
7085	19228	35011	50657
7361	19229	35264	50717
8268	19249	35416	50724
8308	19377	35526	50977
9549	20350	35753	51088
9823	21129	35976	51263
9824	21130	36306	51276
9825	22201	36552	51325
9826	22503	37012	51432
9827	22598	37030	51433
9828	23076	37041	51434
9829	23191	37056	51435
9830	23210	37075	51436
9831	23582	37081	51437
9832	24703	37082	51438
9833	24924	37469	51439
9834	25391	37985	51440
9835	25392	37986	51441
9836	25393	38047	51442
9837	25394	38049	51443
9838	25395	38205	51444
9839	25396	38300	51445
9840	25397	38612	51446
9841	25398	38613	51447
9842	25399	38614	51448
9843	25400	38615	51449
9844	25476	38632	51450
10979	25477	38739	51451
11278	25478	38792	51452
11446	25691	38811	51453
11447	25738	39701	51454
11448	25757	40268	51455
11449	25829	40292	51456
11450	25846	40565	51457
11451	26266	41103	51458
11452	26385	41749	51459
11453	26514	41897	51460
11454	26515	42515	51504
11455	26599	42915	51505
11456	27446	43152	51643
11457	27481	43663	51644
11458	27482	43669	51673
11459	27620	43670	51785
11460	27694	44316	51786
11461	27768	44317	51787
11462	27847	44362	51788
11463	28382	45058	51789
11464	28992	45542	51790
11465	28994	45637	51791
11466	29029	45638	51792
11648	29181	45639	51793
12112	29384	45640	51794
12119	29385	45641	51795
12120	29497	45648	51796
12121	29507	45803	51797
12122	29620	46708	51798
12123			

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Denmark, Kingdom of—External Gold 4½% Loan of 1928 due 1962—Continued.

$1,000—Continued

51799	51815	52197	52827
51800	51816	52276	52959
51801	51817	52378	53177
51802	51818	52465	53439
51803	51819	52466	54096
51804	51820	52467	54305
51805	51821	52490	54643
51806	51822	52491	54644
51807	51823	52570	54646
51808	51824	52682	54666
51809	51896	52742	54817
51810	52089	52743	54822
51811	52121	52744	54823
51812	52122	52746	
51813	52123	52747	
51814	52191	52770	

Denmark, Kingdom of—External Gold 5½% Loan of 1925 due 1955:

$1,000

72	2043	19855	26790
240	2045	20549	26791
478	2424	20866	26792
525	2659	20912	26793
742	5591	24239	26794
743	5829	25070	26795
859	9428	25071	26797
860	11058	26439	26798
970	12171	26459	26799
971	12200	26559	27260
972	13596	26560	27488
1055	13597	26561	27520
1341	13598	26781	27568
1556	14167	26782	27835
1858	18547	26783	28066
2034	18684	26785	28338
2035	18685	26786	28506
2038	19103	26787	28507
2040	19854	26789	28845

$500

2	383	418	1440
179	384	524	1683
307	385	757	1927

Denmark, Kingdom of—External Gold 6% Loan of 1921 due 1942:

$1,000

55	3286	12706	23413
1913	3287	13233	26032
2363	3288	13990	27724
2762	6231	17452	
3174	9028	22632	

$500

1545 8437 3438

Denver & Rio Grande Railroad Company—First Consolidated Gold 4% due 1936:

$1,000

2830	8256	16147	24150
4224	11452	17136	26544
4877	13202	17275	

$500

208 214

Denver and Rio Grande Railroad Company—First Consolidated Gold 4½% due 1936:

$1,000

36927 38958

Denver & Rio Grande Western Railroad—General Gold 5% due 1955:

$1,000

22219

$500

465	468	1255	1676
466	469	1364	
467	470	1875	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Denver & Rio Grande Western Railroad—General Gold 5% due 1955—Continued.

$100

556	2989	5171	5705
557	3240	5172	6014
558	3304	5492	6015
2906	3344	5495	
2907	3345	5496	
2988	3376	5497	

Des Moines & Fort Dodge Railroad—First Gold 4% 1925—due 1935:

$1,000

1810 1811 3020

Des Moines & Fort Dodge Railroad—4% Bonds (Certificates of Deposit):

$1,000

T. M. 1829-774 T. M. 1887-1997
T. M. 1831-776 T. M. 1888-1998

Deutsche Bau-und Bodenbank A. G.—6½% Bonds 1928 due 1948:

$1,000

1740

Dominican Republic Customs Administration—20 Year 5½% Gold Loan of 1922-6 due 1961:

$1,000

197	2156	4546	7322
266	2157	4577	7405
276	2181	4617	7519
400	2284	4653	7534
426	2362	4675	7557
506	2380	4898	7558
757	2387	4962	7602
763	2566	5029	7722
797	2672	5275	7723
856	2793	5552	7833
900	2795	5667	8135
1072	2896	5760	8136
1180	2946	5789	8216
1211	3113	5832	8370
1221	3490	6004	8427
1442	3589	6074	8507
1445	3601	6232	8544
1446	3667	6287	8757
1810	4130	6376	9005
1854	4181	6424	9110
1892	4219	6920	9343
1989	4302	6953	9344
1992	4341	6980	9742
2022	4475	7091	9777
2060	4513	7176	9913
2137	4544	7177	9915

Dominican Republic Customs Administration—Sinking Fund Gold 5½% Loan of 1926-1928 due 1969:

$1,000

27	2434	2894	3363
97	2468	2900	3364
100	2479	2904	3421
101	2484	2905	3423
114	2485	2919	3434
783	2489	2954	3472
928	2490	2955	3678
1365	2491	2956	3838
1525	2521	2957	3994
2289	2527	3004	4153
2290	2561	3084	4208
2382	2565	3109	4871
2400	2567	3126	4872
2412	2633	3153	4873
2413	2658	3193	4874
2414	2862	3207	
2415	2865	3251	
2418	2876	3252	

$500

101	114	214	266
109	115	216	267
112	141	261	
113	199	262	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Eastern Railway of Minnesota—4% Bonds 1898 due in 1948:

$1,000

5438 5439

Erie Railroad Company—5% Bonds 1926 due 1967:

$1,000

33853

Finland, Republic of—6% 1923 due 1945:

$1,000

1384 6094 6095

Florida Central & Peninsular Railroad Company—First consolidated gold 5% due 1943:

$1,000

2109

Florida East Coast Railway Company—5% Bonds, 1934/74:

$1,000

27820 27821 27822 27823

France, Republic of—25 Year Sinking Fund, External 7% Dollar Gold Loan of 1924 due 1949:

$1,000

5771	34743	79398	93396
13910	43512	91164	94044
22260	44516	92845	
22340	68144	92854	

$100

21508

Frankfort on Main (City of) 7% Bonds, 1925/45:

$1,000

8521 8576

German Atlantic Cable Company (Deutsch Atlant. Telegr. Ges.)—7% Bonds 1925/45:

$1,000

35	413	1876	2984
36	420	1879	2987
45	425	1881	3159
46	436	1972	3249
48	438	2101	3263
49	479	2147	3347
68	485	2227	3394
69	592	2340	3432
86	593	2343	3484
101	665	2366	3507
127	697	2414	3568
145	736	2463	3576
156	779	2521	3583
160	802	2522	3585
161	826	2662	3586
162	868	2705	3591
164	910	2707	3603
181	1004	2729	3612
182	1051	2737	3620
184	1052	2742	3636
193	1115	2751	3640
215	1181	2752	3690
274	1183	2763	3751
300	1186	2861	3791
319	1188	2950	
335	1266	2957	
351	1741	2977	

$500

7	16	83	180	296

Germany, Government of—7% 1924 due 1949:

$1,000

55040	66028	66036	66045
55043	66030	66038	66047
66023	66031	66039	66048
66024	66032	66040	66049
66025	66033	66041	66050
66026	66034	66043	98105
66027	66035	66044	98610

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Grand Trunk Western Railway Company—First Gold 4% due 1950:

$500

428	860	862	931

Greater Prague, City of—7½% Loan 1922 due 1952:

$1,000

2454	3381	4863	5714
2456	3466	4879	

Greece, Kingdom of—7% 1924, Scrip:

5602

Gulf States Steel Company—4½% Bonds 1936/61:

$1,000

64	67	2248	2417
65	2246	2249	
66	2247	2250	

Haiti, Republic of—6% 1922/52:

$1,000

4988	8031	12106

Harperer Bergbau (Harper Mining Co.)—6% 1929 due 1949:

$1,000

1319	1672

Havana Electric Railway Company—5% Consolidated Mortgage Gold Bonds due 1952:

$1,000

8669	8711	9151	9152

Hellenic Republic Water Works—Gold Bonds 4% 1985:

673	3066	5871	6890

Hudson Coal Co.—5% Bonds 1927/62:

$1,000

2198	27378	34094	34289
4717	28991	34285	
15509	34093	34286	

Hudson & Manhattan R. R. Co.—First & Refunding 5% Bonds 1913/57:

$1,000

1704	3210	20034

Hungarian Central Mutual Credit Institute (Budapest) Land Mortgage Sinking Fund Gold 7%, due 1937:

$1,000

94	95	96

$500

13

Hungarian-Italian Bank, Ltd.—7% Sterling Mortgage Bonds:

$1,000

346

$500—Series A. C. W.

D 17	D 32	D 52	D 56
D 28	D 45	D 55	

Hungary, Kingdom of—External Secured Sinking Fund 7½% 1924/44 (Now 4½%—1979):

$1,000

1988	2059	6087

$500

481	482

Hungary, Kingdom of—7½% Consolidated Municipal Loan 1925/45:

$1,000

311	3614	3778	7729
313	3653	3779	7736
2104	3730	3780	
2666	3731	3811	
3613	3777	3835	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Hungary, Kingdom of—7½% Consolidated Municipal Loan 1925/45—Continued.

$500

334	341	412

Illinois Central Railroad Company, St. Louis Division—First Gold 3½% due 1951:

$1,000

3946

Illinois Central Railroad Company—Collateral Trust Gold 4% due 1952:

$1,000

400	3764	7438	11249
980	4035	7666	11530
1216	4535	7743	11534
1238	4564	7948	12336
1565	4768	7949	12337
1570	5367	8218	12449
1696	5602	9265	12660
1792	5933	9512	12661
2330	6038	9513	12717
2693	6334	9534	12833
2761	7041	10097	
3030	7271	10591	
3428	7385	11131	

$500

14001	15450	15995	16847
14784	15957	15996	16848

Illinois Central Railroad Company—Mortgage & Collateral, Gold 4% due 1953:

$1,000

195	4781	9898	16363
578	4902	9965	16728
667	5379	10900	16891
1040	5510	11160	17060
1435	5511	11273	17423
1877	5524	11355	17982
2219	5746	11605	18637
2474	5866	11645	19417
2555	7317	11711	19660
3030	7928	11990	19722
3041	8512	12474	19968
3051	8610	12531	20194
3423	8732	12572	20443
3685	8813	13593	20879
3946	9211	14024	20944
4101	9283	14028	
4230	9759	15610	
4317	9883	15710	

$500

15290	24160	25636	26430
22807	24667	25689	27417
22808	25102	25690	27996
23332	25117	25711	

Illinois Central Railroad Company—4¾% bonds due 1966:

$1,000

2003	12292	13552	22097
2968	13551	19933	30240

International Hydro-Electric System—Convertible debenture gold 6% due 1944:

$1,000

65	6560	13244	21033
1005	7458	14259	21038
1185	7856	14357	21094
1578	7912	15056	21111
1644	8009	15311	21842
1647	8151	15371	21957
1806	8409	15673	22120
2118	8860	15732	22794
2149	8920	15771	22857
3239	9840	16130	23632
4031	9885	16241	23897
5229	9934	17181	24014
5596	10122	17789	24421
5702	11542	17853	24481
5720	12323	19460	24523
5846	12404	19621	24778
6023	12539	20317	25145
6057	12547	20537	25926
6524	12984	21002	26798

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

International Hydro-Electric System—Convertible debenture gold 6% due 1944—Continued.

$1,000—Continued

26939	27835	28524	29861
27249	28270	28529	
27303	28392	29848	

International Mercantile Marine Co., Ltd—First and Collateral Trust Gold 6% due 1941:

$1,000

337	3047	6054	26930
338	3086	7704	27058
339	3087	7718	27669
340	3088	7869	28305
521	3090	10201	29113
522	3144	10456	29973
523	3179	11103	30623
524	3216	11513	30767
525	3410	11516	30998
526	3470	13289	31706
653	3949	14031	32986
673	4048	14769	33423
842	4049	17089	33609
1075	4057	17115	33970
1374	4058	18487	35,46
1432	4258	18616	35864
1533	4265	19382	36028
1570	4308	19446	36094
1589	4489	19474	36095
1591	4544	19547	36096
1622	4579	19606	36098
1796	4601	19971	36123
2098	4602	20965	36124
2171	4603	21237	36125
2183	4604	21311	36126
2552	5156	21364	36127
2574	5162	21392	36128
2723	5273	21600	36129
2736	5433	21939	36130
2752	5453	22750	
2754	5581	26918	

$500

217	745	2380	3636
234	752	2655	3649
258	957	2899	3850
259	1000	3051	3815
305	1211	3092	3934
372	1244	3344	4100
458	1577	3423	4418
469	1615	3432	4879
512	1974	3584	6819
563	1977	3585	6820
700	2177	3586	7778

International Power Securities Corporation—Secured Gold 6½%, series C, due 1955:

$1,000

179	1740	1848	1947
1652	1741	1873	1951
1653	1746	1879	3898
1734	1788	1902	7361

International Power Securities Corporation—7% Bonds due 1952:

$1,000

1795	1796	1797	1798	2316	4874

International Power Securities Corporation—7% Bonds due 1957:

$1,000

7070	7073	9584	9933
7071	9193	9585	9934
7072			

International Railways of Central America—First Lien and Refunding, 6½% Bonds 1927 due 1947:

$1,000

4467	4468	4469

International Telephone & Telegraph Corporation—4½% due 1952:

$1,000

10377	31983

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

International Telephone & Telegraph Corporation—Debenture gold 5% bonds 1930 due 1955:

$1,000

8730	22427	22430	22433
19320	22428	22431	22434
22426	22429	22432	22435

Irish Free State—External sinking fund, 5% bonds 1927/60:

$1,000

6100	11957

Japan, Empire of—5½% Bonds 1930 due 1965:

$1,000

43183

Japan, Empire of—6½% Sinking Fund Gold Bonds of 1924 due 1954:

$1,000

4628	51923	53189	64277
49978	52208	53197	89115
50393	52493	53198	97193
50394	52878	53232	100411
50395	52879	53233	107403
50396	53186	53234	135112
50683	53187	53833	135113
50820	53188	53871	

$500

3575	3813	4368	4869
3576			

$100

2002	3614	4263	4815
2120	3634	4264	4914
2121	3636	4305	4915
2756	3644	4306	5034
2758	3740	4389	9120
2788	4132	4424	9895
2831	4210	4498	9896
2832	4229	4499	
2912	4256	4617	
3390	4257	4814	

Kansas City Fort Scott & Memphis Railway Co.—Refunding (now first) Gold 4% due 1936:

$1,000

1864	4864	4872	7594	7932

Kansas City Southern Railway—3% 1st Mortgage Gold due 1950:

$1,000

80	2378	5819	8683
97	2423	5900	8803
152	2583	5956	8894
315	2634	6184	9110
354	2692	6278	9513
359	2697	6423	9516
387	3139	6446	9593
426	3171	6708	9594
476	3218	6827	9595
535	3407	6873	9625
547	3528	6961	9690
584	3684	6982	9840
646	3802	6992	10008
943	3925	7084	10036
1092	3992	7091	10222
1124	4357	7140	10248
1407	4516	7160	10500
1493	4604	7356	10524
1578	4788	7371	10525
1605	4810	7469	10719
1682	5212	7543	10723
1683	5319	7638	10744
1894	5328	7875	10762
2028	5329	7905	10784
2084	5652	8077	10955
2097	5752	8196	11032
2112	5772	8321	11063
2278	5799	8323	11244

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Kansas City Southern Railway—3% 1st Mortgage Gold due 1950—Continued.

$1,000—Continued

11384	15532	20234	25233
11464	15567	20279	25736
11497	15580	20572	25781
11606	15607	20646	26006
11635	15625	20729	26265
11765	15626	20741	26334
11803	15762	20750	26440
11889	16202	20873	26567
11933	16453	21077	26635
12014	16553	21344	26737
12015	16688	21384	26872
12072	17103	21455	27004
12130	17275	21575	27033
12192	17318	21577	27288
12289	17323	21718	27355
12347	17407	22291	27484
12518	17774	22334	27576
12531	17890	22335	27763
12802	18119	22419	27805
13008	18156	22839	27806
13194	18331	22973	27807
13249	18716	23109	27886
13281	18870	23223	27887
13403	19011	23475	28060
13478	19012	23625	28169
13502	19053	23634	28244
13531	19310	23664	28334
13645	19347	23772	28421
13817	19410	24246	28651
14321	19583	24308	28722
14404	19587	24337	28813
14546	19615	24392	28845
14685	19796	24513	29054
14704	19845	24626	29454
14959	19852	24630	29749
14964	19903	24633	29758
15039	19940	24653	29794
15261	19951	25129	29816

Kansas City Southern Railway Co.—Refunding & Improvement Mortgage Bond 5% due 1950:

$1,000

78	5118	10781	15066
79	5492	11000	15401
370	5568	11115	15427
861	5827	11254	17058
1063	6006	11442	17322
1124	6834	11495	17332
1202	7523	11639	17337
1474	7619	11793	17338
1647	7719	11949	17339
1801	7866	12223	17658
1824	7951	12389	17679
2825	8425	12710	17825
2830	8437	13313	18052
2941	8438	13406	18373
3165	8439	13458	18417
3177	8528	13525	18603
3212	8689	13646	18808
3236	9183	14234	18884
3333	9219	14379	18899
3407	9230	14537	18998
3470	9312	14538	19372
3603	9387	14713	19622
3843	9960	14800	20521
3890	10135	14813	20713
4008	10403	14901	
4613	10467	14913	

Kansas City Terminal Railway Co.—First gold 4% due 1960:

$1,000

1907	24901	28370	48085
21842	25174	33450	48323
21843	25182	34560	48324
21919	25183	34561	48325
23385	25344	35930	49016
23386	27437	46310	

Kreuger & Toll Co.—5% Unified Certificate deposit:

$1,000

2036	2042	2045	2088
2037	2043	2087	2105

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Kreuger & Toll Co.—5% Unified Certificate deposit—Continued.

$1,000—Continued

2117	3052	3396	16513
2119	3053	3397	16514
2151	3054	3398	16515
2152	3055	3399	16529
2781	3056	3401	19665
2840	3102	3402	23435
2841	3105	3416	26604
2842	3118	3809	26634
2856	3293	3837	26720
2873	3295	5211	29147
2904	3324	5219	29148
2905	3330	14626	29149
2918	3380	16380	29442
3000	3381	16390	
3003	3382	16437	
3007	3395	16512	

$500

591	642	2611	2630
630	743	2612	3051
641	2606	2629	

Long Island Railroad Co.—4% refunding, due 1949:

$500

682

Louisville & Jeffersonville Bridge and Railroad Co.—First Gold 4% due 1945:

$1,000

970	1814	2040	3193
1785	1983	2429	

Louisville & Nashville Railroad Co.—3¾% refunding 1921/2003:

$1,000

16071	16072	17073

Louisville & Nashville R. R. Co.: Mobile and Montgomery Ry. First Gold 4½% due 1945:

$1,000

804	1280

Louisville & Nashville R. R. Co., Southeast & St. Louis Division—Second (now first) 3% due 1980:

$1,000

2	767	1569	2136
44	787	1744	2170
91	1036	1768	2551
202	1043	1836	2713
508	1046	2029	2797
751	1471	2134	2878

Meridionale Electric Company—First Sinking fund gold 7% Bonds 1927/57:

$1,000

2138	6545

Mexican Funding Notes (coupon 1 and 2):

$4.00

D 3487	D 8488

$8.00

M 18646	M 19968	M 20668

$9.00

M 6296	M 6297	M 6298	M 66684

$20.00

C 35567	C 35569	C 35571
C 35568	C 35570	

$70.00

C 35567	C 35569	C 35571
C 35568	C 35570	

Mexican Scrip, Series A:

$1.35

178993

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Mexican Scrip, Series A—Continued.

$9.70

95153

$21.00

139106

$22.50

170109	177162	177680	179024	179073

$24.30

131355	132046	132271	149539
131639	132050	132330	
131924	132152	132454	

$42.00

139139

$48.60

131596

$52.50

138054

$56.25

169873	171878	

$45.00

177067

177118	179058

$57.75

139187

$60.00

147688

$67.50

168848	168849	168850	168852

$90.00

135497	137447	177038

$100.00

140530

$112.50

62975	179259

$120.00

94029	140994	141506	148434
94525	141141	142521	148435
140527	141142	147511	148436
140528	141143	147822	148437
140529	141484	147961	

$121.50

131782

$135.00

93846	133855	137477	177079
98235	134212	137478	
98639	137084	168340	
133366	137476	168846	

$212.19

77108	77538	77610	83230

$240.00

142289

$270.00

133105	133468	137335	170478	171349

$364.50

131783

$405.00

63487	135747	168728

$540.00

93283	169305

$945.00

172144

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Mexican Scrip—Series B:

$450.00

45196	45198	45200
45197	45199	

$270.00

56437	75922	75923	75924

$220.00

81850	82437	82438	82439

Milan, City of—External Sinking fund gold 6½% Loan of 1927—due 1952:

$1,000

5134	8931	9465	27367
8417	8968	9503	27785
8624	9196	9650	27835
8625	9273	9839	28925
8826	9411	10054	
8753	9412	11100	
8917	9416	16382	

$500

278	402	554	837
292	403	586	903
369	404	770	

$100

498	644	1187	1439
504	1007	1188	
585	1186	1402	

Minas Geraes, State of—Secured External Gold 6½% Series A of 1929 due 1959:

$1,000

809	1959

$500

1036

Minneapolis, St. Paul & Sault Ste. Marie Railway Company—4% bonds 1888/1938:

$1,000

2387	23147	35205	36781
3987	25314	35206	54747

Missouri-Kansas-Texas Railroad Company—Prior Lien Gold 4% Series B due 1962:

$1,000

8768	9014	9069	23430	30507

$500

1032	1101	1308	1318	1411

$250

487	548	744	841	919

Missouri-Kansas-Texas Railway Company—First Gold 4% due 1990:

$1,000

628	12595	24592	29314
1740	13089	24598	29588
2708	15304	25429	29793
3106	17118	25563	29927
3419	17299	25935	30038
3482	17414	26135	30507
3483	17427	26197	31485
3484	18833	26266	31726
3696	19374	26763	32413
5125	19663	27379	32539
6200	19970	27583	32749
6888	20042	27691	32789
7392	20135	27759	32892
9706	21037	28315	33123
9923	21097	28513	33194
10229	21168	28724	33570
10250	22076	28832	33673
10873	22111	28994	34367
11146	22707	29197	
11532	22744	29255	
11597	23091	29267	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Missouri-Kansas-Texas Railway Company—First Gold 4% due 1990—Continued.

$500

1433	35928	38471	42995
35420	36672	38872	43239
35421	37340	41005	43344
35859	37934	41884	

Missouri-Kansas-Texas Railroad Company—Prior Lien 5% Series A due 1962:

$1,000

29214	29248	29485	30867
29215	29301	30865	31057
29216	29355	30866	31199

$500

2205	2261	2304	2366	2562	2573

$250

139	1131	1779

Missouri-Kansas-Texas Railroad Company—Cumulative Adjusted Mortgage Gold 5% Series A due 1967:

$1,000

23964	47607	48019	48024
41078	47780	48020	48025
46766	47797	48021	48026
46839	47888	48022	
47314	47898	48023	

$500

2887	3463	3854	4395
2951	3466	3855	4396
2955	3655	4393	4397
2960	3779	4394	4404

$100

6052

Missouri Pacific Railroad Company—4% General Mortgage Gold Bonds due 1975:

$1,000

41	9223	14472	24908
433	9246	14767	24909
984	9247	15112	24910
1157	9248	15207	24911
1378	9249	15374	24912
1398	9250	15747	24913
1439	9465	16367	24914
1681	9949	16730	25053
1760	10133	17148	25069
2259	10485	17295	25152
2691	10562	17305	25339
2806	10563	17346	25350
2852	10581	17652	25491
2957	10710	17797	25555
3518	10822	17901	25738
4065	11087	17936	25780
4839	11158	18054	25815
5622	11189	19136	26116
5988	11363	19315	26180
6224	11475	19574	26205
6225	11482	19753	26372
6234	11732	19891	26534
6266	11785	19908	27036
6809	11956	20292	27198
6966	12053	20368	27359
7042	12097	20427	27505
7045	12247	20439	27506
7052	12248	20471	27911
7183	12331	20482	28112
7237	12371	20650	28453
7655	12448	20950	28683
8023	12698	21680	29050
8134	12743	22335	29353
8344	12749	22428	29471
8431	12919	23084	29568
8447	13138	23308	29650
8613	13145	23385	29695
8725	13634	23387	29771
8804	13834	23542	29788
8819	14093	23771	29928
8972	14357	24455	29934
9190	14379	24597	30027
9208	14439	24742	30246

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Missouri Pacific Railroad Company—4% General Mortgage Gold Bonds due 1975—Continued.

$1,000—Continued

30506	33349	37177	40425
30517	33642	37186	40570
30665	33736	37929	40916
30678	33909	38002	41411
30871	34056	38050	41507
30966	34061	38226	41609
31268	34370	38239	41912
31540	34497	38240	42061
31605	34876	38322	42073
31666	34877	38428	42075
31764	34878	38644	42371
31773	35100	38654	42841
31799	35373	38694	43123
31842	35374	38699	43228
31868	35496	38773	43431
31986	35572	38819	43594
32290	35834	39026	43624
32291	35854	39179	44063
32435	36342	39524	44067
32548	36403	39745	44476
32740	36476	40166	45214
32947	36521	40213	45600
33112	36856	40414	45834
33161	36889	40420	46096
33274	37171	40422	46316
33281	37172	40423	46482

$500

437	2468	3198	3870
667	2900	3239	3871
710	2911	3240	3890
783	3008	3242	3991
1056	3009	3388	4158
1287	3042	3481	4294
1501	3075	3538	4566
1640	3076	3697	4601
1667	3114	3720	
1706	3115	3721	
1754	3129	3727	

Missouri Pacific Railroad Company—First & Refunding Gold 5% Series G due 1978:

$1,000

2267	8478	16825	23495
4181	12832	22286	
4285	15500	23436	

Missouri Pacific Railroad Company—5½% Bonds 1929/49:

$1,000

27905

Montreal, City of—4% due 1959:

$1,000

108	418	996	1336
109	419	997	1338
110	420	998	1375
207	421	999	1384
208	426	1044	1394
209	531	1045	1444
210	534	1046	1480
211	535	1047	1482
212	536	1094	1483
213	538	1095	1497
214	676	1099	1498
215	748	1145	1499
216	753	1146	1500
245	754	1169	1501
345	843	1189	1507
346	844	1190	1508
347	869	1191	1509
355	889	1192	1510
356	893	1193	1511
357	894	1220	1512
358	895	1221	1513
359	896	1222	1514
360	897	1257	1515
393	908	1270	1516
394	909	1271	1517
411	910	1333	1518
412	913	1334	1519
417	987	1335	1520

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Montreal, City of—4% due 1959—Con.

$1,000—Continued

1521	2159	2402	3086
1522	2160	2403	3089
1523	2228	2404	3090
1569	2229	2405	3091
1592	2235	2406	3092
1608	2236	2407	3093
1656	2255	2408	3094
1678	2256	2409	3103
1679	2261	2410	3104
1680	2278	2411	3123
1681	2279	2412	3238
1682	2280	2413	3239
1683	2281	2414	3240
1709	2282	2415	3244
1710	2283	2416	3245
1711	2284	2417	3246
1712	2285	2418	3247
1735	2286	2419	3248
1736	2287	2420	3258
1737	2288	2421	3270
1738	2289	2422	3271
1739	2290	2423	3272
1740	2291	2424	3332
1741	2292	2425	3410
1742	2293	2426	3473
1786	2306	2427	3502
1787	2342	2428	3509
1788	2347	2446	3526
1836	2380	2447	3527
1859	2389	2448	3528
1861	2390	2475	3539
1862	2391	2576	3553
1926	2392	2577	3554
1958	2393	2673	3555
1959	2394	2674	3678
1960	2395	2726	3720
1961	2396	2791	4155
1962	2397	2792	4156
2120	2398	2795	4157
2130	2399	2817	4158
2132	2400	3054	4159
2133	2401	3055	9123

$500

2368	3303	3888	3977
3712	3804	3900	4009
3723	3805	3901	4014
3728	3828	3902	4028
3729	3837	3903	4029
3730	3856	3908	4067
3731	3878	3909	4068
3732	3880	3921	4084
3737	3881	3922	4117
3738	3884	3966	4139
3774	3885	3974	4140
3802	3886	3976	4316

Mortgage Bank of Chile—Guaranteed Sinking Fund 6% Bonds 1928, Maturity 1961:

$1,000

1548	1549

Mortgage Bank of Chile—Guaranteed Sinking Fund Gold Loan 6½% Bonds 1925-57:

$1,000

4514	5091

Mortgage Bank of the Kingdom of Denmark—5% Bonds 1927/72:

$1,000

2515

National Distillers Products Corporation—Convertible debenture 3½% Bonds 1939/49:

$1,000

2895

National Railroad Company of Mexico—First Consolidated gold 4% due 1951:

$1,000

482	685	2140	2369
487	947	2339	2512

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

National Railroad Company of Mexico—First Consolidated gold 4% due 1951—Con.

$1,000—Continued

2613	6959	9258	11643
2698	6973	9277	11722
2978	6994	9309	11798
3196	6998	9361	11870
3187	7005	9404	11967
3200	7016	9410	11973
3222	7096	9425	11993
3261	7104	9491	12000
3276	7146	9539	12001
3284	7147	9558	12025
3298	7155	9582	12072
3299	7164	9600	12105
3344	7183	9654	12144
3353	7184	9662	12145
3367	7191	9665	12199
3419	7194	9679	12458
3462	7209	9723	12504
3582	7218	9724	12524
3594	7218	9763	12653
3595	7245	9793	12727
3758	7247	9837	13134
3823	7316	9843	13273
3858	7320	9854	13293
3878	7330	9862	13294
3889	7332	9863	13994
3894	7337	9871	14323
3911	7373	9872	14354
3920	7397	9873	14491
3956	7421	9874	14647
3978	7422	9884	14659
4005	7516	9887	14978
4315	7543	9917	15097
4329	7611	9920	15104
4423	7620	9935	15174
4762	7633	10038	15242
4787	7638	10047	15347
4802	7690	10056	15372
4803	7700	10114	15453
4804	7702	10142	15945
4841	7717	10144	15950
4907	7740	10167	15951
4908	7860	10215	15952
4998	7920	10244	15953
5574	7931	10246	15954
5731	7944	10281	16027
5871	7978	10325	16303
5966	7984	10541	16304
5978	8004	10588	16305
6064	8035	10642	16328
6094	8165	10652	16663
6116	8172	10708	16734
6142	8186	10830	16742
6213	8252	10858	16808
6227	8293	10874	16917
6327	8295	10893	16950
6357	8345	10935	17012
6363	8370	11093	17049
6383	8403	11102	17051
6431	8408	11106	17058
6457	8459	11118	17064
6477	8574	11166	17093
6486	8732	11227	17165
6507	8741	11228	17184
6556	8859	11231	17198
6574	8887	11233	17548
6577	8901	11234	17715
6587	8903	11237	18018
6648	9007	11238	18062
6665	9008	11239	18090
6666	9026	11240	18197
6667	9029	11241	18358
6668	9038	11245	18540
6669	9056	11268	18627
6693	9067	11269	18814
6720	9089	11270	18924
6737	9091	11311	18946
6746	9100	11379	19102
6749	9103	11398	19155
6841	9107	11407	19195
6851	9109	11410	19277
6863	9161	11456	19284
6866	9177	11463	19314
6880	9228	11540	19316
6921	9232	11579	19380
	9256	11620	19380

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

National Railroad Company of Mexico—First Consolidated gold 4% due 1951—Con.

$1,000—Continued

19383	19949	24397	25531
19463	24092	24918	25584
19912	24197	25348	25589
19939	24390	25367	26550
19940	24392	25487	

$500

20370	21795	22380	23716
20641	21801	22381	23717
20859	21850	22862	23729
21384	21866	23452	23735
21396	21887	23603	23903
21471	21929	23689	23904
21544	21930	23691	

National Railroad Company of Mexico—4½% Mortgage Bonds, due 1926, Prior Lien:

$1,000

3	4796	15460	22425
4	4932	15487	22475
118	5017	15521	22493
190	5120	15565	22498
191	5405	15648	22544
194	5406	15695	22545
287	5700	15750	22549
452	5705	15758	22550
528	6149	15806	22551
596	6840	15834	22553
597	7480	15854	22592
623	7741	16118	22691
642	7971	16234	22698
652	9235	16273	22705
739	9395	16336	22711
746	9427	16352	22741
820	9431	16353	22813
884	10017	16377	22871
983	10529	16667	22942
1037	10530	16674	22952
1200	10960	16709	23042
1462	10974	16719	23053
1616	11054	16732	23423
1666	11448	16747	23665
1804	11535	16760	24110
1987	11541	16771	24117
2361	12461	16832	24226
2390	12775	16923	24366
2514	12932	16969	24399
2827	13258	16982	24636
2911	13359	17084	24656
2950	13854	17164	24693
3250	13864	17229	24700
3251	14153	17306	24765
3706	14165	17671	24838
3745	14237	17816	24842
3835	14548	17819	24843
3845	14963	17878	24868
3887	14964	17929	33739
3901	15014	22021	37263
3932	15063	22101	51022
4010	15103	22126	57785
4079	15113	22144	57786
4138	15133	22145	57787
4145	15179	22163	57788
4257	15183	22167	59632
4275	15197	22172	59749
4312	15207	22187	59752
4313	15219	22248	60309
4351	15260	22253	61297
4440	15315	22266	63527
4472	15334	22335	63530
4610	15340	22351	65415
4691	15348	22360	65644
4692	15398	22386	

$500

3519	18222	18861	19167
7448	18261	18871	19223
7449	18330	18883	19240
17412	18369	18884	19270
18062	18468	18885	19292
18137	18657	18886	19294
18138	18733	18887	19323
18145	18734	18899	19328
18155	18735	18900	19411

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

National Railroad Company of Mexico—4½% Mortgage Bonds, due 1926, Prior Lien—Continued.

$500—Continued

19590	20423	21314	21719
19617	20454	21397	21733
19914	20645	21403	21734
19924	20684	21404	21735
19925	20685	21442	21736
19926	21060	21443	21774
20036	21205	21476	21791
20247	21208	21477	21811
20248	21227	21568	21881
20412	21236	21672	23331
20413	21307	21673	

National Railroad of Mexico—6%:

$45

2640	4952	4953

$20

7980	CC10279	CC10280

National Railways of Mexico—4½% Prior Lien Sinking Fund Gold due 1957 (Stamped):

$1,000

209	14165	22144	44259
210	14867	22145	48796
239	15788	22887	51858
423	15842	23717	56773
1111	16676	33272	59487
1313	16683	33739	59524
3706	17306	34468	60702
3745	17425	41215	63527
8230	17444	41344	63530
13959	17669	41345	64558

$500

19928	21341	23320
19929	21343	23321

National Railways of Mexico—6% Gold notes A 1913 due 1933:

$45

N 1291	2176	2830	N 7195
N 2038	2829	N 4876	

$4.45

4984

National Railways of Mexico—6% Gold notes B 1914 due 1933:

$100

CC 8680	CC 8682	CC 8684
CC 8681	CC 8683	

$20

6938	6941	7543	10502
6939	6942	7544	10684
6940	6981	10501	

National Railways of Mexico—6% Bonds 1917, 3-Y notes:

$30

QQ 101

$15

PP 28

National Railways of Mexico—Scrips:

$1,100

78294

$600

141482

$52.50

138947

$21

A 116880

$10

BB 5508

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

New South Wales, State of—External Sinking Fund Gold 5% Loan of 1927 due February 1, 1957:

$1,000

2308	16152	17249	17580
5383	16817	17250	17582
5471	16832	17282	17583
5540	16833	17316	17674
6361	16900	17330	17694
6377	16908	17377	17685
6683	16918	17484	19516
6913	16993	17486	20123
7618	17107	17487	21991
10723	17127	17498	23367
10733	17143	17499	23029
14111	17184	17502	24409
15481	17247	17528	

$500

226	522	523	527	528	529

New South Wales, State of—External Sinking Fund Gold 5% Loan of 1927 due April 1, 1958:

$1,000

3340	5466	5867	17282
5336	5467	5892	17609
5342	5471	5951	18942
5380	5485	5954	19154
5382	5573	5987	21338
5383	5624	6021	21799
5402	5713	6361	21991
5419	5823	14111	23553
5465	5863	14117	

New York Canal—4½% Bonds 1914 due 1964:

$1,000

48864	48869	48874	54549
48865	48870	49208	54550
48866	48871	49209	61059
48867	48872	49210	61060
48868	48873	54548	

New York Central and Hudson R. R.—Gold 3½% due 1997:

$1,000

5507	50304	50307
15511	50305	50308
30216	50306	56526

New York Central Railroad Company (The)—4½% Bonds 1913 due 2013:

$1,000—Series A

58717	60757	60760	A 109198
58718	60758	60761	
58719	60759	A 109189	

New York Central Railroad Company (The)—5% due 2013:

$1,000—Series C

50937

New York, City of—4%, 1934:

$1,000

453

New York, City of—4¼% 1911 60:

$1,000

5136

New York, City of (Rapid Transit S F)—4½% 1915 65:

$1,000

R 13	6704	6714	7641	20735

New York Lackawanna & West. Ry—4 Series A 1922 due 1973:

$1,000

A 5926

New York, Pennsylvania & Ohio Railroad—4¼% Bonds 1880 due 1950:

$1,000

5255

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

New York, Pennsylvania & Ohio Railroad—4¼% Bonds 1880 due 1950—Continued.

$500

2294	4935

New York Telephone Company—4½% Bonds 1909 due 1939:

$1,000

8056	26656	47512

Norfolk & Western Railway Company—First Consolidated Gold 4% due 1996:

$1,000

499	5686	15335	21857
617	5776	15348	22014
847	5855	16066	22018
868	6511	16192	22020
1103	6548	16193	22280
1588	6699	16194	22283
1613	6897	16393	22381
1614	6928	16627	22384
1615	6942	16728	22655
1616	6947	16730	22984
2442	6992	16790	25452
2693	7310	17023	25557
2723	8313	17541	26125
2781	8586	17649	26258
2956	8874	17661	26821
2957	8899	17686	26822
3111	9462	17687	27160
3369	9502	17698	27180
3388	9819	17908	27512
3491	10052	17991	27737
3494	10088	18639	27868
3500	10315	19006	27877
3746	10316	19134	27928
3906	10317	19200	28444
3907	10484	19557	28637
3935	10529	19605	29077
3985	10596	19661	29410
4277	10857	19674	29454
4389	10858	19865	29562
4556	10859	19866	29733
4805	10903	19972	29820
4861	11518	20033	29838
4917	11535	20034	31020
5055	11984	20035	31057
5234	12314	20036	31131
5235	13130	20056	31643
5331	13177	20085	31646
5365	14031	20313	32708
5481	14737	20661	32750
5609	15152	21213	34037
5610	15167	21331	34546
5611	15271	21419	
5677	15275	21599	

$500

621	3952	4748	7562
637	4026	4760	7563
1336	4097	4775	7825
1359	4124	4905	8135
1787	4280	5106	8287
2035	4298	5330	8365
2699	4385	6549	8456
2725	4393	6673	8717
2726	4642	6726	9199
3013	4543	7049	9351
3396	4557	7113	9374
3591	4577	7213	9449
3674	4588	7293	
3689	4649	7314	
3951	4747	7543	

Norges Kommunal Bank, S. F. Gold—5% 1930 due 1970:

$1,000

586	1219	3218	3813
587	1334	3234	3905
588	1410	3287	4346
721	1503	3288	4362
901	1579	3293	4377
1169	1584	3366	4480
1175	2904	3579	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

North American Company—Debenture 4% due 1959:

$1,000

TM 19990

North German Lloyd—Sinking Fund 4% Bonds 1933 47:

$1,000

6655

Northern Pacific Railway Company—3% Bonds 1896 due 2047:

$500

D 6214

Northern Pacific Railway Company—Prior Lien Gold 4% due 1997:

$1,000

5468	47157	47183	93982
9870	47158	51773	96297
10403	47174	52564	96298
10886	47175	61059	96299
19460	47176	61678	96389
35990	47177	65414	96390
37347	47178	66840	106762
41693	47179	69749	106763
47154	47180	89945	107167
47155	47181	91217	
47156	47182	92742	

$500

2732	9875	11576	12910
6233	11575		

Norway, Kingdom of—4% Bond 1963:

$1,000

25454

Norway, Kingdom of—4¼% Bonds 1936 due 1965:

$1,000

23303	23304	23305	23306

Norway, Kingdom of—6% Bonds 1923 due 1943:

$1,000

5790

6184

18507

Nova Scotia, 4½%, 1927/52:

$1,000

3691

Nova Scotia Steel & Coal Company—3½% Bonds 1938/63:

$1,000

57	1353	2101	2110
214	1369	2102	2111
666	1518	2103	2112
867	1723	2104	2113
1027	1724	2105	2114
1150	1725	2106	2247
1315	1794	2107	2248
1351	1962	2108	2341
1352	1963	2109	

$500

797	2164	2167	2170
1171	2165	2168	
2163	2166	2169	

Oregon Short Line Railroad Company—Consolidated First Mortgage 5% due 1946:

$1,000

1781

Oregon-Washington Railroad and Navigation Company—First and Refunding Mortgage Gold 4% due 1961:

$1,000

466	6068	33499	47830
484	10044	33500	50277
1043	23902	40099	50278
3631	25472	41038	51508
3906	33498	43658	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Oregon-Washington Railroad and Navigation Company—First and Refunding Mortgage Gold 4% due 1961—Continued.

$500

135	136

Oriental Development Company, Ltd—5½% 30 Year External Debentures 1928 due 1958:

$1,000

9238	12055	13289	16761
10879	12332	13290	18269
10880	13286	15839	
10881	13287	15840	
10882	13288	16345	

$500

191	1134	1147	1455
1130	1135	1214	1537
1131	1136	1392	1538
1132	1137	1393	
1133	1146	1454	

Oslo, City of (Norway)—19 year 4½% Sinking Fund external loan due April 1955:

$1,000

234	1549	1561	3001
236	1550	1562	3002
237	1551	1563	3003
238	1552	1588	3004
239	1553	1589	3005
241	1555	2996	3006
242	1556	2997	3007
243	1557	2998	3008
989	1558	2999	3009
1548	1560	3000	3010

Otis Steel Company—First Mortgage Sinking Fund 4½% due January 15, 1962:

$1,000

14146	14185	14193	14201
14147	14186	14194	14202
14148	14187	14195	14203
14180	14188	14196	14204
14181	14189	14197	14205
14182	14190	14198	
14183	14191	14199	
14184	14192	14200	

Pacific Gas & Electric Co.—First & refunding mortgage, Series H, 3¾% due Dec. 1, 1961:

$1,000

2663	2664	2665	11657

Pacific Gas & Electric Co.—First and refunding mortgage, Series G, 4% due Dec. 1, 1964:

$1,000

M 46036	G 56946	G 56947	M 93376

Panama, Republic of—External Secured Sinking Fund Gold 5% Loan Series A due 1963:

$1,000

93	577	8660
249	578	9822
340	3070	10774

$500

64	69

Panhandle Eastern Pipeline Co.—First Mortgage & first lien, 4% Bonds 1937/52:

$1,000

A.AM. 6653	A.AM. 6676	A.AM. 6693
A.AM. 6654	A.AM. 6677	A.AM. 6694
A.AM. 6655	A.AM. 6678	A.AM. 6695
A.AM. 6665	A.AM. 6679	A.AM. 6696
A.AM. 6666	A.AM. 6680	A.AM. 6697
A.AM. 6667	A.AM. 6681	A.AM. 6698
A.AM. 6668	A.AM. 6682	A.AM. 6699
A.AM. 6671	A.AM. 6683	A.AM. 6700
A.AM. 6672	A.AM. 6684	A.AM. 6701
A.AM. 6673	A.AM. 6685	A.AM. 6702
A.AM. 6674	A.AM. 6686	A.AM. 6703
A.AM. 6675	A.AM. 6692	A.AM. 6704

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Panhandle Eastern Pipeline Co.—First Mortgage & first lien, 4% Bonds 1937/52—Continued.

$1,000—Continued

A.AM. 6705	A.AM. 6714	A.AM. 6719
A.AM. 6706	A.AM. 6715	A.AM. 6720
A.AM. 6707	A.AM. 6716	A.AM. 6721
A.AM. 6711	A.AM. 6717	A.AM. 6722

Pennsylvania Railroad Company—40 year gold debenture 4½% due April 1, 1970:

$1,000

43441	43443	43445	43447
43442	43444	43446	55250

Peru, Republic of (National Loan)—External Sinking Fund Gold 6% first series due 1960:

$1,000

839	4910	5715	22227
1380	4919	5754	22779
2163	4944	5773	23621
2188	4945	5823	24865
2189	4985	6210	24902
2563	4989	6325	24917
2621	5054	6326	24927
2623	5055	6941	27485
2893	5059	7082	28587
3351	5060	9656	28924
3864	5065	10164	29190
4373	5108	10301	29352
4400	5130	10302	29360
4414	5133	10303	29388
4416	5134	10420	29393
4422	5182	10564	30229
4471	5226	10749	31009
4479	5253	11359	31360
4490	5258	11404	31954
4535	5259	11770	32190
4536	5260	12083	32191
4537	5261	12446	32192
4538	5262	12921	32193
4575	5263	14325	33245
4576	5264	14328	34183
4577	5265	14510	34186
4609	5266	15191	35714
4610	5281	15228	36918
4611	5304	15243	37186
4613	5305	15490	39832
4614	5308	15604	40328
4619	5344	15921	40756
4633	5348	16376	42487
4645	5360	16377	42637
4689	5377	17909	42731
4702	5379	18091	42898
4729	5386	18542	43254
4731	5427	18944	43766
4753	5428	18919	44073
4790	5436	19259	44495
4791	5453	19362	44823
4859	5495	19763	45129
4882	5507	20605	45461
4887	5528	20606	45790
4898	5558	20744	
4904	5589	21337	
4905	5604	21760	

$500

452	584	877	941
459	585	878	955
481	596	879	957
482	649	882	970
483	650	883	971
505	651	887	986
510	827	889	997
521	828	900	1730
531	835	905	1731
559	849	906	1732
582	858	907	2159
583	863	926	2163

Peru, Republic of (National Loan)—External Sinking Fund Gold 6% second series due 1961:

$1,000

11	58	70	81
14	69	77	82

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Peru, Republic of (National Loan)—External Sinking Fund Gold 6% second series due 1961—Continued.

$1,000—Continued

87	582	1149	8007
88	598	1150	8008
107	600	1151	8010
137	604	1156	8265
142	610	1162	8473
148	611	1163	8922
158	647	1231	8923
159	648	1251	8941
217	656	1343	9467
218	662	1344	9691
228	670	1345	9746
239	702	1346	10417
278	720	1347	11036
279	733	1348	11440
287	753	1349	13383
293	769	1493	13613
294	779	1584	14226
295	836	1993	14495
313	858	2557	14871
314	859	3563	15754
315	863	4640	16711
342	870	4656	16712
364	879	4657	16976
367	880	4658	17157
435	883	4659	17158
436	886	5163	18034
444	887	5164	18724
459	947	5165	19767
472	1029	5166	19967
501	1062	5167	19968
502	1066	5286	20355
516	1079	6050	21762
540	1080	6145	23498
559	1081	6422	37895
570	1141	7311	43572
571	1148	7686	

$500

15	87	193	338
68	88	196	368
73	125	252	398
79	172	285	1717
85	177	290	
86	181	293	

Peru, Republic of—Secured Sinking Fund Gold 7% (Tobacco) Loan Series of 1927 due 1959:

$1,000

68	2409	2952	9813
128	2411	2965	9846
197	2416	2969	9847
894	2431	2976	9865
1725	2432	3004	9948
1837	2433	3028	9969
2192	2440	3049	10941
2212	2497	3052	11038
2216	2507	3055	11253
2218	2508	3056	11332
2219	2516	3057	11606
2221	2536	3058	12352
2268	2543	3059	12359
2269	2551	3083	12720
2287	2586	3089	12830
2290	2620	3104	13061
2291	2621	3111	13150
2299	2625	3112	13449
2302	2656	3132	13614
2344	2699	3152	13751
2365	2750	3730	13756
2366	2889	3944	14136
2372	2891	9513	14432
2383	2899	9630	
2384	2942	9633	
2407	2943	9725	

$500

305	399	509	591
322	402	535	592
326	464	563	705
346	474	576	3329
374	481	579	
396	506	587	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Philadelphia, City of—4½% Bonds 1919 due 1949:

$1,000

7434

Philippine Railway Company—First Sinking Fund Gold 4% due 1937:

$1,000

77	1595	4164	6405
79	1719	4174	6457
102	1963	4201	6503
201	2103	4307	7244
202	2271	4334	7334
203	2379	4337	7370
227	2423	4397	7471
241	2479	4681	7478
308	2497	4706	7480
343	3186	4843	7705
543	3208	4858	7936
544	3330	5047	7963
547	3461	5078	8006
993	3677	5285	8300
1062	3732	5322	8422
1263	3847	5832	8438
1368	3882	5890	8496
1369	3909	6086	
1549	4163	6313	

Philippine Railway Company—First mortgage 4%—Certificates of deposit with Bondholder's Committee:

$1,000

26	409	414	444
27	410	436	445
33	411	440	1121
34	412	441	7485
56	413	442	

Piedmont Hydro-Electric Co. (Societa Idroelettrica Piemonte)—First and refunding ext. sinking fund gold 6½% Series A due 1960:

$1,000

1114 1116

Pittsburgh, Cincinnati, Chicago, & St. Louis Railway Company—4½% Cons. mtg. gold bonds, Series A:

$1,000

9525

Poland, Republic of—20 Year 3% Dollar Funding Bonds including Fractional Certificate and Separate Coupons due October 1, 1956:

$100

71

Poland, Republic of—4½% External Sinking Fund Bonds (formerly 7% extended from 1947) due 1968:

$1,000

1078 1586 1672 1673 1674

$500

2695

Port of New York Authority—4½% Bonds:

$1,000

D 11163

Queensland, State of (Australia)—25 Year Sinking Fund External Gold 6%, due February 15, 1947:

$1,000

3847

$500

1025 1027

Remington Rand, Inc.—4¼% bonds 1956 due 1956:

$1,000

[illegible]81

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Republic Steel Corporation—4½% Bonds, Series B, 1936/61:

$1,000

BM 1199	BM 14806	BM 14810	BM 14828
BM 1339	BM 14807	BM 14811	BM 14829
BM 2629	BM 14808	BM 14823	BM 14834
BM 14805	BM 14809	BM 14824	

Rio de Janeiro, City of (Brazil)—6½% due 1953:

$1,000

24305 26002

Rio de Janeiro, State of—External Secured Sinking Fund Gold 6½% of 1929 due 1959:

$1,000

4	788	1938	4017
21	816	1939	4158
80	856	1940	4226
158	896	1941	4434
602	948	1974	5212
605	960	2041	5602
681	961	2565	5675
715	962	2762	5866
728	994	2781	5888
729	1139	3157	
787	1184	3709	

Rio Grande do Sul (Brazil—6% Bonds 1928 68:

$1,000

7227

Rock Island & Arkansas & Louisiana Railroad Company—4½% First Mortgage Bonds 1934:

$1,000

3797 5940

Ruhr Gas Corporation—6½% Bonds 1928/53:

$1,000

1846 A 7688

Saarbruecken, City of—6% Bonds 1927 due 1953:

$1,000

2807 2808 2809

St. Louis-San Francisco Railway Company—4% Mortgage Bonds, Prior Lien, Series A:

$1,000

13887	75285	76058	82261
52749	75395	77836	
75293	75405	77837	
75284	75695	77838	

$500

3504 3550 4338 4859 5152

$250

4152 4328 6392 6542

St. Louis-San Francisco Railway Co.—5% Prior Lien Series B:

$1,000

4775

St. Louis Southwestern Railway Co.—4% First Loan 1890, due 1989:

$1,000

861	7894	8546	19681
1124	8133	8547	
4997	8397	16270	
6555	8545	17202	

San Antonio & Aransas Pass Railway Company—4% First Mortgage Bonds 1893/1943:

$1,000

2835	8312	11550	17169
3828	8314	11803	17393
7351	8335	11960	
8311	11015	14611	

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Santa Catharina, State of—8% due 1947:

$1,000

617	1534	1662	3134
1086	1616	1997	
1533	1617	2101	

Sao Paulo, State of—Coffee Realization Sinking Fund, 7% of 1930 due 1940:

$1,000

4590 4591

Sao Paulo, State of—7% due 1956:

$1,000

4673 5457

Sao Paulo, State of—25 Year External 8% Gold Loan of 1925 due 1950:

$1,000

68	932	1109	6211
501	933	1123	6567
511	934	1171	7836
564	958	1172	8295
580	959	1226	9275
619	960	1273	9733
722	961	2042	9808
764	968	2377	10446
769	969	3182	10456
786	1014	3372	11170
796	1038	3427	11329
822	1047	3675	12181
886	1048	4305	12274
927	1049	4916	12275
930	1060	4936	12834
931	1091	5517	13034

$500

9	1507	1590	1626
10	1583	1591	1751
51	1584	1592	1752
57	1585	1621	1753
636	1586	1622	1754
696	1587	1623	1808
805	1588	1624	1809
1041	1589	1625	1890

Seaboard Air Line Railway—Ref. Gold 4% 1909/59:

$1,000

14002 14003 14009 14240 16419

Seaboard Air Line Railway — Adjustable Mortgage Gold 5% 1909/49:

$1,000

19356

Serbs, Croats, and Slovenes, Kingdom of (Yugoslavia)—8% 1922 due 1962:

$1,000

2128	3829	8020	10165
2741	5304	8623	11432
2960	7516	8698	12961

Shell Union Oil Corporation—3½% Bonds 1936 due 1951:

$1,000

42541	42543	54603	54694
42542	42544	54604	54695

Southern California Edison Company Ltd.—First and Refunding 3¾% Bonds, 1935/60:

$1,000

4942 4943 4944 41619 41620

Southern Pacific Co.—4% Collateral Trust Gold Bonds Issued 1899, due 1949:

$1,000

63	832	1674	2855
294	898	1694	2876
394	899	1782	3017
547	1174	2249	3133
565	1546	2699	3134
695	1639	2811	3175

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Southern Pacific Co.—4% Collateral Trust Gold Bonds Issued 1899, due 1949—Con.

$1,000—Continued

3184	7089	12935	18632
3235	7284	13025	18971
3260	7832	13587	19309
3381	8113	13683	19351
3483	8148	13763	19358
3492	8438	13785	19420
3813	8503	13864	19483
3911	9077	13992	19562
3962	9283	14013	20063
4073	9581	14182	20199
4134	9582	14899	20525
4160	9665	15130	20665
4260	9902	15280	21052
4410	9924	15281	21219
4595	9928	15285	21302
4878	10512	15488	21410
4898	10966	15507	21644
4977	10999	15597	21673
5741	11219	16240	21931
5742	11861	16473	22316
5821	11886	16511	22439
5822	12090	16774	22822
5824	12220	16975	22878
5842	12305	17479	23092
5921	12483	17860	23134
5993	12520	18210	23243
5997	12522	18369	
6558	12544	18403	

$500

4	1951	3920	6000
107	2018	3930	6488
136	2100	4426	6601
177	2169	4433	6605
267	2177	4444	6718
328	2412	4505	6808
431	2601	4506	7031
458	2714	4614	7596
502	2812	4630	7806
508	2841	4654	7940
685	2865	4655	7946
736	2878	4665	7947
822	2928	4682	8777
849	3215	4769	9361
863	3220	4773	9500
891	3373	4818	9583
991	3409	4967	9825
1113	3619	5032	9896
1516	3733	5120	9969
1530	3745	5397	9993
1559	3763	5458	11916
1871	3767	5483	
1907	3804	5563	

Southern Pacific Company—4½%, 40 Year Gold Bonds, due 1969:

$1,000

1500	2682	12259	32490
1501	2739	12984	32502
1505	2754	13245	32503
1515	4397	13246	32599
1517	5160	13438	33634
1573	5964	13439	34229
1654	5965	13440	34240
1655	5966	15408	34340
1656	5967	16358	34352
1685	6098	17148	34496
1702	6925	21343	35018
1734	7074	23173	35853
1737	7964	25435	36769
1739	9649	28546	37027
1742	10082	28698	37300
1758	10115	29800	37397
1782	10336	30428	37865
1796	10412	30487	39250
1885	10761	30488	41523
1886	10762	30489	42650
1887	10763	30490	43588
1888	10764	31599	43691
1889	10765	31676	44252
1894	10766	32040	47616
1937	10767	32165	47653
2056	10881	32458	49679
2523	11182	32488	52369

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Southern Pacific Company—4½%, 40 Year Gold Bonds, due 1969—Continued.

$1,000—Continued

52816	57050	59620	63128
52862	57853	60645	63129
52897	58343	60646	63130
52928	58345	60757	63131
52993	58346	61222	63676
54923	58847	61450	64696
55089	58948	61988	
55559	58973	62330	
56187	58914	62645	

Southern Pacific Company—Gold 4½% due 1981:

$1,000

150	11791	13938	37841
1141	11814	14446	41719
1177	11854	15270	41727
1239	11879	16710	41748
1910	11938	17892	41823
2132	11945	19702	42997
2151	11989	21165	43091
2705	12004	25042	43464
2743	12005	27157	44411
2746	12024	28017	45408
8933	12215	26506	45559
11362	12245	32055	45804
11363	12246	32088	46297
11653	12286	32599	46806
11654	12552	33555	46897
11681	12929	33904	47415
11682	13601	34327	48104
11699	13937	37496	49080

Southern Pacific Company—San Francisco Terminal, 4% First Mortgage Bonds 1910 due 1950:

$1,000

26	2941	8648	11226
90	2942	8706	11363
781	3071	8897	11447
841	3154	9184	11464
851	3204	9194	11470
898	3209	9196	11477
899	3210	9227	11771
1163	3211	9228	11772
1175	3212	9229	11773
1178	3213	9230	11774
1179	4901	9231	11813
1455	5384	9232	12290
1470	5385	9233	12440
1687	5386	9230	12507
1708	5387	9240	12508
1853	5596	9254	12601
1884	5706	9320	12621
1942	5893	9334	12622
2148	5931	9335	12623
2381	6010	9416	12666
2388	6016	9446	13099
2412	6035	9447	13100
2413	6056	9448	13101
2414	6157	9674	13102
2433	6202	9730	13103
2436	6522	9855	13181
2444	6523	9856	13315
2451	6524	9857	13390
2452	6666	9858	13422
2453	7182	9909	13495
2454	7268	10094	14021
2524	7338	10382	14212
2528	7342	10557	14231
2546	7354	10905	14726
2554	7555	10910	14728
2561	7812	10911	14730
2562	7902	10915	15134
2680	8262	10917	15198
2681	8268	11018	15261
2768	8294	11019	15285
2849	8439	11020	15370
2856	8467	11188	15371
2857	8479	11224	15372
2922	8602	11225	

$500

31	33	35	57
32	34	36	63

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Southern Pacific Company—San Francisco Terminal, 4% First Mortgage Bonds 1910 due 1950—Continued

$500—Continued

443	3879	8659	13007
631	3880	10476	13043
848	3950	11344	13044
882	3995	11346	13045
883	3996	11617	13046
884	4156	11620	13053
885	4291	11887	13054
886	4293	11888	13370
887	4332	11913	13453
888	4338	11914	13454
909	4339	11916	13455
910	4345	11917	13559
1161	4470	11918	13560
1372	4471	11979	13561
1857	5060	11980	13562
1902	5061	12003	13591
2526	5068	12019	13592
2661	5221	12020	13699
2724	5250	12037	13700
2802	5426	12038	13711
2864	5427	12054	13934
3057	5795	12055	13935
3215	5820	12056	13971
3224	5852	12057	14172
3228	5953	12058	14256
3229	6292	12059	14295
3243	6293	12060	14296
3249	6365	12061	14301
3417	6366	12062	14302
3437	6379	12063	14308
3567	6400	12064	14312
3568	6755	12065	14471
3728	7355	12066	14474
3851	7435	12067	15026
3861	7436	12068	15038
3862	7666	12069	15151
3863	7667	12070	15170
3864	8076	12071	15424
3865	8077	12072	16061
3866	8387	12073	16089
3867	8388	12242	16090
3868	8389	12243	16532
3869	8390	12265	16927
3870	8572	12366	
3877	8623	12596	
3878	8627	13006	

$100

1	3121	4030	4846
467	3122	4031	5059
1548	3123	4032	5448
3106	3124	4311	5509
3107	3125	4348	5577
3108	3126	4349	5578
3109	3127	4489	5579
3110	3128	4525	9683
3111	3129	4601	9684
3112	3130	4602	9685
3113	3131	4603	11806
3114	3132	4604	11878
3115	3133	4682	11879
3117	3134	4801	11958
3118	3135	4843	11959
3119	3368	4844	
3120	4029	4845	

Southern Pacific Railroad Company—First Refunding Mortgage 4% Bonds due 1955:

$1,000

63	3092	7692	17846
345	3093	7784	19981
455	3139	7847	21677
886	3266	10854	24832
1040	3730	11035	25443
1047	4356	11157	26649
2061	4629	13863	27549
2245	4769	13947	28115
2362	4875	13996	28518
2452	4942	14487	29029
2713	6462	14488	30093
2906	6491	14521	30199
3078	7661	15213	30287
3079	7682	16697	30288

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Southern Pacific Railroad Company—First Refunding Mortgage 4% Bonds due 1955—Continued.

$1,000—Continued

30710	45452	70726	95896
32886	45578	70727	96097
33393	46236	70730	96698
35777	46509	72078	96899
35779	50135	72727	97700
36078	50162	73059	98302
36096	50323	73692	100415
36114	50569	73431	100614
37064	52224	75751	103175
37807	52225	81008	103740
37843	52665	82091	105939
39530	53551	87727	117008
39531	53768	87751	116720
40998	53791	88930	117831
41164	53889	89061	120071
41360	55467	89362	120671
42795	55520	89063	120673
42981	56968	89064	120674
43598	57125	89065	120816
44266	57269	90630	127780
44295	57459	91196	129040
44334	57839	91743	129416
44580	62257	91745	129315
44950	63806	91900	131164
44951	63812	92606	131345
45396	64991	95273	
45451	68987	95374	

$500

213	2094	4314	8485
214	2359	4693	8486
655	2447	4694	9110
938	2448	4984	9976
951	2470	5417	9981
991	3151	5495	9983
1121	3330	6804	
1122	4311	7017	
1745	4313	7650	

Southern Railway Company—4% Development and General Mortgage Bonds due 1956:

$1,000

194	6529	18715	30625
212	6559	18870	30642
241	6508	19459	30653
352	6841	20246	30664
455	6882	20581	30793
604	6883	20582	30984
609	6884	20652	31141
868	6927	21144	31204
1177	8819	21244	31419
1508	8882	21500	31491
1753	9152	21512	31734
1821	9528	21770	31750
1981	10287	21790	31935
1992	10591	21944	31994
2079	11861	22272	32292
2101	12157	22583	32473
2360	12492	23141	32812
2371	12584	23242	32926
3415	12679	23276	32946
3487	13512	23277	32704
3585	13949	23534	32889
3876	14024	24210	32965
3910	14634	24606	33065
3954	15162	24888	33978
3981	15383	25053	34017
4100	15512	25860	34075
4202	15561	25881	34253
4236	15652	25913	34409
4252	15952	26352	34701
4570	16331	26470	34849
4854	16457	26719	35049
5009	16557	26774	35060
5049	16574	26956	35196
5441	16856	27111	35230
5603	17296	27459	35345
5642	17375	27465	35348
5895	17384	27995	35688
6191	17481	29875	35796
6414	17572	30054	35797
6498	17659	30273	35798
6524	18646	30275	35800

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Southern Railway Company—4% Development and General Mortgage Bonds due 1956—Continued.

$1,000—Continued

35856	40991	47856	54832
36147	41025	47894	54871
36200	41149	47916	54971
36326	41322	47991	55069
36361	41470	48035	55193
36502	41548	48091	55263
36570	41724	48171	55264
36854	41739	48257	55319
36859	42653	48344	55324
36905	42654	48630	55393
37038	42719	48634	55394
37105	42759	48795	55646
37269	42904	49063	55650
37329	42965	49111	55804
37357	42936	49119	55805
37530	43120	49137	55944
37802	43293	49354	55966
37995	43609	49383	55967
38295	43862	49555	55968
38305	43864	49723	55970
38390	43946	49798	56035
38398	44000	50214	56120
38405	44020	50358	56390
38551	44217	50414	56500
38913	44602	50415	56751
39033	44661	50430	56754
39432	44726	50444	56899
39575	46091	50552	57007
39655	46205	50717	57217
39765	46246	51093	57595
39844	46343	51101	57619
39879	46404	51201	57623
39924	46523	51319	58190
39950	46537	52599	58319
40108	46579	52673	58867
40180	46620	52888	58958
40194	46631	53214	59115
40197	47063	53301	60384
40199	47260	53463	60385
40225	47303	53821	60526
40507	47308	54015	60545
40637	47543	54342	60759
40741	47590	54414	60887
40769	47741	54459	

Southern Railway Company—5% First Mortgage & Collateral Trust Bonds due 1994:

$1,000

14809	19101	55929

Standard Power & Light Corporation—6% Bonds 1927 due 1957:

$1,000

1063	4324	4687

Studebaker Corporation (The)—Convertible Debenture 6%, 1945:

$100

3635	3838	3896	3960
3636	3839	3947	4139
C 3714	3840	3956	C 9442
C 3754	3841	3959	C 9451

Studebaker Corporation (The)—Convertible Debenture, Scrip Certificates:

$35

575

$22.50

483

$3.33

278

Taiwan Electric Power Co., Ltd.—5½% due 1971:

$1,000

4826	4828
4827	4829

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Tokio, City of—5½% due 1961:

$1,000

1197	1199		
1198	1200		

Union Pacific Railroad Company—3½% Bonds 1936/70:

$1,000

8264	10272	12032	18146
10271	12030	12108	21125

Union Pacific Railroad Company—3½% Bonds 1936/71:

$1,000

3189	12031

Union Pacific Railroad Company—First Gold, 4% of 1947:

$1,000

766	23789	45081	62257
809	24077	45109	63415
861	24432	45110	63447
1157	24806	45241	63662
1187	25912	45243	64105
1236	26090	45430	64221
1434	26126	45436	64388
1467	26336	45953	64390
1592	28539	46576	64856
1929	29024	46844	65096
2111	29367	48771	65738
2436	29988	48776	66909
3049	31111	48889	67179
3770	31810	49249	67502
3983	31828	49502	69650
4594	32242	49831	70273
5642	32243	49832	71234
5877	32244	50145	71931
6125	32245	50432	73164
6323	32247	50482	74024
6600	32248	50486	74914
6675	32249	50769	75366
7162	32924	51082	75562
7334	32927	51089	76852
7341	32974	51947	76934
7342	33228	52419	77691
7619	33459	52424	77855
7936	33493	52769	78364
9172	33783	53205	78372
9224	33945	53217	78374
9626	34500	53342	78930
10347	34955	53452	78942
10592	35600	53520	78943
10950	36061	53816	78944
10951	36148	53900	76945
11286	36252	54979	78981
11698	36606	55232	79015
12394	36642	55469	79018
13076	36971	55470	79156
13503	37039	55716	79779
14044	37222	55962	81026
14246	37286	56304	81280
14543	37376	56455	81792
14793	38242	57349	81999
15023	38670	57392	82684
15235	38895	57624	83096
15773	39078	57839	83128
16055	39081	58101	83416
16179	39402	58366	83909
16470	39539	58409	84207
16471	39652	58680	84379
16552	39653	59177	84762
16553	39858	59212	84950
16554	39912	59548	85060
16765	40633	59712	85257
17037	40855	60208	85625
17212	40856	60210	85983
17410	41137	60282	86037
17531	41243	60599	86057
19977	41927	60744	86210
20464	42715	61065	86429
20703	42932	61144	86746
20719	43272	61396	86747
21778	43459	61660	86798
22558	43932	62039	86859
23432	44023	62150	87370
23590	44782	62151	87390
23757	44904	62215	87957
23765			

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Union Pacific Railroad Company—First Gold, 4% of 1947—Continued.

$1,000—Continued

88474	89269	89336	352171
89268	89306	89835	397857

$500

66	5500	9703	13443
314	5681	9768	13532
572	5941	9957	13533
573	5971	9970	13555
575	6360	10036	13783
576	6412	10101	14426
602	6669	10111	14427
1559	6675	10165	15341
1786	6876	10172	15668
1827	6902	10497	16135
1828	7614	10666	16146
1916	7801	10667	16147
2157	8103	10922	16190
2395	8231	10999	16830
2425	8515	11154	16831
2427	8516	11416	17192
2428	8526	11502	17355
3326	8528	11803	17641
3436	8702	12479	17642
3675	8724	12532	17783
3855	8808	12684	18304
4443	8809	12802	18538
4834	8843	12883	18541
5175	9298	13274	
5318	9545	13366	

United Industrial Corp. (Vereinigte Industrie Unternehmungen)—Sinking Fund Debenture, Gold, 6½% due 1941:

$1,000

5101

United States of America—2¾% 1960/1965:

$5,000

6358 J

$1,000

29876 F	29877 H	48978 J

United States of America, Treasury Bonds—2⅞% 1955/60:

$1,000

320 L	390523 C	391918 J
278266 F	390524 D	392206 F

United States of America—Treasury Bonds 3⅜% 1943:

$1,000

L 1240	A 50721	A 98361

Uruguay, Republic of—3⅞%–4⅝% External Convertible Sinking Fund due 12/1/78:

$1,000

M 519	M 528	M 537	M 546
M 520	M 529	M 538	M 547
M 521	M 530	M 539	M 548
M 522	M 531	M 540	M 549
M 523	M 532	M 541	M 550
M 524	M 533	M 542	M 551
M 525	M 534	M 543	
M 526	M 535	M 544	
M 527	M 536	M 545	

Uruguay, Republic of—External Readjustment 3¾, 4, 4⅛% due 1979:

$1,000

12100	12680	26137	35638
12101	12681	26138	35639
12102	12682	26139	35679
12103	26128	26140	35680
12104	26129	26141	35692
12105	26130	26142	35699
12106	26131	31374	35700
12107	26132	31375	35701
12108	26133	31376	35702
12109	26134	31377	35703
12678	26135	31378	35704
12679	26136	31379	35714

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Uruguay, Republic of—External Readjustment 3¾, 4, 4½% due 1979—Continued.

$1,000—Continued

35715	36044	37305	37641
35729	36077	37307	38009
35732	36078	37308	38010
35738	36086	37312	38011
35772	36093	37313	38012
35791	36094	37314	38564
35793	36095	37322	38565
35794	36360	37323	38566
35831	36362	37324	38567
35832	36363	37327	38568
35877	36435	37329	38607
35878	36436	37330	38608
35930	36437	37344	38609
35933	36440	37345	39127
35962	36457	37349	39654
35963	36458	37350	39656
35977	36459	37351	39657
36001	36460	37352	39659
36002	36461	37378	39660
36003	36836	37400	
36014	37304	37520	

$500

2130	2163	2228	2397
2131	2164	2229	2512
2132	2182	2230	2518
2133	2183	2248	2519
2134	2217	2360	
2135	2218	2361	
2147	2227	2362	

Uruguay, Republic of—6% External Sinking Fund Gold Bonds, due May 1, 1960:

$1,000

M 21263 M 21268 M 27841

Vera Cruz & Pacific Railroad Company—4½% Guaranteed 1st mortgage Gold Bonds due 1934:

$1,000

478	2901	4510	5785
619	2936	4613	6003
1037	3216	4675	6322
1302	3218	4802	6323
1417	3879	4946	6549
1766	3973	5227	6759
2119	4094	5416	
2301	4256	5558	

Vienna, City of (Wiener Stadtanleihe)—Gold issue 6% 1927/1952:

$1,000

12022 12853 12953

$500

1252

Western Maryland Railroad Company—First 4% bonds 1902 due 1952:

$1,000

20033

Western New York & Pennsylvania Railway Company—4% General Mortgage Bonds due 1943:

$1,000

3724

Western Pacific Railroad Company—5% First Mortgage Bonds due 1946:

$1,000

19037 19038

$100

3687 3688 3689 3690

Westphalia United Electric Power Corporation (Vereingte Elektrizitaetswerke Westfalen A. G.) First Sinking Fund Gold—6%, Series A, due 1953:

$1,000

7129 10720 14341

SCHEDULED SECURITIES—Continued

PART I—BONDS—continued

Willys Overland Co.—First Sinking Fund, 6½% bonds 1923 due 1933:

$1,000

9321 9322

Winston-Salem Southbound Railway Company—4% First Mortgage Gold Bonds due 1960:

$1,000

1853	1858	1861
1854	1859	4318
1857	1860	4319

Yugoslavia, Kingdom of—Funding 5% Bonds per 1956–II:

$1,000

1375

$100

10299 10300 14041 14042

Yugoslavia, Kingdom of—7% 1922 due 1962:

$1,000

10021	22340	26974
12003	23721	26979
15266	24665	26983

Yugoslavia, Kingdom of—8% 1922:

$500

221 489 514 669

Yugoslavia State Mortgage Bank—7% of 1927:

$500

457 536

PART II—STOCK

Alaska Juneau Gold Mining Company—Common shares par value $10:

279 280

Allied Chemical—Common shares:

20 share certificate

303906

American Bemberg Corporation—Preferred shares:

$1,000

1175

$100

P 4028

American Bemberg Corporation—"B" common stock:

100 share certificate

O. B. 15297

American Cities Power & Light—Common shares:

81669 81570 122339 122340

American European Securities Shares, common ord.:

25 share certificates

55254	57386	58284	58638
56347	57387	58285	58639
56597	57388	58512	58640
57208	57681	58513	58641
57209	57714	58514	58642
57210	57718	58636	58643
57211	58154	58637	58646

American European Securities Company—Cumulative preferred shares, no par

5 share certificate

18366

American Power & Light Company—Cumulative preferred shares $6:

20 share certificate

72730

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

American Power & Light Company—Cumulative preferred shares $5:

5 share certificates

9057 15907 43497

American Telephone & Telegraph Company—Common shares, $100:

10 share certificates

RN 35031 206630 206631 206632 X 218989

American Telephone & Telegraph Company—Par $100:

11 share certificate (non-transferable)

UN 70601

8 share certificate

N.H. 75214

American Tobacco Company (The)—Common shares $25:

$250

BB 114863 BB 114864 BB 310867

Anaconda Copper Mining Company—Common shares, $50:

10 share certificates

L 168	L 173	L 188	E 303379
L 169	L 174	L 189	E 303380
L 170	L 175	L 190	
L 171	L 176	L 191	
L 172	L 177	L 192	

5 share certificate

F 880481

Associated Dry Goods Corporation—6% 1st Preferred shares, $100:

60 share certificate

A 9667

10 share certificate

A 9668

Associated Gas and Electric Company—Preferred shares:

10 share certificates

21574

Atchison, Topeka and Santa Fe Railway Company (The)—Preferred shares, $100:

60 share certificate

A 186228

Baltimore and Ohio Railroad Company (The)—Preferred shares, $100, 4% non-cumulative:

1754 1755 2544

Batavia Body Co.—Common shares, $5.

10 share certificates

1500 1501

4 share certificates

1502 1503 1768

Bethlehem Steel Corporation—Common shares:

10 share certificates

L 48488

British American Oil Company, Limited (The)—Common shares:

50 share certificate

T 11909

25 share certificate

T 11886

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

Canadian Pacific Railway Company—Common shares, $25:

10 share certificates

X 178503	X 265657	X 265663	X 265669
X 179113	X 265658	X 265664	X 265670
X 265653	X 265659	X 265665	X 265671
X 265654	X 265660	X 265666	X 265672
X 265655	X 265661	X 265667	X 265673
X 265656	X 265662	X 265668	X 265674

6 share certificate

L 38941

1 share certificates

E 6287 E 6288 H 139977 H 140090

Central Public Utility Corporation—Preferred Shares, $4:

1 share certificates

CPO 18475 CPO 18476 CPO 18477

Chesapeake & Ohio Railway Company (The)—Common Shares, $25:

20 share certificate

CO 50435

Chicago, Milwaukee, St. Paul & Pacific Railroad Company—Common Shares:

100 share certificate

32964

Chicago, Rock Island & Pacific Railway Company—7% Preferred Shares "A," $100:

4 share certificates

8410 8411 8412

Chicago, Rock Island & Pacific Railway Company—Common Shares, $100:

10 share certificate

D 101

Cities Service Company—Common Shares, $10:

10 share certificates

LD 20100 LD 20101 LA 57360 LA 57361

Commonwealth & Southern Corporation (The)—Common Shares:

10 share certificates

108198	108200	108202	X 143053
108199	108201	108203	

Consolidated Edison Company of New York, Inc.—Common Shares:

16 share certificate

923556

10 share certificate

146484

5 share certificate

146485

Continental Can Company, Inc.—Common shares, $20:

10 share certificate

CO 23957

Corporate Trust Shares—Series AA (modified) Distributive type:

100 share certificate

8563

50 share certificate

5838

10 share certificates

8803	8805	8807	17758
8804	8806	17757	94887

Corporate Trust Shares—Accumulative Series (Modified):

100 share certificates

12464 12465 13584

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

Corporate Trust Shares—Accumulative Series (Modified)—Continued.

50 share certificate

31596

10 share certificates

3241	3243	3245	17759
3242	3244	17300	

Coty, Inc.—Common shares, $1:

100 share certificates

W 5438 W 5439 W 5440

Coty International Corporation—Common shares, $1:

100 share certificates

5442 5443 5444

Cuba Company (The)—7% Preferred shares:

$500

77

Denver & Rio Grande Western Railroad Company—Preferred shares:

$400

2309 2778 2779

Denver & Rio Grande Western Railroad Company—Common shares—No par:

$1,000

34795

10 share certificate

47443

Detroit & Canada Tunnel Corporation—Common shares, $100:

7816 10925

du Pont (E. I.) de Nemours & Company—Common shares, $20:

10 share certificates

E 523474 E 523880

Ebaloy Foundries Inc.—6% Preferred shares:

$50

1359

$10

1360 1361 1457

Erie Railroad Company—Common shares, $100:

10 share certificates

17392	S 189972	194052	194731
S 171946	190942	194053	194868
175749	190943	194054	194869
175750	192413	S 194329	194870
177320	192414	194336	194871
S 179924	194046	194337	194872
S 186308	194047	194338	194873
187196	194048	194727	194874
S 187459	194049	194728	194907
S 189423	194050	194729	S 195323
189744	194051	194730	

Erie Railroad Company—4% Non. Cum. 1st Pref. stock, $100:

10 share certificates

L 57421	L 62081	L 63418	L 64254
L 59650	L 62490	L 63425	L 64648
L 59881	L 62722	L 63431	L 64655
L 60081	L 63166	L 63528	L 64765
L 60108	L 63312	L 63597	L 64869
L 61065	L 63355	L 64252	L 64870
L 61066	L 63356	L 64253	

Ford Motor Co. of Canada, Ltd.—Common shares "A":

1 share certificate

DAO 2378

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

Ford Motor Co. of Canada, Ltd.—Common shares "B":

1 share certificate

DB 805

General Cigar Co. Inc.—Common shares:

10 share certificates

64557 64558 65451 65452 65453

General Electric Co.—Common shares:

100 share certificates

NYC 595684

30 share certificates

NYE 211733

20 share certificates

NYE 211890

General Motors Corp.—Common shares $10:

50 share certificates

E 282450 E 411345

20 share certificates

E 282336

10 share certificates

E 283932 562977 C 988065 C 988066

5 share certificate

843027

Hiram Walker-Gooderham & Worts, Ltd.—Preferred shares:

50 share certificate

T. O. P. 12632

Imperial Tobacco Company of Canada, Ltd.—Common shares, $5:

50 share certificates

A 89574 A 89575

Industrial Rayon Corporation—Common shares:

10 share certificates

63865	63870	63875	63880
63866	63871	63876	63881
63867	63872	63877	63882
63868	63873	63878	63883
63869	63874	63879	63884

Intercontinental Rubber Company—Common shares:

1000 share certificate

17550

International Mercantile Marine Company:

10 share certificates

582	3788	5825	7098
916	3876	5838	7136
990	3888	5939	7138
1068	4069	6065	7238
1072	4093	6078	7288
1073	4094	6087	7380
1074	4095	6153	7478
1197	4096	6197	7496
1222	4110	6296	7522
1294	4120	6301	7541
1305	4162	6348	7542
1440	4179	6349	7567
1441	4207	6367	7611
1446	4295	6425	7754
1481	4353	6433	7778
1488	4452	6444	7787
1543	4588	6462	7788
1571	4708	6569	7789
2207	5022	6573	7790
2227	5248	6762	7791
2558	5282	6886	7866
2949	5477	6899	7875
2987	5573	6934	7888
3257	5577	6946	7889
3580	5679	7060	7901
3601	5789	7072	7904
3742	5797	7073	7972

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

International Mercantile Marine Company—Continued.

10 share certificates—Continued

8020	10177	11496	12656
8187	10186	11504	12691
8282	10335	11516	12734
8392	10639	11521	12785
8440	10656	11534	12801
8465	10704	11536	12818
8550	10723	11575	13105
8632	10729	11673	13297
8661	10733	11723	13359
8718	10745	11766	13560
8823	10751	11769	13561
9091	10795	11846	13562
9239	10796	11869	13563
9241	10811	11926	13564
9247	10823	11933	13565
9373	10833	11962	13649
9419	10843	11974	13789
9455	10844	11997	14002
9461	10852	12047	14040
9512	10923	12102	14041
9660	10960	12104	14046
9643	10961	12141	14068
9646	10969	12144	14069
9741	11003	12178	14073
9742	11150	12248	14074
9762	11245	12302	14077
9844	11248	12314	14087
10030	11249	12348	21654
10040	11252	12349	21970
10080	11297	12403	28542
10102	11310	12425	30327
10115	11327	12555	
10158	11334	12633	
10173	11472	12695	

2 share certificates

2750	2751	2752	2753

International Nickel Company of Canada, Ltd.—Common shares:

100 share certificate

NA 355293

60 share certificate

277257

10 share certificates

TJ 18917 TJ 18918

International Telephone and Telegraph Corporation (Md.)—Common shares:

50 share certificate

NNAF 57961

Kansas City Southern Railway Company (The)—Common stock:

10 share certificates

5022	49172	52795	54327
8675	50272	52817	54388
29506	51314	53108	54415
31672	51555	53407	54428
36140	51556	53704	54517
37207	51583	53734	54559
37932	51834	53735	54726
38107	52546	54008	54838
38331	52603	54071	54850
40877	52703	54191	54920
41686	52706	54219	54963
41687	52736	54302	352537

Kansas City Southern Railway Co. (The)—4% Noncum. preferred shares:

10 share certificates

373	20172	37166	38157
516	28954	37424	38158
1350	29253	37453	38196
1351	30740	37845	38236
1352	30744	37870	38259
1353	31258	37936	38262
11413	31512	37973	38289
17253	35342	38056	38292
18921	36793	38142	38298

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

Kansas City Southern Railway Co. (The)—4% Noncum. preferred shares—Continued.

10 share certificates—Continued

38379	39775	41152	41729
38381	39846	41234	41771
38434	39857	41445	41772
38532	39868	41470	41777
38538	39885	41481	41810
38544	40095	41490	41811
38567	40119	41517	41812
38603	40123	41518	41813
38604	40133	41528	41814
38824	40134	41529	41847
38851	40639	41530	41945
39300	40663	41536	41991
39386	40676	41553	42058
39412	40852	41573	42059
39555	40853	41592	42064
39556	40854	41593	42078
39557	41056	41599	42096
39558	41058	41602	42282
39773	41085	41651	50330
39774	41141	41664	51812

Kennecott Copper Corporaton—Common shares:

100 share certificate

C 256093

50 share certificate

439961

10 share certificates

16457	16458	K 46512	K 46529

Missouri Pacific Railroad Company—5% preferred shares:

10 share certificates

2771	6744	6745	6795	6834	6844

5 share certificate

2214

National Railways of Mexico—Preferred shares 1st:

$1,000

92353

National Railways of Mexico—Second Preferred Stock:

$1,000

9	2920	P 9420	75935
601	3034	P 9421	75967
649	3073	9610	77009
W 654	3091	11563	78908
786	3133	14219	P 79516
972	3242	30372	85561
1067	3290	37405	85562
W 1071	3323	P 37990	85563
1095	3445	P 38502	85564
1158	3821	38736	86654
1439	3932	39550	86724
1736	3948	40698	86765
1779	4012	P 43228	86838
1927	4070	48020	90387
1929	4125	50689	92093
1930	4236	P 55629	92341
1941	4249	P 55630	92342
1954	4459	57129	92343
1982	4465	57180	92364
2087	4466	62874	92480
2149	4583	P 64648	92755
2156	W 4651	65677	92911
2271	4815	66726	94814
2275	5576	P 67830	94815
2308	5839	P 67831	94817
2319	6092	70261	94822
2322	6292	P 73363	98015
2327	6617	74147	93016
2427	6765	74165	98332
2450	6766	74166	100980
2506	6767	P 74394	101347
2583	6768	P 74395	101348
2648	6769	P 74782	101349
2748	6897	75064	101350
2749	7811	75112	103962
2822	P 7972	75120	

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

New York Investment Corporation Common Shares:

10 share certificates

873 874

New York, Ontario and Western Railway Company:

10 share certificates

9012	41478	48763	51019
18332	41511	48780	51021
20160	41702	48781	51027
29320	41721	48788	51068
35595	41736	48793	51126
35671	41781	48795	51135
36224	41818	48808	51137
39227	41845	48810	51143
39230	41960	48813	51144
39258	42421	48819	51168
39406	42513	48822	51195
39407	42521	48845	51199
39496	42539	48853	51197
39564	42554	48856	51198
39578	42557	49311	51199
39598	42560	49317	51200
39608	42569	49318	51201
39609	42590	49319	51202
39627	42604	49325	51203
39644	42609	49457	51204
39659	42634	49460	51250
39714	42656	49537	51251
39715	42744	49546	51254
39743	42828	49553	51260
39836	42867	49701	51270
39847	42897	49846	51291
39852	42931	49850	51307
39923	42994	49957	51333
39954	43406	49992	51260
40204	43486	50069	51295
40205	44619	50079	51399
40234	44622	50080	51403
40241	45345	50246	51408
40246	45456	50283	51409
40260	45535	50308	51410
40278	45540	50314	51437
40307	46029	50338	51452
40355	46210	50374	51453
40361	46241	50400	51457
40372	46867	50401	51460
40384	46874	50425	51481
40395	47573	50426	51483
40430	47684	50427	51516
40526	47772	50433	51526
40365	47784	50444	51543
40376	47831	50498	51554
40585	47864	50554	51558
40638	47866	50561	51599
40652	47883	50562	51611
40668	47898	50564	51664
40701	47902	50565	51671
40719	47924	50575	51672
40736	48002	50597	51673
40751	48033	50617	51674
40756	48059	50685	51675
40810	48063	50686	51685
40842	48070	50687	51719
40852	48072	50697	51828
40866	48159	50735	51856
40863	48172	50736	51860
40887	48209	50737	51861
40967	48297	50747	51862
40978	48307	50748	51863
41050	48313	50755	51864
41065	48399	50764	51865
41066	48414	50767	51922
41074	48419	50797	51962
41082	48425	50824	51963
41103	48487	50825	51964
41137	48499	50826	51965
41156	48605	50841	51966
41159	48607	50847	51967
41189	48630	50870	51968
41221	48685	50876	51969
41259	48694	50929	51970
41281	48712	51002	51971
41282	48713	51003	51986
41293	48720	51005	52041
41461	48725	51013	52108
41469	48735	51017	52123

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

New York, Ontario and Western Railway Company—Continued.

10 share certificates—Continued

52175	52436	52724	53989
52248	52437	52737	54075
52259	52438	52738	54076
52291	52439	52815	54077
52292	52440	52817	54082
52293	52441	52827	54108
52294	52442	52829	54187
52349	52443	53174	54255
52358	52444	53175	54282
52360	52445	53176	54333
52364	52446	53177	54677
52386	52447	53290	54883
52404	52448	53292	54884
52411	52449	53451	54885
52412	52450	53464	54886
52415	52451	53465	54887
52417	52452	53478	54888
52418	52453	53498	54889
52419	52454	53500	54890
52420	52455	53538	54891
52421	52456	53699	54892
52422	52483	53700	55108
52423	52469	53720	55109
52424	52563	53735	55113
52425	52569	53736	55114
52426	52575	53799	55117
52427	52576	53800	55118
52428	52577	53828	55119
52429	52578	53844	55186
52430	52579	53845	55194
52431	52580	53933	55240
52432	52581	53934	55241
52433	52603	53935	55364
52434	52644	53936	88810
52435	52674	53978	89280

North American Company (The)—Common shares $10:

100 share certificates

L 6468

North American Trust Shares—1953 Issue:

100 share certificates

4629	25131	49425
16592	39333	

50 share certificates

10636	24737	24745	26990
10872	24738	24746	26991
10873	24739	24747	27480
10874	24742	24748	
12869	24743	24981	
24736	24744	24982	

25 share certificates

16575 16576

10 share certificates

858	97650	163144	169077
14944	97651	166009	169078
14945	97652	166010	169352
87946	124157	168302	169353
97394	124158	168303	170077
97395	157652	169074	
97648	157899	169075	
97649	163128	169076	

North American Trust Shares—1955 Cumulation type:

100 share certificates

3670	28462	32217	34324
8689	28463	34321	34325
19007	31210	34322	
19008	31761	34323	

50 share certificates

2877	2914	10838	10867
2878	3149	10839	10868

25 share certificates

2879	2880	9202

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

North American Trust Shares—1955 Cumulation type—Continued.

10 share certificates

3089	16070	27535	49198
8637	16298	27552	49199
8673	16299	29584	102695
11739	16300	34865	108636
16068	16301	43934	
16069	27534	49197	

North American Trust Shares—1956 Distribution type:

250 share certificates

510 511

100 share certificates

1095	7548	19007	34108
4988	7549	19008	34534
4999	7823	19050	34535
7222	7932	21354	34536
7361	9762	27618	36746
7402	11072	28462	38441
7432	11374	28463	38442
7433	11386	29117	56843
7452	14816	32157	76254
7453	14817	32716	
7454	15575	33208	

50 share certificates

1592	10839	13346	15234
1593	13196	13348	15235
3555	13197	13648	15236
3556	13198	15229	15237
3596	13199	15230	39294
3722	13200	15231	39628
9839	13201	15232	40090
10838	13345	15233	40091

25 share certificates

2869	3026	8450
2909	3027	11005

10 share certificates

1680	14108	43242	56994
12899	14109	45473	57000
13196	14110	46839	99728
13197	14223	46840	100186
13198	14224	55155	105207
13199	15947	55156	109514
13200	15968	55458	109515
13201	15969	55681	157869
13584	16236	56594	169375
13585	16237	56704	171818
13586	16238	56705	171819
14053	39045	56993	

North American Rayon Corporation—Common shares B:

10 share certificates

6962	BX 6967	BX 6972	BX 6979
6963	BX 6968	BX 6973	BX 6980
BX 6964	BX 6969	BX 6976	
BX 6965	BX 6970	BX 6977	
BX 6966	BX 6971	BX 6978	

Northern Pacific Railway Company—Common shares $100:

50 share certificate

C 391209

10 share certificate

B 222141

Pacific Gas & Electric Company—Common shares, $25:

NF 111767	NF 111772	NF 111777
NF 111768	NF 111773	NF 111778
NF 111769	NF 111774	NF 111779
NF 111770	NF 111775	NF 111780
NF 111771	NF 111776	NF 111781

Page-Hersey Tubes Ltd.—Common shares:

10 share certificate

5950

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

Pennroad Corporation (The)—Common shares, $1:

70 share certificate

77440

Pennsylvania Railroad Company—Common shares $50:

40 share certificate

883527 883526

4 share certificate

272195 A 272196

Pere Marquette Railway Company—Common shares, $100:

10 share certificate

5809

Philadelphia Company—6% Cumulative preferred shares, $50:

$450

34

Phillips Petroleum Company—Common shares:

80 share certificate

413580

20 share certificate

413588

Pittsburgh Coal Company—Common shares $100:

10 share certificate

2795	26248	28467	31018
18211	26424	28488	31019
18212	26838	29306	31033
18213	26877	29835	31101
18214	26879	29836	31104
18215	26941	30270	31105
18216	26942	30429	31106
18217	27009	30430	31107
18218	28117	30431	31205
18219	28260	30617	31209
18220	28289	30970	

5 share certificates

29938	29940	29942
29939	29941	

1 share certificate

27495 27704

Procter & Gamble Company:

50 share certificates

NYO 150398 NYO 157527

30 share certificate

NYO 150399

Prudential Investing Corp.—Common shares, $1:

40 share certificate

TCO 21549

Radio Corporation of America—Common shares:

10 share certificate

FN/o 103701 FN/o 103702 FN/o 103703

Republic Steel Corporation—Preferred shares, $100:

41482

Republic Steel Corporation—Common shares:

10 share certificate

NYCO 277426 NYCO 277427 NYCO 277428

St. Louis & San Francisco Railway Company—Common stock:

10 share certificate

2892

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

Preferred shares $100—6% Non-cumulative:

10 share certificate

72	239	386	387

Shell Union Oil Corporation—Common shares:

10 share certificate

16652	268168	268170
268167	268169	268171

Shell Union Oil Corporation—5½% Cumulative Preferred shares:

20 share certificate

31165

Shell Union Oil Corporation Warrants:

2550	11935	36741	47104
5335	36166	36907	

Socony-Vacuum Oil Corporation—Common Shares, $25:

50 shares certificate

NY/L 72520

40 share certificate

NY/L 76662

Southern California Edison Company Ltd.—Common Shares, $25:

ND 39778	ND 39783	ND 39788
ND 39779	ND 39784	ND 39789
ND 39780	ND 39785	ND 39790
ND 39781	ND 39786	ND 39791
ND 39782	ND 39787	ND 39792

Southern Pacific Company — Common shares, $100:

10 share certificates

4251	32602	116979	183355
C 7612	32677	139757	183722
8433	50329	139985	F 472601
9846	94262	178180	
15216	116255	180057	

Southern Railway Company—Common Stock:

10 share certificates

5395	7284	100510	101833
5482	7303	100613	101868
5743	7304	100623	101869
5745	7387	100626	102374
5773	7522	100627	102407
5916	7534	100628	102638
5924	7696	100640	102823
6114	7697	100641	102994
6119	8313	100642	103881
6423	97143	100643	104137
6431	97144	100934	105365
6701	97145	101109	105374
6779	99767	101125	106964
6802	99922	101360	
7009	100455	101361	
7063	100509	101684	

Preferred Stock—10 share certificates

5999	27331	30754	36369
22010	27359	31029	36404
23807	27361	31125	36496
24762	27382	31133	37859
25333	27396	31147	37863
25480	27741	31193	37871
25597	27744	31204	38173
25694	27801	31232	38366
25957	27863	35230	40591
26001	26971	35231	40757
26087	28972	35247	41069
26758	29461	35262	41072
26812	30172	36159	41791
27114	30191	36361	41835
27190	30277	36362	41836
27191	30496	36366	41877
27210	30751	36367	
27310	30752	36368	

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

Standard Gas & Electric Co.—7% Preferred shares:

50 share certificate

NMO 32905

Swift & Company—Common shares, $25:

10 share certificates

C 149048 CO 7811

7 share certificate

149049

Texas Corporation—Common shares $25:

30 share certificate

39327

6 share certificate

2982

1 share certificate

526636

Unilac, Inc.—Common shares $12:

1 share certificates

244526	503869	531656	531669
244527	528672	531657	531670
244528	528673	531658	531671
244529	528674	531659	531672
244530	531647	531660	531673
308401	531648	531661	531674
308402	531649	531662	531675
308403	531650	531663	531676
308404	531651	531664	531677
308405	531652	531665	531678
503886	531653	531666	531679
503887	531654	531667	531680
503888	531655	531668	

Union Pacific Railroad Company—Preferred shares $100:

10 share certificates

103668 103669

5 share certificate

129339

United New Jersey Railroad & Canal Company—Common shares $100:

10 share certificates

2172	3862	4369	5106

1 share certificates

32160 32161

United States Leather Co. (The)—Common shares:

10 share certificates

12	3620	7244	9857
13	3621	7255	9858
631	3660	7405	9859
681	3769	8078	9890
1550	3910	8365	9861
1552	3811	8366	9862
1556	3812	8367	9866
2088	3813	8409	9947
2089	4860	8647	9953
2600	4887	8648	10273
2628	4889	8649	10308
2629	4895	8650	10845
2756	4997	8651	12229
2820	5015	8652	12236
2821	5089	8653	12317
2822	5267	8655	12346
2823	5764	8656	12380
2824	5765	8731	12381
2825	5770	8873	12799
2826	5973	9262	12877
2827	5974	9412	12966
2828	6399	9483	13072
2829	6603	9484	13246
2913	6604	9485	13270
3235	6605	9486	13271
3611	6739	9487	13435
3617	6949	9783	13436
3618	7166	9801	13451
3619	7185	9814	13778

SCHEDULED SECURITIES—Continued

PART II—STOCK—continued

United States Leather Co. (The)—Common shares—Continued.

10 share certificates—Continued

13922	16102	19384	40261
14357	16464	20212	40660
14729	16630	20487	43216
14771	16660	20763	43217
14772	16700	21262	44246
14773	17175	21986	44282
14779	17418	23857	44283
14804	17419	24707	44284
14951	17420	25183	44285
14952	17638	26031	44285
14987	17671	28338	44869
15342	17672	35216	44870
15506	17673	36075	45265
15745	18260	36249	45316
15746	18285	37504	45988
15747	18294	38624	48728
15748	18403	38964	48729
15790	18442	38992	
15791	18757	39251	
16019	19016	40252	

United States Steel Corporation—7% Cum. Preferred stock:

C 776192

United States Steel Corporation—Common shares:

10 share certificates

Q 11803 Q 11804

5 share certificate

P 17844

Woolworth (F. W.) Company—Common shares $10

50 share certificate

WT/F 467321

10 share certificate

WT/F 455510

Worthington Pump & Machinery Corporation—Common shares:

5 share certificate

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[F. R. Doc. 47-6986; Filed, July 24, 1947; 8:47 a. m.]

APPENDIX A TO PART 131—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

STATUS OF PHILIPPINES

JULY 25, 1947.

Amendment to General Ruling No. 18 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Part 131, Appendix A, General Ruling No. 18 is hereby amended to read as follows:

(1) *Status of the Philippines.* For the purpose of administering and complying with the provisions of sections 3 (a) and 3 (c) of the Trading with the Enemy Act, as amended, Executive Order No. 8389, as amended, and the regulations, rulings, instructions and licenses issued by or under the direction of the Secretary of the Treasury pursuant to Executive Orders Nos. 8389 and 9095, as amended, the Philippines shall not be included within the term "United States" but shall be deemed to be a foreign country not designated in Executive Order No. 8389, as amended, and to be included in the "generally licensed trade area" as defined in § 131.53 (General License No. 53).

(2) *Effect of previous status.* No person shall be deemed a national of a blocked country solely by reason of the fact that at any time on or since the effective date of the order the Philippines were regarded as a blocked country.

(Sec. 3 (a), 40 Stat. 412, sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1-7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-6985; Filed, July 24, 1947; 8:47 a. m.]

APPENDIX B TO PART 131—PUBLIC CIRCULARS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

STATUS OF CERTAIN REGISTERED SECURITIES AND PROPERTY OF BLOCKED FOREIGN ORGANIZATIONS

JULY 25, 1947.

Public Circular No. 35 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

(1) *Reference.* Reference is made to § 131.87 (General License No. 87), exempting certain transactions from section 2A (2) of the order, to § 131.94 (General License No. 94), generally licensing certain countries, to General Ruling No. 5[1] relating to the importation of securities, and to General Ruling No. 12, relating to unlicensed transfers of property in a blocked account.

(2) *Registered securities.* Securities owned by any person subject to the jurisdiction of the United States which were registered in the name of a national of a blocked country on or prior to the effective date of § 131.94 (General License No. 94) for such country are subject to the proviso of paragraph (a) of § 131.94 and constitute property in a blocked account unless transfer of registry has been appropriately authorized under the order.

(3) *Property of blocked foreign corporations and other organizations.* Property in the United States which is blocked by reason of the interest of any partnership, association, corporation, or other organization, organized under the laws of any foreign country, which is a national of a blocked country because of the stock or other interest therein of a blocked country (including the countries licensed under § 131.94 (General License No. 94)) or nationals thereof, shall continue to be regarded as property in a blocked account, notwithstanding the transfer of such stock or other interest to a non-blocked country or a national thereof.

(4) *Consequences of certain documents.* With respect to the preceding two paragraphs, attention is directed to the fact that neither § 131.87 (General License No. 87), exempting certain transactions from section 2A (2) of the order, nor the amendment to General Ruling No. 5 of July 25, 1947, removing the restrictions on the importation of securities not specified in the list attached to such ruling, authorizes any transfer of property in a block account. Regarding the same paragraphs, attention is also expressly directed to the provisions of General Ruling No. 12 concerning the effect of unlicensed transfers of property in a blocked account.

(Sec. 3 (a), 40 Stat. 412. Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR Cum. Supp. 130.1-7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-6983; Filed, July 24, 1947; 8:46 a. m.]

[1] Supra.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PENICILLIN BOUGIES

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and Public Law 16, 80th Cong., 1st Sess.; 21 U. S. C. Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215) are hereby amended by adding the following new section:

§ 141.22 *Penicillin bougies*—(a) *Potency.* Proceed as directed in § 141.1 except paragraph (i) thereof, and in lieu of the directions in paragraph (d) of § 141.1 prepare sample as follows:

Dissolve 12 bougies in sterile distilled water to make an appropriate stock solution. The average potency of penicillin bougies is satisfactory if it contains not less than 85% of the number of units per bougie it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

(c) *Micro-organism count.* Proceed as directed in § 141.21 (b).

This order which provides for the marketing of a new penicillin product, penicillin bougies, shall become effective upon publication in the FEDERAL REGISTER since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of a new penicillin product.

(Sec. 507, 52 Stat. 1040, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong.; 21 U. S. C. and Sup. 357)

Dated: July 21, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-7006; Filed, July 24, 1947; 8:47 a. m.]

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and Public Law 16, 80th Cong., 1st Sess.; 21 U. S. C., Sup. 357) the regulations for the certification of penicillin-containing drugs and streptomycin-containing drugs are hereby amended as indicated below:

1. The head note of § 146.26 is amended to read: "Penicillin ointment (calcium penicillin ointment, penicillin ointment calcium salt, crystalline penicillin ointment)."

2. Section 146.26 (a), first sentence, line 2, is amended by inserting "or crystalline penicillin" between "calcium penicillin" and "in."

3. Section 146.26 (d) (2) (ii) is amended to read:

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity and heat stability if it is crystalline penicillin and the penicillin G content if it is crystalline penicillin G.

4. Section 146.26 (d) (3) (ii) is amended to read:

(ii) The penicillin used in making the batch; five packages if it is calcium penicillin or 10 packages if it is crystalline penicillin, containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

5. The head note of § 146.31 is amended to read: "Penicillin dental cones (calcium penicillin dental cones, penicillin dental cones calcium salt, crystalline penicillin dental cones)".

6. Section 146.31 (a), first sentence, line 2, is amended by inserting "or crystalline penicillin" between "calcium penicillin" and "and".

7. Section 146.31 (c) (1) (iii) is amended to read:

(iii) The statement "Expiration date ----------", the blank being filled in, if crystalline is used, with the date which is 18 months, or if crystalline penicillin is not used, with the date which is 12 months after the month during which the batch was certified.

8. Subdivision (i) of § 146.31 (c) (2) is hereby revoked and subdivisions (ii) and (iii) are renumbered as (i) and (ii) respectively.

9. Section 146.31 (d) (2) (ii) is amended to read:

(ii) The penicillin used in making the batch; potency, toxicity, molsture, pH, crystallinity and heat stability if it is crystalline penicillin and the penicillin G content if it is crystalline penicillin G.

10. Section 146.31 (d) (3) (ii) is amended to read:

(ii) The penicillin used in making the batch; five packages if it is calcium penicillin or 10 packages if it is crystalline penicillin containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

11. The following new section is added:

§ 146.10 *Penicillin bougies (sodium penicillin bougies, calcium penicillin bougies, potassium penicillin bougies, penicillin bougies sodium salt, penicillin bougies calcium salt, penicillin bougies potassium salt)*—(a) *Standards of identity, strength, quality, and purity.* Penicillin bougies are bougies composed of penicillin in a base of polyethylene glycols. The potency of each bougie is not less than 25,000 units. Its moisture content is not more than 1.0 percent. Its content of viable microorganisms is not more than 50 per gram. The penicillin used conforms to the requirements of § 146.24 (a), except the limitation on penicillin K content and except subparagraphs (1), (2), (4), and (7) of § 146.24 (a), but its potency is not less than 300 units per milligram.

(b) *Packaging.* Each bougie is enclosed in a foil or plastic film or other container, each of which is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure. The composition of the container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of penicillin bougies shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each bougie of the batch;

(iii) The statement "Expiration date ----------", the blank being filled in with the date which is 3 months after the month during which the batch was certified;

(iv) The statement "Warning—This product is very unstable unless stored in refrigerator not above 15° C. (59° F.)"; and

(v) The statement "For veterinary use only".

(2) On the circular or other labeling within or attached to the package, directions and precautions adequate for the use of such bougies, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of penicillin bougies shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each bougie, the quantity of each ingredient used in making the batch, and the date on which the latest assay of the drug comprising such batch was completed.

(2) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per bougie, moisture, microorganism count.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity, and heat stability if it is crystalline penicillin, and the penicillin G content if it is crystalline penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one bougie for each 5,000 bougies in the batch, but in no case less than 20 bougies or more than 100 bougies, collected by taking single bougies at such intervals throughout the entire time the bougies are being made, that the quantities made during the intervals are approximately equal.

(ii) The penicillin used in making the batch; five packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

(iii) In case of an initial request for certification, one package of each polyethylene glycol used in making the batch, each containing approximately 25 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of penicillin bougies under the regulations in this part shall be:

(1) $2.00 for each bougie in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such bougies and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order which provides for the marketing of a new penicillin product, penicillin bougies, and for the use of crystalline penicillin in the manufacture of penicillin dental cones and penicillin ointment, shall become effective upon publication in the FEDERAL REGISTER since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of a new penicillin product and the manufacture of penicillin dental cones and penicillin ointment using crystalline penicillin.

(Sec. 507, 52 Stat. 1040, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong.; 21 U. S. C. and Sup. 357)

Dated: July 21, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-7005; Filed, July 24, 1947; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 1, Amdt. 3]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

War Assets Administration Regulation 1, March 25, 1947, as amended through May 21, 1947, entitled "Designation of Disposal Agencies and Procedures for Reporting Surplus Property Located within the Continental United States, Its Territories and Possessions" (12 F. R. 2249, 2773, 3320), is hereby further amended in the following respects:

1. Paragraph (d) (1) of § 8301.2 is amended by deleting therefrom the word and figure "section 23".

2. Section 8301.6 is amended by designating the present paragraph (a) and inserting a sub-caption to read as follows:

(a) *Owning agencies.*

3. Section 8301.6 is further amended by adding a new paragraph to be designated (b) and to read as follows:

(b) *Disposals under other laws; section 34 (a) of the act.* Pursuant to the provisions of section 34 (a) of the Surplus Property Act of 1944, a Government agency having authority under another law to dispose of designated surplus property may exercise such authority without declaring the property surplus where the Administrator has not prescribed regulations to govern the disposition so as to bring it within the provisions of the Surplus Property Act.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Reorganization Plan of 1947 (12 F. R. 4534))

This amendment shall become effective July 25, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JULY 23, 1947.

[F. R. Doc. 47-7063; Filed, July 24, 1947; 11:16 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 5 of the River and Harbor act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), paragraph (b) of § 203.200, and §§ 203.216, 203.223, and 203.224, are hereby revoked and the following § 203.221 is hereby prescribed:

§ 203.221 *Navigable waters of the United States within the State of New Jersey; bridges where constant attendance of draw tenders is not required.* (a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel, unable to pass under a closed bridge, desires to pass through the draw, advance notice, as specified, of the time of opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

Hackensack River; Bergen County highway bridges at Anderson Street, Hackensack, at Newbridge, and at Bridge Street, River Edge. At least 24 hours' advance notice required.

Overpeck Creek; Bergen County highway bridges near Ridgefield Park (Bergen Turnpike) and at Leonia (Fort Lee Turnpike). At least 24 hours' advance notice required.

Passaic River; Passaic and Bergen Counties highway bridge at West Eighth Street, Passaic. At least 24 hours' advance notice required.

Oceanport Creek; New York and Long Branch Railroad Company bridge near Oceanport. At least four hours' advance notice required.

Tuckahoe River; New Jersey State Highway Department bridge at Tuckahoe. At least 24 hours' advance notice required.

Maurice River; New Jersey State Highway Department bridge at Main Street, Millville. At least 24 hours' advance notice required.

Manantico Creek; New Jersey State Highway Department bridge near Millville. At least 12 hours' advance notice required.

Cohansey River; New Jersey State Highway Department bridge at Broad Street, Bridgeton. At least 24 hours' advance notice required.

Alloway Creek; New Jersey State Highway Department bridge at Quinton. At least 24 hours' advance notice required.

[Regs. July 1, 1947 (823.01, Bridges, N. J.)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-6992; Filed, July 24, 1947; 8:46 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 14—CLAIMS

NAVY SERVICE PERSONNEL ADJUDICATING AUTHORITY

Amend § 14.25 to read as follows:

§ 14.25 *Navy service personnel adjudicating authority*—(a) *Claims.* The Chief of Naval Personnel; Deputy Chief of Naval Personnel; Director of the Finance and Material Division; Fiscal Director, Bureau of Naval Personnel; Claims Officer and Assistant Claims Officer, Finance and Material Division, Bureau of Naval Personnel and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, adjust, and determine claims of Navy service personnel for reimbursement in cash filed under the provisions of §§ 14.1 to 14.33, inclusive.

(b) *Reimbursement in kind.* Officers of or above the rank of Commander who are (1) commanding officers, or (2) in higher echelons of command, including the officers specified in paragraph (a) of this section, or (3) senior officers present and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, ascertain, adjust, and determine claims of Navy enlisted personnel for reimbursement in kind filed under the provisions of §§ 14.1 to 14.33, inclusive.

(c) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the Bureau of Supplies and Accounts from the appropriation "Pay and Subsistence of Naval Personnel" or such other appropriation as may be designated, or by reimbursement in kind by supply officers of the Navy, as provided in instructions issued by the Chief of Naval Personnel. (Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-6972; Filed, July 24, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 29]

TOBACCO INSPECTION

OFFICIAL STANDARD GRADES FOR FLUE-CURED TOBACCO

Consideration is being given to an amendment of the rules relating to the Official Standard Grades for Flue-cured Tobacco (7 CFR 29.157) issued pursuant to the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.), which amendment is designed to establish six new subgroup grades of smoking-leaf tobacco, namely, H1L, H2L, H3L, H4L, H5L, and H6L.

The proposed amendment under consideration is as follows:

Delete Rule 12 of the rules relating to the Official Standard Grades for Flue-cured Tobacco (7 CFR 29.157), substituting therefor the following:

Rule 12. Smoking-leaf grades in L, F, and R colors shall be made a subgroup of leaf by substituting the letter "H" for the group letter "B" in the grade symbols.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposed amendment shall file the same with the Director of the Tobacco Branch, Production and

Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(49 Stat. 731; 7 U. S. C. 511 et seq.)

Issued this 21st day of July 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-6980; Filed, July 24, 1947; 8:46 a. m.]

[7 CFR, Part 955]

GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF., AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF SAN GORGONIO PASS

NOTICE OF PROPOSED ADMINISTRATIVE RULES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the administrative rules herein set forth, are proposed by the Grapefruit Administrative Committee, pursuant to the marketing agreement, and § 955.2 (h) (2) of the marketing order (7 CFR Cum. Supp. 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; Imperial County, California; and that part of Riverside County, California situated south and east of the San Gorgonio Pass, pursuant to the provisions of Public Act No. 10, 73d Congress, as amended by the Agricultural Marketing Agreement Act of 1937, as amended.

These rules have been adopted by the Grapefruit Administrative Committee, and prior to their final approval, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Fruit and Vegetable Branch, Production and Marketing Administration, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Inspection—(a) *Inspection required.* All grapefruit shipped from the States of Arizona and California to destinations outside of such states, and which is intended to be marketed as fresh fruit, shall be inspected by a representative of the Federal State Inspection Service prior to shipment from the area of production, and a certificate covering such grapefruit shall be obtained from an inspector certifying that such grapefruit conforms to the grade and size regulations then in effect.

(b) *Points of inspection.* Inspection stations will be located at:

El Centro, California, Imperial County Agricultural Commissioner's Inspection Platform, Simpson's Super Service Station, Adams Street and Imperial Highway. Phone Shipping Point Inspection Service, and the Imperial Valley Grapefruit Growers Packing House, 350 Brighton Street, phone El Centro 53. Inspection hours, 9 a. m. to 6 p. m.;

Indio, California, East of Indio on Highway 99. Inspection hours 10 a. m. to 7 p. m.;

Yuma, Arizona, Yuma Mesa Fruit Growers Association Packing House, phone 686, on Federal-State Inspection Service, phone 314. Inspection hours 8 a. m. to 6 p. m.;

Litchfield Park, Arizona, Dale Bumstead and Sunset Farms packing houses. Phone Glendale 783 and Citrus Park (Long Distance). Inspection hours 8 a. m. to 6 p. m.;

Phoenix, Arizona, Market Inspection Service, phone 3-2485, Committee Office, phone 4-7922 or Federal-State Inspection Service, phone 4-2842. Inspection hours 8 a. m. to 6 p. m.;

Mesa, Arizona, McKellips Mutual Citrus Growers, Inc., Mesa Citrus Growers Association and Arizona Citrus Products Co., packing houses. Phone 216, 367 and 809. Inspection hours 8 a. m. to 6 p. m.

All other packing houses handling grapefruit outside of the State of Arizona; Imperial County, California; and that part of Riverside County, California situated south and east of the San Gorgonio Pass.

Inspection stations will be located within the various areas of production and at points determined by the committee as will best serve the industry in keeping with good management and efficiency. Inspection points named above may be eliminated, and new ones established within the discretion of the committee as to the needs of the industry. Strict adherence to the above-stated hours may be difficult or impossible and exceptions may be made to the inspection hour, provided satisfactory arrangements are made with local inspectors prior to 5 p. m.

(c) *Border inspection stations.* All trucks transporting grapefruit in interstate commerce shall be required to present to inspection stations maintained and operated by the Agriculture and Horticulture Commission in Arizona, by the Imperial County Agricultural Commission in Imperial County, California and by the California Bureau of Fruit and Vegetable Standardization in Riverside, California, executed grapefruit inspection certificates, certifying that the grapefruit contained therein conforms to the then current size and grade regulations of the committee, or in lieu thereof, executed copies in triplicate of the committee's Form No. 1, Grapefruit Diversion Report.

Assessment fees and charges. An inspection fee of $0.010 (1¢) and an assessment charge of the committee of $0.0070 (7 mills) per standard box, or the equivalent of 65 pounds of loose fruit, will be charged by the inspector at the time of issuance of the certificate. These fees and assessments must be paid to the inspector at the time of the issuance of the certificate, unless the name of the handler appears on the inspector's accredited list.

(b) *Handlers' accredited list.* Each inspector will be provided with an accredited list of handlers by the committee. A handler's name will be placed on the accredited list at such time as he has deposited with the committee funds totaling an amount equivalent to the combined fees and assessments representing 25% of his anticipated market volume, or such larger amount as he may desire.

Records and reports—(a) *Shipping manifest reports.* Each handler shall forward to the committee, each Monday, an actual copy of the manifests covering each interstate shipment of grapefruit made during the previous week. Each manifest shall contain the number of boxes of each grade and size, and shall show the grapefruit inspection certificate number for each interstate shipment. If any such shipment is diverted so that a final destination becomes a place different than that shown on the original manifest or certificate, the handler shall promptly advise the committee of the place of final destination, identifying such shipment by the inspection shipment number in addition to such other information as is pertinent thereto. Any handler who so desires, may use the Grapefruit Administrative Committee Form No. 8 as a manifest for the purpose of complying with this section.

(b) *Report of weekly grapefruit movement.* Weekly reports shall be forwarded to the Grapefruit Administrative Committee, Security Building, Phoenix, Arizona, on the Monday following the date of interstate shipment showing for the preceding current week the quantity of grapefruit (1) shipped in interstate commerce and to Canada; (2) shipped for distribution to persons on relief, including donations for charitable purposes; (3) shipped by express and parcel post; (4) sold for consumption in fresh form within the State of origin; (5) exported to countries other than Canada; (6) sold or otherwise disposed of for canning or for manufacturing into by-products; and (7) disposed of otherwise. For the purpose of this section, a current week shall be defined as beginning on Sunday morning and ending at midnight on Saturday.

(c) *Reports regarding shipment for export.* Each handler shall mail to the committee within 24 hours after the shipment is made, an executed copy of the bill of lading (if shipment is made by water) or within a reasonable time after shipment is made, an official executed copy of such foreign country official landing certificate covering all shipments of grapefruit to foreign countries and Canada. A receipted railway freight bill paid at destination points within Canada may be substituted in lieu of Canadian landing certificates.

GRAPEFRUIT ADMINISTRATIVE COMMITTEE,
[SEAL] By R. M. HESS,
Chairman.

[F. R. Doc. 47-7010; Filed, July 24, 1947; 8:48 a. m.]

[7 CFR, Part 969]

HANDLING OF MILK IN SUBURBAN CHICAGO, ILLINOIS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159) notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and to a proposed marketing agreement, regulating the handling of milk in the Suburban Chicago, Illinois, milk marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after the publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed amendments to the order, as amended, and the proposed marketing agreement were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by the Pure Milk Association. Additional proposals for consideration were submitted by the Lake County Milk Dealers Association, Inc., the Committee for Order 69 Handlers, and the Dairy Branch, Production and Marketing Administration. The public hearing was held at Chicago, Illinois, on March 3-5, 1947, inclusive, upon notice issued on February 24, 1947 (12 F. R. 1398).

The material issues presented on the record of hearing were whether:

1. The definition of "marketing area" should be revised for the purpose of dividing it into two areas each to be covered by a separate milk marketing order (H. N. proposal No. 1);

2. Provisions should be included for the purposes of (i) redefining Grade A and Grade B milk, and (ii) establishing a method of classifying and pricing Grade A milk separately from Grade B milk when both types of milk are received in the same plant (H. N. proposals Nos. 2, 3, 16, and 18);

3. Flavored milk, flavored milk drinks, and buttermilk should be reclassified from Class I milk to Class II milk (H. N. proposals Nos. 4 and 7);

4. The maximum amount of plant shrinkage allowed as Class IV milk should be increased (H. N. proposal No. 9);

5. The price structure for Class I milk and Class II milk should be revised as to level and seasonality (H. N. proposals Nos. 10 and 13);

6. A change should be made in the method of determining the prices to be paid for Class I milk disposed of in markets outside the marketing area (H. N. proposal No. 11);

7. A Class V milk definition and a price provision for such class of milk should be included (H. N. proposals Nos. 8 and 15);

8. The basic formula price provisions should be revised (H. N. proposals Nos. 12 and 14);

9. The butterfat differential applicable to producer milk testing above or below 3.5 percent of butterfat should be revised (H. N. proposal No. 19); and

10. Several revisions of language should be made to obtain further clarity and to simplify administrative problems with respect to:

(i) The determination of tests of chocolate milk drinks (H. N. proposal No. 6);

(ii) Precision of language in the allocation treatment of skim milk from emergency and other outside sources (H. N. proposal No. 5);

(iii) Classification of butterfat remaining in skim milk separated (H. N. proposal No. 17);

(iv) Assessments for expenses of administration (H. N. proposal No. 20); and

(v) Assessments for marketing services (H. N. proposal No. 21).

Findings and conclusions. (1) The definition of the marketing area should not be changed.

A proposal was made that a separate order be established for the "Calumet area". This area includes the townships of Calumet, North, and Hobart in Lake County, Indiana, and is included presently in the marketing area under Order 69. It was proposed that a separate order for the Calumet area should contain substantially the same provisions as Order 69 with certain modifications in the classification and pricing provisions. In support of this proposal it was pointed out, by comparison of employment statistics 1937-1946, that the Calumet area did not have the large increase in employment during this period such as occurred in Chicago, and that the Calumet area is devoted entirely to heavy industry as compared with more diverse sources of income elsewhere and therefore has a less stable economy than "other areas". It was claimed also that a decline in "take-home pay" had been felt more strongly in the Calumet area. Other points presented for a separate area include a decline in sales of chocolate milk and buttermilk, alleged problems concerning the separate classification and pricing of Grade A and Grade B milk, and problems involving the handling of surplus milk during the flush season.

Testimony by handlers not in the Calumet area showed that these same problems and conditions exist in other parts of the area regulated by Order 69. No statistics were presented to show any employment differences between the Calumet area and other areas under Order 69. A comparison of employment indexes, relied upon by the proponents, show that the variation between the yearly indexes of high and low employment was over 80 percent in metropolitan Chicago as compared with only 50 percent in Gary—one of the larger cities in the Calumet area. Thus, on the basis of these figures employment in the Calumet area was even more stable than in the Chicago metropolitan area during the period cited.

Under the individual-handler type of pool provided by Order 69, the Calumet handlers are not affected by operations of handlers located in other areas through pool equalization. Any advantages which might accrue from a separate order could only be derived through differences in classification and pricing.

The Calumet area falls within the 70-mile zone of Order 41, regulating the handling of milk in the Chicago marketing area. Producers supplying the Calumet area are intermingled with producers supplying Order 69 and Order 41 handlers. The general economic conditions affecting the production and movement of milk in all of these areas are very similar. There is also a considerable intermingling of routes and sales outlets of handlers under regulation in these areas. Because of these common factors affecting the production and marketing of milk, the classification and pricing of milk must be kept closely in line throughout the entire area, taking into account of course differences in the quality of milk required.

In view of these facts and of the conclusions reached with respect to other changes desired by handlers of the Calumet area there appears to be no justification for establishing a separate order for this area.

(2) The proposals to redefine Grade A and Grade B milk and to classify and price Grade A and Grade B milk separately when handled in the same building or "plant" should not be adopted.

These proposals were based upon a stated expectation that Grade A ordinances will become effective in certain municipalities in a manner which may permit handlers to process both Grade A and Grade B milk in the same building or plant. It was stated that an ordinance passed in Gary, Indiana, in April 1946 requires the use of Grade A labels on all fluid milk products sold in that city, and was to become effective July 1, 1947. It was further stated that the Gary health authorities had not yet indicated whether Grade A and Grade B milk could be handled in the same plant or building. A somewhat similar situation was indicated for an urban area in southern Wisconsin.

Certain important questions in this connection were unanswered. These are (i) how can the utilization of the respective amounts of Grade A and Grade B milk handled in the same plant be determined, (ii) how are Grade A producers to be distinguished from Grade B producers, and (iii) who should make the latter distinction. A solution to these problems is a necessary prerequisite to a determination as to the price to be received by Grade A producers as compared with Grade B producers shipping to the same plant. These questions are not deemed insurmountable, but present evidence does not support adequately a revised treatment of the two types of milk under the order. Such questions can be resolved best through knowledge of the precise conditions governing the handler's operations under revised health requirements when they occur. In view of the foregoing and because of the uncertainty concerning the extent of enforcement of the prospective Grade A ordinances, these proposals should not be adopted at this time.

(3) Flavored milk, flavored milk drinks, and buttermilk should not be reclassified from Class I milk to Class II milk.

The classification of these products was changed from Class I milk to Class II milk by an amendment to the order effective October 1, 1946. In support of the proposal to change the classification of these products from Class I milk to Class II milk it was claimed (i) that sales of these items decreased during the 4 months following reclassification to Class I milk as compared with the same period in 1945 and, if continued, producers' returns might thereby be reduced and (ii) the order has "for all practical purposes" made these products "nonprofit items" and there is no longer any incentive for handlers to increase their sales.

Flavored milk, flavored milk drinks, and buttermilk are disposed of in fluid form through the same retail and wholesale channels as bottled fluid milk and are used principally as a beverage. The physical characteristics, purposes, values, and uses of these items are more nearly similar to those of fluid milk than of items covered by the definition of Class II milk.

It was not shown that the decrease in sales following the amendment of October 1, 1946, was due to the reclassification of these products since the downward trend in sales had already started prior to reclassification and a general retail price increase embracing many other factors took place during the same period. Under the circumstances shown, a decrease in sales of these products is not in itself an adequate reason for the reclassification proposed.

(4) The plant shrinkage provisions (§ 969.4 (b) (4) (iii) and § 969.4 (c) (6) (vi) should be revised only with respect to shrinkage on transfers of milk to plants of nonhandlers by deleting the references to such plants.

Proposals made were designed to (i) increase the over-all plant shrinkage allowance in Class IV milk and (ii) alter the application of the plant shrinkage provisions to milk transferred to nonhandler plants. It was proposed that the shrinkage allowance on total butterfat received, at the plant of a handler, which is not disposed of to another handler in the form of bulk fluid milk, bulk fluid skim milk, or bulk fluid cream be increased from 1½ to 2½ percent. This allowance would be in addition to the ½ percent allowance under the present order on butterfat in milk received directly from producers. A second proposal would revise language with respect to transfers of milk from handlers' plants to nonhandlers' plants to allow shrinkage in Class IV milk on such transfers.

In support of the first proposal for an increase in shrinkage allowance it was claimed that many handlers had experienced butterfat losses in excess of the 2 percent maximum Class IV shrinkage allowance permitted under the present order and the figure 2.44 percent was indicated as the average shrinkage experience of the market based on the 12-month period from July 1945, through June 1946.

Analysis of the figure 2.44 percent discloses that it represents total butterfat loss for the period July 1945, through June 1946, including that portion of loss which was classified as Class I milk because it exceeded the maximum shrinkage allowance of 2 percent in Class IV milk. Shrinkage on Grade A milk actually classified in Class IV milk during this period amounted to 1.4 percent of total receipts, and if placed against only producer receipts, the shrinkage amounts to 1.66 percent. For the same period shrinkage on Grade B milk classified in Class IV milk was 1.2 percent of total receipts and 1.58 percent when placed against only the receipts from producers. These data indicate that a substantial proportion of the milk is handled with a shrinkage well below the maximum amount allowed in Class IV milk under the present order.

In view of this an increase in maximum shrinkage allowance in Class IV milk is not warranted. Any such increase as proposed would enhance the possibility for inequities to arise among handlers and would be conducive to less efficient handling of milk.

In support of the second proposal, it was pointed out that in many instances handlers make sales to nonhandlers' plants. These sales to nonhandlers are not segregated in all instances from other route sales. To simplify the accounting for the shrinkage with respect to milk moved to nonhandlers' plants, the second proposal should be adopted.

(5) The price differentials above the basic price for Class I and Class II milk should be revised to provide for (i) wider seasonal variation in uniform prices to be paid producers and (ii) an increase in the average level of price differentials above the basic price for Class I and Class II milk.

Under the present pricing provision of the order the Grade A Class I differential is 70 cents per hundredweight of milk except during May and June when it is 50 cents. The Grade A Class II differential is 32 cents. Class I and II differentials for Grade B milk are 10 cents per hundredweight less than those for Grade A milk. During the war years and until 1947 the seasonal decline in the Class I differential for May and June was suspended.

Two proposals were made to change the differentials for Class I and Class II milk. The first proposal provided for an increase in the average level of such differentials and a substantial increase in their seasonal variation. These objectives would be accomplished by increasing the Class I and Class II differentials during August, September, October, and November in both Grade A and Grade B milk. This proposal did not contemplate any change in the present 10 cent difference between Grade A and Grade B milk for either Class I or Class II uses.

The second proposal favored a decline of 25 cents in the Class I price differential for Grade A milk in the month of April and a decrease of 5 cents in such differential for May and June. It favored also a decrease in the Class I price differential for Grade B milk of 10 cents in all months except April, May, and June and decreases of 35 cents in April and 15 cents in May and June. Under this schedule a spread of 20 cents between the Class I prices of Grade A and Grade B milk would prevail. A similar spread of 20 cents on Grade A and Grade B Class II milk would be accomplished by decreasing the Grade B price differential by 10 cents.

Handlers located in the Calumet area favored the so-called "Louisville plan" of accomplishing seasonal prices to producers. Under this plan the seasonality in prices to producers would not be accomplished by changing present class price differentials, but by deducting certain amounts from the producers' uniform prices during the flush months of production and adding such deductions back during the months of short production.

The seasonal pattern of production is significantly different from the pattern of demand for Class I and Class II milk and during recent years the problems associated with these differences have become more acute than formerly.

In recent years producers supplying milk to handlers shipped on the average approximately 50 percent more milk during the flush months of May and June than they did during the short months of October and November. Data were presented which show that in 1939 the highest monthly production was approximately 30 percent above the lowest monthly production; whereas in 1946 the highest monthly production was approximately 53 percent above the lowest monthly production. In contrast, the monthly demand for Class I milk was relatively uniform. The daily utilization of Class I milk in the high production month in 1946 was less than one percent lower than in the short production month and in 1945 approximately 5 percent higher. The demand for Class II milk is less uniform than for Class I milk but is usually much more uniform than the production of milk.

During the fall months of 1945 and 1946 the total volume of Grade A and Grade B milk in excess of Class I and Class II uses averaged less than 1 percent of total market receipts of such milk. Supplementary milk was brought in by handlers to meet deficiencies of regular supplies of milk for Class I purposes. The amount of supplementary milk varied seasonally with the largest quantities being used during the fall months and the smallest quantities being used during the months of flush production. Even greater quantities of supplementary milk were brought in for Class II purposes with a pronounced seasonal pattern.

Proponents of the second proposal advocated that a greater seasonal variation in pricing should be achieved by lowering the price during the flush production period without increasing the present price differential during the short production season. While a lower price differential in the spring months can be expected to reduce the production of milk during such months it does not follow that fall production would thereby become increased without some increase in the fall differentials. They argued also that the fall differentials should not be increased because it would result in increased prices to consumers and that any increase in price to consumers would result in a loss of sales. If it is necessary to have increased prices to consumers in the fall months, it follows that there should be a decrease in consumer prices during months of lower producer prices. These arguments have insufficient weight to offset the merits of seasonal pricing.

In general, a wide seasonal variation in production creates the problem of surpluses in the spring months and shortages in the fall months. Unit marketing costs tend to be lower with uniform milk production than with a wide seasonal variation in production. The increase in seasonal variation in milk production during recent years was attributed to the small variation in prices during the war years. A relatively high level of prices such as now prevails compared with a lower level requires a wider seasonal variation in prices as an incentive to producers to even out production.

The seasonal supply and demand problem is subject to improvement through price incentives and educational influences. The role of education in correcting the problem of uneven production has been dealt with by agencies such as producer associations, handler organizations, and agricultural colleges; but education alone has not been sufficient and a price incentive is required in addition thereto.

During most months of the year handlers do not receive adequate supplies of milk from producers to meet their Class I and Class II milk requirements. During every month from September 1944, when Order 69 became effective, through December 1946, milk from sources other than producers and other handlers was obtained by handlers to supplement their usual sources of supply. Substantial quantities of this supplementary milk were needed for Class I milk uses. The number of producers supplying the suburban market has decreased since December 1944 and early 1945. Actual deficiencies occurred during every month which were off-set through the acquisition of supplies from supplementary sources. Adverse weather and crop conditions could easily place the market in a serious position of milk shortage especially during fall months. Also, the Chicago market, which in the past has been a regular source of emergency supply for many suburban Chicago handlers, is itself short of milk supplies particularly during the fall months when the need for emergency milk in the suburban Chicago market is greatest.

Practically all costs incurred by producers in the production of milk such as feed, supplies, labor, and equipment have increased during the past year. Prevailing prices for hogs, beef cattle, and other alternative enterprises open to most producers are at relatively high levels.

Class differentials above the basic or manufacturing level of milk prices, should reflect the competitive and other economic conditions affecting the supply of and demand for milk in the marketing area. The Class I and Class II price differentials over the basic formula price as set forth below together with the Class III and modified Class IV prices will result in such prices as will reflect the price of feeds and available supplies of feeds and other economic conditions which affect market supply and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. Class I and Class II price differentials should be as follows:

[Amount per hundredweight]

Period	Class I		Class II	
	Grade A	Grade B	Grade A	Grade B
May and June	$0.50	$0.40	$0.30	$0.20
August, September, October, and November	.60	.50	.50	.40
All other months	.70	.60	.40	.30

The above schedule of prices substantially increases the seasonal variation of price differentials and may be expected to establish a better relationship between the supply of and demand for milk. It establishes larger and more definite incentives for producers to shift some of their milk production from spring to fall. It may influence the seasonal demand if these differentials are reflected in consumer prices. It may also be expected that the future development of new supplies will be somewhat responsive to the seasonal aspects of price and result in a more even production for the market than now prevails.

In establishing the differentials set forth above, consideration has also been given to the need for maintaining a proper alignment of class prices between the Chicago market and the Suburban Chicago market. Producers supplying Order 69 handlers and producers supplying Order 41 handlers are intermingled. Many of these producers are located in the same milk shed. It is therefore important that any action taken with respect to prices in both orders be coordinated. Divergent action could very easily disrupt the sources of supplies of many handlers under both orders. Similar seasonal variation in differentials has been recommended as the most practical method of obtaining seasonal variation in prices to producers under Order 41.

The evidence supporting a change in the relationship between the Grade A milk and Grade B milk price differentials was not conclusive and no change should be made. Such data as are available in the record indicate that there has been no significant shift of producers from Grade A handlers to Grade B handlers or vice versa. Furthermore, handlers of both Grade A milk and Grade B milk have been confronted with insufficient supplies of milk from their producers during much of the time that Order 69 has been in effect.

It is estimated that the increased differentials on Class I and Class II milk together with the recommended reduction in the Class IV price will result in an average increase in the uniform price to producers of approximately 4 to 6 cents per hundredweight over the basic price.

(6) The method of pricing Class I milk disposed of in markets outside the Suburban Chicago, Illinois, marketing area should not be changed.

It was proposed that the price of Class I milk disposed of in any market outside the marketing area should be the "price as ascertained by the market administrator which is being paid for milk of equal grade and of equivalent use in the market where such milk is disposed of."

Milk produced primarily for the Suburban Chicago marketing area is sold also in several markets outside such marketing area. Some of this milk is sold under resale price levels lower than those in the marketing area. The prices effective under the Suburban Chicago order should be such as to induce supplies adequate to meet the demands of the marketing area but not necessarily to fulfill the requirements of outside markets at prices different from the price established on the basis of the hearing for the marketing area. The Suburban Chicago market does not have excessive supplies of milk except for a certain amount of seasonal surplus, which is not uncommon to the market. In fact a shortage of milk for the marketing area exists. Under such conditions Suburban Chicago milk sold in outside markets should return to producers at least the prices prevailing in the marketing area.

Moreover, prices paid by individual distributors within a single outside market often vary greatly and the standards and method by which the market administrator would ascertain the price being paid in the outside market for milk of equivalent use were not outlined. From the administrative viewpoint, it is considered undesirable and impractical for the market administrator to determine outside market price levels in such circumstances.

(7) A Class V milk definition and a price provision for such class of milk should not be included.

A proposal was made to establish an additional class to be known as Class V milk. It would cover all milk received by a handler in excess of his "actual and complete requirements" when, upon 24 hours' notice prior to its receipt by the handler the Pure Milk Association failed to accept delivery or the market administrator failed to locate a purchaser. Such Class V milk would be priced at 20 cents less than the net "actual" price received by the handler f. o. b. his plant. The principal supporting reason offered was that the handlers suffer losses when handling surplus milk. Losses thereon were claimed during the past year on the basis that the Class IV price (the lowest-valued class under the present order) was higher than the price realized by handlers in selling such milk. Except during the flush season, excess milk results principally from either the 6-day system of delivery practice or because handlers are interested in keeping producers through the flush production season to meet shortages during the fall months.

As previously stated, under the proposal the Class V price would take whatever price the handler and any buyer of such milk might agree upon, less 20 cents per hundredweight. The effect of the proposal would be an incentive for han-

dlers to arrange for a supply of milk to meet their peak requirements under any circumstances. Such a provision could stimulate the development of a constant surplus in the hands of some handlers at the expense of producers and other handlers. The adoption of the proposal would also tend to discourage the transfer of producers between handlers. Furthermore, no economic justification was shown under which handlers should be guaranteed against monetary loss on surplus milk received. Handlers are free to decide at any time whether or not they will purchase from producers more milk than is needed for their Class I milk and Class II milk requirements. In making this decision they must weigh the possibility of losing money or of making a profit on surplus milk handling. Also, supplementary milk supplies were brought into the Suburban Chicago marketing area during every month of 1946 and in recent months. The amount of milk used in the manufacturing classes, namely Class III and Class IV, has been a negligible percentage of the quantity of milk received from producers. The proposals, if adopted, would reduce the incentive for handlers with an excessive amount of milk to dispose of such milk to other handlers who might need it for Class I milk or Class II milk.

The present Class IV milk definition adequately covers those manufacturing uses for milk which are considered generally as the lowest-valued of all uses. Therefore, there would seem to be no point in including in the order a definition for Class V milk. (See also conclusion (8).)

(8) The basic formula price provisions should be revised.

(i) In the order currently in effect the basic formula price is the highest price computed from 3 manufacturing milk price formulas based respectively on the "paying" prices of several evaporated milk concerns, open market prices of butter and cheese, and open market prices of butter and nonfat dry milk solids for the current delivery period.

Two proposals were made to reduce the butter and nonfat dry milk solids formula price (Class IV price) in amounts of approximately 5 and 10 cents per hundredweight, respectively. Another proposal supplemented the present Class IV milk definition by adding a Class V definition designed to effect a reduction in price for surplus milk under certain conditions. (See conclusion (7).)

It was contended that losses were being encountered by handlers who have no facilities for processing Class IV milk, and in support of a Class V milk classification a handling allowance was requested to cover alleged losses of handling surplus milk. Temporary surpluses of milk occur in some plants not having sufficient manufacturing facilities to utilize such milk in the plant and in such instance surplus milk must be disposed of by transferring to a manufacturing plant. In recognition of this condition, some modification of the Class IV price formula seems appropriate. Conditions surrounding the production and disposition of milk in the Chicago and Suburban Chicago areas are very familiar. The evidence indicated a necessity for keeping a close alignment of prices in the two markets.

Therefore, it is determined that the Class IV price in Order 69 should be as follows: The present Class IV formula price provisions should remain unchanged, except that during the months of March, April, May, and June they should be modified to the extent of changing the present 5-cent operating allowance on nonfat dry milk solids to 6 cents when f. o. b. country plant prices are used and changing the present 6-cent allowance to 7 cents when Chicago delivered prices of such solids are used.

The recommended change in the Class IV formula price effects a reduction of 7.5 cents per hundredweight of Class IV milk during the 4 months of the year when surplus is of significance in some plants. The recommended change will coincide with and implement to a degree the seasonal price structure recommended elsewhere in this recommended decision.

(ii) Two proposals were made to expand the present list of condenseries set forth in § 969.5 (a) (1). One proposal would add the names and locations of 5 plants; the other would add the names and locations of 12 more plants.

The reasonableness or propriety of the list of 18 plants now included in the order was not strenuously or convincingly challenged. The proponents did not show that an improvement in the formula as an index of evaporated milk plant prices would result from the inclusion of the 5 Illinois plants. Appraisal of the testimony leads to the conclusion that the single action of adding the 5 Illinois plants would do little to improve the present Class III price formula and that there are a number of factors involved which should be considered before any revision of this formula is made.

The record does not disclose the effects which the 12 other plants suggested would have upon the present Class III price and there is practically no information in the record concerning their operations as to whether they are primarily manufacturing plants. The evidence is not sufficient to support the inclusion of the 12 latter plants. It is recommended that the suggested revisions of the list not be made until there is an opportunity to make a more complete analysis of the effect of these or similar changes.

(iii) Under the present order, class prices are not known until approximately the 5th day after the end of the delivery period during which the milk is received. While no specific proposal was made to change the application of the basic price formula in determining the Class I and Class II prices, it was shown that there is a need for similarity in the price structures of Orders 41 and 69. It has been found, in connection with recent recommended amendments to Order 41, that Class I and Class II milk prices should be based on the higher of the Class III or Class IV milk prices for the preceding delivery period. Orderly marketing of fluid milk and fluid cream should be encouraged by paralleling as nearly as possible the methods of determining the Class I and Class II prices in the two orders. For these reasons it is recommended that such class prices be based upon the manufacturing milk formula prices for the next preceding delivery period instead of the current delivery period with the condition that the basic formula price effective for July shall not be less than that for the preceding month of June. The latter condition should assist to preserve the proper seasonal trend of prices.

(9) The proposed 4-cent handler butterfat differential applicable to fluid milk sold as Class I milk testing above or below 3.5 percent of butterfat should not be adopted.

This proposal would have the effect of placing a price on butterfat which is in excess of 3.5 percent in fluid milk sold as Class I milk of 4 cents per point. This is substantially lower than the current price of butterfat for any use including butter, the lowest-valued use under the order. Under the proposal the butterfat in excess of 3.5 percent disposed of in Class I fluid milk would be subsidized at the expense of the handler's uniform price. No adequate reasons have been presented to show why these results should prevail.

(10) Several revisions of language should be made to obtain further clarity and to simplify administrative problems.

(i) In determining the butterfat test of flavored milk and flavored milk drinks the average fat test of these products, including the fat test of chocolate ingredients, should be used as their butterfat test in all cases where a handler's production records do not show the amount of butterfat going into the product. (§ 969.4 (e) (3) (ii))

The order now provides that in determining the pounds of butterfat in flavored milk and flavored milk drinks the weight of these products is multiplied by their average butterfat test. It has been contended in some instances that a variation exists between the total fat test of the finished product and the butterfat test thereof. A representative study by the market administrator showed that the difference between the butterfat test of the milk ingredients and the total fat test of the finished product was insignificant. The procedure presently being followed by the market administrator is to use the total fat test of flavored drink as their butterfat test in the absence of adequate records showing a different butterfat test. The proposal will specifically spell out this method in the order. Where handlers' records show the amount of butterfat going into these products, such records have been accepted and will continue to be accepted under the proposal.

(ii) A method for eliminating skim milk received as "emergency milk" or "other source milk" from Class I milk should be specified in connection with the allocation of milk classified.

In the allocation of milk classified under the order provision is made for the subtraction of emergency milk and other source milk from a handler's over-all utilization. The current provisions of the order provide for the allocation of butterfat only and the precise method to be followed in allocating skim milk in emergency milk and other source milk is not outlined. Because the order is not clear with reference to the appropriate allocation of fluid skim milk received from outside sources, administrative interpretation in this respect has been necessary.

Emergency milk and other source milk are received by handlers at times in the form of fluid skim milk. Occasionally Class I milk pounds exceed net producer receipts (plus overrun) because purchases of skim milk from outside sources are added to producer milk to fulfill the Class I milk needs of the handler. When this occurs it is often found that all butterfat received in producer milk is utilized in Class I milk and in other instances some butterfat from producer milk will be utilized in Class II, Class III or Class IV milk. In the latter circumstance some skim milk is carried into the lower use classes along with the butterfat so utilized and such skim milk is therefore not available for Class I milk.

In order to give a reasonable allocation to outside purchasers of skim milk it is recommended that an adjustment to Class I milk representing the amount of milk brought in from outside be allowed in those cases where either utilization of Class I milk, or the combined utilization of Class I milk plus the 18 percent cream equivalent of butterfat from producer milk used in other classes, is greater than the amount of milk received from producers plus overrun. Since Class II milk accounts for the bulk of the butterfat contained in Class II, Class III and Class IV milk, with the greatest portion of Class II milk sales being at approximately 18 percent butterfat content, it is recommended that the 18 percent cream equivalent of butterfat in producer milk be used in the latter type of adjustment. The Class I milk pounds so adjusted would be used in the computation of the handler's total obligation to producers. As indicated above, the adjustment will assure producers of payment for as much of their milk at the Class I price as is equitable. The recommended method of allocation adopts the administrative practice which has been in effect in such instances.

(iii) A butterfat allowance of 0.06 percent should be provided to handlers who are not able to show specific tests as to butterfat content of skim milk.

There has been an administrative problem with respect to the determination of the butterfat contained in skim milk. Some handlers do not have testing equipment adequate to ascertain with reasonable accuracy the butterfat content remaining in skim milk after separation. Handlers with adequate records have been permitted to claim butterfat in skim milk. A study by the market administrator indicates an average butterfat content of approximately 0.06 percent for skim milk used by handlers in manufacturing milk products. It appears that .06 percent is a reasonable factor for use in the absence of adequate tests or records. Butterfat in skim milk may be a substantial factor in the shrinkage experienced by a plant engaged primarily in receiving and separating milk and shipping cream to the marketing area.

The proposed amendment would relieve an administrative problem and would tend to bring about a greater degree of equity among handlers in determining the butterfat content of skim milk.

(iv) The section providing for an assessment on handlers covering administrative expenses should be revised to provide that changes in the administrative assessment rate below the maximum fixed in such section shall be determined by the Secretary rather than by the market administrator subject to review by the Secretary.

Procedure for making changes in such rates will be less complicated if such rate-making is a direct function of the Secretary rather than a review function. This revision will simplify the establishment of appropriate rates of assessment at any time the assessment rate should be changed.

(v) The section providing for the marketing services deductions should be revised to provide that changes in the rate of marketing services deductions below the rate specified in such section shall be determined by the Secretary rather than by the market administrator subject to review by the Secretary.

The fixing of the rate of marketing services deductions by the Secretary (who now reviews the rate established by the market administrator) will simplify the procedure for establishing such rate of assessment below that specified in the order when a change in the rate is necessary.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Producer Associations and various handlers subject to Order No. 69. The briefs contain statements of fact, conclusions, and arguments with respect to all of the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. Although all of the briefs do not contain specific requests to make proposed findings, it is assumed that the statements, conclusions, and arguments submitted were for this purpose and are treated accordingly. To the extent that such proposed findings and conclusions are inconsistent with the proposed findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulating provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Delete § 969.4 (e) (3) (ii) and substitute therefor the following:

(ii) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat test of the finished product if the handler's production records do not show the amount of butterfat contained therein), and add the results so obtained.

2. Redesignate § 969.4 (f) (6) as § 969.4 (f) (7).

3. Add the following as § 969.4 (f) (6):

(6) If after making the applicable deductions pursuant to subparagraphs (1) to (5) of this paragraph, inclusive, (i) the amount of Class I milk is greater than the amount of milk received from producers plus the 3.5 percent milk equivalent of butterfat overrun, if any, and none of the butterfat received from producers has been allocated to Class II milk, Class III milk, or Class IV milk, the amount of Class I milk allocated to producers shall be equal to the amount of milk received from producers plus the 3.5 percent milk equivalent of the butterfat overrun, or (ii) the amount of Class I milk plus the 18 percent cream equivalent of the butterfat in the remaining Class II milk, Class III milk, and Class IV milk is greater than the amount of milk received from producers plus the 3.5 percent milk equivalent of butterfat overrun, if any, the difference shall be subtracted from the amount of Class I milk. In either case the adjusted volume of Class I milk shall be used in the computation of the handler's obligation to producers.

4. Delete from § 969.4 (b) (4) (iii) the words "or to a plant not meeting such description."

5. Delete from § 969.4 (e) (6) (vi) the words "or to plants not described in § 969.1 (f)."

6. Delete paragraphs (a) and (b) of § 969.5 and substitute therefor the following:

(a) *Basic formula price.* The basic formula price to be used in computing the prices of Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to subparagraphs (3) and (4) of paragraph (b) of this section for the delivery period next preceding: *Provided*, That the basic formula price effective for July shall not be less than that effective for June.

(b) *Class prices.* Subject to the appropriate location adjustment credit set forth in paragraph (c) of this section, each handler, at the time and in the manner set forth in § 969.8, shall pay per hundredweight of milk purchased or received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this paragraph, f. o. b. his plant or station from which Class I milk is distributed in the marketing area.

(1) *Class I milk.* (i) The price for Grade A Class I milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, $0.50; August, September, October and November, $0.90; all others, $0.70; and (ii) the price for Grade B Class I milk shall be the price for Grade A Class I milk less 10 cents.

(2) *Class II milk.* (i) The price for Grade A Class II milk shall be the basic

formula price plus the following amount for the delivery period indicated: May and June, $0.30; August, September, October and November, $0.50; all others, $0.40; and (ii) the price for Grade B Class II milk shall be the price for Grade A Class II milk less 10 cents.

(3) *Class III milk.* The price for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in (i) and (ii) of this subparagraph and in subparagraph (4) of this paragraph.

(i) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co.: Black Creek, Wis.
Borden Co.: Greenville, Wis.
Borden Co.: Mount Pleasant, Mich.
Borden Co.: New London, Wis.
Borden Co.: Orfordville, Wis.
Carnation Co.: Berlin, Wis.
Carnation Co.: Jefferson, Wis.
Carnation Co.: Chilton, Wis.
Carnation Co.: Oconomowoc, Wis.
Carnation Co.: Richland Center, Wis.
Carnation Co.: Sparta, Mich.
Pet Milk Co.: Belleville, Wis.
Pet Milk Co.: Coopersville, Mich.
Pet Milk Co.: Hudson, Mich.
Pet Milk Co.: New Glarus, Wis.
Pet Milk Co.: Wayland, Mich.
White House Milk Co.: Manitowoc, Wis.
White House Milk Co.: West Bend, Wis.

(ii) The price per hundredweight computed from the following formula:

(*a*) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture, by 6;

(*b*) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula:

(*c*) Divide by 7;

(*d*) Add 30 percent thereof; and

(*e*) Multiply by 3.5.

(4) *Class IV milk.* The price for Class IV milk shall be that computed from the following formula: Multiply by 3.5 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, add 20 percent thereof, and add to, or subtract from, such sum 3¾ cents for each full ½ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed, spray and roller pricess, f. o. b. Chicago area manufacturing plants, as reported by such agency during the delivery period, is respectively above or below 5 cents: *Provided*, That for the delivery periods of March, April, May and June "6 cents" shall be substituted for "5 cents" in such computation: *And provided further*, That if such f. o. b. manufacturing plant prices of nonfat dry milk solids are not reported there shall be used for the purpose of such computation the arithmetical average of the carlot prices of nonfat dry milk solids delivered at Chicago, Illinois, as reported weekly by such agency during the delivery period; and in the latter event the respective amounts "5 cents" and "6 cents" shall be increased by one cent.

7. Add as § 969.6 (c) the following:

(c) *Butterfat in skim milk.* A handler may claim, for classification purposes pursuant to § 969.4, butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 969.3 (a) (2) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

8. Insert in § 969.9 following the phrase "an amount not exceeding 4 cents per hundredweight" the words ", or such lesser amount as the Secretary may prescribe," and delete from such section the words "the exact sum to be determined by the market administrator, subject to review by the Secretary".

9. Delete from § 969.10 (a) the parenthetical phrase "(or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary)" and substitute therefor the words ", or such lesser amount as the Secretary may prescribe,".

Filed at Washington, D. C., this 22d day of July 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-7007; Filed, July 24, 1947; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-390]

OFFICE MACHINE MARKETING INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS WITH RESPECT TO TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 21st day of July 1947.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, or other parties or groups (including consumers) affected by or having an interest in the proposed trade practice rules for the Office Machine Marketing Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than September 9, 1947. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., September 9, 1947, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street, N. W., Washington, D. C., to any such persons, parties, groups, or consumers who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-6968; Filed, July 24, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1778177]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY

JULY 18, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the District Land Office, Salt Lake City, Utah, effective at 10:00 a. m. on September 19, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 19, 1947, to December 18, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 30, 1947, to September 19, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 19, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 18, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from November 28, 1947, to December 18, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 18, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager of the District Land Office, Salt Lake City, Utah.

The lands affected by this notice are described as follows:

SALT LAKE MERIDIAN

T. 27 S., R. 9 E. All

The areas described aggregate 23,052.15 acres.

The lands involved are rough and broken having a clay soil with much rock.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-6993; Filed, July 24, 1947; 8:48 a. m.]

[1778188]

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

JULY 18, 1947.

Notice is given that the plat of extension survey of lands hereinafter described will be officially filed in the District Land Office, Blackfoot, Idaho, effective at 10:00 a. m. on September 19, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 19, 1947, to December 18, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 30, 1947, to September 19, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 19, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 18, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from November 28, 1947, to December 18, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 18, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Blackfoot, Idaho.

The lands affected by this notice are described as follows:

BOISE MERIDIAN

T. 15 N., R. 21 E.,
Secs. 18, 19, all;
Sec. 20, W½;
Secs. 29, 30, 31, 32, all.

The areas described aggregate 4,106.04 acres.

The lands have a rolling surface with a gravelly soil containing lava rock and the vegetation consists of sagebrush and native grasses.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7026; Filed, July 24, 1947; 8:47 a. m.]

Bureau of Reclamation

RESERVOIRS OF COLORADO-BIG THOMPSON, NORTH PLATTE, KENDRICK, AND MIRAGE FLATS PROJECTS

PUBLIC USE REGULATIONS

MAY 26, 1947.

The following regulations have been established to assure safest and fullest possible recreation use of the reservoirs of the Colorado-Big Thompson, North Platte, Kendrick, and Mirage Flats Projects of the Bureau of Reclamation compatible with the uses and primary purposes for which such reservoirs were constructed. These areas are in part public playgrounds and should be enjoyed to the fullest extent. Adherence to these regulations will help assure that enjoyment.

1. *Permits*—(a) *Boating permit.* Any person desiring to place a boat (including all types of floating craft) on any of the reservoirs of the Colorado-Big Thompson, North Platte, Kendrick, or Mirage Flats Projects of the Bureau of Reclamation, must first obtain a permit to do so. An application form for such a boating permit may be obtained by contacting in person or writing the project office of the Bureau of Reclamation concerned or any other office later desig-

nated as their representative. The project offices and their locations are listed below:

Colorado-Big Thompson Project: Bureau of Reclamation, Estes Park, Colo.
North Platte Project: Bureau of Reclamation, Casper, Wyo.
Kendrick Project: Bureau of Reclamation, Casper, Wyo.
Mirage Flats Project: Bureau of Reclamation, Hemingford, Nebr.

The permit will be issued for use of the boat on the project concerned, following receipt of the application and the fee for such permit, the amount of which is defined in the boat classification given below. The permittee will be furnished a permit card which must be available for inspection at all times while his boat is using any of the project reservoirs. In addition, each permittee will be furnished a license bearing a number, corresponding to that of his permit that must be displayed in a conspicious place on the prow of the boat. Permits shall continue in force until the end of the calendar year during which they are issued, unless revoked for a violation of laws or of the public use regulations. Permits may be transferred with the boat at no additional cost upon sale of such boat, provided notice of that sale is furnished the Bureau of Reclamation at the office of issue. Where deemed desirable, the Bureau of Reclamation may issue a boating permit for more than one project, where such projects are in close relationship to each other.

Permit rates by boat classes:

I. Boats for personal use:

A. Manually operated craft—$1.00.
B. Sailboats and motorboats with overall length of 16 feet or less—$2.00.
C. Sailboats and motorboats with overall length of more than 16 feet and not more than 26 feet—$4.00.
D. Sailboats and motorboats with overall length of more than 26 feet—$6.00.

II. Boats for hire (including boats operated for fee or profit either as direct charge to a second party or as incident to other services provided to the second party).

A. Manually operated craft—$2.00.
B. Sailboats and motorboats with overall length of 16 feet or less—$4.00.
C. Sailboats and motorboats with overall length of more than 16 feet and not more than 26 feet—$8.00.
D. Sailboats and motorboats with overall length of more than 26 feet—$12.00.

The number of permittees under this class (Class II) for a certain reservoir may be restricted by the Bureau of Reclamation if such restriction is necessary in order to properly operate and care for the reservoir and its recreational values. Permission to place boats for hire on a reservoir for one year does not guarantee in any way that the same permittee will be allowed the same privilege or have priority for that privilege in the following year or years unless it has been covered by lease or concession contract with the Bureau of Reclamation.

Manually operated craft are all craft whose movement through the water during the boating year is dependent entirely upon manual propulsion.

Sailboats are craft whose movement through the water at any time during the boating year is dependent upon the use of sails.

Motorboats are craft whose movement through the water at any time during the boating year is dependent upon the use of an inboard or outboard motor or engine. Some boats might be classified as both sailboats and motorboats as defined but separate differentiation need not be here made since the same permit classes include both types of boats.

Overall length is the longest distance between the two outer extremities of the boat or any permanent structure attached thereon.

All types of boats are allowed on the reservoirs with the exception of what is commonly known as a houseboat.

(b) *Dock, pier, boathouse, mooring permit.* Each boating permit issued according to the above provisions carries permission to install a dock, pier, boathouse, or mooring suitable for the boat or boats covered by it but in a manner, design, and location agreeable to the Bureau of Reclamation, providing, however, that, in the opinion of the Bureau of Reclamation, such installation is desirable. Before installation of dock, pier, boathouse, or mooring is made on any of the reservoirs of a specific project, approval in writing must be obtained through the office that issued the boating permit. The docks, piers, boathouses, and moorings are subject to relocation or removal at the discretion of the Bureau of Reclamation in the best interest of the project.

(c) *Compliance with Federal and State laws.* The operations of each permittee shall at all times be conducted in accordance with all applicable Federal and State laws and the rules and regulations issued thereunder. Failure of the permittee to abide by any of the terms or conditions of any applicable Federal or State laws, or rules and regulations issued thereunder shall cause the permit to be subject to immediate termination at the option of the United States.

2. *Safety equipment requirements.* (a) Each manually operated craft, sailboat, or motorboat in use at any time between sunset and sunrise shall carry a lantern or other suitable light visible all around the horizon.

(b) Each manually operated craft, sailboat, or motorboat must be provided with the following:

(1) An anchor of sufficient size and a chain, cable, or rope of sufficient length and strength to hold the boat in case of accident, storm, or other emergency.

(2) Paddles or oars.

(3) Efficient life preservers equal in number to the maximum number of persons to be carried.

(4) A ready means of hand bailing or, if this would be impossible or impracticable due to the boat's size or construction, adequate bilge pumps should be installed.

(c) Metal boats of any type must have sufficient air chambers, tanks, or flotation gear to safely hold up the boat when filled to proper carrying capacity should accident or other emergency necessitate their doing so.

(d) Specific safety requirements for motorboats:

(1) Motorboats with inboard engines must have:

(*a*) A flame arrester on the carburetor, if the combustion air is taken from below the deck line or from the engine compartment.

(*b*) A provision for adequate ventilation of the engine compartment.

(c) One of the following types of fire extinguishers:

1 quart carbon tetrachloride or 1¼ gallons foam, or 4 pounds CO_2.

(2) Motorboats with outboard engines must have:

(*a*) Mufflers or silencing devices.

3. *General traffic rules.* (a) When boats are approaching each other headon or so nearly as to endanger collision, it shall be the duty of each to turn to the right to pass the other.

(b) When two boats are crossing so as to involve risk of collision, the boat which has the other on her starboard or right side shall keep out of the way of the other boat.

(c) A boat overtaking any other boat shall keep out of the way of the overtaken boat.

(d) The following takes precedence when a meeting occurs between boats of different classifications: Manually operated craft take precedence over all other craft. Sailboats take precedence over motorboats but must give way to manually operated craft. Motorboats must give way to all other types of craft.

(e) All motorboats must remain at a reasonably safe distance from manually operated craft and sailboats, and must not circle same or approach in such a manner or close enough to cause waves or spray to inconvenience occupants of those boats.

(f) Motorboats must reduce speed when approaching or leaving public boat launching and landing areas so as not to create undue disturbance to the water or interference with other boats.

(g) No boat can approach closer than 500 feet to any dam or other restricted water area as designated unless duly authorized by the Bureau of Reclamation.

4. *Safety rules and procedures.* (a) The number of people riding in a boat shall not exceed its proper carrying capacity.

(b) In case of distress three quickly repeated signals repeated at regular intervals should be used. These signals could be made by calling, whistling, waving a flag or lighted flashlight, or by other means. Anyone is morally obligated to rescue the party in distress, but if he is incompetent to do so, he is obligated to notify Bureau of Reclamation personnel, boaters, picknickers, or other persons of the evident need for aid. A rescue party may cause the signaler considerable expense. The distress signal, like the S. O. S., is never to be used except when life or property is actually in danger, and outside help must be obtained. Whoever receives such distress signals should acknowledge it in a practical manner, preferably by two signals of similar character as received, repeated at regular intervals.

(c) Because of the possibility of fire, the motor or engine of inboard motorboats must be started and running before any passengers are loaded. Refueling operations of such boats will be carried on at a safe distance from all public use areas except public boat docks. Such boats must not be refueled with passengers on board.

(d) All boats used for passenger service must be operated at all times by a competent and experienced operator while in such use.

(e) Boats, which, in the opinion of the representative of the Bureau of Reclamation, whose opinion shall be final and conclusive, are not properly constructed, operated, or maintained, shall not be permitted to be placed or remain on the waters of the reservoirs.

(f) Small boats shall be securely anchored or tied up when not in use. Boats found floating loose on the reservoir may be taken up; and the permittee shall be liable to the United States for any expense incurred in making the boat secure. Owners thereof shall be liable to the United States for any damage done by their boat to works of the United States. Boats shall not be left in the reservoir proper during the winter months.

5. *Regattas and racing.* Regattas and racing are prohibited unless duly authorized by the Bureau of Reclamation.

6. *Violation of regulations.* The permit of any person violating any of the foregoing regulations may be revoked, and such person shall remove his boat and dock, pier, boathouse, or mooring where installed from the reservoir and lands adjacent to the reservoir; failing to do so the offending boat and dock, pier, boathouse, or mooring where installed may be removed and held for the costs of removal.

7. *Public boat launching and landing.* The Bureau of Reclamation may restrict certain areas, when and where necessary, for the exclusive purpose of public boat launching and landing.

8. *Cars.* Cars must be confined to roads and parking areas. Roads must not be used for parking where parking areas have been designated.

9. *Swimming.* Swimming is permitted except within 500 feet of any dam or other restricted water area as designated.

10. *Airplanes.* Airplanes must not land on or take off from the reservoirs.

11. *Fires.* The Bureau of Reclamation may restrict or prohibit, when and where necessary, the building of fires. Where fires are allowed they may be built only where they will not damage live trees, shrubs, grass, or other plants. Fires may not be left unattended and must be extinguished before leaving. Only dead trees and brush may be used for fires where firewood has not been furnished. Lighted matches, cigarettes, cigars, and ashes should never be thrown on the ground without first being extinguished.

12. *Sanitation.* Refuse, garbage, rubbish, or waste of any kind shall not be placed or thrown in the reservoir waters or on any of the United States lands adjacent to the reservoir, but shall be burned or buried or disposed of at designated points or places assigned for the sanitary disposal thereof.

13. *Picnicking.* Picnicking is allowed on the United States lands adjacent to the reservoir except when and where the Bureau of Reclamation finds it necessary to restrict or prohibit such use. Any area used for picnicking must be cleaned after using.

14. *Damage to Property.* The destruction, injury, defacement, or removal of public property or vegetation (trees, shrubs, and other plants), rock or minerals is prohibited.

15. *Order.* No intoxicated person shall be permitted upon United States lands adjacent to the reservoir or in boats on the waters of the reservoir.

16. *Construction of Facilities and Changing Reservoir Shoreline.* The installation or construction of any facility on the United States lands adjacent to the reservoir or any change in the shoreline of the reservoirs is prohibited unless due authority is given by the Bureau of Reclamation for such installation, construction, or change to be made.

17. *Private notices and advertisements.* Private notices and advertisements shall not be posted, distributed or displayed on the United States lands adjacent to the reservoir except such as the Bureau of Reclamation may deem necessary for the convenience and guidance of the public using the area for recreational purposes.

18. *Establishment of businesses on Bureau of Reclamation lands.* No person, firm, or corporation or their representatives shall engage in or solicit any business on a reservoir or the United States lands adjacent to the reservoir without permission in writing from the Bureau of Reclamation or in accordance with terms of a lease or concession contract with the Bureau of Reclamation.

19. *Concession and other charges to public.* Any concession or other business operating on a reservoir or on the United States lands adjacent to the reservoir must post the charges for its services, refreshments, and other items in conspicuous places, and such prices shall be within reason.

20. *Hunting and fishing.* Hunting and fishing are permitted upon compliance with the laws, rules, and regulations prescribed by the State concerned, but subject to such additional regulations as may be issued by the United States in order to protect the reservoir or other project features or to protect the area as a Fish and Wildlife Refuge if it has so been established.

21. *Firearms.* The carrying of firearms is prohibited on reservoirs or on United States lands adjacent to the reservoir except when and where hunting is allowed in compliance with section 20 above.

22. *Waiver of liability.* The main purpose of the Bureau of Reclamation reservoirs is to impound water for irrigation and other regulatory purposes. Accordingly, any person at any time going in or upon the waters thereof or upon any of the structures or lands upon the margin thereof, or upon adjacent lands belonging to the United States, and held in reserve for the use in connection therewith, whether as lessee, contractee, or permittee of the United States, or otherwise, thereby assumes all risks of injury to or death of himself by damage to or destruction of property resulting directly or indirectly, wholly or in part, from said reservoir or appurtenant structures, or their construction, operation, and control by the United States.

MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 47-6987; Filed, July 24, 1947; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 383]

ST. LOUIS NATIONAL STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

By orders dated February 28, 1933, November 5, 1936, and December 6, 1937, made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), maximum rates and charges for selling and buying livestock on commission by market agencies operating at the St. Louis National Stock Yards, National Stockyards, Illinois, were prescribed. By supplemental orders entered from time to time, the last one of which was entered on September 17, 1946 (5 A. D. 679), the three orders referred to have been suspended and the respondents have been permitted to assess and collect higher rates than the maximum prescribed in the three prior orders. The order of September 17, 1946, provides that the rates therein set forth shall remain in effect to and until September 17, 1947, unless modified or extended.

By petition, dated July 8, 1947, and filed with the Hearing Clerk, the respondents have requested that the rates and charges provided for in said order of September 17, 1946, be extended for a further period of at least one year.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for extension of temporary rates. All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 21st day of July 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-7009; Filed, July 24, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3007]

CHINA NATIONAL AVIATION CORP.

NOTICE OF HEARING

In the matter of the application of China National Aviation Corporation pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing the foreign air transportation of persons, property and mail between Shanghai, China and San Francisco, Calif., via intermediate points in the Pacific, including Honolulu.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on July 30, 1947 at 10 a. m. (eastern daylight saving time) in Room 1302, Temporary "T" Building, Constitution Avenue between 12th Street and 14th Street, NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Republic of China or any other foreign country.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before July 30, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., July 21, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-6977; Filed, July 24, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7094, 7412, 8465]

MACKAY RADIO AND TELEGRAPH CO., INC., ET AL.

ORDER POSTPONING ORAL ARGUMENT

In the matter of radiotelegraph circuits between the United States and British Commonwealth and certain other foreign points, Docket No. 7094; in the matter of applications of Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc., Tropical Radio Telegraph Company, United States-Liberia Radio Corporation and Press Wireless, Inc., for modification of license for authority to communicate with British Commonwealth and certain other foreign points, Docket No. 7412; and in the matter of Mackay Radio and Telegraph Company, applications for special temporary authorizations to communicate with Helsinki, Finland; Lisbon, Portugal; Paramaribo, Surinam; and The Hague, Netherlands, Docket No. 8465; File Nos. T1-SA-680, T1-SA-658, T1-SA-659, T1-SA-657.

It appearing, that the Commission will not be able to hear oral arguments in the above proceedings on August 8, 1947, the date presently scheduled therefor;

It is ordered, This 18th day of July, 1947, that the oral arguments now scheduled in the above proceedings for August 8, 1947, are postponed to September 24, 1947, at the same time and place as heretofore designated.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7011; Filed, July 24, 1947; 8:48 a. m.]

[Docket Nos. 7400, 7972]

HEARST RADIO, INC. (WBAL) AND PUBLIC SERVICE RADIO CORP.

ORDER SETTING HEARING DATE

In re applications of Hearst Radio, Inc. (WBAL), Baltimore, Maryland, for renewal of license, Docket No. 7400, File No. BR-152; Public Service Radio Corp., Baltimore, Maryland, for construction permit, Docket No. 7972, File No. BP-5257.

The Commission having scheduled a consolidated hearing on the above-entitled applications for Tuesday, February 25, 1947, at Baltimore, Maryland, and having subsequently postponed the said hearing until further notice;

It is hereby ordered, This 16th day of July 1947, that the consolidated hearing on the above entitled applications be held at 10 o'clock a. m. October 6, 1947, at Baltimore, Maryland.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7012; Filed, July 24, 1947; 8:49 a. m.]

EMPORIA BROADCASTING CO. INC.

NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on July 9, 1947 there was filed with it an application (BTC-559) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Emporia Broadcasting Company, Inc., licensee of KTSW, Emporia, Kansas, from R. J. Laubengayer, Sidney F. Harris and John P. Harris to Gervais F. Reed and Robert B. Reed. The proposal to transfer control arises out of a contract of June 10, 1947 pursuant to which the three above mentioned transferors agree to sell and the two above named transferees agree to buy in equal amounts all of the transferor's 20,471 shares (81.9%) of the common voting stock of Emporia Broadcasting Company, Inc., for a total consideration of approximately $40,942 ($2 per share plus a pro rata share represented in the number of shares delivered of the net current assets of the station) and the additional minority shares (4,529, 18.1%) that the transferors will endeavor to purchase from the other minority stockholders. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on July 11, 1947 that starting on July 15, 1947 notice of the filing of the application would be inserted in the Emporia Gazette, a newspaper of general circulation at Emporia, Kansas in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from July 15, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7013; Filed, July 24, 1947; 8:49 a. m.]

[1] Section 1.321, Part I, Rules of Practice and Procedure.

INTERSTATE COMMERCE COMMISSION

[S. O. 692, Special Permit 2]

RECONSIGNMENT OF LUMBER FROM NORTH SANTA MARIA, CALIF.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 692 (12 F. R. 1685), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 692 insofar as it applies to the reconsignment by Benton County Lumber Company, July 17 or 18, 1947 from North Santa Maria, California via Southern Pacific Railroad to Alhambra, California, of car NKP 3019, containing lumber.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-6982; Filed, July 24, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-995]

NASH-KELVINATOR CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of July A. D. 1947.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock, $5.00 Par Value, of Nash-Kelvinator Corporation, a security listed and registered on the Boston Stock Exchange and the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to August 21, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6973; Filed, July 24, 1947; 8:45 a. m.]

[File No. 20-1559]

NATIONAL FUEL GAS CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of July 1947.

In the matter of National Fuel Gas Company, United Natural Gas Company, Iroquois Gas Corporation, File No. 70-1559.

National Fuel Gas Company ("National"), a registered holding company, and its public utility subsidiaries, United Natural Gas Company ("United") and Iroquois Gas Corporation ("Iroquois"), having filed a joint application-declaration pursuant to sections 6, 7, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-45 and U-50 (a) (2) promulgated thereunder with respect to the following transactions:

National has entered into a credit agreement with Chase National Bank, in the City of New York, whereby the bank will make loans to National in an aggregate amount not to exceed $6,500,000 from the effective date of the agreement to July 1, 1950, with the right on the part of National to terminate the arrangement at any time on thirty days' notice.

The proposed loans are to be evidenced by promissory notes to be issued at various dates on or after July 15, 1947, are to be of three months maturity, and are to bear interest at the rate of 1½% per annum to July 1, 1949 and at the rate of 1¾% per annum thereafter. National will pay Chase a commitment fee of ¼ of 1% per annum on the average daily unused amount which Chase is obligated to lend.

National proposes to extend to two of its wholly-owned subsidiaries, United and Iroquois, a line of credit of up to but not to exceed at any one time $5,000,000 and $1,500,000, respectively, which the subsidiaries may borrow, renew and repay from time to time during the period July 1, 1947 to June 30, 1948. The loans of the two subsidiaries are to be evidenced by promissory notes to be issued from time to time during the period July 1, 1947 up to June 30, 1948, are to bear interest at the rate of 1½% per annum, and are to mature three months from date of issue, or June 30, 1948, whichever shall be earlier. Each subsidiary agrees to pay the parent a commitment fee of ¼ of 1% per annum on the daily average unused amount which the parent is obligated to lend to each subsidiary.

The joint application-declaration having been filed June 26, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to this joint application-declaration that the applicable statutory standards are satisfied and that there is no basis for any adverse findings and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective, and further deeming it appropriate to grant the request of applicants-declarants that this order should be effective upon issuance;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that this joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-6975; Filed, July 24, 1947; 8:45 a. m.]

[File No. 70-1566]

PHILADELPHIA ELECTRIC POWER CO. AND SUSQUEHANNA POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of July 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Philadelphia Electric Power Company ("PEP"), a registered holding company, and its electric utility subsidiary, The Susquehanna Power Company ("SP"), designating sections 6 (a), 7, 10, 12 (c), 12 (d) and 12 (f) and Rules U-42 (a) and U-43 thereunder as being applicable to the proposed transaction.

Notice is further given that any interested person may, not later than July 24, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after July 24, 1947, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission, for a statement of the transaction therein proposed, which is summarized as follows:

By orders of the Federal Power Commission and a decree of the United States Circuit Court of Appeals for the Third Circuit, PEP and SP have been directed to make certain accounting adjustments in connection with the final determination of the actual legitimate original cost, as of December 31, 1932, of the Conowingo Hydro-Electric Project, including (a) the charge off by SP of certain disallowed amounts to Earned Surplus with

a provision that certain amounts may be charged to a properly created Capital Surplus; and (b) the reduction by PEP of the book cost of its investment in the stock of SP. In this connection SP has determined to create a Capital Surplus of $3,676,091.92 to be used solely for charging off an equal amount of the disallowed cost in compliance with said orders and decree. Accordingly, SP has determined to reclassify its common stock and reduce the stated value thereof from $4,866,886.36 to $1,190,794.44.

SP's present capital stock consists of 135,000 shares of common stock, Class A, no par value, of which 110,500 shares are issued and outstanding, and 135,000 shares of common stock, Class B, no par value, all of which are outstanding. All of SP's outstanding stock is owned by PEP and pledged with Fidelity-Philadelphia Trust Company, Trustee, under the first mortgage of PEP and SP, dated February 1, 1926, as amended by supplemental indenture dated July 1, 1946. SP proposes to cancel by Charter amendment all of its authorized Class A and Class B stock and create in lieu thereof a new common stock, without par value, in the amount of 200,000 shares. The new shares are to be issued to PEP and exchanged with the Trustee in place of the outstanding shares of the Class A and Class B stock of SP.

The joint application-declaration requests that the Commission's order granting the application and permitting the declaration herein to become effective be issued on or before July 28, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6976; Filed, July 24, 1947; 8:46 a. m.]

[File No. 812-501]

MORRIS PLAN CORP. OF AMERICA ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of July A. D. 1947.

In the matter of the Morris Plan Corporation of America, American General Corporation, and Burton E. Forster, et al., File No. 812-501.

Notice is hereby given that The Morris Plan Corporation of America (Morris Plan) has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from section 17 (a) of said act, transactions in which Burton E. Forster, Robert A. Culver, Gordon E. Marks, William C. Jacobs, James S. Hall II, James M. Austin and Rubye C. Goforth propose to purchase from Morris Plan a total of 117 shares of The Tennessee Valley Bank (Bank) at a price of $181.33 per share, an aggregate purchase price of $21,215.61.

The purchasers in the proposed transactions are either officers, directors or employees of the Bank. The Bank is a majority-owned subsidiary of Morris Plan and the latter company is controlled by American General Corporation (American), a registered investment company. Therefore the purchasers are affiliated persons of an affiliated person of American and the proposed transactions are prohibited by section 17 (a) (2) of the act.

The proposed purchase price, which is equal to the book value of $181.33 per share for the stock as at May 31, 1947, is subject to revision downward to the extent that any dividend declaration after May 31, 1947 and prior to the date of sale reduces the book value below $181.33 per share. The net earnings of the Bank (1) averaged $22.33 per share over the ten year period 1937-1946, (2) amounted to $33.40 per share in 1946, and, (3) amounted to $20.73 per share for the first five months of 1947. The contracts between Morris Plan and the respective purchasers reserve to Morris Plan the right of first refusal to repurchase the stock at the then book value either upon the desire of a purchaser to dispose of the stock or upon the demise of a purchaser. The terms of the contracts conform to the provisions of a resolution adopted by the Board of Morris Plan authorizing the officers thereof to sell stock of several of its majority-owned banks, at prices not less than the per share book values thereof, to the extent that such sales do not reduce the holdings of Morris Plan below 51% of the outstanding stock of any of the banks named in the resolution. All interested persons are referred to said application, which is on file in the offices of this Commission, for a more detailed statement of the terms of the proposed transactions and the matters of fact and law asserted therein.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination: whether the terms of the proposed transaction, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned; whether the proposed transaction is consistent with the policy of American General Corporation as recited in its registration statement and reports filed under the act; and, whether the proposed transaction is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the 6th day of August 1947 at 10:00 a. m., eastern daylight saving time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locusts Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to The Morris Plan Corporation of America, American General Corporation, Burton E. Forster, Robert A. Culver, Gordon E. Marks, William C. Jacobs, James S. Hall II, James M. Austin, Rubye C. Goforth and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise wishing to participate in said proceedings should file with the Secretary of the Commission, on or before August 4, 1947, his application therefore as provided by Rule XVII of the rules of practice of the Commission setting forth therein any of the above issues of law or fact which he desires to contravert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-6974; Filed, July 24, 1947; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8294, Amdt.]

ANNY SCHMITZ

In re: Debt owing to Anny Schmitz also known as Mrs. Ernst Schmitz and as Mrs. Ernest Schmitz. F-28-5175-D-8.

Vesting Order 8294, dated February 24, 1947, is hereby amended as follows and not otherwise:

By adding to subparagraph 2 of said order subparagraph 2c as follows:

c. That certain debt or other obligation owing to Anny Schmitz, also known as Mrs. Ernst Schmitz and as Mrs. Ernest Schmitz, by City Bank Farmers Trust Company, 22 William Street, New York 15, New York, in the amount of $9.62, as of March 22, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

All other provisions of said Vesting Order 8294 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-7004; Filed, July 24 1947; 8:49 a. m.]

[Vesting Order 9385]

DAITOSHAI CO., LTD.

In re: Debt owing to Daitoshai Co., Ltd. F-39-5033-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Daitoshai Co., Ltd., the last known address of which is Kobe, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Daitoshai Co., Ltd., by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, in the amount of $207.40, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6995; Filed, July 24, 1947; 8:47 a. m.]

[Vesting Order 9388]

HATAYAMA SHOTEN

In re: Debt owing to Hatayama Shoten. F-39-3064-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hatayama Shoten, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: All those debts or contractural obligations owing to Hatayama Shoten by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, including particularly but not limited to the amount of $12,475.24, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6996; Filed, July 24, 1947; 8:48 a. m.]

[Vesting Order 9393]

T. NAMBU

In re: Bank account, bonds and cash owned by T. Nambu, also known as Tsuguo Nambu.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Nambu, also known as Tsuguo Nambu, whose last known address is Tsukaguchi, Tachibanamura, Hyogo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to T. Nambu, also known as Tsuguo Nambu, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, entitled T. Nambu, and any and all rights to demand, enforce and collect the same,

b. Cash in the amount of $40.00, presently in the possession of the Attorney General of the United States in Collection Account, Symbol 896-027, and

c. Nine (9) City of Tokio External Loan of April 1, 1927 Sinking Fund 5½% Gold Bonds, due October 1, 1961, each of $1,000 face value, bearing the numbers, 1763, 13335, 13521, 14883, 16949, 18256, 19007, 19008 and 20505, issued in the name of bearer, presently in the possession of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-6997; Filed, July 24, 1947; 8:48 a. m.]

[Vesting Order 9395]

SHIGERU NISHIO

In re: Stock owned by Shigeru Nichio. D-39-15571-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeru Nishio, whose last known address is c/o Vacuum Oil Co., No. 72 Kyo Machi, Kobe, Japan, is a resident

of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Nineteen (19) shares of $15 par value capital stock of Socony-Vacuum Oil Company, Incorporated, 26 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered NYL–84553, NYL–200172 and NYL–171967 for twelve (12), four (4) and three (3) shares respectively, registered in the name of Shigeru Nishio, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6998; Filed, July 24, 1947; 8:48 a. m.]

[Vesting Order 9398]

SOPHIE PFLUEGER ET AL.

In re: Claims owned by Sophie Pflueger and claims and promissory note owned by Sophie Pflueger and the other heirs, personal representatives, next of kin, legatees and distributees, names unknown, of Alexander W. Pflueger, deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Pflueger has been domiciled in, or a subject, citizen or resident of Germany on or since the effective date of Executive Order 8389, as amended, and is a national of a designated enemy country (Germany);

2. That the other heirs, personal representatives, next of kin, legatees and distributees, names unknown, of Alexander W. Pflueger, deceased, also known as Alexander Pflueger and as Wilhelm Alexander Pflueger, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any name or nature whatsoever of Sophie Pflueger in and to any and all obligations, contingent or otherwise and whether or not matured, arising under that certain agreement, Title Indemnity No. 30131, dated January 25, 1943 (including all modifications thereof and supplements thereto, if any) by and between Chicago Title and Trust Company and Walter P. Paepcke, individually and/or as attorney-in-fact for Sophie Pflueger, which agreement relates, among other things, to the sum of $45,000.00 deposited with said company as indemnity for entering into a certain reinsurance agreement,

b. All right, title, interest and claim of any name or nature whatsoever of Sophie Pflueger in and to the draft in the sum of $2,250.00, dated January 7, 1946, payable to the order of Sophie Pflueger, bearing No. 582, drawn by Peoples Bank, Indianola, Mississippi, on The Chase National Bank of the City of New York, New York 15, New York, presently held in escrow by Union Planters National Bank & Trust Co., Memphis, Tennessee, and any and all rights to demand, enforce and collect the same, and

c. All right, title, interest and claim of any name or nature whatsoever of Sophie Pflueger in and to the draft in the sum of $46,000.00, dated January 7, 1946, payable to the order of Sophie Pflueger, bearing No. 2487, drawn by The Bank of Greenwood, Greenwood, Mississippi, on The First National Bank of Chicago, Chicago, Illinois, presently held in escrow by Union Planters National Bank & Trust Co., Memphis, Tennessee, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Sophie Pflueger, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows:

a. All right, title and interest of any name or nature whatsoever, contingent or otherwise and whether or not matured, of Sophie Pflueger and the other heirs, personal representatives, next of kin, legatees and distributees, names unknown, of aforesaid Alexander W. Pflueger, deceased, in and to any and all claims for refund of income taxes paid to the Collector of Internal Revenue, Treasury Department, including particularly but not limited to the right to file, prosecute, enforce and collect such claim or claims, and

b. That certain debt or other obligation owing to Sophie Pflueger and the other heirs, personal representatives, next of kin, legatees and distributees, names unknown, of aforesaid Alexander W. Pflueger, deceased, by Sophie Pflueger, or by Walter P. Paepcke as attorney-in-fact for said Sophie Pflueger, in the amount of $12,000.00, as of February 3, 1947, evidenced by a note in the principal sum of $12,000.00, dated January 29, 1943, issued by Walter P. Paepcke as attorney-in-fact for Sophie Pflueger, and presently in the custody of City National Bank and Trust Co., of Chicago, 208 South La Salle Street, Chicago 90, Illinois, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Sophie Pflueger and the other heirs, personal representatives, next of kin, legatees and distributees, names unknown of Alexander W. Pflueger, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that Sophie Pflueger and the other heirs, personal representatives, next of kin, legatees and distributees, names unknown, of Alexander W. Pflueger, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6999; Filed, July 24 1947; 8:48 a. m.]

[Vesting Order 9400]

SANSHO GOSHI KAISHA

In re: Debt owing to Sansho Goshi Kaisha. F–39–3392–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sansho Goshi Kaisha, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: All those debts or contractual obligations owing to Sansho Goshi Kaisha by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, including particularly but not limited to the amount of $4,462.01, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7000; Filed, July 24, 1947; 8:49 a. m.]

[Vesting Order 9403]

TAKISADA AND CO.

In re: Debt owing to Takisada & Company. F–39–5034–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takisada & Company, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: All those debts or contractual obligations owing to Takisada & Company, by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, including particularly but not limited to the amount of $791.54, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7001; Filed, July 24, 1947; 8:49 a. m.]

[Vesting Order 9378]

JOHN GEORGE BINZ

In re: Estate of John George Binz, deceased. D–28–11554; E. T. sec. 15779.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise C. Binz, Louisa Michenfelder, Lena Schremp, Ida Binz, and Adolph Binz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $1,147.70 was paid to the Attorney General of the United States by William Binz, Administrator of the Estate of John George Binz, deceased;

3. That the said sum of $1,147.70 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on April 2, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7002; Filed, July 24, 1947; 8:49 a. m.]

[Vesting Order 9412]

JOHANETTE MUSTIN

In re: Estate of Johanette Mustin, deceased. File D–28–10863; E. T. sec. 15275.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Heckmann, Ilse Heckmann, Hermann Heckmann, Johanna Heckmann, Ilse (Ulse) Heckmann and ——— Heckmann, given name unknown, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Johanette Mustin, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Edward J. Elliott, as administrator, acting under the judicial supervision of the County Court of Campbell County, Kentucky;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6965; Filed, July 23, 1947; 8:49 a. m.]

[Vesting Order 9438]

FREDERICK SCHAEFER

In re: Trust u/w of Frederick Schaefer, deceased. File D-28-9309; E. T. sec. 12276.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Shertel (Schertel) von Burtenbach and Hans Shertel (Schertel) von Burtenbach, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Frederick Schaefer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Guaranty Trust Company of New York, as Substituted Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6966; Filed, July 23, 1947; 8:50 a. m.]

[Vesting Order 9375]

CLARA STOLLENWERK

In re: Debts owing to and promissory note owned by Clara Stollenwerk. F-28-12348-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Stollenwerk, whose last known address is Simmerath, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Clara Stollenwerk by Detjen & Detjen, 511 Locust Street, St. Louis, Missouri, in the amount of $30.00, as of December 31, 1945, represented by a portion of the sum of money on deposit at the Mississippi Valley Trust Company, 225 North Broadway, St. Louis, Missouri, in a blocked account entitled Detjen & Detjen, Blocked Account, Attorneys 102 nationals of Germany, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Clara Stollenwerk by Pius Moeder, Liebenthal, Kansas, in the amount of $731.87, as of September 1, 1939, evidenced by a promissory note, in the principal sum of $731.87, dated September 1, 1939, issued by Pius Moeder, Liebenthal, Kansas, and presently in the custody of Detjen & Detjen, 511 Locust Street, St. Louis, Missouri, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid promissory note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-6964; Filed, July 23 1947; 8:49 a. m.]

JUL 28 '47

THE NATIONAL ARCHIVES
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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 146

Washington, Saturday, July 26, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9876

AUTHORIZING THE PHILIPPINE ALIEN PROPERTY ADMINISTRATOR TO PERFORM CERTAIN FUNCTIONS OF THE PRESIDENT WITH RESPECT TO ALIEN PROPERTY LOCATED IN THE PHILIPPINES

By virtue of the authority vested in me by section 101 (b) of Reorganization Plan No. 1 of 1947, the Philippine Alien Property Administrator (provided for in Executive Order No. 9818 of January 7, 1947) is hereby authorized and directed to perform, subject to the direction and control of the President, all of the functions transferred to the President by the said section 101 (b) of Reorganization Plan No. 1 of 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 24, 1947.

[F. R. Doc. 47-7094; Filed, July 25, 1947; 10:22 a. m.]

REORGANIZATION PLAN 3 OF 1947

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 27, 1947, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945.[1]

HOUSING AND HOME FINANCE AGENCY

SECTION 1. *Housing and Home Finance Agency.* The Home Owners' Loan Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Housing Administration, the United States Housing Authority, the Defense Homes Corporation, and the United States Housing Corporation, together with their respective functions, the functions of the Federal Home Loan Bank Board, and the other functions transferred by this plan, are consolidated, subject to the provisions of sections 2 to 5, inclusive, hereof, into an agency which shall be known as the Housing and Home Finance Agency. There shall be in said Agency constituent agencies which shall be known as the Home Loan Bank Board, the Federal Housing Administration, and the Public Housing Administration.

SEC. 2. *Home Loan Bank Board.* (a) The Home Loan Bank Board shall consist of three members appointed by the President by and with the advice and consent of the Senate. Not more than two members of the Board shall be members of the same political party. The President shall designate the members of the Board first appointed hereunder to serve for terms expiring, respectively, at the close of business on June 30, 1949, June 30, 1950, and June 30, 1951, and thereafter the term of each member shall be four years. Whenever a vacancy shall occur among the members the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the member whose place he is selected to fill. Each of the members of the Board shall receive compensation at the rate of $10,000 per annum.

(b) The President shall designate one of the members of the Home Loan Bank Board as Chairman of the Board. The Chairman shall (1) be the chief executive officer of the Board, (2) appoint and direct the personnel necessary for the performance of the functions of the Board or of the Chairman or of any agency under the Board, and (3) designate the order in which the other members of the Board shall, during the absence or disability of the Chairman, be Acting Chairman and perform the duties of the Chairman.

(c) Except as otherwise provided in subsection (b) of this section there are transferred to the Home Loan Bank Board the functions (1) of the Federal Home Loan Bank Board, (2) of the Board of Directors of the Home Owners' Loan Corporation, (3) of the Board of Trustees of the Federal Savings and Loan Insurance Corporation, (4) of any member or members of any of said Boards, and (5) with respect to the dissolution of the United States Housing Corporation.

SEC. 3. *Federal Housing Administration.* The Federal Housing Administration shall be headed by a Federal Housing Commissioner who shall be appointed by the President, by and with the advice and consent of the Senate, and receive

(Continued on p. 4983)

[1] Effective July 27, 1947, under the provisions of sec. 6 of the act, published pursuant to sec. 11 of the act (59 Stat. 613; 5 U. S. C. 133y to 133y-16).

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FEDERAL REGISTER

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compensation at the rate of $10,000 per annum. There are transferred to said Commissioner the functions of the Federal Housing Administrator.

SEC. 4. *Public Housing Administration.* The Public Housing Administration shall be headed by a Public Housing Commissioner who shall be appointed by the President, by and with the advice and consent of the Senate, and receive compensation at the rate of $10,000 per annum. There are transferred to said Commissioner the functions—

(a) Of the Administrator of the United States Housing Authority (which agency shall hereafter be administered and known as the Public Housing Administration);

(b) Of the National Housing Agency with respect to non-farm housing projects and other properties remaining under its jurisdiction pursuant to section 2 (a) (3) of the Farmers' Home Administration Act of 1946 (Public Law 731, Seventy-ninth Congress, approved August 14, 1946); and

(c) With respect to the liquidation and dissolution of the Defense Homes Corporation.

SEC. 5. *Housing and Home Finance Administrator.* (a) The Housing and Home Finance Agency shall be headed by a Housing and Home Finance Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of $10,000 per annum.

(b) The Administrator shall be responsible for the general supervision and coordination of the functions of the constituent agencies of the Housing and Home Finance Agency and for such purpose there are transferred to said Administrator the functions of the Federal Loan Administrator and the Federal Works Administrator (1) with respect to the Federal Home Loan Bank Board, the Home Owners' Loan Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Housing Administration, and the United States Housing Authority, and (2) with respect to the functions of said agencies.

(c) There are also transferred to the Administrator the functions—

(1) Of holding on behalf of the United States the capital stock of the Defense Homes Corporation;

(2) Under Titles I and III, and sections 401, 501, and 502, of the Act of October 14, 1940 (54 Stat. 1125), as amended;

(3) Of the War and Navy Departments with respect to national defense and war housing (except that located on military or naval posts, reservations, or bases) under the Act of September 9, 1940 (54 Stat. 872), as amended; and

(4) Of all agencies designated to provide temporary shelter in defense areas under the Acts of March 1, 1941, May 24, 1941, and December 17, 1941 (55 Stat. 14, 197, and 810), insofar as such functions relate to such temporary shelter.

SEC. 6. *National Housing Council.* There shall be in the Housing and Home Finance Agency a National Housing Council composed of the Housing and Home Finance Administrator as Chairman, the Federal Housing Commissioner, the Public Housing Commissioner, the Chairman of the Home Loan Bank Board, the Administrator of Veterans Affairs or his designee, the Chairman of the Board of Directors of the Reconstruction Finance Corporation or his designee, and the Secretary of Agriculture or his designee. The National Housing Council shall serve as a medium for promoting, to the fullest extent practicable within revenues, the most effective use of the housing functions and activities administered within the Housing and Home Finance Agency and the other departments and agencies represented on said Council in the furtherance of the housing policies and objectives established by law, for facilitating consistency between such housing functions and activities and the general economic and fiscal policies of the Government, and for avoiding duplication or overlapping of such housing functions and activities.

SEC. 7. *Interim appointments.* Pending the initial appointment hereunder of any officer provided for by this Plan, the functions of such officer shall be performed temporarily by such officer of the existing National Housing Agency as the President shall designate.

SEC. 8. *Transfers of property, personnel, and funds.* The assets, contracts, property, records, personnel, and unexpended balances of appropriations, authorizations, allocations, or other funds, held, employed, or available or to be made available in connection with functions transferred by this Plan are hereby transferred with such transferred functions, respectively.

SEC. 9. *Abolitions.* The Federal Home Loan Bank Board, the Board of Directors of the Home Owners' Loan Corporation, and the Board of Trustees of the Federal Savings and Loan Insurance Corporation, together with the offices of the members of said boards, the office of Federal Housing Administrator, and the office of Administrator of the United States Housing Authority, are abolished.

[F. R. Doc. 47-7067; Filed, July 25, 1947; 8:59 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 33—CLAIMS AND APPEALS OF VETERANS; RECOGNITION OF REPRESENTATIVES [1]

APPEARANCE: RECOGNITION OF SERVICE ORGANIZATIONS

Sections 33.1 and 33.3 are amended to read as follows:

§ 33.1 *Appearance.* Any veteran who has filed with the Commission a claim or an appeal under section 12 or section 14 of the Veterans' Preference Act of 1944 may appear in any proceeding in connection therewith either personally or by a representative. Such representative may be any person designated by the veteran, such person being hereinafter referred to as agent; or a service organization designated by him and approved by the Commission.

§ 33.3 *Recognition of service organizations.* Any service organization approved by the Commission may be recognized in the presentation of claims or appeals under section 12 or section 14 of the Veterans' Preference Act of 1944 when the proper officers thereof make application for recognition, and as a part of such application agree and certify that neither the organization nor its representatives will charge claimants or appellants any fee or compensation whatsoever for their services, except expenses actually incurred with the consent of the claimant.

In requesting recognition, the following information must be supplied:

(a) Statement outlining the purpose of the organization and need thereof, and manner in which the veteran will be benefited by such recognition.

(b) Names, titles, and addresses of officers.

(c) Number of posts or chapters, and States in which located.

(d) Names, titles, and addresses of full-time paid employees who are qualified to act as accredited representatives.

(e) Copy of constitution or charter and by-laws of the organization.

(Sec. 11, 58 Stat. 390; 5 U. S. C. Sup. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-7025; Filed, July 25, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

Sec.
904.100 Findings and determinations.
904.101 Scope.

[1] CSC Forms 306 and 307 are filed with the Division of the Federal Register.

Sec.

904.102 Application of definition of producer handler and of segregated dairy farmer.
904.103 Classification of milk and other fluid milk products.
904.104 Plant shrinkage.
904.105 Butterfat subject to the butter and cheese adjustment.
904.106 Due dates for reports of receipts and disposition.
904.107 Prescribed detail for reports of receipts and disposition.
904.108 Averaging of producers' semimonthly butterfat tests.
904.109 Deductions from payments to producers.
904.110 Weights of fluid milk products.

AUTHORITY: §§ 904.100 to 904.110, inclusive, issued under 49 Stat. 753 as amended; 7 U. S. C. 601 et seq.

§ 904.100 *Findings and determinations.* Pursuant to the provisions of Order No. 4 as amended (8 F. R. 3109, 8294; 9 F. R. 4972; 11 F. R. 5897, 10693, 14093), and of the Administrative Procedure Act (60 Stat. 237), a public meeting was held at Boston, Massachusetts, on July 15, 1947, to consider proposed amended rules and regulations to supersede the rules and regulations[1] issued by the market administrator to effectuate the terms and provisions of said order. The data, views, and arguments presented at this meeting and all written material received prior to July 19, 1947, have been considered and it is hereby found and determined that the following rules and regulations are necessary to effectuate the terms and provisions of Order No. 4, as amended, issued by the Secretary on July 21, 1947, and made effective August 1, 1947.

It is further found and determined that to defer the effective date of the said rules and regulations to a date thirty days or more after publication in the FEDERAL REGISTER would be impractical, unnecessary, and contrary to the public interest because said rules and regulations are being issued to effectuate the terms and provisions of Order No. 4 as it has been most recently amended and the effective date of the rules and regulations should be the same as the effective date of said amended order.

§ 904.101 *Scope.* The rules and regulations in §§ 904.101 to 904.110, inclusive, are made by the market administrator pursuant to § 904.2 (c) (2) of "Order No. 4, as Amended, Issued by the Secretary of Agriculture, Regulating the Handing of Milk in the Greater Boston, Massachusetts, Marketing Area", hereinafter referred to as "the order".

§ 904.102 *Application of definition of producer-handler and of segregated dairy farmer*—(a) *Receipts from producer-handlers.* (1) Milk received in packaged form from a producer-handler shall be considered as a receipt from a handler.

(2) Milk received from a producer-handler for the purpose of being processed or packaged for him shall be considered as a receipt from a handler. However, any excess of receipts in bulk from a producer-handler over the quantity of processed or packaged milk returned to him during the month shall be considered as a receipt from a diary farmer.

(b) *Receipts from segregated dairy farmers.* Milk received from dairy farmers and handled in conformity with subparagraphs (1) and (2) of this paragraph shall be considered as receipts from segregated dairy farmers. The burden of proof rests on the handler who receives the milk from dairy farmers to establish such handling.

(1) In the process of being received at the handler's plant, the milk was kept entirely separate from the milk of producers and from any other fluid milk products shipped to or disposed of in the marketing area.

(2) The milk was not shipped to or disposed of in the marketing area in any form of fluid milk products, and was not intermingled with any other fluid milk products shipped to or disposed of in the marketing area.

§ 904.103 *Classification of milk and other fluid milk products*—(a) *Application of this section.* The provisions of this section shall apply only to fluid milk products which are not required to be classified as Class I milk pursuant to § 904.3 (c) (2) and (3) of the order.

(b) *Fluid milk products disposed of to consumers.* Fluid milk products disposed of by a handler or dealer to consumers shall be classified as follows:

(1) Milk, flavored milk, cultured or flavored skim milk, and buttermilk shall be classified as Class I milk, except as provided in subparagraphs (3) and (4) of this paragraph.

(2) Cream and skim milk shall be classified as Class II milk.

(3) Sour milk and milk otherwise unsuitable for human consumption as milk, which is disposed of to a livestock farmer and used by him for animal feed, shall be classified as Class II milk.

(4) Flavored milk, cultured or flavored skim milk, and buttermilk, which is disposed of to a livestock farmer and used by him for animal feed, shall be classified as Class II milk.

(c) *Fluid milk products manufactured into other milk products.* Fluid milk products manufactured by a handler or dealer into other milk products shall be classified as Class II milk, unless the resulting milk product is subsequently reconverted into fluid milk products for which Class II utilization is not established. Specifically, the following shall be considered to be milk products:

Acidophilus Milk.
Butter.
Buttermilk Powder.
Casein.
Cheese and Cheese Paste.
Condensed Milk.
Condensed Skim Milk.
Eggnog (unless found to be flavored milk).
Evaporated Milk.
Evaporated Skim Milk.
Ice Cream, Ice Cream Mix, and Similar Frozen Desserts.
Milk Powder.
Nonfat Dry Milk Solids (skim powder).
Whey and Whey Products.
Yarhout (Bulgarian milk).

(d) *Miscellaneous uses.* Fluid milk products used or disposed of by a handler or dealer in accordance with this paragraph shall be classified as follows:

(1) Milk dumped or discarded shall be classified as Class I milk, unless established as sour milk or milk otherwise unsuitable for human consumption as milk.

(2) Fluid milk products dumped or discarded, except milk suitable for human consumption as milk, shall be classified as Class II milk.

(3) Fluid milk products destroyed or spilled under extraordinary circumstances shall be classified as Class II milk.

(4) Plant shrinkage in excess of 2 percent of the volume of fluid milk products handled shall be classified as Class I milk.

(e) *Inventories.* Fluid milk products on hand at any plant at the close of the month may be classified tentatively as Class II milk, subject to final classification in the following month.

§ 904.104 *Plant shrinkage*—(a) *Application of this section.* The provisions of this section shall apply in determining the quantity of plant shrinkage to be classified as Class II milk pursuant to § 904.3 (a) (2) (ii) of the order.

(b) *Requirement to establish plant shrinkage.* (1) Plant shrinkage may be considered as established only if both the volume of fluid milk products handled during the month and the total of specific uses of fluid milk products during the month are established.

(2) If plant shrinkage is not established, the total quantity of fluid milk products not specifically accounted for shall be classified as Class I milk.

(c) *Computation of volume handled and of total of specific uses.* (1) The volume of fluid milk products handled by a handler during the month shall consist of the total receipts of fluid milk products at the handler's regulated plants, plus the opening inventory, and minus the closing inventory, at such plants. In computing the volume handled, receipts from segregated dairy farmers shall not be included.

(2) Each handler's total of specific uses of fluid milk products during the month shall consist of the total quantity of fluid milk products the specific disposition of which is established at the handler's regulated plants, minus the quantity of syrup or other flavoring material disposed of in flavored milk or flavored skim milk. Receipts from segregated dairy farmers shall not be included in such total.

(d) *Determination and classification of plant shrinkage.* (1) Plant shrinkage shall be determined by deducting the total of specific uses from the volume handled. The remainder, if it can reasonably be considered to represent the loss or shrinkage in fluid milk products normally incurred by the handler in the receiving, processing, packaging, and distribution of the milk and milk products handled by him, shall be considered his plant shrinkage.

(2) The classification of plant shrinkage shall be determined by computing 2 percent of the volume handled, and comparing the result with the plant shrinkage. Plant shrinkage not in excess of such result shall be classified as Class II milk. Plant shrinkage in excess of such result shall be classified as Class I milk.

[1] These rules and regulations were not filed with the Division of the Federal Register.

§ 904.105 *Butterfat subject to the butter and cheese adjustment*—(a) *Application of this section.* The provisions of this section shall apply in determining the quality of butterfat subject to the butter and cheese adjustment provided in § 904.7 (d) of the order. As used in this section, the term "Cheddar-type cheese" shall mean Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese; and the term "salted butter" shall mean butter which contains not less than 1.5 percent of salt by weight. The definitions and standards of identity issued by the Food and Drug Administration of the United States Department of Agriculture, insofar as they are applicable, shall govern in determining whether cheese is Cheddar-type cheese.

(b) *General provisions for determining quantity subject to the adjustment.* (1) The butter and cheese adjustment shall not apply to the butterfat in receipts of milk from dairy farmers who are not producers, receipts of butterfat in farm-separated cream, and receipts of butterfat in other fluid milk products derived from nonpool milk, regardless of the form in which the butterfat is received or used at any plant.

(2) The butter and cheese adjustment shall not apply to butterfat processed into salted butter or Cheddar-type cheese at any plant other than a plant of the first handler of the butterfat or of a second person to which the butterfat is moved.

(3) In general, the butter and cheese adjustment shall apply only to butterfat processed into salted butter or Cheddar-type cheese during any of the months of April through July. In the case of movements of butterfat to the plant of a second person, however, the date of shipment to such person, rather than the date of processing shall govern. Accordingly, the adjustment shall not apply to butterfat shipped to a second person during March, but shall apply to butterfat so shipped during July if the butterfat is otherwise eligible for the adjustment.

(4) The butter and cheese adjustment shall not apply to butterfat which is disposed of by the first handler or the second person in a form other than salted butter or Cheddar-type cheese after being processed into those products. However, if the salted butter or Cheddar-type cheese is held in inventory by the first handler or the second person at the close of any month, the butterfat in such butter or cheese may be tentatively considered as eligible for the adjustment, subject to proof of the form in which the butterfat was subsequently disposed of by the first handler or the second person.

(5) The butter and cheese adjustment may apply to the butterfat in route returns which is processed into salted butter or Cheddar-type cheese, except as provided in subparagraph (1) of this paragraph.

(c) *Assignment of identified butterfat to source.* When the source of butterfat processed into salted butter or Cheddar-type cheese at any plant is established by the processor's records, the butterfat shall be assigned to that source.

(d) *Assignment of unidentified butterfat to source.* When the source of butterfat processed into salted butter or Cheddar-type cheese at any plant is not established by the processor's records, the butterfat so used shall be assigned in the following manner:

(1) Butterfat processed into salted butter shall first be assigned to the butterfat in receipts of farm-separated cream at the plant, unless the records establish other uses of the cream.

(2) Butterfat processed into salted butter or Cheddar-type cheese at a plant at which the receipts of butterfat in fluid milk products are derived partly from pool milk and partly from nonpool milk shall be assigned proportionately to butterfat derived from pool milk and from nonpool milk, except as provided in subparagraph (1) of this paragraph.

(3) After butterfat processed into salted butter or Cheddar-type cheese has been assigned to butterfat derived from nonpool milk as provided in subparagraphs (1) and (2) of this paragraph, any remaining quantity of butterfat so processed shall first be assigned to the processing handler's receipts from producers, and then to his receipts from other handlers.

(4) Butterfat shipped to the plant of another person for processing into salted butter or Cheddar-type cheese shall be assigned to the butterfat in the shipping plant's receipts from pool sources and from nonpool sources in the manner set forth in subparagraph (2) of this paragraph. The butterfat assigned to pool sources shall be considered eligible for the butter and cheese adjustment, but not in excess of the quantity of butterfat available at the shipping plant from the handler's receipts from producers.

§ 904.106 *Due dates for reports of receipts and disposition*—(a) *Application of this section.* The provisions of this section shall apply with respect to the due dates for the filing of reports by nonpool handlers relating to their total receipts and utilization of fluid milk products, and to the filing of reports by all handlers relating to their purchases of outside cream, pursuant to paragraphs (b) and (e) of § 904.6 of the order.

(b) *Reports of buyer-handlers and producer-handlers.* (1) Each buyer-handler and producer-handler whose daily average disposition of milk during the month is at least 300 quarts per day shall report on or before the 8th day after the end of the month.

(2) Except as provided in subparagraph (3) of this paragraph, each buyer-handler or producer-handler whose daily average disposition of milk during each month is less than 300 quarts per day shall report semiannually. The handler shall report on or before July 8 with respect to his receipts and disposition of fluid milk products in the preceding six months' period ended June 30, and shall report on or before January 8 for the preceding six months' period ended December 31.

(3) Any buyer-handler or producer-handler whose daily average disposition of milk is less than 300 quarts per day but who receives outside milk during any month shall report within 8 days after the end of such month, and shall thereafter file separate reports for each subsequent month of the semiannual period involved. Separate reports for each prior month of the semiannual period shall be due on the same date as the report for the month in which the outside milk is received.

(c) *Reports of handlers who operate unregulated distributing plants.* Each handler who operates an unregulated distributing plant during the month shall report within 8 days after the end of such month.

(d) *Reports of subhandlers.* Each nonpool handler who disposes of Class I milk directly to consumers in the marketing area, but who does not operate a plant, shall report at the same time as a buyer-handler or producer-handler is required to report.

(e) *Reports of handlers who purchase outside cream.* Each handler who purchases bottling quality cream from nonpool handlers shall report on the 16th day of each month with respect to his purchases of such cream in the preceding 15 days, and shall report on the first day of the following month with respect to his purchases of such cream from the 16th day to the last day of the previous month.

§ 904.107 *Prescribed detail for reports of receipts and disposition*—(a) *Application of this section.* The provisions of this section shall apply with respect to the detail and form for the filing of reports by all handlers relating to their total receipts and utilization of fluid milk products, pursuant to paragraphs (a) and (b) of § 904.6 of the order.

(b) *Requirements applicable to pool handlers.* Each pool handler shall report the following information:

(1) The respective quantities of milk received at each plant from producers whose farms are located not more than 40 miles, more than 40 miles but not more than 80 miles, and more than 80 miles from the State House in Boston; and the number of producers in each group;

(2) The total receipts at each plant, other than the plant of a qualified operating association, from producers who are members of each cooperative association qualified pursuant to § 904.10 of the order and from producers who are nonmembers; and the number of producers in each group;

(3) The shipments of fluid milk products from each country pool plant;

(4) The information necessary to calculate the amount of the butter and cheese adjustment provided for in § 904.7 (d) of the order; and

(5) The total receipts at each pool plant from segregated dairy farmers and the use classification of such receipts pursuant to § 904.3 of the order.

(c) *Requirements applicable to nonpool handlers.* Each nonpool handler shall report the following information:

(1) The receipts of fluid milk products at each plant from other handlers and dealers;

(2) The receipts of milk from his own production, and from other dairy farmers, including receipts from segregated dairy farmers;

(3) The total quantity of Class I milk disposed of to consumers without intermediate movement to another plant, showing the respective quantities so disposed of in the marketing area and outside the marketing area;

(4) The total quantity of Class I milk disposed of to individual handlers and dealers, showing the respective quantities so disposed of in the marketing area and outside the marketing area; and

(5) The total quantity of fluid milk products disposed of as Class II milk, and information as to the quantities so disposed of to individual handlers and dealers.

§ 904.108 *Averaging of producers' semimonthly butterfat tests.* In making payments for milk to each producer, pursuant to § 904.9 of the order, each handler may determine the average butterfat content of the milk by using the simple average of the butterfat tests of semimonthly composite samples of the milk, unless the difference between the semimonthly tests is more than two points (0.2%), or the quantity of milk delivered by the producer in either semimonthly period is as much as three times as large as his deliveries in the other semimonthly period.

§ 904.109 *Deductions from payments to producers*—(a) *Authorization for deductions.* In making payments to producers as required by § 904.9 (a) and 904.9 (b) (1) of the order, the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

(b) *Deductions for cooperative associations.* Upon receipt of notice from the market administrator that there is an error in the claim filed by a cooperative association pursuant to § 904.10 (c) of the order, the handler shall be relieved of the obligation to make that part of the deductions which was claimed in error, as determined by the market administrator.

§ 904.110 *Weights of fluid milk products*—(a) *Application of this section.* The provisions of this section shall apply in determining the respective quantities of fluid milk products received or used by each handler or dealer .

(b) *Basis for determination of quantity.* The determination of the quantity of fluid milk products received or used by each handler or dealer shall be on the basis of the weight, in pounds, of the fluid milk products.

(c) *Standard weights.* In the absence of specific weights the weight of fluid milk products received or disposed of in a quart or 40-quart container shall be determined according to the following table, and the weight of such products in any other container shall be determined by multiplying the equivalent number of quarts by the respective standard weight per quart container.

TABLE OF STANDARD WEIGHTS

Product	Butterfat test	Weight (lbs.) Per quart container	Per 40-quart container
	Percent		
Milk and flavored milk	(1)	2.15	86.0
Skim milk, flavored skim milk, buttermilk, and cultured skim milk	(1)	2.16	86.0
Cream	16	2.136	85.42
	17	2.134	85.34
	18	2.132	85.26
	19	2.130	85.18
	20	2.128	85.10
	21	2.126	85.02
	22	2.124	84.94
	23	2.122	84.86
	24	2.120	84.78
	25	2.118	84.70
	26	2.116	84.62
	27	2.113	84.52
	28	2.111	84.42
	29	2.109	84.36
	30	2.108	84.30
	31	2.106	84.24
	32	2.105	84.18
	33	2.103	84.12
	34	2.102	84.06
	35	2.100	84.00
	36	2.099	83.94
	37	2.097	83.88
	38	2.096	83.82
	39	2.094	83.76
	40	2.093	83.70
	41	2.091	83.64
	42	2.090	83.58
	43	2.088	83.52
	44	2.087	83.46
	45	2.085	83.40
	46	2.084	83.34
	47	2.082	83.28
	48	2.081	83.22
	49	2.079	83.16
	50	2.078	83.10

(1) Any test.

Issued at Boston, Massachusetts, this 22d day of July 1947, to be effective on and after the first day of August 1947.

[SEAL] RICHARD D. APLIN,
Acting Market Administrator.

[F. R. Doc. 47-7043; Filed, July 25, 1947; 9:03 a. m.]

PART 947—MILK IN FALL RIVER, MASS., MARKETING AREA

ORDER, AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK

Sec.
947.0 Findings and determinations.
947.1 Definitions.
947.2 Market administrator.
947.3 Reports of handlers.
947.4 Applications of provisions.
947.5 Classification of milk.
947.6 Minimum prices.
947.7 Determination of uniform prices to producers.
947.8 Payments for milk.
947.9 Marketing service deductions.
947.10 Expense of administration.
947.11 Effective time, suspension, or termination of order.
947.12 Agents.
947.13 Marketing committee.
947.14 Emergency price provision.

AUTHORITY: §§ 947.0 to 947.14, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq., sec. 102, Reorg. Plan 1 of 1947; 12 F. R. 4534.

§ 947.0 *Findings and determinations*—(a) *Finding upon the basis of the hearing record.* Pursuant to Public Act. No. 10, 73d Cong. (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area; and the decision (12 F. R. 4756) was made with respect to amendments by the Secretary on July 11, 1947. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to give producers immediately some assurance of a substantial seasonal increase in prices as an incentive to a needed increase in milk production during the fall and winter months of 1947–48. Any delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Fall River, Massachusetts, marketing area and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (Sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended, and as hereby further amended, which is marketed within the Fall River, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this amended order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area;

(3) The issuance of this amended order is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1947), were engaged in the production of milk for sale in the said marketing area; and

(4) The adoption of the provision which provides for the payment to all producers and cooperative associations delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers who, during a representative period (June 1947), were engaged in the production of milk for sale in the said marketing area.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 947.1 *Definitions.* The following terms as used herein have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(c) "Fall River, Massachusetts, marketing area", hereinafter called the "marketing area," means the city of Fall River and the town of Somerset, both in the Commonwealth of Massachusetts, and the town of Tiverton in the State of Rhode Island.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Dairy farmer" means any person who produces milk.

(f) "Producer" means any dairy farmer, irrespective of whether such dairy farmer is also a handler, whose milk is received at a plant from which Class I milk is shipped to, or sold in, the marketing area either directly or through another plant during the delivery period: *Provided*, That a dairy farmer shall not be a producer within this definition:

(1) If minimum prices are required to be paid to him under provisions of any other Federal order;

(2) If milk delivered by him is determined by the market administrator to be a part of the handler's normal supply for a market other than the marketing area and (i) is classified in Class II or is disposed of outside the marketing area and is classified as Class I, or (ii) is moved to a plant from which the quantity of Class I milk sold or distributed in the marketing area during the delivery period is no greater than the quantity of Class I milk received during the delivery period at such plant from Fall River handlers plus the quantity of bulk milk received from a Federal order plant during the delivery period; or

(3) If his milk is delivered to a plant located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

(g) "Dairy farmers designated for other markets" means those dairy farmers which are reported to the market administrator by a handler as his normal supply for a market other than the marketing area.

(h) "Cooperative association" means any association of producers or producers and dairy farmers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(i) "Handler" means any person, irrespective of whether such person is also a dairy farmer, a producer, or a cooperative association, who receives milk from producers, dairy farmers, cooperative associations, or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area during the delivery period.

(j) "Producer-handler" means a producer who is also a handler who receives no milk from producers: *Provided*, That such handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care, and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging, and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

(k) "Delivery period" means the calendar month, or the portion thereof, during which the provisions hereof are effective.

(l) "Producer milk" means all milk produced by a producer, which is purchased or received by a handler either directly from such producer or from a cooperative association.

(m) "Other source milk" means all milk received by a handler which is not producer milk, milk from dairy farmers designated for other markets, or milk from a Federal order plant.

(n) "Federal order" means any order of the Secretary regulating the handling of milk pursuant to the act.

(o) "Federal order plant" means any plant at which the milk is subject to the minimum pricing provisions of another Federal order during the delivery period.

(p) "Hundredweight" means one hundred pounds of milk or its volume equivalent, considering 85 pounds of milk and 86 pounds of skim milk per 40-quart can, and 2.15 pounds of milk per quart.

§ 947.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary. The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(b) *Powers.* The market administrator shall have the power to:

(1) Administer the terms and provisions hereof;

(2) Report to the Secretary complaints of violations hereof;

(3) Make rules and regulations to effectuate the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records for examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 947.3 or made payments required by § 947.8;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as do not reveal confidential information;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(8) Pay out of the funds received pursuant to § 947.10 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to

the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

(9) Promptly verify the information contained in the reports submitted by handlers; and

(10) Verify, subject to review by the Secretary, evidence furnished by handlers pursuant to § 947.1 (j), such verification to be made within 15 days of the date of receipt of such evidence, and to be effective from the first day of the delivery period during which verification is made.

§ 947.3 *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator in the form and detail prescribed by the market administrator.

(1) On or before the 7th day after the end of each delivery period, the receipts of milk, skim milk, and cream at each plant from producers, from other handlers, from such handler's own production, from any other sources, and inventories on hand at the beginning and end of such delivery period;

(2) On or before the 7th day after the end of each delivery period, the respective quantities of milk, skim milk, and cream which were sold, distributed, or disposed of, including sales or deliveries to other handlers, for the several purposes and classifications as set forth in § 947.5;

(3) Within 10 day after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name, post office address, and farm location, (ii) the total pounds of milk delivered, (iii) the average butterfat test of milk delivered and (iv) the number of days on which deliveries were made;

(4) At such time after the 18th day after the end of each delivery period as the market administrator may require, each handler shall within 10 days submit to the market administrator his producer records for such delivery period which shall show for each producer: (i) The total delivery of milk with the average butterfat test thereof, (ii) the net amount of the payment to each producer and each cooperative association made pursuant to § 947.8, and (iii) the deductions and charges made by the handler;

(5) On or before the 18th day after the end of the first delivery period following the effective date hereof, a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant and such information with respect to distances involved as the market administrator may require;

(6) On or before the 18th day after any changes are made in the schedule filed in accordance with subparagraph (5) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule;

(7) On or before the 7th day after the end of each delivery period, dairy farmers designated for other markets.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent those records which are necessary for the verification of the information contained in reports submitted by such handler pursuant to this section and those facilities necessary for the weighing, measuring, sampling, and testing for butterfat content of milk or any product therefrom and for determining the utilization made by the handler of milk or any product therefrom.

§ 947.4 *Applications of provisions.* (a) Sections 947.6, 947.8, 947.9, and 947.10 are not applicable to any producer-handler as herein defined.

(b) Milk received by a handler from a producer-handler shall be considered as being received from a producer.

§ 947.5 *Classification of milk*—(a) *Responsibility of handlers.* In establishing the classification of milk received by a handler the burden rests upon the handler who received the milk from producers to account for all milk received at each plant at which milk is received from producers, and to prove that such milk should not be classified as Class I. The burden rests upon the handler who distributes milk in the marketing area to establish the source of all milk received.

(b) *Classes of milk.* Milk received by each handler at a plant where milk is received from producers shall be classified in Class I or Class II in accordance with subparagraphs (1) and (2) of this paragraph, subject to paragraphs (c) and (d) of this section.

(1) All milk the utilization of which is not established as Class II shall be Class I.

(2) Class II milk shall be all milk which is accounted for as (i) sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and (ii) actual plant shrinkage not in excess of 2 percent of milk received from all sources including the handler's own production but not including receipts from other handlers who receive milk from producers or milk received completely processed and packaged from a Federal order plant.

(c) *Transfers of milk from a plant at which milk is received from producers.* (1) Transfers to a producer-handler shall be Class I.

(2) Transfers to another handler not a producer-handler or to a Federal order plant shall be classified as reported by the seller, or, if the seller submits no report, as reported by the buyer: *Provided,* That the quantity classified as Class II milk shall not exceed the total quantity of Class II milk of such buyer during the delivery period.

(3) Transfers to a plant, other than a plant at which milk is received from producers or a Federal order plant, from which milk is distributed or at which milk products are manufactured shall be Class I not to exceed the total Class I at such plant during the delivery period

(d) *Classification of milk received at plants at which milk is received from producers.* For each delivery period each handler shall report the classification of milk which was received at plants at which milk is received from producers by making computations in the order indicated as follows:

(1) Determine the pounds of milk, skim milk, cream, and other milk products received at all plants of the handler at which milk is received from producers (i) from producers, including own production, (ii) from dairy farmers designated for other markets, (iii) in the form of products received completely processed and packaged from a Federal order plant, (iv) in the form of bulk milk received from another Federal order plant, (v) from other handlers who receive milk from producers, and (vi) from other sources, and the total.

(2) Determine the total pounds of milk, skim milk, cream, and other milk products utilized in Class II products including allowable plant shrinkage as provided in § 947.5 (b) (2) (ii).

(3) Prorate allowable plant shrinkage classified as Class II to producer milk, milk from dairy farmers designated for other markets, bulk milk received from a Federal order plant, and other source milk, and deduct such plant shrinkage from total Class II computed pursuant to subparagraph (2) of this paragraph.

(4) Classify other source milk as Class II in an amount no greater than the amount of Class II remaining.

(5) Deduct from the remaining pounds in each class the quantity of milk, skim milk, cream, and other milk products received from other handlers who receive milk from producers and classified according to paragraph (c) (2) of this section, and Class I and Class II products received completely processed and packaged from a Federal order plant classified according to the actual use established.

(6) Prorate remaining Class II to producer milk, milk from dairy farmers designated for other markets, and bulk milk received from a Federal order plant: *Provided,* That the amount of producer milk classified as Class II inclusive of plant shrinkage shall not exceed 5 percent of the total amount of producer milk.

(7) Deduct any remaining Class II amounts from the total quantity received from producers and the remainder is Class I producer milk.

(8) From the total receipts from each source listed in subparagraph (1) of this paragraph deduct the amount classified as Class II for each source in subparagraphs (3), (4), (5), (6), and (7) of this paragraph and the remainder from each source is Class I: *Provided,* That the total Class I utilization in the marketing area is not more than the Class I producer milk determined in this subparagraph plus Class I milk received from Federal order plants and Class I milk from plants located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

§ 947.6 *Minimum prices*—(a) *Class I prices.* (1) Each handler shall pay producers or cooperative associations for their milk containing 3.7 percent butterfat, during each delivery period, in the manner set forth in § 947.8 and subject to the differentials set forth in paragraph (c) of this section, for Class I milk delivered by them, not less than the price per hundredweight determined as follows:

(i) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market.

(ii) Using the midpoint of any range as one quotation, compute the average of all the hot roller process nonfat dry milk solids quotations per pound for "other brands, animal feed, carlots, bags, or barrels," and for "other brands, human consumption, carlots, bags, or barrels," published during the 30 days ending on the 24th day of the immediately preceding month in "The Producers' Price Current;" subtract 4 cents; and multiply the remainder by 1.8.

(iii) Add the values determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Value computed pursuant to subdivision (iii) of this subparagraph (cents)		Class I price (dollars per hundredweight)	
At least—	But less than—	April through June	July through March
0	25	2.44	2.88
25	30	2.66	3.10
30	35	2.88	3.32
35	40	3.10	3.54
40	45	3.32	3.76
45	50	3.54	3.98
50	55	3.76	4.20
55	60	3.98	4.42
60	65	4.20	4.64
65	70	4.42	4.86
70	75	4.64	5.08
75	80	4.86	5.30
80	85	5.08	5.52
85	90	5.30	5.74
90	95	5.52	5.96
95	100	5.74	6.18
100	105	5.96	6.40

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from further extension of this table.

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than $5.52 per hundredweight for the month of August 1947 and shall not be less than $5.96 per hundredweight for each of the months of September through December 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

(2) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, there shall be deducted the sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff, for the transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M5 (including revisions and supplements thereto), for the distance from the railroad shipping point for such plant to the handler's railroad delivery point for the marketing area.

(b) *Class II prices.* (1) Except as provided in subparagraph (2) of this paragraph, each handler shall pay producers or cooperative associations for their milk in the manner set forth in § 947.8 not less than the price per hundredweight, for milk containing 3.7 percent butterfat calculated for each delivery period by the market administrator as follows:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply the result by 3.7 and subtract 15 cents.

(ii) Add any plus amount which results from the following computations: using the midpoint in any range as one quotation, compute the average quotation per pound of nonfat dry milk solids in carlots for roller process human food products in barrels, and for hot roller process animal feed products in bags, as published during the delivery period by the United States Department of Agriculture for New York City. Multiply each such quotation by the applicable percentage indicated for the delivery period in the following table and combine the results, subtract 4 cents, and multiply the remainder by 7.5.

Delivery period	Percent	
	Human food products	Animal food products
January	100	0
February	100	0
March	50	50
April	50	50
May	25	75
June	25	75
July	50	50
August	75	25
September	75	25
October	100	0
November	100	0
December	100	0

(2) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, the price shall be the amount computed pursuant to subparagraph (1) of this paragraph minus 14 cents.

(c) *Butterfat differential.* If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 3.7 percent, such handler shall, in making the payments to such producer prescribed by paragraph (a) of § 947.8, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, or the last such price reported for a delivery period if no such price is reported for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, subtract 1½ cents and divide the result by 10.

(d) *Computation of transportation allowances.* For the purpose of this section, the milk which was disposed of during each delivery period by each handler as Class I milk from a plant located within 100 miles of the City Hall in Fall River shall be presumed to have been, first, that milk which was received directly from producers' farms at such plant, and then that milk which was shipped from the nearest plant located more than 100 miles from the City Hall in Fall River.

§ 947.7 *Determination of uniform prices to producers*—(a) *Computation of value of milk of basic test received by each handler from producers.* For each delivery period the market administrator shall compute the value of milk received by each handler from producers in the following manner:

(1) Multiply the quantity of milk received from producers and classified in Class I and Class II pursuant to § 947.5 (d) by the respective class prices pursuant to § 947.6 (a) and (b);

(2) Combine the resulting values.

(b) *Computation of uniform prices.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received from producers during each delivery period in the following manner:

(1) Add to the total value computed pursuant to paragraph (a) of this section the total amount of the differentials pursuant to § 947.8 (b); and

(2) Divide the amount computed pursuant to subparagraph (1) of this paragraph by the total quantity of milk received from producers. This result shall be the handler's uniform price for milk containing 3.7 percent butterfat.

(c) *Announcement of uniform prices.* The market administrator shall, on or before the 11th day after the end of each delivery period, mail to each handler and publicly announce:

(1) The uniform prices per hundredweight computed pursuant to paragraph (b) of this section; and

(2) The Class II price and the butterfat differential.

§ 947.8 *Payments for milk*—(a) *Time and method of payment.* (1) On or before the 1st day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. On or before the 17th day after the end of each delivery period, each handler shall make payment for the total value of milk received from producers or cooperative associations during the preceding delivery period, computed pursuant to § 947.7, subject to the differentials set forth in paragraph (c) of § 947.6 and paragraphs (b) and (c) of this section as follows:

(i) To producers, at not less than the uniform price per hundredweight announced pursuant to § 947.7 (c) for the quantity of milk received from each producer.

(ii) To a cooperative association for milk which is caused to be delivered to a handler from producers by such cooperative association, and for which such cooperative association collects payment, a total amount equal to not less than the sum of the payments otherwise payable to such producers individually, pursuant to subdivision (i) of this subparagraph.

(b) *Differential for plant handling and transportation.* The payments to be made by handlers to producers, pursuant to paragraph (a) of this section shall be reduced by differentials as follows: With respect to milk received from a producer at a plant located more than 100 miles from the City Hall in Fall River, a sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff for transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M5 (including revisions and supplements thereto), for the distance from the railroad shipping point of such plant to the handler's delivery plant for the marketing area.

(c) *Other differentials.* In making payments to producers or cooperative associations pursuant to paragraph (a) of this section, handlers may deduct $0.0075 per hundredweight with respect to milk received from producers in containers supplied by the handler for the transportation of milk from their farms to the handler's plant as rental for such containers.

(d) *Correction of errors in payments to producers.* Errors in making any of the payments required in this section shall be corrected not later than the date for making payments next following the determination of such errors.

§ 947.9 *Marketing service deductions*—(a) *Marketing services performed by market administrator.* On or before the 15th day after the end of each delivery period, in making payments to producers pursuant to § 947.8, each handler shall deduct, with respect to milk received from each producer during such delivery period, except as set forth in paragraph (b) of this section, 4 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient; and shall pay an amount equivalent to such deductions to the market administrator. Such amount shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples and tests of milk received from, producers. The market administrator may contract with a cooperative association or associations for the furnishing of the whole or any part of such services to or with respect to the milk received by handlers from, producers.

(b) *Marketing services performed by cooperative associations.* On or before the 17th day after the end of each delivery period, in making payments to producers pursuant to § 947.8, each handler shall deduct, with respect to milk received from producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act" is actually performing the services set forth in paragraph (a) of this section, such amounts as are authorized by such producers, and pay an equivalent amount to the cooperative association rendering such services to its members.

§ 947.10 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of administration hereof, each handler not a producer-handler shall, on or before the 15th day after the end of each delivery period, pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to all milk received during such delivery period at (1) a plant at which milk is received from producers, and (2) a plant from which Class I milk is disposed of in the marketing area to persons other than handlers who receive milk from producers: *Provided*, That such handler, which is a cooperative association, shall pay such pro rata share of expense of administration on such milk which it causes to be delivered by member producers to a handler's plant for the marketing area and for which milk such cooperative association collects payment: *And provided further*, That any amounts required by this paragraph to be paid to the market administrator shall be reduced by an amount equivalent to any amounts paid with respect to such milk, for cost of administration of a Federal order.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of payments required by this section.

§ 947.11 *Effective time, suspension, or termination of order*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until removed by the Secretary;

(2) From time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 947.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

§ 947.13 *Marketing committee*—(a) *Establishment.* At the request of handlers of more than 50 percent of the milk which is produced for sale in the marketing area, the Director of the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, (hereinafter referred to as Director) may select a committee, to be known as the "Marketing Committee," which shall have as its members representatives of the various groups directly interested in the marketing of milk in the marketing area, all of whom may be selected from among the persons nominated by the handlers in accordance with the procedure established by the Director.

(b) *Duties.* The marketing committee shall have such duties as the Director determines to be necessary and appropriate to effectuate the declared policy of the act in its application to this order, as amended, and the administration thereof, all of which duties shall be prescribed by the Director.

(c) *Compensation.* The members of the Marketing Committee shall serve without compensation but shall be entitled to expenses necessarily incurred by them in the performance of their duties, and such expenses shall be paid by the market administrator out of the assessments collected hereunder for the cost of administration hereof.

(d) *Supervision.* Each and every act of the Marketing Committee shall be subject to the continuing right of the Director or the Secretary to disapprove at any time.

(e) *Procedure.* The procedure to be followed by the Marketing Committee shall be recommended by the market administrator hereunder and shall be approved by the Director.

§ 947.14 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

Issued at Washington, D. C., this 23d day of July 1947 to be effective on and after the 1st day of August 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7044; Filed, July 25, 1947; 8:47 a. m.]

[Lemon Reg. 232]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.339 *Lemon Regulation 232*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 27, 1947, and ending at 12:01 a. m., P. s. t., August 3, 1947, is hereby fixed at 515 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 231 (12 F. R. 4812) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7086; Filed, July 25, 1947; 8:47 a. m.]

[Orange Reg. 188]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.334 *Orange Regulation 188*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 27, 1947, and ending at 12:01 a. m., P. s. t., August 3, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1,700 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base", shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12.01 a. m. July, 1947, to 12:01 a. m. Aug. 3, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0703
A. F. G. Fullerton	.8278
A. F. G. Orange	.6117
A. F. G. Redlands	.2283
A. F. G. Riverside	.1254
A. F. G. San Juan Capistrano	1.0573
A. F. G. Santa Paula	.4010
Corona Plantation Co	.2341
Hazeltine Packing Co	.2891
Signal Fruit Association	.0782
Azusa Citrus Association	.4294
Azusa Orange Co., Inc	.1333
Damerel-Allison Co	.8620
Glendora Mutual Orange Association	.3725
Irwindale Citrus Association	.3604
Puente Mutual Citrus Association	.1958
Valencia Heights Orchards Association	.4177
Glendora Citrus Association	.3420
Glendora Heights Orange and Lemon Growers Association	.0746
Gold Buckle Association	.5536
La Verne Orange Association	.6304
Anaheim Citrus Fruit Association	1.5013
Anaheim Valencia Orange Association	1.6133
Eadington Fruit Company, Inc	2.2794
Fullerton Mutual Orange Association	1.6735
La Habra Citrus Association	1.1264
Orange County Valencia Association	.7233
Orangethorpe Citrus Association	1.1630
Placentia Cooperative Orange Association	.8135
Yorba Linda Citrus Association, The	.5582
Alta Loma Heights Citrus Association	.0920
Citrus Fruit Growers	.1316
Cucamonga Citrus Association	.1460
Etiwanda Citrus Fruit Association	.0411
Old Baldy Citrus Association	.1296
Rialto Heights Orange Growers	.0911
Upland Citrus Association	.3940
Upland Heights Orange Association	.1479
Consolidated Orange Growers	2.0656
Frances Citrus Association	1.0396
Garden Grove Citrus Association	1.8873
Goldenwest Citrus Association, The	1.3748
Irvine Valencia Growers	2.5999
Olive Heights Citrus Association	1.8078
Santa Ana-Tustin Mutual Citrus Association	1.1056
Santiago Orange Growers Association	4.1029
Tustin Hills Citrus Association	1.7974
Villa Park Orchs. Association, The	1.9883
Andrews Bros. of Calif	.3967
Bradford Bros., Inc	.6276
Placentia Mutual Orange Association	1.7034
Placentia Orange Growers Association	2.5528
Call Ranch	.0654
Corona Citrus Association	.4472
Jameson Co	.0353
Orange Heights Orange Association	.3586
Teak & Son, Allen	.0552
Bryn Mawr Fruit Growers Association	.2578
Crafton Orange Growers Association	.3722
E. Highlands Citrus Association	.0838
Fontana Citrus Association	.0829
Highland Fruit Growers Association	.0495
Kinnard Packing Co	.2574
Mission Citrus Association	0.1397
Redlands Cooperative Fruit Association	.3968
Redlands Heights Groves	.2430
Redlands Orange Growers Association	.2546
Redlands Orangedale Association	.2762
Redlands Select Groves	.1571
Rialto Citrus Association	.1467
Rialto Orange Co	.1463
Southern Citrus Association	.1966
United Citrus Growers	.1417
Zilen Citrus Co	.0980
Arlington Heights Fruit Co	.0987
Brown Estate, L. V. W	.1285
Gavilan Citrus Association	.1504
Hemet Mutual Groves	.1093
Highgrove Fruit Association	.0755
McDermont Fruit Co	.1855
Mentone Heights Association	.0653
Monte Vista Citrus Association	.2174
National Orange Co	.0398
Riverside Growers, Inc	.0748
Riverside Heights Orange Growers Association	.0852
Sierra Vista Packing Association	.0570
Victoria Avenue Citrus Association	.1711
Claremont Citrus Association	.1382
College Heights Orange and Lemon Association	.2151
El Camino Citrus Association	.0802
Indian Hill Citrus Association	.1618
Pomona Fruit Growers Exchange	.3346
Walnut Fruit Growers Association	.4200
West Ontario Citrus Association	.3388
El Cajon Valley Citrus Association	.3043
Escondido Orange Association	2.3510
San Dimas Orange Growers Association	.4840
Covina Citrus Association	.9842
Covina Orange Growers Association	.3864
Duarte-Monrovia Fruit Exchange	.1727
Santa Barbara Orange Association	.0496
Ball & Tweedy Association	.5943
Canoga Citrus Association	.7901
N. Whittier Heights Citrus Association	.8790
San Fernando Fruit Growers Association	.4261
San Fernando Heights Orange Association	.9265
Sierra Madre-Lamanda Citrus Association	.3832
Camarillo Citrus Association	1.4426
Fillmore Citrus Association	3.4348
Mupu Citrus Association	2.4246
Ojai Orange Association	.9455
Piru Citrus Association	1.9339
Santa Paula Orange Association	.8316
Tapo Citrus Association	1.0676
Limoneira Co	.3630
E. Whittier Citrus Association	.3891
El Ranchito Citrus Association	1.3273
Murphy Ranch Co	.4165
Rivera Citrus Association	.5261
Whittier Citrus Association	.6694
Whittier Select Citrus Association	.4689
Anaheim Coop. Orange Association	1.1677
Bryn Mawr Mutual Orange Association	.0881
Chula Vista Mutual Lemon Association	.0385
Escondido Coop. Citrus Association	.3213
Euclid Avenue Orange Association	.4083
Foothill Citrus Union, Inc	.0321
Fullerton Coop. Orange Association	.4211
Garden Grove Orange Coop., Inc	.8491
Glendora Coop. Citrus Association	.0544
Golden Orange Groves, Inc	.2693
Highland Mutual Groves	.0642
Index Mutual Association	.1687
La Verne Coop. Citrus Association	1.1790
Olive Hillside Groves	.7342
Orange Coop. Citrus Association	1.2050
Redlands Foothill Groves	.4293
Redlands Mutual Orange Association	.1597
Riverside Citrus Association	.0659
Ventura County Orange and Lemon Association	.9028
Whittier Mutual Orange and Lemon Association	.1870
Babijulce Corp. of Calif	.4094
Banks Fruit Co	.2884
Banks, L. M	.4869
Borden Fruit Co	.8126
California Fruit Distributors	.2635
Cherokee Citrus Co., Inc	.0904
Chess Company, Meyer W	.1889
Escondido Avocado Growers	.0532
Evans Brothers Packing Co	.2170
Gold Banner Association	.2790
Granada Hills Packing Co	.0606
Granada Packing House	2.3132
Hill, Fred A	.0739
Inland Fruit Dealers	.0554
Mills, Edward	.0321
Orange Belt Fruit Distributors	2.1367
Panno Fruit Co., Carlo	.0362
Paramount Citrus Association	.5096
Placentia Orchards Co	.5185
Placentia Pioneer Valley Growers Association	.6258
San Antonio Orchards Co	.3912
Santa Fe Groves Co	.0480
Snyder & Sons Co., W. A	.9715
Stephens, T. F	.0842
Sunny Hills Ranch, Inc	.1141
Ventura County Citrus Association	.0089
Verity & Sons Co., R. H	.0347
Wall, E. T	.1183
Webb Packing Co	.2176
Western Fruit Growers, Inc., Ana	.0473
Western Fruit Growers, Inc., Reds	.6350
Yorba Orange Growers Association	.5927

[F. R. Doc. 47-7085; Filed, July 25, 1947; 8:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter III—Office of Philippine Alien Property Administration

PART 600—ORGANIZATION AND DELEGATIONS OF AUTHORITY

AUTHORIZATION OF THE PHILIPPINE ALIEN PROPERTY ADMINISTRATOR TO PERFORM CERTAIN FUNCTIONS OF THE PRESIDENT WITH RESPECT TO ALIEN PROPERTY LOCATED IN THE PHILIPPINES

CROSS REFERENCE: For delegation of authority authorizing the Philipine Alien Property Administrator to perform certain functions of the President with respect to alien property located in the Philippines, which affects the text of § 600.4, see Executive Order 9876, *supra*.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3221]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITED BUYERS CORP. ET AL.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* Directly or indirectly, on the part of respondent United Buyers Corporation, its officers, etc., and among other things, as in order set forth, in any manner or form whatever, (1) accepting from sellers any brokerage or commission, or any allowance, discount, or thing of value in lieu thereof, upon the purchase of commodities in interstate commerce, by itself, by any of its stockholders, or by any buyer for whom in fact, on whose behalf, or under whose direct or indirect control it acts; or, (2) transmitting, passing, or granting to buyers of commodities any brokerage or commission, or any allowance, discount, or thing of value in lieu thereof, received on such buyers' purchases of commodities in interstate commerce, either in the form of money or credits or in the form of services or benefits provided or furnished by respondent United Buyers Corporation through or by means of the use or expenditure of any such brokerage fee, commission, compensation, allowance, or discount; prohibited. (Sec. 2c, 49 Stat. 1527; 15 U. S. C., sec. 13c) [Modified cease and desist order, United Buyers Corporation et al., Docket 3221, June 17, 1947]

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* Accepting from the sellers of commodities or from respondent United Buyers Corporation, on the part of respondents H. P. Lau Company, Bluffton Grocery Company, Lima-Kenton Grocery Company, S. Zollinger Company, William Edwards Company, and Copps Company, and all other stockholders in United Buyers Corporation prior to May 21, 1941, their officers, etc., and among other things, as in order set forth, directly or indirectly, in any manner or form whatever, any brokerage or commission, or any allowance, discount, or thing of value in lieu thereof, upon their purchases of commodities in interstate commerce, either in the form of money or credits or in the form of services or benefits provided or furnished by respondent United Buyers Corporation through or by means of the use or expenditure of any such brokerage fee, commission, compensation, allowance, or discount; prohibited. (Sec. 2c, 49 Stat. 1527; 15 U. S. C., sec. 13c) [Modified cease and desist order, United Buyers Corporation et al., Docket 3221, June 17, 1947]

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* Paying or granting, directly or indirectly, to United Buyers Corporation, on the part of respondents Allison-Bedford Company, Blue Seal Products Company, Bordo Products Company, Champion Chemical Works, Cupples Company, Dean Milk Company, and J. B. Inderrieden Company, their officers, etc., and among other things, as in order set forth, any brokerage or commission, or any allowance or discount or anything of value as compensation in lieu thereof upon their sales of commodities in interstate commerce, except in transactions in which United Buyers Corporation renders to them a bona fide selling service as their selling agent or broker, and does not act for or on behalf of, or under the direct or indirect control of, the purchasers in such transactions; prohibited. (Sec. 2c, 49 Stat. 1527; 15 U. S. C., sec. 13c) [Modified cease and desist order, United Buyers Corporation et al., Docket 3221, June 17, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of June A. D. 1947.

In the Matter of United Buyers Corporation; Arthur E. Koeniger, Individually and as One of the Directors of United Buyers Corporation; Eli P. Gale, Individually and as Vice President in Charge of Buying and as One of the Directors of United Buyers Corporation; W. Wendell Caldwell, Individually and as Vice President in Charge of Merchandising, and as One of the Directors of United Buyers Corporation; Helen M. Driscoll, Individually and as Secretary of United Buyers Corporation; Stella E. Nordlund, Individually and as Treasurer of United Buyers Corporation; Paul E. Painter, Milton F. Rolfsmeyer, Alfred M. Copps, Eldon B. Smith, and Oliver J. Lecklider, and Each of Them, Individually and as Directors of United Buyers Corporation; H. P. Lau Company, a Corporation; Bluffton Grocery Company, a Corporation; Lima-Kenton Grocery Company, a Corporation; S. Zollinger Company, a Corporation; William Edwards Company, a Corporation; Copps Company, a Corporation; Allison-Bedford Company, a Corporation; Angelus Campfire Company, a Corporation; Blue Seal Products Company, a Corporation; Bordo Products Company, a Corporation; Champion Chemical Works, a Corporation; Cupples Company, a Corporation; Dean Milk Company, a Corporation; J. B. Inderrieden Company, a Corporation; Respondents

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint, and the Commission having made its findings as to the facts and its conclusion that the respondents, with the exception of the Angelus Campfire Company, have violated the provisions of section 2 (c) of the Clayton Act, approved October 15, 1914 (38 Stat. 730), as amended by the Robinson-Patman Act, approved June 19, 1936 (49 Stat. 1526; 15 U. S. C., section 13), and issued its order to cease and desist dated November 13, 1941; and the Commission having further considered said order to cease and desist after having given notice to respondents to show cause why said order to cease and desist should not be modified in certain specified particulars, and having considered the answer to said notice and the oral arguments of counsel; and being of the opinion that paragraph 2 of said order should be made more explicit, and having issued its order modifying paragraph 2 of said order, now issues this its modified order to cease and desist:

It is ordered, That respondent United Buyers Corporation, its officers, directors, agents, representatives, and employees, do forthwith cease and desist from:

1. Directly or indirectly, in any manner or form whatever, accepting from sellers any brokerage or commission, or any allowance, discount, or thing of value in lieu thereof, upon the purchase of commodities in interstate commerce, by itself, by any of its stockholders, or by any buyer for whom in fact, on whose behalf, or under whose direct or indirect control it acts.

2. Directly or indirectly, in any manner or form whatever, transmitting, passing, or granting to buyers of commodities any brokerage or commission, or any allowance, discount, or thing of value in lieu thereof, received on such buyers' purchases of commodities in interstate Commerce, either in the form of money or credits or in the form of services or benefits provided or furnished by respondent United Buyers Corporation through or by means of the use or expenditure of any such brokerage fee, commission, compensation, allowance, or discount.

It is further ordered, That respondents H. P. Lau Company, Bluffton Grocery Company, Lima-Kenton Grocery Company, S. Zollinger Company, William Edwards Company, and Copps Company, and all other stockholders in United Buyers Corporation prior to May 21, 1941, their officers, directors, agents, representatives, and employees, do forthwith cease and desist from accepting from the sellers of commodities or from respondent United Buyers Corporation, directly or indirectly, in any manner or form whatever, any brokerage or commission, or any allowance, discount, or thing of value in lieu thereof, upon their purchases of commodities in interstate commerce, either in the form of money or credits or in the form of services or benefits provided or furnished by respondent United Buyers Corporation through or by means of the use or expenditure of any such brokerage fee, commission, compensation, allowance, or discount.

It is further ordered, That respondents Allison-Bedford Company, Blue Seal Products Company, Bordo Products Company, Champion Chemical Works, Cupples Company, Dean Milk Company, and J. B. Inderrieden Company, their officers, directors, agents, representatives, and employees, do forthwith cease and desist from paying or granting, directly or indirectly, to United Buyers Corporation, any brokerage or commission, or any allowance or discount or anything of value as compensation in lieu thereof upon their sales of commodities in interstate commerce, except in transactions in which United Buyers Corporation renders to them a bona fide selling service as their selling agent or broker, and does not act for or on behalf of, or under the direct or indirect control of, the purchasers in such transactions.

It is further ordered, That the complaint herein be, and hereby is, dismissed as to:

1. Respondent Arthur E. Koeniger.
2. Respondent Eli P. Gale.
3. Respondent Helen M. Driscoll.
4. Respondent Angelus Campfire Company.

Respondent Arthur E. Koeniger is deceased; respondents Eli P. Gale and Helen M. Driscoll have resigned their offices and positions with the United Buyers Corporation and there is no indication that they are likely to resume their previous employment with it; and the record does not show that respondent Angelus Campfire Company, a seller-respondent, has paid any brokerage or commissions to United Buyers Corporation.

It is further ordered, That the respondents, except those as to whom the complaint is dismissed, shall file with the Commission, within sixty (60) days after service upon them of this order, a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 47-7028; Filed, July 25, 1947; 9:01 a. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Federal Home Loan Bank Administration

Chapter III—Federal Savings and Loan Insurance Corporation

Chapter IV—Home Owners' Loan Corporation

Chapter V—Federal Housing Administration

Chapter VI—Federal Public Housing Authority

Chapter VII—National Housing Agency

TRANSFER OF FUNCTIONS

CROSS REFERENCE: For transfer of functions of the Home Owners' Loan Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Housing Administration, the United States Housing Authority, the Defense Homes Corporation, the United States Housing Corporation and the Federal Home Loan Bank Board to the Housing and Home Finance Agency, see Reorganization Plan 3 of 1947, *supra*.

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Temporary Controls, Office of Price Administration

[Revision, Mar. 31, 1947, Amdt. 2]

PART 1305—ADMINISTRATION

MISCELLANEOUS AMENDMENTS

The description of organization as required by section 3 (a) (1) of the Administrative Procedure Act (12 F. R. 3696) is amended in the following respects:

1. In Subpart B (text):

a. Sections 1305.530 through 1305.541, inclusive, are added as follows:

§ 1305.530 *The Division of Liquidation.* The Division of Liquidation shall comprise the following organizational units:

(a) *National office.*

Office of the Liquidator—
Office of Internal Intelligence (in liquidation status).
Office of Personnel.
Office of Administrative Service.
Office of Budget and Finance.
Office of Public Records (in liquidation status on May 15).
Office of Information (in liquidation status—abolished May 31).

(b) *Regional offices.*

Regional Liquidation Officer—
Personnel Office.
Budget and Finance Office.
Administrative Service Office.
Office of Information.
Review and Disposition Office.

§ 1305.531 *Abolishment of organization units and transfer of functions.* The following organization units of OPA and OWMR are hereby abolished and their functions transferred in accordance with § 1305.532:

(a) *National office—OPA.*

(1) Office of Internal Intelligence
(2) Office of Budget and Planning
(3) Office of Personnel
(4) Office of Administrative Service
(5) Office of Information
(6) Office of Public Records

(b) *National office—OWMR.*

(1) Office of Personnel
(2) Office of Administrative Service and Finance

(c) *Regional offices—OPA.*

(1) Office of Information
(2) Personnel Division
(3) Budget and Finance Division
(4) Administrative Service Division

§ 1305.532. *Functions of the organization units under Division of Liquidation.* The offices in the Division of Liquidation in the national office and in the field shall have transferred to them the functions of the organization units abolished in § 1305.531 as follows:

To—	The functions of—
(a) Office of the Liquidator	Planning Branch of the OPA Office of Budget and Planning.
	The Assistants to the OPA Commissioner for Field Coordination.
(b) Office of Internal Intelligence	OPA Office of Internal Intelligence.
(c) Office of Personnel	OPA Office of Personnel.
	OWMR Office of Personnel.
(d) Office of Administrative Service	OPA Office of Administrative Service.
	Administrative Service from OWMR Office of Administrative Service and Fiscal Service.
(e) Office of Budget and Finance	Budget and Fiscal Branches of the OPA Office of Budget and Planning.
	Fiscal Functions of the OWMR Office of Administrative and Fiscal Service.
(f) Office of Public Records	OPA Office of Public Records.
(g) Office of Information	OPA Office of Information.
(h) Regional Office of Information	OPA Regional Office of Information.
(i) Regional Personnel Office	OPA Regional Personnel Division.
(j) Regional Budget and Finance Office	OPA Regional Office of Budget and Finance.
(k) Regional Administrative Service Office	OPA Regional Office of Administrative Service.

§ 1305.533 *Office of the Liquidator.* The Office of the Liquidator including the assistant liquidation officer shall be responsible for:

(a) Planning the liquidation of the Office of Temporary Controls.

(b) Directing the staff of the subordinate offices and regional offices of the Division of Liquidation to insure the orderly liquidation of all remaining functions and to supply appropriate management services to the Sugar Rationing Administration and to the Office of Rent Controls.

(c) Coordinating the field supervision of the regional offices.

(d) Issuing all field instructions pertaining to the liquidation of OTC.

(e) Directing the management services to be provided to the Sugar Rationing Administration of the Department of Agriculture and to the Office of Housing Expediter, Office of Rent Controls, as provided in agreements with and delegations from those agencies.

§ 1305.534 *Office of Internal Intelligence.* The Office of Internal Intelligence is placed in liquidation status. It is responsible for completing open cases of allegations or charges of corruption or misconduct on the part of OPA employees, including such other cases already assigned. Investigations of cases referred subsequent to the date of this instruction shall be undertaken only with the approval of the Liquidation Officer.

§ 1305.535 *Management offices.* (a) The Office of Personnel and the Office of Administrative Services shall comprise the organizational units and perform the functions described for those offices in §§ 1305.582 through 1305.589, and §§ 1305 566 through 1305.573, respectively.

(b) The Office of Budget and Finance shall comprise a fiscal branch and a budget branch. These branches shall perform the budget and fiscal functions of the Office of Budget and Planning described in §§ 1305.576 through 1305 579, inclusive.

§ 1305.536 *The Office of Public Records* The Office of Public Records shall be placed in liquidation status on May 15. It shall perform the functions described for the Office of Public Records in §§ 1305.560 through 1305.564, inclusive.

§ 1305.537 *The Office of Information.* The Office of Information is hereby placed in liquidation status and abolished May 31. It shall carry out all information functions pertaining to liquidation and OPA enforcement. The staff of the Office of Information shall also assist staff members of the Office of Public Records in th eeditorial work required for history and policy analysis.

§ 1305.538 *The regional liquidation officer.* The regional liquidation officer and his staff, comprising the personnel office, budget and finance office, the administrative service office, the office of information, and the review and disposition office, shall carry out the operations required for the liquidation of field offices in accordance with instructions contained in this Transfer and Liquidation series.

§ 1305.539 *Instructions.* All officers and employees of the Division of Liquidation are bound by the extent instructions in Volumes 3, 4, and 8 of the OPA Manual, and all instructions in the Transfer and Liquidation Instruction series. Where instructions in the Transfer and Liquidation Instruction series are in conflict with the OPA Manual, the former will be considered as supersessions of the OPA Manual.

§ 1305.540 *The OTC Division of Liquidation.* The OCT Division of Liquidation and its constituent management offices in the national office and in the field shall perform budget and finance, personnel and administrative service functions for the Sugar Rationing Administration, USDA, and for the Office of Housing Expediter, Office of Rent Control in the national office and in the field. These functions and services shall be provided in conformity to the agreements and delegations of the proper officials in the USDA Sugar Rationing Administration and the Office of Housing Expediter, Office of Rent Controls, and as published in the Transfer and Liquidation Instruction series.

§ 1305.541 *The special consulting staff of the OTC.* The special consulting staff of the OTC, consisting of the Commissioner of the Office of Price Administration and his immediate staff, including the General Counsel and the deputy commissioner for enforcement, the Commissioner of the Office of War Mobilization and Reconversion and his immediate staff, including the Director of the Office of Premium Price Plan, shall advise and assist the Temporary Controls Administrator in the liquidation of the Office of Temporary Controls. The Division of Liquidation will provide the management services for these constituent offices of the Office of Temporary Controls, and work closely with the special consulting staff for the orderly liquidation of the remaining functions of OWMR and OPA.

2. In Subpart C (text):

a. Sections 1305.665 through 1305.680, inclusive, are deleted.[1]

3. In Subpart D (text):

a. Sections 1305.710 through 1305.714, inclusive, are deleted, and the appendix thereto, titled "Location and Jurisdiction of Area Rent and Branch Rent Offices" is deleted.[1]

4. In Subpart E (text):

a. Section 1305.763 is deleted.[1]

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Dated: May 5, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-7018; Filed, July 25, 1947; 9:00 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

SUMTER NATIONAL FOREST; TRANSFER OF LAND

CROSS REFERENCE: For transfer of lands which affect the tabulation in § 201.1, from Federal Farm Mortgage Corporation to Forest Service see Surplus Property Transfer Order No. 5 of Federal Farm Mortgage Corporation in Notices section, *infra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 901]

HANDLING OF WALNUTS IN CALIFORNIA, OREGON AND WASHINGTON

DECISION WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO MARKETING AGREEMENT AND MARKETING ORDER

Correction

In F. R. Doc. 47-6797 appearing at page 4819 of the issue for Saturday, July 19, 1947, the following change is made in the third column on page 4822. The second paragraph of § 901.7 (a) (section 1 of Article VI) should read as follows:

The Control Board may direct that such certificate be not issued to any packer who has failed to deliver or otherwise account for his surplus obligation in accordance with the terms hereof.

[7 CFR, Part 933]

HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR and Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to Marketing Agreement No. 84, as amended (hereinafter referred to as the "marketing agreement"), and Order No. 33, as amended (7 CFR Supps., 933.1 et seq.) (hereinafter referred to as the "order"), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the fifteenth day after publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Production and Marketing Administration as a result of a request received from the Growers Administrative Committee and the Shippers Advisory Committee, administering the marketing agreement and order, that a hearing be called to consider proposed amendments. In accordance with the applicable provisions of the aforesaid rules of practice and procedure a notice that a public hearing would be held at Vero Beach, Florida, on May 12, 1947, and at Lakeland, Florida, on May 14, 1947, to consider the proposed amendments was published in the FEDERAL REGISTER (12 F. R. 2809).

Material issues. The material issues presented on the record of the hearing were concerned with the following:

(1) Amending the marketing agreement and order to provide for the issuance of regulations which may specify that shipments of any variety (as such term is defined in the marketing agreement and order) grown in Regulation Area II, as defined in the aforesaid notice of hearing, shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I, likewise defined in the hearing notice; and

(2) Establishing Regulation Area I and Regulation Area II.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

(1) The marketing agreement and order should be amended to provide for the issuance of regulations which may

[1] The deleted portions relate to rent control functions transferred to the Office of Housing Expediter pursuant to Executive Order No. 9841 (12 F. R. 2645), and have been adopted by the Housing Expediter in Rent Control Order No. 1 (12 F. R. 2986).

specify that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I.

Substantial differences exist between Regulation Area I and Regulation Area II with regard to cultural, grading, packing, and marketing practices insofar as they apply to the citrus fruits covered by the marketing agreement and order.

A distinctive heavy hammock soil is found in Regulation Area II. The land within this area, on which citrus fruits are grown, is low and flat. These low lands require an elaborate system of drainage ditches, which are not found in the groves located in Regulation Area I, since such groves are usually on rolling, sandy type soils. Most of the groves in Regulation Area II are irrigated. Due to the ridging practices followed in Regulation Area II, citrus groves in such area are smaller in acreage than those in Regulation Area I. Other cultural practices in Regulation Area II, such as preparing the land for citrus fruit trees, cultivating, and control of insects differ in varying degrees from practices in Regulation Area I. Citrus fruit yields are generally lower per acre in Regulation Area II than yields in Regulation Area I, and production costs per box are higher. Fruit discoloration in Regulation Area II is more prevalent but is smoother and less unsightly. The fruit grown in Regulation Area II is, on the average, more tender and the peel is thinner than that grown in Regulation Area I. These and other differences in characteristics of the fruit grown in the two areas are due to the differences in soils and cultural practices.

Grading practices are different in the two areas. In Regulation Area I, citrus fruit is generally marketed as U. S. Combination grade[1] fruit which consists of a mixture of both No. 1 grade[1] and U. S. No. 2 grade[1] fruit. In Regulation Area II, however, the U. S. No. 1 grade fruit and the U. S. No. 2 grade fruit are separated in the packing house and are sold separately in the markets. The latter method of grading is more costly than the former method. This difference in grading practices has existed for several years. In the past, this difference has prevented the institution, at certain times, of grade and size regulations limiting shipments of citrus fruits to such grades of fruit as the then current marketing conditions warranted. If these regulations were made effective, then shippers in Regulation Area II would have been forced to change their grading practices. The proposed amendments would provide the necessary flexibility in the operation of the marketing agreement and order program to meet changing marketing conditions; and would not tend to decrease the volume of Florida citrus fruit marketed in interstate commerce. Such regulations, if issued, would result (i) in better quality fruit being shipped; and (ii) higher average prices being received for producers for such fruit; and would protect the interest of consumers by the shipment of better fruit.

Citrus fruits grown in Regulation Area II are generally packed in the nailed wooden box whereas most of the fruit grown in Regulation Area I is packed in the wire bound box. The nailed box is higher in cost than the wire bound box.

Some differences in the marketing of citrus fruits exist between Regulation Area I and Regulation Area II. A greater percentage of the fruit grown in Regulation Area II is marketed in fresh form than that grown in Regulation Area I, while a greater percentage of the fruit grown in Regulation Area I is sold for processing than that grown in Regulation Area II. Although the production of fruit in Regulation Area II, during the last five years, constituted only 7.6 percent of the total production in the State of Florida, approximately 25 to 30 percent of the fresh grapefruit shipped out of the State of Florida during this period was grown in Regulation Area II. Citrus fruit grown in Regulation Area II commands a higher average price on the auction markets than does fruit grown in Regulation Area I. During the seasons 1941–42 to 1945–46 such prices averaged per box 48 cents higher for early and midseason oranges, 40 cents higher for Temple oranges, 28 cents higher for Valencia oranges, 43 cents higher for white seeded grapefruit, 61 cents higher for white seedless grapefruit, 44 cents higher for pink seeded grapefruit, and 45 cents higher for pink seedless grapefruit.

Citrus fruit grown in Regulation Area II competes in the market with that grown in Regulation Area I. The marketing agreement and order program is concerned with problems which arise in every citrus fruit area in the State of Florida, and the same marketing agreement and order should continue to cover all areas within the State. During the major portion of each marketing season, grade and size regulations would in all probability be uniform in Regulation Area I and Regulation Area II. The regulations should be recommended by the same administrative and advisory committees which have administered the marketing agreement and order since their inception.

(2) Regulation Area I and Regulation II should be established as set forth in the aforesaid notice of hearing.

The boundary line between Regulation Area I and Regulation Area II is a natural one geographically inasmuch as it is clearly demarcated by swamps, rivers, lakes, canals, and other natural landmarks. No groves are located on the boundary line; and along almost the entire length of the boundary line the nearest groves are several miles distant from the line. This line is almost identical to the boundary line established for the Indian River Citrus Area by the laws of the State of Florida. Such laws provide that only fruit grown within the Indian River Citrus Area, which corresponds to Regulation Area II as defined in the aforesaid hearing notice, may be sold under the name or brand of Indian River Citrus Fruit.

The Federal Trade Commission has defined the Indian River Area in general terms and has issued orders in cases investigated by the commission, that shippers may not market fruit grown in Regulation Area I under an Indian River stamp or label. The Office of Price Administration established price ceilings for citrus fruit varieties grown in the Indian River Area which were lower per box than those established for like varieties grown in Regulation Area I.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Marion County Growers and Shippers, and the Indian River Citrus League, Incorporated, and by Mr. W. M. Davidson. The briefs contain statements of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. Although all of the briefs do not contain specific requests to make proposed findings, it is assumed that the arguments and conclusions submitted were for this purpose and are treated accordingly.

The brief submitted on behalf of the growers and shippers from Marion County who testified at the hearing in opposition to the amendments states that there is no basis upon which the amendments can be justified and that the amendments should not be approved. The brief submitted by Mr. W. M. Davidson discussed in general terms his objections to the amendments on the basis that they would result in discrimination against his operations in the citrus industry. The proposed findings and conclusions of the Marion County Growers and Shippers and of Mr. Davidson are denied to the extent that they are inconsistent with the findings and conclusions contained herein and because of the reasons stated for the conclusions in this recommended decision.

The Indian River Citrus League, Incorporated, proposed that the amendments be adopted. This proposal is in agreement with the findings and conclusions stated herein and is approved.

Recommended amendment to the marketing agreement and order. The following amendments to the marketing agreement and order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Add to section 1 of the marketing agreement and § 933.1 *Definitions* of the order the following new paragraph:

(m) "Regulation Area I" shall include all that part of the State of Florida not included in "Regulation Area II".

(n) "Regulation Area II" shall include that part of the State of Florida particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the Southwest corner of Section 23, Township 14 South, Range 31 East; thence continue South to the Southwest corner of Section 35, Township 14 South, Range 31 East; thence East to the Northwest corner of Township 15 South, Range 32 East; thence South to the Southwest corner of Township 17 South, Range 32 East; thence East to the Northwest corner of Township 18 South, Range 33 East; thence South to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence South to the South line of Brevard County; thence East to the line between Ranges 36 East and 37 East; thence South to the Southwest corner of St. Lucie County; thence East to the line between Ranges 39 East and 40 East; thence South to the South line of Martin County; thence East to the line between Ranges 40 East and 41 East; thence South to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence East to the shore of the Atlantic Ocean; thence Northerly along the shore of the Atlantic Ocean to the point of beginning.

2. Delete the provisions in paragraph (b) (1) of section 4 of the marketing agreement and in paragraph (b) (1) of § 933.4 *Regulation by grades and sizes* of the order and substitute therefor the following:

(1) Whenever the Shippers Advisory Committee deems it advisable to regulate any variety pursuant to this section, the said committee shall recommend the particular grades and sizes or either thereof deemed by it advisable to be shipped, and any such recommendation may include a proposal that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the proposed grade and size limitation applicable to shipments of the same variety grown in Regulation Area I. In making such determination, the said committee shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (i) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (ii) amount on hand at the principal markets, as evidenced by supplies on track; (iii) maturity, conditions, and available supply, including the grade and size thereof in the producing areas; (iv) other pertinent market information; and (v) the level and trend in consumer income. The Shippers Advisory Committee shall promptly report the recommendations so made, with supporting information, to the Growers Administrative Committee, which committee shall, in turn, submit the same to the Secretary, together with its own recommendations and supporting information respecting the factors hereinbefore enumerated.

3. Delete the provisions in paragraph (c) of section 4 of the marketing agreement and in paragraph (c) of § 933.4 of the order and substitute therefor the following:

(c) *Regulation by the Secretary.* Whenever the Secretary shall find from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that to limit the shipment of any variety to particular grades and sizes would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods, and any such regulation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitation applicable to shipments of the same variety grown in Regulation Area I. Prior to the beginning of any such regulation the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers, by publication in daily newspapers, selected by the said committee, of general circulation in the citrus-producing districts of Florida: *Provided*, That when the regulation as issued is different from the recommendation of the committee, notice thereof shall be given also by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

Filed at Washington, D. C. this 22d day of July 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-7024; Filed, July 25, 1947; 8:47 a. m.]

[1] Such grades are set forth in the United States Standards for Citrus Fruits, as amended (11 F. R. 10239; 12 F. R. 1), and in the United States Standards for Tangerines (12 F. R. 2679).

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of the Public Debt

[1947 Dept. Circ. 810]

⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES G–1948

OFFERING OF CERTIFICATES

JULY 21, 1947.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated ⅞ percent Treasury Certificates of Indebtedness of Series G–1948, in exchange for Treasury Certificates of Indebtedness of Series G–1947, maturing August 1, 1947.

II. *Description of certificates.* 1. The certificates will be dated August 1, 1947, and will bear interest from that date at the rate of ⅞ percent per annum, payable with the principal at maturity on July 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before August 1, 1947, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series G–1947, maturing August 1, 1947, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions al-

lotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-7027; Filed, July 25, 1947; 9:01 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9337]

ALFRED PARTELLO VON HORST

In re: Bank account, bonds, coupons and a fractional certificate owned by Alfred Partello Von Horst, also known as Alfred Von Horst, F-28-12542-A-1 and F-28-12542-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Partello Von Horst, also known as Alfred Von Horst, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Alfred Partello Von Horst, also known as Alfred Von Horst, by Union Trust Company of the District of Columbia, 15th & H Streets, N.W., Washington 5, D. C., arising out of a Custodianship Account, entitled Alfred Partello Von Horst, and any and all rights to demand, enforce and collect the same,

b. Five (5) United States of Brazil 5%, 20 year Funding Bonds of $365.00 aggregate face value, bearing the numbers C82800, C82801 and C82802 of $100.00 face value each; BX17646 and BX17647 of $32.50 face value each, and presently in the custody of Union Trust Company of the District of Columbia, 15th & H Streets, N. W., Washington 5, D. C., together with any and all rights thereunder and thereto,

c. One (1) Fractional Certificate for United States of Brazil 5%, 20 year Funding Bonds, of $25.00 face value, bearing the number G28060, and presently in the custody of Union Trust Company of the District of Columbia, 15th & H Streets, N. W., Washington 5, D. C., together with any and all rights thereunder and thereto, and

d. Forty (40) Coupons of $35.00 face value each, detached from bonds of the German Reich, as set forth below:

Eight (8) coupons from bond C086168.
Eight (8) coupons from bond C085169.
Eight (8) coupons from bond C086170.
Eight (8) coupons from bond C086171.
Eight (8) coupons from bond C086172.

and presently in the custody of Union Trust Company of the District of Columbia, 15th & H Streets N. W., Washington 5, D. C., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7030; Filed, July 25, 1947; 9:01 a. m.]

[Vesting Order 9338]

PRISCA VON LIERES UND WILKAU

In re: Stock and bonds owned by Prisca von Lieres und Wilkau. F-28-373-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Prisca von Lieres und Wilkau, whose last known address is Alt Rosenberg, Upper Silesia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Four (4) shares of 5% cumulative preferred capital stock of Missouri Pacific Railroad Company, Missouri Pacific Bldg. St. Louis 3, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by Certificate Numbered 070924, registered in the name of and presently in the custody of Dominick & Dominick, 14 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

b. Fifty (50) shares of capital stock of Consolidated Paper Corporation Limited, Montreal, Canada, a corporation organized under the laws of Canada, evidenced by Certificates Numbered F62732, F61662 and X13658, for 5, 20 and 25 shares, respectively, registered in the name of and presently in the custody of Dominick & Dominick, 14 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon, and

c. Five (5) City of Copenhagen, Denmark, 25 year, 4½% gold bonds, due May 1, 1953 M/N, each of $1,000,000 face value, bearing the numbers M7045, M7046, M7049, M7050 and M7051, and presently in the custody of Dominick & Dominick, 14 Wall Street, New York 5, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Prisca von Lieres und Wilkau, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7031; Filed, July 25, 1947; 9:01 a. m.]

[Vesting Order 9376]

TORI YASUI

In re: Stock owned by and debts owing to Tori Yasui. F-39-758-E-1, F-39-758-C-1, F-39-758-D-1/5.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tori Yasui, whose last known address is 201 Ozato-Machi, Honmoku, Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Fifty (50) shares of $100.00 par value 7% preferred cumulative capital stock of Northern States Power Company, 231 So. La Salle Street, Chicago 4, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 76980, 7636, 3839, and 29587, for 25, 12, 7 and 6 shares respectively, dated 6/9/24, 1/22/25, 3/7/27 and 12/29/32 respectively, and registered in the name of Mrs. Tori Yasui, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation owing to Tori Yasui, by Northern States Power Company, 231 So. La Salle Street, Chicago 4, Illinois, in the amount of $1,172.53, as of 5/27/47, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. Twenty-one (21) shares of $10.00 par value common capital stock of Republic Insurance Company, Dallas, Texas, a corporation organized under the laws of the State of Texas, evidenced by certificate numbered 4237, and registered in the name of Mrs. Tori Yasui, together with all declared and unpaid dividends thereon,

d. Those certain debts or other obligations owing to Tori Yasui by Republic Insurance Company, Dallas, Texas, evidenced by checks issued by the Dallas National Bank, 1528 Main Street, Dallas 1, Texas, to Mrs. Tori Yasui, said checks being numbered, dated and in the amounts set forth in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of the aforesaid Dallas National Bank, and any and all rights to demand, enforce and collect the aforementioned debts or other obligations, and any and all rights in, to, and under the aforementioned checks,

e. Six (6) shares of $5.00 par value common capital stock of Allied Finance Company, 2110 Bryan St., Dallas, Texas, a corporation organized under the laws of the State of Texas, evidenced by certificates numbered 2824 and 3894 for 5 and 1 shares, respectively, and registered in the name of Mrs. Tori Yasui, together with all declared and unpaid dividends thereon,

f. Those certain debts or other obligations owing to Tori Yasui by the Allied Finance Company, Dallas, Texas, evidenced by checks issued by the Allied Finance Company and drawn on the Dallas National Bank, 1528 Main Street, Dallas, Texas, payable to Mrs. Tori Yasui, said checks being numbered, dated and in the amounts set forth in Exhibit B, attached hereto and by reference made a part hereof, and presently in the custody of the aforesaid Dallas National Bank, and any and all rights to demand, enforce and collect the aforementioned debts or other obligations, and any and all rights in, to, and under the aforementioned checks,

g. One hundred (100) shares of no par value common capital stock of Standard Brands Incorporated, 595 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered 35118, and registered in the name of Mrs. Tori Yasui, together with all declared and unpaid dividends thereon, and

h. Forty (40) shares of $5.00 par value common capital stock of Warner Bros. Pictures, Inc., 321 W. 44th Street, New York 18, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered E-21788, and registered in the name of Mrs. Tori Yasui, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Check No.	Date	Amount
80997	8-25-41	$5.26
83265	11-25-41	4.55
96161	2-25-42	4.57
100700	5-25-42	4.57
104248	8-25-42	4.57
107792	11-25-42	4.41
111332	2-25-43	4.41
114858	5-25-43	4.41
118408	8-25-43	4.41
121883	11-26-43	4.41
125096	2-25-44	4.41
128633	5-25-44	4.41
132281	8-25-44	4.41
135704	11-25-44	4.41
139101	2-26-45	4.41
142447	5-25-45	4.41
145779	8-25-45	4.41
149186	11-26-45	4.41
152455	2-26-46	4.41
155920	5-25-46	4.41
158819	8-24-46	4.41
162049	11-25-46	4.41
165205	2-25-47	4.41
168355	5-24-47	4.41

EXHIBIT B

Check number	Date	Amount
12521	11-25-42	$1.20
15047	11-25-43	.84
17503	5-25-44	.84
19911	11-25-44	.84
22241	5-25-45	.84
24179	11-26-45	.84
26724	5-25-46	.84
28900	11-25-46	.84
31024	5-24-47	.84

[F. R. Doc. 47-7032; Filed, July 25, 1947; 9:01 a. m.]

[Vesting Order 9382]

AUGUSTE ROESLER

In re: Trust u/w of Auguste Roesler, deceased. File No. D-28-11506; E. T. sec. 15750.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alice Schnubel and Laurentz Koehler, whose last known address is Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the trust u/w of Auguste Roesler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Walter Roesler, as Executor and Trustee, acting under the judicial supervision of the Surrogate's Court, County of Nassau, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7033; Filed, July 25, 1947; 9:02 a. m.]

[Vesting Order 9380]

HERMAN E. A. HECHLER

In re: Trust under the will of Herman E. A. Hechler, deceased; File No. D-28-10533; E. T. sec. 15635.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorette Kanning, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust under the will of Herman E. A. Hechler, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The Leonia Bank and Trust Company and John H. Hechler, as Trustees, acting under the judicial supervision of the Bergen County Orphans' Court, Bergen County Courthouse, Hackensack, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7003; Filed, July 24, 1947; 8:49 a. m.]

[Vesting Order 9408]

AUTOMOBILES OWNED BY GERMANY

In re: Three (3) automobiles owned by Germany.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

One (1) 1938 Buick Sedan, Serial No. 13333234, Engine No. 6-3485072, Title No. A-34903.

One (1) 1941 Buick Sedan, Serial No. 34134516, Engine No. 54327678, Title No. A-34904.

One (1) 1939 Ford Station Wagon, Engine No. 18-5059415, Title No. A-33671.

formerly under the protection of the Legation of Switzerland for the former German Government and presently in the custody of the Department of State, Washington, D. C.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7036; Filed, July 25, 1947; 9:02 a. m.]

AMALIE FRESE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Amalie Frese, Bronx, N. Y., 5619; $874.69 in the Treasury of the United States.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7038; Filed, July 25, 1947; 9:02 a. m.]

ANEMOSTAT CORP. OF AMERICA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Anemostat Corporation of America, New York, N. Y., A-404; property described in Vesting Order No. 201 (8 Fed. Reg. 625 January 16, 1943) relating to United States Letters Patent No. 1,982,747, to the extent owned by claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7041; Filed, July 25, 1947; 9:03 a. m.]

DAVID JONA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

David Jona, Cambridge, Mass., 1982; A one-fourth undivided interest in property described in Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943), relating to United States Letters Patent No. 2,209,481 to the extent owned by claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON
Assistant Attorney General
Director, Office of Alien Property.

[F. R. Doc. 47-7039; Filed, July 25, 1947; 9:02 a. m.]

GEORGES JOSEPH CHRISTIAN SIMENON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Georges Joseph Christian Simenon, Bradenton Beach, Fla., 4384; Property described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating but not limited to the literary works "The Patience of Maigret", "Maigret Travels South", "Maigret Abroad", "Maigret to the Rescue", "Maigret Keeps a Rendezvous", "Maigret Sits it Out", "Maigret and M. Labbe", and "Tropic Moon", to the extent owned by claimant immediately prior to the vesting thereof, including royalties in the amount of $8,483.79.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7040; Filed, July 25, 1947; 9:02 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1906]

ALL AMERICAN AVIATION, INC.; MAIL RATE FOR ROUTE NO. 49

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of All American Aviation, Inc., over its route No. 49.

Notice is hereby given that the hearing in the above-entitled proceeding, now assigned for July 28, 1947, is postponed to August 11, 1947, at 10:00 a. m. (eastern daylight saving time) in Conference Room C, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets NW., Washington, D. C.

Dated at Washington, D. C., July 23, 1947.

[SEAL] RALPH L. WISER,
Examiner.

[F. R. Doc. 47-7029; Filed, July 25, 1947; 9:01 a. m.]

FEDERAL FARM MORTGAGE CORPORATION

[Surplus Property Transfer Order 5]

SUMTER NATIONAL FOREST, SOUTH CAROLINA

TRANSFER OF JURISDICTION OF SURPLUS LANDS

Transferring jurisdiction of surplus lands within the Sumter National Forest, South Carolina, to the Forest Service pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended.

Whereas, the following tracts of land owned by the United States of America and situated in Cross Keys and Union Townships, Union County, South Carolina, within the Sumter National Forest, have been declared surplus pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended:

Title to the following tracts having been acquired in proceedings in condemnation in the suit entitled *United States of America* vs. *916.72 acres of land in Union County, South Carolina, A. H. Chumley, et al.*, Civil Action No. 384.

(1) A. H. Chumley tract No. 1 containing 101.19 acres, more or less, and more particularly described in judgment entered March 12, 1943 and recorded March 17, 1943 in Deed Book 73, page 134, in the Office of Clerk of Court, Union County, South Carolina.

(2) George T. Keller tract No. 2 containing 30.38 acres, more or less, and more particularly described in judgment entered March 15, 1943 and recorded March 17, 1943 in Deed Book 73, page 136, in the Office of Clerk of Court, Union County, South Carolina.

(3) C. W. Kirven tract No. 3 containing 91.09 acres, more or less, and more particularly described in judgment entered March 5, 1943 and recorded March 10, 1943 in Deed Book 73, pages 128 and 129, in the Office of Clerk of Court, Union County, South Carolina.

(4) W. T. Humphries tract No. 4 containing 105.71 acres, more or less, and more particularly described in judgment entered March 12, 1943 and recorded March 17, 1943 in Deed Book 73, page 137, in the Office of Clerk of Court, Union County, South Carolina.

(5) Oscar Ward tract No. 5 containing 26 acres, more or less, and more particularly described in judgment entered March 5, 1943 and recorded March 10, 1943 in Deed Book 73, pages 126 and 127, in the Office of Clerk of Court, Union County, South Carolina.

(6) Russell Browning tract No. 7 containing 143.37 acres, more or less, and more particularly described in judgment entered June 24, 1943 and recorded July 7, 1943 in Deed Book 73, page 157, in the Office of Clerk of Court, Union County, South Carolina.

(7) Cecil Burnett tract No. 12 containing 11.24 acres, more or less, and more particularly described in judgment entered March 16, 1943 and recorded March 17, 1943 in Deed Book 73, page 133, in the Office of Clerk of Court, Union County, South Carolina; and Order of Court amending description in original judgment, filed July 9, 1943 and recorded July 10, 1943 in Deed Book 73, page 165, in the Office of Clerk of Court, Union County, South Carolina.

(8) Charlie Jones, et al. tract No. 15 containing 174.88 acres, more or less, and more particularly described in judgment entered July 30, 1943 and recorded August 3, 1943 in Deed Book 73, pages 169 and 170, in the Office of Clerk of Court, Union County, South Carolina.

(9) Rufus T. Holcomb tract No. 17 containing 91.1 acres, more or less, and more particularly described in judgment entered March 8, 1943 and recorded March 10, 1943 in Deed Book 73, pages 124 and 125, in the Office of Clerk of Court, Union County, South Carolina.

(10) Emma M. Whitener tract No. 19 containing 4.3 acres, more or less, and more particularly described in judgment entered June 22, 1943 and recorded July 7, 1943 in Deed Book 73, page 158, in the Office of Clerk of Court, Union County, South Carolina.

(11) Emma M. Whitener tract No. 19-A containing 14.47 acres, more or less, and more particularly described in judgment entered February 13, 1943 and recorded March 10, 1943 in Deed Book 73, pages 131 and 132, in the Office of Clerk of Court, Union County, South Carolina.

(12) Rachel Ann Holcomb tract No. 20 containing 6.52 acres, more or less, and more particularly described in judgment entered March 8, 1943 and recorded March 10, 1943 in Deed Book 73, page 123, in the Office of Clerk of Court, Union County, South Carolina; and Order of Court amending description in original judgment, filed May 12, 1943 and recorded May 18, 1943 in Deed Book 73, page 149, in the Office of Clerk of Court, Union County, South Carolina.

(13) M. S. Spelts tract No. 22 containing 116.47 acres, more or less, and more particularly described in judgment entered March 8, 1943 and recorded March 10, 1943 in Deed Book 73, pages 130 and 131, in the Office of Clerk of Court, Union County, South Carolina.

Title to the following tracts having been acquired in proceedings in condemnation in the suit entitled United States of America vs. 556.59 acres of land in Union County, South Carolina, Chame Rice, et al., Civil Action No. 393.

(14) Chame Rice tract No. 6 containing 92.08 acres, more or less, and more particularly described in judgment entered March 5, 1943 and recorded March 10, 1943 in Deed Book 73, pages 121 and 122, in the Office of Clerk of Court, Union County, South Carolina.

(15) George W. Going, Jr. tract No. 23 containing 464.51 acres, more or less, and more particularly described in judgment entered June 24, 1943 and recorded July 7, 1943 in Deed Book 73, page 161, in the Office of Clerk of Court, Union County, South Carolina.

Title to the following tracts having been acquired in proceedings in condemnation in the suit entitled United States of America vs. 366.58 acres of land in Union County, South Carolina, J. F. Burnett, et al., Civil Action No. 394.

(16) J. F. Burnett tract No. 10 containing 112.03 acres, more or less, and more particularly described in judgment entered April 15, 1943 and recorded April 20, 1943 in Deed Book 73, page 143, in the Office of Clerk of Court, Union County, South Carolina.

(17) J. F. Burnett tract No. 11 containing 131.20 acres, more or less, and more particularly described in judgment entered April 15, 1943 and recorded April 20, 1943 in Deed Book 73, page 143, in the Office of Clerk of Court, Union County, South Carolina.

(18) Inez B. Matthews tract No. 13 containing 59.32 acres, more or less, and more particularly described in judgment entered March 5, 1943 and recorded April 9, 1943 in Deed Book 73, page 142, in the Office of Clerk of Court, Union County, South Carolina.

(19) Edward L. Johnson tract No. 14 containing 6.28 acres, more or less, and more particularly described in judgment entered June 23, 1943 and recorded July 7, 1943 in Deed Book 73, page 160, in the Office of Clerk of Court, Union County, South Carolina.

(20) New Chapel Methodist Church tract No. 18 containing 2 acres, more or less, and more particularly described in judgment entered July 2, 1943 and recorded July 7, 1943 in Deed Book 73, page 162, in the Office of Clerk of Court, Union County, South Carolina.

(21) Charlie Giles tract No. 21 containing 55.75 acres, more or less, and more particularly described in judgment entered July 9, 1943 and recorded July 10, 1943 in Deed Book 73, pages 166 and 167, in the Office of Clerk of Court, Union County, South Carolina.

Containing in all 1,839.89 acres of land, more or less.

The lands hereby transferred are subject to:

Existing easements for public roads and highways, public utilities, railroads, and pipe lines.

Whereas, the Forest Service is desirous of acquiring administrative control and jurisdiction over the above described lands for administration as a part of the Sumter National Forest and the acqui-

sition has been approved by the National Forest Reservation Commission; and

Whereas, the Forest Service has caused the sum of $16,745.00, which is the fair value of the lands, to be covered into the Treasury of the United States for deposit to the credit of the Federal Farm Mortgage Corporation from funds appropriated by the Congress for the acquisition of lands under the provisions of the Act of March 1, 1911 (36 Stat. 961), as amended;

Now, therefore, the Federal Farm Mortgage Corporation, pursuant to the authority vested in it in the disposal of surplus agricultural or forest property, by virtue of delegations of authority issued pursuant to the provisions of the aforementioned Act of 1944, does hereby transfer the aforesaid lands to the Forest Service as of this date.

In witness whereof, the Federal Farm Mortgage Corporation has, on this 8th day of July 1947, caused these presents to be duly executed for and in its name and behalf and the seal of the said corporation to be hereunto affixed.

FEDERAL FARM MORTGAGE CORPORATION,

[SEAL] By B. S. BURCH, *Vice President.*

Attest:

W. O. MCGIBONY, *Assistant Secretary.*

[F. R. Doc. 47-7042; Filed, July 25, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-898]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed May 16, 1947, and the supplement thereto filed on June 26, 1947, by Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, (a) for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas transmission facilities, and (b) for approval of abandonment of a certain portion of Applicant's facilities, both pursuant to section 7 of the Natural Gas Act, as amended, and all as fully described in such application, public notice thereof having been published in the FEDERAL REGISTER on June 10, 1947 (12 F. R. 3785-86).

It appearing to the Commission that:

(a) Temporary authorization to construct and operate the facilities described in said application as Facility No. 2 and Facility No. 3 was granted by the Commission on July 12, 1947.

(b) The issues presented by the said application and supplement in addition to the usual issues in Certificate cases, will include the following:

(i) Whether (a) Oklahoma Natural Gas Company in fulfilling its obligations under the contract of April 4, 1947, with Applicant (Exhibit 2 to the Application) will be engaged in operations subject to the jurisdiction of the Commission, (b) whether such operations, if subject to the Commission's jurisdiction, should be exempted from the requirements of section 7 (c) of the Natural Gas Act, as amended, and (c) the effect upon Applicant's proposal if such exemption is denied.

(ii) Whether the public interest will be served by the proposed change in gas service to the Town of Paden, Oklahoma.

(iii) Whether the construction of Facility No. 1 would be needed by Applicant and required by the public convenience and necessity if the supply from the Maysville, Oklahoma, area is not obtained.

(c) For a more detailed statment of facts and law asserted, interested persons may refer to said application and supplement and other pleadings filed in this docket, which may be inspected at the offices of the Federal Power Commission, Washington, D. C.

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on the 6th day of August, 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such applications, and other pleadings filed herein.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: July 22, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7015; Filed, July 25, 1947; 9:00 a. m.]

[Docket No. G-909]

PENNSYLVANIA GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed June 12, 1947, in Docket No. G-909, by Pennsylvania Gas Company (Applicant), a Pennsylvania corporation with its principal place of business at Warren, Pennsylvania, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas pipe-line facilities, as fully described in the application, which is on file with the Commission, and open to public inspection, public notice thereof having been published in the FEDERAL REGISTER on June 25, 1947 (12 F. R. 4123).

It appearing to the Commission that this proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application. The Commission, therefore orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on August 6, 1947, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding: *Provided, however,* That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: July 23, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7016; Filed, July 25, 1947; 9:00 a. m.]

[Docket No. G-920]

IROQUOIS GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed June 30, 1947, by Iroquois Gas Corporation (Applicant), a New York corporation having its principal place of business at Buffalo, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain additional natural gas facilities as fully described in such application on file with the Commission and open to public inspection, public notice thereof having been published in the FEDERAL REGISTER on July 19, 1947 (12 F. R. 4835);

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on August 4, 1947, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding: *Provided, however,* That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission, an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: July 22, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7017; Filed, July 25, 1947; 9:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2440].

CITY OF GREATER PRAGUE (CZECHOSLOVAKIA)

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of July A. D. 1947

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, having made application to strike from listing and registration the 7½% Mortgage Loan Bonds of 1922, due May 1, 1952, issued by the City of Greater Prague, Czechoslovakia;

Appropriate notice and opportunity for hearing having been given to interested persons and the public generally;

No request having been received from any interested person for a hearing in this matter; and

The Commission having duly considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on August 1, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7021; Filed, July 25, 1947; 8:46 a. m.]

[File No. 7-996]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of July A. D. 1947.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5.00 Par Value, of General Public Utilities Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to August 21, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7022; Filed, July 25, 1947; 8:46 a. m.]

[File No. 70-1565]

OKLAHOMA POWER AND WATER CO. AND MIDDLE WEST CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of July A. D. 1947.

Notice is hereby given that The Middle West Corporation, a registered holding company, and Oklahoma Power and Water Co. ("Oklahoma Power"), a subsidiary of Middle West, have filed a point declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). Said declaration designates section 12 (d) of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 4, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after August 4, 1947 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Oklahoma Power proposes to sell to Oklahoma Natural Gas Company, a nonaffiliated company, the gas utility properties of Oklahoma Power, all of which are located in the counties of Osage, Tulsa, and Pawnee, State of Oklahoma, for a base purchase price of $850,000 payable in cash, subject to closing adjustments.

Oklahoma Power proposes to use the proceeds of the proposed sale to prepay $850,000 principal amount of its Bank Loan Notes now outstanding in the aggregate principal amount of $2,775,000. Such notes are secured, dollar for dollar, by a like principal amount of First Mortgage Four Percent Bonds, Series D, of Oklahoma Power. The notes prepaid, and a like principal amount of bonds securing such notes, are to be cancelled and retired.

Declarants state that no commission other than this Commission has jurisdiction over the transactions proposed by Oklahoma Power and that they have been informed that no commission has jurisdiction over the proposed purchase by Oklahoma Natural Gas Company. Oklahoma Natural Gas Company is neither a registered holding company nor a subsidiary of a registered holding company.

Declarants have requested that the Commission's order permitting said declaration to become effective conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code, as amended, insofar as such sections are applicable and that said order be issued as soon as practicable and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7019; Filed, July 25, 1947; 8:46 a. m.]

[File No. 70-1568]

MINNEAPOLIS GAS LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of July A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Minneapolis Gas Light Company ("Minneapolis"), a public utility subsidiary of American Gas & Power Company ("American"), a registered holding company. Declarant designates sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 4, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

Minneapolis proposes to borrow from banks located in Minneapolis, Minnesota, during the balance of the year 1947, the sum of $1,000,000 on delivery of its promissory notes as follows:

Payable to	Dated	Due	Interest rate	Amount
			Per cent	
Northwestern National Bank	8-1-47	8-1-48	2	$250,000
First National Bank	8-1-47	8-1-48	2	250,000
Northwestern National Bank	10-1-47	10-1-48	2	250,000
First National Bank	10-1-47	10-1-48	2	250,000

Under the banks' commitment, the company is to agree that if it sells new securities (except to refund outstanding securities) or borrows additional money, it will apply the proceeds therefrom to the payment of said notes and other indebtedness to the two banks, which in each case consists of a promissory note in the principal amount of $350,000 dated June 20, 1947, maturing nine months thereafter. The banks agree to renew any balance of the proposed loan owing at the maturity date of the respective notes for an additional twelve months. The rate of interest on any renewal of the loan is to be negotiated at the time of such renewal.

Minneapolis states that it is in process of converting its gas utility system to the distribution of 100% natural gas instead of the present mixed gas. The total cost of conversion is estimated by the company to be approximately $800,000 of which $170,000 has been expended up to May 31, 1947, leaving an estimated $630,000 to be expended during the last seven months of 1947. In addition thereto, the company estimates that its construction program for 1947 will require the expenditure of approximately $2,150,000, of which $1,500,000 will be expended during the last seven months of this year. The declarant states that it is unable to finance its construction program by means of long term financing pending final consummation of the Plan of Simplification and Integration of Community Gas and Power Company, American Gas and Power Company, et al., under section 11 (e) of the act and therefore must rely on short term borrowing.

The said plan relates to the dissolution of Community Gas and Power Company, a registered holding company and parent company of American, and the merger of Minneapolis into American (which will then change its name to Minneapolis Gas Company) which was approved by the Commission on April 10, 1946 and January 14, 1947, (Holding Company Act Releases Nos. 6541 and 7131) and by the District Court of the United States for the District of Delaware by order entered on April 24, 1947. An appeal taken from the order of the District Court is now pending before the United States Circuit Court of Appeals for the Third Circuit.

The declarant states that no state commission has jurisdiction over the proposed transactions and requests that the Commission's order to be issued herein become effective forthwith in view of its urgent need of the funds to be obtained from the proposed financing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7020; Filed, July 25, 1947; 8:46 a. m.]

[File No. 811-364]

INSURANSHARES CORP. OF DELAWARE

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of July A. D. 1947.

Notice is hereby given that Insuranshares Corporation of Delaware (Insuranshares) has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that Insuranshares has ceased to be an investment company within the meaning of the act, or, in the alternative, if the Commission shall refuse to make such an order, for an order pursuant to section 6 (c) of the act exempting Insuranshares (1) from the provisions of section 30 (a) of the act and Rule N-30A-1 promulgated thereunder insofar as such section and rule require the filing of annual reports with the Commission, (2) from the provisions of section 30 (b) of the act and Rule N-30B1-1 promulgated thereunder insofar as such section and rule require the filing of quarterly reports with the Commission, and (3) from the provisions of section 30 (d) of the act and Rule N-30D-1 promulgated thereunder insofar as such section and rule require the transmission to stockholders and filing with the Commission of semiannual reports to stockholders (although Insuranshares will continue to transmit and file annual reports pursuant to said section and rule).

It appears from this application that the directors and stockholders of Insuranshares have duly voted to dissolve the Corporation pursuant to section 39 of the General Corporation Law of the State of Delaware as then in force; that a certificate of dissolution was duly issued by the Secretary of State of the State of Delaware on February 20, 1947 and an affidavit showing publication of such certificate was filed in said office on February 24, 1947; that at February 24, 1947 Insuranshares possessed assets aggregating $545,345 of which $362,935 was in cash and $181,614 was in Government bonds and corporate securities at market values; that Insuranshares declared a first liquidating dividend payable April 14, 1947 of $280,180 or $1.50 per share upon the 186,787 shares outstanding, gave notice thereof in writing to shareholders, and as at June 10, 1947, had paid $232,304 on account thereof; that in the opinion of Insuranshares a liberal estimate of all further ordinary and all liquidation expenses is $28,018; that there is no litigation against Insuranshares or any of the officers pending in any court; and that liquidation of the assets of Insuranshares has substantially progressed, will not be complicated, and will not involve any delay other than ascertainment and payment of tax obligations.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Philadelphia, Pennsylvania.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time after August 5, 1947 unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 31, 1947 at 5:30 p. m., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th & Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7023; Filed, July 25, 1947; 8:46 a. m.]

FEDERAL REGISTER

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Washington, Tuesday, July 29, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9877

FUNCTIONS OF THE ARMED FORCES

By virtue of the authority vested in me by the Constitution and laws of the United States, and as President of the United States and Commander in Chief of the Armed Forces of the United States, I hereby prescribe the following assignment of primary functions and responsibilities to the three armed services.

Section I—The Common Missions of the Armed Forces of the United States are:

1. To support and defend the Constitution of the United States against all enemies, foreign or domestic.

2. To maintain, by timely and effective military action, the security of the United States, its possessions and areas vital to its interest.

3. To uphold and advance the national policies and interests of the United States.

4. To safeguard the internal security of the United States as directed by higher authority.

5. To conduct integrated operations on the land, on the sea, and in the air necessary for these purposes.

In order to facilitate the accomplishment of the foregoing missions the armed forces shall fomulate integrated plans and make coordinated preparations. Each service shall observe the general principles and fulfill the specific functions outlined below, and shall make use of the personnel, equipment and facilities of the other services in all cases where economy and effectiveness will thereby be increased.

Section II—Functions of the United States Army

General

The United States Army includes land combat and service forces and such aviation and water transport as may be organic therein. It is organized, trained and equipped primarily for prompt and sustained combat incident to operations on land. The Army is responsible for the preparation of land forces necessary for the effective prosecution of war, and, in accordance with integrated joint mobilization plans, for the expansion of peacetime components of the Army to meet the needs of war.

The specific functions of the United States Army are:

1. To organize, train and equip land forces for:

a. Operations on land, including joint operations.

b. The seizure or defense of land areas, including airborne and joint amphibious operations.

c. The occupation of land areas.

2. To develop weapons, tactics, technique, organization and equipment of Army combat and service elements, coordinating with the Navy and the Air Force in all aspects of joint concern, including those which pertain to amphibious and airborne operations.

3. To provide, as directed by proper authority, such missions and detachments for service in foreign countries as may be required to support the national policies and interests of the United States.

4. To assist the Navy and Air Forces in the accomplishment of their missions, including the provision of common services and supplies as determined by proper authority.

Section III—Functions of the United States Navy

General

The United States Navy includes naval combat and service forces, naval aviation, and the United States Marine Corps. It is organized, trained and equipped primarily for prompt and sustained combat at sea. The Navy is responsible for the preparation of naval forces necessary for the effective prosecution of war, and in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.

The specific functions of the United States Navy are:

1. To organize, train and equip naval forces for:

a. Operations at sea, including joint operations.

b. The control of vital sea areas, the protection of vital sea lanes, and the suppression of enemy sea commerce.

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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c. The support of occupation forces as required.

d. The seizure of minor enemy shore positions capable of reduction by such landing forces as may be comprised within the fleet organization.

e. Naval reconnaissance, antisubmarine warfare, and protection of shipping. The air aspects of those functions shall be coordinated with the Air Force, including the development and procurement of aircraft, and air installations located on shore, and use shall be made of Air Force personnel, equipment and facilities in all cases where economy and effectiveness will thereby be increased. Subject to the above provision, the Navy will not be restricted as to types of aircraft maintained and operated for these purposes.

f. The air transport necessary for essential internal administration and for air transport over routes of sole interest to naval forces where the requirements cannot be met by normal air transport facilities.

2. To develop weapons, tactics, technique, organization and equipment of naval combat and service elements, coordinating with the Army and the Air Force in all aspects of joint concern, including those which pertain to amphibious operations.

3. To provide, as directed by proper authority, such missions and detachments for service in foreign countries as may be required to support the national policies and interests of the United States.

4. To maintain the U. S. Marine Corps whose specific functions are:

a. To provide Marine Forces together with supporting air components, for service with the Fleet in the seizure or defense of advanced naval bases and for the conduct of limited land operations in connection therewith.

b. To develop, in coordination with the Army and the Air Force those phases of amphibious operations which pertain to the tactics, technique and equipment employed by landing forces.

c. To provide detachments and organizations for service on armed vessels of the Navy.

d. To provide security detachments for protection of naval property at naval stations and bases.

e. To provide, as directed by proper authority, such missions and detachments for service in foreign countries as may be required to support the national policies and interests of the United States.

5. To assist the Army and the Air Force in the accomplishment of their missions, including the provision of common services and supplies as determined by proper authority.

Section IV—Functions of the United States Air Force

General

The United States Air Force includes all military aviation forces, both combat and service, not otherwise specifically assigned. It is organized, trained, and equipped primarily for prompt and sustained air offensive and defensive operations. The Air Force is responsible for the preparation of the air forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

The specific functions of the United States Air Force are:

1. To organize, train and equip air forces for:

a. Air operations including joint operations.

b. Gaining and maintaining general air supremacy.

c. Establishing local air superiority where and as required.

d. The strategic air force of the United States and strategic air reconnaissance.

e. Air lift and support for airborne operations.

f. Air support to land forces and naval forces, including support of occupation forces.

g. Air transport for the armed forces, except as provided by the Navy in accordance with paragraph 1 f, of Section III.

2. To develop weapons, tactics, technique, organization and equipment of Air Force combat and service elements, coordinating with the Army and Navy on all aspects of joint concern, including those which pertain to amphibious and airborne operations.

3. To provide, as directed by proper authority, such missions and detachments for service in foreign countries as may be required to support the national policies and interests of the United States.

4. To provide the means for coordination of air defense among all services.

5. To assist the Army and Navy in accomplishment of their missions, including the provision of common services and supplies as determined by proper authority.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 26, 1947.

[F. R. Doc. 47-7140; Filed, July 28, 1947; 10:13 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

FUNCTIONS OF THE FORCES

CROSS REFERENCE: For Presidential order prescribing the assignment of primary functions and responsibilities to the armed services, see Executive Order 9877, *supra*.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-6]

PART 20—PILOT CERTIFICATES

REISSUANCE OF EXPIRED PILOTS CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 22d day of July 1947.

Many pilots were not aware of the requirements of § 20.55 of the Civil Air Regulations which provides that a private or commercial pilot certificate effective on or after January 1, 1942, and issued prior to July 1, 1945, will expire as of July 1, 1947, unless exchanged for the new type certificate at any time prior to that date. There is no provision in the present Civil Air Regulations which prescribes the procedure for reissuance of such expired pilot certificates. The holders of these expired certificates should be permitted to apply to the Administrator for reissuance without examination or flight tests inasmuch as pilot competency was not involved in this certificate exchange.

The purpose of this regulation is to provide for the reissuance, without examination or flight tests, of those pilot certificates which expire July 1, 1947.

Effective July 22, 1947, Part 20 of the Civil Air Regulations is amended to add § 20.550 as follows:

§ 20.550 *Reissuance.* Any person who on June 30, 1947, held a valid private or commercial certificate and who failed to exchange such certificate in accordance with § 20.55 of the Civil Air Regulations, may, notwithstanding such failure and without other showing, obtain a pilot certificate with appropriate ratings upon application to the Administrator. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-7062; Filed, July 28, 1947; 8:59 a. m.]

[Civil Air Regs., Amdt. 20-7]

PART 20—PILOT CERTIFICATES

ISSUANCE OF STUDENT PILOT CERTIFICATES AND TEMPORARY STUDENT PILOT CERTIFICATES; DURATION OF PILOT CERTIFICATES WITH PRIVATE OR COMMERCIAL RATING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 22d day of July 1947.

The issuance of student pilot certificates would be facilitated, if provision were made in the Civil Air Regulations whereby an authorized representative of the Administrator, as well as the Administrator, were permitted to issue these certificates.

A further provision to provide for the issuance of temporary student pilot certificates would authorize the holders to exercise the privileges of a student pilot during the interim between successful completion of the prescribed requirements for such certificates and the receipt of same.

The Civil Air Regulations pertaining to airman certificates other than pilot certificates now provide that such certificates do not have a prescribed expiration date.

The purpose of this regulation is to provide that: (1) An authorized representative of the Administrator, as well as the Administrator, may issue student pilot certificates, (2) temporary student pilot certificates as well as pilot certificates with private or commercial rating may be issued by the Administrator or his authorized representative, and (3) pilot certificates with a private or commercial

rating shall not have a prescribed expiration date.

Effective July 22, 1947, Part 20 of the Civil Air Regulations is amended as follows:

1. Amend § 20.00 to read as follows:

§ 20.00 *Issuance.* A student pilot certificate will be issued by the Administrator or his authorized representative to an applicant who meets the applicable requirements.

2. Amend § 20.51 to read as follows:

§ 20.51 *Duration.* (a) A student pilot certificate shall expire 24 calendar months after the month of issuance.

(b) A pilot certificate with a private or commercial rating shall remain in effect unless it is suspended, or revoked, or a general termination date for such certificate is fixed by the Board.

3. Amend § 20.52, *Renewals,* to read as follows:

§ 20.52 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary student pilot certificate or a temporary pilot certificate with a private or commercial rating for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

4. By repealing § 20.53, *Reinstatement.*

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-7061; Filed, July 28, 1947; 8:59 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

EXEMPTION OF SMALL HOLDING-COMPANY SYSTEMS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly sections 3 (a), 3 (d) and 20 (a) thereof, and deeming such action appropriate in the public interest and for the protection of investors and consumers, hereby amends § 250.9 (Rule U-9) of the general rules and regulations under the Public Utility Holding Company Act of 1935 by inserting after the words "does not exceed $1,000,000," the words "or did not exceed $1,000,000 at December 31, 1946,". This modification of § 250.9 (Rule U-9) is in the nature of an exemption, and it appears improbable that its adoption will be objectionable to any person. The Commission therefore finds that the preliminary notice and public procedure provided for in section 4 (a) and (b) of the Administrative Procedure Act are unnecessary and declares the amendment of § 250.9 (Rule U-9) effective immediately pursuant to section 4 (c) of that act, subject, however, to reconsideration at the end of thirty days in the event any significant comments or criticisms have then been received with respect to the rule. Such comments or criticisms may be submitted in writing to the Secretary of the Commission.

The text of the rule as modified follows:

§ 250.9 *Exemption of small holding-company systems—*(a) *Exemption.* If the net book value of utility assets of a holding-company system (including all parent companies and their subsidiaries) does not exceed $1,000,000, or did not exceed $1,000,000 at December 31, 1946, or if the gross revenues from the utility operations of such system (excluding intercompany sales of electric energy) for the preceding calendar year did not exceed $350,000, all of the companies in such system shall, subject to filing the statements required by paragraph (c) of this section, be exempt from all the provisions of the act and rules thereunder, and none of such companies shall be deemed to be subsidiaries within the meaning of the act or any rule.

(b) *Exception.* The exemption provided by this section shall not apply to any acquisition of any security of any public-utility or holding company or any utility assets, if acquired from any person other than an associate company and for a consideration in excess of $100,000.

(c) *Annual statement.* The top holding company of any system exempted by this section shall annually, on or before March 1, file with this Commission a statement that such system falls within the exemption granted by this section, including as exhibits (1) an income and surplus statement for the preceding year, and (2) a balance sheet as of the end of that year, both in consolidating form showing the utility revenues and asset values of each company in such holding-company system. (Secs. 3 (a), 3 (d), 49 Stat. 810, 20 (a), 49 Stat. 833; 15 U. S. C. 79c, 79t)

Effective: July 22, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 21, 1947.

[F. R. Doc. 47-7055; Filed, July 25, 1947; 8:58 a. m.]

PART 270—GENERAL RULES AND REGULATIONS INVESTMENT COMPANY ACT OF 1940

EXEMPTION OF CERTAIN TRANSACTIONS

The Securities and Exchange Commission has heretofore duly published in the FEDERAL REGISTER, notice of proposals with respect to the amendment of § 270.17a-2 (Rule N-17A-2) and the adoption of a new § 270.17a-4 (Rule N-17A-4) under the Investment Company Act of 1940. After due consideration of all relevant matter presented in regard to the proposals, the Commission has determined that the proposed action is necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act. Accordingly, the Commission, acting pursuant to authority conferred upon it by the above mentioned act, particularly sections 17 (a) and 38 (a) thereof, hereby amends Rule N-17A-2 and adopts a new Rule N-17A-4 both to read as hereinafter set forth.

Section 270.17a-2 (Rule N-17A-2) exempts from section 17 (a) of the act certain purchase, sale or borrowing transactions. Prior to the amendment, the exemption was limited to transactions between a bank and a person engaged principally in the business of instalment financing. The purpose of the amendment is to expand the exemption provided by the rule so that it will also apply to certain transactions between banks.

The purpose of § 270.17a-4 (Rule N-17A-4) is to exempt from section 17 (a) of the act, transactions pursuant to a contract where, at the time the contract was made and for a period of six months prior thereto, no affiliation or other relationship existed which would bring the transaction within the purview of section 17 (a). The Commission deems it proper to exempt such transactions since they are effected pursuant to a contract presumably entered into upon the basis of arms-length negotiations.

1. The text of § 270.17a-2 (Rule N-17A-2) as amended is as follows:

§ 270.17a-2 *Exemption of certain purchase, sale or borrowing transactions.* Purchase, sale or borrowing transactions occurring in the usual course of business between affiliated persons of registered investment companies shall be exempt from section 17 (a) of the act provided (a) the transactions involve notes, drafts, time payment contracts, bills of exchange, acceptances or other property of a commercial character rather than of an investment character; (b) the buyer or lender is a bank; and (c) the seller or borrower is a bank or is engaged principally in the business of instalment financing.

2. The text of new § 270.17a-4 (Rule N-17A-4) is as follows:

§ 270.17a-4 *Exemption of transactions pursuant to certain contracts.* Transactions pursuant to a contract shall be exempt from section 17 (a) of the act if at the time of the making of the contract and for a period of at least six months prior thereto no affiliation or other relationship existed which would operate to make such contract or the subsequent performance thereof subject to the provisions of said section 17 (a).

Since the foregoing action involves the enlargement of an existing exemption and the granting of an additional exemption, the Commission, acting pursuant to section 4 (c) of the Administrative Procedure Act, declares such action effective July 22, 1947.

(Secs. 17 (a) and 38 (a), 54 Stat. 815, 841; 15 U. S. C. 80a-17, 80a-37)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 21, 1947.

[F. R. Doc. 47-7054; Filed, July 28, 1947; 8:58 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Reg. 3]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

RECOMPUTATION OF BENEFITS

Regulations No. 3 (20 CFR, Cum. Sup., 403.1 et seq., as amended, see 12 F. R. 570) are further amended as follows:

1. The heading of § 403.304, paragraph (b), is amended to read:

(b) *Method of recomputation.*

2. Section 403.304 (b) (1), subdivision (ii), is amended to read as follows:

(1) *For wage earner.* • • •

(ii) As though he became entitled to primary insurance benefits as of the date he filed application for recomputation, and

3. Section 403.304, paragraph (c), is deleted.

4. Section 403.304, paragraph (d), is renumbered as paragraph (c) and is amended, by deleting the last sentence thereof, to read as follows:

(c) *Effect of recomputation.* Benefits computed on the basis of a prior application or application for recomputation terminate with the month before the month in which the application for recomputation is filed if the recomputed benefit is higher, and benefits as recomputed are payable beginning with the month in which such application is filed.

(Sec. 1102, 49 Stat. 647, sec. 205 (a), 53 Stat. 1368; 42 U. S. C. 405 (a); sec. 4 Reorg. Plan No. 2, 1946, 11 F. R. 9873; sec. 1, FSA Order 9, Jan. 15, 1947)

Dated: July 21, 1947.

MAURINE MULLINER,
Acting Commissioner for Social Security.

Approved: July 23, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-7046; Filed, July 28, 1947; 8:57 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter J—House Manufacturing Loans, War Housing Insurance

PART 585—ADMINISTRATIVE RULES OF THE FEDERAL HOUSING COMMISSIONER UNDER SECTION 609 OF THE NATIONAL HOUSING ACT

APPLICATION AND COMMITMENT

Sec.
585.1 Mortgagee approved under section 203 (b) or section 603 (b) of the National Housing Act approved as lenders to file application.
585.2 Form of application.
585.3 Fee to accompany application.
585.4 Approval of application.

ELIGIBLE LOANS

585.5 Use of proceeds.
585.6 Maximum amount of loan.
585.7 Execution of binding purchase contracts.
585.8 Security, agreements and undertakings.
585.9 Requirements with respect to plant facilities, capital funds, and experience and credit standing.
585.10 Maturity.
585.11 Rate of interest.
585.12 Loan agreement, matters required therein.
585.13 Form and contents of note.
585.14 Inspections of books, records and operations of borrower.
585.15 Fees and charges collectible from borrower.

EFFECTIVE DATE

585.16 Effective date.

AUTHORITY: §§ 585.1 to 585.16, inclusive, issued under sec. 607, 55 Stat. 61, sec. 609, Pub. Law 129, 80th Cong.; 12 U. S. C. Sup. 1742.

APPLICATION AND COMMITMENT

§ 585.1 *Mortgagee approved under section 203 (b) or section 603 (b) of the National Housing Act approved as lenders to file application.* Application for the insurance of loans under section 609 of the National Housing Act, which are eligible as hereinafter provided, may be filed by any lender which is approved as a mortgagee under sections 203 (b) or 603 (b) of the National Housing Act, and by any other chartered institution or permanent organization having succession upon its approval by the Commissioner for a particular transaction.

§ 585.2 *Form of application.* The application must be made upon a standard form prescribed by the Commissioner and forwarded to the Federal Housing Administration, Washington 25, D. C. Prior to the filing of the formal application, the proposed Borrower or the proposed Lender may submit to the Federal Housing Administration a request for a preliminary analysis with respect to specific questions of eligibility upon a standard form to be prescribed by the Commissioner, which request should be forwarded to Washington headquarters.

§ 585.3 *Fee to accompany application.* The application must be accompanied by the Lender's check for a sum computed at the rate of three dollars ($3) per thousand dollars ($1,000) of the original principal amount of the loan applied for. If the application is refused without an estimate of the necessary current cost of manufacturing the houses, the fee paid will be returned to the applicant. If agreements are entered into between the Borrower and the Lender, with the approval of the Commissioner for the substitution of the security for an insured loan, a further fee shall be paid at the time of the request for substitution, in such amount as may be determined by the Commissioner, but, in no event, shall such additional fee exceed one dollar and a half ($1.50) per thousand dollars ($1,000) of the loan value of the substituted security as determined by the Commissioner.

§ 585.4 *Approval of application.* Upon approval of an application, acceptance of the loan for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions under which the insurance will be granted.

ELIGIBLE LOANS

§ 585.5 *Use of proceeds.* The proceeds of the loan shall be used for the purpose of financing the cost of manufacturing houses meeting such requirements of sound quality, durability, livability and safety as may be prescribed by the Commissioner.

§ 585.6 *Maximum amount of loan.* The loan shall involve a principal obligation not in excess of 90% of the amount which the Commissioner estimates will be the necessary current cost of manufacturing such houses, exclusive of profit.

§ 585.7 *Execution of binding purchase contracts.* The borrower shall establish that binding contracts have been executed satisfactory to the Commissioner, providing for the purchase and delivery of the number of houses to be manufactured with the proceeds of the loan.

§ 585.8 *Security, agreements and undertakings.* The loan shall be secured by an assignment of the purchase contracts specified in the next preceding paragraph and of all sums payable under such purchase contracts, with the right in the assignee to proceed against such security in the case of default as provided in the assignment, which assignment shall be in such form and contain such terms and conditions as may be prescribed by the Commissioner; and the Commissioner may require such other agreements and undertakings to further secure the loan as he may determine, including the right, in the case of default or at any time necessary to protect the lender, to compel delivery to the lender of any houses manufactured with the proceeds of the loan and then owned and in the possession of the borrower.

§ 585.9 *Requirements with respect to plant facilities, capital funds, and experience and credit standing.* The borrower shall establish to the satisfaction of the Commissioner that he has or will have (a) adequate plant facilities, (b) sufficient capital funds, taking into account the loan applied for, and (c) the experience necessary to achieve the required production schedule. The borrower must have a general credit standing satisfactory to the Commissioner.

§ 585.10 *Maturity.* The loan shall have a maturity satisfactory to the Commissioner but not in excess of one year from the date of the note.

§ 585.11 *Rate of interest.* The loan may bear interest at such rate as may be agreed upon between the borrower and the lender, but in no case shall such interest rate be in excess of 4% per annum on the amount of the principal obligation outstanding at any time.

§ 585.12 *Loan agreement, matters required therein.* The borrower and the lender shall, prior to the insurance of the loan, enter into a written loan agreement, containing such terms and conditions and undertakings with respect to

the loan transaction as may be approved by the Commissioner, including provisions with respect to the manner and conditions under which advances, (if any), during the process of manufacture are to be made by the lender and approved for insurance by the Commissioner, and provisions under which substitutions of security may be made from time to time.

§ 585.13 *Form and contents of note.* The note evidencing the indebtedness shall be in such form and contain such provisions as the Commissioner may determine, including a provision for acceleration of maturity, at the option of the holder, in the event of default in the payment of any sums due thereunder or failure to perform any undertaking or agreement contained in the note or any collateral document executed in connection with the loan transaction.

§ 585.14 *Inspections of books, records and operations of borrower.* The books, records, contracts, documents, papers, property equipment, buildings and machinery used in connection with and pertaining to the manufacture of the houses shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times. The borrower shall furnish, at the request of the Commissioner, his employees or attorneys, specific answers to questions upon which information is desired from time to time relative to the income, assets, liabilities, contracts, operations, including all papers and documents relating to cost of manufacturing of such houses, and any other information with respect to any matters concerned with the manufacturing of such houses which may reasonably be required by the lender and the Commissioner. The above enumeration of specific items shall not be deemed in any manner to limit the generality of the preceding sentence. In case the borrower is in default either under the provisions of the loan, or has failed to meet any applicable requirements of this section, or is in default with respect to any agreement or undertaking between the borrower and the lender or any agreement or undertaking to which the Commissioner is a party, the Commissioner may require the borrower to furnish at the expense of the borrower a complete audit of the borrower's books of accounts, duly certified by a public accountant satisfactory to the Commissioner.

§ 585.15 *Fees and charges collectible from borrower.* The lender may charge and collect from the borrower the amounts payable by the lender to the Commissioner on account of insurance premiums under the insurance contract, application and appraisal fees, and inspection charges.

EFFECTIVE DATE

§ 585.16 *Effective date.* These administrative rules (§§ 585.1 to 585.16, inclusive), are effective as to all loans with respect to which a commitment to insure under section 609 is issued to an approved lender on or after July 25, 1947.

PART 586—REGULATIONS OF THE FEDERAL HOUSING COMMISSIONER UNDER SECTION 609 OF TITLE VI OF THE NATIONAL HOUSING ACT

Sec.

586.1 Citation.
586.2 Definitions.
586.3 Insurance premiums.
586.4 Contract of insurance.
586.5 Default and rights of lender under insurance contract.
586.5 Payment of debentures.
586.7 Assignments.
586.8 Amendments.
586.9 Effective date.

AUTHORITY: §§ 586.1 to 586.9, inclusive, issued under sec. 607, 55 Stat. 61, sec. 609, Pub. Law 129, 80 Cong., 12 U. S. C. Sup. 1742.

§ 586.1 *Citation.* The regulations in this part may be cited and referred to as "Part 586—Regulations of the Federal Housing Commissioner under section 609 of the National Housing Act, issued July 25, 1947".

§ 586.2 *Definitions.* As used in the regulations in this part, the term:

(a) "Commissioner" means the Federal Housing Commissioner.

(b) "Act" means the National Housing Act, as amended.

(c) "Contract of Insurance" means the written instrument duly executed by the Commissioner and the lender setting forth the terms, conditions and provisions of insurance.

(d) "Lender" means a financial institution which is eligible to obtain the insurance of loans made pursuant to section 609 of the act and includes the original lender, its successors and such of its assigns as are approved by the Commissioner.

(e) "Insured Loan" means a loan with respect to which the Commissioner has executed a contract of insurance.

§ 586.3 *Insurance premiums.* The lender shall pay to the Commissioner an insurance charge equal to one per centum (1%) of the original principal of the loan specified in the Commitment to insure and such premium charge shall be paid on the date the contract of insurance becomes affective. Such premium charge shall be construed as fully earned when paid and shall be computed without regard to the amount of the loan actually advanced or outstanding.

§ 586.4 *Contract of insurance.* Upon compliance satisfactory to the Commissioner with the terms of the commitment to insure, the Commissioner and the lender shall execute the Contract of Insurance and the loan shall be an insured loan from the effective date of such contract. The Commissioner and the lender shall thereafter be bound by the contract of insurance, subject to the provisions of the regulations in this part which shall form a part of each such contract. The contract of insurance shall contain such provisions as the Commissioner may prescribe with respect to the servicing of the loan, submission of reports and notices regarding the loan transaction and other duties of the lender in the handling of the loan transaction prior or subsequent to default, consistent with the provisions of section 609 of the act and the administrative rules and regulations thereunder.

§ 586.5 *Default and rights of lender under insurance contract.* If the borrower fails to make any payment due under or provided to be paid by the terms of the loan or fails to perform any other covenant or obligation contained in any assignment, agreement or undertaking executed by the borrower in connection with such loan, because of which the lender has declared the full amount due and payable under the acceleration clause contained therein, and such failure continues for a period of thirty (30) days, the loan shall be considered in default and the lender shall, within thirty (30) days thereafter, give notice in writing to the Commissioner of such default. At any time within thirty (30) days after the date of such notice, or within such further period as may be agreed upon by the Commissioner in writing, the lender shall in such manner as the Commissioner may require, assign, transfer, and deliver to the Commissioner the original credit instrument without recourse or warranty, except that the note bears the genuine signature of the borrower, is valid and enforceable in the jurisdiction in which it is issued, the amount stated in the instrument of assignment is actually due and owing, there are no offsets or counterclaims thereto, and that the lender has a good right to assign the note and other items enumerated below:

(a) All rights and interest arising with respect to the loan so in default;

(b) All claims of the lender against the borrower or others, arising out of the loan transaction, except such claims as may have been released with the approval of the Commissioner;

(c) Any cash or property held by the lender, or to which it is entitled, as deposits made for the account of the borrower and which have not been applied in reduction of the principal of the loan; and

(d) All records, documents, books, papers, and accounts relating to the loan transaction.

The assignment provided for in this section shall be in a form satisfactory to the Commissioner.

§ 586.6 *Payment of debentures.* Upon such assignment, transfer, and delivery and compliance with the provisions of § 586.5, the Commissioner shall deliver to the lender:

(a) Debentures of the War Housing Insurance Fund as set forth in section 604 (d) of the act, issued as of the date the loan became in default, bearing interest at the rate of two and one-half (2½%) per centum per annum, payable semi-annually on the first day of January and the first day of July of each year and having a total face value equal to the unpaid principal balance of the loan on the date of default as determined in § 586.5, less any amounts received by the lender from any source and applied on the loan subsequent to the date of default and prior to its assignment to the Commissioner.

(b) Such debentures shall be registered as to principal and interest and all

or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall be issued in multiples of $50 and any difference not in excess of $50 between the amount of debentures to which the lender is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the lender.

§ 586.7 *Assignments.* Loans insured under the regulations in this part may be transferred (but, except with the written approval of the Commissioner, only subsequent to full disbursement of the loan proceeds) to a transferee, who is approved by the Commissioner. Upon such approval and transfer and the assumption by the transferee of all obligations under the Contract of Insurance, the transferor shall be released from its obligations under the Contract of Insurance.

§ 586.8 *Amendments.* The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not affect the Contract of Insurance on any loan already insured or any loan on which the Commissioner has made a Commitment to insure.

§ 586.9 *Effective date.* The regulations in this part are effective as to all loans on which a Commitment to insure under section 609 is issued to an approved lender on or after July 25, 1947.

Issued at Washington, D. C., July 25, 1947.

RAYMOND M. FOLEY,
Federal Housing Commissioner.

[F. R. Doc. 47-7117; Filed, July 28, 1947; 8:57 a. m.]

Chapter VII—Housing and Home Finance Agency

REDESIGNATION OF CHAPTER

NOTE: Chapter VII of Title 24, formerly designated as National Housing Agency, is redesignated as Chapter VII, Title 24, Housing and Home Finance Agency.

GENERAL RESPONSIBILITIES AND ORGANIZATION OF OFFICE OF ADMINISTRATOR, INCLUDING DELEGATIONS OF FINAL AUTHORITY

ADOPTION OF NATIONAL HOUSING ADMINISTRATOR'S ISSUANCES

Adoption of National Housing Administrator's issuances by the Housing and Home Finance Administrator—(a) *Purpose.* Reorganization Plan No. 3 of 1947 (12 F. R. 4981) vests in the Housing and Home Finance Administrator certain functions which were previously vested in the National Housing Administrator. The purpose of this document is to continue in effect the appropriate issuances of the National Housing Administrator.

(b) *Continuation of National Housing Administrator's issuances.* All regulations, orders, delegations, instructions, notices, designations, and other documents duly issued by the National Housing Administrator (including those for the internal administration of the National Housing Agency) which are in force at the time Reorganization Plan No. 3 of 1947 takes effect are hereby adopted, ratified, and confirmed and shall continue in effect as issuances of the Housing and Home Finance Administrator until such time as they may be superseded or repealed.

(c) *Substitution of names.* Where reference is made in such documents to the Office of the Administrator or constituent units of the National Housing Agency or officials thereof, such reference shall be deemed to be to the succeeding or corresponding Office of the Administrator or constituent units of the Housing and Home Finance Agency or officials thereof.

(d) This document is effective as of the time of taking effect of Reorganization Plan No. 3 of 1947.

(54 Stat. 1125, as amended, 42 U. S. C. Sup. 1521; 55 Stat. 838, 50 U. S. C. App. Sup. 601; 59 Stat. 613, 5 U. S. C. Sup. 133y; Pub. Law 600, 79th Cong., 60 Stat. 806; E. O. 9070, Feb. 24, 1943, 3 CFR Cum. Supp.)

Approved this 27th day of July 1947.

RAYMOND M. FOLEY,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 47-7176; Filed, July 28, 1947; 11:59 a. m.]

GENERAL RESPONSIBILITIES AND ORGANIZATION OF OFFICE OF ADMINISTRATOR INCLUDING DELEGATIONS OF FINAL AUTHORITY

DELEGATION TO PUBLIC HOUSING COMMISSIONER OF FUNCTIONS AND POWERS

Delegation to Public Housing Commissioner of functions and powers under Public Laws 781 and 849, 76th Congress, and 9, 73, and 353, 77th Congress, as amended.

Delegation of authority. (a) There are hereby delegated to the Public Housing Commissioner (and to the person designated by the President pursuant to section 7 of Reorganization Plan No. 3 of 1947 to perform temporarily the functions of said Commissioner until the time when a Public Housing Commissioner, appointed under section 4 of said Plan, takes office) such functions and powers of the Housing and Home Finance Administrator under Public Laws 781 and 849, 76th Congress, and 9, 73 and 353, 77th Congress, as amended, as were administered by the Federal Public Housing Commissioner, immediately preceding the effective date of Reorganization Plan No. 3 of 1947, pursuant to the provisions of said laws, Executive Order 9070, and regulations and delegations issued or made thereunder, or with respect thereto, by the National Housing Administrator.

(b) This document is effective as of the time of taking effect of Reorganization Plan No. 3 of 1947.

(54 Stat. 872, 883, as amended, 54 Stat. 1125, as amended, 55 Stat. 14, 55 Stat. 197, 198, 55 Stat. 810, 818, 55 Stat. 838, 59 Stat. 613, 60 Stat. 806; 42 U. S. C. Sup. 1521, 50 U. S. C. App. Sup. 601, 5 U. S. C. Sup. 133y; Reorganization Plan No. 3 of 1947, 12 F. R. 4981; E. O. 9070, 7 F. R. 1529)

Approved this 27th day of July 1947.

RAYMOND M. FOLEY,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 47-7175; Filed, July 28, 1947; 11:59 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS OF THE DEPARTMENT OF LABOR

AUTHORITY AND FUNCTIONS OF SECRETARY

Pursuant to R. S. 161 (5 U. S. C. 22) and sections 9 (f) and (g), Title I of the Labor-Management Relations Act, 1947 (Public No. 101, Ch. 120, 80th Cong., 1st Sess.), § 2.001 (a) (1) is amended by adding subdivision (xiii) as follows:

§ 2.001 *Office of the Secretary—(a) Functions—Secretary of Labor.* • • •

(xiii) Exercising and performing the authority and functions conferred by sections 9 (f) and (g), Title I, Labor-Management Relations Act, 1947 (Public No. 101, Ch. 120, 80th Cong., 1st Sess.).

The functions of the Secretary of Labor under this provision are performed in the Office for the Registration of Labor Organizations created in the Office of the Secretary by General Order No. 29, July 16, 1947.

(R. S. 161, secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 5 U. S. C. 22)

Signed at Washington, D. C., this 22d day of July 1947.

KEEN JOHNSON,
Acting Secretary of Labor.

[F. R. Doc. 47-7048; Filed, July 28, 1947; 8:57 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 841]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding thereto the following commodity:

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
663900	Other nonferrous ores, metals, and alloys, except precious: Thoriated tungsten wire.	Lbs..	None	None

Shipments of the above commodity removed from general license, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective June 27, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: June 23, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47-7087; Filed, July 28, 1947; 9:00 a. m.]

[Amdt. 342]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding thereto the following commodities:

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
790700	Freight cars, over 10-ton capacity	Unit	None	None
790750	Mine, industrial, and other freight cars, not over 10-ton capacity.	Unit	None	None

Shipments of the above commodities removed from general license, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective June 30, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: June 25, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47-7088; Filed, July 28, 1947; 9:00 a. m.]

[Amdt. 343]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding thereto the following commodities:

Dept. of Commerce Schedule B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
	Steel mill products—Casing and oil-line pipe:			
666200	Seamless	Lbs.	$100	$25
666300	Casing, welded	Lbs.	100	25
666400	Seamless black pipe, except casing, oil-line and boiler.	Lbs.	100	25

Shipments of the above commodities removed from general license, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective July 9, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: July 3, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47-7089; Filed, July 28, 1947; 9:00 a. m.]

Chapter XIV—War Contracts Price Adjustment Board

PART 1608—TEXT OF STATUTES, ORDERS, JOINT REGULATIONS AND DIRECTIVES

DELEGATION TO THE SECRETARY OF THE TREASURY

JULY 1, 1947.

Delegation by the War Contracts Price Adjustment Board of powers, functions and duties relating to net renegotiation rebates under the Renegotiation Act.

§ 1608.823 *Delegation to the Secretary of the Treasury.* (a) There is hereby rescinded so much of the delegation of the War Contracts Price Adjustment Board dated August 10, 1945 to the Secretaries as relates to the powers, functions and duties conferred upon the Board by subsection (a) (4) (D) of the Renegotiation Act of 1943.

(b) Pursuant to the provisions of subsection (d) (4) of the Renegotiation Act, there is hereby delegated to the Secretary of the Treasury all of the powers, functions and duties conferred upon the Board by subsection (a) (4) (D) of the act, relating to the computation, determination and processing of net renegotiation rebates.

(c) In the exercise of the powers, functions and duties hereby delegated, the computation and determination of the amounts of such net renegotiation rebates shall be made in accordance with such regulations relating thereto as are issued or adopted by the Board and in accordance with the principles and policies established by the Board.

(d) The powers, functions and duties hereby delegated to the Secretary of the Treasury may be delegated in whole or in part by him to such officers or agencies of the United States as he may designate, and he may authorize successive redelegations of such powers, functions and duties.

(e) This delegation shall be effective as of July 1, 1947.

By order of the War Contracts Price Adjustment Board.

JOHN R. PAULL,
Chairman.

[F. R. Doc. 47-7177; Filed, July 28, 1947, 12:15 p. m.]

TITLE 34—NAVY

FUNCTIONS OF THE ARMED FORCES

CROSS REFERENCE: For Presidential order prescribing the assignment of primary functions and responsibilities to the armed services, see Executive Order 9877, *supra.*

Chapter I—Department of the Navy

PART 27—PROCEDURES OF THE NAVAL ESTABLISHMENT

NAVY PROCUREMENT DIRECTIVES

Amend § 27.2 (i) to read as follows:

§ 27.2 *Procurement of matériel.* • • •

(i) *Navy procurement directives.* Navy procurement directives are issued by the Secretary to all purchasing activities within the Naval Establishment for their guidance in the procurement of services and matériel. Copies of specific directives may be obtained by addressing a request to the Secretary of the Navy, Washington, D. C.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-7047; Filed, July 28, 1947, 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 0—ORGANIZATION AND ASSIGNMENT OF WORK

BUREAU ORGANIZATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of July A. D. 1947.

Section 17 of the Interstate Commerce Act, as amended (49 U. S. C. 17), being under consideration:

It is ordered, That the following changes in and additions to the list of district and field offices of the Commission, published in 11 F. R. 10305, under § 0.11 should be made:

§ 0.11 *Bureau organization.* • • •

(f) *Bureau of Inquiry.* • • •

(2) *Field Headquarters.* • • •

City and New Address

San Francisco, Calif., 107 Federal Office Building, Civic Center.

(h) *Bureau of Locomotive Inspection.* • • •

(2) *District offices.* • • •

City and New Address

Buffalo, N. Y., 514 Post Office Building.
Indianapolis, Ind., 218 Post Office Building.
Mobile, Ala., 337 U. S. Court and Custom Building.

(i) *Bureau of Motor Carriers.* • • •

(3) *District Offices; location of Directors and Supervisors.*

District No. and New Address

3—204 Appraisers Store Building, Baltimore 2, Md.
3—506 Dauphin Building, Harrisburg, Pa.
4—526 Hawley Building, Wheeling, W. Va.
5—315 Post Office Building, Raleigh, N. C.
6—208 Social Security Building, 2225 Third Avenue North, Birmingham, Ala.
7—409 Post Office Building, Lexington, Ky.
9—425 Union Trust Building, Madison, Wis.
11—634 Federal Building, New Orleans, La.
12—606 Amarillo Building, Amarillo, Tex.
12—432 U. S. Terminal Station Building, Dallas 2, Tex.
16—401 Security Building, Phoenix, Ariz.
16—166 Federal Office Building, Civic Center, San Francisco, Calif.

The following are newly established offices:

District No. and Address

1—420 Federal Building, Springfield, Mass.
2—410 Post Office Building, Trenton 9, N. J.
10—205 Post Office Building, Sioux City, Iowa.

(k) *Bureau of Safety.* • • •

(2) *Field headquarters.* (ii) • • •

Delete:

Grand Rapids, Mich., and Fort Worth, Tex.

Add:

El Paso, Tex.

(l) *Bureau of Service.* • • •

(3) *District offices.* • • •

City and New Address

Buffalo, N. Y., 327 Post Office Building.
St. Louis, Mo., 938 U. S. Court House.
San Francisco, Calif., 101 Federal Office Building.
Dallas, Tex., 430 Post Office Building, Terminal Annex.

(o) *Bureau of Valuation.* • • •

(2) *Field headquarters*—(i) *Land appraisers.* • • •

City and New Address

St. Louis, Mo., 934 U. S. Court and Customhouse.

(ii) *Auditors.* • • •

City and New Address

San Francisco, Calif., 107 Federal Office Building, Civic Center.

(p) *Bureau of Water Carriers and Freight Forwarders.* • • •

(2) *District Supervisors.* • • •

City and New Address

San Francisco, Calif., 107 Federal Office Building, Civic Center.
New Orleans 12, La., 634 Federal Building, 600 South Street.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing with the Director of the Division of the Federal Register.

(24 Stat. 385, 25 Stat. 861, 40 Stat. 270, 41 Stat. 492, 493, 47 Stat. 1368, 54 Stat. 913; 49 U. S. C. 17)

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-7064; Filed, July 28, 1947; 8:59 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2124455]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 18, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on September 19, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 19, 1947, to December 19, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 30, 1947, to September 19, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 19, 1947, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 19, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from November 29, 1947, to December 19, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 19, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Pueblo, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Pueblo, Colorado.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 14 S., R. 69 W.
Sec. 19, lots 5, 7, and 8.

The area described aggregates 114.07 acres.

The land, which is in Colorado Grazing District No. 5, is composed mainly of steep

rocky ridges. The soil is of a coarse, disintegrated granite.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7053; Filed, July 28, 1947; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 383]

MARKET AGENCIES AT ST. LOUIS NATIONAL STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

Correction

In F. R. Doc. No. 47-7009, appearing on page 4973 of the issue for Friday, July 25, 1947, the headnote should read as set forth above.

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 371]

SPECIAL INDUSTRY COMMITTEE NO. 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. Fernando A. Villamil from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employers on such committee, Mr. Jose Rodriguez of San Juan, Puerto Rico.

Signed at Washington this 16th day of July 1947.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 47-7049; Filed, July 28, 1947; 8:57 a. m.]

[Administrative Order 372]

SPECIAL INDUSTRY COMMITTEE NO. 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. Jose Rodriguez from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employers on such committee, Mr. Luis C. Bonet of San Juan, Puerto Rico.

Signed at Washington this 18th day of July 1947.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 47-7050; Filed, July 28, 1947; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-923]

UNITED NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 22, 1947.

Notice is hereby given that on July 11, 1947, United Natural Gas Company (Applicant), a Pennsylvania corporation, having its principal place of business at Oil City, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities:

Seven (7) gas engine driven compressors with a combined rating of 1,450 hp., and auxiliary equipment, to be installed in a proposed new compressor station to be located in Franklin Township, Beaver County, Pennsylvania.

Applicant states that the proposed facilities will be installed in a proposed compressor station to be located in Franklin Township, Beaver County, Pennsylvania, at the northern end of a proposed 20-inch pipeline described in United Natural's application for a certificate of public convenience and necessity filed in Docket No. G-891.

Applicant states that the purpose of the proposed facilities is for recompressing gas supplied from the Big Inch and Little Big Inch lines as long as the pressure provided at these lines is insufficient to transport to other points on Applicant's system such gas as may be delivered to Applicant, and for recompressing gas which is now being purchased under contract from The Manufacturers Light and Heat Company and which is limited to a maximum pressure of 365 pounds p. s. i.

Applicant intends to operate the proposed facilities only as long as the pressures available from the sources of supply are inadequate, after which application will be made to the Commission to remove the station either in its entirety or such parts as may be unnecessary for ultimate operation of the system.

It is stated that the volumes of natural gas to be compressed by the proposed facilities will be from 10,000 Mcf tc 60,000 Mcf per day, depending upon pressures and volumes at the sources of supply mentioned.

The total over-all capital cost of the proposed facilities is estimated to be $274,000. In order to finance the proposed construction, Applicant states that it is proposed that National Fuel Gas Company, its parent company, will borrow temporarily from banks a sufficient amount to supplement cash resources of Applicant and in turn will loan to Applicant on promissory notes of three months' maturities. Permanent financing to the extent necessary will be accomplished at a later date.

The estimated annual cost of operation of the proposed facilities is $106,030. It is not presently contemplated that the proposed construction will make necessary any increase in Applicant's rates.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's Rules of Practice and Procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of United Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the Rules of Practice and Procedure, and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7051; Filed, July 28, 1947; 8:45 a. m.]

[Docket No. G-924]

PHEBUS PIPE LINE CO.

NOTICE OF APPLICATION

JULY 23, 1947.

Notice is hereby given that on July 16, 1947, Phebus Pipe Line Company (Applicant), an Illinois corporation having its principal place of business at Owensboro, Kentucky, filed an application for permission and approval of the Commission to abandon the following-described facilities and to discontinue the service rendered thereby:

Approximately 8 miles of 6-inch natural-gas transmission pipe line, together with necessary appurtenances, extending from the Russellville Gas Field in Lawrence County, Illinois, in a southeasterly direction to a point near Vincennes, Indiana.

Applicant states that, by means of the facilities described, it transports and sells natural gas produced in the Russellville Field to Hoosier Gas Corporation for resale by the latter in the cities of Vincennes, Washington, and Princeton, Indiana, and environs.

Applicant states that it is not Hoosier Gas Corporation's major or sole source of supply and that abandonment by Applicant of its system and discontinuance of service to Hoosier Gas Corporation will not materially affect the latter's service to its consumers.

It is stated that the wells from which Applicant receives its source of supply have become so depleted that it is not economically advisable to continue operation of its pipe line system; that production has decreased from a total of 92,059 Mcf in the year 1943 to 37,527 Mcf in the year 1946, and a total of 6,551 Mcf for the first five months of 1947.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's Rules of Practice and Procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Phebus Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules and practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7052; Filed, July 28, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte 166]

1947 INCREASED FREIGHT RATES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 24th day of July A. D. 1947.

Upon consideration of the petition in the above-entitled proceeding filed on July 3, 1947, as amended July 23, 1947, by common carriers by railroad named therein, comprising all the Class I railroads in the United States, and many railroads of other classifications, requesting the Commission to institute an investigation into the level of railway freight rates and charges, and to authorize the petitioners to increase their freight rates and charges 25 percent within eastern territory; 15 percent within southern and within western territories; 25 percent interterritorially between southern and western territories, on the one hand, and eastern territory, on the other; and 15 percent interterritorially between southern and western territories, with certain exceptions, as set forth in detail in Appendix II to the petition, as amended, with permission to make such increased rates and charges effective at the earliest possible date, upon one day's notice, and for a general order modifying all outstanding orders of the Commission to the extent necessary to enable the petitioners to make the proposed increased rates and charges effective, and for entry of appropriate orders under sections 4 and 6 of the Interstate Commerce Act, and for other and further relief:

It is ordered, That an investigation is hereby instituted into and concerning the reasonableness and lawfulness of further increases in freight rates and charges of petitioning carriers and intervening petitioners and that the investigation and the petition, as amended, be, and they are hereby, assigned for hearing at the office of the Commission in Washington, D. C., before Division Two, on September 9, 1947, at 9 a. m. United States standard time (10 a. m. District of Columbia daylight saving time).

And it is further ordered, That the proceedings be governed by the special rules of practice hereto appended, in addition to the general rules of practice before the Commission.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX—SPECIAL RULES OF PRACTICE APPLICABLE IN PROCEEDING IN DOCKET EX PARTE NO. 166

Interventions. Petitions of intervention by carriers other than the petitioners, seeking similar relief should comply with the General Rules of Practice, Rule 72. Persons appearing in opposition to the petition herein, or in opposition to any similar petition of carriers other than those filing the original petition, will be considered as protestants, and may be heard without the filing of petitions of intervention.

Simplification of presentations. In order to conserve time and avoid expense, it is strongly urged that persons finding themselves with common interests in the proceeding shall, to the greatest extent possible, endeavor to consolidate their presentation of testimony, and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument.

Evidence offered should be carefully prepared with a view to conciseness and clarity, and so as to avoid extraneous, immaterial, and irrelevant matter and undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

Exhibits. In the preparation of exhibits, Rules of Practice 81 to 84, inclusive, should be followed. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. So far as possible exhibits should be made self-explanatory in order to minimize the amount of time required for explanation by oral testimony.

Prepared statements. Witnesses who expect in the course of their testimony to read from a written statement should comply with Rule 77 of the Rules of Practice. They should have sufficient copies thereof to supply opposing counsel, the presiding officers and the official reporter. Such written statements should be furnished counsel a reasonable time before the appearance of the witness on the stand. However, in the interest of conservation of time, it is suggested that such statements be prepared and offered in the manner indicated in the paragraph below, relating to verified statements, instead of being submitted orally by a witness on the stand.

Witnesses who will use prepared statements should remember that extensive tabular matter should be submitted separately, as an exhibit, and thus avoid the necessity for copying tabular matter into the transcript of oral testimony.

Hearings. The initial hearing shall be primarily for the purpose of receiving testimony on behalf of (a) the petitioners, (b) interveners, and (c) protestants who are prepared and desire to be heard. Such additional hearings will be provided as the progress of the proceeding indicates to be necessary or desirable.

Submission of evidence in written form. The evidence in chief to be produced on behalf of the petitioners and any intervening petitioners who may come into the proceeding, shall be submitted in written form, as prepared statements by the respective witnesses, with their accompanying exhibits. Such documents should be made available to the Commission by filing copies as in the case of verified statements (hereinafter mentioned) on or before August 20, 1947, and a copy should be transmitted by petitioners and intervening petitioners to the regulatory authority of each State having jurisdiction with respect to the intrastate rates and charges of petitioners and intervening petitioners, and also to each person who shall give timely notice to the Commission and counsel for petitioners of their intention to appear as protestants. Such notification to petitioners should be made on or before August 20 1947, in writing, addressed to J. Aronson, 466 Lexington Avenue, New York 17, New York.

Verified statements (affidavits). Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will also be received in the absence of objection, as hereinafter specified. Parties desiring to offer such statements should make available as early as possible during the hearing 150 copies for the Commission and other parties, including the petitioners. Notice of any objection to the receipt of any such statement in evidence should be given to the Commission and to the party submitting the statement promptly following the receipt of such statement. If no such notice is given promptly it will be considered that objection to the receipt of the statement in evidence is waived, but objection to the weight to be accorded the statement of facts is reserved. Such statements should conform to the Rules of Practice in respect of style, mimeographing or printing, etc. They should be limited strictly to statements of fact and contain no argument, and if not so limited may be excluded. The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented in this proceeding, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing. All verified statements received in evidence will be part of the record in the proceeding, upon which the Commission will base its decision.

Notice of intention to produce testimony. Persons who desire to be heard will facilitate necessary arrangements by sending notice of their intention by letter or telegram to the Commission at Washington, so as to reach the Commission before September 4, 1947, which shall state the number of witnesses, and the approximate amount of time considered necessary for presentation of direct testimony.

Correspondence. Correspondence relative to this matter should be addressed to the Commission at Washington, D. C., with a reference to the docket number, Ex Parte No. 166.

[F. R. Doc. 47-7084; Filed, July 28, 1947; 8:48 a. m.]

[S. O. 396, Special Permit 251]

RECONSIGNMENT OF HONEY DEW MELONS AT HARRISBURG, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce ~~Act~~:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Harrisburg, Pa., (Enola Yard) July 21, 1947, by H. Rothstein and Sons, of MDT 17670 Honey Dew Melons now on the Pennsylvania Railroad to said firm at Philadelphia, Pa.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 21st day of July 1947.

HOMER C. KING,
Director.

[F. R. Doc. 47-7065; Filed, July 28, 1947; 9:00 a. m.]

[S. O. 396, Special Permit 252]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment by LaMantia Bros. at Chicago, Ill., of car IC 50047 tomatoes now on Chicago Produce Terminal, Chicago, Ill., to Detroit, Mich. (via Wab.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of July 1947.

HOMER C. KING.
Director.

[F. R. Doc. 47-7066; Filed, July 28, 1947; 9:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-3]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER DISMISSING RESPONDENTS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of July A. D. 1947.

In the matter of Electric Bond and Share Company and its subsidiary companies, respondents; File No. 59-3.

The Commission having heretofore instituted proceedings pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 directed to Electric Bond and Share Company ("Bond and Share"), a registered holding company, its registered holding company subsidiary, National Power & Light Company ("National"), National's electric utility subsidiary, Pennsylvania Power & Light Company ("Pennsylvania"), and the latter's subsidiaries, Hazle Township Water Company, Pennsylvania Realty and Investment Company, West Pittston-Exeter Railroad Company, Susquehanna Gas Company and North Branch Development Company; and

Pennsylvania having filed a request that it be dismissed as a respondent in the above-entitled proceedings by reason of the fact that National and Bond and Share have disposed of the voting securities of Pennsylvania, except for 34,146 shares of the common stock of Pennsylvania still owned by National, which 34,146 shares constitute 1.16% of Pennsylvania's outstanding voting securities; and

Pennsylvania having stated that the only relationship continuing to exist between National and Pennsylvania is that A. D. Root, vice president and treasurer of Pennsylvania, is also vice president of National and will continue in such relationship for the purpose of completing the dissolution of National and that, upon such dissolution, said relationship with National will cease; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to dismiss Pennsylvania and its above-mentioned subsidiaries as respondents in the above-entitled proceedings;

It is ordered, That Pennsylvania Power & Light Company, Hazle Township Water Company, Pennsylvania Realty and Investment Company, West Pittston-Exeter Railroad Company, Susquehanna Gas Company and North Branch Development Company, be, and hereby are, dismissed as parties respondent in the above-entitled proceedings.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-7060; Filed, July 28, 1947; 8:59 a. m.]

[File No. 70-1554]

ARKANSAS POWER & LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of July A. D. 1947.

Arkansas Power & Light Company ("Arkansas"), a utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application and amendments thereto pursuant to sections 6 (b) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding the issuance and sale at competitive bidding of $11,000,000 principal amount of First Mortgage Bonds ... Series due July 1, 1977; and

The Commission having by order dated July 11, 1947 granted said application, as amended, subject to the condition that the proposed issue and sale of bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record so completed, and subject to a further reservation of jurisdiction with respect to the payment of all legal fees and expenses incurred in connection with the proposed transaction; and

Arkansas having filed an amendment to its application setting forth the action taken to comply with the requirements of Rule U-50, said amendment stating that pursuant to the invitation for competitive bids, bids on such bonds were received from six groups of underwriters headed by the firms set forth below:

Underwriting group	Coupon rate	Price to company	Cost to company
	Percent		
Halsey, Stuart & Co., Inc.	2¾	101.009	2.824
Lehman Brothers—Stone & Webster Securities Corporation	2¾	100.8666	2.8455
Glore, Forgan & Co.—Harriman Ripley & Co., Incorporated	2¾	100.079	2.8711
Central Republic Company (Incorporated) Equitable Securities Corporation	2¾	100.0719	2.8711
The First Boston Corporation	3	102.709	2.884
Dillon, Read & Co., Inc.	3	102.289	2.8874

Said amendment to the application further stating that Arkansas has accepted the bid of the group headed by Halsey, Stuart & Co., Inc., as set out above, and that the bonds will be offered for sale to the public at a price of 101.80% of the principal amount thereof resulting in an underwriters' spread of .791% of the principal amount of said bonds; and

The Commission finding that the proposed payments of legal fees in the amount of $12,000 to Reid & Priest, New York counsel for Arkansas, $6,000 to House, Moses and Holmes, local counsel, and $8,500 to White and Case, counsel for the successful bidders for said bonds, which latter fee is to be paid by the successful bidder, are not unreasonable; and

The Commission having examined said amendment and having considered the entire record and finding no reason for imposing terms and conditions with respect to said matters:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 be, and the same hereby is, released, and that the application, as amended herein, be, and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction heretofore reserved with respect to legal fees and expenses incurred in connection with the proposed transaction including the fees and expenses payable to counsel for the successful bidder be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-7058; Filed, July 28, 1947; 8:58 a. m.]

[File No. 70-1558]

UNITED GAS IMPROVEMENT CO. AND ALLENTOWN-BETHLEHEM GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of July 1947.

The United Gas Improvement Company ("UGI"), a registered holding company, having filed a declaration under section 12 of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder with respect to the making of a cash contribution not to exceed $600,000 to its subsidiary, Allentown-Bethlehem Gas Company ("Allentown"), so as to enable Allentown to create capital surplus in sufficient amount together with earned surplus at June 30, 1947 to write off the balance of Utility Plant Adjustments amounting to $912,370, which balance is the result of a determination of original cost of Allentown's Utility Plant after charging $250,000 of such adjustments to Reserve for Depreciation, Renewals and Replacements; such disposition having been approved by order of the Pennsylvania Public Utilities Commission dated June 9, 1947; and

Declarant having stated that the funds advanced by it are to be used by Allentown to pay off bank loans amounting to $325,000 and the balance is to be applied toward the payment of capital additions presently underway or contemplated for the remaining months of 1947; and

Such declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified within said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to this declaration that there is no basis for any adverse findings under the applicable provisions of the act and rules thereunder, deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and further deeming it appropriate to grant the request of declarant that the order to be entered herein become effective on or before July 25, 1947.

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that this declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-7056; Filed, July 28, 1947; 8:58 a. m.]

[File No. 811-510]

INTERNATIONAL INVESTING CORP.

NOTICE OF MOTION TO DECLARE THAT REGISTRANT HAS CEASED TO BE AN INVESTMENT COMPANY

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of July A. D. 1947.

In the matter of International Investing Corp. (formerly General Water, Gas and Electric Company and later International Investment Corp. File No. 811-510.

Notice is hereby given that the Corporation Finance Division of the Commission, having reasonable cause to believe that International Investing Corporation has ceased to be an investment company has so advised the Commission. Whereupon, the Commission of its own motion and pursuant to section 8 (f) of the Investment Company Act of 1940, moves for an order to declare that International Investing Corporation, a registered investment company, has ceased to be an investment company within the purview of said act, and that the registration of said company should cease to be in effect.

The International Investing Corporation and all interested persons are referred to the file of said company which is on file at the Philadelphia, Pennsylvania, offices of this Commission for more detailed information as to the matters of fact and law herein at issue.

Notice is further given that an order granting said motion may be issued by the Commission at any time after August 7, 1947 unless prior thereto a hearing upon the motion is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the said act. Any interest person may, not later than July 31, 1947, at 5:30 o'clock p. m. on that date, submit to the Commission in writing his views or any additional facts bearing upon the issues herein or the desirability of a hearing thereon, or may request the Commission that a hearing be held thereon. Any such communication or request should be addressed to the Secretary of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the motion which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-7057; Filed, July 28, 1947; 8:58 a. m.]

[File No. 812-241]

TONOPAH MINING CO. OF NEVADA

ORDER DENYING APPLICATION FOR DECLARATORY ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of July A. D. 1947.

The Tonopah Mining Company of Nevada having filed an application for an order pursuant to section 3 (b) (2) of the Investment Company Act of 1940 declaring it to be primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities either directly or through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses; hearings having been held, oral argument heard and briefs filed; and the Commission being duly advised and having this day issued its findings and opinion herein; on the basis of said findings and opinion,

It is ordered, That the application be, and hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-7059; Filed, July 28, 1947; 8:59 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9354]

JACK POPA

In re: Estate of Jack Popa, also known as Avram Popa, deceased. File D-57-422; E. T. sec. 14273.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ioan Popa, whose last known address is Rumania, is a resident of

Rumania, and national of a designated enemy country (Rumania);

2. That the property described as follows:

a. The sum of $5,297.44.

b. That certain debt or other obligation of the Court Square Mortgage Loan Company, Canton, Ohio evidenced by a note, in the principal sum of $2,491.42 dated December 24, 1934 issued by the Court Square Mortgage Loan Company, Canton, Ohio and registered in the name of Avram Popa,

was paid, conveyed, transferred, assigned and delivered to "Property Alien Custodian" (Attorney General of the United States) by Leroy J. Contie, Executor of the estate of Jack Popa, also known as Avram Popa, deceased;

3. That the property described in subparagraph 2 hereof was payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Rumania);

4. That the property described in subparagraph 2 hereof is presently in the possession of the Attorney General of the United States and was property in the process of administration by Leroy J. Contie, Executor of the estate of Jack Popa, also known as Avram Popa, acting under the judicial supervision of the Probate Court of Stark County, Ohio;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property described in subparagraph 2 hereof in the Attorney General of the United States by acceptance thereof on February 3, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7068; Filed, July 28, 1947; 8:46 a. m.]

[Vesting Order 9357]

KATIE SCHOEN

In re: Estate of Katie Schoen, also known as Katrina Schoen, deceased. File No. D-28-10128; E. T. sec. 14416.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Kranken Hauss, whose last known address is Volk-Marrsen, Cassel, Germany, is an organization organized under the laws of Germany, and is a national of a designated enemy country, (Germany);

2. That the sum of $1,000.00 was paid to the Attorney General of the United States by John Dietz, Executor of the Estate of Katie Schoen, also known as Katrina Schoen, deceased;

3. That the said sum of $1,000.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on December 5, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7069; Filed, July 28, 1947; 8:46 a. m.]

[Vesting Order 9381]

NEWARK QUARTER COLLECTION, INC., AND FIDELITY UNION TRUST CO.

In re: Trust Created by Trust Agreement, dated May 6, 1926, between Newark Quarter Collection, Inc., and Fidelity Union Trust Company. File D-28-3729; E. T. sec. 11713.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edith Kuechler and Lillie Schenck, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Bodelschwingsche Anstalten, Bethel Bielefeld, Westfalen, Germany, is an organization organized under the laws of Germany and is a national of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in to and arising out of a Trust Created by Trust Agreement, dated May 6, 1926, between Newark Quarter Collection, Inc., and Fidelity Union Trust Company, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Fidelity Union Trust Company, Newark, N. J. as trustee, acting under the judicial supervision of the Essex County Orphans' Court, Essex County Courthouse, Newark, New Jersey;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc: 47-7070; Filed, July 28, 1947; 8:46 a. m.]

[Vesting Order 9386]

BERTHA JOHANNA FRIESE

In re: Obligation owing to Bertha Johanna Friese. F-28-909-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Johanna Friese, whose last known address is Deutsche Bank, Filial Frankfurt, Frankfurt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain obligation, matured

or unmatured, owing to Bertha Johanna Friese by Northern Pacific Railway Company, 176 East 5th Street, St. Paul, Minnesota, evidenced by one (1) Northern Pacific Railway Company prior lien 4% bond, due 1997, of $5,000 face value, bearing the number 3278 and being fully registered in the name of Bertha Johanna Friese, together with any and all accruals to the aforesaid obligation and any and all rights in, to and under the aforesaid bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7071; Filed, July 28, 1947; 8:46 a. m.]

[Vesting Order 9387]

MASUMI HANAOKA

In re: Bank account owned by Masumi Hanaoka, also known as M. Hanaoka. F-39-117-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masumi Hanaoka, also known as M. Hanaoka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Masumi Hanaoka, also known as M. Hanaoka, by Manufacturers Trust Company, 55 Broad Street, New York, New York, arising out of a checking account entitled M. Hanaoka, maintained at the branch office of the aforesaid bank located at 350 Fifth Avenue, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7072; Filed, July 28, 1947; 8:46 a. m.]

[Vesting Order 9391]

TATSUJI HOSHINO

In re: Debt owing to Tatsuji Hoshino, also known as T. Hoshino. F-39-3432-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tatsuji Hoshino, also known as T. Hoshino, whose last known address is Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tatsuji Hoshino, also known as T. Hoshino, by Bell & Howell Company, 7100 McCormick Road, Chicago, Illinois, in the amount of $1,055, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7073; Filed, July 28, 1947; 8:46 a. m.]

[Vesting Order 9392]

FRITZ LAMMERMEYER

In re: Bank account owned by Fritz Lammermeyer. F-28-25992-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Lammermeyer, whose last address is Muenchen, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Dollar Savings Bank, 340 Fourth Avenue, Pittsburgh, Pennsylvania, arising out of a Savings Account, account number 427171, entitled Frederick Schmidt in trust for Fritz Lammermeyer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Lammermeyer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7074; Filed, July 28, 1947; 8:47 a. m.]

[Vesting Order 9394]

DR. THEODOR NEUMANN

In re: Bank account owned by Dr. Theodor Neumann, also known as Dr. Theodor Neuman.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Theodor Neumann, also known as Dr. Theodor Neuman, whose last known address is Falkensteinerstrasse 5, Frankfurt am Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Continental Bank & Trust Company, 30 Broad Street, New York, New York, arising out of a blocked account entitled Dr. Theodor Neuman, German Society of the City of New York, Agent, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dr. Theodor Neumann, also known as Dr. Theodor Neuman, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7076; Filed, July 28, 1947; 8:47 a. m.]

[Vesting Order 9399]

ERNST RIEWERTS

In re: Bank account owned by Ernst Riewerts. F-28-1510-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Riewerts, whose last known address is Oldsmr. Island, Fohr, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Empire City Savings Bank, 231 West 125th Street, New York 27, New York, arising out of a Savings Account, account number 226,433, entitled Ernst or Christ Riewerts, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernst Riewerts, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7075; Filed, July 28, 1947; 8:47 a. m.]

[Vesting Order 9402]

GEORG STENZEL & CO.

In re: Debts owing to Georg Stenzel & Company, also known as George Stenzel & Company. F-28-8553-C-1/3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Stenzel & Company, also known as George Stenzel & Company, the last known address of which is Friedrichstrasse 16, Berlin, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Georg Stenzel & Company, also known as George Stenzel & Company, by the Norton Company, 1 New Bond Street, Worcester 6, Massachusetts, in the amount of $631.45, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Georg Stenzel & Company, also known as George Stenzel & Company, by the Cincinnati Milling and Grinding Machines, Inc., 4701 Marburg Avenue, Cincinnati 9, Ohio, in the amount of $33,580.97, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Georg Stenzel & Company, also known as George Stenzel & Company, by The Heald Machine Company, 10 New Bond Street, Worcester 6, Massachusetts, in the amount of $358.33, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7077; Filed, July 28, 1947; 8:47 a. m.]

[Vesting Order 9409]

HENRY C. BLUNCK

In re: Estate of Henry C. Blunck, deceased. File No. D-28-11688; E. T. sec. 15891.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Blunck and Emma Bahnsen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Henry C. Blunck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Walter Coutier, as Administrator, C. T. A., acting under the judicial supervision of the Mercer County Orphans' Court, Mercer County Courthouse, Trenton, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7078; Filed, July 28, 1947; 8:47 a. m.]

[Vesting Order 9410]

ANNA HEUSSER

In re: Estate of Anna Heusser, deceased. File D-28-8415; E. T. sec. 9796.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Zahn, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Anna Heusser, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Fred J. Krantz, A. J. Hettwer and Lena Stroik, Executors, acting under the judicial supervision of the County Court of Milwaukee County, Milwaukee, Wisconsin;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7079; Filed, July 28, 1947; 8:47 a. m.]

[Vesting Order 9411]

HULDA KRAUSE

In re: Estate of Hulda Krause, deceased. File D-28-11906; E. T. sec. 16105.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edith Rieman, nee Krause, Alfred Krause, Else Wagemann, nee Krause, Kurt Krause, Werner Krause and Carl Boelkow, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Hulda Krause, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Franz Roell, also known as Frank Roell, as Executor, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7080; Filed, July 28, 1947; 8:47 a. m.]

[Vesting Order 9420]

H. HAGESTEDT

In re: Debt owing to H. Hagestedt, also known as Herman Hagestedt. F-28-18112-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That H. Hagestedt, also known as Herman Hagestedt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to H. Hagestedt, also known as Herman Hagestedt, by American Express Company, 65 Broadway, New York, New York, in the amount of $2,200.00 as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7081; Filed, July 28, 1947; 8:47 a. m.]

[Vesting Order 9423]

WILHELM KAUNE

In re: Stock owned by Wilhelm Kaune, also known as William Kaune. F-28-26484-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Kaune, also known as William Kaune, whose last known address is Bremerhaven, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Eleven (11) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered LE70674, registered in the name of William Kaune, and presently in the custody of Herman Janssen, 787 South Fifth Avenue, Mount Vernon, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7082; Filed, July 28, 1947; 8:47 a. m.]

[Vesting Order 9432]

PAULA VOLKMANN

In re: Stock owned by Paula Volkmann. F-28-2579-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Volkmann, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Thirty-eight (38) shares of $100 par value common capital stock of The Baltimore & Ohio Railroad Company, Baltimore & Charles Streets, Baltimore 1, Maryland, a corporation organized under the laws of the States of Maryland and Virginia, evidenced by certificate numbered A337920, registered in the name of Paula Volkmann, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, in an account numbered F-86233, entitled Exportkreditbank A. G., Berlin, Germany—Customers account for Custody—together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7083; Filed, July 28, 1947; 8:48 a. m.]

[Vesting Order 9396]

MARTHA OBERMEYER

In re: Stock and American Share Certificate owned by and debt owing to Martha Obermeyer. F-28-1392-A-1 and F-28-1392-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Obermeyer, whose last known address is Blumenstrasse, 3 Heidelberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered as set forth in the aforesaid Exhibit A, and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

b. One (1) American Share Certificate of Chase National Bank, New York, New York, representing two (2) shares of £2 par value ordinary stock of Shell Transport & Trading Co., Ltd., % Chase National Bank, New York, New York, incorporated under the laws of Great Britain, said certificate bearing the number 0653, registered in the name of Martha Obermeyer, and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation owing to Martha Obermeyer by Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in the amount of $216.06 as of April 8, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of company	State of incorporation	Type of stock	Par value	Number of shares	Certificate No.	Name of registered owner
American International Corp., 25 Broad st., New York, N. Y.	New York	Common	None	10	A0139	Martha Obermeyer.
Great Northern Ry. Co., Great Northern Bldg., St. Paul, Minn.	Minnesota	$6 noncumulative preferred.	None	30	01195	Do.
Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.	New York	Capital	$100	{8 / 56}	C209415 / S28281	Wills & Co.
National City Bank of New York, 55 Wall St., New York, N. Y.	do	do	$20	75	C0134596	Martha Obermeyer.
Northern Pacific Ry. Co., St. Paul, Minn.	Wisconsin	Common	$100	30	C289820	Do.
Socony Vacuum Oil Co., Inc., 26 Broadway, New York, N. Y.	New York	do	$15	11	NY C 6864	Do.
Standard Oil Co. of New Jersey, 30 Rockefeller Plaza, New York, N. Y.	New Jersey	do	$25	8	C726540	Brown Bros. Harriman & Co.
Canadian Eagle Oil Co., Ltd., Canadian Bank of Commerce Bldg., Toronto, Canada.	Canada	Coupon	None	1 1 1	P184423 P184424 P184425	
Mexican Eagle Oil Co. Ltd., Mexico City, D. F., Mexico.	Mexico	Series B ordinary	4 pesos	1 1 1	606361 606362 606363	

[F. R. Doc. 47-7034; Filed, July 25, 1947; 9:02 a. m.]

[Vesting Order 9405]

SUSUMU YAMAGUTI ET AL.

In re: Debts owing to Susumu Yamaguti and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to the persons named in Exhibit A by the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, arising out of accepted accounts payable in the amounts, as of December 31, 1945, set forth opposite the names in Exhibit A, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of creditor	Amount of accepted account payable, as of Dec. 31, 1945	File No.
Susumu Yamaguti	$197.93	F-39-4124-C-1
Nobuo Usami	209.65	F-39-4132-C-1
Masao Kanno	179.67	F-39-4134-C-1
Masatoshi Nakanchi, also known as Masa Nakanchi	1,944.74	F-39-2063-C-1
Nanao Tsukui	93.21	F-39-5592-C-1
Yasuo Niki	190.82	D-39-1548-C-1
Teishiro Matsuda	57.68	F-39-5600-C-1

[F. R. Doc. 47-7035; Filed, July 25, 1947; 9:02 a. m.]

[Vesting Order 9458]

NOBUO USAMI ET AL.

In re: Debts owing to Nobuo Usami and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of the accounts described opposite the names of said persons in Exhibit A, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

AUG 5 '47

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of creditor	Type of account	Amount, as of Dec. 31, 1945	File No.
Nobuo Usami	Blocked account	$280.00	F-39-4132-E-3
Takasuke Takeshita	Foreign currency bills and TT payable account	216.25	F-39-4790-E-1
T. Sakurauchi	Commercial checking account	172.36	F-39-2373-E-1
Dr. K. Murakami	do	182.36	D-39-16792-E-2
Harue Aoki	Special allowance for account of cash teller	64.90	D-39-2319-E-1

[F. R. Doc. 47-7037; Filed, July 25, 1947; 9:02 a. m.]

AUG 5 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 148

Washington, Wednesday, July 30, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Grain Sorghums Bulletin 1]

PART 263—GRAIN SORGHUMS LOANS AND PURCHASE AGREEMENTS

SUBPART—1947

This bulletin states the requirements with respect to the 1947 Grain Sorghums Loan and Purchase Agreement Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available on grain sorghums produced in 1947 in accordance with this bulletin.

Sec.
263.101 Administration.
263.102 Availability of loans and purchase agreements.
263.103 Approved lending agencies.
263.104 Eligible producer.
263.105 Eligible grain sorghums.
263.106 Eligible storage.
263.107 Approved forms.
263.108 Determination of quantity.
263.109 Determination of dockage.
263.110 Liens.
263.111 Service fees.
263.112 Set-offs.
263.113 Interest rate.
263.114 Transfer of producer's equity.
263.115 Safeguarding of the grain sorghums.
263.116 Insurance.
263.117 Loss or damage to the grain sorghums.
263.118 Personal liability.
263.119 Maturity, delivery, and satisfaction.
263.120 Removal of the grain sorghums under loan.
263.121 Release of the grain sorghums under loan.
263.122 Purchase of notes.
263.123 Field offices of CCC.
263.124 Loan and purchase rates.

AUTHORITY: §§ 263.101 to 263.124, inclusive, issued under authority contained in Article Third paragraph (b) and (j) of the Corporate Charter of Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4 as amended, sec. 2 (a), 52 Stat. 42; sec. 4 (b), 55 Stat. 248, as amended, 15 U. S. C. and Sup., 713 (a), 714 b (b), 7 U. S. C. 1302 (a).

§ 263.101 *Administration.* The program will be administered in the field by the county agricultural conservation committees under the general supervision of the State PMA Committee.

Forms may be obtained from county committees in areas where loans and purchase agreements are available, or from other field offices of PMA. County committees will determine or cause to be determined the quantity and grade of the grain sorghums, the amount of the loan, and the value of the grain sorghums delivered under a loan or purchase agreement. All purchase and loan documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents or with the address of the CCC field office to which loan documents may be forwarded for disbursement.

§ 263.102 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans shall be available on eligible grain sorghums stored on farms in the States and counties for which loan rates are shown in § 263.124.

(2) Loans shall be available on eligible grain sorghums stored in approved public grain warehouses in all areas.

(3) Purchase agreements shall be available on eligible grain sorghums in all areas where loans are available.

(b) *Time.* Loans and purchase agreements shall be available through February 28, 1948.

§ 263.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which the CCC has entered into a Lending Agency Agreement (Form PMA–97) or other forms prescribed by the Administrator.

(Continued on p. 5027)

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FEDERAL REGISTER

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§ 263.104 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing grain sorghums in 1947, as landowner, landlord, tenant, or sharecropper.

§ 263.105 *Eligible grain sorghums.* Eligible grain sorghums shall be grain sorghums which were produced in 1947, the beneficial interest in which is now in the producer, and always has been in him, or in him and a former producer whom he succeeded before the grain sorghums were harvested, provided such grain sorghums grade No. 4 or better in accordance with Official Grain Standards and do not grade discolored, weevily, or smutty. When stored in a warehouse, the grain sorghums must not contain in excess of 14 percent moisture. When stored on the farm the grain sorghums must not contain in excess of 13 percent moisture and must have been stored in the granary at least 20 days prior to inspection for measurements, sampling, and sealing, unless otherwise approved by the State PMA Committee.

§ 263.106 *Eligible storage.* Eligible storage for grain sorghums shall meet the following requirements:

(a) Under the loan program, eligible farm storage shall consist of farm bins and granaries which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of the grain sorghums, permit effective fumigation for the destruction of insects, and afford protection against rodents, other animals, thieves, and weather.

(b) Under the loan and purchase agreement program, eligible warehouse storage shall consist of (1) public grain warehouses situated at terminal, subterminal or country points, for which a Uniform Grain Storage Agreement (CCC Form H) is in effect. (Warehousemen desiring approval should communicate with the CCC field office serving the area in which the warehouse is located); or (2) warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission.

(c) Under the purchase agreement program, grain sorghums stored in other than eligible warehouse storage will be purchased on delivered basis.

§ 263.107 *Approved forms.* The approved forms constitute the loan and purchase agreement documents which, together with the provisions of this bulletin, govern the rights and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement or in executing any of the loan or purchase documents, will render him subject to prosecution under the United States Criminal Code.

Notes and chattel mortgages, and notes and loan agreements, must be dated prior to February 29, 1948, and be executed in accordance with these instructions, with State and documentary revenue stamps affixed thereto where required by law. Purchase agreements must be signed and dated by the producer and mailed or delivered to the county committee prior to February 29, 1948. Notes and chattel mortgages, note and loan agreements, and purchase agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producer's note on CCC Commodity Form A, secured by a chattel mortgage on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of note and loan agreement on CCC Commodity Form B, secured by negotiable warehouse receipts, representing the grain sorghums stored in approved warehouses. All grain sorghums pledged as security for a loan on a single CCC Commodity Form B must be stored in the same warehouse.

(c) *Purchase agreement program.* The approved forms shall consist of the Purchase Agreement (Purchase Form 1) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by the Director, Grain Branch, PMA.

(d) *Warehouse receipts.* Grain sorghums stored in eligible warehouse storage in connection with a loan or purchase agreement must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, properly endorsed in blank so as to vest title in the holder, and be issued by an approved warehouseman.

(2) Each warehouse receipt should set forth in its written terms that the grain sorghums are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) Liens for warehouse charges will be recognized by CCC but only from May 15, 1947, or the date of the warehouse receipt, whichever is later.

(4) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight and grade, dockage, test weight and all special grading factors.

(5) In the case of warehouse receipts issued for grain sorghums delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the grain sorghums covered thereby in lieu of the information required by subparagraph (4) of this paragraph. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors.

§ 263.108 *Determination of quantity.* A unit of 100 pounds shall be determined to be 100 pounds of grain sorghums, free of dockage when determined by weight, or 2.25 cubic feet of grain sorghums testing 56 pounds per bushel when determined by measurement. A deduction of ¾ of a pound for each sack will be made in determining the net quantity of the grain sorghums when stored as sacked grain sorghums. In determining the quantity of grain sorghums in farm storage by measurement, fractional units of less than 100 pounds will be disregarded. The quantity determined by measurement of grain sorghums having a test weight less than 56 pounds per bushel shall be adjusted by the following percentages:

For grain sorghums testing	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	93
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

§ 263.109 *Determination of dockage.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States, and the weight of such dockage shall be deducted from the gross weight of the grain sorghums in determining the net quantity available for loan or purchase.

§ 263.110 *Liens.* The grain sorghums must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the grain sorghums, proper waivers must be obtained.

§ 263.111 *Service fees—(a) Loans.* Where the grain sorghums under loan are farm-stored the producer shall pay a service fee of 2 cents per 100 pounds, and where the grain sorghums under loan are warehouse-stored the producer shall pay a service fee of 1 cent per 100 pounds.

(b) *Purchase agreement.* At the time the purchaser applies for a purchase agreement he shall pay a preliminary minimum service fee of $1.50. In addition, where delivery of grain sorghums is made under the purchase agreement, the producer shall pay a service fee of 1 cent on each 100 pounds of grain sorghums delivered in excess of 160 hundredweight.

§ 263.112 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan or purchase agreement to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lien-holders. Indebtedness owing to the CCC shall be given first consideration after claims of prior lien-holders.

§ 263.113 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum; and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 263.114 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the grain sorghums under loan or his remaining interest may be restricted by CCC.

§ 263.115 *Safeguarding of the grain sorghums.* The producer obtaining a farm-stored loan is obligated to maintain the farm storage structures in good repair, and to keep the grain sorghums in good condition.

§ 263.116 *Insurance.* CCC will not require the producer to insure the grain sorghums placed under farm-storage loans; however, if the producer does insure such grain sorghums such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the grain sorghums involved in the loss.

§ 263.117 *Loss or damage to the grain sorghums.* The producer is responsible for any loss in quantity or quality of the grain sorghums placed under farm-storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 263.118 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the grain sorghums by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holdler of the note.

§ 263.119 *Maturity, delivery, and satisfaction—(a) Loans.* Loans mature on demand but not later than April 30, 1948. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity, or to deliver the mortgaged grain sorghums in accordance with the instructions of the county committee. Credit will be given for the total quantity delivered, provided it was stored in the bins in which the grain sorghums under loan were stored, at the applicable loan rate, according to grade and/or quality. If the settlement value of the grain sorghums delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the grain sorghums is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the grain sorghums may be delivered before the maturity date of the loan upon prior approval by the county committee. In the case of warehouse storage loans, if the producer does not repay his loan upon maturity CCC shall have the right to sell or pool the grain sorghums in satisfaction of the loan in accordance with the provisions of the note and loan agreement and section 263.120 hereof.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Purchase Form 1) shall not be obligated to deliver any specified quantity of grain sorghums to CCC. If the producer who signs a purchase agreement desires to sell grain sorghums to CCC he shall, during the month of May 1948, submit warehouse receipts representing eligible grain sorghums stored in eligible warehouse storage to the county committee for the quantity of such grain sorghums he elects to sell to CCC, or, in the case of grain sorghums stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Delivery shall be made to an approved warehouse, or as otherwise directed by the Administrator of PMA or his authorized representative. When delivery is completed, payment shall be made as prescribed by the Administrator. The producer shall direct to whom payment of the purchase price shall be made.

In the case of grain sorghums stored in eligible warehouse storage, purchases will be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and accompanying documents. Grain sorghums delivered from other than eligible warehouse storage will be purchased on the basis of official weights, grades and other quality factors at destination, or official weights at destination and official grades and other quality factors at the inspection point shown on the shipping order furnished the producer, which unless otherwise agreed shall be the customary location, on the route of shipment, of an inspector licensed under the U. S. Grain Standards Act; or, if such grain sorghums are delivered to a local CCC bin site, on the basis of the weight, grade and quality determinations made by the county committee (in accordance with instructions for the determination of such factors under the loan program) and approved by the producer at the time of delivery.

§ 263.120 *Removal of the grain sorghums under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the grain sorghums and sell them either by separate contract or after pooling them with other lots of grain sorghums similarly held. The producer has no right of redemption after the grain sorghums are pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled grain sorghums as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the grain sorghums, even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the grain sorghums or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 263.121 *Release of the grain sorghums under loan.* A producer may at any time obtain release of the grain sorghums under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the grain sorghums prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan and accrued interest represented by the quantity of the grain sorghums to be released. In the case of warehouse-storage loans, each partial release must cover all of the commodity under one warehouse receipt number.

§ 263.122 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on 1940 C. C. C. Form F, or such other form as the Corporation may prescribe, of all payments received on producers' notes held by them, and are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the C. C. C. field office serving the area.

§ 263.123 *Field offices of CCC.* The field offices of CCC, and the areas served by them, are shown below:

Address and Area
623 South Wabash, Chicago 3, Ill.: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia.
300 Interstate Building, 417 East Thirteenth Street, Kansas City 6, Mo.: Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.
328 McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.
Eastern Building, 513 Southwest Tenth and Washington Streets, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 263.124 *Loan and purchase rates.* Loan and purchase rates for grain sorghums grading No. 2 or better are set forth below:

(a) *Basic loan and purchase rates at terminal markets.* 1947 grain sorghums loan and purchase rates per 100 pounds for grain sorghums grading No. 2 or better, stored in approved public grain warehouses at the following terminal markets, shall be as follows:

Market	*Loan and purchase rate per 100 pounds*
Kansas City, Mo., and Omaha, Nebr.	$2.50
Memphis, Tenn., and St. Louis, Mo.	2.63
San Francisco and Los Angeles, Calif.	2.75
New Orleans, La., and Houston and Galveston, Tex.	2.58

For loan or purchase at the full rates shown in the above schedule, the grain sorghums must have been shipped by rail at the domestic interstate freight rate. The rate at the designated terminal market will be reduced by the difference between the freight paid and the domestic interstate freight rate on any grain sorghums shipped at other than such freight rate.

The foregoing schedule of rates applies to grain sorghums delivered to any designated terminal market in carload lots which have been shipped by rail from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges; *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee minimum proportional freight rate from the terminal market, there shall be deducted from the applicable terminal rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional freight rate. The warehouse receipts must be accompanied by the registered freight bills or by (1) a statement in the following form signed by the warehouseman, (2) a certificate of the warehouseman containing such a certification, or (3) such forms as may hereafter be approved by CCC.

FREIGHT CERTIFICATE FOR TERMINALS

The grain sorghums represented by attached warehouse receipt No. _____ were received by rail freight from _____ (Town) _____ (County) _____ (State) point of origin, as evidenced by freight bill described as follows:

Way bill, date _____ No. _____
Car No. _____ Initial _____
Freight bill, date _____ No. _____
Carrier _____ Transit weight _____
Freight rate in _____ Amt. collected _____
Number unused transit stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 19 of the Uniform Grain Storage Agreement.

_____
Date of signature

_____
Warehouseman's signature

_____
Address

Grain sorghums stored at a designated terminal market (including trucked-in grain sorghums) for which neither registered freight bills nor such freight certificates are presented shall have a loan or purchase rate equal to the higher of (i) the terminal rate minus 10 cents per 100 pounds, or, (ii) the county rate for the county in which the grain sorghums are stored.

(b) *Basic loan and purchase rates at other than designated terminal points.* CCC will determine the loan and purchase rate for grain sorghums in storage on the farm or in country warehouses by deducting from the designated terminal market rate an amount equal to (1) the receiving and loading-out charges computed in accordance with the schedule of rates of the Uniform Grain Storage Agreement (CCC Form H) plus (2) the average all-rail interstate freight rate (plus tax) from all shipping points in the county.

Upon request by the county committee the Branch office of CCC will determine the loan and purchase rate for grain sorghums stored in approved warehouses (other than those situated in the designated terminal markets) which are shipped by rail from country shipping points, by deducting from the appropriate designated terminal market rate an amount equal to the transit balance of the through freight from point of origin for such grain sorghums to such terminal market, plus freight tax on such transit balance: *Provided*, That in the case of grain sorghums stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing grain sorghums in such position.

The warehouse receipts, in addition to other required documents must be accompanied by the original paid freight bills duly registered for transit privileges or by a statement in the following form signed by the warehouseman, or a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The grain sorghums represented by attached warehouse receipt No. _____ were received by rail freight from _____ (Town) _____ (County) _____ (State) point of origin, as evidenced by freight bill described as follows:

Way bill, date _____ No. _____
Car No. _____ Initial _____
Freight bill, date _____ No. _____
Carrier _____ Transit weight _____
Freight rate in _____ Amt. collected _____
Transit balance, if any, of through freight rate to _____ of _____ per 100 pounds.
Number unused transit stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of

paragraph 19 of the Uniform Grain Storage Agreement.

Date of signature

Warehouseman's signature

Address

(c) *Variations for grades.* The loan and purchase rate for grain sorghums which grade No. 3 shall be discounted 8 cents per 100 pounds, and No. 4, 16 cents per 100 pounds. In addition a discount of 3 cents per 100 pounds shall apply to "mixed" grain sorghums.

(d) *Storage allowance.* There shall be no storage allowance on grain sorghums under either the loan or purchase agreement program.

A deduction of 9 cents per 100 pounds shall be made from the applicable loan rate on grain sorghums being placed under loan in a warehouse, unless evidence is submitted with the warehouse receipt that all warehouse charges except receiving charges have been prepaid through April 30, 1948.

A deduction of 9 cents per 100 pounds shall be made from the applicable purchase rate on warehouse-stored grain sorghums offered under the purchase agreement program unless evidence is submitted with the warehouse receipt that all warehouse charges except receiving charges have been paid through the date on which the warehouse receipts are tendered to the county committee.

(e) *County loan and purchase rates.* Loan and purchase rates per 100 pounds of eligible grain sorghums for the respective States and counties basis No. 2 or better grain sorghums free of dockage are listed below:

ARIZONA

County	No. 1 grain sorghums	County	No. 1 grain sorghums
Cochise	$2.16	Pima	$2.29
Graham	2.10	Pinal	2.37
Maricopa	2.40	Yuma	2.42

CALIFORNIA

Butte	$2.48	Sacramento	$2.52
Colusa	2.50	San Joaquin	2.55
Fresno	2.50	Solano	2.57
Glenn	2.48	Stanislaus	2.54
Imperial	2.47	Sutter	2.50
Kern	2.50	Tehama	2.46
Kings	2.50	Tulare	2.50
Madera	2.52	Yolo	2.53
Merced	2.53	Yuba	2.50
Riverside	2.52		

COLORADO

Adams	$2.08	Logan	$2.08
Baca	2.09	Morgan	2.08
Bent	2.08	Otero	2.08
Cheyenne	2.10	Phillips	2.11
Crowley	2.08	Prowers	2.10
Kiowa	2.10	Pueblo	2.03
Kit Carson	2.10	Washington	2.08
Las Animas	2.03	Yuma	2.10
Lincoln	2.08		

KANSAS

County	No. 1 grain sorghums	County	No. 1 grain sorghums
Allen	$2.25	Cherokee	$2.24
Anderson	2.26	Cheyenne	2.13
Atchison	2.28	Clark	2.14
Barber	2.17	Clay	2.21
Barton	2.17	Cloud	2.21
Bourbon	2.26	Coffey	2.25
Brown	2.26	Comanche	2.16
Butler	2.20	Cowley	2.20
Chase	2.22	Crawford	2.25
Chautauqua	2.22	Decatur	2.16

KANSAS—Continued

County	No. 1 grain sorghums	County	No. 1 grain sorghums
Dickinson	$2.20	Morris	$2.22
Donlphan	2.26	Morton	2.10
Douglas	2.28	Nemaha	2.25
Edwards	2.17	Neosho	2.25
Elk	2.22	Ness	2.16
Ellis	2.17	Norton	2.17
Ellsworth	2.19	Osage	2.25
Finney	2.13	Osborne	2.19
Ford	2.16	Ottawa	2.20
Franklin	2.28	Pawnee	2.17
Geary	2.22	Phillips	2.17
Gove	2.15	Pottawatomie	2.24
Graham	2.17	Pratt	2.17
Grant	2.13	Rawlins	2.14
Gray	2.15	Reno	2.19
Greeley	2.13	Republic	2.20
Greenwood	2.22	Rice	2.19
Hamilton	2.13	Riley	2.24
Harper	2.18	Rooks	2.17
Harvey	2.20	Rush	2.17
Haskell	2.14	Russell	2.18
Hodgeman	2.16	Saline	2.19
Jackson	2.26	Scott	2.14
Jefferson	2.28	Sedgwick	2.20
Jewell	2.19	Seward	2.12
Johnson	2.29	Shawnee	2.26
Kearny	2.13	Sheridan	2.15
Kingman	2.19	Sherman	2.13
Kiowa	2.17	Smith	2.19
Labette	2.24	Stafford	2.17
Lane	2.15	Stanton	2.12
Leavenworth	2.30	Stevens	2.12
Lincoln	2.19	Sumner	2.20
Linn	2.26	Thomas	2.14
Logan	2.14	Trego	2.16
Lyon	2.24	Wabaunsee	2.24
McPherson	2.19	Wallace	2.13
Marion	2.20	Washington	2.21
Marshall	2.24	Wichita	2.13
Meade	2.14	Wilson	2.24
Miami	2.28	Woodson	2.25
Mitchell	2.20	Wyandotte	2.31
Montgomery	2.24		

MISSOURI

Barton	$2.25	Jasper	$2.26
Bates	2.27	Johnson	2.30
Benton	2.31	Lafayette	2.32
Carroll	2.33	Moniteau	2.35
Cass	2.28	Morgan	2.33
Cedar	2.26	Pettis	2.34
Cooper	2.35	Polk	2.28
Dade	2.27	Ray	2.30
Henry	2.29	St. Clair	2.28
Hickory	2.28	Saline	2.34
Jackson	2.31	Vernon	2.26

NEBRASKA

Adams	$2.22	Hitchcock	$2.15
Antelope	2.22	Howard	2.23
Boone	2.24	Jefferson	2.24
Buffalo	2.22	Johnson	2.26
Burt	2.28	Kearney	2.21
Butler	2.23	Knox	2.21
Cass	2.30	Lancaster	2.23
Cedar	2.23	Lincoln	2.17
Chase	2.13	Madison	2.24
Clay	2.22	Merrick	2.24
Colfax	2.28	Nance	2.25
Cuming	2.27	Nemaha	2.26
Custer	2.19	Nuckolls	2.22
Dakota	2.25	Otoe	2.28
Dawson	2.20	Pawnee	2.25
Dixon	2.24	Perkins	2.13
Dodge	2.26	Phelps	2.20
Douglas	2.30	Pierce	2.23
Dundy	2.13	Platte	2.26
Fillmore	2.21	Polk	2.25
Franklin	2.20	Redwillow	2.17
Frontier	2.17	Richardson	2.25
Furnas	2.18	Saline	2.26
Gage	2.26	Sarpy	2.31
Gosper	2.19	Saunders	2.29
Greeley	2.23	Seward	2.27
Hall	2.23	Sherman	2.22
Hamilton	2.24	Stanton	2.25
Harlan	2.19	Thayer	2.24
Hayes	2.15	Thurston	2.27

NEBRASKA—Continued

County	No. 1 grain sorghums	County	No. 1 grain sorghums
Valley	$2.21	Webster	$2.21
Washington	2.29	York	2.25
Wayne	2.23		

NEW MEXICO

Chaves	$2.01	Lea	$2.00
Curry	2.03	Luna	1.97
Dona Ana	1.97	Quay	2.02
Eddy	1.98	Roosevelt	2.01
Harding	1.97	Union	2.00
Hidalgo	1.97		

OKLAHOMA

Alfalfa	$2.17	Lincoln	$2.17
Beaver	2.10	Logan	2.17
Beckham	2.14	McClain	2.17
Blaine	2.17	Major	2.17
Caddo	2.17	Mayes	2.21
Canadian	2.17	Noble	2.17
Cimarron	2.07	Nowata	2.23
Cleveland	2.17	Okfuskee	2.18
Comanche	2.17	Oklahoma	2.17
Cotton	2.17	Okmulgee	2.21
Craig	2.22	Osage	2.20
Creek	2.20	Ottawa	2.23
Custer	2.17	Pawnee	2.17
Dewey	2.16	Payne	2.17
Ellis	2.14	Pottawatomie	2.17
Garfield	2.17	Roger Mills	2.14
Grady	2.17	Rogers	2.22
Grant	2.17	Texas	2.09
Greer	2.14	Tillman	2.17
Harmon	2.14	Tulsa	2.20
Harper	2.11	Wagner	2.20
Jackson	2.17	Washington	2.23
Kay	2.18	Washita	2.17
Kingfisher	2.17	Woods	2.15
Kiowa	2.17	Woodward	2.14

SOUTH DAKOTA

Aurora	$2.18	Hutchinson	$2.20
Beadle	2.16	Hyde	2.12
Bon Homme	2.21	Jerauld	2.18
Brule	2.17	Kingsbury	2.18
Buffalo	2.15	Lyman	2.14
Charles Mix	2.18	Mellette	2.15
Clark	2.16	Miner	2.19
Davison	2.19	Sanborn	2.18
Douglas	2.19	Spink	2.16
Gregory	2.20	Tripp	2.16
Hand	2.14	Yankton	2.23
Hanson	2.19		

TEXAS

Andrews	$2.06	Hale	$2.06
Archer	2.09	Hall	2.06
Armstrong	2.07	Hansford	2.04
Bailey	2.06	Hardeman	2.10
Baylor	2.08	Hartley	2.03
Borden	2.06	Haskell	2.08
Briscoe	2.06	Hemphill	2.07
Brown	2.07	Hockley	2.06
Callahan	2.08	Howard	2.06
Carson	2.06	Hutchinson	2.04
Castro	2.06	Jack	2.10
Childress	2.08	Jones	2.08
Clay	2.13	Kent	2.06
Cochran	2.06	King	2.06
Coke	2.06	Knox	2.08
Coleman	2.07	Lamb	2.06
Collingsworth	2.07	Lipscomb	2.07
Comanche	2.08	Lubbock	2.06
Cottle	2.07	Lynn	2.06
Crosby	2.06	Martin	2.06
Dallam	2.03	Midland	2.06
Dawson	2.06	Mitchell	2.07
Deaf Smith	2.06	Moore	2.03
Dickens	2.06	Motley	2.06
Donley	2.07	Nolan	2.07
Eastland	2.10	Ochiltree	2.05
Erath	2.10	Oldham	2.06
Fisher	2.08	Palo Pinto	2.10
Floyd	2.06	Parmer	2.06
Foard	2.08	Potter	2.06
Gaines	2.06	Randall	2.06
Garza	2.06	Roberts	2.07
Glasscock	2.06	Runnels	2.07
Gray	2.07	Scurry	2.07

TEXAS—Continued

County	No. 1 grain sorghums	County	No. 1 grain sorghums
Shackelford	$2.08	Throckmorton	$2.08
Sherman	2.03	Wheeler	2.07
Stephens	2.10	Wichita	2.12
Sterling	2.06	Wilbarger	2.10
Stonewall	2.06	Yoakum	2.06
Swisher	2.06	Young	2.10
Taylor	2.07		
Terry	2.06		

Approved: July 24, 1947.

[SEAL] RALPH S. TRIGG,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 47-7137; Filed, July 29, 1947; 8:48 a. m.]

[1947 C. C. C. Barley Bulletin 1]

PART 264—BARLEY LOANS AND PURCHASE AGREEMENTS

SUBPART—1947

Correction

In F. R. Doc. No. 47-6917, appearing at page 4872 of the issue for Wednesday, July 23, 1947, the following changes should be made:

In § 264.124 (b) (1) the reference to "CCC Form S" should read "CCC Form H".

In the table in § 264.124 (e) the loan and purchase values per bushel should be:

Owyhee County, Idaho	$0.99
Mitchell County, Iowa	1.03

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 33—EXPORT APPLES AND PEARS

Pursuant to the provisions of the so-called Export Apple and Pear Act, approved June 10, 1933 (48 Stat. 123; 7 U. S. C. 581 et seq.), the regulations (7 CFR and Supps. 33.1 et seq.) issued thereunder, effective March 6, 1944, are hereby revised to read as follows:

DEFINITIONS

Sec.
33.1 Meaning of words.
33.2 Definitions.

ADMINISTRATION

33.3 Director.

MISCELLANEOUS

33.4 Inspection certificate.
33.5 Form of certificate.
33.6 Analysis; certificate.
33.7 Delivery of certificate.
33.8 Requirements for shipments.
33.9 Method of inspection and certification.
33.10 Noncertificated shipments; handling.
33.11 Special certificates.
33.12 Issuance of certificate; requirements.
33.13 Minimum quality requirements for shipments in export.
33.14 Less than carload lots.
33.15 Packing and marking requirements for shipments in export.
33.16 Fee for certificate.
33.17 Complaint, notice, hearing, and order.
33.18 Service of notice or order.
33.19 Effective date.

AUTHORITY: §§ 33.1 to 33.19, inclusive, issued under 48 Stat. 123; 7 U. S. C. 581 et seq.

DEFINITIONS

§ 33.1 *Meaning of words.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 33.2 *Definitions.* Each term defined in the act shall, when used in the regulations in this part have the same meaning as set forth in said act. When used in this part, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(a) "Act" or "Export Apple and Pear Act," means "An act to promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes," approved June 10, 1933 (48 Stat. 123; 7 U. S. C. 581 et seq.).

(b) "Person" means an individual, partnership, association or corporation.

(c) "Department" means the United States Department of Agriculture.

(d) "Secretary" means the Secretary of the United States Department of Agriculture or any person to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

(e) "Administration" means the Production and Marketing Administration, United States Department of Agriculture.

(f) "Administrator" means the Administrator of the Production and Marketing Administration, United States Department of Agriculture, or any officer or employee of the Administration to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

(g) "Branch" means the Fruit and Vegetable Branch of the Administration.

(h) "Director" means the Director of the Branch or any officer or employee of the Branch to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

(i) "Carrier" means any common or private carrier, including, but not being limited to, trucks, vessels, tramp or chartered steamers whether carrying for hire or otherwise.

(j) "Apples" means fresh whole apples whether or not they have been in storage.

(k) "Pears" means fresh whole pears whether or not they have been in storage.

(l) "Less than carload lots" means any lot of apples or pears of less than 400 bushels in packages.

(m) "Farm Products Inspection Act" means the following provisions of the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong. 2d sess.), or any other act of Congress conferring similar authority:

For enabling the Secretary to investigate and certify, in one or more jurisdictions, to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, canned, or otherwise processed, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered • • •

(n) "Certificate" or "export from certificate" means a statement that a designated lot of apples or pears meets the requirements of the Export Apple and Pear Act included in and made a part of (1) a certificate issued under the Farm Products Inspection Act or under section 14 of the Perishable Agricultural Commodities Act, 1930 as amended (46 Stat. 531; 7 U. S. C. 499a et seq.), or (2) a memorandum in a form approved by the Director and issued in lieu of an export form certificate.

ADMINISTRATION

§ 33.3 *Director.* The Director shall perform, for and under the supervision of the Secretary and Administrator, such duties as the Secretary or Administrator may require in the administration and enforcement of the act and the regulations in this part.

MISCELLANEOUS

§ 33.4 *Inspection certificate.* The regulations issued under the Farm Products Inspection Act governing the inspection and certification of fresh fruits and vegetables, as amended (7 CFR 51.1 et seq.) and as the same may, from time to time, be amended, insofar as the aforesaid regulations apply to apples or pears, are hereby adopted and made a part of the regulations in this part for the purposes of the act except when in conflict with specific regulations herein set forth; and all persons authorized to issue certificates of grade or condition of fresh fruits and vegetables under the said Farm Products Inspection Act are authorized to issue the certificate required, under the act and under the regulations in this part, for apples and pears.

§ 33.5 *Form of certificate.* A Farm Products Inspection Act certificate bearing in prominent letters across the face thereof the words "Export Form Certificate" shall, when issued hereunder, be issued only for apples or pears inspected and certified in accordance with the provisions of the act and the regulations in this part and shall include the following printed or typed statement: "The apples or pears covered by this certificate meet the requirements of the Export Apple and Pear Act."

§ 33.6 *Analysis; certificate.* If the apples or pears in any shipment for export are to be analyzed for any spray residue and the chemist's report is not available at the time the inspection for grade is finished, the inspector may, if practicable, issue a certificate subject to its being rescinded within 48 hours after issuance should the chemist's analysis show that the apples or pears do not comply with the tolerances for any such spray residue established under the Federal Food, Drug and Cosmetic Act, as

amended (52 Stat. 1040; 21 U. S. C. 301 et seq.).

§ 33.7 *Delivery of certificate.* If, at the time of billing for shipment in export, a certificate shall have been issued under the provisions of the act and the regulations in this part, such certificate or a copy thereof, on a form approved by the Director, shall be delivered by the shipper or his agent to the initial carrier for delivery to the proper official of any carrier on which the apples or pears, covered by the certificate or the copy thereof, as aforesaid, are to be exported.

§ 33.8 *Requirements for shipments—*(a) *Export of apples or pears.* No person shall ship, offer for shipment, transport, or offer for transportation to a foreign country apples or pears in packages except in accordance and compliance with the requirements hereof and only if a certificate has been issued with respect to such apples or pears.

(b) *No acceptance for export without certificate.* A shipment of apples or pears in packages shall not be accepted for export by any carrier unless such shipment is accompanied by a certificate or a copy thereof, on a form approved by the Director, and such certificate or a copy thereof has been surrendered to the carrier.

(c) *Split shipments.* When a certificate has been issued covering a lot of apples or pears and the shipper desires to export part of the lot by one carrier and part by another carrier, such certificate or copy thereof, as aforesaid, shall be delivered to each carrier.

(d) *Representation of issuance, without copy of certificate, not acceptable.* No carrier shall accept for shipment a part of a lot of apples or pears in packages upon the representation by the shipper or his agent or by the initial carrier that a certificate has been issued covering the entire lot of such apples or pears, but shall require that such certificate or a copy thereof, as aforesaid, be delivered to such carrier.

§ 33.9 *Method of inspection and certification.* When a shipment of apples or pears in packages is made to a foreign country under a through bill of lading or under a bill of lading marked for export, the shipper shall, except as provided in § 33.18, secure inspection of the apples or pears in such shipment and deliver to the local agent of the carrier the certificate or copy thereof, as aforesaid, covering such shipment. Such local agent shall attach such certificate or copy thereof to the waybill or make a notation on the waybill that the fruit has been inspected and that a certificate has been issued as provided herein. Inspection of a shipment of apples or pears in packages, not under a through bill of lading to a foreign country or not under a bill of lading marked for export, may be obtained at point of origin of such shipment, if inspection is available, or at any convenient point en route to or at destination.

§ 33.10 *Noncertificated shipments; handling.* Any person operating any carrier shall, within 72 hours after such carrier sails from any port, send to the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, Washington 25, D. C., a list of all shipments of apples or pears in packages on board such carrier which are not accompanied by certificates or copies thereof, as aforesaid, and shall give all particulars with reference thereto, including, but not being limited to, destination, quantity, description, marks, names and addresses of shippers and consignees, and names of railroads or persons having delivered such shipments to such carrier, with car numbers or other means of identification. The furnishing of the foregoing information shall not relieve any person operating a carrier, as aforesaid, from liability under the act or the regulations in this part if the facts warrant prosecution.

§ 33.11 *Special certificates.* A special certificate in compliance with the standards or requirements of any foreign country as to condition of apples or pears shall, as authorized by section 3 of the act, be issued as a part of, or in addition to, an export form certificate. A reasonable additional fee may be charged when the inspection necessary for the issuance of such special certificate requires additional time or an examination or certification at some time or place other than that at which the original inspection was made.

§ 33.12 *Issuance of certificate; requirements.* The issuance of a certificate does not excuse any person who fails to comply with any regulatory laws or requirements applicable to apples or pears shipped in foreign commerce. No certificate shall be issued except upon a showing satisfactory to the Director that the apples or pears shipped in foreign commerce comply with the tolerances for any arsenical or lead spray residue established under the Federal Food, Drug or Cosmetic Act, as aforesaid.

§ 33.13 *Minimum quality requirements for shipments in export—*(a) *Apples.* Any lot of apples in packages shipped or transported in foreign commerce must meet each minimum requirement of the U. S. Utility or the U. S. Utility Early grade, as specified in the United States Standards for Apples, issued by the Department in October 1937 and reissued in October 1939, subject to the tolerances for the applicable grade, except that such apples shall not contain apple maggots and, of such apples, not more than 2 percent may have apple maggot injury and not more than 2 percent may be infested with San Jose scale: *Provided*, That any lot of applies in containers conspicuously marked "cannery" may be shipped or transported, as aforesaid, if such lot of apples meets each minimum requirement of the U. S. No. 2 grade, as specified in the U. S. Standards for Cannery Apples (1930), issued by the Department on July 23, 1930, and reissued on August 30, 1943, subject to an aggregate tolerance of 10 percent for defects of this grade.

(b) *Pears.* Any lot of pears in packages shipped or transported in foreign commerce must meet each minimum requirement of the applicable U. S. No. 2 grade, as specified (1) in the U. S. Standards for Summer and Fall Pears, such as Bartlett, Hardy, and other similar varieties, effective June 27, 1940, issued by the Department on June 26, 1940, and reissued September 3, 1942, or (2) in the U. S. Standards for Winter Pears, such as Anjou, Bosc, Nellis, Comice, and other similar varieties, effective July 8, 1940, issued by the Department on June 28, 1940, and reissued on May 20, 1942, subject to the tolerances permitted for such applicable grade, except that such pears shall not contain apple maggots and, of such pears, not more than 2 percent may have apple maggot injury and not more than 2 percent may be infested with San Jose scale: *Provided*, That any lot of pears in containers conspicuously marked "cannery" may be shipped or transported, as aforesaid, if such lot of pears meets each minimum requirement of the U. S. No. 2 grade, as specified in the U. S. Standards for Pears for Canning, effective June 12, 1939, issued by the Department on June 6, 1939, and reissued September 13, 1939, subject to an aggregate tolerance of 10 percent for defects of this grade.

(c) *Exception to maturity requirements.* Any lot of apples or pears in packages shipped to a trans-Pacific port need not comply with the maturity standards of the applicable grade, if the packages are conspicuously marked or branded with the words "Immature fruit."

§ 33.14 *Less than carload lots.* Shipments of less than carload lots of apples or pears to Mexico, Cuba, the West Indies, Bahamas, Bermuda Islands, Newfoundland, or other islands adjacent to North America, or to any country in Central America or South America except Argentina, or to any African port not on the Mediterranean Sea, or to any trans-Pacific port, need not comply with the requirements of the act or the regulations in this part: *Provided*, That any shipment of apples or pears of less than 200 pounds gross weight in packages to any foreign destination shall not be subject to the provisions of the act or the regulations in this part.

§ 33.15 *Packing and marking requirements for shipments in export—*(a) *Packages; packing.* Each package shall be packed so that the apples or pears in the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(b) *Packages; marking.* Any package of apples or pears shipped in foreign commerce shall be plainly and conspicuously marked with (1) the name and address of the grower or packer; (2) the variety of the apples or pears; (3) the grade names, not lower than those specified in § 33.13; and (4) the numerical count or the minimum size of such apples or pears.

§ 33.16 *Fee for certificate.* The fee for the issuance of a certificate shall be the fee charged at that time and place where a certificate is issued for an inspection made under the Farm Products Inspection Act: *Provided*, That when any lot of apples or pears, with respect to which a farm products inspection certificate has been issued stating that the fruit meets the requirements of the act and the regulations of this part, arrives at any terminal market or point of export, an export form certificate may be substituted for such farm products inspection certificate for a fee of $1.00, or, for a similar fee, such farm products inspection certificate may be stamped with the words "Export Form Certificate."

§ 33.17 *Complaint, notice, hearing, and order.* Upon receipt of complaint from any person alleging that any apples or pears have been shipped or transported in foreign commerce in violation of any of the provisions of the act or the regulations in this part; the Director shall cause such investigation of the facts to be made as he deems proper. If it appears from the investigation that there has been a violation of the act or the regulations in this part, the Director shall cause notice to be given to the person accused of the nature of the charges against him and of the specific cases in which violation of the act or the regulations in this part in charged. The person accused shall be given an opportunity for a hearing not less than 10 days after notice of such hearing has been served upon him. At such hearing the person complained of will be entitled to be present in person or by counsel and to submit evidence and argument in his behalf. Any order to withhold the issuance of a certificate, as provided in section 6 of the act, will be effective from the date of its service upon the person found to have been guilty. Such order will state the inclusive dates during which it is to remain in effect, and during this period no inspector employed or licensed by the Secretary under the Farm Products Inspection Act shall issue any certificate to such person.

§ 33.18 *Service of notice or order.* Service of any notice or order required by the act or prescribed by the regulations in this part shall be deemed sufficient if made by registered mail or personally upon the person served. If it is impossible to make service, as aforesaid, upon the person named in the notice or order, service may be made by leaving a copy of such notice or order with an employee or agent at such person's usual place of business or abode or with any member of his immediate family at his place of abode. If the person named is a partnership, association, or corporation, service may similarly be made by service on any member of the partnership or any officer, employee, or agent of the association or corporation.

§ 33.19 *Effective date.* August 8, 1947, is the effective date of this revision which is designed to reflect the current organization of the Department insofar as the administration and enforcement of the act and the regulations in this part are concerned.

It is directed that, within two weeks after the publication of this revision in the FEDERAL REGISTER, notice of this revision and of the effective time hereof shall be published in at least two trade papers of the fruit industry.

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7138; Filed, July 29, 1947; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 901—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER AMENDING ORDER, AS AMENDED

§ 901.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159), a public hearing was held at San Francisco, California, on April 28, 1947, upon proposed further amendments to the marketing agreement, as amended, and to the marketing order, as amended (7 CFR 901.1 et seq., as amended, 7 CFR, Cum. Supp., 901.4, 901.17, 901.19), regulating the handling of walnuts grown in California, Oregon, and Washington; and the decision (12 F. R. 4819) was made with respect to the amendments by the Secretary on July 15, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of the said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of the aforementioned walnuts in the same manner as the aforementioned marketing agreement, as amended and as further amended effective as of the same time as the further amendment of the said marketing order, as amended; and the said marketing order, as amended and as hereby further amended, is applicable only to persons in the respective classes of industrial and commercial activity specified in the proposals upon which the hearing was held; and

(3) There are no differences in the production and marketing of said commodity in the production area covered by the said marketing order, as amended and as hereby further amended, that make necessary different terms applicable to different parts of such area.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective not later than August 1, 1947, the present amendments to the order, as amended, because the coming crop year will begin on that date, and it is essential that all procedures and requirements in connection with regulation during such entire crop year be in accordance with the appropriate provisions contained in the amendments hereinafter set forth, some of which provisions differ materially from the corresponding provisions in the existing order, as amended. Any delay beyond August 1, 1947, in the effective date of the order, as amended and as hereby further amended, will seriously disrupt the successful operation of this regulatory program, and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (see section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that, (1) The further amendment to the marketing agreement, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, upon which the aforesaid hearing was also held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity covered by the said order as heretofore and hereby amended) who handled not less than 50 percent of the volume of said commodity, covered by this order, as heretofore and hereby amended, produced within California, Oregon, and Washington;

(2) The aforesaid agreement, further amending the aforesaid marketing agreement, as amended, has been executed by three packers, who during the preceding crop year, handled not less than 67 percent of the merchantable walnuts packed during such crop year, and

(3) The issuance of this order, further amending the aforesaid marketing order, as amended, is favored and approved by producers of walnuts who, during the determined representative period (September 1, 1945, to August 31, 1946, both dates inclusive), produced for market, within the production area specified in the said order, as amended and as hereby further amended, at least two-thirds of such commodity produced for market within such area.

It is therefore ordered, That on and after the effective date hereof, the handling of walnuts grown in California, Oregon, and Washington shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and such order, as amended, is hereby further amended as follows:

1. Delete the provisions of paragraph 1, section 1 of Article I (§ 901.2 (a)) and insert, in lieu thereof, the following:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

2. Delete the provisions of paragraphs 9, 10, 11, 12, 13, 14, and 15 of section 1 of Article I (§ 901.2 (i), (j), (k), (l), (m),

(n), (o), and (p)) and insert, in lieu thereof, the following:

(i) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(j) "Walnuts" means only walnuts of the "English" (Juglans Regia) varieties grown in the States of California, Oregon, and Washington.

(k) "Merchantable walnuts" means all unshelled walnuts meeting the pack specifications and minimum requirements prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

(l) "Cull walnuts" means all lots of unshelled walnuts which do not meet the minimum specifications for merchantable walnuts and which cannot be brought up to such minimum specifications by standard commercial grading practices.

(m) "Pack" means a specific commercial classification according to size, variety or type, internal quality, and external appearance and condition, of merchantable walnuts, packed in accordance with the pack specifications prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

(n) "Credit value" means that value per pound for each pack established by the Control Board, subject to the approval of the Secretary, pursuant to section 1 of Article IV (§ 901.5 (a)).

(o) "Sheller" means any person engaged in the business of shelling walnuts for any commercial purpose.

3. Delete the provisions of paragraphs 17 and 18 of section 1 of Article I (§ 901.2 (r) and (s)) and insert, in lieu thereof, the following:

(r) "Crop year" means the twelve months from August 1 to the following July 31, both inclusive.

(s) "Surplus referable" to any walnuts handled or certified for handling or sold to the Control Board means a quantity of walnuts of like pack which bears the same ratio to such quantity of walnuts handled or certified for handling or sold to the Control Board as the surplus percentage bears to the salable percentage.

4. Delete the provisions of paragraph 5 of section 3 of Article II (§ 901.3 (c) (9)) and insert, in lieu thereof, the following:

(9) To perform such duties in connection with the administration of section 32 of the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c), as may from time to time be assigned to it by the Secretary.

5. Delete the provisions of sections 1, 2, and 3 of Article III (§ 901.4 (a), (b), and (c)) and insert, in lieu thereof, the following:

(a) *Authorized packs.* Except as otherwise provided in Article VII (§ 901.8) hereof for the sale of cull walnuts, no packer shall handle any unshelled walnuts except those packed in accordance with such pack specifications and minimum requirements as the Control Board may prescribe, subject to the approval of the Secretary, in order to tend to effectuate the declared policy of the act. To aid the Secretary in determining whether to grant or withhold such approval, the Control Board shall furnish to the Secretary the data upon which it acted in prescribing such pack specifications and minimum requirements and such other data pertaining thereto as the Secretary may request.

(b) *Salable percentage and surplus percentage.* On the basis of the carryover, estimated consumptive demand and estimated production of merchantable walnuts, the salable and surplus percentages of merchantable walnuts for each crop year shall be fixed by the Secretary, after consideration of the recommendations submitted to him by the Control Board, and other pertinent data: *Provided*, That the salable and surplus percentages so fixed shall not apply to separate packs of walnuts, of which not over 12 percent by count pass through a round opening $\frac{9}{64}$ inches in diameter. The total of the salable and surplus percentages fixed for each crop year shall equal one hundred (100) percent. The Secretary may, subsequently, on request of the Control Board (or if the Control Board shall fail so to request, on request of two or more packers who have handled during the immediately preceding crop year at least ten (10) percent of the total tonnage handled by all packers during such crop year), and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable walnuts, available for sale will not be sufficient to supply the consumptive demand, increase the said salable percentage to conform with such new relation as may be found to exist between consumptive demand and available supply: *Provided, however*, That an increase of the salable percentage shall not be made after January 15 of any crop year unless the quantity of walnuts held unsold by the Control Board is sufficient to permit full delivery to packers as required by section 2 of Article V (§ 901.6 (b)) hereof. The merchantable walnuts handled by any packer in accordance with the provisions hereof shall be deemed to be that packer's quota fixed by the Secretary within the meaning of section 8a (5) of the act.

(c) *Estimated carryover, consumptive demand, and production.* To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than September 1 of each year, the following information: its estimate of the quantity of merchantable walnuts to be produced during such year, herein referred to as the "estimated production", such estimate to be approved by at least a two-thirds ($\frac{2}{3}$) vote of the Control Board; and, likewise, its estimate of the total consumptive demand in the United States for merchantable walnuts for the coming crop year (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act), such estimate to be approved by at least a two-thirds ($\frac{2}{3}$) vote of the Control Board; and also a report on the total carryover of merchantable walnuts from preceding crop years held by packers on the preceding August 1. The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting to recommend the salable and surplus percentages to be fixed by the Secretary.

6. In section 4 of Article III (§ 901.4 (d)), change the phrase "of each year after 1935" to read "of each year"; and change the phrase "quantity, pack, quality and location thereof" to read "quantity, pack and location thereof."

7. In section 5 of Article III (§ 901.4 (e)), change the phrase "the surplus referable to each pack and quality of such merchantable walnuts handled or to be handled" to read "the surplus referable to each pack of such merchantable walnuts handled or certified for handling."

8. In section 6 of Article III (§ 901.4 (f)), delete the words "or to be handled" and insert, in lieu thereof, the words "or certified for handling."

9. In section 7 of Article III (§ 901.4 (g)), delete the words "and quality" wherever they now appear in said section.

10. In section 11 of Article III (§ 901.4 (k)), change the phrase "the quantity of each pack and quality handled or to be handled" so as to read "the quantity of each pack handled or certified for handling"; and, in subparagraph (1) thereof, change the phrase "or a total weight equal to the surplus referable to such walnuts so handled or to be handled" to read "of a total weight equal to the surplus referable to such walnuts so handled or certified for handling."

11. Delete the provisions of sections 1 and 2 of Article IV (§ 901.5 (a) and (b)) and insert, in lieu thereof, the following:

(a) *Credit values.* The Control Board shall, on or before October 15 of each year, establish, subject to the approval of the Secretary, credit values for each pack of merchantable walnuts. The establishment of credit values shall require a vote of at least two-thirds ($\frac{2}{3}$) of the members of the Control Board. To aid the Secretary in determining whether to grant or withhold such approval, the Control Board shall furnish to the Secretary the data upon which it acted in establishing such credit values and such other data pertaining thereto as the Secretary may request. Such credit values shall provide reasonable differentials for the different packs as will reflect the normal differences in market prices thereof.

(b) *Interest of packers in holdings of Control Board.* The equitable interest of each packer in the holdings of the Control Board shall be in the proportion of the net credits of such packer to the total net credits of all packers. For the purpose of this section, "holdings of the Control Board" means the merchantable walnuts held by or for it and the net proceeds from the sale, exchange or other disposition thereof by the Control Board, and all cash received by the Control Board pursuant to Article III (§ 901.4) hereof, which has not been expended or refunded in accordance with the provisions of said Article III, but shall not include such moneys, if any, as may be received by the Control Board as diversion payments in connection with the encouragement of exportation or encouragement of domestic consumption pursuant to the provisions of section 32 of the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c). The Control Board shall, from time to time, distribute the cash "holdings of the Control Board," ratably to the packers in accordance with their respective interests therein, except that no cash which under the provisions of Article III (§ 901.4) is to be, or may be, used to effect purchases from packers or which, under the provisions of said article, is to be held undistributed until the end of a crop year shall be distributed before the end of such crop year.

12. Delete the provisions of section 1 Article VI (§ 901.7 (a)) and insert, in lieu thereof, the following:

(a) *Certification of shipments.* Every packer, at his own expense, shall obtain a certificate for each lot of merchantable walnuts handled or to be handled by him and all lots of merchantable walnuts which he delivers to the Control Board. Said certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such other requirements as the Control Board may specify, the identity of the packer, whether domestic shipments will move interstate or intrastate and if for export, the country of destination, the quantity and pack of merchantable walnuts in such lot, and that the walnuts covered by such certificate conform to the minimum specifications for quality and soundness prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

The Control Board may direct that such certificate be not issued to any packer who has failed to deliver or otherwise account for his surplus obligation in accordance with the terms thereof.

13. Delete the provisions of section 1 of Article VIII (§ 901.9) and insert, in lieu thereof, the following:

§ 901.9 *Expenses.* Each packer shall pay to the Control Board, upon demand and on the applicable basis provided for hereinafter in this section, his pro rata share of the expenses necessarily incurred by the Control Board for its maintenance and functioning under this order for the crop year ending July 31, 1948, and for each crop year thereafter. The amount of such expenses which will necessarily be incurred by the Control Board during the crop year ending July 31, 1948, and each crop year thereafter, shall be fixed by the Secretary on the basis of recommendations by the Control Board and such other pertinent information as may be available to him. Such approved amount for any such crop year may later be adjusted, from time to time, by the Secretary. The recommendation of the Control Board as to the expenses for each such crop year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before September 1 of the crop year in connection with which such recommendation is made.

In the event a surplus percentage of merchantable walnuts is fixed for any crop year, each packer's pro rata share of the expenses of the Control Board for such crop year shall be that proportion thereof which the total credit value of his surplus obligation with respect to merchantable walnuts handled or certified for handling by him and merchantable walnuts sold by him to the Control Board, during such crop year, is of the total credit value of the surplus obligations of all the packers with respect to merchantable walnuts handled or certified for handling by them and merchantable walnuts sold to the Control Board by them during that crop year: *Provided*, That an initial assessment for any such crop year may be levied on each packer of one (1) percent of the total credit value of such packer's estimated surplus obligation for such crop year.

In the event no surplus percentage of merchantable walnuts is fixed for any crop year, each packer shall pay, as his pro rata share of the expenses of the Control Board for that crop year, an amount (adjusted to the next higher one-hundredths of a cent) per pound of merchantable walnuts handled, or certified for handling, by him during such crop year computed as follows: The amount resulting from dividing the approved expenses by the total aggregate pounds of merchantable walnuts which the Board estimates will be handled by all handlers during that crop year.

Any money collected to cover the expenses of the Control Board for any crop year and not expended for that purpose in connection with such crop year's operations shall be refunded to the packers who paid it on the basis of, in the case of each individual packer, the proportion that the amount of the assessment paid by him bears to the total amount of the assessments paid by all packers for the particular crop year.

14. In paragraph 3, section 2, Article XVI (§ 901.17 (third paragraph)), change the phrase "on or before August 1" to read "on or before July 1."

15. Delete Exhibits A and B (§§ 901.19 and 901.20).

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 24th day of July 1947, to be effective on and after 12:01 a. m., P. s. t., August 1, 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7139; Filed, July 29, 1947; 8:48 a. m.]

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended effective August 1, 1947, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(1) Subdivisions (i), (ii), and (iii) of paragraph (a) (1) of § 904.7 of the order and the entire table contained in subdivision (iv) of said paragraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "5.21", do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of August 1947; and

(2) In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found to be impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate and promote the orderly marketing of milk produced in August 1947 for the Greater Boston, Massachusetts, milk marketing area, and in that the time intervening between the date when the need for this section became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof and publication or service of this order 30 days prior to its effective date.

It is therefore ordered, That subdivisions (i), (ii), and (iii) of paragraph (a) (1) of § 904.7 of the order and the entire table contained in subdivision (iv) of said paragraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "$5.21," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of August 1947.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7113; Filed, July 29, 1947; 8:50 a. m.]

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(1) The entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "5.02," does not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of August 1947; and

(2) In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), notice of proposed rule making, public procedure

thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found to be impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate and promote the orderly marketing of milk produced in August 1947 for the New York metropolitan milk marketing area, and in that the time intervening between the date when the need for this action became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof and publication or service of this order 30 days prior to its effective date.

It is therefore ordered, That the entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "5.02", be and it hereby is suspended with respect to all milk subject to the provisions of the order during the month of August 1947.

(48 Stat. 31, 670, 675, 49 Stat. 730; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7114; Filed, July 29, 1947; 8:50 a. m.]

PART 934—MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, effective August 1, 1947, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(1) Subdivisions (i), (ii), and (iii) of paragraph (a) (1) of § 934.6 of the order and the entire table contained in subdivision (iv) of said paragraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "5.67," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of August 1947; and

(2) In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found to be impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate and promote the orderly marketing of milk produced in August 1947 for the Lowell-Lawrence, Massachusetts, milk marketing area, and in that the time intervening between the date when the need for this action became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof and publication or service of this order 30 days prior to its effective date.

It is therefore ordered, That subdivisions (i), (ii), and (iii) of paragraph (a) (1) of § 934.6 of the order and the entire table contained in subdivision (iv) of said paragraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "5.67," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of August 1947.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7111; Filed, July 29, 1947; 8:50 a. m.]

[Bartlett Pear Order 1, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY SIZES

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Bartlett Pear Order 1, as amended.* Effective at 12:01 a. m., P. s. t., July 30, 1947, the provisions in § 936.326 (b) (2) (ii) of Bartlett Pear Order 1 (12 F. R. 4626) shall read as follows:

(ii) If any shipper, on any day from the beginning of the season ships from any one shipping point less than the maximum allowable portion of such Bartlett pears of the aforesaid size 195, the amount of such undershipment of such pears may be shipped, from such shipping point, on any subsequent day or days in addition to such Bartlett pears of such size that the respective shipper could have shipped on such day or days: *Provided*, That the total quantity of such size shipped from such shipping point by such shipper from the beginning of the season to any given day shall not exceed five (5) percent of the total shipments of Bartlett pears made by such shipper from such shipping point from the beginning of the season to that day.

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Bartlett Pear Order 1, or (2) as releasing or extinguishing any violation of said Bartlett Pear Order 1 which has occurred or which, prior to the effective time of the provisions hereof may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 25th day of July 1947

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7174; Filed, July 29, 1947; 9:00 a. m.]

PART 944—MILK IN QUAD CITIES MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

§ 944.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159; a public hearing was held on February 27, 1947, upon a proposed marketing agreement and a certain proposed amendment to the order, as amended, regulating the handling of milk in the Quad Cities marketing area; and the decision (12 F. R. 4273) was made with respect to the amendment by the Secretary on June 26, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof it is hereby found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act.

(2) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the proposed marketing agreement upon which a hearing has been held:

(3) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(4) It is impracticable, unnecessary, and contrary to the public interest to comply with the requirements in section 4, paragraph (c), of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d Sess.) with respect to the withholding of the effective date of this order for a period of not less than 30 days after publication in that (i) a serious competitive situation exists which threatens to disrupt the orderly marketing of milk in the Quad Cities marketing area; and (ii) administratively it is imperative that the status of handlers who sell milk in other marketing areas as well as in the Quad Cities marketing area, be clarified.

The foregoing findings are supplementary to and in addition to the findings made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended and as hereby further amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Quad Cities marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Quad Cities marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Quad Cities marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (January 1947) were engaged in the production of milk for sale in the Quad Cities marketing area.

ORDER REALTIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Quad Cities marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

Amend § 944.6 by adding, at the end thereof, the following:

(e) *Handlers subject to other Federal orders.* In the case of any handler, who the Secretary determines disposes of a greater portion of his milk as Class I and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with the provisions of § 944.5 (e) of this order.

(2) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I or Class II milk under this order is less than the price provided pursuant to §§ 944.4 (a) (1) and (2) and 944.4 (c) of this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk or Class II milk within this marketing area) an amount equal to the difference between the value of such milk as computed pursuant to §§ 944.4 (a) (1) and (2) and 944.4 (c) of this order and its value as determined pursuant to the other order to which he is subject.

(48 Stat. 31, 670, 675; 49 Stat. 730; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 24th day of July 1947, to be effective on and after the 1st day of August 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7116; Filed, July 29, 1947; 8:51 a. m.]

PART 947—MILK IN FALL RIVER, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601, et seq.), hereinafter referred to as the "act," and of the order, as amended, effective August 1, 1947, regulating the handling of milk in the Fall River, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(1) Subdivisions (i), (ii) and (iii) of paragraph (a) (1) of § 947.6 of the order and the entire table contained in subdivisions (iv) of said paragraph, with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.96," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of August 1947; and

(2) In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found to be impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate and promote the orderly marketing of milk produced in August 1947 for the Fall River, Massachusetts, milk marketing area, and in that the time intervening between the date when the need for this action became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof and publication or service of this order 30 days prior to its effective date.

It is therefore ordered, That subdivisions (i), (ii), and (iii) of paragraph (a) (1) of § 947.6 of the order and the entire table contained in subdivision (iv) of said paragraph with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.96" be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of August 1947.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7112; Filed, July 29, 1947; 8:50 a. m.]

PART 970—MILK IN CLINTON, IOWA, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING OF MILK

§ 970.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held on February 28, 1947, upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Clinton, Iowa, marketing area; and the decision (12 F. R. 4277) was made with respect to the amendments by the Secretary on June 26, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof it is hereby found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates

the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the proposed marketing agreement upon which a hearing has been held;

(3) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(4) It is impracticable, unnecessary, and contrary to the public interest to comply with the requirements in section 4, paragraph (c) of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong. 2nd Sess.) with respect to the withholding of the effective date of this order for a period of not less than 30 days after publication in that (i) a serious competitive situation exists which threatens to disrupt the orderly marketing of milk in the Clinton, Iowa, marketing area; and (ii) administratively it is imperative that the status of handlers who sell milk in other marketing areas as well as in the Clinton, Iowa, marketing area be classified.

The foregoing findings are supplementary to and in addition to the findings made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended and as hereby further amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Clinton, Iowa, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Clinton, Iowa, marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Clinton, Iowa, marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (January 1947) were engaged in the production of milk for sale in the Clinton, Iowa, marketing area.

ORDER RELATIVE TO HANDLING

It is hereby ordered, That, on and after the effective date hereof, the handling of milk in the Clinton, Iowa, marketing area shall be in conformity and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 970.4 (a) (1) by deleting therefrom the words "50 cents" and substituting therefor the words "70 cents."

2. Amend § 970.6 by adding at the end thereof the following:

§ 970.6 *Application of provisions.* • • •

(f) *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with the provisions of § 970.5 (a) of this order.

(2) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I milk under this order is less than the price provided pursuant to § 970.4 (a) (1) of this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of by such handler as Class I milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to § 970.4 (a) (1) of this order and its value as determined pursuant to the other order to which he is subject.

Issued at Washington, D. C., this 24th day of July 1947 to be effective on and after the 1st day of August 1947.

(48 Stat. 31, 670, 675; 49 Stat. 730; 50 Stat. 246; 7 U. S. C. 601 et seq.)

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7115; Filed, July 29, 1947; 8:51 a. m.]

Chapter XIII—Production and Marketing Administration (Surplus Property)

PART 1700—STATEMENT OF POLICIES ON DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES AND SURPLUS FOODS PROCESSED THEREFROM

The statement of policies issued by the War Food Administrator on March 30, 1945, 10 F. R. 7900, 7 CFR 1945, Supp. 1700, is superseded by the following:

Sec.
1700.1 General purpose and scope.
1700.2 Limitations on sales.
1700.3 Consumer protection.
1700.4 Sales of commodities abroad.

AUTHORITY: §§ 1700.1 to 1700.4, inclusive, issued under sec. 21 (a) and 10 (c) of the Surplus Property Act of 1944, as amended: 58 Stat. 775; Pub. Law 584, 79th Cong.; 50 U. S. C. App. Sup. 1619, 1630 (a).

§ 1700.1 *General purpose and scope.* (a) Under sections 21 (a) and 10 (c) of the Surplus Property Act of 1944, as amended, the Secretary of Agriculture (successor in this respect to the War Food Administrator) is solely responsible, subject to the supervision of the War Assets Administrator (successor to the Surplus Property Board), for the formulation of policies with respect to the disposal of surplus agricultural commodities and surplus foods processed from agricultural commodities, which are located within the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, and subject to the supervision of the Secretary of State for the formulation of policies with respect to such commodities and foods which are located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands. This part, issued under said sections 21 (a) and 10 (c), states the policies which are to be observed by all disposal agencies in connection with the disposal of surplus commodities with respect to which the Secretary of Agriculture has policy making responsibility.

(b) The general policy statements and the regulations issued from time to time by the War Assets Administrator are applicable to the disposal of surplus agricultural commodities and surplus foods processed from agricultural commodities located within the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, except where explicitly otherwise required by the terms of this part.

§ 1700.2 *Limitation on sales.* (a) Surplus farm commodities shall not be sold in the United States (except solely for export) in quantities[1] in excess of, or at prices[2] less than, those applicable with respect to sales of such commodities by Commodity Credit Corporation, or at less than current prevailing market prices, whichever may be higher.

(b) Surplus agricultural commodities for which the Department of Agriculture has price-support programs in effect at the time of the sale, and food processed from such commodities, shall not be sold (except solely for export) at prices which will be disruptive of such programs or the market generally. Before such a commodity is sold as surplus below the support price, or food processed from a commodity is sold at a price which will not reflect the support price, unless the sale is solely for export, there must be a finding by the Secretary of Agriculture that the sale at the proposed price will not unduly disrupt the price support program involved.

(c) Surplus agricultural commodities and foods processed from agricultural commodities, other than those described in paragraphs (a) and (b) of this section shall be disposed of in a way designed so as to prevent their being dumped on the market in a disorderly manner and disrupting the market prices for agricultural commodities.

[1] Section 21 (c) of the Surplus Property Act provides that surplus farm commodities are not to be sold in the United States (except for export) in quantities in excess of those in which they may be sold by Commodity Credit Corporation. The only quantitative restriction on Commodity Credit Corporation is to be found in section 381 (c) of the Agricultural Adjustment Act of 1938 which prohibits the sale of more than 300,000 bales of cotton in any calendar month, or more than 1,500,000 bales in any calendar year. See 52 Stat. 66, 7 U. S. C. 1381 (c). However, section 2 of Public Law 30, April 12, 1945, 59 Stat. 50, suspends section 381 (c) until the expiration of the two-year period beginning with the first day of January immediately following the date on which the President, by proclamation, or the Congress, by concurrent resolution declares that hostilities in the present war have terminated. In view of the President's proclamation on the cessation of hostilities of World War II (12 F. R. 1), the quantitative restriction contained in section 381 (c) of the Agricultural Adjustment Act of 1938 will become effective on January 1, 1949.

[2] Section 2 of Public Law 30, April 12, 1945, 59 Stat. 50, suspends section 381 (c) of the Agricultural Adjustment Act of 1938 (which prohibits Commodity Credit Corporation from selling cotton at a price which is not sufficient to reimburse the United States for its investment in the cotton) until the expiration of the two year period beginning with the first day of January immediately following the date on which the President, by proclamation, or the Congress, by concurrent resolution, declares that hostilities in the present war have terminated; and during the period of such suspension prohibits Commodity Credit Corporation from selling any farm commodity owned or controlled by it at less than the parity or comparable price therefor with the following exceptions: "(1) Sales for new or byproduct uses; (2) sales of peanuts for the extraction of oil; (3) sales for export; (4) sales for seed or feed: *Provided*, That no wheat or corn shall be sold for feed at less than parity price for corn at the time such sale is made: *And provided further*, That in making regional adjustments in the sale price of corn or wheat for feed, the minimum price need not be higher in any area than the United States average parity price for corn; (5) sales of commodities which have substantially deteriorated in quality or of nonbasic perishable commodities where there is danger of loss or waste through spoilage; or (6) sales for the purpose of establishing claims against persons who have committed fraud, misrepresentation, or other wrongful acts with respect to the commodity. The method that is used for the purposes of Commodity Credit Corporation loans for determining the parity price or its equivalent for seven-eights-inch Middling cotton at the average location used in fixing the base loan rate for cotton shall also be used for determining the parity price for seven-eights-inch Middling cotton at such average location for the purposes of this section." In view of the President's proclamation on the cessation of hostilities of World War II (12 F. R. 1), the price restriction contained in section 381 (c) of the Agricultural Adjustment Act of 1938 will become effective on January 1, 1949, and the restrictions based on parity or comparable price, with the enumerated exceptions, are applicable through December 31, 1948.

(d) Surplus commodities and foods described in paragraphs (a) and (b) of this section may be sold solely for export without regard to the restrictions stated in such paragraphs, but only upon an adequate undertaking of the purchaser that the commodity will not later be imported into the United States: *Provided*, That no food or food product shall be sold or otherwise disposed of under this paragraph solely for export unless it is first determined by the Secretary of Agriculture (1) that there is no shortage of such food or food product in the United States and that the proposed sale or other disposal will not result in such a shortage, and (2) that such food or food product is not needed to supply the normal demands of consumers in the United States.

(e) The Department of Agriculture shall keep the disposal agency advised from time to time as to the agricultural commodities for which price-support programs are in effect, and shall give all reasonable assistance in defining the commodities to which the provisions of paragraph (a) of this section are applicable.

§ 1700.3 *Consumer protection.* All reasonable safeguards and precautions shall be taken in cooperation with Federal, State, and local health authorities, to insure that surplus foods which are unfit for human consumption do not go into food uses. Items found to be unfit for human consumption must be segregated under Government supervision. Unfit items may be sold only for reconditioning or reprocessing for food uses or for industrial or nonfood purposes under circumstances and on conditions which will assure that the items are so used.

§ 1700.4 *Sales of commodities abroad.* Commodities located abroad shall promptly be returned to the United States upon the issuance of a declaration and finding by the Secretary of Agriculture that commodities of that type or character are in short supply in the United States and that such return is in the public interest. In the absence of such a finding commodities located abroad notwithstanding the foregoing provisions of this part, shall be sold or otherwise disposed of abroad upon such terms and conditions and employing such methods of sale or disposition and priority of offering as seem reasonable under all of the circumstances: *Provided*, That if the Secretary of Agriculture determines that a commodity of the same type or character as the commodity located abroad is being exported from the United States and specifies a minimum sales price for the commodity located abroad, sales of such commodity shall not be made at a price below such minimum sales price. Records shall be kept of all disposals abroad and they shall be reported to the Secretary of Agriculture. The disposal agency shall insert in each contract for the sale or other disposition of any such commodity an undertaking on the part of the purchaser not to import the commodity into the United States in the same or processed form: *Provided*, That the foregoing shall not apply where such commodities are sold to a member of the armed forces abroad who certifies to the disposal agency that he is purchasing the commodities for the purpose of bringing them into the United States for his personal use.

NOTE: This section was formerly § 1700.10 and is in effect with regard to surplus agricultural commodities and surplus foods processed therefrom located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, which are disposed of under the supervision of the Secretary of State pursuant to Public Law 584, 79th Congress, approved August 1, 1946. Such disposals are subject to this section and not to any other section of this part.

Effective date. This statement of policies shall become effective August 1, 1947, except that the disposal of property declared to the Department of Agriculture prior to May 1, 1947, may be concluded in accordance with the prior statement of policies.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

JUNE 16, 1947.

Concurred in except as to § 1700.4.

ROBERT M. LITTLEJOHN,
Administrator,
War Assets Administration.

JULY 11, 1947.

[F. R. Doc. 47-7136; Filed, July 29, 1947; 8:45 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IV—Military Education

PART 403—PROMOTION OF RIFLE PRACTICE

NATIONAL MATCHES, 1947

CROSS REFERENCE: Regulations governing the 1947 national matches (10 CFR, 403.4) appear under "War Department" in the Notices section, *infra*.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. No. 47-7005, appearing at page 4961 of the issue for Friday, July 25, 1947, the third line of § 146.31 (c) (1) (iii) should read "if crystalline penicillin is used, with the date which". Section 146.10 should read "§ 146.40."

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order S-33]

PART 807—SUSPENSION ORDERS

FRED N. COHENNO AND WILLIAM B. MILLIGAN

Fred N. Cohenno, trustee of Eunice Realty Trust of 57 Lambert Avenue,

Stoughton, Massachusetts, and William B. Milligan of 427 Walpole Street, Stoughton, Massachusetts, as contractor, in February 1947, began construction of a restaurant and bar serving alcoholic beverages on land owned by the Trust in Stoughton, Massachusetts, at an estimated cost of $10,000. This was a wilful violation of Veterans' Housing Program Order 1 and continuation of construction would be in violation of Construction Limitation Regulation, issued June 30, 1947 under the Housing and Rent Act of 1947, resulting in a diversion of scarce building materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.33 *Suspension Order No. S–33.* (a) Neither Fred N. Cohenno, nor Eunice Realty Trust, nor William B. Milligan, their successors or assigns, nor any other person shall do any further construction on the bar or do any construction to be used for recreation or amusement prohibited by Construction Limitation Regulation on the premises at 590 Washington Street, Stoughton, Massachusetts, unless specifically authorized in writing by the Office of the Housing Expediter.

(b) Fred N. Cohenno, Eunice Realty Trust and William B. Milligan shall refer to this order in any application or appeal which they or any of them may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Fred N. Cohenno, Eunice Realty Trust, or William B. Milligan, their successors or assigns, nor any other person from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 30th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–7207; Filed, July 29, 1947; 10:07 a. m.]

[Suspension Order S–50]

PART 807—SUSPENSION ORDERS

RODGERS INVESTMENT CO., INC. AND EDGAR STEPHENS & SON, INC.

Rodgers Investment Company, Inc., a corporation of Cairo, Illinois, as owner, and Edgar Stephens and Son, Inc., a corporation of Cairo, Illinois, as contractor, on or about March 4, 1947, without authorization, began the construction of a building, size 208' x 95', at Broadway, Oak and Pine Streets in Poplar Bluff, Missouri, to be used as a theatre and store building. The estimated cost of such building being in excess of $200,000. The beginning of such construction was in violation of Veterans' Housing Program Order 1 and continuation of construction would be in violation of Construction Limitation Regulation, issued June 30, 1947, under the Housing and Rent Act of 1947, resulting in a diversion of scarce building materials to uses not authorized by the Office of Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.50 *Suspension Order No. S–50.* (a) Neither Rodgers Investment Company, Inc., nor Edgar Stephens and Son, Inc., nor any other person shall do any further construction on the premises located at Broadway, Oak and Pine Streets in Poplar Bluff, Missouri, including the putting up, completing or altering any structure thereon, unless thereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Rodgers Investment Company, Inc. and Edgar Stephens and Son, Inc., shall refer to this order in any application or appeal which may be filed with the Office of the Housing Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve Rodgers Investment Company, Inc. and Edgar Stephens and Son, Inc., their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 30th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–7208; Filed, July 29, 1947; 10:07 a. m.]

[Suspension Order S–1072, Revocation]

PART 807—SUSPENSION ORDERS

HARVEY NELSON

In view of the issuance of Control Limitation Regulation, June 30, 1947, under the Housing and Rent Act of 1947, the Chief Compliance Commissioner has directed that the suspension order hereinafter listed be revoked forthwith because construction therein prohibited is now exempt under paragraph (i) of Control Limitation Regulation.

It is therefore ordered, That the following suspension order be revoked, effective as of June 30, 1947: *Provided, however*, That this revocation does not affect any liability incurred for violation of the suspension order prior to revocation. S–1072, Harvey Nelson.

Issued this 25th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–7205; Filed, July 29, 1947; 10:07 a. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

MAXIMUM RENTS ESTABLISHED UNDER A LEASE

The following is an interpretation of section 4 (b) of the Controlled Housing Rent Regulations (§§ 825.2, 825.3, 825.4, 825.10) and the Rent Regulations for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.5, 825.6, 825.7):

Interpretation of section 4 (b); maximum rents established under a lease. Congress has provided in section 204 (b) of the Housing and Rent Act of 1947, that if a landlord and tenant enter into a lease under certain conditions, a maximum rent may be increased up to fifteen percent. Section 4 (b) of the Controlled Housing Rent Regulations and the Rent Regulations for Controlled Rooms in Rooming Houses and Other Establishments relate to such leases.

In order that a lease may be effective under section 204 (b) of the act and section 4 (b) of the rent regulations to increase the maximum rent otherwise allowable by an amount not to exceed fifteen percent, all of the following requirements must be met:

1. The lease must be in writing and executed (signed) by both the landlord and the tenant.
2. The lease must be executed on or before December 31, 1947.
3. The lease must be entered into voluntarily by both the landlord and the tenant.
4. The lease must be made in good faith.
5. The lease must take effect or commence after July 1, 1947, which is the effective date of the Housing and Rent Act of 1947. This means that the lease cannot take effect on July 1, 1947.
6. The lease must contain an expiration date on or after December 31, 1948.
7. The landlord must file with the area rent office a true and duly executed copy of the lease, or a true and duly executed copy of a lease extension agreement to which is attached a copy of the lease being extended (certified to be a true copy) within fifteen days after the date of execution of the lease or extension agreement.
8. The increase in the maximum rent otherwise allowable must not be more than fifteen percent. An increase of less than fifteen percent may be made.
9. The lease must be a valid lease under local law.

I. *Date of execution of lease.* The execution date must be on or before December 31, 1947. Ordinarily, the effective date of the lease (the date on which the term begins) will be after the date of execution of the lease. A lease, however, will not be ineffective to increase the maximum rent because its effective date is prior to the execution date, *Provided*, That the execution date and the effective date are within the same rent paying period not exceeding one month.

Illustrations: 1. On July 15, 1947, landlord and tenant executed a lease increasing the rent fifteen percent, effective July 2, 1947, and providing for the payment of the rent on a monthly basis. If the lease meets the other requirements of section 4 (b) of the rent regulation, it will be effective to increase the maximum rent even though the effective date of the lease precedes the execution date, because both dates are within the same rent paying period.

2. On August 10, 1947, landlord and tenant execute a lease increasing the rent fifteen percent, effective July 2, 1947, and providing for the payment of rent in monthly installments. This lease is ineffective to raise the rent from July 2, 1947, because the effective date of the lease is prior to its execution date and the two are not in the same rent-paying period. It is effective, however, to increase the maximum rent from August 2, 1947, if the lease meets all of the other requirements of section 4 (b). In such a case the first day of the rent-paying period in which the lease is executed should be considered the effective date for the purpose of increasing the maximum rent.

II. *Expiration date of lease.* The expiration date of the lease must be December 31, 1948, or later. The lease, therefore, may not be terminable at the will of the landlord before December 31, 1948. An option, however, on the part of the tenant to cancel the lease prior to its expiration date shall not make the lease ineffective to increase the maximum rent.

III. *Extension of existing lease.* Where a landlord and tenant are now parties to an existing written lease which expires before December 31, 1947, they may enter into a written extension agreement, effective at the expiration of the existing lease which extends the lease to December 31, 1948, or later. In such a case, the increase in maximum rent provided in the written extension agreement would take effect at the expiration of the old lease. Likewise, a landlord and tenant who are now parties to an existing written lease may enter into a new rental agreement on or before December 31, 1947, the effect of which would be to modify or cancel the previous lease before its term expires, provided the tenant is granted a new term which does not expire before December 31, 1948. In this case, the increase in maximum rent would take effect on the effective date of the new agreement. In all cases where a written extension agreement or a new agreement changing or modifying the terms of an existing lease agreement are entered into, the landlord is required to file a duly executed copy of the extension or modification of lease agreement, together with a copy of the lease extended or modified (certified by the landlord to be a true copy) within fifteen days after the date of execution of the extension or modification agreement.

Illustrations: 1. The laudlord and tenant are parties to an existing lease which expires on September 30, 1947. On August 15, 1947, the parties enter into a written extension agreement in accordance with the provisions of section 4 (b) of the Controlled Housing Rent Regulation to be effective October 1, 1947, which extends the former lease to December 31, 1948. Such a written extension agreement is effective to increase the maximum rent up to fifteen percent from October 1, 1947 under section 4 (b) of the regulation.

2. The landlord and tenant are parties to an existing lease which expires on April 1, 1948. On November 15, 1947, the parties enter into a modification of lease agreement increasing the maximum rent in accordance with section 4 (b) of the regulation, effective December 1, 1947, and extending the term to December 31, 1948. Such a modification of lease agreement is effective to increase the maximum rent up to fifteen percent from December 1, 1947, under section 4 (b) of the regulation.

IV. *Filing requirements.* Under the act and the regulations, a lease shall not be effective to increase the maximum rent unless a true and duly executed copy of the lease is filed within fifteen days after the date of its execution. Filing requirements are met if the copy of the lease is sent by mail and the envelope is postmarked within fifteen days after the date of execution. Similarly, filing requirements are met if the fifteenth day after the date of execution falls on a Saturday, Sunday or legal holiday, and the lease is filed with the area rent office the first day it is opened for business after such Saturday, Sunday, or legal holiday.

Illustrations: 1. A lease is executed on July 15, 1947. It is mailed to the area rent office and the envelope is postmarked on July 30, 1947. This meets the filing requirements of section 4 (b) of the rent regulations.

2. Assume that a lease is entered into on August 15, 1947, and a true and duly executed copy of the lease is filed with the area rent office on Tuesday, September 2. Although the fifteenth day (August 30) expires before the filing of the lease, the filing requirements will be met because, the fifteenth, sixteenth and seventeenth days after the date of execution of the lease will be Saturday, Sunday and Labor Day on which the area rent offices will be closed and the lease is being filed on the next business day, Tuesday, September 2, 1947.

Section 4 (b) of the rent regulations requires also that the landlord file with a true and duly executed copy of the lease, Form D–92, in triplicate (Registration of Lease).

V. *Rent provided for in lease.* A lease is ineffective to increase the maximum legal rent if it increases the maximum legal rent which was in effect immediately prior to the effective date of the lease by more than fifteen percent.

A lease which contains an escalator clause providing for a rent to take effect after December 31, 1948, which is above the fifteen percent limitation, is ineffective to raise the maximum legal rent.

Illustration: The maximum rent for a housing accommodation is $100. On July 15, 1947, landlord and tenant enter into a lease for a term beginning August 1, 1947 and ending December 31, 1949, which provides that the rent shall be $115 per month from August 1, 1947 to December 31, 1948, and $125 per month from January 1, 1949 to December 31, 1949. This lease is ineffective to raise the maximum legal rent.

A lease may contain an escalator clause providing for varying rents for periods between the effective date of the lease and December 31, 1948, *Provided*, The highest rent called for is not more than fifteen percent above the maximum rent otherwise allowable immediately prior to the effective date of the lease. In such case, the maximum legal rent shall be increased in accordance with the terms of the lease.

Illustration: Assume that the maximum rent for a house is $40 per month. The landlord and tenant enter into a lease complying with the requirements of section 4 (b) of the rent regulations which provides for a monthly rent of $42 from August 1, 1947 to October 31, 1947, and a rent of $46 from November 1, 1947 to December 31, 1948. The maximum legal rent for the premises in such a case is $40 from July 1 to July 31, 1947; $42 from August 1 to October 31, 1947; and $46 from November 1, 1947 to December 31, 1947. Such a lease is not inconsistent with the provisions of section 4 (b) of the rent regulations.

If at the time of the execution of the lease, the maximum legal rent is a variable rent, the lease may provide for an increase in the maximum rents up to fifteen percent on each variation.

Illustrations: 1. Assume that a one-family house is located in a resort community and the maximum legal rent is $150 for the months of June, July, August and September, and $40 for the months of October to May, inclusive. Assume, further, that the landlord and tenant desire to enter into a lease increasing the maximum rent by ten percent. In such a case, a lease which otherwise meets the requirements of section 4 (b) of the rent regulations would be effective to increase the maximum rents if it provided for a rent of $165 for the months of June to September, inclusive, and $44 during the months of October to May, inclusive.

2. Assume that the maximum legal rent for a housing accommodation is $40 for the summer months and $45 for the winter months because the landlord provides heat during the winter months. A landlord and tenant could provide in their lease in such a case for a rent of $46 during the summer months and $51.75 during the winter months.

3. Assume that a variable maximum rent was established under the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, by order of an area rent director establishing a variable rent of $45 for five occupants, $50 for six, seven or eight, and $55 for nine or ten occupants. A lease could be made in such a case which would increase the maximum legal rents not more than fifteen percent on a variable basis based upon the number of occupants.

If a landlord and tenant enter into a lease which is effective to increase the maximum rent under section 4 (b) and such lease is terminated prior to December 31, 1947, the maximum rent shall be the rent as established in said lease until December 31, 1947, after which date the premises are no longer subject to the rent regulations.

VI. *Lease providing for decrease in living space, services, furniture, furnishings and equipment.* In order for a lease to effectively increase the maximum rents otherwise allowable, it must be based upon the continuation of the same services by the landlord. Therefore, if a lease provides for a decrease in the living space or essential services, furniture, furnishings, or equipment which are required under the regulations to be provided with the housing accommodations, or a substantial decrease in the other services, furniture, furnishings, or equipment, such lease shall be ineffective to establish a new maximum rent.

Issued July 23, 1947.

ADOLPH H. ZWERNER,
General Counsel.

[F. R. Doc. 47–7264; Filed, July 29, 1947; 10:07 a. m.]

PART 853—RULES OF PRACTICE AND PROCEDURE, INCLUDING FORMS AND INSTRUCTIONS

LIMITATIONS ON REPRESENTATIVE ACTIVITIES BY FORMER EMPLOYEES

§ 853.2 *Limitations on representative activities by former employees*—(a) *What this section does.* This section prescribes the limitations on employees of the Office of the Housing Expediter in dealing in a representative capacity with the Office of the Housing Expediter subsequent to termination of their employment. The provisions of this section are applicable generally to all present and former employees of the Office of the Housing Expediter and former employees of the Office of the Administrator-Office of the Expediter, National Housing Agency; the Office of Temporary Controls (Civilian Production Administration); the Civilian Production Administration; the Office of Temporary Controls (Office of Price Administration) and the Office of Price Administration, with respect to the functions of these agencies which were transferred to the Office of the Housing Expediter by Executive Orders 9820, 9836 and 9841 and the Housing and Rent Act of 1947.

(b) *Definitions.* (1) The term "Office of the Housing Expediter" for the purposes of this section shall be deemed to include "Office of Administrator-Office of the Expediter, National Housing Agency"; "Civilian Production Administration"; "Office of Temporary Controls (Civilian Production Administration)"; "Office of Temporary Controls (Office of

Price Administration)" or "Office of Price Administration" to the extent that functions of these agencies were transferred to the Office of the Housing Expediter by Executive Orders 9820, 9836 and 9841, and the Housing and Rent Act of 1947.

(2) The term "representative capacity" as used in paragraph (d) of this section shall mean the function of rendering representative services of any nature to any person, firm, corporation, or association. "Representative services" does not include the solicitation of or the making of inquiries concerning information which is available to the general public.

(3) The term "person who has held a position as an officer, attorney, clerk or employee in the Office of the Housing Expediter" shall include not only such person but also any individual acting on behalf or under the supervision of such person.

(c) *Two year bar; claims against the United States.* No person who has held a position as an officer, attorney, clerk, or employee in the Office of the Housing Expediter shall act as counsel, attorney, or agent for prosecuting in the Office of the Housing Expediter any claim against the United States which was pending in the Office of the Housing Expediter while he was such officer, attorney, clerk, or employee, nor in any manner, nor by any means, aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, attorney, clerk, or employee.

(d) *One year bar; appearance in representative capacity.* Without limitation on paragraph (c) of this section, no person who has held a position as an officer, attorney, clerk, or employee in the Office of the Housing Expediter may appear in a representative capacity before the Office of the Housing Expediter or an officer, attorney, clerk, or employee thereof within one year after the termination of his employment in that position unless he obtains the prior approval of the Housing Expediter, or a person authorized by the Housing Expediter to grant such approval, in each matter. In applying for such approval he must file an affidavit with the Office of the Housing Expediter, stating:

(1) His former connection with the Office of the Housing Expediter;

(2) Whether his appearance in a representative capacity is in connection with a matter the consideration or handling of which would have devolved upon any Office, Branch, Division or other administrative unit of the Office of the Housing Expediter in which he was employed, either during or subsequent to his employment therein;

(3) Whether while he was connected with the Office of the Housing Expediter, the matter was pending therein; and, if it was so pending:

(i) Whether he gave personal consideration to it, or had any knowledge of the facts involved therein while so connected; and

(ii) Whether he is assisting or will be assisted by any person who has personally considered it or gained personal knowledge of the facts thereof while connected with the Office of the Housing Expediter.

(e) Nothing contained in this section shall be deemed to be in derogation of, or to limit or supersede the provisions of § 904.515 of Procedural Document 5, Civilian Production Administration, 11 F. R. 177A-384 (adopted by the Housing Expediter in Sec. 851.8b (b) of Amendment 1 to Organization Description, Office of the Housing Expediter, 12 F. R. 2120), which apply to representative activities of employees and former employees of the War Production Board, Civilian Production Administration, or Office of Temporary Controls (Civilian Production Administration) in connection with compliance hearings and proceedings of the Office of the Housing Expediter, and which are hereby made applicable also to employees transferred to the Office of the Housing Expediter in connection with the transfer of housing functions to the Housing Expediter under Executive Order 9836.

(f) Nothing contained in this section shall be deemed to be in derogation of, or to limit or supersede the provisions of Procedural Regulation 14, Office of Price Administration, 9 F. R. 1594 (adopted by the Housing Expediter in Rent Control Order 1, Office of the Housing Expediter, 12 F. R. 2986) which apply to the representative activities of employees and former employees of the Office of Price Administration or the Office of Temporary Controls (Office of Price Administration) in connection with rent control functions of the Housing Expediter, and which are hereby made applicable also to employees transferred to the Office of the Housing Expediter in connection with the transfer of rent control functions to the Housing Expediter under Executive Order 9841.

(60 Stat. 207; 50 U. S. C. App. Supp. 1821; Pub. Law 129, 80th Cong.; E. O.'s 9820, 9836, 9841)

Issued this 29th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7206; Filed, July 29, 1947; 10:07 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Office of Selective Service Records

[Amdt. 1]

PART 606—GENERAL ADMINISTRATION [1]

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in Public Law 26, 80th Congress, approved March 31, 1947, the Office of Selective Service Records Regulations, First Edition, are hereby amended in the following respect:

1. Amend § 606.3 to read as follows:

§ 606.3 *Protection of records.* (a) Paper records of or in the physical custody of the Office of Selective Service Records shall not be loaned, transmitted, or delivered into the physical custody of any person or agency other than an official or agency of the Office of Selective Service Records without the approval of the Director. Paper records may, however, be transmitted between agencies of the Office of Selective Service Records upon request. When such paper records are transmitted between offices of the Office of Selective Service Records they shall be sent by registered mail, and strict accounting maintained of the dispatch and receipt of all such records.

(b) Selective Service Records personnel shall take all possible care to keep records from being lost or destroyed. Under no circumstances shall a record be entrusted to any person not authorized to have it in his custody. When the person charged with the custody of a record transmits or delivers it to another, he shall place a notation showing the person or branch of the Office of Selective Service Records to which it is transmitted or delivered in his files in the place from which the record was withdrawn.

(c) Whenever, in response to a Federal court order, or in the adjudication of any Federal court case arising out of the Selective Training and Service Act of 1940, as amended, or in connection with a Federal court action, it shall become necessary to produce a registrant's file, or any part thereof, as evidence in the proceedings, such file should remain in the personal custody of an official of the Office of Selective Service Records, and leave taken after tender of the original record, to substitute a copy of the file with the court. Whenever a registrant's file, or any part thereof, is required to be produced in court, and such action necessitates the issuance of travel orders or involves the expenditure of funds of the Office of Selective Service Records, the matter will be submitted to National Headquarters for approval. Information in a registrant's file shall be confidential with respect to State and local courts, and will be disclosed or furnished to, or examined by such courts only with the consent, in writing, of the registrant concerned, or of the Director of the Office of Selective Service Records.

2. Amend § 606.4 to read as follows:

§ 606.4 *What records confidential.* Except as in the regulations provided, and in Operations Orders issued pursuant thereto, the information in a registrant's file shall be confidential. A registrant's file will be construed to include (a) his Registration Card (DSS Form 1), (b) his Cover Sheet (DSS Form 53), and contents, and (c) any and all information relating to the individual which is contained in the files of the Records Depot.

3. Amend § 606.5 to read as follows:

§ 606.5 *Information not confidential as to certain persons.* No information in a registrant's file shall be confidential as to the persons designated in this section, and any information may be disclosed, or furnished to, or examined by such persons, namely:

(a) The registrant, or any person having written authority from the registrant.

(b) The legal representative of a deceased registrant upon presentation of letters testamentary.

(c) All personnel of the Office of Selective Service Records while engaged in the administration of the selective service records law.

(d) United States Attorneys and their duly authorized representatives, including agents of the Federal Bureau of Investigation.

(e) Personnel of the Counter Intelligence Corps, United States Army, but only when proper identification and credentials are presented.

(f) Such other agency, official, or employee, or class or group of officials or employees, of the United States or any State or subdivision thereof, but only when and to the extent authorized in writing by the Director, or when listed by the Director in a list of Federal officials authorized to obtain information.

4. Delete § 606.6.

5. Delete § 606.8.

6. Delete § 606.9.

7. Amend § 606.10 to read as follows:

§ 606.10 *"Disclose", "furnish", and "examine" defined.* When used in this part, the following words with regard to the records of, or information as to, any registrant shall have the meaning ascribed to them as follows:

(a) "Disclose" shall mean a verbal or written statement concerning any such record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office and in the presence of the custodian thereof.

8. Delete § 606.12.

The foregoing amendment to the Office of Selective Service Records Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

(Pub. Law 26, 80th Cong.)

LEWIS B. HERSHEY,
Director.

JULY 25, 1947.

[F. R. Doc. 47-7135; Filed, July 29, 1947; 8:47 a. m.]

[1] 12 F. R. 2312.

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

BUREAU OF AERONAUTICS

The following changes are authorized to amend the regulations relating to the organization and functions of the Naval Establishment (11 F. R. 177A-159):

Amend §§ 26.6 (b) (1), (7), and § 26.6 (c) to read as follows:

§ 26.6 *Bureau of Aeronautics.* * * *

(b) * * *

(1) The Bureau of Aeronautics is charged with such matters pertaining to naval aeronautics as may be prescribed by the Secretary of the Navy.

* * * * *

(7) It collaborates with the Bureau of Yards and Docks in the design, construction, and alteration of all aeronautic shore establishments, and maintains and repairs such establishments.

* * * * *

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau.
- Deputy and Assistant Chief of the Bureau of Aeronautics.
  - Executive Office.
  - Counsel.
  - Military Requirements Division.
  - Plans Coordination Division.
  - Fiscal Divison.
  - Personnel Division.
  - Administrative Services Division.
- Assistant Chief for Research and Development.
  - Technical Data Division.
  - Experimental Program Division.
  - Design Research Division.
  - Design Coordination Division.
- Assistant Chief for Design and Engineering.
  - Design Elements Division.
  - Piloted Aircraft Division.
  - Pilotless Aircraft Division.
  - Power Plant Division.
  - Armament Division.
  - Electronics Division.
  - Airborne Equipment Division.
  - Ships Installation Division.
- Assistant Chief for Matériel and Services.
  - Procurement Division.
  - Shore Establishments Division.
  - Maintenance Division.
  - Inspection Division.
  - Supply Division.
  - Publications Division.
  - Photographic Matériel Division.

Each Division in the Bureau is headed by a director and is generally subdivided into Branches and Sections.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-7090; Filed, July 29, 1947; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

MAIL SERVICE TO GREAT BRITAIN AND NORTHERN IRELAND

The regulations under "Great Britain and Northern Ireland" (39 CFR, Part 21, Subpart B, Service to foreign countries) are amended as follows:

1. In the item Regular mails, insert subitem "Routing."

2. In the item Regular mails, insert the following before the first paragraph in the subitem "Observations."

Observations. The importation into the United Kingdom of various kinds of merchandise is either entirely prohibited or permitted only under license previously obtained by the importer from the Import Licensing Department of the Board of Trade, 25 Southampton Building, London W. C. 2, England. Although such licenses are not required to accompany the parcels at time of mailing, it is suggested that exporters ascertain in advance that the importer has obtained the necessary license or is able to obtain it provided it is required. This restriction does not apply to gift shipments sent by a private sender to private addressee nor to trade samples.

Mail articles for delivery in London, England, to secure delivery should include in all cases: 1. Name of addressee. 2. Number (or if there is no number, the name) of the house. If a house bears a name and also a number, the number should always be used, whether or not the name be added. 3. Name of street or road in which the house is located. 4. The words "London, England." 5. Initials of the postal district, followed by the number of the office of delivery: thus, "S. W. 4," "N. W. 8." In the case of articles for delivery in other parts of Great Britain and Northern Ireland, the name of the country is an essential part of the address.

It is recommended to senders that any article of printed matter with dutiable contents be plainly marked "c/o The Officer of Customs and Excise" in addition to bearing the full name and address of the addressee. A post-office fee of 6d. for clearance through the customs is charged on each package on which customs duty is levied.

There are listed below the names of the counties and principal towns in Northern Ireland:

Antrim:
- Ballymena.
- Belfast.
- Carrickfergus.
- Larne.
- Lisburn.
- Portrush.
- Tommebridge.
- Whitehead.

Down:
- Baubridge.
- Bangor.
- Downpatrick.
- Kilkeel.
- Newcastle.
- Newry.
- Newtownards.

Londonderry:
- Coleraine.
- Kilrea.
- Limavady.
- Magherafelt.
- Portstewart.

Armagh:
- Lurgan.
- Portadown.

Tyrone:
- Cookstown.
- Dungannon.
- Moy.
- Omagh.
- Strabane.

Fermanagh:
- Enniskillen.

3. In the item Regular mails, amend the subitem "Prohibitions" to read as follows:

Prohibitions. Imitations of postage stamps. Articles bearing imitations of British, foreign, or colonial postage stamps, out of circulation or not.

Check books must be sent exclusively in the letter mails.

Arms, parts of arms, munitions, and similar articles.

Paint, varnish, turpentine, lacquer, and similar articles having a flash point of less than 200° F., except that such articles up to a gross weight of 8 ounces and having a flash point of 90° F. or more will be accepted for transmission in the sample mails when packed in accordance with the regulations governing the transmission of liquids.

The articles prohibited in the form of parcel post are also prohibited when sent through the regular mails, except the following: Coins, manufactured or unmanufactured platinum, gold and silver; precious stones, jewelry or other precious articles (but coins not intended for ornament and gold in ingots must not exceed £5 in value); circulars; liquids or substances for analysis or for medical examination and pathological specimens (in the form of samples); leeches and silkworms (in the form of samples); and clean rags (in the form of samples).

Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

The importation of dutiable articles into the United Kingdom by sample post is in general prohibited, and dutiable articles so imported are liable to forfeiture. The prohibition is relaxed, however, in the case of genuine trade samples as shown below, sub-

ject to compliance with the following requirements.

(1) Chemicals liable to key industry duty (other than any such goods falling within the provisions of the Dangerous Drugs Acts of 1920–32, or the Dyestuffs Importation Acts of 1920–34). See "Dyestuffs (synthetic, organic), etc.," paragraph (7) below.

(2) Raw chicory in quantities not exceeding half a pound net weight per package will be delivered free of duty. Only one sample of the same description of goods, unless of different brands, may be sent to each addressee.

(3) Chloral hydrate in quantities not exceeding 1 ounce net weight per package will be delivered free of duty.

(4) Raw cocoa in quantities and under conditions similar to those stated in paragraph (2) above.

(5) Raw coffee in quantities and under conditions similar to those stated in paragraph (2) above.

(6) Dried fruit in quantities and under conditions similar to those stated in paragraph (2) above.

(7) Dyestuffs (synthetic, organic), including pigment dyestuffs, whether soluble or insoluble; compounds, preparations and articles made with the aid of such dyestuffs, other than any such compounds, preparations or articles incapable of use in dyeing, may be imported under the following conditions: The gross weight of each package must not exceed 8 ounces, and customs duty at the appropriate rate will be collected. Each package must be clearly marked: "C/O the Officer of Customs and Excise," in addition to bearing the full name and address of the addressee and a declaration that the contents are of no commercial value. A postal fee of 6 pence for clearance through the customs will be levied on each package on which customs duty is levied.

(8) Goods (excluding textiles) liable to duty under the Import Duties Act of 1932 or the Ottawa Agreements Act of 1932: Packages containing articles which are genuine trade samples of goods liable to duty only under the aforesaid Acts may be imported free of duty under the following conditions: The samples must not have any salable value, being effectively disfigured or mutilated if necessary. Only one sample of the same description, brand, color or variety may be sent to each addressee.

(9) Hops in packages not exceeding 16 ounces gross weight will be delivered on payment of duty at a flat rate of 8 pence per package.

(10) Playing cards: Packages containing only one or two packs will be delivered free of duty provided that one of the corners of each card has been cut to the extent of half an inch along the side and end.

(11) Sugar and sugar confectionery in quantities and under conditions similar to those stated in paragraph (2) above.

(12) Tea in packages not exceeding 8 ounces gross weight each will be delivered on payment of duty in accordance with the following scale: (a) If the gross weight of the sample is under 3 ounces, or the net weight under 1 ounce, free of duty; (b) if the gross weight of the sample is 3 ounces or more, but does not exceed 8 ounces, a flat rate of 2 pence per package.

(13) Textiles (including silk and artificial silk) may be imported subject to the following conditions: The gross weight of each package must not exceed 16 ounces. Only one sample of the same range and color may be sent to one and the same addressee. Each package must be plainly marked "C/O The Officer of Customs and Excise", in addition to bearing the full name and address of the addressee. Duty will be waived in the following cases: (a) Tissues (including ribbons) in lengths not exceeding 1 yard irrespective of the width from selvedge to selvedge; (b) piece goods liable to ad valorem duty, such as cords, gimps, etc., in lengths not exceeding 1 yard; (c) ribbons in lengths not exceeding two and a half yards: *Provided*, That they are snipped at intervals of not more than 9 inches; (d) yarns, raw silk and waste silk not exceeding 4 ounces. Yarns, tissues, ribbons, braids, cords and trimmings, raw silk, silk waste or artificial silk waste exceeding the above limits but not exceeding 16 ounces gross weight will be charged with the appropriate duty. Each package must be plainly marked "C/O The Officer of Customs and Excise", in addition to bearing the full name and address of the addressee and particulars of the value, net weight and (in the case of silk and artificial silk tissues) the square yardage. A postal fee of 6 pence for clearance through the customs will be levied on each package on which customs duty is levied.

(14) Tobacco. Type-samples of unmanufactured tobacco in articles not exceeding six ounces in gross weight each will be delivered upon payment of a uniform customs duty of 12 shillings 9 pence per article.

(15) Bees. Each package containing live bees must be marked plainly "C/O the Officer of Customs and Excise" in addition to bearing the full name and address of the addressee.

(16) Printing plates. Each package must be plainly marked "Printers' Blocks," and "C/O the Officer of Customs and Excise," in addition to bearing the full name and address of the addressee.

(17) Serum in glass ampoules is admitted if rendered harmless by the manner of preparation and packing. Each article must be plainly marked "C/O the Officer of Customs and Excise," in addition to bearing the complete name and address of the addressee. Customs duty will be charged at the appropriate rate. A postal charge of 6 pence for customs clearance will be charged for each package on which customs duty is levied.

Dutiable prints: It is recommended that each article of printed matter containing dutiable material be plainly marked "C/O the Officer of Customs and Excise," in addition to bearing the complete name and address of the addressee. A postal charge of 6 pence for customs clearance will be charged for each package on which customs duty is levied.

4. In the notes to the table of rates in the item "Parcel post," insert the following:

(The insurance service to the Channel Islands is suspended.)

5. In the item "Parcel post," delete the subitem "Routing."

6. In the item "Parcel post," delete the second paragraph of the subitem "Insurance."

7. In the item "Parcel post," delete the first two paragraphs of the subitem "Observations", and insert in lieu thereof the following:

Observations. Parcel post packages are divided into two classes, namely, bona fide unsolicited gift parcels; and all other parcels. The following shall be observed in the acceptance of parcels under the two classes mentioned:

(a) *Bona fide unsolicited gift parcels addressed to individuals.* All such parcels must be endorsed by the senders with the words "Unsolicited Gift." A gift is not regarded by the British service as unsolicited if it is received as a result of a prior communication sent by the recipient to the donor. While parcels sent as gifts do not require a British import license, they may, nevertheless, be subject to customs duty and, in some cases, to the United Kingdom purchase tax, which the addressee must pay in order to obtain delivery of the parcel.

(b) *All other parcels.* All acceptable merchandise not sent as an unsolicited gift will be admitted into the United Kingdom only under a license which the importer must obtain from the Import Licensing Department of the Board of Trade, 1–6 Tavistock Square, London, W. C. 1, England. In the case of books and other printed matter sent by mail, delivery will be expedited if the titles and the number of volumes, pamphlets, etc., of each title are shown on the outside of the wrapper. All parcels not coming within the requirements set forth in paragraph (a) above for "Unsolicited gift parcels" will be regarded as having been accepted with the understanding that the responsibility for previously determining that the articles sent will be admitted and for obtaining the required import license rests with the sender and addressee, and the Post Office Department will assume no responsibility arising from the failure or the inability of the addressee to produce the import license.

Carbon paper coated with wax and not containing any oxidizable oily or fatty substance must be described accordingly on the customs declaration.

8. In the item "Parcel post," amend paragraph (4) of the subitem "Prohibitions—for reasons of sanitary policy:" to read as follows:

(4) Goat hair and goat wool, and hair and wool of animals from Egypt (including the Sudan); also all articles mixed with those materials.

9. In the item "Parcel post," amend paragraph (3) (c) of the subitem "Prohibitions—for the protection of animals or plants against extermination or diseases," to read as follows:

(c) Raw vegetables (including tomatoes, aubergines and salads, but not mushrooms or cucumbers), if imported between April 21 and September 30 of any year.

10. In the item "Parcel post," amend paragraph (4) of the subitem "Prohibitions—for the protection of animals or plants against extermination or diseases" to read as follows:

(4) Trees, shrubs and plants of the following genera: Ulmus (elm), Abies (fir), Larix (larch), Picea (spruce), Pinus (pine), Pseudotsuga (Douglas spruce), Sequoia (redwood), Thuja (Thuya), and Tsuga (hemlock), and the roots, layers, cuttings or other parts of these trees, shrubs or plants, as well as plants and parts of plants, not including the seeds, of sugar beets (Beta vulgaris L), and chrysanthemums, except when imported for instructional, scientific and similar purposes under and in accordance with the conditions of a license issued by the Ministry of Agriculture and Fisheries.

11. In the item "Parcel post," amend subitem "Prohibitions—arms, munitions, etc." to read as follows:

Arms, munitions, etc.:

(1) Firearms, deadly weapons, and parts thereof, except air guns, unrifled hunting guns having barrels not less than 20 inches long and parts thereof; these exceptions, however, do not apply to articles for Northern Ireland.

(2) Arms of all kinds intended or adapted for throwing liquids, gas, or other injurious substances, and parts thereof.

(3) Accessories intended or adaptable for reducing the sound or flash from firearms.

NOTE: The articles mentioned in the above three paragraphs are exceptionally admitted as parcel post, subject to permission from the competent British authority.

(4) Munitions containing liquids, gas, or other harmful substances, or those intended or adapted to contain them; also parts of such munitions.

(5) Nonexplosive components of artillery fuses.

12. In the item, parcel post, amend paragraph (10) of subitem "Prohibitions—For other reasons" to read as follows:

(10) Live animals, with the exception of bees, leeches, and silkworms placed in well-constructed boxes.

13. In the item, parcel post, amend paragraph (12) of subitem "Prohibitions—For other reasons", by deleting the closing parenthesis, and adding the following:

However, the prohibition mentioned is waived temporarily so as to permit the mailing of these articles in unsolicited gift parcels addressed to private individuals.)

14. In the item, parcel post, add a new paragraph (27) to the subitem "Prohibitions—For other reasons" to read as follows:

(27) Processed milk, under the provisions of the Agricultural Marketing Act of 1933, may be imported by parcel post only upon production of (a) a license issued by the Board of Trade, or (b) a certificate in the form approved by the Board of Trade. "Processed milk" means condensed whole milk, condensed skimmed milk, full-cream milk powder, skimmed milk powder, buttermilk powder, whey powder, or cream.

15. In the item, parcel post, amend the second paragraph of subitem "Prohibition—Articles in transit:" to read as follows:

Advertisements concerning venereal diseases; vaccines, etc.; tea unfit for human consumption, exhausted, or adulterated; butter, margarine, etc.; firearms, etc.; gold or silverware not having the legal alloyage; prison-made goods; synthetic organic dyes, etc.; books, etc., protected by British copyright laws; extracts, etc., of coffee, chicory, tea, and tobacco; foreign coins other than gold or silver; advertisements of fortune tellers; processed milk.

(R. S. 161, 396, Secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-7045; Filed, July 29, 1947; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order No. 2346]

PART 4—DELEGATIONS OF AUTHORITY

DETERMINATION OF CLAIMS RELATING TO IRRIGATION WORKS

The following section is added to Part 4:

§ 4.22 *Determination of claims relating to irrigation works.* (a) The Solicitor of the Department of the Interior is authorized to determine whether claims for damages arising out of the survey, construction, operation, or maintenance of irrigation works at Indian irrigation projects shall be allowed in whole or in part or shall be disallowed. Any award which may be made by the Solicitor pursuant to this paragraph and which may be accepted by the claimant in full satisfaction of his claim shall be paid out of funds available for the Indian irrigation project involved in the claim.

(b) The Solicitor is authorized to determine whether claims for damages arising out of the survey, construction, operation, or maintenance of irrigation works by the Bureau of Reclamation shall be allowed in whole or in part or shall be disallowed. Any award which may be made by the Solicitor pursuant to this paragraph and which may be accepted by the claimant in full satisfaction of his claim shall be paid out of funds available to the Bureau of Reclamation for such purpose. (R. S. 161, 45 Stat. 1252; 5 U. S. C. 22, 25 U. S. C. 388)

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

JULY 23, 1947.

[F. R. Doc. 47-7093; Filed, July 29, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 151]

RECOGNITION OF BREEDS AND PUREBRED ANIMALS

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930 (19 U. S. C., sec. 1201, par. 1606), proposes to recognize the book of record of Thoroughbred horses entitled "Stud Book De Chile", published by the Club Hipico de Santiago (Fermin Donoso D., Secretary), and to add the name of the stud book to the list of books of record named in 9 CFR and Supps. 151.6 (a), under the subheading "Horses".

Any person who wishes to submit written data or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within ten days after the date of publication of this notice in the FEDERAL REGISTER.

Issued this 24th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7110; Filed, July 29, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 324]

MODIFICATIONS OF THE UNIFORM SYSTEM OF ACCOUNTS FOR CARRIERS BY INLAND AND COASTAL WATERWAYS

PROPOSED RULE MAKING

At a session of the Interstate Commerce Commision, Division 1, held at its office in Washington, D. C., on the 16th day of July A. D. 1947.

The matter of modifying the "Uniform System of Accounts for Carriers by Inland and Coastal Waterways," being under consideration by the division pursuant to the provisions of section 20 of part I and section 313 of part III of the Interstate Commerce Act and the modifications which are attached hereto and made a part hereof being deemed necessary for administration of the provisions of parts I and III of the act (54 Stat. 917 and 944; 49 U. S. C. 20 (3) and 313 (c); *It is ordered*, That:

(1) Any interested party may on or before August 29, 1947, file a written statement with the Commission's Secretary setting forth reasons why the modifications should not become effective as hereinafter ordered and request oral argument thereon, which request will be granted if the reasons be substantial; and,

(2) Unless otherwise ordered upon consideration of such objections, the said modifications shall become effective January 1, 1948; and,

(3) A copy of this order shall be served upon every carrier by water in inland and coastal waterways and every lessor thereof subject to the act, and upon every trustee, receiver, executor, administrator, or assignee of any such carrier or lessor, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

BALANCE-SHEET INSTRUCTIONS

1. In § 324.24 *Company securities owned*, cancel the titles of accounts 191 and 190, and substitute the following titles: 191, "Reacquired and nominally issued capital stock," and 190, "Reacquired and nominally issued long-term debt."

2. In paragraph (d), first sentence of § 324.26 *Discount, expense, and premium on capital stock*, cancel the title of account 191 and substitute the following title: 191, "Reacquired and nominally issued capital stock," and eliminate the words "—Total book liability" from the title of account 240.

In paragraph (d), second sentence, cancel the sentence and substitute the following for it: "The difference between the amount at which such reacquired stock was recorded in acount 240, 'Capital stock,' and the amount paid by the accounting company for such stock, combined with the recorded premium or dis-

count and expense in respect to the reacquired stock at the date reacquired, shall be included in account 250.1, 'Paid-in surplus.' "

In paragraph (e), cancel the title of account 191 and substitute the following title: 191, "Reacquired and nominally issued capital stock."

BALANCE-SHEET ACCOUNTS

3. Following Note B to § 324.1–180 *Organization*, change the caption "Reacquired Securities" to read "Company Securities."

4. In § 324.1–190 *Reacquired long-term debt*, cancel the title of this account and substitute the following title: 190, "Reacquired and nominally issued long-term debt."

5. In § 324.1–191 *Reacquired capital stock*, cancel the title of this account and substitute the following title: 191, "Reacquired and nominally issued capital stock," and eliminate the words "—Total book liability" from the title of account 240 referred to in the second sentence of the text.

6. In § 324.1–240 *Capital stock; total book liability*, eliminate the words "total book liability" from the title of this account.

7. In § 324.1–241 *Capital stock subscribed*, eliminate the words "—Total book liability" from the title of account 240 referred to in the last sentence of the text.

8. In paragraph (a) of § 324.1–242 *Premiums and assessments on capital stock*, eliminate the words "—Total book liability" from the title of account 240 referred to in the text.

In paragraph (b), cancel the paragraph and substitute the following:

(b) When capital stock is reacquired, the amount in this account with respect to the shares reacquired shall be charged hereto.

9. In § 324.1–243 *Discount and expense on capital stock*, designate the present text as paragraph (a) and insert the following paragraph (b):

(b) When capital stock is reacquired, the amount in this account with respect to the shares reacquired shall be credited hereto.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47–7109; Filed, July 29, 1947; 8:50 a. m.]

NOTICES

WAR DEPARTMENT

[Bulletin 9]

NATIONAL MATCHES, 1947

JULY 2, 1947.

Rules and regulations for the National Matches, 1947 are set forth below:

SECTION I. *Authorization, scope, and date of matches*—1. *General conditions.* The rules and regulations for the national matches, except as provided for and published herein will be found in the official program of the national matches, FM 23–35, AR 600–75, (10 CFR §§ 404.1 to 404.4) and the Official Rules for Rifles and Pistol Shooting, National Rifle Association (latest revision).

2. *Date and place at which national matches will be held.* For the year 1947 the national matches will be held at Camp Perry, Ohio, for a period of 13 days beginning Monday, August 4, 1947, and ending Saturday, August 16, 1947, both dates inclusive.

3. *Executive officer may change program.* The foregoing dates and periods prescribed for the national matches will govern unless changes are necessary. In that case the executive officer will make the required alterations in the program.

SEC. II. *Officials of the national matches*—1. *Duties.* The officials of the national matches and their assistants are charged with duties as follows:

a. The executive officer will have command of the camp and general charge of the national matches.

b. The assistant executive officers will perform such duties as the executive officer may direct.

c. The adjutant will discharge the duties of adjutant to the executive officer.

d. The quartermaster will have charge of transportation, and the issue of stores and supplies of his own department to officials, troops, and competitors during the matches. He will discharge such other duties as may be assigned to him by the executive officer.

e. The range director will have general supervision of the supply, maintenance, and operation of all ranges prior to and during the national matches. He will have charge of all permanent and daily details of range personnel. Previous to the matches, he will establish and conduct such schools for range personnel as the executive officer may deem necessary. He will be assisted by chief range officers, one of whom will have charge of the operation of each of the several pistol and small-bore ranges.

f. The statistical officer will keep the record of all match firing. He will keep the records of eligibility and assign the competitors to targets and to relays for firing. He will verify the additions of the scores as reported by the scorekeepers when necessary, grade the scores in order of excellence, prepare and publish in official bulletins the results of all matches, and announce the awards of trophies, medals, and other prizes.

g. The mess officer will establish and operate the competitors' mess and such other messes as the executive officer may direct.

h. The surgeon will have charge of the health and sanitary conditions of the camp and rifle range, conduct necessary physical examinations, and perform such other duties as pertain to his profession.

i. The ordnance officer, under the direction of the executive officer, national matches, will establish and maintain the ordnance depot. He will operate a repair shop.

j. The inspector will inspect the camp, ranges, and all activities, agencies, and installations connected therewith for police and sanitation, as well as for the safety and comfort of all.

k. The camp director will prepare and execute plans for the reception and quartering of persons attending the national matches. He will have charge of the registration and billeting of all personnel and keep a directory of all persons; supervision of delivery, and collection of ordnance and quartermaster supplies and personal and team baggage to billeting areas; operation of a camp information service; administration of areas; utilities; the striking of camp; and the storage of property. He will discharge such other duties as may be assigned to him by the executive officer.

l. The signal officer will have charge of the electrical equipment of the range and of the property of the Signal Corps and will perform the duties of signal officer for the camp and the range. He will provide adequate signal communication for the national matches.

m. The provost marshal will also perform the duties of police officer and fire marshal. He will maintain good order and provide for the proper police of the camp. He will regulate traffic and post such signs as may be necessary. He will have general supervision and control of all fire-prevention measures and all available fire-fighting equipment at Camp Perry during the period allotted to the national matches.

n. The finance officer will have charge of all receipts, disbursements, and accounts, and render the necessary reports and returns, and perform such other duties as the executive officer may direct.

o. The commanding officer of troops will have command of all troops on duty at the national matches. Pursuant to directives from the executive officer, he will assign commissioned and enlisted personnel from his command to various fatigue duties and special duties pertaining to the conduct of the national matches.

SEC. III. *National Rifle Association Matches*—1. *Matches.* The matches of the National Rifle Association will consist of the following parts:

a. Small-bore rifle matches.

b. Pistol and revolver matches.

2. *Information.* Detailed information concerning these matches will be found in the program of the national matches.

SEC. IV. *National Trophy Individual Pistol Match*—1. *When fired.* Friday, August 15, 1947.

2. *Open to.* Any citizen of the United States 16 years of age or over, who has demonstrated his ability to fire a score of at least 180 over the national match pistol course or can satisfy the executive officer that he has shot scores demonstrating an equivalent standard of proficiency.

3. *Elimination of competitors.* The executive officer may, in his discretion and by such standards as he may prescribe, eliminate competitors after each stage of the national individual pistol match.

4. *Course of fire*—a. *Stages*—(1) *First stage.* Slow fire, 50 yards—Standard American 50-yard target, 2 strings (5 shots each); 5 minutes per string.

(2) *Second stage.* Timed fire, 25 yards—Standard American 50-yard target with only the 9 and 10 rings blacked, known as the "25-yard rapid-fire pistol target," 2 strings (5 shots each); 20 seconds per string.

(3) *Third stage.* Rapid fire, 25 yards—Standard American 50-yard target with only the 9 and 10 rings blacked; known as the "25-yard rapid-fire pistol target," 2 strings (5 shots each); 10 seconds per string.

b. *Arm.* Pistol, U. S., caliber .45, M1911 or M1911A1. (See paragraph 1, Section VII.)

c. *Ammunition.* As issued.

5. *Entries.* a. Individual competitors may make entry in person or by mail addressed to the Statistical Officer, National Matches, Camp Perry, Ohio.

b. Entries will close not later than 1700, Wednesday, August 13, 1947.

6. *Positions.* Standing without body or artificial rest; one hand only to be used.

7. *Trophies, medals, and certificates*—a. *Trophy.* (1) The "Custer" trophy will be awarded to the winner, to be held until the next national matches.

(2) A miniature of the "Custer" trophy will also be awarded to the individual winning the original trophy, this miniature trophy to be permanent property of the winner.

b. *Medals.* A medal will be awarded to each of the highest 10 percent of the nondistinguished competitors, as follows:

(1) One-sixth will be gold for the highest scoring competitors.

(2) One-third will be silver for the next highest scoring competitors.

(3) One-half will be bronze for the next highest scoring competitors.

(4) Distinguished pistol shots will be placed according to their respective scores among the above medal winners. Only one medal of each class will be awarded any medal winner, regardless of the year in which won. After one medal of any class (gold, silver, or bronze) has been issued a medal winner in the same class thereafter will be issued an appropriate bar in lieu of a medal.

These medals and bars will be mailed to winning competitors.

c. *Certificates.* A certificate will be awarded successful competitors, not distinguished pistol shots, upon basis of scores published in official match score bulletin.

8. *Qualification badges.* An appropriate badge representing qualifications in the Regular Army course will be issued to each civilian and member of a regularly constituted law enforcement agency, who qualifies as pistol expert, pistol sharpshooter, or pistol marksman in the national individual pistol match. Qualifying scores; Pistol expert, 240; pistol sharpshooter, 225; pistol marksman, 210.

SEC. V. *National Trophy Pistol Team Match*—1. *When fired.* Friday, August 15, 1947.

2. *Open to.* Teams of four firing members from the following (each team shall have a team captain who may or may not be one of the four firing members, and each team may have one alternate if desired):

a. *Civilian and police.* (1) One team from each National Rifle Association affiliated rifle or pistol club.

(2) One team from each regularly organized municipal, county, state and federal law enforcement agency in the United States.

(3) One team from the Reserve Officers' Training Corps of each army area, naval district, and air force area.

b. *The armed services.* (1) One team from each division of the Army Ground Forces, Marine Corps, federally recognized National Guard, Organized Reserves of the Army, and Marine Corps Reserve.

(2) One team from each regiment or separate battalion of the Army Ground Forces, the Corps of Engineers, Marine Corps, federally recognized National Guard, Organized Reserves of the Army, and the Marine Corps Reserve.

(3) One team from each battleship, heavy cruiser, or division of smaller ships in the Navy and Coast Guard.

(4) One team from each post, camp, station, or Navy yard complement of the Army, Navy, Marine Corps, and Coast Guard. (This does not include tactical units stationed thereat.)

(5) One team from each numbered air force and each major air command of the Army, Navy, and Marine Corps Air Forces.

(6) One team from the Naval Reserve (surface units) of each naval district and the Marine Corps Reserve of each Marine Corps reserve district.

(7) One team from each station of the Naval Air Reserve Training Command.

(8) One or more teams from units and individuals assigned or attached to each corps, Army, or higher headquarters, and from each State National Guard Headquarters.

(9) One team from the Civil Air Patrol, the Air National Guard, and Air Reserve of each state.

3. *Eligibility requirements.* a. At least one of the shooting members of each pistol team will be a man who has never before fired as a member of any national match pistol team.

b. No team will have as a team captain, or as a shooting member or alternate, anyone who was less than 16 years of age on his last birthday and who is not a male citizen of the United States.

c. A pistol or revolver competitor can have but a single status with respect to pistol or revolver competition: Regular Service, National Guard, Reserve, Police, Civilian.

d. Individuals of the Regular services holding Reserve appointments will be eligible to shoot in their Regular status only. Retired officers and retired enlisted men of the Regular services are classified as service individuals.

e. A police competitor is one who is a bona fide member of a regularly constituted law enforcement agency, including highway patrol, railroad and bank guard, armored truck and express companies, from which department or company he receives full-time pay for such work.

f. A civilian competitor is one who is without any Regular service, National Guard, Reserve, or police affiliation whatsoever. Members of the Reserve Officers' Training Corps teams are classified as civilians.

g. Members of the National Guard or Reserve may fire as police, provided they are bona fide members of organized police or constabulary forces or other law-enforcing agencies, as described in e above.

h. Any team will be disqualified in which any of its members or alternates have entered in a false status.

4. *Course of fire*—a. *First stage.* Slow fire, 50 yards—Standard American 50-yard target, 2 strings (5 shots each); 1 minute per shot.

b. *Second stage.* Timed fire, 25 yards—Standard American 50-yard target with only the 9 and 10 rings blacked, known as the "25-yard rapid-fire pistol target," 2 strings (5 shots each); 20 seconds per string.

c. *Third stage.* Rapid fire, 25 yards—Standard American 50-yard target with only the 9 and 10 rings blacked, known as the "25-yard rapid-fire pistol target," 2 strings (5 shots each); 10 seconds per string.

5. *Positions.* Standing without body or artificial rest; one hand only to be used.

6. *Trophies and medals.* a. The Gold Cup Trophy will be awarded to the winning team to be held until the next national matches. A medal will be awarded to each member of the highest ten teams.

b. A miniature of the "gold cup" trophy will also be awarded to the team winning the original trophy, this miniature trophy to be the permanent property of the winning team.

7. *Allowances for members of pistol teams.* Allowances or reimbursements for transportation and subsistence will not be paid to any member of a pistol team. Bedding and quarters will be provided.

8. *Entries.* Not later than the time mentioned in the match programs, each team captain will submit to the statistical officer at his office on blank score cards, in duplicate, furnished for the purpose, a legible list of the members of his team certifying as to their eligibility, and showing the correct first name, middle initial, last name, grade, and organization of the team. (Team captain, 4 principals and one alternate, if desired.) At the same time he will submit to the sta-

tistical officer the team eligibility list on the blank form furnished by the statistical officer. The alternate listed, and no other, may be substituted as a principal at any time previous to the beginning of the score of the last principal of the initial stage of the match. Thereafter, substitution may be made only on surgeon's certificate of disability approved by the executive officer. The team captain may serve as a shooting member provided he has been listed as a shooting member or alternate and is otherwise eligible.

SEC. VI. *General regulations applicable to all matches*—1. *General.* The executive officer may, in his discretion, in order to operate the range efficiently, change the order of matches or the order of firing the stages of any match.

2. *Firing areas.* The firing areas on each range will be organized into a firing line, a ready line, and an assembly line.

3. *Duties of range officers.* a. The chief range officer of each range will be responsible at all times to the range director for the proper equipment and operation of the range to which he is assigned.

b. All other officers assigned to duty as range officers will function directly under the chief range officer on the range to which they are assigned. As assistants on any range their duties will be:

(1) To insure that all competitors comply with range and match regulations.

(2) To supervise scoring.

(3) To make any necessary changes on recorded scores and to initial them.

(4) To require the competitor, or in case of team matches, the team captain, to sign the score cards when firing is finished.

(5) To deliver the completed score cards to the chief scorer.

4. *Duties of target officers.* The chief target officer on each range is an assistant to the chief range officer on that range. Other target officers will function directly under the chief target officer.

5. *Coaching.* Coaching will not be permitted in individual matches.

6. *Station of competitors.* Each competitor will remain on or in rear of the assembly line in rear of the firing point until called by the range officer to take his position at the ready line or firing point.

7. *Station of noncompetitors.* No one except the officials of the range, members of the National Board for the Promotion of Rifle Practice, the competitors on the firing points, and scorers and others on duty will be permitted in front of the assembly line without special permission of the officer in charge of the range.

8. *Competitors present punctually.* Competitors will be present at the firing points punctually at the target and relay stated on their squadding tickets. No application on the part of a competitor for an alteration of his squadding assignment will be entertained.

9. *Copetitors called in advance.* In slow fire stages of individual matches the competitor next to fire may be called to the ready line while the competitor is still firing, and called to the firing point when the competitor firing has completed his score. Any competitor will forfeit his right to fire if he appears at the proper target after the time shown on his score card for him to appear unless he presents satisfactory evidence that he is late through no fault of his own. If he does not appear when called, another competitor present may be called to the firing point.

10. *Challenges.* Challenges will be handled in accordance with the latest issue of official National Rifle Association Rules for the conduct of matches. The challenge fee will be $1 and will be charged to all competitors making challenges. All challenge money will be delivered to the range director at the end of each day's firing, who in turn will deliver it to the executive officer.

11. *Safety precautions.* No arms will be loaded except on command at the firing point. During and after loading the pistol, and after loading, the revolver, will be kept at raised pistol until unloaded, except when aimed at the target for firing. Except when the competitor is at the firing point in the act of firing or ready to fire, pistols exposed to view will have their magazines withdrawn and slides pulled back, and revolvers exposed to view will have their cylinders swung open. During and after loading, the muzzle of weapons will be kept pointed in the direction of target until unloaded.

12. *Ammunition, unauthorized.* In the National Trophy Matches any competitor having any ammunition about his person when he takes his place at the firing line, other than that authorized, will be immediately disqualified.

13. *Firing, unauthorized.* No firing except at the targets in prescribed competition or authorized practice will be allowed. Any violation of this rule will disqualify the offending competitor for the period of the matches.

14. *Arms.* No weapon will be available for issue to competitors.

15. *Competitors may be required to score, prepare of paste targets, or act as range officers.* Any competitor who is detailed to perform any of these duties and fails to do so in a manner satisfactory to the range director will forfeit his right to compete in that match and, in the discretion of the executive officer, may be disqualified during the remainder of the matches from further participation in any match or any practice.

16. *Protests.* Protests and appeals may not be submitted directly to the executive officer, but will be submitted to the range officer or statistical officer concerned. In case a competitor considers the decision of latter unwarranted by the facts presented, he may appeal orally to the range director and then to the executive officer in writing before 9 p. m. of the day of the occurrence. In case the competitor desires to appeal from executive officer's decision such appeal will be submitted in writing within 12 hours. On National Rifle Association matches, the appeal will be addressed and delivered to the Secretary of the National Rifle Association. Appeal from decision on National Individual Pistol Match will be addressed and delivered to the Executive Officer, National Board for the Promotion of Rifle Practice.

17. *Awards by the National Board for the Promotion of Rifle Practice.* Distribution of medals and trophies won in the National Trophy Match will be made at the office of the National Board for the Promotion of Rifle Practice in Washington, D. C. All correspondence concerning such medals and other badges will be conducted with the Washington office. Qualification insignia will be issued from the Washington office of the Director of Civilian Marksmanship after the close of the matches.

18. *Same pistol used.* Two or more competitors may use the same pistol in any competition. However, the application of this rule will not be permitted to interfere with the routine squadding of pistol matches; and no squadding changes will be made to adjust conflicts caused by this practice.

19. *National Trophy Match.* For the National Trophy matches only, the following provisions will apply:

a. *Malfunction.* When a competitor claims inability to complete his score at timed or rapid fire within the time limit because of a defective cartridge or disabled piece, the range officer, if satisfied that conditions are as claimed by the competitor, will permit him to refire a complete score as soon as may be practicable. No competitor will refire any record score more than once because of a defective cartridge or disabled piece. Such shots as may have been fired in the original score will not be marked or scored.

b. *Defective cartridge.* A defective cartridge is defined as one which clearly shows the imprint of the firing pin on the primer. The imprint of the firing pin on the primer will clearly constitute a misfire without further test.

c. *Disabled piece.* An unserviceable or disabled piece is a pistol which is pronounced, by a range officer, as unsuitable for match competition.

d. *Procedure in case of malfunction.* In case of malfunction for any reason whatsoever, the competitor will immediately assume and hold the position of "raise pistol" and call a range officer, whose duty it will be to draw back the slide and investigate the malfunction. The competitor will not clear the malfunction or draw the slide to the rear.

SEC. VII. *Description of arms and ammunition*—1. *Pistols and revolvers*—a. *National Trophy Match.* Arm—Pistol, U. S. caliber .45, M1911 or M1911A1, having not less than 4-pound trigger pull, issued by the Army Ordnance Department, or the same type and caliber of commercially manufactured pistol, privately owned, which must be equipped with fixed sights, the front sight, blade type (not undercut), and the rear sight an open U or rectangular notch, and issue or factory standard stocks. Except as indicated above, the parts of the pistol may be specially fitted and include alterations which will improve the functioning and accuracy of the arm, provided such alterations do not interfere with the functioning of the safety devices as manufactured.

b. *National Rifle Association Matches.* As prescribed in the conditions of each match.

2. *Pistol ammunition.* a. Pistol ammunition furnished at the national matches will be issued by the range personnel to competitors at the firing points for practice and for match firing.

b. In the National Trophy Match no pistol ammunition other than that issued on the firing point will be used.

c. In revolver or pistol matches of the National Rifle Association any ammunition may be used. (Sec. 1, 45 Stat. 786; 32 U. S. C. 181a)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-7106; Filed, July 29, 1947; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2881]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF HEARING

The application of Pan American Airways, Inc., under section 401 of the Civil Aeronautics Act, as amended, for amendment of its certificate of public convenience and necessity with respect to air transportation between the United States and Australia to include Melbourne, Australia as an intermediate point thereon.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 801 and 1102 of the said act, that a hearing in the above-entitled matter is assigned to be held on August 4, 1947, at 10 a. m. (daylight saving time) in Room 1302 Temporary Building "T" between 13th and 14th Streets on Constitution Avenue N. W., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed amendment will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing, and able to perform the proposed transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and Australia.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before August 4, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details concerning the proposed amendment and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., July 24, 1947.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 47-7095; Filed, July 29, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-892]

CENTRAL KENTUCKY NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 22, 1947, and the supplement thereto filed June 12, 1947, by Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation having its principal place of business at Charleston, West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain additional natural gas facilities as fully described in such application on file with the Commission and open to public inspection; and

It appearing to the Commission that:

(a) Temporary authorization to construct and operate the facilities above referred to was granted by the Commission on July 18, 1947.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 13, 1947 (12 F. R. 3131-32).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, (effective September 11, 1946), a hearing be held on August 7, 1947, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding; *Provided, however,* That if no request to be heard, or protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: July 24, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7092; Filed, July 29, 1947; 8:47 a. m.]

[Docket No. G-916]

CONSOLIDATED GAS UTILITIES CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed June 26, 1947, by Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas pipeline facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 17, 1947 (12 F. R. 4771);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on August 11, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding: *Provided, however,* That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and

37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: July 24, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7091; Filed, July 29, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 253]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, of WFE 66647 tomatoes, by Jack Carl Company, to Senter Brothers, New York, New York (PRR), now on hand on the Wabash Railway, 25th Street Team Track, Chicago, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of July 1947.

HOMER C. KING, *Director.*

[F. R. Doc. 47-7108; Filed, July 29, 1947; 8:50 a. m.]

[No. 29765, Supp. Order]

GREAT NORTHERN RAILWAY CO. ET AL.

ALLOWANCES FOR PICK-UP AND DELIVERY AT PORTLAND, OREG.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of July A. D. 1947.

It appearing, that, by order dated June 9, 1947, the Commission, upon its own motion, instituted an investigation into and concerning the payment of compensation and the making of allowances to warehousemen, pool-car distributors, shippers, consignors, consignees, or their representatives, and the practices pertaining thereto, for the transportation in interstate and foreign commerce of less-than-carload and less-than-truckload shipments between freight stations of common carriers and freight forwarders and other points in the terminal area of Portland, Oreg., with a view to determining whether the said common carriers and freight forwarders are paying compensation or making allowances to warehousemen and others mentioned above in excess of the amounts provided in the tariffs of said common carriers and freight forwarders as allowances to shippers, consignors, and consignees which elect to perform their own pick-up and delivery service, in violation of sections 6 (7), 15 (13), 217 (b) and (d), 225, 405 (c) and (e), and 415 of the Interstate Commerce Act, and to making such findings and entering such order or orders, or taking such other action, as may be warranted by the record;

It further appearing, that certain common carriers by railroad and motor vehicle and certain freight forwarders listed in the appendix to said order were made respondents to this proceeding;

And it further appearing that the common carriers by motor vehicle listed below also serve the terminal area of Portland, and should be made additional respondents to this proceeding;

It is ordered, That the said order of June 9, 1947, be, and it is hereby, amended so as to make as additional respondents to this proceeding the following common carriers by motor vehicle:

Forney & Sons, Inc., dba Forney Freight Lines, MC 252.

George Giffin, Franklin Johnson and Albert Opperman, dba Robertson Freight Lines, MC 106204.

Inland Motor Freight, MC 59077.

Interstate Freight Lines, Inc., MC 1129.

Pacific Highway Transport, Inc., MC 52920.

Portland-Seattle Auto Freight, Inc., MC 66976.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing before Examiner Burton Fuller on September 29, 1947, at 9:30 a. m., U. S. Standard Time, at Hotel Multnomah, Portland, Oreg.

And it is further ordered, That a copy of this order be served on each of the original respondents, and said additional respondents to this proceeding, and at the same time copies be posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-7107; Filed, July 29, 1947; 8:49 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-23]

SARATOGA ASSOCIATION

CONSENT ORDER

The Saratoga Association, a New York corporation with its principal office and place of business at Union Avenue, Saratoga Springs, New York, is engaged in the business of running a horse racing track in Saratoga Springs, New York. It is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that on or about March 1, 1947, it began construction, repairs, additions and alterations, without authorization and at a cost in excess of $1,000 each, of work in a grandstand and work in a clubhouse located at Saratoga Springs, New York, and thereafter and prior to April 25, 1947, carried on construction, repairs, additions and alterations, without authorization and at a cost in excess of $2,500 each, of work in the same projects. Such work would likewise be a violation of the Construction Limitation Regulation issued June 30, 1947, under the Housing and Rent Act of 1947. The Saratoga Association thereafter, on or about May 12, 1947, received approval from the Office of the Housing Expediter to do certain minimum work necessary by case number 2-3-2118 for the grandstand at a cost of $100 and by case number 2-3-2117 for the clubhouse at a cost of $815.28. This work has not yet been done.

The Saratoga Association admits the violations charged, does not desire to contest them, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of The Saratoga Association, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither The Saratoga Association, its successors or assigns, nor any other person shall do any further construction on or in the grandstand or the clubhouse located at its race track at Saratoga Springs, New York, including the putting up, completing or altering of any of the structures located thereon, unless hereafter specifically authorized in writing by the Office of the Housing Expediter, except as specifically authorized by case numbers 2-3-2118 and 2-3-2117 of the Office of the Housing Expediter issued on or about May 12, 1947.

(b) The Saratoga Association shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve The Saratoga Association, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 30th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7209; Filed, July 29, 1947; 10:08 a. m.]

[C-31]

GLEASON'S RATHSKELLER, INC. AND GEORGE J. SWEENEY, ROSE M. SWEENEY, A. L. CHRETIEN

CONSENT ORDER

Gleason's Rathskeller, Inc., of 19-25 Suffolk Street, Holyoke, Massachusetts, began alterations on a building at the above address to convert an existing barroom into a cocktail lounge, to convert empty store space into a barroom, to perform repair work and alterations to a basement, and to convert the second floor of the building into a nightclub. The contractor is A. L. Chretien of 380 High Street, Holyoke, Massachusetts. The President of the corporation is George J. Sweeney of 324 Franklin Street, Holyoke, Massachusetts. George J. Sweeney and his wife, Rose M. Sweeney, are owners of the premises. Gleason's Rathskeller, Inc., George J. Sweeney, Rose M. Sweeney, and A. L. Chretien are charged by the Office of the Housing Expediter with having commenced the foregoing construction on or about April 17, 1947, without authorization, which construction was not permitted under any exemption provided for in Veterans' Housing Program Order 1 and therefore constituted a violation of that order, and continuation of certain portions of this construction for amusement or recreational purposes would be in violation of Construction Limitation Regulation, issued June 30, 1947 under the Housing and Rent Act of 1947. Construction was commenced although George J. Sweeney had visited the office of the Housing Expediter in Springfield, Massachusetts, on February 6, 1947, and had been advised that the project could not be begun unless authorized.

Gleason's Rathskeller, Inc., George J. Sweeney, Rose M. Sweeney, and A. L. Chretien admit the violation as charged and consent to the issuance of this order.

Wherefore, upon the agreement and consent of Gleason's Rathskeller, Inc., George J. Sweeney, Rose M. Sweeney, and A. L. Chretien, the Regional Compliance Director, and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Gleason's Rathskeller, Inc., George J. Sweeney, Rose M. Sweeney, A. L. Chretien, their successors or assigns, nor any other person shall do any further construction on the premises on Suffolk Street, Holyoke, Massachusetts, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) The provisions of paragraph (a) above shall not apply to that part of the building to be used as a restaurant nor to the work specifically authorized by the Office of the Housing Expediter on June 19, 1947, under Serial No. 1-2-994 to protect the present structure from the elements and meet public safety requirements.

(c) Gleason's Rathskeller, Inc., George J. Sweeney, Rose M. Sweeney, and A. L. Chretien shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter to do any further construction on this project.

(d) Nothing contained in this order shall be deemed to relieve Gleason's Rathskeller, Inc., George J. Sweeney, Rose M. Sweeney, and A. L. Chretien, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 30th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7210; Filed, July 29, 1947; 10:08 a. m.]

[C-35]

MIDSTATE AMUSEMENT CO.

CONSENT ORDER

Midstate Amusement Company is charged with having begun construction in the nature of major alterations to the Liberty Theater Building on Sixth Street in Sunnyside, Washington, on or about the 11th day of February, 1947, at an estimated cost of $11,000, without authorization from the Office of the Housing Expediter. The beginning of construction as aforesaid constituted violation of Veterans' Housing Program Order 1, as amended October 7, 1946, and carrying on of construction would be in violation of Construction Limitation Regulation, issued June 30, 1947, under the Housing and Rent Act of 1947.

Midstate Amusement Company admits the violation as charged, but denies that it was wilful and has consented to the issuance of this order:

Wherefore, upon the agreement and consent of Midstate Amusement Company, the Regional Compliance Director and the Regional Compliance Attorney and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Midstate Amusement Company, its successors or assigns, nor any other person or corporation, shall do any further construction in the nature of alterations to the Liberty Theater Building on Sixth Street in Sunnyside, Washington, including the putting up, completing or altering of the said structure unless hereafter specifically authorized by the Office of the Housing Expediter.

(b) Midstate Amusement Company shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Midstate Amusement Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 30th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7211; Filed, July 29, 1947; 10:08 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-36]

MIDLAND UNITED CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of July 1947.

In the matter of Hugh M. Morris, surviving trustee of the estate of Midland United Company; File No. 30-36.

Hugh M. Morris, formerly Surviving Trustee of the Estate of Midland United Company, a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act"), reciting, among other things, that a joint modified plan of reorganization for Midland United Company, and its subsidiary, Midland Utilities Company, filed pursuant to section 11 (f) of the act and Chapter X of the Bankruptcy Act, was confirmed by the United States District Court for the District of Delaware ("Court") on April 7, 1945, and has since been consummated; that on May 25, 1945, Hugh M. Morris, pursuant to an order of the Court, divested himself of all right, title, and interest in and to all assets held by him as Trustee, and as a result of such acquisition taken by him, he does not own, control or hold with power to vote, directly or indirectly, 10% or more of the outstanding voting securities of a public utility company or a holding company; and that, pursuant to an order of the Court, Hugh M. Morris has been discharged as Surviving Trustee of the Estate of Midland United Company; and requesting that the Commission find and declare by order that Hugh M. Morris, as Surviving Trustee of the Estate of Midland United Company, has ceased to be a holding company; and

A notice of filing having been issued on June 30, 1947, with respect to said application and notice having stated that any interested person may, not later than July 15, 1947, request the Commission in writing that a hearing be held on such matter and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Hugh M. Morris, formerly Surviving Trustee of the Estate of Midland United Company, has ceased to be a holding company and that his registration as a holding company should cease to be in effect and that it is not necessary to impose any terms or conditions for the protection of investors in connection with the termination of such registration:

It is ordered and declared, That Hugh M. Morris, formerly Surviving Trustee of the Estate of Midland United Company, has ceased to be a holding company and that the registration of Hugh M. Morris, formerly Surviving Trustee of the Estate of Midland United Company, as a holding company shall from the date of the entry of this order cease to be effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7097; Filed, July 29, 1947; 8:48 a. m.]

[File No. 68-90]

VICTOR F. SHERONAS ET AL.

ORDER ACCELERATING EFFECTIVENESS OF DECLARATION AND GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of July 1947.

In the matter of Victor F. Sheronas, A. Robert Bast, and John Hyland Dilks, Protective Committee of Public Holders of 6% cumulative preferred stock of Philadelphia Company; File No. 68-90.

A declaration and amendments thereto with respect to the solicitation of the holders of the publicly-held 6% cumulative preferred stock of Philadelphia Company pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935 ("act") and an application for an exemption pursuant to Rule U-100 promulgated under the act having been filed by Victor F. Sheronas, A. Robert Bast, and John Hyland Dilks, members of a Protective Committee of Public Holders of 6% cumulative preferred stock of Philadelphia Company, a registered holding company and a subsidiary of Standard Gas and Electric Company, also a registered holding company; and

Said application having been further amended in effect to withdraw from committee membership A. Robert Bast and to substitute in his place and stead, Charles S. Rockey; and

Said application for exemption pursuant to Rule U-100 reciting that certain partners of the firm of Murdoch, Paxson, Kalish & Dilworth of which Frank B. Murdoch, Esquire, counsel for declarants is a member, serve as directors or trustees of and counsel for various specified financial, educational, charitable, and similar institutions which either presently own or may hereafter desire to buy or sell stock or securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, or affiliated or associated companies; and

Said application further reciting that the partners of said firm of Murdoch, Paxson, Kalish & Dilworth have agreed that during the period of the proceedings with respect to Philadelphia Company, et al. (File Nos. 59-88 and 59-9) .to refrain from the purchase or sale of securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, or its affiliated or associated companies and that the partners of said law firm who serve as directors have also agreed not to participate in any discussions of committees or boards of directors or trustees of such specified institutions with respect to the securities of Philadelphio Company, its parent, Standard Gas and Electric Company, or affiliated or associated companies; and

Said applicants-declarants having requested that the specified financial, educational, charitable or similar institutions as aforesaid be exempt from the application of subdivision (g) (2) of Rule U-62 promulgated under the act, with respect to the purchase or sale of securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, or affiliated or associated companies; and

The applicants-declarants herein having requested that the declaration, as amended, for the solicitation of the holders of 6% cumulative preferred stock of Philadelphia Company be permitted to become effective prior to the expiration of the fourth day from the filing of the last amendment to said declaration; and

It appearing to the Commission that it is appropriate to accelerate the effectiveness of the declaration, as amended, filed pursuant to Rule U-62 and that the requirements of subdivision (g) (2) of Rule U-62, as applied to the aforesaid institutions, are not necessary or appropriate in the public interest or for the protection of investors and consumers;

It is ordered, Pursuant to subdivision (d) (2) of Rule U-62 that said declaration, as amended, for the solicitation of the holders of the publicly-held 6% cumulate preferred stock of Philadelphia Company, be, and the same hereby is, permitted to become effective forthwith; and

It is further ordered, Pursuant to Rule U-100 (a) that said application for the exemption of the specified financial, educational, charitable or similar institutions as aforesaid from the provisions of subdivision (g) (2) of Rule U-62 with respect to the purchase or sale of securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, or its affiliated or associated companies be, and the same hereby is, granted subject to the conditions contained in said application and declaration, as amended, and referred to above.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7102; Filed, July 29, 1947; 8:49 a. m.]

[File No. 70-1530]

PUBLIC SERVICE COMPANY OF NEW MEXICO

MEMORANDUM OPINION AND SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION AND DECLARATION TO BECOME EFFECTIVE AND CONTINUING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of July A. D. 1947.

On June 26, 1947, we issued our memorandum findings and opinion in this matter permitting, among other things, the issue and sale by Public Service Company of New Mexico ("Public Service") of $6,800,000 principal amount of First Mortgage Bonds, --% Series due 1977, and 20,000 shares of $100 par value --% Cumulative Preferred Stock, subject to the condition that said sale of the aforementioned bonds and preferred stock should not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in this proceeding and a further order entered in the light of the record so completed.

The company filed an amendment on July 10, 1947 herein stating that the First Mortgage Bonds and Cumulative Preferred Stock were offered for sale pursuant to the competitive bidding requirements of Rule U-50, that six bids were submitted for the bonds, and that the company accepted a bid for the bonds but that no bids were received for the Cumulative Preferred Stock.

On July 10, 1947, we issued our supplemental order pursuant to Rule U-50 releasing the jurisdiction heretofore reserved with respect to the results of competitive bidding in connection with the sale of the said bonds, but continuing the jurisdiction heretofore reserved with respect to the sale of Preferred Stock.

The company has now filed a further amendment herein proposing to borrow $1,000,000 from the Irving Trust Company and to issue in evidence thereof its 2% Promissory Note with a maturity of nine months. The proceeds of the said note are to be used for construction purposes, as heretofore set forth in this proceeding. The amount of such note will constitute approximately 9.5% of the principal amount and par value of the other outstanding securities of Public Service and authorization to issue said note is requested pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935.

The record indicates that the present proposal is a temporary expedient and that, subject to market conditions, the company will refinance the said note, before the maturity date thereof, by the sale of preferred stock.

Under the circumstances of this case as disclosed by the record, we are of the opinion that, pursuant to the first sentence of section 6 (b) of the act, the issuance of the proposed note is appropriate in the public interest and for the protection of investors and consumers.

It is therefore ordered, That the application and declaration filed herein, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to the sale at competitive bidding of the Cumulative Preferred Stock by Public Service Company of New Mexico as prescribed in said order of June 26, 1947, be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7099; Filed, July 29, 1947; 8:48 a. m.]

[File No. 70-1552]

PACIFIC POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AND PERMITTING JOINT APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of July A. D. 1947.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Pacific Power & Light Company ("Pacific"), an electric utility subsidiary of American, having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, and U-50 thereunder regarding (a) the issuance of $29,000 000 principal amount of first mortgage bonds, --% Series due 1977, of which $26,900,000 principal amount are to be sold pursuant to the competitive bidding requirements of Rule U-50 and $2,100,000 principal amount are to be exchanged for a like principal amount of Northwestern Electric Company 4½% debentures due 1959 owned by American and assumed by Pacific; and (b) to issue and sell at private sale $4,000,000 principal amount of 2% ten-year serial notes payable in twenty equal semi-annual installments; and

The Commission having by order dated July 11, 1947 (as modified by a supplemental order dated July 14, 1947), granted and permitted to become effective said joint application-declaration, as amended, subject to the condition that the proposed issue and sale of bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order entered by the Commission in light of the record as so completed, and subject, further, to a reservation of jurisdiction with respect to the payment of all counsel fees and expenses in connection with the proposed transactions; and

American and Pacific having filed a further amendment to their joint application-declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to an invitation for competitive bids, three bids on such bonds by three groups of underwriters headed by the firms set forth below were received:

Underwriting group	Coupon rate	Price to company	Cost to company
W. C. Langley & Co.[1] The First Boston Corp. Blyth & Co., Inc. White, Weld & Co. Smith, Barney & Co. Halsey, Stuart & Co., Inc.	3.25	101.814	3.1560
	3.25	101.045	3.1956
	3.25	100.439	3.2271

[1] Bid jointly.

Said amendment to the joint application-declaration having contained the statement that Pacific has accepted the bid of the group headed jointly by W. C. Langley & Co. and The First Boston Corporation as set out above, and that the bonds will be offered for sale to the public at a price of 102.91% of the principal amount thereof, resulting in an underwriter's spread of 1.096% of the principal amount of said bonds; and

The Commission finding that the proposed payments of counsel fees in the amounts of $15,000 to Reid & Priest, New York counsel for Pacific, $7,500 to Laing, Gray & Smith, general counsel for Pacific, and $12,500 to Davis, Polk, Wardwell, Sunderland & Kiendl, counsel for the successful bidders for such bonds, whose fee is to be paid by the successful bidder, are not unreasonable; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms or conditions with respect to said matters:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 be, and the same hereby is, released, and that the amendment filed on July 23, 1947, to the joint application-declaration be, and the same hereby is, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24; and

It is further ordered, That jurisdiction heretofore reserved with respect to fees and expenses of counsel in connection with the issue and sale of said bonds, including the fees payable to counsel for the successful bidder, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7101; Filed, July 29, 1947; 8:48 a. m.]

[File No. 70-1555]

LOUISVILLE GAS AND ELECTRIC CO. (DELAWARE) AND LOUISVILLE GAS AND ELECTRIC COMPANY (KENTUCKY)

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of July 1947.

Louisville Gas and Electric Company, a Delaware corporation ("Louisville of Delaware"), a registered holding company subsidiary of Standard Gas and Electric Company, also a registered holding company, and its subsidiary, Louisville Gas and Electric Company, a Kentucky corporation ("Louisville of Kentucky"), have filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("the act") and the general rules and regulations promulgated thereunder regarding the following proposed transactions:

Louisville of Kentucky will issue and sell 34,864 additional shares of its no par value common stock to Louisville of Delaware, at $25 per share, aggregating an investment of approximately $871,600. This will increase the holdings of Louisville of Delaware in such common stock to 918,025 shares, which shares are proposed to be distributed by Louisville of Delaware under its Second Amended Plan for liquidation filed pursuant to section 11 (e) of the act (File Nos. 59-78, 54-113 and 70-1015). The proceeds from such sale will be used by Louisville of Kentucky to reimburse, in part, its treasury for funds expended for construction purposes.

The proposed issuance and sale of said securities have been authorized by the Public Service Commission of Kentucky by order dated June 11, 1947.

The application-declaration having been filed on June 23, 1947, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act; and a copy of said notice having been mailed to each of the holders of the common stock of Louisville of Kentucky in compliance with the order of this Commission as set forth in said notice; and the Commission not having received a request for hearing with respect to said application or declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions meet the requirements of section 6, 7, 9, 10 and 12 (f) of the act and Rules U-23, U-24 and U-43 promulgated thereunder and that no adverse findings are necessary thereunder:

It is hereby ordered, That the application and declaration, be and the same are, respectively, hereby granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS. *Secretary.*

[F. R. Doc. 47-7098; Filed, July 29, 1947; 8:48 a. m.]

[File No. 70-1563]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of July A. D. 1947.

Electric Bond and Share Company ("Bond and Share"), a registered holding company having filed an application-declaration with this Commission pursuant to sections 6 (a) (2), 12 (c), 14 and 15 of the act and Rules U-23 and U-46 promulgated thereunder with respect to the following transactions:

Bond and Share proposes to restate its accounts as of January 1, 1945, and to set up on its books an "Accounting Reorganization Account" in the total amount of $460,571,680. This account will be created by the transfer of (a) the stated value of the $5 and $6 Preferred Stock as of January 1, 1945, amounting to $107,540,000; (b) Capital Surplus (including reserve created therefrom) as of

January 1, 1945, amounting to $328,067,986; and (c) Earned Surplus as of January 1, 1945, amounting to $24,963,694 (after provision for preferred stock dividends or equivalent to date of retirement). From this account $280,000,000 is proposed to be allocated to Investment Reserves as follows: (a) United States Utilities $80,000,000 and (b) Foreign Utilities $200,000,000. The balance of the Accounting Reorganization Account amounting to $180,571,680 together with Capital Surplus additions to December 31, 1946, resulting from the acquisition and retirement of preferred stocks, amounting to $27,617, will be transferred to a Capital Adjustment and Contingency Reserve, which will include provisions for (a) the payment to Bond and Share's preferred stocks of $70 per share in the aggregate amount of $73,029,600; (b) an amount not in excess of $30,000,000 to be available for adjustment of Investment Reserves—Foreign Utilities; and (c) all other charges in connection with action taken by Bond and Share towards compliance with section 11 of the act. Any balance in said account remaining upon consummation of the program for conformance with section 11 of the act and other related matters will be transferred to Capital Surplus.

Applicant-declarant states that its program for conformance with the act as evidenced by various plans heretofore filed by it pursuant to section 11 (e) of the act provides for disposal of the company's investment in domestic public utilities; that the amounts realizable by the company upon sale or disposal of such investments is substantially lower than the ledger value of such investments; and that the plan of reorganization dated October 25, 1944 and amended May 22, 1947 which was filed by its subsidiary, American & Foreign Power Company Inc. ("Foreign Power"), and joined in by Bond and Share, provides for the surrender of Bond and Share's interests in Foreign Power and in the latter's subsidiary, Cuban Electric Company, for securities of a substantially different nature, the value of which is estimated by the applicant-declarant to be considerably lower than the ledger value of its present holdings in Foreign Power.

Applicant-declarant further states that as a result of its joinder in the plan of reorganization of Foreign Power and the required provision for other adjustments in the ledger value of Investment Securities and Advances of the company, an accounting reorganization is necessary.

In addition, by order of this Commission dated July 18, 1946, Bond and Share was ordered to record its investments in the common stocks of Birmingham Electric Company, Carolina Power & Light Company, and Pennsylvania Power & Light Company and its remaining investment in National Power & Light Company, a registered holding company, at such amounts and in such manner as the Commission may approve or direct. The applicant-declarant states that the transactions hereinbefore described will in effect meet the requirements of such order inasmuch as such common stocks are required to be disposed of subject to further order of the Commission by October 6, 1947.

The application having been filed on June 27, 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate in the public interest and in the interest of investors or consumers said application-declaration be granted and permitted to become effective, and deeming it appropriate to grant the request of the applicant that the order become effective at the earliest possible date:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions contained in Rule U-24 that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7105; Filed, July 29, 1947; 8:49 a. m.]

[File No. 70-1564]

WISCONSIN PUBLIC SERVICE CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of July 1947.

Wisconsin Public Service Corporation ("Wisconsin"), a public utility company and an exempt holding company and a subsidiary of Standard Gas and Electric Company, a registered holding company, having filed an application-declaration and amendment thereto in which sections 9, 10 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-41 and U-46 promulgated thereunder are designated as applicable to the following transactions:

Wisconsin proposes to purchase, pursuant to contracts and options now in effect, all of the 240 shares of issued and outstanding capital stock of Coleman-Pound Light and Power Company ("Coleman-Pound"), an electric public utility company which distributes electric energy purchased from Wisconsin and serves approximately 335 customers in the villages of Pound and Coleman, Marinette County, Wisconsin. The consideration to be paid for said shares of capital stock is stated to be $254.23 per share, or a total of $61,015.20. As soon as possible after acquisition of all of the outstanding shares of capital stock of Coleman-Pound, the applicant-declarant proposes to acquire all the assets of Coleman-Pound and to dissolve said Coleman-Pound.

The Public Service Commission of Wisconsin, in which State both Wisconsin and Coleman-Pound are incorporated and doing business, has approved the acquisition of the shares of stock of Coleman-Pound by Wisconsin and has also granted its approval to the merger of Coleman-Pound into Wisconsin. In accordance with the order of the Public Service Commission of Wisconsin, approving the acquisition of the capital stock of Coleman-Pound, Wisconsin proposes to charge $41,891 to its earned surplus account, representing the excess of the purchase price of such stock over the value thereof as found by the Wisconsin Commission.

Said application-declaration having been filed on June 30, 1947, and an amendment thereto having been filed on July 21, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant-declarant having requested that the Commission's order become effective upon the issuance thereof in order that the company may consummate the proposed transactions without delay; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective and further deeming it appropriate to grant applicant-declarant's request that the Commission's order herein become effective immediately upon the issuance thereof:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7100; Filed, July 29, 1947; 8:48 a. m.]

[File No. 70-1569]

PENN STATE WATER CORP. AND AMERICAN WATER WORKS AND ELECTRIC COMPANY, INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of July A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder by Penn State Water Corporation ("Penn State"), an indirect subsidiary of American Water Works and Electric Company, Incorporated, ("American"), a registered holding company.

Notice is further given that any interested person may, not later than August 4, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Street, Philadelphia 3, Pa. At any time after August 4, 1947, said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized below:

Penn State proposes to make a capital contribution of $75,000 in cash to its subsidiary, The Dorchester Water Company ("Dorchester"). Penn State owns all of the outstanding common stock of Dorchester consisting of 1,716.7 shares, no par value. The proposed capital contribution is to be added by Penn State to its investment in the common stock of Dorchester and is to be credited by Dorchester to its capital surplus.

Dorchester is to use this cash, together with other funds, to carry out a construction program made necessary by increased demands for water service. It is estimated that the total cost of such construction program for the period from May 31, 1947, to December 31, 1947, will be approximately $115,000. It is represented that no expenses are to be incurred in connection with the proposed transaction.

The filing requests that the Commission's order permitting the declaration to become effective be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7103; Filed, July 29, 1947; 8:49 a. m.]

[File No. 70-1570]

AMERICAN WATER WORKS AND ELECTRIC CO., INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of July A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder by American Water Works and Electric Company, Incorporated ("American"), a registered Holding Company.

Notice is further given that any interested person may, not later than August 4, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa. At any time after August 4, 1947, said declaration as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized below:

American proposes to make a capital contribution of $250,000 in cash to its subsidiary, South Pittsburgh Water Company ("South Pittsburgh"). American owns 99.93% of the outstanding common stock of South Pittsburgh consisting of 350,000 shares, par value $10 a share. The proposed capital contribution is to be added by American to its investment in the common stock of South Pittsburgh and will be credited by South Pittsburgh to its capital surplus.

South Pittsburgh is to use this cash, together with other funds, to carry out a proposed construction program made necessary by increased demands for water service. It is estimated that the total cost of such construction program during the year 1947 is to be $815,000, of which approximately $550,000 remains to be expended subsequent to May 31, 1947. It is represented that no expenses are to be incurred in connection with the proposed transactions.

The filing requests that the Commission's Order permitting the declaration to become effective be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7104; Filed, July 29, 1947; 8:49 a. m.]

[File No. 812-502]

MORRIS PLAN CORP. OF AMERICA ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of July A. D. 1947.

In the matter of The Morris Plan Corporation of America, American General Corporation, and William G. Avery, et al.; File No. 812-502.

Notice is hereby given that The Morris Plan Corporation of America (Morris Plan) has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said act, certain transactions in which William G. Avery, Louis A. Welch, Jr., and Edwin E. Miller propose to purchase from Morris Plan a total of 500 shares of the capital stock of The Industrial Bank of Schenectady (Bank) for the sum of $10,105, a purchase price of $20.21 per share.

The proposed purchasers are directors of the Bank which is a majority-owned subsidiary of Morris Plan. American General Corporation (American), a registered investment company, controls Morris Plan, therefore, the purchasers are affiliated persons of an affiliated person of American and the proposed transactions are prohibited by section 17 (a) (2) of the act.

The proposed purchase price, which is equal to the book value of $20.21 per share for the stock as of May 31, 1947, is subject to revision downward to the extent that any dividend declaration after May 31, 1947 and prior to the date of sale reduces the book value below $20.21 per share. Over the ten year period 1937–1946 the per share net earnings of the Bank fluctuated between $0.95 in 1945 and $2.61 in 1939 and averaged $1.99 per year after taxes. In 1946 the net earnings amounted to $2.34 per share. The purchase price is approximately 10.2 times the average per share net earnings of the Bank over the ten year period and slightly less than nine times the per share net earnings for 1946. The stock is not listed on a national securities exchange or traded on an over-the-counter market. Sales occur infrequently, about once or twice a year, and usually are the result of estate liquidations. The stock is quoted in Schenectady, New York, the most recent quotation being $20 Bid, $21 Offered. The purchase contracts provide that upon the demise of a purchaser, or in the event that a purchaser desires to dispose of the stock, the stock must be offered to Morris Plan for repurchase at the then book value.

All interested persons are referred to said application, which is on file at the Philadelphia, Pennsylvania offices of this Commission, for a more detailed statement of the matters of fact and law therein asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination: whether the terms of the proposed transactions, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned; whether the proposed transactions are consistent with the policy of American

General Corporation as recited in its registration statement and reports filed under the act; and, whether the proposed transactions are consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the 13th day of August 1947 at 10:00 a. m., eastern daylight saving time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locusts Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to The Morris Plan Corporation of America, American General Corporation, William G. Avery, Louis A. Welch, Jr., Edwin E. Miller and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise wishing to participate in said proceedings should file with the Secretary of the Commission, on or before August 11, 1947, his application therefore as provided by Rule XVII of the rules of practice of the Commission setting forth therein any of the above issues of law or fact which he desires to contravert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-7096; Filed, July 29, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9368]

LEONHARD ENGERER ET AL.

In re: Interests in agreement owned by Leonhard Engerer and others. F-28-9638-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the following persons, whose names and last known addresses are hereinafter set forth below:

Names and Addresses

Leonhard Engerer, Obernzenn, Germany.
Balthazar Engerer, Obernzenn, Germany.
Eva Engerer, Nurnberg, Germany.
Babette Zoellner, Nurnberg, Germany.
Anna Korn, Nurnberg, Germany.
Hans Engerer, Obernzenn, Germany.
Anna Hoerner, Obernzenn, Germany.
Johann Leonhard, also known as Hans Keitel, Germany.
Johann Georg Keitel, Germany.
George Leonhard Keitel, Germany.
Friedrich Keitel, Germany.
Babetta Hetzner, also known as Babette Hetzner, Germany.
Johann Friedrich Korn, Germany.
Fritz Korn, Germany.
Johann Georg Korn, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of any name or nature whatsoever of Leonhard Engerer, Balthazar Engerer, Eva Engerer, Babette Zoellner, Anna Korn, Hans Engerer, Anna Hoerner, Johann Leonhard, also known as Hans Keitel, Johann Georg Keitel, Georg Leonhard Keitel, Friedrich Keitel, Babetta Hetzner, also known as Babette Hetzner, Johann Friedrich Korn, Fritz Korn, and Johann Georg Korn, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, arising under that certain agreement, dated March 25, 1941 (including all modifications thereof and supplements thereto, if any) by and between City Title Insurance Company and Maxwell C. Katz and Otto C. Sommerich, as attorneys and attorneys-in-fact for the persons set forth above, which agreement relates, among other things, to an escrow deposit, in the amount of $3,750.00,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7119; Filed, July 29, 1947; 8:51 a. m.]

[Vesting Order 9383]

CARL BRAND

In re: Stock owned by Carl Brand. F-28-8477-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Brand, whose last known address is Euerdorf 23, Bayern, Unterfranken, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty (50) shares of no par value common capital stock of Phillips Petroleum Company, 80 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 0160010, registered in the name of Carl Brand, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7120; Filed, July 29, 1947; 8:51 a. m.]

[Vesting Order 9413]

HERMAN SCHRODER

In re: Estate of Herman Schroder, deceased. File D-28-10039; E. T. sec. 14236.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Schroder, Anna Segelken, Katrina Schroder, Margaret Wegman, Bertha Marhine, Herman Krentzel and Johan Krentzel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children of Anna Segelken, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Herman Schroder, deceased, and in and to the trust created under the will of Herman Schroder, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Lafayette McLaws and Annie Schroder Siceloff, as executors, acting under the judicial supervision of the Ordinary Court of Chatham County, Georgia;

and it is hereby determined:

5. That to the extent that the above-named persons and the children of Anna Segelken, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7121; Filed, July 29, 1947; 8:51 a. m.]

[Vesting Order 9414]

BARMER BANKVEREIN

In re: Bank accounts owned by Barmer Bankverein. F-28-263-E-1, F-28-263-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Barmer Bankverein, the last known address of which is c/o Commerzbank A. G., Hamburg-Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Barmer Bankverein, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Barmer Bankverein, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Barmer Bankverein, by Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of an unpresented foreign dollar drafts account, entitled Barmer Bankverein, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7122; Filed, July 29, 1947; 8:51 a. m.]

[Vesting Order 9415]

BERTHA BRAUN ET AL.

In re: Stock owned by Bertha Braun and the personal representatives, heirs, next of kin, legatees and distributees of Alex Braun, deceased. F-28-25265-A-1, F-28-25265-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Braun, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Alex Braun, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That the property described as follows: Thirty (30) shares of $10.00 par value common capital stock of Ideal Cement Company, 500 Denver National Building, Denver 2, Colorado, a corporation organized under the laws of the State of Colorado, evidenced by a certificate numbered F13973, registered in the name of Alex Braun and Bertha Braun, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bertha Braun and the personal representatives, heirs, next of kin, legatees and distributees of Alex Braun, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Alex Braun, deceased, referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7123; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9416]

HEINZ CYRIACKS ET AL.

In re: Bank accounts owned by Heinz Cyriaks, George Cyriacks, and Meta Cyriacks Schroeder, also known as Meta Schroder, also known as Meta Schoreder. F-28-9506-C-1, F-28-9506-E-1, F-28-12160-C-1, F-28-12160-E-1, F-28-9505-E-1, F-28-9505-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinz Cyriacks, Meta Cyriacks Schroeder, also known as Meta Schroder, also known as Meta Schoreder and George Cyriacks, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Heinz Cyriacks, by Union Bank & Trust Company of Los Angeles, Los Angeles, California, arising out of a Term Savings Account, Account Number 85482, entitled Heinz Cyriacks, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Meta Cyriacks Schroeder, also known as Meta Schroder, also known as Meta Schoreder, by Union Bank & Trust Company of Los Angeles, Los Angeles, California, arising out of a Term Savings Account, Account Number 85483, entitled Meta Schoreder, nee Cyriacks, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to George Cyriacks, by Union Bank & Trust Company of Los Angeles, Los Angeles, California, arising out of a Term Savings Account, Account Number 85484, entitled George Cyriacks, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7124; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9418]

DEUTSCHE MOTOR SERVICE, A. G.

In re: Debt owing to Deutsche Motor Service, A. G. F-28-8543-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Motor Service, A. G., the last known address of which is Berlin-Tempelhof, Germany is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Deutsche Motor Service, A. G., by The Electric Auto-Lite Company, Champlain and Chestnut Streets, Toledo 1, Ohio, in the amount of $1,073.00, as of June 11, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7125; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9419]

EICHBORN & CO.

In re: Bank account owned by Eichborn & Company. F-28-4099-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eichborn & Company, whose last known address is Breslau 1, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Eichborn & Company, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Eichborn & Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7126; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9424]

GESINE MAYER AND HENRIETTA KOCH

In re debts owing to Gesine Mayer and Henrietta Koch. F-28-26350-C-1 F-28-26423-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gesine Mayer and Henrietta Koch, whose last known addresses are Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Gesine Mayer, by Safe Deposit and Trust Company of Baltimore, 13 South Street, Baltimore, Maryland, in the amount of $488.80, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Henrietta Koch, by Safe Deposit and Trust Company of Baltimore, 13 South Street, Baltimore, Maryland, in the amount of $777.76, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7127; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9426]

CHRIST MILLER

In re: Bank account owned by Christ Miller. F-28-26366-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christ Miller, whose last known address is Rendsburg i/Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Christ Miller, by American Trust Company, 464 California Street, San Francisco 20, California, arising out of a Checking Account, entitled Christ Miller, maintained at the branch office of the aforesaid bank located at 1011 10th Street, Sacramento, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7128; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9428]

ELSE NAEVE ET AL.

In re: Stock owned by Else Naeve, Minna Naeve, Otto Naeve, and Christine Struve. F-28-25907-D-1, F-28-25910-D-1, F-28-25912-D-1, F-28-25914-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Naeve, Minna Naeve, Otto Naeve, and Christine Struve, whose last known addresses are Itzehoe, Holstein, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Sixteen (16) shares of $10.00 par value common capital stock of Schlage Lock Company, P. O. Box 3324, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate Nos.	Number of shares
Else Naeve	B125	4
Minna Naeve	B123	4
Otto Naeve	B122	4
Christine Struve	B124	4

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7129; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9429]

B. & E. SACHS

In re: Bank account owned by B. & E. Sachs. F-28-1033-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That B. & E. Sachs, the last known address of which is 20 Oberwallstrasse, Berlin W. 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to B. & E. Sachs, by The New

York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled B. & E. Sachs, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7130; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9431]

EMILIE AND OTTO STENGER

In re: Debt owing to Emilie Stenger and Otto Stenger. F-28-2613-C-1, F-28-2614-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emilie Stenger and Otto Stenger, whose last known addresses are Offenbach, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Emilie Stenger and Otto Stenger, by Land Title Bank and Trust Company, Broad and Chestnut Streets, Philadelphia 10, Pennsylvania, in the amount of $480.06, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7131; Filed, July 29, 1947; 8:52 a. m.]

[Return Order 31]

HENRI WOUTER JONKHOFF

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and Claim Number; Notice of Intention to Return Published; Property

Henri Wouter Jonkhoff, New York, New York, Claims Nos. A-262 to A-265, inclusive; 12 F. R. 3579, June 3, 1947; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent Nos. 1,918,108; 2,015,310; 2,015,311 and 2,083,166, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 24, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7133; Filed, July 29, 1947; 8:53 a. m.]

[1] Filed as part of the original document.

[Return Order 32]

STEPHANIE SCHYBILSKY POSAMENT AND JOSEPHINE M. LORSCH

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number; Notice of Intention to Return Published; Property

Stephanie Schybilsky Posament, Newark New Jersey, Claim No. 5902; 12 F. R. 3579 June 3, 1947; $2,666.49 in the Treasury of the United States.

Josephine M. Lorsch, c/o Mortimer H. Hess, Attorney-in-fact, New York, New York, Claim No. 5852; 12 F. R. 3757, June 7, 1947; $14,197.57 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 24, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7134; Filed, July 29, 1947; 8:53 a. m.]

[Vesting Order 9235]

WOLFGANG MUELLER

Correction

In F. R. Doc. No. 47-6535 appearing on page 4660 of the issue for Saturday, July 12, 1947, the vesting order number should appear as set forth above.

FEDERAL REGISTER

VOLUME 12 NUMBER 149

Washington, Thursday, July 31, 1947

TITLE 7—AGRICULTURE

Chapter XXI—Organization, Functions, and Procedure

PART 2326—FOOD DISTRIBUTION PROGRAMS BRANCH

Part 2326 is revised to read as follows:

SUBPART A—ORGANIZATION

2326.1 Central Office.
2326.2 Field Offices.
2326.3 Public Information, submittals, and requests.

SUBPART B—FUNCTIONS AND PROCEDURES

2326.10 National school lunch program.
2326.11 Direct distribution of agricultural commodities and other foods.
2326.12 Food preservation.
2326.13 Cooperative programs with distributive trades groups.

AUTHORITY: §§ 2326.1 through 2326.13 issued under R. S. 161, secs. 3, 12, Pub. Law 404, 79th Cong. 60 Stat. 238, 244; 5 U. S. C. 22; E. O. 9577, June 29, 1945, 3c F. R. 1945 Supp.

SUBPART A—ORGANIZATION

§ 2326.1 *Central office*—(a) *General.* The principal office of the Branch is at Washington, D. C., in the South Agriculture Building, consisting of the Office of the Director, the School Lunch Division, The Direct Distribution Division, and the Abundant Foods Marketing Division.

(b) *The Director.* Under the general supervision of the Administrator, the Director formulates, directs, and supervises the execution of policies, programs, and activities of the Production and Marketing Administration and the Commodity Credit Corporation assigned to the Branch, and serves as a Contracting Officer and executive of the Commodity Credit Corporation in general charge of the activities of the Corporation carried out through the Branch. The Director has final authority to:

(1) Enter into contracts by and on behalf of the Commodity Credit Corporation, in accordance with the bylaws of the Corporation, with respect to programs carried out by the Branch.

(2) Settle and adjust claims by and against the Commodity Credit Corporation relating to programs for which the Branch is responsible, within the limitations established by the Corporation (6 CFR, Part 200 et seq.).

(3) Enter into agreements with State educational agencies and non-profit private schools pursuant to the National School Lunch Act, approved June 4, 1946, 60 Stat. 230.

(4) Enter into agreements with public and non-profit private schools, institutions, and other distributing agencies for the distribution of agricultural commodities purchased pursuant to section 32 of the act of August 24, 1935, as amended, 7 U. S. C. 612c, or pursuant to section 6 of the National School Lunch Act.

(c) *Office of the Director.* The Office of the Director coordinates activities of various agencies affecting the supply of foodstuffs produced or consumed at home; maintains liaison with public and private agencies in order to obtain participation in this program, both in urban and rural areas; and cooperates with National, State, and local officials in developing and conducting studies and educational programs on nutrition.

(d) *The divisions.* The divisions and their functions are as follows:

(1) The School Lunch Division plans, directs, and supervises the School Lunch Program pursuant to the National School Lunch Act.

(2) The Direct Distribution Division plans, directs and supervises the direct distribution and food preservation programs approved by the Secretary of Agricuuture and the Board of Directors of the Commodity Credit Corporation.

(3) The Abundant Foods Marketing Division plans, directs, and supervises cooperative programs with distributive trade groups for increasing the movement of agricultural products through normal channels of trade and for meeting specific distribution problems which may be interfering with wider marketing of agricultural commodities.

§ 2326.2 *Field offices.* Area offices are located at: 641 Washington Street, New York, New York, with a Sub-Area office at 70 State Street, Boston, Massachusetts; 623 South Wabash Avenue, Chicago, Illinois, with a Sub-Area office at Civil Courts Building, St. Louis, Missouri; 821 Market Street, San Francisco, California, with a Sub-Area office at

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FEDERAL REGISTER

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Building T–1–A, Denver Federal Center, Room T–314, Denver, Colorado; 539 U. S. Terminal Annex, Dallas, Texas, with a Sub-Area office at 408 Mid-west Building, Oklahoma City, Oklahoma; and 449 West Peachtree Street, Atlanta, Georgia. Area and Sub-Area offices are primarily responsible for all operations of the Branch within their respective jurisdictions, in accordance with policies and procedures established in the Washington office.

§ 2326.3 *Public Information, submittals, and requests.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Branch should address: The Director, Food Distribution Programs Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., or the Area or Sub-Area office closest to where he resides.

The records of the Branch, including those maintained in field offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURE

§ 2326.10 *National school lunch program.*[1] The National School Lunch Act provides for a National School Lunch Program to be carried out in cooperation with the State educational agencies and nonprofit private schools. Under authority of the Secretary, this program is formulated and administered in this Branch.[2] The funds appropriated for this program for each fiscal year are apportioned by the Secretary pursuant to the formula set forth in the act which takes into consideration the number of school children in the State and the need for assistance in the State as indicated by the relation of the per capita income in the United States to the per capita income in the State. In the case of a State wherein the State educational agency is not permitted to disburse funds paid to it under the National School Lunch Act to nonprofit private schools, or is not permitted to match Federal funds made available for use by such non-profit private schools, the Department disburses funds directly to such non-profit private schools in accordance with the act. Agreements are entered into by the Department with State educational agencies and with non-profit private schools in States where the State agency cannot enter into agreements with such schools. Area or Sub-Area offices have authority to execute such agreements on forms prescribed by the Director. However, if any departures are to be made from the forms in connection with a particular State educational agency or a non-profit private school, the Area or Sub-Area office concerned is authorized to enter into negotiations with the State educational agency or the non-profit private school with respect to the execution of the agreement, but the agreement with the changes to be made must be submitted by the Area or Sub-Area office to the Director for approval on behalf of the Department. Upon the certification by the Secretary of Agriculture to the Secretary of the Treasury of the amounts to be paid to the States pursuant to the act, the Secretary of the Treasury will pay the States, at the time fixed by the Secretary of Agriculture, the amounts so certified. In the case of funds withheld for payment to non-profit private schools under the circumstances mentioned above, the Department will disburse the funds so withheld direct to such non-profit private schools in accordance with the act.

§ 2326.11 *Direct distribution of agricultural commodities and other foods.* From time to time supplies of agricultural commodities in abundance and other foods are distributed to public and non-profit private schools participating in the National School Lunch Program and to other public and non-profit private schools and institutions eligible to receive such commodities and foods. The Direct Distribution Division of this Branch prescribes the standards of eligibility and conditions under which such commodities and foods may be donated, pursuant to section 32 of the act of August 24, 1935, as amended, the act of June 28, 1937, as amended, 15 U. S. C. 713c, and sections 6 and 9 of the National School Lunch Act. Agreements on Form FP–51, or a revision thereof, are entered into with public or non-profit private agencies which will receive and distribute available agricultural commodities and other foods to eligible recipients. Area or Sub-Area offices of the Branch have authority to execute such agreements. Copies of the form may be obtained by writing to the appropriate Area or Sub-Area office or to the Director. From time to time, the Direct Distribution Division makes allocation of commodities available to distributing agencies, and notification thereof is given through the Area or Sub-Area offices to the distributing agencies.

§ 2326.12 *Food preservation.* Under the technical supervision of the Direct Distribution Division, food preservation specialist conduct workshops in different parts of the country to train supervisors of community, school, and institutional food preservation centers. These food specialists also provide technical assistance with respect to food preservation plant lay-out, facilities equipment, operating methods, and processing techniques. Anyone acting on behalf of a community, school, or institutional food preservation center may make application for securing these services by applying to the appropriate Area or Sub-Area office or to the Director.

§ 2326.13 *Cooperative programs with distributive trades groups.* The Abundant Foods Marketing Division of the Branch conducts programs to increase the movement of agricultural products through normal channels of trade. In order to accomplish this, the Division establishes liaison with food trade, public feeding, and allied groups to meet distribution problems which may be interfering with wider marketing of agricultural commodities; encourages increased consumer purchase and use of abundant or plentiful foods; plans and directs special marketing programs for such foods and secures the maximum cooperation of food trade groups in the operation of such programs; establishes and serves food distribution advisory groups in selected trading areas; assists vulnerable groups in obtaining minimum requirements of essential foods in periods of short supply; and conducts programs to encourage wider distribution and sale of new and improved food products through normal trade channels.

This revision is effective July 1, 1947.

Dated: July 25, 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary

[F. R. Doc. 47–7173; Filed, July 30, 1947; 8:56 a. m.]

[1] The delegation of authority with respect to administration of the National School Lunch Program, issued by the Acting Administrator, Production and Marketing Administration, on August 20, 1946 (11 F. R. 9193), is superseded by the revision of this part and is therefore rescinded.

[2] See 11 F. R. 8857 for text of delegation of authority from the Secretary to the Administrator, Production and Marketing Administration.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 601—OFFICERS RESERVE CORPS

MEDICAL DEPARTMENT RESERVE

Rescind paragraph (o) of § 601.3 and substitute the following therefor:

§ 601.3 *Sections of the Officers Reserve Corps Area.* • • •

(o) Medical Department Reserve:
(1) Army Nurse Corps, ANC-Res.
(2) Dental Corps Reserve, Dent-Res.
(3) Medical Administrative Corps Reserve, MA-Res.
(4) Medical Corps Reserve, Med-Res.
(5) Pharmacy Corps Reserve, Ph-Res.
(6) Sanitary Corps Reserve, San-Res.
(7) Veterinary Corps Reserve, Vet-Res.
(8) Women's Medical Specialist Corps, WMS-Res (including dietitians, physical therapists, and occupational therapists).

[WD Cir. 356, Dec. 3, 1946 as amended by Cir. 183, July 12, 1947] (Sec. 37, 38 Stat. 189, 40 Stat. 73, sec. 3, 48 Stat. 939, 10 U. S. C. 353)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47–7169; Filed, July 30, 1947; 8:55 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Because of the numerous amendments which have been made in Title 8—*Aliens and Nationality*, Chapter I—*Immigration and Naturalization Service, Department of Justice*, of the Code of Federal Regulations, the chapter in its entirety is reprinted for convenient reference in this issue of the FEDERAL REGISTER. All amendments which have been made since June 1, 1938, the effective date of the original codification, through July 31, 1947, and which are currently effective, have been incorporated in this reprint, except that certain amendments, as noted in the text (see §§ 60.20, 110.20, 110.21, 110.33, 140.12, 150.5, and Part 169), do not become effective until September 1, 1947.

This reprint was prepared by the Division of the Federal Register with the concurrence of the Commissioner of Immigration and Naturalization, who has examined the contents for completeness and accuracy.

UGO CARUSI,
Commissioner of Immigration and Naturalization.

JULY 30, 1947.

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Subchapter A—Administrative Organization

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AUTHORITY: §§ 1.1 to 1.85, inclusive, issued under sec. 3 (a) (1) and (2), 60 Stat. 238, 5 U. S. C., Sup., 1002. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 1.1 *Introduction.* (a) The Immigration and Naturalization Service, Department of Justice, has already published in the Code of Federal Regulations and in the FEDERAL REGISTER much of the material required to be published by section 3 of the Administrative Procedure Act. This previously published material appears under Title 8, Chapter I, of the Code of Federal Regulations.

(b) There may also be procured from the United States Government Printing Office a copy of the publication entitled "Immigration and Nationality Laws and Regulations," containing currently effective statutes as well as prior statutes, Presidential proclamations, Executive orders, regulations issued by the Attorney General, regulations issued by the Commissioner of Immigration and Naturalization with the approval of the Attorney General, and other official matter. Annual supplements to such publication may also be purchased from the same source covering years in which a cumulative, superseding edition is not published. A loose-leaf edition of such publication containing integrated, current supplements may be examined at offices of the Immigration and Naturalization Service.

ORGANIZATION

§ 1.10 *Organization of the Immigration and Naturalization Service.* The organization of the Immigration and Naturalization Service—exclusive of that part of its organization handling matters pertaining solely to its internal management—is shown in §§ 1.11 to 1.23, inclusive, by stating the title and general function of its principal officials and officers.

§ 1.11 *Departmental: The Attorney General.* The Attorney General of the United States has general direction of the Immigration and Naturalization Service and possesses final statutory authority in determining certain matters arising under the provisions of the immigration and nationality laws and other laws administered by the Service.

§ 1.12 *Departmental: The Board of Immigration Appeals.* Under the direction of the Attorney General, the Board of Immigration Appeals in behalf of the Attorney General considers and determines certain cases in accordance with the provisions of Parts 90 and 95 of this chapter.

§ 1.13 *Central Office: The Commissioner.* Under the direction of the Attorney General, the Commissioner of Immigration and Naturalization supervises and directs the administration of the Immigration and Naturalization Service and, subject to such limitations and conditions as are provided in Part 90 and elsewhere in this chapter, administers the laws relating to immigration and nationality.

§ 1.14 *Central Office: The Deputy Commissioner.* The Deputy Commissioner assists the Commissioner generally in the performance of the duties of his office and, under the latter's direction, has particular supervision of Service operations and the personnel engaged therein.

§ 1.15 *Central Office: The Assistant Commissioner for Adjudications; Chief, Exclusion and Expulsion Section.* (a) Under the immediate direction of the Deputy Commissioner, the Assistant Commissioner for Adjudications considers, and determines or recommends the determination in, numerous types of quasi-judicial cases handled by the Service.

(1) The Chief of the Exclusion and Expulsion Section aids the Assistant Commissioner for Adjudications in his consideration of and action in, among others, those cases involving the admission, exclusion and deportation, or arrest and deportation of aliens.

§ 1.16 *Central Office: The Assistant Commissioner for Alien Control.* Under the immediate direction of the Deputy Commissioner, the Assistant Commissioner for Alien Control supervises and directs that part of the work of the Service relating to the guarding of the boundaries of the United States, the detention of aliens, and the execution of warrants of deportation.

§ 1.17 *Central Office: The General Counsel.* Under the direction of the Commissioner, the General Counsel exercises powers and performs legal duties such as those stated in §§ 90.17 and 60.25 (e) of this chapter.

§ 1.18 *Central Office: The Director of Research and Educational Services.* Under the direction of the Commissioner, the Director of Research and Educational Services supervises and directs that part of the work of the Service relating to the citizenship education program provided by section 327 (c) of the Nationality Act of 1940 (54 Stat. 1151; 8 U. S. C. 727 (c)) as implemented by Part 356 of this chapter.

§ 1.19 *Central Office: The Director of Administrative Services.* Under the direction of the Commissioner, the Director of Administrative Services supervises and directs that part of the work of the Service relating to budgetary and fiscal matters, procurement and supply, records, mail and other communications, information service, and planning.

§ 1.20 *Central Office: The Director of Personnel.* Under the direction of the Commissioner, the Director of Personnel supervises and directs that part of the work of the Service relating to the recruitment, placement, and training of personnel; position classification; and employee relations.

§ 1.21 *Field Service: District directors.* In each of the field districts defined in § 60.1 of this chapter, a district director, under the direction of the Commissioner, supervises the work of the Service in accordance with the general provisions contained in § 60.2 of this chapter.

§ 1.22 *Field Service: Officers in charge of ports of entry and other offices.* Under the immediate direction of a district director, an officer in charge of a port or other office performs assigned duties within a designated part of a district.

§ 1.23 *Field Service: Immigrant inspectors; boards of special inquiry; naturalization examiners; patrol inspectors*—(a) *Immigrant inspectors.* Under the administrative supervision of an officer in charge, an immigrant inspector makes the initial determinations on applications of aliens for admission to the United States and conducts investigations and examinations in connection with the right of aliens to be or remain in the United States.

(b) *Boards of special inquiry.* Under the administrative supervision of a district director and in accordance with the provisions of Parts 130 and 136 and other applicable provisions of this chapter, a board of special inquiry makes decisions in the cases of certain aliens seeking to enter the United States.

(c) *Naturalization examiners.* Under the administrative supervision of an officer in charge, a naturalization examiner conducts examinations and investigations in connection with applications for the various rights or privileges granted by the nationality laws and makes recommendations as to the determination of such applications; a naturalization examiner represents the Service at judicial hearings on petitions for naturalization and, when designated by the Commissioner or Deputy Commissioner, conducts preliminary hearings on petitions for naturalization.

(d) *Patrol inspectors.* Under the immediate direction of an officer in charge, a patrol inspector guards the boundaries of the United States against the illegal entry of aliens.

STATEMENT OF DELEGATIONS OF FINAL AUTHORITY

§ 1.40 *Final authority; power to delegate.* The final authority of the Attorney General in the administration of any designated provision of the immigration and nationality laws may be, and has in some instances been, delegated to the Board of Immigration Appeals, the Commissioner, or to such other officers of the United States Department of Justice, respectively, as the Attorney General may specifically designate. The delegation of any such authority by the Attorney General does not divest the Attorney General of such authority. With respect to any authority delegated, the Attorney General retains concurrent and coexistent power and authority. (R. S. 161, 360, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150, sec. 1, 54 Stat. 1238; 5 U. S. C. 22, 311, 8 U. S. C. 102, 222, 458, 727, 5 U. S. C. 133t)

§ 1.41 *Final authority; delegation to Board of Immigration Appeals.* A statement of the final authority of the Attorney General which has been delegated to the Board of Immigration Appeals is included in Part 90 of this chapter.

§ 1.42 *Final authority; delegation to Commissioner.* The Commissioner has authority to exercise or direct the exercise by subordinate officers of certain powers granted to him by the immigration and nationality laws. In addition, where a statute renders an action or determination by the Commissioner subject to the approval of the Attorney General, the Attorney General's authority to approve has been, with prescribed limitations, delegated to the Commissioner by § 90.1 of this chapter. The Commissioner has also been granted power to exercise such final authority of the Attorney General as is delegated by § 90.1 of this chapter, which includes, but is not limited to, determinations involving the following, subject to such provisions of Part 90 of this chapter as may be applicable:

(a) Appeals from decisions of boards of special inquiry in exclusion or preexamination proceedings;

(b) Deportation (or expulsion) proceedings;

(c) Administrative fines and penalties against persons, steamship companies, or other carriers, for violations of the immigration laws;

(d) Applications for admission under the 7th or 9th proviso to section 3 of the Immigration Act of 1917;

(e) Requests for stay of execution of a warrant of deportation;

(f) Applications filed in accordance with section 9 of the Immigration Act of 1924 for nonquota or preference quota status;

(g) Denial of the privilege of landing alien immigrant passengers at United States ports in the case of transportation companies persistently violating the provisions of section 7 of the Immigration Act of 1917 (39 Stat. 879; 8 U. S. C. 143);

(h) Landing for medical treatment in a hospital of aliens certified to be suffering from tuberculosis in any form or from a loathsome or dangerous contagious disease other than one of a quarantinable nature (sec. 18, 39 Stat. 887; 8 U. S. C. 154);

(i) Admission of otherwise admissible immigrants not of the nationality specified in the immigration visa or not nonquota although so specified in the immigration visa (sec. 13 (d), 43 Stat. 161; 8 U. S. C. 213 (d));

(j) Permission to aliens admitted temporarily when under 16 years of age prior to May 26, 1924, either of whose parents was a citizen of the United States, to remain permanently in the United States (sec. 14, 43 Stat. 162; 8 U. S. C. 214).

§ 1.43 *Final authority; delegation to General Counsel.* The final authority of the Attorney General or the Commissioner delegated to the General Counsel is stated in § 90.17 of this chapter, and also includes authority to determine applications for copies of, information from, and certifications of immigration and naturalization records in the custody or control of the Commissioner, as provided in § 383.7 of this chapter (sec. 6 (a), 48 Stat. 1109, sec. 327 (g), 54 Stat. 1151, sec. 341 (e), 54 Stat. 1161; 28 U. S. C. 661, 8 U. S. C. 727 (g), 741 (e)).

§ 1.44 *Final authority; delegation to Assistant Commissioner for Adjudications.* The final authority of the Attorney General or the Commissioner delegated to the Assistant Commissioner for Adjudications includes determinations involving the following:

(a) Applications for permission to reapply for admission to the United States after exclusion and deportation or arrest and deportation from the United States (sec. 3, 39 Stat. 875, sec. 1 (d), 45 Stat. 1551, sec. 7, 47 Stat. 166; 8 U. S. C. 136 (j), 181);

(b) Applications for removal to their native country of aliens who fall into distress or need public aid from causes arising subsequent to their entry (sec. 23, 39 Stat. 892, 50 Stat. 164; 8 U. S. C. 102);

(c) Applications for readmission to the United States of aliens removed on account of distress (50 Stat. 164; 8 U. S. C. 102);

(d) Applications to import skilled labor if labor of like kind cannot be found unemployed in the United States (sec. 3, 39 Stat. 875; 8 U. S. C. 136 (h));

(e) Petitions for approval as accredited institutions of learning for attendance by bona fide alien students (sec. 4 (e), 43 Stat. 155; 8 U. S. C. 204);

(f) Applications for recognition as American institutions of research, for the purposes of the nationality laws (sec. 307, 54 Stat. 1142, sec. 312, 54 Stat. 1145; 8 U. S. C. 707, 712);

(g) Applications for exemption from loss of residence for naturalization purposes (sec. 307, 54 Stat. 1142, sec. 308, 54 Stat. 1143; 8 U. S. C. 707, 708);

(h) Prescription of conditions of admission of alien instrumental musicians seeking temporary admission to the United States who are found to be admissible as artists or professional actors under the 5th proviso to section 3 of the Immigration Act of 1917, so as to insure that at the termination of their contracts such aliens will depart from the United States (sec. 3, 39 Stat. 875, sec. 3, 47 Stat. 67; 8 U. S. C. 136 (h), 137d);

(i) Conditions of readmission of legally admitted immigrants who have departed temporarily from the United States and who apply for readmission without obtaining immigration visas (sec. 13 (b), 43 Stat. 161; 8 U. S. C. 213 (b));

(j) Applications for copies of, information from, and certifications of immigration and naturalization records in the custody or control of the Commissioner (sec. 6 (a), 48 Stat. 1109, sec. 327 (g), 54 Stat. 1151, sec. 341 (e), 54 Stat. 1161; 28 U. S. C. 661, 8 U. S. C. 727 (g), 741 (e)); this authority is concurrent with and coextensive with that of the General Counsel as provided in § 383.7 of this chapter.

§ 1.45 *Final authority; delegation to Chief, Exclusion and Expulsion Section.* Authority generally to issue warrants of arrest and warrants of deportation is delegated to the Chief, Exclusion and Expulsion Section. The authority of district directors to issue warrants of arrest and orders and warrants of deportation under the provisions of Part 150 of this chapter is not thereby impaired.

§ 1.46 *Final authority; delegation to district directors.* In addition to the powers granted to them by law, district directors have the final authority delegated to them in Part 60 and other parts of this chapter, including determinations involving the following:

(a) Waiver of the ninety days' notice required by section 326 (b) of the Nationality Act of 1940, as provided in § 335.3 (b) of this chapter (56 Stat. 183; 8 U. S. C. 1003);

(b) Approval and cancellation of bond Form I–354 (Old 554) entitled "Bond That Alien Shall Not Become a Public Charge," within the limitations of § 110.21 of this chapter (sec. 21, 39 Stat. 891; 8 U. S. C. 158); this authority is concurrent with and coextensive with that of officers in charge of ports of entry under the provisions of § 1.48 (c);

(c) Issuance of warrants of arrest and orders and warrants of deportation within the limitations stated in Part 150 of this chapter;

(d) Deportation of alien seamen on vessels other than the ones on which such seamen arrived, as provided in § 120.36 of this chapter (sec. 20 (c), 43 Stat. 164; 8 U. S. C. 167 (c)); this authority is concurrent with and coextensive with that of officers in charge of ports of entry under the provisions of § 1.48 (d);

(e) Approval and cancellation of bond Form I–375, within the limitations of § 127.4 of this chapter (sec. 4, 60 Stat. 340; 50 U. S. C. App., Sup., 1854); this authority is concurrent with and coextensive with that of officers in charge of ports of entry under the provisions of § 1.48 (e);

(f) Applications for copies of, information from, and certifications of immigration and naturalization records in their custody or control, as provided in § 383.7 of this chapter (sec. 6 (a), 48 Stat. 1109, sec. 327 (g), 54 Stat. 1151, sec. 341

(e), 54 Stat. 1161; 28 U. S. C. 661, 8 U. S. C. 727 (g), 741 (e)).

§ 1.47 *Final authority; delegation to boards of special inquiry.* In addition to the powers granted to them by law, boards of special inquiry have final authority delegated to them to make determinations involving the following:

(a) Admission of alien stowaways, within the limitations of § 110.50 of this chapter (sec. 3, 39 Stat. 875; 8 U. S. C. 136 (l));

(b) Admission on bond, or other security, of alien immigrants liable to exclusion because likely to become public charges or because of physical disability other than tuberculosis in any form or a loathsome or dangerous disease, within the limitations of § 110.20 of this chapter (sec. 21, 39 Stat. 891; 8 U. S. C. 158).

§ 1.48 *Final authority; delegation to officers in charge of ports of entry.* In addition to the powers granted to them by law, officers in charge of ports of entry have final authority delegated to them to make determinations involving the following:

(a) Admission of unaccompanied children under 16 years of age, within the limitations of § 110.49 of this chapter (sec. 3, 39 Stat. 875; 8 U. S. C. 136 (m));

(b) Admission on bond, or other security, of alien immigrants liable to exclusion because likely to become public charges or because of physical disability other than tuberculosis in any form or a loathsome or dangerous disease, within the limitations of § 110.20 of this chapter (sec. 21, 39 Stat. 891; 8 U. S. C. 158);

(c) Approval and cancellation of bond Form I–354 (Old 554) entitled "Bond That Alien Shall Not Become a Public Charge," within the limitations of § 110.21 of this chapter (sec. 21, 39 Stat. 891; 8 U. S. C. 158); this authority is concurrent with and coextensive with that of district directors under the provisions of § 1.46 (b);

(d) Deportation of alien seamen on vessels other than the ones on which such seamen arrived, as provided in § 120.36 of this chapter (sec. 20 (c), 43 Stat. 164; 8 U. S. C. 167 (c)); this authority is concurrent with and coextensive with that of district directors under the provisions of § 1.46 (d);

(e) Approval and cancellation of bond Form I–375, within the limitations of § 127.4 of this chapter (sec. 4, 60 Stat. 340; 50 U. S. C. App., Sup., 1854); this authority is concurrent with and coextensive with that of district directors under the provisions of § 1.46 (e).

§ 1.49 *Final authority; delegation to immigrant inspectors.* In addition to the powers granted to them by law, immigrant inspectors have final authority delegated to them to make determinations involving the admission of unaccompanied children under 16 years of age, within the limitations of § 110.48 of this chapter (sec. 3, 39 Stat. 875; 8 U. S. C. 136 (m)).

PLACES AND MANNER OF SECURING INFORMATION

§ 1.60 *Places where, and methods whereby, information may be secured or submittals or requests made.* (a) Any person desiring information relative to a matter handled by the Immigration and Naturalization Service or any person desiring to make a submittal or request in connection with such a matter should communicate either orally or in writing with whichever of the following offices is most convenient for him:

(1) A district headquarters office of the Service. There are sixteen such offices located in the cities shown in § 60.1 of this chapter.

(2) A Class A port of entry shown in § 110.1 of this chapter.

(3) A United States immigration station located in Canada. Such offices are located in several of the large cities in Canada. They are shown in § 110.2 of this chapter.

(4) In addition to the places indicated in subparagraphs (1) and (2) of this paragraph, an Immigration and Naturalization Service office, one of which is located in most of the large cities of the United States including its insular possessions.

(5) With respect to naturalization matters only—the office of the clerk of any United States district court or of any other court exercising jurisdiction over naturalization.

(b) If the office where such communication is received is unable to handle the matter—because, for example, it does not have jurisdiction or facility—the communication, if written, will be forwarded to the proper office of the Service or, if oral, the person will be advised how to proceed. If the submittal or request consists of a formal application for one of the numerous documents, privileges, or other benefits provided for in the immigration and nationality laws, the instructions on the form as to preparation and place of submission should be followed (see § 60.30 of this chapter). In such cases, the part or section of this chapter dealing with the particular type of application may be consulted for regulatory provisions.

PROCEDURES

§ 1.70 *General.* The regulations of the Immigration and Naturalization Service, published as Title 8, Chapter I, Code of Federal Regulations, contain information which, under the provisions of section 3 (a) (2) and (3) of the Administrative Procedure Act, is required to be published. Any person desiring information with respect to a particular procedure (other than rule making) under the immigration and nationality laws should examine the part or section in Title 8, Chapter I, Code of Federal Regulations, dealing with such proceeding, as well as the statutes implemented by such part or section. The list of part numbers and designations appearing at the beginning of Title 8, Chapter I, Code of Federal Regulations, may be used as a guide to the regulation dealing with any particular type of proceeding. For example, in the immigration regulations Part 105 deals with "Head tax"; Part 107, with "Manifests"; Part 110, "Primary inspection and detention"; Part 114, "Inspection of citizens and aliens entering from or through contiguous territory"; Part 116, "Civil air navigation"; Part 118, "Aliens in transit"; Part 120, "Alien seamen"; Part 123, "Foreign government representatives to international organizations"; Part 124, "Alien contract laborers"; Part 125, "Students"; Part 126, "Admission of alien spouses and alien minor children of citizen members of the United States armed forces"; Part 127, "Fiancées and fiancés of citizen members of the United States armed forces"; Part 128, "Persons arriving by way of or from Hawaii; certificates"; Part 130, "Boards of special inquiry"; Part 132, "Readmission and temporary admission"; Part 136, "Appeals from decisions by board of special inquiry"; Part 142, "Preexamination of aliens within the United States"; Part 145, "Exclusion and deportation"; Part 150, "Arrest and deportation"; Part 155, "Detention expenses"; Part 160, "Imposition and collection of fines"; Part 164, "Permit to reenter the United States"; Part 166, "Aliens' border crossing identification cards"; and Part 170, "Registration and fingerprinting of aliens in accordance with the Alien Registration Act, 1940." In the nationality regulations Part 320 deals with "Naturalization courts and their jurisdiction"; Part 322, with "General class of persons who may be naturalized"; and Parts 324, 325, 326, 330, 332, 334, 335, 337, 338, 339, 345, 347, and 348, with "Special classes of persons who may be naturalized," such as children, spouses of United States citizens, former United States citizens, veterans of the United States armed forces, alien enemies, seamen, and Puerto Ricans; Part 350 deals with "Racial limitations upon naturalization"; Part 353, with "Good moral character"; Part 354, "Residence and absence"; Part 356, "Educational requirements and education for citizenship"; Part 360, "Clerks of naturalization courts and their duties"; Part 361, "Official forms"; Part 362, "Registry of aliens under Nationality Act of 1940"; Part 363, "Certificate of arrival"; Part 364, "Photographs"; Part 365, "Declaration of intention"; Part 370, "Petition for naturalization"; Part 373, "Naturalization hearings and proof of naturalization requirements"; Part 375, "Oath of renunciation and allegiance"; Part 377, "Certificate of naturalization"; Part 378, "Certificate of naturalization for veteran of First or Second World War allied forces"; Part 379, "Certificates of citizenship where citizenship acquired (1) by naturalization of parent, parents, or husband, or (2) by birth abroad to citizen parent or parents"; Part 382, "Naturalization papers replaced; new certificate in changed name"; and Part 385, "Revocation of records created and of naturalization and citizenship documents issued by the Commissioner."

§ 1.71 *Rule making.* (a) There are numerous provisions in the statutes dealing with immigration and nationality which require the Commissioner of Immigration and Naturalization to issue, with the approval of the Attorney General, rules and regulations to implement such statutes (e. g., sec. 23, 39 Stat. 892, sec. 15, 43 Stat. 162, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327 (b), 54 Stat. 1151, sec. 705, 56 Stat. 183, sec. 4, 60 Stat. 340; 8 U. S. C. and Sup., 102, 215, 222, 458 (a), 727 (b), 1005; 50 U. S. C. App., Sup., 1854). Such valid rules and regulations have the force and effect of statutes. The authority of the Attorney General to approve the issuance of such rules and regulations has not been delegated by § 90.1 of this chapter, or otherwise. Rules and regulations are drafted by the Commissioner with the assistance of his staff (see § 90.17 of this chapter). The provisions of the Federal Register Act (49 Stat. 500, 50 Stat. 304, sec. 202, 53 Stat. 1435, 56 Stat. 1045; 44 U. S. C. and Sup., ch. 8B) and of the regulations thereunder (1 CFR, 1946 Supp., Part 2) governing the issuance of rules and regulations are observed. Rules and regulations drafted by the Commissioner are submitted to the Attorney General for approval and, upon being so approved, are filed with the Division of the Federal Register of the National Archives for publication in the FEDERAL REGISTER. Rules dealing with Service organization, including delegations of authority, are now and will hereafter be separately stated; that is, they appear in separate parts such as this Part 1 and Parts 60 and 90 of this chapter. Substantive rules will, on and after September 11, 1946, usually be issued in connection with adjective or other rules, but within each part dealing with a particular proceeding will be observed the requirements of section 3 (a) of the Administrative Procedure Act for separation of rules by type and content.

(b) There is no requirement in the immigration and nationality laws for the giving of notice of, or for hearing on, proposed rules or regulations under those laws. Pursuant to the provisions of section 4 (b) of the Administrative Procedure Act, substantive rules will hereafter be issued after the giving of notice and all interested persons will be given an opportunity to participate in such rule making under such conditions as may be specified in the notice of proposed rule making. Rules other than substantive may be issued without either notice or hearing. Petitions by interested persons for the issuance, amendment, or repeal of a rule may be submitted to the Commissioner of Immigration and Naturalization. Such petitions will be considered by the Commissioner and the petitioner will be notified of any denial of such petition and, where considered appropriate, of any other action taken in connection therewith.

(c) Authority is vested in the Attorney General by section 7 (d) of the Air Commerce Act of 1926 (44 Stat. 572; 49 U. S. C. 177 (d)) to issue certain rules applying immigration laws to civil air navigation. While such statute does not place any responsibility on the Commissioner of Immigration and Naturalization, such rules are recommended to the Attorney General by the Commissioner and the provisions of this section will be followed to the extent applicable where regulations dealing with civil air navigation are involved.

AVAILABILITY OF OPINIONS, ORDERS, AND RECORDS

§ 1.80 *Opinions, orders, and records of the Immigration and Naturalization Service regarded as confidential.* Under existing regulation (Order No. 3229 issued by the Attorney General on May 2, 1939 (11 F. R. 4920)) issued pursuant to statute, all official files, documents, records, and information in the offices of the Immigration and Naturalization Service of the United States Department of Justice or in the custody or control of any officer or employee of the Immigration and Naturalization Service are to be regarded as confidential. No such officer or employee may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Attorney General, The Assistant to the Attorney General, an Assistant Attorney General acting for him, or the Commissioner of Immigration and Naturalization acting for the Attorney General pursuant to the provisions of § 90.1 of this chapter. Therefore, such official files, documents, records, and information shall not be published, opened to public inspection, or made available to the public in any other way, except where the Attorney General, The Assistant to the Attorney General, or the Commissioner permits disclosure, either by the exercise of discretion in particular cases or, generally, through specific provisions of this section part, or chapter.

§ 1.81 *Administrative decisions under immigration and nationality laws.* There may be purchased when available from the United States Government Printing Office, Washington 25, D. C., or inspected at a Service office indicated in § 1.60, a publication entitled "Administrative Decisions under Immigration and Nationality Laws." Periodic and cumulative supplements are to be published as required. The decisions in such publication may be cited as precedents, but are in no manner binding upon subsequent administrative decisions.

§ 1.82 *Inspection of records by attorneys.* Attorneys and representatives, and the persons whom they represent, may review and be lent copies of records, subject to the conditions prescribed in this chapter (see Part 95, more particularly § 95.6 (b)).

§ 1.83 *Persons subject to proceedings.* Any person who is the subject of a proceeding under the immigration and nationality laws in which final determination is duly made by or for the Attorney General or the Commissioner shall, after notification of final decision and on his request, be afforded an opportunity to review any opinion prepared as a basis for the decision. The right provided in this section shall extend to any attorney or representative who is recognized by the Service as counsel for the person in the proceeding.

§ 1.84 *Copies of records.* In accordance with the provisions of this part, Part 383, and all other applicable provisions of this chapter and subject to all applicable statutory provisions relating to applications, fees, and other requirements, and where not prejudicial to the interests of the public or the Government, copies of and information from records of the Immigration and Naturalization Service may be furnished to persons who establish that they have a reasonable and legitimate need for them. Such privilege is ordinarily granted with respect to records which are statistical in nature, such as records of arrival or of naturalization.

§ 1.85 *Intra-Service manuals.* The following manuals are prepared solely for the guidance of the Immigration and Naturalization Service and the contents of such manuals shall not be published, opened to public inspection, or made available to the public in any other way except in unusual cases where the Commissioner specifically authorizes the furnishing of an excerpt from such manuals: Immigration Manual, Nationality Manual, Administrative Manual, and Operations Instructions.

PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

Sec.
60.1 Field districts.
60.2 District directors; powers and duties.
60.20 Bonds; violation; authority to cancel.
60.24 Investigation and report of naturalization illegally or fraudulently procured.
60.25 Criminal violations; investigation and action.
60.26 Authority to administer oaths and take depositions.
60.27 Authority of patrol inspectors, special inspectors, naturalization examiners, and other officers to act as immigrant inspectors.
60.28 Power of arrest without warrant, of boarding and searching, and of executing warrants.
60.29 Persons qualified as members of boards of special inquiry; oath.
60.30 Authority to accept applications; remittance of fees.

AUTHORITY: §§ 60.1 to 60.30, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 727, 5 U. S. C. 133t; 8 CFR, 90.1.

§ 60.1 *Field districts.* The territory within which officials of the Immigration and Naturalization Service are located is divided into districts which are designated by numbers, have fixed headquarters, and are defined as follows:

1. *St. Albans, Vermont.* Includes the State of Vermont; that part of the State of Maine lying north and east of the counties of York, Cumberland, Androscoggin, Kennebec, Lincoln, and Knox; the counties of Grafton and Coos in the State of New Hampshire; and that part of the State of New York lying north of the counties of Oswego, Oneida, Herkimer, Fulton, Saratoga, and Washington; also jurisdiction over the United States immigration stations located in Canada at Halifax, Nova Scotia; St. John, New Brunswick; Montreal, Quebec; and Quebec, Province of Quebec.

2. *Boston, Massachusetts.* Includes that part of the State of Maine lying south and west of the counties of Oxford, Franklin, Somerset, and Waldo; that part of the State of New Hampshire lying south of the counties of Grafton and Coos; and the States of Massachusetts, Rhode Island, and Connecticut.

3. *New York, New York.* Includes that part of the State of New York lying south of the counties of Essex, Warren, Hamilton, and St. Lawrence, and east of the counties of Lewis, Oneida, Madison, Chenango, and Broome; and that part of the State of New Jersey lying north of the counties of Ocean, Burlington, and Mercer.

4. *Philadelphia, Pennsylvania.* Includes that part of the State of New Jersey lying south of the counties of Monmouth, Middlesex, Somerset, and Hunterdon; the State of

Delaware; the State of Pennsylvania, except the counties of McKean, Warren, Erie, Crawford, and Mercer; that part of the State of Ohio lying south of the counties of Mahoning, Stark, and Wayne, and east of the counties of Ashland, Knox, Licking, Perry, and Athens; and that part of the State of West Virginia lying north of the counties of Jackson, Roane, Clay, Braxton, Webster, and Pocahontas, and west of the counties of Pendleton and Grant.

5. *Baltimore, Maryland.* Includes the States of Maryland, Virginia, North Carolina; the District of Columbia; and that part of the State of West Virginia lying east of the counties of Tucker and Randolph.

6. *Atlanta, Georgia.* Includes the States of Georgia, Florida, South Carolina, Tennessee, Alabama, Mississippi, Louisiana, and Arkansas; also Puerto Rico and Virgin Islands of the United States.

7. *Buffalo, New York.* Includes that part of the State of New York lying west of the counties of Delaware, Otsego, and Herkimer, and south of the counties of Lewis and Jefferson; the counties of McKean, Warren, Erie, Crawford, and Mercer in the State of Pennsylvania; and that part of the State of Ohio lying north of the counties of Columbiana, Carroll, Tuscarawas, Holmes, Knox, and Morrow, and east of the counties of Crawford, Huron, and Erie; also jurisdiction over the United States immigration station located in Canada at Toronto, Ontario.

8. *Detroit, Michigan.* Includes the State of Michigan, except Isle Royale, and the States of Indiana and Kentucky; that part of the State of Ohio lying west of the counties of Lorain, Ashland, Richland, Holmes, Coshocton, Muskingum, Morgan, and Washington; and that part of the State of West Virginia lying south of the counties of Wood, Wirt, Calhoun, Gilmer, Lewis, Upshur, and Randolph.

9. *Chicago, Illinois.* Includes that part of the State of Illinois lying north of the counties of Edgar, Douglas, Piatt, De Witt, Logan, Mason, Schuyler, McDonough, and Hancock; Isle Royale, Michigan; and the States of Wisconsin, Minnesota, North Dakota, and South Dakota; also jurisdiction over the United States immigration station located at Winnipeg, Manitoba, Canada.

10. *Spokane, Washington.* Includes the States of Montana and Idaho; the counties of Wallowa, Baker, Union, Grant, Umatilla, and Morrow in the State of Oregon; and that part of the State of Washington lying east of the counties of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania.

11. *Kansas City, Missouri.* Includes the States of Missouri, Iowa, Oklahoma, Kansas, Nebraska, Colorado, and Wyoming; and that part of the State of Illinois lying south of the counties of Henderson, Warren, Fulton, Tazewell, McLean, Champaign, and Vermilion.

12. *Seattle, Washington.* Includes that part of the State of Washington lying west of the counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat; the State of Oregon except the counties of Wallowa, Baker, Union, Grant, Umatilla, and Morrow; and the Territory of Alaska; also jurisdiction over the United States immigration stations located at Sydney, Vancouver, and Victoria, British Columbia, Canada.

13. *San Francisco, California.* Includes that part of the State of California lying north of the counties of San Luis Obispo, Kern, and Inyo; the State of Nevada except the county of Clark; the State of Utah; and the Territory of Hawaii.

14. *San Antonio, Texas.* Includes that part of the State of Texas lying east and south of the counties of Terrell, Pecos, Upton, Midland, Howard, Mitchell, Nolan, Fisher, Stonewall, King, Cottle, and Childress.

15. *El Paso, Texas.* Includes that part of the State of Texas lying west and north of the counties of Valverde, Crockett, Reagan, Glasscock, Sterling, Coke, Taylor, Jones, Haskell, Knox, Foard, and Hardeman; the State of New Mexico; and the State of Arizona except the counties of Yuma and Mojave.

16. *Los Angeles, California.* Includes that part of the State of California lying south and east of the counties of Monterey, Kings, Tulare, Fresno, and Mono; the county of Clark in the State of Nevada; and the counties of Mojave and Yuma in the State of Arizona.

§ 60.2 *District directors; powers and duties.* (a) Under the general direction of the Commissioner and subject to the provisions of this chapter, a district director shall supervise and direct, within his district, the administration and enforcement of the immigration, nationality, and all other laws administered by the Service. He shall control all officers and employees of the Service within his district and shall be responsible for all interests of the Service. His office shall be located at the headquarters of the district. A district director shall designate the officer or employee who shall act in his stead in his absence.

(b) The provisions of paragraph (a) of this section shall not apply to alien enemy internment camps which the Commissioner designates as independent camps. Such camps shall be operated by an officer in charge who shall be under the general direction of the Commissioner.

§ 60.20 *Bonds; violation; authority to cancel.* [Revoked.]

NOTE: § 60.20 was revoked, effective Sept. 1, 1947.

§ 60.24 *Investigation and report of naturalization illegally or fraudulently procured.* Whenever a district director has reason to believe that any grant of naturalization has been illegally or fraudulently procured, he shall cause an immediate investigation to be made of all the pertinent facts and circumstances regarding the procuring of such naturalization and shall report the facts in writing to the Commissioner, with recommendation as to whether suit should be instituted looking to the revocation of the order granting the certificate of naturalization or citizenship and to the cancellation of the certificate, but if the facts indicate illegal or fraudulent procurement of naturalization in violation of the penal provisions of the Nationality Act of 1940 (54 Stat. 1163; 8 U. S. C. 746), action shall be taken in accordance with § 60.25.

§ 60.25 *Criminal violations; investigation and action.* (a) Whenever a district director has reason to believe that there has been a violation punishable under any criminal provision of the immigration, nationality, or related laws administered or enforced by the Service, he shall cause an immediate investigation to be made of all the pertinent facts and circumstances. After the investigation is completed, the district director shall take or cause to be taken whatever action is required by the rest of this section.

(b) The district director shall close any case, insofar as prosecution is concerned, where investigation establishes to his satisfaction that:

(1) No violation has occurred;

(2) The statute of limitations has run;

(3) In the case of a violation of section 346 (a) (18) of the Nationality Act of 1940 (54 Stat. 1165; 8 U. S. C. 746), the alien falsely represented himself to be a citizen of the United States solely for the purpose of obtaining employment which he could or would have obtained even though he had fully disclosed his foreign nationality and alien status;

(4) In the case of a violation of section 346 (a) (29) of the Nationality Act of 1940 (54 Stat. 1166; 8 U. S. C. 746), the person who duplicated the document as described in that provision or caused it to be duplicated was ignorant of the provisions of said section 346 (a) (29) and did not use the duplicated document for any unlawful purpose;

(5) In the case of a violation of section 31 (a) or (b) of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 452), there was no refusal or willful failure to apply for registration and to be fingerprinted, and the alien complies with the provisions of said section 31 on demand. This shall include the case of any alien who did not apply for registration and to be fingerprinted under the provisions of said section 31 because he had a bona fide belief that he was a citizen of the United States, because he was confined to an institution and so was unable to apply for registration and to be fingerprinted, or because he was ignorant of the requirements of the said section 31;

(6) In the case of a violation of section 35 of the Alien Registration Act, 1940 (54 Stat. 675; 8 U. S. C. 456), the alien failed to notify the Commissioner of Immigration and Naturalization of a change of address or new address because he was ignorant of the requirement of said section 35 or that the failure to comply with the provisions of said section 35 was unintentional: *Provided*, That the alien voluntarily furnishes at the time of investigation full information as to his addresses which he failed to report as required by said section 35; or

(7) The case falls within a class which the United States attorney has in writing requested the district director not to refer to him for possible prosecution.

(c) The district director shall submit to the Central Office any case in which he finds that:

(1) He is in doubt as to whether the case is within one of the classes of cases which under the provisions of paragraph (b) of this section he shall close; or that he is in doubt as to whether the case is a proper one to submit direct to the United States attorney under paragraph (d) of this section;

(2) The person under investigation or another person involved in the violation advances a claim to United States citizenship that is not frivolous, the alienage of such person or such other person is one of the facts that must be established to prove that a violation has occurred, and there is reasonable doubt as to whether such person or such other person is a citizen of the United States or an alien;

(3) The crime under investigation is such that conviction thereof would result in cancellation of the defendant's certificate of naturalization under section 338 (e) of the Nationality Act of 1940 (54 Stat. 1159; 8 U. S. C. 738); or

(4) He has reason to believe that the provisions of section 10 of the Immigration Act of 1917, as amended by section 27 of the Immigration Act of 1924 (39 Stat. 881, 43 Stat. 167; 8 U. S. C. 146), have been violated by any person or any owner, officer, or agent of a vessel or transportation line. In such a case the district director shall promptly serve notice upon such person, owner, officer, or agent that it is his intention to recommend to the Attorney General that a prosecution be brought; and such person, owner, officer, or agent shall be allowed 60 days within which to submit to the Department, through the district director or officer in charge and the Commissioner of Immigration and Naturalization, a statement of reasons why neither of the proceedings should be brought. When transmitting such statement of reasons to the Commissioner, the district director or officer in charge shall submit a full report of the case and his recommendation as to whether the proposed proceedings should be brought and if so whether in personam or in rem.

(d) The district director shall submit direct to the United States attorney having jurisdiction, without reference to the Central Office, all cases which the district director is not required to close under the provisions of paragraph (b) of this section or to submit to the Central Office under the provisions of paragraph (c) of this section. The district director shall also submit direct to such United States attorney any case which the district director is not authorized by this section to close and in which the statute of limitations is about to run or in which there is likelihood that the person believed to be guilty will flee.

(e) On receipt in the Central Office of a case submitted by a district director under the provisions of paragraph (c) (1), (2), or (3) of this section, the General Counsel shall either close the case or make a recommendation to be transmitted through the district director of the district where the case originated to the United States attorney having jurisdiction or take whatever appropriate action may be necessary.

§ 60.26 *Authority to administer oaths and take depositions.* All patrol inspectors, immigrant inspectors, naturalization examiners, and officers of the Immigration and Naturalization Service of a higher grade are hereby authorized to administer oaths and to take depositions without charge in matters relating to the administration of the naturalization and citizenship laws.

§ 60.27 *Authority of patrol inspectors, special inspectors, naturalization examiners, and other officers to act as immigrant inspectors.* All persons serving under appointment heretofore or hereafter made as patrol inspectors, special inspectors, naturalization examiners, or other officers of the Immigration and Naturalization Service of a higher grade than patrol inspector, special inspector, or naturalization examiner are hereby designated immigrant inspectors without additional compensation. The work as immigrant inspectors shall be arranged by supervisory officers so as not to interfere substantially with the performance of the duties of the other positions.

§ 60.28 *Power of arrest without warrant, of boarding and searching, and of executing warrants* — (a) *Definitions.* (1) The term "the act" as used in this section shall, unless otherwise indicated, mean the act of February 27, 1925, as amended by the act of August 7, 1946 (43 Stat. 1049, 60 Stat. 865; 8 U. S. C. and Sup., 110).

(2) The term in the act "officer of the Immigration and Naturalization Service having authority to examine aliens as to their right to enter or remain in the United States" shall mean an immigrant inspector or any person designated an immigrant inspector by § 60.27.

(3) The phrase in the act "within a reasonable distance from any external boundary of the United States" shall mean within a distance not exceeding 100 air miles from any external boundary of the United States, or any shorter distance which may be fixed by the district director in charge of a district defined in § 60.1, or, so far as the power to board and search aircraft is concerned, any distance within any of the areas designated in paragraph (d) of this section.

(b) *Authorized employees.* All patrol inspectors, immigrant inspectors, and all persons designated immigrant inspectors by § 60.27 are authorized to exercise the power of arrest without warrant, the power to board and search vessels and other conveyances, and the power to execute warrants and other processes conferred by the act.

(c) *Reasonable distance; fixing by district directors.* In fixing reasonable distances of less than 100 air miles pursuant to paragraph (a) (3) of this section, district directors shall take into consideration topography, confluence of arteries of transportation leading from external boundaries of the United States, relative distance from such boundaries, density of population, possible inconvenience to the traveling public, types of conveyances used, and reliable information as to movements of persons effecting illegal entry into the United States: *Provided*, That whenever in the opinion of a district director a distance in his district of more than 100 air miles from any external boundary of the United States would because of unusual circumstances be reasonable, such district director shall forward a complete report with respect to the matter to the Commissioner of Immigration and Naturalization, who may, if he determines that such action is justified, declare such distance to be reasonable.

(d) *Powers; where exercised.* The powers conferred by the act may be exercised in the forty-eight States of the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

(e) *Examining officer.* Although any officer authorized by paragraph (b) of this section to make arrests is qualified under paragraph (a) (2) of this section to conduct the examination required under clause (1) of the act, such examination shall be conducted by the arresting officer only in cases in which no other qualified officer is readily available and the taking of the alien before another officer would entail unnecessary delay and then only when the conducting of such examination is a part of the duties assigned to the arresting officer.

(f) *Disposition of cases of deportable aliens.* Whenever the examination which is required under clause (1) of the act in the case of an alien illegally entering or in the United States indicates that further action should be brought against the arrested alien, the examining officer shall proceed in accordance with the provisions of Part 150 of this chapter or shall take whatever other action may be appropriate or required under the laws or other regulations applicable to the particular case. In so doing, the examining officer may utilize any record made by the arresting officer.

(g) *Disposition of felony cases.* The cases of persons arrested under clause (3) of the act for felonies shall be handled administratively in accordance with the applicable provisions of § 60.25, but in no case shall there be prejudiced the right of the person arrested to be taken without unnecessary delay before the nearest available commissioner or before another nearby officer empowered to commit persons charged with offenses against the laws of the United States.

(h) *Powers not exclusive.* The powers conferred by the act upon the employees qualified thereunder are in addition to the powers conferred on immigrant inspectors by that provision of section 16 of the Immigration Act of 1917 (39 Stat. 885; 8 U. S. C. 152) which reads "Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, or any other conveyance, or vehicle in which they believe aliens are being brought into the United States" and in addition to any powers which are or may be conferred on officers or employees of the Immigration and Naturalization Service by other laws.

§ 60.29 *Persons qualified as members of boards of special inquiry; oath.* In accordance with the provisions of section 17 of the Immigration Act of 1917 (39 Stat. 887; 8 U. S. C. 153), the following persons are hereby designated as qualified and determined to be eligible to serve on boards of special inquiry:

(a) Immigrant inspectors, including persons designated immigrant inspectors by § 60.27;

(b) All other employees of the Immigration and Naturalization Service whose supervisory officers assign to them the duty of acting as secretaries of such boards for the purpose of keeping the complete permanent record of the proceedings and of all such testimony as may be produced; and

(c) Persons, other than employees of the Immigration and Naturalization Service but preferably Government employees, who are selected by an Immigration and Naturalization Service official in charge of a port where no permanent board of special inquiry is maintained and to which it is impracticable to detail a board from some other station. Such persons shall, before serving on a board of special inquiry, subscribe to an oath

of office on Form I–266 before an immigrant inspector.

§ 60.30 *Authority to accept applications; remittance of fees*—(a) *Applications.* Unless otherwise specifically provided in other sections of this chapter, the various applications prescribed in this chapter, including any required fees and prescribed supporting evidence, shall upon execution be submitted by the applicant by mail or in person or by agent to the appropriate Immigration and Naturalization Service field office. When furnishing application forms to prospective applicants, either directly or through the offices of clerks of courts having naturalization jurisdiction, officers of the Immigration and Naturalization Service shall place on such forms the address of the Immigration and Naturalization Service field office to which the completed application should be submitted. If an application form does not indicate the address to which it should be submitted after execution, the applicant may obtain such information from any immigration and naturalization office or he may submit the application to the nearest immigration and naturalization office.

(b) *Remittance of fees*—(1) *Form.* Any fees required to be submitted with, or on account of, any of the various applications prescribed in this chapter shall be in the amount provided by the applicable statute and regulation. All remittances shall be accepted subject to collection, and no receipt issued by an officer of the Immigration and Naturalization Service for any such remittance shall be binding if the instrument of remittance is found uncollectible. Such fees shall not be accepted in the form of currency, coins, or postage stamps.

(2) *Payee.* Such remittances should be drawn in favor of the "Commissioner of Immigration and Naturalization," except that in the cases of applicants residing in the Virgin Islands of the United States, the remittances should be drawn in favor of the "Commissioner of Finance of the Virgin Islands." The address of the payee shall not be included in that part of the form of remittance intended solely for the designation of the payee. Where it is necessary to indicate on a form of remittance the place at which the remittance is collectible or payable, there shall be used the name of the city or town and the state in which is located the immigration and naturalization office to which the application is to be sent.

PART 90—DEPARTMENTAL ORGANIZATION AND AUTHORITY

Sec.
90.1 Commissioner of Immigration and Naturalization and other selected officers; powers.
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90.3 Cases appealable to the Board of Immigration Appeals; powers of Board; finality of Board decisions.
90.4 Board of Immigration Appeals; sessions.
90.5 Board of Immigration Appeals; oral argument; representation by Service.
90.9 Service of Commissioner's decision and order; manner of filing appeals.
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90.11 Board of Immigration Appeals; transmittal of Board decisions; reconsideration or reopening of case after Board decision.
90.12 Board of Immigration Appeals; reference of cases to the Attorney General.
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90.49 Rules and regulations; signature.
90.50 Authority of field officers.

AUTHORITY: §§ 90.1 to 90.50, inclusive, issued under R. S. 161, 360, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150, sec. 1, 54 Stat. 1238; 5 U. S. C. 22, 311, 8 U. S. C. 102, 222, 458, 727, 5 U. S. C. 133t.

§ 90.1 *Commissioner of Immigration and Naturalization and other selected officers; powers.* Under the general direction of the Attorney General, the Commissioner of Immigration and Naturalization (hereinafter called the Commissioner) shall supervise and direct the administration of the Immigration and Naturalization Service and, subject to the limitations of § 90.3 and other provisions of this part, shall have authority to exercise all powers of the Attorney General relating to the administration of that Service and the administration of the immigration, nationality and all other laws administered by that Service and shall designate such officers of the Service as he may select, with the approval of the Attorney General, to exercise any power or authority of the Attorney General in the administration of any designated specific provision of such laws. In any instance in which any officer so selected shall be in doubt as to the construction of the applicable law or as to the proper principle covering the exercise of discretion, he shall refer the matter to the Commissioner for his consideration.

CROSS REFERENCE: For a full description of the organization of the Immigration and Naturalization Service, including delegation of authority, see Part 1 of this chapter, particularly §§ 1.10–1.23 and §§ 1.40–1.49.

§ 90.2 *Board of Immigration Appeals.* There shall be in the Office of the Attorney General a Board of Immigration Appeals. It shall be under the supervision and direction of the Attorney General and shall be responsible solely to him. The Board of Immigration Appeals shall consist of a chairman and four other members and shall have attached to it such number of attorneys and other employees as the Attorney General, upon the recommendation of the Board, shall from time to time direct. In the absence of the chairman, a member designated by him shall act as chairman. The Board shall have authority, with the approval of the Attorney General, to promulgate rules of practice governing the proceedings before it, including rules as to the admission and conduct of attorneys practicing before it, and to disbar any attorney or other person from appearing in a representative capacity before the Board or before any officers of the Immigration and Naturalization Service.

§ 90.3 *Cases appealable to the Board of Immigration Appeals; powers of Board; finality of Board decisions.* (a) When the Commissioner, or officers designated by him in accordance with § 90.1, exercise the power and authority of the Attorney General delegated to them by § 90.1 or other provisions of this chapter by entering orders in proceedings under the immigration, nationality, or other laws administered by the Service, such orders shall be final except that appeals shall lie to the Board of Immigration Appeals where the orders, whatever their natufe (excluding mitigation of fines or penalties), arise in:

(1) Exclusion or preexamination proceedings;

(2) Deportation proceedings, except as provided in § 90.10 (b);

(3) Proceedings involving administrative fines and penalties;

(4) Applications for admission under provisions of the 7th or 9th proviso to section 3 of the act of February 5, 1917;

(5) Petitions filed in accordance with section 9 (c) of the Immigration Act of 1924 for nonquota or preference quota status;

(6) Proceedings for revocation of nonquota or preference quota status previously granted.

(b) The Commissioner may, in any case arising under subparagraphs (1) to (6), inclusive, of paragraph (a) of this section in which no appeal has been taken in accordance with § 90.9, certify such case to the Board of Immigration Appeals for final decision.

(c) In considering and determining such appeals, the Board of Immigration Appeals shall exercise such discretion and power conferred upon the Attorney General by law as is appropriate and necessary for the disposition of the case. The decision of the Board shall be in writing and shall be final except in those cases reviewed by the Attorney General in accordance with § 90.12.

(d) Except as may be modified or overruled by the Board of Immigration Appeals or the Attorney General, decisions of the Board of Immigration Appeals shall be binding on all officers and employees of the Immigration and Naturalization Service in the administration of the immigration and nationality laws, and except as such decisions may be deemed confidential, shall serve as precedents in all proceedings involving the same issue or issues.

§ 90.4 *Board of Immigration Appeals; sessions.* The Board of Immigration Appeals will convene for the purpose of hearing oral argument at its offices in Washington, D. C., at 2 p. m. on every day except Saturdays, Sundays, and legal holidays. In computing the time within which oral argument may be fixed pursuant to §§ 90.5 and 90.9, Saturdays, Sundays, and legal holidays shall be disregarded.

§ 90.5 *Board of Immigration Appeals; oral argument; representation by Service.* Oral argument shall be heard by the Board of Immigration Appeals, upon request, in any appeal arising under § 90.3 (a). Requests for oral argument shall be directed to the Board of Immigration Appeals, Department of Justice, Washington 25, D. C. The Board shall have authority to fix any date or change the date upon which oral argument is to be heard. The Immigration and Naturalization Service may be represented in argument before the Board of Immigration Appeals by any officer or employee designated by the Commissioner.

§ 90.9 *Service of Commissioner's decision and order; manner of filing appeals*—(a) *Service of Commissioner's decision and order.* In those proceedings in which an appeal may be taken to the Board of Immigration Appeals pursuant to § 90.3 (a), a copy of the Commissioner's decision and order shall be served upon the counsel or representative of the party against whom the order is effective, or, in the absence of such counsel or representative, upon the party himself, by personal service or by registered mail. If the party does not have counsel or a representative, the decision and order shall be served upon him by the appropriate field office of the Immigration and Naturalization Service; otherwise the decision and order shall be served by the Commissioner on the party's counsel or representative. The service shall be accompanied by a written notice of the party's right to appeal to the Board of Immigration Appeals.

(b) *Appeals to the Board of Immigration Appeals; how filed.* All notices of appeal shall be filed in triplicate within 15 business days after the date of notification of the Commissioner's order except that, if the party against whom the order is effective is detained in the custody of the Immigration and Naturalization Service, such appeal shall be filed within five business days after the date of notification of such order. All notices of appeal to the Board of Immigration Appeals shall be filed by the party against whom the order is effective or by his counsel or representative. Two copies of the notice of appeal shall be filed with the Commissioner of Immigration and Naturalization or with the local field office. One copy shall be filed directly with the Board of Immigration Appeals. Filing of an appeal shall operate to stay the execution of the Commissioner's order until action on the appeal has been completed. Upon the filing of a notice of appeal, the Commissioner shall promptly transmit to the Board the entire record of the proceeding, including notice of appeal.

(c) *Waiver of appeal.* If the party against whom the order is effective or his counsel or representative waives, in writing, the filing of an appeal, the order of the Commissioner may be executed without awaiting the expiration of the time stated in paragraph (b) of this section.

§ 90.10 *Reconsideration or reopening of case after Commissioner's order has become final; stay of deportation.* (a) Reconsideration or reopening of any case in which the Commissioner's order is or has become final shall be on1 upon written motion addressed to the Commissioner in triplicate and submitted to him directly or through the field office handling the case. The Commissioner may, in his discretion, grant or deny such motion. A motion to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. A motion to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. The Commissioner shall serve a copy of his decision and order upon the party against whom the order is effective or his counsel or representative, as provided in paragraph (a) of § 90.9. An appeal from such an order of the Commissioner shall lie to the Board of Immigration Appeals and notice of such appeal shall be filed in accordance with paragraph (b) of § 90.9.

(b) A request for a stay of deportation shall be in writing and shall state the facts upon which the request is based. No appeal shall lie from the Commissioner's order on a motion for a stay of deportation.

§ 90.11 *Board of Immigration Appeals; transmittal of Board decisions; reconsideration or reopening of case after Board decision.* (a) A copy of the decision and order of the Board of Immigration Appeals shall be transmitted by the Board to the counsel or representative of the party against whom the order is effective, or, in the absence of such counsel or representative, to the party himself.

(b) Reconsideration or reopening of any case in which an order has been entered by the Board of Immigration Appeals (except as provided in § 150.11b of this chapter), whether requested by the Commissioner or by the party against whom the order is effective or his counsel or representative, shall be only upon written motion. The Board may, in its discretion, grant or deny such motion, and pending its consideration of the motion may stay deportation. A motion to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. A motion to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. Motions shall be filed in triplicate with the Board of Immigration Appeals. If oral argument upon a motion is desired, it shall be so stated. The Board of Immigration Appeals, in its discretion, may grant or deny oral argument. If the party against whom the order is effective is the moving party, the Board of Immigration Appeals may transmit one copy of the motion to the Commissioner, who shall be given a reasonable time, not exceeding 10 days or any extension thereof, within which to be heard, if oral argument is granted, or to file such briefs or memoranda as he deems appropriate. If the Commissioner is the moving party, he shall serve a copy of his motion upon the counsel or representative of the party against whom the order is effective, or, in the absence of such counsel or representative, upon the party himself, and shall make proof of service thereof. The party shall be given a reasonable time, not exceeding 10 days from the date of service of the Commissioner's motion or any extension thereof, within which to be heard, if oral argument is granted, or to file such briefs or memoranda as he deems appropriate.

§ 90.12 *Board of Immigration Appeals; reference of cases to the Attorney General.* The Board of Immigration Appeals shall refer to the Attorney General for review of the Board's decision all cases which:

(a) The Attorney General directs the Board to refer to him.

(b) The chairman or a majority of the Board believes should be referred to the Attorney General for review of its decision.

(c) The Commissioner requests be referred to the Attorney General by the Board and its agrees.

In any case in which the Attorney General shall review the decision of the Board, his decision shall be stated in writing and shall be transmitted to the party against whom the order is effective or to his counsel or representative, as provided in § 90.11 (a).

§ 90.17 *General Counsel; powers and duties.* The General Counsel of the Service, under the direction and supervision of the Commissioner, shall have authority after proceedings in accordance with law and regulations to exercise the powers of the Attorney General or of the Commissioner in the classes of cases prescribed in this section and otherwise to perform the duties herein set forth:

(a) To represent the Service before the Board of Immigration Appeals, before boards of special inquiry, or before presiding inspectors in important exclusion and deportation cases;

(b) To examine all decisions of the Board of Immigration Appeals which reverse a presiding inspector or a board of special inquiry, and to advise the Attorney General on cases certified by the Board of Immigration Appeals to him for decision;

(c) To render such assistance, including preparation of legal memoranda and briefs or presentation of arguments, as may be necessary in behalf of the Service to the Attorney General or other officers of the Department or to United States Attorneys in judicial litigation involving proceedings brought to test the legality of warrants of deportation, exclusion decisions, actions involving steamship fines, matters relating to appeals in naturalization cases, the cancellation of naturalization, the review of actions involving prosecutions for violations of the Alien Registration Act, 1940, or other matters related to the Service;

(d) To examine as to legal form and execution bonds and appurtenant documents required with respect to aliens in connection with the administration of the immigration laws, to approve and accept such bonds and documents on behalf of the Government, and if such bonds have been declared breached, to handle any matters relating to their disposition through compromise or judicial enforcement, except that this paragraph shall not authorize the examination, approval, and acceptance of bonds and appurtenant documents in cases where field officers have such authority;

(e) To consider whether steps should be taken looking toward the cancellation of naturalization and to prepare necessary memoranda in those cases where cancellation proceedings are determined upon for submission to the Criminal Division of the Department, with recom-

mendation that the appropriate United States attorney be authorized and directed to institute judicial proceedings in the appropriate court;

(f) To give assistance in the drafting of legislations, Presidential proclamations, Executive orders, and regulations in conjunction with branches of the Service charged with the function of preparing, enforcing, or applying such regulations, when requested;

(g) To render opinions and rulings as requested in the course of his duties to officials of the Service on legal questions arising in the exercise of their functions concerning the Service;

(h) To make recommendations to the Pardon Attorney when a question respecting pardons arises and a recommendation by the Service is desired;

(i) To make recommendations concerning the institution of prosecutions or disposition of criminal cases arising under the immigration or nationality laws; and

(j) To exercise such discretion as is appropriate to, and to prepare and sign all orders and correspondence incident to, the execution of the functions of his office.

In addition to the foregoing authority, the General Counsel shall perform such other duties compatible with his office as may be from time to time required.

§ 90.49 *Rules and regulations; signature.* All rules and regulations, general orders, circular instructions, and Central Office memoranda hereafter issued shall be signed or countersigned by the Commissioner; and all such documents which are to be published in the FEDERAL REGISTER shall, in addition, be signed by the Attorney General.

§ 90.50 *Authority of field officers.* Nothing in this part shall affect the authority of field officers of the Immigration and Naturalization Service under regulations, orders, or instructions now in force.

PART 95—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

Sec.
95.1 Definitions.
95.2 Admission to practice required.
95.3 Qualifications for admission to practice.
95.4 Applications for admission to practice; decision.
95.5 Roster of attorneys.
95.6 Appearances; use of record.
95.7 Suspension and disbarment.
95.8 Procedure for suspension or disbarment; effect.
95.9 Effective date.
95.10 Admission of persons other than attorneys and representatives.

AUTHORITY: §§ 95.1 to 95.10, inclusive, issued under R. S. 161, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 5 U. S. C. 22, 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1, 90.2.

§ 95.1 *Definitions.* As used in this part:

(a) The term "Attorney General" means the Attorney General of the United States.

(b) The term "Service" means the Immigration and Naturalization Service.

(c) The term "Commissioner" means the Commissioner of Immigration and Naturalization.

(d) The term "district director" means a district director of Immigration and Naturalization.

(e) The term "officer in charge" means an officer of the Immigration and Naturalization Service who has over-all supervision over a field office which is subordinate to the office of the district director.

(f) The term "Board" means the Board of Immigration Appeals.

(g) The term "attorney" means a person licensed to practice law in the Federal, State (including the District of Columbia), territorial, or insular courts.

(h) The term "representative" means a person representing a reputable religious, charitable, social service, or similar organization established in the United States and recognized as such by the Board.

(i) The term "case" means any proceeding arising under the laws and regulations administered by the Service.

(j) The term "practice" means the act of an attorney or representative in appearing in any case, either in person or through the filing of a brief or other document, on behalf of a client before any officer of the Service or the Board.

§ 95.2 *Admission to practice required.* (a) No person shall be permitted to practice before the Service or the Board until he has been admitted to practice in accordance with § 95.4.

(b) Notwithstanding paragraph (a) of this section:

(1) A district director, an officer in charge, the Commissioner, any other officer of the Central Office authorized by the Commissioner to do so, or the Board may permit an attorney or representative to file an appearance in behalf of a party in any case prior to the approval of his application for admission if such attorney or representative files the application concurrently with filing his appearance in the case. If the application is subsequently denied, such attorney or representative shall not thereafter be permitted to practice, in that or any other case, unless and until his admission to practice has been authorized by the Board and subject to such conditions as the Board shall direct.

(2) An attorney or representative who files or has filed an appearance in any case prior to the effective date of this part and on that date continues so to serve may be permitted to conclude such services subject, however, to the prohibitions stated in §§ 95.4 (d) and 95.8 (d).

(3) A party to a case may be represented by any reputable individual of good moral character, whether or not admitted to practice in accordance with § 95.4, if such individual is appearing without monetary or other material remuneration and files a written declaration to that effect, and if such representation is permitted by the officer in charge of the office having the case under consideration, the Commissioner, or the Board.

(4) Any alien may be represented by an accredited official in the United States of the government to which the alien owes allegiance, if such official appears solely in his official capacity, and with the consent of the alien.

(5) An attorney, other than described in § 95.1 (g), residing outside the United States and licensed to practice law and in good standing in a court or courts of the country in which he resides and who is engaged in such practice may be permitted by any district director or officer in charge of a field office, the Commissioner, or any officer of the Central Office designated by him, or the Board, to file his appearance and be heard in any individual case. The district director shall have authority to withhold granting permission to such attorney to appear before an officer under his jurisdiction pending decision thereon by the Board.

(6) No person who is a party to a case shall be denied the privilege of presenting oral argument in his own behalf before an officer of the Service or the Board having his case under consideration.

(7) Any person desiring to be heard as amicus curiae shall apply therefor to the Board; and the Board may grant such application if it deems it to be in the public interest.

(c) No person previously in the employ of the Service or the Board may be permitted to practice in a case in which he participated during the period of such employment.

§ 95.3 *Qualifications for admission to practice.* (a) Admission to practice shall be limited to persons who are citizens of the United States, who are of good moral character, and who are attorneys in good standing in the court or courts in which they are licensed to practice, or who are representatives of organizations of the character described in § 95.1 (h).

(b) No person within any category set forth in § 95.7 may be admitted to practice.

§ 95.4 *Applications for admission to practice; decision.* (a) Applications for admission to practice may be filed with a district director, the Commissioner, or the Chairman of the Board, at the option of the applicant. Such application shall be made in triplicate upon Form G-27, shall be executed under oath or affirmation, shall be responsive to the questions therein, and shall reveal such information as may be considered necessary to make a decision upon the application. An application by an attorney shall be supported by a current certificate from a judge or clerk of the court in which the applicant is licensed to practice, or by a written statement of the officer in charge of the local office of the Service certifying that upon inquiry he has ascertained and has personal knowledge that the applicant is so licensed. An application by the representative of an organization shall be supported by a statement of the appropriate officer or officers thereof, certifying that the applicant is its accredited representative and authorized to appear in its behalf in any case.

(b) The original application shall be permanently retained in the files of the Board, the duplicate in the files of the Commissioner, and the triplicate in the files of the district director having jurisdiction over the applicant's place of residence.

(c) As soon as practicable after receipt of the application the Board shall give consideration thereto. If the application is approved, written notation to that effect shall be made on the application and a certificate of admission to practice shall be issued to the licensee. If the conclusion is that the application should be denied, the Board shall prepare a proposed order of denial, in which shall be stated the reasons for denying the application. The Board shall serve the proposed order on the applicant, either personally or by registered mail and obtain a return receipt therefor. The applicant shall be allowed a reasonable time, not less than ten days, in which to file exceptions to the proposed order and to submit a brief if desired. After receipt of the exceptions, or if none are received within three days after expiration of the period specified for filing of exceptions, the Board shall make such order as it may then determine appropriate. If the order be to deny the application, or if any one of the circumstances described in § 90.12 of this chapter be present, the Board shall refer the record to the Attorney General for review of its decision. The order of the Attorney General shall be the final determination of the application.

(d) Admission of a representative shall terminate upon discontinuance of his authority to represent the organization named in his application.

§ 95.5 *Roster of attorneys.* The Board shall maintain an alphabetical roster of attorneys and of representatives of organizations. A copy of the roster shall be supplied to the Commissioner, and he shall be advised from time to time of changes therein.

§ 95.6 *Appearances; use of record.* (a) An appearance shall be filed in writing on Form G-28 by attorneys or representatives appearing in each individual case. When an appropriate appearance has been filed in a case, substitution of attorneys or representatives may be permitted upon the written withdrawal of the attorneys or representatives of record or upon notice by the party to the case of his designation of new attorneys or representatives. If any attorney or representative of record authorizes another attorney or representative to act for him as an associate in a case, the latter will be heard if satisfactory evidence of his authorization is presented and if he has been admitted to practice under the regulations in this part.

(b) During the time a case is pending the attorney or representative of record, or his associate, shall be permitted to review the record and, upon request, be lent a copy of the testimony adduced and in expulsion proceedings the memorandum, if any, prepared by the presiding inspector setting forth a summary of the evidence and his proposed findings of fact, conclusions of law, and order. The attorney or representative shall give his receipt for such copy and pledge that no copy thereof will be made, that he will retain it in his possession and under his control, and that it will be surrendered upon final disposition of the case.

CROSS REFERENCES: For attorneys and other persons representing applicants for certificates of derivative citizenship, see § 379.3 of this chapter; for registry, see § 362.3.

§ 95.7 *Suspension and disbarment.* With the approval of the Attorney General, the Board may suspend or bar from further practice an attorney or representative, if it shall find that suspension or disbarment is in the public interest. The suspension or disbarment of an attorney or representative who is within one or more of the following categories shall be deemed to be in the public interest, for the purpose of the regulations in this part:

(a) Who charges or receives, either directly or indirectly, any fee or compensation for services which may be deemed to be grossly excessive in relation to the services performed by him in the case;

(b) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Service or Board, to commit an act or to refrain from performing an act in connection with any case;

(c) Who wilfully misleads, misinforms, or deceives an officer or employee of the Service, the Board, or the Attorney General concerning any material and relevant fact in connection with a case;

(d) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(e) Who solicits practice by means of runners or other unethical methods;

(f) Who represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(g) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(h) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(i) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension or disbarment being known to him;

(j) Who wilfully made false and material statements in his application for admission to practice, or in his appearance in any case;

(k) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity which would constitute cause for suspension or disbarment were the case pending before a court;

(l) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(m) Who has been convicted of a felony, or, having been convicted of any crime, is sentenced to imprisonment for a term of one year or more;

(n) Who no longer possesses the qualifications required by § 95.3 for admission to practice;

(o) Who is the representative of an organization which is no longer recognized by the Board as being of the character described in § 95.1 (h); or

(p) Who wilfully violates any of the provisions contained in this part.

§ 95.8 *Procedure for suspension or disbarment; effect.* (a) The Commissioner may cause to be investigated any complaint or circumstance which establishes a prima facie case for the suspension or disbarment of any enrolled attorney or representative. If such investigation establishes to the satisfaction of the Commissioner that suspension or disbarment proceedings should be instituted, he shall cause written charges to be preferred. A copy of such charges shall be served upon the respondent, either personally or by registered mail, with notice to show cause within a specified time, not less than 30 days, why he should not be suspended or disbarred from further practice. Such notice shall also advise the respondent that after answer has been made and the matter is at issue, if he so requests he will be given opportunity for a hearing. If hearing is requested, the Commissioner will specify the time and place therefor and specially designate the officer who shall preside and the officer who shall present the evidence in support of the charges. The nonreceipt of answer within three days after expiration of the period prescribed to show cause shall be held a waiver of defense to the charges. When the record is complete, the Commissioner shall forward it to the Board with his recommendation.

(b) The respondent, either with or without counsel, and the Commissioner, or any officer designated by him for the purpose, shall have the privilege of appearing before the Board for oral argument at a time specified by the Board.

(c) The Board shall consider the record as presented by the Commissioner as soon as practicable after its receipt and render its decision thereon. The order of the Board shall constitute the final disposition of the proceeding: *Provided, however,* That if the order would suspend or disbar the respondent, or if any one of the circumstances described in § 90.12 of this chapter be present, the Board shall refer the record to the Attorney General for review of its decision and in such case the order of the Attorney General shall be the final determination of the proceeding.

(d) In case the final order against the respondent is for suspension or disbarment, the attorney or representative shall not thereafter be permitted to practice unless and until authorized so to do by the Board; and if disbarred, he shall surrender certificate of his admission to the Board for cancellation.

§ 95.9 *Effective date.* The regulations in this part shall take effect from and after May 1, 1944, except that applica-

tions for admission to practice may be filed immediately in the manner prescribed in § 95.4 (a).

§ 95.10 *Admission of persons other than attorneys and representatives.* A person who has practiced before the Board or the Service for at least five years immediately prior to May 1, 1944, and who during such period pursued such practice as his principal occupation, may, if he applies before May 1, 1945, is otherwise qualified, and satisfies the Board that he is well qualified by training and experience to represent his clients before the Board and the Service, be admitted, in the discretion of the Board, to practice under this part although he is not an attorney or representative. In any case under this section, the officer in charge, the district director, or the Commissioner may timely file objections to the admission of the applicant, which together with the reasons supporting such objections will be considered by the Board in reaching its decision. An application under this section shall be treated in the manner provided by § 95.4 (c). The Board may conduct or cause to be conducted appropriate inquiry with respect to any application under this section. A person admitted under this section shall be subject to the provisions of this part regulating the practice of attorneys and representatives.

Subchapter B—Immigration Regulations

PART 105—HEAD TAX

Sec.
105.1 Aliens subject to head tax; collection.
105.2 Collection of head tax after admission.
105.3 Aliens not subject to head tax.
105.4 Burden of proof in claims for exemption.
105.5 Seamen admitted as immigrants.
105.6 Liability for head tax assessed for admission of seamen as immigrants.
105.7 Head tax; by and to whom paid.

AUTHORITY: §§ 105.1 to 105.7, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR 90.1. §§ 105.1 to 105.7, inclusive, interpret and apply secs. 2, 3, 39 Stat. 875; 8 U. S. C. 132, 136 (r).

§ 105.1 *Aliens subject to head tax; collection.* There shall be collected on behalf of every alien admitted to the United States, except those classes enumerated in § 105.3, a head tax of $8.

§ 105.2 *Collection of head tax after admission.* The tax described in § 105.1 shall be collected also from aliens within § 105.3 (c) when their stay is extended beyond 60 days; from aliens within § 105.3 (d) when their stay is extended beyond one year; when required, from aliens within § 110.53 if the Commissioner has directed admission; and when required, from aliens whose records of entry have been authorized to be amended or endorsed to show true status. The head tax shall be collected from aliens within this section in the form of a United States postal money order, payable to the collector of customs having jurisdiction over the place where the alien entered the United States, and shall be deposited with such collector of customs. If the head tax is collected in an immigration district other than the district where the alien entered the United States, the money order shall be forwarded by the officer in charge of the district where the head tax is collected to the officer in charge of the district where the entry of the alien occurred, where it shall be deposited with the appropriate collector of customs; in the cases of aliens within § 110.53, the money order will accompany the documents, record, and report required by that section. If the amount collected from aliens within this section is not received in sufficient time to be entered prior to the closing of the accounts at the port of entry for the month during which the alien actually entered the country, the amount shall nevertheless be deposited with the collector of customs. Collections within this section shall be reported to the Central Office only by the officer in charge of the district where the alien entered the United States. The provisions of this section are not to be regarded as applicable to the collection of the fee in the amount of $18 required of certain aliens under the provisions of section 19 (c) of the Immigration Act of February 5, 1917, as amended (54 Stat. 672, 56 Stat. 1044; 8 U. S. C. and Sup., 155).

§ 105.3 *Aliens not subject to head tax.* The head tax shall not be levied upon the following classes of aliens:

(a) *Foreign officials.* Diplomatic and consular officers and other accredited officials of foreign governments, their suites, families, and guests, for whatsoever purpose they come.

(b) *Children.* Children under 16 years of age who accompany their father or mother and whose relationship and age are established.

(c) *Transits.* Aliens in transit through the United States, as defined in § 118.1 of this chapter.

(d) *Visitors from nearby countries.* Aliens whose legal domicile or bona fide residence was in Canada, Newfoundland, Cuba, or Mexico for at least one year immediately preceding entry and who enter the United States for a temporary period in no instance exceeding one year; this exemption shall not be lost merely by reason of temporary absences of short duration from such countries.

(e) *Residents; passing through contiguous territory.* Aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

(f) *Temporary residents; returning from contiguous territory.* Aliens temporarily admitted to the United States who, during the period of temporary admission, go to foreign contiguous territory for temporary visits.

(g) *Cruise passengers.* Aliens who, starting from a port of the United States, return thereto after a continuous sea trip or cruise without change of vessel.

(h) *Commuters.* Aliens who, without taking up residence in the United States, habitually cross and recross the land boundaries and who hold a resident alien's border crossing identification card.

(i) *Residents; returning from nearby country.* Aliens lawfully admitted and having a bona fide residence in the United States who, without relinquishing such residence, visit Canada, Newfoundland, Cuba, or Mexico for a temporary period in no instance exceeding six months.

(j) *Citizens or residents of possessions.* Citizens and alien residents of any possession of the United States.

(k) *Nonresident occupational seamen.* A nonresident alien whose occupational status as a seaman is established, entering the United States temporarily in pursuit of that occupation, who is a bona fide alien seaman as defined in § 120.2 of this chapter, or who arrives as a passenger or workaway and is admitted solely for the purpose of reshipping foreign.

(l) *Returning resident occupational seamen.* An alien whose occupational status as a seaman is established and who arrives as a seaman or as a passenger or workaway after a temporary absence abroad solely in pursuit of his calling, if he is found upon arrival to have previously been lawfully admitted to the United States for permanent residence and to be returning to an unrelinquished domicile in the United States.

(m) *Military or naval personnel.* Members of the armed forces of the United States, or of foreign armed forces cooperating with the United States, including nurses and technicians attached to such armed forces, when entering the United States under official orders.

(n) *Students, returning from nearby countries.* Aliens admitted to the United States as bona fide students under subdivision (e) of section 4, of the Immigration Act of 1924, who, without relinquishing such status, visit Canada, Newfoundland, Cuba, or Mexico for a temporary period in no instance exceeding six months.

(o) *Imported laborers.* Aliens who are native-born residents of foreign countries within the Western Hemisphere being imported for temporary employment and who are admissible under §§ 115.2 and 132.5 of this chapter.

(p) *Foreign government representatives to international organizations.* Representatives of foreign governments in or to international organizations designated by the President by Executive order as entitled to enjoy privileges, exemptions, and immunities as international organizations under the International Organizations Immunities Act (59 Stat. 672; 22 U. S. C., Sup. 288d), or officers or employees of such international organizations, and the families, attendants, servants, and employees of such representatives, officers, or employees.

CROSS REFERENCE: For status of alien airmen, see § 116.53 of this chapter.

§ 105.4 *Burden of proof in claims for exemption.* The burden of proof shall be upon the alien to establish that he is within the classes exempted by law from the payment of head tax, and in all cases where such fact is not established to the satisfaction of the immigration officer the tax shall be collected and paid on account of such alien in the manner provided in § 105.7.

§ 105.5 *Seamen admitted as immigrants.* (a) A head tax of $8 shall be paid for every alien who arrives as a seaman but is admitted as an immigrant, except a seaman admitted under section 4 (b) of the Immigration Act of 1924 who is within the exemptions specified in § 105.3 (l).

(b) Head tax shall be paid for an alien arriving as a seaman but admitted under said section 4 (b) if the alien is returning from a temporary absence abroad which was not connected with his occupation as a seaman, except that he shipped as a seaman in preference to other methods of travel, and if he would be required to pay head tax were he returning from such an absence otherwise than as a seaman.

§ 105.6 *Liability for head tax assessed for admission of seamen as immigrants.* In any case in which head tax is assessed under the regulations in this part by reason of the admission of a seaman as an immigrant, the tax shall be paid by the master, agent, owner, or consignee of the vessel or transportation line responsible under the provisions of section 2 of the Immigration Act of February 5, 1917.

§ 105.7 *Head tax; by and to whom paid.* The head tax shall be paid to the collector of customs of the port or customs district to which the alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle or when collection from the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance, or vehicle bringing such alien into the United States is impracticable.

PART 107—MANIFESTS

Sec.
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AUTHORITY: §§ 107.1 to 107.17, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 107.1 *Classification of passengers.* All passengers, arriving in or departing from the United States by water, either directly or through the designated Canadian seaports, and whether aliens or citizens of the United States, shall, for the purposes of section 12 of the act of February 5, 1917 (39 Stat. 882; 8 U. S. C. 148), be classified on manifests as first cabin, second cabin, tourist third cabin, or third class, according to the class in which they travel. These manifests shall also contain the names of passengers embarking at foreign ports destined to other foreign ports on vessels touching at ports of the United States, and passengers arriving on vessels destined from a foreign port to a United States port where such vessels stop en route at intermediate ports of the United States. (Sec. 13, 39 Stat. 884; 8 U. S. C. 149)

§ 107.2 *Vessels touching at more than one port.* Where vessels touch at more than one United States port, passengers will be manifested for the United States port of destination or final United States port of call, and such manifests shall be presented at all intermediate ports in the United States and a notation made in the space following the last numbered column on Forms I–415 and I–416, showing the port or ports at which passengers are granted shore leave. This notation will be simply an abbreviation of the name of the port. (Sec. 12, 39 Stat. 882; 8 U. S. C. 148)

§ 107.3 *Landing at port other than manifested.* When any passenger desires regularly to land at any port in the United States other than the one to which he is manifested, his name will be stricken by the ship's officers from the manifest upon which originally recorded and transferred to the manifest intended for the port where he wishes to land. Such change on the manifest will be made only with the prior knowledge of the boarding officer and will be attested by his signature and title placed opposite each entry on the two manifests involved, e. g., opposite the deleted entries he will note: "----------, Immigrant Inspector." On the manifest to which the name is transferred he will note: "Transferred from manifest of passengers for ------, dated ------, ----------, Immigrant Inspector." (Secs. 12, 13, 39 Stat. 882, 884; 8 U. S. C. 148, 149)

§ 107.4 *Final port; checking of aliens; abandonment of voyage.* At the final port of call a check shall be made to determine the presence on board of all aliens who have been granted shore leave at intermediate ports, the manifests to be taken up at such final port of call. Forms I–428 will be furnished at the port of embarkation of alien and citizen passengers. If any such passenger abandons the voyage at an intermediate United States port, notification shall be given to port of embarkation by the steamship company. (Secs. 12, 13, 39 Stat. 882, 884; 8 U. S. C. 148, 149)

§ 107.5 *Manifests; prescribed form; preparation.* The lists or manifests with respect to arriving aliens shall be prepared on Form I–415; with respect to arriving United States citizens, on Form I–416. Such forms shall meet the specifications prescribed in §§ 107.9 and 107.10. All entries on Forms I–415 and I–416 shall be printed in ink or typewritten and shall be in the English language. For alien passengers a separate Form I–415, or as many as are needed, shall be prepared for each of the four classes named in § 107.1, except that where the number of alien passengers in all classes does not exceed thirty, all classes may be shown on one Form I–415 with the names grouped according to class and the name of the class of the group noted; the same rule shall be applied to determine whether a separate Form (or Forms) I–416 shall be prepared for each class of United States citizen passengers. (Secs. 12, 13, 39 Stat. 882, 884, sec. 2 (e), 43 Stat. 154; 8 U. S. C. 148, 149, 202 (e))

§ 107.6 *Grouping of aliens on manifest.* Transportation companies shall assemble or group together, to the fullest extent possible, all aliens coming from the same locality, also all members of a family, and the names of all members of a family shall appear upon the same manifest sheet when such members travel in the same class. Where the members of a family travel in different classes, appropriate cross references to this fact should be made on the several manifest sheets on which their names are listed, so that the immigration authorities may consider their cases together. (Secs. 12, 13, 39 Stat. 882, 884; 8 U. S. C. 148, 149)

§ 107.7 *Certain nonimmigrants; how manifested.* All nonimmigrants as defined by section 3 (2), (3), and (6) of the Immigration Act of 1924 (43 Stat. 154, 47 Stat. 607; 8 U. S. C. 203) arriving by water at the ports of the United States shall be listed and classified separate and apart from immigrants generally, and grouped and assembled in the manner required by §§ 107.5 and 107.6. To each nonimmigrant or head of a family of nonimmigrants shall be given a ticket on which shall be written his name, a number or letter, followed by the letters NI, designating the list in which his name and other information are contained and his number on said list. Such list shall be plainly marked "Nonimmigrant manifest." (Secs. 12, 13, 39 Stat. 882, 884; 8 U. S. C. 148, 149)

§ 107.8 *Stowaways; how manifested.* Alien stowaways shall be manifested and produced for inspection in the same manner as are other aliens, and the fact that they were stowaways shall be indicated on the manifest. (Secs. 12, 13, 39 Stat. 882, 884; 8 U. S. C. 148, 149)

§ 107.9 *Form I–415; specifications.* Form I–415 shall be typewritten or printed in the English language on white commercial ledger paper, size 40 by 18½ inches, substance 50 pounds. All Forms I–415 shall correspond in all respects to the Form I–415 approved by the Commissioner of Immigration and Naturalization and printed by the Government Printing Office. Until any stock of old Forms I–400, I–401, I–402, and I–403, which is available at the Government Printing Office or which transportation companies have on hand, is exhausted, such old forms may be used if the text

and form number are altered so that they will correspond to Form I–415. (Secs. 12, 13, 39 Stat. 882, 884, sec. 2 (e), 43 Stat. 154; 8 U. S. C. 148, 149, 202 (e))

§ 107.10 *Form I–416; specifications.* Form I–416 shall be typewritten or printed in the English language on white commercial ledger paper, size 36 by 18½ inches, substance 50 pounds, in sheets 18 by 18½ inches. All Forms I–416 shall correspond in all respects to the Form I–416 approved by the Commissioner of Immigration and Naturalization and printed by the Government Printing Office. Until any stock of old Forms I–430, I–431, I–432, and I–433, which is available at the Government Printing Office or which transportation companies have on hand, is exhausted, such old forms may be used if the form numbers are changed to I–416. (Sec. 12, 39 Stat. 882; 8 U. S. C. 148)

§ 107.11 *Forms required; specifications as to departing passengers; time for filing.* (a) The list required by section 12 of the Immigration Act of 1917 (39 Stat. 882; 8 U. S. C. 148) containing information regarding alien passengers and citizens of the United States and its insular possessions departing from the United States and its insular possessions, either permanently or temporarily, shall be typewritten or printed in the English language on commercial ledger paper in sheeets 21 by 16 inches (substance 32), color white, according in every respect to Form I–428 now in use and approved by the Commissioner of Immigration and Naturalization, or on such form or forms as hereafter may be prescribed. Such lists shall be deposited with the immigration officials before the departure of the vessel, except that in the case of vessels making regular trips to ports of the United States such lists may be delivered so as to reach the immigration officials at the port of departure within 30 days after departure of the vessel. Notwithstanding the exception contained in the preceding sentence, the immigration officer in charge at the port shall not grant clearance papers to the vessel until such lists are delivered if he knows or has reason to believe that the vessel will not return to a port of the United States within 30 days or that such lists will not be delivered so as to reach him within that time.

(b) The term "vessels making regular trips to ports of the United States," as used in the first proviso to section 12 of the Immigration Act of 1917 and in paragraph (a) of this section, and for the purposes of § 160.6 of this chapter, means vessels which arrive at a port or ports in the United States at intervals of 30 days or less according to a published schedule of which there is sufficient notice to all concerned.

§ 107.12 *Form required by § 107.15; specification.* The report required by § 107.15, shall be typewritten or printed in the English language on white commercial ledger paper 17 by 28 inches, basis 35½ pounds, in sheets 17 by 14 inches, and according in every respect to Form I–442 now in use and approved by the Commissioner of Immigration and Naturalization, or on such form or forms as may hereafter be prescribed. (Sec. 13, 39 Stat. 884; 8 U. S. C. 149)

§ 107.13 *Forms, by whom supplied; penalty.* The master or commanding officer, owners, or consignees of steamers, sailing, or other vessels plying between the United States and foreign ports or between foreign ports and the designated Canadian seaports, having passengers on board, are required to furnish the information provided for by sections 12 and 13 of the Immigration Act of 1917 (39 Stat. 882, 884; 8 U. S. C. 148, 149), and shall at their own expense furnish the forms referred to in §§ 107.9–107.12, according to the specifications therein set out, and any failure, neglect, or omission to comply with the requirements of said sections shall be deemed a violation of sections 12 and 14 of the Immigration Act of 1917 (39 Stat. 882, 884; 8 U. S. C. 148, 150), and punishable as therein provided.

§ 107.14 *Information required; foreign officials.* The only statistical information required concerning foreign officials duly accredited by their governments, including diplomatic and consular officers, their suites, families, or guests, is their names and titles. (Sec. 3, 39 Stat. 875; 8 U. S. C. 136 (r))

§ 107.15 *Report of illness en route.* The ship's surgeon, or if no surgeon, the master, shall furnish to the officials in charge at the port of arrival a full and complete report of all injuries, diseases, illness, births, and deaths developing or occurring during the voyage. (Sec. 13, 39 Stat. 884; 8 U. S. C. 149)

§ 107.16 *Data concerning cost of transportation.* Transportation companies shall furnish the officers in charge at ports of entry, within two days after request therefor, with the original transportation contracts of all rejected aliens whose cases are covered by the provisions of section 9 of the Immigration Act of 1917 (43 Stat. 166; 8 U. S. C. 145), and/or section 16 of the Immigration Act of 1924 (43 Stat. 163, 58 Stat. 817; 8 U. S. C. and Sup., 216), such contracts showing the exact amounts paid for transportation from the "initial point of departure," which point shall be stated, to the foreign port of embarkation, from the latter to the United States port of arrival, and from the port of arrival to inland point of destination, respectively, and also the amount paid for head tax.

§ 107.17 *Manifests of aliens from foreign contiguous territory.* (a) Upon the inspection of aliens seeking to enter continental United States directly from Canada or Mexico, the examining immigrant inspector shall prepare a manifest on Form I–448 in cases where the preparation of such a manifest is required by the provisions of this chapter, particularly Parts 108 and 114. The Form I–448 shall be filled out from information furnished by the alien in response to questions asked by the examining immigrant inspector. Data such as the following shall be included in the Form I–448: port, date, full name, age, and sex; whether married or single; calling or occupation; personal description (including height, color of hair and eyes); nationality; race; place of birth; country of last permanent residence; name and address of nearest relative in the country from which the alien came; final destination; whether going to join a relative or friend and, if so, name and address of such relative or friend; whether ever before in the United States and, if so, when; purpose in coming to United States and length of time intending to remain. Immigration officials shall state whether the alien is an immigrant or a nonimmigrant, the character of head-tax assessment, and, if exempt from head tax, the reason therefor, and also the action taken as a result of such inspection. The immigration official making the inspection shall sign such manifest when completed.

(b) The term "continental United States" as used in paragraph (a) of this section means the territory of the forty-eight States, the District of Columbia, and Alaska. (Sec. 12, 39 Stat. 882; sec. 3, 43 Stat. 154, 47 Stat. 607, sec. 1, 54 Stat. 711, sec. 7 (c), 59 Stat. 672, sec. 328 (a), 54 Stat. 1151; 8 U. S. C. and Sup., 148, 203, 728 (a))

PART 108—RECORDING OF ARRIVALS, DEPARTURES, AND REGISTRATIONS

Sec.

108.1 Coexistent provisions.
108.2 Prescribed forms.
108.3 Nonimmigrants; Forms 257a, 257b, and 257d; action at time of entry.
108.4 Nonimmigrants; Forms 257a, 257b, and 257d; action at time of departure.
108.5 Nonimmigrants; Forms I–94 and I–448.
108.6 Immigrants; Forms 256a and I–151.
108.7 Immigrants; land border ports; Form I–448.
108.8 Immigrants; surrender of cards at time of departure.
108.9 Endorsement of passports.

AUTHORITY: §§ 108.1 to 108.9, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 727, 5 U. S. C. 133t; 8 CFR. 90.1. §§ 108.1 to 108.9, inclusive, interpret and apply sec. 2 (e), 43 Stat. 154, sec. 30, 54 Stat. 673, sec. 34, 54 Stat. 674, sec. 328 (a), 54 Stat. 1151; 8 U. S. C. 202 (e), 451, 455, 728 (a).

§ 108.1 *Coexistent provisions.* The provisions of this part are in addition to (a) the provisions of section 12 of the Immigration Act of February 5, 1917 (39 Stat. 882; 8 U. S. C. 148), and Part 107 of this chapter relative to the manifesting by transportation companies of aliens and citizens arriving or departing by vessel, and (b) the provisions of sections 7, 9, and 11 of the Air Commerce Act of 1926 (44 Stat. 572–575, 48 Stat. 1115–1116, 52 Stat. 1028–1029; 49 U. S. C. 177, 179, 181) and Part 116 of this chapter relative to the manifesting by transportation companies of aliens and citizens arriving or departing by aircraft.

§ 108.2 *Prescribed forms.* For the purpose of recording the arrival, departure, and registration of aliens, the following forms issued to aliens by American consular officers or immigration officers shall in the manner provided by this part be processed by officers and employees of the Immigration and Naturalization Service:

(a) As to nonimmigrant aliens:

(1) Foreign Service Form No. 257a, which is the alien's evidence of registration and status.

(2) Foreign Service Form No. 257b, "Application for Nonimmigrant Visa and Alien Registration."

(3) Foreign Service Form No. 257d, "Manifest Record of Alien Admitted for Temporary Stay."

(4) Form I–94, "Record of Alien Admitted as Visitor."

(5) Form I–448, "Manifest."

(b) As to immigrant aliens:

(1) Foreign Service Form No. 256a, "Immigration Visa and Alien Registration."

(2) Form I–448, "Manifest."

(3) Form I–151, "Alien Registration Receipt Card."

CROSS REFERENCES: For American consular procedure with respect to Foreign Service forms listed in the foregoing section and related Foreign Service forms, see 22 CFR Part 61, particularly §§ 61.112, 61.128, 61.148, 61.157, 61.166, 61.317–61.357, and 61.385–61.399.

For registration and fingerprinting of aliens by immigration officers, see 8 CFR Part 170.

§ 108.3 *Nonimmigrants; Forms 257a, 257b, and 257d; action at time of entry.* (a) At the time an alien presenting Forms 257a, 257b, and 257d applies for admission to the United States for temporary stay, the alien shall surrender such forms to an immigrant inspector and, if the alien is admitted, the admitting inspector shall add on all three such forms in the spaces indicated the data as to the period and other facts of the admission. The inspector shall deliver Form 257a at once to the alien. The Form 257b, without transmittal letter, shall be forwarded at once to the Central Office for statistical and permanent record purposes. The Form 257d shall be retained at the port of entry and in the cases of aliens admitted directly to the continental United States from Canada or Mexico shall be filed as the record of entry in lieu of Form I–448.

(b) If an alien presenting Forms 257a, 257b, and 257d is excluded from the United States, the Form 257a shall not be given to the alien. Data as to the exclusion shall be placed on the Forms 257b and 257d by the chairman of the board of special inquiry. The Form 257d shall be retained at the port as a record of the exclusion. The Forms 257a and 257b shall be sent together to the Central Office and shall accompany any record of the hearing before the board of special inquiry submitted to the Central Office in appellate or similar proceedings. Where the Forms 257a and 257b are submitted with such a record, they shall be returned to the port with the notification of the decision. Data as to the facts of the resulting final action at the port shall be placed on the Forms 257a, 257b, and 257d, and the Forms 257b and 257d shall be disposed of as prescribed in paragraph (a) of this section; the Form 257a shall also be disposed of as prescribed in paragraph (a) of this section in those cases where the alien is admitted under the decision but the Form 257a shall be sent with the Form 257b to the Central Office in cases where the alien is not admitted.

(c) The term "continental United States" as used in this section and part means the territory of the forty-eight States, the District of Columbia, and Alaska.

§ 108.4 *Nonimmigrants; Forms 257a, 257b, and 257d; action at time of departure.* (a) At the time of the departure from the United States of an alien who was admitted on presentation of Forms 257a, 257b, and 257d, the alien shall, with the exceptions provided in paragraph (b) of this section, surrender the Form 257a to an immigration officer or other designated person, who shall endorse it to show the facts of departure, after which the Form 257a shall be sent to the port where the entry occurred, if different from the port of departure. Regardless of whether the port of entry and the port of departure are the same or different, the facts of departure shall be posted to the Form 257d from the Form 257a, after which the latter shall be forwarded to the Central Office for statistical and permanent record purposes.

(b) An alien admitted to the United States on presentation of Forms 257a, 257b, and 257d shall not be required to surrender the Form 257a at the time of his departure from the United States in the following classes of cases:

(1) The Form 257a bears a nonimmigrant visa valid for more than one journey to the United States and the alien states his intention to enter the United States again within the period of the validity of such visa. The alien shall nevertheless report his departure to an immigrant inspector in accordance with the instructions on Form 257a. If departure occurs at the same port as that at which the entry occurred, the facts of departure shall be posted to the Form 257d and reported to the Central Office by form letter; if the entry occurred at another port, the departure shall be verified by form letter to such port and the facts of departure posted to the Form 257d there, after which the letter shall be forwarded to the Central Office.

(2) An alien child or alien children, accompanying on entry, are named on the Form 257a and all aliens covered by the form do not depart simultaneously. In such cases, Form 257a shall be surrendered by the alien last departing and endorsed only as to his departure, unless retention is permitted by this section. The earlier departures of the other aliens named on the form shall be posted to the Form 257d and reported to the Central Office, in the same way as is prescribed in subparagraph (1) of this paragraph.

(3) Any alien (including a resident of Canada or Mexico) who during his temporary stay in the United States proceeds to Canada or Mexico for a visit of not more than 30 days, after which he intends to reenter the United States for the remainder of the period of his original temporary admission.

(4) Other exceptional cases where the Commissioner of Immigration and Naturalization has instructed immigration officers to waive or defer the surrender of Form 257a at the time of the holder's departure from the United States.

§ 108.5 *Nonimmigrants; Forms I–94 and I–448.* (a) Form I–94 shall be used at all ports in the following cases of temporary admission:

(1) Where the alien is required to present a passport and a nonimmigrant visa and meets such requirement by presenting a passport containing the required nonimmigrant visa but does not present Forms 257a, 257b, and 257d because he surrendered those three forms in connection with a previous temporary stay or because such forms were not in use when his nonimmigrant visa was issued.

(2) Where the alien is required to present a nonimmigrant visa and meets such requirement by presenting Form 257a bearing the nonimmigrant visa but does not present Forms 257b and 257d because he surrendered those two forms on a previous entry.

(3) When the alien is coming from some country other than Canada or Mexico, does not present a nonimmigrant visa and Forms 257a, 257b, and 257d, and is admitted temporarily under a waiver of the nonimmigrant visa requirement.

(b) At ports where aliens coming directly to the continental United States from Canada or Mexico are admitted, Form I–94 shall be used not only in cases listed in paragraph (a) of this section but also in cases of temporary admission where Forms 257a, 257b, and 257d are not presented and where:

(1) The alien is admitted for more than 29 days; or

(2) Head tax is collected; or

(3) Bond is exacted; or

(4) Verification of departure is desired; or

(5) The case comes within some other specific class in which immigrant inspectors are instructed to execute Form I–94; or

(6) The facts of the particular case are such that a record on Form I–94 is deemed desirable.

(c) The original Form I–94 shall be delivered to the alien at the time of admission. If the alien has previously complied with the Alien Registration Act, that fact should be noted on the Form I–94. In the cases of aliens admitted directly to the continental United States from Canada or Mexico, the duplicate Form I–94 shall be filed as a record of entry in lieu of Form I–448. The original Form I–94 shall be surrendered by the alien at the time of his departure in accordance with the directions on the form except that where the circumstances described in § 108.4 (b) (2) or (3) exist, the alien may retain the form, in which event the procedure prescribed in those two subparagraphs shall be followed. Surrendered Forms I–94 shall be returned to the port of entry, if different from the port of departure. If a departing alien also has a Form 257a because he is within paragraph (a) (2) of this section, he shall surrender it simultaneously unless retention is permitted by this part. Where a departing alien surrenders both a Form I–94 and a Form 257a, the latter form shall be attached to the Form I–94. A triplicate copy of Form I–94 shall be made on plain or printed paper and forwarded to the Central Office in the following classes of cases:

(1) Where the form is issued to an alien whose journey to the United States originates in countries other than Canada or Mexico; and

(2) Where the form is issued to an alien admitted to the United States for more than 29 days.

Such furnishing to the Central Office of a triplicate copy of Form I–94 shall be noted by the issuing officer on the duplicate copy, and when satisfactory evidence of departure—normally the original Form I–94—is received at the port of entry, the facts of departure shall be posted to the duplicate copy of Form I–94 and such evidence of departure forwarded to the Central Office.

(d) At ports where aliens coming directly to the continental United States from Canada or Mexico are admitted, Form I–448 shall be prepared in the case of every alien who is an applicant for temporary admission, who does not present Form 257a, and who is held for hearing before a board of special inquiry. Such Form I–448 shall be filed at the port regardless of the disposition of the case.

§ 108.6 *Immigrants; Forms 256a and I–151.* (a) At the time an alien presenting Form 256a applies for admission to the United States for permanent residence, the alien shall surrender such form to an immigrant inspector and, if the alien is admitted, the admitting immigrant inspector shall add on such form in the space indicated the data as to the admission. If the admission occurs at a port where aliens are admitted directly to the continental United States from Canada or Mexico, a record shall be made at once on Form I–448. In all cases the Form 256a, without transmittal letter, shall be forwarded at once to the Central Office, where it shall be kept as a permanent record of the entry. On receipt in the Central Office of the Form 256a, it shall be assigned an alien number and there shall be prepared in the Central Office on Form I–151 an alien registration receipt card bearing the alien's photograph and a statement of such facts of admission, registration, and personal description as are provided for on the Form I–151. The photograph in the sealed envelope attached to and accompanying the Form 256a shall be used on the Form I–151. Thereafter, the Form I–151 shall be mailed directly from the Central Office to the alien.

(b) If an alien presenting Form 256a is excluded from the United States, data as to the exclusion shall be placed on that form by the chairman of the board of special inquiry and forwarded to the Central Office. The form shall accompany any record of the hearing before a board of special inquiry submitted to the Central Office in appellate or similar proceedings. Where the Form 256a is submitted with such a record, it shall be returned to the port with the notification of the decision, and data as to the facts of the resulting final action at the port shall be placed on the Form 256a, after which it shall be returned to the Central Office.

CROSS REFERENCE: For handling of immigration visas not surrendered at time of entry, see §§ 110.18 and 110.58 of this chapter.

§ 108.7 *Immigrants; land border ports; Form I–448.* At ports where aliens coming directly to the continental United States from Canada or Mexico are admitted, in cases where Form 256a is not presented, a record shall be made on Form I–448 where:

(a) The alien is held for hearing before a board of special inquiry; or

(b) Bond is exacted; or

(c) Head tax is collected; or

(d) There is no existing record of admission for permanent residence; or

(e) The alien is admitted on surrender of a permit to reenter the United States; or

(f) The case comes within some other specific class in which immigrant inspectors are instructed to execute Form I–448; or

(g) The facts of the particular case are such that a record on Form I–448 is deemed desirable.

§ 108.8 *Immigrants; surrender of cards at time of departure.* When an alien in possession of Form I–151 or any other form of alien registration receipt card, or in possession of an immigrant identification card, certificate of registry, or certificate of lawful entry—issued to him—departs permanently from the United States, he shall surrender such cards and certificates to an immigration officer at the time of departure and the cards and certificates shall be forwarded to the Central Office with Form I–407, processed in accordance with instructions issued by the Commissioner of Immigration and Naturalization. When the holder of a resident alien's border crossing identification card—issued to him—departs permanently from the United States, he shall at the time of departure surrender such card to an immigration officer for cancellation and return to the office of issuance in accordance with the provisions of § 166.6 of this chapter.

§ 108.9 *Endorsement of passports.* (a) When an alien admitted temporarily to the United States is issued a Form 257a or Form I–94 or when an alien is admitted permanently on presentation of a Form 256a or a permit to reenter the United States, the admitting immigrant inspector shall stamp any passport presented by the alien (as the term passport is defined in § 176.101 (e) of this chapter) to show the word "Admitted" and the date and place of admission: *Provided,* That the provisions of Part 125 of this chapter shall be followed as to the endorsement of passports presented by aliens admitted as students under the provisions of subsection (e) of section 4 of the Immigration Act of 1924 (43 Stat. 155; 8 U. S. C. 204 (e)).

(b) If an alien admitted temporarily to the United States is granted an extension of the period of his original admission, no notation to that effect shall be placed in any passport he possesses but he shall be advised in the notice of such extension that he should keep such notice with his passport.

PART 110—PRIMARY INSPECTION AND DETENTION

Sec.

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AUTHORITY: §§ 110.1 to 110.53, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 110.1 *Designated ports of entry except by aircraft.* Subject to the limitations prescribed in this section, the following places are hereby designated as ports of entry for aliens arriving by any means of travel other than aircraft. Such ports are listed according to location by districts, which are defined in § 60.1 of this chapter. The designations of such ports are divided into three classes—Class A, Class B, and Class C. Class A means that the port is a designated port of entry for all aliens. Class B means that the port is a designated port of entry only for aliens who at the time of applying for admission are lawfully in possession of valid and unexpired resident aliens' border crossing identification cards or valid nonresident aliens' border crossing identification cards. Class C means that the port is a designated port of entry only for aliens who are arriving in the United States as seamen as that term is defined in the last sentence of section 1 of the Immigration Act of 1917 (39 Stat. 874; 8 U. S. C. 173). No alien may enter the United States at a designated port of entry until and unless he has been inspected by an immigration officer or officers and found to be entitled under the provisions of the immigration laws and regulations to enter the United States. (Sec. 19 (a), 39 Stat. 889, 54 Stat. 671; 8 U. S. C. 155 (a))

NOTE: For explanation of the abbreviation "BSI" appearing in the following lists, see § 110.3a.

DISTRICT NO. 1—ST. ALBANS, VERMONT

CLASS A

Bridgewater, Maine.
Calais, Maine (includes Ferry Point, Union, and Milltown Bridges), BSI.
Coburn Gore, Maine.
Eastport, Maine, BSI.
Fort Fairfield, Maine, BSI.
Fort Kent, Maine.
Houlton, Maine, BSI.
Jackman, Maine, BSI.
Limestone, Maine.
Lubec, Maine.
Madawaska, Maine, BSI.
Robbinston, Maine (June–September).
Van Buren, Maine, BSI.
Vanceboro, Maine, BSI.
Connecticut Lakes, N. H.
Alexandria Bay, N. Y.
Cape Vincent, N. Y.
Champlain, N. Y.
Chateaugay, N. Y.
Clayton, N. Y.
Fort Covington, N. Y.
Malone, N. Y., BSI.
Mooers, N. Y.
Morristown, N. Y.
Ogdensburg, N. Y., BSI.
Rooseveltown, N. Y., ESI.
Rouses Point, N. Y., BSI.
Thousand Island Bridge, N. Y., BSI.
Trout River, N. Y.
Waddington, N. Y.
Alburg, Vt.
Alburg Springs, Vt.
Beebe Plain, Vt.
Beecher Falls, Vt., BSI.
Canaan, Vt.
Derby Line, Vt.
East Richford, Vt.
Highgate Springs, Vt., BSI.
Newport, Vt., BSI.
North Troy, Vt.
Norton, Vt., BSI.
Richford, Vt., BSI.
St. Albans, Vt., BSI.
West Berkshire, Vt.

CLASS B

Aroostook Falls Road, Maine.
Baring, Maine.
Boundary Cottage, Maine.
Daaquam, Maine.
Easton, Maine.
Forest City, Maine.
Four Falls Road, Maine.
Hamlin, Maine.
Hodgdon, Maine.
Knoxford Line Road (Mars Hill), Maine.
Lake Frontier, Maine.
Littleton, Maine.
Monticello, Maine.
Munson Mills Road, Maine.
North Amity, Maine.
Orient, Maine.
St. Francis, Maine.
St. Pamphile, Maine.
Cannons Corners, N. Y.
Churubusco, N. Y.
Hogansburg, N. Y.
Jamison's Line, N. Y.
Thousand Island Park, N. Y. (June, July, and August only).
Morses Line, Vt.

CLASS C

Bangor, Maine (the port of Bangor includes, among others, the port facilities at Bar Harbor, Belfast, Brewer, Bucksport, Jonesport, Northeast Harbor, Prospect Harbor, Sandypoint, Seal Harbor, Searsport, and South West Harbor, Maine), BSI.

DISTRICT NO. 2—BOSTON, MASSACHUSETTS

CLASS A

Portland, Maine, BSI.
Boston, Mass. (the port of Boston includes, among others, the port facilities at Braintree, Cambridge, Chelsea, Everett, Medford, Quincy, Somerville, and Weymouth, Mass.), BSI.
Gloucester, Mass., BSI.
New Bedford, Mass., BSI.
Providence, R. I., BSI.

CLASS C

Bridgeport, Conn.
New Haven, Conn.
New London, Conn.
Stamford, Conn.
Bath, Maine.
Boothbay Harbor, Maine.
Rockland, Maine.
Beverly, Mass.
Buzzards Bay, Mass.
Danvers, Mass.
Fairhaven, Mass.
Fall River, Mass.
Lynn, Mass.
Marblehead, Mass.
Nantucket, Mass.
Newburyport, Mass.
Oak Bluffs, Mass.
Plymouth, Mass.
Provincetown, Mass.
Salem, Mass.
Scituate, Mass.
Somerset, Mass.
Woods Hole, Mass.
Portsmouth, N. H.
Davisville, R. I.
Melville, R. I.
Newport, R. I.
Quonset Point, R. I.

DISTRICT NO. 3—NEW YORK, NEW YORK

CLASS A

New York, N. Y. (the port of New York includes, among others, the port facilities at Bayonne, Carteret, Elizabeth, Elizabethport, Guttenberg, Hoboken, Jersey City, Linden, Newark, Perth Amboy, Port Newark, Sayreville, Sewaren, and Weehawken, N. J.; and at Poughkeepsie and Yonkers, N. Y.), BSI.

DISTRICT NO. 4—PHILADELPHIA, PENNSYLVANIA

CLASS A

Philadelphia, Pa. (the port of Philadelphia includes, among others, the port facilities at Delaware City, Lewes, New Castle, and Wilmington, Del.; at Artificial Island, Billingsport, Camden, Deepwater Point, Gibbstown, Gloucester City, Paulsboro, and Trenton, N. J.; and at Chester, Essington, Fort Mifflin, and Marcus Hook, Pa.), BSI.

DISTRICT NO. 5—BALTIMORE, MARYLAND

CLASS A

Baltimore, Md., BSI
Morehead City, N. C.
Wilmington, N. C.
Newport News, Va.
Norfolk, Va., ESI.

CLASS C

Alexandria, Va.
Old Point Comfort, Va.
Richmond, Va.
U. S. Navy Mine Depot, Cheatham Annex, Va.

DISTRICT NO. 6—ATLANTA, GEORGIA

CLASS A

Mobile, Ala., BSI.
Apalachicola, Fla.
Bocagrande, Fla.
Fernandina, Fla.
Fort Pierce, Fla.
Jacksonville, Fla., BSI.
Key West, Fla., BSI.
Miami, Fla., BSI.
Panama City, Fla.
Pensacola, Fla., BSI.
Port Everglades, Fla.
St. Augustine, Fla.
Tampa, Fla., BSI.
West Palm Beach, Fla., BSI.
Brunswick, Ga.
Savannah, Ga., BSI.
Lake Charles, La.
New Orleans, La. (the port of New Orleans includes, among others, the port facilities at Avondale, Belle Chasse, Braithwaite, Chalmette, Destrahan, Gretna, Harvey, Marrero, Norco, Port Sulphur, St. Rose, and Westwego, La.), BSI.
Gulfport, Miss.
Aguadilla, P. R.
Arecibo, P. R.
Arroyo, P. R.
Ensenada, P. R.
Fajardo, P. R.
Humacao, P. R.
Jobos, P. R.
Mayaguez, P. R.
Ponce, P. R.
San Juan, P. R., BSI.
Charleston, S. C., BSI.
Georgetown, S. C.
Christiansted, St. Croix, Virgin Islands.
Frederiksted, St. Croix, Virgin Islands.
Cruz Bay, St. John, Virgin Islands.
Charlotte Amalie, St. Thomas, Virgin Islands, BSI.

CLASS C

Carrabelle, Fla.
Port St. Joe, Fla.
St. Petersburg, Fla.
Baton Rouge, La.

DISTRICT NO. 7—BUFFALO, NEW YORK

CLASS A

Buffalo, N. Y., BSI.
Lewiston, N. Y.
Niagara Falls, N. Y., BSI.
Oswego, N. Y. (June 15–Sept. 15).
Rochester, N. Y., BSI.
Youngstown, N. Y.
Cleveland, Ohio, BSI.
Erie, Pa.

CLASS C

Dunkirk, N. Y.
Oswego, N. Y.
Sodus Point, N. Y.
Ashtabula, Ohio.
Conneaut, Ohio.
Fairport, Ohio.
Lorain, Ohio.

DISTRICT NO. 8—DETROIT, MICHIGAN

CLASS A

Algonac, Mich.
Detroit, Mich., BSI.
Marine City, Mich.
Marysville, Mich.
Port Huron, Mich., BSI.
Roberts Landing, Mich.
St. Clair, Mich.
Sault Ste. Marie, Mich., BSI.
Sandusky, Ohio.
Toledo, Ohio.

CLASS B

Detour, Mich.
Mackinac Island, Mich.

CLASS C

East Chicago, Ind.
Gary, Ind.
Michigan City, Ind.
Alpena, Mich.
Baraga, Mich.
Bay City, Mich.
Benton Harbor, Mich.
Charlevoix, Mich.
Cheboygan, Mich.
Copper Harbor, Mich.
Detour, Mich.
Eagle River, Mich.
Escanaba, Mich.
Frankfort, Mich.
Grand Haven, Mich.
Holland, Mich.
Houghton, Mich.
Kipling, Mich.
L'Anse, Mich.
Ludington, Mich.
Mackinac Island, Mich.
Mackinaw City, Mich.
Manistee, Mich.
Manistique, Mich.
Marquette, Mich.
Menominee, Mich.
Munising, Mich.
Muskegon, Mich.
Northport, Mich.
Ontonagon, Mich.
Port Island, Mich.
Petoskey, Mich.
Rogers City (Calcite), Mich.
Saginaw, Mich.
South Haven, Mich.
Traverse City, Mich.
Heron, Ohio.
Marblehead, Ohio.

DISTRICT NO. 9—CHICAGO, ILLINOIS

CLASS A

Chicago, Ill., BSI.
Isle Royale, Mich.
Baudette, Minn., BSI.
Duluth, Minn. (the port of Duluth includes, among others, the port facilities at Superior, Wisconsin), BSI.
International Falls, Minn., BSI.
Noyes, Minn., BSI.
Pigeon River, Minn., BSI.
Pine Creek, Minn.
Rapier, Minn.
Roseau, Minn.
Warroad, Minn., BSI.
Ambrose, N. Dak.
Antler, N. Dak.
Carbury, N. Dak.
Dunseith, N. Dak.
Fortuna, N. Dak.
Hannah, N. Dak.
Hansboro, N. Dak.
Melda, N. Dak.
Neche, N. Dak.
Noonan, N. Dak.
Northgate, N. Dak.
Pembina, N. Dak.
Portal, N. Dak., BSI.
St. John, N. Dak.
Sarles, N. Dak.
Sherwood, N. Dak.
Walhalla, N. Dak.
Westhope, N. Dak.
Green Bay, Wis., BSI.
Milwaukee, Wis., BSI.

CLASS B

Crane Lake, Minn.
Gunflint Lake, Minn.
Indus, Minn.
Oak Island, Minn.
Winton, Minn.
Lake Metegoshe, N. Dak.

CLASS C

Grand Marais, Minn.
Two Harbors, Minn.
Algoma, Wis.
Ashland, Wis.
Bayfield, Wis.
Kenosha, Wis.
Kewaunee, Wis.
Manitowoc, Wis.
Marinette, Wis.
Oconto, Wis.
Peshtigo, Wis.
Port Washington, Wis.
Racine, Wis.
Sheboygan, Wis.
Sturgeon Bay, Wis.
Washburn, Wis.

DISTRICT NO. 10—SPOKANE, WASHINGTON

CLASS A

Eastport, Idaho, BSI.
Porthill, Idaho.
Babb, Mont.
Chief Mountain, Mont. (May–October).
Del Bonita, Mont.
Goathaunt Camp, Mont. (May–October).
Havre, Mont.
Loring, Mont.
Opheim, Mont.
Raymond, Mont.
Roosville, Mont.
Scobey, Mont.
Sweetgrass, Mont., BSI.
Turner, Mont.
Whitetail, Mont.
Danville, Wash.
Ferry, Wash.
Laurier, Wash.
Metaline Falls, Wash.
Northport, Wash.
Oroville, Wash., BSI.

CLASS B

Trail Creek, Mont.
Whitlash, Mont.
Nighthawk, Wash.

DISTRICT NO. 12—SEATTLE, WASHINGTON

CLASS A

Boundary, Alaska.
Eagle, Alaska.
Ketchikan, Alaska (the port of Ketchikan includes, among others, the port facilities at Juneau, Sitka, and Wrangell, Alaska; Ketchikan proper, BSI; Juneau, BSI).
Skagway, Alaska., BSI.
Tok Junction, Alaska.
Astoria, Oreg.
Coos Bay, Oreg.
Portland, Oreg., BSI.
Aberdeen, Wash.
Anacortes, Wash.
Bellingham, Wash., BSI.
Blaine, Wash., BSI.
Edmonds, Wash.
Everett, Wash.
Friday Harbor, Wash. (the port of Friday Harbor includes, among others, the port facilities at Roche Harbor, Wash.)
Longview, Wash.
Lynden, Wash., BSI.
Olympia, Wash.
Port Angeles, Wash., BSI.
Port Townsend, Wash.
Seattle, Wash., BSI.
South Bend, Wash.
Sumas, Wash., BSI.
Tacoma, Wash., BSI.

CLASS B

Point Roberts, Wash.

CLASS C

Bangor, Wash.
Blake Island, Wash.
Bremerton, Wash.
DuPont, Wash.
Houghton, Wash.
Kingston, Wash.
Mukilteo, Wash.
Orchard Point, Wash.
Point Wells, Wash.
Port Gamble, Wash.
Shuilleton, Wash.
Winslow, Wash.

DISTRICT NO. 13—SAN FRANCISCO, CALIFORNIA

CLASS A

San Francisco, Calif., BSI.
Honolulu, T. H., BSI.

CLASS C

Eureka, Calif.
Hilo, T. H.

DISTRICT NO. 14—SAN ANTONIO, TEXAS

CLASS A

Beaumont, Tex.
Brownville, Tex. (the port of Brownsville includes, among others, the port facilities at Port Isabel, Tex.), BSI.
Corpus Christi, Tex. (the port of Corpus Christi includes, among others, the port facilities at Harbor Island and Ingleside, Tex.), BSI.
Del Rio, Tex., BSI.
Eagle Pass, Tex., BSI.
Freeport, Tex.
Galveston, Tex. (the port of Galveston includes, among others, the port facilities at Port Bolivar and Texas City, Tex.), BSI.
Hidalgo, Tex., BSI.
Houston, Tex. (the port of Houston includes, among others, the port facilities at Baytown, Tex.), BSI.
Laredo, Tex., BSI.
Port Arthur, Tex. (the port of Port Arthur includes, among others, the port facilities at Orange and Sabine, Tex.), BSI.
Rio Grande City, Tex., BSI.
Roma, Tex., BSI.
Thayer, Tex.
Zapata, Tex.

CLASS B

Dolores, Tex.
Lopeno, Tex.
San Ygnacio, Tex.

DISTRICT NO. 15—EL PASO, TEXAS

CLASS A

Douglas, Ariz., BSI.
Naco, Ariz., BSI.
Nogales, Ariz., BSI.
Sasabe, Ariz.
Sonoyta, Ariz. (Sonoyta Gate).
Columbus, N. Mex., BSI.
El Paso, Tex., BSI.
Fabens, Tex.
Presidio, Tex., BSI.
Ysleta, Tex.

CLASS B

Lochiel, Ariz.
Antelope Wells, N. Mex.
Monument No. 67, near Cloverdale, N. Mex.
Boquillas, Tex.
Candelaria, Tex.
Castolon, Tex.
Chinati, Tex.

Fort Hancock, Tex.
Hot Springs, Tex.
Lajitis, Tex.
Polvo, Tex.
Porvenir, Tex.
Ruidosa, Tex.

DISTRICT NO. 16—LOS ANGELES, CALIFORNIA

CLASS A

San Luis, Ariz.
Andrade, Calif.
Calexico, Calif., BSI.
San Diego, Calif., BSI.
San Luis Obispo, Calif. (the port of San Luis Obispo includes, among others, the port facilities at Avila, Calif.)
San Pedro, Calif. (this is the port of Los Angeles and includes, among others, the port facilities at El Segundo, Long Beach Harbor Area, and Redondo Beach, Calif.), BSI.
San Ysidro, Calif., BSI.
Tecate, Calif.
Ventura, Calif. (the port of Ventura includes, among others, the port facilities at Port Hueneme and Elwood, Calif.)

CLASS B

Campo, Calif.

Notwithstanding the other provisions of this section and of § 110.3, Ladd Field, Fairbanks, Alaska, and Great Falls, Montana, are hereby designated as ports of entry for aliens arriving in the United State by military aircraft.

§ 110.2 *Immigration stations in Canada.*[1] The following United States immigration stations are located in Canada: Halifax, Nova Scotia (BSI); St. John, New Brunswick (BSI); Montreal, Quebec (BSI); Quebec, Province of Quebec (BSI); Toronto, Ontario (BSI); Winnipeg, Manitoba (BSI); Victoria, British Columbia (BSI); Vancouver, British Columbia (BSI); and Sydney, British Columbia.

NOTE: For explanation of the abbreviation "BSI" appearing in § 110.2, see § 110.3a.

§ 110.3 *Airports of entry.* (a) The following are permanent airports of entry for aliens:

Albany, N. Y., Municipal Field.
Brownsville, Tex., Rio Grande Valley International Airport at Brownsville, Texas.
Buffalo, N. Y., Municipal Airport.
Burlington, Vt., Burlington Municipal Airport.
Caribou, Maine, Caribou Municipal Airport.
Cleveland, Ohio, Cleveland Municipal Airport.
Detroit, Mich., Detroit Municipal Airport.
Detroit, Mich., Ford Airport.
Detroit, Mich., Wayne County Airport.
Douglas, Ariz., Douglas Airport.
Duluth, Minn., Duluth Boat Club Seaplane Base.
Duluth, Minn., Duluth Municipal Airport.
Eagle Pass, Tex., Eagle Pass Airport.
El Paso, Tex., Municipal Airport.
Fairbanks, Alaska, Weeks Municipal Airfield.
Juneau, Alaska, Juneau Airport.
Ketchikan, Alaska, Ketchikan Airport.
Key West, Fla., Meacham Field.
Massena, N. Y., Massena Airport.
Miami, Fla., Dinner Key Seaplane Base.
Miami, Fla., Pan American Field (or 36th Street).
Nogales, Ariz., Nogales Municipal Airport.
Ogdensburg, N. Y., Ogdensburg Harbor.
Pembina, N. Dak., Fort Pembina Airport.
Portal, N. Dak., Portal Airport.
Port Townsend, Wash., Port Townsend Airport.
Put in Bay, Ohio, Put in Bay Airport.
Rochester, N. Y., Rochester Municipal Airport.
Rouses Point, N. Y., Rouses Point Seaplane Base.
San Diego, Calif., San Diego Municipal Airport (Lindbergh Field).
San Juan, P. R., Isla Grande Airport.
Seattle, Wash., Boeing Municipal Air Field.
Seattle, Wash., Lake Union.
Skagway, Alaska, Skagway Municipal Airport.
Swanton, Vt., Warren R. Austin Airport.
West Palm Beach, Fla., Roosevelt Flying Service Base (Currie Common Park).
Wrangell, Alaska, Wrangell Seaplane Base.

(b) The following are temporary airports of entry for aliens:

Akron, Ohio, Municipal Airport.
Baudette, Minn., Baudette Municipal Airport.
Bellingham, Wash., Bellingham Airport.
Calexico, Calif., Calexico Municipal Airport.
Cut Bank, Mont., Cut Bank Airport.
Fort Yukon, Alaska, Fort Yukon Airfield.
Grand Forks, N. Dak., Grand Forks Municipal Airport.
Great Falls, Mont., Gore Field.
Havre, Mont., Havre-Hill County Airport.
International Falls, Minn., International Falls Municipal Airport.
Laredo, Tex., Laredo Municipal Airport.
Malone, N. Y., Malone-Dufort Airport.
Miami, Fla., Chalks Flying Service Seaplane Base.
Ogdensburg, N. Y., Ogdensburg Municipal Airport.
Presque Isle, Maine, Presque Isle Air Base.
Sandusky, Ohio, John G. Hinde Airport.
Sault Ste. Marie, Mich., Sault Ste. Marie Airport.
Spokane, Wash., Felts Field.
Watertown, N. Y., Watertown Municipal Airport.

(c) In addition to the places named in paragraphs (a) and (b) of this section, places where permission for certain aircraft to land has been given by the Commissioner of Customs in accordance with the provisions of § 116.3 (a) of this chapter, and places where emergency or forced landings are made under the provisions of § 116.3 (d) of this chapter, shall be regarded as designated for the entry of aliens arriving by such aircraft. (Sec. 7 (d), 44 Stat. 572; 49 U. S. C. 177 (d))

CROSS REFERENCE: For Civil Air Navigation regulations, see Part 116 of this chapter.

§ 110.3a *Location of boards of special inquiry.* If a board of special inquiry is located at a port of entry listed in § 110.1 or at an immigration station named in § 110.2, that fact is indicated by the abbreviation "BSI" placed after the name of the port or station. Such boards of special inquiry also serve any of the airports of entry which are listed in § 110.3 and which are located in, or in proximity to, the same city or town. The provisions of §§ 110.1 to 110.3a, inclusive, do not preclude the conducting of examinations by boards of special inquiry which may convene at places other than the ones indicated. (Sec. 17, 39 Stat. 887; 8 U. S. C. 153)

§ 110.4 *Admissibility; prompt determination.* The appropriate officer shall determine as promptly as circumstances permit the right to admission of each alien applying for entry into the United States. If, in accordance with the provisions of section 16 of the Immigration Act of 1917 (39 Stat. 885; 8 U. S. C. 152), the examining immigrant inspector detains an alien for examination by a board of special inquiry, the examining inspector shall immediately sign and deliver to the alien the following written notice (Form I–122): "You are hereby notified that, since you do not appear to me to be clearly and beyond a doubt entitled to enter the United States, you are detained for further examination by a board of special inquiry to determine whether you are entitled to enter the United States under the provisions of the immigration laws. During such examination you have the right to be represented by counsel and to have a friend or relative present." If the alien is unable to read the notice, it shall be read and explained to him prior to his examination by the board of special inquiry and through an interpreter if necessary. (Secs. 5 (a), 6 (a), 60 Stat. 239, 240; 5 U. S. C., Sup., 1004, 1005)

§ 110.5 *Admissibility of steerage passengers; determination.* A steerage passenger who is in possession of an unexpired permit to reenter the United States issued pursuant to section 10 of the Immigration Act of 1924 (43 Stat. 158; 8 U. S. C. 210) shall be inspected and examined when practicable at the same time and place as first and second cabin passengers, and if found to be admissible to the United States shall be permitted to enter in the same manner.

§ 110.6 *Aliens coming for employment while residing in contiguous territory; classification.* Aliens entering the United States to engage in existing employment or to seek employment in this country and who desire to continue to reside in foreign contiguous territory will be considered as aliens of the immigrant class. (Sec. 3, 43 Stat. 154, 47 Stat. 607, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 203)

§ 110.7 *Inspection postponed; disability of alien.* When an alien upon arrival or pending the determination of his right to land is found to be suffering from a disability which in the opinion of the immigration officials renders it impracticable to proceed with the examination under the immigration law, such alien may be placed in a hospital designated by the proper immigration official, and inspection shall be postponed during such disability. (Sec. 16, 39 Stat. 885, 58 Stat. 714, 60 Stat. 1049; 8 U. S. C. and Sup., 152)

§ 110.8 *Inspection postponed; members of family.* If in the opinion of the appropriate immigration officers the cases of members of a family are interdependent, and a member is detained in hospital from a disability of the character described in § 110.7, the determination of such cases may be postponed until the member detained in hospital has been discharged therefrom. (Sec. 16, 39 Stat. 885, 58 Stat. 714, 60 Stat. 1049; 8 U. S. C. and Sup., 152)

§ 110.9 *Inspection postponed; accompanying alien.* Where it appears that a rejected alien is likely to be certified by

[1] For districts having jurisdiction over United States immigration stations in Canada, see § 60.1 of this chapter.

the examining medical officer as helpless under the last proviso of section 18 of the Immigration Act of 1917 (39 Stat. 887; 8 U. S. C. 154), any alien accompanying such alien and whose protection or guardianship will be required, shall be detained and determination of his case postponed pending decision of the case of the alien likely to be rejected. (Sec. 16, 39 Stat. 885, 58 Stat. 714, 60 Stat. 1049; 8 U. S. C. and Sup., 152)

§ 110.10 *Inspection not postponed.* In cases arising under § 110.8, when the member in hospital is in no manner necessary to the support of the remaining members of the family and presumably is eligible to land provided he recover, such remaining members may be forthwith inspected and, if found eligible, landed upon the deposit, (a) of a sum of money (or ticket covering transportation and money) sufficient to defray the expenses of conveying the detained member to final destination, and (b) if for infancy or any other cause he may require an attendant when traveling to his destination or in the process of deportation, unless satisfactory assurances are given that a proper attendant will be furnished without charge to the Government, of a further sum sufficient to cover the cost of the services and transportation to and fro of such an attendant. (Sec. 16, 39 Stat. 885, 58 Stat. 714, 60 Stat. 1049; 8 U. S. C. and Sup., 152)

§ 110.11 *Reporting condition of vessels.* Pursuant to the provisions of the second proviso to section 11 of the Immigration Act of 1917 (39 Stat. 881; 8 U. S. C. 147), in the case of any vessel which is arriving at a United States port and which is bringing alien passengers to the United States, the immigrant inspector who boards such vessel for the purpose of inspecting the passengers or crew shall observe the conditions prevailing upon the vessel with respect to sanitation and the comfort of passengers and crew. If any such conditions are found to be unsatisfactory, the immigrant inspector shall submit a formal report in triplicate on Form I–84 to the officer in charge of the port, and that office shall forward two copies to the Central Office in order that such further action as may be deemed necessary may be taken.

§ 110.13 *Immigrants having expired documents.* Where an immigrant arriving in the United States by water, or arriving by water at a port designated as a United States port of entry for aliens in foreign contiguous territory, is in possession of and presents an immigration visa or permit and that he has proceeded pired, such immigrant shall be excluded unless it shall satisfactorily appear that the immigrant embarked on the vessel by which he arrives prior to the expiration of the validity of such immigration visa or permit and that he has proceeded by continuous voyage to the United States. (Sec. 2 (c), 43 Stat. 153; 8 U. S. C. 202 (c))

§ 110.18 *Visas and reentry permits; surrender subsequent to entry.* Where an alien has been lawfully admitted but failed to surrender his immigration visa or his reentry permit at the time of such admission, such documents subsequently coming into the possession of immigration officers will be forwarded to the port where entry occurred for proper disposition. (Sec. 2 (e), 43 Stat. 154; 8 U. S. C. 202 (e))

§ 110.20 *Immigrant aliens liable to be excluded as public charges; admission under bond.* The immigration officer conducting the primary inspection in the case of an alien who is applying for admission to the United States for permanent residence and who is liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis or a dangerous contagious disease shall refer the question of admission to the officer in charge of the port and that official may in his discretion admit the alien on primary inspection, if otherwise admissible, upon the furnishing of a bond in the sum of not less than $1,000 conditioned as prescribed on Form I–354, or, in lieu of such bond, upon the depositing of cash or a postal money order in the sum of not less than $1,000 for the same purposes, and subject to the same conditions as the bond. If the officer in charge of the port does not so admit the alien, the question of admission shall be referred to a board of special inquiry and such board may in its discretion admit the alien, if otherwise admissible, upon the furnishing of the bond or the depositing of the cash or the postal money order described in the preceding sentence. (Sec. 21, 39 Stat. 891; 8 U. S. C. 158)

NOTE: § 110.20, as set forth above, becomes effective Sept. 1, 1947.

§ 110.21 *Form of public charge bonds; action where no longer required.* All bonds, including agreements covering deposits of cash or postal money orders, given as a condition of the admission of an alien under section 21 of the Immigration Act of 1917 (39 Stat. 891; 8 U. S. C. 158) shall be executed on Form I–354 entitled "Bond That Alien Shall Not Become a Public Charge". Where cash or a postal money order is deposited, the depositor shall give his power of attorney and agreement on Form I–304, authorizing the officers designated thereon to collect, assign, or transfer such deposit, in whole or in part, in case of any violation of the conditions of the bond; and the officer accepting such deposit shall give his receipt therefor on Form I–305. If proofs are submitted that the alien is no longer likely to become a public charge or is no longer afflicted with a physical disability, the bond with its appurtenant documents shall be forwarded to the Commissioner of Immigration and Naturalization with an appropriate recommendation.

NOTE: § 110.21, as set forth above, becomes effective Sept. 1, 1947.

CROSS REFERENCE: For approval and cancellation of public charge bonds, see 8 CFR Part 169.

§ 110.27 *Definitions of "status" in relation to nonimmigrants and students.* The term "status" as used in the Immigration Act of 1924 means the condition of carrying on one of the particular limited activities for which an alien may be admitted under a subdivision of section 3 of that act (43 Stat. 154, 47 Stat. 607, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 203) or under subdivision (e) of section 4 (43 Stat. 155; 8 U. S. C. 204 (e)). When applied to an alien, the term "official status" means that he is admissible under section 3 (1) and is a government official, or a member of the family, attendant, servant, or employee of a government official whom he accompanies or follows to join; the term "visitor's status" means that he is admissible under section 3 (2) and is an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure; and the term "trader's status" means that he is admissible under section 3 (6) and is an alien entitled to enter and to remain in the United States solely to carry on trade between the United States and the foreign state of which he is a national under and in pursuance of the provisions of a treaty of commerce and navigation, or the wife, or unmarried child under 21 years of age of a person so entitled whom he accompanies, or follows to join.

§ 110.28 *Officials, visitors, traders; determination of admissibility.* When an alien claims to have an official status, or a visitor's status, or a trader's status, and is otherwise admissible, an examining officer may temporarily admit him if satisfied beyond a doubt that the alien has the specific status claimed. If the officer is not so satisfied, such alien shall be held for examination regarding his status by a board of special inquiry or, at ports where there are no permanent boards of special inquiry, by the officer in charge at such port. Either of these authorities may temporarily admit him if satisfied that the alien has the specific status claimed.

§ 110.29 *Officials, visitors, traders; period and conditions of admission.* The admission of the aliens described in § 110.28 by an examining officer, by a board of special inquiry, or by an officer in charge at a port shall be for a reasonable fixed period not exceeding one year, and on condition that the alien shall maintain during his temporary stay in the United States the specific status claimed, and shall voluntarily depart therefrom at the expiration of the time fixed or upon failure to maintain the specific status under which admitted. If the question of admission is referred to either a board of special inquiry or the officer in charge of a port, that authority may exact, as a condition of admission, a bond in the sum of $500 with appropriate provisions to insure that the alien will voluntarily depart from the United States at the expiration of the time fixed or upon his failure to maintain the specific status claimed, whichever shall happen sooner. Exceptions to this section are as follows:

(a) *Officials.* A government official and his family shall be admitted without limitation of time and shall not be required to give bond;

(b) *Traders.* An alien having a trader's status shall be admitted without limitation of time;

(c) *Trader, minor child of.* An alien who has been admitted as the unmarried minor child of a treaty trader shall be regarded as having maintained his specific status so long as his parent maintains his trader's status;

(d) *Visitors; readmission from contiguous territory.* If an alien who claimed a visitor's status and who was admitted without exaction of a bond, subsequently departs to foreign contiguous territory for a temporary visit and returns to the United States, such departure shall not be considered as affecting the period for which he was originally admitted, and upon his return he shall be entitled to readmission, if no cause for exclusion is found. (Sec. 15, 43 Stat. 162, 47 Stat. 524; 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 215)

§ 110.31 *Officials, traders, visitors; change of status, conditions.* After an alien has gained admission by claiming a visitor's status, a trader's status or (except in the case of a government official or his family) an official status, or by meeting the requirements of section 4 (e), Immigration Act of 1924 (43 Stat. 155; 8 U. S. C. 204 (e)), he cannot change from the specific status under which he was admitted, unless, because of the peculiar circumstances of his case, the Attorney General authorizes such change. In meritorious cases where the Attorney General does authorize such change, he may (except in the case of an alien becoming a government official or a member of the family of such an official) exact, as a condition of the change, a bond in such sum and with such provisions as he deems appropriate to insure that the alien shall voluntarily depart from the United States at the expiration of a time fixed by the Attorney General or upon his failure to maintain the specific new status acquired, whichever shall happen sooner. (Sec. 3, 43 Stat. 154, 47 Stat. 607, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 203)

§ 110.33 *Nonimmigrant bonds; approval and cancellation.* [Revoked.]

NOTE: § 110.33 has been revoked, effective Sept. 1, 1947.

§ 110.34 *Traders not contract laborers.* An alien who has a trader's status shall not be subject to the contract labor provisions of section 3 of the Immigration Act of 1917. (Sec. 3, 39 Stat. 875, sec. 3, 43 Stat. 154, 47 Stat. 607; 8 U. S. C. 136 (h), 203)

§ 110.35 *Entry of aliens who were born in the barred zone but who are not barred by section 13 (c) of the Immigration Act of 1924, as amended.* The rights of any alien not barred from admission to the United States by the provisions of section 13 (c) of the Immigration Act of 1924, as amended (43 Stat. 162, 46 Stat. 581, 60 Stat. 975; 8 U. S. C. and Sup., 213 (c)), shall not be regarded as impaired by those provisions of section 3 of the Immigration Act of February 5, 1917 (39 Stat. 875; 8 U. S. C. 136 (n)), relating to the exclusion of natives of the geographical zone described in said section 3.

§ 110.36 *Nonquota status; by relationship to citizen or by former citizenship.* (a) An unmarried child under 21 years of age, or the wife, of a citizen of the United States, or the husband of a citizen of the United States by marriage occurring prior to July 1, 1932, shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer, designating the holder as such, and then only when the facts necessary to determine the particular status as a nonquota immigrant are established to the satisfaction of the examining immigration officer. The alien will be excluded if subsequent to issuance of the visa the alien has obtained a divorce from the citizen petitioner; or, if subsequently widowed, has remarried; or, if beneficiary is a child, has subsequently married. A person who is ineligible to citizenship or is a person of a race indigenous to India as defined in section 5 (a) of the act of July 2, 1946 (60 Stat. 417; 8 U. S. C., Sup., 212c), or is a Chinese person as defined in section 5 (b) of the same act, shall not be regarded as having a non-quota status solely because he bears one of the relationships to a citizen of the United States described in this paragraph: *Provided*, That nothing in this section shall be construed to deprive a Chinese alien wife of a United States citizen of nonquota status which she may derive because of marriage to a United States citizen.

(b) A woman, regardless of her race, who was a citizen of the United States and lost her citizenship by reason of her marriage to an alien, or the loss of United States citizenship by her husband, or by marriage to an alien and residence in a foreign country, and who has acquired no other nationality by affirmative act other than by such marriage, shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer, designating the holder as such, and then only when the facts necessary to determine the particular status as a nonquota immigrant are established to the satisfaction of the examining immigration officer.

(c) A person, regardless of his race, who was a citizen of the United States and also a national of a foreign state, and who lost his citizenship of the United States under the provisions of section 401 (c) of the Nationality Act of 1940 (54 Stat. 1169; 8 U. S. C. 801), and who claims that he is entering the United States for the purpose of recovering his citizenship, shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer designating the holder as such, and then only if the facts necessary to determine the particular status are established to the satisfaction of the examining immigration officer. (Secs. 4 (a), 4 (f), 43 Stat. 155, 45 Stat. 1009, 46 Stat. 854, 47 Stat. 656, sec. 13 (a), 43 Stat. 161, 50 Stat. 165, sec. 317 (c), 54 Stat. 1147; 8 U. S. C. 204 (a), 204 (f), 213 (a), 717 (c))

§ 110.37 *Nonquota status on basis of former residence.* (a) An alien, regardless of his race, claiming to be a nonquota immigrant on the ground that he has previously been lawfully admitted to the United States and is returning from a temporary visit abroad shall not be admitted as such unless at the time of arrival he shall establish that he has previously been lawfully admitted for permanent residence, is returning from a temporary visit abroad, and presents such valid documents as may be necessary under the terms of an outstanding Executive order or orders prescribing documents required of aliens entering the United States, or a waiver of such documents has been granted by the Secretary of State under the circumstances present in his case.

(b) The following described aliens who on admission expressed an intention of remaining but temporarily in or passing in transit through the United States, of whose admission a record exists, and in whose cases a head tax was assessed, if assessable, and not refunded, but who remained in the United States, may be regarded as having been admitted for permanent residence:

(1) Aliens admitted prior to June 3, 1921, except that aliens of these classes admitted temporarily under the 9th proviso to section 3 of the Immigration Act of 1917, will not be regarded as having been admitted for permanent residence;

(2) Aliens admitted under the act of May 19, 1921, as amended, who were of a class admissible for permanent residence under that act notwithstanding the quota limitations of that act;

(3) An accompanying wife or unmarried child under 21 years of age of an alien admitted under the act of May 19, 1921, as amended, who was of a class admissible for permanent residence under that act notwithstanding the quota limitations of the act; and

(4) Aliens charged under such law to the proper quota at time of admission or subsequently and who remained so charged. (Secs. 4 (b), 13 (a), 43 Stat. 155, 161, 50 Stat. 165; 8 U. S. C. 204 (b), 213 (a))

CROSS REFERENCE: For reentry of nonquota immigrant student without visa, see § 176.203 (d) of this chapter.

§ 110.38 *Lawful admission; when presumed.* Citizens of Canada or Newfoundland who entered the United States across the Canadian border prior to October 1, 1906, and citizens of Mexico who entered across the Mexican border prior to July 1, 1908, shall, for reentry purposes, be presumed to have been lawfully admitted, even though no record of their original entry can be found. Aliens who entered the Virgin Islands of the United States prior to July 1, 1938, shall, for purposes of reentry at any port of entry, be presumed to have been lawfully admitted for permanent residence even though no record of their original entry can be found or even though a record of their admission as nonimmigrants is found. Any alien within the terms of this section shall upon application for readmission to the United States be inspected and be subject to the requirements of the immigration laws and regulations the same as if the original presumed lawful entry was by recorded admission for permanent residence; and if no record exists of a reentry since such presumed lawful entry, the alien shall be regularly manifested for the purpose of recording the application for readmission. Nothing in this section shall be deemed to preclude an alien qualified

to do so from applying for registry under section 328 (b) of the act of October 14, 1940 (54 Stat. 1152; 8 U. S. C. 728 (b)).

CROSS REFERENCE: For issuance of certificate of arrival based on recorded reentry of alien presumed lawfully admitted, see Part 363 of this chapter.

§ 110.39 *Nonquota status; by country of birth or by relationship to certain nonquota immigrants.* (a) An alien claiming a nonquota status because of birth in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer designating the holder as such, and then only when it shall be established to the satisfaction of the examining immigration official that he was born in one of the countries named or referred to in this paragraph. When such alien is accompanied by an alleged wife, or an unmarried child or children under 18 years of age, born elsewhere than in one of such countries, who seek admission as nonquota immigrants on the ground that the husband or parent was born in one of such countries, these claimed members of the family must also present immigration visas duly issued by an American consular officer, designating the wife or child or children as nonquota immigrants and satisfactory proof shall be required of the relationship asserted and the age of the child or children.

(b) When a wife, or child under 18 years of age, born elsewhere than in one of the countries named or referred to in paragraph (a) of this section, seeks to enter the United States as a nonquota immigrant because coming to join a husband or parent alleged to have been born in one of such countries, such wife or child must present an immigration visa duly issued by an American consular officer, designating the holder as a nonquota immigrant and shall establish to the satisfaction of the examining immigration official (1) that the claimed relationship actually exists; (2) that the child or children are under 18 years of age; (3) that such husband or parent was born in one of such countries; and (4) that such husband or parent has been lawfully admitted to the United States for permanent residence and resides therein.

(c) An alien who is ineligible to citizenship or is a person of a race indigenous to India as defined in section 5 (a) of the act of July 2, 1946 (60 Stat. 417; 8 U. S. C., Sup. 212c), or is a Chinese person as defined in section 5 (b) of the same act, shall not be regarded as having the nonquota status described in paragraph (a) or (b) of this section. (Secs. 4 (c), 13 (a), 43 Stat. 155, 161, 50 Stat. 165; 8 U. S. C. 204 (c), 213 (a))

§ 110.40 *Nonquota status; ministers and professors; students.* (a) An alien, regardless of his race, who claims a nonquota status because for at least two years immediately preceding the time of his application for admission to the United States he has continuously been, and seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination or professor of a college, academy, seminary, or university shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer designating the holder as such, and then only when it shall be established to the satisfaction of the examining immigration officer that he has been, and seeks to enter the United States solely for the purpose of, so carrying on his vocation. When an alleged wife, or an unmarried child or children under 18 years of age accompany such an alien or follow to join him and seek admission as nonquota immigrants on the ground that the husband or parent is or was a nonquota immigrant as described in this section, these claimed members of the family must also present immigration visas duly issued by an American consular officer, designating the wife or child or children as nonquota immigrants on such ground and satisfactory proof shall be required of the relationship asserted and the age of the child or children.

(b) An alien, regardless of his race, claiming to be a nonquota immigrant on the ground that he is a student as defined in § 125.1 of this chapter shall not be regarded as a nonquota immigrant unless provided with an immigration visa duly issued by an American consular officer designating the holder as such, and then only when the facts necessary to determine his status as a student are established to the satisfaction of the examining immigration officer. (Sec. 4 (d), 43 Stat. 155, 44 Stat. 812, sec. 13 (a), 43 Stat. 161, 50 Stat. 165; 8 U. S. C. 204 (d), 213 (a))

§ 110.41 *Nonquota status; failure to prove on primary inspection.* Where an immigrant claiming a nonquota status fails to meet the requirements of §§ 110.36, 110.37, 110.39, 110.40, he shall be held for examination in relation thereto by a board of special inquiry. (Sec. 16, 39 Stat. 885; 8 U. S. C. 152)

§ 110.42 *Financial status.* In the absence of a statutory provision, no hard and fast rule can be laid down as to the amount of money an alien should have. This is only one element to be considered in each case, but generally he should have enough to provide for his reasonable wants and those of accompanying persons dependent upon him until such time as he is likely to find employment; and when bound for an interior point, railroad ticket or funds with which to purchase the same. (Sec. 3, 39 Stat. 875; 8 U. S. C. 136 (i))

§ 110.43 *Reading test; aliens subject thereto.* All aliens over 16 years of age who are physically capable of reading, except as specified in the statute and described in § 110.47, shall be required to demonstrate their ability to read matter printed in plainly legible type and in a language or dialect designated by the alien at the time of examination. (Sec. 3, 39 Stat. 875; 8 U. S. C. 136 (o))

§ 110.44 *Reading test; general method of application.* When applying the reading test immigration officers shall use the printed and numbered test slips supplied by the Central Office for that purpose, and a record shall be made upon the manifest or board minutes showing both the class and serial numbers of the slip used in each case and the language or dialect designated by the applicant and actually used in the examination. No two aliens listed upon the same manifest sheet shall be examined at seaports by the use of the same slip. If the examining inspector is unable to speak and understand the language or dialect in which the alien is examined, the services of an interpreter shall be used for interpreting into spoken English the printed matter as read by the alien, so that the examining inspector may compare such interpretation with the slip of corresponding serial number containing the English translation of the same reading matter. (Sec. 3, 39 Stat. 875; 8 U. S. C. 136 (o))

§ 110.45 *Reading test; exceptional method of application.* In all cases in which, because of lack of the qualified interpreters necessary for the observance of the general method prescribed in § 110.44, or for any other reason it is impracticable to adopt said general method, immigration officers may employ such other means as will clearly demonstrate the alien's ability, or lack of ability, to read. (Sec. 3, 39 Stat. 875; 8 U. S. C. 136 (o))

§ 110.46 *Reading test; failure to read; procedure.* In the event the applicant is subject to the reading test and is unable to satisfy the examining or challenging inspectors of his ability to read matter printed in the designated language or dialect, it shall be the duty of either the examining or the challenging inspectors to detain the applicant for special inquiry and to record upon the manifest and detention cards for the information of the board the class and serial numbers of the slip used or other means employed in the primary examinations to determine ability to read. (Secs. 3, 16, 39 Stat. 875, 885; 8 U. S. C. 136 (o), 152)

§ 110.47 *Exemptions from reading test.* The following classes of aliens over 16 years of age are exempted from the reading test:

(a) *Physically incapable.* Persons who are physically incapable of reading.

(b) *Relationship.* Persons of any of the following relationships to United States citizens, admissible aliens, or legally admitted aliens, when such persons are sent for or brought in by such citizens, admissible aliens, or admitted aliens: father, if over 55 years of age; grandfather, if over 55 years of age; wife; mother; grandmother; unmarried daughter; or widowed daughter.

(c) *Religious persecution.* Persons seeking admission to the United States to avoid religious persecution in the country of their last permanent residence.

(d) *Returning residents.* Persons who have been lawfully admitted to the United States and who have resided therein continuously for five years and who have returned to the United States within six months from the date of their departure therefrom.

(e) *Transits through contiguous territory.* Persons who have been lawfully admitted to the United States and who later go from one part of the United States to another through foreign contiguous territory. The period an alien may remain in foreign contiguous territory while in transit under this exemption shall be limited to 60 days. An alien may leave and enter the United States at the same port and still be in transit within the meaning hereof.

(f) *Transits.* Persons in transit through the United States, as defined in § 118.1 of this chapter.

(g) *Visitors from nearby countries.* Persons whose legal domicile or bona fide residence was in Canada, Newfoundland, Cuba, or Mexico for at least one year immediately preceding entry and who enter the United States temporarily for business or pleasure for a period not exceeding one year.

(h) *Exhibitors.* Exhibitors and employees of fairs and expositions authorized by Congress. (Sec. 3, 39 Stat. 875; 8 U. S. C. 136 (o), (q))

§ 110.48 *Unaccompanied children; admission.* Children under 16 years of age unaccompanied by or not coming to one or both of their parents may be admitted on primary examination when the immigration officer is satisfied that they are in good mental and physical condition, that while abroad they have not been the objects of public charity, that they are going to near relatives who are able and willing to support and properly care for them, that it is the intention of such relatives to send such children to day school until they reach the age of 16, and that they will not be put at work unsuited to their years; or that the children are to attend a designated reputable institution of learning for which suitable provision has been made in advance, or that the children are merely in transit and the person accompanying such children will convey them through and out of the United States, or that the children are to make a temporary visit to their relatives. (Sec. 3, 39 Stat. 875; 8 U. S. C. 136 (m))

§ 110.49 *Unaccompanied children; exceptional cases.* In cases where all of the conditions set forth in § 110.48 are not met, but the immigration officer on primary examination is satisfied that the applicant is admissible, the case may be referred to the officer in charge, and if he likewise is satisfied of the applicant's admissibility the case may be disposed of on primary examination; otherwise it shall be referred to a board of special inquiry. (Secs. 3, 16, 39 Stat. 875, 885; 8 U. S. C. 136 (m), 152)

§ 110.50 *Stowaways.* Aliens arriving at seaports of the United States as "stowaways" or alien "stowaways" who arrive as "workaways" shall be held for examination by a board of special inquiry. Unless the board reaches the conclusion that beyond a doubt the alien, except for being or having been a stowaway, is entitled to land, it shall exclude. Such an alien is entitled to appeal unless he is certified as afflicted with diseases or disabilities as specified in the proviso of section 17 of the Immigration Act of 1917. (Secs. 3, 16, 17, 39 Stat. 875, 885, 887; 8 U. S. C. 136 (l), 152, 153)

§ 110.51 *Aliens previously rejected; exclusion; permission to reapply.* Any alien excluded from admission and deported in pursuance of law who applies for admission within one year after such rejection and deportation shall be excluded, unless, prior to reembarkation at a place outside the United States or his attempt to be admitted from foreign contiguous territory, the Attorney General has consented to his reapplication for admission. At the time of original exclusion by a board of special inquiry, an applicant shall be advised of the provisions of law relating to the obtaining of permission to reapply within one year, and the fact of such notification shall be entered on the record, together with the applicant's foreign address. In strictly meritorious cases, where the cause of exclusion may be readily overcome, applicants may be advised by the board of special inquiry that an application for permission to reapply may then and there be made. If the applicant desires to make such application, the board record shall thereupon be forwarded to the Department, whether or not an appeal is taken from the excluding decision. In other cases applications for the privilege to reapply should be submitted to the official in charge at the port of last exclusion, and will be forwarded by such official through proper channels to the Central Office, accompanied by the record previously formulated, unless the Central Office through appeal proceedings has already come into possession of the record. If upon consideration of the record the Attorney General grants permission to reapply within one year of date of exclusion, notification of such permission shall be transmitted to the port where alien was excluded, if he has not already been deported, or to his foreign address, if he has actually been deported. (Sec. 1 (d), 45 Stat. 1551; 8 U. S. C. 136 (j))

§ 110.52 *Aliens previously arrested and deported; exclusion; permission to reapply.* Any alien heretofore or hereafter arrested and ordered deported in pursuance of law shall be excluded from admission to the United States: *Provided, however,* That the foregoing shall not apply to any alien who was arrested and deported prior to March 4, 1929, and prior to his reembarkation at a place outside the United States, or prior to his application in or from foreign contiguous territory for admission to the United States, and prior to March 4, 1929, has been granted permission to apply for admission by the Attorney General, and when so applying is found admissible; or to any other alien so ordered deported who has left the United States, if prior to reembarkation from a point outside the United States, or prior to his application in or from foreign contiguous territory for admission to the United States he applies for and obtains from the Attorney General permission to apply for admission after one year from the date of his departure in pursuance of an order of deportation, and is found admissible. Application for permission to reapply may be made at any time after such departure. Application should be made on Form I-212, when available, and should be sent direct to the Central Office of the Service. (Sec. 1 (a), (b), (c), 45 Stat. 1551, sec. 7, 47 Stat. 166; 8 U. S. C. 180, 181)

§ 110.53 *Immigrants, possessing proper documents, but who entered without examination; procedure.* Where an alien is found in the United States in possession of an immigration visa or a reentry permit, who failed to undergo proper examination at a port of entry, such alien shall be examined in the district where located or residing, and complete record of the case, including his or her visa or reentry permit, shall be forwarded to the Central Office for consideration by the Department. If the Department directs admission, the officer in charge of the district where the examination has taken place will be so advised and furnished with the visa or permit, and he will thereupon cause the alien to be properly recorded as admitted, or if entry occurred in another district, he will forward the visa or permit to the officer in charge of that district for such recording, together with a duplicate copy of the entire record of examination, which record should include appropriate statistical data, postal money order for the head tax (where the latter is required), together with complete details concerning the time, place, and manner of the entry. It is essential that officers conducting such examinations shall go thoroughly into the circumstances attendant upon the failure of the alien to undergo proper examination at the time of entry, and particularly so if said entry occurred through a regular port, for the purpose of fixing the responsibility for failure to undergo inspection, as well as the actual date of the alien's entry, the port through which entry was made, and the means of transportation employed. Record of admission, if and when made, will be as of the actual date, place, and manner of arrival in the United States. If admission is not directed, instructions will be given for such other action as the circumstances may warrant. (Sec. 2 (e), 43 Stat. 154; 8 U. S. C. 202 (e))

PART 112—ADMISSION OF HOLDERS OF CERTIFICATES OF IDENTITY TO PROSECUTE AN ACTION UNDER SECTION 503 OF THE NATIONALITY ACT OF 1940

Sec.
- 112.1 Ports of entry upon certificate of identity.
- 112.2 Entry upon certificate of identity; conditions.
- 112.3 Certificate of identity obtained by fraud or other illegality.
- 112.4 When deportation proceedings shall be instituted.
- 112.5 Transportation of holder of certificate of identity.

AUTHORITY: §§ 112.1 to 112.5, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 112.1 to 112.5, inclusive, interpret and apply sec. 503, 54 Stat. 1171; 8 U. S. C. 903.

§ 112.1 *Ports of entry upon certificate of identity.* The admission to the United States of a person on the basis of a certificate of identity issued under section 503 of the Nationality Act of 1940 (54 Stat. 1171; 8 U. S. C. 903) may be granted only at a port designated in § 110.1 or § 110.3 of this chapter as a port of entry for aliens.

§ 112.2 *Entry upon certificate of identity; conditions.* The holder of such a certificate of identity shall be regarded as an alien until otherwise finally held by the court in the action for a judgment declaring him to be a national of the United States. He shall be admitted to the United States as a temporary visitor for business on the condition, including, when deemed necessary, the giving of a bond with sufficient surety, that he shall depart from the United States if it is discovered that he has obtained admission by fraud or other illegality or if the final action in court to determine his nationality is not to the effect that he is a national of the United States. In addition, if such person is found to be afflicted with a loathsome or dangerous contagious disease or to have had one or more attacks of insanity or to be likely to become a public charge in the United States or to belong to one or more of the classes excluded from admission to the United States by the act approved October 16, 1918, as amended, or to be of a race that renders an individual ineligible to naturalization, his admission shall, unless the Attorney General on appeal from a decision of the board of special inquiry otherwise directs, be upon such further conditions as may be prescribed by the immigration authorities of the United States. The conditions shall be such as may be deemed necessary to safeguard the public and to require periodic reports by the person of his whereabouts to the immigration authorities of the United States, so that departure or deportation therefrom may be effected in the event it is discovered that he obtained admission by fraud or other illegality or if the final outcome of his action in court to determine his nationality is not to the effect that he is a national of the United States and if he then fails to depart without delay from the United States in accordance with directions from the immigration authorities. At the time of admission the certificate of identity shall be endorsed by the immigration officer to show the manner of arrival and the place and date of admission. The endorsement shall be signed by the officer making it and he shall add thereto the title of his office. A person admitted on a certificate of identity shall be informed at the time of admission that, until he departs from the United States or there is a decision of the court that he is a national of the United States, he is required by law to notify the Commissioner of Immigration and Naturalization, Washington, D. C., in writing of his address at the expiration of each three months' period of residence in the United States.[1] Also, at the time of such admission, a report of the name of such person and the date and port of his admission shall be made by the immigration office at once to the United States attorney for the judicial district in which the action by the person is pending for a judgment declaring that he is a national of the United States. If the final decision in such action in court be that he is a national of the United States, a record to that effect shall be made by the immigration authorities at the port of admission.

§ 112.3 *Certificate of identity obtained by fraud or other illegality.* Whenever there is evidence before the immigration authorities indicating that a certificate of identity was obtained or issued through fraud or other illegality or that it is in the possession of a person other than the rightful holder, the certificate shall not entitle the holder to be admitted to the United States unless satisfactory evidence is presented showing that such is not the case. Whenever a certificate of identity is found by an immigration officer of the United States to have been obtained by fraud or other illegality or to be in the possession of a person other than the rightful holder, such officer shall, if practicable, obtain possession of the certificate and send it, together with a report on the matter, through the Central Office, Immigration and Naturalization Service, Washington, D. C., to the Department of State.

§ 112.4 *When deportation proceedings shall be instituted.* Steps for the institution of deportation proceedings against a person admitted on the basis of a certificate of identity shall be taken by the Immigration and Naturalization Service in accordance with the applicable sections of Part 150 of this chapter if found to have obtained admission to the United States unlawfully or if he fails to comply with the conditions under which admitted to the United States.

§ 112.5 *Transportation of holder of certificate of identity.* The transportation of the holder of a certificate of identity to the United States shall be subject to the same liabilities and penalties under the immigration laws as the bringing of any alien to the United States except liability to any fine or penalty under the immigration laws because of a mental defect other than such defects specifically named in section 9 of the Immigration Act of 1917, as amended (39 Stat. 880, 43 Stat. 166; 8 U. S. C. 145), or a physical defect of a nature which may affect ability to earn a living, as contemplated in section 3 of the Immigration Act of 1917 (39 Stat. 875; 8 U. S. C. 136) or because of excludability under that section as a native of that portion of the continent of Asia and the islands adjacent thereto described in that section, or because of inability to read.

CROSS REFERENCE: For procedure in cases of other mental or physical affliction, see § 132.3 of this chapter.

[1] For regulations in regard to notification of address, see § 170.7 of this chapter.

PART 114—INSPECTION OF CITIZENS AND ALIENS ENTERING FROM OR THROUGH CONTIGUOUS TERRITORY

Sec.
114.1 Inspection.
114.2 Preexamination of citizens, nationals, statistical and nonstatistical aliens.
114.3 Preexamination; procedure when admissibility determined.
114.4 Procedure where preexamination board is nonexistent.
114.5 Further examination at border port.
114.6 Canadian-born American Indians; exemption from immigration laws.
114.7 Residence in contiguous territory by aliens who traveled on noncomplying line.

AUTHORITY: §§ 114.1 to 114.7, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 114.1 to 114.7, inclusive, interpret and apply sec. 23, 39 Stat. 892, sec. 17, 43 Stat. 163; 8 U. S. C. 160, 162, 217. Other statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 114.1 *Inspection.* All inspections and medical examinations conducted at Canadian seaports of entry for aliens bound for the United States, the land border ports of entry, or United States immigration offices in the interior of Canada where boards of special inquiry are stationed, shall be in all respects similar to those conducted at other ports of entry, and all necessary facilities shall be provided the proper officials of the United States to enable them to make the inspections and examinations required under the immigration laws of the United States.

§ 114.2 *Preexamination of citizens, nationals, statistical and nonstatistical aliens.* United States citizens, citizens of the insular possessions of the United States, and aliens of the nonstatistical class, except as hereinafter provided, applying for preexamination in Canada at places where United States immigration officers are stationed, shall prepare and present Form I–121 at time of application, obtainable at such immigration offices, railroad or steamship ticket offices in Canada, or at such other places as may hereafter be designated. The names and ages of children under sixteen may be included in Form I–121 prepared by the accompanying parent or guardian. The preexamining inspector shall indicate on Form I–121 whether the alien holder is a temporary visitor or a returning resident of the United States: *Provided*, That aliens of the class mentioned who are required to deposit head tax shall be fully manifested on Form I–448 by the preexamining inspector: *Provided further*, That such inspector shall enter on Form I–448 the data appearing on Form I–121 with regard to those nonstatistical aliens who hold reentry permits or properly visaed passports, the form to contain a notation of the number of the permit or the fact that a visaed passport is carried: *And provided further*, That no preexamination will be accorded to persons of any class planning to proceed directly from a Canadian seaport to ports in the Territories of Hawaii and Alaska. Aliens of the statistical class shall be fully manifested on Form I–448 by the preexamining inspector whether arriving from overseas or whether their journey originates in Canada. Notwithstanding the other provisions of this section, Form I–448 shall not be executed when its use is obviated by the presentation by the alien of Forms 257a, 257b, and 257d or by the preparation of Form I–94.

§ 114.3 *Preexamination; procedure when admissibility determined.* If and when admissibility is determined, Form I–121, I–448, 257d, or I–94 shall be so endorsed by the appropriate immigration officer, attached to other pertinent immigration documents, and given to the applicant for presentation and surrender at the actual port of entry into the United States. If applicants of any class so preexamined depart for the United States by water from a place other than that at which the preexamination was conducted, the endorsed forms shall be countersigned by the appropriate United States immigration officer at the Canadian port of embarkation. Upon the surrender at ports of entry of properly endorsed forms within 30 days from endorsement, the period of the validity of the endorsement, the rightful holders will be promptly admitted if their status has undergone no change since preexamination: *Provided, however*, That holders of visas must apply for admission at ports of entry within the period of validity of their visas, or it is established that such holders began a continuous journey to such ports of entry prior to the expiration of the visas. The actual port of entry into the United States shall be the "record" port of entry for all purposes, including head-tax transactions. Forms I–121 and I–448 shall be completed at such actual port of entry, as will be all other immigration documents.

§ 114.4 *Procedure where preexamination board is nonexistent.* Any alien not provided with a validly endorsed Form I–121, I–448, 257d, or I–94 who shall apply for admission at a point on the Canadian border where no board of special inquiry is located, if held for examination before such a board, shall be conveyed by the transportation company concerned to the nearest port of entry where a board of special inquiry is located; and, in the discretion of the appropriate United States immigration official, any alien not having been preexamined and not holding any of said forms, who shall apply for admission at a border point within one year after arriving at a Canadian seaport, shall be returned by the transportation company responsible, to the seaport of arrival for examination by United States immigration officials and (where proper) assessment of head tax in the manner required in the cases of aliens arriving at Canadian seaports and giving destinations in the United States, unless it shall appear that such alien was originally destined in good faith to Canada and has been actually residing in said country, or unless upon examination, Canadian officials shall declare such alien eligible for residence in Canada and the transportation company involved shall arrange for his removal a reasonable distance from the boundary: *Provided*, That where the mental, physical, financial, or moral status of the alien is such that in the opinion of the proper official such person should be returned to the initial point of departure in Canada, the transportation company or other interest concerned shall, upon request, return such alien to such initial point of departure.

§ 114.5 *Further examination at border port.* All aliens seeking entry into the United States from Canada at the border ports without first having been preexamined and provided with endorsed Form I–121, I–448, 257d, or I–94, who may not appear to the examining immigrant inspector clearly and beyond a doubt entitled to enter the United States; and those aliens holding any of said forms whose further examination is deemed necessary or advisable; and aliens brought to the border who have arrived in Canada by steamship lines or vessels which have not conformed to the requirements of section 17 of the Immigration Act of 1924 (43 Stat. 163; 8 U. S. C. 217), and who have not had two years' residence in Canada, shall, at the discretion of the examining immigrant inspector, be removed from the railroad train or other vehicle of travel by the owner, agent, or person in charge of the transportation line concerned, and delivered to the immigration office or such other place of detention as may be designated by the said examining immigrant inspector, for further examination.

§ 114.6 *Canadian-born American Indians; exemption from immigration laws.* Aliens who are American Indians born in Canada (exclusive of persons whose membership in Indian tribes or families is created by adoption) shall be permitted to enter the United States without inspection under any provision of the immigration laws other than section 2 of the act of September 27, 1944 (58 Stat. 746; 8 U. S. C., Sup., 136 (d) (1)). (45 Stat. 401; 8 U. S. C. 226a)

§ 114.7 *Residence in contiguous territory by aliens who traveled on noncomplying line.* Where an alien has entered foreign contiguous territory by a transportation line not signatory to the agreement made pursuant to section 23 of the Immigration Act of 1917 (39 Stat. 892; 8 U. S. C. 160), and section 17 of the Immigration Act of 1924 (43 Stat. 163; 8 U. S. C. 217), with the intention, actually carried into effect, of taking up permanent residence in such foreign contiguous territory, and such arrival and the taking up of residence occurred at least two years prior to the time of making application for admission to the United States, the admissibility of such alien will not be destroyed merely by reason of temporary absence, without relinquishment of domicile, from such foreign contiguous territory subsequent to the time of taking up permanent residence therein. The term "foreign contiguous territory" as used in this section and as used in the two sections of law mentioned in this section means Mexico, Canada, Newfoundland, and the French islands of St. Pierre and Miquelon.

PART 115—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

Sec.
115.1 Definitions.
115.2 Qualifications for admission.
115.3 Fingerprinting; identification card; conditions and period of admission.
115.4 Extensions of period of admission.
115.5 Hearings before board of special inquiry.
115.6 Maintenance of status and deportation.
115.7 Duplicate identification cards.
115.8 Readmission after temporary visits to foreign contiguous territory.
115.9 Waiver of departure permit requirements.

AUTHORITY: §§ 115.1 to 115.9, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238, sec. 5 (g), 58 Stat. 14, as amended; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t, 50 U. S. C. App., Sup., 1355, 1351; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 115.1 *Definitions.* As used in this part—

(a) The term "agricultural worker" means an alien, either male or female, who was born in North America, South America, Central America, or in any island adjacent thereto, who is residing in any of said places, and who desires to enter the United States for the purpose of engaging in agricultural labor as defined herein; or such an alien who, after so entering, is engaged in such labor.

(b) The term "agricultural labor" means services performed in the employ of any person, trust, estate, partnership, or corporation in connection with farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the raising, production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including crude gum (oleoresin) from a living tree and certain products as processed by the original producer of the crude gum (oleoresin) from which derived), the raising and shearing of livestock, bees, fur-bearing animals, poultry, or wildlife, and any practices (including any forestry or lumbering operations) performed by a farmer on a farm as an incident to, or in conjunction with such farming operations, including handling, drying, packing, freezing, grading, processing (if such service is performed as an incident to ordinary farming operations, or in the case of fruits and vegetables as an incident to the preparation of such fruits and vegetables for market), and including further the preparation for market, delivery to storage or to market or to carriers for transportation to market, and the operation, management, conservation, improvement, or maintenance of the tools and equipment used in connection therewith: *Provided, however*, That the foregoing shall not include services performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(c) The term "enemy alien" means any native, citizen, subject, or denizen

of any country, state, or sovereignty with which the United States is at war or which the President by public proclamation has declared to have perpetrated, attempted, or threatened an invasion or predatory incursion against the territory of the United States. (Sec. 3 (f), 52 Stat. 1060, sec. 1426 (h), 53 Stat. 1386; 29 U. S. C. 203, 26 U. S. C. 1426)

§ 115.2 *Qualifications for admission.* Any agricultural worker who applies for admission into the United States under the provisions of the Farm Labor Supply Appropriation Act, 1944 (58 Stat. 11), and the provisions of this part must:—

(a) Submit to the examining immigrant inspector an alien laborer's identification card (Form I–100) prepared prior to embarkation for the United States by the War Food Administrator or his duly authorized representative, or if not in possession of an alien laborer's identification card so issued, shall establish that he is seeking admission as one of a specific group of agricultural workers who are being recruited directly by an employer under conditions which have been approved by the district director of Immigration and Naturalization of the district in which the alien applies for admission;

(b) Submit to the examining immigrant inspector a birth certificate, or otherwise establish to the satisfaction of said immigrant inspector that he was born in the country of claimed nativity;

(c) Establish that he is not an enemy alien and that he is in all respects admissible under the provisions of the immigration laws except:

(1) The provisions of section 3 of the Immigration Act of February 5, 1917, relating to contract laborers, the requirements of literacy, and the payment of passage by corporations, foreign governments, or others;

(2) The provisions of section 3 of the Immigration Act of February 5, 1917, and section 1 of the act of March 4, 1929, requiring permission of the Attorney General to reapply for admission in the case of any alien previously arrested and deported or excluded and deported solely because of illegal entry or absence of required documents, if such deportation has not occurred on more than one occasion, and such alien establishes that he is otherwise entitled to temporary admission as an agricultural worker under the provisions of this part;

(3) The requirement of section 2 of the Immigration Act of February 5, 1917, relative to the payment of head tax;

(4) The prohibitions contained in sections 5 and 6 of the Immigration Act of February 5, 1917;

(5) The provisions of the laws and regulations relating to documents required of aliens entering the United States; and

(6) The provisions of Title III of the Alien Registration Act of 1940 relating to the registration of aliens.

(d) Satisfy the examining immigrant inspector that if admitted he will comply with the conditions of such admission. (Secs. 2, 3, 5, 6, 39 Stat. 875, 879, sec. 1, 45 Stat. 1551, 46 Stat. 41, Title III, 54 Stat. 673; 8 U. S. C. 132, 136, 139, 142, 180, 451)

§ 115.3 *Fingerprinting; identification card; conditions and period of admission.* Any alien found admissible into the United States under the provisions of this part shall—

(a) Be fingerprinted as follows:

(1) By placing prints of the right thumb and right index finger on the reverse side of the original Form I–100 prepared by the War Food Administrator or his duly authorized agent or, in cases not recruited by the Administrator, on the original of a Form I–100 prepared at the port of arrival by an officer of the Immigration and Naturalization Service;

(2) By placing complete fingerprints of both hands on one copy of Form AR–4; and

(3) By executing the obverse of Form AR–4 and placing thereon a stamped notation reading "Admitted as agricultural worker." The executed form shall be mailed direct to the Federal Bureau of Investigation, Washington 25, D. C.

(b) Be given the original alien laborer's identification card bearing his photograph, and stating his name, place of birth and citizenship, duly endorsed by an immigrant inspector to show the date, place, and period of his admission into the United States and signed by said immigrant inspector across the bottom of the photograph, partly on the photograph and partly on the card. In cases of aliens recruited by the War Food Administrator or his duly authorized representative the duplicate copy of said card shall be forwarded to the Administrator or to such representative. In cases recruited directly by employers the duplicate need not be executed. In all cases a triplicate copy of the card shall be completely executed and retained in the records of the Service at the port of the alien's entry. Fingerprints of the alien shall not be placed on the duplicate or triplicate cards but the triplicate shall contain the alien's signature, his place and date of birth, weight, height, and any visible distinctive marks.

(c) Be admitted for a fixed period, not exceeding one year, on condition that he continuously maintain the status of an agricultural worker and depart from the United States at the expiration of his admission or any extension thereof except that if he is a national of a country with whose government there exists an agreement with the Government of the United States regulating the importation of agricultural workers, then he shall be admitted for the period of the validity of his contract entered into pursuant to such agreement, but not exceeding one year, on condition that he maintain the status of an agricultural worker under terms of the contract and depart from the United States at the expiration of his admission or of any extension thereof.

§ 115.4 *Extensions of period of admission.* No extension of the temporary admission of any alien admitted under this part shall be granted without general or specific instructions from the Central Office.

§ 115.5 *Hearings before board of special inquiry.* Any alien seeking admission under this part in whose case the examining immigrant inspector is not satisfied that such alien is admissible shall be held for hearing before a board of special inquiry and the procedure applicable to aliens seeking admission into the United States under the general provisions of the immigration laws shall be followed.

§ 115.6 *Maintenance of status and deportation.* (a) An alien admitted into the United States as an agricultural worker under the provisions of this part shall maintain the status of an agricultural worker during the entire time he remains in the United States pursuant to such admission and shall depart at the termination of the period for which he was admitted or of any extensions thereof.

(b) An alien admitted as an agricultural worker under the provisions of this part who fails to maintain the status under which he was admitted, or fails to depart from the United States in accordance with the conditions of his admission shall be deemed to be unlawfully in the United States and shall be taken into custody and deported in accordance with the applicable provisions of Part 150 of this chapter.

§ 115.7 *Duplicate identification cards.* A duplicate alien laborer's identification card may be issued in the discretion of the district director of Immigration and Naturalization of the district through which the alien agricultural worker entered the United States where the original has been lost or destroyed.

§ 115.8 *Readmission after temporary visits to foreign contiguous territory.* An agricultural worker who has been admitted under the provisions of this part may be readmitted after temporary visits to foreign contiguous territory on presentation of his alien laborer's identification card if he is still maintaining the status of an agricultural worker in the United States.

§ 115.9 *Waiver of departure permit requirements.* Any alien admitted to the United States under the provisions of this part shall not, when departing from the United States, be required to present a permit to depart issued under the provisions of Part 175 of this chapter.

PART 116—CIVIL AIR NAVIGATION

Sec.
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116.54 Inspection of aliens arriving by aircraft.
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116.56 Crew lists.
116.57 Manifests of passengers.
116.58 Preexamination in Canada of aircraft passengers.
116.60 Penalties.
116.61 Designation of airports of entry for aliens.
116.62 Withdrawal of designation of airport of entry for aliens.

AUTHORITY: §§ 116.1 to 116.16, inclusive, issued under R. S. 161, 251, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166; 5 U. S. C. 22, 19 U. S. C. 66, 8 U. S. C. 102, 222; and authority shown in § 116.1.

§§ 116.51 to 116.62, inclusive, issued under R. S. 161, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, secs. 7 (d), 11 (b), 11 (c), 44 Stat. 572, 574, 575, 48 Stat. 1116, 52 Stat. 1029, 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 5 U. S. C. 22, 8 U. S. C. 102, 222, 458, 49 U. S. C. 177 (d), 181 (b), (c), 5 U. S. C. 133t; 8 CFR, 90.1.

§ 116.1 *Regulation and supervision.* Sections 116.1 to 116.16,[1] inclusive, are prescribed by the Secretary of the Treasury, the Commissioner of Customs, the Surgeon General of the Public Health Service with the approval of the Federal Security Administrator, and the Attorney General, within their respective authorities, under the Air Commerce Act of 1926, as amended, sections 7 (b), (c), (d), 9 (b), and 11 (b) and (c) (44 Stat. 572; 49 U. S. C. 177 (b), (c), (d), 179 (b), 181 (b), (c)); the Tariff Act of 1930, section 644 (46 Stat. 761; 19 U. S. C. 1644); the Public Health Service Act, sections 215, 361–369 (58 Stat. 690, 703–706; 42 U. S. C., Sup., 216, 264–272); Reorganization Plan No. 3 of 1946, section 102 (11 F. R. 7875); and Reorganization Plan No. V of the President, section 1 (3 CFR, Cum. Supp., Ch. IV).

§ 116.2 *Scope and definitions.* For the purposes of the regulations contained in §§ 116.1 to 116.16, inclusive:

(a) Every paragraph and subparagraph relates to customs, public health, entry, clearance, and immigration, except where it applies only to certain of these matters, which is shown by headnote or context.

(b) The term "United States" when used in a geographical sense means the territory comprising the several States, Territories, possessions, and the District of Columbia, including the territorial waters thereof and the overlying airspace, but shall not include the Canal Zone.

(c) The term "area" shall mean any one of the following parts of the United States:

(1) The mainland.

(2) Alaska, but to be regarded as part of the mainland for immigration purposes.

(3) Hawaii.

(4) Puerto Rico.

(5) Virgin Islands, an area for the purpose of the immigration laws except as provided in further immigration regulations specifically mentioning those islands in 8 CFR, Part 116, but shall be regarded as foreign territory for other purposes.

(6) Such area as shall hereafter be specified to include possessions of the United States not mentioned herein.

These regulations shall not be applicable in the Philippine Islands, the Islands of Guam, Midway, American Samoa, Wake, Kingman Reef, and other insular possessions not specified herein, nor to the Virgin Islands, except as specified in subparagraph (5) of this paragraph, until notice supplementary hereto is given.

(d) The term "aircraft" means civil aircraft, that is, any aircraft not used exclusively in the governmental service of the United States or a foreign country, but includes any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(e) The term "aircraft commander" means the person serving on the aircraft having charge or command of its operation and navigation.

(f) The term "scheduled air line" means any individual, partnership, corporation, or association engaged in air transportation upon regular schedules to, over, or away from the United States, or from area to area and holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity issued pursuant to the Civil Aeronautics Act of 1938.

(g) The term "airport of entry" means any airport designated by the Secretary of the Treasury as a port of entry for aircraft arriving in the United States from any place outside thereof and for the merchandise carried on such aircraft; also by the Attorney General as a port of entry for aliens arriving on such aircraft; and by the Federal Security Administrator as a place for quarantine inspection.

§ 116.3 *Landing requirements.*—(a) *Place of landing.* Every aircraft coming into any area from any place outside thereof shall land in such area unless exempted from this requirement by the Administrator of Civil Aeronautics, Washington, D. C. The first landing shall be at an airport of entry, unless permission to land elsewhere than at an airport of entry is first granted by the Commissioner of Customs, Washington, D. C., who, upon granting such permission, shall immediately notify the Surgeon General, Public Health Service, the Commissioner of Immigration and Naturalization, and any other agency affected thereby, except that permission to land in Alaska elsewhere than at an airport of entry may be granted to aircraft arriving from Canada, by the Collector of Customs at Juneau, Alaska, who upon granting such permission shall immediately notify the officer in charge of the Public Health Service, the Immigration and Naturalization Service, and any other agency affected thereby in Alaska. In cases where such permission is given, the owner, operator, or person in charge of the aircraft shall pay the additional expenses, if any, incurred in inspecting the aircraft, passengers, employees, merchandise, and baggage carried therein. When such permission is granted to a scheduled air line to land aircraft operating on a schedule, no inspection charge shall be made except for overtime service performed by customs officers, and, if the aircraft arrives substantially in accordance with schedules on file with the immigration authorities, no inspection charge shall be made for overtime service by immigration officers.

(b) *Advance notice of arrival.* No aircraft coming into any area from any place outside thereof may land in such area unless notice of the intended flight has been furnished to the collector or deputy collector of customs at the airport of entry at or nearest the intended place of first landing in such area; nor unless the same notice has been furnished to the quarantine and the immigration officers in charge at or nearest such place. Such notice shall specify the type of aircraft, the registration marks thereon, the name of the aircraft commander, the place of last departure, the airport of entry, or other place at which landing has been authorized, number of alien passengers, number of citizen passengers, and the estimated time of arrival; and shall be sent so as to be received in sufficient time to enable the officers designated to inspect the aircraft to reach the airport of entry or such other place of first landing prior to the arrival of the aircraft. Such advance notice will not be required in the case of aircraft of a scheduled air line arriving in accordance with the regular schedule filed with the collector of customs for the district in which the place of first landing in the area is situated and also with the immigration officer in charge of such place.

(c) *Permission to discharge or depart.* No aircraft arriving in the United States from any place outside thereof, or in an area from another area carrying residue foreign cargo (see § 116.11) shall, without receiving permission from the quarantine and the customs officers in charge, depart from the place of landing, or discharge any merchandise, passengers, or baggage; and no aircraft arriving in the United States from any place outside thereof or in an area from another area, except directly from the mainland, shall discharge any passenger or employee without permission from the immigration officer in charge.

(d) *Emergency or forced landing.* Should any aircraft coming into the United States from any place outside thereof, or into any area from any other area, make a forced landing in the United States, the aircraft commander or operator shall not allow any merchandise or baggage to be removed from the landing place without permission of the customs and quarantine officers, nor allow any passenger or person employed thereon to depart from the landing place without permission of the quarantine and immigration officers, unless such removal or departure is necessary for purposes of safety or the preservation of life or property. As soon as practicable, the aircraft commander, or a member of the crew in charge, or the owner of the aircraft, shall communicate with the customs officer at the intended place of first

[1] These regulations entitled "Air Commerce Regulations" appear under three designations, i. e., as §§ 6.1 to 6.11 of Title 19 (Customs Duties); §§ 11.501 to 11.516, Subpart K, of Title 42 (Public Health); and §§ 116.1 to 116.16 of Title 8 (Aliens and Nationality), Code of Federal Regulations.

landing or at the nearest airport of entry or other customs port of entry in that area and also with the nearest quarantine officer and immigration officer and make a full report of the circumstances of the flight and of the emergency or forced landing. Mail carried as such may be removed from such aircraft upon making an emergency or forced landing, but if so removed shall be delivered at once to a responsible officer or employee of the Postal Service.

§ 116.4 *Entry and clearance.* (a) Aircraft coming into any area from any place outside the United States shall be entered (see § 116.8) in such area if landing is made therein. Aircraft coming into any area from another area shall be entered (see § 116.9 (e)) in such area if landing is made therein and if carrying merchandise or passengers.

(b) Entry shall be made by the aircraft commander at the airport of entry at which the first landing is made in the area. If, pursuant to § 116.3 (a), the first landing occurs at a place not an airport of entry, entry shall be made at the nearest airport of entry or customs port of entry, unless some other place is designated for that purpose by the Commissioner of Customs.

(c) Aircraft departing from any area for foreign territory, or to take aboard or discharge persons or merchandise anywhere outside the United States, or departing from any area for another area carrying passengers that must be listed in clearance declaration (§ 116.9 (b), (e)) or merchandise shall be cleared (see § 116.9) in the area from which departing. Clearance is not required of aircraft not carrying passengers for hire or merchandise, unless they are aircraft (piloted), both heavier and lighter than air, unassembled, assembled or dismantled; (a) classified from the standpoint of military security; or (b) especially designed for warlike purposes; or (c) having a weight empty greater than 35,000 pounds.

CROSS REFERENCE: See travel control regulations in 8 CFR Part 175, which prohibit in some cases the departure of persons from the United States and are enforced by immigration officers.

(d) The clearance shall be obtained by the aircraft commander at the customs port of entry (whether or not an airport of entry) at or nearest the place of last take-off from the area, unless some other place is designated for that purpose by the collector of customs.

(e) This section shall not apply to the entry of aircraft of scheduled air lines complying with the terms of § 116.5, nor to the clearance of such aircraft complying with the terms of § 116.6, nor to the clearance of any aircraft holding a permit issued by the Secretary of Commerce authorizing departure without clearance.

§ 116.5 *Entry of aircraft of scheduled airlines.* (a) Aircraft operated by scheduled air lines coming into the United States from any place outside thereof shall make entry in the area of first landing.

(b) Aircraft operated by scheduled air lines coming from one area into another area shall make entry therein, if:

(1) Carrying to or over that area passengers that must be listed in clearance declaration (§ 116.9 (b), (e)); or

(2) Carrying residue cargo (§ 116.11); or

(3) Carrying merchandise in bond (19 CFR Part 18).

(c) Entry required by this section in an area shall be made by the aircraft commander at the place of landing provided for under § 116.3.

§ 116.6 *Clearance of aircraft of scheduled air lines.* (a) Aircraft operated by scheduled air lines departing for any place outside the United States may clear from the area of departure, but clearance shall be mandatory only during any period covered by a proclamation of the President that a state of war exists between foreign nations, or the aircraft is:

(1) Beginning a flight in that area; or

(2) Carrying from that area merchandise or such passengers as must be listed in clearance declaration (§ 116.9); or

(3) There are one or more aliens that must be listed on the part of clearance declaration relating to aliens employed (§ 116.9).

(b) Aircraft operated by scheduled air lines departing from any area for another area shall clear in the area from which departing, if:

(1) Carrying passengers that must be listed on clearance declaration (§ 116.9 (b), (e)); or

(2) Carrying merchandise.

(c) Clearance required by this section may be obtained by the aircraft commander at the customs port of entry (whether or not an airport of entry) at or nearest each place at which merchandise or passengers, or both, are taken aboard for discharge beyond the area. In such case the clearance shall be limited to the passengers and merchandise taken aboard at such place. Otherwise the clearance shall be obtained at the customs port of entry (whether or not an airport of entry) at or nearest the place of last take-off in the area unless some other place for clearance is designated by the collector of customs.

§ 116.7 *Documents.* (a) The forms described in §§ 116.8 and 116.9 shall be the primary documents required for entry and clearance of aircraft and the listing of passengers and merchandise carried thereon and aliens employed on board thereof. The forms to be used for the entry and clearance of the aircraft, passengers, crew members, and merchandise carried thereon, except the forms of air cargo manifest, air passenger manifest, passenger card, and immigration instruction sheet for aircraft, shall be forms approved by the Commissioner of Customs, the Commissioner of Immigration and Naturalization, and the Surgeon General. The form of air cargo manifest shall be approved by the Commissioner of Customs. The forms of air passenger manifest, passenger card, and immigration instruction sheet for aircraft shall be approved by the Commissioner of Immigration and Naturalization.

(b) The forms described in §§ 116.8 and 116.9, except the air passenger manifest, passenger card, and immigration instruction sheet for aircraft may be obtained from collectors of customs upon prepayment by the owner or operator of the aircraft. A small quantity of each of such forms shall be set aside by collectors of customs for free distribution or official use. The forms of air passenger manifest, passenger card, and immigration instruction sheet for aircraft may be obtained upon prepayment from the Superintendent of Documents, Government Printing Office, Washington, D. C. A small quantity of such forms shall be set aside by immigration officers in charge for free distribution and official use. The forms may be printed by private parties, provided the forms so printed conform to the official form in size, wording, arrangement, and quality and color of paper.

§ 116.8 *Documents for entry.* (a) At the time any aircraft arriving from outside the United States lands in any area in which making of entry is required by § 116.4 or § 116.5, the aircraft commander shall deliver an aircraft commander's general declaration in accordance with this section. Aircraft arriving in an area from another area shall deliver documents as specified by § 116.9 (e) and § 116.11.

(b) An aircraft commander's general declaration shall contain the following information:

(1) A crew manifest showing, as to each alien employed in any capacity on board the aircraft, name in full (family name, given name), full permanent address, age, sex, nationality, crew member's certificate number or passport number, country of issue, and date. The list is not required if the aircraft is not arriving from outside the United States or if it is arriving on a trip which originated in Canada, Newfoundland, or the French islands of St. Pierre and Miquelon, or if the information with respect to the crew is furnished in accordance with § 116.10.

(2) A passenger manifest or an air passenger manifest attached to the general declaration. In either case the manifest shall show, as to each passenger, name in full (family name, given name), full permanent address, age, sex, nationality, passport number and date, but if a passenger is a citizen of the United States and has no passport the manifest shall show the date, state, city or town in which the citizen was born if a citizen of the United States by birth, or if a citizen by naturalization the date, name of court, and place of naturalization. Additional facts as to each alien passenger shall be furnished on passenger cards except in the cases not required by the immigration instruction card for aircraft. On the card "point of embarkation" means place where trip on aircraft is begun by alien (not merely touched as a through passenger), and "race" means the same as on the alien passenger manifest required of a vessel. This subparagraph shall not apply to aircraft arriving on a trip which originated in Canada, Newfoundland, or the French islands of St. Pierre and Miquelon.

(3) Cargo manifest either on the general declaration or on a separate form attached to the general declaration. The cargo manifest on the general declaration, properly executed, having airway bills/consignment notes attached will be acceptable if it bears a notation such as "Express as per airway bills attached" and shows the airway bill or consignment note number, if any. If the airway bills or consignment notes are not attached to the general declaration or to the separate forms of air cargo manifest, the full information required in the cargo manifest on the general declaration shall be furnished. Customs Form 5119 may be used in lieu of the cargo manifest if the merchandise or baggage consists of a single shipment and does not exceed one hundred dollars in value. (For rule applicable to arrival in an area from another area, see § 116.9 (e).)

(4) A report showing illness (other than airsickness) that has occurred aboard the aircraft during flight; details of last disinsectization or sanitary treatment, including methods, place, date, and time; and a report of the animals, birds, insects, bacterial cultures, and viruses on board.

(5) Such other information and statements as are required on the general declaration form.

(c) The aircraft commander's general declaration required by this section shall consist of five copies with three copies of each attached air passenger manifest and three copies of each attached air cargo manifest. These documents shall be disposed of as follows:

(1) One copy of the general declaration and one copy of each air passenger manifest, immediately upon the arrival at the customs airport or other first place of landing in an area, shall be delivered by the aircraft commander to the immigration officer in charge at such airport or place with a passenger card in the case of each alien passenger as required by paragraph (b) (2) of this section.

(2) One copy of the general declaration and one copy of each attached air passenger manifest shall be delivered by the aircraft commander to the quarantine officer.

(3) Two copies of the general declaration, one copy of each attached air passenger manifest, and two copies of each air cargo manifest shall be delivered by the aircraft commander immediately to the customs officer in charge at such airport or place. One copy of the general declaration and one copy of each cargo manifest shall be retained by the aircraft commander and forwarded promptly by him to the comptroller of customs in whose district such airport or place is located.

(4) One copy of the general declaration and one copy of each attached air cargo manifest delivered to the customs officer shall be forwarded by him to the comptroller of customs above mentioned with appropriate notations thereon showing the disposition of the merchandise covered thereby. One copy of the general declaration delivered to the customs officer shall be retained by him as a record of the entry of the aircraft.

(5) With respect to transit crew and passengers, that is, such crewmen and passengers as do not move out of a special prescribed space at the airport or other place of landing, any and all copies delivered to the immigration officer, whether original or not, of the general declaration and attached air passenger manifests referred to in this section or in § 116.9 (e) (2) shall be returned by the immigration officer to the commander of the aircraft upon its departure from that airport or other place of landing, but this paragraph shall not apply in the mainland except with respect to an aircraft of a scheduled air line and such documents shall not be returned at the airport or place at which the last landing in such a case is made in the mainland.

(d) The provisions of section 466, Tariff Act of 1930, are applicable to any such aircraft of United States registry engaged in trade arriving in the United States, as defined in section 401 (k), Tariff Act of 1930, whether from a contiguous or noncontiguous foreign country, and a notation as to any equipment installed on any such aircraft or repairs made thereto in a foreign country shall be made in the aircraft journey log book, which shall set forth a general description of the equipment or repairs and a statement of the necessity therefor. The aircraft commander, on the first subsequent arrival of the aircraft in the United States, shall exhibit the journey log book to the customs officer at the port of arrival. Except as specified hereafter in this paragraph, such equipment and repairs shall be subject to entry and deposit of duty as prescribed by § 4.14 of Title 19. Entry and deposit of duty on such equipment or repairs shall not be required if (1) the aircraft belongs to a scheduled air line operating between the United States and foreign countries, (2) the aircraft commander executes and files with the entry of the aircraft an affidavit in the form set forth below, and (3) the collector is satisfied from an inspection of the journey log book and such further investigation as he may deem necessary that the facts with respect to the installation of the equipment and making of repairs were as set forth in such affidavit.

AFFIDAVIT RESPECTING EQUIPMENT PURCHASED FOR OR REPAIRS MADE TO UNITED STATES AIRCRAFT WHILE IN A FOREIGN COUNTRY

District No. _____
Port of _____
Date _____

I, _____, the person in command of aircraft No. _____, flight No. _____, now entering from _____, declare that the installation of equipment and making of repairs noted in the journey log book of such aircraft exhibited herewith were necessary by reason of stress of weather or other casualty occurring since last leaving the United States and were required to secure the safety and airworthiness of the aircraft in accordance with Civil Aeronautics Administration regulations to enable the aircraft to continue its scheduled flight; or that the equipment installed and materials used in making the repairs were of the growth, produce, or manufacture of the United States and the work incident to such installation or repairs was performed by the regular crew of the aircraft or by residents of the United States.

_____
(Aircraft commander)

Declared to under oath before me this ____ day of _____, 19____.

_____
(Title or designation)

§ 116.9 *Documents for clearance.* (a) At the time of the departure of any aircraft from any area from which clearance is required by § 116.4 or § 116.6, the aircraft commander shall deliver:

(1) Shipper's export declarations on Commerce Form 7525 to the customs officer in charge for all cargo on the aircraft (also for the aircraft itself if being exported from the United States for foreign account), and

(2) An aircraft commander's general declaration in accordance with this section.

The above documents may be filed pro forma if the aircraft is departing from the United States and prior to departure a proper bond is given, and the completed documents are delivered pursuant thereto not later than the fourth day after departure, provided that during any period covered by a proclamation of the President that a state of war exists between foreign nations no aircraft shall be cleared for a foreign port until the shipper's export declarations have been filed with the customs officer in charge.

CROSS REFERENCE: For export of aircraft, see 22 CFR 201.35.

(b) The general declaration shall be on the same form as is required by § 116.8. Any air passenger manifest and any air cargo manifest delivered with the general declaration shall also be on the same forms as are required by § 116.8, with the following exceptions:

(1) Manifesting of members of crew may be omitted if they are departing from the mainland or Alaska, destined to Mexico, Canada, Newfoundland, St. Pierre, or Miquelon; or if information with respect to the crew is furnished as is required by § 116.10.

(2) The passenger manifest must state in column 5, in the case of an alien passenger, the date and place of last arrival in the United States. Manifesting of passengers is not required if they are departing from the mainland or Alaska, destined to Mexico, Canada, Newfoundland, St. Pierre, or Miquelon.

(c) The aircraft commander's general declaration required by this section, except as provided in paragraph (e) of this section, shall consist of the original and two copies, together with one copy of each attached air passenger manifest and one copy of each attached air cargo manifest. One copy of the general declaration and one copy of each air passenger manifest shall be filed promptly by the aircraft commander with the immigration officer in charge. One copy of the general declaration and one copy of each air cargo manifest shall be delivered by the aircraft commander to the customs officer in charge to be retained by him as a record of outward clearance.

(d) The original of the general declaration for departure from the United States shall constitute a clearance cer-

tificate when endorsed by the customs officer in charge to show that clearance is granted.

(e) Two additional copies of the general declaration shall be furnished by the aircraft commander when the clearance is to another area, together with two additional copies of each air passenger manifest and two additional copies of each attached air cargo manifest. One copy of the general declaration must have the endorsement of the customs officer in the area from which departing that permit to proceed is granted, but this requirement shall not apply unless the commander, owner, or operator of the aircraft and the customs officer in charge have been notified by the immigration officer that fines and liabilities under the immigration laws appear to have been incurred in connection with the aircraft and payment thereof has not been made or secured by sufficient deposit or bond. These copies and a passenger card concerning each alien passenger except in the cases not required by the immigration instruction card for aircraft shall upon arrival of the aircraft in the area to which cleared be disposed of by the aircraft commander as follows:

(1) One copy of the general declaration and one copy of each attached air passenger manifest and the passenger cards shall be delivered by the aircraft to the immigration officer at the place of entry for use there as a list of arriving passengers.

(2) One copy of the general declaration, one copy of each air passenger manifest, and two copies of each attached cargo manifest shall be delivered by the aircraft commander to the customs officer in charge at such place of entry. One copy of the air cargo manifest shall be retained by such officer as the coasting manifest.

§ 116.10 *Omission of lists of aliens employed on board aircraft.* The information required by §§ 116.8 and 116.9 as to aliens employed on board an aircraft may be omitted from the aircraft commander's entry and clearance declarations in the case of aircraft operated by a scheduled air line if its schedules and a list (on a form approved by the Commissioner of Immigration and Naturalization) of such information as to all aliens employed on board the aircraft have been filed by the operator of the aircraft with the immigration officer in charge at the airport of arrival (and at the airport of departure if other than the airport of arrival) shown on such schedules. From that list such officer shall keep as to each alien a card record on a form prescribed by the Commissioner of Immigration and Naturalization. Whenever an alien so listed shall be left in a hospital in the United States or ceases to be in the employ of the operator, the latter shall file with such immigration officer at such airport a report covering the date, place, and manner of leaving the alien in a hospital or the discontinuance of his employment. The name, place, and date of employment of any other or additional alien on board, for inclusion in the list so filed, shall be reported promptly by the operator to such immigration officer at such airport.

§ 116.11 *Residue cargo; customs.* (a) Tariff Act of 1930, section 442 (19 U. S. C. 1442):

* * * Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unlading thereof.

(b) Tariff Act of 1930, section 443 (19 U. S. C. 1443):

Merchandise arriving in any vessel for delivery in different districts or ports of entry shall be described in the manifest in the order of the districts or ports at or in which the same is to be unladen. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival, the master shall obtain from the collector a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board.

(c) Tariff Act of 1930, section 444 (19 U. S. C. 1444):

Within twenty-four hours after the arrival of such vessel at another port of entry, the master shall report the arrival of his vessel to the collector at such port and shall produce the permit issued by the collector at the port of first arrival, together with a certified copy of his manifest.

(d) *Merchandise destined beyond place of first landing.* Aircraft arriving in an area with merchandise on board from any place outside the United States destined to or through another area may proceed with such merchandise to the place of first landing in the other area under the procedure prescribed in paragraph (e) of this section, upon the giving of a bond on Customs Form 7567 or 7569. When such aircraft has on board no merchandise from any place outside the United States and if no bond on Customs Form 7567 or 7569 is on file covering such aircraft, but immediate clearance is requested, a bond on Customs Form 7301, "Bond of vessel or aircraft to produce complete manifest and/or export declarations," shall be required.

(e) *Documents.* An aircraft commander's entry declaration, as prescribed in § 116.8, shall be filed at the port of first arrival in the United States from any place outside thereof. Upon departure from such port of first arrival there shall be filed a manifest in duplicate of all foreign cargo then retained on board. For this purpose two additional copies of the outward manifest on the aircraft commander's clearance declaration, as prescribed in § 116.9, shall be used. These duplicate manifests, together with a copy of the complete inward manifest on the aircraft commander's entry declaration filed on arrival from the foreign port or place and certified by the properly authorized customs officer, with a certificate (Customs Form 3221, appropriately modified) attached thereto, shall be furnished to the aircraft commander for deposit at the next port. Commerce Form 1385 shall not be used.

(f) *Cargo.* Except as specified in this section, the customs regulation requirements applicable to residue vessel cargo shall apply to residue aircraft cargo.

CROSS REFERENCE: For residue vessel cargo, see 19 CFR 4.85.

§ 116.12 *General provisions; customs.* Except as otherwise in these regulations provided (§§ 116.1 to 116.16, inclusive), aircraft arriving from contiguous foreign territory and the persons, merchandise, and baggage carried thereon shall be subject to the customs laws and regulations applicable to vehicles arriving from contiguous foreign territory; and aircraft, and the passengers and merchandise and baggage carried thereon, arriving from any other place outside the United States, shall be subject to the customs laws and regulations applicable to vessels so arriving, insofar as such laws and regulations are applicable to aircraft.

§ 116.13 *Public health requirements*—(a) *Release by Public Health Service.* When an aircraft subject to quarantine inspection in accordance with Subpart D, Part 11 of Title 42, arrives at an airport of entry or other place of first landing, the aircraft commander shall be responsible for the detention of the aircraft, its crew and passengers until they are released by the quarantine officer at the airport of entry or other place of first landing. Any mail, baggage, cargo, or other contents on board such aircraft shall be held at such airport or place until released by the quarantine officer. (For procedure in case of emergency or forced landing, see § 116.3 (d).)

(b) *Restrictions on boarding aircraft and contacting personnel.* Except with the permission of the quarantine officer, no person other than the quarantine officer and quarantine employees shall be permitted to board any aircraft subject to quarantine inspection or to have contact with the crew or passengers of such aircraft until quarantine inspection of the aircraft, crew, and passengers has been completed. The same restrictions as those imposed on the crew and passengers shall be imposed on a person boarding such aircraft or having contact with a passenger or member of the crew when the quarantine officer considers such contact a possible means of spreading a quarantinable disease.

(c) *Special sanitary treatment.* Any aircraft arriving from any foreign port or place which the quarantine officer declares to be of such menace that it cannot be adequately or safely handled at the airport of first or intended landing shall be required to proceed with all passengers and persons employed on board and all mail, baggage, cargo, or other contents on board, as may be designated by such officer, to an airport indicated by such officer to have adequate facilities for such treatment as shall be prescribed by him.

(d) *Disinsectization of aircraft.*[1] An aircraft bound for any port in the United States from any port in a region designated as a yellow fever area by the Surgeon General of the Public Health Service for the purposes of this part or from any other region where yellow fever may have appeared shall be disinsectized in all compartments not later than thirty minutes prior to landing. The insecticide used and method of disinsectization shall be those prescribed by the Surgeon General of the Public Health Service. When on arrival of an aircraft from any yellow fever region the quarantine officer, after inspection, determines that the aircraft has not been adequately disinsectized, the aircraft shall be kept tightly closed and disinsectization completed before discharge of passengers, crew, mail, baggage, cargo, or other material. No person other than quarantine officials shall be allowed on board until disinsectization is completed. Additional requirements for disinsectization of aircraft flying to or from certain regions may be prescribed by the Surgeon General of the Public Health Service when necessary to prevent the importation or spread of insect vectors of disease.

(e) *General provisions.* The regulations appearing elsewhere in Part 11 of Title 42 of the Code of Federal Regulations are applicable to aircraft and to passengers, merchandise, and baggage carried thereon, in the absence of express provision to the contrary.

§ 116.14 *General provisions; entry and clearance.* All navigation laws and regulations pertaining to the entry and clearance of vessels shall apply to civil aircraft to such extent and upon such conditions as are specified in these regulations (§§ 116.1 to 116.16, inclusive).

§ 116.15 *Penalties.* (a) Any person violating any customs regulation relating to aircraft or any provision of the customs laws or regulations made applicable to aircraft by § 116.12 shall be subject to a civil penalty of $500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture, as provided for in the customs laws. Such penalty and forfeiture may be remitted or mitigated by the Secretary of the Treasury.

(b) Any person violating any public health regulation relating to aircraft or any provision of the public health laws or regulations made applicable to aircraft by § 116.13 shall be subject to punishment by fine or imprisonment as provided for in section 368 (a) of the Public Health Service Act (42 U. S. C., Sup., 271 (a)). Any aircraft which violates any public health regulation relating to aircraft or any provision of the public health laws or regulations made applicable to aircraft by § 116.13 shall be subject to forfeiture as provided in section 368 (b) of the Public Health Service Act (42 U. S. C., Sup., 271 (b)). Such forfeiture may be remitted or mitigated by the Surgeon General with the approval of the Federal Security Administrator.

(c) Any person violating any of the provisions of these regulations (§§ 116.1 to 116.16, inclusive) relating to the entry and clearance of aircraft under the laws and regulations administered by the Secretary of Commerce shall be subject to a civil penalty of $500 and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture in accordance with the provisions of the Air Commerce Act of 1926, as amended. Such penalty and forfeiture may be remitted or mitigated by the Secretary of Commerce.

(d) For the penalty for any violation of these regulations (§§ 116.1 to 116.16, inclusive) relating to immigration, see further regulations in 8 CFR Part 116 applying immigration laws and regulations to civil air navigation.

(e) Liability to penalties with respect to any one of the sets of laws, that is, the customs laws, the public health laws, the entry and clearance laws, and the immigration laws, under which these regulations (§§ 116.1 to 116.16, inclusive) are prescribed, shall be separate from such liability with respect to any other set of such laws.[2]

§ 116.16 *Airports of entry.* (a) Airports of entry will be designated after due investigation to establish the fact that a sufficient need exists in any particular district or area to justify such designation and to determine the airport best suited for such purpose.

(b) A specific airport will be designated in each case, rather than a general area or district which may include several airports.

(c) The designation as an airport of entry may be withdrawn if it is found that the volume of business clearing through the port does not justify maintenance of inspection equipment and personnel, if proper facilities are not provided and maintained by the airport, if the rules and regulations of the Federal Government are not complied with, or if it be found that some other location would be more advantageous.

(d) Airports of entry shall be municipal airports, unless particular conditions which prevail warrant a departure from such requirement, and shall be possessed of a currently effective designation as a "Designated Landing Area" issued by the Administrator of Civil Aeronautics. Additional requirements may be imposed as the needs of the district or area to be served by the airport may demand.

(e) Airports of entry shall provide without cost to the Federal Government suitable office and other space for the exclusive use of Federal officials connected with the port. A suitable surfaced loading area shall, in each case, be provided by the airport at a convenient location with respect to such office space. Such loading area shall be reserved for the use of aircraft entering or clearing through the airport.

(f) Airports of entry shall be open to all aircraft for entry and clearance purposes and no charge shall be made for the use of said airports for such purposes. However, in cases where airports of entry authorize any such aircraft to use such airports for the taking on or discharging of passengers or cargo, or as a base for other commercial operations or for private operations, this paragraph shall not be interpreted to mean that charges may not be made for such commercial or private use of such airports.

(g) All aircraft entering or clearing through airports of entry shall receive the required servicing by airport personnel promptly and in the order of arrival or preparation for departure without discrimination. The charges made for such servicing shall in no case exceed the schedule of charges prevailing at the airport in question. A copy of said schedule of charges shall be posted in a conspicuous place at the office space provided for the use of Federal officials connected with the port.

(h) Airports of entry shall adopt and enforce observance of such requirements for the operation of airports, including airport rules, as may be prescribed or recommended by the Civil Aeronautics Administration.

§ 116.51 *Inclusion of other regulations.* The following sections of this part include as a part thereof the definitions in the preceding sections of this part and any amendments which may be made thereto.

§ 116.52 *Aircraft; how considered.* Aircraft arriving on a trip which originated in foreign contiguous territory, or departing destined thereto shall, for the purposes of the immigration laws and regulations, except as otherwise provided in this part, be regarded the same as other common carriers arriving or departing over the land borders. All other aircraft operating in foreign commerce or between areas of the United States shall for the purposes of the immigration laws and regulations be subject to the same requirements and liabilities as are vessels (operating on water) except as otherwise provided in this part or by statute specifically relating to aircraft. Aliens on aircraft arriving overland in foreign contiguous territory on journeys which did not begin outside of North or South America or islands belonging to countries or to political subdivisions of these continents shall not be held to be subject to section 23 of the Immigration Act of 1917 (8 U. S. C. 162) or section 17 of the Immigration Act of 1924 (8 U. S. C. 217). The term "foreign contiguous territory" as used in this section and as used in the two sections of law mentioned in this section means Mexico, Canada, Newfoundland, and the French islands of St. Pierre and Miquelon.

§ 116.53 *Airmen; how considered.* Any alien employed in any capacity on board an aircraft arriving in the United States from any place outside thereof shall be considered as a seaman, and the provisions of the immigration laws and

[1] At airports where the hazard of introducing disease-carrying insects exists, it is the policy of the United States Public Health Service to conduct "entomological surveillance" of the airport area. This surveillance consists of periodic entomological surveys carried on by entomologists or trained representatives for the purpose of the early detection and prompt eradication of any insect which may unknowingly have been introduced by aircraft.

[2] With respect to other laws and regulations relating to aircraft, inquiry may be made of the collector of customs.

regulations applicable to vessels and alien seamen shall apply, except as otherwise provided in this part, to such aircraft and alien airmen. An alien whose occupational status as airman is established shall be regarded for the purposes of such laws and regulations, the same as an occupational alien seaman. In any case in which a seaman would be ordered detained on board, the airman may be released in such appropriate custody as in the opinion of the immigration officer in charge will insure the airman's prompt departure from the United States.

CROSS REFERENCE: For members of the crew of airships, see Part 177 of this chapter. For alien seamen, see Part 120 of this chapter. For head tax, see Part 105 of this chapter.

§ 116.54 *Inspection of aliens arriving by aircraft.* Any alien arriving by aircraft in any area from any foreign place or any take-off outside the United States or from any other area except the mainland shall not be considered as having legally entered the United States unless and until he has been inspected and lawfully admitted.

§ 116.55 *Deportation of aliens arriving by aircraft who are excluded.* Any alien excluded from admission to the United States shall be returned to the country or area of the United States (except the mainland) whence he came, at the expense of the owner, agent, lessee, or operator of the aircraft by which the alien came; and such owner, agent, lessee, or operator shall be liable for the expenses of detention and other expenses referred to in sections 15 and 18 of the Immigration Act of 1917, as amended (39 Stat. 885, 887, 45 Stat. 1551, 58 Stat. 816; 8 U. S. C. 151, 154), to the same extent as if the aircraft were a vessel operating on water.

§ 116.56 *Crew lists.* The provisions of section 36 of the Immigration Act of 19..7 (39 Stat. 896; 8 U. S. C. 171) shall be complied with as required by § 116.8, § 116.9, or § 116.10 as to aliens employed on board any aircraft arriving in the United States from any place outside thereof and as to such aliens not on board at the time the aircraft departs from any such place and as to aliens leaving the United States as employees on an aircraft who were not such when it last arrived. Any failure to comply with any provision of this section shall constitute a violation of section 36, above, for each alien concerning whom there is such failure. Immigration lists containing the name of any employee shall be filed for permanent record.

§ 116.57 *Manifests of passengers.* The provisions of sections 12, 13, and 14 of the Immigration Act of 1917 (39 Stat. 882–884; 8 U. S. C. 148, 149, 150) shall be complied with as required by §§ 116.8 and 116.9 as to passengers arriving or departing on aircraft. Passengers carried between the Virgin Islands of the United States and Puerto Rico shall be listed only on the same declaration of aircraft commander as required for listing merchandise so carried. In every case the lists must be accompanied by information sheets as required by §§ 116.8 and 116.9. Any failure to comply with the foregoing provisions of this section shall constitute a violation of section 14, above, for each person concerning whom there is such failure. Immigration lists containing the name of any passenger and the information sheets shall be filed for permanent record.

§ 116.58 *Preexamination in Canada of aircraft passengers.* The endorsement on forms issued by officers of the Immigration and Naturalization Service to persons preexamined in Canada who travel to the United States by aircraft shall be as prescribed in §§ 114.1–114.4 of this chapter, and the period of validity of said forms shall be as prescribed therein. Upon surrendering such properly endorsed forms at the airport of entry for aliens, the rightful holders will be admitted, provided their status has undergone no change between the time of issuance of the forms and the arrival of the holder at the airport of entry. The airport of entry at which persons preexamined in Canada actually enter the United States shall be the "record" port of entry for all purposes. Aliens excluded from admission to the United States upon preexamination in Canada shall be accounted for as heretofore by the office at which exclusion occurs.

§ 116.60 *Penalties.* (a) Any person who violates any provision of this part which relates to immigration shall be subject to the civil penalty of $500 authorized by section 11 (b), Air Commerce Act of 1926, as amended (49 U. S. C. 181 (b)), except that where such offense in connection with an aircraft would be a violation of the immigration laws and general regulations if the aircraft were a vessel (operating on water), the penalty shall be the same as would apply in the case of a vessel.

(b) In the collection of the penalties the procedure prescribed in the general immigration regulations for the imposition and collection of fines (involving vessels) or for prosecutions under section 10 of the Immigration Act of 1917, as amended (39 Stat. 881, 43 Stat. 167; 8 U. S. C. 146), as the case may be, will initially be followed.

(c) Remission or mitigation of a penalty will be considered only in case of application therefor. If the deposit of the amount of the proposed penalty is not made with the collector of customs or acceptable bond is not furnished providing for the payment of such penalty, or so much thereof as may not be remitted or mitigated by the Attorney General, clearance of the aircraft shall be withheld by the collector of customs, and in case the violation is by the owner or person in command of the aircraft the penalty shall be a lien against the aircraft, which shall be seized by an immigration officer or inspector designated by the Attorney General and placed in the custody of the customs officer in charge at the airport of landing if seizure was made thereat. Similar action will be taken if seizure is made at any place other than an airport of landing. If the owner or owners of the airport and the seized aircraft are identical, the aircraft should, if practicable, be removed to another available hangar or other suitable place for storage. Seizure will not be made of any such aircraft apparently damaged beyond the recovery of the amount of the statutory penalty. Immediately after the authorized seizure, or prior thereto if circumstances permit, a full report in the case shall be submitted by the immigration officer in charge to the United States attorney for the district in which the seizure was made, for the possible further action prescribed by the statute. The report shall note the cost incurred in seizing and guarding the aircraft, and an estimate of the further cost likely to be incurred.

§ 116.61 *Designation of airports of entry for aliens.* Application for designation of an airport as a port of entry for aliens shall be made to the Attorney General and shall state whether the airport has been approved by the Secretary of Commerce as a properly equipped airport and has been designated by the Secretary of the Treasury as a port of entry for civil aircraft. An airport will not be designated by the Attorney General as an airport of entry for aliens without such prior approval and designation, and unless it appears to the satisfaction of the Attorney General that conditions render such designation necessary or advisable, and unless adequate facilities have been or will be provided, thereat, without cost to the Federal Government, for the proper inspection and disposition of aliens, including office space and temporary detention quarters found necessary.

CROSS REFERENCE: For list of airports of entry for aliens, see § 110.3 of this chapter.

§ 116.62 *Withdrawal of designation of airport of entry for aliens.* The designation of an airport of entry as an airport of entry for aliens may be withdrawn whenever, in the judgment of the Attorney General, there appears just cause for such action.

PART 118—ALIENS IN TRANSIT

Sec.
118.1 Definition.
118.2 Admissibility of transit aliens; conditions.
118.4 Admissibility of transits; additional conditions.
118.5 Attendants; designation and expense.
118.6 Exclusion of aliens applying as transits.
118.7 Deportation of transits.

AUTHORITY: §§ 118.1 to 118.7, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 118.1 *Definition.* Any alien who applies for admission to the United States with the intention of departing therefrom within 60 days, and who is admitted for a period not exceeding 60 days, shall be regarded as an "alien in transit." (Secs. 3, 15, 43 Stat. 154, 162, 47 Stat. 524, 607, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 203, 215)

§ 118.2 *Admissibility of transit aliens; conditions.* Any alien arriving at a port of the United States and applying for admission as a transit alien may be temporarily admitted for a reasonable time not exceeding 60 days, for the purpose of such transit when it is satisfactorily established (a) that the alien is not an immigrant within the meaning of section 3 of the Immigration Act of 1924 (43 Stat. 154, 47 Stat. 607, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 203); (b) that he will depart from the United States within 60 days; (c) that he is not a member of any one of the excluded classes, except excludable aliens whose temporary admission has been authorized in advance by the Attorney General; and (d) that he does not seek such transit privilege for the purpose of evading or violating any of the provisions of the immigration laws. (Sec. 15, 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 215)

§ 118.4 *Admissibility of transits; additional conditions.* The Attorney General or the officer in charge may (a) require that the alien shall be accompanied while in transit by a sufficient number of immigration officers and guards or attendants as will insure his passage through and out of the United States without unnecessary delay, and (b) exact a bond in a sum not less than $500 conditioned that the alien shall by continuous transit pass through and out of the United States within a reasonable time, not exceeding 60 days, thereafter. (Sec. 15, 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 215)

§ 118.5 *Attendants; designation and expense.* The accompanying immigration officials provided for in § 118.4 shall be designated and detailed for such purpose by the officer in charge at the port of arrival, and upon request of such officer in charge the transportation company or companies interested shall at their own expense furnish guards or attendants, in such number as shall be required by such officer, to assist such immigration officials, and such guards or attendants shall be under the immediate control and direction of such accompanying immigration officials during the time such alien is in transit through the United States: *Provided,* That all necessary expense incurred by such accompanying immigration official or officials and such guards or attendants, including their transportation to and from the place where such alien departs from the United States, shall be paid by such interested transportation company or companies. (Sec. 15, 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 215)

§ 118.6 *Exclusion of aliens applying as transits.* Any alien arriving at a port of the United States and applying for admission as a transit alien shall, if found to be a member of any one of the excluded classes, be refused permission to enter, in the same manner as an immigrant alien. Cases where refusal of the transit privilege would entail excessive hardship may be reported to the Central Office for a special ruling. (Secs. 16, 17, 39 Stat. 885, 887; 8 U. S. C. 152, 153)

§ 118.7 *Deportation of transits.* Any alien temporarily admitted to the United States as a transit alien who shall fail or refuse to pass through and out of the United States within the time fixed or allowed, or who shall be found within the United States after the expiration of such time, shall be deemed to be unlawfully within the United States and shall on warrant of the Attorney General be taken into custody and deported as provided in section 14 of the Immigration Act of 1924. (Sec. 14, 43 Stat. 162; 8 U. S. C. 214)

PART 120—ALIEN SEAMEN

Sec.
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AUTHORITY: §§ 120.1 to 120.43, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 120.1 *Alien seaman defined.* The term "alien seaman" shall include every alien signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place. Only such aliens who come within this definition shall be treated in the special manner specified in this part. (Sec. 1, 39 Stat. 874; 8 U. S. C. 173)

§ 120.2 *Bona fide alien seamen defined.* As used in section 3 (5) of the Immigration Act of 1924 (43 Stat. 154; 8 U. S. C. 203), the term "bona fide alien seaman" means any alien who in good faith is signed on the articles of a vessel arriving at a port of the United States from any place outside thereof, employed in any capacity on board such vessel, and seeking to enter the United States temporarily solely in the pursuit of his calling as a seaman, with the intention of departing with the vessel or reshipping on board any other vessel for any foreign port or place.

§ 120.3 *Arriving from any foreign port or place defined.* "Arriving in the United States from any foreign port or place" means arriving in "the United States, and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone," from any port or place in a foreign country or in the Canal Zone (secs. 1, 19, 31, and 33 to 36 of the Immigration Act of February 5, 1917 (39 Stat. 874 ff.); 8 U. S. C. 173, 155, 165, 166, 168, 169, 171). Ports of the Isthmian Canal Zone shall be deemed foreign ports, and any vessel entering and clearing from any such ports shall be subject to all the immigration laws and regulations applicable to vessels arriving in the United States from any foreign port or place.

§ 120.4 *Foreign defined.* In the expression "reship foreign" and similar expressions used in this part, the word "foreign" includes the Canal Zone in all cases. (Sec. 1, 39 Stat. 874; 8 U. S. C. 173)

§ 120.5 *Arrival in ports defined.* The expression "arrival in ports of the United States" (act of December 26, 1920 (41 Stat. 1082; 8 U. S. C. 170)) shall be taken to mean arrival at ports in the United States from a foreign port or place. If a vessel arrives foreign at a port of the

United States and later on the same voyage touches at other ports of the United States, she will for the purpose of this definition be regarded as arriving foreign at such other ports.

§ 120.6 *Reasonable time defined.* The expression "reasonable time" (act of December 26, 1920 (41 Stat. 1082; 8 U. S. C. 170)) shall be regarded in no instance as a period exceeding 30 days. What shall constitute a "reasonable time" within a period of 30 days will be left to the determination of the officer in charge of the port, which determination shall be based upon a consideration of the views of the appropriate medical officer in charge of the hospital (evidenced by a certificate), as well as all the facts presented in and the circumstances attendant upon each individual case.

§ 120.7 *Listing of alien seamen.* Arriving and departing seamen shall be listed on the blank forms hereinafter provided for in accordance with the terms of section 36 of the act of February 5, 1917 (39 Stat. 896; 8 U. S. C. 171). When an arriving seaman is a "workaway," a notation to that effect should be made upon the list.

§ 120.8 *Listing of aliens employed on vessel; manner of; forms.* The lists provided for by section 36 of the act of February 5, 1917 (39 Stat. 896; 8 U. S. C. 171), to be delivered upon arrival, containing the names of all aliens employed on the vessel and other information concerning them, shall be typewritten or printed in the English language on white commercial ledger paper 18½ by 36 inches, basis 50 pounds, in sheets 18 by 18 inches, and according in every respect to Form I–480 now in use and approved by the Commissioner of Immigration and Naturalization, or in such form or forms as may hereafter be prescribed: *Provided*, That such lists may be written in longhand whenever it is impracticable to typewrite or print them: *Provided further*, That such lists may be furnished on Form I–481 in the cases of vessels of United States, Canadian, or British registry, enrollment, or license engaged solely in traffic between the United States and Canada and traveling solely over one or more of the following waterways: Great Lakes, waterways connecting the Great Lakes, St. Lawrence River, St. Croix River, Passamaquoddy Bay, Lake Memphremagog, Lake Champlain, Rainy Lake, Rainy River, and Lake of the Woods. The statement of the master of the vessel regarding changes in the crew as provided for by said section 36, which is to be made prior to departure, shall be typewritten or printed in the English language on white writing paper 21 by 32 inches, basis 43 pounds, and 100 percent rag, in sheets 16 by 10½ inches, and folded once and according in every respect to Form I–489 now in use and approved by the Commissioner of Immigration and Naturalization, or in such form or forms as may hereafter be prescribed. The forms herein provided for shall be furnished by the owner, agent, consignee, or master of the vessel having such aliens on board at the expense of such owner, agent, consignee, or master and according to the specifications herein set out.

§ 120.9 *Listing of alien employees; term "first" to be used.* In preparing Form I–480 the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place shall insert the word "first" before the name of each alien seaman who was not employed on such vessel on her last preceding voyage to the United States. (Sec. 36, 39 Stat. 896; 8 U. S. C. 171)

§ 120.10 *List of arriving seamen; to whom delivered; changes, how reported.* When a vessel calls at several United States ports the list of arriving seamen, required by section 36 of the Immigration Act of 1917 (39 Stat. 896; 8 U. S. C. 171), shall be delivered to the official in charge at the port of arrival, who will give his receipt therefor to the master; the report of illegal landings required by said section shall be made to the official in charge at the port of arrival or call where the illegal landing occurs; and the list of departing, deserted, and landed seamen required by said section shall be delivered to the official in charge at each port of call. The official in charge at any port of call or final clearance foreign shall promptly notify the official in charge at the port of initial entry (where the incoming crew list is filed) of any and all changes occurring in the crew of any vessel subsequent to departure from such initial port of arrival; and such report shall be filed with the crew list to which it refers.

§ 120.11 *Crew list; notation of treatment during voyage.* When any alien member of the crew shall have been treated or furnished with medicine during the voyage for any of the diseases or disabilities specified in section 35 of the Immigration Act of 1917 (39 Stat. 896; 8 U. S. C. 169), the master or other officer of the vessel shall make notation of such fact in the appropriate column of the crew list opposite the name of the seaman receiving such treatment or medicine.

§ 120.12 *Lists of alien employees; when clearance of vessel denied.* Clearance shall not be granted any vessel until the lists required by section 36 of the Immigration Act of 1917 (39 Stat. 896; 8 U. S. C. 171) have been furnished, and not then unless notice of liability to the administrative fine prescribed by said section or to that prescribed by section 35 of said act (39 Stat. 896; 8 U. S. C. 169) having been served, the deposit specified in §§ 160.13–160.17 of this chapter has been made.

§ 120.13 *Illegal landing of alien; notice.* The notice required by section 36 of the Immigration Act of 1917 (39 Stat. 896; 8 U. S. C. 171) to be furnished regarding any alien who may have "illegally landed" while the vessel has been in port should consist of a letter reporting the fact and giving the name, number of identification card, nationality, and description of the alien and "any information" within the knowledge of the master or officers of the ship or transportation line "likely to lead to his apprehension."

§ 120.14 *Seaman's identification card; application.* An alien who has been lawfully admitted to the United States for permanent residence, who intends to follow or continue following the calling of a seaman in the coastwise trade or on American passenger vessels operating under subsidy in accordance with the Merchant Marine Act, 1936 (49 Stat. 1985), and who has not been issued an immigrant identification card, or a certificate of registry, or who has not, subsequent to June 30, 1929, declared his intention to become a citizen of the United States, may file an application (Form I–198) for a seaman's identification card as evidence of his status as an alien who has been lawfully admitted to the United States for permanent residence.

§ 120.15 *Seaman's identification card; qualifications.* A seaman's identification card (Form I–199) shall be issued by the immigration and naturalization officer in charge to an applicant only upon the submission of satisfactory evidence that the applicant (a) is an alien who was lawfully admitted to the United States for permanent residence; (b) intends to follow or continue following the calling of seaman in the coastwise trade or on American passenger vessels operated under subsidy in accordance with the Merchant Marine Act, 1936 (49 Stat. 1985); and (c) has not been issued an immigrant identification card, a certificate of registry, or did not, subsequent to June 30, 1929, declare his intention to become a citizen of the United States.

§ 120.16 *Seaman's identification card; execution of; disposition of duplicate.* In order that such seaman's identification card may not be transferred from one person to another, a photograph of the alien shall be attached thereto and the impress of the seal of the Immigration and Naturalization Service made partly on the photograph and partly on the card. In addition, the signature of the issuing officer shall be written partly on the card and partly on the photograph. A duplicate of every seaman's identification card issued shall be transmitted to the Commissioner of Immigration and Naturalization, Washington, D. C.

§ 120.17 *Primary inspection of seamen.* In addition to the medical examination hereinafter provided for, all seamen arriving in ports of the United States shall be regularly inspected by immigrant inspectors. (Sec. 16, 39 Stat. 885; 8 U. S. C. 152)

§ 120.18 *Seaman previously excluded; when instruction to be sought.* Whenever it is ascertained that a seaman applying for either permanent or temporary admission belongs to the excluded class (section 3 of the Immigration Act of 1917, as amended by the act of March 4, 1929, 39 Stat. 875, 1 (d), 45 Stat. 1551; 8 U. S. C. 136 (j), (q)), "Persons who have been excluded from admission and deported in pursuance of law, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a

place outside the United States or their attempt to be admitted from foreign contiguous territory the Attorney General had consented to their reapplying for admission," the case shall promptly be brought to the attention of the Department with request for instruction. (Sec. 19, 43 Stat. 164; 8 U. S. C. 166)

§ 120.19 *Alien seaman previously deported or removed; not permitted to land except under certain conditions.* It shall be the duty of the inspector to order detained on board, in accordance with the provisions of sections 19 and 20 of the Immigration Act of 1924 (43 Stat. 164, 58 Stat. 817; 8 U. S. C. and Sup., 166, 167), (a) any alien seaman who has been heretofore or is hereafter arrested and deported in pursuance of law and is found employed on any vessel arriving in the United States, unless he has obtained from the Attorney General, in conformity with law, permission to reapply for admission and arrives at least one year after the date of deportation; and (b) any alien seaman found subject to exclusion from admission to the United States under section 23 of the Immigration Act of 1917, as amended by the act of May 14, 1937 (39 Stat. 892, 50 Stat. 164; 8 U. S. C. 102), because he was removed from the United States subsequent to May 13, 1937, in the manner provided in the last mentioned statutes, unless permission to apply for readmission has been granted to such alien by the Secretary of State and the Attorney General. In emergent cases seamen covered by this section may be accorded hospital treatment as provided in the regulations relating to seamen. (Sec. 1 (a), (b), (c), 45 Stat. 1551, 46 Stat. 41, sec. 7, 47 Stat. 166; 8 U. S. C. 180, 181)

§ 120.20 *Alien seamen seeking entry as immigrants.* (a) An alien seaman seeking to enter the United States as an immigrant under any provision of law other than section 4 (b) of the Immigration Act of 1924 shall be subject to all the laws, regulations, and Executive orders applicable to immigrants generally.

(b) An alien seaman who, previously, has been lawfully admitted for permanent residence and who is returning to an unrelinquished domicile in the United States may, if otherwise admissible, be permitted to enter as a returning resident under section 4 (b) of the said act without a nonquota immigration visa or reentry permit if the name of such alien appears on the crew list of the vessel on which he arrives and is included in the visa thereof, if such visa is required under any applicable Executive order prescribing the necessity for crew list visas. If the name of such an alien is not included in a required crew list visa, his case shall be submitted to the Central Office for consideration of obtaining a waiver of the documentary requirements for entry. (Secs. 4 (b), 13, 43 Stat. 155, 161; 8 U. S. C. 204 (b), 213)

§ 120.21 *Alien seamen seeking entry in pursuit of calling; when ordered detained; waiver of crew list visa.* (a) Any alien who upon arrival establishes that he is a bona fide seaman as defined in § 120.2, is admissible as a nonimmigrant under section 3 (5) of the Immigration Act of 1924 and is not inadmissible under the other provisions of this part and of Part 175, may be temporarily admitted for such period of time as the examining immigrant inspector shall designate, not to exceed, however, the time the vessel on which the alien arrives remains in the United States and in no event to exceed 29 days, if:

(1) His name appears on the duly visaed crew list of the vessel on which he arrives, unless such vessel is excepted from the requirement of submitting a visaed crew list under the applicable Executive order and regulations prescribing the requirements for crew list visas; and

(2) He is in possession of a passport, or some other document in lieu thereof, which is acceptable under the applicable Executive order and regulations prescribing the documents required of alien seamen and which satisfactorily establishes his identity and nationality.

(b) Extensions of such a temporary admission may be granted by the officer in charge at the port of arrival if exceptional circumstances exist which justify such extensions, but the officer in charge shall in no event grant an extension or extensions which will authorize the alien seaman to remain in the United States for a period more than 90 days after his arrival. Any request for an extension beyond that period shall be referred to the Central Office for decision. No extension of the period of an alien seaman's admission which will permit him to remain in the United States for 30 days or longer shall be granted until he has been registered and fingerprinted in accordance with the applicable provisions of Part 170 of this chapter.

(c) The period of temporary admission of any seaman admitted for the period of time the vessel on which he arrives remains in the United States shall be deemed to be terminated if such vessel fails to depart to a foreign port or place within 29 days after its arrival at the port where the seaman was admitted, unless an extension of the alien's period of admission beyond 29 days from the date of the arrival of the vessel has been granted.

(d) An alien seaman whose name is not included in the visa of an alien crew list, or who is not in possession of an acceptable passport or document in lieu thereof, may nevertheless be admitted temporarily if otherwise entitled to such admission, if permission of the Secretary of State is obtained.

(e) Where the immigration officer is not satisfied that an alien applying for temporary admission as a bona fide alien seaman is entitled thereto, the immigration officer shall order the owner, charterer, agent, consignee, or master of the vessel on which such seaman arrived to detain him on board and deport him in the manner provided by law. (Sec. 33, 39 Stat. 896, secs. 3 (5), 14, 15, 20, 43 Stat. 154, 162, 164, 47 Stat. 524, 58 Stat. 817, sec. 32 (c), 54 Stat. 674; 8 U. S. C. and Sup., 168, 203, 214, 215, 167, 453)

§ 120.22 *Medical examination of alien seamen required.* All alien seamen arriving in ports of the United States shall be medically examined, as far as practicable, aboard ship each time they arrive. Such examination shall be similar to that made in cases of alien passengers. (Sec. 16, 39 Stat. 885, 58 Stat. 714, 60 Stat. 1049, sec. 20 (a), 43 Stat. 164, 58 Stat. 817; 8 U. S. C. and Sup., 152, 167 (a))

§ 120.23 *Medical examination of alien seamen; by whom conducted; removal of seamen at later port.* Physical and mental examination of alien seamen shall be conducted by physicians of the Public Health Service, and, when practicable, immediately upon arrival from a foreign port or place of a vessel at a port of the United States: *Provided*, That if a vessel so arriving should later, on the same voyage, proceed coastwise, any "afflicted seaman" or alien suspected of being an "afflicted seaman" then aboard, whose disability was not detected upon arrival foreign, may be removed for treatment or observation thereafter upon touching at another port of the United States, in the manner provided for and under the conditions applicable to such cases generally. (Sec. 16, 39 Stat. 885, 58 Stat. 714, 60 Stat. 1049, sec. 20 (a), 43 Stat. 164, 58 Stat. 817, 41 Stat. 1082; 8 U. S. C. and Sup., 152, 167 (a), 170)

§ 120.24 *Medical examination of alien seaman; mandatory exclusion; right of appeal.* If any such seaman shall be found, as the result of examination on board or elsewhere, to be afflicted with any mental defect or physical disease or affection which by operation of the certificate alone places him within any class of aliens mandatorily excluded by section 3 of the Immigration Act of 1917 (39 Stat. 875; 8 U. S. C. 136), he shall be so certified, and shall be allowed to appeal to a board of surgeons, and, in mental cases, to introduce an expert witness of his own choice before such board, if he so desires, the time and place of the convening of the board to be fixed by the medical officer in charge. (Secs. 16, 34, 39 Stat. 885, 896, 58 Stat. 714, 60 Stat. 1049, secs. 19, 20 (a), 43 Stat. 164, 58 Stat. 817; 8 U. S. C., and Sup., 152, 166, 167 (a))

§ 120.25 *Medical certificates as to seamen; form; content; to whom delivered.* A separate certificate shall be issued by the medical examiner conducting the examination as to each and every "afflicted seaman" or alien seaman suspected of being an "afflicted seaman," which certificate shall conform generally to medical certificates customarily rendered in respect to mentally or physically defective alien applicants for admission or alien applicants suspected of being so defective. These certificates shall in every case of disability, the nature of which is definitely ascertained, state whether the same can likely be cured within 30 days. Certificates rendered in suspected cases will state, when the circumstances permit, the nature of the disability suspected and approximately the period of observation believed necessary to final determination of the nature of the disability. When practicable, medical certificates shall be rendered as soon as examination of the crew is completed and at once delivered to the immigration boarding officer or in his absence to the officer in charge of the port. (Sec. 35, 39 Stat. 896, 41 Stat. 1082; 8 U. S. C. 169, 170)

§ 120.26 *Afflicted seamen; treatment; notice of liability to master.* An alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease who is employed on board any vessel, including vessels of American registry operating between a port of the United States and a port of a foreign country, shall, upon arrival at the first or subsequent ports in the United States, be detained and treated in a hospital under supervision of the proper immigration official at the expense of the vessel bringing such alien to the United States. In the case of any such vessel carrying passengers where the medical officer certifies that such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time, the official in charge at the port of arrival shall serve or cause to be served on the owner, agent, consignee, or master of such vessel a notice in writing that liability for the fine imposed by section 35 of the Immigration Act of 1917 (39 Stat. 896; 8 U. S. C. 169) has been incurred in respect of each alien so certified. (41 Stat. 1082; 8 U. S. C. 170)

§ 120.27 *Afflicted seamen; when landing permitted; when treated at vessel's expense.* No seaman afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome contagious or dangerous contagious disease shall be permitted to land permanently in a port of the United States, and a seaman so afflicted shall be permitted to land temporarily only in the event that he is entitled to receive, or the circumstances are such as to require for humane or sanitary reasons that he shall be afforded, treatment in either a public-health or other hospital. (Section 35 of the Immigration Act of 1917, and section 19 of the Immigration Act of 1924, 39 Stat. 896, 43 Stat. 164; 8 U. S. C. 169, 166.) If a certificate requiring the vessel to be fined is issued in accordance with section 35 of the Immigration Act of 1917, the seaman shall be detained and treated in a hospital designated by the official in charge "at the expense of the vessel." (41 Stat. 1082; 8 U. S. C. 170)

§ 120.28 *Afflicted seamen; procedure.* An "afflicted seaman" or alien seaman suspected of being an "afflicted seaman" arriving foreign and duly certified shall be ordered by the examining immigration officer immediately removed for hospital treatment or observation, as the case may be, which order shall, in the case of an "afflicted seaman" designate the hospital, and in the case of an alien suspected of being an "afflicted seaman" the immigration station or other appropriate place to which removal shall be effected: *Provided*, That in the event appropriate facilities for treatment or observation, as the case may be, are not available, removal from vessel will not be ordered except in emergency cases so certified by a Public Health surgeon; instead, the examining immigration officer will serve notice on the master, agent, owner, or consignee of the vessel to detain such "afflicted seaman" or alien suspected of being an "afflicted seaman" on board the vessel, and the officer in charge will notify the officer in charge at the first port of call possessing such facilities (if the vessel is proceeding coastwise) of the presence on said vessel of said alien. The latter official will proceed in the manner hereinbefore provided upon the arrival of the vessel at such port of call to have the alien removed for hospital treatment or observation, as the case may require. If the vessel bringing an "afflicted seaman" or alien suspected of being an "afflicted seaman" arrives at a port at which there are no proper facilities for hospitalization or observation, as the case may be, and no arrangements for hospitalization or observation elsewhere are practicable, and such vessel is not proceeding coastwise to a port possessing such proper facilities or is proceeding directly foreign, then the master, agent, owner, or consignee shall be served with notice to detain such "afflicted seaman" or alien suspected of being an "afflicted seaman" safely on board under proper treatment and conditions of segregation or observation until such vessel sails foreign. (Sec. 35, 39 Stat. 896, 41 Stat. 1082; 8 U. S. C. 169, 170)

§ 120.29 *When clearance of vessel withheld; procedure.* Vessels liable for expenses of hospitalization or observation, and for expenses incident thereto, will not be permitted to clear until all such expenses, including those of burial in the event of death, are paid or satisfactorily guaranteed. Guaranties of payment may be accepted by the officer in charge of the port when submitted in form and by guarantors satisfactory to him. In the event of the failure of the master, agent, owner, consignee, or other responsible person to pay such expenses, or to furnish such satisfactory guaranty, the officer in charge of the port shall immediately request the collector of customs to withhold clearance. Such requests, if made informally, must be promptly confirmed in writing. (41 Stat. 1082; 8 U. S. C. 170)

§ 120.30 *Afflicted seamen; when discharged from hospital; further procedure.* If, prior to the expiration of 30 days (or at any time thereafter, if longer detained at the request of the master, agent, owner, consignee, or proper guarantor), the appropriate surgeon of the Public Health Service certifies that an alien removed for hospitalization or observation is cured, or that his mental and physical condition is such that he can resume his calling without danger to himself or others, the officer in charge shall discharge the alien from the hospital, following which his admissibility shall be determined in the same manner as that of arriving alien seamen generally. If such an alien seaman is found eligible to temporary admission under § 120.21, he may, if the vessel on which he arrived has departed, be granted a period not exceeding 29 days within which to reship. Extensions of such admission may be granted in the same manner as granted to other alien seamen. If such an alien seaman is found not entitled to admission, he shall be detained and his deparfure enforced at the expense of the vessel on which he arrived. (41 Stat. 1082; 8 U. S. C. 170)

§ 120.31 *Afflicted seamen; procedure where recovery not certifiable at expiration of 30 days.* If the mental or physical condition of an interned alien seaman is such at the expiration of 30 days that he cannot be certified, as provided in § 120.30, then the officer in charge shall return the alien seaman to the vessel on which he arrived, provided said vessel is promptly sailing foreign and a certificate is issued by the Public Health surgeon that the alien can be placed on board and removed by said vessel without danger to his life. If for any reason it is impossible or impracticable to have such an interned seaman promptly returned foreign on board the vessel by which he was brought to the United States, then and in that event he shall be returned foreign on board another vessel of the same line promptly sailing foreign, carrying a ship's surgeon, or if that is impracticable, then such alien shall be returned foreign as a passenger on any passenger vessel carrying a ship's surgeon: *Provided*, That in every case where such a seaman is returned foreign the master, agent, owner, or consignee of the vessel by which he is returned, or other responsible party, shall furnish a guaranty satisfactory to the appropriate immigration officer that the seaman will receive proper medical treatment and be segregated from members of the crew and passengers, if there be any of the latter, and that every precaution will be employed to prevent the spread of contagion during the ocean voyage, and (if removal is effected by the vessel which brought the alien, or by one of the same line) that the alien will not be returned to the United States by said vessel, or another one of the same line, unless and until cured: *Provided further*, That if the vessel by which an "afflicted seaman" arrived is not sailing foreign at the expiration of 30 days said "afflicted seaman" may be permitted (upon written request of the master, agent, owner, consignee, or other acceptable guarantor promising to assume all expenses involved) to remain in hospital until such ship sails foreign. (41 Stat. 1082; 8 U. S. C. 170)

§ 120.32 *Afflicted seamen; periodic check concerning.* All officers in charge will see to it that a careful, systematic, and periodical check is maintained of all hospitalized or observation cases to the end that they shall be promptly and properly disposed of pursuant to law and the terms of the regulations in this part. (41 Stat. 1082; 8 U. S. C. 170)

§ 120.33 *Violations of act providing for treatment of alien seamen to be promptly reported.* All violations of the act entitled "An act to provide for the treatment in hospital of diseased alien seamen," approved December 26, 1920 (41 Stat. 1082; 8 U. S. C. 170), coming to the attention of the immigration officers shall be promptly reported to the Central Office.

§ 120.34 *Detention of seamen pending inspection.* The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof shall detain on board such vessel all alien seamen employed thereon pending the inspection and examination of such alien seamen by the proper immigration and naturalization officials. For the purpose of such inspection and examination, the owner, charterer, agent, consignee, or master of such vessel may be required by such immigration and naturalization official to muster all aliens employed thereon. The failure or refusal of the owner, charterer, agent, consignee, or master of such vessel to detain any such alien seamen on board until such seamen have been inspected and examined shall be deemed a violation of section 20 of the Immigration Act of 1924. (Sec. 20 (a), 43 Stat. 164, 58 Stat. 817; 8 U. S. C. and Sup., 167 (a))

§ 120.35 *Notice to detain or deport alien employee of vessel; verification of departure.* Where, for any cause, the immigration and naturalization official in charge of any port of arrival finds that any alien employed on board any vessel arriving in the United States from any place outside thereof should be detained on such vessel or deported, he shall forthwith serve or cause to be served on the owner, charterer, agent, consignee, or master of such vessel a notice in writing to detain or deport such alien. The notice shall set forth the full name of such alien. In every such case an officer of the Immigration and Naturalization Service shall be detailed to verify the departure of such alien. (Sec. 20 (a), (b), 43 Stat. 164, 58 Stat. 817; 8 U. S. C. and Sup., 167 (a), (b))

§ 120.36 *Detained seamen; when removal permitted.* Alien seamen ordered detained on board or deported pursuant to section 20 (a) of the Immigration Act of 1924 (43 Stat. 164, 58 Stat. 817; 8 U. S. C. and Sup., 167 (a)) shall not be removed to immigration stations or other places for safekeeping, except in cases of emergency, and in such cases only when the master, agent, owner, charterer, or consignee of the vessel involved shall give satisfactory guaranty that all costs of such removal, including maintenance charges, and damage done by such seamen to the station or place to which removed, including damage to equipment, shall be paid by such master, agent, owner, charterer, or consignee. If the district director, or officer in charge at the port of arrival, finds that deportation of the alien seaman on the vessel on which he arrived would cause undue hardship to such seaman, he may cause him to be deported on another vessel at the expense of the vessel on which he arrived, and such vessel shall not be granted clearance until such expense has been paid or its payment guaranteed to the satisfaction of the district director or officer in charge. (Secs. 19, 20 (c), 43 Stat. 164; 8 U. S. C. 165, 167 (c))

§ 120.37 *Arrest and deportation of seamen; procedure.* (a) An alien temporarily admitted as a bona fide seaman pursuant to section 3 (5) of the Immigration Act of 1924 for the time and under the conditions stated in § 120.21 of this part shall be deemed to have remained in the United States for a longer time than permitted by the terms of his admission or to have failed to maintain the status under which he was admitted if:

(1) He is found in the United States after the expiration of the time for which he was temporarily admitted or the expiration of any authorized extension of such period; or

(2) He engages in or seeks employment ashore for hire; or

(3) He engages in or seeks employment in the coastwise trade; or

(4) He engages or seeks to engage, for profit, in any business not connected with his calling as a seaman; or

(5) He evidences an intention, by any other conduct or by spoken word, to violate the conditions of his temporary admission or to remain in the United States for a longer period than that for which he was admitted, although the period of his temporary admission has not expired; or

(6) He violates or is found to have violated in any way the terms and conditions under which he was admitted, as prescribed by the regulations in force and effect at the time of his admission.

(b) Any such alien shall be taken into custody and deported in accordance with the provisions of section 14 of the Immigration Act of 1924: *Provided, however*, and notwithstanding any other provisions of this chapter, that any such alien, upon indicating a willingness and ability to reship foreign may, in the discretion of the officer in charge, be placed on board any vessel for reshipment foreign at any time prior to the issuance of a warrant of deportation. (Sec. 33, 39 Stat. 896, secs. 3 (5), 14, 15, 20, 43 Stat. 154, 162, 164, 47 Stat. 524, 58 Stat. 817; 8 U. S. C. and Sup., 167, 168, 203, 214, 215)

§ 120.38 *Seamen returned to the United States by American consuls*—(a) *Applicable regulations.* Certain aliens employed as seamen on vessels of American registry are entitled under the navigation laws and American consular regulations to various privileges, including being returned to the United States when discharged in a foreign port on account of injury or illness or when they become destitute under certain circumstances in foreign countries. The cases of such seamen, whether returned to the United States as members of the crew or as passengers or workaways, shall be handled in accordance with the provisions of this section, Part 175, and any applicable Executive order prescribing the conditions for admission of alien seamen to the United States.

(b) *Evidence required.* In every instance of a vessel arriving from a foreign port having on board American seamen (aliens) who are returned by United States consular officials, the master, purser, or other responsible officer of the vessel, or such seamen, shall present to the immigration officials documentary or other satisfactory evidence indicating that they are bona fide American seamen (aliens) returned under American consular regulations.

(c) *Admission of returned seamen.* Aliens returned to the United States under American consular regulations who arrive as members of the crew shall be treated in the same manner as any other arriving seamen, except as specified in paragraphs (d) and (e) of this section. Aliens so returned, whose occupational status as seamen is found to be bona fide and who seek to enter the United States solely in pursuit of their calling as seamen but who arrive as passengers or workaways, may be admitted for a period not to exceed 29 days for the same purposes and under the same conditions with regard to maintenance of status as if they were arriving as alien seamen. Any extension of the original period of admission of such an alien shall be granted in the same manner as if the alien had arrived and been admitted as an alien seaman. Any such returned seaman who arrives as a passenger or workaway and who seeks entry as a returning legal resident or for any purpose other than to continue in pursuit of his calling as a seaman shall be treated as any other arriving alien passenger, except as specified in paragraphs (d) and (e) of this section.

(d) *Procedure when afflicted.* When any such seaman, regardless of the manner of his arrival, shall be found to be afflicted with any of the disabilities enumerated in section 35 of the Immigration Act of 1917, imigration officials shall inform the master, or other responsible officer, that the seaman is entitled to hospitalization in a marine hospital at the expense of the appropriation for the maintenance of such hospitals, and that he must be delivered to authorities of the United States Public Health Service for such hospitalization. Upon his discharge from the hospital, he shall be examined and his case disposed of in accordance with paragraph (c) of this section.

(e) *When vessel exempted from liability; immigration appropriation not available for hospital treatment.* Under the navigation laws all masters of vessels of American registry bound to a port of the United States are required to take destitute American seamen (aliens) on board their vessels when so requested by American consular officials and to transport them to the United States port to which the vessel is bound, and every such master who refuses to receive and transport such seamen on the request or order of the American consular official is liable to the United States in a penalty of $100 for each such seaman so refused. Moreover, masters of vessels of foreign registry accept such seamen as an act of courtesy extended to American consuls. Vessels transporting such seamen shall be exempted from the payment of head tax, hospital, and maintenance expenses, and liability for the penalties prescribed by the immigration laws, provided the transportation lines furnish satisfactory proof that the seamen were accepted at the request of American consuls. Under no circumstances shall hospital bills incurred on account of American seamen (aliens) returned under consular regulations be paid from the immigration appropriations. However, maintenance expenses incurred pending final determination of

the status of such aliens may be paid from said appropriations.

§ 120.39 *Shipwrecked or castaway seamen*—(a) *Admission as seamen.* Aliens whose occupational status as seamen is found to be bona fide, who, as shipwrecked or castaway seamen, are rescued by or transferred at sea to a vessel bound directly for the United States, may be admitted for a period not to exceed 29 days for the same purposes and under the same conditions with regard to maintenance of status as if they were arriving as alien seamen. Any extension of the original period of admission of such an alien shall be granted in the same manner as if the alien had arrived and been admitted as an alien seaman. Any such alien who seeks entry as a returning legal resident or for any purpose other than to continue in pursuit of his calling as a seaman, shall be treated as any other arriving alien passenger, except as specified in paragraph (d) of this section.

(c) *Payment of expenses.* If expenses are incurred in connection with the detention and deportation of such seamen, they shall be collected from the apropriate foreign consuls or from the owners, agents, or consignees of the wrecked vessel, if practicable. If this cannot be done, then such expenses shall be paid from the appropriation for the enforcement of the immigration acts.

(d) *Procedure when afflicted.* If any such seaman shall be found to be afflicted with any of the disabilities enumerated in section 35 of the Immigration Act of 1917, and is found to be entitled to treatment in a marine hospital at the expense of the appropriation for the maintenance of such hospitals, he shall be delivered into the custody of the United States Public Health Service authorities for care and treatment in such a hospital. Any such afflicted seaman who is found not to be entitled to such treatment may be granted treatment at the expense of the wrecked vessel if the appropriate foreign consul or other responsible person satisfactorily guarantees the expenses thereof. If this cannot be arranged, the alien may be hospitalized at the expense of the immigration appropriation if his condition is such as to require emergency treatment.

(e) *Final inspection.* The final inspection of any hospitalized seaman shall be deferred until his discharge from the hospital, when his admission shall be determined in accordance with the provisions of this section, Part 175, and any applicable Executive order prescribing the conditions for admission of alien seamen to the United States.

§ 120.40 *Alien seamen who were members of the crew of an American vessel which has been sold or delivered abroad who are being returned to the United States as passengers or workaways in accordance with the terms of the contract of employment of the outbound voyage or the laws of the United States.* (a) Aliens of this class whose occupational status as seamen is found to be bona fide and who seek to enter the United States solely in pursuit of their calling as seamen, may be admitted for a period not to exceed 29 days for the same purposes and under the same conditions with regard to maintenance of status as if they were arriving as alien seamen. Any extension of the original period of admission of such an alien shall be granted in the same manner as if the alien had arrived and been admitted as an alien seaman. Any such alien who seeks entry as a returning legal resident or for any purpose other than to continue in pursuit of his calling as a seaman, shall be treated as any other arriving alien passenger except as specified in paragraph (b) of this section.

(b) Any such arriving alien who is found to be afflicted with any of the disabilities enumerated in section 35 of the Immigration Act of 1917 and who is found to be entitled to treatment in a marine hospital at the expense of the appropriation for the maintenance of such hospitals, shall be delivered into the custody of the authorities of the United States Public Health Service for such treatment. Aliens so afflicted who are not entitled to such treatment at Government expense, may be hospitalized if the expenses incident to such hospitalization are satisfactorily guaranteed.

(c) The final inspection of any hospitalized seaman of this class shall be deferred until his discharge from the hospital when his admission shall be determined in accordance with the provisions of this section, Part 175, and any applicable Executive order prescribing the conditions for admission of alien seamen to the United States.

§ 120.42 *Disabled seamen; conditions for passing in transit; immigration officials to confer with appropriate officers.* A disabled alien seaman, who nevertheless does not intend to relinquish his calling, but whom the master of the vessel is obliged under the navigation laws of the country to which the vessel belongs to return to the country where he embarked, may, under such regulations as the officer in charge deems proper to carry out the purposes of this section, pass through the United States in transit to such country by the most expeditious and direct route. Where he is suffering from a loathsome, contagious, or dangerous contagious disease, or with tuberculosis in any form, or from a mental disability, or is in such physical or mental condition as to render him a person likely to become a public charge, the master must make arrangements for his proper care while in transit and furnish a sum of money sufficient to defray the expenses thereof. These provisions are made in the interest of trade and because of the peculiar position occupied by seamen under principles of international comity; and in all cases to which they apply the immigration officials shall confer not only with the master but with the consular representative of the country to which the vessel belongs. (Sec. 19, 43 Stat. 164, sec. 3, 43 Stat. 154, 47 Stat. 524; 8 U. S. C. 166, 203, 215)

§ 120.43 *Afflicted seamen; expense of telegrams concerning.* All telegrams sent in behalf of masters, agents, owners, consignees, or guarantors in respect of "afflicted seamen" or aliens suspected of being "afflicted seamen" shall, whenever practicable, be at the expense of the responsible master, agent, owner, consignee, or guarantor. (Sec. 35, 39 Stat. 896, 41 Stat. 1082; 8 U. S. C. 169, 170)

PART 122—LABORERS FROM COUNTRIES GRANTING LIMITED PASSPORTS

Sec.
122.1 Regulations governing alien laborers prescribed by Executive Order 1712, Feb. 24, 1913.
122.2 Effect of Executive Order No. 1712
122.3 When certain laborers admitted; proof required.
122.4 Absence of passport of certain laborers; presumptions.
122.5 Passports of certain laborers; endorsement.
122.6 Excluded laborers; appeal.

AUTHORITY: §§ 122.1 to 122.6, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 122.1 to 122.6, inclusive, interpret and apply 6th proviso, sec. 3, 39 Stat. 875; 8 U. S. C. 136 (h).

§ 122.1 *Regulations governing alien laborers prescribed by Executive Order 1712, Feb. 24, 1913.* The President's Executive order on this subject, issued February 24, 1913, reads as follows:

Whereas by the Act entitled "An act to regulate the immigration of aliens into the United States" approved February 20, 1907 whenever the President is satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, it is made the duty of the President to refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such country or from such insular possession or from the Canal Zone; and

Whereas, upon sufficient evidence produced before me by the Department of Commerce and Labor, I am satisfied that passports issued by certain foreign governments to their citizens or subjects who are laborers, skilled or unskilled, to proceed to countries or places other than the continental territory of the United States, are being used for the purpose of enabling the holders thereof to come to the continental territory of the United States to the detriment of labor conditions therein:

I hereby order that such alien laborers, skilled or unskilled, be refused permission to enter the continental territory of the United States.

It is further ordered that the Secretary of Commerce and Labor be, and he hereby is, directed to take, through the Bureau of Immigration and Naturalization, such measures and to make and enforce such rules and regulations as may be necessary to carry this order into effect.

§ 122.2 *Effect of Executive Order No. 1712.* The Executive order requires that laborers, skilled or unskilled, who are citizens of a country which grants to its laborers proceeding abroad limited labor passports only, and who present at a continental port a passport entitling them only to admission to countries or places other than continental United States, shall be rejected. It does not in any particular relieve such aliens from examination under the general provisions of the law.

§ 122.3 *When certain laborers admitted; proof required.* If a laborer described in §§ 122.1, 122.2 applies for admission and presents a passport entitling him to enter continental United States, or not limited to some country or place other than continental United States, he shall be admitted, unless he belongs to one of the classes excluded by the general provisions of the law. If he presents such a limited passport, but claims that he is not a laborer, satisfactory proof of such claim shall be required.

§ 122.4 *Absence of passport of certain laborers; presumptions.* If a laborer described in §§ 122.1, 122.2 applies for admission and presents no passport, it shall be presumed (a) that when he departed from his own country he did not possess a passport entitling him to come to continental United States, and (b) that at that time he did possess a passport limited to some country or place other than continental United States.

§ 122.5 *Passports of certain laborers; endorsement.* Passports presented by aliens covered by § 122.3 shall be plainly endorsed, in indelible ink, in such a manner as to show the fact and date of admission or rejection. The passport shall be returned to the presenter.

§ 122.6 *Excluded laborers; appeal.* All laborers excluded under §§ 122.1–122.5 shall be advised not only of their right of appeal, where one lies, but also that they may communicate by telegraph or otherwise with any diplomatic or consular officer of their government, and they shall be afforded opportunity for doing so.

PART 123—FOREIGN GOVERNMENT REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS

Sec.
123.1 Qualifications.
123.2 Exemptions.
123.3 Admission.
123.4 Extension of stay.
123.5 Violation of status.

AUTHORITY: §§ 123.1 to 123.5, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 123.1 to 123.5, inclusive, interpret and apply secs. 7 (a), (c), (d), 8 (a), 59 Stat. 672; 22 U. S. C., Sup., 288d, 288e, 8 U. S. C., Sup., 203, 215.

§ 123.1 *Qualifications.* The qualifications for the admission of an alien to the United States as a nonimmigrant under the provisions of subsection (7) of section 3 of the Immigration Act of 1924 shall be:

(a) The alien shall satisfy the immigrant inspector that he is coming temporarily to the United States as (A) a representative of a foreign government in or to an international organization designated by the President by Executive order as entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669; 22 U. S. C., Sup., 288), or as an officer or employee of such an international organization, or as a member of the family of such a representative, officer, or employee, or as (B) an attendant, servant, or employee of such a representative, officer, or employee.

(b) The alien shall present whatever document or documents are required in such cases by applicable Executive order or orders and regulations prescribing the documents required for the entry of aliens.

§ 123.2 *Exemptions.* An alien qualified for admission as prescribed in § 123.1 shall be accorded the following exemptions from provisions of the immigration laws:

(a) The alien shall not be required to be registered and fingerprinted under the provisions of Title III of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 451): *Provided*, That this exemption shall not extend to a member of the family unless he is closely related by blood or marriage to, and is regularly residing in the household of, an alien within Group (A) of § 123.1 (a): *Provided further*, That this exemption shall not apply to an attendant, servant, or employee of an alien within said Group (A) unless such attendant, servant, or employee is regularly residing as a domestic employee in the household of the employer: *Provided further*, That this exemption shall not extend to the alien unless his status is approved by the Secretary of State in accordance with the provisions of section 8 (a) of the International Organizations Immunities Act (59 Stat. 672; 22 U. S. C., Sup., 288e): *Provided further*, That if the alien ceases to maintain the status of an alien not amenable to the registration and fingerprinting requirements, he shall within 30 days of such cessation apply for registration and to be fingerprinted.

(b) The alien shall not be required to furnish bond.

(c) The alien shall be entitled to the benefit of the provisions of the tenth proviso to section 3 of the Immigration Act of February 5, 1917 (39 Stat. 875; 8 U. S. C. 136 (r)), including the head tax exemption prescribed in § 105.3 (p) of this chapter.

§ 123.3 *Admission.* The alien, if in Group A of § 123.1 (a), shall not be admitted for a specific period of time but shall be admitted for the duration of his existing status. The alien, if in Group B of § 123.1 (a), shall be admitted for whatever period, not to exceed one year, is appropriate to accomplish the purpose of his temporary stay in the United States. If the immigrant inspector conducting the examination of the alien is satisfied that the alien is admissible under this part, the inspector may admit the alien. If the inspector is not so satisfied, he shall hold the alien for hearing before a board of special inquiry.

§ 123.4 *Extension of stay.* An alien admitted under the provisions of this part and within Group B of § 123.1 (a) may apply for an extension of the time of his temporary admission. Such application should be submitted on Form I–539 approximately 30 days before the expiration of the period of admission, or previously authorized extension thereof, to the officer in charge at the port where the admission occurred. The officer in charge shall make such verifications and inquiries as are appropriate and shall forward the application through the office of the district director to the Commissioner of Immigration and Naturalization with a report of the facts and a recommendation.

§ 123.5 *Violation of status.* (a) An alien admitted to the United States under the provisions of this part shall be deemed to have remained in the United States for a longer time than permitted by the conditions of his admission or to have failed to maintain the status under which admitted if—

(1) He is found in the United States after he ceases to have the status under which admitted; or

(2) If in Group B of § 123.1 (a), he remains in the United States after the expiration of the time for which he was temporarily admitted or after the expiration of any authorized extension or extensions of such period; or

(3) He violates or is found to have violated in any other way the conditions under which he was admitted or under which he was permitted to remain in the United States temporarily for an additional period.

(b) Any such alien shall be made the subject of deportation proceedings in accordance with the provisions of section 14 of the Immigration Act of 1924 (43 Stat. 162; 8 U. S. C. 214) and the provisions of Part 150 of this chapter: *Provided*, That with respect to aliens within Group A of § 123.1 (a) the Secretary of State shall be notified at once of the contemplation or institution of such proceedings: *Provided further*, That with respect to aliens within said Group A departure from the United States shall not be required without the prior approval of the Secretary of State.

PART 124—ALIEN CONTRACT LABORERS

Sec.
124.1 Contract laborers defined.
124.2 Exemptions of certain aliens from contract labor; definitions.
124.3 Bonds for alien musicians admitted temporarily.
124.4 Application to import skilled labor; requirements.
124.5 Application to import skilled labor; procedure.
124.6 Decision on application to import skilled labor; notice of; procedure thereafter.
124.7 "Student laborers"; procedure for importing.
124.8 Exhibitors and holders of concessions and their employees; exemption.

AUTHORITY: §§ 124.1 to 124.8, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 124.1 to 124.8, inclusive, interpret and apply sec. 3, 39 Stat. 875, 47 Stat. 67; 8 U. S. C. 136 (h), 137b, 137c, 137d.

§ 124.1 *Contract laborers defined.* Contract laborers are aliens "who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled", or "persons who have come in consequence of

advertisements for laborers, printed, published, or distributed in a foreign country".

§ 124.2 *Exemptions of certain aliens from contract labor; definitions.* Aliens falling within the purview of § 124.1 may be admitted to the United States, upon presenting satisfactory evidence that they are:

(a) Professional actors or artists: *Provided*, That an instrumental musician to be classified as an actor or artist must establish that (1) he is of distinguished merit and ability as an instrumental musician or is a member of a musical organization of distinguished merit and is applying for admission as such, and (2) his professional engagements (or, if the exemption is claimed on account of membership in an organization, the professional engagements of such organization) within the United States are of a character requiring superior talent;

(b) Professional lecturers;

(c) Professional singers;

(d) Professional nurses;

(e) Ministers of any religious denomination;

(f) Professors for colleges or seminaries;

(g) Persons belonging to any recognized learned profession;

(h) Persons employed as domestic servants;

(i) Otherwise admissible skilled labor, if labor of like kind unemployed cannot be found in this country and the Attorney General has granted permission in advance of the migration of such skilled laborers for their importation;

(j) Exhibitors and employees of fairs and expositions authorized by Congress.

§ 124.3 *Bonds for alien musicians admitted temporarily.* All rules and regulations relating to bonds for nonimmigrants shall apply with full force and effect to alien musicians coming to the United States for a temporary period.

§ 124.4 *Application to import skilled labor; requirements.* Applications for permission to import otherwise admissible skilled labor in accordance with § 124.2 (i) shall be submitted by the person, company, or corporation seeking such privilege to the official in charge of the district within which it is proposed to employ such skilled labor. The application shall be in the form of an affidavit drawn in triplicate, and shall state clearly all facts and circumstances material to the case, including (a) the number and sex of the persons whom the applicant desires to import, (b) a nontechnical description of the work which it is intended they shall perform, (c) whether the industry is already established or is new in the United States, (d) the approximate length of time required for one to become skilled in the trade, (e) the wages paid and hours of labor required, (f) whether or not a strike exists or is threatened among applicant's employees or there is a lockout against such employees, (g) what city or cities, if any, constitute the center of the trade in this country, (h) whether or not there are any journals especially devoted to the industry, and (i) the nature of the efforts, if any, made to secure the desired labor in the United States and the results of such efforts. The application shall be supported by such affidavits (also in triplicate) as the applicant can furnish. The applicant shall also furnish or agree to furnish at a later date the names, ages, nationality, and last permanent foreign residence of the aliens whom he desires to import, and the name of the port at which and of the vessel by which they will arrive, and the date of the proposed arrival.

§ 124.5 *Application to import skilled labor; procedure.* The officer in charge shall conduct a thorough investigation of the application made under § 124.4 and shall forward two copies each of the application, of the accompanying affidavits, and of the report of the investigation, together with his recommendations, to the Commissioner for consideration and decision. Counsel may be employed in connection with such cases before the officer in charge, or the Commissioner, or both, but all evidence shall be submitted to and investigated by the officer in charge.

§ 124.6 *Decision on application to import skilled labor; notice of; procedure thereafter.* When a decision is rendered by the Commissioner upon the application made under § 124.4, the official in charge shall be notified immediately, and he in turn shall notify the applicant of the purport of such decision. If it is favorable, a copy of the record will be transmitted to the port at which it is proposed the alien contract laborers shall enter, with instructions to the official there in charge to admit such laborers if upon arrival and examination they are found to be admissible under all other provisions of the law.

§ 24.7 *"Student laborers"; procedure for importing.* Employers of skilled labor desirous of training aliens in their establishments may be granted such privilege by the Commissioner, provided the prospective "student laborers" are admissible in every other respect except that they migrate under contract, and provided a bond is furnished for each such alien in the penalty of not less than $500, guaranteeing that the alien will be employed in no other than a student capacity while within the United States and will leave this country immediately upon the conclusion of his course of training. Applications for this privilege and proof in support thereof should be submitted in substantial accordance with the provisions of § 124.4.

§ 124.8 *Exhibitors and holders of concessions and their employees; exemption.* Exhibitors and holders of concessions or privileges for any fair or exposition authorized by act of Congress may bring into the United States under contract, alien mechanics, artisans, agents, and employees. Special regulations concerning the admission and return of such aliens will be issued if and whenever a fair or exposition is authorized by Congress (Section 3, Immigration Act of 1917, 39 Stat. 875; 8 U. S. C. 136 (h)). Such aliens, unlike others exempted from the contract-labor provisions, are also exempted from the literacy test.

PART 125—STUDENTS

Sec.

125.1 Students defined; requirements of; conditions of admission
125.2 Students; extension of stay.
125.3 Students; when subject to deportation.
125.4 School; petition for approval.
125.5 Schools; conditions for approval.
125.6 School; officer to make petition.
125.7 School; withdrawal of approval.

AUTHORITY: §§ 125.1 to 125.7, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 125.1 to 125.7, inclusive, interpret and apply sec. 4 (e), 43 Stat. 155, sec. 13 (a) (3), 43 Stat. 161, 50 Stat. 165, sec. 15, 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 204 (e), 213 (a), 215.

§ 125.1 *Students defined; requirements of; conditions of admission.* A bona fide student within the meaning of subdivision (e) of section 4 of the Immigration Act of 1924 (43 Stat. 155; 8 U. S. C. 204 (e)), as amended, is defined as follows: (a) An alien at least 15 years of age who presents a valid nonquota immigration visa duly issued by an American consular officer and designating the alien as a student; (b) who is qualified to enter and has definitely arranged to enter an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Attorney General; (c) who seeks to enter the United States temporarily for the purpose of pursuing a definite course of study in such institution and will carry a full course of studies in day classes; and (d) who intends to depart voluntarily from the United States upon the completion of such course of study or upon failure to maintain the status of student. A student whose parents or relatives are financially able to support him, or who otherwise has sufficient income to cover expenses, will not be permitted to work either for wages or for board or lodging. A student who has some means but not sufficient income to cover necessary expenses will be permitted to accept sufficient employment to meet necessary expenses. A student having no means will be permitted to work to earn sufficient funds to meet necessary expenses. In no case will a student be permitted to accept employment of a nature to interfere with his full course of studies. Such alien, subject to the proviso of this section, shall be required to establish by the production of a passport, or document in lieu of a passport acceptable under consular regulations, that at the termination of his studies in the United States he will be able to depart to his own or some other country. If the examining immigrant inspector is satisfied beyond a doubt that the alien is a bona fide student as defined herein, he may admit such alien, if otherwise admissible. If he is not satisfied, he shall hold the alien for examination in relation thereto by a board of special inquiry, which board may admit such alien, if otherwise admissible, and may in its discretion, as a condition precedent to admission, exact bond in the sum of $150 that the alien will maintain the status of an immigrant student while in the United States and that he will depart voluntarily when he ceases to maintain such status: *Provided*, That whether admitted on primary inspection or by a board of special inquiry, with or without bond, such admission shall be only for a period extending to 60 days prior to the time within which the passport, or document in lieu of a passport, is valid for the alien's departure to his own or some other country, and the period for which admitted shall be endorsed on the immigration visa and the passport, or document in lieu of a passport. Upon admission the alien shall be advised that he may not lawfully remain in the United States beyond the period for which admitted unless prior to the expiration of such period he applies for and obtains an extension of stay in the manner specified in § 125.2. The length of time for which admitted and data as to passport or document in lieu of passport should be noted on Form I–113.

§ 125.2 *Students; extension of stay.* Applications to extend period of temporary admissions of bona fide students pursuant to § 125.1 shall be prepared on Form I–535 and submitted to the officer in charge at the port of arrival at least 60 days prior to the expiration of the period for which admitted. The application shall contain all the data specified in the form and must be accompanied by applicant's passport or document in lieu of passport, valid for departure to alien's own or some other country, for at least the time of the requested extension. Where the officer in charge is satisfied that the alien is a bona fide student and if the passport, or document in lieu of a passport acceptable under consular regulations, is valid as above described, the extension may be granted without referring the application to the district head. Where the officer in charge concludes that the application should not be granted, the application shall be forwarded to the district head for determination, the application to be accompanied by a statement of reasons for such reference. Where the district head concludes that the application should not be granted, he shall forward it to the Central Office for decision, with a statement of the reasons for his conclusion.

§ 125.3 *Students; when subject to deportation.* Any immigrant student admitted to the United States as a nonquota immigrant under the provisions of subdivision (e) of section 4 of the Immigration Act of 1924 (43 Stat. 155; 8 U. S. C. 204 (e)), as amended, who fails, neglects, or refuses regularly to attend the school, college, academy, seminary, or university to which admitted, or the accredited school, etc., to which he has lawfully transferred, or who is expelled or dropped from such institution, or who accepts employment except as authorized, or who fails to provide himself with a passport, or document in the nature of a passport acceptable under consular regulations, which will permit his voluntary departure to his own or some other country, or who fails or refuses to so depart, shall be deemed to have abandoned his status as an immigrant student, and shall, upon the warrant of the Attorney General, be taken into custody and deported.

§ 125.4 *School; petition for approval.* Any school, college, academy, seminary, or university desiring approval as a school for immigrant students may file with the Attorney General a petition in writing (Form I–17), stating its name and location; the date when established; the requirements for admission, including age; whether coeducational; the courses of study offered and the time required to complete each course; the degrees, if any, conferred; the calendar of its school year, including terms and semesters; whether day or night sessions are held or both; the average annual number of students attending; the number of teachers or instructors employed; the approximate total annual cost of board, tuition, etc., per student; and the causes for expulsion: *Provided*, That when a catalog is issued by such school, college, academy, seminary, or university, a copy of the latest edition thereof shall be filed with and made part of the petition with appropriate references to the pages of such catalog where the information herein required may be found. If the Attorney General is satisfied that such school, college, academy, seminary, or university has been established for at least two years immediately preceding the filing of the petition herein required; that it is a bona fide institution of learning; and that it possesses the necessary facilities and is otherwise qualified for the instruction and education of immigrant students he may approve such school, college, academy, seminary, or university as a school for immigrant students.

§ 125.5 *Schools; conditions for approval.* No petition for approval as a school for immigrant students shall be considered unless such petition is accompanied by the written agreement of the school, college, academy, seminary, or university seeking such approval, to report in writing to the officer in charge at the port of arrival, immediately upon the admission of an immigrant student to such institution, the name, age, and local address of such student; the name and complete address of a friend or relative of such student in the United States; the date when such student was admitted; the course of study to be pursued by him; and at the termination of the attendance of such student, to forthwith report, in writing, to the Attorney General through the officer in charge at the port of arrival the date when and the reasons why such attendance was terminated. The foregoing conditions for approval of schools are hereby made applicable to all such approvals heretofore granted and the continuance of approval of a school will depend on the observance of this section.

§ 125.6 *School; officer to make petition.* Form I–17 and the written agreement accompanying it must be executed by the principal officer of the school, college, academy, seminary, or university having authority to execute contracts.

§ 125.7 *School; withdrawal of approval.* When it shall appear to the satisfaction of the Attorney General that any school, college, academy, seminary, or university approved as a school for immigrant students, fails, neglects, or refuses to comply with all and singular the terms of its agreement he may withdraw or revoke his approval of such school, college, academy, seminary, or university as a school for immigrant students.

PART 126—ADMISSION OF ALIEN SPOUSES AND ALIEN MINOR CHILDREN OF CITIZEN MEMBERS OF THE UNITED STATES ARMED FORCES

Sec.

126.1 Aliens eligible.
126.2 Exemptions.
126.3 Fines.
126.4 Procedure.

AUTHORITY: §§ 126.1 to 126.4, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 126.1 to 126.4, inclusive, interpret and apply secs. 1–5, 59 Stat. 659; 8 U. S. C., Sup., 232–236.

§ 126.1 *Aliens eligible.* Notwithstanding the provisions of other parts of this chapter and pursuant to the provisions of the act of December 28, 1945, an alien other than one barred by section 13 (c) of the Immigration Act of 1924 who at the time he applies for admission to the United States satisfies the immigration officer that the following facts exist in his case shall be admitted to the United States for permanent residence upon compliance with all the requirements of the immigration laws (including the Alien Registration Act, 1940), except those stated in § 126.2:

(a) The alien is the child under 21 years of age or the husband or wife of a United States citizen who is serving in, or has an honorable discharge certificate from service in, the armed forces of the United States during the Second World War.

(b) The application for admission to the United States is made within three years of December 28, 1945.

§ 126.2 *Exemptions.* In order to be admitted to the United States under the provisions of this part, an alien shall comply with all the requirements of the immigration laws (including the Alien Registration Act, 1940) except:

(a) Those provisions of section 3 of the Immigration Act of February 5, 1917, excluding physically and mentally defective aliens, such provisions being designated in Title 8 of the United States Code as subsections (a), (c), and (d) of section 136.

(b) All provisions of the immigration laws (including section 30 of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 451)) and regulations, Executive orders, and Presidential proclamations prescribing documents to be presented by aliens entering the United States.

(c) All provisions relating to quota and nonquota restrictions prescribed in the Immigration Act of 1924; in section 2 of the act of December 17, 1943 (57 Stat. 601, 60 Stat. 975; 8 U. S. C., Sup., 212a); and in section 4 of the act of July 2, 1946 (60 Stat. 417; 8 U. S. C., Sup. 212b); and in Presidential proclamations pursuant to those acts.

§ 126.3 *Fines.* No fine, penalty, or liability for detention expense shall be imposed under the Immigration Act of February 5, 1917, because of the transportation to the United States of any alien admitted to the United States under the provisions of this part, except the fine arising under section 14 of the Immigration Act of February 5, 1917 (39 Stat. 884; 8 U. S. C. 150), for failure to furnish the information required by that section for an alien arriving in the United States.

§ 126.4 *Procedure*—(a) *Application.* An application for admission to the United States under this part shall be executed on Form I–135 by the applicant for himself and for any of his accompanying alien children under 14 years of age. If the applicant is a child over 14 years of age, he shall execute a separate Form I–135 in his own behalf. If the applicant is an unaccompanied child under 14 years of age, the Form I–135 may be executed in his behalf by his parent or guardian or other interested person. In all cases where practicable, Form I–135 shall be executed prior to embarkation before an immigrant inspector or such other officer as may be designated by the Commissioner of Immigration and Naturalization or the Attorney General. Such immigrant inspector or other officer shall question the applicant or his parent or guardian to determine whether the applicant is admissible to the United States under this part and shall place an endorsement on Form I–135 showing his findings and shall return the form to the applicant for delivery by him, or by an officer of the vessel transporting the alien, to the immigrant inspector at the port of entry. The final determination as to the applicant's admissibility shall be made when the applicant reaches the United States, and the final endorsement of Form I–135 to show disposition shall be made at that time by the immigration officer at the port of entry.

(b) *Manifest.* The list or manifest required by Part 107 of this chapter may, with respect to aliens arriving to apply for admission to the United States under the provisions of this part and any accompanying United States citizen children, be prepared on Form I–417. Form I–417 shall correspond in all respects to the Form I–417 approved by the Commissioner of Immigration and Naturalization and printed by the Government Printing Office.

(c) *Fingerprints.* Each applicant for admission to the United States under the provisions of this part shall be registered or fingerprinted, or both, in the manner required by section 31 of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 452). Such action shall be completed as far as possible prior to embarkation in connection with the preexamination required in paragraph (a) of this section, or en route, or such action may be fully taken at time of admission or within 29 days thereafter. Form I–135 when endorsed by the admitting immigrant inspector will constitute the record of registration. Fingerprints, where required, will be taken on Form AR–4.

(d) *Record of admission.* When an alien is admitted to the United States under the provisions of this part, the fully executed and endorsed Form I–135, accompanied by any required fingerprint chart, shall be forwarded to the Commissioner of Immigration and Naturalization in the way provided for immigration visas. There shall be prepared in the Central Office and mailed directly to the alien an appropriate receipt card showing the facts of his entry and his compliance with the Alien Registration Act, 1940. The Form I–135 shall be regarded for statistical purposes and filed for permanent record purposes as though it were a nonquota immigration visa issued under section 4 (a) of the Immigration Act of 1924.

(e) *Acquisition in the United States of permanent resident status.* An alien who has been lawfully admitted to the United States for a temporary period of time and who is, or becomes, eligible for admission to the United States as a nonquota immigrant under the provisions of the act of December 28, 1945 (59 Stat. 659; 8 U. S. C., Sup., 232), may apply for the privilege of permanent residence under the provisions of that act by executing Form I–135 before an immigrant inspector at any office of the Immigration and Naturalization Service. Upon execution of the Form I–135, the alien shall be examined by an immigrant inspector in the manner prescribed in this section. If the alien is found admissible, an endorsement shall be placed on the Form I–135 to that effect and the Form I–135 shall be forwarded to the port where the alien was temporarily admitted to the United States. At that port an endorsement to show admission for permanent residence shall be placed on the manifest record relating to the alien. The date of admission in such endorsement shall be the date on which the alien was found admissible under the provisions of the act of December 28, 1945, and the permanent residence status of the alien for naturalization and other purposes shall commence on such date. The Form I–135 shall be disposed of in accordance with the provisions of paragraph (d) of this section. As a part of the examination prescribed by this section, any head tax due shall be remitted and handled in accordance with the provisions of § 105.2 of this chapter.

Part 127—Fiancées and Fiancés of Citizen Members of the United States Armed Forces

Sec.
127.1 Definitions.
127.2 Scope of act.
127.3 Laws applicable at time of entry; period of admission.
127.4 Bonds required; approval and cancellation.
127.5 Extension of stay.
127.6 Acquisition of permanent resident status.
127.7 Violation of status.

Authority: §§ 127.1 to 127.7, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238, sec. 4, 60 Stat. 340; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t, 50 U. S. C. App., Sup. 1854; 8 CFR, 90.1. §§ 127.1 to 127.7, inclusive, interpret and apply secs. 1–5, 60 Stat. 339–340; 50 U. S. C. App., Sup., 1851–1855.

§ 127.1 *Definitions.* As used in this part, the term "act," unless otherwise indicated, means the act of June 29, 1946 (60 Stat. 339; 50 U. S. C. App., Sup., 1851); the term "fiancée" includes "fiancé" and pronouns of which the word "fiancée" is the antecedent include the masculine gender; and the term "immigration laws" includes any Presidential proclamations, Executive orders, or regulations issued pursuant to such laws.

§ 127.2 *Scope of act.* The provisions of the act shall be applied only to the case of a fiancée who is unable to obtain an immigration visa because she is chargeable to a quota and the nonpreference portion of such quota is exhausted at the time she applies for the immigration visa. The provisions of the general immigration laws shall be applied in the case of any fiancée who seeks to enter the United States as an immigrant and is not chargeable to a quota or who is chargeable to a quota which is not exhausted. Except for the respects in which the provisions of the act are controlling, the provisions of the general immigration laws shall be applied to fiancées seeking admission, or admitted, under the act.

§ 127.3 *Laws applicable at time of entry; period of admission.* (a) Under section 1, proviso (a), of the act, a condition for admission under the act is that "the alien is not subject to exclusion from the United States under the immigration laws." Such proviso shall be construed to mean that the alien is not subject to exclusion from the United States under the provisions of those parts of the immigration laws applicable to the cases of aliens seeking to enter the United States temporarily as visitors under the provisions of section 3 (2) of the Immigration Act of 1924, as amended, and, in addition, that she is not subject to exclusion from the United States under those parts of the immigration laws applicable to the cases of aliens seeking to enter the United States as nonquota immigrants under the provisions of the act of December 28, 1945 (59 Stat. 659; 8 U. S. C., Sup., 232).

(b) Any alien admitted under the act shall be admitted for a period of three months.

§ 127.4 *Bonds required; approval and cancellation.* As a requisite to the admission of any alien pursuant to the provisions of the act, the prospective American citizen spouse of such alien shall furnish a bond on Form I–375 in the sum of not less than $500. Such bond shall be conditioned that the alien shall either depart from the United States without expense thereto within the period of her temporary admission (or an authorized extension thereof) or actually conclude a valid marriage with the said prospective American citizen spouse within the period of her temporary admission (or an authorized extension thereof) and that evidence satisfactory to the Commissioner of Immigration and Naturalization of such marriage or departure shall be furnished within 30 days after the expiration of such period. A surety company authorized by the Treasury Department to transact Federal bond business shall be an acceptable surety, or, in lieu thereof, the United States bonds or notes described in section 15 of Title 6, United States Code, and the regulations of the Treasury Department issued thereunder. Officers in charge of the several ports or districts are authorized, either directly or through officers or employees of the Service designated by them, to approve bond Forms I–375 and any formal agreement by which a surety consents to an extension of liability on such bonds, and such officer or employee shall have authority to cancel any bond in which all the conditions thereof have been fulfilled.

§ 127.5 *Extension of stay.* An alien fiancée admitted under the provisions of this part may apply for an extension of the period of her temporary admission. Such application shall be submitted on Form I–539 approximately 30 days before the expiration of the period of admission, or previously authorized extension thereof, to the officer in charge at the port where the admission occurred. The officer in charge shall make such verifications and inquiries as are appropriate and shall forward the application through the office of the district director to the Commissioner of Immigration and Naturalization with a report of the facts and a recommendation. The Commissioner shall make a decision on such application and shall send notice of such decision to the district director who shall in turn notify the officer in charge and the latter shall notify the alien of the decision.

§ 127.6 *Acquisition of permanent resident status.* An alien who has been lawfully admitted to the United States for a temporary period of time under the act and who is, or becomes, eligible for admission to the United States as a nonquota immigrant under the provisions of the act of December 28, 1945 (59 Stat. 659; 8 U. S. C., Sup., 232), may apply for the privilege of permanent residence under the provisions of § 126.4 (e) of this chapter.

§ 127.7 *Violation of status.* (a) An alien admitted to the United States under the provisions of this part shall be deemed to have remained in the United States for a longer time than permitted by the conditions of her admission or to have failed to maintain the status under which admitted if she remains in the United States after the expiration of the time for which she was temporarily admitted, or after the expiration of any authorized extension or extensions of such period, without having during such period concluded a valid marriage to a citizen of the United States who is serving in or who has been honorably discharged from the armed forces of the United States during World War II and without having during that period or any authorized extension thereof acquired the status of a lawful permanent resident.

(b) Any such alien shall be made the subject of deportation proceedings in accordance with the provisions of section 14 of the Immigration Act of 1924 (43 Stat. 162; 8 U. S. C. 214) and the provisions of Part 150 of this chapter.

Part 128—Persons Arriving by Way of or From Hawaii; Certificates

Sec.
128.1 Nonimmigrant arriving at Hawaii and proceeding to mainland; examination.
128.2 Alien residents of Hawaii proceeding to mainland; alien certificates.
128.3 Admission to mainland of aliens described in §§ 128.1 and 128.2.
128.4 Failure to present unexpired documents; presumption; procedure.
128.5 Citizens of United States residing in Hawaii; issuance of certificates.
128.6 Hawaiian certificates; applications.
128.7 Hawaiian certificates; lost or destroyed.
128.8 Hawaiian certificates; form of; preparation.
128.9 Hawaiian certificates; duplicates retained.
128.10 Hawaiian certificates; cancellation.

Authority: §§ 128.1 to 128.10, inclusive, contained in sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 128.1 to 128.10, inclusive, interpret and apply sec. 1, 39 Stat. 874, sec. 28 (a), 43 Stat. 168; 8 U. S. C. 173, 224 (a).

§ 128.1 *Nonimmigrant arriving at Hawaii and proceeding to mainland; examination.* Nonimmigrant aliens arriving in Hawaii who intend later to proceed directly to the mainland of the United States may be admitted at Hawaiian ports for temporary stay or as incident to their transit through the United States to a foreign country (section 3 (2) and (3), Immigration Act of 1924 (43 Stat. 154; 8 U. S. C. 203)), and when so admitted their passports, or documents accepted in lieu of passports, shall be stamped and endorsed. Such aliens need not appear before the officer in charge at Honolulu for any further endorsement of status, when about to proceed directly to a port of continental United States, provided, the time of their proposed departure from continental United States will be within the period granted, and such departure can reasonably be accomplished.

§ 128.2 *Alien residents of Hawaii proceeding to mainland; alien certificates.* Aliens residing in Hawaii pursuant to lawful admission for permanent residence who signify to the officer in charge at Honolulu an intention to proceed directly to the mainland of the United States, and who are legally entitled to do so, shall be furnished alien certificates (Form I–146) by the said official as evidence of such residence, which certificates shall show date and status of such admission.

§ 128.3 *Admission to mainland of aliens described in §§ 128.1 and 128.2.* Aliens of the classes described in §§ 128.1 and 128.2 arriving at a continental United States port directly from Hawaii shall be admitted upon identification: *Provided,* That the period for which the alien visitors referred to in § 128.1 were originally admitted, or for which such admission has been extended, has not expired; that the period of time for transit has not expired; and that sufficient time remains to permit of departure from the United States within the period specified; and: *Provided further,* That such aliens shall surrender to the appropriate immigration officer the certificates issued under § 128.2.

§ 128.4 *Failure to present unexpired documents; presumption; procedure.* When aliens of the classes mentioned in §§ 128.1 and 128.2 arrive at a continental United States port from Hawaii and fail to present the stamped and endorsed passports, or documents accepted in lieu thereof described in § 128.1, or the certificates described in § 128.2, it shall be presumed that they were not examined when entering Hawaii and, unless they satisfactorily establish lawful admission to Hawaii, shall be reported for arrest on such grounds as may be found applicable. As to those aliens who arrive at a continental United States port subsequent to the expiration of the period for which temporarily admitted, or whose departure will not occur within the period fixed upon for their departure, the examining officers, if satisfied that it is the intention of such aliens only to remain temporarily in the United States, shall advise them of the necessity for and the manner of making application for extension of their stay. Where there is reason to believe that aliens of the class covered by this part are seeking to remain permanently in the United States, warrant proceedings will be instituted.

§ 128.5 *Citizens of United States residing in Hawaii; issuance of certificates.* A resident of Hawaii who intends to depart temporarily from that Territory shall be granted a "Certificate of Citizenship—Hawaiian Islands" by the officer in charge at Honolulu, Hawaii, upon proving to the satisfaction of that official that he is a citizen of the United States, a bona fide resident of the Territory of Hawaii, and that he actually intends to depart temporarily. Such certificate may be retained by the person to whom issued. If the officer in charge at Honolulu is not satisfied that the applicant is entitled to this certificate, the application shall be denied and the applicant notified that he may appeal to the Attorney General from the adverse decision. Ten days will be allowed within which to file notice of appeal with such immigration officer. All evidence which was submitted in support of the application shall constitute the record and shall be forwarded to the Central Office in cases where appeals are taken.

§ 128.6 *Hawaiian certificates; applications.* Applications for the certificates shall be submitted on Form 108 in duplicate to the officer in charge at Honolulu.

§ 128.7 *Hawaiian certificates; lost or destroyed.* Duplicate certificates may be issued by the officer in charge at Honolulu upon satisfactory proof that the certificates have been unavoidably lost, destroyed, or mutilated, the Central Office to be advised in each case of the issuance of a duplicate.

§ 128.8 *Hawaiian certificates; form of; preparation.* In issuing the certificates described in § 128.5, care shall be exercised to have the original and duplicate

correspond in every detail. The certificate shall be prepared upon typewriter. The seal of the issuing officer should be impressed partly upon the photograph, but in such a manner as not to obscure any part of the face. All blank spaces remaining after writing in the data required to complete the identification of the person to whom the certificate is issued shall be covered by ruled lines so as to prevent the insertion of any additional word or words. Applicants for these certificates shall be required to furnish two suitable unmounted photographs of themselves, printed from the same negative that has not been retouched, representing the subject without hat, full front view, showing both ears, and measuring 2 by 2 inches, the distance from top of head to point of chin to be approximately 1¼ inches. The photographs should be attached to the original and duplicate of the certificate with care to assure permanency and prevent warping. The height shall be carefully taken and inserted in feet and inches, and in recording physical marks and peculiarities those which are the most prominent and least likely to be obliterated by lapse of time shall be selected.

§ 128.9 *Hawaiian certificates; duplicates retained.* The duplicates of the certificates shall be filed in the office of the officer in charge at Honolulu, Hawaii, in such order that they may always be accessible for reference.

§ 128.10 *Hawaiian certificates; cancellation.* These certificates are issued for the purpose of facilitating travel and are to be presented by the person to whom issued to immigration officers as evidence in proof of citizenship for immigration purposes. The proper holders of such certificates will be admitted at any immigration port of entry. When it is ascertained that such a certificate is in the possession of a person to whom it was not issued, as shown by a comparison of such person with the photograph and personal description appearing thereon, or if at any time it should develop that such certificate was secured through fraud, the certificate shall be taken up and forwarded to the Central Office, with a report of the circumstances and recommendation as to whether it should be canceled. If it should be found that cancellation is proper, the certificate shall be returned to the officer in charge at Honolulu with instructions to mark both the original and duplicate thereof "Canceled" and to file the canceled certificate and duplicate for reference.

PART 130—BOARDS OF SPECIAL INQUIRY

Sec.
130.1 Organization.
130.2 Hearings; representation; procedure.
130.3 Development of facts relating to penalties incurred by transportation company.
130.4 Medical examiner as witness.
130.5 Record in illiteracy cases.
130.6 Excluded alien; informed of rights.
130.7 Alien excluded for removable cause; reopening of case.
130.8 Alien certified for mental condition; right of medical appeal.

AUTHORITY: §§ 130.1 to 130.8, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 130.1 to 130.8, inclusive, interpret and apply secs. 16, 17, 39 Stat. 885, 887, secs. 6, 7, 60 Stat. 240, 241; 8 U. S. C. 152, 153, 5 U. S. C., Sup., 1005, 1006.

§ 130.1 *Organization.* Each of the three members of a board of special inquiry prescribed by section 17 of the Immigration Act of 1917 (39 Stat. 887; 8 U. S. C. 153) shall be a person qualified for such membership as provided by § 60.29 of this chapter. The officer in charge shall designate one of the members as chairman. One of the members may act as secretary for the purpose of keeping the complete permanent record of the proceedings before the board and of all such testimony as may be produced before it.

§ 130.2 *Hearings; representation; procedure.* Boards of special inquiry shall determine all cases as promptly as circumstances permit, due regard being had to the necessity for giving the alien a fair hearing. Hearing before the boards shall be separate and apart from the public. At the hearing the alien shall be accorded the right to be represented by an attorney or other person qualified to appear in accordance with the provisions of Part 95 of this chapter. The alien shall also be accorded the right to have one friend or relative present: *Provided*, That, if such friend or relative is a witness, he has already completed his testimony. During the preliminary part of the hearing the alien shall be advised of these rights and there shall be entered in the record the exact language in which he is so advised and of his reply. If the alien desires to have counsel or a friend or relative present, he shall be given a reasonable, fixed period of time within which to arrange for such presence. No further time for that purpose shall be granted except upon showing of good and sufficient cause therefor. The board of special inquiry may examine the alien and any witnesses for the Government, cross-examine any witnesses produced in behalf of the alien, rule upon objections, introduce material and relevant evidence in behalf of the Government or the alien, and otherwise regulate the course of the hearing and exercise such other powers and authority as are conferred upon such boards by law and regulations. During the course of the hearing, the attorney, or other person qualified to represent the alien as herein prescribed, shall be permitted to examine the alien and he, or the alien, shall be permitted to examine any witnesses offered in the alien's behalf, to cross-examine any witnesses called by the Government, to offer evidence material and relevant to any matter in issue, and to make objections, which shall be stated succinctly and entered on the record. Argument in support of objections and any irrelevant, immaterial, or unduly repetitious evidence shall be excluded from the record.

§ 130.3 *Development of facts relating to penalties incurred by transportation company.* In all cases in which there is any reason, other than the issuance of a surgeon's certificate, for believing that any one of the administrative fines prescribed by the law, and specified in Part 160, may have been incurred, boards shall be careful to develop in the course of their hearings all facts and circumstances material to a determination of the transportation company's liability to such fine.

§ 130.4 *Medical examiner as witness.* Where the certificate of the medical examiner fails to describe particularly the nature, character, and extent of the physical defect which it is certified may affect the ability of the alien to earn a living, boards of special inquiry shall call such examiner as a witness and interrogate him fully as to the particular nature, character, and extent of the affliction certified. Such testimony shall be made a part of the record.

§ 130.5 *Record in illiteracy cases.* In all cases where the reading test is applied and aliens are rejected as unable to read, the board record shall, in addition to the card number, clearly set forth (a) that the alien designated the particular language used in the test, (b) the complete English text appearing on the card, (c) the definite finding by the board as to the degree in which the alien failed to read, and (d) if the alien claims to be within any class exempted from the test, a definite finding by the board as to the validity of such claim.

§ 130.6 *Excluded alien; informed of rights.* Where an alien is excluded by a board of special inquiry, he shall be advised of the decision of said board and the reason therefor, and when entitled to appeal to the Commissioner of Immigration and Naturalization, he shall be so advised: *Provided*, That the exact language employed in advising the alien of his right to appeal, together with a full and accurate transcript of the alien's reply, shall be inserted in the record and made a part thereof. An excluded alien shall be informed that the return voyage is at the expense of the transportation company which brought him and that such transportation company must return him in the same class in which he came. The fact that he has been so informed shall be entered in the record.

§ 130.7 *Alien excluded for removable cause; reopening of case.* Where an alien is excluded merely because of nonpossession of a visa, or for any cause which can readily be removed or overcome, the case may be reopened within a period of six months from the date of original exclusion without the alien being required to obtain the permission to reapply for admission prescribed in § 110.51 of this chapter. For statistical purposes, the case of an alien excluded for removable causes shall be considered as a completed case at the time of exclusion and any case reopened within six months shall be considered as a new case.

§ 130.8 *Alien certified for mental condition; right of medical appeal.* An alien certified for insanity or mental defect shall be advised of his right to appeal to a board of medical officers of the United States Public Health Service, and that he may introduce before such board one expert medical witness at his own cost and expense. The exact language employed in so informing the alien of his rights, together with a full and accurate transcript of his reply, shall be inserted in the record and made a part thereof. In the event the alien desires to appeal to such medical board the officer in charge at the port, in conformity with regulations prescribed by the United States Public Health Service, shall make such arrangements with the office of the Surgeon General as may be necessary for the convening of such medical board without the case being first reported to the Central Office.

PART 132—READMISSION AND TEMPORARY ADMISSION

Sec.
132.1 Aliens returning to unrelinquished domicile; domicile defined.
132.2 Temporary admission from contiguous territory; medical treatment; mandatorily excludable alien.
132.3 Temporary admission or transit denied, without advance consent, to certain aliens.
132.4 Excludable aliens applying at seaports for temporary admission without advance consent; procedure.
132.5 Aliens imported to perform labor during wartime.

AUTHORITY: §§ 132.1 to 132.5, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 132.1 to 132.5, inclusive, interpret and apply sec. 3, 39 Stat. 875; 8 U. S. C. 136 (p), (q).

§ 132.1 *Aliens returning to unrelinquished domicile; domicile defined.* Aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years may be admitted in the discretion of the Attorney General and under such conditions as he may prescribe. In such case satisfactory proof of domicile in the United States for seven consecutive years, and of departure therefrom with the intention of returning thereto, will be exacted. Every case of exclusion for any cause in which the alien has given such proof, shall be promptly brought by the official in charge to the attention of the Attorney General, through the usual official channels, with a complete report of the reasons for the alien's exclusion and of the proof which has been offered of continuous and unrelinquished domicile, together with a statement of the duration of the absence. Domicile, for the purposes of this section, means that place where a person has his true, fixed, and permanent home, and principal establishment, to which, whenever he is absent, he has the intention of returning.

§ 132.2 *Temporary admission from contiguous territory; medical treatment; mandatorily excludable alien.* Aliens mandatorily excluded and seeking temporary admission from foreign contiguous territory for the purpose of undergoing medical or surgical treatment in the United States may be admitted for such purpose when it appears to the satisfaction of the officer in charge that an emergency exists for immediate medical or surgical aid, and if such alien shall furnish satisfactory guaranty or a bond with approved surety in the penal sum of not less than $500 conditioned that he will depart from the United States when such medical or surgical treatment is completed. Aliens of the class referred to, seeking temporary admission for the purpose of entering a private or public hospital, sanitarium, or medical institution for treatment, may be admitted for such purpose when it satisfactorily appears to the officer in charge that the designated private or public hospital or sanitarium or medical institution which the alien has arranged to enter for treatment has on file with the Central Office a bond covering such case and properly conditioned that aliens treated in such designated hospital, sanitarium, or institution, will depart from the United States when such treatment is completed. In either case above referred to the alien may be required in the discretion of the officer in charge to submit in duplicate an unmounted photograph of himself 2 by 2 inches in size, the distance from the top of head to point of chin to be approximately 1¼ inches. All other applications made by the mandatorily excluded classes for temporary admission from foreign contiguous territory shall be submitted to the Central Office for special ruling.

§ 132.3 *Temporary admission or transit denied, without advance consent, to certain aliens.* Temporary admission to the United States, or for the purpose of proceeding in transit through the United States, or to proceed from a port thereof directly or by way of any other United States port or ports to a foreign port, will not be granted in the case of any alien brought to a seaport of the United States (or in the case of a transit alien who is brought to a designated Canadian seaport), who at the time of arrival is within any of the classes of aliens hereafter described in this section, unless prior to departure from abroad consent shall have been obtained from the Attorney General for the alien's temporary admission to the United States, and if upon arrival he is found not to be within any of such classes other than as stated in the application for such consent; any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Attorney General that the alien was so afflicted at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at the time of foreign embarkation, or any alien who is found to be excludable under the provisions of section 3 of the Immigration Act of 1917 (39 Stat. 875; 8 U. S. C. 136), because found to be unable to read, or as a native of that portion of the continent of Asia and the islands adjacent thereto described in said section, if it appears to the satisfaction of the Attorney General that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such alien from abroad.

§ 132.4 *Excludable aliens applying at seaports for temporary admission without advance consent; procedure.* The cases of all aliens of the excludable classes brought to seaports of the United States who apply for temporary admission, except cases within § 132.3, shall be submitted to the Department for special ruling.

§ 132.5 *Aliens imported to perform labor during wartime.* (a) Any alien who applies for temporary admission into the United States under Title VII of Public Law 373 of June 28, 1944 (58 Stat. 547), shall establish to the satisfaction of the examining immigrant inspector:

(1) That he is seeking admission as one of a specific group of workers who are being imported by the War Manpower Commission for employment in the continental United States with industries and services essential to the war effort; he shall present an alien laborer's identification card (Form I–100) identifying him as such; such card shall be prepared either prior to embarkation or at the port of entry;

(2) That he is a native-born resident of a foreign country within the Western Hemisphere and that he is not an enemy alien, by the furnishing of a birth certificate or other acceptable evidence;

(3) That he is in all respects admissible under the provisions of the immigration laws except:

(i) The provisions of section 3 of the Immigration Act of February 5, 1917, relating to contract laborers, the requirements of literacy, and the payment of passage by corporations, foreign governments, or others;

(ii) The provisions of section 3 of the Immigration Act of February 5, 1917, and section 1 of the act of March 4, 1929, requiring permission of the Attorney General to reapply for admission in the case of any alien previously arrested and deported or excluded and deported solely because of illegal entry or absence of required documents, if such deportation has not occurred on more than one occasion, and such alien establishes that he is otherwise entitled to temporary admission as a worker under the provisions of this section;

(iii) The requirements of section 2 of the Immigration Act of February 5, 1917, relative to the payment of head tax;

(iv) The prohibitions contained in sections 5 and 6 of the Immigration Act of February 5, 1917;

(v) The provisions of the laws and regulations relating to documents required of aliens entering the United States; and

(vi) The provisions of Title III of the Alien Registration Act of 1940 relating to the registration of aliens.

(4) That if admitted he will comply with the conditions of such admission.

(b) An alien found admissible under the provisions of this section shall be fingerprinted as provided in § 115.3 of this chapter relating to agricultural workers.

(c) Any such alien shall be admitted, without any requirement of bond, for the period of the validity of his contract entered into pursuant to an agreement between the government of the United

States and the government of the country of which he is a native-born resident, but not exceeding one year, on condition that he maintain the status of a worker under the terms of the contract, and depart from the United States at the expiration of his admission or any extension thereof.

(d) An alien admitted under the provisions of this section who fails to maintain the status under which he was admitted or who fails to depart from the United States in accordance with the conditions of his admission, shall be deemed to be unlawfully in the United States and shall be taken into custody and deported in accordance with the applicable provisions of Part 150 of this chapter.

PART 134—ASSISTANCE TO ADMITTED ALIENS

§ 134.1 *Admitted alien assisted; when.* Notwithstanding admission, and for reasons satisfactory to the officer in charge, any alien may remain a few days at an immigration station upon payment of actual expenses. If in such a case the delay in leaving the immigration station is due to accident or other unavoidable circumstances and the alien is without sufficient means to defray the expenses incident thereto, the immigration officer in charge, in his discretion, may authorize such expense, reporting the case promptly to the Central Office with full reasons for his action and requesting that the authorization be ratified. (Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1)

PART 136—APPEALS FROM DECISIONS BY BOARD OF SPECIAL INQUIRY

Sec.
136.0 Definitions.
136.1 Who may appeal.
136.2 When no appeal lies.
136.3 Time for filing appeal.
136.3a Manner of taking an appeal.
136.3b Findings and conclusions; brief.
136.4 Forwarding appeal record.
136.5 Cases reopened by Central Office or Department.
136.6 Reopening of hearing.
136.7 Notice of decision on appeal; appeal from order of Commissioner; abandoned applications for admission.
136.8 Waiver of rights.

AUTHORITY: §§ 136.0 to 136.8, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, 37 (a), 54 Stat. 675, sec. 1, 54 Stat 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 136.0 to 136.8, inclusive, interpret and apply secs. 16, 17, 39 Stat. 885, 887, sec. 8 (b), 60 Stat. 242; 8 U. S. C. 152, 153, 5 U. S. C., Sup., 1007.

§ 136.0 *Definitions.* The term "appeal" when used in §§ 136.1 to 136.6, inclusive, means an appeal taken from the decision of a board of special inquiry. The term "appeal" when used in § 136.7 means an appeal taken from the decision of a board of special inquiry or an appeal taken from an order of the Commissioner entered in exclusion proceedings, whichever is indicated.

§ 136.1 *Who may appeal.* An alien desiring to appeal may do so individually or through any society admitted to an immigration station or through any relative or friend or through any person, including attorneys permitted to practice before the immigration authorities. Where such an appeal has been taken, any further appeal shall be disregarded. Appeals purporting to be filed on behalf of an alien but without his knowledge or consent previously obtained may be ignored. A board member who dissents from a majority vote also may take an appeal. In such a case the alien shall be allowed the same opportunity for representation as though the appeal were his, but his brief or argument must be submitted at the same time that the board member's appeal is forwarded to the Central Office. When an alien is certified for a physical defect other than tuberculosis in any form or a loathsome contagious or dangerous contagious disease, the board of special inquiry must decide on the basis of all the evidence (including the medical certificate) whether or not such certified defect may affect his ability to earn a living. An alien rejected on said ground is entitled to appeal.

§ 136.2 *When no appeal lies.* No appeal lies where the decision of a board of special inquiry, based upon the certificate of the examining medical officer, as required by section 17 of the Immigration Act of 1917 (39 Stat. 887; 8 U. S. C. 153), rejects an alien because (a) he is afflicted with tuberculosis in any form or a loathsome contagious or dangerous contagious disease, or (b) he is an idiot or an imbecile or an epileptic or is insane or feeble-minded, or (c) he is afflicted with constitutional psychopathic inferiority or has any mental defect or is a chronic alcoholic.

§ 136.3 *Time for filing appeal.* Appeals must be filed promptly. The officer in charge may refuse to accept an appeal filed after the alien has been removed from an immigration station for deportation, provided the alien has had a reasonable opportunity to appeal before such removal. Any appeal filed more than 48 hours after the time of an excluding decision may be rejected by the officer in charge in his discretion.

§ 136.3a *Manner of taking an appeal.* An alien may, except as prohibited by § 136.2, take an appeal from the excluding decision of a board of special inquiry and shall be informed that he may appeal merely by stating for the record, as prescribed in § 130.6 of this chapter, that he desires to appeal. If, during the examination by the board of special inquiry, he states that he does not desire to appeal or that he will decide later whether to appeal, he shall be informed that any subsequent notice of appeal shall be sufficient if made in writing and made in accordance with the applicable provisions of this part and Part 130 of this chapter. A notation of any such notice shall be entered in the record of the examination.

§ 136.3b *Findings and conclusions; brief.* The board of special inquiry shall, in all cases, at the time of announcing its decision make a brief statement for the record of its findings of material and relevant facts and conclusions of law upon which its decision rests. Where an allowable appeal is properly entered, a transcript of the record of proceedings, including a full statement of the findings of fact and conclusions of law necessary to a consideration of the record on appeal, shall be made and the alien or his counsel or a dissenting member of the board who takes such an appeal shall be lent a copy of such transcript and allowed by the officer in charge at the port a reasonable time, as prescribed in § 136.4, in which to file exceptions to the findings, conclusions, and decision of the board and a brief.

§ 136.4 *Forwarding appeal record.* The complete appeal record, including the immigration visa or permit to reenter the United States, and any brief or argument filed by the appellant, his attorney, or his representative shall be forwarded promptly to the Commissioner of Immigration and Naturalization. The officer in charge shall in his discretion allow whatever time is reasonable, as indicated by the nature of the case, for the preparation and filing of briefs or arguments.

§ 136.5 *Cases reopened by Central Office or Department.* Whenever a case is referred back to a board of special inquiry in order that additional evidence may be taken, such case is thereby reopened; and after the new evidence has been taken, the board of special inquiry shall render a new decision, in which it may, in its discretion, reaffirm, alter, or reverse its previous decision. The mere action of referring back a case under such circumstances is not to be taken as an indication of any disapproval of the decision of the board of special inquiry or of what the new decision should be.

§ 136.6 *Reopening of hearing.* (a) After a final order by either the Commissioner or the Board of Immigration Appeals, the hearing shall be reopened only in accordance with §90.10 (a) or § 90.11 (b) of this chapter, except that where a final order affirming an excluding decision has been entered, local immigration officials may stay deportation and request permission to reopen the case upon learning of new evidence which in their opinion is of such relevancy and materiality as, in justice to the alien or the United States, requires consideration by the board of special inquiry. Any such request of the local immigration officials shall contain a brief statement of the general nature of the new evidence and shall be submitted to the Commissioner. He shall act upon the request unless the final order has been entered by the Board of Immigration Appeals, in which event the request shall be acted upon by the Board.

(b) Where a final order has not been entered, either the alien, his counsel or representative, or the local immigration officials may request reopening of the hearing. Any such requests shall contain a brief statement of the general nature of the new evidence. The request shall be acted upon by the officer in charge if the record has not been forwarded to the Commissioner. If the record has been forwarded, the Commissioner shall act upon the request if the case is pending before him. If the case is pending before the Board of Immigration Appeals, the Commissioner shall forward the request to the Board. The Board shall consider the request and either remand the case for further hearing or deny the request and render a decision on the record. Upon receipt of permission to reopen the hearing, the board of special inquiry shall again acquire full control of the case as provided in § 136.5.

§ 136.7 *Notice of decision on appeal; appeal from order of Commissioner; abandoned applications for admission.* (a) The Commissioner, or officers designated by him in accordance with § 90.1 of this chapter, shall consider and determine all appeals entered from decisions of boards of special inquiry. The Commissioner shall notify the appropriate field office of his decision and shall, in accordance with § 90.9 of this chapter, serve his decision and order upon the alien or his counsel or representative. Further proceedings shall be had in accordance with the provisions of Part 90 of this chapter.

(b) If the decision on appeal provides for the reopening of the case or for the admission of the alien and he is in contiguous territory and does not appear for the reopened hearing or for admission to the United States within whatever period of time is specified in the decision or, where no such period is specified, within 60 days after the date of the notice addressed to him at his last known address, he shall be regarded as having abandoned his application for admission to the United States and the proceedings in his case shall be closed without prejudice to any future application. Any subsequent application for admission shall be considered as a new application.

§ 136.8 *Waiver of rights.* An alien or his counsel may waive any of the rights which accrue to the alien under the provisions of Part 130 of this chapter or this part and any such waiver shall be noted in the record of the proceedings before the board of special inquiry.

PART 140—MEDICAL OFFICERS AND HOSPITAL TREATMENT

Sec.
140.1 Medical officers; to whom responsible.
140.11 Contagious disorder of alien wife or minor child of naturalized citizen or permanent resident alien.
140.12 Hospital treatment of wife or minor child of naturalized citizen; conditions.
140.13 Hospital treatment of wife or minor child of resident alien; conditions.
140.14 Hospital treatment; to prevent unusual hardship or suffering.
140.15 Application for hospital treatment for wife or minor child.
140.16 Naturalization; proof.
140.17 Permanent residence; definition.
140.18 Hospital treatment; documents to accompany application.
140.19 Breach of conditions of bond; consequences.
140.20 Alien's right, and transportation company's liability, not affected by hospital treatment.
140.21 Citizens treated as aliens; payment of hospital expense.

AUTHORITY: §§ 140.1 to 140.21, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1, §§140.1 to 140.21, inclusive, interpret and apply sec. 15, 39 Stat. 885, 58 Stat. 816, sec. 16, 39 Stat. 885, 58 Stat. 714, 60 Stat. 1049, sec. 22, 39 Stat. 891; 8 U. S. C. and Sup., 151, 152, 159.

§ 140.1 *Medical officers; to whom responsible.* Medical officers detailed for any duty under the immigration law shall, in matters of administration, be under the direction of the officer in charge at the port to which they may be detailed. In considering and determining medical questions such officers are to be guided by the instructions issued by the Surgeon General of the Public Health Service.

§ 140.11 *Contagious disorder of alien wife or minor child of naturalized citizen or permanent resident alien.* Where an alien, otherwise admissible, is certified upon arrival to be afflicted with any contagious disorder and is (a) the wife or minor child of an alien who is shown to have taken up his permanent residence in the United States; (b) the alien wife of a naturalized citizen married to him abroad prior to his naturalization; or (c) the minor child of a naturalized citizen born abroad to him prior to his naturalization, such alien shall be held until it is ascertained whether the disorder will be easily curable or whether landing can be permitted without danger to others. Deportation shall occur promptly with respect to such wife and minor child when it is ascertained that the disorder is not easily curable or that the alien cannot be landed without danger to others, but if it shall be determined that the disorder is easily curable, and the husband or father or other responsible person is willing to bear the expense of treatment, such alien, if otherwise admissible and upon proper application under section 22 of the Immigration Act of 1917 (39 Stat. 891; 8 U. S. C. 159), may be accorded treatment in a hospital until cured and thereupon admitted. Examining surgeons shall include, so far as possible, in their certificate for contagious disorder, statement as to whether or not the disorder will be easily curable and whether or not the person certified can be permitted to land without danger to other persons.

§ 140.12 *Hospital treatment of wife or minor child of naturalized citizen; conditions.* No application for hospital treatment on behalf of the wife or minor child of a naturalized citizen shall be considered unless it affirmatively appears in such application that the applicant or someone in his behalf has deposited with the proper hospital official a sum sufficient to defray the cost of such treatment for a period of 60 days or for a less period if it is estimated that a cure may possibly be effected in less than 60 days, and that a bond has been furnished on Form I–355 with approved surety in the sum of not less than $500 conditioned that at least 15 days prior to the expiration of the period above referred to a further deposit of cash will be made sufficient to cover the cost of treatment for an additional period of 30 days; and that a remittance of a similar amount every 15 days prior to the expiration of the period covered by such deposit shall be made until the alien is cured and permanently landed or the case otherwise disposed of; and that a sum sufficient to defray the cost of forwarding such alien to final destination will be furnished when and if needed, and, in the event such alien is a person who, from infancy or other cause, will require an attendant to accompany him to final destination if landed, or to the country of origin if eventually deported, that such an attendant, or funds sufficient to defray the cost of employing one, will be furnished: *Provided*, That where it affirmatively appears to the satisfaction of the Department that the husband or father is unable to pay the expense of the hospital treatment, such treatment may be accorded at the expense of the appropriation for the enforcement of the Immigration Act.

NOTE: § 140.12, as set forth above, has been amended effective Sept. 1, 1947.

§ 140.13 *Hospital treatment of wife or minor child of resident alien; conditions.* No application made on behalf of the wife or minor child of an alien who shall have taken up his permanent residence in the United States shall be considered unless the cash deposit and bond provided for in § 140.12 are furnished as required in said section.

§ 140.14 *Hospital treatment; to prevent unusual hardship or suffering.* No application for hospital treatment made on behalf of an alien certified by the proper medical officer to be suffering from tuberculosis in any form or from a loathsome contagious or dangerous contagious disease, other than one of quarantinable nature, as provided in section 18 of the Immigration Act of 1917 (39 Stat. 887; 8 U. S. C. 154), shall be considered unless it affirmatively appears to the satisfaction of the Department that to refuse such hospital treatment would be inhumane or cause unusual hardship or suffering: *Provided*, That if, upon arrival, the condition of the alien is such as to require immediate hospital treatment, such hospital treatment may be accorded when, in the opinion of the official in charge, a denial of such treatment, pending authorization therefor by the Department, will cause unusual hardship or suffering: *And provided further*, That in such case the action of such official shall be reported forthwith to the Department for the necessary authorization.

§ 140.15 *Application for hospital treatment for wife or minor child.* Application for hospital treatment arising under the provisions of section 22 of the Immigration Act of 1917 (39 Stat. 891; 8 U. S. C. 159), made in behalf of the wife or minor child of a naturalized citizen or in behalf of the wife or minor child of an alien having a permanent residence in this country, or application for hospital treatment arising under the provisions of section 18 of said act (39 Stat. 887; 8 U. S. C. 154), shall be made to the officer in charge within the time allowed for filing appeals and by such officer immediately forwarded to the Central Office for presentation to the Department.

§ 140.16 *Naturalization; proof.* The presentation of a naturalization certificate and identification of the presenter as the rightful holder thereof shall be accepted as satisfactory proof of naturalization.

§ 140.17 *Permanent residence; definition.* The term "permanent residence" in §§ 140.11, 140.13, and 140.15, shall be understood to mean that place where a person has his true, fixed, and permanent home and principal establishment to which, whenever he is absent, he has the intention of returning, and shall be established by evidence satisfactory to the Department.

§ 140.18 *Hospital treatment; documents to accompany application.* The official in charge shall forward with the application a transcript of the board hearing and a certificate of a Public Health Service Surgeon showing the character and extent of the alien's affliction and estimating the duration of treatment required to effect a cure, and may make such recommendation as he deems proper.

§ 140.19 *Breach of conditions of bond; consequences.* If the application is granted and there is a failure to observe the terms of the bond exacted, report thereof shall be made to the Central Office, to the end that the conditions of the bond may be enforced and the alien deported. Any balance of a deposit remaining unexpended when the alien is cured or released shall be returned to the depositor. The cost of hospital treatment may be charged against the deposit from the time the petition was filed and until the alien has been either admitted or deported.

§ 140.20 *Alien's right, and transportation company's liability, not affected by hospital treatment.* The treatment of an alien under §§ 140.11–140.21, shall not be construed to alter in any manner the status of the alien with reference to his right to enter or remain in the United States, nor to affect in any manner the liability of transportation companies under the Immigration Act of 1917 (39 Stat. 874), and the rules and regulations made in pursuance thereof.

§ 140.21 *Citizens treated as aliens; payment of hospital expense.* If any arriving passenger apparently an alien is placed in hospital under any provision of §§ 140.11–140.21 that does not require expenses of hospital treatment to be paid by other than transportation companies, and it is subsequently shown that such passenger is in fact a United States citizen, the expense of treatment up to the time satisfactory proof of citizenship is furnished shall be borne by the transportation company or by the vessel on which such passenger arrived.

PART 142—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

Sec.

142.1 Preexamination; who may apply.
142.2 Preexamination; aliens eligible.
142.3 Preexamination; application; where deportation proceedings have not been instituted.
142.4 Preexamination; application; where deportation proceedings have been instituted.
142.5 Preexamination; authorization.
142.7 Preexamination; notification of authorization.
142.8 Preexamination; place and time.
142.9 Preexamination; documents to be presented.
142.10 Preexamination; medical examination.
142.11 Preexamination; primary inspector.
142.12 Preexamination; board of special inquiry.
142.13 Preexamination; where alien found unqualified.
142.14 Preexamination; where alien found inadmissible.
142.15 Preexamination; appeal by dissenting inspector.
142.16 Preexamination; where alien found admissible.
142.17 Preexamination; readmission with immigration visa.
142.18 Preexamination; readmission without immigration visa.
142.19 Preexamination; reports.
142.20 Preexamination; repeal of prior regulations and instructions.

AUTHORITY: §§ 142.1 to 142.20, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR. 90.1.

§ 142.1 *Preexamination; who may apply.* An alien who is a member of any of the following classes and who intends to apply to a consular officer of the United States in Canada for an immigration visa for entry into the United States for permanent residence may, subject to the provisions of this part, apply for the privilege of a preexamination by officers of the Immigration and Naturalization Service for the purpose of determining in advance his admissibility into the United States for permanent residence when in possession of an unexpired immigration visa:

(a) An alien—other than a citizen of Canada, Mexico, or any of the islands adjacent to the United States—who has been within the United States for a period of one year or more and who has a spouse, parent, or minor child, who is in the United States and is a citizen thereof or is a lawfully permanent resident alien;

(b) An alien—other than a citizen of Canada, Mexico, or any of the islands adjacent to the United States—who has resided in the United States for a period of five years or more; or

(c) An alien—other than a citizen of Canada—whose case is found to be an exceptionally meritorious case.

§ 142.2 *Preexamination; aliens eligible.* Preexamination shall not be authorized unless it appears to the officer granting such authorization that the alien is:

(a) Admissible to Canada;

(b) Of good moral character;

(c) Registered and/or fingerprinted as required by the Alien Registration Act, 1940; and

(d) Able to obtain the prompt issuance of an immigration visa in case it is determined that he is admissible to the United States for permanent residence.

§ 142.3 *Preexamination; application; where deportation proceedings have not been instituted.* Application for preexamination shall be made in triplicate on Forms I–255 and I–55 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The application may be filed separately or in conjunction with a petition on Form I–133 for nonquota or preference quota status under § 165.1 of this chapter. Where the application for preexamination is filed at a field office, either separately or with Form I–133, the field office shall retain the triplicate copies of Forms I–255 and I–55 and forward the rest of the forms to the Central Office.

§ 142.4 *Preexamination; application; where deportation proceedings have been instituted.* Where the applicant is the subject of deportation proceedings, the application shall be filed as provided in § 150.6 (g) of this chapter.

§ 142.5 *Preexamination; authorization.* The Commissioner or a designated official in the Central Office shall have authority to authorize the preexamination of any alien eligible under the provisions of § 142.2.

§ 142.7 *Preexamination; notification of authorization.* The Central Office shall in all cases furnish notice of the decision to the field office, which shall in turn notify the applicant in writing of the decision and shall, where the decision is that preexamination is authorized, at the same time notify him that preexamination will not be accorded him unless or until he has submitted to the United States consul to whom he intends to apply for a visa the necessary documents in support of his visa application and has received from the consular officer written assurance that such documents appear sufficient and satisfactory on their face and that a visa will be promptly available if, upon personal examination by the consul, he is found to be eligible for a visa.

§ 142.8 *Preexamination; place and time.* The immigration office at which the alien may present himself for preexamination shall be designated in the authorization; and the preexamination shall be conducted as soon as practicable after authorization and after the alien has complied with the provisions of § 142.7. In the event that the alien fails within a reasonable time to meet the conditions of § 142.7, or to present himself for preexamination after having done so, the officer in charge of the designated office shall report to the Central Office, and may recommend that the authorization be revoked.

§ 142.9 *Preexamination; documents to be presented.* When presenting himself for preexamination, an alien shall produce:

(a) The notification in writing that preexamination has been authorized.

(b) Written assurance from the consul to whom he intends to apply for an immigration visa that his documents appear sufficient and satisfactory on their face and that a visa will be promptly available for issuance to the alien if, upon personal examination by the consul, he is found to be eligible therefor.

(c) Four photographs of himself, size 2 inches by 2 inches, the distance from the top of head to point of chin to be approximately 1¼ inches, unmounted, printed on thin paper with a light background clearly showing a full front view of the features of the alien without hat, which photographs shall have been taken within 30 days of the date when they are furnished.

§ 142.10 *Preexamination; medical examination.* (a) Any alien presenting himself for preexamination shall be examined by medical officers authorized to conduct the physical and mental examination of arriving aliens under the provisions of section 16 of the Immigration Act of 1917 who shall certify for the information of the immigration officers and the boards of special inquiry any and all physical or mental defects or diseases observed by such medical officers in any such alien. Any alien certified for insanity or mental defect may appeal to the board of medical officers of the United States Public Health Service as provided in section 16 of the Immigration Act of 1917.

(b) Where the preexamination is to be conducted at a place where no officers of the United States Public Health Service are detailed for the purpose, a certificate from a civil physician of not less than four years' professional experience, preferably one designated by the United States Public Health Service or Veterans' Administration, may, in the discretion of the officer in charge, be accepted. The officer in charge shall note in writing on the face of the certificate his approval of such acceptance.

§ 142.11 *Preexamination; primary inspector.* The preexamination shall be conducted in the first instance by an immigrant inspector, known as the primary inspector. It shall consist of a thorough examination into the admissibility of the alien into the United States when in possession of an unexpired immigration visa. The primary inspector shall prepare in duplicate Form I–448, "Manifest Data," which together with the application for preexamination, medical certificate, documents required in § 142.9, and other pertinent documents presented, shall constitute the record in the case. If the primary inspector is not satisfied that the alien is clearly and beyond a doubt entitled to admission when in possession of an unexpired visa, he shall certify the record to the officer in charge of the office with a recommendation that a board of special inquiry be convened.

§ 142.12 *Preexamination; board of special inquiry.* A board of special inquiry may be convened at any immigration office whenever necessary to determine the admissibility of an alien when such determination is requested by a primary inspector in preexamination proceedings. The appointment and procedure of such boards of special inquiry shall be governed by section 17 of the Immigration Act of 1917 and by Part 130 of this chapter. The board of special inquiry shall enter, as an exhibit in its record, the entire record before the primary inspector and shall conduct whatever further examination is necessary to determine the alien's admissibility into the United States.

§ 142.13 *Preexamination; where alien found unqualified.* In all preexamination proceedings the primary inspector or the board of special inquiry, as the case may be, shall first inquire into the question of whether or not the alien is qualified for preexamination under the provisions of §§ 142.1 and 142.2. If it shall appear that the alien is not entitled to the privilege of preexamination, further examination shall be suspended and the record transmitted to the Central Office accompanied in appropriate cases by an application for a warrant of arrest.

§ 142.14 *Preexamination; where alien found inadmissible.* Where an alien is held inadmissible by a board of special inquiry in preexamination proceedings (for cause other than the lack of an unexpired immigration visa), the alien may appeal from the decision to the Commissioner of Immigration and Naturalization and further proceedings shall be had in accordance with the provisions of Part 90 of this chapter: *Provided, however,* That the decision of a board of special inquiry shall be based upon the certificate of the examining medical officer and except as provided in section 21 of the Immigration Act of 1917, shall be final as to the rejection of aliens afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical defect which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of that act.

§ 142.15 *Preexamination; appeal by dissenting inspector.* Subject to the limitations in the proviso in § 142.14, a dissenting inspector may appeal from the decision of a board of special inquiry to the Commissioner of Immigration and Naturalization and further proceedings shall be had in accordance with the provisions of Part 90 of this chapter. In the event of an appeal by a dissenting inspector, no further proceedings shall be taken in the case pending the outcome of the appeal.

§ 142.16 *Preexamination; where alien found admissible.* An alien found in preexamination proceedings to be admissible to the United States when in possession of an unexpired immigration visa shall be furnished with a sealed communication to the Canadian immigration officer in charge of the Canadian port at which he intends to apply for admission to Canada, and with a border crossing card Form No. I–165, bearing a photograph and description of the alien and valid for a single reentry to the United States if the alien is admitted to Canada within four months from the date of issuance specified on the card. The letter to the Canadian officer shall state the purpose of the alien's visit; shall guarantee that the alien, if admitted to Canada while in possession of an unexpired border crossing card, will be readmitted to the United States; and shall have the alien's photograph securely attached. The border crossing card issued to the alien shall be taken up by the United States immigration officer at the port of reentry to the United States. If reentry is to be made at a place other than that where the preexamination was conducted, Form I–448 in duplicate, a copy of the Canadian letter, and duplicate copy of the border crossing card with photograph attached, shall be sent to the port of proposed reentry prior to the alien's departure to Canada.

§ 142.17 *Preexamination; readmission with immigration visa.* Any alien found admissible in preexamination proceedings to whom an immigration visa has been issued shall be admitted to the United States for permanent residence upon presentation of such visa and of his border crossing card, unless for reasons developed subsequently to the preexamination it shall appear that he is inadmissible in which event he shall be permitted to reenter for the sole purpose of being taken into custody by the immigration officers at the port of reentry who shall make a record of such limited reentry and at once apply to the Central Office for a warrant of arrest in deportation proceedings.

§ 142.18 *Preexamination; readmission without immigration visa.* Any alien found admissible in preexamination proceedings to whom an immigration visa has been thereafter denied shall be permitted to reenter the United States at the designated port of reentry upon presentation of his border crossing card; but such alien, if not in possession of documents authorizing his temporary residence in the United States, shall be taken into custody by the immigration officers at the port of reentry who shall make a record of such limited reentry and at once apply to the Central Office for a warrant of arrest in deportation proceedings.

§ 142.19 *Preexamination; reports.* The port of reentry shall inform the Canadian officers in charge at the port of entry into Canada as to the readmission of all aliens admitted pursuant to the provisions of this part.

§ 142.20 *Preexamination; repeal of prior regulations and instructions.* All regulations, rules and instructions heretofore issued which are inconsistent with this part are hereby repealed: *Provided, however,* That such repeal shall not affect any proceedings or parts of proceedings which have taken place prior to the effective date of this part as here promulgated.

PART 145—EXCLUSION AND DEPORTATION

Sec.
145.1 Notice to alien of affirmation of excluding decision.
145.2 Notice to master of vessel of alien's exclusion.
145.3 Notice to immigration officer of sailings.
145.4 Alien placed on board; when.
145.5 Aliens rejected at Canadian ports to be returned by transportation company.
145.6 Aliens rejected; return to country of embarkation.

AUTHORITY: §§ 145.1 to 145.6, inclusive, issued under the authority contained in sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U .S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 145.1 to 145.6, inclusive, interpret and apply sec. 18, 39 Stat. 887; 8 U. S. C. 154.

§ 145.1 *Notice to alien of affirmation of excluding decision.* In case an appeal from an excluding decision is dismissed and the decision affirmed, the alien shall be notified as promptly as circumstances permit.

§ 145.2 *Notice to master of vessel of alien's exclusion.* The master, agent, consignee, or owner of a vessel by which an excluded alien is to be deported shall be notified of this fact as promptly as circumstances permit; also of the cause of rejection and the class in which such alien arrived and is to be deported.

§ 145.3 *Notice to immigration officer of sailings.* At least 24 hours' advance notice of the time of sailing of every vessel which has brought aliens to the United States shall be given the officer in charge in order that he may have the opportunity to place on board the aliens to be deported by such vessel.

§ 145.4 *Alien placed on board; when.* The officer in charge may deliver excluded aliens to the responsible transportation company at such time, as in his judgment, the action is proper.

§ 145.5 *Aliens rejected at Canadian ports to be returned by transportation company.* All aliens bound for the United States finally rejected at Canadian seaports shall be returned to the country whence they came by the steamship line bringing them.

§ 145.6 *Aliens rejected; return to country of embarkation.* The steamship lines shall return at their own expense from seaports of Canada or the United States, as they may elect, to the transoceanic country of embarkation all excluded aliens, who are shown to belong to a class excluded by the Immigration Act, whenever in the judgment of the Attorney General the deportation of such aliens in the manner described is deemed necessary to safeguard the interests of the United States.

PART 150—ARREST AND DEPORTATION

Sec.
150.1 Investigations.
150.2 Applications for warrants of arrest.
150.3 Issuance of warrants of arrest.
150.4 Execution of warrant of arrest.
150.5 Custody of arrested aliens.
150.6 Hearing.
150.7 Proposed findings, conclusions, and order.
150.8 Reopening the hearing.
150.9 Forwarding record to Central Office.
150.10 Special procedure; application by an alien prior to arrest for suspension of deportation.
150.11 Special deportation procedure.
150.11a Special procedure; voluntary departure permitted by officers in charge.
150.11b Requests for extension of time within which to depart voluntarily from the United States.
150.12 Execution of warrant of deportation.
150.13 Deportation.

AUTHORITY: §§ 150.1 to 150.13, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 150.1 to 150.13, inclusive, interpret and apply secs. 19, 20, 39 Stat. 889, 890, 54 Stat. 671, 56 Stat. 1044, 57 Stat. 553, sec. 14, 43 Stat. 162; 8 U. S. C. 155, 156, 214.

§ 150.1 *Investigations*—(a) *Aliens reported, or believed, to be subject to deportation.* The case of every alien reported, or believed, to be subject to arrest and deportation, shall be thoroughly investigated by such officer as may be designated for that purpose.

(b) *Purpose.* The purpose of the investigation shall be to discover whether or not a prima facie case for deportation exists; that is, whether there is credible evidence reasonably establishing (1) that the person investigated is an alien, and (2) that he is subject to deportation.

(c) *Interrogation of aliens under investigation.* All statements secured from the alien or any other person during the investigation, which are to be used as evidence, shall be taken down in writing; and the investigating officer shall ask the person interrogated to sign the statement. Whenever such a recorded statement is to be obtained from any person, the investigating officer shall identify himself to such person and the interrogation of that person shall be under oath or affirmation. Whenever a recorded statement is to be obtained from a person under investigation, he shall be warned that any statement made by him may be used as evidence in any subsequent proceeding.

(d) *Refusal to make recorded statement under oath or affirmation.* Whenever, in the course of an investigation, admissions or statements are obtained from an alien or statements are made by any other person which indicate that the alien may be subject to arrest and deportation, but the alien or other person refuses to make a recorded statement under oath or affirmation or refuses or is unable to sign the recorded statement by name or by mark, the investigating officer shall make a report in writing to the officer in charge, setting forth the facts admitted or stated as to the alien's status under the immigration laws. This report may be used in support of an application for a warrant of arrest, when the investigating officer certifies that no other evidence to establish the facts stated in the report can be readily obtained. Statements obtained in confidence may be included in such report, without disclosure of their source, only if the officer in charge certifies that in his belief such statements are trustworthy.

(e) *Anonymous information.* Information received from a person whose name or address is not disclosed to the investigating officer or is known or appears to be fictitious shall not be used to support an application for a warrant of arrest. Such information shall be used only as a guide to obtaining competent evidence to support the facts alleged.

(f) *Extent of interrogation.* Where an alien under investigation, after reasonable questioning, makes no admissions which bring him within a deportable class, interrogation shall cease, and the investigating officer, if he still believes that the alien is subject to deportation, shall attempt to secure from other sources the necessary evidence.

§ 150.2 *Applications for warrants of arrest*—(a) *Submission.* Whenever it is found, after preliminary investigation, that a prima facie case for the deportation of an alien exists, application for a warrant of arrest shall be made. The application shall be in writing, shall set forth the grounds upon which it is made and shall be accompanied by the supporting evidence and, if available, by the alien's registration number under the Alien Registration Act, 1940.

(b) *Verification of landing.* In all cases in which official records of an alien's arrival exist, and in which there is a time limitation as to the institution of deportation proceedings, or in which knowledge of the time, place and manner of the alien's last entry is necessary for a proper determination of the case, the application shall be accompanied by a certificate of admission obtained from the officer in charge at the port where landing occurred. Where in such cases a certificate of admission is not promptly procurable, the application for a warrant may be submitted without the certificate of admission, but the reason therefor shall be reported and the certificate forwarded as soon as obtained.

(c) *Criminal cases.* Whenever an application for a warrant of arrest is based on conviction for crime in the United States, it shall be accompanied by a certified copy of the record of conviction and sentence and, if it is deemed necessary in order to establish that the crime involves moral turpitude, by a certified copy of the information, indictment or complaint, upon which the alien was convicted.

(d) *Public charge cases.* Whenever an application for a warrant of arrest includes the charge that the alien has become a public charge within five years from the date of entry from causes not affirmatively shown to have arisen subsequent thereto, the application shall be accompanied by a certificate of the official in charge of the institution in which the alien is or has been confined, or if the alien is not or has not been confined, by the certificate of a responsible public official having knowledge of the facts, showing that the alien is being or has been maintained at public expense. If the alien became a public charge because of a mental or physical condition, there shall also be submitted, if available, a clinical history of the case prepared by the institution where the alien is or has been confined.

(e) *Telegraphic applications.* A telegraphic application for a warrant of arrest shall be resorted to only when there is likelihood that the alien will leave for parts unknown before a formal warrant can be obtained or when necessary to avoid undue expense to the Government, as where the alien is found and the investigation is conducted at a considerable distance from the nearest immigration office. Such telegraphic application shall state the name of the alien, the grounds for deportation charged, the date and place of the alien's entry and enough of the supporting proof to enable the Central Office to exercise a judgment as to probable cause for the issuance of a warrant. The code supplied by the Central Office shall be used whenever practicable.

§ 150.3 *Issuance of warrants of arrest.* (a) If it is determined that a prima facie case for deportation has been established, a warrant of arrest shall be issued by the designated official in the Central Office, except that any officer in charge of a district shall have power to issue a warrant of arrest:

(1) In any case within the purview of §§ 150.10 and 150.11 and as provided therein; or

(2) In any other case in which it appears to the satisfaction of such officer that the alien may escape arrest unless the warrant is issued immediately.

(b) In any case where the officer in charge of a district issues a warrant of arrest under paragraph (a) of this section, a copy of the warrant of arrest and of all of the evidence in support thereof shall be immediately forwarded to the Central Office.

(c) Warrants of arrest may, where necessary, be transmitted by telegraph, such telegraphic warrant to be followed by the formal warrant of arrest.

(d) In any case where the officer in charge of District No. 13, with headquarters at San Francisco, California, has authority to issue a warrant for the arrest of an alien in the Territory of Hawaii, the warrant of arrest may be issued by the officer in charge at Honolulu and a copy of the warrant and of all of the evidence in support thereof forwarded immediately to the Central Office and to the officer in charge of the district.

§ 150.4 *Execution of warrant of arrest*—(a) *Service upon alien.* Upon receipt of a telegraphic or formal warrant of arrest, the warrant shall be served upon the alien, and he shall be taken into custody thereunder and fully advised of the cause for his arrest. Copy of the formal warrant of arrest, if arrest is accomplished thereunder, shall be furnished to the alien. Where the arrest is accomplished under a telegraphic warrant, the alien shall be fully advised of the cause for his arrest, given a decoded copy of the warrant of arrest, and furnished with a copy of the formal warrant of arrest as soon as received. If the alien is confined in a penal institution, a copy of the formal warrant shall be filed with the officer in charge of the institution. In cases of mental incompetency, or of children under 16 years of age, a copy of the warrant shall be served upon the alien's guardian, near relative, or friend whenever possible.

(b) *Notice to alien of right to counsel and release under bond.* The alien, immediately upon being taken into custody, shall be advised of his right to representation by counsel at the hearing to be held under the warrant and of the amount of bail under which he may be released from custody. Similar advice shall be given to the guardian, near relative, or friend, in cases involving mentally incompetent aliens or aliens under 16 years of age.

(c) *Identification card to be lifted when alien arrested.* If an arrested alien is found to be in possession of a border crossing identification card, such card shall be taken up and retained in the immigration office where the hearing is conducted until the final decision is made in the case.

§ 150.5 *Custody of arrested aliens*—(a) *Release on bond or personal recognizance.* An alien arrested in deportation proceedings may, pending final disposition of his case and in the discretion of the officer in charge of the office having custody of the alien, be released under bond, or on his own personal recognizance, or on parole, unless specific instructions to the contrary covering individual aliens or classes of aliens shall have been issued by the Central Office. When release is directed by the officer in charge of the office having custody of the alien under conditions other than those stated in the warrant of arrest, such officer shall make immediate report thereof in writing to the Central Office giving the reasons for the action taken.

(b) *Detention without bond.* If, in any case where the Central Office has not authorized detention without bond, the officer in charge of an office having custody of an alien has reason to believe that release should not be authorized under any condition, such alien may be continued in custody but a report shall promptly be made to the Central Office giving reasons for the action taken.

(c) *Delivery bonds.* If a delivery bond is required and accepted, the bond shall be in an amount that will insure the alien's appearance when wanted, but not less than $500.

NOTE: Paragraph (c) of § 150.5, as set forth above, becomes effective Sept. 1, 1947.

CROSS REFERENCE: For approval and cancellation of delivery bonds, see 8 CFR Part 169.

(d) *Detention facilities.* An alien under deportation proceedings not released on bond, or on personal recognizance, or on parole, may be confined only in a detention facility operated by the Service, or in a jail which has been approved by the Service as a detention facility or, upon approval from the Central Office, in some other suitable quarters. Children under 18 years of age and women shall not be held in custody in jails unless absolutely unavoidable. Such aliens, when detention is necessary, may be detained in a private or other home or facility operated under contract with the Service for the maintenance of aliens, or in a home or other facility operated by a social welfare or philanthropic agency. Where detention of such aliens in a jail is unavoidable, a report thereof with the reasons therefor, shall be immediately submitted to the Central Office.

(e) *Institutional cases.* An alien confined in an institution shall not be removed therefrom, in the absence of special instructions, until a warrant of deportation has been served and the Service is completely ready to deport, except in the case of a criminal alien who has served his sentence and is subject to discharge from imprisonment.

(f) *Cost of maintenance pending deportation.* The cost of maintaining aliens in custody after arrest and pending deportation may be borne by the Government, except that where an alien is an inmate of a public or private institution at the time of the institution of deportation proceedings no expense shall be incurred by the Government until he is taken into physical custody by immigration officers.

§ 150.6 *Hearing*—(a) *When to be accorded under warrant.* After the alien has been taken into custody under a warrant of arrest and has been given a reasonable time to arrange for his defense, including, if desired, representation by counsel, and after the formal warrant of arrest has been received, if arrest was accomplished under a telegraphic warrant, the alien shall be granted a hearing to determine whether he is subject to deportation on the charges stated in the warrant of arrest. A hearing under a telegraphic warrant of arrest, and prior to the receipt of the formal warrant of arrest, shall be held only on the request of the alien or his counsel, or when, in the discretion of the officer in charge, it is deemed impracticable to await the receipt of the formal warrant. The alien shall be informed of his right to request a hearing upon a telegraphic warrant prior to the receipt of the formal warrant.

(b) *Presiding inspector to be other than investigating officer.* The immigrant inspector assigned to conduct a hearing under a warrant of arrest shall be referred to as the "presiding inspector." The immigrant inspector who

conducted the investigation in the case shall not act as presiding inspector unless the alien consents thereto. The presiding inspector shall rule upon all objections to the introduction of evidence or motions made during the course of the hearing. In cases to which no examining inspector has been assigned pursuant to the provisions of paragraph (n) of this section, the presiding inspector shall conduct the interrogation of the alien and the witnesses in behalf of the Government and shall cross-examine the alien's witnesses and present such evidence as is necessary to support the charges in the warrant of arrest. The presiding inspector shall see that all documentary or written evidence is properly identified and introduced into the record as exhibits by number, unless read into the record. He shall further make sure that, subject to the provisions of paragraphs (d), (e), and (g) of this section, the record is a verbatim report of everything that is stated during the course of the hearing, including the oaths administered, the warnings given to the alien or the witnesses, and the rulings on objections, except statements made off the record with the consent of the alien or his counsel.

(c) *Procedure; notice of charges.* At the beginning of a hearing under a warrant of arrest, the presiding inspector shall (1) permit the alien to inspect the warrant of arrest and inform him of the charges contained therein by repeating them verbatim and explaining them in language which will clearly convey to the alien the nature of the charges he must answer; (2) apprise the alien, if not represented by counsel, that he may be so represented if he desires and require him to state then and there for the record whether he desires counsel; (3) place the alien under oath or affirmation; (4) advise the alien of the penalty for perjury; and (5) enter of record as an exhibit, identified by number, the formal warrant of arrest, or a decoded copy of the telegraphic warrant if hearing is held thereunder. The presiding inspector shall further advise the alien of the provisions of paragraph (g) of this section concerning applications for the privilege of departure in lieu of deportation or for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, in all cases except those in which the alien is charged with being subject to deportation upon one of the grounds mentioned in section 19 (d) of the said act. A continuance of the hearing for the purpose of obtaining counsel shall not be granted more than once, unless sufficient cause for the granting of more time is shown.

(d) *Representation by counsel.* If counsel be selected, he shall be permitted to be present during the hearing, to offer evidence to meet any evidence presented or adduced by the Government, and to cross-examine witnesses called by the Government. Counsel shall be permitted to state his objections succinctly, and they shall be entered on the record. Argument of counsel in support of his objections shall be excluded from the record. Counsel, however, may submit such argument in the form of a brief to accompany the record.

(e) *Where representation by counsel waived.* If representation by counsel be waived, the alien shall be permitted to offer evidence to meet any evidence presented or adduced by the Government, to cross-examine witnesses called by the Government, and to make objections, which shall be entered on the record, but his arguments in support of the objections may, in the discretion of the presiding inspector, be excluded from the record, in which event, however, the alien shall be permitted to submit such argument in writing to accompany the record.

(f) *Interpreters.* Where the services of an interpreter are found necessary in the conduct of a hearing, the interpreter, if not an employee of the Service, shall be sworn to interpret and translate accurately.

(g) *Application for suspension of deportation, for departure in lieu of deportation, or for preexamination.* At any time during the hearing the alien may apply, under the provisions of section 19 (c) of the Immigration Act of 1917, as amended (39 Stat. 889, 54 Stat. 671, 56 Stat. 1044, 8 U. S. C. 155 (c)):

(1) On Form I–55 in triplicate, for suspension of deportation; or

(2) On Form I–255 in triplicate, for the privilege of departing the United States at his own expense in lieu of deportation; or

(3) On Form I–255 in triplicate, for the privilege of departing the United States at his own expense in lieu of deportation and the privilege of preexamination under Part 142 of this chapter. The alien may apply simultaneously for more than one of these three reliefs. The alien shall be warned that any statements made by him in such applications may be considered as evidence in any proceedings to determine his right to enter, reenter, pass through, or reside in the United States, and that false answers to any of the questions in such applications may bar him from the relief which he requests. Any such applications shall then be introduced into evidence and made a part of the record.

(h) *Order in which evidence shall be presented.* The presiding inspector or examining inspector, when interrogating the alien at the hearing, shall develop in order (1) the facts relating to alienage and nationality; (2) the facts relating to the charges in the warrant of arrest or to any additional charges applicable; (3) the facts relating to the alien's eligibility for any relief applied for under paragraph (g) of this section; (4) the personal history data required by paragraph (j) of this section; and (5) other pertinent information not already obtained for the record.

(i) *Use of statements or admissions made during investigation.* A recorded statement made by the alien (other than a General Information Form) or by any other person during an investigation may be received in evidence only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statements made during the investigation. An affidavit of an inspector as to the statements made by the alien or any other person during an investigation may be received in evidence, otherwise than in support of the testimony of the inspector, only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statement and the inspector is unavailable to testify in person.

(j) *Record to contain personal history.* All records of hearings shall fully set forth, either in the General Information Form if filed or otherwise, the name or names of the alien (correctly spelled); place of the alien's birth; the name of the nearest town of importance to such place of birth; the province and country in which such place is located; the alien's religion; the names and locations of churches or schools he has attended; the last address of the alien in his native country, in the country of which he is a citizen or subject, and in the country in which he has last resided; the country in which he embarked for the United States or for foreign contiguous territory; correct names and addresses and the citizenship or nationality of the alien's nearest relatives residing in the country of his birth, and correct names and addresses of all near relatives residing in the United States.

(k) *Physical or mental disability cases; record to contain medical certificate.* The record of the hearing accorded an alien who is suffering from any mental or serious physical disability shall be supplemented by a medical certificate showing (1) whether such alien is in condition to be deported without danger to life or health and (2) whether he will require special care and attention in case of deportation overseas.

(l) *Additional charges.* If, during the hearing, it shall appear to the presiding inspector that there exists a reason additional to those stated in the warrant of arrest why the alien is subject to deportation, he shall notify the alien that such additional charge is lodged against him, and shall proceed with the hearing upon such charge in like manner as on charges contained in a warrant of arrest.

(m) *Alien to be warned of disabilities respecting reentry to the United States.* Before the hearing is concluded, the alien shall be warned by the presiding inspector that the act of March 4, 1929, as amended, provides that any alien who, after arrest and deportation or departure from the United States in pursuance of an order of deportation, enters or attempts to enter the United States, shall be guilty of a felony, and upon conviction shall be liable to imprisonment for not more than two years or a fine of not more than $1,000, or both such fine and imprisonment, unless such entry or attempted entry is made after one year from the date of such departure or deportation, and the alien, prior to his reembarkation at a place outside of the United States or prior to his application in foreign contiguous territory for admission to the United States, has been granted by the Attorney General permission to reapply for admission to the United States.

(n) *Assignment of examining inspector in addition to presiding inspector; duties of inspectors.* The officer in charge of the district in which the hearing is to be held may, in his discretion, assign a second immigrant inspector to act at the hearing as the "examining inspector." The examining inspector shall conduct the actual interrogation of the alien and of the witnesses in behalf of the Government and the examination or cross-examination of the alien's witnesses, present such evidence as is necessary to support the charges in the warrant of arrest, lodge such additional charges as he may find to be applicable in the manner hereinbefore directed, and, if the alien has applied for the privilege of departure in lieu of deportation or for suspension of deportation as provided in § 150.6 (g), § 150.8 (b), or § 150.10, inquire thoroughly into the alien's eligibility for such relief. The presiding inspector in such cases, shall exercise all functions not herein assigned to the examining inspector, and he may, in addition, take such part in the interrogation of the alien and witnesses as he may deem necessary to assure that a proper hearing is accorded to the alien.

§ 150.7 *Proposed findings, conclusions, and order*—(a) *Preparation by presiding inspector.* As soon as practicable after the hearing has been concluded, the presiding inspector shall prepare a memorandum setting forth a summary of the evidence adduced at the hearing, his proposed findings of fact and conclusions of law, and a proposed order.

(b) *Eligibility for departure in lieu of deportation or for suspension of deportation.* If the alien has applied for the privilege of departure in lieu of deportation or for suspension of deportation as provided in § 150.6 (g), § 150.8 (b), or § 150.10, the presiding inspector shall follow his conclusions of law as to the alien's deportability with a discussion of the evidence relating to the alien's eligibility for such relief and of his reasons for his proposed order. He shall then state in numbered paragraphs his proposed findings of fact and his proposed conclusions of law as to the alien's eligibility for the relief requested.

(c) *Proposed order.* In the proposed order the presiding inspector shall recommend cancellation of the proceedings, deportation, departure under order of deportation, departure in lieu of deportation, or suspension of deportation in accordance with the judgment he has made on the basis of the evidence adduced at the hearing.

(d) *Service of findings of presiding officer.* A copy of the presiding inspector's memorandum containing his discussion of the evidence, proposed findings of fact, proposed conclusions of law and proposed order shall be furnished to the alien or his counsel in all instances by personal service, if practicable, otherwise by registered mail, and a return receipt therefor shall be obtained. A copy also shall be furnished to the examining inspector, if an examining inspector has been assigned to the case.

(e) *Filing of exceptions.* (1) The alien or his counsel or representative shall be allowed by the officer in charge a reasonable time (not to exceed 10 days except on showing of good cause that more time is necessary) in which to file exceptions to the proposed findings, conclusions, and order of the presiding inspector and to submit a brief, if desired. Reasonable extensions of time for the filing of exceptions or brief may be granted in the discretion of the officer in charge The examining inspector shall promptly file exceptions to the proposed findings, conclusions, and order of the presiding inspector, or state in writing that he waives the filing of exceptions.

(2) For the duration of the War which the United States declared existed against Japan on December 8, 1941, and against Germany and Italy on December 11, 1941, alien seamen who entered the United States on or after September 1, 1939, or who shall hereafter enter the United States and against whom deportation proceedings have been or may be instituted shall be allowed a period of three days in which to file exceptions or waive the filing of exceptions to the proposed findings, conclusions, and order of the presiding inspector and to submit a brief, if desired, in lieu of the time specified in subparagraph (1) of this paragraph.

§ 150.8 *Reopening the hearing.* At any time prior to the forwarding of the record of hearing to the Commissioner, the officer in charge of a district or suboffice may direct that a case be reopened for proper cause. The Commissioner may direct a reopening of the record of hearing for proper cause at any time prior to such time as an appeal from his order may be entered in accordance with the provisions of § 90.3 (a) of this chapter. Requests by aliens or their representatives for a reopening of a hearing prior to entry of a final order shall be in writing, state the new facts to be proved, and be supported by affidavits or other evidentiary material. All requests for reopening must be filed with the appropriate field office of the Immigration and Naturalization Service. If the record of hearing has been forwarded to the Commissioner from that office, the request for reopening shall be forwarded to the Commissioner. The Commissioner shall grant or deny the request if the case is pending before him. If the case is pending before the Board of Immigration Appeals, the request shall be forwarded to the Board. The Board shall consider the request and either remand the case for further hearing or deny the request and render a decision on the record.

§ 150.9 *Forwarding record to Central Office.* Upon receipt of exceptions and brief, if any, of the alien or his counsel, or upon the expiration of the time allowed for the submission of exceptions or brief, the entire record, including all copies of Forms I–55 and I–255 filed by the alien, the presiding inspector's proposed findings, conclusions, and order, exceptions and brief, including the exceptions of the examining inspector, if any, shall be forwarded to the Commissioner.

§ 150.10 *Special procedure; application by an alien prior to arrest for suspension of deportation*—(a) *Who may apply.* Any alien who believes himself to be subject to deportation and against whom deportation proceedings have not been instituted by the issuance of a warrant of arrest, as provided in § 150.3 or § 150.11 (a) may voluntarily submit himself to the jurisdiction of the Immigration and Naturalization Service and make written application for suspension of deportation. Such application may be made by filing Forms I–256 and I–55, properly filled in and executed in triplicate, at the office of the Immigration and Naturalization Service having jurisdiction over the applicant's place of residence.

(b) *Eligibility.* An alien is eligible to be considered for suspension of deportation if:

(1) He is deportable under any law of the United States except:

(i) The act of October 16, 1918, as amended (anarchist and similar classes); or

(ii) The act of May 26, 1922 (narcotic); or

(iii) The act of February 18, 1931, as amended (narcotic); or

(iv) Any of the provisions of section 19 (a) of the act of February 5, 1917, as amended, as relates to criminals, prostitutes, procurers, or other immoral persons, the mentally and physically deficient, anarchists, and similar classes; or

(v) Section 19 (b) of the act of February 5, 1917, as amended (smuggling of aliens, unlawful possession of weapons, violation of Title I, Alien Registration Act, 1940); and

(2) He has proved good moral character for the preceding five years; and

(3) He is not racially inadmissible or ineligible to naturalization; and

(4) It is found that such deportation would result in serious economic detriment to a citizen or legally resident alien who is the spouse, parent, or minor child of such alien.

(c) *Issuance of warrant of arrest.* If, upon the filing of Forms I–256 and I–55, the officer in charge of the district believes from the facts set forth therein that the alien is subject to deportation, and finds that there is no warrant of arrest outstanding, such officer shall issue a warrant of arrest stating the charges upon which he believes the alien to be subject to deportation. If a warrant issues under this paragraph, one copy each of such warrant and of Forms I–256 and I–55 shall be immediately forwarded to the Central Office.

(d) *Documents and investigation required.* Where a warrant of arrest has been issued under this section and Forms I–256 and I–55 have been accepted as a prima facie showing of eligibility for suspension of deportation, the alien shall be advised (1) to obtain promptly and furnish the officer in charge, official certifications to establish his relationship to those he claims would suffer economic detriment by his deportation, and if such persons are citizens of the United States, evidence of their citizenship, and (2) submit the affidavits of two witnesses, preferably citizens, and if the alien is employed, one from his employer, who can vouch for the alien's good moral character for the preceding

five years. The officer in charge shall obtain verifications of such entries of the alien and other persons as are pertinent to the case and shall also cause an investigation to be conducted for the purpose of obtaining facts which will bear upon the alien's claim to eligibility for relief under the provisions of paragraph (b) of this section. The investigating officer shall make a written report of his investigation to be included in the record.

(e) *Notice to appear for hearing; counsel.* When the necessary entries have been verified and the documents required of the alien and the report of the investigating officer have been submitted, the alien shall be notified to appear for a hearing at a time and place to be designated by the officer in charge. If the alien is married and suspension of deportation is sought on the ground of economic detriment to the spouse, the alien shall be required to produce such spouse at the hearing. The alien shall also be informed that he may be represented at the hearing by counsel.

(f) *Hearing and record.* Upon the alien's appearance and the service on him of the warrant of arrest, if not previously served, the alien shall be granted a hearing to establish his deportability and eligibility for suspension of deportation. The presiding inspector assigned to conduct the hearing shall not be the same officer who conducted the investigation except in cases of necessity as determined by the officer in charge. The presiding inspector shall (1) apprise the alien that the purpose of the hearing is to establish the facts as to his deportability and eligibility for suspension of deportation, (2) place the alien under oath or affirmation, (3) advise the alien of the penalty for perjury and that any false answers to any of the questions in the application or General Information Form or at the hearing, may bar him from the relief he requests, and (4) enter of record as exhibits identified by number, copy of the formal warrant of arrest, Form I–256 and I–55, certifications and affidavits submitted by the alien, the written report of the investigation, and the reports as to records of the alien's entries and of the entries of such other persons as are material to the case. If the alien is married, the spouse shall be questioned for the purpose of determining whether the alien is eligible for suspension of deportation. The presiding inspector may question the alien and, in his discretion, require presentation of other witnesses for examination as to the deportability of the alien or his eligibility for suspension of deportation. At the hearing the alien should be afforded an opportunity to present any evidence he desires in support of his application. The presiding inspector, by questioning the alien and the witnesses, shall attempt to reconcile any discrepancies of fact occurring in the record.

(g) *Memorandum of the presiding inspector.* If, on the basis of the evidence presented as provided in paragraph (f) of this section, the presiding inspector is satisfied of the alien's deportability and that he is entitled to the relief sought, he shall prepare a memorandum, stating therein only the grounds for the alien's deportability and that he appears eligible for suspension of deportation under section 19 (c) (2) of the Immigration Act of 1917, as amended. A copy of the memorandum shall be furnished the alien. The entire record shall then be delivered to the officer in charge of the district for transmittal to the Central Office.

(h) *Termination of special procedure.* The special procedure provided for in paragraphs (f) and (g) of this section may be terminated forthwith (1) by the officer in charge of the district at any time prior to the transmittal of the record to the Commissioner, upon a determination that the alien may leave for parts unknown, or is failing without cause to prosecute his application, or that the alien's eligibility for suspension of deportation is questionable; or (2) by the Commissioner at any time. If such special procedure has been terminated as herein provided, the alien may be released under bond or on his own recognizance and his case shall be handled as other deportation cases under §§ 150.4 to 150.9, inclusive, commencing with the proceedings immediately following the service of the warrant of arrest. The removal of any case from the procedure provided in this section shall be without prejudice to the alien's application for suspension of deportation.

§ 150.11 *Special deportation procedure*—(a) *In cases involving recent illegal entrants and alien seamen; when permissible.* Notwithstanding any other provisions of this part, any officer in charge of a district shall have power to issue warrants of arrest upon application made direct to such officer by an investigating officer:

(1) In any case in which an alien is believed to have entered the United States illegally from foreign contiguous territory or adjacent islands within one year preceding the application for warrant of arrest, and one of the grounds of deportation upon which the application for warrant of arrest is based is:

(i) That the alien entered the United States by water at any time or place other than as designated by immigration officials; or

(ii) That the alien entered the United States by land at any place other than one designated as a port of entry for aliens by the Commissioner of Immigration and Naturalization; or

(iii) That the alien entered the United States at any time not designated by immigration officials; or

(iv) That the alien entered the United States without inspection.

(2) In any case in which an alien seaman is believed to have entered the United States on or after September 1, 1939, in an illegal manner, or after having been admitted to the United States on or after that date as a seaman in pursuit of his calling under the provisions of section 3 (5) of the Immigration Act of 1924, is believed to have remained in the United States for a longer period of time than permitted under the regulations in effect at the time of his admission, and one of the grounds of deportation upon which the application for a warrant is based is:

(i) That the alien, at the time of his entry, was an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof by said act or regulations made thereunder; or

(ii) That the alien, after admission as a seaman, has remained in the United States for a longer period of time than permitted under said act or regulations made thereunder.

(b) *In cases involving recent illegal entrants and alien seamen; investigations and applications for warrants of arrest.* Investigations and applications for warrants of arrest in cases within the purview of paragraph (a) of this section shall be made in accordance with the provisions of §§ 150.1 and 150.2.

(c) *In cases involving recent illegal entrants and alien seamen; issuance and execution of warrants of arrest; release or detention of alien.* When an application for issuance of a warrant of arrest has been made in a case falling within the provisions of paragraph (a) of this section, the officer in charge of the district shall issue the warrant if he is satisfied from the supporting evidence that a prima facie case for deportation has been established. The warrant shall state the grounds upon which the officer in charge of the district believes the alien to be subject to deportation, and, in appropriate cases, may provide for the alien's release under bond in a sum of not less than $500 or on his own recognizance pending further proceedings. The warrant shall be executed in the same manner as though issued by the Central Office.

(d) *In cases involving recent illegal entrants and alien seamen; hearing and procedure thereunder.* The hearing and all further proceedings in the case of an alien arrested upon a warrant issued and executed in accordance with paragraph (c) of this section shall be conducted in the manner prescribed in §§ 150.6 and 150.7 with the following exceptions:

(1) Any alien who desires the privilege of departure in lieu of deportation may make such request at any time during the hearing and such request may be acted upon without the necessity of filing Forms I–55 and I–255. The presiding inspector shall require the alien to furnish such information as may be available in support of such request.

(2) The presiding inspector, immediately before the hearing is concluded, shall state for the record in the presence of the alien his findings of fact, conclusions of law, and recommendation as to the disposition of the case, and

(3) The alien shall be required then and there to state whether or not he takes exception to such findings of fact, conclusions of law, and recommendation as to the disposition of the case; and he shall be informed that if he does take exception, the record will be submitted to the Commissioner for decision, and

(4) The transcript of the record, including the findings of fact, conclusions of law, and proposed order of the presiding inspector as stated in the record shall be presented to the officer in charge of the district in which the hearing is held.

(e) *In cases involving recent illegal entrants and alien seamen; issuance of warrant of deportation.* In any case conducted in accordance with the provisions of this section, in which the alien has made an exception to the proposed findings, conclusions, and order of the presiding inspector, or in which the alien has applied for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, or in which the recommendation of the presiding inspector is for any action other than the deportation of the alien, the transcript of the record shall be forwarded to the Commissioner for decision. Any other case shall be referred for determination to the officer in charge of the district. If such officer in charge is not satisfied beyond a doubt that the alien is subject to deportation and that his case falls within the provisions of paragraph (a) of this section, he shall forward the record to the Commissioner, with a statement of his reasons for so doing. If the officer in charge of the district is satisfied beyond a doubt that the alien is subject to deportation and that the case falls within the provisions of paragraph (a) of this section, he may issue a warrant directing the deportation of the alien upon the charges which have been established by the record. In all cases where a warrant of deportation is issued, a complete copy of the record and of the order of deportation shall be forwarded to the Commissioner within two business days. Deportation of an alien ordered deported by an officer in charge of a district shall be effected in the same manner as though deportation had been directed by the Commissioner. Any alien who has been ordered deported by an officer in charge of a district may, within five days after such order, if deportation has not been sooner effected, file an exception to the order of deportation giving his reasons in support thereof, and may request that his case be referred to the Commissioner for decision. Upon the filing of such exception and request, deportation of the alien shall be stayed and the request of the alien, accompanied by the entire record if not previously transmitted, shall be forwarded to the Central Office for review and decision by the Commissioner. If the warrant of deportation issued by the officer in charge of the district is confirmed by the Commissioner, deportation shall proceed upon the warrant issued by the officer in charge unless the respondent appeals to the Board of Immigration Appeals within the time specified in § 90.9 of this chapter. If, on appeal, the Board of Immigration Appeals affirms the order of the Commissioner, deportation shall proceed upon the warrant issued by the officer in charge of the district as soon as notification of such affirmance is received.

(f) *Limitation as to alien seamen.* The provisions of paragraph (a) (2) of this section relating to alien seamen shall be operative only for the duration of the war which the United States declared existed against Japan on December 8, 1941, and against Germany and Italy on December 11, 1941.

§ 150.11a *Special procedure; voluntary departure permitted by officers in charge.* Notwithstanding any other provisions of this part, the authority conferred upon the Attorney General by subsection (c) (1) of section 19 of the Immigration Act of 1917, as amended (39 Stat. 889, 54 Stat. 671; 8 U. S. C. 155 (c)), to permit certain deportable aliens to depart from the United States to any country of their choice at their own expense in lieu of deportation, may be exercised by any officer in charge of a district or suboffice: *Provided,* (a) That the alien concerned is a citizen of either Canada or Mexico and desires to depart immediately from the United States for whichever of such countries he is a citizen; (b) That the alien is willing and able to pay his own transportation expenses and will apparently be admitted to the country of destination with little or no delay; and (c) That the immediate departure of the alien without the issuance of a warrant of arrest or without the completion of proceedings on a warrant of arrest will be advantageous to the Government.

§ 150.11b *Requests for extension of time within which to depart voluntarily from the United States.* (a) Where an order has been entered by the Commissioner or by the Board of Immigration Appeals granting an alien permission to depart voluntarily from the United States at his own expense, a request for extension of time within which to effect departure shall be addressed to the Commissioner and filed in triplicate with the appropriate field office. The Commissioner shall act upon the request and, if denied, shall serve notice of his order and decision upon the alien or his counsel or representative, as provided in § 90.9 (a) of this chapter. Further proceedings shall be conducted in accordance with §§ 90.3 and 90.9 (b) of this chapter.

(b) If an alien does not depart from the United States within the time granted or any extension thereof, the field office shall serve a notice upon the alien and his counsel or representative, if any, advising him that it proposes to recommend to the Commissioner that an order of deportation be entered. The notice to the alien and his counsel or representative shall further advise him of his right to file exceptions within such time, but not less than five business days, as the field office deems reasonable. At the expiration of the period granted or any extension thereof, a copy of the notice together with the exceptions filed, if any, shall be forwarded to the Commissioner. The Commissioner shall act upon the recommendation and serve notice of his decision and order upon the alien or his counsel or representative, as provided in § 90.9 (a) of this chapter. Further proceedings shall be conducted in accordance with §§ 90.3 and 90.9 (b) of this chapter.

§ 150.12 *Execution of warrant of deportation*—(a) *Taking an alien into custody.* Upon the issuance of a warrant of deportation or as soon thereafter as the circumstances of the case may require, the alien, if not already in custody, shall be taken into custody thereunder and deported.

(b) *Aliens confined in penal institutions.* No alien sentenced to imprisonment shall be deported under any provision of law until the termination of the imprisonment. Imprisonment shall be considered as terminated upon the release of an alien from confinement whether or not he is subject to rearrest or further confinement in respect of the same offense. Release of an alien from confinement on parole shall be considered as a termination of imprisonment.

(c) *Aliens discharged from United States Narcotic Farms.* Any alien who has been sentenced to imprisonment and has been ordered deported and who has been transferred as an alien addict to a United States Narcotic Farm provided for in the act of January 19, 1929, shall, at the time of his discharge from the farm, be taken into custody direct from the farm and deported instead of being returned to the penal institution from which he came.

(d) *Departure at alien's expense.* Where an alien has been ordered deported, the officer in charge of the district within which the alien is located or where the alien is in custody may, in the absence of express directions to the contrary in the warrant of deportation, permit the alien to depart to any country of his choice by reshipping foreign one way as a seaman, or by any other method at the alien's expense. When such departure is permitted and effected, the facts shall be recorded on the warrant of deportation. Any alien who is permitted to depart from the United States at his own expense under a warrant of deportation shall be notified of the issuance of such warrant and again warned concerning the provisions of the act of March 4, 1929, as amended, as set forth in § 150.6 (m).

(e) *Stay of deportation by the officer in charge.* Where an alien has been ordered deported and is about to be joined to a deportation party or his deportation is otherwise imminent and some serious emergency arises, or where new and material evidence is discovered, the district director within whose district the alien is located may, in his discretion, stay the deportation. All the facts and circumstances in such cases shall be reported immediately to the Central Office, and the further action taken shall be subject to the direction of the Central Office.

§ 150.13 *Deportation*—(a) *Manner of.* If deportation is to be effected by vessel or airplane, notice of the proposed deportation of any alien shall be given to the transportation company concerned, together with a brief description of the alien and any other appropriate data, including the cause of deportation, physical and mental condition, and destination. Any request from the transportation lines to defer delivery of the alien for deportation shall be accompanied by a written agreement from the line concerned that it will be responsible for all detention expenses resulting from such deferment.

(b) *To foreign contiguous territory.* Aliens ordered deported to foreign contiguous territory shall be returned across the border at the nearest port unless humanitarian or other reasons render it advisable to effect deportation through some other port. Deportation to a sea-

port shall be authorized when that course is deemed advisable or more economical than deportation across the land boundary. In cases involving deportation to foreign contiguous territory pursuant to the provisions of § 150.11, the officer in charge of the district within which the hearing was held shall determine through which port deportees shall be deported. In all other such cases officers in charge shall include in their letters transmitting the records of warrant hearings a recommendation as to the port through which such deportees should be deported.

PART 153—DEPORTATION OF INSANE AND DISEASED ALIENS

Sec.
153.1 Special care and attention for aliens; duty of steamship company.
153.2 Delivery of alien to steamship officer; procedure.
153.3 Delivery of alien at foreign port or destination; procedure.
153.4 Failure of steamship company to provide special care; alternative.
153.5 Lepers; deportation; procedure.

AUTHORITY: §§ 153.1 to 153.5, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 153.1 to 153.5, inclusive, interpret and apply sec. 18, 39 Stat. 887, 45 Stat. 1551, 58 Stat. 816, sec. 20, 39 Stat. 890, 57 Stat. 553; 8 U. S. C. and Sup., 154, 156.

§ 153.1 *Special care and attention for aliens; duty of steamship company.* When the immigration officials find that an alien about to be deported, whether after rejection by a board or on Department warrant, requires special care and attention, the steamship company concerned shall provide such care and attention as his condition requires, not only during the ocean voyage but also as hereinafter provided in § 153.3 during the foreign inland journey.

§ 153.2 *Delivery of alien to steamship officer; procedure.* The alien shall be delivered to the master or first or second officer of the vessel on which deportation is to occur, who shall be given the appropriate Form I–287 and a duplicate carbon sheet A thereof. The receipt and sheet A shall be filled out except as to signature by an immigration officer. The receipt attached to sheet A shall be signed by the ship's officer to whom the alien has been delivered and returned forthwith to the immigration officer making delivery. Sheets B and C shall be retained by the ship's officer and in due course filled out by the agents or persons therein designated and by them returned by mail as herein provided.

§ 153.3 *Delivery of alien at foreign port or destination; procedure.* From the foreign port of disembarkation the steamship company shall at its own expense forward the alien to destination in charge of a proper attendant except only in cases where foreign public officials decline to allow such attendants to proceed and themselves take charge of the alien, which fact must be shown by signing the form, provided in the lower half of sheet C of Form I–287. If the foreign public officials do not take charge at the port of disembarkation, but at an interior frontier, both forms on sheet C must be filled out, the former in relation to the inland journey as far as such frontier.

§ 153.4 *Failure of steamship company to provide special care; alternative.* Whenever a steamship company fails, refuses, or neglects to provide personal care and attendance for a deported alien requiring such care and attention, or when such company fails, refuses, or neglects to return sheets B and C of Form I–287 properly executed within 90 days after the departure of such alien, or otherwise fails, refuses, or neglects to comply with the provisions of this part, the Attorney General shall thereafter and without notice employ suitable persons, at the expense of such company, to accompany aliens requiring personal care and attendance when deported on any vessel of such company.

§ 153.5 *Lepers; deportation; procedure.* In cases of deportees who are afflicted with leprosy and who are subjects of Mexico or other contiguous territory, the matter of obtaining permission for the return of such aliens to their respective countries shall be taken up with the competent authorities of the country of which the alien is a subject, by the officer in charge of the district in which the case arises, through the United States immigration officers at the border port through which such aliens are to be deported. As soon as it is determined that such aliens are deportable, the Central Office will obtain travel permits for the aliens' passage from the State of origin into the State from which deportation is to be effected, said travel permits being obtained through the office of the Surgeon General, United States Public Health Service, Washington, D. C. Negotiations with appropriate common carriers shall be started by the officer in charge of the district in which such cases arise, immediately upon finding that the victim of the disease is deportable, for the purpose of arranging for the transportation of such aliens in the most economical manner possible, in keeping with the State health laws and the rules of the United States Public Health Service. Other cases of deportable aliens afflicted with leprosy shall be disposed of in accordance with governing circumstances and with the assistance and under the direction of the Central Office.

PART 154—HOLDING AS WITNESSES ALIENS ORDERED DEPORTED

Sec.
154.1 Deportation of witness stayed; conditions, expenses, release.
154.2 Witnesses; when warrant withheld.

AUTHORITY: §§ 154.1 and 154.2 issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 154.1 and 154.2 interpret and apply sec. 18, 39 Stat. 887, 45 Stat. 1551, 58 Stat. 816; 8 U. S. C. and Sup., 154.

§ 154.1 *Deportation of witness stayed; conditions, expenses, release.* The Department may stay the deportation "of any aliens found to have come in violation of any provision" of the Immigration Act of 1917 (39 Stat. 874) when the testimony of such aliens is necessary on behalf of the United States in the prosecution of offenders against the Immigration Act of 1917 or any other laws of the United States, and the cost of maintenance and a witness fee in the sum of $1 per day may be paid by the Department in each such case, or the alien witness may be released under bond of not less than $500 conditioned for his production when required as a witness or for deportation. Therefore, the alien to be detained must have come to the United States in violation of the Immigration Act of 1917, and his deportation must have been stayed by the Department, before detention charges and witness fees, or release under bond, can be authorized; and such authorization can be given only in cases in which at least one cause for the proposed deportation of the alien arose prior to entry. Such cases should be reported promptly to the Central Office, with a statement of all facts and circumstances material to decision of the question whether the authorization desired shall be granted. Vouchers for witness fees should be prepared in favor of each witness and submitted at the close of each month or, if detention is for less than one month, at the conclusion of such detention. Maintenance charges will be vouchered in the regular way applicable to such bills.

§ 154.2 *Witnesses; when warrant withheld.* Cases in which there exists no cause for deportation arising prior to entry (for example, cases in which aliens have become members of the immoral or criminal classes after landing) are not within the purview of § 154.1. In such cases, therefore, when it becomes necessary to hold an alien as a witness, arrangements therefor must be made with the appropriate United States attorney. The issuance of warrants of deportation in these classes of cases will be withheld pending the termination of judicial proceedings, so that the witnesses may be bound over and detention expenses and witness fees paid by the Department of Justice.

PART 155—DETENTION EXPENSES

Sec.
155.1 Liability of transportation companies for removal and care of alien.
155.2 Liability of transportation companies for expense of attendant or accompanying alien.
155.3 Expense bills; presentation to steamship companies.
155.4 Payment; advance assurance; failure.
155.5 Expenses when borne by other than transportation company.
155.6 Burial expenses of aliens; when borne by the Government.

AUTHORITY: §§ 155.1 to 155.6, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1.

§ 155.1 *Liability of transportation companies for removal and care of alien.* The owners, masters, agents, and consignees of vessels bringing aliens shall pay all expenses incident to or involved in their removal from the vessel or their detention as mentioned in Part 110 of this chapter (excepting only in cases in which it is otherwise provided by sections 15 and 18 of the Immigration Act of 1917, as amended (39 Stat. 885, 887, 45 Stat. 1551, 58 Stat. 816; 8 U. S. C. 151, 154), or in which detention occurs under the terms of section 22 of said act (39 Stat. 891; 8 U. S. C. 159)), irrespective of whether the aliens removed or detained are subsequently admitted or deported; such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation; also all expenses of hospital treatment where granted under section 18, Immigration Act of 1917 (39 Stat. 887; 8 U. S. C. 154), and § 140.15. When aliens are fed under an exclusive privilege (section 26, act of February 5, 1917 (39 Stat. 894; 8 U. S. C. 115)), the expenses of maintenance generally shall be deemed the charges at which the privilege holder agrees to furnish them food. At ports where the Immigration and Naturalization Service maintains hospitals, the hospital expenses shall be such as are fixed by the Department, and at other hospitals they shall be as are fixed by the authorities thereof.

§ 155.2 *Liability of transportation companies for expense of attendant or accompanying alien.* If in the judgment of the officer in charge, based upon the expressed opinion of a surgeon, it is necessary for the proper care of an alien removed to hospital or as a measure of humanity to place with him there an attendant or accompanying alien, the cost of the latter's detention in hospital must be borne in the same manner as is the cost of treating the disabled alien.

§ 155.3 *Expense bills; presentation to steamship companies.* Bills pertaining to any of the expenses in this part shall be presented to the responsible steamship companies monthly or oftener at the option of the officer in charge, and, if not promptly paid, action shall be taken immediately, as prescribed by Part 160 of this chapter.

§ 155.4 *Payment; advance assurance; failure.* Immigration officers are under no obligation to order the removal of aliens from a vessel for inspection or hospital treatment (excepting only in cases in which it is otherwise provided by section 18, Immigration Act of 1917 (39 Stat. 887, 45 Stat. 1551, 58 Stat. 816; 8 U. S. C. 154), or in which detention occurs under the terms of section 22 of said act (39 Stat. 891; 8 U. S. C. 159)) until the steamship companies have obligated themselves in a manner satisfactory to such officers for the payment of the expenses referred to in §§ 155.1 and 155.2, and at their option they may require payment in advance, or security, for each and every one thereof; and for failure on the part of a steamship company at any time during the course of detention to pay such expenses, the aliens may be returned to the vessel.

§ 155.5 *Expenses when borne by other than transportation company.* Detention expenses shall be borne by the Government in cases of (a) aliens held as witnesses under section 18, Immigration Act of 1917 (39 Stat. 887, 45 Stat. 1551, 58 Stat. 816; 8 U. S. C. 154); (b) insane aliens whose health or safety would be unduly imperiled by immediate deportation (said section 18); (c) in cases in which the wives and minor children of naturalized citizens are accorded treatment under section 22 of said act (39 Stat. 891; 8 U. S. C. 159), and §§ 140.11 to 140.15, inclusive, of this chapter, when it is satisfactorily shown that the husband or father is unable to pay such expenses; and (d) aliens who arrived in possession of unexpired visas issued by United States consuls within 60 days of the aliens' foreign embarkation if the sole cause of exclusion is one arising under section 13 (a) (1) or (3) of the Immigration Act of 1924, as amended (43 Stat. 161, 50 Stat. 165; 8 U. S. C. 213 (a)). They shall be borne by the husband or father of the alien when he is able to pay them, in cases in which treatment of a wife or minor child is authorized under said provision of law and sections of regulations; and always by the husband or father when he is merely a permanent resident, not a naturalized citizen of the United States whose wife and child are allowed treatment under section 22 of said act and § 140.13 of this chapter. Preferably, they shall be paid by the alien, but may be paid from the immigration appropriation under special authority where it is necessary to hold the alien after admission in accordance with § 134.1 of this chapter, and in the cases of wives and minor children of naturalized citizens accorded treatment under section 22 of said act and §§ 140.11 to 140.15, inclusive, of this chapter. If a final order of exclusion be entered in the case of an alien in class (d) of this section and if the officer in charge at the port orders the transportation line to return the alien, the detention expenses contemplated in sections 15 and 18 of the Immigration Act of 1917, as amended (39 Stat. 885, 887, 45 Stat. 1551, 58 Stat. 816; 8 U. S. C. 151, 154), and all expenses incidental to detention shall continue to be borne by the Government only until the next departure of a vessel of the transportation line, which brought the alien to the United States, for the place where the alien embarked for the United States. If the alien is not removed from the United States at the time of such departure, thereafter all expense of detention shall be borne by the transportation line.

§ 155.6 *Burial expenses of aliens; when borne by the Government.* The burial expenses of aliens who die while in the lawful custody of the Immigration and Naturalization Service may be borne by the Government, except in those cases in which it is otherwise provided by section 15 of the Immigration Act of 1917 (39 Stat. 885, 58 Stat. 816; 8 U. S. C. 151), and said burial expenses may include the payment of not exceeding $10 in any case for the services of a minister of any recognized religious denomination.

PART 157—REMOVAL OF DISTRESSED ALIENS FROM THE UNITED STATES

Sec.
157.1 Removal of distressed aliens; who may apply.
157.2 Application for removal; how made; necessary data.
157.3 Application for removal; examination and investigation.
157.4 Record; recommendation; review.
157.5 Final disposition.
157.6 Application for readmission; form and contents.
157.7 Application for readmission; delivery; validity of approved application for subsequent entries.

AUTHORITY: §§ 157.1 to 157.7, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166; sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 157.1 to 157.7, inclusive, interpret and apply sec. 23, 39 Stat. 892, 50 Stat. 164; 8 U. S. C. 102.

§ 157.1 *Removal of distressed aliens; who may apply.* Any alien who, at any time after entry, falls into distress or is in need of public aid from causes arising subsequent to his entry may apply for removal to his native country, or the country from which he came, or to the country of which he is a citizen or subject.

§ 157.2 *Application for removal; how made; necessary data.* Application for removal shall be made in duplicate on Form I–243 (Application for Removal) and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. A separate Form I–243 shall be filed by each alien, except that the application of a child under 14 years of age may be included in the application of a parent. The application shall be signed by the applicant, or in the case of a child under the age of 18 years by his parent or guardian, when submitted, but shall not be subscribed and sworn to or affirmed until the applicant appears before an officer of the Immigration and Naturalization Service for examination upon the merits of his application. In the application the alien shall state his name; the date and place of his birth; the country to which removal is desired; the place, date, and manner of his arrival in the United States; and the name, age, and address of his dependents, if any. If the applicant has received assistance from a public or charitable institution or association, the application shall show the name and address of such institution or association and shall be accompanied by a certificate of the accredited representative thereof indicating the nature and extent of the aid furnished to the alien. If the alien has not received public aid, the application shall show the financial conditions which cause him to need public aid. Any other information called for by the application form shall be furnished. The applicant shall be notified when and where to appear for examination upon the merits of his application.

§ 157.3 *Application for removal; examination and investigation.* The examining officer shall orally review the application with the applicant, or in the case of a child under the age of 18 years with the parent or guardian, before administering the oath. Any necessary changes in the application shall be consecutively numbered and acknowledged in writing by the applicant or the parent or guardian. The applicant or the parent or guardian shall then be questioned under oath by the examining officer for the purpose of identification and of de-

termining whether the applicant is eligible to be removed from the United States as provided in § 157.1. If such action is deemed necessary, additional investigation shall be made. During the examination the applicant shall be informed that if he is removed from the United States, he will forever be ineligible for readmission except upon the approval of the Secretary of State and the Attorney General. Such notification by the examining officer and the applicant's response shall be incorporated verbatim in the record. If the applicant is suffering from any mental or serious physical disability, a medical certificate shall be obtained showing (a) whether the applicant is in condition to be removed from the United States without danger to life or health and (b) whether he will require special care and attention in case of removal overseas.

§ 157.4 *Record; recommendation; review.* Upon completion of the examination and investigation, the examining officer shall prepare a report of his findings on Form I–273 (Report of Examining Officer in Removal Proceedings), together with his recommendation and any comment he may deem necessary. The record and the findings and recommendation of the examining officer shall then be forwarded to the district director. The district director or an officer designated by him shall review the record and shall add his recommendation on the Form I–273. If such review leads to a different recommendation from that of the examining officer, the reasons shall be stated in writing. The entire record shall then be submitted to the Central Office.

§ 157.5 *Final disposition.* If the Commissioner or officer designated by him is satisfied after review of the record that the applicant is eligible to be removed from the United States as provided in § 157.1, an order for removal will be entered. Authorization for the applicant's removal shall be issued by the Commissioner or a designated officer in the Central Office on Form I–202 (Authorization for Removal). Upon the issuance of the authorization for removal or as soon thereafter as practicable, the applicant may be removed from the United States at Government expense.

§ 157.6 *Application for readmission; form and contents.* An alien removed from the United States after May 13, 1937, is ineligible for readmission except upon the approval of the Secretary of State and the Attorney General. Application for permission to apply for readmission after removal may be made at any time after the alien's departure. The application shall be made by letter addressed to the Secretary of State and the Attorney General, shall be prepared in triplicate, and shall show the name of the alien; the date and place of his birth; the date of removal from the United States; the address in the United States at the time of removal; the port through which removed; country to which removed; the purpose in applying for readmission to the United States; the alien's financial resources and proposed manner of support in the United States; and the port through which the alien proposes to reenter the United States. The application shall be accompanied by documentary evidence in substantiation of the alien's allegations as to his financial resources and proposed manner of support in the United States.

§ 157.7 *Application for readmission; delivery; validity of approved application for subsequent entries.* The application for readmission described in § 157.6 shall, wherever practicable, be delivered to the American consul to whom the alien desires to apply for a visa. If delivery cannot be made to the American consul or no visa is required, the application may be mailed direct to the Commissioner of Immigration and Naturalization or mailed to the immigration officer in charge at the proposed port of entry for transmittal to the Commissioner. A parent or legal guardian shall make application on behalf of a child under 18 years of age. If the Secretary of State and the Attorney General approve the application, the alien's eligibility for readmission on any number of occasions thereafter will not be affected by the prior removal.

PART 160—IMPOSITION AND COLLECTION OF FINES

Sec.

160.1 Liability for bringing mentally afflicted or diseased aliens.
160.2 Liability for bringing certain aliens afflicted otherwise than as described in § 160.1.
160.3 Liability for diseased seamen on passenger-carrying vessels.
160.4 Liability for bringing illiterate or barred-zone aliens.
160.5 Liability for bringing solicited aliens.
160.6 Liability for failure to supply manifest.
160.7 Liability to meet specified expenses.
160.8 Liability for failure to receive and deport excluded alien; accepting security for return expenses; bringing alien previously excluded or deported.
160.9 Liability for failure to deport alien as directed.
160.10 Liability for bringing immigrant without proper visa.
160.11 Liability for failure to report desertion or landing, or furnish required list of seamen.
160.12 Liability for failure to detain or deport seamen.
160.13 Notice of intention to fine for failure to detain seamen pending inspection; time for opposition; clearance of vessel.
160.14 Notice of intention to fine for failure to detain and deport seamen, if required, after inspection; time for opposition; clearance of vessel.
160.15 Notice of intention to fine in cases other than under §§ 160.6, 160.13, 160.14; time for opposition; clearance of vessel.
160.16 Notice of intention to fine; procedure.
160.17 Hearings; submission of evidence and report.
160.18 Mitigation or remission of fines.
160.19 Notice of decisions; appeal from Commissioner's order.

AUTHORITY: §§ 160.1 to 160.19, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1.

§ 160.1 *Liability for bringing mentally afflicted or diseased aliens.* Whenever the medical examiner certifies that an arriving alien is afflicted with any of the diseases or disabilities mentioned in section 9 of the Immigration Act of 1917, as amended by the Immigration Act of 1924 (43 Stat. 166; 8 U. S. C. 145), the vessel or transportation agency shall pay to the collector of customs (under notice of intention to fine) $1,000 for each of said aliens and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival.

§ 160.2 *Liability for bringing certain aliens afflicted otherwise than as described in § 160.1* In the case of an alien afflicted with any mental defect other than those specifically named in section 9 of the Immigration Act of 1917, as amended by the Immigration Act of 1924 (43 Stat. 166; 8 U. S. C. 145), or physical defect of a nature which may affect ability to earn a living, when certified as in § 160.1, the vessel or transportation agency shall pay to the collector of customs (under notice of intention to fine) $250 for each of said aliens and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival.

§ 160.3 *Liability for diseased seamen on passenger-carrying vessels.* Whenever the medical examiner certifies that an alien seaman found employed on board any vessel carrying passengers between a port of the United States and a port of a foreign country is afflicted with any of the diseases or disabilities mentioned in section 35 of the Immigration Act of 1917 (39 Stat. 896; 8 U. S. C. 169), such vessel or transportation agency shall pay to the collector of customs (under notice of intention to fine) $50 for each such seaman.

§ 160.4 *Liability for bringing illiterate or barred-zone aliens.* Where aliens excluded as illiterate or as natives of that portion of the continent of Asia and the islands adjacent thereto described in section 3 of the Immigration Act of 1917 (39 Stat. 875; 8 U. S. C. 136), are brought to the United States in violation of section 9 of said act as amended by the Immigration Act of 1924 (43 Stat. 166; 8 U. S. C. 145), the vessel or transportation agency bringing them shall pay to the collector of customs (under notice of intention to fine) $1,000 for each of such aliens and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival.

§ 160.5 *Liability for bringing solicited aliens.* When aliens have been brought to the United States after having been solicited, invited, or encouraged to come in violation of section 7 of the Immigration Act of 1917 (39 Stat. 879; 8 U. S. C. 143), the vessel or transportation agency bringing them shall pay to the collector of customs (under notice of intention to fine) $400 for each and every such violation.

§ 160.6 *Liability for failure to supply manifest.* Where the master or commanding officer of a vessel bringing aliens into or carrying aliens out of the United States refuses or fails, in violation of section 14 of the Immigration Act of 1917 (39 Stat. 884; 8 U. S. C. 150), to deliver the accurate and full manifests or statements or information, required by section 12 of the Immigration Act of 1917 (39 Stat. 882; 8 U. S. C. 148), regarding aliens brought into or carried out of the United States, such masters or commanding officers shall pay to the collector of customs (under notice of intention to fine) $10 for each alien concerning whom proper manifest or statement or information is not furnished at the time of arrival with respect to incoming aliens and before the time of the departure of the vessel with respect to outgoing aliens, except that with respect to outgoing aliens such fine shall not be imposed in cases where such manifest or statement or information is delivered after the departure of the vessel and within the time and under the conditions prescribed in § 107.11 of this chapter. The notice of intention to fine required by this section shall be served on the master or commanding officer or person authorized by the master or commanding officer to receive such notice.

CROSS REFERENCE: For information regarding form and preparation of manifests, see Part 107 of this chapter.

§ 160.7 *Liability to meet specified expenses.* Whenever a vessel or transportation agency fails or refuses to defray any of the expenses specified in section 15 of the Immigration Act of 1917 (39 Stat. 885, 58 Stat. 816; 8 U. S. C. 151), such vessel or transportation agency shall pay to the collector of customs (under notice of intention to fine) $300 for each and every violation of said section.

§ 160.8 *Liability for failure to receive and deport excluded alien; accepting security for return expenses; bringing alien previously excluded or deported.* Whenever there has been any refusal or failure by any master, purser, person in charge, agent, owner, or consignee of the kind specified in section 18, Immigration Act of 1917 (39 Stat. 887, 45 Stat. 1551, 58 Stat. 816; 8 U. S. C. 154), or any such person has made any charge or taken any security covering return expenses of an alien, or taken any consideration to be returned in case alien is landed, or knowingly brought to the United States in violation of said section, (a) any alien excluded and deported within a year previously, unless said alien has received from the Attorney General permission to reapply, (b) any alien arrested and ordered deported who thereafter has been deported in pursuance of law or has left the United States, unless such alien was arrested and deported prior to March 4, 1929, and in whose case prior to his reembarkation at a place outside the United States, or his application in foreign contiguous territory for admission to the United States, and prior to March 4, 1929, the Attorney General has granted such alien permission to apply for readmission, such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs (under notice of intention to fine) $300 for each and every violation of any provision of said section. For the purposes of this part, whenever applicable, the Philippine Islands shall be considered to be foreign country.

§ 160.9 *Liability for failure to deport alien as directed.* Whenever any master, agent, owner, or consignee of any vessel fails or refuses to take on board, guard safely, and transport to specified destination (in violation of section 20 of the Immigration Act of 1917 (39 Stat. 890, 57 Stat. 553; 8 U. S. C. 156)), any alien presented for deportation, such master, owner, or consignee shall pay to the collector of customs (under notice of intention to fine) $300 for each and every violation of any provision of said section.

§ 160.10 *Liability for bringing immigrant without proper visa.* Where an alien is brought to the United States in violation of section 16 (a) of the Immigration Act of 1924 (43 Stat. 163; 8 U. S. C. 216 (a)), the vessel or transportation agency shall pay to the collector of customs (under notice of intention to fine) $1,000 for each immigrant so brought and, in addition, a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival: *Provided*, That such sums shall not be assessed or required for bringing into the United States any alien, if such alien holds an unexpired visa issued by a United States consul within 60 days of the alien's foreign embarkation.

§ 160.11 *Liability for failure to report desertion or landing or furnish required list of seamen.* Where the owner, agent, consignee, or master fails to report cases of desertion or landing or to deliver the lists required by section 36 of the Immigration Act of 1917 (39 Stat. 896; 8 U. S. C. 171), such owner, agent, consignee, or master shall pay to the collector of customs (under notice of intention to fine) $10 for each alien concerning whom correct lists are not delivered or true report made as required by said section.

§ 160.12 *Liability for failure to detain or deport seamen.* The owner, charterer, agent, or consignee of a vessel who fails to detain on board any alien seaman until such seaman has been inspected, or fails to detain such seaman on board after such inspection, or deport when required to do so by the proper immigration officer or the Attorney General, as provided in section 20 (a) of the Immigration Act of 1924, as amended (43 Stat. 164, 58 Stat. 817; 8 U. S. C. 167 (a)), shall pay to the collector of customs (under notice of intention to fine), $1,000 for each alien seaman in respect of whom such failure occurs. Any such penalty in the case of a violation occurring subsequent to June 5, 1940, may upon application in writing therefor, be mitigated by the Attorney General to not less than $200 for each seaman involved, upon such terms as the Attorney General in his discretion shall think proper.

§ 160.13 *Notice of intention to fine for failure to detain seamen pending inspection; time for opposition; clearance of vessel.* When the ascertained facts indicate that the owner, charterer, agent, consignee, or master of the vessel arriving in the United States from any place outside thereof has failed to detain on board such vessel all alien seamen employed thereon pending the inspection and examination of such alien seamen by the proper immigration and naturalization official, including the muster of all aliens employed thereon, as required by the proper immigration and naturalization official, notice to the effect that the ascertained facts indicate that a fine should be imposed under section 20 of the Immigration Act of 1924 (43 Stat. 164, 58 Stat. 817; 8 U. S. C. 167) shall be served promptly upon the owner, charterer, agent, consignee, or master of the vessel and that he will be allowed 60 days from the date of service of the notice within which to submit evidence and be heard in reference to the matter. In the meantime the vessel involved, which is the subject of fine proceedings, will be granted clearance papers if there be deposited with the collector of customs, prior to the time of sailing, a sum equal to the fine specified in the said notice, or, where permitted by the act of May 26, 1924, a bond with sufficient surety approved by the collector of customs, as security for the payment of the fine in the event it should be imposed.

§ 160.14 *Notice of intention to fine for failure to detain and deport seamen, if required, after inspection; time for opposition; clearance of vessel.* When the ascertained facts indicate that the owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof has failed or refused to detain or deport any alien seaman as required by the proper immigration officer, the immigration and naturalization official in charge shall forthwith serve or cause to be served upon such owner, charterer, agent, consignee, or master a notice in writing to the effect that the ascertained facts indicate that the fine provided for by section 20 of the Immigration Act of 1924 (43 Stat. 164, 58 Stat. 817; 8 U. S. C. 167) should be imposed for each alien in respect of whom such failure or refusal occurs; and that he will be allowed 60 days from the date of service of the notice within which to submit evidence and be heard in reference to the matter. In every case this notice shall be served upon the same party as was the notice to detain or deport. In the meantime the vessel involved, which is the subject of fine proceedings, will be granted clearance papers if there be deposited with the collector of customs, prior to the time of sailing, a sum equal to the fine specified in the said notice, or, where permitted by the act of May 26, 1924, a bond with sufficient surety approved by the collector of customs, as security for the payment of the fine in the event it should be imposed.

§ 160.15 *Notice of intention to fine in cases other than under §§ 160.6, 160.13, 160.14; time for opposition; clearance of vessel.* When the facts indicate that a fine should be imposed in cases other than those stated in § 160.6, § 160.13, or § 160.14 the immigration and naturalization officer in charge shall serve promptly upon the owner, charterer, agent, consignee, or master of the vessel a notice to the effect that the ascertained facts

indicate that a fine should be imposed under the section of law involved in the particular case; that he will be allowed 60 days from the date of service of the notice within which to submit evidence and be heard in reference to the matter. In the meantime the vessel involved, which is the subject of fine proceedings, will be granted clearance papers if there be deposited with the collector of customs, prior to the time of sailing, a sum equal to the fine specified in the said notice, or, where permitted by the Immigration Act of 1924 (43 Stat. 153), a bond with sufficient surety approved by the collector of customs, as security for the payment of the fine in the event it should be imposed; also, in cases arising under section 9 of the Immigration Act of 1917, as amended by the Immigration Act of 1924 (43 Stat. 166; 8 U. S. C. 145), or under section 16 of the Immigration Act of 1924 (43 Stat. 163, 58 Stat. 817; 8 U. S. C. 216), an additional sum equal to that paid by the alien involved for his transportation to this country from the initial point of departure, such additional sum to be held by the collector of customs as a special deposit and to be delivered to the deported alien through the American consul, if fine is imposed. When such alien is accompanied by another alien who is excluded from admission, a further sum equal to that paid by such accompanying alien for his transportation to this country from the initial point of departure shall be deposited with the collector of customs and delivered to the accompanying alien when deportation is effected.

§ 160.16 *Notice of intention to fine; procedure.* Notices prescribed in §§ 160.13–160.15 shall be prepared in quadruplicate. The original shall be served on the master, agent, owner, or consignee of the vessel by (a) delivering it to him in person, or (b) leaving it at his office, or (c) mailing it to him, whenever the immigration and naturalization officer in charge finds the other methods of service inconvenient. When service is made by delivery it shall be admitted in writing upon the duplicate and triplicate and the admission witnessed by the server. If admission be refused, or, in case of service by either of the other methods, the server shall note the method and date of service on the duplicate and triplicate. The duplicate shall be retained by the immigration and naturalization officer in charge. The triplicate shall be delivered to the collector of customs for the district wherein the port of arrival is located, who shall withhold clearance papers until deposit is made or bond furnished as required in §§ 160.13–160.15. The quadruplicate shall be forwarded to the Central Office when the matter of fine is presented for departmental consideration.

§ 160.17 *Hearings; submission of evidence and report.* If, within 60 days after service of the notice of liability (Form I–79), the party against whom proceedings have been instituted under this part demands that he be heard in reference to the matter or if at any time the Commissioner or the Board of Immigration Appeals so directs, the party shall be given an opportunity to be heard by an immigrant inspector for the purpose of presenting evidence concerning the alleged violation and, where the particular section of law provides for mitigation or remission of penalty, evidence of any mitigating circumstances. The party may be represented by counsel at the hearing. All evidence pertinent to the case, including the testimony of any witnesses, shall be incorporated into the record of hearing. Regardless of whether a hearing is accorded, the record in every case shall consist of evidence which is pertinent and which is to be considered by the Commissioner or, on appeal, the Board of Immigration Appeals in determining the case in behalf of the Attorney General. In every case the record should include such items as the medical certificate, if any; a copy of any record of hearing before a board of special inquiry where facts pertaining to liability for fine were developed as required by § 130.3 of this chapter; a copy of the notice of liability for fine (Form I–79); the evidence upon which such notice was based; the original duplicates of any notices to deliver, detain on board, or remove aliens (Form I–259); evidence as to whether any deposit was made or bond furnished in accordance with the requirements of this part; reports of any investigations conducted; the original of any protest or brief filed; and the application or evidence described in § 160.18 where that section is applicable. The complete record, with the recommendations and reasons therefor of the officer in charge of the port as to whether the fine should be imposed, as to whether any refund should be made, and as to whether any application, which has been filed, for mitigation or remission should be granted, shall be forwarded to the Commissioner either as soon as it is known that the proceeding will not be contested or, in any event, not later than 60 days after service of notice of liability or at the expiration of any authorized extension of that period. If no hearing has been accorded, only the original of the complete record shall be forwarded to the Commissioner, but if a hearing has been accorded, the original and a copy shall be forwarded.

§ 160.18 *Mitigation or remission of fines*—(a) *Mentally afflicted or diseased alien seamen.* The fine prescribed by section 35 of the Immigration Act of 1917 (39 Stat. 896; 8 U. S. C. 169) for bringing to United States ports as employees of vessels aliens afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease may be mitigated or remitted only upon a clear and convincing showing to the effect that the imposition of the full penalty or of any part thereof would be unjust or inequitable under the circumstances of the particular case, including the submission of satisfactory evidence that the seamen were subjected to a competent medical examination before being signed on as members of the crew. Any application for such mitigation or remission shall be submitted in triplicate to the officer in charge at the port where the violation is alleged to have occurred and he shall forward the original and duplicate to the Commissioner.

(b) *Seamen not detained on board or deported.* The fine prescribed by section 20 (a) of the Immigration Act of 1924, as amended (43 Stat. 164, 58 Stat. 817; 8 U. S. C. and Sup. 167 (a)), for failure to detain a seaman on board until inspection or for failure after inspection to carry out any order to detain and deport, may be mitigated in the discretion of the Attorney General. An application for such mitigation shall be submitted in triplicate to the officer in charge at the port where the violation is alleged to have occurred and he shall forward the original and duplicate to the Commissioner. Such application shall include information as to what diligence was exercised in detaining the seaman in compliance with the requirements of said section 20 (a) and what efforts were made to apprehend and return him to the vessel, and any other information pertinent to a showing that imposition of the full penalty would be unjust or inequitable. The application may be submitted in conjunction with a protest. After a final order as to liability for fine has been entered, any application solely for mitigation shall be decided by the Commissioner.

(c) *Time limitation.* An application for mitigation may be filed in conjunction with an appeal but an application for mitigation shall not in itself be regarded as an appeal. With respect to violations occurring on or after February 1, 1946, any application for mitigation shall be made within a reasonable time not to exceed 90 days after notice of decision has been furnished in accordance with § 160.19.

(d) *Form.* All applications for mitigation shall be in writing and, when based upon assertions of fact, shall be supported by the unqualified affidavit of the applicant. If, however, any assertions of fact are made solely upon information and belief, the application shall be supported by the affidavit of the applicant to the effect that the allegations in the application are true and correct to the best of his knowledge, information, and belief, and the application shall be accompanied by such supporting evidence as is available to the applicant.

§ 160.19 *Notice of decisions; appeal from Commissioner's order.* The Commissioner shall furnish notice of the decision in all cases to the appropriate field office, and shall, in accordance with § 90.9 of this chapter, serve a copy of his decision and order upon the party against whom the proceedings were instituted or his counsel or representative. The field office shall inform the collector of customs promptly in the event no penalty is imposed, and in all other cases upon the disposition of any appeal, or at the expiration of the time in which an appeal may be entered. The responsibility for such action as may be appropriate in carrying out the provisions of the decision lies with the collector of customs.

PART 163—SUBPENAING WITNESSES

Sec.
163.1 Subpena; authority for; when exercised.
163.2 Issuance and service of subpena; invoking aid of court; report.
163.3 Expenses of subpenaed witnesses; reports.

AUTHORITY: §§ 163.1 to 163.3, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 163.1 to 163.3, inclusive, interpret and apply sec. 16, 39 Stat. 885; 8 U. S. C. 152.

§ 163.1 *Subpena; authority for; when exercised.* District directors and inspectors in charge are authorized to subpena witnesses and require the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end they may invoke the aid of any court of the United States. The power to issue subpenas should be exercised only when absolutely necessary. Whenever an inspector conducting an investigation or a board of special inquiry holding a hearing has reason to believe that a certain witness whose testimony is deemed essential to a proper decision of the case will not appear and testify or produce books, papers, and documents unless commanded to do so, such inspector or the chairman of such board shall request the district director or inspector in charge to issue a subpena and have it served upon such witness. If an alien or his authorized representative requests that a witness be subpenaed, he shall be required, as a condition precedent to the granting of the request, to state in writing what he expects to prove by such witness or the books, papers, and documents indicated by him and to show affirmatively that the proposed evidence is relevant and material and that he has made diligent efforts without success to produce the same. The examination of the witness or of the books, papers, and documents produced by him shall be limited to the purpose specified in such written statement of the alien or his authorized representative. When a witness has been examined by the investigating officer and counsel has not had an opportunity to cross-examine such witness and it is apparent or is shown that such witness will not appear for cross-examination unless commanded to do so, a subpena shall issue.

§ 163.2 *Issuance and service of subpena; invoking aid of court; report.* Upon determining that a witness whose evidence is desired either by the Government or the alien will not appear and testify or produce written evidence unless commanded to do so, the district director or inspector in charge shall issue a subpena and have it served upon the witness by an immigration officer or employee, in conformity with this part, due record of such service to be made. If the witness neglects or refuses to respond to the subpena, the United States attorney of the proper district shall be requested so to report to the appropriate district court, and move that an order be issued requiring the witness to appear or to produce written evidence, as provided by section 16 of Immigration Act of 1917 (39 Stat. 885; 8 U. S. C. 152), or for action as therein specified in the event of continued neglect or refusal. District directors or inspectors in charge shall submit promptly to the Central Office a report of each subpena issued under the terms of this part.

§ 163.3 *Expenses of subpenaed witnesses; reports.* If a witness subpenaed at the request of the alien or his representative demands that he be recompensed for time lost from his employment, arrangements therefor must be made by the alien or his representative as a condition precedent to the issuance of the subpena. If a subpena is issued under authority of section 16 of the Immigration Act of 1917 (39 Stat. 885; 8 U. S. C. 152), at the request of an inspector or the chairman of a board, mileage and fees may be paid at rates not to exceed those usually allowed by the United States district court for the district in which the testimony is taken. Where the total amount of mileage and fees exceeds $25, specific authority must be obtained in advance from the Central Office.

PART 164—PERMIT TO REENTER THE UNITED STATES

Sec.
164.1 Qualifications.
164.2 Application; form; fee.
164.3 Action on application.
164.4 Issuance; effect; delivery in United States.
164.5 Emergent cases; delivery outside United States.
164.6 Extensions.
164.7 Disposition at port of entry.

AUTHORITY: §§ 164.1 to 164.7, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 164.1 to 164.7, inclusive, interpret and apply sec. 10, 43 Stat. 158, 8 U. S. C. 210.

§ 164.1 *Qualifications.* Any alien who is a lawful permanent resident of the United States and who is about to depart temporarily therefrom may make application for a permit to reenter the United States.

CROSS REFERENCE: For resident alien's border crossing identification card, see §§ 166.1–166.6 of this chapter.

§ 164.2 *Application; form; fee.* The application for a permit to reenter the United States shall be made, under oath, on Form I–131, which may be obtained from any office of the Immigration and Naturalization Service, and should be submitted at least 30 days before the proposed date of departure, to the Commissioner of Immigration and Naturalization or to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. A separate application must be made for each applicant. A parent or guardian may file an application in behalf of a child who is under the age of 14 years. Each application shall be accompanied by the statutory fee of $3, remitted as prescribed in § 60.30 (b) of this chapter. Each application shall also be accompanied by two photographs of the applicant, which shall meet the specifications in § 364.1 of this chapter. The application shall include—(a) name currently used; (b) time, place, and manner of last recorded arrival in the United States; (c) name used at time of entry; (d) father's name and mother's maiden name; (e) age, marital status, and occupation at time of entry; (f) place and date of birth; (g) last permanent residence and name and address of nearest relative in country whence alien came; (h) name and address of person to whom destined at time of last entry; (i) personal description as of date of filing application; (j) by whom accompanied at time of last entry; (k) address in the United States, and what temporary address abroad will be; (l) marital status at the date of filing application, and if married the name and address of husband or wife; (m) nature of business or employment and name of employer; (n) port and date of proposed departure, name of vessel on which sailing, length of proposed absence, and reasons for going abroad.

§ 164.3 *Action on application.* (a) An application accepted by a field office shall be examined as to execution. If the application is improperly executed, it may be returned to the applicant with instructions. If there is doubt as to the applicant's qualifications, the applicant may be interviewed. A written question-and-answer statement may be taken. The examining officer shall endorse the application to show whether any such interview or the examination of the application disclosed ground for denial. The application shall be forwarded to the Commissioner with the fee, photographs, and any statements taken. At the same time, in cases where the applicant's entry to the United States is not recorded in the Central Office, a verification of such entry shall be forwarded, or caused to be forwarded by use of Form I–423, to the Commissioner.

(b) An application accepted by the Commissioner shall be examined as to execution and as to the applicant's qualifications. Verification of the applicant's entry to the United States shall be made. If the application is improperly executed, it may be returned to the applicant with instructions. If there is doubt as to the applicant's qualifications, the application may be forwarded to the appropriate field office for interview of the applicant.

(c) Any claim made in addition to, or in substitution for, any of those contained in the original application must be made under oath and filed in the same manner as the original application and will be subject to the same interrogation and investigation as required for the original application.

§ 164.4 *Issuance; effect; delivery in United States.* (a) If the Commissioner of Immigration and Naturalization finds that the applicant has the qualifications specified in § 164.1 and that the application is made in good faith, he shall issue the permit and it shall be valid for the time therein specified, not to exceed one year. Such permit will, however, have no effect under the immigration laws except to show that the alien to whom it is issued is returning from a temporary visit abroad.

(b) The Commissioner shall forward the permit to reenter to the office designated by the applicant, and the appli-

cant shall secure it in person at such office prior to departure from the United States. Permits will not be delivered to one member of a family for another member or to one person for another. Before delivery of a permit is made, an immigrant inspector shall compare the photograph appearing thereon with the person calling for the permit and shall make delivery only upon satisfactory identification and where any minor discrepancies indicated by the Commissioner are satisfactorily explained. When a permit is delivered, the applicant shall sign it. All permits shall be endorsed, partly on the photograph and partly on the permit, by the officer making delivery. If it is concluded for any reason that the permit should not be delivered, it shall be returned to the Commissioner with a report of the facts.

(c) When an application for a permit to reenter the United States is denied, the fee shall be returned to the applicant.

§ 164.5 *Emergent cases; delivery outside United States.* Where the examining officer is satisfied at the time an application is submitted in person that an emergency exists which necessitates departure prior to the issuance of the permit, he shall require the foreign address of the applicant to be given in the application and shall affix a notation thereto concerning the nature of the emergency. Where such a request is made subsequent to the submission of the application, it shall be in the form of a sworn statement before an immigrant inspector setting forth the nature of the emergency and the foreign address to which it is desired the permit be mailed. The officer receiving the statement shall indicate thereon whether he is satisfied that an emergency exists and shall forward the statement to the Commissioner with a photograph of the applicant and with information as to the date on which the original application was mailed. In any emergent case, the Commissioner of Immigration and Naturalization may authorize the mailing of a permit to an applicant at a foreign address.

§ 164.6 *Extensions.* If the holder of a permit to reenter desires an extension thereof, he shall, prior to the expiration of the validity of such permit, file with the Commissioner of Immigration and Naturalization an application in writing stating (a) his name, and address in the United States; (b) when, where, and by what means he departed from the United States; (c) port of landing and date of arrival abroad; (d) countries visited in the order visited; (e) reason for requesting extension and period for which desired; and (f) applicant's foreign address to which permi is to be returned. The application should be executed under oath before an American consular officer. The application for extension shall be accompanied by the permit to reenter and by the statutory fee of $3, which shall be remitted as prescribed in § 60.30 (b) of this chapter and shall be payable in the United States in American money. If the application for extension is granted, such action shall be endorsed on the permit and the permit mailed to the applicant at his foreign address. If the extension is denied, the permit may be returned to the applicant if the remaining period of its validity permits of its use for return to the United States. On good cause, the validity of the permit to reenter may be extended for a period or periods not exceeding six months each. If an application for an extension is denied, the fee for the extension should be returned to the applicant.

§ 164.7 *Disposition at port of entry.* The action in disposing of an application for admission to the United States of an immigrant presenting a permit to reenter the United States shall be endorsed on the permit in the space provided thereon and the permit shall be transmitted to the Commissioner: *Provided*, That where final action results in the exclusion of the alien, a permit shall not be forwarded to the Commissioner until the deportation or return of the alien: *Provided*, That a permit surrendered at a support shall be forwarded directly to the Commissioner.

PART 165—FORMAL PETITIONS AND APPLICATIONS

Sec.
165.1 Petition for nonquota or preference quota immigration visa; requirements.
165.2 Nonquota or preference quota status; date of establishment; alteration of status.
165.12 Temporary stay in United States; extension; form of application and necessary data.
165.13 Temporary stay in United States; extension; application; who may grant; conditions; limitations.
165.13a Final authority of district directors to deny applications for extension of stay filed by aliens admitted for 29 days or less.
165.14 Visitors or tourists in United States; failure to maintain status.
165.20 Verification of arrival of lawfully resident alien relative of applicant for visa.

AUTHORITY: §§ 165.1 to 165.20, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 165.1 *Petition for nonquota or preference quota immigration visa; requirements.* (a) Subject to the limitations described in paragraph (b) of this section, a citizen of the United States claiming that any immigrant is his relative and properly admissible to the United States as a nonquota immigrant, or that any immigrant is entitled to preference in the issuance of an immigration visa, shall, in order to establish such nonquota or preference status for such immigrant, file with the Commissioner of Immigration and Naturalization a typewritten petition in duplicate (Form I–133), alleging under oath (1) petitioner's name and address; (2) if a citizen by birth, date and place of birth; (3) if a naturalized citizen, date and place of admission to citizenship, name of court admitting him, and the number of the certificate of naturalization, if any; (4) name and address of petitioner's employer, length of time employed, nature and character of business or occupation, where located and net annual income derived therefrom; (5) if sole owner of unencumbered real estate, place located, and value; (6) petitioner's net worth; (7) degree of the relationship of the immigrant for whom petition is made, date and place of birth of such immigrant, and, if for a wife or husband, when, where, and by whom married; and (8) names of all the places where such immigrant has resided prior to and at the time when petition is filed: *Provided*, That where the petitioner alleges citizenship by birth a duly authenticated birth certificate or other documentary evidence showing birth in the United States shall be filed with the petition: *Provided further*, That where it is alleged that petitioner acquired citizenship through naturalization prior to the 27th day of September 1906, or in cases where naturalization has occurred within 90 days preceding the filing of the petition, certificate of naturalization shall be filed with the petition, and when a woman petitioner alleges citizenship through the naturalization of her husband prior to the marriage, a duly authenticated certificate of marriage or other documentary evidence showing when and where such marriage took place shall be filed with the petition: *And provided further*, That if the petitioner claims to have derived citizenship through his parent's naturalization or resumption of citizenship prior to 12 noon, e. s. t., May 24, 1934, documentary evidence of such naturalization or resumption during the petitioner's minority and of his entry into the United States prior to attaining majority shall be filed; and if petitioner claims that such citizenship was so derived after 12 noon, e. s. t., May 24, 1934, documentary evidence of facts bringing the case within section 2 of General Order 211, of August 2, 1934, shall be filed.

(b) No Chinese person as defined in section 5 (b) of the act of July 2, 1946 (60 Stat. 417; 8 U. S. C., Sup., 212c), is entitled to a nonquota or preference quota status solely because of his relationship to a citizen of the United States. A preference up to 75 per centum of the quota for the Chinese prescribed by section 2 of the act of December 17, 1943 (57 Stat. 601, 60 Stat. 975; 8 U. S. C., Sup., 212a), shall be given to Chinese persons born and resident in China. There are no other preferences in the issuance of immigration visas under the quota for the Chinese prescribed by section 2 of that act. An alien who is a Chinese person as defined in section 5 (b) of the act of July 2, 1946 (60 Stat. 417; 8 U. S. C., Sup., 212c), and who is seeking a preference in the issuance of an immigration visa under the said quota for the Chinese because of alleged birth and residence in China shall not be required to file an application for such preference with the Commissioner of Immigration and Naturalization but shall submit required proofs to the appropriate American consular officer. The quota for the Chinese authorized by section 2 of the act of December 17, 1943, does not affect the quota of 100 prescribed for China by the President's Proclamation No. 2283, of April 28 1938. Any citizen of the United States may proceed as described in paragraph (a) of this section in behalf of any relative, other than one who is a Chinese person as defined in section 5 (b) of the act of July 2, 1946 (60 Stat. 417; 8 U. S. C., Sup., 212c), who was born in China and is not ineligible to citizenship: *Provided*, That nothing in this section shall be construed to deprive a Chinese alien wife of a United States citizen of nonquota status which she may derive because of marriage to a United States citizen nor to prevent any citizen of the United States from proceeding in accordance with paragraph (a) of this section in behalf of a Chinese alien wife. (Sec. 9, 43 Stat. 157, 50 Stat. 164; 8 U. S. C. 209)

§ 165.2 *Nonquota or preference quota status; date of establishment; alteration of status.* The nonquota status of alien wives, husbands, and children of American citizens, under section 4 (a), or the preferential status of husbands and parents under section 6 (a) (1) (A) of the Immigration Act of 1924, as amended (43 Stat. 155, 45 Stat. 1009, 47 Stat. 656; 8 U. S. C. 204 (a), 206 (a)), will be established as of the date when a properly executed petition of the citizen is filed with the Immigration and Naturalization Service, except that when a petition for a preference status is approved while the beneficiary is in the United States, the priority to be accorded the alien will be adjusted at the time of his application for a visa to accord with the date of his departure from the United States, as determined by the consular officer. In all cases, however, nonquota or preference quota, the issuance of a visa will be withheld and approval of the petition may be revoked if it is ascertained that the petitioner has since lost his American citizenship, has died, or has become divorced from the beneficiary wife or husband; or, in the case of a child, if application for the visa is not made before reaching the age of 22 years, or if he has become married. In such cases report will be made by the consular officer in order that the Department may reconsider the approval theretofore granted. (Sec. 9, 43 Stat. 157, 50 Stat. 164; 8 U. S. C. 209)

§ 165.12 *Temporary stay in United States; extension; form of application and necessary data.* Applications to extend the time of temporary admission granted pursuant to the provisions of section 3 (2) of the Immigration Act of 1924 (43 Stat. 154; 8 U. S. C. 203), shall be made by the nonimmigrant alien under oath on Form I–539, and shall state the name, age, and occupation of the alien; whether married or single; and, if married, the name and present address of the husband or wife and children, if any; country of alien's birth; country of alien's present allegiance; place of residence abroad; number, date, and place of issue of passport visa; date passport expires; time, place, and manner of arrival in the United States; nonimmigrant class to which alien belongs as shown by passport visa; whether in possession of return passage or ticket; time originally fixed for departure from the United States; date and length of extensions previously granted, if any; residence in the United States; if visiting relatives or friends, names and addresses of such relatives or friends; if admitted for the transaction of business, the nature and character of such business; if employed, or engaged in business in the United States, when, where, and by whom employed, or the nature and character of the business engaged in and the monthly salary or income derived from such employment or business; and reasons in detail why the time fixed for alien's departure shall be extended: *Provided*, That a separate Form I–539 (application to extend time of temporary stay) shall be filed by each member of the family, with the exception that the father or mother may apply on the same form for children under 16 years of age, if such children were accompanied by the father or mother at time of entry. (Sec. 15, 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 215)

§ 165.13 *Temporary stay in United States; extension; application; who may grant; conditions; limitations.* Applications to extend the time of temporary stay as provided for in § 165.12, shall be presented to the officer in charge at the port of arrival not less than 15 nor more than 30 days prior to the expiration of the time fixed for the departure of the alien from the United States, and where the officer in charge is satisfied clearly and beyond a doubt that the merits of the case are such that the applicant is entitled to remain longer in the United States, in pursuance of the purpose for which he originally entered, such application may be passed upon favorably without referring same to the district head. In no instance, however, shall the stay of an alien, admitted for a temporary visit, be extended by the officer in charge at the port of entry for a period in excess of one year from the date of original entry. Where the officer in charge concludes that the application should not be granted, or where the extension applied for is beyond the period of one year from the date of original entry, the application shall be forwarded to the district head for determination, the application to be accompanied by a statement of reasons for such reference. If the officer in charge is of the opinion that an extension should be granted but that the best interests of the Government require that a bond be given to insure maintenance of status, he shall refer such application to the district head with a statement of reasons. The district head shall pass upon all applications where the request involves a visit of more than one year but not more than two years from the date of entry, and he shall also pass upon all cases up to one year which are referred to him by inspectors in charge at the port of entry. He may require a bond in the sum of $500, requiring the applicant to maintain the status under which admitted and to voluntarily depart at the expiration of the time allowed. Where the district head concludes that the application should not be granted or the application is for a period in excess of two years from the original date of entry, he shall forward it to the Central Office for decision, with a statement of the reasons for his conclusion. Applications for extensions shall not be granted except in cases where the reasons given are persuasive and unless the applicant, if a passport would be required to accomplish deportation, is possessed of a passport valid 60 days after the expiration date of the requested extension. In no instance will an application be granted where an applicant, who has been admitted temporarily for business or pleasure, has taken up employment, or employment different from that for which admitted, or it is apparent that it is the applicant's desire to remain permanently in the United States. No extension beyond one year shall be granted a naturalized citizen of a country contiguous to the United States, unless he presents with the application a certificate from the consular representative of the country of which he is a citizen, indicating that he has registered with that consular representative for the purpose of retaining his citizenship. (Sec. 15, 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 215)

§ 165.13a *Final authority of district directors to deny applications for extension of stay filed by aliens admitted for 29 days or less.* Notwithstanding the requirement in § 165.13 that certain cases be forwarded to the Central Office for decision, the district director shall have final authority to deny applications for extension of stay filed by aliens admitted to the United States for a period of 29 days or less under section 3 (2) or 3 (3) of the Immigration Act of 1924 (43 Stat. 154; 8 U. S. C. 203). Extensions of stay shall be granted to such aliens only in emergent or other extraordinary cases. (Sec. 15, 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 215)

§ 165.14 *Visitors or tourists in United States; failure to maintain status.* Any alien admitted temporarily to the United States as a nonimmigrant under section 3 (2) of the Immigration Act of 1924 (43 Stat. 154; 8 U. S. C. 203) shall be considered as having failed to maintain his status as that term is used in section 15 of that act (47 Stat. 524; 8 U. S. C. 215) if after having been admitted as a tourist or visitor for pleasure he engaged in any business or occupation or employment, or if after having been admitted for business he engaged in any business or occupation or employment other than that given as a reason for his request for temporary admission. (Sec. 15, 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 215)

§ 165.20 *Verification of arrival of lawfully resident alien relative of applicant for visa.* In order that American consuls may be advised whether the husband, father, or mother of an alien applying for a visa under section 6 (a) (2) of the Immigration Act of 1924 (43 Stat. 155, 45 Stat. 1009; 8 U. S. C. 206), or any other relative of an applicant for a visa, has been lawfully admitted to the United States for permanent residence, a Form I–475 should be furnished to the husband, father, mother, or interested relative upon request therefor. The form should be filled out by such person and mailed to

the immigration and naturalization officer in charge at the port of his or her last entry, if arrival was before July 1, 1924, and to the Central Office, if arrival was after that date on an immigration visa or a reentry permit, or if arrival is based on a record of registry. The certification on the reverse of Form I–475 will be executed in every case where a record is found. A statement will be made under "Remarks" to show the character of the admission and any discrepancies observed between the statements in the Form I–475 and the facts shown by the record of admission. The Form I–475 will be mailed direct by the verifying office to the "Department of State, Washington, D. C." for transmittal to the appropriate American consul abroad. The date of verification and the consulate to which the form is to be sent should be noted on the record of admission. If no record of the alleged arrival can be found, the Form I–475 will be returned to the applicant with a statement to that effect, unless investigation is deemed necessary to determine the need for further action by the Service. In verifications made by ports of entry where the manifest record shows a permit number, a departure reference, a Central Office file number, or where the entry appears to be fraudulent, the request will be routed through the Central Office for checking and appropriate action.

PART 166—ALIENS' BORDER CROSSING IDENTIFICATION CARDS

Sec.

166.1 Resident alien's border crossing identification card; qualifications to obtain.
166.2 Resident alien's border crossing identification card; application.
166.3 Resident alien's border crossing identification card; issuance; validity.
166.4 Resident alien's border crossing identification card; use.
166.5 Resident alien's border crossing identification card; extension or revalidation.
166.6 Resident alien's border crossing identification card; cancellation.
166.11 Nonresident alien's border crossing identification card; qualifications to obtain.
166.12 Nonresident alien's border crossing identification card; application.
166.13 Nonresident alien's border crossing identification card; issuance; validity.
166.14 Nonresident alien's border crossing identification card; use.
166.15 Nonresident alien's border crossing identification card; cancellation.

AUTHORITY: §§ 166.1 to 166.15, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 166.1 to 166.15, inclusive, interpret and apply sec. 30, 54 Stat. 673, 8 U. S. C. 451.

§ 166.1 *Resident alien's border crossing identification card; qualifications to obtain.* A resident alien's border crossing identification card may be issued to any alien who, upon application therefor, submits satisfactory evidence that he (a) has been legally admitted to the United States for permanent residence and has not relinquished the status of a permanent resident, (b) has complied with the applicable provisions of the Alien Registration Act, 1940, and (c) has a legitimate purpose and reasonable need to make a temporary visit or visits to Canada or Mexico, with no single visit to exceed a period of six months: *Provided, however,* That no such card shall be issued nor shall any such card previously issued be renewed unless the applicant or holder thereof is a person who is permitted to depart from the United States under the terms of laws, regulations, Executive orders, or other governmental restrictions regulating the departure of aliens from the United States in effect at the time application for such card or renewal thereof is made.

§ 166.2 *Resident alien's border crossing identification card; application.* Application for a resident alien's border crossing identification card shall be made, upon a form prescribed for that purpose, at any immigration and naturalization field office in the continental United States or Alaska. The applicant shall appear in person and, under oath or affirmation, shall execute his application, before an immigrant inspector, prior to his departure from the United States, except that an alien whose identification card has been lost or destroyed subsequent to his departure may execute an application for a card before an immigrant inspector when applying for admission to the United States if the outstanding identification card had not yet expired. The applicant shall furnish a photograph, size 2 by 2 inches, the distance from the top of head to point of chin to be approximately 1¼ inches, unmounted, printed on thin paper with a light background, clearly showing a full front view of the features of the applicant without hat, and it shall have been taken within 30 days of the date when it is furnished. Where because of unusual circumstances it would be a hardship for the applicant to obtain such photograph, the immigrant inspector considering the application may in his discretion waive the furnishing of the photograph.

§ 166.3 *Resident alien's border crossing identification card; issuance; validity.* If the applicant is found to have the qualifications enumerated in § 166.1, the identification card may be issued to him by an immigrant inspector. Entries on the card shall be made by typewriter, if practicable, or in ink, and the applicant shall sign the card in ink, either with his full name or by witnessed mark after proper identification. The applicant's photograph shall be fastened on the card unless the furnishing of the photograph was waived, in which case his right index finger print shall be placed on the card in lieu of his photograph. The card shall be valid for an initial period of not to exceed six months, and the expiration date shall be fixed accordingly and written on the card when it is issued. The identification card shall be delivered to the applicant on his personal appearance in the office where the application is filed, except that where justified by unusual circumstances the card may be delivered to him either before or after his departure from the United States through some other immigration and naturalization office or by mailing it to him.

§ 166.4 *Resident alien's border crossing identification card; use.* The rightful holder of a valid resident alien's border crossing identification card issued under § 166.3 may present that document in lieu of an immigration visa or reentry permit when applying for admission at any land, water, or air port of entry in the continental United States or Alaska as a returning legal resident after an absence from the United States of not more than six months, provided that during such absence he shall not have visited any foreign territory other than Canada or Mexico. The presentation of a resident alien's border crossing identification card shall not otherwise relieve the applicant from establishing that he is not subject to exclusion from the United States.

CROSS REFERENCE: For permits to enter and passports, see Part 175 of this chapter.

§ 166.5 *Resident alien's border crossing identification card; extension or revalidation.* On the request of the holder and with the limitations prescribed in this section, a resident alien's border crossing identification card, either before or after its expiration, may be made valid by an immigrant inspector at any office authorized under § 166.2 to accept applications, for an additional period or periods not exceeding six months each. Such a card may also be extended or revalidated at a United States immigration station in Canada, where the holder satisfactorily establishes that the card was valid when he departed from the United States, but such extension or revalidation shall be only to a date within six months after the date on which such departure occurred. An expired card may be revalidated if the holder applies for admission to the United States, is found to be otherwise admissible, and satisfactorily establishes that the card was valid when he departed from the United States and that he has not been absent from the United States for more than six months. Each additional period of validity shall commence on the date the extension of validity or revalidation is granted. No card shall be made valid unless the holder has the qualifications enumerated in § 166.1. No card issued before November 14, 1941, shall be extended or revalidated notwithstanding any extensions or revalidations thereof which may have been subsequently granted. Extension or revalidation shall preferably be granted by the original issuing office, but if that is not practicable, such action may be taken by any other authorized office. All extensions or revalidations granted shall be endorsed on the card and the issuing office notified of the action taken if the extension or revalidation was granted by an office other than the original issuing office.

§ 166.6 *Resident alien's border crossing identification card; cancellation.* All resident aliens' border crossing identification cards which were issued before November 14, 1941, are hereby canceled notwithstanding any extensions or revalidations which may have been subsequently granted, and when they come to the attention of officers of the Service, such cards shall be lifted from the holder and filed in the original issuing office. Any valid or expired resident alien's border crossing identification card which was issued on or after November 14, 1941, and which is found in the possession of an alien who does not have the qualifications enumerated in § 166.1 or who is making improper use of the card, shall be lifted from the holder and returned to the original issuing office for cancellation, together with a report of the reasons therefor: *Provided, however,* That no card shall be lifted and canceled if found in the possession of an alien applying for admission to the United States unless and until the holder has been excluded by a board of special inquiry.

§ 166.11 *Nonresident alien's border crossing identification card; qualifications to obtain.* A nonresident alien's border crossing identification card may be issued to any alien who, upon application therefor, submits satisfactory evidence that he (a) is a native-born citizen of Canada, domiciled or residing therein, or a British subject domiciled or residing in Canada or a native-born citizen of Mexico domiciled or residing therein, (b) is in possession of a valid passport or document in the nature of a passport duly issued to the holder by the appropriate authorities of the government of which he is a citizen or subject, if such a travel document be a requirement for entry, (c) desires temporary admission into the United States for a period or periods of not more than 29 days each, and (d) is admissible to the United States under the immigration laws: *Provided, however,* That no such card shall be issued unless the applicant is known or shown to be a person who has complied fully with all provisions applicable to him of laws, regulations, Executive orders, or other governmental restrictions regulating the entry of aliens to the United States in effect at the time application for such card is made: *Provided further,* That such card may be issued to an applicant who desires temporary admission into the United States for a period or periods of less than six months if such applicant is entitled under the provisions of §§ 175.48 (gg) and 176.107 (w) of this chapter to enter the United States for such period or periods.

§ 166.12 *Nonresident alien's border crossing identification card; application.* Application for a nonresident alien's border crossing identification card shall be made, upon a form prescribed for that purpose, at a United States immigration office located at any land, water, or air port of entry in the continental United States or Alaska or at any United States immigration station located in Canada. The applicant shall appear in person and, under oath or affirmation, shall execute his application before an immigrant inspector. The applicant shall furnish his photograph, prepared under the specifications prescribed for photographs in § 166.2, or the furnishing of the photograph may be waived under the conditions stated in § 166.2.

§ 166.13 *Nonresident alien's border crossing identification card; issuance; validity.* If the applicant is found to have the qualifications enumerated in § 166.11, the identification card shall be issued to him by an immigrant inspector. Entries on the card shall be made by typewriter, if practicable, or in ink, and the applicant shall sign the card in ink, either with his full name or by witnessed mark after proper identification. The applicant's photograph shall be fastened on the card unless the furnishing of the photograph was waived, in which case his right index finger print shall be placed on the card in lieu of his photograph. The card shall be valid for an unlimited time unless it is canceled as provided in § 166.15. The identification card shall be delivered to the applicant on his personal appearance in the office where the application is filed, except that where justified by unusual circumstances the card may be delivered to him by mail prior to his entry to the United States.

§ 166.14 *Nonresident alien's border crossing identification card; use.* The rightful holder of a nonresident alien's border crossing identification card issued under § 166.13, or by a United States diplomatic or consular officer, may present such card in lieu of a consular visa, if that document be required, when arriving direct from Canada or Mexico and applying for admission to the United States at any land, water, or air port of entry in the continental United States or Alaska. The presentation of a nonresident alien's border crossing identification card shall not otherwise relieve the applicant from establishing that he is not subject to exclusion from the United States.

CROSS REFERENCE: For permits to enter and passports, see Part 175 of this chapter.

§ 166.15 *Nonresident alien's border crossing identification card; cancellation.* All nonresident aliens' border crossing identification cards which were issued before November 14, 1941, are hereby canceled notwithstanding any extensions or revalidations which may have been subsequently granted, and when they come to the attention of officers of the Service, such cards shall be lifted from the holder and filed in the original issuing office. Any valid or expired nonresident alien's identification card which was issued on or after November 14, 1941, and which is found in the possession of an alien who does not have the qualifications enumerated in § 166.11 or who is making improper use of the card, shall be lifted from the holder and returned to the original issuing office for cancellation, together with a report of the reasons therefor: *Provided, however,* That no card shall be lifted and canceled if found in the possession of an alien applying for admission to the United States unless and until the holder has been excluded by a board of special inquiry.

PART 169—IMMIGRATION BONDS

Sec.

169.1 Acceptable sureties.
169.2 Approval; extension agreements; consent of surety; collateral security.
169.3 Violation; authority to cancel.

AUTHORITY: §§ 169.1 to 169.3, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V (3 CFR, Cum. Supp., Ch. IV); 8 CFR, 90.1.

NOTE: §§ 169.1 to 169.3, inclusive, prescribe procedural and substantive provisions under, and interpret, those sections of the immigration laws pertaining to bonds, including 9th proviso, sec. 3, 39 Stat. 875, sec. 18, 39 Stat. 887, 45 Stat. 1551, 58 Stat. 816, sec. 20, 39 Stat. 890, 57 Stat. 553, secs. 21, 22, 39 Stat. 891, sec. 15, 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 59 Stat. 669; 8 U. S. C. 136 (q), 8 U. S. C. and Sup., 154, 156, 8 U. S. C. 158, 159, 8 U. S. C. and Sup., 215.

NOTE: Part 169 becomes effective Sept. 1, 1947.

§ 169.1 *Acceptable sureties.* In cases other than those where cash or postal money orders are deposited pursuant to § 110.20 of this chapter, the following are the only acceptable sureties on a bond furnished in connection with the administration of the immigration laws or regulations:

(a) A surety company authorized by the Treasury Department to transact Federal bond business;

(b) A surety who deposits United States bonds or notes of the class described in section 1126 of the Revenue Act of 1926, as amended (6 U. S. C. 15), and Treasury Department Regulations issued pursuant thereto, which bonds or notes are not redeemable within one year from the date on which they are offered for deposit; or

(c) Sureties, who must be two in number, each of whom shall justify in real property not exempted from levy and sale upon execution, which real property is actually valued, over and above all encumbrances, at double the amount of the bond, and each of whom shall, in addition to making such justification, satisfactorily establish to the immigration and naturalization officer or employee authorized to approve the bond that his net worth, over and above all obligations and liabilities of any kind, secured or unsecured, is equal to double the amount of the bond.

CROSS REFERENCES: For list of companies acceptable as sureties on Federal bonds, see 31 CFR Part 226 (Treasury Department Form 356 issued semiannually); for acceptance of United States bonds or notes as security, see 31 CFR Part 225 (Treasury Department Circular No. 154, revised February 6, 1935).

§ 169.2 *Approval; extension agreements; consent of surety; collateral security.* (a) Regardless of the section of law or regulations under which the bond has been required, the officers in charge of the several ports, stations, or districts are authorized, either directly or through officers or employees designated by them, where no substantial change is made in the conditions printed on the forms, to approve bonds which are prepared on the following approved forms:

(1) Form I–331 or Form 557, "Bond for Alien Admitted for Medical Treatment".

(2) Form I–336 or Form 626, "Bond for Alien in Transit".

(3) Form I–337 or Form 637, "Bond Conditioned for Departure of an Alien Temporarily Admitted under the Immigration Act of 1924 as a Tourist or Visitor for Business or Pleasure".

(4) Form I–338 or Form 638, "Bond That an Alien Admitted in Pursuance of a Treaty to Carry on Trade Shall Depart upon Failure to Maintain Status".

(5) Form I–353 or Form 553, "Bond Conditioned for the Delivery of an Alien".

(6) Form I–354, "Bond That Alien shall Not Become a Public Charge".

(7) Form I–355, "Bond Conditioned for Guarantee of Payment of Hospital Expenses of Alien Receiving Treatment under the Provisions of section 22, Immigration Act of 1917 (39 Stat. 891; 8 U. S. C. 159)".

(8) Form I–372 or Form 572, "Bond for Payment of Extra Compensation for Overtime Services of Immigrant Inspectors and Employees in Connection with the Examination and Landing of Passengers and Crews".

(9) Form I–374 or Form 574, "Bond Conditioned for Departure of an Alien Temporarily Admitted under the Immigration Act of 1924 as a Student".

(b) Such officers are also authorized to approve formal agreements by which a surety consents to an extension of his liability on any such bond and to approve any power of attorney executed on Form I–312 or Form I–313 which purports to authorize the delivery after its release of collateral deposited to secure the performance of any such bond to some person or concern other than the depositor thereof. Unless otherwise specifically provided, bonds prepared on the forms listed in paragraph (a) of this section, all agreements of extension of liability relating thereto, and all powers of attorney for delivery of collateral security deposited in connection therewith shall be retained at the ports, stations, or districts where approved. Bonds prepared on any form other than one of those listed in paragraph (a) of this section, or bonds prepared on any such forms in which the conditions have been materially altered, as well as any agreements of extension of liability relating thereto and any powers of attorney to receive back collateral deposited in connection therewith, shall be submitted to the Commissioner of Immigration and Naturalization for approval. Regardless of the form on which the bond is prepared, any power of attorney not executed on Form I–312 or Form I–313, purporting to authorize the delivery after its release of any deposit of collateral security to some person or concern other than the depositor thereof, shall be forwarded, together with the bond and all appurtenant documents, to the Commissioner for approval. In the same manner, all requests for delivery of collateral security to a person other than the depositor or his approved attorney in fact shall be forwarded to the Commissioner for approval. Instruments and other papers forwarded to the Commissioner under the provisions of this paragraph shall be handled by the General Counsel in accordance with the provisions of § 90.17 (d) of this chapter.

§ 169.3 *Violation; authority to cancel.* If any condition of a bond executed in connection with the administration of the immigration laws is violated, the district director shall report the facts to the Commissioner of Immigration and Naturalization and shall forward with his report the bond and all appurtenant documents, including in the case of a bond containing the condition that an alien shall not become a public charge, a statement of the exact amount of any expenditure made in the alien's behalf by any agency of the United States Government or of any state or local government. Except as otherwise specifically provided in this chapter, if all the conditions of a bond executed in connection with the administration of the immigration laws are complied with, the district director shall cancel the bond by issuing Form I–391. Such authority to cancel shall include any case in which none of the conditions of the bond had been violated and all of the conditions ceased to have effect because:

(a) The alien departed, or was deported, from the United States;

(b) The warrant for the arrest or deportation of the alien was canceled;

(c) The alien complied with an order suspending his deportation;

(d) The alien died;

(e) The alien was imprisoned;

(f) The alien was naturalized as a citizen of the United States; or

(g) A new bond was furnished to take the place of the existing bond.

If a bond canceled by a district director is on file in the Central Office, the district director shall notify the Commissioner of Immigration and Naturalization of the cancellation.

PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

Sec.

170.1 Persons required to register and be fingerprinted.
170.2 Who are aliens required to register and be fingerprinted.
170.3 Time and place of registration and fingerprinting.
170.4 Method of registration.
170.5 Disposition of registration forms and fingerprints.
170.6 Notice of change of residence and address of resident aliens within five days.
170.7 Aliens not permanently residing in the United States.
170.8 Registration and fingerprinting of alien seamen.
170.9 Replacement of lost, mutilated, or destroyed receipt of registration.

AUTHORITY: §§ 170.1 to 170.9, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1. §§ 170.1 to 170.9 inclusive, interpret and apply secs. 30–38, 54 Stat. 673–676; 8 U. S. C. 451–459.

§ 170.1 *Persons required to register and be fingerprinted*—(a) *Aliens, fourteen years of age or over, in or entering the United States on or after August 27, 1940, remaining thirty days or longer.* Any alien who is in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States) on August 27, 1940, and who (1) is fourteen years of age or older, (2) has not been registered and fingerprinted in accordance with any of the provisions of the Alien Registration Act, 1940, and (3) remains in the United States for thirty days or longer, must apply for registration and be fingerprinted on or before December 26, 1940.

(b) *Persons remaining thirty days or longer.* Subject to paragraph (k) of this section, any alien who enters the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States) after August 27, 1940, and who (1) is fourteen years of age or older, (2) has not been registered and fingerprinted in accordance with any of the provisions of the Alien Registration Act, 1940, and (3) remains in the United States for thirty days or longer, must apply for registration and be fingerprinted before the expiration of such thirty days. The provisions of this paragraph shall apply to all alien seamen as defined in § 120.1 of this chapter who are admitted to the United States as nonimmigrants under the provisions of section 3 (5) of the Immigration Act of 1924 and who have not been registered and fingerprinted on Forms AR–102–S, AR–103–S, and AR–4.

(c) *Children under fourteen years of age, in or entering the United States on or after August 27, 1940; duty of parent or legal guardian.* Every parent or legal guardian of any alien child who is in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States) on August 27, 1940, and who (1) is less than fourteen years of age, (2) has not been registered in accordance with any of the provisions of the Alien Registration Act, 1940, and (3) remains in the United States for thirty days or longer, must apply for the registration of such alien child on or before December 26, 1940.

(d) *Duty of parent or legal guardian.* Subject to paragraph (k) of this section, every parent or legal guardian of any alien child who enters the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States) after August 27, 1940, and who (1) is less than fourteen years of age, (2) has not been registered in accordance with any of the provisions of the Alien Registration Act, 1940, and (3) remains in the United States for thirty days or longer, must apply for the registration of such alien child before the expiration of such thirty days.

(e) *Aliens attaining fourteenth birthday on or after August 27, 1940, must apply in person within thirty days after such birthday.* Whenever, on or after August 27, 1940, any alien attains his fourteenth birthday in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States), he shall, within thirty days after such birthday, apply in person for registration and fingerprinting.

(f) *Aliens fourteen years or older entering United States on visa issued on or after August 27, 1940.* No alien seeking to enter the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States) upon a visa issued on or after August 27, 1940, who at the time of issuance of the visa was fourteen years of age or older, shall be admitted unless he shall have been registered and fingerprinted in duplicate.

(g) *Aliens under fourteen years of age entering United States on visa issued on or after August 27, 1940.* No alien seeking to enter the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States) upon a visa issued on or after August 27, 1940, who at the time of issuance of the visa was under fourteen years of age, shall be admitted unless he shall have been registered in duplicate.

(h) *Foreign government officials and families.* No foreign government official, or member of his family, shall be required to register or to be fingerprinted.

(1) The term "foreign government official," as used in the Alien Registration Act, 1940, and in this part, shall be construed to mean:

(i) Foreign diplomatic officers eligible to appear in the Diplomatic List issued monthly by the Department of State;

(ii) Foreign consular officers of career;

(iii) Employees of diplomatic missions;

(iv) Employees of foreign consular offices;

(v) Other officials of foreign governments who are in the United States in an official capacity, including commissioned officers, on active duty, of the military, naval, and air forces of foreign countries; and including official delegates to international conventions and official conferences and their staffs, attendants, and employees;

(vi) Foreign government officials who are in the United States as temporary visitors or in transit through the United States: *Provided, however,* In all such cases, except those of ambassadors and ministers and members of their missions whose names appear on the blue Diplomatic List published monthly by the Department of State, that within thirty days after the arrival of any such foreign government official, or his employment as a foreign government official, in the United States the Department of State is notified by the appropriate diplomatic mission, on an official form supplied by the Department of State of the full name of such official, together with such other information as the Department of State deems appropriate, and that the Department of State accepts such notification as satisfactory and recognizes the status claimed.

(2) The term "member of his family," as used in the Alien Registration Act, 1940, and in this part, shall be construed to include a relative by blood or marriage who is regularly residing in, or is a member of, the household of a foreign government official. It shall also be construed to include a servant or other domestic employee residing as an employee in the household of a foreign government official: *Provided,* That within thirty days after the arrival or employment in the United States of any such servant or employee the Department of State is notified by the appropriate diplomatic mission, on an official form supplied by the Department of State of the full name of such servant or employee, together with such other information as the Department of State deems appropriate, and that the Department of State accepts such notification as satisfactory and recognizes the status claimed.

(3) Any person who, having had the status in the United States of a foreign government official or member of his family, shall cease to maintain such status, shall within thirty days of such cessation apply for registration and to be fingerprinted.

(i) *Laborers imported under general or group waivers.* Aliens who enter the United States during the national emergency for a temporary period to assist in the war effort under general or group waivers granted by the Attorney General under the fourth or ninth proviso to section 3 of the Immigration Act of 1917 (39 Stat. 875; 8 U. S. C. 136 (h) and (q)), shall not be registered but shall be fingerprinted by executing Form AR–4, on the obverse of which shall be placed the notation "Admitted as imported laborer under (general or group) waiver." The executed form shall be mailed direct to the Federal Bureau of Investigation, Washington 25, D. C. Such aliens shall not be refingerprinted at the time of any reentries which they may make while having the status described in this paragraph.

(j) *Aliens ordered deported.* Aliens under order of deportation shall register in accordance with the regulations in this part.

(k) *Time limitation on registration.* Any alien or the parent or guardian of any alien who is in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States) on August 27, 1940, will have complied with the requirements of the Alien Registration Act as to his first registration if he registers and is fingerprinted on or before December 26, 1940.

(l) *Aliens temporarily entering United States under orders of their governments.* Notwithstanding any other provisions of this section, any alien temporarily entering the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States) under orders of his government and in whose case the Secretary of State has waived the requirement of a visa will not be required to be registered and fingerprinted while in the United States in accordance with the orders of his government, but if he continues to remain in the United States beyond the period required by the orders of his government, he shall then be required to be registered and fingerprinted in accordance with the applicable provisions of this part within 30 days from such time.

(m) *Canadian citizen visitors.* Any alien admitted to the United States under the provisions of §§ 175.48 (gg) and 176.107 (w) of this chapter shall be exempt from the provisions of paragraphs (b), (d), and (e) of this section if such alien's visit in the United States is completed in less than six months, but if the visit extends for six months or more, the application required by those three paragraphs shall be made immediately upon the expiration of the six-month period.

§ 170.2 *Who are aliens required to register and be fingerprinted*—(a) *Definition of "alien."* An alien, as the term is used in this part, includes any person who is not a citizen of the United States.

(b) *United States citizenship, acquisition of.* United States citizenship is acquired by birth or naturalization, but a person who, being an alien, has applied for naturalization does not become a citizen until he has been finally admitted to citizenship as required by law.

(c) *Persons in doubt of alienage, to register.* Persons who may be in doubt as to whether they are aliens required to register and be fingerprinted may consult any representative of the Immigration and Naturalization Service. Any person who continues to remain in doubt as to his status should register. No person who registers shall thereby suffer any prejudice to his claim to citizenship.

§ 170.3 *Time and place of registration and fingerprinting.* (a) Registration shall commence on August 27, 1940. Any person in the United States on that date who is required to register and be fingerprinted, or to register, may do so at any time on or before December 26, 1940. All other persons required by law to register and be fingerprinted, or to register, shall do so in conformity with § 170.1.

(b) *Post Offices, first- or second-class designated, or any other place the Commissioner of Immigration and Naturalization may designate.* Any person in the United States required by law to register and be fingerprinted, or to register, may be registered and fingerprinted, or register:

(1) At any first-class or second-class post office in the United States, or

(2) At the post office at the seat of government of any county, parish, or equivalent political subdivision in the United States, or

(3) At any other post office or other place which the Commissioner of Immigration and Naturalization shall hereafter designate, or authorize to be designated, as a registration office, or

(4) At any field office of the Immigration and Naturalization Service, or

(5) At the option of any registration officer who is an employee of the Immigration and Naturalization Service, at any other place at which said registration officer shall find it most convenient to conduct the registration and fingerprinting, or registration.

(c) *Post offices not designated, alien or any person or guardian may apply for information.* Any alien, or any parent or guardian of an alien under fourteen years of age, who resides in an area in which there is no registration office but which is customarily served by a post office which has not been designated as a registration office, may apply at such post office for registration and to be fingerprinted or for registration. The postmaster at such post office shall inform the alien (or his parent or guardian) of the location of the nearest designated registration office or offices. If the alien (or his parent or guardian) states that he will be unable to appear at such office or offices and requests that he be permitted to register and be fingerprinted, or register, at the post office customarily serving the area in which he resides, he shall be required to fill out and sign Form AR–13. The postmaster shall promptly forward such form, as so filled out and signed, to the nearest office of the Immigration and Naturalization Service and the registration officer at such office shall make arrangements to register and fingerprint, or register, the alien, or will request in writing that those functions be performed by a registration

officer more conveniently located to accomplish them.

(d) *Aliens, inmates of penal and eleemosynary institutions, aged, infirm or otherwise incapacitated; arrangements for.* The postmaster in each registration office, if requested in writing by the Immigration and Naturalization Service so to do, will make special arrangements for the registration and fingerprinting of alien inmates confined to penal and eleemosynary institutions within his registration area.

(e) *Special arrangements on request for fingerprinting.* The postmaster in each registration office, if requested in writing by the Immigration and Naturalization Service so to do, will make special arrangements for the registration and fingerprinting of aged, infirm, or otherwise incapacitated aliens within his registration area.

§ 170.4 *Method of registration—(a) Officers, postmasters, postal employees designated by postmasters and persons designated by the Commissioner of Immigration and Naturalization.* Any postmaster in a post office designated as a registration office, or postal employee designated by such a postmaster, or any immigrant inspector, naturalization examiner, special inspector, or Border Patrol inspector of the Immigration and Naturalization Service, or any other person heretofore or hereafter designated by the Commissioner of Immigration and Naturalization, shall be a registration officer, authorized to register and fingerprint aliens in accordance with the provisions of this part: *Provided, however,* That on and after January 1, 1943, no postmaster or other postal employee shall exercise or perform any of the functions or duties of a registration officer unless such postmaster or postal employee has first been requested in writing by an officer of the Immigration and Naturalization Service to perform such functions and duties in connection with the case of a particular alien, and the registration and fingerprinting of any alien by a postmaster or other postal employee in contravention of this proviso shall be invalid as a compliance with the provisions of Title III of the Alien Registration Act, 1940.

(b) *Certification of registration officers.* Any postmaster who shall designate any person as a registration officer shall certify that fact to the Immigration and Naturalization Service.

(c) *Forms for registration and fingerprinting.* Registration shall be made by each person required to register himself or another, upon Form AR–2 (the primary registration form) and Form AR–3 (the attached receipt) and, in appropriate cases, on Form AR–2a (for supplemental information, to be made a part of Form AR–2) and Form AR–4 (the fingerprint form); and the registration shall in all respects conform to these forms. However, if the alien required to be registered and fingerprinted is a seaman who was admitted to the United States as a nonimmigrant under the provisions of section 3 (5) of the Immigration Act of 1924, the provisions of this section and of §§ 170.5 and 170.6 are to be followed except where there are special provisions prescribed in § 170.8 for the registration and fingerprinting of such seamen.

(d) *Instructions for registration.* Specimen copies of the registration form (Form AR–1) including abbreviated instructions and suggestions for the alien (or his parent or guardian) shall be printed and placed in all post offices or registration offices and in such other places as may be deemed appropriate for general distribution; and, together with copies of these regulations, shall be posted at prominent places in the registration offices.

(e) *Duties of registration officers.* The registration officer shall fill in the registration forms with information furnished him by the alien (or his parent or guardian) and all fingerprints shall be taken by the registration officer.

(f) *Forms for fingerprinting.* The registration officer shall take the complete fingerprints of each alien who is required to be fingerprinted in the space provided for that purpose on Form AR–4, and shall take a single, specified fingerprint on Forms AR–2 and AR–3. A parent or guardian registering on behalf of an alien need not be fingerprinted.

(g) *Forms, signed and sworn to by registrant, or parent or guardian.* The registration forms (Forms AR–2, AR–3, and, if used, AR–4 and AR–2a) must be personally signed and sworn to (or affirmed) by the alien (or his parent or guardian) before a registration officer.

(h) *Registration forms may be signed by mark in presence of witness, if registrant is unable to write.* If the alien (or his parent or guardian) is unable to write, he must make his mark in the signature space in the registration forms, and his mark shall be witnessed by a witness other than the registration officer. The witness shall sign his name and address on the registration forms near the mark, and the words "witnessed by" shall precede the witness's signature.

(i) *Oath or affirmation to registration information required; duties of officers.* If the alien (or his parent or guardian) has conscientious scruples against taking an oath, he may make affirmation to the truth and completeness of his statements and answers in the registration.

(j) *Manner of taking oath or affirmation.* All registration officers are hereby authorized to administer to the alien (or his parent or guardian) the oath or affirmation required herein. The oath is to be taken by the alien (or his parent or guardian) raising his right hand and swearing to the truth and completeness of the statements and answers made by him in the registration. Affirmation may be made by the alien (or his parent or guardian) raising his right hand and declaring that he solemnly affirms the truth and completeness of the statements and answers made by him in the registration.

(k) *Registration of insane or incompetent aliens, persons responsible for.* Any alien who is insane or otherwise incompetent or of unsound mind may be registered by his legal guardian, trustee, or committee, or by such other person as may be charged by law with his care or custody. If no such person is available, then such an alien may be registered by whatever person is actually responsible for his care or custody. Any person registering in behalf of any insane alien shall answer to the best of his ability the questions required to be put to the alien, and shall swear (or affirm) that such alien to the best of his knowledge and belief is insane; but the alien himself, if fourteen years of age or older, shall be fingerprinted.

(l) *Information required for registration.* The following information shall be furnished by each alien fourteen years of age or older; in the case of a parent or guardian applying for the registration of an alien under fourteen years of age, the information stated to be required of the alien shall be furnished by such parent or guardian.

(1) *Name or names used by the alien.* The alien shall give in full his present legal name. He shall also give the name under which he first arrived in the United States, as it was spelled at the time of arrival. The alien shall list all the names by which the alien has ever been known, either in the United States or outside, including the maiden name of a married woman, the original name or names of an adopted child, business or professional name, aliases and nicknames. If the alien is under fourteen years of age, then his mother's maiden name shall be listed. All names given by the alien shall be in the English alphabet.

(2) *Address in United States both residential and mailing.* The alien shall give the location of his residence, that is, the place where the alien habitually sleeps. If he has no such place, he shall so state. He shall also give the address where his mail is regularly received or delivered.

(3) *Date of birth, city, town, village province and country of birth.* The alien shall state the month, day, and year of his birth, according to the American (that is, Gregorian) calendar. He shall also state the city, town, or village (or nearest city, town, or village), the province and the country of his birth, as they existed at the time of birth. The alien shall name as the country of his birth the state or power which, at the time of his birth, exercised dominion and sovereignty over the place of his birth.

(4) *Country of which alien is a citizen or subject.* The alien shall name the country, if any, of which he is a citizen or subject, or to which he owes allegiance. If the alien is not a citizen of any country, he shall so state; he shall, in such a case, state the country of which he was last a citizen or subject, or to which he last owed allegiance.

(5) *Sex, race, marital status.* The alien shall state his sex, and marital status. If the alien is separated from his or her husband or wife, but not divorced, he shall be listed as married. The alien shall state the race to which he belongs. Persons of mixed blood shall not be considered members of the white race; they shall be considered as belonging to the racial stock other than white from which they may have sprung. Persons sprung from more than one racial stock other than white shall list themselves under "Other" as of mixed blood. Hindus shall be listed under "Other" as Hindus.

(6) *Height, weight, color of hair and eyes.* The alien, if fourteen years of age or older, shall state his height in feet and inches, his weight in pounds, and the color of his hair and eyes.

(7) *Place, date and port of last arrival in the United States.* The alien shall state the place and date of his last arrival in the United States. The alien shall state the port or other city or town at which he last arrived in the United States. If he did not arrive at any port, city, or town, he shall state the port, city, or town near which he last arrived in the United States. The alien shall not report as a last arrival any return from a visit of less than six months in Canada or Mexico. His return from a visit to any other place outside the United States shall be considered his last arrival. The alien shall also state the mode of transportation by which he last arrived in the United States. If the alien arrived by boat, he shall state the name of the vessel or ship. If the alien does not remember the vessel or ship, he shall state the name of the steamship company which transported him to the United States. The alien shall also indicate the manner in which he last arrived in the United States; that is, whether as a passenger, member of a crew, stowaway, or otherwise. The alien shall also state the immigration classification under which he last entered the United States; that is, whether he entered as a permanent resident, visitor, student, treaty merchant, seaman, official of a foreign government, employee of a foreign government official, or otherwise. The alien shall also state the date of his first arrival in the United States. A first arrival shall be defined as the earliest arrival following which the alien remained for six months or longer.

(8) *Length of residence in the United States.* The alien shall state the total number of years he has lived in the United States since his first arrival, as stated in subparagraph (7) of this paragraph, whether continuously or at different times. Visits of less than six months outside the United States shall not be deducted from the total period. Any period longer than six months which the alien has spent outside the United States shall be deducted. The alien shall also state whether he intends to stay in the United States permanently, and if not, how long he expects to stay.

(9) *Occupation, if fourteen years of age or older.* The alien, if fourteen years of age or older and not insane or incompetent, shall state his ordinary or usual occupation. This shall be defined as the trade, business, or profession by which the alien ordinarily earns his livelihood. He shall also state the trade, business, or profession in which he is at present engaged, even though it may differ from his usual occupation. The alien shall also state the name and address of the person, firm, or corporation by which he is employed, together with the business or industry in which said person, firm, or corporation is engaged. If the alien is himself engaged in some trade, business, or profession, he shall so indicate, and shall state his business address. In any case, including that of an insane or incompetent alien, where a parent, guardian, or other person registers in behalf of the alien, such parent, guardian, or other person shall give his own name, address, and business, and this information shall be recorded in the space reserved on Form AR–2 for statement of the name, address, and business of the alien's employer.

(10) *Activities, clubs, lodges, groups, organizations, or societies.* The alien, if fourteen years of age or older, shall state any activities in addition to his occupation in which he is, has been within the past five years, or intends to be engaged. The alien shall list the names of all clubs, lodges, groups, organizations, or societies to which he belongs or in which he participates. If the alien holds any office or official position in any of these clubs, lodges, groups, organizations, or societies, he shall so state.

(11) *Military, naval, or other service in armed forces of any country.* If an alien, fourteen years of age or older, has had military, naval, or other service in the armed forces of any country including the United States, and including the auxiliary arms of service, he shall state the name of the country or countries, the branch or branches of service, and the dates of enlistment and discharge. If he has engaged in military or naval activity, not actually in the armed forces of any government, he shall so state and indicate its nature.

(12) *Steps taken towards naturalization.* The alien, if eighteen years of age or older, shall state whether he has filed a preliminary naturalization form (N–300) for a declaration of intention to become a citizen, referred to in Forms AR–1 and AR–2 as an application for "first citizenship papers," and, if he has so filed, he shall state the date or dates of the filing of such preliminary form. If the alien's declaration of intention has been filed in a court (that is, if he has received his "first citizenship papers"), he shall state the date of filing of his declaration in court, the number, and the city or State where the declaration was filed. If the alien has filed a petition for naturalization in a court, he shall give the date, or dates, of such filing and the city and State where filed. If the alien has filed only a preliminary naturalization form (N–400) for such petition for naturalization, he shall so state in the space marked "filed petition for naturalization" by inserting the words "preliminary form for" so as to read "filed preliminary form for petition for naturalization," and shall give the date, or dates, of such filing and the city and State where filed. In the case of any alien under eighteen years of age, this information shall relate to either of the alien's parents who has taken any step to secure naturalization. If neither parent has taken any such step, it shall be so stated.

(13) *Relatives living in the United States.* The alien shall state whether he has one or both parents or a husband or wife living in the United States. He shall also state the number of his children, if any, living in the United States.

(14) *Criminal record in or outside the United States.* The alien, if fourteen years of age or older, shall state whether or not he has at any time been arrested, tried or convicted for any criminal offense, either in the United States or outside. An offense shall not be considered criminal unless made so by the law of the State or country where the alien was arrested, tried, or convicted. He shall state the nature of the offense, the date of arrest, the city, town or county, the State or country (if outside the United States) where he was arrested, tried, or convicted, and the disposition of the case.

(15) *Affiliations with political activities of foreign governments.* The alien, if fourteen years of age or older, shall state whether, during the past five years, he has been affiliated with or active in (a member of, official of, a worker for) organizations, devoted in whole or in part to influencing or furthering the political activities, public relations, or public policy of a foreign government. If the alien has been affiliated with or active in any such groups or organizations, he shall list them. If he holds an office or official position in any such group or organization, he shall so state. The registration officer shall not undertake to enumerate or define any such groups or organizations.

(m) *Alien to exhaust all possible sources of information.* Whenever an alien (or his parent or guardian) states that he is unable to supply any portion of the information required by Form AR–2, the registration officer shall ask the alien if he has exhausted all possible sources of information. If the alien answers that he has done so, the registration officer shall write "Don't know" in the space reserved for such information in Form AR–2.

(n) *Aliens who believe themselves not subject to registration.* If any person indicates to the registration officer that he does not believe himself subject to registration and fingerprinting, but that he is registering for his own protection, the registration officer shall so note on Form AR–2, after completing the registration. The notation shall be made on the margin of the form and shall be as follows: "Applicant doubts need for registration."

(o) *Signature and fingerprint of alien on Form AR–3.* After the alien shall have duly executed and sworn to (or affirmed) his registration, he shall sign Form AR–3 in the space provided for his signature, and shall place a single specified fingerprint thereon. In the case of an alien under fourteen years of age, the parent or guardian, after having executed and sworn to (or affirmed) the registration, shall sign Form AR–3; but such parent or guardian need not place his fingerprint thereon. In the case of an insane or incompetent alien, the guardian or other person registering in his behalf, after having executed and sworn to (or affirmed) the registration, shall sign Form AR–3; but the registration officer in such case shall take the alien's own fingerprint thereon.

(p) *Receipt of registration as evidence of registration, compliance with any and all laws necessary, no legal duty to carry receipt on person.* The Immigration and Naturalization Service shall, at the earliest practicable date, cause to be delivered to the alien (or his parent or

guardian) a receipt of registration (Form AR–3), which shall be evidence of registration. The issuance of such receipt shall not relieve the alien (or his parent or guardian) from full compliance with any and all laws and regulations of the United States now existing or hereafter made concerning aliens; nor shall it be construed to confer upon the alien (or his parent or guardian) immunity from any liability, pain, penalty, or punishment incurred by the alien (or his parent or guardian) for violation of any law of the United States either before or after its issuance. The alien is under no legal duty or obligation to carry said receipt on his person, and he shall suffer no penalty or disadvantage for failing to do so.

(c) *Lost receipts, affidavit under oath and proof thereof, duplicate receipt issued.* A receipt shall not be issued to any person who has already obtained one unless he surrenders his former receipt, except in case of loss, mutilation, or destruction of the original receipt in which event it may be replaced in accordance with § 170.9. No person shall use a receipt relating to any other person (except in behalf of his minor child or ward). If the alien dies, permanently departs, or is deported from the United States, his receipts shall be returned to the Immigration and Naturalization Service. If any person finds a lost receipt of registration, he shall return it to the Alien Registration Division, Immigration and Naturalization Service, Washington, D. C.

§ 170.5 *Disposition of registration forms and fingerprints.* (a) The registration forms and fingerprints shall be sent promptly by registration officers to the Immigration and Naturalization Service, Washington, D. C. If the registration and fingerprinting, or registration, was conducted by an employee of the Immigration and Naturalization Service, forms and fingerprints shall be forwarded through the district director of Immigration and Naturalization having jurisdiction over the place at which registration occurred. If the registration occurred in a post office on or after January 1, 1943, and the registration officer was a postmaster or other postal employee who performed the functions of a registration officer in the case of a particular alien at the written request of an officer of the Immigration and Naturalization Service, the forms and fingerprints shall be forwarded to the office of that Service which requested the registration and fingerprinting of the alien.

(b) *Registration and fingerprinting records secret and confidential.* All information furnished by the alien (or by his parent or guardian) in connection with registration and fingerprinting shall be secret and confidential and shall be made available only to such persons or agencies as may be designated by the Commissioner with the approval of the Attorney General. It shall be unlawful for any registration officer or any other person to divulge any such information to any person or agency not so designated.

§ 170.6 *Notice of change of residence and address of resident aliens within five days.* Whenever any registered alien who is a permanent resident in the United States shall change his place of residence, he (or, in the case of an alien under fourteen years of age, his parent or guardian) shall, within five days, report such change to the Immigration and Naturalization Service. A change of residence shall mean only a change of permanent dwelling place. The alien (or his parent or guardian) may report this information upon Form AR–11.

§ 170.7 *Aliens not permanently residing in the United States.* Any alien or the parent or guardian of any alien less than fourteen years of age who is not a permanent resident of the United States and who is required by law to register shall report to the Commissioner the alien's residence at the end of each period of three months' residence in the United States regardless of whether or not the alien has changed his residence. The alien (or his parent or guardian) may report this information on Form AR–11.

§ 170.8 *Registration and fingerprinting of alien seamen.* An alien seaman who was admitted to the United States as a nonimmigrant under the provisions of section 3 (5) of the Immigration Act of 1924 and who is required to be registered and fingerprinted because he has remained in the United States for thirty days or longer shall be registered and fingerprinted on Seaman Form AR–102–S (the primary registration form); Seaman Form AR–103–S (the attached receipt); in appropriate cases when necessary on Form AR–2a (for supplemental information, to be made a part of Seaman Form AR–102–S), and on Form AR–4 (the fingerprint form). The registration officer shall record on Form AR–102–S only the information required by Items 1, 3, 4, 5 (a), 5 (c), 6, and 13, which includes the name of the alien; the date and place of birth; the name of the country, if any, of which the alien is a citizen or subject, or to which he owes allegiance; the alien's sex and race; the alien's personal description; whether the alien has one or both parents or husband or wife or children living in the United States, except that if any such relatives or any other relatives of the alien are residing in the United States, their names, addresses and relationship shall also be listed in the spaces provided under Item 14 on the form. The registration officer shall take the fingerprints of the alien on Form AR–4 and the alien shall furnish all information required therein. The receipt of registration (Form AR–103–S) shall be plainly stamped "The holder of this card is not permitted to work ashore or on coastwise vessels." The receipts of registration issued on Form AR–103–S shall bear no time limitation with respect to validity. Such receipts shall be delivered to the seamen at the time of registration.

§ 170.9 *Replacement of lost, mutilated, or destroyed receipt of registration.* (a) Except as hereinafter provided, any alien whose registration receipt card has been lost, mutilated, or destroyed may apply for a new receipt card in lieu thereof. Such application shall be made under oath or affirmation, on a form prescribed for that purpose, and shall be submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter.

(b) When the application for a new receipt card is received by the district director, he shall assign the investigation of the application to any officer of the Service within his jurisdiction. The investigating officer shall conduct such inquiry into the circumstances surrounding the alleged loss, mutilation, or destruction of the original receipt card as to satisfy himself that such loss, mutilation, or destruction has occurred. If a receipt card has been mutilated, it must be surrendered to the investigating officer before a new card will be issued. The investigating officer shall also satisfy himself that the applicant is the individual to whom the registration record relates, and shall make any further inquiry justified by the facts in a particular case. If deemed advisable, written sworn statements concerning any pertinent facts may be obtained from the applicant and any other persons whose testimony should be secured. Upon completion of the investigation, the investigating officer shall recommend the granting or denial of the application for a new receipt card, and if his recommendation is adverse he shall state the reasons therefor in writing. The investigating officer shall obtain the applicant's signature and a print of his right index finger upon Form AR–3a and shall type on the face of that form the name and present address of the applicant. If for any reason the impression of the right index finger cannot be taken, the impression of another finger should be obtained and the form suitably endorsed to show which finger and hand.

(c) The investigating officer shall then forward the application and any testimony taken from the applicant and other persons, together with Form AR–3a, to the district director having jurisdiction. The district director or an officer designated by him shall review the record and may, if he deems it advisable, refer the case to the same or any other officer of the Service for further investigation. If no further investigation is considered necessary, the entire record shall be forwarded to the Alien Registration Division. The reviewing officer shall indicate whether he concurs with the recommendation of the investigating officer, and if not, he shall state the reasons for his nonconcurrence.

(d) Upon consideration of the application and record in the Central Office, the Chief of the Alien Registration Division may, if he is satisfied that the original receipt has been lost, mutilated, or destroyed, sign the Form AR–3a, place thereon the proper registration number, and mark the form to show that it is a duplicate issued in lieu of an original receipt which has been lost, mutilated, or destroyed. Both the original date of registration and the date of issuance of the duplicate shall be shown on the new card. If the said officer is not satisfied that a duplicate should be issued, he shall deny the application. If the record indicates that any further action is desirable or necessary in connection with the case of the alien, it should be referred to the appropriate division of the Central Office for consideration of such further action.

(e) If a duplicate receipt card on Form AR–3a is issued, it shall be sent direct to the applicant by the Alien Registration Division.

(f) Any alien child who was less than fourteen years of age at the time of his registration upon the basis of an application made by his parent or legal guardian under §§ 170.1 (c) or 170.1 (d) and who desires to obtain a new registration receipt card in lieu of a lost, mutilated, or destroyed original may, if the alien is less than fourteen years of age at the time application is made, obtain a new card through the procedure specified in paragraphs (a) to (e) of this section. In such cases, however, the application for a new card shall be executed by the child's parent or guardian, preferably the same person who made application for the original registration; the testimony of the parent or guardian instead of that of the child shall be obtained and the new Form AR–3a, if issued, shall be delivered to the parent or guardian. No fingerprint of the alien child need be obtained on Form AR–3a, which shall be signed by the parent or guardian. In any such case in which no parent or guardian is available, the matter shall be reported to the Alien Registration Division for special instructions concerning the procedure to be followed in replacing the original receipt card.

(g) An alien seaman who has been admitted to the United States as a nonimmigrant under the provisions of section 3 (5) of the Immigration Act of 1924, has remained for thirty days or more, has been registered and fingerprinted, and whose alien registration receipt card (Seaman Form AR–103–S) has been lost, destroyed, or mutilated, should be reregistered and given a new original receipt card. In such cases, any mutilated receipt card must be surrendered before another card is delivered.

PART 172—IMMIGRATION, EXCLUSION, AND DEPORTATION OF FILIPINOS UNDER THE PROVISIONS OF THE PHILIPPINE REHABILITATION ACT OF 1946 AND THE PHILIPPINE TRADE ACT OF 1946

§ 172.1 *Trainees.* Any Filipino admitted temporarily to the United States for training or instruction under the provisions of subsection (d) of section 311 of the Philippine Rehabilitation Act of 1946 (60 Stat. 139; 50 U. S. C. App., Sup., 1791) shall depart from the United States within 60 days after the date on which such training or instruction is terminated. Such a person shall not be admitted to the United States for a specific period of time but shall be admitted for the duration of his existing status, and the immigration officer in charge at the port where the admission occurs shall make arrangements to receive, from the bureau or agency under whose supervision or control the training or instruction is given, notification of the termination of the training or instruction. (Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 673, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1.

PART 175—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

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ALIENS LEAVING

AUTHORITY: §§ 175.21 to 175.32, inclusive, issued under Proc. 2523, Nov. 14, 1941, 6 F. R. 5821, 5869, 40 Stat. 559, as amended, ch. 210, 55 Stat. 252; 22 U. S. C., and Sup. 223, 225, 226.

§ 175.21 *Definitions.* For the purposes of §§ 175.21 to 175.32:

(a) The term "United States" includes the States, the District of Columbia, Alaska, the Canal Zone, the Philippine Islands, so long as they are subject to the jurisdiction of the United States, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and all territory and waters subject to the jurisdiction of the United States.

(b) The term "continental United States" means the territory of the several States, the District of Columbia, and Alaska.

(c) The term "depart from the United States" means the act of departure by land, sea, or air (1) from the United States to any foreign port or place except Canada, or (2) from one geographical part of the United States to a separate geographical part, except to or from Alaska. The term "geographical part" means any of the following: The States, including the District of Columbia, the Canal Zone, the Philippine Islands, so long as they are under the jurisdiction of the United States, Hawaii, Puerto Rico, the Virgin Islands, Guam, or American Samoa.

(d) The term "seaman" means any alien whose occupation or calling as such is bona fide, and who is employed in any capacity on board any vessel departing from the United States.

(e) The term "airman" includes any alien pilot, navigator, aviator, or other alien person employed on any aircraft.

(f) The term "departure-control officer" means any employee of the Immigration and Naturalization Service assigned to supervise the departure of aliens from the United States, or any persons assigned by the chief executive officers of the Canal Zone, Guam, or American Samoa to such duties if those territories, or any person designated by the United States High Commissioner to the Philippine Islands after consultation with the military and naval authorities of the United States and the Government of the Commonwealth of the Philippines.

(g) The term "permit-issuing authority" means the Secretary of State, or an officer designated by him, the chief executive officer of Alaska, of Hawaii, of Puerto Rico, of the Virgin Islands, of the Canal Zone, of Guam, or of American Samoa, or the United States High Commissioner to the Philippine Islands acting in consultation with the military and naval authorities of the United States in the Philippine Islands and with the Government of the Commonwealth of the Philippines.

(h) The term "passport" means a passport, or official document in the nature of a passport, issued by the government of the country to which an alien owes allegiance, or other travel document showing his origin and identity, prescribed in regulations issued by the Secretary of State.

(i) The term "permit to depart" for aliens means a copy of the application for a permit to depart, as described hereinafter in §§ 175.21 to 175.32, inclusive, duly executed by the alien, approved, and appropriately endorsed by or on behalf of the Secretary of State, or such modification hereof as may be prescribed.

(j) The term "port of departure" means a port in continental United States, the Virgin Islands, Puerto Rico, or Hawaii designated as a port of entry

by the Attorney General or by the Commissioner of Immigration and Naturalization, or in exceptional circumstances such other place as the departure-control officer may, in his discretion, designate in an individual case, or a port in Guam, American Samoa, or the Panama Canal Zone designated by the chief executive officer thereof, or any port in the Philippine Islands designated by the permit-issuing authority therein.

(k) The term "alien" means a person who does not owe permanent allegiance to the United States. It does not include a citizen of the United States, nor does it include a citizen of the islands under the jurisdiction of the United States, including a citizen of the Philippine Islands so long as the Philippine Islands remain under the sovereign jurisdiction of the United States.

§ 175.22 *Permits to depart required.* No alien shall hereafter depart from the United States except at a port of departure and unless there has been issued in accordance with §§ 175.21 to 175.32, inclusive, a valid permit to depart, or he is exempted under §§ 175.21 to 175.32, inclusive, from obtaining a permit to depart.

§ 175.23 *Aliens exempted from obtaining permits to depart.* Aliens of the following classes shall not be required to obtain permits to depart:

(a) All aliens (except seamen, members of armed forces, German nationals, and Japanese persons of any foreign nationality (departing from the United States to any destination other than Germany, Italy, or Austria while those countries are occupied by the armed forces of one or more of the allied countries, the China-Burma theater of military operations or occupation by forces of the United States, or any place within an area of military or naval operations or occupation by forces of the United States in the Pacific Ocean.

(b) An alien not otherwise exempt from obtaining a permit to depart, who is an accredited or recognized diplomatic, consular, or other officer of a foreign government, a member of his family, or his attendant, servant, and employee, who presents an exit visa obtained from the Chief or Acting Chief of the Visa Division of the Department of State in lieu of a permit to depart. An exit visa shall be subject to verification in the discretion of the departure-control officer at the port of departure, if he has reason to question the authenticity of such exit visa.

(c) Aliens who are nationals of China, and who depart from the United States directly to China or through the necessary countries en route, with military permits so long as such permits are required.

(d) Aliens departing as seamen on vessels or to join vessels: *Provided*, That:

(1) They submit a passport, unless the seaman is stateless, or unless such document is waived by the Secretary of State;

(2) Where departure is from a port in the continental United States, Hawaii, Puerto Rico, or the Virgin Islands, an alien registration-receipt card must be presented in the cases of aliens who are subject to registration and fingerprinting;

(3) They present an unexpired Coast Guard identification card, or other evidence of having been examined for security by the Coast Guard, unless such card or evidence is waived by the Coast Guard; and

(4) All alien seamen who depart from the United States shall comply with all other laws and regulations and meet such additional requirements as may be prescribed by the Commissioner of Immigration and Naturalization, or the appropriate permit-issuing authorities in the Canal Zone, Guam, American Samoa, or the Commonwealth of the Philippines.

(e) Aliens being deported from the United States to any foreign country, except an alien being deported without a military permit to an area of military or naval operations or occupation by forces of the United States.

(f) Aliens who are members of the armed forces of the United States, who are departing from the United States under orders of a competent authority (except that permits to depart shall be required in the cases of aliens who have only leave orders, and who are not lawful permanent residents of the United States), and aliens of the armed forces of foreign countries, who are departing from the United States under orders (including leave orders) of a competent authority.

(g) Alien children under 14 years of age.

§ 175.24 *Refusal of permission to depart.* No permit to depart, exit visa, border-crossing identification card, reentry permit, preexamination border-crossing identification card, or other document facilitating departure, or authorization of voluntary departure in lieu of deportation, shall be issued to an alien if the issuing authority has any reason to believe that the departure will be prejudicial to the interests of the United States.

§ 175.25 *Classes of aliens not entitled to depart.* The departure of an alien who is within one or more of the following categories shall be deemed to be prejudicial to the interests of the United States for the purposes of §§ 175.21 to 175.32, inclusive:

(a) Any alien who is in possession of, and in whose case there is evidence that he is likely to disclose to unauthorized persons, information concerning the plans, preparations, equipment, or establishments for the national defense of, or the prosecution of the war by, the United States or any of its Allies.

(b) Any alien departing from the United States for the purpose of engaging in, or who is likely to engage in, activities designed or likely to obstruct, impede, retard, delay, or counteract the effectiveness of the national defense of the United States or the measures adopted by the United States in the public interest or for the defense of any other country.

(c) Any alien departing from the United States for the purpose of engaging in, or who is likely to engage in, activities which would obstruct, impede, retard, delay, or counteract the effectiveness of any plans made or steps taken by any country cooperating with the United States in the prosecution of the war.

(d) Any alien departing from the United States for any country for the purpose of organizing or directing, in or from such country, any rebellion, insurrection, or violent uprising in or against the United States, or of waging war against the United States, or of destroying sources of supplies or material vital to the national defense of the United States, or to the effectiveness of the measures adopted by the United States for the defense of any other country.

(e) Any alien who is a fugitive from justice on account of any offense punishable in the United States.

(f) Any alien whose presence in the United States is needed as a witness in, or as a party to, any criminal case pending in a court or which is under official investigation: *Provided*, That any alien who is a witness in, or party to, a criminal-court proceeding may be permitted to depart with the consent of the appropriate prosecuting authority, unless such alien is otherwise prohibited from departing under §§ 175.21 to 175.32, inclusive.

(g) Any alien who is registered, or who is subject to registration, for training or service in the armed forces of the United States, and who shall not have obtained the consent of his local draft board or an appropriate officer of the Selective Service System to depart from the United States.

§ 175.26 *Departure from the Canal Zone.* The departure of aliens from the Canal Zone shall be in accordance with the provisions of §§ 175.21 to 175.32, inclusive, and such regulations as may be prescribed by the permit-issuing authority in the Canal Zone.

§ 175.27 *Departure from the Philippine Islands.* The departure of aliens from the Philippine Islands shall be in accordance with the provisions of §§ 175.21 to 175.32, inclusive, and such regulations as may be prescribed by the permit-issuing authority in the Philippine Islands.

§ 175.28 *Authority to make additional regulations.* The permit-issuing authorities in the Canal Zone and in the Philippine Islands may prescribe, with the concurrence of the Secretary of State and the Attorney General, additional regulations regarding the departure of aliens from the Canal Zone and from the Philippine Islands, respectively, and such regulations may include such additional requirements, exemptions, and exceptions to the regulations prescribed by the Secretary of State, with the concurrence of the Attorney General, as the permit-issuing authorities in the Canal Zone and the Philippine Islands may deem to be appropriate.

§ 175.29 *Departure not permitted in special cases.* (a) Any departure-control officer or other authorized official in any individual case may require any alien, or person he believes to be an alien, departing or attempting to depart, even if such person has a permit to depart or is exempted under §§ 175.21 to 175.32, inclusive, from obtaining a permit to depart, to reply to interrogatories and to submit for official inspection all documents, articles, or other things which are being removed from the United States upon, or in connection with, such person's departure.

(b) Any departure-control officer or other authorized official shall temporarily prevent the departure of any person of the class mentioned in the preceding paragraph if such person refuses to answer interrogatories or to submit to such official inspection, or if the officer or official believes the departure of such person would, under §§ 175.21 to 175.32, inclusive, be prejudicial to the interests of the United States, or if directed by the Secretary of State or the Attorney General to prevent such departure. In every such case the officer or other official preventing departure shall temporarily take possession of any travel document presented by the alien. Such action shall be reported immediately by the departure-control officer to the head of his department with a full statement of the facts.

(c) Upon the receipt of a report as contemplated by the preceding paragraph the Department head shall, if he considers that the departure of the alien would not be prejudicial to the interests of the United States, consult the Secretary of State. In such circumstances an individual so temporarily prohibited from departing shall not be permitted to depart and shall not be entitled to the benefits of any exemptions or limitations hereinbefore provided, unless the Secretary of State is satisfied that the departure of such person would not be prejudicial to the interests of the United States.

§ 175.30 *Departure permitted in special cases.* (a) Notwithstanding the provisions of §§ 175.21 to 175.32, inclusive, the Secretary of State may, in his discretion, authorize the issuance of a permit to depart to any alien, or may allow any alien to depart without such permit if he deems such action to be in the interests of the United States: *Provided*, That any such authorization which may be applicable to aliens of a particular class shall be concurred in by the Attorney General.

(b) Any departure-control officer may grant any airman emergency permission to depart, but in all such cases a copy of the airman's application shall be forwarded immediately to the appropriate permit-issuing authority or to the Secretary of State. Such emergency permission shall not be granted unless the departure-control officer is satisfied that such departure would not endanger the public safety or be prejudicial to the interests of the United States.

§ 175.31 *Applications for permits to depart.* Any alien in whose case a permit to depart is required, desiring to depart from the United States, shall apply to the Secretary of State, or to such officer as may be designated, for a permit to depart from the United States as follows:

(a) Blank application forms for permits to depart may be obtained from the Visa Division, Department of State, Washington, D. C., or from an office of the Immigration and Naturalization Service, or from a permit-issuing authority in the outlying possessions of the United States. Applications should be mailed at least 30 days before the date of intended departure in order that any delay in departure may be avoided: *Provided*, That alien members of the armed forces of the United States departing on authorized leave must make application to do so, which may be in the form of a letter addressed to the Chief of the Exit Permit Unit, Visa Division, Department of State, Washington, D. C., containing the applicant's name and a statement of his nationality, date and place of birth, date and place of last entry into the United States, last residence address in civilian life, alien registration number, and date and port of intended departure, together with a letter from his commanding officer approving leave for the purpose indicated.

(b) Applications for permits to depart from the continental United States, excepting Alaska, shall be made to the Secretary of State, as provided in §§ 175.21 to 175.32, inclusive. Applications for permits to depart shall be made upon form AD–1 or such other form as may be prescribed by the permit-issuing authority and executed strictly in accordance with the instructions issued therewith.

(c) Any alien who departs, or attempts to depart, from the United States without complying with §§ 175.21 to 175.32, inclusive, may be subjected to the penalties provided in the act of May 22, 1918, as amended by the act of June 21, 1941.

(d) If the application for permission to depart is approved the applicant will be notified, and one copy of the application, appropriately endorsed, which shall thereupon become the permit to depart, will be forwarded to the appropriate departure-control officer at the port or place from which the applicant has stated in his application that he intends to depart. In the cases of members of the armed forces of the United States, who make application in accordance with the proviso in paragraph (a) of this section, the notification sent to the applicant shall, upon its surrender to the departure-control officer, constitute the permit to depart. Upon the applicant's personal appearance before such departure-control officer, indicated in the notification to the applicant, and upon identification of such applicant by the departure-control officer, to whom the applicant shall surrender the notification received, the departure-control officer may permit such applicant to depart from the United States and shall verify such departure. The departure-control officer shall thereupon place a notation or certification on the permit concerning the alien's departure and forward such permit, together with the notification surrendered by the alien, to the Secretary of State, Washington, D. C. Under no circumstances should an alien be permitted to take such permit out of the United States or to have such permit in his possession while in the United States.

(e) A permit to depart shall be revocable at any time before departure of the alien in whose case such permit shall have been granted. The Secretary of State reserves the power to revoke a permit which has been issued by any permit-issuing authority.

(f) No permit to depart from the United States shall be construed as a permit to enter any place in the United States.

§ 175.32 *Effective date.* Sections 175.21 to 175.32, inclusive, shall become effective on December 27, 1945, and shall supersede the regulations prescribed by the Secretary of State on April 9, 1945, concurred in by the Attorney General on May 19, 1945, and issued on May 22, 1945, to become effective on June 1, 1945 (10 F. R. 5889–93).

ALIENS ENTERING

AUTHORITY: §§ 175.41 to 175.63, inclusive, issued under Proc. 2523, Nov. 14, 1941, 6 F. R. 5821, 5869; 40 Stat. 559; 41 Stat. 1217; ch. 210, 55 Stat. 252; 43 Stat. 153, 166, as amended; sec. 30, 54 Stat. 673; 22 U. S. C. and Sup. 223, 225–227; 8 U. S. C. 201–229, 451; E. O. 4049, July 14, 1924, E. O. 8766, June 3, 1941, E. O. 9352, June 15, 1943, 6 F. R. 2741, 8 F. R. 8209.

§ 175.41 *Definitions.* For the purposes of §§ 175.41 to 175.63:

(a) The term "United States" means the States, the District of Columbia, Alaska, the Canal Zone, the Philippine Islands, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

(b) The term "continental United States" means the territory of the several States, the District of Columbia, and Alaska.

(c) The term "mainland" means the States and the District of Columbia.

(d) The term "Western Hemisphere" means North, Central, and South America, and the islands immediately adjacent thereto, including Bermuda, the Bahamas, the West Indies, and the Leeward and Windward Islands.

(e) The term "outlying possession" means any territory or islands under the jurisdiction of the United States outside of the continental United States, but does not include the Canal Zone.

(f) The term "foreign contiguous territory" means Mexico or Canada.

(g) The term "passport" means a passport or an official document in the nature of a passport issued by the government of a country to which an alien owes allegiance, or other travel document showing his origin and identity, prescribed in regulations issued by the Secretary of State.

(h) The term "permit to enter" means an immigration visa, a reentry permit, a passport visa, a transit certificate, a limited-entry certificate, a border-crossing identification card, or a crew-list visa, issued by a permit-issuing authority.

(i) The term "permit-issuing authority" means a diplomatic, consular, or other officer of the United States authorized to issue immigration visas, passport visas, crew-list visas, transit certificates, limited-entry certificates, or nonresident aliens' border-crossing identification cards, or an officer of the Immigration and Naturalization Service authorized to

issue reentry permits, or aliens' border-crossing identification cards.

(j) The term "entry into the United States" means any entry by land, water, or air from any place outside of the United States into any place included within the United States or from any outlying possession of the United States into the continental United States or from the continental United States into any outlying possession, or from one outlying possession into another, or from the Canal Zone into the continental United States or an outlying possession, or into the Canal Zone from any place in the United States.

(k) The term "seaman" means any alien whose occupation or calling as such is bona fide, and who is employed in any capacity on board any vessel arriving in the United States from any place outside of the United States.

(l) The term "airman" means any alien pilot, navigator, aviator, or other alien person operating or employed on any aircraft.

(m) The term "port of entry" means a port in the continental United States, the Virgin Islands, Puerto Rico, or Hawaii designated as a port of entry by the Attorney General or the Commissioner of Immigration and Naturalization, or such a port in the Canal Zone, Guam, American Samoa, or any outlying possession of the United States, as may be designated by the Governor thereof.

(n) The term "alien" means an individual who is not a native-born or naturalized citizen of the United States, but this definition shall not be held to include citizens of the islands under the jurisdiction of the United States, except citizens of the Philippine Islands who, in accordance with the provisions of the act of March 24, 1934, are to be considered as if they were aliens for the purposes of the laws relating to the immigration, exclusion, and expulsion of aliens, unless they are citizens of the United States.

(o) The term "alien enemy" means an alien defined as such or contemplated by any proclamation of the President after December 1, 1941, or an alien who, if admitted into the United States, would be an alien enemy under any such proclamation. The term generally includes aliens who are natives, denizens, citizens, or subjects of countries with which the United States is at war.

(p) The term "enemy national" means an alien who is a citizen or subject of any country with which the United States is at war, or an alien who owes allegiance to such country.

(q) The term "an alien who is a lawful permanent resident of the United States" means an alien who has been lawfully admitted into the continental United States, the Virgin Islands, Puerto Rico, or Hawaii for permanent residence therein and who has since such admission maintained his domicile in the United States: *Provided*, That this term shall not include Philippine citizens residing in Hawaii, who are not citizens of the United States, who entered Hawaii without an immigration visa, unless such Philippine citizens are declared to be nonquota immigrants under section 4 of the act other than subdivisions (c) and (e) thereof.

§ 175.42 *Passports and permits to enter required.* No alien shall hereafter enter the United States (a) except at a port of entry and (b) unless he presents an unexpired passport and a valid permit to enter, or is exempted under §§ 175.41 to 175.63, inclusive, from presenting such documents.

§ 175.43 *Passports and permits to enter not guarantees of admission.* No alien who is inadmissible into the United States under the provisions of the immigration laws and regulations, or other laws and regulations, including §§ 175.41 to 175.63, inclusive, shall be admitted into the United States even if he is in possession of an unexpired passport and valid permit to enter.

§ 175.44 *Immigrants not required to present passports and permits to enter.* Immigrants of the following classes are not required to present passports and permits to enter, inasmuch as the requirements thereof are waived in the following emergency cases:

(a) An alien child born subsequent to the issuance of the immigration visa of an accompanying parent, the visa not having expired.

(b) An alien child born during the temporary visit abroad of an alien mother who is a lawful permanent resident of the United States, provided the child is accompanying a parent who is admissible into the United States and who is entering the United States for permanent residence upon the first return of the parent to the United States after the child's birth, and application is made for admission into the United States wihin a period of two years after the date of the child's birth.

(c) An alien child born during the temporary visit abroad of a mother who is an American citizen or national, provided the child is accompanying a parent who is admissible into the United States and who is entering the United States for permanent residence upon the first return of the parent to the United States after the child's birth and application is made for admission into the United States within a period of two years after the date of the child's birth.

(d) An alien who is a lawful permanent resident of the United States who goes in transit through foreign contiguous territory from one part of the continental United States to another by means of a transportation line which runs through the territory or waters of both the United States and Canada or Mexico.

(e) An alien who is a lawful permanent resident of the United States, and who is proceeding from the continental United States to an outlying possession, or from an outlying possession to the mainland, or from one outlying possession to another, or from one port in the continental United States to another, without stop-over, although touching at a foreign port.

(f) An alien who is a lawful permanent resident of the United States, and who reenters from a journey beginning in a port of the United States in the Western Hemisphere without transshipment from the original vessel to another vessel, such vessel not having proceeded outside of the Western Hemisphere.

(g) An alien who is a lawful permanent resident of the United States, who is returning from a visit not exceeding 30 days to foreign contiguous territory only, and who, because of an emergency such as one involving serious illness or death, had no opportunity to obtain a reentry permit, or a resident alien's border-crossing identification card prior to departure from the United States.

(h) An alien member of the armed forces of the United States, who is a lawful permanent resident of the United States, provided the alien is in the uniform of, or bears documents showing his identity as a member of, such armed forces.

(i) An alien member of the armed forces of a country at war with Japan, who is a lawful permanent resident of the United States, and who is returning under orders or on furlough during the period of the war.

(j) An alien who is a citizen or subject of a foreign country at war with Japan, who is a lawful permanent resident of the United States, who departed from the United States for foreign contiguous territory for the purpose of joining the armed forces of the country of which he is a citizen or subject, and who is returning to the United States within a period of six months of his departure and within 30 days of rejection for service in such armed forces.

(k) An alien who is a citizen or subject of a foreign country at war with Japan, who is a lawful permanent resident of the United States, who has been honorably discharged from the armed forces of the country of which he is a citizen or subject, and who is returning to the United States within 90 days of his discharge or of his release from military hospitalization.

(l) An alien who is employed as a civilian pilot or as a member of other flight personnel, who is a lawful permanent resident of the United States, and who is returning to the United States while engaged in airplane-ferrying operations or ferrying personnel or material between the United States and territory abroad in behalf of the armed forces of the United States or of a foreign country at war with Japan, or within 90 days after the termination of such employment.

(m) An alien who is a lawful permanent resident of the Virgin Islands and who is returning thereto after a temporary visit to the British Virgin Islands or the French island of St. Bartholomew.

(n) An alien who is a lawful permanent resident of the United States, who is returning to the United States on an official exchange vessel, who is included in the exchange of persons with the enemy, and who had no opportunity to obtain an immigration visa: *Provided*, That the alien is found to be otherwise admissible by the Immigration and Naturalization Service.

(o) An alien who is a lawful permanent resident of the United States, who resides in a remote section of Alaska, and who is returning to Alaska after a temporary visit to Canada.

(p) An American Indian born in Canada and recognized as such under Canadian law, except one whose membership in Indian tribes or families is created by adoption.

§ 175.45 *Immigrants required to present passports but not permits to enter.* Aliens who are lawful permanent residents of the United States, and who fall within the following categories are exempt from the requirement of presenting permits to enter, inasmuch as the requirement thereof is waived, but must present passports:

(a) An alien seaman or airman whose name appears on the crew list of the vessel or aircraft on which he arrives: *Provided*, That this paragraph shall not apply to Great Lakes seamen, for whom waivers are provided in § 175.46 (b).

(b) An alien, occupationally a seaman, who is returning in accordance with the terms of the articles of outward voyage, or the terms of his discharge before a consular officer of the United States.

(c) A shipwrecked or castaway alien, occupationally a seaman or airman: *Provided*, That a passport will not be required for the first entry if he has lost his passport.

§ 175.46 *Immigrants required to present permits to enter but not passports.* Immigrants of the following classes who present a permit to enter are not required to present a passport, inasmuch as the requirement thereof is waived:

(a) An alien who is a lawful permanent resident of the United States, and who presents a valid reentry permit.

(b) An alien who is a lawful permanent resident of the United States, who is returning after a temporary absence in Canada or Mexico only, and who presents a valid resident alien's border-crossing identification card, including such an alien who is employed as a member of the crew of a vessel of United States, British, or Canadian registry engaged solely in traffic on the Great Lakes and connecting waterways.

§ 175.47 *Immigrants not required to present passports or permits to enter in special cases.* (a) An alien who previously has been admitted lawfully into the United States as a student on the basis of a nonquota immigration visa issued under section 4 (e) of the Immigration Act of 1924, who has proceeded only to Canada or Mexico, who is returning to the United States within a period of three months, and who is reentering under section 4 (e) for the purpose of continuing his or her studies at an approved institution of learning, is exempt from the requirement of presenting a new section 4 (e) visa. Such an alien must present a letter from the institution stating that he or she is a student in good standing at the institution. If the alien presents a passport it should bear a notation made by the immigrant inspector, or in the absence of a passport the alien should be in possession of other evidence to the effect that he or she was previously admitted lawfully into the United States as a nonquota immigrant student.

(b) Any alien immigrant whose case is considered by the Attorney General to be within the provisions of section 13 (b) of the Immigration Act of 1924, and which the Secretary of State considers to be emergent and grants a waiver of the requirement of presenting a permit to enter, is exempted from the requirement of presenting such document.

(c) Any alien immigrant whose case is considered by the Secretary of State to be emergent and in which he grants a waiver of the requirement of presenting a passport, is exempted from the requirement of presenting such document.

§ 175.48 *Nonimmigrants not required to present passports and permits to enter.* The following classes of nonimmigrants are not required to present passports and permits to enter, inasmuch as the requirements thereof are waived in the following emergency cases:

(a) A Canadian railway-mail clerk who is entering the continental United States from Canada in connection with his official duties, provided he carries documents identifying him as such.

(b) An alien who resides in an isolated or remote section of Canada, who is entering the continental United States temporarily from Canada as a visitor or in transit to another part of Canada, and who is unable without undue inconvenience to obtain a passport and a visa.

(c) A member of the staff of the International Fisheries Commission and the International Pacific Salmon Fisheries Commission, who is entering the continental United States temporarily from Canada or Newfoundland in connection with the performance of his official duties, provided he carries a document bearing a photograph and identifying him as a member of the staff of such a Commission.

(d) An alien who is a citizen of Mexico, and (1) who is an officer or employee of the International Boundary and Water Commission, and is entering the continental United States temporarily from Mexico in connection with his official duties, or (2) who is employed directly or indirectly on the construction, maintenance, and operation of works in the United States undertaken in accordance with the treaty concluded on February 3, 1944, between the United States and Mexico, and is entering the continental United States temporarily from Mexico in connection with such employment.

(e) An immigration or customs officer of the Mexican Government who is entering the continental United States temporarily from Mexico in the performance of his official duties.

(f) An employee of the Mexican Postal Service assigned to a border area, who is entering the continental United States temporarily from Mexico in the performance of his official duties, and who has credentials establishing his identity and defining his official duties in the region of the border.

(g) An alien who is a member of a fire-fighting group entering the continental United States temporarily from foreign contiguous territory for fire-fighting activities.

(h) An alien who is a member of the Plant Protection Division of the Canadian Department of Agriculture, and who is entering the continental United States temporarily from Canada in connection with his official duties.

(i) An alien who is an official or an operational or maintenance-of-way employee of a railroad or bus line operating across the Canadian or Mexican border, who enters the continental United States temporarily from foreign contiguous territory in pursuance of his duties.

(j) An alien who is a member of the military or naval personnel serving in that capacity on a merchant vessel or a vessel of war, owned or operated by the United States or by the government of a foreign country at war with Japan.

(k) An alien who is a member of the armed forces of the United States, who is in the uniform of, or who bears documents identifying him as a member of, such armed forces, who is not a lawful permanent resident of the United States, and who is included in a military unit which is returning to the United States under orders.

(l) An alien (1) who is in the uniform of, or who bears documents identifying him as a member of, the armed forces of a foreign country having territory or possessions in the Western Hemisphere or of an American republic other than the United States, and (2) whose travel is authorized by the appropriate authorities of the armed forces of which the alien is a member, and (3) who is entering the United States in transit or temporarily to engage in official duties or with authorized leave to visit the United States: *Provided*, That the country, of whose armed forces he is a member, is at war with Japan: *And provided further*, That such country grants reciprocal privileges to members of the armed forces of the United States. In the case of a group of such aliens entering the United States appropriate advance arrangements for their reception and entry must be made with the military and naval authorities of the United States.

(m) An alien who is a civilian member, regardless of nationality, of the British Royal Air Force Transport Command, who is entering the United States temporarily or in transit to a foreign destination, provided he is traveling under orders of the British Royal Air Force Transport Command and is in possession of documents acceptable to the officers of the Immigration and Naturalization Service establishing the identity of the individual beyond a reasonable doubt.

(n) An alien who is lawfully in the United States as a nonimmigrant, who is proceeding from the mainland to an outlying possession, or from an outlying possession to the mainland, or from one outlying possession to another, or from one port in the continental United States to another, without stop-over, although touching at a foreign port.

(o) A nonimmigrant alien child born subsequent to the issuance of the permit to enter of an accompanying parent, the permit not having expired.

(p) An alien who is a resident of remote Pacific Islands, and who, after arrival at a port of entry in Hawaii or on the mainland, is found to be a bona fide

temporary visitor under section 3 (2) of the Immigration Act of 1924, or a bona fide transient under section 3 (3) of the act.

(q) An alien who is a Canadian national, who is occupationally a seaman, and who is sent forward as a passenger to join a vessel in a port of the United States, provided he presents a valid seaman's identity certificate issued by an appropriate Canadian Government agency.

(r) An alien who is a native-born resident of a country within the Western Hemisphere, who is entering the United States temporarily to engage, or to continue, in seasonal or temporary employment under the terms of legislation or of any satisfactory arrangement between appropriate agencies of the United States (including the Department of State) and of any such country, and who complies with any additional requirements prescribed by the Attorney General.

(s) A person presenting a certificate of identity issued by a consular officer of the United States under the provisions of section 503 of the Nationality Act of 1940 and the regulations issued thereunder (see 22 CFR 19.19–19.29).

(t) An alien who is arriving on an official exchange vessel, who is included in an exchange of persons with the enemy, and who has had no opportunity to obtain a passport or a permit to enter: *Provided*, That the alien is found to be otherwise admissible by the Immigration and Naturalization Service.

(u) An alien who is a national of a United Nations country, and who is arriving as a passenger or member of the crew on a ship which has been diverted at sea to a port in the United States, having been destined originally to a foreign port.

(v) An alien who is a British subject domiciled in the British Virgin Islands or in the British islands of Anguilla, St. Kitts, and Nevis; a French citizen domiciled in the French island of St. Bartholomew or in the French portion of the island of St. Martin; or a Netherlands subject domiciled in the Netherlands islands of St. Eustatius or Saba, or in the Netherlands portion of the island of St. Martin; and who is seeking admission into the Virgin Islands for business or pleasure for a period of less than 30 days on any one visit.

(w) An alien who is a British subject domiciled, permanently residing, or stationed in Canada, who is entering the United States temporarily across the Canadian border on a visit of less than 30 days for business or pleasure, and who has assurance of admission to Canada or some other country: *Provided*, That this paragraph shall not apply to Great Lakes seamen for whom waivers are provided in § 175.50 (c) or to Canadian citizens for whom waivers are provided in paragraph (gg) of this section.

(x) An alien who arrived at a seaport in Canada and who is passing in direct transit by continuous journey through the United States to a destination in Canada by means of a transportation line which runs through the territory or waters of both countries.

(y) An alien who is proceeding in continuous travel from Paterson, British Columbia, to Cascade, British Columbia.

(z) An alien who is a resident of foreign contiguous territory, and who is entering the United States from such territory for less than 30 days in a case of emergency, such as one involving serious illness or death, the alien having no opportunity to obtain a permit to enter, but having assurance of readmission into foreign contiguous territory.

(aa) An alien who is a resident of contiguous territory, who passes from the territory of which he is a resident in continuous transit through a part of the continental United States back to the territory of which he is a resident by means of a transportation line which crosses the international boundary.

(bb) An alien who is a member of the Mexican Air Force, who is traveling on duty in a civilian airplane arriving in the continental United States from Mexico, and who presents properly authenticated military orders and an individual identification card.

(cc) An alien who is a member of the armed forces of Mexico, who arrives in the continental United States to take charge of aircraft being provided the Mexican Government under lend-lease arrangements, and who is in possession of a suitable document of identity as such, provided appropriate arrangements have been made with the military authorities of the United States for the delivery of such aircraft.

(dd) An alien who is a member of the armed forces of a foreign country at war with Japan, who is stationed in the continental United States, and who is returning from a temporary visit to foreign contiguous territory.

(ee) An airman or a passenger on an aircraft proceeding from one place to another in foreign contiguous territory and landing temporarily in the United States under emergency conditions.

(ff) A shipwrecked or castaway alien, occupationally a seaman or airman, rescued by, or transferred at sea to, a vessel bound for a port in the United States.

(gg) An alien who is a Canadian citizen and who is entering the United States temporarily across the Canadian border on a visit of less than six months for business or pleasure: *Provided*, That this paragraph shall not apply to Great Lakes seamen for whom waivers are provided in § 175.50 (c).

§ 175.49 *Nonimmigrants required to present passports but not permits to enter.* Nonimmigrants of the following classes are not required to present passports but are not required to present permits to enter, inasmuch as the requirement thereof is waived:

(a) An alien seaman, who is entering temporarily in pursuit of his calling as such, and who is a member of the crew of a vessel arriving from a port at which there is no consular officer of the United States, the master of the vessel having been unable to obtain a crew-list visa from a nearby consular officer without undue delay of the vessel's departure.

(b) An alien seaman, who is employed as such on a vessel operating on a regular service between a port in Florida and Habana, Cuba, and who is entering the continental United States temporarily at a port in Florida in pursuit of his calling, is exempt from the crew-list visa requirements, except that a new crew-list visa must be presented (1) to cover the first trip each month of each such vessel and (2) to cover any additional seaman who is signed on as a member of the crew during the month.

(c) An alien seaman, who is employed as a member of the crew of a vessel sailing between ports of the United States and ports of Canada or Newfoundland and not touching at a port of any other country, and who is entering the United States temporarily in pursuit of his calling: *Provided*, That this paragraph shall not apply to Great Lakes seamen for whom waivers are provided in § 175.50 (c).

(d) An alien who is a Mexican military or civilian official, and an alien who is an accompanying member of the family or of the accompanying suite of such official, who is entering the United States temporarily from Mexico for personal business or pleasure.

(e) An alien who is a citizen of Newfoundland domiciled therein or in Canada, who is proceeding to the continental United States for a period of less than 30 days for personal business or pleasure.

(f) An alien who has been admitted lawfully into the United States as a nonimmigrant, and who goes in continuous transit from one part of the continental United States to another through foreign contiguous territory.

(g) An alien, occupationally a seaman, who is seeking temporary admission as a passenger or workaway, solely in pursuit of his occupation or calling as a seaman, if arriving in the United States under the following circumstances:

(1) As a member of the crew of an American vessel which has been sold and delivered abroad, when the contract of employment provides for the return of the crew, or when the laws of the United States provide for their return to a port in the United States; or

(2) As a United States consular passenger or an alien who is repatriated after, and in accordance with the terms of, his discharge in a foreign port before a consular officer of the United States.

(h) An alien who is a shipwrecked or castaway seaman or airman of a United Nations vessel or aircraft, who was taken aboard a vessel or aircraft in a foreign port or place where no consular officer of the United States was stationed, and who is brought to the United States as a passenger without touching at a port or place where such an officer was stationed: *Provided*, That such a seaman or airman must agree to reship foreign or depart from the United States at the first available opportunity: *And provided further*, That if there is no representative of the country of the alien's nationality in the port or place where he is taken aboard, a passport or other travel document will not be required for the first entry of the alien into the United States.

§ 175.50 *Nonimmigrants required to present permits to enter but not passports.* Nonimmigrants of the following classes are required to present permits to enter but not passports, inasmuch as the requirement thereof is waived:

(a) An alien seaman, who has lost his passport, who is unable to obtain a replacement thereof, who is arriving on an American vessel or an American-owned Panamanian or Honduran flag vessel, and who presents a Coast Guard identification card or other evidence of having been examined for security by the United States Coast Guard: *Provided*, That this waiver of the passport requirements shall be valid only for a single entry of such alien after the loss of his passport.

(b) An alien who is a resident of foreign contiguous territory and in whose case a permit to enter and a passport are required under these regulations may present, in lieu of a passport, any document which is valid for the bearer's departure from and return to foreign contiguous territory.

(c) An alien who is a member of the crew of a vessel of United States, British, or Canadian registry engaged solely in traffic on the Great Lakes and connecting waterways, who is entering the United States temporarily as a seaman: *Provided*, That the permit to enter presented by such alien consists of a valid nonresident alien's border-crossing identification card.

§ 175.51 *Nonimmigrants not required to present passports or permits to enter in special cases.* Any nonimmigrant aliens whose cases are considered by the Secretary of State to be emergent and in whose cases the Secretary of State grants a waiver of the requirement of presenting a passport or a permit to enter, or both, shall thereupon be exempted from the requirement of presenting such a document.

§ 175.52 *Refusal of permission to enter.* (a) No permit to enter shall be issued to any alien if the permit-issuing authority has reason to believe that the entry of the alien would be prejudicial to the interests of the United States.

(b) The permit-issuing authority shall report the refusal of a permit to enter under the preceding paragraph to the head of his department. If a permit to enter is refused by an officer of the Immigration and Naturalization Service of the Department of Justice on the ground that he has reason to believe that the entry of the alien would be prejudicial to the interests of the United States, the Attorney General may, after consultation with the Secretary of State, authorize issuance of the permit to enter if he is satisfied that the entry of the alien would not be prejudicial to the interests of the United States. If a permit to enter is refused by any other officer of the United States authorized to issue documents constituting permits to enter under §§ 175.41 to 175.63, inclusive, the Secretary of State, or an official designated by him, may authorize the issuance of a permit to enter if he is satisfied that the entry of the alien will not be prejudicial to the interests of the United States. The report of a refusal of a permit to enter under the preceding paragraph made to the head of a department other than the Secretary of State shall be communicated to the Secretary of State.

§ 175.53 *Classes of aliens whose entry is deemed to be prejudicial to the public interest.* The entry of an alien who is within one of the following categories shall be deemed to be prejudicial to the interests of the United States for the purposes of §§ 175.41 to 175.63, inclusive:

(a) Any alien who belongs to one of the classes specified in the act of October 16, 1918, as amended. (40 Stat. 1012; 41 Stat. 1008–9; 54 Stat. 673; 8 U. S. C. 137)

(b) Any alien who is a member of, affiliated with, or may be active in the United States in connection with or on behalf of, a political organization associated with or carrying out policies of any foreign government opposed to the measures adopted by the Government of the United States in the public interest, or in the interest of national defense, or in the interest of the common defense of the countries of the Western Hemisphere, or in the prosecution of the war.

(c) Any alien in possession of, or seeking to procure, unauthorized secret information concerning the plans, preparations, equipment, or establishments for the national defense of, or the prosecution of the war by, the United States.

(d) Any alien engaged in activities designed to obstruct, impede, retard, delay, or counteract the effectiveness of the measures adopted by the Government of the United States for the defense of the United States or for the defense of any other country, or the prosecution of the war.

(e) Any alien engaged in activities designed to obstruct, impede, retard, delay, or counteract the effectiveness of any plans made or steps taken by any country of the Western Hemisphere in the interest of the common defense of the countries of such Hemisphere.

(f) Any alien engaged in organizing, teaching, advocating, or directing any rebellion, insurrection, or violent uprising against the United States.

(g) Any alien engaged in a plot or plan to destroy materials, or sources thereof, vital to the defense of, or the prosecution of the war by, the United States, or to the effectiveness of the measures adopted by the United States for the defense of any other country.

(h) Any alien whose admission would endanger the public safety, as provided in any Executive order issued in pursuance of the act of Congress approved June 20, 1941 (ch. 209, 55 Stat. 252; 22 U. S. C., Sup., 228, 229).

(i) Any alien enemy: *Provided*, That this excluding provision shall not apply to aliens who

(1) Present valid permits to enter issued on or after November 14, 1941, or are exempted under these regulations from presenting permits to enter and are found to be otherwise admissible under §§ 175.41 to 175.63, inclusive; or

(2) Before September 1, 1939, became and still are citizens or subjects of any foreign country at war with Japan and who have not, since September 1, 1939, and before May 8, 1945, returned to any enemy or enemy-controlled territory; or

(3) Are under 14 years of age; or

(4) Are excepted from the excluding provisions of this subsection in the discretion of the permit-issuing authority or of the Secretary of State.

(j) Any alien found to be, or charged with being, a war criminal by the appropriate authorities of the United States or one of its co-belligerents, or an alien who has been guilty of, or who has advocated or acquiesced in activities or conduct contrary to civilization and human decency on behalf of the Axis countries during the present World War.

(k) Any alien who is not within one or more of the classes defined in paragraphs (a) to (j), inclusive, but in whose case circumstances of a similar character may be found to exist, which render the alien's admission prejudicial to the interests of the United States, which it was the purpose of the act of June 21, 1941 (55 Stat. 252) to safeguard.

§ 175.54 *Aliens leaving close relatives in certain foreign countries.* The fact that a spouse, or a relative of the first degree of consanguinity, with whom an applicant has maintained close family ties, remains abroad in any country, or in territory under the direct or indirect control of any country, the government of which is found by the Secretary of State to have adopted measures or policies contrary to the measures or policies adopted by the Government of the United States in the interest of national or international security, may be considered with other evidence in determining whether such applicant may be granted a permit to enter or whether the entry of such applicant should be denied upon the ground that the applicant is within one or more of the categories set forth in § 175.53.

§ 175.55 *Permission to enter the Canal Zone, Guam, American Samoa, and the Philippine Islands.* In addition to the classes of aliens prohibited from entering the United States under the provisions of this chapter, the chief executive officers of the Canal Zone, Guam, American Samoa, and the Philippine Islands are authorized to prescribe, with the approval of the Secretary of State and the Attorney General, additional prohibited classes for the areas under their jurisdiction, and such officers are authorized to issue under the same conditions such regulations as they may deem to be necessary to carry out the provisions of this chapter, including any modifications of a substantive or procedural character.

CROSS REFERENCE: For regulations relating to the control of aliens entering the Canal Zone, issued by the Governor of the Panama Canal, approved by the Secretary of State and by the Attorney General, see Title 35, Part 30, 11 F. R. 1046.

§ 175.56 *Aliens traveling through areas of military operations or occupation.* In addition to all other applicable restrictions and requirements, in the case of an alien who desires to proceed to the United States and who intends to proceed thereafter to or through any area designated as an area of active military operations or occupation, application shall be made for any military permit required for travel to or through such area. Such application must be approved before a permit to enter is granted.

§ 175.57 *Entry not permitted in special cases.* (a) Any alien, even though in possession of a permit to enter, or exempted under §§ 175.41 to 175.63, inclusive, from obtaining a permit to enter, may be excluded temporarily if at the time he applies for admission at a port of entry it appears that he is or may be excludable under one of the categories set forth in § 175.53. The official excluding the alien shall immediately report the facts to the head of his department, who will communicate such report to the Secretary of State. Any alien so temporarily excluded by an official of the Department of Justice shall not be admitted and shall be excluded and deported unless the Attorney General, after consultation with the Secretary of State, is satisfied that the admission of the alien would not be prejudicial to the interests of the United States. Any alien so temporarily excluded by any other official shall not be admitted and shall be excluded and deported unless the Secretary of State is satisfied that the admission of the alien would not be prejudicial to the interests of the United States.

(b) In the case of an alien temporarily excluded by an official of the Department of Justice on the ground that he is, or may be excludable under one or more of the categories set forth in § 175.53, no hearing by a board of special inquiry shall be held until after the case is reported to the Attorney General and such a hearing is directed by the Attorney General or his representative. In any special case the alien may be denied a hearing before a board of special inquiry and an appeal from the decision of that board if the Attorney General determines that he is excludable under one of the categories set forth in § 175.53 on the basis of information of a confidential nature, the disclosure of which would be prejudicial to the public interest.

§ 175.58 *Additional requirements for officials of foreign governments.* In addition to all other requirements, any official, employee, or agent of a foreign government proceeding to the United States for permanent residence, or temporarily as a tourist, or on personal business or for pleasure, or proceeding through the United States to a foreign destination, must disclose in connection with his application for any required permit to enter, and in connection with his application for admission at a port of entry, his official governmental position, status, or connection. Failure to disclose his official position, status, or connection in making such application, or in obtaining a permit to enter, or obtaining entry by false or fraudulent statements, shall be punishable as a breach of §§ 175.41 to 175.63, inclusive.

§ 175.60 *Procedure for issuance of permits to enter.* Application for a document which is a permit to enter under §§ 175.41 to 175.63, inclusive, shall be made as provided by the rules and regulations applicable to the issuance of such a document and in accordance with the additional requirements provided in §§ 175.41 to 175.63, inclusive. With the exceptions specified in § 175.61 a permit-issuing authority may issue or refuse a permit to enter upon his own responsibility without requesting the Secretary of State to issue an advisory opinion or instruction recommending the issuance or refusal of the permit.

§ 175.61 *Cases requiring advisory opinions.* Aliens who are found by a permit-issuing authority to be ineligible to receive permits to enter may be refused such permits without an advisory opinion from the Secretary of State. No permit to enter shall be issued by a permit-issuing authority on the application of an alien without submitting such application to the Secretary of State (officers of the Immigration and Naturalization Service will refer applicable cases to the Attorney General) for an advisory opinion as provided in §§ 175.60 and 175.62, if the alien falls within one of the following classes:

(a) An alien in whose case the permit-issuing authority considers that there is sufficient doubt to require an advisory opinion as to whether the alien's admission into the United States would be prejudicial to the interests of the United States.

(b) An alien seaman who is applying for an immigration visa as a permit to enter. (Alien seamen whose names are included on a crew list submitted for visa should be considered in accordance with the regulations governing the issuance of crew-list visas.)

(c) An alien who at the time of his departure from the United States was a lawful permanent resident thereof, who departed without a reentry permit, who proceeded to a country outside of the Western Hemisphere, and who is applying for any kind of a permit to enter.

(d) An alien in whose case the permit-issuing authority knows or has reason to believe that an unfavorable opinion was previously formulated by the Secretary of State.

(e) An alien who (1) is coming to the United States as an official or employee of a foreign government, or who is a member of the family, an attendant, a servant, or an employee of a foreign government official, and who (2) is applying for an immigration visa as a permit to enter.

(f) An alien who at the time of his entry into the United States will be a member of the armed forces of a foreign country in whose case a permit to enter is required, and who is applying for an immigration visa as a permit to enter.

(g) An alien in whose case it appears that a permit to enter may be refused because of the applicant's inadmissibility under the general immigration laws, but in whose case there is sufficient doubt to warrant a request for an advisory opinion.

(h) An alien who is applying for a diplomatic or an official visa as a permit to enter as a nonimmigrant under section 3 (1), 3 (2), or 3 (3) of the Immigration Act of 1924, and who has an official status under the government of a country other than (1) an American Republic and (2) the government of a country with which the Department of State has concluded a reciprocal arrangement for the granting or refusal of such permits to enter without specific authorization in each individual case.

(i) An alien who was previously interned in the United States.

(j) An alien in whose case the Secretary of State shall have issued special instructions to the permit-issuing authority to request an advisory opinion.

§ 175.62 *Procedure in obtaining advisory opinions.* In requesting an advisory opinion from the Secretary of State, a permit-issuing authority shall furnish such information and follow such procedure as may be required by the Secretary of State from time to time.

§ 175.63 *Effective date.* Sections 175.41 to 175.63, inclusive, shall be considered as having become effective on the first day of the month of July 1945, and shall supersede the regulations issued on November 19, 1941, as amended (former §§ 175.41–175.58) and the regulations contained in 22 CFR 58.101–58.136.

PART 176—DOCUMENTARY REQUIREMENTS FOR ALIENS, EXCEPT SEAMEN AND AIRMEN, ENTERING THE UNITED STATES

Sec.

176.101 Definitions.
176.106 Documentary requirements for nonimmigrants.
176.107 Nonimmigrants not required to present passports or visas.
176.108 Nonimmigrants required to present passports but not visas.
176.109 Nonimmigrants required to present visas or nonresident alien's border-crossing identification cards but not passports.
176.201 Documentary requirements for immigrants.
176.202 Immigrants not required to present passports or visas.
176.203 Immigrants required to present passports but not visas.
176.500 Required period of validity of passports.

AUTHORITY: §§ 176.101 to 176.203, inclusive, issued under Reorganization Plan No. V (5 F. R. 2223), E. O. 4049, July 14, 1924; E. O. 6166, June 10, 1933; E. O. 8766, June 3, 1941; E. O. 9352, June 15, 1943; Procs. 2283, April 28, 1938; 2523, November 14, 1941; 2603, February 8, 1944; 39 Stat. 874–879, 892–897; 40 Stat. 559, 1012–1013; 41 Stat. 981, 1008–9, 1217; 43 Stat. 153–169, 976; 44 Stat. 657, 812; 45 Stat. 401, 1009, 1551; 46 Stat. 41, 854; 47 Stat. 67, 166, 336, 607–8, 656; 48 Stat. 456, 462–3, 926; 50 Stat. 164; 53 Stat. 561, 1230, 1243; 54 Stat. 306, 673–6, 711, 1137, 1147, 1151–2, 1172–1173; 55 Stat. 252; 57 Stat. 600; 58 Stat. 746; 5 U. S. C. 133; 8 U. S. C. 101–02, 136–173, 177, 180, 201–226a, 231, 451, 452, 458, 459, 501, 717, 718, 728; 18 U. S. C. 469; 22 U. S. C. 223–226.

§ 176.500 issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150; 8 U. S. C. 102, 222, 408, 727; sec. 1, Reorg. Plan No. V (3 CFR, Cum. Supp., ch. IV); 8 CFR, 90.1; E. O. 8766, June 3, 1941, as amended by Pres. Proc. 2523, November 14, 1941; E. O. 9352, June 15, 1943 (6 F. R. 2741, 5821, 8 F. R. 8209).

NOTE: §§ 176.101, 176.106–176.109, and 176.201–176.203 are identical with sections having the same decimal numbers in 22 CFR Part 61, entitled "Visas: documentary requirements for aliens entering the United States," which part was recommended by the Attorney General insofar as the provisions of the Immigration Act of 1924 and the Alien Registration Act, 1940, are concerned.

CROSS REFERENCES: For "Visas, diplomatic: regulations," see 22 CFR Part 60.

For "Visas: documents required of alien seamen and airmen entering the United States," see 8 CFR Part 177.

For "Control of persons entering and leaving the United States pursuant to the act of May 22, 1918, as amended," see 8 CFR Part 175, the provisions of which are in addition to the provisions of 8 CFR Part 176 during such emergency period as the provisions of 8 CFR Part 175 shall remain in effect.

§ 176.101 *Definitions.* As used in this part, the term:

(a) "The act" means the Immigration Act approved May 26, 1924, as amended.

(b) "Alien" means an individual who is not a citizen of the United States by birth or naturalization, but this definition shall not be held to include nationals of the United States or citizens of the islands under the jurisdiction of the United States, except citizens of the Philippine Islands, who, in accordance with the provisions of the act of March 24, 1934, are to be considered as if they were aliens for the purposes of the laws relating to the immigration, exclusion, and expulsion of aliens, unless they are citizens of the United States.

(c) "Immigrant" means an alien who is not classifiable within any of the nonimmigrant categories mentioned in section 3 of the act.

(d) "Nonimmigrant" means an alien who is classifiable within one or more of the categories mentioned in section 3 of the act.

(e) "Passport" means a document of identity and nationality issued by the appropriate authorities of a recognized foreign government to which the bearer owes allegiance, identifying the bearer and stating his nationality or, in the case of an alien unable to obtain such document, a travel document in the nature of a passport issued by a duly authorized official and showing the bearer's identity and nationality.

(f) "Passport visa" means a stamp which includes the word "Seen", placed by a consular officer on an alien's passport or other appropriate document, showing that the bearer is entitled to proceed to a port of entry in the United States to apply for admission in a status specified in the passport visa. The term "nonimmigrant visa" is also used synonymously with the term "passport visa".

(g) "Immigration visa" includes the original copy of the application for such visa and the visa, properly prepared, approved, signed, and lawfully issued in accordance with the regulations in 22 CFR 61.101 to 61.408, inclusive, by a duly authorized consular officer.

(h) "Consular officer" means an officer of the Foreign Service of the United States acting in a consular capacity (except a consular agent), the Executive Secretary of the Panama Canal, and the Governors of Guam and American Samoa, designated under the authority contained in the act and the regulations in 22 CFR 61.101 to 61.408, inclusive, to issue immigration visas or to grant passport visas or other documents to nonimmigrants.

(i) "Transit certificate" means a stamp placed upon an alien's passport or other appropriate document showing that the bearer has been found to be entitled to proceed to the United States to apply for admission as a nonimmigrant in transit to a foreign destination.

(j) "Limited-entry certificate" means a stamp placed upon an alien's passport or other appropriate document showing that the bearer has been found to be entitled to proceed to the United States to apply for a limited entry.

(k) "Nonresident alien's border-crossing identification card" means a card issued to aliens in certain categories residing in Canada or Mexico showing that the bearer has been found to be entitled to apply for admission into the United States as a nonimmigrant.

(l) "Port of entry" means a port of place designated by the Attorney General or the Commissioner of Immigration and Naturalization at which aliens may apply for admission into the United States.

(m) "United States" means the States, the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

(n) "Lawful permanent resident of the United States" means an alien who has been lawfully admitted into the continental United States, the Virgin Islands, Puerto Rico, or Hawaii for permanent residence therein, and who has since such admission maintained his domicile in the United States: *Provided*, That this term shall not include Philippine citizens residing in Hawaii who are not citizens of the United States, who entered Hawaii without an immigration visa, unless such Philippine citizens are declared to be nonquota immigrants under section 4 of the act (other than subdivisions (c) and (e) thereof).

(o) "Chinese person" means a person having as much as one-half Chinese blood and not as much as one-half blood of a race or races ineligible to naturalization.

(p) "Attempts to enter" means the action taken by an alien to obtain the documents, including a visa, necessary to apply for admission into the United States. It includes an application for admission.

(q) "Application for admission" means an application for admission at a port of entry.

(r) "Wife" and "husband" do not include a wife or husband by a proxy or picture marriage when used with reference to the documentary requirements and classification of immigrants.

(s) "Child," "father," and "mother" do not, when used in reference to the documentary requirements and classification of immigrants under the act, include a child or parent by adoption on or after January 1, 1924, or a stepchild, or a stepparent.

(t) "Unmarried" means not married at the time the visa is issued or granted to the alien concerned, regardless of whether the alien was previously married.

(u) "Immigration laws" means the act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens.

(v) "Diplomatic visa" means a visa granted under the regulations contained in 22 CFR 60.1 et seq.

(w) "American citizen" and "citizen of the United States" are regarded as synonymous.

(x) "Removed," when used with reference to an alien, means an alien who has been removed from the United States at the expense of the Federal Government, as provided in section 23 of the Immigration Act of February 5, 1917, as amended.

(y) "Western Hemisphere" means North, Central, and South America, and the islands immediately adjacent thereto, including Bermuda, the Bahamas, the West Indies, and the Leeward and Windward Islands.

NOTE: The terms defined in the foregoing section appear in 22 CFR 61.101 et seq. and to a lesser extent in this part.

§ 176.106 *Documentary requirements for nonimmigrants.* With the exceptions hereinafter provided, a nonimmigrant must present an unexpired passport, and a nonimmigrant seeking to enter the United States under section 3 (1), 3 (2), 3 (3), or 3 (6) of the act must also present a passport visa, unless he is a nonimmigrant who may be issued, and who presents, a limited-entry certificate, a transit certificate or visa, or a nonresident alien's border-crossing identification card.

§ 176.107 *Nonimmigrants not required to present passports or visas.* The passport, passport visa, limited entry certificate, transit certificate or visa, and nonresident alien's border-crossing identification card requirements are waived for nonimmigrants of the following emergency classes:

(a) A national of a contiguous country who passes from the country of which he is a national in continuous transit through the United States back to the country of which he is a national, by means of a transportation line which runs through the territory or waters of both countries.

(b) A nonimmigrant alien child born subsequent to the issuance of the passport visa of an accompanying parent the visa not having expired.

(c) A Canadian railway-mail clerk entering from Canada in connection with his official duties, provided he carries a document identifying him as such.

(d) An alien who resides in an isolated or remote section of Canada, who is entering the United States temporarily from Canada as a visitor or as a transient, and who is unable without undue inconvenience to obtain a passport and a visa.

(e) A member of the staff of the International Fisheries Commission or of the International Pacific Salmon Fisheries Commission, who is entering the United States temporarily from Canada in connection with the performance of his official duties, provided he carries a document bearing his photograph and identifying him as a member of the staff of the Commission.

(f) An officer or employee of the International Boundary Commission, who is a citizen of Canada or Mexico and who is entering the United States temporarily from Canada or Mexico in connection with his official duties.

(g) An immigration or customs officer of the Canadian or Mexican Government who is entering the United States temporarily from Canada or Mexico in the performance of his official duties.

(h) An employee of the Mexican Postal Service assigned to border areas,

who is entering the United States temporarily from Mexico in the performance of his official duties and who has credentials establishing his identity and his official duties in the region of the border.

(i) A member of a fire-fighting group entering the United States temporarily from foreign contiguous territory for fire-fighting activities.

(j) A member of the Plant Protection Division of the Canadian Department of Agriculture, who is entering the United States temporarily from Canada in connection with his official duties.

(k) A Canadian law-enforcement officer who is entering the United States temporarily from Canada in connection with his official duties.

(l) An official or an operational or maintenance-of-way employee of a railroad or bus line operating across the Canadian or Mexican border, who enters the United States temporarily from Canada or Mexico in pursuance of his duties.

(m) An alien lawfully admitted into the United States as a nonimmigrant, who is proceeding from the mainland to an insular possession or territory, or from an insular possession or territory to the mainland, or from one insular possession or territory to another, or from one mainland port to another, without stop-over, although touching at a foreign port.

(n) A resident of remote Pacific islands, who, after arrival at a port of entry in Hawaii or on the mainland, is found to be a bona fide temporary visitor under section 3 (2) of the act, or a bona fide transient under section 3 (3) of the act.

(o) A person presenting a certificate of identity issued by an American consular officer under the provisions of section 503 of the Nationality Act of 1940 and the regulations issued thereunder. (See 22 CFR 19.18–19.29.)

(p) A British subject domiciled in the British Virgin Islands or in the British islands of Anguilla, St. Kitts, or Nevis; a French citizen domiciled in the French island of St. Bartholomew or in the French portion of the island of St. Martin; or a Netherlands subject domiciled in the Netherlands islands of St. Eustatius or Saba, or in the Netherlands portion of the island of St. Martin; who is seeking admission into the Virgin Islands for business or pleasure for a period of less than 30 days on any one visit.

(q) An alien who is a British subject domiciled, permanently residing, or stationed in Canada, who is entering the United States temporarily across the Canadian border on a visit of less than 30 days for business or pleasure, and who has assurance of admission into Canada or some other country: *Provided*, That this paragraph shall not apply to Great Lakes seamen for whom waivers are provided in § 176.109 (b) or to Canadian citizens for whom waivers are provided in paragraph (w) of this section.

(r) An alien who arrives at a port in Canada and who is passing in direct transit by continuous journey through the United States to a destination in Canada by means of a transportation line which runs through the territory or waters of both countries.

(s) An alien proceeding in continuous travel from Paterson, British Columbia, to Cascade, British Columbia.

(c) An alien who is a resident of foreign contiguous territory and who is entering the United States from such territory for less than 30 days in a case of emergency, such as one involving serious illness or death, the alien having no opportunity to obtain consular documentation but having assurance of readmission into foreign contiguous territory.

(u) An airman or a passenger on an aircraft proceeding from one place to another in foreign contiguous territory and landing temporarily in the United States under emergency conditions.

(v) A person who claims to be a citizen of the United States and who is applying for admission under the conditions stated in 22 CFR 61.103 (c).

(w) An alien who is a Canadian citizen and who is entering the United States temporarily across the Canadian border on a visit of less than six months for business or pleasure: *Provided*, That this paragraph shall not apply to Great Lakes seamen for whom waivers are provided in § 176.109 (b).

§ 176.108 *Nonimmigrants required to present passports but not visas.* The passport visa requirements are waived for nonimmigrants of the following emergency classes, but they must present passports:

(a) A Mexican military or civilian official, and a member of his family, or of his suite, who is entering the United States temporarily from Mexico for personal business or pleasure.

(b) A citizen of Newfoundland, domiciled therein or in Canada, who is proceeding to the United States for a period of less than 30 days for personal business or pleasure.

(c) An alien who has been lawfully admitted into the United States as a nonimmigrant and who goes in continuous transit from one part of the United States to another through foreign contiguous territory.

§ 176.109 *Nonimmigrants required to present visas or nonresident alien's border-crossing identification cards but not passports.* The passport requirements are waived for nonimmigrants in the following classes, but such aliens must present valid passport visas or valid nonresident alien's border-crossing identification cards:

(a) A citizen of a country contiguous to the United States in whose case a visa or other nonimmigrant documentation is required may present, in lieu of a valid passport, any document of identity or nationality previously used or usable for entry into the United States, provided such document is valid for the bearer's return to the country of his nationality. In such a case the nonimmigrant visa should be stamped upon Form 257a, which has a space provided for that purpose, and the words "provided passport continues to be valid" should be deleted from the visa. A notation regarding the granting of the visa may, if found to be feasible, be placed on the document used in lieu of a valid passport to identify the bearer.

(b) An alien who is a member of the crew of a vessel of United States, British, or Canadian registry engaged solely in traffic on the Great Lakes and connecting waterways, who is entering the United States temporarily as a seaman, provided that the permit to enter presented by such alien consists of a valid nonresident alien's border-crossing identification card.

§ 176.201 *Documentary requirements for immigrants.* Except as hereinafter provided, an immigrant entering the United States must present a valid, unexpired passport and a valid individual immigration visa, quota or nonquota, issued in accordance with the requirements of the act and in accordance with the regulations in 22 CFR 61.101 to 61.408, inclusive.

§ 176.202 *Immigrants not required to present passports or visas.* Immigrants in the following emergency cases are not required to present passports or visas, inasmuch as the requirement thereof is hereby waived:

(a) An alien immigrant child born subsequent to the issuance of an immigration visa to an accompanying parent, the visa not having expired.

(b) An alien immigrant child born during the temporary visit abroad of an alien mother who is a lawful permanent resident of the United States: *Provided*, That the child is accompanying a parent who is admissible into the United States and who is entering the United States for permanent residence upon the first return of the parent to the United States after the child's birth: *And provided further*, That application is made for admission into the United States within a period of two years of the child's birth.

(c) An alien immigrant child born during the temporary visit abroad of a mother who is an American citizen or national: *Provided*, That the child is accompanying a parent who is admissible into the United States and who is entering the United States for permanent residence upon the first return of the parent to the United States after the child's birth: *And provided further*, That application is made for admission into the United States within a period of two years of the child's birth.

(d) An alien who is a lawful permanent resident of the United States, who is returning after a temporary absence in Canada or Mexico only, and who presents a valid resident alien's border-crossing identification card, including such an alien who is employed as a member of the crew of a vessel of United States, British, or Canadian registry engaged solely in traffic on the Great Lakes and connecting waterways.

(e) An alien who is a lawful permanent resident of the United States, who is returning from a temporary visit abroad, and who presents an unexpired permit to reenter issued pursuant to section 10 of the act.

(f) An alien who is a lawful permanent resident of the United States who goes in transit through foreign contiguous territory from one part of the continental United States to another by means of a transportation line which runs through the territory or waters of both the United States and Canada or Mexico.

(g) An alien who is a lawful permanent resident of the United States, and who is proceeding from the continental United States to an outlying possession, or from an outlying possession to the mainland, or from one outlying possession to another, or from one port in the continental United States to another, without stop-over, although touching at a foreign port.

(h) An alien who is a lawful permanent resident of the United States, and who reenters from a journey beginning in a port of the United States in the Western Hemisphere without transshipment from the original vessel to another vessel, such vessel not having proceeded outside of the Western Hemisphere.

(i) An alien who is a lawful permanent resident of the United States, who is returning from a visit not exceeding 30 days to foreign contiguous territory only, and who, because of an emergency such as one involving serious illness or death, had no opportunity to obtain a reentry permit or a resident alien's border-crossing identification card prior to departure from the United States.

(j) An alien member of the armed forces of the United States who is a lawful permanent resident of the United States, provided he is in uniform or bears documentation identifying him as a member of the armed forces.

(k) An alien member of the armed forces of a country at war with Japan, who is a lawful permanent resident of the United States, and who is returning under orders or on furlough during the period of the war.

(l) An alien who is a citizen or subject of a foreign country at war with Japan, who is a lawful permanent resident of the United States, who departed from the United States for foreign contiguous territory for the purpose of joining the armed forces of the country of which he is a citizen or subject, and who is returning to the United States within a period of six months of his departure and within 30 days of rejection for service in such armed forces.

(m) An alien who is a citizen or subject of a foreign country at war with Japan, who is a lawful permanent resident of the United States, who has been honorably discharged from the armed forces of the country of which he is a citizen or subject, and who is returning to the United States within 90 days of his discharge or of his release from military hospitalization.

(n) An alien who is employed as a civilian pilot or as a member of other flight personnel, who is a lawful permanent resident of the United States, and who is returning to the United States while engaged in airplane-ferrying operations or ferrying personnel or material between the United States and territory abroad in behalf of the armed forces of the United States or of a foreign country at war with Japan, or within 90 days after the termination of such employment.

(o) An alien who is a lawful permanent resident of the Virgin Islands returning after a temporary visit to the British Virgin Islands or the French island of St. Bartholomew.

(p) An alien who is a lawful permanent resident of the United States, who resides in a remote section of Alaska, and who is returning after a temporary visit to Canada.

(q) An American Indian born in Canada and recognized as such under Canadian law, except one whose membership in Indian tribes or families is created by adoption.

§ 176.203 *Immigrants required to present passports but not visas.* Aliens who are lawful permanent residents of the United States and who fall within the following emergency cases must present passports or identifying travel documents in the nature thereof but are not required to present visas, inasmuch as the requirement thereof is hereby waived:

(a) An alien seaman or airman whose name appears on the crew list of the vessel or aircraft on which he arrives: *Provided*, That this paragraph shall not apply to Great Lakes seamen, for whom waivers are otherwise provided.

(b) An alien, occupationally a seaman, who is returning in accordance with the terms of the articles of outward voyage, or the terms of his discharge before a consular officer of the United States.

(c) A shipwrecked or castaway alien, occupationally a seaman or airman (in this case a passport will not be required for the first entry if the alien has lost his passport).

(d) An alien who previously has been admitted lawfully into the United States as a student on the basis of a nonquota immigration visa issued under section 4 (e) of the Immigration Act of 1924, who has proceeded only to Canada or Mexico, who is returning to the United States within a period of four months, and who is reentering under section 4 (e) for the purpose of continuing his or her studies at an approved institution of learning (in such a case the alien is exempt from the requirement of presenting a new section 4 (e) visa). Such an alien must present a letter from the institution stating that he or she is a student in good standing at the institution. If the alien presents a passport it should bear a notation made by the immigrant inspector, or in the absence of a passport the alien should be in possession of other evidence to the effect that he or she was previously admitted lawfully into the United States as a nonquota immigrant student.

§ 176.500 *Required period of validity of passports*—(a) *Passports valid beyond period of admission.* Where under the provisions of this part or chapter an alien entering the United States is required to present an unexpired passport as that term is defined in § 176.101 (e) and such requirement has not been waived, the alien, if in any of the following classes, shall not be admitted for a period of time extending beyond a date 60 days prior to the end of the period during which his passport is valid for his return abroad or for his entry into some foreign country:

(1) An attendant, servant, or employee admitted under section 3 (1) of the act.

(2) A visitor admitted under section 3 (2) of the act.

(3) An alien admitted in transit under section 3 (3) of the act.

(4) An attendant, servant, or employee of a representative to, or of an officer or of an employee of, an international organization, admitted under section 3 (7) of the act.

(5) A student admitted under section 4 (e) of the act.

(b) *Passports valid at time of admission only.* Where under the provisions of this part or chapter an alien entering the United States is required to present an unexpired passport as that term is defined in §176.101 (e) and such requirement has not been waived and the alien is not in any of the classes listed in paragraph (a) of this section, the passport need be valid and unexpired only through the date of the bearer's application for admission to the United States at a port of entry.

CROSS REFERENCE: For consular regulations on "Required validity of passports or travel documents of temporary visitors, transit aliens, and nonquota students," see 22 CFR 61.379.

PART 177—VISAS: DOCUMENTS REQUIRED OF ALIEN SEAMEN AND AIRMEN ENTERING THE UNITED STATES

Sec.

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AUTHORITY: §§ 177.51 to 177.62, inclusive, issued under Reorganization Plan V (3 CFR, Cum. Supp., 1304); E. O. 4049, July 14, 1924; E. O. 8766, June 3, 1941; E. O. 9352, June 15, 1943; Proc. 2523, Nov. 14, 1941; 39 Stat. 874–879, 892–897; 40 Stat. 559, 1012–1013; 41 Stat. 981, 1008–9, 1217; 43 Stat. 153–169, 976; 45 Stat. 1551; 46 Stat. 41; 47 Stat. 67; 48 Stat. 456, 462–3; 50 Stat. 164; 53 Stat. 561; 54 Stat. 673–6, 1137, 1151–1152; 5 U. S. C. 133; 8 U. S. C. 101–2, 136–173, 180, 201–226, 451, 452, 458, 459, 501; 22 U. S. C. 223–226, 227; 48 U. S. C. 1232, 1238.

§ 177.51 *Definitions.* For the purposes of §§ 177.51 to 177.61, inclusive, the term:

(a) "The act" means the Immigration Act, approved May 26, 1924, as amended.

(b) "Alien" means an individual who is not a native-born or naturalized citizen of the United States, but this definition shall not be held to include citizens of the islands under the jurisdiction of the United States.

(c) "Immigrant" means an alien who is not classifiable within any of the nonimmigrant categories mentioned in section 3 of the act.

(d) "Nonimmigrant" means an alien who is classifiable within one or more of the categories mentioned in section 3 of the act.

(e) "Seaman" or "airman" means any alien whose occupation or calling as such is bona fide, and who is employed in any capacity on board any vessel or aircraft arriving in the United States from any place outside of the United States.

(f) "Passport" means a document of identity and nationality issued by the appropriate authorities of a recognized foreign government to which the bearer owes allegiance, identifying the bearer and stating his nationality or, in the case of an alien unable to obtain such a document, a travel document in the nature of a passport issued by a duly authorized official and showing the bearer's identity and nationality.

(g) "Crew-list visa" means the stamp and notations placed by a consular officer on a list of seamen or airmen who are members of the crew of a vessel or aircraft proceeding to the United States.

(h) "Consular officer" means an officer of the Foreign Service of the United States (except a consular agent), authorized to act in a consular capacity at a diplomatic or consular office, the Executive Secretary of the Panama Canal or a shipping commissioner in the Canal Zone, the Governors of Guam and American Samoa, or such officers subordinate to them as they may authorize to issue crew-list visas.

(i) "Nonresident alien's border-crossing identification card" means a card issued to an alien, who is a native-born or naturalized citizen of Canada domiciled or residing therein, or a British subject domiciled or residing in Canada, showing that the bearer has been found to be entitled to apply for admission into the United States as an immigrant.

(j) "Resident alien's border-crossing identification card" means a card issued to an alien, who is a lawful permanent resident of the United States, showing that the bearer has been found to be entitled to apply for admission into the United States, as an immigrant.

(k) "An alien who is a lawful permanent resident of the United States" means an alien who has been lawfully admitted into the continental United States, the Virgin Islands, Puerto Rico, or Hawaii for permanent residence therein, and who has since such admission maintained his domicile in the United States: *Provided*, That this term shall not include Philippine citizens residing in Hawaii, who are not citizens of the United States, who entered Hawaii without an immigration visa, unless such Philippine citizens are declared to be nonquota immigrants under section 4 of the act, other than subdivisions (c) and (e) thereof.

(l) "Government vessel" or "government aircraft" means a vessel or aircraft owned and operated, or merely operated, directly by the Government of the United States in the public business with government personnel and not operated on a commercial or profit basis, or a foreign flag vessel or foreign aircraft owned and operated, or merely operated, directly by a recognized foreign government in its public business and by official personnel, and not operated for what would ordinarily be regarded as commercial purposes or for profit. This definition does not include vessels or aircraft which are merely government-controlled or subsidized.

(m) "United States" means the States, the territories of Alaska and Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands.

(n) "Continental United States" means the territory of the several States, the District of Columbia, and Alaska.

§ 177.52 *Passports and visas required.* Before a seaman or an airman may be admitted into the United States for any purpose he must present a valid passport that is unexpired at the time of his admission and that bears his photograph, and a visa appropriate to his case, unless exempted from these requirements by the regulations in this part.

Exemptions from these requirements stated herein are under two headings: exemptions, immigrant (resident) seamen or airmen; and exemptions, nonimmigrant (nonresident) seamen or airmen.

§ 177.53 *Exemptions, immigrant (resident) seamen or airmen*—(a) *Passport and visa not required.* An alien seaman or airman who is a lawful permanent resident of the United States is not required to present a passport or a visa if arriving in the United States under the following circumstances:

(1) As a seaman or airman who is the holder of a resident alien's border-crossing identification card, and who is employed on vessels of United States, British, or Canadian registry, engaged solely in traffic on the Great Lakes and connecting waterways, or on aircraft traveling solely between the United States and Canada. (See § 176.202 (d) of this chapter.)

(2) As a passenger who is a shipwrecked or castaway seaman or airman rescued by, or transferred at sea to, a vessel or aircraft bound to a port in the United States.

(3) As a member of the crew of a vessel or aircraft who is in possession of a valid reentry permit.

(b) *Passport not required.* An alien seaman or airman who is a lawful permanent resident of the United States whose case does not fall within paragraph (a) of this section is not required to present a passport if arriving in the United States under the following circumstances:

(1) As a seaman or airman who has lost his passport, who is unable to obtain a replacement thereof, who is arriving as a member of the crew of a United States vessel or aircraft, or a United States-owned Panamanian flag vessel, and who presents evidence, when required, of having been examined for security by the United States Coast Guard: *Provided*, That this waiver of the passport requirement shall be valid only for a single entry of such seaman or airman, unless such waiver is extended by the Secretary of State.

(2) As a seaman or airman in whose case an individual waiver of the passport requirement has been granted by the Secretary of State, except that for a seaman or airman arriving at a port in the Virgin Islands, the Governor thereof may grant such waiver, and for a seaman or airman arriving at a port of the Canal Zone, the Governor thereof may grant such waiver: *Provided*, That such waivers may be granted only in cases of hardship in which the public security is not jeopardized.

(c) *Visa not required.* An alien seaman or airman who is a lawful permanent resident of the United States whose case does not fall within paragraph (a) of this section is not required to present a visa if arriving in the United States on a vessel or aircraft under the following circumstances:

(1) As a seaman or airman whose name is included in the visaed crew list of the vessel or aircraft upon which he arrives.

(2) As a passenger who was a member of the crew of a United States vessel or aircraft which has been sold and delivered abroad when the contract of employment provides for the return of the crew or the laws of the United States provide for their return to a port in the United States.

(3) As a passenger who is returning to the United States in accordance with the terms of the articles of the vessel or aircraft on which he formerly served.

(4) As an alien (American) seaman who is a consular passenger, or is repatriated after and in accordance with the terms of his discharge in a foreign port before a consular officer, but who, for any reason, cannot be considered as serving as a seaman on the vessel on which he arrives at a port in the United States. (See § 176.203 (a), (b), and (c) of this chapter.)

§ 177.54 *Exemptions, nonimmigrant (nonresident) seamen or airmen*—(a) *Passports and visas not required.* An alien nonresident seaman or airman is not required to present a passport or a visa if arriving in the United States under the following circumstances:

(1) As an airman employed on an aircraft proceeding from one place to another in foreign contiguous territory and landing temporarily in the United States under emergency conditions. (See § 176.107 (u) of this chapter.)

(2) As a seaman or airman who is the holder of a nonresident alien's border-crossing identification card, and who is employed on vessels of United States, British, or Canadian registry, engaged solely in traffic on the Great Lakes and connecting waterways, or on aircraft traveling solely between the United States and Canada. (See § 176.109 (b) of this chapter.)

(b) *Passports not required.* A nonresident seaman or airman whose case does not fall within paragraph (a) of this section is not required to present a passport if arriving in the United States under the following circumstances:

(1) As a seaman or airman who has lost his passport, who is unable to obtain a replacement thereof, who is arriving in the United States as a member of the crew of a United States vessel or aircraft or a United States-owned Panamanian flag vessel, and who presents evidence, when required, of having been examined for security by the United States Coast Guard: *Provided*, That this waiver of the passport requirement shall be valid only for a single entry of such seaman or airman after the loss of his passport, unless such waiver is extended by the Secretary of State.

(2) As a seaman or airman in whose case an individual waiver of the passport requirement has been granted by the Secretary of State, except that for a seaman or airman arriving at a port in the Virgin Islands, the Governor thereof may grant such waiver, and for a seaman or airman arriving at a port of the Canal Zone, the Governor thereof may grant such waiver: *Provided*, That such waivers may be granted only in cases of hardship in which the public security is not jeopardized.

(c) *Visas not required.* A nonresident seaman or airman whose occupational status as such is found to be bona fide, entering a port of the United States solely in pursuit of his calling, but as a passenger on a vessel or aircraft and not as a member of the crew of the vessel or aircraft on which he arrives, may be admitted temporarily as a nonimmigrant in the discretion of the Attorney General and under regulations prescribed by him. Such an alien must present a passport but not a visa, if he is arriving in the United States under the following circumstances:

(1) As a seaman or airman who was a member of the crew of an American vessel or aircraft, which has been sold and delivered abroad, when the contract of employment provides for the return of the crew or the laws of the United States provide for their return to an American port.

(2) As a seaman or airman who is returning to the United States in accordance with the terms of the articles of the outward voyage.

(3) As a shipwrecked or castaway seaman or airman rescued by, or transferred at sea to, a vessel or aircraft bound to a port in the United States. (In this case a passport will not be required for the first entry if the alien has lost his passport): *Provided*, That such a seaman or airman must agree to reship foreign or depart from the United States at the first available opportunity.

(4) As an alien (American) seaman who is a consular passenger, or is repatriated after, and in accordance with the terms of, his discharge in a foreign port before a consular officer, but who, for any reason, cannot be considered as serving as a seaman on the vessel on which he arrives at a port in the United States.

(5) As a shipwrecked or castaway seaman or airman, who was taken aboard a vessel or aircraft in a foreign port or place where no American consular officer was stationed, and who was brought to the United States as a passenger without touching at any port or place where such an officer was stationed: *Provided*, That such a seaman or airman must agree to reship foreign or depart from the United States at the first available opportunity.

(6) As a nonresident Canadian national, occupationally a seaman or airman, who is being sent forward to join a vessel or aircraft in a port of the United States, provided he presents a valid seamen's or airmen's identification certificate issued by an appropriate Canadian Government agency.

§ 177.55 *Crew-list visas required.* (a) Except as otherwise provided in the regulations in this part, there shall be submitted to an American consular officer for visa a list of all the alien members of the crew of each vessel or aircraft proceeding to the United States from any foreign port or place from which the vessel or aircraft commences its voyage to the United States. No seaman or airman shall hereafter enter the United States as a member of the crew of a vessel or aircraft unless his name appears on a visaed crew list, or unless he is in possession of an appropriate individual visa, except where the vessel or aircraft is exempted from the requirement of submitting a visaed crew list under this part.

(b) If there is no American consular officer stationed at the port or place from which the vessel or aircraft commences its voyage to the United States, but there is one stationed at a nearby port or place to whom the crew list may be submitted by mail, or by other means, for visa without delaying the departure of the vessel or aircraft, the crew list must be so submitted. If there is no American consular officer stationed nearby, the crew list must be submitted for visa at the first port or place of call where an American consular officer is stationed.

(c) A vessel or aircraft arriving at a port in the continental United States, Hawaii, Puerto Rico, or the Virgin Islands, after entering and clearing from a port or place in the Canal Zone for purposes other than transit, refueling, or landing passengers for medical treatment, shall be subject to all the crew-list visa requirements applicable to vessels or aircraft arriving in the United States from any foreign port or place.

(d) Supplemental crew-list visas should be obtained at subsequent ports or places of call to cover any additional seamen or airmen who have been signed on since the original or a prior supplemental crew-list visa was obtained.

(e) If one or more alien members of the crew are signed on after the crew list has been visaed and prior to the departure of the vessel or aircraft, the names of such aliens must be submitted to the consular officer for addition to the copies of the crew list.

§ 177.56 *Crew-list visas not required.* Crew-list visas are not required for the following classes of cases:

(a) Vessels or aircraft proceeding from a port or place where no American consular officer is stationed and it is not possible for such vessel or aircraft to comply with the conditions of § 177.55 (b).

(b) Government vessels or government aircraft.

(c) Vessels or aircraft operating between a port of the United States and a port of Canada or Newfoundland, and not touching at a port of any other country.

(d) Vessels or aircraft operating on a regular service exclusively between a port in Florida and Habana, Cuba, except that a new crew-list visa must be presented (1) to cover the first trip each month, and (2) at any other time during the month whenever a new crewman is signed on.

(e) A member of the crew of a vessel or aircraft who is in possession of an appropriate individual visa or a reentry permit.

(f) A member of the crew of a vessel or aircraft in whose individual case an emergency waiver of the crew-list visa requirements has been granted by the Secretary of State.

(g) A vessel or aircraft proceeding from one foreign place to another, which is diverted from its course under emergency conditions and enters a port of the United States, provided the crew-list visa requirement is waived by the Secretary of State.

§ 177.57 *Refusal of crew-list visa.* (a) If a consular officer has definite knowledge that a crew list contains the name of an alien who is not a seaman or airman, or whose admission into the United States would be contrary to the public safety, or who is endeavoring to enter the United States in evasion of the immigration laws, the crew-list visa shall be withheld until the name of such alien has been removed from the crew list of the vessel or aircraft, or until such alien, if admissible into the United States, shall have made application for and received an appropriate individual visa.

(b) If a consular officer has doubt as to the admissibility into the United States of an alien named in a crew list, but the evidence is not sufficient to warrant the refusal of a visa, he should advise the master, commanding officer, or agent of the vessel or aircraft that the admissibility of the seaman or airman into the United States is doubtful. If the name of the alien concerned is not removed from the crew list, the consular officer may grant the visa, telegraphing a report to the Department of State and including in such report the name of the suspected alien and the facts on which the doubt is based.

(c) When a crew-list visa is refused in any case, a full report should be forwarded by the consular officer to the Department of State in sufficient time to reach the United States before the arrival of the vessel or aircraft. The original of the crew list may be returned to the master, commanding officer, or agent, but the duplicate should be filed in the consular office.

(d) Unless there is specific evidence that a previously deported alien, or removed alien (that is, an alien previously removed from the United States under the authority and provisions of section 23 of the act of February 5, 1917, as amended), included in a crew list intends to leave the vessel or aircraft in evasion of the law, in a port or place under the jurisdiction of the United States, the crew-list visa should not be refused. However in the cases of seamen, a notation (preferably in red ink) of the fact of the previous deportation or removal should be placed in the remarks column of the crew list after the name of the deportee or removed alien, and in the cases of airmen such notation may be made in an appropriate place on the aircraft crew list. The master, commanding officer, or agent of the vessel or aircraft should be informed that such an alien may not be admitted by the immigration authorities after the vessel or aircraft arrives in the United States.

(e) If the fact of deportation or removal has been discovered after the crew list has been visaed and the crew list does not, therefore, carry an appropriate notation in the remarks column, the Department of State should be immediately informed by telegraph or air mail.

§ 177.58 *Crew-list form.* (a) Crew lists or manifests of aliens employed on vessels as members of the crew shall be prepared in duplicate on Department of Justice Form I–480, or such other form as the Department of Justice may prescribe. Masters or agents of vessels will ordinarily have a supply of crew-list forms, which they may purchase in the United States from collectors of customs, but consular offices having a possible demand for such forms will keep a supply on hand from which they may furnish copies in an emergency. Consular officers may obtain copies from the Department of State upon requisition.

(b) In view of the limited number of persons composing the crews of aircraft, and for other reasons, the crew lists or declarations of aircraft commanders covering the aliens employed on the aircraft shall be prepared on such form as the Commissioner of Immigration and Naturalization may prescribe or approve.

(c) No form of application for a crew-list visa shall be required other than the presentation of the complete crew list and all necessary information with respect thereto.

§ 177.59 *Preparation of crew lists.* (a) All entries on the crew lists of both vessels and aircraft shall be made in the English language. Bilingual or multilingual entries may be made if one of the languages is English. All entries on both copies shall preferably be printed in ink or typewritten; however, script copies may be accepted by the consular officer. The name of every member of the crew, citizens and nationals of the United States as well as aliens, should be included in the crew list. Citizens and nationals of the United States and alien immigrant seamen or immigrant airmen who are in possession of immigration visas, or reentry permits, or who are admitted under section 13 (b) of the act of 1924, as amended, are not considered as being documented as nonimmigrant aliens, even if their names are included in a crew list which has been visaed. (E. O. 9352, Part III, June 15, 1943)

(b) There shall be inserted before the name of each seaman who is an alien, and who was not employed on the vessel on its last preceding trip to the United States the word "first." In addition the initials "PE" (meaning "Previous Experience") should be inserted immediately after the word "first" in the cases of seamen proceeding to the United States on their first trip on a vessel to which they have been transferred from another vessel of the same company. The neglect, failure, or refusal of the owner, agent, consignee, master, or other responsible person to comply with this requirement may constitute a violation of section 36 of the act of February 5, 1917, and such persons should be so informed by consular officers, but a failure to warn them will not relieve them of liability.

(c) If a crew list is prepared on more than one page, the pages should be securely fastened together with eyelets in the upper left corner and tied by ribbon inserted through the eyelets. The ends of the ribbon should be brought through a slit cut in the last page and fastened to the page opposite the visa stamp by a wafer seal on which the impression seal of the consular office should be placed. The consular impression seal should be placed on all other pages in the lower right corner. The pages should be properly numbered.

(d) In order to facilitate the handling of the crew list of a large vessel, a consular officer is authorized to separate a crew list containing 400 or more names into four separate sections. The separate sections should correspond to the following departments of the crew of the vessel: (1) Deck Department, (2) Engine Department, (3) Catering Department, and (4) Armed Guard. The crew-list visa should be placed on the last page of the last section of the crew list. Each section of the crew list should be closed in such a manner as to prevent any additions to the list after the visa has been granted with the words "I. Deck Department, (or II. Engine Department, III. Catering Department, or IV. Armed Guard), Containing — members of crew". The final section of the crew list should further carry the words "Crew list in four parts: Total members —".

(e) If the name or names of seamen or airmen submitted as signed on after the crew list was visaed are in substitution for other members of the crew, the names of the latter seamen or airmen should be stricken from the list with pen and ink and the initials of the consular officer should be placed on the line opposite the names deleted. If there should not be sufficient time in which to complete an investigation of the seamen or airmen, the consular officer should not delay the vessel or aircraft, but may authorize the addition of such names to the crew list and telegraph the Department of State regarding any such alien in whose case investigation discloses information indicating a malafide seaman or airman, or other grounds for exclusion at the port of entry.

(f) If the additional members of the crew are signed on in an emergency under circumstances which make it impossible to submit the names to the consular officer before sailing, the facts should be reported at the first port of call at which an American consular officer is stationed. The latter officer may issue a supplemental crew-list visa covering the members of the crew in question if satisfied regarding their bona fides. He should communicate with the consular officer at the port of shipment, before the visa is granted if time permits, and request information concerning the seamen or airmen in order that the Department of State may be advised regarding those whose status may be in doubt. The consular officer first discovering the doubtful status of the members of the crew should report the facts to the Department of State and advise the other officer that he has done so.

§ 177.60 *Form of crew-list visa.* The passport visa stamp should be affixed, signed, and sealed, and the clauses concerning the period of validity of the visa should be struck out, as a crew-list visa is valid for only one entry. The visa should be shown as granted under section 3 (5) of the Immigration Act of 1924, and the notation "seamen" or "airmen" should be entered on the classification line below. The visa should be placed on the crew list in such a manner as to prevent any addition being made to the list after the visa has been granted. The words "Closed with — members of crew" should be written at the end of the crew list and just ahead of the visa.

(a) *Numbering, fees, and fee stamps.* Crew-list visas need not be numbered. The fee for visaing a crew list is $2.00, as prescribed by Item No. 7 of the Tariff of United States Foreign Service Fees. No fee should be charged for a crew-list visa issued to a United States vessel or aircraft or for supplemental visa issued to any vessel or aircraft. Fee stamps in the prescribed amount will be placed on the visa and canceled.

§ 177.61 *Disposition of crew lists.* After the crew-list visa has been granted or refused, the original copy of the crew list should be returned to the master, commanding officer, or agent of the vessel or aircraft for delivery to the appropriate authorities at the first port or place of arrival in the United States. The crew list on Form I–480 or other prescribed form is for ultimate delivery to the immigration authorities in the United States. The duplicate copy of Form I–480 or other prescribed form should be filed in the consular office and should bear appropriate notations to identify the service, its date, fee, and fee number.

§ 177.62 *Effective date.* This part shall become effective on September 10, 1946.

PART 178—POSTING OF IMMIGRATION LAWS BY TRANSPORTATION COMPANIES

§ 178.1 *Posting of immigration laws by transportation companies.* Upon application by any transportation company, the Central Office will furnish a summary of all immigration laws, in English, a posting of which, in appropriate foreign languages, will be regarded as an observance of the spirit of section 8 of the act of March 3, 1893 (27 Stat. 570; 8 U. S. C. 172). Certificates in relation to the posting of immigration laws and other matters which, under said law, transportation companies must file, shall be filed with the Central Office on January 1 and July 1 each year. (Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458, 5 U. S. C. 133t; 8 CFR, 90.1.

Subchapter D—Nationality Regulations

PART 301—DEFINITIONS OF WORDS AND PHRASES USED IN THE NATIONALITY ACT OF 1940

Sec.
301.1 Definitions of "national," "alien" "state," "permanent," "allegiance," and "stateless person."

Sec.
301.2 Definitions of "national of the United States" and "citizen of the United States."
301.3 Definition of "naturalization."
301.4 Definition of "United States."
301.5 Definition of "outlying possessions."
301.6 Definition of "State."
301.7 Definition of "foreign state."
301.8 Definition of "residence."
301.9 Definition of "parent."
301.10 Definition of "child."
301.11 Definition of "minor."
301.12 Definition of "naturalization court."
301.13 Definition of "clerk of court."
301.14 Definition of "Attorney General."
301.15 Definitions of "Commissioner" and "Deputy Commissioner."
301.16 Definition of "Service."
301.17 Definition of "designated examiner."
301.18 Definitions of other terms.

AUTHORITY: §§ 301.1 to 301.18, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 301.1 *Definitions of "national," "alien," "state," "permanent," "allegiance," and "stateless person."* The term "national" means a person owing permanent allegiance as a citizen or a subject or otherwise to a state, including the United States. An "alien" is a person who is neither a citizen nor a national of the United States. The term "state" means a member of the community of nations, including its outlying possessions. The term "state" does not include a State of the United States. The term "permanent" as used in this part in relation to allegiance means a relationship of a continuing or lasting nature, as distinguished from a "temporary" relationship; but a relationship may be permanent even though it is one which may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law. The term "allegiance" means the tie which binds the individual to the state of which he is a national and denotes the sum of the obligations which he owes to the state. A "stateless person" is an alien who does not owe permanent allegiance to any state. (Secs. 101 (a), (b), 321, 335, 54 Stat. 1137, 1148, 1157; 8 U. S. C. 501 (a), (b), 721, 735)

§ 301.2 *Definitions of "national of the United States" and "citizen of the United States."* The term "national of the United States" means any person who owes permanent allegiance to the United States, whether or not he is a citizen of the United States. The term "citizen of the United States" means a person who, through birth or naturalization, has acquired citizenship of the United States and has not lost that status. Neither of these two terms includes an alien. (Const. U. S. sec. 1, art. XIV; sec. 101 (b), 54 Stat. 1137; 8 U. S. C. 501 (b))

§ 301.3 *Definition of "naturalization."* The term "naturalization" means the conferring of nationality of a state upon a person after birth. (Sec. 101 (c), 54 Stat. 1137; 8 U. S. C. 501 (c))

§ 301.4 *Definition of "United States."* The term "United States" when used in a geographical sense means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States. (Sec. 101 (d), 54 Stat. 1137; 8 U. S. C. 501 (d))

§ 301.5 *Definition of "outlying possessions."* The term "outlying possessions" means all territory over which the United States exercises rights of sovereignty other than the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, and the Canal Zone. (Sec. 101 (e), 54 Stat. 1137; 8 U. S. C. 501 (e))

§ 301.6 *Definition of "State."* The term "State" as used in Chapter III of the Nationality Act of 1940, except in section 301 (a) thereof, includes Alaska, Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands of the United States. (Sec. 102 (a), 54 Stat. 1138; 8 U. S. C. 502 (a))

§ 301.7 *Definition of "foreign state."* The term "foreign state," as used in section 404 of the Nationality Act of 1940, includes outlying possessions of a foreign state, but self-governing dominions (such as Australia, New Zealand, Canada, and the Union of South Africa) and territory under mandate (such as Palestine and Trans-Jordan, Syria and Lebanon, South-West Africa, and Western Samoa) shall be regarded as separate states. (Sec. 103, 54 Stat. 1138; 8 U. S. C. 503)

§ 301.8 *Definition of "residence."* For the purposes of sections 201, 307 (b), and 403 to 407, inclusive, of the Nationality Act of 1940, the place of a person's general abode shall be deemed the place of his residence. The place of general abode of a person is his principal dwelling place. (Sec. 104, 54 Stat. 1138; 8 U. S. C. 504)

§ 301.9 *Definition of "parent."* The term "parent" includes either the father or the mother, the deceased parent of a posthumous child, and the mother of an illegitimate child. (Secs. 101 (f), 102 (h), 54 Stat. 1137, 1138; 8 U. S. C. 501 (f), 502 (h))

§ 301.10 *Definition of "child."* The term "child" includes a child legitimated under the law of the child's residence or domicile, whether in or outside of the United States; also, a child adopted in the United States, provided that such legitimation or adoption takes place before the child reaches the age of sixteen years, and the child is in the legal custody of the legitimating or adopting parent or parents. (Sec. 102 (h), 54 Stat. 1138; 8 U. S. C. 502 (h))

§ 301.11 *Definition of "minor".* The term "minor" means a person under twenty-one years of age, regardless of the meaning of the term under any State or foreign law. (Sec. 101 (g), 54 Stat. 1137; 8 U. S. C. 501 (g))

§ 301.12 *Definition of "naturalization court".* The term "naturalization court", unless otherwise particularly described, means a court which is authorized by section 301 (a) of the Nationality Act of 1940 to exercise naturalization jurisdiction. (Secs. 102 (b), 346 (c), 54 Stat. 1138, 1167; 8 U. S. C. 502 (b), 746 (c))

§ 301.13 *Definition of "clerk of court".* The term "clerk of court" means a clerk of a naturalization court as defined in § 301.12, except as provided in section 346 (c) of the Nationality Act of 1940. (Sec. 102 (c), 54 Stat. 1138; 8 U. S. C. 502 (c))

§ 301.14 *Definition of "Attorney General".* The term "Attorney General" means the Attorney General of the United States. (Sec. 102 (e), 54 Stat. 1138; 8 U. S. C. 502 (e))

§ 301.15 *Definitions of "Commissioner" and "Deputy Commissioner".* The terms "Commissioner" and "Deputy Commissioner" mean, respectively, the Commissioner of Immigration and Naturalization, and a Deputy Commissioner of Immigration and Naturalization, United States Department of Justice. (Sec. 102 (d), 54 Stat. 1138; 8 U. S. C. 502 (d))

§ 301.16 *Definition of "Service".* The term "Service" means the Immigration and Naturalization Service of the United States Department of Justice. (Sec. 102 (f), 54 Stat. 1138; 8 U. S. C. 502 (f))

§ 301.17 *Definition of "designated examiner".* The term "designated examiner" means a member of the Service designated under section 333 (a) of the Nationality Act of 1940 by the Commissioner or a Deputy Commissioner to act as a designated examiner for the purpose of conducting preliminary naturalization hearings and making findings and recommendations thereon to the appropriate naturalization courts. (Secs. 102 (g), 333 (a), 54 Stat. 1138, 1156; 8 U. S. C. 502 (g), 733 (a))

§ 301.18 *Definitions of other terms.* (a) Words importing the masculine gender shall include the feminine gender.

(b) Words importing the plural number shall include the singular, and words importing the singular shall extend and be applied to the plural.

(c) The reference to any officer shall include any person authorized by law or regulation to perform the duties of the office held by such officer.

(d) The requirement of an "oath" shall be deemed complied with by making affirmation in judicial form. (R. S. 1878, sec. 1; 1 U. S. C. 1)

PART 314—ACQUISITION OF CITIZENSHIP OR NATIONALITY SUBSEQUENT TO BIRTH: BY JUDICIAL NATURALIZATION OF INDIVIDUALS

Sec.
314.1 Persons naturalized by judicial action; effective date.
314.2 Naturalization of individuals by judicial action where citizenship is in doubt.

AUTHORITY: §§ 314.1 and 314.2 issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 314.1 *Persons naturalized by judicial action; effective date.* Any person who was or shall hereafter be admitted to citizenship by the written order of a court authorized to exercise naturalization jurisdiction, became or shall become a citizen and national of the United States as of the date of taking and subscribing to the required oath of renunciation and

allegiance, or the granting by such court of the waiver of such oath because of infancy where permitted by law. (Const. U. S. sec. 1, art. XIV; sec. 335 (a), 54 Stat. 1157; 8 U. S. C. 735)

§ 314.2 *Naturalization of individuals by judicial action where citizenship is in doubt.* Any person who is not a citizen of the United States or as to whose citizenship of the United States there is a doubt, may apply for naturalization to any court authorized to exercise naturalization jurisdiction, in accordance with the requirements of this subchapter. (Secs. 301–347, 54 Stat. 1140–1168, 8 U. S. C. and Sup., 701–747)

PART 315—PROCEDURE FOR OVERCOMING THE PRESUMPTION OF EXPATRIATION UNDER SECTION 402 OF THE NATIONALITY ACT OF 1940

Sec.
315.1 Nationals subject to presumption of expatriation.
315.2 When presumption arises.
315.3 When six months' residence begins.
315.4 To whom evidence shall be presented to overcome presumption.
315.5 Evidence required to overcome presumption.
315.6 Form of evidence.
315.7 When evidence is not satisfactory to diplomatic or consular officer.
315.8 When evidence is not satisfactory to immigration officer.
315.9 When evidence overcomes presumption; effect of decision.
315.10 Proof of facts not relating to presumption under section 402.

AUTHORITY: §§ 315.1 to 315.10, inclusive, issued under sec. 402, 54 Stat. 1169; 8 U. S. C. 802; sec. 22, title 5, U. S. C.; sec. 37 (a), 54 Stat. 675; 8 U. S. C. 458. Statutes interpreted or applied are secs. 401 (c), (d), 402, 403 (b), 54 Stat. 1169, 1170; 8 U. S. C. 801 (c), (d), 802, 803 (b).

§ 315.1 *Nationals subject to presumption of expatriation.* Section 402 of the Nationality Act of 1940 (54 Stat. 1169; 8 U. S. C. 802) provides:

A national of the United States who was born in the United States or who was born in any place outside of the jurisdiction of the United States of a parent who was born in the United States, shall be presumed to have expatriated himself under subsection (c) or (d) of section 401, when he shall remain for six months or longer within any foreign state of which he or either of his parents shall have been a national according to the laws of such foreign state, or within any place under control of such foreign state, and such presumption shall exist until overcome whether or not the individual has returned to the United States. Such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, or to an immigration officer of the United States, under such rules and regulations as the Department of State and the Department of Justice jointly prescribe. However, no such presumption shall arise with respect to any officer or employee of the United States while serving abroad as such officer or employee, nor to any accompanying member of his family.

Subsections (c) and (d) of section 401 of the act (54 Stat. 1169; 8 U. S. C. 801 (c), (d)) provide that a person who is a national of the United States either by birth or naturalization shall lose his nationality by:

(c) Entering, or serving in, the armed forces of a foreign state unless expressly authorized by the laws of the United States, if he has or acquires the nationality of such foreign state; or

(d) Accepting, or performing the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof for which only nationals of such state are eligible.

Subsection (b) of section 403 of the act (54 Stat. 1170; 8 U. S. C. 803 (b)) provides:

No national under eighteen years of age can expatriate himself under subsections (b) to (g), inclusive, of section 401.

§ 315.2 *When presumption arises.* The presumption that a person who was born in the United States or in any place outside of the jurisdiction of the United States of a parent who was born in the United States has committed the acts of expatriation specified in subsections (c) and (d) of section 401 of the Nationality Act of 1940 will only arise under section 402 of the act when the person, while not an officer or employee of the United States serving abroad or an accompanying member of the family of such officer or employee, shall have remained for six months after the date stated in § 315.3, in a foreign state or in any place within the control thereof of which he or either of his parents shall have been a national.

§ 315.3 *When six months' residence begins.* The six months' residence referred to in section 402 of the Nationality Act of 1940 cannot begin before January 13, 1941 (the effective date of the act), nor before the person in question has reached the age of eighteen years.

§ 315.4 *To whom evidence shall be presented to overcome presumption.* Evidence intended to overcome the presumption of expatriation under section 402 of the Nationality Act of 1940 shall be presented (a) to a diplomatic or consular officer of the United States, if the person making a claim to nationality of the United States is in a foreign country; (b) to an immigration officer at a port of entry of the United States, if such person is applying for admission to the United States; (c) to the Department of State, Washington, D. C., if such person is residing in the United States and is applying for a passport or for protection abroad or for any other official assistance from that Department; and (d) to such immigration officer as required by regulations under the immigration or nationality laws relating to the right or privilege which the person residing in the United States seeks to avail himself of as a national thereof. In the case of any other person residing in the United States who is seeking to avail himself of a right or privilege as a national thereof, if it appears that a presumption of expatriation has arisen against him under section 402 of the Nationality Act of 1940, the Commissioner of Immigration and Naturalization, Washington, D. C., should be consulted.

§ 315.5 *Evidence required to overcome presumption.* The presumption described in section 402 of the Nationality Act of 1940 may be overcome by the presentation of satisfactory evidence that the person subject to the presumption has not, on or after January 13, 1941, (a) entered or served in the armed forces of a foreign state, or, if he has so entered or served, that he did not have and did not acquire the nationality of such foreign state; and (b) that he has not, on or after January 13, 1941, accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof, or, if he has accepted or performed any such duties, that nationality of such foreign state was not a prerequisite to eligibility therefor. A statement of the cause of his foreign residence which has given rise to such presumption, the places in the foreign state or states where he resided, and the occupations he followed in each such place shall be required.

§ 315.6 *Form of evidence.* Evidence to overcome the presumption under section 402 of the Nationality Act of 1940 shall be in the form of statements made under oath or affirmation by the person seeking to overcome such presumption. The officer examining any case under § 315.2 may, in his discretion, require additional evidence in support of any such statements. When it appears that the person against whom the presumption has arisen has performed any of the acts specified in subsection (c) or (d) of section 401 of the Nationality Act of 1940, a written statement by the appropriate officer of the foreign state shall be required, if practicable, showing whether such person at the time of performing such acts was a national of that state, whether only nationals of that state were eligible for such service, or whether by performing such acts he acquired its nationality. The statement of such foreign officer shall be accepted as *prima facie* correct.

§ 315.7 *When evidence is not satisfactory to diplomatic or consular officer.* When the evidence presented is clearly not satisfactory to the diplomatic or consular officer of the United States to overcome the presumption of expatriation under section 402 of the Nationality Act of 1940, he shall refer his findings to the Department of State and if the latter concurs it shall inform the Department of Justice. In any case in which the evidence is not entirely satisfactory to such officer to show that the presumption of expatriation has arisen, or, if it has arisen, that it has been overcome by the evidence presented, he should consult the Department of State.

§ 315.8 *When evidence is not satisfactory to immigration officer.* (a) When, in the case of a person applying at a port of the United States for admission as a national thereof, an immigration officer is not entirely satisfied that the presumption of expatriation under section 402 of the Nationality Act of 1940 has arisen, or if it has arisen, he is not entirely satisfied that it has been overcome by the evidence presented, he shall refer the case to a board of special inquiry. Such board, if not satisfied that the presumption is overcome, and if such person is not admissible to the United States as an alien, shall exclude him from admission to the United States, and inform him of his right of appeal on each question.

(b) In any case in which a person residing in the United States seeks as a national thereof to avail himself of any right or privilege in connection with the administration of the immigration laws or the nationality laws, and the immigration officer is not entirely satisfied that the presumption of expatriation under section 402 of the Nationality Act of 1940 has arisen, or, if it has arisen, he is not entirely satisfied that it has been overcome by the evidence presented, the case shall be handled in the manner and in the channels as required by the regulations relating to the exercise of such right or privilege. If the final decision be that such presumption has arisen and has not been overcome, the Central Office, Immigration and Naturalization Service, shall so inform the Department of State. (Secs. 16, 17, 39 Stat. 885, 887; 8 U. S. C. 152, 153)

§ 315.9 *When evidence overcomes presumption; effect of decision.* When the United States diplomatic or consular officer or immigration officer is satisfied that the evidence presented overcomes the presumption of expatriation under section 402 of the Nationality Act of 1940, the United States passport or other travel document of the person shall be endorsed by or on the part of such officer with a certificate as follows:

I certify that the holder of this _____ has submitted to me evidence which I believe to be sufficient to overcome, as of this date, the presumption of expatriation under section 402 of the Nationality Act of 1940.

If the person has no such passport or travel document, the certificate shall be made in the form of a letter to him. The certificate shall be dated and signed by the officer making it, and he shall add thereto the title of his office and his station. Such certificate shall be accepted by diplomatic, consular, and immigration officers of the United States as *prima facie* evidence that the presumption of expatriation has been overcome, but shall not preclude such officers or the United States from requiring satisfactory evidence that the certificate was not obtained or issued through fraud or other illegality when there is reasonable cause to believe that such is the case.

§ 315.10 *Proof of facts not relating to presumption under section 402.* Nothing in this part shall relieve any person from complying with any requirements with respect to proof of facts which do not relate to overcoming the presumption under section 402 of the Nationality Act of 1940.

PART 316—RENUNCIATION OF UNITED STATES NATIONALITY

Sec.
316.1 Loss of United States nationality under certain circumstances.
316.2 Nationals permitted to apply for renunciation.
316.3 Filing of application.
316.4 Hearing on application.
316.5 Formal written renunciation of nationality.
316.6 Hearing officer's recommendation.
316.7 Approval or disapproval by Attorney General.
316.8 Notice of Attorney General's decision.
316.9 Effective period of the regulations in this part.

AUTHORITY: §§ 316.1 to 316.9, inclusive, issued under sec. 401 of the Nationality Act of 1940 (54 Stat. 1168; 8 U. S. C. 801), as amended by the act of July 1, 1944 (58 Stat. 677; 8 U. S. C., Sup., 801 (i).

§ 316.1 *Loss of United States nationality under certain circumstances.* Sections 401 (i) and 403 (a) of the Nationality Act of 1940 (8 U. S. C. 801, 803), as amended by the act of July 1, 1944 (58 Stat. 677; 8 U. S. C., Sup., 801 (i), 803 (a)) provide:

Sec. 401. A person who is a national of the United States, whether by birth or naturalization, shall lose his nationality by:

* * * * *

(i) Making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense.

Sec. 403. (a) Except as provided in subsections (g), (h), and (i) of section 401, no national can expatriate himself, or be expatriated, under this section while within the United States or any of its outlying possessions, but expatriation shall result from the performance within the United States or any of its outlying possessions of any of the acts or the fulfillment of any of the conditions specified in this section if and when the national thereafter takes up a residence abroad.

§ 316.2 *Nationals permitted to apply for renunciation.* Any national of the United States may make in the United States a request in writing to the Attorney General, Department of Justice, Washington, D. C., for the form of "Application for Renunciation of United States Nationality."

§ 316.3 *Filing of application.* A completed and signed application for renunciation of United States nationality on the form prescribed by the Attorney General may be sent to the Attorney General, together with any certificate of citizenship, certificate of naturalization, certificate of derivative citizenship and any United States passport which may have been issued to the applicant. An applicant will be notified if it is determined upon the application that the requested renunciation appears to be contrary to the interests of national defense.

§ 316.4 *Hearing on application.* A hearing will be conducted by a hearing officer, designated by the Attorney General, upon each application for renunciation which does not appear to be contrary to the interests of national defense. The hearing officer will notify the applicant of the time and place of hearing.

§ 316.5 *Formal written renunciation of nationality.* After a hearing the applicant may file with the hearing officer, on a form prescribed by the Attorney General, a formal written renunciation of nationality and a request for the Attorney General's approval of such renunciation as not contrary to the interests of national defense.

§ 316.6 *Hearing officer's recommendation.* The hearing officer shall recommend approval or disapproval by the Attorney General of the applicant's request for approval of the formal written renunciation of nationality. The hearing officer, in making his recommendation, is authorized to consider not only the facts presented at the hearing, but also results of any investigation and any information which may be available to him in reports of Government agencies or bureaus, and from other sources, relating to the applicant's allegiance and relating to the effect of renunciation of nationality upon the interests of national defense.

§ 316.7 *Approval or disapproval by Attorney General.* The hearing officer's recommendation and the record of the hearing and any other facts upon which it is based, will be submitted to the Attorney General for his approval or disapproval of the applicant's formal written renunciation of nationality. A renunciation of nationality shall not become effective until an order is issued by the Attorney General approving the renunciation as not contrary to the interests of national defense.

§ 316.8 *Notice of Attorney General's decision.* The applicant will be notified of the Attorney General's approval or disapproval of the formal written renunciation of nationality. Notice of the approval of renunciation of nationality shall be given to the State Department, the Alien Property Custodian, Foreign Funds Control Section of the Treasury Department, and the Federal Bureau of Investigation and the Immigration and Naturalization Service of the Department of Justice. The notice to the Immigration and Naturalization Service shall be accompanied by any certificate of citizenship, certificate of naturalization or certificate of derivative citizenship issued to and surrendered by the applicant as required by § 316.3. Upon receipt of such notice and evidence of citizenship so surrendered, the Immigration and Naturalization Service shall notify the clerk of the court in which the applicant's naturalization occurred that the renunciation of nationality has been approved and the clerk of the court shall be requested to enter that fact upon the record of naturalization.

The notice to the Department of State shall be accompanied by any United States passport surrendered by the applicant as required by § 316.3.

§ 316.9 *Effective period of the regulations in this part.* The regulations in this part shall be effective from the date hereof [October 7, 1944] and until cessation of the present state of war unless sooner terminated by the Attorney General.

PART 317—CERTIFICATE OF IDENTITY FOR ADMISSION TO THE UNITED STATES TO PROSECUTE AN ACTION UNDER SECTION 503 OF THE NATIONALITY ACT OF 1940

Sec.
317.1 Authority for issuance of certificate of identity.

Sec.
317.2 Application for certificate of identity.
317.3 Independent investigation.
317.4 Good faith and substantial basis of claim of United States nationality.
317.5 Denial of a right or privilege as a national of the United States.
317.6 Proof of institution of action.
317.7 In case of doubt as to issuance of certificate of identity.
317.8 Form and issuance of certificate of identity.
317.9 Period of validity of certificate of identity.
317.10 Denial of certificate of identity.
317.11 Appeal by applicant.
317.12 Certificate of identity obtained by fraud or other illegality.

AUTHORITY: §§ 317.1 to 317.12, inclusive, issued under sec. 503, 54 Stat. 1171, 1172; 8 U. S. C. 903.

§ 317.1 *Authority for issuance of certificate of identity.* Section 503 of the Nationality Act of 1940 (54 Stat. 1171, 1172; 8 U. S. C. 903) provides:

If any person who claims a right or privilege as a national of the United States is denied such right or privilege by any Department or agency, or executive official thereof, upon the ground that he is not a national of the United States, such person, regardless of whether he is within the United States or abroad, may institute an action against the head of such Department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which such person claims a permanent residence for a judgment declaring him to be a national of the United States. If such person is outside the United States and shall have instituted such an action in court, he may, upon submission of a sworn application showing that the claim of nationality presented in such action is made in good faith and has a substantial basis, obtain from a diplomatic or consular officer of the United States in the foreign country in which he is residing a certificate of identity stating that his nationality status is pending before the court, and may be admitted to the United States with such certificate upon the condition that he shall be subject to deportation in case it shall be decided by the court that he is not a national of the United States. Such certificate of identity shall not be denied solely on the ground that such person has lost a status previously had or acquired as a national of the United States; and from any denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing the reasons for his decision. The Secretary of State, with approval of the Attorney General, shall prescribe rules and regulations for the issuance of certificates of identity as above provided.

§ 317.2 *Application for certificate of identity*—(a) *What application shall show.* The application for a certificate of identity shall show:

(1) The full and true name of the applicant;

(2) The place of his residence outside the United States;

(3) That he claims to be a national of the United States, and the basis of such claim and evidence submitted in support thereof;

(4) That such claim is made in good faith and upon a substantial basis;

(5) That he claims a right or privilege as a national of the United States, and specifically the nature of such claim;

(6) That such right or privilege has been denied him by a specified department or agency or executive official of the United States on the ground that the applicant is not a national of the United States, and the date and place of such denial;

(7) That an action for a judgment declaring applicant to be a national of the United States has been instituted by him against the head of such department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the specified district in which he claims permanent residence;

(8) That such action was instituted in good faith with the intention of prosecuting it to conclusion and is pending in such court;

(9) That he desires to proceed to the United States to prosecute such action;

(10) That, if granted a certificate of identity and admitted to the United States for the purpose of prosecuting such action, he will do so with due diligence;

(11) That he understands that admission to the United States upon such certificate of identity shall be under regulations prescribed in Part 112 of this chapter, and upon the condition that he shall be subject to deportation if the final outcome of such court action is not to the effect that he is a national of the United States and if he then fails to depart therefrom without delay in accordance with directions from the Immigration and Naturalization Service; and

(12) Such other facts and proofs, with respect to the foregoing, as may be required by the application form or by the diplomatic or consular officer before whom the application for a certificate of identity is executed.

(b) *Supporting witness.* The application for a certificate of identity shall be supported by the affidavit of a credible witness, but this requirement may be waived in the discretion of the officer before whom the application is executed.

(c) *Form and execution.* The application for a certificate of identity shall be made in quadruplicate on an approved form and shall be signed and sworn to (or affirmed) by the applicant in person before a diplomatic or consular officer of the United States. The affidavit of the witness, if not waived, shall also be made before a diplomatic or consular officer of the United States. The application shall be accompanied by four photographs of the applicant taken within thirty days of the date on which the application is filed. The photographs shall be 2 by 2 inches in size, unmounted, printed on thin paper, have a light background, and clearly show a full front view of the features of the applicant (with head bare, unless the applicant is a member of a religious order wearing a headdress), with the distance from the top of head to point of chin approximately 1¼ inches. Snapshot, group, or full length pictures will not be accepted. The applicant, except in the case of a person physically or otherwise incapable of signing his name, shall sign each copy of the photograph with his full, true name in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to write. One photograph shall be glued to the original application and one to each copy thereof and impressed with the legend machine so as not to cover the features. Officers not having a legend machine will use the impression seal. The consular impression seal should invariably be used in completing the application. Fingerprints of the applicant shall be required and attached to the application and each copy thereof, as in the case of a visa.

§ 317.3 *Independent investigation.* When an application for a certificate of identity is executed before a diplomatic or consular officer, an independent investigation of the facts in the case should be made, as far as practicable, by such officer, even though the application and proofs submitted therewith may on their face appear to justify issuance of a certificate of identity.

§ 317.4 *Good faith and substantial basis of claim of United States nationality*—(a) *Relationship to provision concerning loss of nationality.* The provision in section 503 of the Nationality Act of 1940 that a certificate of identity shall not be denied "solely on the ground that such person has lost a status previously had or acquired as a national of the United States" is to be read with the provision of the section that the claim of nationality presented in the court action be made in good faith and have a substantial basis.

(b) *Meaning of good faith.* Good faith means an honest belief of the applicant that he is a national of the United States, and is to be determined by the diplomatic or consular officer of the United States in the light of the facts and circumstances of each case. For example, where it appears that United States nationality has been lost by naturalization of the person upon his own application in a foreign state, good faith would appear to be lacking in the absence of a satisfactory showing to the contrary. Special care should be taken in the examination of the case of an applicant who, while in a foreign state, has exercised any rights or performed any duties for which only nationals of such state are eligible.

(c) *Meaning of substantial basis.* A substantial basis of a claim of United States nationality means one which satisfies the diplomatic or consular officer of the United States that the claim of the applicant that he is a national of the United States is, notwithstanding any previous ruling of a department, agency, or executive official of the United States, sufficiently meritorious to justify resort to the court for a determination of the question.

§ 317.5 *Denial of a right or privilege as a national of the United States.* Denial by a Department or agency or executive official of the United States of a right or privilege as a national of the United States may occur in the administration of various laws. For example, it may occur where a person has applied as a national of the United States for a passport or for registration at an American consulate or for nonquota status of an alien wife or alien minor child under sections 4 and 9 of the Immigration Act of 1924, and the application is denied on the ground that the applicant is not a national of the United States.

§ 317.6 *Proof of institution of action.* Proof that the applicant has instituted an action referred to in § 317.2 is best made by presentation of a duly certified copy of the complaint filed in the action. The presentation of such a copy may be waived only when other evidence is furnished which satisfactorily establishes that the suit has been instituted and is pending.

§ 317.7 *In case of doubt as to issuance of certificate of identity.* Where it appears that the presence of the applicant in the United States would endanger the public safety or where the diplomatic or consular officer believes that the applicant is a national of the United States and entitled to a passport as such or where the diplomatic or consular officer has any doubt with respect to the action he should take upon the application for a certificate of identity, the officer should suspend action and consult the Department of State.

§ 317.8 *Form and issuance of certificate of identity.* The certificate of identity shall be issued on the approved form, printed upon the application form. It shall be signed and sealed by the diplomatic or consular officer, who shall state on the original and each copy thereof the date and place of issuance. The three copies shall be marked "copy." One copy and any documentary evidence submitted by the applicant shall be retained in the files of the issuing office, and two copies sent to the Department of State, one of which shall be forwarded to the Central Office, Immigration and Naturalization Service, Department of Justice.

§ 317.9 *Period of validity of certificate of identity.* A certificate of identity shall expire six months from the date of its issuance, unless extended by direction of the Secretary of State.

§ 317.10 *Denial of certificate of identity.* In case the certificate of identity is denied by a diplomatic or consular officer, a notation to that effect shall be made by him in the space provided therefor at the end of the original application and on each copy thereof. The notation shall set forth definitely the grounds for the denial. The original application and any documentary evidence submitted by the applicant shall be retained in the files of the office to which the application was submitted. One copy shall be returned to the applicant, and two copies shall be sent to the Department of State, one of which shall be forwarded to the Central Office, Immigration and Naturalization Service, Department of Justice.

§ 317.11 *Appeal by applicant.* When an applicant is denied a certificate of identity, he may appeal by a written statement to the Secretary of State, setting forth fully the pertinent facts and the grounds upon which United States nationality is claimed and his reasons for considering that the denial of his application by the diplomatic or consular officer is not justified. The statement shall be executed in quadruplicate and submitted to the diplomatic or consular office in which the denial was made. If the statement contains facts not set forth in the application it shall be sworn to (or affirmed) by the applicant before a diplomatic or consular officer of the United States. The original statement and one copy shall be forwarded by the diplomatic or consular officer to the Department of State with two copies of the application for the certificate of identity and any documentary evidence submitted by the applicant, if the copies have not already been sent to that Department. One copy of the statement shall be retained in the files of the diplomatic or consular office in which the denial was made and one copy returned to the applicant. If it is not practicable for the statement to be sworn to or affirmed by the applicant in the diplomatic or consular office in which the denial was made, it may be sworn to or affirmed in any other diplomatic or consular office of the United States. In such case, the original and two copies of the statement shall be forwarded by that office to the diplomatic or consular office in which the application was denied, but if that is not practicable they shall be sent directly to the Department of State. One copy shall be returned to the applicant.

§ 317.12 *Certificate of identity obtained by fraud or other illegality.* Whenever a certificate of identity is found by a diplomatic or consular officer of the United States to have been obtained by fraud or other illegality, or to be in the possession of a person other than the rightful holder, such officer shall, if practicable, obtain possession of the certificate and send it, together with a report on the matter, directly to the Department of State.

CROSS REFERENCE: For regulations with respect to admission of holder of certificate of identity issued under section 503 of the Nationality Act of 1940, see Part 112 of this chapter.

PART 320—NATURALIZATION COURTS AND THEIR JURISDICTION

Sec.
320.1 Jurisdiction of courts to naturalize.
320.2 Limitations on judicial jurisdiction.
320.3 Jurisdiction to accept declarations of intention.
320.4 Limited period for disposing of petitions for naturalization filed prior to January 13, 1941.

AUTHORITY: §§ 320.1 to 320.4, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675, 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 320.1 *Jurisdiction of courts to naturalize.* Exclusive general jurisdiction to naturalize aliens and other noncitizens of the United States is conferred by the Nationality Act of 1940 upon all district courts of the United States in any State, in the Territories of Hawaii and Alaska, and in the District of Columbia and in Puerto Rico; upon the District Court of the Virgin Islands of the United States, and upon all courts of record in any State or Territory, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. (Sec. 301 (a), 54 Stat. 1140; 8 U. S. C. 701 (a))

§ 320.2 *Limitations on judicial jurisdiction.* The jurisdiction of a court to naturalize any person from and after January 13, 1941, is limited to persons resident within the jurisdiction of such court, except in those cases described in sections 312, 317, 318, 323, 324, and 325, of the Nationality Act of 1940, in which the requirement of residence within the court's jurisdiction is dispensed with. (Secs. 301 (a), 312, 317, 318, 54 Stat. 1140, 1145, 1146, 1147, sec. 323, 54 Stat. 1149, 56 Stat. 198, 60 Stat. 866, sec. 324, 54 Stat. 1149, 60 Stat. 417, sec. 325, 54 Stat. 1150; 8 U. S. C. and Sup., 701, 712, 717, 718, 723, 724, 725)

§ 320.3 *Jurisdiction to accept declarations of intention.* A noncitizen of the United States, otherwise eligible to make a declaration of intention to become a citizen of the United States, may do so in any naturalization court, regardless of the place of his residence in the United States. (Sec. 331, 54 Stat. 1153; 8 U. S. C. 731)

§ 320.4 *Limited period for disposing of petitions for naturalization filed prior to January 13, 1941.* All petitions for naturalization filed in naturalization courts prior to January 13, 1941, and which were pending on that date, must be finally heard and determined within two years thereafter, in accordance with the requirements of law in effect when the petitions were filed. (Sec. 347 (b), 54 Stat. 1168; 8 U. S. C. 747 (b))

PART 322—GENERAL CLASS OF PERSONS WHO MAY BE NATURALIZED

Sec.
322.1 General requirements.
322.2 Procedural requirements.

AUTHORITY: §§ 322.1 and 322.2 issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 322.1 *General requirements.* A person, not a citizen of the United States, in order to be eligible for naturalization upon a petition for naturalization to a naturalization court shall, unless specially exempted as set forth in this subchapter:

(a) Be at least 20 years old, if a declaration of intention at least two years old is required to be filed with the petition;

(b) Have been lawfully admitted to the United States for permanent residence;

(c) Have made a declaration of intention not less than two nor more than seven years before filing his petition;

(d) Have resided continuously in the United States for at least five years and in the State in which his petition for naturalization is filed for at least six months, immediately preceding the filing of the petition;

(e) Be a person racially eligible for naturalization as defined in Part 350 of this chapter;

(f) Have been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States during all of the periods described in paragraph (d) of this section, and during the period from the date of the filing of the petition up to the time of his admission to citizenship;

(g) Be able to speak the English language, unless physically unable to speak;

(h) Be able to sign his petition in his own handwriting, unless physically unable to write; and

(i) Be not disqualified for naturalization under section 305 or section 306 of the Nationality Act of 1940, or otherwise. (Secs. 101 (c), 301 (d), 54 Stat. 1137, 1140, sec. 303, 54 Stat. 1140, 57 Stat. 601, 60 Stat. 416, secs. 304, 305, 306, 307 (a), 54 Stat. 1140, 1141, 1142; 8 U. S. C. and Sup., 501 (c), 701 (d), 703, 704, 705, 706, 707 (a))

§ 322.2 *Procedural requirements.* (a) A person, not a citizen of the United States, at least 18 years old, may make application to file a declaration of intention at any time after having been lawfully admitted to the United States for permanent residence. Such person shall not be required to be able to speak the English language, and, if unable to write, may sign the declaration of intention and the photographs affixed thereto by mark.

(b) Application for a declaration of intention shall be made on preliminary Form N–300, as described in § 365.1 of this chapter, which form may be obtained from the clerk of any naturalization court or from any office of the Immigration and Naturalization Service. Following the submission of the preliminary Form N–300 to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter, the applicant will be notified when and where to appear to file the declaration of intention, at which time a fee of $3 for the declaration of intention shall be paid to the clerk of the naturalization court. The declaration of intention may be made in any naturalization court, regardless of the place of residence in the United States of the applicant.

(c) When the applicant's declaration of intention is not less than two nor more than seven years old, and he has resided in the United States and State as specified in § 322.1 (d), he may make application to file a petition for naturalization. Such application shall be made on preliminary Form N–400, which the applicant may obtain from the clerk of any naturalization court having jurisdiction over his place of residence, or from any office of the Immigration and Naturalization Service. The filled-in form, with three photographs as prescribed in Part 364 of this chapter and the declaration of intention, shall be submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter.

(d) Upon receipt of Form N–400 with the proper enclosures, the Service will thereafter notify the applicant when and where to appear with his witnesses for preliminary examination. Wherever practicable, a preliminary examination of the applicant and his witnesses, as described in § 370.8 of this chapter, shall be made prior to the filing of the petition for naturalization. If possible, the applicant shall bring with him at the time he appears to file his petition for naturalization the same two witnesses named in his preliminary Form N–400, but in the event that he is unable to do so other witnesses may be presented. The petition for naturalization shall be filed in a naturalization court having jurisdiction over the place of residence of the petitioner, and shall be filed only in the office of the clerk of such naturalization court. The petitioner shall pay to the clerk of the naturalization court a fee of $8 for the filing of the petition for naturalization, which fee must be paid at the time the petition is filed.

(e) If the petition is filed in a court operating under section 333 of the Nationality Act of 1940, the petitioner and his witnesses shall be given a preliminary hearing by a designated examiner, immediately after the petition is filed if practicable, and in such cases the designated examiner may excuse the witnesses from appearance at the final hearing before the naturalization court if the witnesses appear to be qualified. The petitioner shall be notified when to appear in court with the witnesses who verified his petition, for the final hearing, unless he has previously been advised by the designated examiner that his witnesses have been excused from further appearance. If the witnesses who verified the petition for naturalization cannot be produced at the final hearing, other witnesses may be substituted as provided in § 373.4 of this chapter.

(f) Before being admitted to citizenship, the petitioner shall take the oath of renunciation and allegiance in open court, as described in § 375.1 of this chapter. A person admitted to citizenship by a naturalization court shall be entitled upon such admission to receive from the clerk of such court a certificate of naturalization as described in section 336 of the Nationality Act of 1940. (Secs. 301, 329–336, 342 (a), 54 Stat. 1140, 1150, 1152–1158, 1161, 58 Stat. 755; 8 U. S. C. and Sup., 701, 729–736, 742 (a))

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN

Sec.

324.1 A child born outside of the United States, one of whose parents is a citizen of the United States by birth or naturalization at the time of petitioning for naturalization of the child.

324.2 A child not a citizen of the United States who has been adopted by a citizen of the United States.

324.3 A child under the age of 18 years who was formerly a citizen of the United States and who lost such citizenship through the cancellation of a parent's naturalization.

324.4 Petitions for naturalization filed in behalf of children; procedure.

AUTHORITY: §§ 324.1 to 324.4, inclusive, issued under sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 324.1 *A child born outside of the United States, one of whose parents is a citizen of the United States by birth or naturalization at the time of petitioning for naturalization of the child.* A child not a citizen and born outside of the United States, one of whose parents is a citizen of the United States by birth or naturalization at the time of petitioning for the naturalization of such child, may be naturalized on petition of the citizen parent to the naturalization court within whose jurisdiction the parent and child reside. The petition for naturalization shall be filed and final action thereon taken while the child is under the age of 18 years. No declaration of intention shall be required. No definite period of residence in the United States or a State shall be required, but it must be established that the child in whose behalf the petition is filed is residing permanently in the United States with the citizen parent pursuant to lawful entry. A certificate of arrival shall be filed with the petition. There shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating the length of time each of such witnesses has known the citizen parent and the child in whose behalf the petition is filed, that the said child has been and is permanently residing with the citizen parent in the United States, and that to the best of the witness' knowledge and belief the said child is qualified to become a citizen of the United States. At the hearing on the petition, the facts of the child's residence and the other qualifications described in section 307 (a) of the Nationality Act of 1940 shall be proved by the oral testimony of at least two credible witnesses who are citizens of the United States as required by section 309 (b) of the said act. The child's racial eligibility and ability to speak the English language shall be established by such evidence as may be satisfactory to the naturalization court. Before being admitted to citizenship the child in whose behalf the petition is filed shall take the oath prescribed by section 335 of the said act, except that such oath may be waived by the naturalization court, if, in the opinion of the court, the child is too young to understand the meaning of such oath. (Secs. 309, 315 335, 54 Stat. 1143, 1146, 1157; 8 U. S. C 709, 715, 735)

§ 324.2 *A child not a citizen of the United States who has been adopted by a citizen of the United States.* A child not a citizen of the United States who has been adopted by a citizen or citizens of the United States may be naturalized on petition of the adoptive parent or parents to the naturalization court within whose jurisdiction the adoptive parent or parents and the child reside. The petition for naturalization shall be filed and final action thereon taken while the adopted child is under the age of 18 years. No declaration of intention shall be required. Proof of at least two years' continuous residence in the United States immediately preceding the date of filing the petition, and proof that the child has been adopted in the United States under the age of 16 years and has been in the legal custody of the adoptive parent or parents for at least two years prior to the filing of the petition, shall be furnished. A certificate of arrival shall be filed with the petition. There shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each has personally known the adopted child to have been a resident of the United States for at least two years continuously immediately preceding the date of the filing of the petition and that to the best of the witness' knowledge and belief the said child is qualified to become a citizen of the United States. At the hearing on the petition, the facts of the child's residence and the other qualifications described in section 307 (a) of the Nationality Act of 1940, shall be proved by the oral testimony of at least two credible witnesses who are citizens of the United States as required by section 309 (b) of the said act. In addition to the qualifications herein set out, it shall be established by any evidence satisfactory to the naturalization court that the child in whose behalf the petition for naturalization is filed was residing in the United States at the time such child lost citizenship through the cancellation of a parent's naturalization; that prior to such cancellation such child actually was a citizen of the United States; and that the petition for naturalization filed in behalf of such child was filed within two years after the date of the cancellation of the parent's certificate or within two years after the effective date of the Nationality Act of 1940. (For petition of such a child who is over 18 years of age, see § 330.5 of this chapter.) (Secs 309, 319, 335, 54 Stat. 1143, 1148, 1157; 8 U. S. C. 709, 719, 735)

§ 324.4 *Petitions for naturalization filed in behalf of children; procedure.* Applications for certificates of arrival and to file petitions for naturalization in behalf of children described in §§ 324.1, 324.2, and 324.3 shall be made on Form N–402, which shall be executed by the petitioning citizen parent, parents, or guardian, as may be appropriate, and submitted, with three photographs of the child for whom naturalization is sought, to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. Such photographs shall conform to the requirements of Part 364 of this chapter, and shall be signed by the child if the child is able to sign its name. The fee of $8 for filing the petition shall be paid to the clerk of the naturalization court. Such petition shall be executed in duplicate on Form N–407, numbered consecutively with other petitions, and the original petition shall be bound in chronological order by the clerk of court in the regular volume of petitions for naturalization of each court. If the child is unable to sign its name, the photographs and certificate of naturalization shall be signed by the petitioning citizen parent, parents, or guardian, as may be appropriate, and the signature shall read "(insert name of petitioning parent, parents, or guardian) in behalf of (insert name of naturalized child)". (Secs. 330, 342 (a) (2), 54 Stat. 1152, 1161, 58 Stat. 755; 8 U. S. C. and Sup., 730, 742 (a))

PART 325—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIENS ARRIVING IN UNITED STATES PRIOR TO SIXTEENTH BIRTHDAY

Sec.

325.1 Persons eligible.
325.2 Procedural requirements.
325.3 Proof of requirements.

AUTHORITY: §§ 325.1 to 325.3, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 325.1 to 325.3, inclusive, interpret and apply secs. 1, 2, 54 Stat. 715; 8 U. S. C., Sup., 720a.

§ 325.1 *Persons eligible.* Any alien, eligible to citizenship, who lawfully entered the United States for permanent residence when less than 16 years of age, may be naturalized upon compliance with all the requirements of the naturalization laws except that no declaration of intention shall be required. The petition for naturalization shall be filed within one year after such alien attains the age of 21 years.

§ 325.2 *Procedural requirements.* An application to file a petition for naturalization under § 325.1 shall be made on Form N–400 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The petition shall be filed on Form N–405 in accordance with the requirements of Part 370 of this chapter. Form N–405 shall be altered by the clerk of court as provided in § 361.7 (a) of this chapter. The petition shall be further altered by the clerk of court by inserting immediately after averment 12, the words "Filed under the act of July 2, 1940."

§ 325.3 *Proof of requirements.* Verification of the petition for naturalization and proof of residence and the other requirements prescribed by § 325.1 shall be made in the manner provided by Parts 370 and 373 of this chapter. In addition, the petitioner shall prove, by any evidence satisfactory to the naturalization court, that he was under the age of 16 years at the time of his lawful entry to the United States for permanent residence and that his petition was filed within one year after he had attained the age of 21 years. In presenting proof of his age, the petitioner shall be entitled to the benefit of any records concerning him which are in the custody of the Service.

PART 326—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SPOUSES OF UNITED STATES CITIZENS

Sec.

326.1 Alien who after September 21, 1922, and prior to May 24, 1934, has married a citizen of the United States, or alien who married prior to May 24, 1934, a spouse who was naturalized during such period, and during the continuance of the marital status.

326.2 Alien who, on or after May 24, 1934, has married a citizen of the United States, or any alien whose spouse was naturalized on or after May 24, 1934, and during the continuance of the marital status.

326.3 Alien who on January 13, 1941, is married to or thereafter marries a citizen of the United States, or whose spouse is naturalized after January 13, 1941.

326.4 Alien whose citizen spouse is in the employment of the United States Government, or of an American institution of research, or an American firm or corporation engaged in the development of foreign trade and commerce of the United States.

326.5 Procedural requirements.

326.6 Age.

AUTHORITY: §§ 326.1 to 326.6, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 326.1 *Alien who after September 21, 1922, and prior to May 24, 1934, has married a citizen of the United States, or alien who married prior to May 24, 1934,*

a spouse who was naturalized during such period, and during the continuance of the marital status. An alien who, after September 21, 1922, and prior to May 24, 1934, married a citizen of the United States, or an alien who married prior to May 24, 1934, a spouse who was naturalized during such period and during the continuance of the marital status, may be naturalized upon compliance with all the requirements of the naturalization laws, with the following exceptions: (a) No declaration of intention shall be required; and (b) but one year's continuous residence in the United States immediately preceding the filing of the petition for naturalization shall be required in lieu of the five-year period of residence within the United States and the six months' period of residence within the State. (Sec. 310 (a), 54 Stat. 1144; 8 U. S. C. 710 (a))

§ 326.2 *Alien who, on or after May 24, 1934, has married a citizen of the United States, or any alien whose spouse was naturalized on or after May 24, 1934, and during the continuance of the marital status.* An alien who, on or after May 24, 1934, has married or shall marry a citizen of the United States, or an alien whose spouse was naturalized on or after May 24, 1934, and during the continuance of the marital status, may be naturalized upon compliance with all the requirements of the naturalization laws, with the following exceptions: (a) No declaration of intention shall be required; and (b) but three years' continuous residence in the United States immediately preceding the filing of the petition for naturalization shall be required in lieu of the five-year period of residence within the United States and the six months' period of residence within the State. (Sec. 310 (b), 54 Stat. 1144; 8 U. S. C. 710 (b))

§ 326.3 *Alien who on January 13, 1941, is married to or thereafter marries a citizen of the United States, or whose spouse is naturalized after January 13, 1941.* An alien who on January 13, 1941, is married to, or thereafter marries a citizen of the United States, or whose spouse is naturalized after January 13, 1941, and who shall have resided in the United States in marital union with the citizen spouse for at least one year immediately preceding the filing of the petition for naturalization, may be naturalized upon compliance with all the requirements of the naturalization laws, with the following exceptions: (a) No declaration of intention shall be required; and (b) at least two years' continuous residence in the United States immediately preceding the petition for naturalization shall be required in lieu of the five-year period of residence within the United States and the six months' period of residence within the State. (Sec. 311, 54 Stat. 1145; 8 U. S. C. 711))

§ 326.4 *Alien whose citizen spouse is in the employment of the United States Government, or of an American institution of research, or an American firm or corporation engaged in the development of foreign trade and commerce of the United States.* An alien whose citizen spouse is in the employment of the United States Government, or of an American institution of research recognized as such by the Attorney General, or an American firm or corporation engaged in the development of the foreign trade and commerce of the United States, and whose citizen spouse is regularly stationed abroad in such employment, may be naturalized upon full compliance with all requirements of the naturalization laws, with the following exceptions: (a) No declaration of intention shall be required; and (b) no prior residence within the United States or within the jurisdiction of the naturalization court shall be required. Such an alien shall declare in good faith an intention to take up permanent residence within the United States immediately upon the termination of such employment abroad of the citizen spouse. (Sec. 312, 54 Stat. 1145; 8 U. S. C. 712)

§ 326.5 *Procedural requirements.* An alien desiring to file a petition for naturalization under § 326.1, § 326.2, § 326.3, or § 326.4 shall make application on Form N–400 and shall submit such application to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. A petition for naturalization filed under any such section shall be filed on Form N–406. No period of residence within the State shall be required, but the petition shall be verified at the time it is filed by at least two credible citizen witnesses, who shall state in their affidavits the period of time they have known the petitioner, and that such petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States. Depositions may be used to prove any portion of the required period of residence and the other qualifications required to be proved. In the case of a petition filed under § 326.4, by an alien whose spouse is employed abroad by an American institution of research, the appropriate field officer will, prior to the final hearing of such petition, ascertain from the Attorney General whether the specified institution is recognized as an American institution of research by the Attorney General. (Secs. 309 (a), (b), 310, 311, 312, 54 Stat. 1143, 1144, 1145; 8 U. S. C. 709, 710, 711, 712)

§ 326.6 *Age.* No petition for naturalization under this part shall be opposed on the sole ground of the petitioner's age. (Secs. 310, 311, 312, 54 Stat. 1144, 1145; 8 U. S. C. 710, 711, 712)

PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: FORMER UNITED STATES CITIZENS

Sec.
330.1 Person who prior to September 22, 1922, lost United States citizenship by marriage to an alien or by the spouse's loss of United States citizenship, and any person who lost United States citizenship on or after September 22, 1922, by marriage to an alien ineligible to citizenship.
330.2 Woman restored to citizenship by the act of June 25, 1936, as amended by the act of July 2, 1940.
330.3 A woman, citizen of the United States at birth, who lost or is believed to have lost her United States citizenship solely by marriage prior to September 22, 1922, to an alien, and whose marriage to such alien terminates on or after January 13, 1941.
330.4 Former citizen of the United States expatriated through the expatriation of such person's parent or parents.
330.5 Person who, as a minor child, lost citizenship of the United States through cancellation of the parent's naturalization, or a person who shall lose citizenship on or after January 13, 1941, under section 338 of the Nationality Act of 1940.
330.6 Person who lost citizenship of the United States through service in one of the Allied Armies during the First or Second World War.
330.7 Person who shall have lost citizenship of the United States by entering or serving in the armed forces of a foreign state, if he has or acquires the nationality of such foreign state.
330.8 Procedure.
330.9 Person who lost citizenship of the United States through voting in a political election in a country not at war with the United States during World War II.

AUTHORITY: §§ 330.1 to 330.9, inclusive issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1 Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections

§ 330.1 *Person who prior to September 22, 1922, lost United States citizenship by marriage to an alien or by the spouse's loss of United States citizenship, and any person who lost United States citizenship on or after September 22, 1922, by marriage to an alien ineligible to citizenship.* A person described in section 317 (a) of the Nationality Act of 1940, who has not acquired the nationality of another country by an affirmative act other than marriage to an alien, may be naturalized, notwithstanding the race of such person, upon compliance with all the other requirements of the naturalization laws, except that no declaration of intention, no certificate of arrival, and no period of residence within the United States or within the State where the petition is filed shall be required. The petition may be filed in any naturalization court regardless of the residence of the petitioner. The petition need not set forth that it is the intention of the petitioner to reside permanently in the United States. The petition may be heard immediately provided a certificate from a naturalization examiner is attached to the petition as provided in § 373.5 of this chapter. (Sec. 303, 54 Stat. 1140, 57 Stat. 601, 60 Stat. 416, sec. 317 (a), 54 Stat. 1146; 8 U. S. C. and Sup., 703, 717 (a))

§ 330.2 *Woman restored to citizenship by the act of June 25, 1936, as amended by the act of July 2, 1940.* Any woman who was restored to citizenship by the act of June 25, 1936, as amended by the act of July 2, 1940, but who failed to take the oath of allegiance prescribed by the naturalization laws prior to January 13, 1941, may take such oath before any naturalization court on or after January 13, 1941. Preliminary application to take the oath shall be made in the same manner as provided in § 330.3, and the application to the clerk of court shall be in triplicate on Form N–415. The original of Form N–415 shall be retained as a part of the court record, and the duplicate and triplicate copies forwarded to the appropriate district director or divisional director, unless the applicant shall demand a certified copy of the proceedings, in which case the clerk of court shall furnish her the triplicate Form N–415, properly certified, for which a fee of not to exceed $1 may be charged. No charge shall be made by the clerk of court for filing Form N–415. (49 Stat. 1917, 54 Stat. 715, sec. 347 (a), 54 Stat. 1168; 8 U. S. C. 9a, 747 (a))

§ 330.3 *A woman, citizen of the United States at birth, who lost or is believed to have lost her United States citizenship solely by marriage prior to September 22, 1922, to an alien, and whose marriage to such alien terminates on or after January 13, 1941.* A woman described in section 317 (b) of the Nationality Act of 1940, if she has acquired no other nationality by affirmative act, may be naturalized by taking the oath of allegiance prescribed by section 335 of the Nationality Act of 1940. Such oath may be taken before the judge or clerk of any naturalization court, regardless of the applicant's place of residence. Preliminary application to take the oath shall be made on Form N–401 and submitted to the the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The eligibility of an applicant to take the oath shall be investigated by a member of the Service and appropriate recommendation made to the naturalization court. The application to the court shall be made on Form N–408, in triplicate. The original of Form N–408 shall be retained as a part of the court record and the duplicate forwarded to the appropriate district director with duplicates of other naturalization papers filed and issued. The clerk of court shall furnish to the applicant, upon her demand, the triplicate Form N–408, properly certified, for which a fee not to exceed $1 may be charged. No charge shall be made by the clerk of court for the filing of Form N–408. In case the applicant does not demand the triplicate Form N–408, it shall be transmitted to the appropriate district director with the duplicate of said form. (Sec. 317 (b), 54 Stat. 1146; 8 U. S. C. 717 (b))

§ 330.4 *Former citizen of the United States expatriated through the expatriation of such person's parent or parents.* A person described in section 318 (a) of the Nationality Act of 1940, who has not acquired the nationality of another country by an affirmative act other than the expatriation of his parent or parents, may be naturalized upon filing a petition for naturalization before reaching the age of 25 years. He must comply with all of the requirements of the naturalization laws except that no declaration of intention, no certificate of arrival, and no period of residence within the United States or in a State shall be required. The petition may be filed in any naturalization court regardless of the residence of the petitioner and may be heard immediately, provided a certificate from a naturalization examiner is attached to the petition as provided in § 373.5 of this chapter. Proof that the petitioner was at the time of filing the petition for naturalization and at the time of the final hearing thereon a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and that he intends to reside permanently in the United States, shall be made by any means satisfactory to the naturalization court. (Sec. 318 (a), 54 Stat. 1147; 8 U. S. C. 718 (a))

§ 330.5 *Person who, as a minor child, lost citizenship of the United States through cancellation of the parent's naturalization or a person who shall lose citizenship on or after January 13, 1941, under section 338 of the Nationality Act of 1940.* In the case of a petitioner for naturalization under section 319 of the Nationality Act of 1940, the cancellation of the parent's naturalization shall be shown by the petitioner to have been upon grounds other than actual fraud or presumptive fraud as specified in the second paragraph of section 15 of the act of June 29, 1906, as amended (34 Stat. 601; 40 Stat. 544). Such person, if he resided in the United States at the time of such cancellation, may file a petition for naturalization in his own behalf if over the age of 18 years. If such person is under the age of 18 years, a petition for naturalization may be filed in such person's behalf by a parent or guardian as described in Part 324 of this chapter. The petition for naturalization shall be filed within two years after such cancellation or within two years after January 13, 1941. The petitioner shall comply with all the requirements of the naturalization laws, except that no declaration of intention shall be required and the required five-year period of residence in the United States need not be continuous. (Sec. 319, 54 Stat. 1148; 8 U. S. C. 719)

§ 330.6 *Person who lost citizenship of the United States through service in one of the Allied Armies during the First or Second World War.* A person who, while a citizen of the United States and during the First or Second World War, entered the military or naval service of any country at war with a country with which the United States was or is at war, who lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, or by reason of entering or serving in such armed forces, and who intends to reside permanently in the United States, may be naturalized by taking the oath of renunciation and allegiance specified in section 335 of the Nationality Act of 1940. For the purposes of this section, the Second World War shall be deemed to have commenced on September 1, 1939, and shall continue until such time as the United States shall cease to be in a state of war. Such oath may be taken before any naturalization court, and any person described in this section who has lost United States citizenship during the Second World War may also take the oath before any diplomatic or consular officer of the United States abroad. Application to take such oath before the court shall be made on Form N–409 which shall be executed in quadruplicate and shall be given a regular petition for naturalization number by the clerk of court. The original of Form N–409 shall be retained by the clerk of court as the court record and the duplicate, triplicate, and quadruplicate shall be forwarded to the appropriate district director. The district director shall retain the quadruplicate and forward the duplicate and triplicate Form N–409 to the Commissioner who will transmit the triplicate to the Department of State. The taking of such oath before a diplomatic or consular officer abroad shall be in accordance with such regulations as may be prescribed by the Department of State. Any person who has been naturalized a citizen of the United States under this section may make application for a certificate of naturalization in the manner provided in Part 378 of this chapter. (Sec. 323, 54 Stat. 1149, 56 Stat. 198, sec. 335, 54 Stat. 1157; 8 U. S. C. and Sup., 723, 735)

§ 330.7 *Person who shall have lost citizenship of the United States by entering or serving in the armed forces of a foreign state, if he has or acquires the nationality of such foreign state.* A person who shall have been a citizen of the United States and also a national of a foreign state, and who shall have lost his citizenship of the United States under the provisions of section 401 (c) of the Nationality Act of 1940, may be naturalized, notwithstanding his race, upon compliance with all of the other requirements of the naturalization laws except that no declaration of intention, no certificate of arrival, and no period of residence in the United States or within the State where the petition is filed shall be required. The petitioner shall set forth in his petition that it is his intention to reside permanently in the United States. The petition may be filed in any naturalization court, regardless of the residence of the petitioner. The petition may be heard immediately provided a certificate from a naturalization examiner is attached to the petition as provided in § 373.5 of this chapter. (Sec. 303, 54 Stat. 1140, 57 Stat. 601, 60 Stat. 416, secs. 317 (a), (c), 401 (c), 54 Stat. 1146, 1147, 1169; 8 U. S. C. and Sup., 703, 717 (a), (c), 801 (c))

§ 330.8 *Procedure.* An alien desiring to file a petition for naturalization under § 330.1, §330.4, §330.5, or § 330.7 shall make application on Form N–400 and shall submit it to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. A petition for naturalization filed under any such section shall be filed on Form N–405.

§ 330.9 *Person who lost citizenship of the United States through voting in a political election in a country not at war with the United States during World War II.* A person who, while a citizen of the United States and prior to August 7, 1946, lost citizenship of the United States by voting in a political election in a foreign state other than a state at war

with the United States during World War II may be naturalized by taking the oath of renunciation and allegiance specified in section 335 of the Nationality Act of 1940 before August 7, 1947. For the purposes of this section, World War II shall be deemed to have commenced on September 1, 1939, and shall continue until such time as the United States shall cease to be in a state of war. Such oath may be taken before any naturalization court or, if the person is abroad, before any diplomatic or consular officer of the United States. Application to take such oath before a court shall be made on Form N–413, which shall be executed in quadruplicate and shall be given a regular petition for naturalization number by the clerk of court. The original of Form N–413 shall be retained by the clerk of court as the court record, and the duplicate, triplicate, and quadruplicate shall be forwarded to the appropriate district director. The district director shall retain the quadruplicate and forward the duplicate and triplicate Form N–413 to the Commissioner, who will transmit the triplicate to the Department of State. The taking of such oath before a diplomatic or consular officer abroad shall be in accordance with such regulations as may be prescribed by the Department of State. Any person who has been naturalized under this section shall have, from and after naturalization under this section, the same citizenship status as that which existed immediately prior to its loss and may make application for a certificate of naturalization in the manner provided in Part 378 of this chapter. (Sec. 323, 54 Stat. 1149, 56 Stat. 198, 60 Stat. 866, sec. 335, 54 Stat. 1157; 8 U. S. C. and Sup., 723, 735)

PART 332—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS MISINFORMED AS TO THEIR CITIZENSHIP STATUS

Sec.
332.1 Persons eligible.
332.2 Preliminary application and petition for naturalization.
332.3 Proof of requirements.

AUTHORITY: §§ 332.1 to 332.3, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 332.1 to 332.3, inclusive, interpret and apply sec. 320, 54 Stat. 1146; 8 U. S. C. 720.

§ 332.1 *Persons eligible.* A person, not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding July 1, 1920, and who was on that date otherwise qualified to become a citizen of the United States except that such person had not made a declaration of intention required by law, and who during or prior to that time, because of misinformation regarding his citizenship status, erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file a petition for naturalization without having made a preliminary declaration of intention. Such petitioner shall be required to comply with all of the other requirements of the naturalization laws.

§ 332.2 *Preliminary application and petition for naturalization.* Preliminary application by a person described in § 332.1 to file a petition for naturalization shall be made on Form N–400, in the manner prescribed by § 370.1 of this chapter. The petition shall be filed in accordance with the requirements of Part 370 of this chapter. In addition, the petitioner shall execute in triplicate an affidavit on Form N–420 before either a representative of the Service or the clerk of the naturalization court, and the original and duplicate thereof shall be attached to the original and duplicate petitions for naturalization, respectively, at the time the petition is filed, and the triplicate copy of Form N–420 shall be retained by the field office.

§ 332.3 *Proof of requirements.* Verification of the petition for naturalization and proof of residence and the other requirements prescribed by § 332.1 shall be made in the manner provided by Parts 370 and 373 of this chapter. In addition, the petitioner shall prove, by any evidence satisfactory to the naturalization court, the misinformation regarding his citizenship status and the exercise by him of the rights and the performance of the duties of a citizen of the United States in good faith because of such misinformation, during or prior to the five-year period next preceding July 1, 1920.

PART 334—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES

Sec.
334.1 Veterans who have served in United States armed forces for three years; exemptions and fees.
334.2 Where service was continuous.
334.3 Where service was not continuous.
334.4 Where petition for naturalization is filed more than six months after termination of service.
334.5 Procedure.

AUTHORITY: §§ 334.1 to 334.5, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 334.1 to 334.5, inclusive, interpret and apply sec. 324, 54 Stat. 1149, 60 Stat. 417; 8 U. S. C. and Sup., 724.

§ 334.1 *Veterans who have served in United States armed forces for three years; exemptions and fees.* A person, including a native-born Filipino, who has served honorably at any time in the United States Army, Navy, Marine Corps, or Coast Guard for a period or periods aggregating three years, and who, if separated from such service, was separated under honorable conditions, may be naturalized, subject to the provisions of §§ 334.2 to 334.5, inclusive. A petitioner for naturalization under this section shall pay the usual fee for filing a petition for naturalization, except that during the time the United States is at war, no clerk of a United States court shall charge or collect a naturalization fee from such petitioner for filing a petition or issuing a certificate of naturalization if the petitioner is in the military or naval service of the United States, and no clerk of any State court shall charge or collect any such fee unless the laws of such State require the charge to be made, in which case only the portion of the fee required to be paid to the State shall be charged or collected.

§ 334.2 *Where service was continuous—(a) Applicant who files petition while still in service.* A person described in § 334.1, whose service in the armed forces described therein has been continuous, may, while still in such service, file a petition for naturalization in any naturalization court, without regard to his place of residence, and without having resided continuously in the United States for at least five years and in the State where the petition is filed for at least six months, immediately preceding such filing. No certificate of arrival and no declaration of intention shall be required to be filed with the petition. The petition shall be verified, but for no specified period of time, by at least two witnesses, citizens of the United States, as provided in § 370.4 of this chapter, and the verifying witnesses shall also testify at the final hearing unless excused as provided in § 373.2 of this chapter. Such petition may be heard immediately if (1) the petitioner be then actually in such armed forces, and (2) before the filing of the petition, the applicant and at least two verifying witnesses, citizens of the United States, who shall identify the applicant as the person who rendered the service upon which the petition is to be based, have appeared before and been examined by a representative of the Immigration and Naturalization Service, and (3) a certificate of such examination on Form N–440 is filed with the petition in accordance with § 373.5 of this chapter. At the time the petition for naturalization is filed, the petitioner shall present duly authenticated copies of the records of the executive departments having custody of the records covering the petitioner's service in the United States Army, Navy, Marine Corps, or Coast Guard, which copies must show the period or periods of such service and that it was performed under honorable conditions. Such duly authenticated copies of service records shall be accepted as proof of the good moral character, attachment to the principles of the Constitution of the United States of America, and favorable disposition toward the good order and happiness of the United States of the petitioner for the periods of such service.

(b) *Applicant who files petition after leaving service but within six months.* If the petitioner has been separated from such service prior to filing his petition for naturalization, but files his petition for naturalization within six months after the termination of such service, he shall be entitled to the same exemptions from residence in the United States and State, and within the jurisdiction of the naturalization court, and from filing with his petition for naturalization a certificate of arrival and a declaration of intention as the petitioner described in paragraph (a) of this section. But the petitioner under this paragraph shall prove his residence, good moral character, attachment to the principles of the Constitution of the United States, and his favorable disposition toward the good order and happiness of the United States for the period from the date of his separation from such service to the date of the filing of his petition for naturalization, and from the latter date to the date of his admission to citizenship, by the affidavits and testimony of at least two citizen witnesses, in the manner provided in §§ 370.4 and 373.2 of this chapter. A petitioner under this paragraph shall not be entitled to an immediate hearing upon his petition, but only after the expiration of at least 30 days after the petition is filed, in accordance with the provisions of section 334 (c) of the Nationality Act of 1940.

§ 334.3 *Where service was not continuous.* A person described in § 334.1, whose service was not continuous, shall be entitled to all of the exemptions set forth in § 334.2 (a) (including an immediate hearing if still in the service), if he files a petition for naturalization while still in such service or within six months after honorable separation therefrom, except that such petitioner must establish his continuous residence, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, for the period of five years at least immediately preceding the filing of his petition, and from the date of filing his petition to the date of the final hearing thereon. Proof of such qualifications for the periods during which the petitioner was actually in such service shall be made as provided in § 334.2 (a). As to any part or parts of the five-year period immediately preceding the filing of the petition for naturalization, and as to the period between the date of the filing of the petition and the final hearing thereon, between the periods of the petitioner's service in the United States Army, Navy, Marine Corps, or Coast Guard, such proof must be made by the affidavits and testimony of at least two citizen witnesses, for each such period, as set forth in §§ 370.4 and 373.2, respectively, of this chapter.

§ 334.4 *Where petition for naturalization is filed more than six months after termination of service.* Where an alien has performed the service specified in § 334.1, but fails to file a petition for naturalization while still in such service or within six months after the termination of such service, he shall not be entitled to any of the exemptions set forth in § 334.2, except that such a petitioner for naturalization may prove his good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, for any period or periods, during the five-year period immediately preceding the filing of the petition, of service specified in § 334.1, by the production of duly authenticated copies of the records of the executive departments having custody of the records of such service, as described in such section, in lieu of affidavits and testimony or depositions of witnesses for the period or periods of such service.

§ 334.5 *Procedure.* An application to file a petition for naturalization under §§ 334.2, 334.3, and 334.4 shall be made on Form N–400 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The petition for naturalization shall be filed on Form N–405. There shall be attached to the original of every petition for naturalization filed under any of such sections, an affidavit of the petitioner, sworn to before the clerk of court or a member of the Service on Form N–421, fully setting forth the periods and the description of his service in the United States Army, Navy, Marine Corps, or Coast Guard. Such Form N–421 shall be filed with and made a part of the petition for naturalization at the time such petition is filed. The duplicate and triplicate executed copies of Form N–421 shall be attached to the duplicate and triplicate petitions for naturalization, respectively.

PART 335—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIEN ENEMIES

Sec.
335.1 Alien enemy defined.
335.2 Naturalization of alien enemies; exceptions.
335.3 Final hearing of petition; notice by clerk of court; effect of objection; waiver of notice.
335.4 Investigation.
335.5 Exception from alien enemy classification.
335.6 Filing of declarations of intention and petitions for naturalization by alien enemies.

AUTHORITY: §§ 335.1 to 335.6, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 335.1 to 335.6, inclusive, interpret and apply sec. 326, 54 Stat. 1150, sec. 703, 56 Stat. 183; 8 U. S. C. and Sup., 726, 1003; E. O. 9372, Aug. 27, 1943, 8 F. R. 11887.

§ 335.1 *Alien enemy defined.* An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war, shall be considered an alien enemy for the purposes of the naturalization laws. A native of such an enemy country who subsequent to birth has become a citizen or subject of a nation with which the United States is not at war shall nevertheless be considered as an alien enemy.

§ 335.2 *Naturalization of alien enemies; exceptions.* An alien enemy as defined in § 335.1, who is otherwise entitled to naturalization except for the fact that he is an alien enemy, may be naturalized if his declaration of intention was made not less than two years nor more than seven years before the date of the beginning of the war mentioned in § 335.1, or if such alien was entitled upon such date to become a citizen of the United States without having made a declaration of intention, or if his petition for naturalization shall be pending upon such date. Such alien must conform to all of the other applicable provisions of the naturalization laws.

§ 335.3 *Final hearing of petition; notice by clerk of court; effect of objection; waiver of notice.* (a) An alien enemy who comes within one or more of the classes set forth in § 335.2 and who has not been granted a waiver of the 90 days' notice as provided in paragraph (b) of this section, shall not have his petition for naturalization called for a hearing, or heard, except after 90 days' notice to the Commissioner of Immigration and Naturalization to be represented at the hearing. Such notice shall be given to the Commissioner through the appropriate district director of Immigration and Naturalization by the clerk of the court in which the petition is filed. The Commissioner's objection to such final hearing shall cause the petition to be continued from time to time for so long as the Commissioner may require. The objection by the Commissioner to the hearing of such a petition shall be presented to the court by the appropriate district director of immigration and naturalization acting for and on behalf of the Commissioner. Once an objection to such final hearing has been made within 90 days by the Commissioner through the district director, the petition shall be continued until such objection has been withdrawn.

(b) The district director of immigration and naturalization may, in his discretion and upon the request of the petitioner, waive the 90 days' notice required by paragraph (a) of this section. Such waiver may be granted at any time after the petition has been filed and either before or after the clerk's notice has been given and the 90-day period has commenced. Where a petitioner requests a waiver of the 90 days' notice, the case shall be investigated in accordance with § 335.4 and submitted by the naturalization officer or examiner to the district director with a recommendation as to whether a waiver should be granted. If a waiver is granted, notice thereof shall be executed by the district director on Form N–424 and filed with the clerk of the naturalization court. One copy of Form N–424 shall be retained in the field office file and one copy forwarded to the Central Office.

§ 335.4 *Investigation.* A thorough investigation shall be made in the case of every alien enemy whose petition for naturalization may be listed for final hearing. If as a result of such investigation, the district director is satisfied of the loyalty to the United States of the petitioner and that the petitioner is in every way qualified for citizenship, no objection shall be made to the naturalization of the petitioner solely upon the ground that such petitioner is an alien enemy. If it is necessary, in order to preserve the right to have such petition continued as provided in § 335.3, to interpose objection to final hearing before completion of the investigation, such objection may be withdrawn if the result of the investigation is satisfactory in the above respects.

§ 335.5 *Exception from alien enemy classification.* (a) An alien enemy who does not come within one or more of the classes described in § 335.2 and who has filed a petition for naturalization may, in the discretion of the President of the United States, be excepted from such classification of alien enemy, whereupon he shall have the privilege of having a final hearing upon his petition for naturalization. The President of the United States has ordered excepted from the classification of alien enemy all persons whom the Attorney General, the Commissioner of Immigration and Naturali-

zation, or any district director of the Immigration and Naturalization Service shall, after investigation fully establishing their loyalty, certify as persons loyal to the United States. Application for such exception shall be made on Form N–436 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. Thereupon the district director shall cause a full and complete investigation to be made of the loyalty of such applicant. If, after such investigation, the district director is satisfied of the loyalty to the United States of the petitioner, he shall issue a certificate of loyalty on Form N–438 in triplicate, the original to be filed in the appropriate naturalization court, one copy to be retained in the field office file, and one copy to be transmitted to the Central Office. The clerk of the naturalization court need not file the certificate of loyalty with and make it a part of the petition for naturalization but may file it in some other orderly manner. Where an application for exception from the classification of alien enemy is denied by the district director, the entire file shall immediately be forwarded to the Central Office with a brief statement of the grounds on which such denial is based.

(b) An alien enemy who has been certified as a person loyal to the United States in the manner prescribed in the preceding paragraph shall have the privilege of having a final hearing upon his petition for naturalization without being subject to the provisions of §§ 335.3 and 335.4.

§ 335.6 *Filing of declarations of intention and petitions for naturalization by alien enemies.* Nothing in this part shall be deemed to preclude the filing of a declaration of intention or a petition for naturalization by an alien enemy. No such petition for naturalization shall be finally heard, however, except in compliance with the provisions of this part.

PART 337—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SEAMEN

Sec.
337.1 Persons who have served on United States Government or merchant vessels; exemptions and fees.
337.2 Where service was continuous.
337.3 Where service was not continuous.
337.4 Where petition for naturalization is filed more than six months after termination of service.
337.5 Procedure.

AUTHORITY: §§ 337.1 to 337.5, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675, 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 337.1 to 337.5, inclusive, interpret and apply sec. 325, 54 Stat. 1150; 8 U. S. C. 725.

§ 337.1 *Persons who have served on United States Government or merchant vessels; exemptions and fees.* A person who has served honorably or with good conduct for an aggregate period of at least five years (a) on board of any vessel of the United States Government other than in the United States Navy, Marine Corps, or Coast Guard, or (b) on board of vessels of more than twenty tons burden, whether or not documented under the laws of the United States, and whether public or private, which are not foreign vessels and whose home port is in the United States, may be naturalized, subject to the provisions of §§ 337.2 to 337.5, inclusive. A petitioner for naturalization under this section shall pay the usual fee for filing a petition for naturalization.

§ 337.2 *Where service was continuous*—(a) *Applicant who files petition while still in service.* A person described in § 337.1, whose service described therein has been continuous, may, while still in such service, file a petition for naturalization in any naturalization court, without regard to his place of residence, and without having resided continuously in the United States for at least five years and in the State where the petition is filed for at least six months, immediately preceding such filing. No certificate of arrival and no declaration of intention shall be required to be filed with the petition. The petition shall be verified, but for no specified period of time, by at least two witnesses, citizens of the United States, as provided in § 370.4 of this chapter, and the verifying witnesses shall also testify at the final hearing unless excused as provided in § 373.2 of this chapter. Such petition may be heard immediately if (1) the petitioner be then actually in such service, and (2) before the filing of the petition, the applicant and at least two verifying witnesses, citizens of the United States, who shall identify the applicant as the person who rendered the service upon which the petition is to be based, have appeared before and been examined by a representative of the Immigration and Naturalization Service, and (3) a certificate of such examination on Form N–440 is filed with the petition in accordance with § 373.5 of this chapter. At the time the petition for naturalization is filed, the applicant shall present duly authenticated copies of the records of the executive departments having custody of the records covering the petitioner's service if it was on a vessel of the United States Government, which copies must show the period or periods of such service and that it was performed under honorable conditions, or discharge showing service with good conduct if service was on a vessel other than a vessel of the United States Government. Such duly authenticated copies of service records and discharges shall be accepted as proof of the good moral character, attachment to the principles of the Constitution of the United States of America, and favorable disposition toward the good order and happiness of the United States of the petitioner for the periods of such service.

(b) *Applicant who files petition after leaving service but within six months.* If the petitioner has been separated from such service prior to filing his petition for naturalization, but files his petition for naturalization within six months after the termination of such service, he shall be entitled to the same exemptions from residence in the United States and State, and within the jurisdiction of the naturalization court, and from filing with his petition for naturalization a certificate of arrival and a declaration of intention as the petitioner described in paragraph (a) of this section. But the petitioner under this paragraph shall prove his residence, good moral character, attachment to the principles of the Constitution of the United States, and his favorable disposition toward the good order and happiness of the United States for the period from the date of his separation from such service to the date of the filing of his petition for naturalization, and from the latter date to the date of his admission to citizenship, by the affidavits and testimony of at least two citizen witnesses, in the manner provided in §§ 370.4 and 373.2 of this chapter. A petitioner under this paragraph shall not be entitled to an immediate hearing upon his petition, but only after the expiration of at least 30 days after the petition is filed, in accordance with the provisions of section 334 (c) of the Nationality Act of 1940.

§ 337.3 *Where service was not continuous.* A person described in § 337.1, whose service was not continuous, shall be entitled to all of the exemptions set forth in § 337.2 (including an immediate hearing if still in the service), if he files a petition for naturalization while still in such service or within six months after honorable separation, or separation with good conduct, therefrom, except that such petitioner must establish his continuous residence, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, for the period of five years at least immediately preceding the filing of his petition, and from the date of filing his petition to the date of the final hearing thereon. Proof of such qualifications for the periods during which the petitioner was actually in such service shall be made as provided in § 337.2. As to any part or parts of the five-year period immediately preceding the filing of the petition for naturalization, and as to the period between the date of the filing of the petition and the final hearing thereon, between the periods of the petitioner's service on vessels as described in § 337.1, such proof must be made by the affidavits and testimony of at least two citizen witnesses, for each such period, as set forth in §§ 370.4 and 373.2 respectively, of this chapter.

§ 337.4 *Where petition for naturalization is filed more than six months after termination of service.* Where an alien has performed the service specified in § 337.1, but fails to file a petition for naturalization while still in such service or within six months after termination of such service, he shall not be entitled to claim any of the exemptions set forth in § 337.2, except that such a petitioner for naturalization may prove his good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, for any period or periods, during the five-year period immediately preceding the filing of the petition, of service specified in § 337.1, by the production of duly authenticated copies of the records of the executive departments having custody of the records of such service, or discharges showing service with good conduct, as described in such section, in lieu of affidavits and testimony or depositions of witnesses for the period or periods of such service.

§ 337.5 *Procedure.* An application to file a petition for naturalization under § 337.2, § 337.3, or § 337.4 shall be made on Form N–400 and shall be submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The petition for naturalization shall be filed on Form N–405. There shall be attached to the original of every petition for naturalization filed under any of such sections, an affidavit of the petitioner, sworn to before the clerk of court or a member of the Service on Form N–421, fully setting forth the periods and the description of his service. Such Form N–421 shall be filed with and made a part of the petition for naturalization at the time such petition is filed. The duplicate and triplicate executed copies of Form N–421 shall be attached to the duplicate and triplicate petitions for naturalization, respectively.

PART 338—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: MEMBERS OF VETERANS OF THE UNITED STATES ARMED FORCES DURING THE SECOND WORLD WAR WITHIN THE JURISDICTION OF A NATURALIZATION COURT

Sec.
338.1 Persons eligible.
338.2 Exemptions and fees.
338.3 Certificate of arrival.
338.4 Verification of the petition for naturalization.
338.5 Proof of service in the armed forces; final hearing.
338.6 Procedure.

AUTHORITY: §§ 338.1 to 338.6, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 705, 56 Stat. 183, sec. 37 (a), 54 Stat. 675; 8 U. S. C. and Sup., 727, 1005, 458; 8 CFR, 90.1. §§ 338.1 to 338.6, inclusive, interpret and apply sec. 701, 56 Stat. 182, 58 Stat. 886, 59 Stat. 658, sec. 704, 56 Stat. 183, sec. 706, 59 Stat. 658; 8 U. S. C., Sup., 1001, 1004, 1006.

§ 338.1 *Persons eligible.* Any person not a citizen of the United States, regardless of age, who served honorably in the military or naval forces of the United States at any time during the period from September 1, 1939, to December 27, 1945, inclusive, and who was at the time of his enlistment or induction a resident of the United States, its Territories, or possessions and who (a) has been lawfully admitted into the United States, including its Territories and possessions, or (b) having entered the United States, including its Territories and possessions, prior to September 1, 1943, served honorably in such forces beyond the continental limits of the United States, may be naturalized under the provisions of section 701 of the Nationality Act of 1940, as amended, upon his petition filed not later than December 31, 1946. The provisions of section 701 of the Nationality Act of 1940, as amended, shall not apply (1) to any person who during the Second World War is dishonorably discharged from the military or naval forces or is discharged therefrom on account of his alienage, or (2) to any conscientious objector who performed no military duty whatever or refused to wear the uniform. For the purposes of this part, the Second World War shall be deemed to have commenced on September 1, 1939, and the phrase "the continental limits of the United States" shall be deemed to include only the forty-eight States and the District of Columbia.

§ 338.2 *Exemptions and fees.* A person described in § 338.1 may file a petition for naturalization in any naturalization court, without regard to his place of residence, and no period of residence within the United States or any State shall be required. No declaration of intention shall be required to be filed with the petition, and, for persons of the class described in group (b) of § 338.1, no certificate of arrival shall be required. The petitioner shall not be required to speak the English language, sign his petition in his own handwriting, or meet any educational test. The provisions of sections 303 and 326 of the Nationality Act of 1940, relating respectively to racial restrictions upon naturalization and to the naturalization of alien enemies, shall not apply to petitions for naturalization filed under this part. No fee shall be collected from such petitioner for filing such petition for naturalization, for the final hearing thereon, or for the issuance of a certificate of naturalization if such petition is granted.

§ 338.3 *Certificate of arrival.* If a petitioner for naturalization under § 338.1 entered the United States, its Territories, or possessions after June 29, 1906, and he is not of the class of persons described in group (b) of § 338.1, a certificate of arrival shall be filed with and made a part of the petition for naturalization at the time the petition is filed. Such certificate of arrival shall be issued in accordance with § 363.1 of this chapter, and in the event the entry was not for permanent residence, the certificate of arrival shall state the conditions under which the petitioner was admitted to the United States, its Territories, or possessions.

§ 338.4 *Verification of the petition for naturalization.* A petition for naturalization filed in accordance with § 338.1 shall be verified, but for no specified period of time, by at least two credible witnesses, citizens of the United States, as provided in § 370.4 of this chapter, and the verifying witnesses shall also testify at the final hearing unless excused therefrom as provided in § 373.2 of this chapter.

§ 338.5 *Proof of service in the armed forces; final hearing.* The service of a petitioner under § 338.1 in the military or naval forces of the United States may be proved either (a) by affidavits, forming a part of the petition for naturalization, of at least two credible witnesses, citizens of the United States, members or former members of the United States military or naval forces during the Second World War of the noncommissioned or warrant officer grade or rating, or higher, who may be the same two witnesses described in § 338.4, or (b) by a duly authenticated copy of the record of the Federal executive department having custody of the record of petitioner's service. The provisions of section 334 (c) of the Nationality Act of 1940, relating to final hearings on petitions for naturalization and the issuance of certificates of naturalization within 30 days after the filing of the petition and within 60 days preceding the holding of any general election within the territorial jurisdiction of the naturalization court, shall not apply to petitions for naturalization filed under this part if prior to the filing of the petition the petitioner and the verifying witnesses described in § 338.4, and in § 338.5 if the required service has been proved by the affidavits of witnesses, have appeared before and been examined by a representative of the Immigration and Naturalization Service.

§ 338.6 *Procedure.* An application to file a petition for naturalization under § 338.1 shall be made on Form N–403 if the applicant is serving in the military or naval forces at the time the application is filed. The petition for naturalization of a person so serving shall be filed on Form N–410. Application to file a petition for naturalization under § 338.1 shall be made on Form N–400 if the applicant has been discharged before the application is filed. The petition for naturalization of a discharged person shall be filed on Form N–412. The Form N–403 or N–400 shall be submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter.

PART 339—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: MEMBERS OF THE UNITED STATES ARMED FORCES DURING THE SECOND WORLD WAR NOT WITHIN THE JURISDICTION OF ANY NATURALIZATION COURT

Sec.
339.1 Persons eligible.
339.2 Exemptions and fees.
339.3 Verification of the petition for naturalization.
339.4 Proof of service in the armed forces.
339.5 Oath of renunciation and allegiance.
339.6 Renunciation of title or order of nobility.
339.7 Change of name.
339.8 Procedure.
339.9 Issuance of certificate of naturalization.
339.10 Disposition of original and duplicate petitions for naturalization, and original, duplicate, and triplicate certificates of naturalization.

AUTHORITY: §§ 339.1 to 339.10, inclusive, issued under sec. 327, 54 Stat. 1150, sec 705, 56 Stat. 183, sec. 37 (a), 54 Stat. 675; 8 U. S. C. and Sup., 727, 1005, 458; 8 CFR, 90.1. §§ 339.1 to 339.10, inclusive, interpret and apply sec. 702, 56 Stat. 182, 58 Stat. 887, sec. 704, 56 Stat. 183, sec. 706, 59 Stat. 658; 8 U. S. C., Sup., 1002, 1004, 1006.

§ 339.1 *Persons eligible.* Any person not a citizen of the United States, regardless of age, who served honorably in the military or naval forces of the United States at any time during the period from September 1, 1939, to December 27, 1945, inclusive, and who while serving honorably in the military or naval forces of the United States during the Second World War is not within the jurisdiction of any court authorized to naturalize aliens and who was at the time of his enlistment or induction a resident

of the United States, its Territories, or possessions and who (a) has been lawfully admitted into the United States, including its Territories and possessions, or (b) entered the United States, including its Territories and possessions, prior to September 1, 1943, may be naturalized under the provisions of section 702 of the Nationality Act of 1940, as amended, upon his petition filed not later than December 31, 1946. Naturalization may be granted under this part at any place outside the naturalization jurisdiction of any naturalization court located in continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States. The provisions of section 702 of the Nationality Act of 1940, as amended, shall not apply to any conscientious objector who performed no military duty whatever or refused to wear the uniform.

§ 339.2 *Exemptions and fees.* (a) A person described in § 339.1 may file a petition for naturalization without regard to the period of his residence within the United States or any State. No declaration of intention shall be required to be filed with the petition. The petitioner shall not be required to speak the English language, sign the petition in his own handwriting, or meet any educational test. The provisions of sections 303 and 326 of the Nationality Act of 1940, relating respectively to racial restrictions upon naturalization and to the naturalization of alien enemies, shall not apply to petitions for naturalization filed under this part. No fee shall be collected from such petitioner for filing such petition for naturalization, for the final hearing thereon, or for the issuance of a certificate of naturalization if such petition is granted.

(b) If a petitioner for naturalization under § 339.1 establishes that his entry into the United States, its Territories, or possessions occurred prior to September 1, 1943, no certificate of arrival shall be required. If petitioner's entry occurred on or after September 1, 1943, a certificate of arrival shall be filed with and made a part of the petition for naturalization at the time the petition is filed. Such certificate of arrival shall be issued in accordance with § 363.1 of this chapter.

§ 339.3 *Verification of the petition for naturalization.* A petition for naturalization filed in accordance with § 339.1 shall be verified, but for no specified period of time, by at least two credible witnesses, citizens of the United States, as provided in § 370.4 of this chapter, and the verifying witnesses shall also testify at the final hearing unless excused therefrom as provided in § 373.2 of this chapter.

§ 339.4 *Proof of service in the armed forces.* The service of a petitioner for naturalization under § 339.1 in the military or naval forces of the United States may be proved either (a), by affidavits, forming a part of the petition for naturalization, of at least two credible witnesses, citizens of the United States, members or former members of the military or naval forces of the United States during the Second World War who are of the noncommissioned or warrant officer grade or rating, or higher, and who may be the same two witnesses described in § 339.3 or (b) by a duly authenticated copy of the record of the Federal executive department having custody of the record of the petitioner's service.

§ 339.5 *Oath of renunciation and allegiance.* A petitioner for naturalization under § 339.1, before being admitted to citizenship, shall take before the representative of the Immigration and Naturalization Service designated for that purpose by the Commissioner of Immigration and Naturalization the oath of renunciation and allegiance prescribed by section 335 of the Nationality Act of 1940.

§ 339.6 *Renunciation of title or order of nobility.* A petitioner for naturalization under § 339.1 who has borne any hereditary title or has been of any of the orders of nobility in any foreign state, before being admitted to citizenship, in addition to taking the oath of allegiance prescribed by § 339.5, shall make under oath before such designated representative of the Immigration and Naturalization Service an express renunciation of such title or order of nobility, and such renunciation shall be recorded as a part of such proceedings.

§ 339.7 *Change of name.* At the time and as a part of the naturalization of any person under the provisions of § 339.1 the designated representative of the Commissioner may upon the prayer of the petitioner included in the petition for naturalization, make a decree in his discretion changing the name of such person and issue the certificate of naturalization in accordance therewith.

§ 339.8 *Procedure—(a) Petition for naturalization: form.* An applicant for naturalization under § 339.1 shall make before, and file with, the designated representative of the Immigration and Naturalization Service a sworn petition in writing on Form N–411, in duplicate, signed by the applicant and duly verified by witnesses.

(b) *Petition for naturalization: jurat and order of the designated representative of the Immigration and Naturalization Service.* The petition shall contain a certification that the petitioner and the verifying witnesses have appeared before, and have been examined by, the designated representative of the Immigration and Naturalization Service and the jurat and order executed by the designated representative of the Immigration and Naturalization Service.

(c) *Procedure: final hearing.* If a petitioner under § 339.1 and the verifying witnesses described in § 339.3, and also the witnesses described in § 339.4 if the required service has been proved by the affidavits of witnesses, have appeared before and been examined by the designated representative of the Immigration and Naturalization Service prior to the filing of the petition for naturalization, the petitioner may be naturalized immediately.

§ 339.9 *Issuance of certificate of naturalization.* A member of the armed forces of the United States naturalized under the provisions of § 339.1 shall have issued to him by the designated representative of the Immigration and Naturalization Service as a part of the naturalization proceedings the original of the certificate of naturalization.

§ 339.10 *Disposition of original and duplicate petitions for naturalization, and original, duplicate, and triplicate certificates of naturalization.* Petitions for naturalization filed and certificates of naturalization issued under the provisions of §§ 339.1, 339.8, and 339.9 shall be numbered in series separate from other petitions and certificates. The original and duplicate of a petition for naturalization filed under §§ 339.1 and 339.8 shall bear the same petition number and, together with the duplicate and triplicate of the certificate of naturalization, shall, after completion of action thereon by the designated representative of the Immigration and Naturalization Service, be transmitted by him direct to the Commissioner as soon as practicable. Each duplicate petition and each duplicate certificate shall thereafter be transmitted by the Commissioner to the clerk of a court exercising naturalization jurisdiction over the place designated by the petitioner and shall be filed by the clerk as a part of the records of that court. If the petitioner does not designate the place in which the duplicate petition and duplicate certificate are to be filed, they shall be transmitted by the Commissioner to the clerk of the United States district court in the district in which the petitioner is a resident, or, if the petitioner is not a resident of any place within the jurisdiction of a United States district court, to the Clerk of the United States District Court for the District of Columbia, Washington, D. C., and shall be filed by the clerk as a part of the records of that court. Each original petition for naturalization and triplicate certificate of naturalization shall be filed permanently by the Commissioner as a part of the records of the Immigration and Naturalization Service.

PART 345—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: NATIONALS BUT NOT CITIZENS OF THE UNITED STATES

Sec.
345.1 Exemption from residence in the United States.
345.2 Certificate of arrival.

AUTHORITY: §§ 345.1 and 345.2 issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 345.1 *Exemption from residence in the United States.* A national of the United States who is not a citizen thereof, and who is otherwise qualified for naturalization, may, if he becomes a resident of any State, be naturalized upon compliance with the requirements of the Nationality Act of 1940. In the case of such a person, residence within any of the outlying possessions of the United States shall be considered as residence within the United States within the meaning of such act. (Sec. 321, 54 Stat. 1146, 8 U. S. C. 721)

§ 345.2 *Certificate of arrival.* A person described in § 345.1, if he entered the United States after June 29, 1906, and a certificate of arrival is required in his case, shall not file a declaration of intention nor a petition for naturalization until his lawful entry into the United States for permanent residence has been verified and a certificate of such arrival has been issued by the Immigration and Naturalization Service in accordance with the requirements of Part 363 of this chapter. The certificate of arrival in such a case shall set forth the date, place, and manner of the applicant's arrival as shown by the records of the Service. (Secs. 329 (b), 332 (c), 54 Stat. 1152, 1156; 8 U. S. C. 729 (b), 732 (c))

PART 346—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: FILIPINOS WHOSE RESIDENCE IN THE UNITED STATES COMMENCED BEFORE MAY 1, 1934

Sec.
346.1 Qualifications; exemptions.
346.2 Procedure.
346.3 Proof of requirements.

AUTHORITY: §§ 346.1 to 346.3, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 346.1 to 346.3, inclusive, interpret and apply sec. 321A, 60 Stat. 417; 8 U. S. C., Sup., 721a.

§ 346.1 *Qualifications; exemptions.* An alien who was a citizen of the Commonwealth of the Philippines on July 2, 1946, who is of a race indigenous to the Philippine Islands but not as much as one-half of a race ineligible to citizenship, who entered the United States prior to May 1, 1934, and who has since continuously resided in the United States, may be naturalized upon compliance with all the requirements of the naturalization laws, except that no certificate of arrival and no declaration of intention shall be required.

§ 346.2 *Procedure.* An alien desiring to file a petition for naturalization under § 346.1 shall make application on Form N–400 and shall submit it to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The petition shall be filed on Form N–405 in accordance with the requirements of Part 370 of this chapter. Form N–405 shall be altered by the clerk of court as provided in § 361.7 (a) and (b) of this chapter.

§ 346.3 *Proof of requirements.* Verification of the petition for naturalization and proof of residence and the other requirements prescribed by § 346.1 shall be made in the manner provided by Parts 370 and 373 of this chapter. In addition, the petitioner shall prove, by any evidence satisfactory to the naturalization court, that he entered the United States prior to May 1, 1934, and has since continuously resided in the United States and that he is of a race indigenous to the Philippine Islands but not as much as one-half of a race ineligible to citizenship. In presenting proof of entry or residence, the petitioner shall be entitled to the benefit of any records concerning him which are in the custody of the Service.

PART 347—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PUERTO RICANS

Sec.
347.1 Declaration of allegiance to the United States.
347.2 Procedure.
347.3 Disposition; fee; certificate of naturalization.

AUTHORITY: §§ 347.1 to 347.3, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 347.1 to 347.3, inclusive, interpret and apply sec. 5, 39 Stat. 953, sec. 5a, 44 Stat. 1418, 47 Stat. 158, secs. 202, 322, 335, 54 Stat. 1139, 1148, 1157; 8 U. S. C. 602 note, 602, 722, 735.

§ 347.1 *Declaration of allegiance to the United States.* A person born in Puerto Rico of alien parent or parents, who was eligible to become a citizen of the United States by making a declaration of allegiance to the United States under section 5 of the act of March 2, 1917, and under section 5 a of said act, as amended by section 2 of the act of March 4, 1927, and who did not exercise such privilege, may become a citizen of the United States by making the declaration provided for by the foregoing acts at any time on or after January 13, 1941. Such declaration of allegiance must be filed in the United States District Court for the District of Puerto Rico.

§ 347.2 *Procedure.* (a) The declaration of allegiance specified in § 347.1 shall be made on Form N–330. There shall be set forth in that form all the facts connected with the declarant's birth and residence in Puerto Rico, and due proof of such facts shall be submitted. The declarant also shall furnish three photographs of himself as described in § 364.1 of this chapter.

(b) The declaration of allegiance shall be verified by the affidavits of two witnesses, citizens of the United States, who shall appear in person at the time the declaration is filed with the court. Each of such witnesses shall state in his affidavit that he personally knows the declarant to be permanently residing in Puerto Rico and that the declarant is a person of good moral character attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and that in his opinion the declarant is in every way qualified to be a citizen of the United States.

(c) The oath of renunciation and allegiance as prescribed by section 335 of the Nationality Act of 1940, shall be administered to the declarant in open court.

§ 347.3 *Disposition; fee; certificate of naturalization.* The declarations of allegiance described in this part shall be numbered consecutively by the clerk of court in the same sequence of numbers as the petitions for naturalization, as described in § 370.6 of this chapter. The original declaration of allegiance shall be retained by the clerk of court, and the duplicate and triplicate thereof forwarded to the Commissioner of Immigration and Naturalization at the end of the month and shall be included in the clerk's report on Form N–4. The declarant shall pay a fee of $8 to the clerk of court at the time the declaration is filed, and upon taking the oath of renunciation and allegiance shall be entitled to a certificate of naturalization. The certificate of naturalization shall be issued by the clerk of court in the manner described in Part 377 of this chapter.

PART 348—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VIRGIN ISLANDERS

Sec.
348.1 Renunciation of Danish allegiance
348.2 Form and procedure for renouncing Danish allegiance; fee.
348.3 Citizenship of United States; when acquired; certificate not authorized in certain cases.
348.4 Naturalization laws applicable to alien residents of the Virgin Islands of the United States.

AUTHORITY: §§ 348.1 to 348.4, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 348.1 *Renunciation of Danish allegiance.* Any Danish citizen who resided in the Virgin Islands of the United States on January 17, 1917, and in those islands, Puerto Rico, or the United States on February 25, 1927, and who had preserved Danish citizenship by making the declaration prescribed in Article VI of the Convention proclaimed January 25, 1917, between the United States and Denmark, may renounce his Danish citizenship before any court of record regardless of whether such court is authorized to exercise naturalization jurisdiction. (Sec. 1 (a), 44 Stat. 1234, 8 U. S. C. 601 note; art. 6, 39 Stat. 1711)

§ 348.2 *Form and procedure for renouncing Danish allegiance; fee.* The form for the declaration of renunciation of Danish citizenship shall be designed and prescribed by the court of record in which the Danish citizen desires to renounce such allegiance. The usual procedural requirements of the Nationality Act of 1940 do not apply to the proceedings described in § 348.1 and this section. The fee shall be fixed by the court or the clerk thereof in which the renunciation is made in accordance with law and the rules of such court, and no accounting therefor is required to be made to the Immigration and Naturalization Service. (Sec. 1 (a), 44 Stat. 1234; 8 U. S. C. 601 note)

§ 348.3 *Citizenship of United States: when acquired; certificate not authorized in certain cases.* Immediately upon making the declaration of renunciation as described in §§ 348.1 and 348.2, the declarant becomes a citizen of the United States. No certificate of naturalization or of citizenship shall be issued to any person obtaining, or who has obtained, citizenship solely under section 1 of the act of February 25, 1927, conferring citizenship upon certain inhabitants of the Virgin Islands of the United States. (Sec. 1, 44 Stat. 1234, 47 Stat. 158, 336; 8 U. S. C. 601 note)

§ 348.4 *Naturalization laws applicable to alien residents of the Virgin Islands*

of the United States. Aliens, other than those described elsewhere in this part, who are residing in the Virgin Islands of the United States and who wish to become naturalized as citizens of the United States shall comply with the provisions of the naturalization laws. Residence in the Virgin Islands of the United States shall be regarded as residence in the United States within the meaning of the Nationality Act of 1940. A preliminary application to file a declaration of intention or a petition for naturalization by a resident of the Virgin Islands of the United States shall be made upon preliminary naturalization Form N–300 or N–400, respectively, in accordance with §§ 365.1 and 370.1 of this chapter, and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. (Sec. 101 (d), 54 Stat. 1137; 8 U. S. C. 501 (d))

PART 350—RACIAL LIMITATIONS UPON NATURALIZATION

Sec.
350.1 Designation of race in naturalization matters.
350.4 Race of former citizens of the United States.
350.5 Racial eligibility not required in certain classes of naturalization cases.

AUTHORITY: §§ 350.1 to 350.5, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 350.1 to 350.5, inclusive, interpret and apply sec. 303, 54 Stat. 1140, 57 Stat. 601, 60 Stat. 416; 8 U. S. C. and Sup., 703. Other statutes interpreted or applied are cited in parentheses at the end of affected sections.

§ 350.1 *Designation of race in naturalization matters.* Whenever race is required to be designated in connection with any naturalization matter, such designation shall be made by the use of one or more of the following terms, except that, where appropriate, other terms may be used in cases within § 350.4 or § 350.5: White, African or African descent, American Indian, Eskimo, Aleutian, Filipino or Filipino descent, Chinese or Chinese descent, and East Indian.

§ 350.4 *Race of former citizens of the United States.* A former citizen of the United States, who complies with the requirements of section 317 of the Nationality Act of 1940, may be naturalized notwithstanding his race. (Sec. 317, 54 Stat. 1146; 8 U. S. C. 717)

§ 350.5 *Racial eligibility not required in certain classes of naturalization cases.* A child may acquire citizenship under section 313 or 314 of the Nationality Act of 1940 notwithstanding his race. A person may acquire citizenship under section 701 or 702 of the Nationality Act of 1940 notwithstanding his race. (Secs. 313, 314, 54 Stat. 1145, sec. 701, 56 Stat. 182, 58 Stat. 886, 59 Stat. 658, sec. 702, 56 Stat. 182, 58 Stat. 887; 8 U. S. C. and Sup., 713, 714, 1001, 1002)

PART 352—ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION AND FAVORABLE DISPOSITION TOWARD THE GOOD ORDER AND HAPPINESS OF THE UNITED STATES

Sec.
352.1 Attachment to Constitution and disposition toward United States.
352.2 Investigation as to attachment and attitude.
352.3 Favorable attitude toward government of petitioner for naturalization for ten years.
352.4 Deserters from the military or naval service of the United States or avoiders of the draft into such military or naval service; ineligible to become citizens of the United States.

AUTHORITY: §§ 352.1 to 352.4, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 352.1 to 352.4, inclusive, interpret and apply secs. 305, 306, 307 (a), 309, 54 Stat. 1141, 1142, 1143; 8 U. S. C. 705, 706, 707 (a), 709.

§ 352.1 *Attachment to Constitution and disposition toward United States.* No person shall acquire United States citizenship under the provisions of Chapter III of the Nationality Act of 1940 (except a person subject to the provisions of section 313, 314, 317 (b) or 323 thereof) unless such person shall have proved his attachment to the principles of the Constitution of the United States and his favorable disposition toward the good order and happiness of the United States for such period or periods as may be required in his particular case, and in the manner provided by Part 373 of this chapter.

§ 352.2 *Investigation as to attachment and attitude.* The appropriate naturalization officer of the Service, before recommending any petitioner favorably to the court, shall satisfy himself that the petitioner has a fair knowledge of the fundamental principles of the Constitution of the United States, that he is, and has been during the required period or periods, attached thereto, and that it is his intention to assume the duties and responsibilities of citizenship of the United States. The action of such officer at any hearing upon the petition shall be based upon the testimony of the petitioner and his witnesses; the attitude, behavior, and conduct of the petitioner over the required period or periods; the naturalization officer's examination as prescribed by § 356.3 of this chapter, and his independent investigation, and such other evidence as may be available.

§ 352.3 *Favorable attitude toward government of petitioner for naturalization for ten years.* No person (except a person subject to the provisions of section 313, 314, 317 (b), or 323 of the Nationality Act of 1940) may be naturalized who is found to be, or, at any time within the period of ten years immediately preceding the filing of his petition for naturalization, to have been, within any of the classes of persons described in section 305 of said act. The appropriate naturalization officer of the Service, before recommending any petitioner favorably to the court, shall make a general inquiry to determine whether there is any evidence that the petitioner belongs to any of the classes described in section 305 of the said act. If there is such evidence, the burden shall be upon the petitioner to refute it and to show that he is qualified for naturalization under the Nationality Act of 1940.

§ 352.4 *Deserters from the military or naval service of the United States or avoiders of the draft into such military or naval service; ineligible to become citizens of the United States.* If there is reason to believe that a petitioner for naturalization, at any time during which the United States has been or may be at war, deserted the military or naval forces of the United States, or, being duly enrolled, departed from the jurisdiction of the district in which enrolled or went beyond the limits of the United States with intent to avoid any lawfully ordered draft into the military or naval service of the United States, inquiry shall be made by the field office of the appropriate authorities to determine the facts, and action upon the petition shall be based thereon. If it appears that the petitioner has been convicted of any such offense by court martial, a motion for the denial with prejudice of the petition for naturalization shall be made.

PART 353—GOOD MORAL CHARACTER

Sec.
353.1 Good moral character.
353.2 Basis for determination of good moral character.
353.3 Period during which good moral character must be established.

AUTHORITY: §§ 353.1 to 353.3, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 353.1 to 353.3, inclusive, interpret and apply secs. 307 (a), 309, 54 Stat. 1142, 1143; 8 U. S. C. 707 (a), 709.

§ 353.1 *Good moral character.* No person shall acquire United States citizenship under the provisions of Chapter III of the Nationality Act of 1940 (except a person subject to the provisions of section 313, 314, 317 (b), or 323 thereof) unless such person shall have proved his good moral character for such period or periods as may be required in his particular case, and in the manner provided by Part 373 of this chapter.

§ 353.2 *Basis for determination of good moral character.* The appropriate naturalization officer of the Service, before recommending any petitioner for naturalization favorably to the court, shall satisfy himself that the petitioner is, and has been during the required period or periods, a person of good moral character. The action of such officer at any hearing upon the petition shall be based upon the testimony of the petitioner and his witnesses; the attitude, behavior, and conduct of the petitioner over the required period or periods; the naturalization officer's independent investigation, and such other evidence as may be available.

§ 353.3 *Period during which good moral character must be established.* The investigation of the petitioner's attitude, behavior, and conduct shall be extended beyond the period or periods prescribed by the Nationality Act of 1940 if there is reason to believe that such investigation is necessary to a proper determination of the case. The results of the investigation shall be reported by the naturalization officer to the appropriate naturalization court.

PART 354—RESIDENCE AND ABSENCE

Sec.
354.1 Residence; minimum periods required.
354.2 Residence; break of continuity, procedure where an objection is filed.
354.3 Residence; when not affected by absence on or after January 13, 1941.
354.4 Residence; when not affected by absence on or after June 29, 1938, and prior to January 13, 1941.
354.5 Residence; when not affected by absence after June 25, 1936, and prior to June 29, 1938.
354.6 Residence; when not affected by absence prior to June 25, 1936.
354.7 Absence of clergyman or nun; no effect upon residence if absence temporary in nature.
354.8 Absence; application for approval if for one year or more.

AUTHORITY: §§ 354.1 to 354.8, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 354.1 *Residence; minimum periods required.* The general provisions of the Nationality Act of 1940 require that a petitioner for naturalization must have resided continuously in the United States for at least five years, and in the State where then residing for at least six months, immediately preceding the filing of the petition, and that he must also reside continuously within the United States from the date of filing the petition until the date of his admission to citizenship. For exceptions to the general rule, see Parts 324, 326, 330, 332, 334, 337, 345, 347, and 348 of this chapter. (Secs. 307, 309, 54 Stat. 1142, 1143; 8 U. S. C. 707, 709)

§ 354.2 *Residence; break of continuity, procedure where an objection is filed —* (a) *Effect of absence of not more than six months.* Where a petitioner for naturalization has been absent from the United States not more than six months during the period for which continuous residence is required, no objection shall be made to the granting of the petition upon that ground unless the facts and circumstances indicate a break in the continuity of such residence.

(b) *Effect of absence of more than six months but less than one year.* Where the absence during the period for which continuous residence is required has been for more than six months but less than one year, an objection shall be made unless the evidence satisfactorily overcomes the presumption raised by the statute that the required continuity of residence has been broken.

(c) *Effect of absence of one year or more.* Where there has been an absence from the United States for a continuous period of one year or more, during the periods for which continuous residence is required, an objection shall be made to the granting of the petition, unless the applicable requirements of § 354.3, § 354.5, or § 354.6 have been fully met.

(d) *When objection overruled; procedure.* If an objection made under this section is overruled, the necessary action shall be taken to preserve the Government's right of review, and the facts reported immediately to the Central Office. (Sec. 307 (b), (c), 54 Stat. 1142; 8 U. S. C. 707 (b), (c))

§ 354.3 *Residence; when not affected by absence on or after January 13, 1941.* No period of absence from the United States on or after January 13, 1941, and during the period for which continuous residence in the United States is required by the naturalization laws, shall break the continuity of such residence if prior to the beginning of such absence from the United States, the alien:

(a) Had resided in the United States for a period of at least one year and had filed a declaration of intention during such period, or was entitled to file a petition for naturalization without a declaration of intention;

(b) Was thereafter employed by, or had entered into a contract with, the Government of the United States, or an American institution of research recognized as such by the Attorney General or was employed by an American firm or corporation engaged in whole or in part in the development of the foreign trade and commerce of the United States, or a subsidiary thereof, or whose residence abroad was necessary for the protection of the property rights in such countries of such firm or corporation or subsidiary;

(c) Had established to the satisfaction of the Attorney General, in the manner prescribed by § 354.8, prior to the beginning of such absence, or the procurement of such employment or contract if then temporarily absent from the United States, that such employment or contract or representation was of the nature described in paragraph (b) of this section, and that his absence from the United States was in connection with one or more of the activities described therein; and

(d) Shall prove, at the final hearing upon his petition for naturalization, to the satisfaction of the court, that his absence from the United States during such period was solely for such purpose or purposes.

For the purposes of paragraph (a) of this section, the period of the alien's residence must have followed a lawful entry to the United States for permanent residence and the place of his general abode shall be deemed his place of residence. Physical absence from the United States of a purely temporary nature during such period of time on the part of the alien shall not be deemed to break the continuity of residence. (Secs. 104, 307 (a), (b), 54 Stat. 1138, 1142; 8 U. S. C. 504, 707 (a), (b))

§ 354.4 *Residence; when not affected by absence on or after June 29, 1938, and prior to January 13, 1941.* No absence from the United States on or after June 29, 1938, and prior to January 13, 1941, shall be held to have broken the continuity of residence in the United States of an alien who has been lawfully admitted to the United States for permanent residence, has thereafter resided in the United States for at least one year, and who has during such period made a declaration of intention, or was entitled to file a petition for naturalization without a declaration of intention, and who has met all of the other requirements set forth in § 354.3, except that any application for the benefits of previous laws relating to exemptions from the usual effect of an absence for more than one year, which may have been made and acted upon by the Secretary of Labor prior to June 14, 1940, shall be considered valid under the Nationality Act of 1940. (52 Stat. 1247, sec. 347, 54 Stat. 1168; 8 U. S. C. 382, 747)

§ 354.5 *Residence; when not affected by absence after June 25, 1936, and prior to June 29, 1938.* No period of absence outside the United States after June 25, 1936, and prior to June 29, 1938, shall be held to have broken the continuity of residence in the United States required by the naturalization laws, if the alien:

(a) Had previously made a declaration of intention (if such declaration was necessary for the filing of a valid petition for naturalization); and

(b) Prior to the beginning of such absence, or before the procurement of the employment or contract which made the absence necessary, had established to the satisfaction of the Secretary of Labor that such absence was to be for one or more of the purposes described in § 354.3; and

(c) Establishes to the satisfaction of the court at the final hearing upon his petition for naturalization that his absence from the United States was for the purpose which was established to the satisfaction of the Secretary of Labor.

No objection shall be made to naturalization in the case of any person who was absent from the United States on June 25, 1936, and who may at any time thereafter have submitted a complete and proper application to the Secretary of Labor for the benefits of section 1 of the act of June 25, 1936, which may have been subsequently acted upon favorably by the Secretary of Labor. (Sec. 1, 49 Stat. 1925, sec. 347, 54 Stat. 1168; 8 U. S. C. 382, 747)

§ 354.6 *Residence; when not affected by absence prior to June 25, 1936.* No period of absence from the United States during the five years immediately preceding June 25, 1936, shall be held to have broken the continuity of residence required for naturalization purposes if the alien had proved to the satisfaction of the Secretary of Labor prior to June 14, 1940, or, subsequently thereto and prior to the final hearing upon his petition for naturalization, may have proved or may prove to the satisfaction of the Attorney General in the manner prescribed by § 354.8, and also at the final hearing upon his petition proves to the court, that during such period of absence he was under employment by, or contract with, either the United States Government, or such American institution of research as was recognized by the Secretary of Labor or may have been so recognized since by the Attorney General, or an American firm or corporation as described in §§ 354.3 and 354.5, and that his absence was necessary in connection with any of the activities described therein. (49 Stat. 1925, sec. 307 (c), 54 Stat. 1142; 8 U. S. C. 382a, 707 (c))

§ 354.7 *Absence of clergyman or nun; no effect upon residence if absence temporary in nature.* No absence at any time by a clergyman or nun, theretofore lawfully admitted into the United States

for permanent residence, shall be regarded as interrupting the residence in the United States required by the naturalization laws, provided such absence was for a temporary period and solely in his or her capacity as a regularly ordained clergyman or nun of an established church or religious faith, if such person establishes to the satisfaction of the Attorney General, in the manner prescribed by § 354.8 either before or after such absence, and to the satisfaction of the court at the final hearing upon the petition for naturalization, that the requirements of this section have been fully met and that he or she has in all other respects fully complied with all applicable provisions of the naturalization laws. (Sec. 308, 54 Stat. 1143; 8 U. S. C. 708)

§ 354.8 *Absence; application for approval if for one year or more.* Applications for the benefits of §§ 354.3, 354.6, and 354.7 shall be submitted to the Immigration and Naturalization Service, Washington, D. C., in duplicate, on Form N–470. A copy of the decision upon the application shall be filed in the naturalization court with the alien's petition for naturalization as a part of the record in the naturalization proceedings. (Sec. 307 (b), (c), 54 Stat. 1142; 8 U. S. C. 707 (b), (c))

PART 356—EDUCATIONAL REQUIREMENTS AND EDUCATION FOR CITIZENSHIP

Sec.
356.1 Signing of petition for naturalization by petitioner.
356.2 Petitioner's ability to speak English.
356.3 Educational examination of petitioners for naturalization.
356.4 Public-school instruction and training in citizenship responsibilities of applicants for naturalization.
356.5 Sending names of candidates for naturalization to the public schools.
356.6 Federal citizenship textbooks.
356.7 Public-school certificate as evidence of petitioner's educational progress.
356.8 Cooperation with official National and State organizations.

AUTHORITY: §§ 356.1 to 356.8, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 356.1 to 356.8, inclusive, interpret and apply secs. 304, 327 (b), (c), 332 (a), 344, 54 Stat. 1140, 1151, 1154, 1163; 8 U. S. C. 704, 727 (b), (c), 732 (a), 744.

§ 356.1 *Signing of petition for naturalization by petitioner.* Every petition for naturalization shall be signed by the petitioner in his own handwriting, if he is physically able to write.

§ 356.2 *Petitioner's ability to speak English.* Every petitioner applying for naturalization in his own behalf (except a petitioner who is physically unable to speak or a petitioner under section 317 (b) or 323 of the Nationality Act of 1940) shall, before being naturalized, demonstrate his ability to speak the English language by carrying on understandingly an ordinary conversation in English.

§ 356.3 *Educational examination of petitioners for naturalization.* The examination of each petitioner for naturalization shall include an educational examination. The purpose of the educational examination shall be to determine whether the petitioner has a fair knowledge of the fundamental principles of the Constitution and is qualified to assume the duties and responsibilities of a citizen of the United States. To this end the petitioner may be questioned as to (a) the principal historical facts concerning the development of the United States as a republic, (b) the organization and principal functions of the Government of the United States, and of the States and local units of government, and (c) the relation of the individual in the United States to government—National, State, and local, the rights and privileges growing from that relationship, and the duties and responsibilities which result from it. Every care shall be exercised to avoid abstruse, technical, irrelevant, and extreme questions. The language level of the questions shall be suited to the particular petitioner, having regard to his educational background and the extent of his knowledge of the English language.

§ 356.4 *Public-school instruction and training in citizenship responsibilities of applicants for naturalization.* The Central Office and the field shall cooperate in the establishment and maintenance of classes within or under the supervision of the public schools for the preparation of naturalization applicants for their citizenship duties and responsibilities. Field officers, including naturalization examiners, shall visit such classes when practicable. Should applicants for naturalization who desire such preparation live in remote localities where the establishment of a class is impracticable, field officers shall communicate with the appropriate representative of the public schools in the applicants' vicinity for the purpose of making other suitable arrangements, if possible, for their instruction.

§ 356.5 *Sending names of candidates for naturalization to the public schools.* Arrangements shall be made with the public schools by which the names and addresses of applicants for naturalization will be made available to such schools for the purpose of interesting applicants in attending public-school classes in preparation for citizenship duties and responsibilities. It shall be made clear to applicants for naturalization and to the public schools that such attendance is voluntary. At the same time applicants shall be informed that if they are in need of instruction for their educational examination in preparation for citizenship, the public schools offer an excellent opportunity to obtain it.

§ 356.6 *Federal citizenship textbooks.* Citizenship textbooks, for the free use of applicants for naturalization receiving instruction in or under the supervision of the public schools in preparation for citizenship, shall be prepared and distributed by the Service to the appropriate representatives of the public schools upon their signed requisitions therefor.

§ 356.7 *Public-school certificate as evidence of petitioner's educational progress.* Public-school certificates, attesting the attendance and progress records of petitioners for naturalization in citizenship classes, shall be given weight by naturalization officers in determining the educational standing of such petitioners, dependent upon satisfaction of the district director and the naturalization courts with the courses of instruction, teaching, and examinations of the public schools issuing such certificates. In no instance, however, shall such certificates be accepted as a total waiver of the educational examination.

§ 356.8 *Cooperation with official National and State organizations.* The Central Office and the Field Service shall take steps to obtain the aid of and to cooperate with official National and State organizations in the Service's program of education of applicants for naturalization for their citizenship duties and responsibilities. Similar action shall be taken in relation to duly accredited unofficial educational, social service, welfare, and other organizations having as one of their objects the adequate preparation of applicants for naturalization for their citizenship duties and responsibilities.

PART 360—CLERKS OF NATURALIZATION COURTS AND THEIR DUTIES

Sec.
360.1 Receiving and filing declarations of intention and petitions for naturalization.
360.2 Issuance of subpenas.
360.3 Monthly reports; copies of records; when and to whom sent.
360.4 Disposition to be made of clerk's report and accounting.
360.5 Division of the year for accounting for naturalization fees.
360.6 Fees in United States courts; remittance.
360.7 Fees in other than United States courts; remittance.
360.8 Time for report of and accounting for fees collected.
360.9 Report of and accounting for spoiled and void papers.

AUTHORITY: §§ 360.1 to 360.9, inclusive, issued under sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 360.1 *Receiving and filing declarations of intention and petitions for naturalization.* It shall be the duty of every clerk of a naturalization court to administer the required oath to each applicant for a declaration of intention, and such oath shall be administered only in the office of the clerk of court. The clerk of court shall receive and file petitions for naturalization and administer, in his own office only, the required oaths to each petitioner and the witnesses to each petition, unless such petitioner and witnesses have sworn to the petition before a designated examiner. (Secs. 331, 332 (a), 337 (a), 54 Stat. 1153, 1154, and 1158; 8 U. S. C. 731, 732 (a), 737 (a))

§ 360.2 *Issuance of subpenas.* Clerk of courts shall issue subpenas for attendance of witnesses at final naturalization hearings, if demand is made by the petitioner at the time the petition is filed, provided the petitioner deposits with the clerk of court a sum of money sufficient to cover the cost of the subpenas and the legal fees of such witnesses. (Secs. 309 (d), 342 (j), 54 Stat. 1144, 1162; 8 U. S. C. 709 (d), 742 (j))

§ 360.3 *Monthly reports; copies of records; when and to whom sent.* Unless otherwise directed by proper authority, clerks of courts shall, except as hereinafter stated in this section, on the first day of each month, forward to the appropriate district director or divisional director, all duplicates of declarations of intention and all duplicates and triplicates of petitions for naturalization filed during the preceding month, together with a report on Form N–4, in duplicate, showing the serial numbers of such declarations and petitions so filed, the names and sex of the petitioners, and the approximate dates for final hearing. When at any time during the month the number of declarations and petitions filed reaches 100 in the aggregate, the clerk shall, on request of the district director or divisional director, forthwith forward such duplicates and report as herein provided. Clerks of courts shall also include on Form N–4 a list of the inclusive numbers of all certificates of naturalization issued during the preceding month, and the duplicates of such certificates, with their stubs intact and with the alien registration receipt cards to which reference is made in § 377.3 of this chaper, shall be forwarded to the appropriate district director or divisional director. (Sec. 337 (a), (b), (c), 54 Stat. 1158; 8 U. S. C. 737 (a), (b), (c))

§ 360.4 *Disposition to be made of clerk's report and accounting.* Upon receipt, by the field officer concerned, of the monthly reports upon Form N–4 and accompanying papers, said forms shall be stamped so as to show the date of receipt. Such papers shall be examined in all cases at the local field office of the Service and appropriate action taken and record made therefrom. Thereafter they shall be transmitted to the Central Office accompanied by the original report on Form N–4. The duplicate report on Form N–4 and the triplicate copy of the petition shall be retained by the field office. If it be necessary for the field officer to return a duplicate naturalization paper to the clerk of court for correction, a carbon of the letter to the clerk returning such paper shall be sent with the other papers, if there be any, to the Central Office for its information. The other duplicate papers shall not be held awaiting the return of the corrected papers from the clerk of court, but shall be forwarded to the Central Office immediately after all records have been made. The corrected paper bearing the "received" stamp of the field office, as of the subsequent date of receipt, shall be forwarded to the Central Office when received from the clerk of court. The duplicates and report herein referred to shall be sent by registered mail and plainly marked "Official Business." (Secs. 337, 343, 54 Stat. 1158, 1163; 8 U. S. C. 737, 743)

§ 360.5 *Division of the year for accounting for naturalization fees.* For the purpose of accounting for and reporting naturalization fees quarterly by clerks of courts, the fiscal year shall end on June 30 of any given calendar year and shall be divided as follows: First quarter ends September 30; second quarter ends December 31; third quarter ends March 31; and fourth quarter ends June 30. (Sec. 342 (e), 54 Stat. 1162; 8 U. S. C. 742 (e))

§ 360.6 *Fees in United States courts; remittance.* All naturalization fees collected by clerks of United States district courts (except in Alaska and the District Court of the Virgin Islands of the United States) and the clerk of the District Court of the United States for the District of Columbia, shall be forwarded quarterly by a remittance payable to the order of the "Commissioner of Immigration and Naturalization, Washington, D. C." (Sec. 25, 49 Stat. 1813, sec. 342 (c), (d), (e), 54 Stat. 1162; 48 U. S. C. 1405x, 8 U. S. C. 742 (c), (d), (e))

§ 360.7 *Fees in other than United States courts; remittance.* One-half of all naturalization fees collected by clerks of courts other than those described in § 360.6 (including United States district courts in Alaska but excluding the District Court of the Virgin Islands of the United States), up to $6,000 in any one fiscal year, shall be similarly remitted to the Commissioner of Immigration and Naturalization, Washington, D. C. Where the collections during the first quarter of any fiscal year equal or exceed $1,500, the clerk shall remit all in excess of $750; and where such collections for the first and second quarters equal or exceed $3,000, the clerk shall remit all in excess of $1,500; and where the collections for the first three quarters of the fiscal year equal or exceed $4,500, the clerk shall remit all in excess of $2,250; and in any case where the total collections for any fiscal year equal or exceed $6,000, the clerk shall remit all fees or moneys so collected in excess of $3,000. All naturalization fees collected by the clerk of the District Court of the Virgin Islands of the United States shall be paid into the Treasury of the Virgin Islands in accordance with the provisions of the Organic Act of the Virgin Islands. (Sec. 35, 49 Stat. 1816, sec. 342 (c), (d), (e), 54 Stat. 1162; 48 U. S. C. 1406h; 8 U. S. C. 742 (c), (d), (e))

§ 360.8 *Time for report of and accounting for fees collected.* The accounting for naturalization fees collected and the payment of fees over to the Commissioner of Immigration and Naturalization as provided in §§ 360.6 and 360.7, shall be made within thirty days from the close of each quarter of each and every fiscal year. (Sec. 342 (e), 54 Stat. 1162; 8 U. S. C. 742 (e))

§ 360.9 *Report of and accounting for spoiled and void papers.* (a) Where a declaration of intention, petition for naturalization, or certificate of naturalization is damaged, mutilated, or defaced in any manner, or is executed only partially and is never actually filed by the clerk of court, the original and all copies of such paper are to be marked "spoiled" and transmitted in the manner described in § 360.3 with the monthly report of the clerk of court on Form N–4. If a number has been allotted to such a declaration of intention or petition for naturalization, that number may be assigned to the next succeeding declaration of intention or petition for naturalization, as the case may be.

(b) Where a completely executed declaration of intention or petition for naturalization is filed by a clerk of court and it later develops that such document is materially defective, it, nevertheless, must remain a part of the records of the court and the copies thereof must be disposed of as provided in § 360.3 and the fee accounted for in accordance with the provisions of §§ 360.6, 360.7, and 360.8. The district director who receives such defective paper will inform the declarant or petitioner of the defect, and, if such defective paper is a petition for naturalization, the petitioner will be further informed of the desirability of permitting the paper to be marked "void" in order that, if possible, the fee paid therefor may be refunded. At the same time such petitioner is to be informed that, if he so desires, he may exercise his right to have the petition submitted to the court for a judicial ruling, in which event no refund of the fee can be made. Where such petitioner requests that his petition be marked "void", such request shall be addressed to the Commissioner in triplicate. One copy of such request shall be attached to each copy of the petition. Clerks of courts in their "Monthly Reports" on Form N–4 and "Abstract of Collections" on Form N–7, shall separately list void declarations and petitions, according to the number, if any, assigned to them, and indicate by appropriate notation that same are "void". (Sec. 337 (c), 54 Stat. 1158; 8 U. S. C. 727 (c))

PART 361—OFFICIAL FORMS

Sec.
361.1 Official forms essential to exercise of jurisdiction.
361.2 Official forms; by whom supplied; to be used exclusively.
361.3 Official forms prescribed for use of clerks of naturalization courts.
361.4 Initial application for official forms.
361.5 Subsequent application for official forms.
361.6 Amendment of form for declaration of intention.
361.7 Amendment of forms for petitions for naturalization.
361.8 Discrepancies, corrections, or amendments in declarations of intention or petitions for naturalization.
361.9 Amendment of petition for naturalization or certificate of naturalization after final action by the court.

AUTHORITY: §§ 361.1 to 361.9, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 361.1 *Official forms essential to exercise of jurisdiction.* Before exercising jurisdiction in naturalization proceedings, a competent court may cause the clerk of such court to obtain from the Immigration and Naturalization Service, in accordance with section 301 (c) of the Nationality Act of 1940, the proper blanks, records, order books, and supplies necessary in naturalization proceedings. Such jurisdiction may not be exercised until such official forms, records, and order books have been supplied to such court. Where sessions of the

court are held at different places, the judge of such court may require the clerk to obtain a separate supply of official forms, records, and order books for each such place. (Sec. 301 (c), 54 Stat. 1140; 8 U. S. C. 701 (c))

§ 361.2 *Official forms; by whom supplied; to be used exclusively.* Official forms, records, and order books shall be supplied by the Immigration and Naturalization Service exclusively, and only such forms, records, and order books shall be used in naturalization and citizenship proceedings. (Sec. 327 (d), 54 Stat. 1151; 8 U. S. C. 727 (d))

§ 361.3 *Official forms prescribed for use of clerks of naturalization courts.* The following forms only shall be used by clerks of courts having naturalization jurisdiction, in the exercise of such jurisdiction, to wit:

Form No.	*Title and description*
N-3	Requisition for Naturalization Forms.
N-4	Monthly Report of Forms Forwarded.
N-5	Monthly Report of Forms Forwarded, Continuation Sheet.
N-7	Abstract of Collections of Naturalization Fees.
N-300	Application for Certificate of Arrival and Preliminary Form for Declaration of Intention.
N-315	Declaration of Intention (loose-leaf, original, duplicate, and triplicate).
N-400	Application for Certificate of Arrival and Preliminary Form for Petition for Naturalization.
N-405	Petition for Naturalization (loose-leaf, original, duplicate, and triplicate). (For use under general provisions of law.)
N-406	Petition for Naturalization (loose-leaf, original, duplicate, and triplicate). (For spouses of citizens.)
N-407	Petition for Naturalization (loose-leaf, original, duplicate, and triplicate). (For children.)
N-414	Acknowledgment of Filing Petition for Naturalization.
N-450	Notice of Intention to Substitute Witnesses.
N-451	Affidavit of Witnesses (detached).
N-460	Notice to Take Depositions.
N-470	Application for the Benefits of Section 307 (b) of the Nationality Act of 1940.
N-490	Order of Court Granting Petitions (loose-leaf).
N-491	Order of Court Denying Petitions (loose-leaf).
N-550	Certificate of Naturalization.
N-565	Application for New Naturalization Paper in lieu of Lost, Mutilated, or Destroyed Original.
N-575	Application for a New Certificate of Naturalization Where Name Has Been Changed.
N-577	Application for Special Certificate of Citizenship.
N-585	Application for Certification of (1) a Certificate of Naturalization or Citizenship, or of (2) a Naturalization Record.
N-600	Application for Certificate of Derivative Citizenship.

(Secs. 327 (d), 331, 332, 336, 54 Stat. 1151, 1153, 1154, 1157; 8 U. S. C. 727 (d), 731, 732, 736)

§ 361.4 *Initial application for official forms.* The necessary official blanks, records, and order books will be furnished by the Immigration and Naturalization Service to any court having jurisdiction in naturalization proceedings upon the written application of the clerk of such court. Where the initial application for such supplies is made by a State court of record, it shall be accompanied by a certificate of the Attorney General of the State, certifying that said court is a court of record, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. (Secs. 301 (a), (c), 327 (d), 54 Stat. 1140, 1151; 8 U. S. C. 701 (a), (c), 727 (d))

§ 361.5 *Subsequent application for official forms.* Included with the initial supply of official forms, records, and order books furnished to the various courts by the Immigration and Naturalization Service shall be Form N-3, entitled "Requisition for Naturalization Forms," and thereafter said form shall be used by clerks of courts in making requisition for blanks, records, and order books for use in naturalization proceedings in their respective courts. (Secs. 301 (c), 327 (d), 54 Stat. 1140, 1151; 8 U. S. C. 701 (c), 727 (d))

§ 361.6 *Amendment of form for declaration of intention.* The official form for declaration of intention shall be altered by the clerk of court, where the declaration of intention is executed by an applicant who is not required by law to obtain a certificate of arrival, by striking out the following language immediately after the jurat: "that Certification No. — from the Commissioner of Immigration and Naturalization, showing the lawful entry for permanent residence of the declarant above named on the date stated in this declaration of intention, has been received by me, and". (Sec. 331, 54 Stat. 1153; 8 U. S. C. 731)

§ 361.7 *Amendment of forms for petitions for naturalization.* The official forms for petitions for naturalization shall be altered by the clerk of court or, where the petition is filed under § 339.1 of this chapter, by the designated representative of the Immigration and Naturalization Service, as follows:

(a) *Exemption from declaration of intention.* Where a declaration of intention is not required to be filed with the clerk of court at the filing of the petition for naturalization and the petition is filed on Form N-405, by striking out all of allegation 13, and, in the certification following the jurat, by striking out "together with Declaration of Intention No. -------- of such petitioner".

(b) *Exemption from certificate of arrival.* Where a certificate of arrival is not required to be filed with the clerk of court at the filing of the petition for naturalization, by striking out portions as follows: (1) If petition is filed on Form N-405, in allegation 11 the words "as shown by the certificate of my arrival attached to this petition" and, in the certification following the jurat, the words "Certificate of Arrival No. -------- from the Immigration and Naturalization Service, showing the lawful entry for permanent residence of the petitioner above named, together with". (2) If petition is filed on Form N-406, in allegation 11 the words "as shown by the certificate of my arrival attached to this petition" and the entire certification following the jurat. (3) If the petition is filed on Form N-410, in allegation 8 the words "as shown by the certificate of my arrival attached to this petition" and the entire certification of the clerk immediately following the jurat. (4) If the petition is filed on Form N-412, in allegation 11 the words "as shown by the certificate of my arrival attached to this petition" and the entire certification of the clerk immediately following the jurat.

(c) *Exemption from residence in the United States and State.* Where residence in the United States and State for any specified period or proof thereof is not required, by striking out allegations 12 and 18 if the petition is filed on Form N-405 or Form N-406.

(d) *Exemption from lawful admission for permanent residence.* Where a lawful admission for permanent residence is not required, by striking out allegation 11 if the petition is filed on Form N-405.

(e) *Exemption from lawful admission.* Where a lawful admission is not required, by striking out the words "lawful admission to" and adding in lieu thereof the words "entry into" in allegation 8 if the petition is filed on Form N-410, and the word "lawful" in allegation 11 if the petition is filed on Form N-412.

(f) *Military or naval service beyond the continental limits of the United States and petition filed under section 701 of the Nationality Act of 1940, as amended.* Where an allegation of service in the military or naval forces of the United States beyond the continental limits of the United States is appropriate, by adding to allegation 9 if the petition is filed on Form N-410, or to allegation 12 if the petition is filed on Form N-412, the words "and during such service I served honorably beyond continental United States, to wit, in ----------."
(Place of service)

(g) *Petition under section 702 of the Nationality Act of 1940, as amended.* (1) Where no certificate of arrival is required, by striking out of Form N-411 the words "lawful admission to" and adding in lieu thereof the words "entry into" in allegation 8 and by striking out the first sentence and the second word of the second sentence from the certification appearing in the last paragraph of the Affidavit of Witnesses and Certificate of Petitioner's Service, and (2) where the petitioner designates the place in which he desires the record of his naturalization to be filed, by adding to allegation 12 in Form N-411 "I request that the record of these proceedings be filed with the clerk of a court exercising naturalization jurisdiction over ----------
(City)
----------." This addition
(State)
may be continued in the space following allegation 13 and such continuance indicated by asterisks. Any provisions of this paragraph which may become unnecessary because of revisions of Form N-411 shall be disregarded when such revised forms are used. (Sec. 332, 54 Stat. 1154; 8 U. S. C. 732)

§ 361.8 *Discrepancies, corrections, or amendments in declarations of intention or petitions for naturalization.* Any material discrepancies in a declaration of intention or proposed amendments to a petition for naturalization shall be brought formally to the attention of the court for appropriate action at the final hearing upon the petition for naturalization. Except as authorized by §§ 325.2, 361.6, and 361.7, no requests or suggestions to clerks of courts to make corrections in a declaration of intention or petition for naturalization shall be made by any member of the Immigration and Naturalization Service. When the court orders a petition for naturalization, or the declaration of intention filed with and made a part of such petition, amended at a final hearing, the amendatory order shall be prepared in triplicate, and the original of such order filed with the original petition, and the duplicate and triplicate copies transmitted to the appropriate district or divisional director, who shall forward the duplicate order to the Central Office. (Secs. 331, 332, 334 (d), 54 Stat. 1153, 1154, 1157; 8 U. S. C. 731, 732, 734)

§ 361.9 *Amendment of petition for naturalization or certificate of naturalization after final action by the court—(a) Petition for naturalization.* Where an application is made to the naturalization court for amendment of a petition for naturalization, after the petition for naturalization has been granted, the facts shall be reported to the Central Office, with appropriate recommendation, for consideration and instruction as to the position to be taken by the Service when such application comes before the court for disposition. In the absence of instructions from the Central Office, the representative of the Service shall oppose all applications to any court for such amendments which affect either the jurisdiction of the court or the judgment of naturalization. No objection shall be made to a proposed amendment to a petition for naturalization to correct a clerical mistake or an error therein arising from an oversight or omission on the part of the clerk of court or the Service. The Service shall be governed by the rules of the court in which the petition for naturalization was filed in determining whether the petition to amend the petition for naturalization is timely.

(b) *Certificate of naturalization.* Objection shall be made to the alteration of a certificate of naturalization which would cause it to vary from the record on which the naturalization was granted. (Rules 6 (c) and 60 (a), Federal Rules of Civil Procedure, which are set forth following 28 U. S. C. 723c; secs. 331, 332, 336, 54 Stat. 1153, 1154, 1157; 8 U. S. C. 731, 732, 736)

PART 362—REGISTRY OF ALIENS UNDER NATIONALITY ACT OF 1940

Sec.
362.1 Who may be registered.
362.2 Application for registry; form; fee.
362.3 Attorneys.
362.4 Procedure upon receipt of application.
362.5 Entry upon which application for registry must be based; continuity of residence.
362.7 Facts essential to be established.
362.8 Evidence; burden of proof.
362.9 Examination and investigation.
362.10 Record; recommendation, review, and disposition.
362.11 Authorization or denial; procedure thereafter.
362.12 Certificate of lawful entry; delivery.
362.13 Replacement of certificate lost, mutilated, or destroyed.

AUTHORITY: §§ 362.1 to 362.13, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1, §§ 362.1 to 362.13, inclusive, interpret and apply secs. 328 (b), 342 (b) (1), 54 Stat. 1152, 1161; 8 U. S. C. 728, 742 (b) (1).

§ 362.1 *Who may be registered.* Any alien not ineligible to citizenship in whose case there is no record showing lawful admission to the United States for permanent residence, who makes a satisfactory showing to the Commissioner of Immigration and Naturalization in accordance with this part that he (a) entered the United States prior to July 1, 1924; (b) has resided in the United States continuously since such entry; (c) is a person of good moral character; and (d) is not subject to deportation, may have a record of his entry made upon payment of the statutory fee of $18.

§ 362.2 *Application for registry; form; fee.* Application for registry shall be made on Form N-105 (Application for Registry of an Alien) and shall be submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The application shall be signed by the applicant on page 3 of the form, but shall not be subscribed and sworn to or affirmed on page 4 until the applicant appears before an officer of the Immigration and Naturalization Service for examination as provided in § 362.9 (a). The application shall be accompanied by the statutory fee of $18, remitted as prescribed in § 60.30 (b) of this chapter. The application shall also be accompanied by the originals of such documentary evidence, or pertinent excerpts therefrom if the documents are lengthy or bulky, as the applicant may have showing his continuous residence in the United States since June 30, 1924, and his good moral character. If the applicant desires any such documents returned to him, his application should also be accompanied by photostatic, photographic, or typewritten copies of such documents. The applicant shall also submit three photographs of himself as prescribed in § 364.1 of this chapter.

§ 362.3 *Attorneys.* Attorneys and other persons qualified to practice before the Immigration and Naturalization Service, who represent applicants for registry, shall be permitted upon completion of the application and examination of the applicant and his witnesses to review the record, either before it is forwarded to the Central Office or thereafter and prior to final decision. They may submit briefs and, upon sufficient notice, shall be given opportunity to present oral argument before the Central Office. When final decision is made in a case, the attorney representing the applicant shall be entitled to notification.

§ 362.4 *Procedure upon receipt of application.* (a) Upon receipt of an application in an immigration and naturalization office, the application and any Service records relating to the applicant shall be examined to determine whether (1) the application contains sufficient data to show that the applicant has the qualifications prescribed in § 362.1; (2) the documentary evidence appears reasonably adequate to support the application; and (3) it has been ascertained conclusively that no valid record exists of the applicant's lawful admission for permanent residence. If these requirements have not been met, the field office may defer acceptance of the application. In that event the application, money order, photographs, and documentary evidence shall be returned to the applicant with a request that additional information or evidence be submitted or, if efforts are to be made to locate a record of admission for permanent residence, with advice that such action is being taken.

(b) Efforts to verify the claimed entry shall be made even though the applicant alleges that he was not inspected at a port of entry. If such efforts are unsuccessful, the applicant may be notified that he may resubmit his application.

(c) Upon receipt of the application properly prepared and accompanied by evidence deemed satisfactory, or by a statement of the applicant that such evidence cannot be obtained, and after it has been ascertained conclusively that no valid record of the applicant's admission for permanent residence exists, the field office shall accept the application and money order. At that time, or later if necessary, the applicant shall be notified when and where he should appear for examination.

§ 362.5 *Entry upon which application for registry must be based; continuity of residence.* The entry upon which an application for registry must be based shall be the entry by which the applicant first entered the United States, provided he has since maintained a continuous residence therein. If an absence has occurred since such entry the applicant must show that it did not break the continuity of his residence in the United States. In determining whether continuous residence in the United States has been broken, consideration shall be given to the applicant's intention and purpose in absenting himself, and to his activities while absent. In case continuity of residence has been broken by any absence, the application must be considered as based upon the applicant's last entry since which he has maintained a continuous residence in the United States.

§ 362.7 *Facts essential to be established.* It must be established to the satisfaction of the Commissioner of Immigration and Naturalization (a) that the applicant is an alien not ineligible to citizenship; (b) that there is no record of the entry upon which his application must be based, as determined by § 362.5; (c) that such entry occurred prior to July 1, 1924; (d) that he has resided continuously in the United States since such entry or at least since a date prior to July 1, 1924; (e) that he is a person of good moral character, as determined from evidence of his conduct for a reasonable period next preceding the date of

his examination, which ordinarily should not be more than five years; and (f) that he is not subject to deportation.

§ 362.8 *Evidence; burden of proof.* The record shall include the affidavits of such number of credible witnesses, preferably citizens of the United States, concerning the moral character and continuity of residence of the applicant as may be deemed necessary. Where practicable such affidavits shall be made on Form N–120 (Affidavit of Witness in Registry Proceedings). Documentary evidence such as bank books, leases, deeds, licenses, receipts, letters, and birth, marriage, church, school, employment and police records, or similar evidence shall, so far as possible, be used in establishing the essential facts to which such documentary evidence is relevant. Where by reason of conditions known or shown to exist it is reasonable to believe that such evidence is not obtainable, other relevant evidence shall be considered. The burden of proof shall be upon the applicant. In presenting such proof he shall be entitled to the benefit of any records concerning his entry which are in the custody of the Immigration and Naturalization Service.

§ 362.9 *Examination and investigation*—(a) *Examination of applicant.* At the examination, the examining officer shall orally review the application with the applicant. Any necessary changes shall be consecutively numbered by such officer and acknowledged in the oath or affirmation which is a part of the application. The examining officer shall then administer the oath or affirmation contained on page 4 of Form N–105 and obtain the applicant's signature at the appropriate place. Only in cases in which the examining officer deems the action necessary shall a further examination of the applicant be made by interrogation, under oath or affirmation, but in such cases a transcript of the additional testimony taken shall be incorporated as a part of the record. When no longer required, the original documents submitted by the applicant shall be returned to the applicant if photostatic or other copies thereof have been supplied by him for the record. If the examining officer is satisfied as to the authenticity of the documents and is satisfied that such photostatic or other copies are true and correct, he shall return the original documents to the applicant at the conclusion of the examination and incorporate the copies into the record which is submitted to the Central Office.

(b) *Examination of witnesses.* Witnesses shall be examined orally under oath or affirmation in accordance with the interrogatories of Form N–120. Should additional statements be deemed necessary, witnesses shall be interrogated under oath or affirmation, and a transcript of their testimony shall be made a part of the record. Witnesses located within a reasonable distance of the place of examination shall be required to appear in person to execute Form N–120, and for oral examination. When witnesses cannot appear because of remoteness, disability, or other sufficient cause, their affidavits may be accepted without requiring their personal appearance. What constitutes remoteness, disability, or other sufficient cause within the meaning of this paragraph shall be determined by the officer in charge of the district or subdistrict in which the witnesses are located.

(c) *Investigations in other districts.* Necessary investigations in other districts may, when feasible, be conducted by correspondence. Where it is considered useful to obtain information from records and there is reasonable ground to believe that such action will accomplish material results, such further investigations may be made by correspondence.

(d) *Purpose of examinations.* The purpose of all examinations shall be to obtain evidence bearing upon the applicant's qualifications for registry and the qualifications of his witnesses. Records in registry proceedings shall be restricted to the accomplishment of this purpose.

§ 362.10 *Record; recommendation, review, and disposition.* Upon completion of the examination, the examining officer shall prepare a report of his findings on Form N–125 (Findings in Application for Registry) as to each of the six essential facts to be established as prescribed by § 362.7, together with his recommendation and any comment he deems necessary. If denial of the application is recommended, a statement shall be made of the supporting grounds and reasons therefor. When recommendation is made that the application be granted and such action is based primarily on other than documentary evidence, a brief statement of the facts and circumstances in evidence considered sufficient to justify such action shall be made. When recommendation to grant the application is based principally on documentary evidence, that fact shall be stated. The record, supporting documents, and photographs, and the findings and recommendation of the examining officer shall then be forwarded to the district director. That officer, or an officer designated by him for that purpose, shall thereupon review the record, both as to procedural requirements and the findings and recommendation, and shall himself or through his designated substitute prepare and execute Form N–130 (Record of Investigation of Applicant for Registry) in triplicate. If such review leads to a different recommendation from that of the examining officer, the reasons therefor shall be stated briefly on Form N–130. The entire record shall then be transmitted to the Central Office.

§ 362.11 *Authorization or denial; procedure thereafter.* If the Commissioner of Immigration and Naturalization is satisfied from the record and accompanying documents that the applicant is entitled to registry, an order to that effect will be entered on Form N–130. The original of said form shall be retained in the Central Office, and the duplicate forwarded to the officer in charge of the district where entry occurred. That officer shall consummate the registry by making duplicate Form N–130 a part of the records of the port through which, or port nearest to the place where, the alien entered the United States. If the port or place through which applicant entered the United States is in a district other than that in which his application for registry originated, the officer in charge of the district where the application was filed shall be furnished with triplicate Form N–130 for his records. The triplicate and duplicate copies of said form shall be sent to the head of the district wherein entry occurred when the place where the application was filed is in the same district. If the Commissioner of Immigration and Naturalization is not satisfied from the record and accompanying documents that the applicant is entitled to registry, the application shall be denied, and the head of the district wherein the application was filed advised of the action. If denied on the ground that applicant is subject to deportation, the Central Office shall take such further action as may be considered advisable.

§ 362.12 *Certificate of lawful entry; delivery.* In all cases where the application is granted, Form N–135 (Certificate of Lawful Entry) shall be issued with the photograph of the applicant affixed. The certificate shall be mailed to the officer in charge of the district wherein the application originated, for delivery. Before delivery, the certificate shall be signed by the applicant in the presence of an immigration and naturalization officer, who shall likewise sign it.

§ 362.13 *Replacement of certificate lost, mutilated, or destroyed.* If a certificate of lawful entry issued to an alien is lost, badly mutilated, or destroyed, application for a duplicate shall be made in affidavit form, accompanied by three photographs of the applicant of the size and type prescribed in § 364.1 of this chapter. The application shall also be accompanied by the fee of 50 cents required by § 383.4 of this chapter, such fee being remitted as prescribed in § 60.30 (b) of this chapter. The application shall be submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The application, which shall be executed in duplicate, shall recite the circumstances of the loss or destruction of the certificate. If replacement is being sought because of mutilation of the original certificate, the latter must be forwarded with the application. The officer receiving the application shall forward the original thereof and accompanying photographs, together with appropriate recommendation, to the district director for transmission to the Central Office. Upon delivery of the duplicate certificate, the applicant shall be instructed that if the original certificate alleged to have been lost or destroyed is later found, it must be delivered to an immigration and naturalization officer for transmission to the Central Office.

PART 363—CERTIFICATE OF ARRIVAL

Sec.
363.1 Official form of certificate of arrival: contents; by whom issued.
363.2 When necessary in order to make declaration of intention.
363.3 Certificate of arrival to be filed with petition for naturalization.
363.4 Petitioners who are exempt from requirement of certificate of arrival.
363.5 Establishment of applicant's claim to exemption from certificate of arrival.
363.6 Applicant without record of lawful admission for permanent residence.
363.7 Presumed lawful admission; limitations.

AUTHORITY: §§ 363.1 to 363.7, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 363.1 to 363.7, inclusive, interpret and apply secs. 329, 332 (c), 54 Stat. 1152, 1156; 8 U. S. C. 729, 732 (c).

§ 363.1 *Official form of certificate of arrival; contents; by whom issued.* The certificate of arrival required by the Nationality Act of 1940 shall be issued only by the Immigration and Naturalization Service, and shall show the date, place, and manner of arrival and whether lawful entry for permanent residence was made, as shown by the record of arrival. Such certificates of arrival shall be issued only on Form N–210, N–215, N–220, N–225, or N–230, whichever is applicable, except that the certificate of arrival required under § 339.2 (b) of this chapter may be in the form of the certification by the designated representative of the Immigration and Naturalization Service as it appears in the last paragraph of the Affidavit of Witnesses and Certificate of Petitioner's Service on Form N–411.

§ 363.2 *When necessary in order to make declaration of intention.* A person who arrived in the United States after June 29, 1906, cannot file a valid declaration of intention until a certificate of arrival has been issued in accordance with § 363.1. A person who alleges and establishes that he entered the United States on or prior to June 29, 1906, and has since continued to reside therein, may file a declaration of intention without the issuance of a certificate of arrival.

§ 363.3 *Certificate of arrival to be filed with petition for naturalization.* Each petitioner for naturalization who entered the United States after June 29, 1906, shall, unless specifically exempted by the Nationality Act of 1940 from the requirement of a certificate of arrival, file with his petition for naturalization a certificate of arrival issued in accordance with § 363.1. Such certificate of arrival shall be filed with the petition for naturalization at the time the petition is filed. The certificate of arrival issued to support a declaration of intention in accordance with § 363.2, may be used in support of the petition for naturalization.

§ 363.4 *Petitioners who are exempt from requirement of certificate of arrival.* The following persons may file petitions for naturalization without the issuance of a certificate of arrival: (a) persons who entered the United States for permanent residence on or prior to June 29, 1906; (b) petitioners under sections 317 (a) (b) (c), 318, 322, 323, 324, and 325 of the Nationality Act of 1940; and (c) petitioners under sections 701 and 702 of the Nationality Act of 1940, as amended, within group (b) of said section 701.

§ 363.5 *Establishment of applicant's claim to exemption from certificate of arrival.* If an applicant claims exemption from procuring a certificate of arrival, a thorough investigation shall be conducted to establish the validity of the claim. The clerk of court shall defer the execution of a declaration of intention or petition for naturalization by such an applicant until he has been advised by the proper representative of the Service that such paper may be filed.

§ 363.6 *Applicant without record of lawful admission for permanent residence.* Where an applicant for a declaration of intention or a petition for naturalization alleges entry into the United States after June 29, 1906, and prior to July 1, 1924, and no record of his lawful entry for permanent residence can be found, he shall be advised to apply for registry in accordance with the provisions of Part 362 of this chapter.

§ 363.7 *Presumed lawful admission; limitations.* No certificate of arrival shall be issued in behalf of an alien on the basis of an original entry which under the provisions of § 110.38 of this chapter is presumed for reentry purposes to have been a lawful admission for permanent residence. A certificate of arrival will be issued on the basis of the reentry of such an alien where there is a manifest record showing that the reentry was by lawful admission for permanent residence.

PART 364—PHOTOGRAPHS

Sec.
364.1 Description of required photographs.
364.2 Naturalization and citizenship papers requiring photographs; manner of attachment.
364.3 Establishment of welfare photographic studios.

AUTHORITY: §§ 364.1 to 364.3, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 364.1 to 364.3, inclusive, interpret and apply sec. 327 (h), 54 Stat. 1151, as amended by the act of May 16, 1947 (Pub. Law 66, 80th Cong., ch. 72), sec. 330, 54 Stat. 1152; 8 U. S. C. 727 (h), 730.

§ 364.1 *Description of required photographs.* Every applicant required under this subchapter to furnish photographs of himself, shall furnish three such photographs 2 by 2 inches in size, which shall be unmounted, printed on a thin paper, have a light background, clearly show a full front view of the features of the applicant (with head bare, unless the applicant is a member of a religious order wearing a headdress), with the distance from the top of head to point of chin approximately 1¼ inches, and which shall have been taken within 30 days of the date they are furnished. The applicant, except in the case of a child or other person physically incapable of signing his name, shall sign each copy of the photograph with his full true name in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to write. Snapshot, group, or full-length portraits will not be accepted.

§ 364.2 *Naturalization and citizenship papers requiring photographs; manner of attachment.* Each duplicate and triplicate declaration of intention and original and duplicate certificate of naturalization issued by any clerk of court shall have securely and permanently attached thereto one copy of the applicant's signed photograph. Each copy of a declaration of intention, certificate of naturalization, certificate of derivative citizenship, special certificate, and certificate in a new name issued by the Central Office shall also have securely and permanently attached thereto a signed photograph of the applicant. In each case in which a seal is affixed to a naturalization or citizenship paper containing a photograph of the applicant, the imprint of a part of the seal shall be affixed so as to extend over the lower portion of the photograph in such manner as not to obscure the features of the applicant. The third print of the photograph will be retained by the field office of the Service in its appropriate file.

§ 364.3 *Establishment of welfare photographic studios.* District directors shall, after investigation, make reports and recommendations to the Commissioner concerning the desirability of the establishment and operation by welfare organizations without profit of photographic studios, solely for the benefit of aliens seeking naturalization. Quarters for such purpose must be in a building occupied by the Service, and be conducted under the supervision of the Commissioner of Immigration and Naturalization. Such welfare organizations shall have the confidence of the district director and shall submit an annual accounting to the Commissioner of the conduct of such studio.

PART 365—DECLARATION OF INTENTION

Sec.
365.1 Preliminary form for declaration of intention; to whom sent.
365.2 Notification to appear and file declaration of intention.
365.3 Prerequisites to filing.
365.4 How executed.
365.5 How disposed of.
365.6 How numbered.
365.7 Oath.

AUTHORITY: §§ 365.1 to 365.7 inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 365.1 to 365.7, inclusive, interpret and apply secs. 329, 331, 337 (a), 54 Stat. 1152, 1153, 1158; 8 U. S. C. 729, 731, 737 (a).

§ 365.1 *Preliminary form for declaration of intention; to whom sent.* Each prospective declarant shall be required to fill out properly and sign preliminary application Form N–300 and submit it, with three photographs as prescribed in Part 364 of this chapter, to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter.

§ 365.2 *Notification to appear and file declaration of intention.* Following the submission of the preliminary Form N–300, as described in § 365.1, the applicant will be notified when and where to appear to file the declaration of intention.

§ 365.3 *Prerequisites to filing.* No declaration of intention shall be executed or issued by any clerk of court for any applicant until such applicant has reached the age of 18 years, nor for

any applicant who arrived in the United States after June 29, 1906, until a certificate of applicant's lawful entry into the United States for permanent residence has been issued by the Commissioner or a Deputy Commissioner of Immigration and Naturalization in accordance with Part 363 of this chapter, and a certification of such arrival has been furnished to the clerk of court on Form N–210–A, N–225–A, or N–230–A.

§ 365.4 *How executed.* The declaration of intention, together with the duplicate and triplicate copies thereof, shall be executed by the alien before the clerk of any court exercising naturalization jurisdiction or his authorized deputy, regardless of the place of residence of the applicant, and only in the office of said clerk. The declaration of intention shall be issued only on the official form furnished by the Immigration and Naturalization Service.

§ 365.5 *How disposed of.* The original of such declaration shall be retained and filed of record by such clerk of court, and the duplicate declaration with Form N–210–A, N–225–A, or N–230–A, and the second sheet of Form N–300 shall be forwarded to the proper district director or divisional director on the first day of the month following the month in which the declaration is filed, and the triplicate shall be delivered forthwith to the alien.

§ 365.6 *How numbered.* Declarations of intention shall be numbered in a series separate from petitions, in the order in which filed.

§ 365.7 *Oath.* At the time of the execution of the declaration of intention, the following oath or affirmation shall be administered to the declarant in the office of the clerk of court: "You do swear (affirm) that the statements you have made and the intentions you have expressed in this declaration of intention subscribed by you are true to the best of your knowledge and belief: So help you God."

PART 370—PETITION FOR NATURALIZATION

Sec.

370.1 Preliminary form; to whom sent.
370.2 Notification to appear and file petition for naturalization.
370.3 Petition to be executed before and in office of the clerk of court.
370.4 Verification of petition for naturalization; proof of residence, good moral character, and other requirements.
370.5 Oath of petitioner and witnesses.
370.6 Numbering of petitions.
370.7 Indexing of petitions involving change of name.
370.8 Preliminary naturalization examinations; facts to be ascertained; manner of conducting and uniformity; limitation.
370.9 Material statements of applicants and witnesses to be in writing, under oath.
370.10 Review of field investigations.

AUTHORITY: §§ 370.1 to 370.10, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. § § 370.1 to 370.10, inclusive, interpret and apply secs. 307, 309, 322, 333, 54 Stat. 1142, 1143, 1154, 1156.

§ 370.1 *Preliminary form; to whom sent.* Each prospective petitioner for naturalization shall be required to fill out properly and sign preliminary application Form N–400 and submit it, with three photographs as prescribed in Part 364 of this chapter and the applicant's declaration of intention if required, to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter.

§ 370.2 *Notification to appear and file petition for naturalization.* Following the admission of the preliminary Form N–400, as described in § 370.1, the applicant will be notified when and where to appear to file the petition for naturalization.

§ 370.3 *Petition to be executed before and in office of the clerk of court.* The petition for naturalization and the duplicate copy thereof shall be executed by the petitioner and his witnesses before the clerk of the court exercising jurisdiction or his authorized deputy, and only in the office of said clerk. Upon the execution of the petition, the clerk shall furnish to the petitioner on Form N–414 an acknowledgment of the filing of the petition.

§ 370.4 *Verification of petition for naturalization; proof of residence, good moral character, and other requirements.* A petitioner for naturalization, except where granted special exemption by law from the usual requirements as to residence, shall, at the time he files his petition, verify it by the affidavits of at least two credible witnesses, citizens of the United States, who shall appear in person and who shall have and aver knowledge of the petitioner at each place of his residence in the State where then residing during the period of at least six months immediately prior to the filing of the petition. If the petitioner has resided at two or more places in the State during such six months' period, and for this reason two witnesses cannot be procured to verify the petition as to all such residence, additional witnesses may be used but their affidavit shall be executed in triplicate on Form N–451, one copy of which affidavit shall be attached to the original petition and the others to the duplicate and triplicate petitions, respectively, at the time of filing the petition. Each of the witnesses named in this section shall state in his affidavit that he has personally known the petitioner to have been a resident at such place for such period and that the petitioner was, during all such time, a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States.

§ 370.5 *Oath of petitioner and witnesses.* The petition for naturalization shall be executed under oath or affirmation. The following oath or affirmation shall be administered to the petitioner: "You do swear (affirm) that you know the contents of this petition for naturalization subscribed by you, that the same are true to the best of your own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters you believe them to be true, and that this petition was signed by you with your full, true name: So help you God."

The following oath or affirmation shall be administered to each of the witnesses who verify the petition: "You do swear (affirm) that the statements of fact you have made in the affidavit of this petition for naturalization subscribed by you are true to the best of your knowledge and belief: So help you God."

§ 370.6 *Numbering of petitions.* Petitions for naturalization shall be numbered in a series separate from declarations of intention in the order in which filed.

§ 370.7 *Indexing of petitions involving change of name.* Where a change of a petitioner's name has been finally ordered by the court, the clerk of court shall enter both the name by which the petitioner was originally known and his name, as changed, in the index of petitions for naturalization.

§ 370.8 *Preliminary naturalization examinations; facts to be ascertained; manner of conducting and uniformity; limitation.* Wherever practicable, preliminary examinations of applicants for naturalization and their witnesses shall be made in person and under oath. The applicant and each witness shall be interviewed separately and apart from one another. The purpose of such examinations shall be to obtain accurate and material information bearing upon the applicant's admissibility to citizenship and the qualifications of the witnesses. Both the applicant and the witnesses shall be carefully interrogated to determine whether the applicant has complied with the jurisdictional requirements of law; is mentally and morally qualified for citizenship; is attached to the principles of the Constitution of the United States, and is well disposed to the good order and happiness of the United States. If the applicant has been arrested or charged with the violation of any law or ordinance, the facts shall be ascertained, including information as to whether conviction resulted and the nature and extent of any sentence which may have been imposed. Particular attention shall be given to ascertaining the applicant's complete marital history and the whereabouts of his or her spouse, if married, and minor children, if any. Questions to applicants and witnesses shall be repeated in different form and elaborated, if necessary, until the examining officer is satisfied that the person being interrogated fully understands them. The witnesses shall be questioned to develop not only their own credibility and competency but also the extent of their personal knowledge of the applicant's residence, good moral character, attachment to the principles of the Constitution of the United States, and other qualifications for citizenship. Search shall be made of appropriate court and other records and other available sources of information in establishing the qualifications of the applicant and witnesses. The examination shall be limited to inquiry concerning the applicant's residence, good moral character, understanding of and attachment to the fundamental principles of the Constitution of the United States, and his other qualifications to become a naturalized citizen, and shall be uniform throughout the United States.

§ 370.9 *Material statements of applicants and witnesses to be in writing, under oath.* Material statements of applicants for naturalization or applicants for certificates of citizenship or other naturalization or citizenship documents, and their witnesses, shall, where deemed necessary by the naturalization officer, be taken down in writing and under oath and signed by the applicant or witness.

§ 370.10 *Review of field investigations.* District directors and divisional directors shall, so far as possible, review the records of field investigations, either personally or through some duly designated member or members of the field staffs of their offices, and assign any available examiners, when advisable, to conduct further investigations, especially outside the offices of the Service.

PART 373—NATURALIZATION HEARINGS AND PROOF OF NATURALIZATION REQUIREMENTS

Sec.

373.1 Preliminary hearings under section 333 of the Nationality Act of 1940.
373.2 Proof at the hearing of residence and other qualifications within or without the State, but prior to the six months' period.
373.3 Depositions; procedure.
373.4 Substitution of witnesses; procedure.
373.5 Certificate by examiner where petitioner is exempt from certain residential requirements; immediate hearing.
373.6 Naturalization rule days.
373.7 Personal representation of Government at court hearings.
373.8 Written report in lieu of personal representation at final hearings.
373.9 Objections; form and content; procedure when overruled.
373.10 Procedure where petitioner for naturalization appears to be a citizen of the United States.

AUTHORITY: §§ 373.1 to 373.10, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 373.1 *Preliminary hearings under section 333 of the Nationality Act of 1940.* (a) Preliminary hearings conducted under section 333 of the Nationality Act of 1940 shall be open to the public. Wherever possible, a member of the Service other than the person who conducted the preliminary examination, shall serve as designated examiner. Preliminary hearings shall be conducted in person by the designated examiner, or officer, and the petitioner and his witnesses shall be present. The petitioner and witnesses shall first be duly sworn. The designated examiner shall have before him at the preliminary hearing the record of the preliminary examination in each case. He shall not, however, be limited to the information contained in such record, but may use any material evidence or data received from any other source; and he may present and examine other witnesses than those produced by the petitioner.

(b) After the conclusion of the preliminary hearing in each case, where it is determined to make a favorable recommendation to the court, the witnesses in such case may be excused from further appearance. In any case where the recommendation is unfavorable, the designated examiner shall inform the petitioner of his right to appear before the court in person with his witnesses at the final hearing.

(c) At the time the designated examiner or officer conducts the preliminary hearing of each petitioner he shall enter on Form N–476 the petition number, petitioner's name, and, upon completion of the examination, fill in the symbols indicating his findings and a brief notation of the reasons for any unfavorable finding. This docket shall be signed by him and shall be made available to the court whenever desired, and after the final hearing shall be filed of record in the field office.

(d) The designated examiner or officer shall prepare in triplicate his findings and recommendations for presentation to the court on Forms N–480 or N–481 for petitions recommended to be granted, on Form N–483 for petitions recommended to be continued, and on Form N–484 for petitions recommended to be denied. These findings and recommendations shall be signed by the officer in attendance at the final hearing and submitted to the judge of the court at or before the final hearing. After the final hearing has been held, an order of court shall be prepared in triplicate on Form N–482 for petitions recommended to be granted, on Form N–483 for petitions recommended to be continued, and on Form N–484–A for petitions recommended to be denied. The original order of court shall be presented for signature to the judge who presided at the final hearing. The originals of all of the forms named in this paragraph shall be filed permanently in the court, the duplicates forwarded by the clerk of court through the appropriate field office to the Central Office, and the triplicates filed in the field office. (Secs. 333, 334 (b), 54 Stat. 1156; 8 U. S. C. 733, 734 (b))

§ 373.2 *Proof at the hearing of residence and other qualifications within or without the State, but prior to the six months' period.* At the preliminary hearing upon the petition for naturalization before a designated examiner, or, if no preliminary hearing is held, at the final hearing before the court, the petitioner shall prove the qualifications required by section 307 (a) of the Nationality Act of 1940 either by depositions taken in accordance with § 373.3, or by the oral testimony of at least two credible citizen witnesses for each place of his residence except that proof, where required, of the petitioner's residence in the State where the petition is filed during at least six months immediately preceding its filing shall be made only by the oral testimony of such witnesses. Where oral testimony to establish residence prior to the period of six months immediately preceding the filing of the petition is taken before a court or before a designated examiner, an affidavit on Form N–451 shall be executed by the witnesses in triplicate before the clerk of court or the designated examiner, one copy of which affidavit shall be attached to the original petition, and the others to the duplicate and triplicate petitions, respectively. Where the testimony of the witnesses is heard by a designated examiner they may be excused from appearance before the court at the final hearing, unless the petitioner otherwise demands or the court otherwise orders. (Secs. 307, 309, 327 (e), 333, 334, 54 Stat. 1142, 1143, 1151, 1156; 8 U. S. C. 707, 709, 727 (e), 733, 734)

§ 373.3 *Depositions; procedure.* Depositions may be used to prove compliance with the requirements for naturalization during any period except the minimum period of State residence. Such depositions shall be taken only upon written interrogatories on Form N–462. Whenever possible they shall be made before a naturalization examiner, but where there is a likelihood of unusual delay or of hardship, such depositions may be taken before a postmaster without charge, or before a notary public or other person authorized to administer oaths for general purposes, and such authorization shall be filed in the naturalization court with the depositions. The appropriate district director is hereby authorized to determine when an unusual delay or hardship is likely in such cases, and is authorized to appoint postmasters or other officers to take depositions in such cases. In cases where the depositions are taken other than before a naturalization examiner or postmaster, the alien shall be informed of the name and title of the officer designated to take the depositions, and the petitioner shall arrange with him independently of the Service to defray all costs and expenses therewith. When depositions are taken by the Service, the time and place shall be so fixed as to be as convenient as possible to all concerned, consistently with good administration. Where deponents reside at or in the vicinity of the local headquarters of the Service, the depositions shall, if possible, be taken in the office of the Field Service. In other cases, definite arrangements shall be made with deponents by correspondence prior to their appearance. The petitioner for naturalization shall have the right to be present or to be represented, if desired, when the depositions are taken. Depositions shall be sent to the officer having administrative supervision over the district in which the petition is filed, and by him forwarded to the clerk of court at any appropriate time prior to the final hearing upon the petition. (Secs. 309 (b), 327 (e), 54 Stat. 1143, 1151; 8 U. S. C. 709 (b), 727 (e))

§ 373.4 *Substitution of witnesses; procedure.* If the witnesses who verified the petition cannot be produced at the final hearing, and the petitioner desires to substitute other witnesses in their stead, notice thereof on Form N–450 shall be given by the petitioner to the naturalization officer having administrative supervision over the district in which the

petition is filed, at a reasonable time in advance of the date set for the final hearing upon the petition for naturalization. Where the competency and qualifications of the original witnesses have been previously determined by the Service to be satisfactory, and a representative of the Service attends the final hearing in person, notice of intention to substitute witnesses may be given to such representative at the hearing. In no case shall a final hearing be held upon a petition until after the substitute witnesses have been examined by the representative of the Service and an affidavit on Form N–451 executed in triplicate by the witnesses before such representative or the clerk of court. One copy of this affidavit shall be attached to the original petition, prior to or at the time of the hearing, and the others filed with the duplicate and triplicate petitions, respectively. If it should appear after a petition has been filed that any of the verifying witnesses thereto are not competent, and it is established that the petitioner acted in good faith in producing such incompetent witnesses, other witnesses may be substituted in accordance herewith. (Sec. 309 (d), 54 Stat. 1144; 8 U. S. C. 709 (d))

§ 373.5 *Certificate by examiner where petitioner is exempt from certain residential requirements; immediate hearing.* Petitioners for naturalization who conform to the requirements of section 317 (a) or (c), 318 (a), 324 (a) or (b), or 325, of the Nationality Act of 1940, may be naturalized without compliance with the usual requirements for residence in the United States and in the State, but shall personally file their petitions for naturalization in conformity with the other applicable provisions of the naturalization laws, and may have their petitions heard immediately, provided that there is attached to the original and duplicate petitions at the time of filing a certificate of examination of a naturalization examiner on Form N–440. (Sec. 317 (a), (c), 318 (a), 54 Stat. 1146, 1147, sec. 324 (a), (b), 54 Stat. 1149, 60 Stat. 417, sec. 325, 54 Stat. 1150; 8 U. S. C. and Sup., 717 (a), (c), 718 (a), 724 (a), (b), 725)

§ 373.6 *Naturalization rule days.* Final naturalization hearings shall be held only on stated days, fixed by rule of the court. Each district director, as far as possible, shall endeavor to have rule days for final hearings arranged so that naturalization sessions of the courts will follow each other in adjoining counties or circuits. (Sec. 332 (d), 54 Stat. 1156; 8 U. S. C. 732 (d))

§ 373.7 *Personal representation of Government at court hearings.* Wherever possible, final naturalization hearings shall be attended personally by naturalization examiners or other members of the Service authorized by the Commissioner. Representatives appearing in behalf of the United States may cross-examine the petitioner and the witnesses produced in support of the petition, and may call other witnesses and produce evidence concerning any matter affecting the petitioner's right to naturalization. In cases where it appears to be necessary, the naturalization officer shall have made a stenographic report of the testimony given in any naturalization proceeding. (Sec. 334 (d), 54 Stat. 1157; 8 U. S. C. 734 (d))

§ 373.8 *Written report in lieu of personal representation at final hearings.* Whenever it is impossible for a representative of the Service to be present at the final hearing upon a petition for naturalization, notice thereof shall be seasonably transmitted by the Service to the court in writing. The petitions set down for hearing shall be listed by number and name, and on the list shall be indicated immediately under each number and name all unfavorable facts, and if any, the grounds for objection, with pertinent comment and citation of authorities in support of the objection. Where continuance of the petition may be desired, the basis therefor shall be set forth. In cases in which the Service offers no objection it shall be so stated. (Sec. 334 (d), 54 Stat. 1157; 8 U. S. C. 734 (d))

§ 373.9 *Objections; form and content; procedure when overruled.* Where material objection on behalf of the United States by the Service to the granting of a petition for naturalization is overruled by the court, the necessary action shall be taken to preserve the Government's right of review. Material objections shall be in writing, in the form of a motion for an order denying the petition for naturalization, and shall set forth with particularity all of the grounds therefor. Where a material objection is overruled, a comprehensive report containing all the pertinent facts shall be submitted to the Central Office not later than ten days after the date of the hearing. Such report shall contain the recommendation of the officer who attended the final hearing and of the appropriate district director, as to whether an appeal should be taken or cancellation proceedings instituted. (Sec. 334 (d), 54 Stat. 1157; 8 U. S. C. 734 (d))

§ 373.10 *Procedure where petitioner for naturalization appears to be a citizen of the United States.* Where doubt exists as to whether a petitioner for naturalization is already a citizen of the United States, the motion of the designated examiner or of the examiner at the final hearing should in no case be for denial of the petition on the ground that the petitioner is "already a citizen" unless the proof of that fact is clear and positive. Where doubt of citizenship exists, the case shall be treated by the Service as though the applicant were an alien. (Sec. 334 (d), 54 Stat. 1157; 8 U. S. C. 734 (d))

PART 375—OATH OF RENUNCIATION AND ALLEGIANCE

Sec.

375.1 Petitioners for naturalization required to take oath of renunciation and allegiance.
375.2 Oath of renunciation and allegiance by certain women before a naturalization court or a diplomatic or consular officer of the United States.
375.3 Oath of renunciation and allegiance waived in the cases of certain children.
375.4 Renunciation of title or order of nobility.

AUTHORITY: §§ 375.1 to 375.4, inclusive, issued under sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 375.1 to 375.4, inclusive, interpret and apply sec. 335, 54 Stat. 1157; 8 U. S. C. 735.

§ 375.1 *Petitioners for naturalization required to take oath of renunciation and allegiance.* A petitioner for naturalization under the general provisions of the Nationality Act of 1940, or under section 308, 310, 311, 312, 315, 316, 317 (a) or (c), 318, 319 (a), 320, 321, 323, 324, 325, or 326, of that act, shall take in open court the oath of renunciation and allegiance prescribed by section 335 of that act, unless such oath is waived as set forth in § 375.3.

§ 375.2 *Oath of renunciation and allegiance by certain women before a naturalization court or a diplomatic or consular officer of the United States.* (a) A woman who applies to resume citizenship under section 317 (b) of the Nationality Act of 1940, may take the oath of renunciation and allegiance, prescribed by section 335 of that act, if abroad before a diplomatic or consular officer of the United States, or if in the United States before the judge or clerk of a naturalization court, and from and after taking such oath she shall be deemed a citizen of the United States.

(b) Such oath of renunciation and allegiance shall be entered in the records of the appropriate embassy or legation or consulate or naturalization court, and, upon demand, the woman taking the oath may obtain a certified copy of the proceedings, including a copy of the oath administered, under the seal of the embassy or legation or consulate or naturalization court, at a cost not exceeding $1, which certified copy shall be evidence of the facts stated therein before any court of record or judicial tribunal and in any department of the United States.

(c) A woman born in the United States, who lost or was believed to have lost United States citizenship solely by reason of marriage prior to September 22, 1922, to an alien, and whose marriage to such alien terminated prior to January 13, 1941, or who resided in the United States continuously since the date of such marriage, and who is deemed to be a citizen of the United States under the provisions of the act of June 25, 1936, or the act of July 2, 1940, may, on or after January 13, 1941, take the oath of renunciation and allegiance prescribed by section 335 of the Nationality Act of 1940, if abroad before a diplomatic or consular officer of the United States, or if in the United States before a naturalization court, and shall be entitled to the benefits of paragraph (b) of this section. Such woman shall not have or claim any of the rights of a citizen of the United States until she shall have taken such oath.

§ 375.3 *Oath of renunciation and allegiance waived in the cases of certain children.* The naturalization court may waive the oath of renunciation and allegiance prescribed by section 335 of the Nationality Act of 1940, in the case of a child under 18 years of age in whose behalf a petition for naturalization is filed by a parent or guardian under section 315, 316, or 319 (a) of the Nationality Act of 1940, if in the opinion of the court the child is too young to understand the meaning of such oath.

§ 375.4 *Renunciation of title or order of nobility.* A petitioner for naturalization who has borne any hereditary title or has been of any of the orders of nobility in any foreign state, shall, in addition to taking the oath of allegiance prescribed by § 375.1, make under oath in open court an express renunciation of such title or order of nobility.

PART 377—CERTIFICATE OF NATURALIZATION

Sec.

377.1 Certificate; when and by whom issued; disposition of duplicate.
377.2 Change of name; endorsement to be made by clerk on certificate.
377.3 Endorsement on stub of certificate of alien registration number.
377.4 Blank certificates furnished clerks of court; execution and issuance of certificates.

AUTHORITY: §§ 377.1 to 377.4, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 377.1 *Certificate; when and by whom issued; disposition of duplicate.* Where a final order admitting the petitioner to citizenship has been duly signed by a judge, a certificate of naturalization shall be issued by the clerk of court to such petitioner, and the duplicate of such certificate shall be disposed of as provided in § 377.4. (Sec. 337 (c), 54 Stat. 1158; 8 U. S. C. 737 (c))

§ 377.2 *Change of name; endorsement to be made by clerk on certificate.* Where the name of the petitioner has been changed by order of court as a part of the naturalization, the clerk of court shall make, date, and sign the following endorsement on the reverse side of the original and duplicate of the certificate of naturalization: "Name changed by decree of court from ----------, as a part of the naturalization", inserting in full the original name of the petitioner. A similar notation shall be made on the stub of the original certificate. The certificate of naturalization shall be issued and the stub thereof signed according to the name as changed. (Sec. 334 (c), 54 Stat. 1157; 8 U. S. C. 734 (c))

§ 377.3 *Endorsement on stub of certificate of alien registration number.* The clerk of court, before delivering a certificate of naturalization to the naturalized person, shall obtain from the latter his or her alien registration receipt card, issued under the Alien Registration Act, 1940, and forward it to the Commissioner of Immigration and Naturalization with the duplicate certificate, after endorsing the alien registration receipt number on the stub of the duplicate certificate. No certificate of naturalization shall be delivered to any naturalized person unless and until such person has surrendered his or her alien registration receipt card, unless specific authority for such delivery has been given by the appropriate district director.

§ 377.4 *Blank certificates furnished clerks of court; execution and issuance of certificates.* Blank certificates of naturalization will be transmitted to clerks of courts either directly by the Central Office or through the local naturalization officers, as conditions require. The clerk of the court will issue a receipt for such certificates upon receipt cards provided by the Central Office. Original and duplicate certificates of naturalization when issued shall be fully executed, and signed by the clerk in his own handwriting, and he shall enter on the stub of each certificate so issued a memorandum of all the essential facts as set forth in such certificate. Both copies of the certificate in any case, including the stubs, shall, wherever possible, be legibly written at the same operation, with the use of carbon paper, on a typewriter. The stub shall be removed and retained by the clerk of court and may be filed in an upright card file, or in a 3- by 5-inch card drawer by trimming to that size. The duplicate certificates shall not be separated from their stubs but shall be forwarded at the proper time with all other duplicate papers. Every care must be exercised to prevent the loss or misplacement of any certificate of naturalization. (Secs. 336, 337 (c), 54 Stat. 1157, 1158; 8 U. S. C. 736, 737 (c))

PART 378—CERTIFICATE OF NATURALIZATION: VETERAN OF FIRST OR SECOND WORLD WAR ALLIED FORCES; PERSON WHO VOTED IN A FOREIGN POLITICAL ELECTION

Sec.

378.1 Application for; who may make; procedure; forms; fee.
378.2 Investigation; certificate; by whom issued; delivery; receipt; proof.
378.3 Application for certificate of repatriation; who may make; procedure; form; fee.
378.4 Investigation; certificate of repatriation; by whom issued; delivery; receipt; proof.

AUTHORITY: §§ 378.1 to 378.4, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. Statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 378.1 *Application for; who may make; procedure; forms; fee—(a) Veteran of First or Second World War Allied forces.* A person who lost citizenship of the United States through service in one of the Allied armies during World War I or II, who was naturalized under the provisions of section 323 of the Nationality Act of 1940, as amended (54 Stat. 1149, 56 Stat. 198; 8 U. S. C. and Sup., 723), and who desires to obtain a certificate of naturalization evidencing such citizenship shall fill out properly and sign application Form N–580.

(b) *Person who voted in a foreign political election.* A person who lost citizenship of the United States through voting in a political election in a country not at war with the United States during World War II, who was naturalized under the provisions of section 323 of the Nationality Act of 1940, as amended (54 Stat. 1149, 56 Stat. 198, 60 Stat. 866; 8 U. S. C. and Sup., 723), and who desires to obtain a certificate of naturalization evidencing such citizenship shall fill out properly and sign application Form N–583.

(c) *Submission; photographs; fee.* An application filled out in accordance with paragraph (a) or (b) of this section shall be submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter, accompanied by three photographs of the applicant, prepared in accordance with Part 364 of this chapter, and the statutory fee of $1, remitted as prescribed in § 60.30 (b) of this chapter. (Secs. 341 (a), 342 (b) (6), 54 Stat. 1160, 1161, 58 Stat. 755; 8 U. S. C. and Sup., 741 (a), 742 (b) (6))

§ 378.2 *Investigation; certificate; by whom issued; delivery; receipt; proof.* An investigation as to the eligibility of the applicant for a certificate of naturalization shall be conducted by the appropriate district director and the application shall thereafter be transmitted to the Commissioner with a recommendation as to whether the application should be granted or denied. In the event a favorable recommendation is made, it shall be subject to verification by the Commissioner of the applicant's naturalization, except that where an applicant was naturalized in the same district in which the application is investigated, a verification of the naturalization shall be submitted to the Commissioner with the application. If it shall appear to the satisfaction of the Commissioner that the applicant has been naturalized, as claimed, under section 323 of the Nationality Act of 1940, as amended, the certificate of naturalization shall be issued and delivered to the applicant in person upon his signed receipt therefor, provided that he is then in the United States. Every applicant for a certificate of naturalization under this part shall be required to satisfy the Commissioner that he has not, since he acquired United States citizenship under section 323 of the Nationality Act of 1940, as amended, lost such citizenship. (Sec. 341 (a), 54 Stat. 1160; 8 U. S. C. 741 (a))

§ 378.3 *Application for certificate of repatriation; who may make; procedure; form; fee.* A person in the United States who, before January 13, 1941, resumed citizenship of the United States under the twelfth subdivision of section 4 of the act of June 29, 1906, as amended (40 Stat. 545, 46 Stat. 791; 8 U. S. C. 18), and who desires to obtain a certificate evidencing such citizenship shall fill out properly and sign application Form N–579 and submit it to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. Such application shall be accompanied by three photographs of the applicant, prepared in accordance with Part 364 of this chapter, and the statutory fee of $1, remitted as prescribed in § 60.30 (b) of this chapter. (46 Stat. 791; 8 U. S. C. 18)

§ 378.4 *Investigation; certificate of repatriation; by whom issued; delivery; receipt; proof.* An investigation as to the eligibility of the applicant for a certificate of repatriation shall be conducted by the appropriate district director and the application shall thereafter be transmitted to the Commissioner with a recommendation as to whether the

application should be granted or denied. In the event a favorable recommendation is made, it shall be subject to verification by the Commissioner of the applicant's repatriation, except that where an applicant was repatriated in the same district in which the application is investigated, a verification of the repatriation shall be submitted to the Commissioner with the application. If it shall appear to the satisfaction of the Commissioner that the applicant resumed United States citizenship as claimed, the certificate of repatriation shall be issued and delivered to the applicant in person upon his signed receipt therefor, provided that he is then in the United States. Every applicant for a certificate of repatriation under this part shall be required to satisfy the Commissioner that he has not, since he acquired United States citizenship under the twelfth subdivision of section 4 of the act of June 29, 1906, as amended, lost such citizenship. (46 Stat. 791; 8 U. S. C. 18)

PART 379—CERTIFICATES OF CITIZENSHIP WHERE CITIZENSHIP ACQUIRED (1) BY NATURALIZATION OF PARENT, PARENTS, OR HUSBAND, OR (2) BY BIRTH ABROAD TO CITIZEN PARENT OR PARENTS

Sec.
379.1 Who may apply for certificate of citizenship.
379.2 Application for certificate; form; fee.
379.3 Attorneys.
379.4 Procedure upon receipt of application.
379.5 Proof.
379.6 Examination and evidence
379.7 Record; recommendation; review.
379.8 Final disposition.

AUTHORITY: §§ 379.1 to 379.8, inclusive, issued under sec 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 379.1 to 379.8, inclusive, interpret and apply sec. 339, 54 Stat. 1160, 58 Stat. 4; 8 U. S. C. and Sup., 739.

§ 379.1 *Who may apply for certificate of citizenship.* Any person who claims to have derived United States citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a husband or any person who claims to be a citizen of the United States by virtue of the United States citizenship of his parent or parents at the time of his birth outside the United States, may apply to the Commissioner for a certificate of citizenship.

§ 379.2 *Application for certificate; form; fee.* Where the applicant claims to have derived United States citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a husband, application for a certificate of citizenship shall be made by the applicant on Form N–600. Where the applicant claims to be a citizen of the United States on the ground that his parent or parents were citizens of the United States at the time of his birth outside the United States, application for a certificate of citizenship shall be made by the applicant on Form N–600–A. The application shall be submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The application shall be signed by the applicant, or in the case of a child under the age of 18 years by his parent or guardian, when submitted, but shall not be subscribed and sworn to or affirmed until the applicant appears before an officer of the Immigration and Naturalization Service for examination upon the merits of his application. The application shall be accompanied by the statutory fee of $5, remitted as prescribed in § 60.30 (b) of this chapter. The application shall also be accompanied by the originals of such documentary evidence, or pertinent excerpts therefrom if the documents are lengthy or bulky, as the applicant may have or be able to obtain relating to the date and place of his birth, the date and place of the marriage of his parents, the date and place of marriage of applicant if the applicant be a woman, or any other documents tending to establish the claimed citizenship. The applicant shall not be required to furnish a translation of any such documents written in a foreign language. If the applicant desires any such documents returned to him after final action has been taken in his case, his application should also be accompanied by photostatic, photographic, or typewritten copies of such documents except that no copy of any sort may be made of any original or copy of a declaration of intention or certificate of naturalization or citizenship or any part thereof. The applicant must submit three photographs in accordance with the requirements of Part 364 of this chapter.

§ 379.3 *Attorneys.* Attorneys and other persons qualified to practice before the Immigration and Naturalization Service, who represent applicants for certificates of citizenship under section 339 of the Nationality Act of 1940, as amended, shall be permitted, upon completion of the application and examination of the applicant and his witnesses, to review the record either before it is forwarded to the Central Office or thereafter, and prior to final decision. Such attorneys and other practitioners may submit briefs, and, upon sufficient notice, shall be given opportunity to present oral argument before the Central Office. When final decision is made in a case, the attorney or other person representing the applicant shall be entitled to notification of such action.

§ 379.4 *Procedure upon receipt of application.* If the application is not properly prepared, or does not present a prima facie case, it shall be returned for correction or completion, and shall not be accepted until properly prepared. When an application is submitted, but the nature of the documentary evidence therewith is not reasonably adequate to support the application, the field office may defer acceptance thereof. In the latter event, the application, money order, photographs, and documentary evidence, and any copies of evidence shall be returned to the applicant with a request for submission of more substantial evidence. If the application is thereafter submitted accompanied by satisfactory evidence, or is so submitted with the statement that further evidence cannot be obtained, the field office shall accept it for further consideration. The applicant shall thereafter be informed when and where he and his witnesses will be examined upon the merits of his application.

§ 379.5 *Proof.* The applicant shall establish to the satisfaction of the Commissioner that he is a citizen of the United States, that he derived such citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a husband, or that he acquired such citizenship through birth outside the United States at a time when his parent or parents were citizens of the United States.

§ 379.6 *Examination and evidence.* The examining officer shall orally review the application with the applicant, or in the case of a child under the age of 18 years, with the parent or guardian, before administering the oath. Any necessary changes in the application shall be consecutively numbered and acknowledged in writing by the applicant or the parent or guardian. The applicant and the person or persons through whom applicant claims to have derived or acquired citizenship then shall be questioned under oath by the examiner for the purpose of identification and to clarify any points in controversy on the basis of the information submitted in the application. If the sworn application form, supporting documentary evidence, records of the Service, the testimony of the person or persons through whom citizenship is claimed, and the testimony of the applicant, or the parent or guardian if applicant be a child under the age of 18 years, establish applicant's claim to citizenship, no other witnesses shall be required. Otherwise, such number of credible witnesses, preferably citizens of the United States, as may be deemed necessary shall be questioned under oath by the examiner concerning the facts of applicant's alleged citizenship. If the person or persons through whom the applicant claims citizenship are deceased or otherwise not available the testimony customarily required of such person or persons may be furnished by qualified witnesses. The testimony heard shall not be reduced to writing in verbatim form except in cases where neither primary nor secondary documentary evidence is available to establish such essential fact concerning applicant's citizenship and except in cases where it appears that criminal proceedings might be instituted as a result of perjured statements. Any facts deemed necessary to the examination relating to the birth, death, marriage, divorce, or identity of any person involved therein shall be established by official copies of public records or church records if such copies are available or can be obtained. If the examining officer is satisfied that the applicant has made a reasonable effort to procure such documentary evidence and that it is not available or cannot be procured without undue hardship to such applicant, the examining officer may receive and consider any other evidence which the applicant may present. The burden of proof to establish his citizenship shall at all times be upon the applicant. In presenting his proof, the applicant shall be entitled to the benefit of any records concerning him which are in the custody of the Service and copies of, or information from, any such records may be made available to the officer of the Service passing upon the application, without payment of fee by the applicant. When no longer required, the original documents submitted by applicant shall be returned to the applicant if photostatic or other copies thereof have been supplied by him for the record. If the examiner is satisfied as to the authenticity of the documents and is satisfied that such photostatic or other copies are true and correct, he shall return the original documents to the applicant at the conclusion of the examination and incorporate the copies into the record which is submitted to the Central Office.

§ 379.7 *Record; recommendation; review.* Upon completion of the examination, the examining officer shall prepare a report of his findings on Form N–635 or Form N–635–A as to each of the essential facts to be established in the proceeding, together with his recommendation and any comment he deems necessary. Where any issue of law or fact is raised by the evidence, the examining officer shall summarize the evidence and prepare a report thereon to accompany the Form N–635 or Form N–635–A. If the original documents were returned to the applicant at the conclusion of the examination, the examiner shall place a notation on Form N–635 or Form N–635–A showing that the copies were compared with such original documents and were found satisfactory and that the original documents were returned to the applicant. If denial of the application is recommended, a statement shall be made of the supporting grounds, and reason therefor. When recommendation to grant the application is based principally on documentary evidence, that fact shall be stated; otherwise, a brief statement of the facts and circumstances in evidence considered sufficient to justify action recommended shall be made. The record, supporting documents, photographs, and the findings and recommendation of the examining officer shall then be forwarded to the district director. That officer or an officer designated by him for that purpose, shall thereupon review the record, both as to procedural requirements and the findings and recommendation, and shall himself, or through his designated substitute, make his recommendation on Form N–635 or Form N–635–A. If such review leads to a different recommendation from that of the examining officer, the reasons therefor shall be stated in writing. The entire record shall then be submitted to the Central Office.

§ 379.8 *Final disposition.* If the Commissioner is satisfied from the record that the applicant is entitled to receive a certificate of citizenship, the certificate shall be issued. If the applicant has assumed or is known by a name other than his true name but has not had his name changed in accordance with the law of the jurisdiction where he assumed the new name, and, therefore, is not legally entitled to use the assumed name, the certificate of citizenship shall be issued in the applicant's true name followed by the words "also known as" followed by the assumed name, but in such a case the applicant shall be required to sign only his true name on the certificate and on the photographs submitted with his application. The certificate shall be in duplicate and shall be forwarded to the field office in which the application originated for signature by the applicant, unless applicant is a child unable to sign his name, in which case the certificate shall be signed by the parent or guardian, and the signature shall read "(insert name of parent or guardian) in behalf of (insert name of child)." The applicant shall, unless he is too young to understand the meaning thereof, take and subscribe to, before a member of the Service, the oath of renunciation and allegiance prescribed by section 335 of the Nationality Act of 1940. Thereafter personal delivery of the original of the certificate shall be made to the applicant, who shall sign a receipt therefor, unless applicant is a child unable to sign his own name, in which case it shall be delivered to his parent or guardian, who small sign a receipt therefor. The applicant shall be furnished with a certificate only if such individual is at the time within the United States.

PART 380—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

Sec.
380.1 Application; who may make; form; fee.
380.2 Investigation; certificate; disposition.

AUTHORITY: §§ 380.1 and 380.2 issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 380.1 and 380.2 interpret and apply secs. 341 (c), 342 (b) (5), 54 Stat. 1161, 58 Stat. 755; 8 U. S. C. and Sup., 741 (c), 742 (b) (5).

§ 380.1 *Application; who may make; form; fee.* Any naturalized citizen may apply for a special certificate of naturalization for the purpose of obtaining recognition as a citizen of the United States by a foreign state. He shall fill out properly and sign an application on Form N–577 and shall submit it to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. Such application shall be accompanied by three photographs of the applicant, prepared in accordance with Part 364 of this chapter, and the statutory fee of $5, remitted as prescribed in § 60.30 (b) of this chapter.

§ 380.2 *Investigation; certificate; disposition.* Investigation of an application on Form N–577 shall be conducted by a field officer to ascertain to the extent practicable whether:

(a) A record of the alleged naturalization exists;

(b) The applicant is the subject of such record;

(c) The applicant, if naturalized, has not become expatriated;

(d) The applicant needs the certificate to obtain recognition as a citizen of the United States by a foreign state; and

(e) The certificate, if issued, will be used only for such purpose.

The application shall be forwarded to the Commissioner with a report of the investigation and the recommendation of the investigating officer and the district director. If the naturalization is alleged to have occurred in another district, verification from the records there may be omitted from the investigation and the recommendation made subject to verification of the naturalization from records in the Central Office. If the Commissioner is satisfied that the applicant has the qualifications listed in this section, a special certificate of naturalization shall be issued on Form N–578. The certificate shall be furnished by the Commissioner only to the Secretary of State for transmission to the proper authority in the foreign state by which the applicant seeks to obtain recognition as a citizen of the United States.

PART 382—NATURALIZATION PAPERS REPLACED; NEW CERTIFICATE IN CHANGED NAME

Sec.
382.1 Replacement of a lost, mutilated, or destroyed naturalization paper.
382.2 Changed name; new certificate of naturalization or of citizenship issued.
382.3 Application for new papers; forms; procedure; fees.
382.4 Application for new papers; action by field office; proofs.
382.5 New papers; by whom issued; forms; numbering.
382.6 Replacement of evidence of naturalization under section 317 (b) of the Nationality Act of 1940.

AUTHORITY: §§ 382.1 to 382.6, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 382.1 to 382.6, inclusive, interpret and apply secs. 341 (b), (d), (e), 342 (b), (2), (3), (7), 54 Stat. 1161, 58 Stat. 755; 8 U. S. C. and Sup., 741 (b), (d), (e), 742 (b), (2), (3), (7).

§ 382.1 *Replacement of a lost, mutilated, or destroyed naturalization paper.* An alien whose declaration of intention, or a naturalized citizen (regardless of the date of the naturalization) whose certificate of naturalization or of citizenship, has been lost, mutilated, or destroyed, may apply for a new declaration or certificate in lieu thereof. Such application shall be made on Form N–565 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter.

§ 382.2 *Changed name; new certificate of naturalization or of citizenship issued.* A naturalized citizen whose name has been changed after naturalization, by order of court or by marriage, may apply for a new certificate of naturalization or of citizenship in the changed name. Such application shall be made on Form N–575 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter.

§ 382.3 *Application for new papers; forms; procedure; fees.* The applicant shall fill out properly, sign, make oath to, and submit the required application to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The application shall be accompanied by three photographs of the applicant in accordance with Part 364 of this chapter. An application on Form N–565 shall be accompanied by the stat-

utory fee of $1, except that such fee shall not be required of an applicant who is exempted from the payment of such fee by section 342 (b) of the Nationality Act of 1940, as amended (54 Stat. 1161, 58 Stat. 5, 745, 755, 59 Stat. 585; 8 U. S. C. and Sup., 742 (b)). An application on Form N–575 shall be accompanied by the statutory fee of $5. Any required fee shall be remitted as prescribed in § 60.30 (b) of this chapter.

§ 382.4 *Application for new papers; action by field office; proofs.* An application submitted under this part shall be examined in the field office for defects in execution and where necessary shall be returned with the money order and all supporting papers to the applicant for correction. When a properly executed application is submitted, the field office shall before forwarding the application to the Central Office make appropriate verifications of records and question the applicant relative to the statements in his application. However, the applicant need not be questioned, nor other investigation conducted, relative to the circumstances of the alleged loss, mutilation, or destruction of a paper unless there is some specific reason to believe that the old paper has been or will be, or that the new paper would be, used unlawfully or improperly. If the application is for a declaration of intention in lieu of one about to expire by reason of the seven-year limitation, the application may be sent to the Central Office at once and the applicant questioned at some later time but before the new declaration is delivered. All mutilated naturalization papers shall be surrendered to the Service. In the case of an application for a new certificate in a changed name, the application shall be accompanied by appropriate documentary evidence of such change. Every applicant for a certificate under this part shall satisfy the Service that he has not become expatriated subsequent to the date he claims to have acquired United States citizenship.

§ 382.5 *New papers; by whom issued; forms; numbering.* If the application is approved, the new naturalization or citizenship paper shall be issued by the Commissioner or a Deputy Commissioner and not by the clerk of court. Any new declaration of intention shall be upon Form N–321, N–322, or N–323, and any new certificate of naturalization or of citizenship upon Form N–570. The new paper shall be numbered to correspond with the number of the paper which it replaces. Certificates issued to evidence naturalizations which occurred prior to September 27, 1906, shall be consecutively numbered, the number in each instance being preceded by the letters "OL."

§ 382.6 *Replacement of evidence of naturalization under section 317 (b) of the Nationality Act of 1940.* A naturalized citizen woman, within § 330.3 of this chapter, whose certified copy of the proceedings prescribed by that section has been lost, mutilated, or destroyed, may apply for a new certified copy in lieu thereof. Such application shall be made on Form N–565 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The applicant shall execute and forward the Form N–565 with the required fee of $1, in accordance with § 382.3, except that no photographs will be required. The application shall be handled in accordance with the provisions of § 382.4. If the application is approved, there shall be issued a certified, positive photostat of the record of the proceeding filed in the Central Office, whether such record be a duplicate of Form N–408 or a copy of the proceedings which took place at an embassy, legation, or consulate. If the applicant's name has been changed after naturalization, by order of court or by marriage, and appropriate documentary evidence of such change is submitted with the application, the certification of the positive photostat shall show both the name in which the proceedings were had and the changed name. Such an applicant shall use Form N–565 and the required fee shall be $1. The procedure described in this section may be followed even though the naturalization proceedings took place at an embassy, legation, or consulate. In such cases, it will not be necessary that verification of the alleged naturalization proceedings be made by the field office.

PART 383—FEES AND PROCEDURE TO OBTAIN CERTIFICATIONS OF OR INFORMATION FROM RECORDS

Sec.
383.1 Application for certification of records; form.
383.2 Application for certification of records; contents.
383.3 Certification of declaration of intention; photographs required.
383.4 Copies of Service records and information; fees.
383.5 Clerk of court; when authorized to certify naturalization records.
383.6 Replacement of evidence of oath of renunciation and allegiance under act of June 25, 1936, as amended by act of July 2, 1940.
383.7 Records; authority of officers to release information and to certify records.

AUTHORITY: §§ 383.1 to 383.7, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 383.1 to 383.7, inclusive, interpret and apply secs. 341 (e), 342 (b), (8), 54 Stat. 1161, 58 Stat. 745, 755, 59 Stat. 585; 8 U. S. C. and Sup., 741 (c), 742 (b), (8). Other statutes interpreted or applied and statutes giving special authority are cited in parentheses at the end of affected sections.

§ 383.1 *Application for certification of records; form.* Application shall be made on Form N–585 to the Commissioner for certification of a naturalization record of any court, or of any part thereof, or of any certificate of naturalization or of citizenship, for use in complying with any statute, Federal or State, or in any judicial proceeding. The applicant shall fill out properly, sign, make oath to, and forward the application to the Commissioner of Immigration and Naturalization, Washington, D. C.

§ 383.2 *Application for certification of records; contents.* If the certification referred to in § 383.1 is desired for use in complying with a statute, the date and citation of the statute concerned shall be stated in the application. If it be desired for use in a judicial proceeding, the application shall set forth the title and character of the proceeding and the court in which it is pending, and shall be accompanied by an order of such court requesting the Commissioner to supply the certification. The application shall state the title and address of the officer to whom, or the court to which, the certification should be sent.

§ 383.3 *Certification of declaration of intention; photographs required.* If the application on Form N–585 is for certification of a declaration of intention in lieu of one filed with a petition for naturalization, the application shall be accompanied by three photographs of the applicant as prescribed in Part 364 of this chapter.

§ 383.4 *Copies of Service records and information; fees.* (a) Except where otherwise provided by law or by regulations under his chapter, there shall be paid to the Commissioner of Immigration and Naturalization for furnishing any person or agency, other than an official or agency of the Federal Government, with copies, certified or uncertified, of any part of, or information from, the records of the Service, a fee of 25 cents per folio, with a minimum fee of 50 cents for any one such service, in addition to a fee of $1 for any official certification furnished under seal. Each sheet or page of the letter or other document furnished an applicant by the Commissioner shall be regarded as one folio in computing the required fee. Application for the desired service shall be made in prescribed form and shall be accompanied by the minimum fee of 50 cents or $1.50, if a certification is desired, for each such service. The application and fee shall be submitted as prescribed in § 60.30 of this chapter. The Commissioner, in his discretion, may waive the filing of a formal application, or advance payment of the fee, or both. The applicant will be advised if any fee in addition to the minimum is required under the provisions of paragraph (b) of this section for the requested service.

(b) The following instructions and illustrative schedule will be adhered to in computing fees for the furnishing of copies of documents or written information from the records of the Service under subdivision (b) (9) of section 342 of the Nationality Act of 1940:

(1) A minimum fee of 50 cents at the rate of 25 cents per sheet or page, shall be charged for the furnishing of each and every uncertified copy of document or for the furnishing of any one uncertified written advice or statement, for example:

Service requested in one application	*Fee to be charged*
Applicant requests one primary copy of one document (consisting of one sheet or page)	$0.50
Applicant requests one primary copy of one document (consisting of two sheets or pages)	.50
Applicant requests one primary copy of one document (consisting of three sheets or pages)	.75

Service requested in one application	*Fee to be charged*
Applicant requests two primary copies of one document (consisting of one sheet or page)	$1.00
Applicant requests two primary copies of one document (consisting of two sheets or pages)	1.00
Applicant requests two primary copies of one document (consisting of three sheets or pages)	1.50
Applicant requests information from the records (necessitating the furnishing of one 1-page letter or statement)	.50
Applicant requests information from the records (necessitating the furnishing of one 2-page letter or statement)	.50
Applicant requests information from the records (necessitating the furnishing of one 3-page letter or statement)	.75
Applicant requests that he and one other be furnished information from the records (necessitating the furnishing of two 1-page letters or statements)	1.00
Applicant requests that he and two others be furnished information from the records (necessitating the furnishing of three 1-page letters or statements)	1.50
Applicant necessary that he and one other be furnished information from the records (necessitating the furnishing of two 2-page letters or statements)	1.00
Applicant requests that he and two others be furnished information from the records (necessitating the furnishing of three 3-page letters or statements)	2.25

(2) Where the objective information requested in one application necessitates its extraction from several files relating to but one person, group or thing, the furnishing of the desired information in such circumstances, to but one party, shall be regarded as but one service, and the information may be furnished in one letter or statement at the rate per sheet or page, as prescribed in the foregoing schedule; however, where the information requested in cases of this character is to be furnished to two or more persons, then the furnishing of each letter or statement shall be regarded as a separate and distinct service and an additional fee, or fees, shall be charged for each such additional service, thus:

	Fee to be charged
Applicant requests that he be furnished information from, for example, his naturalization, visa, and registry files (necessitating the furnishing of one 1-page letter or statement)	$0.50
Applicant requests that he and one other be furnished information from, for example, his naturalization, visa, and registry files (necessitating the furnishing of two 1-page letters or statements)	1.00

(3) Where the objective information requested in one application necessitates its extraction from one or more files relating respectively to two or more persons, groups, or things, the furnishing of the desired information from the file or files relating respectively to each person, group, or thing shall, in each instance, be regarded as a separate and distinct service, and separate letters or statements, each embodying collectively the information requested as to each person, group, or thing, shall be prepared, thus:

	Fee to be charged
Applicant requests that he be furnished information from, for example, the naturalization, visa, and registry files relating respectively to himself and his wife (necessitating the furnishing of two 1-page letters or statements)	$1.00
Applicant requests that he and one other be furnished information from, for example, the naturalization, visa, and registry files relating respectively to himself and his wife (necessitating the furnishing of four 1-page letters or statements)	2.00

(4) Where additional uncertified copies of documents or written advices or statements are applied for in order to meet the requirements of applicants, the fees for such additional copies of advices or statements shall be prorated as hereinabove exemplified.

(5) In each and every instance where it is desired that a copy of document or written information from the records be officially certified under seal, a fee of $1.00 shall be charged for each such certification, in addition to the fees illustrated by the foregoing schedule.

(6) Where a photostatic copy of a document is furnished, the fee therefor shall be computed strictly on the basis of the number of sheets of photostatic material necessarily prepared in order to furnish a complete likeness of the document, thus:

	Fee to be charged
Applicant requests one photostatic copy of one 1-page document (the original document containing written matter on one side only)	$0.50
Applicant requests one photostatic copy of one 1-page document (the original document containing written matter on both sides)	.50
Applicant requests one photostatic copy of one 2-page document (the first page of the original document containing written matter on both sides, and the second page written matter on one side only)	.75

§ 383.5 *Clerk of court; when authorized to certify naturalization records.* No clerk of court shall make any certification of any naturalization record, except upon appropriate order of the court.

§ 383.6 *Replacement of evidence of oath of renunciation and allegiance under act of June 25, 1936, as amended by act of July 2, 1940.* A citizen woman, within § 330.2 of this chapter, whose certified copy of the proceedings prescribed by that section has been lost, mutilated, or destroyed may apply for a new certified copy in lieu thereof. Such application shall be made on Form N–585 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The application shall be accompanied by the statutory fee of $1.50, in accordance with § 383.4. No photographs will be required. The application shall be handled in compliance with the applicable provisions of § 382.4 of this chapter. If the application is approved, there shall be issued a certified, positive photostat of the record of the proceedings filed in the Central Office, whether such record be the duplicate of Form N–415 (or Form 2234) or a copy of the proceedings conducted at an embassy, legation, or consulate. If the applicant's name has been changed after the taking of the oath by order of court or by marriage and if appropriate documentary evidence of such change is submitted with the application, the certification shall show both the name in which the proceedings were had and the changed name. The procedure described in this section may be followed even though the proceedings took place at an embassy, legation, or consulate. In such cases it will not be necessary that verification of the alleged record of restoration of citizenship rights be made by the field office.

§ 383.7 *Records; authority of officers to release information and to certify records.* The Commissioner, the General Counsel, the district directors, or such other officers of the Service as may be designated by the Commissioner may decide applications for copies of immigration and naturalization records, or for information therefrom, and may certify that any official file, document, or record in the custody or control of the Service is a true file, document, or record or that a copy of such a file, document, or record is a true copy. (R. S. 161, 360, sec. 6 (a), 48 Stat. 1109, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 1, 54 Stat. 1238; 5 U. S. C. 22, 311, 28 U. S. C. 661, 8 U. S. C. 102, 222, 5 U. S. C. 133t)

PART 385—REVOCATION OF RECORDS CREATED AND OF NATURALIZATION AND CITIZENSHIP DOCUMENTS ISSUED BY THE COMMISSIONER

Sec.
385.1 Report and notice.
385.2 Answer.
385.3 Findings and recommendations.
385.4 Criminal prosecution.

AUTHORITY: §§ 385.1 to 385.4, inclusive, issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR, 90.1. §§ 385.1 to 385.4, inclusive, interpret and apply secs. 340, 346, 54 Stat. 1160, 1163; 8 U. S. C. 740, 746.

§ 385.1 *Report and notice.* If, at any time after a certificate of lawful entry has been issued under Part 362 of this chapter, or a certificate of naturalization has been issued under Part 378 of this chapter, or a certificate of citizenship has been issued under Part 379 of this chapter, or a special certificate of naturalization has been issued under Part 380 of this chapter, or a new certificate in changed name or a new declaration of intention or a new certificate of naturalization or of citizenship has been issued under Part 382 of this chapter, or a new certified copy of the proceedings has been issued under § 382.6 or § 383.6 of this chapter, evidence becomes available to a district director of Immigration and Naturalization indicating that such record or document was obtained illegally or fraudulently, a complete report shall be promptly submitted to the Central Office by the district director, with comment and recommendation. If the Commissioner or a Deputy Commissioner is satisfied that a prima facie showing has been made that such record or document

was obtained illegally or fraudulently, he shall cause such district director to have served personally or by registered mail written notice on the person to whom the document was issued by the Commissioner or a Deputy Commissioner, at such person's last known address in the records of the Service, that a proceeding has been instituted to cancel the record or document, which notice shall contain a statement of the grounds upon which the proposed cancellation proceeding is based, and of the nature of the supporting evidence. Such notice shall state that not more than 60 days from the date of service of the notice the person to whom the record relates or to whom the document was issued must show cause, before a designated officer of the Service and at a place designated for such hearing, why such cancellation should not take place. The district director in whose district the proceedings shall take place shall have authority to extend the 60-day period specified in the notice, but for not more than 30 additional days.

§ 385.2 *Answer.* The person against whom such proceeding has been brought may, within the time designated in § 385.1, submit his defense in writing under oath or affirmation. Upon receipt of such response, or answer, or upon expiration of the time allowed for showing good cause, the record shall be closed and forwarded to the Commissioner, accompanied by findings of fact, conclusions of law, and the recommendation of the officer assigned to hear or consider the case, together with the comment and recommendation of the district director.

§ 385.3 *Findings and recommendations.* The findings of fact, conclusions of law, and recommendation of the officer assigned to hear or consider the case, and the comment and recommendation of the district director shall, in case the person to whom the document was issued makes response or answer to the notice requiring him to show cause, be served upon him or his counsel, if any, in person or by registered mail, and the person to whom the record relates or the document was issued shall be given further notice in person or by registered mail that he has 10 days from the date of receipt thereof within which to file a brief or to inform the Commissioner that he intends to present oral argument on the record. In the latter event he shall be informed of the time, place, and date when he may appear in person or through counsel to make such argument. If such notice is not received, or no brief is submitted within the time specified, the case shall proceed to final consideration. If the Commissioner finds that the record or document or both were procured illegally or through fraud, he shall cancel *ab initio* such record or document or both. Notice of such action shall be given in person or by registered mail to the person proceeded against or his counsel, if any, at the last address of such person shown on the record of the cancellation proceeding, if a response or answer was made. Upon the cancellation of any such record or document, the person proceeded against or his counsel, if any, shall be requested in writing by registered mail to surrender any such document which may have been issued to the person proceeded against, for transmission to the Central Office. The cancellation of any such document issued by the Commissioner shall not affect the citizenship status of the individual to whom it was issued.

§ 385.4 *Criminal prosecution.* In case of the cancellation of any such record or document on the ground of illegal or fraudulent procurement, the material facts in regard thereto may be presented by the district director to the office of the appropriate United States attorney for appropriate action under section 346 of the Nationality Act of 1940, if so directed by the Commissioner or a Deputy Commissioner.

[F. R. Doc. 47-7231; Filed, July 30, 1947; 9:44 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

[B. A. I. Order 373, Amdt. 7]

PART 94—RINDERPEST AND FOOT-AND-MOUTH DISEASE; PROHIBITED AND RESTRICTED IMPORTATION

ANIMALS, MEATS, PRODUCTS, ETC., REFUSED ENTRY

Section 94.4 of Part 94, Chapter I, Title 9, Code of Federal Regulations [B. A. I. Order 373], is hereby amended to read as follows:

§ 94.4 *Animals, meats, products, etc., that are refused entry.* Any animals, meats, organs, glands, extracts, or secretions specified in §§ 94.1, 94.2 and 94.3, offered for entry and refused admission into the United States, shall be exported by the consignee thereof within 10 days or shall be destroyed in accordance with the directions of the Chief of the Bureau of Animal Industry. Any such animals, meats, organs, glands, extracts, or secretions coming into the United States other than by ocean vessel shall be destroyed immediately or otherwise disposed of in accordance with the directions of the Chief of the Bureau of Animal Industry.

Rinderpest and foot-and-mouth disease are such extremely contagious diseases of animals that every reasonable effort must be made to keep them out of this country. The regulation here amended was designed to accomplish that purpose by requiring the exportation within ten days, or the destruction, of animals, meats, and products which were offered for entry in the regular course of commerce and refused admission. When the regulation was adopted, neither disease existed in North America. During the latter part of 1946, however, foot-and-mouth disease gained a foothold on this continent. Consequently, it has become even more important to provide for summary destruction or other immediate disposition of animals, meats, and products coming into this country in an irregular manner, as by straying across land borders or by smuggling, etc., in order to prevent the introduction of that disease into this country. That is the primary purpose of the present amendment.

Protection of the livestock interests of the United States requires that this amendment be made effective at the earliest practical moment. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), it is found, upon good cause, that notice and public procedure on this amendment are impracticable and contrary to the public interest, and good cause is found for the issuance of this amendment effective less than thirty days after publication. Neither notice nor hearing is required by any other statute.

This notice shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 8, 26 Stat. 416, sec. 2, 32 Stat. 792, sec. 306, 46 Stat. 689; 21 U. S. C. 103, 111, 19 U. S. C. 1306)

Done at Washington, D. C., this 25th day of July 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7172; Filed, July 30, 1947; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4692]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

E. H. ROBERTS PORTRAIT CO. ET AL.

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Sample, offer, or order conformance:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Usual as reduced or to be increased:* § 3.72 (m 10) *Offering deceptive inducements to purchase or deal—Sample, offer, or order conformance:* § 3.72 (n) *Offering deceptive inducements to purchase or deal—Special offers, savings and discounts.* In connection with the offering for sale, and sale and distribution in commerce, of tinted or colored enlargements or miniatures of photographs and snapshots and of frames therefor, and among other things, as in order set forth, (1) representing in any manner, directly or by implication, that colored or tinted photographs, photographic enlargements or reductions are paintings; (2) using the terms "paintings", "oil paintings", "portrait paintings", or "paintings finished by hand", or the word "painting" either alone or in conjunction with any other word, words or terms to designate or describe colored or tinted photographs, photographic enlargements or reductions, or other pictures produced from a photograph base or impression; (3) representing through the use of a "draw" or "draw contest" or so called "lucky coupons" or "lucky certificates", or any similar device, plan, or scheme that any customer thereby will obtain a financial advantage or receive a substantial discount or reduction in the price of any picture or pictures; (4) representing in connection with pictures being offered or sold in the regular course of business at the usual and customary prices therefor, that such pictures are being offered for sale or sold at a reduced price as an advertising offer or introductory offer, or representing in any manner that the purchaser is receiving an advantage in price not available to all purchasers; or, (5) representing that a picture to be made and delivered will be equal in quality and appearance to any sample displayed to the customer unless the picture thereafter delivered is of the same quality, design, and workmanship as said sample; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, E. H. Roberts Portrait Company et al., Docket 4692, June 2, 1947]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Financial condition:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Identity:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as professional person or association:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Location:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Reputation, success or standing:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Size, extent or equipment:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business as professional person or association:* § 3.96 (b) *Using misleading name—Vendor—Nature, in general:* § 3.96 (b) *Using misleading name—Vendor—Qualifications.* In connection with the offering for sale and sale and distribution in commerce, of tinted or colored enlargements or miniatures of photographs and snapshots and frames therefor, and among other things, as in order set forth, (1) using trade names consisting of or including such terms as "art studios", "art institute", or "art association" or any other fictitious name of similar import and effect unless the respondent using such name or names actually owns, operates, conducts, or controls an organization or establishment of the character indicated and comprehended by the trade name so used; or, (2) misrepresenting, or authorizing, permitting, or cooperating in the misrepresentation of, the financial responsibility, prestige, or standing of respondents, or any of them, or of the character or extent of their business by falsely claiming to be connected with an operating, established house or by deceptively using the business address of such established house as and for a business allegedly operated by respondents, or any of them, and from misrepresenting through the use of fictitious trade names and misleading state and post office addresses the place, character, and extent of the business actually conducted; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, E. H. Roberts Portrait Company et al., Docket 4692, June 2, 1947]

§ 3.24 (b) *Coercing and intimidating—Customers or prospective customers—To purchase or support product or service—By withholding customer's property or rights:* § 3.51 *Enforcing dealings or payments wrongfully:* § 3.71 (b 7) *Neglecting, unfairly or deceptively, to make material disclosure—Nonstandard character of product.* In connection with the offering for sale and sale and distribution in commerce, of tinted or colored enlargements or miniatures of photographs and snapshots and of frames therefor, and among other things, as in order set forth, (1) concealing from, or failing to disclose to, customers at the time pictures are ordered that the finished picture when delivered will be so shaped and designed that it can be used only in a specially designed odd-style frame that cannot ordinarily be obtained in stores accessible to the consuming public, and that it will be difficult or impossible to obtain a frame to fit the picture from any source other than respondents; (2) failing or refusing to deliver the finished picture or pictures and the original when the customer refuses to purchase a frame therefor when such customer was not advised that the purchase of a frame was a condition precedent to the contract; or, (3) failing or refusing, in cases where pictures have been ordered, completed, and paid for, to deliver to the customer the completed picture, or to return the photograph or snapshot previously loaned by the customer for use in producing the picture; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, E. H. Roberts Portrait Company et al., Docket 4692, June 2, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of June A. D. 1947.

In the matter of E. H. Roberts Portrait Company, a corporation; Edward H. Roberts, Harold S. Roberts, and Howard V. Roberts, individually and as president, vice president, and secretary and treasurer, respectively, of E. H. Roberts Portrait Company, a corporation; P. W. Berry, individually and trading as National Art Association; E. P. Bingham, individually and trading as Metropolitan Studios and also trading as Metropolitan Portrait Studios; J. E. Bowers, individually and trading as Interstate Studios; W. C. Bush, individually and trading as Esquire Studios; Chris Christensen, individually and trading as Van Dyke Studios; W. O. Coen, individually and trading as United Art Studio; George N. Conrad, individually and trading as Central Studios; Wayne Davidson, individually and trading as Apex Studios; DeForest Edwards, individually and trading as Superior Art Association; Alphonse D. Firebaugh, individually and trading as World Distributing Company; Virgil S. Firebaugh, individually and trading as Universal Art Studios; George Gulberg, individually and trading as United Artists Association; Robert Hames, individually and trading as United Artist Studio; Floyd Hammer, individually and trading as Mid-Continent Distributing Company; George R. Harris, individually and trading as Windsor Studios; Glen Harrison, individually and trading as Union Distributing Company; Frank J. Holihan, individually and trading as Vanderbilt Arts Association; Chas. A. Huff, individually and trading as Southern Portrait Studios; Mrs. Jack M. Jelly, individually and trading as Western Academy of Art; Jack H. Kane, individually and trading as Memorial Studios, and also trading as Metropolitan Studios, and also trading as Metropolitan Portrait Studios; Loyce E. Kennedy, individually and trading as Western States Portrait Company, and also trading as Western Portrait Company; Harry E. Kent, individually and trading as Beaux Art Studios, and also trading as Eldred Distributing and Sales Company; W. Kiker, individually and trading as United Art Studios, and also trading as Western States Portrait Company; Theodore Leff, individually and trading as American Portrait Company, and also trading as United Artists Association; Edward F. Lingo, individually and trading as Linwill Portrait Company, and formerly trading as United Artists Association; M. J. McConahay, individually and trading as National Art Co.; R. H. Mercer, individually and trading as Sunset Art Studios; A. W. Merriner, individually and trading as American Portrait Association; Erbie J. Moak, individually and trading as Acme Art Association; F. C. Mowery, individually and trading as Paramount Service Company—Texas; F. N. Nelson, individually and trading as Eastern Portrait Company; J. P. Nelson, individually and trading as Tiffany Service Company; R. Oates, individually and trading as Continental Art Studios; C. J. O'Keeffe, individually and trading as Venetian Art Distributors; Paul E. O'Neill, individually and trading as Square Deal Portrait Company; J. O. Philpot, individually and trading as Acme Art Company; Ray T. Rice, individually and trading as Empire Art Service; R. T. Sherrod, individually and trading as Home Exhibit Club; C. A. Shields, individually and trading as Miniature Arts Company; C. Q. Simmans, individually and trading as Royal Art Studios, and also trading as Royal Studios; James Spearman, individually and trading as Universal Distributing Company; Howard Stebbins, individually and trading as Stebbins Advertising Company, and also trading as York Advertising Company; Harold K. Stice, individually and trading as Stice Advertising Company; O. L. Talbott and R. R. Green, individually and trading as National Portrait Company; Ed Thedell, individually and trading as The Art Studios; Arthur W. Thomson, individually and trading as National Academy of Art; Orville J. Weeks, individually and trading as Central Advertising Company; Oscar White, individually and trading as Twentieth Century Art Association; George Wiesner, individually

and trading as Peerless Portrait Company; L. L. Wittenberg, individually and trading as United Art Association; and Ned Adamson, Houston Agee, L. C. Allgeier, W. L. Andersen, Herbert Atkins, James L. Bardin, Bud Bates, E. A. Benedict, A. W. Betts, Jack Bingham, Louella Brooks, H. R. Burch, C. E. Cantrell, Harry Caton, Ritta Cauffiel, Susie Clark, Max Cohn, Edith Colburn, N. J. Conahy, R. Cooke, Betty Coratolo, Ensil Cross, Jack Dalton, M. Davis, A. K. DeVare, T. W. DeVore, Emil J. Dittmer, Patrick J. Durkin, Williard Dzink, Lee Eastman, F. M. Eaton, C. Eberhart, Dr. Echert, John Enyeart, Glada Evans, Pat Evans, Yeada Evans, O. S. Ford, J. Fraser, Homer Frease, Merlin Froland, H. C. Gilmore, J. L. Gilmore, O. M. Gilmore, Roy Z. Goodwin, Carl Grace, Clarence Gray, Art Greene, Jacob M. Gross, G. R. Haing, W. A. Haire, Cora Hall, Melvin E. Hamilton, J. G. Hane, M. E. Hansen, James Hardy, A. R. Harris, J. E. Hartley, A. K. Hayden, George R. Hayne, J. G. Hayne, K. E. Heard, M. E. Hedge, W. J. Heimer, C. E. Hewell, Hobart Hodler, W. Holcomb, V. I. Holcomb, L. H. Holt, L. J. Holt, C. A. Hough, L. Howard, W. O. Huff, R. B. Jarke, Jack M. Jelly, Edwin Jones, R. F. Jones, Ethel Judd, May Justice, Lucille Kamp, A. Kane, Herb Kellar, H. L. Kennedy, L. N. Kennedy, Ray Kent, Roy Kent, Helen J. Kuhns, Milan Kukor, Don Kyees, Lloyd Kyees, C. J. LeCompte, Elden P. LeCompte, Floyd Lingo, D. A. Lions, Lola Lions, Richard R. Lions, Ted A. Lions, Wayne W. Lions, W. B. Lovings, Ira Lowe, Mary Lowe, Esther Lowery, J. N. McFarland, J. Mantell, G. J. Manuel, L. F. Marsden, L. F. Marselen, Red Melvin, J. L. Moak, Paul Mogelvang, James R. Monroe, Bill Moore, K. C. Murphy, G. W. Myers, K. F. Myers, Mrs. Leslie Nelson, Teddy Orcutt, Tom Parker, B. E. Patton, A. J. Paulson, Ann K. Pearce, Ruth Pearce, Cecil Phillips, L. F. Poe, Mrs. L. F. Poe, Fred Purselley, Ider Rekkedal, Dell Reno, Allen Rensel, Dan Reppert, G. A. Rucker, Margaret Ruth, Melvin E. Sarsan, Vern Schultz, A. N. Sinnon, Don D. Smith, R. C. Speece, Gordon Stensrud, Milton Stensrud, Earl Stice, Howard Terry, Marjorie Hearn Terry, E. O. Tidlund, J. P. Townsend, C. E. Turner, William Vessey, Cecil Vance, Dona Vroman, Harry Vroman, Chase Wank, J. W. Ward, J. Warren, W. Wayne, Paul H. Webb, C. L. Willams, D. E. Willlamson, Thomas Wills, W. F. Wisdom, Ruby Witt, Francis Woodbain, Francis D. Woodham, Mrs. Francis D. Woodham, Charles Worth, B. U. Youmans, and Rose Ann Young.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, a stipulation as to the facts entered into between certain respondents herein and Daniel J. Murphy, Assistant Chief Trial Counsel for the Commission, providing, among other things, that without further evidence or intervening procedure, the Commission might issue and serve upon said respondents its findings as to the facts and its conclusion based thereon and an order disposing of the proceeding, and the answers of certain other of respondents admitting various allegations of fact set forth in the complaint and waiving further hearings as to said facts and all intervening procedure, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents E. H. Roberts Portrait Company, a corporation; Edward H. Roberts, individually and as president of E. H. Roberts Portrait Company; Harold S. Roberts, individually and as vice president of E. H. Roberts Portrait Company; Wayne Davidson, individually and trading as Apex Studios; Alphonse D. Firebaugh, individually and trading as World Distributing Company; Glen Harrison, individually and trading as Union Distributing Company; Frank J. Holihan, individually and trading as Vanderbilt Arts Association; Chas. A. Huff, individually and trading as Southern Portrait Studios; A. W. Merriner, individually and trading as American Portrait Association; Paul E. O'Neill, individually and trading as Square Deal Portrait Company; R. T. Sherrod, individually and trading as Home Exhibit Club; James Spearman, individually and trading as Universal Distributing Company; Howard Stebbins, individually and trading as Stebbins Advertising Company and also trading as York Advertising Company; or trading under any other name or names, and H. R. Burch; Homer Frease; J. D. Gilmore; R. F. Jones; Ira Lowe; Paul Mogelvang; and H. D. Terry (referred to in the complaint as Howard Terry), individuals, and their respective representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale and sale and distribution in commerce as "commerce" is defined in the Federal Trade Commission Act, of tinted or colored enlargements or miniatures of photographs and snapshots and of frames therefor, do cease and desist from:

(1) Representing in any manner, directly or by implication, that colored or tinted photographs, photographic enlargements or reductions are paintings;

(2) Using the terms "paintings," "oil paintings," "portrait paintings," or "paintings finished by hand," or the word "painting" either alone or in conjunction with any other word, words or terms to designate or describe colored or tinted photographs, photographic enlargements or reductions, or other pictures produced from a photograph base or impression;

(3) Representing through the use of a "draw" or "draw contest" or so-called "lucky coupons" or "lucky certificates," or any similar device, plan, or scheme that any customer thereby will obtain a financial advantage or receive a substantial discount or reduction in the price of any picture or pictures;

(4) Representing in connection with pictures being offered or sold in the regular course of business at the usual and customary prices therefor, that such pictures are being offered for sale or sold at a reduced price as an advertising offer or introductory offer, or representing in any manner that the purchaser is receiving an advantage in price not available to all purchasers;

(5) Representing that a picture to be made and delivered will be equal in quality and appearance to any sample displayed to the customer unless the picture thereafter delivered is of the same quality, design, and workmanship as said sample;

(6) Using trade names consisting of or including such terms as "art studios," "art institute," or "art association" or any other fictitious name of similar import and effect unless the respondent using such name or names actually owns, operates, conducts, or controls an organization or establishment of the character indicated and comprehended by the trade name so used;

(7) Misrepresenting, or authorizing, permitting, or cooperating in the misrepresentation of, the financial responsibility, prestige, or standing of respondents, or any of them, or of the character or extent of their business by falsely claiming to be connected with an operating, established house or by deceptively using the business address of such established house as and for a business allegedly operated by respondents, or any of them, and from misrepresenting through the use of fictitious trade names and misleading state and post office addresses the place, character, and extent of the business actually conducted;

(8) Concealing from, or failing to disclose to, customers at the time pictures are ordered that the finished picture when delivered will be so shaped and designed that it can be used only in a specially designed odd-style frame that cannot ordinarily be obtained in stores accessible to the consuming public, and that it will be difficult or impossible to obtain a frame to fit the picture from any source other than respondents;

(9) Failing or refusing to deliver the finished picture or pictures and the original when the customer refuses to purchase a frame therefor when such customer was not advised that the purchase of a frame was a condition precedent to the contract;

(10) Failing or refusing, in cases where pictures have been ordered, completed and paid for, to deliver to the customer the completed picture, or to return the photograph or snapshot previously loaned by the customer for us in producing the picture.

It is further ordered, That the complaint be, and it hereby is, dismissed without prejudice as to the following respondents: Howard V. Roberts, Secretary and Treasurer of E. H. Roberts Portrait Company; P. W. Berry, individually and trading as National Art Association; E. P. Bingham, individually and trading as Metropolitan Studios and also trading as Metropolitan Portrait Studios; J. E. Bowers, individually and trading as Interstate Studios; W. C. Bush, individually and trading as Esquire Studios; Chris Christensen, individually and trading as Van Dyke Studios; W. O. Coen, individually and trading as United Art Studio; George N. Conrad, individually and trading as Central Studios; DeForest Edwards, individually and trading as Superior Art Association; Virgil S. Firebaugh, individually and trading as Universal Art Studios; George Gulberg, individually and trading as United Artists Association; Robert Hames, individually and trading as United Artist Studio; Floyd Hammer, individually and trading as Mid-Continent Distributing Company; George R. Harris, individually and trading as Windsor Studios; Mrs. Jack M. Jelly, individually and trading as Western Academy of Art; Jack H. Kane, individually and trading as Memorial Studios and also trading as Metropolitan Studios and also trading as Metropolitan Portrait Studios; Loyce E. Kennedy, individually and trading as Western States Portrait Company and also trading as Western Portrait Company; Harry E. Kent, individually and trading as Beaux Art Studios and also trading as Eldred Distributing and Sales Company; W. Kiker, individually and trading as United Art Studios and also trading as Western States Portrait Company; Theodore Leff, individually and trading as American Portrait Company and also trading as United Artists Association; Edward F. Lingo, individually and trading as Linwill Portrait Company and formerly trading as United Artists Association; M. J. McConahay, individually and trading as National Art Co.; R. H. Mercer, individually and trading as Sunset Art Studios; Erbie J. Moak, individually and trading as Acme Art Association; F. C. Mowery, individually and trading as Paramount Service Company—Texas; F. N. Nelson, individually and trading as Eastern Portrait Company; J. P. Nelson, individually and trading as Tiffany Service Company; R. Oates, individually and trading as Continental Art Studios; C. J. O'Keefe, individually and trading as Venetian Art Distributors; J. O. Philpot, individually and trading as Acme Art Company; Ray T. Rice, individually and trading as Empire Art Service; C. A. Shields, individually and trading as Miniature Arts Company; C. Q. Simmans, individually and trading as Royal Art Studios and also trading as Royal Studios; Harold K. Stice, individually and trading as Stice Advertising Company; O. L. Talbott and R. R. Green, individually and trading as National Portrait Company; Ed Thedell, individually and trading as The Art Studios; Arthur W. Thomson, individually and trading as National Academy of Art; Orville J. Weeks, individually and trading as Central Advertising Company; Oscar White, individually and trading as Twentieth Century Art Association; George Wiesner, individually and trading as Peerless Portrait Company; L. L. Wittenberg, individually and trading as United Art Association; and Ned Adamson; Houston Agee; L. C. Allgeier; W. L. Anderson; Herbert Atkins; James L. Bardin; Bud Bates; E. A. Benedict; A. W. Betts; Jack Bingham; Louella Brooks; C. E. Cantrell; Harry Caton; Rita Cauffiel; Susie Clark; Max Cohn; Edith Colburn; N. J. Conahy; R. Cooke; Betty Coratolo; Ensil Cross; Jack Dalton; M. Davis; A. K. DeVare; T. W. DeVore; Emil J. Dittmer; Patrick J. Durkin; Williard Dzink; Lee Eastman; F. M. Eaton; C. Eberhart; Dr. Echert; John Enyeart; Glada Evans; Pat Evans; Yeada Evans; O. S. Ford; J. Fraser; Merlin Froland; H. C. Gilmore; O. M. Gilmore; Roy Z Goodwin; Carl Grace; Clarence Gray; Art Greene; Jacob M. Gross; G. R. Haing; W. A. Haire; Cora Hall; Melvin E. Hamilton; J. G. Hane; M. E. Hansen; James Hardy; A. R. Harris; J. E. Hartley; A. K. Hayden; George R. Hayne; J. G. Hayne; K. E. Heard; M. E. Hedge; W. J. Heimer; C. E. Hewell; Hobart Hodler; W. Holcomb; V. I. Holcomb; L. H. Holt; D. J. Holt; C. A. Hough; L. Howard; W. O. Huff; R. B. Jarke; Jack M. Jelly; Edwin Jones; Ethel Judd; May Justice; Lucille Kamp; A. Kane; Herb Kellar; H. L. Kennedy; L. N. Kennedy; Ray Kent; Roy Kent; Helen J. Kuhns; Milan Kukor; Don Kyees; Lloyd Kyees; C. J. LeCompte; Elden P. LeCompte; Floyd Lingo; D. A. Lions; Lola Lions; Richard R. Lions; Ted A. Lions; Wayne W. Lions; W. B. Lovings; Mary Lowe; Esther Lowery; J. N. McFarland; J. Mantell; G. J. Manuel; L. F. Marsden; L. F. Marselen; Red Melvin; J. L. Moak; James R. Monroe; Bill Moore; K. C. Murphy; G. W. Myers; K. F. Myers; Mrs. Leslie Nelson; Teddy Orcutt; Tom Parker; B. E. Patton; A. J. Paulson; Ann K. Pearce; Ruth Pearce; Cecil Phillips; L. F. Poe; Mrs. L. F. Poe; Fred Purselley; Ider Rekkedal; Dell Reno; Allen Rensel; Dan Reppert; G. A. Rucker; Margaret Ruth; Melvin E. Sarsan; Vern Schultz; A. N. Sinnon; Don D. Smith; R. C. Speece; Gordon Stensrud; Milton Stensrud; Earl Stice; Marjorie Hearn Terry; E. O. Tidlund; J. P. Townsend; C. E. Turner; William Vesey; Cecil Vance; Dona Vroman; Harry Vroman; Chase Wank; J. W. Ward; J. Warren; W. Wayne; Paul H. Webb; C. L. Williams; D. E. Willlamson; Thomas Wills; W F. Wisdom; Ruby Witt; Francis Woodbain; Francis D. Woodham; Mrs. Francis D. Woodham; Charles Worth; B. U. Youmans; and Rose Ann Young.

It is further ordered, That respondents, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-7179: Filed, July 30, 1947; 8:56 a. m.]

[Docket No. 5200]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MOHAWK CHEMICAL PRODUCTS, INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service.* In connection with the offering for sale, sale, and distribution in commerce, of respondents' product "Sten-O-Fren", or any product of substantially the same composition or possessing substantially similar properties, whether sold under the same or any other name, representing, directly or by implication, that said product (1) will make the rubber platen or feed rolls of a typewriter like new; (2) revitalizes, revives, or renews old or hardened rubber articles; (3) transforms old or worn rubber articles to their original condition; (4) restores to old rubber its original flexibility and efficacy; or, (5) causes used or worn rubber articles to function like new, unless the restoration of the function of any such article is dependent upon slightly softening or swelling its surface; prohibited. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Mohawk Chemical Products, Inc. et al., Docket 5200, June 10, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June A. D. 1947.

In the Matter of Mohawk Chemical Products, Inc., a Corporation, and Bainbridge, Kimpton & Haupt, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of Bainbridge, Kimpton & Haupt, Inc., admitting all material allegations of fact set forth in the complaint and waiving all intervening procedure and further hearing as to said facts, and upon testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, and brief in support of the complaint (respondents not having filed brief and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Mohawk Chemical Products, Inc., a corporation, and respondent Bainbridge, Kempton & Haupt, Inc., a corporation, jointly or severally, their respective officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the product "Sten-O-Fren," or any product of substantially the same composition or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from representing, directly or by implication:

1. That said product will make the rubber platen or feed rolls of a typewriter like new.

2. That said product revitalizes, revives, or renews old or hardened rubber articles.

3. That said product transforms old or worn rubber articles to their original condition.

4. That said product restores to old rubber its original flexibility and efficacy.

5. That said product causes used or worn rubber articles to function like new, unless the restoration of the function of any such article is dependent upon slightly softening or swelling its surface.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form

in which they have complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 47-7178; Filed, July 30, 1947; 8:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—National Advisory Committee for Aeronautics

PART 403—ORGANIZATION

LABORATORIES

1. In § 403.7 *Laboratories*, in both the first and the second paragraphs, delete the words "an Engineer-in-Charge"; and substitute therefor the words "a Director".

2. In § 403.7 *Laboratories*, in the third paragraph, delete the word "Manager"; and substitute therefor the word "Director".

(Secs. 3, 12; Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] E. H. CHAMBERLIN,
Acting Executive Secretary.

[F. R. Doc. 47-7166; Filed, July 30, 1947; 8:55 a. m.]

PART 403—ORGANIZATION

PART 404—WORK FOR PRIVATE PARTIES

PART 405—AVAILABILITY OF INFORMATION AND RECORDS

MISCELLANEOUS AMENDMENTS

1. In § 403.3 *Central Office*, delete the numbers and words "1500 New Hampshire Avenue, N. W., Washington, D. C."; and substitute therefor the numbers and words "1724 F Street, N. W., Washington 25, D. C."

2. In § 404.1 *Procedure*, delete the numbers and words "1500 New Hampshire Avenue, N. W., Washington 25, D. C."; and substitute therefor the numbers and words "1724 F Street, N. W., Washington 25, D. C."

3. In § 405.2 *Other material*, delete the numbers and words "1500 New Hampshire Avenue, N. W., Washington 25, D. C."; and substitute therefor the numbers and words "1724 F Street, N. W., Washington 25, D. C."

(Secs. 3, 12; Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] E. H. CHAMBERLIN,
Acting Executive Secretary.

[F. R. Doc. 47-7167; Filed, July 30, 1947; 8:55 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

SANTEE RIVER, SOUTH CAROLINA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.241 (f) is amended by revoking the subparagraph pertaining to Santee River, South Carolina as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.* * * *

(f) * * *

Santee River, S. C.; bridges of Seaboard Air Line Railway Company (railroad) near Jamestown, Atlantic Coast Line Railroad Company (railroad) near St. Stephens, and South Carolina State Highway Department (highway) near Lanes, S. C. (At least thirty days' advance notice required.) [Revoked]

[Regs. July 9, 1947 (C. E. 823, Santee River-St. Stephens, S. C.—Mile 60)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-7168; Filed, July 30, 1947; 8:55 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; PARCEL POST SERVICE TO CHINA

The regulations under the Country "China" (39 CFR, Part 21, Subpart B—Service to Foreign Countries, as amended (12 F. R. 3864, 4400) are further amended as follows:

1. Amend the table of rates under the heading "Parcel Post—(China)", to read as follows:

[Rates include surcharges]

Pounds:	Rate	Pounds:	Rate
1	$0.22	26	$5.72
2	.44	27	5.94
3	.66	28	6.16
4	.88	29	6.38
5	1.10	30	6.60
6	1.32	31	6.82
7	1.54	32	7.04
8	1.76	33	7.26
9	1.98	34	7.48
10	2.20	35	7.70
11	2.42	36	7.92
12	2.64	37	8.14
13	2.86	38	8.36
14	3.08	39	8.58
15	3.30	40	8.80
16	3.52	41	9.02
17	3.74	42	9.24
18	3.96	43	9.46
19	4.18	44	9.68
20	4.40	45	9.90
21	4.62	46	10.12
22	4.84	47	10.34
23	5.06	48	10.56
24	5.28	49	10.78
25	5.50	50	11.00

2. Add to the material under the subheading "Prohibition" under the heading "Parcel Post—(China)" the following:

The following articles are prohibited unless sent as unsolicited gifts for the bona fide personal use of the addressee:

Caviar.
Confectionery.
Cotton or silk imitations of gold and silver thread.
Curiosities and antiques.
Damask work, Japanese crockery and lacquered articles.
Decorative or ornamental articles and materials (lace, embroidery, trimmings, spangles, tinsel, etc.).
Articles of ivory.
Jewelry. Precious and semi-precious stones (not including rough and unpolished stones).
Manicure sets and parts thereof; powder puffs and cases, vanity cases.
Musk.
Pearls, real or imitation.
Perfumes and cosmetics.
Plastic handbags, satchels and raincoats
Silk (all fabrics of pure or mixed silk, and articles of clothing, including parts and accessories thereof, made from pure or mixed silk).
Skins (furs) and articles made chiefly of skins (furs).
Tea.
Thermos containers.
Toilet articles (combs, brushes, etc.)
Toys and games.
Umbrellas and parasols.

The total value of a parcel containing any of the above mentioned articles must not exceed the equivalent of $50 (U. S. currency).

Postmasters shall require the senders of parcels offered for mailing under the conditions mentioned above to endorse the wrappers to show that the articles are being sent as unsolicited gifts.

The Chinese authorities have indicated that the burden of proving that the articles mentioned are "unsolicited gifts" rests with the addressee, who may be called upon to produce documentary evidence in support of his claim.

(R. S. 161, 396, Secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-7152; Filed, July 30, 1947; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circ. 1650]

PART 192—OIL AND GAS LEASES

LIMITATIONS AS TO HOLDINGS

Section 192.8 *Limitation as to holdings* is amended by eliminating the last sentence thereof.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

FRED W. JOHNSON,
Director.

Approved: July 24, 1947.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-7162; Filed, July 30, 1947; 8:54 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 220—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

SHRIMP FISHERY

Section 220.16 is hereby amended to read as follows:

§ 220.16 *Closed seasons. shrimp fishing.* Commercial fishing for shrimp is prohibited in the periods from February 1 to April 15, from July 15 to July 31, and from August 16 to September 30, all dates inclusive, in the waters of the Stikine district, the Eastern district east of the longitude of Cape Fanshaw, and in the Sumner Strait district north of the latitude and east of the longitude of Point Baker, *Provided*, That if by reason of the continuing abundance of shrimp in these waters in excess of spawning requirements an additional take may be made in the period from August 16 to September 30, the facts as to the existence of shrimp in such abundance, and the extent of the additional take that may be made in excess of spawning requirements, shall be obtained and recorded by the Director of the Fish and Wildlife Service, or such other person as may be designated by the Secretary of the Interior, and in accordance therewith the limits of the period or periods during which such an additional take may be made from August 16 to September 30 shall be announced by either of them, which announcement shall be final and reasonable notice thereof shall be made public in the Territory of Alaska. All waters of Duncan Canal are closed to shrimp fishing throughout the year.

Since the taking of shrimp will be prohibited after July 31, 1947, unless this amendment is made effective at once it has been determined that the amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 1, 44 Stat. 752; 48 U. S. C. 221)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

JULY 29, 1947.

[F. R. Doc. 47-7214; Filed, July 30, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

[31 CFR, Part 54]

EXPORT OF GOLD AND RE-EXPORT OF GOLD REFINED FROM IMPORTED GOLD-BEARING MATERIALS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved July 11, 1946, that the Secretary of the Treasury, with the approval of the President, proposes to amend the Provisional Regulations issued under the Gold Reserve Act of 1934 (48 Stat. 337). In this connection, a hearing will be held in Room 4426 of the Treasury Department, 15th and Pennsylvania Ave. NW., Washington, D. C., on August 11, 1947, beginning at 10:00 a. m., e. d. t., at which interested parties will be afforded an opportunity to present their views.

Persons desiring to be heard must notify the Secretary of the Treasury, attention Director of the Office of International Finance, prior to 5:15 p. m., August 7, 1947. It is requested that such persons also submit, in writing, a summary of their views prior to the date of the hearing. Persons not desiring to appear personally may submit a written statement of their views or arguments prior to the date of the hearing. All views, arguments, etc. should be submitted in quadruplicate.

The proposed amendments will provide in substance that:

1. Export licenses on form TGL–15 shall be issued with the approval of the Secretary of the Treasury only for the exportation of semi-processed gold upon application made on form TG–15 showing to the satisfaction of the Mint and the Secretary of the Treasury that the export or transport from the continental United States is for a specific and customary industrial, professional or artistic use, and not for the purpose of using or holding or disposing of such semi-processed gold beyond the limits of the continental United States as, or in lieu of, money, or for the value of its gold content; and

2. Export licenses on form TGL–16 for the exportation of gold refined from imported gold-bearing material shall be issued only upon condition that the importer has no right, title or interest to the gold refined from the imported gold-bearing material, that the refined gold remains the property of the foreign exporter and is to be re-exported to such exporter, or pursuant to his order, and that the exportation of such gold-bearing material from the country of origin and the importation of such refined gold into the country or countries of destination are authorized under the applicable laws and regulations of such countries.

The proposed amendments are to be issued under the authority contained in section 3 of the Gold Reserve Act of 1934 (48 Stat. 340, 31 U. S. C. 442).

[SEAL] JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7181; Filed, July 30, 1947; 8:46 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-38]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT

SECTION 1. Various items of lifesaving, firefighting, and miscellaneous equipment or installations used aboard merchant vessels and motorboats are required by statute or regulations in 46 CFR, Chapter I, to be of types approved by the Commandant, United States Coast Guard. The procedures promulgating approvals and termination of approvals are set forth in 46 CFR 2.75–1–2.75–50, inclusive (11 F. R. 177A–83).

SEC. 2. In order that approvals of equipment can be kept current and to provide a definite means for identification, approvals generally will be limited to five years and will be assigned approval numbers. For most type approvals notices will be published in the FEDERAL REGISTER as well as certificates of approvals issued to those receiving the approvals, in accordance with 46 CFR 2.75–10.

SEC. 3. By virtue of the authority vested in me by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 489) and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), as well as the additional authorities cited with each class in paragraph (c) below, *It is ordered*, That:

(a) All the approvals for lifesaving, fire-fighting, and miscellaneous equipment or installations, except cork or balsa wood life preservers (jacket type), fire-extinguishing systems, fire-indicating and alarm systems, electric floating automatic water lights, loud speaker systems, hand red flare distress signals, and floating orange smoke distress signals, promulgated or declared by the Bureau of Marine Inspection and Navigation and its predecessors or the Coast Guard, which have not been published in the FEDERAL REGISTER, are hereby terminated effective on and after November 1, 1947: *Provided, That notwithstanding this termination of approvals all items made before the effective termination date of such approvals may be continued in use so long as in good and serviceable condition;* and

(b) All the approvals for lifesaving, fire-fighting, and miscellaneous equipment or installations which do not meet present Coast Guard requirements and are not relisted in paragraph (e) below, except cork or balsa wood life preservers (jacket type), fire-extinguishing systems, fire-indicating and alarm systems, electric floating automatic water lights, loud speaker systems, hand red flare distress signals, and floating orange smoke distress signals, promulgated or declared

by the Bureau of Marine Inspection and Navigation and its predecessors or the Commandant, United States Coast Guard, which have been previously published in the FEDERAL REGISTER, are hereby terminated, effective on and after November 1, 1947: *Provided, That notwithstanding this termination of approvals all items made before the effective termination date of such approvals may be continued in use so long as in good and serviceable condition;* and

(c) All holders of approvals which are to be terminated by this document who may desire to appeal the actions taken shall submit to the Commandant (CMC), United States Coast Guard, Washington 25, D. C., on or before September 26, 1947, a letter setting forth the reasons why the approval should not be terminated, together with supporting data showing that the item complies with the applicable requirements now in effect, in accordance with 46 CFR 2.75–50; and

(d) All the approvals for lifesaving, fire-fighting, and miscellaneous equipment or installations meeting present Coast Guard requirements and relisted in paragraph (e) below, except cork or balsa wood life preservers (jacket type), fire-extinguishing systems, fire-indicating and alarm system, electric floating automatic water lights, loud speaker systems, hand red flare distress signals, and floating orange smoke distress signals, promulgated or declared by the Bureau of Marine Inspection and Navigation and its predecessors or the Commandant, United States Coast Guard, which have been previously published in the FEDERAL REGISTER, are hereby modified by assigning them approval numbers and by limiting the duration such approvals will be in effect to five years, effective upon the date of publication of this document in the FEDERAL REGISTER; and

(e) It is, therefore, declared that the following lifesaving, fire-fighting, and miscellaneous equipment or installations are approved effective upon the date of publication of this document in the FEDERAL REGISTER for a period of five years unless sooner canceled or suspended by proper authority:

NOTE: The following is a complete listing for each class of approvals, as amended, but does not include cork and balsa wood life preservers (jacket type), fire-extinguishing systems, fire-indicating and alarm systems, electric floating automatic water lights, loud speaker systems, hand red flare distress signals, and floating orange smoke distress signals.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE)

Approval No. 160.002/1/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former Approval No. B–226, manufactured by The American Pad and Textile Co., Greenfield, Ohio.

Approval No. 160.002/2/0, Model 3, adult kapok life preserver, U. S. C. G. Specification 160.002, former Approval No. B–227, manufactured by The American Pad and Textile Co., Greenfield, Ohio.

Approval No. 160.002/3/0, Model 5, child kapok life preserver, U. S. C. G. Specification 160.002, former Approval No. B–272, manufactured by The American Pad and Textile Co., Greenfield, Ohio.

Approval No. 160.002/4/0, Model 6, child kapok life preserver, U. S. C. G. Specification 160.002, former Approval No. B–273, manufactured by The American Pad and Textile Co., Greenfield, Ohio.

Approval No. 160.002/5/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former Approval No. B–233, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.002/6/0, Model 3, adult kapok life preserver, U. S. C. G. Specification 160.002, former Approval No. B–234, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.002/7/0, Model 5, child kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–291, manufactured by Atlantic Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.002/8/0, Model 6, child kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–292, manufactured by Atlantic Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.002/9/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–226, manufactured by Cluff Fabric Products, Inc., 457 East 147th Street, New York, N. Y.

Approval No. 160.002/10/0, Model 3, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–238, manufactured by Cluff Fabric Products, Inc., 457 East 147th Street, New York, N. Y.

Approval No. 160.002/11/0, Model 6, child kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–355, manufactured by Cluff Fabric Products, Inc., 457 East 147th Street, New York, N. Y.

Approval No. 160.002/12/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–230, manufactured by Grand Novelty Co., 273 State Street, Brooklyn, New York, N. Y.

Approval No. 160.002/13/0, Model 3, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–231, manufactured by Grand Novelty Co., 273 State Street, Brooklyn, N. Y.

Approval No. 160.002/14/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–237, manufactured by Jurgensen Manufacturing Co., 28–30 Jane Street, New York 11, N. Y.

Approval No. 160.002/15/0, Model 5, child kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–293, manufactured by Jurgensen Manufacturing Co., 28–30 Jane Street, New York 11, N. Y.

Approval No. 160.002/16/0, Model 6, child kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–294, manufactured by Jurgensen Manufacturing Co., 28–30 Jane Street, New York 11, N. Y.

Approval No. 160.002/17/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–240, manufactured by Merit Manufacturing Co., 225–227 Powell Street, Brooklyn, N. Y.

Approval No. 160.002/18/0, Model 3, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–241, manufactured by Merit Manufacturing Co., 225–227 Powell Street, Brooklyn, N. Y.

Approval No. 160.002/19/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–258, manufactured by C. A. Reed Furniture Co., 4424 East 49th Street, Los Angeles 11, Calif.

Approval No. 160.002/20/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–255, manufactured by Elvin Salow Co., 379–381 Atlantic Avenue, Boston, Mass.

Approval No. 160.002/21/0, Model 6, child kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–295, manufactured by Elvin Salow Co., 379–381 Atlantic Avenue, Boston, Mass.

Approval No. 160.002/22/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–253, manufactured by Seaway Manufacturing Co., 213 North Peters Street, New Orleans, La.

Approval No. 160.002/23/0, Model 3, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–254, manufactured by Seaway Manufacturing Co., 213 North Peters Street, New Orleans, La.

Approval No. 160.002/24/0, Model 5, child kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–302, manufactured by Seaway Manufacturing Co., 213 North Peters Street, New Orleans, La.

Approval No. 160.002/25/0, Model 6, child kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–303, manufactured by Seaway Manufacturing Co., 213 North Peters Street, New Orleans, La.

Approval No. 160.002/26/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–249, manufactured by Wilber & Son, 116 New Montgomery Street, San Francisco, Calif.

Approval No. 160.002/27/0, Model 3, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–250, manufactured by Wilber & Son, 116 New Montgomery Street, San Francisco, Calif.

Approval No. 160.002/28/0, Model 6, child kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–356, manufactured by Wilber & Son, 116 New Montgomery Street, San Francisco, Calif.

Approval No. 160.002/29/0, Model 3, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–244, manufactured by Jurgensen Manufacturing Co., 28–30 Jane Street, New York 11, N. Y.

Approval No. 160.002/30/0, Model 6, child kapok life preserver, U. S. C. G.

Specification 160.002, former approval No. B–372, manufactured by Fairfield Textile Works, Fairfield, Calif.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 4492, 35 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 492, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.002.

CLEANING PROCESSES FOR LIFE PRESERVERS

(Where buoyancy fillers are not removed from envelope covers during cleaning process)

Approval No. 160.006/1/0, No. 111, cleaning process for kapok life preservers, Sinclair & Valentine Co., 611 West 129th Street, New York, N. Y.

Approval No. 160.006/2/0, Filter-Vac cleaning process for kapok life preservers, Rug Renovating Co., Inc., 1438 33d Avenue, Long Island City, N. Y.

Approval No. 160.006/3/0, Allied cleaning process for kapok life preservers, Allied Cleaners, 969 Natoma Street, San Francisco 3, Calif.

Approval No. 160.006/4/0, Sullivan, cleaning process for kapok life preservers, Sullivan Awning Co., 409 South Van Ness Street, San Francisco, Calif.

Approval No. 160.006/5/0, Moreland's cleaning process for kapok life preservers, Moreland's Industrial Laundry, 225 Roy Street, Seattle 9, Wash.

Approval No. 160.006/6/0, Shipservice cleaning process for kapok life preservers, Shipservice, Inc., 2–10 Provost Street, Brooklyn 22, N. Y.

Approval No. 160.006/7/0, Denihan cleaning process for kapok life preservers, B. J. Denihan, 215 East 64th Street, New York, N. Y.

Approval No. 160.006/8/0, Opera House cleaning process for kapok life preservers, Opera House Laundry, 217 Northwest Everett Street, Portland, Oreg.

Approval No. 160.006/9/0, Opera House cleaning process for cork life preservers, Opera House Laundry, 217 Northwest Everett Street, Portland, Oreg.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 492, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.006–4.

BUOYANT CUSHIONS, STANDARD

Approval No. 160.007/1/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–60, manufactured by Seaway Manufacturing Co., Inc., 213 North Peters Street, New Orleans, La.

Approval No. 160.007/2/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–71, manufactured by Wilber & Son, 116 New Montgomery Street, San Francisco, Calif.

Approval No. 160.007/3/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–82, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.007/4/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–85, manufactured by Acme Products, Inc., 152 Brewery Street, New Haven, Conn.

Approval No. 160.007/5/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–86, manufactured by Zee Rose, 853 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.007/6/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–93, manufactured by Cluff Fabric Products, Inc., 457 East 147th Street, New York, N. Y.

Approval No. 160.007/7/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–94, manufactured by Elvin Salow Co., 379–381 Atlantic Avenue, Boston, Mass.

Approval No. 160.007/8/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–95, manufactured by Grand Novelty Co., 273 State Street, Brooklyn, N. Y.

Approval No. 160.007/9/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–107, manufactured by Protection Products Co., 615 North Aberdeen St., Chicago, Ill.

Approval No. 160.007/10/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–103, manufactured by The Comfort Cushion Co., 5062 Loraine, Detroit, Mich.

Approval No. 160.007/11/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–109, manufactured by Fortier Upholstery Co., Manistee, Mich.

Approval No. 160.007/12/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–110, manufactured by W. L. Dumas Manufacturing Co., 14 A Street NW., Miami, Okla.

Approval No. 160.007/13/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–111, manufactured by Great Lakes Cushion Co., 4609 12th Street, Detroit, Mich.

Approval No. 160.007/14/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–122, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.007/15/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–123, manufactured by Badgley Manufacturing Co., 3216 Southeast Hawthorne Boulevard, Portland, Oreg.

Approval No. 160.007/16/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–127, manufactured by Benjamin T. Crump Co., Inc., 1310 East Franklin Street, Richmond, Va.

Approval No. 160.007/17/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–128, manufactured by Mr. M. Gottfried, 2061 Jerome Avenue, Bronx, N. Y.

Approval No. 160.007/18/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. B–354, manufactured by Neptune Specialties, Inc., 190 Columbia Heights, Brooklyn, N. Y.

Approval No. 160.007/19/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–144, manufactured by The H. S. White Manufacturing Co., Inc., 5th and Rosabel Streets, St. Paul, Minn.

Approval No. 160.007/20/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–156, manufactured by Fairfield Textile Works, Suisun, Calif.

Approval No. 160.007/21/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–170, manufactured by Old Town Canoe Co., Old Town, Maine.

Approval No. 160.007/22/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–171, manufactured by Detroit Cushion Manufacturing Co., Royal Oak, Mich.

Approval No. 160.007/23/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–183, manufactured by Boston Leather Specialties, Inc., Everett, Mass.

Approval No. 160.007/24/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–205, manufactured by Wycombe, Meyer, Inc., Norwalk, Conn.

Approval No. 160.007/25/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–215, manufactured by Howard Zink Corp., Fremont, Ohio.

Approval No. 160.007/26/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–305, manufactured by Burlington Mills, Inc., Burlington, Wis.

Approval No. 160.007/27/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–306, manufactured by Gladson Upholstering Shop, 2429 Wildwood Avenue, Cleveland, Tenn.

Approval No. 160.007/28/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–307, manufactured by Lite Manufacturing Co., Inc., 101 West 21st Street, New York.

Approval No. 160.007/29/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–335, manufactured by Design Upholsterers, 1945 Spielbusch Avenue, Toledo, 2, Ohio.

Approval No. 160.007/30/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–334, manufactured by Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.007/31/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–310, manufactured by Benton Harbor Awning & Tent Co., Benton Harbor, Mich.

Approval No. 160.007/32/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–311, manufactured by McPhaul Motorboat Cushion Co., 734 3d Street, Yuma, Ariz.

Approval No. 160.007/33/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A–312, manufactured by Melman, Inc., 5910 Northeast Second Avenue, Miami 38, Fla.

Approval No. 160.007/34/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No.

A-333, manufactured by Montgomery Ward & Co., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.007/35/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-314, manufactured by The S. E. Hyman Co., Fremont, Ohio.

Approval No. 160.007/36/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-315, manufactured by Earl G. Warfield, 110 Broad Street, Lynn, Mass.

Approval No. 160.007/37/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-316, manufactured by Jurgensen Manufacturing Co., 28-30 Jane Street, New York 11, N. Y.

Approval No. 160.007/38/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-317, manufactured by Curran Cushion & Textile Co., South Main Street, Downers Grove, Ill.

Approval No. 160.007/39/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-318, manufactured by International Cushion & Slip Cover Co., 515 North Halsted Street, Chicago, Ill.

Approval No. 160.007/40/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-319, manufactured by Higgins Sporting Goods Co., 1536 South Harvard, Tulsa 4, Okla.

Approval No. 160.007/41/0, Standard kapok buoyant cushion U. S. C. G. Specification 160.007, former aproval No. A-320, manufactured by Freeport Bedding Co., Inc., 21 East Merrick Road, Freeport, N. Y.

Approval No. 160.007/42/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-321, manufactured by Aalco Manufacutring Co., 728 Dallas Drive, St. Louis County 23, Mo.

Approval No. 160.007/43/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-324, manufactured by Necessities, Limited, P. O. Box 2148, Greenville, S. C.

Approval No. 160.007/44/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-325, manufactured by Evr-Klean Manufacturing Co., 2301 Madison Avenue, St. Louis, Mo.

Approval No. 160.007/45/0, Standard kapok buoyant cushion, U .S. C. G. Specification 160.007, former approvad No. A-326, manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn, N. Y.

Approval No. 160.007/46/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-327, manufactured by The Firestone Tire & Rubber Co., Akron, Ohio.

Approval No. 160.007/47/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-328, manufactured by Canvas Products Co., 622-24, Prospect Avenue, Kansas City 1, Mo.

Approval No. 160.007/48/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-329, manufactured by J. P. McNally Co., 22 Commercial Wharf (North) Boston, Mass.

Approval No. 160.007/49/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-330, manufactured by Merit Manufacturing Corp., 225-27 Powell Street, Brooklyn 2, N. Y.

Approval No. 160.007/50/0, Standard kapok buoyant cushion U. S. C. G. Specification 160.007, former approval No. A-331, manufactured by Armond's, 3709-11 Winchester Avenue, Atlantic City, N. J.

Approval No. 160.007/51/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-332, manufactured by Colonial Mercantile & Manufacturing Co., 1715 Mansfield Road, Toledo 12, Ohio.

Approval No. 160.007/52/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval number A-332, manufactured by Affiliated Retailers, Inc., 350 5th Avenue, New York, N. Y.

Approval No. 160.007/53/0, Standard kapok buoyant cushion U. S. C. G. Specification 160.007, former approval No. A-336, manufactured by Brooklyn Upholstering Co., (Rear) 3525 South Hanover Street, Baltimore 25, Md.

Approval No. 160.007/54/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-337, manufactured by DeMore Manufacturing Co., 547 Meeting Street, Charleston, S. C.

ADDITIONAL AUTHORITY: 54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 28.4-8.

BUOYANT CUSHIONS, NON-STANDARD

Approval No. 160.008/1/0, 15" x 15" x 2", buoyant cushion, 24 oz. Typha (processed cattail floss), specification dated 17 April 1944 (approved for duration of national emergency and six months thereafter), former approval No. B-222, manufactured by Acme Products, Inc., 152 Brewery Street, New Haven, Conn.

Approval No. 160.008/2/0, 13" x 18" x 2" rectangular buoyant cushion, 24 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-61, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/3/0, 14" x 14" x 2" seat, 18 oz. kapok, 14" x 14" x 2" back, 18 oz. kapok, double buoyant cushion, U. S. C. G. specification 160.008, former approval No. B-62, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/4/0, 14" x 20" x 2", rectangular buoyant cushion, 24 oz. kapok, U. S. C. G. Specification 160.008, former approval No. B-63, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/5/0, 12" x 48" x 2", rectangular buoyant cushion, 52 oz. kapok, U. S. C. G. Specification 160.008, former approval No. B-64, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/6/0, 12" x 36" x 2", rectangular buoyant cushion, 39 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-65, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/7/0, 12" x 24" x 2" rectangular buoyant cushion, 26 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-66, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/8/0, 14" x 17" x 2" rectangular buoyant cushion, 24 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-67, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/9/0, 15" x 15" x 2" buoyant cushion 24 oz. typha (Processed Cattail Floss), Dwg. dated 12 August 1943 (approved for duration of National Emergency and 6 months thereafter), former approval No. B-208, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/10/0, 14" x 14" x 2" seat, 18 oz. kapok, 14" x 18" x 2" back, 20 oz. kapok, double buoyant cushion, Dwg. No. B-70, dated 27 Jan. 1946, U. S. C. G. specification 160.008, former approval No. B-289, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/11/0, 14" x 18" x 2" rectangular buoyant cushion, 20 oz. kapok, Dwg. No. B-66, dated 23 February 1946, U. S. C. G. specification 160.008, former approval No. B-290, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/12/0, 15" x 48" x 2" rectangular buoyant cushion, 64 oz. kapok, Dwg. Nos. C-198 and A-135, dated 1 Nov. 1946, U. S. C. G. specification 160.008, former approval No. B-357, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/13/0, 12" x 20" x 2" rectangular buoyant cushion, 22 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-98, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/14/0, 12" x 24" x 2", rectangular buoyant cushion, 30 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification 160.008, former approval No. B-99, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/15/0, 12" x 30" x 2" rectangular buoyant cushion, 34 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification 160.008, former approval No. B-100, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/16/0, 12" x 36" x 2", rectangular buoyant cushion, 38 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification 160.008, former approval No. B-101, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/17/0, 12" x 42" x 2" rectangular buoyant cushion, 46 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification 160.008, former approval No. B-102, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/18/0, 12" x 45" x 2" rectangular buoyant cushion, 52 oz. kapok undated Dwg. No. A, U. S. C. G. Specification 160.008, former approval No. B-103, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/19/0, 12" x 48" x 2" rectangular buoyant cushion, 56 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification 160.008, former approval No. B-104, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/20/0, 12" x 54" x 2", rectangular cushion, 64 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-105, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/21/0, 13" x 18" x 2", rectangular buoyant cushion, 20 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification 160.008, former approval No. B-106, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/22/0, 14" x 18" x 2", rectangular buoyant cushion, 22 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-107, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/23/0, 14" x 20" x 2", rectangular buoyant cushion, 28 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification 160.008, former approval No. B-108, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/24/0, 14" x 24" x 2" rectangular buoyant cushion, 30 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-109, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/25/0, 14" x 30" x 2" rectangular buoyant cushion, 38 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification 160.008, former approval No. B-110, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/26/0, 14" x 36" x 2", rectangular buoyant cushion, 38 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification 160.008, former approval No. B-111, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/27/0, 14" x 42" x 2" rectangular buoyant cushion 54 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-112, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/28/0, 14" x 45" x 2" rectangular buoyant cushion, 56 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-113, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/29/0, 14" x 48" x 2" rectangular buoyant cushion, 60 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-114, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/30/0, 15" x 20" x 2" rectangular buoyant cushion, 32 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. 115, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/31/0, 15" x 25" x 2" rectangular buoyant cushion, 40 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification 160.008, former approval No. B-116, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/32/0, 15" x 30" x 2" rectangular buoyant cushion, 44 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-117, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/33/0, 15" x 35" x 2" rectangular buoyant cushion, 48 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval B-118, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/34/0, 15" x 40" x 2" rectangular buoyant cushion, 56 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008 former approval No. B-119, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/35/0, 15" x 45" x 2", rectangular buoyant cushion, 60 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-120, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/36/0, 16" x 18" x 2" rectangular buoyant cushion 30 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-121, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/37/0, 16" x 22" x 2" rectangular buoyant cushion, 34 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-122, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/38/0, 16" x 26" x 2" rectangular buoyant cushion, 38 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-123, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/39/0, 16" x 30" x 2" rectangular buoyant cushion, 44 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-124, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/40/0, 16" x 36" x 2" rectangular buoyant cushion, 56 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-125, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/41/0, 16" x 42" x 2" rectangular buoyant cushion, 60 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-126, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/42/0, 18" x 24" x 2" rectangular buoyant cushion, 42 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-127, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/43/0, 18" x 30" x 2" rectangular buoyant cushion, 52 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.003, former approval No. B-128, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/44/0, 18" x 36" x 2" rectangular buoyant cushion, 60 oz. kapok, undated Dwg. No. A., U. S. C. G. specification 160.008, former approval No. B-129, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/45/0, 20" x 24" x 2" rectangular buoyant cushion 44 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-130, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/46/0, 20" x 28" x 2" rectangular buoyant cushion, 54 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-131, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/47/0, 20" x 36" x 2" rectangular buoyant cushion, 56 oz. kapok, undated Dwg. No. A, U. S. C. G. specification 160.008, former approval No. B-132, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/48/0, 12" x 14" x 2" seat, 15 oz. kapok; 12" x 18" x 2" back, 20 oz. kapok; double buoyant cushion, undated Dwg. No. B, U. S. C. G. specification 160.003, former approval No. B-133, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/49/0, 14" x 14" x 2" seat, 18 oz. kapok; 14" x 14" x 2" back 18 oz. kapok double buoyant cushion, undated Dwg. No. B, U. S. C. G. specification 160.003, former approval No. B-134, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/50/0, 14" x 14" x 2" seat 18 oz. kapok; 14" x 20" x 2" back 25 oz. kapok; double buoyant cushion, undated Dwg. No. B, U. S. C. G. specification 160.008, former approval No. B-135, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/51/0, 15" x 15" x 2" seat, 20 oz. kapok; 15" x 20" x 2" back 27 oz. kapok; double buoyant cushion, undated Dwg. No. B, U. S. C. G. specification 160.008, former approval No. B-136, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/52/0, 16" x 18" x 2" buoyant cushion, 20 oz. kapok, undated, Dwg. No. C, U. S. C. G. specification 160.008, former approval No. B–137, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/53/0, 17" x 19" x 2" buoyant cushion, 24 oz. kapok, undated Dwg. No. C, U. S. C. G. specification 160.008, former approval No. B–138, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/54/0, 18" x 20" x 2" buoyant cushion, 28 oz. kapok undated Dwg. No. C, U. S. C. G. specification 160.008, former approval No. B–139, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/55/0, 19" x 21" x 2" buoyant cushion 32 oz. kapok, undated Dwg. No. C, U. S. C. G. Specification 160.008, former approval No. B–140, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/56/0, 16" x 18" x 2" buoyant cushion 20 oz., kapok, undated Dwg. No. D, U. S. C. G. specification 160.008, former approval No. B–141, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/57/0, 17" x 19" x 2" buoyant cushion 24 oz. kapok, undated Dwg. No. D, U. S. C. G. specification 160.008 former approval No. B–142, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/58/0, 18" x 20" x 2" buoyant cushion 28 oz. kapok, U. S. C. G. specification 160.008, undated Dwg. No. D, former approval No. B–143, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/59/0, 19" x 21" x 2" buoyant cushion 32 oz. kapok, undated Dwg. No. D, U. S. C. G. specification 160.008, former approval No. B–144, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/60/0, 16" x 16" x 2" kapok buoyant cushion, 22 oz. kapok undated Dwg. No. E, U. S. C. G. specification 160.008, former approval No. B–145, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/61/0, 18" x 18" x 2" buoyant cushion, 32 oz. kapok, undated Dwg. No. E, U. S. C. G. specification 160.008, former approval No. B–146, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/62/0, 20" x 20" x 2", buoyant cushion 30 oz. kapok, undated Dwg. No. E. U. S. C. G. Specification 160.008 former approval No. B–147, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/63/0, 13" x 19" x 2", rectangular buoyant cushion 20 oz. kapok, undated Dwg. No. F. U. S. C. G. Specification 160.008, former approval No. B–148, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/64/0, 14" x 20" x 2" rectangular buoyant cushion 24 oz. kapok, undated Dwg. No. F, U. S. C. G. Specification 160.008 former approval No. B–149, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/65/0, 12" x 22" x 2" rectangular buoyant cushion, 23 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–309 manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/66/0, 12" x 27" x 2" rectangular buoyant cushion, 29 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–310, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/67/0, 12" x 33" x 2" rectangular buoyant cushion, 35 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–311, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/68/0, 12" x 39" x 2", rectangular buoyant cushion, 42 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–312, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/69/0, 12" x 51" x 2" rectangular buoyant cushion, 54 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. Specification 160.008, former approval No. B–313, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/70/0, 12" x 57" x 2" rectangular buoyant cushion, 61 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. Specification 160.008, former approval No. B–314, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/71/0, 12" x 60" x 2" rectangular buoyant cushion, 64 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. Specification 160.008, former approval No. B–315, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/72/0, 15" x 22" x 2" rectangular buoyant cushion, 29 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. Specification 160.008, former approval No. B–316, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/73/0, 15" x 27" x 2" rectangular buoyant cushion, 36 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–317, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/74/0, 15" x 32" x 2" rectangular buoyant cushion, 42 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. Specification No. 160.008, former approval No. B–318, manufactured by the Atlantic - Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/75/0, 15" x 38" x 2", rectangular buoyant cushion, 51 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–319, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/76/0, 15" x 42" x 2", rectangular buoyant cushion, 56 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–320, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/77/0, 15" x 48" x 2" rectangular buoyant cushion, 64 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–321, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/78/0, 15" x 51" x 2" rectangular buoyant cushion, 68 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–322, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/79/0, 15" x 54" x 2", rectangular buoyant cushion, 72 oz. kapok, Dwg. dated 25 May, 1946, former approval No. B–323, U. S. C. G. specification 160.008, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/80/0, 15" x 57" x 2" rectangular buoyant cushion, 76 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.08, former approval No. B–324, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/81/0, 15" x 60" x 2", rectangular buoyant cushion, 80 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–325, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/82/0, 18" x 21" x 2" rectangular buoyant cushion, 34 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. Specification 160.008, former approval No. B–326, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/83/0, 18" x 27" x 2" rectangular buoyant cushion, 43 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–327, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/84/0, 18" x 33" x 2" rectangular buoyant cushion, 53 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–328, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/85/0, 18" x 39" x 2" rectangular buoyant cushion, 62 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–329, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/86/0, 18" x 42" x 2" rectangular buoyant cushion, 67 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–330, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/87/0, 18" x 45" x 2" rectangular buoyant cushion, 72 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–331, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/88/0, 18" x 48" x 2" rectangular buoyant cushion, 77 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–332, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/89/0, 18" x 51" x 2" rectangular buoyant cushion, 82 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–333, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/90/0, 18" x 54" x 2" rectangular buoyant cushion, 86 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–334, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/91/0, 18" x 57" x 2" rectangular buoyant cushion, 91 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–335, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/92/0, 18" x 60" x 2" rectangular buoyant cushion, 96 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–336, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/93/0, 21" x 21" x 2" rectangular buoyant cushion, 39 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–337, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/94/0, 21" x 24" x 2" rectangular buoyant cushion, 45 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–338, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/95/0, 21" x 27" x 2" rectangular cushion, 50 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–339, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/96/0, 21" x 30" 2", rectangular buoyant cushion, 56 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–340, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/97/0, 21" x 33" x 2" rectangular buoyant cushion, 62 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–341, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/98/0, 21" x 36" x 2" rectangular buoyant cushion, 67 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–342, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/99/0, 21" x 39" x 2" rectangular buoyant cushion, 73 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–343, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/100/0, 21" x 42" x 2" rectangular buoyant cushion, 78 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–344, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/101/0, 21" x 45" x 2" rectangular buoyant cushion, 84 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–345, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/102/0, 21" x 48" x 2" rectangular buoyant cushion, 90 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–346, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/103/0, 21" x 51" x 2" rectangular buoyant cushion, 95 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–347, manufactured by Atlantic-Pacific Manufacturing Corp, 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/104/0, 21" x 54" x 2" rectangular buoyant cushion, 101 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–348, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/105/0, 21" x 57" x 2" rectangular buoyant cushion, 106 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. B–349, manufactured by the Atlantic Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/106/0, 21" x 60" x 2" rectangular buoyant cushion, 112 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification 160.008, former approval No. 350, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/107/0, 12" x 18" x 21" x 2" trapezoidal buoyant cushion 20 oz. kapok Dwg. dated 27 May 1946, U. S. C. G. specification 160.008, former approval No. B–308, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/108/0, 15" x 15" x 2", buoyant cushion filled with 24 oz. Typha (processed cattail floss), Dwg. No. 4644, dated 6 April, 1944 (approved for duration of National Emergency and 6 months thereafter), former approval B–219, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/109/0, 14" x 20" x 2" rectangular buoyant cushion, 25 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–68, manufactured by Badgley Manufacturing Co., 1727 North Benton, Portland, Oreg.

Approval No. 160.008/110/0, 15" x 15" x 2", buoyant cushion filled with 24 oz. Typha (Processed cattail floss) (approved for duration of National Emergency and 6 months thereafter), former approval No. B–198, manufactured by Burgess-Manning Co., 180 Wabash Avenue, Chicago, Ill.

Approval No. 160.008/111/0, 13" x 19" x 2" rectangular buoyant cushion, 22 oz. kapok, Dwg. No. 25, dated 27 July 1946, U. S. C. G. specification 160.008, former approval No. B–353, manufactured by Burlington Mills, Inc., Burlington, Wis.

Approval No. 160.008/112/0, 15" x 15" x 2" buoyant cushion cushion filled with 40 oz. fibrous glass complying with Navy Dept. Spec. 23–G–7, U. S. C. G. specification 160.008 former approval No. B–296, manufactured by Comfort Cushion Co., 5026–84 Loraine Street, Detroit, Mich.

Approval No. 160.008/113/0, 15" x 17" x 19½" x 2½" trapezoidal buoyant cushion, 35 oz. kapok, Dwg. No. SK3680, dated 20 January 1942, U. S. C. G. specification 160.008, former approval No. B–70, manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/114/0, 17½ x 19½" x 2½" rectangular buoyant cushion, 39 oz. kapok, U. S. C. G. specifition 160.008, former approval No. B–71, manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/115/0, 18½" x 19" x 2½" rectangular buoyant cushion 40 oz., kapok, U. S. C. G. specification 160.008, former approval No. B–72, manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/116/0, 16½" x 21½" x 24" x 2" trapezoidal buoyant cushion 36 oz. kapok, Dwg. No. SK3679, dated 20 January 1942, U. S. C. G. specification 160.008, former approval No. B–73, manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/117/0, 16½" x 24" x 2" rectangular buoyant cushion, 36 oz. kapok, Dwg. No. SK3678, dated 20 January 1942, U. S. C. G. specification 160.008, former approval No. B–74, manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/118/0, 17" x 17" x 2½" rectangular buoyant cushion, 32 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–75, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/119/0, 16" x 17" x 17" x 2½" trapezoidal buoyant cushion, 31 oz. kapok, Dwg. No. SK3677, dated 20 January 1942, U. S. C. G. specification 160.008, former approval No. B–76, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/120/0, 17" x 24" x 25" x 2½" trapezoidal buoyant cushion, 47 oz. kapok, Dwg. No. SK3676, dated 20 January 1942, U. S. C. G. specification

160.008, former approval No. B–77, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/121/0, 17½" x 23" x 24" x 2¾" trapezoidal buoyant cushion, 50 oz. kapok, Dwg. No. SK3675, dated 20 January 1942, U. S. C. G. specification 160.008, former approval No. B–78, manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/122/0, 17" x 18" x 2¾" rectangular buoyant cushion, 39 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–79, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/123/0, 17½" x 18½" x 2½" rectangular buoyant cushion, 36 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–80, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/124/0, 16" x 18" x 19" x 2½" trapezoidal buoyant cushion, 38 oz. kapok, Dwg. No. SK3674, dated 20 January 1942, U. S. C. G. specification 160.008, former approval No. B–81, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/125/0, 17" x 19" x 2½" rectangular buoyant cushion, 38 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–82, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/126/0, 17" x 19" x 2½" rectangular buoyant cushion, 36 oz. kapok, Dwg. No. SK3673, dated 20 January 1942, U. S. C. G. specification 160.008, former approval No. B–83, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/127/0, 19½" x 19½" x 2½" rectangular buoyant cushion, 43 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–84, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/128/0, 19" x 19½" x 21" x 22½" x 2" trapezoidal buoyant cushion, 48 oz. kapok, Dwg. No. SK3672, dated 20 Jan. 1942, U. S. C. G. specification 160.008, former approval No. B–85, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/129/0, 17" x 21" x 2½" rectangular buoyant cushion, 40 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–86, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/130/0, 17" x 17½" x 20" x 21" x 2½" trapezoidal buoyant cushion, 40 oz. kapok, Dwg. No. SK3671, dated 20 Jan. 1942, U. S. C. G. specification 160.008, former approval No. B–87, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/131/0, 16½ x 37½" x 3" rectangular buoyant cushion, 83 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–88, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/132/0, 16½" x 24½" x 37½" x 2" trapezoidal buoyant cushion 39 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–89, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/133/0, 18½" x 24" x 3" rectangular buoyant cushion 60 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–90, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/134/0, 19" x 40" x 3" rectangular buoyant cushion, 100 oz. kapok, U. S. C. G. specification 160.008, former approval B–91, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/135/0, 18" x 19" x 2" rectangular buoyant cushion, 31 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–92, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/136/0, 20" x 28½" x 3" rectangular buoyant cushion, 76 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–93, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/137/0, 15" x 20" x 28" x 28½" x 3" trapezoidal buoyant cushion, 66 oz. kapok, Dwg. No. SK3688, dated 20 January 1942, U. S. C. G., Specification 160.008, former approval No. B–94, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/138/0, 21" x 31" x 23¾" rectangular buoyant cushion 80 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–95, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/139/0, 29" x 30" x 20½" x 23¾" trapezoidal buoyant cushion, 76 oz. kapok Dwg. SK3667, dated 20 January 1942, U. S. C. G. specification 160.008, former approval No. B–96, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/140/0, 20" x 23" x 2" rectangular buoyant cushion, 72 oz. kapok, Dwg. No. SK 6728, Rev. 6, May 1946; No. SK 3681, dated 20 January 1946, U. S. C. G. specification 160.008, former approval No. B–305, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/141/0, 24" x 27" x 2½" rectangular buoyant cushion 88 oz. kapok, Dwg. No. SK 6729, Rev. 6 May, 1946 and SK 3681, dated 20 January 1946, U. S. C. G. specification 160.008, former approval No. B–306 manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/142/0, 17" x 18" x 2" rectangular buoyant cushion 40 oz. kapok, Dwg. Nos. SK 6770, dated 26 May 1946 and SK 3691, Rev. 5 June 1946, U. S. C. G. specification 160.008, former approval No. B–352, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/143/0, 12" x 20" x 2" rectangular kapok buoyant cushion, 23 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–274, manufactured by Cluff Fabric Products, Inc., 457–467 East 147th Street, New York, N. Y.

Approval No. 160.008/144/0, 14" x 18" x 2" rectangular buoyant cushion, 21 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–275, manufactured by Cluff Fabric Products, Inc., 457–467 East 147th Street, New York, N. Y.

Approval No. 160.008/145/0, 14" x 24" x 2", rectangular buoyant cushion, 30 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–276, manufactured by Cluff Fabric Products, Inc., 457–467 East 147th Street, New York, N. Y.

Approval No. 160.008/146/0, 14" x 45" x 2" rectangular buoyant cushion, 55 oz. kapok, U. S. C. G. specification 160.008 former approval No. B–277, manufactured by Cluff Fabric Products, Inc., 457–467 East 147th Street, New York, N. Y.

Approval No. 160.008/147/0, 14" x 20" x 2" rectangular buoyant cushion, 20 oz. kapok, Dwg. dated 30 March 1946, U. S. C. G. specification 160.008, former approval No. B–278, manufactured by Cluff Fabric Products, Inc., 457–467 East 147th Street, New York, N. Y.

Approval No. 160.008/148/0, 19" x 22" x 2" chair design buoyant cushion 34 oz. kapok, Dwg. dated 30 March 1946, U. S. C. G. specification 160.008, former approval No. B–279, manufactured by Cluff Fabric Products, Inc., 457–467 East 147th Street, New York, N. Y.

Approval No. 160.008/149/0, 12" x 14" x 2" seat 15 oz. kapok 12" x 18" x 2" back, 14 oz. kapok double buoyant cushion, U. S. C. G. specification 160.008, former approval No. B–280, manufactured by Cluff Fabric Products, Inc., 457–467 East 147th Street, New York, N. Y.

Approval No. 160.008/150/0, 15" x 20" x 2" rectangular buoyant cushion, 27 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–284, manufactured by Cluff Fabric Products, Inc., 457–467 East 147th Street, New York, N. Y.

Approval No. 160.008 151/0, 15" x 15" x 2" buoyant cushion filled with 24 oz. Typha (Processsed cattail floss) (approved for duration of National Emergency and 6 months thereafter), former approval No. B–283, manufactured by Dumas Manufacturing Co., 14 A Street N. W., Miami, Okla.

Approval No. 160.008/152/0, 13" x 18" x 2" rectangular buoyant cushion, 20 oz. kapok, Dwg. No. 1–113, dated 6 February 1947, U. S. C. G. specification 160.008, former approval No. B–370, manufactured by Fairfield Textile Works, Suisun, Calif.

Approval No. 160.008/153/0, 15" x 15" x 2" buoyant cushion filled with 24 oz. Typha (processed cattail floss) Specification dated 19 December 1944 (approved for duration of National Emergency and 6 months thereafter), former approval No. B–285, manufactured by Flamingo Textiles, Inc., 427 Northwest 3d Avenue, Miami, Fla.

Approval No. 160.008/154/0, 15" x 15" x 2" buoyant cushion, 21 oz. kapok, Dwg. No. 2, dated 26 January 1946, U. S. C. G. specification 160.008, former approval No. B–285, manufactured by M. W. Fogg Co., 57 Rose Street, New York, N. Y.

Approval No. 160.008/155/0, 15" x 15" x 2" seat, 21 oz. kapok; 15" x 15" x 2" back, 21 oz. kapok, double kapok buoyant cushion, Dwg. No. 1, dated 15 January 1946, U. S. C. G. specification 160.008, former approval No. B–236, manufactured by M. W. Fogg Co., 57 Rose Street, New York, N. Y.

Approval No. 160.008/156/0, 14" x 14" x 2" seat, 20 oz. kapok; 14" x 14" x 2" back, 20 oz. kapok; double buoyant cushion Dwg. No. DC–1, dated 17 January 1947, U. S. C. G. Specification 160.008, former approval No. B–358, manufactured by Jurgensen Manufacturing Co., 162 Gates Avenue, Brooklyn, N. Y.

Approval No. 160.008/157/0, 14" x 14" x 2" seat, 20 oz. kapok, 14" x 18" x 2" back, 25 oz. kapok, double buoyant cushion, Dwg. No. DC–1, dated 17 January 1947, U. S. C. G. specification 160.008, former approval No. B–359, manufactured by Jurgensen Manufacturing Co., 162 Gates Avenue, Brooklyn, N. Y.

Approval No. 160.008/158/0, 13" x 21" x 2" rectangular buoyant cushions, 24 oz. kapok, Dwg. No. L–204, dated 18 January 1947, U. S. C. G. specification 160.008, former approval No. B–366, manufactured by Necessities, Limited, P. O. Box 2143, Greenville, S. C.

Approval No. 160.008/159/0, 15" x 15" x 2" buoyant cushion, 24 oz. Typha (processed Cattail Floss), specification dated 26 February 1944 (approved for duration of National Emergency and 6 months thereafter) former approval No. B–210, manufactured by Old Town Canoe Co., Old Town, Maine.

Approval No. 160.008/160/0, 14" x 48" x 2" rectangular buoyant cushion, 70 oz. kapok, Dwg. No. 313, dated 13 March 1946, U. S. C. G. specification 160.008, former approval No. B298, manufactured by Elvin Salow Co., 379–381 Atlantic Avenue, Boston, Mass.

Approval No. 160.008/161/0, 14" x 20" 2" rectangular buoyant cushion, 30 oz. kapok, Dwg. No. 313, dated 13 March 1946, former approval No. B–299, manufactured by Elvin Salow Co., 379–381 Atlantic Avenue, Boston, Mass.

Approval No. 160.008/162/0, 18" x 22" x 2" rectangular buoyant cushion, 48 oz. kapok, Dwg. No. 313, dated 13 March 1946, U. S. C. G. specification 160.008, former approval No. B–300, manufactured by Elvin Salow Co., 379–381 Atlantic Avenue, Boston, Mass.

Approval No. 160.008/163/0, 15" x 20" x 2", rectangular buoyant cushion, 27 oz. kapok, Dwg. No. 313, dated 13 March 1946, U. S. C. G. Specification 160.008, former approval No. B–301, manufactured by Elvin Salow Co., 379–381 Atlantic Avenue, Boston, Mass.

Approval No. 160.008/164/0, 15" x 15" x 2" buoyant cushion, 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter) former approval No. B–205, manufactured by the Elvin Salow Co., 379–381 Atlantic Avenue, Boston, Mass.

Approval No. 160.008/165/0, 14" x 21" x 2" rectangular buoyant cushion, 20 oz. kapok, U. S. C. G. specification 160.008, former approval No. B–60, manufactured by Seaway Manufacturing Co., Inc., 213 North Peters Street, New Orleans, La.

Approval No. 160.008/166/0, 15" x 15" x 2" buoyant cushion, 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter) Dwg. No. SMEC 44, dated 6 April 1944, former approval No. B–221, manufactured by Seaway Manufacturing Co., Inc., 213 North Peters Street, New Orleans, La.

Approval No. 160.008/167/0, 13" x 20" x 2" rectangular buoyant cushion, 20 oz. kapok, Dwg. dated 3 January 1946, U. S. C. G. specification 160.008, former approval No. B–287, manufactured by Seaway Manufacturing Co., Inc., 213 North Peters St., New Orleans, La.

Approval No. 160.008/168/0, 18" x 18" x 2" rectangular buoyant cushion, 24 oz. kapok, Dwg. dated 3 January 1946, U. S. C. G. specification 160.008, former approval No. B–288, manufactured by Seaway Manufacturing Co., Inc., 213 North Peters Street, New Orleans, La.

Approval No. 160.008/169/0, 15" x 15" x 2" buoyant cushion, 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter), specification dated 30 August 1945, former approval No. B–270, manufactured by Shaw Upholstery Co., 5910 Northeast 2d Avenue, Miami, Fla.

Approval No. 160.008/170/0, 15" x 15" x 2" buoyant cushion, 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter), specification dated 29 December 1944, former approval No. B–223, manufactured by W. H. Temme & Co., 827–31 Madison Street, Oak Park, Ill.

Approval No. 160.008/171/0, 14" x 14" x 2" seat, 18 oz. kapok; 14" x 14" x 2" back, 18 oz., kapok; double buoyant cushion, Dwg. Nos. 4006, dated 9 February 1947, and 4007, dated 7 February 1947, U. S. C. G. specification 160.008, former approval B–367, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn, N. Y.

Approval No. 160.008/172/0, 14" x 16" x 2" rectangular buoyant cushion 22 oz. kapok, Dwg. No. 5051, dated 8 February 1947, U. S. C. G. specification 160.008, former approval B–268, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn, N. Y.

Approval No. 160.008/173/0, 12" x 48" x 2" rectangular buoyant cushion, 51 oz. kapok, Dwg. No. 5052, dated 8 February 1947, U. S. C. G. specification 160.008, former approval No. B–369, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn, N. Y.

Approval No. 160.008/174/0, 15" x 15" x 2" buoyant cushion 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter), specification dated 31 May 1945, former approval No. B–267, manufactured by Velvagraph Co., 625 Broadway, New York, N. Y.

Approval No. 160.008/175/0, 13" x 20" x 2" rectangular buoyant cushion, 24 oz. kapok Dwg. No. 4, dated 17 January 1947, U. S. C. G. specification 160.008, former approval No. B–362, manufactured by H. S. White Manufacturing Co., 6th and Roasabel, St. Paul Minn.

Approval No. 160.008/176/0, 13" x 18" x 2" rectangular buoyant cushion, 21 oz. kapok, Dwg. No. 3, dated 17 January 1947, U. S. C. G. specification 160.008, former approval No. B–363, manufactured by H. S. White Manufacturing Co., 6th and Rosabel, St. Paul, Minn.

Approval No. 160.008/177/0, 15" x 17" x 2" rectangular buoyant cushion, 23 oz. kapok, Dwg. No. 2, dated 17 January 1947, U. S. C. G. specification 160.008, former approval No. B–364, manufactured by H. S. White Manufacturing Co., 6th and Rosabel, St. Paul, Minn.

Approval No. 160.008/178/0, 15" x 17" x 2" rectangular buoyant cushion, 23 oz. kapok, Dwg. No. 1, dated 17 January 1947, U. S. C. G. specification 160.008, former approval No. B–365, manufactured by H. S. White Manufacturing Co., 6th and Rosabel, St. Paul, Minn.

Approval No. 160.008/179/0, 15" x 15" x 2", buoyant cushion filled with 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter), former approval No. B–269, manufactured by Wilber & Son, 116 New Montgomery Street, San Francisco, Calif.

Approval No. 160.008/180/0, 14¼" x 15¾" x 2" rectangular buoyant cushion, 20 oz. kapok, Dwg. No. 1–109, dated 14 February 1946, U. S. C. G. specification 160.008, former approval No. B–297, manufactured by Wilber & Son, 116 New Montgomery Street, San Francisco, Calif.

Approval No. 160.008/181/0, 14" x 18" x 2" rectangular buoyant cushion, 20 oz. kapok, Dwg. No. 1–110, dated 12 March 1946, U. S. C. G. specification 160.008, former approval No. B–307, manufactured by Wilber & Son, 116 New Montgomery Street, San Francisco, Calif.

Approval No. 160.008/182/0, 15" x 15" x 2" seat, 20 oz. kapok; 15" x 15" x 2" back, 20 oz. kapok; double buoyant cushion, Dwgs. Nos. 4014–A, dated 15 March 1947 and 4014–S, dated 14 March 1947, U. S. C. G. Specification 160.008, former approval No. B–373, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. 160.008/183/0, 15" x 15" x 2" seat, 20 oz. kapok; 15" x 20" x 2" back, 27 oz. kapok, double buoyant cushion, Dwg. Nos. 4013–A, dated 14 March 1947 and 4013–S, dated 14 March 1947, U. S. C. G. Specification 160.008, former approval No. B–374, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. 160.008/184/0, 19" x 21" x 2" fishing chair design buoyant cushion, 36 oz. kapok, Dwg. Nos. 4010–A, dated 10 March 1947, U. S. C. G. Specification 160.008, former approval No. B–375, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. 160.008/185/0, 15" x 20" x 2" rectangular buoyant cushion, 27 oz. kapok, Dwg. Nos. 4012–A, dated 14 March 1947, and 4012–S dated 13 March 1947, U. S. C. G. Specification 160.008, former approval No. B–376, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. 160.008/186/0, 12" x 20" x 2" rectangular buoyant cushion, 22 oz. kapok, Dwg. Nos. 4011–A, dated 13 March 1947, and 4011–S dated 13 March 1947, U. S. C. G. Specification 160.008 former approval No. B–186, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. 160.008/187/0, 12" x 14" x 2" seat 15 oz. kapok, 12" x 18" x 2", back, 20 oz. kapok; Dwg. Nos. 4015–A, dated 16 March 1947 and 4015–S, dated 16 March 1947, U. S. C. G. Specification 160.008, former approval No. B–378, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. 160.008/188/0, 11¾" x 15" x 20¾" x 21" x 2", trapezoidal buoyant cushion, 26 oz. kapok, Dwg. No. NSC–1, dated 8 April 1947, U. S. C. G. Specification 160.008, former approval No. B–379, manufactured by Benton Harbor Awning & Tent Co., 136 Territorial Road, Benton Harbor, Mich.

Approval No. 160.008/189/0, 14" x 18" x 2" rectangular buoyant cushion, 23 oz. kapok, Dwg. No. 4016, dated 30 March 1947, U. S. C. G. Specification 160.008, former approval No. B–380, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. 160.008/190/0, 16" x 18" x 2" rectangular buoyant cushion, 26 oz. kapok, Dwg. No. 4016, dated 30 March 1947, U. S. C. G. Specification 160.008, former approval No. B–381, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. 160.008/191/0, 15" x 30" x 2" rectangular buoyant cushion, 40 oz. kapok, Dwg. No. 4016, dated 30 March 1947, U. S. C. G. Specification 160.008, former approval No. B–382, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. 160.008/192/0, 14" x 25" x 2" rectangular buoyant cushion, 31½ oz. kapok, Dwg. No. 4017, dated 1 April 1947, U. S. C. G. Specification 160.008, former approval No. B–383, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. 160.008/193/0, 16" x 25" x 2" rectangular buoyant cushion, 36 oz. kapok, Dwg. No. 4017, dated 1 April 1947, U. S. C. G. Specification 160.008, former approval No. B–384, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. 160.008/194/0, 15" x 26" x 2" rectangular buoyant cushion, 35 oz. kapok, Dwg. No. 4017, dated 1 April 1947, U. S. C. G. Specification 160.008, former approval No. B–335, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Approval No. 160.008/195/0, 14" x 18" x 2" rectangular buoyant cushion, 20 oz. kapok, The American Pad and Textile Co., Dwg. No. B–66, dated 23 February 1946, U. S. C. G. Specification 160.008, former approval No. B–386, manufactured by Affiliated Retailers, Inc., 350 Fifth Avenue, New York, N. Y.

Approval No. 160.008/196/0, 13" x 18" x 2" rectangular buoyant cushion, 20 oz. kapok, U. S. C. G. Specification 160.008, former approval No. B–387, manufactured by Montgomery Ward & Co., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.008/197/0, 14" x 18" x 2" rectangular buoyant cushion, 20 oz., kapok, The American Pad and Textile Co., Dwg. No. B–66, dated 23 February 1946, U. S. C. G. Specification 160.008, former approval No. B–388, manufactured by Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.008/198/0, 12" x 32" x 2" rectangular buoyant cushion, 34 oz., kapok, Dwg. Nos. C–230 and A–175, dated 21 April 1947 U. S. C. G. Specification 160.008, former approval No. B–389, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/199/0, 12" x 40" x 2" rectangular buoyant cushion, 43 oz., kapok, Dwg. Nos. C–232 and A–177, dated 21 April 1947, U. S. C. G. Specification 160.008, former approval No. B–390, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/200/0, 12" x 42" x 2" rectangular buoyant cushion 45 oz. kapok, Dwg. Nos. C–233 and A–178, dated 21 April 1947, U. S. C. G. Specification 160.008, former approval No. B–391, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/201/0, 14" x 46" x 2" rectangular buoyant cushion, 57 oz. kapok, Dwg. Nos. C–234 and A–179, dated 21 April 1947, U. S. C. G. Specification 160.008, former approval No. B–392, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/202/0, 14" x 48" x 2" rectangular buoyant cushion, 60 oz. kapok, Dwg. Nos. C–235 and A–180, dated 21 April 1947, U. S. C. G. Specification 160.008, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/203/0, 14" x 52" x 2" rectangular buoyant cushion, 65 oz. kapok, Dwg. Nos. C–236 and A–181, dated 21 April 1947, U. S. C. G. Specification 160.008, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/204/0, 14" x 54" x 2" rectangular buoyant cushion, 67 oz. kapok, Dwg. Nos. C–237 and A–182, dated 21 April 1947, U. S. C. G. Specification 160.008, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/205/0, 12" x 63" x 2" rectangular buoyant cushion, 67 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/206/0, 12" x 65" x 2" rectangular buoyant cushion, 70 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/207/0, 12" x 69" x 2" rectangular buoyant cushion, 74 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/208/0, 12" x 72" x 2" rectangular buoyant cushion, 77 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/209/0, 12" x 75" x 2" rectangular buoyant cushion, 80 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/210/0, 12" x 78" x 2" rectangular buoyant cushion, 83 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/211/0, 12" x 81" x 2" rectangular buoyant cushion, 86 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/212/0, 15" x 63" x 2" rectangular buoyant cushion, 84 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/213/0, 15" x 66" x 2" rectangular buoyant cushion, 88 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/214/0, 15" x 69" x 2" rectangular buoyant cushion, 92 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/215/0, 15" x 72" x 2" rectangular buoyant cushion, 96 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/216/0, 15" x 75" x 2" rectangular buoyant cushion, 100 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/217/0, 15" x 78" x 2" rectangular buoyant cushion, 104 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/218/0, 15" x 81" x 2" rectangular buoyant cushion, 108 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/219/0, 18" x 63" x 2" rectangular buoyant cushion, 101 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/220/0, 18" x 66" x 2" rectangular buoyant cushion, 106 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/221/0, 18" x 69" x 2" rectangular buoyant cushion, 110 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/222/0, 18" x 72" x 2" rectangular buoyant cushion, 115 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/223/0, 18" x 75" x 2" rectangular buoyant cushion, 120 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/224/0, 18" x 78" x 2" rectangular buoyant cushion, 125 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/225/0, 18" x 81" x 2" rectangular buoyant cushion, 130 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/226/0, 21" x 63" x 2" rectangular buoyant cushion, 118 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/227/0, 21" x 66" x 2" rectangular buoyant cushion, 123 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.003/228/0, 21" x 69" x 2" rectangular buoyant cushion, 129 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/229/0, 21" x 72" x 2" rectangular buoyant cushion, 134 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/230/0, 21" x 75" x 2" rectangular buoyant cushion, 140 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/231/0, 21" x 78" x 2" rectangular buoyant cushion, 146 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/232/0, 21" x 81" x 2" rectangular buoyant cushion, 151 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/233/0, 24" x 24" x 2" rectangular buoyant cushion, 51 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/234/0, 24" x 27" x 2" rectangular buoyant cushion, 58 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/235/0, 24" x 30" x 2" rectangular buoyant cushion, 64 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/236/0, 24" x 33" x 2" rectangular buoyant cushion, 70 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/237/0, 24" x 36" x 2" rectangular buoyant cushion, 77 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/238/0, 24" x 39" x 2" rectangular buoyant cushion, 83 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/239/0, 24" x 42" x 2" rectangular buoyant cushion, 90 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/240/0, 24" x 45" x 2" rectangular buoyant cushion, 96 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/241/0, 24" x 48" x 2" rectangular buoyant cushion, 102 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/242/0, 24" x 51" x 2" rectangular buoyant cushion, 109 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/243/0, 24" x 54" x 2" rectangular buoyant cushion, 115 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/244/0, 24" x 57" x 2" rectangular buoyant cushion, 122 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/245/0, 24" x 60" x 2" rectangular buoyant cushion, 128 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/246/0, 24" x 63" x 2" rectangular buoyant cushion, 134 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/247/0, 24" x 66" x 2" rectangular buoyant cushion, 141 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/248/0, 24" x 69" x 2" rectangular buoyant cushion, 147 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/249/0, 24" x 72" x 2" rectangular buoyant cushion, 154 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/250/0, 24" x 75" x 2" rectangular buoyant cushion, 160 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/251/0, 24" x 78" x 2" rectangular buoyant cushion, 166 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/252/0, 24" x 81" x 2" rectangular buoyant cushion, 173 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/253/0, 27" x 27" x 2" rectangular buoyant cushion, 65 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/254/0, 27" x 30" x 2" rectangular buoyant cushion, 72 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/255/0, 27" x 33" x 2" rectangular buoyant cushion, 79 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/256/0, 27" x 36" x 2" rectangular buoyant cushion, 86 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/257/0, 27" x 39" x 2" rectangular buoyant cushion, 94 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/258/0, 27" x 42" x 2" rectangular buoyant cushion, 101 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/259/0, 27" x 45" x 2" rectangular buoyant cushion, 108 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/260/0, 27" x 48" x 2" rectangular buoyant cushion, 115 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/261/0, 27" x 51" x 2" rectangular buoyant cushion, 122 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.003/262/0, 27" x 54" x 2" rectangular buoyant cushion, 130 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/263/0, 27" x 57" x 2" rectangular buoyant cushion, 137 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/264/0, 27" x 60" x 2" rectangular buoyant cushion, 144 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/265/0, 27" x 63" x 2" rectangular buoyant cushion, 151 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/266/0, 27" x 66" x 2" rectangular buoyant cushion, 158 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/267/0, 27" x 69" x 2" rectangular buoyant cushion, 166 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/268/0, 27" x 72" x 2" rectangular buoyant cushion, 173 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/269/0, 27" x 75" x 2" rectangular buoyant cushion, 180 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/270/0, 27" x 78" x 2" rectangular buoyant cushion, 187 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/271/0, 27" x 81" x 2" rectangular buoyant cushion, 194 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/272/0, 30" x 30" x 2" rectangular buoyant cushion, 80 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/273/0, 30" x 33" x 2" rectangular buoyant cushion, 88 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/274/0, 30" x 36" x 2" rectangular buoyant cushion, 96 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/275/0, 30" x 39" x 2" rectangular buoyant cushion, 104 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/276/0, 30" x 42" x 2" rectangular buoyant cushion, 112 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/277/0, 30" x 45" x 2" rectangular buoyant cushion, 120 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/278/0, 30" x 48" x 2" rectangular buoyant cushion, 128 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/279/0, 30" x 51" x 2" rectangular buoyant cushion, 136 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/280/0, 30" x 54" x 2" rectangular buoyant cushion, 144 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/281/0, 30" x 57" x 2" rectangular buoyant cushion, 152 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/282/0, 30" x 60" x 2" rectangular buoyant cushion, 160 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/283/0, 30" x 63" x 2" rectangular buoyant cushion, 168 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/284/0, 30" x 66" x 2" rectangular buoyant cushion, 176 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/285/0, 30" x 69" x 2" rectangular buoyant cushion, 184 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/286/0, 30" x 72" x 2" rectangular buoyant cushion, 192 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/287/0, 30" x 75" x 2" rectangular buoyant cushion, 200 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/288/0, 30" x 78" x 2" rectangular buoyant cushion, 208 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/289/0, 30" x 81" x 2" rectangular buoyant cushion, 216 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification 160.008, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.008/290/0, 21¼" x 23" x 2" rectangular buoyant cushion, 43 oz. kapok, Dwg. No. III dated 2 June 1946, U. S. C. G. Specification 160.008, manufactured by Benton Harbor Awning & Tent Co., 136 Territorial Road, Benton Harbor, Mich.

Approval No. 160.008/291/0, 17¼" x 21¼" x 22" x 22¾" x 2" trapezoidal buoyant cushion, 39 oz. kapok, Dwg. No. II dated 2 June 1947, U. S. C. G. Specification 160.008, manufactured by Benton Harbor Awning & Tent Co., 136 Territorial Road, Benton Harbor, Mich.

Approval No. 160.008/292/0, 13" x 18" x 2" rectangular buoyant cushion, 20 oz. kapok, U. S. C. G. Specification 160.008, manufactured by Spiegel, Inc., 1061 West 35th Street, Chicago, Ill.

Approval No. 160.008/293/0, 20" x 14" x 2½" rectangular buoyant cushion, 31 oz. kapok, Dwg. No. 502 dated 1 June 1947, U. S. C. G. Specification 160.008, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/294/0, 20" x 15" x 2½" rectangular buoyant cushion, 34 oz. kapok, Dwg. No. 503 dated 1 June 1947, U. S. C. G. Specification 160.008, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/295/0, 15" x 15" x 2½" rectangular buoyant cushion, 25 oz. kapok, Dwg. No. 503 dated 1 June 1947, U. S. C. G. Specification 160.008, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/296/0, 22" x 18" x 3" rectangular buoyant cushion, 54 oz. kapok, Dwg. No. 504, dated 1 June 1947, U. S. C. G. Specification 160.008, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/297/0, 45" x 14" x 2½" rectangular buoyant cushion, 71 oz. kapok, Dwg. 505, dated 1 June 1947, U. S. C. G. Specification 160.008, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/298/0, 48" x 15" x 2½" rectangular buoyant cushion, 80 oz. kapok, Dwg. No. 506 dated 1 June 1947, U. S. C. G. Specification 160.008, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/299/0, 18" x 14" x 2" rectangular buoyant cushion, 23 oz. kapok, Dwg. No. 507 dated 1 June 1947, U. S. C. G. Specification 160.008, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/300/0, 20" x 14" x 2" rectangular buoyant cushion, 25 oz. kapok, Dwg. No. 509 dated 1 June 1947, U. S. C. G. Specification 160.008, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/301/0, 52" x 15" x 2" rectangular buoyant cushion, 69 oz. kapok, Dwg. No. 509 dated 1 June 1947, U. S. C. G. Specification 160.008, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/302/0, 65" x 61" x 18" x 2" trapezoidal buoyant cushion, 101 oz. kapok, Dwg. No. 510 dated 1 June 1947, U. S. C. G. Specification 160.008, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/303/0, 66" x 68" x 16" x 2" trapezoidal buoyant cushion, 95 oz. kapok, Dwg. No. 511 dated 1 June 1947, U. S. C. G. Specification 160.008, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/304/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, Dwg. No. 101A dated 16 June 1947, U. S. C. G. Specification 160.008, manufactured by Nappe-Smith Manufacturing Co., Southard Avenue, Farmingdale, N. J.

ADDITIONAL AUTHORITY: 54 Stat. 164, 166; 46 U. S. C. 526c, 526p; 46 CFR 25.4–1, 28.4–8.

BUOYS, LIFE, RING, CORK AND BALSA WOOD

NOTE: The 20-inch and 24-inch diameter buoys are limited to service on motorboats only in accordance with 46 CFR 25.4–1.

Approval No. 160.009/1/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–50, manufactured by Seaway Manufacturing Co., 213 North Peters Street, New Orleans, La.

Approval No. 160.009/2/0, 20-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–51, manufactured by Seaway Manufacturing Co., 213 North Peters Street, New Orleans, La.

Approval No. 160.009/3/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–52, manufactured by Seaway Manufacturing Co., 213 North Peters Street, New Orleans, La.

Approval No. 160.009/4/0, 24-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–53, manufactured by Seaway Manufacturing Co., 213 North Peters Street, New Orleans, La.

Approval No. 160.009/5/0, 30-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval Nos. B–58 and B–175, manufactured by Seaway Manufacturing Co., 213 North Peters Street, New Orleans, La.

Approval No. 160.009/6/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–61, manufactured by Wilber & Son, 217 New Montgomery Street, San Francisco, Calif.

Approval No. 160.009/7/0, 20-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–62, manufactured by Wilber & Son, 217 New Montgomery Street, San Francisco, Calif.

Approval No. 160.009/8/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–63, manufactured by Wilber & Son, 217 New Montgomery Street, San Francisco, Calif.

Approval No. 160.009/9/0, 24-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–64, manufactured by Wilber & Son, 217 New Montgomery Street, San Francisco, Calif.

Approval No. 160.009/10/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. B–224, manufactured by Wilber & Son, 217 New Montgomery Street, San Francisco, Calif.

Approval No. 160.009/11/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–72, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.009/12/0, 20-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–73, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160/009/13/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Aproval No. A–74, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Aproval No. 160.009/14/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–75, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.009/15/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Aproval No. B–174 and B–179, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.009/16/0, 30-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. B–178 and B–180, mnaufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y.

Approval No. 160.009/17/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–112, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.009/18/0, 20-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–113, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.009/19/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–114, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.009/20/0, 24-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–115, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.009/21/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–146, manufactured by Fairfield Textile Works, Suisun, Calif.

Approval No. 160.009/22/0, 20-inch Balso Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–147, manufactured by Fairfield Textile Works, Suisun, Calif.

Approval No. 160.009/23/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–148, manufactured by Fairfield Textile Works, Suisun, Calif.

Approval No. 160.009/24/0, 24-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–149, manufactured by Fairfield Textile Works, Suisun, Calif.

Approval No. 160.009/25/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–224, manufactured by Dodge Cork Co., Inc., Lancaster, Pa.

Approval No. 160.009/26/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–225, manufactured by Dodge Cork Co., Inc., Lancaster, Pa.

Approval No. 160.009/27/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval Nos. B–172 and B–173, manufactured by Dodge Cork Co., Inc., Lancaster, Pa.

Approval No. 160.009/28/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–322, manufactured by Kent Marine Products Corp., 428 Great East Neck Road, West Babylon, N. Y.

Approval No. 160.009/29/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–323, manufactured by Kent Marine Products Corp., 428 Great East Neck Road, West Babylon, N. Y.

Approval No. 160.009/30/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval Nos. B–197 and B–209, manufactured by Kent Marine Products Corp., 428 Great East Neck Road, West Babylon, N. Y.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.4–1, 37.8–2, 59.56, 60.49, 76.53, 94.53, 113.46.

BUOYANT APPARATUS

Approval No. 160.010/1/0, Buoyant apparatus, solid balsa wood, 10 person capacity, Drawing No. 10 dated 12 December 1935, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.010/2/, Buoyant apparatus, solid balsa wood, 20 person capacity, Drawing No. 20, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.010/3/0, Buoyant apparatus, pine decking with copper tanks, 18 percent capacity, Drawing No. G–305 dated 27 November 1935, C. C. Galbraith & Son, 99 Park Place, New York, N. Y.

Approval No. 160.010/4/0, Buoyant apparatus, solid balsa wood, 12 person capacity, Drawing No. 12, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.010/5/0, Buoyant apparatus, solid balsa wood, 6 person capacity, Drawing No. 6 dated 25 February 1937, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.010/6/0, Buoyant apparatus, solid balsa wood, 8 person capacity, Drawing No. 8 dated 25 February 1937, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.010/7/0, Buoyant apparatus, pine decking with copper tanks, 5 person capacity, Drawing No. G–129 dated 20 January 1937, C. C. Galbraith & Son, 99 Park Place, New York 7, N. Y.

Approval No. 160.010/8/0, Buoyant apparatus, pine decking with copper tanks, 11 person capacity, Drawing No. G–129 dated 20 January 1937, C. C. Galbraith & Son, 99 Park Place, New York 7, N. Y.

Approval No. 160.010/9/0, Buoyant apparatus, spruce with copper tanks, 15 person capacity, Drawing No. 1778 dated 25 August 1939, Welin Davit & Boat Division of The Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.010/10/0, Buoyant apparatus, solid balsa wood, 20 person capacity, Drawing No. 1519 dated 31 October 1935, Welin Davit & Boat Divi-

sion of The Robinson Foundation, Perth Amboy, N. J.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 37.1–1, 59.54a, 60.47a, 76.51a.

GAS MASKS AND OTHER BREATHING APPARATUS

Approval No. 160.011/1/0, MSA one-man combination fresh air hose mask, Bureau of Mines Approval No. BM–1905A consisting of Face Piece BM–1905A, Blower BM–1905A, Hose BM–1901, Harness BM–1901, hose length 50 feet, MSA Assembly Drawing No. A–1129–1 revised 27 December 1940, Mine Safety Appliances Co., Braddock, Thomas and Meade Streets, Pittsburgh 8, Pa.

Approval No. 160.011/2/0, MSA two-man combination fresh air hose mask, Bureau of Mines Approval No. BM–1905A consisting of Fac Piece BM–1905A, Hose BM–1901, Blower BM–1905A, Harness BM–1901, hose length 100 feet, MSA Assembly Drawing No. A–1129–1 revised 27 December 1940, Mine Safety Appliances Co., Braddock, Thomas and Meade Streets, Pittsburgh 8, Pa.

Approval No. 160.011/3/0, Davis Type BLS fresh air hose mask No. 4066N, Bureau of Mines Approval No. BM–1906 consisting of Face Piece BM–1902, Harness BM–1902 with Hose BM–1902 or Harness BM–1902A with Hose BM–1902A, hose in 25-foot lengths with total length not to exceed 150 feet, Davis Emergency Equipment Co., 45 Halleck Street, Newark, N. J.

Approval No. 160.011/4/0, MSA one-hour oxygen breathing apparatus, Face Piece Type, complete in case, MSA Assembly Drawing No. A–1083 revised 24 March 1942, Mine Safety Appliances Co., Braddock, Thomas, and Meade Streets, Pittsburgh 8, Pa.

Approval No. 160.011/5/0, Fresh air hose mask No. 1905A, Bureau of Mines Approval No. BM–1905A consisting of Face Piece BM–1905A, Blower BM–1905A, Hose BM–1901, Harness BM–1901, Drawing No. 4M2185, Maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 160.011/6/0, Bullard fresh air hose mask No. 1903, Bureau of Mines Approval No. BM–1903 consisting of Face Piece BM–1903, Blower BM–1903, Harness BM–1903, Hose BM–1903, 1903A, maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, E. D. Bullard Co., San Francisco, Calif.

Approval No. 160.011/7/0, Ammonia gas mask No. 4, Bureau of Mines Approval No. BM–1420 consisting of Canister BM–1420, Canister Harness BM–1418 with Head Harness BM–1418 or Canister Harness BM–1418A with Head Harness BM–1418A Acme Protection Equipment Co., 3616 Liberty Avenue, Pittsburgh 1, Pa.

Approval No. 160.011/8/0, Acme supplied-air respirator, fresh air hose mask and assembly, Bureau of Mines Approval No. BM–1910 consisting of Face Piece BM–1910 with Head Harness BM–1910 or Face Piece BM–1910A with Head Harness BM–1910A, Body Harness BM–1910, Hose BM–1910, Blower BM–1910 and Container BM–1910, maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, Acme Protection Equipment Co., 3616 Liberty Avenue, Pittsburgh 1, Pa.

Approval No. 160.011/9/0, Davis Type BLS fresh air hose mask and assembly, Face Piece Model 1940, Bureau of Mines Approval No. BM–1906 consisting of Face Piece BM–1408F, Hose BM–1902A, Pump BM–1906, Neoprene covered hose in 25-foot lengths with total length not to exceed 150 feet, Davis Emergency Equipment Co., 45 Halleck Street, Newark, N. J.

Approval No. 160.011/10/0, Ammonia gas mask No. BM–1429, Bureau of Mines Approval No. BM–1429 consisting of Canister BM–1429, Face Piece BM–1419, Canister Harness BM–1419, E. D. Bullard Co., San Francisco, Calif.

Approval No. 160.011/11/0, Ammonia gas mask No. BM–1408, Bureau of Mines Approval No. BM–1408 consisting of Canister BM–1408, Face Piece BM–1408F, Canister Harness BM–1408, Davis Emergency Equipment Co., 45 Halleck Street, Newark, N. J.

Approval No. 160.011/12/0, MSA ammonia mask with all-vision facepiece Bureau of Mines Approval No. BM–1406 consisting of Canister BM–1406, Face Piece BM–1403 or BM–1403E, Harness BM–1403, MSA Assembly Drawing No. A–1128–1 revised 18 March 1946, Mine Safety Appliances Co., Braddock, Thomas and Meade Streets, Pittsburgh 8, Pa.

Approval No. 160.011/13/0, Protexall gas mask assembly with two canisters and full-view face piece, Bureau of Mines Approval No. BM–1434 consisting of Canister BM–1434, Face Piece BM–1403, BM–1403E, BM–1901, BM–1901E, Canister Harness, BM–1403, BM–1409, American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 160.011/14/0, Ammonia gas mask with Type DA Canister, Bureau of Mines Approval No. BM–1401 consisting of Canister BM–1401C, Face Piece BM–1401, BM–1403, BM–1403E, Canister Harness BM–1401, American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 160.011/15/0, MSA Model "S" all-service gas mask with all-vision face piece and tube, Bureau of Mines Approval No. BM–1434 consisting of Canister BM–1434, Timer BM–1403, Harness BM–1403 or BM–1409, Face Piece BM–1403, BM–1403E, BM–1901, BM–1901E, or BM–1905A, MSA Assembly Drawing No. A–1128–1 revised 18 March 1946, Mine Safety Appliances Co., Braddock, Thomas, and Meade Streets, Pittsburgh 8, Pa.

Approval No. 160.011/16/0, Acme Type FD all-purpose gas mask, Bureau of Mines Approval No. BM–1436, consisting of Canister BM–1436, Timer BM–1435, Canister Harness BM–1435, Face Piece BM–1418 with Head Harness BM–1418 or Face Piece BM–1418A with Head Harness BM–1418A, Acme Protection Equipment Co., 3616 Liberty Avenue, Pittsburgh 1, Pa.

Approval No. 160.011/17/0, McCAA two-hour oxygen breathing apparatus, Bureau of Mines Approval No. BM–1303, MSA General Assembly Drawing No. A990–1 Revision 3 dated 11 August 1939, Drawing No. A990–2 dated 15 September 1931, Mine Safety Appliances Co., Braddock, Thomas, and Meade Streets, Pittsburgh 1, Pa.

Approval No. 160.011/18/0, MSA standard all-service gas mask with all-vision face piece and tube, Bureau of Mines Approval No. BM–1405 consisting of Canister BM–1405, Timer BM–1403, Harness BM–1403, or BM–1409, Face Piece BM–1403, BM–1403E, BM–1901, BM–1901E or BM–1905A, MSA Assembly Drawing No. A–1128–1 revised 18 March 1946, Mine Safety Appliances Co., Braddock, Thomas, and Meade Streets, Pittsburgh 8, Pa.

Approval No. 160.011/19/0, Chemox 45-minute oxygen breathing apparatus, Bureau of Mines Approval No. 13M–1307, MSA general assembly Dwgs. No. A1212–1 and No. A1212–2, dated 28 November 1945, revised 27 December 1946 and 2 December 1946, respectively, Mine Safety Appliances Co., Braddock, Thomas, and Meade Streets, Pittsburgh 8, Pa.

Approval No. 160.011/20/0, Multi-gas Universal Gas Mask, Bureau of Mines approval No. BM–1439, consisting of canister BM–1439, timer BM–1432, harness BM–1439, facepiece BM–1419, Dwg. No. 72–1, dated 9 February 1947, E. D. Bullard Co., 275 Eighth Street, San Francisco, Calif.

Approval No. 160.019 21/0, Smoke-eater Universal Gas mask, Bureau of Mines approval No. BM–1440, consisting of canister BM–1440, timer BM–1432, harness BM–1439, facepiece BM–1419, Dwg. No. 72–1, dated 9 February 1947, E. D. Bullard Co., 275 Eighth Street, San Francisco, Calif.

Approval No. 160.011/22/0, Type WUG-N1 Universal Gas mask, Bureau of Mines, approval No. BM–1432, consisting of canister BM–1432, timer BM–1432, Harness BM–1432, facepiece BM–1423, Willson catalog P. 35, dated 15 April 1943, Willson Products, Inc., Reading, Pa.

Approval No. 160.011/23/0, Type WUG-N2, Universal gas mask, Bureau of Mines approval No. BM–1433, consisting of canister BM–1433, timer BM–1432, harness BM–1432, facepiece BM–1423, Willson Catalog P. 35, dated 15 April 1943, Willson Products Inc., Reading, Pa.

Approval No. 160.011/24/0, Type WIG-C1 Ammonia gas mask, Bureau of Mines approval No. BM–1425, consisting of canister BM–1425, facepiece BM–1423, canister harness BM–1423, Willson Catalog P. 36, dated 15 April 1943, Willson Products, Inc., Reading, Pa.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 50 U. S. C. 1275; 46 CFR 35.4–5, 61.18, 77.18, 95.17, 114.18.

WATER LIGHTS (SELF IGNITING, CALCIUM CARBIDE TYPE)

Approval No. 160.012/1/0, Res-Q-Lite, Self-igniting water light, calcium carbide type, manufactured by Coston Supply Co., 31 Water Street, New York 4, N. Y.

Approval No. 160.012/2/0, Galbraith Light, Self-igniting water light, calcium carbide type, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.012/3/0, Save-U-Lite, Self-igniting water light, calcium carbide type, manufactured by Automatic Lite Co., 2126 Edmonson Avenue, Baltimore, Md.

ADDITIONAL AUTHORITY: R. S. 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 59.57, 76.54, 94.54, 113.46a.

HATCHETS, LIFEBOAT AND LIFE RAFT

Approval No. 160.013/1/0, No. 0 size hatchets, Hunters Ax, Drawing No. SK 2031 dated 25 September 1944 and U. S. C. G. Specification dated 24 August 1944, manufactured by Collins Co., Collinsville, Conn.

Approval No. 160.013/2/0, No. 0 size hatchet, True American, Drawing dated 6 November 1944 and U. S. C. G. Specification dated 24 August 1944, manufactured by Mann Edge Tool Co., Lewistown, Pa.

Approval No. 160.013/3/0, No. 0 size hatchet, No. 425 Bridgeport Belt Ax, Drawing No. D–674 dated 15 February 1945 and U. S. C. G. Specification dated 24 August 1944, manufactured by Bridgeport Hardware Manufacturing Co., Bridgeport 5, Conn.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 33.3–1, 33.3–2, 59.11, 76.14, 76.14a, 94.13, 113.22.

COMPASSES, LIFEBOAT

Approval No. 160.014/1/0, Type LMC–101D, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. D–1 dated 18 July 1945, manufactured by John E. Hand & Sons Co., Third and Chestnut Streets, Philadelphia, Pa.

Approval No. 160.014/2/0, Model 2, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. AA dated 25 September 1945, manufactured by W. M. Welch Manufacturing Co., 1515 Sedgewick Street, Chicago, Ill.

Approval No. 160.014/3/0, Model 1, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. C–113–5–C Revised 2 January 1946, manufactured by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

Approval No. 160.014/4/0, Model 2, compensating mariners liquid filled magnetic lifeboat compass with mounting Assembly Drawing No. C–113–5–C Revised 2 January 1946, manufactured by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

Approval No. 160.014/5/0, Model 1A, compensating mariners liquid filled magnetic lifeboat compass with mounting Assembly Drawing No. G–112–7 dated 24 October 1946, manufactured by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

Approval No. 160.014/6/0, Model 2A, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. G–112–7 dated 24 October 1946, manufactured by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 33.3–1, 59.11.

WINCHES, LIFEBOAT

Approval No. 160.015/1/0, Type G, size No. 1, lifeboat winch, approved for maximum working load of 8,600 pounds pull at the drums (4,300 pounds per fall), identified by General Arrangement Dwg. No. 1150 dated 21 June 1942, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.015/2/0, Type GH–6 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 7 wraps of the falls on the drums, approved for maximum working load of 4,740 pounds pull at the drums (2,370 pounds per fall), identified by General Arrangement Dwg. No. 7243–D dated 5 August 1940, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.015/3/0, Type BSH–10 lifeboat winch, approved for maximum working load of 16,000 pounds pull at the drums (8,000 pounds per fall), identified by General Arrangement Dwg. No. 1172–D dated 8 March 1944 and revised 24 October 1944, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.015/4/0, Type WH–10 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ¼ inch in diameter and with not more than 6 wraps of the falls on the drums, approved for maximum working load of 4,400 pounds pull at the drums (2,200 pounds per fall), identified by General Arrangement Dwg. No. 1189–D–1 dated 24 October 1944, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.015/5/0, Type WH–5 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 5 wraps of the falls on the drums, approved for maximum working load of 6,000 pounds pull at the drums (3,000 pounds per fall), identified by General Arrangement Dwg. No. 1029–D, dated 1 May 1942 and revised 16 June 1942, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.015/6/0, Type S. E. W.–19–Q. R. lifeboat winch, approved for maximum working load of 6,340 pounds pull at the drums (3,170 pounds per fall), identified by General Arrangement Dwg. No. B. A. 380 dated 21 July 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.015/7/0, Type S. E. W.–10 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 2 wraps of the falls on the drums, approved for maximum working load of 3,334 pounds pull at the drums (1,667 pounds per fall), identified by General Arrangement Dwg. No. BA 381 dated 24 July 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.015/8/0, Type S. E. W.–19 lifeboat winch, approved for maximum working load of 8,000 pounds pull at the drums (4,000 pounds per fall), identified by General Arrangement Dwg. No. B. A. 240 dated 11 December 1941, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.015/9/0, Type S. E. W.–27 lifeboat winch, approved for maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by General Arrangement Dwg. No. A. A. 129 dated 26 April 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.015/10/0, Type H. W.–10.5 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 2 wraps of the falls on the drums, approved for maximum working load of 3,500 pounds pull at the drums (1,750 pounds per fall), identified by General Arrangement Dwg. No. B. A. 419 dated 24 January 1945, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.015/11/0, Type W. H. 3402 lifeboat winch, approved for maximum working load of 17,600 pounds pull at the drums (8,800 pounds per fall), identified by General Arrangement Dwg. No. 3402 dated 10 August 1944 and revised 2 September 1944, manufactured by Modern Boat & Engineering Co., 30 North La Salle Street, Chicago, Ill.

Approval No. 160.015/12/0, Type W. H. 3407 lifeboat winch, approved for maximum working load of 7,000 pounds direct pull at the drums (3,500 pounds per fall), identified by General Arrangement Dwg. No. 3407 dated 11 January 1945, manufactured by Modern Boat & Engineering Co., 30 North La Salle Street, Chicago, Ill.

Approval No. 160.015/13/0, Type DM lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ⅜ inch in diameter and with not more than 4 wraps of the falls on the drums, approved for maximum working load of 3,840 pounds pull at the drums (1,920 pounds per fall), identified by General Arrangement Dwg. Nos. 1201 RT–183 and 1202 RT–183 dated 27 July 1942, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Approval No. 160.015/14/0, Type "New England" lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 9 wraps of the falls on the drums, approved for maximum working load of 5,000 pounds pull at the drums (2,500 pounds per fall), identified by General Arrangement Dwg. No. R–2496–A dated 24 September 1943 and Dwg. No. R–2497–A dated 27 September 1943, manufactured by New England Trawler Equipment Co., Eastern Avenue, Chelsea 50, Mass.

Approval No. 160.015/15/0, Type H68 lifeboat winch, formerly type HC, for use with mechanical davits, fitted with wire rope not greater than ½ inch in diame-

ter and with not more than 7 wraps of the falls on the drums, approved for maximum working load of 6,800 pounds pull at the drums (3,400 pounds per fall), identified by General Arrangement Dwg. No. 2564 dated 29 March 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/16/0, Type H68N lifeboat winch, formerly type HC–N, for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 7 wraps of the falls on the drums, approved for maximum working load of 6,800 pounds pull at the drums (3,400 pounds per fall), identified by General Arrangement Dwg. No. 2564–13 dated 23 March 1943 and revised 22 July 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/17/0, Type H68S lifeboat winch, formerly type HSX, for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 5 wraps of the falls on the drums, approved for maximum working load of 6,800 pounds pull at the drums (3,400 pounds per fall), identified by General Arrangement Dwg. No. HSX–1 dated 10 July 1940, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/18/0, Type H68SN lifeboat winch, formerly type HSN, for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 5 wraps of the falls on the drums, approved for maximum working load of 6,800 pounds pull at the drums (3,400 pounds per fall), identified by General Arrangement Dwg. No. HSX–1 dated 10 July 1940, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/19/0, Type D68 lifeboat winch, formerly type HD, for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 6 wraps of the falls on the drums, approved for maximum working load of 6,800 pounds pull at the drums (3,400 pounds per fall), identified by General Arrangement Dwg. No. 3087 dated 11 March 1946 and revised 26 April 1946, manufactured by Welin Davit and Boat Division of the the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/20/0, Type C70 lifeboat winch, formerly type CWB, single drum, for use with mechanical davits, fitted with wire rope not greater than $^9/_{16}$ inch in diameter and with not more than 3 wraps of the falls on the drums, approved for maximum working load of 6,970 pounds pull at the drums (3,485 pounds per fall), identified by General Arrangement Dwg. No. 2118 dated 5 December 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/21/0, Type C70N lifeboat winch, formerly type CWB–N, for use with mechanical davits, fitted with wire rope not greater than $^9/_{16}$ inch in diameter and with not more than 3 wraps of the falls on the drums, approved for maximum working load of 6,970 pounds pull at the drums (3,485 pounds per fall), identified by General Arrangement Dwg. No. 2676–6 dated 19 August 1943 and revised 10 January 1942, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/22/0, Type B110 lifeboat winch, formerly type CWB double drum, approved for maximum working load of 11,000 pounds pull at the drums (5,500 pounds per fall) identified by General Arrangement Dwg. No. 2105 dated 12 November 1941 and revised 27 November 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/23/0, Type B135 lifeboat winch, formerly type CWB–6, approved for maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by General Arrangement Dwg. No. 2105 dated 12 November 1941 and revised 2 March 1942, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/24/0, Type B135N lifeboat winch, formerly type CWB–6N, approved for maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by General Arrangement Dwg. No. 2676–2 dated 11 August 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation ,Perth Amboy, N. J.

Approval No. 160.015/25/0, Type V65 lifeboat winch, formerly type CV, approved for maximum working load of 6,500 pounds pull at the drums (3,250 pounds per fall), identified by General Arrangement Dwg. No. 2651 dated 28 June 1943 and revised 22 October 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/26/0, Type B172 lifeboat winch, formerly type BWB, approved for maximum working load of 17,200 pounds pull at the drums (8,600 pounds per fall), identified by General Arrangement Dwg. No. 2114 dated 1 December 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/27/0, Type B172N lifeboat winch, formerly type BWB with quick return gear, approved for maximum working load of 17,200 pounds pull at the drums (8,600 pounds per fall), identified by General Arrangement Dwg. No. 2114 dated 1 December 1941 and revised 17 December 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/28/0, Type B200 lifeboat winch, formerly type BWB–1, approved for maximum working load of 20,000 pounds pull at the drums (10,000 pounds per fall), identified by General Arrangement Dwg. No. 2657 dated 4 June 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/29/0, Type B172H lifeboat winch, formerly type BWB horizontal, approved for maximum working load of 17,200 pounds pull at the drums (8,600 pounds per fall), identified by General Arrangement Dwg. No. 2477–N dated 15 July 1941 and revised 9 December 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/30/0, Type A150 lifeboat winch, formerly type A, approved for maximum working load of 15,000 pounds pull at the drums (7,500 pounds per fall), identified by General Arrangement Dwg. No. 2917 dated 15 November 1944, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/31/0, Type A200 lifeboat winch, formerly type AH, approved for maximum working load of 20,000 pounds pull at the drums (10,000 pounds per fall), identified by General Arrangement Dwg. No. 2927 dated 22 December 1944 and revised 23 March 1945, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/32/0, Type A150H lifeboat winch, formerly type AHS horizontal, approved for maximum working load of 15,000 pounds pull at the drums (7,500 pounds per fall), identified by General Arrangement Dwg. No. 2990–4 dated 22 December 1944, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/33/0, Type A150V lifeboat winch, formerly type AHS vertical, approved for maximum working load of 15,000 pounds pull at the drums (7,500 pounds per fall), identified by General Arrangement Dwg. No. 3046–1 dated 22 December 1944, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.015/43/0, Type H–40 lifeboat winch for use with mechanical davits; fitted with wire rope not greater than $^3/_8$ inch in diameter and with not more than 5 wraps of the falls or the drums; approved for maximum working load of 4,000 pounds at the drums (2,000 pounds per fall) identified by general arrangement Dwg. No. 3054–5, dated 17 April 1946 and revised 30 April 1947, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1–5, 59.3a, 60.21, 76.15a, 94.14a.

FLAME SAFETY LAMPS

Approval No. 160.016/1/0, American type "1–B", naptha burning, key lock, Flame Safety Lamp, manufactured by American Safety Lamp & Mine Supply Co., Scranton, Pa.

Approval No. 160.016/2/0, Koehler type, naptha burning, key lock, Flame Safety Lamp, manufactured by Koehler Manufacturing Co., Inc., Marlboro, Mass.

Approval No. 160.016/3/0, Wolf type, naptha burning, key lock, Flame Safety Lamp, manufactured by Wolf Safety Lamp Company of America, Inc., 227 Grand Avenue, Brooklyn, N. Y.

ADDITIONAL AUTHORITY: R. S. 4426, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 50 U. S. C. 1275; 46 CFR 61.18, 77.18, 95.17, 114.18.

LADDERS, EMBARKATION–DEBARKATION

Approval No. 160.017/1/0, Type 8PL embarkation-debarkation ladder, chain suspension, wood ears, Drawing No. 8PL, dated 18 June 1943, manufactured by H. K. Metal Craft Manufacturing Co., 3775–3789 10th Avenue at 203d Street, New York 34, N. Y.

Approval No. 160.017/2/0, Embarkation-debarkation ladder, chain suspension, wood ears, Drawing No. 407, dated 17 July 1943, manufactured by Kent Marine Products Co., 426 Great East Neck Road, West Babylon, N. Y.

Approval No. 160.017/3/0, Model 141 embarkation-debarkation ladder, chain suspension, wood ears, Drawing No. 141, dated 21 July 1943, manufactured by American Chain Ladder Co., Inc., 151 East 50th Street, New York 22, N. Y.

Approval No. 160.017/4/0, Model 241A embarkation-debarkation ladder, chain suspension, galvanized steel ears, Drawing No. 241A, revised 7 September 1943, manufactured by American Chain Ladder Co., 151 East 50th St., New York 22, N. Y.

Approval No. 160.017/5/0, Model 241B embarkation-debarkation ladder, chain suspension, aluminum ears, Drawing No. 241B, dated 30 March 1944, manufactured by American Chain Ladder Co., 151 East 50th St., New York 22, N. Y.

Approval No. 160.017/6/0, Type 8PL–A embarkation-debarkation ladder, chain suspension, aluminum ears, Drawing No. 8PL–A, dated 5 June 1946, manufactured by H. K. Metal Craft Manufacturing Co., 3775–3789 10th Avenue at 203d St., New York 34, N. Y.

Approval No. 160.017/7/0, Viking Type B–2, embarkation-debarkation ladder, Wire rope suspension, wood ears, W. C. Nickum and Sons Drawing No. 561–S1604–30, dated 8 April 1947, manufactured by Viking Marine Co., 253 Colman Building, Seattle, Wash.

ADDITIONAL AUTHORITY: R. S. 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 59.63, 76.56a, 94.55a, 113.47a.

LIFE RAFTS (CATAMARAN TYPE)

Approval No. 160.018/1/0, 9.67' x 8.67' x 3.42' life rafts, 18-person capacity, identified by General Arrangement Dwg. No. G–281, dated 12 January 1942 and revised 15 December 1942, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.018/2/0, 11.92' x 8.67' x 3.42' life raft, 20-person capacity, identified by General Arrangement Dwg. No. G–309 dated 3 March 1943 and revised 22 April 1943, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.018/3/0, 10.63' x 7.54' x 3.31' life raft, 17-person capacity, identified by General Arrangement Dwg. No. 47–CREV dated 3 January 1942, manufactured by Geo. W. Kneass Co., Eighteenth and Illinois Streets, San Francisco, Calif.

Approval No. 160.018/4/0, 11.04' x 8.58' x 3.17' life raft, 18-person capacity, identified by General Arrangement Dwg. No. S–18 revised 16 March 1942, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Approval No. 160.018/5/0, 10.37' x 7.83' x 3.00' life raft, 15-person capacity, identified by General Arrangement Dwg. No. R–15 revised 12 February 1942, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Approval No. 160.018/6/0, 9.46' x 8.69' x 3.54' life raft, 18-person capacity, identified by General Arrangement Dwg. No. 154–A dated 10 February 1942, manufactured by Lane Lifeboat and Davit Corporation, foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.018/7/0, 10.04' x 8.23' x 3.87' life raft, 16-person capacity, identified by General Arrangement Dwg. No. 153–A dated 13 February 1942, manufactured by Lane Lifeboat and Davit Corporation, foot of 40th Road and Flushing River, Flushing, N. Y.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1233; 46 CFR 37.1–1, 59.42, 76.32, 94.32, 113.29.

SEA ANCHORS

Approval No. 160.019/1/0, Type A Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification, dated 1 November 1943, revised 24 August 1944, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.019/2/0, Type 9 Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification dated 1 November 1943, revised 24 August 1944, manufactured by Bowman-Durham-Robbins, Inc., 607 Bergen Street, Brooklyn, N. Y.

Approval No. 160.019/3/0, Type BB 1 Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification dated 1 November 1943, revised 24 August 1944, manufactured by Bogardus Bros., 20 Mechanic Street, New Rochelle, N. Y.

Approval No. 160.019/4/0, Type Seaway Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification dated 1 November 1943, revised 24 August 1944, manufactured by Seaway Manufacturing Co., 511 North Solomon Street, New Orleans, La.

Approval No. 160.019/5/0, Type N–1 Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification dated 1 November 1943, revised 24 August 1944, manufactured by Neptune Accessories, 190 Columbia Heights, Brooklyn 2, N. Y.

Approval No. 160.019/6/0, Type 2–A Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification, dated 1 November 1943, revised 24 August 1944, manufactured by Eveready Canvas Corp., 20 Fulton Street, New York, N. Y.

Approval No. 160.019/7/0, Type T Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification, dated 1 November 1943, revised 24 August 1944, manufactured by Kent Marine Products Corp., 426 Great East Neck Road, West Babylon, N. Y.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 33.3–1, 59.11, 76.14.

MIRRORS, EMERGENCY SIGNALING

Approval No. 160.020/1/0, No. ESM/1, emergency signaling mirror, Drawing No. 165–22–E–365GE, dated 1 March 1943, manufactured by General Electric Co., Trumbull Lamp Works, 1313 West Market Street, Warren, Ohio.

Approval No. 160.020/2/0, Type SMC, emergency signaling mirror, manufactured by Safety Mirror Co., 69 Bank Street, New York, N. Y.

Approval No. 160.020/3/0, Scotchlite Type, Size 20, emergency signaling mirror, Drawing No. 165–22–E–388GE, dated 27 September 1945, manufactured by General Electric Co., Trumbull Lamp Works, 1313 West Market Street, Warren, Ohio.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 346 and sec. 5 (e), 55 Stat 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 33.3–1, 59.11a.

SIGNALS, DISTRESS, FLARE CARTRIDGE, RED, PARACHUTE

Approval No. 160.024/1/0, Aluminum shell parachute flare cartridge, Drawing No. MSP–1C dated 25 June 1936, manufactured by Coston Supply Co., 31 Water Street, New York 4, N. Y.

Approval No. 160.024/2/0, Aluminum shell Type 52 parachute flare cartridge, Drawing No. MS–11 Revised 11 January 1944, manufactured by The Kilgore Manufacturing Co., International Flare Signal Division, Westerville, Ohio.

Approval No. 160.024/3/0, Aluminum shell parachute flare cartridge, Drawing Marine No. 3, manufactured by Hitt Fireworks Co., 5234 37th Avenue South, Seattle, Wash.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 33.3–1, 33.3–2; 59.11, 76.14.

NOZZLES, WATER SPRAY (FIXED TYPE)

Approval No. 160.025/1/0, Akr-O-Mist, No. 1250 1½'' fixed type, Water Spray Nozzle, Drawing No. 26 dated 4 February 1938, manufactured by Akron Brass Manufacturing Co., Wooster, Ohio.

Approval No. 160.025/2/0, Marine ALFCO, Model 4M 1½'' fixed type, Water Spray Nozzle, Drawing No. 3M–1305 revised 14 January 1938, manufactured by American-La France Foamite Corp., Elmira, N. Y.

Approval No. 160.025/3/0, Fognozl, Type 3A, marine tip 1½'' fixed type, Water Spray Nozzle, Drawing No. P–1946–6–024 dated 26 June 1946, manufactured by Fog Nozzle Co., 1520 East Slauson Avenue, Los Angeles, Calif.

Approval No. 160.025/4/0, Fognozl, Type B, marine applicator 1½'' fixed type, Water Spray Nozzle, Drawing No. P–1946–6–021, dated 25 June 1946, manufactured by Fog Nozzle Co., 1520 East Slauson Avenue, Los Angeles, Calif.

Approval No. 160.025/5/0, Sprayco, 6610 Fire Fog, 1½'' fixed type, Water Spray Nozzle, Drawing No. KN–3646 dated 3 February 1938, manufactured by Spray Engineering Co., 114 Central Street, Somerville, Mass.

Approval No. 160.025/6/0, Mystery, M–200 1½'' fixed type, Water Spray

Nozzle, Drawing dated 9 April 1938, manufactured by Elkhart Brass Manufacturing Co., 1302 West Beardsley Avenue, Elkhart, Ind.

Approval No. 160.025/7/0, Day Vapor, Model M $1^1/_2$" fixed type, Water Spray Nozzle, Drawing No. B–1 dated 7 February 1938, manufactured by Joseph L. Day, 671 West Delavan Avenue, Buffalo, N. Y.

Approval No. 160.025/8/0, Grinnel, Model B $1^1/_2$" fixed type, Water Spray Nozzle, Drawing No. 13215–A revised 4 September 1941, manufactured by Grinnel Co., Providence, R. I.

Approval No. 160.025/9/0, Rockwood waterfog, Nozzle No. N–21 $1^1/_2$" fixed type, Water Spray Nozzle, Drawing No. S–275 dated 14 April 1942, manufactured by Rockwood Sprinkler Corp., Worcester, Mass.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 50 U. S. C. 1275; 46 CFR 34.3–11, 61.14.

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/1/0, Container for emergency provisions, Drawing dated 15 April 1944, Specification dated 3 July 1944, Chemical Service Co., 1117–25 South Howard Street, Baltimore 30, Md.

Approval No. 160.026/2/0, Container for emergency drinking water, Drawing dated 15 April 1944, Specification dated 3 July 1944, Chemical Service Co., 1117–25 South Howard Street, Baltimore 30, Md.

Approval No. 160.026/3/0, Container for emergency provisions, Drawing No. 667, dated 20 July 1943, Specification dated 3 July 1944, Multiple Breaker Co., Garwood, N. J.

Approval No. 160.026/4/0, Container for emergency drinking water, Drawing No. 668 dated 20 July 1943, revised 9 August 1944, Specification dated 3 July 1944, Multiple Breaker Co., Garwood, N. J.

Approval No. 160.026/5/0, Container for emergency provisions, Drawing dated 7 September 1944, Specification dated 12 September 1944, California Ration & Equipment Co., 1960 Carrol Avenue, San Francisco, Calif.

Approval No. 160.062/6/0, Container for emergency drinking water, Drawing dated 7 September 1944, Specification dated 12 September 1944, California Ration & Equipment Co., 1960 Carrol Avenue, San Francisco, Calif.

Approval No. 160.026/7/0, Container for emergency provisions, Drawing No. 15 dated 20 February 1945, Specification dated 3 July 1944, Coston Supply Co., Inc., 31 Water Street, New York 4, N. Y.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 33.3–1, 59.11.

LIFE FLOATS

Approval No. 160.027/1/0, Elliptical balsa wood life float, 10 person capacity, Drawing No. 6243 dated 2 June 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.027/2/0, Elliptical balsa wood life float, 15 person capacity, Drawing No. 6243 dated 2 June 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.027/3/0, Elliptical balsa wood life float, 25 person capacity, Drawing No. 6243 dated 2 June 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.027/4/0, Elliptical balsa wood life float, 40 person capacity, Drawing No. 6243 dated 2 June 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.027/5/0, Rectangular balsa wood life float, 10 person capacity, Drawing No. 11–1–43 dated 1 November 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.027/6/0, Rectangular balsa wood life float, 15 person capacity, Drawing No. 11–1–43 dated 1 November 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.027/7/0, Rectangular balsa wood life float, 25 person capacity, Drawing No. 11–1–43 dated 1 November 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.027/8/0, Rectangular balsa wood life float, 40 person capacity, Drawing No. 11–1–43 dated 1 November 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.027/9/0, Rectangular balsa wood life float, 60 person capacity, Drawing No. 11–1–43 Revision A dated 1 November 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.027/10/0, Elliptical balsa wood life float, 10 person capacity, Drawing No. G–331 Revised 13 December 1943, C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.027/11/0, Elliptical balsa wood life float, 15 person capacity, Drawing No. G–331 Revised 13 December 1943, C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.027/12/0, Elliptical balsa wood life float, 20 person capacity, Drawing No. G–331 Revised 13 December 1943, C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.027/13/0, Elliptical balsa wood life float, 25 person capacity, Drawing No. G–331 Revised 13 December 1943, C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.027/14/0, Elliptical balsa wood life float, 40 person capacity, Drawing No. G–331 Revised 13 December 1943, C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.027/15/0, Elliptical balsa wood life float, 60 person capacity, Drawing No. G–331 Revised 13 December 1943, C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.027/16/0, Rectangular balsa wood life float, 15 person capacity, Drawing No. LFB–15–PS dated 24 July 1942, Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

ADDITIONAL AUTHORITY: R. S. 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 59, 54a, 60.47a, 76.51a.

SIGNAL PISTOLS

Approval No. 160.028/1/0, No. 52 Marine signal pistol, Drawing MSP–1, revised 1 October 1943, manufactured by Kilgore Manufacturing Co., International Flare Signal Division, Westerville, Ohio.

Approval No. 160.028/2/0, Mark IV signal pistol, Drawing 1–CG, revised 24 May 1943, manufactured by R. F. Sedgley, Inc., J and Ontario Streets, Philadelphia, Pa.

Approval No. 160.028/3/0, V–K Mark 12 signal pistol, Drawing S–100, revised 30 October 1942, manufactured by Van Karner Chemical Arms Co., 202 East 44th Street, New York 17, N. Y.

Approval No. 160.028/4/0, No. 3 signal pistol, Drawing M–101, dated March 1943, manufactured by Columbia Appliance Corp., 8 43d Road, Long Island City 1, N. Y.

Approval No. 160.028/5/0, Mark IV signal pistol, Drawing No. B–4–3318, dated 16 September 1944, manufactured by Harrington & Richardson Arms Co., Worcester, Mass.

Approval No. 160.028/6/0, Sklar signal pistol, Drawing No. Z–100A, dated 26 August 1944, manufactured by Sklar Signal Pistol Company, 1017 Market Street, San Francisco, Calif.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 33.3–1, 33.3–2, 59.11, 76.14.

LINE THROWING APPLIANCES (LYLE GUN TYPE)

Approval No. 160.029/1/0, Model F, bronze line-throwing gun, mounted type, Drawing No. M–100–3, dated 6 August 1942, manufactured by The Naval Co., Old Eastern Highway, Doylestown, Pa.

Approval No. 160.029/2/0, Bronze line-throwing gun, mounted type, Drawings 263, 1071, and A–243, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.029/3/0, Steel line-throwing gun, mounted type, Drawings 263, 1063, and 1070, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.029/4/0, Steel line-throwing gun, mounted type, Drawing No. D–1374–GD, Alt. C., dated 24 April 1942, manufactured by Heat Transfer Products, Inc., 90 West Street, New York, N. Y.

Approval No. 160.029/5/0, Type B, bronze line-throwing gun, mounted type, Drawing No. DP1814–AS, revision A, dated 1 July 1943, manufactured by Heat Transfer Products, Inc., 90 West Street, New York, N. Y.

Approval No. 160.029/6/0, Model F–B, bronze line-throwing gun, mounted type, Drawing No. M–108–B dated 27 April 1944, manufactured by The Naval Co., Old Eastern Highway, Doylestown, Pa.

Approval No. 160.029/7/0, line-throwing gun, mounted type, Drawing No. A–230A, dated 5 December 1943, manufactured by Kent Marine Products Corp., West Babylon, New York.

Approval No. 160.029/8/0, Model S, steel line-throwing gun, mounted type, Drawing No. DS–256, dated 6 January 1944, manufactured by Heat Transfer Products, Inc., 90 West Street, New York, N. Y.

Approval No. 160.029/9/0, Model B, short barrel line-throwing gun, mounted type, Drawing No. DS–257, dated 9 January 1944, manufactured by Heat Transfer Products, Inc., 90 West Street, New York, N. Y.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.10–1, 59.61.

FIRING ATTACHMENT FOR LYLE GUN TYPE LINE THROWING APPLIANCES

Approval No. 160.030/1/0, Model VK–M20 firing attachment for line-throwing gun, Drawing VK–M–20, dated 12 September 1945, manufactured by Van Karner Chemical Arms Corporation, Port Jervis, N. Y.

Approval No. 160.030/2/0, Model F–100–A firing attachment for line-throwing gun, Drawing F–100–A, dated 30 September 1945, manufactured by The Naval Co., 3419 Richmond Street, Doylestown, Pa.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.10–1, 59.61.

LINE-THROWING APPLIANCES (SHOULDER GUN TYPE)

Approval No. 160.031/1/0, Model 66, 45/70 caliber line-throwing gun, shoulder type, Drawing No. D–000, dated 29 June 1943, manufactured by Harrington & Richardson Arms Co., Worcester, Mass.

Approval No. 160.031/2/0, Bridger, 45/70 caliber line-throwing gun, shoulder type, Drawing No. H–102, dated 26 September 1945, manufactured by Harrington & Richardson Arms Co., Worcester, Mass.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 33.9–3, 59.61.

DAVITS, LIFEBOAT

Approval No. 160.032/1/0, Mechanical Davit, straight boom sheath screw, size A–7–0. Approved for maximum working load of 13,600 pounds per set (6,800 pounds per arm) using not less than 3 part falls, identified by General Arrangement Dwg. No. 599–S8200–3 dated 6 April 1945 and revised 18 February 1946, manufactured by Consolidated Services & Supply Co., 71 Columbia Street, Seattle 4, Wash.

Approval No. 160.032/2/0, Gravity Davit, size 2866, approved for maximum working load of 17,200 pounds per set (8,600 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 1123 dated 22 April 1942, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.032/3/0, Mechanical Davit, Steward Type, size 2A–7–0, approved for maximum working load of 16,700 pounds per set (8,350 pounds per arm), using not less than 2 part falls. Identified by General Arrangement Dwg. No. A–100 dated 30 October 1939, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.032/4/0, Mechanical Davit, Steward Type, Size 4A–6–1, approved for maximum working load of 10,576 pounds per set (5,288 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. A–102 dated 1 April 1940, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.032/5/0, Mechanical Davit, Steward Type, Size 5A–5–6, approved for maximum working load of 8,180 pounds per set (4,090 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 1296 dated 22 March 1943, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.032/6/0, Mechanical Davit, Stewart Type, Size 3A–6–6, approved for maximum working load of 12,000 pounds per set (6,000 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 101 dated 29 December 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.032/7/0, Mechanical Davit, Straight Boom Sheath Screw, approved for maximum working load of 14,000 pounds per set (7,000 pounds per arm), identified by General Arrangement Dwg. No. S–82–1 dated 25 Nov. 1941, manufactured by Gulf Shipbuilding Corp., Post Office Box 1365, Mobile 8, Ala.

Approval No. 160.032/8/0, Gravity Davit, Type A–1, approved for maximum working load of 16,000 pounds per set (8,000 pounds per arm) using one part falls. Identified by General Arrangement Dwg. No. 565–E dated 12 October 1943 and revised 2 June 1944, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/9/0, Gravity Davit, Type A, approved for maximum working load of 14,000 pounds per set (7,000 pounds per arm) using one part falls. Identified by General Arrangement Dwg. No. NY–4028, dated 4 January 1941 and revised 6 October 1941, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/10/0, Mechanical Davit, Crescent Boom Sheath Screw Type 5–SS–6–0, approved for maximum working load of 4,496 pounds per set (2,248 pounds per arm). Identified by General Arrangement Dwg. No. NY–4032 dated 29 January 1941, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/11/0, Mechanical Davit, Crescent Boom Sheath Screw Type 3–SS–7–0, approved for maximum working load of 16,750 pounds per set (8,375 pounds per arm). Identified by General Arrangement Dwg. No. 4010 dated 13 August 1940, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/12/0, Mechanical Davit, Crescent Boom Sheath Screw Type 4–CS–6–6–X, approved for maximum working load of 9,500 pounds per set (4,750 pounds per arm) using not less than 2 part falls. Identified by General Arrangement Dwg. No. 331–D–X dated 7 April 1942 and revised 16 June 1942, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/13/0, Mechanical Davit, Straight Boom Sheath Screw Type 8–SS–6–0, approved for maximum working load of 7,000 pounds per set (3,500 pounds per arm). Identified by General Arrangement Dwg. No. 5661–E dated 21 January 1941 and revised 21 February 1941, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/14/0, Mechanical Davit, Straight Boom Sheath Screw Type 3A–S–6–6, approved for maximum working load of 12,000 pounds per set (6,100 pounds per arm) using not less than 4 part falls. Identified by General Arrangement Dwg. No. 425–D, dated 25 October 1943, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/15/0, Mechanical Davit, Steward Type, Size 5–7–0, approved for maximum working load of 7,500 pounds per set (3,750 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 120–D dated 27 February 1943, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/16/0, Mechanical Davit, Steward Type, Size 6–6–0–X–X, approved for maximum working load of 6,000 pounds per set (3,000 pounds per arm). Identified by General Arrangement Dwg. No. 100–D dated 2 February 1942, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/17/0, Mechanical Davit, Steward Type, size 4–6–10, approved for maximum working load of 10,400 pounds per set (5,200 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 170–D dated 10 April 1942, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/18/0, Mechanical Davit, Steward Type, Size 5–6–0–S, approved for maximum working load of 9,000 pounds per set (4,500 pounds per arm). Identified by General Arrangement Dwg. No. S–150–D dated 30 November 1942 and revised 14 October 1943, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/19/0, Mechanical Davit, Steward Type, Size 2X–7–0–L, approved for maximum working load of 15,000 pounds per set (7,500 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 220–D dated 1 May 1943, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/20/0, Mechanical Davit, Straight Boom Sheath Screw Size 5–S–6–0, approved for maximum working load of 9,000 pounds per set (4,500 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 445–D dated 12 November 1943 and revised 21 February 1944, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/21/0, Mechanical Davit, Straight Boom Sheath Screw Type 3–S–6–6, approved for maximum working load of 14,000 pounds per set (7,000 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 460–D dated 24 July 1944 and revised 19 September 1944, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/22/0, Mechanical Davit, Crescent Boom Sheath Screw Size 4–CS–6–6, approved for maximum working load of 11,000 pounds per set (5,500 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 330–D dated 29 September 1944, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.032/23/0, Gravity Davit, Type 51–66, approved for maximum working load of 19,000 pounds per set (9,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. AA 111 dated 10 November 1941, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/24/0, Gravity Davit, Type GR–16, approved for maximum working load of 16,000 pounds per set (8,000 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. AA–133 dated 4 October 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/25/0, Gravity Davit, Type GR–27, approved for maximum working load of 27,000 pounds per set (13,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. AA–122 dated May 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/26/0, Gravity Davit, Type GR–19B, approved for maximum working load of 19,000 pounds per set (9,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. AA–113 dated 12 January 1942, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/27/0, Mechanical Davit, Type MD–65, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. BA 224 dated 28 October 1941, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/28/0, Mechanical Davit, Type MD 35–14, approved for maximum working load of 7,000 pounds per set (3,500 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. BA 278B, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/29/0, Mechanical Davit, Type MD 45–10.5, approved for maximum working load of 10,000 pounds per set (5,000 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. BA 342 dated 20 January 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/30/0, Mechanical Davit, Type MD 65–12, approved for maximum working load of 13,500 pounds per set (6,750 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. BA 397B dated 24 August 1944 and revised 1 March 1945, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/31/0, Mechanical Davit, Type MD 90–17.5, approved for maximum working load of 19,200 pounds per set (9,600 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. BA 376 dated 17 June 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/32/0, Mechanical Davit, Type ND 65–16, approved for maximum working load of 13,500 pounds per set (6,750 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. BA–429, dated 19 January 1945, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/33/0, Mechanical Davit, Type RD 5–10. Approved for maximum working load of 5,800 pounds per set (2,900 pounds per arm) using not less than 4 part falls. Identified by General Arrangement Dwg. No. CA 395, dated 10 January 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/34/0, Mechanical Davit, Type S. S. L. 5–10.5, approved for maximum working load of 5,000 pounds per set (2,500 pounds per arm) using not less than 4 part falls. Identified by General Arrangement Dwg. No. BA343 dated 31 January 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/35/0, Mechanical Davit, Type S. S. L. 10.5–11.5, approved for maximum working load of 10,500 pounds per set (5,250 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. BA 421 dated 18 December 1945, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/36/0, Mechanical Davit, Type S. S. L. 14, approved for maximum working load of 14,000 pounds per set (7,000 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. CA 301 dated 25 May 1942, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/37/0, Mechanical Davit, Type S. S. L. 5, approved for maximum working load of 5,000 pounds per set (2,500 pounds per arm) using not less than 4 part falls. Identified by General Arrangement Dwg. No. CA 300–B dated 30 August 1946, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.032/38/0, Gravity Davit, Type A–1 approved for maximum working load of 16,000 pounds per set (8,000 pounds per arm) using one part falls. Identified by General Arrangement Dwg. No. D–2446 dated 31 July 1944, manufactured by Modern Boat & Engineering Co., 6100 North Western Avenue, Chicago 45, Ill.

Approval No. 160.032/39/0, Gravity Davit, Type B–1, approved for maximum working load of 14,000 pounds per set (7,000 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. D–2572 dated 10 February 1945 and revised 3 April 1945, manufactured by Modern Boat & Engineering Co., 6100 North Western Avenue, Chicago 45, Ill.

Approval No. 160.032/40/0, Gravity Davit, Type 28A, approved for maximum working load of 17,000 pounds per set (8,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 2892, dated 17 August 1945 and revised 26 September 1945, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/41/0, Gravity Davit, Type 33A, approved for maximum working load of 32,000 pounds per set (16,000 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 2893, dated 20 August 1945 and revised 15 November 1945, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/42/0, Gravity Davit, Type 135 (welded head), approved for maximum working load of 43,000 pounds per set (21,500 pounds per arm; 17,200 pounds taken by falls and 4,300 pounds taken by davit head) using 2 part falls. Identified by General Arrangement Dwg. No. 2096 dated 30 October 1941 and revised 10 December 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/43/0, Gravity Davit, Type 30–V, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm), using 2 part falls. Identified by General Arrangement Dwg. No. 2649 dated 30 October 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/44/0, Mechanical Davit, Crescent Sheath Screw Type CA, approved for maximum working load of 11,700 pounds per set (5,850 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 3071–2 dated 8 February 1946 and revised 8 March 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/45/0, Mechanical Davit, Crescent Sheath Screw Type CAB approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 3086, dated 12 April 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/46/0, Gravity Davit, Type 51–59, approved for maximum working load of 15,500 pounds per set (7,750 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 5159–1 dated 17 November 1941 and revised 21 May 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.030/47/0, Gravity Davit, Type 60–75, approved for maximum working load of 21,000 pounds per set (10,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 6075–1 dated 25 November 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/48/0, Gravity Davit, Type 135 (Riveted Head), approved for maximum working load of 43,000 pounds per set (21,500 pounds per arm; 17,200 pounds taken by falls and 4,300 pounds taken by davit head) using 2 part falls. Identified by General Arrangement Dwg. No. 2227 dated 17 March 1942 and revised 30 September 1942, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/49/0, Gravity Davit, Type 135–5, approved for maximum working load of 41,000 pounds per set (20,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 2635 dated 16 June 1943 and revised 12 January 1944, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/50/0, Gravity Davit, Type 76–99, approved for maximum working load of 27,000 pounds per set (13,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 2400 dated 12 October 1942, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/51/0, Gravity Davit Type 26A approved for maximum working load of 14,000 pounds per set (7,000 pounds per arm) using 2-part falls. Identified by General Arrangement Dwg. No. 3047 dated 24 September 1945, and revised 25 July 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/52/0, Gravity Davit, Type 36A approved for maximum working load of 35,000 pounds per set (17,500 pounds per arm) using 2-part falls. Identified by General Arrangement Dwg. No. 3047 dated 24 September 1945 and revised 25 July 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/53/0, Mechanical Davit Crescent Sheath Screw Type A, approved for maximum working load of 5,070 pounds per set (2,535 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 1952 dated 17 March 1941 and revised 31 October 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/54/0, Mechanical Davit, Crescent Sheath Screw Type A–5W, approved for maximum working load of 5,000 pounds per set (2,500 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 1904–1 dated 15 March 1940 and revised 1 July 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/55/0, Mechanical Davit, Crescent Sheath Screw Type B, approved for maximum working load of 10,500 pounds per set (5,250 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 1974 dated 21 April 1941 and revised 4 November 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/56/0, Mechanical Davit, Crescent Sheath Screw Type C approved for maximum working load of 13,500 pounds per set (6,750 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 2082 dated 17 October 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/57/0, Mechanical Davit, Crescent Sheath Screw Type AA, approved for maximum working load of 6,000 pounds per set (3,000 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 3070–3 dated 13 February 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/58 0, Mechanical Davit, Quadrant Type B, approved for maximum working load of 15,500 pounds per set (7,750 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. B–50 dated 24 February 1920 and revised 15 October 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/59/0, Mechanical Davit, Quadrant Type C, approved for maximum working load of 13,500 pounds per set (6,750 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. C–50 dated 22 November 1932 and revised 15 October 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/60/0, Mechanical Davit, Quadrant Type D–48, approved for maximum working load of 9,700 pounds per set (4,850 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. D–48 dated 7 November 1938, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/61/0, Mechanical Davit, Quadrant Type D–48A, approved for maximum working load of 8,100 pounds per set (4,050 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. D–48 dated 7 November 1938, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/62/0, Mechanical Davit, Quadrant Type D–54, approved for maximum working load of 9,000 pounds per set (4,500 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. D–54, dated 1 July 1920 and revised 25 November 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/63/0, Mechanical Davit, Straight Boom Sheath Screw, Type A, approved for maximum working load of 9,000 pounds per set (4,500 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 1996, dated 28 May 1941 and revised 11 September 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/64/0, Mechanical Davit, Straight Boom Sheath Screw, Type A–7, approved for maximum working load of 7,000 pounds per set (3,500 pounds per arm) using not less than 2 part falls. Identified by General Arrangement Dwg. No. 1967, dated 14 April 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/65/0, Mechanical Davit, Straight Boom Sheath Screw, Type A–66, approved for maximum working load of 8,000 pounds per set (4,000 pounds per arm) using not less than 6 part falls. dentified by General Arrangement Dwg. No. 2260 dated 29 April 1942, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/66/0, Mechanical Davit, Straight Boom Sheath Screw, Type B, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 2203, dated 18 February 1942, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/67/0, Mechanical Davit, Straight Boom Sheath Screw, Type B–N, approved for maximum working load of 13,500 pounds per set (6,750 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 2411 dated 16 October 1942, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/68/0, Mechanical Davit Straight Boom Sheath Screw, Type C, approved for maximum working load of 12,200 pounds per set (6,100 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 2549 dated 13 March 1943 and revised 23 March 1943, manufactured by Welin Davit and Boat, Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.032/69/0, Mechanical Davit, Straight Boom Sheath Screw, Type BB, approved for maximum working load of 15,400 pounds per set (7,700 pounds per arm) using not less than 6 part falls. Indentified by General Arrangement Dwg. No. 3108–1, dated 22 June 1942 and revised 29 June 1942, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4481, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 474, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1–4, 59.3, 60.21, 76.15, 94.14, 113.23.

MECHANICAL DISENGAGING APPARATUS (FOR LIFEBOATS)

Approval No. 160.033/1/0, Steward type A releasing gear, approved for maximum working load of 15,300 pounds per set (7,650 pounds per hook), identified by General Arrangement Dwg. No. A–104 dated 19 March 1940 and revised 17 October 1942, for use on all vessels except ocean and coastwise over 3,000 gross tons where it may be used for replacement purposes only, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.033/2/0, Steward type B releasing gear, approved for maximum working load of 22,400 pounds per set (11,200 pounds per hook), identified by General Arrangement Dwg. No. A–104 dated 19 March 1940 and revised 17 October 1942, approved for use on all vessels except ocean and coastwise over 3,000 gross tons where it may be used for replacement purposes only, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.033/3/0, Rottmer type, size A, releasing gear, approved for maximum working load of 12,000 pounds per set (6,000 pounds per hook), identified by General Arrangement Dwg. No. 1212R dated 18 August 1942, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.033/4/0, Rottmer type, size C, releasing gear, approved for maximum working load of 18,300 pounds per set (9,150 pounds per hook), identified by General Arrangement Dwg. No. 1356 dated 13 February 1944 and revised 31 July 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.033/5/0, Mills type releasing gear, approved for maximum working load of 23,000 pounds per set (11,500 pounds per hook), identified by General Arrangement Dwg. Nos. 374A and 375A dated 20 March and 25 March 1946 respectively, for use on all vessels except ocean and coastwise over 3,000 gross tons where it may be used for replacement purposes only, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.033/6/0, Mills type F releasing gear, approved for maximum working load of 12,000 pounds per set (6,000 pounds per hook), identified by General Arrangement Dwg. No. CD–1111 dated 15 November 1942, for use on all vessels except ocean and coastwise over 3,000 gross tons where it may be used for replacement purposes only, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.033/7/0, Mill type G releasing gear, approved for maximum working load of 12,000 pounds per set (6,000 pounds per hook), identified by General Arrangement Dwg. No. CD–1111 dated 15 November 1942, for use on all vessels except ocean and coastwise over 3,000 gross tons where it may be used for replacement purposes only, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.033/8/0, Rottmer type, Assembly A, releasing gear, approved for maximum working load of 12,400 pounds per set (6,200 pounds per hook), identified by General Arrangement Dwg. No. S82–1–23 dated 5 April 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.033/9/0, Rottmer type R–1 releasing gear, approved for maximum working load of 15,300 pounds per set (7,650 pounds per hook), identified by General Arrangement Dwg. No. S82–1–28 dated 28 April 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.033/10/0, Rottmer type, Model R–2, releasing gear, approved for maximum working load of 19,000 pounds per set (9,500 pounds per hook), identified by General Arrangement Dwg. No. S82–1–35 dated 18 May 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.033/11/0, Rottmer type, Model R–3, releasing gear, approved for maximum working load of 18,200 pounds per set (9,100 pounds per hook), identified by General Arrangement Dwg. No. S82–1–29 dated 27 June 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.033/12/0, Rottmer type, Model OR5, releasing gear, approved for maximum working load of 25,200 pounds per set (12,600 pounds per hook), identified by General Arrangement Dwg. No. 2086 dated 16 December 1945, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.033/13/0, Rottmer type 5A releasing gear, approved for maximum working load of 20,400 pounds per set (10,200 pounds per hook), identified by General Arrangement Dwg. No. 5A–1A dated 9 June 1945, manufactured by Kargard Boat & Engine Co., Marinette, Wis.

Approval No. 160.033/14/0, Steward type AA releasing gear, approved for maximum working load of 8,500 pounds per set (4,250 pounds per hook), identified by General Arrangement Dwg. No. S–676–F dated 2 December 1927 and revised 12 January 1942, for use on all vessels except ocean and coastwise over 3,000 gross tons where it may be used for replacement purposes only, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Approval No. 160.033/15/0, Mills type, size C, releasing gear, approved for maximum working load of 13,000 pounds per set (6,500 pounds per hook), identified by General Arrangement Dwg. No. S–122 dated 3 November 1942, for use on all vessels except ocean and coastwise over 3,000 gross tons where it may be used for replacement purposes only, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.033/16/0, Mills, type, size D, releasing gear, approved for maximum working load of 19,000 pounds per set (9,500 pounds per hook), identified by General Arrangement Dwg. No. M128 dated 15 July 1943, for use on all vessels except ocean and coastwise over 3,000 gross tons where it may be used for replacement purposes only, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.033/17/0, Rottmer type, size A, releasing gear, approved for maximum working load of 13,000 pounds per set (6,500 pounds per hook), identified by Detail Dwg. No. R101 dated 6 December 1943, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.033/18/0, Rottmer type, size B, releasing gear, approved for maximum working load of 20,600 pounds per set (10,300 pounds per hook), identified by Detail Dwg. No. R–109 dated 21 April 1944 and revised 18 October 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.033/19/0, Rottmer type, size C, releasing gear, approved for maximum working load of 27,060 pounds per set (13,530 pounds per hook), identified by Detail Dwg. No. R–114 dated 7 July 1944 and revised 18 September 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.033/20/0, Rottmer type A releasing gear, approved for maximum working load of 9,000 pounds per set (4,500 pounds per hook), identified by General Arrangement Dwg., No. 256Z undated, manufactured by Frank Morrisen & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Approval No. 160.033/21/0, Rottmer type B releasing gear, approved for maximum working load of 11,000 pounds per set (5,500 pounds per hook), identified by General Arrangement Dwg. No. 259Z dated 6 May 1943, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Approval No. 160.033/22/0, Rottmer type C releasing gear, approved for maximum working load of 14,200 pounds per set (7,100 pounds per hook), identified by General Arrangement Dwg. No. 260Z undated, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Approval No. 160.033/23/0, Mills type, size A, releasing gear, approved for maximum working load of 12,000 pounds per set (6,000 pounds per hook), identified by General Arrangement Dwg. No. 1662 dated 11 December 1940, for use on all vessels except ocean and coastwise over 3,000 gross tons where it may be used for replacement purposes only, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Approval No. 160.033/24/0, Mills type, size B, releasing gear, approved for maximum working load of 23,400 pounds per set (11,700 pounds per hook), identified by General Arrangement Dwg. No. 1662 dated 11 December 1940, for use on all vessels except ocean and coastwise over 3,000 gross tons where it may be used for replacement purposes only, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Approval No. 160.033/25/0, Mills type, size C, releasing gear, approved for maximum working load of 35,600 pounds per set (17,800 pounds per hook), identified by General Arrangement Dwg. No. 1862 dated 11 December 1940, for use on all vessels except ocean and coastwise over 3,000 gross tons where it may be used for replacement purposes only, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Approval No. 160.033/26/0, Rottmer type, Hook 297, releasing gear, approved for maximum working load of 39,800 pounds per set (19,900 pounds per hook), identified by General Arrangement Dwg. No. 2499–35 dated 22 June 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Approval No. 160.033/27/0, Rottmer type, Hook 298, releasing gear, approved for maximum working load of 27,700 pounds per set (13,850 pounds per hook), identified by General Arrangement Dwg. No. 1894–3 dated 20 June 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Approval No. 160.033/28/0, Rottmer type, Hook 299, releasing gear, approved for maximum working load of 15,720 pounds per set (7,860 pounds per hook), identified by General Arrangement Dwg. No. 1896–3 dated 26 June 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C., 1275; 46 CFR 37.1–7, 59 68, 76,62, 94.59.

HAND PROPELLING GEAR, LIFEBOAT

Approval No. 160.034/1/0, 1943 model hand propelling gear, identified by Dwg. No. 110 dated 16 April 1943, manufactured by Allen Manual Motors, 695 Castro Street, San Francisco, Calif.

Approval No. 160.034/2/0, Fleming type W hand propelling gear, identified by Arrangement Dwg. No. 320 dated 20 April 1939, manufactured by Fleming Oarless Lifeboat Corp., 61 Broadway, New York 6, N. Y.

Approval No. 160.034/3/0, Ro-Tork hand propelling gear, identified by Assembly Dwg. 3301 dated 23 September 1944 and revised 31 October 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.034/4/0, Morrison type hand propelling gear, identified by unnumbered Dwg. dated August 1941, manufactured by Frank Morrison & Son Co., 1330 West 11th Street, Cleveland, Ohio.

Approval No. 160.034/5/0, Welin type hand propelling gear, identified by General Arrangement Dwg. No. 1595 dated 15 October 1937 and revised 16 July 1941, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.034/6/0, Double gear type hand propelling gear, identified by General Arrangement Dwg. No. 1857 dated 4 November 1940 and revised 10 December 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.034/7/0, Fleming patent hand propelling gear, identified by Assembly and Arrangement Dwg. Nos. 2013 and 2015 dated 7 December 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 33.3–1, 59.11.

LIFEBOATS

Approval No. 160.035/1/0, 16.0′ x 5.5′ x 2.38′ steel, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement Dwg. No. LB–125, dated 23 March 1942 and revised 12 December 1942, manufactured by Neptune Boat & Davit Co., Inc., New Orleans, La.

Approval No. 160.035/2/0, 20.0′ x 6.0′ x 2.5′ steel, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement Dwg. No. NL–18–12–P, dated 30 October 1942, manufactured by Neptune Boat & Davit Co., Inc., New Orleans, La.

Approval No. 160.035/3/0, 22.0′ x 7.5′ x 2.75′ steel, oar propelled lifeboat, 24-person capacity, identified by construction and arrangement Dwg. No. LB–24–P, Sheet No. 1, dated 9 July 1942 and revised 19 September 1942, manufactured by Neptune Boat & Davit Co., Inc., New Orleans, La.

Approval No. 160.035/4/0, 27.0′ x 7.5′ x 3.17′ steel, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement Dwg. No. NL–31–PW Sheets 1A and 2A, dated 21 September 1942, manufactured by Neptune Boat & Davit Co., New Orleans, La.

Approval No. 160.035/5/0, 24.0′ x 8.0′ x 3.75′ steel, oar-propelled lifeboat, 38-person capacity, identified by construction and arrangement Dwg. No. NL–450, dated 2 April 1943, manufactured by Neptune Boat & Davit Co., New Orleans, La.

Approval No. 160.035/6/0, 24.0′ x 8.0′ x 3.75′, steel motor-propelled lifeboat, without radio cabin, 35-person capacity, identified by construction and arrangement Dwg. No. NL–450 M. B. dated 24 March 1943, manufactured by Neptune Boat & Davit Co., New Orleans, La.

Approval No. 160.035/7/0, 14.0′ x 4.8′ x 2.0′, steel oar-propelled lifeboat, 8-person capacity, identified by construction and arrangement Dwg. No. G–360, dated 19 March 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/8/0, 12.0′ x 4.5′ x 1.92′, steel oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement Dwg. No. G–211A, dated 25 May 1945 and revised 25 May 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/9/0, 14.0′ x 5.0′ x 2.2′, steel, oar-propelled lifeboat, 9-person capacity, inland waters only, identified by construction and arrangement Dwg. No. G–359, dated 23 March 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York. N. Y.

Approval No. 160.035/10/0, 14.0′ x 5.2′ x 2.3′, steel oar-propelled lifeboat, 10-person capacity, identified by construction and arrangement Dwg. No. G–346, dated 1 September 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/11/0, 16.0′ x 5.7′ x 2.3′, steel oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement Dwg. No. G362–D, Alt. 1, dated 13 February 1946, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/12/0, 18.0′ x 5.7′ x 2.5′, steel oar-propelled lifeboat, 15-person capacity ocean and coastwise, 19-person capacity inland waters, identified by construction and arrangement Dwg. No. G–229–D, dated 16 November 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/13/0, 18.0′ x 5.5′ x 2.4′, steel, oar-propelled lifeboat, 14-person capacity, identified by construction and arrangement Dwg. No. G–229–R1, dated 16 June 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/14/0, 20.0′ x 6.0′ x 2.6′, steel, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. G–130–1, dated 4 May 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/15/0, 20.0′ x 6.5′ x 2.6′ steel oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement Dwg. No. G–363–D, dated 21 December 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/16/0, 22.0′ x 6.8′ x 2.8′ steel oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement Dwg. No. G–348, dated 12 September 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/17/0, 22.0′ x 7.5′ x 3.167′ steel oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement Dwg. No. G–240–C, dated 5 November 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/18/0, 22.0′ x 7.5′ x 3.167′ steel motor-propelled lifeboat, without radio cabin, 24-person capacity, identified by construction and arrangement Dwg. No. G–344, dated 5 July 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/19/0, 24.0′ x 7.0′ x 3.0′ steel oar-propelled lifeboat, 30-person capacity, identified by construction and arrangement Dwg. No. G–338 dated 8 February 1944 and revised 25 April 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/20/0, 24.0′ x 8.0′ x 3.5′, steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. G–126–M, dated 23 October 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/21/0, 24.0′ x 7.75′ x 3.33′, steel, oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement Dwg. No. G–126–K. dated 16 October 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/22/0, 24.0′ x 8.0′ x 3.25′, steel, oar-propelled lifeboat, T-Bar Keel, 37-person capacity, construction and arrangement Dwg. No. G–259–R, dated 9 June 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/23/0, 24.0′ x 8.0′ x 3.5′, steel, motor-propelled lifeboat, without radio cabin, 36-person capacity, identified by construction and arrangement Dwg. No. G–303, dated 11 January 1943 and revised 21 November 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/24/0, 24.0′ x 8.0′ x 3.5′, steel, motor-propelled lifeboat, without radio cabin, 36-person capacity, identified by construction and arrangement Dwg. No. G–365, dated 16 June 1945 and revised 1 August 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/25/0, 26.0′ x 7.75′ x 3.25′ steel oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. G–389, dated 6 September 1946 and revised 15 October 1946, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/26/0, 26.0′ x 8.75′ x 3.75′ steel oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. G–344, undated and revised 23 April 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/27/0, 28.0′ x 9.0′ x 4.0′ steel car-propelled lifeboat, 59-person capacity, identified by construction and arrangement Dwg. No. G–355, dated 5 March 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/28/0, 28.0′ x 10.0′ x 4.0′, steel motor-propelled lifeboat without radio cabin, 60-person capacity, identified by construction and arrangement Dwg. No. G–382, dated 11 April 1946 and revised 26 August 1946, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/29/0, 28.0′ x-10.0′ x 4.0′, steel hand-propelled lifeboat, 67-person capacity, identified by construction and arrangement Dwg. No. G–246–D, dated 1 May 1946 and revised 13 August 1946, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/30/0, 31.0′ x 10.5′ x 4.33′ steel motor-propelled lifeboat, without radio cabin, 84-person capacity, identified by construction and arrangement Dwg. No. 2520, dated 16 February 1943 and revised 19 April 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/31/0, 12.0′ x 4.42′ x 1.92′, steel car-propelled lifeboat, 6-person capacity for river service, identified by construction and arrangement Dwg. No. 3127, dated 3 August 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/32/0, 18.0′ x 6.25′ x 2.75′ aluminum, car-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. 3049, dated 11 January 1946 and revised 16 August 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/33/0, 18.0′ x 6.5′ x 2.6′, steel oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. 3121, dated 27 June 1946 and revised 5 August 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/34/0, 18.0′ x 5.75′ x 2.42′, steel car-propelled lifeboat, 15-person capacity identified by construction and arrangement Dwg. No. 757–1, dated 15 May 1943 and revised 27 June 1944, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/35/0, 18.0′ x 5.83′ x 2.58′ steel oar-propelled lifeboat, 16-person capacity, identified by construction and arrangement Dwg. No. 2940, dated 11 January 1945, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/36/0, 20.0′ x 6.0′ x 2.67′, wood, oar-propelled lifeboat, 19-person capacity, identified by construction and arrangement Dwg. No. 1492, dated 18 February 1946, and revised 24 June 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/37/0, 22.0′ x 7.5′ x 3.17′ steel motor-propelled lifeboat, without radio cabin, 25-person capacity, identified by construction and arrangement Dwg. No. 2389, dated 12 September 1942, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/38/0, 24.0′ x 7.75′ x 3.33′ steel, motor-propelled lifeboat without radio cabin, 31-person capacity, identified by construction and arrangement Dwg. No. 245–E dated 25 February 1942, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/39/0, 24.0′ x 8.0′ x 3.53′, steel motor-propelled lifeboat, without radio cabin, independent air tanks, 37-person capacity, identified by construction and arrangement Dwg. No. 2605, dated 5 May, 1943 and revised 26 February 1945, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/40/0, 24.0′ x 8.0′ x 3.58′ steel, motor-propelled lifeboat, without radio cabin, 36-person capacity, identified by construction and arrangement Dwg. No. 3009, dated 14 June 1945 and revised 16 October 1945, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/41/0, 24.0′ x 8.0′ x 3.58′ steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. 2602, dated 29 April 1943 and revised 18 February 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/42/0, 24.0′ x 8.0′ x 3.58′ steel, motor-propelled lifeboat with radio cabin, 35-person capacity, identified by construction and arrangement Dwg. No. 2981, dated 7 February 1946 and revised 26 February 1946, manufactured by the Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/43/0, 24.0′ x 8.0′ x 3.73′ steel oar-propelled lifeboat, independent air tanks, 40-person capacity identified by construction and arrangement Dwg. No. 2628–4, dated 28 September 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/44/0, 24.0′ x 8.0′ x 3.73′ steel motor-propelled lifeboat without radio cabin, independent air tanks, 37-person capacity, identified by construction and arrangement Dwg. No. 2628–2, dated 30 October 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/45/0, 24.0′ x 8.0′ x 3.73′, steel motor-propelled lifeboat, without radio cabin, built-in air tanks, 36-person capacity, identified by construction and arrangement Dwg. No. 2727, dated 30 December 1943 and revised 24 February 1944, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/46/0, 36.5′ x 11.75′ x 5.25′ aluminum, motor-propelled lifeboat, with radio cabin, 130-person capacity identified by construction and arrangement Dwg. No. 2896–A, dated 19 April 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/47/0, 24.0′ x 8.0′ x 3.73′ steel oar-propelled lifeboat, built-in air tank, 40-person capacity, identified by construction and arrangement Dwg. No. 2712, dated 8 December 1943 and revised 24 February 1944, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/48/0, 24.0′ x 8.0′ x 3.33′ steel, oar-propelled lifeboat, T-bar keel, 38-person capacity, identified by construction and arrangement Dwg. No. 2847–1, dated 25 May 1944, and revised 26 September 1944, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/49/0, 24.0′ x 8.0′ x 3.33′ steel, motor-propelled lifeboat without radio cabin, 36-person capacity, identified by construction and arrangement Dwg. No. 2847–3 dated 29 May 1944 and revised 26 September 1944, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/50/0, 24.0′ x 8.63′ x 3.88′ aluminum motor-propelled lifeboat, without radio cabin, 43-person capacity, identified by construction and arrangement Dwg. No. 3050, dated 31 August 1945 and revised 16 August 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/51/0, 26.0′ x 9.0′ x 3.67′ steel, motor-propelled lifeboat, without radio cabin, 46-person capacity, identified by construction and arrangement Dwg. No. 2574, dated 15 April 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/52/0, 26.0′ x 9.0′ x 3.67′ steel oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. 1456–D, 22 June 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/53/0, 26.0′ x 9.0′ x 3.83′ aluminum, oar-propelled lifeboat, 53-person capacity, identified by construction and arrangement Dwg. No. 3083 dated 14 May 1946 and revised 19 September 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/54/0, 26.0′ x 8.3′ x 3.6′ aluminum oar-propelled lifeboat, 46-person capacity, identified by construction and arrangement Dwg. No. 2815–A dated 19 March 1945 and revised 4 December 1945, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/55/0, 26.0′ x 8.3′ x 3.6′ aluminum, motor-propelled lifeboat, with radio cabin, 40-person capacity, identified by construction and arrangement Dwg. No. 3084 dated 2 May 1946 and revised 19 September 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/56/0, 26.0′ x 8.3′ x 3.6′ steel motor-propelled lifeboat, with radio rabin, 39-person capacity identified by construction and arrangement Dwg. No. 2868–1 dated 31 July 1944 and revised 30 November 1944, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/57/0, 26.0′ x 8.3′ x 3.6′, steel, motor-propelled lifeboat without radio cabin, 43-person capacity, identified by construction and arrangement Dwg. No. 2985, dated 23 March 1945 and revised 14 April 1945, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/58/0, 28.0′ x 9.79′ x 4.13′ aluminum, hand-propelled lifeboat, built-in air tanks, 75-person capacity, identified by construction and arrangement Dwg. No. 3112, dated 7 June 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/59/0, 28.0′ x 9.79′ x 4.13′ steel, motor-propelled lifeboat without radio cabin, 65-person capacity, identified by construction and arrangement Dwg. No. 2413, undated, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/60/0, 28.0′ x 9.0′ x 3.96′, steel motor-propelled lifeboat with radio cabin, 48-person capacity, identified by construction and arrangement Dwg. No. 2659, dated 13 July 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/61/0, 28.0′ x 9.0′ x 3.96′, aluminum, motor-propelled lifeboat, without radio cabin, build-in-air tanks, 54-person capacity, identified by construction and arrangement Dwg. No. 2810–1, dated 24 March 1944 and revised 30 November 1944, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/62/0, 28.0′ x 9.0′ x 3.96′, aluminum oar-propelled lifeboat, built-in air tanks, 59-person capacity, identified by construction and arrangement Dwg. No. 2810–3 dated 20 March 1944 and revised 30 November 1944, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/63/0, 31.0′ x 11.25′ x 4.5′ steel, motor-propelled lifeboat, without radio cabin, 83-person capacity, identified by construction and arrangement Dwg. No. 2414, dated 8 March 1945, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/64/0, 31.0′ x 11.25′ x 4.5′ steel hand-propelled lifeboat, 84-person capacity, identified by construction and arrangement Dwg. No. 2665, dated 31 July 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/65/0, 33.5′ x 11.75′ x 4.87′ aluminum, motor-propelled lifeboat, with radio cabin, 109-person capacity, identified by construction and arrangement Dwg. No. 2882–A dated 8 May 1945 and revised 18 December 1945, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/66/0, 36.5′ x 11.75′ x 5.25′ aluminum, hand-propelled lifeboat, 135-person capacity, identified by construction and arrangement Dwg. No. 2894–A dated 28 January 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/67/0, 24.0′ x 8.0′ x 3.75′, wood, motor-propelled lifeboat, without radio cabin, 34-person capacity, identified by construction and arrangement Dwg. No. 5LA–101–X dated 24 April 1943, manufactured by Gunderson Brothers Engineering Corp., Portland, Oreg.

Approval No. 160.035/68/0, 24.0′ x 8.0′ x 3.75′ wood, oar-propelled lifeboat, 34-person capacity, identified by construction and arrangement Dwg. No. 5L–228–X, manufactured by Gunderson Brothers Engineering Corp., 4700 Northwest Front Avenue, Portland, Oreg.

Approval No. 160.035/69/0, 24.0′ x 8.5′ x 3.5′ wood, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. 5L–101–X, dated 26 February 1943 and revised 7 April 1943, manufactured by Gunderson Brothers Engineering Corp., 4700 Northwest Front Avenue, Portland, Oreg.

Approval No. 160.035/70/0, 16.0′ x 5.71′ x 2.30′ steel, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement Dwg. No. 2043 dated 8 June 1945, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.035/71/0, 18.0′ x 6.0′ x 2.375′ steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement Dwg. No. 2014, dated 20 December 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.035/72/0, 22.0′ x 7.5′ x 3.17′ steel, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement Dwg. No. 1024–A, dated 23 March 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.035/73/0, 22.0′ x 7.5′ x 3.17′ steel, motor-propelled lifeboat, without radio cabin, 25-person capacity, identified by construction and arrangement Dwg. No. M–1025–A, dated 23 March 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.035/74/0, 24.0′ x 8.0′ 3.42′ steel, oar-propelled lifeboat, 38-person capacity, identified by construction and arrangement Dwg. No. M–1117, dated 15 April 1943, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.035/75/0, 24.0′ x 8.0′ x 3.42′ steel, motor-propelled lifeboat, without radio cabin, 35-person capacity, identified by construction and arrangement Dwg. No. M–1119, dated 15 April 1943, manufactured by Imperial Lifeboat & Davit Co., Athens, N. Y.

Approval No. 160.035/76/0, 26.0′ x 9.0′ x 3.6′ steel, motor-propelled lifeboat, without radio cabin, 44-person capacity, identified by construction and arrangement Dwg. No. 2059, dated 6 August 1945, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.035/77/0, 26.0′ x 9.0′ x 3.60′ steel oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. 2058, dated 6 August 1945, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.035/78/0, 28.0′ x 9.0′ x 3.96′ steel, motor-propelled lifeboat, without radio cabin, 52-person capacity, identified by construction and arrangement Dwg. No. S9–0–11, dated 9 November 1943 and revised 10 August 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.035/79/0, 28.0′ x 9.0′ x 3.96′ steel, oar-propelled lifeboat, 59-person capacity, identified by construction and arrangement Dwg. No. 2079, dated 9 October 1945, manufactured by Imperial Lifebcat & Davit Co., Inc., Athens, N. Y.

Approval No. 160.035/80/0, 28.0′ x 9.0′ x 3.96′ steel, motor-propelled lifeboat, with radio cabin, 55-person capacity, identified by construction and arrangement Dwg. No. 2078, dated 9 October 1945, manufactured by Imperial Lifeboat & Davit Co., Athens, N. Y.

Approval No. 160.035/81/0, 30.0′ x 9.67′′ x 4.17′ steel hand-propelled lifeboat, 70-person capacity, identified by construction and arrangement Dwg. No. 2156, dated 15 August 1946, manufactured by Imperial Lifeboat & Davit Co., Athens, N. Y.

Approval No. 160.035/82/0, 12.0′ x 5.0′ x 2.25′ steel, oar-propelled, lifeboat, 8-person capacity, identified by construction and arrangement Dwg. No. 444, dated 11 June 1942, manufactured by Tregoning Industries, Inc., Seattle, Wash.

Approval No. 160.035/83/0, 26.0′ x 8.5′ x 3.825′ steel hand-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. 469B, dated February 1944, manufactured by Tregoning Industries, Inc., Seattle, Wash.

Approval No. 160.035/84/0, 26.0′ x 8.5′ x 3.825′ steel, motor-propelled lifeboat, with radio cabin, 40-person capacity, identified by construction and arrangement Dwg. No. 493 dated April 1944, manufactured by Tregoning Industries, Inc., Seattle, Wash.

Approval No. 160.035/85/0, 12.0′ x 4.4′ x 1.9′, steel, oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement Dwg. No. 1213, dated 1 September 1943, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/86/0, 14.0′ x 5.0′ x 2.0′ steel, oar-propelled lifeboat, 8-person capacity, identified by construction and arrangement Dwg. No. 1416, dated 14 November 1945, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/87/0, 14.0′ x 5.0′ x 2.17′ steel, oar-propelled lifeboat, 9-person capacity, identified by construction and arrangement Dwg. No. 1412, dated 26 August 1943, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/88/0, 14.0′ x 5.4′ x 2.3′, steel, oar-propelled lifeboat, square stern, 10-person capacity Lake, Bay and Sound Service, 12-person capacity, River Service, identified by construction and arrangement Dwg. No. 1411, manufactured by Lane Lifeboat & Davis Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/89/0, 16.0′ x 5.7′ x 2.3′ steel, oar-propelled, lifeboat, 12-person capacity, identified by construction and arrangement Dwg. No. 1612, dated 17 May 1943, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/90/0, 18.0′ x 6.0′ x 2.4′ steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement Dwgs. No. 1812, dated 20 April 1943 and 1812B, dated 22 April, 1943, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/91/0, 18.0′ x 6.0′ x 2.6′ steel, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. 1815, dated 8 February 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/92/0, 18.0′ x 6.0′ x 2.6′ aluminum, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. 1816, dated 26 September 1944 and revised 6 December 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/93/0, 20.0′ x 6.5′ x 2.5′ steel, oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement Dwg. No. 2020, dated 29 April 1943, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/94/0, 20.0′ x 6.0′ x 2.5′ steel, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. 2020, dated 29 April 1943, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/95/0, 20.0′ x 7.0′ x 3.10′ steel, oar-propelled lifeboat, 26-person capacity, identified by construction and arrangement Dwg. No. 2021, dated 14 October 1943, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/96/0, 22.0′ x 6.9′ x 2.8′ steel, oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement Dwg. No. 2220, dated 29 October 1945, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/97/0, 22.0′ x 7.5′ x 3.17′ steel, motor-propelled lifeboat, without radio cabin, 25-person capacity, identified by construction and arrangement Dwg. No. 2219, dated 12 June 1942, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/98/0, 22.0′ x 7.5′ x 3.17′ steel, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement Dwg. No. 2217, dated 12 June 1942, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/99/0, 24.0′ x 7.0′ x 3.0′, steel oar-propelled, lifeboat, 30-person capacity, identified by construction and arrangement Dwg. No. 2435, dated 19 June 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/100/0, 24.0′ x 7.5′ x 3.25′, steel oar-propelled lifeboat, 34-person capacity, identified by construction and arrangement Dwg. No. 2424 dated 3 August 1942, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/101/0, 24.0′ x 7.9′ x 3.3′, steel, oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement Dwg. No. 2432, dated 17 August, 1943, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/102/0, 24.0′ x 8.0′ x 3.5′, steel, motor-propelled lifeboat, without radio cabin, 35-person capacity, identified by construction and arrangement Dwg. No. 2425 dated 5 August 1945, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/103/0, 24.0′ x 8.0′ x 3.5′, steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. 2428, dated 5 August 1943 and revised 4 April 1945, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/104/0, 24.0′ x 8.0′ x 3.73 steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. 2436, dated 24 March 1945, and revised 4 April 1945, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/105/0, 26.0′ x 9.0′ x 3.6′ steel, motor-propelled lifeboat, without radio cabin, 45-person capacity, identified by construction and arrangement Dwg. No. 2657, dated 4 April 1945 and revised 21 February 1946, manufactured by Lane Lifeboat & Davit Corp. foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/106/0, 26.0 x 8.3′ x 3.58′ steel, oar-propelled lifeboat, 46-person capacity, identified by construction and arrangement Dwg. No. 2659, dated 5 December 1945, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/107/0, 26.0′ x 9.0′ x 3.6′ steel, oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. 2655, dated 10 January 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/108/0, 28.0′ x 9.25′ x 3.83′ aluminum, motor-propelled lifeboat, without radio cabin, 59-person capacity, identified by construction and arrangement Dwg. No. 2823 dated 26 September 1944 and revised 6 December 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/109/0, 28.0′ x 9.25′ x 3.83′ steel, oar-propelled lifeboat, 59-person capacity, identified by construction and arrangement Dwg. No. 2818, dated 24 July 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/110/0, 28.0′ x 9.8′ x 4.12′ steel, motor-propelled lifeboat, without radio cabin, 60-person capacity, identified by construction and arrangement Dwg. No. 2827, dated 11 September 1946, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/111/0, 28.0′ x 9.25′ x 3.83′ steel, motor-propelled lifeboat, without radio cabin, 52-person capacity, identified by construction and arrangement Dwg. No. 2817, dated 26 July 1943, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/112/0, 30.0′ x 9.25′ x 3.83′ steel, motor-propelled lifeboat, without radio cabin, 56-person capacity, identified by construction and arrangement Dwg. No. 3018 dated 14 January 1946, revised 25 July 1946, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/113/0, 31.0′ x 11.25′ x 4.5′ steel, hand-propelled lifeboat, 84-person capacity, identified by construction and arrangement Dwg. No. 3110, dated 6 October 1944, manufactured by Lane Lifeboat & Davit Corp., foot of 40th Road and Flushing River, Flushing, N. Y.

Approval No. 160.035/114/0, 26.0′ x 7.67′ x 3.92′, wood, motor-propelled lifeboat, without radio cabin, approved for Hawaiian waters only, capacity unknown, with no drawings on file, manufactured by Inter-Island Steam Navigation Co., Ltd., Honolulu, T. H.

Approval No. 160.035/115/0, 26.0′ x 7.67′ x 3.42′, wood, oar-propelled lifeboat, capacity unknown, with no drawings on file, manufactured by Inter-Island Steam Navigation Co., Ltd., Honolulu, T. H.

Approval No. 160.035/116/0, 24.0′ x 7.9′ x 3.33′ steel, oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement Dwg. No. 24–37, undated, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/117/0, 14.0′ x 5.75′ x 2.62′ steel, oar-propelled lifeboat, 12-person capacity, identified by unnumbered construction and arrangement Dwg. dated August 1936, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/118/0, 16.0′ x 6.0′ x 2.5′, steel, oar-propelled lifeboat, 14-person capacity identified by construction and arrangement Dwg. No. 16–14 dated 6 November 1941, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/119/0, 22.0′ x 6.0′ x 2.58′ steel, oar-propelled lifeboat, 20-person capacity, identified by unnumbered Dwg. dated 2 August 1938, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/120/0, 22.0′ x 6.17′ x 2.75′ steel, oar-propelled lifeboat, 22-person capacity, identified by construction and arrangement Dwg. No. 2222, dated 2 September 1933, and revised 5 August 1938, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/121/0, 22.0′ x 6.67′ x 3.0′, steel, oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement Dwg. No. 2, dated 21 April 1938, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/122/0, 24.0′ x 7.0′ x 3.0′, steel, oar-propelled lifeboat, 30-person capacity, identified by construction and arrangement Dwg. No. 1, dated 27 February 1940, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/123/0, 28.0′ x 9.25′ x 4.0′, steel, hand-propelled lifeboat, 60-person capacity, identified by unnumbered Dwg., dated 2 December 1940, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/124/0, 14.0′ x 5.66′ x 2.208′ steel, oar-propelled lifeboat, 10-person capacity, identified by unnumbered Dwg., manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/125/0, 14.0′ x 5.83′ x 2.625′ steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement Dwg. No. 20F 2, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/126/0, 16.0′ x 6.0′ x 2.65′, steel oar-propelled lifeboat, 15-person capacity, identified by unnumbered Dwg., manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/127/0, 18.0′ x 6.0′ x 2.50′ steel, oar-propelled lifeboat, 16-person capacity, identified by construction and arrangement Dwg. No. 1 of G, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/128/0, 18.0′ x 5.84′ x 2.5′ steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement Dwg. No. 1 of G, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/129/0, 20.0′ x 6.0′ x 2.16′ steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement Dwg. No. CC, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/130/0, 20.0′ x 6.0′ x 2.50′, steel oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. 1, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/131/0, 22.0′ x 6.5′ x 2.75′ steel, oar-propelled lifeboat, 23-person capacity, identified by construction and arrangement Dwg. No. BB–1, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/132/0, 26.0′ x 7.75′ x 3.36′, steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. 2 of 2, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/133/0, 26.0′ x 9.0′ x 3.63′ steel, oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. 1 of 1, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/134/0, 28.0′ x 8.38′ x 3.58′ steel, oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. 2 of 2, manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Approval No. 160.035/135/0, 30.0′ x 10.0′ x 4.13′ steel motor-propelled lifeboat with radio cabin, 64-person capacity, identified by construction and arrangement Dwg. No. 1821, dated 26 December 1939, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/136/0, 12.0′ x 4.5′ x 2.0′ steel, oar-propelled lifeboat, 6-person capacity identified by construction and arrangement Dwg. No. 556 A dated 18 February 1943, manufactured by Boatcraft Co., corner Cropsey and 26th Avenues, Brooklyn, N. Y.

Approval No. 160.035/137/0, 16.0′ x 5.5′ x 2.3′ steel oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement Dwg. No. 557 A, dated 10 March 1944, manufactured by Boatcraft Co., corner Cropsey and 26th Avenues, Brooklyn, N. Y.

Approval No. 160.035/138/0, 22.0′ x 7.5′ x 3.16′ steel oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement Dwg. No. 550, dated 25 May 1942, manufactured by Boatcraft Co., corner Cropsey and 26th Avenues, Brooklyn, N. Y.

Approval No. 160.035/139/0, 24.0′ x 8.0′ x 3.5′ steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. 553, dated 31 August 1942, manufactured by Boatcraft Co., corner Cropsey and 26th Avenues, Brooklyn, N. Y.

Approval No. 160.035/140/0, 27.8′ x 8.5′ x 3.8′ clinker-built wood oar-propelled lifeboat, 38-person capacity, identified by construction and arrangement Dwg. No. D. P. L. B. 61, Sheet No. 2, dated 28 October 1943, manufactured by Fox River Boat Works, DePere, Wis.

Approval No. 160.035/141/0, 22.0′ x 7.5′ x 3.25′ steel, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement Dwg. No. K–109–2, Alt. 1, manufactured by Kargard Boat & Engine Co., Marinette, Wis.

Approval No. 160.035/142/0, 22.0′ x 7.5′ x 3.25′ steel, motor-propelled lifeboat, without radio cabin, 25-person capacity, identified by construction and arrangement Dwg. No. K–108–2, Alt. 2, manufactured by Kargard Boat & Engine Co., Marinette, Wis.

Approval No. 160.035/143/0, 24.0′ x 8.0′ x 3.75′ steel, motor-propelled lifeboat, without radio cabin, 35-person capacity, identified by construction and arrangement Dwg. No. K–109–2, Alt. 5, dated 4 August 1945, manufactured by Kargard Boat & Engine Co., Marinette, Wis.

Approval No. 160.035/144/0, 24.0′ x 8.0′ x 3.73′ steel oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. K–107–2, Alt. 3, dated 4 August 1945, manufactured by Kargard Boat & Engine Co., Marinette, Wis.

Approval No. 160.035/145/0, 28.0′ x 9.0′ x 4.0′ steel, motor-propelled lifeboat without radio cabin, 46-person capacity, identified by construction and arrangement Dwg. No. M–13, Alt. 2, dated 26 July 1944, revision F dated 10 October 1944, manufactured by Kargard Boat & Engine Co., Marinette, Wis.

Approval No. 160.035/146/0, 30.0′ x 10.0′ x 4.13′ steel motor-propelled lifeboat without radio cabin, 68-person capacity, identified by construction and arrangement Dwg. No. 2054, dated 14 March 1945, revised 26 June 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/147/0, 26.0′ x 9.0′ x 3.83′ aluminum hand-propelled lifeboat, 53-person capacity, identified by construction and arrangement Dwg. No. 3159, dated 9 March 1947 and revised 16 May 1947, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/148/0, 16.0′ x 5.5′ x 2.38′ steel oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement Dwg. No. 408, dated 29 December 1943, and revised 13 March 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/151/0, 30.0′ x 10.0′ x 4.13′ aluminum motor-propelled lifeboat, with radio cabin, 75-person capacity, identified by construction and arrangement Dwg. No. 3124, dated 15 August 1946 and revised 10 March 1947, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/152/0, 30.0′ x 9.67′ x 4.17′ aluminum hand-propelled lifeboat, 70-person capacity, identified by construction and arrangement Dwg. No. 3137, dated 16 October 1946, and revised 26 March 1947, manufactured by Welin

Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/153/0, 30.0′ x 10.0′ x 4.13′ aluminum hand-propelled lifeboat, 83-person capacity, identified by construction and arrangement Dwg. No. 3125, dated 6 August 1946, and revised 10 March 1947, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/154/0, 30.0′ x 10.25′ x 3.5′ steel hand-propelled lifeboat, 76-person capacity, identified by construction and arrangement Dwg. No. 1300, dated 18 April 1946, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/157/0, 35.0′ x 12.33′ x 5.25′ steel lifeboat, motor-propelled, without radio cabin, 135-person, identified by construction and arrangement Dwg. No. 2499, dated 18 January 1943, manufactured by Welin Davit and Boat Division of the Robinson Foundation, Perth Amboy, N. J.

Approval No. 160.035/160/0, 16.0′ x 5.0′ x 2.1′ steel oar-propelled lifeboat for service other than ocean and coastwise, 10-person capacity, identified by construction and arrangement Dwg. No. 1614, dated 5 December 1946, manufactured by Lane Lifeboat and Davit Corporation, foot of 40th Road and Flushing River, Flushing, N. Y.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4481, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 474, 481, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1–1, 59.13, 76.16, 94.15, 113.10.

SOUND POWERED TELEPHONE EQUIPMENT

Approval No. 161.005/1/0, Sound powered telephone station, selective ringing, common talking, 17 station maximum, bulkhead mounting, splashproof, Drawing No. 70–523–1 Alt. 0: Type 3—Telephone station with 3″ bell; Type 6—Telephone station with 6″ bell; Type 8—Telephone station with 8″ bell; Type O—Telephone station without attached bell (separately mounted hand generator bell must be provided), manufactured by Henschel Corp., Amesbury, Mass.

Approval No. 161.005/2/0, Sound powered telephone station, selective ringing, common talking, 8 station maximum, bulkhead mounting, splashproof, Drawing No. 70–523 Alt. 2: Type 3—Telephone station with 3″ bell; Type 6—Telephone station with 6″ bell; Type 8—Telephone station with 8″ bell; Type O—Telephone station without attached bell (separately mounted hand generator bell must be provided), manufactured by Henschel Corp., Amesbury, Mass.

Approval No. 161.005/3/0, Sound powered telephone station, selective ringing, common talking, 8 station maximum, waterproof, Drawing No. 70–524 Alt. 3: Type B—Bulkhead mounting station with 8″ bell; Type P—Pedestal mounting station with 8″ bell, manufactured by Henschel Corp., Amesbury, Mass.

Approval No. 161.005/4/0, Sound powered telephone station relay, for operation with hand generator, non-locking, splashproof, Drawing 60–162 Alt. 2, manufactured by Henschel Corp., Amesbury, Mass.

Approval No. 161.005/5/0, Sound powered telephone station relay, for operation with hand generator, manual release, splashproof, Drawing No. 60–164 Alt. 2, manufactured by Henschel Corp., Amesbury, Mass.

Approval No. 161.005/5/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, pedestal mounting, waterproof, Drawing No. W.T.P.–208 Alt. 0, manufactured by Alwin Products Corp., 161 Van Wagenen Avenue, Jersey City, N. J.

Approval No. 161.005/7/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, bulkhead mounting, waterproof, Drawing No. W.T.P.–207 Alt. 0, manufactured by Alwin Products Corp., 161 Van Wagenen Avenue, Jersey City, N. J.

Approval No. 161.005/8/0, Sound powered telephone station, selective ringing, common talking, 7 station maximum, bulk head mounting, splashproof, Drawing No. ASP–200 Alt. 3: Type ASP—with 3″, 4″, 6″ or 8″ hand generator bell; Type ASPR—3″, 4″, 6″ or 8″ hand generator bell and relay; Type ASPRH—with 3″, 4″, 6″ or 8″ hand generator bell, relay and howler, manufactured by Alwin Products Corp., 161 Van Wagenen Avenue, Jersey City, N. J.

Approval No. 161.005/9/0, Sound powered telephone station, selective ringing, common talking, 7 station maximum, bulkhead mounting, splashproof, Drawing No. CSP–201 Alt. 3: Type CSP—with 3″, 4″, 6″, or 8″ hand generator bell; Type CSPR—with 3″, 4″, 6″, or 8″ hand generator bell and relay; Type CSPRH—with 3″, 4″, 6″, or 8″ hand generator bell relay and howler, manufactured by Alwin Products Corp., 161 Van Wagenen Avenue, Jersey City, N. J.

Approval No. 161.005/10/0, Sound powered telephone station, selective ringing, common talking, 7 station maximum, waterproof, with attached 3″, 4″, 6″, or 8″ hand generator bell, Drawing No. WTB–202/WTP–203 Alt. 3: Type WT No. 202—Bulkhead mounting; Type WT No. 203—Pedestal mounting, manufactured by Alwin Products Corp., 161 Van Wagenen Avenue, Jersey City, N. J.

Approval No. 161.005/11/0, Sound powered telephone station, selective ringing, common talking, 11 stations maximum, bulkhead mounting, waterproof, with separately mounted 6″ hand generator bell, Drawing No. 11 Alt. 2, Type A, Model WT–1, manufactured by Hose-McCann Telephone Co., Inc., 177 Pacific Street, Brooklyn 2, N. Y.

Approval No. 161.005/12/0, Sound powered telephone station, selective ringing, common talking, 11 station maximum, bulkhead mounting, splashproof, with internal hand generator bell, Drawing No. 1, Alt. 2, Type A, Model W, manufactured by Hose-McCann Telephone Co., Inc., 177 Pacific Street, Brooklyn 2, N. Y.

Approval No. 161.005/13/0, Sound powered telephone station, selective ringing, common talking, 11 station maximum, bulkhead mounting, splashproof, with separately mounted 6″ hand generator bell, Drawing No. 3 Alt. 2, Type A, Model E, manufactured by Hose-McCann Telephone Co., Inc., 177 Pacific Street, Brooklyn 2, N. Y.

Approval No. 161.005/14/0, Sound powered telephone station, selective ringing, common talking, 11 station maximum, bulkhead mounting, splashproof, with separately mounted hand generator cowbell and relay for externally powered howler, Drawing No. 4 Alt. 2, Type A, Model E, manufactured by Hose-McCann Telephone Co., Inc., 177 Pacific Street, Brooklyn 2, N. Y.

Approval No. 161.005/15/0, Sound powered telephone station, selective ringing, common talking, 11 station maximum, bulkhead mounting, waterproof, with attached 3″ hand generator bell, Drawing No. 5 Alt. 2, Type A, Model W.T., manufactured by Hose-McCann Telephone Co., Inc., 177 Pacific Street, Brooklyn 2, N. Y.

Approval No. 161.005/16/0, Sound powered telephone station, selective ringing, common talking, 11 station maximum, bulkhead mounting, waterproof, with separately mounted 6″ hand generator bell, Drawing No. 6 Alt. 2, Type A, Model W.T., manufactured by Hose-McCann Telephone Co., Inc., 177 Pacific Street, Brooklyn 2, N. Y.

Approval No. 161.005/17/0, Sound powered telephone station, selective ringing, common talking, 11 station maximum, pedestal mounting, waterproof, with attached 6″, 8″ or 10″ hand generator bell, Drawing No. 8 Alt. 2, Type A, Model W.T.P., manufactured by Hose-McCann Telephone Co., Inc., 177 Pacific Street, Brooklyn 2, N. Y.

Approval No. 161.005/18/0, Sound powered telephone station, selective ringing, common talking, 11 station maximum, bulkhead mounting, splashproof, Drawing No. 9 Alt. 2: Model K–3—with attached 3″ hand generator bell; Model K–4—with attached 4″ hand generator bell; Model K–6—with attached 6″ hand generator bell; Model K–8—with attached 8″ hand generator bell; Model KCB—with attached hand generator Cox bell, manufactured by Hose-McCann Telephone Co., Inc., 177 Pacific Street, Brooklyn 2, N. Y.

Approval No. 161.005/19/0, Sound powered telephone station, selective ringing, common talking, 11 station maximum, pedestal mounting, waterproof, with attached 6″, 8″, 10″ or 12″ hand generator bell, Drawing No. 12 Alt. 2, Type A, Model W.T.P.–1, manufactured by Hose-McCann Telephone Co., Inc., 177 Pacific Street, Brooklyn 2, N. Y.

Approval No. 161.005/20/0, Sound powered telephone handset, Drawing No. A–257 Alt. 2, manufactured by United States Instrument Corp., 19 South Harrison Street, East Orange, New Jersey.

Approval No. 161.005/21/0, Sound powered telephone handset, type 22, Drawing No. L–893 issue 23, assemblies AO, CO, DO, EO, GO, HO, JO, KO, and LO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Approval No. 161.005/22/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, bulkhead mounting, splashproof, with attached hand generator bell, Drawing No. L–7002 issue 24, Type S.P.B., Model 2, assemblies AO, BO, and CO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Approval No. 161.005/23/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, bulkhead mounting, splashproof, Drawing No. L–7003 issue 22, Type S.P.B. Model 2, assemblies AO, BO and CO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Approval No. 161.005/24/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, bulkhead mounting, waterproof, with attached hand generator bell, Drawing No. L–7004 issue 26, Type W.T.B. Model 2, assemblies AO, BO, CO, DO, EO and FO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Approval No. 161.005/25/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, bulkhead mounting, waterproof, Drawing No. L–7005 issue 25, Type W.T.B. Model 2, assemblies AO, BO, CO, DO, EO and FO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Approval No. 161.005/26/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, pedestal mounting, waterproof, with attached hand generator bell, Drawing No. L–7006 issue 22, Type W.T.P. Model 2, assemblies AO, BO, CO, DO, EO and FO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Approval No. 161.005/27/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, pedestal mounting, waterproof, with attached 6″, 8″, 10″ or 12″ hand generator bell, Drawing No. L–7007 issue 24, Type W.T.P. Model 2, assemblies AO, BO, CO, DO, EO, FO, GO, HO, JO, KO, LO and MO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Approval No. 161.005/28/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, pedestal mounting, waterproof, with attached 6″, 8″, 10″ or 12″ hand generator bell, Drawing No. L–7008 issue 23, Type W.T.P., Model 2, assemblies AO, BO, CO, DO, EO, FO, GO, HO, JO, KO, LO and MO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Approval No. 161.005/29/0, Sound powered Telephone Station Bell, Vibrating, 3″, 6″ and 8″ sizes, waterproof, Drawing No. 20–162–2 Alt. 1, Types 3B, 6B, 8B, 3P, 6P, and 8P, manufactured by Henschel Corp., Amesbury, Mass.

ADDITIONAL AUTHORITY: R. S. 4417a, 4418, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 1333, 50 U. S. C. 1275; 46 CFR 32.9–4, 63.11, 79.12, 97.14, 116.10.

SEARCHLIGHTS FOR MOTOR-LIFEBOATS

Approval No. 161.006/1/0, One-mileray, Type N Motor-Lifeboat Searchlight, Drawing No. FA–4615, manufactured by Portable Light Co., Inc., 216 William Street, New York 7, N. Y.

ADDITIONAL AUTHORITY: R. S. 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 59.11a.

FLASHLIGHTS, ELECTRIC HAND

Approval No. 161.008/1/0, Model F 80, watertight flashlight, electric, hand, two cell, Coast Guard Specification Identification Type I, Size 2, Drawing No. 139–C, dated 29 April 1946, manufactured by Stewart R. Browne Manufacturing Co., 258 Broadway, New York 7, N. Y.

Approval No. 161.008/2/0, Model F 90, watertight flashlight, electric, hand, three cell, Coast Guard Specification Identification Type I, Size 3, Drawing No. 139–C, dated 29 April 1946, manufactured by Stewart R. Browne Manufacturing Co., 258 Broadway, New York 7, N. Y.

Approval No. 161.008/3/0, Model F 81, explosion-proof flashlight, electric, hand, two cell, Coast Guard Specification Identification Type II, Size 2, Drawing No. 139–C, dated 29 April 1946, manufactured by Stewart R. Browne Manufacturing Co., 258 Broadway, New York, N. Y.

Approval No. 161.008/4/0, Model F 91, explosion-proof flashlight, electric, hand, three cell, Coast Guard Specification Identification Type II, Size 3, Drawing No. 139–C, dated 29 April 1946, manufactured by Stewart R. Browne Manufacturing Co., 258 Broadway, New York, N. Y.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 33.3–1, 33.3–2, 59.11, 76.14.

SAFETY VALVES

Approval No. 162.001/1/0, Style CI, Ashton pop safety valve, cast iron body, open spring, single lifting lever, bottom guided wing disc, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. 24–B dated 6 September 1924, Drawing No. 59–BC dated 5 October 1926, Catalog No. 41V, 2d Edition, material construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2″, 2½″, 3″, 3½″, 4″ and 4½″ diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/2/0, Style CS, Ashton pop safety valve, steel body, open spring, single lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., saturated steam 450 p. s. i. allowed for sizes up to and including 3½″ diameters, ventilated spring cover and sealing cap required on open spring type valve, Drawing No. 24–B dated 6 September 1924, Drawing No. 59–BB dated 5 October 1926, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2″, 2½″, 3″, 3½″, 4″ and 4½″ diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/3/0, Style HO semi-nozzle type, Crosby pop safety valve, cast iron body (high capacity), general low pressure saturated steam service, exposed spring, flanged inlet and screwed outlet, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. Style HO–1–B, series 03, dated 19 September 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 1½″, 2″, 2½″, 3″, 3½″, 4″ and 4½″ diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/4/0, Style HR semi-nozzle type, Crosby pop safety valve, medium capacity, cast iron body, exposed spring, flanged inlet and screwed outlet, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. Style HR–1–A–B–C, series 03, dated 18 September 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 1½″, 2″, 2½″, 3″, 3½″, 4″ and 4½″ diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/5/0, Style HRC–1, semi-nozzle type, Crosby pop safety valve, medium capacity for general service, cast carbon steel body, forged alloy steel nozzle and disc, carbon steel spring, closed bonnet, maximum working pressure 350 p. s. i., similar to Drawing No. Style HR–1–A–B–C, series 03 dated 18 September 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½″, 2″, 2½″, 3″, 3½″, 4″, 4½″ diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.J01/6/0, Style HRD–2, semi-nozzle type, Crosby pop safety valve, medium capacity for general service, cast carbon steel body, forged alloy steel nozzle and disc, carbon steel spring, exposed spring, maximum working pressure 650° F., Drawing No. Style HR–1–A–B–C, series 03 dated 18 September 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½″, 2″, 2½″, 3″, 3½″, 4″, 4½″ diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/7/0, Style HRD–3 semi-nozzle type, Crosby pop safety valve, medium capacity for general service, cast carbon steel body, forged alloy steel nozzle and disc, carbon steel spring, exposed spring, maximum working pressure 500 p. s. i., maximum temperature 650° F., Drawing No. Style HR–1–A–B–C, series 03 dated 18 September 1930, Cata-

log No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½" and 2" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/8/0, Style HRSA–3 semi-nozzle type, Crosby pop safety valve, medium capacity for general service, cast carbon steel body, forged alloy steel nozzle and disc, alloy steel spring, exposed spring, maximum working pressure 500 p. s. i., maximum temperature 750° F., Drawing No. Style HR–1–A–B–C, series 03 dated 18 September 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½" and 2" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/9/0, Style HN–2 full flanged nozzle type, Crosby pop safety valve, heavy duty for high pressure and high temperature steam service, cast steel body, forged alloy steel nozzle and disc, nickel alloy steel guide and adjusting rings, carbon or alloy steel spring, maximum working pressure 600 p. s. i. for sizes up to and including 3" diameters, 450 p. s. i. for 4" diameters, with "p" orifice, maximum temperature 750° F., alloy steel springs required for maximum temperature of 750° F., Drawing No. Style HN–2, series 33 dated 26 June 1930 Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/10/0, Style HNA–2 full flanged nozzle type, Crosby pop safety valve, general high pressure and high temperature steam service, cast alloy steel body, fitted with carbon steel cooling spool, nozzle and disc forged alloy steel, nickel alloy steel guide and adjusting rings, alloy steel spring, exposed spring, maximum working pressure 600 p. s. i. for sizes up to and including 3" diameters, 450 p. s. i. for 4" diameters, maximum temperature 900° F., Drawing No. Style HNA–2, series 32 dated 19 September 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/11/0, Style HNA–3 full flanged nozzle type, Crosby pop safety valve, general high pressure and high temperature steam service, cast alloy steel body, fitted with carbon steel cooling spool, forged alloy steel nozzle and disc, nickel alloy steel guide and adjusting rings, alloy steel spring, exposed spring, maximum working pressure 900 p. s. i. for sizes up to and including 3" diameters, 800 p. s. i. for 4" diameters, maximum temperature 900° F., Drawing No. Style HNA–3, series 33 dated 19 September 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/12/0, Style HNAC–2 full flanged nozzle type, Crosby pop safety valve, high temperature superheated steam service, cast alloy steel body, fitted with cast alloy steel bonnet and cooling spool, forged alloy steel nozzle and disc, nickel alloy steel guide and adjusting rings, alloy steel spring, exposed spring, maximum working pressure 600 p. s. i., maximum temperature 1,000° F., Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/13/0, Style HNAC–3 full flanged nozzle type, Crosby pop safety valve, high temperature superheated steam service, cast alloy steel body, fitted with cast alloy steel bonnet and cooling spool, forged alloy steel nozzle and disc, nickel alloy steel guide and adjusting rings, alloy steel spring, exposed spring, maximum working pressure 900 p. s. i., maximum temperature 1,000° F., Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/14/0, Style HS–1 full flanged nozzle type, Crosby pop safety valve, cast steel body, fully exposed spring, flanged inlet and outlet, forged alloy steel nozzle and disc, nickel alloy guide and adjusting rings, carbon steel spring, maximum working pressure 300 p. s. i., maximum temperature 650° F., Drawing No. Style HS–1–2, series 01 dated 1 May 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/15/0, Style HS–2 full flanged nozzle type, Crosby pop safety valve, cast steel body, fully exposed spring, flanged inlet and outlet, forged alloy steel nozzle and disc, nickel alloy guide and adjusting rings, carbon steel spring, maximum working pressure 450 p. s. i., maximum temperature 650° F., Drawing No. Style HS–1–2, series 01 Dated 1 May 1930, Catalog No. 104 dated November 1942, material construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/16/0, Style HSA–1 full flanged nozzle type, Crosby pop safety valve, general high temperature steam service, cast steel body, fully exposed spring, fitted with cast steel cooling spool, flanged inlet and outlet, forged alloy steel nozzle and disc, nickel alloy guide and adjusting rings, carbon steel spring, maximum working pressure 900 p. s. i., maximum temperature 750° F., Drawing No. HSA–1–2, series 01 dated 1 May 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/17/0, Style HN–3 full flanged nozzle type, Crosby pop safety valve, general high pressure steam service, cast steel body, forged alloy steel nozzle and disc, nickel alloy steel guide and adjusting rings, carbon or alloy steel spring, exposed spring, maximum working pressure 900 p. s. i. for sizes up to and including 3" diameters, 800 p. s. i. for 4" diameters with "p" orifice, maximum temperature 750° F., alloy steel springs required for maximum temperature of 750° F., Drawing No. Style HN–3, series 33 dated 26 June 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/18/0, Style HSAC–1 full flanged nozzle type, Crosby pop safety valve, high capacity for superheated and high temperature steam service, cast alloy steel body, bonnet and cooling spool, forged alloy steel nozzle and disc, nickel alloy guide and adjusting rings, tungsten steel spring, fully exposed spring, maximum working pressure 300 p. s. i., maximum temperature 900° F., Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/19/0, Style HSAC–2 full flanged nozzle type, Crosby pop safety valve, high capacity for superheated and high temperature steam service, cast alloy steel body, bonnet and cooling spool, forged alloy steel nozzle and disc, nickel alloy guide and adjusting rings, tungsten steel spring, fully exposed spring, maximum working pressure 600 p. s. i., maximum temperature 900° F., Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/20/0, Style HSB full flanged nozzle type, Crosby pop safety valve, cast steel body, fully exposed spring, flanged inlet and outlet, forged alloy steel nozzle and disc, nickel alloy guide and adjusting rings, carbon steel spring, maximum working pressure 600 p. s. i., maximum temperature 650° F., Drawing No. Style HS–1–2, series 01 dated 1 May 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, fitted with orifice "N," approved for size 4" diameter, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/21/0, Style HSBA full flanged nozzle type, Crosby pop safety valve, general high temperature steam service, cast steel body, fully exposed spring, fitted with cast steel cooling spool, flanged inlet and outlet, forged alloy steel nozzle and disc, nickel alloy guide and adjusting rings, carbon steel spring, maximum working pressure 600 p. s. i., maximum temperature 750° F., Drawing No. HSA–1–2, series 01 dated 1 May 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, fitted with Orifice "N", approved for size 4" diameter, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/22/0, Style HSBAC full flanged nozzle type, Crosby pop safety valve, high capacity for superheated and high temperature steam service, cast alloy steel body, bonnet and cooling spool, forged alloy steel nozzle and disc, nickel alloy guide and adjusting rings, tungsten steel spring, fully exposed spring, maximum working pressure 600 p. s. i., maximum temperature 900° F., Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/23/0, Style DI, Ashton duplex pop safety valve, cast iron body, open spring and single lifting lever, bottom guided wing disc, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. 64–B dated 14 May 1928, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/24/0, Style DI–10, Ashton duplex pop safety valve, cast iron body, closed head casting and single lifting lever, bottom guided wing disc, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. 64–B dated 14 May 1928, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/25/0, Style DI–11, Ashton pop safety valve, cast iron body, open spring and rocker-shaft lifting lever, bottom guided wing disc, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. 64–B dated 14 May 1928, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14 approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/26/0, Style DI–12, Ashton pop safety valve, cast iron body, closed head casting and rocker-shaft lever, bottom guided wing disc, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. 64–B dated 5 May 1928, Catalog No. 41V, 2d Edition, Material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18, 51.19 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/27/0, Model D, Lonergan pop safety valve, cast iron body, bronze mounted, 3-piece bolted body, enclosed spring, star disc and bevel seat, cam gear relieving lever, maximum working pressure 30 p. s. i., maximum temperatures 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. E71 dated 11 January 1914, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", and 4½" diameters, manufactured by J. E. Lonergan Co., 211 Race Street., Philadelphia 6, Pa.

Approval No. 162.001/28/0, Model C, Lonergan duplex pop safety valve, cast iron body bronze mounted, twin valves mounted on "Y" base, enclosed spring and twin cam gear relieving levers, 3-piece bolted body, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. C2695, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18, 51.20 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by J. E. Lonergan Co., 211 Race Street, Philadelphia 6, Pa.

Approval No. 162.001/29/0, Model F, Lonergan duplex pop safety valve, cast iron body, bronze mounted, enclosed spring, rocker-shaft lifting gear, flanged inlet and outlet, full-bore seat, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. C–26100 dated 17 July 1920, Catalog No. 500, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18, 51.20 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by J. E. Lonergan Co., 211 Race Street, Philadelphia 6, Pa.

Approval No. 162.001/30/0, Model WT, Longeran pop safety valve, cast iron body, bronze mounted, enclosed spring, single lifting cam lever, solid body, bolted bonnet, full-bore seat area and wing guided bronze disc, flanged inlet and screwed outlet, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. A–517S, dated 10 June 1925, Bulletin No. 501A dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18, 51.20 and 51.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by J. E. Lonergan Co., 211 Race Street, Philadelphia 6, Pa.

Approval No. 162.001/31/0, Model WTD, Lonergan pop safety valve, steel body, bronze mounted, enclosed spring, single lifting lever, solid body, bolted bonnet, full-bore seat area, wing guided bronze disc, flanged inlet and screwed outlet, maximum working pressure 400 p. s. i., maximum temperature 450° F., Drawing No. A–517S dated 10 June 1925, Catalog No. 500, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17, 51.20 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by J. E. Lonergan Co., 211 Race Street, Philadelphia 6, Pa.

Approval No. 162.001/32/0, Figure 629, Lunkenheimer pop safety valve, bronze body, enclosed spring, male screwed inlet and female outlet, wing guided disc, bevel seat, maximum working pressure 250 p. s. i., maximum temperature 450° F., Drawing No. L–6941D dated 30 March 1914, Bulletin M–1 dated February 1939, Circular No. 502–RL dated November 1940, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.20 and 52.14, approved for sizes 1½" and 2" diameters, manufactured by The Lunkenheimer Co., Cincinnati 14, Ohio.

Approval No. 162.001/33/0, Figure 630, Lunkenheimer pop safety valve, cast iron body, bronze mounted, enclosed spring, flanged inlet and female screwed outlet, wing guided disc, bevel seat, maximum

working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. L–6942C dated 28 April 1914, Bulletin M–1 dated February 1939, Circular No. 502–RL dated November 1940, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Lunkenheimer Co., Cincinnati 14, Ohio.

Approval No. 162.001/34/0, Figure 434, Lunkenheimer pop safety valve, cast iron body, bronze mounted, enclosed spring, screwed inlet and outlet, wing guided disc, bevel seat, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. L–6942C dated 28 April 1914, Bulletin M–1, dated February 1939, Circular No. 502–RL dated November 1940, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Lunkenheimer Co., Cincinnati 14, Ohio.

Approval No. 162.001/35/0, Figure 752, Lunkenheimer twin pop safety valve, cast iron body, twin valves mounted on flanged "Y" base, flanged inlet and screwed outlet, wing guided disc, bevel seat, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. L–6942C dated 28 April 1914, Bulletin M–1 dated February 1939, Circular No. 502–RL dated November 1940, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for valve seat sizes 2", 2½", 3", 3½", 4" diameters, and "Y" base inlet sizes 3", 3½", 4½", 5", 6" diameters, manufactured by The Lunkenheimer Co., Cincinnati 14, Ohio.

Approval No. 162.001/36/0, Type 1553–A, Consolidated pop safety valve, cast carbon steel body, through seat bushing, open spring, single straight lifting lever, top guided valve spindle, maximum working pressure 900 p. s. i., maximum temperature 650° F., Drawing No. 5855–B dated 30 September 1929, Drawing No. R–5855 dated 5 June 1930, Drawing No. S–6239–A dated 3 October 1939, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/37/0, Type 1553–B, Consolidated pop safety valve, cast carbon steel body, through seat bushing, open spring, single straight lifting lever, top guided valve spindle, stainless steel seat bushing, adjusting ring and disc, alloy steel spring, maximum working pressure 900 p. s. i., maximum temperature 750° F., Drawing No. 5855–B dated 30 September 1929, Drawing No. R–5855 dated 5 June 1930, Drawing No. S–6239–A dated 3 October 1939, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/38/0, Type 1553–C, Consolidated pop safety valve, cast alloy steel body, through seat bushing, open spring, single straight lifting lever, top guided valve spindle, stainless steel seat bushing, adjusting ring and disc, alloy steel spring, maximum working pressure 900 p. s. i., maximum temperature 900° F., Drawing No. 5855–B dated 30 September 1929, Drawing No. R–5855 dated 5 June 1930, Drawing No. S–6239–A dated 3 October 1939, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/39/0, Type 1553–D, consolidated pop safety valve, cast alloy steel body, through seat bushing, open spring, single straight lifting lever, top guided valve spindle, stainless steel seat bushing, adjusting ring and disc, alloy steel spring, maximum working pressure 900 p. s. i., maximum temperature 1000° F., Drawing No. 5855–B dated 30 September 1929, Drawing No. R–5855 dated 5 June 1930, Drawing No. S–6239–A dated 3 October 1939, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/40/0, Style CSH, Ashton pop safety valve, cast steel body, open spring, single lifting lever, alloy steel bottom guided wing disc, maximum working pressure 600 p. s. i., maximum temperature 750° F., ventilated spring covers and sealing caps are required, Drawing No. 83–B dated 21 September 1932, Catalog No. 41V, 2nd Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1", 2", 3", 4" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/41/0, Style DS, Ashton duplex pop safety valve, cast steel body, open springs, single lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., ventilated spring cover, sealing cap and flanged outlet required, Drawing No. 84–B dated 31 August 1933, Catalog No. 41V, 2d Edition, materials, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/42/0, Style DS–10, Ashton duplex pop safety valve, cast steel body, closed head casting, single lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., maximum temperature 450° F., Drawing No. 84–B dated 31 August, 1933, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/43/0, Style DS–11, Ashton duplex pop safety valve, cast steel body, open spring, rocker-shaft lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., ventilated spring cover, sealing cap and flanged outlet are required, Drawing No. 84–B dated 31 August 1933, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/44/0, Style DS–12, Ashton duplex pop safety valve, cast steel body, closed head casting, rocker-shaft lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., maximum temperature 450° F., Drawing No. 64–B dated 31 August 1933, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/45/0, Type 1415, Consolidated pop safety valve, cast steel body, exposed spring, single lifting lever, maximum working pressure 600 p. s. i., maximum temperature 750° F., Drawing No. S–5826–00 dated 29 May 1934, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4", 4½" diameters, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/46/0, Style HSA–2, full flanged nozzle type, Crosby pop safety valve, general high temperature steam service, cast steel body, fully exposed spring, fitted with cast steel cooling spool, flanged inlet and outlet, forged alloy steel nozzle and disc, nickel alloy guide and adjusting rings, carbon steel spring, maximum working pressure 450 p. s. i., maximum temperature 750° F., Drawing No. HSA–1–2, series 01 dated 1 May 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/47/0, Style CSM–10, Ashton pop safety valve, cast steel body, moderate capacity, closed head casting, single lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., maximum temperature 450° F., similar to Drawing No. 24–B dated 6 September 1924, Drawing No. 84–B dated 31 August 1933, Types CS and DS–10, respectively, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/48/0, Style CIM, Ashton pop safety valve, cast iron body, moderate capacity (M), open spring, single lifting lever, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, similar to Drawing No. 24–B dated 6 September 1924, Type CI valve, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/49/0, Style CIM–10, Ashton pop safety valve, cast iron body, moderate capacity, closed head casting, single lifting lever, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, similar to Drawing No. 64–B dated 14 May 1928, Type DI–10 valve, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/50/0, Style CSM, Ashton pop safety valve, cast steel body, moderate capacity, open spring, single lifting lever, maximum working pressure 400 p. s. i., similar to Drawing No. 24–B dated 6 September 1924, Type CS valve, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/51/0, Style HH–270, Crosby pop safety valve, bronze body, bevel seated, side outlet, stainless steel spindle, carbon steel spring, screwed inlet and outlet, enclosed spring and bottom guide spindle, maximum working pressure 250 p. s. i., maximum temperature 406° F., limited to installation on evaporators and heating boilers, Drawing No. Style HH–270 dated 25 November 1936, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.20 and 52.14, approved for sizes 1½", 2", 2½" diameters, manufactured by Crosby Steam Gage & Valve Co., 165 Broadway, New York 6, N. Y.

Approval No. 162.001/52/0, Style CSH–2, Ashton pop safety valve, cast steel body, open head casting, single lifting lever, suitable for superheater service, altered head casting to allow spring to be raised to fully exposed position, maximum working pressure 600 p. s. i., maximum temperature 850° F., ventilated spring cover and sealing cap are required, Drawing No. 91–B, similar to Style CSH as shown in Catalog No. 41V, 2d Edition and file No. 162.001/40/0, material, construction, and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1", 2", 3", 4" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/53/0, 38–SV nozzle type, Foster drum pilot actuated superheater safety valve, Gentzel super jet flow design, superheater outlet safety valve and spring loaded superheater outlet valve combination, cast alloy steel body for temperatures exceeding 750° F., throat nozzle and conical insert corrosion-resistant alloy steel, nozzle expansion ring carbon alloy steel, adjusting ring, piston and guide, copper nickel alloy steel, alloy steel spring, maximum allowable working pressure 2500 p. s. i., maximum temperature 1,000° F., Bulletin No. 38–SV dated 15 March 1946, Catalog No. 70 dated 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Foster Engineering Co., 109 Monroe Street, Newark, N. J.

Approval No. 162.001/54/0, Style CS–100, Ashton pop safety valve, cast steel body, open spring, single lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., 450 p. s. i. allowed for sizes up to and including 3½" diameters, maximum temperature 650° F., ventilated spring cover and flanged outlets are required, Drawing No. 102–B dated 19 June 1940, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/55/0, Type 1531, Consolidated drum pilot actuated superheater pressure loaded safety valve and spring loaded drum pilot valve, cast alloy steel body, forged alloy steel feather and seat, alloy steel spring, maximum working pressure 1,500 p. s. i., maximum temperature 1,000° F., Drawing No. R–6211–N dated 2 October 1941, Drawing No. R–6181–BE dated 3 October 1941, Drawing No. R–6240–A dated 2 October 1939, Drawing No. R–6208 dated 8 November 1938, Brochure "Instructions for Installation and Repairs of Type 1531 Drum Pilot Actuated Superheater Valve" dated November 1939, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for sizes 1½", 2½", diameters, pilot, and 2½" diameter superheater safety valve, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/56/0, Type 1451, Consolidated pop safety valve, bronze body, screwed side outlet and flanged and screwed inlet, enclosed spring, single lifting lever, maximum working pressure 150 p. s. i., maximum temperature 366° F., designed for use on evaporators and heating boilers, Drawing No. C–74 dated 22 July 1941, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.20 and 52.14, approved for sizes 1½", 2", 2½" diameters, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/57/0, Type S, Coale marine pop safety valve, cast steel body, exposed spring, single relieving lever, maximum working pressure 300 p. s. i., maximum temperature 750° F., suitable for superheated steam, Drawing No. 815 Revised 7 October 1941, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3" diameters, manufactured by Coale Muffler & Safety Valve Co., 325 East Oliver Street, Baltimore 2, Md.

Approval No. 162.001/58/0, Type M, Coale heavy duty marine pop safety valve, bronze body, enclosed spring, single lifting lever, maximum working pressure 300 p. s. i., maximum temperature 450° F., Drawing No. 818 dated 27 November 1941, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.20 and 52.14, approved for sizes 2", 2½" diameters, manufactured by Coale Muffler & Safety Valve Co., 325 East Oliver Street, Baltimore 2, Md.

Approval No. 162.001/59/0, Type M, Coale heavy duty marine pop safety valve, cast steel body, enclosed spring, single lifting lever, maximum working pressure 300 p. s. i., maximum temperature 450° F., Drawing No. 817–A dated 17 November 1941, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 3", 3½", 4", 4½" diameters, manufactured by Coale Muffler & Safety Valve Co., 325 East Oliver Street, Baltimore 2, Md.

Approval No. 162.001/60/0, Type 1426, Consolidated duplex pop safety valve, cast steel body, exposed spring, single lifting lever, bottom guided wing disc, maximum working pressure 450 p. s. i., maximum temperature 650° F., Drawing

No. R–6174 dated 1 September 1937, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 4" diameters, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/61/0, Type 34–SO, Texsteam pop safety valve, bronze body and trim, screwed inlet and outlet, top guided spindle, exposed spring, maximum working pressure 300 p. s. i., maximum temperature 450° F., Drawing No. 325 dated 26 February 1941, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.20 and 52.14, approved for sizes 1½", 2", 2½" diameters, manufactured by Texsteam Corp., Houston 11, Tex.

Approval No. 162.001/62/0, Type 1415–W, Consolidated pop safety valve, welded joint between inlet flange, body and bushing, cast steel body, bottom guided feather disc, exposed spring, single lifting lever, maximum working pressure 600 p. s. i., maximum temperature 850° F., Drawing No. S–6335 dated 2 December 1942, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/63/0, Type 1426–M Consolidated duplex pop safety valve, cast steel body, exposed spring, single lifting lever, bottom guided wing disc, maximum working pressure 250 p. s. i., maximum temperature 406° F., similar to 1426, except bronze substituted for nickel and stainless steel for seat bushing, adjusting ring, feather top ring and compression screw, Drawing No. F–6285–G, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 4", diameters, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/64/0, Type 1515–B Consolidated pop safety valve, cast steel body, bushing seat welded to body, bottom guided feather disc, exposed spring, single lifting lever, maximum working pressure 600 p. s. i., maximum temperature 750° F., Drawing No. S–6343 dated 27 September 1943, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3" diameters, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/65/0, Type 1515–C, Consolidated pop safety valve, cast alloy steel body, bushing seat welded to body, exposed spring, single lifting lever, bottom guided feather disc, maximum working pressure 600 p. s. i., maximum temperature 900° F., Drawing No. S–6343 dated 27 September 1943, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3" diameters, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/66/0, Type 1515–A, Consolidated pop safety valve, cast steel body, bushing seat welded to body, bottom guided feather disc, exposed spring, single lifting lever, maximum working pressure 600 p. s. i., maximum temperature 650° F., Drawing No. S–6343 dated 27 September 1943, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3" diameters, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/67/0, Style DS–100, Ashton duplex pop safety valve, cast steel body, open spring, single lifting lever, bottom guided wing disc, maximum working pressure 600 p. s. i., ventilated spring cover and sealing cap are required, Drawing No. 336–B dated 1 September 1944, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½" diameters, manufactured by The Ashton Valve Co., 161–179 First Street, Cambridge 42, Mass.

Approval No. 162.001/68/0, Model ODP, Lonergan pop safety valve, bronze body, enclosed spring, single lifting lever, bottom guided wing disc, bronze disc and seat, cadmium plated steel spring, flanged inlet, screwed outlet, maximum working pressure 300 p. s. i., maximum temperature 450° F., Drawing No. B–1277–S dated 20 September 1941, Revised 8 January 1945, Bulletin No. 501–A dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.20 and 52.14, approved for sizes 1½", 2", 2½" diameters, manufactured by J. E. Lonergan Co., 211 Race Street, Philadelphia 6, Pa.

Approval No. 162.001/69/0, Type 1411, Consolidated pop safety valve, cast iron body, exposed spring, bottom guided feather disc, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. S–5891–DA dated 15 July 1943, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Manning, Maxwell & Moore, Inc., Consolidated Safety Valve Division, Elias Street, Bridgeport 2, Conn.

Approval No. 162.001/70/0, Figure 653, Lunkenheimer modified duplex pop safety valve, cast steel body, enclosed spring, flanged inlet and outlet, bottom guided wing disc, steam bronze disc, nickel alloy steel seat, cadmium plated steel spring, maximum working pressure 300 p. s. i., maximum temperature 450° F., Drawing No. L–8593 dated 31 January 1946, Drawing No. M–2029 dated 11 April 1946, Bulletin M–1 dated February 1939, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17, 51.20, and 52.14, approved for "Y" yoke inlet sizes 3", 3½", 4½", 5", 6" diameters and valve seat diameters 2", 2½", 3", 3½", 4", manufactured by The Lunkenheimer Co., Cincinnati 14, Ohio.

Approval No. 162.001/71/0, Type 2399, Farris pop safety valve, cast steel body, open spring, flanged inlet and outlet, bottom guided wing disc, stainless steel disc, stainless steel valve seat, alloy steel spring. Maximum working pressure 600 p. s. i., maximum temperature 850° F., when fitted with carbon steel spring, maximum temperature 650° F. Drawing No. 1895–B, dated 10 January 1944. Material, construction, and capacities to conform to Coast Guard Marine Engineering Regulations 51.17, 51.20 and 52.14. Approved for pipe inlet sizes: 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Approval No. 162.001/72/0, Type 2575A, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, carbon steel spring, primary service pressure rating 300 p. s. i., maximum temperature 650° F. Drawing No. 1983–B–C. G., dated 10 September 1945. Material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14. Approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Palisades Park, N. J.

Approval No. 162.001/73/0, Type 2575B, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 300 p. s. i., maximum temperature 750° F. Drawing No. 1983–B–C. G., dated 10 September 1945. Material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14. Approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Palisades Park, N. J.

Approval No. 162.001/74/0, Type 2575C, Farris pop safety valve, full nozzle, alloy steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 300 p. s. i., maximum temperature 900° F. Drawing No. 1983–B–C. G., dated 10 September 1945. Material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14. Approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Palisades Park, N. J.

Approval No. 162.001/75/0, Type 2576A, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, carbon steel spring, primary service pressure rating 600 p. s. i., maximum temperature 650° F. Drawing No. 1983–B–C.G., dated 10 September 1945. Material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14. Approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Palisades Park, N. J.

Approval No. 162.001/76/0, Type 2576B, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 600 p. s. i., maximum temperature 750° F. Drawing No. 1983–B–C.G., dated 10 September 1945. Material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14. Approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Palisades Park, N. J.

Approval No. 162.001/77/0, Type 2576C, Farris pop safety valve, full nozzle, alloy steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 600 p. s. i., maximum temperature 900° F., drawing No. 1983–B–C. G., dated 10 September 1945, Material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Palisades Park, N. J.

Approval No. 162.001/78/0, Type 2577A, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, carbon steel spring, primary service pressure rating 600 p. s. i., maximum temperature 650° F., drawing No. 1983–B–C.G., dated 10 September 1945, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17, and 52.14, approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Palisades Park, N. J.

Approval No. 162.001/79/0, Type 2577B, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 600 p. s. i., maximum temperature 900° F., drawing No. 1983–B–C.G., dated 10 September 1945, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Palisades Park, N. J.

Approval No. 162.001/80/0, Type 2577C, Farris pop safety valve, full nozzle, alloy steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 600 p. s. i., maximum temperature 900° F., drawing No. 1983–B–C.G., dated 10 September 1945, material construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Palisades Park, N. J.

Approval No. 162.001/81/0, Type 2578A, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, carbon steel spring, primary service pressure rating 900 p. s. i., maximum temperature 650° F., drawing No. 1983–B–C.G., dated 10 September 1945, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17, and 52.14, approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Palisades Park, N. J.

Approval No. 162.001/82/0, Type 2578B, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 900 p. s. i., maximum temperature 750° F., drawing No. 1983–B–C.G., dated 10 September 1945, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications 51.15, 51.17 and 52.14, approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Palisades Park, N. J.

Approval No. 162.001/83/0, Type 2578C, Farris pop safety valve, full nozzle, alloy steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 900 p. s. i., maximum temperature 900° F., drawing No. 1983–B–C.G., dated 10 September 1945, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17, and 52.14, approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Palisades Park, N. J.

AUTHORITY: R. S. 4417a, 4418, 4426, 4433, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 411, 1333, 50 U. S. C. 1275; 46 CFR 52.14–2.

BOILERS, POWER

Approval No. 162.002/1/0, Acme Boiler and Tank Co. water tube boiler, sectional header type, cross drum straight tube, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Acme Boiler & Tank Co., Salmon Bay Terminal, Seattle, Wash.

Approval No. 162.002/2/0, Acme Boiler and Tank Co. fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Acme Boiler & Tank Co., Salmon Bay Terminal, Seattle, Wash.

Approval No. 162.002/3/0, Acme Boiler and Tank Co. fire tube boiler, vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Acme Boiler & Tank Co., Salmon Bay Terminal, Seattle, Wash.

Approval No. 162.002/4/0, Acme Boiler Works fire tube boiler, Western River type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 5.., 52, and 56, approved for type design only, manufactured by Acme Boiler Works Co., Gallipolis, Ohio.

Approval No. 162.002/5/0, Acme Boiler Works fire tube boiler, vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only manufactured by Acme Boiler Works Co., Gallipolis, Ohio.

Approval No. 162.002/6/0, Almy water tube boiler, types A, B, and C, single section water tubes connected to top and bottom manifolds, Catalog 1932 edition "Almy Sectional Water Tube Boilers", material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Almy Water Tube Boiler Co., 184 Allen Avenue, Providence, R. I.

Approval No. 162.002/7/0, Almy water tube boiler, type D, single firebox design, double sectional water tubes, Catalog 1932 edition "Almy Sectional Water Tube Boilers", material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Almy Water Tube Boiler Co., 184 Allen Avenue, Providence, R. I.

Approval No. 162.002/8/0, Almy water tube boiler, type E, double firebox design, double sectional water tubes, Catalog 1932 edition "Almy Sectional Water Tube Boilers", material design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Almy Water Tube Boiler Co., 184 Allen Avenue, Providence, R. I.

Approval No. 162.002/9/0, Almy water tube boiler, type HA, single section water tubes connected to top and bottom manifolds, designed for auxiliary and heating boilers, heating surface 155 sq. ft., Dwg. No. 801–935–1073 dated 8 November 1924, Catalog 1932 edition, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications,

Parts 51, 52, and 56, approved for type design only, manufactured by Almy Water Tube Boiler Co., 184 Allen Avenue, Providence, R. I.

Approval No. 162.002/10/0, Almy water tube boiler, type Z, sectional water tube, internal steam drum, "Z" section water tubes, Catalog 1932 edition and Dwg. No. "Z" Type Boiler dated January 1911, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56 approved for type design only, manufactured by Almy Water Tube Boiler Co., 184 Allen Avenue, Providence, R. I.

Approval No. 162.002/11/0, Almy water tube boiler, type Z, modified, sectional water tube, internal steam drum, "Z" section water tubes, Catalog 1932 edition and Dwg. No. "Z" Type Boiler dated 15 March 1939, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Almy Water Tube Boiler Co., 184 Allen Avenue, Providence, R. I.

Approval No. 162.002/12/0, American Shipbuilding fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by American Shipbuilding Co., 1010 Terminal Tower, Cleveland, Ohio.

Approval No. 162.002/13/0, Babcock and Wilcox water tube boiler, sectional header type, cross drum, straight tube, forged steel sinuous headers, single and triple pass boilers, similar to Dwg. No. ML–261635 and No. ML–250321, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Babcock & Wilcox Co., 85 Liberty Street, New York, N. Y.

Approval No. 162.002 14/0, Babcock & Wilcox water tube boiler, 2-drum bent tube type, similar to Dwg. No. ML–253262 dated 17 November 1942, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Babcock & Wilcox Co., 85 Liberty Street, New York, N. Y.

Approval No. 162.002/15/0, Babcock and Wilcox water tube boiler, 3-drum bent tube type, similar to Dwg. No. MX–229115 dated 10 December 1938, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Babcock & Wilcox Co., 85 Liberty Street, New York, N. Y.

Approval No. 162.002/16/0, Babcock and Wilcox water tube boiler, divided-furnace single uptake marine boiler, 4-drum bent tube type, similar to Dwg. Nos. ML–252801 and ML–252802 dated 2 April 1942, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Babcock & Wilcox Co., 85 Liberty Street, New York, N. Y.

Approval No. 162.002/17/0, Wm. Bros. Mfg. Co. fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Wm. Bros. Manufacturing Co., 43 Wilder Street, Minneapolis, Minn.

Approval No. 162.002/18/0, Brown Bros. fire tube boiler, horizontal tubular, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Brown Bros. Boiler & Sheet Metal Works, 1200 South Third Street, Paducah, Ky.

Approval No. 162.002/19/0, Combustion Engineering water tube boiler, sectional header type SM, cross drum, straight tube, Dwg. Nos. SB–7101–0, SC–7401–0, and SC–7400–1 dated 14 February 1931, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Combustion Engineering Co., Inc., 200 Madison Avenue, New York 16, N. Y.

Approval No. 162.002/20 0, Combustion Engineering water tube boiler, 2-drum bent tube, type V2M, similar to Dwg. No. E–161–101–0 dated 7 April 1943, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Combustion Engineering Co., Inc., 200 Madison Avenue, New York 16, N. Y.

Approval No. 162.002/21 0, Combustion Engineering water tube boiler, 3-drum bent tube, type V3M, similar to Dwg. No. E–161–393 dated 25 November 1944, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Combustion Engineering Co., Inc., 200 Madison Avenue, New York 16, N. Y.

Approval No. 162.002/22/0, Combustion Engineering water tube boiler, oil fired and waste heat types, forced circulation (La Mont Patent), similar to Dwg. No. 161–520 dated 25 July 1946 and No. E–161–518 dated 8 May 1946, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Combustion Engineering Co., Inc., 200 Madison Avenue, New York 16, N. Y.

Approval No. 162.002/23/0, Dubuque fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Dubuque Boat & Boiler Co., Dubuque, Iowa.

Approval No. 162.002/24/0, Edge Moor water tube boiler, sectional header type, cross drum, straight tube, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Edge Moor Iron Works, Edge Moor, Delaware.

Approval No. 162.002/25 0, Erie City fire tube boiler, vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Erie City Iron Works, Erie, Pa.

Approval No. 162.002/26 0, Foster Wheeler water tube boiler, sectional header type, similar to Dwg. Nos. E–161–152–9 dated 4 September 1943, NY–400–10 dated 20 October 1936, PMB–311–52 dated 4 August 1931, and PMB–310–26–A dated 15 October 1931, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Approval No. 162.002/27/0, Foster Wheeler water tube boiler, 2-drum bent tube type, Nelis water tube boiler, low head river type, Dwg. Nos. NYMB–261–22 dated 22 November 1926 and ND–6142–0 dated 24 January 1931, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Approval No. 162.002/28/0, Foster Wheeler water tube boiler, 2-drum bent tube type D, similar to Dwg. Nos. NY–450–21 dated 29 January 1945, NY–450–538–H dated 25 January 1946, and PD–350–12–I dated 13 November 1934, revised 29 April 1935, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster, Wheeler Corp., 165 Broadway, New York 6, N. Y.

Approval No. 162.002/29/0, Foster Wheeler water tube boiler, 3-drum bent tube type A, similar to Dwg. Nos. NY–440–483 dated 16 December 1944 and PMB–311–19–B dated 13 March 1931, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Approval No. 162.002/30/0, Foster Wheeler water tube boiler, waste heat type, heating elements consist of seamless boiler tubing covered with cast iron rings, Dwg. No. D–285–75 dated 20 January 1929, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Approval No. 162.002/31/0, Foster Wheeler water tube boiler, waste heat type, 2-drum bent tube, similar to Dwg. No. NY–390–20–A dated 23 January 1939 and revised 14 February 1939, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Approval No. 162.002/32/0, Cyclotherm steam generator, type MC–80, horizontal fire tube steam boiler, welded shell and firebox, Dwg. Nos. C–549–E dated 15 June 1944 and C–551–D dated 16 June 1944, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Ames Iron Works Division of General Furnaces Corp., 90 Broad Street, New York 4, N. Y.

Approval No. 162.002/33 0, Ames fire tube boiler, western river type, constructed with three parallel longitudinal shells and one common steam and water drum, and two common mud drums, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Ames Iron Works Division of General Furnaces Corp., 90 Broad Street, New York 4, N. Y.

Approval No. 162.002/34/0, Great Lakes fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52 and 56, approved for type design only, manufactured by Great Lakes Engineering Works, River Rouge, Mich.

Approval No. 162.002/35 0, Hamburg fire tube boiler, vertical tubular type, similar to Dwg. dated 14 December 1939, vertical fire tube boiler 48" diameter and 9'–6" high, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Hamburg Boiler Works, Inc., Hamburg, Pa.

Approval No. 162.002 36/0, Heilman water tube boiler, 2-drum bent tube type, Badenhausen design, automatic oil fired furnace, Dwg. Nos. 240N1 issue 3 dated 25 June 1945, 240 issue 4 dated 25 June 1945, H 111–452 issue 3 revised 6 November 1946, H 115–462 issue 1 revised 6 November 1946, material, design and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Heilman Boiler Works, Front and Lenden Streets, Allentown, Pa.

Approval No. 162.002/37/0, International fire tube boiler, vertical tubular type, similar to Dwg. No. 32–5443 dated 28 December 1943, 90" x 17' x 9½"

boiler, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by International Boiler Works, 1 Birch Street, East Stroudsburg, Pa.

Approval No. 162.002/38/0, International fire tube boiler, western river type, similar to Dwg. No. 32–5443 dated 28 December 1943, 90" x 17' x 9½" boiler, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by International Boiler Works, 1 Birch Street, East Stroudsburg, Pa.

Approval No. 162.002/39/0, International forced recirculator vertical water tube boiler, type L. F. R., spencal heating coils and separate vertical steam drum, riveted construction, Dwg. Nos. 57–5349 revised 23 June 1943, and 57–5341, 18 March 1943, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by International Boiler Works, 1 Birch Street, East Stroudsburg, Pa.

Approval No. 162.002/40/0, International Scotch marine boiler, La Mont forced recirculation, type F. R. 35, horizontal fire tubes, riveted construction, Dwg. No. 57–5284 dated 12 February 1943, revised, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by International Boiler Works, 1 Birch Street, East Stroudsburg, Pa.

Approval No. 162.002/41 0, Jensen fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Peter Jensen & Co., 23 East 18th Street, New Albany, Ind.

Approval No. 162.002/42/0, Johnson fire tube boiler, Scotch marine type, triple furnace wet back boiler, similar to Dwg. No. 343 dated 11 July 1942, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Johnson Bros., Ferrysville, Mich.

Approval No. 160.002/43/0, Jones & Laughlin fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Jones & Laughlin Steel Corp., Marine Ways, Floreffe, Pa.

Approval No. 162.002/44/0, Manitowoc Shipbuilding Co. fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineerng Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Manitowoc Shipbuilding Co., Manitowoc, Wis.

Approval No. 162.002 45 0, Maxim waste heat boiler, Model MSCH, size 84–5000, heat recovery silencer type, fitted with silencer and spark arrestor, steel welded construction, Dwg. Nos. B–495 revised 2 November 1945 and B–693 revised 2 November 1945, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Maxim Silencer Co., Hartford, Conn.

Approval No. 162.002 46 0, Moxley water tube boiler, miniature steam generator, oil fired, vertical inner and outer tubes forming water space, spherical heating coil located inside inner tube in combustion space, used as auxiliary boiler, Dwg. No. size No. 4 dated 24 January 1933, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Moxley Oil Burning Equipment, Hoquiam, Wash.

Approval No. 162.002 47 0, Moxley water tube boiler, miniature steam generator, oil fired, vertical inner and outer tubes forming water space, spherical heating coil located inside inner tube in combustion space, used as auxiliary boiler, Dwg. No. size No. 5 dated 24 January 1933, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Moxley Oil Burning Equipment, Hoquiam, Wash

Approval No. 161.002 48 0, Murray fire tube boiler, vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Murray Iron Works, 1106 Washington Street, Burlington, Iowa.

Approval No. 162.002 49 0, Murray fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Murray Iron Works, 1106 Washington Street, Burlington, Iowa.

Approval No. 162.002 50 0, Murray fire tube boilers, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Murray Iron Works, 1106 Washington Street, Burlington, Iowa.

Approval No. 162.002 51 0, Ludlum water tube boiler, 3-drum bent tube type, one steam and water drum and two bottom water drums, Dwg. No. 4004, originally named Calven Boiler, Material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufac-

tured by New York Engineering Co., 75 West Street, New York, N. Y.

Approval No. 162.002/52/0, Ludlum water tube boiler, type B, 2-drum bent tube, Dwg. Nos. 2–1630–1 and 2–1630–4, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by New York Engineering Co., 75 West Street, New York, N. Y.

Approval No. 162.002/53/0, Nooter fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by John Nooter Boiler Works Co., 1400 South Second Street, St. Louis, Mo.

Approval No. 162.002/54/0, O'Brien water tube boiler, box header stay-bolted type, straight tube, double longitudinal drums, similar to Heine Boiler, Dwg. No. W–161–D and W–166–D dated 27 July 1926, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Part 51, 52, and 56, approved for type design only, manufactured by John O'Brien Boiler Works Co., 318 North Eighth Street, St. Louis 1, Mo.

Approval No. 162.002/55/0, Oil City fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Oil City Iron Works, Oil City, Pa.

Approval No. 162.002/56/0, Page water tube boiler, sectional header type, single cross drum, Dwg. No. 790–I dated 4 November 1918, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Page Boiler Co., 815 West Webster Avenue, Chicago, Ill.

Approval No. 162.002/57/0, Pearson fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Pearson Manufacturing Co., 800 Beaver Avenue, Pittsburgh, Pa.

Approval No. 162.002/58/0, Porter fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by H. K. Porter Co., Oliver Building, Pittsburgh, Pa.

Approval No. 162.002/59/0, Springfield water tube boiler, sectional cast steel header type, horizontal cross drum, similar to Dwg. Nos. ML–250321–2, D–732 5 486, D–585–4914, D–1338–8885, D–1337–8882, and A–400–9034, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Springfield Boiler Co., Nineteenth and Capitol Avenue, Springfield, Ill.

Approval No. 162.002/60/0, Sun fire tube boiler, single ended Scotch marine type, welded S. E. Scotch boiler, 15'–3" I. D. x 11'–7" overheads, similar to Dwg. No. G–6372–1 dated 27 November 1940, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Sun Shipbuilding and Drydock Co., Chester, Pa.

Approval No. 162.002/61/0, Thompson fire tube boiler, vertical tubular type, similar to Dwg. No. A–1022 dated 22 January 1943, #812 (48" x 96") plain vertical boiler, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Thompson Boiler Works, 1000 North Broadway, Los Angeles, Calif.

Approval No. 162.002/62/0, Titusville fire tube boiler, vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Titusville Iron Works Co., Division of Struthers-Wells Corp., 1938 Reed Street, Titusville, Pa.

Approval No. 162.002/63/0, Titusville fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Titusville Iron Works Co., Division of Struthers-Wells Corp., 1938 Reed Street, Titusville, Pa.

Approval No. 162.002/64/0, Titusville fire tube boiler, western river type, fourdrum, double flue design, combination welded and riveted construction, Dwg. No. E–6754–A dated 4 March 1945, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Titusville Iron Works Co., Division of Struthers-Wells Corp., 1938 Reed Street, Titusville, Pa.

Approval No. 162.002/65/0, Toledo Shipbuilding Co. fire tube boiler, Scotch Marine type, similar to Dwg. No. 10–1–1624 dated November 1939, S. E. Scotch boiler 14'–6" x 12'–6", material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Toledo Shipbuilding Co., Inc., Toledo, Ohio.

Approval No. 162.002/66/0, Union Iron Works fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Union Iron Works, 1515 Cascade Street, Erie, Pa.

Approval No. 162.002/67/0, Union Iron Works fire tube boiler, vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Union Iron Works, 1515 Cascade Street, Erie, Pa.

Approval No. 162.002/68/0, Union marine steel water tube auxiliary boiler, type M, two-drum, bent tube type, boiler consists of steam drum, mud drum, fitted with bent down-comer and generator tubes, Dwg. No. P. S. 3488 dated 12 October 1943, evaporation 9,000 lb./hr., h. p. 140, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Union Iron Works, 1515 Cascade Street, Erie, Pa.

Approval No. 162.002/69/0, Union fire tube boiler, western river type, fourdrum, two flues per drum, Dwg. No. BTD 2339–1 dated 26 September 1944 and revised 28 November 1944, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Union Iron Works, 1515 Cascade Street, Erie, Pa.

Approval No. 162.002/70/0, Vapor-Clarkson steam boiler, forced recirculation water tube boiler, spiral economizer and steam generating coils, fitted with separate condensate and steam chamber, self-contained "package" steam generator, welded steel plate construction, Dwg. No. 60057A dated 24 May 1943 and Catalog No. 1010, approved for boiler sizes 500 lb./hr. to 3,000 lb./hr. steam generating capacity, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Vapor Car Heating Co., 80 East Jackson Boulevard, Chicago, Ill.

Approval No. 162.002/71/0, Vapor-Clarkson steam boiler, type No. DA–230–5105, forced recirculation water tube boiler, spiral economizer and steam generating coils, fitted with separate condensate and steam chamber, self contained "package" steam generator, welded steel plate construction, Dwg. No. 60026 dated 5 August 1942, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Vapor Car Heating Co., 80 East Jackson Boulevard, Chicago, Ill.

Approval No. 162.002/72/0, Vogt water tube boiler, sectional header type, similar to Dwg. No. X–1826–C–3 dated 11 June 1941 and No. X–1874–1H revised 31 July 1944, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Henry Vogt Machine Co., Tenth and Ormsby Streets, Louisville, Ky.

Approval No. 162.002/73/0, Wiches water tube boiler, 3-drum bent tube, type A, welded, similar to Dwg. Nos. 43651–Z/15 dated 15 March 1943 and 43560–Z/15 dated 11 November 1942, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Wiches Boiler Co., Saginaw, Mich.

Approval No. 162.002/74/0, Winona fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Winona Boiler Co., Winona, Minn.

Approval No. 162.002/75/0, Winona fire tube boiler, vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Winona Boiler Co., Winona, Minn.

Approval No. 162.002/76/0, Acme Boiler & Tank Co. water tube boiler, Model No. MA–101, auxiliary boiler, cross drum, straight tube header type, steel, welded, Dwg. No. B30 dated 23 April 1947, material, design, and fabrication in accordance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Acme Boiler & Tank Co., Salmon Bay Terminal, Seattle, Wash.

ADDITIONAL AUTHORITY: R. S. 4417a, 4418, 4433, 4434, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (a), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 411, 412, 1333, 50 U. S. C. 1275; 46 CFR Parts 51, 52, and 56.

BOILERS, HEATING

Approval No. 162.003/1/0, Agitair hot water generator, marine hot water heating boiler, water tube type, steel plate fabricated, weight 300 lbs. wet, size 16" diameter base, 48" over-all height, Dwg. Nos. WH–103A dated 21 May 1942 and WH–100 revised 21 May 1942 and Air Devices, Inc., Bulletin "Agitair" marine hot water generator, radiation 400 to 1,000 sq. ft. hot water at 180° F. boiler water temperature, maximum working pressure 30 p. s. i., manufactured by Air Devices, Inc., 17 East 42d Street, New York 17, N. Y.

Approval No. 162.003/2/0, Models "Ideal" and "Arco" heating boiler, cast iron sectional and round firepot construction, Catalog No. 605 revised October 1941, maximum working pressure 15 p. s. i., manufactured by American Radiator & Standard Sanitary Corp., Bessemer Building, Pittsburgh 22, Pa.

Approval No. 162.003/3/0, "Basmor" heating boiler, cast iron construction, maximum working pressure 15 p. s. i., manufactured by Bastian-Morley Co., Inc., 300 Truesdell, La Porte, Ind.

Approval No. 162.003/4/0, Class OB hot water boiler, vertical fire tubes, welded shell plate, Dwg. No. G–235 dated 23 April 1943, Material List dated 26 April 1943, and Dwg. No. G–243 dated 1 March 1943, approved for boiler sizes 24, 30, and 36, maximum working pressure 30 p. s. i., manufactured by Bethlehem Foundry & Machine Co., Bethlehem, Pa.

Approval No. 162.003/5/0, Scotch marine type heating boiler, fire tube, Dwg. No. 2174–A and Bulletin describing Bigelow Scotch Type Heating Boiler, maximum working pressure 15 p. s. i., manufactured by The Bigelow Co., 100 River Road, New Haven, Conn.

Approval No. 162.003/6/0, Columbia heating boiler, cast iron construction, boiler models: 19" Oilsaver, No. 70 Series Spitfire, oilfired, No. 50 Series Coalsaver Jr., No. 100 Series Coalsaver, and No. 200 and 300 Series Coalsaver, maximum working pressure 15 p. s. i., manufactured by Columbia Radiator Co., McKeesport, Pa.

Approval No. 162.003/7/0, Crane sectional cast iron heating boiler, Dwg. No. 16313, maximum working pressure 15 p. s. i., manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill.

Approval No. 162.003/8/0, Series No. 10 and 110 cast iron heating boiler, Circular Nos. AD–1316 and AD–1319, maximum working pressure 15 p. s. i., manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill.

Approval No. 162.003/9/0, Model No. 16 cast iron heating boiler, sustained heat, maximum working pressure 15 p. s. i., manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill.

Approval No. 162.003/10/0, Fin type cast iron heating boiler, maximum working pressure 15 p. s. i., manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill.

Approval No. 162.003/11/0, Model No. 14 cast iron heating boiler, maximum working pressure 15 p. s. i., manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill.

Approval No. 162.003/12/0, Model DH and DL Delco domestic heating boiler, sectional cast iron construction, fin type oil fired, Catalog No. DEP–327R–SM–8–37–(17), approved models DH–3, DH–4, DL–5, and DL–6, maximum working pressure 15 p. s. i., manufactured by Delco Appliance Division, General Motors Corp., Lyell and Whitney Streets, Rochester, N. Y.

Approval No. 162.003/13/0, Model DE Delco domestic heating boiler, sectional cast iron construction, fin type, approved models DB–3, DB–4, and DB–5, maximum working pressure 15 p. s. i., manufactured by Delco Appliance Division, General Motors Corp., Lyell and Whitney Streets, Rochester, N. Y.

Approval No. 162.003/14/0, Vortex waste heat vertical heating boiler, heat recovery silencer type, welded inner and outer shell plate, Dwg. No. 1975 dated 10 April 1945, approved for sizes 27, 24, 22, 21, and 20 hours, performance rating for respective sizes 100, 150, 250, 350, and 500 pounds steam per hour maximum, over-all dimensions respective sizes 18" x 53", 21½" x 74", 28" x 89", 32" x 99", 34" x 108", maximum working pressure 30 p. s. i., manufactured by Engineering Specialties Co., Inc., 38 Cortlandt Street, New York, N. Y.

Approval No. 162.003/15/0, Farquhar heating boiler, vertical fire tube, welded steel plate, material, design and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, maximum working pressure 15 p. s. i., manufactured by A. B. Farquhar Co., York, Pa.

Approval No. 162.003/16/0, Farrar and Trefts fire tube heating boiler, vertical tubular type, Dwg. No. 31052 dated 8 April 1941, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, heating surface total 243 square feet, maximum working pressure 30 p. s. i., manufactured by Farrar & Trefts, Inc., 11 Grimes Street, Buffalo, N. Y.

Approval No. 162.003/17/0, Type RM–19 RZU JR., fire tube heating boiler, horizontal return tubular, welded steel plate fabricated, similar to Dwg. No. A1181 dated 3 September 1933, heating surface 111 square feet, maximum working pressure 30 p. s. i., manufactured by Fitzgibbons Boiler Co., Inc., 101 Park Avenue, New York, N. Y.

Approval No. 162.002/18/0, Foster Wheeler steam heating boiler, 2-drum bent tube type D water tube boiler, natural circulation, package type unit, similar to Dwg. No. PD 440–45A dated 11 October 1944, boiler heating surface 300 sq. ft., operating pressure 50 p. s. i., feed temperature 160° F., furnace volume 21 cu. ft., evaporation 3000 lb. hr.; material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Approval No. 162.003 19/0, Size No. 1 H. M. steam heating boiler, water legs, firebox and shell welded steel plate, fitted with hot water heating coil, Dwg. No. 52–5295 dated 2 December 1942, boiler heating surface 63 sq. ft., over-all dimensions 3' 6" x 5' 1", maximum working pressure 30 p. s. i., manufactured by The International Boiler Works, East Stroudsburg, Pa.

Approval No. 162.003 20/0, Size No. 0 H. M. steam heating boiler, horizontal water tube boiler, water legs, firebox and shell welded steel plate, fitted with hot water heating coil, Dwg. No. 52–5337 dated 23 March 1943, boiler heating surface 47 sq. ft., over-all dimensions 2' 11½" x 5' 1", maximum working pressure 30 p. s. i., manufactured by The International Boiler Works, East Stroudsburg, Pa.

Approval No. 162.003/21/0, Model MSCH, size 14–250, waste heat boiler, heat recovery silencer type, fitted with spark arrestor, steel welded construction, Dwg. No. 5845 revised 7 March 1941 and Nos. 5846 and 5847 revised 17 November 1941, estimated weight dry 4,500 lbs., weight wet 5,700 lbs., rated capacity 1,050 lbs. per hour at 29 p. s. i., maximum working pressure 30 p. s. i., manufactured by The Maxim Silencer Co., Hartford, Conn.

Approval No. 162.003/22/0, Fire tube boiler, vertical tubular heating boiler, welded steel fabrication, Dwg. dated 17 November 1941, maximum working pressure 30 p. s. i., manufactured by Orr & Sembower, Inc., 942 Morgantown Road, Reading, Pa.

Approval No. 162.003 23/0, Pacific low pressure heating boiler, horizontal fire tube, circular water shell, steel welded construction, Dwg. Nos. 186.091 and

187.091 revised 16 November 1941, Dwg. No. 187.091 used for design of boilers up to 150 sq. ft. heating surface or shell diameter 30 inches and Dwg. No. 186.091 used for design of boilers over 150 sq. ft. of heating surface or shell diameter 31 to 60 inches, maximum working pressure 30 p. s. i., manufactured by Pacific Steel Boiler Division, U. S. Radiator Corp., 1500 United Artist Building, Detroit 31, Mich.

Approval No. 162.003/24/0, Pacific low pressure heating boiler No. 3382, horizontal fire tube, oval water shell 3" tubes, welded steel plate, Dwg. No. 1388.051 dated 25 March 1946, maximum working pressure 30 p. s. i., manufactured by Pacific Steel Boiler Division, U. S. Radiator Corp., 1500 United Artist Building, Detroit 31, Mich.

Approval No. 162.003/25/0, Pacific low pressure heating boiler No. 3381, horizontal fire tube, oval water shell, welded steel plate, 3" fire tubes, Dwg. No. 1194.051 revised 27 October 1941, maximum working pressure 30 p. s. i., manufactured by Pacific Steel Boiler Division, U. S. Radiator Corp., 1500 United Artist Building, Detroit 31, Mich.

Approval No. 162.003/26/0, Model No. 400 hot water heating boiler, one vertical spiral heating coil, oil fired heater, cast iron combustion chamber, Dwg. Nos. A-106-3 revised 4 December 1941 and S-72 dated 13 December 1935, Bulletin No. 450A and service bulletin 121, heat recovery rate 70 gallons of water per hour from 50° to 150 F., hot water radiation 400 sq. ft., maximum working pressure 30 p. s. i., manufactured by Preferred Utilities Manufacturing Corp., 1860 Broadway, New York 23, N. Y.

Approval No. 162.003/27/0, Model No. 800T hot water heating boiler, two vertical spiral heating coils, oil fired, cast iron combustion chamber, Dwg. No. A-106-3 revised 4 December 1941 and S-72 dated 13 December 1935, heat recovery rate 140 gallons per hour from 50° to 150° F., hot water radiation 800 sq. ft., maximum working pressure 30 p. s. i., manufactured by Preferred Utilities Manufacturing Corp., 1860 Broadway, New York 23, N. Y.

Approval No. 162.003/28/0, Type A steel tubular heating boiler, 2-bank fire tube boiler, welded steel plate construction, oil or coal fired, in accordance with "Construction Details of Spencer Type A Boilers" dated 6 March 1942, Dwg. No. OA4-112A-1 dated 9 September 1936 and catalog dated 7 March 1941, approved for sizes 1M18, 1M22, 2M26, 2M30, 3M35, 3M40, 3M45, 4M50, 4M60, 5M70, 5M85, 6M100, 6M125, 7M175, 8M200, 8M250, 9M300, 9M350, maximum working pressure 15 p. s. i. manufactured by Spencer Heater Division, Aviation Corp., Williamsport 62, Pa.

Approval No. 162.003/29/0, Type C steel tubular heating boiler, 2-bank fire tube boiler, welded steel plate construction, oil or coal fired, in accordance with "Construction Details of Spencer Type C Boilers" dated 6 March 1942, Dwg. No. OC7-112-3 dated 16 March 1936 and catalog dated 17 March 1941, approved for sizes C2, C3, C4, C5, C6, C7, C8, and C9, maximum working pressure 15 p. s. i., manufactured by Spencer Heater Division, Aviation Corp., Williamsport 62, Pa.

Approval No. 162.003/30/0, "Wee-Scot" low pressure steam heating boiler, horizontal Scotch marine, riveted construction, dry back type, Dwg. No. E-4398 revised 21 July 1939 and Catalog Form 5025-A, diameter 45", H. P. 20, heating surface 201 sq. ft., 3-inch fire tube, weight 7000 lbs., maximum working pressure 30 p. s. i., manufactured by The Titusville Iron Works Co., Division of Struthers-Wells Corp., 1938 Reed Street, Titusville, Pa.

Approval No. 162.003/31/0, "Capital" heating boilers, cast iron construction, sectional and round fire pot type, maximum working pressure 15 p. s. i., manufactured by U. S. Radiator Corp., 1500 United Artist Building, Detroit 31, Mich.

Approval No. 162.003/32/0, Way-Wolff "Blue Jacket" hot water heating boiler, welded steel plate construction, vertical Scotch type, oil fired, Dwg. No. H-107 revised 24 October 1944 approved for sizes 4824, 4830, 7230, and 7236, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, 53 Park Place, New York 7, N. Y.

Approval No. 162.003/33/0, Model V hot water heating boiler, Blue Jacket ship heater, welded steel plate construction, vertical Scotch type, oil fired, Dwg. Nos. H-103A revised 12 July 1943 and H-104A revised 12 July 1943, heating surface 28 to 57 sq. ft., approved for sizes 4024, 4030, 6030, and 6036, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, 53 Park Place, New York 7, N. Y.

Approval No. 162.003/34/0, Weil-McLain cast iron heating boiler, maximum working pressure 15 p. s. i., manufactured by Weil-McLain Co., Michigan City, Ind.

ADDITIONAL AUTHORITY: R. S. 4417a, 4418, 4426, 4433, 4434, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (c), 55 Stat. 255, as amended; 46 U. S. C. 367, 391a, 392, 404, 411, 412, 1333, 50 U. S. C. 1275, 46 CFR Part 52.

FIRE EXTINGUISHERS, HAND, PORTABLE, CARBON-TETRACHLORIDE-TYPE

Approval No. 162.004/1/0, Reddy (Symbol PY), 1-quart carbon tetrachloride hand portable fire extinquisher, Pyrene Assembly Dwg. No. B-9223, dated 3 February 1941, rev. 19 August 1946, Pyrene Name Plate Dwg. No. A-9095, dated 6 March 1940, rev. 9 October 1946, manufactured for W. D. Allen Manufacturing Co., 566-570 West Lake Street, Chicago 6, Ill., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.004/2/0, Reddy (Symbol PY), 1½-quart carbon tetrachloride hand portable fire extinguisher, Pyrene Assembly Dwg. No. B-9231, dated 19 February 1941, rev. 16 August 1946, Pyrene Name Plate Dwg. No. A-9104, dated 25 March 1940, rev. 7 March 1941, manufactured for W. D. Allen Manufacturing Co., 566-570 West Lake Street, Chicago, Ill., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.004/3/0, Fire Gun No. 0, 1 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 13X-1049, alt. L dated 26 September 1945, name plate Dwg. No. 13X-29, alt. H, 23 September 1940, manufactured by American LaFrance Foamite Corp., Elmira, N. Y.

Approval No. 162.004/4/0, Fire Gun No. 1, 1¼ qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 13X-1050, alt. H, dated 26 September 1945, name plate Dwg. No. 14X-29, alt. G, dated 25 January 1937, manufactured by American LaFrance Foamite Corp., Elmira, N. Y.

Approval No. 162.004/5/0, Fire Gun No. 2, 1½ qt. carbon tetrachloride hand portable fire extinguisher assembly Dwg. No. 13X-1051, alt. H, dated 26 September 1945, name plate Dwg. No. 15X-30, alt. F, dated 25 January 1937, manufactured by American LaFrance Foamite Corp., Elmira, N. Y.

Approval No. 162.004/6/0, LaFrance No. 5, 1½ qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 13X-1051, alt. H, dated 26 September 1945, name plate Dwg. No. 7AX-10, dated 28 May 1937, manufactured by American LaFrance Foamite Corp., Elmira, N. Y.

Approval No. 162.004/7/0, LaFrance No. 6, 1 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 13X-1049, alt. L, dated 26 September 1945, name plate Dwg. No. 7AX-9, alt. G, dated 23 April 1946, manufactured by American LaFrance Foamite Corp., Elmira, N. Y.

Approval No. 162.004/8/0, Fire Gun No. 4, 1-gallon carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 31X-1000, dated 27 April 1938, name plate Dwg. No. 31X-1, alt. D, dated 27 April 1938, manufactured by American LaFrance Foamite Corp., Elmira, N. Y.

Approval No. 162.004/9/0, Badger (Symbol FY), 1-quart carbon tetrachloride hand portable fire extinguisher, Fyr-Fyter Assembly Dwg. No. 28, issue 2779, dated 8 November 1946, Fyr-Fyter Name Plate Dwg. No. 2173, issue 2338, dated 7 August 1945, manufactured for Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass., by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/10/0, Badger (Symbol FY), 1½-quart carbon tetrachloride hand portable fire extinguisher, Fyr-Fyter Assembly Dwg. No. 29, issue 2780, dated 8 November 1946, name plate Dwg. No. 2173, issue 2338, dated 7 August 1945, manufactured for Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass., by The Fyr-Fyter Company, Dayton, Ohio.

Approval No. 162.004/11/0, Buffalo Better Built, 1-quart carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 90, dated 11 July 1946, name plate Dwg. No. 3172, issue 2798, dated 17 December 1946, manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.004/12/0, Buffalo Better Built, 1½ qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 91, dated 11 July 1946, name plate Dwg. No. 3173, issue No. 2799, dated 17 December 1946, manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.004/13/0, Chief Croker (Symbol PY) 1 qt. carbon tetrachloride hand portable fire extinguisher, Pyrene Assembly Dwg. No. B-9223, dated 3 February 1941, Pyrene Name Plate Dwg. No. A-9099, dated 12 March 1940, rev. 9 October 1946, manufactured for Croker Fire Prevention Corp., 32 West 31st Street, New York, N. Y., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.004/14/0, Fyr-Fyter Super, 1 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 10, issue 2777, dated 8 November 1946, name plate Dwg. No. 2127, issue 1896, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/15/0, Fyr-Fyter Super, 1½ qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 11, issue 2778, dated 8 November 1946, name plate Dwg. No. 3127, issue 1902, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/16/0, Dayton, 1 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 28, issue 2779, dated 8 November 1946, name plate Dwg. No. 2143, issue 1905, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/17/0, Dayton, 1½ qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 29, issue 2780, dated 8 November 1946, name plate Dwg. No. 2143, issue 1905, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/18/0, Fyr-Fyter, Model A, 1-qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 83-2, dated 13 December 1945, name plate Dwg. No. 2134, issue 1899, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/19/0, Fyr-Fyter, Model A, 1½ qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 87-2, dated 1 January 1946, name plate Dwg. No. 2135, issue 1900, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/20/0, The Captain Fyr-Fyter duplex pump, 1 gal. carbon tetrachloride hand portable fire extinguisher assembly Dwg. No. 26, issue 2645, dated 13 March 1946, name plate Dwg. No. 2136, issue 1901, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/21/0, Quick Aid, Model 85, 1-qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. BT-185-X, dated 9 April 1943. Rev. 8 July 1947, name plate Dwg. No. BT-185-1, dated 27 March 1947, rev. 30 June 1947, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.004/22/0, Quick Aid, Model 95, 1½ qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. CT-195-X, dated 21 October 1944, rev. 28 June 1945, name plate Dwg. No. BT-195-1, dated 29 March 1947, rev. 30 June 1947, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.004/23/0, S. O. S. Fire Guard, 1 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. BF-100, dated 8 November 1943, name plate Dwg. No. BF-147A, dated 23 November 1943, manufactured by The General Pacific Corp., 1800 South Harden Avenue, Los Angeles, Calif.

Approval No. 162.004/24/0, Queen Special (Symbol BU) 1 qt. carbon tetrachloride hand portable fire extinguisher, Buffalo Assembly Dwg. No. 90, dated 11 July 1946, Buffalo Name Plate Dwg. No. 3338, dated 27 December 1946, manufactured for Harker Manufacturing Co., 121 West Third Street, Cincinnati, Ohio, by Buffalo Fire Appliance Corp., Dayton, Ohio.

Approval No. 162.004/25/0, Queen Special (Symbol BU) 1½ qt. carbon tetrachloride hand portable fire extinguisher, Buffalo Assembly Dwg. No. 91, dated 11 July 1946, Buffalo Name Plate Dwg. No. 3338, dated 27 December 1946, manufactured for Harker Manufacturing Co., 121 West Third Street, Cincinnati, Ohio, by Buffalo Fire Appliance Corp., Dayton, Ohio.

Approval No. 162.004/26/0, Pistol Grip, Trigger Type 1 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 205, dated 8 August 1943, name plate Dwg. No. 303, dated 28 January 1935, manufactured by Kent Extinguisher Co., Grand Rapids, Mich.

Approval No. 162.006/27/0, Pistol Grip, trigger type 1½ qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 206, dated 8 August 1943, name plate Dwg. No. 304, dated 28 January 1935, manufactured by Kent Extinguisher Co., Grand Rapids, Mich.

Approval No. 162.004/28/0, Miller Peerless (Symbol FY) 1 qt. carbon tetrachloride hand portable fire extinguisher, Fyr-Fyter Assembly Dwg. No. 28, issue 2779, dated 8 November 1946, name plate Dwg. No. 2144, issue 1906, dated 18 August 1942, manufactured for Miller Peerless Manufacturing Co., 452 North Sangamon Street, Chicago 22, Ill., by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/29/0, Miller Peerless 1½ qt. carbon tetrachloride hand portable fire extinguisher, Fyr-Fyter Assembly Dwg. No. 29, issue 2780, dated 8 November 1946, name plate Dwg. No. 2144, issue 1906, dated 18 August 1942, manufactured for Miller Peerless Manufacturing Co., 452 North Sangamon Street, Chicago 22, Ill., by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/30/0, National Model NBF (Symbol BU), 1 qt. carbon tetrachloride hand portable fire extinguisher, Buffalo Assembly Dwg. No. 90, dated 11 July 1946, Buffalo name plate Dwg. No. 3300, dated 27 December 1946, manufactured for National Foam System, Inc., Fifteenth and Chestnut Streets, Phila. 2, Pa., by Buffalo Fire Appliance Corp., Dayton, Ohio.

Approval No. 162.004/31/0, National, Model NBF (Symbol BU), 1½ qt. carbon tetrachloride hand portable fire extinguisher, Buffalo Assembly Dwg. No. 91, dated 11 July 1946, Buffalo Name Plate Dwg. No. 3300, dated 27 December 1946, manufactured for National Foam System, Inc., Fifteenth and Chestnut Streets, Philadelphia, Pa., by Buffalo Fire Appliance Corp., Dayton, Ohio.

Approval No. 162.004/32/0, Phister No. ½, 2 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 107, dated 12 November 1936, rev. 12 January 1945, name plate Dwg. No. BB-½-NY, dated 25 February 1946, manufactured by The Phister Manufacturing Co., 621-627 East Pearl Street, Cincinnati, Ohio.

Approval No. 162.004/33/0, Phister No. 1B, 1 gal. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 106, dated 6 February 1936, rev. 9 November 1944, name plate Dwg. No. B-9-B, dated 6 February 1936, rev. 17 October 1941, manufactured by The Phister Manufacturing Co., 621-627 East Pearl Street, Cincinnati, Ohio.

Approval No. 162.004/34/0, Pyrene 1 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. B-7992, dated 28 July 1938, rev. 15 August 1946, name plate Dwg. No. A-9069, dated 17 January 1940, rev. 9 October 1946, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.004/35/0, Pyrene, 1½ qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. B-4593, dated 29 April 1935, rev. 16 August 1946, name plate Dwg. No. A-9076, dated 18 January 1940, rev. 10 May 1944, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.004/36/0, Pyrene (Symbol PH) 2 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. C-8817, dated 20 April 1938, name plate Dwg. No. B-15286, dated 6 August 1942, manufactured for Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J., by The Phister Manufacturing Co., Cincinnati, Ohio.

Approval No. 162.004/37/0, Pyrene, 1 gal. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. D-9986, dated 16 January 1945, name plate Dwg. No. C-8890, dated 10 October 1938, rev. 9 December 1946, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.004/38/0, Security (Symbol PY) 1 qt. carbon tetrachloride hand portable fire extinguisher, Pyrene Assembly Dwg. No. B-9223, dated 3 February 1941, rev. 19 August 1946, name plate Dwg. No. A-9270, dated 3 June 1941, rev. 9 October 1946, manufactured for A. C. Rowe & Son, 78 Reade Street, New York, N. Y., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.004/39/0, Stempel Pistol Grip (Symbol KE) 1 qt. carbon tetrachloride hand portable fire extinguisher, Kent Assembly Dwg. No. 8A, dated 8 August 1943, Kent Name Plate Dwg. No. 30, dated 15 February 1940, manufactured for Stempel Fire Extinguisher Manufacturing Co., 2400 North Jasper Street, Philadelphia, Pa., by Kent Extinguisher Co., Grand Rapids, Mich.

Approval No. 162.004/40/0, Stempel Pistol Grip, (Symbol KE), 1½ qt. carbon tetrachloride hand portable fire extinguisher, Kent Assembly Dwg. No. 9A, dated 8 August 1943, Kent Name Plate Dwg. No. 31, dated 15 February 1940, manufactured for Stempel Fire Extinguisher Manufacturing Co., 2400 North Jasper Street, Philadelphia, Pa., by Kent Extinguisher Co., Grand Rapids, Mich.

Approval No. 162.004/41/0, Stempel Trigger type (Symbol KE), 1 qt. hand portable fire extinguisher, Kent Assembly Dwg. No. 8A, dated 8 August 1943, Kent Name Plate Dwg. No. 304, dated 1 June 1936, manufactured for Stempel

Fire Extinguisher Co., 2400 North Jasper Street, Philadelphia, Pa., by Kent Extinguisher Co., Grand Rapids, Mich.

Approval No. 162.004/42/0, Stempel Trigger Type (Symbol KE) 1½ qt. carbon tetrachloride hand portable fire extinguisher, Kent Assembly Dwg. No. 9A, dated 8 August 1943, Kent Name Plate Dwg. No. 305, dated 1 June 1936, manufactured for Stempel Fire Extinguisher Co., 2400 North Jasper Street, Philadelphia, Pa., by Kent Extinguisher Co., Grand Rapids, Mich.

Approval No. 162.004/43/0, Wilbur, 1 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. FE 220, rev. 24 January 1946, name plate Dwg. No. FE 53, rev. 20 September 1945, manufactured by Wil-X-Manufacturing Corp., 29 Ryerson Street, Brooklyn 5, N. Y.

Approval No. 162.004/44/0, Wilbur, 1½ qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. FE 226, rev. 24 January 1946, name plate Dwg. No. FE 53, rev. 20 September 1945, manufactured by Wil-X-Manufacturing Corp., 29 Ryerson Street, Brooklyn 5, N. Y.

Approval No. 162.004/45/0, Chief Croker (Symbol GE), 1 qt. carbon tetrachloride hand portable fire extinguisher, General Detroit assembly Dwg. No. BT-185–X, dated 9 April 1943, rev. 8 July 1947, General Detroit name plate Dwg. No. AT–185–1N, dated 25 March 1947, manufactured for Croker Fire Prevention Corp., 32 West 31st Street, New York, N. Y., by The General Detroit Corp., 2272 East Jefferson, Detroit 7, Mich.

Approval No. 162.004/46/0, Defender (Symbol GE), 1 qt. carbon tetrachloride hand portable fire extinguisher, General Detroit assembly Dwg. No. BT-185–X, dated 9 April 1943, rev. 8 July 1947, General Detroit nam. plate Dwg. No. AT–185–1G, dated 17 July 1946, rev. 22 August 1946, manufactured for Schwartz Bros., Inc., 827 Arch Street, Philadelphia, Pa., by The General Detroit Corp., 2272 East Jefferson, Detroit 7, Mich.

Approval No. 162.004/47/0, Defender (Symbol GE) 1½ qt. carbon tetrachloride hand portable fire extinguisher, General Detroit assembly Dwg. No. CT-195–X, dated 21 October 1944, rev. 28 June 1945, General Detroit name plate Dwg. No. AT–195–1G, dated 10 July 1946, rev. 22 August 1946, manufactured for Schwartz Bros., Inc., 827 Arch Street, Philadelphia, Pa., by The General Detroit Corp., 2272 East Jefferson, Detroit 7, Mich.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4479, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.5–1, 61.13, 77.13, 95.13, 114.15.

FIRE EXTINGUISHERS, HAND, PORTABLE, CARBON-DIOXIDE TYPE

Approval No. 162.005/1/0, Model PSH, Series 15–N, squeeze grip valve, 15-lb. carbon dioxide hand portable fire extinguisher, assembly Dwg. No. 28X–1558, alt. A, dated 14 July 1943, name plate Dwg. No. 28X–834, alt. A, dated 1 May 1945, manufactured by American-LaFrance Foamite Corp., Elmira, N. Y.

Approval No. 162.005/2/0, Speedex 15, squeeze grip valve, 15-lb. carbon dioxide hand portable fire extinguisher, assembly Dwg. No. 28X–1576, alt. F, dated 3 February 1946, name plate Dwg. No. 28X–840 (on Dwg. No. 28X–844, alt. U, dated 8 October 1946, manufactured by American LaFrance Foamite Corp., Elmira, N. Y.

Approval No. 162.005/3/0, Speedex 4, squeeze grip valve, 4-lb. carbon dioxide portable fire extinguisher, assembly Dwg. No. 28X–1570, alt. E, dated 18 June 1945, name plate Dwg. No. 28X–843 (on Dwg. No. 28X–844, alt. U, dated 8 October 1946), manufactured by American LaFrance Foamite Corp., Elmira, N. Y.

Approval No. 162.005/4/0, Type PSH–15, squeeze grip valve, 15-lb. carbon dioxide hand portable fire extinguisher, assembly Dwg. D-62325, alt. 2, dated 6 August 1946, name plate Dwg. No. D–57094, alt. 1, dated 5 August 1946, manufactured by C–O–Two Fire Equipment Co., Newark, N. J.

Approval No. 162.005/5/0, Type PSH–10, squeeze grip valve, 10-lb. carbon dioxide hand portable fire extinguisher, assembly Dwg. No. O–53690, alt. 2, dated 6 August 1946, name plate Dwg. No. D–56916, alt. 1, dated 5 August 1946, manufactured by C–O–Two Fire Equipment Corp., Newark, N. J.

Approval No. 162.005/6/0, Type PSH–7½, squeeze grip valve, 7½ lb. carbon dioxide hand portable fire extinguisher, assembly Dwg. No. D–55855, alt. 0, dated 12 June 1942, name plate Dwg. No. C–53970, alt. 3, dated 10 December 1945, manufactured by C–O–Two Fire Equipment Corp., Newark, N. J.

Approval No. 162.005/7/0, Type PS–4, squeeze grip valve, 4-lb. carbon dioxide hand portable fire extinguisher, assembly Dwg. No. C–55389, alt. 1, dated 17 October 1944, name plate Dwg. No. C–53343, alt. 8, dated 7 May 1945, manufactured by C–O–Two Fire Equipment Corp., Newark, N. J.

Approval No. 162.005/8/0, Type C–D FOG, Model 15K, 15-lb. carbon dioxide hand portable fire extinguisher, squeeze grip valve, assembly Dwg. No. CO–233E, dated 23 March 1943, name plate Dwg. No. CO–308–C, dated 15 July 1943, rev. 16 November 1943, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.005/9/0, KIDDE, Model 15D, 15-lb. carbon dioxide hand portable fire extinguisher, Installation Dwg. No. 81382, dated 29 November 1944, name plate Dwg. No. 77106, Rev. Q, dated 12 August 1946, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J.

Approval No. 162.005/10/0, KIDDE, Model 10D, 10-lb. carbon dioxide hand portable fire extinguisher, General Arrangement Dwg. No. 15530, Rev. B, dated 3 July 1944, name plate Dwg. No. 77130, Rev. Q, dated 8 August 1945, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J.

Approval No. 162.005/11/0, KIDDE, Model 15Z, squeeze grip valve, 15-lb. carbon dioxide hand portable fire extinguisher, General Arrangement Dwg. No. 30183, dated 29 June 1944, name plate Dwg. No. 80889, dated 16 August 1943, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J.

Approval No. 162.005/12/0, KIDDE, Model 4T, 4-lb. carbon dioxide hand portable fire extinguisher, Assembly Dwg. No. M–890008, dated 8 April 1946, name plate Dwg. No. 67111, Rev. B, dated 10 July 1946, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4479, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.5–1, 61.13, 77.13, 95.13, 114.15.

FIRE EXTINGUISHERS, HAND, PORTABLE, FOAM-TYPE

Approval No. 162.006/1/0, Foamite Crusader, 2½ gal. foam hand portable fire extinguisher, assembly Dwg. No. 4X–1036, alt. 6, dated 19 May 1939, name plate Dwg. No. 4X–208, alt. E, dated 11 July 1946, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 162.006/2/0, Foamex, 2½ gal. foam hand portable fire extinguisher, assembly Dwg. No. 4X–1080, alt. H, dated 3 June 1946, name plate Dwg. No. 4X–209, alt. B, dated 11 July 1946, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 162.006/3/0, Firefoam, Model D. S., 2½ gal. foam, hand portable fire extinguisher, assembly Dwg. No. 4X–1072 (on Dwg. No. 4X–1070) alt. I, dated 6 April 1938, name plate Dwg. No. 4X–76, alt. I, dated 3 March 1937, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 162.006/4/0, Alfoam, 2½ gal. foam hand portable fire extinguisher, assembly Dwg. No. 4X–1070, alt. I, dated 6 April 1938, name plate Dwg. No. 4X–75, alt. K, dated 25 January 1937, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 162.006/5/0, Fyr-Fyter, 2½ gal. foam hand portable fire extinguisher, assembly Dwg. No. 18, issue 1652, dated 13 December 1940, name plate Dwg. No. 1405, dated 19 October 1927, manufactured by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.006/6/0, Dayton, 2½ gal. foam hand portable fire extinguisher, assembly Dwg. No. 37, issue 1262, dated 17 December 1940, name plate Dwg. No. 2086, issue 1895, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.006/7/0, Quick Aid, Model F–833, 2½ gal. foam hand portable fire extinguisher, assembly Dwg. No. BF–833–X, dated 27 June 1945, rev. 19 Nov. 1945, name plate Dwg. No. CF–833–7R, dated 19 May 1947, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.006/8/0, Pyrene (four-star shell), 2½ gal. foam hand portable fire extinguisher, assembly Dwg. No. C–8206, dated 24 August 1936, rev. 15 November 1946, name plate Dwg. No. B–15172, dated 7 March 1946, rev. 17 June 1946, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.006/9/0, Pyrene, 2½ gal. foam hand portable fire extinguisher, assembly Dwg. No. B–7602, dated 21 January 1934, rev. 11 March 1946, name plate Dwg. No. B–15079, dated 9 October 1945, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 1023, and sec. 5 (e), 55 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.5–1, 61.13, 77.13, 95.13, 114.15.

FIRE EXTINGUISHERS, HAND, PORTABLE, SODA-ACID TYPE

Approval No. 162.007/1/0, First Aid, 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. EX–1, dated 3 April 1928, manufactured by W. D. Allen Manufacturing Co., 566–570 West Lake Street, Chicago, Ill.

Approval No. 162.007/2/0, Child's Model D. S., 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. 8P–1024, alt. E, dated 5 June 1940, name plate Dwg. No. 2X–184, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 162.007/3/0, Empire, 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. 2X–1082, alt. F, dated 26 February 1946, name plate Dwg. No. 2X–215, alt. D, dated 11 July 1946, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 162.007/4/0, Rough Rider, 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. 2X–1033, alt. M, dated 11 June 1945, name plate Dwg. No. 2X–187, alt. I, dated 9 June 1945, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 162.007/5/0, Alert, Model D. S., 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. 2X–1038 (on Dwg. No. 8P–1024, alt. E, dated 5 June 1940), name plate Dwg. No. 2X–178, alt. L, dated 25 January 1937, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 162.007/6/0, Fyr-Fyter, 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. 17, issue 1658, dated 17 December 1940, name plate Dwg. No. 1380, dated 15 September 1927, manufactured by the Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.007/7/0, Dayton, 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. 36, issue 1661, dated 17 December 1940, name plate Dwg. No. 2073, issue 1894, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.007/8/0, Quick Aid, Model SA–303, 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. BS–303–X, dated 2 July 1947, name plate Dwg. No. CS–303–14Q, dated 14 May 1947, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.007/9/0, Pyrene (four-star shell) 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. C–8210, dated 24 August 1936, rev. 15 November 1946, name plate Dwg. No. B–15173, dated 19 February 1946, rev. 17 June 1946, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.007/10/0, Pyrene, 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. B–7601, dated 20 December 1934, rev. 11 March 1946, name plate Dwg. No. B–15078, dated 3 October 1945, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.007/11/0, Hartford 5–H, 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly Dwg. No. B–7601, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8181 dated 17 July 1936, rev. 3 March 1941, manufactured for Belknap Hardware & Manufacturing Co., 111 East Main Street, Louisville, Ky., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.007/12/0, Akron, 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly Dwg. No. B–7601, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8177, dated 20 July 1936, rev. 28 February 1941, manufactured for M. E. Murdock Co., Akron, Ohio, by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.007/13/0, Cambar 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly Dwg. No. B–7601, dated 20 December 1934, rev. 11 March 1946, name plate Dwg. No. B–8174, dated 23 July 1936, rev. 4 March 1941, manufactured for Cameron & Barkely Co., Tampa, Fla., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.007/14/0, Hickory, 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly Dwg. No. B–7106, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8178, dated 21 July 1936, rev. 3 March 1941, manufactured for Kelly-How-Thompson Co., Duluth, Minn., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.007/15/0, Ideal (Symbol PY), 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly Dwg No. B–7106, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8183, dated 24 July 1936, rev. 3 March 1941, manufactured for Berkshire Mill Supply Co., Pittsfield, Mass., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.007/16/0, Pacific (Symbol PY), 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly Dwg. No. B–7106, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8971, dated 19 May 1939, rev. 27 February 1941, manufactured for Pacific Fire Extinguisher Co., 318 East Twelfth Street, Los Angeles, Calif., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.007/17/0, Reliance, 2½ gal. soda-acid hand portable fire extinguisher Pyrene assembly Dwg. No. B–7106, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8180, dated 17 July 1936, rev. 28 February 1941, manufactured for W. S. Nott Co., 201 North Third Street, Minneapolis, Minn., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.007/18/0, Swiftout, 2½ gal. soda-acid hand portable fire extinguisher Pyrene assembly Dwg. No. B–7106, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8173, dated 17 July 1936, rev. 3 March 1941, manufactured for H. L. Swift Co., 1456 North McCadden Street, Hollywood, Calif., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.007/19/0, Universal (Symbol PY), 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly, Dwg. No. B–7106, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8933, dated 14 February 1939, rev. 27 February 1941, manufactured for Underwriters Equipment Co., 1726 East Seventh Street, Los Angeles, Calif., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.007/20/0, Union, 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly Dwg. B–7106, dated 20 December 1934, rev. 11 March 1946, name plate Dwg. No. B–8175, dated 20 July 1936, rev. 3 March 1941, manufactured for Union Hardware & Metal Co., 411 East First Street, Los Angeles 54, Calif., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.007/21/0, Defender (Symbol GE), 2½ gal. soda-acid hand portable fire extinguisher, General Detroit Assembly Dwg. No. BS–303–X, dated 2 July 1947, General Detroit name plate Dwg. No. AS–303–14D, dated 19 February 1946, rev. 23 December 1946, manufactured for Schwartz Bros., Inc., 327 Arch Street, Philadelphia, Pa., by The General Detroit Corp., 2272 East Jefferson, Detroit 7, Mich.

Approval No. 162.007/22/0, Kontrol (Symbol GE), 2½ gal. soda-acid hand portable fire extinguisher, General Detroit assembly Dwg. No. BS–303–X, dated 2 July 1947, General Detroit name plate Dwg. No. AS–303–14K, dated 14 February 1946, rev. 23 December 1946, manufactured for Stempel Fire Extinguisher Manufacturing Co., 2400 Jasper Street, Philadelphia, Pa., by The General Detroit Corp., 2272 East Jefferson, Detroit 7, Mich.

Approval No. 162.007/23/0, Chief Croker (Symbol GE), 2½-gal. soda-acid hand portable fire extinguisher, General Detroit assembly Dwg. No. BS–303–X, dated 2 July 1947, General Detroit name plate Dwg. No. AS–303–14P, dated 2 May 1947, manufactured for Croker Fire Prevention Corp., 32 West Thirty-first Street, New York, N. Y., by The General Detroit Corp., 2272 East Jefferson, Detroit Mich.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4479, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.5–1, 61.13, 77.13, 95.13, 114.15.

FIRE EXTINGUISHERS, HAND, PORTABLE, PUMP-TANK TYPE

Approval No. 162.008/1/0, Pyrene, 2½ gal. copper pump-tank hand portable fire extinguisher; assembly Dwg. No. C–15134, dated 7 December 1945, name

plate Dwg. No. B–15126, dated 16 November 1945, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4479, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.5–1, 61.13, 77.13, 95.13, 114.15.

FIRE EXTINGUISHERS, HAND, PORTABLE, CARTRIDGE-OPERATED TYPE

Approval No. 162.009/1/0, Kidde, Anti-Freeze (water), $2\frac{1}{2}$ gal. cartridge-operated hand portable fire extinguisher, assembly Dwg. No. 62490, Rev. B, dated 27 October 1942, name plate Dwg. No. 76876, dated 15 December 1931, rev. 21 September 1945, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J.

Approval No. 162.009/2/0, Kidde (water type), $2\frac{1}{2}$ gal. cartridge-operated hand portable fire extinguisher, assembly Dwg. No. 62490, Rev. B, dated 27 October 1942, name plate Dwg. No. 76874, Rev. N, dated 15 September 1945, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J.

Approval No. 162.009/3/0, Pyrene (anti-freeze), $2\frac{1}{2}$ gal. cartridge-operated hand portable fire extinguisher, assembly Dwg. No. C–8380, dated 5 January 1937, rev. 18 March 1946, name plate Dwg. No. 15129, dated 9 November 1945, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.009/4/0, Pyrene (water type), $2\frac{1}{2}$ gal. cartridge-operated hand portable fire extinguisher, assembly Dwg. No. C–8612, dated 28 June 1937, rev. 18 March 1946, name plate Dwg. No. B–15128, dated 21 November 1945, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.009/5/0, Instant, Model C, loaded stream, anti-freeze, $1\frac{3}{4}$ gal. cartridge-operated hand portable fire extinguisher, assembly Dwg. No. 70, issue 2703, dated 4 June 1946, name plate Dwg. 2241, issue 2057, dated 29 November 1943, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.009/6/0, Instant, Model X, loaded stream, anti-freeze, $2\frac{1}{2}$ gal. cartridge-operated hand portable fire extinguisher, assembly Dwg. No. 78, issue 2855, dated 25 March 1947, name plate Dwg. No. 2240, issue 1918, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.009/7/0, Polar Bear, anti-freeze, $2\frac{1}{2}$ gal. cartridge-operated hand portable fire extinguisher, assembly Dwg. No. 79, issue 2605, dated 17 January 1946, name plate Dwg. No. 2239, issue 1917, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 4479, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.5–1, 61.13, 77.13, 95.13, 114.15.

BACKFIRE FLAME ARRESTORS FOR CARBURETORS

Approval No. 162.015/1/0, Model No. E52635M, Backfire Flame Arrestor for Carburetors, Drawing No. E52635M, dated 8 December 1939, manufactured by Chrysler Corp., Marine Engine Division, Detroit, Mich.

Approval No. 162.015/2/0, Model No. E52636M, Backfire Flame Arrestor for Carburetors, Drawing No. E52636M, dated 8 December 1939, manufactured by Chrysler Corp., Marine Engine Division, Detroit, Mich.

Approval No. 162.015/3/0, Model No. E52637M, Backfire Flame Arrestor for Carburetors, Drawing No. E52637M, dated 8 December 1939, manufactured by Chrysler Corp., Marine Engine Division, Detroit, Mich.

Approval No. 162.015/4/0, Model No. E54647M, Backfire Flame Arrestor for Carburetors, Drawing No. E54647M, dated 8 December 1939, manufactured by Chrysler Corp., Marine Engine Division, Detroit, Mich.

Approval No. 162.015/5/0, Type B, Trap No. 1, Backfire Flame Arrestor for Carburetors drawing dated 12 November 1931, manufactured by M. L. Oberdorfer Brass Co., Syracuse, N. Y.

Approval No. 162.015/6/0, Type B, Trap No. 3, Backfire Flame Arrestor for Carburetors, drawing dated 12 November 1931, manufactured by M. L. Oberdorfer Brass Co., Syracuse, N. Y.

Approval No. 162.015/7/0, Type B, Trap No. 6, Backfire Flame Arrestor for Carburetors, drawing dated 12 November 1931, manufactured by M. L. Oberdorfer Brass Co., Syracuse, N. Y.

Approval No. 162.015/8/0, Model No. C4658x1, Backfire Flame Arrestor for Carburetors, Drawing No. C4658x1, dated 31 March 1939, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/9/0, Model No. C4658, Backfire Flame Arrestor for Carburetors, Drawing No. C4656, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/10/0, Model No. C4657, Backfire Flame Arrestor for Carburetors, Drawing No. C4657, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/11/0, Model No. B175–7, Backfire Flame Arrestor for Carburetors, Drawing No. B175–7, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/12/0, Model No. C4706, Backfire Flame Arrestor for Carburetors, Drawing No. C4706, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/13/0, Model No. C4656, Backfire Flame Arrestor for Carburetors, Drawing No. C4656, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/14/0, Model No. B1807, Backfire Flame Arrestor for Carburetors, Drawing No. B1807, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/15/0, Model No. B1856, Backfire Flame Arrestor for Carburetors, Drawing No. B1856, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/16/0, Model No. B1921, Backfire Flame Arrestor for Carburetors, Drawing No. B1921, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/17/0, Model No. B1808, Backfire Flame Arrestor for Carburetors, Drawing No. B1808, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/18/0, Model No. B1857, Backfire Flame Arrestor for Carburetors, Drawing No. B1857, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/19/0, Model No. B1858, Backfire Flame Arrestor for Carburetors Drawing No. B1858, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/20/0, Model No. B175–1, Backfire Flame Arrestor for Carburetors, Drawing No. B175–1, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

Approval No. 162.015/21/0, Model No. B175–3, Backfire Flame Arrestor for Carburetors, Drawing No. B175–3, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich.

ADDITIONAL AUTHORITY: 54 Stat. 165, 166; 46 U. S. C. 526i, 526p; 46 CFR 25,6–1, 26.4–1, 27.4–1.

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/1/0, Type O, Staytite flame arrester, cast iron body and aluminum perforated plate arrester bank, atmospheric pattern, vent outlet opens directly to atmosphere, marked "Staytite" with pipe size cast on body, approved for 4", 6", 8", and 10" pipe sizes for use with inflammable or combustible liquids of Grade A or lower, manufactured by Staytite Co., Houston, Tex.

Approval No. 162.016/2/0, Type I, Staytite flame arrester, cast iron body and aluminum perforated plate bank, enclosed pattern, marked "Staytite" with pipe size cast on body, approved for 4", 6", and 8" pipe sizes for use with inflammable or combustible liquids of Grade A or lower, manufactured by Staytite Co., Houston, Tex.

Approval No. 162.016/3/0, Figure ST. 863, Shand and Jurs flame arrester, marked with S & J cast on body, standard cast iron or cast aluminum body and sheet aluminum or copper tube bank consisting of 2 alternate coils of flat and corrugated copper or aluminum sheets wound around solid brass or aluminum core, removable cover plate, Dwg. No. ST–863–X, dated 3 November 1936, and Dwg. No. ST–910, revised 2 September 1943, approved for sizes 3", 4", 6", 8", and 10", for use with inflammable or combustible liquids of Grade A or lower, manufactured by Shand & Jurs Co., Berkeley, Calif.

Approval No. 162.016/4/0, Model 1004, Protectoseal flame arrester, cast iron body, grid assembly consists of rectangular bank of 96 bronze plates, fully enclosed case, Dwg. No. 1004A, dated 22 June 1937, approved for size 4" diameter, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Protectoseal Co. of America, Chicago, Ill.

Approval No. 162.016/5/0, Model 1004A, Protectoseal flame arrester, cast iron body, grid assembly consists of rectangular bank of 96 bronze plates, fitted with removable grid cover plate, Dwg. No. 1004A dated 22 June 1937, approved for size 4" diameter, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Protectoseal Co. of America, Chicago, Ill.

Approval No. 162.016/6/0, Figure ST–4300, Special S & J Flamex model, Shand & Jurs flame arrester, semi-steel ends and copper tube bank, constructed in 3 sections consisting of brass tube bank shell between 2 semi-steel flanged ends, Dwg. No. ST–4300, revised 18 November 1943, approved for sizes 3", 4", 6", 8", and 10", for use with inflammable or combustible liquids of Grade A or lower, manufactured by Shand & Jurs Co., Berkeley, Calif.

Approval No. 162.016/7/0, Type A–20, Oceco flame arrester, cast iron body, aluminum bank assembly, Dwg. No. 11885 dated 30 January 1940, approved for $2\frac{1}{2}$" and above, for use with combustible or inflammable liquids of Grade A or lower, manufactured by The Johnson & Jennings Co., 877 Addison Road, Cleveland, Ohio.

Approval No. 162.016/8/0, Figure No. 50, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/9/0, Figure No. 50A, aluminum body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/10/0, Figure No. 50 ACU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/11/0, Figure No. 50 ABCU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, female pipe threaded connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/12/0, Figure No. 50 ACCU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/13/0, Figure No. 50 AN, Varec flame arrester, semi-steel and aluminum body, aluminum multiple plate bank, verticle type, square flange connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/14/0, Figure No. 50 B, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, female threaded connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/15/0, Figure No. 50 C, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/16/0, Figure No. 50 CU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/17/0, Figure No. 50 S, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/18/0, Figure No. 50 SA, Varec flame arrester, semi-steel body, small aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/19/0, Figure No. 50 SG, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/20/0, Figure No. 50 SB, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, threaded connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/21/0, Figure No. 50 SC, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/22/0, Figure No. 53, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/23/0, Figure No. 53A, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for $2\frac{1}{2}$", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/24.0, Figure No. 53B, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/25.0, Figure No. 53 C, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/26.0, Figure No. 53 S, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/27.0, Figure No. 53 SA, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/28.0, Figure No. 53 SB, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/29.0, Figure No. 53 SC, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

ADDITIONAL AUTHORITY: R. S. 4417a and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 391a, 50 U. S. C. 1275; 46 CFR 30.3.

PRESSURE VACUUM RELIEF VALVES

Approval No. 162.017/1/0, Butterworth type E pressure vacuum relief valve, spring loaded, fitted with flame arrester, atmospheric pattern, bronze body, bronze valve disc, monel metal spring and spindle, fitted with spring lifting lever, Dwg. No. 115 dated 24 March 1936, approved for sizes 3", 4", and 6" for use with inflammable or combustible liquids of Grade A or lower, manufactured by Butterworth System, Inc., Bayonne, N. J.

Approval No. 162.017/2/0, Butterworth type F pressure vacuum relief valve, spring loaded atmospheric pattern fitted with flame screen and spring lifting lever, bronze body, Dwg. No. PV–112 dated 30 March 1936, approved for sizes 3", 4", and 6" for use with combustible or inflammable liquids of Grade A or lower, manufactured by Butterworth System, Inc., Bayonne, N. J.

Approval No. 162.017/3/0, Butterworth type G pressure vacuum relief valve, spring loaded, enclosed pattern, for use in conjunction with flame arrester, fitted with spring lifting lever, bronze body, Dwg. No. PV–160 dated 6 January 1937, approved for 3", 4", and 6" sizes for use with inflammable or combustible liquids of Grade A or lower in closed venting system with flame arrester, manufactured by Butterworth System, Inc., Bayonne, N. J.

Approval No. 162.017/4/0, Butterworth type H pressure vacuum relief valve, triplex enclosed pattern in solid manifold, spring loaded, fitted with spring lifting levers, bronze valves and manifold, victaulic flanged openings, Dwg. No. PV–114 dated 2 November 1936, approved for 3", 4", and 6" valve sizes for use with inflammable or combustible liquids of Grade A or lower in closed venting system where vent headers are fitted with flame arrester at outlet to atmosphere, manufactured by Butterworth System, Inc., Bayonne, N. J.

Approval No. 162.017/5.0, Butterworth type H–2 pressure vacuum relief valve, triplex enclosed pattern with atmospheric vacuum inlet fitted with flame arrester, spring loaded, spring lifting lever fitted with each valve, victaulic flanged openings, bronze valve and manifold, Dwg. No. PV–120 and PV–121 dated 15 November 1938, approved for 3", 4", and 6" valves for use with inflammable or combustible liquids of Grade A or lower in closed venting system, manufactured by Butterworth System, Inc., Bayonne, N. J.

Approval No. 162.017/6/0, Oceco type T pressure vacuum relief valves, weight loaded, atmospheric pattern, outlets fitted with flame screen, cast iron body, aluminum valve and guide rod, spindle guided valves, Dwg. No. 9788–A dated 6 December 1945, approved for sizes 3" and 4" for use with inflammable or combustible liquids of Grade A and lower grades, manufactured by The Johnson & Jennings Co., 877 Addison Road, Cleveland, Ohio.

Approval No. 162.017/7/0, Oceco type TC pressure vacuum relief valve, weight loaded, atmospheric pattern, outlets fitted with flame screen, cast iron body, aluminum valve and guide rod, cage guided valves, Dwg. No. 9788–A dated 6 December 1945, approved for sizes 3" and 4" for use with inflammable or combustible liquids of Grade A and lower grades, manufactured by The Johnson & Jennings Co., 877 Addison Road, Cleveland, Ohio.

Approval No. 162.017/8/0, Marelco nonreturn vent pipe valve, atmospheric pattern, hemispherical ball float type, bronze body, open top, Dwg. "4" nonreturn automatic vent pipe valve approved for sizes 2½" and above for use with inflammable or combustible liquids of Grade B or lower, manufactured by Marine Electric Co., 107 Main Street, Seattle, Wash.

Approval No. 162.017/9/0, McDonald type plate 925–T pressure vacuum relief valve, weight loaded, atmospheric pattern, flame arrester and conservation unit, Dwg. No. 47047 dated 30 August 1937, approved for 3" vent for use with inflammable or combustible liquids of Grade A or lower, manufactured by A. Y. McDonald Manufacturing Co., Dubuque, Iowa.

Approval No. 162.017/10/0, Vac-Rel type No. 1–F pressure vacuum relief valve, atmospheric pattern, weight loaded, low and high pressure types, complete with flame screen, bronze body, regular spindle or solid type, flanged or screened base, Dwg. No. 1–F–3IN, dated 2 July 1934, approved for 2½", 3", 3½" and 4" sizes for use with inflammable or combustible liquids of Grade B or lower in direct atmospheric vent system, manufactured by Mechanical Marine Co., 17 Battery Place, New York, N. Y.

Approval No. 162.017/11/0, Vac-Rel type No. 2–F pressure vacuum relief valve, atmospheric pattern, weight loaded, low and high pressure type, regular and special atmospheric types, complete with flame screen, bronze body, approved for sizes 2½" and 4" for use with inflammable or combustible liquids of Grade B or lower in direct atmospheric venting systems, manufactured by Mechanical Marine Co., 17 Battery Place, New York, N. Y.

Approval No. 162.017/12/0, Vac-Rel type No. 2–R pressure only relief valve, enclosed pattern, weight loaded, spill valve fitted with pressure pallet only, flame screen monel wire cloth, all bronze castings, Dwg. No. plate 25 and 27 dated 6 February 1940 and 9 November 1942 respectively, approved for 3", 4", 5", and 6" sizes for use with inflammable or combustible liquids of Grade A or lower in vent risers or overflow service in closed vent systems, manufactured by Mechanical Marine Co., 17 Battery Place, New York, N. Y.

Approval No. 162.017/13/0, Vac-Rel type No. 3 pressure vacuum relief valve, weight loaded, enclosed pattern, low and high pressure type fitted with or without lifting gear, bronze body, flanged connections, similar to plate No. 31, No. 3–6IN dated 26 September 1940, approved for sizes 3", 4", and 6" for use with inflammable or combustible liquids of Grade A or lower in closed vent systems, manufactured by Mechanical Marine Co., 17 Battery Place, New York, N. Y.

Approval No. 162.017/14/0, Vac-Rel type No. 3–F pressure vacuum relief valve, weight loaded, enclosed pattern, independent opening to atmosphere for

vacuum valve, low and high pressure types fitted with or without lifting gear, or spindle type pressure valve, duplex and triplex valve assemblies, all atmospheric inlets fitted with double monel flame screens, bronze body and manifolds, approved for sizes 3" and 4" for use with inflammable or combustible liquids of Grade A or lower in closed venting system, manufactured by Mechanical Marine Co., 17 Battery Place, New York, N. Y.

Approval No. 162.017/15/0, Vac-Rel type No. 3–V–4" vacuum relief valve, weight loaded, enclosed pattern, victaulic flanged connections, vacuum valve only, spindle or regular type valve, bronze body, Dwg. No. 3V4–1A dated 22 December 1945, approved for 4" diameter, for use with inflammable or combustible liquids of Grade A or lower in closed venting system for introduction of dehumidified air where only a vacuum valve is required, manufactured by Mechanical Marine Co., 17 Battery Place, New York, N. Y.

Approval No. 162.017/16/0, Morrison Fig. 148 pressure vacuum relief valve, weight loaded, atmospheric pattern, cast iron body, brass poppets, outlets fitted with monel flame screen, Dwg. No. M–2500 dated 25 September 1941, approved for 3" vent for use with inflammable or combustible liquids of Grade B or lower in direct atmospheric venting system, manufactured by Morrison Bros. Co., Dubuque, Iowa.

Approval No. 162.017/17.0, Morrison Fig. 149 pressure vacuum relief valve, weight loaded, atmospheric pattern, brass body, durabla composition discs, pressure vent, Dwg. No. B–1231 dated 18 December 1936, approved for 3" dia. vents, for use with inflammable or combustible liquids of Grade B or lower in direct atmospheric venting system, manufactured by Morrison Bros. Co., Dubuque, Iowa.

Approval No. 162.017/18/0, Morrison Fig. 153–A pressure vacuum relief valve, atmospheric pattern, outlet fitted with monel flame screen, weight or spring loaded pressure poppet, cast iron body, brass poppets, Dwg. No. M–2498, dated 23 September 1941, approved for sizes 3", 4", and 6" for use with combustible or inflammable liquids of Grade A or lower, manufactured by Morrison Bros. Co., Dubuque, Iowa.

Approval No. 162.017/19.0, Ohio Pattern Works Type No. 95–M pressure vacuum relief valve, weight loaded pressure disc valve, cast brass body and valves, atmospheric pattern, fitted with monel wire inner flame screen and brass wire lower flame screen, Dwg. No. DC–95–M–3", approved for 3" diameter for use with inflammable or combustible liquids of Grade A or lower, manufactured by Ohio Pattern Works & Foundry Co., 2735 Colerain Avenue, Cincinnati, Ohio.

Approval No. 162.017/20.0, Protectoseal Model No. 1554 pressure vacuum relief valve, spring loaded poppet-type valve, cast iron body, fitted with ratchet handle lever for relieving vacuum valve, Dwg. No. 1554 dated 4 June 1937, approved for size 4" diameter for use with inflammable and combustible liquids of Grade A or lower when fitted with approved flame arrester, manufactured by Protectoseal Co. of America, Chicago, Ill.

Approval No. 162.017/21/0, Shand & Jurs Fig. ST–432M pressure vacuum relief valve, all clime breather valve, spring loaded, atmospheric pattern, brass body and stainless steel spring, vacuum valve spring and weight loaded, fitted with flame arrester and weather hood, Dwg. No. ST–2846 dated 25 November 1939, approved for 3" diameter for use with inflammable and combustible liquids of Grade B or lower, manufactured by Shand & Jurs Co., Berkeley, Calif.

Approval No. 162.017/22/0, Shand & Jurs Fig. ST–1185 pressure vacuum relief valve, marine cargo breather, spring loaded, enclosed pattern with vacuum valve atmospheric inlet fitted with flame screen, pressure valve fitted with relieving lever, bronze body, stainless steel springs and bronze pallet valves, flanged ends, Dwg. No. ST–1185 dated 21 July 1936, approved for 4" size for use with inflammable or combustible liquids of Grade A or lower in closed venting system, manufactured by Shand & Jurs Co., Berkeley, Calif.

Approval No. 162.017/23/0, Shand & Jurs Fig. ST–4000 pressure vacuum relief valve, weight loaded, enclosed pattern, bronze body and pallet valves, fitted with pressure pallet lifting wheel, flanged ends, vacuum atmospheric inlet fitted with flame screen, Dwg. No. ST–4000 revised 9 September 1943, approved for 4" diameter for use with combustible or inflammable liquids of Grade A or lower in closed vent header system, manufactured by Shand & Jurs Co., Berkeley, Calif.

Approval No. 162.017/24/0, Shand & Jurs Fig. ST–4160 pressure vacuum relief valve, triplex manifold, weight loaded, enclosed pattern, bronze manifold and valves, fitted with hand wheel lifting gear for pressure pallets, victaulic coupling connections, vacuum atmospheric inlet fitted with flame screen, Dwg. No. ST–4160 revised 9 September 1943, approved for 4" size for use with inflammable or combustible liquids of Grade A or lower, manufactured by Shand & Jurs Co., Berkeley, Calif.

Approval No. 162.017/25/0, Shand & Jurs Fig. 4165 pressure only relief valve, weight loaded pressure pallet, atmospheric pattern, fitted with double flame screen, bronze body and pallets, flanged connection, Dwg. No. ST–4165 revised 9 September 1943, approved for 4" size for use with inflammable and combustible liquids of Grade A or lower in direct atmospheric vent riser, manufactured by Shand & Jurs Co., Berkeley, Calif.

Approval No. 162.017/26/0, Staytite type E pressure vaccum relief valve, conservation vent, weight and spring loaded, atmospheric pattern, standard and high pressure valve settings, high pressure valve (1.0 p. s. i.) fitted with phosphor bronze spring, cast iron body and aluminum alloy cages, seats and valves, Dwg. No. 30 "Conservation vent assembly" dated 18 May 1937, approved for 3" and 4" pipe sizes for use with inflammable or combustible liquids where flame arresters are not required, manufactured by The Staytite Co., Houston, Tex.

Approval No. 162.017/27/0, Staytite type "Valtor" pressure vacuum relief valve, combination vent valve flame arrester and snuffer, weight and spring loaded atmospheric pattern, standard and high pressure valve settings, high pressure valve (1.0 p. s. i.) fitted with phosphor bronze spring, cast iron body and aluminum alloy cages, seats and valves, aluminum flame arrester plate bank, Dwg. Nos. 12, 16, 25, 28, and 35, marked "Staytite Valtor" with pipe size cast in body, approved for 3" and 4" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Staytite Co., Houston, Tex.

Approval No. 162.017/28.0, Varec Fig. No. 20, pressure vacuum relief valve, atmospheric pattern, weight loaded valves, aluminum body, hyperbolic pressure and vacuum pallet valves, Dwg. No. C–1–A–4 dated 29 July 1931, approved for 2½", 3", 4", 6", and 8" pipe sizes for use with inflammable and combustible liquids of Grade A or lower in open atmospheric venting system when fitted with an approved flame arrester, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/29.0, Varec Fig. No. 20A, pressure vacuum relief valve, open atmospheric pattern fitted with manually operated flame snuffer for closing pressure valve, weight loaded, aluminum body, hyperbolic pressure and vacuum pallet valves, Dwg. No. C–1–A11 dated 14 January 1936, approved for 2½", 3", 4", 6", and 8" pipe sizes, for use with inflammable and combustible liquids of Grade A or lower in an open vent line when fitted with an approved flame arrester, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/30.0, Varec Fig. No. 20B, pressure vacuum relief valve, open atmospheric pattern, fitted with manually operated snuffer attached to valve outlet, weight loaded, aluminum body, hyperbolic pressure and vacuum pallet valves, Catalog No. P–7, approved for 2½", 3", 4", 6", and 8" pipe sizes for use with inflammable and combustible liquids of Grade A or lower in an open vent line when fitted with an approved flame arrester, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/31.0, Varec Fig. No. 22, pressure vacuum relief valve, atmospheric pattern, weight loaded valves, aluminum body, hyperbolic pressure and vacuum pallet values, Dwg. No. C–20–A dated 25 July 1935, Catalog No. P–7, approved for 4", 6", and 8" pipe sizes for use with inflammable and combustible liquids of Grade A or lower in an open vent line when fitted with an approved flame arrester, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/32.0, Varec Fig. No. 22A, pressure vacuum relief valve, atmospheric pattern, weight loaded valves, fitted with manually operated flame snuffer for closing pressure valve, hyperbolic pressure and vacuum pallet valves, Dwg. No. C–20–A2 dated 25 July 1935, Catalog P–7, approved for 4", 6", and 8" pipe sizes for use with inflammable and combustible liquids of Grade A or lower in an open vent line when fitted with an approved flame arrester, manufactured by The Vapor Recovery Systems

Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/33/0, Varec Fig. No. 30, pressure vacuum relief valve, enclosed pattern, weight loaded, bronze body, fitted with vacuum valve unloader, hyperbolic pressure and vacuum valves, Dwg. No. C–30–A1 dated 3 November 1936, approved for 2½", 3", and 4" pipe sizes, for use with inflammable and combustible liquids of Grade A or lower in a closed venting system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/34/0, Varec Fig. No. 30A, pressure vacuum relief valve, enclosed pattern, weight loaded, bronze body, without valve unloader, hyperbolic pressure and vacuum valves, Dwg. No. C–30–A1 dated 3 November 1936, approved for 2½", 3", and 4" pipe sizes, for use with inflammable and combustible liquids of Grade A or lower in a closed venting system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/35/0, Varec Fig. No. 30B, pressure vacuum relief valve, enclosed pattern, weight loaded, bronze body, fitted with pressure valve unloader, hyperbolic pressure and vacuum valves, Dwg. No. C–30–A1 dated 3 November 1936, approved for 2½", 3", and 4" pipe sizes, for use with inflammable ar combustible liquids of Grade A or lower in a closed venting system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/36/0, Varec Fig. No. 31, pressure vacuum relief valve, open atmospheric pattern, weight loaded, bronze body, hyperbolic pressure and vacuum relief valves, Dwg. No. C–30–A2 dated 20 January 1937, Catalog P–7, approved for 2½", 3", and 4" pipe sizes for use with inflammable and combustible liquids of Grade A or lower in an open atmospheric venting system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/37/0, Varec Fig. No. 32, pressure vacuum relief valve, atmospheric pattern, weight loaded, all bronze body and valves, fitted with double flame screens, female pipe threaded side connection, Dwg. No. C–30–A3 dated 10 December 1937, approved for 2½", 3", 4", and 6" pipe sizes, for use with inflammable and combustible liquids of Grade A or lower in open atmospheric venting system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/38/0, Varec Fig. No. 32B, pressure vacuum relief valve, atmospheric pattern, weight loaded, all bronze body and valves, fitted with double flame screens, flanged side connection, Dwg. No. C–30–A3 dated 10 December 1937, approved for 2½", 3", 4", and 6" pipe sizes, for use with inflammable and combustible liquids of Grade A or lower in open atmospheric venting system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/39/0, Varec Fig. No. 32D, pressure vacuum relief valve, atmospheric pattern dead weight loaded valves, all bronze body and valves, female pipe threaded connections, Dwg. No. C–748 dated 4 November 1946, approved for 2½", 3", and 4" pipe sizes, for use with inflammable and combustible liquids of Grade A or lower in closed venting systems where the atmospheric opening is protected by a flame screen, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/40/0, Varec Fig. No. 33, pressure vacuum relief valve, triplex, weight loaded, enclosed pattern, bronze body, victaulic coupling connections, Dwg. No. C–537 dated 12 June 1944, approved for 8" victaulic connection for vent header and 4" victaulic tank connections, for use with inflammable or combustible liquids of Grade A or lower in closed vent header system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/41/0, Varec Fig. No. 33A, pressure vacuum relief valve, triplex, weight loaded, enclosed pattern, bronze body, victaulic coupling connections, fitted with vacuum valve unloader, Dwg. No. C–537 dated 12 June 1944, approved for 8" victaulic connection for vent header and 4" victaulic tank connections, for use with inflammable or combustible liquids of Grade A or lower in closed vent header system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/42/0, Varec Fig. No. 33B, pressure vacuum relief valve, triplex, weight loaded, enclosed pattern, bronze body, victaulic coupling connections, fitted with pressure valve unloader, Dwg. No. C–537 dated 12 June 1944, approved for 8" victaulic connection for vent header and 4" victaulic tank connections, for use with inflammable or combustible liquids of Grade A or lower in closed vent header system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/43/0, Varec Fig. No. 34A, pressure vacuum relief valve, enclosed pattern, weight loaded, atmospheric vacuum valve inlet, fitted with vacuum valve lifting screw, all bronze valve, Dwg. No. DX–111 dated 23 April 1940, approved for 2½", 3", 4", and 6" pipe sizes, for use with inflammable and combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/44/0, Varec Fig. No. 34B, pressure vacuum relief valve, enclosed pattern, weight loaded valves, atmospheric vacuum valve inlet, fitted with pressure valve lifting screw, all bronze body and valves, Dwg. No. DX–94, Alt. C, dated 16 December 1946, approved for sizes 2½", 3", and 4" for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/45/0, Varec Fig. No. 35, pressure vacuum relief valve, atmospheric pattern, weight loaded, all bronze, fitted with double flame screens, flanged connections, Dwg. No. D–543 dated 27 August 1943, approved for 2½", 3", 3½" and 4" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower in direct atmospheric venting system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/46/0, Varec Fig. No. 35A, pressure vacuum relief valve, atmospheric pattern, weight loaded, all bronze, fitted with double flame screens, female screwed connections, Dwg. No. D–543 dated 27 August 1943, approved for 2½", 3", 3½" and 4" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower in direct atmospheric venting system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017 47/0, Varec Fig. 37, pressure vacuum relief valve, duplex, enclosed pattern, weight loaded, flanged connections, bronze body, Dwg. No. C–495 dated 8 November 1944, approved for 3" and 4" pipe size tank connections and 4" and 6" victaulic vent header connections, for use with inflammable or combustible liquids of Grade A or lower in closed vent header system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/48/0, Varec Fig. 37A, pressure vacuum relief valve, duplex, enclosed pattern, weight loaded, flanged connections, bronze body, fitted with vacuum valve unloader, Dwg. No. C–495 dated 8 November 1944, approved for 3" and 4" pipe size tank connections and 4" and 6" victaulic vent header connections, for use with inflammable or combustible liquids of Grade A or lower in closed vent header system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/49/0, Varec Fig. 37B, pressure vacuum relief valve, duplex, enclosed pattern, weight loaded, flanged connections, bronze body, fitted with pressure valve unloader, Dwg. No. C–495 dated 8 November 1944, approved for 3" and 4" pipe size tank connections and 4" and 6" victaulic vent header connections, for use with inflammable or combustible liquids of Grade A or lower in closed vent header system, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017 50/0, Varec Fig. No. 73, pressure relief valve and spill valve, atmospheric pattern, weight loaded valve, all bronze body and valve, flanged connections, Dwg. No. C–642 dated 12 December 1944, approved for 2½", 3", 3½", 4", 5", 6", and 8" pipe size, for use with inflammable and combustible liquids of Grade A or lower in open atmospheric venting system when used in conjunction with an approved flame arrester, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/51/0, Varec Fig. No. 73A, pressure relief valve and spill valve, atmospheric pattern, weight loaded valve, all bronze body and valve, screwed connections, Dwg. No. C–642 dated 12 December 1944, approved for 2½", 3", 3½, 4", 5", 6", and 8" pipe size, for use with inflammable and combustible liquids of Grade A or lower in open atmospheric venting system when used in conjunction with an approved flame arrester, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017 52 0, Varec Fig. No. 530, inverted ball vent check valve, weight loaded ball check, atmospheric pattern, all bronze, flanged connection, fitted with cover, and flame screens, Bulletin No. M–4, approved for 2½", 3", 3½", 4", 5", 6", and 8" pipe sizes, for use with inflammable or combustible liquids or Grade D or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017 53 0, Varec Fig. No. 531, inverted ball vent check valve, weight loaded ball check, atmospheric pattern, all bronze, screwed connection, fitted with cover and flame screens, Bulletin No. M–4, approved for 2½", 3", 3½", 4", 5", 6", and 8" pipe sizes, for use with inflammable or combustible liquids of Grade D or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017 54 0, Wheaton type 93 pressure vacuum relief valve, weight loaded, atmospheric pattern, bronze body and poppet valves, fitted with flame screen, male screwed bottom connection, Dwgs. dated 10 May 1937 and 17 May 1937—2" and 3" type 93 vent valve assembly, approved for sizes 2½", 3", and 4", for use with inflammable or combustible liquids of Grade A or lower in direct atmospheric venting system, manufactured by A. W. Wheaton Brass Works, Newark, N. J.

ADDITIONAL AUTHORITY: R. S. 4417a and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 391a, 50 U. S. C. 1275; 46 CFR 32.7–4.

LIQUEFIED PETROLEUM GAS VALVES, FITTINGS, AND GAUGES

Approval No. 162.018 1 0, Type M–A–1 American Car and Foundry angle valve, liquefied petroleum gas service, steel body, Dwg. No. 31–645, approved for 2" diameter pipe size, manufactured by American Car & Foundry Co., 30 Church Street, New York, N. Y.

Approval No. 162.018 2 0, Type MC–1 American Car and Foundry check valve, liquefied petroleum gas service, steel body, Dwg. No. 11–646 dated 3 July 1941, approved for 2" diameter pipe size, manufactured by American Car & Foundry Co., 30 Church Street, New York, N. Y.

Approval No. 162.018 3 0, Type MS–6 American Car and Foundry pop type safety relief valve, liquefied petroleum gas service, steel body, resilient composition gasketed type, flanged connection, Dwg. No. 31–11–867b, dated 12 June 1946, approved for 1.3136 sq. in. valve seat opening, maximum allowable working pressure 250 p. s. i., manufactured by American Car & Foundry Co., 30 Church Street, New York, N. Y.

Approval No. 162.018/4/0, Type MS–7 American Car and Foundry pop type safety relief valve, liquefied petroleum gas service, steel body, resilient composition gasketed type, flanged connection, Dwg. No. 31–11–868B, dated 12 June 1946, approved for 1.5764 sq. in. valve seat opening, maximum allowable working pressure 250 p. s. i., manufactured by American Car & Foundry Co., 30 Church Street, New York, N. Y.

Approval No. 162.018/5/0, Type MS–8 American Car and Foundry pop type safety relief valve, liquefied petroleum gas service, steel body, resilient composition gasketed type, flanged connection, Dwg. No. 31–11–869B dated 12 June 1946, approved for 3.44 sq. in. valve seat opening, maximum allowable working pressure 250 p. s. i., manufactured by American Car & Foundry Co., 30 Church Street, New York, N. Y.

Approval No. 162.018/6/0, Rego pop type safety relief valve, liquefied petroleum gas service, marked "Rego No. 2417", bronze body, resilient composition seat disc, threaded connection, Dwg. No. 2417 and Catalog No. L–500, approved for 2" pipe size, maximum allowable working pressure 100 p. s. i., manufactured by The Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill.

Approval No. 162.018 7/0, Rego excess flow check valves, liquefied petroleum gas service, marked "Rego No. 2137", plug check poppet, spring loaded, bronze body, threaded connection, Dwg. No. 2137 and Catalog No. L–500 Section LG, approved for 2" pipe size, for maximum working pressure of 150 p. s. i. with liquefied butane or propane, manufactured by The Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill.

Approval No. 162.018 8 0, Rego excess flow check valves, liquefied petroleum gas service, marked "Rego No. 2138," plug check poppet, spring loaded, bronze body, threaded connection, Dwg. No. 2138 and Catalog No. L–500 Section LG, approved for 2½" pipe size, for maximum working pressure of 150 p. s. i. with liquefied butane or propane, manufactured by The Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill.

Approval No. 162.018/9/0, Rego excess flow check valves, liquefied petroleum gas service, marked "Rego No. 2139," plug check poppet, spring loaded, bronze body, threaded connection, Dwg. No. 2139 and Catalog No. L–500 Section LG, approved for 3" pipe size, for maximum working pressure of 150 p. s. i. with liquefied butane or propane, manufactured by The Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill.

Approval No. 162.018/10/0, Roney rotary liquid level gauge, liquefied petroleum gas service, marked "Rego No. 2472," bronze body, Dwg. No. 2472 dated 8 April 1939, manufactured by The Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill.

Approval No. 162.018/11/0, Roney rotary liquid level gauge, liquefied petroleum gas service, marked "Rego No. 2472A," bronze body, Dwg. No. 2472A dated 8 April 1939, manufactured by The Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill.

Approval No. 162.018/12/0, Roney rotary liquid level gauge, liquefied petroleum gas service, marked "Rego No. 2472B," bronze body, Dwg. No. 2472B dated 30 June 1939, manufactured by The Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill.

Approval No. 162.018/13/0, Rego fixed liquid level gauge, liquefied petroleum gas service, marked "Rego No. 2163"; bronze body, fitted with vent hole and seal plug, Dwg. No. 2162 and Catalog No. L500 Section LJ, manufactured by The Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill.

Approval No. 162.018/14/0, Rego slip tube liquid level gauge, liquefied petroleum gas service, marked "Rego No. 2148R", bronze body, Dwg. No. 2148R, revised 22 May 1941, Alt. E and Catalog L500 Section LJ, manufactured by The Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill.

Approval No. 162.018 15/0, Rego tank angle valve, liquefied petroleum gas service, marked Rego No. 2892, bronze body, paraprene valve disc and c. i. rubber diaphragm, flanged tank connection, Dwg. No. 2892, revised 10 April 1941, Alt. G and Catalog L–500 Section LE, approved for 1¼" port opening, manufactured by The Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill.

Approval No. 162.018/16/0, Type 2680 Farris pop type safety relief valve, liquefied petroleum gas service, steel body, metal-to-metal valve seat, flanged connections, Dwg. No. 1394–B–CG dated 1 November 1946, approved for sizes 1½", 2", 2½", 3", 4", and 6" diameters and the following orifice areas: 22F—0.307 sq. in., 30H—0.785 sq. in., 34J—1.286 sq. in., 38K—1.838 sq. in., 42L—2.85 sq. in., 44N—4.34 sq. in., 46P—6.38 sq. in., 50Q—11.045 sq. in.; maximum allowable pressures of 150 p. s. i. and 300 p. s. i., ASA Standards, manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Approval No. 162.018/17/0, Model No. 62B Metal Goods Manufacturing liquefied petroleum gas tank gauge, slip tube type, Dwg. No. L101 and L102, sheets 1 to 14, inclusive, dated 14 February 1942, manufactured by Metal Goods Manufacturing Co., Bartlesville, Okla.

Approval No. 162.018/18/0, Type 1610W Consolidated pop type safety relief valve, liquefied petroleum gas service, steel body, metal-to-metal valve seat, flanged connections, Dwg. No. W–9–B6, dated 4 April 1947, approved for sizes 3", 4", and 6" diameters, and following orifice areas: K—1.838 sq. in., L—2.853 sq. in., and Q—11.05 sq. in.; maximum allowable pressure 300 p. s. i., manufactured by Manning, Maxwell & Moore, Inc., Elias Street, Bridgeport 2, Conn.

Approval No. 162.018/19/0, Type 1611W consolidated pop type safety relief valve, liquefied petroleum gas service, steel body, metal-to-metal valve seat, flanged connections, Dwg. No. W–9–B6 dated 4 April 1947, approved for sizes 3", 4", and 6" diameters, and following orifice areas: K—1.838 sq. in., L—2.853 sq. in., and Q—11.05 sq. in.; maximum allowable pressure 300 p. s. i., manufactured by Manning, Maxwell & Moore, Inc., Elias Street, Bridgeport 2, Conn.

Approval No. 162.018/20/0, Type 1612W Consolidated pop type safety relief valve, liquefied petroleum gas service, steel body, metal-to-metal valve seat, flanged connections, Dwg. No. W–9–B6, dated 4 April 1947, approved for sizes 3", 4", and 6" diameters, and following

orifice areas: K—1.838 sq. in., L—2.853 sq. in., and Q—11.05 sq. in.; maximum allowable pressure 300 p. s. i., 4" size supplied with 300-pound and 600-pound inlet flange, manufactured by Manning, Maxwell & Moore, Inc., Elias Street, Bridgeport 2, Conn.

Approval No. 162.018/21/0, Type 1613-AW Consolidated pop type safety relief valve, liquefied petroleum gas service, steel body, metal-to-metal valve seat, flanged connections, Dwg. No. W–9–B6, dated 4 April 1947, approved for size 4" diameter and orifice area N–4.34 sq. in., maximum allowable pressure 300 p. s. i., manufactured by Manning, Maxwell & Moore, Inc., Elias Street, Bridgeport 2, Conn.

Approval No. 162.018/22/0, Type 1613-BW Consolidated pop type safety relief valve, liquefied petroleum gas service, steel body, metal-to-metal valve seat, flanged connections, Dwg. No. W–9–B6, dated 4 April 1947, approved for size 4" diameter and orifice area N–4.34 sq. in., maximum allowable pressure 300 p. s. i., manufactured by Manning, Maxwell & Moore, Inc., Elias Street, Bridgeport 2, Conn.

ADDITIONAL AUTHORITY: R. S. 4417a and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 391a, 50 U. S. C. 1275; 46 CFR Part 38.

GAS RANGES USING PROPANE OR BUTANE GASES

Approval No. 162.020/1/0, Garland Type 83–24 propane gas range. Tested and approved by the American Gas Association. Drawing dated 28 February 1945 and specification sheet "Garland Restaurant Gas Ranges", manufactured by Detroit-Michigan Stove Co., 6900 Jefferson Avenue, East, Detroit, Mich.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 32.9-11, 61.25, 77.24, 95.24, 114.25.

BOILER FEEDWATER REGULATORS AND LOW WATER ALARMS

Approval No. 162.024/1/0, Weir boiler feedwater regulator, float operated regulating valve, Dwg. No. 1252 dated 22 November 1943, approved for 3-inch size, maximum working pressure 600 p. s. i., manufactured by General Regulator Corp., 165 Broadway, New York, N. Y.

Approval No. 162.024/2/0, Copes type "P" boiler feedwater regulator, remote type flomatic regulator and feedwater regulator for combination feed systems, fitted with Copes type "P" thermostat and type "SLD" control valve, Dwg. Nos. 23716–M dated 10 June 1944 and 23712–L dated 22 August 1944; type approval only; drawings listed herein are for basic designs only; where specific working drawings of installations differ from basic design drawings, such drawings shall carry as cross reference basic design drawing number or numbers. Manufactured by Northern Equipment Co., Erie 6, Pa.

Approval No. 162.024/3/0, Copes type "B1" boiler feedwater regulator, direct lever operated control valve, Copes marine triangular thermostat, Copes type "B1" control valve, Dwg. Nos. 23709–M dated 11 March 1943 and 23708–M dated 27 February 1945; type approval only; drawings listed herein are for basis designs only; where specific working drawings of installations differ from basic design drawings, such drawings shall carry as cross reference basic design drawing number or numbers. Manufactured by Northern Equipment Co., Erie 6, Pa.

Approval No. 162.024/4/0, Copes type "SLH" boiler feedwater regulator, Marine flowmatic feedwater regulator, relay operated and pilot operated control valve, Copes marine type thermostat, Dwg. Nos. 23713–M dated 1 March 1945, 23715–M dated 21 December 1944, and 23606–M; type approval only; drawings listed herein are for basic designs only; where specific working drawings of installations differ from basic design drawings, such drawings shall carry as cross reference basic design drawing number or numbers. Manufactured by Northern Equipment Co., Erie 6, Pa.

Approval No. 162.024/5/0, Copes direct operated flowmatic type boiler feedwater regulator, spring operated diaphragm control valve, Dwg. No. 23714–M dated 21 December 1944 and Bulletin No. 429A dated January 1943, Copes Flowmatic Regulator; type approval only; drawings listed herein are for basic designs only; where specific working drawings of installations differ from basic design drawings, such drawings shall carry as cross reference basic design drawing number or numbers. Manufactured by Northern Equipment Co., Erie 6, Pa.

Approval No. 162.024/6/0, Copes remote control flowmatic marine type feedwater regulator, thermostat with flowmatic element and pilot valve for remote control, combination feed system fitted with type "SLD" control valve, Dwg. No. 23717–L dated 1 March 1945; type approval only; drawings listed herein are for basic designs only; where specific working drawings of installations differ from basic design drawings, such drawings shall carry as cross reference basic design drawing number or numbers. Manufactured by Northern Equipment Co., Erie 6, Pa.

Approval No. 162.024/7/0, "Peco-Cambell" series 30 and series 60 boiler feedwater regulating and signaling system, fitted with pump control for high-low water level signal and alarm panels, Dwg. Nos. 300–1 revised 7 July 1945 (300 p. s. i.) and 600–1 revised 7 July 1945 (600 p. s. i.), approved for maximum working pressure of 600 p. s. i., manufactured by Proctor Engineering Co., 106 Key Highway, Baltimore, Md.

Approval No. 162.024/8/0, Ohio low water alarm, steam whistle warning, for use in Scotch type marine boilers, tin fusible plug operating steam whistle, Dwg. No. 907–W dated 25 May 1928, manufactured by The Ohio Injector Co., 53 West Jackson Boulevard, Chicago, Ill.

ADDITIONAL AUTHORITY: R. S. 4417a, 4418, 4426, 4433, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244 as amended; 46 U. S. C. 367, 391a, 392, 404, 411, 1333, 50 U. S. C. 1275; 46 CFR, Part 52.

SECONDARY BOILER FEED WATER LEVEL INDICATOR

Approval No. 162.025/1/0, Reliance Eye-Hye secondary boiler water gauge, remote boiler water level indicator, models E–10 (650 p. s. i.), E–11 (650 p. s. i.), E–12 (250 p. s. i.), E–13 (250 p. s. i.), E–14 (1,500 p. s. i.), and E–16 1,500 p. s. i.), U tube differential pressure gauge direct connected to primary water column gauge, similar Dwg. No. 4330 dated 15 June 1938 and No. 4871 dated 4 December 1940, approved for maximum working pressure of 1,500 p. s. i., manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland, Ohio.

Approval No. 162.025/2/0, Diamond bi-color secondary boiler water level gauge, remote water level indicator, through vision gauge and remote reading color gauge illuminator, Forms 888 and 900 dated June 1941 and Bulletin No. 892A (remote reading color gauge illuminator considered an auxiliary gauge), manufactured by Diamond Power Specialty Corp., Detroit 31, Mich.

Approval No. 162.025/3/0, McNeill secondary boiler water gauge, remote boiler water level indicator, concentric mercury U tube design, Dwg. No. 213G and 214G and Bulletin No. 1001G (remote reading gauge shall be used only as an auxiliary gauge glass), manufactured by McNeill Engineering Co., 4057 West Van Buren St., Chicago, Ill.

Approval No. 162.025/4/0, Reliance secondary boiler water gauge, prismatic periscope type remote boiler water level indicator Dwg. No. B–5231 dated 19 June 1942 and Catalog No. 434, approved for type design only, manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland, Ohio.

Approval No. 162.025/5/0, Bailey types LS1, LS35 and LS47 secondary boiler water gauge, remote water level indicator and recorder, Dwg. Nos. C304886–C revised 22 September 1941, B341274A dated 18 September 1940, A306610–B dated 28 April 1943, and A306611–B dated 28 April 1943, manufactured by Bailey Meter Co., 1050 Ivanhoe Road, Cleveland, Ohio.

Approval No. 162.025/6/0, Yarway Figs. 4312, 4314, 4316, and 4318 boiler water gauge, remote water level indicator, marine type, Dwg. Nos. EL–904–971 (125 p. s. i.) dated 19 February 1946, EL–904–972 (600 p. s. i.) dated 18 February 1946, EL–904–973 (900 p. s. i.) dated 18 February 1946, and EL–904–974 (1500 p. s. i.) dated 16 February 1946, and Bulletin No. WG–1820, approved for maximum steam pressure of 1500 p. s. i., manufactured by Yarnall-Waring Co., Chestnut Hill, Philadelphia 18, Pa.

ADDITIONAL AUTHORITY: R. S. 4417a, 4418, 4426, 4433, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 411, 1333, 50 U. S. C. 1275; 46 CFR Part 52.

DECK COVERING

Approval No. 164.006/1/0, Miller Marine magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG 3610–969; FR–1459 dated 10 June 1939, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Miller Marine Decking, Inc., 230 Park Avenue, New York 17, N. Y.

Approval No. 164.006/2/0, Selbalith magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG–3610–1215; FR 1779 dated 2 July 1940, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Selby, Battersby & Co., Wilford Building, Thirty-third and Arch Streets, Philadelphia 4, Pa.

Approval No. 164.006/3/0, Asbestolith magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG–3610–1214; FR 1778 dated 2 July 1940, approved for use without other insulating material as meeting Class A–60 requirements in a 2-inch thickness, manufactured by Asbestolith Manufacturing Corp., 257 Kent Street, Brooklyn, N. Y.

Approval No. 164.006/4/0, Federalite magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG 3610–1233; FR 1807 dated 30 October 1940, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Federal Lavarock, Inc., 36 East Thirtieth Street, New York 16, N. Y.

Approval No. 164.006/7/0, Armorite magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–72; FR 1836 dated 29 March 1941, approved for use without other insulating material as meeting Class A–60 requirements in thicknesses as follows: Underlayment only, $1\frac{3}{8}$ inches, or underlayment $1\frac{1}{4}$ inches plus top coat $\frac{1}{2}$ inch, manufactured by National Tile & Marble Co., 529 West Forty-sixth Street, New York 19, N. Y.

Approval No. 164.006/8/0, Case magnesite magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–73; FR 1842 dated 30 April 1941, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by L. S. Case Co., Seventh and Daggett Street, San Francisco 7, Calif.

Approval No. 164.006/9/0, Raecolith magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–76; FR 1866 dated 9 August 1941, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Raecolith Flooring Co., 5622 Corson Avenue, Seattle 8, Wash.

Approval No. 164.006/14/0, Leetol magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP–367–83; FR 1932 dated 25 February 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1¼-inch thickness, manufactured by Wm. Lee Co., 1401 Third Street, San Francisco 7, Calif.

Approval No. 164.006/15/0, Moulstone magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–85; FR 1957 dated 15 April 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1¼-inch thickness, manufactured by Thos. Moulding Floor Manufacturing Co., 165 West Wacker Drive, Chicago 1, Ill.

Approval No. 164.006/17/0, Kompolite plastic composition flooring, magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–88; FR 1978 dated 1 July 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Kompolite Co., Inc., 111–115 Clay Street, Greenpoint, Brooklyn, N. Y.

Approval No. 164.006/20/0, Hubbellite magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–95; FR 2017 dated 28 November 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by H. H. Robertson Co., Pittsburgh, Pa.

Approval No. 164.006/21/0, Kompolite decking type II magnesite type deck covering in accordance with the manufacturer's letter of 2 June 1945, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Kompolite Co., Inc., 111–115 Clay Street, Greenpoint, Brooklyn, N. Y.

Approval No. 164.006/22/0, Kompolite type CU light weight magnesite type deck covering in accordance with the manufacturer's letter of 2 June 1945, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Kompolite Co., Inc., 111–115 Clay Street, Greenpoint, Brooklyn, N. Y.

Approval No. 164.006/23/0, Dex-O-Tex Magnabond No. 1, composite mastic and magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–116; FR–2395 dated 11 July 1945, approved for use without other insulating material as meeting Class A–15 requirements in the thickness noted below: Dex-O-Tex Subkote No. 1 underlay ¼ inch, plus magnesite overlay $\frac{3}{8}$ inch, manufactured by Crossfield Products Corp., 191 Centre Street, Brooklyn 31, N. Y.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 367, 369, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 146.006.

STRUCTURAL INSULATIONS

Approval No. 164.007/1/0, "48" C. G. Felt, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3610–1372; FR–2235 dated 1 April 1944, Bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cu. ft. density, 4 inches at 6 pounds per cu. ft. density. Manufactured by Forty-Eight Insulations, Inc., Aurora, Ill.

Approval No. 164.007/2/0, Spraykote, plaster type structural insulation identical to that described in National Bureau of Standards letter, File III–6/23, dated 2 June 1944, approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 12 pounds per cu. ft. density, 4 inches at 8 pounds per cu. ft. density. Manufactured by Sprayed Insulation, Inc., 78 Hawthorne Place, Montclair, N. J.

Approval No. 164.007/3/0, Eagle Felt M–2, mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/ITF dated 24 November 1939, bats, blankets, or fill approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 10 pounds per cu. ft. density (loose fill), 4 inches at 8 pounds per cu. ft. density (loose fill), 3 inches at 8 pounds per cu. ft. density (bats or blankets), and 4 inches at 6 pounds per cu. ft. density (bats or blankets). Manufactured by The Eagle-Pitcher Sales Co., 420 Lexington Avenue, New York 17, N. Y.

Approval No. 164.007/4/0, Fibrespray, plaster type structural insulation identical to that described in National Bureau of Standards letter, File III–6 36, dated 25 June 1943, approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 12 pounds per cu. ft. density, and 4 inches at 8 pounds per cu. ft. density. Manufactured by Acoustics, Inc., Commercial Trust Building, Philadelphia 2, Pa.

Approval No. 164.007/5/0, ATOZ, plaster type structural insulation identical to that described in National Bureau of Standards letter, File III–6 3519–43, dated 24 August 1940, approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 30 pounds per cu. ft. density, manufactured by American Acoustics, Inc., 120 South LaSalle Street, Chicago 3, Ill.

Approval No. 164.007/6/0, J–M BX–4M, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cu. ft. density, and 4 inches at 6 pounds per cu. ft. density. Manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Approval No. 164.007/7/0, J–M No. 450 Cement, mineral wool cement type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619b; FR–1466b dated 7 July 1939, approved for use without other insulating material to meet Class A–60 requirements in a 3½-inch thickness and 30 pounds per cu. ft. density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Approval No. 164.007/8/0, J–M BX–18, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, boards approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 pounds per cu. ft. density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Approval No. 164.007/9/0, J–M 202AA, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, blankets with asbestos paper facings approved for use without other insulating materials to meet Class A–60 requirements in a 3-inch thickness and 16 pounds per cu. ft. density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Approval No. 164.007/10/0, Rockwool, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cu. ft. density, and 4 inches at 6 pounds per cu. ft. density. Manufactured by The Philip Carey Manufacturing Co., 60 East 42d Street, New York 17, N. Y.

Approval No. 164.007/11/0, Bacite cold set cement, plaster type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated 17 May 1939, approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 30 pounds per cu. ft. density, manufactured by The Bird-Archer Co., 4237 North American Street, Philadelphia 40, Pa.

Approval No. 164.007/12/0, Tuco Zerocel, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated 17 May 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cu. ft. density, and 4 inches at 6 pounds per cu. ft. density, manufactured by Tuco Products Corp., 30 Church Street, New York 7, N. Y.

Approval No. 164.007/13/0, Sprayed limpet asbestos, sprayed asbestos fiber type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated 17 May 1939, approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 12 pounds per cu. ft. density, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.007/14/0, Fiberglas cement, glass fiber cement type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–37a; FR–1466a dated 7 July 1939, approved for use without other insulating material to meet Class A–60 requirements in a 4-inch thickness and 30 pounds per cu. ft. density, manufactured by Owens-Corning Fiberglass Corp., Toledo 1, Ohio.

Approval No. 164.007/15/0, Gold Bond type 2 zerocel, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated 17 May 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cu. ft. density, and 4 inches at 6 pounds per cu. ft. density. Manufactured by National Gypsum Co., Buffalo 2, N. Y.

Approval No. 164.007/16/0, J–M Aircoustic sheet, mineral wool type structural insulation identical to J–M BX–18 described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, with special sanded surface, boards approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 pounds per cu. ft. density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Approval No. 164.007/17/0, J–M Marine acoustical unit, mineral wool type structural insulation identical to J–M BX–18 described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, with special sanded surface and 3/16th inch perforated J–M Marine Veneer added, boards approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 pounds per cu. ft. density exclusive of the J–M Marine Veneer, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Approval No. 164.007/18/0, Baldwin-Hill 6-lb. felt, mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/26, dated 16 July 1943, approved for use without other insulating material to meet Class A–60 requirements in a 4-inch thickness and 6 pounds per cu. ft. density, manufactured by Baldwin-Hill Co., 500 Breunig Avenue, Trenton 2, N. J.

Approval No. 164.007/19/0, Baldwin-Hill loose wool, mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36 dated 16 July 1943, approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 11 pounds per cu. ft. density, manufactured by Baldwin-Hill Co., 500 Breunig Avenue, Trenton 2, N. J.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR Part 144.

BULKHEAD PANELS

Approval No. 164.008/1/0, Bayer bulkhead 100, hollow steel, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 120 dated 25 August 1943, approved as meeting Class B–15 requirements in a 1½-inch thickness when filled with Fiberglas insulation of 6 pounds per cu. ft. density, manufactured by A. J. Bayer Co., Slauson and Santa Fe Avenues, Los Angeles, Calif.

Approval No. 164.008/2/0, Aetna type FSI—Class B, hollow steel, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 128 dated 19 November 1945, approved as meeting Class B–15 requirements in a 2-inch thickness when filled with two 1-inch blankets of type TW–MC Fiberglas insulation having a density of 3¼ pounds per cu. ft., manufactured by Aetna Marine Corp., 61 Broadway, New York 6, N. Y.

Approval No. 164.008/3/0, Aetna Type FAI—Class B, hollow aluminum, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 141 dated 7 October 1946, approved as meeting Class B–15 requirements in a 2-inch thickness when filled with two 1-inch blankets of J–M BX–4M insulation having a density of 4 pounds per cu. ft.; this panel shall not be used in Class A–60 construction without the approval of the Commandant for the specific location, manufactured by Aetna Marine Corp., 61 Broadway, New York 6, N. Y.

Approval No. 164.008/4/0, James McCutcheon & Co. hollow aluminum bulkhead, hollow aluminum, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 125 dated 7 May 1945, and James McCutcheon & Co. Dwg. No. PWB–1 revised 17 July 1945, approved as meeting Class B–15 requirements in a 1¾-inch thickness when filled with Fiberglas insulation having a density of 8 pounds per cu. ft.; this panel shall not be used in Class A–60 construction without the approval of the Commandant for the specific location, manufactured by James McCutcheon & Co., 5th Avenue and 49th Street, New York, N. Y.

Approval No. 164.008/5/0 James McCutcheon & Co. hollow steel bulkhead, hollow steel, insulation filled bulkhead panel identical to that described in National Bureau of Standards letter, file III–6/ITFU, dated 16 July 1943, approved as meeting Class B–15 requirements in a minimum thickness of 1½ inches when filled with a structural insulation in a density as approved by the Coast Guard and a thickness of one-half that listed to meet Class A–60 requirements, manufactured by James McCutcheon & Co., 5th Avenue and 49th Street, New York, N. Y.

Approval No. 164.008/6/0, Dietz marine, hollow steel, insulation filled identical to that described in National Bureau of Standards Test Report No. TG 3619–33, FR–1364 dated 31 March 1939, approved as meeting Class B–15 requirements in a 1-inch thickness when filled with 8 Ply Air Cell Fill 1¼ inches thick, manufactured by L. F. Dietz & Associates, Inc., Marine Building, 40 Grand Avenue, Englewood, N. J.

Approval No. 164.008/7/0, Seaporcel, hollow steel, insulation filled bulkhead panel identical to that described in Porcelain Metals, Inc., Dwg. entitled "Typical Size Sections Showing General Application of Seaporcel Flush Bulkhead and Ceiling", dated 29 December 1941, approved as meeting Class B–15 requirements in a minimum thickness of 1½ inches when filled with a structural insulation in a density as approved by the Coast Guard and a thickness of one-half that listed to meet Class A–60 requirements, manufactured by Seaporcel Porcelain Metals, Inc., 28–20 Borden Avenue, Long Island City, N. Y.

Approval No. 164.008/8/0, Seaporcel flush type, hollow steel, insulation board lined bulkhead panel identical to that described in National Bureau of Standards letter, file III–6/36, dated 3 August 1944, approved as meeting Class B–15 requirements in a 1 11/16-inch thickness when lined each side with ¼-inch asbestos millboard, manufactured by Seaporcel Porcelain Metals, Inc., 28–20 Borden Avenue, Long Island City, N. Y.

Approval No. 164.008/9/0, Mobilwall, hollow steel, insulation filled bulkhead panel identical to that described in Snead & Co. Dwgs. X–101, X–102, X–103, and X–104, approved as meeting Class B–15 requirements in a minimum thickness of 1½ inches when filled with a structural insulation in a density as approved by the Coast Guard and a thickness of one half that listed to meet Class A–60 requirements, manufactured by Virginia Metal Products Corp., 30 Church Street, New York 7, N. Y.

Approval No. 164.008/10/0, U. S. G. marine board, steel veneered, gypsum board steel veneered type bulkhead panel identical to that described in Underwriters' Laboratories, Inc. Test Report—Retardant 2782, Application No. 43C798 dated 18 October 1943, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by United States Gypsum Co., 300 West Adams Street, Chicago 6, Ill.

Approval No. 164.008/11/0, U. S. G. marine board, aluminum veneered, gypsum board, aluminum veneered type bulkhead panel identical to that described in Underwriters' Laboratories, Inc. Test Report—Retardant 2782, Application No. 45C951 dated 22 October 1945, approved as meeting Class B–15 requirements in a ⅞-inch thickness; this panel shall not be used in Class A–60 construction without the approval of the Commandant for the specific location, manufactured by United States Gypsum Co., 300 West Adams Street, Chicago 6, Ill.

Approval No. 164.008/12/0, J–M marinite, asbestos incombustible binder board type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG 3619–23, FR–1274 dated 21 March 1939, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Approval No. 164.008/13/0, J–M light weight marinite, asbestos incombustible binder board type bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 146 dated 15 November 1946, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Approval No. 164.008/14/0, J–M Marine sheathing, asbestos incombustible binder board type bulkhead panel identical to that described in Johns-Manville letter of 6 March 1947, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Approval No. 164.008/15/0, J–M Marine veneer, asbestos cement board type bulkhead panel identical to that described in Johns-Manville letter of 6 March 1947, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Approval No. 164.008/16/0, Firefoil panel, corrugated asbestos with asbestos cement board veneer type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–21, FR–1253 dated 20 December 1938, approved as meeting Class B–15 requirements with a ⅞-inch, 6-ply corrugated asbestos core with a 3/32-inch asbestos cement veneer each side, manufactured by The Philip Carey Manufacturing Co., 60 East 42d Street, New York 17, N. Y.

Approval No. 164.008/17/0, C Board, asbestos cement board type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–46, FR–1791 dated 13 August 1940, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.008/18/0, C–3 Marine board, asbestos cement board type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–59, FR–2042 dated 15 February 1943, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.008/19/0, Martin-Parry marine, hollow steel type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–34, FR–1365 dated 31 March 1939, approved as meeting Class B–15 requirements in a 2⅜-inch thickness with two 1/16-inch asbestos paper inserts, manufactured by Martin Parry Corp., York, Pa.

Approval No. 164.008/20/0, Saino Marine, hollow steel, vermiculite insulated corrugated steel core type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–35, FR–1366 dated 31 March 1939, approved as meeting Class B–15 requirements in a ⅞-inch thickness, manufactured by The F. L. Saino Manufacturing Co., Inc., Memphis, Tenn.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR Part 144.

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/1/0, Firefoil sheathing, corrugated asbestos board type incombustible material, approved in a ½-inch thickness with a steel veneer on one side, manufactured by The Philip Carey Manufacturing Co., 60 East 42d Street, New York 17, N. Y.

Approval No. 164.009/2/0, Careystone asbestos-cement wallboard, asbestos-cement board type incombustible material identical to that described in National Bureau of Standards Letter, file III–6, dated 2 March 1943, approved in a 3/16-inch thickness, manufactured by The Philip Carey Manufacturing Co., 60 East 42d Street, New York 17, N. Y.

Approval No. 164.009/3/0, Careystone sheathing, asbestos cement board type incombustible material identical to that described in National Bureau of Standards letter, file III–6, dated 24 September 1942, approved in a 3/16-inch thickness, manufactured by The Philip Carey Manufacturing Co., 60 East 42d Street, New York 17, N. Y.

Approval No. 164.009/4/0, APAC asbestos cement board type incombustible material identical to that described in Keasbey & Mattison Company letter of 30 December 1942, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.009/5/0, C–4 Marine board, asbestos cement board type incombustible material identical to that described in National Bureau of Standards letter, file III–6, dated 25 March 1944, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.009/6/0, C–5 Marine board, asbestos cement board type incombustible material identical to that described in National Bureau of Standards letter, file III–6, dated 25 March 1944, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.009/7/0, gold bond A–C board, asbestos cement board type incombustible material identical to that described in National Gypsum Co. letter dated 4 June 1943, manufactured by National Gypsum Co., Buffalo 2, N. Y.

Approval No. 164.009/8/0, gold bond Nateor, gypsum core, asbestos cement veneered board type incombustible material identical to that described in National Gypsum Company letter dated 23 May 1945, approved with 1/8-inch gypsum core with a 1/8-inch asbestos cement veneer each side, manufactured by National Gypsum Co., Buffalo 2, N. Y.

Approval No. 164.009/9/0, U. S. G. marine board, gypsum board, metal veneered type incombustible material identical to that described in National Bureau of Standards Test Report No. TG–3610–1348; FR–2131 dated 23 August 1943, approved in 3/8-inch minimum thickness with steel or aluminum veneer one side, manufactured by United States Gypsum Co., 300 West Adams Street, Chicago 6, Ill.

ADDITIONAL AUTHORITY: R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR Part 144.

Dated July 24, 1947.

J. F. FARLEY,
Admiral, U. S. C. G., Commandant.

[F. R. Doc. 47–7118; Filed, July 30, 1947; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

[1226689]

CALIFORNIA

NOTICE OF FILING OF PLAT OF INDEPENDENT RESURVEY WITH TRACT SEGREGATIONS OF PATENTED LANDS ACCEPTED NOVEMBER 13, 1942

JULY 22, 1947.

Notice is given that the plat of independent resurvey with segregation of patented lands in T. 18 N., R. 3 E., Humboldt Meridian, Group 173, California,

accepted November 13, 1942, will be officially filed in the District Land Office, Sacramento, California, effective 10:00 a. m. on September 23, 1947. The total area exclusive of segregations is 21,485.28 acres.

The lands are mountainous in character, supporting a fair timber growth and a dense chaparrel ground cover.

All of the lands involved are within the limits of the Siskiyou National Forest, the public lands therein having been withdrawn for forest purposes pursuant to Proclamations of May 6, 1905, July 1, 1908 and February 13, 1909.

Anyone having a valid settlement or other right to any of these lands, initiated prior to the withdrawal of May 6, 1905, should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Sacramento, California.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7157; Filed, July 30, 1947; 8:53 a. m.]

[1702771]

WYOMING

NOTICE OF FILING OF PLATS OF SURVEY ACCEPTED MAY 15 AND 16, 1945

JULY 23, 1947.

Notice is given that the plats of survey of the following described lands will be officially filed in the District Land Office, Evanston, Wyoming, effective at 10:00 a. m. on September 24, 1947.

SIXTH PRINCIPAL MERIDIAN

T. 32 N., R. 115 W.,
Secs. 7 to 36 inclusive.
T. 34 N., R. 117 W., all.

The areas described aggregate 40,723.44 acres.

The lands involved are very rough and mountainous, lying at an elevation averaging 10,000 feet above sea level. The soil is rocky and sandy clay.

The above-mentioned lands are within the limits of the Bridger National Forest, the public lands therein having been first withdrawn for forest purposes by proclamation of January 29, 1903.

The lands may be subject to the provisions of Public Land Order No. 35 of August 27, 1942, withdrawing all deposits of vanadium and all public lands containing such deposits in certain counties in Wyoming, including Lincoln and Sublette Counties. All of secs. 27 to 34 inclusive, T. 34 N., R. 117 W., are subject to the provisions of Public Land Order No. 24 of August 11, 1942.

Anyone having a valid settlement or other right to any of these lands, initiated prior to the withdrawal of January 29, 1903, should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Evanston, Wyoming.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7161; Filed, July 30, 1947; 8:54 a. m.]

[1772397]

IDAHO

NOTICE OF FILING OF PLATS OF SURVEY ACCEPTED JANUARY 13, 1943 AND FEBRUARY 26, 1944

JULY 23, 1947.

Notice is given that the plats of survey of the following described lands will be officially filed in the District Land Office, Blackfoot, Idaho, effective at 10:00 a. m. on September 24, 1947.

BOISE MERIDIAN

T. 15 N., R. 9 E., all.
T. 16 N., R. 9 E., all.
T. 17 N., R. 9 E., all.
T. 16 N., R. 10 E., all.

The areas described aggregate 91,732.55 acres.

The above-mentioned lands are within the limits of the Boise National Forest, the public lands therein having been first withdrawn for forest purposes by proclamation of December 23, 1919.

The $S\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}$ sec. 13, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}$ sec. 14, T. 16 N., R. 10 E., B. M. are included in Power Site Classification No. 280 of December 19, 1933, as conformed November 27, 1944.

The lands involved are rough and mountainous with sandy and rocky sandy loam soils. The vegetation consists of brush and native grasses with scattered stands of fir and pine timber.

Anyone having a valid settlement or other right to any of these lands initiated prior to the withdrawal of December 23, 1919, should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Blackfoot, Idaho.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7158; Filed, July 30, 1947; 8:53 a. m.]

[1774802]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED DECEMBER 23, 1943

JULY 23, 1947.

Notice is given that the plats of survey of the following described lands will be officially filed in the District Land Office at Salt Lake City, Utah, effective at 10:00 a. m. on September 24, 1947.

SALT LAKE MERIDIAN

T. 20 S., R. 4 E., all.
T. 21 S., R. 4 E.,
Secs. 3 to 10, inclusive.

The areas described aggregate 26,471.69 acres.

The topography is rough and mountainous; the soil ranges from friable clay loam to clay with promiscuous outcropping of rock.

The above-mentioned lands are within the limits of the Manti and Fishlake National Forests, the public lands therein having been withdrawn for forest purposes by Proclamations of May 29, 1903, January 18, 1906, June 27, 1913 and October 23, 1917.

Anyone having a valid settlement or other right to any of these lands initiated prior to the withdrawal of May 29, 1903 should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevent thereto.

All inquries relating to these lands should be addressed to the Acting Manager, District Land Office, Salt Lake City, Utah.

FRED W. JOHNSON,
Director.

[F. R Doc. 47-7159; Filed, July 30, 1947; 8:54 a. m.]

[1858243]

OREGON

NOTICE OF FILING OF PLATS OF SURVEYS

JULY 23, 1947.

Notice is given that the plats of resurvey and protraction of areas hereinafter described will be officially filed in the District Land Office, Lakeview, Oregon, effective at 10:00 a. m. on September 24, 1947, at that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 24, 1947, to December 23, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 4, 1947, to September 24, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference-right filings.* Applications by the general public may be presented during the 20-day period from December 3, 1947, to December 23, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 23, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Lakeview, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Lakeview, Oregon.

The lands affected by this notice are described as follows:

WILLAMETTE MERIDIAN

T. 33 S., R. 21 E.,
Sec. 9, lots 7 to 16 inclusive;
Sec. 10, lots 5 to 18 inclusive;
Sec. 11, lots 5 to 15 inclusive;
Sec. 12, lots 5 and 6;
Sec. 13, lots 1 to 4 inclusive;
Sec. 14, lots 1 to 16 inclusive;
Sec. 15, lots 1 to 17 inclusive;
Sec. 16, lots 2 to 13 inclusive;
Sec. 17, lots 5, 6 and 7;
Sec. 20, lots 5 to 18 inclusive;
Sec. 21, lots 1 to 13 inclusive;
Sec. 22, lots 1 to 10 inclusive; $E\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$;
Sec. 23, lots 1, 2, 3, $NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 24, lots 1 to 14 inclusive;
Sec. 25, all;
Sec. 26, lots 1 to 16 inclusive;
Sec. 27, lots 1 to 14 inclusive;
Sec. 28, lots 1 to 11 inclusive;
Sec. 29, lots 1 to 9 inclusive;
Sec. 30, lots 5 and 6;
Sec. 31, lots 5 to 8 inclusive;
Sec. 32, all;
Sec. 33, lots 1 to 16 inclusive;
Sec. 34, lots 1 to 16 inclusive;
Sec. 35, all;
Sec. 36, all.
T. 34 S., R. 21 E.,
Sec. 1, lots 4 to 19 inclusive;
Secs. 2, 3, 4 and 5, all;
Sec. 6, lots 7, 8, 9, 10;
Sec. 7, lots 5, 6, 7, 8;
Secs. 8, 9, 10 and 11, all;
Sec. 12, lots 5 to 17 inclusive;
Sec. 13, lots 5 to 16 inclusive;
Secs. 14, 15, 16, all;
Sec. 17, lots 2 to 17 inclusive;
Sec. 18, lots 5, 6, 7;
Sec. 20, lots 5 to 20 inclusive;
Secs. 21, 22, 23, all;
Sec. 24, lots 5 to 16 inclusive;
Sec. 25, lots 5 to 18 inclusive;
Secs. 26, 27, 28, all;
Sec. 29, lots 5 to 15 inclusive;
Sec. 32, lots 5 to 9 inclusive;
Sec. 33, all;
Sec. 34, lots 1 to 15 inclusive;
Sec. 35, lots 1 to 14 inclusive;
Sec. 36, lots 7 to 19, inclusive;
T. 35 S., R. 21 E.,
Sec. 2, lots 3 to 12 inclusive;
Sec. 3, lots 1 to 16 inclusive;
Sec. 4, lots 3 to 19 inclusive;
Sec. 9, lots 5 to 17 inclusive;
Sec. 10, lots 2 to 17 inclusive;
Sec. 11, lots 5 to 10 inclusive;
Sec. 15, lots 5 to 13 inclusive;
Sec. 16, lots 6 to 18 inches;
Sec. 21, lots 5 and 6;
Sec. 22, lots 3 and 4.
T. 33 S., R. 22 E.,
Sec. 7, lots 7 to 12 inclusive;
Sec. 8, lot 3;
Sec. 17, lots 5 to 12 inclusive;
Sec. 18, lots 1 to 14 inclusive;
Sec. 19, lots 2 to 12 inclusive;
Sec. 30, lots 5 to 18 inclusive;
Sec. 31, lots 5 to 10 inclusive.
T. 34 S., R. 22 E.,
Sec. 6, lot 8.

The areas described aggregate 34,141.67 acres of protracted lands in Lake Abert, Oregon.

Lake Abert is a shallow alkaline lake, with the contiguous land consisting of marshy areas and alkaline flats. The sections in Tps. 33 and 35 S., R. 21 E. have a rolling to mountainous surface for the most part with juniper trees and sagebrush types of vegetation.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7160; Filed, July 30, 1947; 8:54 a. m.]

[1910885]

WYOMING

NOTICE OF FILING OF PLATS OF SURVEYS AND RESURVEYS ACCEPTED OCTOBER 15, 1946

JULY 22, 1947.

Notice is given that the plats of survey and resurvey of lands hereinafter described will be officially filed in the District Land Office, Buffalo, Wyoming, effective at 10:00 a. m. on September 23, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 23, 1947, to December 22, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 3, 1947, to September 23, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 23, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 22, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 2, 1947, to December 22, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 22, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Buffalo, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Buffalo, Wyoming.

The lands affected by this notice are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 54 N., R. 91 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 26, inclusive;
Sec. 27, lots 1, 2, 3, 4.
T. 55 N., R. 91 W.,
Secs. 2 to 27, inclusive;
Secs. 34 to 36, inclusive.

The areas described aggregate 27,121.04 acres.

All of the lands involved, excepting those in sec. 27, T. 54 N., R. 91 W., 6th P. M., Wyoming, are within the limits of the Big Horn National Forest pursuant to the Proclamation of December 23, 1904.

The lands involved are rough and mountainous, with rocky soil cut by deep, narrow canyons.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7156; Filed, July 30, 1947; 8:53 a. m.]

[Misc. 2114216]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 23, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on September 24, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 24, 1947, to December 24, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 4, 1947, to September 24, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 24, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 4, 1947, to December 24, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 24, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Salt Lake City, Utah.

The lands affected by this order are described as follows:

SALT LAKE MERIDIAN

T. 11 S., R. 2 W.,
Sec. 23, lots 5, 8, 7, 9, and lots 10 to 16, inclusive;
Sec. 25, lots 1 to 4, inclusive, containing 629.38 acres.

The above-described lands are located in the foothill region of the Tintic Mountains within the limits of Utah Grazing District No. 2. The lands are valuable chiefly for grazing and have no commercial timber.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7155; Filed, July 30, 1947; 8:53 a. m.]

[Misc. 2114536]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 23, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on September 24, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 24, 1947, to December 24, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 4, 1947, to September 24, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 24, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 4, 1947, to December 24, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 24, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Salt Lake City, Utah.

The lands affected by this order are described as follows:

SALT LAKE MERIDIAN

T. 12 N., R. 15 W.,
Sec. 20, $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, and $NW\frac{1}{4}SE\frac{1}{4}$.

The area described aggregates 320 acres.

The lands, which are in the Utah Grazing District No. 1, are desert in character. The soil is sand and gravel, supporting vegetation of sage brush, Russian Thistle and weeds, with a scant growth of grass.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7154; Filed, July 30, 1947; 8:53 a. m.]

[2119730]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 23, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on September 24, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 24, 1947, to December 24, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September

4, 1947, to September 24, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 24, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from December 4, 1947, to December 24, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 24, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Blackfoot, Idaho.

The lands affected by this order are described as follows:

BOISE MERIDIAN

T. 11 S., R. 19 E.,
Sec. 10, $E\frac{1}{2}SE\frac{1}{4}$ and $SE\frac{1}{4}NE\frac{1}{4}$;
Sec. 11, $W\frac{1}{2}SW\frac{1}{4}$ and $SW\frac{1}{4}NW\frac{1}{4}$, containing 240 acres.

The above-described lands are rough and uneven sloping generally to the south. The soil is of a loose sandy nature, supporting native vegetation such as sage brush intermingled with native grasses. The lands are in Idaho Grazing District No. 2.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7153; Filed, July 30, 1947; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 373]

SPECIAL INDUSTRY COMMITTEE 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. Luis C. Bonet from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employers on such committee, Mr. Arthur F. Oetting of Santurce, Puerto Rico.

Signed at Washington this 21st day of July 1947.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 47-7150; Filed, July 30, 1947; 8:52 a. m.]

[Administrative Order 374]

SPECIAL INDUSTRY COMMITTEE 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor,

Hereby accept the resignation of Mr. Arthur F. Oetting from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employers on such committee, Mr. Fernando A. Villamil of San Juan, Puerto Rico.

Signed at Washington this 22d day of July 1947.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 47-7149; Filed, July 30, 1947; 8:52 a. m.]

[Administrative Order 375]

SPECIAL INDUSTRIAL COMMITTEE 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. Fernando A. Villamil from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employers on such

committee, Mr. M. B. Marsh of Rio Grande, Puerto Rico.

Signed at Washington this 22d day of July 1947.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 47-7151; Filed, July 30, 1947; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-606]

TENNESSEE GAS AND TRANSMISSION CO. (TENNESSEE GAS TRANSMISSION CO.)

NOTICE OF OPINION NO. 153

JULY 25, 1947.

Notice is hereby given that, on July 24, 1947, the Federal Power Commission issued its Opinion No. 153 and order entered July 22, 1947 (Memorandum Opinion and Order Making Effective Reductions in Rates), allowing Tennessee Gas and Transmission Company FPC Gas Schedules to take effect as of April 1, 1947, and terminating proceeding in the above entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7148; Filed, July 30, 1947; 8:52 a. m.]

[Docket No. G-803]

HOPE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 25, 1947.

Notice is hereby given that, on July 23, 1947, the Federal Power Commission issued its findings and order entered July 22, 1947, issuing certificate of public convenience and necessity in the above-designated matted.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7145; Filed, July 30, 1947; 8:51 a. m.]

[Docket No. G-891]

UNITED NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 25, 1947.

Notice is hereby given that, on July 23, 1947, the Federal Power Commission issued its findings and order entered July 22, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7147; Filed, July 30, 1947; 8:51 a. m.]

[Docket No. G-897]

WEST TEXAS GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 25, 1947.

Notice is hereby given that, on July 23, 1947, the Federal Power Commission issued its findings and order entered July 22, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7143; Filed, July 30, 1947; 8:51 a. m.]

[Docket No. G-900]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 25, 1947.

Notice is hereby given that, on July 23, 1947, the Federal Power Commission issued its findings and order entered July 22, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7144; Filed, July 30, 1947; 8:51 a. m.]

[Docket No. G-917]

WISCONSIN SOUTHERN GAS CO.

NOTICE OF APPLICATION

JULY 25, 1947.

Notice is hereby given that on July 11, 1947, an application was filed with the Federal Power Commission by Wisconsin Southern Gas Company (Applicant), a Wisconsin corporation with its principal place of business in Burlington, Wisconsin, for:

(1) A certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to acquire, construct and operate pipeline facilities in Kenosha and Walworth Counties, Wisconsin, as hereinafter more particularly described, or in the alternative, a finding by the Commission that Applicant is not and will not be a "natural-gas company" under the Natural Gas Act after the acquisition or construction of such facilities; and

(2) An order by the Commission under section 7 (a) of the Natural Gas Act requiring Natural Gas Pipeline Company of America to extend its facilities, to establish connection with the facilities which Applicant proposes to acquire and construct, and to sell natural gas to Applicant for distribution in southeastern Wisconsin, as hereinafter more particularly described.

Applicant seeks authorization to acquire from Wisconsin Gas & Electric Company and to operate a pipeline system extending from the west line of the Town of Pleasant Prairie in Kenosha County, Wisconsin, to the Village of Genoa City in Walworth County, Wisconsin.

Applicant alleges that transmission facilities of Natural Gas Pipeline Company of America are located within a very short distance of the Illinois-Wisconsin state line, the nearest point being approximately ½ mile east of Genoa City, Wisconsin and approximately 2½ miles east of the point at which Applicant now purchases natural gas from Natural Gas Pipeline Company of America. Applicant seeks authorization to construct and operate a 6-inch ID pipeline extending north 1.65 miles from a proposed point of connection with such transmission pipeline of Natural Gas Pipeline Company of America on the Wisconsin-Illinois state line, about ½ mile east of Genoa City, to a point of connection with the Wisconsin Gas & Electric Company line sought to be acquired by Applicant, then extending north 10.85 miles to the City of Burlington, Wisconsin, to connect with Applicant's existing facilities, together with metering and pressure regulating equipment at the point of connection with the Wisconsin Gas & Electric Company line.

Initially Applicant proposes to supply 520 B. t. u. manufactured gas to the customers presently served by the pipeline of Wisconsin Gas & Electric Company sought to be acquired, which gas will be purchased by Applicant from Wisconsin Gas & Electric Company under the terms of a contract entered into between the two companies. Such gas is to be resold by Applicant at the same rates as those now charged by Wisconsin Gas & Electric Company. Applicant states that as soon as a connection is made with the facilities of Natural Gas Pipeline Company of America such service will be converted to natural gas. After conversion to natural gas service, Applicant proposes to charge the same rates for such service as those which it now charges in the territory presently supplied by it with natural gas. Applicant proposes to render natural gas service by means of the facilities hereinbefore described to Townships and Villages in the Counties of Kenosha, Walworth and Racine, Wisconsin.

Applicant states that it has entered into a contract with Wisconsin Gas & Electric Company to purchase the facilities sought to be acquired herein; that it has filed an application with the Public Service Commission of Wisconsin for authority to purchase such facilities; and that a hearing has been held on such application but no order has been entered therein.

The contract purchase price of the pipe line to be acquired by Applicant is $180,000 plus the cost of any additions by Wisconsin Gas & Electric Company subsequent to December 1, 1946. Applicant estimates the total cost of the facilities to be constructed by it to be $162,000. Applicant states it has arranged for a bank loan to finance temporarily such costs and proposes to refinance such costs on a permanent basis through the

issuance of first mortgage bonds and additional capital stock, and possibly other securities.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Wisconsin Southern Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7141; Filed, July 30, 1947; 8:51 a. m.]

[Docket No. IT-6066]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF BONDS

JULY 25, 1947.

Notice is hereby given that, on July 23, 1947, the Federal Power Commission issued its order entered July 22, 1947, authorizing issuance of bonds in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7146; Filed, July 30, 1947; 8:51 a. m.]

[Docket No IT-6069]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

JULY 24, 1947.

Notice is hereby given that on July 23, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Sierra Pacific Power Company (hereinafter called "Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of California and Nevada with its principal business office at Reno, Nevada, seeking an order authorizing the issuance of $975,000 principal amount of First Mortgage Bonds, bearing interest at the rate of 2⅞% per annum, to be dated as of August 1, 1947, and to be due August 1, 1977, to be issued under Applicant's Indenture of Mortgage to The New England Trust Company and Fletcher C. Chamberlin, as Trustees, dated as of December 1, 1940, as supplemented and modified by a First Supplemental Indenture to be dated as of August 1, 1947. Applicant proposes to sell the aforesaid First Mortgage Bonds to the John Hancock Mutual Life Insurance Company and the proceeds from the sale of these Bonds will be used to repay Applicant's promissory notes held by banks and to reimburse Applicant in part for construction expenditures; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 13th day of August, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7142; Filed, July 30, 1947; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 254]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment by La Mantia Bros., Chicago, of ART 20014 tomatoes now on hand Chicago Produce Terminal, Chicago, Ill., to John C. Moretz Co., Philadelphia, Pa., via PRR.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of July 1947.

HOMER C. KING,
Director.

[F. R. Doc. 47-7180; Filed, July 30, 1947; 8:57 a. m.]

[S. O. 396, Special Permit 255]

RECONSIGNMENT OF POTATOES AT OMAHA, NEBR.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsigning by National Produce Co., Chicago, Ill., of PFE 95196, potatoes now on hand on the Union Pacific Railroad Co., Omaha, Nebr., to Shreveport, La., partial unloading at Marshall, Texas, via UP-KCS-TP.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of July 1947.

HOMER C. KING,
Director.

[F. R. Doc. 47-7170; Filed, July 30, 1947; 8:55 a. m.]

[S. O. 396, Special Permit 256]

RECONSIGNMENT OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar at it applies to the reconsignment by La Mantia Bros., Chicago, Illinois, of URTX 7121, carrots, now on hand Chicago Produce Terminal, Chicago, Illinois, to Shippers Service Co., Detroit, Michigan, via Wabash RR.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of July 1947.

HOMER C. KING,
Director.

[F. R. Doc. 47-7171; Filed, July 30, 1947; 8:56 a. m.]

[Ex Parte No. 166]

INCREASED FREIGHT RATES, 1947

Correction

In F. R. Doc. No. 47-7084, appearing on page 5015 of the issue for Tuesday, July 29, 1947, the headnote should read as set forth above.

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-67, 59-64]

PEOPLES LIGHT AND POWER CO. ET AL.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of July 1947.

In the matter of Peoples Light and Power Company and subsidiary companies, File No. 54-67; Peoples Light and Power Company, California Public Service Company, Texas Public Service Farm Company, Texas Public Service Company, West Coast Power Company, File No. 59-64.

The Commission, by order entered in these proceedings on September 14, 1945 (Holding Company Act Release No. 6054), having approved a plan of reorganization of Peoples Light and Power Company ("Peoples"), now, by change of name, Texas Public Service Company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and said order having, among other things, reserved jurisdiction to approve, disapprove, modify, allocate or award by further order or orders all fees or other compensation and reimbursement of expenses claimed by any person in connection with the plan approved by the Commission on September 14, 1945 and in connection with the transactions incident thereto and the consummation thereof:

The Commission, on September 16, 1946, having issued an order pursuant to section 5 (d) of the act declaring that Peoples has ceased to be a holding company and that the registration of Peoples as a holding company shall from the date of the entry of said order cease to be effective, subject to the condition, among others, that the Commission's order dated September 14, 1945 with respect to certain matters, including the reservation of jurisdiction over fees and expenses, shall continue in full force and effect until complied with or until and unless this Commission shall by subsequent order or orders amend, modify or revoke such order;

Peoples having filed an application requesting the Commission to approve the fees and expenses incurred by Peoples in connection with the plan and to release the jurisdiction heretofore reserved by the Commission with respect to such matters, said application describing the services of counsel and setting forth the amounts of the fees and expenses as follows:

Richard, Layton & Finger—counsel	$7,771.41
Baker, Botts, Andrews & Wharton—counsel	1,824.31
Dwight, Harris, Koegel & Caskey—counsel	150.00
Printing, engraving and stationery	3,638.65
Distributing agent	3,603.30
Transfer agent, registrar, etc	2,936.80
State filing fees, taxes, etc	325.58
Telephone, telegraph, travel and misc	648.78
	20,898.83

It appearing to the Commission that such fees and expenses are not unreasonable and that jurisdiction over such matters should be released;

It is ordered, That the jurisdiction heretofore reserved in the orders of September 14, 1945 and September 16, 1946 with respect to fees and expenses in connection with the plan approved by the Commission on September 14, 1945, the transactions incident thereto and the consummation thereof be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7163; Filed, July 30, 1947; 8:54 a. m.]

[File No. 70-1527]

CONSOLIDATED NATURAL GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 24th day of July 1947.

Notice is hereby given that a supplemental declaration and application has been filed with the Commission, pursuant to the Public Utility Holding Company Act of 1935, by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, designating sections 6 and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than July 31, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interests and the issues, if any, of fact or law raised by said supplemental declaration and application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after July 31, 1947, said supplemental declaration and application, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said supplemental declaration and application, which is on file in the office of the Commission, for a statement of the transaction therein proposed, which is summarized below:

Pursuant to the authority of this Commission's order dated June 12, 1947 (Holding Company Act Release No. 7485), Consolidated offered not exceeding 545,672 shares of its capital stock to its stockholders at a price of $37.50 per share, of which shares 520,547 were subscribed for, or approximately 95.4% of the total number offered. Consolidated now proposes to issue and sell the remaining 25,125 shares on the New York Stock Exchange through brokers to be selected by the company who are regular members of such exchange, the company receiving the price at which the shares are sold by the brokers less the regular brokers' commissions on the sales. It is stated that if the remaining shares to be offered could be sold by the company on the stock exchange at the closing price of $48 per share on July 21, 1947, the aggregate price would be approximately $1,206,000 and the brokerage commissions would be approximately 24½¢ per share, or an aggregate of $6,000, the net proceeds to the company totalling $1,200,000. In this connection, Consolidated has requested the Commission to exempt the proposed issue and sale from the competitive bidding requirements of Rule U-50.

Consolidated requests that the Commission's order to be issued herein become effective as soon as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7164; Filed, July 30, 1947; 8:54 a. m.]

[File No. 70-1572]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of July 1947.

Notice is hereby given that a declaration, and an amendment thereto, has been filed with this Commission, pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rules U-44 and U-50 promulgated thereunder, by General Public Utilities Corporation ("GPU"), a registered holding company.

Notice is further given that any interested person may, not later than July 30, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said amended declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. At any time after July 30, 1947, said declaration, as filed or as further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said amended declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

GPU owns 311,361 common shares, each of a par value of $8.00, of New England Gas and Electric Association ("Negas"), which shares were acquired

in connection with the consummation of a plan of recapitalization of Negas and must be disposed of pursuant to opinions and orders of this Commission (see Holding Company Act Release Nos. 7181 and 7306).

GPU proposes to sell its entire holdings of common shares of Negas at competitive bidding pursuant to the requirements of Rule U-50 promulgated under the act. In this connection, GPU will invite proposals to purchase its holdings of Negas stock by newspaper advertisement published on or before July 24, 1947, indicating therein its intention to offer its holdings for sale and requesting any persons interested in the purchase thereof to submit qualifying documents to GPU on or before July 31, 1947. On or after such specified date, GPU will notify by telegram all persons who have filed qualifying documents to submit sealed bids at a designated time and place. The time designated will be not less than 48 hours after the sending by GPU of such telegraphic notice.

Declarant requests that the Commission enter its order with respect to this matter on or before July 31, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc 47-7165; Filed, July 30, 1947; 8:55 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9347]

CHARLES JAESCHKE

In re: Estate of Charles Jaeschke, deceased. File D-28-8847; E. T. sec. 10923.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Jaeschke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $5,693.82 deposited on September 16, 1946 with the Treasurer of Cook County, Illinois, to the credit of Paul Jaeschke, pursuant to an order of the Probate Court of Cook County, Illinois, entered September 4, 1946, in the matter of the estate of Charles Jaeschke, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Cook County, Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-7182; Filed, July 30, 1947; 8:57 a. m.]

[Vesting Order 9350]

CHARLES LAMPE

In re: Trust under the will of Charles Lampe, deceased. File No. D-28-7572; E. T. sec. 7925.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Kreuzer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the Trust under the Will of Charles Lampe, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Maria Lampe and George H. Schanck, as trustee, acting under the judicial supervision of the Monmouth County Orphans' Court, Freehold, New Jersey;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-7186; Filed, July 30, 1947; 8:57 a. m.]

Executed at Washington, D. C., on July 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-7183; Filed, July 30, 1947; 8:57 a. m.]

[Vesting Order 9297]

HENRY KAZUMI OMOTO

In re: Bank account owned by Henry Kazumi Omoto, also known as Henry K. Omoto. F-39-5868-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Kazumi Omoto, also known as Henry K. Omoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Henry Kazumi Omoto, also known as Henry K. Omoto, by The Riggs National Bank of Washington, D. C., 1503 Pennsylvania Avenue, N. W., Washington 13, D. C., arising out of a Savings Account, account number N17804, entitled Henry K. Omoto, maintained at the branch office of the aforesaid bank located at 18th Street and Columbia Road, N. W., Washington, D. C., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-7186; Filed, July 30, 1947; 8:57 a. m.]

[Vesting Ordor 9401]

HANS A. SCHLIEPER

In re: Stock and cash owned by the personal representatives, heirs, next of kin, legatees and distributees of Hans A. Schlieper, also known as Johannes A. Schlieper, deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Hans A. Schlieper, also known as Johannes A. Schlieper, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) shares of $100 par value 6% cumulative convertible preferred capital stock of Sparks-Withington Company, 1669 Union Trust Building, Cleveland, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number TPDO 587, dated January 23, 1935, registered in the name of Otto A. Berwald, formerly in the possession of Robert C. Mayer & Company, 50 Broadway, New York, New York, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon, and

b. That certain sum of money constituting a portion of the amount presently on deposit with the United States Treasury in an account entitled Robert V. Stormer, Disbursing Officer, Collection Account Symbol 896-027, which sum of money was remitted to the Office of Alien Property by Sparks-Withington Company, 1669 Union Trust Building, Cleveland, Ohio, as dividends payable on the stock described in subparagraph 2-a hereof and is presently in the custody of the Attorney General of the United States,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Hans A. Schlieper, also known as Johannes A. Schlieper, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7187; Filed, July 30, 1947; 8:57 a. m.]

[Vesting Order 9404]

YAMADA & CO.

In re: Debt owing to Yamada & Company. F-39-5035-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yamada & Company, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligations owing to Yamada & Company by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, in the amount of $1,673.35, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7188; Filed, July 30, 1947; 8:58 a. m.]

[Vesting Order 9433]

KARL VON LEWINSKI

In re: Bank accounts and interest in contract owned by Karl Von Lewinski. F-28-23948-E-1, F-28-23948-E-2, F-28-23948-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Von Lewinski, whose last known address is Bln. W. 62 Leutzowplatz 25, Berlin, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Karl Von Lewinski, by Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of a savings account, account number 393554, entitled Karl von Lewinski, maintained at the branch office of the aforesaid bank located at 110 South Spring Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Karl Von Lewinski, by Commonwealth Bank, Fort and Griswold Streets, Detroit, Michigan, arising out of a commercial account, account number C11-207, entitled Dr. Karl Von Lewinski, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Karl Von Lewinski, by The Farmers and Merchants National Bank of Los Angeles, 401 South Main Street, Los Angeles 13, California, arising out of a term savings account, account number 3624, entitled Dr. Karl Von Lewinski, and any and all rights to demand, enforce and collect the same, and

d. All right, title, interest and claim of any name or nature whatsoever of Karl Von Lewinski in and to any and all obligations, contingent or otherwise, and whether or not matured, arising under that certain agreement (including all modifications thereof and supplements thereto, if any) by and between Karl Von Lewinski and Ratzer, Bridge and Gebhardt, and its successor Ratzer & Bridge, which agreement relates, among other things, to the payment of attorneys fees, including particularly, but not limited to, those certain fees arising out of the allowance of attorneys fees in the Estate of Sophie A. Haverty, deceased, and the Estate of William Fink, deceased, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7189; Filed, July 30, 1947; 8:58 a. m.]

[Vesting Order 9434]

FRAU HELENE VON SCHIERHOLZ

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Frau Helene Von Schierholz, deceased. D-28-1903-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Frau Helene Von Schierholz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York 15, New York, in the amount of $294.29, as of December 31, 1945, evidenced by Secretary's check #T-16335, issued February 10, 1941, by City Bank Farmers Trust Company, drawn to the order of Deutsche Bank, a/c Frau Helene Von Schierholz, Filiale Mannheim—Mannheim Baden, Germany, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Frau Helene Von Schierholz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7190; Filed, July 30, 1947; 8:58 a. m.]

[Vesting Order 9435]

CLARA WAGNER

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Clara Wagner, deceased. F-28-25273-A-1, F-28-25273-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Clara Wagner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Thirty (30) shares of $10.00 par value common capital stock of Ideal Cement Company, 500 Denver National Building, Denver 2, Colorado, a corporation organized under the laws of the State of Colorado, evidenced by a certificate numbered F13968, registered in the name of Clara Wagner, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Clara Wagner, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7191; Filed, July 30, 1947; 8:58 a. m.]

[Vesting Order 9437]

DR. RICHARD WOLTEROCK

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Dr. Richard Wolterock, deceased. F-28-28208-E-1, F-28-28208-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Dr. Richard Wolterock, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of First National Bank of Madison, Madison, Wisconsin, arising out of a Savings Account, account number 8559, entitled Magdalen Evans Juday, Trustee for Dr. Richard Wolterock, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Dr. Richard Wolterock, Deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Dr. Richard Wolterock, Deceased, are not within a designated enemy country, the national interest of the Untied States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7192; Filed, July 30, 1947; 8:58 a. m.]

[Vesting Order 9442]

DEUTSCHE EFFECTEN UND WECHSELBANK

In re: Stock owned by Deutsche Effecten und Wechselbank. F-28-5735-A-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Effecten und Wechselbank, the last known address of which is Frankfurt am Main, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty-four (24) shares of $0.10 par value common capital stock of American General Corporation, 120 Wall Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number NCO-6283, registered in the name of Hurley & Co., and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7193; Filed, July 30, 1947; 8:58 a. m.]

[Vesting Order 9451]

MARGIT A. RAHT

In re: Bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Margit A. Raht, deceased. F-28-3066-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Margit A. Raht, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, in bearer form, and presently in the custody of Clara J. W. Raht, 43 Cedar Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Margit A. Raht, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Certificate No.	Face value
The Atchison, Topeka & Santa Fe Ry. Co. 4% bonds due 1995.	M-61990-7	[1] 1,000.00
	M-64961	1,000.00
	D-22710	500.00
	D-27169	500.00
Union Pacific R. R. Co. 4% bonds due 1947.	M72112	1,000.00
	M09549	1,000.00
	M08015	1,000.00
	M72965	1,000.00
	M57781	1,000.00
	M10296	1,000.00
	M24794	1,000.00
	M21275	1,000.00
	D12477	500.00
	D10088	500.00
	D07056	500.00
	D10508	500.00
Central Pacific Ry. Co. 4% bonds due 1949.	M12312	1,000.00
	M57405	1,000.00
	M71691	1,000.00
	M24087	1,000.00
	M17616	1,000.00
Oregon-Washington R. R. and Navigation Co. 4% bonds due 1961.	M49485	1,000.00
	M48304	1,000.00
	M33686	1,000.00
	M31443	1,000.00
	M9521	1,000.00
	M31098	1,000.00
	M1689	1,000.00
	M476	1,000.00
United Kingdom of Great Britain 4% funding loan 1960-1990.	C-076350-1	[1] 200.00
	B138598	100.00
	B136026	100.00
	B229275	100.00
	B181278	100.00
	B226113	100.00
	B226117	100.00
	B181273	100.00
	B088737	100.00
	B242101	100.00
	B224985	100.00
	B133968	100.00
	B133967	100.00
	B133962	100.00
	B102786	100.00
	B102785	100.00
	B087147	100.00
	B127056	100.00
	B137127	100.00
	B181480	100.00
	B181481	100.00
	B229163	100.00
	B229164	100.00
	B241258	100.00
	B241259	100.00
	B242438	100.00
	B109664	100.00
	B109967	100.00
	B140520	100.00
	B152530	100.00

[1] Each.

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FEDERAL REGISTER

VOLUME 12 NUMBER 150

Washington, Friday, August 1, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9878

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Terminal Railroad Association of St. Louis, a carrier, and certain of its employees represented by the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce within the state of Missouri, to a degree such as to deprive that portion of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Terminal Railroad Association of St. Louis or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 31, 1947.

[F R Doc 47-7297; Filed, July 31 1947; 11:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 927.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 12 F. R. 4904), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area; and the decision (12 F. R. 4413) was made with respect to amendments by the Secretary on June 30, 1947. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest, and

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FEDERAL REGISTER

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(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the New York metropolitan milk marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area which was heretofore approved by the Secretary of Agriculture (12 F. R. 4413, 4418); and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk

which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the order, and who, during April 1947 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the first day of September 1947, the handling of milk in the New York Metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 927.2 (d) (10) to read:

(10) The market administrator, shall from time to time, cause inspections to be made of the buildings, facilities and surroundings of the plant and shall notify handlers of his determination as to what constitutes the plant and its equipment. If any handler makes written request for such determination, the market administrator shall promptly notify such handler of his determination: *Provided*, That if the request is for a revised determination or for affirmation of a previous determination, the handler shall set forth in his request the changed conditions which he believes make a new determination necessary. Such determination shall be ruling for all purposes hereunder, and any revision in the determination of which handlers have been notified shall be effective not earlier than the date of notice to handlers of such revised determination.

2. Amend § 927.3 (a) (3) (ii) by adding the words "or for shipment of approved skim milk from such plant" at the end of the proviso contained therein so that the proviso will read: "*Provided*, That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant; and"

3. Amend § 927.3 (b) by changing the first proviso therein to read "*Provided*, That for the months of April, May, or June no plant at which milk was received from dairy farmers during the preceding period of October, November, and December shall be a pool plant on this basis, unless at least 60 percent of such milk was classified in Class I–A, and either directly, or through other plants, was sold or distributed in or shipped to the marketing area in the form of milk."

and by adding at the end of § 927.3 (b) the following sentence: "At the time of announcing the uniform price for each month, the Market Administrator shall make public the location, and name of the operator, of any plant for which a report of receipts from dairy farmers was used, pursuant to this paragraph, in the computation of that uniform price."

4. Amend § 927.4 (a) (2) by changing the proviso contained therein to read: "*Provided*, That the holding of milk in the form of cream in a licensed cold storage warehouse for at least 7 days shall constitute that portion of the handling of such cream required pursuant to § 927.4 (c) (5) that is required to be performed during the month following its receipt from dairy farmers."

5. Amend § 927.4 (b) by deleting the two provisos contained therein and substituting the following: "*Provided*, That at any time upon a determination by the Secretary that an emergency exists which requires the immediate adoption of rules and regulations, the Market Administrator may issue, with the approval of the Secretary, temporary rules and regulations without regard to the following procedure: *Provided, further*, That if any interested person makes written request for the issuance, amendment, or repeal of any rule, the Market Administrator shall within 30 days either issue notice of meeting pursuant to subparagraph (1) of this paragraph or deny such request, and except in affirming a prior denial, or where the denial is self-explanatory, shall state the grounds for such denial."

6. Amend § 927.4 (c) (3) to read:

(3) Class I–C milk shall be all milk which leaves a plant as milk, or cultured or flavored milk drinks containing 3.0 percent butterfat or more, and which is ultimately distributed in an area not regulated by an order of the Secretary.

7. Amend § 927.4 (c) (5) to read as follows:

(5) Class II–B milk shall be all milk, except as set forth in subparagraphs (7), (8), and (9) of this paragraph, the butterfat from which leaves or is on hand at a plant in the form of plain condensed milk, frozen desserts or homogenized mixtures; or which leaves or is on hand at a plant in the form of cream which is subsequently held in a licensed cold storage warehouse for at least 28 days, and which is subject at all times to being inspected by a representative of the Market Administrator to determine the physical presence of the cream. After the first 7 days such cream may be moved from one licensed cold storage warehouse to another: *Provided*, That the Market Administrator receives notice of such removal within 7 days thereafter. Any handler whose report claimed the original classification of milk in this class shall be liable under the provisions of § 927.9 (e) for the difference between the Class II–B and Class II–A prices for the month in which the II–B classification was claimed on any such milk, if the storage of the cream does not comply with all the requirements of this subparagraph.

8. Amend § 927.5 (a) (1) by deleting that portion of such subparagraph preceding the table contained therein and by substituting therefor the following:

(1) Except as provided in subdivisions (i), (ii), and (iii) of this subparagraph, for Class I–A milk the price per hundredweight during each month shall be as set forth in the following tables:

and by adding after the table contained therein the following three subdivisions:

(i) The Class I–A price for any of the months of March through June of each year shall not be higher than the Class I–A price for the immediately preceding month, and the Class I–A price for any of the months of September through December of each year shall not be lower than the Class I–A price for the immediately preceding month.

(ii) The Class I–A price shall not be less than $4.58 per hundredweight for the month of August 1947, and shall not be less than $5.02 per hundredweight for each of the months of September through December 1947.

(iii) The Class I–A price for January 1948 shall not be less than the December 1947 Class I–A price minus 44 cents, and the Class I–A price for February 1948 shall not be less than the January 1948 Class I–A price minus 44 cents.

9. Amend § 927.8 (a) by adding at the end thereof the following: "*Provided*, That if a handler claims that he cannot make the required payment because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, such payment shall be made to the producer-settlement fund, and in the event that a lawful claim is later established, the Market Administrator shall make such payment from the producer-settlement fund: *Provided, further*, That, if not later than the date when such payment is required to be made, legal proceedings have been instituted by the handler for the purpose of administrative or judicial review of the Market Administrator's finding upon verification as provided above, such payment shall be made to the producer-settlement fund and shall be held in reserve until such time as the above-mentioned proceedings have been completed, or until the handler submits proof to the Market Administrator that the required payment has been made to the producer or association of producers, in which latter event the payment shall be refunded to the handler."

10. Amend § 927.9 (g) by deleting therefrom the words "and was used in Classes II–D, II–E, or II–F during the months of July to March, inclusive, or in Class IV–A during the months of January to March, inclusive" and by substituting therefor the words: "and was assigned, in accordance with the provisions of the rules and regulations issued by the Market Administrator pursuant to § 927.4 (b) hereof, to Classes II–D, II–E, or II–F during the months of July to March, inclusive, or to Class IV–A during the months of January to March inclusive."

(48 Stat. 31, 670, 675, 49 Stat. 730, 50 Stat. 246; 7 U. S. C., 601 et seq.; Sec. 102 Reorg. Plan 1 of 1947; 12 F. R. 4534)

Issued at Washington, D. C., this 29th day of July 1947, to be effective on and after the 1st day of September 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7230; Filed, July 31, 1947; 8:49 a. m.]

PART 901—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER AMENDING ORDER AS AMENDED

Correction

In F. R. Doc. No. 47-7139, appearing at page 5033 for the issue of Wednesday, July 30, 1947, the following change is made in the first column on page 5035: In the last line of the second paragraph of § 901.7 (a) the word "thereof" should read "hereof."

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

ARIZONA AND OREGON

CROSS REFERENCE: For revocation of Public Land Orders 383 and 385, which affect the tabulation in § 501.1, see Title 43, *infra*. The revoked public land orders withdrew lands for the use of the War Department in Arizona for a gunnery range and in Oregon for a camp site.

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Veterans' Preference Reg., as Amended July 31, 1947]

PART 813—VETERANS' PREFERENCE REGULATION UNDER HOUSING AND RENT ACT OF 1947

Par.

(a) What this section does.

DEFINITIONS

(b) Definitions.

PREFERENCE PERIODS

(c) Veterans' preference in sale of housing accommodations.
(d) Veterans' preference in renting of housing accommodations.

PUBLIC OFFERING

(e) Public offering in good faith.

MISCELLANEOUS

(f) Violations and enforcement.
(g) Exceptions.
(h) Appeals.

§ 813.1 *Veterans' Preference Regulation*—(a) *What this section does.* This section (Veterans' Preference Regulation) explains the preference given to veterans and their families by the Housing and Rent Act of 1947 in the sale or rent of housing accommodations completed between June 30, 1947 and March 1, 1948. Among other things, it determines the manner in which such housing accommodations shall be publicly offered in good faith for sale or rent to veterans and their families.

The veterans' preference requirements for housing accommodations completed on or before June 30, 1947, continue as provided in Priorities Regulation 33, Housing Expediter Priorities Regulation 5 and the Housing Permit Regulation, whichever is applicable. (Those regulations also contain other requirements which continue in effect for housing accommodations authorized under them.)

NOTE: This section of the Code of Federal Regulations, § 813.1, is called the "Veterans' Preference Regulation." When the term "this section" is used in this Veterans' Preference Regulation, it means this entire regulation and not just a part of it. The regulation is divided into paragraphs marked with small letters; these are divided into subparagraphs marked with numbers.

DEFINITIONS

(b) *Definitions.* As used in this section:

(1) The terms "veterans of World War II or their families," "veterans or their families," and "veterans" shall mean:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable:

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran:

(iii) A person who is serving in the active military or naval forces of the United States requiring housing accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring housing accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires housing accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring housing accommodations for his dependent family.

(2) The term "person" shall include an individual, corporation, partnership, association, or any other organized group of persons, or a legal successor or representative of any of the foregoing.

(3) The time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

(4) The term "housing accommodations" shall include any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property sold or offered for sale or rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes) together with all privileges, services, furnishings, furniture, and facilities connected with the use or occupancy of such property.

(5) The term "housing accommodations designed for occupancy by other than transients" shall not include housing accommodations which

(i) in the particular community involved are customarily rented for a term of occupancy of less than one month, or

(ii) are rented and usable only on a seasonal basis.

PREFERENCE PERIODS

(c) *Veterans' preference in sale of housing accommodations.* In order to assure preference or priority to veterans of World War II or their families in the sale of housing accommodations designed for a single family residence, the construction of which is completed after June 30, 1947, and prior to March 1, 1948, the following rules must be observed:

(1) *30-day veterans' preference period after construction.* No person shall sell, offer to sell, or otherwise dispose of such housing accommodations until 30 days after construction is completed, except for occupancy by veterans or their families.

No person shall purchase such housing accommodations until 30 days after construction is completed, unless such purchase is made in good faith for occupancy, during the time that this section remains in effect, by veterans or their families.

(2) *7-day offer at a price in first and subsequent sales.* No person shall sell, offer for sale, or otherwise dispose of such housing accommodations to a non-veteran at a price less than the price at which the accommodations have been publicly offered for at least 7 days exclusively to veterans or their families. No non-veteran shall purchase such housing accommodations at a price less than the price at which the accommodations have been publicly offered for at least 7 days exclusively to veterans or their families.

This prohibits a sale or an offer to sell to, or a purchase by, a non-veteran

unless the housing accommodations were first publicly offered for sale by the seller or his agent exclusively to veterans or their families for 7 days at the same price (or a lower price) than sold or offered for sale to a non-veteran. Any reduction in price (whether in the first or subsequent sale, and whether during or after the 30-day preference period provided in subparagraph (1) of this paragraph) requires a public offering exclusively to veterans for at least 7 days at the reduced price.

This subparagraph (2) applies to all sales, offers to sell, and purchases whether made by the first or subsequent owner or purchaser.

(d) *Veterans' preference in renting of housing accommodations.* In order to assure preference or priority to veterans of World War II or their families in the renting of housing accommodations designed for occupancy by other than transients, the construction of which is completed after June 30, 1947, and prior to March 1, 1948, the following rules must be observed:

(1) *30-day veterans' preference period after construction.* No person shall rent, offer for rent, or otherwise dispose of such housing accommodations until 30 days after construction is completed, except for occupancy by veterans or their families.

No person shall acquire such housing accommodations by rent until 30 days after construction is completed, unless such acquisition by rent is made in good faith for occupancy, during the time that this section remains in effect, by veterans or their families.

(2) *7-day offer at a price in first and subsequent sales.* No person shall rent, offer for rent, or otherwise dispose of such housing accommodations to a non-veteran at a price less than the price at which the accommodations have been publicly offered for at least 7 days exclusively to veterans or their families. No non-veteran shall acquire such housing accommodations by rent at a price less than the price at which the accommodations have been publicly offered for at least 7 days exclusively to veterans or their families.

This prohibits a renting or offer to rent to, or an acquisition by rent by, a non-veteran unless the housing accommodations were first publicly offered for rent by the landlord or his agent exclusively to veterans or their families for 7 days at the same price (or a lower price) than rented or offered for rent to the non-veteran. Any reduction in price (whether during or after the 30-day veterans' preference period provided in subparagraph (1) of this paragraph) requires a public offering exclusively to veterans for 7 days at the reduced price.

This subparagraph (2) applies to all rents, offers to rent, and acquisitions by rent whether made by the first or subsequent landlord or tenant.

PUBLIC OFFERING

(e) *Public offering in good faith.* In order to assure preference or priority to veterans of World War II or their families, all housing accommodations covered by paragraph (c) and (d) of this section which are intended for sale or rent, must, until sold or rented, be publicly offered in good faith, as provided in this section, exclusively for sale or rent for occupancy by veterans or their families:

(1) *Period during which offer must be made in first sale or rent.* Such public offering in good faith must be made exclusively to veterans and their families during the following periods:

(i) During construction and for not less than 30 days immediately following completion of construction, and

(ii) For not less than 7 days after any later reduction in offering price.

(2) *Period during which offer must be made in subsequent sales or rents.* In any subsequent sale or rent occurring more than 30 days after completion of construction, such public offering in good faith must be made exclusively to veterans and their families for the following periods:

(i) For not less than 7 days at the offering price selected by the seller or landlord, and

(ii) For not less than 7 days after any later reduction in offering price.

(3) *Must give veterans reasonable opportunity.* To make a public offering in good faith, the owner must take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These affirmative steps include at least those steps which are customary in the community for making a public offering of housing accommodations. The refusal of the owner to sell or rent to a particular veteran for personal reasons, which are in accordance with local law and customary real estate practices in the community, does not by itself necessarily constitute a violation of this public offering requirement. If, however, the owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent, and then sells or rents to a non-veteran, the owner has violated this section.

(4) *Posting of placards or signs.* A placard or sign must be posted in front of each housing structure, or in a conspicuous location on the site of the construction of the housing accommodations during the public offering periods described in subparagraphs (1) and (2) of this paragraph. Such placard or sign must legibly contain the rent or sales price, the fact that the housing accommodations are offered for sale or rent exclusively to veterans or their families for the prescribed period, and the name and address of the person authorized to sell or rent the housing accommodations. If the rent or sales price is reduced after the placard or sign is posted, the price on the placard or sign must be changed accordingly.

(5) *Newspaper advertisement.* Unless already sold or rented to veterans, all such housing accommodations must be publicly advertised by newspaper exclusively to veterans or their families on at least 3 days during the first 20 days of the preference period described in subparagraph (1) (i) of this paragraph, and on at least 2 days during the preference period described in subparagraph (2) (i) of this paragraph. This advertisement shall be in a newspaper of general circulation in the community where the housing accommodations are located. The advertisement shall contain the same information as required for placards and signs in subparagraph (4) of this paragraph. When a newspaper advertisement has already been made as provided in this subparagraph (5), it is not necessary to advertise again in a newspaper during any 7-day public offering period required by subparagraph (1) (ii) or (2) (ii) of this paragraph, unless newspaper advertising is the customary method in the community of making a public offering of housing accommodations.

MISCELLANEOUS

(f) *Violations and enforcement*—(1) *General.* The veterans' preference requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a sale or rent or an agreement for the sale or rent, or to solicit or attempt, offer or agree to make such sale or rent, of any housing accommodations in violation of the veterans' preference requirements of this section. It shall also be unlawful for any such person to sell or rent or agree to sell or rent such housing accommodations during the veterans' preference periods if he knows or has reason to know that the housing accommodations will not be occupied by veterans or their families, and for any purchaser or tenant to effect or agree to effect a sale or rent for the purpose of evading the veterans' preference requirements of this section.

(2) *Penalties.* Any person who willfully violates any provision of this section or section 4 of the Housing and Rent Act of 1947, and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, shall upon conviction thereof be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section may be prohibited or restrained as authorized by law.

(g) *Exceptions.* The veterans' preference requirements set forth in this section are not applicable to:

(1) Housing accommodations which are built to replace a dwelling destroyed or damaged by fire, flood, tornado, or other similar disaster;

(2) Sales of housing accommodations in the course of judicial or statutory proceedings in connection with foreclosures;

(3) The occupancy by an owner, or his building service employee, of a dwelling unit which does not exceed in floor space (i) a normal one family unit in the structure or project, or (ii) 15 percent of the residential floor space of the structure or project.

(4) Sales of any housing accommodations to any person for investment purposes rather than for occupancy by the purchaser; but the purchaser of such housing accommodations is bound by the veterans' preference requirements in this section in renting or selling for occupancy.

(5) The occupancy of housing accommodations operated by a non-profit or public educational institution for the use of its students or teachers, provided that among eligible applicants for such accommodations at any particular time preference shall be given to veterans.

(h) *Appeals.* Any person who considers that compliance with any provision of this section would result in a hardship on him may appeal for relief. The appeal shall be in the form of a letter in duplicate and filed with the local office of the Federal Housing Administration (except that appeals by educational institutions or public organizations should be filed with the local regional office of the Federal Public Housing Authority). The appeal must state clearly the specific provision of the section appealed from and describe fully the hardship which will result from compliance with this section.

(P. L. 129, 80th Cong.)

Issued this 31st day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47 7298; Filed, July 31, 1947, 11:44 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[6th Rev. Dept. Circ. 530, 1947 Amdt. 1]

PART 315—REGULATIONS GOVERNING SAVINGS BONDS

MISCELLANEOUS AMENDMENTS

JULY 25, 1947.

Pursuant to section 22 (a) of the Second Liberty Bond Act as amended (55 Stat. 7, 31 U. S. C. and Sup. 757c), which authorizes the Secretary of the Treasury to issue United States Savings Bonds "in such manner and subject to such terms and conditions * * * including any restrictions on their transfer, as the Secretary of the Treasury may from time to time prescribe," § 315.14 of Subpart D, § 315.23 of Subpart H, Subpart N, and § 315.50 of Subpart O of Department Circular No. 530, Sixth Revision, dated February 13, 1945 (31 C. F. R. 1945 Supp., 315), are hereby revised to read as follows:

§ 315.14 *Evidence necessary.* To establish the validity of judicial proceedings there must be submitted a certified copy of a final judgment or decree of court and of any necessary supplementary proceedings. If the judgment or decree of court was rendered more than six months prior to presentation of the bond there must also be submitted a certificate from the clerk of the court, under the court's seal and dated within six months of the presentation of the bond, showing that the judgment or decree is in full force and effect. A trustee in bankruptcy should submit proof of his authority in the form of a certificate from the referee showing that he is the duly elected and qualified trustee, together with a certificate from the clerk of the United States District Court of the particular district, under seal, showing the incumbency of the referee and authenticating his signature.

§ 315.23 *Redemption before maturity.* Pursuant to its terms, a savings bond may not be called for redemption by the Secretary of the Treasury prior to maturity, but may be redeemed in whole or in part at the option of the owner, prior to maturity, under the terms and conditions set forth in the offering circular of each series and in accordance with the provisions of these regulations in this part following presentation and surrender as provided in this subpart.

(a) *Series A, B, C, D and E.* A bond of series A, B, C, D or E will be redeemed in whole or in part at any time after 60 days from the issue date without advance notice, at the appropriate redemption value as shown in the table printed on the bonds.

(b) *Series F and G.* A bond of Series F or G will be redeemed in whole or in part, on or after six months from the issue date, at the appropriate redemption value as shown in the table printed on the bond, on one month's notice in writing to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, or a Federal Reserve Bank. Such notice may be given separately or by presenting and surrendering the bond with a duly executed request for payment thereof. Payment will be made as of the first day of the first month following by at least one full calendar month the date of receipt of notice. For example, if the notice is received on June 1, payment will be made as of July 1, but if notice is received between June 2 and July 1, inclusive, payment will be made as of August 1. If notice is given separately, the bond must be presented and surrendered with a duly executed request for payment to the same agency to which the notice is given not less than twenty days before the date on which payment is to be made. For example, if the notice is received on June 15, the bond should be received not later than July 12. (See § 315.21 for provisions as to interest in case current income bonds are redeemed prior to maturity.)

(c) *Series G; redemption at par before maturity.* A bond of Series G (but not of Series F) will be redeemed at par before maturity in whole or in part, in amounts corresponding with authorized denominations, not less than six months from the issue date, (1) upon the death of an owner or coowner, if a natural person, or (2) upon the termination of a trust or other fiduciary estate by reason of the death of any person, if held by the trustee or other fiduciary, except that if the trust or fiduciary estate is terminated only in part, redemption at par will be made to the extent of not more than the pro rata portion of the trust or fiduciary estate so terminated. Redemption will be made only following actual receipt of written notice of intention to redeem at par. Such notice must be given in time to be received in the ordinary course of mail by the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, or a Federal Reserve Bank within six months after the date of death of the owner or coowner or person whose death results in the termination of the trust or other fiduciary estate, unless the period within which notice must be received is extended in accordance with the provisions of this paragraph. Proof of the date of death must be furnished and the bond must be surrendered to the same agency to which notice of intention to redeem at par is given, but they need not accompany such notice. Ordinarily, payment will be made as of the first day of the first month following by at least one full calendar month the date of receipt of notice, but payment may be postponed, upon request of the person presenting the bond, to the second interest payment date following the date of death, except as follows: if the period within which notice must be received is extended beyond such interest payment date, in accordance with the provisions of this paragraph, and notice received thereafter is accepted, payment may, upon request, be postponed to the next interest payment date following the date of receipt of notice. The period within which notice must be received may be extended in any particular case upon presentation of satisfactory proof that notice could not seasonably be given by reason of litigation or delay in the appointment of a legal representative of the estate or in the receipt of notice of death.

(d) *Withdrawal of request for redemption.* An owner who has presented and surrendered a savings bond to the Treasury Department or a Federal reserve Bank for payment with an appropriate request for payment may withdraw such request if notice of intent to withdraw is given to and received by the same agency to which the bond was presented, prior to the issuance of the check in payment. Under these same conditions an executor or administrator may withdraw a request for redemption executed by the owner and presented and surrendered to the Treasury Department or a Federal Reserve Bank prior to the owner's death, except where the presentation and surrender of the bond has cut off the rights of survivorship under the provisions of Subpart L or Subpart M. The terms "presented and surrendered" as used in this paragraph mean the actual receipt of the bond by the Treasury Department or a Federal Reserve Bank during the lifetime of the owner.

SUBPART N—DECEASED OWNERS

§ 315.47 *Payment or reissue on death of owner.* Upon the death of the owner of a savings bond who was not survived by a co-owner or designated beneficiary and who had not during his lifetime presented and surrendered the bond to a Federal Reserve Bank or the Treasury Department for an authorized reissue, the bond will be considered as belonging to his estate and will be paid or reissued accordingly, as hereinafter provided, except that reissue under the provisions of this subpart will not be made to a creditor. In any case, reissue will be restricted to a form of registration permitted by the regulations in effect on the date of original issue of the bond, but the person entitled to the bond may hold it without change of registration and will have the right to payment before or at maturity. The provisions of this section shall also apply to savings bonds registered in the names of executors or administrators, except that proof of their appointment and qualification may not be required. Established forms for use in such cases and for requests for payment or reissue may be obtained from any Federal Reserve Bank or from the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, and should be used in every instance.

(a) *In course of administration.* If the estate of the decedent is being administered in a court of competent jurisdiction, the bond will be paid to the duly qualified representative of the estate or will be reissued in the names of the persons entitled to share in the estate, upon request of the duly appointed and qualified representative of the estate and compliance with the following conditions:

(1) Where there are two or more legal representatives, all must unite in the request for payment or reissue, unless by express statute or decree of court, or by testamentary provision, some one or more of them may properly execute the request.

(2) The request for payment or reissue should be signed in the form, for example: "John A. Jones, administrator of the estate (or executor of the will) of Henry W. Jones, deceased", and must be supported by proof of the representative's authority in the form of a court certificate or a certified copy of the representative's letters of appointment issued by the court having jurisdiction. The certificate, or the certification to the letters, must be under seal of the court, and, except in the case of a corporate representative, must contain a statement that the appointment is in full force and should be dated within six months of the date of presentation of the bond, unless the certificate or letters show that the appointment was made within one year immediately prior to such presentation.

(3) In case of reissue the personal representative should certify that the persons named are entitled to share in the estate to the extent specified for each and have consented to such reissue. A request for reissue by an individual legal representative should be made on Form PD 1455 and a request by a corporate representative should be made on Form PD 1498. If a person in whose name reissue is requested desires to name a coowner or beneficiary, such person should execute an additional request for that purpose, using Form PD 1787.

(b) *After settlement through court proceedings.* If the estate of the decedent has been settled in a court of competent jurisdiction, the bond will be paid to or reissued in the name of the person entitled thereto as determined by the court. The request for payment or reissue should be made by the person shown to be entitled and supported by duly certified copies of the representative's final account and the decree of distribution or other pertinent court records, supplemented, if there are two or more persons having an apparent interest in the bonds, by an agreement executed by them.

(c) *Without administration.* If no legal representative of the decedent's estate has been or is to be appointed and the amount of savings bonds belonging to the estate does not exceed $250 (maturity value), or if it is established to the satisfaction of the Secretary of the Treasury that the gross value of the personal estate of the decedent does not exceed $500 or that administration of the estate is not required in the State of the decedent's last domicile, the bond will be paid to or reissued in the names of the persons entitled, pursuant to an agreement and request by all persons entitled to share in the estate, executed on the form prescribed by the Treasury Department and supported by the evidence called for by such form. Application for the appropriate form to be used hereunder may be made to any Federal Reserve Bank or to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois. The applicant should state whether or not the amount of bonds belonging to the decedent's estate is in excess of $250 (maturity value). If any of the persons entitled are minors or incompetents payment or reissue of a bond will not be permitted without administration, except to them or in their names unless their interests are otherwise protected to the satisfaction of the Secretary of the Treasury.

§ 315.50 *Reissue or payment to person entitled—(a) Distribution of trust estate in kind.* A savings bond to which a beneficiary of a trust estate has become lawfully entitled in his own right or in a fiduciary capacity, in whole or in part, under the terms of the trust instrument, will be reissued in his name to the extent of his interest as a distribution in kind upon the request of the trustee or trustees and their certification that such person is entitled and has agreed to reissue in his name. If the form in which the bond is registered does not show that it belongs to a trust estate, the request for reissue must be supported by satisfactory proof of ownership.

(b) *After termination of trust estate.* If the person who would be lawfully entitled to a savings bond upon the termination of a trust does not desire to have such distribution to him in kind, as provided in paragraph (a) of this section, the trustee or trustees should redeem the bond in accordance with the provisions of § 315.48 before the estate is terminated. If, however, the estate is terminated without such payment or reissue having been made, the bond will thereafter be paid to or reissued in the name of the person lawfully entitled upon his request and satisfactory proof of ownership, supplemented, if there are two or more persons having any apparent interest in the bond, by an agreement executed by all such persons.

(c) *Upon termination of guardianship estate.* A savings bond registered in the name of a guardian or similar legal representative of the estate of a minor or incompetent, if the estate is terminated during the ward's lifetime, will be reissued in the name of the former ward upon the representative's request and certification that the former ward is entitled and has agreed to reissue in his name, or will be paid to or reissued in the name of the former ward upon his own request, supported in either case by satisfactory proof that his disability has been removed. Certification by the representative that a former minor has attained his majority, or that the legal disability of a female ward has been removed by marriage, if the State law so provides, will ordinarily be accepted as sufficient, but if the disability is removed by court order a duly certified copy of the order will be necessary. Upon the death of the ward a bond registered in the name of his guardian or similar representative will be reissued in accordance with the provisions of Subpart N as though it were registered in the name of the ward alone.

(Sec. 22 (a), 55 Stat. 7, as amended; 31 U. S. C. and Sup. 757c)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7212; Filed, July 31, 1947, 9:43 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 344]

PART 804—INDIVIDUAL LICENSES

MISCELLANEOUS AMENDMENTS

Section 804.1 is amended in the following particulars:

1. Paragraph (g) is amended to read as follows:

(g) No application for an export license shall be made unless and until the applicant has a firm order for the commodities covered by the application.

2. The following paragraph (h) is hereby added:

(h) If at any time a licensee does not hold firm orders received by him prior to the validation date of the license, and calling for an exportation which could be effected under that license, in an amount equal to, or in excess of, the unshipped balance permitted under the license such licensee shall return the license at once to the Office of International Trade for amendment to the quantity for which he holds such firm orders.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: July 29, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47-7215; Filed, July 31, 1947; 9:43 a. m.]

Chapter IX—Bureau of Foreign and Domestic Commerce, Office of Materials Distribution, Department of Commerce

[Allocations Reg. 2, as Amended July 31, 1947]

PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

RESTRICTED EXPORT PREFERENCE ASSISTANCE

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of certain materials and facilities for defense, for private account, and for export; and the following regulation is deemed necessary and appropriate in the public interest and to promote the national defense, and to effectuate the policies set forth in the Second Decontrol Act of 1947.

§ 945.40 *Allocations Regulation 2*—(a) *Purpose.* This regulation and its directions set forth the very limited scope of export preference assistance which will be granted in the future. Such assistance, when granted, will usually be in the form of authorizations to place orders with certificates entitling the orders to preference.

The issuance of authorizations to place certified export orders will in general be limited to assisting the procurement in this country of the minimum quantities of materials required to maintain or expand the production in foreign countries of materials critically needed in this country, and other cases where the export is of high public importance and essential to the successful carrying out of the foreign policy of the United States.

For the purpose of this regulation "certified order" or "certified export order" means a purchase or delivery order which is certified by the purchaser by use of the standard form of export preference certificate described in paragraph (b) (7) below, or by use of any other certificate authorized and entitled to preference under another OMD order, regulation or direction for export purposes.

(b) *Cases when certified orders may be authorized.* (1) If all the conditions of paragraph (b) (2) below are met, authorizations to place orders with an export preference certificate may be granted to permit the placing and filling of certified orders for procurement in this country of the minimum quantities of materials under the circumstances described below:

(i) Where required to expand or maintain the production in foreign countries of materials critically needed in the United States; but only if it is found the proposed action will not have an unduly adverse effect on the domestic economy of the United States;

(ii) Where the Secretary of State has certified that the prompt export of materials is of high public importance and essential to the successful carrying out of the foreign policy of the United States, but only if the Secretary of Commerce has satisfied himself that the proposed action will not have an unduly adverse effect on the domestic economy of the United States.

(2) When effective assistance of other kinds is not practicable (OMD may locate sources able to ship without preferential aid), an authorization to use an export preference certificate may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without assistance; and

(iii) Preference assistance is required to obtain the item by the latest date and in the minimum quantity practicable, after taking into consideration material already acquired and material available without assistance.

(c) *How to apply for an authorization to use an export preference certificate.* Application for an OMD authorization to use an export preference certificate for all destinations except Canada should be made by letter in quadruplicate, addressed to the Office of International Trade, Department of Commerce, Washington 25, D. C., Ref. AR–2. An application to the Office of International Trade for an export license for the materials must also be made, unless such a license is not required or unless a license has already been issued, as the Office of Materials Distribution will not authorize the use of an export preference certificate unless any necessary export license has been obtained. Application for such a certificate for Canadian destinations should be made directly to the Office of Materials Distribution, Department of Commerce, Washington 25, D. C., Ref. AR–2, also by letter in quadruplicate. Such applications should give the following information:

(1) Exact nature of applicant's business, i. e., manufacturing farm equipment, steel mill, etc.

(2) Exact description of the item for which assistance is required, stating (a) for materials the kind, quantity and unit of measure or (b) for equipment, the make, model, size, type, capacity, etc.

(3) The country of export destination, and the exact use to be made in that country of the item to be exported.

(4) Name of supplier and his present delivery promises, and his reasons for not promising satisfactory delivery dates. (Give the number and date of your purchase order.)

(5) Efforts made to obtain suitable substitutes or reasons why substitutes cannot be used.

(6) A full statement of the importance of making the export at this time from the standpoint of the interests of the United States.

(d) *How applications are granted.* If the application is granted, OMD will issue a written authorization to the applicant authorizing him to use an export preference certificate. He may then use the certificate described in paragraph (h) (7) below.

(e) *Expiration of priorities assistance for export issued before April 1, 1947.* All preference ratings assigned before April 1, 1947, by the Civilian Production Administration for materials to be exported expired on or before that date; and all certificates used on certified orders for materials for export which were required to be treated as rated orders under other CPA orders, regulations, or directions issued before April 1, 1947, also expired on or before that date, except those for tinplate continued in effect under Direction 1 to this regulation. In some instances, authorizations for the use of export preference certificates have been issued to continue the assistance.

(f) *Rules for acceptance and rejection of certified orders.* Every certified order must be accepted and filled regardless of existing contracts and orders except in the following cases:

(1) A person must not accept a certified order for delivery on a date which would interfere with delivery on other certified or rated orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the Office of Materials Distribution or the Housing Expediter has directed him to fill for that material or for a product which he makes out of it.

(2) A person must not accept a certified order for delivery on a date which can be met only by using material which was specifically produced for delivery on another certified order, and which is completed or is in production and scheduled for completion within 15 days.

(3) If a person, when receiving a certified order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (i) reject the order, stating when he could fill it, or (ii) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer.

(4) A certified order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against certified orders, or between certified orders of different customers:

(i) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment (when a person authorized to place a certified order asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on the certified order, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the certified order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of certified orders received by him after making the quotation and before he receives the firm order from the person making the inquiry).

(ii) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition if either (*a*) he cannot fill the order without substantially altering or adding to his facilities or (*b*) the order can readily be performed by someone else who has usually accepted and performed such orders.

(iii) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years. If he has, but the certified order would take more than the excess over his own needs, he may not reject the certified order unless filling it would interfere with other certified orders already on hand, or orders which the Office of Materials Distribution has directed him to fill, for the material or for a product which he makes out of it.

(iv) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(5) Any person who fails or refuses to accept an order bearing a certificate provided for under this regulation shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(6) Some orders or directions of the Office of Materials Distribution provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order or direction of the Office of Materials Distribution. In addition, the Office of Materials Distribution may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this paragraph (f), except that he may insist upon compliance with regularly established prices and terms of payment.

(7) *Certificates not effective for Government-owned surplus property.* The above rules in this paragraph (f) for the acceptance and rejection of certified orders, and in paragraph (i) below for the sequence of filling certified orders, do not apply to sales of surplus material by Government agencies. The certificates on certified orders have no effect either by way of obliging a Government agency to sell surplus property or by way of determining as among several buyers who shall get the surplus property.

(g) *Report to Office of Materials Distribution of improperly rejected orders.* When a certified order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the Office of Materials Distribution which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

(h) *Description of certificates and how they are used*—(1) *How authorized.* The standard export preference certificate provided for under this regulation is described in (h) (7) below. Other orders or directions of the Office of Materials Distribution may also permit the use of other special forms of certificates entitled to preference, such as that for the use of the symbol CXS on certain orders for tinplate, described in Direction 1 to this regulation. The standard certificate described below and certificates entitled to preference under any other Office of Materials Distribution order or direction are of equal value and precedence. Authorizations to use the standard export preference certificate will be issued under the conditions described in this regulation. The use of other certificates will be authorized under the conditions stated in the Office of Materials Distribution order or direction under which they are issued, which may provide that they shall be treated as export preference certificates.

(2) *Materials or facilities obtainable with certificates.* A person authorized to use a certified order may use the certificates only to get the quantities and kinds of materials or services authorized, as provided in § 945.18 of Allocations Regulation 1.

(3) *How to use a certificate.* The certificate with a certified order must be filled in, signed and delivered to the supplier in accordance with the rules stated in Allocations Regulation 1, and with any special rules which may be stated in any other OMD order or direction permitting the use of any special form of certificate other than the standard export preference certificate.

(4) *Certificates not extendible.* A person receiving a certified order may not extend the certificate to any of his suppliers. If he is unable to fill the certified order without using a certificate to get some of the materials which he will need for that purpose, he may apply to OMD for an authorization to use a certificate for that purpose in accordance with this regulation.

(5) *Relation of certificates to preference ratings.* The certificate on a certified order, and RR (or CC) preference ratings assigned by CPA before April 1, 1947, and an RR rating assigned before July 1, 1947 by the Housing Expediter are equal in precedence, unless otherwise directed in writing by the Office of Materials Distribution.

(6) *Time limit on certificates.* An authorization to use an export preference certificate, or other certificate permitted under another OMD order or direction for export purposes and entitled to preference, expires if not used on an order accepted by a supplier within 6 months of the date the use of the certificate was authorized. (However, a certified order is valid until it is filled, if it is accepted by a supplier within the time limit provided by this paragraph.) If the holder of an authorization to use an export preference certificate has been unable to use it before its expiration, he may apply to OMD for renewal. Furthermore, the certificate may not be used, even though the time limit stated above has not lapsed, if the purpose for which use of the certificate was authorized no longer exists.

(7) *Form of standard export preference certificate.* The standard export preference certificate must be in substantially the following form:

EXPORT PREFERENCE CERTIFICATE

The undersigned certifies to the seller and to the OMD, subject to the criminal penalties of section 35 (a) of the U. S. Criminal Code, that he is authorized to use this certificate for the materials described, in accordance with OMD Allocations Regulation 2. My authorization number is ____ (insert the OMD authorization number).

(If the above certification has been used in accordance with this regulation before an amendment, containing reference to "CPA" instead of "OMD", its validity is not affected and the purchase order need not be recertified to make this change.)

(8) *Report to Office of Materials Distribution of improper delay of orders.* When delivery or performance of a certified order is unreasonable or improperly delayed, the customer may file a report of the relevant facts with the Office of Materials Distribution which will take such action as it considers appropriate after requiring an explanation from the person with whom the order is placed.

(i) *Sequence of filling certified orders.* (1) Every person who has certified orders on hand must schedule his operations, if possible, so as to fill each certified order by the required delivery or performance date (determined as explained in paragraph (j) below). If this is not possible for any reason, he must give precedence to all certified over uncertified orders.

(2) As between conflicting certified orders, precedence must be given to the order which was received first with the certificate. As between conflicting certified orders received on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(3) If a certified order or the certificate applicable to an order is cancelled when the supplier has materials in production to fill it, he need not immediately stop to put other certified orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any certified order on hand. He may not, however, delay putting other certified orders into production for more than 15 days.

(j) *Delivery or performance dates.* (1) Every certified order must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an uncertified order. The words "immediately" or "as soon as possible", or other words to that effect, are not sufficient for this purpose.

(2) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to paragraph (i), shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (i) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(3) If, after accepting a certified order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, for any reason, he must promptly notify the customer, telling him approximately when he expected to be able to fill the order. Inability to fill the order on time or within fifteen days following the specified time does not authorize a supplier to cancel the order.

(k) *Appeals.* Any person who considers that compliance by himself or another with this regulation would work an exceptional and unreasonable hardship on him may appeal to the Office of Materials Distribution for relief.

(l) The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of July 1947.

OFFICE OF MATERIALS DISTRIBUTION,
By RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 47-7288; Filed, July 31, 1947; 11:17 a. m.]

[Allocations Reg. 2, Direction 4]

PART 945—REGULATIONS APPLICABLE TO OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

USE AND EFFECT OF SYMBOL CXN ON CERTAIN EXPORT ORDERS FOR NITROGENOUS FERTILIZER MATERIALS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of nitrogenous fertilizer materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense and to effectuate the policies set forth in the Second Decontrol Act of 1947.

(a) *What this direction does.* This direction explains how persons who wish to get nitrogenous fertilizer materials for export to countries other than Canada can get permission to use the symbol CXN (Certified Export Nitrogenous Fertilizer Materials) on purchase orders for such materials. It also states how the symbol should be used and what its effect is.

(b) *How to get permission to use the symbol CXN.* All requests for permission to use the symbol CXN to get nitrogenous fertilizer materials should be made by letter to the Export Control Branch, Office of International Trade, Department of Commerce, Washington 25, D. C. Advice as to the conditions under which requests for permission to use the symbol CXN may be approved and the amounts recommended for allocation by the International Emergency Food Council, and agreed to by the representative of the U. S. on that Council, for export from the United States to various countries can be obtained from the Export Control Branch of the Office of International Trade. Permission to use the symbol CXN will not be given except when an export license is also given.

(c) *How to use the symbol CXN.* (1) When a person has been authorized in writing by the Office of International Trade, Department of Commerce to use the symbol CXN on purchase orders for specified quantities of nitrogenous fertilizer materials, he should place on his purchase order the symbol CXN, the export license number given by the Office of International Trade, and the country of destination. In addition he should furnish to his supplier a certificate, signed manually or as described in Allocations Regulation 1, in substantially the following form:

> I certify, subject to the penalties of Section 35A of the United States Criminal Code, that the nitrogenous fertilizer materials covered by this purchase order are within the quantity which the Office of International Trade, Department of Commerce, has authorized me to purchase by orders identified with the symbol CXN for shipment to the specified country of destination, under the export license number specified.

(2) The symbol CXN and the accompanying certificate may not be used except on purchase orders placed with producers of the specified nitrogenous fertilizer materials or with agents of such producers. When an order bearing the symbol CXN and the certificate is placed with a producer's agent, it has the same effect as though it had been placed with the producer.

(d) *Effect of the symbol CXN on purchase orders.* Any purchase order certified under this direction must be treated as a certified export order under Allocations Regulation 2, and must be accepted, scheduled, and delivered accordingly. The rules of Allocations Regulation 2 apply, except to the extent that this direction is inconsistent with these rules. Paragraph (e) below contains certain special rules which limit the effect of such certified orders under this direction.

(e) *Limitation on the effect of the symbol CXN on purchase orders.*—(1) *Time limit on placing orders.* Unless otherwise directed by the Office of Materials Distribution, purchase orders certified under this direction must be placed no later than October 31, 1947. Orders placed after that date shall not be treated as certified orders.

(2) *Delivery dates.* No purchase order certified under this direction may call for delivery on or after January 1, 1948 of more than 40% of each type of nitrogenous fertilizer material covered by the order. Any purchase order which fails to meet this condition shall not be treated as a certified order.

(3) *Ceiling on orders on producers.* Unless otherwise directed by the Office of Materials Distribution a producer need not accept a purchase order certified under this direction for any of the following nitrogenous materials, if the amount of the material covered by the order, together with the amounts of that material covered by previously accepted orders certified under this direction, would exceed the specified percentage of his total production of that material in the year ended June 30, 1947:

Material:	Percent
Ammonium Sulphate	9
Ammonium Nitrate	16
Ammonium Phosphate	42
All other Nitrogenous Solids	4
All Nitrogenous Solutions	2

(f) *Delegation.* The Office of International Trade, Department of Commerce, may authorize the use of the symbol CXN under this direction on purchase orders for nitrogenous fertilizer materials, but only to the extent and under the conditions authorized by the Office of Materials Distribution, Department of Commerce in writing and transmitted to the Office of International Trade. The Office of International Trade may exercise this authority through such of its officials as the Director of that office may determine.

(g) *Appeals.* Any person who considers that compliance by himself or another with this direction would work an exceptional and unreasonable hardship on him may appeal to the Office of Materials Distribution for relief.

(h) *Assistance in finding suppliers.* If any person authorized to use the symbol CXN is unable to find a supplier who can accept his order, he may apply to the Priorities Division, Office of Materials Distribution which will, wherever possible, refer him to other suppliers who have available supplies.

(i) *Reports.* Producers of nitrogenous fertilizer materials must file with the Office of Materials Distribution, Department of Commerce, Washington 25, D. C., such reports as may be required by that Office, with the approval of the Bureau of the Budget.

Issued this 31st day of July 1947.

OFFICE OF MATERIALS DISTRIBUTION,
By RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 47-7289; Filed, July 31, 1947; 11:17 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

OTTAWA NATIONAL FOREST, MICHIGAN

CROSS REFERENCE: For revocation of Executive Order 2220, which enlarged the boundaries of the Ottawa National Forest, Mich., and which affects the tabulation in § 201.1, see Public Land Order 384, *infra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 383]

OREGON

REVOKING PUBLIC LAND ORDER NO. 167 OF SEPTEMBER 15, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS A CAMP SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 it is ordered as follows:

Public Land Order No. 167 of September 15, 1943, withdrawing the hereinafter-described public lands for the use of the War Department as a camp site, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 167 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on September 26, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 26, 1947, to December 26, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 6, 1947, to September 26, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 26, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 27, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 8, 1947, to December 27, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 27, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Roseburg, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Roseburg, Oregon.

The lands affected by this order are described as follows:

WILLAMETTE MERIDIAN

T. 34 S., R. 1 E.,
Sec. 29, W½NE¼, NW¼, N½SW¼, SW¼SW¼, and N½SE¼;
Sec. 31;
Sec. 33, SE¼NW¼ and SW¼;
Sec. 35, SW¼SW¼, E½SW¼, and SE¼;
T. 35 S., R. 1 E.,
Sec. 1, lots 1 to 4, inclusive, SW¼NW¼ and SE¼SW¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, E½SW¼, and SE¼;
Sec. 5, lot 4, S½N½, and SE¼;
Sec. 6, lot 4, and SE¼NE¼;
Sec. 7, lots 1 and 2, E½NW¼, and W½NE¼;
Sec. 8, SE¼NE¼, SW¼NW¼, and SW¼;
Sec. 9, E½ and NW¼;
Sec. 10, N½NW¼;
Sec. 11, S½SE¼;
Sec. 13, NW¼NE¼, N½NW¼, SW¼NW¼, S½SW¼ and SE¼SE¼;
Sec. 15, NE¼, E½NW¼, SW¼NW¼, and SW¼;
Sec. 17;
Sec. 18, NW¼SE¼ and S½SE¼;
Sec. 19, N½ and NE¼SE¼;
Sec. 20, E½, NW¼, and NE¼SW¼;
Sec. 21;
Sec. 22, SE¼;
Sec. 23, SW¼NE¼, W½, and SW¼SE¼;
Sec. 25;
Sec. 26, S½;
Sec. 27, E½, NW¼, N½SW¼, and SE¼SW¼;
Sec. 28, N½;
Sec. 29, NE¼;
Sec. 33, E½NE¼, SW¼, W½SE¼, and NE¼SE¼;
Sec. 34, N½NE¼ and SE¼NE¼;
Sec. 35, SE¼NE¼, W½NE¼, W½, and SE¼.
T. 36 S., R. 1 E.,
Sec. 1, lots 1, 2, and 4, S½NE¼, SE¼SW¼, and SE¼;
Sec. 3, N½SE¼;
Sec. 6, SE¼SE¼;
Sec. 9, W½NE¼, S½NW¼, and SW¼;
Sec. 14, SE¼SW¼ and S½SE¼;
Sec. 15, S½SE¼;
Sec. 17, E½;
Sec. 20, N½NE¼ and E½SE¼;
Sec. 21, E½NE¼, NW¼NE¼, W½, SW¼SE¼, and E½SE¼;
Sec. 22, N½NE¼, SW¼NE¼, and NW¼;
Sec. 23, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 25;
Sec. 26, N½NE¼ and N½SW¼;
Sec. 35;
T. 34 S., R. 1 W.,
Sec. 25;
Sec. 26, SW¼SW¼;
Sec. 27, E½;
Sec. 34, NE¼NE¼ and E½SE¼;
Sec. 35.
T. 35 S., R. 1 W.,
Sec. 1, W½SE¼ and SE¼SE¼.

The areas described aggregate 16,891.51 acres.

The lands are mainly rolling to rough broken hills, interspersed by some open rolling prairie-type land. Undeveloped areas have a native growth of open pine, fir and oak with undergrowths of mountain brush and grass. Soils are mainly clay loam with considerable rock and gravel.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 25, 1947.

[F. R. Doc. 47-7200; Filed, July 31, 1947; 8:46 a. m.]

[Public Land Order 384]

ARKANSAS

REVOKING EXECUTIVE ORDER NO. 2220 OF JULY 19, 1915, WITHDRAWING PUBLIC LANDS IN AID OF LEGISLATION

By virtue of the authority vested in the President by the act of June 25, 1910, 36 Stat. 847, as amended by the act of August 24, 1912, 37 Stat. 497 (U. S. C., Title

43, secs. 141–143), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 2220 of July 19, 1915, withdrawing the hereinafter-described public land in aid of legislation, is hereby revoked.

Effective upon the signing of this order, the jurisdiction over such land for administrative purposes shall be vested in the Department of the Interior and any other department or agency of the Federal Government, according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on September 26, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 26, 1947, to December 26, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 6, 1947, to September 26, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 26, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 27, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 8, 1947, to December 27, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 27, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Bureau of Land Management, Washington 25, D. C.

The lands affected by this order are described as follows:

FIFTH PRINCIPAL MERIDIAN

T. 10 N., R. 9 W.,
Sec. 17, SE¼SW¼.

The area described contains 40 acres.

The land is hilly in character and not adaptable to cultivation.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 25, 1947.

[F. R. Doc. 47-7201; Filed, July 31, 1947; 8:46 a. m.]

[Public Land Order 385]

ARIZONA

REVOKING PUBLIC LAND ORDER NO. 166 OF SEPTEMBER 15, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A GROUND TO GROUND GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 166 of September 15, 1943, withdrawing the public lands within the hereinafter-described areas for the use of the War Department as a ground to ground gunnery range, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 166 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on September 26, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 26, 1947, to December 26, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C., secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 6, 1947, to September 26, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 26, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 27, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 8, 1947, to December 27, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 27, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Phoenix, Arizona shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Phoenix, Arizona.

The lands affected by this order are described as follows:

The public lands in the following-described areas:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 16 W.,
Sec. 6, lots 1 to 6, inclusive, lots 9 to 12, inclusive, and S½NE¼.
T. 22 N., R. 16 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 11, inclusive;
Secs. 12, 13, and 14, those parts west of the westerly line of right-of-way of U. S. Highway No. 66;
Secs. 15, 16, and 17;

Sec. 18, lots 1, 2, 7, 8, 9, 10, 15, 16, and E½;
Secs. 19 to 22, inclusive;
Secs. 23, 26, and 27, those parts west of the westerly line of right-of-way of U. S. Highway No. 66;
Secs. 28 to 32, inclusive;
Secs. 33 and 34, those parts west of the westerly line of right-of-way of U. S. Highway No. 66.
T. 23 N., R. 16 W.,
Secs. 33 to 36, inclusive.

The area described, including both public and non-public lands, aggregate approximately 20,780 acres.

This land is non-agricultural, and is not irrigable. Except for scattered non-commercial pinions and junipers it is non-timbered. Vegetation is mostly a shrub-grass mixture. Principal species are salt bush, yucca, creosote bush, cacti, black grama and bunchgrass. Annuals include filaree and many flowering weeds which flourish during favorable seasons. The soil is sandy to gravelly, and the area as a whole is chiefly valuable for grazing.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

JULY 25, 1947.

[F. R. Doc. 47-7202; Filed, July 31, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9421]

CARL W. HANSSEN

In re: Stock owned by and debt owing to Carl W. Hanssen. F-28-25747-A-1, F-28-25747-A-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl W. Hanssen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Sixteen (16) shares of capital stock of Socony Vacuum Oil Company, Inc., 26 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by Certificate Numbered C189636, presently in the custody of and registered in the name of Jesup & Lamont, 26 Broadway, New York 4, New York, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Carl W. Hanssen, by Jesup & Lamont, 26 Broadway, New York 4, New York, in the amount of $27.71, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carl W. Hanssen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7216; Filed, July 31, 1947; 9:41 a. m.]

[Vesting Order 9427]

MARIE MOELLER

In re: Stock owned by Marie Moeller. F-28-23334-A-1, F-28-23334-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Moeller, whose last known address is Brustrasse 50, Darmstadt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Eighty (80) shares of no par value capital stock of Spring Valley Company, Ltd., 320 Market Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by certificate number L 544, registered in the name of Marie Moeller and presently in the custody of The Bank of California, National Association, 400 California Street, San Francisco 20, California, together with all declared and unpaid dividends thereon, and any and all rights thereunder to proceeds of the liquidation of said Spring Valley Company, Ltd.,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7217; Filed, July 31, 1947; 9:41 a. m.]

[Vesting Order 9430]

SHOWA MENKA K. K.

In re: Debts owing to Showa Menka K. K., also known as Showa Menka Kabushiki Kaisha. F-39-1631-C-1, F-39-1631-C-3, F-39-1631-C-4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Showa Menka K. K., also known as Showa Menka Kabushiki Kaisha, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. All those debts or contractual obligations owing to Showa Menka K. K., also known as Showa Menka Kabushiki Kaisha, by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, including particularly but not limited to the amount of $36,954.38, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Showa Menka K. K., also known as Showa Menka Kabushiki Kaisha, by Crespi & Company, 1103 Cotton Exchange Building, Dallas 1, Texas, in the amount of $48.91, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Showa Menka K. K., also known as Showa Menka Kabushiki Kaisha, by Bunge Corporation, 80 Broad Street, New York 4, New York, in the amount of $402.92, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7218; Filed, July 31, 1947; 9:41 a. m.]

[Vesting Order 9436]

MARGUERITE H. WALLAU

In re: Bank account and stock owned by Marguerite H. Wallau, also known as Margaret H. Wallau. F-28-26531-A-1, F-28-26531-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marguerite H. Wallau, also known as Margaret H. Wallau, whose last known address is 10 Landgrafenstrasse, Berlin W. 62, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Marguerite H. Wallau, also known as Margaret H. Wallau, by National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account numbered 74927, entitled Marguerite H. Wallau, maintained at the branch office of the aforesaid bank located at 42nd Street at Madison Avenue, New York 17, New York, and any and all rights to demand, enforce and collect the same,

b. One Hundred (100) shares of no par value capital stock of Consolidated Textile Corp., 86 Worth Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NY119443, registered in the name of Mrs. Margaret H. Wallau, and presently in the custody of Thomas Roberts, 63 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon, and all rights under a plan of reorganization dated February 24, 1938, and

c. Thirty-three (33) shares of $5.00 par value common capital stock of Transcontinental & Western Air, Inc., 101 West 11th Street, Kansas City 6, Missouri, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered A50-688, registered in the name of Mrs. Marguerite H. Wallau, and presently in the custody of Thomas Roberts, 63 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7219; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9439]

BEHR & THIES

In re: Bank account owned by Behr & Thies. F-28-25145-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Behr & Thies, the last known address of which is Schauenburger Str. 44, Hamburg 1, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Behr & Thies, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a current account entitled Behr & Thies, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7220; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9440]

MISS MARGRET BOVERI

In re: Bank account owned by Miss Margret Boveri. D-28-3307-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miss Margret Boveri, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Miss Margret Boveri, by Chase National Bank of the City of New York, 18 Pine Street, New York 15, N. Y., arising out of a Special Checking Account, entitled Margret Boveri, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7221; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9441]

OSCAR BOTHNER MASCHINENFABRIK

In re: Debt owing to Oscar Bothner Maschinenfabrik. F-28-814-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oscar Bothner Maschinenfabrik, the last known address of which is Leipzig, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Oscar Bothner Maschinenfabrik, by Ludwig Baer, 270 Madison Avenue, New York 16, N. Y., in the amount of $5,467.70, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7222; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9443]

KARL AND BERTA FELDBINDER

In re: Bank accounts owned by Karl Feldbinder and Berta Feldbinder. F-28-25251-E-1, F-28-25252-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Feldbinder and Berta Feldbinder, whose last known addresses are Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Karl Feldbinder, by Security-First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles, California, arising out of a checking account entitled Karl Feldbinder, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Berta Feldbinder, by Security-First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles, California, arising out of a checking account entitled Berta Feldbinder, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7223; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9444]

MARTHA GEBHARD

In re: Bank account owned by Martha Gebhard, also known as Martha Gebhardt, also known as Martha Offt Gebhard. F-28-8070-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Gebhard, also known as Martha Gebhardt, also known as Martha Offt Gebhard, whose last known address is 24 Meldorferstrasse, Hamburg 20, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Martha Gebhard, also known as Martha Gebhardt, also known as Martha Offt Gebhard, by Security-First National Bank of Los Angeles, 110 So. Spring Street, Los Angeles, California, arising out of a Savings Account, account number 393466, entitled Martha Gebhardt, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F R Doc 47-7224; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9379]

AUGUSTE BIRKICHT

In re: Estate of Auguste Birkicht, deceased. File D-6-1128; E. T. sec. 10293.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Liselotte Drescher, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $300.00 was paid to the Alien Property Custodian by William F. Birkicht, Executor of the Estate of Auguste Birkicht, deceased;

3. That the said sum of $300.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 23, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R Doc. 47-7184; Filed, July 30, 1947; 8:57 a. m.]

[Vesting Order 9389]

MARTHA HEINTZ

In re: Stock owned by Martha Heintz. F-28-2323-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Heintz, whose last known address is c/o Dresdner Bank, Frankfurt a. M., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five (5) shares of no par value common capital stock of Johns-Manville Corporation, 22 East 40th Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number 20212, registered in the name of Miss Martha Heintz, together with all declared and unpaid dividends thereon and all rights thereunder to additional shares of no par value common capital stock of said Johns-Manville Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7185; Filed, July 30, 1947; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1828355]

OREGON

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED DECEMBER 16, 1942

JULY 25, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the District Land Office, Roseburg, Oregon, effective at 10:00 a. m. on September 26, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 26, 1947, to December 26, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 6, 1947, to September 26, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 26, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 26, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 6, 1947, to December 26, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 26, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Roseburg, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Roseburg, Oregon.

The lands affected by this notice are described as follows:

WILLAMETTE MERIDIAN

T 9 S., R. 4 W.,
Sec. 14, lot 9;
Sec. 23, lots 10, 11 and 12.

The area described aggregates 61.41 acres.
The land referred to is an island in the Willamette River, Oregon.
The lands in sec. 23 are revested Oregon and California Railroad grant land subject only to such use and disposition as may be permissible under the act of August 28, 1937 (50 Stat. 874).

The land is generally level with approximately two-thirds of the soil a rich silt and the remainder sand and gravel. Parts were once cultivated and the vegetation consists chiefly of rose bushes, vines and cottonwood trees.

FRED W. JOHNSON,
Director.

[F R Doc. 47-7197; Filed, July 31, 1947; 8:45 a. m.]

[1828358]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED SEPTEMBER 6, 1945

JULY 24, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the District Land Office, Los Angeles, California, effective at 10:00 a. m. on September 25, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 25, 1947, to December 24, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 5, 1947 to September 25, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 25, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 24, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 4, 1947, to December 24, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 24, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Los Angeles, California.

The lands affected by this notice are described as follows:

SAN BERNARDINO MERIDIAN

T. 8½ S., R. 3 E.,
Sec. 31, lots 1 to 8, inclusive;
Sec. 32, lots 1 to 8, inclusive;
Sec. 33, lots 1 to 8, inclusive;
Sec. 34, lots 1 to 8, inclusive;
Sec. 35, lots 1 to 8, inclusive;
Sec. 36, lots 1 to 8, inclusive.

The areas described aggregate 1,871.95 acres.
The lands involved are mountainous in character.

FRED W. JOHNSON,
Director.

[F R. Doc. 47-7195; Filed, July 31, 1947; 8:45 a. m.]

[1832560]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED APRIL 5, 1943

JULY 24, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the District Land Office, Salt Lake City, Utah, effective at 10:00 a. m. on September 25, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 25, 1947, to December 24, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C.

secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 5, 1947, to September 25, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 25, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 24, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 4, 1947, to December 24, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 24, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Salt Lake City, Utah.

The lands affected by this notice are described as follows:

SALT LAKE MERIDIAN

T. 20 S., R. 16 E.,
Sec. 3, lot 15;
Sec. 10, lot 9.

The area described aggregates 42.52 acres

The land referred to is an island in Green River, Utah. This island rises to a height of about ten feet, has a sandy loam soil and, with the exception of the cultivated portion, supports a growth of brush, scattered cottonwood and willow trees.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7199; Filed, July 31, 1947; 8:45 a. m.]

[1913990]

MONTANA

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED AUGUST 17, 1945

JULY 24, 1947.

Notice is given that the supplemental plat of survey of lands hereinafter described will be officially filed in the District Land Office, Great Falls, Montana, effective at 10:00 a. m. on September 25, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 25, 1947, to December 24, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 5, 1947, to September 25, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 25, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 24, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference-right filings.* Applications by the general public may be presented during the 20-day period from December 4, 1947, to December 24, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 24, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Great Falls, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Great Falls, Montana.

The lands affected by this notice are described as follows:

PRINCIPAL MERIDIAN

T. 18 N., R. 1 W.,
Sec. 25, lot 8 (Island No. 3);
lot 9 (Island No. 2);
Sec. 26, lot 5 (Island No. 2);
lot 6 (Island No. 1);
Sec. 35, lot 11 (Island No. 1).

The areas described aggregate 77.19 acres

The lands referred to are three islands in the Missouri River, Montana.

Lots 8 and 9, sec. 25 and lot 5, sec. 26 are subject to the Executive order of July 2, 1910, Power Site Reserve No. 9, as conformed November 14, 1945.

The lands are fairly level with sandy loam and gravelly loam soil supporting a scattered to dense growth of cottonwood trees with an undergrowth of willows, rose briers and buck brush. In places the undergrowth is very dense and near the south end of Island No. 1 there is a dense growth of swamp grass.

These islands are from six to fourteen feet above the median water line of the river and are characterized by well defined banks. The islands are said to be unoccupied, but a part of Island No. 1 appears to have been cultivated perhaps within the past ten years.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7196; Filed, July 31, 1947; 8:45 a. m.]

[Misc. 2126544]

COLORADO

RESTORATION ORDER NO 1218 UNDER FEDERAL POWER ACT

JULY 23, 1947.

Pursuant to the determination of the Federal Power Commission (DA-250, 251, 252, Colorado) and in accordance with the Departmental regulations of August 16, 1946 (43 CFR § 4.275 (16), 11 F. R. 9080), it is ordered as follows:

The land hereinafter described, which was withdrawn for Power Site Classification No. 110 on June 24, 1925, is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818).

At 10:00 a. m. on September 24, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 24, 1947, to December 23, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 4, 1947, to September 23, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 24, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 4, 1947, to December 23, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 24, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Denver, Colorado.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 48 N., R. 17 W.,
Sec. 33, E½ (exclusive of patented mineral claims);
Sec. 34, W½ (exclusive of patented mineral claims).

The areas described aggregate approximately 640 acres.

This land, which is in Grazing District No. 4, lies in the breaks north of the San Miguel River, and is rough and broken, with a loam soil containing much rock.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7203; Filed, July 31, 1947; 8:46 a. m.]

[1894297]

SOUTH DAKOTA

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED NOVEMBER 15, 1946

JULY 23, 1947.

Notice is given that the plat of dependent resurvey and survey of omitted lands hereinafter described will be officially filed in the District Land Office, Pierre, South Dakota, effective at 10:00 a. m. on September 24, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filing.* For a period of 90 days from September 24, 1947 to December 23, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 4, 1947 to September 24, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 3, 1947, to December 23, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 23, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Pierre, South Dakota, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Pierre, South Dakota.

The lands affected by this notice are described as follows:

FIFTH PRINCIPAL MERIDIAN

T. 118 N., R. 55 W.,
Sec. 18, lot 6;
Sec. 19, lots 9 to 17, inclusive;
Sec. 30, lots 9 and 10.
T. 118 N., R. 56 W.,
Sec. 13, lot 2;
Sec. 24, lots 5, 6 and 7;
Sec. 25, lot 3.

The areas described aggregate 282.63 acres.

The land involved lies on a high rolling prairie and has a good agricultural soil.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7198; Filed, July 31, 1947; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2796]

HUGHES TOOL CO. AND TRANSCONTINENTAL & WESTERN AIR, INC.

NOTICE OF HEARING

In the matter of transactions between Hughes Tool Company and Transcontinental & Western Air, Inc., and related matters.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said act, that a hearing in the above-entitled proceeding is hereby assigned to be held on September 10, 1947, at 10:00 a. m., in Room No. 229, Federal Building, Los Angeles, California, before Examiner Edward T. Stodola.

The Board, by Order Serial No. E-289, dated February 7, 1947, ordered an investigation into certain transactions between Hughes Tool Company (Hughes Tool) and Transcontinental & Western Air, Inc. (TWA), evidenced by letter-agreement of January 8, 1947 between Hughes Tool and TWA; and the Board by Order Serial No. E-657, dated June 18, 1947, ordered that hearing be held to determine whether the transactions referred to in paragraph (1) of said Board's Order of Investigation of February 7, 1947, have resulted or will result in an acquisition of control of TWA for which Board approval is required, pursuant to section 408 of the Civil Aeronautics Act of 1938, as amended, and that hearing on the other issues raised by said order of February 7, 1947, be deferred pending the Board's decision on the aforesaid issue.

For further details on this investigation, interested parties are referred to: (a) Board's Order of Investigation, Serial No. E-289, dated February 7, 1947; (b) Board's Order Serial No. E-657, dated June 18, 1947; and (c) the Examiner's Prehearing Conference Reports of May 12, 1947 and June 16, 1947. Each of the foregoing documents is on file with the Dockets Section of the Civil Aeronautics Board.

Dated at Washington, D. C., July 28, 1947.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 47-7213; Filed, July 31, 1947; 9:43 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5519]

BONNEVILLE PROJECT

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER FROM BONNEVILLE PROJECT

JULY 23, 1947.

In the matter of Bonneville Project, Columbia River, Oregon-Washington.

Notice is hereby given that the Administrator of the Bonneville Project has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, a revision of Wholesale Power Rate Schedule E-4 and section 14.1 of the General Rate Schedule Provisions.

Revised Wholesale-Power Rate Schedule E-4 submitted for confirmation and approval reads as follows:

WHOLESALE POWER RATE SCHEDULE E-4

(Effective —— ——)

Availability. This schedule applies to at-site and transmission system firm power delivered to purchasers for resale and for irrigation and drainage pumping service.

Rate. Power shall be sold under this schedule at the following monthly rate applied separately to each separate electric system served, and within each system, separately to (1) power other than for irrigation and drainage pumping and (2) power for irrigation and drainage pumping:

Demand charge. 75¢ net per kilowatt of billing demand.

Energy charge. First 200 kilowatt-hours per kilowatt of billing demand at 2 mills net per kilowatt-hour. Additional kilowatt-hours at 1 mill net per kilowatt-hour.

Provided, That any separate billing shall not be less than 90% of the amount resulting from the application of the above charges to the entire requirements for the system or use to which the billing applies, and

Provided, further, That, for a development period extending until (1) four years after cessation of hostilities between the United States and Germany and Japan, or (2) three years after the date service is first rendered by the Administrator to a separate system, whichever is the later date, bills for power supplied to public bodies and cooperatives for other than irrigation and drainage pumping shall not exceed the higher of (1) 3.5 mills times the number of kilowatt-hours supplied or (2) 3.5 mills times 90% of the entire energy requirements of the system other than for irrigation and drainage pumping plus, in each case, any increase in demand charge due to power factor adjustment. The 90% in each of the above provisos shall be subject to an appropriate adjustment in any case in which a purchaser is compelled to generate or purchase energy because of inability to obtain it from the Administrator.

Billing demand. I. For power other than for irrigation and drainage pumping the billing demand under this rate schedule shall be the higher of the following demands:

(1) The highest measured demand for the billing period adjusted for power factor;

(2) 80% of the highest measured demand after adjustment for power factor during the preceding eleven months.

II. For power for irrigation and drainage pumping the billing demand under this schedule shall be the highest measured demand for the billing period adjusted for power factor. In the case of distributors purchasing power under this schedule for resale to ultimate consumers, separate metering of power resold for irrigation pumping and drainage pumping may be impractical. In this event the purchaser shall submit to the Administrator data as to the connected load, energy consumption, power factor and method of operation of the individual pumping installations, determined on the basis of suitable field tests. The measured demand energy consumption, and power factor of the combined pumping loads, with suitable allowances for losses between the point of supply and the point of delivery to ultimate consumers, shall be estimated on the basis of such data.

Irrigation and drainage pumping provision. Irrigation and drainage pumping power will be made available on a firm power basis during the period May 1 through September 30 of each year (which period is hereinafter called "The Special Pumping Rate Period"), and during such other periods as are specified in the purchaser's contract for service. Irrigation and drainage pumping power will also be made available during months not included within the Special Pumping Rate Period and in periods not specified in the contract, but such service may be restricted at the discretion of the Administrator for periods not exceeding a total of four hours in any one day. The Administrator will give such advance notice of any restriction as is practicable and will designate in advance the hours of the day when service to irrigation and drainage pumping power purchasers is subject to restriction.

The purchaser will be billed monthly for irrigation and drainage pumping power at the rate specified herein; *Provided,* That:

(1) The total charges for such power supplied during the Special Pumping Rate Period shall not exceed $6 per kilowatt of the maximum billing demand during the period May 1 through September 30.

(2) The demand charge for irrigation and drainage pumping power which is not delivered on a firm power basis shall be 50% of the demand charge specified herein.

The monthly demand charge and the number of kilowatt-hours in the first block of the energy charge will be prorated for the first and last billing periods during each calendar year on the basis of the number of days following commencement of service and preceding termination of service.

Notwithstanding any other provisions of this schedule, the Administrator may include in contracts with purchasers of irrigation and drainage pumping power a provision requiring a minimum annual charge for such power based on load factor. At the end of the calendar year the purchaser will be billed for any amount by which said required minimum annual charge exceeds the total previous billings for the year.

Special space heating provision. The total charges for power delivered for resale for electric space heating purposes shall not exceed 4.5 mills for kilowatt-hour. Bills will be rendered monthly without regard to this provision and will be adjusted for the 12-month period ending with June of each year as provided in section 14.1 of the General Rate Schedule Provisions.

Power factor adjustment. The measured demand, before adjustment for power factor, will be increased 1% for each 1% or major fraction thereof by which the average power factor is less than .95 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than .95 would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below .75.

Change to kilowatt-year rate schedule. Upon written application to the Administrator, any purchaser who has contracted for service under this rate schedule may change, under an appropriate new contract for the remainder of the original contract term, to the kilowatt-year schedule which is applicable subject to provisions of section 10.1 of the General Rate Schedule Provisions effective — —.

General provisions. Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and the General Rate Schedule Provisions effective — —.

This schedule cancels Wholesale Power Rate Schedule E-3 except where such schedule is incorporated in existing contracts.

Revised section 14.1 of the General Rate Schedule Provisions proposes to make the general space heating provisions contained in the revised E-4 schedule available to all purchasers for resale. This change, the Administrator states, will make the space heating provisions applicable to a purchaser who resells power to another distributor to the extent that such a distributor sells such power to space heating customers.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing should submit the same on or before August 25, 1947, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7194; Filed July 31, 1947; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 12 NUMBER 151

Washington, Saturday, August 2, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2738

DRUG AMIDONE AN OPIATE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 3228 (f) of the Internal Revenue Code provides in part as follows:

Opiate. The word "opiate" as used in this part and subchapter A of chapter 23 shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act) found by the Secretary of the Treasury, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary. * * *;

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found the drug Amidone (4,4-Diphenyl-6-Dimethylamino-Heptanone-3) to have an addiction-forming and addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found the drug Amidone (4,4-Diphenyl-6-Dimethylamino-Heptanone-3) to have an addiction-forming and addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 31st day of July in the year of our Lord nineteen hundred and forty-seven and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL] HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-7310; Filed, July 31, 1947; 4:26 p. m.]

PROCLAMATION 2739

AMENDMENTS OF REGULATIONS RELATING TO MIGRATORY BIRDS AND GAME MAMMALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has adopted, after notice and public procedure pursuant to section 4 of the Administrative Procedure Act of June 11, 1946 (Pub. Law No. 404—79th Cong.), and has submitted to me for approval the following amendments of the regulations approved by Proclamation No. 2616 of July 27, 1944, as amended, relating to migratory birds and game mammals included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936:

AMENDMENTS OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (Pub. Law No. 404—79th Cong.), I, Oscar L. Chapman, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of the said Act and conventions to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, car-

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FEDERAL REGISTER

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riage, exportation, and importation of such birds and parts thereof and their nests and eggs, and in accordance with such determinations, do hereby amend as follows the regulations approved by Proclamation No. 2616 of July 27, 1944, as last amended by Proclamation No. 2699 of August 8, 1946, and as so amended do hereby adopt such regulations as suitable regulations, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof:

Regulation 3, "Means by Which Migratory Game Birds May Be Taken" is amended to read as follows:

Migratory game birds on which open seasons are specified in regulation 4 may be taken during such seasons only with bow and arrow or with a shotgun not larger than No. 10 gage, fired from the shoulder, except as permitted by regulations 7, 8, and 9, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined. Such birds may be taken during the open seasons from land or water, with aid of a dog, and from a blind, boat or other floating craft not under tow or sail, except sinkbox (battery), motorboat (excluding a boat having a detached outboard motor), and sailboat; *provided*, that nothing herein shall permit the taking of migratory game birds from or by means, aid, or use of an automobile or aircraft of any kind, the taking of waterfowl by means, aid, or use of cattle, horses, mules, or live duck or goose decoys, the concentrating, driving, rallying, or stirring up of waterfowl and coots by means or aid of any motor driven land, water or air conveyance or sailboat; *provided further*, that nothing herein shall exclude the picking up of injured or dead waterfowl by means of a motorboat, sailboat, or other craft.

Waterfowl (except for propagating, scientific, or other purposes under permit issued pursuant to regulation 8), mourning doves and white-winged doves are not permitted to be taken, directly or indirectly, by means, aid, or use of shelled, shucked, or unshucked corn, or of wheat or other grain, salt, or other feed that has been so deposited, distributed, or scattered as to constitute for such birds a lure, attraction, or enticement to, on, or over the area where hunters are attempting to take them; *provided*, however, such birds may be taken over properly shocked corn and standing crops of corn, wheat, or other grain or feed, and grains found scattered solely as a result of agricultural harvesting.

A person over 16 years of age is not permitted to take migratory waterfowl unless at the time of such taking he has on his person an unexpired Federal migratory-bird hunting stamp, validated by his signature written across the face thereof in ink. Persons not over 16 years of age are permitted to take migratory waterfowl without such stamp.

Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds", is amended to read as follows:

Waterfowl (except wood ducks in Arizona, Colorado, Kansas, Massachusetts, Nebraska, Nevada, New Jersey, North Dakota, Utah, West Virginia and Wyoming; snow geese in Beaverhead, Gallatin and Madison Counties in Montana, in Colorado, Idaho and Wyoming and snow geese and brant in States bordering on the Atlantic Ocean; Ross' geese; and swans), coots, rails, and gallinules may be taken each day from sunrise to one hour before sunset, except that the hour for the commencement of hunting of waterfowl and coot on the first day of the season (including each first day of the split seasons) shall be 12 o'clock noon, and woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons from one-half hour before sunrise to sunset, except as otherwise provided in this regulation, during the open seasons prescribed herein; and may be taken by the means and in the numbers, permitted by regulations 3 and 5 hereof, and when so taken may be possessed in the numbers permitted by regulation 5 during the period constituting the open season where taken and for an additional period of 90 days next succeeding said open season, except as prohibited by State law.

Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), or on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except so far as may be permitted by the Secretary of the Interior under existing law, or on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Waterfowl and Coot. The open seasons on waterfowl and coot (except wood ducks in Arizona, Colorado, Kansas, Massachusetts, Nebraska, Nevada, New Jersey, North Dakota, Utah, West Virginia and Wyoming; snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Colorado, Idaho and Wyoming, and snow geese and brant in States bordering on the Atlantic Ocean; Ross' geese; and swans) in the several States, Alaska, and Puerto Rico shall be as follows, both dates inclusive:

Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, December 8 to January 6.

Arizona, New Mexico, and Oklahoma, October 7 to October 20 and December 23 to January 5.

California and Oregon, October 21 to November 3 and December 23 to January 5.

Colorado, Idaho, and Wyoming, October 7 to October 20 and December 2 to December 15.

Connecticut, Indiana, Louisiana, Massachusetts, and New Jersey, November 18 to December 17.

Delaware and New York, including Long Island, October 21 to November 1 and December 2 to December 13.

Illinois, Missouri, and West Virginia, November 4 to December 3.

Iowa, Ohio, Pennsylvania, Vermont, and Wisconsin, October 21 to November 19.

Kansas, November 4 to December 8.

Maine and New Hampshire, October 7 to October 18 and December 2 to December 13.

Maryland, November 4 to November 15 and December 23 to January 3.

Michigan and Minnesota, October 7 to November 5.

Montana, Nebraska, Nevada, and Utah, October 21 to November 24.

North Dakota and South Dakota, October 7 to November 10.

Rhode Island, December 2 to December 31.

Texas, November 4 to November 17 and December 16 to December 29.

Washington, October 21 to November 3 and December 16 to December 29.

Puerto Rico, December 15 to February 12.

Alaska, in Fur Districts 1 and 3 as defined in the regulations governing the taking of game in Alaska, adopted May 15, 1944 (9 F. R. 5270), October 1 to November 4; in the remainder of Alaska, September 1 to October 5.

Provided, That scoters, locally known as sea coots, may be taken in all areas during the applicable seasons for other ducks in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New York, and otherwise may be taken in open coastal waters only, beyond outer harbor lines, in Maine from October 6 to December 16, in New York from September 16 to December 13, in New Hampshire from September 1 to October 6, in Connecticut and Massachusetts from September 16 to November 17 and in Rhode Island from September 16 to December 1.

Coot, in Lake and McHenry Counties, Illinois, October 1 to October 12 from 7 a. m. to 4 p. m. and thereafter during the seasons and hours provided for ducks.

Rails and Gallinules (except Coot). The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31.

Illinois, in Lake and McHenry Counties, October 1 to October 12 from 7 a. m. to 4 p. m.; and thereafter during the seasons and hours provided for ducks.

Maine, October 7 to October 18 and December 2 to December 13.

Maryland, September 1 to September 30.

Massachusetts, November 18 to December 17.

Minnesota, September 16 to November 30.

Mississippi, October 15 to December 30.

New York, including Long Island, October 21 to November 1 and December 2 to December 13.

Wisconsin, October 21 to November 19.

Puerto Rico, December 15 to February 12.

California, District of Columbia, Hawaii, Idaho, Iowa, Montana, Nevada, Oregon, Tennessee, and Washington, no open season.

Woodcock. The open seasons on woodcock shall be as follows, both dates inclusive:

Arkansas and Oklahoma, December 1 to December 15.

Connecticut, October 28 to November 10.

Delaware and Maryland, November 15 to November 29.

Georgia, Louisiana, and Mississippi, December 23 to January 6.

Indiana and West Virginia, October 16 to October 30.

Maine, in Aroostook, Penobscot, Piscataquis, Somerset, Franklin, and Oxford Counties, October 1 to October 15; in remainder of State, October 16 to October 30.

Massachusetts, November 3 to November 17.

Michigan, in Upper Peninsula, October 1 to October 15; in remainder of State, October 15 to October 29.

Minnesota, October 11 to October 25.

Missouri, November 10 to November 24.

New Hampshire, in Coos, Carroll, and Grafton Counties, October 1 to October 15; in remainder of State, October 16 to October 30.

New Jersey, October 20 to November 3.

New York, north and east of the tracks of the branch line of the New York Central Railroad from Oswego to Syracuse, the main line of the New York Central Railroad from Syracuse to Albany, and the main line of the Boston & Albany Railroad from Albany to the Massachusetts State line, October 10 to October 24; west and south of the line above described, October 20 to November 3; and that part of New York known as Long Island, November 1 to November 15; from 12 o'clock noon until sunset on the opening day in each of these zones, and thereafter in all of the aforesaid zones from 7:00 a. m. until sunset.

Ohio, Pennsylvania, and Wisconsin, October 10 to October 24.

Rhode Island, November 1 to November 15.

Vermont, in Bennington and Windham Counties and those portions of Rutland and Windsor Counties south of U. S. Highway Route 4 from West Haven to White River Junction, October 16 to October 30; in remainder of State, October 1 to October 15.

Virginia, November 20 to December 4.

Mourning, or Turtle, Dove. The open seasons on mourning, or turtle, dove shall be as follows, both dates inclusive:

Arizona, Kansas, Kentucky and Missouri, September 1 to October 30.

Alabama, November 27 to January 25.

Arkansas and Delaware, September 16 to November 14.

California, in Imperial County, October 1 to October 31; in remainder of State, September 1 to September 30.

Colorado, Nevada, and New Mexico, September 1 to October 12.

Florida, in Broward, Dade, and Monroe Counties, October 1 to October 31; in remainder of State, November 20 to January 18.

Georgia, December 3 to January 31.

Idaho and Oregon, September 1 to September 15.

Illinois and Oklahoma, September 1 to September 30.

Louisiana, December 1 to January 29

Maryland, September 1 to October 15.

Mississippi, October 16 to October 31 and January 1 to January 31.

Nebraska, September 10 to September 24.

North Carolina, September 16 to September 30, and January 1 to January 31.

Pennsylvania, October 10 to October 24.

South Carolina, September 16 to October 9, and December 22 to January 13.

Tennessee, September 1 to October 30 from 12 o'clock noon to sunset.

Texas, in Val Verde, Kinney, Uvalde, Medina, Kendall, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties, and all counties north and west thereof, September 1 to October 15; in remainder of State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), October 20 to December 3; in these latter counties, September 12, 14, and 16, from 4 p. m. until sunset, and thereafter, October 20 to November 30, from one-half hour before sunrise to sunset.

Virginia, September 16 to October 31.

White-winged Dove. The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, September 1 to September 15.

Texas, in Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, Willacy, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso Counties, September 12, 14, and 16, from 4 p. m. until sunset.

Band-tailed Pigeon. The open seasons on band-tailed pigeon shall be as follows, both dates inclusive:

Arizona and New Mexico, September 16 to October 15.

California, December 1 to December 31.

Oregon and Washington, September 1 to September 30.

Regulation 5, "Daily Bag and Possession Limits on Certain Migratory Game Birds", is amended to read as follows:

A person may take in any one day during the open seasons prescribed therefor in regulation 4 not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds. When so taken, such birds may be possessed in the number hereinafter specified, except that no person on the opening day of the season may possess any migratory game birds in excess of the daily limits herein prescribed.

Ducks (except the American and red-breasted mergansers). Four, including in such limit not more than 1 wood duck, and any person may possess not more than 8 ducks including in such limit not more than 1 wood duck.

American and red-breasted mergansers. Twenty-five singly or in the aggregate. No possession limit.

Scoters (sea coots). Seven, and any person may possess not more than 14.

Geese and brant (except snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Colorado, Idaho, and Wyoming, and snow geese and brant in States bordering on the Atlantic Ocean; and Ross' geese anywhere), as follows:

In Washington, Oregon, and California 5, including in such limit any combination not exceeding 2 of Canada geese (including Hutchins or cackling geese), white-fronted geese and brant.

In Alaska, Puerto Rico, Idaho, Utah, Arizona, and Nevada 4, including in such limit not more than 2 Canada geese (including Hutchins or cackling geese), or 2 white-fronted geese or 1 of each.

Elsewhere than in the above States 4, including in such limit either 1 Canada goose (including Hutchins or cackling geese) or 1 white-fronted goose.

Any person may possess not more than the above bag limits of geese or brant.

In view of the fact that the hunting season on a number of migratory birds normally opens on September 1, it has been determined that these amendments shall become effective August 31, 1947.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 29th day of July, 1947.

[SEAL] OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

AND WHEREAS upon consideration it appears that approval of the foregoing amendments will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of July in the year of our Lord nineteen hundred and forty-
[SEAL] seven, and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-7309; Filed, July 31, 1947; 4:26 p. m.]

EXECUTIVE ORDER 9879

DESIGNATING THE HONORABLE BORINQUEN MARRERO AS ACTING JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR PUERTO RICO

NOTE: Executive Order No. 9879 was filed with the Division of the Federal Register as F. R. Doc. No. 47-7337 on August 1, 1947, at 10:18 a. m.

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Community Credit)

[1947 C. C. C. Dry Edible Smooth Pea Bulletin 1]

PART 280—DRY EDIBLE SMOOTH PEA LOANS AND PURCHASE AGREEMENT

1947 DRY EDIBLE SMOOTH PEA PURCHASE PROGRAM

This bulletin states the requirements with respect to the 1947 Dry Edible Smooth Pea Program, as amended, formulated by the Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Purchase agreements will be made available to eligible producers on eligible peas in accordance with this bulletin.

Sec.
280.101 Administration.
280.102 Availability of purchase agreements.
280.103 Eligible producer.
280.104 Eligible peas.
280.105 Approved warehouses.
280.106 Approved forms.
280.107 Determination of quantity.
280.108 Determination of quality.
280.109 Service fees.
280.110 Liens.
280.111 Set-offs.
280.112 Assignment of the purchase agreement.
280.113 Purchase price and payment.
280.114 Delivery.
280.115 Branch offices of CCC.

AUTHORITY: §§ 280.101 to 280.115, inclusive, issued under Article Third, par. (b) of Corporate Charter of CCC; sec. 4 (a), 55 Stat. 498, 56 Stat. 768; 15 U. S. C. Sup. 713a-8; 50 U. S. C. Sup. 969.

§ 280.101 *Administration*. The program will be administered in the field by the County Agricultural Conservation Committees under the general supervision of the State PMA committees. County committees will arrange for inspections by federally licensed inspectors of eligible peas to be delivered to CCC, issue necessary delivery instructions, prepare and approve purchase agreements and other forms, and retain copies thereof. The county committee shall be responsible for determining the quantity and quality of eligible peas, the quantity of sound whole peas in each lot on the basis of federal inspection certificates, and the value of the peas delivered. The county committee may designate in writing certain employees of the county agricultural conservation association to execute such forms on behalf of the committee.

§ 280.102 *Availability of purchase agreements*. Purchase agreements will be available on eligible peas produced in the States of Washington, Oregon, California, Idaho, Montana, Colorado, North Dakota, Minnesota, and Wisconsin and such other States as the Director, Grain Branch, PMA, may hereafter designate. Purchase agreements may be executed from August 1, 1947 through December 31, 1947.

§ 280.103 *Eligible producer*. An eligible producer (hereinafter referred to as producer) shall be any individual, partnership, association, corporation, or other legal entity producing eligible peas in 1947 as landowner, landlord, tenant, or sharecropper.

§ 280.104 *Eligible peas*. Eligible peas shall be peas of the classes Alaska, Bluebell, Scotch Green, First and Best, Marrowfat, White Canada, and Colorado White produced in 1947 which after normal cleaning would fully meet the requirements for U. S. No. 2 grade peas or better as defined in the Official U. S. Standards for Dry Peas, and as evidenced by a federal inspection certificate issued by or under the supervision of the Grain Branch, PMA.

The beneficial interest in the peas must be in the person tendering the peas pursuant to a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the peas were harvested.

§ 280.105 *Approved warehouses*. Approved warehouses shall be those public warehouses approved by CCC. Warehouse receipts referred to in this bulletin shall be warehouse receipts issued by such warehouses and shall conform to requirements of CCC.

§ 280.106 *Approved forms*. Approved forms will include Purchase Agreement (CCC Purchase Form 1), federal inspection certificates, and such other forms as the Director, Grain Branch, PMA, may prescribe. All forms, except federal inspection certificates, may be obtained from county committees in areas where purchase agreements are available or from branch offices of CCC. Any fraudulent representation made by a producer in obtaining a purchase agreement, or in executing any of the documents, will render him subject to prosecution under the United States Criminal Code. Purchase agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid. Purchase agreements must be dated prior to January 1, 1948.

§ 280.107 *Determination of quantity*. The quantity of eligible peas delivered shall be verified by a scale ticket where delivery is made from other than an approved warehouse, or by the quantity specified on a warehouse receipt where delivery is made in an approved warehouse.

The term "dockage" shall be used herein as defined in the Official U. S. Standards for Dry Peas.

The quantity of sound whole peas in the lot shall be the quantity of eligible peas minus dockage and other defects as defined in the Official U. S. Standards for Dry Peas. The quantity of sound whole peas in the lot shall be based on a federal inspection certificate and shall be computed as follows:

(a) If delivery is made in sacks, a deduction of ¾ pound for each sack shall be made from the gross weight and the result multiplied by the percentage of sound whole peas in the lot.

(b) If delivery is made in bulk, the gross weight shall be multiplied by the percentage of sound whole peas in the lot.

§ 280.108 *Determination of quality.* On the basis of a federal inspection certificate, the county committee will determine the eligibility of the peas tendered, and if they are eligible, will determine the grade they would be capable of meeting after normal cleaning. Eligible peas may contain not to exceed 16.0 percent moisture, shall not have a commercially objectionable oder, shall not be heating, shall not be infested with live weevil or other insects, or be otherwise of distinctly low quality.

To qualify for the No. 1 support price the defects in the dockage-free portion of the eligible peas must not exceed any of the following maximum limits:

Total bleached and other classes, 1.5% (including other classes 0.5%); shriveled, 2.0%; cracked seed coats, 3.0%. The peas shall be a good natural color.

To qualify for the No. 2 support price, the defects in the dockage-free portion of the eligible peas must fail to meet one or more of the requirements for the No. 1 support price and must not exceed any of the following maximum limits:

Total bleached and other classes, 3.0% (including other classes 1.0%); shriveled, 4.0%; cracked seed coats, 6.0%. The peas may be slightly off-color.

The percentage limits here given for "other classes" apply only to those peas of which the cotyledons and/or seed coats are not the same color as those of the peas being inspected. An additional allowance of 5.0% for peas qualifying for the No. 1 support price and 10.0% for peas qualifying for the No. 2 support price shall be made for other classes of which the cotyledons and /or seed coats are of the same color as those of the peas being inspected.

All terms are used in this section as defined in the Official U. S. Standards for Dry Peas.

§ 280.109 *Service fees.* The producer shall pay a preliminary service fee of $1.50 at the time he enters into a purchase agreement and an additional service fee of one cent per 100 pounds of sound whole peas, in excess of 15,000 pounds when delivered to CCC.

§ 280.110 *Liens.* Any peas delivered pursuant to a purchase agreement must be free and clear of all liens and encumbrances except warehouse receiving and loading out charges, if any. If liens or encumbrances exist on such peas, proper waivers must be obtained.

§ 280.111 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the purchase agreement to the extent of such indebtedness but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

§ 280.112 *Assignment of the purchase agreement.* The producer may not assign the purchase agreement.

§ 280.113 *Purchase price and payment.* The purchase price for each class and grade of eligible peas shall be the applicable price as follows:

Class	No. 1 support price	No. 2 support price
Alaska, Bluebell, Scotch Green, First and Best, Marrowfat, and White Canada	$4.40	$4.15
Colorado White	4.15	3.90

These prices are based on 100 pounds net weight of sound whole peas determined in accordance with § 280.107.

CCC will purchase eligible peas delivered by the producer pursuant to instructions issued by CCC, or on the basis of warehouse receipts representing eligible peas issued by an approved warehouse in the producer's name. All charges incurred on such peas to the time of delivery, except warehouse receiving and loading out charges, shall be paid by the producer prior to the sale to CCC. Eligible peas may be delivered in bulk and no allowance will be made for delivery in sacks unless such delivery is specifically requested by CCC.

No allowances will be made for cleaning and processing costs. When delivery is completed, payment will be made as prescribed by the Administrator of PMA, subject to the provisions for set-offs in § 280.111. The producer shall direct to whom payment of the purchase price shall be made.

§ 280.114 *Delivery.* The producer who signs a Purchase Agreement (CCC Purchase Form 1) shall not be obligated to deliver any specified quantity of eligible peas to CCC. If the producer who signs a purchase agreement wishes to sell eligible peas to CCC, he shall within 30 days after May 1, 1948, or such earlier date as the Administrator of PMA may request, submit warehouse receipts representing eligible peas stored in an approved warehouse to the county committee. In the case of eligible peas not located in an approved warehouse, he shall notify the county committee of his intention to sell, and request delivery instructions. The producer must then complete delivery within the 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Delivery shall be made to such points or approved warehouses as the county committee shall designate.

§ 280.115 *Branch offices of CCC.* The branch offices of CCC and the areas served by them are shown below:

Address and Area

623 South Wabash Avenue, Chicago 5, Ill.: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia.

300 Interstate Building, 418 East Thirteenth Street, Kansas City 6, Mo.: Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.

326 McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Eastern Building, 513 Southwest Tenth Street, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

[SEAL] C. C. FARRINGTON,
Acting President,
Commodity Credit Corporation.

JULY 30, 1947.

[F. R. Doc. 47-7272; Filed, Aug. 1, 1947; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 233]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.340 *Lemon Regulation 233*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 3, 1947, and ending at 12:01 a. m., P. s. t., August 10, 1947, is hereby fixed at 475 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 31st day of July 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: July 27, 1947 12:01 a. m. August 3, 1947, to 12:01 a. m. August 17, 1947]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.623
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.321
Consolidated Citrus Growers	.000
Corona Plantation Co	.281
Hazeltine Packing Co	.370
Leppla-Pratt, Produce Distributors Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.430
Ventura Pacific Co	1.449
Total A. F. G.	4.474
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.194
La Verne Lemon Association	.676
La Habra Citrus Association	1.396
Yorba Linda Citrus Association	.648
Alta Loma Hts. Citrus Association	.747
Etiwanda Citrus Fruit Association	.207
Mountain View Fruit Association	.370
Old Baldy Citrus Association	1.021
Upland Lemon Growers Association	4.785
Central Lemon Association	1.105
Irvine Citrus Association, The	1.001
Placentia Mutual Orange Association	.411
Corona Citrus Association	.104
Corona Foothill Lemon Co	1.322
Jameson Co	.576
Arlington Heights Fruit Co	.249
College Heights Orange & Lemon Association	8.115
Chula Vista Citrus Association, The	1.715
El Cajon Valley Citrus Association	.055
Escondido Lemon Association	2.568
Fallbrook Citrus Association	1.494
Lemon Grove Citrus Association	.303
San Dimas Lemon Association	1.576
Carpinteria Lemon Association	8.336
Carpinteria Mutual Citrus Association	8.387
Goleta-Lemon Association	8.845
Johnston Fruit Co	5.990
North Whittier Heights Citrus Association	.672
San Fernando Heights Lemon Association	.791
San Fernando Lemon Association	.329
Sierra Madre-Lamanda Citrus Association	1.450

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Tulare County Lemon & Grapefruit Association	0.000
Briggs Lemon Association	3.408
Culbertson Investment Co	.873
Culbertson Lemon Association	1.781
Fillmore Lemon Association	1.097
Oxnard Citrus Association No. 1	3.716
Oxnard Citrus Association No. 2	3.437
Rancho Sespe	.882
Santa Paula Citrus Fruit Association	3.628
Saticoy Lemon Association	4.973
Seaboard Lemon Association	4.480
Somis Lemon Association	3.327
Ventura Citrus Association	1.794
Limonetra Co	3.497
Teague-McKevett Association	1.064
East Whittier Citrus Association	.652
Leffingwell Rancho Lemon Association	.704
Murphy Ranch Co	1.493
Whittier Citrus Association	.656
Whittier Select Citrus Association	.492
Total C. F. G. E.	88.392
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	.851
Escondido CoOp. Citrus Association	.278
Glendora CoOp. Citrus Association	.084
Index Mutual Association	.205
La Verne CoOp. Citrus Association	1.334
Libbey Fruit Packing Co	.000
Orange CoOp. Citrus Association	.159
Pioneer Fruit Co	.000
Tempe Citrus Co	.000
Ventura Co. Orange & Lemon Association	2.582
Whittier Mutual Orange & Lemon Association	.158
Total M. O. D.	5.651
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.000
California Citrus Groves, Inc. Ltd.	.000
Evans Bros. Pkg. Co.-Riverside	.000
Evans Bros. Pkg. Co.-Sentinel Butte Ranch	.000
Foothill Packing Co	.025
Granada Packing House	.000
Harding & Leggett	.000
Morris Bros. Fruit Co	.016
Orange Belt Fruit Distributors	1.284
Potato House, The	.000
Raymond Bros	.000
Rooke, B. G. Packing Co	.000
San Antonio Orchard Co	.043
Sun Valley Citrus Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.115
Western States Fruit & Produce Co	.000
Total Independents	1.483

[F. R. Doc. 47-7313; Filed, Aug. 1, 1947; 8:46 a. m.]

[Orange Reg. 189]

PART 962—FRESH PEACHES GROWN IN GEORGIA

TERMINATION OF PEACH ORDERS

Termination of Peach Orders—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 62 (7 CFR, Cum. Supp., 962.1 et seq.), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the peach regulations, specified hereinafter, will not tend to effectuate the declared policy of the act after the termination date hereinafter stated.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this termination is based became available and the time when this termination must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Pursuant to the aforesaid authority, *It is hereby ordered*, That the following peach regulations, issued pursuant to the provisions of the aforesaid marketing agreement and order, be, and the same hereby are, terminated at 12:01 a. m., e. s. t., August 3, 1947: § 962.301 (Peach Order 1, 12 F. R. 3601); and § 962.303 (Peach Order 3, as amended, 12 F. R. 4366, 4628).

Nothing contained herein shall be construed as (1) affecting or waiving any right, obligation, or liability which has arisen, or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of any of the said orders hereby terminated; (2) releasing or extinguishing any violation of any provision of any of the said orders hereby terminated which has occurred, or which, prior to the effective time of the provisions hereof, may occur; or (3) affecting or impairing any right or remedy of the Secretary of Agriculture of the United States, or of any other person, with respect to any violation of any provision of any of the said orders hereby terminated which has occurred, or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 962.1 et seq.)

Done at Washington, D. C., this 1st day of August 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7338; Filed, Aug. 1, 1947; 10:30 a. m.]

[Orange Reg. 189]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.335 *Orange Regulation 189*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative

Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 3, 1947, and ending at 12:01 a. m., P. s. t., August 10, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1900 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 31st day of July 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Aug. 3, 1947 to 12:01 a. m. Aug. 10, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0695
A. F. G. Fullerton	.8271
A. F. G. range	.6112
A. F. G. Redlands	.2257

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
A. F. G. Riverside	0.1239
A. F. G. San Juan Capistrano	1.0456
A. F. G. Santa Paula	.3965
Corona Plantation Co	.2314
Hazeltine Packing Co	.2860
Signal Fruit Association	.0773
Azusa Citrus Association	.4246
Azusa Orange Co., Inc	.1317
Damerel-Allison Co	.8524
Glendora Mutual Orange Association	.3683
Irwindale Citrus Association	.3565
Puente Mutual Citrus Association	.1936
Valencia Heights Orchards Association	.4130
Glendora Citrus Association	.3381
Glendora Heights Orange & Lemon Growers Association	.0739
Gold Buckle Association	.6365
La Verne Orange Association	.6247
Anaheim Citrus Fruit Association	1.3500
Anaheim Valencia Orange Association	1.6044
Eadington Fruit Company, Inc	2.2819
Fullerton Mutual Orange Association	1.7286
La Habra Citrus Association	1.1139
Orange County Valencia Association	.7306
Orangethorpe Citrus Association	1.1500
Placentia Coop. Orange Association	.8212
Yorba Linda Citrus Association, The	.5637
Alta Loma Heights Citrus Association	.0909
Citrus Fruit Growers	.1379
Cucamonga Citrus Association	.1486
Etiwanda Citrus Fruit Association	.0406
Old Baldy Citrus Association	.1282
Rialto Heights Orange Growers	.0911
Upland Citrus Association	.3895
Upland Heights Orange Association	.1464
Consolidated Orange Growers	2.0424
Frances Citrus Association	1.0281
Garden Grove Citrus Association	1.7963
Goldenwest Citrus Association, The	1.3595
Irvine Valencia Growers	2.5708
Olive Heights Citrus Association	1.7877
Santa Ana-Tustin Mutual Citrus Association	1.0971
Santiago Orange Growers Association	4.1642
Tustin Hills Citrus Association	1.7773
Villa Park Orchs. Association, The	1.9661
Andrews Bros. of Calif	.3834
Bradford Bros. Corp	.6207
Placentia Mutual Orange Association	1.6843
Placentia Orange Growers Association	2.6428
Call Ranch	.0647
Corona Citrus Association	.4422
Jameson Company	.0350
Orange Heights Orange Association	.3546
Break & Son, Allen	.0545
Bryn Mawr Fruit Growers Association	.2549
Crafton Orange Growers Association	.3716
E. Highlands Citrus Association	.0829
Fontana Citrus Association	.0824
Highland Fruit Growers Association	.0489
Krinard Packing Co	.2561
Mission Citrus Association	.1210
Redlands Coop. Fruit Association	.3918
Redlands Heights Groves	.2403
Redlands Orange Growers Association	.2517
Redlands Orangedale Association	.2731
Redlands Select Groves	.1554
Rialto Citrus Association	.1451
Rialto Orange Co	.1446
Southern Citrus Association	.2412

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
United Citrus Growers	0.1402
Zilen Citrus Co	.0599
Arlington Heights Fruit Co	.1084
Brown Estate, L. V. W	.1270
Gavilan Citrus Association	.1488
Hemet Mutual Groves	.1081
Highgrove Fruit Association	.0746
McDermont Fruit Co	.1834
Mentone Heights Association	.0646
Monte Vista Citrus Association	.2150
National Orange Co	.0393
Riverside Growers, Inc	.0919
Riverside Heights Orange Growers Association	.0842
Sierra Vista Packing Association	.0564
Victoria Avenue Citrus Association	.1693
Claremont Citrus Association	.1419
College Heights Orange and Lemon Association	.2127
El Camino Citrus Association	.0794
Indian Hill Citrus Association	.1599
Pomona Fruit Growers Exchange	.3418
Walnut Fruit Growers Association	.4153
West Ontario Citrus Association	.3479
El Cajon Valley Citrus Association	3009
Escondido Orange Association	2.3246
San Dimas Orange Growers Association	.4838
Covina Citrus Association	1.1433
Covina Orange Growers Association	.3821
Duarte-Monrovia Fruit Exchange	.1707
Santa Barbara Orange Association	.0491
Bali & Tweedy Association	.5875
Canoga Citrus Association	.7326
North Whittier Heights Citrus Association	.8665
San Fernando Fruit Growers Association	.4214
San Fernando Heights Orange Association	.9160
Sierra Madre-Lamanda Citrus Association	.1875
Camarillo Citrus Association	1.4264
Fillmore Citrus Association	3.3964
Mupu Citrus Association	2.4049
Ojai Orange Association	.9349
Piru Citrus Association	1.9123
Santa Paula Orange Association	.8223
Tapo Citrus Association	1.0556
Limonelra Co	.3788
East Whittier Citrus Association	.3847
El Ranchito Citrus Association	1.3125
Murphy Ranch Co	.4119
Rivera Citrus Association	.5205
Whittier Citrus Association	.7692
Whittier Select Citrus Association	.4698
Anaheim Coop. Orange Association	1.5423
Bryn Mawr Mutual Orange Association	.0871
Chula Vista Mutual Lemon Association	.0875
Escondido Coop. Citrus Association	.3177
Euclid Avenue Orange Association	.4038
Foothill Citrus Union, Inc	.0317
Fullerton Coop. Orange Association	.4471
Garden Grove Orange Coop., Inc	.8665
Glendora Coop. Citrus Association	.0538
Golden Orange Groves, Inc	.2662
Highland Mutual Groves	.0635
Index Mutual Association	.2062
La Verne Coop. Citrus Association	1.3571
Olive Hillside Groves	.6120
Orange Coop. Citrus Association	1.0754
Redlands Foothill Groves	.5777
Redlands Mutual Orange Association	.1578
Riverside Citrus Association	.0653
Ventura County Orange and Lemon Association	.8927
Whittier Mutual Orange and Lemon Association	.1887
Babijuice Corp. of Calif	.5023

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Banks Fruit Co	0.2736
Banks, L. M	.4699
Borden Fruit Co	.8061
California Fruit Distributors	.2716
Cherokee Citrus Co., Inc	.1120
Chess Company, Meyer W	.2322
Escondido Avocado Growers	.0526
Evans Brothers Packing Co	.2074
Gold Banner Association	.2759
Granada Hills Packing Co	.0599
Granada Packing House	2.2301
Hill, Fred A	.0730
Inland Fruit Dealers	.0485
Mills, Edward	.0318
Orange Belt Fruit Distributors	2.1649
Panno Fruit Company, Carlo	.0358
Paramount Citrus Association	.5122
Placentia Orchards Co	.4327
Placentia Pioneer Valley Growers Association	.7198
San Antonio Orchards Co	.4602
Santa Fe Groves Co	.0484
Snyder & Sons Co., W. A	.9861
Stephens, T. F	.0833
Sunny Hills Ranch, Inc	.1128
Ventura County Citrus Association	.0090
Verity & Sons Co., R. H	.0344
Wall, E. T	.1169
Webb Packing Co	.2221
Western Fruit Growers, Inc., Ana	.0168
Western Fruit Growers, Inc., Reds	.5876
Yorba Orange Growers Association	.5861

[F. R. Doc. 47-7314; Filed, Aug. 1, 1947; 8:46 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry

Subchapter A—Meat Inspection Regulations

PART 7—FACILITIES FOR INSPECTION

PART 30—FEES

CHARGES TO BE MADE FOR COST OF INSPECTION

By virtue of the authority vested in me by the provisions of the Department of Agriculture Appropriations Act for 1948 under the heading Bureau of Animal Industry, and act of July 24, 1919 (7 U. S. C. 394), Title 9, Chapter I, Subchapter A, Code of Federal Regulations, is hereby amended as follows effective immediately:

1. Section 7.4 is amended to read as follows:

§ 7.4 *Overtime work of meat inspection employees.* The management of an official establishment desiring to work under conditions which will require the services of an employee of the Division on Saturday, Sunday or a holiday or for more than 8 working hours of any day, including Monday through Friday, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to provide inspection service during such overtime period, and shall pay the Secretary of Agriculture therefor in accordance with § 30.4 of this subchapter. It will be administratively determined from time to time which days constitute holidays. (41 Stat. 241, Pub. Law 266, 80th Cong.; 7 U. S. C. 394)

2. A new Part 30, Fees is added to read as follows:

Sec.
30.1 Fees.
30.2 Assurance of payment.
30.3 Rates.
30.4 Overtime.
30.5 Night differential.

AUTHORITY: §§ 30.1 to 30.5, inclusive, issued under 41 Stat. 241, Pub. Law 266, 80th Cong.; 7 U. S. C. 394.

§ 30.1 *Fees.* (a) Persons granted the inspection or furnished meat inspection services on and after July 1, 1947 shall pay the United States therefor in accordance with the requirements contained in this part.

(b) Fees shall be charged against a person granted the inspection or furnished meat inspection services and such fees shall be paid in accordance with the requirements contained in this part.

(c) All fees provided for in this part shall be paid not later than the last day of each four week period during which such inspection or services are received.

(d) The chief of Division shall withhold or withdraw the inspection or service upon non-payment of a fee in accordance with the requirements contained in this part.

§ 30.2 *Assurance of payment.* (a) A person who is receiving or who is about to receive any inspection or service shall post a bond or make other assurance of payment.

(b) The bond or other assurance of payment referred to in paragraph (a) of this section shall cover an amount equal to ten times the total weekly fee. The bond or other assurance of payment shall guarantee payment for all charges for inspection or service including overtime, holiday, and night differential pay referred to in this part.

(c) The chief of Division shall withhold or withdraw the inspection or service upon failure of a person who has requested or who is receiving the inspection or service to furnish the assurance of payment required in this part.

§ 30.3 *Rates.* (a) In determining the fee to be paid by a person receiving the inspection or service the chief of Division shall designate the number of inspectors necessary for the conduct of an efficient inspection service and such fee shall be stated in terms of man-weeks. The charge for a man-week shall be $89.60 per week.

§ 30.4 *Overtime.* (a) For each hour of inspection or service received by a person during the periods of overtime referred to in § 7.4 of this subchapter, except holidays which occur any day Monday through Friday, such person shall pay therefor $2.58 per man-hour.

(b) For each hour of inspection or service received by a person on a holiday which occurs any day Monday through Friday as referred to in § 7.4 of this subchapter, such person shall pay therefor $1.64 per man-hour.

(c) The overtime charges referred to in paragraphs (a) and (b) of this section shall be in addition to the payment provided for in §§ 30.1, 30.2, and 30.3.

§ 30.5 *Night differential.* (a) For each hour of inspection or service received by a person between the hours of 6:00 p. m. to 6:00 a. m., except when such hours come within a period of overtime referred to in § 7.4 of this subchapter, such person shall pay therefor $0.16 per man-hour.

(b) The charge referred to in paragraph (a) of this section shall be in addition to the payment provided for in §§ 30.1, 30.2, and 30.3.

Finding. It is found that the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Congress; 60 Stat. 237), are impracticable and contrary to the public interest with respect to this regulation in that the Department of Agriculture Appropriation Act, 1948, under the heading "Bureau of Animal Industry", "Meat Inspection", provides that payments shall be made for inspection or services rendered on or after July 1, 1947, and these regulations are promulgated to effectuate the purposes of that provision.

Done at Washington, D. C., this 30th day of July 1947. Witness my hand and seal of the Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7274; Filed, Aug. 1, 1947; 8:52 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 206—TRUST POWERS OF NATIONAL BANKS

ACQUISITION OF INTEREST IN PARTICIPATIONS OF COMMON TRUST FUNDS

The following interpretation under this part relating to acquisition of interest in participations of common trust funds was issued by the Board of Governors of the Federal Reserve System on June 19, 1947:

§ 206.101 *Acquisition of interest in participations of common trust funds.* The Board was recently advised by a bank that it occasionally makes loans to the trustors of revocable living trusts secured by assignments of their interests in the trusts. The bank inquired whether, when such a loan is made to the trustor of a trust which holds participations in the common trust fund operated by the bank, the bank acquires an interest in such participations within the meaning of the following provisions of § 206.17 (a):

(2) A bank administering a Common Trust Fund shall not invest any of its own funds in such Common Trust Fund and if a bank, because of a creditor relationship or any other reason, acquires any interest in a participation in a Common Trust Fund under its administration the participation shall be withdrawn on the first date on which such withdrawal can be effected in accordance with the provisions of this section;

The Board is of the opinion that a loan such as that described may cause the bank to have an interest in participations

in the common trust fund, within the meaning of this part, even though there has been no default on the loan.

The Board has heretofore expressed the opinion that a plan for the operation of a common trust fund which contained the following provision is not in conflict with this part:

> The Trust Company shall not be deemed to have acquired an interest in a participation in the common fund by reason of an advance to the trust holding such participation (1) if the Trust Company is not entitled to reimbursement out of the principal of the participating trust, or (2) if the advance is adequately secured by assets of the participating trust other than the participation in the common fund.

The Board believes that the same principles apply to loans of the character described above, and that this is as liberal an interpretation of this part as can be justified. Under the facts presented, it appears that the bank could resort to the principal of the participating trusts to collect the loans. Accordingly, in making such a loan, the bank acquires an interest in participations in the common trust fund, within the meaning of this part unless the loan is adequately secured by assets other than such participations. (Secs. 2, 3, 24 Stat. 18, sec. 11 (i), 38 Stat. 262, sec. 2, 40 Stat. 968, sec. 1, 40 Stat. 1043, 44 Stat. 1224, 46 Stat. 814, sec. 24, 48 Stat. 190, sec. 342, 49 Stat. 722, secs. 330, 331, 49 Stat. 718, 719, sec. 169, 49 Stat. 1708; 12 U. S. C. and Sup. 30, 31, 248 (i), 248 (k), 33, 34a, 26 U. S. C. Sup. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-7237; Filed, Aug. 1, 1947; 8:50 a. m.]

PART 220—CREDIT BY BROKERS, DEALERS, MEMBERS OF NATIONAL SECURITIES EXCHANGES

BORROWING OF SECURITIES

The following interpretation under this part relating to credit by brokers, dealers, and members of national securities exchanges was issued by the Board of Governors of the Federal Reserve System on July 11, 1947:

§ 220.103 *Borrowing of securities.* The Board of Governors has been asked for a ruling as to whether § 220.6 (h), which deals with borrowing and lending of securities, applies to a borrowing of securities if the lender is a private individual, as contrasted with a member of a national securities exchange or a broker or dealer.

Section 220.6 (h) does not require that the lender of the securities in such a case be a member of a national securities exchange or a broker or dealer. Therefore, a borrowing of securities may be able to qualify under the provision even though the lender is a private individual, and this is true whether the security is registered on a national securities exchange or is unregistered. In borrowing securities from a private individual under § 220.6 (h), however, it becomes especially important to bear in mind two limitations that are contained in the section.

The first limitation is that the section applies only if the broker borrows the securities for the purpose specified in the provision, that is, "for the purpose of making delivery of such securities in the case of short sales, failure to receive securities he is required to deliver, or other similar cases". The present language of the provision does not require that the delivery for which the securities are borrowed must be on a transaction which the borrower has himself made, either as agent or as principal; he may borrow under the provision in order to relend to someone else for the latter person to make such a delivery. However, the borrowing must be related to an actual delivery of the type specified—a delivery in connection with a specific transaction that has already occurred or is in immediate prospect. The provision does not authorize a broker to borrow securities (or make the related deposit) merely in order that he or some other broker may have the securities "on hand" or may anticipate some need that may or may not arise in the future.

The ruling in the 1940 Federal Reserve Bulletin, at page 647, is an example of a borrowing which, on the facts as given, did not meet the requirement. There, the broker wished to borrow stocks with the understanding that he "would offer to lend this stock in the 'loan crowd' on a national securities exchange." There was no assurance that the stocks would be used for the purpose specified in § 220.6 (h); they might be, or they might merely be held idle while the person lending the stocks had the use of the funds deposited against them. The ruling held in effect that since the borrowing could not qualify under § 220.6 (h) it must comply with other applicable provisions of the regulation.

The second requirement is that the deposit of cash against the borrowed securities must be "bona fide". This requirement naturally cannot be spelled out in detail, but it requires at least that the purpose of the broker in making the deposit should be to obtain the securities for the specified purpose, and that he should not use the arrangement as a means of accommodating a customer who is seeking to obtain more funds than he could get in a general account.

The Board recognizes that even with these requirements there is still some possibility that the provision may be misapplied. The Board is reluctant to impose additional burdens on legitimate transactions by tightening the provision. If there should be evidence of abuses developing under the provision, however, it would become necessary to consider making it more restricted. (Sec. 3 (a) and (b), sec. 7 (a), (b), (c), and (d), sec. 8 (a), sec. 17 (b) and sec. 23 (a), 48 Stat. 881, 886, 888, 897, and 901; sec. 8, 49 Stat. 1379; 15 U. S. C. 78c–(a) and (b), 78g–(a), (b), (c), and (d), 78h–(a), 78q–(b), 78w–(a))

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-7233; Filed, Aug. 1, 1947; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51725]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

EXEMPTIONS FROM INVOICE REQUIREMENTS

Section 8.15 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.15 (a)), as amended by T. D.'s 51036, 51105, 51222, 51333, 51588, 51686, and 51699, is hereby further amended by adding a new subparagraph (29) reading as follows:

(29) Flower bulbs, when unconditionally free of duty or subject only to a specific rate of duty not depending on value.

(Sec. 484, 46 Stat. 722, sec. 12, 46 Stat. 728, 759, 52 Stat. 1083, secs. 498, 624; 19 U. S. C. 1484, 1498, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: July 29, 1947.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7251; Filed, Aug. 1, 1947; 8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Reg. 3, further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

EFFECT OF FELONIOUS HOMICIDE

Regulations No. 3, as amended (20 CFR, Cum. Supp., 403.1 et seq.), are further amended as follows:

1. Section 403.408 (b) (2) is amended by adding at the end thereof, immediately following subdivision (v), a new subdivision (vi) as follows:

§ 403.408 *Lump-sum death payments.* • • •

(b) *Persons entitled to receive payments.* • • •

(2) *Persons equitably entitled.* • • •

(vi) Any individual who has been finally convicted by a court of competent jurisdiction of the felonious homicide of the deceased (see § 403.409).

2. A new § 403.409 and example is added immediately following § 403.408 as follows:

§ 403.409 *Effect of felonious homicide.* An individual who has been finally convicted by a court of competent jurisdiction of the felonious homicide of an insured individual shall not be entitled to benefits or a lump-sum death payment with respect to the wages of such deceased individual, and he shall be considered nonexistent in determining the entitlement of other individuals to benefits or a lump sum with respect to such wages.

Example. C, age 17, the sole surviving unmarried child of H, who died fully insured, has been convicted of the murder of his father. H was also survived by his widow, W, age 45, the mother of C.

Neither C nor W is entitled to monthly benefits, since C's right has been forfeited and W has no child of H entitled to benefits in her care. However, a lump-sum payment may be made to W if she is otherwise entitled, and W also may become entitled to widow's monthly benefits when she reaches age 65.

(Sec. 1102, 49 Stat. 647, sec. 205 (a), 53 Stat. 1368; 42 U. S. C. 405 (a); sec. 4 of Reorg. Plan No. 2 of 1946, 11 F. R. 7873)

Dated: July 28, 1947.

[SEAL] MAURINE MULLINER,
Acting Commissioner for Social Security.

Approved: July 29, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-7270; Filed, Aug. 1, 1947; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

FINDING WITH REGARD TO DRUG AMIDONE

CROSS REFERENCE: For order proclaiming and making effective the finding of the Secretary of the Treasury with regard to the drug amidone having addiction-forming and addiction-sustaining liability similar to morphine, see Proclamation 2738, *supra.*

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order S–15]

PART 807—SUSPENSION ORDERS

JOHN MACRINA AND NICHOLAS MACRINA

John Macrina and Nicholas Macrina, 431 Mohawk Street, Herkimer, New York, on or about March 1, 1947, began and thereafter carried on construction of a commercial structure for a bowling alley located at Caroline Street, just off Mohawk Street, Herkimer, New York, without authorization and at a cost of about $27,500. This constituted a wilful violation of Veterans' Housing Program Order 1 and continuation of construction would constitute a violation of the Construction Limitation Regulation, issued June 30, 1947, under the Housing and Rent Act of 1947, resulting in a diversion of scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing it is hereby ordered that:

§ 807.15 *Suspension Order No. S–15.* (a) Neither John Macrina, Nicholas Macrina, their successors or assigns, nor any other person shall do any further construction on the structure at Caroline Street, just off Mohawk Street, Herkimer, New York, including putting up, completing, or altering the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) John Macrina and Nicholas Macrina shall refer to this order in any application or appeal which they or either of them may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve John Macrina, Nicholas Macrina, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 1st day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7340; Filed, Aug. 1, 1947; 10:29 a. m.]

[Suspension Order S–46]

PART 807—SUSPENSION ORDERS

L. T. KOESTER AND WILLIAM STONE

L. T. Koester and William Stone, on or about April 26, 1946, without authorization, began and thereafter until November 5, 1946, carried on construction of a one-story concrete block building with sandstone veneered front, for use as a bowling alley and soft drink and lunch counter, located at 633 W. Water Street, Piqua, Ohio, the estimated cost of which construction was $35,000. On November 5, 1946, said construction was stopped as a result of a telegram from the Civilian Production Administration. On December 10, 1946, approval was given by Civilian Production Administration to said parties under CPA Form 4423, serial number 3–2–19–C, to do certain work to protect the materials already incorporated in the building, namely, to complete front wall and finish roof, at an estimated cost of $500. Construction on said structure was resumed in December, 1946, under said authorization and thereafter carried on to an extent which was in excess of the specifically authorized cost of $500. The beginning of construction on April 26, 1946, and carrying on of construction until November 6, 1946, as aforesaid, and the carrying on of construction after December 10, 1946, in excess of the amount specifically authorized as aforesaid, constituted wilful violations of Veterans' Housing Program Order 1, and continuation of construction would be in violation of Construction Limitation Regulation, issued June 30, 1947 under the Housing and Rent Act of 1947. These violations have diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.46 *Suspension Order No. S–46.* (a) Neither L. T. Koester, William Stone, their successors and assigns, nor any other person shall do any further construction on the building located at 633 W. Water Street, Piqua, Ohio, other than the construction which was specifically authorized by the approval on December 10, 1946, of Application Form CPA 4423, serial number 3–2–19–C, unless such additional construction is hereafter authorized by the Office of the Housing Expediter.

L. T. Koester and William Stone shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter relating to the above premises.

(c) Nothing contained in this order shall relieve L. T. Koester and William Stone, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 1st day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7339; Filed, Aug. 1, 1947; 10:29 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 9]

PART 705—ADMINISTRATION

PRESERVATION OF RECORDS WITH RESPECT TO PRICE CONTROL OF SUGAR

Pursuant to the authority conferred upon the Secretary of Agriculture by the Sugar Control Extension Act of 1947, it is ordered:

§ 705.109 *Preservation of records with respect to price control of sugar.* (a) All persons shall preserve for examination by the Department of Agriculture, until October 31, 1948, all records, documents, reports, books, accounts, invoices, sales lists, sales slips, orders, vouchers, contracts, receipts, bills of lading, correspondence, memoranda, and other papers, and drafts and copies thereof, which were required to be made or kept on March 31, 1947, with respect to price control of sugar by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, the Sugar Control Extension Act of 1947, or by any regulation, order or other document issued thereunder by the Price Administrator, Office of Price Administration, the Temporary Controls Administrator, Office of Temporary Controls or by the Secretary of Agriculture.

(b) *Definitions.* When used in this section the term:

(1) "Person" shall have the same meaning as in the Emergency Price Control Act of 1942, as amended.

(2) "Sugar" shall have the same meaning as in the Sugar Control Extension Act of 1947.

This order shall become effective July 28, noon, 1947.

NOTE: The record-keeping requirements of this order have been approved by the Bureau

of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 30, 80th Cong., 1st session)

Issued this 30th day of July 1947.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7304; Filed, Aug. 1, 1947; 9:32 a. m.]

[Rev. Gen. R. O. 18]

PART 705—ADMINISTRATION

DISTRIBUTION OF BASES TO CERTAIN FORMER MEMBERS OF ARMED FORCES; ORDER OF REVOCATION

Subject to section 5.1 of General Ration Order 8, Revised General Ration Order 18 (Distribution of Bases to Certain Former Members of the Armed Forces) is revoked.

This order of revocation shall become effective July 28, noon, 1947.

Issued this 28th day of July 1947.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7305; Filed, Aug. 1, 1947; 9:32 a. m.]

[Gen. R. O. 19]

PART 705—ADMINISTRATION

DISTRIBUTION OF BASES TO CERTAIN NEW USERS; ORDER OF REVOCATION

Subject to section 5.1 of General Ration Order 8, General Ration Order 19 (Distribution of Bases to Certain New Users) is revoked.

This order of revocation shall become effective July 28, noon, 1947.

Issued this 28th day of July 1947.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7308; Filed, Aug. 1, 1947; 9:33 a. m.]

[Gen. R. O. 20]

PART 705—ADMINISTRATION

ORDER OF REVOCATION

Subject to section 5.1 of General Ration Order 8, General Ration Order 20 is hereby revoked except that all records required to be kept under the provisions of General Ration Order 20 before the effective date of this revocation order shall continue to be preserved for thirty days after the effective date of this revocation order.

This order of revocation shall become effective July 28, noon, 1947.

Issued this 28th day of July 1947.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7306; Filed, Aug. 1, 1947; 9:32 a. m.]

[3d Rev. R. O. 3]

PART 707—RATIONING OF SUGAR

ORDER OF REVOCATION

Subject to section 5.1 of General Ration Order 8, Third Revised Ration Order 3 (Sugar Rationing) and all Sugar Rationing Administration Suspension Orders relating to sugar covered by Third Revised Ration Order 3 are revoked except that all records required to be kept under the provisions of Third Revised Ration Order 3 on July 27, 1947, shall be continued to be preserved for thirty days after the effective date of this revocation order.

This order of revocation shall become effective July 28, noon, 1947.

Issued this 28th day of July 1947.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7307; Filed, Aug. 1, 1947; 9:33 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 345]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Com. Sched. B No.	*Commodity*
	Fish and fish products:
	Fish, salted, pickled or dry-cured:
007800	Cod, haddock, hake, pollock and cusk.
	Cotton, unmanufactured:
	Linters:
300401	Other than first cut, grades 1 to 3, inclusive.
	Cotton, semimanufactures:
300600	Cotton pulp (include cottonseed hull shavings pulp, cotton pulpboard and bleached and purified linters).
	Paper, related products and manufactures:
	Sheathing and building paper:
473500	Roofing felt paper.
	Paper, related products and manufactures:
473600	Fiber insulation board $\frac{7}{16}$" and over in thickness, except quilt or blanket types (include of cane and other fiber).
473800	Wallboard, paper or pulp, $\frac{1}{8}$" to less than $\frac{7}{16}$" in thickness (include of cane and other fiber).
	Petroleum and products:
	Paraffin wax:
504500	Unrefined, including slack wax
504600	Semi-refined, only.
505900	Indratatum wax.
505900	Plasticrude wax.
505900	Substitute mineral waxes derived from petroleum bases (including substitutes for microcrystalline waxes, petrolatum waxes, and tank bottom short fiber waxes).
505900	All other slop waxes.
	Clay and clay products:
533300	Lavatories and wall lavatories.
	Other nonmetallic minerals, including precious:
545915	Asbestos cement sheets $\frac{1}{4}$" thick and under, other than electrical or insulating.
	Other nonmetallic minerals, including precious:
596025	Mineral wax except ceresin, orange and white; hardening; and microcrystalline.
607798	Steel mill products:
	The following iron and steel pipe fittings, over 150 lb. pressure, only: Couplings, galvanized pipe fittings; malleable iron pipe fittings; pipe joints, grey iron, extension; pipe nipples, lapwelded, black; pipe plugs; pipe unions; screw elbows; swage nipples.
	Iron and steel manufactures:
612400	Bathtubs, cast iron and steel, enameled.
612500	Lavatories and wall lavatories.
618200	Hinges and butts, iron and steel, except cabinet and furniture hinges.
618300	Other builders' hardware, including only door knobs, mortise latches, lock parts, sash balances.
	Brass and bronze manufactures:
645600	Plumbers' brass goods except flushometers and thermostatic water mixing valves (include faucets, cocks, shower and bath fittings, and other brass plumbing fixtures).
	Electrical machinery and apparatus:
709500	Sockets, outlets, fuse blocks, lighting switches and parts, n. e. s. except contractor switches and parts; flush switches and parts; interior cutouts and parts; key sockets and parts; keyless sockets and parts; lamp sockets and parts; mogul sockets and parts; pullchain sockets and parts; push sockets and parts; pushbutton switches and parts; receptacles and parts; except charging and train line (report receptacles, charging and train line in 709800); snap switches and parts, rotary; surface switches and parts; toggle switches and parts; tumbler switches and parts; and wiring sockets.
	Other industrial machinery:
763100	Sawmill machinery and parts.
	Pigments, paints, and varnishes:
	Chrome pigments containing 10% or more chromium:
842900	Lead free chrome pigments only
	Miscellaneous commodities, n. e. s.:
969600	Roofing, asbestos.

(Secs. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: July 24, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47-7214; Filed, Aug. 1, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 180—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS AND THEIR PROPERTIES

COMBINATION OF MOTOR VEHICLES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of July A. D. 1947.

Our order of June 6, 1940, 5 F. R. 2270, having prescribed what shall constitute a motor vehicle for the purpose of computing the number of motor vehicles involved in transactions subject to section 213 of the Motor Carrier Act, and

It appearing, that section 213 (49 U. S. C. 213) was repealed, effective September 18, 1940, and the provisions of that section which relate to consolidation, merger, and acquisition of control in so far as they affect motor carriers are now incorporated in section 5 of the Interstate Commerce Act, and

It further appearing, that the public rule making procedure in accordance with section 4 of the Administrative Procedure Act is unnecessary for the reason that this order is merely a reissue of an existing rule for the purpose of showing reference to section 5 of the Interstate Commerce Act which has superseded former section 213, it is ordered, that:

§ 180.2 *Definitions.* For the purpose of § 180.3:

(a) The term "tractor" shall mean any motor vehicle designed and used primarily for drawing other vehicles and so constructed as to carry a part of the weight of the vehicle and load so drawn; and

(b) The term "semi-trailer" shall mean any motor vehicle, other than a pole trailer or a single motor vehicle transported in drive-away operations by means of a saddle-mount, with or without motive power and designed to be drawn by another motor vehicle and so constructed that some part of its weight and that of its load rests upon the towing vehicle.

§ 180.3 *Computation of vehicles involved in unifications.* In computing the number of motor vehicles of a person involved in unifications under the provisions of section 5 of the Interstate Commerce Act (49 U. S. C. 5), the combination of a tractor and a semi-trailer shall be deemed a single motor vehicle and any one tractor may be paired with any one semi-trailer as a single motor vehicle but any tractor or any semi-trailer in excess of those so paired shall be computed as one motor vehicle.

This order shall be effective September 1, 1947, and shall continue in effect until the further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing with the Director of the Division of the Federal Register.

(49 Stat. 545, 555, 52 Stat. 1237, 54 Stat. 905, 920, 924; 49 U. S. C. 5, 303 (a) (13), 312 (b))

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-7241; Filed, Aug. 1, 1947; 8:49 a. m.]

Subchapter C—Water Carriers

[Ex Parte No. 146]

PART 315—EXEMPTION OF CONTRACT CARRIER OPERATIONS

OIL FIELD EQUIPMENT, MARSHLANDS, LOUISIANA AND TEXAS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 23d day of July A. D. 1947.

Upon further consideration of the record in the above-entitled proceeding and upon consideration of petitions filed by interested parties, and good cause appearing therefor:

It is ordered, That the period of exemption from the requirements of Part III of the Interstate Commerce Act of contract carriers by water insofar as they are engaged in such operations as are described in the order entered in said proceeding by the Commission, Division 4, on August 26, 1941 (§ 315.1 *Oil field equipment, marshlands, Louisiana and Texas*) be, and it is hereby, further extended until the further order of the Commission.

(54 Stat. 930; 49 U. S. C. 902 (e))

By the Commission, Division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-7242; Filed, Aug. 1, 1947; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 1—REGULATIONS AND ORDERS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

CROSS REFERENCE: For amendments of the Migratory Bird Treaty Act regulations adopted by the Secretary of the Interior which affect §§ 1.3, 1.4 and 1.5, see Proclamation 2739, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[9 CFR, Part 201]

HANDLING OF SHIPPERS PROCEEDS BY MARKET AGENCIES AND LICENSEES UNDER PACKERS AND STOCKYARDS ACT

NOTICE OF PROPOSED RULE MAKING

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture proposes to issue a rule amending § 201.42 of the regulations under the Packers and Stockyards Act (9 CFR, Part 201) to read as follows:

§ 201.42 *Shippers proceeds accounts.* Every market agency and licensee shall deposit the gross proceeds received from the sale of livestock or live poultry handled on a commission or agency basis in a separate bank account designated as follows (using the name of "John Doe Commission Company," as an example): "John Doe Commission Company—Custodial Account for Shippers' Proceeds." Such account shall be drawn on only for the payment of the net proceeds to the person or persons entitled thereto and to obtain therefrom the sums due the market agency or licensee as compensation for its services as set out in its tariffs and for such sums as may be required to pay all legal charges against the consignments of livestock or live poultry as a market agency or licensee may, in its capacity as agent, be required to pay for and on behalf of the owner or consignor. No funds, other than the gross proceeds received from the sale of livestock or live poultry, shall be deposited in said account. The market agency or licensee in each case shall keep such accounts and records as will at all times disclose the names of consignors and the amount due and payable to each from funds in the Custodial Account for Shippers' Proceeds.

Therefore, notice is hereby given that an oral hearing will be held on the proposed rule in Room 5087, South Building, United States Department of Agriculture, Washington, D. C., commencing at 10:00 a. m., e. d. s. t., on August 21, 1947. Any interested person who desires to do so may appear at that hearing and present any data, views, or argument orally on the proposed rule.

Done at Washington, D. C., this 29th day of July 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-7273; Filed, Aug. 1, 1947; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

[15 CFR, Part 30]

FOREIGN TRADE STATISTICS

FILING OF EXPORT DECLARATIONS FOR SHIPMENTS OF MERCHANDISE BY AIR

Pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) and the authority contained in section 161 (5 U. S. C. 22) of the Revised Statutes, section 4, 32 Stat. 826 (5 U. S. C. 601) and section 7, 44 Stat. 572 (49 U. S. C. 177 (c)), notice is hereby given that the Director of the Census is considering a proposal to issue proposed Foreign Commerce Statistical Decision 64, as shown below, amending the For-

eign Commerce Statistical Regulations to incorporate therein § 30.33b containing definite provisions with respect to the filing and the place of filing of the required Shipper's Export Declarations for merchandise exported by aircraft.

All persons who desire to submit written data, views or arguments in connection with the proposed Foreign Commerce Statistical Decision 64 may do so by filing them in quadruplicate with the Bureau of the Census, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

1. Section 30.33 is renumbered by adding thereto the lower-case letter "a," and the section will hereafter be known as § 30.33a.

2. Section 30.33b is added to read as follows:

§ 30.33b *Shipments of merchandise by air; exports of aircraft flown from the United States.* (a) Shipper's Export Declarations on Commerce Form 7525 must be filed by the shipper for all merchandise shipped on:

(1) Aircraft clearing from the United States, Alaska, Hawaii and Puerto Rico for foreign countries, the Virgin Islands of the United States and the Canal Zone;

(2) Aircraft clearing from one of the following areas to another: the mainland of the United States, Alaska, Hawaii and Puerto Rico; and

(3) Aircraft clearing from the Virgin Islands of the United States to foreign countries and the Canal Zone.

(b) Shipper's Export Declarations on Commerce Form 7525 must also be filed by the exporter for aircraft being flown from the United States for foreign account in all cases where clearance of aircraft is required.

(c) Shipper's Export Declarations should be filed at the port of lading of the cargo. However, when cargo is laden at a port other than the last port from which the aircraft finally obtains clearance from the United States for its foreign destination, a notation of the fact that export declarations have been filed should be made on the aircraft commander's copy of the outward manifest at the time the cargo is laden. This notation shall serve to inform Collectors of Customs officials at ports other than the port of lading that export declarations have previously been filed for the cargo.

Foreign Commerce Statistical Decision 24 is rescinded.

(R. S. 161, sec. 4, 32 Stat. 826; sec. 7, 44 Stat. 572; 5 U. S. C. 22, 601; 49 U. S. C. 177 (c))

[SEAL] J. C. CAPT,
Director.

[F. R. Doc. 47-7239; Filed, Aug. 1, 1947; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 344]

UNION STOCK YARDS CO. OF OMAHA, LTD.

NOTICE OF PETITION FOR MODIFICATION

By supplemental orders dated August 30, 1946, and September 27, 1946, the respondent has been permitted to assess certain temporary rates and charges which are due to expire on September 8, 1947, unless such orders are modified or extended.

By petition dated July 9, 1947, and filed with the Hearing Clerk on July 25, 1947, the respondent has requested that the rates and charges provided for in said orders be extended for a further period of one year.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for extension of temporary rates. All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

A copy hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 29th day of July 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-7271; Filed, Aug. 1, 1947; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2838]

HAWAIIAN AIRLINES, LTD.

NOTICE OF HEARING

In the matter of the application of Hawaiian Airlines, Ltd., under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for amendment of its certificate of public convenience and necessity with respect to the designation of certain intermediate points within the Hawaiian Islands.

Notice is hereby given pursuant to sections 401 and 1001 of the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled matter is assigned to be held on August 6, 1947, at 10:00 o'clock a. m., daylight saving time, in Conference Room A of the Departmental Auditorium, Constitution Avenue NW., between 12th and 14th Streets, Washington, D. C., before Examiner F. A. Law, Jr.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed amendment of the certificate of public convenience and necessity held by Hawaiian Airlines, Ltd., is required by the public convenience and necessity.

2. Whether the applicant is fit, willing and able to perform such transportation and to conform to the provisions of the act and rules, regulations, and requirements of the Board thereunder.

For further details of the authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board on or before August 6, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

Dated at Washington, D. C., July 29, 1947.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 47-7243; Filed, Aug. 1, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6913, 8160]

PRESQUE ISLE BROADCASTING CO. (WERC) AND WLEU BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Presque Isle Broadcasting Company (WERC), Erie, Pennsylvania, for modification of broadcast license, Docket No. 8160, File No. BS-1128; WLEU Broadcasting Company (WLEU), Erie, Pennsylvania, for construction permit, Docket No. 6913, File No. BP-4115.

The Commission having under consideration a petition filed July 9, 1947, by Presque Isle Broadcasting Company (WERC), Erie, Pennsylvania, requesting a continuance to September 15, 1947, in the hearing presently scheduled for July 28, 1947, in the proceeding upon the show cause order of the above-entitled applications;

It is ordered, This 11th day of July 1947, that the instant petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Monday, September 15, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7252; Filed, Aug. 1, 1947; 8:51 a. m.]

[Docket No. 6987]

PORT HURON BROADCASTING CO. (WHLS)

ORDER CONTINUING HEARING

In re application of Port Huron Broadcasting Company (WHLS), Port Huron, Michigan, for renewal of license, Docket No. 6987, File No. BR-976.

The Commission having scheduled a hearing upon the above-entitled application for 10:00 o'clock a. m., Wednesday, July 23, 1947, at Washington, D. C.; and

It appearing, that public interest, convenience and necessity will be served by a continuance of said hearing; and that the applicant consents to such continuance:

It is ordered, This 18th day of July 1947, on the Commission's own motion, that the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m., Thursday, September 25, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7254; Filed, Aug. 1, 1947; 8:51 a. m.]

[Docket Nos. 7373, 8437]

THOMAS G. HARRIS AND WILLIAMSON COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Thomas G. Harris, individually and as trustee for Coleman Gay, James P. Alexander, E. G. Kingsbery, Rex D. Kitchens, Spencer J. Scott and Hardy C. Harvey, Austin, Texas, Docket No. 7373, File No. BP-4355; Graham Gillis Conoley, Dr. Raymond Garrett and Ross K. Prescott d/b as Williamson County Broadcasting Company, Taylor, Texas, Docket No. 8437, File No. BP-6139; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of July 1947;

The Commission having under consideration the above-entitled application of Thomas G. Harris, Individually and as Trustee for Coleman Gay, James P. Alexander, E. G. Kingsbery, Rex D. Kitchens, Spencer J. Scott and Hardy C. Hardy requesting a construction permit for a new standard broadcast station to operate on 1260 kc, 1 kw, daytime only, at Austin, Texas, and the above-entitled application of Graham Gillis Conoley, Dr. Raymond Garrett and Ross K. Prescott d/b as Williamson County Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1260 kc, 1 kw, daytime only, at Taylor, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant Thomas G. Harris, as an individual and trustee, and of the applicant partnership Williamson County Broadcasting Company and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7258; Filed, Aug. 1, 1947; 8:51 a. m.]

[Docket No. 7848]

COMMUNITY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Community Broadcasting Company, Fort Worth, Texas, for construction permit, Docket No. 7848, File No. BP-5182.

The Commission having under consideration a petition filed July 11, 1947, by Community Broadcasting Company, Fort Worth, Texas, requesting a 60-day continuance in the hearing upon its above-entitled application which is presently scheduled for July 21, 1947, at Washington, D. C.;

It is ordered, This 11th day of July, 1947, that the instant petition be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m., Monday, September 22, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7253; Filed, Aug. 1, 1947; 8:51 a. m.]

[Docket No. 8306]

McCLATCHY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUE

In re application of McClatchy Broadcasting Company, Stockton, California, for construction permit. File No. BPH-565, Docket No. 8306.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of July 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new Class B-FM broadcast station at Stockton, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application be, and it is hereby, designated for hearing at a time and place to be specified by a subsequent order of the Commission, upon the following issue:

1. To determine what overlap of service areas, if any, exists between the proposed station and any other existing or proposed stations owned, operated or controlled by the same interests as the proposed station, and whether such overlap, if any, is in contravention of § 3.240 of the Commission's rules and regulations.

Notice is hereby given that §1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7255; Filed, Aug. 1, 1947; 8:51 a. m.]

[Docket Nos. 8460, 8461]

RADIO LAKEWOOD AND UNITED GARAGE AND SERVICE CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James A. Butler and Jack N. Berkman, d/b as Radio Lakewood, Lakewood, Ohio, Docket No. 8460, File No. BP-5949; United Garage and Service Corporation, Lakewood, Ohio, Docket No. 8461, File No. BP-6156; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of July 1947;

The Commission having under consideration the above-entitled applications of James A. Butler and Jack N. Berkman, d/b as Radio Lakewood, requesting a construction permit for a new standard broadcast station to operate on 1380 kc, with 250 w power, daytime only, at Lakewood, Ohio, and United Garage and Service Corporation, requesting a construction permit for a new standard broadcast station to operate on 1380 kc, with 500 w power, daytime only, at Lakewood, Ohio;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for

hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership Radio Lakewood, and the partners and of the applicant United Garage and Service Corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7259; Filed, Aug. 1, 1947; 8:52 a. m.]

[Docket No. 8464]

LEWIS SERVICE CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Lewis Service Corporation, Weston, West Virginia, for construction permit, Docket No. 8464. File No. BP-6054.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of July 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 1450 kc, with 250 w power, unlimited time, at Weston, West Virginia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WPAR, Parkersburg, West Virginia, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Ohio Valley Broadcasting Corp., Parkersburg, West Virginia, licensee of Station WPAR, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7256; Filed, Aug. 1, 1947; 8:51 a. m.]

KWBU, CORPUS CHRISTI, TEX.

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on July 16, 1947 there was filed with it an application for assignment of license of KWBU, Corpus Christi, Texas, from Century Broadcasting Company to Baylor University. The proposal to assign the license arises out of a contract of July 9, 1947 pursuant to which the holders of 50% of the outstanding common voting stock of the licensee (i. e., Crazy Water Company, owner of 250 shares, Fidelity Union Life Insurance Company, owner of 140 shares, Pat O'Daniel, owner of 130 shares, Mike O'Daniel, owner of 130 shares and James M. Collins, owner of 100 shares) have agreed to sell their total of 750 shares to Baylor University, which presently owns the remaining 50% of stock of said licensee, for a purchase price of $153.33 a share. The plan contemplates dissolution of the licensee and transfer of the station and its assets to Baylor University. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 23, 1947 the Commission was advised that notice concerning the proposed sale of the above stock was inserted in the "Corpus Christi Caller" and the "Corpus Christi Times", two newspapers of general circulation at that place in conformity with § 1.321 of the Commission's regulations, commencing July 18, 1947.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from July 18, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7260; Filed, Aug. 1, 1947; 8.52 a. m.]

[1] Section 1.321, Part I, Rules of Practice and Procedure.

[Docket Nos. 8286, 8457-8459, 7607]

T. JULIAN SKINNER, JR., ET AL.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of T. Julian Skinner, Jr., Charlotte, North Carolina, Docket No. 8286, File No. BP-5817; William J. Brennan, Winston-Salem, North Carolina, Docket No. 8457, File No. BP-6068; Walter Olin Nisbet, Jr., Charlotte, North Carolina, Docket No. 8458, File No. BP-6074; Surety Broadcasting Company, Charlotte, North Carolina, Docket No. 8459, File No. BP-6088; Charlotte News Publishing Co., Charlotte, North Carolina, Docket No. 7607, File No. BP-3952; for construction permits.

On April 25, 1947, T. Julian Skinner, Jr., filed a waiver of hearing of his above-entitled application pursuant to § 1.391 of the rules. This application seeking the facilities 930 kilocycles, with 1 kilowatt power, unlimited time, and using a directional antenna, at Charlotte, North Carolina, was filed February 6, 1947, and was considered under the temporary expediting procedure with all other then-pending unlimited time applications for that frequency. On April 10, 1947, the application was designated for hearing in a consolidated proceeding with the application of Mid-Carolina Broadcasting Company requesting the frequency 940 kilocycles at Salisbury, North Carolina (File No. BP-5322, Docket No. 8029). On May 2, 1947, the latter application was amended, with leave of the Commission, to specify the frequency 1280 kilocycles, and it was removed from the hearing docket. Since the aforesaid waiver of hearing was on file at the time the Mid-Carolina application was amended, the Skinner application was left in a hearing status. The other subject applications, seeking either 930 or 940 kilocycles, were, with the exception of that of Charlotte News Publishing Co., all accepted for filing after May 1, 1947, subsequent to the termination of the temporary expediting procedure. The application of Charlotte News Publishing Co., originally filed August 30, 1945, was amended May 26, 1947, to specify the frequency 930 kilocycles, and removed from the hearing docket.

We believe that action by the Commission in this case under the waiver procedure of § 1.391 of the rules is not justified and would be violative of the purpose for which that provision was adopted. Paragraphs (a) and (d) of § 1.391 follow:

(a) In the case of any broadcast applications designated for hearing, the parties may request the Commission to grant or deny the application upon the basis of the information contained in the applications and other papers specified in subsection (b), without the presentation of oral testimony. Any party desiring to follow this procedure should execute and file with the Commission a waiver in accordance with subsection (f) and serve copies on all other parties, or a joint waiver may be filed by all the parties. Upon the receipt of waivers from all parties to a proceeding, the Commission will decide whether the case is an appropriate one for determination without the presentation of oral testimony. If it is determined by the Commission that, notwithstanding the waivers, the presentation of oral testimony is necessary, the parties will be so notified and the case will be retained on the hearing docket. If the Commission concludes that the case can appropriately be decided without the presentation of oral testimony, the case will be removed from the hearing docket and the record will be considered as closed as of the date the waivers of all parties were first on file with the Commission.

(d) In all cases where the Commission issues a decision pursuant to this procedure without holding the usual hearing, an opinion will be issued by the Commission stating its reasons for its grant or denial of the individual applications. This decision shall have the same effect as a proposed decision, and the procedure thereafter to be followed shall be the same as in the case of a proposed decision made under the regular hearing procedure.

The purpose of § 1.391 was to afford a method of deciding cases without the presentation of oral testimony in those instances in which several applications were involved in conflicts or where one application had been designated for separate hearing for interference with existing stations, or for other reasons which might require a denial, and the reason for designation in either event was extant at the time the waiver was under consideration by the Commission. The procedure was not meant to apply to cases where the conflict or other reason requiring designation had been removed, either before or after a hearing date had been set, since the well established procedures provided by §§ 1.373 (h) and 1.386 of the rules afforded the machinery by which the application involved could be processed to the Commission for consideration on its merits.[1] And no good reason is apparent why § 1.391 of the rules should be construed to accord duplicate relief. On the contrary, if the waiver procedure were to be followed in the instant case, the applicant would have the status of one who had been through a hearing, since under § 1.387 (b) (3) all conflicting applications filed within 20 days prior to the date on which the waiver was filed would be subject to dismissal.[2] This is obviously unfair to those having copending application.

Inasmuch, therefore, as application of the waiver procedure of § 1.391 is not indicated in connection with the aforesaid application of T. Julian Skinner, and since the other subject applications are either mutually exclusive or involve objectionable interference therewith, the Commission is of the opinion that all should be designated for hearing in a consolidated proceeding.

Accordingly, *It is ordered*, This 10th day of July 1947, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of William J. Brennan, Walter Olin Nesbit, Surety Broadcasting Company and Charlotte News Publishing Co., be and they are hereby, designated for hearing in a consolidated proceeding with the said application of T. Julian Skinner, Jr., at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicants and of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission, dated April 10, 1947, designating the said application of T. Julian Skinner, Jr., for hearing, as modified by the removal of the application of Mid-Carolina Broadcasting Company from the hearing docket, be, and it is hereby, amended to include the said applications of William J. Brennan, Walter Olin Nesbit, Surety Broadcasting Company, and Charlotte News Publishing Co., and to change issue number 8 thereof to read as issue number 7 above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7257; Filed, Aug. 1, 1947; 8:51 a. m.]

[1] Section 1.373 (h), relative to removal from hearing docket by the Motions Commissioner, provides as follows:

(h) Frequently, when two cases are designated for hearing because they are mutually exclusive, one of the applicants amends and removes the conflict. Where this occurs the appropriate procedure is to petition for leave to amend and remove from the hearing docket. Such motions will be considered promptly and if it appears that the conflict which caused the case originally to be set for hearing has been removed and there is no other obvious conflict, the two cases will be removed from the hearing docket and placed back in their proper position (as determined by the file numbers) in the processing line. Petitions for amendment, removal from the hearing docket, and grant will not be entertained insofar as they request a grant. The Motions Commissioner in acting on such petitions will dismiss the request for a grant. In such a case the matter will simply be put back in its proper place in line.

Section 1.386, relative to petitions for reconsideration and grant without hearing, provides as follows: "Where the Commission has designated an application for hearing, the applicant may file a petition requesting reconsideration and grant of the application without hearing. If the petition shows that a grant of the application without hearing would be consistent with § 1.382, the petition will be granted. Otherwise it will be denied."

[2] Section 1.387 (b). The Commission will on its own motion name as parties to the hearing

* * * * *

(3) Any person who, prior to the time the application in question was designated for hearing, had filed with the Commission a mutually exclusive application. Any person filing an application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 20 days before the date on which the hearing on the prior application or applications is scheduled. If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application for purposes of this subsection. If the application is filed after the 20-day period, it will be dismissed without prejudice and will be eligible for refiling only after a decision is rendered by the Commission with respect to the application or applications designated for hearing or such applications are withdrawn or dismissed.

FEDERAL POWER COMMISSION

[Docket No. G-709]

BIG INCH GAS, INC.

NOTICE OF ORDER DISMISSING PROCEEDINGS

JULY 29, 1947.

Notice is hereby given that, on July 25, 1947, the Federal Power Commission issued its order entered July 22, 1947, dismissing proceeding in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7234; Filed, Aug. 1, 1947; 8:49 a. m.]

[Docket No. IT-6065]

MAGNOLIA PETROLEUM CO.

NOTICE OF DETERMINATION OF EMERGENCY AND GRANTING OF EXEMPTION FOR USE OF INTERCONNECTION

JULY 29, 1947.

Notice is hereby given that, on July 22, 1947, the Federal Power Commission issued its order approving the use and maintenance of interconnection between facilities of Magnolia Petroleum Company and Gulf State Utilities Company, for emergency use, to June 30, 1949, or the earlier termination of the emergency, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7232; Filed, Aug. 1, 1947; 8:49 a. m.]

[Docket No. IT-6067]

OTTER TAIL POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

JULY 29, 1947.

Notice is hereby given that, on July 25, 1947, the Federal Power Commission issued its order entered July 24, 1947, authorizing and approving issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7233; Filed, Aug. 1, 1947; 8:49 a. m.]

[Project No. 1891]

DON JONES

NOTICE OF ORDER RESCINDING ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR) AND DISMISSING APPLICATION FOR LICENSE

JULY 28, 1947.

Notice is hereby given that, on July 25, 1947, the Federal Power Commission issued its order entered July 22, 1947, rescinding order authorizing issuance of license (major) and dismissing application for license in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7235; Filed, Aug. 1, 1947; 8:50 a. m.]

[Project No. 1951]

GEORGIA POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

JULY 29, 1947.

Notice is hereby given that, on July 25, 1947, the Federal Power Commission issued its order entered July 24, 1947, authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7236; Filed, Aug. 1, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 764]

UNLOADING OF LUMBER AT NASHVILLE, TENN.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of July A. D. 1947.

It appearing, that car NKP 17586 containing lumber at Nashville, Tennessee, on the Nashville, Chattanooga and St. Louis Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Lumber at Nashville, Tennessee on the NC&St.L RR., be unloaded.* The Nashville, Chattanooga and St. Louis Railroad Company, its agents or employees, shall unload immediately car NKP 17586, containing lumber, now on hand at Nashville, Tennessee, consigned to the Wayatt and Bell Company, % J. O. Kirkpatrick.

(b) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Nashville, Chattanooga and St. Louis Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-7240; Filed, Aug. 1, 1947; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-137, 59-58, 70-1178]

MIDLAND UTILITIES CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER ACCOUNTING ENTRIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of July 1947.

In the matter of Midland Utilities Company, File No. 54-137; Indiana Service Corporation, File No. 59-58; American Gas and Electric Company, File No. 70-1178.

Midland Utilities Company ("Utilities"), a registered holding company, having filed an application and amendments thereto pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and other applicable sections of the act for approval of an amended plan of corporate simplification of its subsidiary, Indiana Service Corporation ("Indiana Service"), such plan providing, in general, for the recapitalization of Indiana Service, resulting in a new issue of common stock and the sale of that common stock to American Gas and Electric Company ("American Gas"), an unaffiliated registered holding company, the proceeds of such sale to be allocated among certain classes of existing securities of Indiana Service which are to be cancelled; and

The Commission having, on December 18, 1946, entered its order approving the amended plan subject to a reservation of jurisdiction over certain matters, including the accounting treatment incident to the carrying out of the plan (Holding Company Act Release No. 7086); and

Indiana Service having submitted the accounting entries which it proposes to record on its books in respect to the transactions which affect it; and

The Commission having considered the matter and it appearing that the jurisdiction as to the proposed accounting entries to be recorded on the books of Indiana Service should be released;

It is hereby ordered, That the jurisdiction reserved as to the accounting entries in the order of December 18, 1946 in the above matter be, and hereby is, released to the extent that said jurisdiction affects Indiana Service.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-7245; Filed, Aug. 1, 1947; 8:49 a. m.]

[File Nos. 59-29, 54-128, 59-12, 54-51]

PENNSYLVANIA POWER & LIGHT CO. ET AL.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of July A. D. 1947.

In the matter of Pennsylvania Power & Light Company, National Power & Light Company and Electric Bond and Share Company, File No. 59-29; Pennsylvania Power & Light Company, National Power & Light Company and Electric Bond and Share Company, File No. 54-128; Electric Bond and Share Company and National Power & Light Company, et al., File No. 59-12; Electric Bond and Share Company, National Power & Light Company, Pennsylvania Power & Light Company, Lehigh Valley Transit Company, The Edison Illuminating Company of Easton, et al., File No. 54-51. Applications 8, 9, and 10.

The Commission having, by order dated October 26, 1945 (Holding Company Act Release No. 6167), approved a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Pennsylvania Power & Light Company, then an electric and gas utility subsidiary of National Power & Light Company, a registered holding company which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company, National Power & Light Company and Electric Bond and Share Company having joined in said plan; and

The Commission having in said order reserved jurisdiction over all legal fees and expenses proposed to be paid in connection with the transactions incident to the plan; and

An application having been filed by Simpson, Thacher & Bartlett, attorneys for Electric Bond and Share Company, requesting approval of the payment of legal fees in the sum of $2,500 for services performed in connection with said plan; and

The Commission having considered said application and it appearing that said legal fees are not unreasonable and that jurisdiction in respect thereof should be released;

It is ordered, That the jurisdiction reserved in the order entered herein on October 26, 1945 be, and the same hereby is, released with respect to the legal fees of Simpson, Thacher & Bartlett, attorneys for Electric Bond and Share Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-7247; Filed, Aug. 1, 1947; 8:50 a. m.]

[File No. 70-1456]

BUFFALO NIAGARA ELECTRIC CORP. AND NIAGARA FALLS POWER CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of July 1947.

Buffalo Niagara Electric Corporation ("Buffalo"), a subsidiary of Niagara Hudson Power Corporation, in turn, a subsidiary of The United Corporation, a registered holding company, and The Niagara Falls Power Company ("Niagara"), a subsidiary of Buffalo, having filed a joint declaration, pursuant to Rule U-44 promulgated under the provisions of the Public Utility Holding Company Act of 1935, regarding the sale by Buffalo to Niagara of certain water rights consisting of the right to take 262.6 cubic feet per second of water from the Hydraulic Basin of Niagara in the City of Niagara Falls; and the Commission by order dated February 28, 1947, having permitted said joint declaration to become effective subject to the terms and conditions prescribed in Rule U-24; and the Commission by order dated June 18, 1947, having modified said order so as to extend to June 30, 1947 the time within which the transaction proposed in the joint declaration should be consummated; and

Buffalo and Niagara having requested that the time within which the transactions proposed in said joint declaration may be consummated be further extended to October 31, 1947; and

The Commission having considered such request and deeming it appropriate that an extension of time be granted:

It is ordered, That the conditions contained in said order dated February 28, 1947, as modified by said order of June 18, 1947, be, and hereby are, further modified to extend to October 31, 1947 the time within which the transactions proposed in said joint declaration are to be consummated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-7250; Filed, Aug. 1, 1947; 8:50 a. m.]

[File No. 70-1574]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of July A. D. 1947.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and United's wholly-owned subsidiary, United Gas Pipe Line Company ("Pipe Line"), have filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 6 (a), 7, 9 (a) (1), 10 and 12 (c) of the act and Rule U-42 thereunder as applicable to the proposed transactions.

All interested persons are referred to said joint application and declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

United proposes to issue and sell at private sale under its present Mortgage and Deed of Trust, dated as of October 1, 1944 as supplemented by a First Supplemental Indenture, dated as of July 1, 1947, $116,500,000 principal amount of First Mortgage and Collateral Trust Bonds, 2¾% Series due 1967. It is proposed to use the proceeds from the sale of said bonds together with $5,000,000 to be received from Pipe Line in payment of Pipe Line's 3% Promissory Notes held by United for the redemption of the outstanding $92,205,000 principal amount of United's First Mortgage and Collateral Trust Bonds, 3% Series, due 1962, at the general redemption price of 103.25%; for the purchase from Pipe Line for $18,695,000 in cash of a like principal amount of Pipe Line's First Mortgage Bonds, 4% Series, due 1962; and for general corporate purposes including construction and improvement of facilities.

United presently owns $21,340,000 principal amount of Pipe Line's First Mortgage Bonds, 4% Series due 1962 issued under a Mortgage and Deed of Trust, dated as of September 25, 1944. Said bonds are pledged under United's Mortgage and Deed of Trust. Pipe Line proposes to issue and sell to United for cash at par an additional $18,695,000 principal amount of such bonds which will also be pledged with the trustee under United's Mortgage and Deed of Trust. Pipe Line proposes to use the proceeds from such sale for the payment of its 3% Promissory Notes in the amount of $5,000,000 owned by United and for general corporate purposes including construction and improvement of its facilities.

United has requested an exemption from the competitive bidding requirements of Rule U-50, and has retained the firm of Dillon Read & Co. as its agent to aid in the negotiation and sale of the proposed bonds and also to advise with respect to the terms and provisions of said bonds.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said joint application and declaration and that said joint application and declaration shall not be granted or permitted to become effective except pursuant to a further order of this Commission:

It is ordered, That a hearing on said joint application and declaration pursuant to the applicable provisions of the act and the rules of the Commission be held on August 13, 1947 at 10:00 a. m., e. d. s. t., at the offices of the Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before August 11, 1947 a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Willis E. Monty or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division having advised the Commission that it has made

a preliminary examination of the joint application and declaration and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the bonds proposed to be issued by United and Pipe Line are reasonably adapted to the security structures and earning power of said corporations, and whether the financing by the issue and sale of such bonds is necessary or appropriate to the economic and efficient operation of the businesses in which such corporations are engaged.

(2) Whether the terms and conditions of the securities proposed to be issued are in accordance with the applicable standards of the act, particularly section 7 thereof.

(3) Whether the requested exemption from the competitive bidding requirements of Rule U-50 should be granted, and whether any terms and conditions should be imposed in the public interest or for the protection of investors or consumers should such exemption be granted.

(4) Whether the proposed acquisitions and retirements of securities meet the applicable standards of the act, particularly sections 9 (a), 10 and 12 thereof.

(5) Whether the fees and expenses to be paid in connection with the proposed issue and sale of the proposed securities are reasonable.

(6) Whether the proposed accounting treatment with respect to the transactions is appropriate and in conformity with sound accounting principles.

(7) Whether in the event the joint application and declaration shall be granted and permitted to become effective it is necessary or appropriate to impose any terms or conditions to assure compliance with the standards of the act or in the public interest or for the protection of investors or consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the applicant and declarant herein and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7246; Filed, Aug. 1, 1947; 8:50 a. m.]

[File No. 70-1576]

NORTHERN NATURAL GAS CO.

NOTICE OF FILING AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penna., on the 28th day of July 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Northern Natural Gas Company ("Northern Natural"), a public utility company and a registered holding company and a subsidiary of North American Light & Power Company and of The North American Company, both registered holding companies. The declarant has designated sections 6 (a) (1), 6 (a) (2) and 7 of the act and Rule U-62 promulgated thereunder as being applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of the Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, for a statement of the transactions therein proposed which are summarized as follows:

Northern Natural proposes to amend its certificate of incorporation to provide for a reduction in the par value of its common stock from $20 per share to $10 per share and to issue two shares of common stock, par value $10 per share, in exchange for each share of outstanding common stock, par value $20 per share, thereby increasing the number of issued and outstanding shares of common stock from 1,015,000 to 2,030,000. Northern Natural also proposes to amend its certificate of incorporation to provide for an increase in the number of authorized shares of its common stock from 1,200,000 shares of common stock, par value $20 per share, to 5,000,000 shares of common stock, par value $10 per share.

Northern Natural further proposes to call a special meeting of stockholders to be held on or about August 20, 1947 for the purpose of voting on aforesaid proposed amendments to its certificate of incorporation and other matters, and has requested the Commission to enter an order prior to August 4, 1947 authorizing the solicitation of proxies in connection with said meeting pursuant to the requirements of Rule U-62.

Notice is further given that any interested person may not later than August 15, 1947 at 12:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on the matters set forth in the declaration other than the proposal to solicit proxies in connection with said special meeting of stockholders, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after August 15, 1947 said declaration, as filed or as amended, excepting such portion thereof as is permitted to become effective herein, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

It appearing that the solicitation of the proxies from the stockholders of the declarant, as proposed to be done, does not make it necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the act or the rules and regulations thereunder that the Commission issue any order with respect thereto other than an order permitting the declaration as to such solicitation to become effective, upon the condition, however, that the solicitation material sent to the stockholders shall advise them that they may request a hearing in the manner hereinabove stated with respect to the other matters set forth in said declaration:

It is therefore ordered, That, without passing upon the merits of the declaration filed pursuant to sections 6 (a) (1), 6 (a) (2) and 7, the declaration as to the solicitation of proxies from the stockholders of Northern Natural be, and hereby is, permitted to become effective forthwith upon the condition that the solicitation material sent to said stockholders shall advise them that they may request a hearing in the manner set forth in this notice with respect to the other matters set forth in said declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7258; Filed, Aug. 1, 1947; 8:50 a. m.]

[File No. 812-503]

BANKERS SECURITIES CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of July A. D. 1947.

Notice is hereby given that Bankers Securities Corporation ("Bankers") has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 17 (a) of the act (1) a proposed sale by Bankers to Girard Life Insurance Company ("Girard") of $10,000 principal amount Ten-Year 2¼% Bonds and $35,000 principal amount Twenty-Five Year 3% Bonds of International Bank for Reconstruction and Development ("International Bank"), and (2) a proposed sale by Bankers to Union Building Company ("Union") of $25,000 principal amount Ten-Year 2¼% Bonds of International Bank.

Bankers is a closed-end, management, non-diversified investment company and is registered under the act. Bankers own approximately 67% of the common stock of Girard and approximately 32% of the outstanding stock of Union. Girard and Union are, therefore, each affiliated persons of Bankers. With certain exceptions not applicable to the instant application, section 17 (a) of the act prohibits an affiliated person of a registered investment company from purchasing securities from such registered company. Bankers has, therefore, filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed transactions from the provisions of section 17 (a) of the act.

International Bank has filed with this Commission a registration statement in connection with a public offering of $100,000,000 Ten-Year 2¼% Bonds and $150,000,000 Twenty-five Year 3% Bonds which statement become effective by order of the Commission dated July 14, 1947. Bankers has been invited by International Bank to participate as a securities dealer in the public distribution of its bonds and received a total allotment of $35,000 Ten-Year and $55,000 Twenty-five Year Bonds. Under the terms of its Dealers Agreement governing the public distribution of the bonds, Bankers is obliged to re-offer the bonds allotted to it at par which is the offering price fixed by International Bank in its prospectus. The agreement further provides that dealers will be allowed a concession of ¼ of 1% of the principal amount of all Ten-Year Bonds and ½ of 1% of the principal amount of all Twenty-five Year Bonds, none of which may be reallowed.

Bankers as a dealer proposes to sell at par plus accrued interest, on a when-issued basis, $10,000 Ten-Year and $35,000 Twenty-Five Year Bonds to Girard and $25,000 Ten-Year Bonds to Union and will receive the commission referred to herein above for its services. Bankers proposes to sell the remaining $20,000 Twenty-Five Year Bonds to a non-affiliated person. The market price of the Ten-Year Bonds has ranged between a high of 102 and a low of $101^{16}/_{32}$ since the offering date, closing at $101^{17}/_{32}$ on July 24, 1947. The market price of the Twenty-Five Year Bonds has ranged between a high of $103^{1}/_{32}$ and a low of $102^{4}/_{32}$ since the offering date, closing at $102^{2}/_{32}$ on July 24, 1947. Bankers states in its application (1) that the proposed transactions are in keeping with International Bank's plan for a nation-wide distribution of its securities, (2) that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and (3) that the proposed transactions are consistent with the policy of Bankers as recited in its registration statement and reports filed under the act and are consistent with the general purposes of the act.

All interested persons are referred to said application which is on file at the Philadelphia, Pa., offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 11, 1947, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 8, 1947, at 5:30 p. m., in writing, submit to the Commission his views or any additional facts bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature and interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7249; Filed, Aug. 1, 1947; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9447]

REIMEI NAKAYAMA

In re: Stock owned by Reimei Nakayama, also known as Reimer Nakayama, and as Reiner Nakayama. D-39-370-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reimei Nakayama, also known as Reimer Nakayama, and as Reiner Nakayama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. One Hundred (100) shares of $5.00 par value common capital stock of United Electric Coal Companies, 307 North Michigan Avenue, Chicago 1, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C32743, registered in the name of J. R. Williston & Co., together with all declared and unpaid dividends thereon,

b. One Hundred (100) shares of No par value $4.00 preferred capital stock of Standard Gas & Electric Company, 231 So. LaSalle Street, Chicago 4, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NL26962, registered in the name of J. R. Williston & Co., together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation owing to Reimei Nakayama, also known as Reimer Nakayama and as Reiner Nakayama, by J. R. Williston & Co., 115 Broadway, New York 6, N. Y., in the amount of $58.80, as of May 19, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-7225; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9450]

HISAJIRO OKAMOTO AND ICHIO SATO

In re: Debts owing to Hisajiro Okamoto and Ichio Sato, also known as H. I. Satoh and as Henry Ichio Satoh. F-39-3852-C-1, D-39-9408-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hisajiro Okamoto and Ichio Sato, also known as H. I. Satoh and as Henry Ichio Satoh, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hisajiro Okamoto, by Sogo Kinyusha, J. H. Katada, Treasurer, 1610 S. W. 1st Avenue, Portland, Oregon, in the amount of $130.50, as of April 1, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Ichio Sato, also known as H. I. Satoh and as Henry Ichio Satoh, by Sogo Kinyusha, J. H. Katada, Treasurer, 1610 S. W. 1st Avenue, Portland, Oregon, in the amount of $324.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7226; Filed, July 31, 1947; 9:42 a. m.]

[Vesting Order 9453]

LENORE SCHULTZ

In re: Stock, bonds and certificate of beneficial interest owned by and debt owing to Lenore Schultz. F-28-8681-A-1, F-28-8681-D-1/2, F-28-8681-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lenore Schultz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirty (30) shares of $100 par value common capital stock of American Telephone & Telegraph Company, 195 Broadway, New York 7, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates listed below, and in the amounts appearing opposite each Certificate Number as follows:

Certificate No:	Number of shares
NG 22420	7
ND 91207	4
NW 91834	2
NZ 89264	2
EN 26228	8
MN 3091	2
SN 75989	3
NG 96313	7

registered in the name of Lenore Schultz, and presently in the custody of The First National Bank, Madison, Wisconsin, together with all declared and unpaid dividends thereon,

b. Forty (40) shares of $100 par value, 7% Preferred Cumulative capital stock of Northern States Power Company, 231 S. La Salle Street, Chicago 4, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by Certificates Numbered 45295, 46672, 51561 and 55597, for 10 shares each, registered in the name of Lenore Schultz, and presently in the custody of The First National Bank, Madison, Wisconsin, together with all declared and unpaid dividends thereon,

c. Twenty-eight (28) shares of $20.00 par value common capital stock of General Telephone Corporation, 80 Broad Street, New York 4, New York, a corporation organized under the laws of the State of New York, evidenced by Certificate Numbered TCO 50386, registered in the name of Lenore Schultz, and presently in the custody of The First National Bank, Madison, Wisconsin, together with all declared and unpaid dividends thereon,

d. Three (3) Guaranty Mtg. Corp. Coll. Tr. Ser. Y-7, Bonds, each of $300 original face value, bearing the numbers C4, C11 and C-12 and presently in the custody of The First National Bank, Madison, Wisconsin, together with any and all rights thereunder and thereto,

e. One Certificate of Beneficial Interest of Capitol Building Company, 6 East Randolph Street, Chicago, Illinois, of $100 par value, for one unit, bearing number 0135, registered in the name of Lenore Schultz, and presently in the custody of The First National Bank, Madison, Wisconsin, together with any and all rights thereunder and thereto, and

f. That certain debt or other obligation owing to Lenore Schultz, by The First National Bank, Madison 1, Wisconsin, in the amount of $2445.52, as of May 28, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7227; Filed, July 31, 1947; 9:43 a. m.]

[Vesting Order 9502]

ERICA SCHIRMER FISCHER

In re: Trust created under informal agreement for the benefit of Erica Schirmer Fischer, formerly known as Erica Schirmer, wherein Herbert J. Lyall, deceased, was trustee. File No. D-28-2410; E. T. Sec. 3898.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erica Schirmer Fischer, formerly known as Erica Schirmer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Trust created under Informal Agreement for the benefit of Erica Schirmer Fischer, formerly known as Erica Schirmer, wherein Herbert J. Lyall, deceased, was Trustee, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Herbert J. Lyall, Jr., and Edward J. West, as Co-Executors under the Will of Herbert J. Lyall, deceased, acting under the judicial supervision of the Union County Orphans' Court, Elizabeth, New Jersey,

and it is hereby determined:

That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7228; Filed, July 31, 1947; 9:43 a. m.]

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7228; Filed, July 31, 1947; 9:43 a. m.]

[Vesting Order CE 396]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Francesco Colaci	Italy	Estate of James Colaci, deceased, Surrogate's Court, Queens County, N. Y.; docket No. 121937.	$207.00
		Item 2	
Giuseppe Geniusa	do	Estate of Jasper Geniusa, incompetent, Vincent Russo, committee, Supreme Court, Kings County, State of New York; docket No. 271-20.	87.00
		Item 3	
Dorothy Ric Ansenda	do	Estate of Emma G. Stronse, deceased, Surrogate's Court, New York County, N. Y., court file No. P-479-1938.	32.00
		Item 4	
Ruth Emma Ric Roman	Germany	Same	32.00
		Item 5	
Mary E. Byrne	Italy	Estate of Alice C. Byrne, deceased, Surrogate's Court, New York County, N. Y., docket No. P-557-1944.	38.00
		Item 6	
Armando C[illegible]	do	Estate of Albert H. Balcom, deceased, Surrogate's Court, New York County, N. Y., file No. A. 1941-1945.	86.00
		Item 7	
Mariannina Barone	do	Estate of Maria Barone Centante, deceased, Surrogate's Court, Queens County, N. Y., 3274-1943.	45.00
Rose Barone	do	Same	15.00

[F. R. Doc. 47-7229; Filed, July 31, 1947; 9:43 a. m.]

[Vesting Order 9390]

HELMKEN & RANDERMANN

In re: Debt owing to Helmken & Randermann. F-28-11348-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helmken & Randermann, the last known address of which is Postbox 229, Bremen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Helmken & Randermann, by Oberaldo Finance Corporation, P. O. Box 896, Reading, Pennsylvania, arising out of a dollar demand deposit, in the amount of $11,335.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7261; Filed, Aug. 1, 1947; 8:46 a. m.]

[Vesting Order 9445]

MR. HEINRICH HARTNACK

In re: Bank account and stock owned by Mr. Heinrich Hartnack. F-28-6293-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mr. Heinrich Hartnack, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Mr. Heinrich Hartnack,

by Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, arising out of a Custody Account, entitled Heinrich Hartnack, and any and all rights to demand, enforce and collect the same, and

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, and presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Certificate No.	Number of shares	Par value	Type of stock	Registered owner
Acme Steel Co., 2840 Archer Ave., Chicago 8, Ill.	Illinois	NY/O 9424	80	$10.00	Capital	Sigler & Co.
Addressograph-Multigraph Corp., 1200 Babbitt Rd., Cleveland 17, Ohio.	Delaware	N 10401	100	10.00	Common	Do.
American Water Works & Electric Co., Inc., 50 Broad St., New York 4, N. Y.	do	CO 199023	67 41	No par	do	Do.
		C 130792	68 100	No par	do	Do.
		C 130793	68 100	No par	do	Do.
Bangor & Aroostook Railroad Co., Graham Bldg., Bangor, Maine.	Maine	NY/O 27469	68 50	50.00	do	Do.
		NY 14417	68 100	50.00	do	Do.
Behr-Manning & Brass Corp., 1400 Lafayette Bldg., Detroit, Mich.	Michigan	NY C/O 7108	50	5.00	do	Do.
The Borden Co., 350 Madison Ave., New York 15, N. Y.	New Jersey	285618	68 70	15.00	Capital	Do.
		285619	68 70	15.00	do	Do.
Brown Shoe Company, Inc., 1000 Washington Ave., St. Louis, Mo.	New York	NY/O 11600	70	15.00	Common	Do.
The Bullard Co., 286 Canfield Ave., Bridgeport, Conn.	Connecticut	020081	68 20	No par	do	Do.
		13567	68 100	No par	do	Do.
The Chesapeake & Ohio Ry. Co., Richmond, Va.	Virginia	0056937	68 40	25.00	do	Do.
		C X 22639	68 10	25.00	do	Do.
General Foods Corp., 250 Park Ave., New York 17, N. Y.	Delaware	0262866	68 82	No par	do	Do.
		0394816	68 74	No par	do	Do.
		0203857	68 50	No par	do	Do.
		0259346	68 74	No par	do	Do.
General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.	do	C 512-709	68 25	10.00	do	Do.
		C 83-736	68 25	10.00	do	Do.
		C 39-029	68 50	10.00	do	Do.
Mathieson Alkali Works (Inc.), 60 East 42d St., New York 17, N. Y.	Virginia	X N Y C 32823	100	No par	do	Do.
National Distillers Products Corp., 700 East Franklin St., Richmond 19, Va.	do	F 12140	68 39	No par	do	Do.
		T F 29403	68 78	No par	do	Do.
National Gypsum Co., 325 Delaware Ave., Buffalo 2, N. Y.	Delaware	C 28803	68 100	1.00	do	Do.
		C 02957	68 40	1.00	do	Do.
		T C 012408	68 1	1.00	do	Do.
Pittston Co., 77 River St., Hoboken, N. J.	do	F 74566	68 25 100	1.00	do	Not registered.
		X 12954	100	No par	do	Sigler & Co.
Public Service Corp. of New Jersey, 80 Park Pl., Newark 1, N. J.	New Jersey					
Southern California Edison Co., Ltd., Edison Bldg., 601 West 5th St., Los Angeles, Calif.	California	N D 71850	68 100	25.00	do	Do.
		N D O 14719	68 50	25.00	do	Do.
		N D O 57171	68 50	25.00	do	Do.
Swift & Co., Union Stockyards, Chicago 9, Ill.	Illinois	N 8881	68 100	25.00	Capital	Do.
South Porto Rico Sugar Co., 1 Exchange Pl., Jersey City, N. J.	New Jersey	C 06858	50	No par	Stamped common	Heinrich Hartnack.

[F. R. Doc. 47-7262; Filed, Aug. 1, 1947, 8:46 a. m.]

[Vesting Order 9456]

VON DER HEYDT & CO.

In re: Bonds, stock and a bank account owned by Von Der Heydt & Co. F-28-26551-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Von Der Heydt & Co., the last known address of which is Berlin, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Eleven (11) Hotel Waldorf-Astoria 5% Sinking Fund Income Debentures, of $10,500.00 aggregate face value, bearing the numbers M485, M486, M487, M488, M489, M490, M491, M492, M493 and M494 of $1,000.00 face value each, and D56 of $500.00 registered in the name of Cudd & Co., presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

b. One thousand and sixty (1,060) shares of $1.00 par value common capital stock of Hotel Waldorf-Astoria Corp., 301 Park Avenue, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered B1 for eight hundred and fifty (850) shares, O4597 for ten (10) shares, C3323 and C3324 for one hundred (100) shares each, registered in the name of Cudd & Co., and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation owing to Von Der Heydt & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account, entitled Von Der Heydt & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7263; Filed, Aug. 1, 1947; 8:46 a. m.]

[Vesting Order 9479]

OTTO ACKERMANN ET AL.

In re: Bank accounts owned by Otto Ackermann, Elfriede Ackermann and Richard Ackermann. F-28-24799-E-1, F-28-24800-E-1, F-28-24798-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Ackermann, Elfriede Ackermann and Richard Ackermann, whose last known addresses are Breslau, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Otto Ackermann, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled Otto Ackermann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Elfriede Ackermann, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled Elfriede Ackermann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Richard Ackermann, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled Richard Ackermann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7264; Filed, Aug. 1, 1947; 8:46 a. m.]

[Vesting Order 9481]

UMBERTO BORTOLUSSI

In re: Claim owned by Umberto Bortolussi. F-28-28257-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Umberto Bortolussi, whose last known address is Gallitzinstr. 21, Muenster I, Westfalen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: The claim of Umberto Bortolussi against the State of New York and the Comptroller of the State of New York, arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of that sum of money previously on deposit with The Bowery Savings Bank, 110 East 42nd Street, New York 17, New York, in a savings account, account number 220,-718, entitled Umberto Bortolussi, and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7265; Filed, Aug. 1, 1947; 8:47 a. m.]

[Vesting Order 9483]

LINA HERMANN

In re: Bank account owned by Lina Hermann. F-28-25781-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Hermann, whose last known address is Richard Wagnerstrasse 11, Karlsruhe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, arising out of a Cash Custodian Account, entitled Swiss Bank Corporation, Zurich, Switzerland, Special Account Lina Hermann, maintained at the aforesaid Agency, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lina Hermann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as

a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 47-7266; Filed, Aug. 1, 1947; 8:46 a. m.]

[Vesting Order 9497]

MAGDALENA PALM

In re: Bond and mortgage, property insurance policies, capital stock certificate and claim owned by Magdalena Palm.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magdalena Palm, whose last known address is Massweiler bei Zweibruecken Rheinpfalz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. A mortgage executed on July 5, 1918, by Gascoyne Realty Company, to United States Title Guaranty Company, and recorded in the Office of the Clerk of the County of Queens, New York, on July 8, 1918, in Liber 1799 of Mortgages, at page 103, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

b. All right, title and interest of Magdalena Palm, in and to the following insurance policies:

Policy No. 83197, issued by Northwestern National Insurance Company, East Wisconsin Avenue and North Jackson Street, Milwaukee, Wisconsin, in the amount of $1,500.00, which policy expires May 28, 1948, and insures the property subject to the mortgage described in subparagraph 2–a hereof, and

Policy No. 110421, issued by Northwestern National Insurance Company, East Wisconsin Avenue and North Jackson Street, Milwaukee, Wisconsin, in the amount of $2,500.00, which policy expires March 31, 1950, and insures the property subject to the mortgage described in subparagraph 2–a hereof, and

c. Capital Stock Certificate No. 70 of the 1711–1729 Neptune Avenue Corporation, dated April 30, 1937, in the face amount of $500.00, which certificate is on deposit with Manufacturers Trust Company, 55 Broad Street, New York, New York, in Custody Account No. 894,490, entitled "Richter & Kaiser, Inc.", together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto, including particularly but not limited to the right to present it for payment and demand the sum of $315.00, presently held by Fulton Service Corporation, 32 Court Street, Brooklyn, New York, and

d. That certain debt or other obligation owing to Magdalena Palm by Richter & Kaiser, Inc., 186 Remson Street, Brooklyn, New York, arising by reason of collections on the mortgage described in subparagraph 2–a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7267; Filed, Aug. 1, 1947; 8:47 a. m.]

[Vesting Order 9498]

PAUL WILLIAM STARK

In re: Real property owned by Paul William Stark, also known as Paul Stark.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul William Stark, also known as Paul Stark, whose last known address is Zinglerstrasse 5, im Garten Ulm/Donau, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in Smithville South, Town of Hempstead, County of Nassau, State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

ALL that certain piece and parcel of ground, with the buildings formerly used as a shop, situated thereon, said premises being situate in Smithville South, Town of Hempstead, County of Nassau, New York, on the westerly side of the road leading from the plains to Bellmore and generally or heretofore known as the Little Neck Road, described as follows:

Beginning at a point on the westerly side of Little Neck Road at a point 150 feet southerly from the southerly side of Half Avenue where it intersects said Little Neck Road, and running thence southerly and bounded by said Little Neck Road, 150 feet; thence westerly 185 feet; thence northerly 150 feet to the corner formed by the intersection on the southerly line of land now or formerly of Rath with land now or formerly of Rudolph Busch and Marie Busch and thence easterly and bounded by said land now or formerly of Rath 185 feet to the point or place of Beginning. Said premises being generally bounded on the east by Little Neck Road, on the south by lands now or late of Moran or the said Rudolph Busch and Marie Busch; on the west by land now or formerly of Rudolph Busch and Marie Busch and on the north by lands now or formerly of said Rath.

Together with all the right, title and interest of the party of the first part hereto in and to that portion of Little Neck Road lying in front of and adjacent to the above described premises to the center line thereof.

[F. R. Doc. 47-7268; Filed, Aug. 1, 1947; 8:47 a. m.]

[Vesting Order 6230, Amdt.]

GERHARD AND GERTRUD STUBBE

In re: Real property, property insurance policy, claims, securities, household furniture and personal effects owned by Gerhard and Gertrud Stubbe, both also known as G. Stubbe.

Vesting Order 6230, dated April 30, 1946, is hereby amended as follows and not otherwise:

1. By deleting Exhibit A, attached thereto and by reference made a part thereof, and substituting therefor Exhibit A, attached hereto and by reference made a part hereof.

2. By deleting subparagraph 2–f and substituting therefor the following:

f. All those household furnishings and personal effects owned by Gerhard Stubbe and Gertrud Stubbe, both of whom are also known as G. Stubbe, presently in the custody of the Union Transfer and Storage Company, 1113 Vine Street, Houston, Texas, evidenced by warehouse receipts, numbered 2381 and 2383 of the aforesaid Union Transfer and Storage Company, including but not limited to the property particularly described in Exhibit A, attached hereto and by reference made a part hereof,

All other provisions of said Vesting Order 6230 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

7-piece twin bedroom suite, two-tone, consisting of:
- 2 single beds with mattress and inner springs
- 1 chest drawers
- 1 vanity bench
- 2 night stands
- 1 dresser

8-piece maple dining room set, consisting of:
- 1 buffet
- 1 dining table
- 6 straight chairs (back broken on one chair)

1 youth bed with mattress
4 straight chairs
1 large rack 14 x 72 x 72" (homemade)
1 lawn mower 14" (used)
1 rack 12 x 52 x 47"
1 water hose—on rack—40 ft.
1 child's chiffarobe
1 (3 section) book case
1 porcelain table top
1 rug—7½ x 9 ft. Wilton velvet
1 rug—7½ x 9 ft. blue carpet
1 rug—8 x 10 ft. Axminister
1 rug—8 x 10 ft. Axminister
1 rug pad 7 x 9 ft.
1 bathinette
1 baby bed, without mattress
1 maple desk
1 chest drawers—bleached
1 divan (sofa bed)
1 settee
1 Bristol gas range—4-burner
1 floor lamp stand—base and shade
1 floor lamp stand—base and shade
1 book cabinet—4 sections—short 1 leg
1 book rack
1 arm chair
1 arm chair
11 stemmed crystal wine glasses—green
2 hot plates for dinner table
5 ebony and ivory elephants
1 baby hot plate
1 amber crystal bowl
1 glass flower bowl
9 decorated demitasse cups and saucers—German
1 set (1 each) salt and pepper shakers
1 cut glass candy dish
1 cut crystal rose vase
1 amber edged crystal vase
1 porcelain decorated ink well (small)
1 3-piece set cut crystal bowls
11 etched water glasses
12 crystal saucers
11 crystal butter dishes
1 water sprinkler
2 metal door mats
1 automobile jack—no handle
1 desk lamp
1 shovel
1 small tent
1 bundle 24 curtain rods
1 Remington typewriter
1 Hot Point electric iron
1 G. B. clock
1 small clock—make unknown
1 small clock—make unknown
1 Electrolux vacuum cleaner
1 quart Thermos bottle
1 pint Thermos bottle
1 leather brief case
1 baby rack
1 bag of fifty clothespins
2 wire baskets
1 baby bath tub
1 carton containing 32 Victrola records
1 airmail scale—4 lb. capacity
2 barometers—small
7 dinner knives—not sterling silver
8 vegetable spoons—not sterling silver
3 teaspoons—not sterling silver
6 forks—not sterling silver
1 baby spoon—not sterling silver
1 pound Folgers coffee
1 tennis court net
1 minnow net
1 thin green rubber matting
1 bundle 8 pillows
1 bundle 2 throw rugs—small
1 T-shaped Mexican rug—4 x 5 ft.
1 bundle 23 odd curtains (old and discolored)
1 bundle 6 tea towels
1 hand cycle
1 bundle 16 drapes—odd size and discolored
1 bundle 3 toys
1 bundle 10 flower pots
1 carton 65 wire and wood coat hangers
1 small Mexican waste basket
1 small Mexican sewing basket
1 wooden buffet tray
1 round buffet tray
1 small Mexican rug
1 woolen robe blanket
4 flower frogs
2 small food choppers
1 wire tray for 8 glasses
1 small drop-leaf table
1 small round end table
1 end table (modern)
1 typewriter desk—oak
1 rug 6 x 9 ft. Axminster
1 folding stepladder
1 gas heater
1 gas heater circulating
1 smoking stand
1 folding army cot
1 garbage can—10-gallon size
1 office armchair
1 maple armchair
1 maple desk armchair
1 garbage can—15-gallon size
1 Frigidaire—5 ft. H205 G. M.
1 child's high chair
1 rug pad 5 x 8 ft.
1 stool—1 brace broken
1 child's rocking horse
1 folding chair No. 78
1 handbag—old and worn
1 grass catcher
1 small oil heater
1 combination stool and ladder
1 nest 2 tubs
1 roll screen wire—5' x 3"
1 wire door mat
1 large hammer—sledge
1 floor waxer
1 portable Victrola
1 water cooler
18 stem glasses—etched crystal
1 set dishes—60 pieces—German porcelain
67 pieces German silver No. 800
12 bone-handled knives
4 pieces bone-handled serving set
11 table spoons—silver undetermined
16 silver souvenir spoons
1 silver soup ladle
2 silver napkin rings
1 ivory napkin ring
1 Meiser tea pot
1 green flower vase
1 cut crystal flower vase
1 lustre teapot
1 lustre sugar bowl
2 silver-plated creamers
1 porcelain cookie jar—w/ handle
1 silver-plated teapot
1 silver-plated cocktail tray—small
6 silver-plated coasters
1 silver-plated sugar bowl
1 silver-plated well and tree platter
1 wood carved tobacco jar
8 kpm coffee cups and saucers
12 pieces miscellaneous Rosenthal porcelain
1 decorated porcelain plate
1 Meisser plaque
61 pieces inexpensive pottery and dishes (miscel. colors)
6 whiskey glasses—red rim
5 liqueur glasses
3 amber and green wine glasses
6 etched crystal water glasses
1 spading fork
1 weed cutter
1 No. 2 edger
1 leaf rake
1 small metal chest
1 small wooden chest (homemade)
1 folding camp stool
1 picture—ocean scene—33 x 25
1 picture—homestead scene—25 x 20.
1 picture—Venice scene—21 x 17
1 picture—homestead scene—16 x 12
1 picture—Japanese scene—16 x 12
3 pictures—aeroplane scene—17 x 13
1 picture—pencil sketch—18 x 14
1 picture—forest scene—17 x 13
1 picture—water color—lakeshore scene—25 x 30
1 picture—canvas water color—coastal scene—16 x 21
4 pictures—miscellaneous scenes—small

Reference AUG 7 '47

1 aluminum dripolater—6 cups
1 flour sifter
1 spice grader
1 wood salad mixer
2 cake tins
1 pie tin
2 egg beaters
1 potato masher
3 can openers
2 rolling pins
4 wooden spoons
2 metal dippers for soup
1 cigarette dispenser—no top
4 chopping blocks
1 cabbage chopper
1 metal perpetual calendar
11 pots and pans
1 aluminum skillet
10 lids for pots
1 small box containing Christmas ornaments
1 enamel skillet
1 small silver tray
1 Twinplex safety razor sharpener
1 razor stone
1 bucket containing miscellaneous kitchen utensils
1 box personal papers and records 46" x 26" x 36"
1 box personal papers and records 36" x 40" x 31"
1 box personal papers and records 42" x 38" x 22"
163 miscellaneous books in English
181 miscellaneous books in German
3 bars soap
1 Nagel Pubille camera, Leitz Elmer, 101323
1 Expose meter, Ombrux
1 auto timing device
1 Zeiss baby camera in leather box
1 filter medium
1 tripod with extension legs, metal
1 Voigtlander camera, lens 1013689
1 Monocular field glass, 1552153
1 nest of four metal drinking cups in leather case
1 Plus 8 lens appliance
1 leather shoulder bag with various papers
2 key cases
1 identification tag
1 box various keys
1 small marquetry box with tax tokens
1 leather pouch

[F. R. Doc. 47-7269; Filed, Aug. 1 1947, 8:47 a. m.]

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9880

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE RIVER TERMINAL RAILWAY COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the River Terminal Railway Company, a carrier, and certain of its employees represented by the Brotherhood of Railroad Trainmen, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce within the state of Ohio, to a degree such as to deprive that portion of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the River Terminal Railway Company or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 1, 1947.

[F. R. Doc. 47-7348; Filed, Aug. 1, 1947; 3:44 p. m.]

Reference

AUG 7 '47

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 152

Washington, Tuesday, August 5, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

DELEGATION OF AUTHORITY TO ADVERTISE

Part 300, "General" in Chapter III of Title 6, Code of Federal Regulations (6 CFR, Cum. Supp., Chapter III, Subchapter A), is amended by adding § 300.20 as follows:

§ 300.20 *Delegation of authority to advertise.* (a) For the fiscal year ending June 30, 1948, the Administrator and certain designated officials of the Farmers Home Administration within their jurisdictions are authorized to incur expense for advertising in newspapers and other publications as hereinafter specifically set forth.

(1) State Directors; District Supervisors; and County Supervisors may advertise public and private foreclosure sales of personal and real property under lien to the Farmers Home Administration (and its predecessor agencies) as required by State Laws or by orders of courts of competent jurisdiction.

(2) Chief of the Administrative Services Division; Area Finance Managers; Area Chief, Administrative Services Division; State Director, San Juan, Puerto Rico; and Chief, Administrative Management Division, San Juan, Puerto Rico, may advertise:

(i) In accordance with the applicable provisions of law, the dissolution of corporations and associations (including State Rural Rehabilitation Corporations, Defense Relocation Corporations, and Purchasing Associations, and so forth) and the sale and disposal of all real and personal property under the jurisdiction of the Farmers Home Administration.

(ii) For bids on construction contracts into which the Farmers Home Administration desires to enter.

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FEDERAL REGISTER

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(iii) In connection with the solicitation of bids for the procurement of office and storage space, services, materials supplies, and equipment.

(b) This authority includes the selection of county, city, or other newspapers, appropriate trade journals, or other publications of limited or general circulation; and the placing therein of display or other advertisement which will be sufficient notification to the public of any particular proposal. For any single proposal, no advertisement will appear in more than fifteen newspapers or other publications, nor will more than five insertions be made in the same newspaper or publication, except where a larger number of newspapers, or other publications, or a greater number of insertions, are required by State laws, or by orders of a court of competent jurisdiction, in which case the required number of newspapers or other publications, or the required number of insertions, or both, will be limited to the number required by such State laws or by such a court order. (R. S. 3828, sec. 12, Pub. Law 600, 79th Cong., 60 Stat. 806; 44 U. S. C. 324)

Issued this 30th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7292; Filed, Aug. 4 1947; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5005]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WATTS-WAGNER CO., INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.96 (a) *Using misleading name—Goods—Qualities or properties.* In connection with the offering for sale, sale, and distribution in commerce, of the product designated "Perma-Weld" or any other product of substantially similar composition or properties, whether sold under the same or any other name, (1) using the words "weld" or "welding", or any other words of similar import or meaning, to designate, describe or refer to said product or the results accomplished through the use of said product; (2) representing, directly or by implication, that the use of said product will result in the fusion, union, consolidation, or welding of metal parts, or that the results accomplished through the use of said product are such as are accomplished through a welding process; or, (3) representing, directly or by implication, that the use of said product will permanently repair any metal parts which are subjected to stress or vibration; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Watts-Wagner Company, Inc., et al., Docket 5005, June 27, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of June A. D. 1947.

In the Matter of Watts-Wagner Co., Inc., a Corporation; Allen P. Wagner and William W. Wagner, Individually and as Officers of Watts-Wagner Co., Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before examiners of the Commission theretofore duly designated by it, report of the trial examiners, and the briefs of counsel (oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Watts-Wagner Company, Inc., a corporation, its officers, representatives, agents, and employees, and the individual respondents Allan P. Wagner and William W. Wagner, individually and as officers of the corporate respondent, jointly or severally, their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the product designated "Perma-Weld", or any other product of substantially similar composition or properties, whether sold under the same or any other name, do forthwith cease and desist from:

1. Using the words "weld" or "welding," or any other words of similar import or meaning, to designate, describe or refer to said product or the results accomplished through the use of said product.

2. Representing, directly or by implication, that the use of said product will result in the fusion, union, consolidation, or welding of metal parts, or that the results accomplished through the use of said product are such as are accomplished through a welding process.

3. Representing, directly or by implication, that the use of said product will permanently repair any metal parts which are subjected to stress or vibration.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 47-7293; Filed, Aug. 4, 1947; 8:49 a. m.]

[Docket No. 5272]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MCKINLEY-ROOSEVELT, INC., ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as religious, educational or research institution or organization:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Reputation, success or standing:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size and extent:* § 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (j) *Advertising falsely or misleadingly—Government approval, connection or standards—Civil Service Commission connections or recognition:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.6 (dd 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.18 *Claiming indorsements or testimonials falsely or misleadingly:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as educational, religious or research institution:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Reputation, success or standing:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Indorsements:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Success, use or standing.* In connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, and on the part of respondent McKinley-Roosevelt, Incorporated, its

officers, etc., and among other things, as in order set forth (a) representing, through the granting or conferring of so-called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field; (b) representing, directly or by implication, that purported degrees granted or conferred by said corporation are recognized by the United States Civil Sevice Commission or by employers or prospective employers; (c) representing, directly or by implication, that said corporation maintains separate departments for its courses of study; (d) representing, directly or by implication, that said corporation's courses of study are superior or equal to those offered by resident colleges or universities; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, McKinley-Roosevelt, Incorporated, et al., Docket 5272, June 25, 1947]

§ 3.18 *Claiming indorsements or testimonials falsely or misleadingly:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as educational, religious or research institution:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Reputation, success or standing:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Indorsements:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Success, use or standing:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, and on the part of respondent McKinley-Roosevelt Graduate College, its officers, etc., and among other things, as in order set forth (a) representing, through the granting or conferring of so called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field; or (b) using the word "College", or any simulation thereof, as a part of said corporation's corporate or trade name, or otherwise representing, directly or by implication, that said corporation is a college; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, McKinley-Roosevelt, Incorporated, et al., Docket 5272, June 25, 1947]

§ 3.18 *Claiming indorsements or testimonials falsely or misleadingly:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as educational, religious or research institution:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Reputation, success or standing:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Indorsements:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Success, use or standing:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, and on the part of respondent McKinley-Roosevelt Foundation, its officers, etc., and among other things, as in order set forth (a) representing, through the granting or conferring of so called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field; or (b) using the word "Foundation", or any simulation thereof, as a part of said corporation's corporate or trade name, or otherwise representing, directly or by implication, that said corporation is a foundation; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, McKinley-Roosevelt, Incorporated, et al., Docket 5272, June 25, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of June A. D. 1947.

In the Matter of McKinley-Roosevelt, Incorporated, a Corporation; McKinley-Roosevelt Foundation, a Corporation; McKinley-Roosevelt Schools, Inc., a Corporation; McKinley-Roosevelt Graduate College, a Corporation; McKinley-Roosevelt University, a Corporation; and Jessie M. Taylor, William R. Peacock, Lozier D. Warner, Individually and as Officers of Each of Said Corporations

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission the answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner and the exceptions thereto, briefs in support of and in opposition to the complaint, and oral argument, and the Commission having made its findings as to the facts and its conclusion that certain of the respondents have violated the provisions of the Federal Trade Commission Act:

1. *It is ordered*, That respondent McKinley-Roosevelt, Incorporated, a corporation, and its officers, and respondents Jessie M. Taylor, William R. Peacock and Lozier D. Warner, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, through the granting or conferring of so-called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field.

(b) Representing, directly or by implication, that purported degrees granted or conferred by said corporation are recognized by the United States Civil Service Commission or by employers or prospective employers.

(c) Representing, directly or by implication, that said corporation maintains separate departments for its courses of study.

(d) Representing, directly or by implication, that said corporation's courses of study are superior or equal to those offered by resident colleges or universities.

2. *It is further ordered*, That respondent McKinley-Roosevelt University, a corporation, and its officers and respondents Jessie M. Taylor, William R. Peacock and Lozier D. Warner, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, through the granting or conferring of so-called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field.

(b) Using the word "University", or any simulation thereof, as a part of said corporation's corporate or trade name, or otherwise representing, directly or by implication, that said corporation is a university.

3. *It is further ordered*, That respondent McKinley-Roosevelt Graduate College, a corporation, and its officers, and respondents Jessie M. Taylor, William R. Peacock and Lozier D. Warner, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, through the granting or conferring of so-called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field.

(b) Using the word "College", or any simulation thereof, as a part of said corporation's corporate or trade name, or otherwise representing, directly or by implication, that said corporation is a college.

4. *It is further ordered*, That respondent McKinley-Roosevelt Foundation, a corporation, and its officers, and respondents Jessie M. Taylor, William R. Peacock and Lozier D. Warner, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, through the granting or conferring of so-called degrees or by any other means, that said corporation is an institution of higher learning authorized to confer degrees possessing academic value and recognized in the educational field.

(b) Using the word "Foundation", or any simulation thereof, as a part of said corporation's corporate or trade name, or otherwise representing, directly or by implication, that said corporation is a foundation.

5. *It is further ordered*, That the complaint herein be, and it hereby is, dismissed as to respondent McKinley-Roosevelt Schools, Inc.

6. *It is further ordered*, That all of the respondents named in paragraphs 1, 2, 3 and 4 above shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 47-7275; Filed, Aug. 4, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51726]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES FOR ARTICLES CONTAINING COPPER OTHER THAN COPPER SULPHATE

Requirements for additional information on invoices for articles containing copper (other than copper sulphate) suspended. Section 8.13 (i), Customs Regulations of 1943, amended.

As Public Law No. 42, approved April 29, 1947, suspends the imposition of the copper tax (I. R. C. 3425), except in the case of copper sulphate, during the period from April 30, 1947, to March 31, 1949, inclusive, the application of T. Ds. 45878 and 50158, and § 8.13 (i), Customs Regulations of 1943, as redesignated by T. D. 51059, requiring additional information on customs invoices for "Copper-bearing ores and concentrates and other articles taxable under sec. 601 (c) (7), Revenue Act of 1932" (I. R. C. 3425), and "Articles dutiable under Tariff Act of 1930 and containing 4 per centum or more by weight of copper (including copper in alloy), except articles provided for in pars. 316, 380, 381, or 387, Tariff Act of 1930," is hereby suspended with respect to such articles except copper sulphate, entered during the period from April 30, 1947, to March 31, 1949, inclusive.

(Sec. 481 (a) (10), 46 Stat. 719; 19 U. S. C. 1481 (a) (10))

Section 8.13 (i), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.13 (i)), as redesignated by T. D. 51059, is hereby further amended by adding the number and date of this Treasury decision to the Treasury decisions appearing opposite each of the items "Copper-bearing ores and concentrates and other articles taxable under sec. 601 (c) (7), Revenue Act of 1932" (I. R. C. 3425), and "Articles dutiable under Tariff Act of 1930 and containing 4 per centum or more by weight of copper (including copper in alloy), except articles provided for in pars. 316, 380, 381, or 387, Tariff Act of 1930".

(Secs. 481, 624, 46 Stat. 719, 759; 19 U. S. C. 1481, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: July 29, 1947.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7300; Filed, Aug. 4, 1947; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, as amended by 59 Stat. 463 and Public Law 16, 80th Cong., 1st Sess.; 21 U. S. C., Sup. 357) the regulations for the certification of penicillin-containing drug and streptomycin-containing drugs (12 F. R. 2231), as amended, are hereby further amended as indicated below:

1. Section 146.25 (b), first sentence, line 3, is amended to read: "be of heat-resistant transparent plastic or colorless transparent glass (unless".

2. Section 146.35 (d) (3) is amended to read:

(i) The batch; one immediate container of penicillin sulfonamide powder for each 5,000 containers in the batch, but in no case less than 20 such containers or more than 100, unless each such container is packaged to contain more than one gram in which case the sample shall consist of one gram for each 5,000 immediate containers in the batch, but in no case less than 20 grams or more than 100 grams. Such samples shall be collected by taking single immediate containers or one-gram portions at such intervals throughout the entire time the containers are being filled that the quantities made during the intervals are approximately equal.

This order, which provides for the use of plastic containers in packaging penicillin in oil and wax and for decreasing the size and amount of the sample to be submitted upon application for certification of penicillin sulfonamide powder when packaged in more than one-gram containers, shall become effective upon publication in the FEDERAL REGISTER since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay the marketing of penicillin in oil and wax in plastic containers and since it would be against public interest not to decrease the size and amount of the sample required to be submitted with the request for certification of penicillin sulfonamide powder when packaged in containers of more than one gram.

(Sec. 507, 52 Stat. 1040, as amended by 59 Stat. 463 and Pub. Law 16, 80th Cong., 21 U. S. C. and Sup. 357)

Dated: July 30, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-7286; Filed, Aug. 4, 1947; 8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. OR 3]

PART 1—FUNCTIONS AND ORGANIZATION

MISCELLANEOUS AMENDMENTS

JUNE 3, 1947

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 230), Part 1 of Title 22 of the Code of Federal Regulations is hereby amended as indicated hereunder:

1. Section 1.110 (c) is added to read as follows:

§ 1.110 *Under Secretary of State.*

* * *

(c) *Organization.* The Under Secretary is assisted by the Policy Planning Staff.

2. Section 1.111 is added as follows:

§ 1.111 *Policy Planning Staff*—(a) *Purpose.* Under the direction of the Un-

der Secretary of State, to assure the development within the Department, of long-range policy that will serve as a framework for program-planning and a guide for current decisions and operations.

(b) *Major functions.* The Policy Planning Staff shall advise and assist the Under Secretary by performing the following functions:

(1) Formulating and developing, for the consideration and approval of appropriate officials of the Department, long-term programs for the achievement of American foreign-policy objectives.

(2) Anticipating problems which the Department may encounter in the discharge of its mission.

(3) Undertaking studies and preparing reports on broad politico-military problems which the Department may submit for consideration by SWNCC, the Committee of Three, or other similar bodies.

(4) Examining, independently or upon reference by the Secretary or the Under Secretary, problems and developments affecting United States foreign policy in order to evaluate the adequacy of current policy and making advisory recommendations pertaining thereto.

(5) Coordinating planning activities within the Department of State.

In the discharge of the above functions, the Policy Planning Staff has no operational responsibility and will not issue directives, instructions, etc., to the operational organizations of the Department or to missions in the field. However, in order to insure a realistic basis for planning, close contact shall be maintained between the Staff and operational organizations and the latter shall be responsible for keeping the Staff informed of their planning activities.

(c) *Organization.* The Policy Planning Staff shall be:

(1) Headed by a Director to report and be responsible to the Under Secretary.

(2) Assisted by panels of special advisers from the operating branches of the Department, from other departments or agencies, and from outside the Government.

(3) Serviced administratively by the Executive Secretariat.

3. Section 1.190 is revised to read as follows:

§ 1.190 *Executive Secretariat*—(a) *General statement.* The major functions of the Executive Secretariat will be issued at a later date. The organization units, in conformity with DA 474, are as follows:

(b) *Committee Secretariat Branch.* The Committee Secretariat Branch performs the following functions:

(1) Serves as secretariat for such Departmental and interdepartmental committees as request assistance.

(2) Gives technical assistance of various kinds to officers of the Department who are preparing policy recommendations for consideration in Departmental committees.

(3) Acts as a channel through which policy matters originating in the Offices, divisions, and Departmental and interdepartmental committees concerned with foreign policy problems, may be brought to the appropriate committee or the officers.

(4) Communicates the decisions of the policy-formulating committees to the appropriate officers of the Department.

(c) *Policy Registry Branch.* The Policy Registry Branch maintains a comprehensive file of policy decisions, based upon the activities of committees and international conferences and the directives of the officers of the Department, the Secretary of State, and the President of the United States.

(d) *Protocol Staff.* The Protocol Staff performs the following functions:

(1) Plans and makes all arrangements for foreign visits of state; and arranges for the reception by the President and the Secretary of State, of the chiefs of foreign missions and of distinguished foreign guests.

(2) Arranges with Federal, State, and local government agencies for the granting of privileges and immunities to foreign government and international organization officials.

(3) Advises the President and Secretary on all matters of protocol.

(4) Operates the Blair House and the Blair-Lee House for the housing and entertaining of distinguished foreign guests.

(e) *Correspondence Review Branch.* The Correspondence Review Branch performs the following functions:

(1) Reviews, edits, and coordinates outgoing correspondence.

(2) Acts as the official channel for the orderly receipt, presentation for signature, and proper disposition of outgoing correspondence.

(3) Plans, initiates, and executes policies and procedures for effective preparation, coordination, and review of correspondence originating in the Department.

(4) Provides general information and advises on Departmental practice, procedure, and precedents relating to correspondence.

4. Section 1.540 is revised to read as follows:

§ 1.540 *Office of the Foreign Liquidation Commissioner*—(a) *Purpose.* To formulate a coordinated United States foreign policy with respect to the disposal of surplus property, and to insure that the United States and its citizens and their enterprises receive the maximum economic security possible in the disposal of surplus property.

(b) *Major functions.* The Office performs the following major functions:

(1) Directs the disposal of foreign-located surpluses.

(2) Coordinates the program of the Office of Foreign Liquidation with the programs of other Federal agencies.

(3) Determines basic objectives with respect to surplus-property disposals.

(4) Develops major sales opportunities, concluding agreements with larger purchasers.

(c) *Organization.* The Office consists of the Commissioner, Executive Director, Research and Statistics Division, Administrative Division, Fiscal and Accounting Division, Maritime Division, and General Disposals Division.

(d) *Relationships with other agencies.* In addition to other offices in the Department, the Office of Foreign Liquidation has relationships with other agencies with respect to top-level policy decisions in the disposal of surplus property, including, in particular, the War Department, Navy Department, War Assets Administration, Congress, Bureau of the Budget, Maritime Commission, Reconstruction Finance Corporation, Office of Temporary Controls, Interior Department, Commerce Department, Department of Justice, Department of Agriculture, Treasury Department, General Accounting Office, United States Lend-Lease and Surplus Settlement Committee and Working Groups, and Interdepartmental Committee on Implementation of the Fulbright Act.

5. The heading of § 1.600 is revised to read *"Assistant Secretary; Transportation and Communication Affairs."*

6. Paragraph (c) (4) of § 1.1800 is revised as set forth below:

§ 1.1800 *Assistant Secretary; Administration.* • • •

(c) *Organization.* • • •

(4) Office of Controls, Office of the Foreign Service, Office of Budget and Planning, and Office of Departmental Administration.

7. Paragraph (c) of § 1.1810 is revised to read as follows:

§ 1.1810 *Office of Controls.* • • •

(c) *Organization.* The Office is composed of the Passport Division, Visa Division, Special Projects Division, Division of Foreign Activity Correlation, Division of Security and Investigations, and Munitions Division.

8. In § 1.1830 paragraphs (b) (6) and (c) are revised and paragraph (b) (7) is added to read as follows:

§ 1.1830 *Office of the Foreign Service.* • • •

(b) *Major functions.* • • •

(6) Develops plans and programs for improvement in the over-all administration and management of the Foreign Service.

(7) Through the Corps of Foreign Service Inspectors, directs the inspection of Foreign Service establishments and gives constructive advice and assistance on better methods of operation.

(c) *Organization.* The Office consists of the Division of Foreign Service Planning, Division of Foreign Service Personnel, Division of Foreign Service Administration, Division of Foreign Buildings Operations, Foreign Service Institute, and Division of Foreign Reporting Services.

9. In § 1.1840 section heading is changed to read as set forth below, paragraph (c) is amended and paragraph (d) is added to read as follows:

§ 1.1840 *Office of Budget and Planning.* • • •

(c) *Organization.* The Office consists of the Division of Organization and Budget, Division of Finance, and United Nations Relief and Rehabilitation Division.

(d) *Budget officer.* The Director of the Office is ex officio, the Budget Officer of the Department.

10. Section 1.1850 is revised to read as follows:

§ 1.1850 *Office of Departmental Administration*—(a) *Purpose.* To develop and execute policies to improve the administrative management of the Department, except those relating to organization, security, the budget, and fiscal affairs.

(b) *Major functions.* The Office supervises activities in connection with the following functions:

(1) Provides adequate administrative services and facilities for Departmental activities.

(2) Develops and implements personnel management policies of the Department and makes available, within budgetary and organizational limitations, the necessary personnel.

(3) Provides in Washington for the distribution of incoming and the dispatch of outgoing communications of the Department and for the transmission of other communications by diplomatic pouch or telegraph; maintains the official files of the Department; and provides the messenger service.

(4) Provides for the security of messages during telegraphic transmission by means of cryptographic systems.

(5) Provides for organization, administration, and general management of United States participation in international conferences, commissions, expositions, and other organized international cooperative enterprises other than the United Nations.

(6) Provides translating and interpreting services for the Department and the White House.

(7) Provides the centralized administrative services essential to Department activities in the New York area.

(c) *Organization.* The Office consists of the Division of Central Services, Division of Departmental Personnel, Division of Communications and Records, Division of Cryptography, Division of International Conferences, Central Translating Division, and New York Regional Administrative Office.

11. In § 1.1900 *Legal Adviser* paragraph (c) (10) (ii) is amended and paragraph (c) (11) (v) is added as set forth below and former paragraphs (c) (11) (v) through (vii) are redesignated (c) (11) (vi) through (viii).

(c) *Organization.* • • •

(10) • • •

(ii) Discharges the Department's responsibilities in connection with Presidential elections and amendments and proposed amendments to the Constitution.

(11) • • •

(v) Signs for and in the name of the Secretary of State, and causes the Seal of the Department to be affixed to, certifications regarding treaties and other international agreements for registration of filing with the Secretariat of the United Nations.

Issued: June 3, 1947.

Approved: June 3, 1947.

For the Secretary of State.

[SEAL] STANLEY T. OREAR,
Chief, Division of Organization and Budget.

[F. R. Doc. 47-7287; Filed, Aug. 4, 1947; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Sugar Inventory Control Order 1]

PART 705—ADMINISTRATION

Pursuant to the authority vested in the Secretary of Agriculture by the Sugar Control Extension Act of 1947, Sugar Control Order No. 1, § 705.7, is issued to read as follows:

SECTION 1. *What this order does.* This order fixes the maximum inventory of sugar which any person can have on hand at any time. This order does not, however, apply to household users or to primary distributors, except that a primary distributor who is also an industrial user is subject to this order as though he were an industrial user only.

SEC. 2. *Maximum inventory for any person.* The maximum inventory of sugar which any person may have on hand at any time shall be the greater of (a) 2,000 pounds or (b) the maximum inventory allowed him under any applicable provisions of section 3 or 4 of this order, or (c) a quantity of sugar equal to his customary shipping unit.

SEC. 3. *Maximum inventory for industrial or institutional users.* The maximum inventory which an industrial or institutional user may have on hand at any time shall be either (a) 140% of the amount of sugar he used during the corresponding and next succeeding month of the 12-month period ended June 30, 1947, or (b) 90% of the amount of sugar used during the corresponding and next succeeding two months of the 12-month period ended June 30, 1947. For example, on any day in September, 1947, his maximum inventory shall not exceed the greater of (a) 140% of the amount he used in the months of September and October 1946 or (b) 90% of the amount he used in the months of September, October and November 1946.

SEC. 4. *Maximum inventory for wholesalers and retailers.* (a) The maximum inventory which a wholesaler or retailer may have on hand at any time shall be the amount of sugar he sold in the preceding calendar month.

(b) If a wholesaler or retailer has not sold sugar during the preceding calendar month, his maximum inventory at any time prior to the end of the first full calendar month during which he sells sugar shall be the reasonable estimated amount of his sales during that calendar month. Thereafter, he shall compute his maximum inventory under paragraph (a) of this section.

SEC. 5. *Records.* Every person who during any time in any calendar month has an inventory of more than 2,000 pounds of sugar must keep records showing the following for each such month:

(a) His actual inventory at the end of that month.

(b) The amount of sugar acquired and the amount of sugar sold or otherwise disposed of during that month.

(c) The records of his monthly operations during the year ended June 30, 1947, necessary to determine his maximum inventory under this order.

SEC. 6. *Definitions.* (a) "Industrial user" means a person who uses sugar in producing, manufacturing or processing for sale any product other than sugar.

(b) "Institutional user" means any person who uses sugar in the preparation of food which he serves to consumers, or in the service of food to consumers.

(c) "Inventory" means sugar which any person has in his possession. Possession of sugar includes:

(1) Sugar in the physical possession or control of the person or his agent or representative.

(2) Sugar placed in any plant, warehouse or other place, which place is owned or controlled directly or indirectly by such person, provided, however, that this shall not apply to sugar stored for others by a public warehouse.

(3) Particular sugar wherever located or an undivided interest in such sugar which is the subject of any contract, arrangement or understanding under which (whether or not conditioned on any contingency) it is sold or is to be sold to such person or disposed of as such person may direct.

(d) "Person" means any individual, partnership, corporation, association, or other organized group of persons.

(e) "Primary distributor" means any person who manufactures sugar or any person who, for the purposes of sale, takes delivery from the Collector of Customs of sugar brought into the continental United States, or the agent of any such person. The term "Agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

(f) "Retailer or wholesaler" means any person other than a primary distributor who sells sugar.

(g) "Sugar" shall have the meaning which it had under Third Revised Ration Order 3.

SEC. 7. *Adjustments.* Any person who can show that his maximum inventory under this order causes him hardship may apply to the Sugar Branch, Production and Marketing Administration, Department of Agriculture, Washington, D. C., for an adjustment of that maximum inventory.

SEC. 8. *Sanctions.* Any person violating any provision of this order is subject to the criminal and civil sanctions provided for by the Sugar Control Extension Act of 1947.

This order shall become effective 12:01 a. m., e. d. s. t., August 1, 1947.

NOTE: The record-keeping requirements of this Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Rationale Accompanying Sugar Inventory Control Order 1

The purpose of Sugar Inventory Control Order 1 is to prohibit an unwarranted accumulation at this time of

sugar stocks in the hands of industrial and institutional users of sugar, by wholesalers and retailers of sugar, or by persons who might purchase sugar for speculative purposes.

Due to restrictions imposed by sugar rationing regulations inventories of sugar at the time of decontrol were at a comparatively low level, and in order to assure equitable distribution of sugar throughout the continental United States to industry and consumers alike this inventory control measure is deemed necessary.

[F. R. Doc. 47-7349; Filed, Aug. 4, 1947; 8:48 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 346]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodity:

Dept. of Comm. *Sched. B No.*	*Commodity*
	Industrial chemicals:
831600	Acetone.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: July 30, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47-7301; Filed, Aug. 4, 1947; 8:45 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 1,[1] Amdt. 1 to Order 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

LOCATION OF DISPOSAL AGENCY OFFICES FOR FILING DECLARATIONS OR SURPLUS PROPERTY BY OWNING AGENCIES

War Assets Administration Regulation 1, Order 2, June 2, 1947, entitled "Location of Disposal Agency Offices for Filing Declarations of Surplus Property by Owning Agencies" (12 F. R. 4139), is hereby amended by making the following changes in Regions 8 and 9 under § 8301.52 (c) thereof:

1. *Region 8 (Kansas City, Mo.)*, is amended by deleting the State of Wyoming from that territory.

2. *Region 9 (Denver, Colo.)*, is amended by adding to that territory the State of Wyoming.

[1] Reg. 1 (12 F. R. 2249, 2773, 3320).

The amendment to this section shall be effective July 17, 1947.

(Surplus Property Act of 1944, as amended; (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Reorganization Plan 1 of 1947 (12 F. R. 4534))

ROBERT M. LITTLEJOHN,
Administrator.

AUGUST 1, 1947.

[F. R. Doc. 47-7383; Filed, Aug. 4, 1947; 11:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

REVOCATION OF CERTAIN SECTIONS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), the following §§ 204.92, 204.93a and 204.96, relating to danger zones and regulations governing their use are hereby revoked:

§ 204.92 *Waters of Gulf of Mexico, San Bernard River to Aransas Pass; United States Air Corps bombing area and gunnery range.* [Revoked]

§ 204.93a *Waters of Gulf of Mexico along Padre Island and Brazos Island, Texas, including a portion of Laguna Madre; bombing and gunnery range, Advanced Flying School, Harlington, Texas.* [Revoked]

§ 204.96 *San Pablo Bay, Calif.; Hamilton Field Air Base.* [Revoked]

[Regs. June 23, 1947, CE 800.2121—ENGWR] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-7299; Filed, Aug. 4, 1947; 8:50 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

DESCHUTES NATIONAL FOREST; TRANSFER OF JURISDICTION OF RIGHTS-OF-WAY

CROSS REFERENCE: For transfer of jurisdiction of rights-of-way from Federal Farm Mortgage Corporation to Forest Service, see Surplus Property Transfer Order No. 6 under Federal Farm Mortgage Corporation in Notices section, *infra.*

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter II—Bureau of Community Facilities, Federal Works Agency

PART 204—ADMINISTRATION OF THE DISASTER SURPLUS PROPERTY PROGRAM

Regulations for carrying into effect the provisions of Public Law 233, 80th Congress, approved July 25, 1947, authorizing the Federal Works Administrator, after determination by the President, to loan or transfer surplus personal property to States and local governments situated in areas struck by floods or other catastrophes, in order to alleviate damage, hardship, and suffering caused thereby.

Sec.
204.1 Purpose of act.
204.2 Delegation of authority.
204.3 Requests, investigations and reports of floods and other catastrophes.
204.4 Requests for surplus property by States and local governments.
204.5 Public entities eligible to receive surplus personal property.
204.6 Requests for transfer of property from War Assets Administration.
204.7 Transfer of personal property without monetary consideration.
204.8 Loan of personal property.
204.9 Transfer of personal property for a monetary consideration.
204.10 Assistance of other constituent units of the Federal Works Agency.
204.11 Cooperation with other Federal agencies.
204.12 Non-discrimination.
204.13 Interest of member of or delegate to Congress.
204.14 Operating procedures and instructions.
204.15 Report to the Administrator.

AUTHORITY: §§ 204.1 to 204.15, inclusive issued under Pub. Law 233, 80th Cong., approved July 25, 1947.

§ 204.1 *Purpose of act.* The purpose of Public Law 233, 80th Congress, approved July 25, 1947 (called the "act" in this part), is to alleviate damage, hardship, and suffering caused by floods or other catastrophe, by the loan or transfer of surplus personal property to States and local governments situated in any area struck by any such flood or other catastrophe.

§ 204.2 *Delegation of authority.* The function of administering the act and the regulations in this part is hereby delegated to the Bureau of Community Facilities, and the Commissioner of Community Facilities (called the "Commissioner" in this part) shall be responsible for the performance of such function. Any of the powers and duties delegated to the Commissioner under the regulations in this part may be assigned by him to any official or officials of the Bureau of Community Facilities. The Commissioner (or in his absence or disability, the Acting Commissioner) is authorized to make, award, and enter into all contracts and agreements, including changes, necessary to carry out the provisions of the act and of the regulations in this part. Each Division Engineer of the Bureau of Community Facilities (or in the event of his absence or disability, the Acting Division Engineer) is granted similar contracting authority necessary to carry out the provisions of the act and of the regulations in this part within his Division.

§ 204.3 *Requests, investigations and reports of floods and other catastrophes.* The Commissioner shall keep himself informed through the Division Offices of the Bureau of floods and other catastrophes in any of the several States, and if, after consultation with officials of State and local governments, he shall deem a particular flood or other catastrophe to be of sufficient severity and magnitude to justify invoking the provisions of the act, he shall submit to the Administrator a report thereon, with a recommendation that the provisions of the act be invoked. Only disasters which cannot be handled by the usual forces of rescue available to the State and local governments or by voluntary rescue agencies will be considered. If the Administrator concurs in such recommendation, he shall recommend to the President the making of a determination that it is necessary or appropriate that the War Assets Administration transfer, without reimbursement, to the Federal Works Agency all such surplus personal property as in the judgment of the Federal Works Administrator and the War Assets Administrator can be presently utilized in alleviating the damage, hardship, and suffering caused by such flood or other catastrophe. Requests that the provisions of the law be invoked should be transmitted by the most expeditious means deemed advisable.

§ 204.4 *Requests for surplus property by States and local governments.* Personal property may be made available to States and local governments only upon a request in writing, specifying in detail the uses to which the property is to be put, submitted to the Bureau of Community Facilities by an authorized representative of such State or local government.

The State or local government shall be required to agree to accept and utilize the property transferred to it under the act so as to effectuate the purposes of the act and to certify that it possesses the legal authority to accept and utilize the property for the purposes specified in the aforementioned request in the alleviation of the damage, hardship, and suffering caused by the catastrophe. In addition to such certification, additional proof respecting the legal authority of the State or local government to use the property for the purposes specified may be required by the Bureau.

§ 204.5 *Public entities eligible to receive surplus personal property.* Surplus personal property may be made available under the act and the regulations in this part solely to any of the several States in the United States and to any political subdivision or municipal corporation of a State, including counties, cities, towns, villages, townships, districts, and other local governmental units.

§ 204.6 *Requests for transfer of property from War Assets Administration.* The Commissioner shall establish, in consultation with officials of the War Assets Administration, the necessary procedures to facilitate the transfer, without reimbursement, of surplus personal property from the War Assets Administration to the Bureau of Community Facilities.

§ 204.7 *Transfer of personal property without monetary consideration.* Expendable personal property, such as medicines, blankets, clothing, and bedding, and property such as lumber, hand tools, cement, water and sewer pipe, and other materials suitable for emergency repairs, may be transferred to States and local governments without consideration. States and local governments shall be required to assume all shipping costs except in unusual circumstances where the Commissioner may determine otherwise.

§ 204.8 *Loan of personal property.* When the Commissioner deems it in the public interest, personal property may be loaned to a State or local government. The State or local government shall be required to pay shipping costs, except in unusual circumstances where the Commissioner may determine otherwise, and pay the cost of putting and maintaining such property in good usable condition. Provision shall be made for the return of the said personal property to the Government in the same condition as when loaned by the Government and as repaired, ordinary wear and tear and loss or damage caused by acts of God or other events beyond the control of said State or local government excepted.

§ 204.9 *Transfer of personal property for a monetary consideration.* Any surplus personal property, unless loaned or transferred without monetary consideration, as hereinbefore provided, shall be transferred for a monetary consideration by the Bureau of Community Facilities to the States and local governments. Any such transfer shall be upon terms which in the judgment of the Commissioner are in the public interest and at a price, to be determined by the Commissioner, which is fair and equitable. In establishing such price consideration shall be given to (a) the value of such property as reported by the War Assets Administration to the Bureau, (b) any discount that the purchaser might receive if it were to purchase the property directly from the War Assets Administration, (c) the available resources of the purchaser in the light of the damage inflicted by the disaster, (d) shipping costs, and (e) any other relevant factors.

§ 204.10 *Assistance of other constituent units of the Federal Works Agency.* The Commissioner shall utilize the services of the Public Roads Administration to cooperate with and conduct all necessary liaison with State Highway Departments in connection with the administration of the act. Personnel of the Public Buildings Administration may be utilized when required.

§ 204.11 *Cooperation with other Federal agencies.* The Commissioner is authorized, when in his opinion it is necessary or appropriate, to secure the assistance of other Federal agencies in carrying out the provisions of the act, and may utilize and act through any such Federal agency or any State or local government, and, further, may utilize without reimbursement therefor such officers and employees of any such agency or State or local government as the Commissioner may find necessary in carrying out the purposes of the act. In order to facilitate carrying out the purposes of the act, other Federal agencies are required to cooperate with the Federal Works Agency and the War Assets Administration to the fullest extent consistent with the objective of the act.

§ 204.12 *Non-discrimination.* In carrying out the provisions of the act, there shall be no discrimination made on account of race, creed, or color.

§ 204.13 *Interest of member of or delegate to Congress.* Any agreement or contract entered into under the act and the regulations in this part shall provide that no member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of any such agreement or contract or to any benefits arising therefrom.

§ 204.14 *Operating procedures and instructions.* The Commissioner is hereby authorized to issue such operating procedures and instructions not in conflict with Federal law and regulations or the regulations in this part, and the regulations and policies of the Federal Works Agency, as he may deem necessary for carrying out the provisions and effectuating the purposes of the act and of the regulations in this part.

§ 204.15 *Report to the Administrator.* When the Bureau of Community Facilities has completed its function of providing surplus personal property under the act and the regulations in this part with respect to each flood or other catastrophe for which a Presidential determination has been made, the Commissioner shall submit a report to the Administrator of the performance of such function.

Effective date. The regulations in this part shall be effective August 4, 1947.

Dated this 29th day of July 1947.

[SEAL] PHILIP B. FLEMING,
Federal Works Administrator.

[F. R. Doc. 47-7303; Filed, Aug. 4, 1947; 8:45 a. m.]

[Admin. Order 57]

PART 213—DELEGATIONS OF AUTHORITY

SUBPART A—DISASTER SURPLUS PROPERTY PROGRAM

JULY 29, 1947.

Program authorized by Public Law 233, 80th Congress, to make surplus property available for the alleviation of damage caused by flood or other catastrophe.

Delegation by the Federal Works Administrator to the Commissioner of Community Facilities of responsibility for carrying out the provisions of Public Law 233, 80th Congress, approved July 25, 1947, authorizing the Federal Works Administrator, after determination by the President, to loan or transfer surplus personal property to States and local governments situated in areas struck by floods or other catastrophes, in order to alleviate damage, hardship, and suffering caused thereby.

By virtue of the authority vested in the Federal Works Administrator, *It is hereby ordered:*

§ 213.1 *Delegation to Commissioner.* The Commissioner of Community Facilities, referred to in this section as the

Commissioner, shall be responsible for carrying out the provisions of Public Law 233, 80th Congress, approved July 25, 1947, entitled "An act to make surplus property available for the alleviation of damage caused by flood or other catastrophe."

(a) *Authority to redelegate.* The Commissioner is further authorized to delegate any of the duties and responsibilities hereby imposed upon him to any official or officials of the Bureau of Community Facilities, and he is authorized to do and perform any and all acts as may be necessary to effectuate the provisions of said law, subject to the general supervision and direction of the Federal Works Administrator.

(b) *Issuance of operating procedures and instructions.* The Commissioner is authorized to issue such operating procedures and instructions not in conflict with Federal law and regulations and the regulations and policies of the Federal Works Agency as he may deem necessary to carry out the provisions and effectuate the purposes of the enabling law.

(c) *Name of program.* This program shall be known as the Disaster Surplus Property Program.

(d) *Delegation additional to existing duties.* The authorities, duties and responsibilities contained in this section shall be in addition to those heretofore vested in the Commissioner of Community Facilities. (Pub. Law 233, 80th Cong.)

[SEAL] PHILIP B. FLEMING,
Federal Works Administrator.

[F. R. Doc. 47-7302; Filed, Aug. 4, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 971]

HANDLING OF MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and to a proposed marketing agreement, regulating the handling of milk in the Dayton-Springfield, Ohio, milk marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., postmarked not later than 10 days after the publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed amendments to the order, as amended, and the proposed marketing agreement were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by the Miami Valley Cooperative Milk Producers Association, Ohio Guernsey Breeders Association, Inc. and certain Dayton - Springfield handlers. Additional proposals for consideration were submitted by the Dairy Branch, Production and Marketing Administration. The public hearing was held at Dayton, Ohio, May 7-9, 1947, upon notice issued on May 2, 1947 (12 F. R. 2958).

The material issues developed at the hearing were concerned with the following:

1. Extending the time limit for performing certain related acts such as filing reports, announcing prices, making payments, etc., required by the order;
2. Revising the definition of Class II milk and Class III milk so as to classify milk used to produce cottage cheese as Class III;
3. Revising the method of determining a handler's maximum plant shrinkage allowed as Class III milk;
4. Revising the method of allocating classified milk to producer's milk with respect to interhandler transfers.
5. Revising the classification provisions to provide that milk or cream disposed of beyond a 90-mile radius from the handler's plant shall be classified as Class I or Class II, respectively;
6. Revising the method of determining the basic formula price;
7. Revising the Class I and Class II price differentials above the basic formula price to replace the bracket differentials with fixed differentials, to establish a definite pattern of seasonal prices, and to raise the annual average level of the price differentials;
8. Revising the method of determining the value of Class III skim milk and butterfat;
9. Establishing an individual-handler type of pool in place of the present market-wide pool;
10. Establishing an alternative method of computing the price to be received by producers of so-called special high fat content milk (Golden Guernsey, Jersey Creamline) that will give special price consideration to the returns of such producers;
11. Revising the method of determining a handler's pro rata share of the expense of administration, and;
12. Revising the method of determining the deductions for marketing services performed by the market administrator.

Findings and conclusions. The findings and conclusions herein set forth, together with the reasons therefor, are, on the basis of the hearing record, as follows:

(1) The time limit required by the order for performing certain related acts such as filing reports, announcing prices, making payments, etc., should be extended two days.

Handlers are required to file reports with the market administrator on or before the 5th day of each month showing their receipts and utilization of milk for the preceding month. This reporting date is the key date with respect to the establishment of all other dates concerning the announcements of prices and making payments. Extending the time schedule will delay the date on which producers are paid for their milk. The record indicates some handlers and the market administrator have experienced considerable difficulty and added expense in attempting to meet the present time schedule, particularly when week-ends and holidays fall within the reporting period or experienced office help becomes ill.

It is concluded that the time schedule for filing reports, announcing prices, making payments and performing the other related acts required by the order, should be extended two days and that such an extension of these dates will result in a more efficient operation of the order.

(2) The definitions for Class II milk and Class III milk should be revised so as to classify milk used to produce cottage cheese as Class III milk.

The health department regulations of Dayton, Ohio, do not require cottage cheese to be made from grade "A" or producer milk. Cottage cheese may be disposed of in the marketing area by competing dairymen not regulated by the order. A substantial quantity of cottage cheese is manufactured by handlers from other than producer milk and is disposed of in the marketing area, especially during the fall and winter months, when the supply of producer milk is below the level necessary to fill the manufacturing and fluid milk and cream requirements of the marketing area. Thus, the record indicates that milk made into cottage cheese is competitive with and should have a price comparable to the price of milk used for manufacturing purposes rather than to the price of Class II milk as established by the order.

It is concluded that milk used to produce cottage cheese should be classified as Class III milk rather than Class II milk as at present.

(3) The method of determining a handler's maximum plant shrinkage allowed as Class III milk should be revised to provide that the handler actually "weighing in" milk transferred from another handler will receive the Class III shrinkage allowance on such milk.

The present order provides that the handler reporting receipts of milk from producers will be the handler actually having "weighed in" and processed such milk. The record shows that, in many instances, producer's milk is diverted directly from the farm to the plant of a handler other than the reporting handler and that the processing losses actually occur at the plant where the milk is "weighed in."

It is concluded that the method of determining a handler's maximum plant shrinkage allowed as Class III milk should be revised to provide that milk transferred from one handler to another handler shall be included only in the calculations of the handler "weighing in" such milk for the purpose of determining Class III plant shrinkage on skim milk and butterfat.

(4) The method of allocating classified milk to producer milk, with respect to inter-handler transfers, should not be revised to provide that milk so transferred will be first allocated to the lowest classification of the transferee handler.

When milk is transferred from one handler to another handler, a problem may arise as to the reconciliation of each handler's net utilization of milk to their receipts of milk. The order provides that the transferor handler's classification for transferred milk is dependent upon its classification for the transferee handler. The order further provides that, in the reconciliation of the total classified milk to the receipts of producer milk, the receipts from other sources shall be the milk first eliminated from the transferee handler's lowest classification and that milk received from another handler may only be classified as to the milk then remaining in each class. These provisions of the order, designed to give producer milk priority over other source milk, do make it difficult for handlers to agree on pricing at the time of transfer since the ultimate classification of such milk may not then be known. The proposal to first eliminate transferred milk from the transferee handler's lowest classification on the basis of an agreed classification before eliminating receipts from other sources would simplify this problem. However, the record discloses that such an arrangement could result in producer milk being displaced by milk received from other sources and other methods of handling this problem, not having the inherent weakness of the proposal, are available to handlers.

It is therefore concluded that the present method of allocating classified milk to producer milk with respect to interhandler transfers should not be changed.

(5) The classification provisions of the order should not be revised at this time to provide that milk or cream disposed of beyond a 90-mile radius from the handler's plant shall be classified as Class I or Class II, respectively.

The record shows that, for handlers to avail themselves of the best markets, it has been necessary to dispose of milk and cream for manufacturing purposes, beyond a 90-mile radius, particularly during the months of flush production when producer milk exceeds local fluid requirements.

There is some indication that producer milk has been shipped from the Dayton-Springfield area when the area was already short of producer milk to meet the local fluid milk and cream requirements. It would seem that producers are entitled to the Class I price for milk shipped at such times. However, to require that all milk or cream disposed of beyond a 90-mile radius must be classified as Class I or Class II could well create a major problem by imposing a requirement which would impede the marketing of milk for other than fluid purposes especially during periods when supplies of producer milk exceed the local fluid milk and cream requirements.

It is concluded that the present method of determining a handler's classification of milk and cream should not, at this time, be revised with respect to milk or cream disposed of beyond a 90-mile radius from a handler's plant.

(6) The method of determining the basic formula price should not be revised at this time to include the average price paid farmers by 7 "so-called" local condenseries as an additional alternative formula, nor to provide that the basic formula price should be the average rather than the highest of the several alternative formulas.

The present order provides that the basic formula price shall be the highest of three alternative formula prices; i. e., the average field price paid farmers by 18 named Midwest condenseries, the so-called butter-cheese formula, and the so-called butter-powder formula. Producers proposed that the average field price paid by 7 named Ohio condenseries be added as a fourth alternative formula. Handlers proposed that the 3 present alternative formula prices be averaged to determine the basic formula and, that if the 7 named Ohio condenseries are added as a fourth alternative formula, the four alternative formula prices should be averaged to determine the basic formula price. The record indicates that both producers and handlers are seeking a basic formula price that will be a reliable index as to the value of milk for manufacturing purposes and then build from this index, by the addition of class price differentials representing price-making factors not fully reflected in the basic formula or peculiar to the local market, a fluid milk price which will procure an adequate supply of milk for the marketing area and be in the public interest. The primary difference between handler and producer proposals, as indicated by the record, is as to what constitutes the proper basic price. Both the Ohio condenseries prices and the average of the various alternative formulas prices seem to reflect a price pattern similar to the basic formula price now in effect (although at different levels) and do not appear to employ any new price making factors. During the period in which the order has been in effect the present method of determining the basic formula price seems to have provided a reasonably accurate index of the value of milk for manufacturing purposes. If the fluid milk prices resulting from the application of the class price differentials to the basic formula price do not properly reflect local price-making factors, it would seem more logical to change the differentials rather than to seek a new basic formula price.

It is concluded that the present method of determining the basic formula price should not be revised at this time.

(7) The Class I and Class II price differentials above the basic formula price should be revised to replace the bracket system of differentials with fixed differentials and to establish a definite pattern of seasonal prices (including floor prices for the 1947-48 short production season) and also to raise the annual average level of these price differentials.

The testimony indicates that fixed differentials rather than the present bracket system should be used in determining the Class I and Class II milk prices in relation to basic formula price. For the purpose of determining Class I and Class II prices the present basic formula price is arranged in brackets or at intervals which permit variations up to 22½ cents per hundredweight before a change is brought about in the Class I and Class II price differentials. The record indicates that under the bracket system the Class I and Class II price differentials have not been sensitive to the changes occurring in the basic formula price. The bracket system has had a tendency to disrupt regional milk prices by reflecting prices that are out of line with neighboring markets. Also, contra-seasonal price trends have occurred under the bracket system which have been disturbing to the market. Producers often do not know, within a 22½-cent range, what their class prices will be from month to month, which adds further uncertainty to the normally expected changes occurring in the basic formula price.

A seasonal price pattern was proposed by both producers and handlers. The record shows that there has been a maladjustment in the supply of regular producer milk in relation to the market demand for Class I milk and Class II milk in the Dayton-Springfield area. The utilization of Class I milk and Class II milk has been relatively uniform throughout the year, whereas the receipt of milk from producers varies greatly between the seasons of the year. The variation in the receipts of producers' milk between the flush production season and the short production season has become progressively wider for several years. Production varies seasonally to such an extent that in 1946 the November production was only approximately 62 percent of that for June. Both, producers and handlers proposed a 2 (May and June), 6 (February, March, April, July, August and September), and 4 (January, October, November, and December) grouping of months in the proposed seasonal price pattern. The record indicates the desirability of eliminating the intermediate group of months. The period of relatively high production occurs in the months of April, May, June and July. The record shows no substantial difference in the production characteris-

tics between the months April and July, and May and June. Similarly the months of February, March, August and September seem to have production characteristics more akin to the period of short production. Producers and handlers insist that the Dayton-Springfield prices must be related to the prices paid in competing markets. The adoption of a 4–8 grouping of months will provide a seasonal pattern similar to that in effect in the Cincinnati and Columbus markets. The cost of producing milk is considerably higher during the fall and winter months than for April, May, June, and July. A price plan to induce an increase in milk production during the fall and winter seasons is urgent for the Dayton-Springfield market. A Class I price differential, employing floor prices, in the seasonal pattern is required to assure a substantially higher price in the fall and winter months compared to the spring months and thus develop a more level pattern of production. Producers need definite assurance of substantially higher prices during the fall and winter months if they are to produce more milk during these seasons. Floor prices for the 1947 and 1948 season will give this assurance. If the basic formula produces a higher price for these fall and winter months it should prevail as a further guarantee that the Class I price will be more in line with the then current marketing conditions.

Recent price plans employed in the Dayton-Springfield area have not provided as much seasonal variation in producer prices as was customary prior to the maximum price regulations during the war emergency. For this period of time farmers were induced to produce all the milk possible with little regard to the season or the requirements of the local markets. Under these conditions maximum milk production shifted to the spring months when production costs are at their lowest level. To halt and reverse this trend, especially at a time when general milk market conditions are unsettled, will require definite assurance that the fall and winter prices will be substantially higher than for May and June. Seasonality in the price pattern will afford an incentive to shift milk production from spring to fall and winter months.

The record supports the adoption of a seasonal Class I price differential whereby the price for Class I milk would be $1.05 over the basic formula price for the 8 months of August through March as compared to $0.75 over the basic formula price for the 4 months of April through July. Normally, the basic formula price will be from 20 to 40 cents higher during the short production months than for the flush production months. Also, normally the percentage utilization of producers' milk for fluid purposes is higher during the fall and winter months, resulting in about 20 cents higher blend price compared to the flush production months. Adding these three factors together it is estimated the blend price for the short production months will exceed the April through July prices from 70 to 90 cents.

Further, the record shows that handlers have procured milk from sources other than producers to meet the demand for Class I and Class II milk, especially during the period of short production. Not all such milk met the quality standard required of producer milk.

General economic conditions and business activity indicate an expanding demand for milk and milk products in the Dayton-Springfield area. Local industrial expansion, at increasing urban wage levels, tends to reduce the availability of farm labor and increases the cost of farm labor.

The prices of livestock and grains have advanced sharply in 1947 and, compared to decreasing milk prices, offer returns from alternative farm enterprises which will tend to discourage milk production if this relationship continues over an extended period of time.

Practically all costs incurred by producers in the production and marketing of milk, such as feeds, supplies, and equipment, have increased during the past year and particularly during February, March, and April of this year.

Attempting to find an index that will reflect many milk price making factors, the order provides a basic formula price for manufacturing milk. The basic formula does not, however, reflect fully all the factors necessary at arriving at a price for Class I milk. The order therefore provides a differential that is added to the basic formula price to arrive at the Class I price. This differential is utilized to reflect various price making factors not fully covered by the basic formula and to balance the relative weights of such factors under current local economic conditions so that the Class I price will be at a level which will reflect, in addition to the price and availability of feeds, other economic conditions which affect market supply and demand for milk in the marketing area and will insure an adequate supply of pure and wholesome milk and be in the public interest. The basic formula price has decreased $1.16 from November 1946 to April 1947, the last month reported in the hearing record. Farmers producing milk for fluid purposes must use feed, labor, and supplies more extensively to maintain production at a more uniform and higher level than is required of manufacturing milk producers. Consequently, the increases in the prices which have taken place in those commodities affect the fluid milk producers more than the producers of milk for condenseries.

Dayton-Springfield handlers compete with milk buyers in other areas, including the adjacent deficit Cincinnati area, for milk supplies to be used for fluid milk purposes. The record shows that for several months the Cincinnati price has been substantially higher than the Dayton-Springfield price. Both handlers and producers agree that the Dayton-Springfield milk price must be kept in close alignment with the milk prices prevailing in competing areas if an adequate supply of pure and wholesome milk is to be secured.

It is concluded that the proper weighing of the above-mentioned price making factors indicate the need for revising the Class I and Class II prices to (1) replace the bracket system of differentials with fixed differentials, (2) establish a definite pattern of seasonal prices, and (3) raise the annual average level of the differentials. It is further concluded that the milk producers of the Dayton-Springfield area need at this time, when they are planning their fall and winter production program, more definite assurance as to the level of milk prices than is afforded by the basic formula. In order to obviate uncertainty inherent in the basic formula during abnormal post-war marketing conditions a "floor price" for Class I milk and Class II milk is established below which the price will not be permitted to go. The level of floor prices for the fall and winter months should be substantially higher than the prices prevailing from April through July to emphasize the seasonal factor of milk pricing and assure farmers of higher prices during the seasons when an increase in milk production is most needed by the market.

These changes are accomplished by revising the present bracket system of differentials to the following pattern for determining the value of 3.5 percent butterfat content milk.

Month	Class I differential over basic formula price	Class II differential over basic formula price
April through July	$0.75	$0.45
August through March	1.05	.75
Average	.95	.65

Provided, That for the month of August 1947 the price for Class I milk and Class II milk shall not be less than $4.25 and $3.95, respectively, and for the months of September, October, November, and December, 1947, such prices shall not be less than $4.69 and $4.39, respectively. *Provided further*, That such prices for January 1948 shall not be less than such December 1947 prices minus $0.44 and that such February 1948 prices shall not be less than such January 1948 prices minus $0.44.

(8) The mthod of determining the value of Class III skim milk and butterfat should be revised to provide a seasonal price comparable to the price of competitive milk and further to provide a single price for the present so-called "Class III Regular" and "Class III Ice Cream" butterfat.

There is a large supply of milk produced for manufacturing purposes within the Dayton-Springfield milkshed and adjacent territory. The Health Department regulations of Dayton do not require that ice cream, cottage cheese, and other manufactured dairy products be made from Grade "A" or producer milk. During the flush production months the supply of producer milk exceeds the fluid milk and cream requirements of handlers and such excess milk must be utilized in manufactured products which are sold in competition with products made from milk not priced by the order. The record indicates that, during the flush production season, Class III produced butterfat has been priced relatively high to competitive butterfat. During the short production months, substantial quantities of milk from sources other than producers has been imported by handlers. During the short production season a very limited quantity of producer milk is available for manufacturing purposes to compete with the other source milk. Thus, the present price level should be increased for producer milk utilized in Class III products during the period of short supply.

It is concluded that the method of determining the values of Class III skim milk and butterfat should be revised to provide a seasonal price comparable to the price of competitive milk and to provide one price for the present so-called "Class III regular and Class III ice cream butterfat" by giving skim milk and butterfat the following values:

Month	Skim milk	Butterfat other than butter
April through July	Apply present formula	Apply present "regular" formula.
August through March	Apply present formula plus 20¢ per cwt.	Apply average Chicago 92-score, wholesome butter price times 1.25.

The new butterfat price for the months of August through March is approximately equivalent to the weighted average of the present price for "regular" and "ice cream" butterfat for such months. Such a pricing plan will facilitate the marketing of all producer milk during the period of flush production and accentuate the variation of seasonal prices employed for Class I and Class II milk.

(9) An individual-handler type of pool should not be established in place of the present market-wide pool at this time.

Under the present market-wide pool all producers receive the same minimum uniform price. Under the proposed individual-handler pool, handler minimum uniform prices would vary, being dependent upon the utilization of milk by each individual handler. Thus under the individual-handler pool a handler having a relatively high Class I utilization would be required to pay producers a higher price than a handler having a relatively low Class I utilization. The record shows that there is considerable variation in the percentage of producer milk utilized in Class I as between handlers and that the individual-handler pool was proposed as an attempt to reapportion supplies of producer milk between handlers by providing a price incentive under the order for producers to shift from low blend price handlers to high blend price handlers. Proponents of the individual-handler pool contend that a difference in the various uniform minimum prices would bring about producer shifts between handlers. However, since some handlers have paid producers in excess of the minimum uniform price in an effort to obtain greater supplies while other handlers have paid only the minimum uniform price required under the market-wide pool, it cannot be assumed that some variation in the uniform minimum prices under an individual-handler pool would effect a material reapportionment of milk supplies between handlers, especially during months of short supply. Furthermore, it cannot be assumed that low blend price handlers will permit a loss of their supplies because of a difference in minimum order prices, and unstable conditions in the market could result.

Handlers opposed to the adoption of an individual-handler pool contend that under the individual-handler pool there would be a tendency to decentralize the handling of supplies in excess of Class I and Class II requirements which now constitute a reserve supply for the market during months of short production. This reserve supply of milk under the market-wide pool is received by handlers having full and complete equipment for the most effective use thereof. If, under the individual-handler pool, reserve milk is shifted to plants with inadequate facilities for its most economical use there could develop a constant pressure to lower the Class III price.

The record shows that the supply problem has improved since the inception of the order. It is believed that the recommended class price amendments, if adopted, will further alleviate the supply situation. The record is inconclusive as to whether an individual-handler pool could accomplish this result in an orderly manner, but is rather indicative of the willingness of part of the industry to experiment in an effort to solve some supply allocation problems.

It is concluded that the individual-handler type of pool should not be established at this time in place of the market-wide type of pool.

(10) An alternative method of computing the price to be received by producers of high butterfat content milk that will give special price consideration to the returns of such producers should not be established, but the producer butterfat differential rate should be kept equivalent to the revised price of butterfat disposed of in Class III for other than butter making.

Four proposals were made to give special price consideration to high butterfat content milks especially Golden Guernsey milk. These proposals would, in the alternative, provide for (i) a price premium for so-called special milk to be set aside in a separate pool and paid by the handlers of and above the pool price, (ii) a reduction in the price of butterfat (over 3.5 percent) in high test bottled milk to the Class III butterfat level, (iii) payment to producers of so-called special milk a butterfat differential at a rate equal to the price of Class I butterfat or (iv) a butterfat differential to all producers of milk testing more than 3.5 percent of butterfat at a rate equal to the weighted average price of butterfat paid by the handler. (A fifth proposal would provide for an individual handler pool in substitution for the present market-wide pool. This proposal is disposed of in paragraph 9.)

The Dayton-Springfield order provides for the pricing of all producer milk received by handlers on a classified basis depending upon its use. Such a system permits all producers to share proportionately in the proceeds from the various uses to which milk is put and prevents any producer or group of producers from receiving a disproportionate share of the proceeds. This does not prevent handlers from paying premiums to producers over the order price for milk having special value to the handlers or their customers. The record indicates proposals (i), (ii), and (iii) above would give preferential price treatment to certain producers.

The record indicates that the market is somewhat long on butterfat and short on skim milk. The adoption of any of the above proposals would encourage the production of high butterfat content milk and would tend to increase this disparity between skim milk and butterfat. Also producers of high butterfat content milk do not have a fluid market for all the milk they produce and such excess milk, particularly the butterfat therefrom must be disposed of in manufactured products.

The record shows that the essential difference between Guernsey milk and other milk is one of butterfat content and that Guernsey milk does not differ materially from other milk of comparable high fat content.

Recognizing that the value of milk varies on the basis of its butterfat content the order provides a butterfat differential to adjust the price of milk to producers having a butterfat content varying from 3.5 percent. The principal issue therefore seems to be whether or not the rate of the butterfat differential is correct. The proposal to base the producer butterfat differential on the price for Class I butterfat or currently on the weighted average of the price paid by handlers for butterfat would tend to encourage the production of an excess of butterfat in relation to skim milk which does not appear to be justified by the record. The present butterfat differential is set at 120 percent of the value of 92-score Chicago wholesale butter price. Inasmuch as most of the butterfat in producer milk testing in excess of the market average is disposed of in Class III products having a higher value than butter it appears logical that the butterfat differential should approximate the higher Class III value. This should not tend to encourage the production of butterfat for exclusive use in manufactured products but would enable the fluid milk producer having high butterfat content milk to realize the regular Class III price for the differential or excess fat used for manufacturing purposes by handlers.

It is concluded, therefore, that an alternative method of pooling high butterfat content milk should not be established, but the butterfat differential should be kept equivalent to the revised price of butterfat utilized in Class III for purposes other than butter manufacture.

(11) The section providing for an assessment covering administrative expense should be revised to provide for (i) changes in the administrative assessment rate below the maximum fixed in such section to be determined by the Secretary rather than by the market ad-

ministrator (subject to review by the Secretary), (ii) elimination of the announcement by the market administrator of the applicable rate of assessment for the delivery period, and (iii) eliminate the administrative assessment on milk received from emergency and other sources not classified as Class I milk and Class II milk.

Procedure for making changes in such rates will be less complicated if such rate-making is made a direct function of the Secretary rather than a review function. Since the rate will remain unchanged for each delivery period until altered by a published rule, it will be unnecessary to require monthly public announcements by the market administrator. This revision will simplify the establishment of appropriate rates of assessment any time that the assessment rate must be changed.

The elimination of the administrative assessment on milk received from emergency and other sources not classified as Class I and Class II milk will place the assessment on milk primarily received for fluid purposes and result in a more equitable assessment between handlers, of the cost of administering the order. The date on which handlers are required to make payment of the assessment should be extended two days to conform with the revised time schedule contained in other sections of the order.

(12) The section providing for marketing service deductions should be revised to (i) authorize the Secretary to fix the assessment rate below the maximum prescribed in such section and (ii) eliminate the application of the marketing service deductions to milk of a handler's own production.

The fixing of the rate of marketing service deductions by the Secretary (who must now review the rate established by the market administrator) will simplify the procedure for establishing such rates of assessment below the maximum prescribed in the order.

Marketing service payments are designed primarily to cover the cost of verifying the weights and tests of producer milk. Producers who are not members of a cooperative association usually are not in a position to govern the disposition of milk and it is not practicable for them to verify the weights and tests of deliveries of their own milk. In the case of milk of a handler's own production such service is not necessary as a protection since the handler has full control of the handling of such milk from the farm to its disposition from his plant. The date on which handlers are required to pay such deduction to the market administrator should be extended two days to conform with the revised time schedule contained in other sections of the order.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Miami Valley Cooperative Milk Producers' Association, Inc., The Ohio Guernsey Breeders Association, Inc., and various handlers subject to Order No. 71. The briefs contain statements of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. Although all of the briefs do not contain specific requests to make proposed findings, it is assumed that the arguments and conclusions submitted were for this purpose and are treated accordingly. To the extent that such proposed findings and conclusions are inconsistent with the proposed findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Delete from § 971.2 (c) (7) the term "10th" and substitute therefor the term "12th".

2. Delete from § 971.3 (a) the term "5th" and substitute therefor the term "7th".

3. Delete from § 971.3 (b) (3) the term "20th" and substitute therefor the term "22d".

4. Delete from § 971.4 (b) (2) the phrase "; or (iii) as cottage cheese".

5. Add to § 971.4 (b) (3) (i) after the term "condensed skim milk," the term "cottage cheese,".

6. At the end of § 971.4 (b) (3) (iii) change the period (.) to a colon(:) and add thereafter the following: "*Provided*, That skim milk or butterfat transferred by a handler to any plant of another handler, without first having been weighed and tested in the transferring handler's plant, shall be included in the receipts at the plant of the handler weighing and testing such skim milk or butterfat for the purpose of computing his plant shrinkage to be classified in Class III and shall be excluded from the receipts of the transferring handler for the purpose of computing his plant shrinkage to be classified in Class III."

7. Delete from § 971.4 (d) (1) (iii) the term "5th" and substitute therefor the term "7th".

8. Delete from § 971.4 (d) (2) (iii) the term "5th" and substitute therefor the term "7th".

9. Delete from § 971.5 the provisions of paragraphs (b) and (c) and substitute therefor the following:

(b) *Class I milk prices.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk or butterfat in milk received from producers and from associations of producers which is classified as Class I milk shall be computed as follows:

(1) Add to the basic formula price the following amount for the months indicated:

Month	Amount
April, May, June, and July	$0.75
All others	1.05

Provided, That if the sum so obtained for the month of August, 1947 is less than $4.25, an additional amount shall be added so that the sum obtained will equal $4.25, and if the sum so obtained for any of the months of September, October, November, and December, 1947 is less than $4.69 an amount shall be added so that the sum obtained will equal $4.69: *Provided further*, That if the sum so obtained for January 1948 is less than the sum obtained for December 1947 minus $0.44 an additional amount shall be added so that the sum obtained will equal the sum obtained for December 1947 minus $0.44; and if the sum so obtained for February 1948 is less than the sum obtained for January 1948 minus $0.44 an additional amount shall be added so that the sum obtained will equal the sum obtained in January 1948 minus $0.44.

(2) The price per hundredweight of Class I butterfat shall be the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during such month multiplied by 135.

(3) The price per hundredweight of Class I skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(c) *Class II milk price.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk or butterfat in milk received from producers and associations of producers which is classified as Class II milk shall be computed as follows:

(1) Add to the basic formula price the following amount for the months indicated:

Month	Amount
April, May, June, and July	$0.45
All others	.75

Provided, That if the sum so obtained for the month of August 1947, is less than $3.95, an additional amount shall be added so that the sum obtained will equal $3.95; and if the sum so obtained for any of the months of September, October, November, and December, 1947, is less than $4.39 an amount shall be added so that the sum obtained will equal $4.39: *Provided further*, That if the sum so obtained for January 1948 is less than the sum obtained for December 1947 minus $0.44 an additional amount shall be added so that the sum obtained will equal the sum obtained for December 1947 minus $0.44; and if the sum so obtained for February 1948 is less than the sum obtained for January 1948 minus $0.44 an additional amount shall be added so that the sum obtained will equal the sum obtained in January 1948 minus $0.44.

(2) The price per hundredweight of Class II butterfat shall be the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during such month multiplied by 130.

(3) The price of Class II skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

10. Delete § 971.5 (d) (1) and (2) and substitute therefor the following:

(1) The price per hundredweight of such skim milk shall be computed for the months of April, May, June and July by subtracting 5.5 cents from the average price per pound of nonfat dry milk solids and multiplying the result by 8.5; and for the months of January, February, March, August, September, October, November and December by subtracting 5.5 cents from the average price per pound of nonfat dry milk solids and multiplying the result by 8.5 and adding 20 cents. (The price per pound of nonfat dry milk solids to be used for each such month shall be the average of the carlot prices for nonfat dry milk solids, roller process for human consumption, delivered at Chicago, as reported by the Department of Agriculture for such month, including in such average the prices published for any fractional part of the previous month which were not available at the time of such average price determination for the previous month.)

(2) The price per hundredweight of such butterfat shall be computed for the months of April, May, June and July by multiplying the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during each such month, by 120; and for the months of January, February, March, August, September, October, November, and December by multiplying the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during each such month, by 125: *Provided*, That the price per hundredweight of butterfat made into butter shall be computed by multiplying the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during each such month by 120 and subtracting $3.60 from the result.

11. Delete from § 971.7 (b) the term "10th" and substitute therefor the term "12th".

12. Delete from § 971.7 (e) (2) the term "10th" and substitute therefor the term "12th".

13. Delete from § 971.8 (a) (1), (a) (2), (b) (1), (b) (2), (d), (e) (1), and (e) (2), the terms "15th", "14th" "25th", "24th", "12th", "14th", and "14th", respectively, and substitute therefor the terms "17th", "16th", "27th", "26th", "14th", "16th", and "16th", respectively.

14. Delete § 971.9 and substitute therefor the following:

§ 971.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 971.2 (c) (3), each handler shall pay to the market administrator, on or before the 14th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts during such month of:

(1) Milk from producers (including such handler's own production), and

(2) Skim milk and butterfat from emergency and other sources classified as Class I milk and Class II milk.

15. Delete the provisions of § 971.10 (a) and substitute therefor the following:

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 5 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 971.8, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from association of producers, and shall pay such deductions to the market administrator on or before the 14th day after such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

16. Delete from § 971.10 (b) the term "14th" and substitute therefor the term "16th".

Filed at Washington, D. C. this 30th day of July 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-7290; Filed, Aug. 4, 1947; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1606472]

ALASKA

NOTICE OF FILING OF PLATS OF SURVEY

JULY 29, 1947.

Notice is given that the plats of survey of land hereinafter described will be officially filed in the District Land Office, Anchorage, Alaska, effective at 10:00 a. m. on September 30, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to settlement, application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 30, 1947 to December 29, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 10, 1947, to September 30, 1947, inclusive such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 30, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 30, 1947, any of the lands remaining unappropriated shall become subject to such settlement, application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 10, 1947 to December 30, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 30, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66, inclusive, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Anchorage, Alaska.

The lands affected by this notice are described as follows:

SEWARD MERIDIAN

T. 5 N., Rs. 8, 9, 10 W., inclusive (complete survey).
T. 6 N., R. 10 W.,
Secs. 30 and 31.
T. 4 N., R. 11 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 36, inclusive.
T. 6 N., R. 11 W.,
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.

The E½ sec. 20, secs. 21 and 28, and E½ sec. 29, T. 4 N., R. 11 W., are subject to Executive Order No. 7888 of May 16, 1938, withdrawing these lands from settlement, location, sale or entry for classification and pending a determination as to the advisability of reserving them for national monument purposes.

Pursuant to Executive Order No. 8979 of December 16, 1941, establishing the Kenai National Moose Range, the E½, E½NW¼ sec. 30, NE¼, E½SE¼ sec. 31, T. 6 N., R. 10 W., lots 1, 2, S½NE¼, SE¼ sec. 1, E½ sec. 12, E½ sec. 13, E½, E½W½ sec. 24, E½, E½W½ sec. 25, E½, E½W½ sec. 36, T. 4 N., R. 11 W., and NE¼ sec. 24, T. 6 N., R. 11 W., are not subject to settlement, location, sale, or entry, or other disposition (except for fish trap sites) under any of the public-land laws applicable to Alaska, nor to classification and lease for fur farming or grazing purposes under the acts of July 3, 1926 (44 Stat. 821, 48 U. S. C. secs. 360–361) and March 4, 1927 (44 Stat. 1452, 48 U. S. C. secs. 471–471o).

The lands are located east of the Village of Kenai, adjacent to the Kenai River. These lands are level to rolling in character with intermittent lakes and swamps throughout the area. The timber cover consists chiefly of spruce, birch and aspen, little of which is valuable for commercial purposes. Reconnaissance of the area indicates there is a considerable acreage of land suitable for general crop production and grazing.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7276; Filed, Aug. 4, 1947; 8:47 a. m.]

Office of the Secretary

[Order 2350]

ALASKA

NOTICE OF HEARINGS AND PROPOSED DESIGNATION OF NATIVE RESERVATION

1. Notice is hereby given that public hearings will be held at Nome, Alaska, at 2 p. m., on August 16, 1947, and at Shungnak, Alaska, at 10 a. m., on August 18, 1947, for the purpose of determining whether the lands described in paragraph three hereof should be designated under section 2 of the act of May 1, 1936 (49 Stat. 1250, 48 U. S. C. 358a), as a reservation for native inhabitants of the village of Shungnak and vicinity. All interested persons may attend at such times and places and present their views to the hearing officer, and may file any written statements or documents with such officer, or with the Department within 60 days from the date of this notice.

2. William E. Warne, Assistant Secretary of the Interior, is hereby designated to hold the said hearings as the immediate representative of the Secretary, and Harry M. Edelstein, Assistant Solicitor, Department of the Interior, shall act as alternate. A designation of the foregoing lands as a native reservation will not be made until after such hearings and said 60-day period and will not become effective until approved by a majority vote of the natives residing in the area described below, voting in the manner prescribed by section 2 of the act of May 1, 1936, *supra*.

3. The lands affected are as follows:

Beginning at a point on the right bank of the Kobuk river one mile below the mouth of the Ambler River, thence North 12 miles, thence East 51 miles, crossing the Ambler, the Shungnak and the Kogoluktuk Rivers, thence South 18 miles to a point northwest of Lake Selby, thence East 14 miles, thence South 18 miles, more or less, passing to the east of Lake Selby, to a point on the south side of the Kobuk River, thence West 14 miles, thence South 17 miles, thence West 13.5 miles to the ridge between the headwaters of the Selawik and the Pah Rivers, thence in northwesterly courses along the aforesaid ridge to the ridge or divide between the Selawik and the Pick Rivers, thence following said divide to the left bank of the Kobuk River, thence down stream with said left bank to a point South of the place of beginning, thence North, crossing the Kobuk River to the place of beginning, enclosing an area of approximately 2,300 square miles.

AUGUST 1, 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-7343; Filed, Aug. 4, 1947; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary prescribed reasonable rates and charges for the respondent by an order dated May 9, 1946 (5 A. D. 338), and a supplemental order dated June 26, 1946 (5 A. D. 449). By supplemental orders dated December 4, 1946 (5 A. D. 873), and May 26, 1947 (6 A. D. 428), the respondent has been permitted to assess certain temporary rates and charges which are due to expire on June 30, 1948, after which basic rates are again to be in effect unless otherwise ordered.

By petition filed July 29, 1947, the respondent has requested permission to assess and charge certain increased rates for yardage to and until June 30, 1948, as follows:

YARDAGE CHARGE

	Requested increased rates	Existing rates
	Cents per head	*Cents per head*
A. Livestock sold or resold in the Commission Division		
Cattle	60	55
Calves	38	35
B. Livestock received directly by packers through the yards:		
Cattle	20	18
Calves	19	15

The other rates and charges for the respondent are to remain unchanged. However, the respondent also requests permission to publish a new section to its tariff, as follows, and to assess and charge, in accordance with the section, the rates and charges prescribed thereby on a temporary basis until June 30, 1948:

SECTION I-A

DRIVING LIVESTOCK TO RAILROAD CHUTES

Driving livestock to railroad chutes for outbound shipment:

Cattle	$2 per car.
Calves	$1 per deck.
Hogs	$1 per deck.
Sheep and goats	$1 per deck.
Horses and mules	$2 per car.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for modification. All interested persons who desire to be heard upon the matters requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 30th day of July 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-7291; Filed, Aug. 4, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-148]

ACCIDENT NEAR MAYADINE, SYRIA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 88845 which occurred near Mayadine, Syria, on June 19, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, August 5, 1947, at 9:30 a. m. (local time), in the Empire Room, Lexington Hotel, New York, New York.

Dated at Washington, D. C., July 31, 1947.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 47-7311; Filed, Aug. 4, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6884, 7115, 7851, 7852]

PATRIOT CO. ET AL.

ORDER AMENDING AND ENLARGING ISSUES

In re applications of The Patriot Co., Harrisburg, Pennsylvania, Docket No. 6884, File No. BP-4091, for construction permit; WHP, Inc. (WHP), Harrisburg, Pennsylvania, Docket No. 7115, File No. BP-4334, for construction permit; Union Broadcasting Co. (WARM), Scranton, Pennsylvania, Docket No. 7851, File No. BP-5186, for construction permit; John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania, Docket No. 7852, File No. BP-5212, for construction permit.

The Commission having under consideration the above-entitled applications; and

It appearing, that Union Broadcasting Company (WARM) and John H. Stenger, Jr. (WBAX) are both requesting the frequency 590 kc, with 1 kw power, unlimited time, with directional antenna day and night; that on July 1, 1947, the Commission issued a proposed decision looking to a grant of the facilities 590 kc, with 1 kw power, unlimited time, to Lynchburg Broadcasting Corporation (WLVA), Lynchburg, Virginia; that there is a question of electrical interference between the proposed operation of Union Broadcasting Company (WARM) and John H. Stenger, Jr. (WBAX) and the operation of Lynchburg Broadcasting Corporation as proposed in the Commission's decision of July 1, 1947; and

It appearing further, that evidence as to the above-mentioned question of electrical interference is pertinent to the instant proceeding; and that the issues in said proceeding should be enlarged so as to raise the question of such interference;

It is ordered, This 28th day of July 1947, that the notices of hearing in the above-entitled proceeding dated September 19, November 21 and December 30, 1946, be, and they are hereby, amended to include the following issue:

To determine whether the proposed operation of Union Broadcasting Company (WARM), Scranton, Pennsylvania, and John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania, would involve objectionable interference with the service of a proposed station at Lynchburg, Virginia, to be operated by the Lynchburg Broadcasting Corporation on 590 kc, with a power of 1 kw, DA-2, unlimited time, as set forth in the proposed decision, released July 1, 1947, in Docket 6866 et al., and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7315; Filed, Aug. 4, 1947; 8:46 a. m.]

[Docket 7094, 7412 and 8465]

MACKAY RADIO AND TELEGRAPH CO., INC., ET AL.

ORDER POSTPONING HEARING DATE

In the matter of radiotelegraph circuits between the United States and British Commonwealth and certain other foreign points, Docket No. 7094; in the matter of applications of Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc., Tropical Radio Telegraph Company, United States-Liberia Radio Corporation, Press Wireless, Inc., for modification of license for authority to communicate with British Commonwealth and certain other foreign points, Docket No. 7412; in the matter of Mackay Radio and Telegraph Co. applications for special temporary authorizations to communicate with Helsinki, Finland; Lisbon, Portugal; Paramaribo, Surinam; and The Hague, Netherlands, Docket No. 8465, File Nos. T1-SA-680, T1-SA-658, T1-SA-659, T1-SA-657.

It appearing, that the Commission will not be able to hear oral arguments in the above proceedings on August 8, 1947, the date presently scheduled therefor;

It is ordered, This 18th day of July, 1947, that the oral arguments now scheduled in the above proceedings for August 8, 1947, at the same time and place as heretofore designated.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7318; Filed, Aug. 4, 1947; 8:46 a. m.]

[Docket Nos. 8043, 8064, 8065, 8270]

MID-STATE BROADCASTING CO. ET AL.

ORDER AMENDING AND ENLARGING ISSUES

In re applications of Mid-State Broadcasting Co. (WMMF), Peoria, Illinois, Docket No. 8043, File No. BP-5551, for construction permit; Grain Country Broadcasting Co., Inc., Peru, Illinois, Docket No. 8064, File No. BP-5567, for construction permit; Fred Jones Broadcasting Co. (KFMJ), Tulsa, Oklahoma, Docket No. 8065, File No. BP-5585, for construction permit; Public Radio Corp. (KAKC), Tulsa, Oklahoma, Docket No. 8270, File No. BP-5985, for construction permit.

The Commission having under consideration a petition filed July 14, 1947, by Public Radio Corporation (KAKC), Tulsa, Oklahoma, requesting the Commission to enlarge the issues in the proceeding upon the above-entitled applications so as to include the following:

To determine the type and character of program service rendered by KOIN to the areas and populations that would be lost, if any, to KOIN if the application of Public Radio Corporation (KAKC) were granted, and the character of other broadcast services available to these areas and populations;

It is ordered, This 25th day of July 1947 that the instant petition be, and it is hereby, granted; and the notice of hearing in the above-entitled proceeding, dated March 27, 1947, be, and it is hereby, amended to include the following issue:

To determine the type and character of program service rendered by KOIN to the areas and populations that should be lost, if any, to KOIN, if the application of Public Radio Corporation (KAKC) were granted, and the character of other broadcast services available to those areas and populations.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7316; Filed, Aug. 4, 1947; 8:46 a. m.]

[Docket No. 8462]

SEMINOLE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Tom Potter, tr/as Seminole Broadcasting Co., Seminole, Okla., Docket No. 8462, File No. BP-6086, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of July 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1260 kc, 250 w power, daytime only at Seminole, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commissions' rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to § 3.29 of the rules

and the related provisions of the Standards.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7321; Filed, Aug. 4, 1947; 8:47 a. m.]

[Docket No. 8466]

LAKES AREA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of L. L. Gaffaney and J. B. Smith d/b as Lakes Area Broadcasting Co., Pryor, Oklahoma, Docket No. 8466, File No. BP-5752, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of July 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1370 kc, with 250 w power, daytime only, at Pryor, Oklahoma;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to those provisions regarding the location of transmitters and the assignment of Class IV stations to regional channels.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7319; Filed, Aug. 4, 1947; 8:46 a. m.]

[Docket Nos. 8469, 8470]

KENTUCKY MOUNTAIN HOLINESS ASSN. AND WYOMING BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Kentucky Mountain Holiness Association, Lawson, Ky., Docket No. 8469, File No. BP-6034; Clarence W. Meadows, William T. Lively and William D. Stone d/b as Wyoming Broadcasting Company, Pineville, W. Va., Docket No. 8470, File No. BP-6149, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of July 1947;

The Commission having under consideration the above-entitled applications of The Kentucky Mountain Holiness Association, requesting a construction permit for a new standard broadcast station to operate on 730 kc, with 1 kw power, daytime only, at Lawson, Kentucky, and of Clarence W. Meadows, William T. Lively and William D. Stone d/b as Wyoming Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 730 kc, with 1 kw power, daytime only, at Pineville, West Virginia.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership, Wyoming Broadcasting Company, and the partners and of the applicant corporation, The Kentucky Mountain Holiness Association, its officers, directors and members to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7322; Filed, Aug. 4, 1947; 8:47 a. m.]

[Docket Nos. 8472, 8473]

MATTA BROADCASTING CO. AND PITTSBURGH BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Matta Broadcasting Co., Pittsburgh, Pa., Docket No. 8472, File No. BPH-1109; Pittsburgh Broadcasting Co., Pittsburgh, Pa., Docket No. 8473, File No. BPH-1207, for FM construction permits.

At a session of the Federal Communications Commission held at it offices in Washington, D. C., on the 24th day of July 1947;

The Commission having under consideration the above-entitled applications for construction permits for new Class B FM broadcast stations in the Pittsburgh, Pennsylvania, area; and

It appearing, that seven of the eight Class B FM channels allocated for Pittsburgh, Pennsylvania, area have been assigned, leaving a possible maximum of one Class B. FM channel which might be available for immediate assignment in the vicinity of Pittsburgh, Pennsylvania;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934 as amended, that the above-entitled applications be, and they are hereby, designated for hearing in a consolidated proceeding at a date and place to be specified by a subsequent order upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7324; Filed, Aug. 4, 1947; 8:47 a. m.]

[Docket No. 8474]

BERT WILLIAMSON

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Bert Williamson, Martinez, California, Docket No. 8474, File No. BP-6114, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of July 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on the frequency 1340 kc, with 250 w power, unlimited time at Martinez, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KSRO, Santa Rosa, California or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of R. S. Bowdle and B. J. E. Burgess, operating as Coast Counties Broadcasters (File No. BP-6008), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Ruth Finley, licensee of station KSRO, Santa Rosa, California, be, and she is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7320; Filed, Aug. 4, 1947; 8:46 a. m.]

[Docket Nos. 8475, 8476]

TEXAS GULF COAST BROADCASTING CO. AND ALICE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of E. H. Rowley, Nathan Clark, James A. Clements, Glen H. McClain, and L. M. Rice, a partnership d/b as Texas Gulf Coast Broadcasting Co., Corpus Christi, Texas, Docket No. 8475, File No. BP-5360; J. H. Mayberry, Buford Nicholson and E. G. Lloyd, Jr., a partnership d/b as Alice Broadcasting Co. (KBKI), Alice, Texas, Docket No. 8476, File No. BP-5882, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of July 1947;

The Commission having under consideration the above-entitled applications by Texas Gulf Coast Broadcasting Company, requesting a permit to construct a new standard broadcast station in Corpus Christi, Texas, to operate on 1070 kc, with 10 kw power, unlimited time, using a directional antenna, this application specifically requesting that the daytime only facilities on 1070 kc assigned to Alice Broadcasting Company (KBKI), Alice, Texas, be withdrawn and another frequency be substituted therefor; and by Alice Broadcasting Company requesting a construction permit to change the assignment of station KBKI, Alice, Texas, from 1070 kc with 1 kw power, daytime only, to 1070 kc, with 5 kw power, unlimited time, using a directional antenna nighttime;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant Texas Gulf Coast Broadcasting Company and the partners to construct and operate its proposed station, and to determine the technical, financial and other qualifications of the applicant Alice Broadcasting Company and the partners to construct and operate Station KBKI as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered, and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations, or either of them, would involve objectionable interference with any existing broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of each of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, especially with respect to blanket area populations in so far as Alice Broadcasting Company is concerned.

7. With respect to the proposal of Alice Broadcasting Company, to determine whether the proposed operation would adversely affect the operation of the Commission's primary monitoring station at Kingsville, Texas, and if so, whether the proposed operation would be in the public interest.

8. To determine on a comparative basis, which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7323; Filed, Aug. 4, 1947; 8:47 a. m.]

[Docket No. 8477]

WESTERN UNION TELEGRAPH CO.

ORDER INSTITUTING INVESTIGATION

The Commission, having under consideration Public Law 193, 80th Congress, 1st Session, enacted July 16, 1947, providing for the repeal of the Post Roads Act of 1866, as amended; the Commission's Report of June 4, 1946, Docket No. 7445, In the Matter of The Western Union Telegraph Company, Petition for Rate Increase; Commission Order No. 137, dated May 28, 1947, with respect to charges for Government telegraph communications for the year ended June 30, 1948; and the presently effective tariff schedules of The Western Union Telegraph Company with respect to United States Government domestic telegraph communications; and having also under consideration new tariff schedules filed by The Western Union Telegraph Company on July 17 and 21, 1947, to be effective August 25, 1947, designated as follows:

THE WESTERN UNION TELEGRAPH COMPANY

Tariff F. C. C. No. 177

Supplement No. 3

Tariff F. C. C. No. 176

10th Revised Page No. 37
5th Revised Page No. 38
14th Revised Page No. 39
3d Revised Page No. 40

Tariff F. C. C. No. 173

36th Revised Page No. 5T
11th Revised Page No. 5TA
11th Revised Page No. 5U
15th Revised Page No. 5V
24th Revised Page No. 5W

Tariff F. C. C. No. 223

Supplement No. 109

It appearing, that the above new tariff schedules of The Western Union Telegraph Company would have the effect of generally eliminating the differential presently existing between the charges for commercial telegrams and those for certain "domestic" United States Government Telegrams, namely, interstate telegrams within the continental United States, and telegrams between the continental United States, on the one hand, and Alaska, Canada, Mexico (except Full Rate Telegrams), Newfoundland, Labrador, and Miquelon, on the other hand;

It further appearing, That the above new tariff schedules of The Western Union Telegraph Company would also have the effect of eliminating the priority now provided for United States Government telegrams between the above-named points;

It further appearing, That the above new tariff schedules of The Western Union Telegraph Company would result in increased charges to the United States Government for and in connection with the use of telegraph communications between the above-named points, and would preclude any priority for such communications of the United States Government; and that it is desirable in the public interest that the various United States Government departments and agencies which are directly affected thereby as users of such communications be given an opportunity to be heard with respect to the proposed increased charges and elimination of priority;

It is ordered, This 24th day of July, 1947, That pursuant to sections 201, 204, 205 and 403 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing concerning the lawfulness of the charges, classifications, regulations and practices set forth in the above-cited tariff schedules;

It is further ordered, That pursuant to section 204 of the Communications act of 1934, as amended, the operation of the above-cited tariff schedules is hereby suspended until November 25, 1947, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in said tariff schedules, or in the regulations, charges or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That pursuant to sections 201, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the charges, classifications, regulations, practices and services of The Western Union Telegraph Company for and in connection with United States Government "domestic" telegraph communications, that is, interstate telegraph communications within the continental United States, and United States Government telegraph communications between points in the continental United States and other North American points;

It is further ordered, That, without in any way limiting the scope of the investigation herein, it shall include inquiry into the following matters with respect to "domestic" (as above defined) telegraph communications of the United States Government:

(1) The lawfulness, under the Communications Act of 1934, as amended, of the charges, classifications, regulations and practices proposed by The Western Union Telegraph Company in the above-cited tariff schedules;

(2) Whether under section 201 (b) of the Communications Act of 1934, as amended, there shall be established a United States Government class or classes of communications, with charges and regulations therefor different from those for corresponding non-Government communications; and, if so, whether such Government class or classes of communications shall be applicable to all the established departments, independent establishments, and agencies in the legislative, executive, and judicial branches of the Federal Government, or whether they shall be applicable only to particular departments, establishments or agencies;

(3) What will be the just and reasonable charges to be observed, and what classifications, regulations and practices are or will be just, fair and reasonable for and in connection with United States Government domestic telegraph communications;

(4) The nature and extent of the priority, if any, to be accorded United States Government domestic telegraph communications;

(5) The regulations and practices to be followed by respondent carriers with respect to liability to the United States Government and to others for failure of delivery, delayed delivery, incorrect transmission, or other acts resulting in injury or damage, in connection with the carriers' handling of United States Government domestic telegraph communications;

It is further ordered, That in the event a decision as to the lawfulness of the charges, classifications, regulations and practices herein suspended has not been made during the aforesaid suspension period, and said charges, classifications, regulations and practices set forth in the above-cited tariff schedules go into effect, The Western Union Telegraph Company and the other respondent carriers shall, until further order of the Commission, keep accurate account of all amounts charged, collected or received by reason of such increase; and that said carriers shall specify in such accounts the department, establishment or agency of the Government by whom and in whose behalf such amounts are paid;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that The Western Union Telegraph Company and all carriers concurring in said tariff schedules are hereby made party respondents to this proceeding; and that a copy hereof be served on such carriers;

It is further ordered, That a copy of this order shall also be served upon all departments, establishments and agencies in the legislative, executive, and judicial branches of the Federal Government, and they are given leave to intervene and participate in the proceedings herein;

It is further ordered, That this proceeding is assigned for hearing on September 22, 1947, beginning at 10:00 a. m., at the offices of the Federal Communications Commission in Washington, D. C., and that the Commission's Telegraph Committee, or one or more members thereof, is hereby authorized to preside at the hearings and otherwise to conduct the proceedings herein.

Notice is hereby given, That § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7317; Filed, Aug. 4, 1947; 8:46 a. m.]

KXXL, RENO, NEV.[1]

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF PERMIT

The Commission hereby gives notice that on July 24, 1947 there was filed with it an application (BAP-47) for its consent under section 310 (b) of the Communications Act to the proposed assignment of permit of AM Station KXXL, Reno, Nevada from Chet L. Gonce, d/b as The Voice of Reno to Edward Margolis, Byron J. Samuel and Frederick W. Kirske, a partnership. The proposal to assign the permit arises out of a contract of July 1, 1947 pursuant to which Gonce agrees to sell and the assignee partnership agrees to buy all the assets and properties of AM Station KXXL, Reno, Nevada for a total consideration of $30,000 (subject to the assumption by the purchasers of the difference between current income and operating expenses between the time of the contract and the consummation of the sale) to be paid as follows: $20,000 in cash and a promissory note for $10,000 (due in six months from closing and secured by a chattel mortgage) both to be placed in escrow on July 2, 1947 and to be transferred to the seller on approval date by the Federal Communications Commission. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

[1] Section 1.321, Part I, Rules of Practice and Procedure.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on July 24, 1947 that starting on July 30, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Reno, Nevada in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from July 30, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7325. Filed, Aug. 4, 1947; 8:47 a. m.]

KERO, BAKERSFIELD, CALIF.[1]

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on July 18, 1947 there was filed with it an application (BAL-627) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of AM station KERO, Bakersfield, California, from J. E. Rodman to Paul R. Bartlett. The proposal to assign the license arises out of a contract of July 9, 1947 pursuant to which Rodman agrees to sell and Bartlett agrees to buy all the fixed and tangible assets and lease-hold interest owned by Rodman and used or useful in the operation of KERO together with the contracts and agreements of KERO. Rodman will retain all money, bank accounts and receivables and Bartlett will collect accounts receivable and remit to Rodman as collections are made. Consideration to be paid in cash is a minimum of $25,000, but in no event less than the original cost of the assets sold less depreciation at closing date.

This application is contingent upon the granting of certain applications now on file with the Commission proposing a consolidation of KFRE, Fresno, California, and KTKC, Visalia, California, into a single 50 kw station to be operated by California Inland Broadcasting Company in which said Rodman holds a 40% interest. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on July 18, 1947 that starting on July 31, 1947 notice of the filing of the application would be inserted in the "Bakersfield Californian" a newspaper of general circulation at Bakersfield, California, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from July 31, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7326; Filed, Aug. 4, 1947; 8:47 a. m.]

[1] Section 1.321, Part I, Rules of Practice and Procedure.

FEDERAL FARM MORTGAGE CORPORATION

[Surplus Property Transfer Order 6]

DESCHUTES NATIONAL FOREST

TRANSFER OF JURISDICTION OF RIGHTS-OF-WAY

Transferring jurisdiction of rights-of-way in the Deschutes National Forest, to the Forest Service pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765).

Whereas, the following described rights-of-way owned by the United States and situate within the exterior boundaries of the Deschutes National Forest and which are necessary in the protection of the said National Forest have been declared surplus pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765):

Parcel A: A perpetual easement for a roadway on, over and across the following described lands located in Deschutes County, Oregon, to-wit:

A parcel of land situated in Sections 3, 4 and 5, Township 20 South, Range 11 East of the Willamette Meridian in Deschutes County, Oregon, said parcel being a strip of land 100 feet in width, 50 feet on each side of the center line hereinafter described, and extending from the easterly right-of-way line of the Great Northern Railway to the northwesterly right-of-way line of United States Highway No. 97. The center line of said strip of land is more particularly described as follows:

Beginning at a point which is Engineer's Station 20+46.41, which point is north 2222.70 feet and west 965.55 feet from the southeast corner of Section 5, Township 20 South, Range 11 East of the Willamette Meridian, opposite and 50 feet distant from which point the north right-of-way line of said strip of land intersects the easterly right-of-way line of the Great Northern Railway; thence east 4065.51 feet to Engineer's Station 61+11.92 P. C.; thence on a curve to the left having a radius of 954.93 feet through a central angle of 27° 26' a distance of 457.22 feet to Engineer's Station 65+69.14 P. T.; thence North 62° 34' east 306.21 feet to the Engineer's Station 68+75.35 P. C.; thence on a curve to the right having a radius of 1145.92 feet; a distance of 648.22 feet through a central angle of 32° 24' 40" to Engineer's Station 75+23.57 P. T., thence South 85° 01' 20" east 791.28 feet to Engineer's Station 83+14.85 P. C.; thence on a curve to the right having a radius of 2864.79 feet a distance of 1415.56 feet through a central angle of 28° 18' 40" to Engineer's Station 97+30.41 P. T.; thence south 56° 42' 40" east 931.49 feet to Engineer's Station 106+61.90 at which point the above described center line intersects the center line of United States Highway No. 97.

Parcel B: A perpetual easement to operate and maintain a telephone line in, on, over and across the following described lands located in Deschutes County, Oregon, to-wit:

A parcel of land situated in Sections 3, 4 and 5, Township 20 South, Range 11 East of the Willamette Meridian in Deschutes County, Oregon, said parcel being a strip of land 50 feet in width, 25 feet on each side of the center line hereinafter described, and extending from the easterly right-of-way line of the Great Northern Railway in said Section 5 to the existing toll line of the Pacific Telephone and Telegraph Company in said Section 3. The center line of said strip of land is more particularly described as follows:

Beginning at a point which is north 2463.74 feet and west 992.44 feet from the southeast corner of Section 5, Township 20 South, Range 11 East of the Willamette Meridian in Deschutes County, Oregon, opposite and 25 feet distant from which point the northeasterly right-of-way line of said strip of land intersects the easterly right-of-way line of the Great Northern Railway; thence south 73° 22' 30" east 654.92 feet; thence south 89° 56' east 749.4 feet; thence south 59° 56' 30" east 1647.8 feet; thence south 89° 59' 30" east 1049.65 feet; thence north 76° 26' 30" east 299.6 feet; thence north 75° 48' east 147.95 feet; thence north 62° 46' east 636.0 feet; thence south 85° 03' east 405.75 feet; thence south 84° 57' east 1503.35 feet; thence south 84° 54' east 1570.1 feet; thence south 70° 21' east 824.25 feet; thence south 70° 11' 30" east 489.9 feet to the existing Pacific Telephone and Telegraph Company toll line in said Section 3.

But excepting that part lying within the right-of-way of United States Highway No. 97 in said Section 3.

Parcel C: A perpetual easement for a roadway on, over and across the following described lands located in Deschutes County, Oregon, to-wit:

That portion of the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of Section 31 and the Southwest Quarter of Section 32, Township 19 South, Range 11 East of the Willamette Meridian lying and being in a strip of land 66 feet wide and being 33 feet wide on each side of the following described center line:

Beginning at a point where the center line of the Great Northern Railway (Station 247+66.9 RR) intersects the center line of Camp Abbot Access Road, said point being described as follows: Commencing at the section corner common to Sections 4, 5, 8 and 9, Township 20 South, Range 11 East of the Willamette Meridian; thence West along section line between Sections 5 and 8, 848 feet to a point on the center line of the Great Northern Railway (Station 270+48.0 RR); thence North 4° 18' West along center line of said railway 2281.1 feet to the point of beginning of this description; thence South 89° 58' West along the center line of access road 600 feet to a point; thence northwesterly on a 10° curve to the right (radius 572.96 feet) 775 feet to a point; thence North 12° 32' West 43.5 feet to a point; thence northwesterly on a 25° curve to the left (radius 229.18 feet) a distance of 241.86 feet to a point on the center line of "F" street; thence North 73° 00' West, along center line of "F" Street, 903.8 feet to a point on the center line of 2nd Avenue; thence North 17° 00' East along the center line of 2nd Avenue 2,910 feet to

a point on the center line of "L" Street; thence North 73° 00' West along center line of "L" Street 1075 feet to a point on the center line of 3rd Avenue, and the beginning of the Military Road. Thence North 73° 00' West 183.03 feet to a point; thence on a 10° curve to the right (radius of 572.96 feet), a distance of 133.33 feet; thence North 59° 40' West, 1545.90 feet to a point; thence on a 3° curve to the left (radius of 1909.86 feet) a distance of 1185.65 feet to a point; thence South 84° 45' 50" West, 3069.45 feet to a point; thence on a 3° curve to the right (radius of 1909.86 feet), a distance of 457.50 feet to a point; thence North 81° 30' 40" West, 423.65 feet to a point; thence on a 24° curve to the right, (radius of 238.73 feet), a distance of 339.44 feet to a point on the center line of the West Side Road. The same being a portion of the Military Road and "L" Street, Camp Adair, Oregon as the same are now located and constructed on, over and across the said property.

Parcel D: A perpetual easement for a roadway on, over and across the following described lands located in Deschutes County, Oregon, to-wit:

That portion of the Southeast Quarter of Section 31, Township 19 South, Range 11 East of the Willamette Meridian, lying and being in a strip of land 66 feet wide and being 33 feet wide on each side of the following described center line.

Beginning at a point on the center line of Training Aids Road, said point being South 89° 53' 40" East 129.5 feet from ¼ corner between Section 6, Township 20 South, Range 11 East of the Willamette Meridian, and Section 31, Township 19 South, Range 11 East of the Willamette Meridian; thence North 17° 00' West, 220.3 feet to a point; thence North 13° 00' East, 1910.83 feet to a point on the center line of Military Road; thence North 36° 48' 45" East 703 feet to a point on the east and west center line of Section 31, said point being West 1,765 feet of the ¼ corner between Sections 31 and 32, Township 19 South, Range 11 East of the Willamette Meridian, the same being a portion of the Training Aids Road as the same is now located and constructed on, over and across the said property.

Whereas, the Forest Service has caused the sum of $189.28, which is the fair value of the rights-of-way, to be covered into the Treasury of the United States for deposit to the credit of the Federal Farm Mortgage Corporation from funds appropriated by the Congress for the purpose of carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921, as amended (23 U. S. C. 23, 23a).

Now therefore, the Federal Farm Mortgage Corporation, pursuant to the authority vested in it in the disposal of surplus agricultural or forest property, by virtue of delegations of authority issued pursuant to the provisions of the aforementioned act of 1944, does hereby transfer the aforesaid rights-of-way to the Forest Service as of this date.

In witness whereof, the Federal Farm Mortgage Corporation has, on this 5th day of May 1947, caused these presents to be duly executed for and in its name and behalf and the seal of the said corporation to be hereunto affixed.

[SEAL] WILLARD M. REES,
Vice President.

Attest:

A. W. BEHRENS,
Assistant Secretary.

[F. R. Doc. 47-7312; Filed, Aug. 4, 1947; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1744]

UTAH POWER & LIGHT CO.

NOTICE OF ORDER MODIFYING OCTOBER 25, 1946, ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

JULY 29, 1947.

Notice is hereby given that, on July 29, 1947, the Federal Power Commission issued its order entered July 22, 1947, modifying October 25, 1946, order authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7277; Filed, Aug. 4, 1947; 8:47 a. m.]

[Docket No. G-905]

EQUITABLE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 29, 1947.

Notice is hereby given that, on July 29, 1947, the Federal Power Commission issued its findings and order entered July 24, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7278; Filed, Aug. 4, 1947; 8:47 a. m.]

[Docket Nos. IT-6013, IT-5648, IT-5751]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO AND RESCINDING PREVIOUS AUTHORIZATIONS

JULY 30, 1947.

Notice is hereby given that, on July 29, 1947, the Federal Power Commission issued its order entered July 29, 1947, authorizing transmission of electric energy to Mexico and rescinding previous authorizations in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7279; Filed, Aug. 4, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 29770]

INCREASED LESS-CARLOAD RATES, OFFICIAL TERRITORY

JULY 30, 1947.

By petition dated May 29, 1947, the Ahnapee and Western Railway Company, and numerous other common carriers by railroad and the Baltimore Steam Packet Company and other common carriers by water, together comprising substantially all common carriers by railroad or water operating within official territory, and between official territory and northern Illinois, extended Zone C in Wisconsin, and eastern Canada, request leave to file and make effective not later than July 20, 1947, after statutory notice, schedules of increased class rates applicable to less-carload and any-quantity freight traffic within the territory above stated. To that end the petitioners also request (1) permission under sections 6, 217, and 306 of the Interstate Commerce Act, as amended, to publish, in individual or blanket supplements to the applicable class rate tariffs, revised class rates on less-carload or any-quantity rated traffic in the form of conversion tables, or by separate publication of such rates, together with general provisions canceling the present class rates in so far as they apply on less-carload or any-quantity traffic; (2) authority to establish, without observing the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act, the proposed increased rates on less-carload and any-quantity traffic via all routes by way of which they now have authority from the Commission under the various rate and fourth-section orders to apply the class rates presently published on the same traffic; such proposed increased class rates to apply on less-carload and any-quantity traffic within and between the territories above referred to, by rail, and combined rail and water, standard and differential, export, import, intercoastal, coastwise, and international routes, to the extent that the class rates which the proposed rates will supplant are now published by authorized routes; and (3) a general order modifying all outstanding orders of the Commission to the extent necessary to enable them to make such schedules of increased rates effective as requested.

Notice was issued by the Commission on June 16, 1947, that the petition had been docketed as above captioned, that notice of hearing would thereafter be given, and that the Commission had assigned the proceeding to Division 2 for administrative handling.

The proceeding is assigned for hearing at the office of the Commission in Washington, D. C., before Division 2, immediately upon the close of the hearing in Ex Parte No. 166, "Increased Freight Rates, 1947," assigned for hearing at Washington, D. C., on September 9, 1947, but not prior to September 16, 1947, at 9 a. m. United States standard time (10 a. m. District of Columbia daylight saving time).

Attention is called to the appendix hereto, which contains special instructions and rules of procedure, supplementing the general rules of practice, to be followed in this proceeding.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX—SPECIAL RULES OF PRACTICE APPLICABLE IN DOCKET NO. 29770

Interventions, protests. Persons appearing in opposition to the petition will be considered as protestants, and may be heard without the filing of petitions of intervention.

NOTE: If the makers of any of the protests already filed desire to avoid the necessity for personal attendance and appearance as witnesses at the hearing, or to obviate preparation and service of verified statements, the Commission suggests that such protestants discuss with petitioners' counsel whether a stipulation can be made that a particular protest may be received in evidence for what it may be worth, as if a witness were to be produced, subject to objection as to materiality and relevancy.

Simplification of presentations. To conserve time and avoid expense, persons with common interests in the proceeding should, to the greatest extent possible, endeavor to consolidate their testimony and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument.

Evidence offered should be carefully prepared with a view to conciseness and clarity, and avoid inclusion of extraneous, immaterial, and irrelevant matter, and the undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

Exhibits. In the preparation of exhibits, Rules of Practice 81 to 84, inclusive, should be followed. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. So far as possible exhibits should be made self-explanatory, in order to minimize the amount of time required for explanation by oral testimony.

Prepared statements. Witnesses who expect to read from a written statement should comply with Rule 77 of the Rules of Practice. They should have sufficient copies thereof for opposing counsel, the presiding officers, and the official reporter, and copies of the written statements should be furnished counsel a reasonable time before the witness takes the stand. However, in the interest of conservation of time, it is suggested that such statements be prepared, verified, and offered in the manner indicated below, instead of being read orally by a witness on the stand.

Witnesses who will use prepared statements should remember statistical or extensive tabular matter should be submitted separately, as an exhibit, and thus avoid the necessity for copying tabular matter into the transcript of oral testimony.

Submission of evidence in written form. The Commission desires that evidence in chief be prepared in written form, if possible. The evidence in chief to be produced on behalf of the petitioners shall be submitted in written form, as prepared statements by the respective witnesses, with their accompanying exhibits. Such documents should be made available to the Commission by filing copies as in the case of verified statements (hereinafter mentioned) on or before August 27, 1947, and a copy should be transmitted by petitioners to the regulatory authority of each State in official territory having jurisdiction with respect to the intrastate rates and charges of petitioners and intervening petitioners, and also to each person who already has by protest or by written notice to the Commission given timely advice to the Commission and counsel for petitioners of their intention to appear as protestants. Such notification to petitioners should be made on or before August 27, 1947, in writing, addressed to Guernsey Orcutt, 1740 Broad Street Station Building, Philadelphia 3, Pennsylvania.

Verified statements (affidavits). Verified statements (affidavits) submitted without personal appearance of the affiant as a witness may be received in the absence of objection. Parties offering such statements should make available as early as possible during the hearing 150 copies for the Commission and other parties, including the petitioners. Notice of any objection to the receipt of any such statement in evidence should be given to the Commission and to the party submitting the statement promptly following the receipt of such statement. If no such notice is given promptly it will be considered that objection to the receipt of the statement in evidence is waived, but objection to the weight to be accorded the statements of fact is reserved. Such statements should conform to the Rules of Practice in respect of style, mimeographing, or printing, etc. They should be limited strictly to statements of fact and contain no argument, and if not so limited may be excluded. The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented in this proceeding, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing. All verified statements received in evidence will be part of the record in the proceeding, upon which the Commission will base its decision.

Notice of intention to produce testimony. Persons who desire to be heard will facilitate necessary arrangements by sending notice of their intention by letter or telegram to the Commission at Washington, before September 11, 1947, which shall state the number of witnesses, and the approximate amount of time considered necessary for presentation of direct testimony.

Correspondence. Correspondence relative to this matter should be addressed to the Commission at Washington, D. C., with a reference to the docket number, No. 29770.

[F. R. Doc. 47-7294; Filed, Aug. 4, 1947; 8:50 a. m.]

[S. O. 396, Special Permit 257]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Missouri, of WFE 63085 and FGE 51295, potatoes, now on Missouri Pacific tracks, by Cochran Brokerage Company, to K&M Fruit Company, Chicago, Illinois (Wabash).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of July 1947.

HOMER C. KING,
Director.

[F. R. Doc. 47-7296; Filed, Aug. 4, 1947; 8:50 a. m.]

[S. O. 765]

UNLOADING OF GLASS AND CAR WHEELS AT JERSEY CITY (GREENVILLE PIERS), N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of July A. D. 1947.

It appearing, that cars PRR 284970 and NYC 623663 containing glass and car wheels, respectively, at Jersey City (Greenville Piers), N. J., on The Pennsylvania Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Glass and car wheels at Jersey City (Greenville Piers), N. J., on the P. R. R. be unloaded.* The Pennsylvania Railroad Company, its agents or employees, shall unload immediately cars PRR 284970 and NYC 628663, containing glass and car wheels, respectively, now on hand at Jersey City (Greenville Piers), N. J., consigned to J. H. Faunce, Inc., and the Amtorg Trading Corporation, respectively.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., July 31, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon The Pennsylvania Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

[Docket No. 29770]

INCREASED LESS-CARLOAD RATES, OFFICIAL TERRITORY

NOTICE OF HEARING

JULY 30, 1947.

In the matter of the petition of the Ahnapee and Western Railway Company, and numerous other common carriers by railroad and the Baltimore Steam Packet Company and other common carriers by water, together comprising substantially all common carriers by railroad or water operating within official territory, and between official territory and northern Illinois, extended Zone C in Wisconsin, and eastern Canada, for leave to file and make effective not later than July 20, 1947, after statutory notice, schedules of increased class rates applicable to less-carload and any-quantity freight traffic within the territory above stated. To that end the petitioners also request (1) permission under sections 6, 217, and 306 of the Interstate Commerce Act, as amended, to publish, in individual or blanket supplements to the applicable class rate tariffs, revised class rates on less-carload or any-quantity rated traffic in the form of conversion tables, or by separate publication of such rates, together with general provisions canceling the present class rates in so far as they apply on less-carload or any-quantity traffic; (2) authority to establish, without observing the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act, the proposed increased rates on less-carload and any-quantity traffic via all routes by way of which they now have authority from the Commission under the various rate and fourth-section orders to apply the class rates presently published on the same traffic; such proposed increased class rates to apply on less-carload and any-quantity traffic within and between the territories above referred to, by rail, and combined rail and water, standard and differential, export, import, intercoastal, coastwise, and international routes, to the extent that the class rates which the proposed rates will supplant are now published by authorized routes; and (3) a general order modifying all outstanding orders of the Commission to the extent necessary to enable them to make such schedules of increased rates effective as requested.

Notice is hereby given that the petition has been docketed as above captioned, that notice of hearing would thereafter be given, and that the Commission has assigned the proceeding to Division 2 for administrative handling.

The proceeding is assigned for hearing at the office of the Commission in Washington, D. C., before Division 2, immediately upon the close of the hearing in Ex Parte No. 166, "Increased Freight Rates, 1947," assigned for hearing at Washington, D. C., on September 9, 1947, but not prior to September 16, 1947, at 9 a. m. United States standard time (10 a. m. District of Columbia daylight saving time).

Attention is called to the appendix hereto, which contains special instructions and rules of procedure, supplementing the general rules of practice, to be followed in this proceeding.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX—SPECIAL RULES OF PRACTICE APPLICABLE IN DOCKET NO. 29770

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Simplification of presentations. To conserve time and avoid expense, persons with common interests in the proceeding should, to the greatest extent possible, endeavor to consolidate their testimony and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument.

Evidence offered should be carefully prepared with a view to conciseness and clarity, and avoid inclusion of extraneous, immaterial, and irrelevant matter, and the undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

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Notice of intention to produce testimony. Persons who desire to be heard will facilitate necessary arrangements by sending notice of their intention by letter or telegram to the Commission at Washington, before September 11, 1947, which shall state the number of witnesses, and the approximate amount of time considered necessary for presentation of direct testimony.

Correspondence. Correspondence relative to this matter should be addressed to the Commission at Washington, D. C., with a reference to the docket number, No. 29770.

[F. R. Doc. 47-7295; Filed, Aug. 4, 1947; 8:50 a. m.]

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-7295; Filed, Aug. 4, 1947; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1567]

POTOMAC ELECTRIC POWER CO. AND WASHINGTON RAILWAY AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of July 1947.

Potomac Electric Power Company ("Pepco"), a subsidiary of Washington Railway and Electric Company ("Washington Railway"), a registered holding company, which in turn is a subsidiary of The North American Company, also a registered holding company, and Washington Railway have filed a joint application-declaration, and amendment thereto, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the General rules and regulations promulgated thereunder, regarding the following proposals:

Pepco proposes: (1) To exchange or redeem, on September 1, 1947, all of its outstanding preferred stock (the "Old Preferred Stock"), consisting of 20,000 shares of 6% Cumulative Preferred Stock, Series 1925, of the par value of $100 per share, and 50,000 shares of 5½% Cumulative Preferred Stock, Series of 1927, of the par value of $100 per share. For this purpose Pepco will issue 140,000 shares of ----% Preferred Stock ("New Preferred Stock") of the par value of $50 per share, and will offer to the holders of its presently outstanding Old Preferred Stock the right to exchange their shares of Old Preferred Stock for shares of the New Preferred Stock on the basis of 2 shares of New Preferred Stock for 1 share of Old Preferred Stock, plus a cash adjustment. Such cash adjustment will represent the difference between the price to be paid to Pepco for the shares of New Preferred Stock not issued pursuant to the exchange offer and the redemption price of the Old Preferred Stock (exclusive of accrued dividends) less a dividend adjustment. The exchange offer is to be open for acceptance for a period of approximately 10 days. All shares of Old Preferred Stock so acquired will be retired.

In connection with the proposed exchanges and redemption, Pepco proposes, pursuant to Rule U-50, to invite sealed written proposals for services in obtaining exchanges of shares of Old Preferred Stock and for the purchase of such of the 140,000 shares of New Preferred Stock as are not required to effect exchanges. Each proposal shall specify (a) the price per share (exclusive of accrued dividends from July 1, 1947) to be paid Pepco for the unexchanged shares, which price shall not be less than $50 per share and, in the event the annual dividend rate specified in clause (c) below is more than 3.60%, the price shall not be more than $51.375, in both cases after deduction of underwriter's compensation; (b) the aggregate amount of the compensation to be paid to the bidder for services in connection with the exchanges and the purchase of the unexchanged shares; and (c) the annual dividend rate of the New Preferred Stock, which dividend rate shall be in multiples of 1 10th of 1% and shall be not less than 3.60% of the par value of such New Preferred Stock. Pepco reserves the right to reject any and all bids.

(2) To make a short term bank loan in an amount not to exceed the principal amount of $7,490,000 in order to provide itself with funds to finance the redemption of its Old Preferred Stock, pending the consummation of the sale of the New Preferred Stock. The bank loan will be made pursuant to a bank loan agreement between Pepco and The Chase National Bank of the City of New York and Chemical Bank & Trust Company, New York, under the terms of which Pepco may borrow not to exceed the principal amount of $7,490,000 for a period of seven days at a cost of $7,500, with the option of extending said loan for a period of 90 days at an interest cost of 1½% per annum, payable on or before the expiration of such 90-day period.

(3) To increase, after the proposed redemption of its Old Preferred Stock, its authorized capital stock from $30,000,000 to $75,000,000, consisting of 400,000 shares of ----% Preferred Stock, par value of $50 per share (the New Preferred Stock) and 5,500,000 shares of New Common Stock, par value $10 per share. As part of such recapitalization the presently outstanding 90,000 shares of Pepco common stock, par value $100 per share, all of which is owned by Washington Railway, will be reclassified into 85,000 shares of the proposed New Preferred Stock and 2,961,250 shares of the proposed New Common Stock.

(4) To make appropriate amendments to its charter to effectuate the proposed transactions, which amendments will contain the provisions of the New Preferred Stock, including certain provisions for the protection of the holders of the New Preferred Stock, as more fully set forth in the application-declaration.

(5) To separately designate the 140,000 shares and the 85,000 shares of its New Preferred Stock. The 140,000 shares of New Preferred Stock to be offered to the holders of Pepco's Old Preferred Stock pursuant to the above-described Exchange Offer will bear the distinguishing symbol "A" and will be of a distinguishing color, both upon the original issue and in future transfers. The remaining 85,000 shares of Pepco New Preferred Stock which will be distributed to the holders of Washington Railway Preferred Stock, pursuant to the terms of the latter's section 11 (e) plan, will bear the distinguishing symbol "B" and will be of a different color than the certificates bearing the symbol "A". The 140,000 shares and the 85,000 shares of Pepco New Preferred Stock are being so designated because the dividends on such shares are treated differently under the Internal Revenue Code. Such separate treatment arises by reason of a ruling by the Bureau of Internal Revenue to the effect that the corporate holders of any of such 140,000 shares bearing symbol "A" will not be entitled to a dividends-received credit under section 26 (b) of the Internal Revenue Code for the purpose of corporate surtax, but that corporate holders of any of the 85,000 shares bearing the symbol "B" will be entitled to such credit for the purpose of corporate surtax as well as normal tax.

Washington Railway proposes: (1) To acquire the 85,000 shares of New Preferred Stock and the 2,961,250 shares of New Common Stock of Pepco upon the recapitalization of Pepco as aforesaid.

(2) To acquire, upon the dissolution of its two subsidiaries, The Washington and Rockville Railway Company of Montgomery County (Washington Rockville) and Great Falls Power Company (Great Falls), pursuant to the provisions of Washington Railway's aforesaid section 11 (e) plan, the remaining assets of Washington Rockville and Great Falls and to convey to Pepco all of the real property conveyed by Great Falls to Washington Railway.

The applicants-declarants have designated sections 6, 7, 9, 10, 11 and 12 of the act and Rules U-23, U-42, U-43, U-50 and U-64 as applicable to the proposed transactions.

Said application-declaration having been filed on July 10, 1947, and notice of filing having been issued in the manner and form prescribed by Rule U-23, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and the Commission not having ordered that a hearing be held thereon; and

It appearing to the Commission that such proposals consist of certain proposed transactions set forth in the plan filed by Washington Railway pursuant to section 11 (e) of the act for the purpose of complying with section 11 (b) of the act, and approved by order of this Commission dated May 15, 1947 (Holding Company Act Release No. 7410) and approved by order dated June 16, 1947, of the United States District Court for the District of Columbia; that the proposed issuance and sale by Pepco of the New Preferred Stock and New Common Stock, as well as the proposed acquisition by Washington Railway of shares of such New Preferred Stock and New Common Stock, has been authorized by order of the Public Utilities Commission of the District of Columbia; that the charter amendments providing for the authorization of the New Preferred Stock and the New Common Stock of Pepco contain provisions concerning the respective rights of the holders of the various classes of stock which would be outstanding upon consummation of the proposed transactions; that the request of applicants-declarants for acceleration of such application-declaration should be granted; and

The Commission finding that the proposed transactions are appropriate steps in furtherance of and in compliance with the provisions of the plan filed by Washington Railway pursuant to section 11 (e) of the act and approved by order of this Commission dated May 15, 1947; and the Commission finding that the proposed transactions are not in contravention of the act and any rules and regulations promulgated thereunder and that the proposed transactions satisfy the applicable requirements of the act and the rules thereunder and that it is appropriate in the public interest and in the interest of investors and consumers that said application and said declaration, as amended, respectively, be granted and permitted to become effective:

It is hereby ordered, That the application and declaration, as amended, be and the same are, respectively, hereby granted and permitted to become effective forthwith, subject to the terms and conditions of Rule U-24 and to the following terms and conditions:

(a) That the issue and sale of the proposed New Preferred Stock by Pepco shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been supplied by a further amendment and a further order shall have been entered, which order may contain such further terms and conditions as may then be deemed appropriate; and

(b) That jurisdiction be and the same is hereby reserved with respect to all legal fees and expenses in connection with the proposed transactions, and that such legal fees and expenses shall not be paid pending further order of the Commission.

It appearing further that the Commission previously, by order entered April 14, 1942, directed that Washington Railway and its subsidiary, Washington Rockville, each divest itself of all of their respective interests in Great Falls, that such disposition has not yet been accomplished, and it appearing appropriate that, in order to facilitate the liquidation of Washington Railway and Washington Rockville, the Commission may appropriately permit at this time the acquisition by Pepco of the properties of Great Falls, subject, however, to the condition that such properties are to be held by Pepco subject to the order of divestment previously in effect with respect to Washington Railway and Washington Rockville;

It is further ordered, That the application in so far as it relates to the acquisition by Pepco of the properties of Great Falls be and the same is hereby approved upon the condition that such properties be held subject to the terms of the aforesaid divestment order dated April 14, 1942, requiring the disposition by Washington Railway and Washington Rockville of all direct and indirect ownership, control, and holdings of securities issued and properties owned, controlled, or operated by Great Falls, and the reservation of jurisdiction set forth in the order of this Commission dated May 15, 1947 with respect to the retention by Pepco of said properties of Great Falls.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7284; Filed, Aug. 4, 1947; 8:48 a. m.]

[File No. 70-1548]

MISSISSIPPI POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 29th day of July 1947.

Mississippi Power Company ("Mississippi"), a public utility subsidiary of The Commonwealth & Southern Corporation, a registered holding company, having filed an application-declaration and amendments thereto pursuant to sections 6 (a), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 promulgated thereunder regarding the proposed sale pursuant to the competitive bidding requirements of Rule U-50 of (a) $2,500,000 principal amount of additional First Mortgage Bonds, --% Series, to be dated August 1, 1947 and to mature August 1, 1977 and (b) 20,099 shares of --% preferred stock, cumulative, par value $100 per share, subject, however, to an exchange offer of such new preferred stock to the holders of Mississippi's $6 Preferred Stock; and

The Commission having by order dated July 17, 1947 granted said amended application and permitted said amended declaration to become effective, subject, however, to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed sale of new bonds, issuance of new Preferred Stock and exchange or redemption of $6 Preferred Stock should not be consummated until the results of competitive bidding had been made a matter of record in this proceeding and a further order issued by this Commission in the light of the record so completed; and the Commission having reserved jurisdiction over the payment of all fees and expenses in connection with the proposed transactions; and

Mississippi having filed a further amendment dated July 28, 1947 to its application-declaration setting forth the action taken by it to comply with the requirements of Rule U-50 and showing that pursuant to the invitation for competitive bids, the following bids for the bonds have been received:

Bidders	Coupon rate	Price to company (percent of principal amount)	Cost to company
	Percent		*Percent*
Halsey, Stuart & Co., Inc.	2¾	100.269	2.8646
Shields & Co.			
Carl M. Loeb, Rhoades & Co.	2¾	100.29	2.8630
Kidder, Peabody & Co.	3	102.279	2.8859
White, Weld & Co.			
Otis & Co. group	3	101.706	2.9143

Said amendments showing further that, pursuant to the invitation for competitive bids, the following bid for the preferred stock was received from a group headed by W. C. Langley & Company and Glore, Forgan & Company, namely $104 per share with a dividend rate of 4.60% and compensation of $70,000, equivalent to $3.483 per share, for their services in endeavoring to obtain exchanges of $6 Preferred Stock for new preferred stock and for their agreement to purchase the shares of new preferred stock not required to effect exchanges. Deducting from the bid price the compensation on a per share basis, the annual dividend cost to the company would be 4.576%.

Said amendment having further set forth that, in respect of the bonds, Mississippi has accepted the bid of Halsey, Stuart & Co., Inc., as set out above, and that said bonds will be offered for sale to the public at a price of 101% of the principal amount thereof plus accrued interest from August 1, 1947 to the date of delivery, resulting in an underwriters spread of 0.731% of the principal amount of said bonds; and that, in respect of the preferred stock, Mississippi has accepted the bid, submitted by the group headed by W. C. Langley & Company and Glore, Forgan & Company; and

Counsel concerned having filed statements with respect to the nature of the services performed in connection with the transactions; and it appearing to the Commission that the proposed fee of Winthrop, Stimson, Putnam and Roberts, counsel for Mississippi, in the amount of $10,000 (of which $4 000 is applicable to the new bonds and $6,000 to the new preferred stock) and the proposed fees of Reid & Priest, counsel to the successful bidders in the aggregate amount of $7,000 (of which $2 500 is applicable to the new bonds and $4,500 to the new preferred stock) are for necessary services and are not unreasonable; and it appearing to the Commission that other expenses estimated at $24,410 applicable to the bonds and $24,009 applicable to the new preferred stock are not unreasonable; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to such matters;

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding under Rule U-50 be, and hereby is, released, and that said application-declaration, as amended, be, and hereby is, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over all fees and expenses in connection with the proposed transaction be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7285; Filed, Aug. 4, 1947; 8:48 a. m.]

[File No. 54-42, 54-69, 59-65]

CENTRAL STATES UTILITIES CORP. ET AL.

SUPPLEMENTAL FINDINGS AND ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 29th day of July A. D. 1947.

In the matters of Central States Utilities Corp., Central States Power & Light Corp., Ogden Corp., File No. 54-42; Ogden Corp. and subsidiary companies, File No. 54-69; Ogden Corp. and subsidiary companies, File No. 59-65.

Ogden Corp. ("Ogden"), a registered holding company, having filed a plan and an amendment thereto ("amended plan") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), said plan providing, in general, for the liquidation and dissolution of two of its subsidiary companies, namely, Central States Utilities Corporation ("Central Utilities"), a registered holding company, and Central States Power and Light Corporation ("Central States"), a registered holding company and a subsidiary company of Central Utilities, whereby, among other things, there will be distributed (a) to the holders, other than Ogden, of the 5% Debentures of Central States $81 for each $100 principal amount of such debentures, together with accrued and unpaid interest on the principal amount to the effective date of the Amended Plan, (b) to the holders, other than Ogden, of the $7 Dividend Preferred Stock of Central States $9 per share, (c) to the holders, other than than Ogden, of the 6% Gold Bonds of Central Utilities $7.50 for each $100 principal amount of such bonds, and (d) to Ogden, the residual net assets of Central States and Central Utilities; and

Said plan having been filed for the stated purpose of complying with the provisions of section 11 (b) of the act and with the Commission's order dated May 20, 1943, directed to Ogden and its subsidiary companies requiring, among other things, that Central Utilities be liquidated and dissolved, and that Central States be recapitalized, but that such recapitalization need not be effected if Central States is liquidated and dissolved; and

Public hearings having been held after appropriate notice, and the Commission having considered the record and having issued its findings and opinion on July 17, 1947, finding said amended plan, if modified in certain respects, to be necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby; and Ogden, Central Utilities and Central States having filed an amendment to said amended plan containing the modifications suggested by the Commission in its findings and opinion of July 17, 1947; and Ogden, Central Utilities and Central States having requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate District Court of the United States to enforce and carry out the terms and provisions of said amended plan, as modified;

It is found, in accordance with said findings and opinion dated July 17, 1947, that said amended plan, as modified, is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby.

It is ordered, Pursuant to section 11 (e) and to other applicable provisions of the act, that said amended plan, as modified, be and it hereby is approved, subject to the conditions specified in Rule U-24 and to the following additional terms and conditions:

(1) That this order shall not be operative to authorize the consummation of the proposed transactions until an appropriate District Court of the United States, upon application thereto, shall have entered an order enforcing said amended plan, as modified;

(2) That jurisdiction is generally reserved to the Commission to entertain such further proceedings, to make such supplemental findings and to take such further action as it may deem appropriate in connection with said amended plan, as modified, the transactions incident thereto and the consummation thereof, and to take such further action as it may deem necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and that jurisdiction is specifically reserved to consider and determine the reasonableness and appropriate allocation of all fees, expenses, and other remunerations incurred and to be incurred in connection with said amended plan, as modified, and the transactions incident thereto.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-7281; Filed, Aug. 4, 1947; 8:47 a. m.]

[File No. 70-1549]

ROCHESTER GAS AND ELECTRIC CORP. AND GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of July 1947.

General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Rochester Gas and Electric Corporation ("Rochester") having filed, respectively, a declaration, and an application, as amended, pursuant to sections 12 (b) and 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder, whereiff Rochester requests approval for its issuance and sale of unsecured promissory notes bearing interest not in excess of 2% per annum, each having a maturity of nine months or less, and the renewal thereof, in an aggregate principal amount not to exceed $8,000,000, for a period of not more than two years from the effective date of this order, which application requests that pursuant to the first sentence of section 6 (b) of the act the Commission authorize an increase in the percentage of the principal amount, par value, and fair market value of the securities of Rochester which may be represented by notes and drafts maturing within nine months, and wherein GPU requests authorization to make, from time to time, cash capital contributions to Rochester within a period of two years and nine months from the effective date of this order, the amount of such capital contributions to be not in excess of (i) $300,000 plus (ii) an amount not in excess of the aggregate amount of dividends on Rochester's common stock theretofore declared and paid by Rochester to GPU from and after June 30, 1947; and

The Commission having considered the record and having entered its findings and opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declaration to become effective and to grant the application, as amended, subject to certain conditions, and to grant a request of the applicants-declarants that the effective date of the order be the date upon which this order is entered:

It is hereby ordered, That, pursuant to the provisions of section 12 (b) of the act and Rule U-45 promulgated thereunder, the declaration of GPU is hereby permitted to become effective forthwith; and, pursuant to the first sentence of section 6 (b) of the act, the application, as amended, of Rochester is hereby granted, to be effective forthwith, so that Rochester may issue and sell, and renew, for a period of two years from the date of this order, promissory notes each of which will have a maturity of nine months or less, in an aggregate principal amount which may exceed five per centum of the aggregate of the principal amount, par value and fair market value of Rochester's other securities but in no event may such outstanding notes exceed an aggregate of $8,000,000; and subject to the conditions that (a) so long as any notes of Rochester having a maturity of nine months or less are outstanding in an aggregate amount in excess of that which would, in the absence of this order, be exempt from the provisions of section 6 (a) of the act by reason of the provisions of the first sentence of section 6 (b) of the act, the aggregate amount of dividends declared and paid upon Rochester's common stock from and after June 30, 1947, shall not be in excess of the aggregate amount of cash capital contribution, if any, as shall theretofore have been received by Rochester from the holder or holders of its common stock from and after June 30, 1947; (b) within ten days of the date upon which Rochester issues any initial notes, or renewal notes, it file a notification in this proceeding of the amount of such note, the interest rate thereon, the name of the payee, and the total amount of notes of a maturity of nine months or less then outstanding; and (c) within ten days of the date upon which Rochester declares a dividend upon its common stock, it file a notification in this proceeding of the aggregate amount of dividends paid on its common stock from and after June 30, 1947, and the aggregate amount of cash capital contributions received by it from the holder or holders of its common stock from and after June 30, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7283; Filed, Aug. 4, 1947; 8:48 a. m.]

[File No. 70-1566]

PHILADELPHIA ELECTRIC POWER CO. AND SUSQUEHANNA POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of July 1947.

Philadelphia Electric Power Company ("PEP"), a registered holding company, and its electric utility subsidiary, The Susquehanna Power Company ("SP"), having filed a joint application-declaration and an amendment thereto, pursuant to sections 6 (a), 7, 10, 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder, with respect to the following transactions:

Pursuant to orders of the Federal Power Commission and a decree of the United States Circuit Court of Appeals for the Third Circuit, PEP and SP propose to make certain accounting adjustments in respect of a final determination of the actual legitimate original cost, as of December 31, 1932, of the Conowingo Hydro-Electric Project, including (a) the charge off by SP of certain disallowed amounts to Earned Surplus with a provision that certain amounts may be charged to a properly created Capital Surplus; and (b) the reduction by PEP of the book cost of its investment in the stock of SP. In this connection SP proposes to create a Capital Surplus of $3,676,091.92 to be used solely for charging off an equal amount of disallowed cost in compliance with said orders and decree, and also to reclassify its common stock and reduce the stated value thereof from $4,866,886.36 to $1,190,794.44; and

SP proposes to cancel by charter amendment its authorized Class A and Class B stocks and issue 200,000 shares of common stock, without par value, in the place and stead of 110,500 shares of common stock, Class A, no par value, now outstanding and 135,000 shares of common stock, Class B, no par value, now outstanding, all of which outstanding stock is owned by PEP and pledged with the Fidelity-Philadelphia Trust Company, Trustee, under the First Mortgage of PEP and SP dated February 1, 1926, as amended by supplemental indenture dated July 1, 1946. The 200,000 new shares are to be issued to PEP and exchanged with the Trustee in the place of the outstanding shares of the Class A and Class B stocks of SP; and

The proposed issue and sale of securities by SP and the acquisition of such securities by PEP having been approved by the Public Service Commission of the State of Maryland; and

The joint application-declaration having been filed on July 8, 1947, and an amendment thereto having been subsequently filed; and notice of the filing having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration, as amended, be granted and permitted to become effective and deeming it appropriate to grant the request of declarants that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7280; Filed, Aug. 4, 1947; 8:47 a. m.]

[File No. 70-1571]

PORTLAND GAS & COKE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of July A. D. 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Portland Gas & Coke Company ("Portland"), a gas utility subsidiary of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than August 8, 1947 at 11 a. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Portland proposes to issue and sell to Mellon National Bank and Trust Company of Pittsburgh its 3⅛% installment promissory note in the principal amount of $4,500,000 payable in sixteen equal semi-annual installments of $281,250 commencing thirty months after the date of issuance, which is to be on or after August 1, 1947 but not later than September 15, 1947.

The proceeds from the proposed sale of the installment promissory note will be applied to the retirement of all of Portland's presently outstanding unsecured debt consisting of $400,000 principal amount of 1¾% Serial Notes due 1947 to 1951 and $1,750,000 principal amount of 2¾% Bank Notes due 1948 to 1950. The $2,350,000 balance of the proceeds will be used to construct additional facilities which Portland states are essential to ensure a continuity of adequate gas service. It is further stated that the present facilities of Portland do not have adequate capacity to meet prospective demands in the winter of 1947-1948 and failure to install additional facilities promptly may result in thousands of customers being without service during periods of moderately cold weather.

In the loan agreement, pursuant to which the installment note will be issued, Mellon National Bank and Trust Company represents that it is purchasing the note for investment purposes and has no present intention of making any disposition of such note. In the application Portland states that no finder's fee or other fee, commission or remuneration is to be paid in connection with the proposed transaction to any third person for negotiating the sale of the note.

The proposed transactions are subject to the jurisdiction of the Oregon Commissioner of Public Utilities and the Washington Department of Public Utilities. Portland is organized and doing business in the State of Oregon and also does business in the State of Washington. Each of the foregoing regulatory bodies has expressly authorized the issuance and sale of said note on the terms proposed. In granting its approval the Oregon Commissioner of Public Utilities found the issuance and sale of said note to be compatible with the public interest in that the proposal, involving the consolidation of Portland's short term debt and the procurement of additional capital, would make possible the completion of a construction program earlier found to be urgently needed to meet greatly increased present and prospective service demands.

Portland requests that the Commission's order with respect to the application issue at the earliest date practicable and become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7282; Filed, Aug. 4, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

AUG 13 '47

[Vesting Order 9459]

ANNA BARO

In re: Estate of Anna Baro, deceased. File D–28–9950; E. T. sec. 14112.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Sporle, Elizabeth Sporle, Anna Sporle Holtzman, Joseph Friedl and Catherine Mertes, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $800.00 was paid to the Attorney General of the United States by Phillip Friedl, Executor of the Estate of Anna Baro, deceased;

3. That the said sum of $800.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on February 17, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7328; Filed, Aug. 4, 1947; 8:48 a. m.]

[Vesting Order 9460]

LUISE BODECKER

In re: Estate of Luise Bodecker, also known as Louise Bodecker, also known as Luise von Bodecker, deceased. File D–28–10455; E. T. sec. 14870.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marta Stidia and Karl Admiral von Bodecker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Luise Bodecker, also known as Louise Bodecker, also known as Luise von Bodecker, deceased, is properly payable or deliverable to, or claimed by, the aforesaid nationals of a designnated enemy country (Germany);

3. That such property is in the process of administration by Bank of America, National Trust and Savings Association, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on May 6, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7329; Filed, Aug. 4, 1947; 8:48 a. m.]

[Vesting Order 9461]

J. F. DOCKWEILER ET AL.

In re: J. F. Dockweiler et al. vs. Gertrude Volkmann et al. File D–28–9775; E. T. sec. 13743.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Volkmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $87.51 was paid to the Attorney General of the United States by Arthur C. Mosley, Sheriff of St. Louis County, Clayton, Missouri;

3. That the said sum of $87.51 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on May 6, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7330; Filed, Aug. 4, 1947; 8:48 a. m.]

AUG 13 '47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

FEDERAL REGISTER

VOLUME 12 NUMBER 153

Washington, Wednesday, August 6, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9881

DISCONTINUING THE PALMYRA ISLAND NAVAL AIRSPACE RESERVATION AND THE PALMYRA ISLAND NAVAL DEFENSIVE SEA AREA

By virtue of the authority vested in me by section 4 of the Air Commerce Act, approved May 20, 1926 (44 Stat. 570; 49 U. S. C. 174), and by section 44 of the Criminal Code, as amended (18 U. S. C. 96), the following-designated naval airspace reservation and naval defensive sea area are hereby discontinued:

1. Palmyra Island Naval Airspace Reservation, established by Executive Order No. 8682 of February 14, 1941.

2. Palmyra Island Naval Defensive Sea Area, established by Executive Order No. 8682 of February 14, 1941.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 4, 1947.

[F. R. Doc. 47-7398; Filed, Aug. 4, 1947; 5:00 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. Under authority of § 6.1 (a) of Executive Order 9830 and with the concurrence of the Office of Selective Service Records, § 6.4 (b) (14) (12 F. R. 4663) is amended to read as follows:

§ 6.4 *Lists of positions excepted from the competitive service.* * * *

(b) *Schedule B.* * * *

(14) *Office of Selective Service Records.* Five positions filled by the transfer of State Directors and Assistant State Directors who were appointed under Schedule A.

2. The headnote to § 24.46 is amended to read as follows:

§ 24.46 *Engineer Trainee, Bureau of Reclamation, SP–4 and SP–5.*

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 854; Sec. 6.1 (a), E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-7350; Filed, Aug. 5, 1947; 9:19 a. m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

ACCUMULATED ANNUAL LEAVE

Section 30.202 is amended to read as follows:

§ 30.202 *Accumulated annual leave.* Accumulated annual leave may be carried forward for use in succeeding years until it totals not exceeding 60 days: *Provided*, That additional leave up to 30 days which was accumulated during the emergency period from September 8, 1939, to July 25, 1947, and which remains unused, may be carried forward into succeeding years until used. (Sec. 7.1 E. O. 9414, Jan. 13, 1944; 3 CFR 1944 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-7351; Filed, Aug. 5, 1947; 9:18 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[T. D. 5574]

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

PART 410—EMPLOYERS' TAX, EMPLOYEES' TAX, AND EMPLOYEE REPRESENTATIVES' TAX UNDER THE CARRIERS TAXING ACT OF 1937 AND SUBCHAPTER B OF CHAPTER 9 OF THE INTERNAL REVENUE CODE

MISCELLANEOUS AMENDMENTS

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[1] E. O. 9881.
[2] See § 6.4 of Title 5, *infra*.

Treasury Decision 4885, Regulations 106, and Regulations 107, amended to conform to certain provisions of the act approved July 31, 1946 (Pub. Law 572, 79th Cong.).

On April 17, 1947, notice of proposed rule making, regarding amendments to the employment tax regulations under subchapters A, B, and C of chapter 9 of the Internal Revenue Code, made necessary by certain provisions of the act approved July 31, 1946 (Public Law 572, 79th Congress), was published in the FEDERAL REGISTER (12 F. R. 2479). After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the amendments set forth below are hereby adopted. The amendments are made in order to conform Regulations 100 (26 CFR Part 410) only as made applicable to the Internal Revenue Code by Treasury Decision 4885 (26 CFR, Cum. Supp., p. 5876), relating to the employers' tax, employees' tax, and employee representatives' tax under subchapter B of chapter 9 of the Internal Revenue Code, Regulations 106 (26 CFR Part 402), relating to the employees' tax and employers' tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code), and Regulations 107 (26 CFR Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (subchapter C, chapter 9, Internal Revenue Code), to sections 1, 2, 3, 401, and 402 of the Act approved July 31, 1946 (Public Law 572, 79th Congress). Such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding § 410.1 (Article 1), the following is inserted:

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word "if" where it first appears therein insert "(i)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" * * *. Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation".

SECTION 3 (e) AND (f) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii) or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * * *

The amendments to section 1532 of the Internal Revenue Code made by sections 1 and 3 (e) and (f) shall be effective only with respect to services rendered after December 31, 1946. * * *

SECTION 3 (g) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(g) Subchapter B of Chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

SEC. 1538. TITLE OF SUBCHAPTER. This subchapter may be cited as the "Railroad Retirement Tax Act".

SECTION 401 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

Except as otherwise provided in this act, the provisions thereof shall become effective upon approval.

PAR. 2. Section 410.1 (Article 1) is amended as follows:

(A) By striking out the heading thereof and inserting in lieu thereof the following:

§ 410.1 *Definitions of miscellaneous terms; applicability of provisions of Internal Revenue Code.*

(B) By inserting at the end of § 410.1 the following:

(m) "Railroad Retirement Tax Act" means Subchapter B of Chapter 9 of the Internal Revenue Code, as amended.

(n) "Internal Revenue Code" means the act approved February 10, 1939 (53 Stat., Part 1), entitled "An Act To Consolidate and Codify the Internal Revenue Laws of the United States", as amended.

Subchapter B of Chapter 9 of the Internal Revenue Code corresponds to and, effective April 1, 1939, superseded the Carriers Taxing Act of 1937. Such subchapter comprises certain sections numbered from 1500 to 1538, both inclusive. All provisions of, or references to, the Carriers Taxing Act of 1937 or other laws of the United States which have been codified in the Internal Revenue Code, but which remain in the regulations in this part as made applicable to the Code, shall be deemed to be, and shall be read as if they were, the corresponding provisions of the Internal Revenue Code or references thereto.

PAR. 3. Section 410.2 (f) (Article 2 (f)) is amended to read as follows:

(f) Any subordinate unit of a national railway-labor-organization employer, that is, any State or National legislative committee, general committee, insurance department, or local lodge or division, of an employer as defined in paragraph (e) of this section, established pursuant to the constitution and bylaws of such employer.

PAR. 4. Immediately following the provisions of law under the caption "Sections 3 and 4 of the Act approved August 13, 1940 (Public, No. 764, 76th Cong., 3d Sess.)", added by Treasury Decision 5017, approved October 24, 1940, preceding § 410.3 (Article 3), the following is inserted:

SECTION 3 (e) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

PAR. 5. Immediately preceding the caption "Section 1 (h) and (i) of the act" which precedes § 410.3 (article 3), the following is inserted:

SECTION 14 OF THE ACT APPROVED APRIL 8, 1942 (PUB. LAW 520, 77TH CONG.)

The first proviso in subsection (d) of section 1532 of the Internal Revenue Code, approved February 10, 1939 (53 Stat. 1), is hereby amended to read as follows: "*Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable:".

The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Internal Revenue Code when that code was enacted on February 10, 1939 * * *.

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word "If" where it first appears therein insert "(1)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" * * *. Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation".

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * *

The amendments to section 1532 of the Internal Revenue Code made by sections 1 and 3 (e) * * * shall be effective only with respect to services rendered after December 31, 1946. * * *

PAR. 6. Section 410.3 (Article 3) as amended by Treasury Decision 5017 and by Treasury Decision 5161, approved July 6, 1942, is further amended as follows:

(A) By striking out the last sentence of the first paragraph and the whole of the second paragraph of § 410.3 (a) and inserting in lieu thereof the following:

* * * An individual performing services as an independent contractor is not subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services.

An individual rendering professional or technical services or other personal services prior to January 1, 1947, to an employer for compensation is in the service of the employer if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services. The fact that an individual rendering professional or technical services prior to January 1, 1947, is integrated into the staff of an employer is an important factor indicating that such individual is subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services. With respect to other personal services rendered prior to January 1, 1947, the fact that such services are rendered on the property used in the employer's operations and that the rendition of such services is integrated into the employer's operations are important factors indicating that the individual rendering such services is subject to the continuing authority of the employer to supervise and direct the manner of rendition of such services. However, with respect to professional or technical services or other personal services rendered after December 31, 1946, the aforementioned factors are not merely indicia of the continuing authority of the employer to supervise and direct the manner of rendition of such services but instead constitute independent tests for determining whether the individual rendering such services is in the service of the employer with respect to the rendition of such services. Thus, an individual rendering professional or technical services to an employer for compensation is in the service of the employer with respect to such services rendered after December 31, 1946, if he is integrated into the staff of the employer. Likewise, an individual rendering other personal services to an employer for compensation is in the service of the employer with respect to such services rendered after December 31, 1946, if the services are rendered on the property used in the employer's operations and the rendition of such services is integrated into the employer's operations. Under the two tests last mentioned, an individual rendering professional or technical services or other personal services after December 31, 1946, as an independent contractor may be, as to such services, in the service of an employer.

(B) By striking out the parenthetical cross-reference at the end of subparagraph (1) of § 410.3 (b).

(C) By striking out subparagraph (2) of § 410.3 (b) and inserting in lieu thereof the following:

(2) An individual in the service of a local lodge or division is not an employee within the meaning of the law and the regulations in this part unless he was, on or after August 29, 1935, in the service of a carrier (see paragraph (a) of this section) or he was, on August 29, 1935, in the "employment relation" to a carrier.

With respect to services rendered prior to January 1, 1947, an individual was in the employment relation to a carrier on August 29, 1935, if on that date he was, in accordance with the established rules and practices in effect on the carrier, on furlough subject to call for service within or without the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability. However, an individual shall not be deemed to have been in the employment relation to a carrier on August 29, 1935, unless during the last pay-roll period before August 29, 1935, in which he rendered service to it, he was, with respect to that service, in the service of an employer (see paragraph (a) of this section).

With respect to services rendered after December 31, 1946, an individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (*a*) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (*b*) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (*c*) if he was so called he was solely for such reason unable to render service in six calendar months as provided in subdivision (ii) of this subparagraph; or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights. However, an individual shall not be deemed to have been in the employment relation to a carrier on August 29, 1935, if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not, with respect to any service in such pay-roll period, in the service of an employer (see paragraph (a) of this section).

(For definition of carrier, see § 410.2 (a).)

(D) By inserting at the end of subparagraph (3) of § 410.3 (c) the following: "However, no part of his remuneration for such service rendered after December 31, 1946, shall be regarded as compensation if the application of such mileage formula, or such other formula as the Railroad Retirement Board may have prescribed, would result in his compensation for the service being less than 10 percent of his remuneration for such service."

(E) By striking out the parenthetical cross-reference at the end of § 410.3 (c).

PAR. 7. Immediately following the provisions of law under the caption "Section 27 of the act approved October 10, 1940 (Public, No. 833, 76th Cong., 3d Sess.)," added by Treasury Decision 5029, approved December 27, 1940, preceding § 410.5 (Article 5), the following is inserted:

SECTION 3 (f) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * *

The amendments to section 1532 of the Internal Revenue Code made by sections * * * 3 * * * (f) shall be effective only with respect to services rendered after December 31, 1946. * * *

PAR. 8. Section 410.5 (Article 5), as amended by Treasury Decisions 5029 and 5161, is further amended to read as follows:

§ 410.5 *Definition of "compensation."* The term "compensation" means all remuneration in money, or in something which may be used in lieu of money (for example, scrip and merchandise orders), which is earned by an individual for services rendered as an employee to one or more employers, or as an employee representative. A payment for services rendered after December 31, 1946, which is made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for services rendered by such individual as an employee of the employer. Likewise, a payment for services rendered after December 31, 1946, which is made by an employee organization (that is, a railway labor organization which is not included as an employer under the act) to an employee representative through the organization's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for services rendered by the employee representative as such.

The term "compensation" is not confined to amounts earned or paid for active service, but includes amounts earned or paid for an identifiable period during which the employee is absent from the active service of the employer and, in the case of an employee representative, amounts earned or paid for an identifiable period during which the employee representative is absent from the active service of the employee organization. Amounts paid to an employee for an identifiable period of absence from the active service of the employer on acount of personal injury are included within the term "compensation". Like payments made to an employee representative on account of personal injury also constitute compensation. If a payment is made to an employee or employee representative with respect to a personal injury and includes pay for an identifiable period of absence from active service, the total payment shall be deemed to be paid for such period of absence from active service unless, at the time of payment, a part of such payment is specifically apportioned to factors other than absence from active service, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for such period of absence from active service. The presumption set forth in the preceding sentence is applicable only with respect to an identifiable period of absence from active service after December 31, 1946. Amounts paid to an employee or employee representative for loss of earnings during an identifiable period as the result of the displacement of the employee or employee representative to a less remunerative position or occupation shall be deemed to be paid for absence from active service during such period. Such amounts are also included within the term "compensation".

The term "compensation" does not include tips, or the voluntary payment by an employer of the employees' tax, without the deduction of such tax from the remuneration of the employee.

(See § 410.7, relating to when compensation is earned. See also §§ 410.201, 410.301, and 410.401, relating to the amount of compensation included for the purpose of determining the employees' tax, the employers' tax, and the employee representatives' tax, respectively. For special provisions relating to the compensation of certain general chairmen or assistant general chairmen of a general committee of a railway-labor-organization employer, see § 419.3 (c).)

PAR. 9. Section 410.6 (Article 6) is amended by inserting at the end thereof the following: "For provisions relating to payments for personal injury or for loss of earnings resulting from displacement to a less remunerative position or occupation, see § 410.5."

PAR. 10. Section 410.7 (Article 7) is amended by striking out the parenthetical cross-reference at the end of such section and inserting in lieu thereof the following: "A payment made by an employer or employee organization (that is, a railway labor organization which is not included as an employer under the act) to an individual through the pay roll of the employer or employee organization for a period commencing after December 31, 1946, shall be presumed, in the absence of evidence to the contrary, to be for services rendered by such individual in the period covered by the pay roll and, thus, to have been earned in such period. (See §§ 410.5 and 410.6)."

PAR. 11. Immediately preceding the caption "Section 27 of the Act approved October 10, 1940 (Public, No. 833, 76th Cong., 3d Sess.)", added by Treasury Decision 5029, which precedes § 410.201 (Article 201), the following is inserted:

SECTION 3 (a) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(a) Section 1500 of the Internal Revenue Code is amended to read as follows:

SEC. 1500. RATE OF TAX. In addition to other taxes, there shall be levied, collected, and paid upon the income of every employee a tax equal to the following percentages of so much of the compensation, paid to such employee after December 31, 1946, for services rendered by him after such date, as is not in excess of $300 for any calendar month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¾ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ per centum.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * *

* * * The amendments made by section 3 (a) * * * shall take effect January 1, 1947. Sections 1500 * * * of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this Act are not applicable.

PAR. 12. Section 410.201 (Article 201), as amended by Treasury Decision 5029, is further amended as follows:

(A) By striking out paragraph (a) and inserting in lieu thereof the following:

(a) *General rule*—(1) *Compensation earned or paid prior to January 1, 1947.* Except as provided in paragraph (b) of this section:

(i) The employees' tax with respect to compensation earned prior to January 1, 1947, is measured by the amount of compensation earned prior to such date by an individual as an employee for services rendered to one or more employers after March 31, 1939, excluding, however, the amount of such compensation in excess of $300 which is earned by the employee for services rendered during any one calendar month;

(ii) The employees' tax with respect to compensation paid prior to January 1, 1947, for services rendered after December 31, 1946, is measured by the amount of compensation paid prior to January 1, 1947, to an individual for services rendered as an employee to one or more employers after December 31, 1946, excluding, however, the amount of such compensation in excess of $300 which is paid prior to January 1, 1947, to the employee for services rendered during any one calendar month after 1946.

(For the purposes of the regulations in §§ 410.201 to 410.203, inclusive, see §§ 410.5, 410.6, 410.7, and 410.8, relating to compensation.)

(2) *Compensation paid after December 31, 1946, for services rendered after such date.* Except as provided in paragraph (b) of this section, the employees' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is measured by the amount of compensation paid after December 31, 1946, to an individual for services rendered as an employee to one or more employers after such date, excluding, however, the amount of such compensation in excess of $300 which is paid after December 31, 1946, to the employee for services rendered during any one calendar month after 1946.

(B) By striking out the designation "(b)" and inserting in lieu thereof the following:

(b) *Exception; employee of local lodge or division of railway-labor-organization employer.*

PAR. 13. Section 410.202 (Article 202) is amended to read as follows:

§ 410.202 *Rates and computation of employees' tax*—(a) *Compensation earned or paid prior to January 1, 1947.* The rates of employees' tax applicable for the respective calendar years with respect to compensation either earned or paid prior to January 1, 1947, are as follows:

	Percent
Compensation earned during the calendar year 1939	2¾
Compensation earned during the calendar years 1940, 1941, 1942	3
Compensation earned during the calendar years 1943, 1944, 1945	3¼
Compensation earned during the calendar years 1946, 1947, 1948	3½
Compensation earned during the calendar year 1949 and subsequent calendar years	3¾

The employees' tax with respect to compensation either earned or paid prior to January 1, 1947, is computed by applying to the amount of the employee's compensation with respect to which the employees' tax is imposed the rate for the calendar year in which the compensation is earned.

(b) *Compensation paid after December 31, 1946, for services rendered after such date.* The rates of employees' tax applicable for the respective calendar years with respect to compensation paid after December 31, 1946, for services rendered after such date are as follows:

	Percent
Compensation paid during the calendar years 1947, 1948	5¾
Compensation paid during the calendar years 1949, 1950, 1951	6
Compensation paid during the calendar year 1952 and subsequent calendar years	6¼

The employees' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is computed by applying to the amount of the employee's compensation with respect to which the employees' tax is imposed the rate for the calendar year in which the compensation is paid.

PAR. 14. Immediately preceding the caption "Section 607 of the Revenue Act of 1934, made applicable by section 7 (c) of the Act" which precedes § 410.203 (Article 203), the following is inserted:

SECTION 3 (b) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(b) The second sentence of section 1501 (a) of the Internal Revenue Code is amended to read as follows: "If an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1946 and the aggregate of such compensation is in excess of $300, the tax to be deducted by each employer other than a subordinate unit of a national railway-labor-organization employer from the compensation paid by him to the employee with respect to such month shall be that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall deduct such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month."

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * *

* * * The amendments made by section 3 * * * (b) * * * shall take effect January 1, 1947. * * *

PAR. 15. Section 410.203 (Article 203) is amended as follows:

(A) By striking out paragraph (a) and inserting in lieu thereof the following:

(a) *Collection; general rule.* The employer shall collect from each of his employees the employees' tax imposed with respect to the compensation of the employee by deducting or causing to be deducted the amount of such tax from the compensation subject to the tax as and when such compensation is paid. (As to the measure of the employees' tax, see § 410.201.)

(B) By striking out paragraph (b) and inserting in lieu thereof the following:

(b) *Collection; aggregate monthly compensation in excess of $300 paid by two or more employers*—(1) *Compensation earned or paid prior to January 1, 1947.* If during any one calendar month before 1947 an employee earns compensation from two or more employers and if the aggregate of such compensation paid is in excess of $300, each employer shall deduct, from the compensation as and when paid by him to the employee, the employees' tax with respect to that proportion of $300 of compensation which the compensation paid by such employer to the employee for the month bears to the total compensation paid to such employee by all employers for that month. If an employee is paid compensation prior to January 1, 1947, by two or more employers for services rendered during any one calendar month after 1946, and if the aggregate compensation paid to such employee prior to January 1, 1947, by all employers for services rendered during such month is in excess of $300, each employer shall deduct, from the compensation as and when paid by him to the employee, the employees' tax with respect to that proportion of $300 of compensation which the compensation paid by such employer prior to January 1, 1947, to the employee for the month bears to the total compensation paid prior to January 1, 1947, to such employee by all employers for that month. (See § 410.201 (b), which provides that for the purpose of determining the employees' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

(2) *Compensation paid after December 31, 1946, for services rendered after such date.* If an employee is paid compensation after December 31, 1946, by two or more employers for services rendered during any one calendar month after 1946, and if the aggregate compensation paid to such employee after December 31, 1946, by all employers for services rendered during such month is in excess of $300, the employees' tax to be deducted by each employer from the compensation as and when paid by him to the employee shall be determined as follows:

(i) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see § 410.2 (f)), each employer shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all employers for that month (see Example 1, below);

(ii) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, each subordinate unit shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such subordinate unit to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month;

(iii) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after December 31, 1946, to the employee by the employer other than a subordinate unit equals or exceeds $300 for the month, then no employees' tax shall be deducted by any such subordinate unit from the compensation paid by it after December 31, 1946, to such employee for that month, and the employer other than a subordinate unit shall deduct the employees' tax with respect to $300 of compensation paid by him after December 31, 1946, to such employee for that month (see Example 2, below);

(iv) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by the employers other than a subordinate unit equals or exceeds $300 for the month, then no employees' tax shall be deducted by any such subordinate unit from the compensation paid by it after December 31, 1946, to such employee for that month, and each employer other than a subordinate unit shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such employer to the employees for the month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month (see Example 3, below);

(v) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate unit is less than $300 for the month, then each employer other than the subordinate unit shall deduct the employees' tax with respect to the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the employer other than a subordinate unit shall deduct the employees' tax with respect to $300 of compensation paid by him after December 31, 1946, to such employee for that month (see Example 4, below); or

(vi) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate units is less than $300 for the month, then each employer other than the subordinate units shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such employer to the employees for the month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month; and each subordinate unit of a national railway-labor-organization employer shall deduct the employees' tax with respect to that proportion of the remainder of $300 of compensation less the total compensation paid after December 31, 1946, to such employee for the month by all employers other than the subordinate units which the compensation paid after December 31, 1946, by such subordinate unit to the employee for that month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month (see Example 5, below).

(See § 410.201 (b), which provides that for the purpose of determining the employees' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

The application of certain of the foregoing principles may be illustrated by the following examples:

Example 1. A, an employee, renders services during January 1947, for employers X, Y, and Z, none of whom is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $100 by X, $100 by Y, and $200 by Z, or an aggregate of $400 for the month. In such case X pays one-fourth of A's aggregate compensation for the month, Y pays one-fourth, and Z pays one-half. X and Y, therefore, are each required to deduct the employees' tax with respect to one-fourth of $300, or $75, and Z is required to deduct the employees' tax with respect to one-half of $300, or $150.

Example 2. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $300 by X, $50 by Y, and $25 by Z. Since the compensation paid A for the month by X equals $300, neither Y nor Z is required to deduct any employees' tax from the compensation paid by them to A for the month; and X is required to deduct the employees' tax with respect to the full $300 paid by him to A for the month.

Example 3. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $200 by W and $200 by X, or an aggregate of $400 for the month, and compensation of $50 by Y and $50 by Z. Since the aggregate compensation paid A for the month by W and X is in excess of $300, neither Y nor Z is required to deduct any employees' tax from the compensation paid by them to A for the month. Of the aggregate compensation of $400 paid A for the month by W and X, W pays one-half and X pays one-half. W and X, therefore, are each required to deduct the employees' tax with respect to one-half of $300, or $150.

Example 4. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $250 by X and $100 by Y. In such case X is required to deduct the employees' tax with respect to

the full $250 paid by him to A for the month; and Y is required to deduct the employees' tax only with respect to $50 ($300 minus $250 paid by X.)

Example 5. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $140 by W, $100 by X, $50 by Y, and $100 by Z. In such case W and X are each required to deduct the employees' tax with respect to the full amount paid by them to A for the month, that is, W with respect to $140 and X with respect to $100; and Y and Z are each required to deduct the employees' tax with respect to their proportionate share of $60 ($300 minus $240 paid by W and X). Of the aggregate compensation of $150 paid by Y and Z, $50, or one-third, was paid by Y, and $100, or two-thirds, was paid by Z. In such case Y is required to deduct the employees' tax with respect to one-third of $60, or $20, and Z is required to deduct the employees' tax with respect to two-thirds of $60, or $40.

(3) *Undercollections or overcollections.* Any undercollection or overcollection of employees' tax resulting from the employer's inability to determine, at the time compensation is paid, the correct amount of compensation with respect to which the deduction should be made shall be corrected in accordance with the provisions of §§ 410.601 to 410.603, inclusive, relating to an adjustment of employees' tax and employers' tax, and §§ 410.701 to 410.707, inclusive, relating to credits and refunds.

(C) By striking out the designation "(c)" and inserting in lieu thereof the following:

(c) *When fractional part of cent may be disregarded.*

(D) By striking out the designation "(d)" and inserting in lieu thereof the following:

(d) *Employer's liability.*

PAR. 16. Immediately preceding the caption "Section 27 of the Act approved October 10, 1940 (Public, No. 833, 76th Cong., 3d Sess.)" which precedes § 410.301 (Article 301), the following is inserted:

SECTION 3 (d) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(d) Section 1520 of the Internal Revenue Code is amended to read as follows:

SEC. 1520. RATE OF TAX. In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his employ, equal to the following percentages of so much of the compensation, paid by such employer after December 31, 1946, for services rendered to him after December 31, 1936, as is, with respect to any employee for any calendar month, not in excess of $300: *Provided, however*, That if an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1936, the tax imposed by this section shall apply to not more than $300 of the aggregate compensation paid to such employee by all such employers after December 31, 1946, for services rendered during such month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¾ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ per centum.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * *

* * * The amendments made by section 3 * * * (d) shall take effect January 1, 1947. Sections * * * 1520 of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this Act are not applicable.

PAR. 17. Section 410.301 (Article 301), as amended by Treasury Decision 5029, is further amended to read as follows:

§ 410.301 *Measure of employers' tax*—(a) *General rule*—(1) *Compensation paid prior to January 1, 1947.* Except as provided in paragraphs (b) (1) and (c) of this section, the employers' tax with respect to compensation paid prior to January 1, 1947, is measured by the amount of compensation paid prior to such date by an employer to his employees for services rendered after December 31, 1936, excluding, however, the amount of compensation in excess of $300 which is paid prior to January 1, 1947, by the employer to any employee for services rendered during any one calendar month. (For the purposes of §§ 410.301 and 410.302, see §§ 410.5, 410.6, and 410.7, relating to compensation, and particularly § 410.8, relating to the time when compensation is deemed to be paid.)

(2) *Compensation paid after December 31, 1946.* Except as provided in paragraphs (b) (2) and (c) of this section, the employers' tax with respect to compensation paid after December 31, 1946, is measured by the amount of compensation paid after such date by an employer to his employees for services rendered after December 31, 1936, excluding, however, the amount of compensation in excess of $300 which is paid after December 31, 1946, by the employer to any employee for services rendered during any one calendar month.

(b) *Aggregate monthly compensation in excess of $300 paid by two or more employers*—(1) *Compensation paid prior to January 1, 1947.* If an employee is paid compensation prior to January 1, 1947, by two or more employers for services rendered during any one calendar month after 1936, and if the aggregate compensation paid to such employee prior to January 1, 1947, by all employers for services rendered during such month is in excess of $300, then there is included in the measure of the employers' tax of each employer with respect to the compensation paid by him prior to January 1, 1947, to the employee for the month only that proportion of $300 which the compensation paid to the employee prior to January 1, 1947, by such employer for the month bears to the total compensation paid prior to January 1, 1947, to such employee by all employers for that month. (See paragraph (c) of this section, which provides that for the purpose of determining the employers' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

(2) *Compensation paid after December 31, 1946.* If an employee is paid compensation after December 31, 1946, by two or more employers for services rendered during any one calendar month after 1936, and if the aggregate compensation paid to such employee after December 31, 1946, by all employers for services rendered during such month is in excess of $300, the measure of the employers' tax of each employer with respect to the compensation paid by him after December 31, 1946, to the employee for the month shall be determined as follows:

(i) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see § 410.2 (f)), the measure of the employers' tax of each employer shall be that proportion of $300 which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all employers for that month (see Example 1, below);

(ii) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, the measure of the employers' tax of each subordinate unit shall be that proportion of $300 which the compensation paid after December 31, 1946, by such subordinate unit to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month;

(iii) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after December 31, 1946, to the employee by the employer other than a subordinate unit equals or exceeds $300 for the month, then no subordinate unit shall be liable for any employers' tax with respect to the compensation paid by it after December 31, 1946, to such employee for that month, and the measure of the employers' tax of the employer other than a subordinate unit with respect to the compensation paid by him after December 31, 1946, to such employee for that month shall be $300 (see Example 2, below);

(iv) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by the employers other than a subordinate unit equals or exceeds $300 for the month, then no subordinate unit shall be liable for any employers' tax with respect to the compensation paid by it after December 31, 1946, to such employee for that month, and the measure of the employers' tax of each employer other than a subordinate unit shall be that proportion of $300 which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such employers other than a subordinate unit for that month (see Example 3, below);

(v) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate unit is less than $300 for the month, then the measure of the employers' tax of each employer other than the subordinate unit shall be the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the measure of the employers' tax of the subordinate unit of a national railway-labor-organization employer shall be the remainder of $300 less the total compensation paid after December 31, 1946, to such employee for that month by all other employers (see Example 4, below); or

(vi) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate units is less than $300 for the month, then the measure of the employers' tax of each employer other than the subordinate units shall be the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the measure of the employers' tax of each subordinate unit of a national railway-labor-organization employer shall be that proportion of the remainder of $300 less the total compensation paid after December 31, 1946, to such employee for the month by all employers other than the subordinate units which the compensation paid after December 31, 1946, by such subordinate unit to the employee for that month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month (see Example 5, below).

(See paragraph (c) of this section, which provides that for the purpose of determining the employers' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

The application of certain of the foregoing principles may be illustrated by the following examples:

Example 1. A, an employee, renders services during January 1947, for employers X and Y, neither of whom is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $200 by X and $300 by Y, or an aggregate of $500 for the month. In such case X pays two-fifths of A's aggregate compensation for the month, and Y pays three-fifths. X, therefore, is liable for the employers' tax with respect to two-fifths of $300, or $120, and Y is liable for the employers' tax with respect to three-fifths of $300, or $180.

Example 2. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $350 by X and $50 by Y. Since the compensation paid A for the month by X exceeds $300, Y is not liable for any employers' tax with respect to the compensation paid A for the month; and X is liable for the employers' tax with respect to $300 of the compensation paid by him to A for the month.

Example 3. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $150 by W and $300 by X, or an aggregate of $450 for the month, and compensation of $100 by Y and $50 by Z. Since the aggregate compensation paid A for the month by W and X is in excess of $300, neither Y nor Z is liable for any employers' tax with respect to the compensation paid by them to A for the month. Of the aggregate compensation of $450 paid A for the month by W and X, W pays one-third and X pays two-thirds. W, therefore, is liable for the employers' tax with respect to one-third of $300, or $100, and X is liable for the employers' tax with respect to two-thirds of $300, or $200.

Example 4. A, an employee, renders services during January 1947, for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $250 by X and $100 by Y. In such case X is liable for the employers' tax with respect to the full $250 paid by him to A for the month; and Y is liable for the employers' tax with respect to $50 ($300 minus $250 paid by X).

Example 5. A, an employee, renders services during January 1947, for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. After December 31, 1946, A is paid for the month compensation of $140 by W, $100 by X, $50 by Y, and $100 by Z. In such case W and X are each liable for the employers' tax with respect to the full amount paid by them to A for the month, that is, W with respect to $140 and X with respect to $100; and Y and Z are each liable for the employers' tax with respect to their proportionate share of $60 ($300 minus $240 paid by W and X). Of the aggregate compensation of $150 paid by Y and Z, $50, or one-third, was paid by Y, and $100, or two-thirds, was paid by Z. In such case Y is liable for the employers' tax with respect to one-third of $60, or $20, and Z is liable for the employers' tax with respect to two-thirds of $60, or $40.

(c) *Nominal monthly compensation earned by employee of local lodge or division of railway-labor-organization employer.* If the amount of compensation earned in any calendar month by an individual as an employee in the service of a local lodge or division of a railway-labor-organization employer is less than $3, such amount shall be disregarded for the purpose of determining the employers' tax, *Provided:*

(1) Such compensation is earned before April 1, 1940, and the taxes thereon are not paid to the collector before July 1, 1940, or

(2) Such compensation is earned after March 31, 1940.

(d) *Underpayments or overpayments.* Any underpayment or overpayment of employers' tax resulting from the employer's inability to determine, at the time such tax is paid, the correct amount of compensation with respect to which the tax should be paid shall be corrected in accordance with the provisions of § 410.603, relating to adjustment of employers' tax, and §§ 410.701 to 410.707, inclusive, relating to credits and refunds.

PAR. 18. Section 410.302 (Article 302) is amended to read as follows:

§ 410.302 *Rates and computation of employers' tax*—(a) *Compensation paid prior to January 1, 1947.* The rates of employers' tax applicable for the respective calendar years with respect to compensation paid prior to January 1, 1947, are as follows:

	Percent
Compensation earned during the calendar year 1939	2¼
Compensation earned during the calendar years 1940, 1941, 1942	3
Compensation earned during the calendar years 1943, 1944, 1945	3¼
Compensation earned during the calendar years 1946, 1947, 1948	3½
Compensation earned during the calendar year 1949 and subsequent calendar years	3¾

The employers' tax with respect to compensation paid prior to January 1, 1947, is computed by applying to the amount of compensation with respect to which the employers' tax is imposed the rate for the calendar year in which the compensation is earned.

(b) *Compensation paid after December 31, 1946.* The rates of employers' tax applicable for the respective calendar years with respect to compensation paid after December 31, 1946, are as follows:

	Percent
Compensation paid during the calendar years 1947, 1948	5¾
Compensation paid during the calendar years 1949, 1950, 1951	6
Compensation paid during the calendar year 1952 and subsequent calendar years	6¼

The employers' tax with respect to compensation paid after December 31,

1946, is computed by applying to the amount of compensation with respect to which the employers' tax is imposed the rate for the calendar year in which the compensation is paid.

PAR. 19. Immediately preceding § 410.401 (Article 401) the following is inserted:

SECTION 3 (c) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(c) Section 1510 of the Internal Revenue Code is amended to read as follows:

SEC. 1510. RATE OF TAX. In addition to other taxes, there shall be levied, collected, and paid upon the income of each employee representative a tax equal to the following percentages of so much of the compensation, paid to such employee representative after December 31, 1946, for services rendered by him after such date, as is not in excess of $300 for any calendar month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 11½ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 12 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 12½ per centum.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * * * *

* * * The amendments made by section 3 * * * (c) * * * shall take effect January 1, 1947. Sections * * * 1510 * * * of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this Act are not applicable.

PAR. 20. Section 410.401 (Article 401) is amended to read as follows:

§ 410.401 *Measure of employee representatives' tax*—(a) *Compensation earned or paid prior to January 1, 1947.* The employee representatives' tax with respect to compensation earned prior to January 1, 1947, is measured by so much of the compensation earned prior to such date by an individual for services rendered after March 31, 1939, as an employee representative, as does not exceed $300 for any one calendar month. The employee representatives' tax with respect to compensation paid prior to January 1, 1947, for services rendered after December 31, 1946, is measured by so much of the compensation paid prior to January 1, 1947, to an individual for services rendered after December 31, 1946, as an employee representative, as does not exceed $300 for any one calendar month. (For the purposes of §§ 410.401 and 410.402, see §§ 410.5, 410.6, 410.7, and 410.8, relating to compensation.)

(b) *Compensation paid after December 31, 1946, for services rendered after such date.* The employee representatives' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is measured by so much of the compensation paid after December 31, 1946, to an individual for services rendered after such date, as an employee representative, as does not exceed $300 for any one calendar month.

PAR. 21. Section 410.402 (Article 402) is amended to read as follows:

§ 410.402 *Rates and computation of employee representatives' tax*—(a) *Compensation earned or paid prior to January 1, 1947.* The rates of employee representatives' tax applicable for the respective calendar years with respect to compensation either earned or paid prior to January 1, 1947, are as follows:

	Percent
Compensation earned during the calendar year 1939	5½
Compensation earned during the calendar years 1940, 1941, 1942	6
Compensation earned during the calendar years 1943, 1944, 1945	6½
Compensation earned during the calendar years 1946, 1947, 1948	7
Compensation earned during the calendar year 1949 and subsequent calendar years	7½

The employee representatives' tax with respect to compensation either earned or paid prior to January 1, 1947, is computed by applying to the amount of compensation with respect to which the employee representatives' tax is imposed the rate for the calendar year in which the compensation is earned.

(b) *Compensation paid after December 31, 1946, for services rendered after such date.* The rates of employee representatives' tax applicable for the respective calendar years with respect to compensation paid after December 31, 1946, for services rendered after such date are as follows:

	Percent
Compensation paid during the calendar years 1947, 1948	11½
Compensation paid during the calendar years 1949, 1950, 1951	12
Compensation paid during the calendar year 1952 and subsequent calendar years	12½

The employee representatives' tax with respect to compensation paid after December 31, 1946, for services rendered after such date is computed by applying to the amount of compensation with respect to which the employee representatives' tax is imposed the rate for the calendar year in which the compensation is paid.

PAR. 22. Section 410.806 (c) (Article 806 (c)) is amended by inserting at the end thereof the following: "With respect to services rendered after December 31, 1946, the records of each individual liable for employee representatives' tax shall show, in lieu of the information required by paragraph (2), above, the amount and date of each payment of compensation (including any sum withheld therefrom) earned as an employee representative and as an employee and the period of services covered by such payment."

PAR. 23. Immediately preceding § 402.216, the following is inserted:

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word "if" where it first appears therein insert "(i)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" * * *. Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation."

SECTION 3 (e) AND (f) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

SECTION 402 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * * * * *

The amendments to section 1532 of the Internal Revenue Code made by sections 1 and 3 (e) and (f) shall be effective only with respect to services rendered after December 31, 1946. * * *

SECTION 3 (g) OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

Subchapter B of Chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

SEC. 1538. *Title of subchapter.* This subchapter may be cited as the "Railroad Retirement Tax Act."

SECTION 401 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

Except as otherwise provided in this Act, the provisions thereof shall become effective upon approval.

PAR. 24. Immediately preceding § 403.216, the following is inserted:

SECTION 1 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * section 1 (e) of the Railroad Unemployment Insurance Act * * * are each amended as follows: After the word "if" where it first appears therein insert "(i)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation" * * *. Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation".

SECTION 2 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

* * * section 1 (i) of the Railroad Unemployment Insurance Act is amended by substituting for the word "payable" the word "paid"; and by inserting * * * at the end of said section 1 (i) of the Railroad Unemployment Insurance Act, the following: "A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, 'for time lost' the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 8, the period during which such compensation will have been earned." * * *

SECTION 401 OF THE ACT APPROVED JULY 31, 1946 (PUB. LAW 572, 79TH CONG.)

Except as otherwise provided in this Act, the provisions thereof shall become effective upon approval.

(Secs. 1429, 1535, 1609, 53 Stat. 178, 183, 188, secs. 1, 2, 3, 401, 402, Pub. Law 572, 79th Cong.; 26 U. S. C. 1429, 1535, 1609)

This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[SEAL] GEORGE SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 31, 1947.

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7367; Filed, Aug. 5, 1947; 9:17 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS OF THE DEPARTMENT OF LABOR

AUTHORITY AND FUNCTIONS OF SECRETARY

Correction

In Federal Register Document 47-7048, appearing on page 5011 of the issue for Tuesday, July 29, 1947, subdivision (xiii) should be designated subdivision (xiv).

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOME WORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN NEEDLEWORK INDUSTRIES

These regulations are issued pursuant to section 6 (a) (5) of the Fair Labor Standards Act, which section provides for the minimum wages to be paid home workers in Puerto Rico or the Virgin Islands. Generally speaking, section 6 (a) (5) requires that such home workers must be paid not less than the minimum piece rate prescribed by regulation or order; or, if no such minimum piece rate is in effect, any piece rate adopted by the employer which will yield, to the proportion or class of employees prescribed by regulation or order, not less than the applicable minimum hourly wage rate. The Administrator is authorized to make such regulations as are necessary or appropriate to carry out these provisions, including the power to define any operation which is performed by such homework employees; to prescribe standards for employer piece rates, including the proportion or class of employees who shall receive not less than the minimum hourly wage rate; to define the term "home worker"; and to prescribe the conditions under which employers, agents, contractors, and subcontractors shall cause goods to be produced by home workers.

At the present time, persons engaged in activities relating to home workers in the Needlework Industries in Puerto Rico are covered by Part 545 of this chapter, however, there are no regulations relating to home workers in industries in Puerto Rico other than the Needlework Industries. These regulations are designed to apply to homework activities in such other industries.

On June 19, 1947, a notice of the proposed issuance of these regulations was published in the FEDERAL REGISTER and interested persons were given 30 days within which to submit any data, views, or arguments pertaining thereto. The 30-day period has expired, and no objections to the regulations or any of its provisions have been received.

Accordingly, the following regulations are hereby issued. These regulations shall become effective upon publication thereof in the FEDERAL REGISTER, and shall continue in full force and effect until hereafter repealed, superseded or modified.

Sec.
681.1 Applicability.
681.2 Definitions.
681.3 Filing and notification requirements.
681.4 Ticket to be affixed to each lot of goods.
681.5 Delivery and collection of goods.
681.6 Payment for work.
681.7 Records to be kept.
681.8 Maintenance of records.
681.9 Minimum piece rates prescribed by the Administrator.
681.10 Piece rates adopted by employers.
681.11 Penalties.
681.12 Petition for amendment of regulations.

AUTHORITY: §§ 681.1 to 681.12, inclusive, issued under sec. 3 (t), 54 Stat. 616, sec. 11 (c), 52 Stat. 1066; 29 U. S. C. 206 (a) (5), 211 (c).

§ 681.1 *Applicability.* The provisions of this part shall apply to persons engaged in activities relating to home work-

ers in industries in Puerto Rico other than the Needlework Industries.[1]

§ 681.2 *Definitions.* The following words, terms, and phrases as used in this part shall have the meaning ascribed to them in this section except when the context clearly indicates a different meaning: *Provided, however,* That the following definitions shall not be construed in any way to restrict the meaning of such words, terms, or phrases as are defined in section 3 of the act.

(a) "Employer" includes any natural or artificial person who, for his own account or benefit, or on behalf of any person residing outside the Island of Puerto Rico, directly or indirectly, or through an employee, agent, subcontractor, or any other person;

(1) Delivers, or causes to be delivered, any goods to be processed or fabricated in a home and thereafter to be returned or thereafter to be disposed of or distributed in accordance with his directions; or

(2) Sells any goods for the purpose of having such goods processed or fabricated in a home and then rebuys such goods after such processing or fabricating either himself or through some other person.

(b) "Subcontractor" includes any person, who, for the account or benefit of an employer, delivers to a home worker goods to be processed or fabricated in a home and thereafter to be returned in accordance with the direction of such employer.

(c) "Employ" includes to suffer or permit to work.

(d) "Home" includes any room, house, apartment, or other premises used regularly in whole or in part as a dwelling place.

(e) "Home worker" includes any employee performing in a home any operation on goods produced for commerce; *Provided,* That such work is not performed under either actively or personally regulated or supervised conditions.

(f) "Operation" means any work or any process other than the distribution of goods to or collection of goods from home workers.

§ 681.3 *Filing and notification requirements.* Every employer prior to the distribution of work to any home worker shall file with the Wage and Hour Division in Puerto Rico:

(a) A design, pattern, diagram, photograph, or sample of the product, together with such other description or illustration of the product as he, upon inquiry at the Wage and Hour Division in Puerto Rico, may be requested to submit; and

(b) A description in writing of each operation to be performed by any home worker, together with the full piece rate schedule designation, if any, prescribed in accordance with § 681.9, the corresponding piece rates to be paid for each such operation, and the style numbers, if any, of the goods upon which the operations are to be performed.

[1] Persons engaged in activities relating to home workers in the Needlework Industries in Puerto Rico are subject to Part 545 of this chapter.

§ 681.4 *Tickets to be affixed to each lot of goods.* Every employer shall make up the goods to be delivered to a subcontractor into a bundle or lot, each lot to comprise goods on which the same operations are to be performed. Every employer shall affix to each such lot of goods a ticket which shall be numbered serially and contain the name of such employer. The serial numbers of such tickets shall run from the number one and be prefixed by the number of the permit issued to such employer by the Department of Labor of Puerto Rico.[2] The subcontractor shall return the ticket with the lot to the employer. All goods specified on the ticket shall be returned to the employer at one time except when special permission is obtained from the Wage and Hour Division for subcontractors to return part of the goods. In each such case, a partial delivery ticket shall be made out and later filed with the original lot ticket when the remaining goods specified thereon are returned.

§ 681.5 *Delivery and collection of goods.* All goods for production in a home shall be personally distributed to and collected from the home worker who is to work on the goods, either directly at the factory or by employees expressly employed by an employer or subcontractor to distribute and collect such goods outside the factory.

§ 681.6 *Payment for work.* When an employer receives goods on which work has been completed, he shall pay immediately the home worker or subcontractor, as the case may be, for such work *Provided,* That in cases where payment is made to a subcontractor, the home worker shall be paid within seven days after such subcontractor has collected the goods from such home worker. Payment shall be made to each home worker at rates not less than those required under §§ 681.9 and 681.10, and in accordance with the requirements of sections 6 and 7 of the act.

§ 681.7 *Records to be kept.* (a) Every employer shall make and have available at his principal Puerto Rican office, a record of the following information: [3]

(1) The name and address of each firm situated outside the Island of Puerto Rico, if any, from whom the goods in each lot for delivery to a home worker were received.

(2) The monthly total of goods received and shipped by him with a description thereof and the total cost of labor performed thereon by home workers with a description of the operations performed in connection therewith.

(3) The name and address of each subcontractor, if any, to whom each lot of goods was delivered for delivery to home workers, together with the number of the permit issued to such subcontractor by the Department of Labor of Puerto Rico.

[2] Thus, if the permit is 56, the serial numbers on the tickets would run, 56–1, 56–2, etc.

[3] Although responsibility for keeping the record is placed upon the employer, the actual work of making the record may, of course, be delegated to supervisory or clerical employees, agents, subcontractors, or other persons acting in behalf of the employer.

(4) The dates upon which each lot of goods was delivered to and returned by a subcontractor, if any, together with a description of such goods, the net amount paid as commission and the rate of commission on such goods.

(5) The ticket number of the ticket affixed to each lot of goods.

(6) The dates upon which the goods in each lot were delivered to and collected from each home worker.

(7) The name and address of each home worker, and the date of birth of each home worker under 19, to whom the goods in each lot were delivered.

(8) The style number, if any, description of, and amount of goods in each lot, the operations to be performed thereon, together with the piece rate to be paid and the net amount actually paid each home worker for the operations performed upon such goods.

(9) The date or dates upon which each home worker was paid for operations performed on the goods in each lot.

(b) At the time work is given out to or received from a home worker, as the case may be, every employer [4] shall enter the following information in the handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each home worker) which shall be kept by the home worker:

(1) The dates upon which the goods in each lot were delivered to and collected from the home worker.

(2) The style number, if any, description of, and amount of goods in each lot, the operations to be performed thereon, together with the piece rate to be paid and the net amount actually paid the home worker for the operations performed upon such goods.

(3) The date or dates upon which the home worker was paid for operations performed on the goods in each lot.

(4) The signature of the person acting in behalf of the employer.

(c) No employer shall employ any home worker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such employer makes and keeps available at his principal Puerto Rican office and enters in the handbook of each such home worker a record of the following information:

(1) The hours worked by the home worker on the goods in each lot of work returned;

(2) The total hours worked each week;

(3) The wages paid the home worker each week at regular piece rates; and

(4) The extra amount paid to the home worker for hours worked in excess of 40 in each week.

§ 681.8 *Maintenance of records.* Every employer shall keep and preserve for a period of not less than two years at his place of business the records required by § 681.7. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

[4] Although responsibility for making the record is placed upon the employer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in behalf of the employer.

§ 681.9 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (5) of the act, in the event that a home worker is to perform an operation for which a minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid not less than such prescribed rate, in lieu of the applicable hourly rate established by any wage order.

§ 681.10 *Piece rates adopted by employers.* Pursuant to the provisions of section 6 (a) (5) of the act, in the event that a home worker is to perform an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the employer which shall yield to home workers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order. No employer shall adopt such a piece rate [5] until he has first notified the Division of his intention to establish a rate for such operation, the rate fixed and the basis on which the piece rate has been computed. Such an employer piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation or order, establishes a minimum piece rate for such operation.

§ 681.11 *Penalties.* Section 15 of the act makes it unlawful for any person to violate the provisions of this part and subjects any such person to the penalties provided by section 16 and section 17 of the act.

§ 681.12 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of this part is set forth, the Administrator or his authorized representative will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

Signed this 29th day of July 1947, at Washington, D. C.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 47-7332; Filed, Aug. 5, 1947; 8:48 a. m.]

[5] Such piece rates are subject to Part 531 of this chapter.

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Materials Distribution,[1] Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 1001—TIN

[Conservation Order M–43, as Amended Aug. 5, 1947]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense and to effectuate the policies set forth in the Second Decontrol Act of 1947:

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§ 1001.1 *Conservation Order M–43—(a) What this order does.* This order prohibits deliveries of pig tin except under certain conditions and provides for allocation of pig tin by the Office of Materials Distribution. It also restricts the use of pig tin, secondary tin, certain tin-bearing products and tinplate in manufacture. The order also restricts sales and deliveries of jewelry and certain other articles containing tin. Although paragraph (h) of the order which contained special restrictions on the use of tin in jewelry and certain other articles has now been deleted, all other provisions of the order still apply to these articles, including the restrictions of paragraphs (e) and (g) on use of tin, and the special sales restrictions of paragraph (k). The order also limits inventories of tin. Further restrictions on the use of tin in making tin cans are contained in Order M–81.

In addition to the above restrictions, this order now contains restrictions on the import of tin similar to the restrictions formerly in Order M–63.

Deliveries of Pig Tin

(b) *Restriction on deliveries of pig tin.* No person shall deliver or accept delivery of pig tin without a specific allocation in writing by the Office of Materials Distribution, except under the conditions set forth in paragraphs (b) (1) and (b) (2) below. "Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes powder, small bars and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing.

(1) Pig tin may be delivered without specific allocation to the Office of Metals Reserve, Reconstruction Finance Corporation, or its agent.

(2) Pig tin may be delivered without specific allocation by a distributor in lots not larger than 2,000 pounds each to any person who does not receive from all sources more than 4,000 pounds of pig tin in the calendar month the distributor makes the delivery and who gives to the distributor at the time he places his purchase order, a certificate in substantially the form below, signed manually or as provided in Allocations Regulation 1 by an official duly authorized for that purpose:

> I certify, subject to the penalties of section 35 (A) of the United States Criminal Code, that I will use this pig tin for ---------- (specify end use) in accordance with Order M–43 or will resell it only in accordance with that order. I will not receive more than 4,000 pounds of pig tin from all sources in ---------- (specify month of delivery) including the amount covered by this order.
>
> ----------
> (Name of purchaser)
> By ----------
> (Duly authorized official)

See paragraph (n) below regarding certificate for export.

(c) *Allocations of pig tin.* The Office of Materials Distribution will allocate the supply of pig tin, including all pig tin released by the Reconstruction Finance Corporation, and will issue specific directions as to the source, destination and amount of pig tin to be delivered or acquired. Applications for allocations of pig tin should be made to the Office of Materials Distribution not later than the 20th day of the month before the month in which delivery is requested, and should be made on Form OMD–412. Except in unusual circumstances, the Office of Materials Distribu-

[1] Formerly Office of Temporary Controls, Civilian Production Administration.

tion will not allocate to a person for a calendar quarter an amount greater than 110% of the quantity he legally melted and put into process during the second quarter, 1946, plus the quantity which he sold during that quarter. Applications from persons who did not use pig tin during the base period (including persons who were not in business at that time) will be considered on an equitable basis. Tin requested for resale must be disposed of only by resale. The Office of Materials Distribution may specifically direct the purposes and end products for which a person may convert, process or fabricate pig tin allocated to him.

(d) *Reports on use, disposition and inventories of pig tin.* (1) On or before the 10th of each calendar month, each distributor of pig tin must report to the Office of Materials Distribution on Form OMD-412 or by letter in triplicate all of his transactions in pig tin during the previous month.

(2) Any person who, on the first day of a calendar month, has in his possession or under his control 2,000 pounds or more of pig tin must report to the Office of Materials Distribution on Form OMD-412 by the 20th of that month.

(3) Any person who uses 1,000 pounds or more of pig tin in any calendar month must report to the Office of Materials Distribution on Form OMD-412 on or before the 20th of the following month.

(4) The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Use of Tin in Manufacture

(e) *General restrictions on the use of pig tin, secondary tin, tin plate, terne plate, solder, babbitt and other tin-bearing materials.* No person may use any pig tin, secondary tin, tin plate, terne plate, solder, babbitt, copper base alloys or other alloys containing 1.5% or more tin, or any other materials containing 1.5% or more tin, or any britannia metal pewter metal or other similar tin-bearing alloys to make or treat any item or product, or in any process, not set forth in one of the schedules attached to this order. In making or treating these items, or performing these processes, pig tin may not be used where the schedule permits secondary tin only, and the tin content of an item may not exceed the amount indicated in the schedule.

"Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, powder, small bars, and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing. "Secondary tin" means any alloy which contains less than 98% but not less than 1.5% by weight of the element tin.

(f) [Deleted February 6, 1947.]

(g) *Special restrictions on the use of metals to which pig tin has been added.* No person may use metal to which pig tin has been added to produce any product or perform any process for which pig tin is not permitted by one of the schedules attached to this order.

(h) [Deleted February 6, 1947.]

Implements of War

(i) *Exemptions for implements of war.* (1) The restrictions of paragraphs (e) and (g) and of the schedules do not apply to the manufacture of "Implements of war" produced for the Army or Navy of the United States, or the U. S. Maritime Commission where the use of tin contrary to these restrictions is required either by the latest applicable specifications, on drawings, or by letter or contract of the government service or agency for which the "Implements of war" are being produced.

(2) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above.

Use and Sale of Articles Containing Tin

(j) *General restrictions on the use and sale of tin-bearing products.* (1) In some cases the schedules attached to this order permit the use of pig tin or secondary tin in making a product only if the product is to be used for a particular purpose. No person shall use any of these products for any purpose other than the purpose permitted by the schedule.

(2) No person giving a certificate under this order or its schedules may receive, use or dispose of the materials obtained with the certificate contrary to its terms.

(3) Notwithstanding the authorization by the Office of Materials Distribution of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or subassemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order. A supplier may rely upon the written statement of the customer seeking delivery of any such material, as to the purposes for which it will be used, unless the supplier knows or has reason to believe the statement is false, and such a statement shall constitute, on the part of the person making it, a representation to the Office of Materials Distribution within the meaning of section 35 (A) of the United States Criminal Code, 18 U. S. C. sec. 80.

(k) *Special restrictions on purchases and sales of certain articles containing tin.* No person, for the purpose of resale, shall receive from a manufacturer any new article of the kinds listed below, if, the article contains tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV). No person shall sell or deliver any new article of the kinds listed below, if the article contains tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV), unless he has an authorization in writing from the Office of Materials Distribution for the sale or delivery. A person who wishes to get such an authorization should apply to the Office of Materials Distribution by letter in triplicate, giving a report of his inventory of all of the items listed below containing tin in any form except tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV), showing the quantity of each item in his possession on March 1, 1945, the names and addresses of the sellers from whom he bought the items, and the dates the purchases were made. Authorizations will ordinarily be given, except where it appears that the purchases were in violation of Order M-43. "New article" means one which has not been used by an ultimate consumer. A purchaser for resale of articles of the kinds listed below may rely on a written certification by his supplier that they contain no tin in any form except tin plate waste waste or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by Schedule II), or brass or bronze (to the extent permitted by Schedule IV), unless he knows or has reason to believe the statement is false.

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal or other similar tin-bearing alloy.
4. Buckles.
5. Buttons.
6. Emblems and insignia.
7. Jewelry.
8. Novelties, souvenirs and trophies.
9. Ornaments and ornamental fittings.
10. Toys and games.

Inventories

(l) *Limitation on inventories.* No person who uses any material listed in Column 1 below shall accept delivery of any of that material if his inventory of it is, or will by virtue of such acceptance become, more than the amount which he will be required by his current practices to put into use, during the next succeeding period of the length specified in Column 2 below, in order to carry out his current operations for permitted uses:

	Material (1)	Maximum Days' Supply (2)
a.	Pig tin	90 days (for manufacture of tin plate) 45 days (for any other permitted use)
b.	Solder (as defined in Schedule II to M-43)	30 days
c.	Babbitt (as defined in Schedule III to M-43)	30 days
d.	Copper base alloys (containing 1.5% or more of tin)	45 days
	Material (1)	Maximum Days' Supply (2)
e.	Other alloys containing 1.5% or more tin (except solder, babbitt, and copper base alloys)	30 days

Imports

(m) *Import restrictions.* The provisions of this paragraph (m) replace those in General Imports Order M-63, insofar as that order has applied to materials subject to this paragraph. However, authorizations for the importation of such materials issued under Order M-63 shall continue to have the same force and effect as if issued under this Order M-43.

(1) *Definitions.* For the purposes of this paragraph (m):

(i) "Tin subject to import control under this order" means any of the following:

Tin alloys, chief value tin n. s. p. f. (including alloy scrap)	6551.900
Tin bars, blocks, pigs, grain or granulated	6551.300

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943).

(ii) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(iii) "Consignee" means the person to whom a material is consigned at the time of importation.

(iv) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation.

It does not include shipments in transit in bond through the continental United States without processing or manufacture, to Canada, Mexico or any other foreign country, or shipments through a free port or free zones to a foreign country without processing or manufacture. However, if any material covered by the preceding sentence is, because of a change in plans, to be sold or used in the continental U. S. or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this paragraph (m) and requires the same authorization as an "import" before it may be moved from a free port, free zone, or bonded custody.

(2) *Restrictions on imports*—(i) *General restriction.* No person, except as authorized in writing by the Office of Materials Distribution, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any tin subject to import control under this order. The foregoing restrictions shall apply to the importation of any tin subject to import control under this order regardless of the existence of any contract or other arrangement for the importation of such material.

(ii) *Authorization by Office of Materials Distribution.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefore in duplicate on Form OMD-1041 addressed to the Tin and Antimony Section, Office of Materials Distribution, Department of Commerce, Washington 25, D. C., Ref.: M-43. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(iii) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation of any tin subject to import control under this order, unless such bank or person either has received a copy of the authorization issued by the Office of Materials Distribution under the provisions of paragraph (m) (2) (ii) above or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (m) (2) (iv) below.

(iv) *Exceptions.* Unless otherwise directed by the Office of Materials Distribution, the restrictions set forth in this paragraph (m) (2) shall not apply:

(a) To the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(b) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(c) To any material consigned or imported as a sample where the value of each consignment or shipment is less than $25.00.

(3) *Reports*—(i) *Reports on customs entry.* No tin subject to import control under this order, including materials imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency or corporations, shall be entered through the United States Bureau of Customs for any purpose, unless the person making the entry shall file with the entry Form OMD-1040 in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form a second time be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Tin and Antimony Section, Office of Materials Distribution, Department of Commerce, Washington 25, D. C., Ref.: M-43.

(ii) *Other reports.* All persons having any interest in, or taking any action with respect to any tin subject to import control under this order, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the Office of Materials Distribution.

Exports

(n) *Export certificates.* Some provisions of this order and its Schedules permit sales or deliveries of certain items only upon certificates from the purchasers. In cases where the purchaser is going to export such an item outside the United States, its territories or possessions, or Canada, he should state as the end use in the certificate the words "for export" and give the number of the export license.

Miscellaneous

(o) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal. Priorities Regulation 16 gives additional instructions about the filing of appeals. Appeals, reports and all communications concerning this order should be addressed to the Tin and Antimony Section, Office of Materials Distribution, Department of Commerce, Washington 25, D. C., Ref.: M-43.

(p) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 5th day of August 1947.

OFFICE OF MATERIALS DISTRIBUTION,
BY RAYMOND S. HOOVER,
Issuance Officer.

Schedules of Permitted Uses

Under Order M-43 pig tin, secondary tin, tin plate, terne plate, solder, babbitt, copper base alloys and other materials containing tin may be used only in the production of the items and for the purposes set forth in the following schedules, subject to the limitations, restrictions and conditions specified in these schedules with respect to the various items and purposes.

SCHEDULE I—MISCELLANEOUS

(1) *Detonators and blasting caps.* Pig or secondary tin may be used to make detonators and blasting caps (including electric blasting caps) including all their necessary parts and accessories.

(2) *Collapsible tubes.* (a) Pig or secondary tin may be used to make collapsible tubes for the following purposes, if the tin content by weight of the tube is no greater than the maximum specified below:

Product	Maximum permitted tin content (percent of tin by weight)
Ointments and other preparations for opthalmic use, sulfa drugs in ointment or jelly form, diagnostic extracts (allergens), and morphine or hypodermic injection	Unlimited
Preparations intended for introduction into the body orifices for local application, and medicinal and pharmaceutical ointments (excluding unmedicated petroleum jelly and lanolin)	Unlimited
Dental cleansing preparations	3%

Secondary tin may be used to make lead collapsible tubes for any purpose if the tin content of the tube is not greater than 0.5% by weight.

(b) [Deleted July 5, 1946.]

(c) No person may purchase, accept delivery of, or use collapsible tubes containing tin for packing products except those permitted above.

(3) *Foil.* (a) Pig or secondary tin may be used to make foil for the following purposes if the tin content by weight of the foil is no greater than the maximum specified below:

Purpose	Maximum permitted tin content (percent of tin by weight)
(i) Electrotypers foil	30%
(ii) Dental foil	Unlimited
(iii) Soft babbitt for the preparation of industrial metallic packing	1½%
(iv) Condenser foil of dimensions 0.00035 inch by ¾ inch or less	50%
(v) Condenser foil for all other condensers	5%
(vi) Foil for aircraft magnetos	50%
(vii) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals for which other types of liners cannot be used	Unlimited

(b) [Deleted July 5, 1946.]

(4) *Dairy equipment.* Pig or secondary tin may be used to coat fluid milk shipping containers or to manufacture or retin any other dairy equipment.

(5) *Equipment for preparing and handling food.* (a) Pig or secondary tin may be used to coat or to retin any parts of kitchen utensils, galley and mess equipment and other equipment used in processing and handling of food if the parts are designed to come into actual contact with food or to plate cutlery and flatware.

(6) *Wire coating.* Tin or tin alloys may be prepared and used for coating wire as follows:

(a) *For copper base wire.* There is no limitation upon the tin content of the coating alloy when the copper base wire to be coated is of a size of 0.0320" nominal diameter or finer. If the wire to be coated is of a size larger than 0.0320" nominal diameter, the tin content of the coating alloy is limited to 12% tin by weight.

(b) *For steel wire.* (i) To be used as armature binding wire.

(ii) To be used in the manufacture of equipment for the production of textiles.

(iii) To be used in the packaging or marking of meat where the wire comes into actual contact with the meat.

(iv) In the liquor finishing process of fine steel bright wire.

(c) [Deleted July 5, 1946.]

(7) *Lead base alloys for coating.* Lead base alloys containing tin for coating sheet, tubing, wire, foundry chaplets, etc., may be manufactured and used if the tin content of the alloy does not exceed 7% of tin by weight.

(8) *Printing plates and type metal.* Printing plates and type metal containing tin may be made for use by the printing, publishing and related service industries.

(9) *Dental amalgam alloys.* Tin may be used in the manufacture of dental amalgam alloys without restriction as to the tin content of the alloys.

(10) *Pipe organs for religious and educational institutions.* Pipe organs for religious and educational institutions may be manufactured, rebuilt, or repaired with secondary tin.

(11) *Bolster metal.* Bolster metal may be made and used in the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 10% of tin by weight.

(12) *Fusible alloys and dry pipe seat rings.* Pig or secondary tin may be used in the manufacture of dry pipe valve seat rings to the extent required to meet performance specifications; and in the manufacture of fusible alloys for safety purposes only, to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.

(13) *Tin pipe and sheet.* (a) Pig or secondary tin may be used to make tin pipe, sheet tin, and fittings to repair or maintain beverage dispensing units and their parts, if the consumer for whom the pipe, sheet or fittings are made returns to the supplier a quantity of scrap tin having the same tin content as that of the new pipe, sheet or fittings delivered to him.

(b) Pig or secondary tin may be used to coat copper or brass pipe and fittings for beverage or distilled water dispensing purposes.

(c) Tin pipe or tubes may be used in the manufacture of new soda fountains, food and beverage dispensing units, and where required for conducting chemically pure distilled water.

(14) *Chemicals*—(a) *General.* Tin or tin chemicals may be used for the following purposes: laboratory reagent; medicinal; plating (where plating is permitted by Order M-43).

(b) *Tin tetrachloride from dross, etc.* Tin tetrachloride may be produced from secondary low-grade tin-bearing drosses, residues, and scrap metal. Such material is "low-grade" only if its tin content is not over 10% and its impurity content is too high for use in the production of other items for which secondary low-grade tin-bearing materials are permitted by Order M-43. Tin tetrachloride produced from such drosses, residues, and scrap metal may be used for any purpose.

This subparagraph (b) does not apply to the production or use of tin tetrachloride produced from pig tin or from secondary tin-bearing material not "low-grade" as defined above.

(15) *Tin oxide.* Tin oxide may be used for the production of chrome green, pink, yellow, and red colors, and for the production of earthenware plumbing fixtures.

(16) *Snap fasteners and hooks and eyes.* Pig or secondary tin may be used to plate snap fasteners, and hooks and eyes.

Schedule II—Solders

(a) *Certificates.* No manufacturer or wholesale distributor shall sell or deliver any solder to a wholesale distributor or retailer and no wholesale distributor or retailer shall purchase or accept delivery of any solder unless the purchaser has given to the seller a statement that he will not resell the solder to a user without obtaining from the user the certificate called for below. No manufacturer, wholesale distributor or retailer shall sell or deliver any solder to a user and no user shall purchase or accept delivery of any solder from a manufacturer, wholesale distributor or retailer unless the user has given to the seller the certificate called for below (see paragraph (n) of Order M-43 regarding export certificate):

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the Office of Materials Distribution that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule II, section — of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (i) of this order.

(Name of purchaser)

By ---
(Duly authorized official)

(b) *Tin content.* In the manufacture of solder, the tin content by weight shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of solder (percent of tin by weight)
(1) For all cellular type radiators (average per radiator)	21%
(2) For all fin and tube type radiators for military and civilian use (average per radiator)	32%
(3) Soldering end seams on all solder seamed cans	30%
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes	15%
(5) For soldering side seams in the manufacture of cans made with either lock or lap side seams or with a combination of lock or lap seams	5%
(6) For sealing milk cans	21%
(7) For all soldering on the following (exclusive of any covered by (8) below): motors, generators, electrical equipment, instruments, meters, radio, radar, tanks, fire protection equipment, refrigeration equipment, dairy equipment, and food processing equipment	50%
(8) For all soldering on the following: railroad-car and truck refrigeration; refrigeration equipment inside refrigerated compartments; aircraft motors; electric-traction motors for railroads, street-cars, and buses	Unlimited
(9) For soldering aluminum	60%
(10) For other hand soldering operations done either with a soldering iron or with a torch and wiping	40%
(11) For any other soldering operations	35%

(c) [Deleted July 5, 1946.]

Schedule III—Babbitt

(a) No manufacturer or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any wholesale distributor of babbitt and no wholesale distributor of babbitt shall accept delivery from a manufacturer or a wholesale distributor unless he shall have furnished the manufacturer or other wholesale distributor with a statement on his purchase order to the effect that he will not resell such babbitt containing more than 10% tin by weight to any user unless he has received the certificate from such user set forth below. No manufacturer of babbitt or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any user and no user shall accept delivery of any babbitt containing more than 10% tin by weight from any manufacturer of babbitt or wholesale distributor of babbitt unless the user shall have furnished the manufacturer or wholesale distributor with the certificate set forth below (see paragraph (n) of Order M-43 regarding export certificate):

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code to the seller and to the Office of Materials Distribution, that the tin contained in the material covered by this order shall be used solely for the purpose listed in Schedule III, section — of Conservation Order M-43, or is to be incorporated in an "implement of war" and the tin content of the material has been definitely specified in accordance with paragraph (i) of said Order M-43.

(Name of purchaser)

By ---
(Duly authorized official)

(b) *Tin content.* In the manufacture of babbitt metal and similar alloys used as babbitt, the tin content shall be limited as follows, according to the purpose for which it is to be used:

Purpose	Maximum tin content of babbitt (percent of tin by weight)
(1) For the manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads	Unlimited
(2) Any other bearing purpose	90%

Babbitt may not be used for any purpose except those listed above.

(c) [Deleted February 6, 1947.]

Schedule IV—Brass and Bronze

A. CAST ALLOYS

(a) *Tin content.* No person shall cast or have any person cast for him any copper base alloy containing 1.5% or more tin by weight for other than the specific purposes listed below. The tin content of any such alloy shall not be more than the amount specified for each purpose.

Purpose	Maximum tin content (percent of tin by weight)
(1) For the manufacture of high ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or disks, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, and collector rings	12%
(2) For the manufacture of piston rings for locomotives and for air-brake equipment	20%
(3) For use as bearings and bushings	9%
(4) For bearings produced by process of powder metallurgy	10%
(5) For production of or use in tablets, markers, and memorials	3.5%
(6) For all other castings	6%

(b) *Certificate.* Any person receiving copper base alloy castings containing 1.5% or more tin shall furnish his supplier with a certificate on his purchase order stating the end use of such castings (see paragraph (n) of Order M-43 regarding export certificate). All suppliers shall require such a certificate. If the end use is not permitted by M-43, and the purchaser has not received special authorization from the Office of Materials Distribution, the supplier shall refuse the order.

(c) [Deleted July 5, 1946.]

B. WROUGHT ALLOYS

Pig or secondary tin may be used to make wrought alloys. However the tin content of any such alloy shall not be more than the amount required for the particular purpose.

Schedule V, Which Formerly Covered Use of Tin To Repair Gas Meters Has Been Superseded by Item (b)·(7) of Schedule II

Schedule VI—Tin Plate, Terne Plate, and Terne Metal

(a) *Definitions*—(1) "Tin plate" means steel sheets coated with tin including electrolytic tin plate and hot dipped tin plate and including primes, seconds and waste-waste but not scrap.

(2) "Terne plate" means steel sheets coated with terne metal including short ternes (coated on tin mill coating machines) and long ternes (coated on sheet mill coating machines) including primes, seconds and long terne waste-waste but not scrap.

(3) "Tin plate or terne plate scrap" means any material or product made in whole or in part of tin plate or terne plate which is the waste of industrial fabrication or which has been discarded after being put into actual use, including tin plate crowns, screw caps or similar closures for various containers. The term also includes tin plate and terne plate sheets recovered from tin plate or terne plate cans or from other articles.

(4) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into usable condition by recoating.

(5) "Terne metal" means a tin-bearing lead alloy used as a coating for plate but does not include lead recovered from secondary sources which contains not more than 3% residual tin.

(6) "Waste-waste" means hot dipped or electrolytic tin coated sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(b) *Manufacture of tin plate and terne plate.* Tin plate and terne plate may be manufactured for the purposes set forth below. However, coating of tin or terne metal per single base box of tin plate or terne plate must not exceed the maximum indicated below for the particular permitted use. No person may use terne metal of over 15% tin in tin mill coating machines. No person may use terne metal of over 10% tin in sheet mill coating machines.

(c) *Manufacture of terne metal.* Pig or secondary tin may be used to make terne metal.

(d) *Certificates.* No person shall sell or deliver any tin plate or terne plate to any person unless he gives with his purchase order a certificate in substantially the following form:

I certify, subject to the penalties of section 35 (A) of the United States Criminal Code, that I will use this tin plate or terne plate for ---
(specify end use) in accordance with Order M-43 or will resell it only in accordance with that order.

(Name of purchaser)

By ---
(Duly authorized official)

See paragraph (n) of Order M-43 regarding export certificate.

(e) *Tin plate and terne plate may be used only for the following purposes:*

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
1. All kitchen and cooking equipment.	Electrolytic tinplate.	0.25 lb. per base box.
2. Baking pans for institution and commercial bakers.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Reconditioned tin plate.	
3. Brushes, power driven.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terneplate.	
4. Cans.	As permitted by Conservation Order M-81 as amended.	
5. (a) Closures for all food products (excluding malt beverages and nonalcoholic beverages) if preserved in a hermetically sealed container made sterile by heat; and olives, pickles, relishes, sauces, vinegar, French dressing, flavoring extracts, spices mustard, horseradish and cherries.	Hot dipped tin plate.	1.50 pounds per base box.
(b) Closures for meat and fish and products made from them; ice cream mix; apple cider and juice; fruits (only crush, fountain fruit and ice cream toppings) soup nuts, cheese spreads; spaghetti and macaroni products corn beef hash and sauerkraut.	Electrolytic tin plate.	0.50 pound per base box.
(c) Closures for biologicals; blood plasma; drug chemicals; dental supplies; glycerites; liniments of ammonia; magmas; drug oils; ointments; penicillin; prescriptions; medicinal soaps; aromatic spirits of ammonia; ammonia products, aromatic chemicals; reagent chemicals, deodorants, liquid or paste (not for use on human body); dyes; germicides; hypochloride powders; phenols; photographic supplies; and all other liquid chemicals.	Electrolytic tin plate.	0.50 pound per base box.
(d) Closure for home canning.	Electrolytic tin plate.	0.50 pound per base box.
(e) Closures to be purchased by or for the account of the American Red Cross, Office of Scientific Research and Development or the Panama Canal, including the Panama Railroad Company or for shipment outside the forty-eight States of the United States and the District of Columbia. (General exceptions for certain other governmental agencies are included in item 30 below.)	As specified.	
(f) Closures for steel drums.	Hot dipped tin plate.	1.25 lbs. per base box.
	Electrolytic tin plate.	0.50 lb. per base box.
	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
(g) All other closures and crowns.	Electrolytic tin plate.	0.25 pound per base box.
6. Carbide non-explosive emergency lights.	Short ternes.	1.30 lbs. per base box.
	Long ternes.	4 lbs. per base box.
	Reconditioned terne plate.	

(e) *Tin plate and terne plate may be used only for the following purposes*—Continued

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
7. Chaplets, skimgates and tin forms for foundry use.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box. 0.50 lb. per base box.
8. Cheese vats	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
9. Component parts for Internal Combustion engines including air cleaners, cooling systems, fuel systems, and lubricating systems, but only where less essential material is impractical because of corrosion or solder-ability.	Hot dipped tin plate. Reconditioned tin plate. Short ternes. Long ternes. Reconditioned terne plate.	11 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
10. Cylinder liners for lard and fruit presses.	Hot dipped tin plate.	1.25 lbs. per base box.
11. Dairy ware and equipment including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	3.30 lbs. per base box (2A charcoal). 0.50 lb. per base box.
12. Diamond cutting wheels.	Electrolytic tin plate. Reconditioned tin plate.	0.50 lb. per base box.
13. Dusters and sprayers, hand, for disinfectant and pest control; parts requiring solderable coatings	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
14. Equipment or appliance parts requiring solderable coatings.	Electrolytic tin plate. Reconditioned tin plate. Short ternes. Long ternes. Reconditioned terne plate.	0.50 lb. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
15. (a) Fuel tanks, except for automotive equipment	Electrolytic tin plate. Short ternes. Long ternes. Reconditioned terne plate.	0.25 lb. per base box 1.30 lbs. per base box. 4 lbs. per base box.
(b) Fuel tanks, for automotive equipment.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 6 lbs. per base box.
16. Gas mask canisters.	Short ternes. Long ternes. Reconditioned terne plate. Hot dipped tin plate.	1.30 lbs. per base box. 4 lbs. per base box. 3.30 lbs. per base box (2A charcoal). 0.50 per base box
17. Gas meters.	Electrolytic tin plate. Reconditioned tin plate. Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box 4 lbs. per base box.
18. Heat exchangers.	Short ternes. Long ternes. Reconditioned terne plate. Hot dipped tin plate.	1.30 lbs. per base box 4 lbs. per base box 1.25 lbs. per base box. 0.50 lb. per base box.
19. Integral parts of signal cells—but only for current collectors and baskets.	Electrolytic tin plate. Reconditioned tin plate. Hot dipped tin plate. Reconditioned tin plate.	11 lbs. per base box 11 lbs. per base box
20. Lining of drying chambers for milk and egg dehydration.	Hot dipped tin plate. Reconditioned tin plate. Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box 4 lbs. per base box. 1.30 lbs. per base box 4 lbs. per base box.
21. Maple syrup evaporators.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box 4 lbs. per base box.
22. Oilers (excluding cans as defined by Order M-81).	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box 0.50 lb. per base box. 1.30 lbs. per base box 4 lbs. per base box.
23. Oil lanterns.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box 4 lbs. per base box.
24. Repair parts for domestic laundry equipment.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box 4 lbs. per base box.
25. Safety cans for inflammable liquids.	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box 0.50 lb. per base box.
26. Textile spinning cylinders, card screens, spools and bobbins.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box 4 lbs. per base box.
27. Torpedoes for oil and gas well shooting	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate.	1.25 lbs. per base box 0.50 lb. per base box
28. Vaporizing liquid fire extinguishers.	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box. 4 lbs. per base box.
29. Wick holders for oil stoves	Short ternes. Long ternes. Reconditioned terne plate.	1.30 lbs. per base box 4 lbs. per base box
30. Articles to be purchased by or for the account of the Army and Navy of the United States, the United States Maritime Commission, and the Veterans' Administration	Hot dipped tin plate. Electrolytic tin plate. Reconditioned tin plate. Short ternes. Long ternes. Reconditioned terne plate. As specified (including performance specifications).	1.25 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.

(f) *Additional permitted uses.* Any person may use electrolytic tin plate waste waste, hot dipped tin plate waste waste, terne plate waste waste, tin plate scrap, or terne plate scrap for any purpose. In addition any person may use tin plate or terne plate for any purpose (except to make items listed in paragraph (k) of order M-43) if his total annual consumption of tin plate and terne plate does not exceed 100 base boxes.

(g) *Optional use of 0.25 tin plate for terne plate.* Where ternes or terne plate is permitted to be used for an item listed in paragraph (e) above, a manufacturer may substitute electrolytic tin plate with a maximum permitted tin coating of 0.25 pounds per base box for that item.

[F. R. Doc. 47-7407; Filed, Aug. 5, 1947; 11:14 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 9—EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

PALMYRA ISLAND NAVAL AIRSPACE RESERVATION AND PALMYRA ISLAND NAVAL DEFENSIVE SEA AREA

CROSS REFERENCE: For discontinuance of the Palmyra Island Naval Airspace Reservation and the Palmyra Island Naval Defense Sea Area, listed in the tabulations of §§ 9.2 and 9.3, see Executive Order 9881, *supra*.

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

OTTAWA NATIONAL FOREST, MICHIGAN

Correction

The cross reference appearing on page 5259 of the issue for Friday, August 1, 1947, is in error and should be deleted.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

[CGFR 47-39]

EMPLOYMENT OF ALIENS AS UNLICENSED CREW MEMBERS ON SUBSIDIZED VESSELS

CONDITIONAL WAIVER OF MANNING REQUIREMENTS

Pursuant to the authority vested in the Commandant, U. S. Coast Guard, by the act of March 31, 1947 (Public Law No. 27, 80th Congress), as amended by the act of 31 July, 1947 (Public Law No. 293, 80th Congress), I hereby find it necessary in the orderly reconversion of the merchant marine from wartime to peacetime operations to waive compliance with the navigation and vessel inspection laws and regulations to the extent and upon the terms and conditions set forth in the succeeding numbered paragraphs.

1. *Waiver.* I hereby waive compliance with the provisions of sections 302 (a), (b) and (c) of the act of June 29, 1936, 49 Stat. 1992 (46 U. S. C. 1132 (a), (b) and (c)) to the extent that United States citizens with appropriate ratings are not available for employment in the unlicensed crew of subsidized vessels of the United States, but in no event to exceed twenty-five per centum of such entire unlicensed crew. The employment of aliens to supply such deficiencies, as herein authorized, shall be permitted only to the extent of the non-availability of United States citizens, as determined after reasonable efforts made by the master, owner and others concerned to secure the employment of United States citizens, and in no event to exceed twenty-five per centum of the entire unlicensed crew employed on any subsidized vessel of the United States; *Provided*, That such aliens as are employed under this waiver authority shall have served between December 7, 1941, and September 2, 1945, aboard vessels operated by the War Shipping Administration, the United States Maritime Commission, or the Army Transport Service, and shall present to the Shipping Commissioner or master of the vessel at the time of being employed authentic evidence of such service. This evidence shall consist of a certificate of discharge or other properly authenticated record of service showing the name of the vessel and the dates employed thereon.

2. *Effective date.* This order shall be in effect on and after August 1, 1947. Because of the technical character of this revision of regulations, and because of the urgency of providing waiver authority in order to effectuate the orderly reconversion of the merchant marine to peacetime operations, it is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Laws 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest. (Pub. Laws 27, 293, 80th Cong.)

Dated: July 31, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-7347; Filed, Aug. 5, 1947; 9:18 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 81]

FEDERAL ESTATE TAX

DEDUCTION OF ATTORNEYS' FEES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791).

Regulations 105 amended; deduction of attorneys' fees incurred in contesting an asserted deficiency or in prosecuting a claim for refund.

Regulations 105 (26 CFR, Part 81) are amended as follows:

PARAGRAPH 1. Section 81.34 of Regulations 105 is amended by inserting immediately after the first paragraph thereof the following new paragraph:

§ 81.34 *Attorney's fees.* • • •

A deduction for attorneys' fees incurred in contesting an asserted deficiency or in prosecuting a claim for refund should be claimed at the time such deficiency is contested or such refund claim is prosecuted. A deduction for such fees shall not be denied, and the sufficiency of a claim for refund shall not be questioned, solely by reason of the fact that the amount of the fees to be paid was not established at the time that the right to the deduction was claimed.

PAR. 2. Section 81.73 of Regulations 105, as amended by Treasury Decision 5503, approved March 20, 1946 is further amended by inserting the following sentence at the end of the fourth paragraph thereof: "For deduction of attorneys' fees incurred in contesting an asserted deficiency, see § 81.34."

PAR. 3. Section 81.96 of Regulations 105, as amended by Treasury Decision 5239, approved March 10, 1943 is further amended by inserting the following sentence at the end of the first paragraph thereof: "For deduction of attorneys' fees incurred in prosecuting a claim for refund, see § 81.34."

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

[F. R. Doc. 47-7366; Filed, Aug. 5, 1947; 9:17 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 162]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

NOTICE OF PUBLIC HEARING WITH RESPECT TO ESTABLISHMENT OF RULES AND REGULATIONS

By virtue of section 6a of the Federal Insecticide, Fungicide, and Rodenticide Act, approved June 25, 1947, and pursuant to the requirements of section 4 of the Administrative Procedure Act (60 Stat. 237), notice is hereby given of a public hearing to be held in the Auditorium, South Building, United States Department of Agriculture, Washington, D. C., beginning at 9:00 a. m., e. s. t. (10:00 a. m., e. d. s. t.) August 25, 1947, with respect to proposed rules and regulations under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act. This public hearing is for the purpose of affording all interested persons an opportunity to submit, either orally or in writing, data, views and arguments with respect to such proposed rules and regulations or any modifications thereof. Persons unable to attend the hearing may submit their views in writing prior to August 25, 1947. Communications should be addressed to Insecticide Division, Livestock Branch, Production and Marketing Administration, Washington 25, D. C.

§ 162.1 *Words in singular form.* Words used in the singular form in the rules and regulations in this part shall include the plural, and vice versa, as the case may require.

§ 162.2 *Terms defined and construed.* All terms used in the rules and regulations in this part shall have the meaning set forth for such terms in the act. In addition, such terms shall be construed as follows:

(a) *Act.* "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act.

(b) *Director.* "Director" means the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, or any officer or employee to whom he has heretofore lawfully delegated or to whom he may hereafter lawfully delegate the authority to act in his stead.

(c) *Economic poison.* "Economic poison" includes insecticides, fungicides, disinfectants, rodenticides and herbicides. A product shall be deemed to be an economic poison regardless of whether intended for use as packed or after dilution or mixture with other substances, such as carriers or baits. Products intended only for use after further processing, such as grinding to dust form or more extensive operations, shall not be deemed to be economic poisons. Substances which have recognized commercial uses other than uses as economic poisons shall not be deemed to be economic poisons unless such substances are (1) specially prepared for use as economic poisons, or (2) labeled or represented as economic poisons, or (3) marketed in channels of trade where they will presumably be purchased as economic poisons, or (4) ordinarily used principally as economic poisons.

Products intended only for manufacturing and not for use as economic poisons may be labeled "For Manufacturing Use Only."

(d) *Fungicide.* "Fungicide" includes but is not limited to:

(1) Plant fungicides, seed treatments, wood preservatives, and mildew and mold preventatives,

(2) Disinfectants, antiseptics and sterilizers, except those used on or in living man or other animals.

The term "fungicide" shall not include algaecides.

(e) *Active ingredient.* An "active ingredient" is an ingredient which:

(1) Is capable in itself and when used in the same manner and for the same purposes as directed for use of the product, of preventing, destroying, repelling, or mitigating insects, fungi, rodents, weeds or other pests; and

(2) Is present in the product in an amount sufficient to add materially to its effectiveness; and

(3) Is not antagonistic to the activity of the principal active ingredient;

Provided, however, That the Director may require an ingredient to be designated as an active ingredient if, in his opinion, it sufficiently increases the effectiveness of the economic poison to warrant such action.

(f) *Rodent.* "Rodent" means any animal of the order rodentia, such as rats, mice, rabbits, gophers, prairie dogs, squirrels, etc.

(g) *Official investigator.* "Official investigator" means any employee or agent of the Department of Agriculture or the Treasury Department authorized by the Director or by the Secretary of the Treasury to make investigations in connection with enforcement of the act.

§ 162.3 *English language to be used.* All statements, words and other information required by the act or regulations to appear on the label or labeling of any economic poison shall be in the English language, provided that in the case of articles intended solely for export the appropriate foreign language may be used.

§ 162.4 *Omission of label or labeling.* The omission of a label or labeling from any economic poison shall not affect any provision under the act or the regulations in this part with respect to any statement required to appear on such label or labeling.

§ 162.5 *Label*—(a) *Contents of label.* The label of every economic poison must show, clearly and prominently, the name of the product, the name and address of the manufacturer, the registrant or person for whom manufactured, the net contents, the ingredient statement, and a warning or caution statement which may be necessary to prevent injury to man, other animals, and useful vegetation. The label of any economic poison which is highly toxic to man must also contain the skull and crossbones, and the word "poison" in red on a contrasting background and the antidote statement in immediate proximity thereto. The antidote statement shall include directions to call a physician immediately. The label of every economic poison, if necessary to prevent injury to man, other animals, and useful vegetation, must contain the signal word "Danger", "Warning", or "Caution", together with an appropriate warning or caution statement as required in § 162.8.

(b) *Name and address of manufacturer.* An unqualified name and address given on the label shall be considered as the name and address of the manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer or if the name of the person for whom the economic poison was manufactured appears on the label, it must be qualified by appropriate wording such as "Packed for • • •", "Distributed by • • •", or "Sold by • • •", to show that the name is not that of the manufacturer. When a person manufactures an economic poison in two or more places or in a place different from the manufacturer's principal office, the actual place of manufacture of each particular package need not be stated on the label except when, under the special circumstances existing, the failure to name it may be misleading to the public. The address of the manufacturer, registrant or person for whom manufactured shall include the street address, if any, unless the street address is shown in a current city directory or telephone directory.

(c) *Name, brand or trademark of economic poison.* The name, brand or trademark of the economic poison appearing on the label shall be that under which the economic poison is registered.

(d) *Net content.* (1) The net content shall be exclusive of wrappers or other material, and shall be deemed to be average content unless stated as a minimum quantity.

(2) Net content shall be stated in the terms of weight or measure in general use to give accurate information as to the quantity of the economic poison. If there is no general use, the net content statement shall be in terms of liquid measure if the product is a liquid, and in terms of weight if it is a solid, semi-solid, viscous, or a mixture of liquid and solid. Statements of liquid measure shall be in terms of the United States gallon, quart, pint, and fluid ounce, at 68° F. The statements of weight shall be in terms of avoirdupois pound and ounce. All statements of net content shall be in terms of the largest unit present.

(3) If the contents are stated as a minimum quantity, variation below is not permissible and variation above shall not be unreasonably large.

(4) If the contents are not stated as a minimum quantity, variation shall be permitted only to the extent that they represent deviations unavoidable in good packing practice. The average quantity in the packages in a shipment shall not fall below the average quantity stated, nor shall there be any unreasonable variation from the average in the contents of any package.

§ 162.6 *Ingredient statement*—(a) *Location of ingredient statement.* The ingredient statement must appear on the front panel of the label except in cases where the Director determines that, due to the size or form of the container and not merely to the design of the label or the presence of advertising matter, a statement on the front panel is impractical, and permits such statement to appear on the side or back panel. When so permitted, the ingredient statement must be in larger type and more prominent than would be possible on the front panel. The ingredient statement must run parallel with other printed matter on the label, and must be on a clear contrasting background not obscured or crowded, and sufficiently conspicuous and in type large enough to be readily read by the purchaser.

(b) *Names of ingredients.* The well-known common name of the ingredient must be given or, if the ingredient has no common name, the correct chemical name. If there is no common name and the chemical composition is unknown or complex, the Director may permit the use of a new or coined name which he finds to be appropriate for the information and protection of the user. If the use of a new or coined name is permitted, the Director may prescribe the terms under which it may be used. A trademark or trade name may not be used as the name of an ingredient.

(c) *Percentages of ingredients.* Percentages of ingredients shall be determined by weight and the sum of the percentages of the ingredients shall be 100. Sliding scale forms of ingredient statements shall not be used.

(d) *Designation of ingredients.* (1) Active ingredients and inert ingredients shall each be so designated, and the term "inert ingredients" shall appear in the same size type and be equally as prominent as the term "active ingredients."

(2) If the name but not the percentage of each active ingredient is given, the names of the active and inert ingredients shall, respectively, be shown in the descending order of the percentage of each present, and the name of each ingredient shall be given equal prominence.

(e) *Active ingredient content.* The active ingredient content of any product, as stated on the ingredient statement, shall be the content when it reaches the user.

§ 162.7 *Economic poisons highly toxic to man.* The Secretary hereby finds that economic poisons which fall within the following categories when tested on any common laboratory animal are highly toxic to man within the meaning of section 6a (2) of the act:

(a) *Significant number of deaths.* Those which produce a significant number of deaths at a dosage of up to 50 milligrams per kilogram of body weight when administered orally; or

(b) *Serious impairment of health.* Those which produce serious impairment of health at a dosage of up to 100 parts per million of the gas or vapor administered by continuous inhalation for one hour or less or a dosage of 100 milligrams per kilogram of body weight when administered by continuous contact with the bare skin for 24 hours or less;

Provided, however, That the Director may, upon application, exempt any economic poison which meets the above standard but which is not in fact highly toxic to man, from the requirements of the act and the regulations in this part with respect to economic poisons highly toxic to man.

§ 162.8 *Warning or caution statement.* The warning or caution statement, when required, must appear on the label in a place sufficiently prominent to warn the user, and must state clearly and in non-technical language the particular hazard involved in the use of the economic poison, e. g., ingestion, skin absorption, inhalation, inflammability or explosion, etc., and the precautions to be taken to avoid accident, injury, or damage.

(a) *Signal words.* The signal words "poison", "danger", "warning", and "caution" indicate differences in hazards and shall be used as follows:

(1) The signal word "poison" in red on a contrasting background in immediate proximity to the skull and crossbones and an antidote, including directions to call a physician immediately, shall appear on all economic poisons highly toxic to man.

(2) The signal word "danger" shall appear on all economic poisons which:

(i) Produce a significant number of deaths in any common laboratory animal at a dosage of 50–100 milligrams per kilogram of body weight when administered orally; or

(ii) Produce serious impairment of health in any common laboratory animal at a dosage of 100–300 parts per million of the gas or vapor, administered by continuous inhalation for a period of one hour or less, or a dosage of 100–300 milligrams per kilogram of body weight when administered by continuous contact with the bare skin for a period of 24 hours or less.

(3) The signal word "Warning" shall appear on economic poisons which offer hazards of a serious nature but less dangerous than those requiring the signal word "Danger".

(4) The signal word "Caution" shall appear on economic poisons which offer hazards less serious than those requiring the signal word "Warning".

(b) *Explosive or flammable products.* All economic poisons which are flammable or which form explosive mixtures with air must bear appropriate cautionary instructions.

§ 162.9 *Directions for use.* Directions for use shall be in non-technical language and in clear legible type. Directions for use in a foreign language may be included in addition to directions in English.

§ 162.10 *Registration*—(a) *Eligibility.* Any manufacturer, packer, distributor or shipper of an economic poison is eligible as a registrant and may register such economic poison.

(b) *Effect of registration by manufacturer or distributor.* If an economic poison is registered by a manufacturer or distributor, any person may, without further registration, purchase such economic poison from such manufacturer or distributor and market the same; *Provided,* That:

(1) The product is in the manufacturer's or registrant's original unbroken immediate container; and

(2) The claims made by such person and the directions for its use do not differ in substance from the representations made in connection with registration.

(c) *Procedure for registration.* Applications for registration should be addressed to Insecticide Division, Livestock Branch, Production and Marketing Administration, Washington 25, D. C. Application forms will be furnished upon request. Applications should be submitted as far in advance as possible and at least 30 days before the time when it is desired that registration take effect. No fees are charged for registration.

(d) *Effective date of registration.* Registration of an economic poison shall become effective when notice is received by the registrant.

(e) *Responsibility of a registrant.* The registrant is responsible for the composition of the product, for the adequacy of the warning or caution statement, including the poison warning and antidote statement and its safety and efficacy, and for all other claims or representations on the labeling.

(f) *Changes in labeling or formulae.* (1) Changes in the labeling or formula of a registered economic poison must be submitted in advance to the Insecticide Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The registrant must describe the exact changes desired and the proposed effective date and, upon request, shall submit a description of tests which justify such changes.

(2) After the effective date of a change in labeling or formula the product shall be marketed only under the new claims or formula, except that a reasonable time may be permitted by the Director to dispose of properly labeled stocks of old products.

(g) *Claims must conform to registration.* Claims made for an economic poison must not differ in substance from representations made in connection with registration, including representations with respect to effectiveness, ingredients, directions for use, or pests against which the product is recommended.

§ 162.11 *Guarantee of registration of economic poisons*—(a) *By whom given.* Any manufacturer, distributor, wholesaler, or other person residing in the United States may furnish to any person to whom he sells an economic poison a guarantee that the economic poison was lawfully registered at the time of sale and delivery to such person, and that the economic poison complies with all the requirements of the act and of the regulations in this part.

(b) *Reference to guarantee.* No reference to or suggestion that a guarantee of registration has been given shall be made in the labeling of any economic poison.

(c) *Contents of guarantee.* In order to afford effective protection, each guarantee must:

(1) Be signed by and contain the name and address of the person giving it; and

(2) State that the economic poison was lawfully registered at the time of sale and delivery and that it complies with all other requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

(d) *Scope of guarantee.* A guarantee may be (1) limited to a specific shipment or other delivery of a product, in which case it may be a part of or attached to the invoice or bill of sale covering such shipment or delivery, or (2) general and continuing, in which case, in its application to any shipment or other delivery of a product, it shall be considered to have been given at the date when such product was shipped or delivered by the person giving the guarantee.

(e) *Expiration of guarantee.* Any guarantee shall expire when the product is repacked or relabeled by the purchaser or when it becomes otherwise in violation of the act or these regulations after shipment or other delivery by the person who gave such guarantee.

(f) *Forms of guarantee.* The following are suggested forms of guarantee;

(1) Limited form for use on invoice or bill of sale:

---------- hereby guarantees
(Name of guarantor)
that the economic poison herein listed is lawfully registered with the Secretary of Agriculture and that the same complies with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

(Signature and postoffice address of guarantor)

(2) General and continuing form:

The economic poisons comprising each shipment or other delivery hereafter made by ----------, to or on the order
(Name of guarantor)
of ----------
(Name and address of person receiving guarantee)
are hereby guaranteed to be lawfully registered with the Secretary of Agriculture and to comply with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, as of the date of such shipment or delivery.

(Signature and postoffice address of guarantor)

Date

§ 162.12 *Coloration and discoloration.* The white economic poisons hereinafter named shall be colored or discolored in accordance with this section. The hues, values, and chromas specified are those contained in the Munsell Book of Color, Munsell Color Company, 10 East Franklin Street, Baltimore, Maryland.

(a) *Coloring agent.* The coloring agent must produce a homogenously colored product not subject to change in color beyond the minimum requirements specified in the regulations in this part during ordinary conditions of marketing or storage, and must not cause the product to be ineffective or result in its causing damage when used as directed.

(b) *Arsenicals and barium fluosilicate.* Standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, and barium fluosilicate shall be colored any hue, except the yellow-reds and yellows, having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a lightness value not over 7.

(c) *Sodium fluoride and sodium fluosilicate.* Sodium fluoride and sodium fluosilicate shall be colored blue or green having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a lightness value not over 7.

§ 162.13 *Adulteration*—(a) *Valuable constituent.*

(1) A valuable constituent will be considered as wholly abstracted whenever the designation or representation of the product imports its presence therein and such constituent has been wholly omitted therefrom in the preparation of the product or has been wholly removed from the completed product.

(2) A valuable constituent will be considered as partly abstracted whenever the designation or representation of the product imports its presence therein, and such constituent is not present in the usual or customary amount or in the amount indicated in the labeling.

(b) *Professed standard or quality.* An economic poison will be considered adulterated whenever:

(1) Its strength falls below its professed standard by reason of the fact that it is less effective than indicated by the labeling or the representations under which it is sold; or

(2) Its strength or purity falls below its professed standard or quality by reason of the fact that it contains less of the active ingredients or more of the inert ingredients than indicated by the labeling or the representations under which it is sold.

§ 162.14 *Misbranding*—(a) *False or misleading statements.* Among representations in the labeling of an economic poison which may render it misbranded are the following:

(1) A false or misleading statement concerning composition of the product.

(2) A false or misleading statement concerning the effectiveness of the product as an economic poison or device.

(3) A false or misleading statement about the value of the product for purposes other than as an economic poison or device.

(4) A false or misleading comparison with other economic poisons or devices.

(5) A false or misleading representation as to the safety of the economic poison or of its ingredients. Statements such as "non-poisonous", "non-injurious", or "non-hazardous" imply to the purchaser that the product is safe even, for example, if swallowed in large quantities by a child, and that no medical attention would be required in such cases. Such statements should not be made unless the product is in fact safe under all conditions.

(6) Any statement directly or indirectly implying that the economic poison or device is recommended or endorsed by any agency of the Federal Government, is considered misleading.

(7) The name of an economic poison which contains two or more ingredients may be misleading because it suggests the name of one or more but not all such ingredients, even though the names of the other ingredients are stated elsewhere in the labeling. It is permissible, however, when the percentage of each active ingredient is given in the name, to omit reference in the name to the inert ingredients.

(8) Prominent reference in the labeling to one or more active ingredients without giving equal prominence to the other active ingredients or to the presence of inert ingredients may be misleading.

(9) A true statement used in such a way as to give a false or misleading impression to the purchaser constitutes misbranding.

(10) A statement may be misleading because it is indefinite.

(b) *Justification of false and misleading statements not permitted.* (1) The use of any false or misleading statement on any part of the labeling, given as the statement or opinion of an expert or other person or based upon such statement or opinion shall not be justified, nor may such statement be justified by the fact that the statement or opinion is actually that of the expert or other person.

(2) The use of a false or misleading statement in the labeling cannot be justified by an explanatory statement.

§ 162.15 *Enforcement*—(a) *Collection of samples.* Samples of economic poisons and devices shall be collected by official investigators or by any employee of the Federal Government, or of a State, territory, or political subdivision who has been duly designated by the Director.

(b) *Investigations.* Official investigators shall make investigations to locate shipments of economic poisons or devices which may be in violation of law; visit manufacturers and distributors and obtain records of interstate shipments and other information concerning economic poisons and devices marketed by such persons; examine shipping records, such as those of railroads, express and trucking companies; and visit wholesale and retail establishments and other places to locate interstate shipments of economic poisons and devices.

(c) *Examination of samples.* Methods of examination of samples shall be those adopted and published by the Association of Official Agricultural Chemists, where applicable, and such other methods as may be necessary to determine whether the product complies with the law.

(d) *Notice of apparent violation.* (1) If from an examination or analysis a sample appears to be in violation of the act, a notice in writing shall be sent to the person against whom action is contemplated, giving him an opportunity to offer such written explanation as he may desire. The notice shall state the manner in which the sample fails to meet the requirements of the act and the regulations in this part.

(2) Any such person may, in addition to his reply to such notice, file a written request for an oral hearing in connection therewith, giving his reasons therefor. The Director may grant such oral hearing at his discretion.

(3) No hearing shall be granted prior to the seizure of any economic poison.

§ 162.16 *Notice of judgment.* Publication of judgments of the courts in cases arising under the criminal or seizure provisions of the act shall be made in the form of notices, circulars, or bulletins as the Director may direct.

§ 162.17 *Shipments for experimental use*—(a) *Experimental use under Federal or State supervision.* An economic poison shipped or delivered for experimental use by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of economic poisons shall not be subject to the provisions of the act and the regulations in this part.

(b) *Experimental use by other persons.* (1) An economic poison shipped or delivered for experimental use by other qualified persons but not under the supervision of a Federal or State agency authorized by law to conduct research in the field of economic poisons, shall be exempt from the provisions of the act and of the regulations in this part, *Provided*, That a permit for such shipment or delivery is obtained prior thereto. Permits will be of two types, specific and general. A specific permit will be issued to cover a particular shipment on a specified date to a named person. A general permit will be issued to cover more than one shipment over a period of time to different persons.

(2) All applications for permits covering shipments for experimental use must be signed by the shipper or person making delivery and must contain the following:

(i) Name and address of shipper and place of shipment.

(ii) Proposed date of shipment or proposed shipping period.

(iii) Name and composition of the product.

(iv) Quantity to be shipped.

(v) Name and address of person to whom shipped, in the case of a single shipment, or description and occupation of such persons, if more than one shipment.

(vi) A statement indicating whether the product is sold or is delivered without cost.

(vii) A signed statement that the economic poison is intended for experimental use only.

(viii) Proposed labeling which, in addition to other statements must indicate that the product is for experimental use only.

(c) *Cancellation of permits.* Any permit for shipment for experimental use may be cancelled at any time for any violation of the terms thereof.

§ 162.18 *Exemptions*—(a) *Economic poisons intended for export.* Any economic poison intended solely for export to a foreign country shall be exempt from the provisions of the act only if prepared and packed according to the specifications or directions of the foreign purchaser. A mere order for the product with no instructions for preparation or packaging shall not entitle any such product to this exemption.

(b) *Economic poisons intended for use by manufacturer or dyer.* Any economic poison specified in § 162.12 which is intended solely for use by a textile manufacturer or dyer as a mothproofing agent, which would not be suitable for such use if colored and which will not come into the hands of the public except when incorporated into a fabric, shall be exempt from the requirements of section 3 (a) (4) of the act and of § 162.12.

(Pub. Law 104, 80th Cong., approved June 25, 1947)

Done at Washington, D. C., this 1st day of August 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7365; Filed, Aug. 5, 1947; 9:17 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 13]

[Docket No. 8481]

COMMERCIAL RADIO OPERATORS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendments of §§ 13.2, 13.21, 13.22, and 13.61.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Based on a study of the design, construction and reliability of operation of low power standard and FM broadcast stations, the Commission is of the opinion that the licensees of certain of such stations may be expected to meet the operating requirements prescribed by the rules and regulations if the normal watch is maintained by an operator with less technical qualification than is required to obtain the First Class Radiotelephone Operator's license; provided, a higher class operator is employed as technical supervisor and is made responsible for all major adjustments and repairs.

3. The proposed amendments, authority for which is contained in sections 303 (f) and (r) of the Communications Act of 1934, as amended, are set forth in this notice.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth, may file with the Commission, on or before September 1, 1947, a written statement or brief setting forth his comments. The Commission will consider any such comments that are received before taking any final action regarding the proposed amendments, and if any comments are received which appear to warrant the holding of an oral argument before final action is taken, notice of the time and place of such oral argument will be given.

It is proposed to amend Part 13 of the rules and regulations of the Federal Communications Commission, as follows:

1. Section 13.2 *Classes of licenses*, is amended by adding at the end thereof a new paragraph, as follows:

(d) Broadcast radio operator license.

2. Section 13.21 *Examination elements*, is amended by adding at the end thereof a new paragraph, as follows:

(7) *Practical broadcast operation.* Practical matters relating to minor adjustments and normal operating practices of standard and FM broadcast stations.

3. Section 13.22 *Examination requirements*, is amended by adding at the end thereof a new paragraph, as follows:

(g) *Broadcast radio operator license.* (1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements: 1 and 7.

4. Section 13.61 *Operator authority*, is amended by adding at the end thereof a new paragraph, as follows:

(g) Broadcast radio operator license: To serve as staff operator of any standard broadcast station employing a non-directional antenna and not exceeding 1 kw. power, or of an FM broadcast station of not more than 1 kw. effective radiated power; provided

(1) The holder of a First Class Radiotelephone Operator License is employed as technical supervisor.

(2) Internal tuning adjustments, major repairs and overhauls are made by or under the direction of the technical supervisor.

(3) The duties of a broadcast radio operator may include such operations as placing the station on and off the air, keeping the transmitter log, making external tuning adjustments, other minor adjustments as may be required as a result of primary power supply variations and failures, and replacement only of such defective parts as tubes, fuses and other items designed for simple plug-in replacement.

Adopted: August 1, 1947.

Released: August 1, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7363; Filed, Aug. 5, 1947; 9:18 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9457]

FRANZ W. VON THUN

In re: Stock owned by Franz W. Von Thun, also known as Frank W. Von Thun. F-28-7478-D-1, F-28-7478-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz W. Von Thun, also known as Frank W. Von Thun, whose last known address is Freiburg-Elbe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One Hundred (100) shares of $25.00 par value 6% preferred capital stock of Pacific Gas and Electric Company, 245 Market Street, San Francisco 6, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered C48721, registered in the name of Franz W. Von Thun, together with all declared and unpaid dividends thereon, and

b. Twenty-eight (28) shares of $25.00 par value common capital stock of Firemen's Fund Insurance Company, 401 California Street, San Francisco 20, California, a corporation organized under the laws of the State of California, evidenced by certificates numbered A1494 for twenty (20) shares, and 1817-C for eight (8) shares, registered in the name of Frank W. Von Thun, together with all declared and unpaid dividends thereon, and the right to receive 1½ shares (new) $10.00 par value stock for each share of (old) $25.00 par value stock of the aforesaid corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7352; Filed, Aug. 5, 1947; 8:48 a. m.]

[Vesting Order 9462]

AUGUST DRINGEMANN

In re: Estate of August Dringemann, deceased. File No. D-28-9401; E. T. sec. 12515.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Bockelmann whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown of Karl Bockelmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of August Dringemann, deceased, is property payable or deliverable to, or claimed by, the

aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the County Treasurer of Erie County, as Depositary, acting under the judicial supervision of the Surrogate's Court, Erie County, State of New York;

and it is hereby determined:

5. That to the extent that the above named person and the issue, names unknown of Karl Bockelmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7353; Filed, Aug. 5, 1947; 8:48 a. m.]

[Vesting Order 9465]

ANNA EITEL

In re: Estate of Anna Eitel, deceased. File No. D-28-3915; E. T. sec. 6773.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Hohmann, Justus Hohmann, Theodore Hohmann, and Anna Merk, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Henry Hohmann, the personal representatives, heirs, next of kin, legatees and distributees of Justus Hohmann, the personal representatives, heirs, next of kin, legatees and distributees of Theodore Hohmann and the personal representatives, heirs, next of kin, legatees and distributees of Anna Merk, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Anna Eitel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany);

4. That such property is in the process of administration by Otto Hohman, as Administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 and the personal representatives, heirs, next of kin, legatees and distributees of Henry Hohmann, the personal representatives, heirs, next of kin, legatees and distributees of Justus Hohmann, the personal representatives, heirs, next of kin, legatees and distributees of Theodore Hohmann, and the personal representatives, heirs, next of kin, legatees and distributees of Anna Merk, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7354; Filed, Aug. 5, 1947; 8:48 a. m.]

[Vesting Order 9466]

CARL HEYNE

In re: Estate of Carl Heyne, a/k/a Carl J. Heyne and Charles Heyne, deceased. File No. D-28-7608; E. T. sec. 8079.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Weinhold and Ella Prasler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs at law, next of kin, distributees, legatees and personal representatives, names unknown of Carl Heyne, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Carl Heyne, a/k/a Carl J. Heyne and Charles Heyne, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by William V. Elliott, as Administrator, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York;

and it is hereby determined:

5. That to the extent that the above named persons and the heirs at law, next of kin, distributees, legatees and personal representatives, names unknown, of Carl Heyne, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7355; Filed, Aug. 5, 1947; 8:48 a. m.]

[Vesting Order 9467]

MABEL WAGNALLS JONES

In re: Estate of Mabel Wagnalls Jones, deceased. File No. D-28-11085; E. T. sec. 15525.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mabel Dittmer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Mabel Wagnalls Jones, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Guaranty Trust Company of New York, Dr. Franklin C. Wagenhals and John E. Connelly, Jr., as administrators, c. t. a., acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7356; Filed, Aug. 5, 1947; 8:48 a. m.]

[Vesting Order 9468]

FREDERICK KANTENWEIN

In re: Estate of Frederick Kantenwein, deceased. File No. D-28-11422; E. T. sec. 15658.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Daubor a/k/a Annie Bortt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Frederick Kantenwein, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by George Kantenwein, as Executor, acting under the judicial supervision of the Sussex County Surrogate's Court, Sussex County, Newton, New Jersey;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7357; Filed, Aug. 5, 1947; 8:48 a. m.]

[Vesting Order 9478]

CARL WANNINGER

In re: Estate of Carl Wanninger, deceased. File D-28-9619; E. T. sec. 13306.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Wanninger, Helmuth Wanninger, Heintz Wanninger, Ruth Wanninger and Katie Wanninger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $776.28 was paid to the Alien Property Custodian by Ernestine Grosvenor, Administratrix of the Estate of Carl Wanninger, deceased;

3. That the said sum of $776.28 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 11, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7362; Filed, Aug. 5, 1947; 8:49 a. m.]

[Vesting Order 9449]

TAIJI OKADA

In re: Bank account and stock owned by Taiji Okada, also known as Taija Okada. F-39-1266-C-1, F-39-1266-E-1, F-39-1266-D-1/2, F-39-1266-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Taiji Okada, also known as Taija Okada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of The Erie Bank, Erie, Colorado, arising out of a checking account, entitled J. N. Kobayashi for Taiji Okada, and any and all rights to demand, enforce and collect the same,

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Taiji Okada and presently in the custody of Jack Noboru Kobayashi, 3550 Emerald Street, Torrance, California, together with all declared and unpaid dividends thereon,

c. Thirty (30) shares of $1.00 par value capital stock of Bancamerica-Blair Corporation (now Blair & Company, Inc.), 44 Wall Street, New York, New York, a corporation organized under the laws of the State of California, evidenced by a certificate numbered SFF59523, and registered in the name of Taija Okada, together with all declared and unpaid dividends thereon, and

d. One hundred (100) shares of $12.50 par value capital stock of Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered C-63466, registered in the name of Taiji Okada, and presently in the custody of The Erie Bank, Erie, Colorado, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Taiji Okada, also known as Taija Okada, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	State of incorporation	Number of shares	Type of stock	Par value	Certificate No.
Bank of America National Trust & Savings Association, 300 Montgomery St., San Francisco, Calif.	California	151	Common	$12.50	C4258, B17797.
Union Carbide and Carbon Corp., Carbide and Carbon Building, 30 East 42d St., New York, N. Y.	New York	5	Capital	No	221998
The Texas Co., 135 East 42d St., New York 17, N. Y.	Delaware	5	do	25.00	O457328.
Radio Corporation of America, 7 West 10th St., Wilmington, Del.	do	2	Common	No	WO172734.
		1	do	No	WO223305.
Westinghouse Electric & Manufacturing Co., 306 4th Ave., Pittsburgh, Pa.	Pennsylvania	5	do	50.00	NY0345824.
Warner Bros. Pictures, Inc., 321 West 44th St., New York, N. Y.	Delaware	10	do	5.00	AC,O 213767.
Bendix Aviation Corp., Fisher Bldg., Detroit 2, Mich.	do	5	Capital	5.00	CO25708.
Transamerica Corp., Montgomery Street at Columbus Ave., San Francisco, Calif.	do	7575	do	2.00	SF4623; SF/M56540; SF/M52232 to SF/M-52238, inclusive.

[F. R. Doc. 47-7327; Filed, Aug. 4, 1947; 8:48 a. m.]

[Vesting Order 9463]

CHARLES EBERT

In re: Estate of Charles Ebert, deceased. File No. D-28-11047; E. T. sec. 15487.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Ebert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Charles Ebert, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country, (Germany);

3. That such property is in the process of administration by Philip Ebert, as executor, acting under the judicial supervision of the Surrogate's Court, County of Queens, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7331; Filed, Aug. 4, 1947; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1894287]

MISSOURI

NOTICE OF FILING OF PLAT OF SURVEY

JULY 30, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m. on October 1, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 1, 1947 to December 30, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 11, 1947, to October 1, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 1, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on December 31, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 11, 1947, to December 31, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 31, 1947 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in section 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that Title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

The lands affected by this notice are described as follows:

GASCONADE AND OSAGE COUNTIES, MISSOURI, 5TH P. M.

T. 43 N., R. 6 W.,
Sec. 19, lot 1, (8.85 acres);
T. 43 N., R. 7 W.,
Sec. 24, lot 3, (42 acres).

This land comprises a small island in the Gasconade River, Missouri, situated at an elevation of 15 to 25 feet above normal water line. About two-thirds of the island has been cleared and devoted to crops. The soil is sandy loam which supports a native growth of small trees and brush.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7336; Filed, Aug. 5, 1947; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 376]

SPECIAL INDUSTRY COMMITTEE NO. 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. M. B. Marsh from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employers on such committee, Mr. Sam Schweitzer of Mayaguez, Puerto Rico.

Signed at Washington this 28th day of July 1947.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 47-7335; Filed, Aug. 5, 1947; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

OPERATOR LICENSES AND EXAMINATIONS

AUGUST 1, 1947.

The Commission announced today the first step in its plan to place the commercial radio operator examinations and licenses in step with the advancements that have been made in the industry.

The plan provides, in part, for three classes of broadcast operator licenses authorizing operation of Standard, International, FM, Facsimile, Television, Developmental and Auxiliary Broadcast stations. At the present time only the first class radiotelephone operator's license authorizes operation of these stations.

Under the new plan, the three new classes of broadcast operator's licenses would be valid for operator duties as follows:

Broadcast engineer-operator. Chief Engineer or Staff Operator of any Standard, International, FM, Facsimile, Television, Developmental and Auxiliary stations.

Broadcast technician-operator. Chief Engineer of a Standard Broadcast Station of not more than 1 kilowatt power employing a non-directional antenna system or an FM Broadcast Station.

Staff Operator of any Standard, International, FM, Facsimile, Television, Developmental and Auxiliary station.

Broadcast radio-operator. Staff Operator of a Standard Broadcast Station not exceeding 1 kilowatt power employing a non-directional antenna system, or the Staff Operator of an FM Broadcast Station of not more than 1 kilowatt effective radiated power.

All broadcast stations would be required to employ at least one Engineer-Operator with the exception of (1) FM Broadcast stations (2) Standard Broadcast stations of 1 kilowatt or less with non-directional antenna. The excepted stations could employ at least one Technician-Operator in lieu of the Engineer-Operator.

The Commission's current proposal provides only for the issuance of the Broadcast Radio-Operator license to persons who will serve under the technical supervision of a person holding a higher class of operator's license.

The examination for Broadcast Radio-Operator's license will cover technical subjects relating to routine operation of a broadcast transmitter and associated equipment to the extent that such an operator can on his own responsibility place the transmitter on and off the air, replace tubes and other defective parts that are readily replaceable by plug-in methods, assure compliance with the rules and regulations relating to modulation and frequency stability, and insure that the operator will call the responsible technical supervisor should any circumstance arise requiring a decision or action beyond the scope of his responsibility under the Broadcast Radio-Operator license. The examination will also cover appropriate portions of the rules and regulations governing the operation of Standard and FM Broadcast stations to insure proper maintenance of the station logs and other records and adherence to broadcast station operating procedures.

Further proposals will be made with respect to the implementation of the two remaining classes of broadcast station operator licenses. When these proposals are adopted in final form they will be carried into effect as rapidly as the examinations, study guides, and license forms can be produced and distributed to the Field Offices.

The Commission is fully aware of the problems of existing holders of operator licenses, particularly those that arise in the transition from one kind of operator license to another. In the proposals for implementation of the new classes of licenses, provision will be made to recognize experience gained under existing licenses in prescribing the conditions under which the new licenses may be obtained.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7364; Filed, Aug. 5, 1947; 9:18 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-200, G-207]

PANHANDLE EASTERN PIPELINE CO. ET AL.

NOTICE OF MEMORANDUM OPINION AND ORDER ALLOWING SUPPLEMENTAL RATE SCHEDULES TO TAKE EFFECT

JULY 31, 1947.

City of Detroit, Michigan, and County of Wayne, Michigan v. Panhandle Eastern Pipe Line Co. and Michigan Gas Transmission Corp., Docket No. G-200. In the matter of Panhandle Eastern Pipe Line Co., Michigan Gas Transmission Corp. and Illinois Natural Gas Co. Docket No. G-207.

Notice is hereby given that, on July 30, 1947, the Federal Power Commission issued its Opinion No. 154 and order, entered July 29, 1947, allowing supplemental rate schedules to take effect as of June 1, 1947, in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7333 Filed, Aug. 5, 1947; 8:48 a. m.]

[Docket Nos. G-626, G-677, G-685, G-694]

INDEPENDENT INDUSTRIAL GAS CO. ET AL.

NOTICE OF ORDER DISMISSING PETITION AND APPLICATIONS

JULY 31, 1947.

In the matters of Independent Industrial Gas Co., Petitioner v. Cities Service Gas Company, Defendant, Union Gas System, Inc., Intervener, Docket No. G-626; Independent Industrial Gas Co., Docket No. G-677; Union Gas System, Inc., Docket No. G-685; Union Gas System, Inc., Docket No. G-694.

Notice is hereby given that, on July 30, 1947, the Federal Power Commission issued its order entered July 29, 1947, dismissing petition and applications in the above designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7334; Filed, Aug. 5, 1947; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 620, Special Permit 9]

LIGHT-WEIGHING OF CARS OF SCRAP LEAD AT STATEN ISLAND, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the light weighing of not to exceed 14 railroad cars to be loaded with import scrap lead as ordered by U. S. Commercial Company at Howland Hook, Staten Island, N. Y.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7342; Filed, Aug. 5, 1947; 9:19 a. m.]

SECURITIES AND EXCHANGE COMMISSION

TOBEY ROYALTIES CO., INC.

ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of July A. D. 1947.

The Commission having instituted proceedings under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of Tobey Royalties Company, Inc., as a broker and dealer should be revoked; hearings having been held after appropriate notice, a hearing officer's recommended decision having been filed, and the Commission having this day issued its findings and opinion;

It is ordered, That the registration of the said Tobey Royalties Company, Inc., as an over-the-counter broker-dealer be, and the same hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-7345; Filed, Aug. 5, 1947; 9:18 a. m.]

[File No. 70-1547]

CENTRAL AND SOUTH WEST CORP. ET AL.

ORDER PERMITTING APPLICATIONS-DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of July A. D. 1947.

In the matter of Central and South West Corporation, Central Power and Light Company, Southwestern Gas and Electric Company, File No. 70-1547.

Central and South West Corporation ("Central"), a registered holding company, Central Power and Light Company ("Power and Light") and Southwestern Gas and Electric Company ("Southwestern"), public utility subsidiaries of Central, having jointly filed applications-declarations and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, 9, 10 and 12 thereof and Rules U-42, U-43, and U-50 promulgated thereunder with respect to:

(1) The issue and sale of unsecured serial notes by Central to the First National Bank of Chicago and the John Hancock Mutual Life Insurance Company in the principal amount of $4,300,000, payable at the rate of $125,000 semi-annually from January 1, 1948 through January 1, 1959, with a final installment of $1,425,000 maturing on July 1, 1959 and bearing interest at the rate of 2%, 2¼%, and 3% per annum, depending on date of maturity;

(2) The prepayment and retirement by Central of two secured notes presently outstanding in the aggregate principal amount of $348,000;

(3) The amendment by Power and Light of its Articles of Incorporation regarding the reclassification of its authorized common stock from 250,000 no par value shares to 1,072,100 shares with a par value of $10 each, and the exchange of its 202,180 shares presently outstanding no par value common stock held by Central for 772,104 shares of the new $10 par value common stock;

(4) The issue and sale by Power and Light of 299,996 shares of its common stock, par value $10 each, to Central and the acquisition of such stock by Central for a cash consideration of $2,999,960;

(5) The issue and sale by Southwestern of 65,500 shares of its common stock, no par value, to Central and the acquisition of such stock by Central for a cash consideration of $1,000,000; and

Central having requested an exemption from the competitive bidding provisions of Rule U-50 in connection with the issue and sale of the said unsecured serial notes; and

Power and Light having requested that it be relieved from the obligation to make prepayments of its serial notes issued in December, 1945; and

A public hearing having been held, after appropriate notice, and the Commission having considered the record herein;

It is ordered, That the said amended joint applications-declarations be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

It is further ordered, That the proposed issue and sale of unsecured serial notes in the principal amount of $4,300,000 by Central be, and hereby is, exempted from the provisions of Rule U-50.

It is further ordered, That Power and Light be, and hereby is, relieved from any obligation imposed by that portion of Amendment No. 5 filed in Commission File No. 70-1191 or by the Order of the Commission dated December 13, 1945 entered in said proceeding requiring the prepayment of the serial notes issued by Power and Light therein.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7344; Filed, Aug. 5, 1947; 9:18 a. m.]

[File No. 812-504]

CLIFFS CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of July A. D. 1947.

Notice is hereby given that The Cliffs Corporation (Cliffs), a registered investment company, has applied for an order pursuant to section 6 (c) of the Investment Company Act of 1940 exempting Cliffs from the provisions of section 30 of said act and the rules promulgated thereunder, which require the filing of reports with this Commission and the transmission of reports to shareholders.

Cliffs was consolidated with The Cleveland-Cliffs Iron Company on July 9, 1947 when an Agreement of Consolidation was filed with the Secretary of State of Ohio. Its corporate entity, except for certain limited purposes, ceased as of that date and, subject to the rights of its dissenting shareholders, its former shareholders by operation of law became shareholders of The Cleveland-Cliffs Iron Company, a new company arising out of the consolidation. In view of the termination of its corporate existence, Cliffs submits that neither the filing of its reports with this Commission nor the transmission of reports to its former shareholders is necessary or appropriate in the public interest or in the interest of its former shareholders.

All interested persons are referred to the application, which is on file in the Philadelphia, Pennsylvania offices of this Commission, for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 11, 1947 unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than August 8, 1947 at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7346; Filed, Aug. 5, 1947; 9:18 a. m.]

FEDERAL REGISTER

VOLUME 12 NUMBER 154

Washington, Thursday, August 7, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL AERONAUTICS BOARD

Under authority of § 6.1 (d) of Executive Order No. 9830 and with the concurrence of the Civil Aeronautics Board, § 6.4 (a) (34) (v), which lists the positions of Chief Trial Examiner and Assistant Chief Trial Examiner of the Civil Aeronautics Board as positions excepted from the competitive service, is revoked effective upon publication in the FEDERAL REGISTER.

(Sec. 6.1 (d), E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-7387; Filed, Aug. 6, 1947; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[ACP-1917-4]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

DISTRIBUTION AND CONTROL OF FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1947 Agricultural Conservation Program is amended to read as follows:

Section 701.801, as amended, is further amended by deleting paragraph (a) and substituting in lieu thereof the following:

§ 701.801 *Distribution and control of funds*—(a) *State funds.* Funds available for conservation practices will be distributed among States on the basis of (1) the acreage of woodland, cropland, orchard land, noncrop pastureland and rangeland; (2) the number of farms; (3) the number of farms with less than 40 acres of cropland; and (4) conservation needs. The allocation of funds among the States is as follows:

State:	*1947 allocation*
Maine	$924,000
New Hampshire	387,000
Vermont	802,000
Massachusetts	692,000
Rhode Island	80,000
Connecticut	450,000
New York	4,866,000
New Jersey	900,000
Pennsylvania	4,417,000
Illinois	8,559,000
Indiana	5,583,000
Iowa	8,910,000
Michigan	5,593,000
Minnesota	7,085,000
Missouri	8,643,000
Nebraska	7,260,000
Ohio	6,847,000
South Dakota	5,878,000
Wisconsin	6,346,000
Delaware	414,000
Maryland	1,616,000
Virginia	4,142,000
West Virginia	2,073,000
North Carolina	5,938,000
Kentucky	6,895,000
Tennessee	5,885,000
Alabama	5,274,000
Arkansas	5,008,000
Florida	2,311,000
Georgia	5,693,000
Louisiana	3,463,000
Mississippi	5,980,000
Oklahoma	6,903,000
South Carolina	3,537,000
Texas	18,313,000
Arizona	1,589,000
California	5,815,000
Colorado	3,634,000
Idaho	1,957,000
Kansas	8,317,000
Montana	4,454,000
Nevada	283,000
New Mexico	2,426,000
North Dakota	6,172,000
Oregon	2,679,000
Utah	1,130,000
Washington	3,041,000
Wyoming	1,820,000

The apportionment shown above does not include the amounts set aside for administrative expenses, the amount required for size of payment adjustments in §§ 701.804 and 701.805, and the

(Continued on next page)

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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1946 SUPPLEMENT
to the
CODE OF FEDERAL REGULATIONS

The following books are now available:

Book 1: Titles 1 through 8, including, in Title 3, Presidential documents in full text with appropriate reference tables and index.

Book 2: Titles 9 through 20.

Book 3: Titles 21 through 31.

These books may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at $3.50 per copy.

A limited sales stock of the 1945 Supplement (4 books) is still available at $3 a book.

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amount set aside for the Insular Agricultural Conservation Program (11 F. R. 9327) and the Naval Stores Conservation Program (11 F. R. 13246). The Director of the Agricultural Conservation Programs Branch may make adjustments in the allocations above by transferring any funds that will not be used in a State to other States where additional funds can be used to effectuate the purposes of the program. (49 Stat. 1148, 16 U. S. C. and Sup., 590g–590q)

Done at Washington, D. C., this 1st day of August 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7382; Filed, Aug. 6, 1947; 8:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Wheat Bulletin 1, Supp. 2]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM (KANSAS CITY AREA)

Correction

In the table in § 251.127 (a) of Federal Register Document 47-6747, appearing at page 4805 of the issue for Saturday, July 19, 1947, the following changes should be made:

Under the heading "Colorado" figures in the "Rates" column should be corrected as follows:

COLORADO

Baca County: Bartlet, $1.801
Huerfano County: Monson, $1.768
Jefferson County: Bee Hive, $1.752. Camp George West, $1.752
Las Animas County: Garcia, $1.773

Place names should be corrected as follows:

Under Colorado: in Dolores County, "Rice" should read "Rico"; in Fremont County, "Brockside" and "Coak Creek" should read "Brookside" and "Coal Creek", respectively; in Huerfano County "Sommers" should read "Shunway"; in Kit Carson County "Vena" should read "Vona"; in Logan County "Morino" should read "Merino"; in Ouray County "Joys" should read "Jays"; in Pueblo County "Zino Junction" should read "Zinc Junction".

Under New Mexico: in Mora County "Wagon Mount" should read "Wagon Mound".

Under Oklahoma: "Harman" and "Pushnataha" should read "Harmon" and "Pushmataha", respectively.

Under Texas: "Somervell" should read "Somerville".

Under Wyoming: in Fremont County "Noble" should read "Noble"; in Niobrara County "Jirch" should read "Jireh".

[1947 C. C. C. Wheat Bulletin 1, Supp. 2]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM (CHICAGO AREA)

Correction

In the table in Federal Register Document 47-6835, appearing at page 4809 of the issue for Saturday, July 19, 1947, the rate for Arenac County under Michigan should be "1.88".

[1947 C. C. C. Wheat Bulletin 1, Supp. 2]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM (MINNEAPOLIS AREA)

Correction

In the table in Federal Register Document 47-6919, appearing at page 4861 of the issue for Wednesday, July 23, 1947, the following changes should be made:

Under Montana (Eastern Counties): the station Brisbin, appearing under Musselshell County, should appear under Park County; in Prairie County "Calypson" should read "Calypso".

Under Montana (Western Counties): the station Arlee under Lake County should read "Arlee.....$1.650, $1.666"; in Lewis and Clark County "Wood" should read "Weed".

Under North Dakota: in Burleigh County the rate for Arena should be "$1.838"; in Dickey County "Luddon" should read "Ludden"; in Foster County "Cuptill" should read "Guptill"; in Grant County "New Leipsig" should read "New Leipzig"; in Pierce County "Ashta" should read "Balta".

[1947 C. C. C. Wheat Bulletin 1, Supp. 2]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM (PORTLAND AREA)

Correction

In the table in Federal Register Document 47-6920, appearing at page 4867 of the issue for Wednesday, July 23, 1947, the following changes should be made:

Under California: in Monterey County "Castrobille" and "Macimiento" should read "Castroville" and "Nacimiento", respectively; in San Bernardino County "Henkley" should read "Hinkley".

Under Idaho (Northern): in Boundary County "Cressport" should read "Crossport".

Under Washington: in Whitman County the following station and rate should be added: "Castleton.....$1.765"; in Yakima County the following station and rate should be added: "Ahtanum.....$1.771".

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 125—STUDENTS

Reference is made to the notice which was published in the FEDERAL REGISTER dated June 10, 1947 (12 F. R. 3770), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) and which stated in full the terms of a proposed rule (8 CFR Part 125) relative to nonquota immigrant students. The rule as stated in full *intra* is hereby adopted. Because of representations made by interested persons, the terms of §§ 125.3 (c), 125.3 (g), 125.12 (b), 125.12 (d), 125.13 (b), 125.14, and 125.15 (b) in the rule as adopted are in a few respects different from the terms of those sections as stated in the notice of proposed rule making, but the rest of the rule is being adopted with the same terms as those stated in the notice.

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
125.1 Student defined.
125.2 Time for which admitted.
125.3 Conditions of admission.
125.4 Extension of stay; period of time; conditions.
125.5 Deportation.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

125.11 Authority to admit.
125.12 Records of admission, transmission, and departure.
125.13 Extension of stay; procedure.
125.14 Transfers from one school to another.
125.15 Employment.
125.16 Schools; petition for approval.
125.17 Schools; conditions for approval.
125.18 Schools; officer to make petition.
125.19 Schools; withdrawal of approval.

AUTHORITY: §§ 125.1 to 125.19, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 5 U. S. C. 133t; 8 CFR 90.1. §§ 125.1 to 125.19, inclusive, interpret and apply secs. 4 (e), 13 (a) (3), and 15 of the Immigration Act of 1924, as amended (43 Stat. 155, 43 Stat. 161, 50 Stat. 165; 43 Stat. 162, 47 Stat. 594, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. and Sup., 204 (e), 213 (a), 215).

CROSS REFERENCES: For consular procedure with respect to students, see 22 CFR 61.2(c)-61.2(c). For head tax and visa exemption for students returning from visits in certain countries, see 8 CFR 105.3 (n) and 176.203 (d), respectively.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 125.1 *Student defined.* As used in this part, the term "student" means an alien admitted temporarily to the United States as a nonquota immigrant under the provisions of section 4 (e) of the Immigration Act of 1924 (43 Stat. 155; 8 U. S. C. 204 (e)) and under the provisions of this part.

§ 125.2 *Time for which admitted.* A student shall be admitted to the United States for a period of time not to exceed one year. If his intended course of study is less than one year, the period of admission shall not exceed the period of such intended course of study plus necessary travel time. He shall not be admitted for a period of time extending beyond the date 60 days prior to the end of the period during which he will be eligible for readmission to the country from which he came or to some other foreign country. Such eligibility will ordinarily be established by the presentation of a passport having the period of validity prescribed in § 176.500 of this chapter.

§ 125.3 *Conditions of admission.* In order to be admissible as a student an alien shall:

(a) Be at least 15 years of age.

(b) Be qualified to enter and have definitely arranged to enter an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Attorney General;

(c) Establish that he seeks to enter the United States solely for the purpose of pursuing a definite course of study in such institution and that he will carry a course of studies in day classes, which course will consist of a minimum of 12 semester hours or the equivalent of that

amount if he is an undergraduate student or, if he is a graduate student, will consist of a full program of study and will be in the amount and of the nature required by the school; also establish that he has sufficient scholastic preparation and knowledge of the English language to enable him to undertake his intended course, as indicated by the institution admitting him;

(d) Establish that he is or will be financially able, subject to the provisions of this part, to pursue such course of study;

(e) Establish that he intends to leave the United States at the expiration of the period of his admission or of any authorized extension of such period or upon cessation of the status under which admitted, whichever occurs first;

(f) Furnish bond on Form I–374 or Form 574 in the sum of not less than $150 to insure that he will depart from the United States at the expiration of his authorized stay or upon failure to maintain the status under which admitted, whichever occurs first, if such bond is required by an officer in charge or by a board of special inquiry or pursuant to an order entered on appeal from the decision of such board;

(g) Present whatever document or documents are required by the applicable Executive order and regulations prescribing the documents to be presented by aliens entering the United States under the provisions of section 4 (e) of the Immigration Act of 1924, such document or documents to include evidence of compliance with all applicable provisions of Title III of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 451) relating to registration and fingerprinting;

(h) Establish that he is not a member of any class of aliens subject to exclusion from the United States under the applicable provisions of the immigration laws or regulations.

§ 125.4 *Extension of stay; period of time; conditions.* After a student is admitted to the United States for a fixed period of time, his stay may be extended for a period or periods not exceeding one year each. Any such extension of his stay shall be subject to the same time limitations as are placed on original admissions by § 125.2 and must be predicated on a finding that the student establishes that he has fulfilled and will continue to fulfill the conditions of admission prescribed by § 125.3. As a condition precedent to the granting of an extension, the district director having jurisdiction may require the student to furnish bond, or bond in greater sum, on the form and containing the conditions stated in § 125.3 (f). Where a bond furnished on admission is to be continued during the time of an extension of stay, any arrangements necessary in that connection must be made by the student.

Cross Reference: For procedure for extensions of stay, see § 125.13.

§ 125.5 *Deportation.* A student who violates or fails to fulfill any of the conditions of his admission to or extended stay in the United States or who otherwise becomes a member of any deportable class defined in any of the immigration laws shall be made the subject of deportation proceedings in accordance with the provisions of the applicable immigration laws and the provisions of Part 150 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 125.11 *Authority to admit.* If the examining immigrant inspector is satisfied beyond a doubt that an alien is admissible as a student, he may admit him as such. If the examining immigrant inspector is satisfied that an alien would be admissible as a student provided a bond was furnished in accordance with the provisions of § 125.3 (f), the examining immigrant inspector may refer the case to the officer in charge of the port and if the officer in charge concludes that the alien would be admissible provided such bond was furnished, the officer in charge may admit the alien as a student upon the furnishing of such bond. If the examining immigrant inspector is not satisfied that an alien applying for admission to the United States as a student is admissible as a student, he shall hold the alien for examination by a board of special inquiry. The bond prescribed in § 125.3 (f) may be exacted by the board of special inquiry. All admissions shall be subject to the time limitations prescribed in § 125.2.

§ 125.12 *Records of admission, readmission, and departure.* (a) When a student is admitted to the United States on surrender of an immigration visa, the endorsements and records, other than Form I–151, required by § 108.6 of this chapter shall be made. In addition, Form I–94 in triplicate shall be executed in the case of every student admitted to the United States on surrender of an immigration visa. The admitting immigrant inspector shall note on the Form I–94 the name and location of the institution to which the student is destined. The original Form I–94 shall be sent to the district headquarters of the district to which the student is destined. The duplicate Form I–94 shall be given to the student at the time of his admission to the United States. The triplicate Form I–94 shall be fastened to the face of the immigration visa and shall accompany it to the Central Office. The duplicate Form I–94 shall be the alien registration receipt card, Form I–151 shall not be furnished to students; in that respect, § 108.6 (a) of this chapter shall not apply to students.

(b) When a student is admitted to the United States on surrender of an immigration visa, the admitting immigrant inspector shall stamp any passport presented by the student (as the term "passport" is defined in § 176.101 (e) of this chapter) to show the word "Admitted" and the date and place of admission, and shall add the serial number of the Form I–94 issued.

(c) A notice of the admission of a student shall be sent from the port of admission to the appropriate official of the institution to which the student is destined, with advice as to the location of the district immigration office to which the required reports from the institution and any applications by the student shall be sent.

(d) During a student's authorized stay in the United States, he may under certain circumstances visit certain countries and be readmitted to the United States without obtaining a new immigration visa (see § 176.203 (d) of this chapter). When that occurs, no notice of the readmission need be sent from the port of readmission to the institution. The readmitting immigrant inspector shall execute Form I–94 in triplicate, showing the name and location of the institution to which destined and the serial number of the Form I–94 issued on the original entry, such number having been endorsed in the student's passport on his original entry. The original of the Form I–94 shall be retained at the port of entry and filed with other records of arrival; the duplicate Form I–94 shall be given to the student at the time of his readmission; and the triplicate Form I–94 shall be sent to the district headquarters office of the district responsible for the supervision of the student.

(e) When a student departs from the United States either temporarily or permanently, he shall surrender his duplicate Form I–94. Notwithstanding the provisions of Part 108 of this chapter, the duplicate Form I–94 surrendered by a departing student shall be forwarded to the district headquarters office of the district where the institution which the student is or was last attending is located. If it is definitely shown or known that the student's departure is permanent, the file in that district shall be closed and the surrendered duplicate Form I–94 with an additional notation showing that the case has been closed shall be sent to the Central Office; otherwise, the form shall be held in that district for six months. If during that time no notice of the student's readmission is received by a new Form I–94 or otherwise, inquiry shall be made as to the student's whereabouts and status. If it is found that the student has departed permanently from the United States or has been readmitted under some other status, the district file shall then be closed and the duplicate Form I–94 bearing the additional endorsement showing termination shall be sent to the Central Office.

§ 125.13 *Extension of stay; procedure.* (a) A student may apply for an extension of the period of his temporary admission. Such application shall be submitted on Form I–535 approximately 30 days before the expiration of the period of admission, or previously authorized extension thereof, to the district director of the district in which is located the institution which the student is attending. All available data specified in Form I–535 shall be furnished by the applicant. The application shall be accompanied by his passport and by the duplicate Form I–94 issued to him at the time of his entry.

(b) After making such inquiry as may be necessary, the district director shall make a decision on the application and such decision shall be final: *Provided*, That the district director shall not grant any extension of stay which would authorize the student to remain in the United States for a period of more than four years after arrival unless the district director first obtains approval from the Commissioner: *And provided further*, That the Commissioner may from time to time require in individual cases or in certain classes of cases that district directors submit to him for review or decision cases of applications on Form I–535 on which they have acted or which they receive. In all cases the district director shall send notice of the decision to the student. If the decision is favorable, such notice shall be made by placing a signed endorsement on the duplicate Form I–94, showing the date to which the stay is extended and by returning the duplicate Form I–94 and the passport to the student. The district director of the district in which is located the institution which a student is attending shall to the extent practicable notify by form letter each student of the imminent expiration of authorized stay unless the district director is in receipt of an application for an extension of such stay or of information that the student will depart from the United States at the expiration of the period of authorized stay.

§ 125.14 *Transfers from one school to another.* A student may transfer from one approved institution to another only if he first secures written permission from the district director of the district in which is located the institution from which the transfer is desired. Any application for permission to transfer should be submitted to the district director by letter at least 30 days in advance of the desired transfer. There shall be placed on the duplicate Form I–94 a signed endorsement showing the name and location of the institution to which the transfer is authorized, and the duplicate Form I–94 shall be returned to the student. When a student is permitted to transfer from one approved institution to another and the institution to which he transfers is located in another immigration district, the district director of the first district shall forward his complete file (including the original and any triplicate Forms I–94) pertaining to the student to the director of the district into which the student transfers and shall send a notice of the transfer to the Central Office.

§ 125.15 *Employment.* (a) A student shall not be permitted to work during a school term either for wages or for board or lodging unless he has insufficient means to cover his necessary expenses. If a student wishes to accept employment, he shall apply prior to the acceptance of such employment to the district director of the district in which is located the institution which he is attending. If the district director is satisfied that the student is meeting all of the requirements in this part and that he does not have sufficient means to cover his expenses and that the employment requested will not interfere with his carrying successfully a course of study of the required amount, he may grant permission to the student to accept such employment. A district director may, in his discretion and subject to all the limitations prescribed in this section, permit a student to take employment during summer vacations. Subject to the limitations in this section and part, a student may in connection with his admission be granted permission to accept employment, but where permission is granted in that connection, the facts must be reported to the district immigration office responsible for handling the case while the student is in the United States.

(b) In cases where employment for practical training is required or recommended by the school, the district director may permit the student to engage in such employment for a six-month period subject to extension for not over two additional six-month periods, but any such extensions shall be granted only upon certification by the school and the training agency that the practical training cannot be accomplished in a shorter period of time.

§ 125.16 *Schools; petition for approval.* Any school, college, academy, seminary, or university desiring approval as a school for immigrant students may file with the Attorney General a petition in writing (Form I–17), stating its name and location; the date when established; the requirements for admission, including age; whether coeducational; the courses of study offered and the time required to complete each course; the degrees, if any, conferred; the calendar of its school year, including terms and semesters; whether day or night sessions are held or both; the average annual number of students attending; the number of teachers or instructors employed; the approximate total annual cost of board, tuition, etc., per student; and the causes for expulsion: *Provided*, That when a catalog is issued by such school, college, academy, seminary, or university, a copy of the latest edition thereof shall be filed with and made part of the petition with appropriate references to the pages of such catalog where the information herein required may be found. If the Attorney General is satisfied that such school, college, academy, seminary, or university has been established for at least two years immediately preceding the filing of the petition herein required; that it is a bona fide institution of learning; and that it possesses the necessary facilities and is otherwise qualified for the instruction and education of immigrant students he may approve such school, college, academy, seminary, or university as a school for immigrant students.

§ 125.17 *Schools; conditions for approval.* No petition for approval as a school for immigrant students shall be considered unless such petition is accompanied by the written agreement of the school, college, academy, seminary, or university seeking such approval, to report in writing to the district director of the district in which such institution is located, immediately upon the admission of an immigrant student to such institution, the name, age, and local address of such student; the name and complete address of a friend or relative of such student in the United States; the date when such student was admitted to such institution; the course of study to be pursued by him; and at the termination of the attendance of such student, to report at once, in writing, to the district director of the district in which such institution is located the date when and the reasons why such attendance was terminated. The foregoing conditions for approval of schools are hereby made applicable to all such approvals heretofore granted and the continuance of approval of a school will depend on the observance of this section.

§ 125.18 *Schools; officer to make petition.* Form I–17 and the written agreement accompanying it must be executed by the principal officer of the school, college, academy, seminary, or university having authority to execute contracts.

§ 125.19 *Schools; withdrawal of approval.* If it shall appear to the satisfaction of the Attorney General that any school, college, academy, seminary, or university approved as a school for immigrant students fails, neglects, or refuses to comply with all the terms of its agreement, he may withdraw or revoke his approval of such school, college, academy, seminary, or university as a school for immigrant students.

The rule stated *supra* shall become effective on August 10, 1947. The effective date is being delayed for less than the 30 days generally prescribed by section 4 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) because it is desirable that the cases of alien students coming to the United States to enroll for the 1947 fall term be handled under the provisions of this rule.

This rule is based on those provisions of statutes which pertain to admission, status, and departure of nonquota immigrant students, such provisions being cited in the rule hereby prescribed. The general purpose of this rule is to make available to alien students and to officials of schools in the United States enrolling such students a comprehensive statement of what is required of them and as to how they should proceed in meeting immigration requirements.

T. B. Shoemaker,
Acting Commissioner of Immigration and Naturalization.

Approved: August 1, 1947.

Tom C. Clark,
Attorney General.

[F. R. Doc. 47–7328; Filed, Aug. 6, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

CANAL ZONE MILITARY RESERVATIONS

Authority for the issuance of orders affecting military and naval reservations in the Canal Zone was delegated to the Secretary of War by Executive Order 9746, July 1, 1946. Orders with respect to military reservations in the Canal Zone, issued pursuant to Executive Order 9746, will be printed in full under Title 35 in § 21.3.

For supersedure of Executive Orders 5369, setting aside the Cerro Tigre Ordnance Depot, 8782, setting aside Gatun Lake Military Reservation, and 8737 and 9110, setting aside Fort Gulick Military Reservation in the Panama Canal Zone which are noted in § 501.1, see § 21.3 of Title 35, *infra*.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1947 Dept. Circ. 751, 2d Rev.]

PART 322—REPLACEMENT OUT OF FUND ESTABLISHED BY GOVERNMENT LOSSES IN SHIPMENT ACT, AS AMENDED, OF ANY LOSSES RESULTING FROM PAYMENTS MADE IN CONNECTION WITH REDEMPTION OF UNITED STATES SAVINGS BONDS AND ARMED FORCES LEAVE BONDS

AUGUST 1, 1947.

Department Circular No. 751, Revised, dated June 30, 1945, (31 CFR 1945 Supp. 322) is hereby amended in order to include Armed Forces Leave Bonds. That circular is issued as a Second Revision to read as follows:

SUBPART A—REGULATIONS PRESCRIBED

Sec.
322.1 Application of regulations.

SUBPART B—REPORTS OF LOSSES

322.2 Loss to the United States.
322.3 Erroneous payments reported to or discovered by Federal Reserve Banks.
322.4 Report to Treasury of cases involving erroneous payments.

SUBPART C—FINAL DETERMINATION OF LOSSES

322.5 Reported erroneous payment, general action by Treasury.
322.6 Restitution by paying agents.

SUBPART D—REPLACEMENT OF LOSSES OUT OF FUND

322.7 Replacement and recovery in connection with losses.

SUBPART E—INVESTIGATION OF LOSSES

322.8 Use of United States Secret Service.

SUBPART F—SUPPLEMENTS, AMENDMENTS, ETC.

322.9 Supplements, amendments, etc.

AUTHORITY: §§ 322.1 to 322.9, inclusive, issued under sec. 22 (1) 59 Stat. 47, Pub. Law 704, 79th Cong. 60 Stat. 963, Pub. Law 254, 80th Cong.; 21 U. S. C. and Sup. 757 (c) (1).

SUBPART A—REGULATIONS PRESCRIBED

§ 322.1 *Application of regulations.* Pursuant to the authority of section 22 (i) of the Second Liberty Bond Act, as amended (59 Stat. 47, 31 U. S. C. and Sup. 757c (i)) and the Armed Forces Leave Act of 1946, as amended by Pub. Law No. 254, 80th Cong., the following regulations in this part are hereby prescribed for the replacement out of the fund established by the Government Losses in Shipment Act, as amended, of any losses to the United States resulting from payments made in connection with the redemption of United States Savings Bonds and Armed Forces Leave Bonds, and shall apply to losses resulting from payments made (a) by the Treasurer of the United States, (b) by any Federal Reserve Bank or Branch, as Fiscal Agent of the United States, and (c) by any bank or other financial institution duly qualified as a paying agent pursuant to Treasury Department Circulars No. 750, Revised, or No. 811.

SUBPART B—REPORTS OF LOSSES

§ 322.2 *Loss to the United States.* A loss to the United States may result from an erroneous (or unauthorized) payment in connection with the redemption of the bonds.

§ 322.3 *Erroneous payments reported to or discovered by Federal Reserve Banks.* If a financial institution, qualified to pay savings bonds or Armed Forces Leave Bonds, finds an erroneous payment to have been made, either before or after the bonds have been forwarded to the Federal Reserve Bank, immediate report thereof should be made to the Federal Reserve Bank. Any such erroneous payments so reported, and any other erroneous payments found by a Federal Reserve Bank of bonds received from a duly qualified paying agent shall, so far as possible, be adjusted between the Federal Reserve Bank and the paying agent concerned.

§ 322.4 *Report to Treasury of cases involving erroneous payments.* Any such erroneous payments which cannot be adjusted by a Federal Reserve Bank and any other erroneous payments found after the account of the Treasurer of the United States has been charged shall immediately be reported by the Federal Reserve Bank to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago 54, Illinois, in the case of Savings Bonds or, in the case of Armed Forces Leave Bonds, to the Division of Loans and Currency, Washington 25, D. C.

SUBPART C—FINAL DETERMINATION OF LOSSES

§ 322.5 *Reported erroneous payment, general action by Treasury.* Following receipt of the report of an erroneous payment, the Treasury Department will appropriately advise the paying agent concerned, unless such action is unnecessary. The Department shall determine whether or not appropriate adjustment may be effected with the persons concerned in the erroneous payment and in this connection will expect the cooperation of the paying agent, if necessary.

(a) If it is determined that no loss to the United States will occur the paying agent will be so advised.

(b) If it is determined that a final loss to the United States has occurred, the paying agent will be given every opportunity to present the full facts relating to the payment for consideration of the Secretary of the Treasury. If the Secretary shall determine that the final loss resulted from no fault or negligence on the part of the paying agent, notice to that effect will be given the paying agent and he will be relieved from liability to the United States. If, however, the Secretary of the Treasury is unable to find that the loss resulted from no fault or negligence on the part of the paying agent, notice to that effect will be given such paying agent, who will be expected to make prompt restitution.

§ 322.6 *Restitution by paying agents.* In no case will the Treasurer of the United States, a Federal Reserve Bank (including any of its Branches) or the financial institution qualified as a paying agent, whichever made the erroneous payment, be called upon to make restitution unless and until the Secretary has determined that a final loss has occurred as a result of an erroneous payment, and is unable to find that such loss resulted from no fault or negligence on the part of the paying agent.

SUBPART D—REPLACEMENT OF LOSSES OUT OF FUND

§ 322.7 *Replacement and recovery in connection with losses.* When it is established to the satisfaction of the Secretary of the Treasury that a loss has resulted from a payment made in connection with the redemption of a United States Savings Bond or an Armed Forces Leave Bond, the loss shall be subject to immediate replacement out of the fund established by the Government Losses in Shipment Act, as amended. Any recovery or repayment on account of any such loss as to which replacement shall have been made out of the fund, shall be credited to the fund.

SUBPART E—INVESTIGATION OF LOSSES

§ 322.8 *Use of United States Secret Service.* The Treasury Department, and, in appropriate cases, Federal Reserve Banks, as Fiscal Agents of the United States, may request the Secret Service to investigate losses and assist in the recovery of improper payments. The Treasurer of the United States, the Federal Reserve Banks, and qualified paying agents should cooperate with the Secret Service to the fullest extent in facilitating investigations and making recoveries and they will be expected to take such actions as may be necessary on their part to complete such investigations and recoveries.

SUBPART F—SUPPLEMENTS, AMENDMENTS, ETC.

§ 322.9 *Supplements, amendments, etc.* The Secretary of the Treasury may at any time or from time to time supplement, amend, or withdraw, in whole or in part, the provisions of this part, or of any amendments or supplements thereto, information as to which will be furnished promptly to the Federal Reserve Banks and to eligible financial institutions qualified to make payments of savings bonds or Armed Forces Leave Bonds under the provisions of Treasury Department Circulars No. 750, Revised, and No. 811, respectively.

Compliance with the notice, public rule making procedure and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this revision for the reason that it is issued merely to conform the provisions of Department Circular No. 751, Revised, to Pub. Law 254, 80th Cong., amending the Armed Forces Leave Act of 1946.

This revision will become effective on September 2, 1947.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7384; Filed, Aug. 6, 1947; 9:03 a. m.]

[1947 Dept. Circ. 793, Rev.]

PART 324—ARMED FORCES LEAVE BONDS[1]

AUGUST 1, 1947.

Armed Forces Leave Bonds are issued pursuant to the Armed Forces Leave Act of 1946 as amended,[2] (hereinafter referred to as the act) to living members and living former members of the Armed Forces of the United States in settlement and compensation of accumulated leave under the conditions set forth in the act. In accordance with the terms of the act these bonds are issued under authority and subject to the provisions of the Second Liberty Bond Act, as amended. Pursuant to authority contained in said acts, Department Circular No. 793, dated November 12, 1946 (31 CFR 1946 Supp., 324), which contains the regulations governing Armed Forces Leave Bonds, is hereby amended and issued as a First Revision to read as follows:

SUBSTANTIVE REGULATIONS

Sec.
324.1 Designation.
324.2 Issue and inscription.
324.3 Date and maturity of bond and interest.
324.4 Transfer and pledge.
324.5 Claims of creditors.
324.6 Assignment to the Administrator of Veterans' Affairs.
324.7 General payment and redemption provisions.
324.8 Payment to registered owner (general).
324.9 Payment to registered owner (other cases).
324.10 Right to payment on death of owner.
324.11 Payment to survivors.
324.12 Loss, theft, destruction, mutilation, or defacement of bonds.
324.13 Checks.

PROCEDURE

324.14 Presentation and surrender of bonds.
324.15 Payment to survivors.
324.16 Designation of agents to make determination.

GENERAL

324.17 Taxation.
324.18 Address for communications.
324.19 Additional regulations.

AUTHORITY: §§ 324.1 to 324.19, inclusive, issued under sec. 22 (1), 59 Stat. 47, Pub. Law 704, 79th Cong., 60 Stat. 963, Pub. Law 254, 80th Cong.; 31 U. S. C. and Sup. 757 (c) (1).

SUBSTANTIVE REGULATIONS

§ 324.1 *Designation.* The bonds issued for the above purpose are designated "Armed Forces Leave Bonds".

§ 324.2 *Issue and inscription.* Armed Forces Leave Bonds are issued by the Secretary of the Treasury (hereinafter referred to as the Secretary) acting through the Army, Navy, Marine Corps, and Coast Guard, which are designated as issuing agents. They are inscribed only in the names of living members or living former members of the armed forces. In each case a single bond in the highest appropriate multiple of $25 is issued where the amount due is $50 or more.[3] The name and serial or service number of the owner will be inscribed on the bond and at the option of the issuing agent the address may also be inscribed. No exchange will be permitted for bonds of lower denomination, for example, if a bond for $275 is issued to a particular owner he may not exchange that bond for a bond in the amount of $200 and a bond in the amount of $75.

§ 324.3 *Date and maturity of bond, and interest.* The issue date of a bond will be the first day of the quarter-year period (January 1, April 1, July 1, or October 1) next following the date of discharge from the armed forces of the former member whose name is to be inscribed thereon, provided he was discharged on or after January 1, 1943, and prior to September 1, 1946, or in case a member of the armed forces was still on active duty on September 1, 1946, his bond will be dated October 1, 1946. Each bond will mature five years from its issue date, but shall be redeemable in cash at any time after September 1, 1947, at the option of the owner, at full face value plus accrued interest. Interest will accrue at the rate of 2½% per annum from the issue date to the date of maturity or to the last day of the month in which payment is made, whichever may be earlier. Interest will be paid only with the principal sum.

§ 324.4 *Transfer and pledge.* The bonds are nontransferable by sale, exchange, assignment, pledge, hypothecation or otherwise, except that they may be assigned by the owner to the Administrator of Veterans' Affairs for redemption by such Administrator, for the purpose of paying premiums or the difference in reserve in case of conversion to insurance on another plan or a policy loan made prior to July 31, 1946, on a United States Government life insurance policy or a national service life insurance policy under such regulations as may be prescribed by the Administrator of Veterans' Affairs. No claims by attempted transferees or by persons loaning money on the security of the bonds will be recognized.

§ 324.5 *Claims of creditors.* By the terms of the act the bonds are exempt from claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever. Accordingly, no claims of creditors, assignees for the benefit of creditors, trustees or receivers in bankruptcy or equity will be recognized, and no payment of the bonds to any such persons will be made, either during the lifetime of the person whose name is inscribed on the bonds or after his death.

§ 324.6 *Assignment to the Administrator of Veterans' Affairs.* Any registered owner of an Armed Forces Leave Bond who desires to use his bond in payment of premiums or other payments in connection with United States Government life insurance or national service life insurance policies should mail or deliver his bond to the Office of the Veterans' Administration to which he pays his premiums. The bond should be accompanied by a completed VA Form 9-1625, "Directions for use of Proceeds of Armed Forces Leave Bonds", obtainable at any Veterans' Administration Office. Before submitting the bond to the Veterans' Administration the assignment form printed on the bottom of the back of the bond should be signed by the owner exactly as his name appears on the face of the bond. No certification or witness to the signature of the owner on such assignment form will be required.

§ 324.7 *General payment and redemption provisions.* Armed Forces Leave Bonds may be redeemed before, at, or after maturity, in accordance with the terms of this part at face value plus accrued interest to the date of maturity or to the last day of the month in which payment is made whichever may be earlier. Only payment of the entire amount will be permitted. No partial payment and no reissue of the bond in part may be made. No power of attorney to request payment in behalf of the registered owner will be recognized.

§ 324.8 *Payment to registered owner (general).* At any time after September 1, 1947, an owner whose name is inscribed on the face of an Armed Forces Leave Bond may at his option redeem such bond at full face value plus accrued interest upon (a) presentation of the bond (unless marked "Duplicate") to any incorporated bank or trust company or other organization qualified as a paying agent under the provisions of Department Circular No. 811 or any amendment thereto, (b) establishing his identity, (preferably through use of original separation papers bearing his description and witnessed signature) to the satisfaction of the paying agent, and (c) signing the request for payment exactly as his name is inscribed on the face of the bond and adding his home or business address. Even though the request for payment has been signed or signed and certified prior to the presentation of the bond, nevertheless, the paying agent is required to establish to its satisfaction the identity of the owner, requesting payment and such paying agent may require the owner to sign again the request for payment. No charge will be made to the owner.

§ 324.9 *Payment to registered owner (other cases).* Registered owners to

[1] Section 324.13 relates to payment of Armed Forces Leave checks to survivors.

[2] Pub. Law 704, 79th Cong. Amendatory Act is Pub. Law 254, 80th Cong.

[3] Except that upon request settlement and compensation will be made entirely in cash to any applicant who has not made application for settlement and compensation and who makes application to the Secretary after July 26, 1947, the date of enactment of the amendatory act. The term "Secretary" as used in this footnote means in the case of personnel of the Army, the Secretary of War; in the case of personnel of the Navy and Marine Corps, the Secretary of the Navy; and in the case of personnel of the Coast Guard, the Secretary of the Treasury, and the designated representatives of each such Secretary.

whom qualified paying agents are not readily accessible and those who have bonds marked "Duplicate" should sign the request for payment of their bonds in the presence of and have their signatures thereto duly certified by an authorized certifying officer and should present and surrender their bonds to the appropriate Federal Reserve Bank [1] or to the Treasurer of the United States, Washington 25, D. C., except that bonds marked "Duplicate" should be forwarded to the Division of Loans and Currency, at the same address.

(a) *Certification of request.* After the request for payment has been signed the certifying officer should complete and sign the certificate appearing at the end of the form for request for payment.

(b) *Certifying officers.* The following officers are authorized to certify requests for payment of Armed Forces Leave Bonds:

(1) *Designated officers.* Certain designated officers in the Treasury Department in Washington;

(2) *Banks, trust companies and branches.* Any officer of any bank or trust company incorporated in the United States or its organized territories, or domestic or foreign branch of such bank or trust company, including those doing business in the organized territories or insular possessions of the United States under Federal charter or organized under Federal law, Federal Reserve Banks, Federal Land Banks, and Federal Home Loan Banks; any employee of any such bank, or trust company expressly authorized by the corporation for that purpose, who should sign over the title "Designated Employee"; and Federal Reserve Agents and Assistant Federal Reserve Agents, located in the several Federal Reserve Banks;

(3) *Veterans' home or hospital or other facility.* The officer in charge of any home, hospital, or other facility of the Veterans' Administration (only for patients and members of such facilities);

(4) *Foreign countries.* United States diplomatic and consular representatives; notaries public, if their official character and jurisdiction are certified by a United States diplomatic or consular officer over an impression of his rubber stamp, or by his certificate over his seal which should be transmitted with but should not be impressed on the bond itself. (See also subparagraph (5) of this paragraph);

(5) *Armed forces.* Commissioned officers of the Army, Navy, Marine Corps, and Coast Guard of the United States for members of their establishments or civilian employees (and the families of such members or employees) under their jurisdiction, persons in countries in which there are no United States diplomatic or consular representatives and persons who are in areas remote from such representatives;

(6) *Issuing agents for savings bonds of Series E.* Any officer of a corporation which is a duly qualified issuing agent for savings bonds of Series E may certify a request for payment of an Armed Forces Leave Bond. All certifications by such officers must be authenticated by a legible imprint of the issuing agent's dating stamp;

(7) *Special provisions.* The Commissioner and Associate Commissioner of the Public Debt, the Chief of the Division of Loans and Currency, or a Federal Reserve Bank is authorized to make special provision for certification in any particular case in which none of the officers authorized to certify requests for payment of Armed Forces Leave Bonds is readily accessible.

(c) *Instructions to certifying officers.* Certifying officers should require positive identification of the person signing a request for payment.

§ 324.10 *Right to payment on death of owner.* Upon the death of an owner of an Armed Forces Leave Bond the bond becomes payable only to his survivors in the following order:

(a) Surviving wife or husband and children, if any, in equal shares;

(b) If such owner leaves no surviving spouse or children, then in equal shares to such owner's surviving parents, if any. If there are no such survivors the bond will be retired and the amount covered into the general fund of the Treasury. Accordingly, payment will not be made to an executor or administrator of the estate of a deceased registered owner, and if a bond should come into the possession of such an executor or administrator, or other person not a survivor, following the death of the owner it should be immediately delivered to one of the survivors, if any; otherwise forwarded to the Division of Loans and Currency, Washington 25, D. C., with a signed statement that there are no known survivors.

§ 324.11 *Payment to survivors.* Survivors of a deceased registered owner in the order provided in the preceding section are entitled to receive payment of an Armed Forces Leave Bond at their option and upon application to the Secretary of the Treasury at any time following the death of such registered owner, whether before, upon or after maturity of the bond. Application for such payment should be made on Form PD 2066, copies of which may be obtained from any Federal Reserve Bank. See § 324.15 for instructions as to filing the application.

(a) *Definition of survivors.* Survivors are defined in the act as follows:

(1) "Spouse" means a lawful wife or husband;

(2) "Children" include

(i) A legitimate child;

(ii) A child legally adopted;

(iii) A stepchild, if, at the time of death of the member or former member of the armed forces, such stepchild is a member of the deceased's household;

(iv) An illegitimate child, but in the case of a male member or former male member of the armed forces only if he has been judicially ordered or decreed to contribute to such child's support; has been judicially decreed to be the putative father of such child; or has acknowledged under oath in writing that he is the father of such child; and

(v) A person to whom the member or former member of the armed forces at the time of death stands in loco parentis and so stood for not less than twelve months prior to the date of death;

(3) "Parent" includes father and mother, grandfather and grandmother, stepfather and stepmother, father and mother through adoption, and persons who, for a period of not less than one year prior to the death of the member or former member of the armed forces, stood in loco parentis to such member or former member: *Provided*, That not more than two parents may receive the benefits provided under this act and preference shall be given to the parent or parents, not exceeding two, who actually exercised parental relationship at the time of or most nearly prior to the date of the death of such member or former member of the armed forces.

(b) *Payment only.* Only payment of the entire amount of the bond will be permitted. No partial payment and no reissue of the bond in part may be made. Payment in all cases will be made by separate checks drawn in the proper amounts to the individual survivors, except that in the case of a survivor under 17 years of age or under mental disability, the check will be drawn either to the guardian of such survivor, if the Secretary has received notice of the appointment of such guardian, or in the absence of such notice, to a proper person selected by the Secretary, for the use and benefit of such survivor, without the necessity of resorting to judicial proceedings for the appointment of a legal representative.

(c) *All survivors must join.* Since no partial payment or reissue may be made, all survivors of the class entitled to receive payment must unite in the application, except that in the case of survivors under 17 years of age or under mental disability, legally qualified guardians, if any, may sign in their behalf, and in the absence of such legal guardians, such proper persons as the Secretary may select to act on behalf of such survivors.

(d) *Time of vesting of survivors' rights.* A survivor's right to receive payment becomes fixed upon the date of the death of the owner. If a survivor dies before receiving payment the right to receive payment of his or her share of the bond passes to the estate of such survivor. For example, if the registered owner dies and leaves a widow and two children and the widow dies prior to receipt of payment, her share passes to her estate and payment of the bond will be made one-third to the widow's representative and one-third to each of the surviving children. If no executor or administrator is appointed for the estate of a deceased survivor, settlement may be made in the same manner as provided for the settlement without administration of estates of deceased owners of United States registered bonds.

§ 324.12 *Loss, theft, destruction, mutilation, or defacement of bonds.* If an Armed Forces Leave Bond is lost, stolen, destroyed, mutilated or defaced, relief may be granted before maturity by the issue of a substitute bond to be marked "Duplicate", or at or after maturity by payment of the bond in accordance with the provisions of section 8 of the Government Losses in Shipment Act (U. S. C., Title 31, sec. 723a). Relief in such cases will be governed by the regulations contained in Department Circular 300, as amended. In any such case immediate notice of the facts, together with a complete description of the bond (including name and address of owner, bond serial number, amount, and issue date), should be given to the Treasury Department, Division of Loans and Currency, Washington 25, D. C., which will forward appropriate forms for requesting relief, together with full instructions. Usually such relief will be granted without requiring a bond of indemnity.

§ 324.13 *Checks.* (a) Payment to survivors of checks issued to the registered owner (1) in full settlement of leave, (2) in payment of bonds, or (3) in payment of the odd amount due the member or former member of the armed forces over and above the bond issued in settlement of leave, will be made to the persons entitled as provided in the above regulations relating to bonds. Accordingly, such checks received by executors or administrators of deceased registered owners should not be deposited for collection but should be turned over to the survivors or returned to the issuing office with a statement of the facts.

(b) In the case of a survivor entitled to payment who dies before receiving and collecting the check issued in the name of the survivor, payment will be made to his estate.

PROCEDURE

§ 324.14 *Presentation and surrender of bonds.* Presentation and surrender of an Armed Forces Leave Bond should be made in accordance with the applicable provisions of this part. The use of registered mail is suggested if the owner does not present and surrender the bond in person. Bonds marked "Duplicate" issued in lieu of lost, stolen, destroyed, mutilated, or defaced bonds should be submitted to the Treasury Department, Division of Loans and Currency, Washington 25, D. C.

§ 324.15 *Payment to survivors.* Survivors applying for payment under § 324.11 should forward the bonds, accompanied by the applications on Form PD 2066, to the appropriate Federal Reserve Bank or to the Treasury Department, Division of Loans and Currency, Washington 25, D. C. Usually payment will be expedited by the use of the Federal Reserve Banks. The form must be accompanied in each case by (a) a death certificate for the registered owner, (b) an explanation of any discrepancy between the name as given on the face of the bond and the name as given in the death certificate, and (c) in case of an application by parents other than the actual father and mother still living together, a signed and sworn statement giving the basis for the claim of parental relationship as defined in the act (see § 324.11). The right is reserved to require other and further evidence in cases where such action appears desirable. Federal Reserve Banks as fiscal agents of the United States are authorized to make payment to survivors upon applications in accordance with these regulations, but may submit any doubtful or unusual cases to the Treasury Department, Division of Loan and Currency, for final decision.

§ 324.16 *Designation of agents to make determination.* The various Federal Reserve Banks as fiscal agents of the United States, the Fiscal Assistant Secretary of the Treasury, the Assistant to the Fiscal Assistant Secretary, the Commissioner and Associate Commissioner of the Public Debt, and the Chief of the Division of Loans and Currency are designated to make determinations on behalf of the Secretary as provided in the act.

GENERAL

§ 324.17 *Taxation.* Under the act all amounts paid or payable under section 6 in cash, bonds or both (except interest in the case of bonds) shall be exempt from taxation.

§ 324.18 *Address for communications.* All inquiries after issue in connection with the payment of or transactions in Armed Forces Leave Bonds should be addressed to the Federal Reserve Bank of the District in which the owner resides, or to the Treasury Department, Division of Loans and Currency, Washington 25, D. C., except that any inquiries regarding the use of such bonds in connection with Government life insurance or national service life insurance payments should be addressed to the Office of the Veterans' Administration to which the assured has been paying premiums, or to the Director of Insurance Accounts Service, Veterans' Administration, Washington 25, D. C.

§ 324.19 *Additional regulations.* The Secretary of the Treasury may at any time, or from time to time, prescribe additional, supplemental, amendatory or revised rules and regulations governing Armed Forces Leave Bonds.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this revision for the reason that it is issued merely to conform the regulations governing Armed Forces Leave Bonds to the act (Pub. Law 254, 80th Cong.) amending the Armed Forces Leave Act of 1946 under which amendatory Act Armed Forces Leave Bonds are made redeemable at the option of the owners at any time after September 1, 1947.

This revision will become effective on September 2, 1947.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7385; Filed, Aug. 6, 1947; 10:05 a. m.]

[1] The Federal Reserve Banks are located at Boston, New York, Philadelphia, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Kansas City, Dallas, and San Francisco.

[1947 Dept. Circ. 811]

PART 325—PAYMENTS BY BANKS AND OTHER FINANCIAL INSTITUTIONS IN CONNECTION WITH REDEMPTION OF ARMED FORCES LEAVE BONDS

AUGUST 1, 1947.

Pursuant to the authority of the Second Liberty Bond Act, as amended, the following regulations are hereby prescribed to govern payments by banks and other financial institutions in connection with the redemption of Armed Forces Leave Bonds.

SUBPART A—AUTHORITY TO ACT

Sec.
325.1 Financial institutions authorized to act.
325.2 Application and qualification.
325.3 Termination of an agent's qualification to pay bonds.

SUBPART B—GENERAL

325.4 Meaning of terms in this circular.
325.5 Reimbursement of agents' costs.
325.6 Announcements, etc., of authority to pay bonds.

SUBPART C—SCOPE OF AUTHORITY OF PAYING AGENTS

325.7 General.
325.8 Payments—to owner named on bond.
325.9 Specific limitations of payment authority.

SUBPART D—PAYMENT AND ACCOUNTING

325.10 Examination of bonds presented for payment.
325.11 Certification of requests for payment.
325.12 Determination of redemption values and payment of bonds.
325.13 Forwarding paid bonds to the Federal Reserve Bank.
325.14 Redemption of paid bonds by Federal Reserve Banks.
325.15 Losses resulting from payments.
325.16 Preservation of rights.
325.17 Redemption of bonds not payable by agents.
325.18 Functions of Federal Reserve Banks.
325.19 Supplements, amendments, etc.

AUTHORITY: §§ 325.1 to 325.19, inclusive, issued under sec. 22 (l) 59 Stat. 47, Pub. Law 704, 79th Cong., 60 Stat. 963, Pub. Law 254, 80th Cong.; 31 U. S. C. and Sup. 757 (c) (l).

SUBPART A—AUTHORITY TO ACT

§ 325.1 *Financial institutions authorized to act.* Commercial banks, trust companies, savings banks, savings and loan associations, building and loan associations (including cooperative banks), credit unions, cash depositories, industrial banks, and similar financial institutions which (a) are incorporated under Federal Law or under the laws of a State, Territory or possession of the United States or the District of Columbia; (b) in the usual course of business conduct, subject to withdrawal, funds for deposit or the purchase of shares; (c) are under the supervision of the banking department or equivalent authority of the jurisdiction in which incorporated; (d) maintain regular offices for the transaction of their business; and (e) are open daily and observe regular business hours, are eligible to become paying agents of Armed Forces Leave Bonds and, upon qualification in accordance with § 325.2, are hereby authorized to make payments in connection with the redemption of Armed Forces Leave Bonds (hereinafter

referred to as bonds), subject to the provisions of this part and any instructions issued hereunder.

§ 325.2 *Application and qualification.* Federal Reserve Banks, as Fiscal Agents of the United States, are authorized to qualify eligible institutions hereunder, and to terminate any such qualification as hereinafter provided. Any financial institution qualified as a paying agent of United States Savings Bonds is authorized hereunder to act as a paying agent of Armed Forces Leave Bonds. The institution will not be required to effect a new formal Application-Agreement for the purpose. The act of payment of an Armed Forces Leave Bond by a qualified paying agent of savings bonds will qualify it as a paying agent of Armed Forces Leave Bonds and will render it subject to the terms and conditions applicable to the payment of such bonds and subject to the same terms and conditions as are set forth in the Application-Agreement entered into by it as a paying agent of savings bonds. Any other eligible institution not now qualified to pay savings bonds but possessing adequate authority under its charter that desires to qualify to make payments in connection with the redemption of the bonds should make application to the Federal Reserve Bank of the Federal Reserve District in which it is located[1] on Application-Agreement Form PD 2125 (see appended Exhibit A), copies of which may be obtained from the appropriate Federal Reserve Bank. If the application is approved, the Federal Reserve Bank will forward to the applicant a Notice of Qualification Form PD 2126 (see appended Exhibit B), establishing that it is qualified to make payments in connection with the redemption of the bonds. If the application is not approved, the applicant will be so advised in writing by the Federal Reserve Bank of the District.

§ 325.3 *Termination of an agent's qualification to pay bonds.* The Secretary of the Treasury or under authority of the Secretary the appropriate Federal Reserve Bank, as Fiscal Agent of the United States, may, by written notice, at any time and without previous demand or notice, terminate the qualification of any paying agent hereunder. A duly qualified paying agent may discontinue making payments at any time upon written notice to the Federal Reserve Bank, and its qualification shall thereupon cease.

SUBPART B—GENERAL

§ 325.4 *Meaning of terms in this circular.* For the purpose of this part, unless otherwise indicated specifically, or by context, the terms:

(a) "Paying agent(s)" or "agent(s)" shall mean any eligible financial institution duly qualified pursuant to the provisions of this circular to make payments in connection with the redemption of Armed Forces Leave Bonds including such branches located within the United States (including its territories and possessions and the Canal Zone) and the Republic of the Philippines, as it may wish to utilize. For the purpose of this part the term "branches" shall include any bank facilities which may be established with the specific approval of the Treasury Department at army and navy installations and other places.

(b) "Bond(s)" shall include only Armed Forces Leave Bonds unless otherwise indicated specifically or by context.

(c) "Owner(s)" shall mean the living member or former member of the armed forces whose name is inscribed in his or her own right on a bond.

(d) "Federal Reserve Bank" includes each Federal Reserve Bank and any Bank thereof authorized by the parent Federal Reserve Bank to conduct any of the transactions in connection with which the term is used in this part.

§ 325.5 *Reimbursement of agents' costs.* (a) Each paying agent shall be entitled to receive reimbursement for its service for all bonds paid and accounted for by it during the period from September 1, 1947 through December 31, 1947 at the rate of:

15 cents each for the first 1,000 bonds
10 cents each for all over 1,000 bonds

Thereafter the number of Armed Forces Leave Bonds paid will be combined with the number of savings bonds paid in computing reimbursement. In other words, paying agents will be entitled to receive 15 cents each for the first 1,000 Armed Forces Leave Bonds and savings bonds combined paid and accounted for in each calendar quarter, and 10 cents each for all over 1,000 bonds of either kind paid and accounted for in that quarter. Each Federal Reserve Bank is authorized to establish a definite and regular closing time for determining those paid bonds to be considered as accounted for in a reimbursable period. Such closing time may be based upon a time that the paid bonds are forwarded to, or received by, the Federal Reserve Bank and shall be uniformly applied throughout the District of such Bank. The scale of rates shall be applicable separately to the agent and to each of its branches utilized in making payments under this part, if the bonds paid by each are separately scheduled and accounted for. The payment of such amount as the agent is entitled to receive shall be made by the Federal Reserve Bank on behalf of the Treasury Department.

(b) Paying agents shall not make any charge whatever to the owners of the bonds in connection with payments hereunder.

§ 325.6 *Announcements, etc., of authority to pay bonds.* Any announcement of or any reference to an agent's authority to pay bonds may be made only in a form or manner or contain such statements or substance as may be approved by the Secretary of the Treasury or, under authority of the Secretary, by the Federal Reserve Bank of the District, as Fiscal Agent of the United States.

SUBPART C—SCOPE OF AUTHORITY OF PAYING AGENTS

§ 325.7 *General.* Only one Armed Forces Leave Bond has been or will be issued to any one living member or former member of the armed forces discharged under honorable conditions and otherwise entitled to receive a payment in such form (except for a very few instances where adjustments have been necessary after payment was made). That bond will be inscribed only in such member's name. The lowest denomination bond authorized for issuance is $50 (except for $25 adjustment bonds) and higher denomination bonds are issued only in multiples of $25. The bonds are issued pursuant and subject to the terms of Treasury Department Circular No. 793. The bonds are not transferable by sale, exchange, assignment, pledge, hypothecation or otherwise except as they may be assigned to the Administrator of Veterans Affairs pursuant to the Armed Forces Leave Act of 1946, as amended, and regulations prescribed by that Administrator pursuant thereto. No claims by attempted transferees or by persons loaning money on the security of the bonds will be recognized. By the terms of the Armed Forces Leave Act of 1946, as amended, the bonds are exempt from claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever. Accordingly, no claims of creditors, assignees for the benefit of creditors, trustees or receivers in bankruptcy or equity will be recognized, and no payment of the bonds to any such persons will be made, either during the lifetime of the person whose name is inscribed on the bond or after his death. Upon the death of an owner of a bond the bond becomes payable only to his survivors as defined in the Armed Forces Leave Act. It is of the utmost importance that payment of the appropriate redemption value of the bonds be made only to and received by the persons entitled and strictly under the terms and conditions of the bonds and applicable regulations.

§ 325.8 *Payments—to owner named on bond.* Subject to the terms of the bonds and to the provisions of the regulations governing them and the provisions of this part, an agent may make payment of a bond only to the individual whose name is inscribed as the owner in his own right on the bond: *Provided*, That such individual presents the bond to the agent for payment and that the individual is known to the agent or establishes his identity to the complete satisfaction of the agent. This authority shall be held to include the payment of bonds to a person whose name as inscribed on the bond has been changed by marriage (but not otherwise). Both names must be shown, for example—"(Miss) Mary T. Jones, now by marriage Mrs. Mary J. Smith."

§ 325.9 *Specific limitations of payment authority.* An agent is not authorized to pay a bond:

(a) If the bond is presented for payment prior to September 2, 1947. Payment in any form or manner to a bond owner before that date is not authorized in any circumstance.

(b) If the agent does not know or cannot establish to its complete satisfaction the identity of the person requesting payment as the owner of the bond.

(c) If the owner requesting payment (form for which appears on the back of each bond) does not sign his name in ink exactly as it is inscribed on the face of the bond and show his home or business address. (See also § 325.10 (d).)

(d) If the bond appears to bear a material irregularity, for example, an altered, illegible, incomplete or unauthorized inscription or issue date; or if a bond appears to be altered, or is mutilated or defaced in such a manner as to create doubt or arouse suspicion with respect to the bond or any essential part thereof.

(e) If the bond is marked "Duplicate." (An owner of a bond marked "Duplicate" must submit it to the Treasury Department, Division of Loans and Currency, Washington 25, D. C., after completing the request for payment and having it duly certified by an authorized certifying officer.)

(f) If the owner is deceased, incompetent or under legal guardianship or the owner's name as inscribed on a bond is changed for any reason other than marriage, or if it is known to the agent that the owner has been declared, in accordance with law, incompetent to manage his estate.

(g) If partial redemption is requested. (Only payment of the entire amount of principal and interest due may be made and under no circumstances will an exchange be permitted for bonds of a lower denomination.)

Attention is directed to § 325.17 for handling bonds of the foregoing classes of cases which may not be paid by agents.

SUBPART D—PAYMENT AND ACCOUNTING

§ 325.10 *Examination of bonds presented for payment.* Before making payment of bonds presented hereunder the agent:

(a) Shall determine that the person requesting payment as the "owner" (as defined in this part) is known or his identity is established to the satisfaction of the agent.

(b) Shall examine the bond and determine that it is a bond which the agent is authorized to pay under the provisions of this part.

(c) If the request for payment on the back of the bond is already executed, shall determine that the request is properly signed by the registered owner presenting the bond and that his home or business address is shown.

(d) If the request for payment on the back of the bond has not been executed or has been improperly executed by the owner presenting the bond, shall require such owner to properly sign the request and show his home or business address.

§ 325.11 *Certification of requests for payment.* In view of the provisions of this part governing the payment of the bonds and the requirements as to the data to be endorsed on each bond, under § 325.12, an agent will not be required in the case of any bond paid by it to complete the certification form at the end of the request for payment, nor determine the authenticity of any certification which may appear on the bond at the time it is presented for payment: *Provided, however*, That each agent submitting paid bonds shall be understood by such submission to have represented and certified that the identity of the owner requesting payment has been duly established by one of its officers or by an employee duly authorized by the agent.

§ 325.12 *Determination of redemption values and payment of bonds.* The redemption value of a bond is determined according to the number of months that it has been outstanding. The Federal Reserve Bank of the District will furnish each agent monthly with a table of redemption values from which it will be possible, after determining the month and year of issue of any bond, to establish its current value. After establishing such value, payment thereof to the owner requesting payment shall be made in cash. No objection will be made to an arrangement between the owner and the agent under which the owner accepts in lieu of cash, a credit to his checking, savings or share account with the agent, or a check or similar instrument payable to his order. Each agent shall place in the upper left-hand portion on the face of each bond paid by it the word "Paid," the amount and date of payment and the name, location and code number assigned to the agent by the Federal Reserve Bank. Other data pertinent to the payment procedure of an agent may be included if approved by the Federal Reserve Bank of the District. Each paying agent of savings bonds acting also as a paying agent of Armed Forces Leave Bonds should use the same payment stamp for both activities. The Federal Reserve Bank will furnish any additional rubber stamps necessary for this purpose, or, in lieu thereof, will approve suitable stamps in the possession of or prepared by an agent. The affixation of such data shall be construed by and between the agent and the Treasury Department to be a certification by the paying agent that the bond has been paid in accordance with the terms and requirements of this part and the Armed Forces Leave Act of 1946, as amended, and regulations issued pursuant thereto, and that payment of the proceeds of the bond has been made to the owner.

§ 325.13 *Forwarding paid bonds to the Federal Reserve Bank.* After payment, the bonds shall be forwarded to the Federal Reserve Bank of the District in accordance with instructions issued by such Federal Reserve Bank.

§ 325.14 *Redemption of paid bonds by Federal Reserve Banks.* Upon receipt of the paid bonds the Federal Reserve Bank will make immediate settlement with the paying agent for the total amount of payments made on such bonds; however, such settlement shall be subject to adjustment if any discrepancies are discovered at a later date.

§ 325.15 *Losses resulting from payments.* The amendment to the Armed Forces Leave Act of 1946, Public No. 254, Enacted July 26, 1947, provides in section 4 thereof that the provisions of subsection (i) of section 22 of the Second Liberty Bond Act, as amended, shall apply with equal force to payments of Armed Forces Leave Bonds. The said subsection provides:

(i) Any losses resulting from payments made in connection with the redemption of savings bonds shall be replaced out of the fund established by the Government Losses in Shipment Act, as amended, under such regulations[2] as may be prescribed by the Secretary of the Treasury. The Treasurer of the United States, any Federal Reserve Bank, or any qualified paying agent authorized or permitted to make payments in connection with the redemption of such bonds, shall be relieved from liability to the United States for such losses, upon a determination by the Secretary of the Treasury that such losses resulted from no fault or negligence on the part of the Treasurer, the Federal Reserve Bank, or the qualified paying agent. • • • The provisions of section 3 of the Government Losses in Shipment Act, as amended,[3] with respect to the finality of decisions by the Secretary of the Treasury shall apply to the determinations made pursuant to this subsection. • • •

(a) *Consideration of facts concerning loss.* In any case in which a loss occurs, the paying agent shall be afforded ample opportunity to present all of the facts pertaining to the circumstances of the payment for consideration by the Secretary.

§ 325.16 *Preservation of rights.* Nothing contained in the regulations in this part shall be construed to limit or restrict any existing rights which holders of bonds may have acquired under the Armed Forces Leave Act or the regulations prescribed thereunder.

§ 325.17 *Redemption of bonds not payable by agents.* Any bonds which an agent is not authorized to pay pursuant to the provisions of this circular should be forwarded by the owner, or his agent, after certification of the requests for payment, to the Federal Reserve Bank or Branch of the District for redemption except that in the case of bonds marked "Duplicate" the bonds should be sent to the Treasury Department, Division of Loans and Currency, Washington 25, D. C. If an agent should undertake to forward such unpaid bonds at the request and in behalf of the person entitled to payment, such bonds must be sent separate and apart from bonds which the agent has paid.

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[1] For the purpose of this part, eligible institutions in Puerto Rico, the Virgin Islands and the Canal Zone shall be considered as being within the Second Federal Reserve District and shall make application to the Federal Reserve Bank of New York, and eligible institutions in Alaska, Hawaii and Guam shall be considered as being within the Twelfth Federal Reserve District and shall make application to the Federal Reserve Bank of San Francisco.

[2] Regulations governing replacement of losses resulting from payments made in connection with the redemption of Armed Forces Leave Bonds are set forth in Treasury Department Circular No. 751, Second Revision.

[3] The provisions of section 3 of the Government Losses in Shipment act, as amended, with respect to the finality of decisions by the Secretary of the Treasury are—"Notwithstanding any provision of law to the contrary, the decision of the Secretary of the Treasury that such loss, destruction, or damage has occurred or that such shipment was made substantially in accordance with such regulations shall be final and conclusive and shall not be subject to review by any other officer of the United States."

§ 325.19 *Functions of Federal Reserve Banks.* The Federal Reserve Banks, as Fiscal Agents of the United States, are authorized to perform such duties, and prepare and issue such forms and instructions, as may be necessary to the fulfillment of the purpose and requirements of this part. The Federal Reserve Banks, when authorized by the Treasury Department, may utilize any or all of their Branches in the performance of these duties.

§ 325.19 *Supplements, amendments, etc.* The Secretary of the Treasury may at any time or from time to time revise, supplement, amend, or withdraw, in whole or in part, the provisions of this part, or any revisions, supplements or amendments thereto, information as to which will be furnished promptly to the Federal Reserve Banks and to the agents qualified hereunder.

Compliance with the notice, public rule making procedure and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) with respect to this circular is found to be contrary to the public interest because Armed Forces Leave Bonds are redeemable at any time after September 1, 1947, at the option of the owners, and a substantial amount of time is essential in order to establish the procedure necessary for the payment of the bonds after the date set by the Congress.

The regulations set forth in this part will become effective immediately, the requirements of section 4 (c) of the Administrative Procedure Act being dispensed with to facilitate the redemption of Armed Forces Leave Bonds by the owners thereof after September 1, 1947, in accordance with Public Law 254, 80th Congress.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

EXHIBIT A

Form PD 2125
Treasury Department
Fiscal Service
Bureau of the Public Debt

APPLICATION—AGREEMENT

Payments by bank and other financial institutions in connection with the redemption of Armed Forces Leave Bonds

Dated _____, 194--

To the Federal Reserve Bank of _____,
Fiscal Agent of the United States:

The _____, hereinafter re-
(Name of institution)

ferred to as the undersigned, hereby applies for qualification to make payments in connection with the redemption of Armed Forces Leave Bonds as provided in Treasury Department Circular No. 811. The undersigned hereby certifies that (a) it is incorporated under the laws of _____; (b) in the usual course of business it accepts, subject to withdrawal, funds for deposit or the purchase of shares; (c) it is under the supervision of the _____
(Name of supervising Dept. or similar office) of _____; (d) it main-
(State or other jurisdiction)

tains a regular office for the transaction of its business at the address specified below; (e) it is open daily and observes regular business hours; and (f) it has adequate authority under its charter to enter into this agreement.

In consideration of being qualified as a paying agent, the undersigned hereby agrees:

1. To be bound by and to comply with the provisions of Treasury Department Circular No. 811, including all supplements and amendments thereof and instructions issued thereunder.

2. That the Secretary of the Treasury, or the Federal Reserve Bank of _____, by written notice, may, at any time, and without previous demand or notice, terminate the qualification of the undersigned; and that in the event of such termination the undersigned, after receipt of such notice or after the date of termination specified therein, will not thereafter pay any Armed Forces Leave Bonds.

It is understood that the undersigned may withdraw from this Agreement at any time upon written notice of such intention to the Federal Reserve Bank of _____.

In Witness Whereof, the undersigned has caused this Agreement to be executed under seal by the officer below named, thereunto duly authorized by a resolution of its governing board or committee adopted on the _____ day of _____, 194--.

_____
(Name)

_____
(Address)

[SEAL] By _____
(Signature of officer)

_____
(Title of officer)

ACKNOWLEDGMENT

State of _____, County of _____, ss:

On this _____ day of _____, 194--, before me appeared _____, to me personally known, who, being by me duly sworn, did say that he is the _____
(Title of officer)

of the _____ and that the seal
(Name of institution)

affixed to the above instrument is the corporate seal of said institution, and that the above instrument was signed and sealed in behalf of said institution by authority of its governing board or committee, and said officer acknowledged said instrument to be the free act and deed of said institution.

[SEAL] _____
Notary Public.

My commission expires _____

(In case the applicant has no corporate seal omit the words, "and that the seal affixed to the above instrument is the corporate seal of said institution," and add at the end of the affidavit "The institution has no corporate seal.")

EXHIBIT B

Form PD 2126
Treasury Department
Fiscal Service
Bureau of the Public Debt

NOTICE OF QUALIFICATION OF A BANK OR OTHER FINANCIAL INSTITUTION TO MAKE PAYMENTS IN CONNECTION WITH THE REDEMPTION OF ARMED FORCES LEAVE BONDS

_____, 194--

To _____
_____
_____

Gentlemen:

Your Application-Agreement Form PD 2125, dated _____, has been approved as of this date. You are hereby notified that you are qualified to make payments in connection with the redemption of Armed Forces Leave Bonds pursuant to the provisions of Treasury Department Circular No. 811, and any supplements or amendments thereof and instructions issued pursuant thereto.

FEDERAL RESERVE BANK OF _____,
Fiscal Agent of the United States.

By _____

[F. R. Doc. 47-7386; Filed, Aug. 6, 1947; 9:03 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 9—EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

FARFAN NAVAL RADIO STATION, CANAL ZONE

Authority for the issuance of orders affecting naval and military reservations in the Canal Zone was delegated to the Secretary of War by Executive Order 9746, July 1, 1946. Orders with respect to naval reservations in the Canal Zone, issued pursuant to Executive Order 9746, will be printed in full under Title 35 in § 21.4.

For an addition to the tabulation in § 9.5, see § 21.4 of Title 35, *infra*, with respect to setting aside lands in the Panama Canal Zone for a naval reservation to be known as the Farfan Naval Radio Station.

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

NOTE REGARDING CODIFICATION

Executive orders affecting military and naval reservations in the Canal Zone have been published in full text under Title 3—The President, and have been tabulated under §§ 21.3 and 21.4 of this title. Authority for the issuance of such orders was delegated to the Secretary of War by Executive Order 9746, July 1, 1946. 3 CFR 1946 Supp. Orders with respect to military and naval reservations in the Canal Zone, issued pursuant to Executive Order 9746, will be printed in full under Title 35, each order appearing as a paragraph in § 21.3, in the case of military reservations, or as a paragraph in § 21.4, in the case of naval reservations.

[Canal Zone Order 2]

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

GATUN LAKE MILITARY RESERVATION

By virtue of the authority vested in the President by section 5 of title 2 of the Canal Zone Code, approved June 19, 1934, and delegated to me by Executive Order No. 9746 of July 1, 1946, it is ordered as follows:

§ 21.3 *Military reservations in Canal Zone*—(a) *Gatun Lake Military Reservation—(1) Setting apart of reservation; boundaries.* The following described area of land situated in the Canal Zone is hereby reserved and set apart as, and assigned to the uses and purposes of, a military reservation which shall be known as Gatun Lake Military Reservation and shall be under the control and jurisdiction of the Secretary of War, except that it shall continue to be subject to the civil jurisdiction of the Canal Zone Government in conformity with the provisions of the Canal Zone Code as amended and supplemented:

Beginning at an unmarked point "A", which is at the intersection of contour 87.0 feet with the northern boundary of the Fort Gulick Military Reservation, the approximate geodetic position of which (referred to the Panama-Colon Datum of the Canal Zone Triangulation System) is in North latitude 9° 19' plus 5,400 feet, and in West longitude 79° 51' plus 580 feet:

Thence by metes and bounds:

S. 40° 00' E., 1,120 feet to an unmarked Point "B";

Due South, 2,460 feet to an unmarked Point "C";

S. 80° 00' E., 1,730 feet to an unmarked Point "D";

N. 62° 00' E., 2,670 feet to an unmarked Point "E";

Due South, 1,800 feet to an unmarked Point "F";

S. 50° 30' E., 2,210 feet to an unmarked Point "G";

Due South, along the 79° 50' Meridian, 12,150 feet to an unmarked Point "H";

S. 79° 00' W., 12,210 feet to an unmarked Point "I";

N. 46° 30' W., 1,290 feet to an unmarked Point "J";

N. 30° 00' W., 1,850 feet, to an unmarked Point "K";

N. 65° 00' W., 1,750 feet, to an unmarked Point "L" on the 87.0 contour on the easterly boundary of the Fort Wm. D. Davis Military Reservation, the approximate geodetic position of which is in North latitude 9° 17' plus 750 feet and in West longitude 79° 52' plus 3,390 feet;

Along the 87 foot contour in a northerly and easterly direction to the point of beginning.

The above area contains an area of 1,864 acres or 754 hectares, more or less, and includes the following islands together with certain small unnamed islands: Advent, Egronal, Banana, Mango, Zorra, Iguana, Piedras, Terapa and Brazo.

The above area is as shown on Panama Canal Drawing No. M-6114-53 entitled "Boundary of Gatun Lake Military Reservation" made by the Section of Surveys, Office Engineering Division, The Panama Canal and on file in the office of the Governor, The Panama Canal, Balboa Heights, Canal Zone.

(2) *Executive order superseded.* This order supersedes Executive Order 8782 of June 12, 1941 establishing a military reservation on certain islands in Gatun Lake, Canal Zone. (2 C. Z. Code 5; E. O. 9746, July 1, 1946, 3 CFR 1946 Supp.)

ROBERT P. PATTERSON,
Secretary of War.

DECEMBER 1, 1946.

[F. R. Doc. 47-7376; Filed, Aug. 6, 1947; 8:51 a. m.]

[Canal Zone Order 6]

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATION

FORT GULICK MILITARY RESERVATION

By virtue of the authority vested in The President of the United States by section 5 of title 2 of the Canal Zone Code and delegated to me by Executive Order No. 9746 of July 1, 1946, it is ordered as follows:

§ 21.3 *Military reservations in Canal Zone.* * * *

(b) *Fort Gulick Military Reservation—(1) Setting apart of reservation; boundaries.* The following-described area of land in the Canal Zone (including the corridor hereinafter described) is hereby reserved and set apart as, and assigned to the uses and purposes of, a military reservation, which shall be known as Fort Gulick Military Reservation, and which shall be under the control and jurisdiction of the Secretary of War, subject to the provisions of subparagraph (2) of this paragraph:

The area comprising this reservation, consisting of the main reservation and a 100-foot right of way or corridor connecting the reservation with the Bolivar Highway, is situated southeasterly of Mount Hope on the western shore of the Quebrada Ancha Arm of Gatun Lake, in the Canal Zone, and the boundary is more particularly described as follows:

Main Reservation

Beginning at monument No. 1, which is a 1½ inch galvanized iron pipe set in concrete, located on the continuous 92 foot contour of the west shore of the Quebrada Ancha Arm of Gatun Lake, the geographic position of which monument, referred to the Canal Zone triangulation system, is in latitude 9° 18' N. plus 2,416.6 feet and longitude 79° 52' W. plus 3,280.0 feet from Greenwich

Thence from said initial point, by metes and bounds:

N. 23° 08'00" W., 359.9 feet, to monument No. 1A, which is a 1½ inch galvanized iron pipe;

N. 23° 12'30" W., 297.4 feet, through monument No. 1B, which is a 1½ inch galvanized iron pipe, to monument No. 2 which is a 2½ inch galvanized iron pipe, the distances being 202.7 feet and 94.7 feet, successively, from beginning of course.

N. 73° 07'30" W., 369.8 feet to monument No. 3, which is a 1½ inch galvanized iron pipe;

N. 72° 56'30" W., 998.8 feet, through monuments Nos. 4, NF14 and 5, (Monument No. 4 is a 2½ inch galvanized iron pipe; monument No. NF14 is a concrete post, 8 inches square; monument No. 5 is a 1½ inch galvanized iron pipe) to monument No. 6, which is a concrete post 8 inches square, the distances being 284.8 feet, 453.6 feet, 114.1 feet and 146.3 feet, successively, from beginning of course;

N. 45° 58'00" W., 118.2 feet, to monument No. 7, which is a 1½ inch galvanized iron pipe;

N. 46° 13'30" W., 315.5 feet, to monument No. 8, which is a 2½ inch galvanized iron pipe;

N. 46° 01'00" W., 456.1 feet, to monument No. 9, which is a 2½ inch galvanized iron pipe;

N. 46° 02'00" W., 400.0 feet, to monument No. 10, which is a 2½ inch galvanized iron pipe;

N. 46° 01'00" W., 463.0 feet, to monument No. 11, which is a 2½ inch galvanized iron pipe;

N. 46° 01'30" W., 205.1 feet, to monument No. 12, which is a 2½ inch galvanized iron pipe;

N. 46° 01'00" W., 1,141.6 feet, through monuments No. 13 and 14 which are 2½ inch galvanized iron pipes, to monument No. 15, which is a concrete post, 8 inches square, the distances being 389.8 feet, 394.9 feet and 356.9 feet, successively, from beginning of course;

N. 00° 01'00" W., 2,515.4 feet, through monuments Nos. 16 to 21, inclusive, which are 2½ inch galvanized iron pipes, to monument No. 22, which is a 1½ inch galvanized iron pipe, the distances being 249.8 feet, 193.4 feet, 470.0 feet, 525.0 feet, 520.6 feet, 400.0 feet, and 150.6 feet, successively, from beginning of course;

N. 54° 57'00" W., 470.7 feet, to monument No. 23, which is a 1½ inch galvanized iron pipe;

N. 53° 41'40" E., 158.4 feet, through monument No. 23-A, which is a 2 inch galvanized iron pipe and monument No. 23-B, which is a brass plug set on the center line of the Fort Gulick Road, to monument No. 23-C, which is a 2 inch galvanized iron pipe, the distances being 53.0 feet, 52.7 feet and 52.7 feet, successively, from beginning of course.

N. 54° 55'30" W., 200.2 feet to monument 23-D, which is a brass plug set in old concrete foundation.

N. 89° 06'20" E., 342.2 feet through monument No. 23-E, which is a 2 inch galvanized iron pipe to monument No. 24, which is a 1½ inch galvanized iron pipe, the distances being 186.1 feet and 156.1 feet, successively, from beginning of course.

N. 10° 13'30" W., 75.6 feet, to monument No. 24A, which is a 1½ inch galvanized iron pipe;

N. 10° 16'30" W., 715.2 feet to monument No. 24B, which is a 1½ inch galvanized iron pipe;

N. 10° 18'00" W., 431.3 feet, to monument No. 24C, which is a 1½ inch galvanized iron pipe;

N. 10° 12'00" W., 236.0 feet, to monument No. 24D, which is a 1½ inch galvanized iron pipe;

N. 10° 15'30" W., 192.8 feet, to monument No. 24E which is a concrete post, 8 inches square;

N. 89° 59'30" E., 380.2 feet, through monument No. 24F, which is a 1½ inch galvanized iron pipe, to monument No. 25, which is a 2½ inch galvanized iron pipe, the distances being 239.4 feet and 140.8 feet, successively, from beginning of course;

N. 09° 01'00" W., 370.0 feet, to monument No. 26, which is a concrete post, 8 inches square;

S. 50° 31'00" E., 1,522.2 feet, through monuments Nos. 27 and 28, which are 2½ inch galvanized iron pipes, to monument No. 29, which is a concrete post, 8 inches square the distances being 501.6 feet, 503.0 feet, and 457.6 feet, successively, from beginning of course;

N. 85° 14'00" E., 432.9 feet, through monuments Nos. 30 and 31, which are 2½ inch galvanized iron pipes, to monument No. 32, which is a 1½ inch galvanized iron pipe, the distances being 189.6 feet, 62.4 feet and 180.9 feet, successively, from beginning of course;

N. 43° 47'30" E., 1,037.4 feet, parallel to and 50 feet southeasterly of the centerline of the Fort Gulick-France Field Road, to monument No. 33, which is a 1½ inch galvanized iron pipe;

On a curve to the left, with a radius of 1,011.3 feet, 422.3 feet, to monument No. 34, which is a 1½ inch galvanized iron pipe (the chord distance between monuments Nos. 33 and 34 being 419.4 feet, N. 31° 49'30" E.);

N. 19° 50'00" E., 1,345.0 feet, parallel to and 50 feet easterly of the centerline of the Fort Gulick-France Field Road, to monument No. 35, which is a 1½ inch galvanized iron pipe;

S. 24° 59'30" E., 626.4 feet, to monument No. 36, which is a 1½ inch galvanized iron pipe;

Due East, 9,122.1 feet, through monuments Nos. 37 to 43, inclusive, which are 1½ inch galvanized iron pipes, and 47 to 74, inclusive, which are 2½ inch galvanized iron pipes, to monument No. 75, which is a concrete post, 8 inches square, located on the continuous 100 foot contour of the west shore of the Quebrada Ancha Arm of Gatun Lake, the distances being, 374.3 feet, 125.1 feet, 244.1 feet, 235.2 feet, 254.4 feet, 224.3 feet, 335.1 feet, 156.6 feet, 32.5.0 feet, 161.0 feet, 400.0 feet, 400.0 feet, 300.0 feet, 227.0 feet, 173.0 feet, 264.0 feet, 517.4 feet, 367.0 feet, 134.0 feet, 340.4 feet, 137.2 feet, 203.0 feet, 300.0 feet, 332.0 feet, 92.0 feet, 312.0 feet, 180.0 feet, 73.0 feet, 262.0 feet, 440.8 feet, 113.0 feet, 347.0 feet, 334.0 feet, 126.0 feet, 125.0 feet, 107.2 feet, successively, from beginning of course,

Due East 100 feet, more or less to an unmarked point on the continuous 87 foot contour of the shore line of Gatun Lake;

In a general southwesterly direction, along the 87 foot contour of the shore line of Gatun Lake, as it meanders, to an unmarked point, from which the bearing and distance to the above mentioned monument No. 1 is N. 23° 09'00" W., 15 feet, more or less;

N. 23° 09'00" W., 15 feet more or less, to the point of beginning.

The tract as described contains an area of 1.755 acres, more or less.

Right of Way or Corridor From Bolivar Highway

The right of way or corridor connecting the main reservation with Bolivar Highway is a strip of land 100 feet in width, extending 50 feet on each side of the centerline which is described as follows:

Beginning at a brass plug located on the centerline of the Fort Gulick Road (present width of pavement 24 feet) and 100.0 feet southeasterly of the centerline of Bolivar Highway, the geographic position of which monument, referred to in the Canal Zone triangulation system, is in latitude 9° 19' plus 3,524.7 feet, and longitude 79° 53' plus 5,287.8 feet from Greenwich.

Thence from said initial point in a general easterly direction, 4,179 feet, more or less, along the centerline of the Fort Gulick Road to monument No. 23B, which is a brass plug on the westerly boundary line of the main reservation as above described.

The right of way or corridor as described contains an area of 9 acres, more or less.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The boundary of the main reservation, from monument No. 1 to monument No. 75, inclusive, was surveyed by the Section of Surveys, the Panama Canal, in January and February 1940, and in December 1946. The centerline of the right of way or corridor from Bolivar Highway to the main reservation was surveyed by the Constructing Quartermaster, Panama Canal Department, U. S. Army, in January 1940.

The entire reservation, consisting of the main reservation and the right of way or corridor, contains an area of 1765 acres, more or less, and is shown on Panama Canal drawing No. M6114-65 entitled "Boundary of Fort Gulick Military Reservation," scale 1:10 000, dated December 6, 1946, on file in the Governor's Office, Balboa Heights, Canal Zone, and in the Department Engineer's Office, Panama Canal Department, U. S. Army, Quarry Heights, Canal Zone.

(2) *Conditions and limitations.* The reservation made by subparagraph (1) of this paragraph shall be subject to the following conditions and limitations:

(i) The area comprising this reservation shall continue to be subject to the civil jurisdiction of the Canal Zone Government in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(ii) The military authorities shall bear all the costs of the transfer of such area, including the cost of surveys and of cancellation of any agricultural licenses or other permits which may be in force in the area.

(iii) No sanitary sewage originating within the developed sections of the reservation shall be permitted to discharge into the drainage basin of Gatun Lake.

(iv) The right is reserved to the Panama Canal to make such use of the corridor as may be involved in the construction of necessary intersecting highways, overhead and underground power, telephone, telegraph and pipe lines, and drainage channels.

(v) The public shall be permitted access through or across the corridor to the road known as the Old Gatun Road and to areas adjacent to the corridor, and over any intersecting highway which may be constructed as provided in subdivision (iv) of this subparagraph.

(3) *Executive orders superseded.* This order supersedes Executive Order 8737 of April 16, 1941, and Executive Order 9110 of March 24, 1942, establishing and enlarging, respectively, the Fort Gulick Military Reservation. (2 C. Z. Code 5; E. O. 9746, July 1, 1946, 3 CFR, 1946 Supp.)

ROBERT P. PATTERSON,
Secretary of War.

MARCH 31, 1947.

[F. R. Doc. 47-7377; Filed, Aug. 6, 1947; 8:51 a. m.]

[Canal Zone Order 7]

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

CERRO TIGRE MILITARY RESERVATION

By virtue of the authority vested in The President of the United States by section 5 of title 2 of the Canal Zone Code and delegated to me by Executive Order No. 9746 of July 1, 1946, it is ordered as follows:

§ 21.3 *Military reservations in Canal Zone.* * * *

(c) *Cerro Tigre Military Reservation—*(1) *Setting apart of reservation; boundaries.* The following-described area of land situated in the Canal Zone is hereby reserved and set apart as, and assigned to the uses and purposes of, a military reservation, which shall be known as Cerro Tigre Military Reservation and which shall be under the control and jurisdiction of the Secretary of War, except that it shall continue to be subject to the civil jurisdiction of the Canal Zone Government in conformity with the provisions of the Canal Zone Code as amended and supplemented:

Beginning at a concrete monument marked "A", located 185.0 feet more or less, easterly from the centerline of Madden Road, the geographic position of which monument, referred to the Canal Zone triangulation system is in North latitude 9° 04' plus 1,000.00 feet and in West longitude 79° 38' plus 1,500.0 feet from Greenwich.

From monument "A" the bearing and distance to triangulation station "Gato" is, S. 71° 56'10" E., 2,000.7 feet.

Thence from said initial point, by metes and bounds:

N. 26° 34'00" E., 1,118.0 feet, to a concrete monument marked "B";

N. 84° 28'00" E., 2,071.0 feet, to a concrete monument marked "C";

S. 35° 56'00" E., 2,470.0 feet, to a concrete monument marked "D";

S. 15° 40'00" W., 1,296.0 feet, to a concrete monument marked "E";

S. 45° 00'00" W., 1,245.0 feet, to a concrete monument marked "F";

N. 73° 43'00" W., 609.4 feet, to a concrete monument marked "G";

S. 34° 54'10" W., 1,019.7 feet, through a concrete monument marked "H" to a concrete monument marked "I", the distances being 298.2 feet and 721.5 feet, successively, from beginning of course;

S. 70° 37'10" W., 42.6 feet, to a concrete monument marked "J";

S. 00° 03'20" E., 591.1 feet, to a concrete monument marked "J-1";

S. 00° 02'20" E., 84.5 feet, to a concrete monument marked "K";

N. 83° 10'20" W., 1,313.5 feet, through a concrete monument marked "L" to a concrete monument marked "M", the distances being 170.8 feet and 1,142.7 feet, successively, from beginning of course;

N. 77° 57'20" W., 996.3 feet, through a concrete monument marked "N" to a concrete monument marked "O", the distances being 629.2 feet and 167.1 feet, successively, from beginning of course;

N. 69° 49'30" W., 248.5 feet, to a concrete monument marked "P";

N. 12° 46'50" E., 187.4 feet, to a concrete monument marked "Q";

N. 44° 23'20" E., 94.1 feet, to a concrete monument marked "R";

N. 65° 21'50" E., 53.6 feet, to a concrete monument marked "S";

N. 41° 37'40" E., 230.9 feet, to a concrete monument marked "T";

N. 22° 30'50" E., 761.7 feet, to a concrete monument marked "U";

N. 35° 53'10" E., 405.1 feet to a concrete monument marked "V";

N. 08° 49'30" W., 339.5 feet, through a concrete monument marked "V-1", to a concrete monument marked "X", the distances being 188.0 feet and 151.5 feet, successively, from beginning of course;

N. 06° 43'10" E., 869.5 feet, through 2 inch galvanized iron pipe monuments marked "X-1" and "X-2", to a 2 inch galvanized iron pipe monument marked "Y", the distances being 239.0 feet, 260.5 feet and 370.0 feet, successively, from beginning of course;

S. 81° 47'20" E., 1,134.6 feet, through 2 inch galvanized iron pipe monuments marked "Y-1", "Y-2" and "Y-3", to a 2 inch galvanized iron pipe monument marked "Z", the distances being 400.0 feet, 162.0 feet, 281.0 feet and 311.6 feet, successively, from beginning of course;

N. 26° 05'20" W., 1,723.0 feet, to monument "A" the point of beginning.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The boundary from monument "Z" to monument "G" in a clockwise direction, was surveyed by the Section of Surveys, the Panama Canal in April 1930, and from monument "G" to monument "Z", in a clockwise direction, was surveyed by the Section of Surveys, the Panama Canal in December, 1946.

The area of the tract is 397.2 acres and is as shown on Panama Canal Drawing No. M6114-73, entitled "Boundary of Cerro Tigre Military Reservation", Scale 1 to 4,000, dated January 27, 1947, on file in the office of the Governor, the Panama Canal and the office of the Commanding General, the Panama Canal Department, U. S. Army, Quarry Heights, C. Z.

(2) *Executive order superseded.* This order supersedes Executive Order No. 5369 of June 16, 1930 establishing a military reservation known as the Cerro Tigre Ordnance Depot. (2 C. Z. Code 5; E. O. 9746, July 1, 1946, 3 CFR, 1946 Supp.)

ROBERT P. PATTERSON,
Secretary of War.

MARCH 31, 1947.

[F. R. Doc. 47-7378; Filed, Aug. 6, 1947; 8:52 a. m.]

[Canal Zone Order 9]

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

FARFAN NAVAL RADIO STATION

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, and delegated to me by Executive Order No. 9746 of July 1, 1946, and after consultation with the Secretary of the Navy, it is ordered as follows:

§ 21.4 *Naval reservations in Canal Zone—*(a) *Farfan Naval Radio Station—Setting apart of reservation; boundaries.* The following-described area of land situated in the Canal Zone is hereby reserved and set apart as, and assigned to the uses and purposes of, a naval reservation, which shall be known as the Farfan Naval Radio Station and which shall be under the control and jurisdiction of the Secretary of the Navy, except that it shall continue to be subject to the civil jurisdiction of the Canal Zone Government in conformity with the provisions of the Canal Zone Code, as amended and supplemented:

Beginning at monument "J", which is a concrete post, 8 inches square, located on the easterly side of the Bruja Military Road and on the easterly boundary of the Fort Kobbe Military Reservation, the geographic position of which monument, referred to the Canal Zone triangulation system is in north latitude 8° 56' plus 200.6 feet and west longitude 79° 35' plus 3,637.1 feet from Greenwich.

From monument "J" the bearing and distance to Army triangulation station "North Base" is, S. 56° 27'10" W., 584.9 feet.

Thence from said initial point, by metes and bounds:

Due North, 2,797.8 feet, through monuments N-1, N-2 and N-3 which are 2½ inch galvanized iron pipes, to monument H-3, which is a 10 inch square concrete monument, the distances being 705.1 feet, 750.0 feet, 1,070.0 feet and 272.7 feet, successively, from beginning of course;

N. 89° 58'00" E., 470.6 feet, to monument H-2, which is a 10 inch square concrete monument;

N. 77° 59'30" E., 965.5 feet, through monuments H-2-A and H-2-B which are 2½ inch galvanized iron pipes, to monument H-1 which is a 10 inch square concrete monument, the distances being 196.0 feet, 474.5 feet, and 295.0 feet, successively, from beginning of course.

N. 87° 46'20" E., 30.9 feet, to monument N-6 which is a 2½ inch galvanized iron pipe;

Due East 2,190.6 feet, through monuments N-7, N-8, N-9, N-10 and N-10-A, which are 2½ inch galvanized iron pipes to monument N-B which is an 8 inch square concrete post, the distances being 279.0 feet, 507.7 feet, 231.7 feet, 324.9 feet, 213.0 feet and 634.3 feet, successively, from beginning of course.

S. 58° 07'15" E., 2,077.4 feet, through monument NBX, which is a 2½ inch galvanized iron pipe, to monument N-C which is an 8 inch square concrete post, the distances being 1,050.0 feet and 1,027.4 feet, successively, from beginning of course.

Due South, 5,999.3 feet, through monuments N-11, N-12, N-13, N-14 and N-15 which are 2½ inch galvanized iron pipes, to an unmarked point, located in a swamp, referred to as N-D on the map, the distances being 275.8 feet, 800.1 feet, 699.9 feet, 244.6 feet, 435.5 feet and 3543.4 feet, successively, from beginning of course;

Due West 3,464.0 feet, to monument N-24-N, which is an 8 inch square concrete post;

N. 52° 07'00" W., 2,452.1 feet, through monuments N-25-N and N-25-A which are 2½ inch galvanized iron pipes, to monument N-26-N, which is an 8 inch square concrete post, the distances being 1,489.1 feet, 463.0 feet and 500.0 feet, successively, from beginning of course;

Due north, 2,591.5 feet, through monuments 55, 54, 53, 52, and 51, which are 2½ inch galvanized iron pipes, to monument "J", the point of beginning, the distances being 78.5 feet, 600.0 feet, 303.0 feet, 530.0 feet, 520.0 feet, and 500.0 feet, successively from beginning of course;

The direction of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The western, eastern and southern boundaries were surveyed by the Section of Surveys, the Panama Canal, in December 1940 and January 1941, and the northern, northeastern and southwestern boundaries were surveyed by the Section of Surveys, the Panama Canal in November 1946.

The area of the tract is 819.7 acres and is as shown on Panama Canal Drawing No. M-6114-74, entitled "Boundary of Farfan Naval Radio Station, West Bank, Balboa, C. Z.", scale 1 to 5000, dated January 30, 1947, on file in the office of the Governor, The Panama Canal and the office of the Commandant, Fifteenth Naval District.

(2 C. Z. Code 5; E. O. 9746, July 1, 1946, 3 CFR, 1946 Supp.)

ROBERT P. PATTERSON,
Secretary of War.

JUNE 6, 1947.

[F. R. Doc. 47-7379; Filed, Aug. 6, 1947; 8:52 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 181]

STILLS AND DISTILLING APPARATUS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2818, 3176, 3250 (j) (3) and 3791 of the Internal Revenue Code (26 U. S. C. A. 2818, 3176, 3250 and 3791).

1. Regulations 23 (Part 181, 26 CFR), as amended, are hereby amended in these respects:

(a) Sections 181.9, 181.10, 181.13 (a), 181.14 (a), 131.15 (c) and 181.19 are amended; and

(b) Section 181.13 (g) is added, as follows:

§ 181.9 *Name plate of manufacturer on still.* Each still and worm or condenser must be identified as follows:

(1) Name of manufacturer.

(2) Address of manufacturer.

(3) Manufacturer's serial number for the article.

Such identification shall be shown by the manufacturer on a plate, securely attached to the apparatus by riveting or brazing, or be cut, by the manufacturer, by suitable die legibly and durably in the material of which the apparatus is made. The identification marks may not be covered by insulating or other material, or otherwise obscured or concealed. Such marks on stills and worms or condensers will be disclosed by the manufacturer or vendor in the notice to the collector, and in the affidavits required by §§ 181.13 and 181.14. (Sec. 3791, I. R. C.)

§ 181.10 *Payment of tax—*(a) *Special tax return.* Special (occupational) taxes imposed on manufacturers of stills and worms or condensers and the special (commodity) taxes on such articles will be paid by the manufacturer pursuant to the filing of a special tax return, Form 11, showing the information required by the form. Such returns shall be sworn to before a notary public or other official duly authorized to administer oaths.

(b) *Special (occupational) tax.* The special (occupational) tax as manufacturer of stills is due on the 1st day of July in each year, or on commencing such trade or business. In the former case, the tax shall be reckoned for one year, and in the latter, it shall be reckoned proportionately from the 1st day of the month in which the liability to the special tax commenced, to and including the 30th day of June following. It shall be the duty of the special-tax payers to render their returns with required remittances to the collector at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances, not later than the last day of the month, except in cases of sickness or absence, as provided by section 3634, I. R. C.

(1) *Posting of stamp.* The special (occupational) tax stamp must be conspicuously posted in the establishment or place of business of the manufacturer of stills.

(c) *Special (commodity) tax.* The special (commodity) tax on each still or worm or condenser intended for distilling is due when the manufacture thereof is completed and must be paid at the time such article is removed from the place of manufacture or at the time of being set up, if manufactured on the premises where intended to be used, by affixing to the article the special (commodity) tax stamp provided by the Commissioner. At the time of affixing such stamp it must be canceled by the manufacturer by writing across the face thereof, in permanent ink, the word "canceled" followed by the name of the manufacturer, the manufacturer's serial number of the article, and the date of cancellation.

(1) *Method of affixing stamp.* After cancellation of the stamp has been completed, the stamp shall be enclosed in a moisture proof case having a transparent face. The case, with stamp enclosed, must be secured to the article by means of screws, bolts, or rivets, or by brazing. (Secs. 3270, 3271, 3272, 3273, 3634, and 3791, I. R. C.)

§ 181.13 *Taxable status of stills*—(a) *Evidence of use.* Any still or worm or condenser (as defined by § 181.3), with the exception only of retorts for the production of wood alcohol, sold to a user by the manufacturer or otherwise disposed of or used by the manufacturer, will be presumed to be intended for use in distilling, as defined by § 181.12, unless, as to each still or worm or condenser, satisfactory evidence shall be filed, as hereinafter provided, showing that the same will not be used for distilling. Unless such evidence is filed, special (occupational) tax as manufacturer of stills will be incurred by the manufacturer and special (commodity) tax on each still or worm or condenser must be paid by the manufacturer at the time of its removal from the place of manufacture or, if manufactured on the premises where intended to be used, at the time of being set up.

* * * * *

(g) *Exportation.* Stills or worms or condensers intended for purposes other than distilling as defined in § 181.12 may be removed for export by the manufacturer, or dealer, subject to the application and permit prescribed by § 181.14 (a) without payment of the commodity tax thereon. The collector will note on the permit issued in such case the following: "Removed for export to (insert the name and address of the consignee and the foreign port to which the article is to be exported)—No commodity tax due." Such stills or distilling apparatus will have branded or stamped thereon, in a conspicuous place, the words "For Export," followed by the serial number of the article and the manufacturer's name. When such articles are manufactured from metal plates, the words "For Export" with the serial number of the article and the manufacturer's name directly thereunder, will be stamped (in letters and figures which must, in no case, be less than one-half inch in height) thereon with a suitable die, or otherwise permanently affixed to each article. When the article is constructed of or encased in wood, the words "For Export," the serial number of the article and the manufacturer's name will be branded thereon. (Secs. 3331 and 3791, I. R. C.)

§ 181.14 *Procedure for removal and use*—(a) *Application and permit for removal.* No still, boiler (doubler or pot still), worm, condenser, or other distilling apparatus, shall be removed from the premises of the manufacturer, or dealer, as the case may be for delivery to a user, or for his own use, or for export without payment of tax, until the collector of the district in which the manufacturer or vendor is located has received from the manufacturer or vendor an application on Form 110, in triplicate, for permission to remove the distilling apparatus, and permit on such form has been received from such collector to remove the same. Such application shall disclose the name and address of the manufacturer or vendor, the approximate date the apparatus is to be removed, the name and address of the person by whom the apparatus is to be used or the name and address of the person to whom the apparatus is to be exported, the purpose for which it is to be used, the type and kind of apparatus, its capacity, the manufacturer's serial number of the apparatus, and, if the apparatus is taxable, the serial number of the manufacturer's special (occupational) tax stamp and the serial number of the special (commodity) tax stamp for the apparatus. The collector issuing the removal permit shall furnish a copy of such permit either (1) to the district supervisor in whose district the apparatus is to be set up, registered and used, or (2) in the case of removal for export, to the collector of customs at the port of exportation who upon exportation shall endorse thereon a certificate that the article described in the body of the application has been exported and return the Form 110 to the collector of internal revenue. No distilling apparatus may be set up or used for distilling as defined by § 181.12 without application to and permit from the district supervisor in whose district the apparatus is to be used as provided in § 181.14 (b). (See §§ 181.17 to 181.27 relative to exportation of stills with benefit of drawback.)

§ 181.15 *Registry of sills.* * * *

(c) *Change in location or ownership of distilling apparatus.* In the event a user desires to remove any distilling apparatus to another location after the same has been registered, no permit therefor will be required. The user must, however, prior to removal, file Form 26 to register the apparatus "not for use" and to disclose the location to which the removal is to be made and the approximate date of such removal. After removal, no such distilling apparatus intended for use in distilling, as defined in § 181.12, may be again set up without application to and permit from the district supervisor in whose district the apparatus is to be used, as provided in § 181.14 (b). Likewise, when a user sells or otherwise disposes of any distilling apparatus, no permit for removal, sale, or disposition thereof will be required. The user must, however, prior to disposal of such apparatus, file Form 26 with the district supervisor to register the apparatus "not for use" and to disclose the method of disposition (sale, destruction, or otherwise), the name and address of the person to whom disposed of, the approximate date the apparatus is to be removed and the purpose for which it is intended to be used. After removal, no such distilling apparatus intended for use in distilling, as defined in § 181.12, may be again set up without application to and permit from the district supervisor in whose district the apparatus is to be used, as provided in § 181.14 (b). Where there has been a change in ownership, custodianship, control, or a removal to other premises, of any still or distilling apparatus, the person in whose possession, custody, or under whose control the still or distilling apparatus is set up must immediately register the same with the district supervisor. (Secs. 2810, 2818, 3170 and 3791, I. R. C.)

§ 181.19 *Drawback of tax.* Under the law the allowance of drawback is restricted to the tax paid on stills "manufactured for export and actually exported." No drawback can be allowed on worms or condensers exported. Where commodity tax has been paid on stills intended for export and drawback is desired, the manufacturer shall brand such articles, make application for allowance of drawback, and deliver such articles into Custom's custody as provided in §§ 181.20, 181.21, 181.22 and 181.23. (Sec. 3250 (j) (3), I. R. C.)

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER. (Secs. 2318, 3176, 3250, 3791 of the Internal Revenue Code (26 U. S. C. A. 2818, 3176, 3250 and 3791).)

[SEAL] GEORGE SCHOENEMAN,
Commissioner of Internal Revenue.

[F. R. Doc. 47-7397; Filed, Aug. 6, 1947; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

[District of Columbia Sign Order 6]

SIGNS IN DISTRICT OF COLUMBIA PARK AREAS

OFFICIAL ADOPTION AND DESIGNATION

AUGUST 1, 1947.

Pursuant to the National Capital Parks Regulations (36 CFR 3.4 (f), 3.33) issued by the Secretary of the Interior, effective September 15, 1945, the lists of official signs adopted and designated by Sign Order No. 5 are hereby made a part of this order and amended and supplemented as follows:

West Potomac Park. Substitute under this heading the attached page 5 in lieu of pages 5 and 5a attached to Sign Order No. 5.

The signs contained and described on the attached list are hereby adopted and designated as official signs.

This order shall become effective as of August 5, 1947.

IRVING C. ROOT,
Superintendent.

[F. R. Doc. 47-7390; Filed, Aug. 6, 1947; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Project 120]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF APPLICATION FOR AMENDMENT OF ARTICLE 18 OF LICENSE

AUGUST 1, 1947.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r), that Southern California Edison Company of Los Angeles, California, licensee for Project No. 120, situated on the San Joaquin River in Fresno and Madera Counties, California, has applied for amendment of Article 18 of the license for the project to provide for the rate of return on the net investment in the project to be determined under the Commission's present rules and regulations.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before September 4, 1947 to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7368; Filed, Aug. 6, 1947; 8:54 a. m.]

[Project 382]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF APPLICATION FOR AMENDMENT OF ARTICLE 20 OF LICENSE

AUGUST 1, 1947.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r), that Southern California Edison Company of Los Angeles, California, licensee for Project No. 382, situated on the Kern River, in Kern and Los Angeles Counties, California, has applied for amendment of Article 20 of the license for the project to provide for the rate of return on the net investment in the project to be determined under the Commission's present rules and regulations.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before September 4, 1947 to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7369; Filed, Aug. 6, 1947; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 258]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 31, 1947, by National Produce Inc., of car PFE 15911, potatoes, now on the Chicago Produce Terminal, to Muskegon, Michigan (PM).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of July 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7381; Filed, Aug. 6, 1947; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-63, 59-47]

REPUBLIC SERVICE CORP. ET AL.

NOTICE OF FILING, NOTICE OF AND ORDER REOPENING CONSOLIDATED PROCEEDINGS, NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of August A. D. 1947.

In the matter of Republic Service Corporation and its subsidiaries, File Nos. 54–63 and 59–47.

I. On August 1, 1946, the Commission issued its findings and opinion (Holding Company Act Release No. 6320) disapproving both a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Republic Service Corporation ("Republic"), a registered holding company, and a plan filed pursuant to section 11 (d) of the act by Irving H. Isaac, a preferred stockholder of Republic, for the recapitalization of Republic. The Commission granted Republic and Isaac a period of 30 days (or such additional time as may be applied for upon a proper showing) to file amendments not inconsistent with its findings and opinion.

Upon application for an extension of time within which to file an amended plan, the Commission by order dated August 29, 1946, extended the time for filing such amended plan to September 15, 1946. On September 16, 1946, a joint plan for the reorganization of Republic was filed by Republic and Isaac. Since the filing of said joint plan the Commission on November 12, 1946, permitted the sale of the physical assets of Lehigh Ice Company and Susquehanna Ice Company, two wholly-owned non-utility companies of Republic.

Subsequently a declaration was filed by Republic, which is now pending before the Commission, proposing the sale of all the outstanding securities of three of its wholly-owned subsidiary companies, namely, The Mauch Chunk Heat, Power & Electric Light Co., Renovo Edison Light, Heat & Power Company and Renovo Heating Company, to Pennsylvania Power & Light Company for a base consideration of $674,590 to be paid in shares of common stock of Pennsylvania Power & Light Company, with certain cash adjustments as of the date of closing.

II. Notice is hereby given that on July 14, 1947, Republic and Irving H. Isaac filed an amended joint plan, pursuant to sections 11 (d) and 11 (e) of the act, for the reorganization of Republic, which is based on the prior consummation of the sale by Republic of all the outstanding securities of The Mauch Chunk Heat, Power & Electric Light Co., Renovo Edison Light, Heat & Power Company and Renovo Heating Company as well as the sale of the common stock of Pennsylvania Power & Light Company received by Republic in exchange therefor.

All persons are referred to the aforesaid amended joint plan which is on file in the offices of the Commission for a full statement of the transactions therein proposed which may be summarized as follows:

It is proposed to organize a new corporation under the laws of Pennsylvania, bearing the name of Republic Service Corporation. Such new corporation shall have an authorized capital of 100,000 shares of common stock, $10.00 par value per share, with full cumulative voting rights and preemptive rights to

purchase or subscribe for additional stock of any class. Republic shall initially subscribe and pay for 100 shares of such new common stock at the rate of $10.00 per share. The new corporation would then issue to Republic 70 224 shares of its new common stock and in exchange take over all the assets and assume all of the liabilities of Republic. Republic in turn proposes to distribute as soon as practicable the 70,324 shares of new common stock so acquired to the holders of its preferred stock in the ratio of four shares of the new common stock for each share of preferred. (The Commission in its findings and opinion dated February 19, 1943, found, among other things, that the common stock of Republic may not participate in any recapitalization of the Company; "Republic Service Corporation et al.", 12 S. E. C. 852 (1943), Holding Company Act Release No. 4128).

It is further proposed that the new corporation will issue and sell privately, to one or more lending institutions, its promissory notes in the aggregate principal amount of $950,000 at an interest rate of not to exceed 3% per annum. Such loan is to be secured by a pledge of all the outstanding securities of the operating subsidiary companies of the new corporation. The proceeds of such loan would be used, together with the proceeds of the sale of the Pennsylvania Power & Light Company common stock and other treasury cash, to pay the face amount of Republic's $1,763,900 principal amount First Lien Collateral Trust Bonds with interest to the payment date without premium. Thereafter the indenture trustee shall (a) deliver to the new corporation all assets pledged under the Trust Indenture other than the cash required for the aforesaid payments which the new corporation is entitled to receive; and (b) execute and deliver to the new corporation an appropriate release. Thereupon Republic shall be dissolved.

It is contemplated that as soon as practicable after the consummation of this amended joint plan, application will be made to the Pennsylvania Public Utility Commission for authority to consolidate Fulton Electric Light, Heat and Power Company, Greencastle Light, Heat, Fuel & Power Company and Mercersburg, Lehmasters & Markes Electric Co., three utility subsidiary companies of Republic, into a single corporation by merger, sale or otherwise and have such corporation and other subsidiaries issue first mortgage bonds. The proceeds from the sale of such bonds would be used to pay off subsidiary indebtedness to the new corporation, which in turn would use such funds, together with other funds, to pay the indebtedness of $950,000 principal amount above referred to.

The plan proposes that the time within which the preferred stockholders of Republic may turn in their stock in exchange for the new common stock of the new corporation shall be five years from the effective date of the plan, subject to certain specified exceptions. Thereafter any such unexchanged shares of the new common stock shall belong to the new corporation free of all claims of the preferred holders.

The Commission has been requested that if it should approve the amended joint plan, such order or orders of approval shall contain recitals necessary to meet the requirements of the Internal Revenue Code, as amended, including section 1808 of Supplement R thereof.

The Commission has been further requested, in the event that this amended joint plan is approved, to apply to an appropriate District Court of the United States for an order to enforce and carry out the provisions of said amended joint plan.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected by such plan, and it appearing appropriate to the Commission in the public interest and in the interest of investors that hearings in these consolidated proceedings be reopened for the purpose of considering said amended joint plan and to afford all interested persons an opportunity to be heard with respect thereto and that the application with respect to said amended joint plan shall not be granted except pursuant to further order of the Commission:

It is ordered, That hearings in these consolidated proceedings be reopened on said matters at 10:00 a. m., e. d. s. t., on the 26th day of August 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at that time by the Hearing Room Clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings and not heretofore granted leave to be heard or participate shall notify the Commission in the manner provided by its rules of practice, Rule XVII, on or before August 22, 1947.

It is further ordered, That Willis E. Monty, or any other officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the amended joint plan, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act and is in substantial compliance with the Commission's findings, opinion and order dated August 1, 1943;

(2) Whether the proposed amended joint plan, as submitted or as further modified, is fair and equitable to the persons affected thereby;

(3) Whether the securities to be issued in connection with the proposed amended joint plan are appropriate in nature and reasonably adapted to the security structure and earning power of the proposed new corporation and its holding company system and whether any terms or conditions should be imposed in connection therewith;

(4) Whether, if the amended joint plan is approved by the Commission, it is appropriate in the public interest and in the interest of investors that any terms and conditions be imposed in connection with such approval and, if so, what such terms and conditions should be;

(5) Whether the fees and expenses to be paid in connection with the amended joint plan or the proceedings with respect thereto are reasonable and appropriate;

(6) Whether the accounting entries in connection with the amended joint plan are in conformity with the standards of the Act and Rules promulgated thereunder;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of filing said application and amended joint plan and of said hearing by mailing a copy of this notice and order by registered mail to Republic Service Corporation and its subsidiary companies, to Irving H. Isaac, to the Pennsylvania Public Utility Commission, to The Pennsylvania Company for Banking and Trusts, Indenture Trustee, to the attorneys of record in the legal proceedings specifically enumerated in the amended joint plan, and that notice of said matters shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Republic shall give additional notice of said hearing to all known holders of its outstanding First Lien Collateral Trust Twenty-Five Year Bonds, 5% Series A, and to all known holders of its preferred stock and common stock, by causing a copy of this notice and order and a copy of the amended joint plan to be mailed to such holders at their last known addresses, such mailing to be made not less than 15 days prior to the date of said hearing.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7374; Filed, Aug. 6, 1947; 8:53 a. m.]

[File No. 54-68]

COMMUNITY GAS AND POWER CO. AND AMERICAN GAS AND POWER CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of July A. D. 1947.

The Commission, by orders dated April 10, 1946, and January 14, 1947, having approved a plan providing, among other things, for the liquidation of Community Gas and Power Company and the reorganization of American Gas and Power Company; and

The Commission having approved said plan subject, among other things, to the conditions specified in Rule U-24 and to the condition that said orders should not be operative to authorize the consummation of the proposed transactions until an appropriate District Court of the United States, upon application thereto, should have entered an order enforcing said plan; and

The District Court of the United States for the District of Delaware, upon application thereto by the Commission, having entered an order on April 24, 1947 enforcing said plan; and

Certain debenture holders having appealed from said order to the United States Circuit Court of Appeals for the Third Circuit, and said Circuit Court having entered an order on July 22, 1947 granting a stay of the District Court's order pending the determination of the appeal now set for argument during the week commencing October 6, 1947; and

The sixty-day period provided by Rule U-24 having expired on June 23, 1947, and the Commission having entered an order on June 23, 1947 extending said period until July 31, 1947; and

The Company having now requested a further extension of time so as to permit consummation of the plan after July 31, 1947; and

The Commission having considered said request and the status of said appeal pending before said Circuit Court and deeming it appropriate that an extension of time be granted;

It is ordered, That the time within which the transactions proposed in said plan may be consummated is hereby extended until thirty days from the date of the entry of the final order determining said appeal or, in the event no writ to the Supreme Court of the United States is applied for, then thirty days from the last day upon which such application could have been made.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7371; Filed, Aug. 6, 1947; 8:54 a. m.]

[File Nos. 54-75, 54-152, 59-8, 59-20]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE) ET AL.

ORDER APPROVING AMENDED PLAN SUBJECT TO CONDITIONS AND REQUIRING DIVESTITURE BY HOLDING COMPANIES OF INTERESTS IN SUBSIDIARIES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of August 1947.

In the matter of The Commonwealth & Southern Corporation (Delaware), respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware) and its subsidiary companies, respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), File No. 54-75; The Commonwealth & Southern Corporation (Delaware), The Southern Company, File No. 54-152.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, and The Southern Company ("Southern"), a Delaware corporation newly organized by Commonwealth, having filed an application and amendments thereto pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan involving, among other things, the transfer by Commonwealth to Southern of $3,000,000 cash and Commonwealth's investments in Alabama Power Company ("Alabama Power"), Georgia Power Company ("Georgia Power"), Mississippi Power Company ("Mississippi Power"), Gulf Power Company ("Gulf Power") and Savannah River Electric Company ("Savannah River") in exchange for 10,000,000 shares of common stock of Southern to be issued by Southern to Commonwealth; and

In connection with such plan, subject to the condition that the transactions proposed in the plan are carried out pursuant to a finding of this Commission to the effect that the electric properties of Alabama Power, Georgia Power, Mississippi Power and Gulf Power are retainable under common control as an integrated public utility system under the standards of the act and that the continued existence of Southern as a holding company over such retainable properties is appropriate under such standards, and to an order thereon approving such plan, Southern and Commonwealth having entered into agreements as follows:

(1) That Commonwealth will dispose or cause the disposition of its direct or indirect interest in all of its subsidiaries other than Alabama Power, Georgia Power, Mississippi Power, Gulf Power and Savannah River, and that the Commission may enter an appropriate order to such effect under section 11 (b) (1);

(2) That Commonwealth (as long as Southern is its subsidiary) and Southern will dispose or cause the disposition of their direct or indirect interest in the gas and transportation properties of Alabama Power, and Gulf Power, and that the Commission may enter an appropriate order to such effect under section 11 (b) (1);

(3) That Commonwealth will dispose of any remaining direct or indirect interest in Southern as soon as possible after Commonwealth's retirement of its preferred stock; and

The applicants having requested that the Commission enter an order finding that the transactions proposed in the plan are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and having requested that the Commission's order approving the plan shall contain the recitals required by sections 371 (f) and 1808 (f) of the Internal Revenue Code; and

The proceedings on the plan having been consolidated with proceedings instituted previously under sections 11 (b) (1) and 11 (b) (2) involving Commonwealth and its subsidiary companies, and with proceedings with respect to plans filed by Commonwealth pursuant to section 11 (e) of the act; and

Public hearings having been held after appropriate notice, and the Commission having considered the record and having this day issued its findings and opinion herein; and

The Commission having found that said plan is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected thereby, and having further found that the electric properties of Alabama Power, Georgia Power, Mississippi Power and Gulf Power are retainable under common control as an integrated public utility system under the standards of the Act and that the continued existence of Southern as a holding company over such retainable properties is appropriate under such standards;

It is ordered, That said plan be and hereby is approved, subject (a) to the terms and conditions contained in Rule U-24, (b) insofar as the plan concerns acquisitions of securities by Southern from Commonwealth and the acquisition by Commonwealth of 10,000,000 shares of common stock of Southern, to the terms and provisions in the aforementioned agreements by Southern and Commonwealth, (c) to the condition that Commonwealth shall, within fifteen days from the date hereof, file with this Commission a further amendment to said plan agreeing to pay such fees and remuneration for services rendered and make reimbursement for proper costs incurred in connection with these proceedings, as the Commission shall finally determine, award, allow or allocate upon petition of any interested person, and (d) to the general reservation of jurisdiction by the Commission to entertain such further proceedings, to make such supplemental findings and to take such further action as it may deem appropriate in connection with said plan, the transactions incident thereto and the consummation thereof, and to take such further action as it may deem necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and to the specific reservation of jurisdiction to con-

sider such supplemental plans as may be filed pursuant to sections 11 (d) and 11 (e) of the act.

It is further ordered and recited, That the transactions embraced within the plan, hereinafter specified, are necessary or appropriate to the integration or simplification of the holding company system of which Southern, Commonwealth, Alabama Power, Georgia Power, Mississippi Power, Gulf Power and Savannah River are members and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

1. The transfer and delivery by Commonwealth to Southern and the acquisition by Southern, pursuant to the plan, of $3,000,000 cash and

3,775,000 shares of common stock without par value of Alabama Power
2,500,000 shares of common stock without par value of Georgia Power
410,000 shares of common stock without par value of Gulf Power
450,000 shares of common stock without par value of Mississippi Power
500 shares of common stock without par value of Savannah River and all of its demand notes amounting, at September 30, 1946, to $1,450,634; and

2. The issue and delivery by Southern to Commonwealth and the acquisition by Commonwealth pursuant to the plan, of 10,000,000 shares of common stock of Southern having a par value of $5 per share.

It is further ordered, Pursuant to section 11 (b) (1) of the act that Commonwealth shall sever its relations with all companies other than Alabama Power, Georgia Power, Mississippi Power, Gulf Power, Savannah River, The Commonwealth & Southern Corporation (of New York) and Southern, by disposing or causing the disposition, in an appropriate manner not in contravention of the applicable provisions of the act and the rules and regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties and businesses owned, controlled or operated by such other companies.

It is further ordered, Pursuant to section 11 (b) (1) of the act that Commonwealth shall cease to own, operate, control, or have any interest, direct or indirect, in the gas and transportation properties and businesses of Georgia Power and Gulf Power and the transportation properties and business of Alabama Power.

It is further ordered, Pursuant to section 11 (b) (1) of the act that Southern shall cease to own, operate, control or have any interest, direct or indirect, in the gas and transportation properties and businesses of Georgia Power and Gulf Power and the transportation properties and business of Alabama Power.

It is provided, That jurisdiction be and it is hereby reserved with respect to all steps to be taken to effectuate the divestments ordered herein.

It is further provided, With respect to the findings, opinion and order herein, in their entirety, and with respect to the entry, publication, and service thereof that they shall be without prejudice to the right of the Commission to enter such other and further appropriate orders from time to time as the Commission may deem necessary to secure compliance with the provisions of the act and the pertinent rules and regulations thereunder and to carry out the provisions of this order.

It is further ordered, That this order shall be effective immediately upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7372; Filed, Aug. 6, 1947, 8:54 a. m.]

[File Nos. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of August 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company. Applicant designates sections 11 and 12 (c) of the act and Rule U-46 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 15, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be given on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application-declaration, as filed or as amended, may be permitted to become effective or may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application-declaration which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of $3 per share or an aggregate of $4,323,741 on the shares of its preferred stock outstanding on June 30, 1947. The dividend was declared on July 30, 1947 and is payable on the 28th day after the date of the order of this Commission permitting such payment or on October 1, 1947, whichever date is later, to stockholders of record at the close of business on the 10th day after the date of such order (or if such 10th day is not a business day, the first business day following such 10th day) or on September 10, 1947, whichever date is later. The Commission action requested in the pending application is similar in substance to the Commission action requested in three applications approved by the Commission in 1943, four applications approved in 1944, four applications approved in 1945, four applications approved in 1946, and two approved in 1947, covering proposed distributions to preferred stockholders.

The applicant requests that the Commission's order be issued herein on or before August 30, 1947 and become effective forthwith so that Commonwealth may pay the proposed dividend not later than October 1, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7370; Filed, Aug. 6, 1947, 8:54 p. m.]

[File No. 70-1551]

FLORIDA POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING APPLICATION DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of July A. D. 1947.

Florida Power & Light Company "Florida"), an electric utility subsidiary of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 with respect to the issuance and sale pursuant to the competitive bidding provisions of Rule U-50 of $10,000,000 principal amount of First Mortgage Bonds, --% Series due 1977, $10,000,000 principal amount of --% Sinking Fund Debentures due 1972 and 150,000 shares of --% Cumulative Preferred Stock of the par value of $100 per share; and

The Commission having by order dated July 17, 1947 granted the application and permitted the declaration, as amended, to become effective subject to the condition that the proposed issue and sale of said securities shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings and a further order entered by the Commission in the light of the record so completed, and subject to a further reservation of jurisdiction with respect to the payment of all legal fees incurred in connection with the proposed transactions; and

Florida having filed a further amendment herein, which amendment has been joined in by American, stating that in response to the public invitation for bids no bids were received on the preferred stock; that American proposes to purchase and Florida proposes to sell 100,000 shares of the common stock of Florida for a cash consideration of $2,500,000. Certificates for said shares will be delivered at the option of American prior to January 29, 1948, provided however, that should Florida prior to January 29, 1948 sell preferred stock of an aggregate value of in excess of $2,500,000 then, Florida shall at the option of American, repay to American the sum of $2,500,000 and the obligation to deliver common stock of Florida shall be cancelled. Said amendment further states that pursuant to the competitive bidding requirements of Rule U-50, the bonds and debentures were offered for sale with the results set forth below:

FIRST MORTGAGE BONDS

Underwriting Group	Coupon rate	Price to company (Percent)	Cost to Company (Percent)
Lehman Bros.	3	101.8867	2.9671
Harriman Ripley & Co., Inc.; Lee Higginson Corp.	3	101.7801	2.9496
The First Boston Corp.	3	101.270	2.9385
Blyth & Co., Inc.; Smith, Barney & Co.	3	101.21	2.9369
Paine, Webber, Jackson & Curtis; Stuart & Co., Inc.	3	101.1099	2.9410
Glore, Forgan & Co.	3	101.16	2.9415
White, Weld & Co.	3	101.05	2.9429
Harriman Ripley & Co., Inc.; Lazard Freres & Co.; Lee Higginson Corp.	3	100.411	2.9791

DEBENTURES

Halsey, Stuart & Co., Inc.	5½	100.10	3.2288
The First Boston Corp.	5½	101.059	3.2145
Lehman Bros.	5½	100.412	3.2504

[1] Plus accrued interest.

Said amendment having further stated that with respect to the First Mortgage Bonds, Florida has accepted the bid of the group headed by Lehman Brothers as set out above and that the bonds will be offered for sale to the public at a price of 102.60% of the principal amount thereof resulting in an underwriters' spread of 0.7093% of the principal amount of said bonds; and that with respect to the debentures, Florida has accepted the bid of the group headed by Halsey, Stuart & Co., Inc., as set out above and that the debentures will be offered for sale to the public at a price of 101% of the principal amount thereof resulting in an underwriters' spread of 0.81% of the principal amount of said debentures; and

The Commission finding that the proposed payment of counsel fees in the amount of $17,500 to Reid & Priest, New York counsel for Florida; $12,500 to Loftin, Anderson, Scott, McCarthy & Preston, local counsel for Florida, in full compensation for all services rendered or to be rendered in connection with the issuance and sale of the bonds, debentures and preferred stock; and $12,000 to LeBoeuf & Lamb, counsel for the successful bidders for the bonds and debentures, which latter fee is to be paid by the successful bidder, are not unreasonable; and

The Commission having considered the record herein and finding with respect to the joint amendment filed by American and Florida to the application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint amendment to the application-declaration be granted and permitted to become effective, and finding no reasons for imposing terms and conditions with respect to said matters other than those set forth below:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds and debentures under Rule U-50 be, and the same hereby is, released, and that the application-declaration as amended by the amendment filed on July 30, 1947 with respect to the bonds and debentures be, and the same hereby is, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24; and

It is further ordered, That jurisdiction heretofore reserved with respect to fees of counsel for the company in connection with the transactions proposed in the application-declaration, as amended, and the fee of counsel for the successful bidder with respect to the sale of said bonds and debentures be, and the same hereby is, released; and

It is further ordered, That jurisdiction heretofore reserved with respect to the results of competitive bidding on the preferred stock and legal fees for counsel for the underwriters with respect to the sale of such stock be, and hereby is, continued; and

It is further ordered, That the application-declaration, as amended, with respect to the purchase by American and sale by Florida of common stock of Florida be, and hereby is granted, and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7373; Filed, Aug. 6, 1947; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9455]

HANS UEBELACKER

In re: Stock owned by Hans Uebelacker. F-28-22867-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Uebelacker, whose last known address is Teublitz, Oberpfalz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Sixty-two (62) shares of $0.50 par value common capital stock of The Dayton Rubber Manufacturing Company, Dayton, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificates numbered 5320 for fifteen (15) shares; 5328 for fifteen (15) shares; 5329 for one (1) share, and 4912 for thirty-one (31) shares, registered in the name of Hans Uebelacker, together with all declared and unpaid dividends thereon, and

b. Fifteen (15) shares of $35.00 par value preference A capital stock of The Dayton Rubber Manufacturing Company, Dayton, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificates numbered 6004 for seven (7) shares; 6669 for for seven (7) shares; and 7984 for one (1) share, registered in the name of Hans Uebelacker, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7389; Filed, Aug. 6, 1947; 8:57 a. m.]

[Vesting Order 9473]

MARIA MILAN

In re: Estate of Maria Milan, deceased. D-34-148; E. T. sec. 5732.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Milan, whose last known address is Hungary, is a resident of Hun-

gary and a national of a designated enemy country (Hungary);

2. That the sum of $150.69 deposited with the Treasurer of Cook County, Illinois, on January 14, 1943, to the credit of the aforesaid national, pursuant to an order of the Probate Court of Cook County, Illinois, entered December 12, 1941, in the matter of the estate of Maria Milan, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary);

3. That such property is in the process of administration by the Treasurer of Cook County, Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7390; Filed, Aug. 6, 1947; 8:57 a. m.]

[Vesting Order 9474]

FREDERICK W. NOLL

In re: Estate of Frederick W. Noll, also known as Fred W. Noll, deceased. File No. D-28-9860; E. T. sec. 13899.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ella Zimmerman, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $500.00 was paid to the Alien Property Custodian by Anafred K. Klein, Executrix of the Estate of Frederick W. Noll, also known as Fred W. Noll, deceased;

3. That the said sum of $500.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on October 14, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7391; Filed, Aug. 6, 1947; 8:57 a. m.]

AARON & DAUTCH AND KREMER & LEWITT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and Location
Aaron & Dautch, 500 Woodward Bldg., Detroit, Mich., N. Y.	1416	$2,500.00 in the Treasury of the United States.
Kremer & Lewitt, 276 Broadway, New York, N. Y.	1417	$2,500.00 in the Treasury of the United States.

Executed at Washington, D. C., on August 1, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7392; Filed, Aug. 6, 1947; 8:57 a. m.]

ALFRED QUENSEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
The Last Will and Testament of Charles [illegible] Will of the estate of Alfred Quensel, Deceased.	[illegible]	[illegible]

Executed at Washington, D. C., on August 1, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7393; Filed, Aug. 6, 1947; 8:58 a. m.]

ENRIQUE KUMMLFELDT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and Location
Enrique Kummlfeldt, [illegible]	[illegible]	[illegible]

Executed at Washington, D. C., on August 1, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7394; Filed, Aug. 6, 1947; 8:58 a. m.]

FRITZ HOHENEMSER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Fritz Hohenemser, Mexico, D. F., Mexico.	1116	$7,891.44 in the Treasury of the United States.

Executed at Washington, D. C., on August 1, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7395; Filed, Aug. 6, 1947; 8:58 a. m.]

JULIEN DUNGLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Julien Dunkler, Basel, Switzerland.	666	Property described in Vesting Order No. 666 (8 F. R. 547, April 17, 1943) relating to United States Letters Patent Nos. 2,117,493 and 2,118,575, to the extent owned by claimant immediately prior to the vesting thereof including royalties pertaining thereto in the amount of $16,647.00.

Executed at Washington, D. C., on August 1, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7396; Filed, Aug. 6, 1947; 8:58 a. m.]

[Vesting Order 9469]

CARL LANDSEE

In re: Trust under the will of Carl Landsee, deceased. File D-28-2235; E. T. sec. 2971.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Schnitzler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the heirs-at-law, names unknown, of Joseph Schnitzler, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Carl Landsee, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the First Wisconsin Trust Company, as trustee, acting under the judicial supervision of the Milwaukee County Court, Wisconsin;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the heirs-at-law, names unknown, of Joseph Schnitzler, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7358; Filed, Aug. 5, 1947; 8:48 a. m.]

[Vesting Order 9470]

OSKAR LUDWIG

In re: Estate and trust u/w of Oskar Ludwig, deceased. File D-28-2414; E. T. sec. 3768.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Ludwig and Elsa Klier, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue of Elsa Klier, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in, to and against the estate and the trust created under the will of Oskar Ludwig, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by State Street Trust Company, as Trustee, acting under the judicial supervision of the Probate Court, Suffolk County, Massachusetts;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 and the issue of Elsa Klier, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7359; Filed, Aug. 5, 1947; 8:48 a. m.]

[Vesting Order 9476]

THERESA SCHNURR

In re: Estate of Theresa Schnurr, deceased. File D-28-11516; E. T. sec. 15739.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolph Kuhner, also known as Rudolph Kuner and Joseph Kuhner, also known as Joseph Kuner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Theresa Schnurr, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Albert A. Schaefer, as executor, acting under the judicial supervision of the Suffolk County Probate Court, Boston, Massachusetts;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7360; Filed, Aug. 5, 1947; 8:49 a. m.]

[Vesting Order 9477]

HENRY SUNDERMEYER

In re: Estate of Henry Sundermeyer, a/k/a Henry C. Sundermeyer, deceased. File No. D-28-11626; E. T. sec. 15841.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Sundermeyer and Adele Ruwe, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown of Karl Sundermeyer, and the issue, names unknown of Adele Ruwe, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Henry Sundermeyer, a/k/a Henry C. Sundermeyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Edward Hart and George Gillen, as Executors of the Estate of Henry Sundermeyer, a/k/a Henry C. Sundermeyer, deceased, acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown of Karl Sundermeyer, and the issue, names unknown of Adele Ruwe, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7361; Filed, Aug. 5, 1947; 8:49 a. m.]

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FEDERAL REGISTER

VOLUME 12 NUMBER 155

Washington, Friday, August 8, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2740

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: SWITZERLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of Switzerland registered in the United States Patent Office which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that Switzerland accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States, and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after September 3, 1939, and before June 30, 1947, until and including June 30, 1948.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 6th day of August, in the year of our Lord nineteen hundred and [SEAL] forty-seven and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-7518; Filed, Aug. 7, 1947; 11:54 a. m.]

PROCLAMATION 2741

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registration prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid

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FEDERAL REGISTER

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1946 SUPPLEMENT
to the
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The following books are now available:

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act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of the United Kingdom of Great Britain and Northern Ireland registered in the United States Patent Office, which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that the United Kingdom of Great Britain and Northern Ireland accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States, and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after September 3, 1939, and before June 30, 1947, until and including July 17, 1948.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 6th day of August, in the year of our Lord nineteen hundred and [SEAL] forty-seven and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-7519; Filed, Aug. 7, 1947, 11:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 CCC Oats Bulletin 1]

PART 268—OATS LOAN AND PURCHASE AGREEMENT

SUBPART—1947

This bulletin states the requirements with respect to the 1947 Oats Loan and Purchase Agreement Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available on oats produced in 1947 in accordance with this bulletin.

Sec.
268.101 Administration.
268.102 Availability of loans and purchase agreements.
268.103 Approved lending agencies.
268.104 Eligible producer.
268.105 Eligible oats.
268.106 Eligible storage.
268.107 Approved forms.
268.108 Determination of quantity.
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268.120 Removal of the oats under loan.
268.121 Release of the oats under loan
268.122 Purchase of notes.
268.123 CCC field offices.
268.124 Loan and purchase rates.

AUTHORITY: §§ 268.101 to 268.124, inclusive, issued under authority contained in Article Third, paragraph (b) and (j) of the Corporate Charter of Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4 as amended, sec. 4 (b), 55 Stat. 498 as amended, sec. 302 (a), 52 Stat. 43; 15 U. S. C., Sup., 713 (a), 713 a-8 (b), 7 U. S. C. 1302 (a).

§ 268.101 *Administration.* The program will be administered in the field by the county agricultural conservation committees under the general supervision of the State PMA Committee.

Forms may be obtained from county committees in areas where loans and purchase agreements are available, or from other field offices of PMA. County committees will determine or cause to be

determined the quantity and grade of the oats, the amount of the loan, and the value of the oats delivered under a loan or purchase agreement. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents or with the address of the CCC field office to which loan documents may be forwarded for disbursement.

§ 268.102 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans shall be available on eligible oats stored on farms or in approved public grain warehouses in all States.

(2) Purchase agreements shall be available on eligible oats in all areas where loans are available.

(b) *Time.* Loans and purchase agreements shall be available through December 31, 1947.

§ 268.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which the CCC has entered into a Lending Agency Agreement (Form PMA–97) or other form prescribed by the Administrator.

§ 268.104 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing oats in 1947, as landowner, landlord, tenant, or sharecropper.

§ 268.105 *Eligible oats.* Eligible oats shall be oats which were produced in 1947, the beneficial interest in which is now in the producer, and always has been in him or in him and a former producer whom he succeeded before the oats were harvested; *Provided,* Such oats grade No. 3 or better in accordance with Official Grain Standards and do not grade weevily, smutty, ergotty, garlicky, bleached, thin, or tough. (Oats containing in excess of 14.5 percent moisture grade tough and are not eligible.) When stored on the farm the oats must have been stored in the granary at least 30 days prior to inspection for measurement, sampling, and sealing unless otherwise approved by the State PMA Committee.

§ 268.106 *Eligible storage.* Eligible storage for oats shall meet the following requirements:

(a) Under the loan program, eligible farm storage shall consist of farm bins and granaries which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of the oats, permit effective fumigation for the destruction of insects, and afford protection against rodents, other animals, thieves, and weather.

(b) Under the loan and purchase agreement program, eligible warehouse storage shall consist of (1) public grain warehouses situated at terminal, subterminal or country points, for which a Uniform Grain Storage Agreement (CCC Form H) is in effect; (warehousemen desiring approval should communicate with the CCC field office serving the area in which the warehouse is located); or (ii) warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission.

(c) Under the purchase agreement program, oats stored in other than eligible warehouse storage will be purchased on delivered basis.

§ 268.107 *Approved forms.* The approved forms consist of the loan and purchase agreement documents which, together with the provisions of this bulletin, govern the rights and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement or in executing any of the loan or purchase documents, will render him subject to prosecution under the United States Criminal Code.

Notes and chattel mortgages, and note and loan agreements, must be dated prior to January 1, 1948 and be executed in accordance with these instructions, with State and documentary revenue stamps affixed thereto where required by law. Purchase agreements must be signed and dated by the producer and mailed or delivered to the county committee prior to January 1, 1948. Notes and chattel mortgages, note and loan agreements, and purchase agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producer's note on CCC Commodity Form A, secured by a chattel mortgage on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of note and loan agreement on CCC Commodity Form B, secured by negotiable warehouse receipts representing the oats stored in approved warehouses. All oats pledged as security for a loan on a single CCC Commodity Form B must be stored in the same warehouse.

(c) *Purchase agreement program.* The approved forms shall consist of the Purchase Agreement (Purchase Form 1) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by the Director, Grain Branch, PMA.

(d) *Warehouse receipts.* Oats stored in eligible warehouse storage in connection with a loan or purchase agreement must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, properly endorsed in blank so as to vest title in the holder, and be issued by an approved warehouseman.

(2) Each warehouse receipt should set forth in its written terms that the oats are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) Liens for warehouse charges will be recognized by CCC but only from May 15, 1947, or the date of the warehouse receipt, whichever is later.

(4) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight and grade, test weight and all special grading factors.

(5) In the case of warehouse receipts issued for oats delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the oats covered thereby in lieu of the information required by subparagraph (4) of this paragraph. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors.

§ 268.108 *Determination of quantity.* A bushel shall be 32 pounds of oats when determined by weight, or 1.25 cubic feet of oats testing 32 pounds per bushel when determined by measurement. A deduction of ¾ of a pound for each sack will be made in determining the net quantity of the oats when stored as sacked oats. The quantity determined by measurement will be the following percentages of the quantity determined for 32 pound oats:

For oats testing	*Percent*
40 pounds or over	125
39 pounds or over, but less than 40 pounds	121
38 pounds or over, but less than 39 pounds	118
37 pounds or over, but less than 38 pounds	115
36 pounds or over, but less than 37 pounds	112
35 pounds or over, but less than 36 pounds	109
34 pounds or over, but less than 35 pounds	106
33 pounds or over, but less than 34 pounds	103
32 pounds or over, but less than 33 pounds	100
31 pounds or over, but less than 32 pounds	96
30 pounds or over, but less than 31 pounds	93
29 pounds or over, but less than 30 pounds	90
28 pounds or over, but less than 29 pounds	87
27 pounds or over, but less than 28 pounds	84

Any fraction of a bushel resulting from the above determination of quantity will be dropped in stating the number of bushels placed under loan.

§ 268. 109 *Dockage.* Since dockage is not a grade factor in the case of oats, the quantity of oats will be determined without reference to dockage.

§ 268.110 *Liens.* The oats must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the oats, proper waivers must be obtained.

§ 268.111 *Service fees*—(a) *Loans.* Where the oats under loan are farm-stored the producer shall pay a service fee of 1 cent per bushel, and where the oats under loan are warehouse-stored the producer shall pay a service fee of ½ cent per bushel.

(b) *Purchase agreement.* At the time the producer applies for a purchase agreement he shall pay a preliminary minimum service fee of $1.50. In addition, where delivery of oats is made under the purchase agreement, the producer shall pay a service fee of ½ cent on each bushel of oats delivered in excess of 300 bushels.

§ 268.112 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan or purchase agreement to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lien-holders. Indebtedness owing to the CCC shall be given first consideration after claims of prior lienholders.

§ 268.113 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum; and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 268.114 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the oats under loan or his remaining interest may be restricted by CCC.

§ 268.115 *Safeguarding of the oats.* The producer obtaining a farm-stored loan is obligated to maintain the farm-storage structures in good repair, and to keep the oats in good condition.

§ 268.116 *Insurance.* CCC will not require the producer to insure the oats placed under farm-storage loan; however, if the producer does insure such oats such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the oats involved in the loss.

§ 268.117 *Loss or damage to the oats.* The producer is responsible for any loss in quantity or quality of the oats placed under farm-storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 268.118 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the oats by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 268.119 *Maturity, delivery, and satisfaction*—(a) *Loans.* Loans mature on demand but not later than April 30, 1948. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity, or to deliver the mortgaged oats in accordance with the instructions of the county committee. Credit will be given for the total quantity delivered, provided it was stored in the bins in which the oats under loan were stored, at the applicable loan rate, according to grade and/or quality. If the settlement value of the oats delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the oats is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the oats may be delivered before the maturity date of the loan upon prior approval by the county committee. In the case of warehouse storage loans, if the producer does not repay his loan upon maturity CCC shall have the right to sell or pool the oats in satisfaction of the loan in accordance with the provisions of the Producer's Note and Loan Agreement and § 268.120.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Purchase Form 1) shall not be obligated to deliver any specified quantity of oats to CCC. If the producer who signs a purchase agreement desires to sell oats to CCC he shall, during the month of May 1948, submit warehouse receipts representing eligible oats stored in eligible warehouse storage to the county committee for the quantity of such oats he elects to sell to CCC, or, in the case of oats stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Delivery shall be made to an approved warehouse, or as otherwise directed by the Administrator of PMA or his authorized representative. When delivery is completed, payment shall be made as prescribed by the Administrator. The producer shall direct to whom payment of the purchase price shall be made.

In the case of oats stored in eligible warehouse storage, purchases will be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and accompanying documents. Oats delivered from other than eligible warehouse storage will be purchased on the basis of official weights, grades and other quality factors at destination, or official weights at destination and official grades and other quality factors at the inspection point shown on the shipping order furnished the producer, which unless otherwise agreed shall be the customary location, on the route of shipment, of an inspector licensed under the U. S. Grain Standards Act; or, if such oats are delivered to a local CCC bin site, on the basis of the weight, grade and quality determinations made by the county committee (in accordance with instructions for the determination of such factors under the loan program) and approved by the producer at the time of delivery.

§ 268.120 *Removal of the oats under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the oats and sell them, either by separate contract or after pooling them with other lots of oats similarly held. The producer has no right of redemption after the oats are pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled oats as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the oats, even though part or all of such pooled oats are disposed of under such policies at prices less than the current domestic price for such oats. Any sum due the producer as a result of the sale of the oats or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 268.121 *Release of the oats under loan.* A producer may at any time obtain release of the oats under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the oats prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan and accrued interest represented by the quantity of the oats to be released. In the case of warehouse-storage loans, each partial release must cover all of the oats under one warehouse receipt number.

§ 268.122 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will

be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on 1940 C. C. C. Form F, or such other form as CCC may prescribe, of all payments received on producers' notes held by them, and are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the CCC field office serving the area.

§ 268.123 *CCC field offices.* The field offices of CCC, and the areas served by them, are shown below:

Address and Area

623 South Wabash, Chicago 3, Ill.:
Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia.

300 Interstate Building, 417 East 13th Street, Kansas City 6, Mo.:
Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.

328 McKnight Building, Minneapolis 1, Minn.:
Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Eastern Building, 515 Southwest Tenth and Washington Streets, Portland 5, Oreg.:
Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 268.124 *Loan and purchase rates.* (a) Loan and purchase rates per bushel of eligible oats for the respective States and counties, basis No. 3 or better are set forth below. In case of oats stored in warehouses, whether terminal, subterminal, or at country points, the loan and purchase rate will be that established for the county in which the elevator is located. No adjustment will be made in the loan and purchase rate for freight paid in case of rail movement.

ALABAMA

All counties, $0.75.

ARIZONA

All counties, $0.67.

ARKANSAS

All counties, $0.68.

CALIFORNIA

Following counties, $0.64: Modoc, Siskiyou.
Following counties, $0.65: Lassen, Nevada, Plumas, Sierra.
Following counties, $0.68: Humboldt, Shasta, Tehama.
Following counties, $0.69: Butte, Eldorado, Glenn.
Following counties, $0.70: Colusa, Fresno, Imperial, Kern, Kings, Madera, Mendocino, Merced, Monterey, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Sutter, Tulare, Yolo, Yuba.
Following counties, $0.71: Napa, San Joaquin, Santa Cruz, Sonoma, Stanislaus.
Following counties, $0.72: Alameda, Contra Costa, Los Angeles, Marin, San Mateo, Santa Clara, Solano, Ventura.

COLORADO

All counties, $0.61.

CONNECTICUT

All counties, $0.73.

DELAWARE

All counties, $0.72.

FLORIDA

All counties, $0.75.

GEORGIA

All counties, $0.75.

IDAHO

Following counties, $0.58: Ada, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Custer, Elmore, Gem, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Owyhee, Payette, Shoshone, Valley, Washington.
All other counties, $0.60.

ILLINOIS

Following counties, $0.63: Adams, Alexander, Brown, Carroll, Fulton, Gallatin, Hancock, Hardin, Henderson, Henry, Jo Daviess, Johnson, Knox, McDonough, Massac, Mercer, Pike, Pope, Pulaski, Rock Island, Saline, Schuyler, Stephenson, Union, Warren, Whiteside, Williamson.
Following counties, $0.65: Cook, Dupage, Kane, Lake, Madison, Will.
All other counties, $0.64.

INDIANA

Following counties, $0.65: Benton, Clay, Crawford, Daviess, Dubois, Fountain, Gibson, Greene, Harrison, Jasper, Knox, Lawrence, Martin, Newton, Orange, Owen, Parke, Perry, Pike, Posey, Spencer, Sullivan, Vanderburgh, Vermillion, Vigo, Warren, Warrick.
All other counties, $0.66.

IOWA

Following counties, $0.60: Cherokee, Dickinson, Lyon, Monona, O'Brien, Osceola, Plymouth, Sioux, Woodbury.
Following counties, $0.62: Allamakee, Appanoose, Black Hawk, Bremer, Buchanan, Butler, Chickasaw, Clayton, Decatur, Fayette, Franklin, Grundy, Hardin, Howard, Iowa, Jasper, Jefferson, Keokuk, Lucas, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Wapello, Wayne, Winneshiek.
Following counties, $0.63: Benton, Cedar, Clinton, Davis, Delaware, Des Moines, Dubuque, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Washington.
All other counties, $0.61.

KANSAS

Following counties, $0.59: Cheyenne, Gove, Greeley, Lane, Logan, Rawlins, Scott, Sheridan, Sherman, Thomas, Wallace, Wichita.
Following counties, $0.60: Barton, Decatur, Ellis, Ellsworth, Graham, Lincoln, Mitchell, Ness, Norton, Osborne, Phillips, Rooks, Rush, Russell, Smith, Trego.
Following counties, $0.61: Clay, Cloud, Dickinson, Geary, Jewell, McPherson, Marion, Morris, Ottawa, Republic, Rice, Saline, Washington.
Following counties, $0.62: Brown, Chase, Doniphan, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Jackson, Kearney, Lyon, Marshall, Nemaha, Osage, Pottawatomie, Riley, Shawnee, Stanton, Wabaunsee.
Following counties, $0.63: Allen, Anderson, Atchison, Bourbon, Coffey, Douglas, Edwards, Franklin, Greenwood, Harvey, Jefferson, Johnson, Kiowa, Leavenworth, Linn, Meade, Miami, Morton, Pawnee, Reno, Seward, Stafford, Stevens, Woodson, Wyandotte.
Following counties, $0.64: Clark, Comanche, Kingman, Pratt.
Following counties, $0.65: Barber, Butler, Crawford, Elk, Neosho, Sedgwick, Wilson.
Following counties, $0.66: Chautauqua, Cherokee, Cowley, Harper, Labette, Montgomery, Sumner.

KENTUCKY

All counties, $0.69.

LOUISIANA

All parishes, $0.75.

MAINE

All counties, $0.73.

MARYLAND

All counties, $0.72.

MASSACHUSETTS

All counties, $0.73.

MICHIGAN

Following counties, $0.62: Baraga, Gogebic, Houghton, Keweenaw, Ontonagon.
Following counties, $0.63: Alger, Chippewa, Delta, Dickinson, Iron, Luce, Mackinac, Marquette, Menominee, Schoolcraft.
Following counties, $0.64: Alcona, Alpena, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Iosco, Kalkaska, Leelanau, Manistee, Missaukee, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Wexford.
Following counties, $0.67: Genesee, Hillsdale, Jackson, Lapeer, Lenawee, Livingston, Oakland, Sanilac, Tuscola, Washtenaw.
Following counties, $0.68: Macomb, Monroe, St. Clair, Wayne.
All other counties, $0.66.

MINNESOTA

Following counties, $0.57: Kittson, Koochiching, Marshall, Roseau.
Following counties, $0.58: Becker, Beltrami, Clay, Clearwater, Lake of the Woods, Mahnomen, Norman, Pennington, Polk, Red Lake, Traverse, Wilkin.
Following counties, $0.60: Benton, Blue Earth, Carlton, Chisago, Dodge, Goodhue, Isanti, Kanabec, Kandiyohi, Le Sueur, McLeon, Meeker, Mower, Nicollet, Pine, Rice, Sherburne, Sibley, Stearns, Steele, Wabasha, Waseca, Wright.
Following counties, $0.61: Anoka, Carver, Dakota, Filmore, Hennepin, Houston, Olmsted, Ramsay, Scott, Washington, Winona.
All other counties, $0.59.

MISSISSIPPI

All counties, $0.75.

MISSOURI

Following counties, $0.62: Atchison, Bates, Benton, Cedar, Christian, Dade, Dallas, Daviess, Douglas, Dunklin, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howell, Laclede, Livingston, Mercer, Mississippi, New Madrid, Nodaway, Oregon, Ozark, Pemiscot, Polk, Putnam, St. Clair, Shannon, Sullivan, Taney, Texas, Vernon, Webster, Worth, Wright.
Following counties, $0.64: Audrain, Boone, Callaway, Crawford, Gasconade, Lewis, McDonald, Madison, Maries, Marion, Montgomery, Newton, Osage, Perry, Pike, Ralls, St. Francois, Ste. Genevieve, Washington.
Following counties, $0.65: Franklin, Jefferson, Lincoln, St. Charles, St. Louis, Warren.
All other counties, $0.63.

MONTANA

Following counties, $0.56: Lincoln, Sanders, Mineral.
All other counties, $0.55.

NEBRASKA

Following counties, $0.56: Banner, Box Butte, Dawes, Morrill, Scotts Bluff, Sioux.
Following counties, $0.57: Arthur, Cherry, Deuel, Garden, Grant, Hooker, Keith, Sheridan.

Following counties, $0.58: Blaine, Brown, Chase, Cheyenne, Custer, Dundy, Keya Paha, Kimball, Lincoln, Logan, Loup, McPherson, Perkins, Rock, Thomas.
Following counties, $0.59: Antelope, Boyd, Buffalo, Cedar, Dawson, Frontier, Garfield, Greeley, Hall, Hayes, Hitchcock, Holt, Howard, Knox, Redwillow, Sherman, Valley, Wheeler.
Following counties, $0.60: Boone, Cuming, Dakota, Dixon, Franklin, Furnas, Gosper, Hamilton, Harlan, Kearney, Madison, Merrick, Nance, Phelps, Pierce, Platte, Polk, Stanton, Thurston, Wayne, Webster, York.
Following counties, $0.61: Adams, Burt, Butler, Cass, Clay, Colfax, Dodge, Douglas, Fillmore, Jefferson, Lancaster, Nuckolls, Otee Otoe, Saline, Sarpy, Saunders, Seward, Thayer, Washington.
Following counties, $0.62: Cage, Johnson, Nemaha, Pawnee, Richardson.

NEVADA

All counties, $0.67.

NEW HAMPSHIRE

All counties, $0.73.

NEW JERSEY

All counties, $0.72.

NEW YORK

All counties, $0.71.

NEW MEXICO

All counties, $0.64.

NORTH CAROLINA

All counties, $0.75.

NORTH DAKOTA

Following counties, $0.55: Adams, Billings, Bowman, Burke, Divide, Dunn, Golden Valley, Hettinger, McKenzie, Mountrail, Slope, Stark, Williams.
Following counties, $0.56: Bottineau, Burleigh, Emmons, Grant, McHenry McLean, Mercer, Morton, Oliver, Renville, Rolette, Sioux, Ward.
Following counties, $0.57: Benson, Cavalier, Eddy, Foster, Kidder LaMoure, Logan, McIntosh, Nelson, Pembina, Pierce, Ramsey, Sheridan, Stutsman Towner, Walsh, Wells.
Following counties, $0.58: Barnes, Cass, Dickey, Grand Forks, Griggs, Ransom, Richland, Sargent, Steele, Traill.

OHIO

Following counties, $0.67: Adams, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Defiance, Fayette, Fulton, Gallia, Greene, Hamilton, Henry, Highland, Lawrence, Meigs, Mercer, Miami, Montgomery, Paulding, Preble, Scioto, Shelby, Van Wert, Warren, Williams.
All other counties, $0.68.

OKLAHOMA

Following counties, $0.65: Beaver, Cimarron, Harper, Texas.
Following counties, $0.66: Alfalfa, Craig, Delaware, Dewey, Ellis, Grant, Kay, Mayes, Nowata, Osage, Ottowa, Roger Mills, Rogers, Washington, Woods, Woodward.
All other counties, $0.67.

OREGON

Following counties, $0.58: Grant, Malheur.
Following counties, $0.59: Baker, Harney, Union, Wallowa.
Following counties, $0.61: Jackson, Josephine, Klamath, Lake.
Following counties, $0.62: Crook, Deschutes, Douglas, Jefferson, Umatilla, Wheeler.
Following county, $0.63: Lane.
Following counties, $0.64: Benton, Gilliam, Linn, Morrow, Sherman, Wasco.
Following counties, $0.65: Clackamas, Hood River, Marion, Polk, Yamhill.
Following counties, $0.66: Columbia, Multnomah, Washington.

PENNSYLVANIA

Following counties, $0.70: Bradford, Carbon, Columbia, Cumberland, Dauphin, Franklin, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, Wyoming.
Following counties, $0.71: Adams, Berks, Lancaster, Lebanon, Lehigh, York.
Following counties, $0.72: Bucks, Chester, Delaware, Montgomery, Philadelphia.
All other counties, $0.69.

RHODE ISLAND

All counties, $0.73.

SOUTH CAROLINA

All counties, $0.75.

SOUTH DAKOTA

Following counties, $0.55: Butte, Custer, Fall River, Haakon, Harding, Lawrence, Meade, Pennington, Perkins, Ziebach.
Following counties, $0.56: Armstrong, Corson, Dewey, Jackson, Jones, Stanley.
Following counties, $0.57: Bennett, Campbell, Edmunds, Hughes, Hyde, Lyman, McPherson, Mellette, Potter, Shannon Sully, Todd, Walworth, Washabaugh, Washington.
Following counties, $0.58: Aurora, Beadle, Brown, Brule, Buffalo, Charles Mix, Clark, Davison, Day, Douglas, Faulk, Gregory, Hand, Jerauld, Kingsbury, Marshall, Miner, Sanborn, Spink, Tripp.
Following counties, $0.59: Bon Homme, Brookings, Codington, Deuel, Grant, Hamlin, Hanson, Hutchinson, Lake, Lincoln, McCook, Minnehaha, Moody, Roberts, Turner, Yankton.
Following counties, $0.60: Clay, Union.

TENNESSEE

All counties, $0.72.

TEXAS

Following counties, $0.65: Dallam, Sherman.
Following counties, $0.66: Andrews, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Martin, Moore, Ochiltree, Roberts, Sterling.
Following counties, $0.67: Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Concho, Cooke, Cottle, Crosby, Dawson, Deaf Smith, Dickens, Donley, Eastland, Foard, Floyd, Fisher, Gaines, Garza, Gray, Hall, Hale, Hardeman, Haskell, Hockley, Howard, Jack, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, McCulloch, Mitchell, Montague, Motley, Nolan, Oldham, Palo Pinto, Parmer, Potter, Randall, Runnels, Scurry, Schackelford, Stephens, Stonewall, Swisher, Taylor, Terry, Throckmorton, Tom Greene, Wheeler, Wichita, Wilbarger, Yoakum, Young.
Following counties, $0.68: Bowie, Brown, Comanche, Delta, Erath, Fannin, Gillespie, Grayson, Hopkins, Kendall, Kerr, Kimble, Lamar, Llano, Mason, Menard, Parker, Red River, Wise.
Following counties, $0.69: Bandera, Bexar, Blanco, Bosque, Burnet, Camp, Cass, Collin, Comal, Dallas, Denton, Ellis, Franklin, Hamilton, Hayes, Hood, Hunt, Johnson, Kaufman, Lampasas, Marion, Medina, Mills, Morris, Rains, Rockwall, San Saba, Somervell, Tarrant, Titus, Upshur, Van Zandt, Wood.
Following counties, $0.70: Anderson, Bee, Bell, Caldwell, Cherokee, Coryell, Falls, Freestone, Gonzales, Gregg, Guadalupe, Harrison, Henderson, Hill, Jim Wells, Karnes, Kleberg, Leon, Limestone, Live Oak, McLennan, Milan, Navarro, Nueces, Panola, Robertson, Rusk, San Patricio, Smith, Travis, Williamson, Wilson.
Following counties, $0.71: Angelina, Aransas, Bastrop, Brazos, Burleson, Calhoun, De Witt, Fayette, Goliad, Grimes, Houston, Lavaca, Lee, Madison, Nacogdoches, Refugio, Sabine, San Augustine, Shelby, Trinity, Victoria, Walker, Washington.
Following counties, $0.72: Austin, Colorado, Jackson, Jasper, Newton, Polk, San Jacinto, Tyler.
Following counties, $0.73: Brazoria, Chambers, Fort Bend, Hardin, Jefferson, Liberty, Matagorda, Montgomery, Orange, Waller, Wharton.
Following counties, $0.75: Galveston, Harris.

UTAH

All counties, $0.64.

VERMONT

All counties, $0.73.

VIRGINIA

All counties, $0.73.

WASHINGTON

Following counties, $0.58: Douglas, Ferry, Okanogan, Pend Oreille, Stevens.
Following counties, $0.60: Adams, Asotin, Chelan, Franklin, Grant, Lincoln, Spokane, Whitman.
Following counties, $0.61: Columbia, Garfield, Walla Walla.
Following counties, $0.62: Benton, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum, Whatcom, Yakima.
Following counties: $0.64: Cowlitz, Klickitat, Lewis, Skamania.
Following county, $0.65: Clark.

WEST VIRGINIA

All counties, $0.71.

WISCONSIN

Following counties, $0.59: Ashland, Bayfield, Iron.
Following counties, $0.60: Barron, Burnett, Douglas, Polk, St. Croix, Sawyer, Vilas, Washburn.
Following counties, $0.61: Buffalo, Chippewa, Clark, Dunn, Eau Claire, Florence, Forest, Langlade, Lincoln, Marinette, Oneida, Pepin, Pierce, Price, Rusk, Taylor, Trempealeau.
Following counties, $0.62: Adams, Brown, Crawford, Door, Grant, Iowa, Jackson, Juneau, Kewaunee, La Crosse, Lafayette, Marathon, Marquette, Monroe, Oconto, Outegamie, Portage, Richland, Sauk, Shawano, Vernon, Waupaca, Waushara, Wood.
Following counties, $0.63: Calumet, Columbia, Dane, Dodge, Fond du Lac, Green, Green Lake, Jefferson, Manitowoc, Ozaukee, Rock, Sheboygan, Washington, Waukesha, Winnebago.
Following county, $0.64: Walworth.
Following counties, $0.65: Kenosha, Milwaukee, Racine.

WYOMING

All counties, $0.58.

(b) *Storage allowance.* There shall be no storage allowance on oats under either the loan or purchase agreement program.

A deduction of 7 cents per bushel shall be made from the applicable loan rate on oats being placed under loan in a warehouse, unless evidence is submitted with the warehouse receipt that all warehouse charges except receiving charges have been prepaid through April 30, 1948.

A deduction of 7 cents per bushel shall be made from the applicable purchase rate on warehouse-stored oats offered under the purchase agreement program unless evidence is submitted with the

warehouse receipt that all warehouse charges except receiving charges have been paid through the date on which the warehouse receipts are tendered to the county committee.

Approved: August 4, 1947.

[SEAL] C. C. FARRINGTON,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 47-7446; Filed, Aug. 7, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[ACP-1947-3]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

[1947 Bulletin, Amdt. 2]

PART 702—INSULAR AGRICULTURAL CONSERVATION PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the National Agricultural Conservation Program, issued August 22, 1946 (11 F. R. 9467), as amended September 27, 1946 (11 F. R. 11266), and January 14, 1947 (12 F. R. 345), the Insular Agricultural Conservation Program, issued August 23, 1946 (11 F. R. 9327), as amended April 21, 1947 (12 F. R. 2623), and all State Bulletins (Subpart—1947) thereto, issued December 10, 1946 (11 F. R. 14339), and amendments thereto, issued March 6, 1947 (12 F. R. 1831), April 23, 1947 (12 F. R. 2977), and July 11, 1947 (12 F. R. 4879), are hereby further amended as follows:

1. The term "Field Service Branch" is deleted wherever it appears, and the following substituted therefor: "Field Service Branch or, on and after July 1, 1947, Agricultural Conservation Programs Branch."

2. The term "Director, Field Service Branch" is deleted wherever it appears, and the following substituted therefor: "Director, Field Service Branch, or, on and after July 1, 1947, Director, Agricultural Conservation Programs Branch."

3. The term "Regional Director" is deleted wherever it appears, and the following substituted therefor: "Regional Director or, on and after July 1, 1947, Director, Agricultural Conservation Programs Branch."

(49 Stat. 1148, as amended; 16 U. S. C. and Sup., 590g–590q)

Done at Washington, D. C., this 5th day of August 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7452; Filed, Aug. 7, 1947; 8:47 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE PRICES FOR 1947 CROP OF HAWAIIAN SUGARCANE

Pursuant to section 301 (d) of the Sugar Act of 1937, as amended, and after investigation and due consideration of the evidence obtained at the public hearings held in Honolulu on February 25, 1947 and in Hilo on February 27, 1947, the following determination is hereby issued:

§ 802.32 *Fair and reasonable prices for the 1947 crop of Hawaiian sugarcane.* Fair and reasonable prices for the 1947 crop of Hawaiian sugarcane to be paid by processors who, as producers, apply for payment under the Sugar Act of 1937, as amended, shall be not less than those provided for in the agreements heretofore made and agreed upon between the several processors in Hawaii and the producers of such sugarcane: *Provided, however,* That the processor shall not reduce the returns to producers below those determined herein through any subterfuge or device whatsoever. (Sec. 301, 50 Stat. 910; 7 U. S. C. 1131)

Issued this 5th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7447; Filed, Aug. 7, 1947; 8:46 a. m.]

Chapter IX—Producton and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 233, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State or Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Lemon Regulation 233 (§ 953.340) (12 F. R. 5274) is hereby amended to read as follows:

(b) *Order, as amended.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 3, 1947, and ending at 12:01 a. m., P. s. t., August 10, 1947, is hereby fixed at 575 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 233 (12 F. R. 5274) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of August 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7502; Filed, Aug. 7, 1947; 10:53 a. m.]

Chapter XIV—Production and Marketing Administration (School Lunch Program)

APPENDIX—REAPPORTIONMENT OF FOOD ASSISTANCE FUNDS

Pursuant to section 4 of the National School Lunch Act (60 Stat. 230), food assistance funds available for the fiscal year ending June 30, 1947, are reapportioned among the several States as follows:

State	Total	State agency	Withheld for private schools
Alabama	$2,211,241.15	$2,188,650.75	$22,590.40
Arizona	380,988.13	355,337.67	25,650.46
Arkansas	1,585,722.24	1,558,835.19	26,887.05
California	2,725,171.28	2,725,171.28	
Colorado	429,975.65	397,610.10	32,365.55
Connecticut	461,635.82	461,635.82	
Delaware	88,329.69	88,329.69	
Dist. of Col.	63,501.31	63,501.31	
Florida	1,314,329.44	1,279,480.11	34,849.33
Georgia	2,687,295.21	2,687,295.21	
Idaho	310,638.25	303,137.37	7,500.88
Illinois	3,114,289.60	3,114,289.60	
Indiana	1,357,078.12	1,357,078.12	
Iowa	1,131,243.24	1,040,088.57	91,154.67
Kansas	580,606.61	580,606.61	
Kentucky	1,786,744.86	1,786,744.86	
Louisiana	1,781,217.37	1,781,217.37	
Maine	283,617.13	263,857.00	19,760.13
Maryland	644,957.21	613,727.09	31,230.12
Massachusetts	1,156,294.64	1,069,914.00	86,380.64
Michigan	1,846,266.30	1,687,484.28	158,782.02

State	Total	State agency	Withheld for private schools
Minnesota	$1,460,665.20	$1,296,154.45	$164,510.75
Mississippi	1,545,060.38	1,545,060.38	
Missouri	1,733,152.58	1,733,152.58	
Montana	180,129.40	168,350.76	11,778.64
Nebraska	390,016.95	390,016.95	
Nevada	58,296.00	57,119.12	1,176.88
New Hampshire	139,349.00	139,349.00	
New Jersey	1,108,165.07	901,427.64	206,737.43
New Mexico	228,162.25	208,000.00	20,162.25
New York	4,527,813.09	4,527,813.09	
North Carolina	3,290,148.64	3,290,148.64	
North Dakota	179,112.45	171,284.60	27,827.85
Ohio	2,441,632.10	2,152,097.93	289,534.17
Oklahoma	1,400,251.80	1,400,251.80	
Oregon	418,288.17	408,296.47	
Pennsylvania	1,580,413.01	1,432,767.51	212,715.70
Rhode Island	192,461.17	192,461.17	
South Carolina	1,810,430.64	1,804,406.45	5,864.19
South Dakota	184,717.14	161,584.98	23,132.16
Tennessee	2,201,581.01	2,171,666.51	29,917.46
Texas	4,152,984.95	4,152,984.95	
Utah	608,391.58	602,132.08	6,259.50
Vermont	117,000.00	117,000.00	
Virginia	1,294,920.36	1,278,387.44	16,532.92
Washington	673,187.18	644,290.05	28,897.13
West Virginia	1,115,567.10	1,100,224.88	15,342.30
Wisconsin	1,108,836.41	893,504.83	215,331.58
Wyoming	165,011.21	165,011.21	
Alaska	7,929.50	7,929.50	
Hawaii	67,909.31	55,737.82	12,171.49
Puerto Rico	2,019,175.47	2,019,175.47	
Virgin Islands	34,945.63	34,945.63	
Total	62,458,155.24	60,182,161.63	1,805,993.61

(60 Stat. 230)

Date: August 4, 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7410; Filed, Aug. 7, 1947; 8:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

MISCELLANEOUS AMENDMENTS

§ 131.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of section 57 of Public Law No. 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U. S. C. 851 et seq.), and to the provisions of the marketing agreement and to the marketing order (9 CFR 131.1 et seq.) effective thereunder on December 7, 1936, and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR, Cum. Supp., 132.1 et seq.), after due notice a public hearing was held at Washington, D. C., on April 29–30, 1946, to consider proposed amendments to the marketing agreement and to the marketing order regulating the handling of anti-hog-cholera serum and hog-cholera virus. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions of said order as hereby amended, in conjunction with the marketing agreement as amended, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the amended marketing agreement, effective as of the same time as the effective date of this order, upon which a hearing has been held.

(b) *Additional findings.* The foregoing findings are supplementary, and in addition, to the findings made in connection with the issuance of the aforesaid order; and all of said previous findings are hereby ratified and affirmed, except insofar as such findings may be in conflict with the findings set forth herein.

(c) *Determinations.* It is hereby determined that:

(1) The marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by the Secretary on the 2d of December 1936, effective December 7, 1936, has been amended by the said order, and the said order as hereby amended is in conformity with such marketing agreement as amended which is to become effective as of the same time as the effective date of this order.

(2) Handlers of not less than 75 percent of the volume of anti-hog-cholera serum and hog-cholera virus which is handled in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce, for the marketing (i. e. calendar) year 1946 have signed the aforesaid amended marketing agreement.

Order relative to handling. It is, therefore, ordered that, from and after the effective date hereof, the marketing order dated December 2, 1936, effective December 7, 1936, regulating the handling of anti-hog-cholera serum and hog-cholera virus is hereby amended to conform to the amended marketing agreement as follows:

1. Delete paragraph 10 of Article I, section 1 (9 CFR, 131.1 (j)), reading as follows:

§ 131.1 *Definitions.* • • •

(j) *Volume contract purchaser.* "Volume contract purchaser" means that class or classes of buyers comprising persons or agencies who regularly purchase, for delivery within a definite period of time, serum and virus in specified amounts, adequate, in the opinion of the control agency, to justify such special classification.

2. Amend paragraph 8 of Article I, section 1 (9 CFR, 131.1 (h)) to read as follows:

(h) *Wholesaler.* "Wholesaler" means that class of buyers comprising (1) persons or agencies who do not administer serum and virus but are regularly engaged in purchasing and maintaining stocks of serum and virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found by the control agency on submitted evidence acceptable to said control agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the absorbing of all expenses incidental to the advertising, transportation, and selling of serum and virus, after receipt by them, to other trade groups, together with the furnishing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (2) persons or agencies who regularly purchase, for delivery within a definite period of time and pay for at sellers' posted prices at time of delivery, serum and virus in specified quantities, adequate, in the opinion of the control agency, to justify such classification.

(49 Stat. 781; 7 U. S. C. 851 et seq.)

Issued at Washington, D. C., this 4th day of August 1947, to become effective on and after 12:01 a. m., e. s. t., August 18, 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7409; Filed, Aug. 7, 1947; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 1068]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SAMUEL E. BERNSTEIN, INC. (NATIONAL SILVER CO.)

§ 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Foreign, in general:* § 3.66 (b 10) *Misbranding or mislabeling—History:* § 3.66 (c 20) *Misbranding or mislabeling—Manufacture or preparation:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general.* In connection with the offering for sale, sale and distribution of silverplated ware in commerce, employing or using in connection with the sale of silverplated ware which was not made in Sheffield, England, the word "Sheffield" alone or in connection with any other word or words, sign, symbol or device to describe or designate such silverplated ware either by stamping or impressing the name "Sheffield" thereon or in any other manner; prohibited, subject to the provision, however, that the word "Sheffield" may be used in connection with the sale of silverplated ware, not made in Sheffield, England, if it is used only in immediate connection with the word or words "design" or "pattern", or words of similar import and meaning of equal size and conspicuousness so as clearly to reveal that the article described is a modern copy, or modern reproduction of the "design" or "pattern" of a piece of Sheffield Plate manufactured in the 18th Century, and such descriptive words are qualified by the words, "Made in U. S. A.", or words of similar import and meaning of equal size and conspicuousness revealing the country in which

said ware has been manufactured. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45 b) [Modified cease and desist order, Samuel E. Bernstein, Inc., Now, National Silver Company, Docket 1068, July 3, 1947]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 3d day of July A. D. 1947.

In the Matter of Samuel E. Bernstein, Inc., Now National Silver Company

An order having heretofore been entered by the Federal Trade Commission in this proceeding on July 7, 1926, requiring Samuel E. Bernstein, Inc., its agents, servants, employees and representatives to cease and desist from using the word "Sheffield" in connection with the sale of silverplated ware not made in Sheffield, England; and the National Silver Company having merged with the original respondent herein in 1928, and having thereafter been subject to the provisions of said order to cease and desist, and said National Silver Company having filed its petition on November 22, 1946, seeking the reopening and modification of said order to cease and desist; and on January 5, 1947, having entered into a stipulation with Daniel J. Murphy, Assistant Chief Trial Counsel for the Commission, subject to the approval of the Commission, which stipulation provides, in addition to other provisions, that without further evidence or intervening procedure, the Commission may make its findings as to the facts and conclusion based thereon, and enter its order disposing of this proceeding;

And the Commission having approved said stipulation, and having found that changed conditions of fact, subsequent to the original order to cease and desist herein, and the public interest, require the said order be reopened and modified by the addition thereto of a provision, as follows:

Provided, however, That the word "Sheffield" may be used in connection with the sale of silverplated ware, not made in Sheffield, England, if it is used only in immediate connection with the word or words "design" or "pattern", or words of similar import and meaning so as clearly to reveal that the article described is a modern copy, or modern reproduction of the "design" or "pattern" of a piece of Sheffield Plate manufactured in the 18th Century, and such descriptive words are qualified by the words, "Made in U. S. A.", or words of similar import and meaning of equal size and conspicuousness revealing the country in which said ware has been manufactured.

It is ordered, That the respondent, National Silver Company, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of silverplated ware in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist:

From employing or using in connection with the sale of silverplated ware which was not made in Sheffield, England, the word "Sheffield" along or in connection with any other word or words, sign, symbol or device to describe or designate such silverplated ware either by stamping or impressing the name "Sheffield" thereon or in any other manner: *Provided, however,* That the word "Sheffield" may be used in connection with the sale of silverplated ware, not made in Sheffield, England, if it is used only in immediate connection with the word or words "design" or "pattern", or words of similar import and meaning of equal size and conspicuousness so as clearly to reveal that the article described is a modern copy, or modern reproduction of the "design" or "pattern" of a piece of Sheffield Plate manufactured in the 18th Century, and such descriptive words are qualified by the words, "Made in U. S. A.", or words of similar import and meaning of equal size and conspicuousness revealing the country in which said ware has been manufactured.

It is further ordered, That respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with said order.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 47-7404; Filed, Aug. 7, 1947; 9:03 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of The Treasury

[T. D. 51727]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

REGAUGE OF DISTILLED SPIRITS

Section 8.44 *Distilled spirits; regauge,* Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.44), is amended by placing a period after the word "gauge" and deleting the remainder of the sentence.

T. D. 51667 (2) shall be inserted as a marginal reference for said § 8.44.

(Par. 813; secs. 1, 557, 562, 46 Stat. 640, 744, 745, secs. 2, 22, 23, 25, 52 Stat. 1077, 1087, 1088, sec. 624, 46 Stat. 759; 19 U. S. C. 1001, 1557, 1562, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: August 1, 1947.

E. H. FOLEY Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7418; Filed, Aug. 7, 1947; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter A—Property Improvement Loans

PART 501—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

Correction

In Federal Register Document 47-6281, appearing at page 4369 of the issue for Friday, July 4, 1947, the figure "$4.00" appearing in § 501.5 (a) (1) should read "$5.00".

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 2, Revocation]

PART 705—ADMINISTRATION

AUTHORIZATION TO FIX COMMUNITY CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Secretary of Agriculture by the Sugar Control Extension Act of 1947, General Sugar Order 2 (§ 705.102[1]) and all orders fixing community ceiling prices issued pursuant to the authority contained therein are hereby revoked, effective August 6, 1947: *Provided, however,* That all such orders shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any violation thereof, or right accrued, or liability incurred thereunder.

(Pub. Law 30, 80th Cong.)

Issued this 5th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

Opinion Accompanying Revocation of General Order 2

General Order No. 2, as amended, delegates to the Administrator of the Sugar Rationing Administration and any Director of a Field Office of the Sugar Rationing Administration, Department of Agriculture, the authority to issue and put into effect orders establishing maximum dollar-and-cents prices for sales at retail of any food item subject to price control under the jurisdiction of the Secretary of Agriculture.

Orders fixing the highest retail prices which may be charged in any particular locality for sugar and rice issued pursuant to General Order No. 2, as amended, were for the purpose of informing retailers and consumers of the exact maximum prices in any locality for sugar and rice. Due to large reductions in the field staff of the Sugar Rationing Administration, it is not possible to revise such orders to reflect increases in the price of sugar.

Ceiling prices on sugar sold at the retail level are retained, however, by Maximum Price Regulations 422 and 423 wherein each individual retailer is required to compute his own individual ceiling according to the method set forth by the provisions of either MPR 422 (Group 3 and 4 stores) or MPR 423 (Group 1 and 2 stores) whichever is applicable to him.

[F. R. Doc. 47-7451; Filed, Aug. 7, 1947; 8:56 a. m.]

[MPR 60,[2] Amdt. 12]

PART 710—FOOD PRICES

DIRECT CONSUMPTION SUGAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 60 is amended in the following respects:

1. The table of maximum basis prices in section 2 (a) (1) is amended to read as follows:

(i) For sales of fine granulated cane sugar refined in Continental United States, $6.40.

(ii) For sales of fine granulated beet sugar processed in Continental United States, $8.30.

(iii) For sales of fine granulated cane sugar from off-shore areas, domestic and foreign, duty paid, $6.35.

(iv) For sales of turbinado, washed-white or similar sugar from off-shore areas, domestic or foreign, duty paid, for direct consumption, $6.05.

(v) For sales of plantation granulated sugar processed from United States mainland sugarcane, $6.30.

(vi) For sales of direct-consumption sugars other than those provided for above, in this section, processed from United States mainland sugarcane, including but not limited to turbinado, plantation white and highwashed sugars, $6.20.

2. In section 2 (b) (1) the figure "$5.335" is substituted for the figure "$5.20."

This amendment shall become effective 12:01 a. m., August 6, 1947.

(Pub. Law 30, 80th Cong.)

Issued this 5th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7449; Filed, Aug. 7, 1947; 8:46 a. m.]

[MPR 16,[1] Amdt. 7]

PART 710—FOOD PRICES

RAW CANE SUGAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 16 is amended in the following respects:

In sections 8 (a) (1) (i) and 8 (b) (1) the figure "4.95" is substituted for the figure "4.815."

This amendment shall become effective 12:01 a. m. August 6, 1947.

(Pub. Law 30, 80th Cong.)

Issued this 5th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

Statement of Consideration Involved in the Issuance of Amendment No. 7 to Maximum Price Regulation 16 and Amendment No. 12 to Maximum Price Regulation 60

The accompanying amendments to Maximum Price Regulations Nos. 16 and 60 increase the maximum prices of raw cane sugar and direct consumption raw sugar 13.5 cents per hundredweight and of all direct consumption sugars, except direct consumption raw sugar, 15 cents per hundredweight.

These increases in maximum prices are necessary under the terms of section (6) (c) of the Price Control Extension Act of 1946, as continued by the Sugar Control Extension Act of 1947, which provides that Commodity Credit Corporation may not "absorb any increase in the price paid for Cuban sugar over 3.675 cents per pound, raw basis, f. o. b. Cuba [the minimum basis price established by the Cuban Contract], as being paid for such sugar, in Cuba, on June 30, 1946," to enable the Commodity Credit Corporation to continue the importation of Cuban sugar into the United States under the terms of its contract with the Cuban Government.

These increases are made applicable to all sugars covered by the regulations, as has been the case with earlier increases for the same reasons outlined in the statements of considerations accompanying the issuance of Amendments 2 and 3 to Maximum Price Regulation 16.

[F. R. Doc. 47-7450; Filed, Aug. 7, 1947; 8:47 a. m.]

[1] 10 F. R. 10978; 11 F. R. 1434, 3201, 13694; 12 F. R. 391, 2165, 2358.

[2] 12 F. R. 2943.

[1] 10 F. R. 14816, 11 F. R. 1434, 3299, 7026, 13554, 13524, 13695; 12 F. R. 391, 2165, 4385 1927.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; BULGARIA

The following changes are made in the regulations under the country "Bulgaria" (39 CFR, Part 21, Subpart B):

1. In the item "Regular Mails" delete the subitem "Routing."

2. In the item "Regular Mail—Money Order Service," amend the subitem "Money Order Service" to read as follows:

Money Order Service. See § 17.55 of this chapter.

3. In the item "Regular Mails" amend the subitem "Air Mail Service" to read:

Air Mail Service. Postage Rate, 15 cents one-half ounce. (See §§ 21.19, 21.21)

4. Under the Table of Rates in the item "Parcel Post" change "Weight Limit: 44 pounds" to "Weight Limit: 22 pounds" and add "Parcel Post Sticker: 1 Form 2922."

5. In the Item "Parcel Post" delete the subitem "Routing."

In the item "Parcel Post" add the following to the end of the second paragraph of the subitem "Prohibitions. *For Sanitary Reasons.*"

Worn clothing intended for personal use must be clean and must be accompanied by a certificate indicating that the articles have been subjected to disinfection.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-7457; Filed, Aug. 7, 1947; 8:47 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

MAIL SERVICE TO SHANTUNG PROVINCE, CHINA

The regulations under the country "China" (39 CFR, Part 21), as amended, (12 F. R. 3864, 4400) are further amended by the addition of the following:

Mail service to Shantung Province. Information has been received from the Postal Administration of China that most of the post offices in the Province of Shantung are not now functioning. Mail is no longer accepted for transmission to Shantung Province unless it is addressed to cities of that province named in the following list:

Ankiu.	Litsun.	Tseyang.
Changlo.	Hingyang.	Tsiho.
Changtsing.	Shanhsien.	Tsimo.
Chengyang.	Sinchwang.	Tsingtao.
Fangtse.	Szefang.	Tsinan.
Hanchwang.	Taierchwang.	Tsining.
Hotseh.	Tancheng.	Tsowhsien.
Kinsiang.	Tsaohsien.	Weihsien.
Kufou.	Tenghsien.	Wenshang.
Lincheng.	Tsangkow.	Yihsien.
Lini.	Tsaochwang.	Yutai.

Parcel Post service to Shantung Province. Parcel post service is temporarily suspended to the Province of Shantung, except to the city of Tsingtao.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-7341; Filed, Aug. 7, 1947; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management

Appendix—Public Land Orders

[Public Land Order 386]

ALASKA

REDUCING WITHDRAWAL OF PUBLIC LANDS ALONG ALASKA HIGHWAY AND OPENING RELEASED LANDS TO SETTLEMENT AND OTHER FORMS OF APPROPRIATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 84 of January 28, 1943, and Public Land Order No. 12 of July 20, 1942, as amended by Public Land Order No. 270 of April 5, 1945, are hereby revoked.

Subject to valid existing rights, including the rights of natives based on occupancy, and the provisions of existing withdrawals, the following-described lands are hereby withdrawn under the jurisdiction of the Secretary of the Interior from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, for highway purposes:

(a) A strip of land 600 feet wide, 300 feet on each side of the center line of the Alaska Highway (formerly the Canadian Alaskan Military Highway) as constructed from the Alaska-Yukon Territory boundary to its junction with the Richardson Highway near Big Delta, Alaska.

(b) A strip of land 600 feet wide, 300 feet on each side of the center line of the

Gulkana-Slana-Tok Road as constructed from Tok Junction at about Mile 1319 on the Alaska Highway to the junction with the Richardson Highway near Gulkana, Alaska.

Subject to valid existing rights (including the rights of natives based on occupancy and the provisions of existing withdrawals), the following-described lands are hereby withdrawn under the jurisdiction of the Secretary of War from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, for right-of-way purposes for a telephone line and an oil pipe line with appurtenances:

(a) A strip of land 50 feet wide, 25 feet on each side of a telephone line as located and constructed generally parallel to the Alaska Highway from the Alaska-Yukon Territory boundary to the junction of the Alaska Highway with the Richardson Highway near Big Delta, Alaska.

(b) A strip of land 20 feet wide, 10 feet on each side of a pipe line as located and constructed generally parallel to the Alaska Highway from the Alaska-Yukon Territory boundary to the junction of the Alaska Highway with the Richardson Highway near Big Delta, Alaska.

(c) A tract of land containing 65 acres, situated on the north side of the Alaska Highway, to include the pumping plant and accessories at Pumping Station "T" Canol Project, more particularly described as follows:

Beginning at a point on the center line of the Alaska Highway opposite the pump house at Mile Station 1249.7, thence by metes and bounds:

Southeasterly along center line of Alaska Highway approximately 15 chains;
N. 48° E., 24 chains;
N. 42° W., 30 chains;
S. 48° W., 22 chains to center line of Highway;

Southeasterly along center line of Alaska Highway approximately 15 chains to point of beginning.

(d) A tract of land containing 60 acres, situated on the north side of the Alaska Highway, to include the pumping plant and accessories at Pumping Station "J", Canol Project, more particularly described as follows:

Beginning at a point on the center line of the Alaska Highway opposite the pump house at Mile Station 1288.6, thence by metes and bounds:

S. 40°32' E., 15 chains;
N. 49°28' E., 20.00 chains;
N. 40°32' W., 30.00 chains;
S. 49°28' W., 20.00 chains to center line of Highway;
S. 40°32' E., along center line of Alaska Highway approximately 15 chains to point of beginning.

(e) A tract of land containing 60 acres, situated on the north side of the Alaska Highway, to include the pumping plant and accessories at Pumping Station "K", Canol Project, more particularly described as follows:

Beginning at a point on the center line of the Alaska Highway opposite the pump house at Mile Station 1330.1, thence by metes and bounds:

S. 80°56' E., 15 chains;
N. 9°04' E., 20 chains;
N. 80°56' W., 30 chains;
S. 9°04' W., 20 chains;
S. 80°56' E., along center line of Alaska Highway approximately 15 chains to point of beginning.

(f) A tract of land containing 60 acres, situated on the north side of the Alaska Highway, to include the pumping plant and accessories at Pumping Station "L", Canol Project, more particularly described as follows:

Beginning at a point on the center line of the Alaska Highway opposite the pump house at Mile Station 1370.0, thence by metes and bounds:

S. 53° E., 15 chains;
N. 38° E., 20 chains;
N. 53° W., 30 chains;
S 38° W., 20 chains;
S. 53° E., along center line of Alaska Highway approximately 15 chains to point of beginning.

(g) A tract of land containing 60 acres, situated on the north side of the Alaska Highway, to include the pumping plant and accessories at Pumping Station "M", Canol Project, more particularly described as follows:

Beginning at a point on the center line of the Alaska Highway opposite the pump house at Mile Station 1409.5, thence by metes and bounds:

S. 58°29' E., 15 chains;
N. 31°31' E., 20 chains;
N. 58°29' W., 30 chains;
S. 31°31' W., 20 chains;
S. 58°29' E., 15 chains to the point of beginning.

(h) A tract of land containing 3.45 acres located on the northeast side of the Alaska Highway at Mile 1265, more particularly described as follows:

Beginning at a point at latitude 63°00' N., and longitude 141°47' W., indicated by a wood post 4" x 6" x 5', marked ROW, RM USR, from which point the center line of the Alaska Highway bears S. 57°54' W. 165 feet, thence by metes and bounds:

S. 57°54' W., 133 feet to point 32 feet from center line of the Alaska Highway;
S. 32°06' E., 500 feet parallel to and 32 feet from center line of the Alaska Highway;
N. 57°54' E., 300 feet;
N. 32°06' W., 500 feet;
S. 57°54' W., 167 feet to the point of beginning.

(i) A tract of land containing 3.45 acres located on the north side of the Alaska Highway at approximately Mile 1344.6, more particularly described as follows:

Beginning at a point 32 feet north of the center line of the Alaska Highway from which the southeast corner of the ACS Repeater Station Building bears north, 125 feet, thence by metes and bounds:

West, 350 feet;
North, 300 feet;
East, 500 feet;
South, 300 feet;
West, 150 feet to the point of beginning.

(j) A tract of land containing 3.45 acres located on the northeast side of the Alaska Highway at approximately Mile 1429, more particularly described as follows:

Beginning at a point from which the intersection of the center lines of the Alaska Highway and the Richardson Highway, latitude 64°02'57" N., longitude 145°45' W. bears S. 31°24' W., 32 feet, N. 58°36' W., 260 feet, thence by metes and bounds:

S. 58°36' E., 500 feet;
N. 31°24' E., 300 feet;
N. 58°36' W., 500 feet;
S. 31°24' W., 300 feet to the point of beginning.

Subject to valid existing rights, including the rights of natives based on occupancy, and the provisions of existing withdrawals (including the withdrawal of a 60-foot strip along the Alaska-Yukon Territory boundary, made by Proclamation of May 3, 1912, 37 Stat. 1741), the following-described lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral leasing laws, for classification and survey:

ALASKA-YUKON TERRITORY BOUNDARY

A tract of land containing 800 acres situated on both sides of the Alaska Highway, adjacent to the International boundary between the United States and Canada, more particularly described as follows:

Beginning at a point on the International boundary between the United States and Canada 22.50 chains south of the center line of the Alaska Highway, between Mile Stations 1221 and 1222 thereof, in approximate latitude 62°52' N., longitude 141°00' W., thence by metes and bounds:

West 80 chains;
North 100 chains;
East 80 chains to a point on the International boundary;
South 100 chains along the International boundary to the point of beginning.

GARDINER CREEK

A tract of land containing 480 acres lying on both sides of the Alaska Highway at the crossing of Gardiner Creek, more particularly described as follows:

Beginning at a point in the center line of the Alaska Highway at Mile Station 1247, in approximate latitude 62°50' N., longitude 141°25' W., thence by metes and bounds:

S. 50° W., 40 chains;
N. 40° W., 80 chains;
N. 50° E., 60 chains;
S. 40° E., 80 chains;
S. 50° W., 20 chains to the point of beginning.

LAKEVIEW

A tract of land containing approximately 270 acres lying on both sides of the Alaska Highway in the vicinity of Mile Station 1257, more particularly described as follows:

Beginning in the center line of the Alaska Highway at Mile Station 1257.5, in approximate latitude 62°55' N., and longitude 141°40' W., thence by metes and bounds:

N. 68° E., 22 chains;
S. 22° E., 80 chains;
S. 68° W., 48 chains more or less to the east shore of a lake;
Northerly with the meanders of the lake shore, 91 chains more or less;
N. 68° E., 18 chains more or less to the point of beginning.

JUNCTION OF NORTHWAY ACCESS ROAD AND ALASKA HIGHWAY

A tract of land containing 160 acres at the junction of Northway Road and the Alaska Highway, more particularly described as follows:

Beginning at a point in the center line of the Alaska Highway, 20 chains southeasterly from the junction of Northway Road, near Mile Station 1265, in approximate latitude 63°3' N., and longitude 141°47' W., thence by metes and bounds:

Southwesterly, at right angles to the Alaska Highway, 20 chains;
Northwesterly, parallel to the center line of said highway, 40 chains;
Northeasterly, parallel to the first course of this description, 40 chains;
Southeasterly, parallel to the second course of this description, 40 chains;
Southwesterly, parallel to the third course of this description, 20 chains to the point of beginning.

LITTLE BEAVER CREEK

A tract of land containing approximately 40 acres lying on the south side of the Alaska Highway, more particularly described as follows:

Beginning at a point in the center line of the Alaska Highway 30 chains westerly from Mile Station 1269, in approximate latitude 63°05' N., and longitude 141 51' W., thence by metes and bounds:

Southerly at right angles to the Alaska Highway, 20 chains;
Westerly, parallel to the Alaska Highway, 20 chains;
Northerly, at right angles to the Alaska Highway, 20 chains;

Easterly, with the center line of the Alaska Highway, 20 chains to the point of beginning.

MIDWAY LAKE

A tract of land containing approximately 1070 acres lying on both sides of the Alaska Highway and bordering on the north shore of Midway Lake, more particularly described as follows:

Beginning at a point in the center line of the Alaska Highway at Mile Station 1293.4, in approximately latitude 63°15' N., and longitude 142°15' W., thence by metes and bounds:

North 20 chains;
S. 82° E., 115 chains more or less;
S. 50° E., 72 chains more or less;
N. 75° E., 125 chains more or less;
S. 39° E., 40 chains more or less;
Southwesterly, at right angles to the center line of the Alaska Highway and crossing the same at Mile Station 1289.75, 68 chains more or less to the north shore of Midway Lake;
Westerly, with the meanders of the north shore of Midway Lake, 235 chains more or less to a point due south of the point of beginning;
North 27 chains more or less to the point of beginning.

JUNCTION OF THE FORTY MILE ROAD AND ALASKA HIGHWAY

A tract of land containing 160 acres situated at the junction of the Forty Mile Road and the Alaska Highway, more particularly described as follows:

Beginning at a point on the center line of the Alaska Highway 20 chains easterly from its intersection with the center line of the road to the Forty Mile area, said intersection being 200 feet west from Mile Station 1306 on the Alaska Highway, thence by metes and bounds:

Southerly, at right angles to the Alaska Highway, 20 chains;
Westerly, parallel to the Alaska Highway, 40 chains;
Northerly, crossing the Alaska Highway at right angles, 40 chains;
Easterly, parallel to the Alaska Highway and crossing the Forty Mile Road, 40 chains;
Southerly, 20 chains, to the point of beginning.

TOK JUNCTION

A tract of land containing approximately 3840 acres situated at the junction of the Alaska Highway and the Slana-Tok Road and lying on both sides of said roads, more particularly described as follows:

Beginning at a point in the center line of the Alaska Highway at Mile Station 1317.75, in approximate latitude 63°21' N. and longitude 143°00' W., thence by metes and bounds:

Southwesterly, at right angles to the center line of the Alaska Highway, 160 chains;
Northwesterly, at right angles to the preceding course, 160 chains;
Northeasterly, parallel to the first course of this description, 240 chains;
Southeasterly, parallel to the second course of this description, 160 chains;
Southwesterly, parallel to the third course of this description, 80 chains to the point of beginning.

CATHEDRAL RAPIDS

A tract of land containing approximately 160 acres situated on both sides of the Alaska Highway, more particularly described as follows:

Beginning at a point in the center line of the Alaska Highway at Mile Station 1345.25, thence by metes and bounds:

Southwesterly at right angles to the center line of the Alaska Highway, 10 chains;
Southeasterly, approximately parallel to the center line of the Alaska Highway, 40 chains;
Northeasterly, crossing the center line of the Alaska Highway at right angles to the Tanana River;
Northwesterly, by the meanders of the Tanana River to a point which bears northeasterly from the point of beginning;
Southwesterly at right angles to the center line of the Alaska Highway to the point of beginning.

JOHNSON RIVER

A tract of land containing 36.66 acres lying on both sides of the Alaska Highway and south of the Johnson River, more particularly described as follows:

Beginning at a point which bears N. 58°55' E. from Mile Station 1386, thence by metes and bounds:

S. 58°55' W., 21.22 chains;
N. 27°10' W., 21.67 chains to the Johnson River;
Thence by meanders of south bank of the Johnson River northeasterly approximately 25 chains to a point which bears N. 35°54' W. from point of beginning;
S. 35°54' E., 15.06 chains to the point of beginning.

ROBERTSON RIVER

A tract of land containing approximately 540 acres situated near the confluence of the Tanana and Robertson Rivers, lying on both sides of the Alaska Highway, more particularly described as follows:

Beginning at a point in the center line of the Alaska Highway at Mile Station 1351.1, in approximate latitude 63°29' N., and longitude 143°52' W., thence by metes and bounds:

West 40 chains;
North 80 chains;
East 87 chains more or less to the west bank of the Tanana River;
Southerly, with the meanders of the west bank of the Tanana River, 91 chains more or less to a point due east of the point of beginning;
West 24 chains more or less to the point of beginning.

BERRY CREEK

A tract of land containing 480 acres lying on both sides of the Alaska Highway at the crossing of Berry Creek, more particularly described as follows:

Beginning at a point in the center line of the Alaska Highway at Mile Station 1377.8, in approximate latitude 63°42' N., and longitude 144°17' W., thence by metes and bounds:

North 40 chains;
East 60 chains;
South 80 chains;
West 60 chains;
North 40 chains to the point of beginning.

MILE 1387

A tract of land containing approximately 685 acres lying on both sides of the Alaska Highway and bordering on the west bank of Tanana River near the confluence of Johnson River, more particularly described as follows:

Beginning at a point in the center line of the Alaska Highway at Mile Station 1387.25 in approximate latitude 63°44' N., and longitude 144°40' W., thence by metes and bounds:

S. 33° W., 35 chains;
N. 57° W., 80 chains;
N. 33° E., 100 chains more or less to the west bank of the Tanana River;
Southeasterly, with the meanders of the west bank of Tanana River, 83 chains more or less;
S. 33° W., 50 chains more or less to the point of beginning.

BUENA VISTA

A tract of land containing approximately 10 acres on the Alaska Highway, more particularly described as follows:

Beginning at a point on the northerly right-of-way line of the Alaska Highway, approximately at Mile Station 1389.6, in approximate latitude 63°44' N., and longitude 144°49' W., thence by metes and bounds:

Easterly and northerly along the right-of-way line of the Alaska Highway (165 feet from the center line thereof), 13.50 chains;
N. 59° W., 9.75 chains;
S. 2°30' W., 11.00 chains to the point of beginning.

BUFFALO CENTER

A tract of land containing approximately 5440 acres at the junction of the Alaska Highway and the Richardson Highway, on the east bank of Delta River, more particularly described as follows:

Beginning at a point in the center line of the Alaska Highway at Mile Station 1427, approximately in latitude 64°1' N., and longitude 145°41' W., thence by metes and bounds:

South 80 chains;
West 186 chains, more or less, crossing Jarvis Creek and Richardson Highway to the east bank of Delta River;
Northerly, with the meanders of the east bank of Delta River 334 chains, more or less, to a point on the bank of said river which is 240 chains in northing from the point of beginning of this description;
East 160 chains, more or less, crossing Richardson Highway to a point due north of the point of beginning of this description;
South 240 chains to the point of beginning.

CLEARWATER CREEK

A tract of land containing 480 acres lying on both sides of the Slana-Tok Road at the crossing of Clearwater Creek, more particularly described as follows:

Beginning at a point in the center line of the Slana-Tok Road at Mile Station 56.6, approximately in latitude 63°10' N., and longitude 142°11' W., thence by metes and bounds:

West 10 chains;
North 80 chains;
East 60 chains;
South 80 chains;
West 50 chains to the point of beginning.

MINERAL LAKES

An area of approximately 600 acres lying on both sides of the Slana-Tok Road and on Mineral Lakes, more particularly described as follows:

Beginning at a point in the center line of the Slana-Tok Road at Mile Station 37.2, approximately in latitude 62°56' N., and longitude 143°25' W., thence by metes and bounds:

North 75 chains;
East 80 chains;
South 100 chains crossing the Slana-Tok Road and Mineral Lake;
West 60 chains;
North 25 chains to the point of beginning.

COBB LAKES

A tract of land containing 480 acres lying on both sides of the Gulkana-Slana Road, north of Cobb Lakes, more particularly described as follows:

Beginning at a point in the center line of Gulkana-Slana Road at Mile Station 59.75 from the Richardson Highway, approximately in latitude 62°43' N., and longitude 144 5' W., thence by metes and bounds:

South 30 chains;
West 80 chains;
North 60 chains;
East 80 chains;
South 30 chains to the point of beginning.

MILE TWENTY-FIVE

A tract of land containing 300 acres lying on both sides of the Gulkana-Slana Road, more particularly described as follows:

Beginning at a point in the center line of Gulkana-Slana Road at Mile Station 25 from the Richardson Highway, approximately in latitude 62°26' N., and longitude 144 56' W., thence by metes and bounds:

North 20 chains;
East 60 chains;

South 50 chains;
West 60 chains;
North 30 chains to the point of beginning.

GULKANA JUNCTION

A tract of land containing 160 acres lying on both sides of the Richardson Highway, approximately one-half mile north of the Gulkana River, more particularly described as follows:

Beginning at a point in the center line of the Richardson Highway 20 chains south of its intersection with the center line of the Gulkana-Slana-Tok Road, thence by metes and bounds:
East 20 chains;
North 40 chains;
West 40 chains crossing the Richardson Highway;
South 40 chains;
East 20 chains to the point of beginning.

NORTHWAY

A tract of land lying on the south side of the Tanana River, more particularly described as follows:

Beginning at a point on left bank of Tanana River, opposite the mouth of Gardiner Creek, approximate latitude 62°50' N., approximate longitude 141°32' W., U. S. G. S. map, Topographic Reconnaissance Map Upper Tanana Valley 1922:

Thence S. 45° W., 10 miles;

Thence N. 55° W., approximately 22 miles, crossing Nabesna River to east bank of the Kaiutna River;

Thence northwesterly following east bank of Kaiutna to the south bank of the Tanana River;

Thence southeasterly upstream, following left bank of Tanana River to the place of beginning;

containing an estimated area of 325 sq. mi. (208,000 acres).

TANACROSS

A tract of land lying on the north side of the Tanana River, more particularly described as follows:

Beginning at a point on right bank of Tanana River, approximate latitude 63°23'40" N., longitude 143°40' W., U. S. G. S. map, Topographic Reconnaissance Map Upper Tanana Valley 1922, and about 10 miles by airline downriver from Tanacross Indian Village;

Thence northwesterly, approximately 2 miles to the summit of the divide between the streams flowing westerly into the Tanana River and streams flowing northerly and easterly into Lake Mansfield drainage basin;

Thence northerly along said divide to the watershed between the tributaries of George Creek and the streams flowing into Lake Mansfield drainage;

Thence northeasterly along that divide to the watershed between Wolf Creek and the streams flowing into Lake Mansfield drainage;

Thence along the divide, between streams flowing into the Yukon River Drainage and those flowing into the Tanana River, to the watershed on the west of Porcupine Creek;

Thence southwesterly along said watershed to the right bank of the Tanana River, approximate latitude 63°24' N., longitude 142°56' W.;

Thence following the right bank of Tanana River westerly, down-stream, to the place of beginning.

This area includes the drainage basin on the north side of the Tanana River between the initial point and the western boundary of the Porcupine Creek Valley.

This order shall not otherwise become effective to change the status of the surveyed or unsurveyed public lands which are not continued withdrawn by this order until 10:00 a. m. on October 2, 1947. At that time, subject to valid existing rights (including the rights of the United States to any lands containing improvements owned by it, and the rights of natives based on occupancy), and the provisions of then existing withdrawals, the unsurveyed lands shall become subject to settlement and other forms of appropriation in accordance with the appropriate laws and regulations, and the surveyed lands shall become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 2, 1947, to December 31, 1947, inclusive, the surveyed public lands affected by this order shall be subject to (1) application under the homestead laws or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 12, 1947, to October 1, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 2, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 2, 1948, any of the surveyed lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 12, 1947, to December 31, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 2, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the proper district land office (at Fairbanks or Anchorage, Alaska), shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254). Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the district land office at Fairbanks, or Anchorage, Alaska.

Very little of the land restored by this order has been surveyed. The major part of the area is of a character unsuitable for agricultural purposes.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JULY 31, 1947.

[F. R. Doc. 47-4713; Filed, Aug. 7, 1947; 8:45 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

[Order 2351]

PART 421—ADMINISTRATION AND DISPOSITION OF CERTAIN PROPERTY ACQUIRED BY THE BUREAU OF RECLAMATION FROM THE WAR ASSETS ADMINISTRATION AND OTHER FEDERAL AGENCIES

STATUTORY AUTHORITY; DELEGATION OF AUTHORITY

Sections 421.1 and 421.2 are revised to read as follows:

§ 421.1 *Statutory authority.* Pursuant to the provisions of the Acts of July 1, 1946 (60 Stat. 348) and July 25, 1947 (Public Law 247, 80th Cong.), (hereinafter called "the act" in this part), the Secretary of the Interior is authorized to promulgate regulations for the administration and disposition of property acquired by transfer to the Bureau of Reclamation (hereinafter called "the Bureau") from the War Assets Administration and other agencies.

§ 421.2 *Delegation of authority.* The Commissioner of Reclamation, and such officers or employees of the Bureau as he may designate, are hereby authorized to use, sell, lease, or otherwise dispose of the property so acquired, subject to the provisions of this part. The Commissioner of Reclamation, to the extent that he deems necessary for the proper administration of project construction, settlement and development, is authorized to revise or adjust (a) the dates and time periods fixed by this part of the allocation and disposition of the acquired property, and (b) quantities and amounts of such property.

(55 Stat. 842, sec. 1, 60 Stat. 348, sec. 1, Pub. Law 247, 80th Cong.; 16 U. S. C. Sup. 590Z–11)

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

AUGUST 1, 1947.

[F. R. Doc. 47-7399; Filed, Aug. 7, 1947; 9:20 a. m.]

TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

Chapter I—Division of Territories and Island Possession, Department of The Interior

PART I—ORGANIZATION AND PROCEDURE

REDELEGATION OF AUTHORITY; ALASKA ROAD COMMISSION

Section 1.100 is added to Chapter I, as follows:

§ 1.100 *Redelegations of authority: The Alaska Road Commission.* (a) Pursuant to 43 CFR 4.100 and subject to its provisions, the persons specified in paragraph (b) of this section are authorized to enter into contracts on behalf of the Alaska Road Commission. With respect to any contract entered into on a United States standard form, a person authorized to enter into contracts on behalf of the Commission by virtue of this section shall be deemed the contracting officer within the meaning of the provisions of said standard forms. In the case of any proposed contract to be entered into on a form other than a United States standard form, the extent of the authority of the person authorized to enter into such contract shall be determined by the Chief Engineer. The authority herein delegated includes the authority to enter into a contract without previous advertisement for proposals in any case where entering into contract under such circumstances is authorized by section 9 of the act of August 2, 1946 (60 Stat. 806, 809, 41 U. S. C. sec. 5).

(b) The following persons are authorized to exercise the authority with respect to contracts of the Alaska Road Commission delegated by paragraph (a) of this section:

(1) The Purchasing Officer, Alaska-Seattle Service Office.
(2) Assistant Chief Engineer, Alaska Road Commission.
(3) Administrative Officer and Chief Clerk.
(4) District Superintendent, Anchorage.
(5) Asst. Superintendent, Anchorage.
(6) District Superintendent, Fairbanks.
(7) Asst. Superintendent, Fairbanks.
(8) District Superintendent, Valdez.
(9) Asst. Superintendent, Valdez.
(10) District Superintendent, Nome.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JULY 28, 1947.

IKE P. TAYLOR,
Chief Engineer,
Alaska Road Commission.

[F. R. Doc. 47-7400; Filed, Aug. 7, 1947; 9:20 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PART 71–85 TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of July A. D. 1947.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921, (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles:

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

Part 2—List of Explosives and Other Dangerous Articles (CFR 73)

Amending commodity list section 4, order August 16, 1940, as follows:

Article	Classed as	Exemptions and packing (See Sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
(Add) Benzyl bromide	Cor. L	No exemption, 250A	White	5 pints
(Add) Bromotoluene, see benzyl bromide				
(Add) Bromide trifluoride	Cor. L	No exemption, 252B	White	25 pounds
(Add) Peracetic acid	Oxy. M	No exemption, 186C	Yellow	5 pints
(Add) Tetrafluorethylene, inhibited	Noninf. G	402, 301	Green	300 pounds

Part 3—Regulations Applying to Shippers (CFR–75)

1. Superseding and amending section 25, *Specification containers in outside cantainers,* order August 16, 1940, to read as follows:

25 Outside specification shipping containers containing no corrosive liquids, except as provided in secs. 258 to 261, may be shipped when tightly packed in specification boxes or barrels or in nonspecification boxes, barrels or crates complying with governing tariffs. The outside package must be marked with the prescribed name of contents and labeled as required. Packages required by these regulations to be marked "This Side Up" must be packed in the outside package with their filling holes up, and the outside package must be marked "This side up". The outside container must also be marked "Inside Packages Comply With Prescribed Specifications" unless the specification markings on the inside packages are visible through openings in the outside package.

2. Superseding and amending section 150, *Inflammable solid,* order August 16, 1940, to read as follows:

150 An inflammable solid is a solid substance other than one classified as an explosive, which is liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from the manufacturing or processing.

3. Superseding and amending section 183 *Packing nitrates—exemptions,* order October 28, 1942, to read as follows:

183 Nitrate of aluminum, nitrate of ammonia, nitrate of barium, nitrate of lead, nitrate of potash, nitrate of sodium (nitrate of soda), nitrate of strontia, nitro carbonitrate, calcium nitrate, or other inorganic nitrates and guanidine nitrate, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, and highway when packed as follows: In metal cans in outside fiberboard boxes; in wooden boxes, kegs, or barrels, metal cans, metal drums or fiber drums; in glass bottles in outside fiber boxes not exceeding 50 pounds net weight; calcium nitrate in bags; ammonium nitrate, or guanidine nitrate, in bags containing not over 200 pounds, net weight, made moisture proof, tight against sifting, and of strength not less than bags made of 8-ounce burlap. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements. (See column 5 of Commodity List, Part 2, for maximum quantity that may be shipped in one outside package by express.)

4. Amending order August 16, 1940, as follows (add):

186C (a) Peracetic acid must be shipped in solution not exceeding 40 percent strength and must be packed in specification containers as follows:

(b) *Spec. 15A, 15B, 15C, 16A or 19A.* Wooden boxes with inside containers which must be: Glass or earthenware, not over one gallon capacity each, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat. Cushioning material must be in sufficient quantity to completely absorb the contents of the inner container.

(c) *Spec. 12B.* Fiberboard boxes with inside containers which must be: Glass or earthenware, not over one quart capacity each, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat. Cushioning material must be in sufficient quantity to completely absorb the contents of the inner container.

(d) *Spec. 1A or 1C.* Carboys not over 5 gallons capacity, or spec. 1D carboys.

5. Amending section 245, order August 16, 1940, as follows (add):

(v) Bromine trifluoride.
(w) Benzyl bromide.

6. Amending section 247, *Packing acetyl chloride, antimony pentachloride, benzoyl chloride, etc.,* order August 16, 1940, as follows (add):

(k) *Spec. 103A or 103A–W.* Tank cars, authorized for benzyl chloride only. When shipped in unstabilized condition,

the lading must be anhydrous and must be free from impurities such as iron. Tanks for these cars must be made of solid nickel at least 99 per cent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 per cent.

7. Amending order August 16, 1940, as follows (add):

250A (a) Benzyl bromide (bromotoluene) must be packed in specification containers as follows:

(b) *Spec. 15A, 15B, or 15C.* Wooden boxes, with inside containers which must be: Glass bottles, not over 5 pints capacity each, closed by means of screw caps which are resistant to action of the contents; bottles must be packed in metal cans having slip-on or friction closure; cans must be cushioned in outside boxes with incombustible material.

8. Amending order August 16, 1940, as follows (add):

252B (a) Bromine trifluoride must be packed in specification containers as follows:

(b) *Spec. 3A1800, 3E1800, 3B240, or 4B240.* Cylinders.

9. Superseding and amending paragraph (d), section 268 *Packing nitric acid*, order August 16, 1940, to read as follows:

(d) *Spec. 1A or 1C.* Carboys in boxes or kegs; authorized only for acid not over 1.43 specific gravity (43.61° Baume). Straight-sided carboys must be used.

10. Superseding and amending paragraph (d) (2), section 268 *Packing nitric acid*, order June 29, 1945, to read as follows:

(d) (2) *Spec. 1D.* Boxed glass carboys of not over 6.5 gallons nominal capacity; authorized only for acid not over 1.43 specific gravity (43.61° Baume). Means shall be provided so that accumulated pressure in bottle shall not exceed 10 pounds per square inch gage at 130° F. or shall vent at a pressure not to exceed 10 pounds per square inch gage.

11. Amending section 268, order August 16, 1940, as follows (add):

(d) (3) Cushioning for carboys must be incombustible mineral material, elastic wood strips, natural cork blocks or rubber blocks. Other materials may be used if approved by the Bureau of Explosives. The use of hay, excelsior, loose ground cork, or similar materials, whether treated or untreated, is prohibited.

12. Superseding and amending paragraph (d), section 269 *Packing perchloric acid*, order August 16, 1940, to read as follows:

(d) Cushioning for carboys must be incombustible mineral material, elastic wood strips, natural cork blocks or rubber blocks. Other materials may be used if approved by the Bureau of Explosives. The use of hay, excelsior, loose ground cork, or similar materials, whether treated or untreated, is prohibited.

13. Superseding and amending paragraph (f), section 302 *Compressed gases*, orders November 8, 1941, and December 12, 1942, to read as follows (add):

(f) (1) Inside non-refillable metal containers charged with a solution of materials and compressed gas or gases, which is nonpoisonous and noninflammable. Authorized as follows:

(f) (2) Capacity not to exceed 30 cubic inches (16.6 fluid ounces).

(f) (3) Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F.

(f) (4) Liquid content of the material and gas must not completely fill the container at 130° F.

(f) (5) Each completed container filled for shipment must be heated until content reached a minimum temperature of 130° F., without evidence of leakage, distortion or other defect.

14. Amending the orders of November 8, 1941, and December 12, 1942, paragraph (f) section 302 *Packing compressed gases*, to read section 302A, which is as follows:

302A *Manifolding containers in transportation.* No means of interconnecting such as manifolding of individual containers may be employed for the following gases unless individual containers or cargo tanks are equipped with individual shutoff valves, which must be tightly closed while in transit, and safety devices mounted directly on each individual container or cargo tank. Manifold branch lines to these individual shutoff valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from use of rigid branch lines. Use of this authority will be permitted because of the present emergency and until further order of the Commission.

Acetylene.
Air, compressed.
Anhydrous ammonia.
Boron trifluoride.
Carbon monoxide.
Chlorine.
Coal gas.
Compressed gases, n. o. s.
Crude nitrogen fertilizer solution.
Dichlorodifluoromethane.
Dimethyl ether.
Ethane.
Ethylene.
Fertilizer ammoniating solution containing free ammonia.
Hydrogen.
Hydrogen sulfide.
Liquefied hydrocarbon gas.
Liquefied petroleum gas.
Methane.
Methyl chloride.
Monomethylamine.
Nistrosyl chloride.
Nitrous oxide.
Nonliquefied hydrocarbon gas.
Pintsch gas.
Propylene.
Sulfur dioxide.
(Add) Tetrafluorethylene, inhibited.

15. Superseding and amending table, paragraph (k), section 303 *Filling limit restrictions*, order August 16, 1940, to read as follows:

	Maximum permitted filling density (see sec. 300 (b))	Cylinders marked as shown in this column must be used except as provided in note 1 and sec. 303 (p) (2) to 303 (p) (6)
(Change) Dichlorodifluoromethane.	119	ICC-3A225; ICC-3H-225; ICC - 4A225, ICC-4B225.
(Add) Tetrafluorethylene, inhibited.	90	ICC-3A1200, ICC-3E-1800.

16. Amending paragraph (p) (9), section 303 *Marking on cylinders*, order August 16, 1940, as follows (add):

(p) (9) (g) When the space originally provided for dates of subsequent retests becomes filled, the stamping of additional test dates into the external surface of footrings of cylinders is authorized.

17. Superseding and amending paragraph (p) (11), section 303 *Cylinders exposed to action by fire*, order August 16, 1940, to read as follows:

(p) (11) *Cylinders exposed to action of fire.* Cylinders which have been in a fire must not again be placed in service until they have been properly heat-treated and retested as prescribed in section 303 (p) (12): *Provided*, That cylinders made of plain carbon steel with not over 0.25 percent carbon need not be heat-treated, and may be used after passing the pressure test prescribed. Acetylene cylinders, except those authorized in Spec. ICC–8 to be made of 4130X steel, need not be heat-treated or tested provided porous filling is found to be unchanged and intact.

18. Cancelling note to paragraph (a) (2), section 332 *Hydrocyanic acid, liquid*, order March 26, 1945.

19. Amending section 332 *Hydrocyanic acid, liquid*, order August 16, 1940, as follows (add):

(a) (5) Metal drums of not over 20 gallons capacity constructed of not less than 20 gauge bodies with welded side seams and not less than 18 gauge heads double seamed to bodies. Steel sheets for bodies and heads shall be low carbon open hearth or electric steel. Openings over 2.3 inches diameter not permitted. Flanges shall be welded, or riveted and soldered, or pressed in and soldered, to drums. Closures to be of the threaded plug or cap type and to be gastight but may be equipped with suitable venting device. Shipments are authorized for intrastate transportation by private and qualified contract carriers by motor vehicle only

Appendix to Part 5—Shipping Container Specifications (CFR 72)

1. Superseding and amending paragraph 15 (b), specification 3A *Specimens must be*, order July 24, 1944, to read as follows:

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches; provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over $\frac{3}{16}$ inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

2. Superseding and amending specification 4D, orders August 19, 1946, and November 4, 1946, to read as follows:

SPECIFICATION 4D—INSIDE CONTAINERS—WELDED STEEL FOR AIRCRAFT USE

Containers must comply with specification 3A except as follows (paragraph references are to specification 3A):

2. (a) *Type and size.* Welded steel spheres (two seamless hemispheres) or circumferentially welded cylinders (two seamless drawn shells) not over 1100 cubic inches capacity.

(b) *Service pressure.*[1] At least 300 to not over 500 pounds per square inch.

3. *Inspection by whom and where.* By competent inspector of the manufacturer, or a disinterested inspection agency; chemical analyses and tests, as specified, to be made within the limits of the United States.

5. *Steel.* Open-hearth or electric steel of uniform and weldable quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulfur, 0.050, except that the following steels commercially known as 4130X, Type 304, 321, and 347 stainless steels may be used with proper welding procedure and complying with the following analyses:

4130X

	Percent
Carbon	0.25/0.35.
Manganese	0.40/0.60.
Phosphorus	0.04 max.
Sulfur	0.05 max.
Silicon	0.20/0.35.
Chromium	0.80/1.10.
Molybdenum	0.15/0.25.
Zirconium	
Nickel	

	Stainless steels		
	301	321	347
	Percent	Percent	Percent
Carbon (maximum)	0.08	0.08	0.08
Manganese (maximum)	2.00	2.00	2.00
Phosphorus (maximum)	.030	.030	.030
Sulfur (maximum)	.030	.030	.030
Silicon (maximum)	.75	.75	.75
Nickel	8.0/11.0	9.0/13.0	9.0/13.0
Chromium	18.0/20.0	17.0/20.0	17.0/20.0
Molybdenum			
Titanium		(1)	
Columbium			(2)

[1] Titanium shall not be less than 5 x C and not more than 0.60 percent.
[2] Columbium shall not be less than 10 x C and not more than 1.0 percent.

[1] The service pressure limits the use of the container. It is generally shown by marks on container; for example ICC-4D300 indicates the service pressure as 300 pounds per square inch.

width not over 6 times thickness is authorized when cylinder wall is not over $\frac{3}{16}$ inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

8. *Manufacture.* By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished container appreciably; reasonably smooth and uniform surface finish required.

8A. This paragraph does not apply.

9. (a) *Wall thickness.* The wall stress at minimum test pressure shall not exceed 24,000 pounds per square inch, except where steels commercially known as 4130X, Type 304, 321, and 347 stainless steels are used, stress at test pressure shall not exceed 37,000 pounds per square inch. Minimum wall 0.040 inch for any diameter container.

(b) Calculation for a sphere must be made by the formula:

$S = \frac{PD}{4tE}$ where S=wall stress in pounds per square inch;

P=test pressure prescribed for water jacket test, i. e., at least two times service pressure, in pounds per square inch; D=outside diameter in inches; t=minimum wall thickness in inches; E=0.85 (provides 85 percent weld efficiency factor).

(c) (Added) Calculation for a cylinder must be made by the formula:

$S = \frac{P(1.3D2 + 0.4d2)}{D2 - d2}$ where S=wall stress in pounds per square inch;

P=test pressure prescribed for water jacket test, i. e., at least two times service pressure, in pounds per square inch;

D=outside diameter in inches; d=inside diameter in inches.

11. *Openings in container.* (a) Each opening in container, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to container by brazing or by welding or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the container; gaskets required, adequate to prevent leakage.

(b) Closure of fitting, boss, or pad must be adequate to prevent leakage.

13. (d) Containers must be tested as follows:

(1) Each container to at least 2 times service pressure, or

(2) One container out of each lot of 200 or less to at least 3 times service pressure. Others must be examined under pressure of 2 times service pressure and show no defects.

14. (a) *Flattening test for spheres.* Between parallel steel plates on a press with welded seam at right angles to the plates; test one sphere taken at random out of each lot of 200 or less after hydrostatic test. Any projecting appurtenances may be cut off (by mechanical means only) prior to crushing.

(b) (Added) *Flattening test for cylinders.* Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; test one cylinder[2] taken at random out of each lot of 200 or less, after hydrostatic test.

15. (a) *Physical test for spheres.* Required on 2 specimens cut from flat representative sample plate of the same heat taken at random from the steel used to produce the sphere. This flat steel from which the 2 specimens are to be cut must receive the same heat-treatment as the spheres themselves. Sample plates to be taken for each lot of 200 or less spheres.

(b) *Specimens for spheres must be.* Gauge length 2 inches with width not over 1½ inches; provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when wall of sphere is not over $\frac{3}{16}$ inch thick.

(c) (Added) *Physical test for cylinders.* Required on 2 specimens cut from 1 cylinder[2] taken at random out of each lot of 200 or less.

(d) (Added) *Specimens for cylinders must be.* Gauge length 8 inches with width not over 1½ inches; or gauge length 2 inches with width not over 1½ inches; provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over $\frac{3}{16}$ inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within 1 inch of each end of the reduced section. Heating of specimen for any purpose is not authorized.

(e) (Added) Yield point for spheres and cylinders must be taken as the stress in pounds per square inch corresponding to a strain of at least 0.003 inch per inch determined under cross head speed not over ⅛ inch per minute; the zero point for strain measurement shall be taken at approximately 12,000 pounds per square inch. Provided, that "drop of beam" method is authorized for steel which has a "sharpkneed" stress-strain diagram.

16. Acceptable results for physical and flattening tests.

(a) Elongation at least 40 percent for 2 inch gauge length or at least 20 percent in other cases; yield point not over 70 percent of tensile strength; flattening test not required.

(b) Elongation at least 20 percent for 2 inch gauge length or 10 percent in other cases; flattening required to 50 percent of the original outside diameter without cracking.

17. This paragraph does not apply.

[2] For lots of 30 or less, physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to the same heat-treatment as the finished cylinder.

18. Reheat-treatment authorized; subsequent thereto, acceptable containers must pass all prescribed tests. Repair of welded seams by welding prior to reheat-treatment authorized.

19. *On each container.* By stamping plainly and permanently only where the metal is at least 0.09 inch thick, or on a metal nameplate permanently secured to the container by means other than soft solder, or by means that would not reduce the wall thickness.

(a) ICC-***; stars to be replaced by specification number under which the container was made, followed by the service pressure (for example, ICC-4D300, etc.).

(c) Inspector's official mark, near serial number; date of test (such as 8-46 for August, 1946), so placed that dates of subsequent tests can be easily added.

20. *Size of marks.* Of sufficient size to be legible.

21. *Inspector's report.* No change, except use the words "spheres" or "cylinders," whichever applies, throughout and use the words "container" where the metal is at least 0.09 inch thick or the metal "nameplate" instead of "shoulders of cylinders" after the words "Marks stamped into the".

3. Amending specification 8, order August 16, 1940, as follows (add):

21. *Additional type.* For seamless cylinders, contracted for by the U. S. Navy or U. S. Coast Guard, made of steel commercially known as 4130X (see paragraph 5 of Specification 3AA) the prescribed limitations of carbon content, yield point, and elongation of steel are hereby waived provided the cylinders otherwise comply with this specification and the following conditions:

(a) Minimum wall thickness must be such that the wall stress under interior pressure of 1,000 pounds per square inch will not exceed 18,000 pounds per square inch when calculated under paragraph 9 (b) of Specification 3A.

(b) The elongation of the steel must be at least 20 percent in 2 inches.

(c) The test pressure under paragraph 12 of this specification must be at least 1,000 pounds per square inch.

(d) The cylinders must pass a flattening test, as prescribed in paragraph 14 of Specification 3A; flattening required, without cracking, to 6 times wall thickness.

(e) Reports of manufacture and tests of the cylinder shells must include the following additional information: Chemical analysis data on manganese, chromium, molybdenum, and other alloy materials present, if any; definite statement as to the heat-treatment used.

4. Superseding and amending paragraph 17, specification 9, order February 13, 1946, to read as follows:

17. *On each cylinder.* By embossing plainly and permanently on valve end of cylinder before heat-treatment the marks ICC-9 and registered symbol of manufacturer.

5. Superseding and amending paragraphs 3 (a) and 12 (a), specification 23G, order January 28, 1946, to read as follows:

3. (a) *Side walls.* To be not less than four-ply of continuous fiber sheets convolutely or spirally wound; combined strength to be not less than 300 pounds dry; combined thickness to be not less than 0.060 inch.

12. (a) *Material.* Box material must be not less than 300 pound test board when commercially dry.

6. Superseding and amending paragraph 17, specification 40, order February 13, 1946, to read as follows:

17. *On each cylinder.* By embossing plainly and permanently on valve end of cylinder before heat-treatment, the marks ICC-40 and registered symbol of manufacture.

7. Amending paragraph 7, specification 42E, order February 24, 1947, as follows (add):

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 12 threads per inch, with at least 3 threads engaged when gasket is in place; two 5/16 inch drainage holes are authorized in flange.

Part 4—Regulations applying particularly to carriers by rail freight (CFR 80)

1. Superseding and amending paragraph (g) (1), section 532 *Matches*, order August 16, 1940, to read as follows:

(g) (1) Carload lots of strike-anywhere (friction) matches must be loaded as compactly as possible to avoid motion within the car, especially lengthwise of the car. Protruding nails, metal band anchors or other projections on sidewalls, ends, door posts, studding, or car floors liable to puncture packages must be removed or adequately covered to prevent damage to containers of matches. Car doorways should be boarded on the inside to keep packages from contact with the doors, and the inside lining of the car should be supplemented when necessary by strips nailed to the car and close enough together to keep the boxes from being jammed against the studding and broken by high pressures on small areas. The strongest dimension of the box should be loaded lengthwise of the car.

2. Superseding and amending paragraph (c), section 548 *Application of placards*, order August 16, 1940, to read as follows:

(c) Placards applied to the sides of the box cars must be placed on doors, or close to left-hand side of door frames.

3. Superseding and amending paragraph (h), section 548 *Application of placards*, order August 19, 1946, to read as follows:

(h) Explosives placards and car certificates must be placed alongside of each other.

NOTE: Because of the present emergency and until further order of the Commission, gondola cars for the shipment of bombs or poison gas, may be placed on both sides and both ends of car.

4. Superseding and amending in part, table, paragraph (a), section 584 *Waybills, switching orders, or other billing*, order November 4, 1946, to read as follows:

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard indorsement must be 3/8" high and appear on the billing near the space provided for the car number
For high explosives, initiating explosives and low explosives, class A, and smokeless powder for small arms in quantity exceeding 50 pounds net weight.	None	None	"Explosives."
For less dangerous explosives, class B, except smokeless powder for small arms in quantity exceeding 50 pounds net weight.	None	None	"Dangerous."

5. Superseding and amending paragraph (a) (1), section 589 *Placards on cars*, order May 8, 1947, to read as follows:

(a) (1) A car requiring car certificates and "Explosives," "Dangerous," or "Poison Gas" placards under the provisions of these regulations shall not be transported unless such freight car is at all times placarded and certificated as required by these regulations. Placards lost in transit shall be replaced at next inspection point and those not required must be removed.

6. Superseding and amending paragraph (e) (1), section 589 *Notice to crews*, order February 12, 1947, to read as follows:

(e) (1) At all terminals or other places where trains are made up by crews other than road crew accompanying the outbound movement of cars, the railroad shall execute a consecutively numbered notice showing the location in the freight train of every car placarded "Explosives." A copy of such notice shall be delivered to the train and engine crew and a copy thereof showing delivery to the train and engine crew shall be kept on file by the railroad at each point where such notice is given. At points other than terminals where train or engine crews are changed, the notice shall be transferred from crew to crew.

7. Superseding and amending paragraph (f) (1), section 589 *Position in train of cars containing explosives*, order May 8, 1947, to read as follows:

(f) (1) In a train standing or during transportation thereof, a car placarded "Explosives" shall, when the length of the train permits, be not nearer than the sixteenth car from both the engine or occupied caboose; and shall when the length of the train will not permit them to be so placed, be as near as possible to the middle of the train. When moved in a train engaged in "pickup" and "setoff" service it shall be placed not closer than the second car from the engine or second car from the caboose to avoid unnecessary switching and handling of such car enroute.

8. Superseding and amending paragraph (g) (1), section 589 *Position in train of loaded placarded tank cars*, order February 12, 1947, to read as follows:

(g) (1) In a train either standing or during transportation thereof, a placarded loaded tank car shall not, when the length of the train permits, be nearer than the sixth car from the engine or occupied caboose, but in no instance nearer than the second car in such train unless the entire train consists of such cars, or the train is engaged in "pickup" and "setoff" service.

9. Superseding and amending paragraph (i) (1) heading, section 589, order February 12, 1947, to read as follows:

POSITION IN TRAIN OF CARS PLACARDED "EXPLOSIVES" AND "POISON GAS" OR CONTAINING POISON LIQUIDS WHEN ACCOMPANIED BY CARS CARRYING GAS HANDLING CREWS.

10. Superseding and amending paragraph (a), section 596 *Inspection of tank cars*, order August 16, 1940, to read as follows:

(a) Loaded tank cars must be inspected by the carrier before acceptance at the originating points and when received in interchange to see that they are not leaking and that the air and hand brakes, journal boxes and trucks are in proper condition for service.

11. Superseding and amending paragraph (a), section 598 *Inspection of cars at interchange*, order February 26, 1942, to read as follows:

(a) Cars containing explosives requiring explosives placards (see sec. 525 (a)), which are offered by connecting lines must be carefully inspected by the receiving line on the outside, including the roof; and, if practicable, the lading must also be inspected. These cars must not be forwarded until all discovered violations have been corrected.

Part 7—Regulations Applying to Shipments Made By Way of Common, Contract or Private Carriers By Public Highway (CFR 85)

Superseding and amending footnote "a" of chart, section 825 *Loading and storage chart*, order April 27, 1944, to read as follows:

[a] Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with all articles named except those in columns b, c, e, and f. Blasting caps and/or electric blasting caps may be transported in the same motor vehicle with high explosives or nitroglycerin, desensitized liquid nitroglycerin, or diethylene glycol dinitrate, in conformity with section 824 of these regulations.

It is further ordered, That this order shall become effective on October 28, 1947, and shall remain in full force and effect until further order of the Commission;

And it is further ordered, That a copy of this order shall be served upon all parties of record herein; and notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176; 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-7406; Filed, Aug. 7, 1947; 8:48 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF SUMMER APPLES

CROSS REFERENCE: For an exception to the provisions of § 500.72 with regard to the shipment of summer apples, see § 520.517, *infra*.

[General Permit ODT 18A, Rev. 19A]

PART 520—CONSERVATION OF RAIL EQUIPMENT EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF SUMMER APPLES

In accordance with the provisions of § 500.73 of General Order ODT 18A, Revised, as amended, it is hereby authorized, that:

§ 520.517 *Shipments of summer apples.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended, any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of summer apples when the origin of any such freight is any point or place in the State of Virginia and the quantity loaded as bulk freight in such car is not less than 29,000 pounds.

This General Permit ODT 18A, Revised-19A, shall become effective August 8, 1947, and shall expire October 15, 1947.

(General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172, 12 F. R. 1034, 2386)

Issued at Washington, D. C., this 5th day of August 1947.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 47-7448; Filed, Aug. 7, 1947; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges, Individual Regulations

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

FISHING IN VALENTINE NATIONAL WILDLIFE REFUGE, NEBRASKA

Section 29.920 is revised to read as follows:

§ 29.920 *Valentine National Wildlife Refuge, Nebraska; fishing.* Non-commercial fishing in accordance with the State laws of Nebraska is permitted during the daylight hours on the waters of Dads, Dewey, Hackberry, and Willow Lakes within the Valentine National Wildlife Refuge, Nebraska, in accordance with the following provisions:

Entry on and use of this refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F. R. 5284, 50 CFR, Cum. Sup. Part 12) as amended, and strict compliance therewith is required. Each fisherman must comply with the applicable State fishing laws and regulations, and must have on his person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for fishing in the waters of the refuge.

Persons may use boats (other than motorboats) for fishing in the waters of the refuge. Boats (other than motorboats), or floated craft used for fishing purposes may be placed on the waters of the refuge only at such points as may be designated by suitable posting. The use of motorboats, either inboard or outboard, is prohibited on all waters except for official purposes.

During periods of waterfowl concentrations or other wildlife concentrations, fishing may be closed on such areas of the refuge as, in the judgment of the officer in charge, such limitations or restrictions are necessary in order to provide adequate protection for wildlife. Such limitations or restrictions are to be clearly designated by posting. Fishing is prohibited during the open season for the hunting of migratory waterfowl.

State cooperation may be enlisted in the regulation, management, and operation of the public fishing areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of fishing.

(Sec. 84, 35 Stat. 1104 as amended, 18 U. S. C. and Sup. 1945)

Dated: July 31, 1947.

CLARENCE COTTAM, *Acting Director.*

[F. R. Doc. 47-7403; Filed, Aug. 7, 1947; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR, Part 21]

HOT SPRINGS NATIONAL PARK, ARKANSAS

NOTICE OF PUBLIC HEARINGS IN CONNECTION WITH THE LEASING OF HOT WATER

Notice is hereby given that pursuant to the authority vested in me by the acts of March 3, 1891 (26 Stat. 842; 16 U. S. C. 362–368), and August 25, 1916 (39 Stat. 535; 16 U. S. C. 1–3), a public hearing will be held at the Park Administration Building, Hot Springs National Park, Arkansas, on September 8 and 9, 1947, commencing at 10 a. m. for the purpose of reviewing and making recommendations to the Secretary with respect to the present policy on the disposition of hot water from the springs in the park. Such review will include consideration of these questions: (1) Should hot water be made available to new users and on what basis? (2) Should tubbage rights not now being used be canceled? (3) Should there be an over-all reduction in bath rates?

The hearing will be held by a committee of three consisting of John B. Bennett of the Office of the Secretary, who will act as chairman; Preston P. Patraw, Finance Officer, National Park Service; and either Miner R. Tillotson, Regional Director, or Elvind T. Scoyen, Associate Regional Director, Region III, National Park Service.

All interested parties will be afforded an opportunity to be heard. Those desiring to be heard should inform Superintendent Thomas Boles at Hot Springs National Park of their intention in writing before September 1, 1947. Written statements may also be filed with the committee at the time of the hearing.

[SEAL] OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

JULY 28, 1947.

[F. R. Doc. 47-7375; Filed, Aug. 6, 1947; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Ch. IX]

[Docket No. AO 187]

HANDLING OF IRISH POTATOES GROWN IN WYOMING AND WESTERN NEBRASKA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements (7 CFR and Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of a public hearing to be held in the High School Auditorium at Scottsbluff, Nebraska, beginning at 10:00 a. m., m. s. t., August 25, 1947, with respect to a proposed marketing agreement and order regulating the handling of Irish potatoes grown in Wyoming and Western Nebraska and with respect to proposed changes thereto. The proposed marketing agreement and order and the proposed changes thereto have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the provisions of the proposed marketing agreement and order, to the provisions of the proposed changes thereto, or to any modifications of said proposals, which are hereinafter set forth. A committee of producers and handlers was appointed early in May to draft an agreement and order for Wyoming and Western Nebraska. The committee proposed the following marketing agreement and order:

SECTION 1. *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or member of the United States Department of Agriculture who is or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937); 7 U. S. C. 601 et seq., Supp. 5, 1939), as amended.

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

(d) "Production area" means and includes the following counties in Nebraska: Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Cherry, Garden, Deuel, Keith, and Lincoln; and the following counties in Wyoming: Laramie, Platte, Goshen, Niobrara, Converse, Park, Sheridan, Johnson, Fremont, and Washakie.

(e) "Potatoes" means all varieties of Irish potatoes grown in the aforesaid production area.

(f) "Handler" is synonomous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes in fresh form, whether of his own production or other.

(g) "Ship" means to transport, sell, or in any other manner place potatoes in the current of commerce between the aforesaid production area and any point outside thereof, so as directly to burden, obstruct or affect such commerce.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on July 1 of each year and ending June 30 of the following year.

(j) "Committee" means the Administrative Committee established pursuant to section 2.

(k) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(l) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, by an official State seed certifying agency.

(m) "District" means, describes, and refers to one of the geographical divisions of the production area hereby established as follows:

District No. 1.—Kimball, Banner, Cheyenne, Deuel Counties in Nebraska and Laramie County in Wyoming.

District No. 2.—Scotts Bluff, Morrill, Sioux, Box Butte, Dawes, Sheridan, Cherry, Garden, Keith, and Lincoln Counties in Nebraska and Platte, Goshen, Niobrara, Converse, Sheridan, and Johnson Counties in Wyoming.

District No. 3.—Fremont, Park, and Washakie Counties in Wyoming.

SEC. 2. *Administrative committee*—(a) *Establishment and membership.* (1) An Administrative Committee, consisting of nine members, six of whom shall be producers and three of whom shall be handlers, is hereby established. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member.

(2) Producers who may be selected as members or alternates of the committee shall be individuals who are producers of potatoes in the respective district for which selected or officers or employees of a corporate producer or corporate producers of such district: *Provided*, That no producer shall be eligible for selection on said committee if such producer has been, during the then current fiscal year, engaged in handling potatoes other than of his own production, except as an officer or employee of a producer's cooperative marketing association. The handlers who may be selected as members or alternates of the committee shall be individuals who are handlers of potatoes in the respective district for which selected or officers or employees of a handler or handlers in such district.

(b) *Term of office.* The term of office of members and alternates of the committee shall be for one year beginning on the first day of July and continuing until the end of the then current fiscal year, and until their successors are selected and qualify. Members and alternates of the committee shall serve during the fiscal year for which they are selected and qualify, or during that portion thereof beginning on the date on which they qualify during the fiscal year and continuing until the end thereof, and until their successors are selected and have qualified.

(c) *Initial committee members and alternates.* The initial members and alternates of the committee shall be selected by the Secretary for a term of office ending on June 30, 1948. In thus selecting the initial members and their respective alternates the Secretary may consider such nominations or suggestions, if any, as may be submitted by producers, handlers, and/or groups thereof, and such nominations or suggestions may be by virtue of elections conducted by groups of producers and groups of handlers.

(d) *Nominations.* (1) Except for initial members and alternates, the Administrative Committee shall hold or cause to be held prior to June 15 of each year, after the effective date hereof, a meeting of producers and a meeting of handlers, in each of the districts designated in section 1 (m) hereof, for the purpose of designating nominees from among whom the Secretary may select members and alternates of the committee, and at each such meeting at least two nominees shall be designated for each position as member and as alternate member on the committee as representative or representatives of the respective district. (2) In arranging for such meetings, the Administrative Committee may, if it deems such to be desirable, utilize the services and facilities of existing organizations and agencies. (3) Nominations for successors to the committee members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than fifteen days prior to the date of expiration of the terms of the incumbent members and alternate members. (4) Each producer is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for membership on the committee for the respective district in which such producer is engaged in producing potatoes: *Provided*, That in the event a producer is engaged in producing potatoes in more than one district, such producer shall elect the district within which he shall participate in designating nominees as aforesaid. Each producer shall be entitled to cast only one vote regardless of the number of districts in which he produces potatoes. Only producers may participate in designating nominees for producer members and alternates. Each handler is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for membership on the committee for the respective district in which such handler is engaged in handling potatoes: *Provided*, That in the event a handler is engaged as a handler in more than one district, such handler shall elect the district which he may participate within in designating nominees. Each handler shall be entitled to cast only one vote regardless of the number of districts in which he may be engaged as a handler. The Secretary may select the producer members of the Administrative Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by producers as provided in this section. The Secretary may select handler members of the Administrative Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by handlers as provided in this section.

(e) *Selection.* The Secretary shall select one producer member and one handler member, with their respective alternates, to represent District No. 1 four producer members and two handler members, with their respective alternates, to represent District No. 2, and one producer member, with his respective alternate, to represent District No. 3.

(f) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (d) of this section, the Secretary may, without regard to nominations, select the members and alternate members of the committee, which selection shall be on the basis of the representation provided for herein.

(g) *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(h) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (d) of this section, or the Secretary may select such member or alternate member from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within thirty days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(i) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is alternate during such member's absence. In the event of death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for the unexpired term of such member is selected and has qualified.

(j) *Procedure.* (1) Seven members shall be necessary to constitute a quorum of the committee. Any action of the committee shall require six concurring votes. (2) The committee may provide procedure for meeting by telephone, telegraph, or other means of communications, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if an assembled meeting of the committee is held all votes shall be cast in person.

(k) *Expenses and compensation.* The members of the committee and their respective alternates when acting as members, may be reimbursed for expenses necessarily incurred by them in performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $5.00 per each day or portion thereof, spent in attendance at meetings of the committee. The committee shall have the power to pay expenses incurred by members in performance of official duties.

(l) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof;

(4) To recommend to the Secretary amendments hereto.

(m) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(3) To investigate the growing, shipping, and marketing conditions with respect to potatoes and to assemble data in connection therewith;

(4) To furnish to the Secretary such available information as he may request;

(5) To select subcommittees of committee members, a chairman and such other officers as may be necessary, and to adopt such rules and regulations for conduct of its business as it may deem advisable;

(6) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(7) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each of such report shall be made available at the principal office of the committee for inspection by producers and handlers.

(8) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the salaries and define the duties of each such person, and

(9) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

(n) *Obligations.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office or to a trustee designated by the Secretary and shall execute such assignments and other instruments as

may be necessary or appropriate to vest in such successor or trustee full title to all of the property, funds, and claims vested in such member pursuant hereto: *Provided*, That the provisions hereof shall apply to alternate members in possession of funds, property, books or records, or participating in the receipt or disbursement of funds.

SEC. 3. *Expenses and assessments*—(a) *Expenses*. The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee pursuant to the provisions hereof during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provides.

(b) *Assessments*. (1) Each handler who first handles potatoes shall, with respect to the potatoes so handled by him, pay to the committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers. (2) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting*. (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him. (2) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(d) *Funds*. All funds received by the Administrative Committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner: (1) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements; and (2) whenever any person ceases to be a member of the committee, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and [illegible] as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member.

SEC. 4. *Regulation of quality—(a) Marketing policy*. At the beginning of each fiscal year, the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereof to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

(b) *Recommendations for regulations*. (1) It shall be the duty of the committee to investigate the supply and demand conditions for grade, size, and quality of all varieties of potatoes, including seed potatoes. Whenever the committee finds that such conditions make it advisable to regulate the shipment of particular grades, sizes, or qualities of any or all varieties of potatoes, including seed potatoes. Whenever the committee finds that such conditions make it advisable to regulate the shipment of particular grades, sizes, or qualities of any or all varieties of potatoes, including seed potatoes, during any period, it shall recommend to the Secretary the particular grades, sizes, and qualities, or any combination thereof, of all varieties of such potatoes deemed advisable to be shipped during such period. (2) In determining the grade, size, and qualities of all varieties of potatoes including seed potatoes, or any and all combinations thereof deemed advisable to be regulated in view of the prospective demand thereof, the committee shall give due consideration to the following factors: (i) Market prices, including prices by grades, sizes, and varieties of potatoes for which regulation is recommended; (ii) potatoes on hand in the market areas as manifested by supplies en route and on tract at the principal markets; (iii) available supply, quality, and condition of potatoes in the production area and other production areas; (iv) supplies from competing areas and regions producing potatoes; (v) the trend and level of consumer income, and (vi) other relevant factors.

(c) *Issuance of regulations*. Whenever the Secretary shall find, from the recommendations, information and evidence submitted by the committee, or from other available information, that to limit the shipment of any or all varieties of potatoes, including seed potatoes, to particular grades, sizes, and qualities thereof would tend to effectuate the declared policy of the act, he shall so limit by appropriate regulations thereon the shipments of such potatoes during a specified period. The Secretary may require the committee to submit additional information. The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

(d) *Inspection and certification*. Whenever limitations on potato shipments are in effect, each first handler shall, prior to making each shipment of potatoes, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Then each handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate, issued as aforesaid.

(e) *Exemptions*. (1) The committee shall adopt, subject to approval by the Secretary, and give public notice of the procedure pursuant to which certificates of exemption will be issued to producers. (2) The committee shall cause to be issued certificates of exemption to any producer who furnished adequate evidence to the committee that by reason of a regulation issued pursuant to this section he will be prevented from having as large a proportion of his own production of any specified variety or varieties of potatoes shipped during the remainder of the shipping season, as the average of all producers of each specified variety or varieties. The committee or its authorized representative shall be permitted at any time to make a thorough investigation of any producer claim pertaining to exemptions. Such certificates of exemption shall permit such producer to have as large a proportion of his own production of any specified variety or varieties of potatoes shipped as the average of all producers of each specified variety or varieties. (3) If any producer is dissatisfied with the determination by the committee with respect to the producer's application for an exemption certificate, said producer may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any producer filing an appeal shall furnish evidence satisfactory to the committee, for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the certificate of exemption to be granted. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination. (4) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section. (5) Records shall be maintained by the committee and a weekly report furnished to the Secretary showing the applications received, exemptions granted, exemptions denied and shipments made under exemptions.

SEC. 5. *Regulation of surplus*. (a) It shall be the duty of the committee to investigate supply and demand conditions for potatoes. Whenever the committee finds that a surplus of potatoes exists in the production area, it shall determine the extent of such surplus of potatoes of any variety, grade, size or quality. If it is deemed advisable, the committee shall recommend the control and disposition of such surplus potatoes and plans for equalizing the burden of surplus elimination or control among the producers and handlers thereof under uniform rules established by the committee and approved by the Secretary.

(b) Whenever the Secretary finds from the recommendations and information submitted by the committee, or from other available information, that the control and disposition of surplus potatoes will tend to effectuate the declared policy of the act, he shall, by appropriate regulations, control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination or control among producers and handlers thereof. At any time during which the Secretary provides for the control and disposition of surplus potatoes, the Secretary may designate the committee as an agency to assist in and to effectuate the elimination or control of surplus potatoes.

SEC. 6. *Potatoes not subject to regulation*. Nothing contained herein shall authorize any limitation of the shipment of potatoes for any of the following purposes: (a) potatoes shipped for consumption by charitable institutions or for distribution by relief agencies, and (b) potatoes shipped for manufacturing or conversion into by-products. The Secretary may, on the basis of the recommendations of the committee or other available information, determine that potatoes shipped for livestock feed or for other specified purposes shall also be exempt from the provisions hereof. The Secretary shall give adequate notice to the committee of any determination made pursuant to this section. The committee may prescribe adequate safeguards to prevent potatoes shipped for the purposes stated above from entering commercial channels of trade contrary to the provisions hereof.

SEC. 7. *Reports*. Upon the request of the committee, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its duties hereunder. The Secretary shall have the right to modify, change or rescind any reports requested pursuant to this section.

SEC. 8. *Compliance*. Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

SEC. 9. *Right of the Secretary*. The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

SEC. 10. *Effective time and termination—(a) Effective time*. The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination*. (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine. (2) The Secretary may terminate or suspend the operations of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act. (3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effected only if announced on or before June 30 of the then current fiscal year. (4) The Secretary shall terminate the provisions hereof at the end of any fiscal year, upon the written request of handlers signatory hereto who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before June 30 of the then current fiscal year.[1] (5) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them, cease to be in effect.

(c) *Proceedings after termination*. (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all funds and the property then in the possession of, or under control of the committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred, or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

SEC. 11. *Effect of termination or amendment*. Unless otherwise expressly provided by the Secretary, the termination hereof, or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise in connection with any provision hereof, or any regulation issued hereunder, or (b) release or extinguish any violation hereof, or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary, or of any other person with respect to any such violation.

SEC. 12. *Duration of immunities*. The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

SEC. 13. *Agents*. The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

SEC. 14. *Derogation*. Nothing contained herein is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 15. *Personal liability*. No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

SEC. 16. *Separability*. If any provision hereof is declared invalid, or the applicability thereof to any persons, circumstances, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

SEC. 17. *Amendments*. Amendments hereto may be proposed from time to time, by the committee or by the Secretary.

SEC. 18. *Counterparts*. This agreement may be executed in multiple counterparts and when one counterpart is signed by the secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

SEC. 19. *Order with marketing agreement*. Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

[1] Applicable only to the proposed marketing agreement.

SEC. 20. *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

The Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C., has proposed the following changes in, to and for provisions of the proposed marketing agreement and order:

1. Change section **1** (d) to read as follows:

(d) "Production area" means and includes the following counties in Nebraska, Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Cherry, Garden, Deuel, Keith, and Lincoln, and all the counties in the State of Wyoming.

2. Change section 1 (m) to read as follows:

(m) "District" means, describes, and refers to one of the geographical divisions of the production area hereby established as follows:

District No. 1. Kimball, Banner, Cheyenne, Deuel Counties in Nebraska and Laramie County in Wyoming.

District No. 2. Scotts Bluff, Morrill, Sioux, Box Butte, Dawes, Sheridan, Cherry, Garden, Keith, and Lincoln Counties in Nebraska, and Platte, Goshen, Niobrara, Converse, Sheridan, and Johnson Counties in Wyoming.

District No. 3. All the remaining counties in Wyoming not included in Districts No. 1 and No. 2.

The Fruit and Vegetable Branch, Production and Marketing Administration, further proposed that consideration be given to such other changes in the proposed marketing agreement and order as may be necessary to make such marketing agreement and order conform to the provision of the substitutions, additions and changes proposed by it. Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

[SEAL] E. A. MEYER,
Assistant Administrator.

AUGUST 5, 1947.

[F. R. Doc. 47-7445; Filed, Aug. 7, 1947; 8:46 a. m.]

[1] Applicable only to the proposed marketing agreement.

[7 CFR, Part 901]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED PACK SPECIFICATIONS AND MINIMUM REQUIREMENTS

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237), approved June 11, 1946, that the administrative rules herein set forth are proposed by the Walnut Control Board in accordance with the authority vested in it by the marketing agreement, as amended, and section 1 of Article III (§ 901.4 (a)) of the marketing order, as amended (7 CFR 901.1 et seq.; 7 CFR, Cum. Supp. 901.4, 901.17, 901.19; 12 F. R. 5033), regulating the handling of walnuts grown in California, Oregon, and Washington, issued under Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.)

Prior to the final issuance of such rules, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Walnut Control Board, 213 Wholesale Terminal Building, Los Angeles 21, California, and which are received by it not later than 1:00 p. m., P. s. t., on the tenth day after the date of the publication of this notice in the FEDERAL REGISTER.

Such proposed rules are as follows:

Pack specifications and minimum requirements for merchantable unshelled walnuts—(a) *Size and variety or type specifications*—(1) *Varietal packs.* Merchantable walnuts when packed separately by varieties, within a 10 percent tolerance for dissimilar varieties, shall be designated by the recognized variety name or as "Budded". When packed in combination, walnuts of recognized varieties of similar type with respect to shape and construction or varietal derivation, shall also be designated as "Budded".

(i) *Standard sizes*—(a) *Large.* Walnuts of which not over 12 percent by count pass through a round opening $^{75}/_{64}$ inches in diameter.

(*b*) *Medium.* Walnuts at least 88 percent, by count, of which pass through a round opening $^{75}/_{64}$ inches in diameter and of which not over 12 percent by count pass through a round opening $^{71}/_{64}$ inches in diameter.

(c) *Babies.* Walnuts at least 88 percent, by count, of which pass through a round opening $^{71}/_{64}$ inches in diameter and of which not over 10 percent by count pass through a round opening $^{69}/_{64}$ inches in diameter.

(ii) *Special sizes*—(a) *Mammoth.* Walnuts of which not over 12 percent by count pass through a round opening $^{98}/_{64}$ inches in diameter.

(*b*) *Jumbo.* Walnuts of which not over 12 percent by count pass through a round opening $^{82}/_{64}$ inches in diameter.

(c) With the exception of Babies, varietal packs shall be designated by both size and variety; i. e., Large Budded, Medium Franquettes, Mammoth Willson Wonders, Jumbo Mayettes, etc.

(*d*) Babies may be packed separately and designated by variety; or Baby sizes of the Eureka, Franquette, and Payne varieties may be packed separately or in combination and designated as Long Type Babies (or Selected Small). Placentia type Babies of which at least 90 percent by count will not pass through a round opening $^{67}/_{64}$ inches in diameter may also be packed separately or in combination with Franquette or Payne varieties and designated as Long Type Babies.

(c) Willson Wonders of Jumbo size may be designated as Extra Large Willson Wonders.

(2) *Seedling or mixed packs.* Walnuts produced from seedling trees or walnuts of recognized varieties of dissimilar types packed in combination, shall be graded in accordance with the same sizes specified for varietal packs and designated, respectively, as Large Soft Shells, Medium Soft Shells, and Baby Soft Shells, except that Baby Soft Shells may be designated as Round Type Babies and the following pack is also authorized:

(i) *No. 1's or No. 1 Soft Shell.* Walnuts produced from seedling trees or walnuts containing more than 10 percent of dissimilar varieties and of which not over 12 percent by count pass through a round opening 74/64 inches in diameter.

(ii) Soft Shells of Mammoth size may be designated as Mammoth Specialty Grade. This designation is specifically provided for walnuts of the Bijou, Klondyke, Mammoth Mayette or other abnormally large varieties packed in combination and meeting the size specifications for "Mammoth".

(b) *External appearance and condition.* Merchantable walnuts must be free of excessively dirty nuts, nuts affected by adhering hulls, dark spots, and nuts having perforated or broken or split shells, except that the following tolerances, by count, shall be permitted within the packs specified: 1st Quality Grade, 10 percent for splits and an additional 5 percent for defects other than splits; 2d and 3d Quality Grades, 10 percent for splits and an additional 10 percent for defects other than splits. In determining the percentage of externally defective walnuts in a lot, all walnuts affected as follows shall be considered as not free from defects:

(1) *Excessively dirty nuts.* Walnuts with shells coated or caked with adhering dirt or other foreign matter so as to seriously damage the appearance. Walnuts with slightly chalky deposits on the shells shall not be considered excessively dirty.

(2) *Adhering hull.* Walnuts the shells of which have adhering to them any portion of the hull.

(3) *Dark spots.* Discoloration or stains contrasting with the color of the remainder of the shell which result in unclean or unsightly appearance or render a given pack of walnuts unattractive.

(4) *Perforated shells.* Walnuts with improperly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall, if an area of surface aggregating more than three-eighths of an inch in diameter is affected.

(5) *Broken shells.* Walnuts with any material portion of the shell missing or with the halves completely broken apart or separated.

(6) *Split shells or splits.* Walnuts with the shell halves completely separated but held together by the kernel.

(c) *Quality grade specifications.* The quality grade of any lot of walnuts shall be the highest quality grade to which such lot is eligible under the following specifications. Within a 5 percent tolerance, no quality grade shall be given any lot of walnuts unless the kernels are well dried (firm and crisp). A kernel, as referred to herein, means all of the non-fibrous content of one individual walnut, i. e., two halves, four quarters, etc. The color chart referred to in these specifications as the WCB color chart is the chart adopted June 15, 1944 by the then Program Committee under War Food Order 82, and is available for inspection at the office of the Walnut Control Board, 213 Wholesale Terminal Building, Los Angeles 21, California.

(1) First Quality Grade Walnuts shall contain not less than 90 percent (by count) of nuts the kernels of which are free from defects, except that not less than 95 percent, by count shall be free from insect damage. At least 50 percent of the kernels in any lot shall be light in color in accordance with the WCB color chart; only sound kernels shall be scored "light". In determining the percentage of sound kernels in a lot of walnuts for qualification as of First Quality Grade, all walnuts the kernels of which show the following defects shall not be considered as sound:

(i) *Insect damage.* Kernels affected in any way by codling moth larvae, ants, moths, beetles, or any other insects.

(ii) *Moldy kernels.* Kernels showing on their surface mold readily discernible to the eye, except that kernels bearing a few loose filaments of white or light gray mold which are easily blown off shall not be considered moldy.

(iii) *Shriveled kernels.* Kernels which are noticeably shrunken, leathery or tough as distinguished from kernels which are fully developed. A kernel with one-eighth or more of its surface affected by shriveling shall be considered as noticeably shrunken and scored as unsound. Kernels which are thin in cross section but which otherwise are normally developed shall not be considered shriveled. *Provided*, That with respect to walnuts produced in the states of Oregon and Washington, kernels shriveled one-eighth or more but less than one-half shall be scored one-half sound. However, in any 100 nuts not more than 10 such nuts may be combined to make 5 percent sound; each additional such nut shall count as one percent defective.

(iv) *Blanks.* Walnuts with kernels so shrunken or improperly matured as to be inedible or worthless.

(v) *Rancid kernels.* Kernels which have a decomposed appearance or a rancid taste.

(vi) *Black kernels.* Kernels as dark or darker in color than those illustrated in row "E" of the WCB color chart.

(2) Second quality grade walnuts shall contain not less than 86 percent, by count, of kernels practically free from defects, except that 90 percent of the kernels shall meet the minimum specifications established herein for third quality grade. At least 30 percent of the kernels in any lot shall be light in color in accordance with the WCB Color Chart; only sound kernels shall be scored "light". In determining the percentage of sound kernels in a lot of walnuts for qualification as of second quality grade, all walnuts showing the defects described under first quality grade, shall not be considered as sound, except that:

(i) *Partially moldy kernels.* Kernels affected by a slight covering of white or gray mold which does not affect more than one-fourth of the surface of the kernel will be classed as sound.

(ii) *Shriveled kernels.* The provisions under first quality grade for scoring shriveled kernels in walnuts produced in the States of Oregon and Washington shall apply to California walnuts in scoring for shriveling under second quality grade.

(3) *Third Quality Grade Walnuts.* The minimum requirements for this grade are the minimum specifications for quality and soundness for merchantable walnuts. Third Quality Grade shall contain not less than 90 percent, by count, of passable kernels. In determining the percentage of passable kernels in a lot of walnuts, all walnuts, the kernels of which show the following defects, shall not be considered passable:

(i) *Insect damage.* Kernels affected in any way by codling moth larvae, ants, moths, beetles, or any other insects.

(ii) *Moldy kernels.* Kernels on which there is fruiting mold of any description, or mold mycelia affecting more than one-fourth of the surface of the kernel.

(iii) *Shriveled kernels.* Kernels which are edible but so shriveled as to be one-half or less than half the normal size. Each shriveled kernel shall be classed as half sound; that is, two such kernels shall be counted as one sound and one defective kernel.

(iv) *Blanks.* Walnuts with kernels so shrunken or improperly matured as to be inedible or worthless.

(v) *Rancid.* Kernels which have a decomposed appearance or a rancid taste.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

AUGUST 4, 1947.

[F. R. Doc. 47-7408; Filed, Aug. 7, 1947; 9:03 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER NO. 386 WITHDRAWING PUBLIC LANDS NEAR NORTHWAY AND TANACROSS, ALASKA, FOR CLASSIFICATION AND SURVEY

Notice is hereby given that for a period of 90 days from the date of publication of this notice, persons having cause to object to the terms of Public Land Order No. 386[1] of July 31, 1947, withdrawing the following-described land for classification and survey, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

NORTHWAY

All that part of a tract of land, lying on the south side of the Tanana River, more particularly described as follows:

Beginning at a point on left bank of Tanana River, opposite the mouth of Gardiner Creek, approximate latitude 62°50' N., approximate longitude 141°32' W., U. S. G. S. map, Topographic Reconnaissance Map, Upper Tanana Valley, 1922;

Thence S. 45° W., 10 miles;

Thence N. 55° W., approximately 22 miles, crossing Nabesna River to east bank of the Kalutna River;

Thence northwesterly following east bank of Kalutna to the south bank of the Tanana River;

Thence southeasterly upstream, following left bank of Tanana River to the place of beginning;

containing an estimated area of 325 sq. mi. (208,000 acres).

TANACROSS

All that part of a tract of land, lying on the north side of the Tanana River, more particularly described as follows:

Beginning at a point on right bank of Tanana River, approximate latitude 63°23'40" N., longitude 143° 40' W., U. S. G. S. map, Topographic Reconnaissance Map Upper Tanana Valley 1922, and about 10 miles by airline down-river from Tanacross Indian Village;

Thence northwesterly, approximately 2 miles to the summit of the divide between the streams flowing westerly into the Tanana River and streams flowing northerly and easterly into Lake Mansfield drainage basin;

Thence northerly along said divide to the watershed between the tributaries of George Creek and the streams flowing into Lake Mansfield drainage;

Thence northeasterly along that divide to the watershed between Wolf Creek and the streams flowing into Lake Mansfield drainage;

Thence along the divide, between streams flowing into the Yukon River drainage and those flowing into the Tanana River, to the watershed on the west of Porcupine Creek;

Thence southwesterly along said watershed to the right bank of the Tanana River, approximate latitude 63°24' N., longitude 142°56' W.;

Thence following the right bank of Tanana River, westerly, down-stream, to the place of beginning.

This area includes the drainage basin on the north side of the Tanana River between the initial point and the western boundary of the Porcupine Creek Valley.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can

[1] See F. R. Doc. 47-7413, Title 43, Appendix, *infra*.

explain its purpose, intent and extent. Whether or not a hearing is held or any objection is received, the Secretary of the Interior will decide within 30 days after the 90-day period specified in this notice has expired, whether there is any occasion for continuing the withdrawals described. Notice of his determination as to whether the withdrawals will be rescinded, modified, or let stand will be given to all interested parties of record and the general public.

JULY 31, 1947.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 47-7414; Filed, Aug. 7, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8363, 8364, 8395]

TWIN CITIES BROADCASTING CORP (WDGY) ET AL.

CORRECTED ORDER TO SHOW CAUSE

In re applications of Twin Cities Broadcasting Corporation (WDGY), Minneapolis, Minnesota, Docket No. 8363, File No. BP-5429, for construction permit; Pontiac Broadcasting Company (WCAR), Detroit, Michigan, Docket No. 8364, File No. BP-5971, for construction permit; and modification of broadcast license of Twin Cities Broadcasting Corporation (WDGY), Minneapolis, Minnesota, Docket No. 8395, File No. BS-669.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of June 1947;

It appearing, that Twin Cities Broadcasting Corporation (WDGY) is presently licensed to operate Station WDGY at Minneapolis, Minnesota, on the frequency 1130 kilocycles, with 5 kilowatts power daytime, and with 500 watts power between local sunset and sunset at Albuquerque, New Mexico; and that Station KWKH, Shreveport, Louisiana, is assigned the use of that frequency, with 50 kw power, unlimited time; and

It further appearing, that the operation of Station WDGY between sunset at Minneapolis, Minnesota, and sunset at Albuquerque, New Mexico, causes co-channel interference to the 1.32 mv/m groundwave service contour and to the 1.11mv/m sky wave service contour of Station KWKH, Shreveport, Louisiana; and

It further appearing, that the Commission on April 30, 1947, designated for hearing in a consolidated proceeding the applications of Twin Cities Broadcasting Corporation (WDGY) (File No. BP-5429; Docket No. 8363), requesting a construction permit to operate Station WDGY at Minneapolis, Minnesota, on 1130 kilocycles, with 50 kilowatts power, unlimited time, using directional antenna, and Pontiac Broadcasting Company (WCAR) (File No. BP-5971; Docket No. 8364), requesting a construction permit to operate Station WCAR at Detroit, Michigan, on 1130 kilocycles, with 50 kilowatts power, unlimited time, using directional antenna; and

It further appearing, that, pursuant to section 312 (b) of the Communications Act of 1934, any station license may be modified by the Commission either for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience and necessity, provided that no such order of modification shall become final until the holder of such outstanding license shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue;

It is ordered, That, pursuant to section 312 (b) of the Communications Act of 1934, as amended, opportunity be, and it is hereby, afforded Twin Cities Broadcasting Corporation, licensee of Station WDGY, Minneapolis, Minnesota, to show cause at a hearing before the Commission, at a time and place to be designated by subsequent order of the Commission, why the existing station license issued to said Twin Cities Broadcasting Corporation (WDGY) should not be modified so as to authorize operation on 1130 kilocycles with 5 kilowatts power either daytime only, or with directional antenna or other means to avoid causing interference to the normally protected primary service (0.1 mv/m contours day) and the secondary nighttime service (0.5—50% skywave contour) of Station KWKH; and that International Broadcasting Corporation (KWKH), Shreveport, Louisiana, be, and it is hereby made a party to this proceeding.

It is further ordered, That the above-ordered hearing to show cause be, and it is hereby, consolidated with the above-described consolidated hearing on the said applications of Twin Cities Broadcasting Corporation (WDGY) and Pontiac Broadcasting Company (WCAR) for construction permits; and that the order of April 30, 1947, designating for consolidated hearing the said applications for construction permits, be, and it is hereby, amended to make § 1.857 of the Commission's rules and regulations applicable to the entire proceeding.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7416; Filed, Aug. 7, 1947; 8:45 a. m.]

[Docket No. 8427]

DOUGLAS L. CRADDOCK (WLOE)

CORRECTED ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Douglas L. Craddock (WLOE), Leaksville, North Carolina, Docket No. 8427, File No. BML-1253, for modification of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the above-entitled application requesting an increase of power from 100 w to 250 w at Station WLOE, Leaksville North Carolina, and a petition filed by Radio Roanoke, Incorporated, licensee of station WROV, Roanoke, Virginia, requesting that said application be designated for hearing and that petitioner be made a party thereto;

It is ordered, That the petition of Radio Roanoke, Incorporated, be, and it is hereby granted, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Douglas L. Craddock be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WLOE as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the station as proposed would involve objectionable interference with stations WROV, Roanoke, Virginia; WDNC, Durham, North Carolina; WSSB Durham, North Carolina; WBIG, Greensboro, North Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the station as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of station WLOE as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Radio Roanoke, Incorporated, licensee of station WROV, Roanoke, Virginia; Durham Radio Corporation, licensee of station WDNC, Durham, North Carolina; Public Information Corporation, licensee of station WSSB, Durham, North Carolina, and North Carolina Broadcasting Company, Incorporated, licensee of station WBIG, Greensboro, North Carolina, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7417; Filed, Aug. 7, 1947; 8:45 a. m.]

[Docket No. 8471]

SAN GABRIEL VALLEY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING

In re application of: San Gabriel Valley Broadcasting Company, Monrovia, California, Docket No. 8471, File No. BPH-1291, for FM construction permit

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 24th day of July 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new Class A FM broadcast station at Monrovia, California;

It appearing, that on April 23, 1947, May 22, 1947, and June 26, 1947, the Commission adopted orders designating for hearing in a consolidated proceeding the applications (Docket Nos. 8318 to 8332, inclusive, and 8334 and 8442) requesting construction permits for new Class A FM broadcast stations in the Los Angeles, California, area, which applications are or may be in conflict with the above-entitled application;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of San Gabriel Valley Broadcasting Company (File No. BPH-1291) be, and it is hereby, designated for hearing in the said consolidated proceeding (Docket Nos. 8318 et al.) upon issues "1" to "6", inclusive, as set forth in the Commission's order of April 23, 1947, at a time and place to be designated by subsequent order of the Commission.

It is further ordered, That the Commission's order of April 23, 1947, be, and it is hereby, amended to include the application of San Gabriel Valley Broadcasting Company (File No. BPH-1291).

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7415; Filed, Aug. 7, 1947; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-808]

TENNESSEE GAS AND TRANSMISSION CO. (TENNESSEE GAS TRANSMISSION CO.)

NOTICE OF OPINION AND ORDER

AUGUST 5, 1947.

Notice is hereby given that, on August 1, 1947, the Federal Power Commission issued its Opinion No. 155 and order entered July 30, 1947, issuing a certificate of public convenience and necessity in the above entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7411; Filed, Aug. 7, 1947; 8:57 a. m.]

[Docket Nos. G-834, G-839, G-918]

AUSTIN FIELD PIPE LINE CO. AND MICHIGAN CONSOLIDATED GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

Upon consideration of the application filed on June 27, 1947, at Docket No. G-918, by Michigan Consolidated Gas Company (Michigan Consolidated), a Michigan corporation having its principal place of business at Detroit, Michigan, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, and the operation of other such facilities, or, in the alternative, a finding by the Commission that such construction and operation are not subject to the requirements of said section 7 of the Natural Gas Act, as amended, all as more fully described in such application on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on July 19, 1947 (12 F. R. 4834); and

It appearing to the Commission that:

(a) Pursuant to the Commission's order of March 20, 1947, hearings were held on April 14 to 23, 1947, inclusive, upon the applications filed by Austin Field Pipe Line Company (Austin Company) at Docket No. G-834 and Michigan Consolidated at Docket No. G-839, the proceedings upon which had been consolidated for the purpose of hearing.

(b) On May 1, 1947, Panhandle Eastern Pipe Line Company (Panhandle Eastern), an intervener, acting pursuant to the provisions of Rule 28 of the Commission's rules of practice and procedure (effective September 11, 1946) (18 CFR 1.28), including prior notice of its intention so to do, filed a motion to reverse certain rulings of the trial examiner made in course of the above-mentioned hearings at Docket Nos. G-834 and G-839.

(c) It is in the public interest that further hearings be held with respect to the applications filed at Docket Nos. G-834 and G-839 for the reception of evidence as to the effect thereon of the construction and operations proposed by Michigan Consolidated at Docket No. G-918;

(d) Good cause exists for consolidating the further proceedings to be had at Docket Nos. G-834 and G-839 with proceedings at Docket No. G-918 for the purpose of hearing.

The Commission, therefore, orders that:

(A) Further proceedings be held with respect to the applications filed at Docket Nos. G-834 and G-839, limited to the reception of evidence as to the effect thereon of the construction and operations proposed by Michigan Consolidated Gas Company at Docket No. G-918 and the ultimate usefulness of the proposed facilities, including the Austin Field line, should circumstances require, for the transportation and storage of gas which might be obtained from the Panhandle Eastern Pipe Line Company.

(B) Such further proceedings at Docket Nos. G-834 and G-839 be and the same are hereby consolidated with the proceedings at Docket No. G-918 for the purpose of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure (effective September 11, 1946), a hearing be held on the 13th day of August, 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by the applications and other pleadings in the above-entitled proceedings as limited by paragraph (A) above.

(D) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Date of issuance: August 4, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7402; Filed, Aug. 7, 1947; 9:19 a. m.]

[Docket No. G-901]

KENTUCKY NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on May 19, 1947, by Kentucky Natural Gas Corporation (Applicant), a Delaware corporation having its principal place of business at Owensboro, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to operate certain natural-gas transmission facilities, as fully described in such application, public notice thereof having been given, including publication in the FEDERAL REGISTER on June 7, 1947 (12 F. R. 3750).

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on the 18th day of August, 1947, at 10:00 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946),

Date of issuance: August 5, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7412; Filed, Aug. 7, 1947, 8:57 a. m.]

[Project No. 67]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF APPLICATIO" FOR AMENDMENT OF LICENSE

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that Southern

California Edison Company of Los Angeles, California, licensee for Project No. 67, situated on San Joaquin River and tributaries, in Fresno County, California, has applied for amendment of Article 10 of the license for the project to provide for the rate of return on the net investment in the project to be determined under the Commission's present rules and regulations.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before September 6, 1947, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7401; Filed, Aug. 7, 1947; 9:19 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 29800]

INCREASES IN TENNESSEE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 24th day of July A. D. 1947.

It appearing, that a petition has been filed on behalf of The Alabama Great Southern Railroad Company and other common carriers by railroad operating in the State of Tennessee, averring that in Ex Parte No. 162, Increased Railway Rates, Fares, and Charges, 1946, and Ex Parte 148, Increased Railway Rates, Fares and Charges, 1942, 266 I. C. C. 537, the Commission authorized certain increases in interstate rates and charges throughout the United States, which were established January 1, 1947, and that the Railroad and Public Utilities Commission of the State of Tennessee, by opinion and order dated June 26, 1947, in its Docket No. 2767, refused to authorize or permit said petitioners to apply to the transportation of property moving intrastate by railroad in Tennessee, increases in freight rates and charges corresponding to those approved for interstate application in the proceedings above cited.

It further appearing, that said petitioners allege that the intrastate rates and charges which they are required to maintain for the transportation of property moving intrastate by railroad in Tennessee as a result of said opinion and order of June 26, 1947, of the Railroad and Public Utilities Commission of the State of Tennessee, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination against interstate and foreign commerce;

And it further appearing, that the said petition brings in issue freight rates and charges made or imposed by authority of the State of Tennessee;

It is ordered, That in response to the said petition an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Tennessee for the intrastate transportation of property, made or imposed by authority of the State of Tennessee cause any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Tennessee subject to the jurisdiction of this Commission be, and they are hereby, made respondents of this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Tennessee be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Railroad and Public Utilities Commission of the State of Tennessee at Nashville, Tenn.

It is further ordered: That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing September 4, 1947, 9:30 a. m. United States standard time (or 9:30 a. m. local daylight saving time, if that time is observed), at the Andrew Jackson Hotel, Nashville, Tenn., before Examiner Fred L. Sharp.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-7405; Filed, Aug. 7, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-664]

STANDARD SILVER-LEAD MINING CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 4th day of August A. D. 1947.

The Spokane Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Capital Stock, $1.00 Par Value, of Standard Silver-Lead Mining Company. The application alleges that (1) this security was originally listed on this Exchange on March 30, 1911; (2) that the Snowshoe Mine is the mine that has been operated most recently by the issuer; (3) that operations at this mine were suspended in October 1945; (4) that for the years 1938 to 1944 inclusive the financial statements of this issuer showed a net loss; (5) that a loss of approximately $10,000 has been indicated for 1945 operations; (6) that the financial condition, operating results, and future prospects of the issuer of this security are such that they do not warrant a continuation of the listing and registration of the security on the Spokane Stock Exchange; and (7) that the rules of the Spokane Stock Exchange with respect to the striking of a security from listing and registration have been complied with.

Upon receipt of a request, prior to September 3, 1947, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7442; Filed, Aug. 7, 1947; 8:57 a. m.]

[File Nos. 4-63, 68-84]

MARKET STREET RAILWAY CO. ET AL.

ORDER DENYING MOTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 1st day of August A. D. 1947.

In the matter of Market Street Railway Company, and Standard Gas and Electric Company and certain of its subsidiary companies, File No. 4-63; Russell M. Van Kirk, Bloomfield Hulick, Edmund T. Willetts, committee for the Market Street Railway Company prior preference capital stock, File No. 68-84

Standard Gas and Electric Company ("Standard"), a registered holding company, having filed a motion that the Commission (1) dismiss the applications of Russell M. Van Kirk, et al., Committee for the prior preference capital stock of Market Street Railway Company ("Market Street"), a non-utility subsidiary of Standard, for an examination by the Commission of the past and present relationships among Market Street, Standard, and certain other companies in the Standard Holding Company System, (2) vacate the Commission's order of May 20, 1947, which directed the holding of hearings in connection with such examination and restrained Market Street from making any payments to Standard until the date of such hearing and for a period of 60 days thereafter, (3) in the alternative, stay its proceedings until a certain action by Standard against Market Street now pending in the United States District Court for the Northern District of California be disposed of and (4) if the foregoing requests be denied and without prejudice thereto, to transfer the Commission's hearings to San Francisco;

The Commission having heard oral argument on such motion and having duly considered the matter and issued its opinion herein, on the basis of said opinion.

It is ordered, That said motion of Standard be and hereby is denied in all respects.

It is further ordered, That the provision in said order of the Commission of May 20 which restrained Market Street from making any payments to Standard until the date of hearing set in such order and for a period 60 days thereafter be and hereby is expressly reaffirmed and continued in effect, without prejudice to the right of Standard or Market Street to request approval of any specific proposal respecting payments.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7443; Filed, Aug. 7, 1947; 9:04 a. m.]

[File Nos. 54-111, 59-12]

AMERICAN & FOREIGN POWER CO., INC., ET AL.

INTERIM ORDER GRANTING EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS AND RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 1st day of August A. D. 1947.

In the matter of American & Foreign Power Company, Inc. and Electric Bond and Share Company, File No. 54-111; Electric Bond and Share Company, et al., respondents, File No. 59-12.

American & Foreign Power Company, Inc. ("Foreign Power"), and its parent, Electric Bond and Share Company, both registered holding companies, having filed an Amended Plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, such Amended Plan providing, in general, for the reorganization of Foreign Power including the elimination of the presently outstanding debenture and serial note debt, preferred and second preferred stocks, common stock, option warrants and preferred stock allotment certificates of Foreign Power; and the conversion of Foreign Power's present structure into a capital structure consisting of $35,000,000 principal amount of 3½% Sinking Fund Prior Debentures due 1968, the proceeds of which together with cash are proposed to be used to retire the presently outstanding debentures of the company, and $91,391,600 principal amount of 4¼% Sinking Fund Debentures due 1982, and 5,000,000 shares of new no par value common stock; and the Commission having issued its Notice of Filing and Order for Hearing on said Amended Plan and hearings having been held thereon; and

Foreign Power having requested that the proposed issue and sale of said 3½% Sinking Fund Prior Debentures be exempted from the competitive bidding requirements of the Commission's Rule U-50 for the reason that compliance with paragraphs (b) and (c) of said rule is not necessary or appropriate in the public interest or for the interest of investors or consumers; and further requesting that such exemption be granted prior to the consideration of the other issues raised with respect to said Amended Plan; and

The Commission finding it appropriate and in the public interest and in the interest of investors to determine the question of the method of the proposed sale of the 3½% Sinking Fund Prior Debentures, if made, in advance of the substantive issues with respect to the propriety of the proposed sale under the act and with respect to the pending Amended Plan subject to which the proposed financing is conditioned; and

The Commission finding that in the light of the several unique factors in the present case an exemption from the competitive bidding requirements of Rule U-50 may be appropriately granted and that the basis for such finding be set forth at a later date in the Commission's Findings and Opinion passing upon the pending Amended Plan:

It is ordered, That pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, the said application for an exemption of the proposed issue and sale by Foreign Power of $35,000,000 principal amount of 3½% Sinking Fund Prior Debentures due 1968 from the requirements of subsection (b) and (c) of Rule U-50 as to competitive bidding be, and it is hereby granted.

It is further ordered, That jurisdiction be, and it is hereby, reserved expressly to pass upon all other matters involved in these proceedings including the propriety of the proposed issue and sale under the applicable provisions of the act and the rules and regulations thereunder and the terms and conditions of any such sale and the fees and expenses in connection therewith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7441; Filed, Aug. 7, 1947; 8:57 a. m.]

[File No. 70-1561]

GENERAL PUBLIC UTILITIES CORP. AND NEW YORK STATE ELECTRIC & GAS CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of July 1947.

General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, New York State Electric & Gas Corporation ("New York State"), having filed a joint application-declaration and an amendment thereto, pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder, with respect to the following transactions:

The authorized common stock of New York State consists of 50,000 shares, without par value, of which 46,484 shares are issued and outstanding; all of such shares are held by GPU. The stated capital applicable to such 46,484 shares of common stock is $22,000,000. New York State proposes to eliminate the 3,516 shares of unissued common stock and to reclassify its issued and outstanding 46,484 shares of common stock, without par value, into 880,000 shares of common stock of a par value of $25 per share. Thus, after the reclassification, the par value of New York State's issued and outstanding common stock will be $22,000,000. Pursuant to such reclassification, GPU proposes to surrender to New York State the 46,484 shares of common stock, without par value, of New York State now held by it and to receive in exchange therefor the 880,000 shares of $25 par value common stock of New York State which will result from the reclassification; and

Applicants-declarants having stated that the New York Public Service Commission of the State of New York having by orders dated April 30, 1947 and May 13, 1947 consented to the reclassification of the common stock of New York State; and

The joint application-declaration having been filed on June 27, 1947 and an amendment thereto having been filed on July 21, 1947, and notice of said filings having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration, as amended, be granted and permitted to become effective:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and

conditions prescribed in Rule U-24, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7440; Filed, Aug. 7, 1947; 8:57 a. m.]

[File No. 70-1575]

DERBY GAS & ELECTRIC CORP. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 1st day of August A. D. 1947.

In the matter of Derby Gas & Electric Corporation, The Derby Gas & Electric Company, The Danbury and Bethel Gas and Electric Light Company, and The Wallingford Gas Light Company; File No. 70-1575.

Notice is hereby given that Derby Gas & Electric Corporation ("Derby"), a registered holding company, and its subsidiaries, The Derby Gas and Electric Company ("Derby Connecticut"), The Danbury and Bethel Gas and Electric Light Company ("Danbury") and The Wallingford Gas Light Company ("Wallingford") have filed an application-declaration pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and the applicable rules thereunder. All interested persons are referred to said application-declaration, which is on file in the office of the Commission, for a full statement of the transactions therein proposed, which are summarized below:

Derby's funded debt consists of $2,861,000 principal amount of 2¾% Debentures, Series due 1956, and $1,370,000 principal amount of 3% Debentures, Series due 1954, all of such debentures being owned by The Equitable Life Assurance Society of the United States ("Equitable"). Derby is also indebted to Equitable in the amount of $438,000, represented by promissory notes maturing October 25, 1947, and bearing interest at the rate of 2¼% per annum. Derby's outstanding capital stock consists of 218,048 shares of no par value common stock. Derby Connecticut and Wallingford have no outstanding funded debt, whereas Danbury has outstanding $150,000 principal amount of 5% First Refunding Mortgage Gold Bonds due in 1953. All of the shares (other than directors' qualifying shares) of the outstanding capital stocks of these three companies, consisting of common stocks, are owned by Derby. Derby Connecticut, Danbury, and Wallingford are indebted to Derby in the amounts of $368,000, $855,000 and $12,000, respectively, evidenced by 3½% promissory demand notes. Pursuant to the order of this Commission dated July 29, 1946, said demand notes will ultimately be surrendered against the issuance to Derby by each of said subsidiaries of additional common stock.

Derby Connecticut, Danbury and Wallingford are engaged in constructing certain gas manufacturing, transmission and storage facilities, and intend to construct additional electrical distribution facilities. This construction program will require an aggregate amount of approximately $693,000. It is proposed that such funds will be obtained by borrowings from the parent, Derby, from time to time as cash is needed, to be evidenced by 3½% demand notes to be issued to Derby. Upon completion of said construction program, it is proposed that Derby will surrender for cancellation said demand notes to each of said subsidiaries in consideration of the issuance to Derby of common stock of each such subsidiary in an amount (taken at the par or stated value of $25 per share in each case) equal to the principal amount of said demand notes of each such subsidiary to be so surrendered by Derby.

In order to provide the necessary funds (a) to lend to its subsidiaries $693,000 in connection with the above construction program, (b) to retire its $438,000 principal amount of 2¼% promissory notes, which had been issued to finance the construction program of the subsidiaries, (c) and to provide $61,340 working capital (of which $35,000 would be used to pay the estimated financing expenses), Derby proposes the following transactions:

1. The issue by Derby to Equitable of $5,131,000 principal amount of 3% Debentures, Series due 1957, in exchange for $4,231,000 aggregate principal amount of Derby's 3% Debentures, Series due 1954, and 2¾ Debentures, Series due 1956, now held by Equitable, and the payment by Equitable of $913,340 in cash.

2. The issue and sale by Derby to underwriters of additional shares of its common stock sufficient to provide Derby with approximately $279,000.

Applicants-declarants consider sections 6 (a), 6 (b), 7, 9 (a) (1), 10, 12 (c) and 12 (d) of the act and Rules U-42 and U-44 as applicable to the proposed transactions. Applicants-declarants state that the proposed issue by Derby of new debentures and additional common stock are excepted from the competitive bidding requirements of Rule U-50 by virtue of paragraphs (a) (2) and (a) (4) thereof, respectively, and that the proposed issue by the subsidiaries of Derby of demand notes and common stock are excepted by virtue of paragraph (a) (3) of the rule.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in the application-declaration and that said application shall not be granted nor said declaration permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said application-declaration under the applicable provisions of the act and the general rules and regulations promulgated thereunder be held at 11:00 a. m., e. d. s. t., on the 19th day of August, 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before August 15, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Willis E Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the new 3% Debentures, Series due 1957, and the new common stock proposed to be issued and sold by Derby are reasonably adapted to the security structure and earning power of the company and are necessary and appropriate to the economical and efficient operation of the business or businesses in which the company is engaged.

2. Whether the prices proposed to be paid for said debentures and common stock are reasonable, and whether the other terms and conditions of said transactions are detrimental to the public interest or the interest of investors and consumers.

3. Whether the indenture securing the new debentures contains adequate protective provisions for the benefit of the security holders.

4. Whether Derby Connecticut, Danbury and Wallingford are entitled to the exemptions from the provisions of section 7 of the act which they have asserted under section 6 (b) thereof in connection with the proposed issuance and sale by such companies to Derby of demand notes and of additional shares of common stock.

5. Whether the proposed acquisitions by Derby of demand notes and shares of additional common stock of Derby Connecticut, Danbury and Wallingford meet the applicable provisions of the act.

6. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors and consumers in connection with the proposed transactions.

7. Whether the proposed accounting entries to be recorded in connection with the proposed transactions are proper and conform to sound accounting principles.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That notice of said hearing be given to Derby, Derby Connecticut, Danbury, Wallingford and the Connecticut Public Utilities Commission by registered mail and to all other interested persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for all releases issued under the Public Utility Holding Company Act of 1935 and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7444; Filed, Aug. 7, 1947; 9:04 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1915 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9268]

QUARZLAMPEN GESELLSCHAFT M. B. H. AND HANOVIA CHEMICAL & MFG. CO.

In re Interests of Quarzlampen Gesellschaft m. b. H. in an agreement with Hanovia Chemical & Manufacturing Company.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Quarzlampen Gesellschaft m. b. H. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All interests and rights created in Quarzlampen Gesellschaft m. b. H. by virtue of an agreement documented by letters dated October 6, 1937, October 27, 1937 and November 12, 1937 (including all modifications thereof and supplements thereto, if any) by and between Quarzlampen Gesellschaft m. b. H. and Hanovia Chemical and Manufacturing Company, and any and all rights to demand, enforce and collect any and all obligations due said Quarzlampen Gesellschaft m. b. H. under and by virtue of said agreement, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

and it is hereby determined:

3. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 27, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-7419; Filed, Aug. 7, 1947; 8:49 a. m.]

[Vesting Order 9284]

HERMINE CHEMNITIUS ET AL.

In re: Debts owing to Hermine Chemnitius, also known as Hermine Klara Mathilde Chemnitius, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is as set forth in Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons listed in Exhibit A, by Topken & Farley, 250 Park Avenue, New York 17, New York, in the amounts appearing opposite the names of the persons listed in Exhibit A, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

Name and last known address of national	Amount of debt	OAP File No.
Hermine Chemnitius, also known as Hermine Klara Mathilde Chemnitius, Erfurt, Germany	$394.77	F-28-4181-C-1.
Bela Schmouses, also known as Bela Schmouses, Osterholz-Scharmbeck, Germany	300.00	F-28-5177-C-1.
Hans-Stoeber, Post Rottenbach, Germany	1,349.72	F-28-5501-C-1.
Carl Werner Gutjahr, Worms, Germany	2,269.73	F-28-5971-C-1.
Hans Emil Gutjahr, Worms, Germany	1,349.72	F-28-5972-C-1.
Otto Gutjahr, Worms, Germany	4,109.72	F-28-5973-C-1.
Emma Heidt, Einsiedlerhof, Germany	207.79	F-28-6334-C-1.
Hedwig Heiland, Freiberg, Germany	1,349.72	F-28-6336-C-1.
Ida Heiland, Worms, Germany	1,349.73	F-28-6337-C-1.
Georg Hetzler, also known as George Hetzler, Langenau, Germany	1,061.35	F-28-7152-C-1.
Katharina Grimmler Ott, Mannheim-Neckarau, Germany	479.55	F-28-24015-C-1.
Henry Ploeck, Frankfurt a/M, Germany	693.62	F-28-24018-C-1.
Marie Ploeck, Steinter, Germany	360.70	F-28-24005-C-1.
Kreszentia Beschler, Leutkirch, Germany	193.90	F-28-25140-C-1.
Heinrich Christieb Ehlen, Wesermuende, Germany	127.11	F-28-25162-C-1.
Peter Hauck II, Rheinpfalz, Germany	456.90	F-28-27344-C-1.
Marie Gerstenhaber, Obereichingen, Germany	106.13	F-28-25476-C-1.
Kaethe Gutjahr, Worms, Germany	84.00	F-28-25540-C-1.
Franz Xaver Huber, Leutkirch, Germany	193.90	F-28-25700-C-1.
FridolinHuber, Leutkirch, Germany	193.90	F-28-25701-C-1.
Karl Stenger Ansbach, Germany	194.15	F-28-2593-C-1.
Jakob Joseph Schrenker, Frankfurt-Griesheim, Germany	194.15	F-28-25943-C-1.
Anna Schiller, Neu-Ulm, Germany	106.13	F-28-25978-C-1.
Margareta Schulz, Berlin-Wilmersdorf, Germany	438.96	F-28-25980-C-1.
Helga Schulz, Berlin-Wilmersdorf, Germany	438.96	F-28-25982-C-1.
Adelheid Schweizer, Leutkirch, Germany	193.89	F-28-26095-C-1.
Emma Selbeidtmann, Bremen, Germany	127.11	F-28-26126-C-1.
Amenste Plazek, Berlin, Germany	268.69	F-28-26163-C-1.
Anna Junginger, Amt Ulm, Germany	424.55	F-28-26251-C-1.
Anna Muehleisen, Amt Neu-Ulm, Germany	295.54	F-28-26394-C-1.
Sophie Mueller, Erleinbach, Germany	142.05	F-28-26401-C-1.
Margarethe Lex, Frankfurt a/M, Germany	190.74	F-28-26509-C-1.
Josephine Lex, Frankfurt a/M, Germany	127.17	F-28-26510-C-1.
Julius Stenger, Aschaffenburg, Germany	194.15	F-28-27405-C-1.

[F. R. Doc. 47-7420; Filed, Aug. 7, 1947; 8:49 a. m.]

[Vesting Order 9417]

DAI-ICHI BANK, LTD.

In re: Bank account owned by Dai-Ichi Bank, Ltd., also known as Dai-Ichi Ginko, Ltd. F-39-304-E-10.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law,

after investigation, it is hereby found:

1. That Dai-Ichi Bank, Ltd., also known as Dai-Ichi Ginko, Ltd., that last known address of which is Tokyo, Japan, is a corporation, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Tokyo, Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Dai-Ichi Bank, Ltd., also known as Dai-Ichi Ginko, Ltd., by The Yokohama Specie Bank, Ltd., Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a credit balance due to the Dai-Ichi Bank, Osaka Branch, evidenced by Receiver's Liability Number 4171, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7421; Filed, Aug. 7, 1947; 8:49 a. m.]

[Vesting Order 9422]

MRS. TAKA HAYAKAWA

In re: Debt owing to Mrs. Taka Hayakawa. F-39-1894-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Taka Hayakawa whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Taka Hayakawa under an insurance selling contract entered into by and between Mrs. Taka Hayakawa and Security Insurance Agency, Honolulu, T. H., on July 1, 1937, effective September 18, 1937, for a period of ten years, including but not limited to that certain debt or other obligation owing said Mrs. Taka Hayakawa by said Security Insurance Agency arising out of renewal commissions now due or which will become due under said contract, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7422; Filed, Aug. 7, 1947; 8:49 a. m.]

[Vesting Order 9425]

UNKAI MIKAMI

In re: Debt owing to Unkai Mikami. F-39-5908-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Unkai Mikami, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Unkai Mikami, by The Yokohama Specie Bank, Limited, Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a letter of credit, evidenced by Receiver's Liability Number 4165, in the amount of $600, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7423; Filed, Aug. 7, 1947; 8:49 a. m.]

[Vesting Order 9452]

GEORGE T. SATO

In re: Stock owned by and debt owing to George T. Sato. F-39-4512-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George T. Sato, whose last known address is Asahi, Machi 2 Bancho 5227 Niigata, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. One hundred (100) Sub shares of $1.00 par value capital stock of Texas Pacific Land Trust, 65 Broadway, New York, New York, evidenced by certificates registered in the name of and presently in the custody of E. F. Hutton & Co., 623 S. Spring Street, Los Angeles 14, California, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to George T. Sato by E. F. Hutton & Co., 623 S. Spring Street, Los Angeles 14, California, in the amount of $103.62, as of December 3, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by George T. Sato, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7424; Filed, Aug. 7, 1947; 8:49 a. m.]

[Vesting Order 9454]

MASAICHI SHIOMI

In re: Bank account owned by Masaichi Shiomi. F-39-860-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masaichi Shiomi, whose last known address is Takehara, Tsunoyama-mura, Joto-gun, Okayama-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Masaichi Shiomi, by Bank of Hawaii, Honolulu, T. H., arising out of a savings account, Account No. 42828, entitled Masaichi Shiomi, by J. Murashige, Attorney-in-Fact, maintained at the branch office of the aforesaid bank, Hilo Branch, Hilo, T. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7425; Filed, Aug. 7, 1947; 8:50 a. m.]

[Vesting Order 9464]

HENRY EHLERS

In re: Estate of Henry Ehlers, deceased. File D-28-10661; E. T. sec. 15013.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Ehlers, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $251.58 was paid to the Attorney General of the United States by Donald L. Evans, Executor of the Estate of Henry Ehlers, deceased;

3. That the said sum of $251.58 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on May 6, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7426; Filed, Aug. 7, 1947; 8:50 a. m.]

[Vesting Order 9480]

HELMUT BAASCH ET AL.

In re: Stock owned by Helmut Baasch and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each person, whose name and address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Four thousand three hundred and fifteen (4,315) shares of no par value common capital stock of American Radiator & Standard Sanitary Corporation, 40 West 40th Street, New York 18, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates numbered as set forth in the aforesaid Exhibit A, registered in the names of the persons and in the amounts appearing opposite each certificate number, and presently in the custody of American Radiator & Standard Sanitary Corporation, 40 West 40th Street, New York 18, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons whose names are set forth in Exhibit A, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Registered owner	Certificate No.	Number of shares	OAP File No.
Helmut Baasch, Berlin, Germany	C027785	3	F-28-1082-A-1; D-1.
	C071400	7	
Lenz-Bauer, Duesseldorf, Germany	C0297005	4	F-28-1128-D-1
Wilhelm Bertram, Pinneberg, Germany	C028548	5	F-28-1120-A-1; D-1.
Joseph Bigke, Schoneebeck-Elbe, Germany	C076702	12	F-28-1214-A-1; D-1.
	C05409	100	
	C05729	100	
	C05921	100	
	C05922	100	
	C05924	100	
	C058512	28	
	C091752	50	
Paul Bosdorf, Schoenebeck-Elbe, Germany	C0210731	8	F-28-1297-A-1; D-1.
Wilh Busch, Schoenebeck Elbe, Germany	C091551	8	F-28-1312-A-1; D-1.
Valentine Dalkovsky, Ostpreussitz, Germany	C01553	20	F-28-1287-D-1.
	C01551	2	
O. Dehr, Berlin, Germany	C026851	10	F-28-1288-A-1; D-1.
Martha Diemer, Berlin, Germany	C027590	10	F-28-1289-A-1; D-1.
	C027591	5	
Friedrich Karl Dietz, Berlin, Germany	C071441	5	F-28-1291-A-1; D-1.
	C026757	12	
	C061254	25	
	C060886	2	
Mrs. Hedwig Dreusch, Berlin, Germany	C091092	41	F-28-1299-A-1; D-1.
	C091780	3	
	C11122	100	
	C03095	11	
	C0103981	95	
Paul Dreusch, Berlin, Germany	C051978	5	F-28-1301-A-1; D-1.
W. Duckheim, Schoneebeck-Elbe, Germany	C11123	100	F-28-1300-A-1; D-1.
	C11124	100	
	C11125	100	
	C11126	100	
	C027592	20	
	C058522	24	
	C082976	16	
Martha Emanuelsson, Berlin, Germany	C110886	100	F-28-1118-D-1.
	C110887	100	
S. Enger, Schoenebeck-Elbe, Germany	C027591	10	F-28-1150-A-1; D-1.
	C0241712	20	
Otto Ernst, Schoneebeck-Elbe, Germany	C027595	2	F-28-1151-A-1; D-1.
August Felge Schoneebeck-Elbe, Germany	C071402	2	F-28-1155-A-1; D-1.
	C11128	100	
	C11129	100	
	C02958	7	
	C027596	10	
Otto Flake, Schoneebeck Elbe, Germany	C05959	19	F-28-1167-A-1; D-1.
	C024156	8	
	C027597	17	
	C058524	16	
	C058522	15	
Gerda Finsterbusch, Magdeburg, Germany	C091786	3	F-28-1168-D-1.
Horst Finsterbusch, Magdeburg, Germany	C091787	4	F-28-1169-D-1.
Linda Finsterbusch, Magdeburg, Germany	C091797	1	F-28-1170-D-1.
Miss Elsie Hausman, Wittig, Germany	C026794	15	F-28-1927-D-1.
George Heilinski, schoneebeck-Elbe, Germany	C04582	10	F-28-1935-A-1; D-1.
	C091793	8	
Gertrud Heimbach, Schoneebeck-Elbe, Germany	C058561	9	F-28-1936-D-1.
Wilhelm Hermes, Schoneebeck, An Der Elbe, Germany	C091784	10	F-28-1917-D-1.
	C058599	6	
Fritz Herzog, Schoneebeck-Elbe, Germany	C04581	9	F-28-1951-A-1; D-1.
	C026953	10	
	C027541	6	
	C058747	8	
Frau Cathe Herthaus, Wuelsheim, Germany	C058835	10	F-28-1974-D-1
	C058836	10	
	C058837	4	
Carl Heyde, schoneebeck-Elbe, Germany	C027595	2	F-28-1956-A-1; D-1.
	C071443	5	
Gertrud Hoffmann-Bader, Germany	C04187	18	F-28-1969-D-1.
Wilhelm Hochgrefe, schoneebeck-Elbe, Germany	C04187	20	F-28-1966-A-1; D-1.
	C12861	100	
	C027598	10	
	C071447	5	
	C0207801	50	
Albert Hoischer, Hanover, Germany	C04186	11	F-28-1971-A-1; D-1.
	C035955	3	
	C058599	1	
Werner Hulsemann, Gehren, Thuringia, Germany	C027609	5	F-28-1975-D-1.
Hans Kaempfe, Berlin, Germany	C027611	5	F-28-1745-A-1; D-1.
Adolph Kaul, schoneebeck-Elbe, Germany	C09626	9	F-28-1757-A-1; D-1.
	C027612	2	
	C058466	2	

Registered owner	Certificate No.	Number of shares	OAP file No.
Erna Klamm, Berlin, Germany	C09620	10	F-28-1764-A-1; D-1.
	C02457	8	
	C02561	5	
	C040187	12	
Hans Konig, Cottbus, Germany	C027617	10	F-28-1777-A-1; D-1.
Gustav Kopp, Magdeburg, Germany	C027618	6	F-28-1780-A-1; D-1
	C071447	6	
Max Krastel, Stuttgart, Germany	C0209239	7	F-28-1786-A-1; D-1.
	C029041	5	
Hans Kynast, Hagen, Westf, Germany	C028851	9	F-28-1803-A-1; D-1.
Fritz Lehmann, schoneebeck-Elbe, Germany.	C0162586	5	F-28-1954-D-1.
William Lenk, Schoneebeck-Elbe, Germany	C027622	4	F-28-1957-A-1; D-1
	C071448	2	
Fritz Lingner, Schoneebeck-Elbe, Germany.	C05939	100	F-28-1973-A-1; D-1.
	C013758	20	
Wilhelm Lohmann, schoneebeck-Elbe, Germany.	C027681	5	F-28-1980-A-1; D-1.
Gustav Motsch, schoneebeck-Elbe, Germany.	C071449	5	F-28-1481-A-1; D-1
	C027630	2	
	C071450	4	
Wilhelm Muller, schoneebeck-Elbe, Germany.	C027634	12	F-28-1489-A-1; D-1.
	C058528	10	
Margarete Neult, Pommern, Germany	C058549	6	F-28-1353-D-1
Erich Ockelmann, Lippe, Germany	C05606	2	F-28-1496-A-1; D-1.
	C022158	16	
	C027636	6	
	C058529	12	
	C027637	5	F-28-1486-A-1; D-1.
	C071451	5	
John Pingel, Harz, Germany	C09622	35	F-28-1113-D-1.
	C058584	50	
F. Pippow, Leipzig, Germany	C0103537	49	F-28-1416-A-1; D-1.
	C0015822	74	
Marie Pregler, schoneebeck-Elbe, Germany.	C07121	53	F-28-1151-A-1; D-1
Otto Pregler, Schoneebeck-Elbe, Germany.	C07422	55	F-28-1432-A-1; D-1.
	C047348	16	
	C058599	10	
	C062311	10	
William Prien, Seestadt Rostock, Germany.	C036929	50	F-28-1154-D-1.
Otto Roder, Schoneebeck-Elbe, Germany.	C08341	10	F-28-1511-A-1; D-1.
Louis Ruhlf, Schoneebeck-Elbe, Germany.	C013830	8	
	C08341	18	F-28-1520-A-1; D-1.
	C027642	4	
Sophie Ruhlf, schoneebeck-Elbe, Germany.	C041710	8	F-28-1430-A-1; D-1.
	C08085	1	
Franz Rux, Schoneebeck-Elbe, Germany.	C08486	9	F-28-1561-A-1; D-1
Richard Sabinski, Berlin Germany	C027647	5	F-28-1804-A-1; D-1.
Alfred Scheller, Schoneebeck-Bhf, Saizelman, Germany.	C012746	15	F-28-1819-D-1.
	C1105938	5	
Carl Schimmelmann, Pratzsch-Elbe, Germany.	C027646	6	F-28-1852-A-1; D-1.
George Schlenk, Freiburg 1. Br., Germany	C027647	10	F-28-1824-A-1; D-1.
	C075351	5	
(Miss) Auguste Schmidt, Magdeburg, Germany	C02698	100	F-28-1827-D-1.
	C02669	100	
	C02670	100	
	C027671	150	
	C05672	100	
	C012560	22	
	C08895	10	
	C08897	18	
	C091494	100	
Wilhelm Schumansky, Schoneebeck-Elbe, Germany	C18280	100	F-28-1811-A-1; D-1
	C18290	100	
	C013759	56	
W. Scholz, schoneebeck-Elbe, Germany	C027648	2	F-28-1838-A-1; D-1.
	C075352	3	
Berta Schroder, Berlin, Germany	C027649	2	F-28-1839-A-1; D-1.
A. V. Skoeka, German West., Germany.	C027651	5	F-28-1845-D-1.
Anna Stolze, Schoneebeck-Elbe, Germany.	C0108981	5	F-28-1922-D-1.
Fritz Stolze, a minor, Schoneebeck-Elbe, Germany.	C0108981	8	F-28-1866-D-1.
Herman Stolze, Schoneebeck-Elbe, Germany.	C08976	9	F-28-1891-A-1; D-1
	C071451	8	
Ilse Stolze, a minor, Schoneebeck-Elbe, Germany.	C0108982	7	F-28-1867-D-1.
Kurt Strauss, Schoneebeck-Elbe, Germany.	C027651	1	F-28-1900-A-1; D-1.
	C07402	1	
Paul Tieke, B Drosden, Germany	C0171281	32	F-28-1694-A-1; D-1.
Kate Von Pein, Holstein, Germany	C027581	2	F-28-1678-D-1.
Otto Weddige, Schoneebeck-Elbe, Germany.	C027657	4	F-28-1691-A-1; D-1
	C0841112	2	
Fritz Wurst, Berlin, Germany	C025052	5	F-28-1705-A-1; D-1
	C027658	10	
	C074803	6	
B. Wenzlau, Berlin, Germany	C08116	17	F-28-1707-A-1; D-1.
	C026172	24	
O. Woll, Abtethof, Rheinprevinz, Germany.	C041669	30	F-28-1726-D-1.
	C0256151	1	

[F. R. Doc. 47-7430; Filed, Aug. 7, 1947; 8:50 a. m.]

[Vesting Order 9471]

CARL MANZ

In re: Estate of Carl Manz, deceased. D-28-3818; E. T. sec. 11159.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emelie Manz, Ernst Manz (Ernst Conrad Manz) and Amalia Woeckel (now Amelia Klaus nee Woeckel), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $6,418.72 was paid to the Alien Property Custodian by Hedwig Manz, Administratrix de bonis non with the will annexed of the Estate of Carl Manz, deceased;

3. That the said sum of $6,418.72 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 21, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7427; Filed, Aug. 7, 1947; 8:50 a. m.]

[Vesting Order 9472]

FRIEDRICH MATTHIES

In re: Estate of Friedrich Matthies, deceased. File D-28-11255; E. T. sec. 15613.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erna Machold (Erna Machhold) whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $100.00 was paid to the Attorney General of the United States by Ernest Matthies, Executor of the estate of Friedrich Matthies, deceased;

3. That the said sum of $100.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on April 15, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7428; Filed, Aug. 7, 1947; 8:50 a. m.]

[Vesting Order 9475]

CATHARINA PETERICH

In re: Estate of Catharina Peterich, deceased. D-28-8147; E. T. sec. 9061.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fredericka Henning, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $100.00 deposited with the Treasurer of Cook County, Illinois on December 16, 1943, to the credit of the aforesaid national, pursuant to an order of the Probate Court of Cook County, Illinois, entered December 9, 1943, in the matter of the estate of Catharina Peterich, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Cook County, Illinois, as depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Dirrctor, Office of Alien Property.

[F. R. Doc. 47-7429; Filed, Aug. 7, 1947; 8:50 a. m.]

[Vesting Order 9482]

ELISABETH DISSER

In re: Debt owing to Elisabeth Disser (nee Chagrin), also known as Elisabet Chagrin.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Disser (nee Chagrin), also known as Elisabet Chagrin, whose last known address is (17a) Bruchaal (Baden), Hutten Str. 50, Germany, U. S. Zone, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elizabeth Disser (nee Chagrin), also known as Elisabet Chagrin, by the Receiver of The First National Bank of Detroit, Insolvent, in the amount of $415.54, as of March 28, 1947, evidenced by three checks drawn on The National Bank of Detroit, Michigan, pay-

able to Elisabet Chagrin, in the amounts and numbered as follows:

Check number:	Amount
Q-181278	$117.72
P-120625	235.47
R-105343	62.35

which are presently in the custody of Supervising Receiver, Division of Insolvent National Banks, Comptroller of the Currency, Treasury Department, Washington, D. C., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7431; Filed, Aug. 7, 1947; 8:50 a. m.]

[Vesting Order 9484]

HANS LESCOW AND HUGO LESCOW

In re: Debt owing to Hans Lescow and Hugo Lescow. F-28-13891-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Lescow and Hugo Lescow, whose last known addresses are Osnabruck, Province of Hanover, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Hans Lescow and Hugo Lescow, by Alfred R. Bunnell, 11 Park Place, New York, New York, including particularly but not limited to a portion of the sum of money on deposit with The Chase National Bank of the City of New York, Pine Street, Corner of Nassau, New York 15, New York, in a special checking account, entitled Alfred R. Bunnell, maintained at the Worth Street branch office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7432; Filed, Aug. 7, 1947; 8:50 a. m.]

[Vesting Order 9485]

KIKUICHI OKUMA

In re: Stock owned by Kikuichi Okuma. D-39-1231-D-1, D-39-1231-D-2, D-39-1231-D-3, D-39-1231-D-4, D-39-1231-D-5.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kikuichi Okuma, whose last known address is 205 Kitashigeyasu Mura, Eguchi, Miyaki Gun, Saga Ken Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Kikuichi Okuma together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	State of incorporation	Certificate Nos.	Number of shares	Par value	Type of stock
Bank of American National Trust & Savings Association, 300 Montgomery St., San Francisco, Calif.	California	B-17862	3	$12.50	Common
		B-17861	2	12.50	Do.
		F-92064	3	12.50	Do.
American Telephone & Telegraph Co., 195 Broadway, New York, N. Y.	New York	NT88088	4	100.00	Capital
Transamerica Corp., 4 Columbus Ave., San Francisco, Calif.	Delaware	SFG37554	½	2.00	Do.
		SFJ95777	½	2.00	Do.
		SFHJ7794	½	2.00	Do.
		SFR4124	½	2.00	Do.
		SFF66776	1	2.00	Do.
		SFS89974	11	2.00	Do.
		SFJ95776	1½	2.00	Do.
		SFF3622	1½	2.00	Do.
		SFF39227	3½	2.00	Do.
		SFJ95775	7½	2.00	Do.
Shell Union Oil Corp., 50 West 50th St., New York 20, N. Y.	do	TSF01040	20	15.00	Common
Pacific Gas & Electric Co., 245 Market St., San Francisco 6, Calif.	California	F70340	10	25.00	Do.

[F. R. Doc. 47-7433; Filed, Aug. 7, 1947; 8:50 a. m.]

[Vesting Order 9487]

HERMANN SCHRENK ET AL.

In re: Bank accounts owned by Hermann Schrenk, Gustav Frey, Heinrich Guenther, Margarete Funke, also known as Margaret Funke, and Bertha Schwab.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Schrenk, Gustav Frey, Heinrich Guenther, Margarete Funke, also known as Margaret Funke, and Bertha Schwab, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, by Commonwealth Bank, Dime Building, Detroit, Michigan, arising out of commercial accounts, numbered and entitled as set forth opposite the name of each of the aforesaid persons, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of owner	Title of account	Account No.	OAP No.
Hermann Schrenk	Herman Schrenk	C 13-921	F-28-12145-E-1
Gustav Frey	Gustav Frey	C 11-477	F-28-16052-E-1
Heinrich Guenther	Heinrich Guenther	C 11-766	F-28-23524-E-1
Margarete Funke, also known as Margaret Funke.	Margaret Funke	C 12-077	F-28-9793-E-1
Bertha Schwab	Bertha Schwab	C 11-426	F-28-25995-E-1

[F. R. Doc. 47-7434; Filed, Aug. 7, 1947; 8:51 a. m.]

[Vesting Order 9488]

JOSEF SEHL

In re: Bank account owned by Josef Sehl. F-28-26119-C-1, F-28-26119-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josef Sehl, whose last known address is Frankfurt on the Main-Bonames, Schleherweg 27, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Josef Sehl, by The First National Trust & Savings Bank of San Diego, San Diego, California, arising out of a Savings Account, Account Number 86462, entitled Josef Sehl, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7435; Filed, Aug. 7, 1947; 8:51 a. m.]

[Vesting Order 9489]

ANNA MARGARETHE SITZLER ET AL.

In re: Debt owing to Anna Margarethe Sitzler, Johann Heinrich Herzog, Hedwig Margarethe Henriette Herzog and Friedrich Heinrich Herzog. D-28-10644-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Margarethe Sitzler, Johann Heinrich Herzog, Hedwig Margarethe Henriette Herzog and Friedrich Heinrich Herzog, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anna Margarethe Sitzler, Johann Heinrich Herzog, Hedwig Margarethe Henriette Herzog and Friedrich Heinrich Herzog, by Otto A. Hoecker, 1808 Russ Building, San Francisco 4, California, in the amount of $135.17, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7436; Filed, Aug. 7, 1947; 8:51 a. m.]

[Vesting Order 9490]

KATHERINE STEIGERWALD

In re: Bank account owned by Katherine Steigerwald. F-28-25933-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Steigerwald, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Katherine Steigerwald, by The Central Trust Company, Cincinnati, Ohio, arising out of a Savings Account, account number 74398, entitled Miss Katherine Steigerwald, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7437; Filed, Aug. 7, 1947; 8:51 a. m.]

[Vesting Order 9523]

MASAICHI MORINO ET AL.

In re: Debts owing to Masaichi Morino and others. F-39-1805-E-1. F-39-4792-E-1, F-39-5796-E-1, F-39-5900-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masaichi Morino, whose last known address is Fukuyama, Japan; Toku Sawanobori, whose last known address is Tokyo, Japan; and Retsu Yoshihara, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That J. Yamamoto Fish Net Manufacturing Company, the last known address of which is Nagoya, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of the accounts described opposite the names in Exhibit A, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of creditor	Description of account	Amount, as of Dec. 31, 1945
Masaichi Morino....	Commercial checking account entitled Masaichi Morino.	$133.93
Toku Sawanobori...	Fixed deposit account No. 68419.	166.[illegible]
Retsu Yoshihara....	Fixed deposit account No. 68604.	151.[illegible]
J. Yamamoto Fish Net Manufacturing Co.	Suspense account.....	130.[illegible]

[F. R. Doc. 47-7438; Filed, Aug. 7, 1947; 8:51 a. m.]

[Dissolution Order 63]

STEEL WIRE CORP.

Whereas, by assignment from American Giese Wire Corporation pursuant to Dissolution Order Number 58, dated July 7, 1947 (12 F. R. 4621), the Attorney General of the United States has acquired all of the presently outstanding shares of the capital stock of Steel Wire Corporation, an Illinois corporation; and

Whereas, Steel Wire Corporation has been dissolved by action of the Attorney General of the State of Illinois for failure to file an annual report and to pay franchise taxes for the year 1942; and

Whereas, Steel Wire Corporation has been substantially liquidated under the supervision of the undersigned;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except possible claims for taxes owing by the corporation, and except such claim if any as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that the dissolution and liquidation proceedings with respect to said corporation be completed and that its assets be distributed;

Hereby orders, that the officers and directors of Steel Wire Corporation (to wit, Robert Kramer, President and Director, Francis J. Carmody, Secretary and Director, and Martin S. Watts, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of Steel Wire Corporation; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof, and

(b) They shall then pay all known Federal, state, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

Further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *And provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Steel Wire Corporation, pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 4th day of August 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7439; Filed, Aug. 7, 1947; 8:51 a. m.]

SEP 16 '47

SEP 16 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 156

Washington, Saturday, August 9, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9882

APPOINTMENT OF THE MEMBERS OF A MILITARY TRIBUNAL ESTABLISHED FOR THE TRIAL AND PUNISHMENT OF MAJOR WAR CRIMINALS IN GERMANY

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. I hereby designate James Morris, Associate Justice, Supreme Court of the State of North Dakota, George James Burke, Member of Advisory Committee on rules of criminal procedure, Supreme Court of United States, and Paul M. Hebert, Dean of Law School, Louisiana State University, as the members of one of the several military tribunals established by the Military Governor for the United States Zone of Occupation within Germany pursuant to the quadripartite agreement of the Control Council for Germany, enacted December 20, 1945, as Control Council Law No. 10, and pursuant to Articles 10 and 11 of the Charter of the International Military Tribunal, which tribunal was established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, for the trial and punishment of major war criminals of the European Axis. Such members may, at the direction of the Military Governor of the United States Zone of Occupation, serve on any of the several military tribunals above mentioned.

2. The members herein designated shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes.

3. The Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the members herein designated in the performance of their duties and may assign or detail such personnel under their respective jurisdictions, including members of the armed forces, as may be requested for the purpose. Personnel so assigned or detailed shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that personnel assigned or detailed from the Navy Department shall receive such compensation and allowances for expenses to which they may be entitled by reason of their military grade and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 7, 1947.

[F. R. Doc. 47-7559; Filed, Aug. 8, 1947; 10:25 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

§ 910.303 *Cauliflower Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., 910.1 et seq.), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and

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1946 SUPPLEMENT

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order, and upon other available information, it is hereby found that the limitation of shipments of fresh cauliflower, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., August 10, 1947, and ending at 12:01 a. m., m. s. t., October 16, 1947, no handler shall handle any lot of fresh cauliflower except cauliflower that meets the requirements of U. S. No. 1 Grade, as such grade is defined in the U. S. Standards for Cauliflower, issued by the United States Department of Agriculture, effective August 7, 1939, and that meets the following specifications: (i) The size shall be fairly uniform and shall be that which will pack not more than 12 nor less than 11 heads in a crate having inside dimensions of $8\frac{1}{2}$" x $17\frac{1}{2}$" x $21\frac{5}{8}$"; and (ii) each of such heads shall have an average diameter, exclusive of jacket leaves, of not less than 4 inches, and heads shall be packed at least fairly tight in the crate.

(2) As used in this section, the term "fairly uniform" means that the average diameters, exclusive of jacket leaves, of the several cauliflower heads contained in any crate of the inside dimensions mentioned above do not vary more than two (2) inches.

(3) As used in this section, the term "fairly tight" means that the cauliflower heads, when packed in a crate of the inside dimensions mentioned above, will have no more than a slight movement in such crate, but not so much that there will be any injury under ordinary handling conditions, and will not be loose enough to permit the addition of another head.

(4) As used in this section, the terms "cauliflower," "handler," and "handle" shall have the same meaning as when used in the amended marketing agreement and order. (49 Stat. 753, 50 Stat. 246; 7 U. S. C. 608c; 7 CFR Cum. Supp. 910.7)

Done at Washington, D. C., this 6th day of August 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7501; Filed, Aug. 8, 1947; 8:50 a. m.]

[Lemon Reg. 234]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.341 *Lemon Regulation 234*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 10, 1947, and ending at 12:01 a. m., P. s. t., August 17, 1947, is hereby fixed at 450 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 233 (12 F. R. 5274) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 7th day of August 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7543; Filed, Aug. 8, 1947; 9:26 a. m.]

[Orange Reg. 190]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.336 *Orange Regulation 190*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 10, 1947, and ending at 12:01 a. m., P. s. t., August 17, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1,900 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed

in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 6th day of August 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Aug. 10, 1947, to 12:01 a. m. Aug. 17, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0709
A. F. G. Fullerton	.8290
A. F. G. Orange	.6128
A. F. G. Redlands	.2263
A. F. G. Riverside	.1243
A. F. G. San Juan Capistrano	1.0480
A. F. G. Santa Paula	.3974
Corona Plantation Co	.2320
Hazeltine Packing Co	.2866
Placentia Pioneer Valley Growers Association	.7215
Signal Fruit Association	.0775
Azusa Citrus Association	.4256
Azusa Orange Co., Inc	.1320
Damerel-Allison Co	.8545
Glendora Mutual Orange Association	.3691
Irwindale Citrus Association	.3573
Puente Mutual Citrus Association	.1941
Valencia Heights Orchards Association	.4140
Glendora Citrus Association	.3389
Glendora Heights Orange & Lemon Growers Association	.0740
Gold Buckle Association	.6381
La Verne Orange Association	.6261
Anaheim Citrus Fruit Association	1.3310
Anaheim Valencia Orange Association	1.5762
Eadington Fruit Co., Inc	2.2701
Fullerton Mutual Orange Association	1.7085
La Habra Citrus Association	1.1165
Orange County Valencia Association	.7268
Orangethorpe Citrus Association	1.1527
Placentia Cooperative Orange Association	.8168
Yorba Linda Citrus Association, The	.6017
Alta Loma Heights Citrus Association	.0912
Citrus Fruit Growers	.1381
Cucamonga Citrus Association	.1490
Etiwanda Citrus Fruit Association	.0407
Old Baldy Citrus Association	.1285
Rialto Heights Orange Growers	.0913
Upland Citrus Association	.3905
Upland Heights Orange Association	.1465
Consolidated Orange Growers	2.0473
Frances Citrus Association	1.0305
Garden Grove Citrus Association	1.7531
Goldenwest Citrus Association, The	1.5975
Irvine Valencia Growers	2.5768
Olive Heights Citrus Association	1.7919
Santa Ana-Tustin Mutual Citrus Association	1.0727
Santiago Orange Growers Association	4.1334
Tustin Hills Citrus Association	1.7816
Villa Park Orchs. Association, The	1.9707
Andrews Brothers of Calif	.4420
Bradford Brothers Corp	.6221
Placentia Mutual Orange Association	1.6883
Placentia Orange Growers Association	2.6106
Cali Ranch	.0648
Corona Citrus Association	.4432
Jameson Company	.0351
Orange Heights Orange Association	.3554
Break & Son, Allen	.0545
Bryn Mawr Fruit Growers Association	.2555
Crafton Orange Growers Association	.3726
E. Highlands Citrus Association	.0831
Fontana Citrus Association	.0826
Highland Fruit Growers Association	.0490
Krinard Packing Co	.2663
Mission Citrus Association	.1213
Redlands Cooperative Fruit Association	.3927
Redlands Heights Groves	.2409
Redlands Orange Growers Association	.2523
Redlands Orangedale Association	.2738
Redlands Select Groves	.1557
Rialto Citrus Association	.1455
Rialto Orange Co	.1449
Southern Citrus Association	.2002
United Citrus Growers	.1405
Zilen Citrus Co	.0453
Andrews Brothers of Calif	.0922
Arlington Heights Fruit Co	.1120
Brown Estate, L. V. W	.1273
Gavilan Citrus Association	.1491
Hemet Mutual Groves	.1083
Highgrove Fruit Association	.0748
McDermont Fruit Co	.1838
Mentone Heights Association	.0648
Monte Vista Citrus Association	.2155
National Orange Co	.0394
Riverside Heights Orange Growers Association	.0844
Sierra Vista Packing Association	.0565
Victoria Avenue Citrus Association	.1696
Claremont Citrus Association	.1424
College Heights Orange and Lemon Association	.2131
El Camino Citrus Association	.0796
Indian Hill Citrus Association	.1603
Pomona Fruit Growers Exchange	.3426
Walnut Fruit Growers Association	.4163
West Ontario Citrus Association	.3487
El Cajon Valley Citrus Association	.8016
Escondido Orange Association	2.3301
San Dimas Orange Growers Association	.4850
Covina Citrus Association	1.1459
Covina Orange Growers Association	.3830
Duarte-Monrovia Fruit Exchange	.1711
Santa Barbara Orange Association	.0493
Ball & Tweedy Association	.5889
Canoga Citrus Association	.7396
North Whittier Heights Citrus Association	.8702
San Fernando Fruit Growers Association	.4224
San Fernando Heights Orange Association	.9182
Sierra Madre-Lamanda Citrus Association	0.1879
Camarillo Citrus Association	1.4298
Fillmore Citrus Association	3.4045
Mupu Citrus Association	2.4105
Ojai Orange Association	.9372
Piru Citrus Association	1.9167
Santa Paula Orange Association	.8243
Tapo Citrus Association	.8590
Limoneira Co	.3796
E. Whittier Citrus Association	.3856
El Ranchito Citrus Association	1.3157
Murphy Ranch	.4128
Rivera Citrus Association	.5217
Whittier Citrus Association	.7711
Whittier Select Citrus Association	.4709
Anaheim Cooperative Orange Association	1.5516
Bryn Mawr Mutual Orange Association	.0873
Chula Vista Mutual Lemon Association	.0877
Escondido Cooperative Citrus Association	.3184
Euclid Avenue Orange Association	.4048
Foothill Citrus Union, Inc	.0318
Fullerton Cooperative Orange Association	.4481
Garden Grove Orange Cooperative, Inc	.8585
Glendora Cooperative Citrus Association	.0539
Golden Orange Groves, Inc	.2669
Highland Mutual Groves	.0636
Index Mutual Association	.2067
La Verne Cooperative Citrus Association	1.3603
Olive Hillside Groves	.6134
Orange Cooperative Citrus Association	1.0570
Redlands Foothill Groves	.5790
Redlands Mutual Orange Association	.1583
Riverside Citrus Association	.0654
Ventura County Orange & Lemon Association	.8948
Whittier Mutual Orange & Lemon Association	.2007
Babijuice Corporation of California	.4829
Banks Fruit Co	.2743
Banks, L. M	.4999
Borden Fruit Co	.8132
California Fruit Distributors	.1472
Cherokee Citrus Co., Inc	.1536
Chess Company, Meyer W	.2595
Escondido Avocado Growers	.0527
Evans Brothers Packing Co	.1950
Gold Banner Association	.2765
Granada Hills Packing Co	.0601
Granada Packing House	1.9955
Hill, Fred A	.0731
Inland Fruit Dealers	.0487
Mills, Edward	.0318
Orange Belt Fruit Distributors	2.1772
Panno Fruit Company, Carlo	.0378
Paramount Citrus Association	.5135
Placentia Orchards Co	.5562
San Antonio Orchards Co	.4724
Santa Fe Groves Co	.0484
Snyder & Sons Co., W. A	1.0063
Stephens, T. F	.0835
Sunny Hills Ranch, Inc	.1131
Ventura County Citrus Association	.0090
Verity & Sons Co., R. H	.0345
Wall, E. T	.1293
Webb Packing Co	.3195
Western Fruit Growers, Inc., Ana	.0177
Western Fruit Growers, Inc., Reds	.5889
Yorba Orange Growers Association	.5875

[F. R. Doc. 47-7544; Filed, Aug. 8, 1947; 9:27 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-8]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

FLIGHT NAVIGATOR CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of August 1947.

The purpose of this amendment is to provide an effective date after which all air carrier flight navigators must be certificated.

Part 34, Flight Navigator Certificates, becomes effective on August 1, 1947. Inasmuch as it will require a period of several months for the Administrator to prepare and process the necessary examinations, and for navigators in various localities to take these examinations, it is necessary to postpone until November 15, 1947, the date after which all air carrier flight navigators must be certificated.

This amendment provides for an additional period of time for the accomplishment of the certification of air carrier flight navigators. The amendment relieves restrictions and, therefore, publication required by section 4 (c) of the Administrative Procedure Act is unnecessary.

Effective August 1, 1947, § 41.330 of the Civil Air Regulations is amended to read as follows:

§ 41.330 *When required.* In all operations where celestial navigation is necessary, either as a primary or secondary means of navigation, at least one member of the flight crew must on and after November 15, 1947, hold a flight navigator certificate issued in accordance with the provisions of Part 34. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 47-7464; Filed, Aug. 8, 1947; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4754]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BOLTA COMPANY ET AL.

§ 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Imported product or parts as domestic:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Imported product or parts as domestic:* § 3.71 (b) *Neglecting, unfairly or deceptively, to make material disclosure—Imported product or parts as domestic.* In connection with the offering for sale, sale, and distribution of sunglasses in commerce, (1) offering for sale or selling, separately or as a part of completed sunglasses, sunglass lenses which are imported from any foreign country without affirmatively disclosing thereon or in immediate connection therewith such foreign origin; or, (2) representing in any manner that sunglass lenses of foreign manufacture, whether or not they are mounted in sunglass frames, are of domestic manufacture; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, The Bolta Company et al., Docket 4754, July 3, 1947]

At the regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of July A. D. 1947.

In the Matter of The Bolta Company, a Corporation, and New York Merchandise Company, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the amended and supplemental complaint of the Commission, the answers of respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before examiners of the Commission theretofore duly designated by it, reports of the trial examiners, exceptions thereto, briefs in support of the complaint and in opposition thereto, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents The Bolta Company, a corporation, and New York Merchandise Company, Inc., a corporation, their respective officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of sunglasses in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling, separately or as a part of completed sunglasses, sunglass lenses which are imported from any foreign country without affirmatively disclosing thereon or in immediate connection therewith such foreign origin.

2. Representing in any manner that sunglass lenses of foreign manufacture, whether or not they are mounted in sunglass frames, are of domestic manufacture.

It is further ordered, That the respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 47-7505; Filed, Aug. 8, 1947; 8:54 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION [1]

Controlled Housing Rent Regulation (§ 825.1) is corrected in the following respects:

1. Under Title 24, Housing Credit, the figures "825.10" are corrected to read "825.1".

2. The last sentence of the definition of "Rooming House" in the 15th unnumbered paragraph of section 1 is corrected by deleting the words "not serving transient guests exclusively" and placing a period after the word "homes".

3. Section 1 (b) (4) (ii) is corrected by substituting the word "section" for the word "act".

4. The first unnumbered paragraph of section 1 (b) (8) is corrected by substituting the words "therein, or" for the words "into the structure provided"; by deleting the words "at that time".

5. Section 5 (a) (1) is corrected by inserting a period after the word "maintenance" and deleting the remainder of the paragraph.

6. The second sentence of section 5 (a) (3) is corrected by inserting the words "living space," before the word "services" each time the word "services" appears in this sentence.

7. The first unnumbered paragraph of section 5 (a) (12) is corrected to read as follows:

Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

8. Section 5 (a) (12) (v) is corrected by inserting the words *"Provided, however,* That the current year in all cases shall begin on or after the maximum rent date:" after the words "filing of the petition:" and by deleting the words *"Provided, however,"* immediately following the above insertion and substituting the words *"And provided, further,"*.

9. The first sentence of section 5 (e) (1) is corrected by adding "(d)," after "(c)"; by adding ", (g)" after "(e)", and lower in the same sentence by deleting "or (d)" after the words "under paragraph (c)".

10. Section 5 (d) is corrected by inserting the words "living space," before the word "services" each time the word "services" appears in this section.

11. The first unnumbered paragraph of section 7 is corrected by inserting the words "on or" before the words "after June 1, 1947".

12. Section 8 (a), is corrected by adding the word "accommodations" after the word "housing" in the last portion of this section.

[1] 12 F. R. 4331.

13. Schedule A, Defense-Rental Areas, is corrected in the following respects:

a. In item (4) "Albaama" is corrected to read "Alabama."

b. In item (9) "Apr. 1, 1942" is corrected to read "Apr. 1, 1941."

c. In item (63) the effective date of regulation for Santa Rosa County is corrected to read May 1, 1943.

d. In item (76) "Aug. 14, 1942" is corrected to read "Aug. 15, 1942."

e. Following item (82) the following item is inserted: (82a) [Revoked].

f. In item (82b) "Jan. 1, 1935" is corrected to read "Jan. 1, 1945."

g. Following item (83a), item (83h) is corrected to read (83b).

h. In item (85b) "Dec. 15, 1196" is corrected to read "Dec. 15, 1946."

i. In item (87a) "Nob. 1, 1946" is corrected to read "Nov. 1, 1946."

j. In item (223d) "Jan. 1, 1945" is corrected to read "Jan. 1, 1946."

k. In item (224) "July 15, 1842" is corrected to read "July 15, 1942."

l. In item (277) the maximum rent date for Beaufort and Colleton counties is corrected to read "Mar. 1, 1942."

m. In item (321a) "Mra. 15, 1944" is corrected to read "Mar. 15, 1944."

n. The second item (342) "Hampton Roads" is corrected to read "Hampton Roads, Continued."

o. Item (342a) Quantico[1] is corrected to read (343a) Quantico.[1]

p. In item (355) "Aug. 1, 1933" is corrected to read "Aug. 1, 1943."

q. In item (360b) "Sept. 5, 1942" is corrected to read "Sept. 15, 1942."

r. In item (367a) "Jan. 1, 1936" is corrected to read "Jan. 1, 1946."

s. In footnote 2 following the table in Schedule A the word "position" is corrected to read "portion" and the word "National" is inserted between the words "Cleveland Forest."

t. In item (20) the date "Oct. 16, 1945" is corrected to read "Oct. 16, 1942."

These corrections shall be effective as of July 1, 1947.

Issued this 7th day of August, 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F R Doc. 47-7534; Filed, Aug. 7, 1947; 4:48 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING IN ATLANTIC COUNTY DEFENSE-RENTAL AREA[1]

Controlled Housing Rent Regulation in Atlantic County Defense-Rental Area (§ 825.4) is corrected in the following respects:

1. The last sentence of the definition of "Rooming House" in the 15th unnumbered paragraph of section 1 is corrected by deleting the words "not serving transient guests exclusively" and placing a period after the word "homes".

2. The first unnumbered paragraph of section 1 (b) (8) is corrected by substituting the words "therein, or" for the words "into the structure provided"; by deleting the words "at that time".

3. The first sentence of the second paragraph of section 4 (b) is corrected by inserting the words "living space and the same" after the word "same".

4. Section 5 (a) (1) is corrected by inserting a period after the word "maintenance" and deleting the remainder of the paragraph.

5. The title of section 5 (a) (3) is corrected by inserting the word "space," after the words "increase in".

6. Section 5 (a) (3) is corrected by substituting the word "or:" for the word "of" after the words "of which the accommodations are a part".

7. The second sentence of section 5 (a) (3) is corrected by inserting the words "living space," before the word "services" each time the word "services" appears in this sentence.

8. The first unnumbered paragraph of section 5 (a) (12) is corrected to read as follows:

Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

9. The first sentence of section 5 (c) (1) is corrected by adding "(d)," after "(c)"; by adding "(g)" after "(e)", and lower in the same sentence by deleting "or (d)" after the words "under paragraph (c)".

10. Section 5 (d) is corrected by inserting the words "living space," before the word "services" each time the word "services" appears in this section.

11. The first unnumbered paragraph of section 7 is corrected by inserting the words "on or" before the words "after June 1, 1947".

12. Section 8 (a), is corrected by adding the word "accommodations" after the word "housing" in the last portion of this section.

These corrections shall be effective as of July 1, 1947.

Issued this 7th day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F R Doc. 47-7536; Filed, Aug. 7, 1947; 4:48 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING IN MIAMI DEFENSE-RENTAL AREA[1]

Controlled Housing Rent Regulation in Miami Defense-Rental Area (§ 825.3) is corrected in the following respects:

1. The last sentence of the definition of "Rooming House" in the 15th unnumbered paragraph of section 1 is corrected by deleting the words "not serving transient guests exclusively" and placing a period after the word "homes".

2. Section 1 (b) (4) (iii), is corrected by deleting the word "not" after the words "this regulation does".

3. The first unnumbered paragraph of section 1 (b) (8) is corrected by substituting the words "therein, or" for the words "into the structure provided"; by deleting the words "at that time", and placing a period after the word "occupancy".

4. Section 5 (a) (1) is corrected by inserting a period after the word "maintenance" and deleting the remainder of the paragraph.

5. The second sentence of section 5 (a) (3) is corrected by inserting the words "living space," before the word "services" each time the word "services" appears in this sentence.

6. Section 5 (a) (3) is corrected by changing the word "of" to "or"; after the words "of which the accommodations are a part".

7. The first unnumbered paragraph of section 5 (a) (12) is corrected to read as follows:

Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

8. The first sentence of section 5 (c) (1) is corrected by adding ", (d)" after "(b)", and lower in the same sentence by deleting "or (d)" after the words "under paragraph (c)".

9. Section 5 (d) is corrected by inserting the words "living space," before the word "services" each time the word "services" appears in this section.

10. The first unnumbered paragraph of section 7 is corrected by inserting the words "on or" before the words "after June 1, 1947".

11. Section 8 (a), is corrected by adding the word "accommodations" after the word "housing" in the last portion of this section.

These corrections shall be effective as of July 1, 1947.

Issued this 7th day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F R Doc. 47-7535; Filed, Aug. 7, 1947; 4:48 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING IN NEW YORK CITY DEFENSE-RENTAL AREA[1]

Controlled Housing Rent Regulation in New York City Defense-Rental Area (§ 825.2) is corrected in the following respects:

1. The last sentence of the definition of "Rooming House" in the 15th unnumbered paragraph of section 1 is corrected by deleting the words "not serving transient guests exclusively" and placing a period after the word "homes".

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[1] 12 F. R 4381.

[1] 12 F. R. 4374.

[1] 12 F. R. 4295.

2. Item number 5 in the index of sections is corrected to read as follows:

Adjustments and other determinations.

3. Section 1 (b) (4) (ii) is corrected by substituting the word "section" for the word "act".

4. The first unnumbered paragraph of section 1 (b) (8) is corrected by substituting the words "therein, or" for the words "into the structure provided", by deleting the words "at that time".

5. Section 5 (a) (1) is corrected by inserting a period after the word "maintenance" and deleting the remainder of the paragraph.

6. The second sentence of section 5 (a) (3) is corrected by inserting the words "living space," before the word "services" each time the word "services" appears in this sentence.

7. The first unnumbered paragraph of section 5 (a) (12) is corrected to read as follows:

Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

8. The first sentence of section 5 (c) (1) is corrected by adding ", (d)," after "(c)"; by adding "or (g)" after "(e)", and lower in the same sentence by deleting "or (d)" after the words "under paragraph (c)".

9. Section 5 (d) is corrected by inserting the words "living space," before the word "services" each time the word "services" appears in this section.

10. The first unnumbered paragraph of section 7 is corrected by inserting the words "on or" before the words "after June 1, 1947".

11. Section 8 (a), is corrected by adding the word "accommodations" after the word "housing" in the last portion of this section.

These corrections shall be effective as of July 1, 1947.

Issued this 7th day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F R Doc. 47-7546; Filed, Aug. 7, 1947; 4:57 p. m.]

PART 825—RENT REGULATION UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS[1]

Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is corrected in the following respects:

1. The 20th unnumbered paragraph of section 1 is corrected by substituting a comma for the period after the word "thereunder" and adding the following words "or under section 4 (c) or (d) of this regulation whichever is applicable."

2. Section 1 (b) (7) (ii) is corrected by substituting the date "June 1, 1946" for the date "June 1, 1945".

3. Section 1 (b) (8) (i) is corrected by substituting the word "rooms" for the word "These housing accommodations".

4. Section 1 (b) (8) (iv) is corrected by deleting the words "multiple-unit".

5. The second paragraph of section 1 (b) (8) is corrected by substituting the word "rooms" for the word "accommodations" and by substituting the word "rooms" for the words "housing accommodations".

6. The first unnumbered paragraph of section 1 (b) (9) is corrected by substituting the word "rooms" for the words "housing accommodations"; by substituting the words "therein, or" for the words "into the structure provided"; by deleting the words "at that time".

7. The last sentence of the first paragraph of section 4 (b) is corrected by substituting the word "modification" for the word "notification".

8. The title of section 5 (c) (5) is corrected by substituting "section 5 (a) (9)" for "section 6 (a) (9)".

9. Section 5 (c) (5) is corrected by changing the words "granted under paragraph (a) (9)" to read "granted under section 5 (a) (9)".

10. Section 5 (d) is corrected by inserting the words "living space," before the word "services" each time the word "services" appears in this section.

11. The first sentence of section 7 (b) is corrected by changing the words "maximum rent was established" to read "maximum rent is established"; by deleting the word "or" between "(b)" and "(c)" and substituting a comma therefor; by placing a comma after "(c)" and adding "(d or (g)".

These corrections shall be effective as of July 1, 1947.

Issued this 7th day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F R Doc. 47-7537; Filed, Aug. 7, 1947; 4:48 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN MIAMI DEFENSE-RENTAL AREA

Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area (§ 825.7) is corrected in the following respects:

1. The 20th unnumbered paragraph of section 1 is corrected by substituting a comma for the period after the word "thereunder" and adding the following words "or under section 4 (c) or (d) of this regulation whichever is applicable."

2. Section 1 (b) (8) (i) is corrected by substituting the word "rooms" for the words "Those housing accommodations".

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[1] 12 F. R. 4302.

[1] 12 F. R. 4325.

3. Section 1 (b) (8) (iv) is corrected by deleting the words "multiple-unit".

4. Section 1 (b) (8) is corrected by substituting the word "rooms" for the word "accommodations" and by substituting the word "rooms" for the words "housing accommodations".

5. The first unnumbered paragraph of section 1 (b) (9) is corrected by substituting the word "rooms" for the words "housing accommodations"; by substituting the words "therein, or" for the words "into the structure provided"; by deleting the words "at that time".

6. Section 5 (c) (5) is corrected by substituting the words "granted under section 5 (a) (9)" for the words "granted under paragraph (a) (9)".

7. Section 5 (d) is corrected by inserting the words "living space," before the word "services" each time the word "services" appears in this section.

8. The first sentence of section 7 (b) is corrected by changing the words "maximum rent was established" to read "maximum rent is established"; by deleting the word "or" between "(b)" and "(c)" and substituting a comma therefor; by placing a comma after "(c)" and adding "(d) or (g)".

These corrections shall be effective as of July 1, 1947.

Issued this 7th day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F R Doc. 47-7539; Filed, Aug. 7, 1947; 4:48 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN THE NEW YORK CITY DEFENSE-RENTAL AREA[1]

Rent Regulations for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area (§ 825.6) is corrected in the following respects:

1. The 20th unnumbered paragraph of section 1 is corrected by substituting a comma for the period after the word "thereunder" and adding the following words "or under section 4 (c) or (d) of this regulation whichever is applicable".

2. Section 1 (b) (8) (i) is corrected by substituting the word "rooms" for the words "Those housing accommodations".

3. Section 1 (b) (8) (iv) is corrected by deleting the words "multiple-unit".

4. Section 1 (b) (8) is corrected by substituting the word "rooms" for the word "accommodations" and by substituting the word "rooms" for the words "housing accommodations".

5. The first unnumbered paragraph of section 1 (b) (9) is corrected by substituting the word "rooms" for the words "housing accommodations"; by substituting the words "therein, or" for the words "into the structure provided"; by deleting the words "at that time".

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[1] 12 F. R. 4318.

6. The first sentence of section 2 (a) is corrected by changing the words "with the defense-rental area" to read "within the defense-rental area."

7. Section 5 (c) (6) is corrected by substituting the words "granting under section 5 (a) (9)" for the words "granted under paragraph (a) (9)".

8. Section 5 (d) is corrected by inserting the words "living space," before the word "services" each time the word "services" appears in this section.

9. The first sentence of section 7 (b) is corrected by changing the words "maximum rent was established" to read "maximum rent is established"; by deleting the word "or" between "(b)" and "(c)" and substituting a comma therefor; by placing a comma after "(c)" and adding "(d) or (g)".

These corrections shall be effective as of July 1, 1947.

Issued this 7th day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7538; Filed, Aug. 7, 1947; 4:48 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; DODECANESE ISLANDS

Subpart B of Part 21 (39 CFR 21) is amended by inserting the following regulations between the regulations under the country "Denmark" and the heading "Dominica":

DODECANESE ISLANDS

(Rhodes, Cos, Patmos, Lipso, Kalymnos, Leros, Nisyros, Tilos, Karchi, Symi, Astypalaea, Karpathos, Casos and Castelrosso)

Regular mails. See Table No. 1, § 21.116, for classifications, rates, weight limits, and dimensions. Small packets accepted. (See "Observations" under "Parcel post. (Greece.)" for quota restrictions.)

Indemnity. See § 21.110.

Special delivery. No service.

Money-order service. No provision.

Air mail service. Postage rate, 15 cents one-half ounce. (See § 21.21.)

Prohibitions. See "Prohibitions" under Greece.

Parcel post. (Dodecanese Islands).

(Only one parcel may be sent each 2 weeks from the same sender to the same addressee.)

Pounds:	Rate	Pounds:	Rate
1	$0.14	7	$0.98
2	.28	8	1.12
3	.42	9	1.26
4	.56	10	1.40
5	.70	11	1.54
6	.84		

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. O. D.: No.
Exchange office: New York.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Storage charges. See section 93 relative to storage charges on returned parcels.

Observations. See "Observations" under Greece.

The postal authorities of the Dodecanese Islands have requested that it be recommended to senders of parcels addressed to those Islands that in order to protect the contents of parcels from damage by rats articles of foodstuffs should be enclosed in tin containers.

Prohibitions. See "Prohibitions" under Greece.

(R. S. 161, 396, Sec. 304, 309, 42 Stat. 24, 25; U. S. C. 22, 369)

J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-7455; Filed, Aug. 8, 1947; 8:46 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; IRELAND (EIRE)

The regulations under the country "Ireland" (39 CFR, Part 21, Subpart B) are amended to read as follows:

IRELAND (EIRE)

(See item "Great Britain and Northern Ireland" concerning England, Scotland, Wales and Northern Ireland)

Regular mails. See Table No. 1, § 21.116, for classifications, rates, weight limits, and dimensions. Small packets not accepted.

Indemnity. See § 21.110.

Special delivery. Fee, 20 cents. Articles sent from this country for special delivery in Eire at a distance over 1 mile from the post office of destination are subject to the collection from the addressee of 6 pence for each additional mile or part of a mile after the first mile. For further information see § 21.18.

Air mail service. Postage rate, 15 cents one-half ounce. (See § 21.19.)

Money-order service. See § 17.55 of this chapter.

Dutiable articles (merchandise) prepaid at letter rate. Accepted. (See § 21.3.)

Observations. The names of the counties in Eire are as follows: Carlow, Cavan, Clare, Cork, Donegal, Dublin, Galway, Kerry, Kildare, Kilkenny, Kings (or Offaly), Leitrim, Leix (or Queens), Limerick, Longford, Louth, Mayo, Meath, Monaghan, Offaly (or Kings), Queens (or Leix), Rosecommon, Sligo, Tipperary, Waterford, Westmeath, Wexford, and Wicklow.

The names of the county and the delivering office must form a part of the address of all mail articles.

The following are prohibited except as samples: Live bees, leeches, and silkworms; liquids and substances for analysis or medical examination; and pathological specimens.

Prohibitions. The articles prohibited or restricted as parcel post are likewise prohibited or restricted in the regular mails, except that the restrictions relating to money, precious stones, etc., do not apply to the regular mails; and that oiled or varnished cloth or similar substances are prohibited unconditionally.

However, gold, foreign values, banknotes, letters of exchange, life-insurance policies, stocks, bonds, acknowledgments or receipts of deposit of values, or proxies may be delivered only by authorization of the Minister of Finance, Dublin.

Parcel post. (Eire).

Pounds:	Rate	Pounds:	Rate
1	$0.14	7	$0.98
2	.28	8	1.12
3	.42	9	1.26
4	.56	10	1.40
5	.70	11	1.54
6	.84		

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes.
C. O. D.: No.
Exchange offices: New York, San Francisco, Chicago, Boston, Baltimore, Philadelphia.

Dimensions. Greatest length 3½ feet. Greatest length and girth combined 6 feet.

Insurance. Parcel-post packages may be insured, subject to the following limits of indemnity when prepaid at the postage rate applicable plus the insurance fees mentioned hereunder:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55

Insurance return receipt: Requested at time of mailing, 5 cents; after mailing, 10 cents. (See § 21.107 (d))

Each insured parcel must have written on the address side (both in figures and in Roman letters), in United States currency and in gold francs, the amount for which the parcel is insured. (See § 21.107 (a) (6))

The insurance of all parcels containing coin, bullion, valuable jewelry, or any other precious article is obligatory. If a parcel containing such articles is mailed uninsured it shall be placed under insurance by the post office which first observes the fact of its having been mailed uninsured, and treated accordingly. Attention is called to the fact that coin exceeding £5 in value (except with a declaration indicating that they are intended to serve as ornaments), as well as gold in ingots of a value higher than £5 and silver in ingots or silver partially worked of a value higher than £20, are prohibited, even in insured parcels.

Parcels containing any other articles of gold or silver, jewelry, or any other precious object exceeding £100 in value shall be packed in a box, measuring not less than 3 feet 6 inches in length and girth combined.

For further information concerning insurance, see sections 102 and 108.

Observations. The names of the county and the delivering office must form a part of the address of all mail articles. See Regular mail "Observations" for names of counties comprising Eire.

Customs declarations must be drawn up clearly and precisely and, if practicable, in accordance with the classification of the Official Import List of Eire. They should bear the authentic signature of the sender.

The declaration should show as regards each article enclosed in the parcel: (a) The value, (b) the gross weight, (c) the net weight, and (d) the name of the country of origin. When the contents are composed of different kinds of articles, the exact quantity and value of each kind must be stated, as well as a description of the material of which the articles are composed; the number and size of each internal container being likewise given. As regards books, the following particulars are required: (a) The language in which the book is written, (b) whether

it is a novel or otherwise, (c) the nature of the binding (leather, imitation leather, etc.), and (d) whether the book is newly published or has been in use already.

Typewriter carbon paper must have the following statement by the sender on the customs declaration: "Typewriter carbon paper coated with wax and containing no oxidizable oily or fatty substance."

In the case of articles liable to customs duty which are eligible for preference, the preferential tariff will not be applied unless the customs declaration is inscribed in bold characters: "Preference claimed—Certificate of origin enclosed." Otherwise, the full customs duties will be applied to the articles.

The same applies to goods imported under permit, unless the declaration is clearly marked "Imported under license," and unless the relative license is produced at the time of customs examination. In such cases the license should be procured before the goods are imported.

If there is not sufficient space on the customs declaration to indicate fully all necessary particulars, such details may be written on the cover of the parcel. Reference should, however, be made to this fact on the customs declaration itself.

Parcels containing goods which are liable to ad valorem duty on importation into Eire (e. g., boots or shoes, articles of personal clothing, other articles of personal, domestic or household use made of woven material, woven or knitted piece goods, clocks or watches, automobile parts or accessories, etc.) should, if exported on sale, be accompanied in all cases by the invoice or, if the original invoice has been forwarded separately to the addressee of the parcel, by a true copy thereof. Private parcels containing such goods of a value of £5 or over should be accompanied by any documentary evidence available.

Invoices may be inclosed in parcels on the condition that the fact is mentioned on the customs declaration.

Original certificates concerning living plants should be addressed to the Secretary, Department of Agriculture, Dublin, before the parcel itself is mailed. A copy of the certificate should be attached to the parcel.

Other certificates, permits to import, etc., may be inserted in the packets or attached thereto.

The following charges are levied: (a) A minimum customs duty of 60 cents on every single class of dutiable goods contained in one packet or parcel, (b) a delivery fee of 12 cents on every parcel liable to customs duty.

Cinematograph films must be well packed in a tin case inclosed in a strong wooden box, and if the lid or bottom or any of the sides of the box are composed of more than one piece of wood, they must be tongued and grooved. A lining of suitable material must be placed between the upper edges of the box and lid, and the lid must be firmly screwed down. A white label bearing the word "Films" in plain black letters must be affixed to the packet.

The use of hay and straw of any description as packing for parcels (including straw envelopes used in wrapping bottles) is forbidden.

Addressees of gift parcels must procure "Duty Free" licenses to import before delivery of the parcels. However, as the senders are under no obligation with respect to the procuring or production of such licenses, gift parcels addressed to persons in Eire may be accepted for mailing without the production of import licenses by the senders.

Prohibitions. For sanitary reasons: Shaving brushes from Japan or other articles likely to be infected with anthrax, and any goods mixed therewith.

Circulars or advertisements relating to the prevention or treatment of venereal disease, unless addressed to duly qualified physicians or pharmacists.

Margarine, skimmed milk, exhausted or adulterated tea, and certain other diluted or adulterated foodstuffs must be suitably marked. Tea unfit for human consumption is prohibited.

Vaccines, serums, etc., and sterilized surgical catgut, require a permit from the Public Health Department, Dublin.

For the protection of animals and plants: Skins, horns, hoofs, and other parts of animals which may be prohibited for prevention of any contagious disease.

Plumage.

Elm trees.

Peat moss litter.

Hay and straw, including all articles made of straw.

Containers or wrappers which have previously been used for animal carcasses or parts thereof, and farm goods packed in such containers.

Sealskins of the genera Callorhinus alascanus, Callorhinus insinus, and Callarhinus kurilensis must be accompanied by a permit issued by the competent authorities of the country of origin.

"All plants and parts of plants must be accompanied by a license issued by the Ministry of Agriculture at Dublin, and must be imported under the conditions prescribed by that Ministry."

Arms, etc.: Firearms and deadly weapons and detached parts thereof, toy pistols and revolvers and blank cartridges therefor, require a license from the Department of Justice, Dublin. Safety fuses are prohibited.

State monopolies: False or counterfeit money.

Coins, other than gold or silver, minted in a foreign country.

Silver money of Eire or Great Britain which is not of legal weight or fineness.

For other reasons: Articles bearing false trademarks, i. e., (a) marks or stamps implying guarantee or sanction by a Government Department; (b) counterfeit marks, or marks imitating those of any manufacturer or dealer in Eire or Great Britain, unless the country of manufacture is also indicated; (c) unauthorized indications that the articles are dispatched on Government business; (d) imitations of Irish assay marks, or marks implying Irish manufacture, on clocks, watches, or other metal goods of foreign origin; (e) imitations of postage stamps, valid or obsolete.

Fictitious stamps and dies or other articles for making them.

Goods made in prisons

Articles contravening the Irish copyright laws.

Extracts, essences, or other concentrations of coffee, tea, chicory, or tobacco, or other mixtures thereof.

Tobacco, cigars or cigarettes packed with other articles.

The Irish Government has announced that bona fide gifts of manufactured tobacco (other than cigars) may be imported into Eire free of customs duty in quantities not exceeding 2 pounds in weight, and, if over that weight, upon payment of duty on the excess over 2 pounds.

All shipments of tobacco require a license to be secured by the addressee from the Revenue Commissioners, Dublin. Cut and compressed, sweetened, or adulterated tobacco is prohibited.

Oiled or varnished cloth or similar oiled or varnished articles, unless accompanied by a certificate signed by a responsible person reading as follows: "The oilcloths or similar articles contained in this parcel have been stoved at a temperature of 140° F. until completely dried, and then cured for at least a month before packing."

Carbon paper, except typewriter carbon paper which must have the following statement from the sender on the customs declaration: "Typewriter carbon paper coated with wax and containing no oxidizable oily or fatty substance."

Liquid celluloid, and solid celluloid known as "unseasoned," that is, not freed from all volatile solvent, and sometimes known as "Xylonite cake."

Saccharine and similar substances.

Coins, precious stones, jewelry, and all articles of platinum, gold, or silver, in uninsured parcels; coins exceeding £5 in value unless intended for ornament, gold ingots exceeding £5 in value, and silver in ingots or partially worked exceeding £20 in value, even in insured parcels.

Concerning the importation of gold, foreign values, banknotes, securities, etc., see under "Regular Mails."

Unsolicited advertisements from money-lenders.

Advertisements from fortune-tellers.

NOTE: A variety of merchandise requires a license to be secured by the addressee from the Minister for Agriculture or the Minister for Commerce at Dublin. Senders should assure themselves before mailing merchandise that the addressees have compiled with the requirements for importation.

(R. S. 161, 396, Sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-7456; Filed, Aug. 8, 1947; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels

[CGFR 47-40]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

AMMONIUM NITRATE

By virtue of the authority vested in me by R. S. 4472, as amended (46 U. S. C. 170), and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), I find that an emergency exists and the following amendment to the regulations governing explosives or other dangerous articles on board vessels shall be made effective on the date of publication of this document in the FEDERAL REGISTER. This amendment to regulations governing the transportation of explosives or other dangerous articles on board vessels is published without prior general notice of its proposed issuance for the reason that notice, public rule making procedure and effective date requirements in connection therewith are hereby found to be impracticable and contrary to the public interest. This extreme emergency is due to the dangerous character of ammonium nitrate as evidenced by the two ships which exploded at Texas City and the ship that exploded at Brest, France, all of which had ammonium nitrate fertilizer cargo on board.

Part 146 is amended by the addition of the following section:

§ 146.22–9 *Authorization to load or discharge ammonium nitrate.* (a) Shipments of ammonium nitrate or ammonium nitrate fertilizer in amounts exceeding 500 pounds shall not be laden on or discharged from any vessel at any point or place in the United States, its territories or possessions, not including the Panama Canal Zone, until authorization for such loading or discharging has been obtained by the owner, agent, charterer, master, or person in charge of the vessel from the District Commander or other officer of the Coast Guard designated by the Commandant of the Coast Guard for such purpose.

(b) Before such permit is issued the District Commander shall ascertain where it is proposed to load or unload the ammonium nitrate or ammonium nitrate fertilizer. If the District Commander finds that the proposed facility at which the vessel is to load or unload is in a congested area of the port, he shall withhold the issuance of a permit until the vessel secures the use of a facility in an area so remotely situated from populous centers that in the event of fire or explosion, loss of lives and property may be minimized. When the District Commander finds that the proposed facility is in a remote area, he is directed to make the use of such a facility a condition of the permit. The District Commander shall in the issuance of the permit observe the provision of § 146.01–12. (R. S. 4472, as amended; 46 U. S. C. 170; sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875)

Dated: August 6, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 47–7465; Filed, Aug. 8, 1947; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order 130–P]

PART 12—AMATEUR RADIO SERVICE

CANCELLATION AND SUPERSEDURE OF PREVIOUS ORDERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of August 1947;

The Commission having under consideration the following matters: (1) the recent allocations of frequencies to the Amateur Radio Service, and particularly its order dated May 15, 1947, and effective June 23, 1947, allocating to the Amateur Radio Service the frequency band 5650 to 5925 Mc. in lieu of the band 5650 to 5850 Mc., subject to interference from industrial, scientific, and medical devices in the frequency band 5775 to 5925 Mc. and (2) the use of narrow band frequency or phase modulation for radiotelephone communication in certain amateur frequency bands for a temporary experimental period; and

It appearing, that the Commission's Order No. 130–L, dated January 2, 1947, as amended by Orders 130–M, N, and O, is inconsistent with the frequency allocations in the order of May 15, 1947, and made effective June 23, 1947; and

It further appearing, that it is desirable for public convenience to correlate the above-mentioned effective changes in amateur frequency allocation with the previous Commission orders of the 130 series, and to combine in a single order all of the frequency bands and approved types of emissions available for operation in the Amateur Radio Service; and

It further appearing, that the use of narrow band frequency or phase modulation for radiotelephone communication in the amateur frequency bands 3850 to 3900 kc, 14200 to 14250 kc, 28.5 to 29.0 Mc., and 51.0 to 52.5 Mc. will facilitate the development of narrow band frequency modulation techniques, which may prove of value to other services, and will aid in the elimination of interference to broadcast reception as well as having other advantages in the public interest; and

It further appearing, that since the frequency allocations described above are already in effect, and the permission for narrow band FM operation constitutes the removal of a restriction under authority contained in section 303 (c), (g), and (r) of the Communications Act of 1934, as amended, general notice of proposed rule making is not required under authority of section 4 of the Administrative Procedure Act;

It is ordered, That the previous orders in the 130 series be cancelled and superseded by this order, as follows:

A. The following frequency bands and types of emission are available for use for amateur station operation, subject to the limitations and restrictions set forth herein:

(1) 3500 to 4000 kc. Use of this band is restricted to amateur radio stations as follows:

(a) 3500 to 4000 kc, using type A1 emission, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude.

(b) 3850 to 4000 kc, using type A3 emission, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude, subject to the further restriction that type A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges and then only when operated and controlled by an amateur operator holding Class A privileges.

(2) 7000 to 7300 kc, using type A1 emission.

(3) 14000 to 14400 kc, using type A1 emission, and, on frequencies 14200 to 14300 kc, type A3 emission, subject to the restriction that type A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges and then only when operated and controlled by an amateur operator holding Class A privileges.

(4) 27.160 to 27.430 Mc, using types A0, A1, A2, A3, and A4 emissions and also special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), subject to such interference as may result from the emissions of industrial, scientific and medical devices on the frequency 27.320 Mc.

(5) 28.0 to 29.7 Mc, using type A1 emission, and on frequencies 28.5 to 29.7 Mc, using type A3 emission, and on frequencies 29.0 to 29.7 Mc, using special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(6) 50.0 to 54.0 Mc, using types A1, A2, A3, and A4 emissions and, on frequencies 52.5 to 54.0 Mc, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(7) 144 to 148 Mc, using types A0, A1, A2, A3, and A4 emissions and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(8) 235 to 240 Mc, using types A0, A1, A2, A3, and A4 emissions, and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(9) 420 to 450 Mc, using types A0, A1, A2, A3, A4, and A5 emissions and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). Peak antenna power shall not exceed 50 watts in order to minimize interference to aircraft altimeters temporarily allocated to this band.

(10) 1215 to 1295 Mc, 2300 to 2450 Mc, 3300 to 3500 Mc, 5650 to 5925 Mc, 10,000 to 10,500 Mc, 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using on these frequencies types A0, A1, A2, A3, A4, A5 and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), and pulse emissions. Operations in the frequency bands 2300 to 2450 Mc and 5650 to 5925 Mc are subject to such interference between 2400 and 2450 Mc and between 5775 and 5925 Mc, respectively, as may result from emissions of industrial, scientific and medical devices on the frequencies 2450 and 5850 Mc, respectively.

B. In addition to the types of emission available in paragraph A above, narrow band frequency or phase modulation may be used by certain amateur stations for radiotelephone communication until further order of the Commission, but in no event beyond August 1, 1948, as follows:

(1) Amateur stations licensed to and operated by Class A amateur operators in the frequency bands 3850 to 3900 kc and 14200 to 14250 kc;

(2) Amateur stations licensed to and operated by all classes of amateur operators in the frequency bands 28.5 to 29.0 Mc and 51.0 to 52.5 Mc.

This authorization is subject to the conditions that the band-width of the modulated carrier shall not exceed the band-width occupied by an amplitude-modulated carrier of the same audio characteristics, and that the purity and stability of such emissions shall be maintained in accordance with the requirements of § 12.133 of the Commission's Rules Governing the Amateur Radio Service.

C. No frequencies or types of emission other than those assigned in this order shall be used for amateur operation.

(Sec. 303 (b), 48 Stat. 1082, 303 (c), 48 Stat. 1082, 303 (r), 50 Stat. 191; 47 U. S. C. 303 (b), 303 (c), 303 (r))

By the Commission.

Released: August 4, 1947.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–7491; Filed, Aug. 8, 1947; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 502—DIRECTION OF TRAFFIC MOVEMENTS

SHIPMENT OF OVERSEAS FREIGHT

CROSS REFERENCE: For exceptions to the prohibitions of § 502.202 see Part 522, *infra*.

[Gen. Permit ODT 16C, Rev.–1A, Amdt. 1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, EXEMPTIONS, AND PERMITS

SHIPMENT OF OVERSEAS FREIGHT

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, *It is hereby ordered*, That paragraph (a) of § 522.661 of General Permit ODT 16C, Revised–1A is hereby amended to read as follows:

§ 522.661 *Shipment of overseas freight.* * * *

(a) Any shipment of overseas freight loaded in a box car or refrigerator car for movement through the Port of New York, New York, when the overseas destination is any point or place not in the United Kingdom, Central America, South America, Caribbean Area, South or East Africa, West Africa, Iceland, Sweden, Norway, Newfoundland, the Philippines, Hawaiian Islands, China, Denmark, or the Netherlands.

This Amendment 1 to General Permit ODT 16C, Revised–1A shall become effective at 12:01 o'clock a. m. August 11, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Laws 29 and 188, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 6th day of August 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47–7500; Filed, Aug. 8, 1947; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR, Part 28]

KLAMATH TRIBAL LOAN FUND

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given of intention to amend §§ 28.1 to 28.19, inclusive, of Title 25 CFR of the regulations approved by the Secretary of the Interior on December 4, 1937, as amended August 23, 1938, November 18, 1938, July 24, 1940, June 6, 1941, and July 28, 1944, to read as hereinafter indicated, and to repeal §§ 28.20 to 28.57, inclusive, of said regulations, which were promulgated under authority contained in the act of Congress approved August 28, 1937 (50 Stat. 872, 25 U. S. C. 530–535, incl.), as amended.

Sec.
28.1 Definitions.
28.2 Purpose of regulations.
28.3 Loan board.
28.4 Eligibility.
28.5 Application.
28.6 Purpose of loans.
28.7 Approval of loans.
28.8 Interest and service fees.
28.9 Records and reports.
28.10 Maturity.
28.11 Security.
28.12 Title to property.
28.13 Insurance.
28.14 Penalties on default.
28.15 Assignments.
28.16 Repayments.
28.17 Deceased borrowers.
28.18 Responsibility of superintendent.
28.19 Repeal.

AUTHORITY: §§ 28.1 to 28.19, inclusive, issued under sec. 3, 50 Stat. 872; 25 U. S. C. 532.

§ 28.1 *Definitions.* Wherever used in the regulations in this part the terms defined in this section shall have the meaning herein stated.

(a) "Commissioner" means the Commissioner of Indian Affairs.

(b) "Superintendent" means the Superintendent of the Klamath Indian Agency.

(c) "District Director" means the officer in charge of the district office of the Indian Service, under which the Klamath Indian Agency is placed for administrative purposes. The authority of the District Director under these regulations may be delegated by him in writing to his subordinates in the district office.

(d) "Klamath Tribes" means the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians of the Klamath Reservation in Oregon.

(e) "Business Committee" means the Business Committee of the Klamath Tribes elected in accordance with the constitution and bylaws approved by the Commissioner.

(f) "Board" means the Klamath Loan Board elected in accordance with the regulations in this part.

(g) "Fund" means the reimbursable loan fund authorized by the acts of August 28, 1937 and August 7, 1939 (50 Stat. 872, 53 Stat. 1253, 25 U. S. C. 530–535, 542 (a)).

(h) "Loan agreement" means the approved application, supporting papers, commitment order, and note or notes.

§ 28.2 *Purpose of regulations.* The purpose of the regulations in this part is to prescribe the terms and conditions of loans from the fund.

§ 28.3 *Loan Board.* The fund shall be administered by a Board of three adult enrolled members of the Klamath Tribes.

(a) *Election.* Board members shall be elected by the Klamath General Council. The Commissioner may prescribe detailed election procedures which are not inconsistent with the provisions of this section. Only adult enrolled members, or minor enrolled members who are heads of families shall be entitled to vote. Voting shall be by secret ballot. The members of the present Board shall remain in office until their terms expire, unless suspended under the regulations in this part. Thereafter, one new member shall be elected each year for a term of three years, or until his successor is elected. The candidate receiving the highest number of votes shall be deemed to have been elected. If a vacancy occurs, a successor shall be elected at a special meeting of the Klamath General Council at which the same procedure shall be followed as in the case of a regular election. The person so elected shall serve only for the unexpired term of the member whom he replaces.

(b) *Officers.* Each year within 30 days after the election of a new member, the Board shall meet and elect from among its members, a chairman and a vice-chairman. The Board shall select and employ a secretary, who shall not be a member of the Board.

(c) *Duties of officers.* The chairman shall preside at meetings of the Board, perform acts and other duties usually performed by a presiding officer, and sign papers as authorized or directed by the Board. The vice-chairman shall perform the duties of chairman during his ab-

sence, or as authorized by the Board. The secretary shall keep a complete record of all meetings of the Board, make reports, and perform such other duties as may be required by the Board.

(d) *Meetings.* The Board shall meet at least once each month, but shall not meet oftener than once a week, unless the Business Committee authorizes meetings to be held oftener during a specified period of time when the volume of business justifies more frequent meetings.

(e) *Quorum.* Two members shall constitute a quorum.

(f) *Suspension.* The Business Committee may suspend a member of the Board at any time for cause, notice of which shall be given to the member in writing. A suspended member shall have no authority to act for or on the Board during a period of suspension. The Commissioner may suspend all powers of the Board if he finds after investigation that the Board is being administered in a manner detrimental to the interests of the tribe. In case more than one member has been suspended by the Business Committee at a particular time, or if the Commissioner has suspended all powers of the Board, the Superintendent may exercise such functions of the Board as may be necessary to protect the funds loaned, but new loans may not be made during such period.

(g) *Expenses.* The Board may hire clerical and other assistance necessary to administer the fund. Salaries of Board members, and expenditures in connection with the business of the Board, may be paid as administrative expenses. Necessary travel by members of the Board, or by officers and employees of the Board, by common carrier, shall be on Government transportation requests in accordance with existing Government travel regulations. Transportation requests shall be issued by the Superintendent. All claims for services rendered shall be submitted to the Superintendent on a form provided by him for that purpose. All claims of whatever nature shall be subject to audit and approval by the Superintendent.

(h) *Budget.* The Board shall, at the beginning of each fiscal year, submit to the Business Committee for approval a written budget of estimated income from interest and service fees and estimated expenses for the ensuing fiscal year. The budget shall show the rate of compensation to Board members and employees, the amount outstanding in loans, the amount delinquent, and potential losses. Budgets shall be acted upon by the Business Committee, and, if approved, shall constitute the Superintendent's authority to make disbursements thereunder as expenses are incurred, provided that no disbursements shall be made in excess of the amount of income received from interest and service fees, or in violation of any of the regulations in this part. Budgets may be modified by the Business Committee upon request of the Board.

§ 28.4 *Eligibility.* Loans may be made to enrolled members of the Klamath Tribes, and to cooperative associations of members, provided, that the articles of association and bylaws of cooperative associations must be approved by the District Director.

§ 28.5 *Application.* Applications shall be submitted to the Board on a form approved by the Commissioner. Each application shall indicate the purposes for which the loan is to be used, the period of the loan, the rate of interest and amount of service fees to be paid, the security to be given, and the procedures to be followed in handling and repaying the loan.

§ 28.6 *Purpose of loans.* Loans may be made for any purpose authorized by section 2 of the act of August 28, 1937 (50 Stat. 872; 25 U. S. C. 531).

§ 28.7 *Approval of loans.* Loan agreements must be executed on a form approved by the Commissioner.

(a) *Action by Board.* Action on applications shall require an affirmative vote of at least two members of the Board. In order to receive final approval, all loans must be acted upon favorably by the Board.

(b) *Approval by Board.* Except as otherwise indicated in these regulations, the Board shall have authority to approve loans where the applicant's total indebtedness to the fund will not exceed $2,000.

(c) *Approval by Superintendent.* Except as otherwise indicated in the regulations in this part, loans acted upon favorably by the Board, where the applicant's total indebtedness to the fund will exceed $2,000 but not to exceed $3,000, may be approved by the Superintendent.

(d) *Approval by District Director.* Except as otherwise indicated in the regulations in this part, loans acted upon favorably by the Board where the applicant's indebtedness to the fund will exceed $3,000 but not exceed $5,000, may be approved by the District Director. Loans to cooperatives; loans for the purchase of livestock, equipment, or machinery with maturities exceeding six years; educational loans; and loans to individuals who are Government employees shall require approval of the District Director regardless of amount. Burial loans in excess of $500; emergency loans in excess of $500 to applicants who do not have security adequate to protect the loans; and loans for maintenance and support of aged, infirm, or incapacitated members in excess of $500 shall also require approval of the District Director.

(e) *Approval by Commissioner.* All loans in excess of $5,000 shall require approval by the Commissioner.

(f) *Restrictions on approval.* Loans shall not be approved for less than $25. Any loans to borrowers who are delinquent in payment of previous indebtedness to the fund shall require the approval of the Business Committee in addition to the approvals set forth in other sections of the regulations in this part. Not more than two loan agreements may be in effect with the same borrower at the same time. Only joint loans may be made to a husband and wife who are both eligible for loans, and any existing loan to either spouse shall be consolidated with such loan.

(g) *Amount of loans.* The amounts set forth in the regulations in this part refer to the total amounts of loans, regardless of whether they are joint or partnership loans.

(h) *Modifications.* Modifications of loan agreements involving the extension of the terms of repayment shall require approval of the District Director. Other modifications shall be handled through the same channels as the original applications, except that the District Director may approve modifications of loan agreements approved originally by the Commissioner in cases in which the amounts of the loans are not increased.

§ 28.8 *Interest and service fees.* Borrowers shall pay 3 percent interest annually on the basis of 360 days per annum, from the date the funds are advanced on the loan until they are repaid. No interest shall, however, be charged on educational loans. Except on loans for educational purposes, and loans for the maintenance and support of aged, infirm, and incapacitated members, service fees may be charged on loans. A schedule of service fees shall be established by the Business Committee, provided that such fees shall not exceed the amounts set forth in the following table:

Loans of $500 or less:
5 percent of the amount of the loan.
Over $500 but not over $1,000:
$25 plus 4 percent of amount over $500.
Over $1,000 but not over $1,500:
$45 plus 3 percent of amount over $1,000.
Over $1,500 but not over $2,000:
$60 plus 2 percent of amount over $1,500.
Over $2,000:
$70 plus 1 percent of amount over $2,000.

§ 28.9 *Records and reports.* The Board shall keep records and accounts and make signed reports as directed by the Commissioner. Borrowers shall be required to furnish such information as the duly authorized representative of the Commissioner, the Board, or the Business Committee may deem necessary to provide proper information regarding the status of loans.

§ 28.10 *Maturity.* The period of maturity of loans shall be determined according to the circumstances. Crop loans, and loans for the purchase of nonrecoverable items, shall not be made with maturities exceeding one year, except when the loans are for enterprises from which insufficient income will be received the first year to repay the loan in full.

§ 28.11 *Security.* Borrowers shall furnish security, if available, up to an amount adequate to protect the loan. Securing papers shall be filed in accordance with State laws, except that liens on trust property other than crops, and assignments of income from trust property may be filed in the Klamath Agency office. If authorized by the Board, filing costs may be paid as an administrative expense of the Board.

§ 28.12 *Title to property.* Unless otherwise provided in the borrower's loan agreement, title to all property purchased with loans shall be taken in the name of the United States in trust for the Klamath Tribes.

§ 28.13 *Insurance.* Buildings with a total value of $500 or more purchased with or constructed with the proceeds of loans, or pledged as security for loans, shall be insured against loss by fire. Borrowers may be required to insure other property given as security, or purchased with borrowed funds, against loss by fire or other cause.

§ 28.14 *Penalties on default.* Unless the loan agreement otherwise provides, failure on the part of any borrower to conform to the terms of the loan agreement, or to make every honest effort to continue operations successfully, will be deemed grounds for any one or all of the following steps to be taken at the option of the Board: (a) Discontinue any further advances of funds contemplated by the loan agreement; (b) take possession of any or all collateral given as security and the property purchased with borrowed funds; (c) prosecute legal action against the borrower, or against officers of cooperative associations; (d) declare the entire amount advanced immediately due and payable; (e) prevent further disbursements of borrowed funds under the control of the borrower; (f) in the case of cooperative associations, liquidate or operate, or arrange for the operation of the association until its indebtedness is paid, or until the Board has received acceptable assurance of its repayment and of compliance with the loan agreement.

In the event the Board fails to take action which the Superintendent deems necessary to protect a loan, the Superintendent shall advise the Business Committee in writing of the failure of the Board to act, and state whatever action he deems necessary. The Business Committee may then take any of the steps set forth in this section which the Board could have taken.

§ 28.15 *Assignment.* The Board may not assign any loan agreement or any interest therein to a third party, discount paper or borrow money, without the approval of the Commissioner.

§ 28.16 *Repayments.* Repayments on loans shall be made to the bonded Government disbursing agent or his authorized representative, who shall issue an official receipt therefor.

§ 28.17 *Deceased borrowers.* The Board shall take all steps necessary to safeguard property purchased with or given as security for loans by deceased borrowers, until the loans are paid in full, or until the indebtedness is assumed by heirs or other parties in accordance with instructions of the Commissioner.

§ 28.18 *Responsibility of superintendent.* The Superintendent shall advise the Business Committee in writing of any loans approved by the Board in violation of the regulations in this part. No disbursements shall be made by the Superintendent on such loans. The Superintendent shall also advise the Business Committee in writing of any loans approved by the Board which are believed by him to be unsound, and he may withhold disbursements on such loans until they receive the approval of the Business Committee. The Superintendent shall report to the Business Committee any borrowers who are delinquent in payment of either principal or interest on their loans for a period longer than thirty days. The Business Committee shall advise the Board of the action which it deems necessary to protect the loan. In the event the Board fails to take such action within ten days, the Business Committee may act.

§ 28.19 *Repeal.* Sections 28.20 to 28.57, inclusive, of this part of 25 CFR, approved by the Secretary December 4, 1937, as amended August 23, 1938, November 18, 1938, July 24, 1940, and July 28, 1944, are hereby repealed.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to E. Morgan Pryse, District Director, U. S. Indian Service, Building 34, Swan Island, Portland 18, Oregon, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

AUGUST 4, 1947.

[F. R. Doc. 47-7454; Filed, Aug. 8, 1947; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 969]

HANDLING OF MILK IN SUBURBAN CHICAGO, ILLINOIS, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING WRITTEN EXCEPTIONS WITH RESPECT TO RECOMMENDED DECISION ON PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given that the time for filing exceptions to a recommended decision (12 F. R. 4964) of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and an amendment to the order, as amended, regulating the handling of milk in the Suburban Chicago, Illinois, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) is hereby extended. Interested parties may file exceptions to the recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than August 13, 1947.

Filed at Washington, D. C., this 5th day of August 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R Doc. 47-7466: Filed, Aug. 8, 1947; 8:52 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 36]

[Docket No. FDC-49]

STANDARDS OF FILL OF CONTAINER FOR CANNED SHRIMP

NOTICE OF PROPOSED RULE MAKING

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371); and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice issued on June 6, 1947 (12 F. R. 3725–3726), the following order be made:

Findings of fact. 1. By order published in the FEDERAL REGISTER of July 2, 1942 (7 F. R. 4944), standards of fill of container were promulgated for canned wet pack shrimp and canned dry pack shrimp in nontransparent containers. The effective date of the order was August 1, 1942, and since that date nearly all of the canned shrimp in nontransparent containers produced in the United States has been packed in compliance with these standards of fill of container. (R. 10, 91, 100–101; Ex. 7)[1]

2. The change from the lower fills which were used prior to the promulgation of these standards of fill of container made it necessary for canners to exercise more careful control at certain stages of the canning process. More care was necessary in packing the shrimp into the cans and additional precautions were necessary to prevent shrimp spilling from cans before sealing. The exercise of these additional precautions placed no unreasonable burden on the canners of shrimp. (R. 15–17, 33, 45, 56–57, 59, 61–62, 77, 115–117, 119–120, 127, 134–135)

3. The probability of an increase in breakage in the closure of cans during and after processing, as a result of compliance with the present requirements, was advanced at the hearing on July 8, 1947, as a reason for reducing the requirement as to fill. The causes of such difficulties are directly related to the structure of the cans used and to lack of proper control of canning operations, particularly the head-space of the can and the temperature of its contents when it is closed. (R. 10–12, 29–30, 35–36, 39–40, 45, 61–62, 65–67, 77, 79–80, 120, 133–134, 141)

4. Canners of shrimp presented at this hearing certain reasons for objecting to the present requirements of fill of container in addition to increased manufacturing difficulties. These included an increased tendency for struvite crystals (referred to in exhibits 3 and 6 as phosphate crystals) to form when canned shrimp is held after canning, lowering of keeping quality caused by the longer time of processing used with the present fill, a tendency for shrimp in some cans to stick together, and an increase in the number

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing which are the basis for these findings.

of broken and twisted shrimp. (R. 12, 15, 43, 45, 51–52, 61–62, 74–75, 77, 96, 121–122; Exs. 3, 4, 6)

5. For many years it has been observed that small glass-like crystals of the compound struvite (magnesium ammonium phosphate) will develop in an occasional can of shrimp. This is objectionable, since uninformed consumers sometimes mistake the crystals for particles of glass. The cause of the formation of these crystals is not known. There is some indication of an increase in the occurrence of struvite crystals in canned wet pack shrimp after the promulgation of the present standards. No relationship between the incidence of struvite crystals and the drained weight of shrimp has been established. (R. 12–14, 30–32, 37, 45, 52, 67–70, 74–75, 77, 80–81, 82–87, 89, 102–108, 125–126, 139; Exs. 3, 6, 9)

6. Apprehension was expressed that the longer processing time now used would render the shrimp somewhat softer when held for an extended period, unless they were held in cold storage. There is insufficient evidence to show that any increase in softening of shrimp packed under the present standard is of significance to consumers. Nor is the evidence sufficient to show whether the hazards of holding canned shrimp from one season to another have been increased by the longer processing time now employed. (R. 50–52, 58, 64–65, 73–74, 77, 79, 100–101, 122–129, 135–136; Ex. 9)

7. Sometimes the shrimp in cans of wet pack shrimp stick together and at times one or more shrimp is broken. This happened to a lesser extent when cans contained less shrimp. No impairment of quality of any significance has resulted from the fill now required. (R. 15, 43, 45, 77, 100–101, 107, 121–122, 124, 127; Ex. 9)

8. Sales of canned shrimp have been slow due to high prices. It is the opinion of many dealers that sales would be facilitated if canned shrimp were available in a smaller quantity than 7 ounces, the weight of shrimp in the No. 1 can wet pack. This was the smallest can permitted until recently under requirements of the wartime tin conservation order. During the last few months some canners have packed shrimp in smaller cans. There was some evidence that certain of these smaller cans are not of a size well adapted to the packing of large and extra large shrimp. However, there is no evidence indicating that there should be established a standard of fill of container for large and extra large shrimp different from the standard of fill of container for medium and small shrimp. (R. 17–25, 45, 49, 77, 93, 99–100, 104, 107, 116–117, 119–120, 131–133; Exs. 4, 8, 9)

Conclusions. On the basis of the foregoing findings of fact it is concluded that:

(a) Reducing the standard of fill of container for wet pack shrimp would result in the replacement of shrimp with brine. The reduction of the standard of fill of container for dry pack shrimp would result in omitting from the can shrimp that could be contained therein. In both instances the size of the cans would inaccurately reflect the amount of shrimp contained therein, particularly because consumers of canned shrimp have been receiving well-filled cans for about five years.

(b) It would not promote honesty and fair dealing in the interest of consumers to reduce the requirements of cut-out weight in the standards of fill of container for canned wet pack shrimp and canned dry pack shrimp in nontransparent containers.

Wherefore, *It is ordered*, That the regulations promulgated July 2, 1942 (7 F. R. 4944), fixing and establishing standards of fill of container for canned wet pack shrimp and canned dry pack shrimp, in nontransparent containers, be not amended to provide for reduction in the requirement for cut-out weight.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the General Counsel, Room 3255 Federal Security Building, 4th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

Dated: August 7, 1947.

[SEAL] WATSON B. MILLER,
Administrator.

[F. R. Doc. 47-7514; Filed, Aug. 7, 1947, 2:25 p. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9446]

K. HIRADE

In re: Stock owned by and a debt owing to K. Hirade. D-39-1922-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That K. Hirade, whose last known address is 752 Second Street, Tanagawa, Denenchobu, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Ten (10) shares of common capital stock of North Coast Importing Co., 1513-17 Maynard Avenue, Seattle, Washington, a corporation organized under the laws of the State of Washington, evidenced by a certificate numbered 20, registered in the name of K. Hirade, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of the International Branch of Seattle-First National Bank of Seattle, Washington, arising out of cashier's checks issued by the aforesaid bank, payable to C. Clauson, trustee for K. Hirade, and presently in the custody of C. Clauson, 1513-17 Maynard Avenue, Seattle, Washington, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by K. Hirade, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7474; Filed, Aug. 8, 1947; 8:46 a. m.]

[Vesting Order 9491]

MR. AND MRS. FRANK SUDENDEY

In re: Bank account owned by Mr. and Mrs. Frank Sudendey. F-28-23653-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mr. and Mrs. Frank Sudendey, whose last known address is Lechtingen Post Rulle, Osnabrink, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mr. and Mrs. Frank Sudendey, by First & Merchants National Bank of Richmond, 827 East Main Street, Richmond 17, Virginia, arising out of a savings account, Account Number 3518, entitled Mr. or Mrs. Frank Sudendey, maintained at the branch office of the aforesaid bank located at Broad Street, Richmond, Virginia, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7476; Filed, Aug. 8, 1947; 8:16 a. m.]

[Vesting Order 9492]

JOHANNES THEDEUS

In re: Claim owned by Johannes Thedeus, also known as Johannes Thedens. F-28-28256-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes Thedeus, also known as Johannes Thedens, whose last known address is Hochallee 25, Hamburg 13, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: The claim of Johannes Thedeus, also known as Johannes Thedens, against the State of New York and the Comptroller of the State of New York, arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of that sum of money previously on deposit with The Bowery Savings Bank, 110 East 42d Street, New York 17, New York, in a savings account, account number 76,814, entitled Johannes Thedeus, and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7477; Filed, Aug. 8, 1947; 8:46 a. m.]

[Vesting Order 9493]

MAX AND MRS. MARGARETE TROEGER

In re: Stock and bank account owned by Max Troeger and Mrs. Margarete Troeger. F-28-664-D-1, F-28-664-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Troeger and Mrs. Margarete Troeger, whose last known addresses are Fabrikdirktor at Zeitz, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Two hundred (200) shares of $10.00 par value common capital stock of Harnischfeger Corporation, 4400 West National Avenue, Milwaukee 14, Wisconsin, a corporation organized under the laws of the State of Wisconsin, evidenced by certificates numbered 3006 and 3007, for 100 shares each, and registered in the name of Max Troeger and Mrs. Margaret Troeger, jointly or the survivor, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Max Troeger and Mrs. Margarete Troeger, by The First National Bank of Chicago, 38 South Dearborn Street, Chicago 90, Illinois, arising out of a Blocked Funds Account, account number Tr. 21990, entitled Max Troeger and Mrs. Margarete Troeger, jointly or the survivor, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7475; Filed, Aug 8, 1947; 8:46 a. m.]

[Vesting Order 9494]

J. D. VOLKMANN

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees, and distributees of J. D. Volkmann, deceased. F-28-12495-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees, and distributees of J. D. Volkmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Wells Fargo Bank & Union Trust Company, Market at Montgomery Street, San Francisco 4, California, arising out of a Commercial Account, entitled D. G. Volkmann, Special Account No. 2, maintained at the aforesaid bank, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees, and distributees of J. D. Volkmann, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees, and distributees of J. D. Volkmann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7478; Filed, Aug. 8, 1947; 8:46 a. m.]

[Vesting Order 9495]

MR. AND MRS. RICHARD VOLKMANN

In re: Bank account owned by Mr. and Mrs. Richard Volkmann. F-28-12496-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mr. and Mrs. Richard Volkmann, whose last known addresses are Flensburger Strasse 37, bei Kneffler, Berlin-Zehlendorf, West, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Wells Fargo Bank & Union Trust Co., Market at Montgomery Street, San Francisco 4, California, arising out of a commercial account, entitled D. G. Volkmann, Special Account No. 1, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mr. and Mrs. Richard Volkmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7479; Filed, Aug. 8, 1947; 8:46 a. m.]

[Vesting Order 9496]

WINCKLER & CO.

In re: Bank account owned by and debt owing to Winckler & Co.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Winckler & Co., the last known address of which is Kobe, Japan, is a partnership organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Winckler & Co. by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account entitled Winckler & Co., and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Winckler & Co. by The National City Bank of New York, 55 Wall Street, New York, New York, in the amount of $1,760, as of December 31, 1945; arising out of an account entitled Funds Retained for Sundry Purposes—Japanese Clients A/C Winckler & Co., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7480; Filed, Aug. 8, 1947; 8:46 a. m.]

[Vesting Order 9515]

BERGISCHE STAHL INDUSTRIE ET AL.

In re: Debts owing to Bergische Stahl Industrie, Bruder Boye, Fries & Hoepflinger Aktiengesellschaft, Gelsenkirchener Bergwerke Aktien-Gesellschaft, A. Kinkel, Loos & Kimbel and Krefelder Stahlwerk. D-28-9589-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bergische Stahl Industrie, Fries & Hoepflinger Aktiengesellschaft, Gelsenkirchener Bergwerke Aktien-Gesellschaft, Loos & Kimbel and Krefelder Stahlwerk, the last known addresses of which are Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal place of business in Germany and are nationals of a designated enemy country (Germany);

2. That Bruder Boye and A. Kinkel, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are listed below by the City Bank Farmers Trust Company, 22 William Street, New York 15, New York, in the amounts appearing opposite each name, as of January 24, 1947, as follows:

Bergische Stahl Industrie	$21.20
Bruder Boye	22.20
Fries & Hoepflinger Aktiengesellschaft	1,036.43
Gelsenkirchener Bergwerke Aktien-Gesellschaft	67.15
A. Kinkel	49.97
Loos & Kimbel	87.76
Krefelder Stahlwerk	5.58

together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7481; Filed, Aug. 8, 1947; 8:46 a. m.]

[Vesting Order 9516]

ERNST BURKE ET AL.

In re: Stock owned by Ernst Burke, George Burke and Emil Schulz. F-28-24237-D-1, F-28-24238-D-1, F-28-23526-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Burke and George Burke, each of whose last known address is Quakenbruck, Hanover, Germany, and Emil Schulz, whose last known address is Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Thirty-four (34) shares of $50 par value capital stock of The Pennsylvania Railroad Company, 1617 Pennsylvania Boulevard, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite said names as follows:

Registered owner	Certificate No.	Number of shares
Ernst Burke	N377876	15
George Burke	N377877	15
Emil Schulz	N485490	4

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7482; Filed, Aug. 8, 1947; 8:46 a. m.]

[Vesting Order 9517]

EMMA AND MARGARETHE FAHLE

In re: Bank accounts owned by Emma Fahle and Margarethe Fahle. F-28-13541-E-1, F-28-13542-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Fahle and Margarethe Fahle, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Emma Fahle, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Mrs. Emma Fahle, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Margarethe Fahle, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Mrs. Margarethe Fahle, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7483; Filed, Aug. 8, 1947; 8:47 a. m.]

[Vesting Order 9518]

MELITTA FOERSTER

In re: Bank account owned by Melitta Foerster. F-28-25247-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Melitta Foerster, whose last known address is Garten Str. 39, Schm[illegible]

demuhl Pr Posen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Melitta Foerster, by Continental Illinois National Bank & Trust Company of Chicago, 231 So. LaSalle Street, Chicago, Illinois, arising out of a Savings Account, account number 121788, entitled Melitta Foerster, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7484; Filed, Aug. 8, 1947; 8:47 a. m.]

[Vesting Order 9519]

CAROLA GAERTNER

In re: Bank account owned by Carola Gaertner. F-28-25589-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carola Gaertner, whose last known address is Schillingstrasse 9 2 Links, Munchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Carola Gaertner, by Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of a Comp. Interest Account, account number 7738, entitled Carola Gaertner, maintained at the aforesaid bank, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Anna Mack, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Anna Mack, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General
Director, Office of Alien Property.

[F. R. Doc. 47-7486; Filed, Aug. 8, 1947; 8:47 a. m.]

[Vesting Order 9521]

ANNA MACK

In re: Bank account owned by personal representatives, heirs, next of kin, legatees and distributees of Anna Mack, deceased. F-28-28302-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Anna Mack, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Philadelphia Saving Fund Society, 700 Walnut Street, Philadelphia 6, Pennsylvania, arising out of a Saving Account, account number 2,027,571, entitled Anna Mack, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Anna Mack, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Anna Mack, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General
Director, Office of Alien Property.

[F. R. Doc. 47-7485; Filed, Aug. 8, 1947; 8:47 a. m.]

[Vesting Order 9522]

MARATHON EXPORT-GESELLSCHAFT M. B. H.

In re: Debt owing to Marathon Export-Gesellschaft m. b. H. F-28-5734-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marathon Export-Gesellschaft m. b. H., the last known address of which is Krefeld, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Marathon Export-Gesellschaft m. b. H., by Alexander Benecke, 347 Madison Avenue, New York 17, New York, in the amount of $23,488.90, as of June 28, 1947, including particularly but not limited to a portion of that sum of money on deposit with Corn Exchange Bank Trust Company, Grand Central Branch, 1 East 42nd Street, New York 17, New York, in the amount of $18,630.65, and the amount of $4,858.25, presently held by Alexander Benecke, 347 Madison Avenue, New York 17, New York, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany).

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office Alien Property.

[F. R. Doc. 47-7487; Filed, Aug. 8, 1947; 8:47 a. m.]

[Vesting Order 9524]

YOTARO MUKAI

In re: Bonds and a claim owned by Yotaro Mukai. F-39-3943-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yotaro Mukai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Ten External Loan 30 Year, 6% Gold Debenture Bearer Bonds, due 1953, of $1,000 face value, with coupons March 15, 1942, ASCA, issued by the Oriental Development Co., Ltd., also known as Toyo Takushoku Kabushiki Kaisha, bearing numbers 4243, 7938, 10312, 11633, 12915, 12916, 12918, 13372, 13922, and 18552, presently in the custody of the Trustees for Creditors and Stockholders of The Pacific Bank in Dissolution, P. O. Box 1200, Honolulu, T. H., together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation owing to Yotaro Mukai, by Pacific Bank, Ltd., P. O. Box 1200, Honolulu, T. H., arising out of the collection of interest coupons due November 15, 1941 detached from the bonds described in subparagraph 2a hereof, and evidenced by Receiver's Check No. 281, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7488; Filed, Aug. 8, 1947; 8:47 a. m.]

[Vesting Order 9527]

HANJIRO SHIMODA

In re: Bank account owned by Hanjiro Shimoda. D-39-1169-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hanjiro Shimoda, whose last known address is Kumamoto, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Hanjiro Shimoda, by Bishop National Bank of Hawaii, Honolulu, T. H., arising out of a savings account, entitled Hanjiro Shimoda, maintained at the branch office of the aforesaid bank located at Kahului, Maui, T. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7489; Filed, Aug. 8, 1947; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

NORTH DAKOTA AND SOUTH DAKOTA

POWER SITE CLASSIFICATION NO. 384

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of the Acting Secretary of the Interior dated June 10, 1947 (12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (41 Stat. 1075; 16 U. S. C., Supp. V, 818):

FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA

T. 137 N., R. 79 W.,
Sec. 22, lots 1 and 2, $SE\frac{1}{4}NW\frac{1}{4}$, and $SE\frac{1}{4}SE\frac{1}{4}$.

FIFTH PRINCIPAL MERIDIAN, SOUTH DAKOTA

T. 118 N., R. 78 W.,
Sec. 30, lots 1, 2, 3, and 4.
T. 119 N., R. 78 W.,
Sec. 5, lot 6.
T. 120 N., R. 78 W.,
Sec. 29, lots 5, 6, and 7;
Sec. 32, lots 5 and 6.
T. 121 N., R. 78 W.,
Sec. 6, lots 1 and 2.
T. 122 N., R. 78 W.,
Sec. 21, lot 4.
T. 126 N., R. 79 W.,
Sec. 1, lots 2, 3, 4, and 5, $E\frac{1}{2}SE\frac{1}{4}$.
T. 127 N., R. 79 W.,
Sec. 14, lot 1.
T. 128 N., R. 80 W.,
Sec. 10, lot 1.
T. 114 N., R. 81 W.,
Sec. 4, lots 5, and 6.
T. 115 N., R. 82 W.,
Sec. 23, lots 4, and 5.

The areas described aggregate 910.01 acres, 181.11 in North Dakota and 728.90 in South Dakota.

[SEAL] JULIAN D. SEARS,
Acting Director.

JULY 30, 1947.

[F. R. Doc. 47-7453; Filed, Aug. 8, 1947; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 377]

SPECIAL INDUSTRY COMMITTEE No. 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION AND APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, F. Granville Grimes, Acting Administrator of the Wage and Hour Division, United States Department of Labor, do hereby accept the resignation of Mr. Sam Schweitzer from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employers on such committee, Mrs. Vesta S. Vesoske of Vega Alta, Puerto Rico.

Signed at Washington this 4th day of August 1947.

F. GRANVILLE GRIMES,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 47-7473; Filed, Aug. 8, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

ORDER CONTINUING HEARING

It is ordered, On the Commission's own motion, that the hearing in the above-entitled matter be continued until September 29, 1947, at 10:00 a. m.

Dated: July 28, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7493; Filed, Aug. 8, 1947; 8:46 a. m.]

[Docket No. 6983]

JOLIET BROADCASTING CO.

ORDER FOR FURTHER HEARING ON STATED ISSUE

In re application of Joliet Broadcasting Company, Joliet, Illinois, for renewal of license of radio station WJOL; Docket No. 6983, File No. B4-R-591.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of July 1947;

The Commission having under consideration a petition filed on April 25, 1947, by the Joliet Broadcasting Company, requesting the Commission to reconsider and set aside its order of January 24, 1947 re-opening the record in the above-entitled docket and designating for further hearing the above-entitled renewal application; and

It appearing, that the Commission, on January 18, 1946, in the first instance designated for hearing the said application for renewal of license on issues relating to a contractual arrangement between the licensee and A. J. Felman, whereby certain of station WJOL's broadcast hours are reserved for his use; that on April 15, 1946, the Commission held a hearing on said renewal application; and on July 16, 1946, issued its Proposed Decision looking toward a denial thereof without prejudice to further proceedings as follows:

The applicant will be granted a temporary license for a period of three months, provided that within thirty days after this decision becomes final the applicant shall file with the Commission a statement which establishes that it has full control over the operation of the station and the entire program structure thereof; and that no further effect will be given to the agreement of August 9, 1937, whereby A. J. Felman reserves to himself the right to certain broadcast hours of the station; and

that on November 20, 1946, the Commission heard oral argument on said Proposed Decision; and

It further appearing, that the Commission subsequently received complaints concerning the policy of the station licensee in permitting the broadcasting of programs containing information with regard to horse racing and gambling, and issued its aforementioned order of January 24, 1947 designating for further hearing the renewal application on the following issues:

To obtain detailed information regarding programs broadcast by Station WJOL, dealing with horse racing and gambling, with particular reference to complaints of the Chief of Police and other citizens; and

It further appearing, that the allegations of the aforementioned petition and the data submitted in support thereof do not warrant a setting aside of the Commission's order of January 24, 1947; and the Commission being desirous of hearing testimony and of securing complete information concerning the licensee's policies and practices in regard to the matters set forth in the above-quoted issue,

It is ordered, That under § 1.386 of the Commission's rules and regulations, the petition of the Joliet Broadcasting Company requesting the Commission to reconsider and set aside its order of January 24, 1947, re-opening the record in the above-entitled docket and designating for further hearing the above-entitled application and requesting also that the application be acted upon by the Commission in accordance with the record heretofore made, be, and it is hereby denied; and

It is further ordered, That the further hearing ordered by the Commission on January 24, 1947, be conducted upon the issue hereinabove set forth at a time and place later to be specified.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7492; Filed, Aug. 8, 1947; 8:45 a. m.]

[Docket Nos. 6346, 7117]

DEEP SOUTH BROADCASTING CORP. AND JAMES A. NOE (WNOE)

ORDER SCHEDULING FURTHER HEARING

In re applications of Deep South Broadcasting Corporation, New Orleans, Louisiana, Docket No. 7117, File No. BP-3687; James A. Noe (WNOE), New Orleans, Louisiana, Docket No. 6346, File No. BP-3446; for construction permits.

The Commission having under consideration a joint petition filed July 31, 1947, by Deep South Broadcasting Corporation, New Orleans, Louisiana, and James A. Noe (WNOE), New Orleans, Louisiana, requesting leave to amend their above-entitled applications so as to specify 5 kw power nighttime; to show a revised directional antenna pattern; and to change Paragraphs 16, 20, 21 and 23-28, inclusive, of the application to show the changes indicated and engineering information incidental thereto; as more particularly appear from the amendments filed simultaneously with the petition; for reopening of the record in the instant proceeding for the purpose of incorporating the said amendments into the record; and for reconsideration of the Commission's proposed decision in the above-entitled proceeding:

It is ordered, This 1st day of August, 1947, that, insofar as the petition requests leave to amend and reopening of the record, the petition be, and it is hereby, granted; the said amendments filed simultaneously with the petition covering the matters hereinabove described be, and they are hereby, accepted; the record in the above-entitled proceeding be, and it is hereby, reopened for the purpose of incorporating the above-mentioned amendments into the said record; and, on the Commission's own motion, a further hearing in the above-entitled proceeding be, and it is hereby, scheduled for 10:00 o'clock a. m., Thursday, September 4, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7496; Filed, Aug. 8, 1947; 8:46 a. m.]

[Docket No. 7254, 7256]

EARLE C. ANTHONY, INC., AND NATIONAL BROADCASTING CO., INC.

ORDER SETTING DATE FOR ORAL ARGUMENT

In re application of Earle C. Anthony, Inc., Los Angeles, California, Docket No. 7254, File No. BMPCT-12; National Broadcasting Company, Inc., New York, New York, Docket No. 7256, File No. BPCT-24; for construction permits for commercial television broadcast stations in Los Angeles, California, metropolitan area.

At a session of the Federal Communications Commission, held at Atlantic City, New Jersey, on the 28th day of July 1947;

It appearing, that the Commission on December 20, 1946, granted construction permits for television stations in Los Angeles to Earle C. Anthony, Inc. (Channel No. 9), National Broadcasting Company, Inc. (Channel No. 4), American Broadcasting Company, Inc. (Channel No. 7), The Times-Mirror Company (Channel No. 11), Television Productions, Inc. (Channel No. 5), and Dorothy S. Thackrey (Channel No. 13); and

It further appearing, that on January 7, 1947, Earle C. Anthony, Inc. requested the Commission to reconsider its decision granting it Channel No. 9 rather than Channel No. 4, and that this petition was denied by the Commission on June 11, 1947, in an opinion and order; and

It further appearing, that on June 27, 1947, Earle C. Anthony, Inc. filed with the Commission a further petition for reconsideration entitled "Exceptions to Opinion and Petition For Hearing and Leave to Amend and For Cancellation of National Broadcasting Company Authorization" and requested oral argument on this petition, and that on July 7, 1947, the National Broadcasting Company filed a reply and opposition thereto and indicated that if oral argument on Earle C. Anthony's petition is granted, the National Broadcasting Company desires to participate in such argument;

Now, therefore, *It is ordered*, That the petition filed by Earle C. Anthony, Inc. and the reply thereto filed by the National Broadcasting Company be, and are hereby set down for oral argument on August 25, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7497; Filed, Aug. 8, 1947; 8:46 a. m.]

[Docket No. 8479]

ATLANTIC BROADCASTING CO., INC. (WHOM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Atlantic Broadcasting Company, Inc., (WHOM), Jersey City, New Jersey, for modification of license; Docket No. 8479, File No. BML-1256.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of July 1947;

The Commission having under consideration the above-entitled application for modification of license to move its main studios from Jersey City, New Jersey, to New York, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the circumstances under which it was decided to request modification of license to change the location of the main studios of station WHOM.

2. To determine the comparative needs of the cities of Jersey City, New Jersey, and New York, New York, for broadcast service originating in local studios, and, in view thereof, whether a grant of this application would serve the public interest, convenience or necessity.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7495; Filed, Aug. 8, 1947; 8:46 a. m.]

CAPITOL BROADCASTING CORP.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on July 28, 1947 there was filed with it an application (BTC-562) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Capitol Broadcasting Corporation, license of WISH, Indianapolis, Indiana, from the stockholders of said Capitol Broadcasting Corporation (C. Bruce McConnell, Earl H. Schmidt, Frank McConnell, John E. Messick and Edward W. Harris), to the Universal Broadcasting Co., Inc.

The proposal to transfer control of the license arises out of a contract of June 9, 1947 pursuant to which the above-named stockholders of Capitol Broadcasting Corporation agree to sell and Universal Broadcasting Company, Inc. agrees to buy all of the shares of Capitol Broadcasting Corporation, presently issued and outstanding, (C. Bruce McConnell 2600 shares, Earl H. Schmidt 2500 shares, Frank McConnell 500 shares, John E. Messick 250 shares, Edward W. Harris 150 shares) for a total consideration of $554,000 (or $80.00 per share for all shares except those held by C. Bruce McConnell who will receive $120 per share) to be paid as follows: $5625 will be placed in escrow with the Fidelity Trust Company of Indianapolis, at the time of the making of the contract and the remaining $548,375 will be paid to the escrow agent by July 15, 1947. The total consideration will be paid to the transferors on the closing date. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on July 28, 1947, that starting on August 1, 1947, notice of the filing of the application would be inserted in a newspaper of general circulation at Indianapolis, Indiana, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from August 1, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 40 Stat. 1086; 47 U. S. C. A 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7498; Filed, Aug. 8, 1947; 8:50 a. m.]

[1] Section 1.321, Part I, Rules of practice and procedure.

CLASS B FM BROADCAST STATIONS

LIST OF CHANGES IN REVISED TENTATIVE ALLOCATION PLAN

AUGUST 1, 1947.

List of changes in revised tentative allocation plan for Class B FM broadcast stations dated June 13, 1947 (12 F. R. 4031).

General area	Channels		Date of change
	Deleted	Added	
Boston, Mass	241	264	June 20, 1947
Worcester, Mass	264	241	June 20, 1947
Shelby, N. C	----	241	June 20, 1947
Beckley, W. Va	----	281	July 3, 1947
Newberry, S. C	----	246	July 3, 1947
San Antonio, Tex	----	268	July 3, 1947
Austin, Tex	267	238	July 3, 1947
Laredo, Tex	267	278	July 3, 1947
Greenville, S. C	256	235	July 10, 1947
Harrisburg, Ill	264	225	July 10, 1947
Carbondale, Ill	225	264	July 10, 1947
Bristol, Tenn	223	287	July 17, 1947
Wabash, Ind	----	248	July 17, 1947
Raleigh, N. C	273	----	July 17, 1947
Durham, N. C	----	273	July 17, 1947
New London, Conn	266	----	[1]July 17, 1947

[1] Effective Aug. 15, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7499; Filed, Aug. 8, 1947; 8:50 a. m.]

[Docket Nos. 8291-8293]

KEYSTONE BROADCASTING CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of Keystone Broadcasting Corporation, Harrisburg, Pennsylvania, Docket No. 8291, File No. BPH-183; York Broadcasting Company, York, Pennsylvania, Docket No. 8292, File No. BPH-184; Reading Broadcasting Company, Reading, Pennsylvania, Docket No. 8293, File No. BPH-522; for construction permits.

The Commission having under consideration a joint petition filed July 25, 1947, by Keystone Broadcasting Corporation, Harrisburg, Pennsylvania, York Broadcasting Company, York, Pennsylvania and Reading Broadcasting Com-

pany, Reading, Pennsylvania, requesting a 30-day continuance in the hearing upon their above-entitled applications which is presently scheduled for August 11, 1947, at Washington, D. C.;

It is ordered, This 1st day of August, 1947, that the instant petition be, and it is hereby, granted; and the said consolidated hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock, a. m., Monday, September 15, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7494, Filed, Aug. 8, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-893]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 24, 1947, by United Gas Pipe Line Company (Applicant), a Delaware corporation having its office at Shreveport, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipeline facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection;

It appearing to the Commission that:

This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 15, 1947 (12 F. R. 3179);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of practice and procedure (effective September 11, 1946), a hearing be held on August 20, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR, 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7467; Filed, Aug. 8, 1947; 8:45 a. m.]

[Docket No G-894]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

AUGUST 6, 1947.

Upon consideration of the application filed April 24, 1947, by United Gas Pipe Line Company (Applicant), a Delaware corporation having its office at Shreveport, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipeline facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection;

It appearing to the Commission that:

This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 10, 1947 (12 F. R. 3091-92);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on August 20, 1947, at 9:45 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the mattefs involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7468; Filed, Aug. 8, 1947; 8:45 a. m.]

[Docket No. G-920]

IROQUOIS GAS CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 5, 1947.

Notice is hereby given that, on August 5, 1947, the Federal Power Commission issued its findings and order entered August 5, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7470; Filed, Aug 8, 1947; 8:45 a. m.]

[Docket No. G-923]

UNITED NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed July 11, 1947, by United Natural Gas Company (Applicant), a Pennsylvania corporation, having its office at Oil City, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipeline facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection;

It appearing to the Commission that:

This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective July 1, 1947), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 29, 1947 (12 F. R. 5014);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure (effective July 1, 1947), a hearing be held on August 21, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective July 1, 1947).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the

Commission's rules of practice and procedure.

Date of issuance: August 6, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7469; Filed, Aug. 8, 1947; 8:45 a. m.]

[Project No. 1892]

BELLOWS FALLS HYDRO-ELECTRIC CORP.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that the Bellows Falls Hydro-Electric Corporation has made application for amendment of license for its Wilder redevelopment on Connecticut River (Project No. 1892) to increase the authorized installed horsepower capacity and to change the description of the generating equipment proposed to be installed in the project powerhouse.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted before September 11, 1947, to the Federal Power Commission, at Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7471; Filed, Aug. 8, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 259]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, August 4, 1947, by M. Lapidus Sons, of car FGE 33795, peaches, now on the Chicago Produce Terminal to Red Owl Stores, Green Bay, Wisc. (via CMSt.P&P).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of August 1947.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 47-7462; Filed, Aug. 8, 1947; 8:52 a. m.]

[S. O. 396, Special Permit 260]

RECONSIGNMENT OF PEACHES AT ALTOONA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Altoona, Pa., August 5, 1947, by G. Nelson & Son, of car FGE 38158, peaches, now on the PRR to Houtzdale via Tyrone (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of August 1947.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 47-7463; Filed, Aug. 8, 1947; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-998]

AMERICAN AIRLINES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of August A. D. 1947.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the common stock, $1.00 par value, of American Airlines, Incorporated, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to September 4, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-7459; Filed, Aug. 8, 1947; 8:53 a. m.]

[File No. 70-1527]

CONSOLIDATED NATURAL GAS CO.

ORDER PERMITTING SUPPLEMENTAL DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of August 1947.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, having filed a supplemental declaration, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935, with respect to the following transaction:

Pursuant to the authority of this Commission's order dated June 12, 1947 (Holding Company Act Release No. 7485), Consolidated offered not exceeding 545,672 shares of its capital stock to its stockholders at a price of $37.50 per share, of which shares 520,547 were subscribed for, or approximately 95.4% of the total number offered. Consolidated now proposes to issue and sell the remaining 25,125 shares on the New York Stock Exchange through brokers to be selected by the company who are regular members of such exchange, the company receiving the price at which the shares are sold by the brokers less the regular brokers' commissions on the sales. The net proceeds from the sale are to be used in furtherance of the system's construction program specified in the original application-declaration concerning which our order of June 12, 1947 was issued. Consolidated requests that the proposed issue and sale of securities be excepted from the competitive bidding requirements of Rule U-50; and

The supplemental declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said supplemental declaration within the period specified within said notice, or oth-

erwise, and not having ordered a hearing thereon; and

The Commission observing no basis for making any adverse findings with respect to the proposed issue and sale under the applicable provisions of the act and rules thereunder, and in the particular circumstances of this case, deeming it appropriate in the public interest and in the interests of investors and consumers to grant applicant's request for an exception from the competitive bidding requirements of Rule U-50 with respect to the proposed issue and sale of common stock and to permit the said supplemental declaration to become effective immediately so as to permit expeditious consummation of the proposed transaction:

It is hereby ordered, Pursuant to Rule U-23 and subject to the terms and conditions prescribed in Rule U-24 that the supplemental declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc 47-7458; Filed, Aug. 8, 1947; 8:53 a. m.]

[File No. 70-1572]

GENERAL PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of July 1947.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration, and an amendment thereto, with this Commission, pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rules U-44 and U-50 promulgated thereunder, regarding the sale of its entire holdings of common shares of New England Gas and Electric Association ("Negas"), consisting of 311,361 common shares, each of a par value of $8.00, acquired in connection with the consummation of a plan of recapitalization of Negas, and which it is required to dispose of pursuant to opinions and orders of this Commission (see Holding Company Act Release Nos. 7181 and 7306); and

GPU having proposed in said amended declaration to sell at competitive bidding the 311,361 common shares of Negas by inviting sealed written proposals for the underwriting of such shares by newspaper advertisement published on July 23, 1947, requesting any persons interested in such underwriting to advise GPU to that effect in writing on or before July 31, 1947; and on or after such specified date GPU proposes by telegram to notify all persons who have so signified their interest to present sealed bids at a designated time and place, the time to be not less than 48 hours after the sending by GPU of such telegraphic notice; and

Such declaration, as amended, having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified within said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to this declaration, as amended, that there is no basis for any adverse findings under the applicable provisions of the act and rules thereunder, deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, and further deeming it appropriate to grant the request of declarant that the order to be entered herein become effective on or before July 31, 1947:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that the said declaration, as amended, be, and the same hereby is permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of Negas common stock shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses in connection with the proposed transaction.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7460; Filed, Aug. 8, 1947; 8:52 a. m.]

[File No. 70-1572]

GENERAL PUBLIC UTILITIES CORP.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of August 1947.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration, and an amendment thereto, pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rules U-44 and U-50 promulgated thereunder, regarding the sale of its entire holdings of common shares of New England Gas and Electric Association ("Negas"), consisting of 311,361 common shares, each of a par value of $8.00, acquired in connection with the consummation of a plan of recapitalization of Negas, and which it is required to dispose of pursuant to opinions and orders of this Commission (see Holding Company Act Release Nos. 7181 and 7306); and

The Commission having, by order dated July 31, 1947, permitted said declaration to become effective subject to the condition, among others, that the proposed sale of Negas common shares not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order has been entered by the Commission in the light of the record so completed, and the Commission having reserved jurisdiction over the payment of all fees and expenses in connection with the proposed transaction; and

GPU having filed a further amendment dated August 4, 1947 to said declaration in which it is stated that it has offered the Negas common shares for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

	Price to company
The First Boston Corp	$11.016
White, Weld & Co	
Kidder, Peabody & Co	10 529

The amendment further stating that GPU has accepted the bid of The First Boston Corporation for the Negas common shares as set out above and that the Negas common shares will be offered for sale to the public at a price of $11.75 per share resulting in an underwriter's spread of $0.734 per share; and

The amendment further stating that the fees and expenses to be incurred in connection with the proposed transaction are estimated as follows:

Printing amendment to registration statement, prospectus, exhibits and other incidental printing	$20, 000
Federal transfer taxes	1, 250
Massachusetts transfer taxes	500
Legal fees:	
Shearman & Sterling & Wright	5, 000
William A. Hill	1, 000
Miscellaneous	5, 500
Total	33, 250

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to such matters:

It is ordered, That the jurisdiction heretofore reserved with respect to the results of competitive bidding for the common shares of Negas be, and the same hereby is, released, and that GPU shall dispose of its entire holdings of common shares of Negas, consisting of 311,361 common shares of a par value of $8.00 per share, in accordance with the terms of the above declaration as finally amended on August 4, 1947, and which amendment is hereby permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over all fees and expenses in connection with the proposed transaction be, and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7461; Filed, Aug. 8, 1947; 8:52 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES
1934

VOLUME 12 NUMBER 157

Washington, Tuesday, August 12, 1947

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

DELEGATION OF AUTHORITY TO DETERMINE EQUITABLE ADJUSTMENTS UNDER SALES OR TRANSFERS OF SURPLUS PROPERTY

The Controller, Production and Marketing Administration, is hereby given authority and is designated as representative of the Secretary of Agriculture to:

Consider requests for equitable adjustment, in accordance with contract provisions therefor, arising out of sale or transfer of commodities which have been declared surplus pursuant to the Surplus Property Act of 1944, and authorize such adjustment as in his sound discretion he determines to be equitable under the circumstances. Each adjustment shall be based on adequate proof of facts; shall be in the form of a written determination supported by written findings of fact; shall be conditioned upon the contractor's releasing any and all claims he may have against the Government under the contract involved in the adjustment; and shall be referred to the Solicitor's Office for review of legal problems, if any, involved in the adjustment.

The designation of the Assistant Administrator for Fiscal and Inventory Control, Production and Marketing Administration, to determine equitable adjustment under sales or transfer of surplus property, bearing No. 2—Admin. and dated July 2, 1946,[1] is terminated, said office having ceased to exist in accordance with Memorandum No. 1188 of the Secretary of Agriculture, dated March 19, 1947, but any proceedings begun by the said Assistant Administrator under the designation of July 2, 1946, may be continued by the Controller, Production and Marketing Administration.

(58 Stat. 765, 50 U. S. C., App. Sup. 1611 et seq.; 10 F. R. 3764, 14064; 11 F. R. 7970; 12 F. R. 863, 2249)

[1] Not published in the FEDERAL REGISTER.

Done at Washington, D. C., this 7th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7540; Filed, Aug. 11, 1947; 8:53 a. m.]

Chapter XXI—Organization, Functions, and Procedure

Subchapter C—Production and Marketing Administration

PART 2301—OFFICE OF THE ADMINISTRATOR

PROCEDURES CONCERNING SURPLUS PROPERTY

Paragraph (b) *Surplus Property* in § 2301.13 *Procedures* (11 F. R. 177A-261) is amended by the addition of a sentence at the end thereof as follows: "The Controller, Production and Marketing Administration, is the representative of the Secretary to consider requests for equitable adjustment, in accordance with contract provisions therefor, arising out of sale or transfer of surplus property and to authorize such adjustment as in his sound discretion he determines to be equitable under the circumstances."

(58 Stat. 765, 50 U. S. C., App. Sup. 1611 et seq.; 10 F. R. 3764, 14064; 11 F. R. 7970; 12 F. R. 863, 2249)

Issued this 7th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7541; Filed, Aug. 11, 1947; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 246—SWEETPOTATOES

STATEMENT OF POLICY

The United States Department of Agriculture will support the price of the 1947 crop of sweetpotatoes from September 1, 1947 to April 30, 1948. If price

(Continued on p. 5443)

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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A limited sales stock of the 1945 Supplement (4 books) is still available at $3 a book.

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[1] P. L. O. 387.
[2] P. L. O. 389.
[3] P. L. O. 391.

upport operations become necessary to ive producers a price of not less than 90 percent of parity, such support will be accomplished through purchases or by diversion to other than normal channels of trade, including industrial or livestock feed outlets. (For procedures with respect to purchase and diversion programs, see 7 CFR (1946 Sup.) 2305.14, 2305.16). Commodity loans will not be used as a method of price support. After November 15, 1947, the Department may limit the rate of deliveries by time periods.

Purchases will be made from growers, from authorized agents, and dealers who are certified as having agreed to pay growers not less than the applicable support prices or their equivalent for all sweetpotatoes purchased and are licensees under the Perishable Agricultural Commodities Act.

Support prices are for U. S. Extra No. 1 and U. S. No. 1 grades, packed in specified containers, loaded f. o. b. carrier at shipping point in carlots or trucklots. If need for support of U. S. No. 2's develops in any area, support prices, terms, and conditions for them will be announced at that time.

In any area where a quarantine is imposed, price support will cease 15 days prior to the date the quarantine is to become effective.

Schedule of support prices for sweetpotatoes produced in 1947 for the period Sept. 1, 1947 through Apr. 30, 1948

Grade	Sept. 1–Nov. 15 per bu.[1]	Nov. 16–Dec. 31 per bu.[2]	Jan. 1–Apr. 30 per bu.[2]
U. S. Extra No. 1	$1.75	$2.00	$2.25
U. S. No. 1	1.50	1.90	2.15

[1] Includes sweetpotatoes of the Porto Rico, Jersey, Nancy Hall, Golden Triumph, and other varieties of similar characteristics. For other varieties the purchase price will be 30 cents per bushel less.

[2] Sweetpotatoes must be packed in standard crates, bushel hampers and bushel baskets f. o. b. cars or trucks in carlots or trucklots. At the option of the Department deliveries of sweetpotatoes may be made in bulk or some other stage of preparation in which case the purchase prices will be less than the prices specified above by the value of the marketing services not performed, as determined by the Administrator of the Production and Marketing Administration.

(Sec. 4, 55 Stat. 498, as amended; 15 U. S. C. Sup. 713 (a)–8 (a), 9 F. R. 4837)

Dated this 7th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7542; Filed, Aug. 11, 1947; 8:53 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

NEW MEXICO AND CALIFORNIA

CROSS REFERENCE: For revocation of Public Land Orders 9 and 21 as amended by Executive 9526, which set aside public lands in New Mexico for the use of the War Department as practice bombing ranges as noted in the tabulation in § 501.1, see Public Land Orders 387 and 389 in Title 43, *infra*. For revocation of Executive Order 8865, as amended by Executive Order 9526, which sets aside lands in California for combat firing ranges and maneuver purposes, see Public Land Order 388, *infra*.

Chapter VII—Personnel

PART 700—ARMY NURSES, DIETITIANS AND PHYSICAL THERAPY AIDES

PART 709—PRESCRIBED SERVICE UNIFORM

MISCELLANEOUS AMENDMENTS

1. Amend the last sentence of § 700.15 (e) (1) to read as follows:

§ 700.15 *Appointment of female officers to the Army Nurse Corps and Women's Medical Specialist Corps, Regular Army.* • • •

(e) *Method of applying.* (1) • • • Applications forwarded or postmarked after 30 September 1947 will be returned without action.

[WD Cir. 113, May 3, 1947 as amended by Cir. 199, July 29, 1947] (40 Stat. 879, 41 Stat. 767; Pub. Law 36, 80th Congress; 10 U. S. C. 161–164)

2. In § 709.30 add paragraphs (p), (q) and (r) as follows:

§ 709.30 *Brassards.* • • •

(p) *Airdrome officer.* The letters "AO" in golden orange letters 2½ inches in height on an ultramarine blue background.

(q) *Flight traffic clerk.* The words "Flight Traffic" in golden orange letters 1 inch in height on an ultramarine blue background.

(r) *Mourning.* Plain black.

[AR 600–35, March 31, 1944 as amended by WD Cir. 197, July 26, 1947] (R. S. 1296; 10 U. S. C. 1391)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-7503; Filed, Aug. 11, 1947; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 1—POLICIES

The Commission, on July 16, 1947, amended its statement of policy, by deleting § 1.4 *Wool Products Labeling Act*, so that said statement of policy Part 1, Policies (16 CFR, Cum. Supp.) shall read as follows, effective on date of publication thereof in the FEDERAL REGISTER.

Sec.
1.1 Status of applicant or complainant.
1.2 Policy as to private controversies.
1.3 Settlement of cases by stipulation.
1.4 Cooperation with other agencies.

AUTHORITY: §§ 1.1 to 1.4, inclusive, issued under sec. 6, 38 Stat. 721, 60 Stat. 237; 15 U. S. C. 46, 5 U. S. C. Sup. 1001 et seq.

§ 1.1 *Status of applicant or complainant.* The so-called "applicant" or complaining party has never been regarded as a party in the strict sense. The Commission acts only in the public interest. It has always been and now is the rule not to publish or divulge the name of an

applicant or complaining party, and such party has no legal status before the Commission except where allowed to intervene as provided by the statute.

§ 1.2 *Policy as to private controversies.* It is the policy of the Commission not to institute proceedings against alleged unfair methods of competition or unfair or deceptive acts or practices where the alleged violation of law is a private controversy redressable in the courts, except where said practices tend to affect the public. In cases where the alleged injury is one to a competitor only and is redressable in the courts by an action by the aggrieved competitor and the interest of the public is not involved, the proceeding will not be entertained.

§ 1.3 *Settlement of cases by stipulation.* Whenever the Commission shall have reason to believe that any person has been or is using unfair methods of competition or unfair or deceptive acts or practices in commerce, and that the interest of the public will be served by so doing, it may withhold service of complaint and extend to the person opportunity to execute a stipulation satisfactory to the Commission, in which the person, after admitting the material facts, promises and agree to cease and desist from and not to resume such unfair methods of competition or unfair or deceptive acts or practices. All such stipulations shall be matters of public record, and shall be admissible as evidence of prior use of the unfair methods of competition or unfair or deceptive acts or practices involved in any subsequent proceeding against such person before the Commission. It is not the policy of the Commission to thus dispose of matters involving intent to defraud or mislead: false advertisement of food, drugs, devices, or cosmetics which are inherently dangerous or where injury is probable; suppression or restraint of competition through conspiracy or monopolistic practices; violations of the Clayton Act; violations of the Wool Practices Labeling Act of 1939 or the rules promulgated thereunder; or where the Commission is of the opinion that such procedure will not be effective in preventing continued use of the unlawful method, act, or practice. The Commission reserves the right in all cases, for any reasons which it regards as sufficient, to withhold this privilege.

§ 1.4 *Cooperation with other agencies.* (a) In the exercise of its jurisdiction with respect to practices and commodities concerning which other federal agencies also have functions, it is the established policy of the Commission to cooperate with such agencies to avoid unnecessary overlapping or possible conflict of effort.

(b) It is the policy of the Commission not to institute proceedings in matters such as the labeling or branding of commodities where the subject matter of the questioned portion of the labeling or branding used is, by specific legislation, made a direct responsibility of another federal agency.

(c) In proceedings involving false advertisements of food, drugs, cosmetics, and devices as defined in section 15 of the Federal Trade Commission Act, account is taken of the labeling requirements of the Food and Drug Administration in any corrective action applied to the advertising. In the case of advertisements of food, drugs, cosmetics, or devices which are false because of failure to reveal facts material in the light of the advertising representations made or material with respect to the consequences which may result from the use of the commodity, it is the policy of the Commission to proceed only when the resulting dangers may be serious or the public health may be impaired, and in such cases to require that appropriate disclosure of the facts be made in the advertising.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of July 16, 1947, effective on date of publication thereof in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-7523; Filed, Aug. 11, 1947; 8:46 a. m.]

PART 2—RULES OF PRACTICE

The Commission, on July 16, 1947, amended § 2.8 *Answers*, § 2.10 *Motions*, § 2.21 *Proposed findings and conclusions before trial examiner*, § 2.22 *Trial examiner's recommended decision in adversary proceedings*, § 2.25 *Commission's adjudication, and* § 2.28 *Trade practice conference procedure*, of its rules of practice (§§ 2.1 to 2.29, inclusive), and on August 6, 1947 amended § 2.20 thereof *Appeals to the Commission from rulings of trial examiners* so that said rules of practice, Part 2, Rules of Practice (16 CFR, Cum. Supp.) shall read as follows, effective on date of publication thereof in the FEDERAL REGISTER.

Sec.

2.1 The Commission.
2.2 The Secretary.
2.3 Investigational hearings.
2.4 Applications for complaint
2.5 Complaints.
2.6 Service.
2.7 Appearance.
2.8 Answers.
2.9 Intervention.
2.10 Motions.
2.11 Continuances and extensions of time.
2.12 Documents.
2.13 Admission as to facts and documents.
2.14 Trial examiners.
2.15 Hearings in adversary proceedings.
2.16 Subpoenas.
2.17 Witnesses and fees.
2.18 Evidence.
2.19 Depositions.
2.20 Appeals to the commission from rulings of trial examiners.
2.21 Proposed findings and conclusions before trial examiner.
2.22 Trial examiner's recommended decision in adversary proceedings.
2.23 Exceptions.
2.24 Briefs and oral arguments before the commission.
2.25 Commission's adjudication.
2.26 Reports showing compliance with orders and with stipulations.
2.27 Reopening of proceedings.
2.28 Trade practice conference procedure.
2.29 Public information.

AUTHORITY: §§ 2.1 to 2.29, inclusive, issued under sec. 6, 38 Stat. 721, 60 Stat. 237; 15 U. S. C. 46, 5 U. S. C. Sup. 1001 et seq.

NOTE: In §§ 2.1 to 2.29, inclusive, the numbers to the right of the decimal point correspond with the respective rule numbers (I to XXIX) in the rules of practice, Federal Trade Commission, of even date herewith.

§ 2.1 *The Commission*—(a) *Offices.* (1) The principal office of the Commission is at Washington, D. C.

(2) All communications to the Commission must be addressed to Federal Trade Commission, Washington 25, D. C., unless otherwise specifically directed.

(3) Branch offices are maintained at New York, Chicago, San Francisco, Seattle, and New Orleans.

(4) Their addresses are: Federal Trade Commission, Room 501, 45 Broadway, New York 6, N. Y.; Federal Trade Commission, 1118 New Post Office Building, 433 West Van Buren Street, Chicago 7, Ill.; Federal Trade Commission, Federal Office Building, Room 133, Civic Center, San Francisco 2, Calif.; Federal Trade Commission, 447 Federal Office Building, Seattle 4, Wash.; Federal Trade Commission, Room 652, Federal Office Building, 600 South Street, New Orleans 12, La.

(b) *Hours.* Offices are open on each business day from 8:30 a. m. to 5 p. m.

(c) *Sessions.* (1) The Commission may meet and exercise all its powers at any place, and may, by one or more of its members, or by such examiners as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

(2) Sessions of the Commission for hearings will be held as ordered by the Commission.

(3) Sessions of the Commission for the purpose of making orders and for transaction of other business unless otherwise ordered, will be held at the principal office of the Commission at Pennsylvania Avenue at Sixth Street, Washington, D. C., on each business day at 10 a. m.

(d) *Quorum.* A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) *Public information.* All requests, whether for information or otherwise, and submittals shall be addressed to the principal office of the Commission.

§ 2.2 *The Secretary.* The Secretary is the executive officer of the Commission and shall have the legal custody of its seal, papers, records and property; and all orders of the Commission shall be signed by the Secretary or such other person as may be authorized by the Commission.

§ 2.3 *Investigational hearings.* (a) Investigational hearings, as distinguished from formal hearings in adversary proceedings, shall be held only as ordered by the Commission and shall be held before the Commission, one or more of its members, or a duly designated representative for the purpose of hearing the testimony of witnesses and receiving documents and other data relating to subjects within the investigational jurisdiction of the Commission. Unless otherwise ordered by the Commission, such hearings shall be public. Hearings shall be stenographically reported and a transcript thereof shall be made which shall be a part of the record of the investigation.

(b) Every person required to attend and testify or submit documents or other data shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript of such person's testimony or documents produced.

§ 2.4 *Applications for complaint.* (a) Any person, partnership, corporation, or association may apply to the Commission to institute a proceeding in respect to any violation of law over which the Commission has jurisdiction.

(b) Such application for complaint shall be in writing, signed by or in behalf of the applicant, and shall contain a short and simple statement of the facts constituting the alleged violation of law and the name and address of the applicant and of the party complained of.

§ 2.5 *Complaints.* (a) Whenever the Commission shall have reason to believe that there is a violation of law over which the Commission has jurisdiction, and in case of violation of the Federal Trade Commission Act, if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, the Commission shall issue and serve upon the proper parties a complaint stating its charges and containing a notice of a hearing upon a day and at the place therein fixed, at least thirty (30) days after the service of said complaint.

(b) Upon request made within fifteen (15) days after service of the complaint, any party shall be afforded opportunity for the submission of facts, arguments, offers of settlement or proposals of adjustment where time, the nature of the proceeding and the public interest permit, and due consideration shall be given to the same. Such submission shall be in writing. The filing of such request shall not operate to delay the filing of the answer.

§ 2.6 *Service.* (a) Complaints, orders, and other processes of the Commission, and briefs in support of the complaint, will be served by the Secretary of the Commission by registered mail, except when service by other method shall be specifically ordered by the Commission, by registering and mailing a copy thereof addressed to the person, partnership, or corporation to be served at his or its principal office or place of business. When proceeding under the Federal Trade Commission Act service may also be made at the residence of the person, partnership, or corporation to be served.

(b) When service is not accomplished by registered mail, complaints, orders, or other processes of the Commission, and briefs in support of the complaint, may be served by anyone duly authorized by the Commission, or by any examiner of the Commission,

(1) By delivering a copy of the document to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or

(2) By leaving a copy thereof at the principal office or place of business of such person, partnership, or corporation. When proceeding under the Federal Trade Commission Act service may also be made at the residence of the person, partnership, or corporation to be served.

(c) The return post-office receipt for said complaint, order, or other process or brief registered and mailed as aforesaid, or the verified return by the person serving such complaint, order, or other process or brief, setting forth the manner of said service, shall be proof of the service of the document.

§ 2.7 *Appearance.* (a) Any individual or member of a partnership which is a party to any proceeding before the Commission may appear for himself, or such partnership upon adequate identification, and a corporation or association may be represented by a bona fide officer of such corporation or association upon a showing of adequate authorization therefor.

(b) A party may also appear by an attorney at law possessing the requisite qualifications, as set forth in this section, to practice before the Commission.

(c) Attorneys at law who are admitted to practice before the Supreme Court of the United States, or the highest court of any State or Territory of the United States, or the United States Court of Appeals for the District of Columbia, or the District Court of the United States for the District of Columbia, may practice before the Commission.

(d) No register of attorneys who may practice before the Commission is maintained. No application for admission to practice before the Commission is required. A written notice of appearance on behalf of a specific party or parties in the particular proceeding should be submitted by attorneys desiring to appear for such specific party or parties, which notice shall contain a statement that the attorney is eligible under the provisions of this section. Any attorney practicing before the Commission or desiring so to practice may, for good cause shown, be disbarred or suspended from practicing before the Commission, but only after he has been afforded an opportunity to be heard in the matter.

(e) No former officer, examiner, attorney, clerk, or other former employee of this Commission shall appear as attorney or counsel for or represent any party in any proceeding resulting from any investigation, the files of which came to the personal attention of such former officer, examiner, attorney, clerk, or other former employee during the term of his service or employment with the Commission.

§ 2.8 *Answers.* (a) In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

(b) Ten (10) copies of answers shall be furnished. The original of all answers shall be signed in ink, by the respondent or by his attorney at law. Corporations or associations shall file answers through a bona fide officer or by an attorney at law. Answers shall show the office and post-office address of the signer.

(c) Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

(d) If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Such answer will constitute a waiver of any hearing as to the facts alleged in the complaint and the Commission may proceed to make its findings as to the facts and conclusions based upon such answer and enter its order disposing of the matter without any intervening procedure. The respondent may, however, reserve in such answer the right to other intervening procedure; including a hearing upon proposed conclusions of fact or law, in which event he may, in accordance with § 2.24, file his brief directed solely to the questions reserved.

§ 2.9 *Intervention.* (a) So far as the responsible conduct of public business shall permit, any interested person, after leave granted, may appear before the Commission, or its delegated responsible officer, for the presentation, adjustment, or determination of any issue, request, or controversy in any proceeding or in connection with any function of the Commission.

(b) Any person, partnership, corporation, or association desiring to intervene in a contested proceeding shall make application in writing, setting out the grounds on which he or it claims to be interested.

(c) The Commission may, by order, permit intervention by counsel or in person to such extent and upon such terms as it shall deem proper.

§ 2.10 *Motions.* (a) Motions before the Commission or the trial examiner shall state briefly the purpose thereof and all supporting affidavits, records, and other papers, except such as have been previously filed, shall be filed with such motions and clearly referred to therein.

(b) Motions in any proceeding before a trial examiner which relate to the introduction or striking of evidence, to matters of procedure, or to any other matters coming within the scope of the trial examiner's authority shall be made to the trial examiner and shall be ruled on by him. All other motions in any proceeding, except as otherwise provided in this part, shall be addressed to and shall be ruled on by the Commission, but in the case of motions to dismiss for alleged failure of proof based upon testimony taken before a trial examiner, the motion will be referred to the trial examiner for report and recommendation

before a ruling is made by the Commission.

(c) Ten (10) copies of all written motions shall be filed with the Commission.

(d) Prompt notice shall be given of the granting or denial, in whole or in part, of any written application, petition, or other request of any interested person made in connection with any formal proceeding. Except in affirming a prior denial or where the denial is self-explanatory, such notice shall be accompanied by a simple statement of grounds.

§ 2.11 *Continuances and extensions of time.* (a) Except as otherwise expressly provided by law, the Commission, for cause shown, may extend any time limits prescribed in this part. A hearing before a trial examiner shall begin at the time and place ordered by the Commission, but thereafter the course of the hearing shall be regulated by the trial examiner subject to the provisions of § 2.20.

(b) Applications for continuances and extensions of time should be made prior to the expiration of time prescribed by this part.

§ 2.12 *Documents*—(a) *Filing.* All documents required to be filed with the Commission in any proceeding shall be filed with the Secretary of the Commission.

(b) *Title.* Documents shall clearly show the docket number and title of the proceeding.

(c) *Copies.* Documents, other than correspondence, shall be filed in triplicate, except as otherwise specifically required by this part.

(d) *Form.* (1) Documents not printed shall be typewritten, on one side of paper only; letter size, eight (8) inches by ten and one-half ($10\frac{1}{2}$) inches; left margin, one and one-half ($1\frac{1}{2}$) inches; right margin, one (1) inch.

(2) Documents may be printed, in ten (10) or twelve (12) point type, on good, unglazed paper, of the dimensions and with the margins above specified.

(3) Documents shall be bound at left side only.

(4) The originals of all answers, briefs, motions, and other documents shall be signed in ink by the respondent or his duly authorized attorney. Where the respondent is an individual or a partnership, the originals of said documents shall be signed by said individual or by one of the partners, or by his or its attorney. Where the respondent is a corporation, the originals of said documents shall be signed under the corporate name by a duly authorized official of such corporation, or by its attorney. Where the respondent is an association, the originals of said documents shall be signed under the association name for said association by a duly authorized official of such association, or by its attorney.

(5) One copy of a brief or other document required to be printed shall be signed as the original.

§ 2.13 *Admission as to facts and documents.* (a) At any time after answer has been filed counsel or parties in any controversy may serve upon the opposing side a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request or the admission of the truth of any relevant matters of facts set forth in such documents.

(b) Copies of the documents shall be delivered with the request unless copies have already been furnished. Each of the matters on which an admission is so requested shall be deemed admitted unless, within a period designated within the request, not less than ten days after service thereof or within such further time as the Commission or the trial examiner may allow on motion and notice, the party so served serves upon the party making the request, a sworn statement either denying specifically the matters of which an admission is requested, or setting forth in detail the reasons why he can neither truthfully admit nor deny those matters. Service required hereunder may be made upon a respondent either by registering and mailing or by delivering a copy of the documents to be served to the respondent or his attorney, or by leaving a copy at the principal office or place of business of either. Service upon the attorney supporting the complaint may be either by registering and mailing or by delivering a copy of the documents to be served to such attorney.

§ 2.14 *Trial examiners.* (a) All hearings pursuant to formal complaints shall be presided over by the Commission, a member of the Commission, or by a trial examiner appointed by the Commission and duly qualified as an examiner or hearing officer within the meaning of the Administrative Procedure Act. So far as practicable trial examiners shall be assigned to cases in rotation.

(b) Subject to the published rules of the Commission and within its authority, officers presiding at hearings shall have the following powers and duties in all cases to which they are assigned by the Commission, to wit:

(1) To administer oaths and affirmations.

(2) To issue subpoenas authorized by law.

(3) To rule upon offers of proof and receive relevant evidence.

(4) To take or cause depositions to be taken whenever the ends of justice would be served thereby.

(5) To regulate the course of the hearings.

(6) To hold conferences for the settlement or simplification of the issues by consent of the parties.

(7) To dispose of procedural requests or similar matters.

(8) To make and submit to the Commission a recommended decision as provided by § 2.22.

(9) To certify questions to the Commission for its determination.

(10) To take any other action authorized by Commission rule consistent with the Administrative Procedure Act.

(c) Trial examiners shall perform no duties inconsistent with their duties and responsibilities as such. Save to the extent required for the disposition of ex parte matters as authorized by law, no trial examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate.

(d) Trial examiners shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for the Commission.

(e) The trial examiner is charged with the duty of conducting a fair and impartial hearing and of maintaining order in form and manner consistent with the dignity of the Commission. He will note on the record any disregard by counsel of his rulings on matters of order and procedure and where he deems it necessary shall make special written report thereof to the Commission. In the event that counsel supporting the complaint or counsel for any respondent shall be guilty of disrespectful, disorderly, or contumacious language or conduct in connection with any hearing, the trial examiner may suspend the proceeding and submit to the Commission his report thereon, together with his recommendations as to whether any rule should be issued to show cause why such counsel should not be suspended or disbarred pursuant to § 2.7 or subjected to other appropriate action in respect thereto. A copy of such trial examiner's report shall be furnished to any counsel upon whose language or conduct such report is made, and the Commission will take disciplinary action only after an opportunity for hearing has been accorded such counsel.

§ 2.15 *Hearings in adversary proceedings.* All hearings pursuant to formal complaint shall be public unless otherwise ordered by the Commission, and such hearings shall be subject to the following conditions and requirements:

(a) Every party respondent shall have the right of due notice, cross examination, presentation of evidence, objection, exception, motion, argument, appeal and all other fundamental rights.

(b) The taking of evidence and subsequent proceedings shall proceed with all reasonable diligence and with the least practicable delay.

(c) Not less than five (5) days notice of the time and place of any indefinitely postponed hearing shall be given to counsel of record or to parties, but in appointing such hearings due regard shall be had for the convenience and necessity of all parties or their representatives.

(d) The trial examiner may withdraw from a case when he deems himself disqualified, or he may be withdrawn by the Commission after timely affidavits alleging personal bias or other disqualification have been filed and the matter has been heard by the Commission or by a trial examiner whom it has delegated to investigate and report.

(e) Hearings shall be stenographically reported by the official reporter of the Commission under supervision of the presiding trial examiner. A transcript of said report shall be a part of the record and the sole official transcript of the proceeding. Transcripts will be supplied to respondents and to the public by the official reporter at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter.

(f) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner provided in this section. No physical changes shall be made in or upon the official record or copies thereof in the custody of the Commission. Lists of changes agreed to in writing by opposing counsel may be incorporated into the record, if and when approved by the trial examiner, at the close of evidence in support of the complaint, or at the final hearing before the trial examiner, or at any time thereafter before he files his report, and at no other times. If any changes are ordered by the trial examiner without such written agreement between opposing counsel they shall be subject to objection and exception.

§ 2.16 *Subpoenas.* (a) Subpoenas requiring the attendance of witnesses or the production of documentary evidence from any place in the United States, at any designated place of hearing, may be issued by the presiding trial examiner or a member of the Commission. Application therefor may be made either to the presiding trial examiner or to the Commission.

(b) Application for subpoenas for the production of documentary evidence shall be made in writing to the presiding trial examiner or to the Commission. The application must have reasonable scope and specify as exactly as possible the documents desired, and show their general relevancy. The application shall be verified by oath or affirmation.

(c) An appeal may be taken to the Commission by the parties from the presiding trial examiner's denial of a motion to quash or refusal to issue a subpoena for the production of documentary evidence.

§ 2.17 *Witnesses and fees.* (a) Witnesses at formal hearings shall be examined orally. Witnesses summoned in support of the complaint shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) Witnesses whose depositions are taken, and the persons taking such depositions, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(c) Witness fees and mileage, and fees for depositions, shall be paid by the party at whose instance witnesses appear.

§ 2.18 *Evidence*—(a) *In general.* Counsel supporting the complaint shall have the general burden of proof and the proponent of any factual proposition shall be required to sustain the burden of proof with reference thereto. The trial examiner, subject to appeal to the Commission as provided in § 2.20, shall admit relevant, material, and competent evidence, but shall exclude irrelevant, immaterial, and unduly repetitious evidence.

(b) *Documentary.* Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant and not intended to be put in evidence, such immaterial or irrelevant parts shall be excluded, and shall be segregated insofar as practicable.

(c) *Official notice of facts.* Where any recommended decision of the trial examiner or any decision of the Commission, or part thereof, rests upon the taking of official notice of a material fact not appearing in the evidence in the record, any party shall, upon timely motion, be afforded an opportunity to show the contrary.

(d) *Objections.* Objections to evidence shall be in short form, stating the grounds relied upon, and the transcript shall not include argument or debate thereon except as ordered by the presiding officer. Rulings on such objections shall appear in the record.

§ 2.19 *Depositions.* (a) For good and exceptional cause the testimony of any witness may be taken in any case whether at issue or not, by deposition de bene esse or, prior to the pendency of a case, according to the common usage in Chancery. Depositions may be taken orally or upon interrogatories before any person having power to administer oaths and who has been duly designated by the Commission or the presiding trial examiner.

(b) Unless notice be waived, no deposition shall be taken except after at least five (5) days' written notice to the parties within the United States and fifteen (15) days' notice when deposition is to be taken elsewhere.

(c) Any party desiring to take the deposition of a witness shall make application in writing to the Commission or the presiding trial examiner setting out the reasons why such deposition should be taken, the character of the deposition, the time when, the place where, and the name and Post Office address of the person before whom such deposition is to be taken, the name and Post Office address of each witness, and the subject matter concerning which the witness is expected to testify. If good and exceptional cause be shown, an order containing such instructions will be made and served upon the parties.

(d) Upon application granted, such deposition may be taken before a person having power to administer oaths other than the person designated in the notice, provided reasonable written notice of such change is given the opposing party. Each witness so testifying shall be duly sworn and the adverse party shall have the right to cross-examine such witnesses. The questions propounded to the witnesses and the answers thereto shall be reduced to writing, and, in the presence of the officer taking the deposition, read to the witness and subscribed by the witness and certified in usual form by said officer. Thereafter the said officer shall forward said deposition with three copies thereof, in an envelope under seal, endorsed with the title of the case, and addressed to the Commission at its office in Washington, D. C. If in a pending case, such sealed deposition shall immediately be forwarded to the presiding trial examiner and at a time of hearing read in evidence subject to such objections to the questions and answers as were noted at the time of taking the deposition or as would be valid were the witness personally present at such hearing.

§ 2.20 *Appeals to the Commission from rulings of trial examiners.* Except as provided for in § 2.16, parties shall not have the right to prosecute appeals from rulings of trial examiners during the course of hearings unless it be shown to the Commission that the prompt decision of such appeal is necessary to prevent unusual delay and expense.

Motions for reconsideration and reversal of previous rulings may be made before the trial examiner at the termination of the reception of evidence. In such motions each exception shall be separately set out, with exact citations to each portion of the record involved and references to the principal authorities relied upon. The trial examiner shall rule upon each exception. An appeal may be taken to the Commission from any adverse ruling on any such motion and the record relating thereto shall be certified to the Commission. Notice of such appeal shall be made on the record when the rulings are made and thereupon the trial examiner shall fix a time, not exceeding fifteen (15) days unless the necessity for further time shall clearly appear, for filing the appeal and a like time for filing the answer. Pending Commission decision and action upon such appeal the case shall remain open. Any such matters not thus laid before the Commission shall be deemed waived.

§ 2.21 *Proposed findings and conclusions before trial examiner.* At the close of the reception of evidence before the trial examiner in all formal proceedings, or within a reasonable time thereafter to be fixed by the trial examiner, parties may file for consideration by the trial examiner their proposed findings and conclusions, together with their reasons therefor. Such proposals shall be in writing and shall contain exact references to the record and authorities relied on. Copies thereof shall be furnished all parties, and three copies, including the signed original, shall be filed with the Commission.

Oral argument may be allowed at the discretion of the trial examiner. The record shall show the ruling on each such proposal. Exceptions to such rulings shall be subject to appeal under § 2.23 only.

§ 2.22 *Trial examiner's recommended decision in adversary proceedings.* (a) The trial examiner, as soon as practicable and within thirty (30) days after receipt of the complete transcript and all exhibits in adversary proceedings, shall make and file a recommended decision which shall become a part of the record and include a statement of (1) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; and (2) an appropriate order.

(b) Except where he shall have become unavailable to the Commission, the said recommended decision shall be made by the trial examiner who presided at the hearing.

(c) No officer, employee or agent, engaged in the performance of investigative or prosecuting functions for the Commission, and no party respondent or his agent or counsel in any case shall, in that or a factually related case, participate or advise in the recommended decision of the trial examiner, except as a

witness or as counsel in public proceedings.

(d) All findings, conclusions and orders recommended by the trial examiner shall be based upon the whole record and supported by reliable, probative and substantial evidence (including facts of which he may take official notice). No findings shall be recommended except such as he deems supported by the greater weight of the evidence.

(e) At any time prior to the filing of his recommended decision the trial examiner may, for good cause shown, reopen the case for the reception of further evidence.

(f) A copy of the trial examiner's recommended decision shall be served upon each party, counsel or other representative, who has appeared pursuant to § 2.7.

§ 2.23 *Exceptions.* (a) Any party may, within ten (10) days after receipt of a copy of the trial examiner's recommended decision, file with the Commission exceptions to any part thereof and to the trial examiner's failure to include proposed findings and conclusions requested under § 2.21. Each exception shall specify the portions of the record and the authorities relied on to sustain each point.

(b) Ten (10) copies of the exceptions shall be filed. All exceptions and rulings thereon shall become part of the record.

(c) A copy of such exceptions shall forthwith be furnished the trial examiner and a copy served upon each of the parties and counsel who were served with a copy of the trial examiner's recommended decision.

(d) If exceptions are to be argued, they shall be argued at the time of final argument upon the merits, except as otherwise provided in § 2.20.

§ 2.24 *Briefs and oral arguments before the Commission—(a) Questions for presentation.* Questions which may be presented for consideration and decision by the Commission on final hearing include the following:

(1) Whether the findings and conclusions recommended by the trial examiner are relevant and material to the issues and are supported by reliable, probative, and substantial evidence and by the greater weight of the evidence;

(2) Whether additional findings and conclusions, not recommended by the trial examiner, should be made either with or without sending the case back to the trial examiner for the reception of further evidence;

(3) Whether the trial examiner was justified in having taken official notice of any fact and whether the Commission should take official notice of any other fact;

(4) Whether due process was observed and whether there was any prejudicial irregularity in procedure;

(5) Whether the facts show a violation of law amenable to redress by the Commission and what conclusions of law are justified and requisite in the premises; and

(6) Whether an order to cease and desist, an order of dismissal, or other order, should be entered and issued, and the substance and form thereof.

(b) *Briefs*—(1) *Filing.* (i) Any party to a proceeding may file a brief in support of his contentions within the time limits fixed by the regulations in this part.

(ii) Briefs not filed on or before the time fixed in the rules will be received only by special permission of the Commission.

(2) *Time.* (i) Opening brief shall be filed by the attorney supporting the complaint within twenty (20) days after service upon him of a copy of the recommended decision of the trial examiner.

(ii) Brief on behalf of respondent shall be filed within twenty (20) days after service upon respondent or respondent's attorney of copy of brief in support of the complaint.

(iii) Where respondent shall have filed an answer admitting all material allegations of fact, the time so limited shall begin to run at the time of filing such answer.

(iv) In the event permission is granted for filing reply brief in support of the complaint, it shall be filed within ten (10) days after filing of brief on behalf of respondent. No further brief on behalf of respondent shall be filed.

(3) *Number.* Twenty (20) copies of each brief shall be filed.

(4) *Contents.* (i) Briefs, except the reply brief in support of the complaint, shall contain, in the following order:

(a) A concise abstract or statement of the case.

(b) A brief of the argument, exhibiting a clear statement of the points of fact or law to be discussed, with references to the pages of the record and the authorities relied upon in support of each point.

(ii) The exceptions, if any, to the recommended decision of the trial examiner may also be included in the brief.

(5) *Index.* Briefs comprising more than ten (10) pages shall contain on their top fly leaves a subject index with page references. The subject index shall be supplemented by an alphabetical list of all cases referred to, with references to pages where references are cited.

(6) *Form.* Briefs shall be printed, multigraphed or otherwise neatly processed on good unglazed white paper in type not smaller than ten (10) point double leaded, citations and quotations single leaded; footnotes not less than eight (8) point single leaded. Type page shall be not more than twenty-nine (29) picas wide by approximately forty-eight (48) picas deep and trimmed page shall be seven (7) inches by ten (10) inches, with an inside margin of not less than one (1) inch.

(7) *Length.* Unless leave be granted, briefs shall not exceed seventy-five (75) printed pages.

(8) *Signing.* At least one copy of each brief shall be signed in ink, by the respondent or his duly authorized attorney, as prescribed in § 2.12.

(c) *Oral arguments.* (1) Oral arguments before the Commission shall be had as ordered, on written application of the Chief Trial Counsel of the Commission, or of the respondent, or of attorney for respondent, filed within fifteen (15) days after filing of brief on behalf of respondent.

(2) Oral arguments before the Commission shall be reported stenographically unless otherwise ordered by the Commission.

§ 2.25 *Commission's adjudication.* (a) Upon submittal of a case to the Commission for final decision on the merits the Commission will consider the whole record, including the recommended decision of the Trial Examiner and the exceptions thereto, will resolve all questions of fact by what it deems to be the greater weight of the evidence thereon, will make its decision stating the reasons or basis therefor and enter an appropriate order, and wherever it decides that an order to cease and desist should be entered will also make, as provided by law, a report in writing stating its findings as to the facts. As authorized under the various statutes defining its power and duties the Commission adjudicates all formal proceedings brought before it and as authorized under the Administrative Procedure Act reserves such adjudications exclusively to itself.

(b) No officer, employee or agent, engaged in the performance of investigative or prosecuting functions for the Commission, and no party respondent or his agent or counsel in any case shall, in that or a factually related case, participate or advise in the decision of the Commission, except as a witness or as counsel in public proceedings.

§ 2.26 *Reports showing compliance with orders and with stipulations.* (a) In every case where an order to cease and desist is issued by the Commission for the purpose of preventing violations of law and in every instance where the Commission approves and accepts a stipulation in which a party agrees to cease and desist from the unlawful methods, acts or practices involved, the respondents named in such orders and the parties so stipulating shall file with the Commission, within sixty days of the service of such order and within sixty days of the approval of such stipulation, a report, in writing, setting forth in detail the manner and form in which they have complied with said order or with said stipulation; *Provided, however,* That if within the said sixty (60) day period respondent shall file petition for review in a circuit court of appeals, the time for filing report of compliance will begin to run de novo from the final judicial determination; *And provided further,* That where the order prevents the use of a false advertisement of a food, drug, device or cosmetic, which may be injurious to health because of results from such use under the conditions prescribed in the advertisement, or under such conditions as are customary or usual, or if the use of such advertisement is with intent to defraud or mislead, an interim report stating whether and how respondents intend to comply shall be filed within ten days.

(b) Within its sound discretion, the Commission may require any respondent upon whom such order has been served and any party entering into such stipulation, to file with the Commission, from time to time thereafter, further reports

in writing, setting forth in detail the manner and form in which they are complying with said order or with said stipulation.

(c) Reports of compliance shall be signed in ink by respondents or by the parties stipulating.

§ 2.27 *Reopening of proceedings.* (a) In any case where an order to cease and desist has been issued by the Commission it may, upon notice to the parties, modify or set aside, in whole or in part, its report of findings as to the facts or order in such manner as it may deem proper at any time prior to expiration of the time allowed for filing a petition for review or prior to the filing of the transcript of record in the proceeding in a Circuit Court of Appeals of the United States pursuant to a petition for review or for enforcement of such order.

(b) In any case where an order to cease and desist issued by the Commission has become final by reason of court affirmance or expiration of the statutory period for court review without a petition for such review having been filed, the Commission may at any time after reasonable notice and opportunity for hearing as to whether changed conditions of fact or of law or the public interest so require, reopen and alter, modify or set aside in whole or in part its report of findings as to the facts or order therein whenever in the opinion of the Commission, after such hearing, such action is required by said changed conditions or by the public interest.

(c) In any case where an order dismissing a formal complaint of the Commission has been entered the Commission may, upon reasonable notice to the parties and opportunity for a hearing as to whether said proceeding should be reopened, issue an order reopening the same whenever, in the opinion of the Commission, changed conditions of fact or of law or the public interest so require.

§ 2.28 *Trade practice conference procedure—(a) Purpose.* The trade practice conference procedure has for its purpose the establishment, by the Commission, of trade practice rules in the interest of industry and the purchasing public. This procedure affords opportunity for voluntary participation by industry groups or other interested parties in the formulation of rules to provide for elimination or prevention of unfair methods of competition, unfair or deceptive acts or practices and other illegal trade practices. They may also include provisions to foster and promote fair competitive conditions and to establish standards of ethical business practices in harmony with public policy. No provision or rule, however, may be approved by the Commission which sanctions a practice contrary to law or which may aid or abet a practice contrary to law.

(b) *When authorized.* Trade practice conference proceedings may be authorized by the Commission upon its own motion or upon application therefor whenever such proceedings appear to the Commission to be in the interest of the public. In authorizing proceedings, the Commission may consider whether such proceedings appear to have possibilities (1) of constructively advancing the best interests of industry on sound competitive principles in consonance with public policy, or (2) of bringing about more adequate or equitable observance of laws under which the Commission has jurisdiction, or (3) of otherwise protecting or advancing the public interest.

(c) *Application.* Application for a trade practice conference may be filed with the Commission by any interested person, party or group. Such application shall be in writing and be signed by the applicant or the duly authorized representative of the applicant or group desiring such conference. The following information, to the extent known to the applicant, shall be furnished with such application or in a supplement thereto:

(1) A brief description of the industry, trade, or subject to be treated.

(2) The kind and character of the products involved.

(3) The size or extent and the divisions of the industry or trade groups concerned.

(4) The estimated total annual volume of production or sales of the commodities involved.

(5) List of membership of the industry or trade groups concerned in the matter.

(6) A brief statement of the acts, practices, methods of competition or other trade practices desired to be considered, or drafts of suggested trade practice rules.

(d) *Informal discussions with members of the Commission's staff.* Any interested person or group may, upon request, be granted opportunity to confer in respect to any proposed trade practice conference with the Commission's trade practice conference division, either prior or subsequent to the filing of any such application. They may also submit any pertinent data or information which they desire to have considered. Such submission shall be made during such period of time as the Commission or its duly authorized official may designate.

(e) *Industry conferences.* Public notice of the time and place of any such authorized conference shall be issued by the Commission. A member of the Commission or of its staff shall have charge of the conference and shall conduct the conference pursuant to direction of the Commission and in such manner as will facilitate the proceeding and afford appropriate consideration of matters properly coming before the conference. A transcript of the conference proceedings shall be made, which, together with all rules, resolutions, modifications, amendments or other matters offered, shall be filed in the office of the Commission and submitted for its consideration.

(f) *Public hearing on proposed rules.* Before final approval by the Commission of rules for an industry, and upon public notice further opportunity shall be afforded by the Commission to all interested persons, corporations, or other organizations, including consumers, to submit in writing relevant suggestions or objections and to appear and be heard at a designated time and place.

(g) *Promulgation of rules.* When trade practice rules shall have been finally approved and received by the Commission, they shall be promulgated by official order of the Commission and published, pursuant to law, in the FEDERAL REGISTER. Said rules shall become operative thirty (30) days from date of promulgation or at such other time as may be specified by the Commission. Copies of the final rules shall be made available at the office of the Commission. Under the procedure of Commission a copy of the trade practice rules as promulgated by the Commission is sent to each member of the industry whose name and address is available, together with an acceptance form providing opportunity to such member to signify his intention to observe the rules in the conduct of his business.

(h) *Violations.* Complaints as to the use, by any person, corporation or other organization, of any act, practice or method inhibited by the rules may be made to the Commission by any person having information thereof. Such complaints, if warranted by the facts and the law, will receive the attention of the Commission in accordance with the law. In addition, the Commission may act upon its own motion in proceeding against the use of any act, practice or method contrary to law.

(i) *Amendment of rules.* Trade practice rules may be amended or rescinded by the Commission upon its own motion or upon application filed with it by any interested person, party or group. Such application shall be in writing, signed by the applicant or his duly authorized representative, and shall set forth the reasons for the requested action.

§ 2.29 *Public information.* (a) The rules of practice of the Commission, and such amendments as may be made thereto, shall be published in the FEDERAL REGISTER and may be obtained from the Commission upon application.

(b) The findings, conclusions of law, and final orders of the Commission in respective formal proceedings and a digest of accepted stipulations to desist from unlawful practices shall be published in the official reports of the Commission.

(c) Trade practice conference rules for respective industries, issued under § 2.27, may be obtained upon application to the Commission and shall be published in the FEDERAL REGISTER.

(d) Information concerning the activities of the Commission will be released from time to time under the direction or pursuant to the authority of the Commission.

(e) In proceedings instituted by the issuance of formal complaint, the pleadings, transcript of testimony, exhibits, and all documents received in evidence or made a part of the record therein shall be available for inspection and copying by the public at the convenience of the Commission.

(f) Documents, records, and reports made public by the Commission, including stipulations to cease and desist, certain trade practice conference records, and certain papers filed under the Wool Products Labeling Act, shall be available for inspection and copying at the convenience of the Commission.

(g) The records and files of the Commission, and all documents, memoranda, correspondence, exhibits, and information of whatever nature, other than the documentary matters above described, coming into the possession or within the knowledge of the Commission or any of its officers or employees in the discharge of their official duties, are confidential, and none of such material or information may be disclosed, divulged, or produced for inspection or copying except under the following circumstances:

(h) Upon good cause shown, the Commission may by order direct that certain records, files, papers, or information be disclosed to a particular applicant.

(1) Application by a member of the public for such disclosure shall be in writing, under oath, setting forth (i) the interest of the applicant in the subject matter; (ii) a description of the specific information, files, documents, or other material inspection of which is requested; (iii) whether copies are desired; and (iv) the purpose for which the information or material, or copies, will be used if the application is granted. Upon receipt of such an application the Commission will take action thereon, having due regard to statutory restrictions, its rules of practice and the public interest.

(2) In the event that confidential material is desired for inspection, copying, or use by some agency of the Federal or a State Government, a request therefor may be made by the administrative head of such agency. Such request shall be in writing, and shall describe the information or material desired, its relevancy to the work and function of such agency and, if the production of documents or records or the taking of copies thereof is asked, the use which is intended to be made of them. The Commission will consider and act upon such requests, having due regard to statutory restrictions, its rules of practice, and the public interest.

(i) In cases in which an officer or employee of the Commission has been lawfully served with a subpoena duces tecum, material designated herein as confidential shall be produced only when and as authorized by the Commission. Service of such subpoena shall immediately be reported to the Commission with a statement of all relevant facts. The Commission will thereupon enter such order or give such instructions as it shall deem advisable in the premises. If the officer or employee so served has not received instructions from the Commission prior to the return date of the subpoena, he shall appear in response thereto and respectfully decline to produce the documents or records subpoenaed (pointing out that he is not permitted to do so under this section), and request a continuance pending action by or instructions from the Commission. If, notwithstanding, the court or other body orders the production of any of the material subpoenaed, the officer or employee shall immediately report the facts to the Commission.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of July 16, 1947, and August 6, 1947, effective on date of publication thereof in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-7524; Filed, Aug. 11, 1947; 8:46 a. m.]

PART 7—ORGANIZATION, PROCEDURES, AND FUNCTIONS

The Commission, on July 16, 1947, amended § 7.11 *Administration of Export Trade Act*, and § 7.14 *Administration of the Wool Products Labeling Act*, of its statement of organization, procedures, and functions (§§ 7.1 to 7.15, inclusive); and on August 6, 1947 amended § 7.10 *Procedure upon formal complaints and before the courts*, added § 7.16 *Trade mark procedure*, and § 7.17 *Compliance and enforcement*, and rearranged the order of the last seven sections; so that said statement Part 7, Organization, procedures, and functions (11 F. R. 177A-571) shall read as follows, effective on date of publication thereof in the FEDERAL REGISTER.

Sec.

7.1 The Commission.
7.2 Offices.
7.3 Hours.
7.4 Sessions.
7.5 Quorum.
7.6 Public information.
7.7 The Secretary.
7.8 Preliminary legal investigations.
7.9 Agreements to cease and desist on stipulated facts.
7.10 Procedure upon formal complaints and before the courts.
7.11 Hearings on formal complaints.
7.12 Compliance and enforcement.
7.13 Trade mark procedure.
7.14 Administration of Export Trade Act.
7.15 Administration of the Wool Products Labeling Act.
7.16 Trade practice conference proceedings.
7.17 General economic surveys and reports.

AUTHORITY: §§ 7.1 to 7.17, inclusive, issued under sec. 6, 38 Stat. 721, 60 Stat. 237; 15 U. S. C. 46, 5 U. S. C. Sup. 1001 et seq.

§ 7.1 *The Commission.* The Federal Trade Commission is composed of five Commissioners appointed by the President and confirmed by the Senate. It was established in 1914 as an agency to foster fair and free competition and to supplement the antitrust laws. It has remedial functions in the administration and enforcement of various statutes prohibiting the use of unfair, deceptive, discriminatory, and monopolistic trade practices. These functions are exercised by way of adversary proceedings and orders to cease and desist, by the stipulated acquiescence of the parties or by trade practice conference proceedings. The Commission also exercises supervision over associations engaged in export trade. The Commission also has advisory functions which are exercised by way of general investigations and reports to Congress or to the President and by recommendations for legislation. These functions are exercised through various divisions of the Commission as described in this part.

§ 7.2 *Offices.* (a) The principal office of the Commission is at Washington, D. C.

(b) All communications to the Commission should be addressed to Federal Trade Commission, Pennsylvania Avenue at Sixth Street, Washington 25, D. C., unless otherwise specified.

(c) Branch offices of the Office of Legal Investigations are maintained at Room 501, 45 Broadway, New York 6, N. Y.; 1118 New Post Office Building, 433 West Van Buren Street, Chicago 7, Ill.; Federal Office Building, Room 133, Civic Center, San Francisco 2, Calif.; 447 Federal Office Building, Seattle 4, Wash.; Room 652, Federal Office Building, 600 South Street, New Orleans 12, La.

§ 7.3 *Hours.* Offices are open on each business day from 8:30 a. m. to 5 p. m.

§ 7.4 *Sessions.* (a) The Commission may meet and exercise all its powers at any place, and may, by one or more of its members, or by such representatives as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

(b) Sessions of the Commission for hearings will be held as ordered by the Commission.

(c) Sessions of the Commission for the purpose of making orders and for transaction of other business unless otherwise ordered are held at the principal office of the Commission at Pennsylvania Avenue at Sixth Street, Washington, D. C., on each business day.

§ 7.5 *Quorum.* A majority of the members of the Commission constitutes a quorum for the transaction of business.

§ 7.6 *Public information.* All requests, whether for information or otherwise, and submittals should be addressed to the principal office of the Commission.

§ 7.7 *The Secretary.* The Secretary is the executive officer of the Commission and is the legal custodian of its seal, papers, records, and property; and all orders of the Commission are signed by the Secretary or such other person as may be authorized by the Commission.

§ 7.8 *Preliminary legal investigations.* All preliminary legal investigations of the Commission are conducted by the staff of its Office of Legal Investigations which is made up of a Director, an Assistant Director, a Chief Examiner, and a Chief of the Radio and Periodical Division. The Chief Examiner has four Assistants, and there is one Assistant Chief in the Radio and Periodical Division.

(a) *Applications for complaint.* (1) Any person, partnership, corporation, or association may apply to the Commission to institute a proceeding in respect to any violation of law over which the Commission has jurisdiction.

(2) Such application for complaint should be in writing, signed by or in behalf of the applicant, and should contain a short and simple statement of the facts constituting the alleged violation of law, and the name and address of the applicant and of the party complained of, together with all relevant available information. No forms or formal procedure are required in making an application for complaint.

(b) *Status of applicant for complaint.* The applicant is not a party to a Commission proceeding except where allowed to intervene as provided by the statute. It has always been and now is the rule not to publish or divulge the name of an applicant.

(c) *Docketing of applications for complaint.* Upon receipt of an application for complaint, the Commission through its Office of Legal Investigations, considers the essential jurisdictional elements before deciding whether or not it shall be docketed. Also, the Commission, acting on its own motion, dockets applications for complaint and initiates investigations. It is the policy not to docket an application for complaint or institute proceedings where the alleged violation of law is merely a private controversy and does not tend adversely to affect the public.

(d) *Investigation of docketed matters.* The general procedure is that after a matter has been docketed, it is assigned to an attorney or examiner for the purpose of developing all the material facts. He is directed to interview the applicant. He is also directed to interview the party complained against, advise him fully of the charges, and obtain relevant information, oral and documentary, including such as may be furnished in defense. Such additional investigation is made as may be necessary. Preliminary investigations under the Export Trade Act are made in the same manner.

(e) *Report on investigation of docketed matters.* After developing all the relevant facts, the attorney examiner summarizes the material in a report, reviews the law applicable, and makes recommendations as to what action he believes the Commission should take. The file is reviewed by the Chief Examiner, and, if found to be complete, is submitted by him to the Commission (through the Director of the Office of Legal Investigations), with a summary of the issues involved, his conclusions thereon, and his recommendation. He may recommend (1) closing of the file without prejudice to the right of the Commission to reinstate the matter if and when conditions may warrant, or (2) disposition of the application for complaint by the respondent signing a stipulation as to the facts, and an agreement to cease and desist from the practices set forth in the stipulation, or (3) issuance of formal complaint, or (4) other appropriate action.

(f) *Radio and periodical advertising.* The Radio and Periodical Division of the Office of Legal Investigations conducts a current and continuing survey of radio, newspaper, magazine, and mail order catalog or circular advertising. If it appears that a published advertisement may be misleading, a contact letter is sent to the advertiser containing a request for pertinent information and material regarding the product and the advertisement thereof. He is also invited to submit any statement he may care to make regarding the product and his advertising of it. When all available data have been examined and analyzed, the Chief of the Division makes his recommendation to the Commission (through the Director of the Office of Legal Investigations) in the same manner as described with relation to docketed matters.

§ 7.9 *Agreements to cease and desist on stipulated facts.* (a) The Commission maintains a Division of Stipulations consisting of a Director, Assistant Director, and staff of attorney conferees.

(b) Whenever the Commission has reason to believe that any person has been or is using unfair methods of competition or unfair or deceptive acts or practices in commerce, and that the interest of the public will be served by so doing, it may withhold the issuance of a formal complaint and extend an opportunity to execute a stipulation satisfactory to the Commission, in which the proposed respondent, after admitting the material facts, agrees to cease and desist from, and not to resume such unfair methods of competition or unfair or deceptive acts or practices. It is not the policy of the Commission thus to dispose of matters involving intent to defraud or mislead; false advertisement of food, drugs, devices, or cosmetics which are inherently dangerous or where injury is probable; suppression or restraint of competition through conspiracy or monopolistic practices; violations of the Clayton Act; violations of the Wool Products Labeling Act of 1939 or the rules promulgated thereunder; or where the Commission is of the opinion that such procedure will not be effective in preventing continued use of the unlawful method, act, or practice. The Commission reserves the right in all cases, for any reasons which it regards as sufficient, to withhold this privilege. Stipulations after acceptance by the Commission are matters of public record. When a case is referred to the Division of Stipulations, that Division gives the proposed respondent notice of such reference, together with a statement of the alleged illegal acts, practices, or methods, and requests a reply within a specified period of time.

(c) The proposed respondent may reply by correspondence or upon his request, may confer with the Director of the Division of Stipulations, or with a designated attorney conferee either in person or through his authorized representative.

(d) If the proposed respondent enters into a satisfactory stipulation to cease and desist from such practices as the Director of the Division of Stipulations deems in accord with the Commission's direction, and to have been sufficiently substantiated by the investigational records and reports, or by the admissions of the proposed respondent, said stipulation is submitted to the Commission for its approval. In the event of failure of the proposed respondent to sign a satisfactory stipulation covering the charges which the Director considers to have been so substantiated, the Director then reports the matter to the Commission with recommendation as to what action is required in the public interest. He may recommend formal complaint or closing of the matter in whole or in part without prejudice to the right of the Commission to reopen the same at a later date, or other appropriate action.

§ 7.10 *Procedure upon formal complaints and before the courts.* (a) When the issuance of a formal complaint is directed by the Commission, the matter is referred to the Office of Chief Trial Counsel for preparation of the complaint, and proceedings thereunder. The complaint names the respondent or respondents, alleges a violation or violations of law, and contains a statement of the charges. The proceedings are carried forward thereafter in conformity with the rules of practice.

(b) Should an order to cease and desist be issued by the Commission under the Federal Trade Commission Act or the Wool Products Labeling Act, the order becomes final sixty days after date of service upon the respondent, unless within that period the respondent petitions an appropriate United States Circuit Court of Appeals to review the order. In case of review, the Circuit Court enters a decree affirming, modifying, or setting aside the order of the Commission and enforcing the same to the extent that such order is affirmed. Final orders in such cases are enforceable by civil penalty suits, instituted by the Attorney General. Under the Clayton Act, however, an order to cease and desist does not become final by lapse of time. The order must be affirmed by the United States Circuit Court of Appeals on application for review by the respondent or upon petition of the Commission. After affirmation, appropriate proceedings may be brought for violation of the Court's decree.

(c) The function of preparing, trying, briefing and arguing complaints in litigated cases is a prosecuting function which is performed by a staff of attorneys who work under the supervision of the Chief Trial Counsel and three Assistant Chief Trial Counsel. Neither they nor any of the attorneys performing such function in a particular case or in a factually related one participate or advise in the decision of such case except under the same conditions that are applicable to attorneys representing the respondent therein and which conditions are set forth in the Commission's published rules of practice.

(d) The function of handling the Commission's cases which are reviewed by the courts after decision by the Commission is performed by the General Counsel, an Associate General Counsel and an Assistant General Counsel, with the necessary assisting attorneys. The Office of the General Counsel under supervision of an Assistant General Counsel administers trade mark, compliance and enforcement matters as hereinafter set out. The General Counsel also acts as the principal legal adviser to the Commission on the applicable law, precedent or policy in a wide variety of matters.

§ 7.11 *Hearings on formal complaints.* (a) When, after the issuance of formal complaint, issues are joined, the matter comes under the Commission's trial procedure, which is implemented through the Trial Examiner's Division, consisting of the Chief Trial Examiner, an Assistant Chief Trial Examiner, and a staff of trial examiners. The Chief Trial Examiner acts as the administrative head and chief law officer of the Division. He

exercises supervision over the forms of reports and coordinates methods of compliance by the trial examiners with the rules of practice.

(b) In so far as practicable, trial examiners are assigned in rotation to cases by the Commission on recommendation of the Chief Trial Examiner. The trial examiner thus designated proceeds to convene hearings for the reception of relevant evidence on the issues. A Commissioner may be assigned to this duty.

(c) Hearings are held in such parts of the country as may be necessary with due regard for the convenience of the parties and witnesses. All proper parties may be represented by counsel and all fundamental rights such as cross-examination of witnesses, adduction of evidence, objections, exceptions, motions, appeals, and the submission of briefs and oral argument are preserved to the respondents.

(d) After the evidence is concluded in a case and parties have been duly heard and their contentions considered, the Trial Examiner makes and files a recommended decision which includes a statement of (1) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record, and (2) an appropriate order. The Trial Examiner's recommended decision becomes a part of the record and a copy thereof is served on each party who may then file exceptions thereto and present substitute conclusions and form of order.

(e) The Commission, after considering the entire record, including the recommended decision of the trial examiner and the exceptions thereto, resolves all questions of fact by what it deems to be the greater weight of the evidence thereon, and makes its decision stating the reasons or basis therefor and enters an appropriate order. Wherever it decides that an order to cease and desist should be entered, the Commission also makes a report in writing stating its findings as to the facts.

§ 7.12 *Compliance and enforcement.* (a) Reports of compliance with orders to cease and desist are required in accordance with the provisions of § 2.26 of the rules of practice. The Commission may by order require such supplemental reports of compliance as it considers warranted. Reports of compliance must consist of a full statement showing the manner and form in which the order has been complied with. Mere statements that the respondent is not violating the order are not acceptable. A factual showing is required sufficient to enable the Commission to appraise the manner and form of compliance.

(b) After an order to cease and desist issued by the Commission pursuant to the Federal Trade Commission Act has become final as provided for under section 5 of that act, and the Commission has reason to believe that a respondent has violated such order, it shall certify the facts concerning the violation to the Attorney General, who may institute a suit in one of the District Courts of the United States for the recovery of civil penalties as provided in the act. In proceedings under the Federal Trade Commission Act, where a Circuit Court of Appeals of the United States has by decree commanded obedience to the Commission's order, enforcement may be accomplished by way of contempt proceedings in the Circuit court. With respect to orders under the various provisions of the Clayton Act, enforcement must be accomplished by way of contempt proceedings.

(c) Matters relating to reports of compliance with, and violation of, or enforcement of Commission orders are handled in the Office of Compliance, which is a part of the Office of the General Counsel, under the supervision of an Assistant General Counsel, except that the Appellate Division of the Office of the General Counsel handles appearances in the Circuit Courts in enforcement proceedings by way of contempt.

(d) Matters relating to reports of compliance with voluntary agreements to cease and desist (stipulations) are handled in the Division of Stipulations.

§ 7.13 *Trade mark procedure.* (a) The Trade Mark Act of 1946 authorizes the Commission to institute proceedings before the Commissioner of Patents in certain circumstances for cancellation of the registration of marks which do not conform to the requirements enumerated in the act. The functions delegated to the Commission by this act are administered in and prosecuted by the Office of the General Counsel through the Trade Mark Division.

(b) Applications to the Commission for the institution of proceedings for the cancellation of registration of trade, service, or certification marks should be in writing, signed by or in behalf of the applicant, and should contain a short and simple statement of the facts constituting the alleged basis for cancellation, the name and address of the applicant and the party complained of, together with all relevant and available information. No forms or formal procedure are required in making such an application. Such investigation as is required to secure the facts necessary for determining whether cancellation proceedings should be instituted will be made in appropriate cases.

(c) Application from members of the public and Governmental agencies seeking the intervention of the Commission under this act, and the results of any investigation made, are referred to the Office of the General Counsel, Trade Mark Division, for consideration and report to the Commission, with recommendation. If, after consideration of the matter, the Commission concludes that it should apply for cancellation of the mark as provided in the act, it directs the Office of the General Counsel, Trade Mark Division, to institute proceedings for cancellation of the registration.

(d) Proceedings instituted by the Commission for cancellation of registration before the Commissioner of Patents are subject to the rules and regulations of that agency.

§ 7.14 *Administration of Export Trade Act.* (a) The Export Trade Act is administered in the Export Trade Office, under the general direction of the Chief Trial Counsel. The Export Trade Act authorizes the organization and operation of export trade associations and extends to them certain limited exemptions from the antitrust laws. Such associations must be entered into for the sole purpose of engaging in export trade and must be actually so engaged and are prohibited from restraining the trade of a domestic competitor, from artificially or intentionally enhancing or depressing prices in this country, or substantially lessening competition or otherwise restraining trade within the United States.

(b) Under section 5 of the act, any association organized under the act is required to file with the Commission within thirty days, copies of organizational papers and thereafter to make annual reports, listing its members or stockholders, and such special reports as the Commission may require concerning the organization, business, conduct, practices, management, and relation to other associations, corporations, and individuals. No particular forms for reporting are required, but for the convenience of parties interested, forms of a first report and of the annual report currently used, are available on request. All reports must be verified. Such information is examined and analyzed by the Director of the Export Trade Office, who reports thereon to the Commission.

(c) If the Commission has reason to believe that an association has violated the antitrust laws, it conducts an investigation and if it concludes that the law has been violated, it makes to such association recommendations for the readjustment of its business in order that it may thereafter conduct its business in accordance with law. Any such investigation is conducted by the Director of the Export Trade Office, who reports to the Commission thereon, with recommendations as to any necessary readjustment of the association's business.

(d) The procedure followed in such investigations is in accordance with that for investigational hearings in § 2.3 of the rules of practice.

(e) The Assistaint Chief Trial Counsel for Export Trade matters examines and analyzes the evidence and reports thereon with his recommendation.

§ 7.15 *Administration of the Wool Products Labeling Act.* (a) The general administration of the Wool Products Labeling Act and of the rules and regulations issued thereunder is carried out at the direction of the Commission by the Director of Trade and Practice Conferences and Wool Act Administration. Rules and regulations including forms have been issued pursuant to the provisions of the act and were duly published in the FEDERAL REGISTER on July 15, 1941 (16 CFR, 300.1 to 300.36). Any affected person may obtain a copy thereof upon request to the Commission. Amendments of such rules and regulations may be made by the Commission as it deems necessary and proper for the administration and enforcement of the act, either upon its own motion or upon application filed with it by any interested person, in accordance with the rules of practice. Before any amendment is made, opportunity shall be afforded all interested persons to submit data, views and arguments, pursuant to appropriate notice published in the FEDERAL REGISTER.

(b) Among the various duties involved in such administration of the act are the formulation and issuance of rules and regulations or amendments thereto and the holding of such hearings as may be required from time to time; receiving, examining, and recording continuing guarantees for public record under section 9 of the act; acting upon applications for manufacturers' registered identification numbers and issuing or canceling such numbers; supervising and directing field inspection work and the handling of administrative compliance and matters of interpretation.

(c) Manufacturers' registered identification numbers are issued by the Commission under the provisions of (§ 300.4 of this chapter) to manufacturers residing in the United States and producing wool products subject to the act. Any such manufacturer desiring to obtain a registered identification number may file with the Commission an application therefor, such application to be in accordance with the specified form and appropriately executed and notarized. Numbers are issued when, upon examination of the application and related facts, the applicant is found to come within the terms of the rules and regulations and entitled to use such a registered identification number, the same being subject to revocation for cause or upon the applicant's discontinuance of the manufacture of wool products subject to the act.

(d) Continuing guarantees against misbranding as defined in the act may be filed with the Commission under section 9 thereof and when found to be in due form and substance as prescribed in the rules and regulations are recorded and held open to public inspection. They are renewable annually and at such other times as any change is made in the ownership or management of the guarantor. Necessary blanks may be obtained upon request.

(e) Through field inspection work wool products subject to the act as marketed by manufacturers, distributors, and dealers, are examined to ascertain whether they are properly labeled under the requirements and to effect administrative compliance in instances of alleged violation. Inspection likewise covers manufacturers' records. Administrative action to effect correction of infractions through voluntary cooperation is also taken under supervision of the Director in specific cases in which such means of correction are found adequate to effect immediate compliance and protect the public interest. If not so found, the matter may be referred to the Commission for further action. Thereafter, the statutory processes specified in the Federal Trade Commission Act may be ordered by the Commission or it may pursue such other remedial processes as are authorized in the Wool Products Labeling Act. Insofar as applicable, the practice and procedure in cases arising under the Wool Act will be as provided in cases arising under the Federal Trade Commission Act.

§ 7.16 *Trade practice conference proceedings.* (a) Rules for the elimination and prevention of unfair trade practices on an industry-wide basis are established by the Commission under the trade practice conference procedure, the requirements for which are contained in the Commission's published rules of practice. This procedure permits of the organization and utilization of cooperative effort among members of an industry for elevating the standards of business ethics and preventing unfair methods of competition, monopolistic restraint, and other trade abuses that are contrary to the laws administered by the Commission.

(b) The work is carried out by the Commission through the staff of the Office of Trade Practice Conferences and Wool Act Administration, which is under the supervision of a Director who is principal adviser to the Commission in such matters, an Associate Director, and three Assistant Directors.

(c) Proceedings for establishment of such rules for an industry may be instituted on the Commission's own motion or upon application from members of the industry. In pursuance thereof, a survey and study of the competitive problems of the industry is made and the results reported to the Commission with recommendation as to whether an industry conference should be called or other appropriate action taken. Upon direction of the Commission that a conference be held, a public announcement is made as to the time and place and all members of the industry are invited to attend and participate. The conference considers proposed rules submitted by members of the industry and those deemed necessary or desirable. These are studied and analyzed and report thereon is made to the Commission by the Director, together with his recommendations. Thereafter, proposed rules in the form deemed appropriate are released to the members of the industry and the public. Notice of hearing is issued to all interested or affected parties under which they are afforded opportunity to obtain copies of the proposed rules and to submit their suggestions, objections, and views, and also to be heard at a time and place designated in such public notice. All such hearings and trade practice conferences are open to the public and are conducted by a Commissioner or the Director or other designated official of the Office.

(d) After final hearing the entire proceedings, including the hearing record and other information submitted and bearing on the subject, are considered and reported by the Director to the Commission with his recommendations. Thereupon the entire matter receives the consideration of the Commission and all rules approved and accepted by it are promulgated and published in the FEDERAL REGISTER as rules for the industry. Copies of the rules are supplied to members of the industry, together with a form of acceptance by which each member of the industry may record his intention of observing the rules of the conduct of his business. Approved and accepted rules become operative thirty days after promulgation unless otherwise specified.

(e) Administration of the rules and compliance work in respect thereto are likewise handled through this office. Information is gathered from time to time as to operation of the rules and cooperative liaison with the industry is maintained to prevent, in accordance with the purposes of the rules, the inception or growth of unfair trade practices.

§ 7.17 *General economic surveys and reports.* (a) Under section 6 of its organic act, the Federal Trade Commission has broad powers to ascertain the facts with respect to the organization, business, conduct, practices, and management of any corporation subject to its jurisdiction, and the relations of any such corporation to other corporations and to individuals, associations, and partnerships. The Commission has power under this section to require such corporations to file with it annual or special and both annual and special reports or answers in writing to specific questions, furnishing to the Commission such information as it may require respecting the business, conduct, practices, management, etc., of any such corporation and its relation to other business enterprises. These functions of the Commission are performed by its Division of Accounts, Statistics, and Economic Reports.

(b) The administration of this Division is conducted by a Director who is also the Chief Economist, and by a Chief Accountant and Chief Statistician who are Assistant Directors of the Division. The Commission on its own initiative or upon the application of the Attorney General, may direct this Division, whenever a final decree has been entered against any defendant corporation under the Antitrust Acts, to ascertain and report the economic effects of such decree and the manner in which it is being carried out.

(c) The purposes of these general economic surveys are to ascertain and report the facts to the President or to the Congress concerning general economic conditions, the state of competition and the degree of concentration in a given industry, together with suggestions for remedial legislation. Such general economic surveys are made in response to the request of the President, at the direction of the Congress, or upon the initiative of the Commission.

(d) In the past, the economic and business facts developed by the Commission have contributed to the adoption of much remedial legislation, including the Stock Yards Act, the Securities Act, the Exchange Act, the Holding Company Act, the Revised Federal Power Commission Act, the Natural Gas Act, etc. In other cases, certain industries have voluntarily made changes in the conduct of their business following disclosures of uneconomic and harmful competitive trade practices.

(e) This division also furnishes general economic information, including industry-wide costs of production and of distribution and makes special reports to the Commission for submission to the President, the Congress, and to various government departments and agencies. The personnel of the division includes accountants, economists and statisticians, and as a regular part of its work,

members of its staff may be called upon to act as expert witnesses, to advise and consult with the Commission's attorneys, and to prepare accounting, economic, and statistical analyses in connection with legal cases. This is particularly true with respect to basing point and Robinson-Patman cases. The latter cases involve accounting and statistical problems particularly where differences in costs are used as a justification for price differences.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of July 16, 1947, and August 6, 1947, effective on date of publication thereof in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-7525; Filed, Aug. 11, 1947; 8:46 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING [1]

Amendment 1 to the Controlled Housing Rent Regulation. Controlled Housing Rent Regulation (§ 825.1) is amended in the following respects:

1. Section 1, *Definitions and scope of this regulation*, paragraph (12), headed "Ho'el" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service.

2. Section 1 (b) (7) is amended to read as follows:

(7) *Accommodations in hotels, motor courts and tourist homes.* (i) Housing accommodations in a hotel (See definition of hotel in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services; (ii) housing accommodations in motor courts; and (iii) housing accommodations in any tourist home serving transient guests, exclusively: *Provided, however,* That all such housing accommodations except housing accommodations in motor courts referred to in this paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later: *And provided, further,* That if a landlord fails to file said application for decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said application.

3. Section 1 (b) (8) is amended to read as follows:

(8) *Accommodations first offered for rent.* (i) Housing accommodations, the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947, *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (a) occupied such housing accommodations, or (b) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (ii) Housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations: *Provided,* That all housing accommodations referred to in this paragraph (8) shall be subject to this regulation unless the landlord files in the area rent office a report of decontrol on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: and *Provided further,* That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (8) the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

For the purposes of this paragraph (8) the word "conversion" means (1) a change in a structure from a non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

4. Section 2 (c) (8) is amended to read as follows:

(8) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is, or was, rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease, or where such newly constructed housing accommodation was rented and occupied for the first time on or prior to March 25, 1947, fully furnished, under a written lease, and was constructed with a priority rating or under specific authorization by the United States or any agency thereof for which the rent was approved by the United States or any agency thereof and the entire project covered by the single priority application of which the housing accommodation was a part was not completed until after March 25, 1947.

5. The third unnumbered paragraph of section 5 is amended to read as follows:

In all other cases except those under paragraphs (a) (7), (a) (12), (a) (13), (a) (14), (a) (15), (c) (6), and (c) (8) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *Provided, further,* That in cases under sections 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher: *And provided, further,* That in cases under section 5 (i) the adjustment shall be in the amount necessary to correct the error.

6. Section 5 is amended by adding the following subsection:

(i) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947, was established by an order issued under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

This amendment shall become effective this 8th day of August 1947.

Issued this 8th day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7592; Filed, Aug. 8, 1947; 4:45 p. m.]

[1] 12 F.R. 4331.

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING FOR NEW YORK CITY DEFENSE-RENTAL AREA [1]

Amendment 1 to Controlled Housing Rent Regulation for New York City Defense-Rental Area. The Controlled Housing Rent Regulation for New York City Defense-Rental Area (§ 825.2) is amended in the following respects:

1. Section 1 *Definitions and scope of this regulation*, paragraph (12) headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service.

2. Section 1 (b) (7) is amended to read as follows:

(7) *Accommodations in hotels, motor courts and tourist homes.* (i) Housing accommodations in any establishment which is commonly known as a hotel (See definition of hotel in section 1) in the community in which it is located, which are occupied by persons who are provided hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; (ii) housing accommodations in motor courts; and (iii) housing accommodations in any tourist home serving transient guests, exclusively: *Provided, however,* That all such housing accommodations, except housing accommodations in motor courts, referred to in this paragraph shall be subject to this regulation unless the landlord files in the area office an application for decontrol of such accommodations on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later: and *Provided, further,* That if a landlord fails to file said application for decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (8) the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

For the purposes of this paragraph (8) the word "conversion" means (1) a change in a structure from a non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

4. Section 2 (c) (8) is amended to read as follows:

(8) "Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain as a security deposit the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is, or was, rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease, or where such newly constructed housing accommodation was rented and occupied for the first time on or prior to March 25, 1947, fully furnished, under a written lease, and was constructed with a priority rating or under specific authorization by the United States or any agency thereof and the entire project covered by the single priority application of which the housing accommodation was a part was not completed until after March 25, 1947."

5. The 3rd unnumbered paragraph of Section 5 is amended to read as follows:

"In all other cases except those under paragraphs (a) (7), (a) (12), (a) (13), (a) (14), (a) (15), (c) (6), (c) (8) and (c) (9) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *Provided, further,* That in cases under sections 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher, and *Provided, further,* that in cases under Section 5 (i) the adjustment shall be in the amount necessary to correct the error."

6. Section 5 is amended by adding the following subsection:

(i) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947 was established by an order issued under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

This amendment shall be effective August 8, 1947.

Issued this 8th day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7593; Filed, Aug. 8, 1947; 4:45 p. m.]

[1] 12 F. R. 4295.

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING FOR THE MIAMI DEFENSE-RENTAL AREA [1]

Amendment 1 to the Controlled Housing Rent Regulation for the Miami Defense-Rental Area. The Controlled Housing Rent Regulation for the Miami Defense-Rental Area (§ 825.3) is amended in the following respects:

1. Section 1 *Definitions and scope of this regulation*, paragraph (12), headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service.

[1] 12 F. R. 4374.

2. Section 1 (b) (7) is amended to read as follows:

(7) *Accommodations in hotels, motor courts and tourist homes.* (i) Housing accommodations in a hotel (See definition of hotel in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linens, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; (ii) housing accommodations in motor courts; and (iii) housing accommodations in any tourist home serving transient guests, exclusively: *Provided, however,* That all such housing accommodations, except housing accommodations in motor courts, referred to in this paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later: *And provided, further,* That if a landlord fails to file said application for decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said application.

3. Section 1 (b) (8) is amended to read as follows:

(8) *Accommodations first offered for rent.* (i) Housing accommodations, the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947, *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (a) occupied such housing accommodations, or (b) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (ii) housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations: *Provided, however,* That all housing accommodations referred to in this paragraph (8) shall be subject to this regulation unless the landlord files in the area rent office a report of decontrol on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided further,* That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (8) the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

For the purposes of this paragraph (8) the word "conversion" means (1) a change in a structure from a non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

4. Section 2 (c) (7) is amended to read as follows:

(7) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is, or was, rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease, or where such newly constructed housing accommodation was rented and occupied for the first time on or prior to March 25, 1947, fully furnished, under a written lease, and was constructed with a priority rating or under specific authorization by the United States or any agency thereof for which the rent was approved by the United States or any agency thereof and the entire project covered by the single priority application of which the housing accommodation was a part was not completed until after March 25, 1947.

5. Section 5 is amended by adding the following paragraph to the unnumbered paragraphs:

In cases under paragraph (j) of this section the adjustment shall be in the amount necessary to correct the error.

6. Section 5 is amended by adding the following subsection:

(j) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947 was established by an order issued under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

This amendment shall become effective August 8, 1947.

Issued this 8th day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7595; Filed, Aug. 8, 1947; 4:45 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING FOR ATLANTIC COUNTY DEFENSE-RENTAL AREA [1]

Amendment 1 to the Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area. The Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area (§ 825.4) is amended in the following respects:

1. Section 1 *Definitions and scope of this regulation*, paragraph (12), headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service.

2. Section 1 (b) (7) is amended to read as follows:

(7) *Accommodations in hotels, motor courts, and tourist homes.* (i) Housing accommodations in a hotel (see definition of hotel in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; (ii) housing accommodations in motor courts; and (iii) housing accommodations in any tourist home serving transient guests, exclusively: *Provided, however,* That all such housing accommodations, except housing accommodations in motor courts, referred to in this paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later: *And provided further,* That if a landlord fails to file said application for decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said application.

3. Section 1 (b) (8) is amended to read as follows:

(8) *Accommodations first offered for rent.* (i) Housing accommodations, the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947, *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (a) occupied such housing accommodations, or (b) had a right

[1] 12 F. R. 4381.

to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (ii) Housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations: *Provided, however,* That all housing accommodations referred to in this paragraph (8) shall be subject to this regulation unless the landlord files in the area rent office a report of decontrol on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: and *Provided further,* That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (8) the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

For the purposes of this paragraph (8) the word "conversion" means (1) a change in a structure from a non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

4. Section 2 (c) (8) is amended to read as follows:

(8) Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is, or was, rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease, or where such newly constructed housing accommodation was rented and occupied for the first time on or prior to March 25, 1947, fully furnished, under a written lease, and was constructed with a priority rating or under specific authorization by the United States or any agency thereof for which the rent was approved by the United States or any agency thereof and the entire project covered by the single priority application of which the housing accommodation was a part was not completed until after March 25, 1947.

5. The third unnumbered paragraph of section 5 is amended to read as follows:

In all other cases except those under paragraphs (a) (7), (a) (12), (a) (13), (a) (14), (a) (15), (c) (6) and (c) (8) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *Provided further,* That in cases under section 5 (a) (3) and 5 (c) (3) involving an increase or decrease in living space the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher: *Provided further,* That in cases under section 5 (i) the adjustment shall be in the amount necessary to correct the error.

6. Section 5 is amended by adding the following subsection (i):

(i) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947, was established by an order issued under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

This amendment shall be effective as of August 8, 1947.

Issued this 8th day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7594; Filed, Aug. 8, 1947; 4:45 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS [1]

Amendment 1 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respects:

1. In section 1 the fourteenth unnumbered paragraph, headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service.

[1] 12 F. R. 4302.

2. Section 1 (b) (8) is amended to read as follows:

(8) *Rooms in hotels, motor courts, tourist homes, and other establishments.* (i) Rooms in a "hotel" (See definition of "hotel" in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures and bellboy service; (ii) rooms in any motor court; (iii) rooms in any tourist home serving transient guests, exclusively; (iv) rooms in other establishments (See definition of "other establishments" in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services: *Provided, however,* That all such rooms, except rooms in motor courts, referred to in this paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such rooms on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided, further,* That if a landlord fails to file said application for decontrol within the applicable specified period, such rooms shall be and remain subject to the provisions of this regulation until the date on which he files said application.

3. Section 1 (b) (9) is amended to read as follows:

(9) *Newly constructed rooms or converted rooms.* (i) Rooms, the construction of which was completed on or after February 1, 1947, or which are additional accommodations created by conversion on or after February 1, 1947, *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (a) occupied such housing accommodations, or (b) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; or (ii) rooms which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented either as individual rooms or as part of a larger housing accommodations (other than to members of the immediate family of the occupant): *Provided, however,* That all such rooms referred to in this paragraph (9) shall be subject to this regulation unless the landlord files in the area rent office a report of decontrol on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided, further,* That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the pro-

visions of this regulation until the date on which he files said report.

For the purposes of this paragraph (9) the time at which construction of a room shall be deemed to be "completed" shall be the date on which the room is first suitable for occupancy.

For the purposes of this paragraph (9), the word "conversion" means (1) a change from non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

4. The third unnumbered paragraph of section 5 is amended by changing the period to a colon at the end of the paragraph and then adding the following: "*Provided, further,* That in cases under section 5 (g) the adjustment shall be in the amount necessary to correct the error."

5. The first paragraph of section 5 (a) (9) is amended to read as follows:

(9) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

6. The third unnumbered paragraph of section 5 (a) (9) is amended by adding the following subparagraph (vi):

(vi) "Prior representative period" means any period of two consecutive years prior to the "current year" but not beginning before January 1, 1939, which the Expediter finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Expediter in his discretion may for the purposes of this section acccept a representative period of not less than one year.

7. Section 5 is amended by adding the following paragraph (g):

(g) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947, was established by an order issued under the rent regulations promulgated pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

This amendment shall be effective this 8th day of August 1947.

Issued this 8th day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7598; Filed, Aug. 8, 1947; 4:46 p. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN NEW YORK CITY DEFENSE-RENTAL AREA [1]

Amendment 1 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area (§ 825.6) is amended in the following respects:

1. In section 1 the fourteenth unnumbered paragraph, headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services, including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service.

2. Section 1 (b) (8) is amended to read as follows:

(8) *Rooms in hotels, motor courts, tourist homes, and other establishments.* (i) Rooms in a "hotel" (See definition of "hotel" in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures and bellboy service; (ii) Rooms in any motor court; (iii) Rooms in any tourist home serving transient guests, exclusively; (iv) Rooms in other establishments (See definition "other establishments" in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services: *Provided, however,* That all such rooms except rooms in motor courts referred to in this paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such rooms on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided further,* That if a landlord fails to file said application for decontrol within the applicable specified period, such rooms shall be and remain subject to the provisions of this regulation until the date on which he files said application.

3. Section 1 (b) (9) is amended to read as follows:

(9) *Newly Constructed rooms or converted rooms.* (i) Rooms, the construction of which was completed on or after February 1, 1947, or which are additional accommodations created by conversion on or after February 1, 1947, *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (a) occupied such housing accommodations, or (b) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; or (ii) rooms which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented either as individual rooms or as part of a larger housing accommodation (other than to members of the immediate family of the occupant): *Provided, however,* That all such rooms referred to in this paragraph (9) shall be subject to this regulation unless the landlord files in the area rent office a report of decontrol on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided, further,* That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (9) the time at which construction of a room shall be deemed to be "completed" shall be the date on which the room is first suitable for occupancy.

For the purpose of this paragraph (9), the word "conversion" means (1) a change from non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

4. Section 5, the third unnumbered paragraph, is amended by changing the period to a colon at the end of the paragraph and then adding the following: *Provided, further,* That in cases under section 5 (g) the adjustment shall be in the amount necessary to correct the error.

5. Section 5 (a) (9), first paragraph, is amended to read as follows:

(9) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

6. Section 5 (a) (9), the third unnumbered paragraph, is amended by adding the following subparagraph (vi):

(vi) "Prior representative period" means any period of two consecutive years prior to the "current year" but not beginning before January 1, 1939 which the Expediter finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Expediter in his discretion may for the purposes of this section accept a representative period of not less than one year.

7. Section 5 is amended by adding the following paragraph (g):

(g) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947 was established by an order issued under the rent regulations promulgated pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

This amendment shall be effective August 8, 1947.

Issued this 8th day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7596; Filed, Aug 8, 1947; 4:45 p m]

[1] 12 F. R. 4318.

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN MIAMI DEFENSE-RENTAL AREA [1]

Amendment 1 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area (§ 825.7) is amended in the following respects:

1. In section 1, the 14th unnumbered paragraph, headed "Hotel" is amended to read as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service.

2. Section 1 (b) (8) is amended to read as follows:

(8) *Rooms in hotels, motor courts, tourist homes, and other establishments.* (i) Rooms in a "hotel" (See definition of "hotel" in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures and bellboy service; (ii) Rooms in any motor court; (iii) Rooms in any tourist home serving transient guests, exclusively; (iv) Rooms in other establishments (See definition "other establishments" in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services; *Provided, however,* That all such rooms, except rooms in motor courts, referred to in this paragraph shall be subject to this regulation unless the landlord files in the area rent office an application for decontrol of such rooms on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later: *And provided, further,* That if a landlord fails to file said application for decontrol within the applicable specified period, such rooms shall be and remain subject to the provisions of this regulation until the date on which he files said application.

3. Section 1 (b) (9) is amended to read as follows:

(9) *Newly constructed rooms or converted rooms.* (i) Rooms, the construction of which was completed on or after February 1, 1947, or which are additional accommodations created by conversion on or after February 1, 1947, *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (a) occupied such housing accommodations, or (b) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; or (ii) rooms which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented either as individual rooms or as part of a larger housing accommodation (other than to members of the immediate family of the occupant): *Provided, however,* That all such rooms referred to in this paragraph (9) shall be subject to this regulation unless the landlord files in the area rent office a report of decontrol on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later; and *Provided further,* That if a landlord fails to file said report of decontrol within the applicable specified period, such housing accommodations shall be and remain subject to the provisions of this regulation until the date on which he files said report.

For the purposes of this paragraph (9) the time at which construction of a room shall be deemed to be "completed" shall be the date on which the room is first suitable for occupancy.

For the purposes of this paragraph (9), the word "conversion" means (1) a change from non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

4. Section 5, the third unnumbered paragraph, is amended by changing the period to a colon at the end of the paragraph and then adding the following: *"Provided, further,* That in cases under section 5 (g) the adjustment shall be in the amount necessary to correct the error."

5. Section 5 (a) (9), first paragraph, is amended to read as follows:

(9) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

6. Section 5 (a) (9), the third unnumbered paragraph, is amended by adding the following subparagraph (vi):

(vi) "Prior representative period" means any period of two consecutive years prior to the "current year" but not beginning before January 1, 1939 which the Expediter finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Expediter in his discretion may for the purposes of this section accept a representative period of not less than one year.

7. Section 5 is amended by adding the following paragraph (g):

(g) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947 was established by an order issued under the rent regulations promulgated pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

This amendment shall be effective August 8, 1947.

Issued this 8th day of August 1947

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7597; Filed, Aug. 8, 1947; 4:45 p. m.]

[1] 12 F. R. 4325.

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 7—PROCEDURE: OFFICE FOR THE REGISTRATION OF LABOR ORGANIZATIONS

FORM FOR FILING REPORTS

Pursuant to the authority vested in the Secretary of Labor by sections 9 (f) and (g) of the Labor-Management Relations Act, 1947 (Public 101, Ch. 120, 80th Cong., 1st sess.) this subtitle is amended by adding Part 7 and § 7.1 as follows:

§ 7.1 *Form to be used in filing reports.* The form, entitled "Labor Organization Registration Form [1]" is hereby prescribed as the form for filing of organizational and financial reports by labor organizations with the Office for the Registration of Labor Organizations, United States Department of Labor, Washington 25, D. C., under sections 9 (f), and 9 (g) of the Labor-Management Relations Act, 1947. (Secs. 9 (f), 9 (g), Pub. Law 101, 80th Cong.)

Signed at Washington, D. C., this 5th day of August 1947.

L. B. SCHWELLENBACH,
Secretary of Labor.

Budget Bureau No. 44–R700
Approval expires July 1, 1949

LABOR ORGANIZATION REGISTRATION FORM

(PUBLIC LAW 101—80TH CONGRESS)

To: Office for the Registration of Labor Organizations, United States Department of Labor Washington 25, D. C.

Sections 9 (f) and (g) of the Labor-Management Relations Act, 1947 (Public Law No. 101, 80th Congress, 1st sess.) require that the following information be filed and kept up to date annually with the Secretary of Labor before the National Labor Relations Board may investigate any representation question raised by the labor organization, or entertain any petition for a union-shop election, or issue any complaint pursuant to an unfair practice charge filed by a labor organization. This report must be filed not only by any labor organization desiring to raise any such question before the Board but also by any national or international labor organization of which such labor organization is an affiliate or constituent part.

1. Full name of organization: ----------

(Name) (Local number, if any)
2. Principal business address: ----------
---
3. Name and address of parent national or international union: ----------
---------- (If none, check ( ))
4. (a) List the names, titles, and compensation and allowances of your three (3) principal officers and indicate the manner in which they are elected or appointed or otherwise selected. Show compensation and allowances for the preceding fiscal year in each case.

Name and title	Compensation and allowances	Manner in which selected
(1)		
(2)		
(3)		

4. (b) Attach a list showing the names, titles, and compensation and allowances of all other officers or agents whose aggregate compensation and allowances for the preceding fiscal year exceeded $5,000 and indicate the manner in which such officials or agents were elected, appointed, or otherwise selected. Show compensation and allowances for the preceding fiscal year in each case.
5. The initiation fee or fees which new members are required to pay to join the union is $----.* (See footnote)
6. The regular dues or fees which members must pay to remain in good standing are: $---- per ----------.* (See footnote)
(Month, year, etc.)
7. *A copy of the constitution and by-laws of your organization is required to accompany this registration form.* Please indicate which paragraphs or sections of your constitution and by-laws show the procedure followed with respect to the items listed below: If your constitution does not cover each of the items specified, a detailed statement explaining the procedure followed by your organization with respect to the items not covered should be attached to this reply form and marked with the corresponding item numbers.
(a) Qualifications for or restrictions on membership----------
(b) Election of officers and stewards----------
(c) Calling of regular and special meetings----------
(d) Levying of assessments----------
(e) Imposition of fines----------
(f) Authorization for bargaining demands----------
(g) Ratification of contract terms----------
(h) Authorization for strikes----------
(i) Authorization for disbursement of union funds----------
(j) Audit of union financial transactions----------
(k) Participation in insurance or other benefit plans----------
(l) Expulsion of members and the grounds therefor ----------
8. Submit with this registration a report showing (a) the beginning and closing dates of your fiscal year; (b) all of your receipts of any kind and the sources of such receipts for the fiscal year; (c) your total assets and liabilities as of the end of your last fiscal year; and (d) your disbursements made during such fiscal year, including the purposes for which made. The annual financial report prepared by most unions may be used for this purpose as long as such report contains the above information.

I, a duly authorized official of the above named union, certify that the information submitted herewith is true to the best of my knowledge and belief.

(Date)

(Signature)

(Official position)

[SEAL]

Office for the Registration of Labor Organizations, United States Department of Labor

Received by---------- ----------
(Signature) (Date)

[F. R. Doc. 47-7472; Filed, Aug. 8, 1947; 8:45 a. m.]

[1] Forms may be obtained at Office for the Registration of Labor Organizations at Department of Labor.

* (In case of a national or international union, specify any regulation regarding fees or dues.)

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 1—OFFICE OF THE SECRETARY, AND BUREAUS, DIVISIONS, AND OFFICES PERFORMING CHIEFLY STAFF AND SERVICE FUNCTIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (c) of § 1.3 is amended to read as follows:

§ 1.3 *Assistant Secretaries.* • • •

(c) The office of the second Assistant Secretary is at the present vacant.

2. Section 1.7 is amended to read as follows:

§ 1.7 *Special Assistants to the Secretary.* By Treasury Department Order No. 88, July 10, 1947, a Special Assistant to the Secretary, reporting directly to the Secretary, shall perform such functions and duties as may be assigned from time to time.

3. Section 1.12 is amended to read as follows:

§ 1.12 *Office of International Finance.* (a) The Office of International Finance was established by Treasury Department Order No. 86, July 10, 1947, which abolished the Division of Monetary Research and transferred to the Office of International Finance Foreign Funds Control and the functions, duties, and personnel of the Division of Monetary Research. The Office is headed by a Director, who is appointed by and reports directly to the Secretary. There are three Assistant Directors, one of whom serves as Director of Foreign Funds Control. For description of the organization and functions of Foreign Funds Control, see Part 138 of this title.

(b) The Director, Office of International Finance, is responsible for advising and assisting the Secretary of the Treasury in the formulation and execution of policies and programs relating to the responsibilities of the Treasury Department in the international financial and monetary field, including the policies and programs arising in connection with the following:

(1) The Bretton Woods Agreements Act, the National Advisory Council on International Monetary and Financial Problems, the International Monetary Fund, the International Bank for Reconstruction and Development and all other matters related to foreign lending, financial, monetary, or exchange activities;

(2) The Anglo-American Financial Agreement and other international loans and financial assistance programs of this Government;

(3) The administration of Foreign Funds Control pursuant to sections 3 and 5 (b) of the Trading with the Enemy Act, as amended, and any proclamations, orders, regulations, or rulings that have been or may be issued thereunder;

(4) Administration and operation of the United States Exchange Stabilization Fund;

(5) Statutes and regulations relating to gold, silver, exchange rates, exchange stabilization operations and agreements, acquisition and disposition of foreign currencies, international capital movements, monetary policy, the position of the dollar in relation to foreign currencies, and international trade and commercial policy, including trade agreements, anti-dumping measures, and countervailing duties;

(6) The financial aspects of international treaties, agreements, organizations, or operations in which the United States Government participates;

(7) Foreign areas controlled or administered by the United States Government;

(8) Obtaining current information concerning the financial position and exchange and other controls of foreign countries and developments in their financial and economic life having a bearing upon the United States financial or monetary policy, and preparing analyses and recommendations based thereon;

(9) Conducting negotiations with foreign governments with respect to the foregoing responsibilities;

(10) Maintaining such Treasury representatives abroad as may be required to assist in discharging the foregoing responsibilities, and directing and coordinating their activities.

4. Paragraph (c) of § 1.14 is amended by substituting for the words "Divisions of Monetary Research and Tax Research" the words "Office of International Finance and the Division of Tax Research".

5. Paragraph (a) (5) of § 1.25 (12 F. R. 772) is amended to read as follows:

§ 1.25 *Delegations of authority.* (a) • • •

(5) To the Director, Office of International Finance, by Treasury Department Orders Nos. 86 and 87, dated July 10, 1947, the supervision of Foreign Funds Control.

6. Paragraph (a) of § 1.26 is amended by substituting for the words "Division of Monetary Research" in the third sentence the words "Office of International Finance (other than Foreign Funds Control)".

7. Paragraph (c) of § 1.26 is amended by substituting for the words "Division of Monetary Research" the words "Office of International Finance (other than Foreign Funds Control, which is treated separately in Part 138 of this title)".

(R. S. 161; 5 U. S. C. 22)

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7528; Filed, Aug. 11, 1947; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Office of Selective Service Records

[Amdt. 3]

PART 602—DEFINITIONS

REGISTRANT'S FILE

Pursuant to authority contained in Public Law 26, 80th Congress, approved March 31, 1947, the Office of Selective Service Records Regulations, First Edition, are hereby amended in the following respect:

Add § 602.9 to read as follows:

§ 602.9 *Registrant's file.* A registrant's file will be construed to include (a) his Registration Card (DSS Form 1), (b) his Cover Sheet (DSS Form 53), and contents, and (c) any and all information relating to the individual which is contained in the files of the Records Depot. (Pub. Law 26, 80th Congress)

The foregoing amendment to the Office of Selective Service Records Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 6, 1947.

[F. R. Doc. 47-7522; Filed, Aug. 11, 1947; 8:46 a. m.]

[Amdt. 2]

PART 606—GENERAL ADMINISTRATION

CONFIDENTIAL RECORDS AND INFORMATION

Pursuant to authority contained in Public Law 26, 80th Congress, approved March 31, 1947, the Office of Selective Service Records Regulations, First Edition, are hereby amended in the following respect:

1. Amend § 606.4 to read as follows:

§ 606.4 *What records confidential.* Except as in these regulations provided, and in Operations Orders issued pursuant thereto, all records in Federal Record Depots of the Office of Selective Service Records shall be confidential.

2. Amend § 606.5 by designating the existing text as paragraph (a) and by adding paragraph (b), as follows:

§ 606.5 *Information not confidential as to persons.* (a) • • •

(b) Information in documents not contained in registrants' files may be disclosed or furnished to, or examined by persons having specific written authority from the Director, but only when and to the extent of such specific authority.

(Pub. Law 26, 80th Cong.)

The foregoing amendment to the Office of Selective Service Records Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 6, 1947.

[F. R. Doc. 47-7521; Filed, Aug. 11, 1947; 8:46 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 347]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The following commodities are hereby deleted from the list of commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Steel mill products:
604800	Metal lath (expanded metal).
	Chemical specialties:
823900	Chromium tanning mixtures.
	Industrial chemicals:
835900	Superphosphates.
	Fertilizers and fertilizer materials:
	Phosphatic fertilizer materials:
851901	Normal (standard) superphosphate, containing not more than 25 percent available phosphoric acid (P_2O_5).
851909	Concentrated superphosphate, containing more than 25 percent available phosphoric acid (P_2O_5).

2. By adding a qualifying footnote reference meaning "Requires a validated license for export to all areas except the Philippine Islands and all countries in North and South America as listed in Schedule C of the Bureau of the Census, U. S. Department of Commerce" with respect to the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Industrial chemicals:
835800	Potassium hydroxide or caustic potash.
835900	Potassium carbonate and mixtures.
835900	Potassium nitrate.
835900	Potassium nitrate mixtures except potassium nitrate powders (black saltpeter powder).
835900	Potassium chlorate and mixtures.
835900	Potassium perchlorate and mixtures.
835900	Potassium sulfate, technical grade.
835900	Potassium chloride, technical grade.
	Fertilizers and fertilizer materials:
	Potassic fertilizer materials:
853000	Potassium chloride.
853100	Potassium sulfate.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong.; 50 U. S. C. App. & Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: July 30, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47-7504; Filed, Aug. 11, 1947; 8:55 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 9—EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

NEVADA

CROSS REFERENCE: For revocation of Public Land Order 266 withdrawing public lands for the use of the Navy Department as a target range, which is noted in the tabulation in § 9.6, see Public Land Order 391 in Title 43, *infra.*

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 387]

NEW MEXICO

REVOKING PUBLIC LAND ORDER NO. 9 OF JULY 3, 1942, WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS PRACTICE BOMBING RANGES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 9 of July 3, 1942, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing the hereinafter-described public lands for the use of the War Department as practice bombing ranges is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 9 shall cease

upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 3, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 3, 1947, to January 2, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 13, 1947, to October 3, 1947, inclusive, such veterans and persons claiming preference right superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 3, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 3, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 15, 1947, to January 3, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 3, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Las Cruces, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 4 S., R. 21 E.,
Sec. 26;
T. 15 S., R. 22 E.,
Sec. 25;
T. 4 S., R. 23 E.,
Sec. 33;
T. 7 S., R. 24 E.,
Sec. 19, lots 7 and 12;
T. 16 S., R. 24 E.,
Sec. 26;
T. 6 S., R. 25 E.,
Sec. 9, SE¼;
Sec. 10, SW¼;
Sec. 15, NW¼;
T. 9 S., R. 27 E.,
Sec. 11;
T. 10 S., R. 30 E.,
Secs. 5 and 8;
T. 8 S., R. 31 E.,
Sec. 8, E½;
Sec. 9, W½.

containing 5,680.70 acres.

Portions of the lands are subject to the Executive Order of March 11, 1926 (Potash Reserve No. 6, New Mexico No. 1), withdrawing lands for classification and in aid of legislation.

The lands are, in general, arid and level to rolling in topography having a sandy to clay loam soil with gravel and rock.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 1, 1947.

[F. R. Doc. 47-7507; Filed, Aug. 11, 1947; 8:55 a. m.]

[Public Land Order 388]

CALIFORNIA

REVOKING EXECUTIVE ORDER NO. 8865 OF AUGUST 21, 1941, WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR COMBAT FIRING RANGES AND MANEUVER PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 8865 of August 21, 1941, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing public lands for the use of the War Department for combat firing ranges and maneuver purposes, which was revoked in part by Public Land Order No. 287 of July 6, 1945, is hereby revoked as to the remaining lands.

The jurisdiction over and use of the lands granted to the War Department by Executive Order No. 8865 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 3, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 3, 1947, to January 2, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 13, 1947, to October 3, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 3, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 3, 1948, any of the lands remaining unappropriate shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 15, 1947, to January 3, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 3, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Los Angeles, California.

The lands affected by this order are described as follows:

The public lands in the following-described areas:

SAN BERNARDINO MERIDIAN

T. 16 S., R. 10 E.,
Secs. 26 and 26.
T. 16½ S., R. 10 E.,
Secs. 1 and 2.
T. 16 S., R. 11 E.,
Sec. 27, W½;
Secs. 28 to 34, inclusive;
Sec. 35, W½.
T. 16½ S., R. 11 E.,
Secs. 1 to 6, inclusive.
T. 17 S., R. 11 E.,
Secs. 1 to 6, inclusive.
T. 14 S., R. 12 E.,
Secs. 15, 17, 22, 27, 32, 33, and 34.
T. 15 S., R. 12 E.,
Secs. 3, 4, and 5.

The areas described, including both public and nonpublic lands, aggregate 22,694.99 acres.

The lands in T. 16 S., R. 10 E., Tps. 16½ and 17 S., R. 11 E., and Tps. 14 and 15 S., R. 12 E., are subject to the orders of the Secretary of the Interior of October 12 and 19, 1920, withdrawing certain lands for reclamation purposes.

The remaining public lands are desert in character, ranging from level to broken and rolling in topography, and having soil of sand and gravel.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 1, 1947.

[F. R. Doc. 47-7508; Filed, Aug. 11, 1947; 8:55 a. m.]

[Public Land Order 389]

NEW MEXICO

REVOKING PUBLIC LAND ORDER NO. 21 OF AUGUST 6, 1942, WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A PRACTICE BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 21 of August 6, 1942, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing the hereinafter-described public lands for the use of the War Department as a practice bombing range is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 21 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 3, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 3, 1947, to January 2, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 13, 1947, to October 3, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 3, 1947, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 3, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 15, 1947, to January 3, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 3, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Las Cruces, New Mexico.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 23 E.,
Sec. 27, S½;
Sec. 34, N½.

The area described aggregates 640 acres.

Available information indicates that the above-described lands are traversed by several large draws and have a rolling to rough surface.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 1, 1947.

[F. R. Doc. 47-7509; Filed, Aug. 11, 1947; 8:55 a. m.]

[Public Land Order 390]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF ALASKA ROAD COMMISSION AS ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral-leasing laws, and reserved for the use of the Alaska Road Commission as an administrative site:

SEWARD MERIDIAN

T. 5 N., R. 10 W.,
Sec. 32, lot 2.

The area described contains 15.62 acres. Executive Order No. 8979 of December 16, 1941, establishing the Kenai National Moose Range, is hereby revoked so far as it affects the above-described land.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 4, 1947.

[F. R. Doc. 47-7510; Filed, Aug. 11, 1947; 8:55 a. m.]

[Public Land Order 391]

NEVADA

REVOKING PUBLIC LAND ORDER NO. 266, OF MARCH 16, 1945, WITHDRAWING PUBLIC LANDS FOR USE OF THE NAVY DEPARTMENT AS TARGET RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 266 of March 16, 1945, withdrawing the hereinafter-described public lands for the use of the Navy Department as a target range, is hereby revoked.

The jurisdiction over and use of such lands granted to the Navy Department by Public Land Order No. 266 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 6, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 6, 1947, to January 5, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 17, 1947, to October 6, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 6, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 6, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 18, 1947, to January 6, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 6, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Carson City, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulation are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Carson City, Nevada.

The lands affected by this order are described as follows:

MOUNT DIABLO MERIDIAN

T. 16 N., R. 33 E.,
Sec. 2, SW¼ and W½SE¼;
Sec. 3, S½;
Sec. 4, S½SW¼ and SE¼;
Sec. 5, E½SW¼SE¼ and SE¼SE¼;
Sec. 8, NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 9 and 10;
Sec. 11, W½NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 14, NW¼NE¼, NW¼, and W½SW¼;
Secs. 15, 16, and 17;
Sec. 20, N½N½;
Sec. 21, N½N½;
Sec. 22, N½N½;
Sec. 23, NW¼NW¼.

The areas described aggregate 5,880 acres.

The lands are fairly level desert lands located in Fairview Valley, Churchill County, Nevada.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 4, 1947.

[F. R. Doc. 47-7512; Filed, Aug. 11, 1947; 8:55 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[No. 29670]

PART 95—CAR SERVICE

INCREASED PER DIEM CHARGE ON FREIGHT CARS

Upon investigation, found that effective October 1, 1947, and for a period of six months thereafter, a per diem charge of $2.00 to be paid to the owner for the use of each car (except tank and refrigerator cars), will promote greater efficiency in the use and increase the supply of cars, and that such increased charge will be reasonable.

Report of the Commission. This proceeding, instituted by an order dated December 18, 1946, is an investigation, upon our own motion, to determine whether the establishment of a rate of $2 per day, or other increased rate, to be paid to the owner for the use of each car, during periods of car shortages (except tank and refrigerator cars) by any common carrier would promote greater efficiency in the use and increase the supply of cars; with the view of making findings and the entry of an order or orders, under the authority of the Interstate Commerce Act, particularly paragraph (10), (11), (13), and (14) of section 1 thereof, requiring the establishment of an increased basis and rate of compensation for car-hire during periods of car shortages if it be found that it will promote greater efficiency in the use and increase the supply of cars. All common carriers by railroad subject to the act and all other persons owning or leasing freight cars (except tank and refrigerator cars) to any such carrier were made respondents, and a copy of the order of investigation was served upon the Association of American Railroads, Car Service Division, hereinafter referred to as the Association, as well as upon the carriers. A proposed report was issued and exceptions were orally argued. Our findings differ from those proposed by the examiner.

Evidence was presented by the Director of our Bureau of Service and six service agents; by the Deputy Director of the Office of Defense Transportation; by the Chairman and Vice Chairman of the Car Service Division, in behalf of the Association and rail carrier members of the Association, and by 4 employees of the Association; by the Vice Presidents in charge of Operation, The Pennsylvania Railroad Company, hereinafter called the Pennsylvania, and Union Pacific Railroad Company; by the General Merchandise Manager, The New York, New Haven and Hartford Railroad Company, hereinafter called the New Haven; by the General Superintendent of Transportation, Seaboard Air Line Railway Company; by the President of the American Short Line Railroad Association; and by the Chief of the Transportation Facilities Division, Marketing Facilities Branch, Production and Marketing Administration, United States Department of Agriculture.

Counsel for the Association moved to dismiss the proceeding for lack of jurisdiction upon the ground that the Interstate Commerce Act does not authorize the Commission to prescribe a per diem charge which contains any element of penalty. Section 1 (14) (a) of the Interstate Commerce Act reads as follows:

> The Commission may, after hearing, on a complaint or upon its own initiative without complaint, establish reasonable rules, regulations, and practices with respect to car service by common carriers by railroad subject to this part, including the compensation to be paid and other terms of any contract, agreement, or arrangement for the use of any locomotive, car, or other vehicle not owned by the carrier using it (and whether or not owned by another carrier), and the penalties or other sanctions for nonobservance of such rules, regulations, or practices.

The Association emphasizes the word "compensation" and argues that the Commission's authority is limited to the terms of compensation for the use of cars and does not embrace a per diem charge which has any element of penalty. The compensation to be paid is merely incidental to and a part of the reasonble

rules, regulations, and practices with respect to car service which the Commission is authorized to prescribe, and the statute expressly provides for penalties and sanctions for nonobservance of these rules. Furthermore in determing reasonable "compensation" we may consider loss of profits, as well as the cost of ownership.

In Chicago, R. I. & P. Ry. Co. v. United States, 284 U. S. 80, the Supreme Court sustained our order in rules for car-hire settlement, 160 I. C. C. 309, 165 I. C. C. 495, except as to paragraph 5 of the order. Justice Stone in a dissenting opinion (concurred in by Justices Holmes and Brandeis) made the following statement: (pages 108–9)

> The very language of the Esch Car Service Act, authorizing the Commission to establish "rules, regulations and practices with respect to car service * * * including the compensation to be paid," treats car-hire as one form of regulation of the service. It is but a recognition of the historic fact that the car-hire charge may serve to penalize the unnecessary detention of cars and thus to regulate car movement, one of the considerations which led to the substitution of the per diem charge for the mileage system of car-hire payments. In this respect it is analogous to demurrage, in which the penalty element of the money payment imposed is emphasized over the element of compensation. It is for this reason, among others, that the Commission has generally refused to consider car-hire costs in fixing divisions, and in this case the Commission found that divisions had not customarily been adjusted with relation to such costs.
>
> That the per diem charge in its aspect as a penalty was an important element in the determination of the Commission, appears from its opinion and order. As the two days' free time allowance applies only to those cars which the short line receives from and returned to the line carrier, it is in practical effect limited to those cars with respect to which the short line renders terminal and originating services. Under the national demurrage rules, the terminal lines are compelled to allow to shippers two days' free time for loading and unloading before demurrage attaches. There is nothing in the Fifth Amendment to preclude the Commission, in apportioning car-hire costs, from giving consideration to the operation of the per diem charge as a penalty for the detention of cars and from making some allowance for the fact that the terminal carrier is in turn required to allow to shippers time free of demurrage charges.

We believe the statute contemplates that a per diem charge for the use of freight cars may be used as an instrument of regulation to control the prompt movement and return of cars. Furthermore in times of car shortage reasonable compensation for the use of a car may be greater than in periods of car surplusage. The motion to dismiss is overruled.

Responsive to a circular issued by the Director of our Bureau of Service, dated April 14, 1947, investigations with respect to car delays were made by our service agents at numerous representative points throughout the country up to approximately May 12, 1947. As the result of those investigations, 259 reports were prepared and forwarded to the Bureau of Service. Data compiled from those reports were utilized in the preparation of an exhibit which was received in evidence. The exhibit indicates that cars have been delayed by the carriers for various reasons for periods ranging from 1 to 224 car-days. Representatives of the Association examined about 80 percent of the report and criticised 54 of those examined. Their testimony showed circumstances indicating that some of the delays reported were unavoidable. However, many of the delays reported could not be explained. The 54 reports criticised constitute only about 20.8 percent of the 259 reports comprising the exhibit. The exhibit does not purport to cover all the cars that were in terminals at the time checks were made. Our service agents investigate car delays in the ordinary course of their duties. The delays indicated in these special reports are similar in character to those found by our service agents to exist during 1946 and 1947.

Examples of delays shown by the exhibit are as follows: At Boston, Mass., 81 cars were delayed by the New Haven in placing, 14 awaiting movement, 35 in interchange, 30 held loaded with company material, and 35 held for light repairs, the delays ranging from 1 to 19 days. At Weehawken, N. J., 137 cars were delayed by The New York Central Railroad Company from 2 to 33 days awaiting movement. That carrier also held for placing at Buffalo, N. Y., 179 cars from 3 to 12 days. At Chicago, Ill., the Pennsylvania delayed 193 cars in placing, 22 cars in pulling, 32 other delays, and 2 cars for prospective loading. The delays ranged from 3 to 16 days. The Norfolk & Western Railway Company held 28 cars for prospective loading at Hopewell, Va., from 3 to 12 days. At Birmingham, Ala., the Atlantic Coast Line Railroad Company delayed 27 cars in placement, 23 cars in pulling, 70 cars in interchange, and 31 cars were held loaded with company material. These delays ranged from 1 to 9 days. At Orland Park, Ill., 9 cars loaded with company material were held by the Wabash Railway Company from 7 to 17 days. At Decatur, Ill., the Wabash delayed from 2 to 15 days 48 cars in placement, 6 cars in pulling, 7 cars awaiting weighing, and 27 cars loaded with company material. At Fort Worth, Tex., the Texas and New Orleans Railroad Company delayed the interchange of 22 cars from 1 to 9 days. At Spokane, Wash., the Northern Pacific Railway Company held 20 cars for prospective loading and 5 cars loaded with company material from 2 to 10 days. At St. Paul, Minn., The Minnesota Transfer Railway Company delayed from 3 to 7 days 22 cars in placement and 20 cars for prospective loading. At Reith, Oreg., the Union Pacific held 24 cars loaded with company material from 6 to 27 days. At Midland, Calif., The Atchison, Topeka and Santa Fe Railway Company, hereinafter called The Santa Fe, held 68 cars for prospective loading from 3 to 7 days. At Denver, Colo., that carrier held from 1 to 8 days 25 cars for placement, 28 cars for pulling, 22 cars awaiting movement 10 cars for interchange, and 3 cars for prospective loading. At Los Angeles, Calif., the Southern Pacific Company delayed from 2 to 12 days 282 cars for placement and 166 cars for pulling.

Investigation was made in the Detroit, Mich., area with respect to the waiving of per diem on cars used for the transportation of automobiles and automobile parts which disclosed that for the period from July 1 to December 31, 1946, the Pere Marquette Railway Company held per diem free, under the provisions of Car Service Division Circular 163–B, 2,807 cars for a total of 35,567 car-days. During January and February 1947, that carrier held for the same reason 3,626 cars for a total of 45,544 days.

In the Detroit area, representative loading of automobile cars and the number of cars on hand held per diem free during the first 15 days of April 1947 are as follows: April 1, 417 cars were loaded and 1,411 cars were on hand; April 2, 456 cars were loaded and 1,460 cars were on hand; and April 3, 359 cars were loaded and 1,537 were on hand. Automobile cars designated XAP are not suitable for other kinds of freight without dismantling certain interior facilities which are used in the loading of automobiles and parts. Automobile cars designated XAR may be used for the movement of other commodities, such as barrels, cotton, or merchandise, but the loading of grain is not recommended owing to damage to the car caused by nailing grain doors.

From January 30, 1942, to May 19, 1947, we issued 673 service orders of which 354 required the railroads to unload cars. Each order covered from 1 to 182 cars, some of which were requested by the carriers themselves, covering delays ranging from 20 days to 3 months. Under section 4 of the uniform bill of lading, carriers have the right to unload cars after the expiration of free time and the costs are chargeable to the owners of the shipments. If the carriers had exercised their right to unload these cars such cars would have been released sooner and would have been available for loading. Increased demurrage charges have reduced car detention by shippers, as indicated later.

The Association criticizes the showing made as to car delays. It points out that the service agents simply recorded the fact that a given car had remained stationary for a given period of time without undertaking to ascertain the cause of the delay, that is, whether avoidable or unavoidable. The Association further claims that the exhibit, above referred to, which purports to summarize the agents' underlying reports is unreliable in that it fails to disclose relevant facts shown in the reports which reports were not introduced in evidence. In support of this statement numerous examples are given which are the result of a review made by its representatives of about 80 percent of the underlying reports. The following examples of the several given will serve to illustrate the point: The exhibit shows 35 cars held for placement over 48 hours at Lawrence, Mass. The agent's report shows that 1,382 cars were checked in discovering the 35 delayed cars and that 17 of these were Saturday arrivals placed on the following Monday. The exhibit shows that the Missouri Pacific held 80 cars for interchange at Memphis from 1

to 9 days. The agent's report shows that 70 of the 80 cars were delivered in less than 24 hours. The exhibit shows that the Northern Pacific held for placement 29 cars at Fargo, N. Dak., from 2 to 7 days. The agent reported that these cars were held for an average of 2.8 days and explained that heavy snows contributed to the delay.

The Director of the Bureau of Service, the several service agents, and the Deputy Director of the Office of Defense Transportation all testified that in their opinion an increased per diem charge would furnish an incentive to move cars more promptly, increase efficiency in the use of, and increase the supply of cars. The Director of the Bureau of Service suggests the imposition of a charge of $5.50 per car per day, in lieu of the charge of $1.15 (increased to $1.25 effective June 1, 1947), applied in the same manner as the present charge. The service agents are agreed that the present charge is inadequate as an incentive to prompt movement of cars and that a substantial increase therein should be made. One agent suggests a charge of not less than $2, while another suggests the addition of from $1.50 to $2 to the present charge. The Deputy Director of the Office of Defense Transportation would be willing to try $2, but suggests the imposition of a charge sufficiently high to create an incentive to move the cars. The Department of Agriculture suggests a per diem charge of $2.

An agreement known as the "Car Service and Per Diem Agreement" provides car service rules, which are the subject of an investigation in Docket No. 29669, Car service—freight cars, and also provides a Code of Per Diem rules, which relates to the compensation to be paid for the use of cars not owned by the carrier using them. In rules for car-hire settlement, *supra*, we reviewed the history of car-hire agreements and per diem payments for the use of freight cars, and found, among other things, that the per diem charge of $1, which was in effect from November 1, 1920, to January 31, 1945, was just and reasonable. On February 1, 1945, the per diem charge was increased to $1.15 and on June 1, 1947, to $1.25.

There is pending a complaint, as amended, by certain short lines alleging that the per diem rates of $1.15 and $1.25 for the use of freight cars were and are unjust and unreasonable to the extent that they exceeded or exceed 95 cents per car per day, Docket No. 29587, Alabama, Tennessee & Northern Ry. Co., et al. v. Aberdeen & Rockfish R. Co. et al. There is also pending a complaint filed May 22, 1947, as amended, Docket No. 29751, The Atchison, Topeka and Santa Fe Ry. Co. et al. v. Aberdeen and Rockfish R. Co., et al., by The Denver and Rio Grande Western Railroad Company, Great Northern Railway Company, Northern Pacific, Chicago, Burlington & Quincy Railroad Company, hereinafter called the Burlington, Illinois Central Railroad Company, and the Santa Fe, alleging that:

> Defendants' failue to provide their respective railroads with the reasonably adequate supply of freight car facilities required by section 1 (4 and 10–12) of the Transportation Act necessarily has resulted and will continue to result in defendants' appropriation of an essential part of complainants' freight car supply. Such appropriation of complainants' freight cars not only results in shifting defendants' legal burden of car ownership costs to complainants, but it also results in the appropriation of freight cars which form an integral, necessary and essential part of complainants' respective railroad systems, whereby complainants sustain serious damage to the remainder of their respective railroads, during periods of car shortage, in an amount equal to the freight earnings that are lost to them as a direct and proximate result of the appropriation. By reason of these facts and of other facts directly affecting (a) the cost to complainants of ownership of rail plant and property and (b) the value of the use of railroad freight equipment, the present per diem rental of $1.15 is, and for many years prior to the filing of this complaint has been, unjust, unreasonable, inadequate and noncompensatory.
>
> A fully compensatory per diem charge giving proper weight to all of the costs and disabilities of freight car ownership would serve as an incentive to every railroad to provide itself with an ample supply of freight cars and thus tend to assure the provision and maintenance of a car supply fully adequate to national needs at all times and to the avoidance of national car shortages and their attendant evils.
>
> Complainants ask: "that the Commission, by order, prescribe the just, reasonable, and compensatory per diem rental necessary to make complainants and all other railroads owning freight cars in the United States, pecuniarily whole for the appropriation and use of their freight cars in periods of car shortage as well as in periods of car surplusage; and that such other orders be made as the Commission may consider proper in the premises."

The question at issue in the present investigation is whether the establishment of a rate of $2 per car per day, or other increased rate, to be paid to the owner for the use of each freight car, during periods of car shortage (except tank and refrigerator) by any common carrier would promote greater efficiency in the use and increase the supply of cars.

The Association and the individual railroads for which an appearance was made take the position that a sound basis for per diem charges for the use of freight cars should be the cost of ownership, including a return on investment, and that the use of per diem rules for the imposition of a penalty would be unlawful and would necessarily result in great inequity and injustice. Instead of promoting efficiency in the use and supply of cars, respondents contend that the imposition of a penalty per diem charge would actually result in inefficiency in the use of cars and decrease the supply of cars. However, the complaint of the 6 western railroads, Docket No. 29751, shows that these railroads regard the present charge as being less than reasonable.

The Chesapeake and Ohio Railway Company takes the position that the present charge is grossly inadequate, and that it should be increased to a figure that will cover the full cost of ownership and maintenance of freight cars, thereby speeding up their movement and create an incentive for the railroads to purchase more cars. However, it suggests no definite figure, but requests that no increased per diem charge be prescribed in this proceeding.

The present car shortage is the result of post-war demands upon an inadequate and war-depleted car supply. At the time of the hearing in this investigation, May 1947, the shortage, insofar as it applied to box cars, was somewhat less than it had been in the previous months of 1947, but this condition was recognized to be temporary and the shortage of box cars was expected to again become acute as soon as the 1947 grain crop began to move.

An important factor affecting the present car supply was the extensive and continuing car surplus dating from 1930. The daily minimum surplus reported by railroads totaled 545,000 cars during one week in 1932, and the minimum surplus remained about 100,000 cars throughout the period until 1938. The maximum surplus reported by the railroads was 772,000 cars as of June 30, 1932. The railroads reported a minimum surplus of 72,000 cars in 1940. During this period, car ownership was allowed to decrease to a point where it would be more in accord with maximum requirements. Shortages did not begin to develop until the war period, at which time the railroads could not obtain the cars they wanted to purchase because necessary materials were being diverted to other purposes. There are now on order, or committed, a volume which totals in excess of 130,000 cars, which volume is estimated as sufficient to keep the car builders and railroad car shops busy until July 1, 1948. The total freight cars of all types owned by class I railroads and certain minor railroads on May 1, 1947, was 1,744,239, and the total box cars, 726,364.

Respondents introduced evidence tending to show that the available car supply is, upon the whole, economically and efficiently utilized. Over-all efficiency is indicated by the following facts: The turn-around time for box cars, that is, the time between each load given a box car, has decreased consistently month by month throughout 1946, and up to March 1947. The turn-around time for all cars by months from January 1945 through March 1947 is as follows:

	1945	1946	1947
	Days	*Days*	*Days*
January	16.0	16.3	14.6
February	15.8	16.5	14.7
March	16.0	14.9	14.6
April	14.2	13.4	(1)
May	13.9	13.3	
June	13.7	14.7	
July	14.1	13.9	
August	14.7	13.2	
September	14.4	13.5	
October	15.1	13.0	
November	14.8	14.3	
December	16.7	12.8	

[1] Coal strike.

It will be noted that with few exceptions month by month there has been a decrease as compared with the corresponding month of the previous year. The latest record of turn-around time for the various types of cars is as follows:

	Box	Gondolas	Hoppers	Stock	Flat	All cars
	Days	*Days*	*Days*	*Days*	*Days*	*Days*
April 1947	12.56	15.28	15.56	22.98	17.85	14.60

Since January 1, 1947, the total box-car loadings exceeded those for a like period of 1946, by 72,000 cars. These increased car loadings are being accomplished with a decrease in the ownership of box cars of approximately 11,000 units, comparing May 1, 1947, with a corresponding day of 1946. Total loadings of all cars of revenue freight for the first 17 weeks in 1947 exceeded those of 1946 by 1.9 percent.

There has been a continuing cooperative effort between the shipping public and the railroads for the past several years in the matter of efficiency of car use. The results have been productive of increased efficiency. This can be measured in heavier loading; in more prompt loading and unloading; and the decrease in the number of cars held by industry beyond free time. In 1940 the average load for all carload freight was 37.7 tons per car. In 1942 the average load for all carload freight was increased to 40.1 tons per car, and in 1943 was increased to 41 tons per car. This increased average loading of freight cars was accomplished through voluntary cooperation of car efficiency committees of the 13 Shipper Advisory Boards, through orders of the Office of Defense Transportation, particularly General Order ODT–18, which took effect November 1, 1942, and through numerous service orders issued by this Commission.

As a result of service orders, a total of over 86,000 refrigerator cars, otherwise en route empty, were loaded with box car traffic to Pacific coast points during the 10-month period ended April 30, 1947.

The more prompt loading and unloading of cars is partially reflected in the faster movement of cars as shown in the records of miles per car per day. The average miles per car per day for all loads since 1939 are shown in the following table:

1939	1940	1941	1942	1943	1944	1945	1946
34.7	35.0	40.6	46.3	48.5	49.3	46.5	42.4

It will be noted that in 1939 the average mile per car per day was 31.7 and that this mileage increased steadily until 1944, when it was 49.3 miles per car per day. Since that time there has been a decrease in miles per car per day. The high averages of 1943 and 1944 and the first half of 1945 were in part due to the heavy movement of tank cars of petroleum products in special symbolled trains from the southwestern States to the Atlantic seaboard and to other long-haul movements occasioned by the war. The decrease in miles per car per day in 1946 is due in part to the effect of strikes, principally that of the coal miners during 1946, when thousands of coal cars were idle for a considerable period of time. So far in 1947 the miles per car per day are greater than those for the corresponding months of 1946.

The reduction in the number of cars held beyond the free time is reflected in the summary of reports by the car efficiency committees, of which there are 601 covering 856 cities and towns throughout the country. This record shows the percentage of cars received under load which were not released by industry within the 48-hour free time allowed under the demurrage rules. A summary of these reports is shown as follows:

1943	1944	1945	1946
Percent	*Percent*	*Percent*	*Percent*
22.2	16.76	16.13	17.78

The effect of the five-day week is reflected in the 1946 figure. The latest month for which complete data are available is April 1947, which shows 16.36 percent of cars not released by industry within the 48-hour free time period, indicating a favorable trend in the matter of car detention. Respondents admitted that service orders increasing penalties in the form of demurrage charges had had a beneficial effect in reducing car detention.

Another method of measuring efficiency in car use is by examining the record of net ton-miles per car per day which combines the items of tons per car and speed of movement. In the prewar years of 1939, 1940, and 1941, the net ton-miles per car per day was 610, 664, and 795, respectively. For the year 1946, it was 948, an increase of about 37.5 percent over the average of the three prewar years. The first two months of 1947 show a substantial improvement over the corresponding months of 1946.

Efficient use of freight cars calls for the least empty car mileage consistent with distribution requirements. Evidence of the more direct movement of empty cars from the point where released to the nearest loading territory is found in the trend of average percentage of empty car-miles to total car-miles. The reduction in recent years is shown is the following table:

AVERAGE PERCENTAGE OF EMPTY CAR-MILES TO TOTAL CAR-MILES

1942	1943	1944	1945	1946
Percent	*Percent*	*Percent*	*Percent*	*Percent*
37.2	35.8	34.3	33	33

One means of reducing empty car mileage is to forward cars to the territory where needed by the most direct route instead of returning them over the route of movement. For the year 1946, for example, it was found that there were approximately 50,000 more box cars interchanged under load by the western railroads in the Southeast through St. Louis, Memphis, Tenn., Shreveport, La., and New Orleans, La., than were forwarded west through those gateways. The southeastern railroads, in turn, forwarded about the same excess of loaded box cars northbound through Potomac River gateways over the south-bound movement through those gateways. These cars thus released in the East and North were forwarded direct to the western railroads through the Chicago and St. Louis gateways rather than to return them over the more circuitous route through the Southeast. This was done in compliance with relocation orders of our agent empowered by Service Order No. 534 to reroute and relocate empty box cars. Early in 1943, in order to avoid cross hauling of cars of the same class between northern and southern California, it was agreed between the railroads in that area that each line would move east-bound any surplus empty cars regardless of the route over which they had moved into California loaded. In instances where the empty car moves over a railroad which has not participated in the loaded movement of that car, there is no waiver of per diem. At Chicago and St. Louis a larger number of cars have been short routed to owners at a substantial saving in empty car mileage. The result is that a railroad often bears the expense of transporting an empty car and at the same time pays the per diem charge on such car without receiving any revenue from that particular car.

It is an established practice to accumulate and store a considerable number of box cars for the loading of wheat and other grain beginning in the Southwest and moving north as the season advances. Box cars were being so accumulated and stored at the time of the hearing.

Respondents deem it impracticable to devise and apply any system of per diem penalties which would distinguish between cases of delinquent handling of cars and cases where efficiency is attained. No practical code of rules was proposed by any party which would distinguish between instances of avoidable delay and instances of unavoidable delay in the handling of cars.

Respondents contend that the per diem rules and demurrage rules are in no sense analogous. Demurrage is not assessed against a shipper or receiver until a reasonable period of time has elapsed. A shipper is not charged demurrage on Sundays or holidays. There are various other exceptions in the demurrage rules under which demurrage may be avoided. On the other hand, per diem is paid by a railroad for each calendar day a foreign car is on its line, irrespective of the conditions which account for its presence there. These conditions vary according to a large number of factors which in turn vary not only as between railroads but as between individual shipments. The demurrage rules are so designed as to distinguish between reasonable and undue detention of cars. On the other hand, respondents contend that the per diem rules have never been designed to distinguish between efficient use of cars and undue detention or delays in car handling. We believe that the per diem rules and charges were and should be designed to furnish some incentive for the prompt movement and return of cars.

In times of car shortage the car service division of the Association endeavors to promote the direct movement of empty cars from point of release to the nearest loading territory. The car service rules as they apply to box cars, although not suspended, are not actually being observed and there is no penalty for their violation. In other words, foreign cars

are being appropriated for loading largely in disregard of the car service rules. This probably results in the least empty car mileage in relation to the loaded car miles. From the standpoint of efficiency in the use of cars, this policy cannot be questioned. However, it does not do entire justice to the railroads, and to the shippers located on the railroads, which own an adequate supply of cars as compared with other railroads which are not adequately supplied with cars, and are using the cars of foreign lines even for their local traffic, without regard to their expeditious return to the owner.

The average freight revenue per freight car day (serviceable) loaded and empty for all class I railroads was $9.33 in 1945 and $8.47 in 1946. Data are not available in the record to show these average freight revenues per freight car day for the various districts or regions. The average freight revenues and the average net railway operating income assignable to freight car service per car day is shown for the Great Northern, the Burlington, and the Santa Fe as follows:

Average freight revenue per freight car day (serviceable) loaded and empty

G. N.		C. B. & Q.		A. T. & S. F.	
1945	1946	1945	1946	1945	1946
$11.44	$8.98	$11.77	$9.55	$12.14	$10.60

Average net railway operating income assignable to freight service per freight car day (serviceable) loaded and empty

G. N.		C. B. & Q.		A. T. & S. F.	
1945	1946	1945	1946	1945	1946
$2.29	$2.12	$1.86	$1.80	[1] $0.69	$1.58

[1] This low average is due to amortization of defense projects in the last month of 1945.

The above figures indicate that the average gross freight revenue per freight car day (serviceable) is considerably in excess of $2.00 per day. The average net railway operating income assignable to freight service per freight car day (serviceable) loaded and empty exceeded $2.00 on the Great Northern in 1945 and 1946. In holding cars of another railroad for prospective loading it may be assumed that a particular railroad or its operating officials would consider the prospective earnings of a loaded car as compared with a prospective loss of earnings if a car was not available when a load was offered.

The American Short Line Railroad Association is a voluntary non-profit organization of 312 common carriers by rail, subject to the act. It is not a member of the Association of American Railroads. The members operate approximately 16,000 miles of main track, own about 35,000 cars, employ 52,000 persons, and in 1945 their gross operating revenue was in excess of $287,000,000. The 312 members are unanimously opposed to the establishment of $2 per day, or any other per diem rate, any portion of which would consist of a penalty. The short lines state that they are making every effort to avoid car delays, and not overlooking any opportunity to render the best possible service to their shippers, and that they would be seriously burdened by any increase in the per diem rate. They state that they are already burdened with costs, including per diem, to the point where their ability to continue operation may be impaired. They state that many provisions of the standard labor contracts now in effect on substantially all railroads are inflexible and prohibit any appreciable consideration being given to delayed cars. In their opinion, the pick-up and drop rule which limits the number of stops a train may make between termini; the penalties for one road crew running around another between termini; and the provision that assignment of extra work, or work of a different class, results in the beginning of a new day, are so costly that railroad officials would pay little attention to a penalty per diem rate in determining whether or not certain cars were to be moved. The avoidance of the penalty, even on several cars, would not equal the additional pay-roll cost. It is the view of the short lines that a penalty per diem charge would not result in a net saving of car-days. They urge that the concentration of cars for heavy seasonal movements would be impaired because of prohibitory costs if penalty per diem should be imposed. It should be pointed out that there are about 175 so-called apportionment agreements between short lines and their connections, which provide for quarter days of free time up to a maximum of two days, which is a reclaim period for the short lines. When a short line acts as a terminal switching line it is entitled to a switching reclaim. Any increase in the per diem rate would be borne by the short lines to the extent that they now pay per diem. Data showing the amounts actually paid by the short lines in per diem charges are not available in the record.

Some railroads own few cars in relation to the cars which they use and thus the amount which they pay in the form of per diem charges greatly exceeds the amount which they receive. On the other hand, some railroads own a great many more cars in relation to the cars which they use and, therefore, the amount which they receive in the form of per diem charges greatly exceeds the amount which they pay. Appendix A shows the class I railroads and the net amounts which they paid in per diem charges and the net amounts which they received in the form of per diem charges during the year 1946. An exhibit showing the debit per diem railroads and the net amounts of per diem which they paid in 1946, together with their net income, indicates that if the per diem charge had been $5.50 that each of these railroads, with very few exceptions, would have had a deficit in net income. The same exhibit shows the credit per diem railroads and the amounts which they would have received under a $5.50 per diem, which in many cases would have more than doubled their net income.

The witness for the Pennsylvania Railroad Company, speaking for the major railroads in eastern and Allegheny districts (not including the New England railroads) placed in the record a statement of the car ownership formula adopted by these eastern railroads. It is that each railroad should own sufficient freight equipment by proper classes to protect the anticipated peak load that will originate on its line, with due regard to the short line roads and the terminal line roads who are dependent upon them for car supply, and taking into consideration foreign cars released on its line that can be reloaded in accordance with the car service rules. The New Haven owns 3,682 box cars. For the year 1946 the average number of box-car loads which it both originated and terminated was 16,768 per month. Based on experience, a box car in strictly local service on the New Haven was loaded six times per month, and to supply cars for this average loading approximately 2,795 cars were required. This left only 887 cars remaining of the total box-car ownership for off-line loading. Consideration of the supply of box cars for off-line loading requires a different approach. The New Haven receives far more loaded cars from its connections than it loads to its connections. For example, in 1946 an average of 41,496 loaded box cars per month were received from connections, and an average of 19,712 box cars per month were loaded for off-line movement and interchanged with connecting lines. The ratio of loaded box cars for off-line delivery was 47.5 percent of the loaded box cars received from connections. This leaves a considerable number of foreign-owned box cars on the New Haven which must be returned empty or moved to a loading area.

In 1921 the New Haven owned 35,745 freight cars of all types. On December 31, 1946, the total freight cars owned was 6,508. This reduction in the number of cars owned was planned by the New Haven. The New Haven has on order 1,500 additional box cars.

Semi-monthly car distribution reports are compiled by the car service division of the Association showing the cars owned, the cars on line, and percentage of cars on line to the cars owned. Appendix B shows the semi-monthly reports as of May 1, 1947, and January 1, 1941, for class I railroads. It will be observed that railroads in the eastern district on January 1, 1941, had on line 106.3 percent of their total ownership and that on May 1, 1947, they had on line 110.1 percent of their total ownership.

The semi-monthly report of the car service division dated March 1, 1947, shows that there are 113 class I railroads with an ownership of 1,738,302 per diem freight cars. Twenty-eight of those lines, comprising slightly less than 25 percent of the group, had a combined ownership of 1,426,724 cars, about 82 percent of the group total. The remaining 85 railroads, representing about 75 percent of the group, owned only 18 percent of the total cars. In respect to percentage of cars on line to ownership the 85 railroads (owning 18 percent of the cars) reported an average percentage of 113.7 percent of cars on line to ownership. However, there were marked fluctuations as to individual lines.

There are some penalties provided in the present per diem rules. Rule 1 provides "that when per diem is not reported to the car owner within four (4) months and ten (10) days from the last day of the month in which it is earned, the rate shall be increased fifteen (15) cents per day for each six months' period or fraction thereof that report of such per diem is thereafter withheld; provided, that the aggregate increase in the rate shall not exceed 60 cents per car per day."

Rule 15, among other things, provides as follows: "A road failing to receive promptly from a connection empty cars at home on its road, moving home under Car Service Rules, shall be responsible to the connection for double the per diem on such cars held for delivery after the first day for which reclaim is made." Thus, a railroad must pay double per diem if it fails to accept its own cars at a point of interchange.

In 1902, when the per diem rules first came into operation, there was a provision for an 80-cent surcharge (later changed to 75 cents) which applied in case an owner demanded of another road that such other road should dispossess itself of a car belonging to the former which had been on the latter road for a period of 20 days. If the car was not sent off line within the next 10 days, the penalty applied. The regular per diem at that time was 20 cents (later changed to 25 cents) so that the total charge with the penalty added was $1 per day. This penalty was later eliminated from the rules.

Conclusions. We find that effective October 1, 1947, and for a period of six months thereafter, the present per diem charge for the use of freight cars, other than tank and refrigerator cars shall be increased to $2.00, and that such increased charge will promote greater efficiency in the use and increase the supply of cars (except tank and refrigerator cars), and that such increased charge will be reasonable.

An appropriate order will be entered.

Mahaffie, Commissioner, concurring:

I concur in the conclusion reached in the report but desire somewhat to amplify the grounds on which, as I view it, the order is justified. A car shortage presently exists. A more severe one is threatened. The failure of essential transportation is likely to be one of the most grievous of troubles to an individual shipper. To the country as a whole, especially if wide-spread and prolonged, it may mean disaster. In view of these facts, any scheme that promises even a small measure of relief should have sympathetic consideration. It is on this theory that I am willing to try increasing per diem on a temporary basis. Per diem charges offer, of course, no complete cure. They apply only to cars off-line, and car delays on home lines are perhaps as frequent as those occurring on foreign lines. An additional consideration is that increases in per diem are likely to augment the earnings of lines already opulent and to shrink those of lines facing financial trouble. It is possible that an increase in per diem may so speed up movement as to mitigate this latter difficulty. Unless this does result the experiment will fail. On the whole, I have reached the conclusion that the plan has enough promise of benefit to make it, under present circumstances, worth trying.

Miller, Commissioner, dissenting:

I disagree with the conclusion reached by the majority. The record affords no basis for an increase in the present per diem charge for general application. I am convinced that the two-dollar charge will not accomplish its intended purpose which is to promote greater efficiency in the use of cars during periods of car shortage. On the other hand, it is apparent that the general application of this charge will bring about undesirable results. A carrier which efficiently handles cars will be subjected to the payment the same as a carrier guilty of inefficient use of cars. It will deplete the revenues of those carriers referred to as debit per-diem lines, and increase the revenues of those referred to as credit per diem lines.

I believe that a substantial increase in the per diem charge designed to apply to specific situations where cars are being unduly and unreasonably delayed would promote greater efficiency in the use of cars and increase their supply during periods of car shortage and that during such emergencies we have the authority to impose such increase by means of service orders. In my opinion, we should so find, and discontinue this proceeding without prejudice to the issuance of service orders as situations may demand.

Commissioner Barnard joins in this dissent.

Patterson, Commissioner, dissenting:

I do not agree with the findings of the majority. While they find that the per diem charge for the use of a freight car should be $2.00 for a period of six months beginning about three months hence, they make no finding that the present rate of $1.25 is not reasonable and sufficient compensation for the use of a car, although our power with respect to per diem charges is restricted solely to the fixing of such charges as compensation for the use of cars.

In prescribing an increase of 75 cents the majority apparently rely upon the provisions of Section 1 (14). That provision authorizes us to prescribe penalties or sanctions for non-observance of such rules, regulations or practices as we may establish with respect to car service. We have not established any such rules, regulations or practices. Manifestly we must before we can prescribe penalties or sanctions for their non-observance. When we do fix such penalties or sanctions in the form of money payments they should be paid into the United States Treasury and not into the treasuries of the railroads.

The penalty charge which the majority here imposes is as unjust as it is unlawful. It will apply for each day each railroad is in possession of a foreign-line car, irrespective of whether the car is efficiently or inefficiently handled, whether it is expedited or delayed, or delayed, or whether the delay is avoidable or unavoidable.

The majority also find that the increased per diem rate of $2.00 will promote greater efficiency in the use and increase the supply of cars. Just how these results will be accomplished they do not say. Neither their report nor the record affords any support for such a finding. Past railroad experience indicates just the contrary.

Mitchell, Commissioner, dissenting:

I cannot go with the findings of the majority because I am convinced that the Commission is without authority to require any increase in per diem charges, as does this report, solely as a penalty, and also because in my opinion the specific amount fixed is without support in the record. As I read the various provisions of the Act dealing with our powers in this respect, the authority conferred upon this Commission having to do with per diem is restricted to the fixation of charges therefor as compensation, not as a penalty. And such authority can be exercised only after hearing and on a record embodying some evidence upon the level of the charges. I can find no such evidence upon this record.

APPENDIX A

CLASS I RAILROADS—YEAR 1946

Debit Per Diem Roads

[Net per diem payable]

	Actual
New England region:	
Boston & Maine	$2,411,368
Canadian National Lines in New England	342,253
Canadian Pacific (lines in Maine)	194,923
Canadian Pacific (lines in Vermont)	217,111
Central Vermont	200,742
New York, New Haven & Hartford	4,806,186
Rutland	50,633
Great Lakes region:	
Ann Arbor	65,079
Detroit & Mackinac	109,216
Detroit & Toledo Shore Line	547,772
Erie (including Chicago & Erie)	2,638,452
Grand Trunk Western	431,614
Lehigh & Hudson River	106,766
Lehigh Valley	439,673
Monongahela	976,301
New York Central	7,301,222
New York, Chicago & St. Louis	818,174
New York, Ontario & Western	778,931
New York, Susquehanna & Western	597,463
Pere Marquette	84,040
Pittsburg & Shawmut	64,003
Wabash	220,690
Central Eastern region:	
Akron, Canton & Youngstown	169,782
Central Railroad of New Jersey	1,665,185
Chicago & Eastern Illinois	407,925
Detroit, Toledo & Ironton	319,113
Illinois Terminal Co	250,161
Long Island	2,340,323
Missouri-Illinois	103,255
Penna-Reading Seashore Lines	860,789
Staten Island Rapid Transit	250,178
Pocahontas region:	
Richmond, Fredericksburg & Potomac	458,983
Southern region:	
Atlanta & West Point	1,314
Atlantic Coast Lines	512,961
Charleston & Western Carolina	26,662
Florida East Coast	557,662
Georgia Railroad	61,246
Georgia & Florida	95,459
Georgia, Southern & Florida	148,481
Gulf, Mobile & Ohio	436,465
Mississippi Central	99,457
New Orleans & Northeastern	324,752
Norfolk Southern	379,998
Seaboard Air Line	1,380,613
Southern Railway Co	855,182
Western Railway of Alabama	1,691
Yazoo & Mississippi Valley	3,558

(Report ended June 30, 1946.)

APPENDIX A—Continued

CLASS I RAILROADS—YEAR 1946—con.

Debit Per Diem Roads—Con.

	Actual
Northwestern region:	
Chicago & North Western	$1,009,668
Chicago Great Western	128,835
Chicago, St. Paul, Minneapolis & Omaha	641,434
Duluth, South Shore & Atlantic	54,690
Duluth, Winnipeg & Pacific	218,153
Minneapolis & St. Louis	74,664
Spokane International	83,064
Spokane, Portland & Seattle	692,787
Wisconsin Central	454,838
Central western region:	
Alton Railroad	785,869
Chicago, Rock Island & Pacific	918,975
Colorado & Wyoming	19,648
Denver & Salt Lake	144,883
Northwestern Pacific	206,162
Southern Pacific Company—Pacific Lines	3,590,468
Western Pacific	134,901
Southwestern region:	
Burlington-Rock Island	249,878
Gulf Coast Lines	458,406
International-Great Northern	595,374
Kansas City Southern	654,541
Kansas, Oklahoma & Gulf	116,425
Louisiana & Arkansas	413,392
Midland Valley	66,865
Missouri-Kansas-Texas Lines	421,432
Oklahoma City-Ada-Atoka	103,666
St. Louis, San Francisco & Texas	8,363
St. Louis Southwestern Lines	14,858
Texas & New Orleans	2,371,060
Texas Mexican	165,123

Credit Per Diem Roads

[Net per diem receivable]

	Actual
New England region:	
Bangor & Aroostook	$443,672
Maine Central	91,152
Great Lakes region:	
Cambria & Indiana	981,137
Delaware & Hudson	503,372
Delaware, Lackawanna & Western	3,185
Lehigh & New England	304,228
Montour	453,536
Pittsburgh & Lake Erie	6,426,052
Pittsburgh & West Virginia	395,402
Central Eastern region:	
Baltimore & Ohio	684,998
Bessemer & Lake Erie	2,892,010
Central Railroad of Pennsylvania	1,131,846
Chicago & Illinois Midland	37,352
Pennsylvania System	2,804,868
Reading Company	188,606
Western Maryland	832,597
Wheeling & Lake Erie	2,017,275
Pocahontas region:	
Chesapeake & Ohio	7,953,437
Norfolk & Western	10,404,208
Virginian	1,855,055
Southern region:	
Alabama Great Southern	528,874
Central of Georgia	902,544
Cincinnati, New Orleans & Texas Pacific	1,305,392
Clinchfield Railroad	789,968
Columbus & Greenville	4,217
Illinois Central	100,952
Louisville & Nashville	8,086,281
Nashville, Chattanooga & St. Louis	270,290
Northwestern region:	
Chicago, Milwaukee, St. Paul & Pacific	777,474
Duluth, Missabe & Iron Range	126,882
Great Northern	2,359,961
Lake Superior & Ishpeming	76,426
Minneapolis, St. Paul & Sault Ste. Marie	398,797
Northern Pacific	2,824,991
Central western region:	
Atchison, Topeka & Sante Fe Railway System	2,598,898
Chicago, Burlington & Quincy	1,701,151
Colorado & Southern	27,553
Denver & Rio Grande Western	$1,358,784
Fort Worth & Denver City	514,443
Union Pacific Railroad	1,010,861
Utah Railway	136,506
Southwestern region:	
Missouri Pacific	59,172
St. Louis-San Francisco	2,971,596
Texas & Pacific	136,634

APPENDIX B

SEMIMONTHLY REVENUE CAR LOCATION SUMMARY—CLASS I AND MINOR ROADS

MAY 1, 1947

Railroads	Total box cars		
	Ownership	On line	Percent
Eastern district			
Ann Arbor	743	860	115.7
B. & Aroos	2,336	1,434	61.4
B. & Maine	2,696	7,669	284.2
Central Vt	1,085	1,257	115.9
C. I. & L	576	1,240	215.3
D. & H	2,472	3,320	134.3
D. L. & W	7,272	7,902	108.7
Detroit & Mac	253	188	84.3
D. & T. S. L		315	
D. T. & I	2,263	2,143	97.3
Erie	11,848	12,091	102.3
G. T. W	8,522	8,156	95.7
L. & H. R	2	90	(1)
L. & N. E	933	400	42.9
Lehigh Val	5,151	7,901	153.4
Maine Cent	3,338	2,582	77.4
Monongahela		108	
Montour		6	
N. Y. C. System	61,616	67,100	101.3
N. Y. C. & St. L	7,633	7,104	93.1
N. Y. N. H. & H	3,682	13,060	371.0
N. Y. O. & W	43	1,278	(1)
N. Y. S. & W	48	881	(1)
P. M	9,477	8,427	88.9
P. & L. E	3,954	1,906	48.2
Pitts. & Shaw	8	29	362.5
Pitts. & W. Va	100	215	215.6
P. S. & N. Abandoned			
Rutland	592	597	100.8
Wabash	11,987	9,641	80.4
W. & L. E	3,168	1,570	49.6
Total, Class I	154,683	170,306	110.1
Minor Roads	447	3,222	720.8
Grand total	155,130	173,528	111.9
Allegheny district			
A. C. & Y	465	325	69.9
B. & O	31,820	27,985	87.9
B. & L. E	990	216	21.8
Cambria & Ind		2	
C. N. J.-C. R. Pa	2,326	5,342	229.7
Long Island		2,854	
P-R Seashore		1,063	
Penna. Sys	78,378	75,983	96.9
Reading Co	7,504	11,810	157.4
S. I. R. T		369	
Union (Pitts.)	11	387	(1)
Western Md	2,019	2,058	101.9
Total, Class I	123,516	128,534	104.1
Minor Roads	39	1,692	(1)
Grand total	123,555	130,226	105.4
Pocahontas district			
C. & O	13,651	8,545	62.6
N. & W	9,366	5,225	55.8
Virginian	172	733	426.2
Total, Class I	23,189	14,503	62.5
Minor Roads		802	
Grand total	23,189	15,305	66.0
Southern district			
A. & W. P.-W. of A	613	816	133.1
A. C. L	12,223	11,584	94.8
Cent of Ga	5,767	4,155	72.0
C. & W. C	528	534	101.1
Clinchfield	831	908	109.3
Col. & Green	290	173	59.7
F. E. C	214	1,179	550.9
Georgia & Fla	308	389	126.3
Georgia	739	734	99.3
G. M. & O	3,383	4,221	124.8
Ill. Cent. Sys	19,212	18,962	98.7
L. & N	17,506	12,812	73.2
Miss. Cent	28	154	550.0
N. C. & St. L	3,799	3,067	81.3
Norfolk Sou	770	837	108.7
T. & P	471	768	163.1
Tenn. Cent	167	411	246.1
Total, Class I	106,988	98,931	92.5
Minor roads	512	2,015	393.6
Grand total	107,498	100,946	93.9
Northwestern districts			
C. & N. W.-C. St. P. M. & O	28,088	27,548	105.6
C. G. W	3,411	3,009	88.2
C. M. St. P. & P	30,562	27,288	89.3
D. M. & I. R	378	434	128.4
D. S. S. & A	285	250	87.7
D. W. & P	21	575	(1)
E. J. & E	950	2,163	230.8
C. B. & W	318	436	137.1
G. N	23,632	23,396	99.0
L. S. & I	95	64	67.4
M. & St. L	2,550	1,968	74.3
M. St. P. & S. S. M	9,592	6,829	71.3
Nor. Pac	19,742	17,758	89.8
Spokane Int	25	90	360.0
S. P. & S	788	1,845	235.0
Total, Class I	118,404	113,673	95.9
Minor roads	1,288	3,800	292.8
Grand total	119,792	117,473	98.1
Central Western District			
A. T. & S. F. Sys	34,781	27,859	80.1
Alton	1,906	2,720	142.6
C. & E. I	1,037	2,457	236.9
C. & I. M	355	377	106.2
C. B. & Q	21,638	18,015	83.3
Colo. & Sou	541	807	149.2
Colo. & Wyo	4	60	(1)
C. R. I. & P	18,819	15,595	82.8
D. & R. G. W	4,584	2,857	62.3
D. & S. L. Included in D. & R. G. W.)			
Ft. W. & D. C	1,027	1,160	113.0
Ill. Term	829	595	71.8
Missouri-Ill	300	358	119.3
Nevada Nor	6	35	583.3
N. W. Pac	174	699	401.7
S. P. (Pacific)	25,397	24,999	98.6
T. P. & W	26	93	357.7
U. P. System	26,108	22,512	86.2
Utah		36	
Western Pac	1,871	2,721	145.4
Total Class I	139,268	123,865	88.9
Minor Roads	61	1,124	(1)
Grand total	139,329	124,989	89.7
Southwestern District			
B.-R. I	10	823	(1)
G. C. Lines	2,401	2,695	111.0
I.-G. N	2,544	3,788	147.7
K. G. S	1,791	2,668	149.0
K. O. & G.-M.-V.-OC A. A	12	266	(1)
La. & Ark	1,181	1,541	130.5
Mo. & Ark. (No report)			
M. K. T. Lines	5,062	4,605	91.0
Mo. Pac	17,517	15,535	88.7
St. L. S. F	13,740	9,054	65.9
St. L. S. W	3,764	2,635	70.0
Texas & N. O	5,373	8,327	155.5
Texas & Pac	4,320	3,372	78.1
Texas Mexican	8	294	(1)
Total Class I	57,723	55,644	96.4
Minor Roads	148	4,028	(1)
Grand total	57,871	59,672	103.1
Total Western	315,485	293,182	92.9
Minor Roads	1,507	8,952	594.0
Grand total	316,992	302,134	95.3
Grand total: All districts	723,859	705,456	97.5
Minor Roads	2,805	16,683	666.0
Grand total	726,364	722,139	99.4
Canadian Roads			
A. C. & H. B	110	158	143.6
Can. Nat'l	61,045	61,073	100.0
Can. Pac	54,076	50,526	93.4
Ont. Northland	283	1,045	369.3
Tor. H. & B	571	474	83.0
Total	116,085	113,276	97.6

[1] Percentage over 1,000.

SEMIMONTHLY REVENUE FREIGHT CAR LOCATION SUMMARY—CLASS I ROADS

January 1, 1941

Railroads	Box, Auto, and Furniture			
	Ownership	On Line	Percent	
			1941	1940
Eastern District				
Ann Arbor	867	813	97.2	93.8
B. & Aroos	2,450	1,544	62.6	60.0
B. & Maine	2,956	7,097	237.0	221.6
Central Vt	1,265	1,510	119.4	74.4
C. I. & L	817	1,586	194.1	152.8
D. & H	2,650	3,726	140.6	132.5
D. L. & W	7,520	6,906	91.8	103.1
Detroit & Mac	195	222	113.8	113.7
D. & T. S. L		265		
D. T. & I	2,328	2,151	96.5	68.4
Erie	10,370	12,728	119.0	125.5
G. T. W	8,539	7,260	84.4	70.7
L. & H. R	14	164	(1)	894.3
L. & N. E	941	526	55.9	68.1
Lehigh Val	4,305	6,985	170.3	182.0
Maine Central	3,131	3,439	106.2	85.7
Monongahela		78		
Montour		17		
N. Y. C. System	61,145	60,875	99.6	99.5
N. Y. C. & St. L	6,652	6,967	105.2	105.3
N. Y. N. H. & H	7,807	11,402	115.8	115.8
N. Y. O. & W	57	744	(1)	(1)
N. Y. S. & W	63	677	(1)	
P. M	9,712	8,529	90.9	83.4
P. & L. E	4,024	2,998	74.8	76.4
Pitts. & Shaw	8	26	325.0	190.0
Pitts. & W. Va		201		
P. S. & N	143	103	72.0	84.0
Rutland	946	950	99.9	103.8
Wabash	11,438	10,835	94.7	107.7
W. & L. E	2,382	1,735	72.8	76.1
Total	152,075	161,676	106.3	104.2
Allegheny District				
A. C. & Y	270	438	162.2	170.1
B. & O	30,392	28,337	93.8	95.5
B. & L. E	690	260	38.3	112.6
C. R. R. of N. J	3,087	4,960	161.8	182.2
Cumb. & Pa		30		
Long Island	29	1,769	(1)	(1)
P-R Seashore Lines		917		
Penna. System	76,813	69,312	90.2	103.1
Reading Co	8,685	10,457	120.4	134.9
Union (Pitts.)	17	465	(1)	(1)
Western Md	2,209	1,960	89.1	99.5
Total	121,912	118,918	97.5	107.7
Pocahontas District				
C. & O	11,350	9,586	82.7	88.4
N. & W	8,248	7,843	95.1	97.3
Virginian	75	546	714.7	618.7
Total	19,673	17,765	90.3	94.4
Southern District				
A. & W. P.-W. of A	410	532	129.8	109.6
A. B. & C	201	392	195.0	156.7
A. C. L	9,940	11,798	117.0	116.6
Central of Ga	5,102	5,022	98.4	87.3
C. & W. C	644	586	92.4	101.6
Clinchfield	590	744	124.4	109.0
Col. & Green	304	163	53.6	63.2
F. E. C	194	811	418.0	378.5
Georgia & Fla	308	264	84.7	74.1
Georgia	646	657	100.2	93.0
G. M. & O	3,187	3,316	97.9	120.0
Ill. Cent. Sys	19,228	17,053	88.6	94.6
L. & N	15,995	15,149	94.7	102.3
Miss. Cent	37	128	345.9	243.2
N. C. & St. L	3,580	3,588	97.4	96.2
Norfolk Sou	521	660	126.9	97.6
R. F. & P	506	710	140.3	131.7
S. A. L	10,226	10,275	100.5	91.3
Southern Sys	29,476	33,011	112.1	104.0
Tenn. Cent	178	325	182.6	180.4
Total	101,432	101,877	103.4	102.2
Northwestern District				
C. & N. W.-C. St. P. M. & O	24,899	29,193	117.7	86.2
C. G. W	3,247	2,629	90.2	93.5
C. M. St. P. & P	32,790	30,098	91.7	91.8
D. M. & I. R	345	258	74.8	69.7
D. S. S. & A	293	287	98.0	147.6
E. J. & E	773	2,105	272.3	249.5
G. B. & W	423	471	111.9	112.7
G. N	24,227	20,445	84.4	81.8
L. S. & I	83	86	103.6	219.4
M. & St. L	2,131	2,205	103.9	108.6
M. St. P. & S. S. M	10,039	9,067	90.5	92.3
Nor. Pac	21,467	16,715	77.9	82.4
Spokane Int	22	122	554.5	407.4
S. P. & S	297	1,777	598.3	385.0
Total	120,944	115,748	95.7	89.3
Central Western District				
A. T. & S. F. Sys	31,462	28,996	92.2	92.0
Alton	2,103	3,486	165.8	163.4
C. & E. I	1,220	1,997	162.5	155.1
C. & I. M	324	271	83.6	79.7
C. B. & Q	20,791	17,579	84.6	82.2
Colo. & Southern	928	1,265	136.3	109.3
C. R. I. & P	19,719	15,512	78.7	81.1
D. & R. G. W	4,333	2,996	69.1	74.0
D. & S. L	387	515	133.1	161.1
Ft. W. & D. C	991	999	100.8	108.1
Ill. Terminal	440	703	171.5	177.1
Missouri Illinois	250	380	152.0	188.8
Nevada Northern	6	35	583.3	983.3
N. W. Pac	224	823	367.4	323.0
S. P. (Pacific)	20,520	21,031	100.9	92.9
T. P. & W	38	152	400.0	452.6
U. P. System	25,378	22,222	87.6	87.7
Utah		91		
Western Pacific	2,369	2,602	109.8	95.7
Total	131,462	122,558	93.2	91.0
Southwestern District				
B.-R. I	14	159	(1)	696.2
G. C. Lines	1,837	1,953	106.3	77.5
I.-G. N	2,697	1,994	95.1	88.9
K. C. S	1,678	1,861	110.9	107.4
K. C. & G	11	116	(1)	921.4
La. & Ark	1,130	1,330	117.7	158.2
M. V	4	57	(1)	(1)
Mo. & Arkansas	24	151	629.2	747.8
M. K. T. Lines	4,584	5,085	110.9	110.1
Mo. Pac	16,562	13,783	83.2	86.0
St. L. S. F	14,314	10,481	73.2	76.5
St. L. S. W	3,116	3,083	98.9	108.8
Texas & N. O	5,222	7,811	149.6	129.5
Texas & Pacific	4,399	3,559	80.9	83.9
Total	54,992	51,423	93.5	93.7
Grand total: Western districts	307,398	289,729	94.3	90.8
Grand total: All districts	702,490	692,965	98.6	98.4
Canadian Roads				
Can. Nat'l	54,370	53,210	97.9	98.3
Can. Pac	56,089	52,792	94.1	91.9
Total	110,459	106,002	96.0	96.6

[1] Percentage over 1,000.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 25th day of July A. D. 1947.

It appearing, that by order dated December 18, 1946, upon our own motion, we instituted an investigation to determine whether the establishment of a rate of $2 per day, or other increased rate, to be paid to the owner for the use of each car during periods of car shortages (except tank and refrigerator) by any common carrier would promote greater efficiency in the use and increase the supply of cars; with a view to the making of findings and the entry of an order or orders, under the authority of the Interstate Commerce Act (49 U. S. Code, sections 1–27), and particularly section 1 (10), (11), (13), and (14) thereof, requiring the establishment of an increased basis and rate of compensation for car hire during periods of car shortages if it be found that it will promote greater efficiency in the use and increase the supply of cars;

It further appearing, that this proceeding has been duly heard and submitted by the parties, and that full investigation of the matters and things involved has been made, and the Commission having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof; it is ordered, that:

§ 95.1100 *Per diem charge increased.* The present per diem charge to be paid to the owner for the use of freight cars, other than tank and refrigerator cars, shall be increased to $2.00, effective October 1, 1947 and expiring 11:59 p. m., March 31, 1948.

It is further ordered, that this order shall become effective October 1, 1947, and shall expire at 11:59 p. m., March 31, 1948, unless otherwise modified, changed, suspended, or annulled by order of this Commission; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commisison.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47–7515; Filed, Aug. 11, 1947; 8:52 a. m.]

[No. 29669]

PART 95—CAR SERVICE

FILING CAR SERVICE REGULATIONS WITH COMMISSION

1. Car service rules published by the Association of American Railroads in behalf of rail carriers not shown to have been or to be unlawful, but found that respondents as a group have failed to furnish adequate car service.

2. Carriers required to file their car service rules and regulations with the Commission.

3. Proceeding held open for such further action as may be warranted.

Report of the Commission. Exceptions to the report proposed by the examiner were voiced at the oral argument by the Office of Defense Transportation (hereinafter referred to as O. D. T.), by respondents, and by certain other parties.

This proceeding is an investigation on our own motion, instituted by order of December 18, 1946, as modified February 3, 1947, for the purpose of determining

(1) whether the rules, regulations, and practices with respect to the use, control, supply, movement, distribution, exchange, interchange, and return of railroad freight carrying cars[1] are unreasonable, or otherwise unlawful; whether freight cars are being wastefully, uneconomically or inefficiently used, controlled, supplied, moved, exchanged, interchanged, and returned, and whether such cars are being unfairly or inequitably distributed among shippers, and (2) whether common carriers by railroad have been and are providing themselves with safe and adequate freight cars for performing as common carriers their car service, with a view to making findings and the entry of an order or orders, under section 1 (10), (11), (13), (14) (a), and (21), section 2, section 3 (1), and section 15 (1) of the Interstate Commerce Act, requiring the establishment of such reasonable rules, regulations, and practices as may be necessary to correct any unreasonableness and to remove any other unlawfulness found to exist, and requiring the carriers to provide themselves with such freight cars as may be found necessary to enable them to furnish safe and adequate car service.

All common carriers by railroad subject to the act were made respondents, and a copy of the order of investigation was served upon the Association of American Railroads, Car Service Division, herein sometimes referred to as the Association, as well as upon the carriers.

An initial hearing was held (1) to devise ways and means of making the best use of the available car supply, and (2) to determine whether this Commission should promulgate car service rules. The latter question was made the subject of briefs, a proposed report, and oral argument.

Parties presenting evidence. Evidence was presented by six employees of the Commission, viz, the Director and five field agents of its Bureau of Service; by the Chairman of the Car Service Division, in behalf of the Association and rail carriers members of the Association; by a Traffic Consultant, for himself and as a friend of the rail carriers; briefly by the American Can Company, manufacturer of metal and fiber containers at 65 plants in 23 States; briefly by the Indiana State Chamber of Commerce, chiefly with respect to the box car situation in that area; by two individuals representing coal producers in western Pennsylvania and northern West Virginia, and pertaining to coal cars in those areas; by the National League of Wholesale Fresh Fruit and Vegetable Distributors, with respect to refrigerator cars; by the National Agricultural Transportation Committee, for cooperative associations throughout the United States handling agricultural products, and specifically with reference to delays in transit of carload shipments of grain; by several persons representing a multitude of shippers and receivers of freight utilizing box cars in an area extending from the Illinois-Indiana State line westward to the Rocky Mountains and from the Canadian border southward to the Rio Grande River, and comprising individuals and companies operating many hundreds of country and terminal grain elevators, a grain and feed association having over a thousand members, numerous milling companies which, utilize grain in the manufacture of flour and feeds, grain markets, boards of trade, traffic associations, and the Illinois Commerce Commission. No evidence was offered by any railroad official or other employee of any individual railroad company.

Car service rules. Rail carriers commonly acquire and own freight cars of the type or types needed for loading the character of freight originating on their respective lines. Those originating grain and grain products or merchandise need high class box cars, those serving coal fields use gondola and hopper cars extensively, those carrying hogs and cattle require livestock cars, etc.

Shipments placed in freight cars owned by an originating carrier ordinarily may, if other cars are not available, be billed by shippers from any point of origin to any point of destination in the United States, as well as to many destination points in Canada and Mexico. Regulations to guide and govern the carriers respecting the return of such cars to their owners are formulated by representatives of the rail carriers, are adopted by votes of carriers owning a majority of the freight cars involved, are published by the Association in behalf of such carriers, and are designated car service rules.[2] In similar fashion rules are established which fix the compensation, known as the per diem rate, to be paid at the end of each month to the car owner for the use of its general service cars when on the lines of other railroads. One per diem rule, hereinafter discussed, relates, among other things, to the movement and distribution of freight cars.

Rules pertaining to the selection of cars to be loaded with shipments destined to points not situated on the originating railroad, and the return of freight cars to their owners when unloaded at points on other lines, are designated car service rules 1 to 6, inclusive, and are reproduced in the appendix hereto. They contemplate the retention of owned cars on owners' lines so far as practicable, and provide with specified exceptions that a freight car, unloaded at a point on the line of a carrier other than the owner, shall be moved, loaded or empty, to or in the direction of the owning road. Per diem rule 19, also reproduced in the Appendix, provides for the creation and maintenance of a Car Service Division, with headquarters at Washington, D. C., with plenary power to authorize departures from the car service rules, to transfer cars from one railroad or territory to another when necessary to meet traffic conditions, and to perform other indicated duties.

When the supply of freight cars is sufficient to meet current demands, approximately 85 percent of the units unloaded at points not situated on the owning road are handled in accordance with the car service rules, and compliance with the rules to this extent enables the carriers to maintain their equipment and meet the requirements of the shipping public. At such periods, many of the 15 percent failures to observe the rules are due to reloading, by consignees, of cars they have made empty, and billing of such loads to points not in the direction of owning railroads.

In periods like the present, when the car supply falls short of demands, maximum tonnage is handled by permitting cars to be reloaded immediately after a load is removed, without regard to ownership of cars or destination of shipments. At the present time the car service rules to a large extent are suspended and disregarded by both carriers and shippers. Generally a consignee receiving a loaded shipment in a railroad owned car may now remove the lading and immediately reload the car to a point in any direction, whereas, under provisions in the car service rules, if it had no load for a destination in the direction of the owning railroad it would be expected to release the car and hold its out-bound shipment until another car could be furnished. Shippers have a choice of many routes, direct and indirect, over which to forward their shipments, pursuant to tariff provisions, as explained in decisions by this Commission. Under the car service rules, if a car cannot be loaded to or in the direction of the owning road, it ordinarily retraces the route which the loaded car traveled, even though the route be circuitous, unless some arrangement be made, as authorized by the rules, for short routing the car to the line of the owner.

The present practice of largely disregarding the car service rules frequently results in the accumulation of box cars on individual railroads and in districts which receive more freight tonnage than they originate, particularly on railroad lines and in States eastward from Pittsburgh, Pa., and Buffalo, N. Y. To counteract this tendency, and to cause the transfer of such cars with a minimum of service to localities which originate more freight than they receive, car relocation orders have been served upon specified carriers, directing that a designated number of cars be delivered at named junctions to other indicated railroads. Orders of this character pertaining to box cars for western districts have been issued during the past several months by the Car Service Division, pursuant to authority conferred by per diem rule 19, and more recently by the Commission, through the Chairman of the Car Service Division, who has been appointed as Agent of the Commission. But up to the time of the hearing herein, the results of such orders had fallen considerably short of the hopes and expectations of shippers in the Central West and Northwest. Relocation orders in effect in the early part of 1947 did not produce the results desired, due in part to adverse weather conditions. Shortly

[1] The investigation does not include the distribution of coal cars at mines or related matters embraced within section 1, paragraph (12) of the Interstate Commerce Act, or issues involved in prior proceedings respecting distribution of coal cars at mines.

[2] The railroad car service rules here under consideration are published, as information, in the editorial section of the Official Railway Equipment Register. The issue for July 1947 is Agent M. A. Zenobia's tariff, I. C. C. No. 284.

before the hearing, the number of box cars ordered moved from eastern lines to western lines was increased to 1,200 daily, with privilege of stopping around 110 daily at intermediate points in central territory, to be loaded westward. Western shippers have suggested 1,500 daily, and have urged a minimum of 1,200 daily without stops to load at intermediate points. The movement of freight tonnage is greater from West to East than in the opposite direction, and considerable west-bound empty mileage is necessary to afford western shippers a supply of box cars based on units owned by railroads serving those areas, no matter whether the cars be handled under general car service rules or under special orders.

On March 1, 1947, box cars were scattered to such an extent that class I railroads had on their rails but 16.4 percent of the units owned. If the Association or the Commission should now enter an order requiring rigid observance of the car service rules, carriers would be obliged to immediately start cars rolling in the direction of the owning roads, loaded or empty, and, due to cross hauling over direct and indirect routes of empty cars, when loads in the direction of the home road were not available, the aggregate volume of traffic handled might be materially reduced. In instances where carriers have provided themselves with a particular type of car for the tonnage they originate, and which terminate but small quantities of interline freight carried in that class of equipment, the Association by special orders has sometimes directed that such cars be returned to the home line immediately after being unloaded. An example is the open-top cars of certain coal carriers which now are the subject of outstanding orders. Similar orders, in addition to the aforementioned car relocation orders, could be entered with respect to box cars, purchased by railroads like the Great Northern,[3] Northern Pacific, and the Minneapolis & St. Louis, and constructed primarily for the carrying of grain and grain products. Many of the box cars now being moved to the Northwest and Central West under car relocation orders, while usable for rough freight, are not suitable for commodities like flour, without coopering, cleaning, and lining, which require time, and result in car delays.

Car supply and distribution. For the week ended March 8, 1947, car shortages were reported in all districts of the United States, but not on all railroads. For freight carrying cars of all kinds the shortages averaged 36,698 daily, for box cars 25,292, and for open-top cars 10,365. The shortages appear to be due, in part to the inability of railroads to acquire new equipment in the past few years when manufacturers were otherwise engaged at the direction of the Federal government, in part to the fact that the number of carloads of freight offered for movement annually since termination of the war has materially exceeded the number of carloads originated in any year in the 10-year period, 1931 to 1940, prior to participation by the United States in war activities, and to other miscellaneous factors. The car-lot shipments of revenue freight in 1946, as compiled by the Association and amounting to 41,341,205 carloads, exceeded by 3,670,741 loads, or about 11 percent, the number of carloads originated in 1937, the maximum for any year in the designated 10-year period. The total freight carrying cars owned and leased by class I railroads on January 1, 1947, approximating 1,740,000, was about 18,200 less than the number reported for January 1, 1937. The current post-war freight car shortage is the only severe peace-time car shortage, as described of record, that has occurred since 1922–1923. Shortages reported by rail carriers for the latter part of October 1922, as pointed out in the Commission's 36th Annual Report, page 16, amounted to 179,239 cars, more than four times as many as reported for the first week of March 1947.

Much of the evidence herein pertains to the supply and distribution of box cars. The districts presenting the most urgent appeals for additional cars of this type are (1) the Northwest, particularly the States of Minnesota, Montana, North Dakota, South Dakota, and (2) the Central West, especially Kansas, Nebraska, Colorado, Iowa, Missouri, and Illinois, where country elevators are generally filled to near working capacity with grain which cannot be shipped for lack of carrying equipment, and where, because many country elevators are unable to receive proffered grain, large quantities of the 1946 crops remain on farms.

The need for cars in the Middle West has been so urgent in recent months to move corn having moisture content, and to transport wheat, that open-top cars have been used extensively. Corn has also been transported in livestock cars.

On March 1, 1947, the Great Northern had on its lines but 58.6 percent as many box cars as it owned, Northern Pacific 65.6 percent, Minneapolis & St. Louis 61.5 percent and the Soo Line 78 percent. These are important carriers of grain from points of origin, and their box-car deficit on that date aggregated 19,846 units. The significance of this figure becomes apparent in the light of evidence herein that on the basis of recent averages each box car has handled a little more than two loads per month. For all class I carriers in the northwest group the percentage of box cars on line to ownership March 1 was 87.6.

In the Central West, the D. & R. G. W. had on its lines on March 1 box cars equal to 54.2 percent of its ownership, Burlington 65.4 percent, Santa Fe 85.6 percent, Union Pacific 88 percent, Rock Island 92.1 percent, Southern Pacific, including its lines on the Pacific Coast, 100 percent, Alton 105:1 percent, Western Pacific, extending from Salt Lake City, Utah, to San Francisco, Calif., 144.1 percent, and, for all class I railroads in the central western group 88.6 percent. In the Southwest, box cars on the lines of individual roads ranged from 62.5 percent of ownership on the Frisco to 165.7 percent on the Texas & New Orleans Railroad Company, and for the entire southwestern group of class I railroads the average was 101.3 percent. Recent complaints from grain shippers in the Central West have come most frequently from points in Kansas, Nebraska, and Colorado, on the Burlington, Rock Island, and Union Pacific which, on March 1, 1947, had on their lines 12,093 less box cars than they owned.

A comparatively small rail carrier which on March 1, 1947, had on its rails 3,453 box cars, equal to 361.2 percent of ownership, is the Elgin, Joliet & Eastern. This railroad, less than 150 miles in length, starts from Waukegan, Ill., north of Chicago, Ill., and extends southwest, south, southeast, east, and northeastward in a semi-circle outside of and around Chicago to Gary and Porter, Ind.

Within official territory an average of 105.7 percent of ownership was reported respecting box cars on class I railroads other than the Chesapeake & Ohio, Norfolk & Western, and Virginian, in the Pocahontas District, and on those three roads an average of 66.9 percent. Reports by the two roads last named indicate no box car shortage on their lines in week ended March 8, 1947. The percentage figure given for official territory, 105.7, includes some railroads whose lines extend from the Atlantic Seaboard to Chicago or St. Louis, or both, and does not reveal whether or not the cars on such railroads are evenly distributed. Grain shippers and other shippers at some points in the western part of official territory, especially in Indiana, are not receiving an adequate supply of freight cars. They say the relocation orders, directing the movement of box cars from eastern lines to western lines, have a tendency to drain cars from this district, and they ask that their needs be not overlooked. Railroads operating lines which traverse Indiana include the Baltimore & Ohio which, on March 1, 1947, had on its lines box cars equal to 86.2 percent of its ownership; Chesapeake & Ohio 64.4 percent; Chicago, Indianapolis & Louisville Railway Company 184.3 percent; Erie Railroad Company 94.6 percent; New York Central System 102 percent; New York, Chicago & St. Louis Railroad Company 88.6 percent; The Pennsylvania 101.7 percent; and Wabash Railway Company, with lines running from Buffalo westward to St. Louis, Kansas City,

[3] Great Northern Railway Company. Other short names used herein are Alton for Alton Railroad Company; Baltimore & Ohio for Baltimore & Ohio Railroad Company; Boston & Maine for Boston & Maine Railroad; Burlington for Chicago, Burlington & Quincy Railroad Company; Chesapeake & Ohio for Chesapeake & Ohio Railway Company; D. & R. G. W. for Denver & Rio Grande Western Railroad Company; Elgin, Joliet & Eastern for Elgin, Joliet & Eastern Railway Company; Frisco for St. Louis-San Francisco Railway Company; Minneapolis & St. Louis for Minneapolis & St. Louis Railroad Company; New Haven for New York, New Haven & Hartford Railroad Company; New York Central for New York Central Railroad System; Norfolk & Western for Norfolk & Western Railway Company; Northern Pacific for Northern Pacific Railway Company; Pennsylvania for Pennsylvania Railroad Company; Rock Island for Chicago, Rock Island & Pacific Railway Company; Santa Fe for Atchison, Topeka & Santa Fe Railway Company; Soo Line for Minneapolis, St. Paul & Sault Ste. Marie Railway Company; Southern Pacific for Southern Pacific Company; Union Pacific for Union Pacific Railroad Company; Virginian for Virginian Railway Company; and Western Pacific for Western Pacific Railroad Company.

and Omaha, 80.3 percent. Each of these carriers reported shortages of box cars in the week ended March 8, 1947, except the Chicago, Indianapolis & Louisville, which did not report any shortage of any class of cars. The Chesapeake & Ohio reported a box car shortage of only 15 cars.

Class I carriers in southern territory reported that box cars on their respective lines March 1, 1947, averaged 92.8 percent of ownership. No evidence was offered by any shipper with reference to the supply or distribution of freight cars in any designated area of southern territory.

In the following table, compiled from exhibits of record, there is shown for designated railroads in the Eastern district,[4] Allegheny district,[5] Northwest district,[6] and Central Western district,[7] in columns (1) the number of box cars owned on the dates given, and in columns (2) the percentage relations of box cars on line to box cars owned at those periods.

	Eastern		Allegheny	
	(1)	(2)	(1)	(2)
1946				
July 1	157,480	108.7	121,175	100.7
Aug. 1	157,187	109.7	124,219	102.8
Sept. 1	156,897	110.3	124,058	104.0
Oct. 1	156,732	108.9	123,848	103.3
Nov. 1	158,283	113.6	123,729	104.9
Dec. 1	155,760	112.2	124,012	104.6
1947				
Jan. 1	155,098	107.8	123,918	104.0
Feb. 15	155,074	107.0	124,198	103.5

	Northwest		Central West	
	(1)	(2)	(1)	(2)
1946				
July 1	121,835	83.7	139,021	99.6
Aug. 1	121,364	80.7	139,021	97.4
Sept. 1	120,670	87.4	139,344	98.5
Oct. 1	120,111	100.0	139,147	97.7
Nov. 1	119,936	91.7	138,691	94.1
Dec. 1	119,644	82.7	138,086	94.2
1947				
Jan. 1	119,365	82.9	139,561	95.5
Feb. 15	118,987	80.9	139,410	91.4

Freight car delays. Many of the car delays reported by shippers and others suggest a shortage of motive power, and, in some instances, a lack of personnel. The order of investigation does not specifically include an inquiry respecting the supply and operation of locomotives, and comparatively little evidence was offered concerning that feature. Among other reasons given for car delays are adverse weather in recent winter months, the 5-day week which is observed by many shippers and receivers of freight, accumulation and holding by railroads of cars for prospective loading, lack of railroad supervision, and the attitude of railroad workers.

The Commission's Bureau of Service has 70 field agents scattered throughout the country, about one-half eastward and the other one-half westward from St. Louis and Chicago, who make periodical and special inspections in their respective territories, and special investigations in response to complaints from shippers and instructions from the Washington office, regarding the handling, supply, and distribution by carriers of railway equipment. They also perform such other duties as may be assigned them. Their investigations are in the nature of spot checks, and in the past six months every large city and important terminal in the United States were visited. Information respecting car delays discovered by them is sometimes conveyed directly to the carriers involved, and sometimes transmitted through the Washington office. In February 1947 these field operators visited in the aggregate more than 1,100 railroad agents and yards, and contacted some 700 industry officials and about 2,200 railroad officials. They do not generally investigate shortages of railroad motive power as distinguished from shortages of cars. However, a summary exhibit of reports by field agents, regarding their activities in February 1947 contains a few references to locomotive shortages, as hereinafter pointed out. Five of the field men appeared in person and testified about car delays, and the advisability of formulating and establishing a rule or rules designed to eliminate or minimize such delays.

The New Haven, operating lines in New England, owned on February 15, 1947, a total of 3,719 box cars. It had on its line on that date 12,290 such cars, or more than three times its ownership. As to freight carrying cars of all kinds, its ownership was 6,450 and the number on line 17,190, equal to 266.5 percent of ownership. A check made on February 17, 18, and 19, 1947, respecting freight car handling by this line at Bridgeport, Conn., revealed delays of 2 to 5 days in switching 40 inbound loads to unloading points; 2 to 9 days in moving 9 cars after they were loaded by the shipper; 3 to 4 days in starting 27 cars destined to western points; and the retention for 3 to 7 days, before release, of 17 cars containing company material. No explanation was offered regarding the reasons for these delays. The reported delays would seem to indicate that it has on its rails more freight cars than can be handled efficiently.

Another carrier in New England which appears to be heavily overstocked with freight cars is the Boston & Maine which, on February 15, 1947, owned 2,745 box cars and had on line 6,483, equal to 236.2 percent of ownership. By contrast, the Minneapolis & St. Louis, operating lines in Minnesota, South Dakota, Iowa, and Illinois, owned on that date 2,692 box cars, and had on line but 1,386 such cars, equal to 51.5 percent of its ownership.

These records lend strong support to the charges emphasized by western shippers that some of the eastern rail carriers are alleviating car shortages on their lines by the use of box cars owned by other railroads.

Numerous car delays, generally of the type which occurred on the New Haven, were described in the February reports of the Commission's field agents. Among the terminal points at which delays occurred were Trenton, N. J., Rochester, N. Y., Norristown and Reading, Pa., Cleveland and Toledo, Ohio, Indianapolis, Ind., Chicago and Edwardsville, Ill., St. Louis, Jacksonville, Fla., Wichita Falls, Tex., Minneapolis, Minn., and Portland, Oreg. They say an unreasonable amount of time is consumed by rail carriers in switching loaded and empty cars between railroad yards and industries, and recommend the establishment of a rule fixing a time limit of 24 hours for the placement of loaded cars after arrival in break-up yards at destination points, and 24 hours for the removal of empties after the lading has been removed by consignees. They also describe as inadequate the car service records maintained by some of the carriers. No specific 24-hour rule was proposed, nor did they outline the character of records which they think should be maintained.

At Toledo, Ohio, a service agent found that east-bound and west-bound trains were delayed in February as long as 27 hours, and freight cars 3 to 9 days, due to lack of motive power; at Gardenville, N. Y., five trains were held 17 to 32 hours awaiting motive power; and at Syracuse, N. Y., five trains were delayed 20 to 43 hours each awaiting motive power. At Selkirk, N. Y., due to shortage of motive power and yard conditions, a train of 102 cars, ready to go forward, was held for 9 days; another train went forward after waiting 8 days; and still another, containing 112 cars, had been on hand 7 days when the yard was checked. Shortages of motive power at Detroit, Mich., and Buffalo in February were also reported by field agents.

Within Chicago, where some 4,000 carloads of merchandise were held under load in the early part of 1947, the congestion became so serious that an embargo was issued against further rail shipments of merchandise to that city. Box cars moving from eastern areas to western railroads, under relocation orders, were billed through or around Chicago and not allowed to carry tonnage consigned to that point or to pick up shipments at Chicago for points beyond. The congestion there was occasioned in part by snow storms, cold weather, a shortage of railroad motive power, both road and yard, and in part by a shortage of experienced shop and yard forces. However, car delays at Chicago have not been confined to the winter months. A spot check of grain shipments received at 14 elevators within the Chicago district during indicated periods in the six months ended December 31, 1946, and covering the movement of 1,387 carloads of grain after inspection had been completed, disclosed that an average of 4.3 days per carload elapsed between the time the carriers were requested to switch the cars from inspection tracks and the time of placement at elevator unloading points. One carload was spotted on the day the placement order was delivered to the carrier. From 1 to 14 days were required to switch the others. Reciprocal demurrage charges, payable by carriers to shippers when the former fail to spot cars within a specified time after being requested to do so, is suggested by operators of these grain elevators as an incentive to speed up car movement.

The Farm Bureau Cooperative Association, operating a grain elevator at Columbus, Ohio, received at that point from January 22 to March 7, 1947, inclusive, grain originating in Illinois, Indiana, and Ohio, totaling 144 carloads, of which 79 loads moved over single-line routes, and the other 65 over routes comprising lines of two railroads. The elapsed time from date of shipment to date of receipt at destination ranged from 2 to 24 days per car, and averaged 8.3 days. As illustrative of the service over single-line routes, the Baltimore & Ohio moved six carloads from Decatur, Ill., to Columbus in 5, 6, 6, 8, 8, and 11 days, respectively; the New York Central 10 carloads from Indianapolis, Ind., to Columbus, in 5, 6, 6, 7, 7, 7, 7, 8, 8, and 9 days, respectively; and the Pennsylvania six carloads from Indianapolis to Columbus, less than 200 miles over its main line, in 9, 11, 11, 12, 12, and 15 days, respectively. This slow movement suggested lack of motive power, or shortage of personnel, or both. The shipments of grain were not stopped in transit for inspection.

Milling companies, manufacturing flour and other grain products, now operate generally on a 7-day week except when their activities are curtailed directly or indirectly by a lack of freight cars. The operating time lost for this reason is substantial. Those which have mills in the Central West formerly counted on 5 days in transit from the Missouri River to New York, N. Y., but now they will not promise delivery there in less than 10 days. The unsatisfactory service, described as the poorest the railroads have ever provided, is attributed to a let down in effort since termination of the war, and to employee absenteeism, indifference, and disinclination to work. The evidence contains a reference to one instance where, during the hunting season, 285 railroad men out of a potential force of 310, failed to report for duty. The witness for the American Can Company, operating plants in 23 states, testified that transit time is slower than at any period in the memory of those familiar with railroad transportation.

Coal producers in western Pennsylvania and northern West Virginia are concerned about a practice which they regard as a wasteful, uneconomic, and inefficient use of coal cars, and a resulting diminution in the supply of cars available to their mines. Their criticism is directed particularly at the Baltimore & Ohio which, in the past few years, has constructed many miles of track from its lines to new mining operations, without increasing its car supply, and then, by distributing cars among a greatly augmented number of coal producers, has reduced the supply formerly available to complainants' mines. They calculate that additional switching is required to move cars to and from an increased number of mines, and that the average turn-around time for coal carrying units is lengthened.

Despite the reported car delays, interruptions due to labor strikes in the past year or more, and unsatisfactory service reported by shippers, statistical records indicate that the rail carriers have been handling a substantial volume of traffic per railroad car in service. Based on freight cars owned by the railroads and private car lines the first of each year, the revenue freight originated in carloads, as compiled by the Association, averaged 20.5 loads per car in 1946, and 20.7, 21.6, 21.2, 21.8, and 22.3 loads per car in 1945, 1944, 1943, 1942, and 1941, respectively. In addition, they carried freight in less-carload lots, as well as carloads of railroad fuel and other company material. Loaded car miles and average lengths of hauls are not shown of record.

Freight cars owned by railroads and private car companies January 1, 1946, totaling 2,014,654, exceeded by 114,157 the number owned on January 1, 1941. The railroads recently arranged to acquire approximately 132,000 new freight cars. To permit their construction, steel companies agreed to supply car builders with enough steel to make 7,000 cars per month in April, May, and June, 1947, and 10,000 per month thereafter.

Proposed I. C. C. rules. Section 1 (14) (a) of the act authorizes the Commission, after hearing, to establish reasonable rules, regulations, and practices with respect to car service by common carriers by railroad, including the compensation to be paid for the use of any car not owned by the carrier using it. The car service rules published by the Association have been largely suspended and disregarded during the past several months, as hitherto explained, and the relocation and distribution of freight cars as between carriers are now governed in large measure by special orders issued by this Commission and the Association.

Shippers in the Northwest and Central West favor leaving with the Association the establishment and administration of car service rules and the distribution of freight cars as between railroads, but they emphasize that their districts have not been accorded a car supply in recent months based on the number of units owned by railroads serving those districts. They urge us, to require, by order, a more equitable distribution of cars, particularly box cars. They recommend, however, the use of service orders rather than car service rules, with the object of getting cars quickly to western points where they are badly needed. They advocate that an increased per diem rate, or other monetary penalty, be applied against those railroads which fail to handle freight cars with reasonable promptness at terminals and other places. O. D. T. order No. 18–A, pertaining to heavy loading of freight cars, has promoted efficient utilization of freight cars, and they ask that a similar regulation be issued by us if operations by the O. D. T. should be terminated.

Northwestern County Elevator Association, representing more than 1,200 country elevators in Minnesota, Montana, North Dakota and South Dakota, is not convinced that new rules are necessary. They contend we have ample power to order freight cars to localities accorded less than their proper supply. As to faster movement of cars at terminals and in road service, the Association is of opinion that the railroads in the Northwest have done the best they could with the kind of help available.

Southwestern Industrial Traffic League and Texas Industrial Traffic League suggest that a penalty per diem rate be applied during the car shortage emergency, but ask that it be accomplished by service orders and not be general rules. They join numerous other shippers in the West in requesting the issuance of service orders, requiring the return to western railroads of cars they own or the equivalent thereof, and emphasize their opinion that this Commission can serve commercial and industrial interests better by regulating railroad car service matters than by directly undertaking the performance of those services itself.

National Industrial Traffic League urges that there is no evidence that the car service rules are unlawful, and, until there is proof of unlawfulness or proof that the rules have become outmoded, or unworkable, or otherwise preventive of efficient and fair use of cars, it opposes the promulgation of a new code of regulations to be designed and enforced by this Commission. It perceives no demand for such action, either by any group of carriers or the shipping public; no unlawful railroad practice that might be cured thereby; and thinks it quite probable that Commission-made car service rules would work against rather than in favor of the public interest.

Indiana State Chamber of Commerce is not persuaded that any regulatory body is in position to issue the detailed instructions necessary to effective distribution of freight cars. The present arrangement, under which administration of car service rules rests primarily upon the Association and the rail carriers, subject to such orders as we may enter, is regarded as an arrangement that ought to be preserved. It asks that relocation orders, directing the movement of freight cars to the West or other areas, be modified to permit the cars to be loaded whenever freight is available for movement to the districts to which the care are destined.

The Western Pennsylvania Coal Operators Association and Northern West Virginia Coal Association express the opinion that maintenance of car service rules by Commission order, whether or not in the form of a schedule of rates, fares, and charges would be unwise, would militate against the best railroad operation, and would slow down rather than speed up car movement.

American Can Company does not see how any rule we might lay down would meet the present situation, and is not sure that such prescribed rules would be workable. It suggests that improvement

[4] Boston & Maine, Delaware & Hudson Railroad Corporation, Delaware, Lackawanna & Western Railroad Company, Erie Railroad, Grand Trunk Western Railroad Company, Lehigh Valley Railroad Company, New York Central, New York, Chicago & St. Louis, New Haven, Pere Marquette Railway Company, and Wabash.

[5] Baltimore & Ohio, Central Railroad Company of New Jersey, Pennsylvania Railroad, and Reading Company.

[6] Chicago & North Western Railway Company, Chicago Great Western Railroad Company, Chicago, Milwaukee, St. Paul & Pacific Railroad Company, Great Northern, Northern Pacific, and Soo Line.

[7] Burlington, Rock Island, Santa Fe, Southern Pacific, and Union Pacific.

in car handling is a job the railroads should do, but concedes that if the carriers should acknowledge they cannot perform the job, prescription by us of rules to prevent car delays, might be the only alternative.

Refrigerator cars owned by private car companies are not governed by the aforementioned car service rules or per diem rules. Their owners are compensated on basis of miles traveled. The National League of Wholesale Fresh Fruit and Vegetable Distributors directs attention to the penalties against shippers under demurrage rules for detention of refrigerator cars, and to the outstanding service order which requires carriers to switch refrigerator cars within 24 hours after release by consignees. This organization, and the trade associations it represents, are of opinion that the only solution to the refrigerator car shortage is for this Commission to establish rules providing penalties against the railroads, payable to car owners, on the same basis as the penalties now paid by shippers and receivers of freight to rail carriers. The organization proposes that we establish car service rules applicable to refrigerator cars under either emergency or normal conditions, and asks us to cease issuing service orders.

The National Agricultural Transportation Committee believes the car service rules would be far more effective if issued and enforced by this Commission. Something in the nature of penalties against carriers is suggested.

Bethlehem Steel Company says the evidence of record does not justify the establishment of a code of Commission-made car service rules to supplant those published by the Association. The record demonstrates, according to its view, that the scarcity and shortage of railroad freight cars is not caused by either the present car service rules or the administration thereof; that there is no reason why this Commission cannot protect the public interest by issuing service orders under section 1 (15) of the act, as in past emergencies; that the car service rules published in behalf of the railroads are flexible and can be quickly modified to meet the needs of industry, but that rules promulgated by us would have the effect of a statute and could be modified only after a hearing. It regards freight car distribution as an operating function of railroad management which the Federal government should not undertake to usurp.

The United States Department of Agriculture emphasizes that prompt action is desirable when dealing with car shortages, particularly when transportation service is necessary to prevent spoilage of food products, and asks that we hold the proceeding open for a time in order that, if warranted by conditions, a further hearing may be held. It declares there is abundant evidence that the railroads in conjunction with the Association have done a commendable job during normal times respecting administration of the car service rules. During emergencies it believes we should enforce, and if necessary administer, rules or service orders, but says no need has been shown for us to undertake the task of issuing permanent orders designed to supplant the Association's rules so long as such rules adequately serve the public interest, and is doubtful if we would have the funds or the personnel to assume the enormous task of administering all the rules all the time.

The O. D. T. asks us to find that respondents have failed to furnish adequate car service; have failed to establish and enforce just and reasonable rules and regulations pertaining thereto; that establishment by respondents of reasonable rules and practices will promote a more adequate car supply in the interest of the public; and that failure of the carriers to furnish adequate car service and to establish and enforce reasonable rules contravenes section 1 (11) of the act and is unlawful.

As support for the requested findings, O. D. T. refers, among other things, to evidence that there is a shortage of all types of equipment, evidence respecting slow movements in road service, delays of cars at terminals, failures to promptly move cars from and to industries, inequitable distribution of cars which it characterizes as national maldistribution, insufficient crews, lack of railroad supervision, and general laxness in carrier operations following termination of the war. It says that car shortages have plagued the nation at intervals throughout the present century, and thinks the long-continued failure of the rail carriers to furnish adequate car service and establish reasonable rules, demands action by us to compel compliance with section 1 (11) of the act.

However, O. D. T. does not recommend that we formulate and establish car service rules, as authorized by section 1 (14) (a) of the act. It advocates rigid observance by the carriers of their car service rules, but opposes the entry of a service order under section 1 (15) of the act, requiring such observance, because that statutory provision relates to emergency conditions, and not to periods when the car supply equals the demand. It also is opposed to the entry of an order directing the carriers to incorporate their car service rules in their tariff schedules. Section 1 (13) provides:

> The Commission is hereby authorized by general or special orders to require all carriers by railroad subject to this part, or any of them, to file with it from time to time their rules and regulations with respect to car service, and the Commission may, in its discretion, direct that such rules and regulations shall be incorporated in their schedules showing rates, fares, and charges for transportation, and be subject to any or all of the provisions of this part relating thereto.

O. D. T. suggests that each railroad be required to file its rules respecting car service with the Director of the Commission's Bureau of Service, and that, after hearing, these rules, with such modifications as we may require, by order, be made obligatory upon each respondent, with the understanding that if any carrier fails to file its proposed rules, the Director of the Bureau of Service will prepare rules which, after hearing, by order shall be prescribed for future application. It contends that any carrier failing to comply with rules so prescribed would be subject to the penalties named in section 1 (17) (a) of the act.

The Association and the class I railroads declare that the distribution and utilization of the freight car supply lie at the heart of railroad operation. They perceive in the evidence of record no factual support for abolition of the present system of private management, and substitution of government control, over the handling and distribution of freight cars, and no evidence that more efficient use of the existing car supply would be accomplished through the promulgation of car service rules by us. They contend that the conditions complained of, if susceptible to relief at all by this Commission, can be remedied by car service orders. They think that the promulgation by us of car service rules would result in the establishment of a budding bureaucracy, at variance with American traditions, and incompatible with the principle of private operation of the railroads.

On the basis of evidence adduced at the hearing and in response to information and recommendations otherwise received from representatives of shippers and carriers, and from our field agents, we are affording by means of service orders, under our emergency powers, such assistance in respect of freight car relocation and distribution as the present emergency demands.

We are convinced that much remains to be accomplished in car detention and movement in order to reach the maximum of practicable efficiency. We believe that such maximum efficiency can be obtained by more wholehearted cooperation by all concerned so as to bring about prompter loading and unloading of cars, and greater expedition in their handling, especially within terminal areas. It is, of course, clear that while the present exceedingly heavy demand for cars for loading continues to exceed the available supply, permanent relief from the existing car shortage cannot be had until car manufacturers succeed in filling a large part of respondents' orders for new equipment, but in the meantime shippers and carriers can help themselves in large measure by the exercise of more cooperative efforts.

Findings. 1. We find that the railroad car service rules here under consideration have not been shown to have been or to be unlawful.

2. We further find that respondent railroads as a group have failed to furnish adequate car service, to the detriment of the shipping public.

3. And we further find, under the provisions of section 1 (13) of the act, that each of the respondent carriers should file with this Commission its rules and regulations with respect to car service.

If it should later appear that conditions might be improved by a modification of, or an addition to, the car service rules as so filed, action by us with that object in view can be taken (1) informally through conferences with and suggestions to railroad representatives; (2) by the issuance of a service order or orders under emergency powers conferred by Section 1, paragraphs (15) and (16) of the act; or (3) by the entry of an order, after hearing, as authorized by Section 1 (14) (a) of the act.

The proceeding will be held open for a time to facilitate any further action which the instant emergency may warrant.

An appropriate order will be entered.

Barnard, Commissioner, concurring in part:

I concur in the decision of the majority that the carriers should be required to file their car service rules with the Commission, but I do not think, however, that the evidence of delays in the handling of cars and the carrier failures to furnish cars is sufficient to warrant Finding Number 2. I would therefore eliminate that Finding.

Mitchell, Commissioner, dissenting:

I can not approve this report because at the hearing one of the presiding Commissioners said, and I quote from the record: "Very concretely, the object of this hearing is to furnish a record on which the Commission might arrive at a decision whether or not it should formulate and promulgate car service rules." The parties had a right to rely upon that statement, which was not withdrawn or modified during the hearing. The report directs the railroads to file their rules, but that question was not discussed, because the issue was limited as stated.

It seems to me the case should be decided upon the issue tried out by the parties, and not upon other questions on which the parties have not been accorded a full hearing.

Commissioner Patterson did not participate in the disposition of this proceeding.

APPENDIX

CODE OF CAR SERVICE RULES—FREIGHT

(Published by Association of American Railroads)

Rule 1. Home cars shall not be used for the movement of traffic beyond the limits of the home road when the use of other suitable cars under these rules is practicable.

Rule 2. Foreign cars at home on a direct connection must be forwarded to the home road loaded or empty.

If empty at junction with the home road and loading at that point via the home road is not available, they must, subject to rule 6, be delivered to it at that junction, unless an exception to the requirement be agreed to by roads involved. When holding road has no physical connection with the home road and is obliged to use an intermediate road or roads, to place the car on home rails under the provisions of this paragraph and the car has record rights to such intermediate road or roads, it may be so delivered.

If empty at other than junction points with the home road, cars under this rule may be:

(a) Loaded via any route so that the home road will participate in the freight rate, or

(b) Moved locally in the direction of the home road, or

(c) Moved locally in an opposite direction from the home road, or delivered to a short line or a switching road, if to be loaded for delivery on or movement via the home road, or

(d) Delivered empty to home road at any junction point, subject to Rule 6, or

(e) Delivered empty to road from which originally received under load at the junction where received if such road is also a direct connection of the home road, or

(f) Returned empty to the delivering road when handled in switching service.

Rule 3. Foreign cars at home on other than direct connections must be forwarded to the home road loaded or empty. Under this rule cars may be:

(a) Loaded via any route so that the home road will participate in the freight rate, or

(b) Loaded in the direction of the home road, or

(c) Moved locally in an opposite direction from the home road, or delivered to a short line or a switching road if to be loaded for delivery on or movement via the home road, or to a point in the direction of the home road, beyond the road on which the cars are located, or

(d) Delivered empty to road from which originally received, at the junction where received, if impracticable to dispose of them under paragraph (a), (b), or (c) of this rule.

Rule 4. Cars of railroad ownership must not be delivered to a steamship, ferry or barge line for water transportation, without permission of the owners, filed with the Car Service Division.

Rule 5. Empty cars of indirect ownership (Rule 3) to the road requesting the service, may be short-routed at a reciprocal rate of five cents (5¢) per mile, plus bridge and terminal arbitraries, with a minimum of one hundred (100) miles for each road handling the car, the road requesting the service to pay the charges.

Rule 6. If a movement of traffic requires return of empty cars to home road via the junction at which cars were delivered in interchange under load, the home road may demand return of empty cars at such junction, except that cars offered a home road for repeals, in accordance with the Interchange Rules of the Mechanical Division, must be accepted by owners at any junction point.

CODE OF PER DIEM RULES—FREIGHT

(Published by Association of American Railroads)

Rule 19. The Board of directors of the Association of American Railroads shall appoint a Car Service Division composed of a Chairman, and the requisite number of members, territorially representative, invested with plenary power to:

(a) Supervise the application of Car Service and Per Diem Rules.

(b) Suspend or permit departures from Car Service Rules 1 to 6, inclusive, except as provided in Rule 20.[1]

(c) Exempt when necessary, cars of any type, from the provisions of Car Service, Rules 1 to 6, inclusive, and provide other regulations under which such cars shall be handled.

(d) Transfer cars from one railroad or territory to another when necessary to meet traffic conditions, with due regard to car ownership and requirements (See note).[2]

(e) Conduct investigations, including examination of car records as may be necessary to insure the observance of Car Service and Per Diem Rules and of any orders issued by the Car Service Division, and in the event that they are unable to adjust such matters with the individual railroads, report all the facts with a recommendation to the Board of Directors.

(f) Obtain car location statements and other car performance statistics as deemed necessary.

(g) Take necessary action to bring about uniformity of practice among railroads by the standardization of car distribution rules, including record and report forms.

(h) Make recommendation to the Board of Directors when in their opinion a change in the per diem rate is necessary or desirable.

(i) To perform such other duties as may be assigned by the Board of Directors.

The headquarters of the Car Service Division provided for by this rule shall be Washington, D. C.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 25th day of July A. D. 1947.

It appearing, that by order dated December 18, 1946, as modified on February 3, 1947, the Commission, upon its own motion, entered upon an investigation to determine (1) whether the rules, regulations, and practices with respect to the use, control, supply, movement, distribution, exchange, interchange, and return of railroad freight carrying cars are unreasonable, or otherwise unlawful; whether freight cars are being wastefully, uneconomically or inefficiently used, controlled, supplied, moved, exchanged, interchanged, and returned, and whether such cars are being unfairly or inequitably distributed among shippers, and (2) whether common carriers by railroad have been and are providing themselves with safe and adequate freight cars for performing as common carriers their car service, with a view to making findings and the entry of an order or orders requiring the establishment of such reasonable rules, regulations, and practices as may be necessary to correct any unreasonableness and to remove any other unlawfulness found to exist.

It further appearing, that this proceeding has been duly heard and submitted by the parties, and that full investigation of the matters and things involved has been made, and the Commission having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof, and has found that the respondent carriers have failed to furnish adequate car service, and that they should be required to file their car service rules and regulations with the Commission. It is ordered, that:

§ 95.1000 *Filing car service regulations with Commission.* Each of the common carriers by railroads, respond-

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[1] *Rule 20.* Departure from Car Service Rules 1 to 6, inclusive, affecting Canadian Railway cars on United States railroads, or United States railroad cars on Canadian railways, shall be only by agreement as between the Association of American Railroads and the Railway Association of Canada.

[2] Note to per diem Rule 19, paragraph (d). This provides an adjustment of surplusages and shortages, and is intended to suggest an equalization of service so far as practicable and consistent with car ownerships. By the latter is meant that if one railroad has, in its good judgment, provided amply for its coal-loading patrons, for example, while another has not, and the demand is generally equal to supply, the mines of the first will not necessarily be depleted in order that the mines on the improvident road may be the better served. Generally, as between the provident and improvident roads, it must be recognized that if in time of great car demand, the latter has to be assisted for the benefit of its patrons and its territory at the expense of the former, there must necessarily be set up some method of compensation for the former, and this of necessity may go beyond mere car hire. In treatment of short "Feeder" railroads, without any appreciable car ownership, such railroads must be given a measure of car supply from "Trunk Lines" consistent with current distribution percentages on such trunk lines; in other words, they must be treated as industries on the trunk line connection.

cents in investigation No. 29669, is hereby notified and required to file with this Commission in duplicate its car service rules and regulations, under the first proviso of section 1 (13) of the Interstate Commerce Act (49 U. S. C. 1 (13)), on or before November 1, 1947, and thereafter to file with it any changes or amendments to such rules and regulations.

(41 Stat. 476, 49 Stat. 543; 49 U. S. C. 1 (13))

It is further ordered, that this order shall continue in force and effect until the further order of the Commission.

And it is further ordered, that notice be given to the general public by depositing a copy of this order in the office of the Secretary at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-7516; Filed, Aug. 11, 1947; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

ALASKA

CROSS REFERENCE: For partial revocation of Executive Order 8979 establishing the Kenai National Moose Range, which is noted in the tabulation in § 11.1, see Public Land Order 890 in Title 43, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 30]

TOBACCO STOCKS AND STANDARDS

NOTICE OF PROPOSED RESTRICTIONS AND CONTROLS RELATING TO PRODUCTION AND MARKETING OF TYPE 31–V TOBACCO AS A PREREQUISITE TO CLASSIFICATION AND CERTIFICATION OF SUCH TOBACCO

Notice is hereby given that, pursuant to the authority contained in the Classification of Leaf Tobacco Covering Classes, Types, and Groups of Grades, as amended (7 CFR 30.1 et seq.; 12 F. R. 4879), under the classification of Type 31–V, Class 3: Air-cured types and groups, authorizing the establishment of restrictions and controls relating to the production and marketing of Type 31–V tobacco, compliance with which restrictions and controls is essential as a prerequisite to the classification and certification of such tobacco, consideration is being given to the establishment of the following restrictions and controls:

Insert in § 30.5 *Class 3: Air-cured types and groups* between the descriptions of Type 31–V and Type 32, a new paragraph providing as follows:

Restrictions and controls relating to the production and marketing of Type 31–V tobacco as a prerequisite to the classification and certification of such tobacco—(a) *Declaration of seed.* Tobacco shall be produced from seed declared to be a suitable low-nicotine strain or variety for the production of Type 31–V, by an agency or agencies designated by the Director of the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture.

(b) *Production under contract.* Type 31–V tobacco shall be grown under contract with a manufacturer of tobacco products. In addition to any other provisions not inconsistent herewith, the contract shall provide that:

(1) The manufacturer shall furnish to the grower seed declared therefor as provided in (a) above;

(2) The grower shall deliver to the manufacturer all tobacco produced from such seed;

(3) The grower shall produce not in excess of the number of acres of low-nicotine tobacco specified in the contract;

(4) The grower shall establish clear lines of demarkation between the low-nicotine tobacco and any other type of tobacco grown on the farm; and

(5) The low-nicotine tobacco shall be housed and handled separately and shall not be commingled with any other type of tobacco: *Provided*, That this provision shall not prohibit the housing of low-nicotine and other types of tobacco in the same curing barn so long as the low-nicotine tobacco is clearly identified and is not commingled with any other type of tobacco.

(c) *Filing of copy of contract.* A copy of each contract referred to in (b) above shall be filed by the manufacturer with the Tobacco Branch by May 1 of each year.

(d) *Restrictions on sale and marketing.* The low-nicotine tobacco shall not be offered for sale, sold, marketed, or otherwise disposed of unless such tobacco is clearly represented and identified as being low-nicotine tobacco: *Provided*, That this restriction shall not apply to products manufactured from such tobacco.

(e) *Nicotine content.* The nicotine content of the tobacco in its cured state shall not be more than eight-tenths of one per centum (8/10 of 1%), oven dry weight.

(f) *Furnishing of information.* Each manufacturer and each grower shall, from time to time, furnish to the Director of the Tobacco Branch, such information as shall be requested relating to the production, stocks, and disposition of low-nicotine tobacco.

(g) *Prohibitions relating to seed and plants.* No seed shall be saved or harvested from the tobacco produced under a contract referred to in (b) above. No grower to whom seed is furnished pursuant to (b) (1) above shall deliver or transfer any such seed or any plant produced therefrom to any other person.

(h) *Designation of seed declaring agencies.* The Kentucky Agricultural Experiment Station, Lexington, Kentucky, is designated as an agency for the declaration of seed pursuant to (a) above.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposed restrictions and controls shall file the same with the Director of the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(45 Stat. 1079; 47 Stat. 662; 49 Stat. 893; 7 U. S. C. 501 et seq.; 7 CFR 30.5; 12 F. R. 4879)

Issued this 25th day of July 1947.

[SEAL] J. E. THIGPEN, *Acting Director, Tobacco Branch, Production and Marketing Administration.*

[F. R. Doc. 47-7545; Filed, Aug. 11, 1947; 8:45 a. m.]

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 6]

[192-33.32]

GORE FIELD, GREAT FALLS, MONTANA

NOTICE OF PROPOSED REDESIGNATION AS A TEMPORARY AIRPORT OF ENTRY FOR A PERIOD OF 1 YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (sec. 611, 58 Stat. 714; 49 U. S. C., Sup., 177 (b)), it is proposed to redesignate Gore Field, Great Falls, Montana, as a temporary airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act for a period of 1 year from August 15, 1947; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such redesignation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003). Data, views, or arguments with respect to the proposed redesignation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] A. L. M. WIGGINS, *Acting Secretary of the Treasury.*

AUGUST 4, 1947.

[F. R. Doc. 47-7527; Filed, Aug. 11, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 7905, Amdt.]

JULIA M. CAMAC

In re: Estate of Julia M. Camac, deceased. File D-28-9914; E. T. sec. 14040.

Vesting Order 7905, dated December 12, 1946, is hereby amended as follows and not otherwise:

By deleting paragraph 3 thereof and substituting therefor the following:

3. That such property is in the process of administration by Trust Company of North America, as Administrator c. t. a. of the Estate of Julia M. Camac, deceased, and Sidney J. Schwartz, as Trustee of the trust for the benefit of Martha Weltemeyer (Stange) under the will of Julia Camac, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

All other provisions of said Vesting Order 7905 and all action taken on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-7533; Filed, Aug. 11, 1947; 8:45 a. m.]

[Vesting Order 9523]

YASUDA BANK, LTD.

In re: Claim owned by Yasuda Bank, Limited. F-39-754-E-10.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yasuda Bank, Limited, the last known address of which is Tokyo, Japan, is a corporation, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Tokyo, Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yasuda Bank, Limited, by The Yokohama Specie Bank, Ltd., Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a credit balance due said bank, evidenced by Receiver's Liability Number 4170, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-7490; Filed, Aug. 8, 1947; 8:47 a. m.]

[Vesting Order 9506]

BARBARA KROH

In re: Estate of Barbara Kroh. File D-28-11831; E. T. sec. No. 16029.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Persinger, formerly Frieda Helm, Elizabeth Baierlein, Elizabeth Hubschmann and Conrad Hubschmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Barbara Kroh, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William Kroh of Washington, D. C., as executor, acting under the judicial supervision of the District Court of the United States for the District of Columbia;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 47-7529; Filed, Aug. 11, 1947; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER NO. 390, WITHDRAWING PUBLIC LAND FOR USE OF ALASKA ROAD COMMISSION AS ADMINISTRATIVE SITE

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of Public Land Order No. 390[1] of August 4, 1947, withdrawing lot 2, sec. 32, T. 5 N., R. 10 W., S. M., Alaska, for the use of the Alaska Road Commission as an administrative site, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded,

[1] See F. R. Doc. 47-7510, Title 43, Chapter I, Appendix, *supra*.

Reference

modified, or let stand will be given to all interested parties and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 4, 1947.

[F. R. Doc. 47-7511; Filed, Aug. 11, 1947; 8:55 a. m.]

Geological Survey

CALIFORNIA-OREGON-WASHINGTON

POWER SITE CLASSIFICATION NO. 380

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of the acting Secretary of the Interior dated June 10, 1947 (12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (41 Stat. 1075; 16 U. S. C., Supp. V. 818):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 18 N., R. 10 E.,
Sec. 12, lots 28, 29, and 33.

WILLAMETTE MERIDIAN, OREGON

T. 17 S., R. 21 E.,
Sec. 2, $N\frac{1}{2}S\frac{1}{2}$;
Sec. 4, $N\frac{1}{2}S\frac{1}{2}$;
Sec. 6, lots 6, and 7, $E\frac{1}{2}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, and $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 8, $S\frac{1}{2}N\frac{1}{2}$, $NE\frac{1}{4}SW\frac{1}{4}$, and $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 10, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 14, $N\frac{1}{2}NW\frac{1}{4}$.
T. 17 S., R. 22 E.,
Sec. 6, lots 1, 2, 3, 4, and $SE\frac{1}{4}NE\frac{1}{4}$;
Sec. 8, $N\frac{1}{2}NE\frac{1}{4}$, and $S\frac{1}{2}S\frac{1}{2}$;
Sec. 10, $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 18, lots 1, and 3, $SW\frac{1}{4}NE\frac{1}{4}$, and $NE\frac{1}{4}NW\frac{1}{4}$;
Sec. 22, $SE\frac{1}{4}NW\frac{1}{4}$.
T. 3 S., R. 36 E.,
Sec. 2, lot 2, $S\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, and $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 3, lots 1, and 2, $SE\frac{1}{4}NE\frac{1}{4}$, and $SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 10, $NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
Sec. 11, $W\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 14, $NE\frac{1}{4}NW\frac{1}{4}$;
Sec. 15, $NW\frac{1}{4}NE\frac{1}{4}$, and $NW\frac{1}{4}$;
Sec. 16, $NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, and $S\frac{1}{2}$;
Sec. 21, $NE\frac{1}{4}NE\frac{1}{4}$.
T. 3 S., R. 41 E.,
Sec. 26, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, and $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 27, $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 34, $E\frac{1}{2}NE\frac{1}{4}$;
Sec. 35, $NW\frac{1}{4}$, and $NE\frac{1}{4}SW\frac{1}{4}$.

WILLAMETTE MERIDIAN, WASHINGTON

T. 12 N., R. 4 E.,
Sec. 20, lots 3, and 4.
T. 12 N., R. 5 E.,
Unsurveyed island in secs. 33 and 34.

The areas described aggregate 108.22 acres in California, 4,518.26 acres in Oregon, and 21.25 acres in Washington.

JULIAN D. SEARS,
Acting Director.

AUGUST 1, 1947.

[F. R. Doc. 47-7506; Filed, Aug. 11, 1947; 8:56 a. m.]

FEDERAL SECURITY AGENCY

Social Security Administration

REDUCED RATES OF CONTRIBUTIONS

CERTIFICATION TO DIRECTOR OF DIVISION OF EMPLOYMENT AND SECURITY OF MINNESOTA

The Division of Employment and Security of the State of Minnesota having duly submitted to the Commissioner for Social Security, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Minnesota employment and security law; and

The Acting Commissioner for Social Security having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Acting Commissioner for Social Security hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Acting Commissioner for Social Security hereby directs that the foregoing findings be certified to the Director of the Division of Employment and Security of the State of Minnesota.

[SEAL] MAURINE MULLINER,
Acting Commissioner for Social Security.

AUGUST 5, 1947.

Approved: August 5, 1947.

MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-7513; Filed, Aug. 11, 1947; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 261]

RECONSIGNMENT OF LETTUCE AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., August 5, 1947, by H. Glick & Co., Inc., of car PFE 39020, lettuce, now on the Mo. Pac. to Indianapolis, Ind. (B/4).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7517; Filed, Aug. 11, 1947; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-999]

PAN AMERICAN AIRWAYS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 6th day of August A. D. 1947.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in Pan American Airways Corp., capital stock, $2.50 par value; File No. 7-999.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the capital stock, $2.50 par value, of Pan American Airways Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to September 5, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7520; Filed, Aug. 11, 1947; 8:45 a. m.]

Reference

OCT 29 47

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 12 NUMBER 158

Washington, Wednesday, August 13, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9883

REVOKING EXECUTIVE ORDER NO. 9172 OF MAY 22, 1942, ESTABLISHING A PANEL FOR THE CREATION OF EMERGENCY BOARDS FOR THE ADJUSTMENT OF RAILWAY LABOR DISPUTES

WHEREAS Executive Order No. 9172 of May 22, 1942, established for the duration of the war and six months thereafter a National Railway Labor Panel of nine members for the creation of emergency boards for the adjustment of railway labor disputes; and

WHEREAS it appears that the procedures available under the Railway Labor Act are now adequate for the handling and adjustment of such disputes:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes of the United States, it is ordered that the said Executive Order No. 9172 be, and it is hereby, revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 11, 1947.

F. R. Doc. 47-7611; Filed, Aug. 11, 1947; 1:45 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (13) is amended by the addition of the following subdivision:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(13) *Department of Labor.* * * *

(xiii) Director, Division of Labor Standards.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-7566; Filed, Aug. 12, 1947; 8:54 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

WAR DEPARTMENT

Section 6.4 (a) (4) is amended, effective upon publication in the FEDERAL REGISTER, by the addition of a subdivision, as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(4) *War Department.* * * *

(xvi) Joint Research and Development Board: Thirteen Executive Directors, eleven Deputy Directors, eight Scientific Warfare Advisers, two Chiefs of Branches, one Head of Section.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-7567; Filed, Aug. 12, 1947; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration

Subchapter A—Administration

PART 300—GENERAL

TRANSFER OF FUNCTIONS TO STATE DIRECTORS

Paragraph (d) of § 300.1 (11 F. R. 14221; 12 F. R. 2765) of Title 6, Code of Federal Regulations, is amended to revise subparagraphs (44) and (51), and add subparagraph (52), as follows:

(44) Virginia: Richmond, Virginia: Effective February 24, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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1946 SUPPLEMENT

to the

CODE OF FEDERAL REGULATIONS

The following books are now available:

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Book 3: Titles 21 through 31.

These books may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at $3.50 per copy.

A limited sales stock of the 1945 Supplement (4 books) is still available at $3 a book.

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[1] E. O. 9883.
[2] See § 6.4 of Title 5.

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the Farm Security Administration; liquidation of projects; and, servicing and supervision of cooperative activities. Effective March 7, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective March 24, 1947: Supervision of medical, dental and hospital care activities. The foregoing functions with respect to Accomac and Northampton counties, Virginia, were transferred on February 25, 1947, to the state FHA director for Maryland. (See subparagraph (18), Maryland.)

(51) Puerto Rico; San Juan, Puerto Rico: Effective March 7, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Credit Administration. Effective May 1, 1947: Making and servicing of FO loans under Title I of the Bankhead-Jones Farm Tenant Act, as amended; making and servicing of P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended; servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt adjustment activities under the Farmers Home Administration Act and Public Law 518, 78th Congress, for P&S loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended, and accounts transferred to the Farmers Home Administration from the Farm Security Administration; servicing necessary to assure proper expenditure of grant funds advanced by the Farm Security Administration to provide environmental sanitation and water improvement for needy farm families; servicing and supervision of cooperative activities; and supervision of medical, dental and hospital care activities. Effective May 21, 1947: Liquidation of projects.

(52) Virgin Islands; San Juan, Puerto Rico: Effective May 1, 1947: Servicing of accounts transferred to the Farmers Home Administration from the Farm Security Administration; debt settlement activities under Public Law 518, 78th Congress, for accounts transferred to the Farmers Home Administration from the Farm Security Administration; servicing necessary to assure proper expenditure of grant funds advanced by the Farm Security Administration to provide environmental sanitation and water improvement for needy farm families; completion of commitments on behalf of the United States Government arising out of the granting of project assets to the municipalities of St. Thomas and St. John, and St. Croix; and, servicing and supervision of cooperative activities. Effective May 21, 1947: Liquidation of projects.

(60 Stat. 1062; Order, Secretary of Agriculture, Oct. 14, 1946, 11 F. R. 12520, 7 CFR Supp. 1946, 524)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

AUGUST 4, 1947.

Approved: August 8, 1947.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7575; Filed, Aug. 12, 1947; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 47—RULES OF PRACTICE UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

DEFINITIONS

By virtue of the authority vested in the Secretary of Agriculture by the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001 et seq.) and the Perishable Agricultural Commodities Act, 1930, as amended (46 Stat. 531; 7 U. S. C. 499a–499r), § 47.2 (e) of Title 7, Code of Federal Regulations (11 F. R. 224) is hereby amended to read as follows:

§ 47.2 *Definitions.* * * *

(e) "Assistant Administrator" means the Assistant Administrator for Marketing of the Administration, or any officer or employee of the Administration to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(46 Stat. 531, secs. 3, 12, Pub. Law 404, 79th Cong. 60 Stat. 238, 244; 7 U. S. C. 499a–499r)

Done at Washington, D. C., this 8th day of August 1947.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7574; Filed, Aug. 12, 1947; 8:51 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[SECO 1, Amdt. 1]

PART 803—SUGAR EXPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture by the Sugar Control Extension Act of 1947, Sugar Export Control Order 1 (12 F. R. 2647) § 803.1 *Sugar exports* is hereby amended as follows:

1. By deleting paragraph (a) (6).

2. By changing paragraph (b) (1) to read as follows:

(1) Sugar derived from sugarcane or sugar beets.

3. By changing paragraph (b) (2) to read as follows:

(2) Molasses derived from sugarcane or sugar beets which cannot be used for human consumption or which is not to be used for human consumption.

4. By deleting paragraphs (b) (3), (c) (2) and (k) (1) and by redesignating paragraph (k) (2) as "(k)."

This revision shall become effective at 12:01 a. m., e. d. s. t., August 9, 1947.

(Pub. Law 30, 80th Cong., 1st session.)

Issued this 8th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 47-7573; Filed, Aug. 12, 1947; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

PROHIBITION OF LOADING

§ 910.304 *Pea Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement and order, as amended (7 CFR, Cum. Supp., 910.0 et seq.), regulating the handling of fresh peas and cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties in the State of Colorado, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the prohibition of loading of fresh peas, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order* (1) During the period beginning at 12:01 a. m., m. s. t., August 14, 1947, and ending at 12:01 a. m., m. s. t., August 17, 1947, the loading of fresh peas grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado for transportation or shipped in the current of interstate commerce or commerce with Canada, or so as directly to burden, obstruct, or affect such commerce, is prohibited.

(2) As used in this section, "loading of peas" shall have the same meaning as

is given to such term in said amended marketing agreement and order. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR Cum. Supp., 910.8)

Done at Washington, D. C., this 12th day of August 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7650; Filed, Aug. 12, 1947; 10:29 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 63]

PART 1596—FOOD IMPORTS

REVISION OF APPENDIX A

Pursuant to the authority vested in me by War Food Order No. 63, as amended (12 F. R. 459), Appendix A to said War Food Order No. 63 is hereby completely revised to read as follows:

APPENDIX A—ITEMS SUBJECT TO WFO-63

The numbers listed after the following foods are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (Issue of Sept. 1, 1946). Foods are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Food	Commerce import class No.	Governing date
Babassu nuts and kernels	2239.130, 2239.150	Nov. 13, 1944
Babassu nut oil	2257.100	Do.
Beet sugar [1] (including liquid sugar)	1580.750–1580.000, inclusive	Nov. 14, 1946
Butter	0044.000	Nov. 13, 1944
Cane sugar [1] (including liquid sugar)	1610.750–1610.000, inclusive	Do.
Castor beans	2231.000	July 20, 1945
Castor oil	2260.020	Do.
Coconut oil	2242.500	Nov. 13, 1944
Combinations and mixtures of animal, vegetable, or mineral oils, or any of them, with or without other substances not specially provided for	2260.120	Do.
Copra	2212.000	Do.
Cottonseed oil, crude, refined	1124.100, 1124.200	Do.
Fatty acids, not specially provided for, derived from vegetable oils, animal or fish oils, animal fats and greases, not elsewhere specified	2260.220	Do.
Cottonseed oil	2260.210	Do.
Linseed oil	2260.230	Do.
Soybean oil	2260.240	Do.
Other, not elsewhere specified	2233.000	Do.
Flaxseed (linseed) [1]	0036.000	Do.
Lard (including rendered pork fat) [2]	0036.100	Do.
Lard compounds and lard substitutes made from animal or vegetable oils and fats [2]	2254.000	Do.
Linseed oil, and combinations and mixtures, in chief value of such oil	N. S. P.	Apr. 1, 1947
Molasses derived from sugarcane or sugar beets which cannot be used for human consumption or which is not to be used for human consumption [1]	0036.200	Nov. 13, 1944
Oleo oil [2]	1406.300	Do.
Oleo Stearin [2]	2248.000	Do.
Palm kernel oil	2236.500	Do.
Palm nut kernels	2243.000	Do.
Palm oil	1427.000	Do.
Peanut (ground nut) oil	1367.000, 1368.000	Do.
Peanuts, shelled or not shelled [1]	2246.000, 2253.000	Do.
Rapeseed oil, denatured and not denatured [1]		Do.
Rice [1] [2]		Do.
Paddy [1] [2]	1051.000	Do.
Uncleaned or brown rice [1] [2]	1051.100	Do.
Cleaned or milled rice [1] [2]	1053.000	Do.
Patna rice, cleaned, for use in canned soups [1] [2]	1054.000	Do.
Rice meal, flour, polish and bran [1] [2]	1059.100	Do.
Broken [1] [2]	1059.200	Do.
Soap and soap powder [2]	8711.000–8719.500 inclusive	Nov. 14, 1946
Sugar, beet [1] (including liquid sugar)	1580.750–1580.000 inclusive	Do.
Sugar, cane [1] (including liquid sugar)	1610.750–1610.000 inclusive	Nov. 13, 1944
Sunflower oil, edible and denatured [1]	1421.000, 2247.000	Do.
Sunflower seed [1]	2240.000	Do.
Tallow, beef and mutton, including oleo stock [2]	0815.000	Do.
Tallow, beef and mutton (inedible), including oleo stock	0815.500	Do.

[1] See par. (b) (4) (ix).
[2] See par. (b) (5) (i).

This revision shall become effective at 12:01 a. m., e. d. s. t., August 9, 1947.

(E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087)

Issued this 8th day of August 1947.

[SEAL] RALPH S. TRIGG,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 47-7572; Filed, Aug. 12, 1947; 9:40 a. m.]

Chapter XXI—Organization, Functions and Procedure

PART 2100—OFFICE OF THE SECRETARY

RESEARCH AND MARKETING FUNCTIONS

§ 2100.4 *Research and Marketing Act*—(a) *Administrator.* The Administrator, Research and Marketing Act, is responsible for the coordination, general oversight, and development of the marketing policies and activities of the Department, and the integration of research, education and production programs in their relation to market activities. The Administrator also is responsible for maintaining relations with State agencies and other institutions cooperating in marketing, regulatory, and service programs; and for the general direction of activities under the Research and Marketing Act. The heads of agencies of the Department submit to the Administrator such proposals, reports, and other information as he requests.

(b) *Research and Marketing Advisory Group.* (1) The Administrator is Chairman of the Research and Marketing Advisory Group, which consists of the heads of the Agricultural Research Administration, Office of Experiment Stations—ARA, Soil Conservation Service, Bureau of Agricultural Economics, Forest Service, Production and Marketing Administration, Farm Credit Administration, Office of Foreign Agricultural Relations, Extension Service, and Rural Electrification Administration.

(2) The Administrator and the heads of the Agricultural Research Administration, the Production and Marketing Administration, the Bureau of Agricultural Economics, and the Office of Experiment Stations constitute the Executive Committee of the Research and Marketing Advisory Group.

(Pub. Law 733, 79th Cong.; 60 Stat. 1082)

Dated: August 8, 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7576; Filed, Aug. 12, 1947; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51729]

PART 6—AIR COMMERCE REGULATIONS

REDESIGNATION OF CALEXICO MUNICIPAL AIRPORT, CALEXICO, CALIF., AND FORT YUKON AIRFIELD, FORT YUKON, ALASKA, AS AIRPORTS OF ENTRY

AUGUST 4, 1947.

The following-named airports are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. title 49, sec. 179 (b)), for a period of 1 year from the dates shown opposite their names:

Name, Location, and Date of designation
Calexico Municipal Airport, Calexico, Calif., July 1, 1947
Fort Yukon Airfield, Fort Yukon, Alaska, July 6, 1947

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13) as amended, is hereby further amended by changing the dates of the designations opposite the names of these airports as indicated herein.

Notices of the proposed redesignations of these airports as airports of entry were published in the FEDERAL REGISTER on June 20, 1947 (12 F. R. 4003), pursuant to the provisions of section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). The redesignations of these airports shall be effective on the dates indicated herein, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with because of the expiration of the previous designations prior to the expiration of 30 days after the publication hereof. The redesignations of these airports are based on a determination that a sufficient need exists to justify such redesignations and the redesignations are made for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b), 44 Stat. 572, sec. 611, 58 Stat. 714; 49 U. S. C. Sup. 177 (b))

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7526; Filed, Aug. 11, 1947; 2:12 p. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 807—SUSPENSION ORDERS

[Suspension Order S-28]

QUALITY FUEL CO.

Hulda M. Fineis, Gerald G. Fineis, Dorothy Fineis, Erwin P. Fineis and Mary Navene Fineis, copartners, d/b/a Quality Fuel Company, in Ionia, Michigan, carried on construction began about April 1, 1947, of a structure at the northeast corner of Highway US–16 and M–66, Ionia County, Michigan, to be used as a bar, tavern, lunchroom and accessory store at a cost of about $12,000 in violation of Veterans' Housing Program Order 1, and continuance of such construction would constitute a violation of Construction Limitation Order. This violation has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, *It is hereby ordered*, That:

§ 807.28 *Suspension Order No. S–28.* (a) Neither Hulda M. Fineis, Gerald G. Fineis, Dorothy Fineis, Erwin P. Fineis and Mary Navene Fineis, copartners, d/b/a Quality Fuel Company, their successors or assigns, nor any other person, shall do any further construction on the bar and tavern as described and referred to above, or any part of the structure to be used for amusement or recreation purposes, including putting up, completing or altering the structure unless specifically authorized in writing by the Office of the Housing Expediter.

Hulda M. Fineis, Gerald G. Fineis, Dorothy Fineis, Erwin P. Fineis, and Mary Navene Fineis, copartners, d/b/a Quality Fuel Company, shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Hulda M. Fineis, Gerald G. Fineis, Dorothy Fineis, Erwin P. Fineis, and Mary Navene Fineis, copartners, d/b/a Quality Fuel Company, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 12th day of August, 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7652; Filed, Aug. 12, 1947; 11:25 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter F—Organization and Procedures

PART 601—PROCEDURE

ESTATE, GIFT, INCOME, AND EXCESS PROFIT TAXES

In F. R. Doc. 46–15357, appearing at page 177A–22, Part II, section 1, of the issue for September 11, 1946, the following amendments are made:

1. Paragraph (c) (1) of § 601.2 is amended by adding at the end thereof a new paragraph reading as follows:

§ 601.2 *Income and excess profit taxes.* * * *

(c) *Examination of returns and determination of correct liability.* * * *

(1) *General.* * * *

In any case in which the closing action in the field is agreed to by the taxpayer, but is disapproved upon post review in Washington, and the internal revenue agent in charge and the taxpayer or his representative are unable to reach an agreement with respect to the issue, the taxpayer or his representative may, if he so desires, be granted a hearing in the office of the internal revenue agent in charge before a representative of the Income Tax Unit in Washington.

2. Paragraph (c) of § 601.4 is amended by inserting immediately prior to the concluding paragraph an additional paragraph as follows:

§ 601.4 *Estate and gift taxes.* * * *

(c) *Examination of estate and gift tax returns and determination of correct tax liability.* * * *

If a field determination to which the taxpayer has agreed is disapproved upon post review in Washington and the taxpayer or his representative and the internal revenue agent in charge are unable to reach an agreement with respect to the issue, the taxpayer or his representative may, if he so desires, be granted a hearing in the office of the internal revenue agent in charge before a representative of the Miscellaneous Tax Unit in Washington.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7568; Filed, Aug. 12, 1947; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 6,[1] Amdt. 2]

PART 705—ADMINISTRATION

EXEMPTION FROM PRICE CONTROL OF CERTAIN SUGAR PRODUCTS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority conferred upon the Secretary of Agriculture by the Sugar Control Extension Act of 1947, General Order No. 6 is amended to read as follows:

§ 705.106 *Exemption from price control of certain sugars and sugar products.* Notwithstanding the provisions of any price regulation or order heretofore issued, all commodities (including services) are exempt from price control except sugar derived from sugar cane or sugar beets. "Sugar" means raw sugar, and direct consumption sugar as defined in Amendment 11[2] to MPR 60.

This amendment shall become effective 12:01 a. m., e. d. s. t., August 9, 1947.

(Pub. Law 30, 80th Cong.)

Issued this 8th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

Opinion Accompanying Amendment No. 2 to General Order No. 6

The accompanying amendment to General Order No. 6 removes from price control all commodities (including services) except sugar derived from sugar cane and sugar beets. "Sugar" means raw sugar, and direct consumption sugar as defined in Amendment 11 to MPR 60, and therefore includes liquid sugar.

Improvement in the supplies of sugar syrups including edible molasses, cane syrups and refiners syrups and other sweetening agents, together with a slackening in demand for these products due to increasing supplies of crystalline and liquid sugar has made it possible to remove all commodities from price control except cane and beet sugar.

[F. R. Doc. 47-7571; Filed, Aug. 12, 1947; 9:39 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 4—DELEGATIONS OF AUTHORITY[3]

DELEGATIONS TO NATIONAL PARK SERVICE

Sections 4.650 to 4.659, inclusive, and §§ 4.663 to 4.665, inclusive, are added to Subpart I of 43 CFR, Part 4, as follows:

Sec.
4.650 Authority of Associate Director.
4.651 Authority of Assistant Director.

[1] 12 F. R. 3829, 4716.
[2] 12 F. R. 4885.
[3] For other delegations of authority from the Secretary of the Interior to the National Park Service, see 36 CFR, Chapter I, Part 01 and Part 2.

Sec.
4.652 Acceptance of gifts or loans of museum material.
4.653 Approval of rates for hire of animals, vehicles, and equipment.
4.654 Designation of non-profit scientific and historical societies.
4.655 Destruction of animals.
4.656 Expenditure of funds available for fighting forest fires.
4.657 Innovations in park wildlife management.
4.658 Location of new roads.
4.659 Meetings of the Advisory Board on National Parks.
4.663 Preliminary determinations of boundaries of proposed national monuments.
4.664 Waiver of fees.
4.665 Concessioners and concession contracts.

AUTHORITY: §§ 4.650 to 4.659, inclusive, and sections 4.663 to 4.665, inclusive, issued under the authority contained in R. S. 161, secs. 2, 3, 39 Stat. 535; 5 U. S. C. 22, 16 U. S. C. 2, 3.

§ 4.650 *Authority of Associate Director.* (a) The Associate Director of the National Park Service is authorized to serve as Acting Director from time to time in the discretion of, and when directed to do so, by the Director.

(b) The Associate Director is authorized to serve as a member of the Zoning Commission of the District of Columbia at such times as he is functioning as Acting Director, either in the absence of the Director, or as a result of instructions to serve as Acting Director when the Director is not absent.

(c) The Associate Director is authorized to direct, without reference to the Director, all matters relating to the National Capital Parks, National Capital Parks and Planning Commission, and the Zoning Commission of the District of Columbia and to represent the Director at meetings of the two Commissions. The Associate Director is authorized to sign communications prepared by National Capital Park and Planning Commission officials for signature by the Acting Executive Officer.

(d) The Associate Director is authorized to designate an Acting Associate Director to act during his absence.

§ 4.651 *Authority of Assistant Director.* The Assistant Director of the National Park Service is authorized to serve as Acting Director from time to time in the discretion of, and when directed to do so, by the Director.

§ 4.652 *Acceptance of gifts or loans of museum material.* (a) Superintendents and custodians may accept museum material, suitable for display or study within any area administered by the National Park Service, which is pertinent or significant to such area and of such size as to require no excessive museum space, but such material can be accepted only if it is offered without restrictions as to its use, display, or disposal by the Government.

(b) Offers of museum material of more than local significance or which would require an appreciable amount of museum space may be accepted by the Director.

§ 4.653 *Approval of rates for hire of animals, vehicles, and equipment.* The Director or, when authorized by the Director, the appropriate regional director as designated in §§ 01.30 and 01.82, Title 36, Code of Federal Regulations, Part 01, is authorized to approve rates for the hire by the National Park Service, with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment without compliance with the provisions of section 3709 and 3744 of the Revised Statutes (41 U. S. C. secs. 5 and 16), pursuant to section 10 of the act of May 26, 1930 (46 Stat. 383; 16 U. S. C. sec. 17i), unless the Secretary in any particular case determines otherwise.

§ 4.654 *Designation of non-profit scientific and historical societies.* The Director is authorized to designate the non-profit scientific and historical societies engaged in educational work in the various areas administered by the National Park Service for cooperation with which appropriations may be used for the services of field employees of the Service.

§ 4.655 *Destruction of animals.* The Director is authorized to provide for the destruction of animals in the areas administered by the National Park Service in the following instances without obtaining Secretarial approval, unless the Secretary in any particular case determines otherwise:

(a) Animals that are habitually destructive to buildings or other property of appreciable value.

(b) Animals that are seriously injured or crippled, and "spoiled" or decrepit animals inhabiting developed areas, whose destruction is considered necessary on humanitarian grounds.

(c) Rodents that are reasonably believed to be a hazard to human health or safety within developed areas.

(d) Rodents doing serious injury to shade trees or other essential vegetation within developed areas. In such cases, individual animals of the species involved may be destroyed in an area not to exceed one-fourth mile beyond the limits of the said areas, as may be determined by the Director.

(e) Exotic animals and domestic animals that have reverted to a wild state.

§ 4.656 *Expenditure of funds available for fighting forest fires.* The Director is authorized to allot funds available for expenditure in fighting forest fires in areas administered by the National Park Service, or fires that endanger such areas, including lands in process of condemnation for national park or national monument purposes, to the various areas administered by the National Park Service after the obligation for the expenditure of such funds has been incurred.

§ 4.657 *Innovations in park wildlife management.* The Director is authorized to initiate innovations in park wildlife management. The Fish and Wildlife Service shall be consulted with respect to such innovations.

§ 4.658 *Location of new roads.* The Director is authorized to approve plans for the location of new roads in areas administered by the National Park Service.

§ 4.659 *Meetings of the Advisory Board on National Parks.* The Director is authorized to call meetings of the Advisory Board on National Parks, Historic Sites, Buildings, and monuments whenever he shall deem such meetings to be desirable.

§ 4.663 *Preliminary determinations of boundaries of proposed national monuments.* The Director is authorized to make preliminary determinations of the boundaries of national monuments and national historic sites proposed for establishment.

§ 4.664 *Waiver of fees.* (a) The Director, regional directors, superintendents, and custodians are authorized to waive the admission or guide fees prescribed by the rules and regulations for the areas administered by the National Park Service in the case of officials of adjacent or nearby states, counties, and municipalities; semi-public cooperating agencies in connection with activities affecting the area; newspaper and magazine representatives visiting the parks for information; and employees of the Federal Government and of the park operators on official business. Authority is also delegated to the Director, regional directors, superintendents, and custodians to waive such fees in the case of groups from reputable educational institutions, when under the supervision of official instructors, for the purpose of prosecuting class work or studies, and in the case of persons under the support and care of charitable institutions and their attendants.

(b) Automobile license fees, admission fees, and other fixed charges governing entrance on special days on which events of notable significance to a particular area or place are scheduled, or when special events are scheduled under the sponsorship of the Federal Government or a cooperating agency, may be waived by the superintendents and custodians.

(c) Except for the application of paragraph (a) of this section, the foregoing authority to waive fees is not intended to apply to fees for elevator service where such fees are not combined with guide or other fees.

(d) Notwithstanding this authorization to waive the collection of fees, the applicable admissions tax will be collected from such persons, unless exempt by law, in accordance with section 1700, Title 26, United States Code.

§ 4.665 *Concessioners and concession contracts.* The Director of the National Park Service may hereafter act in relation to the following classes of matters relating to National Park Service concessioners and concession contracts without obtaining Secretarial approval, unless the Secretary in any particular matter determines otherwise, and subject in any event to an appeal to the Secretary in appropriate cases:

(a) Determination of the concessioner's equity at the beginning of operations under the contract and the approval of the initial balance sheet.

(b) Determination when a performance bond should be furnished by the concessioner and the amount thereof.

(c) Passing upon the fitness of the employees of concessioners.

(d) Determination of the accounting records to be maintained by the concessioners and the type of reports to be submitted.

(e) Approval of the merchandise to be sold under the concessioners' contracts.

(f) Approval of the plans and specifications for replacement of buildings and structures owned by the concessioner and for the installation of utilities by the concessioner when necessary funds are not available from the Government.

(g) Determination of the scale of the topographic map to be prepared by the concessioner.

(h) Transfers of shares of stock in bathhouses receiving water from Hot Springs National Park, Arkansas, where such transfers do not involve control of the bathhouses and where the transferees have no interest in any other bathhouse receiving water from the Park.

(i) Reduction or increase in tubbage, within the limit authorized by law, provided for by lease between the Department of the Interior and users of water from Hot Springs National Park, Arkansas.

(j) Approval of performance bonds required to be submitted by concessioners pursuant to concession contracts.

(k) Approval of the operation by sub-agents of portions of concession contracts pursuant to agreements between such sub-agents and concessioners.

Issued this 4th day of August 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-7556; Filed, Aug. 12, 1947; 8:54 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

[Circ. 1650]

PART 192—OIL AND GAS LEASES

Correction

In Federal Register Document 47-7162, appearing on page 5184 of the issue for Thursday, July 31, 1947, the headnote for § 192.8 should read "*Protection of leased lands from drainage.*"

Appendix—Public Land Orders

[Public Land Order 379]

ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND WISCONSIN

RESERVING LANDS FOR USE OF DEPARTMENT OF INTERIOR AS WILDLIFE REFUGE AND MANAGEMENT AREAS

Correction

In F. R. Doc. 47-6441, appearing at page 4588 of the issue for Friday, July 11, 1947, the following changes should be made:

In column 2 on page 4589, the twentieth line in Secton 3 should read "72 degrees east, 9.9 feet distant, faced and."

In column on page 4592 the fourth line in Section 26, should read "County in Book 'C' at page 521), lying west—"

In column 3 on page 4596, the first line should read "from said point of beginning," south 25."

[Public Land Order 380]

ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND WISCONSIN

RESERVING LANDS FOR USE OF DEPARTMENT OF INTERIOR AS WILDLIFE REFUGE AND MANAGEMENT AREAS

Correction

In F. R. Doc. 47-6442 appearing at page 4597 of the issue for July 11, 1947, the following changes should be made:

In column 2 on page 4603, the thirteenth line of Section 6 should read "east, 410.0 feet; thence north 21 degrees 11."

In column 2 on page 4607, the sixth line of Section 36 should read "88 degrees 51 minutes west, 262.0 feet; thence."

In column 1 on page 4608, the fourth line of Survey 3292 should read "formerly owned by Laura Merritt Allen, and."

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

NOTICE OF RULE MAKING

Notice is hereby given under the authority contained in the Department of Agriculture Appropriation Act for 1948 (Pub. Law 266, 80th Cong., approved July 30, 1947), that the United States Department of Agriculture is considering the issuance of a further amendment, as hereinafter proposed, to the United States Standards for citrus fruits (11 F. R. 13239; 12 F. R. 1).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

Delete paragraph (g) in its entirety, including Table I from § 51.191 *Citrus fruits* (11 F. R. 13239; 12 F. R. 1) and substitute therefor the following:

(g) *Standards for internal quality of common sweet oranges (citrus sinensis (L.) Osbeck)*—(1) *U. S. Grade AA Juice (Double A).* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade AA Juice (Double A):

(i) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(ii) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table I of this section: *Provided*, That the juice of individual oranges shall contain not less than 9 percent total soluble solids, not less than four-tenths of 1 percent acid or more than two-tenths of 1 percent above the specified average maximum percent of acid shown in Table I of this section.

(iii) In order to allow for variations incident to proper grading, not more than 10 percent, by count, of the oranges in any lot may fail to meet the requirements of subdivision (ii) of this subparagraph specified for individual oranges: *Provided*, That the lot as a whole meets the averages specified in subdivisions (i) and (ii) of this subparagraph.

(2) *U. S. Grade A Juice.* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade A Juice."

(i) Each lot of fruit of size 176 and smaller, as defined in paragraph (d) (4) of this section shall contain an average of not less than four and one-half gallons of juice and each lot of fruit of size 150 and larger shall contain an average of not less than four gallons of juice per standard packed box of one and three-fifths bushels.

(ii) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid or more than the maximum acid specified in Table I of this section: *Provided*, That the juice of individual oranges shall contain not less than 8 percent total soluble solids, not less than four-tenths of 1 percent acid or more than two-tenths of 1 percent above the specified average maximum percent of acid shown in Table I of this section.

(iii) In order to allow for variations incident to proper grading, not more than 10 percent, by count, of the oranges in any lot may fail to meet the requirements specified for individual oranges of subdivision (ii) of this subparagraph: *Provided*, That the lot as a whole meets the average specified in paragraph subdivisions (i) and (ii) of this subparagraph.

(3) *Maximum anhydrous citric acid permissible for corresponding total soluble solids.* For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids contained in the fruit is set forth in the following table together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE I

Total soluble solids		Maximum anhydrous citric acid		Minimum ratio of total soluble solids to anhydrous citric acid
Percent for individual oranges	Average percent for lot	Percent for individual oranges	Average percent for lot	
8.0	-----	0.880	------	10.00–1
8.1	-----	.814	------	9.95–1
8.2	-----	.828	------	9.90–1
8.3	-----	.843	------	9.85–1
8.4	-----	.857	------	9.80–1
8.5	-----	.872	------	9.75–1
8.6	-----	.887	------	9.70–1
8.7	-----	.902	------	9.65–1
8.8	-----	.917	------	9.60–1
8.9	-----	.932	------	9.55–1
9.0	9.0	.947	0.947	9.50–1
9.1	9.1	.963	.963	9.45–1
9.2	9.2	.979	.979	9.40–1
9.3	9.3	.995	.995	9.35–1
9.4	9.4	1.011	1.011	9.30–1
9.5	9.5	1.027	1.027	9.25–1
9.6	9.6	1.043	1.043	9.20–1
9.7	9.7	1.060	1.060	9.15–1
9.8	9.8	1.077	1.077	9.10–1
9.9	9.9	1.094	1.094	9.05–1
-----	10.0	-----	1.111	9.00–1
-----	10.1	-----	1.128	8.95–1
-----	10.2	-----	1.146	8.90–1
-----	10.3	-----	1.164	8.85–1
-----	10.4	-----	1.182	8.80–1
-----	10.5	-----	1.200	8.75–1
-----	10.6	-----	1.218	8.70–1
-----	10.7	-----	1.237	8.65–1
-----	10.8	-----	1.256	8.60–1
-----	10.9	-----	1.275	8.55–1
-----	11.0	-----	1.294	8.50–1
-----	11.1	-----	1.306	8.50–1
-----	11.2	-----	1.318	8.50–1
-----	11.3	-----	1.329	8.50–1
-----	11.4	-----	1.341	8.50–1
-----	11.5	-----	1.353	8.50–1
-----	11.6	-----	1.365	8.50–1
-----	11.7	-----	1.376	8.50–1
-----	11.8	-----	1.388	8.50–1
-----	11.9	-----	1.400	8.50–1
-----	12.0	-----	1.412	8.50–1
-----	12.1	-----	1.424	8.50–1
-----	12.2	-----	1.435	8.50–1
-----	12.3	-----	1.447	8.50–1
-----	12.4	-----	1.459	8.50–1
-----	12.5	-----	1.471	8.50–1
-----	12.6	-----	1.482	8.50–1
-----	12.7	-----	1.494	8.50–1
-----	12.8	-----	1.506	8.50–1
-----	12.9	-----	1.517	8.50–1
-----	13.0	-----	1.530	8.50–1
-----	13.1	-----	1.541	8.50–1
-----	13.2	-----	1.553	8.50–1
-----	13.3	-----	1.565	8.50–1
-----	13.4	-----	1.576	8.50–1
-----	13.5	-----	1.588	8.50–1
-----	13.6	-----	1.600	8.50–1
-----	13.7	-----	1.612	8.50–1
-----	13.8	-----	1.624	8.50–1
-----	13.9	-----	1.635	8.50–1
-----	14.0	-----	1.647	8.50–1
-----	14.1	-----	1.659	8.50–1
-----	14.2	-----	1.671	8.50–1
-----	14.3	-----	1.682	8.50–1
-----	14.4	-----	1.694	8.50–1
-----	14.5	-----	1.705	8.50–1
-----	14.6	-----	1.718	8.50–1
-----	14.7	-----	1.729	8.50–1
-----	14.8	-----	1.741	8.50–1
-----	14.9	-----	1.753	8.50–1
-----	15.0	-----	1.765	8.50–1
-----	15.1	-----	1.776	8.50–1
-----	15.2	-----	1.788	8.50–1
-----	15.3	-----	1.800	8.50–1
-----	15.4	-----	1.812	8.50–1
-----	More than 15.5	-----	1.824	8.50–1

(4) *Method of juice extraction.* The juice used in the determinations of solids, acid, and juice content provided in subparagraphs (1) and (2) of this paragraph shall be extracted from representative samples as thoroughly as possible with a reamer, or by hand, and shall be strained through a double thickness of gauze having 44 x 40 threads per square inch, and shall not be extracted or strained in any other manner.

Done at Washington, D. C., this 8th day of August 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-7570; Filed, Aug. 12, 1947; 9:39 a. m.]

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF FRUIT JELLY [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of United States Standards for grades of fruit jelly pursuant to the authority contained in the Department of Agriculture Appropriation Act of 1948 (Pub. Law 266, 80th Cong., approved July 30, 1947). No previous United States Standards have been issued for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk, United States Department of Agriculture, Room 0308, South Building, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.323 *Fruit jelly*—(a) *Identity.* "Fruit jelly" means fruit jelly as defined in the definitions and standards of identity for fruit jelly (21 CFR Cum. Supp., 29.5), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(1) Compliance with the standard of identity to establish the ingredients or proportion of ingredients will be indicated on Federal inspection certificates only when these conditions are ascertained during the process of manufacture.

(2) The soluble solids for fruit jelly are not less than 65 percent.

(b) *Types of fruit jelly*—(1) *Type I.* Prepared from a single variety of fruit juice ingredient.

(2) *Type II.* Prepared from a mixture of two or more varieties of fruit juice ingredients.

(c) *Varieties of fruit jelly.*

Apple	Damson, Damson plum
Apricot	Dewberry
Blackberry	Fig
Black currant	Gooseberry
Black raspberry	Grape
Boysenberry	Grapefruit
Cherry	Greengage, Greengage plum
Crabapple	Guava
Cranberry	Loganberry
	Orange
	Peach
	Pineapple
	Plum
	Pomegranate
	Quince
	Raspberry, red raspberry
	Red currant
	Strawberry
	Youngberry

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(d) *Grades of fruit jelly.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of fruit jelly that possesses a good consistency; possesses a bright typical color; is free from defects; possesses a distinct and normal flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of fruit jelly that possesses a reasonably good consistency; possesses a reasonably bright, typical color; is free from defects; possesses a reasonably good and normal flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of fruit jelly that fails to meet the requirements of U. S. Grade B or U. S. Choice.

(e) *Recommended fill of container.* It is recommended that the container be filled with jelly as full as practicable without impairment of quality and that the product occupies not less than 90 percent of the capacity of the container.

(f) *Ascertaining the grade.* The grade of fruit jelly may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Consistency, color, and flavor. The relative importance of each factor has been expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

	Points
(1) Consistency	40
(2) Color	20
(3) Flavor	40
Total score	100

(g) *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "34 to 40 points" means 34, 35, 36, 37, 38, 39, or 40 points).

(1) *Consistency.* The factor of consistency refers to the gel strength of the product.

(i) Fruit jelly that possesses a good consistency may be given a score of 34 to 40 points. "Good consistency" means that the fruit jelly possesses a tender to slightly firm texture and retains a compact shape without excessive syneresis ("weeping").

(ii) If the fruit jelly possesses a reasonably good consistency, a score of 28 to 33 points may be given. Fruit jelly that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" means that the fruit jelly may lack firmness but it is not syrupy; and that it may be more than slightly firm but is not tough or rubbery.

(iii) Fruit jelly that fails to meet the requirements of subparagraph (1) (ii) of this paragraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Color.* (i) Fruit jelly that possesses a bright typical color may be given a score of 17 to 20 points. "Bright typical color" means that the color is characteristic of the fruit juice ingredient or ingredients and that the fruit jelly possesses a sparkling luster of may be not more than slightly cloudy, and is free from any dullness of color.

(ii) If the fruit jelly possesses a reasonably bright typical color, a score of 14 to 16 points may be given. Fruit jelly that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably bright typical color" means that the color is characteristic of the fruit juice ingredient or ingredients and that the fruit jelly may be slightly cloudy and may possess a slight dullness of color.

(iii) Fruit jelly that is definitely off color for any reason and fails to meet the requirements of subparagraph (2) (ii) of this paragraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Fruit jelly that possesses a distinct and normal flavor may be given a score of 34 to 40 points. "Distinct and normal flavor" means that the product possesses a good distinct flavor characteristic of the fruit ingredient or fruit ingredients after preserving and is free from any caramelized flavor or any objectionable flavor of any kind.

(ii) If the fruit jelly possesses a reasonably good and normal flavor, a score of 28 to 33 points may be given. Fruit jelly that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good and normal flavor" means that the product possesses a reasonably good flavor characteristic of the fruit or fruit ingredients after preserving and may possess a slightly caramelized flavor but is free from any bitter flavor or other objectionable flavor or off flavor of any kind.

(iii) Fruit jelly that fails to meet the requirements of subparagraph (3) (ii) of this paragraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or substandard, regardless of the total score for the product (this is a limiting rule).

(h) *Pertinent definitions from the standard of identity for fruit jelly.* The following explanations represent only a portion of the definitions contained in the standard of identity for fruit jelly. Complete details may be found in the booklet entitled "Definitions and Standards for Foods. S. R. A., F. D. C. 2, Federal Security Agency," which may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C.

(1) *Definition of fruit jelly.* Fruit jellies are the jelled foods, each of which is made from a mixture composed of not less than 45 parts by weight of the fruit juice ingredient or ingredients to each 55 parts by weight of one of the optional saccharine ingredients.

(2) *Fruit juice ingredient.* The term "fruit juice ingredient" means the filtered or strained liquid extracted with or without the application of heat and with or without the addition of water, from the mature properly prepared fruits which are fresh, frozen, and or canned.

(3) *Optional saccharine ingredients.* The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(i) Sugar. The term "sugar" means refined sugar (sucrose).

(ii) Invert sugar sirup. The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(iii) Any combination composed of optional saccharine ingredients in subdivisions (i) or (ii) of this subparagraph.

(iv) Any combination composed of corn sugar or dextrose and optional saccharine ingredient in subdivisions (i), (ii), or (iii), of this subparagraph.

(v) Any combination composed of corn sirup and optional saccharine ingredient in subdivisions (i), (ii), (iii), or (iv), of ths subparagraph, in which the weight of the solids of each component is not less than one-tenth of the weight of the solids of such combination and the weight of corn sirup solids is not more than one-half of the weight of the solids of such combination.

(vi) Honey.

(vii) Any combination composed of honey and optional saccharine ingredient in subdivisions (i), (ii), or (iii), of this subparagraph, in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of the honey solids is not less than two-fifths of the weight of the solids of such combination.

(4) *Other optional ingredients.* Fruit jellies may also contain one or more of the following optional ingredients. Label statements for subdivisions (i), (v), and (vi) of this subparagraph are required under the Federal Food, Drug, and Cosmetic Act.

(i) Spice.

(ii) A vinegar, lemon juice, lime juice, citric acid, lactic acid, salic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

(iii) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit juice ingredient.

(iv) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the calculated ingredient used.

(v) Sodium benzoate or benzoic acid, or any combination of these in a quantity reasonably necessary as a preservative.

(vi) Mint flavoring and harmless artificial green coloring, in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple, crabapple, pineapple, or two or all of such fruits.

(5) *Soluble solids.* The soluble solids content is determined by the refractometric method prescribed in the "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists."

(j) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of fruit jelly, the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for fruit jelly.*

Size and kind of container
Container mark or identification
Label
Net weight (ounces)
Vacuum reading (in inches)
Type
Variety
Soluble solids

Factors		Score points	
I. Consistency	40	(A) 34–40 (B) 28–33 [1] (D) 0–27 [1]	
II. Color	20	(A) 17–20 (B) 14–16 (D) 0–13 [1]	
III. Flavor	40	(A) 34–40 (B) 28–33 [1] (D) 0–27 [1]	
Total score	100		
Grade			

[1] Indicates limit or rule with respect to [illegible]

Issued this 8th day of August 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-7569; Filed, Aug. 12, 1947; 9:39 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9486]

ELIZABETH SCHRECK

In re: Personal property owned by Elizabeth Schreck. F–28–22589–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Schreck, whose last known address is Friedenstrasse 36, Wurzburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain items of personal property which are presently in the custody of the Attorney General of the United States in an Account numbered 28–19801 as listed below:

1. Yellow metal tie clasp.
2. Heart shaped stone.
3. Heart shaped ornament with purple stone.
4. Square shaped stone, various colors.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elizabeth Schreck, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7577; Filed, Aug. 12, 1947; 8:51 a. m.]

NOTICES

[Vesting Order 9499]

L. A. ANDREW VS. UNION SAVINGS BANK AND TRUST CO.

In re: L. A. Andrew, Superintendent of Banking of the State of Iowa, plaintiff, vs. Union Savings Bank and Trust Co., Davenport, Iowa, defendant. File D–28–11555. E. T. sec. 15772.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Nicholson (Fritz Nickelsen), Andy Zimmerman, Mrs. Lena Korsch, Julius Hinrichsen, Edwin Martin Muller and William Ringe, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $1,050.30 in the possession, custody or control of N. P. Black, as Receiver of the Union Savings Bank and Trust Co., Davenport, Iowa, appointed pursuant to orders of the District Court for the State of Iowa in and for Scott County, dated December 28, 1932 and April 23, 1946 in a proceeding entitled "L. A. Andrew, Superintendent of Banking of the State of Iowa, plaintiff, vs. Union Savings Bank & Trust Co., Davenport, Iowa, defendant", is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by N. P. Black, as Receiver of the Union Savings Bank & Trust Co., acting under the judicial supervision of the District Court of the State of Iowa in and for Scott County in Equity;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947:

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7578; Filed, Aug. 12, 1947; 8:51 a. m.]

[Vesting Order 9500]

RUTH ANN CONLAN

In re: Estate of Ruth Ann Conlan, deceased. File No. D–28–11109; E. T. sec. 15529.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Maletzke and Mrs. Franz Rohleder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Ruth Ann Conlan, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany);

3. That such property is in the process of administration by John F. Little, as administrator, acting under the judicial supervision of the Surrogate's Court of the County of Westchester, White Plains, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7579; Filed, Aug. 12, 1947; 8:51 a. m.]

[Vesting Order 9501]

LASZLO FARKAS

In re: Estate of Laszlo Farkas, deceased. File D–34–717; E. T. sec. 9170.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rose Farkas Nevery and Emile Farkas Varga, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Laszlo Farkas, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by Eugene J. Farkas, administrator, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7580; Filed, Aug. 12, 1947; 8:51 a. m.]

[Vesting Order 9503]

ANNA MARY HAUSER

In re: Estate of Anna Mary Hauser, deceased. File D–28–11621; E. T. sec. No. 16060.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Catherine Myer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Anna Mary Hauser, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Miles C. McWherter of Greensburg, Pennsylvania, as depositary, acting under the judicial supervision of the Orphans' Court of Westmoreland County of Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7581; Filed, Aug. 12, 1947; 8:51 a. m.]

[Vesting Order 9505]

LOUISE E. KERCKHOFF

In re: Estate of Louise E. Kerckhoff, deceased, and trusts created under the last will of Louise E. Kerckhoff, deceased. File D–28–11088; E. T. sec. 15545.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilde Bauwens, Bernadine Deiters, Theresa Deiters, Theodora Kerckhoff, Margot Kaser, Margarete Schuerman, Marie Therese Bispink, Almuth Heyl Gachod, Maria Heyl Schaetz, Elisabeth Heyl, Gertrude Heyl, Herman Heyl, Margareta Heyl, Heinrich Ohm, Heinrich Roweldt, Georg Reismann, Joseph Reismann, Wilhelm Reismann, Richard Reismann, Marie Reismann, Johanne Reismann, Heinrich Schnittker, Ottilie Schnittker, Theodora Kerckhoff, Ulrich Deiters and William Kerckhoff, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Herman Kerckhoff, deceased, issue, names unknown, of Bernard Bauwens, deceased son of Teresa Bauwens, deceased cousin of William G. Kerckhoff, deceased, and the two surviving children, names unknown, of Gerhard Schnittker, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of issue, names unknown, of Herman Kerckhoff, deceased, Margot Kaser, Margarete Schuerman, Marie Therese Bispink, issue, names unknown, of Bernhard Bauwens, deceased son of Therese Bauwens, deceased cousin of William C. Kerckhoff, deceased, by right of representation, Almuth Heyl, Gachod, Maria Heyl Schaetz, Elisabeth Heyl, Gertrude Heyl, Herman Heyl, Margareta Heyl, Heinrich Ohm, Heinrich Rowoldt, Georg Reismann, Joseph Reismann, Wilhelm Reismann, Richard Reismann, Marie Reismann, Johanne Reismann, Heinrich Schnittker, Ottilie Schnittker, two surviving children, names unknown, of Gerhard Schnittker, deceased, Theodora Kerckhoff, Ulrich Deiters, and Mathilde Bauwens, and each of them, in and to the estate of Louise E. Kerckhoff, deceased,

b. All right, title, interest and claim of any kind or character whatsoever of Mathilde Bauwens, Bernardine Deiters, Theresa Deiters and Theodora Kerckhoff, and each of them, in and to the trust estate created under the will of Louise E. Kerckhoff, deceased, and

c. All right, title, interest and claim of any kind or character whatsoever of William Kerckhoff, in and to the trust estate created under the will of Louise E. Kerckhoff, deceased,

is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Henry Kressmann and J. H. Kennedy, as co-executors and trustees, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Herman Kerckhoff, deceased, issue, names unknown, of Bernard Bauwens, deceased son of Teresa Bauwens, deceased cousin of William G. Kerckhoff, deceased, and the two surviving children, names unknown, of Gerhard Schnittker, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7582; Filed, Aug. 12, 1947; 8:52 a. m.]

[Vesting Order 9509]

CLARA MILLER

In re: Estate of Clara Miller, deceased. D-28-10737; E. T. sec. 15157.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gregor Berhalter, Herrman Berhalter, Josephine Berhalter, Ottilia Salvasohn, Veronica Salvasohn Metzger, Georg Salvasohn, Clara Salvasohn, Joseph Mondel, Alois Mondel, Paula Mondel Michel, Maria Mondel Sutzle, Laurenz Mondel, Karl Mondel, Ottilia Mondel, Leonhard Mondel, Xaver Mondel, Joseph Emmerling, Anna Emmerling Koninger, Babette Emmerling Faas, Theresa Emmerling, Babette Frank, Joseph Miller, Theresa Miller, Ottilia Miller, Anton Miller, Babette Miller, Clara Miller and Rosa Miller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Ludwig Berhalter, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $3,210.94 was paid to the Attorney General of the United States by Madeline Schurrer, Administratrix with Will Annexed of the Estate of Clara Miller, deceased;

4. That the said sum of $3,210.94 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the above named persons and the children, names unknown, of Ludwig Berhalter, deceased, are not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on April 10, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7583; Filed, Aug. 12, 1947; 8:52 a. m.]

[Vesting Order 9510]

MARIE STAHLBOCK NEUMANN

In re: Estate of Marie Stahlbock Neumann, deceased. File 017-21759.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine Blecher, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Marie Stahlbock Neumann, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Martha Dabney, as Executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 47-7584; Filed, Aug. 12, 1947; 8:52 a. m.]

[Vesting Order 9511]

HENRY M. POOS ET AL.

In re: Henry M. Poos, plaintiff, vs. Walter T. W. Poos et al., defendants. File D-28-10783; E. T. sec. 15121.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Ploch, also known as Johanna Schwier, also known as Johanna Poos, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $19,921.47 in the possession of Alex Goodson, Receiver and Special Commissioner, payable to the designated national named in subparagraph 1 hereof pursuant to orders of the Circuit Court of Carroll County, Missouri in the matter of Henry M. Poos, plaintiff, vs. Walter T. W. Poos et al., defendants, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Alex Goodson, as Receiver and Special Commissioner, acting under the judicial supervision of the Circuit Court of Carroll County, Missouri;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not with a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7585; Filed, Aug. 12, 1947; 8:52 a. m.]

[Vesting Order 9512]

HENRY M. POOS ET AL.

In re: Henry M. Poos, plaintiff, vs. Walter T. W. Poos et al., defendants. File D-28-10783; E. T. sec. 15121.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Ploch, also known as Johanna Schwier, also known as Johanna Poos, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $4,837.87 was paid to the Attorney General of the United States by the Clerk of the District Court of Scott County, Kansas;

3. That the said sum of $4,837.87 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 13, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7586; Filed, Aug. 12, 1947; 8:52 a. m.]

[Return Order 35]

HENRY J. BEAL

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determination and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determination and Allowance, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property and location
Henry J. Beal, Omaha, Nebr., claim No. 1597.	12 F. R. 4159, June 26, 1947.	$111.76 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7590; Filed, Aug. 12, 1947; 8:53 a. m.]

[Vesting Order 9530]

JOHN HOWALD AND JOHANN MICHAEL BIEBRACH

In re: Estate of John Howald a/k/a John M. Howald and Johann Michael Biebrach, deceased. File D-28-9893; E. T. sec. 13980.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Biebrach, also known as Otto Karl Biebrach (brother), August Biebrach, also known as Karl August Biebrach (brother), Traugott Biebrach, also known as Andreas Traugott Biebrach (brother), Marie Rachlitz, also known as Marie Ernestine Rachlitz (sister), Emma Donner, also known as Emma Therese Donner (sister), and Ernst Biebrach (brother), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of John Howald a/k/a John M. Howald and Johann Michael Biebrach, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Danforth W. Comins, as Administrator, D. B. N., acting under the judicial supervision of the Probate Court of Middlesex County, Massachusetts;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7587; Filed, Aug. 12, 1947; 8:52 a. m.]

[Return Order 33]

ROSE LATINO ET AL.

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants and claim No.	Notice of intention to return published	Property
Rose Latino, Bronx, N. Y.; Agnes Lavino, Bronx, N. Y.; Frank Latino, Valley Stream, Long Island, N. Y.; Biagio Latino, Bronx, N. Y.; Carmela Armao, Bronx, N. Y. Claim No. 2274.	12 F. R. 4085, June 24, 1947.	$1,229.37 in the Treasury of the United States. Real property described in Vesting Order No. 2,198 (8 F. R. 14231, Oct. 29, 1943), as Lot No. Five (5) in Block Fourteen (14), Houston City Street Railway Addition No. Four, City of Houston, S. S. B. B., Harris County, Tex.

[1] Filed as part of the original document.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7588; Filed, Aug. 12, 1947; 8:53 a. m.]

[Vesting Order 9507]

HELEN KYRISS

In re: Trust under will of Helen Kyriss, deceased. File No. F-28-6786; E. T. sec. 544.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Kyriss, Kurt E. Kyriss and Wilfrud Kyriss, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof and each of them, in and to the trust created under the will of Helen Kyriss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany);

3. That such property is in the process of administration by Central Hanover Bank and Trust Company, as Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7590; Filed, Aug. 11, 1947; 8:45 a. m.]

[Return Order 36]

CLARENCE A. HEARLEY AND LAWRENCE HARBURY

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Clarence A. Hearley, Chicago, Ill., claim No. A-196.	12 F. R. 4161, June 26, 1947.	An undivided one-half interest in property described in Vesting Order No. 666 (8 F. R. 5047, Apr. 17, 1943), relating to United States Letters Patent No. 2,105,549, to the extent owned by the claimant immediately prior to the vesting thereof.
Lawrence Harbury (formerly Ludewijk Hamburger) Louisville, Ky., claim No. A-158.	12 F. R. 4086, June 24, 1947.	Property described in Vesting Order No. 671 (8 F. R. 5091, Apr. 17, 1943), relating to United States Letters Patent No. 2,188,165, to the extent owned by the claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7591; Filed, Aug. 12, 1947; 8:53 a. m.]

[Vesting Order 9508]

HENRY MEIERHANS

In re: Estate of Henry Meierhans, deceased. File No. D-28-11455; E. T. sec. 15688.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna Rickmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Henry Meierhans, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by John C. Glenn, as administrator, acting under the judicial supervision of the Surrogate's Court of Queens County, Jamaica, Long Island, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7591; Filed, Aug. 11, 1947; 8:45 a. m.]

[Vesting Order 9514]

AUREL ZAGRIEAN

In re: Estate of Aurel Zagriean, deceased. File No. D-57-455; E. T. sec. 15519.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joan Zagriean and Aurel Zagriean, whose last known address is Roumania, are residents of Roumania and nationals of a designated enemy country, (Roumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Aurel Zagriean, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Roumania);

3. That such property is in the process of administration by Samuel Sapowitch as administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court of Erie County, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Roumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7592; Filed, Aug. 11, 1947; 8:45 a. m.]

[1] Filed as part of the original document.

[Return Order 34]

JOACHIM KOLBE

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Joachim Kolbe, Milwaukee, Wis., A-268.	12 Fed. Reg. 4160, June 26, 1947.	Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent Nos. 2,072,521; 2,076,786; 2,092,976; 2,094,541; 2,116,027; 2,233,050; 2,251,538; 2,280,212 and 2,302,289, to the extent owned by claimant immediately prior to the vesting thereof. Any interests and rights relating to said property created in the heirs of Fritz Beindorff and in Daimler-Benz A. G. by virtue of agreements dated October 6, 1933 and May 7, 1936, respectively, are expressly reserved

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7589; Filed, Aug. 12, 1947; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 378]

SPECIAL INDUSTRY COMMITTEE NO. 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, F. Granville Grimes, Jr., Acting Administrator of the Wage and Hour Division, United States Department of Labor, do hereby accept the resignation of Mrs. Vesta E. Vesoske from Special Industry Committee No. 5 for Puerto Rico and do appoint in her stead as representative for the employers on such committee, Mr. Santiago Diaz-Pacheco of San Juan, Puerto Rico.

Signed at Washington this 6th day of August 1947.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 47-7558; Filed, Aug. 12, 1947; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-200, G-207]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER POSTPONING DATE OF HEARING

City of Detroit, Michigan, and County of Wayne, Michigan, v. Panhandle Eastern Pipe Line Company and Michigan Gas Transmission Corporation, Docket No. G-200. In the matter of Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation and Illinois Natural Gas Company, Docket No. G-207.

Upon consideration of the schedule of conferences recommended by the Chairman of the Panhandle Area Allocation Conference Committee as set forth in his letter of July 28, 1947, address to members of that Committee;

It appears to the Commission that: The hearing upon the matter of the allocation of Panhandle's pipe line capacity now set to commence at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., on August 18, 1947, should be postponed to August 27, 1947, at the same time and place.

The Commission orders that: The public hearing in the above-docketed matter is hereby postponed to August 27, 1947, commencing at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 18 Pennsylvania Avenue, NW., Washington, D. C.

Date of issuance: August 7, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7557; Filed, Aug. 12, 1947; 8:57 a. m.]

[Docket No. G-876]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed March 5, 1947, by Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Kansas City, Missouri, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipeline facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on March 28, 1947, (12 F. R. 2061);

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on September 15, 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W. Washington, D. C., concerning the matters involved and the issues presented by such application, and other pleadings filed herein.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: August 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7560; Filed, Aug. 12, 1947; 8:55 a. m.]

[1] Filed as part of the original document.

[Docket No. G-902]

NORTHERN INDIANA PUBLIC SERVICE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed May 19, 1947, as supplemented on July 25, 1947, by Northern Indiana Public Service Company (Applicant), an Indiana Corporation, having its principal place of business at Hammond, Indiana, seeking permission and approval, pursuant to section 7 of the Natural Gas Act, to discontinue service and to abandon certain natural-gas facilities, as fully described in such application on file with the Commission and open to public inspection; and

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no protest having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 7, 1947 (12 F. R. 3751).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on August 28, 1947, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as supplemented, filed in this proceeding; *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7561; Filed, Aug. 12, 1947; 8:55 a. m.]

[Docket No. G-903]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed May 19, 1947, by Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation having its principal office at Kansas City, Missouri, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain additional natural-gas facilities, as fully described in such application on file with the Commission and open to public inspection; and

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no protest having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 7, 1947 (12 F. R. 3751).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on August 28, 1947, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application filed in this proceeding; *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7562; Filed, Aug. 12, 1947; 8:55 a. m.]

[Docket No. G-904]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed May 20, 1947, by Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation having its principal places of business at Phillipsburg, Kansas, and Hastings, Nebraska, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on June 17, 1947 (12 F. R. 3919-20).

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on August 26, 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1757 K Street, NW., Washington, D. C., concerning the matters involved and the issues presented by such application, and other pleadings filed herein.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 8, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7563; Filed, Aug. 12, 1947; 8:55 a. m.]

[Docket No. G-908]

INTERSTATE GAS CO. AND CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the joint application filed on June 9, 1947, and the supplement thereto filed on July 25, 1947, by Interstate Gas Company (Interstate), a Missouri corporation with its principal place of business at Lee's Summit, Missouri, and Cities Service Gas Company (Cities Service), a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Cities Service to acquire and operate certain natural-gas pipeline facilities of Interstate, subject to the jurisdiction of the Commission, as fully described in such application, as supplemented on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on June 19, 1947 (12 F. R. 3983-84);

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on August 19, 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as supplemented, and other pleadings filed herein.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: August 7, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7564; Filed, Aug. 12, 1947; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-986]

U. S. RUBBER RECLAIMING CO., INC.

ORDER REGARDING COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 7th day of August A. D. 1947.

In the matter of U. S. Rubber Reclaiming Co., Inc., Common Stock, $1.00 Par Value; File No. 7-986.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the Common Stock, $1.00 Par Value, of U. S. Rubber Reclaiming Co., Inc., is substantially equivalent to the Common Stock, Without Par Value, of that company which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Common Stock, $1.00 Par Value, of U. S. Rubber Reclaiming Co., Inc. is hereby determined to be substantially equivalent to the Common Stock, Without Par Value, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-7547; Filed, Aug. 12, 1947; 8:57 a. m.]

[File No. 70-1589]

NORTH AMERICAN LIGHT & POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 6th day of August 1947.

Notice is hereby given that North American Light & Power Company (Light & Power), a registered holding company and a subsidiary of The North American Company, also a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 (the "act"): The applicant has designated sections 9 (a) and 10 of the act and Rules U-20 and U-23 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 18, 1947 at 12:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Light & Power proposes to acquire 710,500 shares of new common stock, par value $10 per share, of its subsidiary Northern Natural Gas Company (Northern Natural) in exchange for 355 250 shares of the presently outstanding shares of common stock, par value $20 per share, of Northern Natural now owned and held by Light & Power.

In connection with the proposed acquisition of such new shares of common stock, Light & Power proposes to vote the 355,250 shares (constituting 35% of the total voting power) of common stock of Northern Natural which it presently owns, at a stockholders meeting of Northern Natural to be held on or about August 20, 1947, in favor of a proposal of the board of directors of that company that the par value of the presently outstanding common stock of Northern Natural be reduced from $20 to $10 per share and to issue two shares of the new $10 par value common stock in exchange for one share of its presently outstanding common stock, thereby increasing the number of issued and outstanding shares of common stock of Northern Natural from 1,015,000 to 2,030,000 shares. Such proposal of the board of directors of Northern Natural is set forth in detail in the declaration (File No. 70-1576) filed with the Commission by Northern Natural and summarized in the Commission's notice of filing pursuant to Rule U-23 (Holding Company Act Release No. 7603), dated July 28, 1947.

Light & Power requests that the Commission's order granting its application be issued on or before August 20, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-7548; Filed, Aug. 12, 1947; 8:57 a. m.]

[File No. 70-1557]

ARKANSAS NATURAL GAS CORP. AND ARKANSAS LOUISIANA GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 6th day of August A. D. 1947.

Arkansas Natural Gas Corporation ("Arkansas Natural"), a registered holding company, and its subsidiary, Arkansas Louisiana Gas Company ("Arkansas Louisiana"), having filed a joint declaration and an amendment thereto, pursuant to sections 6 (a), 7 and 12 (b) of the Public Utility Holding Company Act of

[F. R. Doc. 47-7565; Filed, Aug. 12, 1947; 8:54 a. m.]

1935, with respect to the following transactions:

Arkansas Louisiana proposes to enter into a loan agreement with the Guaranty Trust Company of New York pursuant to which the Bank will be obligated to lend Arkansas Louisiana $14,000,000. Under said agreement, Arkansas Louisiana proposes to borrow $11,500,000 on October 15, 1947 and to issue in evidence therefor its installment promissory note, bearing interest at 2¼% per annum, payable at the rate of $500,000 semi-annually to April 15, 1949 and thereafter at the rate of $625,000 semi-annually to April 15, 1957, the date of the final installment. The remaining $2,500,000 may be borrowed by Arkansas Louisiana as needed in amounts of $250,000 or a multiple thereof at any time prior to October 15, 1948, such borrowings to be evidenced by notes which are to bear interest at the rate of 2½% per annum and mature on October 15, 1957. Arkansas Louisiana is to pay the Bank a commitment fee at the rate of ¼ of 1% per annum on the maximum aggregate amount of loans to be made under the loan agreement ($14,000,000) from June 19, 1947, the date of the bank's obligation to lend said amount, to October 15, 1947. In addition, Arkansas Louisiana will pay a similar commitment fee on the daily average unused amount of the said $2,500,000 which the bank is obligated to lend from October 15, 1947 to October 15, 1948.

Arkansas Louisiana proposes to use $8,875,465 of the net proceeds of the bank loan of $11,500,000 for the redemption, on October 15, 1947, of its outstanding First Mortgage Bonds in the aggregate principal amount of $8,700,000, at their respective redemption prices. The remaining balance of said loan, together with the net proceeds of any additional notes, is for the stated purpose of financing the company's construction program.

Arkansas Natural, as the holder of all of the 4½% Sinking Fund Debentures due 1955 in the principal amount of $6,500,000 issued by Arkansas Louisiana, proposes to enter into an agreement together with Arkansas Louisiana and the Bank providing for the subordination of said Debentures, with respect to payment of principal and interest thereon, to the payment of the notes proposed to be issued under the aforesaid loan agreement in the manner and to the extent set forth in said Subordination Agreement. In connection with the execution of the Subordination Agreement, Arkansas Natural is to place an appropriate legend upon the aforesaid Debentures.

The declaration having been filed on June 24, 1947, and an amendment thereto having been filed on July 24, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as filed or as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The declarants having requested that the Commission's order issued herein become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable sections of the act and rules promulgated thereunder are satisfied, and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors or consumers that the said declaration, as amended, be permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7549; Filed, Aug. 12, 1947; 8:56 a. m.]

[File No. 70-1565]

OKLAHOMA POWER AND WATER CO. AND MIDDLE WEST CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 6th day of August A. D. 1947.

The Middle West Corporation, a registered holding company, and its subsidiary, Oklahoma Power and Water Co. ("Oklahoma Power"), having filed a joint declaration and amendments thereto, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder regarding the following proposed transactions:

Oklahoma Power proposes to sell to Oklahoma Natural Gas Company, a nonaffiliated company which is neither a registered holding company nor a subsidiary of a registered holding company, the gas utility properties of Oklahoma Power, all of which are located in the counties of Osage, Tulsa, and Pawnee, State of Oklahoma, for a base purchase price of $850,000 payable in cash, subject to closing adjustments.

Oklahoma Power proposes to use the proceeds of the proposed sale to prepay $850,000 principal amount of its Bank Loan Notes now outstanding in the aggregate principal amount of $2,775,000. Such notes are secured by a like principal amount of First Mortgage Four Percent Bonds, Series D, of Oklahoma Power. The notes to be prepaid, and a like principal amount of bonds securing such notes, are to be cancelled and retired.

Said declaration having been filed on July 8, 1947, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Declarants having stated that no commission other than this Commission has jurisdiction over the transactions proposed by Oklahoma Power and that they have been informed that no commission has jurisdiction over the proposed purchase by Oklahoma Natural Gas Company; and

Declarants having requested that the Commission's order permitting said declaration to become effective conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code, as amended, insofar as such sections are applicable and that said order be issued as soon as practicable and become effective forthwith; and

The Commission having heretofore found that the gas properties of Oklahoma Power could not be retained together with the electric properties as part of an integrated electric utility system and having directed that The Middle West Corporation dispose of its entire interest in Oklahoma Power (see Holding Company Act Release No. 5606); and

The Commission observing no basis for adverse findings under section 12 (d) of the act and Rule U-44 thereunder with respect to the proposed sale and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective forthwith and deeming it appropriate to grant the request that the order herein conform to certain requirements of the Internal Revenue Code, as amended:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

It is further ordered and recited, That the sale by Oklahoma Power and Water Co. of its gas utility properties located in the Counties of Osage, Tulsa and Pawnee, State of Oklahoma, for a base purchase price of $850,000 and the expenditure of the proceeds to prepay and retire an equal principal amount of notes of Oklahoma Power and Water Co., dated January 25, 1946, and issued under a loan agreement dated November 23, 1945, with certain banks are necessary or appropriate to the integration or simplification of the holding company system of which Oklahoma Power and Water Co. is a member, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7550; Filed, Aug. 12 1947; 8:56 a. m.]

[File No. 70-1578]

MIDDLE WEST CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 6th day of August A. D. 1947.

Notice is hereby given that The Middle West Corporation ("Middle West"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating Rule U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 18, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after August 18, 1947 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Middle West proposes to sell and the Bankers Trust Company, New York, New York proposes to acquire from Middle West, as agent for certain specified parties 49,720 shares of $5 par value common stock of Central and South West Corporation for a cash consideration of $10 per share. It is stated that the said shares are being purchased for investment and not for resale or distribution, and that there are no underwriters or any other persons to whom any fees, commissions or other remuneration are to be paid in connection with the proposed sale of said shares.

Middle West states that it will invest $497,200, representing the proceeds to be received by it from the sale of said shares, in the purchase of 49,720 shares of $10 par value common stock of its subsidiary, Kentucky Utilities Company, pursuant to approval of such purchase contained in our order of July 16, 1947 (Holding Company Act Release No. 7489).

Declarant states that no commission other than this Commission has jurisdiction over the proposed transactions.

Declarant has requested that the Commission's order permitting said declaration to become effective conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code, as amended, with respect to sale of said shares and the expenditure of the proceeds of such sale, and that said order be issued not later than August 20, 1947 and become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7551; Filed, Aug. 12, 1947; 8:56 a. m.]

[File No. 70-1568]

MINNEAPOLIS GAS LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 6th day of August A. D. 1947.

Minneapolis Gas Light Company ("Minneapolis"), a public utility subsidiary of American Gas & Power Company ("American"), a registered holding company, having filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof, regarding the issuance and sale by Minneapolis of four promissory notes, two of which are to be dated on or about August 1, 1947, and the other two on or about October 1, 1947, each in the principal amount of $250,000, bearing interest at the rate of 2% per annum and maturing 12 months from date of issue, which will be issued and sold in equal principal amounts to the First National Bank and the Northwestern National Bank of Minneapolis, Minnesota, and Minneapolis having stated that the proceeds from the sale of said promissory notes will be used to finance its current construction program; and

The declaration having been filed July 14, 1947, the amendment thereto having been filed July 23, 1947, and notice of the filing having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Minneapolis having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith;

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the proceeds act and rules thereunder are satisfied, and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration, as amended, be permitted to become effective, and also deeming it appropriate that request for acceleration of the effective date of said declaration, as amended, be granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject, however, to a reservation of jurisdiction with respect to any extension of or renewal in whole or in part of any of said notes.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7552; Filed, Aug. 12, 1947; 8:56 a. m.]

[File No. 70-1580]

PROVINCETOWN LIGHT AND POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 1st day of August 1947.

Notice is hereby given that an application has been filed with this Commission, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, by Provincetown Light and Power Company ("Provincetown"), a subsidiary of New England Gas and Electric Association, a registered holding company, for approval of the issuance and sale of securities, as more fully described below.

Notice is further given that any interested person may, not later than August 12, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after August 12, 1947, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transaction therein proposed, which is summarized as follows:

Provincetown proposes to issue unsecured notes payable to the First National Bank of Boston in amounts not exceeding in the aggregate $125,000, all such notes to be issued and dated prior to December 31, 1949, in such denominations as Provincetown shall elect at the time of issue, to mature not later than December 31, 1952, to bear interest at a rate not exceeding 3% per annum. The proceeds of the notes are to be used to liquidate short-term bank indebtedness of $19,000 and to cover expenditures for additions and betterments to its plant and property. Applicant states that it is the intention of the company to make application at a future date for approval of permanent financing to replace the total amount of temporary borrowings, which permanent financing is expected to take the form of common stock; and further that the proposed issue and sale of the securities has been expressly authorized by the Department of Public Utilities of Massachusetts by order No. 7685, dated July 24, 1947.

Applicant requests that the Commission's order granting the application be issued at the earliest possible date to

Reference SEP 16 47

make available funds for the purposes set forth above.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7553; Filed, Aug. 12, 1947; 8:56 a. m.]

[File Nos. 59-10, 54-82, 59-39, 54-50]

NORTH AMERICAN CO. ET AL.

SUPPLEMENTAL ORDER REGARDING EXCHANGE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 4th day of August 1947.

In the matter of The North American Company and Its Subsidiary Companies, File No. 59-10; The North American Company, File No. 54-82; North American Light & Power Company Holding-Company System and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50.

The Commission having issued its order on June 25, 1947, approving, subject to certain conditions, a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by The North American Company and joined in by North American Light & Power Company; and

The North American Company having requested the Commission to amend said order of June 25, 1947 to include appropriate recitals, findings and orders conforming to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended; and

The Commission having considered the application and deeming it appropriate in the public interest and in the interest of investors or consumers that said application be granted:

It is ordered, That the order dated June 25, 1947 in these proceedings be, and the same hereby is, amended by adding thereto the following provisions:

It is further ordered and recited, And the Commission finds that the proposed exchange by North American Light & Power Company of 288,297.6 shares of Illinois Power Company Common Stock (represented by Certificate Nos. CB-42, CB-56 and CB-58) for all of the 960,992 shares of Common Stock of North American Light & Power Company held by stockholders other than The North American Company at the rate of three-tenths of one share of Illinois Power Company Common Stock for each such share of North American Light & Power Company Common Stock, in liquidation and retirement of such stock and in full satisfaction of all rights in respect thereof, all as authorized or permitted by this order of the Commission of June 25, 1947 and in obedience thereto, is necessary or appropriate to the integration or simplification of the holding company system of which North American Light & Power Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That jurisdiction be, and hereby is, reserved to enter such other or further orders, conforming to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, as may appear to the Commission to be appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7554; Filed, Aug. 12, 1947; 8:56 a. m.]

[File No. 7-994]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 7th day of August A. D. 1947.

In the matter of application by the Philadelphia Stock Exchange for unlisted trading privileges in Voting Trust Certificates for $5.00 Non-Cumulative Preferred Series A Stock, $100 Par Value, of Chicago, Milwaukee, St. Paul and Pacific Railroad Company; File No. 7-994.

The Philadelphia Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Voting Trust Certificates for $5.00 Non-Cumulative Preferred Series A Stock, $100 Par Value, of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, issued by John D. Allen, James M. Barker, Leo T. Crowley, Walter J. Cummings and Elmer Rich, the Voting Trustees under the Chicago, Milwaukee, St. Paul and Pacific Railroad Company Voting Trust Agreement dated December 1, 1945. These Voting Trust Certificates are listed and registered on the Chicago Stock Exchange and the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to September 8, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7555; Filed, Aug. 12, 1947; 8:56 a. m.]

Reference

SEP 16 47

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 12 NUMBER 159

Washington, Thursday, August 14, 1947

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Tobacco 13 (1948), Part I]

PART 725—MARKETING QUOTA REGULATIONS

BURLEY AND FLUE-CURED TOBACCO—1948-49 MARKETING YEAR

GENERAL

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725.411 Basis and purpose.
725.412 Definitions.
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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

725.423 Determination of acreage allotments for new farms.
725.424 Time for filing application.
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725.426 Determination of acreage allotments and normal yields for farms returned to agricultural production.
725.427 Approval of determinations made under §§ 725.411 to 725.427, inclusive.

AUTHORITY: §§ 725.411 to 725.427, inclusive, issued under 52 Stat. 38, 47, 66; 53 Stat. 1261; 54 Stat. 392; 56 Stat. 51; 57 Stat. 387; 58 Stat. 136; 60 Stat. 21; 7 U. S. C. and Sup., 1301 (b), 1313, 1375.

GENERAL

§ 725.411 *Basis and purpose.* The regulations contained in §§ 725.411 to 725.427, inclusive, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1948 farm acreage allotments and normal yields for Burley and flue-cured tobacco. The purpose of the regulations in §§ 725.411 to 725.427, inclusive, is to provide the procedure for allocating, on an acreage basis, the national marketing quota for Burley and flue-cured tobacco for the 1948-49 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.411 to 725.427, inclusive, public notice (12 F. R. 3864) was given in accordance with the Administrative Procedure Act (60 Stat. 238). No views or recommendations of growers of Burley or flue-cured tobacco and other interested persons have been received in response to the notice.

§ 725.412 *Definitions.* As used in §§ 725.411 to 725.427, inclusive, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community to assist in the administration of the Agricultural Conservation Program in such community.

(2) "County committee" means the group of persons elected within a county to assist in the administration of the Agricultural Conservation Program in such county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person)

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1946 SUPPLEMENT

to the

CODE OF FEDERAL REGULATIONS

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which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) "New farm" means a farm on which tobacco will be produced in 1948 for the first time since 1942.

(d) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1943 through 1947.

(e) "Cropland" means that land on the farm which is included as cropland for purposes of the 1947 Agricultural Conservation Program but shall not include wood or wasteland from which no cultivated crop was harvested in any of the years 1943 through 1947.

(f) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1947 into the total of the 1947 tobacco acreage allotment for such old farm: *Provided*, That, if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community.

(g) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(i) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Tobacco" means Burley tobacco, type 31, or flue-cured tobacco, types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (7 CFR 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both as indicated by the context. Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either Burley or flue-cured tobacco shall be considered Burley or flue-cured regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(k) "Acre of tobacco" means 43,560 square feet of land devoted to tobacco by being uniformly covered with tobacco plants notwithstanding that the width of the rows of tobacco may vary from the width of rows which are customary for the kind of tobacco involved and without regard to interplanted crops.

§ 725.413 *Extent of calculations and rule of fractions.* All acreage allotments shall be calculated to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be

dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 725.414 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such instructions and forms as may be deemed necessary for carrying out §§ 725.411 to 725.427, inclusive.

§ 725.415 *Applicability of §§ 725.411 to 725.427, inclusive.* Sections 725.411 to 725.427, inclusive, shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1948, in the case of Burley tobacco, and July 1, 1948, in the case of flue-cured tobacco. The applicability of §§ 725.411 to 725.427, inclusive, is contingent upon the proclamation of a national marketing quota pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.416 *Determination of 1948 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the 1947 allotment with the following exceptions:

(a) If the acreage of tobacco harvested on the farm in each of the three years 1945–47 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1943–47: *Provided*, That any such preliminary allotment shall not exceed the 1947 allotment for such farm or be less than 0.1 acre, and: *Provided further*, That the preliminary allotment may be increased to as much as the 1947 allotment if the county committee determines that failure to harvest as much as 75 percent of the allotted acreage during any one of the three years 1945–47 was due to service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces.

(b) If no 1947 allotment was established for the farm, the preliminary allotment shall be the average acreage of tobacco harvested on the farm in the five years 1943–47: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(c) If the acreage of tobacco harvested on the farm in 1947 exceeded the 1947 allotment by more than 10 percent, the preliminary allotment shall be the 1947 allotment plus one-fifth of the number of acres by which the harvested acreage exceeded the 1947 allotment.

(d) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

(e) The preliminary allotments determined under paragraphs (b) and (c) of this section shall not exceed the smallest of (1) 90 percent of the acreage indicated by cropland, (2) 20 percent of the acreage of cropland on the farm, in the case of flue-cured tobacco, or (3) the acreage capacity of curing barns located on the farm and suitable for curing tobacco, which in the case of flue-cured tobacco shall be 3.5 acres per barn: *Provided*, That no preliminary allotment shall be reduced below the 1947 allotment because of these factors.

§ 725.417 *1948 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 725.416 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 725.418 shall not exceed the State acreage allotment: *Provided*, That in the case of Burley tobacco, any farm acreage allotment shall be increased if necessary to the smaller of (a) the 1947 allotment, or (b) 0.9 acre.

§ 725.418 *Adjustment of acreage allotments for old farms.* The farm acreage allotment for an old farm may be increased within the limits stated in paragraph (e) of § 725.416, such limits to be applied to the sum of the preliminary allotment and the increase under this section, if the community committee, with the approval of the county committee, finds that the preliminary acreage allotment is relatively small on the basis of the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and other cash crops produced on the farm, or that reduction of such allotment under paragraph (a) of § 725.416 was the result of abnormal weather conditions or plant bed diseases: *Provided however*, That any allotment may be increased above the limits stated in paragraph (e) of § 725.416 if the community committee and the county committee find that the preliminary allotment is relatively smaller in relation to the land, labor, and equipment available for the production of tobacco on the farm than the preliminary allotments for other old farms in the community which are similar with respect to such factors. The acreage available for increasing allotments under this section shall not exceed one-half of one percent of the total acreage allotted to all tobacco farms in the State for the 1947–48 marketing year.

§ 725.419 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1948 shall be reduced by the amount of tobacco so marketed: *Provided*, That such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced by that amount of tobacco with respect to which accurate proof of disposition has not been furnished: *Provided*, That if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty due is made.

(c) Any reduction shall be made with respect to the 1948 farm acreage allotment, provided it can be made prior to the delivery of the marketing card to the farm operator. If the reduction cannot be so made effective with respect to the 1948 crop, such reduction shall be made with respect to the farm acreage allotment next established for the farm. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of tobacco involved in the violation will be converted to an acreage basis by dividing such amount of tobacco by the actual yield for the farm during the year in which such tobacco was produced, or, if the actual yield cannot be determined, by the estimated actual yield determined by the county committee for the farm for such year.

§ 725.420 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land, which is removed from agricultural production because of acquisition by a Federal or State Agency for any purpose shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by a Federal or State agency. Upon application to the county committee, within five years from the date of acquisition of the farm by a Federal or State agency, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm acquired by the Federal or State agency: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm in the case of Burley tobacco, and 50 percent of the acreage of cropland on the farm in the case of flue-cured tobacco.

The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal or State agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal or State agency would have been reduced because of false or improper identification of

tobacco produced on or marketed from such farm.

§ 725.421 *Farms subdivided or combined.* (a) If land operated as a single farm in 1947 will be operated in 1948 as two or more farms, the 1948 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, except that if the farm to be subdivided in 1948 resulted from a combination of two separate and distinct farms prior to a combination in 1943 or any subsequent year, the allotment may be divided among such farms in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee a variance of not more than the larger of one-tenth acre or ten percent from the acreage allotment determined for each tract on a cropland or contribution basis may be made.

(b) If two or more farms operated separately in 1947 are combined and operated in 1948 as a single farm, the 1948 allotment shall be the sum of the 1948 allotments determined for each of the farms composing the combination or, in the case of Burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1948.

(c) If a farm is to be subdivided in 1948 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee may prescribe.

§ 725.422 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1942–46; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.423 *Determination of acreage allotments for new farms.* The acreage allotment, other than an allotment made under § 725.420, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed in the case of Burley tobacco, 50 percent of the allotments for old Burley farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco; and in the case of flue-cured tobacco, the smaller of (a) 15 percent of the cropland in the farm including land from which a cultivated crop was harvested in 1947, or (b) 75 percent of the allotment for old flue-cured farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided, however*, That a farm operator who has been in the armed services shall be deemed to have met the requirements hereof if he has had experience in growing the kind of tobacco for which an allotment is requested during one year either within the five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(2) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application unless the community committee, with the approval of the county committee, determines that he does not live on the farm because of conditions beyond his control, such as inability to obtain material with which to repair or construct a house on the farm.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a Burley or flue-cured tobacco allotment is established for the 1948–49 marketing year; and

(4) The farm will not have a 1948 allotment for any kind of tobacco other than that for which application is made hereunder.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. The acreage available for establishing allotments for new farms shall be one-half of one percent of the total 1948 State acreage allotments.

§ 725.424 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1948, unless the farm operator was discharged from the armed services subsequent to December 31, 1947, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.425 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 725.426 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 725.411 to 725.425, inclusive, the acreage allotment for any farm which was acquired by a Federal or State agency for any purpose and which is returned to agricultural production in 1948, or which was returned to agricultural production in 1947 too late for the 1947 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired by the Federal or State agency) may be established as the 1948 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 725.427 *Approval of determinations made under §§ 725.411 to 725.427, inclusive.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 725.411 to 725.427, inclusive. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

Done at Washington, D. C. this 8th day of August, 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7608; Filed, Aug. 13, 1947; 8:46 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 11—ORGANIZATION AND FUNCTIONS OF THE OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

Section 11.1 (11 F. R. 177A-302) is hereby amended to read as follows:

§ 11.1 *Immediate Office of the Secretary.* The Office of the Secretary is responsible for the general planning, direction, supervision, coordination, and control of the activities of the Department. Also, the Secretary is Incorporator and Governor, Inland Waterways Corporation; Chairman of the Foreign-Trade Zones Board; ex-officio General Chairman of the Business Advisory Council; and Vice Chairman of the Publications Board. He is a member of the Commodity Exchange Commission, Foreign Service Buildings Commission, Migratory Bird Conservation Commission, National Archives Council, U. S. Council of National Defense, National Munitions Control Board, Interdepartmental Committee on the Proclaimed List, Smithsonian Institution, Textile Foundation, Economic Stabilization Board, and National Advisory Council on International Monetary and Financial Problems; and ex-officio member of the Federal Advisory Board for Vocational Education. The Under Secretary serves as the principal deputy of the Secretary in all matters affecting the Department of Commerce and exercises general supervision over its several bureaus and offices. The Assistant Secretary for Foreign and Domestic Commerce is responsible for exercising supervision over the Bureau of Foreign and Domestic Commerce and over those other activities and programs of the Department which promote and foster foreign and domestic commerce. The Assistant Secretary for Aeronautics supervises the Civil Aeronautics Administration, the Coast and Geodetic Survey, the Weather Bureau, and the other activities and programs of the Department concerning civil aviation. The Executive Assistant to the Secretary serves as the general assistant to the Secretary on executive matters, and is responsible for the over-all administrative management of the Department, including supervision of the Offices of Budget and Management, Personnel Administration, and Administrative Services. (Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] W. A. HARRIMAN,
Secretary of Commerce.

[F. R. Doc. 47-7613; Filed, Aug. 13, 1947; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51730]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

STORAGE CHARGES

Section 24.12 (c), Customs Regulations of 1943 (19 CFR, Cum. Supp., 24.12 (c)), as amended by T. D. 50995 (9 F. R. 1087), is hereby further amended by inserting "or transfer" after "release" in the second and third sentences.

(R. S. 161, 2635, 2654, 4383, sec. 624, 46 Stat. 759; 5 U. S. C. 22; 19 U. S. C. 58, 59, 1624, 46 U. S. C. 333)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: August 7, 1947.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7612; Filed, Aug. 13, 1947; 8:46 a. m.]

TITLE 29—LABOR

Chapter XI—National Railway Labor Panel

REVOCATION OF EXECUTIVE ORDER ESTABLISHING PANEL

CROSS REFERENCE: For revocation of Executive Order 9172, which established the National Railway Labor Panel for the creation of emergency boards for the adjustment of railway labor disputes, see Executive Order 9883, 12 F. R. 5481.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 138—ORGANIZATION OF FOREIGN FUNDS CONTROL

PART 139—PROCEDURE OF FOREIGN FUNDS CONTROL

MISCELLANEOUS AMENDMENTS

AUGUST 14, 1497.

1. Section 138.1 (11 F. R. 177A-96) is amended to read as follows:

§ 138.1 *General statement of functions.* The office of Foreign Funds Control acts pursuant to powers of the President under sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended, (50 U. S. C. App., secs. 3 (a) and 5 (b)) delegated to the Secretary of the Treasury by Executive Orders Nos. 8389 and 9193, as amended, (31 CFR, Cum. Supp., 127.9–127.17; 3 CFR, Cum. Supp., Chap. II; 3 CFR, 1945 Supp., Chap. II). Through a system of licenses, rulings and other documents, collectively known as the freezing regulations, the Control regulates financial and property transactions involving blocked countries and their nationals as defined under Executive Order No. 8389. With regard to liberated and neutral blocked countries, the primary purposes of the Control are to uncover enemy assets and prevent the consummation of looting transactions initiated by enemy countries, while the general aim with respect to enemy countries and their nationals is to immobilize their assets pending their ultimate disposition. The Control also administers regulations designed to prevent the importation into the United States of certain listed securities which disappeared during the period of enemy occupation of Europe.

2. Section 138.2 (11 F. R. 177A-96; 12 F. R. 6) is amended to read as follows:

§ 138.2 *Outline of organization.* (a) *The central organization.* By Treasury Department Order No. 86, July 10, 1947, Foreign Funds Control was transferred to the newly created Office of International Finance described in § 1.12 of this title. Foreign Funds Control is headed by the Director, who exercises his functions through two administrative divisions: (1) The Licensing and Enforcement Division, including the Trade and Securities Section and the Compliance Section, and (2) the Administrative Services Division. Each division is headed by a Chief. In addition, there is a Legal Division functioning under the Chief Counsel of Foreign Funds Control, who is responsible to the General Counsel of the Treasury Department.

(b) *The field organization.* Foreign Funds Control is represented in the field by the Federal Reserve Bank of New York.

3. Section 138.3 (11 F. R. 177A-96; 12 F. R. 6) is amended to read as follows:

§ 138.3 *Description of functions performed by divisions and offices.* (a) *Licensing and Enforcement Division.* This division has general responsibility for the licensing and enforcement activities of the central organization. In addition to reviewing and acting upon specific applications and cases, the division (1) establishes policies and procedures to guide the licensing activities of the field organization, (2) formulates general or blanket licenses under which broad categories of acceptable transactions may be consummated, and (3) has primary responsibility for developing unblocking arrangements with liberated and neutral countries.

The Trade and Securities Section deals with matters relating to trade and shipping; business and personal remittances; patents, trademarks, and copyrights; granting of generally licensed national status to individuals and organizations; release of accounts from freezing control; internees; benevolent and charitable payments; diplomatic and governmental expenses of blocked countries; securities; foreign exchange; attachments; litigation, and the creation and administration of trusts and estates; real estate; business enterprises which are controlled by nationals of blocked countries; and miscellaneous transactions.

The Compliance Section is responsible for the direct domestic and foreign enforcement functions of the Control, including cases involving blocking by specific action. It investigates activities which appear to be in violation of the freezing regulations and recommends appropriate action to prevent or punish such violations.

(b) *Administrative Services Division.* This division provides all administrative management services of the Control.

(c) *Legal Division.* This division performs all legal functions of Foreign Funds Control, including the drafting of public documents.

(d) *Federal Reserve Bank.* Under general supervision of the central organiza-

tion, the Federal Reserve Bank of New York performs substantially all field operations of the Control in the territorial United States and Puerto Rico. Excepting a limited category of cases directly involving foreign governments, all license applications, other than those from the territory of Hawaii, are filed with the Federal Reserve Bank of New York and final action on the applications is announced through it.

4. Section 138.4 (a) (11 F. R. 177A–96) is amended to read as follows:

§ 138.4 *Delegation of final authority*—(a) *The central organization.* Regulations, rulings, general licenses, and other public documents, except public interpretations, are issued by the Secretary of the Treasury. The Director of Foreign Funds Control has been delegated general authority to take final action with respect to all other Foreign Funds Control matters.

Authority to take final action in license applications referred to the central office has been granted to the Chief of the Licensing and Enforcement Division and to the Chiefs of the Sections within this Division. Final action on license applications is taken within the Division through the Section Chiefs, subject to instructions to secure clearance from the Division Chief or the Director, where the application involves an important policy decision.

Officers acting in the place of other officers have all the authority of the persons for whom they act.

5. Section 138.5 (a) (3) (11 F. R. 177A–96) is amended by deleting the words "(See § 138.3 (c))".

6. Section 139.1 (a) (11 F. R. 177A–97) is amended to read as follows:

§ 139.1 *Licensing*—(a) *General licenses.* General licenses have been issued authorizing under appropriate terms and conditions, many types of transactions which are subject to Executive Orders Nos. 8389 and 9193, as amended (31 CFR, Cum. Supp., 127.9–127.17; 3 CFR, Cum. Supp., Chap. II; 3 CFR, 1945, Supp., Chap. II). All such licenses are published in 31 CFR, 131. It is the policy of Foreign Funds Control not to grant applications for specific licenses authorizing transactions to which the provisions of an outstanding general license are applicable. Persons availing themselves of certain general licenses are required to file reports in the form and in accordance with the instructions specified in the licenses.

7. Section 139.1 (b) (2) (11 F. R. 177A–97; 12 F. R. 6) is amended to read as follows:

(b) *Specific licenses.* • • •

(2) *Applications for specific licenses.* Except as provided below, applications for specific licenses are to be filed on Form TFE–1 with the Federal Reserve Bank of New York or other agency prescribed in the appropriate regulations, 31 CFR, 130.3.

Applications for the release of securities imported into the United States and surrendered in accordance with the provisions of General Ruling No. 5 (31 CFR, 131, App. A; 12 F. R. 4933) are to be filed on Form TFA–1 with the Federal Reserve Bank of New York.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47–7603; Filed, Aug. 13, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 348]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding thereto the following commodity:

Department of Commerce Schedule B No.	Commodity	GLV dollar value limits country group	
		K	E
829970	Reagent chemicals for laboratory use (C. P., U. S. P., N. F., A. C. S. or other recognized reagent grades only).	Export controls applicable to each reagent chemical under this classification are those which apply to other grades of the chemical exported under different Schedule B numbers. (See controls applicable to medicinal and pharmaceutical preparations and industrial chemicals.)	

This amendment shall become effective August 8, 1947.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; Pub. Law 145, 80th Cong.; Pub. Law 188, 80th Cong.; 50 U. S. C. App. & Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: August 8, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47–7610; Filed, Aug. 13, 1947; 8:48 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 10—DELEGATIONS OF AUTHORITY

MISCELLANEOUS AMENDMENTS

1. Section 10.7 *Regional Directors to issue revocable permits.* is amended to read as follows:

§ 10.7 *Regional Directors to issue revocable permits.* (a) The appropriate Regional Directors, as designated in §§ 01.30 and 01.82 of this chapter, are authorized to issue revocable business concession, grazing, and special use permits for use and occupancy of the Federally owned lands, buildings, and property within the parks, monuments, and parkways for all authorized purposes, including commercial operations, occupancy of quarters, haying, farming, grazing of livestock, livestock driveways, and other agricultural and special uses as may be authorized under § 2.31 of this chapter. (See 36 CFR, Part 2 (12 F. R. 2036 and 4438))

2. Part 10 is amended by adding a new § 10.8 reading as follows:

§ 10.8 *Field officers to execute contracts.* (a) The following officers and employees of the National Park Service may enter into contracts, not in excess of the amounts hereinafter specified, for construction, supplies, or services in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations:

(1) Superintendents, Acting Superintendents, Custodians or Acting Custodians, who are bonded as "Authorized Certifying Officers," up to and including civil service grade CAF–9: $1,000.

(2) Superintendents, Acting Superintendents, Assistant Superintendents, Supervisors, Acting Supervisors, or Chief Clerks employed in areas of the National Park System in which the position of the Superintendent or Supervisor is allocated to a civil service grade of CAF–10 to CAF–12, inclusive: $2,000.

(3) Superintendents, Acting Superintendents, Assistant Superintendents, or Chief Clerks employed in areas of the National Park System in which the position of the Superintendent is allocated to a civil service grade of CAF–13 or above: $3,000.

(4) Regional Directors, Acting Regional Directors, Assistant Regional Directors, Associate Regional Directors, Assistant Regional Directors, or Regional Chief Clerks: $3,000.

Approval by the Director or the Secretary of the Interior is not a condition precedent to the consummation of such a contract, not in excess of the amounts hereinbefore stated, unless the Director or the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement with respect to a particular contract or type of contract, or unless approval of the contract by the Secretary is specifically required by statute. With respect to any such contract, including a contract approved by the Director or the Secretary, the contracting officers herein mentioned may issue change orders and extra work orders pursuant to the contract and enter into modifications of the contract which are legally permissible, where such change orders, extra work orders, or modifications of the contract are in an amount less than $500, but not to exceed ten (10) percent of the contract price. The officers and employees herein mentioned may, however, request approval by the Director or the Secretary of any proposed contract and may request the Director to act with respect to any proposed change order, extra work order, or

modification of the contract. (See 43 CFR, Subtitle A, Part 4, § 4.100 *Contracts* (12 F. R. 4115).)

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Issued this 4th day of August 1947.

[SEAL] HILLORY A. TOLSON,
Acting Director,
National Park Service.

[F. R. Doc. 47–7600; Filed, Aug. 13, 1947; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte Nos. MC–3, MC–4]

PART 194—NECESSARY PARTS AND ACCESSORIES

SAFETY REGULATIONS GOVERNING TRANSPORTATION OF MOTOR VEHICLES BY DRIVE-AWAY METHODS

In the matter of qualifications of employees and safety of operation and equipment of common carriers and contract carriers by motor vehicle, Ex Parte No. MC–4.

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers, Ex Parte No. MC–3.

Upon consideration of the records in the above-entitled proceedings, and good cause appearing therefor:

It is ordered, That the order herein of February 27, 1947 (12 F. R. 1730), as subsequently modified to become effective August 18, 1947 (12 F. R. 3975), be, and it is hereby, further modified to become effective October 15, 1947, except with respect to § 194.5 (c) (2) (i) (*a*) of the Motor Carrier Safety Regulations, Revised, the effective date of which was postponed by order of August 1, 1947, to December 1, 1947; and

It is further ordered, That notice of this order shall be given to the petitioners, to authorized motor carriers by the drive-away method, and other parties in interest, by mailing to them a copy thereof, and to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Sec. 204, 49 Stat. 546, 52 Stat. 1237, 1240, 54 Stat. 921, 56 Stat. 176, 58 Stat. 827, 59 Stat. 658; 49 U. S. C. and Sup. 304)

Dated at Washington, D. C., this 7th day of August 1947.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47–7604; Filed, Aug. 13, 1947; 8:46 a. m.]

[Ex Parte Nos. MC–3, MC–4]

PART 194—NECESSARY PARTS AND ACCESSORIES

SAFETY REGULATIONS GOVERNING TRANSPORTATION OF MOTOR VEHICLES BY DRIVE-AWAY METHODS

In the matter of qualifications of employees and safety of operation and equipment of common carriers and contract carriers by motor vehicle, Ex Parte No. MC–4.

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers, Ex Parte No. MC–3.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 1st day of August, A. D. 1947.

Upon consideration of the records in the above entitled proceedings and of the petition of Marion Manufacturing Corporation dated April 8, 1947, requesting the postponement to December 1, 1947, of the effective date of § 194.5 (c) (2) (i) (*a*) of the Motor Carrier Safety Regulations, Revised, governing the structural adequacy of tow bars, prescribed by our order herein of February 27, 1947, and good cause appearing therefor:

It is ordered, That the said order of February 27, 1947 (12 F. R. 1730), as subsequently modified to become effective August 18, 1947 (12 F. R. 3975), be, and it is hereby further modified to provide that § 194.5 (c) (2) (i) (*a*) of the Motor Carrier Safety Regulations, Revised, shall not become effective until December 1, 1947; and

It is further ordered, That notice of this order shall be given to the petitioners, to authorized motor carriers by the drive-away method, and other parties in interest, by mailing to them a copy thereof, and to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Sec. 204, 49 Stat. 546, 52 Stat. 1237, 1240, 54 Stat. 921, 56 Stat. 176, 58 Stat. 827, 59 Stat. 658; 49 U. S. C. and Sup. 304)

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47–7605; Filed, Aug. 13, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9513]

JOSEPH TROLL

In re: Estate of Joseph Troll. File D–34–915; E. T. sec. No. 16055.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Janos Troll, Gyula Troll, Maria Troll, Emilia Troll, a minor, Bus Karoly and Egervari Ferencne, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Joseph Troll, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by Frank Troll of Takoma Park, Maryland, as administrator, acting under the judicial supervision of the District Court of the United States for the District of Columbia;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7619; Filed, Aug. 13, 1947; 8:48 a. m.]

[Vesting Order 9531]

AUGUST KIRSCH

In re: Trust created u/w of August Kirsch, deceased. File D–28–10501; E. T. sec. 14917.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Mayor of the Town of Ohlau, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under the will of August Kirsch, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Citizens National Trust & Savings Bank of Riverside, as executor and trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Bernardino;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7620; Filed, Aug. 13, 1947; 8:48 a. m.]

[Vesting Order 9543]

HENRY W. SCHMIDT

In re: Estate of Henry W. Schmidt, deceased. File D–28–11580; E. T. sec. 15797.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anne-Marie Louise Schmidt, Mrs. Ilsabein Hagemann, nee Schmidt, Mrs. Catharine Strukmeier, nee Schmidt, Mrs. Marie Tubbesing, nee Schmidt, and Mrs. Luise Ruhrup, nee Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Carl Schmidt, deceased, children, names unknown, of Christian Schmidt, deceased, and the children, names unknown, of Mrs. Wilhelmine Rohrup, nee Schmidt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Henry W. Schmidt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Ira R. Leach, as administrator, acting under the judicial supervision of the Probate Court of Marion County, Missouri;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Carl Schmidt, deceased, children, names unknown, of Christian Schmidt, deceased, and children, names unknown, of Mrs. Wilhelmine Rohrup, nee Schmidt, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7621; Filed, Aug. 13, 1947; 8:48 a. m.]

[Vesting Order 9545]

JON RICHARD STIRNUS

In re: Estate of Jon Richard Stirnus, deceased. File No. D–28–11131; E. T. sec. 15542.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Stirnus, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Jon Richard Stirnus, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles W. Grant and Rose Ulpinis, as co-executors, acting under the judicial supervision of the Probate Court, Nantucket County, Massachusetts;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7622; Filed, Aug. 13, 1947; 8:48 a. m.]

[Vesting Order 9548]

AUGUSTA WALTER

In re: Trust under the last will and testament of Augusta Walter, deceased. File D–28–2586; E. T. sec. 4679.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Anna Behrmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the lineal descendants, names unknown, of Mrs. Anna Behrmann and the lineal descendants, names unknown, of Dorothea (Dora) Strasser, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust created under the last will and testament of Augusta Walter, deceased,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the lineal descendants, names unknown, of Mrs. Anna Behrmann and the lineal descendants, names unknown, of Dorothea (Dora) Strasser, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7623; Filed, Aug. 13, 1947; 8:48 a. m.]

[Vesting Order 9550]

VICTOR J. BENOIT AND MARY E. BENOIT

In re: Bank account owned by Victor J. Benoit and Mary E. Benoit. F–28–25141–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Victor J. Benoit and Mary E. Benoit, whose last known addresses are 23 Kaiser Wilhelm Street, Worms on Rhine, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Victor J. Benoit and Mary E. Benoit, by The First National Bank of Philadelphia, 15th and Walnut Streets, Philadelphia, Pennsylvania, arising out of a Checking Account, entitled Victor J. and Mary E. Benoit, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7624; Filed, Aug. 13, 1947; 8:48 a. m.]

[Vesting Order 9551]

BIERWIETH SCHONDUBE & CO.

In re: Bank account owned by Bierwieth Schondube & Co. F–28–25135–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bierwieth Schondube & Co., the last known address of which is Osnabruck, Hanover, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hanover, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Bierwieth Schondube & Co., by Security First National Bank of Los Angeles, 6th & Spring Branch, Los Angeles, California, arising out of a checking account, entitled Bierwieth Schondube & Co., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7625; Filed, Aug. 13, 1947; 8:48 a. m.]

[Vesting Order 9552]

WILHELMINE BOOS

In re: Bank account owned by Wilhelmine Boos. F–28–9335–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine Boos, whose last known address is Niederbayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Mississippi Valley Trust Company, St. Louis, Missouri, arising out of an account, entitled Detjen & Detjen, Attorneys-in-Fact for Wilhelmine Boos, a national of Germany, Blocked Account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelmine Boos, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7625; Filed, Aug. 13, 1947; 8:48 a. m.]

a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7626; Filed, Aug. 13, 1947; 8:49 a. m.]

[Vesting Order 9553]

MRS. POLA PESSA BRODER

In re: Bank account owned by Mrs. Pola Pessa Broder. F-63-2048-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Pola Pessa Broder, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mrs. Pola Pessa Broder, by Guaranty Trust Company of New York, 140 Broadway, New York, N. Y., arising out of an account, entitled Mrs. Pola Pessa Broder, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7627; Filed, Aug. 13, 1947; 8:49 a. m.]

[Vesting Order 9554]

REGINA BULLINGER

In re: Bank account owned by Regina Bullinger. F-28-825-E-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Regina Bullinger, whose last known address is Malsch, Karlsruhe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Bank for Savings in the City of New York, 280 Fourth Avenue, New York 10, New York, arising out of a savings account, Account Number 1214806, entitled Miss Regina Bullinger in trust for Edward Fischer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Regina Bullinger, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7628; Filed, Aug. 13, 1947; 8:49 a. m.]

[Vesting Order 9555]

PAULA POOCK BUTTNER

In re: Bank account owned by Paula Poock Buttner. F-28-7033-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Poock Buttner, whose last known address is Thuringenwald, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Paula Poock Buttner, by Ridgewood Savings Bank, Myrtle & Forest Avenues, Ridgewood, New York, arising out of a Savings Account, account number 63628, entitled Paula Poock, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7629; Filed, Aug. 13, 1947; 8:49 a. m.]

[Vesting Order 9556]

CAROLINE M. DERELETH ET AL.

In re: Bank accounts owned by Caroline M. Dereleth, Lottie Hertwich Falk, Marie Eberle, Josefine Heil, August Guenther, Paula Wichtmann, Josef Wichtmann, Arnold Wicke, Friedrick W. Wicke, Gerhard Wicke, Gustav Wicke, Hugh Wicke, Kaethe Hinz, Elfrieda Hartwich Sterzik, Babette Glorian Schoenmetz, Franz Spielmann, Wilhelmine Schweinfest, also known as Wilhelmine Ruck Schweinfest and Heinrich Rumpf.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Caroline M. Dereleth, Lottie Hertwich Falk, Marie Eberle, Josefine Heil, August Guenther, Paula Wichtmann, Josef Wichtmann, Arnold Wicke, Friedrick W. Wicke, Hugh Wicke, Gerhard Wicke, Gustav Wicke, Kaethe Hinz, Elfrieda Hartwich Sterzik, Babette Glorian Schoenmetz, Franz Spielmann, Wilhelmine Schweinfest, also known as Wilhelmine Ruck Schweinfest and Heinrich Rumpf, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, by Commonwealth Bank, Dime Building, Detroit, Michigan, arising out of Commercial Accounts, numbered and entitled as set forth opposite the names of each of the aforesaid persons, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of owner	Title of accounts	Account No.	OAP No.	Name of owner	Title of accounts	Account No.	OAP No.
Caroline M. Dereleth	Caroline M. Dereleth	C12-128	F-28-25175-E-1.	Hugh Wicke	Hugh Wicke	C11-745	F-28-25729 E-1.
Lottie Hertwich Falk	Lottie Hertwich Falk	C16-453	F-28-25253-E-1.	Kaethe Hinz	Kaethe Hinz	C11-612	F-28-25762 E-1.
Marie Eberle	Marie Eberle	C11-986	F-28-25341-E-1.	Elfrieda Hartwich Sterzik	Elfrieda Hartwich Sterzik	C16-452	F-28-25656- E-1.
Josefine Heil	Josefine Heil	C11-352	F-28-25377-E-1.	Babette Glorian Schoenmetz.	Babette Glorian Schoenmetz.	C11-433	F-28-25653- E-1.
August Guenther	August Guenther	C11-765	F-28-25719-E-1.				
Paula Wichtmann	Paula Wichtmann	C12-184	F-28-25724-E-1.	Franz Spielmann	Franz Spielmann	C12-180	F-28-26089- E-1.
Josef Wichtmann	Josef Wichtmann	C12-183	F-28-25734-E-1.	Wilhelmine Schweinfest, also known as Wilhelmine Ruck Schweinfest.	Wilhelmine Schweinfest nee Ruck.	C12-134	F-28-26088- E-1.
Arnold Wicke	Arnold Wicke	C11-746	F-28-25725- E-1.				
Friedrick W. Wicke	Friedrick W. Wicke	C11-748	F-28-25726- E-1.				
Gerhard Wicke	Gerhard Wicke	C11-749	F-28-25727- E-1.	Heinrich Rumpf	Heinrich Rumpf	C11-892	F-28-26182 E-1.
Gustav Wicke	Gustav Wicke	C11-747	F-28-25728- E-1.				

[F. R. Doc. 47-7630; Filed, Aug. 13, 1947; 8:49 a. m.]

[Vesting Order 9631]

MAGDALENA SCHROEDER

In re: Estate of Magdalena Schroeder, deceased. File D-57-452; E. T. sec. 15137.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Karobinch, whose last known address is Rumania, is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Magdalena Schroeder, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Rumania);

3. That such property is in the process of administration by William Ehman as Administrator de bonis non, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7633; Filed, Aug. 13, 1947; 8:49 a. m.]

[Vesting Order 9632]

NORTH AMERICAN RAYON CORP. ET AL.

In re: North American Rayon Corporation, American Bemberg Corporation and bank accounts of Vereinigte Glanzstoff Fabriken A. G. and J. P. Bemberg A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found and determined:

1. That Vereinigte Glanzstoff Fabriken A. G. and J. P. Bemberg A. G. are corporations organized under the laws of Germany which on or since the effective date of Executive Order 8389, as amended, had or have had their principal place of business in Germany;

2. That Algemeene Kunstzijde Unie, N. V. is a corporation organized under the laws of the Netherlands, a substantial part of the issued and outstanding capital stock of which on or since the effective date of Executive Order 8389, as amended, was or has been owned or controlled by persons within Germany;

3. That North American Rayon Corporation and American Bemberg Corporation are corporations organized under the laws of the State of Delaware and business enterprises within the United States, which on or since the effective date of Executive Order 8389, as amended, were or have been controlled directly or indirectly by persons within Germany and a substantial part of the issued and outstanding capital stock of each of which on or since the effective date of Executive Order 8389, as amended, was or has been owned or controlled directly or indirectly by the persons identified in subparagraphs 1 and 2 hereof;

4. That the property described in Schedule I, attached hereto and by reference made a part hereof, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing

to, or which is evidence of ownership or control by, the persons identified in subparagraphs 1 and 2 hereof, as indicated in said Schedule I;

5. That the national interest of the United States requires that Algemeene Kunstzijde Unie, N. V., North American Rayon Corporation and American Bemberg Corporation be treated as nationals of a designated enemy country (Germany);

6. That Vereinigte Glanzstoff Fabriken A. G. and J. P. Bemberg A. G. are nationals of a designated enemy country (Germany) and that Algemeene Kunstzijde Unie, N. V., North American Rayon Corporation and American Bemberg Corporation are nationals of a foreign country (the Netherlands) and of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

The direction, management, supervision and control of American Bemberg Corporation and North American Rayon Corporation and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, said business enterprises is hereby undertaken to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

SCHEDULE 1

A. Stock of North American Rayon Corporation:

1. COMMON STOCK, CLASS A, NO PAR VALUE

Name of registered owner	Name of beneficial owner	Certificate No.	Number of shares
Algemeene Kunstzijde, Unie, N. V.	Algemeene Kunstzijde, Unie, N. V.	2574	77,000
		01866	77,904
		01742	4,550
		01851	44
		02449	18
		2520/54	3,500
		02679	50
		2606/13	800
		02737	50
		2653/64	1,200
		2665/74	1,000
		03013	50
		3016/26	1,100
		03061	5
		3134/35	200
N. V. Het Administratiekantoor van Gebroeders Boissevain en Gebroeder Teixeira de Mattos, Amsterdam, Holland.	Algemeene Kunstzijde, Unie, N. V.	Unknown	2,004
Vereinigte Glanzstoff, Fabriken A. G.	Vereinigte Glanzstoff, Fabriken A. G.	02928, NAX278/321, NAX328/9, 2831/72, 02968, 02984.	4,664
N. V. Het Administratiekantoor van Gebroeders Boissevain en Gebroeder Teixeira de Mattos, Amsterdam, Holland.	do	Unknown	637
Total			174,913

2. COMMON STOCK, CLASS B, NO PAR VALUE

Algemeene Kunstzijde, Unie, N. V.	Algemeene Kunstzijde, Unie, N. V.	2577	31,400
		B6155	36,227
		B6300	2,117
		B6406	21
		B7088	7
		BC 97/128	3,200
		BO120	50
		BC176/196	2,100
		BC228/45	1,800
		BO402	50
		BC511/14	400
		BC609	100
Vereinigte Glanzstoff, Fabriken, A. G.	Vereinigte Glanzstoff, Fabriken, A. G.	BC760/402, BO320, BX7885/96, BO352, BX7859, BO371.	4,900
N. V. Het Administratiekantoor van Gebroeders Boissevain en Gebroeder Teixeira de Mattos, Amsterdam, Holland.	do	Unknown	3,100
Total			85,700

3. COMMON STOCK, NO PAR VALUE (UNIDENTIFIED AS TO CLASS)

Unknown	Vereinigte Glanzstoff Fabriken, A. G.	Unknown	2,200

B. Stock of American Bemberg Corporation:

1. COMMON STOCK, NO PAR VALUE

Name of registered owner	Name of beneficial owner	Certificate No.	Number of shares
Algemeene Kunstzijde, Unie N. V.	Algemeene Kunstzijde Unie N. V.	6767	31,400
		6921	1,800
		6961	50
Algemeene Kunstzijde, Unie N. V.	Vereinigte Glanzstoff Fabriken A. G.	7112	12,000
		5246	500
		7126	10,000
		7177/86	5,000
J. P. Bemberg A. G.	J. P. Bemberg A. G.	5430/79	10,000
		C2177	11,000
		C5028	9,000
N. V. Het Administratiekantoor van Gebroeders Boissevain en Gebroeder Teixeira de Mattos, Amsterdam, Holland.	do	Unknown	50
Total			80,500

B. Stock of American Bemberg Corporation—continued

2. COMMON STOCK, CLASS B, NO PAR VALUE

Name of registered owner	Name of beneficial owner	Certificate No.	Number of shares
Algemeene Kunstzijde, Unie, N. V.	Algemeene Kunstzijde, Unie, N. V.	15629	14,214
		15728	879
		15767	9
		15802	9
Do	Vereinigte Glanzstoff, Fabriken A. G.	13501	1,500
		15069/15	700
		15916	50
		15917	15
N. V. Het Administratiekantoor van Gebroeders Boissevain en Gebroeder Teixeira de Mattos, Amsterdam, Holland.	do	Unknown	300
J. P. Bemburg A. G.	J. P. Bemburg A. G.	14060/103	4,400
		CB6115	10,000
		12646	700
Unknown	Vereinigte Glanzstoff Fabriken A. G.	Unknown	300
Total			34,200

3. PREFERRED STOCK, 4½ PERCENT, $100 PAR VALUE

Algemeene Kunstzijde, Unie, N. V.	Algemeene Kunstzijde, Unie, N. V.	4014	3,350
		4133	3
		4352	100
		4353	80
		4356	50
N. V. Het Administratiekantoor van Gebroeders Boissevain en Gebroeder Teixeira de Mattos, Amsterdam, Holland.	do	Unknown	2,500
Algemeene Kunstzijde, Unie, N. V.	Vereinigte Glanzstoff, Fabriken A. G.	4028	5
N. V. Het Administratiekantoor van Gebroeders Boissevain en Gebroeder Teixeira de Mattos, Amsterdam, Holland.	J. P. Bemburg A. G.	Unknown	80
Total			6,187

C. The proceeds of any shares described in A. and B. above, as may have been redeemed or otherwise disposed of.

D. Those certain debts or other obligations of the banks listed below arising out of the accounts described below:

Name of bank	Title of account	Balance as of July 1, 1947	Name of bank	Title of account	Balance as of July 1, 1947
Commercial National Bank & Trust Co., 46 Wall St., New York, N. Y.	Chase National Bank a/c The Reichsbank Direktoriums, Berlin. a/c Vereinigte Glanzstoff Fabriken A. G. Wuppertal-Elberfeld, Germany.	$92,429.82	Bank of the Manhattan Co.—Continued.	Algemeene Kunstzyde Unie, Amsterdam Arnhem, Holland. (For the benefit of Vereinigte Glanzstoff A. G., Wuppertal-Elberfeld, Germany).	[1] 31,159.27
	The Chase National Bank a/c The Reichsbank Direktoriums, Berlin. a/c Vereinigte Glanzstoff Fabriken A. G. Wuppertal-Elberfeld, Germany.	56,839.85		N. V. Algemeene Kunstzyde Unie, Arnhem, Holland. (For the benefit of Vereinigte Glanzstoff A. G., Wuppertal-Elberfeld, Germany).	5,152.82
Bank of the Manhattan Co.	Algemeene Kunstzyde Unie N. V. Arnhem, Holland. (For the benefit of Vereinigte Glanzstoff A. G., Wuppertal-Elberfeld, Germany.)	52.49	Do	I. P. Bemberg Aktiengesellschaft Box 171, Wuppertal-Elberfeld, Germany.	13,125.00
				do	11,550.00
				J. P. Bemberg A. G., Box 171, Wuppertal-Elberfeld, Germany.	55,125.00
				do	28,260.75

[1] This represents a portion of the account, the actual balance of which totals $51,187.50. All other figures represent actual balances.

E. Any interest of any nature whatsoever that Algemeene Kunstzijde Unie, N. V., Vereinigte Glanzstoff Fabriken A. G. or J. P. Bemberg A. G. may have in patents, patent licenses, patent contracts, secret formulae, know-how, trademarks, good will or other industrial property so far as they relate to American Bemberg Corporation or to North American Rayon Corporation. Not included herein is any interest that Algemeene Kunstzijde Unie, N. V. may have in patents, patent licenses, patent contracts, secret formulae, know-how, trademarks, good will or other industrial property arising out of any contract between Algemeene Kunstzijde Unie, N. V. and American Enka Corporation, a corporation organized under the laws of Delaware.

F. Any other property of any nature whatsoever representing an interest or participation of Algemeene Kunstzijde Unie, N. V., Vereinigte Glanzstoff Fabriken A. G. or J. P. Bemberg A. G. in the American Bemberg Corporation and the North American Rayon Corporation.

[F. R. Doc. 47-7634; Filed, Aug. 13, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8480]

SALT RIVER VALLEY BROADCASTING CO. (KOY)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Salt River Valley Broadcasting Company (KOY), Phoenix, Arizona, for construction permit; Docket No. 8480, File No. BP-5733.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 1st day of August 1947;

The Commission having under consideration the above-entitled application for a construction permit to enlarge the present facilities of station KOY, operating on 550 kc, 1 kw, unlimited time, at Phoenix, Arizona, so as to request an increase of daytime power to 5 kw, and to install a new transmitter;

It appearing, that the Commission on February 20, 1947, designated for hearing in a consolidated proceeding the applications of The Jack Gross Broadcasting Company (KFMB) (File No. BP-4415; Docket No. 8115) requesting a construction permit to change frequency from 1450 kc, 250 w, unlimited time, to 550 kc, 1 kw, unlimited time, with directional antenna day and night, at San Diego, California, and Balboa Radio Corporation (KLIK) (File No. BP-5622; Docket No. 8116) requesting a construction permit to change frequency from 740 kc, 5 kw, DA, U, to 550 kc, 5 kw, DA, U, at San Diego, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Salt River Broadcasting Company (KOY), be, and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the

applicant corporation, its officers, directors and stockholders to construct and operate station KOY as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KOY as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KOY as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station KOY as proposed would involve objectionable interference with the services proposed in any of the other applications in this consolidated proceeding, in the pending application of Yuma Broadcasting Company (KYUM) (File No. BP-5977, Docket No. 8399) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KOY as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any of the applications in this consolidated proceeding should be granted.

8. To determine the overlap, if any, that will exist between the service areas of station KOY as proposed and of station KTUC at Tucson, Arizona, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That the order of the Commission dated February 20, 1947, designating for hearing the applications of The Jack Gross Broadcasting Company (KFMB) and Balboa Radio Corporation (KLIK), be, and it is hereby, amended to include said application of Salt River Valley Broadcasting Company (KOY), to change issue No. 7 of said order to read as issue No. 7 above stated, and to include issue No. 8 above stated.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7635; Filed, Aug. 13, 1947; 8:54 a. m.]

KTMC

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE[1]

The Commission hereby gives notice that on August 4, 1947 there was filed with it an application (BAL-632) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of McAlester Broadcasting, a copartnership composed of C. E. Wilson and P. D. Jackson, licensee of KTMC, McAlester, Oklahoma, to J. Stanley O'Neill, 2655 Heighwood Trail, Lake Mohawk, New Jersey. The proposal to assign the license arises out of a contract of July 28, 1947 by the abovementioned parties pursuant to which the presently licensed partners propose to sell to the prospective purchaser the properties and facilities of KTMC for a total consideration of $100,000. Of this amount $17,500 is to be deposited in escrow following execution of the agreement; $32,500 is to be paid in cash and the remainder of $50,000 is to be evidenced by the promissory notes of purchaser bearing 6% interest per annum payable in 36 equal monthly installments, the first installment to be due 60 days after the approval of the transfer. The unpaid purchase price ($50,000) is to be secured by first mortgage on the physical assets of the station which is also to be deposited with the escrow officer. The contract bears an acceleration clause allowing purchaser to pay the notes before maturity. Accounts receivable for services performed prior to approval are to belong to sellers and accounts payable to the same time are to be borne by sellers. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 the Commission was advised upon filing of the application that notice thereof would be given in a daily newspaper of general circulation at McAlester, Oklahoma starting August 5, 1947 in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from August 5, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7636; Filed, Aug. 13, 1947; 8:54 a. m.]

[1] Section 1.321, Part I, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Docket No. G-428]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER TERMINATING PROCEEDINGS

AUGUST 11, 1947.

Notice is hereby given that, on August 7, 1947, the Federal Power Commission issued its order entered August 6, 1947, terminating proceedings relative to application for a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7616; Filed, Aug. 13, 1947; 8:48 a. m.]

[Docket No. G-747]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 11, 1947.

Notice is hereby given that, on August 7, 1947, the Federal Power Commission issued its order entered August 6, 1947, modifying order issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7617; Filed, Aug. 13, 1947; 8:48 a. m.]

[Docket No. G-925]

HASSIE HUNT TRUST

NOTICE OF FINDING UPON APPLICATION FOR STATUS DETERMINATION

AUGUST 11, 1947.

Notice is hereby given that, on August 8, 1947, the Federal Power Commission issued its finding entered August 7, 1947, relative to application for status determination in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7615; Filed, Aug. 13, 1947; 8:48 a. m.]

[Docket Nos. G-926, G-927]

H. L. HUNT

NOTICE OF FINDINGS UPON APPLICATIONS FOR STATUS DETERMINATION

AUGUST 11, 1947.

Notice is hereby given that, on August 8, 1947, the Federal Power Commission issued its findings entered August 7, 1947, relative to applications for status determination in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7618; Filed, Aug. 13, 1947; 8:48 a. m.]

[Project No. 1494]

GRAND RIVER DAM AUTHORITY

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that Grand River Dam Authority, of Vinita, Oklahoma, licensee for Project No. 1494, situated on Grand River, in Mayes, Craig, Delaware, and Ottawa Counties, Oklahoma, and in McDonald County, Missouri, has applied for amendment of Article 23 of the license for the project to change the basis of the annual charges under the license from the fiscal year to a calendar year.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before September 13, 1947, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7599; Filed, Aug. 13, 1947; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit No. 262]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., August 7, 1947, by Cochran Brokerage Co., of car PFE 42949, potatoes, now on the Union Pacific to San Antonio, Tex., via UP.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of August 1947.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 47-7607; Filed, Aug. 13, 1947; 8:46 a. m.]

[S. O. 396, Special Permit No. 263]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, August 7, 1947, by Long Produce Company, of car PFE 61366, potatoes, now on the U. P. R. R. to Chicago, Ill. (Wab.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of August 1947.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 47-7608; Filed, Aug. 13, 1947; 8:46 a. m.]

[S. O. 766]

UNLOADING OF GRAVEL AT PEORIA, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of August, A. D. 1947.

It appearing, that 7 cars, containing gravel, at Peoria, Ill., on the Peoria and Pekin Union Railway Co., have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Gravel at Peoria, Ill., be unloaded.* The Peoria and Pekin Union Railway Co., its agents or employees, shall unload immediately cars PRR 717386, GM&O 32093, NYC 862912, B&O 223012, L&M 1299, NYC 866363 and Mil 370376, containing gravel on hand at Peoria, Ill.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., August 11, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. S. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-7606; Filed, Aug. 13, 1947; 8:46 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Special Allocation Order ODT R-2, as Amended, Revocation]

ALLOCATION OF TANK CARS FOR USE IN TRANSPORTATION OF LIQUEFIED PETROLEUM GAS

Pursuant to Executive Orders 8989, as amended, and 9729, *It is hereby ordered*, That Special Allocation Order ODT R-2, as amended (12 F. R. 2211, 2341, 2569, 4238, 4253), relating to the allocation of 423 Class ICC 105A-300-W liquefied petroleum gas tank cars, be, and it is hereby, revoked effective at 11:59 p. m. August 11, 1947.

(E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 11th day of August 1947.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 47-7614; Filed, Aug. 13, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-163]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of August A. D. 1947.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by International Hydro-Electric System, a registered holding company, acting by Bartholomew A. Brickley, Trustee of the Estate of said International Hydro-Electric System, likewise a registered holding company.

All interested persons are referred to said application or declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

It is proposed to make a payment of 30% of the principal amount of the pres-

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ently outstanding Convertible 6% Gold Debentures, due April 1, 1944, of International Hydro-Electric System, amounting to the aggregate sum of $7,970,400 on the $26,568,000 principal amount of said Debentures now outstanding. It is further proposed that after the date to be fixed for payment, said Debentures shall cease to bear interest on the amount so authorized to be paid and shall bear interest thereafter only on the unpaid balance.

It is stated that Brickley, as Trustee aforesaid, is presently engaged in the preparation of a plan for the liquidation and dissolution of International Hydro-Electric System in compliance with the Commission's order dated July 21, 1942 and that, pending completion of said plan and its final approval by the Commission and the District Court of the United States for the District of Massachusetts, he proposes to make the partial payment of the principal of the Debentures as aforesaid. It is further stated that the Trustee on July 31, 1947 filed in said District Court, in Civil Action No. 2430, a Petition for Leave to Make Partial Payment of the Principal of the Outstanding Convertible 6% Gold Debentures, due April 1, 1944, and that said Court has issued its Order of Notice setting said Petition down for hearing before said Court in Boston, Massachusetts, on September 16, 1947, at 11 a. m.

Plans of reorganization for International Hydro-Electric System having been filed heretofore with this Commission by Paul H. Todd, a holder of the Class A stock of International Hydro-Electric System, by Gabriel Caplan, a holder of the Preferred stock of International Hydro-Electric System and by C. Shelby Carter and Ralph H. Haas, constituting themselves as a Protective Committee for the Preferred Stock of International Hydro-Electric System, and that Brickley, as Trustee aforesaid, has represented that a plan will be filed by him in the near future, and it appearing to the Commission that the proposal made by Brickley for the payment of 30% of the principal amount of the outstanding Debentures is not inconsistent with the plans heretofore filed, and that it is appropriate to hold a hearing on, and dispose of, said proposal prior to a consideration of the plans of reorganization filed or to be filed; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect to the matters set forth in said application or declaration and that the same should not be granted or permitted to become effective except pursuant to the further order of this Commission:

It is ordered, That a hearing on the application or declaration pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on September 3, 1947, at 10 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing-room clerk in Room 318 will advise as to the room in which such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission on or before September 2, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen MacCullen, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing and is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application or declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed partial payment of principal of the Debentures is necessary or appropriate to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

2. Whether such proposal is consistent with, and in furtherance of the Commission's order of July 21, 1942;

3. Whether such proposal is consistent with other applicable provisions of the act, including section 12 (c) thereof;

4. Whether the accounting treatment with respect to the proposed transaction is in conformity with sound accounting principles;

5. What terms or conditions should be prescribed with respect to the proposed transaction in the public interest or for the protection of investors or consumers.

It is further ordered That the Secretary of the Commission shall give notice of said hearing by mailing a copy of this notice and order by registered mail to Bartholomew A. Brickley, Trustee, Chemical Bank & Trust Company, Indenture Trustee, Paul H. Todd, Gabriel Caplan, C. Shelby Carter and Ralph H. Haas, and all other persons who have heretofore entered their appearances in Civil Action No. 2430 in the District Court of the United States for the District of Massachusetts, or to their respective attorneys of record, and by publication thereof in the FEDERAL REGISTER.

It is further ordered, That further notice of said hearing be given by Bartholomew A. Brickley, as Trustee, by mailing a copy of this notice and order to all debenture holders, the names and addresses of whom are available to him, and to all stockholders of record at their record addresses, and by publication of this notice and order in three daily newspapers of general circulation published respectively in Boston, Massachusetts, New York City, New York, and Montreal, Province of Quebec, Canada.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7601; Filed, Aug. 13, 1947; 8:54 a. m.]

[File No. 812-500]

INVESTORS SYNDICATE

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa. on the 8th day of August A. D. 1947.

Notice is hereby given that Investors Syndicate, a registered face amount certificate company, has filed an application pursuant to Rule N-17D-1 regarding an incentive pay plan to be adopted and extended to persons offering for sale and selling certificates and other securities for which the applicant is the underwriter and to be extended by Divisional and District Managers to the Divisional Office Secretaries.

The applicant is registered with this Commission as a broker under the provisions of the Securities Exchange Act of 1934. It is the underwriter and distributor of securities issued by Investors Syndicate of America, Inc. a registered face amount certificate company and a wholly-owned subsidiary company and of securities issued by Investors Mutual, Inc., Investors Stock Fund, Inc., and Investors Selective Fund, Inc. registered management investment companies which were organized and promoted by the applicant and which are affiliated with the latter.

All interested persons are referred to said application which is on file at the Philadelphia, Pennsylvania office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after the 18th day of August 1947 unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than the 14th day of August 1947 at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7602; Filed, Aug. 13, 1947; 8:54 a. m.]

Reference

SEP 16

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 12 NUMBER 160

Washington, Friday, August 15, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9884

RESTORING CERTAIN LAND TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS by proclamation of the Governor of the Territory of Hawaii, dated March 16, 1911, certain land on the Island of Hawaii, situated at Cocoanut Point at the foot of Waianuenue Street, Hilo City, South Hilo, Hawaii, was set aside for the use of the United States of America for lighthouse purposes; and

WHEREAS such land is no longer needed by the United States for lighthouse purposes, and it is deemed advisable and in the public interest that it be restored to the use of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, and as President of the United States, it is ordered that the following-described land at Cocoanut Point, Hilo City, South Hilo, Hawaii, be, and it is hereby, restored to the jurisdiction of the Territory of Hawaii:

Beginning at a point on the south side of Waianuenue Street, marked by an iron spike driven into the ground, whose azimuth and distance from the triangulation station, Isabel Point, are 326° 22' 10" and 323.76 feet respectively; and, from a cross on a boulder, on the north side of the above mentioned street, are 326° 47' and 55 feet respectively, thence:

1. 326° 47' 17.5' to a point; thence
2. 56° 47' 20.0' to a point; thence
3. 146° 47' 17.5' to a point; thence
4. 236° 47' 20.0' to point of beginning, containing an area of 350 square feet.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 13, 1947.

[F. R. Doc. 47-7727; Filed, Aug. 14, 1947; 10:37 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

LABOR CENTERS, HOMES, CAMPS AND FACILITIES

DELEGATION OF AUTHORITY TO EFFECT LIQUIDATION

Pursuant to the authority contained in the Farmers' Home Administration Act of 1946, as amended (Pub. Law No. 731, 79th Cong., 2d sess., approved August 14, 1946, 60 Stat. 1062; Pub. Law No. 40, 80th Cong., 1st sess., approved April 28, 1947) and Pub. Law 298, 80th Cong., approved July 31, 1947, both hereinafter called "the act," and in 5 U. S. C. 22; *It is hereby ordered:*

1. Effective immediately, there is hereby transferred to the Production and Marketing Administration, to be exercised by the Administrator thereof, all the authorities, powers, functions and duties vested in me under the provisions of the act to dispose of as provided in the act, all labor supply centers, labor homes, labor camps, and facilities formerly under the supervision or administration of the Farm Security Administration and originally transferred or made available to the War Food Administrator for use in the farm labor supply program pursuant to Pub. Law No. 45, 78th Cong. 1st sess., approved April 29, 1943 (57 Stat. 70), all similar labor centers, homes, camps, and facilities constructed or acquired by the War Food Administrator of the Department of Agriculture pursuant to subsequent similar laws or otherwise, and any equipment pertaining thereto or used in the farm labor supply program.

2. In his discretion, the Administrator may redelegate, upon such terms and conditions as he may prescribe, the powers and authorities conferred upon him. In his absence, or in the event of his disability, such powers and authorities may be exercised by the Acting Administrator.

3. The exercise of authorities delegated herein shall be subject to the limitations and requirements of regulations of the Department of Agriculture, except insofar as they have been modified

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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in their applicability to the Farm Security Administration.

4. This order modifies and supplements the Secretary's Order of October 14, 1946 (11 F. R. 12520), the provisions whereof, to the extent inconsistent herewith, are hereby revoked.

(R. S. 161, 50 Stat. 530, 869, 54 Stat. 1124, Pub. Law 731, 79th Cong., Pub. Law 298, 80th Cong.; 5 U. S. C. 22)

Done at Washington, D. C., this 12th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7660; Filed, Aug. 14, 1947; 11:47 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[SECO 1, Amdt. 1]

PART 803—SUGAR EXPORTS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. No. 47-7573, appearing on page 5483 of the issue for Wednesday, August 13, 1947, the title of Charles F. Brannan should read "Acting Secretary".

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 951.301 *Tokay Grape Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August 16, 1947, and ending at 12:01 a. m., P. s. t., December 1, 1947, no shipper shall ship:

(i) From the Florin District, any Tokay grapes produced in such district which do not meet the grade and size requirements of U. S. No. 1 Table Grapes, as defined in the United States Standards for Table Grapes (11 F. R. 13568): *Provided*, That, in addition to the tolerances provided for said U. S. No. 1 Table Grapes, there shall be allowed, for each container of Tokay grapes, an aggregate tolerance of ten (10) percent, by weight, for defects not considered serious damage, and for bunches smaller than the minimum size specified for said U. S. No. 1 Table Grapes; or

(ii) From the Lodi District, any Tokay grapes produced in such district which do not meet the grade and size requirements of U. S. No. 1 Table Grapes, as defined in the aforesaid United States Standards.

(2) As used in this section, the terms "shipper," "ship," "Florin District," "Lodi District," "district," "size," and "bunches" shall have the same meaning as when used in the amended marketing agreement and order, and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 951.1 et seq.)

Done at Washington, D. C., this 12th day of August 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7688; Filed, Aug. 14, 1947; 8:52 a. m.]

[Lemon Reg. 234, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

Order, as amended. (1) The provisions in paragraphs (b) (1) and (2) of § 953.341 (Lemon Regulation 234, 12 F. R. 5419) are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 10, 1947, and ending at 12:01 a. m., P. s. t., August 17, 1947, is hereby fixed at 550 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 233 (12 F. R. 5274) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(48 Stat. 31, as amended; 7 U. S. C. 601, et seq.)

Done at Washington, D. C., this 12th day of August 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7687; Filed, Aug. 14, 1947; 8:52 a. m.]

Chapter XXI—Organization, Functions and Procedure

Subchapter C—Production and Marketing Administration

LABOR CENTERS, HOMES CAMPS AND FACILITIES

DELEGATION OF AUTHORITY TO EFFECT LIQUIDATION

Pursuant to the authority vested in me by the Secretary of Agriculture, *It is hereby ordered:*

1. Effective immediately, there is hereby transferred to the Labor Branch, Production and Marketing Administration, to be exercised by the Director of that Branch, all the authorities, powers, functions and duties vested in me by the Secretary to dispose of as provided in the Farmers' Home Administration Act of 1946, as amended (Pub. Law No. 731, 79th Cong., 2d sess., approved August 14, 1946, 60 Stat. 1062; Pub. Law No. 40, 80th Cong., 1st sess., approved April 28, 1947) and in Pub. Law 298, 80th Cong., approved July 31, 1947, all labor supply centers, labor homes, labor camps, and facilities formerly under the supervision or administration of the Farm Security Administration and originally transferred or made available to the War Food Administrator for use in the farm labor supply program pursuant to Pub. Law No. 45, 78th Cong., 1st sess., approved April 29, 1943 (57 Stat. 70), all similar labor centers, homes, camps, and facilities constructed or acquired by the War Food Administrator of the Department of Agriculture pursuant to subsequent similar laws or otherwise, and any equipment pertaining thereto or used in the farm labor supply program.

2. In his discretion, the Director of the Labor Branch may redelegate, upon such terms and conditions as he may prescribe, the powers and authorities conferred upon him. In his absence, or in the event of his disability, such powers and authorities may be exercised by the Acting Director.

3. The exercise of authorities delegated herein shal be subject to the limitations and requirements of regulations of the Department of Agriculture, except insofar as they have been modified in their applicability to the Farm Security Administration.

(60 Stat. 1062; Pub. Law 298, 80th Cong.)

Done at Washington, D. C., this 12th day of August 1947.

[SEAL] RALPH S. TRIGG,
Acting Administrator, Production and Marketing Administration

[F. R. Doc. 47-7661; Filed, Aug. 14, 1947; 11:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

§ 851.22 *Designation of Acting Housing Expediter.* A. H. Zwerner is hereby designated to act as Housing Expediter during my absence on August 13 and 14, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Housing and Rent Act of 1947, or any other act of Congress or Executive Order, and all such powers, duties, and rights are hereby delegated to such officer for such period. (Pub. Law 129, 79th Cong.)

Issued this 12th day of August 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-7659; Filed, Aug. 14, 1947; 11:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 1,[1] Amdt. 2 to Order 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

LOCATION OF DISPOSAL AGENCY OFFICES FOR FILING DECLARATIONS OF SURPLUS PROPERTY BY OWNING AGENCIES

War Assets Administration Regulation 1, Order 2, June 2, 1947, as amended August 1, 1947, entitled "Location of Disposal Agency Offices for Filing Declarations of Surplus Property by Owning Agencies" (12 F. R. 4139, 5304), is hereby further amended by making the following changes in Regions 6 and 14 under § 8301.52 (c) thereof:

1. *Region 6 (Atlanta, Ga.)* is amended by adding to that territory the State of Florida.

2. *Region 14 (Jacksonville, Fla.)* (Declarations of surplus property formerly filed in this office shall hereafter be filed at Region 6, 699 Ponce de Leon Ave., N. E., Atlanta, Ga.).

(Surplus Property Act of 1944, as amended; (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Reorganization Plan 1 of 1947 (12 F. R. 4534))

This amendment to this section shall become effective September 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

AUGUST 8, 1947.

[F. R. Doc. 47-7728; Filed, Aug. 14, 1947; 10:58 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

National Park Services

[36 CFR, Parts 21, 28]

WAGES AND HOURS OF LABOR OF NATIONAL PARK SERVICE CONCESSIONERS' EMPLOYEES

NOTICE OF HEARING ON PROPOSED RULES AND REGULATIONS

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C. 3), the Secretary of the Interior is considering the issuance of the regulations as set forth below, relating to the employment, wages and hours of labor of National Park Service concessioners' employees.

A public hearing for the purpose of receiving the views of interested parties with respect to the proposed regulations will be held at the Region Four Office of the National Park Service, 601 Sheldon Building, San Francisco, California, on September 16 and 17, 1947, commencing at 10 a. m.

The hearing will be held by a committee of three consisting of Otto S. Beyer, Chairman, John B. Bennett of the Office of the Secretary and Harry M. Edelstein, Assistant Solicitor.

All interested parties will be afforded an opportunity to be heard. Those desiring to be heard should inform Regional Director O. A. Tomlinson at the specified address of their intention in writing before September 5, 1947. Written statements may also be filed with the committee at the time of the hearing or with the Chairman at the Department of the Interior, Washington, D. C., on or before October 1, 1947.

The regulations in Part 28, Chapter I, Title 36, Code of Federal Regulations, are hereby amended to read as follows:

Sec.
28.1 Definitions.
28.2 Applicability; notice to employees; interpretation.
28.3 Child labor.
28.4 Labor Review Committee.
28.5 Labor schedules.
28.6 Approval of schedules.
28.7 Amended schedules.
28.8 Compliance.
28.9 Collective bargaining.
28.10 Employment of women.

AUTHORITY: §§ 28.1 to 28.10, inclusive, issued under sec. 3, 39 Stat. 535; 16 U. S. C. 3.

§ 28.1 *Definitions.* As used in this part:

(a) "Secretary" means the Secretary of the Interior, the Under Secretary, an Assistant Secretary or such other officer or employee of the Department of the Interior as the Secretary may designate.

(b) "Director" means the Director of the National Park Service.

(c) "Superintendent" includes a custodian, caretaker, manager, or other person in charge of a national park.

(d) "National Park" includes a national monument or other area under the administrative jurisdiction of the National Park Service of the Department of the Interior.

(e) "Concessioner" includes any individual, partnership, corporation, or other business entity engaged in operating facilities within or without a national park for the accommodation of visitors to the park under a contract with or permit from the Secretary or the Director.

(f) "Employee" includes any individual employed by a concessioner in connection with operations covered by a contract with or permit from the Secretary or the Director.

(g) "Executive or department head" includes any employee whose primary duty is the management of the business of the concessioner, or a customarily recognized department thereof, and who customarily and regularly directs the work of other employees with authority to employ and discharge other employees, or whose suggestions and recommendations as to the employment, discharge, advancement, or promotion of such employees will be given particular weight by the concessioner, and who customarily and regularly exercises discretionary powers.

§ 28.2 *Applicability; notice to employees; interpretation.* (a) This part shall not apply to:

(1) Concessioners providing and operating medical services.

(2) Personal servants and employees engaged in agricultural activities, including the care, handling and feeding of livestock.

(3) Detectives, watchmen, guards, and caretakers.

(4) Bona fide executives or department heads.

(5) Solicitors or outside salesmen whose compensation is chiefly on a commission basis.

(6) Professional sports instructors and entertainers.

(b) All concessioners shall inform their employees of the provisions of this part in the manner prescribed by the Director.

(c) Any question pertaining to the interpretation or application of this part which cannot be satisfactorily settled between a concessioner and his employee, employees or employee representative

[1] Reg. 1 (12 F. R. 2249, 2773, 3320, 4962).

may be referred to the Director for review by either one or both of the parties concerned. Any party adversely affected by the decision of the Director, may within 30 days after receiving notice of the decision, request the Labor Review Committee, authorized by this part, to consider the issues involved. The Committee shall thereupon submit its recommendations to the Secretary, whose decision shall be final. During such 30-day period the Director's decision shall not be operative.

§ 28.3 *Child labor.* No person under 16 years of age may be employed by a concessioner in any occupation. No person under 18 years of age may be so employed in any hazardous occupation and concessioners shall in this respect comply with standards relating to the employment of minors under 18 years of age, established by or pursuant to Federal Law and the law of the State in which any such minor is employed, even though, but for the provisions of this section, such compliance would not be compulsory.

§ 28.4 *Labor Review Committee.* The Secretary will establish a Labor Review Committee consisting of three employees of the Department of the Interior selected by him, who shall serve for such time as he shall designate, one of the members shall be an employee of the National Park Service and one an employee of the office of the Secretary. The Secretary shall designate the chairman of the Committee. The head office of the Committee shall be in Washington, D. C., but meetings may be held in the field at its discretion. The Committee shall establish the necessary procedure for the orderly conduct of its business.

§ 28.5 *Labor schedules.* Once each year at a time designated by the Director all the concessioners of each national park acting in concert shall, when possible, file with the Director a proposed labor schedule, covering all anticipated employment of all concessioners in the park. Failing concerted action by such concessioners, schedules shall be submitted separately by them. With the schedule, there shall be submitted appropriate data in substantiation of the terms of the proposed schedule. The Director shall submit such schedules to the Committee with appropriate recommendations. Each schedule shall include a list of occupations by titles and describe the conditions of employment with respect to the following:

(a) Basic rates of pay or salary rates for each occupation: *Provided, however,* That no rate for any occupation shall be less than 40 cents per hour.

(b) Overtime and holiday pay and salary rates.

(c) Daily hours of work: *Provided,* That, unless the Committee otherwise specifically approves, no employees shall be required to work more than 8 hours per day at straight time rates.

(d) One day's rest in seven.

(e) Recognized holidays.

(f) Employee benefits such as discounts and vacations.

(g) Working conditions.

(h) Value of compensation furnished in kind, such as meals and lodging, and

(i) Methods of handling of employee complaints, claims and grievances.

§ 28.6 *Approval of schedules.* Upon receipt of such proposed national park area schedule, the Committee shall make available for public inspection in the offices of the National Park Service or furnish interested parties with a copy of the proposed schedule and shall give them an opportunity to be heard with respect to the approval of the schedule, in such form and manner and at such time as the Committee may determine. The burden of proving that the proposed schedule should be approved, shall be upon the concessioners. After full opportunity to be heard has been accorded all interested parties, the Committee shall prepare a labor schedule for each park area and submit it to the Secretary for his approval. In preparing the schedules, the Committee shall give consideration to labor standards established by or pursuant to the laws of the State in which the place of employment is located. The schedule shall be effective at such time as may be fixed by the Secretary.

§ 28.7 *Amended schedules.* A schedule for a period subsequent to the one for which an approved schedule exists may be submitted in the form of amendments to such approved schedule.

§ 28.8 *Compliance.* Concessioners shall comply with the terms of the labor schedule for their operations, approved by the Secretary, notwithstanding any other provisions of this part, except, however, the provisions of § 28.3 and paragraphs (a) and (c) of § 28.5.

§ 28.9 *Collective bargaining.* Concessioners shall recognize and shall not interfere with, restrain or coerce their employees in the exercise of their right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

§ 28.10 *Employment of women.* Concessioners shall comply with standards relating to the employment of women established by or pursuant to Federal law and the law of the State of employment, even though but for the provisions of this section, such compliance may not be compulsory.

Repeal. At the time of the approval of the labor schedules hereunder for Hot Springs National Park, provision shall be made for the repeal of §§ 21.104 to 21.109, inclusive, of Part 21, Chapter 1, Title 36 of the Code of Federal Regulations.

[SEAL] OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

AUGUST 8, 1947.

[F. R. Doc. 47-7651; Filed, Aug. 14, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

GOOSE LAKE PROJECT, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 27, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described public land from entry under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388).

GOOSE LAKE PROJECT

WILLAMETTE MERIDIAN, OREGON

T. 38 S., R. 18 E.,
Sec. 1, S½NW¼ and N½SW¼.
T. 40 S., R. 18 E.,
Sec. 5, W½SW¼;
Sec. 6, Lots 1, 2, 3, S½NE¼ and NE¼SE¼.
T. 36 S., R. 19 E.,
Sec. 18, SE¼NW¼.

The above areas aggregate 524.58 acres.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order of June 27, 1947, withdrawing certain public lands in the State of Oregon for use in connection with the Goose Lake Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

KENNETH MARKWELL,
Assistant Commissioner, Bureau of Reclamation.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Director, Bureau of Land Management.

JULY 23, 1947.

[F. R. Doc. 47-7637; Filed, Aug. 14, 1947; 8:45 a. m.]

CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 14, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described land from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902 (32 Stat. 388).

CENTRAL VALLEY PROJECT

MOUNT DIABLO MERIDIAN, CALIFORNIA

T 33 N., R. 4 W.,
Sec. 1, W½SW¼.

The above area aggregates 80 acres.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order of February 14, 1947, withdrawing certain public lands in Township 33 North, Range 4 West, Mount Diablo Meridian, California, for use in connection with the Shasta Reservoir, Central Valley Project, California, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WILLIAM E. WARNE,
Assistant Commissioner,
Bureau of Reclamation.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Director,
Bureau of Land Management.

JULY 16, 1947.

[F. R. Doc. 47-7640; Filed, Aug. 14, 1947; 8:45 a. m.]

COLORADO RIVER STORAGE PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 27, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described public land from entry under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388).

COLORADO RIVER STORAGE PROJECT

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 7 S., R. 10 E.,
Sec. 34, E½SW¼.

The above area aggregates 80 acres.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order of June 27, 1947, withdrawing certain public lands in the State of California, for use in connection with the Colorado River Storage Project, California, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

KENNETH MARKWELL,
Assistant Commissioner,
Bureau of Reclamation.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,
Director,
Bureau of Land Management.

JULY 23, 1947.

[F. R. Doc. 47-7638; Filed, Aug. 14, 1947; 8:45 a. m.]

KLAMATH PROJECT, CALIFORNIA

TOWNSITE RESERVATION

JANUARY 31, 1947.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following-described lands, withdrawn in the first and second form, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388), by Departmental Orders of July 19, 1904 and January 28, 1905, in connection with the Klamath Project, be reserved for townsite purposes, as provided by the acts of April 16, 1906 (34 Stat. 116) and June 27, 1906 (34 Stat. 519).

TULELAKE TOWNSITE, KLAMATH PROJECT

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 48 N., R. 4 E.,
Sec. 35,
S½S½N½SE¼SW¼, N½S½SE¼SW¼,
S½S½N½SW¼SE¼, N½S½SW¼SE¼.

The above areas aggregate 30 acres.

WILLIAM E. WARNE,
Commissioner.

I concur: July 18, 1947.

FRED W. JOHNSON,
Director,
Bureau of Land Management.

The foregoing recommendation is hereby approved, as recommended, and the Director of the Bureau of Land Management will cause the records of his office and of the District Land Office to be noted accordingly.

C. GIRARD DAVIDSON,
Assistant Secretary.

JULY 23, 1947.

[F. R. Doc. 47-7639; Filed, Aug. 14, 1947; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 379]

SPECIAL INDUSTRY COMMITTEE NO. 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, F. Granville Grimes, Jr., Acting Administrator of the Wage and Hour Division, United States Department of Labor, do hereby accept the resignation of Mr. Santiago Diaz-Pacheco from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employers on such committee, Mr. Jose R. Carreras of San Juan, Puerto Rico.

Signed at Washington this 7th day of August 1947.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 47-7641; Filed, Aug. 14, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6651]

ALLOCATION OF FREQUENCIES

ORDER POSTPONING GENERAL MOBILE HEARING AND EXTENDING DATE OF FILING APPEARANCES

In the matter of allocation of frequencies to the various classes of non-governmental services in the radio spectrum from 10 kilocycles to 30,000,000 kilocycles; Docket No. 6651.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 7th day of August 1947;

It is ordered, That the hearing in the above-entitled matter scheduled to be held on September 8, 1947, be postponed to October 27, 1947, and that the date for filing appearances and written statements be extended to October 1, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7658; Filed, Aug. 14 1947; 11:47 a. m.]

[Docket No. 8482]

GEORGE M. HUGHES

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of George M. Hughes, Florence, South Carolina, for construction permit; Docket No. 8482, File No. BP-6044.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of August 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 740 kc, with 1 kw power, daytime only at Florence, South Carolina.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WMBL, Morehead City, North Carolina and WPAQ, Mt. Airy, North Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Carteret Broadcasting Company, permittee of Station WMBL, Morehead City, North Carolina and Ralph D. Epperson, permittee of Station WPAQ, Mt. Airy, North Carolina be, and they are hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7657; Filed, Aug. 14, 1947; 11:47 a. m.]

FEDERAL POWER COMMISSION

[Project No. 108]

NORTHERN STATES POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

AUGUST 12, 1947.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that Northern States Power Company, of Eau Claire, Wisconsin, licensee for Project No. 108, situated on the Chippewa River, Wisconsin, in Sawyer County, Wisconsin, has applied for amendment of the license for the project to provide for protective reinforcement of the project dam.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before September 17, 1947 to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7655; Filed, Aug. 14, 1947; 8:47 a. m.]

[Project Nos. 1956, 1965]

LYLES FORD TRI-COUNTY POWER AUTHORITY AND SOUTH CAROLINA ELECTRIC & GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

AUGUST 7, 1947.

(1) On September 9, 1946, the Lyles Ford Tri-County Power Authority (the Authority), a municipal corporation, of Union, South Carolina, filed an application for preliminary permit under the Federal Power Act for a proposed hydroelectric development (Project No. 1956) to be located on Broad and Congaree Rivers in South Carolina, the project facilities, exclusive of transmission lines, to be located in Chester, Fairfield, Laurens, Lexington, Newberry, Richland and Union Counties, South Carolina. The permit, if issued, will be for the sole purpose of maintaining priority of application for a license for the project under the act for a period not exceeding a total of three years as may be necessary for making examinations and surveys, for preparing maps, plans, specifications, and estimates, and for making financial arrangements. The proposed project will consist of three units known respectively as the Blairs and Frost Shoals developments on Broad River and Columbia Regulating Dam on Congaree River. Each unit of development will consist of a dam, reservoir, powerhouse and appurtenant facilities.

(2) On January 27, 1947, the South Carolina Electric & Gas Company (the South Carolina Company), of Columbia, South Carolina, filed an application for preliminary permit under the Federal Power Act for a proposed hydroelectric development (Project No. 1965) to be located on Saluda River in Richland and Lexington Counties, South Carolina. The proposed project, known as the Lower Saluda development, will consist of a dam and powerhouse to be located about 1 mile above the mouth of Saluda River.

(3) Public notice of the filing of the two applications has been given as required by the act.

(4) The Authority has filed a protest against the granting of the application for preliminary permit for the South Carolina Company's Project No. 1965 and the latter company has in turn protested the granting of the application for preliminary permit for the Authority's Project No. 1956. It appears that the Columbia Regulating Dam on Congaree River proposed by the Authority would raise the water level of the Saluda River to an elevation sufficient to flood the dam site which the South Carolina Company proposes to utilize on that river. Therefore, it is apparent that the plans for Project No. 1956 and Project No. 1965 are in conflict.

The Commission finds that it is desirable and in the public interest to consolidate these two matters for the purpose of a hearing and to hold such a hearing respecting the matters involved and the issues raised in the two proceedings.

It is ordered, That a public hearing be held concerning these matters commencing on Tuesday, September 23, 1947 at 10:00 a. m. (e. s. t.) in the Federal Court Room, U. S. Court House, Columbia, South Carolina.

Date of issuance: August 12, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47—7656, Filed, Aug. 14, 1947; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5506]

SMITHLINE COATS AND SMITHLINE COAT CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of August A. D. 1947.

In the matter of Philip Smithline, Max Silpe and Joseph Miller, trading as Smithline Coats and Smithline Coat Co.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, August 12, 1947, at one o'clock in the afternoon of that day (eastern standard time), in Room 505, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-7654; Filed, Aug. 14, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING ON APPLICATIONS TO PAY FEES AND EXPENSES

At a regular session of he Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa. on the 8th day of August A. D. 1947.

In the matter of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company and its subsidiary companies, respondents, File No. 59-3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

The Commission having on October 10, 1945 issued its order approving Plan I, as amended, filed by Electric Bond and Share Company ("Bond and Share"), a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and having on September 6, 1946 issued its Supplemental Order approving Bond and Share's Plan II-A, as amended, also filed pursuant to section 11 (e) of said act; said plans involving, among other things, the retirement of the $5 and $6 preferred stocks of Bond and Share by the payment of an aggregate of $100 per share to the holders of such stocks and the delivery to such holders of certificates evidencing their further rights, if any, against Bond and Share; and

The Commission in said orders approving said plans, as amended, having reserved jurisdiction with respect to all legal fees and expenses to be paid in connection therewith; and

Bond and Share and Simpson, Thacher & Bartlett, attorneys for Bond and Share, having filed applications for approval of payments of certain fees and expenses aggregating $794,723 incurred in connection with said plans in the following amounts:

FEES AND EXPENSES OF BOND AND SHARE IN CONNECTION WITH PLAN I

[Exclusive of fees and expenses of Simpson, Thacher & Bartlett and Edward Hopkinson]

	Fees	Expenses
Printing		$26,565
Envelopes		1,482
Advertising		393
Ebasco Services, Inc.	$20,897	
Bankers Trust Co.	21,564	8,803
	51,461	37,243

FEES AND EXPENSES OF BOND AND SHARE IN CONNECTION WITH PLAN II-A

[Exclusive of fees and expenses of Simpson, Thacher & Bartlett and Edward Hopkinson]

	Fees	Expenses
Printing		$39,736
Miscellaneous Expenses		6,202
Ebasco Services, Inc.	$11,741	
Bankers Trust Co	159,085	53,659
Due American Gas and Electric Company in connection with preparation of registration statement:		
Legal fees (21 firms)	25,028	
Auditing (Niles & Niles)	15,677	
Printing		46,229
Other expenses		22,811
Due Pennsylvania Power & Light Company in connection with preparation of registration statement:		
Auditing	2,959	
Printing		60,588
Other expenses		13,155
	214,490	242,473

FEES AND EXPENSES OF SIMPSON, THACHER & BARTLETT AND EDWARD HOPKINSON IN CONNECTION WITH PLANS I AND II-A

[To June 30 1947]

	Fees	Expenses
Simpson, Thacher & Bartlett:		
Services in connection with Plans I and II-A	$185,000	$12,974
Services in connection with preparation of registration statement by American Gas and Electric Company	7,500	
Services in connection with preparation of registration statement by Pennsylvania Power & Light Company	8,500	82
Edward Hopkinson	35,000	
	236,000	13,056

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held on said applications:

It is hereby ordered, That the record in the proceedings on the said plans be reopened and that the hearing be reconvened on September 11, 1947 at 10 a. m., e. d. s. t., for the purpose of considering said applications of Bond and Share and Simpson, Thacher & Bartlett for approval of fees and expenses as set forth above, such hearing to be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission on or before September 9, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice, and, further any person desiring to assert any additional claim for compensation or reimbursement of expenses in connection with the proceedings herein shall, on or before said date file a notification of intention to assert such claim.

It is further ordered, That Richard Townsend or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission rules of practice.

The Public Utilities Division having advised the Commission that it has made a preliminary examination of the applications and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

Whether the fees and expenses proposed to be paid by Bond and Share and requested by Simpson, Thacher & Bartlett in connection with Plans I and II-A are for necessary services and are reasonable in amount.

It is ordered, That particular attention be directed at said hearing to the foregoing matters and questions:

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Electric Bond and Share Company and Simpson, Thacher & Bartlett and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-7642; Filed, Aug. 14, 1947, 8:46 a. m.]

[File No. 70-1571]

PORTLAND GAS & COKE CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 8th day of August A. D. 1947.

Portland Gas & Coke Company ("Portland"), a gas utility subsidiary of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application, and amendment thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Portland proposes to issue and sell to Mellon National Bank and Trust Company of Pittsburgh its 3¼% installment promissory note in the principal amount of $4,500,000, payable in sixteen semi-annual installments of $281,250, commencing 30 months after the date of issuance, which is to be on or after August 1, 1947 but not later than September 15, 1947.

The proceeds from the proposed sale of the installment promissory note will be applied to the retirement of all of Portland's presently outstanding unsecured debt consisting of $400,000 principal amount of 1¾% Serial Notes due 1947 to 1951 and $1,750,000 principal amount of 2¾% Bank Notes due 1948 to 1950. The $2,350,000 balance of the proceeds will be used to construct additional facilities which Portland states are essential to ensure a continuity of adequate gas service. It is further stated that the present facilities of Portland do not have adequate capacity to meet prospective demands in the winter of 1947-1948 and failure to install additional facilities promptly may result in thousands of customers being without service during periods of moderately cold weather.

In the loan agreement, pursuant to which the installment note will be issued, Mellon National Bank and Trust Company represents that it is purchasing the note for investment purposes and has no present intention of making any disposition of such note. In its application Portland states that no finder's fee or other fee, commission or remuneration is to be paid in connection with the proposed transactions to any third person for negotiating the sale of the note.

The proposed transactions are subject to the jurisdiction of Oregon Commissioner of Public Utilities and the Washington Department of Public Utilities. Each of the foregoing regulatory bodies has expressly authorized the proposed transaction.

The application having been filed on July 21, 1947 and an amendment thereto having been filed on July 28, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that it is not necessary to impose any terms or conditions, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted and deeming it appropriate to grant the request of applicant that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be, and the same hereby is, granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-7643; Filed, Aug. 14, 1947; 8:46 a. m.]

[File No. 70-1582]

DUQUESNE LIGHT CO. AND ALLEGHENY COUNTY STEAM HEATING CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 8th day of August 1947.

Notice is hereby given that Duquesne Light Company ("Duquesne"), a subsidiary of Philadelphia Company, a registered holding company, which in turn is a subsidiary of Standard Gas and Electric Company, also a registered holding company and Allegheny County Steam Heating Company ("Allegheny"), a subsidiary of Duquesne, have filed a joint application-declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Applicants-declarants have designated sections 6 (a), 6 (b), 9 (a), 10, 12 (c) of the act and rules U-42, U-43, and U-50 as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

(1) Upon completion of the transactions summarized in the numbered paragraphs (2) to (5) below, Duquesne proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, $75,000,000 principal amount of New --% First Mortgage Bonds, Series due August 1, 1977, to be issued under an indenture dated August 1, 1947, with Mellon National Bank and Trust Company of Pittsburgh, Pa., Trustee. The interest rate on said Bonds (to be a multiple of ⅛ of 1%) and the price to be received by Duquesne (to be not less than 100% and not more than 102¾% of the principal amount of said Bonds) are to be determined by competitive bidding. The applicant-declarant states that from the net proceeds of said sale, $72,275,000 to be received by the Company from the sale of the New Bonds (exclusive of accrued interest and after deducting certain estimated expenses) will be used to redeem its presently outstanding First Mortgage 3½% Bonds due June 1, 1965, at the redemption price thereof, and that the balance of said proceeds will be available for general corporate purposes including payment of a portion of the cost of the Company's construction program.

(2) Duquesne, as the holder of all of the capital stock of Allegheny, will vote such stock in favor of an increase of the authorized capital stock of Allegheny from 80,000 shares of Capital Stock to 96,000 shares of Capital Stock, being the amount of increase in authorized capital stock required to provide for the transactions described in (3) and (4) below:

(3) Allegheny will issue and sell to Duquesne and Duquesne will accept 33,000 shares of Allegheny's Capital Stock at its par value of $50 per share in payment of $1,650,000 of indebtedness due from Allegheny to Duquesne.

(4) Allegheny will issue and sell to Duquesne and Duquesne will purchase for cash 13,000 additional shares of Allegheny's Capital Stock at its par value of $50 per share, requiring an aggregate cash consideration of $650,000.

(5) Allegheny will pay to Duquesne as the sole holder of its Capital Stock a dividend of $1,200,000 on the total amount of its Capital Stock to be outstanding after giving effect to the transactions mentioned in (3) and (4) above, such dividend to be charged to earned surplus by Allegheny.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application-declaration and that said application-declaration should not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said application-declaration, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on August 22, 1947 at 10:00 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any persons desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission, on or before August 18, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

(a) Whether the proposed issue and sale of new bonds by Duquesne and of common stock by Allegheny are exempt from the provisions of sections 6 (a) and 7 of the act pursuant to section 6 (b) thereof and, if not, whether said issues and sales meet with the requirements of section 7 of the act.

(b) Whether the proposed issue and sale of bonds by Duquesne and of common stock by Allegheny and the proposed increase in the amount of bonds and common stock to be outstanding are necessary or appropriate to economical and efficient operation of the business of Duquesne and Allegheny, respectively.

(c) Whether the terms and conditions of the issue and sale of the bonds by Duquesne are detrimental to the public

interest or to the interests of investors and consumers.

(d) Whether the indenture securing the proposed bonds of Duquesne contains adequate protective provisions for the benefit of security holders.

(c) Whether the proposed redemption of its indebtedness and the payment of a dividend on its Common Stock by Allegheny and the surrender of the note representing such indebtedness of Allegheny by Duquesne meet the applicable requirements of section 12 of the act.

(f) Whether the proposed acquisitions by Duquesne of the Common Stock of Allegheny meet the applicable requirements of section 10 of the act.

(g) Whether the proposed accounting entries to be recorded in connection with the proposed transactions are proper and conform with sound accounting principles and meet the standards of the act.

(h) Whether the fees, commissions and other remuneration to be paid on connection with the proposed transactions are for necessary services and are reasonable in amount.

(i) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Duquesne Light Company, Allegheny County Steam Heating Company, the Public Utility Commission of Pennsylvania and the Federal Power Commission and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7649; Filed, Aug. 14, 1947; 8:47 a. m.]

[File No. 70-1583]

SOUTHERN BERKSHIRE POWER & ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 8th day of August A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Southern Berkshire Power & Electric Company, a subsidiary company of New England Electric System, a registered holding company. The declaration designates section 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than August 25, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may be permitted to become effective as provided in rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized below.

Southern Berkshire Power & Electric Company proposes to borrow from The First National Bank of Boston, from time to time, a total amount of $200,000 and, for the purpose of evidencing said indebtedness, to issue its promissory notes to be due not later than one year after date of issuance and to bear interest at the rate of 1¾% per annum. The declaration states that the proposed borrowing is, in part, for the purpose of restoring current working funds and, in part, to pay the cost of construction authorized and in progress, and anticipated construction costs to June 30, 1948.

The declaration requests that the Commission's order permitting the declaration to become effective be issued on or before September 2, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7647; Filed, Aug. 14, 1947; 8:46 a. m.]

[File No. 70-1584]

CENTRAL MASSACHUSETTS ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa. on the 8th day of August, A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Central Massachusetts Electric Company, a subsidiary company of New England Electric System, a registered holding company. The declaration designates section 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than August 25, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may be permitted to become effective as provided in Rules U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized below.

Central Massachusetts Electric Company proposes to borrow from The First National Bank of Boston, from time to time, a total amount of $700,000 and, for the purpose of evidencing said indebtedness, to issue its promissory notes to be due not later than one year after date of issuance and to bear interest at the rate of 1¾% per annum. The declaration states that the company will require about $450,000 to pay anticipated construction costs between the present date and June 30, 1948, and $250,000 to pay a note of like amount due October 29, 1947, the proceeds of which were, in the first instance, used to pay construction costs.

The declaration requests that the Commission's order permitting the declaration to become effective be issued on or before September 2, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7648; Filed, Aug. 14, 1947; 8:46 a. m.]

[File No. 70-1585]

SALEM GAS LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 8th day of August, A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Salem Gas Light Company, a subsidiary company of New England Electric System, a registered holding company. The declaration designates section 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than August 25, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized below.

Salem Gas Light Company proposes to borrow from The First National Bank of Boston, from time to time, a total amount of $475,000 and, for the purpose of evidencing said indebtedness, to issue its promissory notes to be due not later than one year after date of issuance and to bear interest at the rate of 1¾% per annum. The declaration states that the proposed borrowing is, in part, for the purpose of restoring current working funds and, in part, to pay the cost of construction authorized, which, it is expected, will be completed by June 30, 1948.

The declaration requests that the Commission's order permitting the declaration to become effective be issued on or before September 2, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7646; Filed, Aug. 14, 1947; 8:46 a. m.]

[File No. 70-1586]

WACHUSETT ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 8th day of August A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Wachusett Electric Company, a subsidiary company of New England Electric System, a registered holding company. The declaration designates section 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than August 25, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized below.

Wachusett Electric Company proposes to borrow from The First National Bank of Boston, from time to time, a total amount of $430,000 and, for the purpose of evidencing said indebtedness, to issue its promissory notes to be due not later than one year after date of issuance and to bear interest at the rate of 1½% per annum. The declaration states that the proposed borrowing is, in part, for the purpose of restoring current working funds and, in part, to pay the cost of construction authorized and in progress, and anticipated construction costs to June 30, 1948.

The declaration requests that the Commission's order permitting the declaration to become effective be issued on or before September 2, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7645; Filed, Aug. 14, 1947; 8:46 a. m.]

[File No. 70-1587]

CONSUMERS POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 8th day of August 1947.

Notice is hereby give that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consumers Power Company ("Consumers"), a public utility subsidiary of The Commonwealth & Southern Corporation, a registered holding company. The applicant-declarant has designated sections 6 and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 26, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after August 26, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Consumers proposes to issue $25,000,000 principal amount of its First Mortgage Bonds to be dated September 1, 1947 and to mature in 30 years. The bonds are to be issued under and secured by Consumers' indenture dated September 1, 1945, as supplemented by an indenture to be dated September 1, 1947. The bonds will be sold at competitive bidding and the interest rate and the price to be paid to the company, which shall be not less than 100% nor more than 102¾% of the principal amount, exclusive of accrued interest, will be determined by competitive bidding. It is proposed that the coupon rate shall not be greater than 2⅞%.

The application-declaration states that Consumers will use the proceeds from the sale of the new bonds for the acquisition of property, the construction, completion, extension or improvement of facilities or for the improvement or maintenance of service, or for the discharge or lawful refunding of obligations, or to reimburse its treasury for expenditures made for such purposes. Property additions are contemplated during 1947, 1948 and 1949 in an amount exceeding $100,000,000.

The application-declaration also requests approval by this Commission of the transfer by Consumers on April 30, 1947 of $10,607,836.14 from earned surplus to common capital stock account, such sum representing the amount of the company's earned surplus at September 30, 1945 ($11,952,310.67) less an amount of $1,344,474.53, representing the balance of Account 107, Electric Plant Adjustments. The indenture securing Consumers' First Mortgage Bonds makes such surplus unavailable for the payment of dividends on its common stock. After making the proposed transfer, there would remain in earned surplus, as of June 30, 1947, $8,189,851.12.

The application-declaration states that the Michigan Public Service Commission, the state commission of the state in which consumers operates, has approved the proposed transactions.

Consumers requests that the Commission's order herein be issued as soon as possible and that it become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7644; Filed, Aug. 14, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9520]

BERTHA E. KAUFFMANN

In re: Stock and bank account owned by Bertha E. Kauffmann.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha E. Kauffmann, whose last known address is Wolfshugelstrasse 1, Dresden-Weisser Hirsch, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirteen hundred and fifty-two and one-half (1352½) shares of $100.00 par

value 6% cumulative preferred capital stock of New York and Brooklyn Casket Company, 703 Bedford Avenue, Brooklyn, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number 48 registered in the name of Dr. Carl Schauwecker, and presently in the custody of Henry F. Tiedemann, 351 Fourth Avenue, New York, New York, together with all declared and unpaid dividends thereon,

b. Two thousand and thirty (2030) shares of $60.00 par value 7% cumulative preferred capital stock of Theo. Tiedemann & Sons, Inc., 351 Fourth Avenue, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number 7, registered in the name of Dr. Carl Schauwecker, and presently in the custody of Henry F. Tiedemann, 351 Fourth Avenue, New York, New York, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of Swiss Bank Corporation, 15 Nassau Street, New York, New York, arising out of a blocked account, account number 80831, entitled Dr. Carl Schauwecker, Wabern-Bern, Switzerland, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Bertha E. Kauffmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7662; Filed, Aug. 14, 1947; 8:45 a. m.]

[Vesting Order 9529]

GOTTLIEB AUGUST HEIMBUCHER

In re: Estate of Gottlieb August Heimbucher, deceased. D-28-9921; E. T. sec. 14068.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor Goetz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $277.74 was paid to the Attorney General of the United States by Everett H. Stukesbury, Administrator with Will Annexed of the Estate of Gottlieb August Heimbucher, deceased;

3. That the said sum of $277.74 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7663; Filed, Aug. 14, 1947; 8:45 a. m.]

[Vesting Order 9532]

VICTOR KRASKE

In re: Estate of Victor Kraske, deceased. D-28-8537; E. T. sec. 10113.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Krasky, Klara Kuehan, Elfriede Krause, Kaethe Kleinert, Elsa Drinda, Sr. Maria Erasma, Grete Klutha, Karl Krasky, Erich Krasky and Hans Krasky, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Victor Kraske, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John F. Hastings, Jr., as Administrator w. w. a., acting under the judicial supervision of the Probate Court of Kalamazoo County, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7664; Filed, Aug. 14, 1947; 8:45 a. m.]

[Vesting Order 9533]

MARY J. KRAUS

In re: Estate of Mary J. Kraus, deceased. D-28-11014; E. T. sec. 15420.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Strecker, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $500.00 deposited with the Clerk of the Circuit Court of Ripley County, Indiana, to the credit of the aforesaid national, pursuant to an order of the Circuit Court of Ripley County, Indiana, in the matter of the estate of Mary J. Kraus, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of the Circuit Court of Ripley County, Indiana, as depositary, acting under the judicial supervision of the Circuit Court of Ripley County, Indiana;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7665; Filed, Aug. 14, 1947; 8:45 a. m.]

[Vesting Order 9534]

KAZUO KUBOYAMA

In re: Estate of Kazuo Kuboyama, deceased. File D-39-19047; E. T. sec. 15911.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mineko Satake, also known as Mineko Kuboyama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Kazuo Kuboyama, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan);

3. That such property is in the process of administration by Ichiro Izuka, as Administrator, acting under the judicial supervision of the Circuit Court, First Judicial Circuit, Territory of Hawaii;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7666; Filed, Aug. 14, 1947; 8:45 a. m.]

[Vesting Order 9538]

ERNEST F. REINHARDT

In re: Estate of Ernest F. Reinhardt, deceased. File D-28-11474; E. T. sec. 15698.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Reinhardt, Gotlieb Reinhardt, Karl Reinhardt, Erika Haselbacher, —— Haselbacher, first name unknown, daughter of Luise Reinhardt Gysser, deceased, sister of Ernest F. Reinhardt, deceased and —— Haselbacher, first name unknown, son of Luise Reinhardt Gysser, deceased, sister of Ernest F. Reinhardt, deceased, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $4,019.70 was paid to the Attorney General of the United States by Katherine S. Feltman, Administratrix of the Estate of Ernest F. Reinhardt, deceased;

3. That the said sum of $4,019.70 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7667; Filed, Aug. 14, 1947; 8:45 a. m.]

[Vesting Order 9539]

ERNST REINHARDT

In re: Estate of Ernst Reinhardt, deceased. File No. D-28-4010; E. T. sec. 7029.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa (Else) Schneider, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $262.80 was paid to the Alien Property Custodian by Charles Hoffmann, Jr., Administrator of the Estate of Ernst Reinhardt, deceased;

3. That the said sum of $262.80 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 17, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7668; Filed, Aug. 14, 1947; 8:45 a. m.]

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7668; Filed, Aug. 14, 1947; 8:45 a. m.]

[Vesting Order 9565]

AUGUSTE JOSUPEIT

In re: Bank account owned by Auguste Josupeit, also known as Auguste Josepeit. F-28-28292-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Josupeit, also known as Auguste Josepeit, whose last known address is Schleswig Holstein Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Auguste Josupeit, also known as Auguste Josepeit, by The Manhattan Savings Bank, 58 Bowery, New York 13, New York, arising out of a Savings Account, account number 381922, entitled Auguste Josupeit, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7669; Filed, Aug. 14, 1947; 8:46 a. m.]

[Vesting Order 9567]

ANNA ROSA KERSCHER

In re: Bank account owned by Anna Rosa Kerscher. F-28-23146-C-1, F-28-23146-F-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Rosa Kerscher, whose last known addres is Roding, Bavaria, Germany, is a resident of Germany and a nationl of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of First National Bank, Kansas City 10, Missouri, arising out of a Blocked Checking Account, entitled Mary Kerscher Trustee for Rosa Anna Kerscher, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Rosa Kerscher, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7670; Filed, Aug. 14, 1947; 8:46 a. m.]

[Vesting Order 9570]

ALFRED AND RICHARD MARBURG

In re: Bank accounts owned by Alfred Marburg and Richard Marburg. F-28-6161-E-1, F-28-6162-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Marburg and Richard Marburg, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Fifth Avenue Bank of New York, 530 Fifth Avenue, New York 19, New York, arising out of a Checking Account, entitled Theodore H. Marburg In Trust For Alfred Marburg, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alfred Marburg, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of The Fifth Avenue Bank of New York, 530 Fifth Avenue, New York 19, New York, arising out of a Checking Account, entitled Theodore Marburg In Trust For Richard Marburg, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Richard Marburg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7671; Filed, Aug. 14, 1947; 8:46 a. m.]

[Vesting Order 9572]

FRIEDRICH PUSTET

In re: Debt owing to Friedrich Pustet. F-28-476-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Pustet, whose last known address is Regensburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Friedrich Pustet, by Frederick Pustet Co., Inc., 14 Barclay Street, New York 8, New York, in the amount of $759.05, as of May 29, 1942, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7672; Filed, Aug. 14, 1947; 8:46 a. m.]

[Vesting Order 9573]

CARL A. RAUERT

In re: Bank account owned by Carl A. Rauert. F-28-26052-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193 as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl A. Rauert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Carl A. Rauert, by First Wisconsin National Bank, 743 North Water Street, Milwaukee, Wisconsin, arising out of a Demand Deposit Account, entitled Carl A. Rauert, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7673; Filed, Aug. 14, 1947; 8:46 a. m.]

[Vesting Order 9574]

EDUARD RINGEL & CO.

In re: Bank account owned by Eduard Ringel & Co. F-28-26153-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eduard Ringel & Co., the last known address of which is Lang Muhren, Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owning to Eduard Ringel & Co., by Continental Bank & Trust Company of New York, 30 Broad Street, New York, New York, arising out of a checking account, entitled Eduard Ringel & Co., Acct. #1, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7674; Filed, Aug. 14, 1947; 8:46 a. m.]

[Vesting Order 9576]

RUSCHKE & GRENTZENBERG

In re: Debts owing to Ruschke & Grentzenberg, also known as Dr. H. Ruschke & K. Grentzenberg. F-28-8886-C-1, F-28-8886-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ruschke & Grentzenberg, also known as Dr. H. Ruschke & K. Grentzenberg, the last known address of which is Berlin, W62, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ruschke & Grentzenberg, also known as Dr. H. Ruschke & K. Grentzenberg, by Langner, Parry, Card and Langner, 120 East 41st Street, New York 17, New York, in the amount of $4,517.48, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Ruschke & Grentzenberg, also known as Dr. H. Ruschke & K. Grentzenberg, by Marks & Clerk, 220 Broadway,

New York 7, N. Y., in the amount of $631.15, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7675; Filed, Aug. 14, 1947; 8:46 a. m.]

[Vesting Order 9578]

HEINRICH SCHAEFERTOENS

In re: Bank account owned by Heinrich Schaefertoens. F-28-27556-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Schaefertoens, whose last known address is Ohrsen bei Lage in Lippe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Heinrich Schaefertoens, by American Trust Company, 464 California Street, San Francisco, California, arising out of a Savings Account, account number 7671, entitled Heinrich Schaefertoens, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7676; Filed, Aug. 14, 1947; 8:46 a. m.]

[Vesting Order 9579]

CARL EDUARD SCHLUTER AND HELEN FRANZISKA MARIE ULLNER

In re: Stock owned by Carl Eduard Schluter and debts owing to Helen Franziska Marie Ullner. F-28-5145-D-1, F-28-22699-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Eduard Schluter, whose last known address is c/o M. H. Warburg & Co., 75 Ferdinandstrasse, Hamburg 1, Germany, and Helen Franziska Marie Ullner, whose last known address is Carlstrasse 34, Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Thirty-one (31) shares of $100 par value 8% cumulative convertible preferred capital stock of American Hard Rubber Company, 11 Mercer Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered 2087 and 2088 for ten (10) shares each and certificate number 2089 for eleven (11) shares, registered in the name of Carl Eduard Schluter, together with all declared and unpaid dividends thereon, and all rights of exchange thereof for $100 par value $7 cumulative preferred capital stock and $25 par value common capital stock of said American Hard Rubber Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Carl Eduard Schluter the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: Those certain debts or other obligations owing to Helen Franziska Marie Ullner by American Hard Rubber Company, 11 Mercer Street, New York, New York, in the amounts of $90 and $315, as of December 31, 1945, arising out of certain outstanding dividends unpaid, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7677; Filed, Aug. 14, 1947; 8:47 a. m.]

[Vesting Order 9580]

ALBERT SELIGMAN ET AL.

In re: Bank accounts owned by Albert Seligman, Robert Hohn and Emmy Timme. F-28-26068-E-1, F-28-25803-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Seligman, Robert Hohn and Emmy Timme, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Albert Seligman, by The First National Bank of Chicago, 38 So. Dearborn Street, Chicago 90, Illinois, arising out of an Agency Account, account number 3632, entitled Albert Seligman, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Robert Hohn and Emmy Timme, by The First National Bank of Chicago, 38 So. Dearborn Street, Chicago 90, Illinois, arising out of a Savings Account number 1,193,787, entitled Emmy Timme or Robert Hohn, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7678; Filed, Aug. 14, 1947; 8:47 a. m.]

[Vesting Order 9581]

MARGARETE SIEDER

In re: Bank account owned by Margarete Sieder. F-28-28183-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Sieder, whose last known address is Petersaurach Nr., 100 bei Ansbach-Bazern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Lincoln Savings Bank of Brooklyn, 531 Broadway, Brooklyn 6, New York, arising out of a Savings Account, account number E-715, entitled Margaret Eckert in trust for Margarete Sieder, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Margarete Sieder, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7679; Filed, Aug. 14, 1947; 8:47 a. m.]

[Vesting Order 9582]

LISETTA STERN

In re: Bank account owned by Lisetta Stern. F-28-8558-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lisetta Stern, whose last known address is Cologne, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Wells Fargo Bank & Union Trust Co., 4 Montgomery Street, San Francisco, California, arising out of a Savings Account, account number 66581, entitled Otto Oppenheimer, Special, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lisetta Stern, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7680; Filed, Aug. 14, 1947; 8:47 a. m.]

[Vesting Order 9584]

JOHN VINSONT

In re: Bank account owned by John Vinsont. F-28-26554-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Vinsont, whose last known address is Heller Strasse, 28 Herschberg, Silesia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to John Vinsont, by Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a Savings Account, account number 20853, entitled John Vinsont, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7681; Filed, Aug. 14, 1947; 8:47 a. m.]

[Vesting Order 9586]

MATSU WERDERMANN

In re: Bank account owned by Matsu Werdermann. F-39-718-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matsu Werdermann, whose last known address is 110 Hommokumachi 1-chome Nakaku, Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a Checking Account, entitled Dr. Frederick Steiner Account #3, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Matsu Werdermann, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7682; Filed, Aug. 14, 1947; 8:47 a. m.]

[Vesting Order 9559]

FUJICKA AND CO.

In re: Debt owing to Fujicka and Co., also known as Fujioka and Co. F-39-4586-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fujicka and Co., also known as Fujioka and Co., whose last known address is Kobe, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Fujicka and Co., also known as Fujioka and Co., by National Carbon Company, Inc., 30 East 42d Street, New York 17, New York, in the amount of $69.91, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947:

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7631; Filed, Aug. 13, 1947; 8:49 a. m.]

[Vesting Order 9561]

RIICHIRO HORI

In re: Debts owing to Riichiro Hori. D-39-1035-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Riichiro Hori, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Thirty-one (31) percent of that certain debt or other obligation of The Farmers and Merchants National Bank of Los Angeles, P. O. Box 2177 Terminal Annex, Los Angeles 54, California, arising out of a commercial account, entitled Hori Brothers, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. Thirty-one (31) percent of that certain debt or other obligation of The Farmers and Merchants National Bank of Los Angeles, P. O. Box 2177, Terminal Annex, Los Angeles 54, California, arising out of a commercial account, entitled Hori Brothers, Importing Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Riichiro Hori, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7632; Filed, Aug 13, 1947; 8:49 a. m.]

Reference

SEP 16 '47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 12 NUMBER 161

Washington, Saturday, August 16, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Wheat Bulletin 1, Supp. 2, Corr.]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM (KANSAS CITY AREA)

In F. R. Doc. No. 47-6747, appearing on page 4808 of the issue of Saturday, July 19, 1947, the station rate for "Ovid" in Sedgwick County, Colorado, should read "$1.807."

[SEAL] RALPH S. TRIGG,
Acting President,
Commodity Credit Corporation.

AUGUST 14, 1947.

[F. R. Doc. 47-7753; Filed, Aug. 15, 1947; 11:47 a. m.]

Chapter V—Production and Marketing Administration (Diversion Programs)

[Program 0 72a]

PART 501—COTTON INSULATION PROGRAM

SUBPART—FISCAL YEAR 1948

Sec.
501.101 Offer to make payments.
501.102 Definitions of terms as used herein.
501.103 Period of manufacture of insulation.
501.104 Rate of payment.
501.105 Changing specifications.
501.106 Meeting specifications.
501.107 Packaging and marking.
501.108 Inspection.
501.109 Reports and cost data.
501.110 Applications.
501.111 Payment as manufacture is completed.
501.112 Claims for payment.
501.113 Bond.
501.114 Termination of offer.

AUTHORITY: §§ 501.101 to 501.114, inclusive, issued under sec. 82, 49 Stat. 774, as amended, 7 U. S. C. 612c.

§ 501.101 *Offer to make payments.* The Secretary of Agriculture of the United States (hereinafter referred to as the Secretary), pursuant to clause (2) of section 32, Public Law No. 320, 74th Congress, as amended, will make payments, subject to the conditions hereinafter set forth, to holders of approved applications (hereinafter referred to as processors) who will divert cotton from the normal channels of trade and commerce by manufacturing cotton insulation, or causing cotton insulation to be manufactured. If cotton insulation is to be manufactured by another for the processor's account under the "causing ---------- to be manufactured" provision herein, approval in writing from the Secretary or from his authorized representative must first be secured.

§ 501.102 *Definitions of terms as used herein.* (Terms in the singular may be interpreted in the plural and terms in the plural may be interpreted in the singular.)

(a) "Processors" means individuals, firms, partnerships, corporations, associations, or other organizations.

(b) "Insulation" means insulating material which meets specifications approved by the Secretary or his authorized representative and referred to in the approved application (see § 501.110).

(c) "Cotton" means the following: (1) Lint cotton grown in the United States not less than ¾ inches in staple and not lower in grade than the lowest grades in the universal standards for American upland cotton; (2) unreworked cotton card strips of qualities approved by the Secretary or his authorized representative; and (3) unreworked cotton comber noils of qualities approved by the Secretary or his authorized representative.

(d) "Eligible recipients" mean individuals, firms, partnerships, corporations, associations, or other organizations who: (1) Are engaged in the distribution of insulation; (2) certify by affidavit that by reason of the receipt of insulation herein provided they will engage in the distribution of insulation; (3) use insulation for insulating or acoustical purposes either in real or personal property or in the manufacture of products for distribution; (4) if not covered by subparagraphs (1), (2), or (3) of this paragraph are approved by the Secretary or his authorized representative as eligible

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recipients of insulation under the program.

(e) "Backing material" means material to which the batt part of the insulation is attached or in which it is encased, used to repel moisture or vapor, or to serve as a nailing flange, or other structural function.

(f) "Manufacture" means: (1) In the case of insulation with backing material, and in the case of insulation not more than 24 inches wide without backing material, the processing of raw material to the point that the insulation is in form, and is packaged for delivery to recipients; or (2) In the case of insulation more than 24 inches wide without backing material, the processing of raw material to the point that insulation is in form and is packaged for delivery to vendees: *Provided*, It is delivered, shipped, or delivered to carrier for shipment to eligible recipients.

§ 501.103 *Period of manufacture of insulation.* Insulation must have been manufactured in the United States on or after the date of approval of the application and during the period from July 1, 1947, to and including June 30, 1948.

§ 501.104 *Rate of payment.* Rate of payment by the Secretary will be five and three-quarter (5¾) cents per pound of cotton, gross weight (as defined herein), used in the manufacture of insulation.

§ 501.105 *Changing specifications.* With the consent of the processor and the Secretary or his authorized representative, specifications referred to in a particular application may be changed. Such new specifications shall apply only to insulation manufactured after the change has become effective.

§ 501.106 *Meeting specifications.* Processors must certify that insulation manufactured under the approved application meets applicable minimum specification requirements. The insulation shall be subject to examination at the plant of manufacture or elsewhere as often as the Secretary or his authorized representative deems necessary. If on such examination it is found that minimum specifications for insulation are not being met, payments thereafter may be suspended until specification requirements are complied with. For purposes of examining and testing the material, samples shall be supplied without cost by the processor to the Secretary or his authorized representative.

§ 501.107 *Packing and marking.* At the time of manufacture all insulation shall be securely packaged and marked with a serial number or with a symbol by which the individual package can be identified.

§ 501.108 *Inspection.* During the period of participating in the program as herein provided, the establishment of the processor (and the establishment of others manufacturing insulation for the processor's account under the causing to be manufactured provision of this offer) shall be open to the Secretary or to his authorized representative or agent for observation of materials used, of insulation manufactured, and of compliance with other provisions of the program.

§ 501.109 *Reports and cost data*—(a) *Progress report.* From time to time the processor shall submit reports containing information in connection with materials used, insulation made, and other data by which the progress of the program may be appraised, the time of submission and the kind of data to be as required by the Secretary or his authorized representative.

(b) *Cost data.* During the period of participating in the program the processor, in cases where insulation is manufactured by his plant, or if the processor is a corporation, also in the plants of its subsidiaries, shall from time to time upon written request supply to the Secretary or his authorized representative data with respect to individual costs of items relating to the manufacture and distribution of each of the various types of cotton insulation manufactured during specified future period (week, month, or other periods of time). Such reports will be considered as confidential by the Department of Agriculture. During the period for which cost data are requested, the processor shall maintain such cost records relating to cotton insulation as will disclose accurate data with respect to the information requested. Failure of the processor to supply requested information will give the Secretary or his authorized representative the right to suspend payments until such request is complied with.

§ 501.110 *Applications.* No processor shall be entitled to payments unless he has submitted an "Application" (Form CN–13–1), to use a specified quantity of cotton in the manufacture of insulation in connection with the "Cotton Insulation Program (Fiscal Year 1948)," and the Secretary or his authorized representative has, pursuant to the terms and conditions set forth in that application and in this offer, approved such application in whole or in part. No payment will be made on any quantity of cotton in excess of that for which an application is approved. More than one application may be approved for the same applicant. The right is reserved to reject any or all applications.

§ 501.111 *Payment as manufacture is completed.* Any part or parts of the quantity of cotton covered by an approved application may be separately manufactured into insulation and the Secretary will make payments in connection with such quantities in the same manner as if the total quantity of cotton covered by such application had been used in the manufacture of insulation.

§ 501.112 *Claims for payment.* No processor shall be entitled to payments in connection with the use of cotton in the manufacture of any particular insulation unless he shall submit in connection therewith on or before August 15, 1948, or during any extensions of such time made by the Secretary or his authorized representative, a claim in voucher form and shall furnish to the Secretary or to his authorized representative or agent such information as may be requested for the purpose of enabling him to determine that there has been compliance with the conditions of this offer and the approved application, and to determine the proper payment to be made. The processor shall make available to the Secretary or to his authorized representative or agent, for the purpose of verifying such information, any pertinent books, records, memoranda, documents, papers, and correspondence of the processor or of the processor's agents or representatives, which the Secretary or his authorized representative or agent may request. The determination of the Secretary as to pertinency shall be final.

§ 501.113 *Bond.* Within 30 days after approval of an application the processor will furnish a bond, in a form satisfactory to the Secretary or his authorized representative, guaranteeing repayment of any amounts which the Secretary may have paid to the processor and to which the processor was not entitled under the provisions of this offer. The amount of the bond shall be 10 percent of the total maximum payments which might become due under the application as approved. If such bond is not furnished within the prescribed period of time (or within such period as extended by the Secretary or his authorized representative), the approval of the application shall be deemed revoked, without further notice by the Secretary or his authorized representative.

§ 501.114 *Termination of offer.* The Secretary reserves the right to terminate this offer at any time by giving public notice thereof. Such termination shall not affect any payments to be made pursuant to any application theretofore approved by the Secretary or his authorized representative.

Issued this 12th day of August 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7686; Filed, Aug. 15, 1947; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Production and Marketing Administration (Crop Insurance)

PART 418—WHEAT CROP INSURANCE

SUBPART REGULATIONS FOR ANNUAL CONTRACTS COVERING 1948 CROP YEAR

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect with respect to annual wheat crop insurance contracts, covering the 1948 crop year, until amended or superseded by regulations hereafter made.

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AUTHORITY: §§ 418.2001 to 418.2043, inclusive, issued under secs. 506 (e), 507 (c), 508, 509, and 516 (b) of the Federal Crop Insurance Act, as amended; 52 Stat. 73, 52 Stat. 835, 58 Stat. 918; 7 U. S. C. and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b); Pub. Law 320, 80th Cong.

MANNER OF OBTAINING INSURANCE

§ 418.2001 *Availability of wheat crop insurance.* (a) After the publication of this subpart in the FEDERAL REGISTER, wheat crop insurance under annual contracts covering the 1948 crop year will be provided in accordance with this subpart in the counties designated by the Corporation.

(b) Insurance will not be provided under this subpart in any county unless the written applications filed for wheat crop insurance, together with the wheat crop insurance contracts in force, cover at least 200 farms or one-third of the farms normally producing wheat.

§ 418.2002 *Application for insurance.* Application for insurance, on a form entitled "Application for Wheat Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a wheat crop. An application shall cover the applicant's interest in the wheat crop on all insurance units considered for crop insurance purposes to be located in the county in which the applicant has an interest at the time of seeding of the wheat crop to be harvested in 1948: *Provided, however,* That an application executed by any person as an individual shall not cover his interest as a partner in a crop produced by a partnership. Applications shall be submitted to the office of the county association or other office specified by the Corporation on or before the applicable closing date shown in § 418.2041. In case of death of the insured after the seeding of either winter or spring wheat is begun for the 1948 crop year, any additional acreage of that type of wheat (winter or spring) which is seeded for the insured's estate for the 1948 crop year shall be covered by the application.

§ 418.2003 *Acceptance of application by the Corporation.* (a) Upon acceptance of an application by a duly authorized representative of the Corporation, the contract shall be in effect, provided all the requirements in this subpart for the acceptance of applications have been met.

(b) The Corporation reserves the right to reject any application for insurance in its entirety or with respect to any definitely described acreage.

§ 418.2004 *Cancellation of prior contract.* The acceptance by the Corporation of an application submitted pursuant to the regulations in this subpart will automatically cancel any other wheat crop insurance contract previously entered into by the insured and the Corporation in the county for the 1948 and any subsequent crop year.

INSURANCE COVERAGE

§ 418.2005 *Insurable and non-insurable acreage.* Any regularly tilled acreage, as determined by the Corporation, is insurable unless it is designated as "non-insurable" on the 1948 crop insurance map before the applicable calendar closing date for filing of applications for insurance. This designation may be made on the crop insurance map by either identifying the acreage or by identifying a particular farming practice which, if followed, will make acreage non-insurable. Non-insurable acreage shall not be considered in any manner whatsoever under the contract except as provided in §§ 418.2019 (b) and 418.2036.

§ 418.2006 *Kinds of wheat insured.* The wheat to be insured under the contract will be winter and spring wheat seeded for harvest as grain, as determined by the Corporation: *Provided, however,* That, if the application is filed on or before the applicable closing date for spring wheat but after the applicable closing date for winter wheat, the contract will not cover:

(a) Any acreage of the winter wheat crop, or

(b) Any acreage of the spring wheat crop which is seeded on winter wheat acreage, except whole fields of such acreage, or parts of such acreage with definite boundaries, which are reworked and seeded to spring wheat in areas where it is adapted and a full seeding of spring wheat is made.

The contract will not provide insurance for volunteer wheat, wheat seeded with a mixture of flax or other small grains, vetch, Austrian winter peas, dry edible peas, or a type of wheat which is not adapted to the area, as determined by the Corporation.

§ 418.2007 *Determination of insured acreage and insured interest.* Promptly after seeding a wheat crop (winter or spring) the insured shall submit to the Corporation, on a form entitled "Wheat Crop Insurance Acreage Report," a report over his signature of the acreage seeded to wheat on each insurance unit in which he has an interest at the time of seeding and his interest at the time of seeding in the wheat seeded for harvest as grain. If the insured does not seed wheat, the acreage report shall nevertheless be submitted promptly after the seeding of wheat is generally completed in the county. This report submitted by the insured shall be considered final and not subject to change by the insured, except with the consent of the Corporation.

The Corporation reserves the right to charge the insured $2.00 if the insured fails to submit a seeded acreage report within 30 days after seeding of the applicable type of wheat (winter or spring) is generally completed in the county, as determined by the Corporation.

The insured acreage with respect to each insurance unit shall be the acreage of wheat seeded for harvest as grain as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided, however,* That the Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file a seeded acreage report within 30 days after seeding of the applicable type of wheat (winter or spring) is generally completed in the county, as determined by the Corporation: *Provided, further,* That the Corporation reserves the right to limit the acreage to be insured: *Provided, further,* That insurance shall not attach with respect to (a) any acreage seeded to wheat which is destroyed or substantially destroyed (as defined in § 418.2016) and which can be reseeded before it is too late to reseed to wheat, as determined by the Corporation, and such acreage is not reseeded to wheat, or (b) any acreage seeded to wheat too late to expect to produce a normal crop, as determined by the Corporation.

The insured interest with respect to each insurance unit shall be the insured's interest in the crop at the time of seeding, as reported by the insured, or the interest which the Corporation determines as the insured's actual interest at the time of seeding, whichever the Corporation shall elect: *Provided, however,* That, for the purpose of determining loss, the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest, whichever occurs first.

§ 418.2008 *Wheat seeded for purposes other than grain.* If the insured seeds only a part of his wheat for harvest as grain he shall submit with his acreage report of wheat seeded, a designation of any acreage seeded for purposes other than harvest as grain. Upon receipt of this designation and with the approval of the Corporation, the acreage used in computing the premium and amount of insurance will not include such acreage. However, any wheat threshed from such acreage shall be considered as wheat produced on the insured acreage in determining a loss under the contract.

§ 418.2009 *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the wheat is seeded. Insurance shall cease with respect to any portion of the wheat crop covered by the contract upon threshing (unless combined and field-sacked and remaining in the field, in which event the insurance shall cease 120 hours thereafter) or removal from the field, but in no event shall the insurance remain in effect later than October 31, 1948, unless such time is extended in writing by the Corporation.

§ 418.2010 *Amount of insurance.* (a) The coverage per acre for insured acreage shall be:

(1) For acreage released by the Corporation and planted to a substitute crop: 50 percent of the applicable number of dollars shown on the 1948 actuarial table or on the 1948 table of area coverages and premium rates;

(2) For all other acreage which is not harvested: The applicable number of dollars shown on the 1948 actuarial table or on the 1948 table of area coverages and premium rates; or

(3) For acreage which is harvested: The applicable number of dollars shown on the 1948 actuarial table or on the 1948 table of area coverages and premium rates, plus $1.60.

(b) The amount of insurance for each insurance unit under the contract shall be the number of dollars determined by multiplying:

(1) The insured acreage, by

(2) The coverage per acre, and by

(3) The insured interest in the crop at the time of seeding. If different coverages per acre are applicable to parts of the insurance unit, the amount of insurance shall be computed separately, using the applicable acreage for each coverage per acre, and the total of such computed amounts shall be the amount of insurance for the insurance unit.

§ 418.2011 *Causes of loss insured against.* The contract shall cover loss of wheat while in the field due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation: *Provided, however,* That the Board of Directors may determine that for any county or area the contract shall provide that loss of wheat due to any of the foregoing causes is not insured.

Where insurance is written on an irrigated basis, the contract shall also cover loss due to failure of the water supply from natural causes that could not be prevented by the insured, including (a) lowering of the water level in pump wells adequate at the beginning of the growing season to the extent that either deepening the well or drilling a new well would be necessary to obtain an adequate supply of water, (b) failure of public power used for pumping or failure of an irrigation district or water company to deliver water where such failure is not within the control of the insured, and (c) the collapse of casing in wells where such collapse could not have been foreseen and prevented by the insured: *Provided, however,* That the acreage of wheat which shall be insured on an irrigated basis shall not exceed that acreage which can be irrigated properly with facilities available and with a supply of irrigation water which could reasonably be expected, taking into consideration the amount of water required to properly irrigate the acreage of all irrigated crops on the farm: *Provided, further,* That the contract shall not cover loss due to the shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which could reasonably be expected.

§ 418.2012 *Causes of loss not insured against.* The contract shall not cover damage to quality, or loss caused by:

(a) Neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand;

(b) Theft;

(c) Domestic animals or poultry;

(d) Failure to follow recognized good farming practices;

(e) Poor farming practices, including but not limited to the use of defective or unadapted seed, failure to plant a sufficient quantity of seed, failure properly to prepare the land for seeding or properly to seed, care for or harvest and thresh the insured crop (including unreasonable delay thereof);

(f) Over-pasturage;

(g) Following different fertilizer or farming practices than those considered in establishing the coverage per acre, or seeding wheat on land where the average productivity or farming hazards differ materially from the average productivity or farming hazards for the acreage considered in establishing the coverage per acre and premium rate for such land;

(h) Seeding wheat under conditions of immediate hazard;

(i) Planting excessive acreage under abnormal conditions;

(j) Inability to obtain labor, seed, fertilizer, machinery, repairs, or insect poison;

(k) Breakdown of machinery, or failure of irrigation equipment due to mechanical defects;

(l) Seeding another crop with the wheat or in the growing wheat crop, or;

(m) Failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells when such adjustment can be made without deepening the well.

PREMIUM FOR THE CONTRACT

§ 418.2013 *Amount of premium.* The premium for each insurance unit under the contract shall be based upon (i) the insured acreage, (ii) the premium rate, and (iii) the insured interest in the crop at the time of seeding. If more than one premium rate is applicable to the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The premium for the insurance contract shall be the total of the premiums computed

for the insured for all insurance units covered by the contract. The premium with respect to any insured acreage shall be regarded as earned when the wheat crop on such acreage is seeded. The minimum premium payable by the insured with respect to any insurance contract shall be $5.00.

§ 418.2014 *Manner of payment of premium.* (a) By executing the application for wheat crop insurance, the applicant executes a premium note. This note represents a promise to pay to the Corporation, on or before the applicable maturity date specified in § 418.2042, the premium for all insurance units covered by the contract. Each premium or unpaid portion thereof shall bear interest after maturity at the rate of one-half of one percent for each full calendar month or fraction thereof, except that no interest shall be charged on any amount paid within two calendar months after maturity.

(b) Payment on any premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made.

(c) Any unpaid amount of any premium (either before or after the date of maturity) may be deducted from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other Act of Congress or program administered by the United States Department of Agriculture.

LOSS

§ 418.2015 *Notice of loss or damage of wheat crop.* (a) Unless otherwise provided by the Corporation, if a loss is probable, notice in writing shall be given the Corporation, at the office of the county association, or other office specified by the Corporation, immediately after any material damage to the insured crop and before the crop is harvested, removed, or any other use is made of it. Any such notice shall be given in time to allow the Corporation to make appropriate inspection.

(b) Unless otherwise provided by the Corporation, if, at the completion of threshing of the insured wheat crop, a loss has been sustained, notice in writing shall be given the Corporation, at the office of the county association, or other office specified by the Corporation, within 10 days after threshing is completed. This notice is in addition to any notice required by paragraph (a) of this section, and unless given within the time specified the Corporation reserves the right to reject any claims for indemnity.

§ 418.2016 *Released acreage.* Any insured acreage on which the wheat crop has been destroyed or substantially destroyed may be released by the Corporation for planting to a substitute crop or to be put to another use. The wheat crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the farm is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof.

Before any acreage is released it shall be inspected by a representative of the Corporation and an appraisal made of the yield that would be realized if the crop on such acreage remained for harvest.

On any acreage where the wheat has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of the crop or portion thereof to the Corporation.

§ 418.2017 *Time of loss.* Loss, if any, shall be deemed to have occurred at the end of the insurance period as set forth in § 418.2009, unless the Corporation determines that the entire wheat crop on the insurance unit was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

§ 418.2018 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss," containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish that any loss for which claim is made has been directly caused by one or more of the hazards insured against by the contract during the term of the contract, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the contract. If a loss is claimed, any wheat acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

§ 418.2019 *Amount of loss.* (a) The amount of loss for which indemnity will be payable with respect to any insurance unit will be the amount of insurance under the contract for such unit, less the number of dollars determined by multiplying (i) the total production in bushels for such unit by (ii) $1.60, and by (iii) the insured interest in such unit: *Provided, however,* That, if the seeded acreage on the insurance unit exceeds the insured acreage on such unit, as determined by the Corporation, the loss for which indemnity will be payable shall be determined by the Corporation, the loss for which indemnity will be payable shall be determined by computing the loss for the seeded acreage (as though the total seeded acreage were insured) and reducing such loss on the basis of the ratio of the insured acreage to the seeded acreage: *Provided, further,* That, if the premium computed for the reported acreage is less than the premium computed for the seeded acreage, the amount of loss for which indemnity will be payable shall be determined by computing the loss for the seeded acreage and reducing such loss on the basis of the ratio of the premium computed for the reported acreage to the premium computed for the seeded acreage, if the Corporation so elects.

The total production for an insurance unit shall include:

(1) All threshed wheat (not including wheat in a mixture with other small grains produced on acreage released as provided in subparagraph (3) of this paragraph);

(2) The appraised production for any acreage of wheat which was not threshed but which was harvested as grain;

(3) For any acreage of wheat released by the Corporation and seeded to a substitute crop, that portion of the appraised production which is in excess of the number of bushels determined by dividing (i) the amount of insurance for such acreage by (ii) $1.60 (rounded in accordance with § 418.2040);

(4) The appraised production for any acreage of wheat released by the Corporation and not seeded to a substitute crop.

(5) The number of bushels determined by dividing (i) the salvage value of unmerchantable production, as determined by the Corporation, by (ii) $1.60;

(6) The appraised production for any acreage of insured wheat that is not harvested and is planted to a substitute crop or put to another use without the consent of the Corporation, but not less than the product of (i) such acreage and (ii) the bushel equivalent of the coverage per acre determined on the basis of a value of $1.60 per bushel (rounded in accordance with § 418.2040);

(7) The appraised number of bushels by which production on any acreage has been reduced solely because of any cause not insured against, but not less than the product of (i) such acreage and (ii) the bushel equivalent of the coverage per acre determined on the basis of a value of $1.60 per bushel (rounded in accordance with § 418.2040), minus any quantity of wheat harvested from such acreage; and

(8) The appraised number of bushels by which production on any acreage has been reduced because of any cause not insured against, where damage on such acreage has resulted from a cause insured against and a cause not insured against.

The determining production, volunteer small grains, volunteer vetch, volunteer Austrian winter peas, and volunteer dry edible peas growing with the seeded wheat crop, and small grains seeded with the growing wheat crop on acreage not released by the Corporation, shall be counted as wheat.

(b) Where the insured commingles production from two or more insurance units or portions thereof and fails to establish and maintain records satisfactory to the Corporation of the production from each of the component parts, the insurance with respect to such units may be voided by the Corporation and the premium forfeited by the insured: *Provided, however,* That, if all the component parts are insured, the total of the amount of insurance for the component parts shall be considered as the amount of insurance for the combination, and any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records, satisfactory to the Corporation, of acreage or production for non-insurable acreage and for one or more insurance units or portions thereof, any production from the non-insurable acreage which is commingled with the production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation and the premium forfeited by the insured.

PAYMENT OF INDEMNITY

§ 418.2020 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the contract shall be payable within thirty days after satisfactory proof of loss is approved by the Corporation. However, if payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

§ 418.2021 *Indemnity payment.* (a) Any indemnity due under the contract will be paid by the issuance of a check payable to the order of the persons(s) entitled to such payment under this subpart.

(b) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits of the contract under the provisions of the regulations in this subpart notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid to any person other than the insured or other person entitled to the benefits of the contract, any indemnity payable, in accordance with the provisions of the contract. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(c) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claims shall not thereafter be payable, except with the consent of the Corporation.

(d) The Corporation shall provide for the posting in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 418.2022 *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where an indemnity is paid to the insured by another Government agency because of damage to the wheat crop, the Corporation reserves the right to determine its liability under the contract, taking into consideration the amount paid by such other agency.

§ 418.2023 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

§ 418.2024 *Creditors.* An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other process shall not be considered an interest in an insured crop within the meaning of this subpart.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 418.2025 *Indemnity subject to all provisions of the contract.* Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium or any other obligation of the insured to the Corporation: *Provided, however,* That in case of a transfer of an interest in an insured crop, the deduction to be made from an indemnity payable to the transferee shall not exceed the premium due on the acreage involved in the transfer, plus the unpaid amount of any other obligation of the transferee to the Corporation. Any indemnity payable to any person other than the original insured shall be subject to any collateral assignment of the contract by the original insured.

§ 418.2026 *Collateral assignment of right under the contract.* The right to an indemnity under a contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form entitled "Collateral Assignment," and, upon approval thereof by the Corporation, the interests of the assignee will be recognized if an indemnity is payable under the contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (a) payment of any indemnity will be subject to all conditions and provisions of the contract and to any deductions authorized under § 418.2025 and, (b), payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor: *Provided, however,* That the assignee may submit a "Statement in Proof of Loss" if the insured refuses to submit, or disappears without having submitted, such statement. The Corporation shall in no case be bound to accept notice of any assignment of the contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the contract, but if an assignment is released, a new assignment may be made.

§ 418.2027 *Payment to transferee.* In the event of a transfer of all or a part of the insured interest in a wheat crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association, or other office specified by the Corporation. The transferee under such a transfer shall be entitled to the benefits of the contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 418.2026: *Provided, however,* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place: *Provided, further,* That an involuntary transfer of an insured interest in a wheat crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

§ 418.2028 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears, before the time of loss, and his insured interest in the wheat crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be qualified the indemnity shall

be paid to the persons beneficially entitled to share in the insured interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however*, That if the indemnity exceeds $500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent or disappears before the time of loss, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in § 418.2027.

(c) If an applicant for insurance or the insured, as the case may be, dies or is judicially declared incompetent less than 15 days before the applicable calendar closing date for the filing of applications for insurance but before the beginning of seeding of the wheat crop intended to be covered by insurance, whoever succeeds him on this farm with the right to seed the wheat crop as his heir or heirs, administrator, executor, guardian, committee or conservator, shall be substituted for the original applicant upon filing at the office of the county association, or other office specified by the Corporation, within 15 days (unless such period is extended by the Corporation) after the date of such death or judicial declaration, or before the date of the beginning of seeding, whichever is earlier, a statement in writing in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant or the insured arising out of such application or the contract. If no such statement is filed, as required by this paragraph, the original application or contract shall terminate immediately.

(d) The insured shall be deemed to have disappeared within the meaning of the regulations in this subpart if he fails to file with the Corporation, at the office of the county association, or other office specified by the Corporation, written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the last known address of the insured.

§ 418.2029 *Fiduciaries.* Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment shall be made to the persons beneficially entitled to the insured interest in the crop to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however*, That the settlement may be made with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 418.2030 *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of the wheat crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of this subpart will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of any indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

REFUNDS OF EXCESS NOTE PAYMENTS

§ 418.2031 *Refunds of excess note payments.* The Corporation shall not be required to make a refund of any excess payment made on account of a note until the insured acreage of wheat has been determined for all insurance units covered by the contract.

There shall be no refund of an amount less than $1.00 unless written request for such refund is received by the Corporation within one year after the expiration of the contract.

§ 418.2032 *Assignment or transfer of claims for refunds not permitted.* No claims for a refund, or any part or share thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any wheat crop covered by the contract. Refund of any excess note payment will be made only to the person who made such payment, except as provided in § 418.2033.

§ 418.2033 *Refunds in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 418.2028 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

ESTABLISHMENT OF COVERAGES PER ACRE AND PREMIUM RATES

§ 418.2034 *Establishment of coverages per acre.* The Corporation shall establish coverages per acre in dollars, for use as set forth in § 418.2010 (a). Such coverages shall not exceed the average investment per acre in the crop in the area, as determined by the Corporation, taking into consideration recognized farming practices.

§ 418.2035 *Establishment of premium rates.* The Corporation shall establish premium rates in dollars for all insurance units or parts thereof (except acreage which is designated on the 1948 crop insurance map as non-insurable) for which coverages per acre are established and such rates shall be those deemed adequate to cover claims for 1948 wheat crop losses and to provide a reasonable reserve against unforeseen losses.

GENERAL

§ 418.2036 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all wheat produced on each insurance unit covered by the contract and on the non-insurable acreage in the county in which he has an interest. Such records shall be made available for examination by the Corporation, and as often as may reasonably be required, any person or persons designated by the Corporation shall have access to the farm(s).

§ 418.2037 *Review of recommendations of crop insurance advisory committees.* Any recommendation by a crop insurance advisory committee shall be subject to review and approval or revision by duly authorized representatives of the Corporation.

§ 418.2038 *Applicant's warranties; voidance for fraud.* In applying for insurance the applicant warrants that the information, data and representations submitted by him in connection with the contract are true and correct, and are made by him, or by his authority, and shall be taken as his act. The contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the contract, the subject thereof, or his interest in the wheat crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save the wheat crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

§ 418.2039 *Modification of the contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract or to estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer of the Corporation; nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

§ 418.2040 *Fractional units.* Fractions of amounts of insurance and premiums shall be rounded to the nearest cent. Fractions of acres shall be rounded to the nearest tenth of an acre. Computations shall be carried to one digit beyond the digit that is to be rounded. If the extra digit computed is 1, 2, 3, or 4, the rounding shall be downward. If the extra digit computed is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 418.2041 *Closing dates*—(a) *For winter wheat.* The closing dates for submission of applications to cover the winter wheat crop shall be the earlier of (1) the date of the beginning of seeding of the wheat crop on any insurance unit to be covered by the contract, or (2) the applicable calendar date below:

August 30, 1947, for Colorado, Kansas, Nebraska, Oklahoma, and Texas.

(b) *For spring wheat.* The closing dates for submission of applications to cover the spring wheat crop shall be the earlier of (1) the date of the beginning of seeding of the wheat crop on any insurance unit to be covered by the contract, or (2) the applicable calendar date below:

March 13, 1948, for all States.

§ 418.2042 *Maturity dates for payment of annual premiums.* The maturity dates by States for the payment of annual premiums shall be as follows:

June 30 for Kansas, Oklahoma, and Texas.
July 31 for Colorado and Nebraska.

§ 418.2043 *Meaning of terms.* For the purpose of the wheat crop insurance program under this subpart the term:

(a) "Continuous cropping" means following any farming practice other than summer fallow on dry land wheat acreage.

(b) "Contract" means the contract of insurance entered into between the applicant and the Corporation by virtue of the application for insurance and the regulations in this subpart and any amendments thereto.

(c) "Corporation" means the Federal Crop Insurance Corporation.

(d) "County association" means the county agricultural conservation association in the county.

(e) "Crop insurance advisory committee" means the committee designated by the Corporation to make recommendations in an advisory capacity relative to the crop insurance program.

(f) "Crop insurance map" means the form (including the actuarial tables and related forms) prescribed by the Corporation for identifying land by areas for coverage and premium rate purposes and for identifying non-insurable land. The crop insurance map when approved by the Corporation is on file in the office of the county association, or other office specified by the Corporation, and may be inspected by any producer whose land is included thereon.

(g) "Crop year" means the period within which the wheat crop is seeded and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(h) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also: (1) any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the rotation of crops: *Provided, however*, That where the county line divides a farm, any part of the farm which is included on the crop insurance map for a county shall be considered as one farm and any remainder shall be considered as another farm.

In counties where a crop insurance map is used any land which is not included on the crop insurance map will be considered to be located in the adjoining county.

(i) "Harvest" means any mechanical severance from the land of matured wheat for threshing, where the wheat crop has not been destroyed or substantially destroyed.

(j) "Insurance unit" means all farm land considered for crop insurance purposes to be located in the county, which is under the same ownership and which is operated by one person, in which the insured has an interest as a wheat producer at the time of seeding: *Provided, however*, That in the case of land rented for cash or a fixed commodity payment, the lessee shall be considered as the owner: *Provided, further*, That all or any part of such land which is designated on the county crop insurance map as "non-insurable" shall not constitute an insurance unit or any part thereof and shall not be considered in any manner whatsoever under the insurance contract, except as provided in §§ 418.2019 (b) and 418.2036.

(k) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(l) "Premium rate" means the premium rate per acre established by the Corporation as shown on the 1948 table of area coverages and premium rates.

(m) "Regularly tilled acreage" means all cropland which is included in the regular crop rotation but does not include any portion of eroded wasteland, abandoned submarginal cropland, woodland, forest or virgin native pasture land which has been seeded to wheat without approval of the Corporation.

(n) "State director" means the representative of the Corporation in the operation of the crop insurance program in the state.

(o) "Substitute crop" means any crop, except lespedeza, biennial and perennial legumes and perennial grasses, planted on released acreage before harvest of wheat becomes general in the county, as determined by the Corporation. Biennial and perennial legumes and perennial grasses seeded with the wheat or in the growing wheat crop shall not be considered a substitute crop. If other small grains are seeded in the growing wheat crop on released acreage, the crop of mixed wheat and other grains shall be considered a substitute crop.

(p) "Summer fallow" means the practice of seeding land to a crop in alternate years under a practice which requires that the seedbed be worked periodically during the growing season of the idle year with such implements as will sufficiently control weeds, create a good seedbed and conserve moisture.

(q) "Table of area coverages and premium rates" means the form prescribed by the Corporation for listing the coverage per acre and the premium rate per acre applicable for each area identified on the crop insurance map.

(r) "Tenant" means a person who rents land from another person for a share of the wheat crop or proceeds therefrom produced on such land.

(s) "Unmerchantable production" means any wheat produced which cannot be sold for milling or feeding purposes, as determined by the Corporation.

NOTE: The record keeping requirements of the regulations in this subpart have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on August 1, 1947.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: August 13, 1947.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7719; Filed, Aug. 15, 1947; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Fresh Pea Order 3]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

§ 910.305 *Fresh Pea Order 3*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., 910.1 et seq.), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh peas, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., August 17, 1947, and ending at 12:01 a. m., m. s. t., October 16, 1947, no handler shall handle any lot of fresh peas unless such lot meets the requirements of U. S. No. 1 grade (as defined in the U. S. Standards for Fresh Peas, issued April 25, 1942, effective June 1, 1942, and re-issued by the United States Department of Agriculture on July 19, 1946), and has a minimum pod length of three (3) inches.

(2) As used in this section the terms "peas", "handlers", and "handle" shall have the same meaning as when used in the amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. et seq.)

Done at Washington, D. C., this 14th day of August 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7749; Filed, Aug. 15, 1947; 10:04 a. m.]

[Lemon Reg. 235]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.342 *Lemon Regulation 235*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 17, 1947, and ending at 12:01 a. m., P. s. t., August 24, 1947, is hereby fixed at 400 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 14th day of August 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage date: August 10, 1947.

[12:01 a. m. August 17, 1947, to 12:01 a. m. August 31, 1947]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.543
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.310
Consolidated Citrus Growers	.000
Corona Plantation Co	.245
Hazeltine Packing Co	.277
Leppla-Pratt, Produce Distributors, Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Constal Lemon Co	1.583
Ventura Pacific Co	1.433
Total A. F. G	4.391
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.109
La Verne Lemon Association	.624
La Habra Citrus Association	1.228
Yorba Linda Citrus Association, The	.587
Alta Loma Heights Citrus Association	.576
Etiwanda Citrus Fruit Association	.171
Mountain View Fruit Association	.373
Old Baldy Citrus Association	.904
Upland Lemon Growers Association	4.171
Central Lemon Association	1.027
Irvine Citrus Association, The	.999
Placentia Mutual Orange Association	.369
Corona Citrus Association	.090
Corona Foothill Lemon Co	1.249
Jameson Co	.545
Arlington Heights Fruit Co	.140
College Heights Orange & Lemon Association	3.165
Chula Vista Citrus Association, The	1.762
El Cajon Valley Citrus Association	.048
Escondido Lemon Association	2.585
Fallbrook Citrus Association	1.364
Lemon Grove Citrus Association	.208
San Dimas Lemon Association	1.566
Carpinteria Lemon Association	3.727
Carpinteria Mutual Citrus Association	3.656
Goleta Lemon Association	4.283
Johnston Fruit Company	6.856
North Whittier Heights Citrus Association	.606
San Fernando Heights Lemon Association	.787
San Fernando Lemon Association	.258
Sierra Madre-Lamanda Citrus Association	1.363
Tulare County Lemon & Grapefruit Association	.000
Briggs Lemon Association	3.404
Culbertson Investment Co	.927
Culbertson Lemon Association	1.887
Fillmore Lemon Association	.987
Oxnard Citrus Association:	
No. 1	3.888
No. 2	3.419
Rancho Sespe	.826
Santa Paula Citrus Fruit Association	3.574
Saticoy Lemon Association	5.405
Seaboard Lemon Association	5.177
Somis Lemon Association	3.472
Ventura Citrus Association	2.003
Limoneira Co	3.373
Teague-McKevett Association	1.009
East Whittier Citrus Association	.600
Leffingwell Rancho Lemon Association	.547
Murphy Ranch Co	1.297
Whittier Citrus Association	.634
Whittier Select Citrus Association	.413
Total C. F. G. E	89.239
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	.864
Escondido Cooperative Citrus Association	.196
Glendora Cooperative Citrus Association	.058
Index Mutual Association	.140
La Verne Cooperative Citrus Association	1.323
Libbey Fruit Packing Co	.000
Orange Cooperative Citrus Association	.123
Pioneer Fruit Co	.000
Tempe Citrus Co	.000
Ventura County Orange & Lemon Association	2.405
Whittier Mutual Orange & Lemon Association	.136
Total M. O. D	5.245
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co	.000
California Citrus Groves, Inc., Ltd	.000
Evans Brothers Packing Co.:	
Riverside	.000
Sentinel Butte Ranch	.000
Foothill Packing Co	.015
Granada Packing House	.000
Harding & Leggett	.000
Morris Bros. Fruit Co	.029

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Orange Belt Fruit Distributors	0.995
Potato House, The	.000
Raymond Bros	.000
Rooke, B. G., Packing Co	.000
San Antonio Orchard Co	.023
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.063
Western States Fruit & Produce Co	.000
Total Independents	1.125

[F. R. Doc. 47-7751; Filed, Aug. 15, 1947; 10:05 a. m.]

[Orange Reg. 191]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.337 *Orange Regulation 191*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 17, 1947, and ending at 12:01 a. m., P. s. t., August 24, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1800 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 14th day of August 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Aug. 17, 1947 to 12:01 a. m. Aug. 24, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0708
A. F. G. Fullerton	.9442
A. F. G. Orange	.7243
A. F. G. Redlands	.2259
A. F. G. Riverside	.1241
A. F. G. San Juan Capistrano	1.0860
A. F. G. Santa Paula	.3554
Corona Plantation Co	.2316
Hazeltine Packing Co	.2690
Placentia Pioneer Valley Growers Association	.7204
Signal Fruit Association	.0773
Azusa Citrus Association	.4249
Azusa Orange Co., Inc	.1319
Damerel-Allison Co	.8531
Glendora Mutual Orange Association	.3686
Irwindale Citrus Association	.3567
Puente Mutual Citrus Association	.2031
Valencia Heights Orchards Association	.4164
Glendora Citrus Association	.3384
Glendora Heights Orange & Lemon Growers Association	.0739
Gold Buckle Association	.6371
La Verne Orange Association	.6251
Anaheim Citrus Fruit Association	1.3289
Anaheim Valencia Orange Association	1.4594
Eadington Fruit Co., Incorporated	2.0791
Fullerton Mutual Orange Association	1.7057
La Habra Citrus Association	1.1148
Orange County Valencia Association	.6653
Orangethorpe Citrus Association	1.1781
Placentia Cooperative Orange Association	.7461
Yorba Linda Citrus Association, The	.6008
Alta Loma Heights Citrus Association	.0910
Citrus Fruit Growers	.1380
Cucamonga Citrus Association	.1487
Etiwanda Citrus Fruit Association	.0407
Old Baldy Citrus Association	.1283
Rialto Heights Orange Growers	.0925
Upland Citrus Association	.3898
Upland Heights Orange Association	.1465
Consolidated Orange Growers	2.0815
Frances Citrus Association	1.0289
Garden Grove Citrus Association	1.7503

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Goldenwest Citrus Association, The	1.5951
Irvine Valencia Growers	2.6249
Olive Heights Citrus Association	1.8251
Santa Ana-Tustin Mutual Citrus Association	1.1350
Santiago Orange Growers Association	3.6855
Tustin Hills Citrus Association	1.7266
Villa Park Orchards Association, The	2.0072
Andrews Brothers of Calif	.4211
Bradford Bros., Inc	.6211
Placentia Mutual Orange Association	1.6857
Placentia Orange Growers Association	2.6065
Call Ranch	.0647
Corona Citrus Association	.4426
Jameson Co	.0350
Orange Heights Orange Association	.3548
Break & Son, Allen	.0546
Bryn Mawr Fruit Growers Association	.2552
Crafton Orange Growers Association	.4115
E. Highlands Citrus Association	.0829
Fontana Citrus Association	.0825
Highland Fruit Growers Association	.0490
Krinard Packing Co	.2659
Mission Citrus Association	.1210
Redlands Cooperative Fruit Association	.3921
Redlands Heights Groves	.4185
Redlands Orange Growers Association	.2519
Redlands Orangedale Association	.2733
Redlands Select Groves	.1555
Rialto Citrus Association	.1452
Rialto Orange Co	.1448
Southern Citrus Association	.1999
United Citrus Growers	.1403
Zilen Citrus Co	.0401
Andrews Bros. of California	.0939
Arlington Heights Fruit Co	.1118
Brown Estate, L. V. W	.1271
Gavilan Citrus Association	.1488
Hemet Mutual Groves	.1082
Highgrove Fruit Association	.0747
McDermont Fruit Co	.1835
Mentone Heights Association	.0247
Monte Vista Citrus Association	.2152
National Orange Co	.0393
Riverside Heights Orange Growers Association	.0843
Sierra Vista Packing Association	.0564
Victoria Avenue Citrus Association	.1694
Claremont Citrus Association	.1421
College Heights Orange & Lemon Association	.2123
El Camino Citrus Association	.0721
Indian Hill Citrus Association	.1974
Pomona Fruit Growers Exchange	.3421
Walnut Fruit Growers Association	.4156
West Ontario Citrus Association	.3631
El Cajon Valley Citrus Association	.3012
Escondido Orange Association	2.32 5
San Dimas Orange Growers Association	.4342
Covina Citrus Association	1.1441
Covina Orange Growers Association	.3824
Duarte-Monrovia Fruit Exchange	.1526
Santa Barbara Orange Association	.0492
Ball & Tweedy Association	.5880
Canoga Citrus Association	.7384
N. Whittier Heights Citrus Association	.8195
San Fernando Fruit Growers Association	.4217
San Fernando Heights Orange Association	.9168

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Sierra Madre-Lamanda Citrus Association	0.1876
Camarillo Citrus Association	1.4275
Fillmore Citrus Association	3.3992
Mupu Citrus Association	2.4067
Ojai Orange Association	.9358
Piru Citrus Association	1.9137
Santa Paula Orange Association	.7886
Tapo Citrus Association	.8577
Limoneira Co	.3790
E. Whittier Citrus Association	.3850
El Ranchito Citrus Association	1.0951
Murphy Ranch	.4121
Rivera Citrus Association	.5209
Whittier Citrus Association	.7700
Whittier Select Citrus Association	.4769
Anaheim Coop. Orange Association	1.5065
Bryn Mawr Mutual Orange Association	.0871
Chula Vista Mutual Lemon Association	.0876
Escondido Coop. Citrus Association	.3179
Euclid Avenue Orange Association	.4069
Foothill Citrus Union, Inc	.0317
Fullerton Cooperative Orange Association	.5408
Garden Grove Orange Cooperative, Inc	.7464
Glendora Cooperative Citrus Association	.0538
Golden Orange Groves, Inc	.3606
Highland Mutual Groves	.0289
Index Mutual Association	.2063
La Verne Cooperative Citrus Association	1.8066
Olive Hillside Groves	.6126
Orange Cooperative Citrus Association	1.2373
Redlands Foothill Groves	.5781
Redlands Mutual Orange Association	.1580
Riverside Citrus Association	.0520
Ventura County Orange & Lemon Association	.8935
Whittier Mutual Orange & Lemon Association	.2231
Babijuice Corp. of California	.5250
Banks Fruit Co	.2738
Banks, L. M	.4983
Borden Fruit Co	.9172
California Fruit Distributors	.1380
Cherokee Citrus Co., Inc	.1533
Chess Company, Meyer W	.2591
Escondido Avocado Growers	.0209
Evans Brothers Packing Co	.1884
Gold Banner Association	.2816
Granada Hills Packing Co	.0599
Granada Packing House	1.6879
Hill, Fred A	.0730
Inland Fruit Dealers	.0482
Mills, Edward	.0217
Orange Belt Fruit Distributors	2.5902
Panno Fruit Co., Carlo	.0460
Paramount Citrus Association	.5461
Placentia Orchards Co	.5553
San Antonio Orchards Co	.4991
Santa Fe Groves Co	.0484
Snyder & Sons Co., W. A	.6900
Stephens, T. F	.0834
Sunny Hills Ranch, Inc	.1129
Ventura County Citrus Association	.0071
Verity & Sons Co., R. H	.0344
Wall, E. T	.1291
Webb Packing Co	.3259
Western Fruit Growers, Inc., Ana	.0177
Western Fruit Growers, Inc., Reds	.5880
Yorba Orange Growers Association	.5845

[F. R. Doc. 47-7750; Filed, Aug. 15, 1947; 10:04 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter A—Administrative Organization

PART 1—GENERAL INFORMATION REGARDING IMMIGRATION AND NATURALIZATION SERVICE

ORGANIZATION OF THE IMMIGRATION AND NATURALIZATION SERVICE

AUGUST 7, 1947.

Part 1, Chapter I, Title 8, Code of Federal Regulations is amended by amending §§ 1.14, 1.15, 1.16, 1.18, and 1.19 as follows and by revoking § 1.20.

§ 1.14 *Central office: The Deputy Commissioner.* The Deputy Commissioner generally in the performance of the duties of his office and, under the latter's direction, is responsible for the administrative functions of the Service.

§ 1.15 *Central office: The Assistant Commissioner for Adjudications; Chief, Exclusion and Expulsion Section.* (a) Under the direction of the Commissioner, the Assistant Commissioner for Adjudications considers, and determines or recommends the determination in, numerous types of quasijudicial cases handled by the Service.

(1) The Chief of the Exclusion and Expulsion Section aids the Assistant Commissioner for Adjudications in his consideration of and action in, among others, those cases involving the admission, exclusion and deportation, or arrest and deportation of aliens.

§ 1.16 *Control office: The Assistant Commissioner for Alien Control.* Under the direction of the Commissioner, the Assistant Commissioner for Alien Control supervises and directs that part of the work of the service relating to the investigative and enforcement functions of field officers, the guarding of the boundaries of the United States, the detention of aliens, and the execution of warrants of deportation.

§ 1.18 *Control office: The Assistant Commissioner for Research and Education.* Under the direction of the Commissioner, the Assistant Commissioner for Research and Education supervises and directs that part of the work of the Service relating to the citizenship education program provided by section 327 (c) of the Nationality Act of 1940 (54 Stat. 1151; 8 U. S. C. 727 (c)) as implemented by Part 356 of this chapter.

§ 1.19 *Central office: The Assistant Commissioner for Administration.* Under the immediate direction of the Deputy Commissioner, the Assistant Commissioner for Administration supervises and directs that part of the work of the Service relating to budgetary and fiscal matters; procurement and supply; records; mail and other communications; information service; planning; recruitment, placement, and training of personnel; position classification; and employee relations.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) relative to notice of proposed rule making and delayed effective date are inapplicable for the reason that the rule prescribed by this order pertains to organization, particularly to delegation of authority, and for the further reason that notice of or hearing on this rule is not required by statute.

(Sec. 3 (a) (1) and (2), 60 Stat. 238; 5 U. S. C., Sup., 1002)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: August 11, 1947.

DOUGLAS W. MCGREGOR,
Acting Attorney General.

[F. R. Doc. 47-7696; Filed, Aug. 15, 1947; 8:47 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 703—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, FLIGHT OFFICERS, AND CHAPLAINS

WARRANT OFFICERS

Part 703, Chapter VII, Title 10, Code of Federal Regulations is amended as follows:

1. Add the following subject matter to paragraph (a) of § 703.301 as indicated below:

§ 703.301 *Classification.* (a) Warrant officers will be examined and appointed in warrant-officer classifications indicated in the following table:

Warrant officer classification		Military occupational specialty	
No.	Title	SSN	Title
•	• • •	•	•
39	(Not used.)		
40	(Not used—applicable to temporary warrant officers only.)		
41	Technical specialist—submarine mine casemate engineering.	7605	Submarine mine casemate engineer.

2. Rescind § 703.303 and substitute the following therefor:

§ 703.303 *Appointments.* (a) Successful applicants will be reported by commanding generals of service commands to the War Department. From a consolidated report, arranged by classifications and examination scores in both educational and technical tests, the War Department will prepare eligible lists. The scores of both tests will be converted into percentile scores (percentage of cases up to and including a score), and the average of these two percentiles will be the composite score that will determine the order of eligibility within each classification. Appointment will be tendered to successful applicants in such numbers as may be required to fill existing vacancies. An additional number of successful applicants necessary to cover possible vacancies will be carried on eligible lists for appointment until the next succeeding examination for appointment is held. All original permanent appointments as warrant officer, junior grade, will be probationary for a period of 3 years. See § 703.313.

(b) If a successful applicant is serving on active duty as a commissioned officer or chief warrant officer in the Army of the United States and is under age 45 at the time his name is reached on the eligible for appointment as a warrant officer, junior grade, to fill an existing vacancy, such applicant, if found physically qualified at that time, will be tendered a selection letter advising him of his selection for appointment upon honorable termination of active duty. The recipient of a selection letter whose active service as a commissioned officer or chief warrant officer terminates honorably and who applies for such appointment within 6 months after the termination of his active service will, irrespective of physical disqualification incurred or having its inception while on active duty in line of duty, be given such appointment if a vacancy within the authorized allotment of warrant officers, junior grade, Regular Army, exists at the time he applies for such appointment. To insure the existence of such vacancies, a vacancy will be reserved for the recipient of each selection letter until he applies for such appointment or notifies The Adjutant General of his intention not to enter such application, but not longer than 6 months after the termination of his active service. The date of rank upon appointment is the date of the selection letter, except that if an applicant reaches his 45th birthday after his name has been reached on the eligible list, to fill an existing vacancy, but before completion of the administrative procedures incident to issuance of a selection letter, he will, if physically qualified, be tendered a selection letter specifying the date of rank as the day preceding his 45th birthday.

3. Rescind § 703.304 and substitute the following therefor:

§ 703.304 *Age.* All applicants must have attained their 21st birthday and must not have passed their 45th birthday at the time of their appointment, except that applicants holding selection letters under the provisions of § 703.303 (b), and who pass their 45th birthday subsequent to the effective date of their selection letters, may be appointed. If in active military service, applicants may be permitted to apply for appointment provided they are not less than 20 years and 9 months nor more than 44 years and 9 months of age on the date of final examination.

[AR 610-10, 28 Sept. 1944 as amended by C2, 25 July 1947] (54 Stat. 1177, 55 Stat. 651, 652, 1177; 10 U. S. C. and Supp. 591-599)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-7683; Filed, Aug. 15, 1947; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs. Amdt. 60-0]

PART 60—AIR TRAFFIC RULES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of August 1947.

Experience with existing air traffic rules since the last revision on August 1, 1945, indicates that certain modifications and clarification are necessary in the interest of safety and, further, that air traffic rules should be promulgated to provide for increasing helicopter operations, for the operation of aircraft on the surface of the water, and for certain essential minimums for instrument flight.

On October 1, 1946, the Safety Bureau of the Board circulated to the aviation industry for comment Draft Release No. 46-5, Proposed Revision of Part 60, Air Traffic Rules. Comments received concerning that draft release were carefully considered and, on May 27, 1947, a revision of the proposed regulations was published in the FEDERAL REGISTER.

The purpose of this part is to provide certain modifications and clarification of air traffic rules in the interest of safety, to provide appropriate regulations to govern the operation of helicopters, to govern the operation of aircraft on the surface of the water, and to provide for certain essential minimums for instrument flight.

Effective October 8, 1947, Part 60, Air Traffic Rules, of the Civil Air Regulations is amended to read as follows:

Sec.

60.0 General.
60.00 Scope.
60.01 Authority of the pilot.
60.1 General flight rules (GFR).
60.100 Application.
60.101 Preflight action.
60.102 Careless or reckless operation.
60.103 Airspace restricted areas.
60.104 Right-of-way.
60.105 Proximity of aircraft.
60.106 Acrobatic flight.
60.107 Minimum safe altitudes.
60.108 Operation on and in the vicinity of an airport.
60.109 Air traffic control instructions.
60.110 Notification of arrival.
60.111 Adherence to air traffic clearances.
60.112 Water operations.
60.113 Aircraft lights.
60.2 Visual flight rules (VFR).
60.200 Distance from clouds.
60.201 Visibility.
60.202 Cruising altitudes.
60.203 VFR flight plan.
60.3 Instrument flight rules (IFR).
60.300 Application.
60.301 IFR flight plan.
60.302 Alternate airport.
60.303 Air traffic clearance.
60.304 Cruising altitudes.
60.305 Right-side traffic.
60.306 Instrument approach procedure.
60.307 Radio communications.
60.308 Radio failure.
60.9 Definitions.
60.900 Acrobatic flight.
60.901 Aircraft.
60.902 Airplane.
60.903 Airport.
60.904 Airship.
60.905 Airspace restricted areas.
60.906 Air traffic.
60.907 Air traffic clearance.
60.908 Air traffic control.
60.909 Alternate airport.
60.910 Approach time.
60.911 Balloon.
60.912 Ceiling.
60.913 Control area.
60.914 Control zone.
60.915 Cruising altitude.
60.916 Flight plan.
60.917 Flight visibility.
60.918 Glider.
60.919 Ground visibility.
60.920 Helicopter.
60.921 Hours of darkness.
60.922 IFR.
60.923 IFR conditions.
60.924 Magnetic course.
60.925 Reporting point.
60.926 Rotorcraft.
60.927 Traffic pattern.
60.928 VFR.
60.929 VFR conditions.

AUTHORITY: §§ 60.0 to 60.929, inclusive, issued under 52 Stat. 984, 1007; 49 U. S. C. 425, 551.

NOTE: The statements contained in the notes are intended as explanation only and shall not be construed as official interpretations of the regulations.

§ 60.0 *General.*

§ 60.00 *Scope.* The following air traffic rules shall apply to aircraft operated anywhere in the United States, including the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying airspace thereof, except:

(a) Military aircraft of the United States armed forces when appropriate military authority determines that noncompliance with this part is required and prior notice thereof is given to the Administrator, and

(b) Aircraft engaged in special flight operations, requiring deviation from this part, which are conducted in accordance with the terms and conditions of a certificate of waiver issued by the Administrator.

NOTE: Specific operations which cannot be conducted within the provisions of the regulations in this part, such as air races, air meets, acrobatic flights, or certain pest control or seeding operations require, prior to commencement of the operation, a certificate of waiver which may be obtained from the nearest office of CAA.

§ 60.01 *Authority of the pilot.* The pilot in command of the aircraft shall be directly responsible for its operation and shall have final authority as to operation of the aircraft. In emergency situations which require immediate decision and action the pilot may deviate from the rules prescribed in this part to the extent required by consideration of safety. When such emergency authority is exercised, the pilot, upon request of the Administrator, shall file a written report of

such deviation. In an emergency situation which results in no deviation from the rules prescribed in this part but which requires air traffic control to give priority to an aircraft, the pilot of such aircraft shall make a report within 48 hours of such emergency situation to the nearest regional office of the Administrator.

§ 60.1 *General flight rules (GFR).*

§ 60.100 *Application.* Aircraft shall be operated at all times in compliance with the following general flight rules and also in compliance with either the visual flight rules or the instrument flight rules, whichever are applicable.

§ 60.101 *Preflight action.* Before beginning a flight, the pilot in command of the aircraft shall familiarize himself with all available information appropriate to the intended operation. Preflight action for flights away from the vicinity of an airport, and for all IFR flights, shall include a careful study of available current weather reports and forecasts, taking into consideration fuel requirements, an alternate course of action if the flight cannot be completed as planned, and also any known traffic delays of which he has been advised by air traffic control.

§ 60.102 *Careless or reckless operation.* No person shall operate an aircraft in a careless or reckless manner so as to endanger the life or property of others.

NOTE: Examples of aircraft operation which may endanger the lives or property of others are:

(a) Any person who "buzzes", dives on, or flies in close proximity to a farm, home, any structure, vehicle, vessel, or group of persons on the ground. In rural districts the flight of aircraft at low altitude often causes injury to livestock. A pilot who engages in careless or reckless flying and who does not own the aircraft which he is flying unduly endangers the aircraft, the property of another.

(b) The operation of aircraft at an insufficient altitude endangers persons or property on the surface or passengers within the aircraft. Such a flight may also constitute a violation of § 60.107.

(c) Lack of vigilance by the pilot to observe and avoid other air traffic. In this respect, the pilot must clear his position prior to starting any maneuver, either on the ground or in flight.

(d) Passing other aircraft too closely.

(e) An operation conducted above a cloud layer in accordance with VFR minimums which results in the pilot becoming involved in instrument flight, unless the pilot possesses a valid instrument rating, the aircraft is properly equipped for instrument flight, and all IFR requirements are observed.

§ 60.103 *Airspace restricted areas.* The Administrator may designate as a danger area an area within which he has determined that an invisible hazard to aircraft in flight exists. No person shall operate an aircraft within an airspace reservation or danger area unless permission for such operation has been issued by appropriate authority.

NOTE: Airspace restricted areas are established in order to conduct certain essential activities which might endanger air traffic passing over or near the location thereof. Airspace restricted areas are shown on aeronautical charts and in publications of aids to air navigation. Avoidance of such areas is imperative to the safety of flight unless prior permission for flight through the area has been secured from the agency having jurisdiction over the airspace reservation or danger area.

§ 60.104 *Right-of-way.* An aircraft which is obliged by the following rules to keep out of the way of another shall avoid passing over or under the other, or crossing ahead of it, unless passing well clear;

NOTE: Right-of-way rules do not apply when, for reasons beyond the pilot's control, aircraft cannot be seen due to restrictions of visibility. The aircraft which has the right-of-way will normally maintain its course and speed, but nothing in this part relieves the pilot from the responsibility for taking such action as will best aid to avert collision.

(a) *Distress.* An aircraft in distress has the right-of-way over all other air traffic;

(b) *Converging.* Aircraft converging shall give way to other aircraft of a different category in the following order: airplanes and rotorcraft shall give way to airships, gliders, and balloons; airships shall give way to gliders and balloons; gliders shall give way to balloons. When two or more aircraft of the same category are converging at approximately the same altitude, each aircraft shall give way to the other which is on its right. In any event, mechanically driven aircraft shall give way to aircraft which are seen to be towing other aircraft;

NOTE: In effect, an aircraft will give way to another of a different class which is less maneuverable and is unable to take as effective action to avoid collision. For this reason aircraft towing others are given the right-of-way.

(c) *Approaching head-on.* When two aircraft are approaching head-on, or approximately so, each shall alter its course to the right;

(d) *Overtaking.* An aircraft that is being overtaken has the right-of-way, and the overtaking aircraft, whether climbing, descending, or in horizontal flight, shall keep out of the way of the other aircraft by altering its course to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear;

NOTE: Passing an overtaken aircraft on the right is required because the pilot in side-by-side, dual-control aircraft is seated on the left and has a better view on that side. Further, in narrow traffic lanes, passing on the left of an overtaken aircraft would place the overtaking aircraft in the path of the oncoming traffic.

(e) *Landing.* Aircraft, while on final approach to land, or while landing, have the right-of-way over other aircraft in flight or operating on the surface. When two or more aircraft are approaching an airport for the purpose of landing, the aircraft at the lower altitude has the right-of-way, but it shall not take advantage of this rule to cut in in front of another which is on final approach to land, or to overtake that aircraft.

NOTE: Pilots must recognize that once committed to a landing in certain aircraft the pilot has little chance to avoid other aircraft which may interfere with that landing and, therefore, careful observance of this rule is important to the safety of all concerned.

§ 60.105 *Proximity of aircraft.* No person shall operate an aircraft in such proximity to other aircraft as to create a collision hazard. No person shall operate an aircraft in formation flight when passengers are carried for hire. No aircraft shall be operated in formation flight except by prearrangement between the pilots in command of such aircraft.

§ 60.106 *Acrobatic flight.* No person shall engage in acrobatic flight:

(a) Over congested areas of cities, towns, settlements, or over an open-air assembly of persons, or

(b) Within any civil airway or control zone, or

(c) When the flight visibility is less than 3 miles, or

(d) Below an altitude of 1,500 feet above the surface.

NOTE: Acrobatic maneuvers performed over a congested area or an open assembly of persons, or in areas where considerable air traffic exists, creates an undue hazard to persons or property. Flight visibility of at least 3 miles is believed to be a prerequisite to acrobatic flight in order that the pilot, after scanning the entire vicinity, may be reasonably assured that no other aircraft is within dangerous proximity prior to performing such maneuvers.

§60.107 *Minimum safe altitudes.* Except when necessary for take-off or landing, no person shall operate an aircraft below the following altitudes:

(a) *Anywhere.* An altitude which will permit, in the event of the failure of a power unit, an emergency landing without undue hazard to persons or property on the surface;

(b) *Over congested areas.* Over the congested areas of cities, towns or settlements, or over an open-air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet from the aircraft. Helicopters may be flown at less than the minimum prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with paragraph (a) of this section; however, the Administrator, in the interest of safety, may prescribe specific routes and altitudes for such operations, in which event, helicopters shall conform thereto;

NOTE: The rule recognizes the special flight characteristics of the helicopter which can accomplish an emergency landing within a relatively small space. However, if a helicopter is flown over the congested area of a city, town or settlement, at less than 1,000 feet above the highest obstacle, the pilot is required to fly with due regard to places in which an emergency landing can be made with safety and, further, to maintain an altitude along the flight path thus selected from which such an emergency landing can be effected at any time.

(c) *Over other than congested areas.* An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In such event, the aircraft shall not be operated closer than 500 feet to any person, vessel, vehicle, or structure. Helicopters may be flown at less than the minimums prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with paragraph (a) of this section.

NOTE: When flight is necessary at an altitude of less than 500 feet above the surface, the pilot must avoid creating any hazard to persons or property on the surface which may result from such flight. In no event should the pilot expose his passengers to unnecessary hazard while engaging in flight at low altitude. The maneuverability of the helicopter permits safe flight below the minimums required above, provided good judgment and caution are exercised by the pilot.

(d) *IFR operations.* The minimum IFR altitude established by the Administrator for that portion of the route over which the operation is conducted. Where the Administrator has not established such a minimum, operations shall be conducted at not less than 1,000 feet above the highest obstacle within a horizontal radius of 5 miles from the aircraft.

NOTE: When minimum altitudes are established by the Administrator for particular routes, such altitudes will be published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

§ 60.108 *Operation on and in the vicinity of an airport.* Aircraft shall be operated on and in the vicinity of an airport in accordance with the following rules:

(a) When approaching for landing, all turns shall be made to the left unless the airport displays standard visual markings approved by the Administrator and which indicate that all turns are to be made to the right, or unless otherwise authorized by air traffic control;

NOTE: Where right-hand turns and clockwise flow of traffic are desirable in the interest of safety, airport markings visible from the air will inform the transient pilot of the necessity for making turns to the right.

(b) If air traffic control is in operation at the airport, contact shall be maintained with such control, either visually or by radio, to receive any air traffic control instructions which may be issued;

(c) Aircraft operating from an airport shall conform to the traffic patterns prescribed for that airport;

(d) The Administrator may, when necessary in the interest of safety, prescribe traffic patterns for an airport which shall supersede any other traffic patterns previously prescribed;

(e) When light signals are used for the control of air traffic, they shall be of the color and have the meaning prescribed by the Administrator.

NOTE: Light signals and their meanings are published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

§ 60.109 *Air traffic control instructions.* No person shall operate an aircraft contrary to air traffic control instructions in areas where air traffic control is exercised.

§ 60.110 *Notification of arrival.* If a flight plan has been filed, the pilot in command of the aircraft, upon landing or completion of the flight, shall file an arrival or completion notice with the nearest Civil Aeronautics Administration communications station or control tower.

§ 60.111 *Adherence to air traffic clearances.* When an air traffic clearance has been obtained under either the VFR or IFR rules, the pilot in command of the aircraft shall not deviate from the provisions thereof unless an amended clearance is obtained. In case emergency authority is used to deviate from the provision of an air traffic clearance, the pilot in command shall notify air traffic control as soon as possible and, if necessary, obtain an amended clearance. However, nothing in this section shall prevent a pilot, operating on an IFR traffic clearance, from notifying air traffic control that he is cancelling his IFR flight plan and proceeding under VFR: *Provided*, That he is operating in VFR weather conditions when he takes such action.

§ 60.112 *Water operations.* An aircraft operated on the water shall, in so far as possible, keep clear of all vessels and avoid impeding their navigation. The following rules shall be observed with respect to other aircraft or vessels operated on the water:

(a) *Crossing.* The aircraft or vessel which has the other on its right shall give way so as to keep well clear;

(b) *Approaching head-on.* When aircraft, or an aircraft and vessel, approach head-on, or approximately so, each shall alter its course to the right to keep well clear;

(c) *Overtaking.* The aircraft or vessel which is being overtaken has the right-of-way, and the one overtaking shall alter its course to keep well clear;

(d) *Special circumstances.* When two aircraft, or an aircraft and vessel, approach so as to involve risk of collision, each shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

NOTE: The rules for operating aircraft on the surface of the water conform to marine rules for the operation of vessels. The "Special circumstances" rule is provided for situations wherein it may be impracticable or hazardous for a vessel or another aircraft to bear to the right because of depth of a waterway, wind conditions, or other circumstances.

§ 60.113 *Aircraft lights.* Aircraft shall display lights in accordance with the following rules:

(a) During hours of darkness all aircraft in flight or operated on the ground shall display position lights;

(b) During the hours of darkness all aircraft parked or moved within or in dangerous proximity to that portion of any airport used for, or available to, night flight operations shall be clearly illuminated or lighted, unless the aircraft is parked or moved in an area marked with obstruction lights;

(c) Between the hours of sunset and sunrise all aircraft under way on the water shall display position lights;

(d) Between the hours of sunset and sunrise all aircraft at anchor shall display an anchor light, or anchor lights, unless in an area within which lights are not required for vessels at anchor.

NOTE: Aircraft must display appropriate lights on the surface of the water between the hours of sunset and sunrise in order to conform to marine rules.

§ 60.2 *Visual flight rules (VFR).*

§ 60.200 *Distance from clouds.* Aircraft shall be flown:

(a) *Within control zones.* Not less than 500 feet vertically and 2,000 feet horizontally from any cloud formation, unless air traffic control has authorized flight clear of clouds; and

(b) *Elsewhere.* At any altitude more than 700 feet above the surface, not less than 500 feet vertically and 2,000 feet horizontally from any cloud formation; at an altitude of 700 feet or less above the surface, clear of clouds.

NOTE: See Exhibit A.

§ 60.201 *Visibility*—(a) *Ground visibility within control zones.* When the ground visibility is less than 3 miles, no person shall take-off or land an aircraft at an airport within a control zone, or enter the traffic pattern of such an airport, unless an air traffic clearance is obtained from air traffic control;

(b) *Flight visibility within control zones.* When the flight visibility is less than 3 miles, no person shall operate an aircraft in flight within a control zone, unless an air traffic clearance is obtained from air traffic control;

(c) *Flight visibility within control areas.* When the flight visibility is less than 3 miles, no person shall operate an aircraft within a control area;

NOTE: When the flight visibility is less than 3 miles, operations within control areas are to be conducted in accordance with instrument flight rules. Flight below 700 feet above the surface is not within a control area. See definition of control area.

(d) *Flight visibility elsewhere.* When outside of control zones and control areas, no person shall operate an aircraft in flight when the flight visibility is less than one mile. However, helicopters may be flown at or below 700 feet above the surface when the flight visibility is less than one mile if operated at a reduced speed which will give the pilot of such helicopter adequate opportunity to see other air traffic or any obstruction in time to avoid hazard of collision.

NOTE: See Exhibit A. When traffic conditions permit, air traffic control will issue an air traffic clearance for flights within, entering, or departing control zones when ground visibility or the flight visibility is less than 3 miles. The operator of any airport within a control zone, other than the airport upon which the control zone is centered, may secure continuing permission from air traffic control to conduct operations when the visibility is less than 3 miles: *Provided*, That such operations, at all times, remain 2,000 feet horizontally and 500 feet vertically from clouds, and traffic patterns are established and observed which avoid conflict with other operations. When outside of control zones and at an altitude of less than 700 feet above the surface, helicopters are permitted to fly when the flight visibility is less than one mile because of their special flight characteristics which allow them to proceed at low speed with safety.

§ 60.202 *Cruising altitudes.* When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface, the following cruising altitudes shall be observed:

(a) *Within control zones and control areas.* At an odd or even thousand-foot altitude appropriate to the direction of flight as specified by the Administrator;

(b) *Elsewhere.* When the flight visibility is less than 3 miles, at an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at odd thousands (3,000; 5,000; etc.)

(2) 90° to 179° inclusive, at odd thousands plus 500 (3,500; 5,500; etc.).

(3) 180° to 269° inclusive, at even thousands (4,000; 6,000; etc.).

(4) 270° to 359° inclusive, at even thousands plus 500 (4,500; 6,500; etc.).

NOTE: "Odd and even" thousand-foot altitudes specified by the Administrator for civil airways will be published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. See Exhibit B for "quadrantal altitudes" in relation to magnetic course. In view of increasing air traffic and the broad range of speed of aircraft, safety requires observance of the above cruising altitudes.

§ 60.203 *VFR flight plan.* If a VFR flight plan is filed, it shall contain such of the information listed in § 60.301 as air traffic control may require.

NOTE: Although flight plans are not required for VFR flight, air traffic control will accept such flight plans when desired by the pilot. Flights proceeding over sparsely populated areas or mountainous terrain may thus take advantage of any search and rescue facilities which may be available in emergencies. The information contained in such a flight plan is of importance to search and rescue operations.

§ 60.3 *Instrument flight rules (IFR).*

§ 60.300 *Application.* When aircraft are not flown in accordance with the distance-from-cloud and visibility rules prescribed in the visual flight rules, (§ 60.2), aircraft shall be flown in accordance with the following rules.

§ 60.301 *IFR flight plan.* Prior to take-off from a point within a control zone or prior to entering a control area or control zone, a flight plan shall be filed with air traffic control. Such flight plan shall contain the following information unless otherwise authorized by air traffic control:

(a) Aircraft identification, and if necessary, radio call sign;

(b) Type of aircraft; or, in the case of a formation flight, the types and number of aircraft involved;

(c) Full name, address, and number of pilot certificate of pilot in command of the aircraft, or of the flight commander if a formation flight is involved;

(d) Point of departure;

(e) Cruising altitude, or altitudes, and the route to be followed;

(f) Point of first intended landing;

(g) Proposed true air speed at cruising altitude in miles per hour;

(h) Radio transmitting and receiving frequencies to be used;

(i) Proposed time of departure;

(j) Estimated elapsed time until arrival over the point of first intended landing;

(k) Alternate airport or airports, in accordance with the requirements of § 60.302;

(l) Amount of fuel on board expressed in hours;

(m) Any other information which the pilot in command of the aircraft, or air traffic control, deems necessary for air traffic control purposes.

§ 60.302 *Alternate airport.* An airport shall not be listed in the flight plan as an alternate airport unless current weather reports and forecasts show a trend indicating that the ceiling and visibility at such airport will be at or above the following minimums at the time of arrival:

(a) *Airport served by radio directional facility.* Ceiling 1,000 feet, visibility one mile; or, ceiling 900 feet, visibility 1½ miles; or, ceiling 800 feet, visibility 2 miles;

(b) *Airport not served by radio directional facility.* Ceiling 1,000 feet with broken clouds or better, visibility 2 miles;

(c) *Minimums at individual airports.* The Administrator may, in the interest of safety, prescribe higher ceiling and visibility minimums at individual airports than required by paragraph (a) or (b) of this section; and for individual operations at particular airports, may specify lower minimums if he shall find that such reduced minimums will not decrease safety.

NOTE: The minimums set forth above are required for clearance prior to take-off and are not intended to limit use of any alternate airport if weather conditions change while en route, in which event the landing minimums published in the CAA Flight Information Manual shall apply. Minimums for particular airports which may be prescribed by the Administrator will be published in the CAA Fight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

§ 60.303 *Air traffic clearance.* Prior to take-off from a point within a control zone or prior to entering a control area or control zone, an air traffic clearance shall be obtained from air traffic control.

§ 60.304 *Cruising altitudes.* Aircraft shall be flown at the following cruising altitudes:

(a) *Within control areas and control zones.* At altitudes authorized by air traffic control;

(b) *Elsewhere.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at odd thousands (1,000; 3,000; etc.).

(2) 90° to 179° inclusive, at odd thousands plus 500 (1,500; 3,500; etc).

(3) 180° to 269° inclusive, at even thousands (2,000; 4,000; etc.).

(4) 270° to 359° inclusive, at even thousands plus 500 (2,500; 4,500; etc.).

NOTE: For "quadrantal altitudes" in relation to magnetic course see Exhibit B. The above cruising altitudes are not in conflict with those required for flight under VFR rules.

§ 60.305 *Right-side traffic.* Aircraft operating along a civil airway shall be flown to the right of the center line of such airway, unless otherwise authorized by air traffic control.

§ 60.306 *Instrument approach procedure.* When instrument letdown to an airport is necessary, a standard instrument approach procedure prescribed for that airport by the Administrator shall be used, unless:

(a) A different instrument approach procedure specifically authorized by the Administrator is used, or

(b) A different instrument approach procedure is authorized by air traffic control for the particular approach, provided such authorization is issued in accordance with procedures approved by the Administrator.

NOTE: Standard instrument approach procedures prescribed by the Administrator are published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. Such procedures have been carefully investigated with respect to pattern and terrain clearance. Safety would not permit several aircraft to make simultaneous use of more than one instrument approach procedure unless such operations were controlled.

§ 60.307 *Radio communications.* Within control zones and control areas the pilot in command of the aircraft shall ensure that a continuous watch is maintained on the appropriate radio frequencies and shall report by radio as soon as possible the time and altitude of passing each designated reporting point, or the reporting points specified by air traffic control, together with weather conditions which have not been forecast, and other information pertinent to the safety of flight.

NOTE: Designated reporting points are noted in publications of aids to air navigation. Control of air traffic is predicated on knowledge of the position of aircraft in flight. The reporting of unanticipated weather encountered en route such as icing or extreme turbulence may be of importance to the safety of other aircraft anticipating flight within the area.

§ 60.308 *Radio failure.* If unable to maintain two-way radio communications, the pilot in command of the aircraft shall:

(a) If operating under VFR conditions, proceed under VFR and land as soon as practicable, or

(b) Proceed according to the latest air traffic clearance to the radio facility serving the airport of intended landing, maintaining the minimum safe altitude or the last acknowledged assigned altitude, whichever is higher. Descent shall start at approach time last authorized or, if not received and acknowledged, at the estimated time of arrival indicated by the elapsed time specified in the flight plan.

NOTE: Detailed procedures to be followed by the pilot are contained in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

§ 60.9 *Definitions.*

§ 60.900 *Acrobatic flight.* Maneuvers intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal acceleration.

NOTE: The term "acrobatic flight" is not intended to include turns or maneuvers necessary to normal flight.

§ 60.901 *Aircraft.* Any contrivance used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

§ 60.902 *Airplane.* A mechanically propelled aircraft the support of which in flight is derived dynamically from the reaction on surfaces in a fixed position relative to the aircraft but in motion relative to the air.

§ 60.903 *Airport.* A defined area on land or water, including any buildings and installations, normally used for the take-off and landing of aircraft.

§ 60.904 *Airship.* A mechanically propelled aircraft whose support is derived from lighter-than-air gas.

§ 60.905 *Airspace restricted areas.* Designated areas in which flight is restricted, which are established by appropriate authority, and are shown on aeronautical charts and published in notices to airmen and aids to air navigation.

(a) *Airspace reservation.* An area established by Executive Order of the President of the United States or by any State of the United States.

(b) *Danger area.* An area designated by the Administrator within which an invisible hazard to aircraft in flight exists.

§ 60.906 *Air traffic.* Aircraft in operation anywhere in the airspace and on that area of an airport normally used for the movement of aircraft.

§ 60.907 *Air traffic clearance.* Authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within a control zone or control area.

§ 60.908 *Air traffic control.* A service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

§ 60.909 *Alternate airport.* An airport specified in the flight plan to which a flight may proceed when a landing at the point of first intended landing becomes inadvisable.

§ 60.910 *Approach time.* The time at which an aircraft is expected to commence its approach procedure preparatory to landing.

§ 60.911 *Balloon.* An aircraft, excluding moored balloons, without mechanical means of propulsion, the support of which is derived from lighter-than-air gas.

§ 60.912 *Ceiling.* The distance from the surface of the ground or water to the lowest cloud layer reported as "broken clouds" or "overcast".

§ 60.913 *Control area.* An airspace of defined dimensions, designated by the Administrator, extending upwards from an altitude of 700 feet above the surface, within which air traffic control is exercised.

§ 60.914 *Control zone.* An airspace of defined dimensions, designated by the Administrator, extending upwards from the surface, to include one or more airports, and within which rules additional to those governing flight in control areas apply for the protection of air traffic.

§ 60.915 *Cruising altitude.* A constant altimeter indication, in relation to sea level, maintained during a flight or portion thereof.

§ 60.916 *Flight plan.* Specified information filed either verbally or in writing with air traffic control relative to the intended flight of an aircraft.

§ 60.917 *Flight visibility.* The average horizontal distance that prominent objects may be seen from the cockpit.

§ 60.918 *Glider.* An aircraft without mechanical means of propulsion, the support of which in flight is derived dynamically from the reaction on surfaces in motion relative to the air.

§ 60.919 *Ground visibility.* The average range of vision in the vicinity of an airport as reported by the U. S. Weather Bureau or, if unavailable, by an accredited observer.

§ 60.920 *Helicopter.* A type of rotorcraft the support of which in the air is normally derived from airfoils mechanically rotated about an approximately vertical axis.

§ 60.921 *Hours of darkness.* The hours between sunset and sunrise during which any unlighted aircraft or other unlighted prominent objects cannot readily be seen beyond a distance of 3 miles. In any case, "hours of darkness" shall extend from 30 minutes after sunset to 30 minutes before sunrise. Within the Territory of Alaska, "hours of darkness" shall constitute those hours specified and published by the Administrator.

§ 60.922 *IFR.* The symbol used to designate instrument flight rules.

§ 60.923 *IFR conditions.* Weather conditions below the minimum prescribed for flights under VFR.

§ 60.924 *Magnetic course.* The true course or track, corrected for magnetic variation, between two points on the surface of the earth.

§ 60.925 *Reporting point.* A geographical location in relation to which the position of an aircraft is reported.

§ 60.926 *Rotorcraft.* An aircraft whose support in the air is chiefly derived from the vertical component of the force produced by rotating airfoils.

§ 60.927 *Traffic pattern.* The flow of aircraft operating on and in the vicinity of an airport during specified wind conditions as established by appropriate authority.

§ 60.928 *VFR.* The symbol used to designate visual flight rules.

§ 60.929 *VFR conditions.* Weather conditions equal to or above the minimum prescribed for flights under VFR.

EXHIBIT A

CHART OF VFR VISIBILITY AND DISTANCE-FROM-CLOUDS MINIMUMS

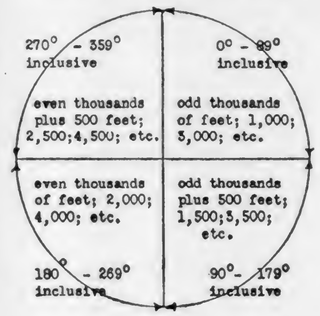
		In control zones	In control areas	Elsewhere
At altitudes of more than 700 feet above the surface.	Visibility	3 miles [1]	3 miles	1 mile
	Distance from clouds.	500 feet vertically [2] and 2,000 feet horizontally. [2]	500 feet vertically and 2,000 feet horizontally.	500 feet vertically and 2,000 feet horizontally.
At 700 feet or less above the surface.	Visibility	3 miles [1]	3 miles	1 mile [1].
	Distance from clouds.	500 feet vertically [2] and 2,000 feet horizontally. [2]	Control areas do not extend below 700 feet above the surface. Therefore, the "elsewhere" minimums apply.	Clear of clouds.

[1] If traffic conditions permit, air traffic control will issue an air traffic clearance when the minimums are less than those specified, but under this provision the flight must remain clear of clouds.

[2] Visibility minimum does not apply to helicopters if operated at a reduced speed at or below 700 feet above the surface and outside of control zones.

EXHIBIT B

CHART OF CRUISING ALTITUDES OUTSIDE OF CONTROL AREAS AND CONTROL ZONES



NOTE: § 60.202 requires observance of the above cruising altitudes at or above 3,000 feet above the surface when the flight visibility is less than 3 miles, and § 60.304 requires observance of these altitudes at all times during IFR operations. These altitudes apply outside of control areas and control zones.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 47-7653; Filed, Aug. 15, 1947; 8:45 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 5]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

REVISION OF APPENDIX

Acting pursuant to the authority vested in me by the Federal Airport Act

(60 Stat. 170; Pub. Law No. 377, 79th Cong.), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics as follows:

By amending and revising Appendix I thereto to read as follows:

APPENDIX I

Form ACA–1632 (Rev. 8–47)

DEPARTMENT OF COMMERCE
Civil Aeronautics Administration
Washington, D. C.

GRANT AGREEMENT

(Grant Offer by Administrator and Acceptance by Sponsor Pursuant to Federal Airport Act)

Date of Offer ----------
---------- Airport
Project No. ----------

To: ----------

(Herein referred to as the Sponsor)

From: The Administrator of Civil Aeronautics (herein referred to as the Administrator)

Whereas, The Sponsor has submitted to the Administrator a Project Application dated -------- 19-- for a grant of Federal funds for a project for the development of a class ---- airport (hereinafter referred to as the "Project") in accordance with the National Airport Plan formulated by the Administrator, which Project is described as follows:

Name of airport ----------;
located at ----------;
Project No. ----------; Scope and description of development ----------
----

----------;

and has also submitted to the Administrator a Sponsor's Assurance Agreement adopted by the Sponsor under date of -------- 19---- relating to the operation and maintenance of said airport; which Project Application and Sponsor's Assurance Agreement are hereby specifically incorporated herein and made a part hereof;

Now, therefore, pursuant to and for the purposes of carrying out the provisions of the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Congress); and in reliance upon the representations made in said Project Application and Sponsor's Assurance Agreement; and in consideration of (a) the Sponsor's acceptance of this offer, as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and the operation and maintenance of the airport,

The Administrator, for and on behalf of the United States hereby offers and agrees to pay, as the United States' shares of costs incurred in accomplishing the project, 25 percentum of the allowable land acquisition costs and ---- percentum of all other allowable project costs, subject to the following terms and conditions:

1. The maximum obligation of the United States payable under this offer shall be $---------.

2. The Sponsor shall:

(a) Begin accomplishment of the Project within a reasonable time after acceptance of this offer, and

(b) Carry out and complete the Project in accordance with the terms of this offer and the Federal Airport Act and the Regulations promulgated thereunder by the Administrator on January 9, 1947, as amended, which Act and Regulations are incorporated herein and made a part hereof, and

(c) Carry out and complete the Project in accordance with plans and specifications (including revisions or modifications thereof), as approved by the Administrator or his duly authorized representative.

3. Any misrepresentation or omission of a material fact by the Sponsor concerning the Project or the Sponsor's authority or ability to carry out the obligations assumed by the Sponsor in accepting this offer shall terminate the obligation of the United States, and it is understood and agreed by the Sponsor in accepting this offer that if a material fact has been misrepresented or omitted by the Sponsor, the Administrator on behalf of the United States may recover all grant payments made.

4. The Administrator reserves the right to revoke or amend this offer at any time prior to acceptance by the Sponsor as hereinafter provided.

5. This offer shall expire and the United States shall not be obligated to pay any of the allowable costs of the Project unless this offer has been accepted by the Sponsor, as hereinafter provided, within 60 days from the above date of offer, except that the Administrator may, in writing, prior to the expiration of said 60 days, extend such time for acceptance.

6. (Special terms and conditions.)

Acceptance of this offer shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and said offer when so accepted shall comprise a Grant Agreement constituting the obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and the operation and maintenance of the ---------- airport.

UNITED STATES OF AMERICA
The Administrator of Civil Aeronautics
By ----------
Regional Administrator, Region ----

Acceptance by Sponsor. ----------
does hereby accept the foregoing Grant Offer this ---- day of -------- 19--, and by such acceptance agrees to all of the terms and conditions thereof.

[SEAL]

Attest: ---------- ----------
(Title)
By: ----------
(Title)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Pub. Law 377, 79th Cong., 60 Stat. 170)

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 47–7692; Filed, Aug. 15, 1947; 8:53 a. m.]

[Amdt. 6]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law No. 377, 79th Cong.), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics, as follows:

By amending § 550.17 (b) (2) to read as follows:

§550.17 *Grant agreement.* * * *

(b) *Terms and conditions.* * * *

(2) The sponsor will accept or reject the offer within sixty days from the date thereof, except that in the event of unusual and unforeseen circumstances, which in the judgment of the Administrator, will prejudice the successful accomplishment of the purposes of the act, the Administrator may, in his discretion, extend the time for acceptance.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Pub. Law 377, 79th Cong., 60 Stat. 170)

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 47–7693; Filed, Aug. 15, 1947; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51735]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICE EXCEPTIONS

Section 8.15 (a) (4), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.15 (a) (4)), is hereby amended by changing the word "automobiles" where it first appears to "articles".

(Sec. 484, 498, 624, 46 Stat. 722, 728, 759, sec. 12, 52 Stat. 1083; 19 U. S. C. 1484, 1498, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: August 12, 1947.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47–7694; Filed, Aug. 15, 1947; 8:45 a. m.]

[T. D. 51736]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICE EXCEPTIONS

Section 8.15 (a) (20), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.15 (a) (20)), as amended by T. D. 51222, is hereby further amended by inserting before the comma following the phrase "including parts of fish" the following: "(except fish and fish livers in air-tight containers)".

(Sec. 484, 498, 624 46 Stat. 722, 728, 759, sec. 12, 52 Stat. 1083, 19 U. S. C. 1484, 1498, 1624)

[SEAL] FRANK DOW.
Acting Commissioner of Customs.

Approved: August 12, 1947.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47–7695; Filed, Aug. 15, 1947; 8:46 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance) Federal Security Agency

[Regs. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

BENEFITS IN CASE OF DECEASED WORLD WAR II VETERANS

Regulations No. 3, as amended (20 CFR, Cum. Supp., 403.1 et seq.), are further amended as follows:

Section 403.1004 (a) is amended to read as follows:

§ 403.1004 *Meaning of terms.* (a) An individual who has served in the active military or naval service of the United States includes any person, male or female, commissioned, enlisted, enrolled or drafted, who served in any of the armed forces of the United States, including the Army, Navy, Marine Corps, Coast Guard, or any of the components thereof. It does not include a member of units such as the Women's Army Auxiliary Corps (WAAC), Coast Guard Auxiliary, Coast Guard Reserve (Temporary) (except those members who served on active full-time duty with military pay and allowances), or the Civil Air Patrol.

(Sec. 1102, 49 Stat. 647, sec. 205 (a), 53 Stat. 1368; 42 U. S. C. 1302, 405 (a); sec. 4, Reorg. Plan No. 2, 1946, 11 F. R. 7873)

Dated: August 8, 1947.

[SEAL] W. L. MITCHELL,
Acting Commissioner for Social Security.

Approved: August 13, 1947.

WATSON B. MILLER,
Federal Security Administrator.

[F. R. Doc. 47–7717; Filed, Aug. 15, 1947; 8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

REDESIGNATION OF CHAPTER

NOTE: Chapter VI of Title 24, formerly designated as Federal Public Housing Authority, is redesignated as Chapter VI, Title 24, Public Housing Administration.

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO REGIONAL OFFICE OFFICIALS

Section 603.2 (a) (1) (xxviii) (c) (11 F. R. 177A–901), is hereby amended to read as follows:

§ 603.2 *Delegations to regional office officials.* * * *

(a) *Delegations of authority to regional directors.* (1) * * *

(xxviii) In connection with the management of public conversion projects:

* * * * *

(c) To modify or extend leases for converted properties, and to sell leases where the combined net recovery through operation and sale of the leasehold exceeds 60% of the full conversion costs; or to sell, cancel or dispose of other leases when approved by the Assistant Commissioner for Program Operation.

Any instrument executed by the Regional Director pursuant to this paragraph shall be conclusive evidence of the authority of the Regional Director to execute such instrument and of compliance with any conditions precedent to the exercise of his authority.

(Sec. 1, 54 Stat. 1125; 42 U. S. C. 1521)

Approved: August 5, 1947.

[SEAL] D. S. MYER,
Acting Commissioner.

[F. R. Doc. 47–7689; Filed, Aug. 15, 1947; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

PART 712—TERRITORIES AND POSSESSIONS

[3d RMPR 183, Amdt. 11]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Third Revised Maximum Price Regulation 183,[1] issued by the Office of Price Administration and amended by the Office of Temporary Controls under § 1418.1 of Title 32, Chapter XI, insofar as such regulation is now in effect, is designated Third Revised Maximum Price Regulation 183, issued under § 712.1, Title 32, Chapter VII, pursuant to the authority vested in the Secretary of Agriculture by the Sugar Control Extension Act of 1947 and is amended in the following respects:

1. Section 4.23 is amended to read as follows:

§ 4.23 *Raw cane sugar*—(a) *Additions to applicable maximum prices for sales of raw cane sugar*—(1) *Sales by producers who own no raw cane sugars on September 17, 1946.* Any producer who owns no raw cane sugars at 11:59 p. m., September 17, 1946, may on and after September 18, 1946, add 1.825 cents per pound to the applicable maximum prices of raw cane sugar of 96 degrees polarization established for him by the General Maximum Price Regulation.

(2) *Sales by producers who own raw cane sugars on September 17, 1946.* Any producer who owns raw cane sugars at 11:59 p. m., September 17, 1946, may on and after September 18, 1946, add 1.825 cents per pound to the applicable maximum prices of raw cane sugar of 96 degrees polarization established for him by the General Maximum Price Regulation, upon the condition that he complies with the pertinent requirements of paragraphs (c) and (d) of this section.

(3) *Sales of raw cane sugar on and after August 13, 1947.* On and after August 13, 1947, the maximum price for sale of raw cane sugar determined under subparagraphs (1) and (2) of this paragraph may be increased by 68½ cents per hundredweight.

(b) *Refined granulated cane sugar.* (1) Subject to the provisions of subparagraphs (2) and (3) of this paragraph, maximum prices for refined granulated cane sugar shall be as follows:

All brands packaged in	Sales at refiners level [1] (per 100 lbs.)	Sales at wholesale (per 100 lbs.)	Sales at retail
Refined granulated sugar:			
100-lb container	[2] $8.20	[2] $8.40	$0.10 per lb.–2 lbs for 19 cents (packed in 100 lb. container).
25-lb. container	8.35	8.55	$2.34 per 25 lbs. (packed in 25 lb. container).
10-lb. container	8.50	8.70	$0.99 per 10 lbs. (packed in 10 lb. container).
5-lb. container	8.75	8.95	$0.50 per 5 lbs. (packed in 5 lb. container).
2-lb. container	8.75	8.95	$0.20 per 2 lbs. (packed in 2 lb. container).
1-lb. container	9.00	9.20	$0.10 per lb. (packed in 1 lb. container).

[1] Prices include transportation to buyer's place of business.

[2] Deduct if in paper container at the following rates per 100 lbs. 100# container, $0.15; 25# container, $0.20; 10# container $0.30; 5# container, $0.45; 2# container, $0.45 and 1# container $0.50.

NOTE: The maximum prices specified above shall be reduced by any discounts customarily allowed for cash or prompt payment.

(2) *Sales by refiners owning cane sugars on September 17, 1946.* Any refiner who owns any cane sugars at 11:59 p. m., September 17, 1946, may sell refined granulated cane sugar at the maximum prices set forth in subparagraph (1) of this paragraph, upon the condition that he complies with the requirements of paragraphs (c) and (d) of this section.

(3) *Special rules affecting sales by wholesalers and retailers.* (i) At the close of business on September 17, 1946, you must determine the number of pounds of each item of sugar that you own for resale at that time. You must make and keep a record of that inventory at your place of business. After that date you must continue to sell each item of sugar at no more than the ceiling price you had in effect on September 17, 1946, until you have sold an amount equal to your September 17, 1946, inventory of the item. After you have sold that amount, you may charge the prices set forth in paragraph (b) (1).

(ii) On purchases of sugar made by you on and after September 18, 1946, your supplier will notify you whether he is charging you his ceiling price in effect on September 17, 1946. If you receive such notifications you must continue to sell such sugar at no more than the ceiling price you had in effect on September 17, 1946.

(c) *Filing of affidavit.* Each person (other than a wholesaler or retailer) owning cane sugars at 11:59 p. m., September 17, 1946, shall not later than November 10, 1946, send by registered mail addressed to Commodity Credit Corpora-

[1] 11 F. R. 11648.

tion, 150 Broadway, New York 7, New York, an affidavit setting out the following amounts of sugar owned by him at 11:59 p. m., September 17, 1946:

(1) The total number of pounds of raw cane sugars (including cane juice and its derivatives in the process of being made into raw cane sugar) adjusted to a 96 degree polarization basis.

(2) The total number of pounds of refined turbinado and washed sugar.

(3) The total number of pounds of raw sugar (converted to a refined basis) in process of refinement.

If any part of a refiner's inventory consists of sugars acquired from a mill other than a mill owned or controlled by him, the refiner must specify how much of the amounts of sugar described in subparagraphs (1), (2) and (3) of this paragraph consists of such outside sugar.

(d) *Payment to Commodity Credit Corporation.* Any person (other than a wholesaler or retailer) owning cane sugars at 11:59 p. m., September 17, 1946, who elects to sell at the increased maximum prices on September 18, 1946, shall make a statement to that effect in the affidavit described in paragraph (c) of this section and shall make payment by check or money order payable in New York funds to the Commodity Credit Corporation in an amount computed as follows:

(1) The total number of pounds of refined, turbinado and washed cane sugar, plus the total number of pounds of cane sugar (converted to a refined basis) in process of refinement, plus the total number of pounds of cane sugar (converted to a turbinado basis) in process of conversion to turbinado, multiplied by 1.47 cents per pound; plus

(2) The total number of pounds of raw cane sugars (including cane juice and its derivatives in the process of being made into raw cane sugar) adjusted to a 96 degree polarization basis, multiplied by 1.37 cents per pound.

Payment may be made at the time of filing the affidavit or monthly payments shall be made within 60 days following the close of the calendar month for the amount of such sugar sold during such month, until the full amount due has been paid. The maximum price in event of failure to make such payment or payments, shall be the maximum price in effect prior to September 18, 1946.

(e) *Election to sell inventory at lower price.* Any person owning cane sugars at 11:59 p. m., September 17, 1946, may, in lieu of making payment to Commodity Credit Corporation, described in paragraph (d) of this section, elect to sell or otherwise dispose of the entire amount of his inventory at or below his maximum prices in effect on September 17, 1946. Such person shall state in the affidavit described in paragraph (c) of this section that he elects to sell his inventory at the lower price. At such time as he has sold an amount equal to his September 17 inventory, he shall file by registered mail with the Commodity Credit Corporation a final affidavit stating that he has fully complied with the requirements of this paragraph (e).

After mailing the final affidavit in proper form such person may sell at the maximum prices set out in paragraphs (a) and (b) of this section.

(f) *Notification to wholesalers and retailers when election is made to sell inventory at lower price.* (1) Any refiner or processor who elects to sell his inventory at or below his maximum prices in effect on September 17, 1946, shall, at the time of, or prior to the first delivery to each wholesaler or retailer, notify them in writing to the effect that the prices charged are the refiner's maximum prices in effect September 17, 1946.

(2) Any wholesaler who receives the notification described in subparagraph (1) of this paragraph shall, at the time of, or prior to the first delivery to each retailer, notify the retailer in writing to the effect that the prices charged are the wholesaler's maximum prices in effect on September 17, 1946.

This amendment shall become effective for producers of raw and refined sugar as of 12:01 a. m., August 13, 1947, and for wholesalers and retailers as of August 13, 1947.

(Pub. Law 30, 80th Cong.)

Issued this 13th day of August 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Amendment 11 to Third Revised Maximum Price Regulation 183

The accompanying amendment increases the maximum price of raw cane and refined granulated sugars for local consumption in Puerto Rico. On August 6, 1947, maximum prices of raw cane sugar were increased on the mainland 13½ cents per hundredweight and of refined sugar 15 cents per hundredweight through Amendment 7 to MPR 16 and Amendment 12 to MPR 60, respectively. Reference to the statement of considerations accompanying these amendments is hereby made. The same increases are made effective in Puerto Rico under this amendment for the same reasons the previous increases granted on the mainland were made applicable to Puerto Rico, as explained in the earlier statements of considerations.

The new prices are calculated to return to distributors no less than the average percentage mark-ups as were in effect on March 31, 1946, and are in accord with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended and extended.

[F. R. Doc. 47-7718; Filed, Aug. 15, 1947; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 392]

NEW MEXICO

REVOKING EXECUTIVE ORDER 1032 OF FEBRUARY 25, 1909, SO FAR AS IT RELATES TO CARLSBAD NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 1032, dated February 25, 1909, is hereby revoked so far as it relates to the establishment of the Carlsbad Reservation, New Mexico, the designation of which was changed to the Carlsbad National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940.

The lands involved, including both public and non-public lands lying within and adjacent to Lake McMillan and the Avalon Reservoir, aggregate approximately 18,679.66 acres.

All public lands restored by this order are covered by first form reclamation withdrawal and are not subject to entry.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

AUGUST 11, 1947.

[F. R. Doc. 47-7690; Filed, Aug. 15, 1947; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Supp. 7, Amdt. 1]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

PREWAR DOMESTIC COSTS; STATUTORY SALES PRICES

Section 299.56 *Prewar domestic costs; statutory sales prices* is amended as follows:

That portion of paragraph (z) as revised by Supplement 7 insofar as is applicable to the C2-S1-AJ4 type vessel (published in the FEDERAL REGISTER of September 28, 1946, 11 F. R. 11076) is deleted and in lieu thereof the following revised figures are inserted for purposes of adjustment for prior sales to citizens in accordance with section 9 of the act. No vessel of this type is available for disposal.

Type	Prewar domestic cost	Domestic war cost
C2-S1-AJ4 combination cargo-passenger	$3,194,600	$3,[illegible]

Type	Unadjusted statutory sales price	Floor price
C2-S1-AJ4 combination cargo-passenger	$1,597,300	$1,397,600

(60 Stat. 41)

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

JULY 29, 1947.

[F. R. Doc. 47-7716; Filed, Aug. 15, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 760, Amdt. 1]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of August A. D. 1947.

Upon further consideration of Service Order No. 760 (12 F. R. 4439), and good cause appearing therefor: *It is ordered*, That:

Section 97.760 *Rerouting*, of Service Order No. 760, be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p. m., February 15, 1948, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., August 30, 1947; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-7685; Filed, Aug. 15, 1947; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 5—EXPERIMENTAL RADIO SERVICES

EXTENSION OF LICENSE TERM

CROSS REFERENCE: For order extending the license term of all General Mobile Class 2 Experimental licenses which normally would expire November 1, 1947, and relieving the licensees of taxicab radio dispatching systems and other general mobile experimental radiotelephone systems of the requirement that they apply for rewenal of their experimental licenses this year as they would otherwise be required to do prior to September 1, 1947, in accordance with § 5.32 of this chapter, see F. R. Documents 47-7712 and 47-7713 under Federal Communications Commission in the Notices section, *infra*.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

CARLSBAD NATIONAL WILDLIFE REFUGE

CROSS REFERENCE: For order affecting the tabulation contained in § 11.1, see Public Land Order 392 under Title 43, *supra*, relating to the Carlsbad National Wildlife Refuge, New Mexico.

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 889, Pub. Laws 322, 671, 79th Cong.; 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8421, Amdt.]

JUNNOSUKE TANJI

In re: Bank accounts and stock owned by Junnosuke Tanji. D-39-11904-E-1, 2, A-1.

Vesting Order 8421, dated March 11, 1947, is hereby amended as follows and not otherwise:

A. By deleting from subparagraph 2 c. of said Vesting Order 8421 the words "with the exception of 26 shares of General Gas & Electric Corporation;" and by substituting therefor the words "with the exception of 26 shares of General Gas & Electric Corporation and 20 shares of The United Corporation,".

B. By deleting from the description of the shares of stock of Columbia Gas & Electric Corporation, in Exhibit A of said vesting order, the following certificate numbers: "594370, 596143, 582204, 582509 and 59302," and by substituting therefor, in the same order, the following numbers: "CN/O 594370, CN/O 596143, CN/O 582204, CN/O 582509 and CN/O 599022".

C. By deleting from Exhibit A of said vesting order the words "Standard Gas & Electric Company" and by substituting therefor the words "Standard Gas and Electric Company"; and by deleting from the description of the shares of said company, in said Exhibit A, the following certificate numbers: "71749 and 68718" and by substituting therefor, in the same order, the following numbers: "TNLO 71479 and TNLO 68718".

All other provisions of said Vesting Order 8421 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7710; Filed, Aug. 15, 1947; 8:47 a. m.]

[Vesting Order 8068, Amdt.]

EMIL BUSSE

In re: Stock owned by Emil Busse. F-28-24023-A-1.

Vesting Order 8068, dated January 22, 1947, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the number "825469" where it appears in said Exhibit A, and the name "Lazard Freres & Co." where it appears in said Exhibit A, under the column entitled "Registered in Name of," and substituting therefor the number "45306" and the name "N. V. Hollandsche Koopmans Bank."

All other provisions of said Vesting Order 8068 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7709; Filed, Aug. 15, 1947; 8:47 a. m.]

[Vesting Order 9448]

NICHIBEI SHUZO KABUSHIKI KAISHA, ET AL.

In re: Claims and stock of Nichibei Shuzo Kabushiki Kaisha, Limited owned by Motoshige Boyeki Kaisha, also known as Motoshige Boyeki Kabushiki Kaisha, Limited, and others. D-39-377-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Motoshige Boyeki Kaisha, also known as Motoshige Boyeki Kabushiki Kaisha, Limited, the last known address of which is Japan, is a corporation, or-

ganized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That Hiroshi Motoshige, Yutaka Kaneshige, and Toyomi Okaji, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

3. That the property described as follows:

a. 537 shares of $10 par value common capital stock of Nichibei Shuzo Kabushiki Kaisha, Limited, 1154 Kamehameha Avenue, Hilo, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of and in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Motoshige Boyeki Kaisha	454	300
Hiroshi Motoshige	673	181
Yutaka Kaneshige	36	5
	190	1
Toyomi Okaji	493	50

together with all declared and unpaid dividends thereon,

b. All those debts or other obligations owing to Yutaka Kanoshige by Nichibei Shuzo Kabushiki Kaisha, Limited, 1154 Kamehameha Avenue, Hilo, T. H., including particularly but not limited to a portion of the sum of money on deposit in a checking account with the Bishop National Bank of Hawaii, Hilo Branch, Hilo, T. H., entitled Nichibei Shuzo Kabushiki Kaisha, Limited, Dividend Account and a portion of the sum of money on deposit in a savings account, Account No. 12228 with the Bishop National Bank of Hawaii, Hilo Branch, Hilo, T. H., entitled Nichibei Shuzo Kabushiki Kaisha, Limited, Dividend Account, and any and all rights to demand, enforce and collect the same, and

c. All those debts or other obligations owing to Motoshigo Boyeki Kaisha and Hiroshi Motoshigo by Nichibei Shuzo Kabushiki Kaisha, Limited, 1154 Kamehameha Avenue, Hilo, T. H., including particularly but not limited to a portion of the sum of money on deposit in a blocked savings account, Account No. 12227, with the Bishop National Bank of Hawaii, Hilo Branch, Hilo, T. H., entitled Nichibei Shuzo Kabushiki Kaisha, Limited, Trustee, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons listed in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7697; Filed, Aug. 15, 1947; 8:46 a. m.]

[Supp. Vesting Order 9504]

HERMAN VOLLRATH HILPRECHT

In re: Trust u/w of Herman Vollrath Hilprecht, deceased. File D-28-2208; E. T. sec. 2766.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annemarie Berta Natalie Bierstedt and Christa Charlotte Ida Bierstedt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them in and to a trust created under the will of Herman Vollrath Hilprecht, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The Pennsylvania Company for Banking and Trusts, as trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7698; Filed, Aug. 15, 1947; 8:46 a. m.]

[Vesting Order 9525]

ORIENTAL DEVELOPMENT CO., LTD., ET AL.

In re: Bonds of Oriental Development Co., Ltd., also known as Toyo Takushoku Kabushiki Kaisha, owned by S. Kabashima and others. F-39-5897-A-1, F-39-3350-A-1, F-39-5887-A-1, F-39-5887-A-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Kabashima, Rev. Shinri Sarashina, also known as Rev. Shinori Sarashina, and Rev. S. Takumiyo, also known as S. Takumyo, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain bonds in bearer form described in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of Trustees for Creditors and Stockholders, Pacific Bank in Dissolution, P. O. Box 1200, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

External Loan Thirty Year, 6% Gold Debenture Bonds, of $1000 face value, due March 15, 1953, with coupons March 15, 1942, ASCA, issued by the Oriental Development Co., Ltd., also known as Toyo Takushoku Kabushiki Kaisha.

Name of owner	Serial No.	Number owned
S. Kabashima	3168	1
Rev. Shinri Sarashina, also known as Rev. Shinori Sarashina.	8513, 9515, 10654, 10861, 14087.	5
Rev. S. Takumiyo, also known as S. Takumiyo.	3228, 3749, 3833, 6018, 8709, 14136, 16507.	7

[F. R. Doc. 47-7699; Filed, Aug. 15, 1947; 8:46 a. m.]

[Vesting Order 9526]

MARGARETE SEMMLER

In re: Stock owned by Margarete Semmler, also known as Margaret Semmler. F-28-138-D-9.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Semmler, also known as Margaret Semmler, whose last known address is Bad Mergentheim, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Nine (9) shares of no par value common capital stock of Sinclair Oil Corporation, 630 Fifth Avenue, New York, New York (formerly known as Consolidated Oil Corporation), a corporation organized under the laws of the State of New York, evidenced by certificate number LA03970, registered in the name of Margaret Semmler, together with all declared and unpaid dividends thereon, and

b. Seven (7) shares of no par value common capital stock of Sinclair Oil Corporation, 630 Fifth Avenue, New York, New York (formerly known as Consolidated Oil Corporation), a corporation organized under the laws of the State of New York, evidenced by certificate number LA040,505, registered in the name of Margaret Semmler and presently in the custody of Petroleum Corporation of America, 40 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7700; Filed, Aug. 15, 1947; 8:46 a. m.]

[Vesting Order 9535]

GEORGE PACURARI

In re: Estate of George Pacurari (Pacurare), deceased. File D-57-366; E. T. sec. 11433.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeta Rosu, Eugenia Bezuscu, Constantin Pacurari, George Mihaescu, Vasile Mihaescu, Leontina Lazarovici and Artemisia Pajar, whose last known addresses are Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of George Pacurari (Pacurare), deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Rumania);

3. That such property is in the process of administration by Benjamin D. Burdick, as Administrator, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7701; Filed, Aug. 15, 1947; 8:46 a. m.]

[Vesting Order 9541]

JAKOB RUPPENSTEIN

In re: Estate of Jakob Ruppenstein, also known as Jacob Ruppenstein, deceased. File No. D-28-10300; E. T. sec. 14674.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Andrew Ruppenstein and Albbelonea Lutz Ruppenstein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Jakob Ruppenstein, also known as Jacob Ruppenstein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Nassau County Treasurer, as Administrator, acting under the judicial supervision of the Surrogate's Court of Nassau County, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. D. Doc. 47-7702; Filed, Aug. 15, 1947; 8:46 a. m.]

[Vesting Order 9544]

ERNST G. SIEGELE

In re: Estate of Ernst G. Siegele a/k/a Ernest G. Sieberle, deceased. File D-28-10553; E. T. sec. 14943.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jacob (Siebele) Siegele, William Siegele, Karoline S. (Kitzler) Kitzer, Friedricka Riedmaier and Martha (Christiana) Siegele, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Ernst G. Siegele a/k/a Ernest G. Sieberle, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Christian Essig, as Administrator, acting under the judicial supervision of the County Court of Sheridan County, McClusky, North Dakota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7703; Filed, Aug. 15, 1947; 8:46 a. m.]

[Vesting Order 9562]

KENZO HORIKIRI

In re: Stock owned by Kenzo Horikiri. F-39-434-D-½.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenzo Horikiri, whose last known address is 98 Higashi Kokubumurako, Airagun, Kagoshimaken, Japan, is a resident of Japan and a national of a designated enemy county (Japan);

2. That the property described as follows:

a. Sixty-one (61) shares of $25 par value common capital stock of Southern California Edison Company Ltd., 601 West Fifth Street, Los Angeles, California, a corporation organized under the laws of the State of California, evidenced by certificates numbered AO 99961, LDO 15063 and AO 87082 for five (5), six (6) and fifty (50) shares respectively, registered in the name of Kenzo Horikiri, together with all declared and unpaid dividends thereon, and

b. One hundred (100) shares of no par value common capital stock of Sinclair Oil Corporation, 630 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number 99,833, registered in the name of Kenzo Horikiri, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7704; Filed, Aug. 15, 1947; 8:46 a. m.]

[Vesting Order 9566]

MRS. MARGARET KASTAN

In re: Bonds, stock and a bank account owned by Mrs. Margaret Kastan. F-28-3164-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Margaret Kastan, whose last known address is Berlin-Wilmersdorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) 225 West 86th Street Corporation 3% Debenture Bond, of $500.00 face value, bearing the number 328, registered in the name of Margaret Kastan and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with any and all rights thereunder and thereto,

b. One (1) Mortgage Participation certificate, representing an interest in City Bank Farmers Trust Company bond and mortgage #9517 on the premises at 10 17 Livingston Place, New York, New York, said certificate bearing the number A 3431, registered in the name of Margaret Kastan, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with any and all rights thereunder and thereto,

c. Eight (8) shares of $1.00 par value capital stock of 225 West 86th Street Corporation, evidenced by a certificate numbered 331, registered in the name of Margaret Kastan, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to Mrs. Margaret Kastan, by City Farmers Trust Company, 22 William Streets, New York, New York, arising out of a custodian account, entitled Margaret Kastan, and any and all rights to demand, eforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7705; Filed, Aug. 15, 1947; 8:47 a. m.]

[Vesting Order 9575]

ROBERT ROESSLE

In re: Stock owned by Robert Roessle. F-28-23307-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Roessle, whose last known address is Reichssportfeldstrasse 5, Berlin-Charlottenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifty (50) shares of $5 par value class A capital stock of Botany Worsted Mills, Dayton Avenue, Passaic, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number AO-1860, registered in the name of Robert Roessle, together with all declared and unpaid dividends thereon, and

b. Fifty (50) shares of $10 par value preferred capital stock of Botany Worsted Mills, Dayton Avenue, Passaic, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number PO-1065, registered in the name of Robert Roessle, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7706; Filed, Aug. 15, 1947; 8:47 a. m.]

[Vesting Order 9577]

AUGUST SATTELMAIER

In re: Stock owned by August Sattelmaier. F-28-25845-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Sattelmaier, whose last known address is Hommern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One hundred fifteen (115) shares of $2.00 par value common capital stock of Hayes Manufacturing Corporation, 7th Street and Muskegon Avenue, Grand Rapids 2, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by certificates numbered NY12700 for one hundred (100) shares, and NCO10629 for fifteen (15) shares, registered in the name of August Sattelmaier, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7707; Filed, Aug. 15, 1947; 8:47 a. m.]

[Vesting Order 9602]

CAROLINE STAMM

In re: Estate of Caroline Stamm, deceased. File D-28-11587; E. T., sec. 15896.

Under the authority of the Trading with the Enemy Act, as amended, Executive order 9193, as amended, and Executive order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Willms (Anna Williams), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Caroline Stamm, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by May R. Ingram of Savannah, Georgia, as administratrix d. b. n. c. t. a., acting under the judicial supervision of the Court of Ordinary, Chatham County, Georgia;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7708; Filed, Aug. 15, 1947; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 12]

DESIGNATION OF MOTIONS COMMISSIONER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of July, 1947;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that R. H. Hyde Commissioner, be and he is hereby designated as Motions Commissioner, for the month of August 1947.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F R. Doc. 47-7711; Filed, Aug. 15, 1947; 8:47 a. m.]

BROADCAST LICENSEES

NOTICE REGARDING SURRENDER OF RESPONSIBILITIES UNDER ADVERTISING OR OTHER CONTRACTS

AUGUST 11, 1947.

The Commission recently received information concerning certain contracts that were entered into between several licensees and permittees of radio broadcast stations under which broadcast time was sold directly to an advertising agency; the latter in turn sold this broadcast time to participating sponsors, arranged the programs for certain periods, selected the talent when used, and, in some instances, used its own studios for the production of programs which were carried by remote control to the transmitters of the broadcast stations in question; and in at least one case the contract in terms provided that the advertising agency should take over the commercial management of the station. Upon investigation, it appeared that none of the above-mentioned contracts had been filed with the Commission, nor had the stations involved in such contractual arrangements requested the Commission's consent therefor.

In connection with such contracts, or similar arrangements, whether of a formal or informal nature, the attention of all station licensees, permittees, and applicants is invited to section 310 (b) of the Communications Act of 1934, as amended, which prohibits the voluntary or involuntary transfer of a license or of "the frequencies authorized to be used by the licensee, and the rights therein granted," or the transfer of control of a licensee corporation, unless the Commission decides, on the basis of full information, that the transfer is in the public interest and so signifies in writing.

The Commission, in accordance with the foregoing provisions of the act, has repeatedly emphasized that the licensee is responsible for the management and operation of the station in the public interest, and has required that this responsibility shall not be improperly delegated, whether by contract or otherwise, to another. Thus, in Bellingham Broadcasting Company, 8 FCC, 159 (May 16, 1940), it was pointed out that "* * * the licensee of a radio broadcast station must be necessarily held responsible for all program service and may not delegate his ultimate responsibility for such to others." In numerous subsequent cases, the Commission has re-emphasized this principle.

The requirement, therefore, that the station licensee shall exercise full and final responsibility for the operation of his broadcast station, and that he shall not divest himself, directly or indirectly, of the substantial measure of control necessary to fulfill it, is a basic feature of the Communications Act, and, as a matter of administrative practice, the Commission has constantly adhered to such requirement. Arrangements of the nature described above will, therefore, be carefully scrutinized by the Commission to determine whether they involve surrender of the licensee's responsibilities.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7714; Filed, Aug. 15, 1947; 8:47 a. m.]

GENERAL MOBILE CLASS 2 EXPERIMENTAL STATIONS

ORDER EXTENDING LICENSE TERM

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on August 7, 1947;

The Commission having before it a proposal to extend the license term of Class 2 Experimental Stations authorized for the purpose of conducting experimentation in connection with the development and testing of General Mobile Communications Systems which will end on November 1, 1947; and

It appearing that renewals of such licenses which have been issued prior to August 1, 1947, must be requested by September 1, 1947, in accordance with the requirements of § 5.32 of the rules; and

It further appearing that a hearing with respect to the establishment of the General Mobile Service on a regular basis will not be held until October 27, 1947, and that a decision authorizing some types of General Mobile operation on a regular basis may be reached at an early date thereafter; and

It further appearing that in view of the pendency of such proceeding, it would be desirable to extend the term of present licenses:

It is ordered, That the license term of every General Mobile Experimental Class 2 radio station which normally expires November 1, 1947, be extended to November 1, 1948; said licenses to be extended in exact accordance with the terms contained therein; and

It is further ordered, That this order shall become effective immediately.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7712; Filed, Aug. 15, 1947; 8:47 a. m.]

LICENSEES OF EXPERIMENTAL CLASS 2 (GENERAL MOBILE STATIONS)

NOTICE OF EXTENSION OF LICENSE TERM

The Commission today extended to November 1, 1948 the license term of all General Mobile Class 2 Experimental licenses which normally would expire November 1, 1947.

This order[1] relieves the licensees of taxicab radio dispatching systems and other General Mobile Experimental Radiotelephone Systems of the requirement that they apply for renewal of their experimental licenses this year as they would otherwise be required to do prior to September 1, 1947 in accordance with § 5.32 of the Commission's rules.

The Commission, however, requests that the experimental reports which normally accompany each application for renewal of experimental license be submitted prior to September 1, 1947, or, in lieu thereof, that F. C. C. Questionnaire 7560 be filled out and returned to the Commission by the same date. This questionnaire was sent to all General Mobile licensees in the latter part of May, 1947, and in most instances the questionnaire has been received from such licensees.

It is contemplated that the General Mobile hearing set for October 27, 1947 will result in the establishment of a regular service for which many licensees of Experimental General Mobile Systems will be eligible. In this event it will be necessary for eligible experimental licensees to apply for authority to operate in such a service, and the extension will serve to avoid a duplication of work involved in the submission and processing of applications for renewals as well as new licenses.

Those who only hold construction permits are cautioned that such permits do not authorize operation of their radio stations except for ten day equipment tests and thirty day service tests. The latter test may be commenced only after an application for a license to cover the construction permit has been filed. The order does not affect construction permits.

Licenses granted after August 1, 1947 will be issued for a term ending November 1, 1948. Consequently, such licenses will not be affected by the aforementioned order.

In the event a licensee does not intend to operate his system beyond November 1, 1947, the license should be submitted to the Commission for cancellation at the time operation is discontinued.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7713; Filed, Aug. 15, 1947; 8:47 a. m.]

WWPN, MIDDLESBORO, KY.

NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF PERMIT[2]

The Commission hereby gives notice that on August 5, 1947, there was filed with it an application (BAP-61) for its consent under section 310 (b) of the Communications Act to the proposed assignment of permit of WWPN,[3] Middlesboro, Kentucky, from E. P. Nicholson, Jr., and John Wallbrecht, a Partnership, doing business as Pinnacle Broadcasting Company, to Elmer Dennis Smith and Tom Crutchfield, doing business as Smithfield Broadcasting Company. The proposal to assign the permit arises out of a contract of August 1, 1947, pursuant to which the assignee would pay to the assignor actual expenses expended in prosecuting the application totaling $3,206.38. Assignor would assign options which it has upon technical equipment and transmitter site. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 the Commission was advised with the filing of the application that notice thereof would be inserted in a local daily newspaper at Middlesboro, Kentucky, twice a week for 3 weeks commencing August 6, 1947, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from August 6, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F R. Doc. 47-7715; Filed, Aug. 15, 1947; 8:47 a. m.]

[1] See F. R. Doc. 47-7712, *supra*.

[2] Section 1.321, Part I, Rules of Practice and Procedure.

[3] On July 18, 1947, there was filed with the Commission by the Cumberland Gap Broadcasting Company a petition for order to show cause as to why this permit should not be revoked.

INTERSTATE COMMERCE COMMISSION

[S. O. 767]

UNLOADING OF LOGS AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of August, A. D. 1947.

It appearing, that 3 cars containing logs at New Orleans, La., on the Illinois Central Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Logs at New Orleans, Louisiana, be unloaded.* The Illinois Central Railroad Company, its agents or employees, shall unload immediately PLE 45936, PMCKY 90377 and BS 966 containing logs, now on hand at New Orleans, Louisiana, consigned for export.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., August 14, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; and that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-7684; Filed, Aug. 15, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-88, 59-9]

PHILADELPHIA CO. ET AL.

MEMORANDUM OPINION AND ORDER REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 5th day of August A. D., 1947.

In the matter of Philadelphia Company and certain of its subsidiary companies, Standard Power and Light Corporation, and Standard Gas and Electric Company, respondents; File No. 59-88. Standard Power and Light Corporation, Standard Gas and Electric Company and subsidiary companies thereof, respondents; File No. 59-9.

Simplification of holding company system; practice and procedure; filing of proposed findings and briefs. Upon motion with respect to time and manner of filing proposed findings and briefs made in section 11 proceedings, held, that all parties and interested persons shall exchange proposed findings and briefs simultaneously on or before date designated by the Commission.

Hearings in these consolidated proceedings pursuant to sections 11 (b) and (e) of the Public Utility Holding Company Act ("the act"),[1] were conducted before a hearing officer and were concluded on July 23, 1947. At the conclusion of the final hearing, the hearing officer discussed with counsel for respondents Philadelphia Company and certain of its subsidiaries[2] and counsel for the Public Utilities Division the time and manner of filing of proposed findings and briefs. The parties were unable to arrive at a mutually satisfactory arrangement, and the hearing officer stated that the matter was one for the Commission to determine.[3] Thereafter, those respondents filed a motion requesting, as they had urged before the hearing officer, that they be granted at least ninety days, or sixty days after the service upon them of proposed findings and brief of the Public Utilities Division, whichever is longer, as the period within which to file their proposed findings and briefs. Standard Gas and Electric Company, also a respondent in this proceeding, filed a separate motion requesting similar relief.

Rule IX (f) of our rules of practice provides that proposed findings and briefs "shall be filed * * * within 5 days after the receipt by the party of a copy of the transcript of the testimony * * * or within such other time as the Commission may specify." We have considered the nature of the issues presented and the extent to which they have been clarified, and the size of the record, and have concluded that it is appropriate to extend until September 16, 1947 the time within which proposed findings and briefs may be filed and until September 30, 1947 the time for filing reply briefs. At this stage of the proceedings the participants should be well acquainted with the issues involved. The ultimate issues to be decided are indi-

[1] These proceedings were instituted pursuant to section 11 (b) (2) of the act by Commission order dated December 5, 1946. The order consolidated the proceedings with prior proceedings instituted pursuant to section 11 (b) (1) of the act. (Holding Company Act Release No. 7025.) Subsequently, a hearing was ordered on a purported plan under section 11 (e), which hearing was consolidated with the pending proceedings. (Holding Company Act Release No. 7381.)

[2] The subsidiary companies referred to are Duquesne Light Company, Equitable Gas Company, Pittsburgh and West Virginia Gas Company, Kentucky West Virginia Gas Company, Allegheny County Steam Heating Company, Cheswick and Hamar Railroad Company, The Consolidated Gas Company of the City of Pittsburgh, Equitable Auto Company, Equitable Real Estate Company, Equitable Sales Company, Finleyville Oil and Gas Company, and Philadelphia Oil Company.

[3] The record before the hearing officer has been closed except for the purpose of determining whether leave to be heard should be granted to a group of security holders in accordance with an opinion rendered by us on July 24, 1947. (Philadelphia Company, --- S. E. C. --- (1947), Holding Company Act Release No. 7590.) Filing of any intermediate decision was waived. The matter is now before us for final decision based upon the record of the proceedings, the proposed findings and briefs which may be filed, and the oral argument, if any be ordered.

cated in section 11 of the act. The detailed allegations contained in the order instituting these proceedings, insofar as they have been controverted by respondents' answers, have raised certain specific issues, and the evidence submitted at the hearings has given further indication of the precise nature of these issues. Furthermore, we find no special circumstances present in this case which justify a departure from the customary practice in section 11 proceedings before this Commission under which participants exchange their proposed findings and briefs simultaneously. Since there has been a focusing of the issues and the various participants should already be cognizant of them, we conclude that it is appropriate that proposed findings and briefs should be exchanged simultaneously. In addition, in the reply briefs which may be submitted after the filing of the main briefs ample opportunity will be afforded to reply to any arguments not previously considered.

On the basis of the foregoing, *It is ordered*, That proposed findings and supporting briefs shall be filed with the Commission on or before September 16, 1947, and reply briefs shall be filed on or before September 30, 1947; and, *It is further ordered*, That the motions filed herein, except to the extent hereinbefore provided, be and the same are hereby denied.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-7691; Filed, Aug. 15, 1947; 8:45 a. m.]

SEP 16

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12 NUMBER 162

Washington, Tuesday, August 19, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2742

FIRE PREVENTION WEEK, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS each year preventable fires claim the lives of thousands of our citizens, both young and old, and cause permanent disability or painful injury to countless others; and

WHEREAS the destruction by fire of our natural and created resources has almost doubled during the past decade, and cost this nation more than five hundred and sixty million dollars in the year 1946; and

WHEREAS this ravage, if unabated, threatens an even more calamitous loss of life and waste of material wealth; and

WHEREAS the program promulgated at the President's Conference on Fire Prevention held at Washington in May 1947 is designed to assist in stemming the tide of death and destruction from fires:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate the week beginning October 5, 1947, as Fire Prevention Week.

I earnestly request every citizen to eliminate all possible causes of destructive fire in his home and in his place of business, and I urge that vigilance against fire be extended beyond Fire Prevention Week and zealously continued throughout the year. I invite State and local governments, the Chamber of Commerce of the United States, the National Fire Waste Council, the American National Red Cross, business and labor organizations, churches and schools, civic groups, and agencies of the press, the radio, and the motion-picture industry to cooperate fully in the observance of Fire Prevention Week with the objective of initiating a fire prevention campaign continuing throughout the year. I also direct the appropriate agencies of the Federal Government to assist in every feasible way in arousing the public to the seriousness of the fire problem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of August in the year of our Lord nineteen hundred and [SEAL] forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT, *Acting Secretary of State.*

[F. R. Doc. 47-7772; Filed, Aug. 15, 1947; 3:00 p. m.]

PROCLAMATION 2743

NATIONAL GUARD DAY, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the National Guard of the United States has been a bulwark of our military forces in struggles against foreign aggressors and the support of our people in times of domestic disaster; and

WHEREAS the security of our Nation demands that the National Guard be fully manned, equipped and trained as a force immediately available in time of national danger; and

WHEREAS September 16, 1947, marks the seventh anniversary of the entrance of the National Guard into the Nation's service during the emergency immediately preceding World War II:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, in order that we may give special recognition to the men of the National Guard of the United States who have given their services and their lives to their country and to those who are continuing to give their services for the security of their country, do hereby proclaim Tuesday, September 16, 1947, as National Guard Day, and invite the Governors of the several States to issue

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FEDERAL REGISTER

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proclamations for the observance of that Day; and I also direct that the flag of the United States be displayed on all public buildings on that Day.

I also remind our citizens that a responsibility rests upon them for the support of the National Guard of the United States, and I therefore urge that all our citizens give their earnest attention to the units of the National Guard in their communities and assist in the organization, recruiting and development of those units in every way possible.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 15th day of August, in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 47-7771; Filed, Aug. 15, 1947; 3:00 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PART 376—NATURALIZATION PROCEEDINGS FOR PHYSICALLY DISABLED PERSONS PERMITTED AT PLACES OTHER THAN IN THE OFFICE OF THE CLERK OF COURT OR IN OPEN COURT

NATURALIZATION PROCEDURE FOR PHYSICALLY DISABLED PERSONS

JULY 25, 1947.

The following part is added to Title 8, Chapter I, Code of Federal Regulations:

Sec.
376.1 Declarations of intention, petitions, and oaths of physically disabled persons.
376.2 Reports of district directors to clerks of court or to courts.

AUTHORITY: §§ 376.1 and 376.2 issued under sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458; 8 CFR 90.1. §§ 376.1 and 376.2 interpret and apply the act of May 31, 1947 (Pub. Law 81, 80th Cong., ch. 87).

§ 376.1 *Declarations of intention, petitions, and oaths of physically disabled persons.* Notwithstanding the provisions of other parts of this subchapter and pursuant to the provisions of the act of May 31, 1947 (Pub. Law 81, 80th Cong., ch. 87), an applicant for naturalization who is prevented by sickness or other physical disability from appearing in the office of the clerk of court or of his authorized deputy may make a declaration of intention or a petition for naturalization at such other place as may be designated by the clerk of court or his authorized deputy; and a petitioner for naturalization who is prevented by sickness or other physical disability from being in open court for the final hearing upon his petition for naturalization may have his petition heard and take the oath of renunciation and allegiance required by section 335 of the Nationality Act of 1940 at such place as the court may designate.

§ 376.2 *Reports of district directors to clerks of court or to courts.* Whenever it appears that an applicant for naturalization is unable because of sickness or other disability to present himself in the office of the clerk of the appropriate naturalization court to sign a declaration of intention to become a citizen of the United States or to make a petition for naturalization or to be in court for the final hearing upon petition for naturalization, the district director shall report the condition of the applicant or petitioner to the clerk of the court. The report shall give such information as is available to show whether the sickness or other disability is of a permanent nature or of a nature which so incapacitates the person as to prevent him from appearing personally in the office of the clerk of the court or in the court, as the case may be. The report is for the purpose of aiding the court to determine, pursuant to section 5 of the act of May 31, 1947 (Pub. Law 81, 80th Cong.), whether the clerk of the court should designate another place for the person to make a declaration of intention or a petition for naturalization or whether the court should designate another place for the final hearing on the petition for naturalization, as the case may be. Nothing in this section shall prevent the person himself from applying directly to the clerk of the court or the court for the benefits of that act and supporting his application by such evidence as is acceptable to the clerk of the court or the court.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) as to public procedure and delayed effective date are inapplicable for the reason that the rules prescribed by this order pertain to agency procedure.

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

Approved: August 11, 1947.

DOUGLAS W. MCGREGOR,
Acting Attorney General.

[F. R. Doc. 47-7735; Filed, Aug. 18, 1947; 8:50 a. m.]

Chapter II—Office of Alien Property, Department of Justice

PART 501—GENERAL RULES OF PROCEDURE

MISCELLANEOUS AMENDMENTS

1. The headnote for Part 501 is amended to read as set forth above.

2. Section 501.1 *Receipt and disposition of claims* is revoked and the text is designated Part 504 and revised as set forth in F. R. Doc. 47-7762, *infra*.

3. Section 501.2 *Rules of Vested Property Claims Committee* is hereby revoked.

(40 Stat. 411, 55 Stat. 839, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. 1, 50 U. S. C. App. Sup. 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9788, Oct. 1946, 11 F. R. 11981)

Executed at Washington, D. C. this 14th day of August 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-7746; Filed, Aug. 18, 1947; 8:49 a. m.]

PART 504—RULES OF PROCEDURE FOR CLAIMS

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SUBPART D—GENERAL CLAIMS

504.300 General claims.

AUTHORITY: §§ 504.1 to 504.300, inclusive, issued under 40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. 1, 50 U. S. C. App. Supp. 616; E. O. 9142, April 21, 1942, 7 F. R. 2985, 3 CFR, Cum. Supp., E. O. 9725, May 16, 1946, 11 F. R. 5381, E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

SUBPART A—GENERAL RULES

§ 504.1 *Scope of part.* (a) Sections in Subpart A shall be applicable solely to title and to debt claims.

(b) Sections in Subpart B shall be applicable solely to title claims.

(c) Sections in Subpart C shall be applicable solely to debt claims.

(d) Sections in Subpart D shall be applicable to all claims other than title and debt claims as defined in § 504.2 (e) and (f).

§ 504.2 *Definitions.* As used in this part, unless the context otherwise requires,

(a) The term "act" means the Trading with the Enemy Act, as amended. The term "section" refers to a section of the act.

(b) The term "Office" means the Office of Alien Property.

(c) The term "rules" means the rules of the Office set forth in this part.

(d) The term "Director" means the Director, Office of Alien Property, or other person duly authorized to perform his functions.

(e) The term "title claim" means a notice of claim under section 32.

(f) The term "debt claim" means a claim under section 34.

(g) The term "claim" refers to a title claim or a debt claim.

(h) The term "claimant" means the person in whose behalf a claim is filed.

(i) The term "claim proceeding" means the administrative processing of a claim and includes the claim.

(j) The term "parties" includes the claimant and the Chief of the Claims Branch and, in debt claim proceedings, includes all related claimants as defined in § 504.200 (g).

(k) The term "vested property" means any property or interest vested in or transferred to the Attorney General of the United States or his predecessor, the Alien Property Custodian (other than any property or interest acquired by the United States prior to December 18, 1941) or the net proceeds thereof.

(l) The term "filing" means receipt by the Office or appropriate officer or employee thereof.

§ 504.2a *Indispensable party.* The Chief of the Claims Branch shall be a necessary party in all claim proceedings.

§ 504.3 *Appearance.* (a) An individual may appear in a claim proceeding in his own behalf; a member of a partnership may represent the partnership; a bona fide officer of a corporation, trust or association may represent the corporation, trust or association, and an officer or employee of a federal, state or territorial agency, office or department may represent the agency, office or department.

(b) A person may be represented in a claim proceeding by an attorney at law admitted to practice before the Supreme Court of the United States or the highest court of any state or territory of the United Sates, or the Court of Appeals, or the District Court of the United States for the District of Columbia.

(c) Any person appearing in a claim proceeding may be required to file a power of attorney showing his authority to act in such capacity.

(d) *Limitations on Representative Activities by former employees.* See § 503.32 of the substantive rules of the Office.

§ 504.4 *Leave to be heard.* (a) Unless waived by the Hearing Examiner, requests for leave to be heard shall be in writing, shall set forth the nature and extent of the applicant's interest in the proceeding and shall be filed with the Chief Hearing Examiner not later than two (2) days prior to the date fixed for the commencement of the hearing.

(b) Leave to be heard may include leave to call and examine witnesses, to offer documentary evidence, to cross-examine witnesses, to file briefs, to submit proposed findings and conclusions and to make oral argument. The Hearing Examiner or the Director shall determine the time and extent of such participation.

§ 504.5 *Forms.* (a) Claims shall be filed on forms authorized or prescribed by the rules of this Office.

(b) Unless expressly waived by the Director, only claims filed in accordance with paragraph (a) of this section shall be considered as claim or notices of claim filed with this Office.

§ 504.6 *Amendment and withdrawal of claim.* (a) The claimant may amend his claim prior to hearing. After the opening of a hearing in a claim proceeding, amendment of the claim may be made with the consent of all parties or as allowed by the Hearing Examiner or the Director.

(b) The claimant may at any time withdraw his claim by notice in writing to that effect.

§ 504.7 *Order for hearing.* The Director or the Chief Hearing Examiner may issue an order for hearing in a claim proceeding. In fixing the time for hearing, due regard shall be given to the status of the claim proceeding and the convenience of the parties. The order shall specify the time, place, and nature of the hearing. The order shall be served by the Chief Hearing Examiner on all parties a reasonable time, but not less than ten (10) days, in advance of the hearing, unless the parties shall agree to a shorter time.

§ 504.8 *Designation of Hearing Examiner.* Prior to hearing, a Hearing Examiner shall be designated by the Director or the Chief Hearing Examiner. The Chief Hearing Examiner may be designated to act as a Hearing Examiner.

§ 504.9 *Removal of a claim proceeding and hearing by the Director.* (a) The Director may personally conduct a hearing and may exercise the other functions appropriate to the Hearing Examiner. The Director, at any stage of a claim proceeding before a Hearing Examiner, may remove the claim preceeding from the Hearing Examiner. Decisions of the Director under this section shall first be issued in tentative form.

§ 504.10 *Pre-hearing conferences.* (a) At any time prior to hearing, the Hearing Examiner may arrange for the parties to appear before him for a conference at a designated time and place to consider, among other things, simplification of the issues and any other matter which would tend to expedite the disposition of the proceeding.

(b) The action taken at the conference may be recorded in summary form or otherwise, for use at the hearing. Such record, when agreed to by the parties and approved by the Hearing Examiner, shall be conclusive as to the action embodied therein. Stipulations and admissions of fact and amendments shall be made a part of the record of the claim proceeding.

§ 504.11 *Consolidation of claims.* The Director or the Chief Hearing Examiner, upon his own motion or upon motion of any party, may, where such action will expedite the disposition of claims and further the ends of justice, consolidate claim proceedings.

§ 504.12 *Hearings.* (a) All hearings except hearings before the Director, shall be conducted by a Hearing Examiner. At any time prior to hearing, a Hearing Examiner may be designated to take the place of the Hearing Examiner previously designated to conduct the hearing. In the case of the death, illness, disqualification or unavailability of the Hearing Examiner presiding in any claim proceeding, another Hearing Examiner may be designated to take his place. Hearing Examiners shall, so far as practicable, be assigned to cases in rotation.

(b) The Hearing Examiner may withdraw from a case when he deems himself disqualified or he may be withdrawn by the Director after affidavits alleging personal bias or other disqualifications have been filed with the Director and the matter has been considered by the Director or by a Hearing Examiner.

(c) Hearings shall be held as ordered by the Director or the Chief Hearing Examiner and shall be open to the public unless otherwise ordered by the Director or the Hearing Examiner.

(d) Subject to the rules of the Office, Hearing Examiners presiding at hearings shall have the hearing powers set forth in section 7 (b) of the Administrative Procedure Act.

(e) Hearing Examiners shall act independently in the performance of their duties as examiners and perform no duties inconsistent with their duties and responsibilities as examiners. Save to the extent required for the disposition of

ex parte matters, no Hearing Examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate.

(f) The claimant shall be the moving party and shall have the burden of proof on all the issues involved in the claim proceeding. The claimant shall proceed first at the hearing in title claim proceedings. In debt claim proceedings the Hearing Examiner shall determine who shall first proceed.

(g) A presumption of the accuracy and the validity of the findings in a vesting order as to ownership of the property immediately prior to vesting shall be operative in all claims. Such findings shall be deemed accurate and valid unless contested or put in issue by a party, in which event such party shall have the burden of proving his allegations as to ownership of the property involved immediately prior to vesting.

(h) Any party and the hearing Examiner shall have the right and power to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence.

(i) In a claim proceeding, the rules of evidence prevailing in courts of law and equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial or unduly repetitious evidence.

(j) Any record, document or other writing, or any portion thereof, from the files of any foreign industrial, business or commercial enterprise, or from the official files of a foreign government, or any subdivision or agency thereof, shall, if otherwise relevant, be admissible in evidence in a claim proceeding as competent evidence of the matters therein contained, when authenticated by a certificate of a duly designated representative of the allied military or civilian authority of occupation, stating that such record, document or other writing came from the files of such enterprise, or from the official files of such foreign government and is in the custody of such allied authority of occupation. All circumstances in the making of such record, document or writing, as well as the lack of opportunity for cross-examination, shall be considered by the Director or the Hearing Examiner in determining its weight, but shall not affect its admissibility. A copy of such record, document or writing shall be equally admissible as the original, when accompanied by a certificate of the allied authority of occupation having custody thereof, stating that it conforms with the original.

(k) In the discretion of the Hearing Examiner, the hearing may be adjourned from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Hearing Examiner or by appropriate notice.

(l) Contemptuous conduct at any hearing before a Hearing Examiner shall be ground for exclusion from the hearing. Failure or refusal of a witness to appear at any such hearing or to answer any question which has been ruled to be proper may be ground for the striking out of all testimony which may have been previously given by such witness on related matters.

(m) Hearings shall be stenographically reported by a reporter designated by the Director or Chief Hearing Examiner and a transcript of such report shall be a part of the record and the sole official transcript of the proceeding. Such transcript shall include a verbatim report of the hearings. Nothing shall be omitted therefrom except as directed on the record by the Director or the Hearing Examiner. Corrections in the official transcript may be made with the consent of the Hearing Examiner to make it conform to the evidence presented at the hearing. Parties desiring copies of the transcript may obtain such copies from the official reporter upon payment of the fees fixed therefor.

(n) Hearing may be waived by the parties and the claim submitted on briefs to the Hearing Examiner, or to the Director with his consent.

§ 504.13 *Witnesses.* (a) Witnesses shall be examined orally under oath, except that, for good cause shown, testimony may be taken by deposition.

(b) Witnesses summoned before the Hearing Examiner shall be paid the same fees and mileage which are paid witnesses in the Courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

§ 504.14 *Subpoenas.* (a) The Director, Chief Hearing Examiner or the Hearing Examiner shall, upon application by any party, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence or documents. Application for the issuance of subpoenas duces tecum shall specify the books, records, correspondence or other documents sought.

(b) The Director, Chief Hearing Examiner or the Hearing Examiner, before issuing any subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

§ 504.15 *Depositions.* (a) Any party desiring to take a deposition shall make application therefor in writing, setting forth the reasons why such deposition should be taken, the name and residence of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition. Thereupon, the Director, the Chief Hearing Examiner or the Hearing Examiner, as the case may be, may, in his discretion, issue an order which will name the witness whose deposition is to be taken, state the scope of the testimony to be taken, and specify the time when, the place where, and the Officer before whom the witness is to testify. Such order shall be served upon all parties by the Chief Hearing Examiner a reasonable time in advance of the time fixed for taking testimony.

(b) The testimony shall be reduced to writing by the Officer or under his direction, after which the deposition shall be subscribed by the witness and certified by the Officer. Any part of a deposition not received in evidence shall not constitute a part of the record in such proceeding unless the parties so agree, or the Director so orders.

(c) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter and the Officer, shall be present at the examination of the witness, which fact shall be certified by the Officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness's own words.

(d) Where the deposition is taken in a foreign country, it may be taken before a secretary of an embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or before such person or officer as may be designated in the authorization or agreed upon by the parties by stipulation in writing filed with and approved by the Director, Chief Hearing Examiner or the Hearing Examiner.

(e) A witness whose deposition is taken pursuant to these rules and the Officer taking the deposition, unless he be employed by the Office, shall be entitled to the same fee and mileage paid for like service in the Courts of the United States, which fee shall be paid by the party at whose instance the deposition is taken, who may be required to deposit in advance an amount adequate to cover the fees and mileage involved.

§ 504.16 *Documents in a foreign language.* Every document, exhibit or paper written in a language other than English, which is filed in any claims proceeding, shall be accompanied by an English translation thereof duly verified under oath to be a true and accurate translation. Each copy of every such document, exhibit or paper filed shall be accompanied by a separate copy of the translation.

§ 504.17 *Motions.* (a) All motions and requests for rulings addressed to the Director, Chief Hearing Examiner or the Hearing Examiner shall state the purpose of and the relief sought, together with the reasons in support thereof.

(b) All motions and requests for rulings made during a hearing in a claims proceeding may be stated orally and shall be made a part of the transcript.

(c) Motions and requests which relate to the introduction or striking of evidence, or which relate to procedure during the course of the hearings, or to any other matters within the authority of the Hearing Examiner, may be stated orally and shall be ruled on by the Hearing Examiner. No exception need be taken to any ruling in order to entitle a party to urge on objection thereafter in the claim proceeding. Except as otherwise provided in this part, all other motions and requests shall be addressed to and ruled upon by the Director.

§ 504.18 *Withdrawal of papers.* The granting of a request to dismiss or with-

draw a paper, document or pleading shall not authorize the removal of the paper, document, or pleading from the records of the Office. No paper, document or pleading or pleading officially filed shall be returned unless the Director shall, for good cause, allow such return.

§504.19 *Oral argument and closing of hearing.* Any party shall be entitled, upon request, at the close of the hearing to a reasonable period for oral argument before the Hearing Examiner which oral argument may, with the consent of the Hearing Examiner, be included in the stenographic report of the hearing.

§ 504.20 *Proposed findings and conclusions.* (a) At the close of the reception of evidence before the Hearing Examiner or within a reasonable time thereafter, to be fixed by the Hearing Examiner, any party may submit to the Hearing Examiner proposed findings and conclusions together with a brief in support thereof. Such proposals shall be in writing and shall contain appropriate references to the records. Copies thereof shall be furnished to all parties. Reply briefs may be filed with the permission of the Hearing Examiner within a reasonable time, to be fixed by him. As far as practicable, procedure shall be followed of having claimant's brief filed first, followed by the brief of the Chief of the Claims Branch, with any reply briefs filed in the same order.

(b) Except where he shall have become unavailable to the Office, the decision shall be made by the Hearing Examiner who presided at the hearing. Where such Hearing Examiner shall have become unavailable to the Office the decision shall be made by the Director, which decision shall first be issued in tentative form.

§ 504.21 *Hearing examiner's decision.* (a) The Hearing Examiner, as soon as practicable after receipt of the complete transcript and all exhibits, shall make a decision which shall become a part of the record and include a statement of: (1) findings and conclusions as well as the reasons or basis therefor upon all the material issues of fact, law, or discretion presented on the record; (2) determination of the claim proceeding.

(b) At any time prior to the filing of his decision, the Hearing Examiner may, for good cause, re-open the case for the reception of further evidence.

(c) A copy of the Hearing Examiner's decision shall be served upon each party.

(d) Unless review has been undertaken in accordance with § 504.22 the decision of the Hearing Examiner shall be final and shall be the decision of this Office.

§ 504.22 *Review of the Hearing Examiner's decision*—(a) *In title claims proceedings.* Within thirty (30) days after service of a copy of the Hearing Examiner's decision, any party seeking review thereof shall petition the Director to review such decision. Such petition shall state the objections to the decision of the Hearing Examiner and the reasons in support of such objections. Within thirty (30) days after the filing of such petition, any party opposing the petition for review may file a memorandum to such effect. If the petition for review is granted, the Director shall fix a time for the filing of briefs and may provide for oral argument pursuant to § 504.24.

(b) *In debt claims proceedings and in proceedings concerning Attorneys' fees under section 20.* Within thirty (30) days after service of a copy of the Hearing Examiner's decision any party seeking appeal thereof shall file such appeal with the Director. The Director shall fix a time for the filing of briefs and may provide for oral argument pursuant to § 504.24.

§ 504.23 *Briefs before the Director.* Briefs shall be confined to the particular matters at issue. Reply briefs shall be confined to matters in original briefs of opposing parties.

§ 504.24 *Oral argument before the Director.* Oral argument may, in the discretion of the Director, be heard upon the request of any party. The Director will determine in each instance the time to be allowed for argument and the allocation thereof to the parties interested.

§ 504.25 *Waiver by the Director.* The Director may, with the consent of the parties, waive any of the requirements of this part when, in his opinion, the ends of justice would thereby be served.

§ 504.26 *Motion to dismiss.* (a) Motion to dismiss may be made by the Chief of the Claims Branch prior to the commencement of hearing. Such motion shall be in writing, shall state the reasons in support thereof and shall be filed with the Chief Hearing Examiner. A copy of the motion shall be served upon all parties by the Chief of the Claims Branch.

(b) Hearing on the motion shall be held at a time and place as ordered by the Director or Chief Hearing Examiner.

(c) Briefs may be submitted before the hearing, at the hearing, or if the Hearing Examiner has reserved ruling on the motion, within a time fixed by the Hearing Examiner after the close of hearing.

(d) Hearing before a Hearing Examiner may be waived by the parties and the matter submitted to the Director on briefs.

(e) Motion to dismiss a claim proceeding shall be granted by the Hearing Examiner, when the claim on its face is not allowable or when it appears that the claim has been abandoned.

(f) Unless review is undertaken by the Director, the decision of the Hearing Examiner upon the motion shall be final and shall be the decision of this Office. The review and appeal provisions of § 504.22 shall apply to decisions of the Hearing Examiner upon such motions.

§ 504.27 *Service*—(a) *By the Chief Hearing Examiner.* Orders, notices, rulings, decisions, and any other action taken by the Hearing Examiner requiring service shall be served by the Chief Hearing Examiner by registering and mailing a copy thereof to the parties, addressed to the person or persons designated in the notice of claim. When notice is not accomplished by registered mail, it may be effected by the Chief Hearing Examiner or anyone duly authorized by the Director by delivering a copy of the document at the principal office or place of business of the party to be served. The return post office receipt for said document or other paper registered and mailed or the verified return of the person accomplishing service, shall be proof of such service.

(b) *By the Director.* Any action taken by the Director in a claim proceeding shall be served by the Director in the manner provided in paragraph (a) of this section.

(c) *By parties.* Motions, briefs, proposed findings and conclusions, notices and all other papers filed in a claim proceeding, when filed with the Chief Hearing Examiner or the Director, shall show service thereof upon the parties to the claim proceeding. Such service shall be made by delivering in person or by mailing.

(d) *Service upon attorneys.* When any party has appeared by attorney, service upon the attorney shall be deemed service upon the party.

(e) *Date of service.* The date of service shall be the day when the matter is deposited in the United States mail or delivered in person, as the case may be.

§ 504.28 *Continuances and extensions.* Continuance with respect to any claim proceeding or hearing and extension of time for filing, or performing any act required or allowed to be done within a specified time, may be granted by the Director, Chief Hearing Examiner or the Hearing Examiner upon motion, for good cause shown, except where time for performance or filing is limited by the act.

§504.29 *Rehearing, reargument.* Any party seeking rehearing, reargument or any desired relief not specifically covered by this part, may petition the Director therefor, stating the relief sought and the reasons in support thereof. The Director may allow the petition in whole or in part and upon such conditions as he deems proper.

§ 504.30 *Fees.* (a) Prior to the return of vested property and prior to the payment of any debt claim, and after completion of the services in connection with such return or payment rendered by claimant's agents, attorneys at law or in fact or representatives, the Director, Chief Hearing Examiner or Hearing Examiner may, upon his own motion or upon the motion of any party, direct that any such agent, attorney at law or in fact or representative furnish a schedule of the fees to be paid.

(b) Unless hearing has been waived by all the parties and the attorneys involved, the determination required under section 20 shall be made by the Director or the Hearing Examiner, after notice of and opportunity for hearing. At such hearing the parties and their counsel shall have the right to offer evidence and oral and written argument. The review provisions of § 504.22 (b) shall be applicable to the decision of the Hearing Examiner with respect to fees.

§ 504.31 *Effective date.* This part shall become effective upon publication in the FEDERAL REGISTER. In any case where a hearing has been commenced, but no final decision by the Vested Property Claims Committee has been issued prior to said publication, the Chief Hearing Examiner shall appoint one or more members of the former Vested Property Claims Committee, who participated in the hearing, as the Hearing Examiner to continue the proceeding.

SUBPART B—TITLE CLAIMS

§ 504.100 *Definitions.* As used in the sections applicable solely to title claims, unless the context otherwise requires:

(a) The term "taxes" refers to taxes as defined under section 36 (d).

(b) The term "national interest" means the interest of the United States under section 32 (a) (5).

(c) The term "conservatory expenses" means expenses expended or incurred in the conservation, preservation or maintenance of vested property.

§ 504.101 *Order of processing.* Except in cases where hardship or other special circumstances exist, claims shall be processed, as nearly as practicable, in the order of their filing.

§ 504.102 *Procedure for allowance without hearing.* (a) The Chief of the Claims Branch may initiate a proceeding for allowance of a claim, or a separable part thereof, which he deems entitled to allowance without the necessity of a hearing thereon, by submitting to the Director a recommendation for allowance together with proposed findings and conclusions.

(b) The record in a claim proceeding under this procedure shall include the notice of claim and the evidence submitted by the claimant with respect thereto, the recommendation for allowance and the proposed findings and conclusions.

(c) The Director shall consider the record and may allow the claim.

(d) If the Director shall disagree with the recommendation of the Chief of the Claims Branch, the claim proceeding shall be remanded by the Director and restored to its former status.

(e) A claim under this procedure may be allowed notwithstanding the fact that the Chief of the Claims Branch makes no recommendation with respect to taxes, conservatory expenses or attorneys' fees. However, no return will be made prior to a determination of such matters and adequate provision made therefor.

§ 504.103 *Requirement for hearing.* No claim shall be allowed or disallowed except after hearing, unless the claim has been determined pursuant to § 504.102 or § 504.105.

§ 504.104 *Hearing calendar.* The Chief Hearing Examiner shall maintain a hearing calendar of all claim proceedings set for hearing.

§ 504.105 *National interest.* (a) Anything in this part to the contrary notwithstanding, the Director may (1) by order disallow the claim by citation of this rule or (2) by order suspend, for a fixed or indefinite time, further action by the Office in the claim proceeding by citation of this section, whenever it appears to his satisfaction that return of property claimed is not in the national interest for reasons of national security or foreign affairs or other matters falling within the scope of section 32 (a) (5).

(b) The Director may, upon his own motion or upon the motion of any party, direct, with respect to any question of fact relating to national interest, that hearing be held before a Hearing Examiner or the Director. The Hearing Examiner in such a hearing shall prepare recommended findings of fact only which shall be submitted to the Director with the transcript of the hearing.

§ 504.106 *Service and availability of decision.* Copies of the Decision of the Office shall be served on the parties. Copies of such decision will be filed with the Division of the Federal Register and will be available for public examination at the office.

§ 504.107 *Publication of notice of intention to return vested property.* Prior to the return of vested property, the Director will issue and file for publication with the FEDERAL REGISTER a notice of intention to return vested property.

§ 504.108 *Revocation of notice of intention to return vested property.* (a) The notice of intention to return vested property may be revoked by the Director, upon his own motion or the motion of any party, at any time prior to return.

(b) Notice of such revocation shall be served on the parties and filed for publication with the FEDERAL REGISTER.

§ 504.109 *Objections during publication period.* (a) Within thirty (30) days after publication of notice of intention to return vested property, objectors to the return of property set forth in the notice may file with the Director a written statement of the objections.

(b) Any objection so filed shall be considered by the Director prior to return of the property. The Director may reopen the claim proceeding as a result of such objections.

§ 504.110 *Return order.* Except in a claim proceeding where notice of intention to return vested property has been revoked in accordance with § 504.108 or objection has been filed pursuant to § 504.109 and has not been disposed of by the Director, an order directing return will issue as soon as practicable after the expiration of thirty (30) days following the publication of the notice. Such order shall be filed for publication with the FEDERAL REGISTER.

§ 504.111 *Final audit.* Prior to making full and final return of property pursuant to a return order, a final audit with respect to the property involved will be made. Any transactions occurring in the administration of such property shall be given effect in determining the actual amount of cash and other property to be returned pursuant to the return order.

§ 504.112 *Return of vested property.* After publication of the return order, completion of the final audit and final administrative determination with respect to taxes, fees and conservatory expenses, appropriate instruments and papers will issue returning the property claimed. The claimant receiving such property shall execute papers in such form as the Director shall determine, acknowledging receipt of the property returned.

SUBPART C—DEBT CLAIMS

§ 504.200 *Definitions.* As used in the sections applicable solely to debt claims, unless the context otherwise requires:

(a) The term "vested property of a debtor" means property of a debtor which he owned immediately prior to its becoming vested property.

(b) The term "money available for payment of claims" means such money included in, or received as net proceeds from the sale, use, or other disposition of vested property of a debtor as shall remain after deduction of expenses and taxes.

(c) The term "expenses" means the amount of the expenses of the Office of Alien Property and the former Office of Alien Property Custodian, including both expenses in connection with vested property of the debtor involved and such portion as the Attorney General shall fix of the other expenses of the Office of Alien Property and the former Office of Alien Property Custodian, and such amount, if any, as the Attorney General may establish as a cash reserve for the future payment of such expenses.

(d) The term "taxes" means taxes as defined in section 36, and includes taxes paid by the Attorney General in respect of vested property of the debtor involved and such amount, if any, as the Attorney General may establish as a cash reserve for the uture payment of such taxes.

(e) The term "debtor's solvent estate" means money available for payment of claims which money at the time of computation exceeds the aggregate of claims filed against a particular debtor.

(f) The term "debtor's insolvent estate" means money available for payment of claims which money at the time of computation is less than the aggregate of claims filed against a particular debtor.

(g) The term "related claimants" refers to all claimants with respect to a particular debtor's insolvent estate.

(h) The term "proposed payment" refers to payment proposed to be made to claimants whose claims against a debtor's insolvent estate have been allowed in whole or in part.

§ 504.201 *Procedure for allowance and payment without hearing of claims against debtors' solvent estates.* (a) With respect to claims against debtors' solvent estates, the Chief of the Claims Branch may initiate a proceeding for allowance of a claim, or a separable part thereof, which he deems entitled to allowance, by submitting to the Director a recommendation for allowance, together with proposed findings and conclusions.

(b) The record in a claim proceeding under this procedure shall include the notice of claim and any evidence submitted by the claimant with respect thereto, the recommendation for allowance and the proposed findings and conclusions.

(c) The Director shall consider the record and may allow the claim.

(d) If the Director shall disagree with the recommendation of the Chief of the Claims Branch, the claim proceeding shall be remanded by the Director and restored to its former status.

(e) A claim under this procedure may be allowed notwithstanding the fact that the Chief of the Claims Branch makes no recommendation with respect to attorneys' fees. However, no payment will be made prior to a determination of attorneys' fees.

§ 504.202 *Requirement for hearing.* No claim shall be allowed or disallowed except after hearing, unless hearing has been waived by the parties or unless the claim has been allowed pursuant to § 504.201.

§ 504.203 *Hearing docket.* (a) A separate hearing docket of claims set for hearing will be maintained by the Chief Hearing Examiner for debt claims against debtor's solvent estates and debt claims against debtors' involvent estates.

(b) The Chief Hearing Examiner shall transfer a debt claim from the debtors' insolvent estates docket to the debtors' solvent estates docket, or vice versa, as the need for change appears. A claim transferred at any time prior to the payment thereof from the debtor's solvent estate docket to the debtor's insolvent estate docket, irrespective of the stage of the administrative process at the time of the transfer, shall be processed as a claim against a debtor's insolvent estate.

§ 504.204 *Claims against debtors' insolvent estates.* (a) With respect to claims against a particular debtor's insolvent estate, the Chief of the Claims Branch may prepare a list of the claims filed and a schedule of the claims he will move for allowance at the hearing and the claims he will contest together with the priorities and payments proposed by him. Such schedule shall be made available to all related claimants by the Chief of the Claims Branch a reasonable time prior to hearing.

(b) All related claimants shall be given opportunity to oppose the allowance, priority or payment of the claim of any related claimant.

(c) At the close of the hearing and after opportunity for oral argument, proposed findings and conclusions and briefs, pursuant to §§ 504.19 and 504.20, the Hearing Examiner, as soon as practicable after receipt of the complete transcript and all exhibits, shall issue his decision which shall include a determination as to allowance or disallowance, and a schedule of the claims allowed with priorities assigned thereto and the payment to be made to each claimant. The Hearing Examiner may issue such schedule either in tentative or final form. If issued in tentative form it shall thereafter be issued in final form with any modifications the Hearing Examiner may see fit to make after having afforded an opportunity for hearing on such tentative schedule.

(d) Unless appealed, the decision, including the schedule, of the Hearing Examiner shall be the decision of the Office. The decision of the Hearing Examiner is subject to appeal in accordance with the provisions of § 504.22.

§ 504.205 *Cases of no vested property of debtor.* Where there does not exist any vested property of a debtor with respect to which debt claims have been filed, the claimant shall be notified thereof and the claim, after opportunity for hearing before a Hearing Examiner, shall be ordered dismissed.

§ 504.206 *Determination of the aggregate of claims filed against a debtor.* In determining the aggregate of claims filed against a debtor, there shall be excluded claims which have been withdrawn and claims which have been dismissed pursuant to § 504.26 or § 504.205 as to which no complaint for review has been filed within sixty (60) days after the date of service of the dismissal.

§ 504.207 *Payment of allowed claims—*(a) *Claims against a debtor's solvent estate.* As soon as practicable after the allowance of a claim, in whole or in part, against a debtor's solvent estate, the claim will be paid to the extent allowed.

(b) *Claims against a debtor's insolvent estate.* To the extent that the proposed payment of a claim against a debtor's insolvent estate has not been made the subject of a complaint for review under section 34 (f), the Director may order payment thereof, after the time for the filing of such complaint for review has expired. To the extent that the allowance and disallowance of claims and proposed payments with respect thereto have been made the subject of a complaint for review under section 34 (f), payment will be made in accordance with the final adjudication thereof.

§ 504.208 *Future payments.* (a) If additional moneys become available for the payment of claims after the first payment on allowed claims against a debtor's insolvent estate, the Chief of the Claims Branch shall submit to the Chief Hearing Examiner notice thereof and the suggested payments to be made. Copies thereof shall be served on each claimant whose claim was allowed and has not been discharged in full.

(b) At the request of any such claimant, a hearing shall be held before a Hearing Examiner with respect to the suggested payments, at which hearing all such claimants shall be entitled to be heard.

(c) The Hearing Examiner shall prepare a decision setting forth the payments to be made to claimants in accordance with the priorities previously assigned. Unless appealed, such decision shall be final and shall be the decision of the Office. The appeal provisions of § 504.22 apply to the decision of the Hearing Examiner.

SUBPART D—GENERAL CLAIMS

§ 504.300 *General claims.* All claims against the Attorney General of the United States relating to the Office of Alien Property or against his predecessor, the Alien Property Custodian, other than title and debt claims as defined in § 504.2 2 (e) and (f), shall be known as "general claims" under this part. Unless forms have been prescribed or authorized for the filing or assertion thereof, general claims may be filed or asserted by letter addressed to the Director of the Office of Alien Property containing a statement of the details of the claim.

Executed at Washington, D. C., this 14th day of August 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7762; Filed, Aug. 18, 1947; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

INSURANCE OF LOANS FOR THE MANUFACTURE OF HOUSES

§ 500.37 *Insurance of loans for the manufacture of houses, section 609, Title VI, National Housing Act—*(a) *Purpose.* To assist in relieving the acute shortage of housing which now exists and to promote the production of housing for veterans of World War II at moderate prices or rentals within their reasonable ability to pay, through the application of modern industrial processes.

(b) *Applicant.* The applicant may be any lender which is approved as a mortgagee under sections 203 (b) or 603 (b) of the National Housing Act, and any other chartered institution or permanent organization having succession upon its approval by the Commissioner for a particular transaction.

(c) *Application.* The application must be made upon FHA Form 2800, together with eight exhibits, identified as follows:

Exhibit A—Business Organization.
Exhibit B—Plant Facilities.
Exhibit C—Description of Houses.
Exhibit D—Financial Statements.
Exhibit E—Production and Marketing.
Exhibit F—Manufacturing Cost.
Exhibit G—Cash Budget.
Exhibit H—Legal Documents.

The application should be forwarded to the Federal Housing Administration, Washington 25, D. C., and be accompanied by the lender's check for a sum computed at the rate of $3 per $1,000 of the original principal amount of the loan applied for.

(d) *Borrower.* The borrower must be a manufacturer of houses which, generally speaking, will have floors, exterior walls, bearing partitions, ceilings and roofs that are fabricated in a plant utilizing power machinery and mass production methods. These houses may be manufactured as complete units or they may consist of substantially complete fabricated sections to be fitted together on the site. Floors may be omitted from the manufactured product when concrete floors are specified. He must have (1) adequate plant facilities, (2) sufficient capital funds, taking into account the loan applied for, and (3) the experience necessary to achieve the required production schedule. The borrower must have a general credit standing satisfactory to the Commissioner.

(e) *Commitment.* If the application is found to be eligible, a commitment to insure the loan will be issued by the Federal Housing Administration to the applicant (lending institution). Such commitment will set forth the terms and conditions upon which the loan will be insured.

(f) *Contract of insurance.* After the loan has been closed in accordance with the terms and conditions of the commitment, a Contract of Insurance will be issued to the insured (lending institution).

(g) *Preliminary analysis.* Prior to the filing of the formal application, the proposed borrower or the proposed lender may submit to the Federal Housing Administration a request for a preliminary analysis with respect to specific questions of eligibility upon FHA Form 2801, which request should be forwarded to Washington headquarters.

(h) *Request for preliminary analysis.* (1) A request for preliminary analysis is to be made by the proposed borrower on FHA Form 2801 (Request for Preliminary Analysis), together with any or all of the following exhibits:

Exhibit A—Business Organization.
Exhibit B—Plant Facilities.
Exhibit C—Description of Houses.
Exhibit D—Financial Statements.
Exhibit E—Production and Marketing.
Exhibit F—Manufacturing Cost.

(2) The instructions for completion of each exhibit are contained on the exhibit forms. Each of these forms will constitute the first page or pages of the respective exhibit, which may include additional pages, schedules, statements, plans, specifications, and such other material as is pertinent to the exhibit.

(3) It is not required that all the exhibits submitted for preliminary analysis be submitted at one time. If there appears to be any doubt about any one phase of the operation meeting eligibility requirements, the schedule or schedules relating to that phase may be submitted for analysis before proceeding with the completion of all the schedules. Each schedule or set of schedules submitted should be accompanied by FHA Form 2801.

(4) FHA will retain one copy of each exhibit submitted for preliminary analysis. When formal application is later made on FHA Form 2800 only one copy of each such exhibit need be submitted to FHA.

(i) *Result of preliminary analysis.* If the exhibit submitted appear from preliminary analysis to conform to the rules and regulations and otherwise appear to be complete and satisfactory, the Federal Housing Administration will return to the proposed borrower one copy of such exhibits, together with one copy of FHA Form 2801, signed by the Federal Housing Administration and indicating that said exhibits have been examined and are in order for submission by an approved lending institution with Application for Insurance (FHA Form 2800). It should be understood that that statement on the part of the Federal Housing Administration does not constitute a final approval of the exhibits which have been given preliminary examination and that such exhibits will be subject to further review in connection with review by the Federal Housing Administration of the complete application filed by the lending institution. (Sec. 3, Pub. Law 120, 80th Cong.)

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

AUGUST 11, 1947.

[F. R. Doc. 47-7733; Filed, Aug. 18, 1947; 8:50 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 03—DELEGATIONS OF AUTHORITY

Sec.
03.1 Open market purchases.
03.2 Execution and approval of contracts.
03.3 Subject to statutes and regulations.

AUTHORITY: §§ 03.1 to 03.3, inclusive, issued under secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; 43 CFR 4.100, 12 F. R. 4115.

§ 03.1 *Open market purchases.* Open market purchases (i. e., procurement of supplies and services without advertising for bids) may be made by the chiefs of the branches, divisions and principal offices of the Headquarters Organization of the Bureau of Mines in Washington, D. C., and by the head or chief officer of each office of the Field Organization of the Bureau of Mines, subject to the following conditions and exceptions:

(a) A limit of $100 on any purchase made in reliance upon an appropriation expenditures from which are otherwise subject to competitive bidding under the requirements of R. S. 3709, amended (Public Law 600, 79th Cong.; 60 Stat. 806).

(b) A limit of $500 on any purchase for the investigation of domestic sources of mineral supply, as authorized by the act of June 28, 1941 (55 Stat. 344, 41 U. S. C. Sup. 6a (m)).

(c) Office furniture and equipment, including stationery, office supplies, desks, mimeograph machines, etc.

(d) Automobiles and trucks.

(e) Items which must be purchased from contractors under the General Schedule of Supplies, from Federal Prison Industries, Inc., or from the Committee on Blind-Made Products.

(f) Books, periodicals, newspapers, printing and binding.

(g) Open market purchases must not be made without ascertaining first that there is a sufficient allocation of money from an available appropriation to cover the cost.

(h) Even where advertising for competitive bidding is not required, supervising officers should nevertheless obtain at least informal quotations with respect to any purchases in excess of $100 up to $500 and written quotations in the case of purchases in excess of $500.

§ 03.2 *Execution and approval of contracts.* (a) The power to sign as contracting officer contracts other than the open-market purchases referred to in § 03.1, will be delegated from time to time to the particular field officer or project engineer who will be directly responsible for the administration of the particular contract. Such contracts shall not become binding until approved under the powers referred to in paragraphs (b) and (c) of this section, and such approval shall be sufficient evidence of the delegation of power to the contracting officer.

(b) To the Chief of the Administrative Branch is delegated the power to make the final approval of all contracts in which the consideration to be paid by the Government is not more than $10,000, except contracts for construction, drilling operations, the sale of helium, and cooperative agreements.

(c) The power to make the final approval of all contracts in which the consideration to be paid by the Government is more than $10,000, all contracts for construction, the sale of helium, drilling operations, and cooperative agreements, is reserved in the Director.

§ 03.3 *Subject to statutes and regulations.* The powers delegated in this part are subject to all pertinent and applicable statutes and regulations of other Departments and agencies of the Government.

A. C. FIELDNER,
Acting Director.

[F. R. Doc. 47 7721; Filed, Aug. 18, 1947; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

AUTHORIZATION OF CERTAIN TRANSACTIONS WITH RESPECT TO CHECKS, DRAFTS, ETC.

AUGUST 19, 1947.

Amendment to General License No. 88 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.88 *General License No. 88* is hereby amended to read as follows:

§ 131.88 *General License No. 88; certain transactions with respect to checks, drafts, etc., authorized—*(a) *Sending of checks, drafts, etc.* The sending, mailing, exporting, or otherwise taking of any check, draft, bill of exchange, promissory note, currency, or any security from the United States to Spain or Portugal may be effected pursuant to the terms and conditions of § 131.52 or § 131.70 (General Licenses Nos. 52 or 70).

(b) *Carrying of travelers checks, and currency by persons departing from the United States.* Persons departing from the United States for Spain or Portugal are hereby authorized to carry:

(1) Travelers checks and checks drawn on the Treasury of the United States provided such checks are issued in the name of the person carrying them;

(2) All currency. (Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April

10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Reg. Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp. 130.1–7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47–7748; Filed, Aug. 18, 1947; 8:50 a. m.]

APPENDIX A TO PART 131—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PROHIBITION AND AUTHORIZATION WITH RESPECT TO CERTAIN TRANSACTIONS IN CHECKS, DRAFTS, ETC.

AUGUST 19, 1947.

Revocation of General Ruling No. 5A under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General Ruling No. 5A is hereby revoked.

(Sec. 3 (a), 40 Stat. 412, sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regs., Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47–7747; Filed, Aug. 18, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 7,[1] Amdt. 1]

PART 705—ADMINISTRATION

EXEMPTIONS FROM PRICE CONTROL OF CERTAIN TRANSACTIONS IN SUGAR

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority conferred upon the Secretary of Agriculture by the Sugar Control Extension Act of 1947; *It is ordered*, That General Order No. 7 be amended in the following respects:

[1] 12 F. R. 4267.

1. The present text of General Order No. 7 is designated as paragraph (a), and a new paragraph (b) is added to read as follows:

(b) Notwithstanding the provisions of any maximum price regulation, contracts to sell and purchase raw sugar produced from sugarcane harvested in offshore areas on and after November 1, 1947, and in the mainland cane sugar area on and after October 1, 1947, provided sugar from the latter area is not delivered until after October 31, 1947, are exempt from price control.

(Pub. Law 30, 80th Cong.)

This amendment shall become effective August 13, 1947.

Issued this 13th day of August 1947

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Opinion Accompanying Amendment No. 1 to General Order No. 7

The accompanying amendment adds contracts to sell and purchase raw sugar produced from sugarcane harvested in offshore areas on and after November 1, 1947, and in the mainland cane sugar area on and after October 1, 1947, provided sugar from the latter area is not delivered until after October 31, 1947, to the list of transactions exempt from price control.

The Commodity Credit Corporation heretofore has purchased most of the available offshore raw sugar and resold it to continental refiners. However, the resale contracts also provide that sugar purchased by refiners from other sellers could be included under such contracts upon approval by Commodity Credit Corporation of the contracts to purchase, which was necessary to insure uniformity in prices. The Commodity Credit Corporation has recently modified these contracts, so that continental sugar refiners might contract to purchase raw sugar produced from sugarcane harvested on and after November 1, 1947, which would not be subject to provisions of the resale contracts. Refiners have requested that contracts for the purchase of such sugar be removed from price control to facilitate their purchase of the raw sugar that will be produced from the next sugarcane crops.

The Sugar Control Extension Act authorizes continued price control over sugar only until October 31, 1947. Raw sugar produced from the next sugarcane crops will not be ready for delivery to refiners until after that date, with minor exceptions. It is the opinion of the Secretary of Agriculture that the exemption from price controls of contracts entered into between now and October 31, 1947, for the purchase of such raw sugar will have no appreciable effect on the price, supply, or movement of sugar during the remaining period for which price control over sugar is authorized. Therefore, the Secretary of Agriculture has determined that such contracts should be exempted from price control.

[F. R. Doc. 47–7754; Filed, Aug. 18, 1947; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

GIFT PARCELS FOR PRISONERS OF WAR HELD IN CZECHOSLOVAKIA

The regulations under the country "Czechoslovakia" (39 CFR, Part 21, Sub-Part B) are amended by the addition of the following:

Ordinary (unregistered or uninsured) gift parcels not exceeding $2 in value may be sent by parcel post free of postage to prisoners of war held in Czechoslovakia under the following conditions:

(1) Contents permitted are nonperishable foodstuffs, cigarettes, clothing, soaps and shaving preparations, mailable medicines and similar items of a relief nature. Parcels must not contain any written or printed matter of any kind.

(2) Maximum weight: 11 pounds. Maximum dimensions: Greatest length, 42 inches. Greatest length and girth combined, 72 inches.

(3) The parcels shall not be sealed, and shall be packed closely, and carefully and securely wrapped in a manner which will facilitate opening for inspection.

(4) The wrappers of the parcels must be endorsed "Prisoner of War—Gift Parcel" and "Postage Free."

(5) The contents of each parcel shall be listed on a customs declaration (Form 2966) which shall be affixed to the outside of the parcel. No other postal forms are required to accompany the parcels.

(6) No labels will be issued by the Czechoslovak authorities for the sending of parcels to prisoners of war in that country. However, not more than one parcel per week may be sent by the same sender to the same prisoner of war.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 369)

J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47–7723; Filed, Aug. 18, 1947; 8:51 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SHIPMENT OF OVERSEAS FREIGHT

CROSS REFERENCE: For exceptions to the provisions of § 502.202 see Part 522 of this chapter, *infra*.

[General Permit ODT 16C, Rev. 1B]

PART 522—DIRECTION OF TRAFFIC MOVEMENT; EXCEPTIONS, EXEMPTIONS, AND PERMITS

SHIPMENT OF OVERSEAS FREIGHT

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 16C, Revised, as amended, General Permit ODT 16C, Revised—1A, as amended, shall be superseded, and it is hereby ordered, that:

§ 522.661 *Shipment of overseas freight.* Notwithstanding the prohibitions contained in § 502.202 of General Order ODT 16C, Revised, as amended (11 F. R. 13426, 13465, 13913), any person may offer to a rail carrier and any rail carrier may accept for transportation, or transport to or within any port area named in Appendix A of General Order ODT 16C, Revised, as amended, any carload shipment of overseas freight when consigned to a public warehouse for storage, or in car of a port terminal carrier for carrier storage when in either case prior arrangements have been made for such storage, or when such freight is covered by a bona fide steamship contract or booking with an ocean carrier, and the shipping order and other shipping documents covering the rail transportation of such freight bear a certification made by the shipper that such storage arrangements have been made or that a steamship contract or booking has been obtained. Such certification shall show the steamship contract number, the name of the vessel, the steamship agent at the port of export, and the first date the steamship company will accept such shipment at the port of export, or shall show the name of the storage facility, whichever is applicable.

§ 522.662 *Shipments of bulk coal and coke.* Notwithstanding the prohibitions contained in § 502.202 of General Order ODT 16C, Revised, as amended, any person may offer to a rail carrier and any rail carrier may accept for transportation, or transport to or within any port area named in Appendix A of General Order ODT 16C, Revised, as amended, any shipment of overseas freight consisting of coal, in bulk, or coke, in bulk.

This General Permit ODT 16C, Revised–1B shall become effective at 12:01 o'clock a. m., August 16, 1947.

General Permit ODT 16C, Revised–1A, as amended, (12 F. R. 2094, 5427) is hereby revoked as of the effective date of this General Permit ODT 16C, Revised–1B.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Laws 29 and 188, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 14th day of August 1947.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 47–7736; Filed, Aug. 18, 1947; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 947]

FALL RIVER, MASS., MILK MARKETING AREA

NOTICE OF PUBLIC MEETING FOR CONSIDERATION OF PROPOSED AMENDED RULES AND REGULATIONS

Notice is hereby given that pursuant to authority contained in Order No. 47, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area, a public meeting will be held at the Market Administrator's Office, 103 Pleasant Street, Fall River, Massachusetts, on August 22, 1947, at 10:00 a. m., e. d. s. t., to consider proposed amended rules and regulations to supersede the rules and regulations[1] issued by the market administrator to effectuate the terms and provisions of said order. All persons who desire to submit oral data, views, or arguments in connection with the proposed rules and regulations will be given an opportunity to do so at the meeting. All persons who desire to submit written data, views, or arguments in connection with the proposed amended rules and regulations shall submit them to the market administrator at 103 Pleasant Street, Fall River, Massachusetts, by mail or otherwise, in time to be received not later than 5:15 p. m., e. d. s. t., August 25, 1947.

The market administrator proposes the following amended rules and regulations:

§ 947.101 *Scope.* These rules and regulations are made by the market administrator pursuant to § 947.2 (b) (3) of Order No. 47, as amended, issued by the Secretary of Agriculture, regulating the handling of milk in the Fall River, Massachusetts, marketing area, hereinafter referred to as the "order". The terms used herein shall have the same definitions as are set forth in § 947.1 of the order.

§ 947.102 *Determination of normal supply for a market other than the marketing area.* Only milk received from dairy farmers designated for other markets shall be considered as a handler's normal supply for a market other than the marketing area pursuant to § 947.1 (f) (2) of the order. In reporting to the market administrator dairy farmers designated for other markets, such dairy farmers shall be reported individually by name, or, if a handler receives milk from a plant of a person not a handler, all of which milk the handler considers as a normal supply for a market other than the marketing area, all of the dairy farmers delivering to such plant shall be considered as dairy farmers designated for other markets if the handler reports such dairy farmers to the market administrator collectively as dairy farmers designated for other markets.

§ 947.103 *Producer - handlers*—(a) *Qualification of producer-handlers.* A producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary:

(1) Evidence in writing on the form provided by the market administrator that the manner in which such producer-handler produces and distributes his milk is in compliance with § 947.1 (j) of the order.

(2) Evidence in writing on the form provided by the market administrator of any change in the manner in which such producer-handler produces and distributes his milk which would effect his qualifications as a producer-handler pursuant to § 947.1 (j) of the order.

(b) *Receipts from producer-handlers.* (1) Milk received from a producer-handler for the purpose of being processed and packaged and returned to him shall be considered as a receipt from a handler. However, any excess of receipts in bulk from a producer-handler over the quantity of processed and packaged milk returned to him during the delivery period shall be considered as a receipt from a producer.

(2) Milk received from a producer-handler with respect to which he is not considered a producer shall be considered as received from a handler.

(c) *Reports of production.* If milk of a producer-handler's production is produced on more than one farm, the amount produced on each farm shall be reported separately.

§ 947.104 *Classifications*—(a) *Milk from a Federal order plant.* If a handler receives milk from a Federal order plant at a plant at which no milk is received from producers and transfers during the delivery period an amount of milk not in excess of the amount received from a Federal order plant during the delivery period to another handler's plant at which milk is received from producers, such milk shall be considered, for the purpose of classification, as milk from a Federal order plant.

(b) *Milk transferred to a second buyer.* Milk transferred from a handler's plant at which milk is received from producers to another handler and subsequently to the plant of a third person not a handler under the order shall be classified as Class I not to exceed the total Class I, during the delivery period at the plant of the person who is not a handler.

(c) *Class II milk received from a plant at which no milk is received from producers.* Milk received by a handler at a plant at which milk is received from producers, as a Class II receipt from a plant at which no milk is received from producers, shall be considered as other source milk and shall be classified ac-

[1] These rules and regulations have not been filed with the Division of the Federal Register.

cordingly. In case the amount of Class II remaining after the proration of allowable plant shrinkage is less than the total amount of other source milk, such milk received by such handler as a Class II receipt from a plant at which no milk is received from producers shall be first considered as Class II milk.

(d) *Classification of transfers and milk received completely processed and packaged.* If the amount of Class II remaining after the proration of allowable plant shrinkage and the classification of other source milk is insufficient to absorb the amount of milk received completely processed and packaged from a Federal order plant and classified as Class II according to actual use established plus the amount of milk transferred from a plant at which milk is received from producers to another handler and classified as Class II pursuant to § 947.5 (c) of the order, such remaining Class II shall be first applied to such milk received completely processed and packaged from a Federal order plant and classified as Class II according to actual use established and then to such milk transferred from a plant at which milk is received from producers to another handler and classified as Class II, and any remaining amount shall be Class I.

(e) *Class I utilization.* A handler's total Class I utilization in the marketing area during the delivery period cannot exceed the amount of Class I producer milk, including any plant gain, plus milk received from a Federal order plant and classified as Class I plus milk received from plants outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York, and classified as Class I plus Class I pursuant to paragraph (d) of this section received by such handler during the delivery period. If the computations set forth in § 947.5 (d) of the order indicate that a portion of the milk received from dairy farmers who were reported by the handler pursuant to § 947.102 as dairy farmers designated for other markets was disposed of in the marketing area as Class I milk during the delivery period, all such dairy farmers designated for other markets will be considered as producers for the delivery period.

(f) *Milk which does not enter a handler's plant.* Milk which a handler takes possession of from another handler's plant and transfers directly to a third handler's plant without such milk having entered the transferring handler's plant shall be considered as a transfer from the first handler's plant to the third handler's plant.

(g) *Plant Shrinkage.* The provisions of this paragraph shall apply in determining the quantity of plant shrinkage to be classified in Class II milk pursuant to § 947.5 (b) (2) (ii) of the order.

(1) Plant shrinkage shall be determined by subtracting the total of specific uses from the volume handler.

(2) Plant shrinkage can be established only if the handler keeps records adequate to establish the total of specific uses and the volume handled. If such records are not maintained or are not made available to the market administrator, or his agent, plant shrinkage cannot be established and the total quantity of milk and milk products not specifically accounted for shall be classified as Class I.

(h) *Verification of reports.* If a handler fails or refuses to make available to the market administrator or his agent such records and facilities as the market administrator finds necessary for the verification of the information contained in reports submitted by such handler pursuant to § 947.3 of the order, all milk shall be classified as Class I except that, if a quantity of milk is established as having been utilized in Class II, such classification shall be recognized to the extent of established use in Class II.

§ 947.105 *Payments to producers.*—(a) *Samples for butterfat testing.* Handlers shall take a representative sample of milk from each delivery of milk received by them from producers or from cooperative associations for butterfat testing.

(b) *Deductions.* In making payments to producers or cooperative associations pursuant to § 947.8 (a) (1) of the order, handlers shall not make deductions other than those allowed in § 947.8 (b) and (c) of the order unless such deductions are authorized in writing by the individual producer or a properly authorized cooperative association.

§ 947.106 *Administration assessment.* Assessment for expense of administration shall be paid by the handler at whose plant milk is received from producers, or, in the case of a handler's plant at which no milk is received from producers, by the handler from whose plant Class I milk is distributed directly in the marketing area.

§ 947.107 *Reports.* The following forms provided by the market administrator shall be submitted to the market administrator by handlers. In case the specific form is not available, the equivalent written information shall be submitted.

(a) *Stopped Delivery Notice.* This form shall be executed and submitted promptly for each producer stopping delivery.

(b) *Started Delivery Notice.* This form shall be executed and submitted promptly for each producer starting delivery.

(c) *Report Form 1047–A showing receipts and disposition of milk, skim milk, and cream.* This form shall be executed and submitted on or before the 7th day after the end of each delivery period by each handler.

(d) *Notice of Producers Miscellaneous Deductions and Assignments.* This form shall be executed and submitted at the same time information required in § 947.3 (a) (4) of the order is submitted if deductions other than those authorized in § 947.8 (b) and (c) of the order are made by the handler.

§ 947.108 *Conversion factors.* In the absence of specific weights, the weight of milk products received or disposed of in 1-quart or 40-quart containers shall be determined according to the following table, and the weight of such products in any other container shall be determined by multiplying the equivalent number of quarts in such container.

Product	Butterfat test	Weight (in pounds)	
		Per quart	Per 40-quart can
	Percent		
Skim milk and buttermilk	0.5	2.16	86.4
All class I milk products	0.5 to 16	2.15	86
Cream	16	2.136	85.4
	17	2.131	85.2
	18	2.132	85.3
	19	2.130	85.2
	20	2.128	85.1
	21	2.126	85
	22	2.124	84.9
	23	2.122	84.8
	24	2.120	84.8
	25	2.118	84.7
	26	2.116	84.6
	27	2.114	84.5
	28	2.111	84.4
	29	2.109	84.3
	30	2.108	84.3
	31	2.106	84.2
	32	2.104	84.1
	33	2.102	84
	34	2.100	84
	35	2.099	83.9
	36	2.097	83.8
	37	2.095	83.8
	38	2.093	83.7
	39	2.091	83.6
	40	2.091	83.6
	41	2.091	83.6
	42	2.090	83.6
	43	2.088	83.5
	44	2.087	83.5
	45	2.085	83.4
	46	2.084	83.4
	47	2.082	83.3
	48	2.081	83.2
	49	2.079	83.2
	50	2.078	83.1

[1] Less than

(Amended Order No. 47, 12 F. R. 4986)

Issued at Fall River, Massachusetts, this 14th day of August 1947.

[SEAL] JOHN J. HOGAN,
Market Administrator.

[F. R. Doc. 47-7752; Filed, Aug. 18, 1947; 8:49 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 27]

[Docket No. FDC 48]

CANNED APRICOTS WITH RUM, CANNED PEACHES WITH RUM, CANNED PEARS WITH RUM; CANNED CHERRIES WITH RUM; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY AND FILL OF CONTAINER

NOTICE OF PROPOSED RULE MAKING

It is proposed that by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371); and upon the basis of substantial evidence of record at the public hearing held pursuant to notice issued on March 26, 1947 (12 F. R. 1993, 1994), the following order be made:

Findings of fact.[1] 1. Rum is an alcoholic beverage distilled from fermented cane juice or molasses. It varies in its content of alcohol from 80 proof to 190 proof. Its flavoring properties are due to congeneric substances, and rums vary greatly in their content of such substances. Rums sold for culinary use are usually of about 150 proof. (R. 68–72, 77–78, 107, 109, 113, 118, 196; Ex. 8)

2. If rum is used as a flavoring or seasoning ingredient in canned peaches, canned apricots, canned pears, canned cherries, and canned fruit cocktail, it effects changes in the taste of such foods, in the uses for which consumers consider them suitable, and increases their cost in proportion to the amount of rum used. (R. 17, 135, 140–141, 153, 167–171, 220–222, 236–237, 244–246, 252–255)

3. Approximately one fluid ounce of rum per pound of each finished food is required to give a characteristic taste of rum to canned peaches, canned pears, canned apricots, canned cherries, and canned fruit cocktail. (R. 45, 65, 85, 103; Ex. 4, 5, 6, 7)

4. When one fluid ounce of rum of approximately 150 proof is added per pound to canned peaches, canned apricots, canned pears, canned cherries, and canned fruit cocktail, the alcoholic content by weight of each of these foods is brought to about 4 percent, and their character is so changed that consumers generally would consider them foods distinctly different from canned peaches, canned apricots, canned pears, canned cherries, canned fruit cocktail, even if the labels of each such food carry the explanatory designation "Seasoned with Rum." Due to variations in alcoholic content of rum used for flavoring and to other causes, the alcoholic content of such foods may vary from 3 percent to 5 percent by weight. (R. 135, 140–142, 202–204, 228, 244–247, 252–256, 262)

5. There has been no commercial production of canned peaches, canned apricots, canned cherries, canned pears, and canned fruit cocktail, containing added rum in approximately the proportion of one fluid ounce of rum per pound of such canned fruits, but experiments recently made indicate that desirable foods can be produced by adding rum during the process of canning to peaches, apricots, pears, and cherries. However, the addition of rum to canned fruit cocktail in the stated proportions destroys the blended fruit flavor characteristic which is expected by consumers of this food. (R. 14, 41, 75, 82–83, 134, 149–154, 199–204, 243–245, 251, 254–256; Ex. 4, 5, 6)

6. Definitions and standards of identity for canned peaches, canned apricots, canned pears, and canned cherries which contain approximately one fluid-ounce of rum per pound of finished fruit are necessary to enable the consumer to differentiate between such foods, respectively, and canned peaches, canned apricots, canned pears, and canned cherries which do not contain rum; but the expectancy of consumers of fruit cocktail would be defeated if a food containing the fruit ingredients of canned fruit cocktail with rum added in the stated proportions were to be made the subject of a separate definition and standard of identity under a designation which included the term "fruit cocktail". (R. 141, 143, 149, 153–155, 222, 228–229, 243–248, 253–255)

7. Reasonably accurate and descriptive names which will enable the consumer to distinguish the food with rum from the ordinary canned foods of corresponding names are: "Peaches with Rum", "Apricots with Rum", "Pears with Rum", "Cherries with Rum". (R. 180, 223, 229–232, 253–254, 256–257)

8. A limit on the maximum amount of rum which may be used in these foods is necessary in order that such foods may not be made distinctly alcoholic in character, while a minimum amount must be prescribed so that enough rum is used to justify the name. Limits for these purposes can be fixed satisfactorily based on the alcoholic content of the foods. A lower limit of 3 percent alcohol by weight and an upper limit of 5 percent alcohol by weight will reasonably accomplish these purposes. (R. 45, 65, 86, 103, 129, 219–220, 222–224, 229–230, 261–263; Ex. 4, 5)

9. The requirements of the definitions and standards of identity for canned peaches § 27.0, canned apricots § 27.10, canned pears § 27.20, and canned cherries § 27.30 are properly and reasonably applicable to canned peaches with rum, canned apricots with rum, canned pears with rum, and canned cherries with rum, respectively. The requirements as to densities of packing media based on measurements with the Brix hydrometer should not be changed to compensate for the effect on density caused by the presence of rum. (R. 14, 233–236, 256)

Based on the foregoing findings of fact it is concluded:

(a) That it would not promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for canned peaches, canned apricots, canned pears and canned cherries and canned fruit cocktail to make rum an optional ingredient.

(b) That it would not promote honesty and fair dealing in the interest of consumers to adopt a definition and standard of identity for fruit cocktail with rum added.

(c) That it would promote honesty and fair dealing in the interest of consumers to adopt definitions and standards of identity for the foods "Canned Peaches with Rum", "Canned Apricots with Rum", "Canned Pears with Rum", and "Canned Cherries with Rum", as hereinafter set forth.

§ 27.3 *Canned peaches with rum; identity; label statement of optional ingredients.* Canned peaches with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned peaches by § 27.0, except that it contains added rum in such amount that its alcoholic content is more than 3 percent but less than 5 percent by weight.

§ 27.13 *Canned apricots with rum; identity; label statement of optional ingredients.* Canned apricots with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned apricots by § 27.10, except that it contains added rum in such amount that its alcoholic content is more than 3 percent but less than 5 percent by weight.

§ 27.23 *Canned pears with rum; identity; label statement of optional ingredients.* Canned pears with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned pears by § 27.20, except that it contains added rum in such amount that its alcoholic content is more than 3 percent but less than 5 percent by weight.

§ 27.33 *Canned cherries with rum; identity; label statement of optional ingredients.* Canned cherries with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned cherries by § 27.30, except that it contains added rum in such amount that its alcoholic content is more than 3 percent but less than 5 percent by weight.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the General Counsel, Room 3255 Federal Security Building, 4th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

Dated: August 13, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-7734; Filed, Aug. 18, 1947; 8:50 a. m.]

[1] The references are to page numbers of the official transcript of the testimony and the exhibits received in evidence at the hearing which forms the basis for these findings.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Parts 210, 270, 274]

FORMS FOR REGISTRATION AND FINANCIAL STATEMENTS

NOTICE OF PROPOSED RULE MAKING

Notice of proposals with respect to adoption and revision of rules and forms under the Investment Company Act of 1940, forms for registration statements of registered investment companies. Adoption of new Article 6B in Part 210 (Regulation S–X).

Notice is hereby given that the Securities and Exchange Commission has under consideration the following proposals for action pursuant to the Investment Company Act of 1940, particularly sections 8 and 38 (a) thereof.

1. A proposal for the amendment of § 270.8b–2 (Rule N–8B–2) under the act. The purpose of the amendment is to prescribe Form N–8B–4 (17 CFR 274.14) as

the form for registration statements under the act of face-amount certificate companies. The section is amended by adding thereto the following additional paragraph:

§ 270.8b–2 *Forms for registration statements of registered investment companies.* * * *

(d) *Form N–8B–4 for face-amount certificate companies.* This form shall be used for registration statements pursuant to section 8 (b) of the Investment Company Act of 1940 by all face-amount certificate companies.

2. A proposal for the adoption of Form N–8B–4, (17 CFR 274.14) for face-amount certificate companies. This form would be used for registration statements for face-amount certificate companies registered under the above mentioned act.

3. A proposal for the adoption of a new § 270.8c–4 (Rule N–8C–4) under the above mentioned act. The purpose of this section is to authorize the use of certain material filed under the Securities Act of 1933 or the Securities Exchange Act of 1934 in filing registration statements on the proposed new Form N–8B–4. The text of the proposed section is as follows:

§ 270.8c–4 *Previously filed material.* A registered face-amount certificate company which has securities registered under the Securities Act of 1933 may, in filing a registration statement on Form N–8B–4, incorporate by reference any information, financial statement or exhibit contained in (a) its most recent currently effective registration statement under the Securities Act of 1933, (b) the most recent prospectus filed under that act, or (c) any report filed pursuant to section 15 (d) of the Securities Exchange Act of 1934; *Provided*, A copy of such registration statement, prospectus or report is filed with each copy of the registration statement on Form N–8B–4.

4. Notice is also given that the Commission has under consideration a proposal for the adoption of a new § 210.6–02 (Article 6B) in Part 210 (Regulation S–X). This new article would prescribe the form and content of financial statements to be filed with the Commission by face-amount certificate companies pursuant to the Investment Company Act of 1940, the Securities Act of 1933 or the Securities Exchange Act of 1934 and is proposed pursuant to authority contained in those acts.

All interested persons are invited to submit data, views and comments on the above mentioned proposals in writing to the Securites and Exchange Commission at its principal office, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before September 15, 1947.

Persons desiring to comment on the proposed Form N–8B–4 or the proposed Article 6B may obtain copies thereof from the principal office of the Commission at the above address.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

AUGUST 4, 1947.

[F. R. Doc. 47–7726; Filed, Aug. 18, 1947, 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9536]

JULIA PAPPAS

In re: Estate of Julia Pappas, deceased. F–57–380; E. T. sec. 16088.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lizi Pal Antalne, Lina Mihaly, Emre Mihaly and Erzsebet Mihaly, whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of Lizi Pal Antalne, Lina Mihaly, Emre Mihaly and Erzsebet Mihaly, and each of them, in and to a trust created pursuant to an order dated October 3, 1941 by the Probate Court of Genesee County, Michigan, in the matter of the estate of Julia Pappas, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Rumania);

3. That such property is in the process of administration by Michael W. Evanoff, as trustee, acting under the judicial supervision of the Probate Court of Genesee County, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Roumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7737; Filed, Aug. 18, 1947; 8:47 a. m.]

[Vesting Order 9537]

FREDERICK PLANK

In re: Estate of Frederick Plank, deceased. File D–28–10338; E. T. sec. 14717.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Plank, Katie Futterer, also known as Kathie Futterer, Eva Wohrl, Alois Wohrl, Anton Wohrl, Fritz Wohrl and Anna Wohrl Weiss, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs-at-law, next of kin, legatees, distributees and personal representatives, names unknown, of Eva Wohrl, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them in and to the Estate of Frederick Plank, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Sigmund Auerbach, as Executor of the Estate of Frederick Plank, deceased, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the heirs-at-law, next of kin, legatees, distributees and personal representatives, names unknown, of Eva Wohrl, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7738; Filed, Aug. 18, 1947; 8:47 a. m.]

[Vesting Order 9540]

OTTO RETZLAFF

In re: Estate of Otto Retzlaff, deceased. File D–28–10123; E. T. sec. 14401.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Retzlaff, Willy Retzlaff, Elizabeth Retzlaff and Otto Daumann, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Otto Retzlaff, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Alfred W. Kleier and Reinhold Frank, as Co-Executors, acting under the judicial supervision of the Probate Court of Berrien County, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7739; Filed, Aug. 18, 1947; 8:47 a. m.]

[Vesting Order 9542]

PETER SCHIMMER ET AL.

In re: Peter Schimmer vs. Katharina Peterniess et al. File D–57–436; E. T. sec. 14610.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jakob (Jacob) Schimmer, Mrs. Nikolaus (Nicholas) Hummel and Peter Schimmer, whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania);

2. That the sum of $5,609.25 was paid to the Attorney General of the United States by Orla M. Hill, Special Commissioner;

3. That the said sum of $5,609.25 was property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Rumania);

4. That the said sum of $5,609.25 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Orla M. Hill, Special Commissioner, acting under the judicial supervision of the Circuit Court of St. Louis County, Missouri;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on May 15, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7740; Filed, Aug. 18, 1947; 8:47 a. m.]

[Vesting Order 9546]

SANDOR TATAR

In re: Estate of Sandor Tatar, deceased. File D–34–145; E. T. sec. 5660.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles Tatar, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Sandor Tatar, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary);

3. That such property is in the process of administration by Hubbard C. Wilcox, as Administrator, acting under the judicial supervision of the Probate Court of Lorain County, Ohio;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–7741; Filed, Aug. 18, 1947; 8:47 a. m.]

[Vesting Order 9547]

ARTIN YEGHYAIAN

In re: Insurance policy rights owned by Artin Yeghyaian. File D–64–3; E. T. sec. 8918.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Artin Yeghyaian, whose last known address is Bulgaria, is a resident of Bulgaria, and a national of a designated enemy country (Bulgaria);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4266874 issued by the Prudential Insurance Company of America on the life of Roupen Yeghyaian wherein Artin Yeghyaian is designated beneficiary and any other benefits and rights of any name or nature whatsoever

under or arising out of said contract of insurance which are or were held by Artin Yeghyaian, together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contract of insurance, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Bulgaria);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Bulgaria).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7742; Filed, Aug. 18, 1947; 8:47 a. m.]

[Vesting Order 9560]

HARRY H. HADA ET AL.

In re: Stock owned by Harry H. Hada and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Thirty (30) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates numbered as set forth in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, in the amounts appearing opposite each certificate number listed in Exhibit A, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Names	Number of shares	Certificate No.	OAP File No.
Harry H. Hada	5	50670	F-39-4332-D-1
Henry C. Hatashita	.5	63609	F-39-4333-D-1
	.4	94709	
	.1	11295	F-39-55-D-1
Roy Iitsuka	10	78221	F-39-4618-D-1
Chikawo Koiso	4	57644	F-39-4336-D-1
	.1	266886	
Tomosuke Oshima	5	4225	F-39-4337-D-1
Seichi Wakymoto	1	285876	D-39-1191-D-1
	.2	194977	
	1	476419	
Seitarow Wemra	1.2	681561	F-39-4338-D-1
	.5	297020	

[F. R. Doc. 47-7743; Filed, Aug. 18, 1947; 8:47 a. m.]

[Vesting Order 9585]

ALEXANDER VON HOLWEDE

In re: Voting trust certificate, stock, stock trust certificate and bank accounts owned by and debts owing to Alexander von Holwede. F-28-667-A-1, F-28-667-A-2, F-28-667-D-1, F-28-667-D-2, F-28-667-E-1, F-28-667-E-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alexander von Holwede, whose last known address is Am Gehoelz 11, Neubabelsberg, Bei, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain Voting Trust Certificate representing six (6) units of $100 par value Preferred Stock of Central Coal & Coke Corporation, 312 Title & Trust Building, Kansas City 6, Missouri, a corporation organized under the laws of the State of Delaware, said certificate being numbered 661, registered in the name of Alexander von Holwede, and presently in the custody of Continental Illinois National Bank & Trust Company of Chicago, 231 So. LaSalle Street, Chicago, Illinois, together with any and all rights thereunder and thereto.

b. Thirty-three (33) shares of $1.00 par value common capital stock of Central Coal & Coke Corporation, 312 Title & Trust Building, Kansas City 6, Missouri, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Numbered 692, registered in the name of Alexander von Holwede, and presently in the custody of Continental Illinois National Bank & Trust Company of Chicago, 231 So. LaSalle Street, Chicago, Illinois, together with all declared and unpaid dividends thereon,

c. Two hundred and seventy two (272) shares of common capital stock of The Waldheim Cemetery Company, 863 Desplaines Avenue, Forest Park, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by Certificates Numbered 341 and 340, for 227 and 45 shares, respectively, registered in the name of Alexander von Holwede, and presently in the custody of Continental Illinois National Bank & Trust Company of Chicago, 231 So. LaSalle Street, Chicago, Illinois, together with all declared and unpaid dividends thereon,

d. Ninety eight (98) shares of common capital stock of Chicago Heights Land Association, evidenced by Certificate Numbered 872, registered in the name of Alexander von Holwede, and presently in the custody of Continental Illinois National Bank & Trust Company of Chicago, 231 So. LaSalle Street, Chicago, Illinois, together with all declared and unpaid dividends thereon,

e. That certain Trust Certificate representing ten (10) shares of $1.00 par value capital stock of Hotel Sherman, Inc., Clark & Randolph Streets, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, said certificate being numbered S4344, registered in the name of Alexander von Holwede, and presently in the custody of Continental Illinois National Bank & Trust Company of Chicago, 231 So. LaSalle Street, Chicago, Illinois, together with any and all rights thereunder and thereto,

f. One Hotel Sherman, Inc. 20 year First Mortgage Income 5% Bond of $750.00 face value, bearing the number 5577, registered in the name of Alexander von Holwede, and presently in the custody of Continental Illinois National Bank & Trust Company of Chicago, 231 So. LaSalle Street, Chicago, Illinois, together with any and all rights thereunder and thereto,

g. That certain Trust Certificate representing two (2) shares of Series A, capital stock of #900 Michigan Avenue North Corporation, 21 East Van Buren Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said certificate bearing number A-199, registered in the name of Alexander von Holwede, and presently in the custody of Continental Illinois National Bank & Trust Company of Chicago, 231 So. LaSalle Street, Chicago, Illinois, together with any and all rights thereunder and thereto,

h. One #900 Michigan Avenue North Corporation Trust Certificate, Series A, of $1,000.00 face value, bearing the number M1148, registered in the name of Alexander von Holwede, and presently in the custody of Continental Illinois National Bank & Trust Company of Chicago, 231 So. LaSalle Street, Chicago, Illinois, together with any and all rights thereunder and thereto,

i. One Certificate of Deposit for One Metropolitan West Side Elevated Ry. Co., 1st mortgage 4% Bond, of $1,000.00 face value, bearing the number CC106, registered in the name of Alexander von Holwede, and presently in the custody of Continental Illinois National Bank & Trust Company of Chicago, 231 So. LaSalle Street, Chicago, Illinois, together with any and all rights thereunder and thereto.

j. That certain debt or other obligation of the First National Bank of Chicago, 38 So. Dearborn Street, Chicago 90, Illinois, in the amount of $11.25, evidenced by a check, numbered B141693, dated March 25, 1941, payable to Alexander von Holwede, and presently in the custody of Continental Illinois National Bank & Trust Company of Chicago, 231 So. LaSalle Street, Chicago, Illinois, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

k. That certain debt or other obligation of the First National Bank of Chicago, 38 So. Dearborn Street, Chicago 90, Illinois, in the amount of $11.25, evidenced by a check, numbered C21818, dated June 4, 1940, payable to Alexander von Holwede, and presently in the custody of Continental Illinois National Bank & Trust Company of Chicago, 231 So. LaSalle Street, Chicago, Illinois, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

l. Those certain debts or other obligations of the Commerce Trust Company, Trust Department, Kansas City 6, Missouri, in the amount of $354.98, evidenced by checks, numbered, dated and in the amounts set forth in Exhibit A, attached hereto and by reference made a part hereof, said checks payable to Alexander von Holwede, and presently in the custody of the Commerce Trust Company, Trust Department, Kansas City 6, Missouri, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

m. That certain debt or other obligation owing to Alexander von Holwede, by The First National Bank of Chicago, 38 South Dearborn Street, Chicago 90, Illinois, arising out of a Blocked Funds Account, account number TR21990, entitled Alexander von Holwede, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

n. That certain debt or other obligation of Continental Illinois National Bank & Trust Company of Chicago, 231 South LaSalle Street, Chicago, Illinois, arising out of an Accumulated Cash Account, entitled 900 Michigan Avenue Corporation Interest Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alexander von Holwede, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Check No.	Dated	Amount
1698	Sept. 15, 1942	$60.00
2980	Mar. 15, 1943	30.00
3688	June 15, 1943	90.00
678	Jan. 15, 1944	30.29
670	Dec. 15, 1944	90.63
698	Sept. 15, 1942	8.70
1680	Mar. 15, 1943	7.56
2686	Sept. 15, 1943	5.88
1681	Apr. 1, 1944	5.46
2675	Sept. 15, 1944	5.46
2997	Mar. 15, 1945	4.20
522	Sept. 15, 1945	4.20
516	Mar. 15, 1946	4.20
412	Sept. 15, 1946	4.20
362	Mar. 15, 1947	4.20

[F. R. Doc. 47-7744; Filed, Aug. 18, 1947; 8:48 a. m.]

[Return Order 37]

RUDOLF A. SEMS

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number; Notice of Intention to Return Published; Property and Location

Rudolf A. Sems, Cleveland, Ohio. Claim No. 5880; 12 F. R. 4242, June 28, 1947; $1,658.96 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C. on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7745; Filed, Aug. 18, 1947; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 380]

SPECIAL INDUSTRY, COMMITTEE NO. 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, F. Granville Grimes, Jr., Acting Administrator of the Wage and Hour Division, United States Department of Labor, do hereby accept the resignation of Mr. Jose R. Carreras from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employers on such committee, Mr. Harry Partridge of San Juan, Puerto Rico.

Signed at Washington this 8th day of August 1947.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 47-7722; Filed, Aug. 18, 1947; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 968 et al.]

ARIZONA-NEW MEXICO CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications for certificates and amendments of certificates of public convenience and necessity

[1] Filed as part of the original document.

under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on September 8, 1947, at 10 a. m., eastern daylight saving time, in Room 5042, Commerce Building, 14th St. and Constitution Ave. NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 13, 1947.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 47-7729; Filed, Aug. 18, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-928]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

AUGUST 13, 1947.

Notice is hereby given that on July 30, 1947, United Gas Pipe Line Company (Applicant), a Delaware corporation, with its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of approximately 5.9 miles of 20-inch natural-gas transmission pipe line, extending from Applicant's Sterlington Compressor Station in the Monroe Field, Louisiana, to Mississippi River Fuel Corporation's Perryville Compressor Station in Louisiana, together with appurtenant facilities.

Applicant recites that under the terms and conditions of Applicant's gas sales contract with Mississippi River Fuel Corporation (Mississippi), said corporation may call upon Applicant to deliver up to 100% of the gas requirements of said corporation, and Applicant is supplying an increasingly larger percentage of said requirements due to the continued decline of deliveries by other suppliers of Mississippi.

Applicant states that the proposed pipeline will loop Applicant's presently existing 16-inch pipe line extending from its Sterlington Compressor Station, which line is serving both Mississippi River Fuel Corporation and Southern Natural Gas Company, and has a maximum daily delivery capacity of approximately 120,000 Mcf. Applicant states that the maximum daily demand of the two companies for 1947-48 is estimated at aproximately 164,800 Mcf. Applicant proposes to construct during 1947 approximately 2.6 miles of transmission pipeline applied for herein, which portion Applicant estimates will have a maximum daily delivery capacity of 51,000 Mcf. The remaining 3.3 miles of pipeline is to be constructed in 1948. The proposed facilities when completed will have an estimated maximum daily capacity of 217,000 Mcf. Applicant states that the proposed facilities will be operated at a pressure of not less than 450 pounds at the point of delivery to Mississippi.

Applicant estimates the total over-all cost of construction will be $330,000, which Applicant proposes to finance out of cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of United Gas Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7731; Filed, Aug. 18, 1947; 8:46 a. m.]

[Docket No. G-930]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

AUGUST 13, 1947.

Notice is hereby given that on August 4, 1947, Panhandle Eastern Pipe Line Company (Applicant), a corporation organized under the laws of the State of Delaware, with its principal place of business at Kansas City, Missouri, filed an application for authority to abandon 1.25 miles of an existing 2-inch lateral pipe line and appurtenance facilities in Calhoun County, Michigan and to replace such facilities by the construction and operation of 1.25 miles of 4-inch lateral pipe line and appurtenant facilities in the same location and on the same right-of-way.

Applicant states that the lateral line proposed to be abandoned is being used to deliver natural gas to The Albion Gas Light Company for distribution in Albion, Michigan and environs and to the Albion Malleable Iron Company located in Albion. The application indicates further that due to its small size and poor condition the existing 2-inch lateral does not permit the transportation of sufficient volumes of gas to meet the requirements of consumers in Albion and environs in a satisfactory manner.

Applicant therefore requests a certificate to replace the 2-inch lateral with a 4-inch lateral to insure more adequate service to Albion and environs and in addition requests authority to sell and deliver natural gas through the proposed 4-inch lateral to the Albion Malleable Iron Company on an interruptible basis. The application recites that Panhandle received a permanent certificate from the Commission to serve The Albion Gas Light Co. for resale in Albion on May 28, 1947.

Applicant infers that the rates under its filed Rate Schedule FPC No. 58 now in force will continue under the proposed facilities.

Applicant states that the total cost of the proposed facilities is estimated at $7,400, which cost will be financed through the use of current funds on hand. Applicant proposes to abandon the existing 2-inch lateral in place because the cost of removal is estimated to be greater than the possible salvage value.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Panhandle Eastern Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7732; Filed, Aug. 18, 1947; 8:47 a. m.]

[Docket No. IT-6072]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION

AUGUST 12, 1947.

Notice is hereby given that on August 11, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Northwestern Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of promissory notes in the aggregate principal amount of $800,000, to be dated as of the date of issuance and delivery thereof, and to mature nine months after such date, bearing an interest rate of 2% per annum. The promissory notes are to be issued under a Credit Agreement entered into with the First National Bank of Minneapolis, Northwestern National Bank of Minneapolis, and The Chase National Bank of the City of New York, under the terms of which the Banks agreed to make the loans to the Company in the aggregate amount of $1,100,000 (of which $300,000 constituted the initial borrowing), at any time and from time to time after the date of the Credit Agreement, to and including March 31, 1948; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 2d day of September, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7730; Filed, Aug. 18, 1947; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5384]

ENCYCLOPAEDIA BRITANNICA, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of August A. D. 1947.

In the matter of Encyclopaedia Britannica, Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Friday, August 15, 1947, at nine o'clock in the forenoon of that day (central standard time), in Room 1118, New Post Office Building, Chicago, Illinois.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions; as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-7720; Filed, Aug. 18, 1947; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-506]

MORRIS PLAN CORP. OF AMERICA ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

In the matter of The Morris Plan Corporation of America,, American General Corporation and W. W. McEachern et al.; File No. 812-506.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 13th day of August A. D. 1947.

Notice is hereby given that the Morris Plan Corporation of America (Morris Plan) has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said act certain transactions in which W. W. McEachern, L. H. Zehmer, Tazewell F. Thompson, Herbert C. Moseley, R. H. Renn, Aubrey V. Kidd, Jay Rauch, Paul H. Brame, H. W. Wichard, Mark Holt, I. J. Andrews, John J. Whitt, Mrs. Louise Hay Wells, L. Ralston Curry and W. H. McCarthy (purchasers) propose to purchase from Morris Plan a total of 349 shares of the capital stock of The Bank of Virginia (Bank) for the sum of $13,918.12 a purchase price of $39.88 per share.

The proposed purchasers are either officers, directors or employees of the Bank which is a majority-owned subsidiary of Morris Plan. American General Corporation (American), a registered investment company, controls Morris Plan, therefore, the Purchasers are affiliated persons of an affiliated person of American and the proposed transactions are prohibited by section 17 (a) (2) of the act.

The proposed purchase price is equal to the book value of $39.88 for the stock as of June 30, 1947. Over the ten year period 1937-1946 the per share earnings of the Bank fluctuated between $1.32 in 1940 and $7.53 in 1945 and averaged $3.55 per year after taxes. In 1946 the net earnings amounted to $4.26 per share. The purchase price is approximately 11.2 times the average per share net earnings of the Bank over this ten year period and approximately 9.4 times the per share net earnings for 1946. The stock is not listed on a national securities exchange or traded on an over-the-counter market. Sales of the stock occur infrequently. The most recent quotation available for the stock is $40 Bid, $42 Offered. The purchase contracts provide that upon the demise of a Purchaser, or in the event that a purchaser desires to dispose of the stock, the stock must be offered to Morris Plan for repurchase at the then book value.

All interested persons are referred to said application, which is on file at the Philadelphia, Pennsylvania offices of this Commission, for a more detailed statement of the matters of fact and law therein asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination: whether the terms of the proposed transactions, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned; whether the proposed transactions are consistent with the policy of American General Corporation as recited in its registration statement and reports filed under the act; and, whether the proposed transactions are consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the 22d day of August, 1947 at 10:00 a. m., Eastern Daylight Saving Time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to The Morris Plan Corporation of America, American General Corporation, W. W. McEachern, L. H. Zehmer, Tazewell F. Thompson, Herbert C. Moseley, R. H. Renn, Aubrey V. Kidd, Jay Rauch, Paul H. Brame, H. W. Wichard, Mark Holt, I. J. Andrews, John J. Whitt, Mrs. Louise Hay Wells, L. Ralston Curry and W. H. McCarthy and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise wishing to participate in said proceedings should file with the Secretary of the Commission, on or before August 20, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7725; Filed, Aug. 18, 1947; 8:46 a. m.]

[File No. 812-507]

MORRIS PLAN CORP. OF AMERICA ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of August A. D. 1947.

In the matter of the Morris Plan Corporation of America, American General Corporation, and Joseph E. Birnie; File No. 812-507.

Notice is hereby given that the Morris Plan Corporation of America (Morris Plan) has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said act a transaction in which Joseph E. Birnie (Purchaser) proposes to purchase from Morris Plan 100 shares of the capital stock of the Bank of Georgia (Bank) for the sum of $1,829, a purchase price of $18.29 per share.

The proposed Purchaser is the president and a director of the Bank which is a majority-owned subsidiary of Morris Plan. American General Corporation (American), a registered investment company, controls Morris Plan, therefore, the purchaser is an affiliated person of an affiliated person of American and the proposed transaction is prohibited by section 17 (a) (2) of the act.

The proposed purchase price is equal to the book value of $18.29 for the stock as of June 30, 1947. Over the ten-year period 1937-1946 the per share earnings of the Bank fluctuated between $0.96 in 1938 and $2.18 in 1941 and averaged $1.70 per year after taxes. In 1946 the net earnings amounted to $1.68 per share. The purchase price is approximately 10.8 times the average per share net earnings of the Bank over the ten-year period and approximately 10.9 times the per share net earnings for 1946. The stock is not listed on a national securities exchange or traded on an over-the-counter market. Sales of the stock occur infrequently. The most recent quotation available for the stock is $15 Bid and $17 Offered. The purchase contracts provide that upon the demise of the Purchaser, the stock must be offered to Morris Plan for repurchase at the then book value.

All interested persons are referred to said application, which is on file at the Philadelphia, Pennsylvania, offices of this Commission, for a more detailed statement of the matters of fact and law therein asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination: whether the terms of the proposed transactions, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned; whether the proposed transactions are consistent with the policy of American General Corporation as recited in its registration statement and reports filed under the act; and, whether the proposed transactions are consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the 22d day of August, 1947 at 11:00 a. m., Eastern Daylight Saving Time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to The Morris Plan Corporation of America, American General Corporation, Joseph E. Birnie and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise wishing to participate in said proceedings should file with the Secretary of the Commission, on or before August 20, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7724; Filed, Aug. 18, 1947, 8:46 a. m.]

Reference

SEP 16 47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12 NUMBER 163

Washington, Wednesday, August 20, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9885

DESIGNATION OF THE ASSISTANT SECRETARIES OF COMMERCE AND THE SOLICITOR OF COMMERCE TO ACT AS SECRETARY OF COMMERCE

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6), I hereby authorize and direct the Assistant Secretaries of Commerce, the date of their commissions to govern the order of precedence, to perform the duties of the Secretary of Commerce in case of the absence, sickness, resignation, or death of the Secretary of Commerce and of the Under Secretary of Commerce; and I also authorize and direct the Solicitor of Commerce to perform the duties of the Secretary of Commerce in case of the absence, sickness, resignation, or death of the Secretary of Commerce, the Under Secretary of Commerce, and the Assistant Secretaries of Commerce.

This order supersedes Executive Order No. 8541 of September 17, 1940, entitled "Designation of the Assistant Secretary of Commerce and the Solicitor of Commerce To Act as Secretary of Commerce."

HARRY S. TRUMAN

THE WHITE HOUSE,
August 18, 1947.

[F. R. Doc. 47-7834; Filed, Aug. 18, 1947; 4:45 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 116—CIVIL AIR NAVIGATION

PLACE OF LANDING OF AIRCRAFT

Paragraph (a) of § 6.3, *Landing requirements*, of Title 19, Code of Federal Regulations, also designated as § 116.3 of Title 8 and § 11.503 of Title 42, is amended by deleting the second sentence and substituting the following:

(a) *Place of landing.* * * * The first landing shall be at an airport of entry unless permission to land elsewhere shall first be granted by the Commissioner of Customs, in the case of aircraft operated by scheduled air lines, and in all other cases by the collector or deputy collector of customs at the port of entry nearest the intended place of landing. When the Commissioner of Customs grants permission to land elsewhere than at an airport of entry, he shall immediately notify the heads of the Public Health Service, the Immigration and Naturalization Service, and of any other agency likely to be concerned with the landing, and, when a collector or deputy collector of customs grants such permission, he shall immediately notify the principal local officer of each such agency.

Effective date. This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238) with respect to notice and public procedure thereon and delayed effective date is found to be unnecessary and contrary to the public interest because the amendment will facilitate air commerce and lessen the requirements and restrictions on affected persons.

(R. S. 161, 251, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 7, 44 Stat. 572, sec. 644, 46 Stat. 761, secs. 367, 602, 58 Stat. 706, 712; 5 U. S. C. 22, 26 U. S. C. 4041 (a), 8 U. S. C. 102, 222, 49 U. S. C. 177, 19 U. S. C. 1644, 42 U. S. C. Sup. 201 note, 270; sec. 1, President's Reorganization Plan No. V, 5 F. R. 2132, 2223; sec. 102, Reorganization Plan No. 3 of 1946, 11 F. R. 7875)

FRANK DOW,
Acting Commissioner of Customs.
[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.
THOMAS PARRAN,
Surgeon General,
U. S. Public Health Service.
MAURICE COLLINS,
Acting Federal Security Administrator.
TOM CLARK,
Attorney General.

AUGUST 14, 1947.

[F. R. Doc. 47-7797; Filed, Aug. 19, 1947; 8:48 a. m.]

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FEDERAL REGISTER

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***Book 3:* Titles 21 through 31.**

These books may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at $3.50 per copy.

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PART 110—PRIMARY INSPECTION AND DETENTION

Correction

In the republication of the regulations in Chapter I, Title 8, appearing as F. R. Doc. 47-7231 at page 5065 of the issue for Thursday, July 31, 1947, § 110.13 should be corrected to read as follows:

§ 110.13 *Immigrants having expired documents.* Where an immigrant arriving in the United States by water, or arriving by water at a port designated as a United States port of entry for aliens in foreign contiguous territory, is in possession of and presents an immigration visa or permit to reenter which has expired, such immigrant shall be excluded unless it shall satisfactorily appear that the immigrant embarked on the vessel by which he arrives prior to the expiration of the validity of such immigration visa or permit and that he has proceeded by continuous voyage to the United States. (Sec. 2 (c), 43 Stat. 153; 8 U. S. C. 202 (c))

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 12—DELEGATIONS OF AUTHORITY

AUTHORITY TO ACT AS SECRETARY

CROSS REFERENCE: For supersedure of Executive Order 8541, affecting the text of § 12.5 *Authority to act as Secretary*, see Executive Order 9885 under Title 3, *supra*.

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-106; Order 139]

PART 03—SUBSTANTIVE RULES, GENERAL POLICY AND INTERPRETATIONS

INDEPENDENT PRODUCTION OR GATHERING OF NATURAL GAS

AUGUST 7, 1947.

In the matter of a rule to make clear the position of the Commission regarding the independent production or gathering of natural gas. Order No. 139 supplementing the Commission's general rules including rules of practice and procedure.

For the reasons stated below, it seems appropriate and desirable at this juncture for the Commission to adopt and promulgate the rule contained herein, which is designed to relieve any existing uncertainty regarding the Commission's position that it will not seek to assert jurisdiction over the sale of natural gas to interstate pipe lines by independent producers or gatherers.

Following the release in March 1947 of the staff report in Docket No. G-580 on this subject, entitled "Section 1 (b) of the Natural Gas Act with Reference to Production and Gathering," the Commission consistently therewith on May 27, 1947, issued a notice of proposed rule making in this matter. At that time, since there were prevalent many expressions of uncertainty as to the Commission's interpretation of section 1 (b) of the act with reference to the status of independent producers and gatherers of natural gas, and as to its intentions with respect thereto, it seemed evident that a formal administrative rule was necessary to affirm our belief that it was the intent of Congress to exempt such independent producers and gatherers when it enacted the Natural Gas Act in 1938.

During the first session of the 80th Congress which adjourned on July 27, 1947, various bills regarding this matter, as well as other important proposals for amending the Natural Gas Act, were introduced and considered by the Congress. At the hearings on these bills before the Senate and House Committees on Interstate and Foreign Commerce, the Commission likewise stated its view that independent operators who produce or gather natural gas and sell it at arm's-length to natural-gas companies subsequently transporting such natural gas in interstate commerce are exempt from the provisions of the Natural Gas Act.

Reference also was made at these hearings to the pending case before the Supreme Court of the United States in "Interstate Natural Gas Company, Inc. *v.* Federal Power Commission." The subsequent decision of the Court on June 16, 1947, addressed to the particular circumstances of that case which involved the operations of a natural-gas company subject to the act, immediately became the basis for diverse interpretations and agitations by interested parties, as to its implications regarding the jurisdictional status under the act of independent producers and gatherers.

In view of these circumstances, the Commission urged the immediate adoption of H. R. 4099, the specific and sole purpose of which was to make entirely clear the exemption of the independent production and gathering of natural gas from the provisions of the Natural Gas Act. This proposed amendment, however, was not enacted during the closing days of the session of the Congress which has just ended.

This brief review of developments in this matter has been presented so that there may be no basis for misunderstanding or continuing expressions of fear and uncertainty regarding this matter, which is non-controversial. The Commission gives its assurance to independent producers and gatherers of natural gas that they can sell at arm's-length and deliver such gas to interstate pipe lines and can enter into contracts for such sale without apprehension that in so doing they may become subject to assertions of jurisdiction by the Commission under the Natural Gas Act.

The rule herein has this specific purpose and is issued at this time because the Congress has not yet reaffirmed such exemption by amending the act. It is also our intention, in keeping with the position heretofore taken, to continue to recommend to the Congress that it take appropriate clarifying legislative action regarding this matter.

General public notice of the proposed rule in this matter has been given by publication of notice in the FEDERAL REGISTER on June 5, 1947 (12 F. R. 3679), and by mailing copies of such notice to all interested persons including State and Federal regulatory agencies.

All of such persons have been afforded an opportunity to submit written statements or briefs setting forth their comments, views, and suggestions with respect to this proposed rule.

Finding that such action is necessary and appropriate to clarify the meaning of section 1 (b) of the Natural Gas Act, the Commission, pursuant to the authority contained in that Act, particularly section 16 thereof (52 Stat. 821–833; 830; 15 U. S. C. 717–717w; 717o), hereby adopts and promulgates the following rule as a new section of Part 03—Substantive Rules, General Policy and Interpretations, of Subchapter A—General Rules, Chapter I of Title 18 of the Code of Federal Regulations, such new section to read as follows:

§ 03.79 *Jurisdictional status of independent producers and gatherers.* The Federal Power Commission is of the opinion that it was the intent of the Congress that the control of production or gathering of natural gas should remain a function of the States and that the Natural Gas Act should not provide for regulation of those subjects.

For the purpose of administering the Natural Gas Act, the Commission will construe the exemption contained in section 1 (b), to the effect that the provisions of the act shall not apply to the "production or gathering" of natural gas, as including arm's-length sales of nat-

ural gas, by independent producers and gatherers, made during the course or upon completion of production and gathering. The Commission, consistent with this construction, will not assert jurisdiction over such producers and gatherers who might be subject to jurisdiction solely because of such sales.

The interpretative rule hereby adopted shall become effective August 7, 1947. The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER, and further, shall serve copies thereof on all interested parties.

Date of issuance: August 15, 1947.

By the Commission. Commissioner Draper dissenting.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7763; Filed, Aug. 19, 1947; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

PLACE OF LANDING OF AIRCRAFT

CROSS REFERENCE: For an amendment to § 6.3 (a) relating to place of landing of aircraft, issued jointly by the Bureau of Customs of the Department of the Treasury, the Public Health Service of the Federal Security Agency, and the Immigration and Naturalization Service of the Department of Justice, see Title 8, Chapter I, Part 116, *supra.*

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PENICILLIN AND STREPTOMYCIN

Correction

In Federal Register Document 47-3238, appearing at page 2215 of the issue for Friday, April 4, 1947, the last sentence of subparagraph (1) of § 141.101 (j) should read: "Prepare a daily inoculum by adding 6.0 ml. of this suspension to each 100 ml. of the nutrient broth prepared as directed in § 141.1 (b) (3) cooled to a temperature of approximately 15° C."

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 2]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

War Assets Administration Regulation 2, March 1, 1947, entitled "Disposal of Surplus Personal Property to Priority Claimants," is hereby revised and amended as herein set forth. Order 2, June 7, 1946 (11 F. R. 6455), Order 3, December 15, 1945 (10 F. R. 15217), Order 4, January 10, 1946 (11 F. R. 637), Order 5, March 21, 1946 (11 F. R. 3301), Order 6, July 13, 1946 (11 F. R. 7774), Order 7, August 14, 1946 (11 F. R. 9036), Order 8, February 3, 1947 (12 F. R. 898), Order 9, Aug. 1, 1947, Order 10, April 2, 1947 (12 F. R. 2289), and Order 12, July 11, 1947 (12 F. R. 4816), under this part shall continue in full force and effect.

[1] Dissent filed with the original.

Sec.

8302.1 Definitions.
8302.2 Scope.
8302.3 Applicability of regulations and directives of other agencies, and disposals which may be exempted from this part.
8302.4 Set-asides for veterans.
8302.5 Order of priorities.
8302.6 Reservations for priority claimants.
8302.7 Information about available property.
8302.8 Issuance of certificates to veterans. [Deleted August 18, 1947.]
8302.9 Transfers and disposals to priority claimants.
8302.10 Transfers of surplus standard administrative and maintenance property to the Treasury Department, and acquisition of such property by Government agencies.
8302.11 Fair value.
8302.12 Acquisition by priority claimants without exercising priority.
8302.13 Records and reports.
8302.14 Regulations by disposal agencies to be reported to War Assets Administrator.

AUTHORITY: §§8302.1 to 18302.14, inclusive, issued under Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Reorganization Plan 1 of 1947 (12 F. R. 4534).

§ 8302.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Standard administrative and maintenance property" means all property from time to time listed in stock catalogues issued by the Bureau of Federal Supply of the Treasury Department. These catalogues normally include, among other items, office supplies, furniture and equipment, and maintenance operating supplies.

(2) "State and local governments" means any State, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(3) "Own business or professional or agricultural enterprise" of a veteran means one which is regularly pursued by, or is to be established by, a veteran to secure a livelihood and of which more than fifty (50) per cent of the proprietary interest therein is held by a veteran or veterans. A veteran may be deemed to have his "own business or professional or agricultural enterprise" for the purpose of acquiring particular tools or equipment when he is engaged by others as an employee or agent and is required by his employment to own and use such tools or equipment.

(4) "Small business" means a veteran's own small business and may include any enterprise or group of enterprises under common ownership or control, which by reason of its relative size and position in its industry is determined by War Assets Administration to be a small business.

(5) "Veteran" means any person in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. Veterans released from military or naval service shall include persons on terminal leave or final furlough and those whose status has been changed from active to inactive.

§ 8302.2 *Scope.* This part shall apply only to disposals made by disposal agencies within the continental United States, its territories and possessions: *Provided*, That § 8302.10 shall apply only within the continental United States. This part shall not apply to any disposals of real property; nor to personal property appurtenant to, or assigned for disposal in connection with, real property, and disposed of pursuant to Part 8305.[1]

§ 8302.3 *Applicability of regulations and directives of other agencies, and disposals which may be exempted from this part.* (a) Transfers to the National Housing Administrator pursuant to the provisions of section 502 (b) of the Lanham Act,[2] as amended (Public Law 292, 79th Congress, as amended), transfers pursuant to the provisions of the Greek-Turkish Aid Bill (Public Law 75, 80th Congress), transfers to Federal Works Agency pursuant to the provisions of Public Law 233, 80th Congress, and transfers pursuant to such other laws as by their terms take precedence over the priorities established by the Surplus Property Act, as amended, as well as the laws cited in paragraph (b) of this section may be made without regard for any provisions of this part. Transfers to Federal Works Administrator pursuant to the provisions of section 504 (a) of the Lanham Act, as amended (Public Law 697,[3] 79th Congress), may be made without regard for any provisions of this part except those provisions which govern set-asides for veterans and priorities of Government agencies and veterans.

(b) Except for disposals under paragraph (a) of this section, disposals made hereunder shall be subject to applicable regulations and directives issued under the authority of the Veterans' Emergency Housing Act of 1946,[4] or under the authority of any law referred to in section 34 (b) of the Surplus Property Act of 1944, and shall be exempted from the provisions of this part to the extent necessary to comply with the provisions of such regulations and directives.

(c) Subject to the provisions of paragraph (a) and (b) of this section, disposal agencies may dispose of surplus property at the fair value without regard for any provisions of this part:

[1] Reg. 5 (12 F. R. 2028, 3833).
[2] 59 Stat. 674; 42 U. S. C. Sup. V, 1572.
[3] 60 Stat. 958.
[4] 60 Stat. 207.

(1) Until peace is concluded to supply the needs of the armed forces;

(2) When, upon a finding by the Secretary of Agriculture that farm production is impaired or threatened to be impaired, the Administrator shall, pursuant to the provisions of Part 8303,[1] direct the disposal of trucks, machinery, or equipment (including farm supplies) to farmers or farmers' cooperatives;

(3) When the property is of such nature or in such situation that its immediate disposal is necessary to prevent its deterioration, spoilage, or serious loss or damage;

(4) When, upon application to the War Assets Administrator by a disposal agency, the Administrator shall find that it is impracticable or uneconomical for the disposal agency to be required to dispose of designated property according to the provisions of this part;

(5) When the nature or condition of any surplus property sold is such that it is not usable or safe for use by the consumer in its existing form without processing, reprocessing, reconditioning, or repackaging;

(6) When the cost (estimated if not known) of all substantially similar items of such property in the possession of the disposal agency at any one location at any one time does not exceed $300; or when the cost (estimated if not known) of any group of identical items normally constituting a single entry on War Assets Administration Form 1001[2] and in the possession of the disposal agency at any one location at any one time, does not exceed one hundred dollars ($100).

§ 8302.4 *Set-asides for veterans.* (a) Except as to the amounts of any property necessary for the temporary use of any disposal agency to carry out its responsibilities in disposing of surplus property under the Surplus Property Act of 1944, each disposal agency to which there is assigned for disposal any property of the types designated by the Administrator to be set aside for exclusive disposal to veterans shall set aside all, or such percentage as is designated, of such property in its possession for exclusive disposal to veterans upon presentation of their discharge papers or other satisfactory evidence that the person is a veteran. The Administrator has determined that, in the case of set-asides made pursuant to this section as distinguished from the priorities accorded veterans pursuant to § 8302.5 (b), it is considered inappropriate to cause to be set aside quantities and types of any surplus property for the purpose of resale as distinguished from use. Such determination does not apply to acquisitions by veterans as priority claimants who purchase pursuant to the provisions of § 8302.5. Accordingly, disposals hereunder shall be limited to veterans who acquire surplus property:

(1) For their own personal use, or

(2) For use in establishing and maintaining their own small business, professional, or agricultural enterprises: *Provided, however*, That such use shall not include the acquisition of surplus property for the purpose of resale.

(b) Set-aside property shall be held for disposal at fair value, as provided in § 8302.11, to veterans for a period of not less than fifteen (15) days after public notice of its availability for such disposal, or for such longer period as the Administrator may direct, and any balance remaining undisposed of thereafter may be made available for disposal in accordance with the other provisions of this part.

§ 8302.5 *Order of priorities.* Except as to property disposed of under § 8302.4, disposal agencies shall, subject to the provisions of § 8302.6, observe the following order of priorities:

(a) Transfers to Government agencies for their own use shall be given priority over disposal to all others.

(b) Disposals to veterans to enable them to establish and maintain their own small business, professional, or agricultural enterprises shall be given priority over disposals to all others except as provided in paragraph (a) of this section.

(c) Purchases by Reconstruction Finance Corporation for resale under section 18 (c) of the Surplus Property Act of 1944 shall be given priority over disposal to all others except as provided in paragraphs (a) and (b) of this section.

(d) Disposals to State and local governments for their own use shall be given priority over disposals to all others except as provided in paragraphs (a), (b), and (c) of this section.

§ 8302.6 *Reservations for priority claimants.* (a) In giving effect to the provisions of § 8302.5, disposal agencies shall observe the following requirements with respect to the periods of time during which property will be offered to priority claimants:

(1) Government agencies shall in no case be given a period in excess of twenty (20) days after the date of public notice of availability of the property.

(2) Property offered to veterans may not be disposed of to others for a minimum period of fifteen (15) days after the date of public notice to veterans.

(b) Each disposal agency, based upon experience and demonstrated demand, may estimate the quantity of each item of surplus property which it is necessary to hold in reserve in order to provide an adequate supply thereof to satisfy the probable needs of priority claimants for such items. Such quantities shall be reviewed and adjusted periodically by the disposal agency in the light of the changing requirements of priority claimants and the areas in which such requirements exist. There need be no earmarking of specific property, but the quantities of surplus property so estimated shall be reserved for exclusive disposal to priority claimants subject to the periods specified in paragraph (a). Any property in excess of such reserved quantities may, notwithstanding the provisions of paragraph (a), be disposed of promptly to others.

(c) In order to assist the disposal agencies to reserve quantities of surplus property, pursuant to the provisions of paragraph (b), adequate to satisfy the needs of priority claimants including Reconstruction Finance Corporation for resale under section 18 (c) of the Surplus Property Act of 1944, Reconstruction Finance Corporation may advise the disposal agencies from time to time of the quantities and kinds of surplus property which it needs or may need for such purposes to the end that any reservations established under paragraph (b) of this section may be adequate to supply such anticipated needs.

§ 8302.7 *Information about available property*—(a) *Availability of records of surplus property; Government requirements officers.* Disposal agencies shall establish procedures to insure that designated representatives or procurement officers of Government agencies and State and local governments shall have access to the information on the property records of the disposal agencies, and shall upon request from time to time inform such representatives or procurement officers about surplus property for which declarations have been received or are anticipated. Each disposal agency shall appoint in its central office and in each regional office thereof a Government requirements officer or officers, whose duties shall include (1) transmitting to Government agencies and State and local governments information concerning surplus property which is or may become available for disposal; (2) assisting in programming sales or offerings in such a manner as to afford Government agencies and State and local governments an opportunity to purchase any and all kinds of property they desire; (3) ascertaining the probable needs for all kinds of property of Government agencies and State and local governments within the region served by each regional office to the end that any reservations established under § 8302.6 (b) may be adequate to supply the probable needs of Government agencies and State and local governments within the region served by the office; (4) cooperating with such advisory committees as the Administrator may appoint; and (5) taking all other necessary or desirable steps to see that there is compliance with all requirements of this part. It shall be the responsibility of Government agencies, in order to avoid making purchases through commercial channels, and whether or not notified by the disposal agencies, continuously to consult the records of the disposal agencies and to determine whether their requirements for all items of property can be satisfied out of surplus property in the hands of the disposal agencies.

(b) *Notice of offering.* Disposal agencies shall give, so far as practicable, uniform and wide public notice to all priority claimants of surplus property available or offered for sale within the area in which the offering is made. Government agencies and State and local governments shall have the right upon request to be put on mailing lists for notices in all cases where such lists are used to offer property for disposal, including mailing lists otherwise reserved to special classes of buyers. If paid public advertising is used as the method of offering, no other notice need be given priority claimants, except for Federal agen-

[1] Reg. 3 (11 F. R. 11136).
[2] Reg. 1, Order 3 (11 F. R. 6774, 9572, 14490)

cies and State and local governments to whom public advertising shall not constitute proper notification.

§ 8302.8 *Issuance of certificates to veterans.* [Deleted August 18, 1947.]

§ 8302.9 *Transfers and disposals to priority claimants.* (a) A veteran desiring to exercise his priority shall present his discharge papers or other satisfactory evidence that he is a veteran except that veterans applying for aircraft, or industrial equipment of the types set forth by order issued hereunder, shall, in addition, apply for a certification to any office of War Assets Administration and shall furnish such information as may be requested. Any certification so issued may be cancelled for cause. War Assets Administration shall satisfy itself that the property applied for is to enable the veteran to establish or maintain his own small business, professional, or agricultural enterprise as defined in § 8302.1 (b) (4) of this part. No person may purchase on a veteran's priority property to be used in more than one small business, professional, or agricultural enterprise. Special effort shall be made to insure that property available to veterans may be inspected by them.

(b) Except in the case of transfers to Reconstruction Finance Corporation for resale under section 18 (e) of the Surplus Property Act of 1944, and disposals to veterans of property to be resold with or without processing or fabrication in the regular course of business, transfers or disposals to priority claimants shall be for their own use only and not for transfer or disposition by them to others, and disposal agencies shall require priority claimants so to certify. Title to property being acquired by priority pursuant to the provisions of this part shall not be transferred by the disposal agency to any person other than the acquiring priority claimant, except in the case of purchases by Reconstruction Finance Corporation under section 18 (e) of the Surplus Property Act of 1944, and except in the case of purchases by veterans, who may take title either in their own names or in the names of their own business or professional or agricultural enterprises as defined in § 8302.1 (b) (3). The priorities granted pursuant to the provisions of this part may not be assigned nor transferred nor used for the benefit of any other person.

(c) [Deleted August 18, 1947.]

(d) Disposal agencies shall make such transfers of surplus property to a Government agency without reimbursement or transfer of funds whenever a transfer on such terms by the owning agency (by which such property was declared surplus) would be authorized by any law approved subsequent to June 21, 1944 to be made to the agency desiring such property. The agency desiring such property without reimbursement or transfer of funds shall cite its authority for such transfer and shall pay all transportation charges but not the cost of packing, and shall furnish when necessary a Government bill of lading bearing identification of the appropriation against which such transportation charges are to be charged.

(e) Subject to the provisions of § 8302.10, disposal agencies may establish the maximum and minimum quantities which may be acquired by any one priority claimant at any one time during a given period of time. When the supply of any type of surplus property offered at any time will be insufficient to fill the orders of eligible claimants, equitable distribution among such claimants may be accomplished (1) on a first-come first-served basis in fixed price sales after establishment of maximum quantities or (2) on such other allocation basis as shall be approved by the disposal agency. Maximum quantities shall not be established in a manner which will prevent claimants in a higher priority class from satisfying their legitimate requirements in order to offer a portion of the property to claimants in a lower priority or non-priority class. In giving public notice of availability of any property, disposal agencies shall whenever practicable specify the method by which distribution of such property will be made among claimants. No priority claimant shall be denied the right to priority by reason of location or residence during the period of offering to claimants in the same class.

(f) No property shall be offered to non-priority claimants unless it has first been offered to priority claimants or necessary provision has been made for reservations for priority claimants in accordance with § 8302.6. Orders from priority claimants shall be filled from any available surplus property, subject to the provisions of §§8302.4, 8302.5, and 8302.6. If no property is available or likely to become available, the disposal agency shall promptly notify the claimant and upon the dispatching of such notification the order shall lapse. If there is no definite assurance that property requested will become available, the claimant shall be advised that the order has been cancelled. Unless the advertising otherwise states, property already advertised for public competitive bids or for sale at auction or for immediate purchase at a fixed time and property specifically selected by a prospective purchaser shall not be considered available for priority claimants.

§ 8302.10 *Transfers of surplus standard administrative and maintenance property to the Treasury Department and acqisition of such property by Government agencies.* (a) In order to facilitate the transfer of surplus property from one Government agency to other Government agencies for their own use and not for transfer or disposition to others outside the Government, the Treasury Department as the central procurement agency of the Government may acquire from the disposal agencies such quantities of surplus standard administrative and maintenance property as it needs to satisfy the requirements for such property of all Government agencies within the continental United States, other than the War Department, Navy Department, and Veterans Administration, and other than each disposal agency for the types of property for which it is designated as such under Part 8301.[1]

[1] Reg. 1 (12 F. R. 2249, 2773, 3320, 4962).

Government agencies shall cooperate with the Treasury Department in compiling estimates and shall provide the Treasury Department with such information concerning their requirements as it may need in order to promote the fullest utilization of surplus property.

(b) Disposal agencies shall transfer surplus standard administrative and maintenance property to the Treasury Department in accordance with the provisions of § 8302.9 and at a fair value which reflects the estimated expenses to be incurred by the Treasury Department in making distribution to Government agencies, and the Treasury Department shall promptly upon such transfer take possession and assume responsibility for the care, handling, and disposition of such property.

(c) It shall be the responsibility of all such Government agencies, in order to avoid making purchases of such property through commercial channels when such property is available from surplus, continuously to consult the stock catalogues issued by the Bureau of Federal Supply of the Treasury Department and the inventory records of War Assets Administration.

(d) Except in cases where transfers may be made without reimbursement or transfer of funds, no Government agency other than the War Department, Navy Department, and Veterans' Administration, and other than each disposal agency for the types of property for which it is designated as such under Part 8301, shall within the continental United States acquire by direct transfer from a disposal agency any type of surplus standard administrative or maintenance property which is offered for disposal by the Treasury Department and immediately available for acquisition by such Government agency: *Provided*, That if none of a desired type of property is immediately available for acquisition by a Government agency, such agency may purchase such desired property directly from the disposal agency: *And provided further*, That Reconstruction Finance Corporation shall be entitled to acquire any such property from a disposal agency for resale under section 18 (e) of the Surplus Property Act of 1944.

§ 8302.11 *Fair value.* Disposal agencies shall fix the fair value at which property shall be acquired by priority claimants. Such fair value shall not be greater than the lowest price which is offered to any trade level at the time of acquisition by the priority claimant, or where the fair value is fixed after examining competitive bids from nonpriority claimants, it shall not be greater than the lowest acceptable bid. In competition between claimants within a given priority band, fair value shall be the highest acceptable bid received.

§ 8302.12 *Acquisitions by priority claimants without exercising priority.* In addition to acquiring property under §§ 8302.5 and 8302.6, Government agencies, except as to standard administrative and maintenance property desired for their own use, and State and local governments shall be entitled to submit offers whenever surplus property is

otherwise offered for sale, without regard for the location of the property, except that offers shall not be entitled to priority nor shall offers from Federal agencies to acquire without reimbursement be recognized at competitive bid sales of residual property. Government agencies may under this section acquire any surplus property (including standard administrative and maintenance property) for transfer or disposition to others. Nothing in this part shall prevent veterans from acquiring any property directly from a disposal agency without exercising priority if they are included within the class of buyers to whom the disposal agency is offering such property. Such purchases made by a priority claimant without priority shall be governed by the prices, terms, and conditions of the offering made by the disposal agency and pursuant to any other provisions of this part.

§ 8302.13 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the Act. Reports shall be prepared and filed with the War Assets Administrator in such manner as may be specified by orders issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8302.14 *Regulations by disposal agencies to be reported to the War Assets Administrator.* Each disposal agency shall file with the War Assets Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This revision of this part shall become effective August 18, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

AUGUST 18, 1947.

[F. R. Doc. 47-7846; Filed, Aug. 19, 1947; 11:29 a. m.]

[Reg. 2,[1] Order 9]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

NATIONAL AND REGIONAL VETERANS SET-ASIDE LISTS

War Assets Administration Regulation 2, Order 9, July 1, 1947, entitled "National and Regional Veterans Set-Aside Lists", (12 F. R. 4675) is hereby revised and amended as herein set forth.

Section 8302.4 (a) of this part provides that except as to the amounts of any property necessary for the temporary use of any disposal agency to carry out its responsibilities in disposing of surplus property under the Surplus Property Act of 1944, each disposal agency to which there is assigned for disposal any property of the types set forth by order issued thereunder shall set aside all, or such percentage of such property as is designated in such order. Accordingly, it is hereby ordered that:

§ 8302.59 *National and regional veterans set-aside lists.* Except as indicated the items listed in Exhibit A hereof shall constitute the National Veterans Set-Aside List and the items listed in Exhibit B hereof shall constitute the Regional Veterans Set-Aside List.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Reorganization Plan 1, of 1947 (12 F. R. 4534))

This section shall become effective August 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

AUGUST 1, 1947.

EXHIBIT A

NATIONAL VETERANS SET-ASIDE LIST

(The following items in "0" condition or better)

MOTOR VEHICLES

	Commodity code classification	
Trucks, amphibian, ¼-ton, 4 x 4	90	1001
Carrier, light cargo (the weasel)	90	1002
Trucks:		
"The Jeep", ¼-ton, 4 x 4	90	1003
Carry-all, ½-ton, 4 x 2	90	1004
Canopy express, ½-ton, 4 x 2	90	1005
Pickup, ½-ton, 4 x 2	90	1006
Panel delivery, ½-ton, 4 x 2	90	1007
Carry-all, ½-ton, 4 x 4	90	1008
Command reconnaissance, ½-ton 4 x 4	90	1009
Emergency repair, ½-ton, 4 x 4	90	1010
Panel delivery, ½-ton, 4 x 4	90	1011
Pickup, ½-ton, 4 x 4	90	1012
Radio, ½-ton, 4 x 4	90	1013
Weapons carrier, ½-ton, 4 x 4	90	1014
Panel delivery, ¾-ton, 4 x 2	90	1015
Pickup, ¾-ton, 4 x 2	90	1016
Carry-all, ¾-ton, 4 x 4	90	1017
Command, ¾-ton, 4 x 4	90	1018
Emergency repair, ¾-ton, 4 x 4	90	1019
Light maintenance and installation, ¾-ton, 4 x 4	90	1020
Weapons carrier, ¾-ton, 4 x 4	90	1021
Canopy express, 1-ton, 4 x 2	90	1022
Pickup, 1-ton, 4 x 2	90	1023
Combination stake and platform, 1½-ton, 4 x 2	90	1024
Cargo, 1½-ton, 4 x 2	90	1025
Canopy express, 1½-ton, 4 x 2	90	1026
Dump, 1½-ton, 4 x 2	90	1027
Panel delivery, 1½-ton, 4 x 2	90	1028
Pickup, 1½-ton, 4 x 2	90	1029
Bomb service, 1½-ton, 4 x 4	90	1031
Cargo, 1½-ton, 4 x 4	90	1032
Combination stake and platform, 15 ft., 1½-ton, 4 x 4	90	1033
Combination stake and platform, c. o. e., 1½-ton, 4 x 4	90	1034
Dump, 1½-ton, 4 x 4	90	1035
Panel delivery, 1½-ton, 4 x 4	90	1036
Panel delivery, 1½-ton, 4 x 4 (K-51)	90	1037
Ordnance maintenance, 1½-8-ton, 4 x 4	90	1038
Cargo, 2½-ton, 4 x 2	90	1039
Combination stake and platform, 2½-ton, 4 x 2	90	1040
Dump, 2½-ton, 4 x 2	90	1041
Cargo,[2] 2½-ton, 6 x 4	90	1042
Tractor, 1½-ton, 4 x 2	90	1044
Tractor, 1½-ton, 4 x 4	90	1045

[2] Not less than 10% reserve for veterans set-aside.

EXHIBIT A—Continued

NATIONAL VETERANS SET-ASIDE LIST—Con.

MOTOR VEHICLES—continued

	Commodity code classification	
Trucks—Continued		
Tractor, 2½-ton, 4 x 2	90	1046
Tractor, c. o. e., 2½-ton, 4 x 4	90	1047
Tractor,[3] 2½-ton, 6 x 4	90	1048

Note: Trucks, tractor, code numbers 90 1044 through 90 1048 include trucks which are cab and chassis units.

Buses:		
Sedan, converted, 15-passenger, 4 x 2	90	1075
Car:		
Passenger, light, all body types, 4 x 2, includes Crosley, Bantam and others	90	1079
Passenger, medium and heavy, all body types, 4 x 2	90	1080
Station wagon, including auxiliary ambulance station wagon, 4 x 2	90	1081
Motorcycle, all types, 2 x 1 and 3 x 1	90	1085
Scooter, motor, with or without package carrier, all types	90	1086
House trailers, all types regardless of condition	90	1111

MEDICAL AND DENTAL EQUIPMENT AND INSTRUMENTS

Medical equipment:		
Electro-cardiographs	90	5103
Basal metabolar	90	5104
Cystoscope	90	5105
X-ray medical equipment and accessories:		
X-ray, field unit, table unit	90	5201
X-ray, field mobile unit	90	5202
X-ray generating equipment:		
200 MA generator, plus tilt table	90	5203
100 MA generator, plus tilt table	90	5204
30 MA mobile unit, office type and field type	90	5205
15 MA portable	90	5206
Vertical fluoroscope	90	5208
Cassette changer	90	5209
Large stereoscope	90	5210
1 Position table for radiography, with Bucky diaphragm	90	5211
Physiotherapy equipment:		
Diathermy apparatus, 110-volt, 60-cycle:		
1 conventional circuit	90	5304
2 crystal control circuits	90	5305
Dental equipment and supplies:		
Cabinet, dental	90	5602
Chairs, dental, operating	90	5603
Unit, operating dental: 110-volt, 25-cycle; 110-volt, 60-cycle; 110-volt, D. C.; 110-volt, 50-cycle; 220-volt, 60-cycle	90	5642
Machine, X-ray, dental, shock-proof 110- to 220-volt 60 cycle	90	5644

OFFICE FURNITURE

Office Furniture—50% of the inventory items listed below in "O" condition or better shall be offered to veterans		
Desk—"Top" executive, 72 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges, and matched woods)	90	6501

[1] 12 F. R. 1985.

EXHIBIT A—Continued

NATIONAL VETERANS SET-ASIDE LIST—Con.

OFFICE FURNITURE—continued

Description	Commodity code classification		
Desk—"Top" executive, 66 inch flat top, mahogany, oak, or walnut finish; lock, double pedestal, 4 or 6 legs, 6 or 7 drawers, metal or wood hardware, open or sealed back. (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish, and molding, generally has rounded corners and edges, and matched woods)	90	6502	
Desk—Executive or regular, 60-inch flat top, mahogany, oak or walnut finish, double pedestal, w/o locks, metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; w/o drawer guides; open or sealed back; double or single	90	6503	
Desk—Executive or regular, under 60-inch, flat top, mahogany, oak, or walnut finish; double or single pedestal, with or without locks; metal or wood drawer handles, 6 or 7 drawers; veneered sides and top; with or without drawer guides; open or sealed back, single	90	6504	
Desk—"Top" stenographic, left or right pedestal, 60 inch or over, mahogany, oak, or walnut finish, metal or wood hardware, open or sealed back (Note: The relatively few items are easily distinguished from the regular type desk by the superior hardware, finish and molding, generally has rounded corners and edges and matched woods)	90	6506	
Desk—Stenographers' or typewriter desk, 60 inch, mahogany, oak, or walnut finish, typewriter drop center, right or left side; with or without locks; double or single pedestal	90	6507	
Desk—Stenographers' or typewriter desk, under 60 inch, mahogany, oak, or walnut finish, double pedestal, with or without lock; typewriter drop center, right or left side; double or single pedestal	90	6508	
Chairs—Office, non-swivel chairs with arms; all types of backs, arms and legs, including "Bank of England" type; any type of finish	90	6510	
Chairs—Office, w/o arms, non-swivel; all types of backs and legs; any type of finish	90	6511	
Chairs—Stenographers' posture; any type of stenographers' chairs with mechanism to adjust back for posture; any type of finish	90	6512	
Chairs—Stenographers' regular, all types of swivel chairs w/o arms, except posture; any type of finish (not including Victory)	90	6513	
Chairs—Swivel, plain, with arms, full swivel (metal) tilting; back may be padded, including "Bank of England"; all types of finish	90	6514	
Chair—"Top" executive, upholstered back, seat, nonswivel or full swivel (metal) tilting with upholstered arms	90	6516	
Filing cabinets, metal or wood, recommended set-aside 50%. Cabinets, file, vertical, letter legal, or cap size, with or without locks, suspension arms; any type of finish:			
5-drawer.			
4-drawer.			
Filing cabinets—Continued			
8-drawer.			
2-drawer.			
Cabinets—file, metal, vertical, letter, legal or cap size, with or without locks, any type of finish	90	6521	
Cap-size: Inside dimensions: 15½ x 10 13/16 x 26½; with follower block; any type of finish.			
Letter-size: Inside dimensions: 12¼ x 10 13/16 x 26½; with follower block; any type finish.			
Cabinets—steel (used), filing, insulated, record container; one hour fire resisting; with impact and explosion test	90	6523	
Cap-size: Inside dimensions: 15½ x 10 13/16 x 26½; with follower block; any type finish.			
Letter-size: Inside dimensions: 12¼ x 10 13/16 x 26½; with follower block; any type finish.			
Tables — Conference; 72-inch or over, with or without drawers; any type of finish	90	6531	
Tables—Conference; 60-inch; with or without drawers; any type of finish	90	6532	
Tables—36-inch, with or without drawers; any type finish	90	6533	
Tables—Telephone, top approximately 16 x 22 inches	90	6534	
Tables—Typewriter, with or without rollers	90	6535	

EXHIBIT B

NOTE: Exhibit B revised August 1, 1947.

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947

ZONE I

BOSTON REGION NO. 1

Description	Standard commodity code classification	
Lanterns, hand (used by the Navy)	32	7630
Typewriters, Residue of offerings to Federal agencies and R condition	38	8000
Mackinaw coats, water repellent	67	32124
Comforters, cotton, 63" x 85"	69	3390
Fan, electric	32	8820
Line-a-Time machine	38	9800
All motor vehicles listed on the National Veterans Set-Aside List which are less than O–4 condition	45	0000
Lamp, desk and floor	53	4400
Hamper, including canvas	54	2000
	54	5500
	69	5900
Stool, metal and wood	54	3000
	54	5000
Tray, desk	54	3100
	54	3300
Bookcase	54	3380
Cot, hospital	54	5215
Costumer	54	90118
Table, drafting	58	8320
Basket, metal and fibre	79	7927

NEW YORK REGION NO. 2

Sewing machine, medium heavy shuttle, industrial type, complete with accessories	33	2511
Drill presses, bench and floor, single and spindle up to ¾" capacity	34	1310
	34	1320
Arc welders, portable type	34	5111
Torches, welding, Model Smith Style #5, with welding pipe hose connections, and shut-off valve	34	5210

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE I—Continued

NEW YORK REGION NO. 2—continued

Description	Standard commodity code classification	
Regulator, oxygen, used for welding, Airco Model #6401, ⅜ pipe size, air screwed and connections, automatic pressure compensation	34	5280
Typewriters. Residue of offerings to Federal agencies and also R condition items	38	8000
Car, passenger, R condition	45	1110
Station wagon, R condition	45	1130
Busses, R condition	45	1200
Trucks: R condition.		
Pickup	45	13001
Tractor, 1½ ton	45	13002
S & P, 1½ ton	45	13002
Van body, 1½ ton to 3 ton	45	13002
	45	13003
Cargo, 2½ ton	45	13003
Ambulance	45	1401
Dump, 1½ ton	45	1405
Dump, 2½ ton	45	1405
Telephone maintenance pickup	45	1415
Carryall	45	1499
Trailor, tank, 2000 gallon, R condition	45	2114
Truck, weapon carrier, R condition	45	3199
Jeep, ¼ ton, R condition	45	4450
Photographic equipment except 35 MM projectors and motion picture cameras	55	0000
Dress, WAC; summer beige	67	3221
Dress, WAC, winter tan	67	3221
Waist, women's, cotton khaki	67	3224
Skirt, WAC, winter wool covert	67	3225
Jacket, flying, winter, Type B–9	67	3310
Raincoat, women's parka type	67	3410
Coat, WAC, utility, cotton, water repellent	67	3490
Jacket, women's field, wind proof and water repellent	67	3490
Socks, men's:		
Rayon and cotton, grey	67	4111
Lisle, grey	67	4111
Blanket, white and others, except those on National Program A–120	69	3400
Horse cover, 76" x 60", with straps	69	9900
Tubes, truck 600/16	74	3120
Clock, Naval, wall type [3]	75	6423
Glasses, sun, flying with case	79	3410

PHILADELPHIA REGION NO. 3

Calculating machines	34	2200
Typewriters, standard. Residue of offerings to Federal agencies and also R condition items	38	8000
Car, passenger, all types, R condition	45	1110
Station wagon, R condition	45	1130
Jeep, R condition	45	4450
Jacket, flight Type B–10	67	3330
Glasses, sun	79	3410

RICHMOND REGION NO. 12

Adding machines. Residue of offerings to Federal agencies and in O condition	38	2100
Calculating machines. Residue of offerings to Federal agencies and in O condition	38	2200
Typewriters. Residue of offerings to Federal agencies and in O condition	38	8000
Cash register	39	5200
Car, passenger, R condition	45	1110
Station wagon, R condition	45	1130
Truck, Jeep, ¼ ton, R condition	45	4450

[3] Allocation to be made to Boston and Philadelphia for veteran set aside.

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE I—Continued

RICHMOND REGION NO. 12—continued

Description	Standard commodity code classification	
Refrigerator, domestic, O and R condition	52	2100
Transit, engineering, O and R condition	58	8720
Leven, engineering, O and R condition	58	8720
Blanket, except those on National Program No. A–120	69	3400
Jug, thermos, O condition	75	9120

ZONE II

ATLANTA REGION NO. 6

Fan, electric	32	8820
Typewriters. Residue of offerings to Federal agencies and also R condition items	38	8000
Cash Registers:		
Electric	39	5100
Nonelectric	39	5200
Car, passenger, R condition	45	1110
Station wagon, R condition	45	1130
Truck, pickup, R condition	45	13001
Trailer, Jeep, ¼ ton, O and R condition	45	2199
Truck, Jeep, ¼ ton, R condition	45	4450
Bicycles, all types	49	1100
Refrigerators:		
Electric, household type	52	2100
Walk-in complete	52	3100
Reach-in electric	52	3210
Lanterns, hand battery type	53	9290
Safe	54	3100
Sphygmomanometer	58	2340
Suits, flying, summer	67	32181
Jackets, flying, Type B–10	67	3330
Bedspread	69	3200
Blankets, except those on National Program A–120	69	3400
Shot guns	81	1400

CHARLOTTE REGION NO. 13

Cord, nylon	15	9190
Lock, door, complete	25	5120
Bar, towing, steel	25	9999
Hoist, portable, chain ½ ton	31	58131
Pressure tank, portable, paint	31	9940
Paint spray guns	31	9940
Motor, electric, fractional ½ HP	32	1310
Lamp, infra-red, floor type	32	7930
Torch tips, welding	34	5210
Torch, cutting, acetylene	34	5210
Regulator, acetylene	34	5280
Machine:		
Comptometer, (adding) listing hand operated	38	2100
Comptometer, manually operated	38	2200
Calculator	38	2200
Duplicating, mimeograph, hand operated	38	5200
Machine, time recording, stamp	38	6200
Typewriters, all types. Residue of offerings to Federal agencies, and also R condition items	38	8000
Paulins, life rafts	42	8100
Fixtures, shower	51	2100
Racks, towel	51	2411
Lamp, fluorescent	53	4000
Bunk, wood, double deck	54	2125–42
Desk, flat top, victory, 42" x 34", 2 drawer	54	33521
Regulator, propane, oxygen	57	7510
Sterilizer instrument	58	4310
Life preserver, Army and regular	59	1620
	79	9740
Goggle, single vision	59	12411
Fire extinguisher, carbon tetrachloride, 14" long	59	5120
Poncho, cover	67	3490
Counterpane	69	3200

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE II—Continued

CHARLOTTE REGION NO. 13—continued

Description	Standard commodity code classification	
Bedspreads, white, chenille, 81" x 108"	69	3290
Blankets, except those on National Program No. A–120	69	3400
Pillow, cotton	69	3811
Pack, field, cargo	69	5900
Hose, water or air, ½" x 50" long	74	5106
Container, emergency	74	9000
Pan, dish, circular, cap. 21 qts	75	1185
Plier	75	3127
Screwdriver	75	3134
Shovel:		
Square point	75	31362
Intrenching, foxhole type	75	31369
Wrench:		
Body sockets	75	31476
T handle, socket	75	31479
Watch:		
Navigation	75	6960
Navigation, pocket	75	6960
Navigation, stop	75	6960
Bucket, kick	75	7921
Gauge, small hole	75	80306
Padlock, tumbler type, with key	75	9110
Tray, desk	79	7907
File, clips and boards	79	7999
Tool kits:		
Tire remover	96–75	3000
Fender repair	96–75	3000
Flaring	96–75	3190
Beading	96–75	3199
Flaring, tube	96–75	3199

JACKSONVILLE REGION NO. 14

Sprayers, paint portable	31	9940
Lamp, projector	32	7400
Fans, electric, A C	32	8820
Saw:		
Circular, woodworking	33	6210
Band, woodworking	33	6220
Planer, woodworking	33	6310
Machine, sander, woodworking	33	6320
Lathe, woodworking	33	6400
Joiner, matchers and moulders, woodworking	33	6500
Grinder, bench	34	1584
Graders, self-propelled	36	5132
Tractor, wheel type, all purpose under 30 belt HP	37	1210
Lawn mowers	39	9100
Rafts, life [4]	42	8100
Harness assembly, parachute	42	8390
Jackets, life	42	8400
Car, passenger, all types, R condition [4]	45	1110
Station wagon, R condition [4]	45	1130
Trucks: R condition [4]		
All types of single unit and truck tractors	45	1300
Ambulance	45	1401
Dump	45	1405
Wrecker	45	1418
Tank	45	1517
Trailer, Jeep, ¼ ton, R condition [4]	45	2199
Truck, Jeep, ¼ ton, R condition [4]	45	4450
Bicycles, men	49	1110
Heater, square, gas 2 burner	51	6900
Lamps:		
Table	53	4410
Floor	53	4420
Lantern, electric, portable	53	9290
Table, reading, folding	54	2223
Chest with drawers, wood	54	2326
Safes, office type	54	3100
Bench, office, wood	54	3420
Costumer, wood	54	3490
Cots, folding, steel	54	5215
Tables, folding	54	55133

[4] Minimum of 50% reserve.

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE II—Continued

JACKSONVILLE REGION NO. 14—continued

Description	Standard commodity code classification	
Lockers, foot, wood and metal [4]	54	7400
Chairs, folding, wood and metal [4]	54	9020
Camera, motion picture, 16 MM	55	1130
Binoculars, field	56	4100
Glasses, magnifying	56	7100
Microscopes, binocular and monocular	56	7300
Forceps:		
Tooth extract, Model 103	58	1551
Tooth extract, Model 150A	58	1551
Tooth extract, Model 151A	58	1551
Lathes, dental, small	58	1610
Machine, dental casting, small	58	1690
Compressor unit, dental	58	1690
Table, hospital, major operating	58	4100
Lamp, dental	58	4290
Jackets, leather, unused	67	3310
Trousers, flight	67	3310
Comforter [4]	69	3300
Blankets, except those on National Program No. A 120 [4]	69	3420
Bags:		
Aviation flight	69	4100
	79	9619
Canvas, field	69	5900
Hose, 25' length, rubber	74	5199
Jacks, hydraulic	75	3100
Vises, all types	75	3145
Watches, wrist	75	6100
Boxes, tool	75	7930
Case, carrying leather	79	9541
Fishing kits	96–79	1610

NASHVILLE REGION NO. 18

Motors, electric, fractional and 1 to 5 HP, AC and DC single and three phase	32	1300
Chest of drawers, 2 drawer, drop leaf writing compartment	54	3150
Drafting tables	58	8320
Overalls, men's, cotton twill	67	32121
Blankets, except those on National Program No. A–120	69	3400
Tarpaulins, canvas	69	5900
Hammock, white duck, cotton	69	5900
Bags, assembly flyers clothing B–4	79	9619

BIRMINGHAM REGION NO 19

Shoe repair machines	33	9400
Refrigerator, commercial, walk-in	52	8210
Safe	54	3700
Binoculars	56	4000
Sphygmomanometer:		
Aneroid	58	2340
Mercurial	58	2340
Sterilizer, instrument, small	58	4310
Ear, eye, nose and throat examining chair (specialist)	58	4690
Comforters	69	3300
Watch, wrist	75	6100

ZONE No. III

CINCINNATI REGION NO. 4

Motor, fractional horsepower	32	1310
Gauge, tire	33	9355
Grinder, portable, electric	34	8100
Drills, electric, table	34	8320
Sprayer, insect	35	9132
Tractors:		
Wheel type, special purpose	37	1100
Wheel, type, all purpose	37	1200
Garden	37	2000
Bicycle, men	49	1110
Spot light assembly	53	8390
Chair, folding, metal and wood	54	9020
Cameras	55	1420
Projector, 16 MM, sound	55	2120

[4] Minimum of 25% reserve.

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE III—Continued

CINCINNATI REGION NO. 4—continued

Description	Standard commodity code classification	
Screen, portable	55	2500
Print, straightener	55	5900
Binocular	56	4100
Boot, combat	68	1310
Blankets, except those on National Program No. A–120	69	3400
Jack, hydraulic	75	31182
Hammer, sledge	75	31371
Wrench, pipe	75	3147–4
Plane	75	32231
Watch, stop	75	6960
Tape measure, steel	75	8070
Mallet, carpenter	76	8908
Tool sets, miscellaneous	96–75–3000	
Wrench set	96–75–3147	
Tool chests, with tools	96–75–3199	

CHICAGO REGION NO. 5

Barbed wire roll	22	5211
Fence posts, over 5 feet	25	9903
Air compressor, less than 105 cubic feet	31	2100
Hoist, electric 1 to 5 ton capacity	31	5812
Spray unit, including spray gun	31	9940
Battery charger	32	1280
Motors, fractional HP, 110–220 volt, single phase AC and DC standard, listing ratings	32	1310
Skillsaws, electric, hand portable	33	6210
Lift, automobile, drive on or free wheeling	33	9951
Refacer, valve, portable	34	8140
Sander, portable, electric, hand	34	8900
Disc plow	35	2300
Mower, haying machinery	35	5710
Hayraker, haying machinery	35	5720
Concrete mixer, 10s or under	36	7210
Tractor, farm wheel, less than 100 HP	37	1000
All motor vehicles listed on National Set-Aside List which are less than 0–4 condition	45	0000
Ambulance, 1½ ton, 4 x 2	45	1401
Truck, searchlight C. O. E. 2½ ton, 6 x 4	45	1499
Trailers:		
¼ ton, cargo	45	2199
1 ton, cargo	45	3303
Glasses, field, 6 x 30, 7 x 50	56	4100
Binoculars:		
6 x 30, 7 x 50	56	4100
6 x 30, 7 x 50, prism	56	4300
Microscope, binocular and monocular	56	7300
Lensometer	58	2108
Opthalmometer	58	2111
Perimeter	58	2114
Phorometer	58	2115
Phoroptometer	58	2115
Cysto-urethroscope	58	2203
Pan-endoscope	58	2212
Sphygmomanometer:		
Aneroid	58	2340
Mercurial	58	2340
Sterilizer, dental instrument	58	4310
Cabinet, specialists	58	4990
Shot guns of the following gauges: 10, 12, 16, 20 and 410	81	1400
Tool kits, complete with tools:		
Aircraft	96–75–3000	
Auto mechanics	96–75 3000	
Carpenter	96–75–3000	
Machinist	96–75–3000	
Jeweler	96–75–3000	
Any other	96–75–3000	

CLEVELAND REGION NO. 15

Cloth, nylon, camouflage	15	8470
Engines, 4 cycle, gasoline, portable, under 6½ HP	31	15422
Spray units, including spray gun	31	9940

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE III—Continued

CLEVELAND REGION NO. 15—continued

Description	Standard commodity code classification	
Cord, light extension (maximum of 75% reserved)	32	5990
Batteries, auto storage, unused	32	9211
Skillsaw:		
Circular	33	6210
Band	33	6220
Lathes, engine and toolroom, under 12" swing with center to center under 30", 110–220 volt	34	16221
	34	16211
Arc welding units, complete:		
Under 300 AMP, AC	34	51110
Under 300 AMP, DC, portable	34	51120
Drills, electric portable	34	8320
Jack, screw w/handle, 1½ ton, maximum of 60% reserved for veterans	36	9320
	75	3118
Typewriters. Residue of offerings to Federal agencies and also R condition items	38	8000
Cash Registers:		
Electric	39	5100
Non electric	39	5200
Raft, life, pneumatic	42	8100
Trucks, dump to include 2½ ton and over	45	1405
Lantern, hand, portable	53	9512
Table:		
Folding, bedside, wood	54	52331
Metal, work	54	5813
Wood, work	54	5833
Microscopes:		
Binocular	56	7300
Monocular	56	7300
Stereoscopic	56	7300
Gauge, pressure tire	57	3900
Goggles:		
Flash, chippers	59	1241
Dust	59	12411
Single vision	59	12412
Safety	59	12413
Clear, shield and welding	59	12419
Protective suits, rubberized	59	1342
Extinguisher, fire, hand	59	5100
Sweaters, coat, navy blue, women's	67	3123
Suits, bathing, women's	67	3125
Robes, terry coat, women's	67	3127
Coverall, painter's, hooded	67	32121
Shirt, white	67	3216
Uniforms, women's	67	3222
Jackets, wool gabardine, women's	67	3223
Shirts, navy blue, women's	67	3224
Clothes, work, women's	67	3226
Playsuits, women's	67	3227
Overcoat, military, women's	67	3229
Raincoats, navy blue, women's	67	3400
Socks, white, women's	67	4200
Gloves:		
Black kid, women's	67	5120
Black wool, leather palms, women's	67	5328
Ties, windsor light	67	9311
Scarves, white, women's	67	9312
Handbags, white, women's	67	9800
Shoes:		
Women's	68	3000
Dress, women's	68	3100
Gym, low cut, women's	68	3400
Boots, rubber, safety toe, ¾ length hip	68	7200
Overshoes, women's	68	7300
Blankets, except those on National Program No. A–120	69	3425
Hammer, machinists (maximum of 30% reserved)	75	31143
Screw drivers:		
Close quarter (maximum of 30% reserved)	75	3134
Machinists (maximum of 2% reserved)	75	31344
Jewelers	75	31345

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE III—Continued

CLEVELAND REGION NO. 15—continued

Description	Standard commodity code classification	
Wrench:		
Monkey (maximum of 90% reserved)	75	31471
Socket set No. 41–W–2295	75	31476
Miscellaneous	75	31479
Knife, electricians, 3" blade (maximum of 35% reserved)	75	4514
Micrometers	75	8050
Calipers, vernier	75	8163
Tool kits:		
Machinists	96–75–3000	
Carpenters	96–75–3000	

DETROIT REGION NO. 16

Tape:		
Scotch	14	5599
Rubber	29	1940
Friction	29	1941
Pumps, hand automotive	31	2260
Spray unit, including spray gun	31	9940
Battery charger	32	1280
Motors, fractional HP, 110–220 volt, AC and DC standard listing ratings	32	1310
Fans, electric:		
Pedestal	32	8800
Table	32	8820
Saw woodworking:		
Band	33	6120
Circular	33	6210
Skill	33	6310
Planer, woodworking	33	6320
Sander machine, woodworking	33	6400
Lathe, woodworking	33	6510
Jointer, woodworking	33	6520
Matcher, woodworking	33	6530
Molder, woodworking	33	6530
Drilling machines, 110–220 volt, single phase	34	1300
Bench grinder, 110–220 volt, single phase	34	1584
Lathes, bench, 110–220 volt, single phase	34	1620
Arch welders, portable type	34	5111
Torches, cutting and welding	34	5210
Regulators:		
Oxygen	34	5280
Acetylene	34	5280
Refacer, valve, portable	34	8140
Drill, electric, hand	34	8320
Sander, portable, electric, hand, 110–220 volt	34	8900
Typewriters. Residue of offerings to Federal agencies and also R condition items	38	8000
Lawn mowers, manual	39	9100
Lamps, bed double hook	53	4450
Beds, hospital	54	5215
Drafting instruments	58	8100
Drafting boards	58	8390
Helmets, welding hand shields	59	1210
Goggles, welding	59	1241
Fire extinguishers and brackets	59	5110
Trousers, wool, OD	67	32181
Gloves, asbestos	67	5400
Blankets, except those on National Program A–120	63	3400
Tents, 2 man	69	5200
Bag assembly, stowage, canvas	69	5900
Tool bag assembly, steel and duck	69	5900
Vises, all types	75	3145
Shot guns	81	4100
Generator repair kits, automotive	96–45–6190	
Tool kits, mechanics	96–75–3000	

LOUISVILLE REGION NO. 17

Scraper, hydraulic, 3 yd. capacity	36	4320
Tractor, track laying	37	3100
Machine, office:		
Adding, electric	38	2100
Computing	38	2900

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE III—Continued

LOUISVILLE REGION NO. 17—continued

Description	Standard commodity code classification	
Typewriters. Residue of offerings to Federal agencies and also R condition items	38	8000
Car, passenger, 4 x 2, R condition	45	1110
Station wagon, 4 x 2, R condition	45	1130
Trucks: R condition:		
Pickup, ½ ton	45	13001
S & P, 1½ ton, 4 x 2	45	13002
S & P, 2½ ton, 4 x 2	45	13003
Dump, 1½ ton, 4 x 2	45	1405
Dump, 2½ ton, 4 x 2	45	14053
Trailer, ¼ ton	45	2100
Truck, Jeep, ¼ ton, 4 x 4, R condition	45	4450
Motorcycle, R condition	45	7000
Microscope, monocular, lab	56	7200
Cystoscope, all types	58	2202
Sphygmomanometer, aneroid	58	2340
Blankets, except those on National Program No. A–120	69	3400

MINNEAPOLIS REGION NO. 21

Motors:		
Electric, fractional HP, AC only	32	1311
Electric, 1 HP to 5 HP, AC only single and 3 phase	32	13213
Welders, arc, 200 and 300 AMP	34	5100
Typewriters. Residue of offerings to Federal agencies and also R condition items	38	8000
Tarpaulin	69	59000

ZONE IV

KANSAS CITY REGION NO. 6

Fans:		
Exhaust, mechanical draft	31	7120
Office and household types	32	8800
Calculators, machine	38	2200
Typewriters, all types. Residue of offerings to Federal agencies, and also R condition items	38	8000
All motor vehicles listed on National Set Aside List which are less than 0–4 condition	45	0000
Refrigerator, walk-in, commercial, complete	52	3100
Lamps, desk, fluorescent	53	5920
Shot guns	81	1400
Motors:		
Electric, under 1 HP (single phase)	32	1311
Electric, 1 to 3 HP (single phase)	32	1321
Saws, table powered, up to 14"	33	6210
Lathes, engine (metalworking) up to 16" swing	33	6950
Typewriters. Residue of offerings to Federal agencies and also R condition items	38	8000
All motor vehicles listed on National Set-Aside List, which are less than 0–4 condition	45	0000
Dental laboratory casting machines	58	1690
Blankets, except those on National Program A–120	69	3400
Watches:		
Wrist	75	6100
Pocket	75	6110

ST. LOUIS REGION NO. 22

No additional items other than those included in the National Veterans Set-Aside List.

OMAHA REGION NO. 24

Drill, electric portable	34	3820
Typewriters, standard and portable. Residue of offerings to Federal agencies, and also R condition items	38	8000

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE IV—Continued

OMAHA REGION NO. 24—continued

Description	Standard commodity code classification	
Coverall, sanforized cotton duck, white	67	3212
Blanket:		
Wool, white, Army hospital	69	3425
Wool, 67 x 84, OD., except those on National Program A–120	69	3425
Towel, Cannon, bath, white	69	3610
Pail, 14 qt. HD	75	7910
Phonograph, hand operated, w/leather carrying case	79	6712

ZONE V

NEW ORLEANS REGION NO. 20

Fan, window, with motor, industrial, axial, light duty	31	7131
Blanket, except those on National Program No. A–120	69	3400
Watch:		
Stop, navigation, Type A–8	75	6110
Navigation, master	75	6110
Time and stop	75	6110

TULSA REGION NO. 25

Motors, electric, 5 HP and under	32	1300
Vacuum cleaners, domestic type	32	8310
Fans, electric, single phase	32	8800
Machine, sewing, Model 31–15, Singer	33	2511
Saws:		
Circular, w/motor, woodworking	33	6210
Circular, 16-in. Model GK, DeWalt	33	6210
Portable, Model 87, Skillsaw 8-in	33	6290
Table, Walker Turner	33	6290
Table, Delta 8-in	33	6290
Radial, cutoff, 16-in. DeWalt	33	6290
Radial, Model GP, DeWalt	33	6290
Lathe, woodworking, "Duro"	33	6410
Cleaner, steam, automotive, "Kerrich"	33	9959
Drill press, bench type	34	1361
Tractor, farm type under 30 belt HP	37	1000
Car, light sedan, 4x2, R Condition	45	1110
Trucks:		
Cargo, 2½ ton, R condition	45	13003
Tractor, 5 ton, R condition	45	13003
Trailer, cargo, ¼ ton	45	3200
Truck, Jeep, ¼ ton, R condition	45	4450
Drafting instruments	58	8110
Transit, Engr. w/case and tripod	58	8720
Level, Dumpy, 18-in., w/case and tripod	58	8720
Level, K and E, #5010F, w/cover and tripod	58	8720
Blankets, except those on National Program A–120	69	3400
Saddles, leather, Western type	71	3200
Jacks, floor hydraulic, 10 ton	75	31182
Glasses, flying, sun	79	3400
Brief case, leather	79	9641

GRAND PRAIRIE, TEXAS REGION NO. 26 (DALLAS, LITTLE ROCK, FORT WORTH)

Motors:		
Electric, ¼ to 1 HP	32	1310
Electric, ½ to 1 HP	32	1310
Electric, 1 to 3 HP	32	1320
Fans, electric, table type, oscillating, 6-in., 12-in., and 16-in. sizes*	32	8800
Drills, electric, portable	34	8320
Trucks:		
CS & P, 1½ ton, 4 x 2, R condition	45	13002
Cargo, 2½ ton, 6 x 4, R condition	45	13003

*Only item for Little Rock, Arkansas. A reserve of this item has been made for other priority buyers.

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE V—Continued

GRAND PRAIRIE, TEXAS, REGION NO. 26 (DALLAS, LITTLE ROCK, FORT WORTH)—continued

Description	Standard commodity code classification	
Trucks—Continued		
Cargo, 2½ ton, 6 x 6, without winch	45	13003
Trailer, Jeep, ¼ ton	45	3299
Blankets, except those on National Program No. A–120 †	69	3400

HOUSTON REGION NO. 27

Trucks:		
Pickup, ¾ ton, 4 x 2, R condition	45	1300
Pickup, ½ ton, 4 x 2, R condition	45	13001
S & P, 1½ ton, 4 x 2, R condition	45	13002
Cargo, 1½ ton, 4 x 2, R condition	45	13002
Jeep, ¼ ton, 4 x 4, R condition	45	4450
Stools:		
Drafting, metal	54–3122–90	
Drafting, wood	54–3322–90	
Tables:		
Drafting, wood, w/stand	58	8320
Drafting, wood, Model No. 160, 36" x 60"	58	8320
Blankets, except those on National Program A–120	69	3400

SAN ANTONIO REGION NO. 28

Tractor:		
Wheel type, farm	37	1000
Crawler with and without dozer attachments	37	3000
Machine, computing and listing	38	2900
Typewriters, O–4 or better. Residue of offerings to Federal agencies	38	8000
Sewing machine, household	39	2000
Cash register	39	5000
Car, passenger, light, 4 x 2, R condition	45	1110
Station wagon, 4 x 2, R condition	45	1130
Truck:		
Pick-up, ½ ton, 4 x 2, R condition	45	1300
C & P, 1½ ton, 4 x 2, R condition	45	13002
Trailer, cargo, 1 ton, 2 wheel	45	3299
Truck, ¼ ton, 4 x 4, Jeep, R condition	45	4450
Refrigerators, reach-in, commercial	52	3200
Blankets, except those on National Program A–120	69	3400
Tool kits, complete with tools	96	3000

ZONE VI

SAN FRANCISCO REGION NO. 10

Prefabricated structures, Quonset huts, 20' x 48', except hangars	13	9914
	25	1400
Engines, general purpose, gas, 2½ HP	31	1000
Irons, electric flat	32	8320
Sawing machine:		
Circular	33	6210
Band	33	6220
Planer, woodworking	33	6310
Machine, sander, woodworking	33	6320
Lathe, woodworking	33	6400
Jointer, matchers, and moulders, woodworking	33	6500
Shaper, woodworking	33	6910
Grinder, bench	34	1584
Plow:		
Tractor, mold board, R condition or better	35	2200
Disc, tractor-drawn or mounted, R condition or better	35	2300

†In all regions under Grand Prairie jurisdiction.

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE VI—Continued

SAN FRANCISCO REGION NO. 10—continued

Description	Standard commodity code classification	
Harrows, R condition or better	35	3100
Cranes:		
Crawler, ½ yard to 1¼ yard, R condition or better	36	4100
Truck, over 5 ton, R condition or better	36	4100
Scraper, carryall, 4 yard and 6 yard, R condition or better	36	4300
Ditcher, R condition or better	36	4400
Graders, motorized, R condition or better	36	5130
Mixer, cement, 3 cu. ft. or over, R condition or better	36	7000
Tractor, wheel type, R condition or better	37	1000
Tractor, tracklaying of the following DBPH: 20–29, 30–45, 46–60, 61–90 and 91–40, R condition or better	37	3000
Adding machine	38	2100
Calculating machine	38	2200
Duplicating machine	38	5200
Typewriters, R condition	38	8000
Typewriters, 0–4 or better condition. Residue of offerings to Federal agencies	38	8000
Laundry equipment, domestic, household type	39	1100
Sewing machine, household	39	2000
Cash registers	39	5000
Radio receiving equipment (as selected for veterans' use)	41	1000
Radio transmitting equipment (as selected for veterans' use)	41	2000
Radio receiver, SX–28, hallicrafters complete with tubes and crystals, with speaker PM–23, O condition	41	3642
Recorders, wiretype, SC–#6C263–8A	41	9220
Rafts, life, pneumatic, 2 man	42 59	8100 1650
Boat, recon., pneumatic, canvas, 2 man	43	5900
Engine, marine:		
Inboard, under 500 HP	43	6420
Outboard	43	6430
All motor vehicles, listed on National Set-Aside List, which are less than O–4 condition	45	0000
Trailers:		
¼ ton cargo	45	2199
Chifforobes	54	2326
Cameras:		
Motion picture, 16 MM, silent	55	1130
Still, view, except roll film type or aerial	55	1422
Press type, except reflex (combat)	55	14252
Projector, motion picture, 16 MM, sound	55	2120
Enlargers, all types, except microfilm	55	2400
Photo lens	55	3220
Film motion picture, 16 MM, color	55	6212
Binoculars:		
6 x 30	56	4100
7 x 30	56	4300
Gen. R. F. Signal, 1–72, port test equip. to align radio sets, range 100KC, 32 MC, 110–125 volt, 60 cycle AC	57	2811
Signal Corps oscilloscope, I–134, 3" cr. tube, Type #224, unused	57	2832
Vacuum tube voltometer, Model 110, 100–130 volt; AC, 40–60 cycle, 20 W tubes, unused	57	2851

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE VI—Continued

SAN FRANCISCO REGION NO. 10—continued

Description	Standard commodity code classification	
Test set multimeter, radio, port, Model 542, less batteries	57	2856
Multimeter 1–239, pocket type, VOM ranges AC/DC, V–5001, 1000 OHM/volt with cover and test leads, Triplett #666	57	2856
Multimeter, portable, ranges, 0–150 V, AC–015 V, AC–0–150 MA, DC, 0–3000 ohms, 0–300,000 ohms 0–30 V DC, 0–300 V, DC, 0–1500 V, DC Sens 1000 ohms/V	57	2856
Multimeter, AC/DC Voma, Simpson, #260, V-ranges (2.5–10–50–250–1000), 0–500 ranges .1–10–100 and 500 DC DB–Range 10 to plus 55, ohm Range–0–1000–100,000–10 meg. Sens—20,000 ohms/v–DC–1000, ohms/V AC	57	2856
Tools:		
Radio, equipment	57	2900
Kits, electronic	96–57–2900	
Tool equipment:		
TE–45, tools for aligning receiver	95–57–2900	
TE–113, tools for aligning receiver	96–57–2900	
Forceps, tooth extraction, Nos. 215, 151A, 150A, 103, 65, 18L, Nor. 18	58	1551
Lathe, dental polishing, R condition	58	1610
Machine, casting, small, dental	58	1640
Engine, dental laboratory, electric, R condition	58	1630,
Engine, dental	58	1700
Cases, diagnostic, ear, nose, throat, unused	58	2199
Sphygmomanometer, aneroid, with bag, bulb and sleeve	58	2340
Table, operating and examining	58	4100
Table, urological	58	4160
Lamps:		
Operating, unit attachment to dental operating unit	58	4290
Therapeutic, mercury, arc	58	4290
Infra red, small, therapeutic	58	4290
Therapeutic, carbon arc, large	58	4290
Bath:		
Leg, therapeutic, whirlpool	58	4600
Arm, therapeutic, whirlpool	58	4600
Baker, therapeutic, electric	58	5820
X-ray unit, field machine, consisting of chest MD–X–2, MD–Y–3, and MD–X–4	58	7400
Dryer:		
Load bin, film, X-ray, R condition	58	7400
Load bin, film, X-ray, O condition	58	7400
Blankets, except those on National Program A–120	69	3400
Tents, 2 and 4 man mountain, unused	69	5200
Watches, wrist	75	6100
Clocks, ship, all types	75	6900
Tool kits:		
Electrician	96–75–3000	
Sheet metal	96–75–3000	
Dock builders	96–75–3000	
Linesman	96–75–3000	
Plumbing	96–75–3000	
Forge	96–75–3000	
Cement finishers	96–75–3000	
Wire rope splicing	96–75–3000	
Mechanics	96–75–3000	
Carpenter	96–75–3000	

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE VI—Continued

SEATTLE REGION NO. 11 (SPOKANE AND HELENA)

Description	Standard commodity code classification	
Motor, electric, ½ HP, DC	32	1312
Lantern, hand, marine type	32	7630
Plate, electric with oven	32	8490
Saw, electric, portable, woodworking	33	6950
Grinder, bench	34	1584
Trailer, 1 ton, 2 wheel	45	3299
Bicycle	49	1100
Spring, bed:		
Single coil	54	1200
Bunk	54	1211
Chair, dining room w/o arms	54	23312
Table:		
Fixed top, folding legs	54	23331
Writing, single drawer	54	3331
Cot, folding, single	54	52158
Bench, shop metal	54	5816
Telescope, Navy type, Power 2 to 8	56	3100
Glass, field	56	4100
Bedspread, cotton, 54" x 88"	69	3290
Comforter, cotton, 64" x 76" and 60" x 78"	69	3390
Blankets, except those on National Program No. A–120	69	3400
Pillow case, cotton bleached, 31" x 42"	69	3520
Towel:		
Bath, white, 22" x 42"	69	3610
Huck, cotton, 19" x 36"	69	3610
Crash type, cotton, 16" x 32" and 17" x 36"	69	3610
Tent, and tent fly, miscellaneous sizes	69	5200
Tape, sounding, 50 ft. long, ⅝" wide	75	80399
Tire chains, truck, single and double	75	9550
Mirror, glass, 18" x 24" wood frame	77	3130
Pole, ski, steel	79	17212
Tool kits, carpenter	96–75–3000	
Tool wrench sets, polished, 17 pieces	96–75–31476	
Compressors, air, single acting, two stage mounted and not mounted, stationary and portable	31	21113 21114
Motors, electric, single phase, ½ HP, AC and DC current	32	1310
Cleaners, vacuum	32	8310
Irons, electric, household	32	8322
Range, home electric, 3 burner with or without oven	32	8410
Hot plates, electric	32	8450
Woodworking equipment, hand and powered operated which is convertible to small shop and home use	33	6000
Grinder bench	34	1580
Lathes, bench, small	34	16123
Welder, arc, ½ HP motor driven	34	5110
Drills, electric portable, ¼"	34	8320
Tractor, farm, under 30 belt HP	37	1210
Bookkeeping (accounting) machine	38	1100
Computing, adding machines	38	2100
Washing machines, household	39	1110
Sewing machine, household	39	2000
Cash register, nonelectric	39	5200
Lawn mower	39	9910
Rafts, life, pneumatic, 7 man	42 59	8100 1640
Trailer, ¼ ton	45	2199
Bicycle, men's	49	1110
Wheelbarrow, metal r/whl	49	2210
Stove:		
Gas, 2 burner, portable	51	5370
Gas, 1 burner, Coleman	51	5370

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE VI—Continued

SALT LAKE CITY REGION NO. 30—continued

Description	Standard commodity code classification	
Chair:		
Living room, upholstered	54	23111
Folding, wood, W.D. W.O. arms	54	2319
Porch	54	23611
Rocker, porch	54	23612
Ottoman, overstuff	54	24123
Stools, office rotary 21 inch	54	3122
Files:		
Card, 11 x 12 x 13	54	3141
Card, 12 x 16, 2 drawer, 3 x 5	54	3340
Card, 15 x 15, 2 drawer	54	3340
Bookcase	54	3380
Table instrument	54	5213
Safety cash deposit box	54	6102
Lockers:		
Steel, 18 x 24 x 72	54	7311
Foot	54	7430
Projectors:		
16 mm, sound	55	2120
W/CF	55	2200
Projector, lantern slides	55	2213
Glasses, field, 6 x 30	56	4100
Binocular, 7 x 50 MM	56	4300
Microscope	56	7200
Compass, magnetic watch type	57	6500
Dental, hand piece	58	1500
Elevator, dental	58	1530
Forceps, dental, extraction	58	1551
Lathe, dental laboratory	58	1610
Engine, dental, foot	58	1700
Manometer, wall type and mercurial type	58	2330
Aspirating unit, dental	58	3007
Forceps, medical	58	3043
Tables:		
Examining	58	4120
General operating	58	4130
Lamps, operating	58	4200
Sterilizer, instrument electric	58	4310
Cabinet, dressing and supply, Med. Tld. Type	58	4930
Centrifuge	58	5111
Drafting machine	58	8120
Drafting tables	58	8320
Transit, engineers	58	8720
Levels, engineers	58	8720
Compass, foresters	58	8740
Blankets, except those on National Program No. A–120	69	3400
Sleeping bags, kapok filled	69	6300
Vises:		
Mechanics, bench	75–3145–10	
Woodworker	75–3145–20	
Watch, pocket and wrist	75	6100
Skis	79	17211
Toboggan, wood, military	79	17991
Mandrel	79	4299
Shot guns	81	1440 1450
Instrument drawing set	96–58–8110	
Tool kit sets:		
Blacksmith w/chest	96–75–3000	
Commissary w/chest	96–75–3000	
Electrician	96–75–3000	
Carpenter	96–75–3000	
Pipe tap and die, ¼"–1" set	96–75–3000	

PORTLAND REGION NO. 32

Range, electric, domestic	32	8410
Fan, electric, oscillating 10" and 12" AC	32	8821
Grinders, bench, floor and snag:		
10" to 16" dia. wheel—dry	34	15832
10" to 16" dia. wheel—wet	34	15862
16" to 24" dia. wheel—wet	34	15863
Bench, floor and snag grinders, misc.	34	15890
Grinding machines, miscellaneous	34	15990

¹ Not less than 10% reserve for veterans set aside.

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE VI—Continued

PORTLAND REGION NO. 32—continued

Description	Standard commodity code classification	
Lathe, bench	34	1620
Saw, band, metal	34	19452
Machine, pipe and bolt threading (Toledo 990 and Beaver)	34	19731
Punch, press	34	4390
Tractor, wheel type	37	1000
Bookkeeping machine, Model DC–44 EK	38	1100
Adding machine, electric	38	2100
Calculator machine	38	2200
Comptometer machine	38	2200
Spirit ditto machine	38	5100
Stencil duplicating machine	38	5200
Recorder, time machine	38	6100
Clock, time stamping machine M–7400	38	6200
Typewriters, R condition and residue of offerings to Federal agencies	38	8000
Machine, numbering	38	9900
Cash register	39	5200
Radio, ship equipment, M–SLR, 12–R	41	3490
Life preservers	42	8400
Car, passenger, 4 x 2, R condition	45	1110
Bus, 29 passenger, R condition	45	1200
Bus, O–3 condition	45	1210
Trucks: R condition		
Light, under 9000 lbs. G. V. W.	45	13001
Pickup, ½ ton	45	13001
Cargo, 1½ ton	45	13002
Stake, 1½ ton	45	13002
Cargo, 2½ ton	45	13003
Stake, low bed, 3 ton	45	13003
Dump, 1½–2½ ton	45	1405
Wrecker, 2½ ton	45	14183
Trailer:		
Low bed, 45 ton	45	2107
Semi, low bed, 2½ ton	45	2107
Semi, bus, 40–50 passenger	45	2108
Semi, stake and platform	45	2111
Semi, tank, 2000 gallon	45	2114
Semi, van, 7 ton	45	2115
25 ton capacity	45	2199
Trailers:		
Semi, cargo, 5 ton	45	2199
Semi, cargo, 3½ ton	45	2199
Truck:		
Weapons carrier, ¾ ton, R condition	45	3199
Tractor, 2½ ton, 6 x 4, R condition	45	3199
Trailer:		
Bomb	45	3299
Cargo, amphibian	45	3299
Semistake, 10 and 12½ ton	45	3312
Truck, Jeep, ¼ ton, R condition	45	4450
Engine:		
6 cylinder, truck, ¾ ton	45	5120
4 cylinder, Jeep, ¼ ton	45	5120
Motor, engine block	45	5240
Motorcycle, R condition	45	7000
Side Car for scooter	45	7030
Bicycle, men's	49	1110
Cart, food nonelectric	51	6900
Lamp:		
Floor, metal and wood	53	4429
Dark room	53	5910
Desk, gooseneck	53	9110
Stool, wood, 13½"	54	33221
Stand:		
Wood, (victory type) R condition	54	33329
Ash tray, R condition	54	33329
Desk, island base, (victory) R condition	54	33521
File, wood, sectional	54	3373
Chest, office, metal	54	3729
Table, utility, steel; 30" x 121" 1 x 33" h	54	5813
Costumer, wood, R condition	54	90113

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE VI—Continued

PORTLAND REGION NO. 32—continued

Description	Standard commodity code classification	
Enlarger, photographic	55	2410
Misc. photo laboratory chemicals	55	9300
Spyglass, O. M. with case, Code 624, MK III, 16 power	56	3100
Spyglass, Officer of Deck, Code 624, MK II, Model 2	56	3100
Binoculars:		
Ship, 8 x 30	56	4000
Model O, 6 x 30 MM	56	4100
Prism, U. S. N.	56	4300
Model 2, 7 x 50 MM, Model C, 7 x 50 MM, Model O, 7 x 50 MM, Model 4, 7 x 50 MM.		
Transit, with tripod, engineers	58	8720
Leveling rod, surveyors	58	8760
Raft, life pneumatic, 1–10 man	59 42	1640 8100
Parka, medium and large	67	3990
Blankets, except those on National Program No. A–120	69	3400
Sleeping bags, kapok filled	69	6300
Holster, revolver	71	9900
Clock:		
Wall, ship	75	6423
Mechanical, 8 day	75	6930
Mirror, wood frame	77	3110
Toboggans, plywood	79	17991
Piano, upright	79	6120
Basket wire	79	7927
Shot gun, 16 gauge	81	1440
Dolly, converter, 8 and 10 ton	94	4520
Tool kits, complete with tools, miscellaneous	96–75–3000	
Fishing kits, complete	96–79–1610	

LOS ANGELES REGION NO. 33

Hoist, chain, 1 and 1½ ton, spur geared, 8 ft. lift	31	58132
Motor, electric drill, small size, 500 to 3700 R. P. M. with cord and attachment plug	34	8320
Typewriter, standard. Residue of offerings to Federal agencies and also R condition items	38	8000
Rafts:		
Life, pneumatic, 4 man	42	8110
Life, pneumatic, 7 man capacity MK 7 and Mark VII type	42	8110
Life, pneumatic, parachute type one man seat pack	42	8130
Pneumatic type A–3–5 man, hand pump and oars, and inflated, cylinders	42	8140
Pack, back, emergency kit	42	8600
Trailer, cargo, amphibian, ¼ ton	45	3299
Mattress, cotton, spring tufted, boxed or rolled edge	54	1121
Binoculars	56	4000
Raft, pneumatic, Army type 02, one man size 3' x 5'	58	1640
Coat, mackinaw, OD, gabardine with heavy OD wool lining	67	3213
Uniform, women's consisting of skirt and coat, summer weight	67	3220
Jackets, flying:		
Type B–3, winter, made brn, leather, sheep shearling lined, turn down collar, slide fastener front, two pockets and waist adjustment tabs	67	3310
Similar to Type B–3, shearling collar, zipper front opening, pockets and straps for waist adjustment	67	3330

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

ZONE VI—Continued

LOS ANGELES REGION NO. 33—continued

Description	Standard commodity code classification	
Jackets, flying:		
Type ANJ-4, dark brown leather, sheep shearling lined zipper front	67	3330
Type B-10 cotton twill, O. D. lined with wool pile fabric mouton collar	67	3330
Blankets, except those on National Program No. A-120	69	3400
Blanket, officers, medium grey with stripe, 66" x 84"	69	3425
Watch, navigation, Type A-11, wrist watch with sweep second hand, 15 and 16 jewel	75	6110
Watch, master navigation, Type A-12, 24 hour dial, pocket watch with sweep second hand 21 and 22 jewel	75	6110
Tool kits:		
Painters and glaziers	96-75-3000	
Plumbers	96-75-3000	

U. S. TERRITORIES AND POSSESSIONS

HONOLULU, T. H. REGION NO. 35

Motor, fractional horsepower, all types	32	1310
Generator, electric, 1 KW to 15 KW, all types	33	9900
Typewriter, standard and portable. Residue of offerings to Federal agencies, and also R condition items	38	8000
Boats, 65 feet and less in length	43	3200
Passenger car, light, medium and heavy, all body types, R condition	45	1110
Station wagon, including auxiliary ambulance station wagon, 4 x 2, R condition	45	1130
Trucks: R condition		
Panel delivery, ½ ton, 4 x 4	45	1300
Panel delivery, ¾ ton, 4 x 2	45	1300
Pickup, ¾ ton, 4 x 2	45	1300
Canopy express, ½ ton, 4 x 2	45	13001
Pickup, ½ ton, 4 x 2	45	13001
Panel delivery, ½ ton, 4 x 2	45	13001
Canopy express, 1 ton, 4 x 2	45	13001
Pickup, 1 ton, 4 x 2	45	13001
Carryall, ¾ ton, 4 x 4	45	1499
Command, ¾ ton, 4 x 4	45	1499
Carryall, ½ ton, 4 x 4	45	1499
Command reconnaissance, ½ ton, 4 x 4	45	1499
Carryall, ½ ton, 4 x 2	45	14991
Amphibian, ¼ ton, 4 x 4	45	14992
Jeep, ¼ ton, 4 x 4	45	4450
Motorcycle, all types, 2 x 1, and 3 x 1, R condition	45	7000
Scooter, motor, with or without package carrier, all types, R condition	45	7050
Truck tractor	31	6119
Truck bomb lift	31	6240
Motors, electric, fractional and 1 to 5 HP, AC and DC	32	1300
Drill, electric portable	34	3820
Tractor	37	1000
Adding machine. Residue of offerings to Federal agencies	38	2100
Calculating machine. Residue of offerings to Federal agencies	38	2200
Typewriters. Residue of offerings to Federal agencies	38	8000
Radio broadcast receiving equipment	41	1000
Aviation, radio communication equipment	41	3290
Radio receiving equipment, military	41	3320
Radio transmitting and receiving equipment	41	3500
Telegraph equipment	41	3510

EXHIBIT B—Continued

REGIONAL VETERANS SET-ASIDE LIST AUGUST 1947—Continued

U. S. TERRITORIES AND POSSESSIONS—Continued

HONOLULU, T. H. REGION NO. 35—continued

Description	Standard commodity code classification	
Telephone equipment	41	3520
Special military radio, telephone and telegraph equipment	41	3800
Tubes:		
Receiving type	41	5100
Transmitting type	41	5200
All motor vehicles on National Set-Aside List which are less than O-4 condition	45	0000
Ambulance	45	1300
Trucks:		
Earth borer	45	1300
Tractor	45	1405
Telephone maintenance	45	1415
Trailers	45	3299
Half track carrier	45	4410
Field glasses or binoculars	56	4100
Radio test equipment	57	2800
Surveying instruments and accessories	58	8700

[F. R. Doc. 47-7847; Filed, Aug. 19, 1947; 11:29 a. m.]

[Reg. 2,[1] Order 13]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

TYPES OF PROPERTY FOR WHICH CERTIFICATION IS REQUIRED

Section 8302.9 (a) of this part provides that a veteran desiring to exercise his priority shall present his discharge papers or other satisfactory evidence that he is a veteran, except that a veteran applying for aircraft or industrial equipment of the types set forth by order issued thereunder, shall, in addition, apply for a certification to any office of War Assets Administration and shall furnish such information as may be requested:

Accordingly, it is hereby ordered that:

§ 8302.63 *Types of property for which certification is required.* Application by veterans for surplus property of the following types require a certification from War Assets Administration:

Type	Commodity code classification
Aircraft, including gliders, helicopters, autogyros, and dirigibles.	
Special industry machinery (machinery for selected industries requiring specialized machines)	33 0000
Agricultural machinery and implements, except tractors	35 0000
Commercial laundry equipment	39 1200
Railroad transportation equipment	44 0000

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Reorganization Plan 1 of 1947 (12 F. R. 4534))

This section shall become effective August 18, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

AUGUST 18, 1947.

[F. R. Doc. 47-7848; Filed, Aug. 19, 1947; 11:29 a. m.]

[1] Issued August 18, 1947.

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

BOULDER DAM NATIONAL RECREATIONAL AREA; LAKE MEAD RECREATIONAL AREA

AMENDMENT TO REGULATION

Pursuant to the authority granted to the Secretary of the Interior by the acts of August 25, 1916 (39 Stat. 535; 16 U. S. C. 3), December 21, 1928 (45 Stat. 1057; 43 U. S. C. 617), and June 17, 1902 (32 Stat. 388, 390; 43 U. S. C. 373), Chapter I of Title 36, Code of Federal Regulations, is amended as follows:

1. The regulations contained in the parts comprising Chapter I, Title 36, Code of Federal Regulations, are amended by striking out the words "Boulder Dam National Recreational Area" wherever they appear therein, and inserting in lieu thereof the words "Lake Mead Recreational Area."

2. Any regulation, document, or record of the National Park Service in which the recreational area administered by the National Park Service at Hoover Dam is designated or referred to under the name of either "Boulder Dam National Recreational Area" or "Boulder Dam Recreational Area" shall be held to refer to such area under, and by, the name of Lake Mead Recreational Area.

(32 Stat. 388, 39 Stat. 535, 45 Stat. 1057; 43 U. S. C. 373, 617, 16 U. S. C. 3)

Issued this 11th day of August 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-7755; Filed, Aug. 19, 1947; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 11—FOREIGN QUARANTINE

PLACE OF LANDING OF AIRCRAFT

CROSS REFERENCE: For an amendment to § 11.503 (a) relating to place of landing of aircraft, issued jointly by the Bureau of Customs of the Department of the Treasury, the Public Health Service of the Federal Security Agency, and the Immigration and Naturalization Service of the Department of Justice, see Title 8, Chapter I, Part 116, *supra.*

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter P—Practice

[Order 2354]

PART 221—RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

In Subpart C, §§ 221.81 and 221.82 are repealed, and §§ 221.73 and 221.83 are amended to read as follows:

§ 221.73 *When appeal may be taken to the Secretary of the Interior.* In any proceeding relating to the public lands, an appeal may be taken to the Secretary of the Interior from a final decision of the Director or from a decision of the Director which, prior to promulgation, has been approved by the Secretary.

* * * * *

§ 221.83 *Power of Secretary.* In proceedings before the Secretary of the Interior, the same rules shall govern, insofar as applicable, as are provided for proceedings before the Director of the Bureau of Land Management, but no rule of practice shall be construed to deprive the Secretary of any power conferred upon him by law.

(Secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. Sup. 1002, 1011)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

AUGUST 13, 1947.

[F. R. Doc. 47-7756; Filed, Aug. 19, 1947; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter II—Public Assistance, Federal Security Agency

PART 230—SUBSTANTIVE POLICIES; CIVILIAN WAR ASSISTANCE

Sec.
230.1 Eligibility and assistance provided.
230.2 Return transportation to the Philippine Islands or Hawaii.

§ 230.1 *Eligibility and assistance provided*—(a) *For persons returned from abroad or evacuated.* Such persons to be eligible, must be: (1) In need, (2) citizens of the United States or under 18 years of age and the child of a citizen, and (3) must have been stranded or interned and returned to the United States, or evacuated from any area under the direction of civilian or military authorities of the United States. Assistance shall be temporary and may be in the form of money payments or in kind and may include maintenance, medical care, clothing, and transportation within the United States. "Temporary" is defined not to exceed three months. Recipients who, subsequent to September 30, 1947, have received assistance for three months shall receive no further assistance except in individual cases approved especially by the Bureau of Public Assistance where the termination of assistance would result in severe hardship. (Pub. Law 165, 80th Cong.)

§ 230.2 *Return transportation to the Philippines or Hawaii.* Upon application, in advance, return transportation to the Philippine Islands or Hawaii is available without regard to need for individuals who were evacuated from these points to the United States under the direction of the civil or military authorities of the United States between December 7, 1941, and September 15, 1945. Applications for return to the Philippine Islands or Hawaii must be made to the local welfare office prior to October 1, 1947. (Pub. Law 165, 80th Cong.)

CROSS REFERENCE: See also 45 CFR 201.21 and 201.22.

Dated: August 8, 1947.

[SEAL] W. L. MITCHELL,
Acting Commissioner.

Approved: August 15, 1947.

MAURICE C. COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-7787; Filed, Aug. 19, 1947; 8:54 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter A—Procedures Applicable to the Public

[CGFR 47-41]

PART 2—VESSEL INSPECTIONS

PART 3—MERCHANT MARINE PERSONNEL

NAVIGATION AND VESSEL INSPECTION LAWS, AND SHIPMENT AND DISCHARGE OF SEAMEN

By virtue of the authority vested in me by section 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875); Public Law 404, 79th Congress (60 Stat. 237); Public Law 27, 80th Congress, approved March 31, 1947; and Public Law 293, 80th Congress, approved July 31, 1947, the following amendments to the regulations are prescribed and shall be effective on and after August 1, 1947:

1. Section 2.50-1 (a) is amended to read as follows:

§ 2.50-1 *Waivers*—(a) *Authority for and limitations on issuance.* Compliance with certain of the navigation and vessel inspection laws may be waived by the Commandant under authority of the act of March 31, 1947 (Pub. Law 27, 80th Cong.) as amended by the act of July 31, 1947 (Pub. Law 293, 80th Cong.), in any case where such waiver is deemed necessary in the orderly reconversion of the merchant marine from wartime to peacetime operations. By the terms of Public Law 27, as amended by Public Law 293, this authority to grant waivers expires April 1, 1948. The Commandant is specifically prohibited from granting waivers for the employment of alien seamen except for those who served between December 7, 1941 and September 2, 1945, aboard vessels operated by the War Shipping Administration, the United States Maritime Commission, or the Army Transport Service. This includes foreign flag vessels operated by these agencies.

2. Section 3.13-25 (b) (2) is amended to read as follows:

§ 3.13-25 *Crew deficiencies.* * * *
(b) *Restrictions on substitutions.* * * *

(2) This waiver does not permit aliens to serve as watch officers on United States vessels and the procedure set up by the Coast Guard for approving aliens to serve under waiver as watch officers is inoperative and all outstanding lists of approved aliens and individual letters of approval are without force and effect.

3. Part 3 is amended by adding a new section reading as follows:

§ 3.13-26 *Employment of aliens as unlicensed crew members*—(a) *Authority for employment.* The order dated July 31, 1947, identified as document CGFR-47-39 (12 F. R. 5342), published in the FEDERAL REGISTER for August 6, 1947, is a conditional waiver of certain navigation and vessel inspection laws and permits the employment of aliens in the unlicensed crew of subsidized United States vessels subject to certain restrictions. Aliens eligible for employment under this waiver are those who served between December 7, 1941, and September 2, 1945, aboard vessels operated by the War Shipping Administration, the United States Maritime Commission, or the Army Transport Service. This waiver is effective on and after August 1, 1947.
(b) *Restrictions on employment.* (1) The waiver referred to in paragraph (a) of this section is a general waiver and requires no forms or other reports of aliens employed under its provisions. It does, however, limit the number of aliens who may be employed under its provisions to 25 percent of the total unlicensed crew of the particular vessel and provides that aliens may be employed only if citizen seamen with appropriate ratings are not available for employment in the unlicensed crew as determined after reasonable efforts made by the master, or owner, or others concerned with supplying crews. Aliens claiming to have the required service between December 7, 1941 and September 2, 1945 must present to the shipping commissioner or master at the time of employment evidence in the form of certificates of discharge or other properly authenticated record of service showing the name of the vessels and dates served thereon. The employment of aliens to serve as watch officers on United States vessels is not allowed and nothing in this waiver permits such employment.

(Pub. Laws 27 and 293, 80th Cong.)

Dated: August 14, 1947.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 47-7792; Filed, Aug 19, 1947; 8:48 a. m.]

TITLE 49—TRANSPORTATION OF RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF CONCORD GRAPES OR RELATED VARIETIES

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520, *infra*.

[Gen. Permit ODT 18A, Rev. 32]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF CONCORD GRAPES OR RELATED VARIETIES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.533 *Shipments of Concord grapes or related varieties.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386), or Items 370 and 375 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of Concord grapes or related varieties when such carload freight is packed and loaded as shown below:

(a) Packed in baskets of approximately six pounds gross weight each and loaded nine tiers high covering the entire floor space of the car; or

(b) Packed in baskets of approximately eighteen and one-half pounds gross weight each and loaded seven tiers high covering the entire floor space of the car; or

(c) Packed in bushel baskets and loaded four tiers high covering the entire floor space of the car; or

(d) Packed in trays of approximately thirty-five pounds gross weight each and loaded six tiers high covering the entire floor space of the car.

This General Permit ODT 18A, Revised-32, shall become effective August 19, 1947, and shall expire September 30, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Laws 29 and 188, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 15th day of August 1947.

J. M. JOHNSON,
Director, Office of Defense Transportation.

[F. R. Doc. 47-7788; Filed, Aug. 19, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 729]

PEANUTS

APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT AND ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS FOR 1948 CROP

Pursuant to the authority contained in section 358 (c) of the Agricultural Adjustment Act of 1938, as amended (55 Stat. 89; 7 U. S. C., Sup. 1358 (c)), the Secretary of Agriculture is preparing to apportion among the several States the national acreage allotment of 2,324,159 acres established for peanuts for the crop produced in the calendar year 1948 (12 F. R. 4880).

The Secretary also has under consideration the formulation of regulations governing the establishment of farm acreage allotments and farm marketing quotas for the 1948 crop of peanuts pursuant to section 358 (d) of the Agricultural Adjustment Act of 1938, as amended (55 Stat. 89, 59 Stat. 9; 7 U. S. C. Sup. 1358 (d); Public Law 323, 80th Congress, approved August 1, 1947).

Prior to making the apportionment and issuing the regulations, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 15th day of August 1947.

[SEAL] RALPH S. TRIGG,
Acting Administrator.

[F. R. Doc. 47-7796; Filed, Aug. 19, 1947; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 41, 61]

TAKE-OFF LIMITATIONS TO PROVIDE FOR TEMPERATURE ACCOUNTABILITY

NOTICE OF PROPOSED RULE MAKING

AUGUST 14, 1947.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 41 and 61 of the Civil Air Regulations which will require that temperature deviation from that of standard air shall be taken into account when computing the take-off limitations of airplanes certificated under the transport category.

Deviation of outside air temperature from that of standard air can have an appreciable effect upon the take-off performance of an airplane. At the present time the applicable provisions of Parts 41 and 61 do not adequately take into account such effect. This matter will be the subject of preliminary discussions by the appropriate divisions of the International Civil Aviation Organization in September in Paris, and it is expected permanent international standards will be formulated within the next year. The implementation of such standards will of necessity take some time, and it is doubtful that they will be able to be placed in effect next summer. Accordingly, it appears desirable in the interest of safety that interim measures be adopted to require that temperature deviation be taken into account in the establishment of take-off limitations for all scheduled air carrier aircraft certificated pursuant to the transport category.

It is proposed to amend §§ 41.271 (c) and 61.7122 (c) by adding a new paragraph to read as follows:

In applying the requirement of paragraph (a) account shall be taken of all deviation of the existing ambient air temperature above that of standard air. In applying the requirement of paragraph (b) account shall be taken of ½ the deviation of the existing ambient air temperature above that of standard air. Similar account may be taken in applying the requirements of paragraphs (a) and (b) for the deviation of the existing ambient air temperature below that of standard air.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and would become effective optionally on the date of adoption and will become mandatory on March 1, 1948.

It is the desire of the Board that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C., for receipt by August 29, 1947.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 47-7790; Filed, Aug. 19, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8663, Amdt.]

KRAFT VON LEWINSKI

In re: Stock owned by Kraft Von Lewinski.

Vesting Order 8663, dated April 4, 1947, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 of said Vesting Order 8663, and substituting therefor the following:

2. That the property described as follows: Fifty (50) shares of $25 par value common capital stock of The American Rolling Mill Company, a corporation organized under the laws of the State of Ohio, evidenced by a certificate numbered NY 49641, registered in the name of Kraft Von Lewinski, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233, entitled Exportkreditbank A. G., Berlin, Germany-Customers account for Custody, together with all declared and unpaid dividends thereon and the rights to exchange the aforesaid shares of $25 par value stock for fifty (50) shares of $10 par value common capital stock of the aforesaid corporation pursuant to a recapitalization effective December 31, 1945,

All other provisions of said Vesting Order 8663 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7786; Filed, Aug. 19, 1947; 8:58 a. m.]

[Vesting Order 9564]

MRS. AMALIA JANNER

In re: Bank account, stock, and bonds owned by Mrs. Amalia Janner. F-28-1375-E-1, F-28-1375-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Amalia Janner, whose last known address is Hoelzfussweg 25, Partenkirchen, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Mrs. Amalia Janner, by Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account entitled Mrs. Amalia Janner, and any and all rights to demand, enforce and collect the same,

b. One (1) share of $10.00 par value common stock of Maywood Chemical Works, Maywood, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number C21, registered in the name of William F. Carell, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

c. Ten (10) City of Blackwell, Oklahoma, 6% Street Improvement bonds, Series No. 35, of $500.00 face value each, bearing the numbers 66, 67, 68, 69, 70, 71, 72, 73, 74 and 75, in bearer form, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

d. Five (5) City of Clinton, Oklahoma, 6% Street Improvement bonds, Series No. 19, dated May 1, 1926, of $1,000.00 face value each, in bearer form, bearing the numbers 20, 21, 22, 23 and 24, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

e. Nineteen (19) City of Muskogee, Muskogee, Oklahoma, 6% Street Improvement bonds, Series No. 194, of the face value of $500.00 each, in bearer form, bearing the numbers 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with any and all rights thereunder and thereto, and

e. One (1) City of Muskogee, Muskogee, Oklahoma, 6% Street Improvement bonds, Series No. 194, of the original face value of $500.00 and now reduced to $215.00, in bearer form, bearing the number 53, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7773; Filed, Aug. 19, 1947; 8:56 a. m.]

[Vesting Order 9568]

MARIA KONRAD

In re: Stock owned by Maria Konrad, also known as Marie Conrad. F-28-28290-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Konrad, also known as Marie Conrad, whose last known address is Neue Gasse 24, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Four and one-half (4½) shares of $200.00 par value capital stock of German Tradesmen Building and Loan Association, 4337 Lancaster Avenue, Philadelphia, Pennsylvania, evidenced by a certificate numbered 110, presently in the custody of the Liquidating Trustees of the German Tradesmen Building and Loan Association, 4337 Lancaster Avenue, Philadelphia, Pennsylvania, together with all rights thereunder to the proceeds of liquidation of the said German Tradesmen Building and Loan Association, and,

b. That certain debt or other obligation owing to Maria Konrad, also known as Marie Conrad, by the Liquidating Trustees of the German Tradesmen Building and Loan Association, 4337 Lancaster Avenue, Philadelphia, Pennsylvania, in the amounts of $900 and $42, as of June 16, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7774; Filed, Aug. 19, 1947; 8:56 a. m.]

[Vesting Order 9569]

ANNA MAEHL

In re: Stock owned by Anna Maehl. F-28-6137-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Maehl, whose last known address is Adolph Hitler Strasse 7, Rossla, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Forty (40) shares of $100.00 par value 7% cumulative preferred capital stock of Empire Gas and Fuel Company, 1 Exchange Place, Jersey City, New Jersey, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered BO-1843, BO-1844, BO-1845 and BO-1849 for ten (10) shares each, registered in the name of Anna Maehl, and presently in the custody of Emory E. Million, c/o First National Bank & Trust Company, Muskogee, Oklahoma, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7775; Filed, Aug. 19, 1947; 8:56 a. m.]

[Vesting Order 9588]

FREDERICK BECK

In re: Trust u/w of Frederick Beck, deceased. File No. D-28-5199; E. T. sec. 1459.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dellie Beck Garmatz and Dora Beck Balzarek, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the Will of Frederick Beck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Irving Trust Company, as substituted trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON.
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7776; Filed, Aug. 19, 1947; 8:56 a. m.]

[Vesting Order 9589]

PAULINE BERGMANN

In re: Estate of Pauline Bergmann, deceased. File No. D-28-11531; E. T. sec. 15728.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julia Ettner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Pauline Bergmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Paul J. Wittmann, as Administrator, C. T. A., acting under the judicial supervision of the Court of Probate, District of East Hartford, Connecticut;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7777; Filed, Aug. 19, 1947; 8:56 a. m.]

[Vesting Order 9592]

SAMUEL GOLDSMITH ET AL.

In re: United States vs. certain parcels of land in Mifflin Township, Allegheny County, and Samuel Goldsmith, et al. File 017-22384.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilona Koosis (or Ilona Fekete), whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to funds deposited with the Registry of the United States District Court for the Western District of Pennsylvania in the proceedings entitled United States vs. Certain Parcels of Land in Mifflin Township, Allegheny County, and Samuel Goldsmith et al, Civil Action No. 1483, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary);

3. That such property is in the process of administration by the Clerk of the U. S. District Court for the Western District of Pennsylvania, Pittsburgh, Pennsylvania, as depositary, acting under the judicial supervision of the U. S. District Court for the Western District of Pennsylvania, Pittsburgh, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7778; Filed, Aug. 19, 1947; 8:56 a. m.]

[Vesting Order 9593]

CAROLINE GOSSWEILER

In re: Estate of Caroline Gossweiler, deceased. File No. D-28-11641; E. T. sec. 15852.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Lotthammer, Katherine Lotthammer and Sophie Miller (also called Sophie Mueller), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Caroline Gossweiler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Adolf Schwarz, as executor, acting under the judicial supervision of the Surrogate's Court of Niagara County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7779; Filed, Aug. 19, 1947; 8:57 a. m.]

[Vesting Order 9638]

DENNIS HENSEL

In re: Estate of Dennis Hensel, deceased, and T/W of Dennis Hensel, deceased File D-66-863; E. T. sec. No. 5544.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Hensel, Luise Gotz, Frantz Ignatz Hensel, Anna Vollner, Oscar Hensel, Joseph Hensel, Bertha Hensel, Otto Hensel, Ignatz Hensel, Helena Hensel, Albert Hensel, Karola Hensel, Engelbart Hensel, Franz Hensel, Herman Hensel, Emma Hensel, Sophia Storz, Emma Pfefferle, Sophia Schall, Theodore Koch and Albertina Hensel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next-of-kin, legatees and distributees of Ignatz Hensel, deceased, of Karl Hensel, deceased, of Alois Hensel, deceased, of Mary Koch, deceased, of Otto Hensel, deceased, of Joseph Hensel, deceased, of Otto Hensel, of Theodore Koch, of Regina H. Hensel, deceased, and of Theodore Hensel, deceased, names unknown, except William Hensel, Albert Hensel, Joseph Hensel and Freida Reith, residents of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except William Hensel, Albert Hensel, Joseph Hensel and Freida Reith, in and to the estate of Dennis Hensel, deceased, and in and to the trust created under the will of Dennis Hensel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by William W. Wegan, as Administrator d. b. n. c. t. a., acting under the judicial supervision of the Orphans' Court of York County, York, Pennsylvania;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the personal representatives, heirs, next-of-kin, legatees and distributees of Ignatz Hensel, deceased, of Karl Hensel, deceased, of Alois Hensel, deceased, of Mary Koch, deceased, of Otto Hensel, deceased, of Otto Hensel, of Theodore Koch, of Regina H. Hensel, deceased, and of Theodore Hensel, deceased, names unknown, except William Hensel, Albert Hensel, Joseph Hensel and Freida Reith, residents of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7785; Filed, Aug. 19, 1947; 8:58 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 381]

SPECIAL INDUSTRY COMMITTEE No. 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, F. Granville Grimes, Jr., Acting Administrator of the Wage and Hour Division, United States Department of Labor, do hereby accept the resignation of Mr. Harry Partridge from Special Industry Committee No. 5 for Puerto Rico and do appoint in his stead as representative for the employers on such committee, Mr. Sam Schweitzer of Mayaguez, Puerto Rico.

Signed at Washington this 11th day of August 1947.

F. GRANVILLE GRIMES, JR.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 47-7758; Filed, Aug. 19, 1947; 8:45 a. m.]

[Administrative Order 382]

SPECIAL INDUSTRY COMMITTEE No. 5 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION; APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, F. Granville Grimes, Jr., Acting Administrator of the Wage and Hour Division, United States Department of Labor, do hereby accept the resignations of Mr. Sam Schweitzer, Mr. Filipo L. de Hostos, and Mr. J. A. E. Rodriguez from Special Industry Committee No. 5 for Puerto Rico and do appoint in their stead as representatives for the employers on such committee, Mr. Armando Bras, Mr. Julio Canales Valldejuly, and Mr. Ramon Gelabert; and, do hereby accept the resignations of Mr. Francisco Colon-Gordiany, Mr. Sergio Kullan-Baez, and Mr. Gabriel Blanco from Special Industry Committee No. 5 for Puerto Rico and do appoint in their stead as representatives for the employees on such committee, Mr. Alberto E. Sanchez, Mr. Miguel Torres, and Mr. Benigno Ortiz.

Signed at Washington this 12th day of August 1947.

F. GRANVILLE GRIMES, JR.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 47-7757; Filed, Aug. 19, 1947; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 1932, 1890]

NORTHEAST AIRLINES, INC.; MAIL RATE PROCEEDING

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Northeast Airlines, Inc., over its entire system.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on September 30, 1947, at 10 a. m., eastern standard time, in Room 5042, Commerce Building, 14th Street and Constitution Ave., NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 13, 1947.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 47-7789; Filed, Aug. 19, 1947; 8:46 a. m.]

[Docket No. 3068]

"SWISSAIR" SWISS AIR TRANSPORT CO., LTD.

NOTICE OF HEARING

In the matter of the application of "Swissair" Swiss Air Transport Company Limited pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing the foreign air transportation of persons, property and mail between terminal points in Switzerland and New York, N. Y. via intermediate points in Eire and Newfoundland on Route A and the Azores and Newfoundland on Route B.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402, 801, and 1102 of said act, that a hearing in the above-entitled proceeding is assigned to be held on August 26, 1947, at 10 a. m. (eastern daylight saving time) in the Foyer of the Commerce Department Auditorium, 14th St. and Constitution Ave., N. W., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will inure to the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Government of Switzerland.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before August 26, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., August 14, 1947.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 47-7791; Filed, Aug. 19, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6626]

BROADCASTING SERVICE ORGANIZATION, INC (WORL)

ORDER SETTING DATE FOR ORAL ARGUMENT

In re application of Broadcasting Service Organization, Inc. (WORL), Boston, Massachusetts; Docket No. 6626, File No. B1-R-205; for renewal of license.

Whereas, on April 21, 1947, the Federal Communications Commission adopted an opinion and order denying the above-entitled application for renewal of license of radio station WORL, Boston, Massachusetts, and dismissing as moot application B1-TC-506 for transfer of control of petitioner corporation from its present stockholders to the Bittner Broadcasting Company, and

Whereas, on May 13, 1947, Broadcasting Service Organization, Inc., filed a petition for rehearing requesting the Commission to amend its decision in certain named respects and as amended grant the two pending applications of petitioner for renewal of license and transfer of control; or to reopen the hearing record to receive further testimony on the character qualifications of the applicant and its principal stockholders to be the licensee of a radio station; or to grant further oral argument before the entire Commission on its decision of April 21, 1947.

Now, therefore, *It is ordered*, That the petition for rehearing of Broadcasting Service Organization, Inc., be, and hereby is, set for oral argument before the Commission at 10:30 a. m., on September 25, 1947, at its offices in Washington, D. C., and that the oral argument be directed to the findings of fact and conclusions of law set out in the Commission's decision of April 21, 1947.

Adopted: July 28, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7795, Filed, Aug. 19, 1947; 8:46 a. m.]

[Docket Nos. 7766, 7956]

C. THOMAS PATTEN AND PITTSBURG BROADCASTING CO.

CORRECTED ORDER DESIGNATING APPLICATIONS FOR HEARING

In re applications of C. Thomas Patten, Oakland, California, Docket No. 7766, File No. BP-4876; Pittsburg Broadcasting Company, Pittsburg, California, Docket No. 7956, File No. BP-5356; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1947;

The Commission having under consideration the above applications of C. Thomas Patten for construction permit for a new standard broadcast station to operate on the frequency 1010 kc, 1 kw, daytime only, at Oakland, California and of Pittsburg, Broadcasting Company for construction permit for a new standard broadcast station to operate on the frequency 990 kc, 1 kw, unlimited time, at Pittsburg, California, together with petitions filed by C. Thomas Patten on April 7, 1947 and Pittsburg Broadcasting Company on April 8, 1947, each petition requesting severance of petitioner's application from the above consolidated proceeding and grant of said application forthwith; and

Whereas a hearing has been held and the record closed in the above consolidated proceeding; and

It appearing, That, any interference which might exist between the operations proposed in the above-entitled applications does not warrant further consolidated hearing; and

It further appearing, that on the basis of the testimonial record compiled in the above proceeding and the petitions here under consideration, there is not sufficient evidence before the Commission upon which it could presently determine that the respective applicants are legally, technically, financially and otherwise qualified to operate the proposed stations, and that, therefore, further hearings are necessary in order that all pertinent facts relating thereto may be before the Commission;

It is ordered, That the said petitions, insofar as each requests severance of petitioner's application from the above consolidated proceeding be, and they are hereby, granted; that said applications be, and they are hereby, severed from said proceeding; and that the said petitions, insofar as they request immediate grants of the respective applications, be, and they are hereby, denied;

It is further ordered, That the record in Docket No. 7766, C. Thomas Patten, and the record in Docket No. 7956, Pittsburg Broadcasting Company, be, and they are hereby, reopened, and that each of the above applications be, and it is hereby, designated for further separate hearing, at times and places to be set by subsequent order of the Commission.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7794; Filed, Aug. 19, 1947; 8:46 a. m.]

[Docket No. 8026]

LAMAR A. NEWCOMB

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Lamar A. Newcomb, Falls Church, Virginia, for construction permit. File No. BP-5436, Docket No. 8026.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of August 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1220 kc, 250 w, daytime only at Falls Church, Virginia.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Lamar Newcomb be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues;

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7793; Filed, Aug. 19, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-929]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

AUGUST 14, 1947.

Notice is hereby given that on July 30, 1947, United Gas Pipe Line Company (applicant), a Delaware Corporation, having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of approximately 5.9 miles of 7-inch natural-gas transmission pipeline extending from applicant's Carthage-Sterlington transmission line, near Mile Post 100, to Applicant's 7-inch Monroe-Hodge transmission pipeline, near Mile Post 34, together with appurtenant facilities, for the purpose of serving the Hodge-Jonesboro area in Louisiana with gas from the Carthage field.

Applicant recites that the proposed facilities will be operated at a maximum pressure of not exceeding 750 pounds at the point of connection with the 7-inch Hodge line and will have an estimated maximum daily delivery capacity of approximately 27,000 Mcf. Applicant's present 7-inch Monroe-Hodge pipeline has a maximum daily delivery capacity of approximately 11,700 Mcf, which is a declining figure because of the decline in the pressure of the wells in the Monroe field. Applicant estimates that the maximum daily demand in the Hodge-Jonesboro area for the 1947-48 season is 12,200 Mcf, and for the 1952-53 season is 13,620 Mcf. Applicant states that it is probable that continued decrease in the delivery capacity in the Monroe field will make it desirable to eventually deliver all of the requirements of the Hodge-Jonesboro area through the proposed facilities, thus making it possible to remove a large portion of the present facilities. Applicant states that its contract of June 3, 1942, as amended, with Louisiana Power and Light Company for resale in the Towns of Hodge and Jonesboro, Louisiana, will be timely filed with the Commission as a rate schedule.

Applicant estimates the total over-all cost of construction at $103,000, which applicant proposes to finance out of cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR

1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of United Gas Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7764; Filed, Aug. 19, 1947; 8:54 a. m.]

[Docket No. IT-6074]

DUKE POWER CO.

NOTICE OF APPLICATION

AUGUST 12, 1947.

Notice is hereby given that on August 12, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Duke Power Company, a corporation organized under the laws of the State of New Jersey and doing business in the States of North Carolina and South Carolina with its principal business office at Charlotte, North Carolina, seeking an order authorizing the issuance of a maximum of 252,512 shares of common stock without nominal or par value at the price of $82.50 per share to the holders of Applicant's outstanding common stock at the rate of one share of such additional common stock for each four shares of outstanding common stock. The rights to purchase such additional stock will be evidence by Transferable Subscription Warrants to be issued to stockholders entitled thereto, and they and their assignees will be given at least 15 days from the record date of the issuance of such Warrants within which to exercise them. Any additional stock not purchased pursuant to said Subscription Warrants will be purchased at the price of $82.50 per share by Duke Endowment, a common law trust; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 2d day of September 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7759; Filed, Aug. 19, 1947; 8:45 a. m.]

[Docket No. IT-6075]

DUKE POWER CO.

NOTICE OF APPLICATION

AUGUST 12, 1947.

Notice is hereby given that on August 12, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Duke Power Company, a corporation organized under the laws of the State of New Jersey and doing business in the States of North Carolina and South Carolina with its principal business office at Charlotte, North Carolina, seeking an order authorizing the issuance of $40,000,000 of First and Refunding Mortgage Bonds, 2.65% Series Due 1977, to be created and issued under and pursuant to the provisions of an Indenture dated December 1, 1927, duly executed by Applicant to Guaranty Trust Company of New York, as Trustee, as supplemented and amended by Supplemental Indenture, to be made and executed between the same parties, and to be dated September 1, 1947. The proposed bonds will be dated September 1, 1947; will become due and payable September 1, 1977; will bear interest at the rate of 2.65% per annum from date, payable semi-annually on the first day of September and the first day of March in each year. $30,000,000 of such bonds will be sold privately to the Duke Endowment, a common law trust, and $10,000,000 of such bonds will be sold privately to the Metropolitan Life Insurance Company; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 2d day of September 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7760; Filed, Aug. 19, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 264]

RECONSIGNMENT OF CARROTS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., August 13, 1947, by H. Rothstein, of car NWX 4647, carrots, now on the PRR to Bridgeport, Conn.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7766; Filed, Aug. 19, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 265]

RECONSIGNMENT OF PEACHES AT CHICAGO ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago Ill., August 13, 1947, by Chas. Abbate Co., of following cars, peaches, now on the Chicago Produce Terminal to Peoria, Ill FGE 37266, PFE 38150 (CRI&P) Creston Iowa FGE 18142 (CB&Q) Aurora, Ill WFE 65376 (CB&Q) Milwaukee, Wis PFE 75799, FGE 32675 (CNW) Ottumwa Iowa, WFE 65190 (CB&Q).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7767; Filed, Aug. 19, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 266]

RECONSIGNMENT OF PEACHES AT CHICAGO ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 13, 1947, by Chas. Abbate, of cars WRX 9280 and FDEX 9151, peaches now on the Chicago Produce Termin[illegible] to Fond du Lac, Wis. (C&NW).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7768; Filed, Aug. 19, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 267]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 14, 1947, by Chas. Abbate Co., of following cars peaches, now on the Chicago Produce Terminal to Sheboygan, Wis. FGE 52390 (CNW); Antigo, Wis. PFE 91858 (CNW); Sault Ste. Marie, Mich. ART 21280 (Soo L); Ashland, Wis. IC 50346 (CNW); Iron Wood, Mich. WFE 67872 (CNW); Menomonie, Wis. PFE 92427 (CNW); Warsaw, Wis. FGE 35184 (CMSP&P); Des Moines, Iowa ART 18805 (CRI&P), and Green Bay, Wis. PFE 41349 (CNW).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7769; Filed, Aug. 19, 1947; 8:46 a. m.]

[S. O. 396, Special Permit 268]

RECONSIGNMENT OF CANTALOUPES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., August 14, 1947, by H. Rothstein & Son, of car PFE 45298, cantaloupes, now on the PRR to Boston, Mass.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7770; Filed, Aug. 19, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-505]

BANKERS SECURITIES CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 14th day of August A. D. 1947.

Notice is hereby given that Bankers Securities Corporation ("Bankers") has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (e) (1) of the act the receipt by Rudolph J. Bushell ("Bushell") of the sum of $5,000 from Bankers for his services in connection with the purchase and sale by Bankers of certain portfolio securities.

Bankers is a closed-end management nondiversified investment company and is registered under the act. Bankers and Albert M. Greenfield & Co. ("Greenfield & Co.") are companies under common control and hence affiliated persons of each other. Bushell is a vice president of Greenfield & Co. and is an affiliated person of an affiliated person (Greenfield & Co.) of Bankers.

Bushell was instrumental in effecting the purchase by Bankers on September 4, 1946 of 1,403 shares of the common stock of The Boardwalk National Bank of Atlantic City ("Boardwalk") at a cost of $259,060. Subsequently on May 13, 1947, Bankers sold the shares of Boardwalk for $350,750 resulting in a profit of $91,690: To compensate Bushell for his services the Board of Directors of Bankers at a meeting held on July 17, 1947 voted to pay Bushell the sum of $5,000.

The receipt of compensation by Bushell for his services as agent in connection with the above mentioned transaction is prohibited by section 17 (e) (1) of the act since Bushell is an affiliated person of an affiliated person of Bankers, unless such payment is exempted by order of the Commission pursuant to section 6 (c) of the act. Bankers represents that payment of such compensation should be exempted from the prohibitions of section 17 (e) (1) of the act since the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the act.

All interested persons are referred to said application which is on file at the Philadelphia, Pa. offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 26, 1947 unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 22, 1947, at 5:30 p. m., in writing, submit to the Commission his views or any additional facts bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature and interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7765; Filed, Aug. 19, 1947; 8:46 a. m.]

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING AND ORDER RECONVENING HEARINGS

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 14th day of August A. D. 1947.

Notice is hereby given that New England Public Service Company ("NEPSCO"), a registered holding company, has filed a written notice proposing to adopt Alternative 1 of its amended plan, heretofore filed and approved, subject to certain reservations of jurisdiction by the Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and enforced by the District Court of the United States for the District of Maine (Southern Division), in respect to the retirement of all of its outstanding Prior Lien Preferred Stock (Holding Company Act Release No. 7511).

Reference

All interested persons are referred to said notice which is on file in the offices of this Commission for a statement of the action therein proposed to be taken which may be summarized as follows:

The plan as amended provided that each share of Prior Lien stock would be retired by payment to the holder thereof cash in the amount of $171.31 in the case of the $7 Series, and $161.12 in the case of the $6 Series together with, in each case, accrued current dividends to the date of consummation, and by delivery to him of a certificate of contingent interest calling for such additional payment, if any (not exceeding $20 per share for the $7 Series, and $10 per share for the $6 Series), and such compensation for delay in the payment thereof, as might be determined by final order in the proceedings before the Commission. Said plan as amended further provided that at the option of the holders of Prior Lien stock, and in lieu of the above cash payment, they may receive common stock of NEPSCO's subsidiary, Public Service Company of New Hampshire ("New Hampshire"), taken at the initial public offering price per share established by the successful bidder at competitive bidding, with cash adjustments for fractional shares and with the right of NEPSCO to reduce elections to receive stock pro rata, if and insofar as might be necessary for NEPSCO to use the entire $16,500,000 proceeds from the sale of its industrial assets to retire Prior Lien stock. The plan as amended further contained various alternatives, including an alternative hereinafter referred to as "Alternative 1." Alternative 1 provided that NEPSCO might, under certain circumstances, elect to cancel competitive bidding for the common stock of New Hampshire and to fix a price at which Prior Lien stockholders might take such stock.

The Commission having approved said plan as amended, subject to a reservation of jurisdiction with respect to the adoption of certain alternatives, including Alternative 1, and the specific steps to be taken in implementing said alternatives and the same having been approved by the District Court of the United States for the District of Maine, NEPSCO has now filed with this Commission its notice of election to adopt Alternative 1, wherein it proposes to cancel competitive bidding, to assign to the New Hampshire common stock an exchange value of $35 per share and to borrow from banks such amount, if any, but not to exceed $16,000,000, as may be necessary to retire all of NEPSCO's Prior Lien stock. Said exchange offer will not be made until the Commission has approved the adoption of Alternative 1 and thereafter Prior Lien stockholders will be given at least ten days within which to accept or reject said offer.

NEPSCO states that in its judgment under existing market conditions it does not appear possible for the company to net an amount through a sale for cash which will equal the intrinsic worth of the New Hampshire stock and that considering the short time schedule, if tax savings are to be preserved, it is unfair to its junior stockholders to jeopardize the success of the exchange offer and the tax savings by making the exchange offer dependent upon the success of a public offering of the New Hampshire stock for cash.

NEPSCO further states that it has obtained a commitment of five banks and trust companies to lend it up to $16,000,000 for a period of one year with the right to two successive renewals of one year each at an interest rate of 2¼% as may be required to effect the retirement of the Prior Lien Preferred stock and has paid commitment fees aggregating $25,000 therefor.

NEPSCO further states that it has employed a group of security dealers headed by Blyth & Co., Inc. and Kidder, Peabody & Co. to solicit exchanges of NEPSCO Prior Lien Preferred stock for New Hampshire common stock, and has agreed to pay them $2.50 per share of such Prior Lien stock procured by them for exchange, plus a management fee of $10,000, and to reimburse them for out-of-pocket disbursements, including legal fees, not to exceed $3,500.

The Commission deeming it appropriate that the hearings held on said plan be reconvened for the limited purpose of adducing evidence and affording all interested persons an opportunity to be heard with respect to the issues raised by the proposed adoption of Alternative 1 by NEPSCO, but for no other purpose:

It is ordered, That the proceedings with respect to this plan be reopened and that the hearings be reconvened on August 25, 1947, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that day by the hearing-room clerk in Room 318.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division having advised the Commission that it has made a preliminary examination of said notice and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether, under existing circumstances and upon the terms proposed by NEPSCO, the adoption of Alternative 1 is appropriate.

2. Whether the amount of $35 per share assigned to the common stock of New Hampshire, for the purpose of effecting voluntary exchanges is reasonable.

3. Whether the compensation to be paid for the solicitation of exchanges is reasonable and not excessive.

4. Whether the terms and provisions of the proposed bank loan are reasonable.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person not heretofore having appeared in these proceedings and now desiring to be heard or proposing to intervene herein shall file with the Secretary of the Commission on or before August 22, 1947, his request or application therefor as provided by Rule XVII of the rules of practice of the commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid reconvened hearing by mailing copies of this order by registered mail to the parties above-named herein, to all persons heretofore granted participation in these proceedings, to the Public Service Commissions of the States of New Hampshire and Vermont, to the Public Utilities Commission of the State of Maine and to the Federal Power Commission, and that notice of said reconvened hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That New England Public Service Company shall give further notice of said reconvened hearing to all of its stockholders of record and to the shareholders of record of Northern New England Company by mailing to each of said persons at his last known address a communication giving notice of the proposed adoption of Alternative 1, of the amount assigned to the New Hampshire stock, and of the date, time and place of the hearing before the Commission, at least six days prior to the date of said hearing.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7761; Filed, Aug. 19, 1947; 8:45 a. m.]

Reference

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 12 NUMBER 164

Washington, Thursday, August 21, 1947

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[Quarantine No. 75]

PART 301—DOMESTIC QUARANTINE NOTICES

HAWAIIAN CITRUS NURSERY STOCK QUARANTINE

Introductory note. This quarantine is issued for the purpose of preventing the spread of the citrus canker disease from Hawaii, where it has been found to occur, to the mainland of the United States. Protection from entry of this disease from foreign countries where it occurs is afforded in notice of quarantine No. 19, revised, which prohibits the importation from all foreign countries and localities of all plants or any part thereof, except seeds and fruit, of all genera, species, and varieties of the rutaceous subfamilies Aurantioideae, Rutoideae, and Toddalioideae. The following quarantine similarly proscribes the movement in domestic commerce of this same host material from Hawaii to the mainland.

Transportation, shipment, or movement of fruits of these genera, species, and varieties will continue to be governed by 7 CFR 301.13.

Notice of determination of the Secretary of Agriculture. Information available to the Secretary of Agriculture and presented at a public hearing on December 6, 1946, shows that a dangerous plant disease, known as "citrus canker," occurs in Hawaii. This disease may be spread through the movement of citrus plant material. To prevent the introduction of this disease and other citrus diseases into the United States from foreign countries where they occur, Notice of Quarantine No. 19, revised, prohibits the importation of all plants or any part thereof, except fruit and seeds, of all genera, species, and varieties of the rutaceous subfamilies Aurantioideae, Rutoideae, and Toddalioideae from foreign countries and localities. In order to afford the citrus industry of the continental United States similar protection from spread of the disease from the Territory of Hawaii, the Secretary of Agriculture has determined that it is necessary to quarantine that Territory and to prescribe that the above-mentioned plant material shall not be moved therefrom to any other State or Territory or District of the United States.

§ 301.75 *Notice of quarantine.* (a) The Secretary of Agriculture, having given the public hearing required by law, quarantines the Territory of Hawaii in order to prevent the spread therefrom of a dangerous plant disease known as citrus canker (Xanthomonas citri (Hasse) Dowson), and other citrus diseases not now known to be widely prevalent or distributed within and throughout the United States.

(b) Hereafter plants or any plant part, except fruits and seeds, of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae of the botanical family Rutaceae shall not be shipped, offered for shipment to a common carrier, transported, carried, moved, or allowed to be moved from the Territory of Hawaii into or through any other State or Territory or District of the United States in any manner or by any method, except that this quarantine shall not apply to shipments for experimental or scientific purposes by the United States Department of Agriculture upon such conditions and under such requirements as may be prescribed by the Chief of Bureau of Entomology and Plant Quarantine for such shipments.

(c) This quarantine shall be effective on and after September 15, 1947. (Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161)

Done at the city of Washington this 15th day of August 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7818; Filed, Aug. 20, 1947; 9:14 a. m.]

[Quarantine No. 19]

PART 319—FOREIGN QUARANTINE NOTICES

CITRUS NURSERY STOCK QUARANTINE

Introductory note. This revision of the citrus nursery stock quarantine is for

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FEDERAL REGISTER

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to the

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Seeds of prohibited plants may be imported as heretofore under the provisions of Nursery Stock, Plant and Seed Quarantine, No. 37 (7 CFR 319.37). Fruits are prohibited entry under the provisions of Citrus Fruit Quarantine (7 CFR 319.28).

Notice of determination of the Secretary of Agriculture. Information available to the Secretary of Agriculture, and presented on December 5, 1946, at a public hearing, as required by law, discloses that plants of the rutaceous subfamilies Rutoideae and Toddalioideae, as well as those of all genera, species and varieties of the subfamily Aurantioideae, some of which were included in previous revisions of this quarantine, are susceptible to attack by citrus canker, and also other citrus diseases. It has been determined therefore that it is necessary further to revise the citrus nursery stock quarantine to prohibit the entry into the continental United States, Puerto Rico, and Hawaii of these additional genera of plants that have been found to serve as hosts of citrus canker. The quarantine is therefore revised to read as follows:

§ 319.19 *Notice of quarantine.* (a) The Secretary of Agriculture, having given the public hearing required by law, declares that it is necessary, in order to prevent the introduction into the United States of the citrus canker disease (Xanthomonas citri (Hasse) Dowson), and also other citrus diseases, all of which are new to and not heretofore widely prevalent or distributed within and throughout the United States, to forbid the importation into the continental United States, Puerto Rico, and Hawaii of plants or any plant part, except fruit and seeds, of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae and Toddalioideae of the botanical family Rutaceae, from Europe, Asia, Africa, South America, Central America, North America outside of the United States, Australia, and foreign oceanic countries and islands.

(b) Hereafter the importation from the foreign countries and localities named of plants or any plant part, except fruit and seeds, of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae of the botanical family Rutaceae, is prohibited.

(c) This prohibition shall not apply to importations for experimental or scientific purposes by the United States Department of Agriculture upon such conditions and under such requirements as may be prescribed by the Chief of Bureau of Entomology and Plant Quarantine, for such importations.

(d) This revision of the quarantine shall be effective on and after September 15, 1947, and shall supersede the quarantine revision issued August 17, 1934. (Sec. 7, 37 Stat. 317; 7 U. S. C. 160)

REFERENCE: Subpart entitled "Citrus canker and other citrus diseases" of Part 319, Chapter III, Title 7, Code of Federal Regulations.

Done at the city of Washington this 15th day of August 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7816; Filed, Aug. 20, 1947; 9:14 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 61—SCHEDULED AIR CARRIER RULES

AIRMEN UTILIZATION AND AIRMEN RECORDS

The following interpretation and statements of policy relating to §§ 61.50 and 61.500 of the Civil Air Regulations (12 F. R. 3171) were issued by the Administrator of Civil Aeronautics on August 1, 1947:

§ 61.50 *Airmen utilization.*

(CAA Interpretation)

A "flight crew member" is defined as "a pilot, flight radio operator, flight engineer, or flight navigator assigned to duty on the aircraft." (Civil Air Regulation 41.99 (i)).

§61.500 *Airmen records.*

(CAA Statements of Policy)

(a) The following information must be maintained accurately and currently in the airmen records: (1) Name (full); (2) Current duties and date of assignment (First Pilot, Flight Engineer, etc.); (3) Airman Certificates (type, certificate number, and ratings); (4) Date, result, and class of last physical examination of all flight crew members; (5) Date and result of last six months' instrument competency flight check for first pilots; (6) Routes over which dispatchers and applicable flight crew members are currently qualified, together with qualification records, grades, and dates; (7) Record of first pilot's flight time, including instrument flight time and flight time in the make and model of aircraft on which he is currently qualified; (8) Record of company training for all pilots, including actual flight, synthetic flight, and maintenance of proficiency training; (9) Any check pilot authorization (CAR 61.534); and (10) Any information on the individual considered desirable in these records by the air carrier as to special qualifications, duty assignment, etc.

(b) These records must (1) be available at any time for reference and inspection by authorized representatives of the Administrator of Civil Aeronautics, for the determination of compliance with appropriate qualifications and requirements prescribed in the Civil Air Regulations, (2) indicate the disposition of any dispatcher or flight crew member who is released from the employ of the air carrier, or who becomes physically or professionally disqualified, and (3) be retained by the company for at least six months.

(52 Stat. 977-1030; 49 U. S. C. 401-481, 485; sec. 7, Reorganization Plan No. III, approved April 3, 1939; sec. 7 (c), Reorganization Plan No. IV, approved April 3, 1939; 54 Stat. 1233, 1236; Letter of the Director of the Bureau of the Budget construing Reorganization Plans Nos. III and IV, dated May 2, 1940)

Issued this 1st day of August 1947.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 47-7799; Filed, Aug. 20, 1947; 9:13 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5097]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DECKER PRODUCTS CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service.* In connection with the offering for sale, sale, and distribution in commerce, of respondents' mechanical device designated "Vacudex", or any substantially similar device, whether sold under the same name or any other name, representing, directly or by implication, that said device or any substantially similar device will (1) eliminate or reduce back pressure; (2) save gasoline or oil; (3) increase the power of the motor or cause it to give better performance; (4) draw carbon, oil, or moisture from the muffler; (5) reduce the vibration of the motor; (6) give the motor greater acceleration or cause it to run more smoothly or more quietly; or (7) save tires; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Decker Products Company, Docket 5097, July 3, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of July A. D. 1947.

In the Matter of Ammiel F. Decker and Mable P. Decker, Individuals Trading and Doing Business as Decker Products Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, report and supplemental report of the trial examiner upon the evidence and the exceptions filed thereto, briefs and supplemental briefs filed in support of and in opposition to the complaint, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Ammiel F. Decker and Mable P. Decker, individually and trading as Decker Products Company, or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondents' mechanical device designated "Vacudex", or any substantially similar device, whether sold under the same name or any other name, do forthwith cease and desist from representing, directly or by implication, that said device or any substantially similar device will:

1. Eliminate or reduce back pressure.
2. Save gasoline or oil.

3. Increase the power of the motor or cause it to give better performance.
4. Draw carbon, oil, or moisture from the muffler.
5. Reduce the vibration of the motor.
6. Give the motor greater acceleration or cause it to run more smoothly or more quietly.
7. Save tires.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 47-7826; Filed, Aug. 20, 1947; 8:48 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 214—ANNUITY BEGINNING DATE

EFFECT OF SERVICE PERFORMED THROUGH OR AFTER DESIGNATED BEGINNING DATE BY INDIVIDUALS WHOSE ELIGIBILITY IS NOT BASED UPON DISABILITY

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U. S. C. 228j), § 214.7 (a) of the regulations of the Railroad Retirement Board under such act (4 F. R. 1477; 12 F. R. 1133) is amended, effective August 7, 1947, by Board Order 47-322 dated August 7, 1947, to read as follows:

§ 214.7 *Effect of service performed through or after designated beginning date—*(a) *By individuals whose eligibility is not based upon disability.* If such an individual renders compensated service to any person, whether or not an employer, through, or within six months after, the designated beginning date but prior to relinquishment of rights in accordance with Part 216 of this chapter, his annuity cannot begin to accrue earlier than the date following the last date of such compensated service. If the individual renders such compensated service after having relinquished rights in accordance with Part 216 of this chapter the beginning date of the annuity shall not be affected but no annuity shall be payable with respect to any month in which such service is performed if it is within the terms of Part 217 of this chapter.

(Sec. 10, 50 Stat. 314; 45 U. S. C. 228j)

Dated: August 15, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-7819; Filed, Aug. 20, 1947; 9:13 a. m.]

PART 335—SICKNESS BENEFITS AND MATERNITY BENEFITS

EXECUTION OF STATEMENT OF SICKNESS AND SUPPLEMENTAL DOCTOR'S STATEMENT

Pursuant to the authority contained in section 12 of the act of June 25, 1938 (Sec. 12, 52 Stat. 1107; 45 U. S. C. 362), § 335.103 of the regulations of the Railroad Retirement Board under such act (12 F. R. 4667) is amended, effective July 1, 1947, by Board Order 47-311 dated July 31, 1947, so that the first sentence thereof shall read as follows:

§ 335.103 *Execution of statement of sickness and supplemental doctor's statement.* A statement of sickness, and any supplemental doctor's statement which may be required by the Board, shall be executed by an individual who (a) is a doctor trained in medical and surgical diagnosis and licensed to practice his profession in the State or foreign jurisdiction in which the form is executed; or (b) is the superintendent or other supervisory official of a hospital, clinic, group health association, or other similar organization, in which all examination and treatment are conducted under the supervision of licensed doctors trained in medical and surgical diagnosis and in which medical records are maintained for each patient.

(Sec. 12, 52 Stat. 1107; 45 U. S. C. 362)

Dated: August 15, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-7811; Filed, Aug. 20, 1947; 9:13 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter H—War Housing Insurance

PART 577—ADMINISTRATIVE REGULATIONS FOR WAR HOUSING INSURANCE UNDER SECTION 603 OF THE NATIONAL HOUSING ACT

EFFECTIVE DATE

Section 577.13 (11 F. R. 8575) is hereby amended by adding at the end thereof the following new sentences:

§ 577.13 *Effective date.* * * * The regulations in this part are also effective as to all mortgages on which a commitment to insure under section 603 pursuant to the provisions of section 610 is issued to an approved mortgagee on or after August 19, 1947.

(Sec. 603, 55 Stat. 56, as amended, Pub. Law 388, 79th Cong., Pub. Law 366, 80th Cong.; 12 U. S. C. Sup. 1738)

Issued at Washington, D. C. August 19, 1947.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 47-7830; Filed, Aug. 20, 1947; 9:57 a. m.]

PART 578—ADMINISTRATIVE RULES FOR WAR HOUSING INSURANCE UNDER SECTION 603 OF THE NATIONAL HOUSING ACT PURSUANT TO SECTION 610

APPROVAL OF MORTGAGEES

Sec.
578.1 Governmental institutions and mortgagees approved under section 603 (b) of the National Housing Act approved with respect to mortgages insured under section 603 pursuant to section 610.

APPROVAL OF ACCEPTABLE ASSIGNEES

578.2 Sections 576.9, 576.10, 576.11 of Part 576 this chapter and subchapter adopted with respect to mortgages insured under section 603 pursuant to section 610.

APPLICATION AND COMMITMENT

578.3 Submission of application.
578.4 Form of application.
578.5 Fee to accompany application.
578.6 Approval of application.

ELIGIBLE MORTGAGES

578.7 Mortgage to be executed in connection with sale of housing by Government.
578.8 Form, lien.
578.9 Maximum amount of mortgage.
578.10 Payments and maturity dates.
578.11 Rate of interest.
578.12 Amortization provisions.
578.13 Payment of insurance premiums.
578.14 Mortgagor's payments to include other charges.
578.15 Mortgagee's application of payments.
578.16 Late charge.
578.17 Mortgagor's payments when mortgage is executed.
578.18 Initial service charge.
578.19 Approval of other charges.
578.20 Project must be acceptable risk in view of shortage of housing.

ELIGIBLE MORTGAGORS

578.21 Mortgage must be only lien upon property.
578.22 Relationship of income to mortgage payments.
578.23 Credit standing of mortgagor.
578.24 Residence of mortgagor.
578.25 Occupancy priority to veterans of World War II.
578.26 Holding property for rent.

ELIGIBLE PROPERTIES

578.27 Nature of title to the realty.
578.28 Dwelling unit located on property.
578.29 Standards for buildings.
578.30 Effective date.

AUTHORITY: §§ 578.1 to 578.30, inclusive, issued under sec. 603, 55 Stat. 56, as amended. Pub. Law 388, 79th Cong., Pub. Law 366, 80th Cong.; 12 U. S. C. Sup., 1738.

APPROVAL OF MORTGAGEES

§ 578.1 *Governmental institutions and mortgagees approved under section 603 (b) of the National Housing Act approved with respect to mortgages insured under section 603 pursuant to section 610.* Any mortgagees approved under section 603 (b) of the National Housing Act are hereby approved as mortgagees with respect to mortgages insured under section 603 pursuant to the provisions of section 610. All of the provisions of §§ 576.1 to 576.8 of Part 576, of Subchapter H, Chapter V, Title 24, Code of Federal Regulations are hereby adopted as applicable to mortgages insured under section 603 pursuant to section 610.

APPROVAL OF ACCEPTABLE ASSIGNEES

§ 578.2 *Sections 576.9, 576.10, 576.11 of Part 576 this chapter and subchapter adopted with respect to mortgages insured under section 603 pursuant to section 610.* Sections 576.9, 576.10, and 576.11 of Part 576, Title 24, Chapter V, Subchapter H, Code of Federal Regulations are hereby adopted and are applicable with respect to mortgages insured under section 603 pursuant to section 610.

APPLICATION AND COMMITMENT

§ 578.3 *Submission of application.* Any approved mortgagee may submit an application for insurance of a mortgage about to be executed or of a mortgage already executed.

§ 578.4 *Form of application.* The application must be made upon a standard form prescribed by the Commissioner.

§ 578.5 *Fee to accompany application.* If the application is for a firm commitment, it must be accompanied by the mortgagee's check for a sum computed at a rate of three dollars ($3) per thousand dollars ($1,000) of the original principal amount of the mortgage loan applied for, to cover the costs of appraisal by the Commissioner, but in no case shall such sum be less than ten dollars ($10). If an application is refused without an appraisal being made by the Commissioner, the fee will be returned to the applicant but no portion of the fee will be returned after appraisal or on account of any difference between the amount applied for and the amount approved for insurance.

If the application is for a conditional commitment, with respect to existing construction, it must be accompanied by the mortgagee's check for ten dollars ($10) regardless of the amount of the mortgage. The balance, if any, of the fee as stipulated herein shall be payable upon and shall accompany the application for the firm commitment, if any, subsequently submitted pursuant thereto.

§ 578.6 *Approval of application.* Upon approval of an application, acceptance of the mortgage for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions upon which the mortgage will be insured.

ELIGIBLE MORTGAGES

§ 578.7 *Mortgage to be executed in connection with sale of housing by Government.* The mortgage must be executed in connection with the sale by the Government, or an agency or official thereof, of housing acquired or constructed under Public Law 849, 76th Congress, as amended; Public Law 781, 76th Congress, as amended, or Public Laws 9, 73, or 353, 77th Congress, as amended.

§ 578.8 *Form, lien.* The mortgage must be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications hereinafter set forth in §§ 578.21 to 578.25, must be a first lien upon property that conforms with the property standards prescribed by the Commissioner, and the entire principal amount of the mortgage must have been disbursed to the mortgagor, or to his creditors for his account and with his consent.

§ 578.9 *Maximum amount of mortgage.* The mortgage must involve a principal obligation in an amount not in excess of ninety per centum of the appraised value of the mortgaged property as of the date the mortgage is accepted for insurance and should be in an amount of one hundred dollars ($100) or multiples thereof.

§ 578.10 *Payments and maturity dates.* The mortgage should come due on the first of a month and must have a maturity satisfactory to the Commissioner, not to be less than five nor more than twenty-five years from the date of insurance. The amortization period should be either 10, 15, 20, or 25 years by providing for either 120, 180, 240, or 300 monthly amortization payments.

§ 578.11 *Rate of interest.* The mortgage may bear interest at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such interest rate be in excess of four per centum (4%) per annum. Interest shall be payable in monthly installments on the principal then outstanding.

§ 578.12 *Amortization provisions.* The mortgage must contain complete amortization provisions satisfactory to the Commissioner, requiring monthly payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Commissioner. The sum of the principal and interest payments in each month shall be substantially the same.

§ 578.13 *Payment of insurance premiums.* The mortgage may provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth (1/12) of the annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect. The mortgage should provide that upon payment of the mortgage before maturity, the mortgagor shall pay the adjusted premium charge referred to in § 577.3 (b) Part 577, Title 24, Chapter V, Subchapter H, Code of Federal Regulations, but shall not provide for the payment of any further charge on account of such prepayment.

§ 578.14 *Mortgagor's payments to include other charges.* The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee in a manner satisfactory to the Commissioner, for the purpose of paying such ground rents, taxes, assessments, and insurance premiums, before the same become delinquent, for the benefit and account of the mortgagor. The mortgage must also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

§ 578.15 *Mortgagee's application of payments.* All monthly payments to be made by the mortgagor to the mortgagee as hereinabove provided, in §§ 578.11 to 578.14, inclusive, shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(a) Premium charges under the contract of insurance;

(b) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums;

(c) Interest on the mortgage; and

(d) Amortization of the principal of the mortgage.

Any deficiency in the amount of any such aggregate monthly payment shall, unless made good by the mortgagor prior to, or on, the due date of the next such payment, constitute an event of default under the mortgage.

§ 578.16 *Late charge.* The mortgage may provide for a charge by the mortgagee of a "late charge", not to exceed two (2) cents for each dollar of each payment more than fifteen (15) days in arrears, to cover the extra expense involved in handling delinquent payments.

§ 578.17 *Mortgagor's payments when mortgage is executed.* The mortgagor must pay to the mortgagee, upon the execution of the mortgage, a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage and may be required to pay a further sum equal to the first annual mortgage insurance premium, plus an amount sufficient to pay the mortgage insurance premium from the date of closing the loan to the date of the first monthly payment.

§ 578.18 *Initial service charge.* The mortgagee may charge the mortgagor the amount of the appraisal fee provided for in § 578.5 and an initial service charge to reimburse itself for the cost of closing the transaction. Such service charge shall not exceed one per centum (1%) of the original principal amount of the mortgage or a charge of twenty dollars ($20), whichever is the greater.

§ 578.19 *Approval of other charges.* In addition to the charges hereinbefore mentioned, the mortgagee may collect from the mortgagor only recording fees and such appraisal fees and cost of title

search as are approved by the Commissioner.

§ 578.20 *Project must be acceptable risk in view of shortage of housing.* The mortgage must be executed with respect to a project which, in the opinion of the Commissioner, is an acceptable risk in view of the shortage of housing.

ELIGIBLE MORTGAGORS

§ 578.21 *Mortgage must be only lien upon property.* A mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property: *Provided*, That if the mortgagor is a veteran and obtains a guaranteed loan under Title III of the Servicemen's Readjustment Act of 1944, as amended, the existence of such loan or any secondary lien upon the mortgaged property to secure such loan shall not render the first mortgage ineligible for insurance.

§ 578.22 *Relationship of income to mortgage payments.* A mortgagor must establish that the periodic payments required in the mortgage submitted for insurance bear a proper relation to his present and anticipated income and expenses.

§ 578.23 *Credit standing of mortgagor.* A mortgagor must have a general credit standing satisfactory to the Commissioner.

§ 578.24 *Residence of mortgagor.* A mortgagor is not restricted as to place of residence and need not be the occupant of the property covered by the mortgage.

§ 578.25 *Occupancy priority to veterans of World War II.* The mortgagor must establish, prior to insurance, in a manner satisfactory to the Commissioner, that preference or priority of opportunity to purchase or rent will be given to veterans of World War II and their immediate families, except that this requirement does not apply to hardship cases as defined by the Commissioner and approved by him.

§ 578.26 *Holding property for rent.* The Commissioner may, in his discretion, require the mortgagor to establish that the property will be held for rent in such instances and for such periods of time as the Commissioner may prescribe.

ELIGIBLE PROPERTIES

§ 578.27 *Nature of title to the realty.* A mortgage to be eligible for insurance must be on real estate held in fee simple, or on leasehold under a lease for not less than ninety-nine (99) years which is renewable, or under a lease with a period of not less than fifty (50) years to run from the date the mortgage is executed.

§ 578.28 *Dwelling unit located on property.* At the time a mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than seven families.

§ 578.29 *Standards for buildings.* The buildings on the mortgaged property must conform with the standards prescribed by the Commissioner.

§ 578.30 *Effective date.* The Administrative rules in this part are effective as to all mortgages on which a commitment to insure under section 603 pursuant to section 610 is issued to an approved mortgagee on or after August 19, 1947.

Issued at Washington, D. C., August 19, 1947.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 47-7831; Filed, Aug. 20, 1947; 9:57 a. m.]

Subchapter I—War Rental Housing Insurance

PART 582—ADMINISTRATIVE REGULATIONS FOR WAR RENTAL HOUSING INSURANCE UNDER SECTION 608 OF THE NATIONAL HOUSING ACT APPLICABLE TO ALL MORTGAGES INSURED UNDER SECTION 608

EFFECTIVE DATE

Section 582.20 (7 F. R. 4267) is hereby amended to read as follows:

§ 582.20 *Effective date.* The regulations in this part shall be effective as to all mortgages with respect to which a commitment to insure under section 608 is issued on or after August 15, 1946. The regulations in this part are also effective as to all mortgages on which a commitment to insure under section 608, pursuant to the provisions of section 610, is issued on or after August 19, 1947. (Sec. 608, 56 Stat. 603, as amended, Pub. Law 366, 80th Cong.; 12 U. S. C., Sup. 1743)

Issued at Washington, D. C., August 19, 1947.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 47-7832; Filed, Aug. 20, 1947; 9:57 a. m.]

PART 583—ADMINISTRATIVE RULES UNDER SECTION 608, PURSUANT TO SECTION 610, OF TITLE VI OF THE NATIONAL HOUSING ACT

APPROVAL OF MORTGAGEES

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APPLICATION AND COMMITMENT

583.5 Submission of application.
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ELIGIBLE MORTGAGES

583.9 Eligible mortgages.
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583.11 Amount of principal obligation.
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583.14 Amortization provisions.
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583.16 Covenants for fire and hazard insurance.
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583.19 Initial service charge.
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583.21 Additional terms and conditions.
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ELIGIBLE MORTGAGORS

583.23 Property free of liens and obligations.
583.24 Occupancy priority to veterans.
583.25 Satisfactory credit standing.
583.26 Requirements regarding form of mortgagor.

SUPERVISION OF MORTGAGORS

583.27 Assurance of completion, off-site utilities.
583.28 Regulation of mortgagor by Commissioner, in general.
583.29 Required supervision of mortgagor.
583.30 Waiver of requirements.

ELIGIBLE PROPERTIES

583.31 Eligibility of property.

TITLE

583.32 Eligibility of title.
583.33 Title evidence.

EFFECTIVE DATE

583.34 Effective date.

AUTHORITY: §§ 583.1 to 583.34, inclusive, issued under sec. 608, 56 Stat. 603, as amended Pub. Law 366, 80th Cong.; 12 U. S. C., Sup. 1743.

APPROVAL OF MORTGAGEES

§ 583.1 *Classification of mortgagees.* The following may become the mortgagee of a mortgage insured under section 608 of the National Housing Act, pursuant to section 610:

(a) Any institution or organization which is approved as a mortgagee under sections 203 (b) or 603 (b) of the National Housing Act; and

(b) Any other chartered institution or permanent organization having succession, upon its approval by the Commissioner for a particular transaction.

§ 583.2 *Property inspection by mortgagee.* As a condition precedent to insurance, the mortgagee must agree that it will ascertain the general physical condition of the mortgaged property at intervals not greater than one (1) year; and that, if at any time it be determined by the mortgagee that, in addition to ordinary wear and tear, the mortgaged property is being subjected to permanent or substantial injury, through unreasonable use, abuse or neglect, the mortgagee will, unless adequate provision satisfactory to a prudent lender is made for the prompt restoration of the mortgaged property, forthwith take such action as may be available to it under the mortgage and appropriate to the particular case, for the protection and preservation of the mortgaged property and the income therefrom, and the submission of an application for insurance shall be evidence of such agreement.

§ 583.3 *Non-approval.* The Commissioner reserves the right to refuse to approve any institution or organization as the mortgagee of a particular mortgage or to withhold any such approval pending compliance by such institution or organization, with additional conditions which in the discretion of the Commissioner are required in the particular case.

§ 583.4 *Withdrawal of approval.* Approval of a mortgagee may be withdrawn by notice from the Commissioner upon violation of the agreement mentioned in § 583.2, and such approval may also be withdrawn at any time for other cause sufficient to the Commissioner, but no withdrawal will in any way affect the insurance on mortgages theretofore accepted for insurance.

APPLICATION AND COMMITMENT

§ 583.5 *Submission of application.* Any approved mortgagee may submit an application for insurance of a mortgage about to be executed or of a mortgage already executed.

§ 583.6 *Form of application.* The application must be made upon a standard form prescribed by the Commissioner and filed at the local Federal Housing Administration office serving the area in which the property is located.

§ 583.7 *Application fee.* The application must be accompanied by the mortgagee's check to cover, (a) an "Application Fee" computed at the rate of one dollar and fifty cents ($1.50) per thousand dollars ($1,000) of the original face amount of the mortgage loan for which application is made, to cover the costs of analysis by the Commissioner, and (b) a sum (referred to as "Commitment Fee") which when added to the Application Fee will aggregate three dollars ($3) per thousand of the face amount of the mortgage loan approved for insurance by the Commissioner, and which shall be paid at the time of delivery of the commitment. If the application is refused without an estimate of replacement cost being made by the Commissioner, the fee paid will be returned to the applicant. If, after insurance, the amount of an insured mortgage is increased either by amendment or by the substitution of a new insured mortgage, a further fee shall be paid, based upon the amount of such increase.

§ 583.8 *Approval of application.* Upon approval of an application, a commitment will be issued upon a form approved by the Commissioner, setting forth the terms and conditions upon which the mortgage will be insured.

ELIGIBLE MORTGAGES

§ 583.9 *Eligible mortgages.* To be eligible for insurance the mortgage must be executed in connection with the sale by the United States Government, or an agency or official thereof, of housing acquired or constructed under Public Law 849, 76th Congress, as amended; Public Law 781, 76th Congress, as amended; or Public Laws 9, 73 or 353, 77th Congress, as amended.

§ 583.10 *Mortgage must be on approved form.* The mortgage must be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated by a mortgagor with the qualifications hereinafter set forth in §§ 583.23 to 583.26, inclusive; must be a first lien upon property that conforms with the property standards prescribed by the Commissioner, and the mortgagee must be obligated, as a part of the mortgage transaction, to disburse the entire principal amount of the mortgage to, or for the account of, the mortgagor.

§ 583.11 *Amount of principal obligation.* The mortgage must secure a principal obligation in multiples of one hundred dollars ($100) but not in excess of five million dollars ($5,000,000) and not in excess of ninety per centum (90%) of the appraised value of the property as determined by the Commissioner.

§ 583.12 *Maturity.* The mortgage must have a maturity satisfactory to the Commissioner not to exceed 25 years from the date of insurance.

§ 583.13 *Interest rate.* The mortgage may bear interest at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such interest rate be in excess of four per centum (4%) per annum. Interest shall be payable only on principal outstanding and shall be payable in monthly installments.

§ 583.14 *Amortization provisions.* The mortgage must contain complete amortization provisions satisfactory to the Commissioner requiring monthly payments on a level annuity or declining annuity basis as agreed upon by the mortgagor and mortgagee. Payments on account of principal must begin not later than the first day of the month next succeeding the expiration date of the commitment.

§ 583.15 *Payment requirements.* The mortgage may provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth (1/12) of the annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect. The mortgage shall provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the adjusted premium charge referred to in § 582.4 of this chapter.

§ 583.16 *Covenants for fire and hazard insurance.* The mortgage shall contain a covenant binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the co-insurance clause applicable to the location and character of the property, but not less than eighty percent (80%) of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner at the time of the issuance of the commitment. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee and the Commissioner, as interests may appear.

§ 583.17 *Additional payment requirements.* (a) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held in trust for the benefit and account of the mortgagor by the mortgagee, for the purpose of paying such ground rents, taxes, water rates and assessments, and insurance premiums, before the same become delinquent. The mortgage must also make provision for adjustments in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

(b) All monthly payments to be made by the mortgagor to the mortgagee as hereinabove provided in §§ 583.13 to 583.17 inclusive, shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance;
(2) Ground rents, taxes, water rates, special assessments, and fire and other hazard insurance premiums;
(3) Interest on the mortgage; and
(4) Amortization of the principal of the mortgage.

Any deficiency in the amount of any such aggregate monthly payment shall, unless made good by the mortgagor prior to or on the due date of the next such payment, constitute an event of default under the mortgage.

§ 583.18 *Rights and remedies of mortgagee in event of default or foreclosure.* The mortgage must contain a provision or provisions, satisfactory to the Commissioner, giving to the mortgagee, in the event of default or foreclosure of the mortgage, such rights and remedies for the protection and preservation of the property covered by the mortgage and the income therefrom, as are available under the law or custom of the jurisdiction.

§ 583.19 *Initial service charge.* The mortgagee may charge the mortgagor the amount of the application fees provided in § 583.7 of the regulations in this part and an initial service charge to reimburse itself for the cost of closing the transaction. Such initial service charge may be in an amount not in excess of one per centum (1%) of the original principal amount of the mortgage.

§ 583.20 *Recording fees, etc.* In addition to the charges hereinbefore mentioned, the mortgagee may collect from the mortgagor only recording fees, mortgage and stamp taxes, if any, and such costs of survey and title search as are approved by the Commissioner.

§ 583.21 *Additional terms and conditions.* The mortgage may contain such other terms, conditions and provisions with respect to release of parts of the mortgaged property from the lien of the

mortgage, insurance, repairs, alterations, payment of taxes, default and management reserves, foreclosure proceedings, anticipation of maturity, and other matters as the Commissioner may in his discretion prescribe or approve. The mortgagee may include in the mortgage a provision for such additional charge in the event of prepayment of principal as may be agreed upon between the mortgagor and mortgagee; *Provided, however,* That the mortgagor must be permitted to prepay up to fifteen per centum (15%) of the original principal amount of the mortgage in any one calendar year without any such additional charge.

§ 583.22 *Soundness of project risk.* The mortgage must be executed with respect to a project which, in the opinion of the Commissioner, is an acceptable risk in view of the shortage of housing.

ELIGIBLE MORTGAGORS

§ 583.23 *Property free of liens and obligations.* A mortgagor must establish that upon final disbursement of the loan, the property covered by the mortgage is free and clear of all liens other than such mortgage, and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

§ 583.24 *Occupancy priority to veterans.* The mortgagor must establish, in a manner satisfactory to the Commissioner, that preference or priority of opportunity to occupy will be given to veterans of World War II and their immediate families, except that this requirement does not apply to hardship cases as defined by the Commissioner and approved by him.

§ 583.25 *Satisfactory credit standing.* A mortgagor must have a general credit standing satisfactory to the Commissioner.

§ 583.26 *Requirements regarding form of mortgagor.* In addition to meeting the requirements set forth above in this section, the mortgagor may be (a) an individual; or (b) a corporation or trust formed or created for the purpose of providing housing for rent or sale, and possessing powers necessary therefor and incidental thereto. In either case the Commissioner may require that the mortgagor be regulated or restricted by the Commissioner as to rents or sales or charges and methods of operation to such extent as may be deemed advisable by the Commissioner. In the case of a corporation or trust the mortgagor may be regulated by the Commissioner with respect to capital structure. Such regulation or restriction shall remain in effect until such time as the mortgage insurance contract terminates without obligation upon the Commissioner to issue debentures as a result of such termination. So long as the contract of insurance is in effect a corporate mortgagor shall agree not to engage in any business other than the operation of a rental housing project or projects; or (c) a Federal or State instrumentality, a municipal corporate instrumentality of one or more States, or a limited dividend corporation formed under and restricted by Federal or State housing laws as to rents, charges, and methods of operation.

SUPERVISION OF MORTGAGORS

§ 583.27 *Assurance of completion, off-site utilities.* The Commissioner may require the deposit with the mortgagee or with an acceptable trustee or escrow agent under an appropriate agreement of such cash as may be required for the completion of off-site public utilities and streets.

§ 583.28 *Regulation of mortgagor by Commissioner, in general.* (a) A corporate mortgagor or trust shall be regulated through the ownership by the Commissioner of certain shares of special stock (or other evidence of beneficial interest in the mortgagor) which stock or interest will acquire majority voting rights in the event of default under the mortgage or violation of provisions of the charter of the mortgagor or the violation of any valid agreement entered into between the mortgagor, the mortgagee and/or the Commissioner, but only for a period coextensive with the duration of such default or violation. The shares of stock or of beneficial interest issued to the Commissioner, his nominee or nominees and/or the Federal Housing Administration shall be in sufficient amount to constitute under the laws of the particular State a valid special class of stock or interest and shall be issued in consideration of the payment by the Commissioner of not exceeding in the aggregate $100. Such stock shall be represented by certificates issued in the name of the Commissioner, and/or in the name of his nominee or nominees and/or in the name of the Federal Housing Administration, as the Commissioner shall require. Upon the termination of all obligations of the Commissioner under his contract of mortgage insurance or any succeeding contract or agreement covering the mortgage obligation, including the obligation upon the Commissioner to issue debentures as a result of such termination, all regulation and restriction of the mortgagor shall cease. When the right of the Commissioner to regulate or restrict the mortgagor shall so terminate, the shares of special stock or other evidence of beneficial interest shall be surrendered by the Commissioner upon reimbursement of his payments therefor plus accrued dividends, if any, thereon. Such regulation and the additional regulation or restriction hereinafter provided in this section shall be made effective by incorporation of appropriate provisions therefor in the charter or other instrument under which the mortgagor is created, or by agreement.

(b) In the case of an individual mortgagor, regulation by the Commissioner may be exercised through a regulatory agreement in form and content satisfactory to the Commissioner.

§ 583.29 *Required supervision of mortgagor.* The following are the items which will be regulated or restricted in the manner and to the extent hereinbefore indicated:

(a) No charge shall be made by the mortgagor for the accommodations offered by the project in excess of a rental schedule to be filed with the Commissioner and approved by him or his duly constituted representative prior to the opening of the project for rental, which schedule shall be based upon a maximum average rental fixed prior to the insurance of the mortgage, and shall not thereafter be changed except upon application of the mortgagor to, and the written approval of the change by, the Commissioner.

(b) The established maximum rental shall be the maximum authorized charge against any tenant for the accommodations offered and shall include all services except telephone, gas, electric, and refrigeration facilities. Charges permitted in addition to such maximum rental shall be subject to the approval of the Commissioner.

(c) The regulation and restriction provided for in the paragraphs (a) and (b) of this section shall not apply so long as the maximum rents are regulated by another agency of the United States Government. Such maximum rental as established by such agency of the United States will be accepted by the Commissioner as an approved rent schedule. Upon the expiration of the authority of any such agency to fix maximum rentals, the established maximum rental schedule then in force with respect to the project shall be the established maximum rental schedule within the provisions of paragraphs (a) and (b) of this section, and shall not thereafter be changed except upon approval of the Commissioner.

(d) A reserve for replacement shall be accumulated and maintained with the mortgagee so long as the mortgage insurance is in force, and the amount and types of such reserves and conditions under which they shall be accumulated, replenished and used, shall be specified in the charter or regulatory agreement. Failure to comply with the terms of this requirement may be considered by the Commissioner as a default under the terms of the charter.

(e) The mortgagor shall keep full and complete records of all corporate meetings of directors, stockholders and finance committee, if any, and of the elections and resignations of its officers; and shall keep complete, orderly and accurate books of account and shall also keep copies of all written contracts or other instruments which affect it or any of its property which shall be subject to inspection and examination by the Commissioner or his duly authorized agents at all reasonable times.

(f) The mortgagor shall furnish at the request of the Commissioner, his employees or attorneys, specific answers to questions upon which information is desired from time to time relative to the income, assets, liabilities, contracts, operation, condition of the property and the status of the insured mortgage and any other information with respect to the mortgagor or its property which may reasonably be required. The above enumeration of specific items shall not be deemed in any manner to limit the generality of the preceding sentence. In case the mortgagor is in default either under the insured mortgage or under its charter, or has failed to meet any of the applicable requirements of this section or is in default with respect to any agreement between the mortgagor and the mortgagee or under any contract for the improvement of the mortgaged premises or under any agreement to which the Federal Housing Commissioner is a party, or in case an inspection shows that the property is not being managed or maintained in a manner satisfactory to the Commissioner, the Commissioner may require the mortgagor to furnish at the expense of the latter a complete audit of its books of account duly certified by a public accountant satisfactory to the Commissioner.

§ 583.30 *Waiver of requirements.* In the event the mortgagor is a Federal or State instrumentality, a municipal corporate instrumentality of one or more States, or a limited dividend corporation formed under and restricted by Federal or State housing laws as to rents, charges and methods of operation, as described in § 583.26 (c), the Commissioner may, in his discretion, waive the requirements set forth in this section, in whole or in part.

ELIGIBLE PROPERTIES

§ 583.31 *Eligibility of property.* (a) A mortgage to be eligible for insurance must be on real estate held in fee simple, or on the interest of the lessee under a lease for not less than ninety-nine (99) years which is renewable, or under a lease having a period of not less than fifty (50) years to run from the date the mortgage is executed.

(b) At the time the mortgage is insured there shall be housing accommodations on the mortgaged property designed principally for residential use for not less than eight (8) families in the aggregate conforming to standards satisfactory to the Commissioner.

TITLE

§ 583.32 *Eligibility of title.* In order to be eligible for insurance, the Commissioner must determine that marketable title to the mortgaged property is vested in the mortgagor as of the date the mortgage is filed for record. The Commissioner will examine the title to property covered by a mortgage offered for insurance and in the event a determination of eligibility with respect to title is made as herein provided, such finding shall constitute a part of the contract of insurance evidenced by the insurance endorsement.

§ 583.33 *Title evidence.* Upon endorsement of the mortgage for insurance, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner a survey and title evidence satisfactory to him as provided in paragraphs (a), (b), (c), or (d) of this section as the Commissioner may require.

No. 163——2

(a) A policy of title insurance with respect to such mortgage issued by a company satisfactory to the Commissioner. Such policy shall comply with the "L. I. C. Standard Mortgagee Form," or the "A. T. A. Standard Mortgagee Form," or such other form as may be approved by the Commissioner and which offers substantially the same coverage under substantially the same conditions and stipulations. Such policies may contain such "permitted" and other exceptions, restrictions, and limitations as are approved by the Commissioner. The policy shall become effective as of the date the mortgage is filed for record and shall run to the mortgagee and the Commissioner, their successors and assigns, as their respective interests may appear.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or territory thereof.

EFFECTIVE DATE

§ 583.34 *Effective date.* These Administrative Rules are effective as to all mortgages on which a commitment to insure under section 608, pursuant to section 610, is issued, on or after August 19, 1947.

Issued at Washington, D. C., August 19, 1947.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 47-7833; Filed, Aug. 20, 1947; 9:58 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 205—DUMPING GROUNDS REGULATIONS

ASHLEY RIVER AND CHARLESTON HARBOR, SOUTH CAROLINA

Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 Stat. 1147; 33 U. S. C. 419), § 205.30 pertaining to the dumping ground established along the west shore of Hog Island in Charleston Harbor, South Carolina, is hereby enlarged, the regulations governing dumping in Ashley River and Charleston Harbor being amended as follows:

§ 205.30 *Ashley River and Charleston Harbor, S. C.*—(a) *Dumping Grounds.* • • •

(1) Along the east shore of Cooper River opposite Charleston, not more than one-fourth mile from the shore line at low water, north of an east and west line through a point 200 feet south of the southerly end of Hog Island, and south of a line parallel to and 500 feet south of the John P. Grace Memorial Bridge.

• • • • • •

(b) *Regulations.* • • •

(13) No dumping shall be done in Charleston Harbor or adjacent waters, outside the dumping grounds herein prescribed, unless specifically authorized by a War Department permit.

[Regs. July 22, 1947, CE 827.41 (Charleston Harbor, S. C.)-ENGWR] (33 Stat. 1147; 33 U. S. C. 419)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General

[F. R. Doc. 47-7798; Filed, Aug. 20, 1947; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

DESERT GAME RANGE, NEVADA; HUNTING

§ 21.227 *Desert Game Range, Nevada; hunting.* (a) Until further notice, deer may be taken on certain lands of the United States, hereinafter described, within the Desert Game Range, during such periods of special open season and in such numbers and sex as may be prescribed by the State Fish and Game Commission of Nevada, after a joint annual examination of the range by the Fish and Wildlife Service and the Fish and Game Commission of Nevada, subject to the following special provisions, conditions, restrictions, and requirements.

(1) *Area open to hunting.* The following described lands of the United States within the Desert Game Range shall be open to the hunting of deer:

Beginning at a point where the Kyle Canyon Road intersects Highway No. 95 near Tule Springs Ranch; thence in a westerly direction along the Kyly Canyon Road approximately 6 miles; thence in a southwesterly direction along the ridge and summit of LaMadre Mountain to the summit of the Spring Mountain Range; thence in a northwesterly direction along the summit of Spring Mountain Range to the boundary of the Nevada National Forest; thence in northerly and westerly directions along the eastern and northern boundaries of the Nevada National Forest to the extreme northwest corner of said Forest; thence in a westerly direction to the Nye and Clark County line; thence north to Highway No. 95; thence in an easterly and southeasterly direction along Highway No. 95 to the point of beginning.

(2) Entry on and use of the Range for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F. R. 5284), as amended, and regulations for the administration of Game Ranges established in conjunction

with the organization of Grazing Districts under the Taylor Grazing Act (sec. 1, 48 Stat. 1269, as amended; 43 U. S. C. 315), and strict compliance therewith is required.

(3) Strict compliance with all State laws and regulations is required, and any person who hunts on the Range must have in his possession, and exhibit at the request of any authorized Federal or State officer, a valid State hunting license and a special permit issued by the State authorizing him to hunt on the area. Such State license and permit will serve as a Federal permit for entry on the Range for the purpose of hunting.

(b) State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting. (Sec. 1, 48 Stat. 1269, as amended; 43 U. S. C. 315)

Dated: August 5, 1947.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 47-7828; Filed, Aug. 20, 1947; 8:56 a. m.]

PART 26—EAST CENTRAL REGION NATIONAL WILDLIFE REFUGES

NECEDAH NATIONAL WILDLIFE REFUGE, WISCONSIN; FISHING

Section 26.678 is revised to read as follows:

§ 26.678 *Necedah National Wildlife Refuge, Wisconsin; fishing.* (a) Noncommercial fishing in accordance with the State laws of Wisconsin is permitted during the months of January and February, and during the period from May 30 to Labor Day, both inclusive, in all of the waters of the Refuge that are designated by suitable posting by the officer in charge, in accordance with the following conditions and restrictions:

(b) Entry on and use of the refuge for any purpose is governed by the regulations for the administration of national wildlife refuges dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All persons fishing on the refuge must comply with the State fishing laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license or licenses may be required by such laws and regulations, which said license shall serve as a Federal permit for fishing on the refuge.

(c) Persons fishing on the refuge may use boats (other than motor boats or floated craft) for the purpose of fishing, but may place such boats or craft on the waters of the refuge only at such points as may be designated by suitable posting by the officer in charge. The use of motor boats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

(d) During periods of waterfowl concentrations, or other wildlife concentrations, fishing may be closed on such areas of the refuge, as in the judgment of the officer in charge, such limitations or restrictions are necessary in order to provide adequate protection for wildlife. Such limitations or restrictions are to be clearly designated by posting.

(e) State cooperation may be enlisted in the regulation, management, and operation of the public fishing areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of fishing. (Sec. 10, 45 Stat. 1224, as amended; 16 U. S. C. 715 i)

Dated: August 12, 1947.

CLARENCE COTTAM,
Acting Director.

[F. R Doc. 47-7808; Filed, Aug. 20, 1947, 8:56 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 6]

[192-31.32]

C. A. A. FIELD, JUNEAU, ALASKA

NOTICE OF PROPOSED DESIGNATION AS TEMPORARY AIRPORT OF ENTRY FOR PERIOD OF 1 YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to designate the C. A. A. Field, Juneau, Alaska, as a temporary airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such designation.

This motion is published pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

AUGUST 14, 1947.

[F. R. Doc. 47-7829; Filed, Aug. 20, 1947; 9:13 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket Nos. 553, 554, 555]

NEW JERSEY COOP CO., INC., ET AL.

NOTICE OF PETITION FOR INCREASE IN RATES

In re New Jersey Coop Company, Inc., et al. respondents.

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture issued an order on December 20, 1946 (5 A. D. 885) continuing in effect the rates and charges provided for in an order issued January 15, 1946 (5 A. D. 12) to and including December 31, 1947. This order also continues the monthly reporting requirement of the order of January 15, 1946, *supra*.

By petition filed August 6, 1947, the respondents have requested that an increase of 3¢ per coop to take effect as soon as possible and to remain in effect to and including December 31, 1948, unless modified before that date, be authorized. The effect of such increase would be to increase the revenue of respondents.

It appears that public notice should be given of the filing of this petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for an increase in rates.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 15th day of August 1947.

[SEAL] PRESTON RICHARDS,
Acting Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-7817 Filed, Aug. 20, 1947, 8:47 a. m.]

[7 CFR, Part 941]

HANDLING OF MILK IN CHICAGO, ILLINOIS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 901.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held at Chicago, Illinois, on March 5–8 and 10–12, 1947, inclusive, pursuant to the notice thereof which was published in the FEDERAL REGISTER on February 27, 1947 (12 F. R. 1394), upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Acting Assistant Administrator, Production and Marketing Administration, on July 11, 1947, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER July 16, 1947 (12 F. R. 4722).

The material issues presented on the record of the hearing were whether:

1. The "handler" definition should be revised to provide that it shall not apply to any person selling a larger percentage of his Class I milk as a handler under a marketing agreement or order effective in another fluid milk marketing area;

2. The defined area known as "surplus milk manufacturing area" should be expanded;

3. All frozen cream, other cream frozen, plastic cream, and similar cream products disposed of beyond the limits of the surplus milk manufacturing area should be classified as Class II milk;

4. The accounting for milk and cream transferred from approved to unapproved plants should be on a daily basis;

5. Flavored milk, flavored milk drinks, and buttermilk should be reclassified from Class I milk to Class II milk;

6. The maximum amount of plant shrinkage allowed as Class IV milk should be increased;

7. The price structure for Class I milk and Class II milk should be revised as to level and seasonality;

8. The basic formula price provisions should be revised as to the (i) "evaporated-pay-price" formula, (ii) "butter-nonfat dry milk solids" formula (revision of the butter-nonfat dry milk solids formula therein would affect also the level of the Class IV milk price), and (iii) application of the alternate formulas set forth therein;

9. The plant location adjustment credits to handlers applicable to (i) fluid milk, fluid skim milk, and certain Class I milk, and (ii) Class II milk, should be increased;

10. The butterfat differential applicable to producer milk testing above or below 3.5 percent of butterfat should be revised;

11. A change should be made in the level and method of determining the prices to be paid for Class I milk disposed of in markets outside the marketing area;

12. The price formula for Class II milk should include a storage allowance for frozen cream stored;

13. The "approved plant" definition should be revised and whether there should be included new provisions (i) establishing additional requirements for plants desiring to participate in the "market-wide pool," and (ii) providing for the suspension as a "pool plant" of any plant not meeting such requirements;

14. The pool treatment of the classified value of frozen cream, based on the inventory character of this product, should be revised for the purpose of implementing a wider seasonal variation in producer prices;

15. The location adjustments applicable to the announced uniform "70 mile zone" price to producers should be changed; and

16. Several revisions of language should be made to obtain further clarity and to simplify administrative problems with respect to:

(i) The determination of tests of chocolate milk drinks;

(ii) Precision of language in pool computation provisions;

(iii) Classification of butterfat remaining in skim milk separated;

(iv) Assessments for expenses of administration; and

(v) Assessments for marketing services.

Rulings on exceptions. No specific exceptions were filed to the findings, conclusions and amendment action recommended in the Acting Assistant Administrator's recommended decision with respect to issues numbered 1, 2, 13, and 16. The findings, conclusions and amendment action so recommended have been adopted in this decision without substantive change. One set of exceptions requested oral argument thereof. No supporting reasons were given for the request and it is denied.

Exceptions were filed by the following parties to the findings, conclusions and amendment action recommended by the Acting Assistant Administrator with respect to certain issues, as follows:

1. Associated Milk Dealers, Inc.: Issues 5–11, inclusive.

2. Certain organizations who designate themselves as the "Northern Cooperatives": Issues 3–9, inclusive, 12 and 15.

3. The Borden Company: Issues 5–10, inclusive, 14 and 15.

4. Ice Cream Manufacturers Association of Cook County, Inc.: Issues 7, 11 and 12.

5. Hydrox Corporation: Issues 7, 11, and 12.

6. Pure Milk Products Cooperative: Issue 15.

In arriving at the findings, conclusions and amendment action decided upon in this decision each of these exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. The findings, conclusions and amendment action recommended by the Assistant Adminsitrator with respect to issues 5 and 10 have been adopted herein without change and the exceptions with respect thereto are overruled. To the extent that the findings, conclusions and amendment action decided upon herein with respect to the remaining issues are at variance with the exceptions pertaining thereto, such exceptions are overruled.

General exceptions also were filed by the Northern Cooperatives and by the Hydrox Corporation. Such exceptions did not specify in what respect the recommendations of the Acting Assistant Administrator should not be adopted and these are overruled.

It was contended with respect to the actions recommended by the Acting Assistant Administrator on issues 4, 7, 8 (iii) and 15 that they were not proposed by the hearing notice. The action on issue 8 (ii) recommended by the Acting Assistant Administrator was excepted to on the ground that it was not supported by a proposal in the record. In each such case the action recommended by the Acting Assistant Administrator and adopted herein is within the reasonable scope of an issue raised by the hearing notice and record. These exceptions are overruled.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof:

(1) The proposed addition of language to the definition of "handler" to exclude "any person who sells a larger percentage of Class I milk handled by him in a marketing area under any other milk marketing agreement or order issued under the act where such person is a handler subject to such other milk marketing agreement or order" should not be adopted at this time.

The primary purpose of this proposal is to change the basis of determining under which order a handler is subject to regulation in case Class I milk is sold in both the Chicago marketing area under Order 41 and the Suburban Chicago marketing area under Order 69. Under the current provisions of these orders a handler becomes subject to regulation under Order 41 when his plant is approved for the shipment of milk to the Chicago marketing area for use as Class I milk even though any or all of his Class I milk may be sold in the Suburban Chicago (or other) marketing area.

The proposal would make it possible for some handlers to shift constantly from one order to another in different delivery periods depending on seasonal advantages. Such shifting would not be conducive to the orderly marketing of milk in the Chicago marketing area and might provide some undue competitive advantages to these handlers. The proposal also could prevent beneficial transfers of milk between regulated markets if the transferring handler preferred to

retain status under one order but the transfer resulted in the loss of that status. The question and problems raised by this proposal are closely related also to the proper phrasing and content of other provisions of each of the orders, such as the type of pool, the limits of the marketing area, and other definitions. These matters were not fully considered at this hearing, and there is a consequent lack of adequate evidence in solution of the various problems which would result from the adoption of this proposal. In addition, application of the particular proposal offered would be administratively burdensome.

(2) The "surplus milk manufacturing area" should be expanded to include the counties of Stark, Marshall, Woodford, Livingston, Ford, and Iroquois, in the State of Illinois, the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, and Sullivan, in the State of Indiana, and the county of Van Wert, in the State of Ohio.

Plant facilities operated by or readily available to handlers exist in these counties for the disposal of surplus milk from the Chicago marketing area. The inclusion of these counties will facilitate the handling of such surplus milk.

(3) The classification provisions should be revised to specify the final classification as Class II milk of frozen cream, other cream frozen, plastic cream and any similar cream product disposed of outside the surplus milk manufacturing area.

The surplus milk manufacturing area has been defined broadly enough to furnish under present conditions adequate facilities for the disposal for manufacturing purposes (as Class III milk or Class IV milk) of frozen cream, other cream frozen, plastic cream, and any similar cream product in surplus supply. Therefore, it is reasonable to assume that when such items are moved outside such surplus milk manufacturing area they will be employed in their customary uses as ice cream or as other milk products defined as Class II milk under the Chicago order.

This will provide a uniform method of verifying and classifying all Class I and Class II milk item moved beyond the limits of the surplus milk manufacturing area and readily susceptible of reuse in the form of other milk products.

(4) The classification provisions covering fluid milk or fluid cream transferred from approved plants to unapproved plants located within the "surplus milk manufacturing area" should be amended so as to be more specific in regard to an allocation plan to be followed in classifying such approved fluid milk or fluid cream taking into account types of supporting utilization records.

Fluid milk and fluid cream are transferred from approved plants to unapproved plants in the "surplus milk manufacturing area." It has been the practice of the market administrator to accept daily utilization records in support of claimed classification of milk at such unapproved plants. It was proposed that this established market practice be formalized and no objections were raised thereto. Therefore, this proposal is adopted.

In some unapproved plants approved fluid milk or fluid cream is segregated from receipts of unapproved sources. In other unapproved plants approved fluid milk or fluid cream is commingled with receipts from other sources. Classification problems are more complicated where approved milk is commingled with unapproved receipts. In the classification of approved fluid milk or fluid cream which is commingled with unapproved receipts in a plant having diversified uses it is necessary to allocate the use of such approved milk and cream since its specific utilization cannot be shown.

In most instances the quality of Chicago fluid milk is higher than that of unapproved milk. Fluid milk from approved plants is frequently used for selected manufacturing purposes in preference to that from unapproved sources. Unapproved, or "Grade B," milk is disposed of from unapproved plants in many different forms, including fluid milk and fluid cream, to markets not requiring milk of approved Chicago quality. Unapproved plants may engage for part of the month in the processing of a milk product such as evaporated milk or in the sale of fluid milk and fluid cream, while for the remainder of the month it may engage in the manufacture of other milk products such as butter and nonfat dry milk solids.

Under the adopted provision approved Chicago fluid milk received at the plant which commingles milk would be allocated first to the highest valued manufacturing use (Class III milk) then to the other manufacturing uses (Class IV milk) followed by use as Class II milk and Class I milk, respectively. Because of the relative importance of butterfat in cream, the allocation of approved fluid cream would be first to Class IV milk then to Class III milk, Class II milk, and Class I milk, in that sequence. Also approved fluid milk and fluid cream should not take precedence over unapproved or Grade B milk where the latter type of milk is disposed of for outside markets from such plants in the form of fluid milk or fluid cream. If monthly utilization records only are made available, approved fluid milk or fluid cream would be allocated in sequence beginning with Class I milk and Class II milk, respectively, to prevent approved fluid milk and fluid cream being reported in classes of lower value than the actual class of disposition, which would result in decreased returns to all producers. This is deemed necessary to protect the classification of producer milk.

An exception was filed to the effect that the proposed amendment was ambiguous and did not conform to the evidence. Certain changes in the text of the amendment have been made to clarify its meaning. It is concluded that the amendment as so modified reflects the pertinent evidence.

(5) Flavored milk, flavored milk drinks, and buttermilk should not be moved from Class I milk to Class II milk. The classification of these products was changed from Class II milk to Class I milk by an amendment to the order effective September 1, 1946. In support of the proposal to change the classification of these products from Class I milk to Class II milk, it was claimed (i) that sales of these items decreased during the 4 months following reclassification to Class I milk as compared with the same period in 1945 and if continued producers' returns might thereby be reduced, and (ii) that the cost of flavoring ingredients has increased.

To be sold in the main segments of the Chicago marketing area these milk drinks must be made from inspected milk. They are disposed of in fluid form through the same retail and wholesale channels as bottled fluid milk and are used principally as a beverage. The physical characteristics, purposes, values, and uses of these items are more nearly similar to those of fluid milk than of items covered by the definition of Class II milk.

It was not shown that the decrease in sales following the amendment of September 1, 1946, was due to the reclassification of these products, since the trend had already started prior to reclassification and a general retail price increase embracing many other factors took place during the same period. Under the circumstances shown a decrease in sales of these products is not in itself an adequate reason for the reclassification proposed. The alleged cost increase of flavored ingredients (no specific information of these increased costs was shown) might be an element to be considered by the handler in the establishment of his margin but should not be charged against the price to the producer.

(6) The plant shrinkage provisions (§ 941.4 (b) (4) (iii) and § 941.4 (c) (6) (vi)) should be revised only relative to shrinkage on transfers of milk to unapproved plants by deleting the references to unapproved plants.

Proposals made were designed to (i) increase the over-all plant shrinkage allowance in Class IV milk, and (ii) alter the application of the plant shrinkage provisions to milk transferred to unapproved plants. It was proposed that the shrinkage allowance on butterfat received at an approved plant in the form of bulk fluid milk, bulk fluid skim milk, or bulk fluid cream be increased from 1.5 percent to 2 percent. This allowance would be in addition to the 0.5 percent allowance under the present order on butterfat in milk received directly from producers and would permit a total allowance up to 2.5 percent to the first handler. Also a second handler would be allowed by the proposal a maximum of 2 percent butterfat shrinkage in Class IV milk in addition to the shrinkage allowed in such class to the first handler. Under the proposal a maximum allowance in Class IV milk up to 4.5 percent of butterfat shrinkage would be possible if milk were handled by two or more handlers. In support of these increases it was pointed out that shrinkage may be enhanced by errors in butterfat testing or by the techniques used in such testing. A second proposal would revise language with respect to transfers of approved milk to unapproved plants to allow shrinkage in Class IV milk on such transfers.

The average shrinkage of butterfat, expressed as a percent of total butterfat pounds in producer receipts plus butterfat overrun (including that portion classified in Class I milk as "excess shrinkage" or "unaccounted for milk"), was stated to be 1.75 percent in 1943, 1.91 percent in 1944, 2.03 percent in 1945, and 2.18 percent in the first seven months and 1946. The average for this entire period was said to be 1.97 percent, or slightly less than the present maximum allowance. Such percentages have been computed by dividing total "shrinkage" pounds by the sum of producer receipts plus "over-run". According to the testimony this type of "over-run" results from the underreading of butterfat tests to producers or from the overreading of butterfat tests to purchasers. If such over-run is instead subtracted from these shrinkage figures, and the difference divided by total producer receipts, the net monthly average shrinkage for 1945 is 1.87 percent instead of 2.03 percent and the average for the first seven months of 1946 is 2.01 percent instead of 2.18 percent.

The "shrinkage" figures set forth above reflect butterfat unaccounted for for various reasons other than the loss of butterfat normally expected from the passage of milk through a plant. In view of the fact that the highest average percentage figure (2.18) presented is only slightly higher than the present allowance of 2 percent, it cannot be concluded that representative plant operations alone result in shrinkage which averages above 2 percent.

It was argued in the exceptions that because the average "shrinkage" of butterfat allegedly has increased from 1.75 percent in 1943 to 2.18 percent for the first seven months of 1946 the shrinkage allowance is inadequate in the light of actual market experience. To carry this argument to its logical conclusion could result in shrinkage allowances without limit as the volume of unaccounted for milk may increase for any reason. An increase in the shrinkage allowance on such a basis would enhance the possibilities of not accounting for all milk that should be accounted for, and any such allowance as proposed would increase the possibilities for inequities to arise among handlers. Therefore, an increase in the maximum shrinkage allowed in Class IV milk is not warranted.

Shrinkage for a system of plants operated by a single handler is computed as a net amount after accounting for utilization at all such plants. The first stated proposal would permit a greater shrinkage on milk moved from the plant of one handler to the plant of another handler as compared with interplant movements within a system operated by a single handler.

In light of these data and the inequities inherent in the first stated proposal, such proposal should not be adopted.

In support of the second proposal it was pointed out that in many instances handlers make sales of milk to unapproved plants. These sales to unapproved plants are not segregated in all instances from other route sales. To simplify the accounting for shrinkage with respect to milk moved to unapproved plants, the second proposal described under (ii) above should be adopted.

(7) The price differentials above the basic price for Class I and Class II milk should be revised to provide for (i) a wider seasonal variation in the uniform price to be paid to producers and (ii) an increase in the average level of price differentials above the basic price for Class I and Class II milk.

Under the present pricing provisions of the order, the Class I differential is 70 cents per hundredweight of milk, except during May and June when it is 50 cents. The Class II differential is 32 cents, except during May and June when it is 20 cents for such milk as is used for frozen cream. During the war years, the seasonal decline in the Class I differential for May and June was suspended but became effective again in 1947.

Three proposals were made to change the differentials for Class I and Class II milk. The first proposal provided for an increase in the average level of such differentials and a substantial increase in their seasonal variation, emphasizing both the shortage and surplus aspects of the problems of seasonal production. The second proposal limited the problem to the surplus aspects and favored a slight decline in the average level of such differentials. The third proposal provided for no change from the present order except that the seasonal decline in the Class I differential for May and June be eliminated.

The seasonal pattern of production is significantly different than is the pattern of demand for Class I and Class II milk, and during recent years the problems associated with these differences have become more acute than formerly. For the market as a whole, the average production per producer in 1940 was 42 percent greater during the month of peak production than during the month of low production; in 1946, it was 53 percent greater, which was the highest variation during the 1940–1946 period. The seasonal variation in production is much more pronounced in the far-out zones than in the close-in zones, with the intermediate zones showing an intermediate seasonal variation. In 1946, for example, Zones 1 and 2 produced 42 percent more milk per farm per day in the high month than in the low month, as compared with 54 percent for Zones 3 to 5, 70 percent for Zones 6 to 10, and 100 percent for Zones 11 to 21. In contrast, the market demand for Class I milk is relatively uniform throughout the year with the greatest strength generally exhibited during the autumn months. The demand for Class II milk, excluding the freezing and storing aspects of cream, is less uniform than for Class I, but is nevertheless much more uniform than the production of milk. One important feature of the seasonal problem in Class II milk is the freezing of cream during the months of peak production and its use during the months of lowest milk production. Frozen cream appears to be used principally in the manufacture of ice cream and its related products; it represents, therefore, at least a partial solution to the problem of bringing the supply and demand for milk into a better balance seasonally.

Beyond the relief obtained by freezing and storing cream, the seasonal supply and demand problem is subject to improvement through price incentives and educational influences. The role of education in correcting the problem of uneven production has been dealt with by agencies such as producer associations and agricultural colleges; but education alone has not been sufficient and a price incentive is required in addition thereto.

The proponents of the second proposal advocated a decrease of differentials in Class I and Class II milk during the flush production season and proposed that this season be extended by 1 month over that provided in the present order. In support it was said that the problem was principally one of milk surpluses during the spring months and that "there is an ample supply of milk in the fall months to satisfy the Class I and Class II requirements of the Chicago market if provision is made to channel the milk into the marketing area." The limitations of channeling milk into the marketing area are several. The amount of milk in excess of Class I and Class II milk is very small. Although outside sales represent a much more important volume of milk than is represented by such excess, the record does not adequately show how such milk could be channeled to the marketing area. Furthermore, the amount of milk being moved to other markets is not unrelated to the price structure for milk in the Chicago market; because such sales indicate that other markets can afford to compete with the Chicago market on a favorable basis. In further support it was shown that milk production during the low month of 1946 was 26 percent above the low month of 1940 and that the peak month of 1946 was 36 percent above that of 1940. It was contended that these data supported the statement that the problem of seasonal variation is not caused by insufficient fall production, but rather by too great a supply in the spring. This can hardly be accepted as a valid reason for a decrease in price differentials without considering the influence on price and production throughout the year. These same data demonstrate chiefly that the seasonal variation in production has become wider. While a lower price in the spring months may be expected to reduce the production of milk during such months, it does not follow that fall production will thereby become increased without further price incentives.

During the fall months of 1945 and 1946 the volume of milk in excess of Class I and Class II uses was substantially less than in previous years. The average amount of such excess for the 3-month period, September through November 1946, is less than 1.5 percent of total market uses and for 1945 slightly over 2 percent. In previous years this percentage ranged from about 7 to 19 percent, except for 1942 when it was 2 3 percent.

In general, a wide seasonal variation in production aggravates the problem of surpluses in the spring months and shortages in the fall months. Unit marketing costs tend to be lower with uniform milk production than with a wide seasonal variation in production. The increase in seasonal variation in milk production during recent years was attributed to the small variation in prices during the war years. A relatively high level of prices, such as now prevails, compared with a low level requires a relatively wider seasonal variation in prices as an incentive to producers to even out production.

The market needs for Class I and Class II milk have increased from an average of 138 million pounds per month in 1940 to 205 million pounds in 1946—an increase of 48 percent. Class I milk showed an increase of 50 percent and Class II milk an increase of 47 percent for that period. Total milk production for the market during this same period increased approximately 29 percent. This increase resulted from an increase in the average monthly number of producers by 1.6 percent and an increased production of milk per farm of 27 percent.

It was contended that the general level of prices should not be increased in view of the fact that the number of producers (based on preliminary data) increased especially during the latter part of 1946 and the first two months of 1947. In February, 1947, the preliminary number of producers was 18,118—the highest number on record; but this number is only approximately 2 percent higher than the number for February of 1941 or March, 1944, when there were, respectively, 17,726 and 17,767 producers on the market.

The amount of milk in surplus classes during the fall months must be considered as dangerously low in the light of data already indicated; actual deficits are indicated in the record which were apparently offset through the use of frozen cream. Adverse weather and crop conditions could easily place the market in a serious position of milk shortage.

Practically all costs incurred by producers in the production of milk such as feeds, supplies, labor, and equipment have increased during the past year. Prevailing prices for hogs, beef cattle, and other alternative enterprises open to most producers of inspected milk are at relatively high levels.

Although some producers may not have shared therein, premiums paid in the first two zones when applied against monthly deliveries from those zones averaged 4.8 to 6.5 cents per hundredweight of milk during the latter months of 1946. Premiums are shown to have been paid in greater and lesser amounts during the past three years in other zones.

Class differentials above the basic or manufacturing level of milk prices, in addition to meeting the cost of stricter sanitary requirements of inspected milk, should reflect also the competitive and other economic conditions affecting the supply of and demand for milk in the Chicago marketing area.

The Class I and Class II price differentials over the basic formula price, as set forth below, together with the Class III and the modified Class IV prices, will result in such prices as will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

The Class I and Class II price differentials should be as follows:

[Amount per hundredweight]

Period	Class I	Class II
May and June	$0.50	$0.30
August, September, October, and November	.90	.50
All other months	.70	.40

The above schedule of prices substantially increases the seasonal variation of price differentials and may be expected to establish a better relationship between the supply of and demand for milk. It establishes larger and more definite incentives for producers to shift some of their milk production from spring to fall, and it may also influence the seasonal demand if these differentials are reflected in consumer prices. It may also be expected that the future development of new supplies will be somewhat responsive to the seasonal aspects of price regardless of location and result in a more even seasonal production for the market than now prevails.

The general level of Class I milk price differentials is increased by approximately 3 cents over the differential prevailing during the war years, and by about 7 cents over the average level now in the order.

The general level of Class II price differentials is increased by approximately 10 cents over the differentials now in the order. The difference between the Class I and Class II price differentials has been reduced from approximately 38 cents to approximately 31 cents; this reduction will have the effect of placing the price of Class II milk closer to the uniform price and therefore will relieve somewhat the burden placed upon the price of Class I milk in maintaining or developing a desirable uniform price. Both classes of milk require the same standard of health regulation.

The effect of the recommended price schedule, when related to handler and producer location adjustments, is such that at the 21st zone the average annual price of Class I milk will be about 40 cents per hundredweight above the basic price as compared with a Class II average price of about 37–38 cents per hundredweight of milk above the basic price. This places the most distant zone in which milk is received from producers in the position of being in an almost neutral price position on Class I and II milk but with a slightly higher average price on Class I than on Class II milk.

The Class II milk price differentials as recommended above, provide for 30 cents in May and June as compared with 50 cents for August–November; this allows a 20 cent minimum margin for the storing and freezing of cream. This is an increase of 8 cents above the present order and slightly more than the alleged costs of freezing and storing. It should therefore provide considerable incentive toward freezing cream and help to alleviate seasonal problems.

It may be estimated that the increased differentials on Class I and II milk together with the recommended reduction in the Class IV price will result in an increase of about 4.5 to 6 cents in the uniform price depending upon the percentage of milk in each of the several classes.

(8) The basic formula price provisions should be revised.

(i) One proposal for revision of the Class III formula price provision (alternate basic formula price) would add to the list of manufacturing plants set forth in § 941.5 (a) (1) the names and locations of 5 additional plants. The expressed intent of this proposal is to make such plant list more representative in providing prices for the computation of the basic formula price. Another proposal suggested the addition of 12 more plants in addition to such 5 plants.

The proponents of the proposal to add the group of 5 plants to the list indicated an objection to the elimination of the Michigan plants now in the list, although their testimony indicated also that to follow the logic behind the proposal to add the 5 Illinois plants would call for the deletion of the 5 Michigan plants. Appraisal of the testimony leads to the conclusion that the single action of adding the 5 Illinois plants would do little to improve the present Class III price formula and that there are a number of factors involved which should be considered before any revision of this formula is made. Although no direct challenge to the group of 5 plants was made by others, the proponents have not presented convincing evidence that an improvement in the formula as an index of evaporated milk plant prices would result from their inclusion.

The record does not disclose the effects which the 12 other plants suggested would have upon the present Class III price and there is practically no information in the record concerning their operations as to whether they are primarily manufacturing plants. The evidence is not sufficient to support the inclusion of the 12 latter plants. It is recommended that the suggested revision of the list not be made until there is an opportunity to make a more complete analysis of the effect of these or similar changes.

(ii) The butter-nonfat dry milk solids formula price (hereinafter referred to as the Class IV milk price) should be revised.

The proposal to revise the Class IV milk price formula would reduce the price by about 15–16 cents per hundredweight of milk. The revision would be accomplished by reducing in the formula the market price of 92-score butter by 1 cent and the net average price of nonfat dry milk solids by 1½ cents per pound. The argument for a reduction in the Class IV price is based upon two points: (1) That the price of surplus milk under an order "should be at a level which would permit the handler to recover his normal costs of operations but upon which he shall not be given an undue margin of profit"; and (2) that the present formula price is too high to enable handlers to recover their costs on Class IV milk.

Costs of manufacturing whole milk into butter and nonfat dry milk solids, as testified to at the hearing, ranged from 43 cents to 70 cents per hundredweight of milk. The proponents of the lower Class IV price claimed average costs of 57.7 cents per hundredweight of milk, based on a survey of 4 plants, two of which were said to operate at 50–51 cents and the other two at 60.4 and 69.5 cents. Manufacturing costs assigned to butter and nonfat dry milk solids appear to vary widely, depending on individual plant efficiency and on cost accounting practices. Although not referred to at the hearing, cheese, as well as butter and nonfat dry milk solids, is included in the definition of Class IV milk.

It was contended, in substance, that under the present Class IV milk pricing formula handlers receive a "manufacturing" allowance of 37.5 cents per hundredweight of milk, this being computed on the basis of a yield factor of 7.5 pounds of nonfat dry milk solids multiplied by the five cent factor in the formula. Actually handlers of Class IV milk realize a working margin of something more than that amount. Under the existing formula no positive value is given to skim milk until the price of nonfat dry milk solids reaches a full ½ cent over 5 cents per pound. The handler is thus allowed up to 5.49 cents rather than 5 cents per pound of powder. This amounts to as much as an additional 3.5 cents per hundredweight of milk. The record shows that actual butter "overrun" approximates 21–22 percent rather than the 20 percent factor used in the butter part of the Class IV formula. This would amount to another 2 to 4 cents margin to the handler on the basis of the current butter market. The record also shows that the actual yield of nonfat dry milk solids are in excess of the 7.5 pound factor referred to above by at least ½ pound per hundredweight of whole milk. Under prevailing market conditions this provides an additional margin to the handler of not less than 4.5 cents per hundredweight of milk. When these factors are taken into account the actual operating margin on Class IV milk used for butter and powder appears to be approximately 48 cents per hundredweight of milk rather than 37.5 cents.

It was claimed further that the present formula fails to recognize the cost of transporting butter between a country plant and the Chicago market. However, it was shown that butter manufactured from Class IV milk under the Chicago order is premium butter both as to price and quality.

In establishing a proper price for Class IV milk the handler's costs and the element of profit to the handler may not be considered as controlling to the exclusion of other important considerations. The pricing of Class IV milk, as well as of the other classes, must take into account seasonal variations in production and the need for adequate supplies of milk and cream in fluid form for the market at various times of the year. The pricing of Class IV milk should not encourage the use of milk for manufacturing purposes during periods when it can and should be used for purposes which better serve the interests of the producer and of the consumer in the Chicago marketing area. In this connection the supply problems presented by proponents of the "pool plant" proposal (Issue 13) would be accentuated and rendered more serious if handlers received an even greater price incentive to use milk for Class IV purposes during periods when the milk is needed to meet fluid milk and cream requirements. However, the pricing of Class IV milk should permit the use of milk for manufacturing uses during those months of the year (March, April, May, and June) when the disposition of surplus milk in this market can be expected to present problems for individual plants and when a serious marketing situation may occur unless the surplus milk is effectively disposed of in an orderly manner. To price Class IV milk without due regard to these factors would be contrary to the basic principle that milk prices under a marketing order should be so adjusted as to "insure a sufficient quantity of pure and wholesome milk and be in the public interest."

Taking all of the above considerations into account, it is concluded that the Class IV price should not be modified except for the months of March, April, May and June. As to those four months the Class IV price formula should be modified by increasing the present five-cent factor on nonfat dry milk solids to six cents. During those four months, when the volume of milk in Class IV uses normally may be expected to be greatest, the margin to handlers using milk to make butter and nonfat dry milk solids will thereby increase to about 55–56 cents per hundredweight of milk. Any further revision of the Class IV price formula would appear to require additional inquiry and supporting evidence.

The fact that the Class IV price formula has been modified to recognize only two periods, or seasons, during the year for pricing purposes is not deemed to be inconsistent with the Class I and Class II price formulas which contain three periods, or seasons, during the year. Sufficient differences exist in the volume of milk among classes and in the purposes served by the different classes and by their prices to warrant the distinction thus made.

(iii) In the order currently effective, the basic formula price is the highest price computed from three manufacturing milk price formulas based, respectively, on the "paying" prices of several evaporated milk concerns, open market prices of butter and cheese, and open market prices of butter and nonfat dry milk solids for the current delivery period. Two proposals to change the application of these formulas have been made. Under the first, the highest prices resulting from the respective formulas for the current delivery period and that next preceding would be averaged and used as the current basic formula price. Under the second such proposal, the highest price resulting from these manufacturing milk formulas for the delivery period next preceding (formerly the basic formula price for such delivery period) would be used as the basic formula price for the current delivery period. The first proposal was suggested for the purpose of reducing somewhat the monthly variations in Class I milk and Class II milk prices and to enable handlers to estimate more closely in advance the level of such prices which they would be required to pay in the current delivery period. The second appears to be designed to enable handlers to know with certainty their purchase prices for Class I milk and Class II milk by the fifth day of the delivery period during which the milk is received.

Under the present order, class prices are not known until approximately the fifth day after the end of the delivery period during which the milk is received. Handlers complain that they are disadvantaged by not knowing the Class I and Class II milk prices they will have to pay for milk received from producers until after that milk has been disposed of by them.

More orderly marketing of fluid milk and fluid cream may be encouraged by the announcement of the Class I and Class II prices early in the delivery period during which milk covered by such classes is disposed of by handlers. For this reason the proposal to base such class prices upon the manufacturing milk formula prices for the next preceding delivery period is adopted with the conditions that the basic formula price effective for July shall not be less than that for the preceding month of June, and the basic formula price for December shall not be higher than that for the preceding November. The latter conditions are considered necessary to assure the proper seasonal trend of prices.

Substantial quantities of Chicago approved milk are disposed of in the form of manufactured milk products covered by the Class III milk and Class IV milk definitions under the order. The latter products, although made from Chicago approved milk, are in open market competition with similar products from milk not meeting any formal health inspection. Because of competitive character of the markets for the products covered by Class III milk and Class IV milk, the prices for the latter classes should continue to be based upon the manufacturing milk formula prices for the current delivery period rather than for the next preceding delivery period.

(9) The rates of location adjustment credits to handlers for fluid milk or fluid skim milk shipped from country plants to the marketing area and on certain Class I milk not so shipped should be increased; the rates on fluid cream should not be increased.

(l) No zone adjustments on fluid milk and fluid skim milk were proposed for Zone 1, and none are allowed under the present order. It was proposed that the present rate of 1½ cents per hundred-

weight of milk be increased to 2½ cents for each 15-mile zone beyond the 70-mile zone (Zone 1). This proposed rate was determined by subtracting a claimed 13-cent rail rate for Zone 1 from a claimed 62-cent rate for Zone 21, and dividing the result by 20, the number of zones involved. This resulted in a rate of 2.45 cents per hundredweight of milk. Only one location within the 79-mile zone (Zone 1) was shown to have a rail rate of 13 cents. The average of several locations in Zone 1 was shown as 28 cents, and in Zone 2 as 29 cents. All truck and rail tariffs shown apply between zones or points of origin and the City of Chicago. Rail tariffs approved by the Interstate Commerce Commission have been increased at least 15 percent since September 1, 1946, the date on which the last amendments to zone rates to handlers were made effective under Order 41.

Most fluid milk and fluid skim milk are hauled by truck. Trucking tariffs to the marketing area appear to be higher than rail tariffs on long hauls, but lower on short hauls. Hauling tariffs by truck were shown to be 16 cents per hundredweight in Zone 1, 18 cents for Zone 2, with rather uniform increases at 2 cents for each zone thereafter. However, beyond Zone 14 rail tariffs are somewhat lower than trucking tariffs, and should receive consideration since it appears that not all milk moves by truck. It is economically desirable to secure the necessary fluid milk from the nearest possible sources. Location adjustment credits should enable the movement of the necessary quantities of milk for Class I use but should not be high enough to encourage the uneconomic movement of fluid milk or to place an undue burden on the returns to producers. It is concluded that a rate of 2 cents per hundredweight per zone between 70 and 265 miles from the marketing area and a rate of 1 cent per hundredweight per additional zone beyond will assist in this objective.

It was requested in the exceptions that official notice be taken of certain percentage increases in rail tariffs relating to the transportation of milk which were alleged to have become effective about March 27, 1947, and that allowance for such increases be made in the establishment of location adjustment credits in the order. Inquiry into such increases based upon the information supplied fails to disclose their existence. Therefore, this request is denied.

(ii) Two proposals were submitted to change the current method of arriving at location adjustment credits to handlers on fluid cream. One proposal would adopt LCL rail tariffs from country plant locations beyond Zone 1 to the perimeter of Zone 1. The second would apply the "effective tariff rates" from the point of origin to the marketing area. Neither proposal contemplates any change in the present provision under which no location adjustment credit is allowed on fluid cream originating within the 70-mile zone.

It does not appear that LCL railroad tariffs from plant locations beyond Zone 1 to the perimeter of Zone 1 are or will be regularly established in connection with shipments of cream to destinations within the marketing area. The first proposal to change the present method of arriving at location adjustment credits on cream, therefore, would appear to be infeasible and is not warranted on the basis of this record.

The second proposal provides for a zone rate of ¾ cent per hundredweight of milk shipped to the perimeter of the 70-mile zone in the form of fluid cream. However, this proposal was modified by a request that the rates "shall be the effective tariff rates applicable on shipments of cream in cans from the zone and the point of origin to the Chicago marketing area and that such rates be secured and published by the market administrator." The basis for the ¾-cent rate was not indicated, nor was the meaning or application of "effective tariff rates" satisfactorily developed in the record. Although the record indicates that LCL rates from country plants to points within the marketing area, as referred to in the exceptions, are available, it would not be equitable to utilize such rates for locations outside the 70-mile zone, since plants within the 70-mile zone have no similar allowances for the transportation of the cream to the marketing area.

The application of rates in this second proposal to shipments of fluid cream from beyond the 70-mile zone to the marketing area instead of to the 70-mile perimeter would permit serious inequities. For the above reasons, neither feature of the second proposal should be adopted.

(10) The proposed 4-cent butterfat differential applicable to fluid milk sold as Class I milk testing above or below 3.5 percent of butterfat should not be adopted.

This proposal would have the effect of placing a price on butterfat which is in excess of 3.5 percent in fluid milk sold as Class I milk of 4 cents per point. This is substantially lower than the current price of butterfat for any use including butter, the lowest-valued use under the order. Under the proposal the market pool would subsidize the butterfat in excess of 3.5 percent disposed of in Class I fluid milk. No adequate reasons have been presented to show why these results should prevail.

The exceptions filed to these findings and the conclusions also argue that some of the marketing orders for other areas provide fixed butterfat differentials. The provisions of other orders which are based on conditions in the respective markets and on other hearing records can carry little weight in arriving at a proper butterfat differential for the Chicago market, particularly when, as here, no showing of similarity of conditions in the markets was made.

(11) The method of pricing Class I milk disposed of in markets outside the Chicago, Illinois, marketing area should not be changed.

It was proposed that the price of Class I milk disposed of in any market outside the marketing area should be the "price as ascertained by the market administrator which is being paid for milk of equal grade and of equivalent use in the market where such milk is disposed of." Another proposal would limit such "ascertained prices" to the months of January through July, inclusive, with a fixed minimum of 45 cents over the basic formula price, and would apply a similar pricing principle to Class II milk disposed of outside the marketing area.

Milk approved for Chicago distribution is sold in several markets outside the marketing area. Some of this milk is sold under resale price levels lower than those in the marketing area. A portion of such milk is sold in markets having Grade A health standards similar to the City of Chicago, while some is sold in markets having less stringent health standards.

The price effective under the Chicago order should be such as to induce a supply adequate to meet the demand of the Chicago marketing area but not to fulfill the requirements of outside markets where milk of lesser quality may be used. The Chicago market does not have an excessive supply of milk except for a certain amount of seasonal surplus, which is not uncommon to the market. If Chicago approved milk is permitted to be sold in outside markets at less than the price prevailing in the marketing area, the result is a subsidizing of the outside sale. The proposal that the outside sale of Class I milk and Class II milk be permitted at a lower price only during the months of January through July, inclusive, when milk is relatively plentiful on the Chicago market, as a convenient method of disposing of seasonal surpluses which might otherwise fall into even lower-priced uses, should not be adopted because of the resulting "dumping" effect on the outside market. In addition, the fixing of the proposed lower prices for Chicago milk sold in other markets could have a depressing effect on the prices paid farmers by competing unregulated distributors in such markets, which lower prices in turn might further depress the "ascertained prices" to be used under the Chicago order.

Moreover, prices paid by individual distributors within a single outside market often vary greatly and the standards and methods by which the market administrator would ascertain the price being paid in the outside market for milk of equal grade and of equivalent use were not outlined. From the administrative viewpoint, it is considered undesirable to burden the market administrator with the responsibility of determining outside market price levels in such circumstances.

The discussion of the pricing of milk used in making ice cream (Class II milk) brought forth a proposal for placing an "out-of-area" price on such milk. The above reasoning is applicable to such proposal also. However, other pertinent findings in this connection are discussed under conclusion (12).

(12) A special storage allowance for storing frozen cream should not be included.

It was proposed that the price formula for Class II milk should include a storage allowance for frozen cream stored. In connection with the discussion of this proposal the proponents made a further proposal to place an "out-of-area" price on milk used in making ice cream to be sold outside the marketing area which would be lower than the price of Class II milk disposed of in the marketing area.

Cream is frozen by Chicago handlers in the months of relatively heavy milk production as supply insurance for months of relatively light milk production. Order No. 41 currently allows an automatic decrease of 12 cents per hundredweight on frozen cream in May and June, but cream for fluid use is not subject to a lower seasonal price differential in May and June. Costs incurred in freezing and storing cream are alleged to approach 20 cents per hundredweight of milk.

It has been determined under conclusion (7) that a seasonal price plan should be established for both Class I milk and Class II milk. The total amount of the seasonal change in the price differential from the May and June level would be 20 cents per hundredweight for Class II milk. The increase in July from the June level would be 10 cents per hundredweight and an additional increase of 10 cents per hundredweight would be effective for the months of August to November, inclusive. In addition it is usual to expect a somewhat higher basic formula price in the fall months than prevails in the months of May and June. Since the expense of freezing and storing cream does not exceed 20 cents per hundredweight of the milk used to produce such frozen cream it would appear that the person incurring such costs would take, under this seasonal price plan, little, if any, risk in protecting his fall supply of cream for ice cream manufacture. This price plan permits him to buy cream for later use at a relatively low price in the summer months and should give an adequate incentive to cream storage rather than to discourage it. An additional allowance of 17 cents per hundredweight is unnecessary in view of the seasonal price plan proposed.

Cream for disposition in the form of ice cream in the City of Chicago must be made from Chicago inspected milk. Ice cream for disposition outside the City of Chicago may be made from cream produced under less rigid health inspection requirements. Chicago ice cream manufacturers sell ice cream both in the City of Chicago and in outside markets, some of which are beyond the limits of the marketing area. Chicago handlers selling in markets adjacent to the marketing area consider that they are in an unfavorable competitive situation in such markets with ice cream makers not regulated by Order No. 41.

Chicago ice cream manufacturers may compete for business in markets where ice cream makers do not maintain Chicago inspection, but such outside ice cream makers may not compete for ice cream business in the City of Chicago. The Chicago ice cream maker operates with respect to the bulk of his ice cream sales on a market protected against outside competitors not handling Chicago approved ice cream. Chicago producers are producing primarily for this inspected market and have pointed out the need for additional supplies of milk on the Chicago market at certain times of the year. Prices for Chicago milk should be designed to bring forth a sufficient supply of milk to meet the demands for which inspected milk is required, but not to create undue surpluses of high quality milk or to provide supplies for milk products to be sold in other markets where different price and supply conditions call for different purchase prices.

Although exceptions were taken to the above stated conclusion and to the omission of an "out-of-area" price for milk used in ice cream for sale beyond the marketing area, no change in such conclusion appears warranted. Concerning the omission of an "out-of-area" price on milk used in ice cream the general basis for denying an "out-of-area" price for Class I milk, set forth under conclusion (11), supplements the pertinent findings above.

(13) The "approved plant" definition should not be changed; and new provisions for (i) establishing additional requirements for continued pool participation by plants now eligible for inclusion in the market-wide pool and (ii) the suspension of pool plants under certain conditions, should not be adopted at this time.

Producer proponents of the proposal for establishing more stringent requirements on plants with respect to pool participation support their proposal by alleging the failure of certain pool participating plants to ship fluid milk and fluid cream in the months of short production when substantially all available supplies of approved milk are needed in the Chicago market. It was pointed out that plants desiring to receive the year around benefit of a uniform price, which includes in all months the total value of Class I and Class II milk sold on the market as well as the values of the other classes, should recognize an obligation to furnish the market with fluid milk and fluid cream whenever it is needed even though in most months of the year such plants may be engaged primarily in manufacturing operations such as the processing of evaporated milk, butter, powder, or cheese. The particular proposal offered attempts to establish standards of performance with respect to the shipment of milk and cream to be made by each and every handler to remain in the market pool.

Plants commonly considered as "Stand-by plants" which are primarily engaged in manufacturing operations but which have entry into the pool at all times of the year do carry at least a moral obligation to furnish their total pool supply to meet the higher-valued uses if and when it is necessary. This obligation accrues from the benefit which such plants receive throughout the year in the form of price equalization which enables them to pay producer prices equal to those paid by strictly fluid milk plants similarly located. The problem proposed can admittedly become serious and irksome in a fluid milk market. However, it has not reached the stage in the Chicago market where the suggested type of remedy or one of equal force is imperative. In addition, the proposal at hand does not cover the problem completely and leaves many questions to be answered, especially regarding its administrative practicality. Because of these considerations, it is concluded that the suggested pool plant provisions should not be adopted at this time.

(14) The pool treatment of the classified value of frozen cream should not be revised (§ 941.7 (b) (3)).

Under the proposal there would be set aside from the pool the difference between the value of frozen cream at the Class II price and its value at the Class IV price for the delivery period in which such cream is frozen, such difference to be returned to the pool during the delivery period in which the frozen cream is utilized.

The proposal seeks to implement seasonal pricing. It must be recognized that it is but one method which may be employed for this purpose. The proposal was not developed sufficiently at the hearing as to (i) its adaptability for this purpose in preference to other methods, and (ii) administrative problems involved in making the proposal operative, such as whether a special reserve fund would be necessary and how it should function, the relation of this proposal to the inventory aspects of classification and pricing, and the reconciliation of volumes of frozen cream when placed in storage with volumes moved from storage at a later date.

An exception was taken to the conclusion reached on the proposal, but in view of the above considerations the adoption of the plan suggested by the proposal is not warranted on the basis of this record.

(15) The location adjustments applicable to the producers' uniform price should be revised.

The order provides for the announcement of the uniform price per hundredweight of milk received from producers at plants located not more than 70 miles (Zone 1) from Chicago. Beyond this distance the uniform price is subject to location adjustments. These deductions are 2 cents per hundredweight of milk for each subsequent 15 mile zone up to 175 miles and ½ cent for each 15 mile zone thereafter. Since the order was first made effective in September 1939, no changes have been made in these rates. The only interim change with any bearing on location allowances was the adoption, by amendment, of road and rail miles instead of air miles in determining the zone location of plants. Under the present structure, the location adjustment rate to producers parallels, up to a distance of 175 miles from the market, the transportation rate allowed handlers for shipping fluid milk; thereafter the rate of adjustment approximates that allowed for transporting fluid cream.

It was contended on behalf of certain organizations that the present location adjustment rates discriminate against the far-out producer and favor the close-in producer. In support it was shown, for example, that in 1944 location adjustments to handlers for milk received beyond the 70 mile zone totaled about $350,000, whereas location adjustments for producers in the same zones totaled about $650,000. The difference of about $300,000 was described as a "tribute" paid by distant producers to close-in producers. It was proposed on these facts that the producer location adjustments should be equivalent to the present

rate of adjustment to handlers for fluid milk shipments, or 1½ cents per hundredweight, for each 15 mile zone beyond the 70 mile zone up to a distance of 130 miles from the marketing area and beyond that at a cream rate of ¼ cent per hundredweight per zone. It was proposed further that the 1½ cent rate should drop to 1 cent whenever the accumulated excess of total handler adjustments over total producer adjustments exceed $50,000 and should be restored again to the 1½ cent rate when such excess drops below $25,000. The effect of these proposed rates on producers' uniform prices per hundredweight at the extreme outside and the extreme inside zones would be (i) an increase in the 21st zone (355–370 miles from Chicago) by 10 to 12 cents in relation to the uniform price for the 70-mile zone, and (ii) a decrease in the uniform price in the 70-mile zone of approximately 2 to 3 cents, with proportionate effects on the intermediate zones.

The basing point for class and uniform prices is the 70-mile zone. Handler location adjustment credits are made primarily in recognition of differences among handlers as to sources of supply of milk and cream and should provide, within reasonable limits, uniformity in prices at the basing point. The application of such credits depends entirely upon the disposition of milk received. Much milk received in zones beyond Zone 1 does not become eligible for such credits. However, producer location adjustments are applicable to all milk received in all zones beyond Zone 1.

A comparison of dollar differences between the total of such handler credits and total of producer adjustments, therefore, has little significance in dealing with the problem of fixing appropriate rates of location adjustments to producers. The principle employed by the proponents of the changed rates to producers when carried to its logical conclusion, means that when no location adjustment credits are allowed to handlers, there shall be no location adjustments made to the uniform price paid to producers. In other words, producers located beyond the 70-mile zone would receive the highest uniform prices, relative to the prices received by producers in the 70-mile zone, when the former group ships no fluid milk or fluid cream to the marketing area. Conversely, as shipments of fluid milk or fluid cream made from distant points increase, with accompanying increases in the dollar value of handler location adjustment credits, the uniform prices received by distant producers would become relatively lower than the prices received by close-in producers. Such a result would certainly be inequitable.

Moreover, producer location adjustments affect the uniform price in each zone. The claim of discrimination against far-out producers deserves analysis in this respect also. Zone 21 is the most distant zone from the market in which approved plants are located at present. A comparison of the uniform prices with class prices in Zone 21, 1940–46, inclusive, discloses that if Zone 21 had sold all of its milk for Class I use in Chicago or elsewhere during each month of that period such milk would have drawn money from the pool during 31 out of 84 months because the Class I price in the 21st zone was lower than the uniform price. It may be noted in addition that Class II milk, which is the principal type of milk furnished to the market by most far-out plants, was priced below the uniform price in Zone 21 during 49 months out of 84. During the year 1946, Class II milk in such zone was priced under the uniform price during every month, and the Class I price in that zone was lower than the uniform price during the 7 months of the year. Actually, most of the Class I milk for the market came from close-in zones causing these zones to pay into the pool and thereby enabling Zone 21 and other far-out zones to draw even more out of the pool than would result under the above illustration. Under the proposed rate structure described above, the relationship between the Class I and Class II prices and the uniform prices in the outer zones would be further aggravated.

The assertion of discrimination made does not withstand the above considerations.

It was proposed by one producer organization that the rate of location adjustment to producers should be closely related to the cost to the individual producer of moving his milk to the marketing area independently of other producers and that this cost should be uniform amount for each zone. This proposal was restated to the effect that producer location adjustments should have the same rate that applies to fluid milk shipped by handlers. It was contended also that the proposal for lower location adjustments to producers might result in a uniform price to producers in a distant zone which is higher than the Class I price for that zone. In reply to this statement, the proponents of the lower rates of location adjustments to producers argued that "there is no way under Order 41, if the proposed amendment (for a lower rate) were adopted, by which producers in distant zones could secure higher than Class I prices." However, the latter statement may not be sustained since it has been shown above that even under the rate structure in the present order the Class I price in the 21st zone at times actually has been below the uniform price for such zone and that a lower rate of location adjustment to producers in such zone and other far-out zones would aggravate this situation.

Because of the relationships of prices indicated above, it is desirable to revise rates of location adjustment to producers in a manner which will establish improved price relationships throughout the milkshed. Milk for use as both Class I milk and Class II milk must conform to the same health standards and must be produced on farms meeting the same minimum health standards. Because of transportation costs, efficient marketing is promoted by securing milk for fluid use as near to the market as possible. The present rate structure provides a strong incentive for uneconomic development of the supply area. Although it is recognized that from the practical standpoint the entire requirements of milk for fluid use cannot be produced in the most compact and close-in areas, advantages from location which naturally accrue to nearby producers should not be removed to the extent that an uneconomic development of the supply area for fluid milk results.

Because the availability of approved milk in fluid form is a major element in determining its utility in relation to the needs of the marketing area, the cost of transporting such milk in fluid form from the particular zone must be given substantial weight in arriving at a proper zone price relative to prices of milk of other producers closer to or farther away from the marketing area. It is recognized that it is not necessary for producers to move milk individually to the market and that transportation economies are effected by the assembly and movement of milk by truck or rail either at the instance of the handler or of producers acting jointly. Under present conditions the rates of location adjustment to producers should be established on the basis of the cost of moving milk in fluid form to the market.

This would result in a rate structure of 2 cents per hundredweight per zone for zones 2–14, and an additional 1 cent for each zone thereafter. It is estimated that this proposed rate structure would affect the average annual uniform prices to producers as follows: (i) in the first 8 zones such prices would be increased approximately 1 cent per hundredweight compared with the present rate structure, (ii) in the 9th zone a net decrease in such prices of ½ cent per hundredweight, (iii) net decreases of 2, 3½, 5, 6½, and 8 cents per hundredweight for zones 10, 11, 12, 13, and 14, respectively, and (iv) from the 15th zone to the 21st zone net decreases from 8½ cents to 11½ cents per hundredweight.

Exceptions filed to the economic considerations presented appear to be based upon theories and argument which are at variance with the need for the establishment of more equitable price relationships to producers based upon the cost of moving milk to the marketing area from the relative locations of their farms and for this reason cannot be accepted on the basis of the existing facts.

One exception carried with it the suggestion that a "floor" be placed under the maximum uniform price to producers in the far-off zones. It does not appear that this proposal would provide as equitable a method of establishing prices in such zones in relation to those effective for the nearer zones as for the plan contained in the amendment included in this decision.

Exceptions also argued that the proposed action is unlawful under section 8c (5) (G) of the act. There is nothing in this amendment which purports to prohibit or to in any manner limit in the case of the products of milk, the marketing in the Chicago marketing area of any milk or product thereof produced in any production area in the United States. As stated previously the amendment merely revises location adjustments to producers so as to provide more equitable price relationships among producers throughout the milkshed.

(16) Several revisions of language should be made to obtain further clarity and to simplify administrative problems.

(i) In determining the butterfat test of flavored milk and flavored milk drinks the average fat test of these products, including the fat test of chocolate ingredients, should be used as their butterfat test in all cases where a handler's production records do not show the amount of butterfat going into the product (§ 941.4 (e) (3) (iii)).

The order now provides that in determining the pounds of butterfat in flavored milk and flavored milk drinks the weight of these products is multiplied by their average butterfat test. It has been contended in some instances that a variation exists between the total fat test of the finished product and the butterfat test thereof. A representative study by the market administrator showed that the difference between the butterfat test of the milk ingredients and the total fat test of the finished product was insignificant. The procedure presently being followed by the market administrator is to use the total fat test of flavored drinks as their butterfat test in the absence of adequate records showing a different butterfat test. The proposal will specifically spell out this method in the order. Where a handler's records show the amount of butterfat going into these products, such records have been accepted and will continue to be accepted under the proposal.

(ii) In computing the net class volumes of milk to be priced currently, the milk equivalent of any frozen cream, or other intermediate product, carried over from a previous delivery period and used in making another milk product should be deducted (§ 941.4 (f)).

Milk products which are not end products in themselves are classified and priced during the delivery period when made. It is necessary to deduct the milk equivalent of butterfat in such products from the appropriate uses for the delivery period when such products are finally used to make other products in order that a handler will not be charged twice for the same milk. This procedure is administratively necessary and has been followed in the past by administrative application of the classification provisions.

(iii) A butterfat allowance of .06 percent should be provided to handlers who are not able to show specific tests as to butterfat content of skim milk.

There has been an administrative problem with respect to the determination of the butterfat content of skim milk. Some handlers do not have testing equipment adequate to ascertain with reasonable accuracy the butterfat content remaining in skim milk after separation. Handlers with adequate records have been permitted to claim butterfat in skim milk. A study by the market administrator indicates an average butterfat content of approximately .06 percent for skim milk used by handlers in manufacturing dairy products. It appears that .06 percent is a reasonable factor for use in the absence of adequate tests or records. Butterfat in skim milk may be a substantial factor in the shrinkage experienced by a plant engaged primarily in receiving and separating milk and shipping cream to the marketing area.

The proposed amendment would relieve an administrative problem and would tend to bring about a greater degree of equity among handlers in determining the butterfat content of skim milk.

(iv) The section providing for an assessment on handlers covering administrative expenses should be revised to (a) provide that changes in the administrative assessment rate below the maximum fixed in such section shall be determined by the Secretary rather than by the market administrator subject to review by the Secretary, and (b) eliminate suits by the market administrator to collect such assessments.

Procedure for making changes in such rates will be less complicated if such ratemaking is a direct function of the Secretary rather than a review function. This revision will simplify the establishment of appropriate rates of assessment at any time the assessment rate should be changed.

Section 941.9 (b) is unnecessary because the Secretary currently assumes responsibility for enforcement of the payment of such assessments.

(v) The section providing for the marketing services deductions should be revised to provide that changes in the rate of marketing services deductions below the rate specified in such section shall be determined by the Secretary rather than by the market administrator subject to review by the Secretary.

The fixing of the rate of marketing services deductions by the Secretary (who now reviews the rate established by the market administrator) will simplify the procedure for establishing such rate of assessment below that specified in the order when a change in the rate is necessary.

(17) *General findings and conclusions.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and order, as amended and hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, amending the order, as amended, which will be published with the decision.

§ 941.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order, as amended, and as hereby further amended,[1] and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended, and as hereby further amended, regulates

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 941.4 (a) (2) and substitute therefor the following:

§ 941.4 *Classification of milk*—(a) *Basis of classification.* • • •

(2) Any milk moved as fluid milk from an approved plant to any point located outside the following area (hereinafter referred to as the "surplus milk manufacturing area") shall be classified as Class I milk and any milk moved as fluid cream, frozen cream, other cream frozen, plastic cream, or any cream product in fluid form shall be classified as Class II milk; the State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, DeKalb, Kane, Cook, DuPage, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, LaSalle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, and Shelby, in the State of Illinois; the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, LaPorte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash, and Elkhart, in the State of Indiana; the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien, in the State of Michigan; and the county of Van Wert, in the State of Ohio.

2. Delete § 941.4 (a) (3) and substitute therefor the following:

(3) Any milk moved as fluid milk or fluid cream from an approved plant to an unapproved plant located within the surplus milk manufacturing area, which manufactured during the delivery period butter, cheese (except cottage cheese), evaporated milk, condensed milk, whole milk powder, or ice cream powder shall be classified under paragraph (b) of this section according to its utilization at the latter plant, as shown by adequate daily records: *Provided*, That (i) if in the unapproved plant the receipts of fluid milk or fluid cream from an approved plant are commingled with its other receipts, the receipts of the approved fluid milk shall be allocated, according to such daily records, to the available quantity of Class III milk, and any remaining balance of such receipts to the available quantities of Class IV milk, Class II milk, and Class I milk, in that sequence; and any such receipts of approved fluid cream shall be allocated in a similar manner to Class IV milk, Class III milk, Class II milk, and Class I milk, in that sequence; and (ii) if the unapproved plant does not make available to the market administrator adequate utilization records on a daily basis, but does make available to the market administrator adequate utilization records on a monthly basis, the fluid milk received from an approved plant shall be allocated to the available quantity of Class I milk, and any balance of such receipts to the available quantities of Class II milk, Class III milk, and Class IV milk, in that sequence; and the fluid cream received from an approved plant shall be allocated in a similar manner to the available quantities of Class II milk, Class III milk, Class IV milk, and Class I milk, in that sequence.

3. Delete § 941.4 (c) (3) (ii) and substitute therefor the following:

(c) *Computation of milk in each class.* • • •

(3) • • •

(ii) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat test of the finished product if the handler's production records do not show the amount of butterfat contained therein); and add the results so obtained.

4. Redesignate subparagraphs (2), (3), (4), and (5) of § 941.4 (f) as subparagraphs (3), (4), (5), and (6), respectively, and add as subparagraph (2) the following:

(2) Subtract from the remaining pounds of milk in each class the pounds of milk obtained from frozen cream or from any other product that has been classified in an earlier delivery period and is reused (or utilized) in the current delivery period in such class.

5. Delete § 941.4 (b) (2) and substitute therefor the following:

(b) *Classes of utilization.* • • •

(2) Class II milk shall be all milk the butterfat from which is contained in sweet or sour cream, any fluid cream product having more than 6 percent butterfat, butter cream, filled cream, frozen cream, plastic cream, eggnog, yoghurt, ice cream mix (liquid or powder), cottage cheese, and any other milk product of composition and texture similar to any of the products named in this subparagraph; except that this definition shall not include butterfat in cream, fluid cream products, filled cream, and cottage cheese disposed of in bulk in bakeries, soup companies, and candy manufacturing establishments in their capacity as such.

6. Delete from § 941.4 (b) (4) (iii) the words "or to an unapproved plant."

7. Delete from § 941.4 (e) (6) (vi) the words "or to unapproved plants."

8. Delete paragraphs (a) and (b) of § 941.5 and substitute therefor the following:

§ 941.5 *Minimum prices*—(a) *Basic formula price.* The basic formula price to be used in computing the prices of Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to subparagraphs (3) and (4) of paragraph (b) of this section for the delivery period next preceding: *Provided*, That the basic formula price effective for July shall not be less than that effective for June and that the basic formula price effective for December shall not be higher than that effective for November.

(b) *Class prices.* Subject to the appropriate location adjustment credits, as set forth in paragraph (c) of this section, each handler, at the time and in the manner set forth in § 941.8, shall pay per hundredweight of milk purchased or received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this paragraph:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, $0.50; August, September, October, and November, $0.90; all others, $0.70.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, $0.30, August, September, October, and November, $0.50; all others, $0.40.

(3) *Class III milk.* The price for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in subdivisions (i) and (ii) of this subparagraph and in subparagraph (4) of this paragraph.

(i) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co.:
Black Creek, Wis.
Greenville, Wis.
Mt. Pleasant, Mich.
New London, Wis.
Orfordville, Wis.
Carnation Co.:
Berlin, Wis.
Jefferson, Wis.
Chilton, Wis.
Oconomowoc, Wis.
Richland Center, Wis
Sparta, Mich.
Pet Milk Co.:
Belleville, Wis.
Coopersville, Mich.
Hudson, Mich.
New Glarus, Wis.
Wayland, Mich.
White House Milk Co.:
Manitowoc, Wis.
West Bend, Wis.

(ii) The price per hundredweight computed from the following formula:

(a) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture, by 6;

(b) Add 2.4 times the average weekly prevailing prices per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

(c) Divide by 7;

(d) Add 30 percent thereof; and

(e) Multiply by 3.5.

(4) *Class IV milk.* The price for Class IV milk shall be that computed from the following formula: Multiply by 3.5 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, add 20 percent thereof, and add to, or subtract from, such sum $3\frac{3}{4}$ cents for each full $\frac{1}{2}$ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. Chicago area manufacturing plants, as reported by such agency during the delivery period, is respectively above or below 5 cents: *Provided*, That for the delivery periods of March, April, May, and June "6 cents" shall be substituted for "5 cents" in such computation: *And provided further*, That if such f. o. b. manufacturing plant prices of nonfat dry milk solids are not reported there shall be used for the purpose of such computation the arithmetical average of the carlot prices of nonfat dry milk solids delivered at Chicago, Illinois, as reported weekly by such agency during the delivery period; and in the latter event the respective amounts "5 cents" and "6 cents" shall be increased by one cent.

9. Delete § 941.5 (c) (1) and substitute therefor the following:

§ 941.5 *Minimum prices.* • • •

(c) *Location adjustment credit to handlers.* (1) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (i) which is moved in the form of fluid milk or fluid skim milk from such approved plant to a plant engaged in the bottling of fluid milk, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class I milk but did not move in the manner described in subdivision (i) of this subparagraph or in subparagraph (2) (i) of this paragraph, shall be 2 cents per hundredweight for each 15 miles or fraction thereof that such approved plant is located more than 70 miles but not more than 265 miles from the City Hall in Chicago, and 1 cent per hundredweight for each additional 15 miles or fraction thereof that such approved plant is located beyond 265 miles from the City Hall in Chicago: *Provided*, That there shall be no location adjustment credit with respect to milk classified as Class I milk pursuant to § 941.4 (b) (1) (iii): *And provided further*, That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

10. Add as § 941.6 (d) the following:

§ 941.6 *Application of provisions.* • • •

(d) *Butterfat in skim milk.* A handler may claim, for classification purposes pursuant to § 941.4, butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 941.3 (a) (2) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

11. Delete § 941.8 (b) and substitute thereafter the following:

§ 941.8 *Payment for milk.* • • •

(b) *Location adjustments to producers.* In making payments to producers pursuant to paragraph (a) (2) of this section, each handler shall deduct per hundredweight of milk purchased or received from producers at a plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles or fraction thereof between 70 miles and 265 miles from the City Hall in Chicago, and 1 cent per hundredweight for each additional 15 miles or fraction thereof that such plant is beyond 265 miles from the City Hall in Chicago: *Provided*, That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

12. Insert in § 941.9 (a) following the phrase "a sum not exceeding 2 cents per hundredweight" the words, "or such lesser amount as the Secretary may prescribe," and delete from such paragraph the words "the exact sum to be determined by the market administrator, subject to review by the Secretary."

13. Delete § 941.9 (b).

14. Delete from § 941.10 (a) the words "or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary" and substitute therefor the words "or such lesser amount as the Secretary may prescribe."

This decision filed at Washington, D. C. this 18th day of August 1947.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7845; Filed, Aug. 21, 1947; 9:47 a. m.]

[CFR 7, Part 975]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and order (7 CFR Supps., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held at Cleveland, Ohio, June 30–July 3, 1947, inclusive, pursuant to the notice thereof which was published in the FEDERAL REGISTER on June 26, 1947 (12 F. R. 4153), upon certain proposed amendments to the tentatively approved marketing agreement and to the order regulating the handling of milk in the Cleveland, Ohio, marketing area.

Preliminary statement. The proposed amendments upon which the hearing was held were submitted by the Milk Producers Federation of Cleveland, the Milk Market Survey Committee, the Elm Farm Dairy, the Wooster Farm Dairies, the Orville Milk Condensing Company, the Ohio Guernsey Breeders Association, Inc., and the Dairy Branch, Production and Marketing Administration.

The material issues presented on the record of the hearing were whether:

1. An emergency exists which warrants immediate effectuation of revisions in the order;

2. The definition of the term "route" should be revised;

3. The list of pool plants set forth in § 975.3 (a) (2) (i) should be revised to include additional plants;

4. Ice cream operations should be excluded entirely from coverage by the pool plant provisions of the order or whether the application of the reporting and classification provisions to such operations should be modified;

5. The classification provisions should be revised with respect to milk and cream moved in fluid form to points between 100 and 160 miles from a pool plant;

6. The provisions for the allocation of milk classified should be revised;

7. Milk utilized as fluid cream should be (i) reclassified from Class I milk to Class II milk, or (ii) repriced although retained in Class I milk;

8. Unspecified milk uses and shrinkage in excess of 2 percent of receipts should be reclassified from Class I milk to Class III milk;

9. Milk utilized in products now in Class II milk should be (i) reclassified from Class II milk to Class III milk, or (ii) repriced although retained in Class II milk;

10. The pricing of butterfat shrinkage in Class III milk should be revised;

11. Skim milk or butterfat classified in one class should be reclassified when used or reused by a handler in another class;

12. The application of the basic formula price provisions should be revised;

13. The Class I and Class II price provisions should be revised to (i) change the differentials over the basic formula price during certain months, and (ii) provide "floor" prices for Class I milk;

14. The Class III price provisions should be revised as to the pricing of certain milk products and shrinkage of butterfat;

15. The application of the provision establishing the obligations of "non-pool plants" should be modified;

16. The application of the location adjustments to handlers should be modified;

17. Administrative assessments applicable to other source milk used in ice cream should be eliminated;

18. Special price consideration should be given to milk of high butterfat content, particularly "Golden Guernsey" milk; and

19. A change should be made in the method of allowing shrinkage on producer milk transferred to a second handler without being physically received in the first handler's pool plant.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof:

1. An emergency exists which requires that action be taken promptly to incorporate into the Cleveland order the findings and conclusions hereinafter set forth without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto.

Evidence was introduced at the hearing showing that a series of unavoidable delays had occurred prior to the hearing each of which served to postpone calling a hearing to consider proposals to revise various provisions of the order, to correct pending emergency conditions.

Ample evidence was presented at the hearing to show conclusively that surrounding markets, some of which are Federally regulated, are short of milk and have already revised producer paying prices upwards as a means of obtaining greater milk supplies. Handlers in these competing markets have already begun to solicit producers currently supplying milk to the Cleveland market.

It was generally agreed by both handlers and producers that the Cleveland market will be seriously short of milk during the coming months if present prices continue and that action should be taken as soon as possible to recognize competitive conditions and ease the emergency which will otherwise reach an acute stage very shortly. At this time of year when production is generally declining seasonally, alternative markets are exceptionally short of milk and will be in a position to encourage diversion of producers to such markets where prices are higher. Experience has shown that when prices in other markets have remained substantially above Cleveland prices for any length of time there has been a wholesale shifting of milk away from the Cleveland market.

Any further delay in effectuating needed changes in the order would seriously threaten an adequate supply of pure and wholesome milk for the Cleveland market, would disrupt orderly marketing, and would be contrary to the public interest.

2. The definition of the term "route" should be revised with respect to deliveries to eating places where milk is disposed of for consumption on or off the premises.

Administrative questions have arisen concerning the intended meaning of the term "route" as now defined in the order. Specifically, it has been questioned whether or not milk delivered from a point of origin outside the marketing area to one stop or delivery point within the marketing area for the purpose of supplying an eating place would constitute a "route" within the meaning of the definition. Likewise, questions have arisen as to whether or not the type of conveyance to the marketing area in any way affects the meaning of the term. The recommended change in the language of the definition should clarify the intended meaning of the term to avoid confusion regarding its application without changing the meaning currently being applied.

3. The list of pool plants now contained in the order should be revised to include the surplus handling plant of a producers' cooperative association.

The order as presently in effect lists certain pool plants under the order and also provides methods by which additional plants may become listed pool plants. The methods by which plants not listed may acquire listed pool plant status involve both the quantity and length of delivery of milk.

A surplus handling plant was established by the Milk Producers Federation of Cleveland, a cooperative association of producers, in 1941 to assist in the orderly marketing of milk. It receives surplus milk nearly every year, usually beginning about April 1, cools it and ships it to manufacturing plants for processing. It is operated solely to service the Cleveland fluid milk market by handling and removing surplus milk in the flush months. As a surplus receiving plant its operations are seasonal and there is no assurance that milk will continue to be received in quantity or for sufficiently long periods during any one year to enable it to qualify as a listed pool plant, or once qualified to maintain a listed status under the present requirements of the order. Although milk which is received at the association plant is taken in without having been first received in the plant of a handler, it is with the understanding that the producers of such milk are to deliver their milk to the handler who had previously received it as soon as such handler is in a position to take it again. Payment for any such milk received by the association is made at present direct to the handler and the handler continues to be responsible for payment to the individual producers.

Membership in the producer association guarantees members a market for their milk. Loss of their market would force the association to take member milk and pay the equivalent of pool prices for it. Producers whose milk is delivered to the plant of the association, for which the association assumes responsibility for payment to the individual producer, are not eligible under prevailing conditions to receive payments out of the pool. If such milk had to be disposed of at prices below the uniform price under the order, the cooperative association would be placed at a distinct disadvantage since it would have to make up to the producer the difference in price. The cooperative association operating the subject plant should not be placed in such a position of disadvantage. Because of the seasonal and market servicing nature of its plant operations, it should not have to conform to the same requirements for listed pool plant status as plants operated by handlers. Past operations indicate the importance of its functions to the market and therefore it should be listed as a pool plant.

At the hearing a request was made to add to the list of named pool plants in § 975.3 (a) (2) (i) a plant operated by the Pet Milk Company at Freemont, Ohio. However, no special circumstances were shown which would warrant deviation from the normal procedures provided in § 975.3 (a) (2) (ii) for such listing.

4. The reporting and classification provisions of the order should be revised so as to cover milk and milk products received by handlers at plants located in the marketing area where ice cream is manufactured.

Proposals were received which would (i) exclude all ice cream operations from coverage by the pool plant provisions of the order, and (ii) extend the coverage of the reporting and classification provisions of the order to ice cream operations by handlers in nonpool plants located in the marketing area.

As the order now stands, an ice cream plant operated at the same location and in conjunction with a handler's pool plant is subject to the reporting and classification provisions of the order. On the other hand, an ice cream plant of a handler operated as a separate establishment from his pool plant is now outside the scope of such provisions even though such ice cream plant is located in the marketing area.

Accordingly, the order now affects handlers making ice cream differently depending only upon the physical location of their ice cream plants. Handlers whose ice cream manufacturing operations are conducted at their pool plants receive all their milk and cream through one intake and receipts become completely commingled so that there is no basis for distinguishing which producer's milk is to be used for each purpose. In making the pool computations, such milk cannot be segregated.

It also was contended that under section 8c (5) (B) of the act the Secretary "cannot legally place under the terms of the order those manufacturers who are solely engaged in the production of ice cream." This question of law does not appear to be a material issue since such action is not now to be taken. The alleged inequity in cost of materials between operators of such plants and handlers which was referred to in connection with this contention is considered more fully under conclusion (9).

All handlers under the order who operate ice cream plants are in competition with one another for their raw material supplies including cream and skim milk. Likewise, they compete with one another in the sale of their finished products.

Handlers whose ice cream manufacturing operations are within the scope of the order are required to pay minimum class prices for skim milk and butterfat in producer milk used in ice cream while ice cream makers operating outside the order are not. The former are required also to pay the administrative assessments on such skim milk and butterfat.

It is essential that all handlers be treated equitably in the classification of milk and that utilization costs of milk received from producers be determined on a uniform basis for all handlers. These purposes can best be advanced by extending the coverage of the reporting and classification provisions of the order to all nonpool plants of handlers located in the marketing area where ice cream is manufactured.

5. The classification provisions should be revised with respect to milk moved in fluid form to points between 100 miles and 160 miles from a pool plant so as to permit its classification according to ultimate use.

Under the terms of the current order, milk which is moved in fluid form to points more than 100 miles distant from the pool plant of the handler is classified as Class I milk. The proposal would increase to 160 miles the distance which milk in fluid form may be shipped to a nonpool plant without automatically being considered as Class I milk. Experience indicates that this distance should be increased to assure that adequate manufacturing facilities will be included within the radius within which milk in such form is likely to move for manufacture.

It was contended that § 975.5 (b) (1) (ii) of the order as now in effect, and as proposed to be amended, is in violation of section 8c (5) of the act in that it allegedly classifies milk according to distance instead of according to form or use. This contention is without merit because the section actually classifies milk according to its form at a specified place, i. e. in fluid form more than 160 miles from the pool plant where received.

6. § 975.5 (g) (2) (i) should be revised to include milk transferred from other pool plants as well as milk received from producers, and to exclude reconstituted skim milk from the handler's total Class I sales, for the purposes of the 105 percent computation therein.

Under the present order it is provided in § 975.5 (g) (2) (i) that in determining the pounds of producer milk to be allocated to each class, there shall be deducted from the pounds of butterfat in Class I milk either the pounds by which butterfat in milk received from producers is less than 105 percent of the pounds of butterfat in the handler's fluid Class I sales (except cream) or the pounds of butterfat in other source milk received, whichever is smaller. In such computation there should be added to the amount of butterfat in milk received from producers that quantity of butterfat in milk received by the handler from other pool plants. Pool plants customarily receive the bulk of their milk from producers. It is usual that such milk is not transferred from one pool plant to another unless the first plant's Class I milk needs already have been met. By transferring such milk from one pool plant to another it is readily available for Class I milk purposes, and should be in the same category so far as the second plant is concerned as milk received directly from producers.

In determining the amount of Class I milk disposed of by a handler for the purposes of § 975.5 (g) (2) (i) reconstituted skim milk should not be included in the Class I milk total. Reconstituted skim milk is not permitted under existing local health requirements for sale as fluid milk in Cleveland, the major segment of the marketing area, and accordingly should not displace producers' milk in determining the allocation of Class I milk.

Under § 975.5 (h) the foregoing also applies to the allocation of skim milk. It was proposed that producers be required to deliver milk equal in quantity to at least 115 percent of the handler's Class I fluid milk requirements in order that greater quantity of Class I milk might be allocated to other source milk; Evidence was submitted to show that in certain periods and for some handlers the 105 percent minimum was not adequate to cover Class I sales. Market statistics show, however, that for the entire market there has been no month in which deliveries by producers were not at least equal to 105 percent of the Class I milk disposed of in the market and that the real problem is one of distributing the supply of milk among plants for greater use as Class I milk. For this reason, it appears that no change in percentage is warranted.

7. Cream should be repriced but retained in Class I milk rather than reclassified from Class I milk to Class II milk.

Proposals submitted by handlers would require the reclassification of cream from Class I milk to Class II milk. The apparent basis for the request was to establish class prices for skim milk and butterfat used as cream in line with the prices of cream purchased on the outside. It was indicated that the supply area for cream meeting the applicable health standards for sale as fluid cream is slightly broader than the area from which fluid milk is obtained.

Evidence introduced at the hearing shows prices of cream purchased on the open market to average $35.03 for ten gallons of 40 percent cream for the nine month period of operation of the order. Thus, the price of the fat in cream purchased on the open market averaged about $1.04 per pound as compared with an average Class I price of fat of $0.98 under the order. The difference of about 6 cents represented the amount by which the price of butterfat in Class I milk under the order was below the price of butterfat in open market purchased cream. In terms of milk of 3.5 percent butterfat content the difference is equivalent to about 21 cents per hundredweight. Evidence introduced alleged costs of receiving and processing milk through the separating stage to average about 36 cents per hundredweight of milk. The net difference in cost between purchasing cream on the open market and the cost of purchasing order-priced milk to obtain cream, is about 15 cents per hundredweight. On the basis of the evidence in the record it appears that on the average a reduction in the price of milk used for cream of about 15 cents per hundredweight would bring the cost of cream made from producer milk under the order well in line with alternative market prices for cream.

8. Unspecified milk uses and shrinkage in excess of 2 percent of receipts should not be reclassified from Class I milk to Class III milk.

It was proposed to reclassify from Class I milk to Class III any milk product or use now unspecified. The record does not contain any specific information concerning this proposal which would provide an adequate basis for considering any change.

Handlers proposed that all shrinkage be given credit as a Class III obligation. Under the current order actual shrinkage not in excess of 2 percent is considered as Class III milk. Any plant shrinkage in excess of 2 percent is considered as Class I milk.

Data for the representative months of October 1946 and January and April 1947 indicate a net shrinkage for the market to be 1.25 percent, 1.77 percent, and 1.76 percent, respectively, of receipts. To permit a substantially greater shrinkage allowance in Class III milk than is needed to cover the shrinkage experience from plant operations for the market as a whole would penalize the more efficient handlers to the benefit of the less efficient handlers. In order to maintain a high degree of equity among handlers it does not appear desirable to make any change in this respect.

9. Milk used in products now in Class II milk should not be reclassified from Class II milk to Class III milk but should be retained as Class II milk and repriced; the price of butterfat in Class II milk should not be permitted to be lower than the price of butterfat in Class III milk.

A proposal submitted by handlers would require the reclassification of milk used in ice cream and other Class II milk products from Class II milk to Class III milk. The primary basis for proposing such reclassification was to establish lower prices for milk used in ice cream. Evidence was submitted concerning the relative costs of purchasing cream and condensed skim milk on the open market for use in making ice cream and of purchasing milk under the order from producers and processing it for use as ice cream.

Considerable evidence was introduced to indicate that ice cream manufacturers selling in the marketing area but operating outside the scope of the order have been in a position to purchase raw material supplies somewhat cheaper than handlers operating under the order.

A comparison of locally quoted prices for cream and condensed skim milk with

order prices for milk used for ice cream indicates that for each of the months of September 1946 through April 1947 prices were somewhat in favor of buying cream and condensed skim milk outside when processing costs of order-priced milk were taken into account. This purchase advantage varied from a high of 33.6 cents per hundredweight of 3.5 percent milk in January 1947 to a low of 15.6 cents in December 1946. Data for May 1947 indicate a slight disadvantage of 1.4 cents per hundredweight of 3.5 percent milk in buying cream and condensed skim in the open market as against order-priced milk. The average advantage in favor of open market purchases for the nine months of order operation was about 20 cents per hundredweight. Other items now covered by Class II milk customarily are utilized in making ice cream. On the basis of these data milk for the uses now covered by Class II milk should be repriced as Class II milk rather than reclassified from Class II milk to Class III milk.

Evidence was introduced to show also that as formulas in the order now operate the price of butterfat in Class II milk has been from time to time less than the price for butterfat in Class III milk. The price of butterfat in Class II milk should not be permitted to fall below the price of butterfat in uses generally regarded as being among the lowest-valued uses for butterfat.

10. The basis for pricing butterfat shrinkage in Class III milk should be revised to provide for the pricing of such shrinkage (not in excess of 2 percent of producer receipts) at the lower of the Class III prices provided in the order.

Under the present order butterfat shrinkage not in excess of 2 percent of receipts is charged handlers on the basis of the higher of the alternative Class III prices. Skim milk shrinkage not in excess of 2 percent of producer receipts is charged at the lower of the alternative Class III prices. It is estimated that the proposed revision would have a negligible effect on the Class III price. The proposed revision would permit a uniform pool treatment of the shrinkage both of skim milk and butterfat and accordingly would simplify the pool computation. No objections were offered to this change.

11. The present order provisions whereby skim milk or butterfat classified in one class is reclassified when used or reused by a handler in another class should not be changed.

Under the present terms of the order, milk classified in one class and later used or reused is subject to reclassification in accordance with its ultimate class use by a handler. A proposed amendment would, if adopted, require that once classified skim milk or butterfat later used or reused in a different use class could not be reclassified in accordance with its ultimate use by a handler.

The question at issue is particularly significant with respect to cream and condensed skim milk which are stored during the flush season of production for later use, primarily in ice cream or ice cream mix manufacture. When stored, these products are classified in Class II and Class III, respectively. If used later in the manufacture of ice cream, they are reclassified as Class II milk and appropriate adjustments are made in the pool value on the basis of the class prices in effect during the delivery period when the products were stored. Seasonally higher class prices during the fall and winter months tend to offset package, storage, risks of loss in quality which, it was argued, are incurred if milk is processed and stored. Handlers have the option to dispose of skim milk and butterfat at the time of receipt in the most advantageous outlet and acquire supplies needed for manufacturing purposes during the fall months in the open market. Adoption of the proposed change also would tend to reduce returns to producers and tend to discourage needed production. A fundamental aim of the provision now in effect is to assure equity of cost to handlers taking their different situations into account as to ability to process and store products during the flush period of production. In view of the above it is concluded that such provision as now in effect should not be changed.

12. The application of the basic formula price provisions should be revised.

In the present order, the basic formula price is the highest of three manufacturing milk price formulas based, respectively, on the "paying" prices of several evaporated milk concerns, open market prices of butter and cheese and open market prices of butter and nonfat dry milk solids, for the current delivery period. Under the proposal, the highest price resulting from these manufacturing milk formulas for the delivery period next preceding (now the basic formula for such delivery period) would be the basic formula price for the current delivery period. The proposal is designed to enable handlers to know with certainty their purchase prices for Class I milk and Class II milk by the fifth day of the delivery period during which the milk so utilized is received.

Currently, class prices are not known until approximately the fifth day after the end of the delivery period during which the milk is received and after the Class I milk and Class II milk has been disposed of by handlers. Analysis of past price relationships indicate that this proposal would have a very minor effect over a period of time upon the price levels of such classes of milk. More orderly marketing will be encouraged by the announcement of the Class I and Class II prices early in the delivery period during which milk in such classes is disposed of by handlers. Handlers will be in a position to reflect changes in producer prices in their prices to consumers much more rapidly. For these reasons the proposal to base such class prices upon the manufactured formula prices for the next preceding delivery should be adopted with the condition that the basic formula price effective for July shall be not less than that for the preceding month of June. The latter proviso will tend to preserve the proper seasonal trend of prices as the short production season is approached.

Substantial quantities of the milk supply for the marketing area are disposed of from time to time in the form of manufactured milk products covered by the Class III milk definition. The latter products are in open competition with similar products not meeting any formal health inspection. Because of the highly competitive character of the markets for the products covered by Class III milk, the prices for the latter class should continue to be based upon market prices for manufactured milk products for the current delivery period rather than for the next preceding delivery period.

13. Class I and Class II milk price provisions should be revised to establish higher seasonal differentials over the basic formula price during the months of September, January, and February; and Class I prices should be revised also to establish temporary "floor" prices.

A short supply of milk from producers in relation to milk for Class I and Class II milk needs is evident beginning in September and continuing through February. Substantial quantities of other source milk have been required during each month, with particularly large quantities being required during the period of smallest production.

Available evidence indicates that feed supplies can be expected to be exceptionally short and high priced this fall and winter. The planting season was delayed three to four weeks due to unseasonable wet weather. Crop experts testified that the corn and oat crops in Ohio might be as much as 50 percent below normal. Feeding values of hay are expected to suffer seriously as a result of late harvests caused by the wet weather. Current costs of concentrate feeds are appreciably above those of a few months ago and are expected to rise further. Experience indicates that producers, in order to supply greater milk production during the fall and winter months, must feed more liberally than those producing for manufacturing purposes and accordingly are more seriously affected by high feed prices. Costs of capital equipment, labor, transportation and supplies have increased substantially during recent months. In addition, indices of increases in the relative profitableness of alternative uses of land, labor, and capital by producers such as for the production of livestock, poultry and eggs, as compared with milk, indicates a threat to an adequate supply of pure and wholesome milk for use in the Cleveland marketing area. The failure of prices in other nearby competing markets to drop in line with the decrease in Cleveland prices under the formula is having and will continue to have serious effects on the Cleveland supply if permitted to continue for an extended period without adjustment of the price at Cleveland.

If producers are to be induced to continue to supply milk to Cleveland they must have some assurance of adequate minimum prices during the coming months of short supply. Under the present order, Class I and Class II prices are determined on the basis of the higher of specified manufacturing plant "pay" prices. In order to meet heavy war requirements for manufactured milk products these prices increased substantially. With the termination of the war milk product manufacturers readjusted their prices rapidly. The readjustment resulted in serious declines in producer prices considerably in excess of a normal seasonal change. The result has been to reduces such prices in relation to other markets competing for supply.

As a basis for demonstrating demand factors for milk and its products in Cleveland, evidence was submitted concerning numbers of wage earners, pay rolls; retail sales, construction and steel operations. All of these indices show substantial increases as compared with a year earlier and show no weakening in consumer spending power. From these indices effective demand for milk and its products seems likely to continue high for some time to come.

In order to encourage a more even flow of production by establishing a more desirable seasonal pattern of pricing, which will tend to encourage greater milk production during the fall and winter months when production is particularly short, it is desirable to include September, January, and February with the months when highest differential over the base price is paid for Class I and Class II milk.

In view of the evidence of increasingly short supplies of milk, the likelihood that producers will be enticed by price levels in competing markets, increasing costs of labor, feed, supplies and equipment, and the evidence of continuing high demand it is imperative that if producers are to be encouraged to supply the needs of the market consideration should be given to "forward" pricing at some minimum level during the next few months of exceptionally short supply while the prices established by the basic formulas are being readjusted. Considering all of the foregoing it appears that temporary floor prices for Class I milk at the following levels will give the needed minimum assurance to producers.

The floor prices to be effective are as follows: September to December 1947, inclusive, $4.79; January—a price not less than 44 cents per hundredweight of 3.5 percent milk below the effective Class I price for December; and February—a price not less than 44 cents per hundredweight of 3.5 percent milk below the effective Class I price for January.

It does not appear desirable at this time to consider extending floor prices into the spring flush production period when demand, supply, and basic price relationships may be considerably different than at present and also different from what may be anticipated during the next six months.

14. The formula for determining the price of Class III skim milk utilized in evaporated milk, bulk condensed skim or whole milk, powdered malted milk, and cottage cheese should be revised.

As the order now operates, prices for skim milk and butterfat are computed on the basis of the market prices for butter and roller process nonfat dry milk solids. These prices apply in all instances except when either the price per hundredweight of 3.5 percent milk produced by the condensery "pay price" formula or the butter-cheese formula (alternative basic price formulas) is higher than the price resulting from the "butter-nonfat dry milk solids" formula. Under the latter circumstance skim milk utilized in evaporated milk, bulk condensed skim and whole milk, powdered malted milk, and cottage cheese is priced on the basis of the higher of the condensery price or butter-cheese price formulas.

The latter formulas, particularly the condensery pay formula (average of prices paid by 18 Wisconsin and Michigan plants) used, have operated to produce a higher price for the skim milk for such named uses than could be realized readily from the disposition of milk or skim milk to nearby manufacturing plant outlets. Because of this, some difficulty has been encountered by certain handlers in disposing of milk in excess of Class I and Class II needs during some of the months of increasing seasonal production. Action was taken earlier this year suspending § 975.6 (d) (3) of the order to effect a lower price for skim milk in such indicated uses in order that all surplus might be disposed of without hardship to those handlers having excess supplies.

In order to facilitate the orderly marketing of individual plant surpluses it does not appear necessary or desirable to continue to price skim milk in such uses at a level as low as that brought about by the suspension order. However, some adjustment in price seems appropriate on the basis of the prices which manufacturing plants in Ohio have paid in relation to the prices resulting from the condensery "pay" or butter-cheese price formulas provided in the order.

A factor of 25 cents deducted from the condensery, or butter-cheese, formula price in the computation of the price for skim milk used in such products, as specified in the order, as amended, will result under present conditions in a more representative price of skim milk for such uses.

15. The application of the provision establishing the obligations of "nonpool handlers" should be modified so as to require that nonpool plants which deliver skim milk or butterfat to pool plants that receive less than 50 percent of their skim milk and butterfat from producers or other pool plants shall be obligated to the producer-settlement fund for the difference between the Class I and Class III prices on any milk sold as Class I by the receiving pool handler.

The present order provides that a nonpool plant furnishing milk, skim milk, buttermilk, flavored milk or flavored milk drink to a pool plant which receives less than 10 percent of its total skim and butterfat from producers or from other pool plants shall pay to the producer-settlement fund the difference between the order price applicable to such Class I milk uses and the Class III milk prices on such deliveries which are classified as Class I milk at the receiving pool plant. It was proposed that such obligation of nonpool plants to the producer-settlement fund be applied in all cases where the receiving pool plant is supplied with less than 50 percent (rather than 10 percent) of its receipts of skim milk and butterfat from producers or from other pool plants.

An administrative problem has arisen in this connection which is not adequately covered by the present order provisions. It is possible for the nonpool plants to transfer or divert milk, skim milk, buttermilk, flavored milk or flavored milk drink to a pool plant without obligation to the producer-settlement fund if the pool plant receives more than 10 percent of its total supply from producers or from other pool plants. Unless an emergency supply situation exists, this can create an unequitable situation in the cost of milk to handlers and should not be permitted. The percentage figure to be used should tie in appropriately with other provisions regarding the minimum qualifications of plants desiring to become pool plants.

16. Location adjustments now applicable to milk received at the country plant of a handler and delivered to the marketing area should be revised so as to permit handlers to obtain the benefit of the location adjustment on Class I and Class II milk sold outside the marketing area.

Presently, location adjustment credits are allowed only on items of Class I and Class II milk actually moved from the country plant to the marketing area. No such adjustments have been allowed on such items disposed of from the plant to any point not in the marketing area. As proposed, such credits would be permitted with respect to all Class I and Class II milk received at a country plant regardless of the point of disposition, to cottage cheese, a product covered by Class III milk, and to milk moved for Class III milk purposes from the country plant where originally received to a manufacturing plant also in the country.

Certain pool plants in the country regularly sell substantial amounts of milk outside the marketing area as bottled fluid milk or cream. The net cost f. o. b. country plant has been greater to the handler by the amount of the adjustment for the particular zone location of the country plant when the item was disposed of outside the marketing area rather than in the marketing area. The proposed change will result in a cost of milk to handlers received at a country plant and used outside of the marketing area as Class I or Class II milk which is equivalent f. o. b. the country plant to the cost of items of Class I and Class II milk moved to the marketing area for disposition there. A better alignment of prices throughout the milkshed should result by extending the application of the handler location adjustments by zones to such Class I and Class II milk as a handler may dispose of from a country plant to points outside the marketing area.

The application of zone location adjustments to cottage cheese moved to the marketing area or to manufacturing milk moved from a country plant to a manufacturing plant also in the country do not appear warranted. Milk utilized for Class III or manufactured milk products and for cottage cheese is in strong and open competition with other manufactured milk not regulated by the order and which is not subject to similar location adjustments. Competitive pricing for Class III uses would be thrown out

of alignment by the application of location adjustments to milk under the order utilized by handlers for manufactured milk products and cottage cheese. For similar reasons handler location adjustment credits should not be applied to all producer milk moved from a pool plant at a country location.

17. The administrative assessment applicable to other source milk used in ice cream should be eliminated.

The health requirements applicable to milk for use as ice cream in the marketing area are not as stringent as those governing milk for use either as fluid milk or fluid cream. A substantial percentage of ice cream is manufactured and distributed in the marketing area by concerns which are not handlers. Such concerns utilize large quantities of milk, cream and condensed skim milk which are not derived from producer's milk. Such concerns are in close competition with handlers who manufacture and distribute ice cream. Handlers making ice cream often find it necessary to purchase outside cream and condensed skim milk for ice cream disposition. In order to give handlers the opportunity of securing other source milk for making ice cream on an equivalent basis with competitors who are not regulated, the assessment on other source milk utilized for ice cream should be eliminated.

18. The rate of producer butterfat differential should be calculated as the weighted average price of butterfat in all classes minus the weighted average price of skim milk in all classes.

Changes in the order were proposed which if adopted would have distinguished between Golden Guernsey milk and other "special" milks as compared with regular milk on the basis of alleged special qualities. In the alternative it was proposed that a revision be made with the butterfat differential designed to increase the rate of butterfat differential to all producers of high testing milk.

The record indicates that the Cleveland market is short of both butterfat and "serium solids" but is particularly short of butterfat. A great deal of fluid cream and bulk condensed skim milk is received from sources other than producer milk for disposition as fluid cream and in ice cream in the marketing area. The average test of milk sold in fluid form is approximately 3.74 percent. However, the butterfat test of milk as received from producers is considerably lower than the average test of all Class I products sold. The value of milk varies with its butterfat content and the order now provides a butterfat differential to producers for milk having a butterfat test above or below 3.5 percent.

The producers of "Golden Guernsey milk" represent about 0.6 percent of all producers of qualified milk. No testimony was given with respect to any other "special milks" in support of preferential treatment. In view of the small percentage of Golden Guernsey producers shipping to the marketing area it does not appear that milk of the higher butterfat content (4.5 percent and over) claimed by such producers for their milk is a substantial element in fulfilling the regular requirements for the sale of fresh fluid milk and cream. Testimony relating to the qualities of Golden Guernsey milk as compared with regular milk does not disclose that such milk differs materially in quality from other milk of comparable butterfat content. Producers of high butterfat content milk including Golden Guernsey milk do not have a fluid milk outlet for all the milk they produce. Some of such milk including the butterfat component is disposed of in other uses including manufacturer milk products.

On the basis of the above the principal issue is whether the butterfat differential to producers is commensurate with its use value.

The general shortage of butterfat indicates the need for a higher butterfat differential than is now reflected by the differential based on Class II values. It appears that a better alignment of butterfat values would result by applying a butterfat differential in line with the overall market utilization value of butterfat. In order to compensate for the value of skim milk which is replaced by the additional fat in high test milk the weighted average price of skim milk is deducted from the weighted average price of butterfat in all classes to distinguish such differential to a value of one-tenth of one percent variation from 3.5 milk.

19. The method of allowing shrinkage in Class IV milk on producer milk transferred to a second handler without being physically received in the pool plant of the first handler should be revised to permit the handler actually receiving the milk to obtain the shrinkage allowance.

Under the present order, allowance in Class IV milk for shrinkage (not to exceed 2 percent of receipts) on milk transferred from one handler to another accrues to the first handler even though he does not physically receive the milk. Since the second handler actually incurs the shrinkage it appears more feasible that the allowance should be given to the second handler rather than to the first handler.

This change will have no appreciable effect on the minimum prices received by producers or on the total cost of milk to handlers but will merely change the point of application of the shrinkage allowance. The change should facilitate transfers of milk between handlers.

It was also contended by the Milk Market Survey Committee, a group of handlers, at the hearing, and in their brief, that a proposal to "amend" the order by terminating it, which was not contained in the notice of hearing, should have been considered at the hearing and that the presiding officer erred in refusing to receive evidence thereon at the hearing. An offer of proof was made thereon by these handlers and received in the record as such. The Assistant Administrator properly limited the hearing notice to proposals to modify the order by the amendment process specified in the promulgation regulation, as amended, (7 CFR Supps. 901 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904). The presiding officer correctly ruled that the alleged issue was not to be considered at the hearing because it was not presented by the notice of hearing. Even if the alleged issue had properly been before the hearing the offer of proof did not show that producers in the number and milk volume required under section 8c (16) (B) of the act favor termination of the order. The offer of proof also did not indicate the existence of circumstances warranting termination pursuant to section 8c (16) (A) of the act. Accordingly, the request or application of the milk market survey committee for a reopening of the hearing because of such alleged errors of law is denied.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the producer associations and various handlers subject to Order No. 75. The briefs contain statements of fact, conclusions, and arguments with respect to all of the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. Although all of the briefs do not contain specific requests to make proposed findings, it is assumed that the statements, conclusions, and arguments submitted were for this purpose and are treated accordingly. To the extent that such proposed findings and conclusions differ from the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing agreement regulating the handling of milk in the Cleveland, Ohio, marketing area" and "Order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, as amended, which will be published with the decision.

This decision filed at Washington D. C., this 15th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

§ 975.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order as hereby amended,[1] and all of its terms and conditions, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the original issuance of the aforesaid order; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended; and the aforesaid order is hereby amended to read as follows:

§ 975.1 *Definitions.* The following terms have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions specified in § 975.6.

(d) "Market administrator" means the agency described in § 975.2.

(e) "Person" means any individual, partnership, corporation, association, or any other business unit.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(f) "Cleveland, Ohio, marketing area," hereinafter called the "marketing area," means all territory, including but not being limited to all municipal corporations, within Cuyahoga County and the township of Willoughby in Lake County; all in the State of Ohio.

(g) "Handler" means any person who: (1) Operates a pool plant; or (2) operates a nonpool plant and either directly or indirectly disposes of milk, skim milk, buttermilk, flavored milk, or flavored milk drinks (i) on a route extending into the marketing area; or (ii) to a pool plant described under § 975.3 (a) (1) which receives less than 50 percent of such plant's total receipts of skim milk and butterfat from producers or from other pool plants.

(h) "Producer" means any person with respect to milk produced by him having the approval of the health authority of any community in the marketing area for consumption as fluid milk in such community which milk is moved directly from his farm to:

(1) A pool plant (i) out of which a route is operated in such community, or (ii) furnishing milk to another pool plant out of which a route is operated in such community (but not including milk diverted from a nonpool plant for the account of such plant);

(2) A nonpool plant within April, May, June, or July for the account of a pool plant by diversion from a pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted; or

(3) A pool plant for the account of another pool plant by diversion from the latter pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted.

(i) "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(2) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(j) "Nonhandler" means any person not a handler who operates a nonpool plant.

(k) "Producer-handler" means any person who:

(1) Produces milk but receives no milk from dairy farmers; and

(2) Operates a route extending into the marketing area.

(l) "Pool plant" means a plant designated pursuant to § 975.3 (a).

(m) "Nonpool plant" means any milk manufacturing or processing plant not a pool plant.

(n) "Other source milk" means all skim milk and butterfat not received from a producer or from a pool plant, but (1) contained in milk, skim milk, or cream; or (2) used to produce any milk product.

(o) "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including any eating place where such items are disposed of for consumption on or off the premises, other than a pool plant(s) or nonpool plant(s).

(p) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

§ 975.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To make rules and regulations to effectuate its terms and provisions;

(3) To receive, investigate, and report to the Secretary complaints of violations; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 975.9:

(i) The cost of his bond and of the bonds of his employees,

(ii) His own compensation, and

(iii) All other expenses, except those incurred under § 975.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 975.4, or (ii) payments pursuant to §§ 975.8, 975.9, 975.10 or 975.11;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Upon request, supply on or before the 25th day after the end of each delivery period to each cooperative association not a handler with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(9) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 6th day of such delivery period, the minimum prices for skim milk and butterfat in Class I milk and Class II milk computed pursuant to § 975.6;

(ii) On or before the 6th day after the end of such delivery period, the minimum prices for skim milk and butterfat in Class III milk computed pursuant to § 975.6; and

(iii) On or before the 14th day after the end of such delivery period, the uniform price computed pursuant to § 975.7 (d) and the butterfat differential computed pursuant to § 975.8 (c); and

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

§ 975.3 *Pool plant*—(a) *Designation.* Subject to the conditions set forth in paragraphs (b) and (c) of this section, a pool plant means any of the following plants, except a bottling plant operated by a producer-handler:

(1) A bottling plant which is:

(i) Located inside the marketing area and out of which a route is operated; or

(ii) Located outside the marketing area with 10 percent or more of the aggregate weight of the skim milk and butterfat contained in its total route disposition of milk, skim milk, buttermilk, flavored milk, and flavored milk drink in fluid form on routes operated wholly or partially within the marketing area.

(2) A plant having approval of the appropriate health authority in the marketing area to supply milk to a pool plant described in subparagraph (1) of this paragraph and appearing on a list prepared and publicly announced by the market administrator for each delivery period not later than the 14th day after the end of such delivery period by posting in a conspicuous place in his office. Such list shall include:

(i) The following plants:

Location of plant (Feb. 1, 1946)	*Operator of plant on Feb. 1, 1946*
Ashland, Ohio	Cleveland Dairy Products Co. (Echo Dairy)
Conneaut, Ohio	Conneaut Creamery Co.
Dorset, Ohio	Dorset Milk Co.
East Liberty, Ohio	Dutchland Farms, Inc.
Tiffin, Ohio	Do.
Akron, Ohio (Route 7).	Mountrose Dairy Co.
Orrville, Ohio	Orrville Milk Condensing Co.
Trail, Ohio (P. O. Dundee, Ohio).	Do.
Woodville, Ohio	Soeder's Sons Co.
Attica, Ohio	Telling-Belle Vernon Co.
Beloit, Ohio	Do.
Jefferson, Ohio	Do.
Prospect, Ohio	Do.
Rome, Ohio	Do.
Wellington, Ohio	Do.
Lodi, Ohio	United Dairy Co.
Wooster, Ohio	Wooster Farm Dairies Co.
Cleveland, Ohio	Milk Producers Federation of Cleveland;

and

(ii) A plant, upon request to the market administrator by the plant operator, if such plant has been a pool plant pursuant to subparagraph (3) of this paragraph for nine or more consecutive delivery periods including that within which such request was made.

(3) A plant having approval of the appropriate health authority in the marketing area to do so which has, within the delivery period and within each of the five preceding delivery periods, furnished milk to a pool plant described in subparagraph (1) of this paragraph as follows:

(i) On 14 or more days in a total amount equal to 10 percent or more of its entire receipts of milk from dairy farmers during each such delivery period; or

(ii) In an amount equal to 50 percent or more of its entire receipts of milk from dairy farmers during each such delivery period:

Provided, That (*a*) any such plant meeting the requirements set forth in subdivisions (i) and (ii) of this subparagraph may become a pool plant beginning with the fourth consecutive delivery period within which such requirements have been met if prior request for pool plant status has been made to the market administrator by the plant operator; and (*b*) any such plant meeting the requirements set forth in subdivisions (i) and (ii) of this subparagraph for each of the six delivery periods immediately preceding April 1 of any year need not do so during April, May, June, and July of such year if written request to retain pool plant status for such four-month period is made of the market administrator by the handler prior to April 1 of such year.

(b) *Replacement.* A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to it previously had been producers at the pool plant so replaced.

(c) *Removals.* A plant shall be removed from the list of pool plants prepared pursuant to paragraph (a) (2) of this section under either of the following circumstances:

(1) Upon prior written request for such removal made by the plant operator; such removal to be effective at the beginning of the 1st delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in paragraph (a) (1) of this section; or

(2) If such plant furnished less than 10 percent of its dairy farm supply of milk to a pool plant described in paragraph (a) (1) of this section within each of the three most recent delivery periods, excluding April, May, June and July: *Provided*, That this subparagraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

§ 975.4 *Reports, records and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 8th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to milk received from producers, other source milk received at a pool plant, skim milk and butterfat received in any form at a pool plant or at a nonpool plant from a pool plant, skim milk and butterfat received in any form at a nonpool plant engaged in the manufacture of ice cream or ice cream mix which is operated by such handler and is located within the marketing area, and all skim milk and butterfat received in any form from all sources at a nonpool plant referred to in § 975.1 (g) (2), in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts, and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator may request.

(2) On or before the 25th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator his producer pay roll for the delivery period, which shall show:

(i) The pounds of milk (and the percentage of butterfat contained therein) received from each producer;

(ii) The amount and date of payment to each producer (or to a cooperative association not a handler which is authorized to collect payment for the milk of such producer); and

(iii) The nature and amount of each deduction or charge involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations, including those of his nonpool plants in

which any milk is received from a pool plant or of his nonpool plants located within the marketing area in which ice cream or ice cream mix is manufactured, and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(1) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) or (b) (1) of this section;

(2) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period;

(3) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(4) Payments to producers and to cooperative associations.

§ 975.5 *Classification*—(a) *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream, or used to produce milk products, received from all sources by each handler at his (1) pool plant(s) and (2) nonpool plant(s) engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, shall be classified separately (as skim milk or butterfat) pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following classes of utilization:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(i) Disposed of in fluid form as milk; skim milk or buttermilk, except for livestock feed; flavored milk or flavored milk drink; sweet or sour cream; any mixture of cream and milk (or skim milk); or eggnog;

(ii) Transferred as any item included in subdivision (i) of this subparagraph from a pool plant to the plant of a producer-handler, or transferred as any such item, except cream, to a nonpool plant located more than 160 miles from such pool plant by shortest highway distance as determined by the market administrator;

(iii) Accounted for as any item not listed under subdivision (i) of this subparagraph or as Class II milk or Class III milk; or

(iv) Such shrinkage on milk received from producers computed pursuant to paragraph (c) (4) of this section which is in excess of 2 percent of such receipts.

(2) Class II milk shall be all skim milk and butterfat used to produce ice cream, imitation ice cream, and other frozen desserts and mixes for similar products (liquid or powdered); or storage cream (cream placed in a licensed cold storage warehouse to remain for a period of not less than 30 days, and which is subject at all times, while in such warehouse to inspection by the market administrator to determine the physical presence of such cream).

(3) Class III milk shall be all skim milk and butterfat:

(i) Used to produce butter; butter oil; cheese (including cottage cheese); bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and skim milk or buttermilk disposed of for livestock feed;

(ii) In actual shrinkage of milk received from producers computed pursuant to paragraph (c) (4) of this section, but not in excess of 2 percent of such receipts; and

(iii) In actual shrinkage of other source milk computed pursuant to paragraph (c) (4) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in milk received from producers and in other source milk received in the following manner: *Provided*, That milk of producers transferred by a handler to another handler and received at the latter's (1) pool plant, or (2) nonpool plant engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, without first having been received for purposes of weighing and testing in the transferring handler's pool plant shall be included in the receipts at such plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the pool plant of the transferring handler in computing his plant shrinkage.

(1) Compute the total shrinkage of skim milk and butterfat, respectively, by (i) combining the shrinkage thereof for all pool plants operated by the handler, and (ii) combining in a separate sum the shrinkage thereof for all nonpool plants operated by him to which any skim milk or butterfat has been transferred from any of his pool plants;

(2) Prorate the shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) (ii) of this paragraph, in such nonpool plants between (i) skim milk or butterfat, respectively, transferred from any of his pool plants, and (ii) skim milk or butterfat, respectively, received from all other sources;

(3) Add to the shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) (i) of this paragraph, the shrinkage on skim milk or butterfat, respectively, transferred from the handler's pool plant(s) to his nonpool plant(s) computed pursuant to subparagraph (2) of this paragraph; and

(4) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (3) of this paragraph between that in milk received from producers and in other source milk at his pool plants, after deducting from the total receipts therein the receipts from pool plants other than his own.

(d) *Transfers.* Skim milk or butterfat transferred as any item listed in paragraph (b) (1) (i) of this section from a pool plant in a manner described in subparagraphs (1), (2), or (3) of this paragraph, shall be classified as follows:

(1) As Class I milk, if transferred to another pool plant unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided*, That skim milk or butterfat assigned to a particular class shall be limited to the amount thereof remaining in such class in the pool plant of the transferee handler after the subtraction of other source milk pursuant to paragraphs (g) (4) and (h) of this section, and any excess of such transferred skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available class; or

(2) As Class I milk, if transferred to a nonpool plant (except to a plant described in paragraph (b) (1) (ii) of this section) unless (i) other utilization is mutually indicated in writing to the market administrator by both the buyer and seller on or before the 8th day after the end of the delivery period within which such transfer was made, (ii) the buyer maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available to the market administrator for audit, and (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided*, That if such nonpool plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lowest-priced available class of utilization as if the classes of utilization set forth in paragraph (b) of this section were applicable to such nonpool plant; or

(3) As Class I milk if transferred in bulk form to (i) a manufacturer of soup, candy, or bakery products for use in such manufacturing operations, or (ii) any retail establishment which disposes of milk in fluid form.

(e) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified (except that classified pursuant to paragraph (b) (1) (ii) of this section) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(f) *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

(g) *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(1) Subtract from the total pounds of butterfat in Class III milk (other than butterfat in butter), the pounds of butterfat shrinkage allowed pursuant to paragraph (b) (3) (ii) of this section;

(2) Subtract from the pounds of butterfat in Class I milk, the smaller of the following:

(i) The pounds, if any, by which the butterfat in milk received from producers and pool plants is less than 105 percent of the pounds of butterfat in such handler's milk, skim milk, buttermilk, flavored milk and flavored milk drink classified as Class I milk (exclusive of any reconstituted skim milk) pursuant to paragraph (b) (1) (i) of this section, not including such Class I milk transferred to pool plants or to nonpool plants; or

(ii) The pounds of butterfat in other source milk received;

(3) Subtract from the pounds of butterfat in other source milk, the pounds deducted pursuant to subparagraph (2) of this paragraph;

(4) Subtract from the pounds of butterfat remaining in each class, after making the deduction pursuant to subparagraph (2) of this paragraph, in series beginning with the lowest-priced utilization, the pounds of butterfat remaining in other source milk after making the deduction pursuant to subparagraph (3) of this paragraph;

(5) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to paragraph (d) of this section; and

(6) Add to the remaining pounds of butterfat in Class III milk (other than butterfat in butter), the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

(h) *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in paragraph (g) of this section.

§ 975.6 *Minimum prices*—(a) *Basic formula price to be used in determining prices of Class I milk and Class II milk.* The basic formula price per hundredweight of milk to be used in determining the Class I milk and Class II milk prices for each delivery period, pursuant to paragraphs (b) and (c) of this section, shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to subparagraphs (1), (2), and (3) of this paragraph.

(1) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the next preceding delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co.:
- Black Creek, Wis.
- Greenville, Wis.
- Mt. Pleasant, Mich.
- New London, Wis.
- Orfordville, Wis.

Carnation Co.:
- Berlin, Wis.
- Jefferson, Wis.
- Chilton, Wis.
- Oconomowoc, Wis.
- Richland Center, Wis.
- Sparta, Mich.

Pet Milk Co.:
- Belleville, Wis.
- Coopersville, Mich.
- Hudson, Mich.
- New Glarus, Wis.
- Wayland, Mich.

White House Milk Co.:
- Manitowoc, Wis.
- West Bend, Wis.

(2) The price per hundredweight resulting from the following formula:

(i) Multiply by 6 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the next preceding delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the next preceding delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin; Provided, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the next preceding delivery period, subtract 3 cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published for the Chicago area for the next preceding delivery period by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

(b) *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. the marketing area, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class I milk, shall be as follows, as computed by the market administrator:

(1) Add to the basic formula price the following amount for the delivery period indicated: May and June, $0.85; September, October, November, December, January, and February, $1.15; and all others, $1.00: *Provided*, That in no event shall the price resulting from this subparagraph be lower than $4.79 for the months of September to December 1947, inclusive: *Provided, further*, That the price resulting from this subparagraph for January 1948, shall not be lower than the effective price for December 1947, less 44 cents, and that the price for February 1948, shall not be lower than the effective price for January 1948, less 44 cents: *And provided also*, That the minimum price of sweet or sour cream, or of any mixture of cream and milk (or skim milk), in Class I milk shall be the price otherwise applicable pursuant to this subparagraph less 15 cents.

(2) The price of butterfat shall be the amount obtained in subparagraph (1) of this paragraph, multiplied by 20.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the amount obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(c) *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. the marketing area, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class II milk, shall be as follows, as computed by the market administrator:

(1) Add to the basic formula price the following amount for the delivery period indicated: May and June, $0.25; September, October, November, December, January, and February, $0.55; and all others, $0.40.

(2) The price of butterfat shall be the amount obtained in subparagraph (1) of this paragraph, multiplied by 20: *Provided*, That in no event shall the price of butterfat pursuant to this subparagraph be less than the price computed pursuant to paragraph (d) (1) of this section prior to the proviso therein.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph prior to the application of the proviso by 0.035; (ii) subtracting such amount from the amount obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(d) *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, which is classified as Class III milk shall be as follows, as computed by the market administrator:

(1) The price per hundredweight of butterfat shall be the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period, multiplied by 120: *Provided*, That the price per hundredweight of butterfat used to produce butter or contained in shrinkage pursuant to § 975.5 (b) (3) (ii) shall be such price less $3.60;

(2) Except as set forth in subparagraph (3) of this paragraph, the price per hundredweight of skim milk (calculated to the nearest full cent) shall be the average carlot price per pound of nonfat dry milk solids for human consumption, roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, less 5.5 cents and then multiplied by 8.5; and

(3) When the higher of the prices computed pursuant to paragraphs (a) (1) or (a) (2) of this section is higher than the price of 100 pounds of milk of 3.5 percent butterfat content computed by adding the value of 3.5 pounds of butterfat pursuant to subparagraph (1) of this paragraph, prior to the application of the proviso therein, to the value of 96.5 pounds of skim milk pursuant to subparagraph (2) of this paragraph, the price per hundredweight of skim milk used to produce bulk condensed skim milk or whole milk (sweetened or unsweetened), evaporated or condensed milk (or skim milk) in hermetically sealed cans, cottage cheese, and powdered malted milk shall be computed as follows and used in lieu of the price computed pursuant to subparagraph (2) of this paragraph:

(i) From the higher of the prices computed pursuant to paragraphs (a) (1) or (a) (2) of this section deduct 25 cents;

(ii) Multiply the result by .7;

(iii) Subtract such result from the figure obtained in (i) of this subparagraph; and

(iv) Divide the result by 0.965, and round off to the nearest full cent.

(e) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 975.7 *Determination of uniform price to producers*—(a) *Computation of pool value for each handler operating a pool plant.* Subject to the location adjustment provided by paragraph (b) of this section, the pool value for each delivery period for each handler operating a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable prices for skim milk and butterfat in each class pursuant to § 975.6, the skim milk and butterfat in milk received from producers according to their classification pursuant to paragraphs (g) and (h) of § 975.5, and adding together the resulting amounts: *Provided*, That if such handler, after subtracting all receipts of skim milk and butterfat, respectively other than in milk received from producers, has a utilization of skim milk or butterfat greater than has been accounted for in milk received from producers, there shall be added a further amount equal to the quantity of such excess of skim milk or butterfat multiplied by the applicable prices.

(b) With respect to the actual weight of (1) milk, cream, or any other item named in Class I milk and Class II milk which is moved directly to the marketing area from a pool plant located outside the marketing area, and (2) Class I milk and Class II milk disposed of outside the marketing area from a pool plant so located, there shall be deducted, in the computation of the handler's pool value, the following amount per hundredweight thereof applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone	*Cents per hundredweight*
Not more than 30 miles	0
More than 30 miles but not more than 45 miles	15
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21
Within each 15 mile zone thereafter—an additional 1 cent.	

Provided, That such adjustment shall be limited to an amount of milk, cream, or other item so moved which could be derived from the milk received from producers at such plant.

(c) *Computation of obligation to the producer-settlement fund for certain handlers operating nonpool plants.* (1) For each delivery period the obligation to the producer-settlement fund for each handler (except a producer-handler) who operates a nonpool plant out of which a route is operated which extends into the marketing area, shall be computed by the market administrator by multiplying by the respective prices for skim milk and butterfat in Class I milk the total pounds of skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk, or flavored milk drink within such delivery period on each such route, and subtracting therefrom an amount computed by multiplying such volumes of skim milk and butterfat by the higher of the prices for skim milk and butterfat, respectively, in Class III milk.

(2) For each delivery period, the obligation to the producer-settlement fund for each handler who operates a nonpool plant and supplies milk, skim milk, buttermilk, flavored milk, or flavored milk drink to a plant designated as a pool plant pursuant to § 975.3 (a) (1), which latter plant received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants, shall be computed by the market administrator by multiplying by the difference between the respective prices for skim milk and butterfat in Class I milk and Class III milk, the amount of such receipts from such nonpool plant which are Class I milk at the receiving pool plant.

(d) *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content, f. o. b. the marketing area, received from producers by:

(1) Combining into one total the pool values computed under (a) of this section for all handlers who reported pursuant to § 975.4 (a) for such delivery period, except those in default in payments required pursuant to § 975.8 (c) for the preceding delivery period;

(2) Adding an amount representing the monies received in payment of obligations computed under paragraph (c) of this section;

(3) Adding the aggregate of the values of all allowable location adjustments computed at the maximum rates for the appropriate zones as set forth in § 975.8 (b);

(4) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(5) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in subparagraph (1) of this paragraph is greater than 3.5 percent, or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total hundredweight of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 975.8 (c) multiplied by 1.000;

(6) Dividing by the hundredweight of milk received from producers represented by the values included in subparagraph (1) of this paragraph; and

(7) Subtracting not less than 4 cents nor more than 5 cents.

(e) *Notification.* The market administrator shall notify:

(1) On or before the 14th day after the end of each delivery period, each handler who operates a pool plant of:

(i) The amounts and pool values of his skim milk and butterfat in each class and the totals of such amounts and values;

(ii) The uniform price;

(iii) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(iv) The totals of the minimum amounts to be paid by such handler pursuant to §§ 975.8, 975.9, 975.10, and 975.11.

(2) On or before the 14th day after the end of each delivery period each handler described in § 975.1 (g) (2) of:

(i) The pounds of his skim milk and butterfat in milk, skim milk, buttermilk, flavored milk, and flavored milk drink

subject to the provisions of paragraph (c) of this section; and

(ii) The amount due the producer-settlement fund from each such handler.

§ 975.8 *Payment for milk*—(a) *Time and method of payment.* (1) Except as provided by subparagraph (2) of this paragraph, on or before the 20th day after the end of each delivery period, each handler (except a cooperative association) shall pay each producer for milk received from him within such delivery period, not less than an amount of money computed by multiplying the total pounds of such milk by the uniform price, less the location adjustment pursuant to paragraph (b) of this section and adjusted by the butterfat differential pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (f) of this section, he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(2) On or before the 19th day after the end of each delivery period, each handler shall pay a cooperative association not a handler, with respect to milk of producers for which it has received written authorization to collect payment, a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to subparagraph (1) of this paragraph.

(3) On or before the 15th day after the end of each delivery period, each handler shall pay a cooperative association which is a handler, with respect to skim milk and butterfat received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for skim milk and butterfat, respectively, in each class, subject to the applicable location adjustment provided by § 975.7 (b), by the hundredweight of skim milk and butterfat, respectively, in each class pursuant to § 975.5.

(b) *Location adjustments to producers.* In making payments pursuant to paragraphs (a) (1) and (a) (2) of this section a handler may deduct, with respect to all milk received from producers at a plant located outside the marketing area, not more than the following respective amount per hundredweight of milk applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone	*Cents per hundredweight*
Not more than 30 miles	0
More than 30 miles but not more than 45 miles	15
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21
Within each 15 mile zone thereafter—an additional 1 cent.	

(c) *Butterfat differential.* In making payments pursuant to paragraphs (a) (1) or (a) (2) of this section there shall be added to or subtracted from, the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(1) Multiply the hundredweight of butterfat in each class computed pursuant to § 975.5 (g) by the applicable minimum price for butterfat in such class computed pursuant to § 975.6;

(2) Add into one total the butterfat values obtained in subparagraph (1) of this paragraph and divide such total by the total hundredweight of butterfat in all classes computed pursuant to § 975.5 (g) to determine a weighted average price for butterfat;

(3) Subtract from the weighted average price per hundredweight of butterfat computed in subparagraph (2) of this paragraph, a weighted average price per hundredweight of skim milk computed as follows:

(i) Multiply the hundredweight of skim milk computed in each class pursuant to § 975.5 (h) by the respective minimum price for skim milk in such class computed pursuant to § 975.6; and

(ii) Add into one total the skim milk values so obtained for all classes and divide such total by the total hundredweight of skim milk in all classes computed pursuant to § 975.5 (h); and

(4) Divide by 1,000 the price of butterfat resulting pursuant to subparagraph (3) of this paragraph, and round off to the nearest tenth of a cent.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to paragraph (e) of this section and out of which he shall make all payments pursuant to paragraph (f) of this section.

(e) *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler:

(1) Whose pool value is required to be computed pursuant to § 975.7 (a), shall pay to the market administrator the amount by which such pool value for such delivery period is greater than the total minimum amount required to be paid by him pursuant to paragraphs (a) (1) and (a) (2) of this section; and

(2) Whose obligation is required to be computed pursuant to § 975.7 (c), shall pay to the market administrator such obligation for such delivery period.

(f) *Payment out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which such handler's pool value pursuant to § 975.7 (a) is less than the total minimum amount required to be paid by him pursuant to paragraphs (a) (1) or (a) (2) of this section, less any unpaid obligations of such handler to the market administrator pursuant to paragraph (e) of this section, §§ 975.9, 975.10, or 975.11: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 975.9 *Expense of administration.* As his prorata share of the expense incurred pursuant to § 975.2 (c) (4), each handler shall pay the market administrator on or before the 16th day after the end of each delivery period, three cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of such delivery period, with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production), of other source milk at pool plants, except that used in the manufacture of ice cream or ice cream mix, and of other source milk on which payment is required pursuant to § 975.5 (c).

§ 975.10 *Marketing Services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to paragraphs (a) (1) and (a) (2) of § 975.8, with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct four cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each delivery period; and, on or before the 16th day after the end of such delivery period shall pay such deductions to the market administrator. Such monies shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to paragraphs (a) (1), and (a) (2) of § 975.8 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each delivery period to the cooperative association rendering such services of which such producers are members.

§ 975.11 *Adjustment of accounts*—(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 975.8, 975.9, 975.10 or (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 975.12 *Application of provisions*—(a) *Exempt milk.* Milk received at a plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association which is not a handler and which is authorized to collect payment for such milk.

§ 975.13 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 975.14 *Suspension or termination*—(a) *When suspended or terminated.* The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 975.15 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 975.16 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 47-7815; Filed, Aug. 20, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9571]

KOSUKE NAKANO

In re: Bank account, bonds, cash, checks and stamps owned by Kosuke Nakano. D-39-2000-A-1, D-39-2000-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kosuke Nakano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Kosuke Nakano, by The Seaboard Citizens National Bank of Norfolk, 109-117 East Main Street, Norfolk, Virginia, arising out of a checking account, entitled Blocked Fund Account, Kosuke Nakano, Japanese National, and any and all rights to demand, enforce and collect the same,

b. Two (2) United States of America Defense Bonds, Series E, of $1,000.00 face value, bearing the numbers M-400905E and M400906E, registered in the name of Mr. K. Nakano, presently in the custody of The Seaboard Citizens National Bank of Norfolk, 109-117 East Main Street, Norfolk, Virginia, together with any and all rights thereunder and thereto,

c. Cash in the amount of $16.00, presently in the possession of the Federal Reserve Bank of New York, New York, New York.

d. Four (4) United States of America, eight cent, air-mail postage stamps, presently in the possession of the Federal Reserve Bank of New York, New York, New York.

e. That certain debt or other obligation owing to Kosuke Nakano, by Bank of America National Trust & Savings Association, San Francisco, California, in the amount of $70.00, as of March 5, 1946, and any and all accruals thereto, evidenced by two (2) travelers checks, numbered A269893, for $50.00, and A2315305 for $20.00, issued by Bank of America National Trust & Savings Association, and presently in the possession of the Federal Reserve Bank of New York, New York, New York, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation, together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid travelers checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7813; Filed, Aug. 20, 1947; 11:50 a. m.]

[Vesting Order 9587]

A. YOSHIYAMA ET AL.

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of A. Yoshiyama, deceased. F-39-4372-D-2, F-39-4372-D-3, F-39-4372-D-4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of A. Yoshiyama, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Thirteen (13) shares of $2.00 par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered SFB14066 for four and one-half (4½) shares, SFG40839 for one-half (½) share, SFK34508 for seven and one-half (7½) shares and SFP81211 for one-half (½) share, registered in the name of A. Yoshiyama, together with all declared and unpaid dividends thereon,

b. Three (3) shares of $12.50 par value common capital stock of Bank of America, National Trust & Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by certificates numbered A63517 for two (2) shares and G987 for one (1) share, registered in the name of A. Yoshiyama, together with all declared and unpaid dividends thereon,

c. One (1) share of $25.00 par value capital stock of Bank of America, N. A. c/o National City Bank of New York, 55 Wall Street, New York, New York, evidenced by a certificate numbered CTF058895, registered in the name of A. Yoshiyama, together with all declared and unpaid dividends thereon, and all rights under a Merger with National City Bank of New York, effective December 27, 1931, and

d. One-half (½) share of capital stock of Intercoast Trading Company (now Transamerica Corporation), evidenced by a certificate numbered A20021, together with all declared and unpaid dividends thereon, and all rights of exchange for Transamerica Corporation stock,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of A. Yoshiyama, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7814; Filed, Aug. 20, 1947; 11:50 a. m.]

[Vesting Order 9595]

MARY T. OLBRICH

In re: Estate of Mary T. Olbrich, deceased. File D-28-12001; E. T. sec. No. 16181.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theresia Klapper and Agnes Kinzel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Mary T. Olbrich, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Alphons Olbrich of Philadelphia, Pa., as executor, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7780; Filed, Aug. 19, 1947; 8:57 a. m.]

[Vesting Order 9596]

ALOISIA KOZONICH PETROV

In re: Estate of Aloisia Kozonich Petrov, deceased. File No. D-34-777; E. T. sec. 11653.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sandor Petrov, Jr., Ferdinand Petrov, Gyula Petrov, Ferenc Petrov, Alujzia Petrov, Adel Petrov, Jeno Petrov and Margit Petrov Fabok, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Aloisia Kozonich Petrov, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by Nicholas Phillips, as executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7781; Filed, Aug. 19, 1947; 8:57 a. m.]

[Vesting Order 9598]

LOUIS SAUER

In re: Estate of Louis Sauer, deceased. File No. D-28-11819; E. T. sec. 16022.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Agatha Quack, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the Estate of Louis Sauer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Joseph H. Burkard, as Executor, acting under the judicial supervision of the Surrogate's Court, Suffolk County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7782; Filed, Aug. 19, 1947; 8:57 a. m.]

[Vesting Order 9599]

FRIEDERIKE PAULINA SCHALL

In re: Estate of Friederike Paulina Schall, also known as Frieda Schall, deceased. File No. D-28-11692; E. T. sec. 15890.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7783; Filed, Aug. 19, 1947; 8:57 a. m.]

[Vesting Order 9600]

CONRAD W. SCHULER

In re: Estate of Conrad W. Schuler, deceased. File D-28-11964; E. T. sec. 16151.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Muller, Elsie M. Muller, Gretchen Fischer and Kunigunda Fuhres, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Conrad W. Schuler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William H. Fehl and Conrad W. Young of Pittsburgh, as executors, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pa.;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7784; Filed, Aug. 19, 1947; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-896]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 29, 1947, by United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, approving the construction and authorizing the continued operation of certain additional natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection; and

It appearing to the Commission that:

(a) The aforementioned facilities were constructed for the purpose of enabling Applicant to deliver natural gas for resale in the City of Pineland and the Village of Bronson, both in the State of Texas;

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 24, 1947 (12 F. R. 3387),

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on September 9, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however*, That the Commission may after a non-contested hearing forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 15, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7810; Filed, Aug. 20, 1947; 8:46 a. m.]

[Docket No. IT-5829]

ARKANSAS POWER & LIGHT CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the reclassification and original cost studies of Electric Plant as at January 1, 1937, filed June 3, 1940, by Arkansas Power & Light Company; the Commission staff's report thereon served on the Company with the Commission's order of June 15, 1943, and the response thereto filed September 18, 1943, by the Company; the Commission staff's supplemental report served on the Company with the Commisson's order of September 27, 1944, and the response thereto filed November 27, 1944, by the Company; and the Company's petition to dismiss filed November 22, 1944;

The Commission finds that: It is appropriate to carry out the provisions of the Federal Power Act that a hearing be held in this matter as hereinafter provided;

The Commission orders that:

(A) A public hearing be held commencing on December 1, 1947, at 10: 00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 18th and Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues arising out of the proceedings in this matter;

(B) At such hearing the burden of proof to justify and to support by satisfactory proof every accounting entry, made or proposed to be made, which is brought into issue by the proceedings in this matter, shall be upon Arkansas Power & Light Company;

(C) At such hearing Arkansas Power & Light Company shall submit and support by satisfactory evidence an appropriate plan or plans for the disposition of any and all amounts which may, upon determination of the issues in this matter, be required to be classified in Account 107, Electric Plant Adjustments, or in Account 108.15, Common Utility Plant Acquisition Adjustments.

(D) Interested State commissions may participate in said hearing as provided in the Commission's rules.

Date of issuance: August 15, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7809; Filed, Aug. 20, 1947; 8:46 a. m.]

[Docket No. IT-5971]

SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER AMENDING RATE SCHEDULE

AUGUST 18, 1947.

Notice is hereby given that, on August 15, 1947, the Federal Power Commission issued its order entered August 15, 1947, amending rate schedule in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7820; Filed, Aug. 20, 1947; 8:47 a. m.]

[Docket No. IT-6069]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF BONDS

AUGUST 18, 1947.

Notice is hereby given that, on August 15, 1947, the Federal Power Commission issued its order entered August 15, 1947, authorizing and approving issuance of bonds in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7821; Filed, Aug. 20, 1947; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5495]

RAY-BELL FILMS, INC.

ORDER APPOINTING TRIAL EXAMINER

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 4th day of August A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-7822; Filed, Aug. 20, 1947; 8:47 a. m.]

[Docket No. 5497]

UNITED FILM AD SERVICE, INC.

ORDER APPOINTING TRIAL EXAMINER

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of August A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-7823; Filed, Aug. 20, 1947; 8:48 a. m.]

[Docket No. 5496]

ALEXANDER FILM CO.

ORDER APPOINTING TRIAL EXAMINER

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of August A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-7824; Filed Aug. 20, 1947; 8:48 a. m.]

[Docket No. 5498]

MOTION PICTURE ADVERTISING SERVICE CO., INC.

ORDER APPOINTING TRIAL EXAMINER

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of August A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-7825; Filed, Aug. 20, 1947; 8:48 a. m.]

[Docket No. 5508]

AMERICAN IRON & STEEL INSTITUTE ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR INITIAL HEARING

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 15th day of August A. D. 1947.

In the matter of American Iron & Steel Institute, an incorporated trade association, its directors, officers and members; and United States Steel Corporation and certain of its subsidiaries, Bethlehem Steel Corporation and certain of its subsidiaries, Republic Steel Corporation and certain of its subsidiaries, Youngstown Sheet & Tube Company and one of its subsidiaries, Jones & Laughlin Steel Corporation, American Rolling Mill Company, National Steel Corporation and certain of its subsidiaries, Inland Steel Company and one of its subsidiaries, and Wheeling Steel Corporation, corporations, individually and as representatives of all of the members of respondent American Iron & Steel Institute.

Pursuant to authority vested in the Federal Trade Commission, *It is ordered*, That Frank Hier, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That an initial hearing in the above matter, for the purpose of securing returns under subpoena duces tecum, begin on Thursday, August 21, 1947, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] WILLIAM L. HAIGH, *Acting Secretary.*

[F. R. Doc. 47-7827; Filed, Aug. 20, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 269]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 14, 1947, by Chas. Abbate, of car RD 33302, peaches, now on the Chicago Produce Terminal to Kankakee, Ill.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1947.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 47-7812; Filed, Aug. 20, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-14, 54-19, 54-92]

NEW ENGLAND POWER ASSN. ET AL.

ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 14th day of August, A. D. 1947.

In the matter of New England Power Association, Massachusetts Power and Light Associates, North Boston Lighting Properties, The Rhode Island Public Service Company, Massachusetts Utilities Associates, Common Voting Trust, Massachusetts Utilities Associates, File Nos. 54-92, 59-14, 54-19.

The Commission having by its orders of May 20, 1947 and May 28, 1947 permitted to become effective, pursuant to the provisions of the Public Utility Holding Company Act of 1935, a declaration filed by New England Power Association (the name of which has now been changed to New England Electric System), relating to the issuance and sale of $25,000,000 principal amount of 3% Debentures, due 1967, and $50,000,000 principal amount of 3¼% Debentures, due 1977, but having reserved jurisdiction over all legal fees and expenses, and the fees and expenses of the financial advisers; and Simpson, Thatcher and Bartlett having now filed an application stating that the amount of their legal fees as counsel for the underwriters is $22,500 and that their expenses and disbursements amount to $4,372.64, of which $3,000, being part of the amount disbursed in connection with the qualification of the new Debentures under laws of various states, is to be paid by New England Electric System, and requesting

that jurisdiction over said fees and expenses be released; and it appearing to the Commission that said fees and expenses are not unreasonable, and that jurisdiction over the same should be released:

It is ordered, That the jurisdiction heretofore reserved, insofar as it relates to the said fees and expenses of Simpson, Thatcher and Bartlett be and the same hereby is released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7803; Filed, Aug. 20, 1947; 8:45 a. m.]

[File Nos. 54-124, 59-79, 70-1197]

SEATTLE GAS CO.

ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 14th day of August A. D. 1947.

The Commission having on hand on January 13, 1947 isued its findings, opinion and order approving an amended plan of recapitalization for Seattle Gas Company pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, but having reserved jurisdiction over all fees and other compensation in connection therewith; and

Seattle Gas Company having now filed an application requesting the Commission to approve and authorize the payment by the company of the following legal fees:

Drinker, Biddle & Reath	$8,000
Almon Ray Smith	2,500

and

It appearing to the Commission that said fees are not unreasonable and the jurisdiction with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved, insofar as it relates to the fees of Drinker, Biddle & Reath and Almon Ray Smith, be and the same hereby is released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7805; Filed, Aug. 20, 1947; 8:45 a. m.]

[File No. 70-1567]

POTOMAC ELECTRIC POWER CO. AND WASHINGTON RAILWAY AND ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 14th day of August 1947.

Potomac Electric Power Company ("Pepco"), a subsidiary of Washington Railway and Electric Company ("Washington Railway"), a registered holding company, and Washington Railway, having filed a joint application-declaration, and amendments thereto, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding, among other things, the proposed issuance and sale by Pepco under the competitive bidding requirements of Rule U-50 of 140,000 shares of its new --% Preferred Stock (New Preferred Stock) of the par value of $50 per share, subject to an offer, for a period of ten days to the holders of its presently outstanding 5½% Cumulative Preferred Stock, par $100 per share, and 6% Cumulative Preferred Stock, par $100 per share, of the right to such holders to exchange their shares for shares of the New Preferred Stock, on the basis of 2 shares of New Preferred Stock for one share of Old Preferred Stock, plus a cash adjustment. Pepco proposed to invite sealed written bids for services in obtaining exchanges of shares of Old Preferred Stock and for the purchase of such of the 140,000 shares of New Preferred Stock as are not required to effect exchanges.

The Commission having by order dated July 29th, 1947 granted said amended application and permitted said amended declaration to become effective, subject to the following conditions (a) that the proposed issue and sale of the New Preferred Stock shall not be consummated until the results of the competitive bidding have been supplied by a further amendment and a further order shall have been entered in connection therewith and (b) that jurisdiction be reserved over all legal fees and expenses in connection with the proposed transactions; and

Pepco having filed a further amendment to its application-declaration, as amended, in which it is stated that, in accordance with the permission granted by said order of the Commission dated July 29th, 1947, it has offered such New Preferred Stock for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Dividend rate	Gross price to company per share [1] (public offering price)	Compensation to bidder per share	Net price to company per share	Annual cost to company
	Percent				*Percent*
Dillon, Read & Co., Inc.	3.60	$51.75	$0.95	$50.80	3.54
Kidder, Peabody & Co.	3.60	51.50	1.441	50.059	3.59
Blyth & Co., Inc.-Smith, Barney & Co.	3.70	51.00	.95	50.05	3.69
The First Boston Corp.	3.75	51.37	1.044	50.326	3.72
Drexel & Co.-Hemphill, Noyes & Co.	3.80	51.35	1.00	50.35	3.77

[1] Plus accrued dividends from July 1, 1947.

Said amendment having further set forth that Pepco has accepted the bid of Dillon, Read & Co., Inc., and that it is the present intention of the successful bidder, upon termination of the exchange offer, to offer any unexchanged shares of 3.60% Preferred Stock for sale to the public at an initial price of $51.75 per share to yield 3.478%; and

The Commission having examined the record in the light of said amendment, and finding no basis for imposing terms and conditions with respect to the price to be paid for said 3.60% Preferred Stock, the dividend rate thereon or the bidder's compensation; and

It appearing that the legal fee in the amount of $8,000 and expenses of $350 of the firm of Cahill, Gordon, Zachry & Reindel, New York, as independent counsel for the underwriters and the estimated fees and expenses of Pepco in the amount of $73,770 (excluding $15,000 fee of Sullivan & Cromwell, New York, counsel for Pepco) and of Washington Railway in the amount of $22,712 are for necessary services and are not unreasonable; and it further appearing that the record is not complete with respect to the services performed by Sullivan & Cromwell, New York, counsel for Pepco;

It is ordered, That the jurisdiction heretofore reserved over the price to be paid for the said New Preferred Stock, the dividend rate thereon, and the underwriter's compensation be, and the same is hereby released, and the application-declaration, as further amended, be, and the same hereby is granted and permitted to become effective, respectively, subject to the terms and conditions prescribed by Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over all legal fees and expenses in connection with the proposed transactions be, and the same hereby is, released, except as to the fee of Sullivan & Cromwell, New York, counsel for Pepco, jurisdiction over which is hereby continued.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7804; Filed, Aug. 20, 1947; 8:45 a. m.]

[File No. 70-1569]

PENN STATE WATER CORP. AND AMERICAN WATER WORKS AND ELECTRIC CO., INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 14th day of August A. D. 1947.

Penn State Water Corporation ("Penn State"), an indirect subsidiary of American Water Works and Electric Company, Inc., ("American"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transactions:

Penn State proposes to make a capital contribution of $75,000 in cash to its subsidiary, The Dorchester Water Company ("Dorchester"). Penn State owns all of the outstanding common stock of Dorchester, consisting of 1,716.7 shares, no

par value. The proposed capital contribution is to be added by Penn State to its investment in the common stock of Dorchester and is to be credited by Dorchester to its capital surplus. Dorchester is to use this cash, together with other funds, to carry out a construction program made necessary by increased demands for water service. It is estimated that the total cost of such construction program for the period from May 31, 1947, to December 31, 1947, will be approximately $115,000. It is stated that no expenses are to be incurred in connection with the proposed transactions.

Notice of this filing was duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act. The Commission has not received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this declaration that there is no basis for any adverse findings under the applicable provisions of the act and rules thereunder; deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective; and further deeming it appropriate to grant the request of declarants that this order be effective upon issuance;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that this declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7801; Filed, Aug. 20, 1947; 8:45 a. m.]

[File No. 70-1570]

AMERICAN WATER WORKS AND ELECTRIC CO., INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 14th day of August A. D. 1947.

American Water Works and Electric Company, Inc. ("American"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transactions:

American proposes to make a capital contribution of $250,000 in cash to its subsidiary, South Pittsburgh Water Company ("South Pittsburgh"). American owns 99.93% of the outstanding common stock of South Pittsburgh consisting of 350,000 shares, par value $10.00 per share. The proposed capital contribution is to be added by American to its investment in the common stock of South Pittsburgh and is to be credited by South Pittsburgh to its capital surplus. It is represented that South Pittsburgh is to use this cash, together with other funds, to carry out a proposed construction program made necessary by increased demands for water service. It is represented that the total cost of such construction program during the year 1947 is to be $815,000, of which approximately $550,000 remains to be expended subsequent to May 31, 1947. It is represented that no expenses are to be incurred in connection with the proposed transactions.

Notice of this filing was duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act. The Commission has not received a request for a hearing with respect thereto within the period specified in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this declaration that there is no basis for any adverse findings under the applicable provisions of the act and rules thereunder; deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective; and further deeming it appropriate to grant the request of declarants that this order be effective upon issuance;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24 that this declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7800; Filed, Aug. 20, 1947; 8:45 a. m.]

[File No. 70-1579]

SOUTHERN NATURAL GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 13th day of August A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to section 7 of the Public Utility Holding Company Act of 1935, by Southern Natural Gas Company ("Southern Natural"), a registered holding company and a subsidiary of Federal Water and Gas Corporation, also a registered holding company.

Notice is further given that any interested person may, not later than August 28, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issue of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. At any time after August 28, 1947, said declaration, as filed or as further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Southern Natural proposes the issuance and sale to The Chase National Bank of the City of New York and twelve other banks, pursuant to a loan agreement, of its promissory notes in the aggregate principal amount of $5,000,000 maturing two years from the date of delivery and bearing an interest rate of 1¾% per annum. The proceeds of such loan are to be used for the construction of additions and extensions to Southern Natural's pipe line system.

Declarant has requested that the Commission's order with respect to the declaration issue at the earliest date practicable and become effective upon issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7806; Filed, Aug. 20, 1947; 8:46 a. m.]

[File No. 70-1590]

BROCKTON EDISON CO. ET AL

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa. on the 14th day of August 1947.

In the matter of Brockton Edison Company, Blackstone Valley Gas and Electric Company, Fall River Electric Light Company, Montaup Electric Company, File No. 70-1590.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Brockton Edison Company (Brockton), an electric utility company, Blackstone Valley Gas and Electric Company (Blackstone), also an electric utility company, both subsidiaries of Eastern Utilities Associates, a registered holding company, Fall River Electric Light Company (Fall River) an electric utility company and a subsidiary of New England Electric System, also a registered holding company, and Montaup Electric Company (Montaup), an electric (generating) utility company, and a wholly owned subsidiary of Brockton, Blackstone and Fall River. Applicants designate sections 6 (b) and 10 of the act and Rule U-43 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 2, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules

and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application which is on file in the office of the Commissibn, for a statement of the transactions therein proposed which are summarized below:

Montaup proposes to issue and sell, and Brockton proposes to acquire 3,576 shares of Montaup Common Stock at par ($100 per share) or an aggregate consideration of $357,600. The proceeds thereof will be used by Montaup, together with other funds, for expenditures presently being made for capital additions. Additional funds will come from cash resulting from depreciation charges and certain short-term bank loans to be repaid out of future accruals for depreciation.

A certain existing contract between Brockton, Blackstone and Fall River provides that each of said companies shall keep its respective common stock investment in Montaup equal (as nearly as possible) to its proportionate load demands on Montaup or make an annual payment of 2% on any such deficiency in its respective investment; and that any company with any such deficiency in investment shall, in any new financing, be given the right to make up such deficiency. The proposed acquisition by Brockton of 3,576 shares of Montaup Common Stock is intended to make up such presently existing deficiency.

The application further states that Massachusetts law requires the proposed Montaup Common Stock to be offered pro rata to its present stockholders. To comply with such Massachusetts law, warrants for shares will initially be issued to the following stockholders in the amounts shown: Brockton 770.31 shares, Blackstone 1,598.58 shares and Fall River 1,207.11 shares. Thereafter, it is proposed that Brockton will acquire, without consideration, such warrants which are to be issued to Blackstone and Fall River.

The application states that such transactions have been expressly authorized by the Department of Public Utilities of the Commonwealth of Massachusetts where Montaup and Brockton are organized and doing business.

The applicants request that the Commission's order be issued herein on or before September 5, 1947 and become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7807; Filed, Aug. 20, 1947; 8:46 a. m.]

[File No. 70-1592]

MONONGAHELA POWER CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of August A. D. 1947.

Notice is hereby given that Monongahela Power Company ("Monongahela"), a direct subsidiary of the West Penn Electric Company ("Electric") and West Penn Power Company ("Power"), all three of these companies being subsidiaries of American Water Works and Electric Company, Incorporated ("American"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935.

All interested persons are referred to said document, which is on file in the offices of the Commission, for a statement of the transactions therein proposed which may be summarized as follows:

Monongahela proposes to issue and sell at competitive bidding, pursuant to the provisions of Rule U-50 promulgated under the act, $7,000,000 principal amount of First Mortgage Bonds due 1977 and 40,000 shares of Cumulative Preferred Stock, par value $100 per share. The price and interest rate of the bonds and the price and dividend rate of the preferred stock are to be determined at competitive bidding. The bonds are to be dated September 1, 1947, are to mature on September 1, 1977, interest thereon to be paid semi-annually on March 1 and September 1. The preferred stock dividends are to be cumulative from September 1, 1947, and payable on the first days of February, May, August, and November. The filing indicates that the sale of the bonds and preferred stock are not interdependent, either or both being subject to sale without the sale of the other.

It is represented that the entire proceeds from the sale of the bonds and preferred stock are to be used for necessary extensions, additions and improvements to the properties of Monongahela.

The filing has designated sections 6 and 7 of the act and Rule U-50 as being applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that the declaration should not be permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said matters under the applicable sections of the act and rules and regulations promulgated thereunder be held at 10:00 a. m., e. d. s. t., on the 28th day of August 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before August 22, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Trial Examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration, upon the basis thereof the following matters and questions are presented for consideration by the Commission without prejudice as to the presentation of additional matters and questions upon further examination:

(1) Whether the securities proposed to be issued and sold by Monongahela are reasonably adapted to the earning power of Monongahela and to the security structure of Monongahela and other companies in the American holding company system, and whether financing by the issue and sale of such securities, in the respective amounts proposed, is necessary or appropriate to the economical and efficient operation of the businesses in which Monongahela is engaged;

(2) Whether the fees, commissions and other remunerations to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

(3) Whether the accounting entries proposed to be recorded in connection with the proposed transactions are proper, conform to sound accounting principles and meet the standards of the act and rules and regulations thereunder;

(4) Whether the terms and provisions of the new preferred stock, to be issued and sold by Monongahela meet the applicable standards of the act and are not otherwise detrimental to the public interest or the interests of investors or consumers;

(5) Whether the proposed use by Monongahela of the proceeds from the proposed sale of its securities is appropriate and in conformity with the requirements of the act and the rules and regulations promulgated thereunder;

(6) Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules and regulations thereunder and, if not, whether and what modifications or terms and conditions should be required or imposed to meet the standards of the act.

It is further ordered, That notice of said hearing is hereby given to American, Monongahela, Electric, Power and all interested persons, said notice to be given to American, Monongahela, Electric and Power by registered mail and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the persons on the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7802; Filed, Aug 20, 1947; 8:45 a. m.]

Reference

SEP 16

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 12 NUMBER 165

Washington, Friday, August 22, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

ACTIONS

Effective upon publication in the FEDERAL REGISTER, paragraphs (a), (c), (d), and (e) of § 20.9 (12 F. R. 2851, 4287, 6777) are amended to read as follows:

§ 20.9 *Actions* • • •

(a) *Exceptions; furloughs.* Where the reduction in force is the result of a temporary condition which is not expected to continue for more than one year, employees reached for action may, in lieu of being separated, be furloughed for a period not to exceed the unexpired portion of the period of appointment and in no case shall it exceed one year: *Provided*, That notice of furlough to employees in subgroups A–1 and A–2 with competitive status shall conform to the one-year notice rule under § 20.10. In the event that vacancies are to be filled in positions in the competitive level and competitive area from which such employees have been furloughed, such employees shall be given the opportunity to return to duty before any original appointments are made to such positions: *Provided, however*, That since no position in the agency may be filled by original appointment of a person, or by the promotion, reassignment, or transfer of a retention group B or C employee if the agency has employees in subgroup A–1 or A–2 with competitive status on leave or furlough due to reduction in force who are available and qualified to fill the position, such status employees in subgroup A–1 or A–2 shall be considered for such positions. Offer of recall to duty in positions of the competitive level and competitive area from which furloughed shall be made in the order of retention preference of furloughed employees.

• • • • •

(c) *Exceptions; status employees.* No employee in retention group A–2, A–3, or A–4 with competitive status and serving in a position in the competitive service may be separated or furloughed in a reduction in force if there is a position in the competitive service in the department in any other competitive area or competitive level within the geographic area, which may reasonably be expected to continue for 3 months or more, not filled by a retention group A employee, which he is qualified to fill, unless he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary. Moreover, such employee in subgroup A–2 may not be separated or furloughed by reduction in force if there is a position which may reasonably be expected to continue for 3 months or more in the department in the same geographic area in a line of work similar to the work from which he has been promoted in which an employee in subgroup A–2 with fewer retention credits or any employee in subgroup A–3 or A–4 is retained unless he declines a reasonable offer of reassignment to a continuing position. Subject to the other requirements set forth above, agencies shall consider such group A–2 employee with competitive status who is reached in a reduction and who has had five or more years of Federal Government service, including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A–2 shall be made prior to the expiration of the first sixty days of nonduty status.

(d) *Exceptions; veterans preference employees.* No employee in subgroup A–1 with competitive status and serving in a position in the competitive service may be separated or furloughed in a reduction in force if there is a position in the competitive service in the department in any other competitive area or competitive level within the geographic area which may reasonably be expected to continue for 3 months or more not filled by an employee in subgroup A–1, which he is qualified to fill, unless he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary. Moreover, such employee in subgroup A–1 may not be separated or furloughed by reduction in force if there is a position

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which may reasonably be expected to continue for 3 months or more in the department in the same geographic area in a line of work similar to the work from which he has been promoted in which an employee in subgroup A–1 with fewer retention credits is retained, unless he declines a reasonable offer of reassignment to a continuing position. Subject to the other requirements set forth above, agencies shall consider such veteran preference career employee in group A–1 with competitive status who is reached in a reduction and who has had five or more years of Federal Government service, including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A–1 shall be made prior to the expiration of the first sixty days of nonduty status.

(c) *Exceptions; war service employees with veteran preference.* No employee in subgroup B–1 may be separated or furloughed in a reduction in force from a position in the competitive service if there is another position in the competitive service in the department at the same geographical location in any other competitive area or competitive level which may reasonably be expected to continue for 3 months or more not filled by an employee in retention group A or subgroup B–1, which he is qualified to fill, unless he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary.

(Sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861)

[SEAL] THE UNITED STATES CIVIL SERVICE COMMISSION,
FRANCES PERKINS,
Acting President.

[F. R. Doc. 47-7864; Filed, Aug. 21, 1947; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 70—LOAN INTEREST RATES AND SECURITY

ELIGIBLE COMMODITIES

Chapter I, Title 6, Code of Federal Regulations, is hereby amended by revoking § 70.46 and adding § 70.47 to read as follows:

§ 70.47 *Eligible commodities.* Until further notice and within the limits of § 70.43 only those farm products and farm supplies coming within the general classifications listed below may be accepted as security for loans entitled to the interest rate prescribed in subsection (a) of section 8 of the Agricultural Marketing Act, as amended (Sec. 8, 46 Stat. 14, sec. 11, 49 Stat. 316; 12 U. S. C. 1141f), for loans made upon the security of commodities, when the products or supplies are marketable and generally are in bulk storage.

Grains.
Fibers (such as cotton, wool, mohair, etc.).
Tobacco.
Grass seeds.
Legume seeds (alfalfa, clover, etc.).
Other seeds (vegetable, cottonseed, etc.).
Dairy products.
Poultry products.
Livestock products.
Grapes to be immediately converted into grape juice, wine, or brandy.
Wines and brandies.
Processed fruits and vegetables, as well as the following fresh fruits and vegetables held in storage:
Winter apples and pears.
Citrus fruits.
Potatoes.
Sweetpotatoes.
Beans (edible, soy, etc.).
Nuts.
Maple food products.
Sugar.
Oil (cottonseed, bean, olive, etc.).
Honey.
Coffee.
Hay.
Naval stores.
Pelts of fur-bearing animals produced under fully controlled conditions.
Farm supplies (in bulk and held in storage):
Fertilizer.
Fertilizer materials.
Feeds.
Binder twine.

(Secs. 13, 14, 49 Stat. 317; 12 U. S. C. 1134j, 1134c; 6 CFR 70.33) [Loan Guide, subj. 3, exh. 4, September 13, 1940]

[SEAL] J. E. WELLS, Jr.,
Cooperative Bank Commissioner.

[F. R. Doc. 47-7888; Filed, Aug. 21, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 9—IMPORTATIONS BY MAIL

BONA FIDE GIFTS FROM A MEMBER OF THE ARMED FORCES OF THE UNITED STATES

CROSS REFERENCE: For exception to the requirements of § 9.1 with regard to customs invoices in the shipment of bona fide gifts under Public Law No. 790, see § 54.3 (e), *infra*.

[T. D. 51737]

PART 54—CERTAIN IMPORTATIONS FREE OF DUTY DURING THE WAR

FREE ENTRY; GIFTS FROM MEMBERS OF UNITED STATES ARMED FORCES

Public Law No. 384, approved August 8, 1947, amending Public Law No. 790, approved December 5, 1942, relating to the free entry of bona fide gifts from a member of the armed forces of the United States on duty outside the continental limits of the United States.

Section 3 of Public Law No. 384, 80th Congress, approved August 8, 1947, entitled "An act to terminate certain tax provisions before the end of World War II" is published for your information and guidance:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 3. *Free entry of gifts from members of Armed Forces.* (a) Section 1 of the Act of December 5, 1942 (Public Law 790, Seventy-seventh Congress; 56 Stat. 1041), entitled "An Act to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad" is hereby amended by inserting after the word "claimed" the words "were purchased in or through authorized agencies of the armed forces of the United States or in accordance with regulations prescribed by the major geographical commands of the United States armed forces, and".

(b) The amendment made by subsection (a) shall be applicable in the case of articles entered for consumption or withdrawn from warehouse for consumption on and after September 1, 1947.

(c) Section 2 of such Act is hereby amended, effective as of June 30, 1947, by striking out "the expiration of six months after the termination of hostilities as determined by proclamation of the President, or by concurrent resolution of the Congress" and inserting in lieu thereof "July 1, 1949."

In view of Presidential Proclamation 2714 (12 F. R. 1), proclaiming the cessation of hostilities of World War II, Public Law No. 790, 77th Cong., terminated as of the close of business June 30, 1947 (T. D. 51679 (3)).

As section 3 of Public Law No. 384 extends Public Law No. 790, 77th Cong., until the close of business June 30, 1949, the regulations promulgated in § 54.3 *Bona fide gifts from a member of the armed forces of the United States* (19 CFR Cum. Supp., 54.3 (T. D. 50785 and 50869)) are hereby revived and extended until that time, and are amended as follows:

1. Paragraph (d) is hereby amended by inserting "and the Customs Regulations of 1943 (19 CFR, Chapter I)" in lieu of "or the Customs Regulations of 1937."

2. Paragraph (f) is hereby amended to read as follows:

(f) Free entry shall be accorded under the act to articles entered, or withdrawn from warehouse, for consumption on and after December 6, 1942, and before July 1, 1949. (Act of December 5, 1942, Public Law No. 790, 77th Congress; act of August 8, 1947, Public Law No. 384, 80th Congress.)

3. Effective as to articles entered, or withdrawn from warehouse, for consumption on and after September 1, 1947, paragraph (a) is amended by adding immediately before the period "if the gifts were purchased in or through authorized agencies of the armed forces of the United States or in accordance with regulations prescribed by the major geographical commands of the United States armed forces".

4. Likewise, effective as to articles entered or withdrawn on and after September 1, 1947, paragraphs (b), (c), and (e) are hereby amended to read as follows:

(b) Satisfactory evidence as to the status of articles under Public Law No. 790, as amended, will have been filed in connection with the entry within the meaning of the statute if (1) the shipment is accompanied by a declaration of the donor and a duly designated officer of the armed forces executed substantially in the following form:

I certify that I am a member of the armed forces of the United States on duty outside the continental limits of the United States, that the following-described articles in this parcel are being sent as bona fide gifts from me, that they were purchased in accordance with regulations prescribed by the major geographical command of the armed forces from which sent, and that the amounts listed below are the actual amounts paid for such articles:

Item	Amount paid (Indicate type of currency)

(Name)

(Rank) (Serial No.)

(Post of duty)

I certify that the above-described articles were purchased (1) in or through an authorized agency of the armed forces of the United States in accordance with regulations prescribed by the major geographical command of the United States armed forces from which sent, or (2) in accordance with regulations prescribed by the major geographical command of the United States armed forces from which sent (Strike out inapplicable clause).

(Date) (Name)

(Rank) (Serial No.)
(Officer designated by local commander to execute the foregoing declaration in accordance with current rules and regulations)

or if (2) such a declaration, adequately describing and identifying the articles, is filed at the customhouse prior to the liquidation of the entry.

(c) The declaration provided for in paragraph (b) (1) of this section shall be retained by customs officers, or, if affixed to the parcel in a manner which makes removal impracticable, shall be appropriately marked to prevent its further use.

* * * * *

(e) Customs invoices, including the invoices provided for in § 9.1, Customs Regulations of 1943 (19 CFR, Cum. Supp., 9.1; 39 CFR 22.9), shall not be required for shipments of bona fide gifts accorded free entry under Public Law No. 790, as amended, in whole or in part. If the certificate provided for in paragraph (b) (1) of this section stating the information as to the purchase price of each article listed accompanies the parcel, it shall be accepted as a compliance with the other requirements of § 9.1 of the customs regulations.

(Secs. 498, 624, 46 Stat. 728, 759, 56 Stat. 1041, Public Law No. 384, 80th Cong.; 19 U. S. C. 1498, 1624, 50 U. S. C. App. Sup. 846, 847)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: August 15, 1947.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7844; Filed, Aug. 21, 1947; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

RATIFICATION, CONFIRMATION AND VALIDATION OF FPHA ACTIONS

All regulations, rules, orders, policies, determinations, directives, authorizations, permits, privileges, requirements, designations, and other actions which were issued or taken by or under the authority of the Commissioner of the Federal Public Housing Authority and which were in effect immediately preceding the effective date of Reorganization Plan No. 3 of 1947 are hereby continued in full force and effect until modified, superseded, or repealed.

This order shall be effective upon the taking effect of Reorganization Plan No. 3 of 1947.

Approved: July 27, 1947.

[SEAL] D. S. MYER,
Acting Public Housing Commissioner.

[F. R. Doc. 47-7886; Filed, Aug. 21, 1947; 8:45 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS OF THE DEPARTMENT OF LABOR

DISCLOSURE OF INFORMATION

Pursuant to R. S. 161 (5 U. S. C. 22) this part is amended by adding § 2.6a as follows:

§ 2.6a *Information received under sections 9 (f) and (g) and 211 (a) of the Labor-Management Relations Act, 1947.* (a) No officer or employee of the Office for the Registration of Labor Organizations, nor any other officer or employee of the United States Department of Labor, receiving or handling information received under sections 9 (f) and (g) of the Labor-Management Relations Act, 1947 (Pub. Law 101, 80th Cong.) shall make such information public, nor disclose such information to any person outside of the Department of Labor except, upon written request, to the following: (1) members of a particular labor organization, or of the national or international labor organization of which it is an affiliate or constituent unit, but only with respect to the information filed for such organizations; (2) the National Labor Relations Board or courts of competent jurisdiction in appropriate proceedings under the National Labor Relations Act, as amended by the Labor-Management Relations Act, 1947; or (3) members of Congress through the Senate Committee on Labor and Public Welfare, the House Committee on Education and Labor, or the Joint Committee on Labor-Management Relations.

The existing regulations of the Department of Labor governing the availability for inspection of official records, and the obtaining of copies of documents are applicable to requests made for this information.

(b) Requests to examine copies of available collective bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes, maintained by the Department pursuant to section 211 (a) of the Labor-Management Relations Act, 1947, may be made orally or in writing to the Chief, Industrial Relations Branch, Bureau of Labor Statistics, United States Department of Labor, Washington 25, D. C. The inspection may be made only during business hours at the United States Department of Labor, Washington, D. C., and such inspection will be denied with respect to any specific information submitted to the Department in confidence. (R. S. 161; 5 U. S. C. 22)

Signed at Washington, D. C., this 18th day of August 1947.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 47-7843; Filed, Aug. 21, 1947; 8:46 a. m.]

Chapter II—National Labor Relations Board

PART 202—STATEMENTS OF PROCEDURE

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 449, as amended by the Labor Management Relations Act, 1947, Public Law 101, 80th Congress, 1st Session, the National Labor Relations Board hereby issues and causes to be published in the FEDERAL REGISTER the following General Statement of Procedure promulgated to carry out the provisions of said act. Said General Statement of Procedure shall become effective upon the signing of the original by the Members of the Board and upon the publication thereof in the FEDERAL REGISTER and shall supersede any prior General Statement of Procedure. This General Statement of Procedure shall be in force and effect until amended or rescinded by the Board.

SUBPART A—GENERAL STATEMENT

Sec.
202.1 General statement.

SUBPART B—UNFAIR LABOR PRACTICE CASES UNDER SECTION 10 (a) TO (i) OF THE ACT AND TELEGRAPH MERGER ACT CASES

202.2 Initiation of Unfair Labor Practice and Telegraph Merger Act cases.
202.3 Compliance with section 9 (f), (g), and (h) of the act.
202.4 Investigation of charges.
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202.6 Dismissal of charges and appeals to board.
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202.8 Complaints.
202.9 Settlement after issuance of complaint.
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202.12 Board decision and order.
202.13 Compliance with Board decision and order.
202.14 Judicial review of Board decisions and orders.
202.15 Compliance with court decree.

SUBPART C—REPRESENTATION CASES UNDER SECTION 9 (c) OF THE ACT

202.16 Investigation of representation case.
202.17 Investigation of petition.
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202.20 Hearing; procedure after hearing.

SUBPART D—REFERENDUM CASES UNDER SECTION 9 (e) (1) AND (2) OF THE ACT

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SUBPART E—JURISDICTIONAL DISPUTE CASES UNDER SECTION 10 (k) OF THE ACT

202.29 Initiation of proceedings to hear and determine jurisdictional disputes under section 10 (k).
202.30 Investigation of charges; withdrawal of charges; dismissals of charges and appeals to Board.
202.31 Initiation of formal action; settlement.
202.32 Hearing.
202.33 Procedure before the Board.
202.34 Compliance with certification; further proceedings.

SUBPART F—PROCEDURE UNDER SECTION 10 (j) AND (l) OF THE ACT

202.35 Application for temporary relief or restraining order.
202.36 Change of circumstances.

AUTHORITY: §§ 202.1 to 202.36, inclusive, issued under sec. 6, 49 Stat. 452, Pub. Law 101, 80th Cong.; 29 U. S. C. 156.

SUBPART A—GENERAL STATEMENT

§ 202.1 *General statement.* By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 449, as amended by the Labor Management Relations Act, 1947, Public Law 101, 80th Congress, the National Labor Relations Board has issued and caused to be published in the FEDERAL REGISTER simultaneously herewith, Part 203 of this chapter (rules and regulations, series 5), which it has found necessary, as provided in section 6 of the National Labor Relations Act, to carry out the provisions of that act. These rules and regulations state the general rules of procedure followed by the Board in administering its functions. The following statements of the general course and method by which the Board's functions are channeled and determined, issued and published as provided in section 3 (a) (2) of the Administrative Procedure Act, amplify and supplement these rules of procedure.

SUBPART B—UNFAIR LABOR PRACTICE CASES UNDER SECTION 10 (a) TO (i) OF THE ACT AND TELEGRAPH MERGER ACT CASES

§ 202.2 *Initiation of Unfair Labor Practice and Telegraph Merger Act cases.* The investigation of an alleged violation of the National Labor Relations Act or section 222 (f) of the Telegraph Merger Act is initiated by the filing of a charge by any person. The charge, which must be in writing and under oath, is filed with the Regional Director for the Region in which the alleged violations have occurred or are occurring. A blank form for filing such charges is supplied by the Regional Office upon request. The charge contains the name and address of the person against whom the charge is made and a statement of the facts constituting the alleged unfair labor practices or unlawful conduct.

§ 202.3 *Compliance with section 9 (f), (g), and (h) of the act.* If the charge is filed by a labor organization, that labor organization must present either with the charge or within a reasonable period not to exceed 10 days thereafter, a letter from the U. S. Department of Labor showing that it and every national or international labor organization of which it is an affiliate or constituent unit have complied with section 9 (f) and (g) of the act requiring the filing of certain reports with the United States Department of Labor. In addition the labor organization and every national or international labor organization of which it is an affiliate or constituent unit must have complied with section 9 (h) of the act by filing with the General Counsel of the Board in Washington, D. C., either with the charge or within a reasonable period not to exceed 10 days thereafter, an affidavit by an authorized agent executed contemporaneously or within the preceding twelve-month period listing the titles of all offices of the organization and stating the names of the incumbents, if any, in each such office and the date of expiration of each incumbent's term, and affidavits from each such officer, executed contemporaneously or within the preceding twelve-month period, stating that he is not a member of the Communist Party or affiliated with such party and

that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods. No investigation is made or complaint issued on any charge filed by a labor organization unless that labor organization and every national or international labor organization of which it is an affiliate or constituent unit have complied herewith.

§ 202.4 *Investigation of charges.* When the charge is received in the Regional Office it is filed, docketed, and assigned a case number. The Regional Director will, on request of the charging party, and may in any case cause a copy of the charge to be served upon the person against whom the charge is made, but timely service of a copy of the charge within the meaning of the proviso to section 10 (b) of the act is the exclusive responsibility of the charging party and not of the General Counsel or his agents. The Regional Director requests the person filing the charge to submit evidence in its support. The person against whom the charge is filed, hereinafter called the respondent, is asked to submit a written statement of his position in respect to the allegations. The case is then assigned to a member of the field staff for investigation, who interviews representatives of all parties and those persons who have knowledge as to the charges. In the investigation and in all other stages of the proceedings, charges alleging violation of section 8 (b) (4) (A), (B), and (C) are given priority over all other cases in the office in which they are pending except cases of like character and charges alleging violation of Section 8 (b) (4) (D) are given priority over all cases except section 8 (b) (4) (A), (B), and (C) cases and other cases alleging violation of section 8 (b) (4) (D). After full investigation, the case may be disposed of through informal methods such as withdrawal, dismissal, and settlement; or, the case may necessitate formal methods of disposition. Some of the informal methods of handling unfair labor practice cases will be stated first.

§ 202.5 *Withdrawal of charges.* If investigation reveals that there has been no violation of the National Labor Relations or Telegraph Merger Acts or the evidence is insufficient to substantiate the charge, the Regional Director recommends withdrawal of the charge by the person who filed. The complainant may also, on its own initiative, request withdrawal. If the complainant accepts the recommendation of the Director or requests withdrawal on its own initiative, the respondent is immediatley notified of the withdrawal of the charge.

§ 202.6 *Dismissal of charges and appeals to Board.* If the complainant refuses to withdraw the charge as recommended, the Regional Director dismisses the charge. The Regional Director thereupon informs the parties of his action, together with a simple statement of the grounds therefor, and the complainant of his right of appeal to the General Counsel in Washington within 10 days. If the complainant appeals to the General Counsel, the entire file in the case is sent to Washington where the case is fully reviewed by the General Counsel with the assistance of his staff. Following such review, the General Counsel may sustain the Regional Director's dismissal, stating the grounds of his affirmance, or may direct the Regional Director to take further action.

§ 202.7 *Settlements.* Before any complaint is issued or other formal action taken, the Regional Director affords an opportunity to all parties for the submission and consideration of facts, argument, offers of settlement or proposals of adjustment, except where time, the nature of the proceeding, and the public interest do not permit. Normally prehearing conferences are held, the principal purpose of which is to discuss and explore such submissions and proposals of adjustment. The Regional Office provides Board-prepared forms for such settlement agreements, as well as printed notices for posting by the respondent. These agreements, which are subject to the approval of the Regional Director, provide for the withdrawal of the charge by the complainant at such time as the respondent has complied with the terms of the settlement agreement. Proof of such compliance is obtained by the Regional Director before the case is closed. If the respondent fails to perform his obligations under the informal agreement, the Regional Director may determine to institute formal proceedings.

§ 202.8 *Complaints.* If the charge appears to have merit and efforts to dispose of it by informal adjustment are unsuccessful, the Regional Director institutes formal action by issuance of a complaint and notice of hearing. In certain types of cases, involving novel and complex issues, the Regional Director, at the discretion of the General Counsel, must, submit the case for advice from the General Counsel before issuing complaint. The complaint, which is served on all parties, sets forth the facts upon which the Board bases its jurisdiction and the facts relating to the alleged violations of law by the respondent. The respondent must file an answer to the complaint within 10 days of its receipt, setting forth a statement of its defense.

§ 202.9 *Settlement after issuance of complaint.* (a) Even though formal proceedings have begun, the parties again have full opportunity at every stage to dispose of the case by amicable adjustment and in compliance with the law. Thus, after the complaint has been issued and a hearing scheduled or even begun, the attorney in charge of the case and the Regional Director afford all parties every opportunity for the submission and consideration of facts, arguments, offers of settlement or proposals of adjustment, except where time, the nature of the proceeding and the public interest do not permit.

(b) All settlement stipulations made after the issuance of a complaint are subject to the approval of the Regional Director and of the Board in Washington. If the settlement provides for the entry of an order by the Board, the parties agree to waive their right to hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the adjustment. Usually the settlement stipulation also contains the respondent's consent to the Board's application for the entry of a decree by the appropriate Circuit Court of Appeals enforcing the Board's order.

(c) In the event the respondent fails to comply with the terms of a settlement stipulation, upon which a Board order and court decree are based, the Board may petition that court to adjudge the respondent in contempt. If the respondent refuses to comply with the terms of a stipulation settlement providing solely for the entry of a Board order, the Board may petition the court for enforcement of its order, pursuant to section 10 of the National Labor Relations Act.

§ 202.10 *Hearings.* Except in extraordinary situations the hearing is open to the public and usually conducted in the Region where the charge originated. A trial examiner, designated by the Chief Trial Examiner and sent from the Washington staff, presides over the hearing. The Government's case is conducted by an attorney attached to the Board's Regional Office, who has the responsibility of presenting the evidence in support of the complaint. The rules of evidence applicable in the District Courts of the United States under the Rules of Civil Procedure adopted by the Supreme Court are, so far as practicable, controlling. Counsel for the Board, all parties to the proceeding, and the trial examiner have the power to call, examine and cross-examine witnesses, and to introduce evidence into the record. They may also submit briefs, engage in oral argument, and submit proposed findings and conclusions to the trial examiner. The attendance and testimony of witnesses and the production of evidence material to any matter under investigation may be compelled by subpena.

The functions of all trial examiners and other Board agents or employees participating in decisions in conformity with section 8 of the Administrative Procedure Act, are conducted in an impartial manner and any such trial examiner, agent or employee may at any time withdraw if he deems himself disqualified because of bias or prejudice. The Board's attorney has the burden of proof of violations of section 8 of the National Labor Relations Act and section 222 (f) of the Telegraph Merger Act. In connection with hearings subject to the provisions of section 7 of the Administrative Procedure Act:

(a) No sanction is imposed or rule or order issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the preponderance of the reliable, probative, and substantial evidence;

(b) Every party has the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts; and

(c) Where any decision rests on official notice of a material fact not appearing in the evidence in the record, any party is on timely request afforded a reasonable opportunity to show the contrary.

§ 202.11 *Intermediate report (recommended decision).* (a) At the conclusion of the hearing the trial examiner prepares an intermediate report (recommended decision) stating findings of fact and conclusions, as well as the reasons for his determinations on all material issues, and making recommendations as to action which should be taken in the case. The trial examiner may recommend dismissal or sustain the complaint, in whole or in part, and recommend that the respondent cease and desist from the unlawful acts found and take action to remedy their effects.

(b) The intermediate report is filed with the Board in Washington and copies are simultaneously served on each of the parties. At the same time the Board, through its Executive Secretary, issues and serves on each of the parties an order transferring the case to the Board. The parties may accept and comply with the recommendations of the trial examiner, and thus normally conclude the entire proceedings at this point. Or, the parties or counsel for the Board may file exceptions to the intermediate report with the Board and may also request permission to appear and argue orally before the Board in Washington. They may also submit proposed findings and conclusions to the Board. Oral argument is very frequently granted.

§ 202.12 *Board decision and order.* (a) If any party files exceptions to the intermediate report, the Board, with the assistance of the legal assistants to each Board member who function in much the same manner as law clerks do for judges, reviews the entire record, including the trial examiner's report and recommendations, the exceptions thereto, the complete transcript of evidence and the exhibits, briefs, and arguments. The Board does not consult with members of the trial examining staff or with any agent of the general counsel in its deliberations. It then issues its decision and order in which it may adopt, modify, or reject the findings and recommendations of the trial examiner. The decision and order contains detailed findings of fact, conclusions of law, the basic reasons for decision on all material issues raised, and an order either dismissing the complaint in whole or in part or requiring the respondent to cease and desist from its unlawful practices and to take appropriate affirmative action.

(b) If no exceptions are filed to the intermediate report, and the respondent does not comply with its recommendations, the Board adopts the report and recommendations of the trial examiner. All objections and exceptions, whether or not previously made during or after the hearing, are deemed waived for all purposes.

(c) If no exceptions are filed to the intermediate report and its recommendations and the respondent complies therewith, the case is normally closed but the Board may, if it deems necessary in order to effectuate the policies of the act, adopt the report and recommendations of the trial examiner.

§ 202.13 *Compliance with Board decision and order.* (a) Shortly after the Board's decision and order is issued the Director of the Regional Office in which the charge was filed communicates with the respondent for the purpose of obtaining compliance. Conferences may be held to arrange the details necessary for compliance with the terms of the order.

(b) The Regional Director submits to the Board a report on compliance when compliance is obtained. This report must meet the approval of the Board before the case may be closed. Despite compliance, however, the Board's order is a continuing one; therefore, the closing of a case on compliance is necessarily conditioned upon the continued observance of that order; and in some cases it is deemed desirable, notwithstanding compliance, to implement the order with an enforcing decree. Subsequent violations of the order may become the basis of further proceedings.

§ 202.14 *Judicial review of Board decisions and orders.* If the respondent does not comply with the Board's order, or the Board deems it desirable to implement the order with a court decree, the Board may petition the appropriate federal court for enforcement. Or, the respondent may petition the circuit court of appeals to review and set aside the Board's order. Upon such review or enforcement proceedings, the court reviews the record and the Board's findings and order and sustains them if they are in accordance with the requirements of law. The court may enforce, modify, or set aside in whole or in part the Board's findings and order, or it may remand the case to the Board for further proceedings as directed by the court. Following the court's decree, either the government or the private party may petition the Supreme Court for review upon writ of certiorari. Such applications for review to the Supreme Court are handled by the Board through the Solicitor General of the United States.

§ 202.15 *Compliance with court decree.* After a Board order has been enforced by a court decree, the Board has the responsibility of obtaining compliance with that decree. Investigation is made by the Regional Office of the respondent's efforts to comply. If it finds that the respondent has failed to live up to the terms of the court's decree, the General Counsel may, on behalf of the Board, petition the court to hold him in contempt of court. The court may order immediate remedial action and impose sanctions and penalties.

SUBPART C—REPRESENTATION CASES UNDER SECTION 9 (c) OF THE ACT

§ 202.16 *Initiation of representation case.* The investigation of the question as to whether a union represents a majority of an appropriate grouping of employees is initiated by the filing of a petition by any person or labor organization acting on behalf of a substantial number of employees or by an employer when one or more individuals or labor organizations present to him a claim to be recognized as the exclusive bargaining representative. If there is a certified or currently recognized representative, any employee or group of employees or any individual or labor organization acting in their behalf may also file decertification proceedings to test the question of whether the certified or recognized agent is still the representative of the employees. All petitions must be notarized and are filed with the Regional Director for the Region in which the proposed or actual bargaining unit exists. The petition forms, which are supplied by the Regional Office upon request, provide, among other things, for a description of the contemplated or existing appropriate bargaining unit, the approximate number of employees involved, the names of other labor organizations which also claim to represent the same employees, and, if filed by a labor organization, a statement as to whether it has complied with section 9 (f), (g), and (h) of the act (see § 202.3, *supra*). Petitions will be accepted for docketing even though there has not yet been compliance with section 9 (f), (g), and (h) but such petitions will not be processed until there has been full compliance as required by the statute and they will be dismissed unless such compliance is forthcoming within a reasonable period, not to exceed 10 days, after the filing of the petition. If a petition is filed by a labor organization or in the case of a petition to decertify a certified or recognized bargaining agent, the petitioner must supply with the petition, or within 48 hours after filing, evidence of representation. Such evidence is usually in the form of cards authorizing the labor organization to represent the employees or authorizing the petitioner to file a decertification proceeding.

§ 202.17 *Investigation of petition.* (a) Upon receipt of the petition in the Regional Office, it is docketed and assigned to a member of the staff, usually a field examiner, for investigation. He conducts an investigation to ascertain (1) whether the employer's operations affect commerce within the meaning of the act, (2) the appropriateness of the unit of employees for the purposes of collective bargaining and the existence of a bona fide question concerning representation within the meaning of the act, (3) whether the election would effectuate the policies of the act and reflect the free choice of employees in the appropriate unit, and (4) whether, if the petitioner is a labor organization seeking recognition, there is a sufficient probability, based on the evidence of representation of the petitioner, that the employees have selected it to represent them. The evidence of representation submitted by the petitioning labor organization or by the person seeking decertification is ordinarily checked to determine the number or proportion of employees who have designated the petitioner, it being the Board's administrative experience that in the absence of special factors the conduct of an election serves no purpose un-

der the statute unless the petitioner has been designated by at least 30 percent of the employees. However, in the case of a petition by an employer, no proof of representation on the part of the labor organization claiming a majority is required and the Regional Director proceeds with the case if other factors require it unless the labor organization withdraws its claim to majority representation. The field examiner, or other member of the staff, attempts to ascertain from all interested parties whether or not the grouping or unit of employees described in the petition constitutes an appropriate bargaining unit.

(b) The petitioner may on its own initiative request the withdrawal of the petition if the investigation discloses that no question of representation exists within the meaning of the statute, because, among other possible reasons, the unit is not appropriate, or a written contract precludes further investigation at that time, or where the petitioner is a labor organization or a person seeking decertification, the showing of representation among the employees is insufficient to warrant an election under the 30 percent principle stated in paragraph (a) of this section.

(c) For the same or similar reasons the Regional Director may request the petitioner to withdraw its petition. If, despite the Regional Director's recommendation, the petitioner refuses to withdraw the petition, the Regional Director then dismisses the petition stating the grounds for his dismissal and informing the petitioner of his right of appeal to the Board in Washington, D. C. The petitioner may within 10 days appeal from the Regional Director's dismissal by filing such request with the Board in Washington. After a full review of the file with the assistance of its staff, the Board may sustain the dismissal, stating the grounds of its affirmance, or may direct the Regional Director to take further action.

§ 202.18 *Consent adjustments before formal hearing.* The Board has devised and makes available to the parties two types of informal consent procedures through which representation issues can be resolved without recourse to formal procedures. These informal arrangements are commonly referred to as (a) consent election agreement, followed by Regional Director's determination, and (b) consent election agreement, followed by Board certification. Forms for use in these informal procedures are available in the Regional Offices.

(a) (1) The consent election agreement followed by the Regional Director's determination of representatives is the most frequently used method of informal adjustment of representation cases. The terms of the agreement providing for this form of adjustment are set forth in printed forms, which are available upon request at the Board's Regional Offices. Under these terms the parties agree with respect to the appropriate unit, the pay roll to be used as the basis of eligibility to vote in an election, and the place, date, and hours of balloting. A Board agent arranges the details incident to the mechanics and conduct of the election. For example, he usually arranges preelection conferences in which the parties check the list of voters and attempt to resolve any questions of eligibility. Also, prior to the date of election, official notices of election are, whenever possible, posted conspicuously in the plant. These notices reproduce a sample ballot and outline such election details as location of polls, time of voting, and eligibility rules.

(2) The actual polling is always conducted and supervised by Board agents. Appropriate representatives of each party may assist them and observe the election. As to the mechanics of the election, a ballot is given to each eligible voter by the Board's agents. The ballots are marked in the secrecy of a voting booth. The Board agents and authorized observers have the privilege of challenging for reasonable cause employees who apply for ballots.

(3) Customarily the Board agents, in the presence and with the assistance of the authorized observers, count and tabulate the ballots, immediately after the closing of the polls. A complete tally of the ballots is served upon the parties upon the conclusion of the count.

(4) If challenged ballots are sufficient in number to affect the results of the count, the Regional Director conducts an investigation and rules on the challenges. Similarly, if objections to the conduct of the election are filed within 5 days of the issuance of the tally of ballots, the Regional Director likewise conducts an investigation and rules upon the objections. If, after investigation, the objections are found to have merit, the Regional Director may void the election results and conduct a new election.

(5) This form of agreement provides that the rulings of the Regional Director on all questions relating to the election (for example, eligibility to vote and the validiy of challenges and objections) are final and binding. Also, the agreement provides for the conduct of a run-off election, in accordance with the provisions of the Board's rules and regulations, if two or more labor organizations appear on the ballot and no one choice receives the majority of the valid votes cast.

(b) The consent election agreement followed by a Board certification provides that the agreed-upon election shall be the basis of a formal decision by the Board instead of an informal determination by the Regional Director. In this agreement also it is provided that the Board, rather than the Regional Director, makes the final determination of questions raised concerning eligibility, challenged votes and objections to the conduct of the election. Thus, if challenged ballots are sufficient in number to affect the results of the count, the Regional Director conducts an investigation and issues a report on the challenges instead of ruling thereon. Similarly, if objections to the conduct of the election are filed within 5 days after issuance of the tally of ballots, the Regional Director likewise conducts an investigation and issues a report instead of ruling upon the validity of the objections. In either event, the Regional Director's report is served upon the parties, who may file exceptions thereto within 5 days with the Board in Washington. The Board then reviews the entire record made and may, if a substantial issue is raised, direct a hearing on the challenged ballots or the objections to the conduct of the election. Or, the Board may, if no substantial issues are raised, affirm the Regional Director's report and take appropriate action in termination of the proceedings. If a hearing is held upon the challenged ballots or objections, all parties are heard and the record made on the hearing is reviewed by the Board with the assistance of its legal assistants and a final determination made thereon. If the objections are found to have merit, the election results may be voided and a new election conducted under the supervision of the Regional Director. If the union has been selected as the representative, the Board issues its certification and the proceeding is terminated. If upon a decertification or employer petition the union loses the election the Board certifies that the union is not the chosen representative.

§ 202.19 *Formal hearing.* If no informal adjustment of the question concerning representation has been effected and it appears to the Regional Director that formal action is necessary, the Regional Director will institute formal proceedings by issuance of a notice of hearing on the issues, which is followed by Board decision and direction of election or dismissal of the case. In certain types of cases, involving novel or complex issues, the Regional Director may submit the case for advice from the General Counsel before issuing notice of hearing.

§ 202.20 *Hearing; procedure after hearing.* (a) The notice of hearing, together with a copy of the petition, is served upon the unions and employer filing or named in the petition and upon other known persons or labor organizations claiming to have been designated by employees involved in the proceeding.

(b) The hearing, usually open to the public, is held before a hearing officer who normally is an attorney or field examiner attached to the Regional Office but may be another qualified official. The hearing, which is non-adversary in character, is part of the investigation in which the primary interest of the Board's agents is to insure that the record contains as full a statement of the pertinent facts as may be necessary for determination of the case by the Board. The parties are afforded full opportunity to present their respective positions and to produce the significant facts in support of their contentions. In most cases a substantial number of the relevant facts are undisputed and stipulated. The parties are permitted to argue orally on the record before the hearing officer.

(c) Upon the close of the hearing, the entire record in the case is forwarded to the Board in Washington. The hearing officer also transmits an analysis of the issues and the evidence, but makes no recommendations in regard to resolution of the dispute. All parties may file briefs with the Board within 7 days after the close of the hearing and may also request to be heard orally by the Board. Because of the nature of the proceedings, however, permission to argue orally is rarely granted. After review of the entire case, the Board issues its decision either dismissing the petition or directing that an election be held. In the latter event, the election is conducted under the supervision of the Regional Director in the manner already described in § 202.18 above.

(d) The parties have the same rights, and the same procedure is followed, with respect to objections to the conduct of the election and challenged ballots, as has already been described in connection with the post-election procedures in cases involving consent elections to be followed by Board certifications.

(e) If the election involves two or more labor organizations and if the election results are inconclusive because no choice on the ballot received the majority of valid votes cast, a run-off election is held as provided in the Board's rules and regulations.

SUBPART D—REFERENDUM CASES UNDER SECTION 9 (e) (1) AND (2) OF THE ACT

§ 202.21 *Initiation of authorization cases.* The investigation of the question as to whether a labor organization which is the representative of employees as provided in section 9 (a) of the act is authorized by a majority of the eligible employees within the appropriate unit to enter into an agreement with the employer requiring union membership of such employees as a condition of employment is initiated by the filing of a petition by such labor organization. The petition, which must be notarized, is filed with the Regional Director for the Region in which the appropriate bargaining unit exists. The blank petition form, which is supplied by the Regional Office upon request, provides, among other things, for a description of the bargaining unit to be covered by the agreement if made, the approximate number of employees involved, the date of certification or recognition by the employer of the petitioner if there is no certification, the approximate number of employees within the unit who have authorized petitioner to make such an agreement, the names of other labor organizations which claim to represent the employees, and if filed by a labor organization, a statement as to whether it has complied with section 9 (f), (g), and (h) of the act. No petition will be accepted for filing unless the petitioning labor organization is in compliance with section 9 (f), (g), and (h) of the act as provided in § 202.3. Petitioner must supply with the petition, or within 48 hours after filing, its evidence of authorization from the employees to seek an election.

§ 202.22 *Investigation of petition.* (a) Upon receipt of the petition in the Regional Office, it is filed, docketed, and assigned to a member of the staff, usually a field examiner, for investigation. He conducts an investigation to ascertain (1) whether the employer's operations affect commerce within the meaning of the act, (2) whether a question concerning representation exists within the meaning of the act which requires resolution by a section 9 (c) proceedings, (3) whether an election would effectuate the policies of the act by providing for a free expression of choice by the employees, and (4) whether the petitioner has been authorized by at least 30 percent of the employees to make such an agreement. The evidence of authorization submitted by the petitioner is usually in the form of cards signed by individual employees authorizing or expressing a desire for petitioner to enter into such an agreement and is checked to determine the proportion of employees who desire to authorize the petitioner.

(b) The petitioner may on its own initiative request the withdrawal of the petition if the investigation discloses that an election is inappropriate, because, among other possible reasons, a question of representation exists which requires resolution by a section 9 (c) proceedings or the petitioner's card showing of authorization by the employees is insufficient to meet the 30 percent statutory requirement referred to in paragraph (a) of this section.

(c) For the same or similar reasons the Regional Director may request the petitioner to withdraw its petition. If petitioner, despite the Regional Director's recommendation, refuses to withdraw the petition, the Regional Director then dismisses the petition, stating the grounds for his dismissal and informing petitioner of his right of appeal to the Board in Washington, D. C. The petitioner may within 10 days appeal from the Regional Director's dismissal by filing such request with the Board in Washington. The request shall contain a complete statement setting forth the facts and reasons upon which the request is made. After a full review of the file with the assistance of its staff, the Board may sustain the dismisssal, stating the grounds of its affirmance, or may direct the Regional Director to take further action.

§ 202.23 *Consent agreements providing for election.* The Board makes available to the parties two types of informal consent procedures through which authorization issues can be resolved without resort to formal procedures. These informal agreements are commonly referred to as (a) consent election agreement, followed by Regional Director's determination, and (b) consent election agreement, followed by Board certification. Forms for use in these informal procedures are available in Regional Offices.

The procedures to be used in connection with a consent election agreement providing for Regional Director's determination and a consent election agreement providing for Board certification are the same as those already described in Subpart C in connection with representation cases under section 9 (c) of the act, except that no provision is made for run-off elections.

§ 202.24 *Procedure respecting election conducted without hearing.* (a) If the Regional Director determines that the case is an appropriate one for election without formal hearing, an election is conducted as quickly as possible among the employees and upon the conclusion of the election the Regional Director furnishes to the parties a tally of the ballots. The parties, however, have an opportunity to make appropriate challenges and objections to the conduct of the election and they have the same rights, and the same procedure is followed, with respect to objections to the conduct of the election and challenged ballots, as has already been described in Subpart C in connection with the post election procedures in representation cases under section 9 (c) of the act, except that no provision is made for a run-off election. If no such objections are filed within 5 days, and if the challenged ballots are insufficient in number to affect the results of the election, the Regional Director forwards to the Board the tally of the ballots and the Board thereupon makes appropriate disposition of the case.

§ 202.25 *Formal hearing and procedure respecting elections conducted after hearing.* (a) If the preliminary investigation indicates that there are substantial issues which require Board determination before an appropriate election may be held, the Regional Director will institute formal proceedings by issuance of a notice of hearing on the issues which, after hearing, is followed by Board decisions and direction of election or dismissal. The notice of hearing, together with a copy of the petition is served upon petitioner, the employer, and upon any other known persons or labor organizations claiming to have been designated by employees involved in the proceeding.

(b) The hearing, usually open to the public, is held before a hearing officer who normally is an attorney or field examiner attached to the Regional Office but may be another qualified official. The hearing, which is nonadversary in character, is part of the investigation in which the primary interest of the Board's agents is to insure that the record contains as full a statement of the pertinent facts as may be necessary for determination of the case by the Board. The parties are afforded full opportunity to present their respective positions and to produce the significant facts in support of their contentions. In most cases a substantial number of the relevant facts are undisputed and stipulated. The parties are permitted to argue orally on the record before the hearing officer.

(c) Upon the close of the hearing, the entire record in the case is then forwarded to the Board in Washington, together with an informal analysis by the hearing officer of the issues and the evidence but without recommendations. All parties may file briefs with the Board within 7 days after the close of the hearing and may also request to be heard orally by the Board. Because of the nature of the proceedings, however, permission to argue orally is rarely granted. After review of the entire case, the Board issues its decision either dismissing the petition or directing that an election be held. In the latter event, the election is conducted under the supervision of the Regional Director in the manner already described in § 202.18.

(d) The parties have the same rights, and the same procedure is followed, with respect to objections to the conduct of the election, and challenged ballots, as has already been described in connection with the post-election procedures in cases involving consent elections to be followed by Board certifications.

§ 202.26 *Initiation of rescission of authority cases.* The investigation of the question as to whether the authority of a labor organization to make an agreement requiring membership in a labor organization as a condition of employment is rescinded is initiated by the filing of a petition by any employee or group of employees on behalf of 30 percent or more of the employees in a bargaining unit for which the labor organization has been authorized to make such an agreement. The petition, which must be notarized, is filed with the Regional Director for the area in which the alleged appropriate bargaining unit exists. The blank petition form, which is supplied by the Regional Office upon request, provides, among other things, for a description of the bargaining unit involved, the name and address of the labor organization whose authority is in issue, the approximate number of employees involved, and the approximate number of employees within the unit who have authorized petitioner to file the petition. Petitioner must supply, with the petition, or within 48 hours after filing, its evidence of authorization from the employees to seek an election.

§ 202.27 *Investigation of petition; withdrawals and dismissals.* (a) Upon receipt of the petition in the Regional Office, it is filed, docketed, and assigned to a member of the staff, usually a field examiner, for investigation. He conducts an investigation to ascertain (1) whether the employer's operations affect commerce within the meaning of the act, (2) whether the time as appropriate for holding such an election, (3) whether an election would effectuate the policies of the act by providing for a free expression of choice by the employees, and (4) whether petitioner has been authorized by at least 30 percent of the employees to file such a petition. The evidence of designation submitted by petitioner, usually in the form of cards signed by individual employees authorizing the filing of such a petition, is checked to determine the proportion of employees who desire rescission.

(b) Petitioner may on its own initiative request the withdrawal of the petition if the investigation discloses that an election is inappropriate, because, among other possible reasons, a written contract held by the labor organization whose authority petitioner desires to rescind precludes further investigation at that time, or petitioner's card showing is insufficient to meet the 30 percent statutory requirement referred to in paragraph (a) of this section.

(c) The same procedure is followed with respect to the Regional Director's request for withdrawal or dismissal, as has already been described in § 202.22.

§ 202.28 *Consent agreements; elections conducted without hearings; formal hearings and elections conducted after hearings; post election procedures.* The same procedure is followed with respect to consent agreements providing for election, elections conducted without hearings, formal hearings and elections conducted after hearings and subsequent procedures as has already been described in §§ 202.23 to 202.25, inclusive.

SUBPART E—JURISDICTIONAL DISPUTE CASES UNDER SECTION 10 (k) OF THE ACT

§ 202.29 *Initiation of proceedings to hear and determine jurisdictional disputes under section 10 (k).* The investigation of a jurisdictional dispute under section 10 (k) is initiated by the filing of a charge, as described in § 202.2, by any person alleging a violation of paragraph (4) (D) of section 8 (b).

§ 202.30 *Investigation of charges; withdrawal of charges; dismissal of charges and appeals to Board.* These matters are handled as described in §§ 202.3 to 202.7, inclusive. Cases involving violation of paragraph (4) (D) of section 8 (b) are given priority over all other cases in the office except cases under paragraphs (4) (A), (4) (B) and (4) (C) of section 8 (b).

§ 202.31 *Initiation of formal action; settlement.* If, after investigation, it appears to the Regional Director that further proceedings should be instituted, he issues a notice of filing of the charge together with a notice of hearing which includes a simple statement of issues involved in the jurisdictional dispute and which is served on all parties to the dispute out of which the unfair labor practice is alleged to have arisen. The hearing is scheduled for not less than 10 days after service of the notice of hearing. If within 10 days after service of the notice of hearing, the parties present to the Regional Director satisfactory evidence that they have adjusted or agreed upon methods of voluntary adjustment of the dispute, the Regional Director withdraws the notice of hearing and either permits the withdrawal of the charge or dismisses the charge. The parties may agree on an arbitrator, a proceedings under section 9 (c) of the act, or any other satisfactory method to resolve the dispute.

§ 202.32 *Hearing.* If the parties have not adjusted the dispute or agreed upon methods of voluntary adjustment, a hearing, usually open to the public, is held before a hearing officer. The hearing is non-adversary in character, and the primary interest of the hearing officer is to insure that the record contains as full a statement of the pertinent facts as may be necessary for a determination of the issues by the Board. All parties are afforded full opportunity to present their respective positions and to produce evidence in support of their contentions. The parties are permitted to argue orally on the record before the hearing officer. At the close of the hearing, the case is transmitted to the Board for decision. The hearing officer prepares an analysis of the issues and the evidence but makes no recommendations in regard to resolution of the dispute.

§ 202.33 *Procedure before the Board.* The parties have 7 days after the close of the hearing to file briefs with the Board and to request oral argument which the Board may or may not grant. The Board then considers the evidence taken at the hearing and the hearing officer's analysis together with any briefs that may be filed and the oral argument, if any, and issues its certification of the labor organization or the particular trade, craft, or class of employees which shall perform the particular work tasks in issue.

§ 202.34 *Compliance with certification; further proceedings.* After the issuance of certification by the Board, the Regional Director in the region in which the proceeding arose communicates with the parties for the purpose of ascertaining their intentions in regard to compliance. Conferences may be held for the purpose of working out details. If the Regional Director is satisfied that parties are complying with the certification, he dismisses the charge. If the Regional Director is not satisfied that the parties are complying, he issues a complaint and notice of hearing, charging violation of section 8 (b), (4) (D) of the act, and the proceeding follows the procedure outlined in §§ 202.8 to 202.15.

SUBPART F—PROCEDURE UNDER SECTION 10 (j) AND (l) OF THE ACT

§ 202.35 *Application for temporary relief or restraining orders.* Whenever the Regional Director deems it advisable to seek temporary injunctive relief under section 10 (j), or whenever he determines that complaint should issue alleging violation of section 8 (b) (4) (A) (B) or (C), or whenever he deems it appropriate to seek temporary injunctive relief for a violation of section 8 (b) (4) (D), the officer or Regional Attorney to whom the matter has been referred will make application for appropriate temporary relief or restraining order in the District Court of the United States within which the unfair labor practice is alleged to have occurred or within which the party sought to be enjoined resides or transacts business.

§ 202.36 *Change of circumstances.* Whenever a temporary injunction has been obtained pursuant to section 10 (j) and thereafter the trial examiner hearing the complaint, upon which the determination to seek such injunction was predicated, recommends dismissal of such complaint, in whole or in part, the officer or Regional Attorney handling the case for the Board suggests to the District Court which issued the temporary injunction the possible change in circumstances arising out of the findings and recommendations of the trial examiner.

[Series 5]

PART 203—RULES AND REGULATIONS

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 449, 452, approved July 5, 1935, as amended by the Labor-Management Relations Act, 1947, Public Law 101, 80th Congress, first session, the National Labor Relations Board hereby issues the following rules and regulations, Series 5.

(General Rules and Regulations), which it finds necessary to carry out the provisions of said act. Said rules and regulations, Series 5, shall become effective upon the signing of the original by the members of the Board and upon the publication thereof in the FEDERAL REGISTER and shall supersede the rules and regulations, Series 4 (General Rules and Regulations) signed by the Board on August 28, 1946. Said Series 4 are hereby rescinded. Those rules and regulations, Series 5 (General Rules and Regulations), shall be in force and effect until amended or rescinded by rules and regulations hereafter made and published by the Board.

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203.89 Files, records, etc., in exclusive custody of Board and not subject to inspection; formal documents and final opinions and orders subject to inspection.
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SUBPART J—PRACTICE BEFORE THE BOARD OF FORMER EMPLOYEES

203.91 Prohibition of practice before Board of its former Regional employees in cases pending in region during employment.

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[1] Procedure under section 10 (j) to (l) of the act is governed by Subparts E and F of these rules and regulations.

Sec.
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203.93 Rules to be liberally construed.

SUBPART L—ENFORCEMENT OF RIGHTS, PRIVILEGES, AND IMMUNITIES GRANTED OR GUARANTEED UNDER SECTION 222 (f), COMMUNICATIONS ACT OF 1934, AS AMENDED, TO EMPLOYEES OF MERGED TELEGRAPH CARRIERS

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203.96 Petitions for issuance, amendment or repeal of rules.
203.97 Action on petition.

AUTHORITY: §§ 203.1 to 203.97, inclusive, issued under sec. 6, 49 Stat. 452, Pub. Law 101, 80th Cong.; 29 U. S. C. 156.

SUBPART A—DEFINITIONS

§ 203.1 *Terms defined in section 2 of the act.* The terms "person," "employer," "employee," "representative," "labor organization," "commerce," "affecting commerce," and "unfair labor practice," as used herein, shall have the meanings set forth in section 2 of the National Labor Relations Act, as amended by Title I of the Labor Management Relations Act, 1947.

§ 203.2 *Act, Board, Board Agent.* The term "act" as used herein shall mean the National Labor Relations Act, as amended. The term "Board" shall mean the National Labor Relations Board, and shall include any group of three or more members designated pursuant to section 3 (b) of the act. The term "Board agent" shall mean any member, agent or agency of the Board, including its General Counsel.

§ 203.3 *General Counsel.* The term "General Counsel" as used herein shall mean the General Counsel under section 3 (d) of the act.

§ 203.4 *Region.* The term "region" as used herein shall mean that part of the United States or any Territory thereof fixed by the Board as a particular region.

§ 203.5 *Regional Director, Regional Attorney.* The term "Regional Director" as used herein shall mean the agent designated by the Board as Regional Director for a particular region. The term "Regional Attorney" as used herein shall mean the attorney designated by the Board as Regional Attorney for a particular region.

§ 203.6 *Trial examiner, hearing officer.* The term "trial examiner" as used herein shall mean the agent of the Board conducting the hearing in an unfair labor practice or Telegraph Merger Act proceeding. The term "hearing officer" as used herein shall mean the agent of the Board conducting the hearing in a proceeding under section 9 or in a dispute proceeding under section 10 (k) of the act.

§ 203.7 *State.* The term "State" as used herein shall include the District of Columbia and all States, Territories, and possessions of the United States.

§ 203.8 *Party.* The term "party" as used herein shall mean the Regional Director in whose region the proceeding is pending, and any person named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any Board proceeding, including, without limitation, any person filing a charge or petition under the act, any person named as respondent, as employer, or as party to a contract in any proceeding under the act, and any labor organization alleged to be dominated, assisted, or supported in violation of section 8 (a) (1) or 8 (a) (2) of the act; but nothing herein shall be construed to prevent the Board or its designated agent from limiting any party to participate in the proceedings to the extent of his interest only.

SUBPART B—PROCEDURE UNDER SECTION 10 (a) TO (f) OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

Charge

§ 203.9 *Who may file; withdrawal and dismissal.* A charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be made by any person. Any such charge may be withdrawn, prior to the hearing, only with the consent of the Regional Director with whom such charge was filed; at the hearing and until the case has been transferred to the Board pursuant to § 203.45, upon motion, with the consent of the Trial Examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to § 203.45, upon motion, with the consent of the Board. Upon withdrawal of any charge, any complaint based thereon shall be dismissed by the Regional Director issuing the complaint, the Trial Examiner designated to conduct the hearing, or the Board.

§ 203.10 *Where to file.* Except as provided in § 203.33, such charge shall be filed with the Regional Director for the Region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more Regions may be filed with the Regional Director for any of such Regions.

§ 203.11 *Form; jurat.* Such charge shall be in writing, the original being signed and sworn to before any notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments. Four additional copies of such charge shall be filed.[2]

§ 203.12 *Contents.* Such charge shall contain the following:

(a) The full name and address of the person making the charge.

(b) If the charge is filed by a labor organization, the full name and address of any national or international labor organization of which it is an affiliate or constituent unit.

(c) The full name and address of the person against whom the charge is made (hereinafter referred to as the "respondent").

(d) A clear and concise statement of the facts constituting the alleged unfair labor practices affecting commerce.

(e) If the charge is filed by a labor organization, a statement whether it and any national or international labor organization, a statement whether it constituent unit, has complied with section 9 (f), (g), and (h) of the act.

(f) If the charge is filed by a labor organization and if it alleges that it is in compliance with the provisions of section 9 (f) and (g) of the act, the number and date of the letter of compliance issued by the Secretary of Labor pursuant to the regulations of the Department of Labor.

§ 203.13 *Compliance with section 9 (f), (g), and (h) of the act.* (a) For the purpose of these Rules and Regulations, compliance with section 9 (f) and (g) of the act means (1) that the labor organization has a letter of compliance issued by the Secretary of Labor pursuant to the rules of the Department of Labor; and (2) that there is on file with the Regional Director, either as part of the charge or otherwise, a statement by an authorized representative of the labor organization under oath, that it has such letter, and giving the number and date thereof.

(b) For the purpose of these rules and regulations, compliance with section 9 (h) of the act means that a national and an international labor organization has on file with the General Counsel in Washington, D. C., and a local labor organization has on file with the Regional Director in the region in which the proceeding is pending:

(1) An affidavit by an authorized representative of the labor organization, under oath, executed contemporaneously with the charge or within the preceding 12-month period, listing the titles of all offices of the organization and stating the names of the incumbents, if any, in each such office and the date of expiration of each incumbent's term.

(2) An affidavit by each officer referred to in subparagraph (1) of this paragraph, executed contemporaneously with the charge or within the preceding 12-month period, stating that he is not a member of the Communist party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

§ 203.14 *Service of charge.* Upon the filing of a charge, the charging party shall be responsible for the timely and proper service of a copy thereof upon the person against whom such charge is made. The Regional Director will as a matter of course, cause a copy of such charge to be served upon the person against whom the charge is made, but he shall not be deemed to assume responsibility for such service.

Complaint

§ 203.15 *When and by whom issued; contents; service.* After a charge has been filed, if it appears to the Regional Director that formal proceedings in respect thereto should be instituted, he shall issue and cause to be served upon all the other parties a formal complaint in the name of the Board stating the charges and containing a notice of hearing before a trial examiner at a place therein fixed and at a time not less than 10 days after the service of the complaint.

§ 203.16 *Hearing; extension.* Upon his own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may extend the date of such hearing.

§ 203.17 *Amendment.* Any such complaint may be amended upon such terms as may be deemed just, prior to the hearing, by the Regional Director issuing the complaint; at the hearing and until the case has been transferred to the Board pursuant to § 203.45, upon motion, by the trial examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to § 203.45, at any time prior to the issuance of an order based thereon, upon motion, by the Board.

§ 203.18 *Withdrawal.* Any such complaint may be withdrawn before the hearing by the Regional Director on his own motion.

§ 203.19 *Review by the General Counsel of refusal to issue.* If, after the charge has been filed, the Regional Director declines to issue a complaint, he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds. The person making the charge may obtain a review of such action by filing a request therefor with the General Counsel in Washington, D. C., and filing a copy of the request with the Regional Director, within 10 days from the service of the notice of such refusal by the Regional Director. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

Answer

§ 203.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.* The respondent shall, within 10 days from the service of the complaint, file an answer thereto. Such answer shall contain a short and simple statement of the facts which constitute the grounds of defense. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and may be so found by the Board.

§ 203.21 *Where to file; service upon the parties; form; jurat.* An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on each of the other parties. The answer shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affirmed, and shall contain the post-office address of the respondent.

§ 203.22 *Extension of time for filing.* Upon his own motion or upon proper cause shown by any other party the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

§ 203.23 *Amendment.* The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the trial examiner or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the trial examiner or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the trial examiner or the Board.

Motions

§ 203.24 *Motion; where to file prior to hearing and during hearing; contents; service on other parties.* All motions made prior to the hearing shall be filed in writing with the Regional Director issuing the complaint, and shall briefly state the order or relief applied for and the grounds for such motion. The moving party shall file an orignial and four copies of all such motions and immediately serve a copy thereof upon each of the other parties. All motions made at the hearing shall be made in writing to the Trial Examiner or stated orally on the record.

§ 203.25 *Ruling on motions; where to file motions after hearing and before transfer of case to Board.* The trial examiner designated to conduct the hearing shall rule upon all motions (except as provided in §§ 203.16, 203.22, 203.29, and 203.47). The trial examiner may, before the hearing, rule on motions filed prior to the hearing, and shall cause copies of his ruling to be served upon all the parties. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to § 203.45, shall be filed with the trial examiner, care of the Chief Trial Examiner, in Washington, D. C., and a copy thereof shall be served on each of the parties. Rulings by the trial examiner on motions, and any orders in connection therewith, if announced at the hearing, shall be stated orally on the record; in all other cases such rulings and orders shall be issued in writing. The trial examiner shall cause a copy of the same to be served upon each of the other parties, or shall make his ruling in the intermediate report. Whenever the trial examiner has reserved his ruling on any motion, and the proceeding is thereafter transferred to and continue before the Board pursuant to § 203.50, the Board shall rule on such motion.

§ 203.26 *Motions; rulings and orders part of record; rulings not to be appealed directly to Board without special permission.* All motions, rulings, and orders shall become part of the record, except that rulings on motions to revoke subpenas shall become a part of the record only upon the request of the party aggrieved thereby, as provided in § 203.31. Unless expressly authorized by the rules and regulations, rulings by the Regional Director and by the trial examiner on motions, by the trial examiner on objections, and orders in connection therewith, shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board in reviewing the record, if exceptions to the ruling or order is included in the statement of exceptions filed with the Board, pursuant to § 203.46.

§ 203.27 *Review of granting of motion to dismiss entire complaint; reopening of record.* If any motion in the nature of a motion to dismiss the complaint in its entirety is granted by the trial examiner before filing his intermediate report, any party may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., stating the grounds for review, and immediately on such filing shall serve a copy thereof on the Regional Director and the other parties. Unless such request for review is filed within 10 days from the date of the order of dismissal, the case shall be closed.

§ 202.28 *Filing of answer or other participation in proceedings not a waiver of rights.* The right to make motions or to make objections to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the trial examiner or the Board.

Intervention

§ 203.29 *Intervention; requisites; rulings on motions to intervene.* Any person desiring to intervene in any proceeding shall file a motion in writing or, if made at the hearing, may move orally on the record, stating the grounds upon which such person claims an interest. Prior to the hearing, such motion shall be filed with the Regional Director issuing the complaint; during the hearing such motion shall be made to the trial examiner. An original and four copies of written motions shall be filed. Immediately upon filing such motion, the moving party shall serve a copy thereof upon each of the other parties. The Regional Director shall rule upon all such motions filed prior to the hearing, and shall cause a copy of said ruling to be served upon each of the other parties, or may refer to the motion to the trial examiner for ruling. The trial examiner shall rule upon all such motions made at the hearing or referred to him by the Regional Director, in the manner set forth in § 203.25. The Regional Director or the trial examiner, as the case may be, may by order permit intervention in person or by counselor other representative to such extent and upon such terms as he may deem proper.

Witnesses, Depositions, and Subpenas

§ 203.30 *Examination of witnesses; depositions.* Witnesses shall be examined

[2] A blank form for making a charge will be supplied by the Regional Director upon request.

orally under oath, except that for good cause shown after the issuance of a complaint, testimony may be taken by deposition.

(a) Applications to take depositions shall be in writing setting forth the reasons why such depositions should be taken, the name and post-office address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for the purposes of this section hereinafter referred to as the "officer"). Such application shall be made to the Regional Director prior to the hearing, and to the trial examiner during and subsequent to the hearing but before transfer of the case to the Board pursuant to § 203.45 or § 203.50. Such application shall be served upon the Regional Director or the trial examiner, as the case may be, and upon all other parties, not less than 7 days (when the deposition is to be taken within the continental United States) and 15 days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. The Regional Director or trial examiner, as the case may be, shall upon receipt of the application, if in his discretion good cause has been shown, make and serve upon the parties an order which will specify the name of the witness whose deposition is to be taken and the time, the place, and the designation of the officer before whom the witness is to testify, who may or may not be the same officer as that specified in the application. Such order shall be served upon all the other parties by the Regional Director or upon all parties by the trial examiner.

(b) Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, including any agent of the Board authorized to administer oaths. If the examination is held in a foreign country, it may be taken before any Secretary or Embassy or Legation, Consul General, Consul, Vice Consul, or Consular Agent of the United States.

(c) At the time and place specified in said order the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all the parties appearing, and his testimony shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness and that said officer is not of counsel or attorney to any of the parties nor interested in the event of the proceeding or investigation. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver an original and two copies of said transcript, together with his certificate, in person or by registered mail to the Regional Director or the trial examiner, care of the Chief Trial Examiner, in Washington, D. C., as the case may be.

(d) The trial examiner shall rule upon the admissibility of the deposition or any part thereof.

(e) All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 203.31 *Issuance of subpenas; petitions to revoke subpenas; right to inspect or copy data.* (a) Any member of the Board shall, on the written application of any party, forthwith issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents, in their possession or under their control. Applications for subpenas, if filed prior to the hearing, shall be filed with the Regional Director. Applications for subpenas filed during the hearing shall be filed with the trial examiner. Applications for subpenas may be made ex parte. The subpena shall show on its face the name and address of the party at whose request the subpena was issued.

(b) Any person subpenaed, if he does not intend to comply with the subpena, shall, within 5 days after the date of service of the subpena upon him, petition in writing to revoke the subpena. All petitions to revoke subpenas shall be served upon the party at whose request the subpena was issued. Such petition to revoke, if made prior to the hearing, shall be filed with the Regional Director and the Regional Director shall refer the petition to the trial examiner or the Board for ruling. Petitions to revoke subpenas filed during the hearing shall be filed with the trial examiner. Notice of the filing of petitions to revoke shall be promptly given by the Regional Director or the trial examiner, as the case may be, to the party at whose request the subpena was issued. The trial examiner or the Board, as the case may be, shall revoke the subpena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpena does not describe with sufficient particularity the evidence whose production is required. The trial examiner or the Board, as the case may be, shall make a simple statement of procedural or other grounds for the ruling on the petition to revoke. The petition to revoke, any answer filed thereto, and any ruling thereon, shall not become part of the official record except upon the request of the party aggrieved by the ruling.

(c) Persons compelled to submit data or evidence at a public proceeding are entitled to retain or, on payment of lawfully prescribed costs, to procure, copies or transcripts of the data or evidence submitted by them. Persons compelled to submit data or evidence in the nonpublic investigative stages of proceedings may, for good cause, be limited by the Regional Director to inspection of the official transcript of their testimony, but shall be entitled to make copies of documentary evidence or exhibits which they have produced.

(d) Upon the failure of any person to comply with a subpena issued upon the request of a private party, the General Counsel shall in the name of the Board but on relation of such private party, institute proceedings in the appropriate District Court for the enforcement of such subpena, but neither the General Counsel nor the Board shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the Court.

§ 203.32 *Payment of witness fees and mileage; fees of persons taking depositions.* Witnesses summoned before the trial examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

Transfer, Consolidation and Severance

§ 203.33 *Transfer of charge and proceeding from region to region; consolidation of proceedings in same region: severance.* Whenever the General Counsel deems it necessary in order to effectuate the purposes of the act or to avoid unnecessary costs or delay, he may permit a charge to be filed with him in Washington, D. C., or may, at any time after a charge has been filed with a Regional Director pursuant to § 203.10, order that such charge and any proceeding which may have been initiated with respect thereto:

(a) Be transferred to and continued before him for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a Regional Office or with him; or

(b) Be consolidated with any other proceeding which may have been instituted in the same region; or

(c) Be transferred to and continued in any other region for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such other region.

The provisions of §§ 203.9 to 203.32, inclusive, shall, insofar as applicable, govern proceedings before the General Counsel pursuant to this section, and the powers granted to Regional Directors in

such provisions shall, for the purpose of this section, be reserved to and exercised by the General Counsel. After the transfer of any charge and any proceeding which may have been instituted with respect thereto from one region to another pursuant to this section, the provisions of this sub-part shall, insofar as applicable, govern such charge and such proceeding as if the charge had originally been filed in the region to which the transfer is made.

Motions to sever proceedings may be filed before hearing, with the Regional Director, and during the hearing, with the trial examiner. The Regional Director shall refer all such motions filed with him to the trial examiner for ruling. Rulings by the Trial Examiner on motions to sever may be appealed to the Board in accordance with § 203.26.

Hearings

§ 203.34 *Who shall conduct; to be public unless otherwise ordered.* The hearing for the purpose of taking evidence upon a complaint shall be conducted by a trial examiner designated by the Chief Trial Examiner, unless the Board or any member thereof presides. At any time a trial examiner may be designated to take the place of the trial examiner previously designated to conduct the hearing. Such hearings shall be public unless otherwise ordered by the Board or the trial examiner.

§ 203.35 *Duties and powers of trial examiners.* It shall be the duty of the trial examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. The trial examiner shall have authority, with respect to cases assigned to him, between the time he is designated and transfer of the case to the Board, subject to the rules and regulations of the Board and within its powers:

(a) To administer oaths and affirmations;

(b) To grant applications for subpenas;

(c) To rule upon petitions to revoke subpenas;

(d) To rule upon offers of proof and receive relevant evidence;

(e) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(f) To regulate the course of the hearing and, if appropriate or necessary, to exclude persons or counsel from the hearing for contemptuous conduct and to strike all related testimony of witnesses refusing to answer any proper question;

(g) To hold conferences for the settlement or simplification of the issues by consent of the parties, but not to adjust cases;

(h) To dispose of procedural requests or similar matters, including motions referred to the trial examiner by the Regional Director and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened prior to issuance of intermediate reports (recommended decisions);

(i) To make and file intermediate reports in conformity with section 8 of the Administrative Procedure Act;

(j) To call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence;

(k) To take any other action necessary under the foregoing and authorized by the published rules and regulations of the Board.

§ 203.36 *Unavailability of trial examiners.* In the event the trial examiner designated to conduct the hearing becomes unavailable to the Board after the hearing has been concluded and before the filing of his intermediate report, the Board may transfer the case to itself for purposes of further hearing or issuance of an intermediate report or both on the record as made, or may request the Chief Trial Examiner to designate another trial examiner for such purposes.

§ 203.37 *Disqualification of trial examiners.* A trial examiner may withdraw from a proceeding whenever he deems himself disqualified. Any party may request the trial examiner, at any time following his designation by the Chief Trial Examiner and before filing of his intermediate report, to withdraw on grounds of personal bias or disqualification, by filing with him promptly upon the discovery of the alleged facts a timely affidavit setting forth in detail the matters alleged to constitute grounds for disqualification. If, in the opinion of the trial examiner, such affidavit is filed with due diligence and is sufficient on its face, he shall forthwith disqualify himself and withdraw from the proceeding. If the trial examiner does not disqualify himself and withdraw from the proceeding, he shall so rule upon the record, stating the grounds for his ruling and proceed with the hearing, or if the hearing has closed, he shall proceed with issuance of his intermediate report, and the provisions of § 203.26, with respect to review of rulings of trial examiners, shall thereupon apply.

§ 203.38 *Rights of parties.* Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence, except that the participation of any party shall be limited to the extent permitted by the trial examiner.

§ 203.39 *Rules of evidence controlling so far as practicable.* Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934 (U. S. C., Title 28, secs. 723–B, 723–C).

§ 203.40 *Stipulations of fact admissible.* In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue.

§ 203.41 *Objection to conduct of hearing; how made; objections not waived by further participation.* Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

§ 203.42 *Filing of briefs and proposed findings with the Trial Examiner and oral argument at the hearing.* Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings and conclusions, or both, with the trial examiner who may fix a reasonable time for such filing, but not in excess of fifteen days from the close of the hearing. Requests for further extensions of time shall be made to the Chief Trial Examiner in Washington, D. C.

§ 203.43 *Continuance and adjournment.* In the discretion of the trial examiner, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement thereof at the hearing by the trial examiner, or by other appropriate notice.

§ 203.44 *Contemptuous conduct; refusal of witness to answer questions.* Contemptuous conduct at any hearing before a trial examiner or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the trial examiner, be ground for striking all testimony previously given by such witness on related matters.

Intermediate Report and Transfer of Case to the Board

§ 203.45 *Intermediate report and recommended order; contents; service; transfer of the case to the Board; contents of record in case.* After hearing for the purpose of taking evidence upon a complaint, the trial examiner shall prepare an intermediate report and recommended order, but the initial decision shall be made by the Board. Such report shall contain findings of fact, conclusions, and the reasons or basis therefor, upon all material issues of fact, law or discretion presented on the record, and the recommended order shall contain recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practices, a recommendation for such affirmative action by the respondent as will effectuate the policies of the act. The trial examiner shall file the original of the intermediate report and recommended order with the Board and cause a copy thereof to be served upon each of the parties. Upon the filing of the report and recommended order, the Board shall enter an order transferring the case to the Board and shall serve

copies of the order, setting forth the date of such transfer, upon all the parties.

The charge upon which the complaint was issued and any amendments thereto, the complaint and any amendments thereto, notice of hearing, answer and any amendments thereto, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, together with the intermediate report and recommended order and exceptions, shall constitute the record in the case.

Exceptions to the Record and Proceeding

§ 203.46 *Exceptions or supporting briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions; oral arguments.* (a) Within twenty days or within such further period as the Board may allow from the date of service of the order transferring the case to the Board, pursuant to § 203.45, any party may file with the Board in Washington, D. C., an original and six copies of a statement in writing setting forth such exceptions to the intermediate report and recommended order or to any other part of the record or proceedings (including rulings upon all motions or objections) as he relies upon, together with the original and six copies of a brief in support thereof, and immediately upon such filing copies shall be served on each of the other parties; and any party may, within the same period, file an original and six copies of a brief in support of the intermediate report and recommended order, copies of which shall be immediately served on each of the other parties. Upon special leave of the Board, any party may file a reply brief upon such terms as the Board may impose.

(b) No matter not included in a statement of exceptions may thereafter be urged before the Board, or in any further proceedings.

(c) Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within 10 days after the date of service of the order transferring the case to the Board pursuant to § 203.45. The Board shall notify the parties of the time and place of oral argument, if such permission is granted.

(d) Oral arguments are limited to 30 minutes for each party entitled to participate. No request for additional time will be granted unless timely application is made in advance of oral argument.

(e) Briefs shall be in legible typewritten or printed form and shall contain references to the portions of the record relied upon and which it is desired that the Board examine.

§ 203.47 *Filing of motion after transfer of case to Board.* All motions filed after the case has been transferred to the Board pursuant to § 203.45 shall be filed with the Board in Washington, D. C., by transmitting an original and six copies thereof, together with an affidavit of service upon each of the parties.

Procedure Before the Board

§ 203.48 *Action of Board upon expiration of time to file exceptions to intermediate report.* (a) In the event no statement of exceptions is filed as herein provided, the findings, conclusions, and recommendations of the trial examiner as contained in his intermediate report and recommended order shall be adopted by the Board and become its findings, conclusions and order, and all objections and exceptions thereto shall be deemed waived for all purposes.

(b) Upon the filing of a statement of exceptions and briefs, as provided in § 203.46, the Board may decide the matter forthwith upon the record, or after oral argument, or may reopen the record and receive further evidence before a member of the Board or other Board agent or agency, or may close the case upon compliance with the recommendations of the intermediate report or may make other disposition of the case.

§ 203.49 *Modification or setting aside of order of Board before record filed in court; action thereafter.* Within the limitations of the provisions of section 10 (c) of the act, and § 203.48 of these rules, until a transcript of the record in a case shall have been filed in a court, within the meaning of section 10 of the act, the Board may at any time upon reasonable notice modify or set aside, in whole or in part, any findings of fact, conclusions of law, or order made or issued by it. Thereafter, the Board may proceed pursuant to § 203.50, insofar as applicable.

§ 203.50 *Hearings before Board or member thereof.* Whenever the Board deems it necessary in order to effectuate the purposes of the act or to avoid unnecessary costs or delay, it may, at any time after a complaint has issued pursuant to § 203.15 or § 203.33 order that such complaint and any proceeding which may have been instituted with respect thereto be transferred to and continued before it or any member of the Board. The provisions of this subpart shall, insofar as applicable, govern proceedings before the Board or any member pursuant to this section, and the powers granted to trial examiners in such provisions shall, for the purpose of this section, be reserved to and exercised by the Board or the member thereof who shall preside.

§ 203.51 *Settlement or adjustment of issues.* At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have opportunity to submit to the Regional Director with whom the charge was filed, for consideration, facts, arguments, offers of settlement, or proposals of adjustment.

SUBPART C—PROCEDURE UNDER SECTION 9 (C) OF THE ACT FOR THE DETERMINATION OF QUESTIONS CONCERNING REPRESENTATION OF EMPLOYEES

§ 203.52 *Petition for certification or decertification; who may file; where to file; withdrawal.* A petition for investigation of a question concerning representation of employees under paragraphs (1) (A) (i) and (1) (B) of section 9 (c) of the act (hereinafter called a petition for certification) may be filed by an employee or group of employees or any individual or labor organization acting in their behalf or by an employer. A petition under paragraph (1) (A) (ii) of section 9 (c) of the act, alleging that the individual or labor organization which has been certified or is being currently recognized as the bargaining representative is no longer such representative (hereinafter called a petition for decertification), may be filed by any employee or group of employees or any individual or labor organization acting in their behalf. Petitions under this section shall be in writing,[1] the original being signed and sworn to before any notary public, Board agent, or other person duly authorized by law to administer oaths or take acknowledgments. Four copies of the petition shall be filed. Except as provided in § 203.64, such petitions shall be filed with the Regional Director for the region wherein the bargaining unit exists, or, if the bargaining unit exists in two or more regions, with the Regional Director for any of such regions. Prior to the close of the hearing, pursuant to § 203.55, the petition may be withdrawn only with the consent of the Regional Director with whom such petition was filed. After the close of the hearing, the petition may be withdrawn only with the consent of the Board. Whenever the Regional Director or the Board approves the withdrawal of any petition, the case shall be closed.

§ 203.53 *Contents of petition for certification; contents of petition for decertification.* (a) A petition for certification, when filed by an employee or group of employees or an individual or labor organization acting in their behalf, shall contain the following:

(1) The name of the employer.

(2) The address of the establishments involved.

(3) The general nature of the employer's business.

(4) A description of the bargaining unit which the petitioner claims to be appropriate.

(5) The names and addresses of any other persons or labor organizations who claim to represent any employees in the alleged appropriate unit, and brief descriptions of the contracts, if any, covering the employees in such unit.

(6) The number of employees in the alleged appropriate unit and the number who have designated the petitioner to act.

(7) A statement that the employer declines to recognize the petitioner as the representative within the meaning of section 9 (a) of the act.

(8) The name, affiliation, if any, and address of the petitioner.

(9) If filed by a labor organization, a statement whether it and any national or international labor organization of which it is an affiliate or constituent unit are in compliance with section 9 (f), (g), and (h) of the act within the meaning of § 203.13.

(10) If filed by a labor organization and if it alleges that it is in compliance with the provisions of section 9 (f) and (g) of the act, the number and date of expiration of the letter of compliance issued by the Secretary of Labor pursuant to the regulations of the Department of Labor.

(11) Any other relevant facts.

(b) A petition for certification, when filed by an employer, shall contain the following:

(1) The name and address of the petitioner.

(2) The general nature of the petitioner's business.

(3) A brief statement setting forth that one or more individuals or labor organizations have presented to the petitioner a claim to be recognized as the exclusive representative of all employees in the unit claimed to be appropriate; a description of such unit; and the number of employees in the Unit.

(4) The name or names, affiliation, if any, and addresses of the individuals or labor organizations making such claim for recognition.

(5) A statement whether the petitioner has contracts with any labor organization or other representatives of employees and, if so, their expiration date.

(6) Any other relevant facts.

(c) Petitions for decertification shall contain the following:

(1) The name of the employer.

(2) The address of the establishments and a description of the bargaining unit involved.

(3) The general nature of the employer's business.

(4) Name and address of the petitioner and affiliation, if any.

(5) Name or names of the individuals or labor organization, who have been certified or are being currently recognized by the employer and who claim to represent any employees in the unit involved, and the expiration date of any contracts covering such employees.

(6) An allegation that the individuals or labor organization who have been certified or are currently recognized by the employer are no longer the representative in the appropriate unit as defined in section 9 (a) of the act.

(7) The number of employees in the unit and the number who have designated the petitioner to act for them.

(8) If filed by a labor organization, the same information required under paragraph (a) (9) and (10) of this section.

(9) Any other relevant facts.

§ 203.54 *Consent election agreements.* (a) Where a petition has been duly filed, the employer and any individuals or labor organizations representing a substantial number of employees involved may, with the approval of the Regional Director, enter into a consent election agreement leading to a determination by the Regional Director of the facts ascertained after such consent election. Such agreement shall include a description of the appropriate unit, the time and place of holding the election, and the pay roll to be used in determining what employees within the appropriate unit shall be eligible to vote. Such consent election shall be conducted under the direction and supervision of the Regional Director. The method of conducting such consent election shall be consistent with the method followed by the Regional Director in conducting elections pursuant to §§ 203.61 and 203.62 except that the rulings and determinations by the Regional Director of the results thereof shall be final.

(b) Where a petition has been duly filed, the employer and any individuals or labor organizations representing a substantial number of the employees involved may, with the approval of the Regional Director, enter into an agreement providing for a waiver of hearing and a consent election leading to a determination by the Board of the facts ascertained after such consent election. Such agreement shall also include a description of the appropriate bargaining unit, the time and place of holding the election, and the pay roll to be used in determining which employees within the appropriate unit shall be eligible to vote. Such consent election shall be conducted under the direction and supervision of the Regional Director. The method of conducting such election and the post election procedure shall be consistent with that followed by the Regional Director in conducting elections pursuant to §§ 203.61 and 203.62.

§ 203.55 *Investigation of petition by Regional Director; notice of hearing; service of notice; withdrawal of notice.* After a petition has been filed, if no agreement such as that provided in § 203.54 is entered into and if it appears to the Regional Director that there is reasonable cause to believe that a question of representation affecting commerce exists, that the policies of the act will be effectuated, and that an election will reflect the free choice of employees in the appropriate unit, he shall prepare and cause to be served upon the parties and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation, a notice of hearing before a hearing officer at a time and place fixed therein. A copy of the petition shall be served with such notice of hearing. Any such notice of hearing may be amended or withdrawn before the close of the hearing by the Regional Director on his own motion.

§ 203.56 *Conduct of hearing.* (a) Hearings shall be conducted by a hearing officer and shall be open to the public unless otherwise ordered by the hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding. It shall be the duty of the hearing officer to inquire fully into all matters in issue and necessary to obtain a full and complete record upon which the Board may discharge its duties under section 9 (c) of the act.

(b) The hearing officer may, in his discretion, continue the hearing from day to day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing, or by other appropriate notice.

§ 203.57 *Motions; interventions.* (a) All motions, including motions for intervention pursuant to paragraph (b) hereof, shall be in writing or, if made at the hearing, may be stated orally on the record, and shall briefly state the order or relief sought and the grounds for such motion. An original and four copies of written motions shall be filed and a copy thereof immediately shall be served upon each of the other parties to the proceeding. Motions made prior to the hearing shall be filed with the Regional Director, and motions made during the hearing shall be filed with the hearing officer. After the close of the hearing all motions shall be filed with the Board. The Regional Director may rule upon all motions filed with him, causing a copy of said ruling to be served upon each of the parties, or he may refer the motion to the hearing officer for ruling, except that all motions to dismiss petitions shall be referred to the Board for appropriate action. The hearing officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that he shall refer to the Board for appropriate action all motions to dismiss petitions, at such time as the Board considers the entire record.

(b) Any person desiring to intervene in any proceeding shall make a motion for intervention, stating the grounds upon which such person claims to have an interest in the proceeding. The Regional Director or the hearing officer, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper, and such intervenor shall thereupon become a party to the proceeding.

(c) All motions, rulings and orders shall become a part of the record, except that rulings on motions to revoke subpenas shall become a part of the record only upon the request of the party aggrieved, as provided in § 203.58 (c). Unless expressly authorized by these rules and regulations, rulings by the Regional Director and by the hearing officer shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board when it reviews the entire record.

(d) The right to make motions or to make objections to rulings on motions shall not be deemed waived by participation in the proceedings.

§ 203.58 *Introduction of evidence; rights of parties at hearing; subpenas.* (a) Any party shall have the right to appear at any hearing in person, by counsel, or by other representative, and any party and the hearing officer shall have power to call, examine and cross-examine witnesses, and to introduce into the record documentary and other evidence. Witnesses shall be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Stipulations of fact may be introduced in evidence with respect to any issue.

(b) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

[1] Blank forms for filing such petitions will be supplied by the Regional Office upon request.

(c) Applications for subpenas may be filed in writing by any party, with the Regional Director if made prior to hearing, or with the hearing officer if made at the hearing. Applications for subpenas may be made ex parte. The Regional Director or the hearing officer, as the case may be, shall forthwith grant the subpenas requested. Any person subpenaed, if he does not intend to comply with the subpena, shall, within 5 days after the date of service of the subpena, petition in writing to revoke the subpena. Such petition shall be filed with the Regional Director: *Provided, however,* That if the evidence called for is to be produced at a hearing and the hearing has opened, the petition to revoke shall be filed with the hearing officer. Notice of the filing of petitions to revoke shall be promptly given by the Regional Director or hearing officer, as the case may be, to the party at whose request the subpena was issued. The Regional Director or the hearing officer, as the case may be, shall revoke the subpena if, in his opinion, the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpena does not describe with sufficient particularity the evidence whose production is required. The Regional Director or the hearing officer, as the case may be, shall make a simple statement of procedural or other grounds for his ruling. The petition to revoke, any answer filed thereto, and any ruling thereon, shall not become part of the record except upon the request of the party aggrieved by the ruling. Persons compelled to submit data or evidence are entitled to retain or, on payment of lawfully prescribed costs, to procure, copies or transcripts of the data or evidence submitted by them.

(d) Contemptuous conduct at any hearing before a hearing officer or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer, be ground for striking all testimony previously given by such witness on related matters.

(e) Any party shall be entitled, upon request, to a reasonable period at the close of the hearing, for oral argument, which shall be included in the stenographic report of the hearing.

(f) The hearing officer may submit an analysis of the record to the Board but he shall make no recommendations.

(g) Witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 203.59 *Record; what constitutes; transmission to Board.* Upon the close of the hearing the Regional Director shall forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.

§ 203.60 *Proceedings before the Board; furthr hearing; briefs, Board direction of election; certification of results.* The Board shall thereupon proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or further hearing, as it may determine, to direct a secret ballot of the employees, or to make other disposition of the matter. Should any party desire to file a brief with the Board, the original and six copies thereof shall be filed with the Board at Washington, D. C., within seven (7) days after the close of the hearing. Copies shall be served on all other parties to the proceeding. No reply brief may be filed except upon special leave of the Board.

§ 203.61 *Election procedure; tally of the ballots; objections; report on challenged ballots; report on objections; exceptions; action of the board; hearing.* Unless otherwise directed by the Board, all elections shall be conducted under the supervision of the Regional Director in whose region the proceeding is pending. All elections shall be by secret ballot. Any party may be represented by observers of his own selection, subject to such limitations as the Regional Director may prescribe. Any party and Board agents may challenge, for good cause, the eligibility of any person to participate in the election. The ballots of such challenged persons shall be impounded. Upon the conclusion of the election, the Regional Director shall cause to be furnished to the parties a tally of the ballots. Within five (5) days after such tally has been furnished an; party may file with the Regional Director an original and three copies of objections to the conduct of the election or conduct affecting the results of the election. The objections shall contain a short statement of the reasons therefor. Copies thereof shall be served upon each of the other parties by the party filing such objections.

If no such objections are filed within the time set forth above, and if the challenged ballots are insufficient in number to affect the result of the election, the Regional Director shall, if no run-off election is to be held pursuant to § 203.62, forthwith forward to the Board in Washington, D. C., the tally of the ballots which, together with the record previously made, shall constitute the record in the case, and the Board may thereupon decide the matter forthwith upon the record, or may make other disposition of the case.

If objections are filed to the conduct of the election or conduct affecting the results of the election, or if the challenged ballots are sufficient in number to affect the result of the election, the Regional Director shall investigate the issues raised by such objections, challenges, or both, and shall prepare and cause to be served upon the parties a report on challenged ballots, objections, or both, including his recommendations, which report, together with the tally of the ballots, he shall forward to the Board in Washington, D. C. Within five (5) days from the date of service of the report on challenged ballots, objections, or both, the parties may file with the Board in Washington, D. C., an original and six copies of exceptions to such report. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof upon each of the other parties, and shall file a copy with the Regional Director. If no exceptions are filed to such report the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record, or may make other disposition of the case.

The report on challenged ballots may be consolidated with the report on objections in appropriate cases.

If exceptions are filed, either to the report on challenged ballots, objections, or both if it be a consolidated report, and it appears to the Board that such exceptions do not raise substantial and material issues with respect to the conduct or results of the election, the Board may decide the matter forthwith upon the record, or may make other disposition of the case. If it appears to the Board that such exceptions raise substantial and material issues, the Board may direct the Regional Director or other agent of the Board to issue and cause to be served upon the parties, a notice of hearing on said exceptions before a hearing officer. The hearing shall be conducted in accordance with the provisions of §§ 203.56, 203.57, and 203.58, insofar as applicable. Upon the close of the hearing, the agent conducting the hearing shall forward to the Board in Washington, D. C., the notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exceptions, documentary evidence, all of which, together with the objection to the conduct of the election or conduct affecting the results of the election, the report on such objections, the report on challenged ballots, and exceptions to the report on objections or to the report on challenged ballots, and the record previously made, shall constitute the record in the case. The Board shall thereupon proceed pursuant to § 203.60.

§203.62 *Run-off election.* (a) The Regional Director shall conduct a run-off election, without further order of the Board, when the results of the election are inconclusive because no choice receives a majority of the valid ballots cast and no objections are filed as provided in § 203.61 Only one run-off shall be held pursuant to this section.

(b) Employees who were eligible to vote in the election and who are employed in an eligible category on the date of the run-off election shall be eligible to vote in the run-off election.

(c) The ballot in the run-off election shall provide for a selection between the two choices receiving the largest and second largest number of votes.

(d) In the event the number of votes cast in an inconclusive election in which the ballot provided for a choice among two representatives and "neither" is equally divided among the three choices; or in the event the number of ballots cast for one choice in such election is equal to the number cast for another of the choices but less than the number cast for the third choice, the Regional Director shall declare the first election a nullity and shall conduct another election, providing for a selection between the three choices afforded in the original ballot; and he shall thereafter proceed in accordance with paragraphs (a), (b), and (c) of this section. Only one further election pursuant to this paragraph may be held.

(e) Upon the conclusion of the run-off election, the provisions of § 203.61 shall govern, insofar as applicable.

§ 203.63 *Refusal to issue notice of hearing; appeals to Board from action of the Regional Director.* If, after a petition has been filed, it shall appear to the Regional Director that no notice of hearing should issue as provided in § 203.55, the Regional Director may dismiss the petition, and shall so advise the petitioner in writing, accompanied by a simple statement of the procedural or other grounds. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director within ten (10) days of service of such notice of dismissal. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

§ 203.64 *Filing petition with General Counsel; investigation upon motion of General Counsel; transfer of petition and proceeding from region to General Counsel or to another region; consolidation of proceedings in same region; severance; procedure before General Counsel in cases over which he has assumed jurisdiction.* Whenever the General Counsel deems it necessary in order to effectuate the purposes of the act, or to avoid unnecessary costs or delay, he may permit a petition to be filed with him in Washington, D. C., or may, at any time after a petition has been filed with a Regional Director pursuant to § 203.52, order that such petition and any proceeding that may have been instituted with respect thereto:

(a) Be transferred to and continued before him, for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a Regional office or with him; or

(b) Be consolidated with any other proceeding which may have been instituted in the same region; or

(c) Be transferred to and continued in any other region, for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such Region; or

(d) Be severed from any other proceeding with which it may have been consolidated pursuant to this section.

The provisions of §§ 203.52 to 203.63, inclusive, shall insofar as applicable, apply to proceedings before the General Counsel pursuant to this section, and the powers granted to Regional Directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the General Counsel. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one region to another pursuant to this section, the provisions of this subpart shall, insofar as applicable, govern such petition and such proceeding as if the petition had originally been filed in the region to which the transfer is made.

SUBPART D—PROCEDURE FOR REFERENDUM UNDER SECTION 9 (e) OF THE ACT

§ 203.65 *Petition for referendum under section 9 (e) (1) of act; who may file; where to file; withdrawal.* A petition for authority to make an agreement requiring membership in a labor organization as a condition of employment, pursuant to section 9 (e) (1) of the act, may be filed by a labor organization, which is the representative of employees as provided in section 9 (a) of the act. Such petition shall be in writing,[1] the original being signed and sworn to before any notary public, Board agent, or other person duly authorized by law to administer oaths or to take acknowledgments. Four copies of the petition shall be filed with the Regional Director wherein the bargaining unit exists, or, if the unit exists in two or more regions, with the Regional Director for any of such regions. The petition may be withdrawn only with the approval of the Regional Director with whom such petition was filed, except that if the proceeding has been transferred to the Board, pursuant to § 203.59, the petition may be withdrawn only with the consent of the Board. Upon approval of the withdrawal of any petition the case shall be closed.

§ 203.66 *Contents of petition.* Such petition shall contain the following:

(a) The name of the employer.

(b) The address of the establishments involved.

(c) The general nature of the employer's business.

(d) A description of the bargaining unit to be covered by the agreement if made.

(e) The number of employees in the unit.

(f) The names and addresses of any other persons or labor organizations who claim to represent any employees in the unit.

(g) The name, affiliation, if any, and address of the petitioner.

(h) The date of certification or date of recognition of the labor organization by the employer if there is no certification, or any other facts to support petitioner's claim to be the representative of the employees.

(i) The approximate number of employees within the unit who have authorized the petitioner to make such an agreement.

(j) A statement whether petitioner and any national or international labor organization of which it is an affiliate of constituent unit are in compliance with section 9 (f), (g), and (h) of the act, within the meaning of § 203.13.

(k) If it alleges that it is in compliance with the provisions of section 9 (f) and (g) of the act, the number and expiration date of the letter of compliance issued by the Secretary of Labor pursuant to the regulations of the Department of Labor.

(l) Any other relevant facts.

§ 203.67 *Investigation of petition by Regional Director; consent referendum; directed referendum.* Where a petition has been filed pursuant to § 203.65 and it appears to the Regional Director that the petitioner has made an appropriate showing, in such form as the Regional Director may determine, that 30 per centum or more of the employees within an appropriate unit desire to authorize the petitioner to make an agreement with their employer requiring membership in the union as a condition of employment and when it further appears to the Regional Director that no question of representation affecting such employees exists, he shall proceed forthwith to conduct a secret ballot of the employees involved on the question whether they desire to authorize the petitioner to enter into such agreement: *Provided, however,* That in any case in which it appears to the Regional Director that the proceeding raises questions which should be decided by the Board before election he may issue and cause to be served on the parties, a notice of hearing before a hearing officer at a time and place fixed therein. The Regional Director shall fix the time and place of the election, eligibility requirements for voting, and other arrangements of the balloting, but the parties may enter into an agreement, subject to the approval of the Regional Director, fixing such arrangements. In any such consent agreements, provision may be made for final determination of all questions arising with respect to the balloting, by the Regional Director or by the Board.

§ 203.68 *Hearing; post-hearing procedure.* The method of conducting the hearing and the procedure following the hearing, including transfer of the case to the Board, shall be governed, insofar as applicable, by §§ 203.55 to 203.60, inclusive.

§ 203.69 *Method of conducting balloting; post-balloting procedure.* The method of conducting the balloting and the post-balloting procedure shall be governed by the provisions of § 203.61, insofar as applicable.

§ 203.70 *Refusal to conduct referendum; appeal to Board.* If, after a petition has been filed, it shall appear to the Regional Director that no referendum should be conducted, he shall dismiss the petition. Such dismissal shall be in writing and accompanied by a simple statement of the procedural or other grounds. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director, within 10 days from the service of notice of such dismissal. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

§ 203.71 *Petition for referendum under section 9 (e) (2) of the act; who may file; where to file; withdrawal.* A petition to rescind the authority of a labor organization to make an agreement requiring as a condition of employment membership in a labor organization may be filed by, or by any employee or group of employees on behalf of, 30 per centum or more of the employees in a bargain-

[1] Forms for filing such petitions will be supplied by the Regional Office upon request.

ing unit for which the labor organization has been authorized to make such an agreement with their employer. The provisions of § 203.65 shall apply in all other respects.

§ 203.72 *Contents of petition to rescind authority.* Such petition shall contain the following:

(a) The name of the employer.

(b) The address of the establishments involved.

(c) The general nature of the employer's business.

(d) A description of the bargaining unit involved.

(e) The name and address of the labor organization whose authority it is desired to rescind, and the date of the last referendum conducted by the Board.

(f) The number of employees in the unit and the number on whose behalf the petitioner is authorized to act.

(g) The date of execution and of expiration of any contract in effect covering the unit involved.

(h) The name and address of the person designated to accept service of documents for petitioners.

(i) Any other relevant facts.

§ 203.73 *Subsequent proceedings under section 9 (e) (2).* Where a petition has been filed pursuant to § 203.71, and it appears to the Regional Director that the petitioner has made an appropriate showing, in such form as the Regional Director may determine, that 30 per centum or more of the employees within an appropriate unit for which the labor organization has been authorized to make an agreement with the employer requiring membership in such organization as a condition of employment, desire to rescind such authority, he shall proceed forthwith to conduct a secret ballot of the employees to determine whether they desire to rescind such authority: *Provided, however,* That in any case in which it appears to the Regional Director that the proceeding raises questions which should be decided by the Board before the balloting is held, he may issue and cause to be served on the parties, a notice of hearing before a hearing officer at a time and place fixed therein.

The provisions of §§ 203.67 to 203.70, inclusive, shall, insofar as applicable, govern the proceedings.

SUBPART E—PROCEDURE TO HEAR AND DETERMINE DISPUTES UNDER SECTION 10 (k) OF THE ACT

§ 203.74 *Initiation of proceedings; notice of filing charge; notice of hearing.* Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (D) of section 8 (b), the Regional Director shall investigate such charge, giving it priority over all other cases in the office except cases under paragraph (4) (A), (4) (B), and (4) (C) of section 8 (b) and other cases under paragraph (4) (D) of section 8 (b). If it appears to the Regional Director that further proceedings should be instituted, he shall cause to be served on all parties to the dispute out of which such unfair labor practice may have arisen a notice of the filing of said charge together with a notice of hearing before a hearing officer at a time and place fixed therein which shall be not less than 10 days after service of the notice of hearing. The notice of hearing shall contain a simple statement of the issues involved in such dispute.

§ 203.75 *Adjustment of dispute; withdrawal of notice of hearing; hearing.* If, within 10 days after service of the notice of hearing the parties submit to the Regional Director satisfactory evidence that they have adjusted or agreed upon methods of voluntary adjustment of the dispute, the Regional Director shall withdraw the notice of hearing and shall dismiss the charge. Hearings shall be conducted by a hearing officer and the procedure shall conform, insofar as applicable, to the procedure set forth in §§ 203.56 to 203.59, inclusive.

§ 203.76 *Proceedings before the Board; further hearings; briefs; certification.* Upon the close of the hearing, the Board shall proceed either forthwith upon the record, or after oral argument, or the submission of briefs, or further hearing, as it may determine, to certify the labor organization or the particular trade, craft or class of employees, as the case may be, which shall perform the particular work tasks in issue, or to make other disposition of the matter. Should any party desire to file a brief with the Board, an original and six copies thereof shall be filed with the Board at Washington, D. C., within 7 days after the close of the hearing. Immediately upon such filing, a copy shall be served on the other parties. No reply brief may be filed except upon special leave of the Board.

§ 203.77 *Compliance with certification; further proceedings.* If, after issuance of certification by the Board, the parties submit to the Regional Director satisfactory evidence that they have complied with the certification, the Regional Director shall dismiss the charge. If no satisfactory evidence of compliance is submitted, the Regional Director may proceed with the charge under paragraph (4) (D) of section 8 (b) and section 10 of the act and the procedure prescribed in §§ 203.9 to 203.51, inclusive, shall, insofar as applicable, govern.

§ 203.78 *Review of certification.* The record of the proceeding under section 10 (k) and the certification of the Board thereon, shall become a part of the record in such unfair labor practice proceeding and shall be subject to judicial review insofar as it is in issue, in proceedings to enforce or review the final order of the Board under 10 (e) and (f) of the act.

SUBPART F—PROCEDURE IN CASES UNDER SECTION 10 (j) AND (l) OF THE ACT

§ 203.79 *Expeditious processing of section 10 (j) cases.* (a) Whenever temporary relief or a restraining order pursuant to section 10 (j) of the act has been procured by the Board, the complaint which has been the basis for such temporary relief or restraining order shall be heard expeditiously and the case shall be given priority by the Board in its successive steps following the issuance of the complaint (until ultimate enforcement or dismissal by the appropriate Circuit Court of Appeals) over all cases except cases of like character and cases under section 10 (l) of the act.

(b) In the event the Trial Examiner hearing a complaint concerning which the Board has procured temporary relief or a restraining order pursuant to section 10 (j), recommends a dismissal in whole or in part of such complaint, the Regional Attorney shall forthwith suggest to the District Court which issued such temporary relief or restraining order, the possible change in circumstances arising out of the findings and recommendations of the Trial Examiner.

§ 203.80 *Priority of cases pursuant to section 10 (l) of the act.* Whenever a charge is filed alleging the commission of an unfair labor practice within the meaning of paragraph 4 (A), (B), or (C) of section 8 (b) of the act, the Regional Office in which such charge is filed or to which it is referred shall give it priority over all other cases in the office except cases of like character.

§ 203.81 *Issuance of complaint promptly.* Whenever the Regional Attorney or other Board officer to whom the matter may be referred seeks injunctive relief of a District Court pursuant to section 10 (l) of the act, a complaint, covering the same subject matter as such application for injunctive relief, shall issue against the labor organization sought to be enjoined, within 5 days of the date upon which such injunctive relief is first sought.

§ 203.82 *Expeditious processing of section 10 (l) cases in successive stages.* Any complaint issued pursuant to § 203.80 shall be heard expeditiously and the case shall be given priority in its successive steps following its issuance (until ultimate enforcement or dismissal by the appropriate Circuit Court of Appeals) over all cases except cases of like character.

SUBPART G—SERVICE OF PAPERS

§ 203.83 *Service of process and papers; proof of service.* Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

§ 203.84 *Same; by parties; proof of service.* Service of papers by a party on other parties shall be made by registered mail or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. When service is made by registered mail, the return post-office receipt shall be proof of service. When service is made in any manner provided by such law, proof of service shall be made in accordance with such law.

§ 203.85 *Filing of proof of service.* The person or party serving the papers or process on other parties in conformance with §§ 203.83 and 203.84 shall make proof of service thereof to the Board promptly and in any event within the time during which the parties are required to be served. Failure to make proof of service does not affect the validity of the service.

§ 203.86 *Time; additional time after service by mail.* In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event, the period runs until the end of the next day, which is neither a Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after service of a notice or other paper upon him, and the notice or paper is served upon him by mail, three (3) days shall be added to the prescribed period.

SUBPART H—CERTIFICATION AND SIGNATURE OF DOCUMENTS

§ 203.87 *Certification of papers and documents.* The Executive Secretary of the Board, or, in the event of his absence or disability, whosoever may be designated by the Board in his place and stead, shall certify copies of all papers and documents which are a part of any of the files or records of the Board as may be necessary or desirable from time to time.

§ 203.88 *Signatures of orders.* The Executive Secretary, or, in the event of his absence or disability, whosoever may be designated by the Board in his place and stead, is hereby authorized to sign all orders of the Board.

SUBPART I—RECORDS AND INFORMATION

§ 203.89 *Files, records, etc., in exclusive custody of Board and not subject to inspection; formal documents and final opinions and orders subject to inspection.* (a) The formal documents described as the record in the case or proceeding and defined in §§ 203.45, 203.59, and 203.61 are matters of official record, and are available to inspection and examination by persons properly and directly concerned, during usual business hours, at the appropriate Regional Office of the Board or in Washington, D. C., as the case may be. True and correct copies thereof will be certified upon submission of such copies a reasonable time in advance of need and payment of lawfully prescribed costs: *Provided, however,* That if the Board, the General Counsel, or the Regional Director with whom the documents are filed shall find in a particular instance good cause why a matter of official record should be kept confidential, such matter shall not be available for public inspection or examination. Application for such inspection, if desired to be made at the Board's offices in Washington, D. C., shall be made to the Executive Secretary or the General Counsel, as the case may be, and if desired to be made at any Regional Office, shall be made to the Regional Director. The Executive Secretary, General Counsel, or the Regional Director may, in his discretion, require that the application be made in writing and under oath and set forth the facts upon which the applicant relies to show that he is properly and directly concerned with such inspection and examination. Should the Executive Secretary, General Counsel, or the Regional Director, as the case may be, deny any such application, he shall give prompt notice thereof, accompanied by a simple statement of procedural or other grounds.

(b) All final opinions or orders of the Board in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and its rules and regulations are available to public inspection during regular business hours at the Board's offices in Washington, D. C. Copies may be obtained upon request made to any Regional Office of the Board at its address as published in the FEDERAL REGISTER, or to the Director of Information in Washington. Subject to the provisions of §§ 203.31 and 203.58, all files, documents, reports, memoranda, and records pertaining to the internal management of the Board or to the investigation or disposition of charges or petitions during the non-public investigative stages of proceedings and before the institution of formal proceedings, and all matters of evidence obtained by the Board or any of its agents in the course of investigation, which have not been offered in evidence at a hearing before a trial examiner or hearing officer or have not been made part of an official record by stipulation, whether in the Regional Offices of the Board or in its principal office in the District of Columbia, are for good cause found by the Board held confidential and are not matters of official record or available to public inspection, unless permitted by the Board, its Chairman, the General Counsel, or any Regional Director.

§ 203.90 *Same; Board employees prohibited from producing files, records, etc., pursuant to subpena duces tecum, prohibited from testifying in regard thereto.* No Regional Director, field examiner, trial examiner, attorney, specially designated agent, General Counsel, member of the Board or other officer or employee of the Board shall produce or present any files, documents, reports, memoranda, or records of the Board or testify in behalf of any party to any cause pending in any court or before the Board, or any other Board, Commission, or other administrative agency of the United States or of any State, Territory, or the District of Columbia with respect to any information, facts, or other matter coming to his knowledge in his official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Board, whether in answer to a subpena, subpena duces tecum or otherwise, without the written consent of the Board or the Chairman of the Board, if the official or document is subject to the supervision or control of the Board; or the General Counsel if the official or document is subject to the supervision or control of the General Counsel. Whenever any subpena or subpena duces tecum calling for records or testimony as described hereinabove shall have been served upon any such persons or other officer or employee of the Board, he will, unless otherwise expressly directed by the Board or the Chairman of the Board, or the General Counsel, as the case may be, appear in answer thereto and respectfully decline by reason of this rule to produce or present such files, documents, reports, memoranda or records of the Board or give such testimony.

SUBPART J—PRACTICE BEFORE THE BOARD OF FORMER EMPLOYEES

§ 203.91 *Prohibition of practice before Board of its former Regional employees in cases pending in region during employment.* No person who has been an employee of the Board and attached to any of its Regional Offices shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding which was pending in any Regional Office to which he was attached during the time of his employment with the Board.

§ 203.92 *Same; application to former employees of Washington staff.* No person who has been an employee of the Board and attached to the Washington staff shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding pending before the Board or any Regional Offices during the time of his employment with the Board.

SUBPART K—CONSTRUCTION OF RULES

§ 203.93 *Rules to be liberally construed.* The rules and regulations in this part shall be liberally construed to effectuate the purposes and provisions of the act.

SUBPART L—ENFORCEMENT OF RIGHTS, PRIVILEGES, AND IMMUNITIES GRANTED OR GUARANTEED UNDER SECTION 222 (f), COMMUNICATIONS ACT OF 1934, AS AMENDED, TO EMPLOYEES OF MERGED TELEGRAPH CARRIERS

§ 203.94 *Enforcement.* All matters relating to the enforcement of rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended, shall be governed by the provisions of Subparts A, B, G, H, I, and K of these rules and regulations, insofar as applicable, except that reference in Subpart B to "unfair labor practices" or "unfair labor practices affecting commerce" shall for the purposes of this article mean the denial of any rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended.

SUBPART M—AMENDMENTS

§ 203.95 *Amendment or rescission of rules.* Any rule or regulation may be

amended or rescinded by the Board at any time.

§ 203.96 *Petitions for issuance, amendment or repeal of rules.* Any interested person may petition the Board, in writing, for the issuance, amendment, or repeal of a rule or regulation. An original and five copies of such petition shall be filed with the Board in Washington, D. C., and shall state the rule or regulation proposed to be issued, amended or repealed, together with a statement of grounds in support of such petition.

§ 203.97 *Action on petition.* Upon the filing of such petition, the Board shall consider the same, and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate hearing thereon, or make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial is self-explanatory.

Signed at Washington, D. C. this 19th day of August 1947, effective August 22, 1947.

NATIONAL LABOR RELATIONS BOARD,
[SEAL] PAUL M. HERZOG,
Chairman.
JOHN M. HOUSTON,
Member.
JAMES J. REYNOLDS,
Member.

[F. R. Doc. 47-7890; Filed, Aug. 21, 1947; 11:18 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

STAFF OF CHIEF OF NAVAL OPERATIONS

Amend § 26.14 (b) (11 F. R. 177A-174, 12 F. R. 3273, 4077) to read as follows:

§ 26.14 *Staff of the Chief of Naval Operations.* * * *

(b) The duties of the Vice Chief of Naval Operations, the various Deputy Chiefs of Naval Operations, the Naval Inspector General, and the Chief of the General Planning Group are as follows:

(1) *Vice Chief of Naval Operations.* To act as principal assistant and advisor to the Chief of Naval Operations.

To direct the activities of the General Planning Group.

To coordinate the efforts of the Deputy Chiefs of Naval Operations.

To have cognizance over general matters in connection with the Joint Chiefs of Staff, the Combined Chiefs of Staff, and other like agencies.

To perform such other duties as the Chief of Naval Operations may delegate.

(2) *Naval Inspector General.* To inquire into and report upon all matters which affect the efficiency and economy of the United States naval service (as may be required by law or directed by the Chief of Naval Operations, or higher authority).

(3) *Deputy Chief of Naval Operations (Personnel).* To act as principal advisor to the Chief of Naval Operations on personnel matters in general.

To formulate personnel plans and policies for the military personnel of the naval establishment and to coordinate naval personnel plans with those of the Army.

To prepare the implementing directives for all approved personnel plans and policies and to disseminate information thereof as necessary.

To control the overall allocation of naval personnel through the medium of the Basic Personnel Plan and to transmit to the Bureau of Naval Personnel the directives necessary for its implementation.

To keep under constant review the personnel allowances of the Navy Department and the naval establishment to determine their minimum essential requirements.

To coordinate training of naval personnel except fleet and flight training.

To advise the Chief of Naval Operations regarding the appointment and assignment of flag officers.

To maintain close liaison with all other Deputy Chiefs of Naval Operations in order to be fully informed of all strategic and logistic plans and all changes thereto, which affect personnel requirements.

To maintain close liaison with the Joint Chiefs of Staff, Army, Marine Corps and other Government departments in matters concerning personnel through joint personnel boards and agencies.

To insure coordination and direction of effort, where naval personnel matters are concerned, between bureaus and offices of the Navy Department, in accordance with the requirements of General Order No. 247.

To have primary cognizance of general personnel legislation.

To maintain primary liaison with the Bureau of Naval Personnel in order to provide the essential link between operational and personnel requirements.

(4) *Deputy Chief of Naval Operations (Administration).* To administer the Office of the Chief of Naval Operations in a manner which will facilitate the effective and expeditious conduct of the business of that office.

To insure that classified mail and files are handled in accordance with existing regulations, and that all security regulations are complied with.

To insure that all matters pertaining to military and civilian personnel in the Office of the Chief of Naval Operations, and all other tasks assigned, are performed in a manner in consonance with existing policies and procedures.

To direct the conduct of Naval District Administrative Affairs under the cognizance of the Chief of Naval Operations.

To maintain effective liaison with the State Department and other Government departments for the purpose of reaching prompt and satisfactory solutions in administrative matters of common interest.

To establish and maintain effective civil government in those islands for which the Navy is responsible.

To supervise and coordinate Pan American Naval matters and the relations of Pan American navies with the U. S. Navy in a manner to prepare them for carrying out their obligations under inter-American defense agreements.

To establish and control U. S. Naval Missions to foreign governments.

To supervise the establishment and operation of a naval communication system adequate to meet the command and administrative requirements of the naval establishment.

To supervise the Naval Observatory and the Hydrographic Office.

To supervise the Naval Records and Library and the Naval Curator.

To review, coordinate and recommend implementation of organizational matters within the Office of the Chief of Naval Operations to the end that the office will operate according to a sound functional plan consistent with the best possible utilization of personnel and funds available.

(5) *Deputy Chief of Naval Operations (Operations).* To formulate strategic plans and policies.

To advise concerning politico-military affairs, particularly those involving foreign policy.

To insure the operational development and operational readiness of the operating forces and bases assigned to a fleet command.

To review and formulate requirements and conduct operational evaluation of new material developments and to coordinate all development plans and programs except those pertaining to aircraft and guided missiles which will be coordinated through agreement with the Deputy Chief of Naval Operations (Air).

To determine strategic and operational requirements for bases designated for the support of the operating forces. To furnish the Deputy Chief of Naval Operations (Logistics) and the Deputy Chief of Naval Operations (Air) guidance on strategical, command and operational requirements, and on defense, for all bases.

To supervise the Naval Intelligence Service. To furnish the fleets and naval establishment with such information on foreign navies and nations, on the war potential and intentions of such nations, and on military developments in those countries as is essential to the readiness of our forces for war. To safeguard the fleets and shore establishment from espionage and subversive activities.

To implement the coordinating and supervisory functions of the Chief of Naval Operations with respect to joint military agencies (both international and United States) for the conduct of strategic evaluation, military operations and planning, and for coordination of naval and foreign policy.

To guide the mission of the Naval War College, collaborating with the Deputy Chief of Naval Operations (Logistics) with respect to the logistic phases.

To guide, in naval matters, the naval members of staffs of Joint, Army and Air colleges.

To supervise matters pertaining to the military application of atomic energy.

(6) *Deputy Chief of Naval Operations (Logistics).* To initiate, develop and implement logistic plans and policies in accordance with approved war and operating plans.

To determine the materiel requirements of the naval establishment, and the naval characteristics of materiel to be developed and procured, and issuing statements of these requirements to the bureaus and offices of the Navy Department.

To control the distribution and disposal of all materiels (including petroleum) for logistic support throughout the naval establishment.

To coordinate and direct the priorities of construction and maintenance of naval vessels and bases.

To coordinate and direct the logistic efforts of the bureaus and offices of the Navy Department in their support of the operating forces. To review and evaluate the progress of the bureaus and offices of the Navy Department and the naval shore establishment in fulfilling the stated requirements for logistic support. To integrate and coordinate logistic direction and programs within the naval establishment to avoid conflict and to provide the best practicable over-all logistic direction for the development and support of the naval establishment.

To collaborate with the Material Division, Office of the Assistant Secretary of the Navy, in obtaining expeditious fulfillment of the stated requirements.

To supervise the Board of Inspection and Survey.

To coordinate naval logistics efforts with the Army and other Government agencies.

To coordinate with the Army programs and projects for the common utilization of facilities.

To represent the Chief of Naval Operations on Joint Logistic Agencies.

In accordance with the Navy War Planning System, to review the Navy Basic Logistic Plan and Navy Logistic Plans (Code).

(7) *Deputy Chief of Naval Operations (Air).* To act as principal advisor to the Chief of Naval Operations on aviation matters in general and on the development of guided missiles.

To act as representative, when appropriate, of the Chief of Naval Operations in major air matters and guided missile developments involving relations with the Army Air Forces and with other Governmental agencies.

To be responsible for the preparation, readiness and logistic suport of the aeronautical elements of the naval establishment, coordinating and directing the efforts of the bureaus and offices of the Navy Department to this end.

To review and formulate requirements for and to guide, coordinate and evaluate development of guided missiles and related devices.

To coordinate the policies and general plans incident to the execution of the above.

To be responsible for the plans, readiness and logistic support of the entire aviation shore establishment, continental and extra-continental, including: (i) Basic planning for all establishments exclusively aviation in character and aviation requirements at all other establishments. These plans shall include requirements for air operations, capacities, facilities, personnel, equipment and maintenance; (ii) formulation of policies, plans and programs for aviation stations or aviation bases and for the readiness of aircraft and personnel therein; (iii) forwarding the plans and programs for aviation requirements at all establishments, prior to promulgation or implementation, to the Deputy Chief of Naval Operations (Logistics) for integration and coordination with the over-all Navy plans and programs, rendering such assistance as may be required to permit the best practicable over-all plans for the development and operation of each such establishment; (iv) coordination and direction of effort of bureaus and offices of the Navy Department to insure the logistic support of all aviation stations, aviation bases, and aviation facilities for personnel, material, equipment and supplies that are primarily aviation in character; (v) maintenance of up-to-date records and statistics on all aviation stations or aviation bases, including capacities, facilities, status and activities supported; (vi) maintenance of appropriate liaison for the Navy Department with other agencies of the Government, when necessary, in regard to aviation station or aviation base matters; (vii) maintenance of membership on boards, committees and councils concerned with aviation station or aviation base matters; (viii) the Deputy Chief of Naval Operations (Air) shall keep the Deputy Chief of Naval Operations (Logistics) fully informed on all matters affecting naval establishments which are to be discussed or have been discussed with other agencies of the Government, prior to any commitments which may have any effect upon the plans or programs for, or the development of, any such establishments, and agreement with the over-all Navy plans and programs shall be reached prior to any such commitments; (ix) designation of aviation personnel for duty with the Deputy Chief of Naval Operations (Logistics), all such aviation personnel shall be ordered to additional duty with the Deputy Chief of Naval Operations (Air); and (x) maintenance of close liaison with the Deputy Chief of Naval Operations (Logistics) and collaboration in all matters that affect the responsibilities of both organizations.

To supervise the activities of the Coordinator, Naval Air Reserve.

(Secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. Sup. 1011)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-7837; Filed, Aug. 21, 1947; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—TREATMENT OF MAIL MATTER RECEIVED FROM FOREIGN COUNTRIES INVOLVING THE CUSTOMS REVENUE

BONA FIDE GIFTS FROM A MEMBER OF THE ARMED FORCES OF THE UNITED STATES

CROSS REFERENCE: For exception to the requirements of § 22.9 with regard to customs invoices in the shipment of bona fide gifts under Public Law No. 790, see § 54.3 (e) of Title 19, *supra*.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

APPLICATIONS FOR EXPERIMENTAL STATIONS

In the matter of amendment of § 1.144 (b) of Part 1 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of August 1947:

The Commission having under consideration a proposal whereby applications for Experimental Class 2 (Industrial) radio stations could be reviewed and determined by duly authorized officials of the Commission rather than by members of the Commission; and

It appearing, that a delegation of such authority would facilitate administrative determinations with respect to such applications and would be of great assistance to the applicants who would be in a better position to reach early conclusions regarding associated matters; and

It appearing further, that such determinations do not involve matters of Commission policy and that the proposed delegation is authorized by the Communications Act of 1934, as amended; and

It appearing further, that § 1.144 (b) (11 F. R. 177A-407, 13793) of the Commission's rules and regulations provides that certain applications in the experimental services may be acted upon by the Secretary, or, in his absence, the Acting Secretary, upon receiving the approval of the General Counsel and the Chief Engineer; and

It appearing further, that the proposed change is procedural and that notice of proposed rule making pursuant to section 4 of the Administrative Procedure Act is not required:

It is ordered, That effective immediately, § 1.144 (b) of the Commission's rules and regulations be amended to read as follows:

§ 1.144 *Authority delegated to Secretary upon securing approval of the Law and Engineering Departments.* * * *

(b) Applications for Class 1 and Class 3 experimental stations and all applications for Class 2 experimental stations

both in established services and in the proposed General Mobile Service, the proposed Rural Radiotelephone Service, the proposed Industrial Radio Service, and for radar navigational aid stations, except

(1) Those falling under §§ 1.121 and 1.141.

(2) Those rendering or proposing to render a common carrier service.

(Secs. 3, 12, 60 Stat. 238, 244; 54 U. S. C. Sup. 1011)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47 7856; Filed, Aug. 21, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 552]

PART 95—CAR SERVICE

CONTROL TIDEWATER COAL AND COKE; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of August A. D. 1947

It appearing, that there is a shortage of railway cars for transporting coal and coke to north Atlantic ports for transshipment by vessels; that at certain times such carriers are unable to transport coal over billed routes and it must be diverted via other routes to the same or other facilities within the original destination port area; that at certain times coal must be embargoed because of port congestion; in the opinion of the Commission an emergency exists requiring immediate action in the eastern section of the country. It is ordered, that:

(a) *Appointment of agent to control movement of tidewater coal.* W. R. Godber, Joint Manager of the Anthracite Tidewater Emergency Bureau and Northern Tidewater Bituminous Emergency Bureau, 143 Liberty Street, New York, N. Y., is hereby designated and appointed agent of the Interstate Commerce Commission and, subject to the direction and supervision of the Director, Bureau of Service, vested with authority to control the use of railroad cars for transporting coal and coke, all kinds, to be transshipped by vessels at New York, New Jersey, Delaware, Pennsylvania and Maryland ports or to be stored in yards shown in Trunk Line Tariff Bureau Tariff No. 139–C, I. C. C. No. A–751, or in Trunk Line Tariff Bureau Tariff No. 138–B, I. C. C. No. 750, supplements thereto or reissues thereof.

(b) *Outline of Agent's duties.* In accordance with directions and instructions of the Director, Bureau of Service, the Agent shall:

(1) Lay an embargo or embargoes: issue, suspend, modify or revoke permits or refuse to issue, suspend, modify or revoke permits to depart from such embargo or embargoes.

(2) Execute the directions and instructions of the Director, Bureau of Service, which will be designed to facilitate the flow of cars to and through the ports referred to in this order and to prevent congestion thereat, all for the purpose of better utilizing the available supply of said cars.

(3) Reroute and divert cars loaded with coal and coke, all kinds, moving to or through the ports or storage yards, named in paragraph (a) of this order, from the line or piers of any railroad which in the Agent's opinion cannot currently accept and move such traffic, over the lines or piers of any other railroad or railroads less congested. Such diversion shall be made at any intermediate point en route, or at point of origin. The diversion shall be made without regard to the routing shown on the bill of lading or whether designated by shipper or carrier.

(c) *Rates to be applied.* When commodities subject to this order are diverted or rerouted pursuant to this order, it is deemed to be due to carriers' disability; rates applicable to traffic so forwarded shall be those which would have applied to the shipments if such shipments had moved as originally routed.

(d) *Division of rates.* In executing the orders and directions of the Commission provided for in this order the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Rules, regulations and practices suspended.* The operation of all rules, regulations and practices insofar as they conflict with the provisions of this order is hereby suspended.

(f) *Interstate-intrastate application.* The provisions of this order shall apply to intrastate as well as interstate and foreign traffic.

(g) *Effective date.* This order shall become effective at 12:01 a. m., August 21, 1947.

(h) *Expiration date.* This order shall expire at 11:59 p. m., November 20, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-7849; Filed, Aug. 21, 1947, 8:46 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

United States Coast Guard

[46 CFR, Parts 32, 33, 35, 43, 45, 46, 52, 54, 55, 59, 60, 62, 63, 76, 79, 97, 116, 141, 144, 160]

[CGFR 47-42]

MERCHANT MARINE COUNCIL PUBLIC HEARING

NOTICE OF PROPOSED CHANGES IN REGULATIONS

1. The Merchant Marine Council will hold a public hearing at Coast Guard Headquarters, 13th and E Streets, NW., Washington, D. C., on September 23 and 24, 1947. The meetings will convene at 9:30 a. m. and the agenda for this hearing is as follows:

September 23. Vessel plans and specifications; load line survey report; distress signals; specifications for distress signals; electrical ventilation systems and wire inserted glass; and marine engineering regulations.

September 24. Boundary line separating inland waters from high seas; lights and passing signals; manning of seagoing barges; and approvals and termination of approvals of equipment.

2. The proposed changes in the regulations together with the authorities for making such changes are generally described by subjects in paragraphs 4 to 24, inclusive, below. Copies of the proposed changes in the regulations have been mailed to persons and organizations who have expressed an active interest in the subjects under consideration. Copies of any of the proposed regulations may be obtained from the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., so long as they are available.

3. Comments on the proposed changes in the regulations are requested which may be submitted in writing on or before September 21 to the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., or presented orally or in writing at the hearing. In order to insure thorough consideration and to facilitate checking and recording of comments, it is requested that each reworded proposed regulation be submitted on a separate sheet of letter-size paper showing the section number as given in the agenda (if not possible then the subject); the proposed change; and the name, business firm, if any, and address of submitter. The comments received on or before September 21 or at the hearing will be considered before recommendations are made to adopt the proposed regulations.

VESSEL PLANS AND SPECIFICATIONS

4. The regulations in 46 CFR 31.3–3, 31.3–4, 46.024, 52.1–2, 63.5, 63.8, 63.15, 79.5, 79.8, 79.21, 97.5, 97.8, 97.19, 116.5, 116.8, 116.19, and 144.05 are being revised in accordance with a request received from representatives of the merchant marine industry so that each group of regulations published by the Coast Guard will contain a definite listing of the vessel plans which are required to be submitted for approval. While all the plans listed will not be applicable to every type of vessel, it is intended that only such plans be submitted as will show clearly the vessel's arrangement, construction, and equipment. The proposed regulations also set forth the procedure for plan approval. The applicable sections appear in the Tank Vessel Regulations, Load Line Regulations, Marine Engineering Regulations, Ocean and Coastwise General Rules and Regulations, Great Lakes General Rules and Regulations, Bays, Sounds, and Lakes Other Than the Great Lakes General Rules and Regulations, Rivers General Rules and Regulations, and the Regulations Regarding Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery.

5. The authority for regulations regarding submission of vessel plans and specifications is in R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4488, 4491, as amended, 45 Stat. 1493, 49 Stat. 888, 1384, 1544, sec. 2, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 85a, 88a, 367, 369, 375, 391a, 392, 404, 411, 412, 463a, 481, 489, 50 U. S. C. 1275; and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

LOAD LINE SURVEY REPORT

6. At an International Conference of Classification Societies in Rome in 1939 an agreement was reached whereby a copy of the original load line survey made for a vessel would be placed on board such vessel. This record was to be available for the information of inspectors and surveyors when carrying out further load line surveys. Because of the war this agreement was never put into practice. After a discussion of the matter with the American Bureau of Shipping, it was proposed that copies of the original load line surveys would be placed only on new vessels receiving their first load line certificates after January 1, 1948, and that it was impracticable to place a copy of the original load line survey on board all existing vessels. Accordingly, it is proposed to amend 46 CFR 43.09, 45.07, and 46.018 to require that each vessel receiving its first load line certificate after January 1, 1948, shall be furnished a copy of its load line survey report. This report is to be retained on board the vessel and made available for the information of inspectors and surveyors when carrying out subsequent load line surveys.

7. The authority for the new regulations on load line survey reports is in sec. 2, 45 Stat. 1493 and sec. 2, 49 Stat. 888; 46 U. S. C. 85a, 88a; and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

DISTRESS SIGNALS

8. It is proposed to amend the present regulations prescribing the distress signals to be carried in lifeboats and life rafts and in pilothouses of Great Lakes vessels by 46 CFR 33.3–1, 33.3–2, 33.3–6, 33.8–1, 59.11, 59.52, 60.9, 60.45, 76.14, 76.48, and 76.60. The applicable sections appear in the Tank Vessel Regulations, Ocean and Coastwise General Rules and Regulations, and Great Lakes General Rules and Regulations. The proposed amendments delete specification requirements now contained in certain regulations, as well as to alter general requirements for distress signals. It is proposed to allow the hand combination flare and smoke distress signals as a substitute for either or both of the hand distress signals and daytime distress signals, require all distress signals to bear a date of manufacture, limit service time use of distress signals to a period of three years from date of manufacture and any signals not bearing date of manufacture shall not be carried on vessels on and after January 1, 1949.

9. The specifications to be followed by manufacturers for hand red flare distress signals, floating orange smoke distress signals, and hand combination flare and smoke distress signals will also be considered. It is proposed to place them in 46 CFR, Chapter I, as §§ 160.021, 160.022, and 160.023, respectively, in Subchapter Q—Specifications. The specifications cover materials, workmanship, construction, performance requirements, inspections, samples, tests, labeling, marking, and procedure for approval. Distress signals for merchant vessels will be approved only by the Commandant, U. S. Coast Guard.

10. The authority for regulations on distress signals is in R. S. 4405, 4417a, 4488, 4491, as amended, 49 Stat. 1544, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 375, 391a, 481, 489, 50 U. S. C. 1275, and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

ELECTRIC VENTILATION SYSTEMS AND WIRE-INSERTED GLASS (PASSENGER VESSELS)

11. It is proposed to amend 46 CFR 144.15 (c) and 144.17 (b) to allow the installation of wire-inserted glass in certain doors and windows. This is a relaxation from the present requirements.

12. The requirements for electrical ventilation systems in 46 CFR 144.25 (j) are also to be revised. The proposed changes require the system to be of the undervoltage protection type and the placing of emergency controls in glass covered boxes properly marked and identified.

13. The authority for the regulations on passenger vessels is contained in R. S. 4405, as amended, 49 Stat. 1384 and 54 Stat. 1028; 46 U. S. C. 369, 375, 463a; and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

MARINE ENGINEERING REGULATIONS; BOILERS, PIPING, AND VALVES

14. It is proposed to amend 46 CFR 54.18–3 and 54.18–4 covering tests and inspection of boilers in service by requiring water-tube boilers to be subjected to a hydrostatic test at least once in every four years instead of annually. This is a relaxation from present requirements.

15. The requirements for piping in 46 CFR 55.19–3 (n) and 55.19–5 (h) are to be revised. The proposed changes will require that valves exceeding two inches nominal pipe size diameter and used for class I piping shall have bolted or pressure seal bonnets and flanged or welding ends instead of flanged ends and bolted bonnets; and the piping which may be run through deep tanks or fuel tanks for bilge and ballast piping are not required to have a pipe tunnel if the piping is extra heavy, expansion bends are fitted, and all joints within the tanks are welded.

16. The authority for the regulations covering boilers, valves, and piping is in R. S. 4405, 4417a, 4418, 4426, 4429–4434, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1026, and sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 50 U. S. C. 1275; and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

BOUNDARY LINES BETWEEN HIGH SEAS AND INLAND WATERS

17. It is proposed to revise the boundary lines for certain inland waters along the Atlantic Coast, Gulf Coast, and Pacific Coast as set forth in 33 CFR 302.5, 302.10, 302.15, 302.25, 302.30, 302.35, 302.40, 302.55, 302.65, 302.80, 302.89, 302.90, 302.95, 302.100, 302.105, 302.110, 302.115, and 302.135. The proposed changes are for the most part editorial in nature and correct the names or characteristics of certain aids to navigation used to describe the lines separating inland waters from the high seas. These changes are necessary since either the names or characteristics of certain aids to navigation have changed or were discontinued. The changes apply to all harbors on the coast of Maine, New Hampshire, and Massachusetts between West Quoddy Head, Maine, and Cape Ann Lighthouse, Massachusetts; Massachusetts Bay; Nantucket Sound, Vineyard Sound, Buzzards Bay, Narragansett Bay, Block Island Sound, and Easterly Entrance to Long Island Sound; Delaware Bay and tributaries; Charleston Harbor; Savannah Harbor; Florida Reefs and Keys from Miami to Marquesas Keys, San Carlos Bay and tributaries; Tampa Bay and tributaries; Apalachee Bay, Florida, Carrabelle River and Apala-

chicola River, Florida; sounds, lakes, and harbors on the coast of Alabama, Mississippi, and Louisiana from Mobile Bay, Alabama, to Barataria Bay, Louisiana, including the Delta of the Mississippi River; Mobile and Mississippi Rivers, Sabine Pass, Texas; Galveston Harbor; Brazos River, Texas; and San Pedro Bay.

18. Proposed regulations will be considered for the establishment of boundary lines separating inland waters from the high seas in the principal harbors of Puerto Rico and the Virgin Islands. At present the general rule for the lines dividing inland waters from the high seas has been followed. The proposed regulations will apply to the harbors at San Juan, Arecibo, Mayaguez, Guanica, Guayanilla, Ponce, Jobos, St. Thomas, and Christiansted. It is proposed to establish lines around Vieques Sound. It is proposed to number these regulations as 33 CFR 302.200, 302.205, 302.210, 302.215, 302.220, 302.225, 302.230, 302.235, 302.240, and 302.245, respectively. The Commander, 10th Coast Guard District, will also hold a public hearing on these proposed regulations and all comments and suggestions made at that hearing will form a part of the record and be considered as a part of this hearing.

19. The authority for regulations establishing boundary lines of inland waters is in section 2, 28 Stat. 672; 33 U. S. C. 151; and section 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

LIGHTS AND PASSING SIGNALS

20. It is proposed to amend the regulations in 33 CFR 312.18 to 312.31, inclusive, in order that these regulations will be the same as similar regulations to be prescribed by the War Department. Under present statutory authority the Commandant of the Coast Guard prescribes the lights and day signals for vessels, dredges of all types, and vessels working on wrecks and obstructions, while navigating certain inland waters along the Atlantic Coast, Gulf Coast, and Pacific Coast, while the War Department prescribes similar lights and signals for vessels navigating on the Great Lakes and Mississippi River and its tributaries. At a conference of representatives of the War Department and the Coast Guard it was proposed to have all the regulations on these lights and passing signals to be identical. It is proposed to change the regulations regarding signals to be displayed by towing vessels when towing a submerged or partly submerged object upon a hawser when no signals are displayed upon the object which is towed; steamers, derrick boats, lighters, or other types of vessels when made fast along the side of a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting; self-propelling suction dredges under way with their suction on the bottom; vessels moored or anchored and engaged in laying by or operating on submarine construction or excavation; vessels moored or at anchor; passing signals; aids to navigation marking floating-plant moorings; and clearing of channels. Numerous editorial changes which do not materially affect present requirements are proposed as well as a new requirement for vessels moored or anchored and engaged in mat sinking, bank grading, dike construction, revetment or other bank protection operations; and floodlights or headlights which may interfere with the proper navigation of an approaching vessel shall be so shielded that the lights will not blind the pilot of such vessel.

21. The authority for the revised regulations is in section 2, 30 Stat. 102, as amended by 38 Stat. 381; and R. S. 4405, as amended; 33 U. S. C. 157, 46 U. S. C. 375; and section 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

MANNING OF SEAGOING BARGES

22. It is proposed to amend the regulations in 46 CFR 31.4–2 and 35.1–4 (b). The proposed amendments to the Tank Vessel Regulations relax present manning requirements for seagoing barges to the extent that such barges need not be manned unless in the judgment of the Officer in Charge, Marine Inspection, such manning is necessary for the protection of life and property and for the safe operation of the vessel.

23. It is proposed to add two new sections as 46 CFR 62.19a and 141.3 to provide that the Officer in Charge, Marine Inspection, shall determine whether or not a seagoing barge shall be manned and to allow such barges to be operated without a crew when conditions warrant the belief that the vessel may be used in navigation with safety to life.

24. The authority for the proposed regulations for manning of tank barges and seagoing barges is set forth in R. S. 4405, 4417a, as amended, sec. 10, 35 Stat. 428, sec. 5 (c), 55 Stat. 244, 46 U. S. C. 375, 391a, 395; 50 U. S. C. 1275; and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

APPROVALS AND TERMINATION OF APPROVALS OF EQUIPMENT

25. The Merchant Marine Council will consider appeals submitted in accordance with the procedures for promulgation of approvals and termination of approvals as set forth in 46 CFR 2.75–1 to 2.75–50, inclusive, 11 F. R. 177A–83.

26. The notice of approvals and termination of approvals of equipment, dated July 24, 1947, and published in the FEDERAL REGISTER July 31, 1947, 12 F. R. 5185, provides that the holder of an approval which is to be terminated November 1, 1947, may appeal such action and shall submit supporting data showing that the item complies with the applicable requirements now in effect. The Merchant Marine Council will consider appeals submitted and any holder of an approval which is to be terminated may also appear in person and give additional reasons why the approval should not be terminated. Recommendations will be submitted to the Commandant on all appeals submitted before November 1, 1947.

Dated: August 18, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard Commandant.

[F. R. Doc. 47-7886; Filed, Aug. 21, 1947; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 912]

[Docket No. AO 29-A6]

DUBUQUE, IOWA, MILK MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159, 4909), as amended, notice is hereby given of a public hearing to be held in the District Court Room, Federal Building, Dubuque, Iowa, beginning at 10:00 a. m., c. s. t., August 28, 1947, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area. Such proposed amendments have not received the approval of the Secretary of Agriculture.

The following proposals have been submitted by the Dubuque Cooperative Dairy Marketing Association, Inc.:

1. Delete from § 912.6 (a) (1) the figure and word "70 cents" and substitute therefor the figure "$1.20."

2. Delete from § 912.6 (a) (2) the figure "23" and substitute therefor the figure "73."

3. Delete from § 912.6 (a) (3) the figure "25" and substitute therefor the figure "75."

4. Add to § 912.8 the following paragraph:

(e) In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with the provisions of § 912.7 (e) hereof.

(2) If the prices which such handler is required to pay under the other order to which he is subject for milk which would be classified as Class I or Class II milk under this order, are less than the respective prices provided pursuant to subparagraphs (1) and (3) of § 912.6 (a) of this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk or Class II milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to subparagraphs (1) and (3) of § 912.6 (a) of this order, and its value as determined pursuant to the other order to which he is subject.

5. Make such other changes as may be required to make the entire tentatively approved marketing agreement and the marketing order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing may be procured from Mr. E. H. McGuire, Market Administrator, 335 Federal Building, 16th St. and 2d Avenue, Rock Island, Illinois, or from the Hearing Clerk, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: August 15, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-7889; Filed, Aug. 21, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 3]

[Docket No. 8487]

SHARING OF TELEVISION CHANNELS AND ASSIGNMENT OF FREQUENCIES TO TELEVISION AND NON-GOVERNMENT FIXED AND MOBILE SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In May and June 1945 the Commission issued its Allocation Report providing in part for 13 television channels and specifying that 12 of those channels be shared with other radio services on a mutually non-interference basis. Since that time the Commission has conducted a comprehensive study of various sharing arrangements. The problems inherent in sharing were also discussed at length at an informal engineering conference held on June 10 and 11, 1947. As a result of these studies the Commission is of the opinion that there is no practicable sharing arrangement which will not cause serious interference to television reception.

3. The Commission, therefore, proposes the changes set forth in the attached appendixes as follows:

Appendix A—Revised table of proposed frequency allocations in the bands 44-88 mc and 108 to 216 mc.

Appendix B—Table of proposed frequency service allocations in the 44-50 mc band.

Appendix C—Revised table of proposed allocation of television channels to metropolitan districts.

4. The salient provisions and objectives of the proposed changes may be summarized as follows:

(a) All provision for sharing of television channels (except channels 7 and 8) is abolished.

(b) In order to accommodate the non-government fixed and mobile radio services for which provision was formerly made on a shared basis on television channels 1 through 5 and 9 through 13, the assignment of the band 44 to 50 mc is changed from television to non-government fixed and mobile. At the present time there is no television station operating on this channel and there is only one construction permit outstanding.

(c) The band 72–76 mc is to be limited to use by the 75 mc aeronautical marker beacons and to fixed circuits on an engineered basis with the view to avoiding adjacent channel interference to television broadcasting. Radio stations presently authorized in the 72–76 mc band will be permitted to continue for a five year period.

(d) Possibilities of interference to television from such sources as harmonic radiations, television receiver response to stations on intermediate or image frequencies and television receiver oscillator radiations are engineering equipment problems which the Commission expects can more properly be solved by equipment development rather than further revisions of frequency allocations.

5. The proposed changes are issued under the authority of sections 303 (c), (d), (e), (f) and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed changes should not be adopted or should not be adopted in the form set forth herein, may file with the Commission, on or before September 15, 1947, a written statement or brief setting forth his comments. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given at a subsequent date.

Adopted: August 14, 1947.

Released: August 14, 1947.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX A—REVISED TABLE OF PROPOSED FREQUENCY ALLOCATIONS 44–88 AND 174–216 MC

United States service-allocation

Band Mc	
44–50	Non-Government: [1]
	(a) Fixed.
	(b) Mobile.
50–54	Amateur.

[1] See Annex B.

54–72	54–72 Mc Non-Government:
	54–60 Mc Television Broadcasting Channel 2.
	60–66 Mc Television Broadcasting Channel 3.
	66–72 Mc Television Broadcasting Channel 4.
72–76	Non-Government Fixed (Note A).
76–88	76–88 Mc Non-Government:
	76–82 Mc Television Broadcasting Channel 5.
	82–88 Mc Television Broadcasting Channel 6.
174–186	(a) Government; Fixed; Mobile.
	(b) Non-Government Television Broadcasting:
	174–180 Mc Channel 7.
	180–186 Mc Channel 8.
186–216	186–216 Mc Non-Government:
	186–192 Mc Television Broadcasting Channel 9.
	192–198 Mc Television Broadcasting Channel 10.
	198–204 Mc Television Broadcasting Channel 11.
	204–210 Mc Television Broadcasting Channel 12.
	210–216 Mc Television Broadcasting Channel 13.

NOTE A: Future assignments to be limited to fixed circuits which, as a result of an engineering study, may be expected to operate in this band on a non-interference basis to the television service.

APPENDIX B—TABLE OF PROPOSED FREQUENCY SERVICE-ALLOCATIONS, 44–50 MC

Service and Frequency Assignments, Mc

Provisional, experimental:
44.02, 44.06.

Police:
44.10, 44.14, 44.18, 44.22, 44.26, 44.30, 44.34, 44.38, 44.42, 44.46, 44.50, 44.54, 44.58, 44.62, 44.66, 44.70, 44.74, 44.78, 44.82, 44.86, 44.90, 44.94, 44.98, 45.02, 45.07, 45.10, 45.14, 45.18, 45.22, 45.26, 45.30, 45.34, 45.38, 45.42, 45.46, 45.50, 45.54, 45.58, 45.62, 45.66, 45.70, 45.74, 45.78, 45.82, 45.86, 45.90, 45.94, 45.98, 46.02, 46.06, 46.10, 46.14, 46.18, 46.22, 46.26, 46.30, 46.34, 46.38, 46.42, 46.46, 46.50, 46.54, 46.58, 46.62.

Police, fire: [2]
46.66, 46.70, 46.74, 46.78, 46.82, 46.86.

Fire:
46.90, 46.94, 46.98, 47.02, 47.06, 47.10.

Highway maintenance:
47.14, 47.18, 47.22, 47.26, 47.30, 47.34, 47.38, 47.42.

Special emergency:
47.46, 47.50, 47.54, 47.58, 47.62, 47.66.

Petroleum, etc.: [2]
47.70, 47.74, 47.78, 47.82, 47.86, 47.90, 47.94, 47.98, 48.02, 48.06, 48.10, 48.14.

Power utility, petroleum, etc.: [2]
48.18, 48.22, 48.26, 48.30, 48.34, 48.38, 48.42, 48.46, 48.50, 48.54, 48.58, 48.62, 48.66, 48.70.

Power utility:
48.74, 48.78, 48.82, 48.86, 48.90, 48.94, 48.98, 49.02, 49.06, 49.10, 49.14, 49.18.

Provisional, experimental:
49.22, 49.26.

Forestry conservation:
49.30, 49.34, 49.38, 49.42, 49.46, 49.50, 49.54, 49.58.

Forestry conservation, transit utility:
49.62, 49.66, 49.70, 49.74, 49.78, 49.82.

Transit utility:
49.86, 49.90, 49.94, 49.98.

[2] Including municipally owned utilities (such as water, electric, gas, etc.) which make joint use of municipal fire or municipal police radio facilities.

[2] Other industries requiring similar radio service.

APPENDIX C—REVISED TABLE OF PROPOSED ALLOCATION OF TELEVISION CHANNELS TO METROPOLITAN DISTRICTS

NOTE: Changes required as a result of channel 1 reallocation are *italicized*. Current assignments are from Subpart F (formerly Subpart D) of the Commission's rules governing broadcast services (Part 3) with the exception of cities bearing footnote 3.

Metropolitan district	Current channel Nos.		Proposed channel Nos.	
	Metropolitan	Community	Metropolitan	Community
Akron	11		11	
Albany	2, 4, 7, 9, 11		2, 4, 7, 9, 11	
Schenectady				
Troy				
Allentown				
Bethlehem		8		8
Easton				
Altoona	9		9	
Ames, Iowa [1] (not metropolitan district).			4	
Amarillo	2, 4, 5, 7		2, 4, 5, 7	
Asheville	5, 7, 12		5, 7, 12	
Atlanta	2, 5, 8, 11		2, 5, 8, 11	
Atlantic City		8		8
Augusta, Ga	6, 12		6, 12	
Austin	8, 10, 12		8, 10, 12	
Baltimore	2, 11, 13		2, 11, 13	
Beaumont	3, 6, 8, 10		3, 6, 8, 10	
Port Arthur				
Binghamton	12		12	
Birmingham	4, 9, 13		4, 9, 13	
Bloomington, Ind. [4] (not metropolitan district).				10
Boston	2, 4, 7, 9, 13		2, 4, 7, 9, 13	
Bridgeport, Conn		*1*		
Buffalo	4, 7, 9, 13		4, 7, 9, 13	
Niagara				
Canton, Ohio		*1*	7	
Cedar Rapids	7, 11		7, 11	
Charleston, S. C	7, 10, 13		7, 10, 13	
Charleston, W. Va	7, 11, 13		7, 11, 13	
Charlotte	3, 9, 11		3, 9, 11	
Chattanooga	3, 6, 10, 12		3, 6, 10, 12	
Chicago	*2, 4, 5, 7, 8, 11, 13*		*2, 4, 5, 7, 9, 11*	
Cincinnati	2, 4, 7, 11		2, 4, 7, 11	
Cleveland	*2, 4, 5, 7, 9*		*2, 4, 5, 9*	
Columbus	2, 4, 8		2, 4, 8	
Columbus, Ga	3, 12		3, 12	
Columbus, Ohio	*5, 6, 8, 10*		*5, 6, 10*	
Corpus Christi	3, 6, 8, 10		3, 6, 8, 10	
Dallas	4, 8, 12		4, 8, 12	
Davenport				
Rock Island	2, 4, 5, 9		2, 4, 5, 9	
Moline				
Dayton	5, 13		5, 13	
Decatur	2		2	
Denver	2, 4, 5, 7, 9		2, 4, 5, 7, 9	
Des Moines [1]	2, 4, 5, 9		2, 5, 9, 12	
Detroit [2]	2, 4, 5, 7, 9		2, 4, 5, 7	
Duluth	3, 6, 8, 10		3, 6, 8, 10	
Superior				
Durham	4, 7		4, 7	
El Paso	2, 4, 5, 7		2, 4, 5, 7	
Erie	12		12	
Evansville, Ind	2, 11		2, 11	
Fall River		*1*		*8*
New Bedford				
Flint	11		11	
Fort Wayne	2, 4, 7, 9		2, 4, 7, 9	
Fort Worth	2, 5, 10		2, 5, 10	
Fresno	2, 4, 5, 7		2, 4, 5, 7	
Galveston	9, 11, 13		9, 11, 13	
Grand Rapids	7, 9		7, 9	
Greensboro	2, 10		2, 10	
Hamilton				
Middletown	9		9	
Harrisburg	8			*10*
Hartford				
New Britain	8, 10		8, 10	
Houston	2, 4, 5, 7		2, 4, 5, 7	
Huntington, W. Va	5		5	
Ashland, Ky				
Indianapolis, Ind. [3]	3, 6, 8, 10, 12		3, 6, 8, 12	
Jackson	2, 4, 5, 7		2, 4, 5, 7	
Jacksonville	2, 4, 6, 8		2, 4, 6, 8	
Johnstown, Pa	13		13	
Kalamazoo	3		3	
Kansas City, Mo	2, 4, 5, 9		2, 4, 5, 9	
Kansas City, Kans				
Knoxville	2, 4, 8, 11		2, 4, 8, 11	
Lancaster		4		4
Lansing	6		6	
Lincoln	10, 12		10, 12	
Little Rock	3, 6, 8, 10		3, 6, 8, 10	
Los Angeles	2, 4, 5, 7, 9, 11, 13		2, 4, 5, 7, 9, 11, 13	
Louisville	5, 9		5, 9	
Lowell				
Lawrence	6		6	
Haverhill				
Macon	4, 7, 10		4, 7, 10	
Madison	9		9	
Manchester		*1*		
Memphis	2, 4, 5, 7		2, 4, 5, 7, 9	
Miami	2, 4, 5, 7		2, 4, 5, 7	
Milwaukee	3, 6, 8, 10		3, 6, 8, 10	
Minneapolis	2, 4, 5, 7, 9		2, 4, 5, 7, 9	
St. Paul				
Mobile	3, 5, 9, 11		3, 5, 9, 11	
Montgomery	6, 10		6, 10	
Nashville	4, 5, 7, 9		4, 5, 7, 9	
New Haven		6		
New Orleans	2, 4, 6, 7, 10		2, 4, 6, 7, 10	
New York	2, 4, 5, 7, 9, 11, 13		2, 4, 5, 7, 9, 11, 13	
Northeastern New Jersey				
Norfolk				
Portsmouth	4, 7, 11, 13		4, 7, 11, 13	
Newport News				
Oklahoma City	2, 4, 5, 9		2, 4, 5, 9	
Omaha	3, 6, 7		3, 6, 7	
Council Bluffs				
Peoria	3, 6, 12		3, 6, 12	
Philadelphia	3, 6, 10, 12		3, 6, 10, 12	
Phoenix	2, 4, 5, 7		2, 4, 5, 7	
Pittsburgh	3, 6, 8, 10		3, 6, 8, 10	
Portland, Maine	3, 8		3, 8	
Portland, Oreg	3, 6, 8, 10, 12		3, 6, 8, 10, 12	
Providence, R. I	11		11	
Pueblo	3, 6, 8, 10		3, 6, 8, 10	
Racine				
Kenosha		*1*	*13*	
Reading		*5*		
Richmond	3, 6, 8, 10		3, 6, 8, 10	
Riverside, Calif. [4] (not metropolitan district).		*1*		
Roanoke	5, 9, 12		5, 9, 12	
Rochester	2, 6, 11		2, 6, 11	
Rockford	12		12	
Sacramento	3, 6, 10		3, 6, 10	
Saginaw	3, 8, 13		3, 8, 13	
Bay City				
St. Joseph	13		13	
St. Louis	4, 5, 7, 9, 13		4, 5, 7, 9, 13	
Salt Lake City	2, 4, 5, 7, 9		2, 4, 5, 7, 9	
San Antonio	2, 4, 5, 7, 9		2, 4, 5, 7, 9	
San Diego	*3, 6, 8, 10*		*5, 8, 10, 12*	
San Francisco	2, 4, 5, 7, 9, 11		2, 4, 5, 7, 9, 11	
Oakland				
San Jose	13		13	
Savannah	3, 5, 9, 11		3, 5, 9, 11	
Scranton	*11*	*1*	*11*	
Wilkes Barre				
Seattle	2, 5, 7, 11		2, 5, 7, 11	
Shreveport	2, 4, 6, 8		2, 4, 6, 8	
Sioux City	4, 9, 11, 13		4, 9, 11, 13	
South Bend		*1*	*15*	
Spokane	2, 4, 5, 7, 9		2, 4, 5, 7, 9	
Springfield, Ill	8, 10		8, 10	
Springfield, Mass		*1*	*5*	
Holyoke				
Springfield, Mo	2, 4, 5, 9		2, 4, 5, 9	
Springfield, Ohio		*1*	*8*	
Stockton	5		5	
Syracuse	5, 8, 10		5, 8, 10	
Tacoma	4, 9, 13		4, 9, 13	
Tampa	2, 4, 5, 7		2, 4, 5, 7	
St. Petersburg				
Terre Haute	4		4	
Toledo	13		13	
Topeka	7, 11		7, 11	
Trenton		*1*		
Tulsa	3, 6, 8, 10		3, 6, 8, 10	
Utica	3, 13		3, 13	
Reno				
Waco	3, 6, 9, 11		3, 6, 9, 11	
Washington	4, 5, 7, 9		4, 5, 7, 9	
Waterbury	12		12	
Waterloo	3, 6, 13		3, 6, 13	
Wheeling	12		12	
Wichita	2, 4, 5, 9		2, 4, 5, 9	
Wilmington		7		7
Winston-Salem	6, 8		6, 8	
Worcester	5		5	
York		*1*		
Youngstown	13		13	

[1] Channel 4 shift from Des Moines to Ames, Iowa, is the result of prior action and is not related to any proposed change in the total number of television channels.

[2] Channel 9 deleted at the request of the Canadian Government for use in Windsor, Ontario, and is not related to proposed change in the total number of television channels.

[3] Channel 10 shift from Indianapolis to Bloomington, Ind., is the result of prior action and is not related to any proposed change in the total number of television channels.

[4] Added subsequent to publication of Subpart E (formerly D) of the Commission's Part 3 Rules.

[F. R. Doc. 47-7855; Filed, Aug. 21, 1947; 8:50 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong.; 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9590]

WILLIAM EPPLER

In re: Estate of William Eppler, deceased. File D-28-12004; E. T. sec. 16184.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Kindle, Berta Kindle Wacher and Ernest Kindle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of William Eppler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk, Orphans' Court of Philadelphia County, Pa., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7865; Filed, Aug. 21, 1947; 8:47 a. m.]

[Vesting Order 9591]

HUGO GOERKE

In re: Trust under will of Hugo Goerke, deceased. File No. D-28-2191; E. T. sec. 2863.

Under the authority of the Trading with the Enemy Act, as amended, Executive order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Goerke, Paul Goerke, Martha Born, Renate Wendt, Erich Goerke, Leona Goerke, August Goerke, Ella Goerke, Ericka Kaleve and Kurt Kaleve, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, representatives, names unknown of Ferdinand Goerke; the issue, representatives, names unknown, of Paul Goerke; the issue, representatives, names unknown, of Martha Born; the issue, representatives, names unknown, of Renate Wendt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust created under the Will of Hugo Goerke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Fred G. Stickel, Jr., as Substituted Trustee of the Trust created under the Will of Hugo Goerke, deceased, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, representatives, names unknown of Ferdinand Goerke; the issue, representatives, names unknown, of Paul Goerke; the issue, representatives, names unknown, of Martha Born; the issue, representatives, names unknown, of Renate Wendt, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7866; Filed, Aug. 21, 1947; 8:47 a. m.]

[Vesting Order 9597]

JOHN PIZZLE

In re: Estate of John Pizzle, deceased. File D-34-842; E. T. sec. 13897.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Perenizi Teador Pizzle a/k/a Teodor Paslea-Perenyi, Mrs. Anna J. Ghete, nee Pizzle, Alexander Ghete and Nicholas Ghete, whose last known addresses are Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania);

2. That Issue, names unknown of Perenizi Teador Pizzle a/k/a Teodor Paslea-Perenyi and Issue, names unknown, of Mrs. Anna J. Ghete, nee Pizzle, who there is reasonable cause to believe are residents of Rumania, are nationals of a designated enemy country (Rumania);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of John Pizzle, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Rumania);

4. That such property is in the process of administration by Earl D. Leader, as Executor, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

5. That to the extent that the above named persons and the Issue, names unknown, of Perenizi Teador Pizzle a/k/a Teodor Paslea-Perenyi and Issue, names unknown, of Mrs. Anna J. Ghete, nee Pizzle are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7867; Filed, Aug. 21, 1947; 8:47 a. m.]

[Vesting Order 9601]

SOPHIE SERA

In re: Estate of Sophie Sera, deceased. File No. D-34-899; E. T. sec. 15496.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferenc Sera, Elizabeth Racz, Mary Sera, Este Sera, Elizabeth Sera, Berta Sera, Gabriel Sera, Este Racz and Gabriel Racz, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Sophie Sera, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by Francis J. Mulligan, as administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7868; Filed, Aug. 21, 1947; 8:47 a. m.]

[Vesting Order 9603]

CAROLINE STRAUSS

In re: Estate of Caroline Strauss, deceased. File No. D-28-11194; E. T. sec. 15573.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Strauss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the heirs-at-law, next of kin and distributees, names unknown, of Rudolf Strauss, and the heirs-at-law, next of kin and distributees, names unknown, of Adolf Strauss, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Caroline Strauss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John C. Glenn, Public Administrator of Queens County, as Administrator of the Estate of Caroline Strauss, deceased, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That the person identified in subparagraph 1 and the heirs-at-law, next of kin and distributees, names unknown of Rudolf Strauss, and the heirs-at-law, next of kin and distributees, names unknown of Adolf Strauss, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7869; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9604]

JOHN SZARKA

In re: Estate of John Szarka, deceased. File No. D-57-458; E. T. sec. 15710.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marika Zarka, also known as Marika Szarka, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of John Szarka, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary);

3. That such property is in the process of administration by the Treasurer of St. Lawrence County, as depositary, acting under the judicial supervision of the Surrogate's Court of St. Lawrence County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7870; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9605]

HELEN WEIDNER

In re: Insurance policy rights owned by Helen Weidner. File D-34-879; E. T. sec. 14570.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Weidner, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary).

2. That the net proceeds due or to become due under a contract of insurance evidenced by certificate No. 8212257 issued by the Equitable Life Assurance Society of New York, New York, on the life of Charles R. Holenia, deceased, wherein Helen Weidner is designated beneficiary and any other benefits and rights of any name or nature whatsoever under or arising out of said contract of insurance which are or were held by Helen Weidner, together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contract of insurance, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Hungary);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7871; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9606]

GUSTAF A. AICHECK

In re: Bank account owned by Gustaf A. Aicheck, also known as Adolf Aichele and as Adolf Aicheck. F-28-28475-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustaf A. Aicheck, also known as Adolf Aichele and as Adolf Aicheck, whose last known address is Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Gustaf A. Aicheck, also known as Adolf Aichele and as Adolf Aicheck, by Suffolk Savings Bank for Seamen and Others, 1 Tremont Street, Boston, Massachusetts, arising out of a Savings Account, account number 581124, entitled Gustaf A. Aicheck, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7872; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9608]

ANNA ATZERT

In re: Bank account owned by Anna Atzert. F-28-7528-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Atzert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Savings Bank of Baltimore, Charles and Baltimore Streets, Baltimore 3, Maryland, arising out of a Savings Account, account number 83649, entitled Maria Klubir and Anna Atzert, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Atzert, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7873; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9612]

DEUTSCHE FANTO AND DEUTSCH-WESTAFRIKANISCHE

In re: Debt owing to Deutsche Fanto and Deutsch-Westafrikanische. F-28-9542-C-1, F-28-13492-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Fanto and Deutsch-Westafrikanische, the last known addresses of which are Hamburg, Germany are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Deutsche Fanto, by Davis & Company, Incorporated, 2109 Commerce Building, Houston, Texas, in the amount of $8,474.91, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Deutsch-Westafrikanische, by Davis & Company, Incorporated, 2109 Commerce Building, Houston, Texas, in the amount of $174.99 as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7874; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9616]

JOHANN AND KAETHE GUERTNER

In re: Bank account owned by Johann Guertner and Kaethe Guertner. F-28-5956-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That Johann Guertner and Kaethe Guertner, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Johann Guertner and Kaethe Guertner, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Checking Account, entitled Mr. Johann Guertner and/or Mrs. Kaethe Guertner, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7875; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9618]

ELSA MEYER

In re: Bank account owned by Elsa Meyer. F-28-2628-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Meyer, whose last known address is Osnabrueck, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elsa Meyer, by Mutual Bank and Trust Co., 716 Locust Street, St. Louis, Missouri, arising out of a Checking Account, entitled Miss Elsa Meyer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7877; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9619]

KAZUO MINAMI

In re: Bank account owned by Kazuo Minami. F-39-2535-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kazuo Minami, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Fidelity National Bank, Twin Falls, Idaho, arising out of a Checking Account, entitled Roy Shobei Morita in trust for Kazuo Minami, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kazuo Minami, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7876; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9620]

ADOLPH MUELLER ET AL.

In re: Bank account owned by Adolph Paul Mueller, Alex Mueller, Ewald Mueller, Elisabeth Mueller, and Mrs. Anna Reinertz, nee Mueller. F-28-24349-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Paul Mueller, Alex Mueller, Ewald Mueller, Elisabeth Mueller, and Mrs. Anna Reinertz, nee Mueller, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Marshall & Ilsley Bank, Milwaukee 1, Wisconsin, arising out of a Savings Account, account number 183565, entitled Rev. Emil Roth, Route 1, New Albin, Iowa, as attorney-in-fact for Adolph Paul Mueller, Alex Mueller, Ewald Mueller, Elisabeth Mueller, and Mrs. Anna Reinertz, nee Mueller, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Adolph Paul Mueller, Alex Mueller, Ewald Mueller, Elisabeth Mueller, and Mrs. Anna Reinertz, nee Mueller, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7878; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9621]

TATSUGIRO NORINOBU

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Tatsugiro Norinobu, deceased. D-39-18932-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Tatsugiro Norinobu, deceased, who there is reasonable cause to believe are residents of Japan are nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Union Dime Savings Bank, 1065 Avenue of the Americas, New York 18, New York, arising out of a Savings Account, account number 1,052,439, entitled Tatsugiro Norinobu, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Tatsugiro Norinobu, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Tatsugiro Norinobu, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7879; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9622]

ROBERT PINKERT ET AL.

In re: Debts owing to Robert Pinkert, Martha Pinkert and Lena Rehme. F-28-11961-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Pinkert, Martha Pinkert and Lena Rehme, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations evidenced by checks numbered 694, 695 and 730, payable to Robert Pinkert, Martha Pinkert and Lena Rehme respectively, dated January 1, 1947, drawn on Kansas City Building & Loan Trust and presently in the custody of Hermann Gastreich, 412 E. 75th Street, Kansas City 5, Missouri, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of the aforesaid checks, and

b. Three (3) certificates of Kansas City Building & Loan Trust, in the face amount of $375.00 each, certificates numbered 687, 686 and 718, registered in the name of Robert Pinkert, Martha Pinkert and Lena Rehme respectively, and presently in the custody of Hermann Gastreich, 412 E. 75th Street, Kansas City 5, Missouri, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7880; Filed, Aug. 21, 1947; 8:49 a. m.]

[Vesting Order 9623]

DORA RENGSTORF AND ANNA SEEGER

In re: Bank accounts owned by Dora Rengstorf and Anna Seeger, F-28-25770-E-1, F-28-26102-E-1, F-28-26102-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Rengstorf and Anna Seeger, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Dora Rengstorf, by Bank of America National Trust & Savings Association, Market-New Montgomery Office, San Francisco 20, California, arising out of a Savings Account, account number 6738, entitled Dora Rengstorf, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dora Rengstorf, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Bank of America National Trust & Savings Association, Market-New Montgomery Office, San Francisco 20, California, arising out of a Savings Account, account number 1594, entitled I. F. or Tom F. Chapman, Trustees for Anna Seeger, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Seeger, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7881; Filed, Aug. 21, 1947; 8:49 a. m.]

[Vesting Order 9624]

MITSUE SASAKI

In re: Debt owing to Mitsue Sasaki. F-39-4718-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193 as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitsue Sasaki, whose last known address is Miyagino, Machi, Sendai Shi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Mitsue Sasaki, by American Smelting and Refining Company, 120 Broadway, New York, N. Y., in the amount of $1,428.90, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7882; Filed, Aug. 21, 1947; 8:49 a. m.]

[Vesting Order 9633]

ALBRECHT AND META BEHRENS

In re: Real property, bank account and personal property owned by Albrecht Behrens and bank account owned by Meta Behrens.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albrecht Behrens and Meta Behrens, whose last known address is Lehnstedt Wesermund, Germany, are residents of Germany and nationals of a designated enemy county (Germany);

2. That the property described as follows:

a. Real property situated in Springfield Gardens, County of Queens, State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All that personal property, consisting of household furnishings, confectionery store equipment, fixtures and ice cream manufacturing machinery located at premises known as 220-05 Merrick Road, Springfield Gardens, New York, and described in Exhibit B, attached hereto and by reference made a part hereof, and

c. That certain debt or obligation owing to Albrecht Behrens by Springfield Gardens National Bank, 216-02 Merrick Road, Springfield Gardens, New York, arising out of an account entitled "Albrecht Behrens", and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Albrecht Behrens, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or obligation owing to Meta Behrens by Jamaica Savings Bank, 161-02 Jamaica Avenue, Jamaica, New York, arising out of Account No. 184651 entitled "Meta Behrens", and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Meta Behrens, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b, 2-c and 3 hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain plot, piece or parcel of land with the buildings and improvements thereon in the Borough and County of Queens, City and State of New York, known as Lot No. 685, in Block S, on a certain Map entitled "Map of Springfield Hillcrest, property of Wood-Horn Realty Co., 4th Ward, Borough of Queens, City and State of New York", surveyed June 1922, by William L. Savacol, C. E. and C. S., and filed in Queens County Clerk's Office on August 12, 1922, as Map No. 4151, more particularly bounded and described according to said Map as follows:

Beginning at a point on the northerly side of Merrick Road distant 40.008 feet easterly from the corner formed by the intersection of the northerly side of Merrick Road and the easterly side of 220th Street; running thence northerly and parallel with 220th Street 101.15 feet, thence easterly and parallel with Merrick Road 20 feet; thence southerly and again parallel with 220th Street 100.75 feet to the northerly side of Merrick Road and part of the distance through a party wall, and thence westerly along the northerly side of Merrick Road 20.004 feet to the point or place of beginning.

EXHIBIT B

2 glass show cases approximately 10 feet long.
1 glass showcase approximately 8 feet long.
30 feet of attached half closets.
10 attached wall mirrors.
11 glass confectionery jars.
2 Toledo scales.
1 cash register.
1 penny weighing machine.
1 30 foot ice cream counter.
1 5 gallon ice cream freezer and frigidaire compressor.
1 12 5 gallon compartment automatic hardening box.
1 12 5 gallon compartment automatic hardening box with universal compressor.
1 8 5 gallon compartment automatic hardening box and compressor.
3 malted milk machines.
1 wall clock.
1 10 foot stainless steel fountain.
1 sandwich table and compressor.
3 malted milk containers.
4 dozen silver plated assorted ice cream dishes.
1½ dozen silver plated ice cream soda containers.
2 nickel spoon containers.
20 feet of attached marble half closets.
2 electric store fixtures.
2 neon window signs.
1 outside neon sign.
1 sandwich ice box.
8 marble topped table booths.
8 individual mirrors.
6 marble topped tables.
16 chairs.
1 10 foot wood and class partition.
1 gill bottomless ice cream measure nickel.
½ pint bottomless ice cream measure nickel.
1 pint bottomless ice cream measure nickel.
1 quart bottomless ice cream measure nickel.
1 4 foot marble top counter and 2 burner glass stoves.
2 stainless steel serving trays.
2 dozen hot chocolate cups and saucers.
1 steam Starlighter ice cream machine.
1 Manhattan soda water machine.
28 5 gallon ice cream cans.
1 milk strainer.
1 ice cream masher.
2 ice cream peddlers' carts.
1 electric fan.
1 6 foot marble top candy making table.
1 stove for boiling syrups.
1 10 foot candy making table.
4 metal candy trays.
1 case of wooden candy trays.
1 candy cutter.
1 10 foot candy table.
1 8 foot marble half closet.
2 copper cream bowls.
1 walnut double bed.
1 walnut vanity with attached mirror.
1 vanity bench.
1 walnut dresser.
1 walnut chest of drawers.
1 walnut secretary.
1 Westinghouse radio.
1 living room sofa.
2 easy chairs.
1 console table.
1 end table.
1 kitchen table.
4 kitchen chairs.
1 Norge refrigerator.
Various cups, saucers, and dishes.

[F. R. Doc. 47-7883; Filed, Aug. 21, 1947; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[2108938]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY ACCEPTED MARCH 10, 1947

AUGUST 15, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the District Land Office, Anchorage, Alaska, effective at 10:00 a. m. on October 17, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 17, 1947 to January 15, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat., 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 27, 1947, to October 17, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 17, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 16, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 27, 1947, to January 16, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 16, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications

under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

The lands affected by this notice are described as follows:

SEWARD MERIDIAN

T. 15 N., R. 1 W.,
Secs. 30 and 31, all.

The areas described aggregate 1,200.13 acres.

The greater part of this land is mountainous and rocky, rising to an elevation of 1,400 feet, with a dense growth of birch and spruce timber and a brush undergrowth. With the exception of the southeast portion of sec. 30, the lands are low, rolling and have a sandy loam soil. All of sec. 30 is subject to the provision of Public Land Order No. 95 of March 12, 1943.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-7835; Filed, Aug. 21, 1947; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-149]

ACCIDENT AT LAGUARDIA FIELD, NEW YORK

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NX-8787 which occurred at LaGuardia Field, New York, on August 9, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-mentioned proceeding that hearing is hereby assigned to be held on Tuesday and Wednesday, August 26 and 27, 1947 at 9:30 a. m. (local time) in Empire Room, Lexington Hotel, 48th and Lexington Avenue, New York, New York.

Dated at Washington, D. C., August 18, 1947.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 47-7887; Filed, Aug. 21, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6824, 7621, 7357]

WOOP, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of WOOP, Inc., Dayton, Ohio, Docket No. 6824, File No. BP-3987; Sky Way Broadcasting Corporation, Columbus, Ohio, Docket No. 7621, File No. BP-4824; Northwestern Ohio Broadcasting Corporation, Lima, Ohio, Docket No. 7357, File No. BP-4447; for construction permits.

The Commission having under consideration a petition filed July 28, 1947, by Northwestern Ohio Broadcasting Corporation, Lima, Ohio, requesting leave to amend its application for construction permit (File No. BP-4447; Docket No. 7357), so as to show the withdrawal from the applicant corporation of Edward Cooper, as director, Assistant Secretary and stockholder, and of Robert F. Jones, as a stockholder; and to change paragraph 8 of the application to reflect this information; as more particularly appears from the amendment filed simultaneously with the petition; and an opposition thereto filed July 31, 1947, by Sky Way Broadcasting Corporation;

It is ordered, This 8th day of August, 1947, that the instant petition be, and it is hereby granted; the said amendment filed simultaneously with the petition covering matters hereinabove described be, and it is hereby, accepted; on the Commission's own motion, the record in the above-entitled proceeding be, and it is hereby, reopened for the purpose of adding to the record the above-mentioned amendment; and a further hearing in the above-entitled proceeding be, and it is hereby, scheduled for 10 o'clock, Thursday, August 28, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7859; Filed, Aug. 21, 1947; 8:50 a. m.]

[Docket Nos. 6884, 7115, 7852]

PATRIOT CO. ET AL.

ORDER CONTINUING HEARING

In re applications of The Patriot Company, Harrisburg, Pennsylvania, Docket No. 6884, File No. BP-4091; WHP, Incorporated, Harrisburg, Pennsylvania, Docket No. 7115, File No. BP-4334; Union Broadcasting Company (WARM), Scranton, Pennsylvania, Docket No. 7851, File No. BP-5186; John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania, Docket No. 7852, File No. BP-5212; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of August 1947;

The Commission having under consideration a petition filed July 31, 1947 by Union Broadcasting Company, (WARM), Scranton, Pennsylvania, requesting the Commission en banc to review the action of the Presiding Officer of the Motions Docket (Mr. Plotkin) taken July 28, 1947 enlarging issues in the proceeding upon the applications of Union Broadcasting Company (WARM), Scranton, Pennsylvania (Docket No. 6884), WHP, Inc., Harrisburg, Pennsylvania (Docket No. 7115) and John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania (Docket No. 7852) so as to include the following issue:

To determine whether the proposed operation of Union Broadcasting Company (WARM), Scranton, Pennsylvania, and John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania, would involve objectionable interference with the service of a proposed station at Lynchburg, Virginia, to be operated by the Lynchburg Broadcasting Corporation on 590 kc, with a power of 1 kw, DA-2, unlimited time, as set forth in the proposed decision, released July 1, 1947, in Docket 6866 et al., and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

or, in the alternative, requesting that the Commission continue the further hearing in the above-mentioned proceeding to a date thirty days after the filing of an application for modification of construction permit to specify 590 kc by Lynchburg Broadcasting Corporation and;

It appearing that on July 1, 1947, the Commission issued a proposed decision looking to a grant of the application of Lynchburg Broadcasting Corporation (WLVA), Lynchburg, Virginia (File No. BP-4096, Docket No. 6870) with the use of the frequency 590 kc; that the above-entitled applications of Union Broadcasting Company (WARM), and John H. Stenger, Jr. (WBAX), both request the use of the frequency 590 kc; that the Commission on July 28, 1947, on its own motion, enlarged the issues upon which the above-entitled applications are to be heard so as to determine whether the proposed operation of Union Broadcasting Company (WARM), or John H. Stenger, Jr. (WBAX) would involve objectionable interference with the service of a proposed station at Lynchburg, Virginia; and

It appearing that insofar as petitioner's objections to the action of the Presiding Officer of the Motions Docket in enlarging the issues in the above-entitled proceeding are based upon the alleged invalidity of the Commission's action on July 1, 1947, proposing to grant the application of Lynchburg Broadcasting Company (WLVA) with the use of the frequency 590 kc, said objections are without merit; and that insofar as the instant petition seeks reversal of the order enlarging the issues, the petition should be denied; and

It further appearing that insofar as the petition requests a continuance in the further hearing in the above-entitled proceeding, presently scheduled for August 19, 1947, so as to permit a study by petitioner of the application for modification of construction permit to be filed by Lynchburg Broadcasting Company, the petition is justified; and that a continuance of the said further hearing to Thursday, September 11, 1947, would be in the public interest.

It is ordered, That insofar as the petition requests reconsideration of the July 28, 1947, action of the Presiding Officer of the Motions Docket enlarging the issues in the above-entitled proceeding, the petition be, and it is hereby denied.

It is further ordered, That insofar as the petition requests a continuance in the further hearing presently scheduled for August 19, 1947, the petition be, and it is hereby granted in part; and the further hearing in the above-entitled proceeding be, and it is hereby continued to 10:00 a. m. Thursday, September 11, 1947, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7860; Filed, Aug. 21, 1947; 8:50 a. m.]

[Docket No. 7766]

C. THOMAS PATTEN

NOTICE OF FURTHER HEARING

In re application of C. Thomas Patten, Oakland, California, Docket No. 7766, File No. BP-4876, for construction permit.

You are hereby notified that further hearing in the above entitled matter will be held in Oakland, California, on September 2, 1947, before Commissioner Rosel Hyde, presiding. You will be notified at a later date of the place of the hearing.

Dated: August 14, 1947.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7857; Filed, Aug. 21, 1947; 8:50 a. m.]

[Docket No. 7956]

PITTSBURG BROADCASTING CO.

NOTICE OF FURTHER HEARING

In re application of Pittsburg Broadcasting Company, Pittsburg, California, Docket No. 7956, File No. BP-5356, for construction permit.

You are hereby notified that further hearing in the above entitled matter will be held in Pittsburg, California on September 4, 1947 before Commissioner Rosel Hyde, presiding. You will be notified at a later date of the place of the hearing.

Dated: August 14, 1947.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7858; Filed, Aug. 21, 1947; 8:50 a. m.]

[Docket No. 8478]

FANNIN COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Frank Svoboda tr. as Fannin County Broadcasting Company, Bonham, Texas, Docket No. 8478, File No. BP-5720, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of August 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on the frequency 1420 kc, with a 1 kw power, daytime only, in Bonham, Texas, and also having under consideration a petition, filed by Truett Kinzey, licensee of Station KGVL, Greenville, Texas, alleging that the operation proposed in the said application will cause objectionable interference within the 0.5 mv/m contour of Station KGVL and requesting that the said application be designated for hearing;

It is ordered, That the petition of Truett Kinzey, be, and it is hereby granted, and that pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Frank Svoboda tr/as Fannin County Broadcasting Company be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KGVL, Greenville, Texas, or with any other existing broadcasting stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Truett Kimzey, licensee of station KGVL, be and he is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7863; Filed, Aug. 21, 1947; 8:50 a. m.]

[Docket No. 8485]

SUFFOLK BROADCASTING CORP. (WFSS)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Suffolk Broadcasting Corporation (WFSS), Coram, New York, File No. BMPH-409, Docket No. 8485, for modification of construction permit.

At a session of the Federal Communications Commission held in Atlantic City, New Jersey on the 28th day of July 1947;

The Commission having under consideration the above-entitled application of the Suffolk Broadcasting Company for modification of construction permit of FM broadcast station WFSS at Coram, Long Island, New York, requesting Class B facilities;

It appearing, that a Class B FM broadcast station operating as proposed by the applicant at Coram, Long Island, New York may result in objectionable interferences to adjacent channel stations in the New York City area;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the above-entitled application be, and it is hereby designated for hearing, at a date and place to be specified by a subsequent order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose service from the proposed operation of Suffolk Broadcasting Company, and the character of other FM broadcast service available to such areas and populations.

2. To determine whether the proposed operation of Suffolk Broadcasting Company would involve objectionable interference with any other FM broadcasting stations or pending application for FM broadcasting stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the character of other FM broadcast services available to such areas and populations.

3. To determine whether the installation and operations of the station as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning FM Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7862; Filed, Aug. 21, 1947; 8:50 a. m.]

[Docket No. 8488]

JOHNSON COUNTY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Johnson County Broadcasting Corporation, Iowa City, Iowa, Docket No. 8488, File No. BP-5935, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of August 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 800 kc, with 1 kw power, daytime only, using a directional antenna, at Iowa City, Iowa; and a petition filed by KCMO Broadcasting Company, licensee of Station KCMO, Kansas City, Missouri, requesting that said application be designated for hearing with petitioner named a party thereto;

It is ordered, That the petition of KCMO Broadcasting Company be, and it is hereby, granted, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be desig-

nated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Stations KCMO, Kansas City, Missouri, WBBM, Chicago, Illinois, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KBUR, at Burlington, Iowa, the nature and extent thereof and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That KCMO Broadcasting Company, licensee of Station KCMO, Kansas City, Missouri, and Columbia Broadcasting System, Inc., licensee of Station WBBM, Chicago, Illinois, be, and they are hereby, made parties to this proceeding.

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7861; Filed, Aug. 21, 1947; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-796, G-889]

SOUTHERN NATURAL GAS CO. AND EAST TENNESSEE NATURAL GAS CO.

NOTICE OF ORDER GRANTING LEAVE TO FILE ADDITIONAL EVIDENCE AND REOPENING RECORD FOR SUCH PURPOSE

AUGUST 19, 1947.

Notice is hereby given that, on August 18, 1947, the Federal Power Commission issued its order entered August 15, 1947, granting leave to file additional evidence and reopening record for such purpose in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7851; Filed, Aug. 21, 1947; 8:46 a. m.]

[Docket No. G-892]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 19, 1947.

Notice is hereby given that, on August 18, 1947, the Federal Power Commission issued its findings and order entered August 15, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7850; Filed, Aug. 21, 1947; 8:46 a. m.]

[Docket No. G-909]

PENNSYLVANIA GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 19, 1947.

Notice is hereby given that, on August 18, 1947, the Federal Power Commission issued its findings and order entered August 15, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7852; Filed, Aug. 21, 1947; 8:46 a. m.]

[Docket No. G-912]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDER GRANTING PERMISSION AND APPROVAL TO ABANDON CERTAIN FACILITIES

AUGUST 19, 1947.

Notice is hereby given that, on August 18, 1947, the Federal Power Commission issued its findings and order entered August 15, 1947, granting permission and approval to abandon certain facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7853; Filed, Aug. 21, 1947; 8:46 a. m.]

[Docket No. IT-6076]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

AUGUST 15, 1947.

Notice is hereby given that on August 15, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking authority to issue $2,000,000 of Promissory Notes due July 1, 1948, and requesting that public hearing in this matter be waived.

The capital stock of the Company is of two classes; namely, preferred stock of $100 par value per share, and common stock $5 per value share. The preferred stock is issuable in series either (a) as 4.20% Series Preferred Stock, or (b) as one or more other series not exceeding 4.20% as determined by the Board of Directors. The preferred stock of all series is of the same class and of equal rank. The entire 100,000 shares of authorized preferred stock has been designated as 4.20% Series Preferred Stock.

The preferred stock was changed from 5% Series Preferred Stock to 4.20% Series Preferred Stock, effective April 1, 1947, by amendment to the Certificate of Incorporation as authorized by the Commission in Docket No. IT-6029.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 5th day of September, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7854; Filed, Aug. 21, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 52-24, 70-1258]

MIDLAND REALIZATION CO. ET AL.

ORDER REGARDING EXCHANGE, TRANSFER AND SALE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of August 1947.

In the matter of Midland Realization Company and Midland Utilities Company, File No. 52-24 and The Middle West Corporation, File No. 70-1258.

Midland Realization Company, a registered holding company, and its subsidiary, Midland Utilities Company, also a registered holding company, having filed, pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 and section 222 of the Bankruptcy Act, as amended, a post-effective amendment to a modified plan of reorganization with respect to the two companies wherein, among other things, it was proposed that Midland Realization Company and Midland Utilities Company sell, transfer and exchange an aggregate of 2,154,395 shares of the no par value common stock of Northern Indiana Public Service Company held by them, and apply the proceeds, among other things, to the reduction of indebtedness of Midland Realization Company to banks and to Midland Utilities Company; and

The Commission having, on July 17, 1946, approved said post-effective amendment and, in its final paragraph, having recited that the exchange, transfer and sale by Midland Realization Company and Midland Utilities Company of the aggregate of 2,154,395 shares of the no par value common stock of Northern Indiana Public Service Company are necessary and appropriate to effectuate the provisions of section 11 (b) of the act; and

Applicants having now filed a request that the final paragraph of said order of July 17, 1946 be amended, and the Commission having considered such request and deeming it appropriate in the public interest and in the interest of investors and consumers that such request be granted:

It is hereby ordered, That the final paragraph of the Commission's order of July 17, 1946 in the above-entitled matter be amended to read as follows:

It is further ordered, That the exchange, transfer and sale by Midland Realization Company and Midland Utilities Company of the aggregate of 2,154,395 shares of the no par value common stock of Northern Indiana Public Service Company, and the utilization by Midland Realization Company of the proceeds of the sale of the 177,263 retained shares to retire securities evidencing its bank indebtedness in the aggregate amount of $1,350,000 and its indebtedness to Midland Utilities Company in the net amount of $1,000,000 and the distribution of the balance of the proceeds to its stockholders either as a partial or final liquidating dividend, and the distribution by Midland Realization Company to its stockholders of the shares of the capital stock of Midland Utilities Company owned by it, are necessary and appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-7840; Filed, Aug. 21, 1947; 8:45 a. m.]

[File No. 70-1477]

PUBLIC SERVICE CO. OF INDIANA, INC.

SUPPLEMENTAL ORDER AUTHORIZING SALE OF CONVERTIBLE DEBENTURES

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 15th day of August, A. D. 1947.

The Commission, on July 10, 1947, having issued its order (Holding Company Act Release No. 7554) in the above matter granting, subject to certain conditions, the application of Public Service Company of Indiana, Inc. ("Public Service") with respect to the issuance and sale of $11,077,800 principal amount of its Fifteen-year 2¾% Convertible Debentures; and

Said application also having proposed that Public Service sell, in such manner as the Commission may approve, either such principal amount of said debentures not purchased under subscription warrants issued to its common stockholders or such number of shares of common stock into which such debentures as are not so purchased could be converted; and

Public Service having filed an amendment to its application which states that Public Service proposes to sell the unsubscribed portion of debentures at competitive bidding and, in connection therewith, Public Service requests that, in the event the provisions of Rule U-50 are applicable to the proposed sale, the ten-day bidding period required by such rule be shortened to not less than five days; and

The Commission having considered the proposal of Public Service to sell at competitive bidding such debentures not purchased under the subscription warrants and having considered the request for shortening of the bidding period required by Rule U-50 and deeming it appropriate in the public interest and in the interest of investors and consumers to permit such sale at competitive bidding and to grant the request for shortening of the bidding period:

It is ordered, That the sale, at competitive bidding, by Public Service Company of Indiana, Inc. of such principal amount of its Fifteen-year 2¾% Convertible Debentures not purchased under subscription warrants issued to its common stockholders be, and hereby is, authorized and approved, subject, however, to the condition that said sale shall not be consummated until the results of the competitive bidding have been supplied by a further amendment and a further order shall have been entered, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That, with respect to the sale by Public Service Company of Indiana, Inc. of its Fifteen-year 2¾% Convertible Debentures at competitive bidding, the ten-day bidding period required by Rule U-50 promulgated under the Public Utility Holding Company Act of 1935 be, and hereby is, shortened to a period of not less than five days.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-7838; Filed, Aug. 21, 1947; 8:45 a. m.]

[File No. 70-1580]

PROVINCETOWN LIGHT AND POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of August 1947.

Provincetown Light and Power Company ("Provincetown"), a subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, for approval of the issue and sale of unsecured notes payable to the First National Bank of Boston in amounts not exceeding in the aggregate $125,000, all such notes to be issued and dated prior to December 31, 1949, in such denominations as Provincetown shall elect at the time of issue, to mature not later than December 31, 1952, to bear interest at a rate not exceeding 3% per annum; and

The proposed transaction having been approved by the Department of Public Utilities of the State of Massachusetts, the state in which Provincetown is organized and doing business; and

Said application having been filed on the 30th day of July 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application under section 6 (b) of the act that the requirements of such section are satisfied,

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed under Rule U-24 that the application be, and the same hereby is, granted and that the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-7842; Filed, Aug. 21, 1947; 8:45 a. m.]

[File No. 70-1581]

PLYMOUTH COUNTY ELECTRIC CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 15th day of August 1947.

Notice is hereby given that a joint application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary Plymouth County Electric Company ("Plymouth"). Applicants have designated sections 6 (b) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 21, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any

time after August 21, 1947, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

New England presently owns all of the outstanding common stock of Plymouth. Plymouth proposes to issue and sell to New England 1,800 additional shares of its common stock, of the par value of $25 per share, at a price of $35 per share, or an aggregate of $63,000. The proceeds from the sale of this stock are to be applied in partial payment of Plymouth's floating indebtedness incurred for additions and improvements to its plant and properties and represented by outstanding bank notes in the aggregate amount of $82,750, all of such notes maturing August 28, 1947.

Plymouth further proposes, in order to provide itself with funds as the same may be required from time to time to enable it to pay for necessary additions and betterments to its plant and property, to issue promissory notes to The First National Bank of Boston in amounts not to exceed in the aggregate $700,000, all of such notes to be issued and dated prior to December 31, 1949, and to mature not later than June 30, 1952. All of such notes issued during the remainder of 1947 and during 1948 will bear interest at the rate of 2¼% per annum, and those issued during 1949 will bear interest at the rate of 2½% per annum.

The application states that the issue and sale of the proposed securities are solely for the purpose of financing the business of Plymouth and have been expressly authorized by the Department of Public Utilities of Massachusetts by order dated July 24, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7841; Filed, Aug. 21, 1947; 8:45 a. m.]

[File No. 70-1588]

PUBLIC SERVICE CORP. OF NEW JERSEY AND COUNTY GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of August 1947.

Notice is hereby given that Public Service Corporation of New Jersey ("Public Service"), a registered holding company, and its gas utility subsidiary, the County Gas Company ("County Gas") have filed a joint application-declaration, concerning a plan for the revision of the capital structure of County Gas and designating sections 6, 7, 9, 10, 11 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-45, promulgated thereunder, as being applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

(1) Public Service, as the owner of all the outstanding common stock of County Gas, will surrender such stock to County Gas for cancellation;

(2) County Gas, by action of its stockholders, will convert its presently outstanding 8,626 shares of no part value $6 Cumulative Preferred Stock (of which 7,460 shares are owned by Public Service) into a like number of shares of no par value new common stock having a stated value of $862,600 and the new shares of common stock will be issued, share for share, in exchange for the outstanding preferred stock;

(3) Public Service will surrender for cancellation all its holdings, consisting of $93,425 principal amount, of the 5% Income Debentures of County Gas which are outstanding in the aggregate principal amount of $175,246;

(4) County Gas will restate its Utility Plant Account on the basis of original cost eliminating $226,743 of excess of book cost over original cost.

The proposed recapitalization is part of a general plan of Public Service filed with this Commission for the purpose of bringing Public Service and its subsidiaries into compliance with the provisions of section 11 of the act.

The proposed transactions have been submitted to the Board of Public Utility Commissioners of the State of New Jersey for approval.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said joint application-declaration and that said joint application-declaration shall not be granted or permitted to become effective except pursuant to a further order of this Commission:

It is ordered, That a hearing on said joint application-declaration pursuant to the applicable provisions of the act and the rules of the Commission be held on September 8, 1947 at 11:00 a. m., e. d. s. t., at the offices of the Commission, 18th and Locust Street, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before September 8, 1947, a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Willis E. Monty or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division having advised the Commission that it has made a preliminary examination of the joint application-declaration and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the proposed plan of recapitalization, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act;

(2) Whether the proposed plan of recapitalization, as submitted or as hereafter modified, is fair and equitable to the persons affected thereby;

(3) Whether the terms and conditions attaching to the securities proposed to be issued by County Gas meet the applicable statutory standards;

(4) Whether the accounts of County Gas as they are proposed to be stated will be in accord with accepted accounting principles and will meet the applicable statutory standards;

(5) Generally, whether the transactions proposed, comply with all the requirements of the applicable provisions of the act and the rules promulgated thereunder;

(6) Whether in the event the application-declaration shall be granted and permitted to become effective, it is necessary to impose any terms or conditions to ensure compliance with the standards of the act.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That notice of this hearing be given by registered mail to Public Service, County Gas and the Board of Public Utility Commissioners of the State of New Jersey, and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That County Gas shall give further notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to County Gas) by mailing to each of said persons a copy of this notice and order for hearing, to his last known address, at least 15 days prior to the date of this hearing.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7839; Filed, Aug. 21, 1947; 8:45 a. m.]

Reference

SEP 16 '47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12 1934 NUMBER 166

Washington, Saturday, August 23, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2744

AMENDMENT OF REGULATIONS RELATING TO MIGRATORY BIRDS AND GAME MAMMALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has adopted and has submitted to me for approval the following amendment of the regulations approved by Proclamation No. 2739 of July 31, 1947, relating to migratory birds and game mammals included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936:

AMENDMENT OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and having determined, in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (Pub. Law No. 404—79th Congress), that the amendment adopted herein is corrective and that further notice and public procedure thereon are impracticable and unnecessary, I, Oscar L. Chapman, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of the said Act and conventions to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and in accordance with such determinations, do hereby amend the regulations approved by Proclamation No. 2739 of July 31, 1947, by deleting from Regulation 4 thereof that portion establishing an open season on mourning, or turtle, dove in the State of Florida and in lieu of such deleted portion, do hereby adopt the following:

"Florida in Broward, Dade, and Monroe Counties, October 1 to October 31; in remainder of State, December 3 to January 31."

In view of the fact that the portion of Regulation 4 deleted hereby was adopted by me under a mistake of fact, and in view of the further fact that the present amendment is corrective of regulations which are effective August 31, 1947, it has been determined that this amendment shall become effective August 31, 1947.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 7th day of August 1947.

[SEAL] OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

AND WHEREAS upon consideration it appears that approval of the foregoing amendment will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of August in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL] HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 47-7984; Filed, Aug. 22, 1947; 11:00 a. m.]

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FEDERAL REGISTER

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1946 SUPPLEMENT
to the
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EXECUTIVE ORDER 9886

AMENDING EXECUTIVE ORDER NO. 9492, AS AMENDED, PRESCRIBING REGULATIONS GOVERNING NON-MILITARY AND NON-NAVAL TRANSPORTATION ON ARMY AND NAVY AIR TRANSPORTS

By virtue of the authority vested in me by the Constitution and laws of the United States and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered that Executive Order No. 9492 of October 24, 1944, as amended by Executive Orders No. 9629 of September 25, 1945, No. 9714 of April 20, 1946, No. 9792 of October 23, 1946, No. 9840 of April 22, 1947, and No. 9867 of June 23, 1947, prescribing regulations governing non-military and non-naval transportation on Army and Navy air transports, be, and it is hereby, further amended by substituting the words "three years and one month" for the words "two years and ten months," occurring in paragraph 2 (c) thereof, as amended, and by adding to the end of the said paragraph the sentence "This order shall cease to be in effect at such time, not later than the expiration of the period of three years and one month aforesaid, as the Secretary of Defense may specifically provide in regulations or orders issued by him superseding the provisions hereof."

HARRY S. TRUMAN

THE WHITE HOUSE,
August 22, 1947.

[F. R. Doc. 47-7987; Filed, Aug. 22, 1947; 11:35 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 9—PRICE SUPPORT OF AGRICULTURAL COMMODITIES

CHICKENS AND TURKEYS

By announcement issued on the 17th day of February 1947 (12 F. R. 1187) a level of price support was established for the 1947 crop of turkeys limited to the period October 1947 through January 1948 and for the 1948 crop of turkeys limited to the period October 1948 through December 1948. These two periods are hereby changed so as to include also September 1947 and September 1948, respectively. Accordingly, § 9.3 *Chickens and turkeys* is amended to read as follows:

§ 9.3 *Chickens and turkeys.* Chickens (excluding chickens weighing less than 3½ pounds live weight and all broilers) and turkeys (with purchases of turkeys of the 1947 crop limited to the period September 1947 through January 1948 and purchases of the 1948 crop limited to the period September 1948 through December 1948): 90 percent of the parity price, but in no event less than specified prices to be announced from time to time. (Sec. 4 (a), 55 Stat. 498, as amended, 15 U. S. C. Sup. 713a-8)

Done at Washington, D. C., this 19th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7907; Filed, Aug. 22, 1947; 8:46 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 235, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* (1) The provisions in paragraphs (b) (1) and (2) of § 953.342 (Lemon Regulation 235, 12 F. R. 5544) are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 17, 1947, and ending at 12:01 a. m., P. s. t., August 24, 1947, is hereby fixed at 500 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 235 (12 F. R. 5544) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 20th day of August 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7927; Filed, Aug. 22, 1947; 8:45 a. m.]

[Lemon Reg. 235, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the

date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* (1) The provisions in subparagraphs (b) (1) and (2) of § 953.342, as amended (Lemon Regulation 235, 12 F. R. 5544, as amended) are hereby further amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 17, 1947, and ending at 12:01 a. m., P. s. t., August 24, 1947, is hereby fixed at 600 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 235 (12 F. R. 5544) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq)

Done at Washington, D. C., this 21st day of August 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7983; Filed, Aug. 22, 1947; 12:31 p. m.]

[Lemon Reg. 236]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.343 *Lemon Regulation 236*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 24, 1947, and ending at 12:01 a. m., P. s. t., August 31, 1947, is hereby fixed at 200 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 235 (12 F. R. 5544) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 21st day of August 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7964; Filed, Aug. 22, 1947; 8:48 a. m.]

[Orange Reg. 192]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.338 *Orange Regulation 192*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 24, 1947, and ending at 12:01 a. m., P. s. t., August 31, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1,800 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 21st day of August 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 A. M. Aug. 24, 1947 to 12:01 A. M. Aug. 31, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0715
A. F. G. Fullerton	1.0085
A. F. G. Orange	.7307
A. F. G. Redlands	.2279
A. F. G. Riverside	.1265
A. F. G. San Juan Capistrano	.9049
A. F. G. Santa Paula	.3585
Corona Plantation Co	.2337
Hazeltine Packing Co	.3543
Placentia Pioneer Valley Growers Association	.7182
Signal Fruit Association	.0781
Azusa Citrus Association	.4286
Azusa Orange Co., Inc	.1330
Damerel-Allison Co	.8193
Glendora Mutual Orange Association	.3718

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Irwindale Citrus Association	0.2795
Puente Mutual Citrus Association	.2049
Valencia Heights Orchards Association	.4200
Glendora Citrus Association	.3414
Glendora Heights Orange and Lemon Growers Association	.0745
Gold Buckle Association	.6353
La Verne Orange Association	.6307
Anaheim Citrus Fruit Association	1.3444
Anaheim Valencia Orange Association	1.4661
Badington Fruit Company, Inc	2.0974
Fullerton Mutual Orange Association	1.7023
La Habra Citrus Association	1.1246
Orange County Valencia Association	.7749
Orangethorpe Citrus Association	1.2329
Placentia Coop Orange Association	.7527
Yorba Linda Citrus Association, The	.6060
Alta Loma Heights Citrus Association	.0918
Citrus Fruit Growers	.1392
Cucamonga Citrus Association	.1500
Etiwanda Citrus Fruit Association	.0410
Old Baldy Citrus Association	.1295
Rialto Heights Orange Growers	.0933
Upland Citrus Association	.3933
Upland Heights Orange Association	.1477
Consolidated Orange Growers	1.9194
Frances Citrus Association	1.0379
Garden Grove Citrus Association	1.7477
Goldenwest Citrus Association, The	1.6091
Irvine Valencia Growers	2.3977
Olive Heights Citrus Association	1.6678
Santa Ana-Tustin Mutual Citrus Association	1.0549
Santiago Orange Growers Association	8.7178
Tustin Hills Citrus Association	1.8022
Villa Park Orchards Association, The	1.8348
Andrews Bros. of Calif	.4686
Bradford Bros., Inc	.7500
Placentia Mutual Orange Association	1.7005
Placentia Orange Growers Association	2.9845
Call Ranch	.0707
Corona Citrus Association	.4464
Jameson Co	.0381
Orange Heights Orange Association	.3580
Break & Son, Allen	.0551
Bryn Mawr Fruit Growers Association	.2574
Crafton Orange Growers Association	.4151
E. Highlands Citrus Association	.0836
Fontana Citrus Association	.0833
Highland Fruit Growers Association	.0494
Krinard Packing Co	.2682
Mission Citrus Association	.1235
Redlands Cooperative Fruit Association	.3956
Redlands Heights Groves	.4221
Redlands Orange Growers Association	.2541
Redlands Orangedale Association	.2758
Redlands Select Groves	.1588
Rialto Citrus Association	.1465
Rialto Orange Co	.1460
Southern Citrus Association	.2011
United Citrus Growers	.1406
Zilen Citrus Co	.0405
Andrews Bros. of Calif	.1390
Arlington Heights Fruit Co	.1127
Brown Estate, L. V. W	.1283
Gavilan Citrus Association	.1501
Hemet Mutual Groves	.1091
Highgrove Fruit Association	.0754
McDermont Fruit Co	.1660

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Mentone Heights Association	0.0652
Monte Vista Citrus Association	.2170
National Orange Co	.0397
Riverside Heights Orange Growers Association	.0850
Sierre Vista Packing Association	.0570
Victoria Avenue Citrus Association	.1708
Claremont Citrus Association	.1434
College Heights Orange and Lemon Association	.2147
El Camino Citrus Association	.0801
Indian Hill Citrus Association	.1782
Pomona Fruit Growers Exchange	.3450
Walnut Fruit Growers Association	.4193
West Ontario Citrus Association	.3512
El Cajon Valley Citrus Association	.3038
Escondido Orange Association	2.3469
San Dimas Orange Growers Association	.4884
Covina Citrus Association	1.1402
Covina Orange Growers Association	.3357
Duarte-Monrovia Fruit Exchange	.1551
Santa Barbara Orange Association	.0486
Ball & Tweedy Association	.5932
Canoga Citrus Association	.7515
N. Whittier Heights Citrus Association	.8267
San Fernando Fruit Growers Association	.4254
San Fernando Heights Orange Association	.9248
Sierra Madre-Lamanda Citrus Association	.2052
Camarillo Citrus Association	1.4401
Fillmore Citrus Association	3.4290
Mupu Citrus Association	2.4279
Ojai Orange Association	.8323
Piru Citrus Association	1.8340
Santa Paula Orange Association	.9609
Tapo Citrus Association	.8652
Limoneira Co	.3824
E. Whittier Citrus Association	.3884
El Ranchito Citrus Association	1.1046
Murphy Ranch	.4158
Rivera Citrus Association	.5255
Whittier Citrus Association	.7678
Whittier Select Citrus Association	.4812
Anaheim Cooperative Orange Association	1.4899
Bryn Mawr Mutual Orange Association	.0911
Chula Vista Mutual Lemon Association	.0884
Escondido Cooperative Citrus Association	.3207
Euclid Avenue Orange Association	.4105
Foothill Citrus Union, Inc	.0320
Fullerton Coop. Orange Association	.5080
Garden Grove Orange Coop., Inc	.7530
Glendora Coop. Citrus Association	.0513
Golden Orange Groves, Inc	.3637
Highland Mutual Groves	.0292
Index Mutual Association	.2053
La Verne Coop. Citrus Association	1.8066
Olive Hillside Groves	.6274
Orange Coop. Citrus Association	1.2483
Redlands Foothill Groves	.5715
Redlands Mutual Orange Association	.1594
Riverside Citrus Association	.0281
Ventura County Orange and Lemon Association	.7948
Whittier Mutual Orange and Lemon Association	.2251
Babijulce Corp. of California	.5527
Banks Fruit Co	.2549
Banks, L. M	.5032
Borden Fruit Co	.9800
California Fruit Distributors	.1672
Cherokee Citrus Co., Inc	.1548
Chess Company, Meyer W	.2613
Escondido Avocado Growers	.0211
Evans Bros. Packing Co	.1846
Gold Banner Association	.2841

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Granada Hills Packing Co	0.0605
Granada Packing House	1.6689
Hill, Fred A	.0737
Inland Fruit Dealers	.0518
Mills, Edward	.0115
Orange Belt Fruit Distributors	2.4006
Panno Fruit Company, Carlo	.0407
Paramount Citrus Association	.4719
Placentia Orchards Co	.5602
San Antonio Orchards Co	.4693
Santa Fe Groves Co	.0488
Snyder & Sons Co., W. A	.7022
Stephens, T. F	.0841
Sunny Hills Ranch, Inc	.1138
Ventura County Citrus Association	.0137
Verity & Sons Co., R. H	.0347
Wall, E. T	.1302
Webb Packing Co	.3021
Western Fruit Growers, Inc., Ana	.0178
Western Fruit Growers, Inc., Reds	.5966
Yorba Orange Growers Association	.7274

[F. R. Doc. 47-7965; Filed, Aug. 22, 1947; 8:48 a. m.]

Chapter XIV—Production and Marketing Administration (School Lunch Program)

PART 1800—REGULATIONS AND PROCEDURES

MINIMUM NUTRITIONAL REQUIREMENTS FOR PUERTO RICO AND VIRGIN ISLANDS

Section 1800.3, *Type A Lunch*, and § 1800.4, *Type B Lunch*, are amended by adding at the end of each the following new paragraph: [1]

In participating schools in Puerto Rico and the Virgin Islands (including certified child care centers in Puerto Rico), variations from the requirements prescribed for this type of lunch will be permitted as follows: the milk requirement may be met by serving as a beverage either whole fluid, whole evaporated, or reconstituted whole or nonfat dry milk, which meets the minimum sanitation requirements of local laws; a serving of rice or a starchy vegetable, such as tanniers, yams, plantains, or sweet potatoes, may be substituted for the bread required; and the minimum amount of butter or fortified margarine required in the lunch may be reduced by one-half of the prescribed amount.

Section 1800.5, *Type C Lunch*, is amended by adding at the end thereof the following new paragraph:

In Puerto Rico and the Virgin Islands (including certified child care centers in Puerto Rico), the Type C lunch may con-

[1] These amendments are issued because of the shortage in Puerto Rico and the Virgin Islands of fresh fluid milk, butter, and fortified margarine, and because of the natural restrictions upon the variety of food that may be served. The high vitamin A content of green and yellow vegetables consumed in the usual diet of school children in Puerto Rico and the Virgin Islands is a satisfactory substitute for the vitamin A provided by whole fluid milk and by butter or fortified margarine. It has been determined, on the basis of tested nutritional research, that the nutritional objectives of the act will be furthered by these amendments.

sist of one-half pint of whole fluid, whole evaporated, or reconstituted whole or nonfat dry milk, which meets the minimum sanitation requirements of local laws, as a beverage.

(60 Stat. 230)

The foregoing amendments shall be effective as of July 1, 1947.

Dated: August 19, 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7906; Filed, Aug. 22, 1947; 8:46 a. m.]

APPENDIX TO CHAPTER XIV—REAPPORTIONMENT OF NONFOOD ASSISTANCE FUNDS

Pursuant to sections 4 and 5 of the National School Lunch Act (60 Stat. 230), nonfood assistance funds available for the fiscal year ending June 30, 1947, are reapportioned among the several States as follows:

State	Total	State agency	Withheld for private schools
Alabama	$401,360.77	$393,996.76	$7,364.01
Arizona	58,631.76	56,503.96	2,127.80
Arkansas	276,434.12	271,257.13	5,176.99
California	334,150.35	334,150.35	.....
Colorado	83,926.96	77,409.67	6,517.29
Connecticut	75,200.03	75,200.03	.....
Delaware	11,926.42	11,926.42	.....
Dist. of Columbia	35,949.11	35,949.11	.....
Florida	165,680.95	160,779.02	4,821.93
Georgia	384,509.64	384,509.64	.....
Idaho	41,380.45	40,158.57	1,221.88
Illinois	391,330.65	391,330.65	.....
Indiana	212,057.07	212,057.07	.....
Iowa	171,323.66	154,240.04	17,083.32
Kansas	117,673.31	117,673.31	.....
Kentucky	343,508.79	343,508.79	.....
Louisiana	270,967.82	270,967.82	.....
Maine	52,075.88	51,064.96	1,010.92
Maryland	117,694.59	98,656.66	19,037.93
Massachusetts	208,139.18	171,238.78	33,900.40
Michigan	304,512.93	262,615.76	41,897.17
Minnesota	167,112.38	140,000.00	27,112.38
Mississippi	374,371.49	374,371.49	.....
Missouri	227,182.46	227,182.46	.....
Montana	32,825.50	30,356.19	2,469.31
Nebraska	92,221.60	83,700.51	8,521.09
Nevada	7,321.51	7,173.63	147.88
New Hampshire	37,843.43	37,843.43	.....
New Jersey	191,072.23	158,502.25	32,569.98
New Mexico	69,715.88	63,351.39	6,364.49
New York	538,805.09	538,805.09	.....
North Carolina	482,961.75	482,961.75	.....
North Dakota	50,353.78	47,831.78	2,522.00
Ohio	314,643.37	266,487.74	48,155.63
Oklahoma	210,442.63	210,442.63	.....
Oregon	57,818.33	57,818.33	.....
Pennsylvania	605,858.86	489,306.78	116,552.08
Rhode Island	37,466.03	37,466.03	.....
South Carolina	291,111.53	288,626.87	2,484.66
South Dakota	53,635.67	50,181.73	3,453.94
Tennessee	329,341.48	324,786.30	4,555.18
Texas	608,824.98	608,824.98	.....
Utah	53,580.13	52,919.23	660.90
Vermont	26,038.84	26,038.84	.....
Virginia	267,732.62	262,314.43	5,418.19
Washington	83,597.86	78,196.51	5,401.35
West Virginia	210,195.25	206,191.18	4,004.07
Wisconsin	202,304.09	160,129.21	42,174.88
Wyoming	19,227.09	19,227.09	.....
Alaska	1,116.84	1,116.84	.....
Hawaii	9,081.33	7,356.04	1,714.29
Puerto Rico	284,390.91	284,390.91	.....
Virgin Islands	4,921.92	4,921.92	.....
Total	10,000,000.00	9,545,520.46	454,479.54

(60 Stat. 230)

Dated: August 19, 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7905; Filed, Aug. 22, 1947; 8:46 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 502—PROPERTY IMPROVEMENT LOANS

Part 502 of the regulations of the Federal Housing Commissioner governing property improvement loans, effective July 1, 1947, is amended to read as follows:

Sec.
502.1 Citation.
502.2 Definitions.
502.3 Eligible borrowers.
502.4 Eligible improvements.
502.5 Credits.
502.6 Eligible interest bearing loans.
502.7 Eligible discount loans.
502.8 Loan procedure.
502.9 Refinancing.
502.10 Claims.
502.11 Insurance charge.
502.12 Insurance reserve.
502.13 Administrative reports and examination.

AUTHORITY: §§ 502.1 to 502.13, inclusive, issued under 53 Stat. 804, 805, 55 Stat. 364, 365, 56 Stat. 305, 57 Stat. 571; and Pub. Law 120, 80th Cong., 12 U. S. C. and Sup., 1703.

§ 502.1 *Citation.* Part 502 applicable to Class 3 Loans, may be cited as "Part 502 of the regulations of the Federal Housing Commissioner Governing Class 3 Loans, effective July 1, 1947".

§ 502.2 *Definitions.* As used in the regulations in this part:

(a) "Act" means the National Housing Act, as amended.

(b) "Administration" means the Federal Housing Administration.

(c) "Commissioner" means the Federal Housing Commissioner or his duly authorized representative.

(d) "Contract of insurance" includes all of the provisions of the regulations in and of the applicable provisions of the act.

(e) "Insured" means any financial institution holding a Contract of Insurance under Title I of the act.

(f) "Loan" and "Class 3 Loan" mean any loan made under the regulations in this part for the purpose of financing the construction of a new structure to be used in whole or in part for residential purposes.

(g) "Borrower" means one who is an eligible owner or lessee of real property upon which a new structure is to be or has been constructed pursuant to the provisions of the act and the regulations in this part and who applies for and receives an advance of credit in reliance upon the provisions of the act and the regulations in this part.

(h) "Installment payment" includes that deposit to an account or fund which represents the partial repayment of a loan.

(i) "Mortgage" includes a note, bond, deed of trust, or other evidence of indebtedness or security instrument taken in connection with a Class 3 Loan.

(j) "Class 3 Structure" means a structure, the construction of which is financed with the proceeds of an eligible Class 3 Loan.

(k) "Discount loan" means a loan made on a discount, gross charge, or non-interest-bearing basis.

(l) "Interest bearing loan" means a loan represented by a note payable in monthly installments bearing simple interest on the principal outstanding from time to time.

§ 502.3 *Eligible borrowers.* A borrower in order to be eligible for a Class 3 Loan:

(a) *Eligible owners or lessees.* Shall be (1) the fee simple owner of unencumbered land upon which the new structure is to be built or (2) the lessee of such unencumbered lands under a lease from the United States Government for a term of at least six (6) months beyond the maturity of the loan or (3) the lessee of such unencumbered land under a lease for ninety-nine (99) of such unencumbered land under a lease which has fifty (50) years to run from the date the mortgage is executed. If the borrower is a lessee the provisions of the lease shall be submitted to and approved by the Commissioner. Any lease other than a lease from the United States Government must provide for an annual rental not in excess of five per centum (5%) of the valuation placed upon the unimproved land by the insured and shall contain a provision which will entitle the lessee to obtain a fee simple title to such land upon payment at any time after one (1) month's written notice of a sum not in excess of the appraised valuation placed upon such land at the time the loan is made. If the parties so desire the lease may provide for the deferment of such right to obtain the fee simple title for a period not to exceed five (5) years from the date of the mortgage; but in any event the lease must contain a provision giving the Federal Housing Commissioner the option to purchase the fee simple title upon sixty (60) days' written notice to the lessor in the event the Commissioner acquires the interest of the lessee pursuant to the provisions of the regulations in this part.

(b) *Borrowers equity.* Shall establish to the satisfaction of the insured by certification on the credit application provided for in § 502.5 that after the mortgage, deed of trust, or similar instrument has been recorded, the property will be free and clear of all liens other than such mortgage, deed of trust, or similar instrument, except taxes and ground rents not due and payable and special assessments not in arrears, and that in addition to the loan he has an investment in the property in cash, in land, or an interest in the land in an amount equal to five per centum (5%) of the appraised value of the completed property as determined under § 502.8 (b).

§ 502.4 *Eligible improvements*—(a) *Purpose.* A loan must be for the purpose of financing the construction of a Class 3 structure and appurtenances thereto located within the United States, its territories and possessions, and which is commenced on or after August 19, 1947, in reliance upon the credit facilities afforded by Title I of the National Housing Act, as amended, and which conforms to the following requirements relating to the land and improvements thereon:

(1) The development and use of land shall not violate any zoning or deed restrictions applicable to the project site and must comply with all applicable building regulations.

(2) The land shall comprise a single plot of not less than 4000 square feet.

(3) Vehicular access to the property shall be provided by a public street or way or private means protected by a permanent easement.

(4) Grading or drainage shall divert water away from buildings and off the site.

(5) The structure shall be limited in design to single family occupancy.

(6) The structure shall have a living room which may contain space for cooking and dining, and at least one separate room designed for sleeping purposes. The total floor area shall not be less than 360 square feet.

(7) All rooms, including bathrooms, if any, shall be provided with one or more windows to permit adequate natural light and ventilation.

(8) Where winter house heating by means other than electricity is the established custom, a safe means of disposing of the products of combustion to the outside air shall be provided.

(9) Each single family unit shall be provided with an on-site supply of safe and palatable water. Where public or community water service is available to the subject property, it shall be connected with the structure and with the fixtures required in subparagraph (12) of this paragraph.

(10) Each single family unit shall be provided with a sanitary means of sewage disposal. Where public or community sewerage is available to the property, connection shall be made thereto and to the fixtures required in subparagraph (12) of this paragraph.

(11) Where individual water supply and sewerage systems are used, the installations shall conform with local sanitary regulations for such individual systems. Where on-site well or cistern supply equipped with a pump and an on-site sanitary pit privy are used when this conforms with the established custom of the neighborhood, the installation shall comply with the recommendations of the local Department of Health or in the absence of such recommendations with the U. S. Public Health Service publications "Rural Water Supply Sanitation" or "Individual Sewage Disposal Systems." Evidence of compliance shall be secured from the health authority having jurisdiction and the insured may rely upon such evidence as establishing compliance with this subparagraph.

(12) Where connection with a public or community water and sewage disposal system is made as required in subparagraphs (9) and (10) of this paragraph, a kitchen sink and bathroom with bathtub or shower, water closet and lavatory shall be provided. This requirement also applies when an individual water-carriage sewage disposal system is installed on the property. When disposal is by sanitary pit privy, the water closet and lavatory may be omitted and the other fixtures shall be connected with a dry well. When water is provided by a well or cistern supply and a privy is used, all bathroom fixtures may be omitted.

(13) Where electricity is available, connection shall be made thereto.

(14) In the case of a loan which is for the purpose of financing the building of a Class 3 structure for sale or for rent, the borrower shall certify to the insured that the footings, foundations, columns, and structural elements of load bearing sections of the structure, including exterior walls, interior partitions, floors, ceilings, roofs and, when included, heating, plumbing and electrical installations comply with the Federal Housing Administration minimum construction requirements contained in the "Minimum Property Requirements for Properties of One or Two Living Units" for the area in which the property is located.

(15) The above conditions may be varied under special circumstances and in certain areas upon prior approval of the Commissioner.

(b) *Unfinished structures.* The proceeds of a loan shall not be used to finance the cost of completing an unfinished structure, unless the unfinished structure was begun under a Class 3 Loan, in which case the total of all such loans shall not exceed $3,000.

(c) *Architectural services.* The proceeds of a loan may be used to pay for architectural and engineering services and builders' profit in connection with the building of new structures financed in accordance with the regulations in this part.

(d) *Refinancing existing obligations prohibited.* The proceeds of a loan shall not be used for the purpose of refinancing existing obligations not previously made or reported for insurance pursuant to the regulations in this part.

§ 502.5 *Credits*—(a) *Credit application.* Prior to making a loan the insured shall obtain a dated credit application executed by the borrower on a form approved by the Commissioner. A separate credit application is required for each loan made or mortgage purchased.

(b) *Credit investigation.* The credit application, supplemented by such other information as the insured deems necessary, must, in the judgment of the insured, clearly show the borrower to be solvent, with reasonable ability to pay the obligation and in other respects a reasonable credit risk. If, after the loan is made, an insured who acted in good faith discovers any material misstatements or misuse of the proceeds of the loan by the borrower, dealer, or others, the eligibility of the mortgage for insurance will not be affected. However, the insured shall promptly report such discovery to the Commissioner.

(c) *Reliance on credit application.* An insured acting in good faith may, in the absence of information to the contrary, rely upon all statements of fact made by the borrower which are called for by the borrower's credit application.

(d) *Outstanding FHA and direct Federal obligations.* The proceeds of a loan shall not be disbursed if the insured has knowledge that the borrower is past due more than fifteen (15) days as to either principal or interest with respect to an obligation owing to, or insured by, any department or agency of the Federal Government, *Provided*, That nothing contained herein shall prevent the making of a loan otherwise eligible, even though the borrower is in default under such an obligation by reason of his military service and the approval of the Commissioner is obtained.

(e) *Past due Title I mortgages at time of purchase.* A mortgage shall not be purchased when any instalment thereon is past due more than fifteen (15) days at the date of purchase except purchases of mortgages under the provisions of § 502.12.

(f) *Collections.* The insured is required to service loans in accordance with acceptable practices of prudent lending institutions. In the event of default, the insured should have adequate facilities for contacting the borrower and otherwise exercise diligence in collecting the amount due. The insured is responsible to the Commissioner for proper collection efforts even though actual collection may be performed by an agent.

§ 502.6 *Eligible interest bearing loans*—(a) *Mortgage provisions.* In order to be eligible for insurance a loan shall be secured by collateral security in the form of a duly recorded first mortgage, first deed of trust, or similar instrument which constitutes a first lien upon a fee simple or leasehold interest in the land and buildings, appurtenances, and improvements thereon and which:

(1) Is in a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage, deed of trust, or similar instrument is situated and involves a principal amount not in excess of $3,000.

(2) Shall provide for interest at such rate as may be agreed upon between the borrower and the insured but in no case shall such interest be in excess of 4½% per annum on the outstanding principal. Interest and principal shall be payable in monthly instalments (or other periodic instalments as provided in subparagraph (11) of this paragraph. In the event interest is payable in instalments corresponding to the income periods shown on the credit application, such interest payments may be required in advance for each instalment period.)

(3) May provide for payments by the borrower to the insured on each instalment payment date of an amount equal to the annual insurance charge payable by the insured to the Commissioner, divided by the number of instalment payment dates to elapse prior to the date such charge is due and payable to the Commissioner.

(4) Shall provide for such equal payments by the borrower to the insured on each instalment payment date as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the date on which same become delinquent. Such payments shall be held by the insured in a manner satisfactory to the Commissioner for the purpose of

paying such ground rents, taxes, assessments, and insurance premiums before the same become delinquent for the benefit and account of the borrower. The mortgage shall also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums should prove to be more or less than the actual amount thereof so paid by the insured.

(5) Shall contain a privilege of prepayment in full or in amounts equal to one or more instalment payments on the principal that are next due on the mortgage at any interest payment date upon thirty (30) days' prior notice and without premium or penalty.

(6) Shall provide that all instalment payments to be made by the borrower to the insured shall be added together and the aggregate amount thereof shall be applied to the following items in the order set forth:

(i) Insurance charges due the Federal Housing Commissioner.

(ii) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums.

(iii) Interest on the loan.

(iv) Amortization of the principal of the loan.

(7) May provide for a late charge to be paid by the borrower, not to exceed two cents (2¢) for each dollar for each instalment payment more than fifteen (15) days in arrears. No late charge may be accrued in excess of $5.00. The borrower must be billed for the penalties collected as such, and evidence of such billings must be in the file if claim is made under the contract of insurance.

(8) Shall contain a provision for acceleration of maturity at the option of the holder in the event of default.

(9) Shall not have a final maturity in excess of twenty (20) years and five (5) calendar months.

(10) Shall provide for not more than two hundred and forty (240) monthly payments which shall fall due on the first day of a month and the first such payment shall fall due not less than six (6) days nor more than six (6) calendar months from the date of the mortgage, except as provided in subparagraph (11) of this paragraph.

(11) In instances in which the credit application of the borrower indicates that not less than fifty-one per centum (51%) of the income of the borrower is derived directly from the sale of agricultural crops, commodities or livestock produced by him, the mortgage may provide, in lieu of monthly instalments, for substantially equal instalment payments corresponding to the income periods shown on the credit application; *Provided, however*, That the first payment must be within twelve (12) months of the date of the mortgage and that at least one payment must be made during each calendar year thereafter.

(b) *Borrowers payments.* The borrower must pay to the insured, upon the execution of the mortgage, a sum that will be sufficient to pay premiums on fire and other insurance required by the insured pursuant to the terms of the mortgage, and ground rents, if any, and estimated taxes, special assessments, drainage, and irrigation charges applicable to the period beginning on the date to which such ground rents, taxes, assessments, and charges were last paid and ending on the date of the first periodic payment under the mortgage. The borrower, at such time, may also be required to pay a sum equal to the first annual insurance charge plus an amount equal to one-twelfth (1/12) of the annual insurance charge multiplied by the number of months to elapse from the date of the closing of the loan to the date of the first periodic payment, and if the mortgage provides for payment of interest in advance, interest to the due date of the first periodic payment thereunder. The insured may charge the borrower any fees paid to the Administration and an initial service charge in an amount sufficient to reimburse the insured for the cost of closing the transaction, including appraisal and construction inspection fees but in no case shall the amount of such service charge be in excess of 2% of the original principal amount of the loan.

(c) *Recording fees and title costs.* In addition to the charges hereinbefore mentioned the insured may collect from the borrower only recording fees and such costs of title search as are customary in the community.

§ 502.7 *Eligible "discount" loans.* (a) A "discount" loan shall be secured by collateral security in the form of a duly recorded first mortgage, first deed of trust or other similar instrument, which is approved as to form by the Commissioner and which constitutes a first lien upon a fee simple or leasehold interest in the land and buildings, appurtenances, and improvements thereon and:

(1) Shall not be in excess of $3,000 exclusive of financing charges to the borrower.

(2) Shall not have a maturity in excess of twenty (20) years and five (5) calendar months.

(3) May provide for a maximum financing charge to be paid by the borrower for interest, discount, and fees of all kinds, other than those referred to in subparagraph (4) of this paragraph and paragraphs (b) and (c) of this section, in connection with the transaction not in excess of an amount based on tables of calculations issued by the Federal Housing Commissioner, and intended to provide a financing charge equivalent to that permitted by the regulations in this part as to interest-bearing loans. The acceptance of a voluntary payment of one or more instalments prior to due date shall not be construed as increasing the maximum permissible financing charge as provided in this subparagraph. However, if the entire loan is paid in advance, the insured shall make a rebate of the entire unearned financing charge.

(4) Shall provide for such equal monthly payments by the borrower to the insured institution as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums within a period ending one month prior to the date on which same become delinquent. In such event the note shall further provide that such payments shall be held by the insured institution in a manner satisfactory to the Commissioner for the purpose of paying such ground rents, taxes, assessments, and insurance premiums before the same become delinquent for the benefit and account of the borrower and shall also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums shall prove to be more or less than the actual amount thereof so paid by the borrower. If the income of the borrower is derived from the sale of agricultural crops, commodities, or livestock, payments may be seasonal as provided in subparagraph (7) of this paragraph.

(5) May provide for a late charge, to be paid by the maker, not to exceed two cents (2¢) for each dollar of each instalment more than fifteen (15) days in arrears. In lieu of late charges, notes may provide for interest on past due instalments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. No late charge or interest on a past due instalment may be accrued in excess of five dollars ($5.00). The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the contract of insurance.

(6) May not provide for a first payment less than six (6) days nor more than six (6) calendar months from the date of the note except as provided in subparagraph (7) of this paragraph and in no case shall provide for more than two hundred and forty (240) payments.

(7) May be made payable in instalments corresponding to the income periods shown on the credit application if fifty-one per centum (51%) or more of the income of the borrower is derived directly from the sale of agricultural crops, commodities, or livestock produced by him. In such cases, the first payment must be made within twelve (12) months of the date of the note and at least one (1) payment must be made during each calendar year thereafter and the proportion of total principal to be paid in later years must not exceed the proportion of total principal payment in earlier years.

(8) Shall contain a provision for acceleration of maturity, either automatic or at the option of the holder, in the event of default in the payment of any instalment.

(b) In addition to the maximum permissible financing charge which may be paid by the borrower in connection with a Class 3 loan as provided in paragraph (a) (3) of this section, the following allowable costs or expenses if incurred by the insured institution in connection with the transaction may be collected from the borrower, provided such costs or expenses are not paid from the net proceeds advanced to the borrower:

(1) Recording fees.

(2) Title examination fees.

(3) Fire and other hazard insurance premiums.

(4) An initial service charge in an amount sufficient to reimburse the insured institution for the cost of closing the transaction, *Provided*, That, no such service charge shall exceed two per centum (2%) of the net proceeds of the loan.

(c) The borrower may be required to pay the insured institution upon the closing of the loan a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the loan to be held by the insured institution for the purpose of paying such ground rents, taxes, assessments, and insurance premiums before the same become delinquent for the benefit and account of the borrower.

§ 502.8 *Loan procedure*—(a) *Property approval.* Prior to beginning construction and to the disbursement of any portion of the proceeds of the loan, the borrower shall submit to the insured a description of the property and such plans and specifications as the insured may require in order for the insured to certify to the Commissioner that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties. Such property description, plans and specifications shall remain a permanent part of the loan file.

(b) *Appraisal.* Prior to beginning construction and to the disbursement of any portion of the proceeds of the loan, the insured shall make an estimate of the value of the property, assuming completion of the proposed improvements, and determine that the requirements of § 502.3 (b) will be complied with.

(c) *Commissioner's approval on properties for sale or rent.* Prior to beginning construction and to the disbursement of any portion of the proceeds of the loan for any property which is intended for sale or rent, the insured shall submit to the Commissioner a request for preliminary approval of the transaction on a form prescribed by the Commissioner. The approval of the Commissioner provided for in this section shall not relieve the insured from compliance with any regulation.

(d) *Progress payments.* Prior to disbursing the proceeds of the loan or any portion thereof to the borrower or to a creditor for his account, the insured shall satisfy itself that the value of the work done and materials on site at the time of any progress payment, is equal to at least one hundred and ten per centum (110%) of such payment, plus all such progress payments theretofore made. The insured shall not make a disbursement or progress payment to the borrower or to a creditor for his account which would increase the total amount disbursed to a sum in excess of 80 per centum (80%) of the proceeds of the loan until it has made a final inspection of the property and has approved the work. Whenever it appears to the satisfaction of the insured that completion of the work will be temporarily delayed due to inclement weather, non-availability of material, or other reason beyond the control of the builder, it may disburse the entire balance remaining of the loan proceeds after deducting and retaining therefrom one and one-half (1½) times the amount deemed necessary to complete the work. This retained balance shall not be disbursed until after the work has been inspected and approved by the insured.

(e) *Completion certificate.* Prior to the final disbursement of the proceeds of the loan, the insured shall obtain a completion certificate on a form prescribed by the Commissioner which form shall bear the genuine signature of the borrower certifying that the house is complete and ready for occupancy and that the work has been performed in compliance with the requirements of § 502.4. If, after the loan is made, an insured who acted in good faith discovers any material misstatements or misuse of the proceeds of the loan by the borrower, dealer, or others, the eligibility of the note for insurance will not be affected. However, the insured shall, in all cases where the insured discovered a material misstatement in the Credit Application, or misuse of the funds, promptly report such a discovery to the Commissioner. A separate certificate shall be executed by the insured certifying that it has made a final inspection of the completed property and that the statements contained in the borrower's completion certificate are correct to the best of its knowledge and belief and that in its opinion the property improved is suitable as a residence and does not adversely affect surrounding properties.

(f) *Substitution of borrowers.* In the event that property covered by a loan is sold to an eligible borrower who assumes and agrees to pay the debt and whose credit is satisfactory to the insured, the seller may be released by the insured from his obligation upon notice thereof to the Commissioner, *Provided*, That, if the loan was secured by a first lien upon a fee simple estate, the loan, after assumption, shall be secured by a first lien on a fee simple interest in the land and building, appurtenances and improvements thereon.

(g) *Loan reports.* Loans shall be reported on the proper form to the Federal Housing Administration at Washington, D. C., within thirty-one (31) days of the first disbursement of any of the proceeds of the loan or the date upon which it was purchased. Any loan refinanced in accordance with § 502.9 shall be reported on the proper form within thirty-one (31) days from the date of refinancing. In any case, the Commissioner may in his discretion accept a late report.

§ 502.9 *Refinancing.* New obligations to liquidate loans previously reported for insurance pursuant to Title I of the act made after August 19, 1947, which may or may not include an additional amount advanced will be covered by insurance, *Provided*, That:

(a) They meet the requirements of all applicable regulations;

(b) They are reported to the Commissioner on the proper form within thirty-one (31) days from date of execution;

(c) They have a maturity not in excess of the maximum permitted under the regulations in this part from the date of the refinancing obligation, but not to exceed thirty (30) years from the date of the original mortgage;

(d) If the refinanced obligation was secured by a first lien upon a fee simple estate, the new obligation shall be secured by a first lien upon a fee simple interest in the land and building, appurtenances and improvements thereon.

§ 502.10 *Claims.* Claim for reimbursement for loss on a qualified loan shall be made as provided in this section.

(a) *Default reports.* If the borrower fails to make any payment or to perform any other covenant or obligation under the mortgage and such failure continues for a period of thirty (30) days, the mortgage shall be considered in default and the insured shall within sixty (60) days thereafter give notice in writing to the Commissioner of such default, and similar notices each sixty (60) days until such default is cured and notice thereof is given to the Commissioner.

(b) *Foreclosure or acquisition.* At any time within one year from the date of default the insured, at its election, shall either:

(1) Acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(2) Commence foreclosure of the mortgage: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the insured shall commence such foreclosure within sixty (60) days after the expiration of the time during which such foreclosure is prohibited by such laws.

(3) Nothing herein contained shall be construed so as to prevent the insured, with the written consent of the Commissioner, from taking action at a later date than herein specified.

(c) *Reinstatement.* If after default and prior to the completion of foreclosure proceedings the borrower shall pay to the insured all monthly payments in default and such expenses as the insured shall have incurred in connection with the foreclosure proceedings, no claim for reimbursement under the Contract of Insurance can be made and the insurance shall continue as if such default had not occurred.

(d) *Filing claim.* If the default is not cured as aforesaid, and if the insured has otherwise complied with the provisions of this section, it may at any time within seven (7) months or such further time as may be approved by the Commissioner, after acquiring title to and possession of the mortgaged property, tender to the Commissioner possession thereof, and a deed containing a covenant which warrants against the acts of the insured and all claiming by, through, or under it, conveying good merchantable title to such property undamaged by fire, earthquake, flood, or tornado. The Commissioner shall promptly accept conveyance of such property and, subject to § 502.12, make payment of loss sustained by the insured:

(1) The net unpaid balance of advance actually made;

(2) Uncollected earned interest to the date of default and interest at the rate of three per centum (3%) per annum from the date of default to the date of the application for reimbursement of loss sustained.

(3) An amount on account of the cost of foreclosure or of acquiring the property by other means actually paid by the insured and approved by the Commissioner not in excess of two-thirds (⅔) of such cost or seventy-five (75) dollars, whichever is the greater.

(4) The amount of all payments which have been made by the insured for taxes, ground rents, special assessments, and water rates which are liens prior to the mortgage, and fire and hazard insurance premiums.

Any amount received by the insured from any source relating to the property on account of rent or other income, after deducting reasonable expenses incurred in handling the property, shall be deducted from the sum of the foregoing.

(e) *Evidence of title.* Evidence of title of the following types will be satisfactory to the Commissioner.

(1) A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such; or

(2) An abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by a legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles; or

(3) A Torrens or similar title certificate; or

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

Such evidence of title shall be furnished without cost to the Commissioner and shall be executed as of a date to include the recordation of the deed to the Commissioner, and shall show that, according to the public records, there are not, at such date, any outstanding prior liens, except for ground rents and taxes not due and payable and special assessments not in arrears. If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence will be satisfactory to the Commissioner and will be considered by him as good and merchantable.

(f) *Waiver of title objections.* The Commissioner will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for residence purposes:

(1) Customary easements for public utilities, party walls, driveways and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(2) Such restrictions when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Commissioner;

(3) Slight encroachments by adjoining improvements;

(4) Outstanding oil, water, or mineral rights, which do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

(g) *Sale and claim for deficiency.* In lieu of the procedure provided for in paragraphs (d) and (e) of this section, the insured, after acquiring title to the property as provided in this section, may at its option and with the approval of the Commissioner, sell the same in the open market to a bona fide third party at any time within six (6) months from the date of such acquisition of the property, or within such further time as may be approved by the Commissioner. The net amount received at such sale, whether in cash or deferred payments, shall be credited on the obligation and claim may be filed with the Commissioner for the balance. Payment of loss sustained by the insured shall be made as follows:

(1) The net unpaid balance of the advance actually made. In calculating the net unpaid amount, the net sale price must be included as a credit.

(2) Uncollected earned interest to the date of default and interest at the rate of three per centum (3%) per annum from the date of default to the date of the application for reimbursement of loss sustained.

(3) An amount on account of the cost of foreclosure or of acquiring the property by other means actually paid by the insured and approved by the Commissioner not in excess of two-thirds (⅔) of such cost or seventy-five (75) dollars, whichever is the greater.

(4) The amount of all payments which have been made by the insured for taxes, ground rents, special assessments, water rates which are liens prior to the mortgage, fire and hazard insurance premiums, and cost of maintenance and repair of the property. (Claim for the cost of maintenance and repair shall not exceed ten per centum (10%) of the net unpaid balance of the advance actually made unless prior approval of the Commissioner has been obtained.) Any amount received by the insured from any source relating to the property on account of rent or other income shall be deducted from the sum of the items referred to in this paragraph.

§ 502.11 *Insurance charge* — (a) *Rate.* The insured shall pay to the Administration an annual insurance charge equal to one-half of one per centum of the original principal amount of any loans reported for insurance.

(b) *When payable.* The first annual insurance charge so calculated shall be paid by check or draft to the order of the Federal Housing Administration within twenty-five (25) days after the date the Administration acknowledges receipt to the insured of the report of any such loan and the next and each succeeding annual insurance charge shall be paid in advance upon the anniversary of the first day of the month following the date of the mortgage until the loan is paid in full or claim is filed with the Commissioner under the Contract of insurance.

(c) *Mortgages paid in full.* In the event the loan is paid in full prior to maturity or is foreclosed or the possession of and title to the property is otherwise acquired by the insured, the insured shall within thirty (30) days thereafter notify the Commissioner of the date of prepayment, foreclosure, or acquisition, after which its obligation to pay future annual insurance charges in connection therewith shall cease but it shall not be entitled to a refund of any portion of an annual insurance charge previously paid or a reduction in the amount of any insurance charge, which fell due prior to such prepayment, foreclosure, or acquisition of the property.

(d) *Refinancing.* When the proceeds of any loan are used to liquidate a loan previously reported for insurance, there shall be deducted from the amount of the insurance charge payable the first year the prorata share of the annual insurance charge paid on the original obligation.

(e) *Transfer of mortgages.* An insured who purchases a mortgage previously reported for insurance shall pay each succeeding annual insurance charge as provided in paragraph (b) of this section. Any adjustment of the insurance charge paid in advance by the seller shall be made between the purchaser and the seller.

(f) *Payment of insurance charge.* Subject to the other provisions of the regulations in this part, the insurance granted under Title I of the National Housing Act, as amended, shall be effective with respect to any loan from the date of the report thereof to the Commissioner *Provided*, That the insurance charge with respect to such loan is paid as required by this section.

§ 502.12 *Insurance reserve*—(a) *Legal limit.* Subject to the limitation on the total liability which may be outstanding at any time as stipulated in section 2 of Title I of the act, the Commissioner, in accordance with § 502.10 (d) and (g), will reimburse any insured for losses sustained by it up to a total aggregate amount equal to ten per centum (10%) of the total amount advanced on all eligible loans made by it on and after July 1, 1947, and prior to July 1, 1949, and reported for insurance during the time its contract of insurance is in force.

(b) *General insurance reserve.* There shall be established for each insured a general insurance reserve equal to ten per centum (10%) of the aggregate amount advanced on all loans originated by it on and after July 1, 1947, and prior to July 1, 1949, pursuant to the provisions of both Part 501 and Part 502.

(c) *Transfer of loans reported for insurance.* The insured shall not assign or otherwise transfer any loan reported for insurance to a transferee not holding a Contract of Insurance under Title I of the National Housing Act, *Provided*, That nothing contained herein shall be construed to prevent the pledging of such loans as collateral security under a trust agreement, or otherwise, in connection with a bona fide loan transaction.

(d) *Transfer of insurance reserve.* Insurance reserve of more than $5,000 shall not be transferred to or from the reserve account of any insured during any fiscal year (July 1 through June 30) without the prior approval of the Commissioner. Except in cases involving the transfer of loans sold with recourse or under a guaranty, guarantee, or repurchase agreement, the reports required by § 502.8 shall be submitted, indicating the intent of the parties with respect to the transfer of the insurance reserve and unless the approval of the Commissioner is obtained, the insurance reserve shall be transferred as follows:

(1) In cases involving the transfer of notes purchased without recourse, guaranty, guarantee, or repurchase agreement, provided no instalment payment is past due more than one (1) calendar month at the time of purchase, the insurance reserve shall be transferred to the general insurance reserve of the purchasing institution on the basis of ten per centum (10%) of the actual purchase price or net unpaid original advance, whichever is the lesser.

(2) In cases involving the transfer of notes sold with recourse or under a guaranty, guarantee, or repurchase agreement, no insurance reserve will be transferred and no reports will be required.

(e) *FHA recovery shall not affect reserve.* Amounts which may be salvaged by the Commissioner with respect to a loan in connection with which an insured has been reimbursed under its contract of insurance shall not be added to the insurance reserve remaining to the credit of such insured.

(f) *Conversion of mortgages.* If at any time a Class 3 loan previously reported for insurance is converted into an insured mortgage under the provisions of another title of the act, upon report of the conversion to the Commissioner, there shall be deducted from the insurance reserve outstanding to the credit of the insured an amount equal to ten per centum (10%) of the net unpaid principal of the loan as of the date of the conversion.

§ 502.13 *Administrative reports and examination.* The Commissioner, in his discretion, may at any time or from time to time call for a report from any institution on the delinquency status of the obligations held by such institution and reported for insurance, or call for such reports as he may deem to be necessary in connection with the regulations in this part, or he or his authorized representative may inspect the books or accounts of the lending institution as they pertain to the loans reported for insurance.

NOTE: The amendments contained herein are effective as to all loans made on or after August 19, 1947, and shall have the same force and effect as if included in and made a part of each contract of insurance.

Issued at Washington, D. C., August 19, 1947.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 47-7920; Filed, Aug. 22, 1947; 8:48 a. m.]

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATIONS [1]

Amendment 2 to Controlled Housing Rent Regulation. Controlled Housing rent Regulation (§ 825.1) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director":

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (7) (iii) is amended to read as follows:

(iii) Housing accommodations in any tourist home serving transient guests, exclusively. Every landlord of all such housing accommodations referred to in this paragraph (7), except housing accommodations in motor courts, shall file in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later.

3. Section 1 (b) (8) (ii) is amended to read as follows:

(ii) Housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations. Every landlord of housing accommodations referred to in this paragraph (8) may, at his option, file in the area rent office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

5. The sixth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (11) is amended to read as follows:

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

This amendment shall become effective August 22, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7976; Filed, Aug. 22, 1947; 10:37 a. m.]

[1] 12 F. R. 4331, 5421, 5464.

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION FOR ATLANTIC COUNTY DEFENSE-RENTAL AREA [1]

Amendment 2 to Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area. The Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area (§ 825.4) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director":

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (7) (iii) is amended to read as follows:

(iii) Housing accommodations in any tourist home serving transient guests, exclusively. Every landlord of all such housing accommodations referred to in this paragraph (7), except housing accommodations in motor courts, shall file in the area rent office an application for decontrol of such accommodations on a form provided by the Expedier within 60 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later.

3. Section 1 (b) (8) (ii) is amended to read as follows:

(ii) Housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations. Every landlord of housing accommodations referred to in this paragraph (8) may, at his option, file in the area rent

[1] 12 F. R. 4381, 5422, 5456.

office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

5. The sixth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (11) is amended to read as follows:

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

This amendment shall become effective August 22, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7979; Filed, Aug. 22, 1947; 10:37 a. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION FOR MIAMI DEFENSE-RENTAL AREA[1]

Amendment 2 to Controlled Housing Rent Regulation for Miami Defense-Rental Area. The Controlled Housing Rent Regulation for Miami Defense-Rental Area (§ 825.3) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director":

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (7) (iii) is amended to read as follows:

(iii) Housing accommodations in any tourist home serving transient guests, exclusively. Every landlord of all such housing accommodations referred to in this paragraph (7), except housing accommodations in motor courts, shall file in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 60 days after July 1, 1947 or within 30 days after such date of first renting, whichever is the later.

3. Section 1 (b) (8) (ii) is amended to read as follows:

(ii) Housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations. Every landlord of housing accommodations referred to in this paragraph (8) may, at his option, file in the area rent office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor."

5. The eighth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (11) is amended to read as follows:

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

[1] 12 F. R. [illegible]

This amendment shall become effective August 22, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7978; Filed, Aug. 22, 1947; 10:37 a. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION FOR NEW YORK CITY DEFENSE-RENTAL AREA[1]

Amendment 2 to Controlled Housing Rent Regulation for New York City Defense-Rental Area. The Controlled Housing Rent Regulation for New York City Defense-Rental Area (§ 825.2) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director":

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (7) (iii) is amended to read as follows:

(iii) Housing accommodations in any tourist home serving transient guests, exclusively. Every landlord of all such housing accommodations referred to in this paragraph (7), except housing accommodations in motor courts, shall file in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later.

3. Section 1 (b) (8) (ii) is amended to read as follows:

(ii) Housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations. Every landlord of housing accommodations referred to in this paragraph (8) may, at his option, file in the area rent office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately

[1] 12 F. R. 4295, 5422, 5455

substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

5. The seventh unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (11) is amended to read as follows:

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

This amendment shall become effective August 22d, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7977; Filed, Aug. 22, 1947; 10:37 a. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS[1]

Amendment 2 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director":

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (8) (iv) is amended to read as follows:

(iv) rooms in other establishments (See definition of "other establishments" in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services. Every landlord of all such rooms referred to in this paragraph (8), except rooms in motor courts, shall file in the area rent office an application for decontrol of such rooms on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later.

3. Section 1 (b) (9) (ii) is amended to read as follows:

(ii) rooms which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented either as individual rooms or as part of a larger housing accommodation (other than to members of the immediate family of the occupant). The landlord of all such rooms referred to in this paragraph (9) may, at his option, file in the area rent office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be

[1] 12 F. R. 4302, 5423, 5457.

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN MIAMI DEFENSE-RENTAL AREA[1]

Amendment 2 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area (§ 825.7) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director":

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (8) (iv) is amended to read as follows:

(iv) Rooms in other establishments (See Definition of "other establishments" in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services. Every landlord of all such rooms referred to in this paragraph (8), except rooms in motor courts, shall file in the area rent office an application for decontrol of such rooms on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later.

3. Section 1 (b) (9) (ii) is amended to read as follows:

(ii) rooms which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented either as individual rooms or as part of a larger housing accommodation (other than to members of the immediate family of the occupant). The landlord of all such rooms referred to in this paragraph (9) may, at his option, file in the area rent office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be

[1] 12 F. R. 4325, 5423, 5459.

notified in writing of the reasons therefor.

5. The sixth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship, which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (8) is amended to read as follows:

(8) *Peculiar circumstances.* The maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

This amendment shall become effective August 22d, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7982; Filed, Aug. 22, 1947; 10:37 a. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN NEW YORK CITY DEFENSE-RENTAL AREA [1]

Amendment 2 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area (§ 825.6) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director."

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (8) (iv) is amended to read as follows:

(iv) rooms in other establishments (See definition of "other establishments" in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services. Every landlord of all such rooms referred to in this paragraph (8), except rooms in motor courts, shall file in the area rent office an application for decontrol of such rooms on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later.

3. Section 1 (b) (9) (ii) is amended to read as follows:

(ii) rooms which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented either as individual rooms or as part of a larger housing accommodation (other than to members of the immediate family of the occupant). The landlord of all such rooms referred to in this paragraph (9) may, at his option, file in the area rent office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

5. The seventh unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship, which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (8) is amended to read as follows:

(8) *Peculiar circumstances.* The maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

This amendment shall become effective August 22, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7981; Filed, Aug. 22, 1947; 10:37 a. m.]

[1] 12 F. R. 4318, 5423, 5458.

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 5—AIR NAVIGATION

SUBPART B—SUPPLEMENTARY REGULATIONS PRESCRIBED BY GOVERNOR; AIRCRAFT, AIR NAVIGATION, AIR-NAVIGATION FACILITIES AND AERONAUTICAL ACTIVITIES WITHIN THE CANAL ZONE

By virtue of the authority vested in me by Canal Zone Order No. 3 (Subpart A; §§ 5.1 to 5.72), prescribed by the Secretary of War on January 21, 1947, and governing aircraft, air navigation, air-navigation facilities and aeronautical activities within the Canal Zone, I hereby prescribe the following supplementary regulations on such subjects, to be effective September 1, 1947:

GENERAL PROVISIONS

Sec.
5.101 Night flying.
5.102 Prohibited areas.
5.103 Airports.
5.104 Emergency field.
5.105 Requirements as to landing.
5.106 Reporting arrival and departure of aircraft.
5.107 Flight within Canal Zone.
5.108 Radio equipment check.
5.109 Radio contact with ground station.
5.110 Flight plan and clearance.

AIR TRAFFIC RULES

5.201 Air traffic rules applicable.

AIR TRANSPORTATION AND AIR COMMERCE, IN GENERAL

5.301 Qualification of air carriers and foreign air carriers; bond; terminal facilities.
5.302 Transportation of passengers in single engine aircraft.
5.303 Air carriers; operations specifications and regulations.
5.304 Foreign air carriers; operations specifications and regulations.
5.305 Dispatchers; requirement.
5.306 Same; hours of duty.
5.307 Clearances and load manifest.

MODEL AIRCRAFT

5.401 Location of activities.
5.402 Supervision.

VIOLATIONS AND ENFORCEMENT

5.501 Waiver of regulations.
5.502 Punishment of violations.

AUTHORITY: §§ 5.101 to 5.502 inclusive, issued under order, Secretary of War, 35 CFR 5.1 et seq., 12 F. R. 698.

GENERAL PROVISIONS

§ 5.101 *Night flying.* The navigation, operation, or flight of aircraft within the Canal Zone Military Airspace Reservation between the hours of sunset and sunrise is prohibited except in case of emergency or upon special authorization granted by authority of the Governor.

§ 5.102 *Prohibited areas.* The navigation, operation, or flying of aircraft over any of the lock installations, dock installations, dams, spillways, drydocks or coaling plants, within the Canal Zone Military Airspace Reservation is prohibited, except when aircraft are being navigated, operated, or flown on instrument conditions, or on top of overcasts, and then only at altitudes in excess of two thousand feet above sea level.

§ 5.103 *Airports.* The United States Army airfield known as "Albrook Field," together with the adjoining facilities of the Canal Zone Air Terminal, shall serve as the (only) regular airport in the Canal Zone. The Naval Air Station at Coco Solo shall serve as the (only) regular seadrome in the Canal Zone. The United States Army airfield known as "France Field" may be used as an alternate airport but only by persons having prior permission therefor and subject to the terms and conditions embodied in such permission.

§ 5.104 *Emergency field.* Any field or landing strip in the Canal Zone may be utilized by any aircraft in an emergency: *Provided, however,* That in every case of use of an emergency field the owner, operator, or other representative of the owner of the aircraft shall submit to the Aeronautics Section of The Panama Canal a complete written report of the reasons for and circumstances of such use: *And provided further,* That departure from an emergency field shall not be made until approved by authority of the Governor.

§ 5.105 *Requirements as to landing.* All aircraft entering the Canal Zone Military Airspace Reservation, except those engaged solely in Canal Zone-Panama air transportation or air commerce and those which make emergency landings and satisfactorily show the reason and necessity therefor, shall land in the Canal Zone at the regular airport or seadrome provided. Upon landing in the Canal Zone, the aircraft and their contents, crew and passengers are subject to inspection as provided in § 5.37 (12 F. R. 900).

§ 5.106 *Reporting arrival of aircraft.* Immediately upon arrival of an aircraft in the Canal Zone, the owner or the operator or other representative of the owner of such aircraft shall report such arrival to the Aeronautics Section of The Panama Canal.

§ 5.107 *Flight within Canal Zone.* While within the Canal Zone Military Airspace Reservation all aircraft shall comply with instructions issued by authority of the Governor relative to flight within the Canal Zone Military Airspace Reservation.

§ 5.108 *Radio equipment check.* Immediately prior to departure from the last point of landing before reaching the Canal Zone Military Airspace Reservation, and immediately prior to departure from the Canal Zone Military Airspace Reservation, the person in charge of an aircraft equipped with radio transmitting and receiving equipment shall determine that both day and night frequencies of the two-way radio, as well as any additional frequencies the use of which is contemplated during the flight, are working satisfactorily. Such determination shall be made by radio contact on each frequency with at least one ground station.

§ 5.109 *Radio contact with ground station.* All aircraft equipped with radio, while being navigated within the Canal Zone Military Airspace Reservation, shall maintain a continuous radio contact with the ground radio station in the Canal Zone designated by authority of the Governor.

§ 5.110 *Flight plan and clearance.* No aircraft shall depart from the Canal Zone Military Airspace Reservation except as authorized by a clearance issued by the Aeronautics Section of The Panama Canal. Such clearance shall be issued only after a flight plan containing the following information has been submitted to the Aeronautics Section:

(a) Date,
(b) Aircraft identification,
(c) Type,
(d) Pilot,
(e) Departure point,
(f) Altitude (CFR or IFR),
(g) Destination,
(h) Air speed,
(i) Transmitting frequencies,
(j) Receiving frequencies,
(k) Departure time,
(l) Elapsed time,
(m) Alternate airport,
(n) Hours of fuel,
(o) Remarks,
(p) Signature.

AIR TRAFFIC RULES

§ 5.201 *Air traffic rules applicable.* Aircraft operating into, within or from the Canal Zone Military Airspace Reservation are required to comply with the air traffic rules issued by the competent aeronautical authorities of the United States and by the competent military authorities in this area.

CROSS REFERENCE: The applicable air traffic rules issued by the competent aeronautical authorities of the United States presently in effect are contained in Part 60 of the Civil Air Regulations (22 CFR, Part 60). The applicable rules issued by the competent military authorities in this area presently in effect are CAirC Regulation No. 60-6, dated May 20, 1947, entitled "Air Traffic Regulations for Military and Non-Military Aircraft in Panama"; CAirC Manual 55-1, entitled "Panama Air Traffic Control Manual of Operations"; and the Albrook Field Traffic Rules.

AIR TRANSPORTATION AND AIR COMMERCE, IN GENERAL

§ 5.301 *Qualification of air carriers and foreign air carriers; bond; terminal facilities.* No air carrier or foreign air carrier shall engage in air transportation, into, within, or from the Canal Zone Military Airspace Reservation unless it has first:

(a) Deposited with the Collector of The Panama Canal a bond in the sum of $25,000 with sufficient surety or sureties, to be approved by the Governor, conditioned upon the full satisfaction of all lawful judgments rendered against such person as a result of operations into, within or from the Canal Zone Military Airspace Reservation: *Provided, however,* That in lieu of such surety or sureties, such person may deposit cash in the sum of the bond, or may deposit bonds of the United States in a sum equal at their par value to the amount of such bond together with an agreement authorizing the collection or sale of such bonds in case of any default in the performance of the condition of the bond; and

(b) Demonstrated to the satisfaction of the Governor that it has available for use or is able and willing to provide adequate terminal facilities; and

(c) Obtained authorization from the Secretary of War to use the airfield known as "Albrook Field."

§ 5.302 *Transportation of passengers in single engine aircraft.* Transportation of passengers for hire in single engine aircraft between the hours of 2300 CCT and 1100 CCT is prohibited.

§ 5.303 *Air carriers: operations specifications and regulations.* Operations specifications and regulations governing operation of aircraft by air carriers into, within, or from the Canal Zone Military Airspace Reservation are those prescribed by the competent aeronautical authorities of the United States, including the certification and operation rules for scheduled air carrier operations outside the continental limits of the United States, and the general operation rules governing the operation of civil aircraft in the United States.

CROSS REFERENCES: For current Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the United States, see Part 41 of the Civil Air Regulations, 14 CFR Part 41.

For current General Operation Rules Governing the Operation of Civil Aircraft in the United States, see Part 43 of the Civil Air Regulations, 14 CFR Part 43.

§ 5.304 *Foreign air carriers: operations specifications and regulations.* Operations specifications and regulations governing operation of aircraft by foreign air carriers into, within, or from the Canal Zone Military Airspace Reservation are those prescribed by the competent aeronautical authorities of the United States to govern the operation of aircraft by foreign air carriers. In addition such foreign air carriers shall comply with the certification and operation rules for scheduled air carrier operations outside the continental limits of the United States, and the general operations rules governing the operation of civil aircraft in the United States, as such rules may be amended from time to time: *Provided, however,* That nothing in this section is intended or shall operate to modify either § 5.32 (12 F. R. 900), relative to aircraft registration and airworthiness, or §§ 5.33 to 5.35 (idem), relative to the competency and qualification of airmen.

CROSS REFERENCES: For current regulations governing the operation of aircraft by foreign air carriers, see Part 66 of the Civil Air Regulations, 14 CFR Part 66.

For current Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the United States, see Part 41 of the Civil Air Regulations, 14 CFR Part 41.

For current General Operation Rules Governing the Operation of Civil Aircraft in the United States, see Part 43 of the Civil Air Regulations (14 CFR Part 43).

§ 5.305 *Dispatchers: requirement.* Each air carrier and foreign air carrier operating aircraft into, within, or from the Canal Zone Military Airspace Reservation shall provide at least one aircraft dispatcher for service in the Canal Zone.

§ 5.306 *Same: hours of duty.* The following rules shall govern the hours of duty for authorized dispatchers of aircraft within the Canal Zone:

(a) No dispatcher shall be on duty as such for more than ten consecutive hours.

(b) If a dispatcher is scheduled to be on duty as such for more than ten hours in a period of twenty-four consecutive hours, he shall be given a rest period of not less than eight hours at or before the termination of ten hours of dispatcher duty except in emergencies due to illness or unavoidable absence of a dispatcher due to weather during a qualification trip or other circumstances beyond the control of the air carrier or foreign air carrier.

(c) Relief from all duty with the air carrier or foreign air carrier for not less than twenty-four hours shall be provided for and given each dispatcher at least once during any consecutive seven days, or equivalent thereto within one calendar month.

§ 5.307 *Clearances and load manifest.* A clearance form shall be properly prepared and signed by the first pilot and an authorized dispatcher for each scheduled air carrier and foreign air carrier flight made from the Canal Zone Military Airspace Reservation. Such form shall be signed only when the first pilot and the dispatcher both believe the flight may be made with safety. A load manifest form shall be properly prepared and signed for each flight by the personnel of the air carrier or foreign air carrier who are charged with the duty of supervising the loading of the aircraft and the preparation of the load manifest forms. The aircraft when loaded as shown on the load manifest form shall not exceed the center of gravity limits or maximum allowable weight limits set forth in the aircraft certificate for the particular aircraft. The original copies of both forms shall be given to the first pilot and duplicate copies shall be kept in the station file for a period of at least thirty days.

The clearance shall contain or have attached thereto all current weather reports over the airway or on-call weather reports considered necessary or desirable by the pilot or dispatcher to insure the safety of the flight. It shall also contain, when available, the latest terminal and airway forecasts and shall be considered by the dispatcher responsible and first pilot before clearance. The dispatcher shall attach or enter all current reports or information pertaining to weather and irregularities of navigational aids, radio facilities, aircraft instruments and radio equipment affecting the flight. He shall also inform the pilot, during flight, of any additional or different irregularities and the flight shall be controlled accordingly.

MODEL AIRCRAFT

§ 5.401 *Location of activities.* Any site which is located a distance of not less than two thousand yards from high tension lines, flight paths of aircraft, from any established airdrome, or from reasonably heavily populated areas, provided prior approval has been granted by authority of the Governor, may be used for the flying of model aircraft.

§ 5.402 *Supervision.* All flying of model aircraft shall be supervised by a responsible instructor approved by authority of the Governor.

VIOLATIONS AND ENFORCEMENT

§ 5.501 *Waiver of regulations.* The Governor may, in his discretion, waive any of the requirements of the regulations in this subpart when special circumstances exist which are deemed to justify such waiver.

§ 5.502 *Punishment of violations.* Any person who shall, within the Canal Zone or the Canal Zone Military Airspace Reservation, violate any of the provisions of this subpart, shall be punishable as provided in section 14 of Title 2 of the Canal Zone Code, as added by section 1 of the act of July 9, 1937, 50 Stat. 486 (48 U. S. C. sec. 1314a), and in § 5.63, by a fine of not more than $500, or by imprisonment in jail for not more than one year, or by both.

J. C. MEHAFFEY,
Governor.

AUGUST 14, 1947.

[F. R. Doc. 47-7909; Filed, Aug. 22, 1947; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 5—CLASSIFICATION AND RATES OF POSTAGE

BULK MAILINGS OF THIRD-CLASS MATTER; SEPARATION REQUIRED

Effective at once the second sentence of paragraph (d) of § 5.63 *Pound rate for bulk mailings of third-class matter* (39 CFR, 11 F. R. 10052), is amended to read as follows: "To facilitate the handling of such matter the mailer shall separate and securely 'tie out' all mailings under this section, whether without stamps affixed or under precanceled stamps, into direct packages for post offices whenever there are as many as 10 pieces for any post office in any mailing, and the mailer shall separate and securely 'tie out' the pieces or packages into properly labeled State packages whenever there are as many as 10 pieces or packages for any State."

(Sec. 6, 45 Stat. 941; 39 U. S. C. 291)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-7894; Filed, Aug. 22, 1947; 8:45 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; AIR MAIL SERVICE TO KOREA

In subpart B the regulations under the country "Korea" (12 F. R. 2434) are amended by amending the item "Air Mail Service" to read as follows:

Air Mail Service. Postage rate, 25 cents one-half ounce or fraction. Letter packages are limited to 4 pounds, 6 ounces in weight and may not contain merchandise.

(R. S. 161, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-7892; Filed, Aug. 22, 1947; 8:45 a. m.]

Subchapter C—Procedures and Forms

PART 50—PROCEDURES OF THE POST OFFICE DEPARTMENT

PART 55—FORMS OF THE POST OFFICE DEPARTMENT

LOSSES, INQUIRIES, COMPLAINTS, AND CLAIMS AND REPORTS AND APPLICATION FOR INDEMNITY

The following changes are made in Part 50 (39 CFR, 1946 Supp., 50)

1. Amend § 50.706 to read as follows:

§ 50.706 *Report of the loss, rifling, delay, wrong delivery or other improper treatment of mail matter.* Persons experiencing the loss, rifling, delay, wrong delivery, or other improper treatment of mail matter should make report thereof to their local postmaster.

2. Amend § 50.2607 to read as follows:

§ 50.2607 *Inquiries concerning disposition or delay of registered mail.* Inquiries concerning the disposition or delay of domestic registered mail may be made by the public at any post office. However, the handling of the inquiries will be expedited if they are made at the mailing post offices. In cases of inquiries concerning delay of domestic registered mail the envelope or wrapper should be submitted if available. Postmasters will report such matters by letter to the Third Assistant Postmaster General, Division of Registered Mails.

3. Amend § 50.2611 to read as follows:

§ 50.2611 *Complaints of, or claims for, loss, rifling, damage, or wrong delivery of domestic registered mail*—(a) *Complaints.* Complaints on account of the loss, rifling, damage, or wrong delivery of, registered mail may be made at any post office. Firm mailers, to whom such forms are supplied, should use Form 1510, to report loss or rifling.

(b) *Claims.* Claims for indemnity for domestic registered mail are filed on Form 565. The postmaster at the office of mailing is required to enter the particulars of registration on the application for indemnity (Form 565). The sender is required to furnish a full description of the contents of the article and in case of partial loss, to submit the envelope or wrapper, if available, and to state to whom indemnity should be paid. Claims for damage should show in detail how the article was packed and wrapped and should be accompanied with the wrapper. Claims for duplication of valuable papers should be supported with receipted bills for any actual, necessary, and direct expense in connection therewith. The addressee is required to make a statement showing whether the article was received, and, if received, whether a portion of the contents was missing or

of address is required to state whether the article was received, and, if so, in what condition. After appropriate investigations by post office inspectors and review of reports by inspectors in charge and the Chief Post Office Inspector, applications for indemnity (Form 565) are sent to the Third Assistant Postmaster General, Division of Registered Mails, for adjustment.

CROSS REFERENCE: See § 55.2601 of this chapter for description of Form 565 and § 55.4302 of this chapter for description of Form 1510.

4. Amend the last paragraph of § 50.4301 *Disposition of money or other property lost or stolen from the mails and recovered by post office inspectors,* to read as follows:

Persons suffering losses of money or other property from the mails should make report thereof to the postmaster who channels such reports to the proper Post Office Inspector in Charge. When such money or other property is recovered by Post Office Inspectors, it is disposed of as hereinbefore shown.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

The following changes are made in Part 55 (39 CFR, 1946 Supp., 55):

1. Amend § 55.2611 to read as follows:

§ 55.2611 *Form 3812; application for indemnity for loss, rifling, or damage of domestic insured or C. O. D. parcel or failure to receive C. O. D. returns.* This form provides spaces wherein the sender or addressee of an insured or C. O. D. parcel, or the owner thereof, may submit evidence essential to the consideration of the merits of a claim.

2. Amend § 55.4302 to read as follows:

§ 55.4302 *Form 1510; report of the loss or rifling of mail matter.* This form provides space for showing complete particulars of mailing, nature of the contents damaged. The postmaster at the office plaint, and all other information pertinent to the mistreated mail matter necessary for a complete investigation.

(R. S. 396, sec. 304, 42 Stat. 24; 5 U. S. C. 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-7893; Filed, Aug. 22, 1947; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 1—MIGRATORY BIRDS AND GAME MAMMALS

OPEN SEASON ON MOURNING OR TURTLE DOVE IN FLORIDA

CROSS REFERENCE: For an amendment of Proclamation 2739, which revised § 1 4, see Proclamation 2744, *supra.*

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 116; 19 CFR, Part 6; 42 CFR, Part 11]

EXAMINATION IN HAWAII OF AIRCRAFT PASSENGERS AND CREW MEMBERS PROCEEDING TO THE MAINLAND

NOTICE OF PROPOSED RULE MAKING

AUGUST 21, 1947.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003), notice is hereby given of the proposed issuance by the Attorney General, the Secretary of the Treasury, the Commissioner of Customs, the Surgeon General, and the Federal Security Administrator of the following rule. In accordance with paragraph (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1806, Franklin Trust Building, Philadelphia 2, Pennsylvania, written data, views, or arguments relative to the substantive provisions of the proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

It is proposed to amend Titles 8, 19, and 42 of the Code of Federal Regulations as follows:

1. Section 116.9, *Documents for clearance,* of Title 8, Code of Federal Regulations, also designated as § 6.9 of Title 19 and § 11.509 of Title 42, is amended by adding paragraph (f) as follows:

(f) If the aircraft is to proceed from Hawaii directly to the mainland, the immigration examination of passengers and crew and final determination of their admissibility to the mainland shall be completed before they depart for the mainland. With respect to passengers who are found to be United States citizens through primary inspection, by boards of special inquiry, or through appeal proceedings from the decisions of such boards, or who are by any such procedures found to be aliens admissible to the mainland, the special procedure shall be as follows:

(1) The general declaration and the air passenger manifests, as required by this section for immigration purposes, shall be in triplicate and shall be delivered by the aircraft commander to the immigration officer in charge in Hawaii.

(2) Each copy of the air passenger manifest shall be endorsed and signed by such officer in Hawaii to show which passengers are admissible as citizens of the United States and which passengers are admissible as aliens.

(3) One copy of the general declaration and of each air passenger manifest shall be returned by the immigration officer in Hawaii to the aircraft commander with the signed endorsement that the passengers who are departing on the aircraft for the mainland are correctly listed. The immigration officer in Hawaii shall verify that the passengers, as listed on the manifest, depart on the aircraft.

(4) One copy of the general declaration and one copy of each air passenger manifest shall be forwarded by the immigration officer in Hawaii by mail to the district director of immigration and naturalization of the district which embraces the airport to which the manifest states the aircraft is destined in the mainland.

(5) One copy of the general declaration and of each air passenger manifest shall be retained by such immigration officer in Hawaii.

(6) Upon arrival in the mainland, the copy of the general declaration and of each air passenger manifest that was returned to the commander by the immigration officer in Hawaii shall be endorsed and signed by the commander to show the place and date of arrival on the mainland. Such copies shall then be transmitted immediately by him to the district director of immigration and naturalization of the district which embraces the place at which the aircraft first lands in the mainland. Such copies and the copies sent by the immigration officer in Hawaii shall be compared to verify that they are in agreement. The place and date of arrival on the mainland shall be the record port and date of arrival for immigration purposes in the cases of aliens not admitted to the mainland for permanent residence. In the cases of all other aliens admitted at Hawaii, the place and date of arrival there shall be the record port and date of arrival for immigration purposes.

(7) No alien shall be brought from Hawaii to the mainland unless found by the immigration authorities in Hawaii to be admissible to the United States (the mainland). Where a passenger makes a substantial claim to United States citizenship which it is impracticable to determine in Hawaii, and the passenger desires to proceed by air to the mainland he may be permitted by the immigration officer in charge in Hawaii to do so, subject to inspection and decision as to his status upon arrival in the mainland. In such case, copies of the general declaration and passenger manifest shall be furnished as prescribed in paragraph (e) of this section. In the case of such passengers, the aircraft commander shall notify the immigration officer at or nearest the place of intended first landing on the mainland sufficiently in advance of arrival there for an immigrant inspector

to meet the aircraft for the purpose of inspecting the passengers upon arrival there.

(8) Airmen serving on aircraft arriving from outside the United States and intending to proceed from Hawaii to the mainland will be inspected in Hawaii by the immigration authorities there, and any period of airport leave granted there to alien airmen will apply also to the mainland. Airmen serving on an aircraft arriving in the mainland directly from Hawaii will be presumed to have been found in Hawaii to be United States citizens or alien airmen entitled to usual airport leave, except in such cases as the district director of immigration and naturalization for the district embracing the place to which the aircraft is destined to the mainland is informed to the contrary by the immigration officer in charge in Hawaii. The information shall be furnished sufficiently in advance of the arrival of the aircraft in the mainland for an immigrant inspector to meet the aircraft. The place and date of arrival in Hawaii of an alien admitted there as an airman shall be the record port and date of arrival for immigration purposes.

(9) On Sundays and legal holidays and between 5 p. m. on any day and 8 a. m. on the following day, the immigration of inspection of passengers beginning a trip in Hawaii by aircraft to the mainland shall be paid for at the extra rates of compensation, respectively, prescribed by the act of March 2, 1931, as amended (8 U. S. C. 109a, 109b). The extra compensation shall be borne by the owner, operator, or agent of the aircraft and be paid in accordance with the regulations now in force under that act as amended or hereafter promulgated thereunder. For the purposes of this paragraph, verifying the departure of passengers by aircraft from Hawaii to the mainland is immigration inspection.

(R. S. 161, 251, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 7, 44 Stat. 572, sec. 644, 46 Stat. 761, secs. 367, 602, 58 Stat. 706, 712; 5 U. S. C. 22, 19 U. S. C. 66, 1644, 8 U. S. C. 102, 222, 49 U. S. C. 177, 42 U. S. C. Sup. IV, 201 note, 270; sec. 1, Reorg. Plan No. V, 5 F. R. 2132, 2223, sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

TOM CLARK,
Attorney General.
A. L. M. WIGGINS,
Acting Secretary of the Treasury.
FRANK DOW,
Acting Commissioner of Customs.
JAMES A. CRABTREE,
Acting Surgeon General,
Public Health Service.

Approved:

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-7953; Filed, Aug. 22, 1947, 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Ch. IX]

[Docket No. AO-185]

HANDLING OF IRISH POTATOES IN EASTERN SOUTH DAKOTA PRODUCTION AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supp., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and marketing order were formulated, was held at Watertown, South Dakota, on June 19 and June 20, 1947, pursuant to notice thereof, containing a proposed marketing agreement and order sponsored by the South Dakota Potato Growers' Association with changes, additions, and substitutions proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C. which was published in the FEDERAL REGISTER on June 4, 1947 (12 F. R. 3632). The presiding officer at the hearing permitted the filing of written arguments and briefs on the evidence until July 1, 1947. The proposed marketing agreement and order were designed with the objectives of accomplishing the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The material issues presented on the record of the hearing were:

(1) The desirability of an economic justification for entering into an agreement and the issuing of an order for the handling of Irish potatoes grown in the Eastern South Dakota production area.

(2) The necessity to define and the equitable scope of definitions for "Secretary", "act", "persons", "production area", "potatoes", "handler", "ship", "producer", "fiscal year", "committee", "varieties", "seed potatoes", and "table stock potatoes".

(3) The necessity for administering the marketing agreement and order through an administrative committee and the equitable nature of provisions pertaining to its (a) establishment and membership, (b) initial committee, (c) term of office, (d) nominations, (e) voting, (f) districts, (g) selection and qualification of members, (h) vacancies, (i) obligations, (j) alternate members, (k) procedure, (l) members' expenses and compensation, (m) powers, and (n) duties.

(4) Necessity for the authorization of the committee to incur expenses necessary for its operation and the necessity for provision to raise funds to defray such expenses through levying of assessments, by equitable distribution of such levies on handlers.

(5) Necessity to account for funds received from assessments, with distribution of excess receipts among handlers on the basis of their equitable interest therein, and necessity for provisions permitting the committee to maintain suits for collection of assessments.

(6) The necessity for the regulation of Irish potato shipments and the necessity of and equitable nature of provisions providing that (a) the committee shall prepare and submit to the Secretary a report outlining its proposed marketing policy at the beginning of each fiscal year; (b) the committee shall have the duty to investigate supply and demand conditions for grade, size, and quality of Irish potatoes of all varieties and whenever it finds that such conditions make it advisable to regulate the shipments of particular grade, size, and quality of potatoes of any or all varieties during any period, it shall recommend to the Secretary the particular grade, size, and quality of any or all varieties of potatoes deemed advisable to be shipped during such period; (c) the committee shall consider certain relevant factors, including potato prices by grade, size, and quality, supplies from the producing area, competing supplies, demand for potatoes, and other relevant factors; (d) the Secretary shall limit the shipment of potatoes from the production area whenever he finds, from the recommendations and data submitted by the committee or from other information, that to do so would tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended; (e) whenever shipments are regulated under the agreement or order each handler shall cause such shipment or shipments to be inspected by an authorized representative of the Federal-State Inspection Service and, further, shall cause a copy of the inspection certificate to be submitted to the committee; (f) exemption of shipments shall be provided, through appropriate procedural rules, whereby any producer who is unable to ship as large a proportion of his potatoes, by reason of a regulation, as the average of all producers in the production area so that such producer will be permitted to ship as large a proportion of his potatoes as the average of all producers; appeals from the action of the committee in handling applications by producers for exemption are allowed, subject to the right of the Secretary to modify, change, alter, or rescind any procedural rules or any exemptions granted pursuant thereto; records shall be maintained by the committee and a weekly report furnished to the Secretary showing the applications for exemptions received, exemptions granted, exceptions denied, and shipments made under exemption.

(7) The necessity for the regulation of surplus Irish potatoes and the necessity for the equitable nature of provisions providing that (a) the committee, whenever it finds that a surplus of Irish potatoes exists, shall determine the extent of such surplus and recommend to the Secretary the control and disposition of such surplus and, (b), whenever the Secretary finds from recommendations and information supplied by the committee or from other information that the control and disposition of surplus will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination and control among producers and handlers and, (c), the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposition of surplus potatoes and, (d), the Secretary may designate the committee to assist in carrying out any program of surplus regulation.

(8) The necessity for and equitable nature of provisions providing for exemption from regulation of: (a) Potatoes shipped for consumption by charitable institutions or for distribution by relief agencies, (b) potatoes shipped for manufacturing or conversion into by-products, and, (c), upon the recommendation of the committee, potatoes shipped for livestock feed or for other specified purposes.

(9) The necessity for and equitable nature of the provisions of sections 7 through 19, inclusive, as published in the FEDERAL REGISTER on June 4, 1947 (12 FR 3632), which are common to marketing agreements and orders, and which sections provide for: 7. *Reports;* 8. *Compliance;* 9. *Right of the Secretary;* 10. *Effective time and termination;* 11. *Effect of termination or amendment;* 12. *Duration of immunities;* 13. *Agents;* 14. *Derogation;* 15. *Personal liability;* 16. *Separability;* 17. *Amendment;* 18. *Counterparts;* 19. *Order with marketing agreement.*

Findings and conclusions. (a) Certain terms, applying to specific individuals, agencies, legislation, concepts, or things, are used throughout the proposed marketing agreement and order. These terms should be defined for the purpose of specifically designating their applicability and establishing appropriate limitations to their meaning wherever they are used in the proposal and to preclude the burdensome necessity of redefining them when they are later used in the proposed marketing agreement and order. These definitions are necessary and incidental to the operation of the marketing agreement (hereinafter called the agreement) and order and for the effectuation of the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter called "act".) The definitions, "Secretary", "act", "persons", "potatoes", "producer", "fiscal year", and "varieties", as contained in the Growers' proposal set forth in the notice of hearing, were not in controversy at the hearing and are similar to or identical with definitions used in other similar marketing agreements and orders. Evidence at the hearing shows that these definitions are self evident, due to their source, or they are commonly accepted by growers, shippers, and other interested parties in the potato industry of Eastern South Dakota. They should be defined as they are shown in the notice of hearing.

(b) The "Production area" should be defined to include the counties of Codington, Clark, Hamlin, Deuel, Brown, Day, and Kingsbury in the State of South Dakota, as proposed by the South Dakota Potato Growers' Association. These counties include the bulk of commercial Irish potato production in Eastern South Dakota, and production conditions therein are relatively homogeneous. Commercial production in other counties in South Dakota east of the Missouri River, is relatively small or non-existent, as compared with production in these seven counties. It would be impractical to attempt regulation of shipments of Irish potatoes grown in such other counties due to the excessive cost of adequate inspection and other administrative expenses. The seven counties named comprise the smallest practical production area in Eastern South Dakota, and the "production area" should, therefore, be defined to include only such counties. The definition is necessary to and must be incorporated in the marketing agreement and order for the general reasons set forth under (a) above, and because it it necessary to delineate the area from which the handling of Irish potatoes is to be regulated.

(c) A definition of "handler" should be incorporated in the marketing agreement and order because the burden of regulation falls on handlers. Such definition is necessary for the general reasons set forth in (a) above, and it should include terminology bringing all persons, otherwise defined in the marketing agreement and order, shipping Irish potatoes in the form in which they are extracted from the soil, except persons acting as more transporting agents of handlers, within the ambit of the definition. Such exception in the production area should be limited to contract and common carriers because they perform such transportation function at either a "flat job rate" or on the basis of a "rate per ton-mile" and neither of such carriers have a proprietary interest in the commodity moved. The definition should be linked with shipment of Irish potatoes because the program is predicated on the regulation of shipments in interstate commerce or shipments directly burdening, obstructing, or affecting such commerce. Producers who ship potatoes of their own production should be handlers under the definition because they have a proprietary interest in the commodity moved and because they are performing a marketing function in effecting such shipments. Handler should, therefore, be defined as set forth in the notice of hearing with an additional exception to cover contract carriers.

(d) A definition of "ship" and "handle" is incorporated in the marketing agreement and order for the general reasons set forth in (a) above, and to indicate the activity of handlers which will be regulated. Evidence introduced at the hearing indicated that all shipment or handling of Irish potatoes grown in the production area either entered the current of interstate or foreign commerce or that such shipment or handling directly burdened, obstructed or affected such commerce, and that regulation of all shipment or handling, which terms are synonymous for the purposes of the definition, of such potatoes will simplify enforcement problems under the marketing agreement and order. The incorporation of this definition in the marketing agreement and order is necessary and incidental to accomplish the declared purposes of the act. The definition set forth in the notice of hearing should, therefore, be amended as herein indicated and as hereinafter set forth.

(e) The South Dakota Potato Committee means the administrative body which acts as the agent of the Secretary and represents producers in the operation of the marketing agreement and order. Such committees are authorized by the act and they are necessary and incidental to operation of the marketing agreement and order and to effectuate the declared purposes of such act. The designation "South Dakota Potato Committee" is sufficiently distinctive to prevent confusion with other existing or possible administrative bodies. This definition is incorporated in the marketing agreement and order for the general reasons enumerated in (a) above, as well as for the reasons herein set forth. The definition should, therefore, be as set forth in the notice of hearing after deletion of the superfluous words "North Eastern".

(f) "Seed potatoes" and "table stock potatoes" should be defined in the marketing agreement and order because the marketing agreement and order proposes to regulate, under certain circumstances, differently for each type. Seed potatoes achieve their identity in South Dakota, upon being certified, tagged, marked or otherwise appropriately identified by the State Seed Certification Board of South Dakota, or its legal successors. Special regulation of seed potatoes is justified because of extra production cost attaching thereto, because of general superiority of product, because of limited production, and because they may be and frequently are consumed as table stock potatoes. Table stock potatoes involve the antithesis of the factors justifying dif-

ferent regulation for seed potatoes, and the definition of table stock potatoes should include all Irish potatoes not certified as seed potatoes. The definition of seed potatoes in the marketing agreement and order should be as set forth in the notice of hearing, as modified to correctly identify the State seed certifying agency. The definition of table stock potatoes should be incorporated in the marketing agreement and order to include all potatoes not covered by the definition of seed potatoes.

(g) The "South Dakota Potato Committee" (hereinafter called "committee"), consisting of seven producer members, should be established to act as the agent of the Secretary and as an agency representing producers in the operation of the marketing agreement and order to effectuate the declared purposes of the act. There should be an alternate member for each member of the committee in order to provide continuity of operation in case of vacancies. Seven members will provide adequate and fair representation on both a geographic and a production basis.

Initial members of the committee should be selected by the Secretary for a term of office ending June 30, 1948, and until their successors are selected and qualified. Selections of initial members of the committee may be made from lists of nominees supplied by producer groups or associations operating in and representative of producers in the producing area. If successors have not been selected, or if selectees have not qualified by the end of the current fiscal period, the initial members should continue to function until their successors have been selected and have qualified in order to provide continuity of operations.

The term of office of members and alternates of the committee, except for the initial members, should be on the basis of fiscal periods, i. e., beginning on the first day of July and continuing until the following June 30.

Nominations for committee membership, except for initial members and their alternates, should be determined by producers' elections at assembled meetings in each district or by producers voting by mail in each district. The committee should determine the most desirable and convenient method, aforesaid, of electing nominees for each district. The committee should appoint appropriate officials to conduct such elections. The committee should provide ample notice of their determinations as to manner of voting in each district by using newspapers, mail, and other means of communication. The committee should provide forms by June 10 of each year on which producers may list their choices. Lists of nominees, certified by appropriate election officials, should be forwarded via the committee to the Secretary by June 15 of each year. Election by assembled meeting of producers is considered the preferable form for naming nominees but mail voting for nominees is also necessary and incidental to proper operation of the marketing agreement or order under circumstances which preclude the possibility of producers conveniently attending assembled meetings. Producers' assembled meetings in each district should be conducted under the supervision of a chairman and a secretary designated by the committee and in accordance with Roberts' Rules of Order. When mail voting is used, the committee should check voters, identified by name and address on envelopes containing ballots against a producers eligibility registry.

Each producer should be eligible to cast one vote for each of the designated number of nominees in the district in which he qualifies as a producer. Votes should not be cumulated for any one nominee. A person qualifying as a producer in more than one district should elect the district in which he chooses to exercise his voting rights.

The production area, as proposed by the South Dakota Potato Growers' Association, is divided into four geographic districts for election and administrative purposes. Respective districts are comprised of the following counties: District No. 1—Codington and Deuel Counties; District No. 2—Clark County; District No. 3—Hamlin and Kingsbury Counties; and District No. 4—Brown and Day Counties. A fifth district, as proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, and comprising an additional 37 counties or the remainder of the State of South Dakota east of the Missouri River, is not considered a desirable and practical addition to the growers' proposal. As such 37 counties are not included in the production area for the reasons set forth in (b) above, there is no necessity for establishment of such fifth district.

Representation on the committee is apportioned according to districts. Two members shall be from District No. 1, three members from District No. 2, and one member each from Districts 3 and 4. This committee representation, with respective alternates, will provide adequate and equitable representation on a geographic and production basis. Seven committee members, with representation from each district and with procedural rules requiring that four members must be present to constitute a quorum and that four members must concur in their voting to validate any committee action, provides a committee of sufficient size to give adequate representation to producers, to maintain a committee of practical workable size, and to provide assurance that committee actions reflect the will of at least a majority of the producers' representatives. Two nominees should be presented by producers for each position as committee member and for each position as alternate member, in order for the Secretary to have a choice in exercising his selection of representatives. If nominations for committee members and alternates are not supplied to the Secretary by June 15 of each year, the Secretary should be allowed to select members without regard to nominations and such selections should be on the basis of the aforesaid representation from each district. Any person who is selected by the Secretary as a member or as an alternate member of the committee should qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

Authority to fill any vacancy in the committee membership, or among alternates, should be retained by the Secretary in order to maintain continuity of operation which are necessary and incidental to the administration of the marketing agreement and order and for the effectuation of the declared purposes of the act.

Any person, who is either a member or alternate committee member, who vacates his membership or alternate membership for any reason, should account for all receipts and disbursements which have come into his possession as such member or alternate and such vacating member or alternate should deliver all property, including funds, books, records, etc., to his successor or to a trustee designated by the Secretary. Such vacating member should execute an assignment and other instruments as may be necessary or appropriate to vest in such successor or trustee full title to all of the property, funds, and claims vested in such vacating member.

An alternate member should be authorized to act in the place and stead of the member for whom he is alternate during such member's temporary absence. Continuity of operation of the marketing agreement and order on a representative basis is better assured by such authorization. Similarly, an alternate should be authorized to act in a member's absence when such absence is due to death, removal, resignation, or disqualification of the member. Such authorization should provide that the alternate can act in place and stead of the member for whom he was alternate until a successor for the member has been selected and has qualified.

It is necessary and incidental to the operation of the marketing agreement and order and the effectuation of the purposes of the act that the committee should be authorized to provide for meetings by telephone, telegraph, or other means of communication. Any vote by members at such disassembled meetings should be promptly confirmed in writing. In any assembled meeting all votes should be cast in person.

The necessary expenses of committee members should be provided when they are acting on committee business. A per diem compensation of not to exceed $5.00 for each day spent in attendance at committee meetings should be allowed.

The powers of the committee, as authorized by the act, namely, to administer the marketing agreement and order, to make necessary rules and regulations to effectuate the terms and provisions of the marketing agreement and order, to receive, investigate, and report to the Secretary complaints of violations of the provisions of the marketing agreement or order, and to recommend amendments should be granted to the South Dakota Potato Committee.

Duties, as outlined in the notice of hearing, should be given to the committee. These duties, namely: (1) To act as intermediary between the Secretary and any producer or handler; (2) to keep minutes, books, and records reflecting all acts and transactions of the committee, which shall be subject to examination at any time by the Secretary; (3) to investigate the growing, shipping, and marketing conditions for potatoes and to assemble data thereon; (4) to furnish the Secretary such available information as he may request; (5) to select a chairman and such other officer as may be necessary, and to adopt such rules and regulations for conduct of its business as it may deem advisable; (6) to submit a budget of its expenses, with report thereon, at the beginning of each fiscal year; (7) to have the committee's books audited at least each year and to furnish a copy of such audit to the Secretary; (8) to appoint such employees, agents, and representatives as it may deem necessary, and to determine the salary and define the duties of each such person, and (9) to confer with other marketing agreement and order committees in other states and areas, are necessary and incidental to the operation of the committee under the marketing agreement and order and for the effectuation of the declared purposes of the act.

All of the findings hereinbefore set forth under (g), are predicated on evidence introduced at the hearing on proposals contained in the notice of hearing and proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, and the South Dakota Potato Growers Association. No evidence was introduced in favor of a portion of the administrative body proposal of the association and witnesses testified that the substitute proposals of the Fruit and Vegetable Branch were more complete and adequate to attain the desired objectives, than the portion of the association's administrative body proposal on which no evidence was presented at the hearing. Marketing agreement and order provisions hereinafter set forth will provide for expeditious establishment of, orderly and continuous operation of, and equitable representation of producers on the administrative body which will be the agency through which the Secretary will perform his administrative duties under the act in connection with such marketing agreement and order, all of which objectives are contemplated by the aforesaid evidence and the act. Handler representation on the administrative body is accomplished, despite the absence of reference thereto or specific provision therefor, through the fact that all handlers in the production area are also producers. Marketing agreement and order provisions to establish and provide for the continuous operation of an administrative body in an orderly, efficient and equitable manner should be as hereinafter set forth.

(h) The operation of the committee and of the marketing agreement and order necessitates funds for payment of necessary administrative expenses. It is necessary and appropriate that such expenses should be incurred under direction of the committee and that assessments should be levied against the movement of Irish potatoes to market in order to meet such expenses. Assessments should be levied against the first handler of potatoes. Assessments should be based on each handler's pro rata share of the expenses incurred by the committee. Pro rata shares should be determined by the proportion of the total crop which each handler ships. In making such pro rata shares of expenses effective on handlers, the budget of expense and revenue should recommend a rate of assessment against shipments which the Secretary can consider and, if he approves, fix as the rate per given unit of shipment which handlers must pay. The Secretary should be authorized to increase the rate of assessments which handlers should pay for a season if it is found during the course of a given season that the then current rate of assessments is insufficient to cover expenses. Handlers should be authorized to make advance payments to the committee if they wish to accommodate the committee in such manner.

If revenues collected through assessments are in excess of expenses at the end of any fiscal year, such proportionate excess shall be credited to individual handlers in accordance with the payments they have made on assessments. If any handler who has a proportionate refund due him so demands, such refund should be effected.

The committee should be authorized to maintain, with the approval of the Secretary, suits in its own name, or in the name of its members, against any handler for collection of such handler's pro rata share of the committee's expense.

Assessment provisions of the marketing agreement and order should be as hereinafter set forth to conform with the evidence introduced at the hearing, to provide necessary funds to defray the costs of administering the marketing agreement and order, to equitably distribute operating costs of the program against all handlers regulated, and to prevent any possible abuse of assessment prerogatives.

(i) Regulation of shipments of Irish potatoes grown in the production area should provide a method to limit such shipments by grade, size and quality of any or all varieties of both table stock and seed potatoes during any marketing season for South Dakota Irish potatoes when the prices to farmers therefor give such potatoes a purchasing power with respect to articles that farmers buy equal to or less than the purchasing power of such potatoes during the base period provided by the act. Evidence introduced at the hearing delineated marketing agreement and order provisions, to provide a method of accomplishing such regulation under the aforesaid circumstances, which provisions should be as hereinafter set forth.

Irish seed potato regulation should be and is authorized on a different basis under particular circumstances than table stock Irish potato regulation because the former can be and is frequently substituted for the latter by the consumer and because of different factors entering into the production and marketing of the former. Such different regulation should be and is predicated on an annual marketing policy or an amended marketing policy adopted by the committee, published and thereafter submitted to the Secretary. The method provided for the institution of such different regulations requires the committee to submit specific recommendations and information to the Secretary to justify the proposed action, and specific regulations will thereafter be issued by the Secretary on the basis of the recommendations and information submitted or on the basis of other information available to the Secretary, providing that such regulations will tend to effectuate the declared policy of the act.

The committee, in arriving at a basis for its recommendations to the Secretary with respect to regulations, should give consideration to various relevant marketing and production factors, such as market prices of Irish potatoes, including prices by grade, size, and quality of any and all varieties recommended for regulation; Irish potato supplies on hand in markets, supplies en route to markets, and supplies on track in markets; available supply, quality, and condition of Irish potatoes in the production area; supplies of Irish potatoes from competing areas and regions; the trend and level of consumer income, and other relevant factors.

Authority should be and is established in the marketing agreement and order, hereinafter set forth, for applying any specific regulation to any variety or varieties of potatoes, and for applying different regulations for different varieties during any period, and for applying different regulations during any period to table stock, on the one hand, and to seed potatoes, on the other hand, and for applying regulations to any variety or varieties of table stock or seed potatoes without applying it to any other specific variety or varieties of seed potatoes or of table stock potatoes as facts warrant. The Secretary should notify the committee of any regulations issued under this general provision and the committee should give adequate notice thereof to producers and handlers.

It is necessary for the operation of regulations under the marketing agreement and order for the committee and for the Secretary to have evidence which will show either compliance or noncompliance by handlers with the terms of the regulations. Evidence may be readily supplied by means of Federal-State Inspection Certificates. Inspections which representatives of the Federal-State Inspection Service offer and the certificates of inspection which they issue are commonly recognized throughout the production area, and in all domestic markets, as authoritative evidence of the subject product's definitive characteristics. Handlers should be required to have their shipments of Irish potatoes inspected before they are shipped so that authoritative evidence relating to characteristics of potatoes in such shipment will be available to the committee and to the Secretary. Each handler should be required to submit to the committee a copy of the inspection certificate issued upon such handlers' Irish potato shipments grown in the production area during any period of regu-

lation. Reasonably prompt Federal-State Inspection can be accomplished at all points in the production area for reasonable fees.

The committee should provide rules and regulations for the issuance of exemption certificates to producers. In order to provide equity among growers in so far as the effects of any given regulation or set of regulations are concerned, it may be necessary to allow some producer or producers to ship some Irish potatoes which are otherwise prohibited by the regulations. The committee should be empowered to issue, with the approval of the Secretary, rules and regulations pursuant to which exemption certificates shall be issued. The committee should issue certificates of exemption whenever a producer, because of regulation, is unable to ship as large a portion of his crop as the average of all producers. If any producer is dissatisfied with the action of the committee in handling his application for exemption, he should have the right of appeal to the committee for a re-examination of his application. The committee should be empowered to ask the producer for additional information upon which he based his appeal. The committee should be required to re-examine the application for an exemption certificate and to make a final determination with respect thereto. The committee should be required to promptly notify the appellant and should be required also to promptly furnish a copy of the appeal, with a copy of the final determination, to the Secretary. As an equitable matter, the Secretary should have the right to modify, change, alter, or rescind any procedural rules and regulations relating to exemptions and any exemption certificates granted or denied. The committee should be required to maintain current records with respect to applications for exemptions from the regulations and it should be required to furnish the Secretary with a weekly report showing the number of applications received, the disposition of such applications, and the shipments made under exemption certificates.

(j) One of the duties which should be and is required of the committee under the marketing agreement and order is to investigate supply of and demand for Irish potatoes in the production area and in the area in which Irish potatoes from the production area are marketed. Whenever the committee finds that the relationship of the supply of Irish potatoes to the demand for such potatoes, as reflected by producers' prices, is such that some of the supply may be considered surplus, then the committee should determine the extent of such surplus or the composition of such surplus by grade, size, and quality. If the committee deems advisable under such circumstances, it should recommend to the Secretary the control and disposition of surplus Irish potatoes and plans for equalizing the burden of surplus elimination and control among producers and handlers.

The Secretary, if he finds from recommendations of the committee, or from other information available to him, that the control and disposition of surplus Irish potatoes will tend to effectuate the declared policy of the act, should control and dispose of such surplus Irish potatoes and should provide for equalizing the burden of control and disposition among producers and handlers thereof.

The committee should be authorized, whenever the Secretary provides for control and disposition of surplus Irish potatoes, to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposal of such surplus. It is necessary and incidental to efficient local administration of any surplus control or disposal program that the local committee should be empowered to assist in such program. It is also necessary and appropriate that the Secretary should be authorized to designate the committee as an agency to assist in the operation of any governmental program for the elimination or control of surplus.

The method for controlling and disposing of surplus Irish potatoes, hereinbefore set forth, is in accord with the testimony introduced at the hearing and should, therefore, be established as hereinafter set forth.

(k) The shipment of Irish potatoes for consumption by charitable institutions or for distribution by relief agencies does not appreciably effect the market price for table stock or seed potatoes. Shipments which are made for these specific purposes might not otherwise take place because of the inability of the consuming agencies to buy in normal markets, hence it is desirable that such outlets should be provided with Irish potatoes that are fit for consumption but which might otherwise not be consumed unless they are not subjected to regulations under the marketing agreement and order. Shipment of Irish potatoes for consumption by charitable institutions or for distribution by relief agencies should not be subject to regulation under the marketing agreement and order. Also, Irish potatoes shipped for manufacture or for conversion into by-products, except for shipments for manufacturing into specified products the shipment of which is recommended for regulation by the committee, and approved by the Secretary, should not be subject to regulation. Evidence shows that shipments of Irish potatoes for manufacturing into products which shipments might be specified for regulation by the committee, with the approval of the Secretary, are potato chips and possibly starch, both of which are used for human consumption in virtually the original form of the raw material. If shipments for manufacturing into other products should be regulated in the consensus of the committee, it may so recommend. It is also desirable and necessary that shipments for conversion into by-products, which can use off-grade or undesirable sizes as well as the preferred types, should not be subject to regulation. Shipments of Irish potatoes for manufacturing or conversion, as hereinbefore indicated, should not be subject to regulation because they do not affect adversely marketing in that the use of the poorest grade of Irish potatoes would otherwise go to waste.

Irish potatoes transported from the producer's farm to the customary grading, storage, or loading station should not be subject to regulation. Any and all of these actions are commonly construed as occurring prior to the act of shipping. Such is the intent of the present proponents of the marketing agreement and order.

The committee should be authorized to recommend that Irish potatoes shipped for livestock feed, or for other specified purposes, should not be subject to regulation for reasons comparable to those set forth above for manufacturing and conversion. Livestock feed is an outlet which does not compete with markets for table stock or seed potatoes. Whenever conditions warrant that this market outlet should be used, there is no good reason why Irish potatoes for such purposes should be required to meet market standards imposed upon table stock or seed potatoes. Also, Irish potatoes which may be discarded for table stock or seed potatoes because of regulations may find an outlet as livestock feed, hence their exemption from regulations will tend to promote objectives sought under regulations in accordance with previous sections.

It is necessary and incidental to the operation of the marketing agreement and order and to effectuate the objectives of the act that the committee should be authorized to provide adequate safeguards to prevent Irish potatoes which are relieved of regulation from entering the current of interstate or foreign commerce to compete with Irish potatoes which have been regulated. Such safeguards, among others, should include Federal-State inspection in order that distinguishing characteristics of specific or particular shipments may be readily determined in accordance with commonly recognized authority.

Irish potatoes which are not subject to regulation under other sections, but for which producers receive some return (which is the position of the non-regulated Irish potatoes considered herein), should bear their equitable share of the expense of operating the marketing agreement and order.

In order to maintain appropriate identification for shipments which are not subject to regulation, the committee should be authorized to issue Certificates of Privilege to producers or handlers shipping such Irish potatoes. It is necessary in the interests of efficient operation of the marketing agreement and order that such identification should be maintained in this manner. In order that the Secretary may be properly advised concerning the movement of Irish potatoes from the production area, it is necessary and incidental to the operation of the marketing agreement and order that records of such shipments should be maintained and that weekly reports should be forwarded by the committee to the Secretary showing the disposition and number of shipments which were exempt from regulation. The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or Certificates of Privilege issued by the committee.

(l) For the proper and efficient administration of the marketing agreement and order, the committee needs information on Irish potatoes with respect to supplies, movement, prices, and sundry other relevant factors which are best obtainable from handlers. The committee should be authorized to request, and every handler should be required to furnish to the committee, any information which is required for reasonable operation of the marketing agreement and order. The Secretary should retain the right to modify, change, or rescind any request by the committee for information in order to protect handlers from unreasonable requests for reports.

(m) The provisions of sections 8 through 19, as published in the FEDERAL REGISTER of June 4, 1947 (12 F. R. 3632), are common to marketing agreements and orders now operating. These provisions are incidental to, and not inconsistent with section 8c (5), (6), and (7) of the act, and necessary to effectuate the other provisions of the marketing agreement and order, and to effectuate the declared purposes of the act. Testimony at the hearing supports the inclusion of each of these provisions as published in the notice of hearing. These provisions, identified by section numbers and title, are as follows: Section 8. *Compliance;* Section 9. *Right of the Secretary;* Section 10. *Effective time and termination;* Section 11. *Effect of termination or amendment;* Section 12. *Duration of immunities;* Section 13. *Agent;* Section 14. *Derogation;* Section 15. *Personal liability;* Section 16. *Separability;* Section 17. *Amendments;* Section 18. *Counterparts;* and Section 19. *Order with marketing agreement.*

(n) The seasonal average farm price per bushel for Irish potatoes in South Dakota varies from year to year depending upon a variety of factors, among which the size of the South Dakota crop, the size of the crop in the surplus late states, and the current level of consumer income are important. The average farm price for Irish potatoes in South Dakota during the base period, August 1919–July 1929, is $1.04 per bushel, although annual variations within that period range from $0.48 to $2.14 per bushel. Seasonal average farm prices for Irish potatoes in South Dakota during the period 1929–1946, inclusive, have ranged annually from $0.27 to $1.60 per bushel. The seasonal average farm price for Irish potatoes in South Dakota was below parity during ten of the eighteen seasons, 1929 to 1946, inclusive, and above parity during the other eight seasons. Preliminary reports indicate a seasonal average price per bushel received by farmers for Irish potatoes in South Dakota during the 1946 crop year of $1.52 per bushel. Parity price for Irish potatoes in South Dakota during the 1946 crop year averaged $1.50 per bushel, although farm prices for Irish potatoes in South Dakota were below parity during the fall months.

Within each season farm prices for Irish potatoes also vary from month to month in South Dakota usually reaching a seasonal low during the months of September through December. Last year, 1946, during this fall period, farm prices of Irish potatoes in South Dakota were 97 percent of parity. The prospect of farm prices for Irish potatoes in South Dakota being below parity is greater during this period than during any other portion of the Irish potato crop year. Sub-parity farm prices for Irish potatoes in South Dakota during the fall months of each production year are and have continued to be for a long period of time, an annual phenomenon which can reasonably be anticipated to obtain during the fall months of the 1947 production year.

Production of certified Irish seed potatoes in South Dakota increased rapidly during recent years. Concurrently heavy monthly Irish potato marketings in South Dakota have shifted to considerable extent from late fall and early winter, i. e., September through December, to the late winter and early spring, i. e., January through March, reflecting increased movement of Irish seed potatoes for late crop plantings. Farm prices for Irish potatoes in South Dakota usually are higher during the late winter and early spring period when movement of Irish seed potatoes is heavier than during the fall and early winter period when movement of Irish table stock predominates. Therefore, the need for regulation by grade, size, and quality is greater during the period of table Irish stock movement than during the period of heaviest Irish seed potato movement. In addition, the fall and early winter period is one in which South Dakota Irish potato prices usually are lowest.

The proposed marketing agreement and order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this proposed marketing agreement and order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such Irish potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes in the base period, August 1919–July 1929, and by protecting the interest of the consumer by (1) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (2) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish.

(o) The inspection of Irish seed potatoes to determine their grade, size, quality, and maturity, and the certification therefor with respect to such findings by a Federal-State inspector tends to establish orderly marketing conditions for Irish seed potatoes in South Dakota. It is found that such potatoes, which are inspected and certified by recognized authority as having certain specified characteristics, normally returned a higher price to farmers than do Irish potatoes which are not so inspected and certified. Inspection and certification of Irish seed potatoes by the Federal-State Inspection Service tends to promote the public interest by providing buyers and sellers with a greater amount of specific, accurate information relating to Irish seed potatoes offered for market than such interested parties would have in the absence of inspection and certification. Inspection and certification of Irish seed potatoes in South Dakota tends to promote orderly marketing conditions in the public interest and it is necessary for the operation of grade, size, quality, and maturity regulations that Irish potatoes marketed from this production area should be inspected and certified.

Rulings on proposed findings and conclusions. Interested parties were allowed until July 1, 1947, by the Presiding Officer at the hearing on the proposed marketing agreement and order to file briefs on findings of facts and conclusions based on evidence introduced at the hearing. No briefs were filed, hence no rulings are necessary.

Recommended marketing agreement and order. The following proposed marketing agreement and order are recommended as the detailed means by which the above conclusions may be carried out.

SECTION 1. *Definitions.* As used herein, the following terms have the indicated meaning:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other officer or member of the United States Department of Agriculture, who is or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937)), 7 U. S. C. 601 et seq. (Supp't. 5, 1939) as amended.

(c) "Persons" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

(d) "Production area" means the counties of Codington, Clark, Hamlin, Deuel, Brown, Day and Kingsbury in the State of South Dakota.

(e) "Potatoes" means all varieties of Irish potatoes grown in the production area.

(f) "Handler" is synonomous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes in fresh form, whether of his own production or other.

(g) "Ship" or "handle" means to transport, sell, or in any other manner place potatoes in the current of interstate commerce or so as directly to burden, obstruct, or affect such commerce.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on July 1 of each year and ending June 30 of the following year.

(j) "Committee" means the South Dakota Potato Committee established pursuant to section 2 hereof.

(k) "Varieties" means and includes all classifications or subdivisions of Irish Potatoes according to those definitive

characteristics now or hereafter recognized by the United States Department of Agriculture or the American Horticultural Society.

(l) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, by the State of South Dakota Seed Certification Board or its legal successors.

(m) "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

SEC. 2. *Administrative body*—(a) *Establishment and membership.* A South Dakota Potato Committee, consisting of seven producer members, is hereby established. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member.

(b) *Initial committee.* The initial members and alternates of the committee shall be selected by the Secretary for a term of office ending on June 30, 1948, and until their successors are selected and qualified. Such members and alternates may be selected by the Secretary from lists of nominees supplied by producer groups or associations operating in and representative of producers in the production area.

(c) *Term of office.* The term of office of members and alternates of the Committee shall begin on the first day of July or the date of qualification, whichever is later, and continue until the end of the then current fiscal year and until their successors are selected and have qualified.

(d) *Nominations.* Except for initial members and alternates of the committee, nominations for membership may be determined by:

(1) *Assembled meetings.* Elections may be conducted in assembled meetings of producers in each district to determine nominees for such district. Such election shall be conducted under the supervision of a chairman and a secretary designated by the committee in accordance with the provisions of Roberts' Rules of Order; or

(2) *Mail voting.* Election of nominees may be effected by the producers of each district by written ballot forwarded or presented to the teller designated by the committee. Each ballot form shall have printed thereon the date on which such ballot must be in the hands of the teller to be counted and ballots received after such date shall not be counted. Ballots not presented to the teller in person by the voter must be enclosed in an envelope with the voter's name and address indicated thereon. The notice of election attached to such ballot form may contain a list or lists of candidates sponsored for election by a group or groups of producers.

The committee shall determine the most desirable and convenient method, aforesaid, of electing nominees for each district, thereafter appointing indicated officials to conduct such elections. Such committee determinations shall be conveyed to interested producers by means of newspaper stories, mail, or such other means of communication deemed adequate by the committee. Nominees shall be elected on forms provided by the committee by June 10th of each year and lists certified by appropriate election officials (either chairman and secretary or teller, depending on the method of election) shall be forwarded via the committee to the Secretary by June 15th of each year.

(e) *Voting.* Each producer shall be eligible to cast one vote for each of the designated number of nominees in the district in which he qualifies as such producer, which vote can not be cumulated for any one nominee. A producer qualifying thereas in more than one district shall elect the district in which he chooses to exercise his voting rights.

(f) *Districts.* The production area is divided into four districts, identified, described and with nominee representation as follows:

District No., Description, and Nominees

1—Codington and Deuel Counties:
4 for members.
4 for alternates.
2—Clark County:
6 for members.
6 for alternates.
3—Hamlin and Kingsbury Counties:
2 for members.
2 for alternates.
4—Brown and Day Counties:
2 for members.
2 for alternates.

(g) *Selection and qualification of members.* Except for the initial committee, the Secretary shall select two members and two alternates from nominees submitted from District No. 1, three members and three alternates from the nominees submitted by District No. 2, and one member and one alternate from the nominees submitted by each of the remaining Districts. If nominations are not supplied to the Secretary within the time and in the manner specified in paragraph (d) of this section, the Secretary may, without regard to nominations, select the members and alternates of the committee, which selection shall be on the basis of the representation provided herein. Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(h) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term may be selected by the Secretary. Such selections, if made, shall be on the basis of substitute representation for the producers of the District involved.

(i) *Obligations.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office or to a trustee designated by the Secretary and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or trustee full title to all of the property, funds, and claims vested in such member pursuant hereto: *Provided*, That the provisions hereof shall apply to alternate members in possession of funds, property, books or records, or participating in the receipt or disbursement of funds.

(j) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is alternate during such member's absence. In the event of death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(k) *Procedure.* (1) Four members of the committee shall constitute a quorum, and any action of the committee shall require four concurring votes.

(2) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held all votes shall be cast in person. *Provided, further*, That the committee shall hold an annual assembled meeting during the last two weeks of March in each year, the exact time, place and date to be determined by the committee.

(l) *Members expenses and compensation.* The members of the committee and their respective alternates when acting as members, may be reimbursed for expenses necessarily incurred by them in performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $5.00 for each day or portion thereof, spent in attendance at meetings of the committee.

(m) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms.

(2) To make rules and regulations to effectuate the terms and provisions hereof.

(3) To receive, investigate, and report to the Secretary complaints of violations of the provisions hereof.

(4) To recommend to the Secretary amendments hereto.

(n) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler.

(2) To keep minutes, books and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary.

(3) To investigate the growing, shipping and marketing conditions with respect to potatoes and to assemble data in connection therewith.

(4) To furnish to the Secretary such available information as he may request.

(5) To select a chairman and such other officers as may be necessary, and to adopt such rules and regulations for conduct of its business as it may deem advisable.

(6) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon.

(7) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto, and a copy of each such report shall be furnished to the Secretary.

(8) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the salaries and define the duties of each such person.

(9) To confer with other Marketing Agreement and Order Committee in other States and areas.

SEC. 3. *Expenses and assessments*—(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee pursuant to the provisions hereof during each fiscal year. The funds to cover such expenses shall be acquired by levying assesments as hereinafter provided.

(b) *Assessment.* (1) Each handler who first handles potatoes which are regulated, shall, with respect to the potatoes so handled by him, pay to the committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal year. Such assessment share shall be due and payable when the committee bills the handler therefor. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers, as the first handlers thereof during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(2) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such sums shall be paid to him.

(2) The committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

SEC. 4. *Regulation*—(a) *Marketing policy.* At the beginning of each fiscal year, the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

(b) *Recommendations for regulations.* (1) It shall be the duty of the committee to investigate the supply and demand conditions for grade, size and quality of potatoes of all varieties. Whenever the committee finds that such conditions make it advisable to regulate the shipment of particular grade, size and quality of potatoes of any or all varieties during any period, it shall recommend to the Secretary the particular grade, size and quality of any or all varieties thereof deemed advisable to be shipped during such period.

(2) In determining the grade, size, and quality of potatoes of all varieties deemed advisable to be regulated in view of the prospective demand therefor, the committee shall give due consideration to the following factors: (i) Market prices, including prices by grade, size and quality of potatoes of all varieties for which regulation is recommended; (ii) potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets; (iii) available supply, quality, and condition of potatoes in the production area; (iv) supplies from competitive areas and regions producing potatoes; (v) the trend and level of consumer income, and (vi) other relevant factors.

(c) *Issuance of regulations.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the shipment of potatoes to particular grade, size and quality of any or all varieties thereof would tend to effectuate the declared policy of the act, he shall so limit the shipments of potatoes during a specified period. Any specific regulation may be made applicable to any variety or varieties of potatoes, different regulations may be applied in any fiscal year to different varieties, and different regulations may be applied in any fiscal year to table stock potatoes, on the one hand, and to seed potatoes on the other hand. One or more varieties of either table stock or seed potatoes may be regulated in any fiscal year without regulation of the remaining varieties. The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

(d) *Inspection and certification.* During any period in which the Secretary has regulated the shipment of potatoes pursuant to this section, each handler shall, prior to making each shipment of potatoes, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Promptly thereafter, each handler shall submit to the committee a copy of the inspection certificate issued thereon.

(e) *Exemptions.* (1) The committee shall adopt and announce, subject to the approval of the Secretary, the procedural rules pursuant to which certificates of exemption will be issued to producers.

(2) The committee shall issue certificates of exemption to any producer who furnishes adequate evidence to the said committee that by reason of a regulation issued pursuant to this section he will be prevented from having as large a proportion of potatoes shipped during the remainder of the shipping season, as the average of all producers. Such certificates of exemption shall grant an opportunity for such producer to have as large a proportion of his potatoes shipped as the average of all producers.

(3) If any producer is dissatisfied with the certificate of exemption granted or denied to him pursuant to an application, said producer may file an appeal with the committee. Such an appeal must be taken promptly after the issuance of the certificate of exemption or denial from which the appeal is taken. Any producer filing an appeal shall furnish evidence satisfactory to the committee, for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the certificate of exemption to be granted or the denial thereof. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(4) The Secretary shall have the right to modify, change, alter, or rescind any procedural rules and any exemptions granted or denied pursuant to this section.

(5) Records shall be maintained by the committee and a weekly report furnished to the Secretary showing the applications for exemptions received, exemptions granted, exemptions denied, and shipments made under exemptions.

SEC. 5. *Regulation of surplus*—(a) *Recommendation.* It shall be the duty of the committee to investigate supply and demand conditions of potatoes. Whenever the committee finds that a surplus of potatoes exists, it shall determine the extent of such surplus of potatoes or of any grade, size or quality thereof. If it is deemed advisable, the committee shall recommend the control and disposition of surplus potatoes and plans for equalizing the burden of surplus elimination or control among the producers and handlers thereof under uniform rules established by the committee and approved by the Secretary.

(b) *Issuance of regulations.* (1) Whenever the Secretary finds from the recommendations and information submitted by the committee, or from other available information, that the control and disposition of surplus potatoes will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination or control among

producers and handlers thereof. Such control and disposition, in any fiscal year, may be applied, where the facts so warrant, either to table stock or to seed potatoes, or both: *Provided*, That different controls and dispositions may be utilized, in any fiscal year, for table stock potatoes, on the one hand, and seed potatoes, on the other hand, and for the various varieties of table stock and seed potatoes.

(2) At any time during which the Secretary provides for the control and disposition of surplus potatoes, the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposal of surplus potatoes. The Secretary may designate the committee as an agency to assist in and to effectuate the elimination or control of surplus potatoes under any governmental program.

SEC. 6. *Limitation of regulations.* Nothing contained herein shall authorize any limitation of the shipment of potatoes for any of the following purposes: (a) Potatoes shipped for consumption by charitable institutions or for distribution by relief agencies; (b) potatoes shipped for manufacturing or conversion into by-products, except for manufacturing or conversion into specified products recommended by the committee for regulation and approved by the Secretary therefor; (c) potatoes shipped by the producer thereof from the point or place of production to the nearest customary grading, storing, or loading point for the purpose of having said potatoes graded, stored, or loaded for shipment; and (d) upon recommendation of the committee and approval of the Secretary, potatoes shipped for livestock feed or for other specified purposes. The Secretary shall give prompt notice to the committee of any approval issued by him under the provisions of this section. The committee may prescribe adequate safeguards to prevent potatoes shipped for the purposes stated above from entering the current of interstate commerce or directly burdening, obstructing, or affecting such commerce contrary to the provisions hereof, which safeguards shall include Federal-State inspection provided by section 4 (d) hereof and the payment of a pro rata share of expenses provided by section 3 hereof: *Provided*, That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections. The committee shall issue Certificates of Privilege for shipments of potatoes effected or to be effected under the provisions of this section and shall make a weekly report to the Secretary showing the number of certificates applied for, the number of bushels of potatoes covered by such applications, the number of certificates denied and granted, the number of bushels of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary. The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

SEC. 7. *Reports.* Upon the request of the committee, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind requests for any reports pursuant to this section.

SEC. 8. *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

SEC. 9. *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

SEC. 10. *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operations of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes; *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effected only if announced on or before June 30 of the then current fiscal year.

(4) The Secretary shall terminate the provisions hereof at the end of any fiscal year, upon the written request of handlers signatory hereto handling not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before June 30 of the then current fiscal year.[1]

[1] Applicable only to the proposed marketing agreement.

(5) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all funds and the property then in the possession of, or under control of the committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred, or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

SEC. 11. *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof, or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise in connection with any provision hereof, or any regulation issued hereunder, or (b) release or extinguish any violation hereof, or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary, or of any other persons with respect to any such violation.

SEC. 12. *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

SEC. 13. *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

SEC. 14. *Derogation.* Nothing contained herein is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 15. *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

SEC. 16. *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any persons, circumstances, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

SEC. 17. *Amendments.* Amendments hereto may be proposed from time to time, by the committee or by the Secretary.

SEC. 18. *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. *Provided*, That after the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[2]

SEC. 19. *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such as order.

Filed at Washington, D. C., this 19th day of August 1947.

[SEAL] E. A. MEYER,
Assistant Administrator.

[F. R. Doc. 47-7008; Filed, Aug. 22, 1947; 8:46 a. m.]

R & O COMMISSION CO., POSTING OF STOCKYARDS

NOTICE OF PROPOSED RULE MAKING

The Secretary of Agriculture has information that the R & O Commission Company stockyards, owned and operated by Irl Ransdell and Dan Olsen, a partnership doing business as the R & O Commission Company at Kearney, Nebraska, is a stockyard as defined by section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard listed above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921 (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit within fifteen (15) days after the publication of this notice any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 15th day of August 1947.

[SEAL] PRESTON RICHARDS,
Acting Director, Livestock Branch, Production and Marketing Administration, Department of Agriculture.

[F. R. Doc. 47-7929; Filed, Aug. 22, 1947; 8:46 a. m.]

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of the Public Debt

[1947 Dept. Circ. 812]

7/8 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES H–1948

OFFERING OF CERTIFICATES

AUGUST 20, 1947.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated 7/8 percent Treasury Certificates of Indebtedness of Series H–1948, in exchange for Treasury Certificates of Indebtedness of Series H–1947, maturing September 1, 1947.

II. *Description of certificates.* 1. The certificates will be dated September 1, 1947, and will bear interest from that date at the rate of 7/8 percent per annum, payable with the principal at maturity on July 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,00. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before September 2, 1947, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series H–1947, maturing September 1, 1947, which will be accepted at par, and should accompany the subscription. The full year's interest on the certificates surrendered will be paid to the subscribed following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-7928; Filed, Aug. 22, 1947; 8:46 a. m.]

[2] Applicable only to the proposed marketing agreement.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9549]

AMERICAN BOSCH CORP. AND ROBERT BOSCH, G. M. B. H.

In re: Dividends on stock of American Bosch Corporation beneficially owned by Robert Bosch, G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Bosch, G. m. b. H., the last known address of which is Stuttgart, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York, New York, arising out of a foreign checking account entitled "N. V. Administratiekantoor voor Internationale Belegging, Amsterdam, Holland",

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid Robert Bosch, G. m. b. H., a national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7923; Filed, Aug. 22, 1947; 8:45 a. m.]

[Vesting Order 9557]

FANNY EVANS

In re: Stock owned by Fanny Evans.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fanny Evans, whose last known address is Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Eighty-five (85) shares of $50.00 par value capital stock of Anaconda Copper Mining Company, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Montana, evidenced by certificate number F853858, registered in the name of Fanny Evans, and presently in the custody of American Trust Company, 464 California Street, San Francisco, California, together with all declared and unpaid dividends thereon, and

b. Ten thousand (10,000) shares of capital stock of German Bar Gold Mines, Inc., evidenced by certificate number 511, registered in the name of Fanny Evans, and presently in the custody of American Trust Company, 464 California Street, San Francisco, California, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7924; Filed, Aug. 22, 1947; 8:45 a. m.]

[Vesting Order 9558]

JULIUS FREY ET AL.

In re: Debts owing to, and stock and bonds owned by, Julius Frey and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose last known addresses are set forth opposite their names, as follows:

Name and Address

Julius Frey—6 Wald Street, Mutsbach, Rheinpfalz, Germany.

Katherine Frey Herold, also known as Catherine Frey Herold and as Katherine Harold—57 Genfer Street, Rheinlickendorf, Berlin, Germany.

Elfrieda Blinn Jost, also known as Elfrieda Blinn—Landau, Immelmann Street, Saarpfalz, Germany.

Emma Frey Wekenmann, also known as Emma Frey Wickenen and as Emma Weckenmann—Lambrecht, Saarpfalz, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All those debts or other obligations owing to the persons whose names appear in subparagraph 1 hereof, by Fred Frey, 1134 Straight Street, Cincinnati, Ohio, including particularly but not limited to that sum of money on deposit with The Western Bank & Trust Company, Cincinnati, Ohio, in a checking account, entitled Fred Frey, Attorney-in-Fact, and any and all rights to demand, enforce and collect the same,

b. An undivided four-fifths (4/5) interest in and to forty (40) shares of $50.00 par value preferred capital stock of United States Smelting Refining and Mining Company, 75 Federal Street, Boston, Massachusetts, a corporation organized under the laws of the State of Maine, evidenced by certificate number NYO31691, dated December 20, 1935, registered in the name of Fred Frey, and presently in the custody of Fred Frey, 1134 Straight Street, Cincinnati, Ohio, being the total of the one-fifth (1/5) interests in and to the aforesaid shares of stock owned by each of the persons whose name appears in subparagraph 1 hereof, together with all declared and unpaid dividends thereon,

c. An undivided four-fifths (4/5) interest in and to two hundred (200) shares of no par value common capital stock of Kroger Grocery & Baking Company, 35 East Seventh Street, Cincinnati, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificates numbered CC20060 and CC20061, for 100 shares each, both dated June 17, 1937, registered in the name of Fred Frey, and presently in the custody of Fred Frey, 1134 Straight Street, Cincinnati, Ohio, being the total of the one-fifth (1/5) interests in and to the aforesaid shares of stock owned by each of the persons whose name appears in subparagraph 1 hereof, together with all declared and unpaid dividends thereon,

d. An undivided four-fifths (4/5) interest in and to two (2) Missouri, Kansas and Texas Railway Company First Mortgage 4% Bonds, each of $500.00 face value, bearing the numbers 38475 and 38815, registered in the name of bearer, and presently in the custody of Fred Frey, 1134 Straight Street, Cincinnati, Ohio, being the total of the one-fifth (1/5) interests in and to the aforesaid bonds owned by each of the persons whose name appears in subparagraph 1 hereof, together with all rights thereunder and thereto,

e. An undivided four-fifths (4/5) interest in and to four (4) Missouri, Kansas and Texas Railway Company First Mortgage 4% Bonds, each of $1,000.00 face value, bearing the numbers 9326, 21555, 26998 and 32016, registered in the name of bearer, and presently in the custody of Fred Frey, 1134 Straight Street, Cincinnati, Ohio, being the total of the one-fifth (1/5) interests in and to the aforesaid bonds owned by each of the persons whose name appears in subparagraph 1 hereof, together with all rights thereunder and thereto,

f. An undivided four-fifths (4/5) interest in and to six (6) German External Loan 1924 7% Bonds, each of $500.00 face value, bearing the numbers B-6800, B-7097, B-7306, B-7364, B-7395 and B-3360, registered in the name of bearer, and presently in the custody of Fred Frey, 1134 Straight Street, Cincinnati, Ohio, being the total of the one-fifth (1/5) interests in and to the aforesaid bonds owned by each of the persons whose name appears in subparagraph 1 hereof, together with all rights thereunder and thereto, and

g. An undivided four-fifths (4/5) interest in and to eighteen (18) German External Loan 1924 7% Bonds, each of $1,000.00 face value, bearing the numbers C-015601, C-015602, C-007688, C-013308, C-100426, C-100119, C-078080, C-027632, C-099050, C-084267, C-005208, C-047688, C-007682, C-076523, C-005895, C-013309, C-013307, and C-005207, registered in the name of bearer, and presently in the custody of Fred Frey, 1134 Straight Street, Cincinnati, Ohio, being the total of the one-fifth (1/5) interests in and to the aforesaid bonds owned by each of the persons whose name appears in subparagraph 1 hereof, together with all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7925; Filed, Aug. 22, 1947; 8:45 a. m.]

[Vesting Order 9634]

VALENTINE HOFMANN

In re: Real property, property insurance policies and claim owned by Valentine Hofmann.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Valentine Hofmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property, situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Valentine Hofmann, in and to the property insurance policies, particularly described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the real property described in subparagraph 2-a hereof, together with any and all extensions or renewals thereof, and

c. All those certain debts or other obligations owing to Valentine Hofmann, by Land Title Bank and Trust Company, 100 S. Broad Street, Philadelphia 10, Pennsylvania, including particularly but not limited to those sums arising from rents collected from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel 1

All that certain lot or piece of ground with the three story brick dwelling house thereon erected in the Forty-sixth Ward of the city of Philadelphia situate on the North side of Chestnut Street at the distance of three hundred and forty-seven feet three inches Westward from the West side of Forty-eighth Street. Containing in front or breadth on said Chestnut Street Fourteen feet and nine inches and extending of that width Northward between parallel lines at right angles to said Chestnut Street One hundred and forty feet to a thirteen feet six inches wide alley leading Westward and communicating with a ten feet wide alley leading Northward into Ludlow Street.

Together with the free and common use, right, liberty and privilege of the aforesaid alleys as and for passageways and water courses at all times hereafter forever.

Parcel 2

All that certain lot or piece of ground with the buildings and improvements thereon erected situate on the Northeast side of Holbrook Street at the distance of Fifty-eight feet five inches Southeastward from the Southeast side of Buist Avenue in the Fortieth Ward of the city of Philadelphia containing in front or breadth on the said Holbrook Street Fifteen feet eleven and three quarter inches and extending of that width in length or depth Northeastward Seventy-three feet ten inches to the middle of a certain three feet wide alley, together with the free and common use, right, liberty and privilege of the above mentioned alleys as and for passageways and water courses at all times hereafter forever.

Parcel 3

All that certain lot or piece of ground with the buildings and improvements thereon erected situate on the north side of Spencer Street at the distance of one hundred and sixty-five feet four inches eastward from the east side of Twentieth Street in the Forty-ninth Ward of the City of Philadelphia

containing in front or breadth on the said Spencer Street fifteen feet and extending of that width in length or depth northward between parallel lines at right angles to the said Spencer Street eighty-eight feet to a certain fourteen feet wide driveway extending westward into the said Twentieth Street and connecting at the easternmost end thereof with a certain other fourteen feet wide driveway leading northward into Sparks Street.

Together with the free and common use right liberty and privilege of the aforesaid driveways as and for an automobile driveway passageways and waters courses at all times hereafter forever in common with the owners, tenants and occupiers of the other lots of ground bounding thereon which said right, use and privilege is also granted to the owners and occupiers of the lot of ground bounding on the north side of the first above-mentioned driveway.

EXHIBIT

Parcel 4

All that certain lot or piece of ground with the buildings and improvements thereon erected, marked and numbered 320 and the Northernmost moiety or one-half part of Lot No. 321 on the Plan of Lots of the Fern Rock Land Company, recorded in the Office for the Recording of Deed in and for the County of Philadelphia in Deed Book G. G. P. No. 491, page 1 &c.

Situate on the West side of Eleventh Street at the distance of Ninety feet Northward from the North side of Nedro Avenue in the Forty-second Ward of the city of Philadelphia; containing in front or breadth on the said Eleventh Street Thirty feet and extending Westwardly in length or depth between lines parallel with the said Nedro Avenue Eighty-four feet and five-eighths of an inch to the rear of Lot No. 295 on said Plan.

Under and subject to certain building restrictions.

Parcel 5

All that certain lot or piece of ground with the buildings and improvements thereon erected Situate on the southwest side of Eighty fourth street at the distance of thirty eight feet two inches Northwestwardly from the Northwesterly side of Gibson Avenue in the Fortieth ward of the city of Philadelphia containing in front or breadth on the said Eighty fourth street twenty two feet two inches and extending of that width in length or depth Southwestwardly between lines parallel with the said Gibson Avenue Eighty one feet six inches to a certain three feet Six wide alley.

Under and subject to certain buildings restrictions and conditions of record.

EXHIBIT B

The property insurance policies, covering the real property situated in the City and County of Philadelphia, State of Pennsylvania, are as follows:

PARCEL 1—4847 CHESTNUT ST.

Insurance company	Type	Term	Policy No.	Face amount	Expiration date
Insurance Co. of North America, 1600 Arch St., Philadelphia, Pa.	Fire	3 years	218562	$4,500	Nov. 7, 1947.
Indemnity Insurance Co. of North America, 1600 Arch St., Philadelphia, Pa.	Public liability and property damage.	5 years	COLT 816	Public liability, $100/200,000; property damage, $20,000.	Feb. 16, 1949.
Franklin Fire Insurance Co., 121 Walnut St., Philadelphia, Pa.	Vandalism	3 years	R. C. C. 3-1054	$1,000	Oct. 5, 1947.

PARCEL 2—2607 SOUTH HOLBROOK ST.

Commerce Insurance Co., Bay and Glen Sts., Glens Falls, N. Y.	Fire	3 years	12276	$3,000	June 26, 1947.
Indemnity Insurance Co. of North America	Public liability and property damage.	5 years	COLT 816	Public liability, $100/200,000; property damage, $20,000.	Feb. 16, 1949.
Franklin Fire Insurance Co.	Vandalism	3 years	R. C. C. 3-1054	$1,000	Oct. 5, 1947.

PARCEL 3—1961 SPENCER ST.

Commerce Insurance Co	Fire	3 years	12087	$3,000	Jan. 30, 1947.
Indemnity Insurance Co. of North America	Public liability and property damage.	5 years	COLT 816	Public liability, $100/200,000; property damage,	Feb. 16, 1949.
Franklin Fire Insurance Co	Vandalism	3 years	R. C. C. 3-1054	$1,000	Oct. 5, 1947.

PARCEL 4—5910 NORTH 11TH ST.

New Brunswick Fire Insurance Co., 70 Bayard St., New Brunswick, N. J.	Fire	3 years	20011	$4,500	Feb. 2, 1948.
Indemnity Insurance Co. of North America	Public liability and property damage.	5 years	COLT 816	Public liability, $100/200,000; property damage, $20,000.	Feb. 16, 1949.
Franklin Fire Insurance Co	Vandalism	3 years	R. C. C. 3-1054	$1,000	Oct. 5, 1947.

PARCEL 5—3029 SOUTH 84TH ST.

Insurance Co. of the State of Pennsylvania, 308 Walnut St., Philadelphia, Pa.	Fire	3 years	214900	$3,000	Aug. 24, 1948.
Indemnity Insurance Co. of North America	Public liability and property damage.	5 years	COLT 816	Public liability, $100/200,000; property damage,	Feb. 16, 1949.
Franklin Fire Insurance Co	Vandalism	3 years	R. C. C. 3-1054	$1,000	Oct. 5, 1947.

[F. R. Doc. 47-7884; Filed, Aug. 21, 1947; 8:49 a. m.]

[Vesting Order 9594]

KATHARINA KLEINSORG

In re: Insurance policy rights owned by Katharina Kleinsorg also known as Sister Gregoria. File D-28-9572; E. T. sec. 13160.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katharina Kleinsorg also known as Sister Gregoria, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Certificate ±9564 issued by the Knights of Columbus, New Haven, Connecticut on the life of John Kleinsorg, deceased, wherein Katharina Kleinsorg also known as Sister Gregoria is the designated beneficiary, and any other benefits and rights of any name or nature whatsoever under or arising out of said contract of insurance which are or were held by Katharina Kleinsorg also known as Sister Gregoria together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contract of insurance, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforementioned national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7926; Filed, Aug. 22, 1947; 8:46 a. m.]

[Vesting Order 9635]

FRAU THEO OLTMANNS ET AL.

In re: Interest in a mortgage participation certificate and claim owned by Frau Theo Oltmanns, Magda Ehlers and Edith Gehrcke.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Theo Oltmanns, whose last known address is Nordershaus, Germany, Magda Ehlers, whose last known address is Hildescheim, Germany, and Edith Gehrcke, whose last known address is Stolze St. 10, III, Hanover, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. A 95% interest in First Mortgage Participation Certificate No. 2921, Issue No. 126, dated April 2, 1928, issued by J. Lehrenkrauss & Sons, representing a participation in a mortgage on premises, situated on the northeast corner of Franklin Avenue and Carroll Street, Brooklyn, Kings County, New York, which certificate is registered with the Fulton Service Corporation, 32 Court Street, Brooklyn, New York, in the names of the persons named in subparagraph 1 hereof and Geis, Forman & Schulze, together with any and all rights thereunder and thereto, and

b. That certain debt or obligation owing to the persons described in subparagraph 1 hereof by Fulton Service Corporation, 32 Court Street, Brooklyn, New York, arising by reason of the collection of payments of principal and interest collected on the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 2-b hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7885; Filed, Aug. 21, 1947; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

OREGON

POWER SITE CLASSIFICATION NO. 383; JOHN DAY RIVER

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Department Order No. 2333 of the acting Secretary of the Interior dated June 10, 1947 (12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (41 Stat. 1075; 16 U. S. C., Supp. V, 818):

WILLAMETTE MERIDIAN

T. 6 S., R. 19 E.,
Sec. 17, SE¼SW¼;
Sec. 20, W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 31, W½NE¼, and W½SE¼.
T. 7 S., R. 19 E.,
Sec. 7, W½NE¼, and W½SE¼;
Sec. 17, SW¼NW¼, S½SW¼, and SW¼SE¼;
Sec. 18, W½NE¼;
Sec. 19, lots 2, and 3, SW¼NE¼, E½NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 20, W½NE¼, SW¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 28, W½NE¼, SE¼NE¼, W½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 30, NE¼NE¼, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 31, E½SW¼, and SE¼;
Sec. 32, NW¼;
Sec. 33, N½NE¼, and SW¼NW¼;
Sec. 34, N½SW¼, and N½SE¼.
T. 8 S., R. 19 E.,
Sec. 3, lots 2, and 3, SW¼NE¼, SE¼NW¼, and W½SE¼;
Sec. 4, lot 7, SE¼SW¼, and SE¼;
Sec. 5, lots 3, 4, and 5, SW¼NE¼, and SE¼NW¼;
Sec. 9, lots 3, and 4, NE¼NE¼, S½NE¼, and NE¼SW¼;
Sec. 10, W½NE¼, and SE¼SW¼;
Sec. 15, lot 1, and E½SW¼;
Sec. 20, NW¼NE¼;
Sec. 21, lot 1, SE¼NE¼, NE¼NW¼, NE¼SE¼, and SW¼SE¼;
Sec. 22, lots 3, and 4, E½SW¼, and SW¼SE¼;
Sec. 23, lot 2, NE¼SW¼, and NW¼SE¼;
Sec. 24, SE¼NW¼, and SW¼;
Sec. 25, NE¼NW¼, SW¼NW¼, SE¼SW¼, and SW¼SE¼;
Sec. 26, lot 1, W½NE¼, and NE¼NW¼;
Sec. 27, lot 1.
T. 9 S., R. 19 E.,
Sec. 1, SE¼NE¼, and E½SE¼;
Sec. 12, E½NE¼, and SW¼NW¼;
Sec. 14, NE¼NE¼;
Sec. 24, SE¼NE¼, and NE¼SE¼.
T. 8 S., R. 20 E.,
Sec. 31, lot 4, S½NE¼;
Sec. 32, lots 2, and 4, SE¼SW¼.
T. 9 S., R. 20 E.,
Sec. 5, SW¼NW¼;
Sec. 6, lots 3, and 5, SE¼NW¼;
Sec. 30, NW¼SE¼;
Sec. 32, NW¼SW¼.

The area described aggregates 5,887.53 acres.

JULIAN D. SEARS,
Acting Director.

AUGUST 15, 1947.

[F. R. Doc. 47-7891; Filed, Aug. 22, 1947; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6883]

CRESCENT BROADCAST CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Crescent Broadcast Corporation, Shenandoah, Pennsylvania, Docket No. 6883, File No. BP-4092, for construction permit.

At a session of the Federal Communications Commission held in Atlantic City, New Jersey on the 28th day of July 1947;

The Commission having under consideration the above-entitled application of Crescent Broadcast Corporation which as amended requests a construction permit for a new standard broadcast station to operate on 980 kc. with a power of 5 kw, DA-1, unlimited time at Shenandoah, Pennsylvania;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the application of Crescent Broadcast Corporation be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, direc-

tors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to coverage of Shenandoah's business district and interference from existing stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7921; Filed, Aug. 22, 1947; 8:48 a. m.]

[Docket No. 8484]

PLATTE VALLEY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Platte Valley Broadcasting Corporation, Scottsbluff, Nebraska, Docket No. 8484, File No. BP-5714, for construction permit.

At a session of the Federal Communications Commission, held at Atlantic City, New Jersey, on the 28th day of July 1947;

The Commission having under consideration the above-entitled application requesting construction permit for a new standard broadcast station to operate on the frequency 960 kc, with 1 kw power, daytime only, at Scottsbluff, Nebraska;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KFEL, Denver, Colorado, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Eugene P. O'Fallon, Inc., licensee of Station KFEL, Denver, Colorado, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7922; Filed, Aug. 22, 1947; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-874]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 12, 1947, and the supplement thereto filed on August 18, 1947, by United Gas Pipe Line Company (Applicant), a Delaware corporation having its office at Shreveport, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipeline facilities, subject to the jurisdiction of the Commission as fully described in such application, on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule of non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 15, 1947, (12 F. R. 1787);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on August 27, 1947, at 9:30 a. m. (e. d. s. t.) in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 19, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7915; Filed, Aug. 22, 1947; 8:47 a. m.]

[Docket No. G-880]

TEXAS EASTERN TRANSMISSION CORP.

ORDER GRANTING MOTION TO OMIT INTERMEDIATE DECISION PROCEDURE AND FIXING DATE FOR ORAL ARGUMENT

Upon consideration of the motion filed herein on August 18, 1947, by Texas Eastern Transmission Corporation, requesting (a) that, in lieu of an intermediate decision, the Commission find that due and timely execution of its functions imperatively and unavoidable requires that it forthwith render in final decision herein, and (b) that the Commission require that oral argument be had before the Commission in lieu of the filing of briefs;

The Commission finds that:

(1) Due and timely execution of its functions imperatively and unavoidably requires that the Commission render the final decision in this case.

(2) Good cause exists for granting the motion for oral argument before the Commission.

The Commission, therefore, orders that:

(A) The above-mentioned motion of Texas Eastern Transmission Corporation be and the same is hereby granted.

(B) Oral argument in lieu of briefs be had in this proceeding before the Commission on September 22, 1947, at 10:00 a. m., (e. d. s. t.) in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(C) All parties to the proceeding be and they are hereby granted permission to file memoranda of law and facts in support of their oral arguments; *Provided, however*, That said memoranda shall be filed not later than the date hereinabove set for such argument.

Date of issuance: August 20, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7916; Filed, Aug. 22, 1947; 8:48 a. m.]

[Docket No. G-888]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 14, 1947, and the supplement thereto filed on May 14, 1947, by New York State Natural Gas Corporation (Applicant), a New York corporation having its principal office at New York, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipe-line facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 8, 1947, (12 F. R. 3056);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on September 4, 1947, at 9:45 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 20, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7917; Filed, Aug. 22, 1947; 8:48 a. m.]

No. 166——5

[Docket No. G-907]

ARKANSAS-OKLAHOMA GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on June 6, 1947, by Arkansas-Oklahoma Gas Company (Applicant), a Delaware corporation having its principal place of business at Fort Smith, Arkansas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas transmission pipeline facilities, subject to the jurisdiction of the Commission, as fully described in such application and supplement, on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 20, 1947 (12 F. R. 4009).

The Commission therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on September 3, 1947, at 9:45 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 20, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7918; Filed, Aug. 22, 1947; 8:48 a. m.]

[Docket No. G-913]

MONTANA-DAKOTA UTILITIES CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed June 17, 1947, by Montana-Dakota Utilities Co. (Applicant), a Delaware corporation having its office at Minneapolis, Minnesota, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 2, 1947, (12 F. R. 4283);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on September 3, 1947, at 9:45 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 20, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7919; Filed, Aug. 22, 1947; 8:48 a. m.]

[Docket No. G-916]

CONSOLIDATED GAS UTILITIES CORPORATION

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND DISMISSING APPLICATION IN PART

AUGUST 20, 1947.

Notice is hereby given that, on August 19, 1947, the Federal Power Commission issued its findings and order entered August 18, 1947, issuing certificate of public convenience and necessity and dismissing application in part in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7913; Filed, Aug. 22, 1947; 8:47 a. m.]

[Docket No. IT 6073]

CONNECTICUT LIGHT AND POWER CO.

NOTICE OF ORDER APPROVING MAINTENANCE OF PERMANENT CONNECTION FOR EMERGENCY USE ONLY

AUGUST 20, 1947.

Notice is hereby given that, on August 19, 1947, the Federal Power Commission issued its order entered August 18, 1947, approving maintenance of permanent connection for emergency use only in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7912; Filed, Aug. 22, 1947; 8:47 a. m.]

[Project No. 1075]

MRS. E. F. RAYMOND & SONS AND SAM J. WILSON

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

AUGUST 20, 1947.

Notice is hereby given that, on August 19, 1947, the Federal Power Commission issued its order entered August 15, 1947, approving transfer of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7910; Filed, Aug. 22, 1947; 8:47 a. m.]

[Project No. 1522]

R. R. SISAC

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (MINOR)

AUGUST 20, 1947.

Notice is hereby given that, on August 19, 1947, the Federal Power Commission issued its order entered August 15, 1947, authorizing amendment of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7911; Filed, Aug. 22, 1947; 8:47 a. m.]

[Project No. 1930]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER MODIFYING ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

AUGUST 20, 1947.

Notice is hereby given that, on August 12, 1947, the Federal Power Commission issued its order entered August 8, 1947, modifying order authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7914; Filed, Aug. 22, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 270]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 14, 1947, by Chas. Abbate, of car FGE 35460, peaches, now on the Chicago Produce Terminal to Milwaukee, Wis.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7899; Filed, Aug. 22, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 271]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, August 15, 1947, by Chas. Abbate, of the following cars of peaches, now on the Chicago Produce Terminal to:

Warsaw, Wisconsin WFE 60300 and MDT 4492.
St. Paul, Minnesota GARX 67362
Manitowoc, Wisconsin MDT 45060 and FGE 51413.
Des Moines, Iowa PFE 52203
Green Bay, Wisconsin WFE 61432 and MDT 4312.
Quincy, Illinois WFE 49292 and PFE 36652.
Hannibal, Missouri PFE 46658.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7900; Filed, Aug. 22, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 272]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago Produce Terminal, August 15, 1947, by Chas. Abbatte Company, of following cars of peaches:

To Cohn Bros., Milwaukee, Wis. (CNW):
BRE 74738.
MDT 29419.
MDT 3528.
MDT 46050.
PFE 93874.
To Redal Stores, Green Bay, Wis. (CMStP&P):
ART 21943.
To Redal Stores, Iron Mountain, Mich. (CNW):
WFE 67644.
To Al Shafton, Stevens Point, Wis. (SOO L):
FGE 50926.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7901; Filed, Aug. 22, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 273]

RECONSIGNMENT OF PEACHES AT CINCINNATI, OHIO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Cincinnati, Ohio, August 18, 1947, by Chas. Abbate, of 16 cars peaches, now on the Chicago Produce Terminal.

WFE 67659 to Minneapolis; FGE 33481 and FGE 33232 to Green Bay, Wis.; PFE 52629 to Madison, Wis.; URT 86669 to Quincy, Ill.; BRE 70134 to Phillips, Wis.; WFE 66224 to Dubuque, Iowa; PFE 95452, RD 31344 and FGE 38430 to Rock Island, Ill.; FGE 36783 to Green Bay, Wis.; PFE 91058 to Milwaukee, Wis.; FGE 35518 to Milwaukee, Wis.; FGE 19548 and WFE 62442 to Green Bay, Wis., and ART 15238 to Spring Valley, Ill.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7902; Filed, Aug. 22, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 274]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 18, 1947, by Chas. Abbate, of following cars peaches, now on the Chicago Produce Terminal to Fond du Lac, Wis. WFE 65098; to Warsaw, Wis. WFE 60417; to Madison, Wis. ART 24249

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7903; Filed, Aug. 22, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 275]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 18, 1947, by National Prod. Distributors, Inc., of car WFE 60622, potatoes, now on the Chicago Produce Terminal to Indianapolis, Indiana.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-7904; Filed, Aug. 22, 1947; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1517]

NORTH AMERICAN CO.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 18th day of August 1947.

The Commission having heretofore permitted to become effective a declaration filed by The North American Company ("North American"), a registered holding company, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 (the "act") and the rules and regulations promulgated thereunder, regarding, among other matters, the distribution in partial liquidation to its stockholders of 5 shares of common stock of its subsidiary, Wisconsin Electric Power Company ("Wisconsin Electric"), in October, 1947, for each 100 shares of common stock of North American, subject, among other things, to the condition that said proposed distribution not be consummated until after consideration by the Commission of the basis of cash distribution in lieu of distribution of fractional shares of Wisconsin Electric common stock and entry of a supplemental order by the Commission in this proceeding; and

North American having filed an amendment to its declaration in which it states that the distribution of 5 shares of common stock of Wisconsin Electric for each 100 shares of common stock of North American is proposed to be made on October 15, 1947 to North American's stockholders of record on September 12, 1947, and that cash is proposed to be paid with respect to such numbers of shares as would be entitled to less than a full share of common stock of Wisconsin Electric at the rate of $20 per share of Wisconsin Electric, an amount being equivalent to $1 per share of common stock of North American entitled to be paid such cash; and

The Commission finding that the requirements of the applicable provisions of said act and the rules thereunder are satisfied and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective:

It is hereby ordered, Pursuant to the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7897; Filed, Aug. 22, 1947; 8:45 a. m.]

[File No. 70-1574]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 15th day of August A. D. 1947.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and United's wholly-owned subsidiary, United Gas Pipe Line Company ("Pipe Line"), having filed a joint application-declaration and amendment thereto under the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a) (1), 10 and 12 (c) thereof and Rule U-42 thereunder, regarding the issuance and private sale by United of $116,500,000 principal amount of First Mortgage and Collateral Trust Bonds, 2¾% Series, due 1967; the redemption of the outstanding $92,205,000 principal amount of United's First Mortgage and Collateral Trust Bonds, 3% Series, due 1962; the issuance by Pipe Line and purchase by United of $18,695,000 principal amount of Pipe Line's First Mortgage Bonds, 4% Series, due 1962 at the principal amount thereof; and the repayment by Pipe Line of promissory notes in the amount of $5,000,000 held by United; and

United having requested an exemption from the competitive bidding provisions of Rule U-50 in connection with the issuance and sale of its bonds; and

A public hearing having been held on said application-declaration, as amended, after appropriate notice and the Commission having examined the record and having made and filed its findings and opinion herein:

It is ordered, That the said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24; and

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of the legal fees proposed to be paid to Reid and Priest; Baker, Botts, Andrews and Walne; and Milbank, Tweed, Hope & Hadley and the agent's fee proposed to be paid to Dillon, Read & Company, Inc., in connection with the proposed transactions; and

It is further ordered, That the reservation of jurisdiction heretofore made with respect to accounting matters in regard to United in the 1944 proceeding (File No. 70-314) be, and hereby is, continued.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7896; Filed, Aug. 22, 1947; 8:45 a. m.]

[File No. 70-1578]

MIDDLE WEST CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 19th day of August A. D. 1947.

The Middle West Corporation ("Middle West"), a registered holding company, having filed a declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly Rule U-44 promulgated thereunder regarding the following proposed transactions:

Middle West proposes to sell and the Bankers Trust Company, New York, New York, as agent for certain specified parties, proposes to acquire from Middle West 49,720 shares of $5 par value common stock of Central and South West Corporation for a cash consideration of $10 per share. It is stated that the said shares are being purchased for investment and not for resale or distribution, and that there are no underwriters or any other persons to whom any fees, commissions or other remuneration are to be paid in connection with the proposed sale of said shares.

Middle West having stated that it will invest the proceeds to be received by it from the sale of said shares, amounting to $497,200, by the purchase of 49,720 shares of $10 par value common stock of its subsidiary, Kentucky Utilities Company, pursuant to approval of such purchase contained in our order of June 16, 1947, as modified by our order dated July 1, 1947; and

Declarant having stated that no commission other than this Commission has jurisdiction over the proposed transactions; and

Declarant having requested that the Commission's order permitting said declaration to become effective conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code, as amended, with respect to sale of said shares and the expenditure of the proceeds of such sale, and that said order be issued not later than August 20, 1947 and become effective forthwith; and

The declaration having been filed July 28, 1947, the amendment thereto having been filed August 5, 1947, and notice of the filing having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are appropriate steps in furtherance of and in compliance with the orders of the Commission entered on January 24, 1944, February 16, 1945, April 30, 1946 and April 15, 1947 pursuant to section 11 (b) (1) and 11 (e) of the act; and

The Commission observing no basis for adverse findings under section 12 (d) of the act and Rule U-44 thereunder with respect to the proposed sale and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective forthwith and deeming it appropriate to grant the request that the order herein conform to certain requirements of the Internal Revenue Code, as amended, and also deeming it appropriate that request for acceleration of the effective date of said declaration, as amended, be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

It is further ordered and recited, That the following transactions are necessary or appropriate to the integration or simplification of the holding company system of The Middle West Corporation and to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(1) the sale and transfer by The Middle West Corporation of 49,720 shares of the par value of $5 each of Common Stock of Central and South West Corporation; and

(2) the expenditure by The Middle West Corporation for 49,720 shares of the par value of $10 each of Common Stock of Kentucky Utilities Company of the amount to be received by The Middle West Corporation from the sale and transfer of 49,720 shares of the par value of $5 each of Common Stock of Central and South West Corporation.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7895; Filed, Aug. 22, 1947; 8:45 a. m.]

[File No. 70-1589]

NORTH AMERICAN LIGHT & POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 18th day of August 1947.

North American Light & Power Company ("Light & Power"), a registered holding company and a subsidiary of The North American Company, also a registered holding company, has filed an application pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("the act"), and Rules and Regulations promulgated thereunder regarding (a) the proposal of Light & Power to acquire 710,500 shares of new common stock, par value $10 per share, of its subsidiary, Northern Natural Gas Company ("Northern Natural"), in exchange for 355,250 shares of the presently outstanding shares of common stock, par value $20 per share, of Northern Natural owned by Light & Power, and (b) the proposal of Light & Power, in connection with such acquisition, to vote the said 355,250 shares (constituting 35% of the total voting power) of common stock of Northern Natural, at a stockholders' meeting of that Company, to be held on or about August 20, 1947, in favor of a proposal of the board of directors of Northern Natural that the par value of the presently outstanding common stock of Northern Natural be reduced from $20 to $10 per share and to issue two shares of the new $10 par value common stock in exchange for one share of its presently outstanding common stock, thereby increasing the outstanding shares of common stock of Northern Natural from 1,015,000 to 2,030,000 shares.

Said application having been filed August 4, 1947, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to the proposed transactions within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application that the requirements of the provisions of sections 9 (a) and 10 of the act and the rules thereunder are satisfied and that it is not necessary to make adverse findings thereunder, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted and deeming it appropriate to grant the request of applicant that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7898; Filed, Aug. 22, 1947; 8:45 a. m.]

OCT 3 '47

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12 NUMBER 167

Washington, Tuesday, August 26, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9887

DESIGNATING PUBLIC INTERNATIONAL ORGANIZATIONS ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), and having found that the United States participates in the Preparatory Commission for the International Refugee Organization under the authority of section 5 of Public Law 146, 80th Congress, 1st Session, and that section 1 of that Act authorizes me to accept membership for the United States in the International Refugee Organization, which membership I have duly accepted, I hereby designate the Preparatory Commission for the International Refugee Organization and its successor, the International Refugee Organization, as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the said Act.

The designation of the above-named organizations as public international organizations within the meaning of the said International Organizations Immunities Act is not intended to abridge in any respect privileges and immunities which such organizations may have acquired or may acquire by treaty or Congressional action.

This order shall become effective immediately as to the Preparatory Commission for the International Refugee Organization, and shall become effective as to the International Refugee Organization on the date that organization comes into existence in accordance with the terms of its Constitution.

This order supplements Executive Orders No. 9698 of February 19, 1946, No. 9751 of July 11, 1946, No. 9823 of January 24, 1947, and No. 9863 of May 31, 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 22, 1947.

[F. R. Doc. 47-7993; Filed, Aug. 22, 1947; 4:21 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 26—TRANSFER OF PERSONNEL TO PUBLIC INTERNATIONAL ORGANIZATIONS IN WHICH THE UNITED STATES GOVERNMENT PARTICIPATES

INTERNATIONAL REFUGEE ORGANIZATION

CROSS REFERENCE: For designation of the Preparatory Commission for the International Refugee Organization and its successor, the International Refugee Organization, as public international organizations to which the provisions of this part are applicable as noted in § 26.2, see Executive Order 9887, Title 3, *supra*.

TITLE 15—DEPARTMENT OF COMMERCE

Chapter I—Bureau of the Census

PART 20—GENERAL ORGANIZATION AND FUNCTIONS

PART 21—DETAILED STATEMENT OF FUNCTIONS BY MAJOR ORGANIZATION UNIT (DOWN TO OPERATING LEVEL)

STATUS OF NEW YORK OFFICE OF FOREIGN TRADE DIVISION

Pursuant to the authority vested in me under section 1 of the act of January 5, 1923, 42 Stat. 1109 (15 U. S. C. 194), I hereby rescind Department Order No. 57, dated December 12, 1946, which authorized and directed the transfer of the functions, together with personnel, of the New York office of the Foreign Trade Division, Bureau of the Census, to the Washington office of the same division, and accordingly:

1. Section 20.3 (11 F. R. 177A-304, 12783, 14611), is revised to read as follows:

§ 20.3 *General statement of organization.* The work of the Bureau of the Census in compiling and publishing data is performed at the seat of government. For purposes of collecting information by direct canvass of householders, business establishments, etc., there are area

(Continued on p. 5725)

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A limited sales stock of the 1945 Supplement (4 books) is still available at $3 a book.

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[3] P. L. O. 394.

offices and district offices appropriately located throughout the country. The location of these offices is given in § 21.6 (11 F. R. 177A-305, 12783).

In addition, a New York Office of the Foreign Trade Division is located at Room 434, Customs House, New York City, to perform certain operations on foreign trade documents which are the source of statistics on foreign trade (see § 21.7 (11 F. R. 177A-305) and 15 CFR, and Supps., Part 30).

The Washington Office consists of:

	Section Nos.
Office of the Director	(21.2)
Twelve divisions as follows:	
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2. The present text of § 21.7 *Foreign Trade Division* (11 F. R. 177A-305, 12783, 14611), is further amended by the deletion of paragraph (b).

(Sec. 1, 42 Stat. 1109, 15 U. S. C. 1109)

[SEAL] WILLIAM C. FOSTER,
Acting Secretary of Commerce.

AUGUST 19, 1947.

[F. R. Doc. 47-7930; Filed, Aug. 25, 1947; 8:44 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 703—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, FLIGHT OFFICERS, AND CHAPLAINS

WARRANT OFFICERS

Correction

In Federal Register Document 47-7683, appearing at page 5546 of the issue for Saturday, August 16, 1947, the fifth and sixth lines of paragraph (b) of § 703.303 should read: "the time his name is reached on the eligible list for appointment as a warrant officer,".

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

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PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

FORMS FOR REGISTRATION STATEMENTS

The Securities and Exchange Commission has heretofore duly published in the FEDERAL REGISTER notice of proposals with respect to the revision of Form S-2 (§ 239.12, 11 F. R. 177A-732) and the rescission of Forms S-12 (§ 239.19, 11 F. R. 177A-732) and C-1 (§ 239.3, 11 F. R. 177A-731) under the Securities Act of 1933. After due consideration of all relevant matters presented in regard to the proposals, the Commission has determined that the proposed action is necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act. Accordingly, the Commission, acting pursuant to authority conferred upon it by the above-mentioned act, particularly sections 7, 10 and 19 (a) thereof, hereby adopts a revised Form S-2 to read as set forth in copies thereof marked "Revised September 20, 1947" and rescinds Forms S-12 and C-1.

The purpose of the revision of Form S-2 is to provide a simple registration form for commercial and industrial companies which are still in the stage of development. Certain established companies which have heretofore used this form will, in the future, use Form S-1 (§ 239.11, 11 F. R. 117A-732, 12 F. R. 224), the Commission's general form for commercial and industrial companies.

Since the requirements of Form S-12 and the requirements of the revised Form S-2 are substantially the same, Form S-12 is being rescinded because it no longer serves any useful purpose.

Form C-1, which was prescribed for unincorporated investment trusts of the fixed or restricted management type, has become obsolete through the adoption of later forms for securities of such trusts. Accordingly, this form is being rescinded because it is no longer necessary.

The foregoing action shall become effective September 20, 1947.

(Secs. 7, 10, 19 (a), 48 Stat. 78, 81, 85; 15 U. S. C., 77g, 77j, 77s)

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

AUGUST 15, 1947.

[F. R. Doc. 47-7944; Filed, Aug. 25, 1947; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51740]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

LICENSES AND PERMITS TO UNLADE AND LADE; REQUESTS FOR OVERTIME SERVICES

Section 4.30 (e) and (f), 5.2 (d), and 24.16 (c), Customs Regulations of 1943, relating to licenses and permits to unlade and lade and requests for overtime services amended or further amended.

1. Section 4.30, Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.30), is hereby amended as follows:

Paragraphs (e) and (f) are amended to read:

§ 4.30 *Permits and special licenses for unlading and lading.* * * *

(e) A special license on customs Form 3851 running for any period up to 1 month and in multiples of months thereafter but not to exceed 1 year nor longer than the period of the supporting bond may be granted to a carrier operating passenger vessels making three or more trips a week between a port in the United States and a foreign port, or vessels used as ferryboats, including car ferries, to unlade merchandise, passengers, or baggage, or to lade merchandise or baggage in the case of any or all of such vessels at night or on a Sunday or holiday when customs supervision is required. The application for such a special license shall be on customs Form 3851 supplemented by a request on customs Form 3853 for overtime services of customs officers. Such request for overtime services must show the exact times when overtime services will be needed unless arrangements are made so that the proper customs officer will be seasonably notified during official hours in advance of the services requested as to the exact times that the services will be needed. The special license shall not be granted unless the required bond on customs Form 3587, 7567, or 7569 shall have been filed.

(f) The collector may also issue a permit running for any period up to 1 month, and in multiples of months thereafter but not to exceed 1 year, to unlade or lade vessels specified in paragraph (e) of this section during official hours. Customs Form 3851 (modified) shall be used for such purpose.

(Secs. 448, 450, 452, 453, 454, 624, 46 Stat. 714, 715, 716, 759, sec. 451, 46 Stat. 715, sec. 9, 52 Stat. 1082, sec. 1, 58 Stat. 269; 19 U. S. C. 1448, 1450, 1452, 1453, 1454, 1624; 19 U. S. C., Sup. 1451)

2. Paragraph (d) of § 5.2 *Vessels and vehicles; overtime services of Customs officers; lading and unlading; permits*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 5.2 (d)), is hereby amended as follows:

The second sentence is amended by deleting the words "or a vehicle" and substituting "term" for "monthly".

Another sentence is added, to read, "A term license or permit to unlade or lade may also be issued to a common carrier by vehicle for any of the periods permitted by § 4.30 (e) and (f) when an application as prescribed therein and any required bond are on file." (R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

3. Paragraph (c) of § 24.16 *Overtime services; overtime compensation; rate of compensation,* Customs Regulations of 1943 (19 CFR, Cum. Supp., 24.16 (c)), as amended by T. D. 51149, is hereby further amended by adding the following sentences:

(c) * * * An application on customs Form 3853 for overtime services of customs employees when supported by a bond on customs Form 7599 may be granted for any period up to 1 month or multiples of months thereafter but not longer than for 1 year nor longer than the period of the supporting bond. In such a case, the application must show the exact times when the overtime services will be needed unless arrangements are made so that the proper customs officer will be seasonably notified during official hours in advance of the services requested as to the exact times that the services will be needed.

(Secs. 450, 452, 624, 46 Stat. 715, 759, sec. 451, 46 Stat. 715, sec. 9, 52 Stat. 1082, sec. 1, 58 Stat. 269; 19 U. S. C. 1450, 1452, 1624, and 19 U. S. C. Sup. 1451)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: Aug. 19, 1947.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7952; Filed, Aug. 25, 1947; 8:48 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

CHUGACH NATIONAL FOREST

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see Public Land Order 396 under Title 43, *infra*, excluding certain lands from the Chugach National Forest.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 02—ORGANIZATION AND FUNCTIONS[1]

MISCELLANEOUS AMENDMENTS

Subpart A *General Organization and Functions* is amended in the following respect:

Section 02.112 (c) is amended by adding the following subparagraph:

§ 02.112 *Availability of public records.* * * *

(c) * * *

(9) Information relating to training grants in mental health to the extent and for such period as may be recommended in the public interest by the National Advisory Mental Health Council.

Subpart B *Office of the Surgeon General* is amended in the following respects:

1. Section 02.201 is amended to read as follows:

§ 02.201 *Principal subdivisions.*

Division of Commissioned Officers.
Division of Dentistry.
Division of Sanitary Engineering.
Division of Nursing.
Division of Public Health Methods.
National Office of Vital Statistics.
Office of International Health Relations.
Office of the Executive Assistant.
Office of Personnel.
Office of Purchase and Supply.
Budget and Fiscal Office.

2. Section 02.205 (c) is amended to read as follows:

§ 02.205 *Division of Sanitary Engineering.* * * *

(c) In connection with these operating programs, the Division conducts an extensive fact-finding program, including: (1) Nation-wide inventory of needs for sanitary facilities in urban and rural areas; (2) annual report of outbreaks of disease the sources of which are water, milk, and foods; (3) continuous listing of water and sewerage systems in the United States. It conducts field surveys on a wide variety of sanitary problems. It develops standards for the sanitation of water supplies, shellfish production, milk and food sanitation, sewage disposal, vessel sanitation, and laboratory analysis. In cooperation with interested industries and health authorities, it develops standard ordinances and codes for water, milk, and food sanitation for voluntary adoption by State and local governments. Periodically the Division rates communities which have adopted ordinances recommended by the Public Health Service, and publishes the ratings. It publishes periodically a list of sanitary ratings of interstate milk shippers.

3. Section 02.207 is amended to read as follows:

§ 02.207 *Division of Public Health Methods.* (a) The four main functions of this Division are: (1) to evaluate national health problems through measurement of the nature and extent of ill health in the population, the services and facilities which are available, and the means by which those services and facilities are employed to meet health needs; (2) to develop methods for meeting such problems; (3) to advise the Surgeon General on these matters; and (4) to transmit public health information to the public and specialized groups.

(b) Among the specific activities of the Division are: the collection and publication of current statistics on communicable and other reportable diseases; studies of the relation of sickness and death in the general population to social and economic conditions; studies of administrative methods and procedures for the provision of health services and medical care; development of techniques for the analysis and utilization of statistical information; evaluation of clinical service in public and private institutions; and development of methods for the training of public health personnel.

(c) The Office of Health Information prepares materials relating to public health and acts as a clearing house for informational and educational material issued by the U. S. Public Health Service. It maintains liaison with information services of other agencies, with the press and radio; answers requests for health information; plans and directs the distribution of materials; and evaluates the effectiveness of distribution techniques.

4. Section 02.210 is amended to read as follows:

§ 02.210 *Office of the Executive Assistant.* In addition to assisting on a variety of administrative matters, the Executive Assistant has general supervision of the work of the Chief Clerk whose staff provides office services at headquarters.

5. Section 02.211 is amended to read as follows:

§ 02.211 *Office of Personnel.* This office is responsible for planning and administering recruitment, selection, promotion, transfer, reassignment, classification, appointment, training and retirement of all civil service employees, departmental and field. It is also responsible for coordinating personnel policies, procedures and methods.

6. Sections 02.212 and 02.213 are added as follows:

§ 02.212 *Office of Purchase and Supply.* This office is responsible for the procurement and delivery of all equipment and supplies of the Service. It gives technical guidance to field stations which do much of their own purchasing. It keeps property records and promotes the best use of items purchased.

§ 02.213 *Budget and Fiscal Office.* (a) This office administers all budgetary and fiscal affairs of the Public Health Service. It is headed by a Chief Budget Officer.

(b) The office prepares or supervises the preparation of all estimates for appropriations required for the operation of the Service, including justifications for such appropriations; it presents estimates to the Budget Officer of the Federal Security Agency and through him, to the Bureau of the Budget.

(c) The Budget and Fiscal Office also maintains accounts for the control of appropriated funds. It processes all disbursements, including expenditures for salaries, travel expenses, purchases and supplies, transportation, and miscellaneous expenditures.

Subpart C *National Institute of Health* is amended in the following respect:

Section 02.301 is amended to read as follows:

§ 02.301 *Principal subdivisions:*

National Cancer Institute.
Division of Infectious Diseases.
Division of Physiology.
Research Grants Division.
Biologics Control Laboratory.
Chemistry Laboratory.
Industrial Research Laboratory.

[1] 11 F. R. 177A-549.

Pathology Laboratory.
Division of Tropical Diseases.

Subpart D *Bureau of Medical Services* is amended in the following respect:

Section 02.402 (c) is amended to read as follows:

§ 02.402 *Functions.* * * *

(c) Other Federal agencies to which one or more Public Health Service officers are assigned through the Bureau of Medical Services for the development and administration of medical programs include the Bureau of Employees' Compensation and the Office of Vocational Rehabilitation (Federal Security Agency); the United States Maritime Commission; and the Foreign Service of the Department of State.

The indicated portions of Appendix A *List of Field Stations* are amended to read as follows:

U. S. PUBLIC HEALTH SERVICE DISTRICT OFFICES

Correspondence with District Offices should be addressed to: District Director, U. S. Public Health Service District No. ——.

District No., Address and Jurisdiction

1—U. S. Sub-Treasury Building, 15 Pine Street, New York 5, N. Y.:
Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont.
2—State-Planters Bank Building, Richmond 19, Va.:
District of Columbia, Maryland, North Carolina, South Carolina, Virginia, West Virginia.
3—852 U. S. Custom House, 610 South Canal Street, Chicago 7, Ill.:
Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin.
4—707 Pere Marquette Building, New Orleans 12, La.:
Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee.
5—1152 U. S. Appraisers Building, San Francisco 11, Calif.:
Alaska, Arizona, California, Hawaiian Islands, Nevada, Oregon, Washington.
6—San Juan 18, Puerto Rico:
Puerto Rico, Virgin Islands.
7—405 East 13th Street, Kansas City 6, Mo.:
Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.
8—331 New Custom House, Denver 2, Colo.:
Colorado, Idaho, Montana, Utah, Wyoming.
9—1114 Commerce Street, Room 513, Dallas 2, Tex.:
New Mexico, Oklahoma, Texas.

BRANCH LABORATORIES OF THE NATIONAL INSTITUTE OF HEALTH

Correspondence with branch laboratories of the National Institute of Health of the U. S. Public Health Service should be addressed to: Officer in Charge.

Rocky Mountain Laboratory, Hamilton, Mont.
Malaria Investigations Station, 874 Union Avenue, Memphis, Tenn.
Malaria Research Laboratory, State Hospital, Columbia, S. C.

COMMUNICABLE DISEASE CENTER

Medical Officer in Charge, Communicable Disease Center, 605 Volunteer Building, Atlanta, Ga.

FIELD STATIONS OF THE STATES RELATIONS DIVISION

Correspondence with the field stations of the States Relations Division should be addressed to: Medical Officer in Charge.

Plague-Suppressive Laboratory, 14th Avenue and Lake Street, San Francisco 18, Calif.
Heart Disease Control Section, Temple University Medical School, Phiadelphia, Pa.
Diabetes Control Section, 695 Huntington Avenue, Boston, Mass.

TUBERCULOSIS DEMONSTRATION

Medical Officer in Charge, Hixson Memorial Laboratory, University of Kansas Hospital, Kansas City, Kans.

VENEREAL DISEASE LABORATORIES AND MEDICAL CENTERS

Correspondence with venereal disease field stations should be addressed to: Medical Officer in Charge.

Laboratory of Experimental Therapeutics, Johns Hopkins School of Hygiene, 615 North Wolfe Street, Baltimore 5, Md.
U. S. Public Health Service Medical Center, Hot Springs National Park, Ark.
Hampton Roads Medical Center, 42nd and Powhatan Avenue, Norfolk 1, Va.
Midwestern Medical Center, 3630 Marine Avenue, St. Louis 18, Mo.
Venereal Disease Research Laboratory, U. S. Marine Hospital, Staten Island 4, N. Y.

PART 03—PROCEDURES AND FORMS[2]

MISCELLANEOUS AMENDMENTS

Subpart B *Office of the Surgeon General* is amended in the following respects:

1. Section 03.236 is amended to read as follows:

§ 03.236 *General statement.* Sanitation of vessels operating in interstate traffic is subject to the provisions of the Interstate Quarantine Regulations, contained in Part 12 of this chapter. The activities relating to shore sources of potable water are performed under the supervision of the Land and Air Carrier Section of the Sanitary Engineering Division; those relating to sanitation on board vessels, under the Vessel Sanitation Section, Sanitary Engineering Division.

2. Section 03.237 is amended to read as follows:

§ 03.237 *Water supplies and watering points on shore.* Procedures are the same as those described in § 03.232 except that the circulation of vessel companies is performed by the Vessel Sanitation Section, Sanitary Engineering Division, on a form entitled "Sources of Potable Water Used on Vessels (Ports of Call)".

3. Section 03.238 is amended to read as follows:

§ 03.238 *Sanitation on vessels.* Vessels, while in port, are inspected by personnel of the district offices to determine compliance with the regulations. The inspector prepares and presents to the senior officer on board a "Memorandum to the Captain of the Vessel" listing the defects found and recommended methods of correction. This Memorandum is kept with the ship's papers. Upon the basis of the inspector's report to him, the district engineer in the district office transmits to the vessel operator either a Record of Inspection, which is issued in the case of vessels having defects and which records those defects and makes recommendations for their removal, or a Certificate of Compliance, which is issued to vessels on which no defects are found. A copy of the Record or Certificate is posted on the vessel to which it is applicable.

[2] 11 F. R. 177A-555.

4. Section 03.239 is amended to read as follows:

§ 03.239 *Vessels under construction or reconstruction.* (a) The Vessel Engineering Section, Sanitary Engineering Division, will, on request addressed to the Division at Washington 25, D. C., assist naval architects and shipyards in developing construction plans which will give reasonable assurance that sanitation aspects of new vessels, or the rebuilt parts of existing vessels, operating or destined to operate in interstate traffic will comply with the Interstate Quarantine Regulations. A similar advisory service is offered to vessels which operate in foreign traffic and the owners or operators of which desire plan approval and certification of construction by the U. S. Public Health Service. In the latter case, plans will be reviewed during the developmental stage in the light of the recommendations contained in the "Administrative Guide for Plan Approval, Inspection and Certification of Vessel Sanitation" (July 1, 1947), and recommendations will be made as to any changes that may be indicated. Plans and specifications as they are developed may be submitted to the Division for review. Two copies of the specifications and two copies of the plan schedule should be submitted as soon as developed and three copies of each plan related to sanitation should be submitted as soon as it is prepared. If approved, one set of the specifications and one copy of each plan will be so marked and returned to the naval architect or shipyard; if not approved, the plans and specifications will be returned with recommendations.

(b) In connection with actual construction activity, the district offices will offer the advice of inspectors on compliance with plans, or on measures necessary to qualify the vessel for certification by the Service as either having met the requirements of the Interstate Quarantine Regulations or having adopted the recommendations of the Administrative Guide. Upon completion of construction, vessels operating or destined to operate in interstate traffic will be issued certificates indicating the degree of the vessel's compliance at the time of inspection with the requirements of the regulations. In addition, upon the request of the owners or operators of vessels, whether in interstate or foreign traffic, there will be issued to such vessels as have adopted practices recommended in the Administrative Guide, one construction certificate on which will be indicated the categories of sanitation with respect to which such practices have been adopted. Examples of such categories are: potable water system; wash water system; food storage and handling; plumbing related to the aforementioned; general sanitation; and ratproofing.

Subpart C *National Institute of Health* is amended in the following respect:

Section 03.303 is amended to read as follows:

§ 03.303 *Applications for licenses.* Applications for licenses may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C. Detailed information is required on the

technical facilities of the establishment and on the methods of preparation and testing of the product. Assistance in completing application forms may be obtained from the Biologics Control Laboratory, National Institute of Health, Bethesda 14, Maryland.

Subpart D *Bureau of Medical Services* is amended by adding the following:

GRANTS AND STIPENDS FOR MENTAL HEALTH TRAINING

§ 03.671 *General statement.* Section 303 of the Public Health Service Act of July 1, 1944, as amended by the act of July 3, 1946 (Public Law 487, 79th Cong.) provides in part for (a) grants to public and other nonprofit institutions for training, instruction, and demonstrations in the field of mental health and (b) per diem allowances to qualified persons accepted for training and instruction in matters relating to psychiatric disorders (i. e. in psychiatry, clinical psychology, psychiatric social work, psychiatric nursing, and other related specialties).

General administrative responsibility for this program is exercised by the Mental Hygiene Division in the Bureau of Medical Services.

§ 03.672 *Grants to public and other nonprofit institutions*—(a) *Application forms.* Institutions seeking grants may obtain application forms and instructions from the Surgeon General, U. S. Public Health Service, Washington 25, D. C. A separate application is required for each type of specialty training the institution proposes to provide. The application form requires information on the present curriculum, teaching staff and teaching facilities, proposed new or modified training program, and itemized budget for the funds sought by the institution. The form also requires information on the number and size of stipends for trainees, since stipend payments (per diem allowances) under section 303 (b) of the Public Health Service Act, as amended, are paid to trainees by the institutions out of their grants.

(b) *Processing of applications.* Applications received from institutions are submitted by the Mental Hygiene Division to the Committee on Training of the National Advisory Mental Health Council. This committee, consisting of outside consultants appointed by the Surgeon General, reviews applications and makes recommendations to the Council. The Council then prepares and submits its recommendations to the Surgeon General. A personal visit to the institution may be made by a member of the committee or of the Council, or by a representative of the Surgeon General.

(c) *Action by the Surgeon General.* If the National Advisory Mental Health Council recommends approval of a grant to an institution, a certificate of approval is transmitted to the Surgeon General for final action. Upon final action by the Surgeon General, the institution is notified of approval, deferment for additional information, or disapproval of the application.

§ 03.673 *Per diem allowances (stipends) for trainees*—(a) *Application forms.* Individuals seeking per diem allowances (stipends) as trainees under section 303 (b) of the Public Health Service Act, as amended, apply directly to one of the institutions receiving a grant for training and instruction. Application forms and instructions, forwarded by the Surgeon General to the institution, may be obtained from the institution.

(b) *Processing of applications.* The filled-in applications are returned to the institution. There, they are screened to determine whether the candidates meet the institution's qualifications for admission to the course of instruction and meet the qualifications approved by the Surgeon General and set forth in the instructions accompanying the application forms. After reviewing the applications, the institution recommends to the Surgeon General a list of candidates ranked in order of preference. The application forms of these candidates are forwarded to the Surgeon General with the institution's recommendations.

(c) *Action by the Surgeon General.* On the basis of the data contained in the application and the institution's recommendations, the Surgeon General designates, from among the candidates he finds properly qualified, those who are to receive stipends. The candidate is notified through the institution of action taken on his application.

(d) *Stipend payments.* Stipend payments are made to trainees by the institution out of funds granted as described in § 03.672.

Subpart E *Bureau of State Services* is amended in the following respects:

1. Section 03.731 is amended to read as follows:

§ 03.731 *General statement.* Funds are made available through the Venereal Disease Division to any State or, with the consent of the State health authority, to any county, health district or other political subdivision of a State, for the operation of rapid treatment facilities in which persons infected with venereal diseases are given in-patient care, in accordance with authorizations contained in current appropriation acts. Under the same authority, funds may be allotted to rapid treatment facilities for the payment of fees to private physicians or nonprofit institutions for the diagnosis and referral of persons infected with syphilis in the infectious or potentially infectious stages.

2. Section 03.781 is amended to read as follows:

§ 03.781 *General statement.* The Bureau of State Services engages in various cooperative public health programs with State and local health agencies, other Federal agencies, and voluntary or nonofficial organizations, in accordance with sections 301, 311, and 314 of the Public Health Service Act, as amended.

(Sec. 3, 12, 60 Stat. 237, 244; 5 U. S. C. Sup. 1002, 1011)

Dated: August 21, 1947.

[SEAL] THOMAS PARRAN,
Surgeon General.

Approved:

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-7962; Filed, Aug. 25, 1947; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 6—PATENT REGULATIONS

Orders Nos. 1763 (7 F. R. 10161), 1871 (8 F. R. 12523), 2083 (10 F. R. 9722), and 2158 (11 F. R. 1046) are superseded except to the extent that they control rights in inventions already made, and Part 6 is revised to read as follows:

SUBPART A—INVENTIONS BY EMPLOYEES

Sec.
6.1 Purpose.
6.2 Rights of Government and employee.
6.3 Report of inventions.
6.4 Contents of invention reports.
6.5 Publication and public use.
6.6 Action by supervisor.
6.7 Action by head of bureau.
6.8 Action by Solicitor.
6.9 Publicity concerning inventions.
6.10 Application of subpart.
6.11 W. A. E. employees.

SUBPART B—LICENSES

6.51 Purpose.
6.52 Patents.
6.53 Unpatented inventions.
6.54 Use or manufacture by or for the Government.
6.55 Terms of licenses or sublicenses.
6.56 Issuance of licenses.
6.57 Evaluation Committee.

AUTHORITY: §§ 6.1 to 6.11, inclusive, and §§ 6.51 to 6.57, inclusive, issued under R. S. 161, 48 Stat. 190; 5 U. S. C. 22, 30 U. S. C. 321; E. O. 9865, June 14, 1947, 12 F. R. 3907.

§ 6.1 *Purpose.* The regulations in this subpart are issued in order to (a) secure for the people of the United States the full benefits of Government research and investigation in the Department of the Interior, (b) make definite the rights and obligations of employees with respect to any inventions made by them during their employment in the Department, (c) establish a uniform procedure by which these rights and obligations may be equitably determined in each case, and (d) encourage and recognize individual and cooperative achievement in research and investigation. The Department undertakes to do all within its power to reward its employees who, through their inventive achievements, advance the technological and scientific knowledge of the Nation. The Department will also endeavor to further the use to the fullest possible extent by industry and the public of the inventions conceived in this

Department and assigned to the Government.

§ 6.2 *Rights of Government and employee.* (a) The Government, as the employer and as the representative of the people of the United States, should have the ownership and control of any invention developed in the course of governmental activities. Each employee of the Department of the Interior is required upon request to assign to the United States, as represented by the Secretary of the Interior, all domestic and foreign rights to any invention made by the employee within the general scope of his governmental duties, unless such requirement is waived in writing by the Solicitor. An invention will be considered as having been made within the general scope of the governmental duties of an employee (1) whenever his duties include research or investigation, or the supervision of research or investigation, and the invention arose in the course of such research or investigation and is relevant to the general field of an inquiry to which the employee was assigned, or (2) whenever the invention was in a substantial degree made or developed through the use of Government facilities or financing, or on Government time, or through the aid of Government information not available to the public.

(b) An employee of the Department is entitled to all rights resulting from any invention which was made by him outside the general scope of his governmental duties, as defined in paragraph (a) of this section.

(c) If the Solicitor finds that an invention made by an employee of the Department outside the general scope of his governmental duties is used or liable to be used in the public interest, and executes a certificate to that effect, the employee may, if he wishes to do so, request that an application for a patent be filed and prosecuted at the expense of the Government under the act of March 3, 1883, as amended (35 U. S. C. 45). Under such circumstances, the invention may be manufactured and used by or for the Government for governmental purposes without the payment of any royalty.

(d) The requirement relative to the assignment of domestic patent rights to the United States, set forth in paragraph (a) of this section, may be waived in whole or in part, in writing, by the Solicitor in the case of any invention as to which he finds, upon grounds to be specified by him, that the interests of the United States do not require the full assignment of such rights.

(e) The requirement relative to the assignment of foreign patent rights to the United States, set forth in paragraph (a) of this section, may be waived in whole or in part, in writing, by the Solicitor if the Department of Commerce, pursuant to section 3 of Executive Order No. 9865 (June 14, 1947, 12 F. R. 3907), determines as to an invention that no foreign patent protection shall be procured or that foreign patent protection shall be procured only in specified foreign jurisdictions. An employee of this Department shall not file in any foreign jurisdiction any patent application relating to an invention made within the general scope of his governmental duties unless the Solicitor has waived in writing the requirement that foreign rights be assigned to the United States.

§ 6.3 *Report of inventions.* (a) Every invention made by an employee of the Department of the Interior shall be reported by such employee through his supervisor and the head of the bureau to the Solicitor, unless the invention obviously is unpatentable. If the invention is the result of group work, the report shall be made by the supervisor and shall be signed by all employees participating in the making of the invention. The original and three copies of the invention report shall be furnished to the Solicitor. The Solicitor may prescribe the form of the reports.

(b) The report shall be made as promptly as possible, taking into consideration such factors as possible publication or public use, reduction to practice, and the necessity for protecting the Government's rights in the invention. Although it is not necessary to withhold the report until the process or device is completely reduced to practice, reduction to practice assists in the preparation of a patent application and, if diligently pursued, protects the interests of the Government and of the inventor. If an invention is reduced to practice after the invention report is filed, the Solicitor must be notified forthwith.

(c) For the protection of the rights of the Government and of the inventor, invention reports and memoranda or correspondence concerning them are to be considered as confidential documents.

§ 6.4 *Contents of invention reports.* (a) An invention report shall contain the following information:

(1) The title of the invention;

(2) The full name, the residence, and the office address of the inventor or inventors; bureau and division or branch; position or title; official working place;

(3) A statement of the evidence that is available as to the making of the invention, including information relative to conception, disclosures to others, and reduction to practice;

(4) Information concerning any publication or public use of the invention;

(5) The problems which led to the making of the invention;

(6) The objects, advantages, and uses of the invention;

(7) A description of the invention;

(8) Experimental data;

(9) Information which the inventor may have obtained as to the prior art;

(10) The inventor's opinion as to the foreign countries in which the invention would be most useful and would have the greatest commercial value;

(11) Either a statement that the employee is willing to assign the rights in the invention to the Government, or a request for a determination of the respective rights of the Government and the inventor, pursuant to paragraph (b) of this section.

(b) If the inventor believes that the invention was made outside the general scope of his governmental duties, and if he is unwilling to assign the rights in the invention to the Government, he shall, in his invention report, request that the Solicitor determine the respective rights of the Government and the inventor in the invention, and shall also include in his invention report information on the following points:

(1) The circumstances under which the invention was made and developed;

(2) The employee's official duties, as given on his job sheet or otherwise assigned, at the time of the making of the invention;

(3) Whether he wishes a patent application to be prosecuted under the act of March 3, 1883, as amended (35 U. S. C. 45), if it should be determined that an assignment of the invention to the Government is not required under § 6.2; and

(4) The extent to which he would be willing voluntarily to assign foreign rights in the invention to the United States if it should be determined that an assignment of the invention to the Government is not required under § 6.2.

§ 6.5 *Publication and public use.* (a) Publication or public use of an invention constitutes a statutory bar to the granting of a patent for the invention unless a patent application is filed within one year of the date of such publication or public use. In order to preserve rights in unpatented inventions, it shall be the duty of the inventor, or of his supervisor, if the inventor is not available to make such report, to report forthwith to the Solicitor any publication or use (other than experimental) of an invention, irrespective of whether an invention report has previously been filed. If an invention report has not been filed, such a report, including information concerning the public use or publication, shall be filed at once. If an invention is disclosed to any person who is not employed by the Department of the Interior or working in cooperation with the Department upon that invention, a record shall be kept of the date and extent of the disclosure, the name and address of the person to whom the disclosure was made, and the purpose of the disclosure.

(b) No description, specification, plan, or drawing of any unpatented invention upon which a patent application is likely to be filed shall be published, nor shall any written description, specification, plan, or drawing of such invention be furnished to anyone other than an employee of the Department of the Interior or a person working in cooperation with the Department upon that invention, unless the Solicitor is of the opinion that the interests of the Government will not be prejudiced by such action. If any publication disclosing the invention, not previously approved by the Solicitor, comes to the attention of the inventor or his supervisor, it shall be the duty of such person to report such publication to the Solicitor.

§ 6.6 *Action by supervisor.* The preparation of an invention report and other official correspondence on patent matters is one of the regular duties of an employee who has made an invention, and the supervisor shall see that he is

allowed sufficient time from his other duties to prepare such documents. The supervisor shall ascertain that the invention report and other papers are prepared in conformity with the regulations in this subpart; and, before transmitting the invention report to the bureau head, shall check its accuracy and completeness, especially with respect to the circumstances in which the invention was developed, and shall add whatever comments he may deem to be necessory or desirable. The supervisor shall add to the file whatever information he may have concerning the governmental and commercial value of the invention, and the foreign countries in which it is likely that the invention would be most useful and would have the greatest commercial value.

§ 6.7 *Action by head of bureau.* (a) The head of the bureau shall make certain that the invention report is as complete as circumstances permit. He shall provide whatever information may be available in his bureau concerning the governmental and commercial value of the invention, and the foreign countries in which it is likely that the invention would be most useful and would have the greatest commercial value.

(b) If the employee inventor requests that the Solicitor determine his rights in the invention, the head of the bureau shall state his conclusions with respect to such rights.

(c) The head of the bureau shall indicate whether, in his judgment, the invention is liable to be used in the public interest, and he shall set out the facts supporting his conclusion whenever the employee's invention report does not contain sufficient information on this point.

§ 6.8 *Action by Solicitor.* (a) If an employee inventor requests, pursuant to paragraph (b) of § 6.4, that such a determination be made, the Solicitor shall determine the respective rights of the employee and the Government in the invention.

(b) In every case in which the Government is entitled to an assignment of the invention or in which the employee is willing to assign the invention to the Government, and in every case in which the invention, although not required to be assigned to the Government, is liable to be used in the public interest and the inventor wishes to have the patent application prepared and prosecuted under the provisions of the act of March 3, 1883, as amended (35 U. S. C. 45), the Solicitor shall make appropriate arrangements for the preparation and prosecution of the patent application.

(c) If the invention is required to be assigned to the Government or if the inventor is willing to grant the Government an assignment of any of his foreign rights, the Solicitor shall take appropriate steps, in accordance with governmental regulations, to protect the interests of the United States.

§ 6.9 *Publicity concerning inventions.* (a) In order that the public may obtain the greatest possible benefit from inventions in which the Secretary of the Interior has transferable interests, inventions assigned to the Secretary upon which patent applications have been filed shall be publicized as widely as possible, within limitations of authority, by the Department, by the originating bureau, by the branch or division of that bureau in which the inventor is employed, and by the inventor himself in his contacts with industries in which the invention is or may be useful. Regular organs of publication shall be utilized to the greatest extent possible. In addition, it shall be the duty of the Solicitor of the Department, upon being advised of the issuance of any patent assigned to the Secretary, to take steps towards listing the patent as available for licensing in the register in the Patent Office established for that purpose.

§ 6.10 *Application of subpart.* (a) The regulations in this subpart, as were those of Departmental Orders Nos. 1763 (7 F. R. 10161) and 1871 (8 F. R. 12523) as amended (10 F. R. 9722), shall be a condition of employment of all employees of the Department of the Interior and shall be effective as to all inventions made during any period of employment since November 17, 1942, except that the provisions relating to foreign patent rights and foreign patent applications shall not apply to inventions which, prior to the effective date of the regulations in this subpart, have been reported to the Solicitor and upon which foreign patent applications already have been filed in accordance with the provisions of Orders Nos. 1763 and 1871. The regulations in this subpart shall be effective without regard to any existing or future contracts to the contrary entered into by any employee of this Department with any person other than the Government.

(b) If a patent application is filed upon an invention which has been made by an employee of this Department within the general scope of his governmental duties, as defined in paragraph (a) of § 6.2, but which has not been reported to the Solicitor pursuant to the regulations in this subpart, title to such invention shall immediately vest in the Government, as represented by the Secretary of the Interior, and the contract of employment shall be considered an assignment of such rights.

§ 6.11 *W. A. E. employees.* Scientific and professional employees of the Department receiving compensation on a "when actually employed" basis are subject to the provisions of this subpart only with respect to inventions arising out of their governmental duties or made or developed to a substantial degree through the use of Government facilities or financing, or on Government time, or through the aid of Government information not available to the public.

SUBPART B—LICENSES

§ 6.51 *Purpose.* It is the purpose of the regulations in this subpart to secure for the people of the United States the full benefits of Government research and investigation in the Department of the Interior (a) by providing a simple procedure under which the public may obtain licenses to use United States patents and inventions in which the Secretary of the Interior has transferable interests and which are available for licensing; and (b) by providing adequate protection for the inventions until such time as they may be made available for licensing without undue risk of losing patent protection to which the public is entitled.

§ 6.52 *Patents.* United States patents in which the Secretary of the Interior has transferable interests, and under which he may issue licenses or sublicenses, are classified as follows:

(a) *Class A.* Patents, other than those referred to in paragraph (c) of this section, which are owned by the United States, as represented by the Secretary of the Interior, free from restrictions on licensing except such as are inherent in Government ownership;

(b) *Class B.* Patents in which the interest of the United States, as represented by the Secretary of the Interior, is less than full ownership, or is subject to some express restriction upon licensing or sublicensing (including patents upon which the Secretary of the Interior holds a license, patents assigned to the Secretary of the Interior as trustee for the people of the United States, and patents assigned to the Secretary of the Interior upon such terms as to effect a dedication to the public);

(c) *Class C.* Patents and patent rights acquired by the Secretary of the Interior pursuant to the act of April 5, 1944 (58 Stat. 190; 30 U. S. C., Supp. 321–325), and any amendments thereof.

§ 6.53 *Unpatented inventions.* The Secretary of the Interior may also have transferable interests in inventions which are not yet patented. In order to protect the patent rights of the Department, for the eventual benefit of the public, a license may be granted with respect to such an invention only if (a) a patent application has been filed thereon; (b) the invention has been assigned to the United States, as represented by the Secretary of the Interior, and the assignment has been recorded in the Patent Office; and (c) the Solicitor of the Department is of the opinion that the issuance of a license will not prejudice the interests of the Government in the invention. Such licenses shall be upon the same terms as licenses relating to patents of the same class, as described in § 6.52.

§ 6.54 *Use or manufacture by or for the Government.* A license is not required with respect to the manufacture or use of any invention patented under the act of March 3, 1883, as amended (35 U. S. C. 45), or assigned or required to be assigned without restrictions or qualifications to the United States, as represented by the Secretary of the Interior, when such manufacture or use is by or for the Government for governmental purposes. A license or sublicense may be required, however, for such manufacture or use in the case of Class B patents or patent rights when the terms under which the Secretary of the Interior acquires interests therein necessitate the issuance of a license or sublicense in such circumstances.

§ 6.55 *Terms of licenses or sublicenses.* (a) The terms of licenses and sublicenses issued under this subpart shall not be unreasonably restrictive. All terms and conditions required by these regulations shall be expressly stated in licenses and sublicenses.

(b) To the extent that they do not conflict with any restrictions to which the licensing or sublicensing of Class B patents and unpatented inventions may be subject, all licenses and sublicenses relating to Class A and Class B patents and unpatented inventions shall be subject to the following terms and provisions, and to such other terms and conditions as the Solicitor may prescribe:

(1) The acceptance of a license or sublicense shall not be construed as a waiver of the right to contest the validity of the patent. A license or sublicense shall be revocable only upon a finding by the Solicitor of the Department that the terms of the license or sublicense have been violated and that the revocation of the license or sublicense is in the public interest. Such finding shall be made only after reasonable notice and an opportunity to be heard.

(2) Licenses and sublicenses shall be nontransferable. Upon a satisfactory showing that the public will be benefited thereby, they may be granted to properly qualified applicants royalty-free. If no such showing is made, they shall be granted only upon a reasonable royalty or other consideration, the amount or character of which is to be determined by the Solicitor. A cross-licensing agreement may be considered adequate consideration.

(3) Licensees and sublicensees may be required to submit annual or more frequent technical or statistical reports concerning practical experience acquired through the exercise of the license or sublicense, the extent of the production under the license or sublicense, and other related subjects.

(4) A licensee or sublicensee manufacturing a patented article pursuant to a license or sublicense shall give notice to the public that the article is patented by affixing thereon the word "patent," together with the number of the patent, or when, from the character of the article, this cannot be done, by fixing to it, or to the package in which it is enclosed, a label containing such notice.

(c) Licenses and sublicenses relating to Class C patents and patent rights shall be granted upon such terms and conditions as may be prescribed pursuant to sections 3 and 5 of the act of April 5, 1944, and any amendments thereof.

§ 6.56 *Issuance of licenses.* (a) Any person desiring a license relating to an invention upon which the Secretary of the Interior holds a patent or patent rights may file with the Solicitor of the Department of the Interior an application for a license, stating:

(1) The name, address, and citizenship of the applicant;

(2) The nature of his business;

(3) The patent or invention upon which he desires a license;

(4) The purpose for which he desires a license;

(5) His experience in the field of the desired license;

(6) Any patents, licenses, or other patent rights which he may have in the field of the desired license; and

(7) The benefits, if any, which the applicant expects the public to derive from his proposed use of the invention.

(b) It shall be the duty of the Solicitor, after consultation with the bureau most directly interested in the patent or invention involved in an application for a license, and with the Evaluation Committee if royalties are to be charged, to determine whether the license shall be granted. If he determines that a license is to be granted, he shall execute, on behalf of the Secretary, an appropriate license.

§ 6.57 *Evaluation Committee.* At the request of the Solicitor, an Evaluation Committee will be appointed by the Secretary to recommend royalty rates with respect to any patents or inventions for which royalties may be charged.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-7939; Filed, Aug. 25, 1947; 8:44 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1651]

PART 161—FEDERAL RANGE CODE FOR GRAZING DISTRICTS

REGULAR LICENSES AND PERMITS

The note following § 161.8 (b) is hereby amended to read as follows:

§ 161.8 *Fees; time of payment; refunds.* * * *

(b) *Regular licenses and permits.* * * *

NOTE. In accordance with the provisions of § 161.8 (b) of the Federal Range Code for Grazing Districts (Circular 1630, December 11, 1946; 11 F. R. 14496), notice is hereby given that effective August 6, 1947, and pursuant to Public Law 376 (80th Cong.), approved August 6, 1947, a grazing fee of six cents per animal-unit month and a range-improvement fee of two cents per animal-unit month will be charged each regular licensee or permittee for each month of the grazing period covered by the licenses or permits, as follows:

1. Grazing fee: Six cents per head for cattle and horses, one and one-fifth cents per head for sheep and goats.

2. Range-improvement fee: Two cents per head for cattle and horses, two-fifths cent per head for sheep and goats.

Provided, That as to licenses or fee notices issued prior to August 6, 1947, three-fourths of any collections made thereunder on or after August 6 shall be considered as from grazing fees and one-fourth as from range-improvement fees, and no increase in fees shall be effected hereunder as to such licenses or fee notices until the next license or fee notice is issued.

This notice will not prevent the fixing of a different fee in appropriate cases, in accordance with the proviso in § 161.8 (b) of the Federal Range Code for Grazing Districts.

FRED W. JOHNSON,
Director.

Approved: August 18, 1947.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

[F. R. Doc. 47-7931; Filed, Aug. 25, 1947; 8:48 a. m.]

[Circular 1652]

PART 288—GENERAL TRESPASS REGULATIONS

MEASURE OF DAMAGES IN TIMBER TRESPASS CASES

Note 5 appended to § 288.1, referring to decision dated March 26, 1938, is deleted.

FRED W. JOHNSON,
Director.

Approved: August 15, 1947.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

[F. R. Doc. 47-7932; Filed, Aug. 25, 1947; 8:45 a. m.]

Appendix—Public Land Orders

[Public Land Order 394]

ALASKA AND CALIFORNIA

AMENDING CERTAIN PUBLIC LAND ORDERS WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF COMMERCE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, (3 CFR Cum. Supp.) it is ordered as follows:

Public Land Orders Nos. 17 (July 21, 1942, 12 F. R. 495), 19 (Aug. 4, 1942, 12 F. R. 494), 42 (Sept. 18, 1942, 3 CFR Cum. Supp. Chap. I App.), and 151 (July 19, 1943, 12 F. R. 495), withdrawing certain public lands in Alaska and California for the use of the Department of Commerce in the maintenance of air-navigation facilities, are hereby amended by adding thereto the following paragraph:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

The penultimate paragraph of the said Public Land Order No. 151, relating to the return of jurisdiction over the lands withdrawn by the order, is hereby revoked.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 15, 1947.

[F. R. Doc. 47-7935; Filed, Aug. 25, 1947; 8:49 a. m.]

[Public Land Order 395]

OHIO

TRANSFERRING JURISDICTION OVER OIL AND GAS DEPOSITS IN CERTAIN LAND OWNED BY UNITED STATES

Whereas the hereinafter-described land, title to which has been acquired by the United States, and which is embraced in the Muskingum County Watershed Conservancy District, Fairfield and Dover Townships, Tuscarawas County, Ohio, and is under the jurisdiction of the War Department, is reported to be subject to drainage of its oil and gas deposits by wells on adjacent lands held in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage of such deposits from the land; and

Whereas in order to facilitate such action it is considered advisable that jurisdiction over the oil and gas deposits in such land be transferred to the Department of the Interior; and

Whereas such transfer of jurisdiction has the concurrence of the Secretary of War:

Now therefore, by virtue of the authority vested in the President and pursuant to Executive Order 9337 of April 24, 1943 (3 CFR, Cum. Supp.) it is ordered as follows:

(1) The jurisdiction over the oil and gas deposits in the following described land is hereby transferred from the War Department to the Department of the Interior:

Beginning at the point of intersection of the south line of Lot 31 with the west right-of-way line of the original location of the Pennsylvania Railroad, which point is North eighty-five degrees and seven minutes West (N. 85°07' W.) one thousand and forty and two-tenths (1040.2) feet from an iron pin at the southeast corner of Lot 31; thence from this point of beginning, along the south line of Lot 31, North eighty-five degrees and seven minutes West (N. 85°07' W.) five hundred and sixty-five and five-tenths (565.5) feet to an iron pin on the tow path of the Ohio Canal; thence along the said tow path the following nine (9) courses, first, North forty-two degrees and twenty-three minutes East (N. 42 23' E.) one hundred and forty-two and six-tenths (142.6) feet, thence North fifty-two degrees and fifty-nine minutes East (N. 52°59' E.) one hundred and thirty and two-tenths (130.2) feet, thence North, forty-eight degrees and forty-one minutes East (N. 48°51' E.) one hundred and sixty-eight (168) feet, thence North forty-two degrees and forty-five minutes East (N. 42°45' E.) two hundred and ninety-eight and four-tenths (298.4) feet, thence North fifty degrees and forty-three minutes East (N. 50°43' E.) two hundred and six and seven-tenths (206.7) feet, thence North fifty-three degrees and thirty-four minutes East (N. 53°34' E.) four hundred and eighty-nine and seven-tenths (489.7) feet, thence North fifty-five degrees and eighteen minutes East (N. 55°18' E.) two hundred and thirty-six and eight-tenths (236.8) feet, thence North sixty degrees and eighteen minutes East (N. 60°18' E.) three hundred and twenty-seven and six-tenths (327.6) feet, and thence North forty-five degrees and fifty minutes East (N. 45°50' E.) two hundred and twenty-four and five-tenths (224.5) feet to an iron pin on the east line of Lot 31 which is also the east line of Dover Township; thence along the said east line of Lot 81, North four degrees and forty-eight minutes East (N. 4°48' E.) one thousand two hundred and sixty (1,260) feet more or less to the northeast corner of Lot 31, Township Nine (9) North Range Two (2) West which is the southwest corner of the northwest quarter of Section 6, Township Nine (9) North Range One (1) West; thence along the west line of Section 6, which is also the west line of Fairfield Township, North four degrees and fifty-two minutes East (N. 4°52' E.) three hundred and thirty (330) feet; thence South eighty-five degrees and eight minutes East (S. 85° 08' E.) four hundred and fourteen and eight-tenths (414.8) feet; thence South four degrees and seven minutes West (S. 4°07' W.) three hundred and thirty (330) feet to a point on the south line of the said northwest quarter; thence along south line of said northwest quarter said section 6 to south west corner of southeast quarter northwest quarter (SE¼NW¼); thence along west line of said southeast quarter northwest quarter to the northwest corner of southeast quarter northwest quarter; thence along north line of said southeast quarter northwest quarter to the northeast corner of southeast quarter northwest quarter; thence North three degrees and forty minutes East (N. 3°40' E.) along west line of northeast quarter said section 6 two hundred and eighty (280) feet more or less to a point on the west bank of the Ohio Canal; thence along the said west bank of the canal, North thirty-one degrees and eighteen minutes East (N. 31°18' E.) one thousand two hundred and nine and five-tenths (1209.5) feet to a point on the north line of Section 6; thence along the said north line, South eighty-six degrees and fourteen minutes East (S. 86°14' E.) six hundred and seventy-eight and six-tenths (678.6) feet to a point on the west right-of-way line of the original location of the Pennsylvania Railroad; thence continuing along said north line of section 6 one hundred twenty-three and fifty-six hundredths (123.56) feet to its point of intersection with the west right of way line of the relocation of the Pennsylvania Railroad, which point is North eighty-six degrees and fourteen minutes West (N. 86°14' W.) a distance of one thousand three hundred and four and ninety-one hundredths (1304.91) feet from a stone at the northeast corner of said Section 6; thence along the said west right of way line of the relocation, the following eleven (11) courses, first, parallel to and sixty (60) feet northwesterly from the center line of said relocation, South thirty-one degrees and sixteen minutes West (S. 31°16' W.) two hundred and sixty and sixty-two hundredths (260.62) feet, thence along an offset South fifty-eight degrees and forty-four minutes East (S. 58°44' E.) twenty-five (25) feet, thence South thirty-one degrees and sixteen minutes West (S. 31°16' W.) two hundred and forty-six and thirty-eight hundredths (246.38) feet, thence along a curve to the left having a radius of one thousand nine hundred and forty-five and sixty-four hundredths (1945.64) feet, for a distance of two hundred and ninety-five and ninety-eight hundredths (295.98) feet, thence parallel to and thirty-five (35) feet northwesterly from the centerline of the said relocation, South twenty-two degrees and thirty-three minutes West (S. 22°33' W.) two hundred and sixty-three and seven hundredths (263.07) feet, thence South thirty-nine degrees and no minutes West (S. 39°00' W.) one hundred and seventy-six and fifty-four hundredths (176.54) feet, thence parallel to and eighty-five (85) feet northwesterly from the centerline of the said relocation, South twenty-two degrees and thirty-three minutes West (S. 22°33' W.) eighty (80) feet, thence along a curve to the right having a radius of one thousand eight hundred and twenty-five and sixty-four hundredths (1825.64) feet, for a distance of three hundred and sixteen and eighteen hundredths (316.18) feet, thence South ten degrees and fifty-seven minutes West (S. 10°57' W.) one hundred and twenty-seven and twenty-six hundredths (127.26) feet, thence parallel to and thirty-five (35) feet northwesterly from the centerline of said relocation, South thirty-four degrees and fifty-two minutes West (S. 34°52' W.) one thousand (1000) feet, and thence South seventy-seven degrees and thirty minutes West (S. 77°30' W.) ninety-nine and sixty-four hundredths (99.64) feet to a point on the center line of the original location of the Pennsylvania Railroad; thence along the said center line of the original location, approximately South thirty-three degrees West (S. 33° W.) two hundred and sixty (260) feet to a point on the west right of way line of the relocation of the Pennsylvania Railroad; thence along the said west right of way line of the relocation, the following fifteen (15) courses, first, South fourteen degrees and twenty minutes West (S. 14°20' W.) two hundred and eighty (280) feet, thence southwesterly, parallel to and thirty-five (35) feet northwesterly from the centerline of the said relocation, along a curve to the right having a radius of one thousand six hundred and three and one-tenth (1503.1) feet, for a distance of five hundred and fifty-nine and sixty-seven hundredths (559.67) feet, thence South sixty degrees and fifty-five minutes West (S. 60°55' W.) four hundred and forty-four and ninety-three hundredths (444.93) feet, thence along a curve to the left having a radius of one thousand nine hundred and forty-five and sixty-four hundredths (1945.64) feet, for a distance of ninety-two and nine hundredths (92.09) feet, thence parallel to and seventy-five (75) feet northeasterly from the axis of the Dover Dam, South thirty-seven degrees and thirty-eight minutes East (S. 37°38' E.) eight and sixteen hundredths (8.16) feet, thence southwesterly, crossing the axis of the Dover Dam, along a curve to the left having a radius of two thousand five hundred and sixty-nine and sixty-four hundredths (2569.64) feet, for a distance of one hundred and fifty and three-tenths (150.3) feet, thence parallel to and seventy-five (75) feet southwesterly from the axis of the Dover Dam, North thirty-seven degrees and thirty-eight minutes West (N. 37°38' W.) eight and eighty-two hundredths (8.82) feet, thence southwesterly along a curve to the left having a radius of one thousand nine hundred and forty-five and sixty-four hundredths (1945.64) feet, for a distance of one hundred and seventy-three and seventy-six hundredths (173.76) feet, thence parallel to and thirty-five (35) feet northwesterly from the centerline of the said relocation, South forty-eight degrees and forty minutes West (S. 48°40' W.) two hundred (200) feet, thence along an offset North forty-one degrees and twenty minutes West (N. 41°20' W.) forty-five (45) feet, thence South forty-two degrees and twenty-seven minutes West (S. 42°27' W.) two hundred and seventy-six and seventy-five hundredths (276.75) feet, thence southwesterly parallel to and fifty (50) feet northwesterly from the centerline of said relocation, along a curve to the right having a radius of two thousand eight hundred and fourteen and ninety-three hundredths (2814.93) feet, for a distance of three hundred and nineteen and thirty-two hundredths (319.32) feet, thence along a radial line of the curve South thirty-four degrees and fifty minutes East (S. 34°50' E.) fifteen (15) feet, thence continuing southwesterly along a curve to the right having a radius of two thousand eight hundred and twenty-nine and ninety-three hundredths (2829.93) feet, for a distance of fifty-four and thirty-one hundredths (54.31) feet, and thence South fifty-six degrees and sixteen minutes West (S. 56°16' W.) three hundred and fifty-two and eighty-three hundredths (352.83) feet to the west line of said section 6, at its point of intersection with the west right of way line of the relocation of the Pennsylvania Railroad, the said point being North four degrees and forty-eight minutes East (N. 4°48' E.) a distance of seven hundred and ninety-one (791) feet from an iron pin at the southwest corner of said section 6; thence along the said west right of way line of the relocation, the following three (3) courses, first, parallel to and thirty-five (35) feet northwesterly from the centerline of the said relocation, South fifty-six degrees and sixteen minutes West (S. 56°16' W.) one hundred and seventeen and seventeen hundredths (117.17) feet, thence along an offset, North thirty-three degrees and forty-four minutes West (N. 33°44' W.) fifty (50) feet, and thence South fifty-six degrees and sixteen minutes West (S. 56°16' W.) two hundred and fifty feet (250) feet, thence along the said west right of way line of the relocation, the following five courses, first, along the said offset South thirty-three degrees and forty-four minutes East (S. 33°44' E.) fifty (50) feet, thence parallel to and fifty (50) feet northwesterly from the centerline of said relocation, South fifty-six degrees and sixteen minutes West (S. 56°16' W.) three hundred (300) feet, thence along an offset South thirty-three degrees and forty-four minutes East (S. 33°44' E.) fifteen (15) feet, thence South fifty-six degrees and sixteen minutes West (S. 56°16' W.) two hundred and twenty-eight and forty-nine hundredths (228.49) feet, and thence along a curve to the left having a radius of one thousand six hundred and seventy-three and one-tenth (1673.1) feet for a distance of three hundred and thirty-one and three-tenths (331.3) feet to the south line of Lot 31, thence North eighty-five degrees and seven minutes West (N. 85°07' W.) ninety-seven and ninety-five hundredths (97.95) feet to the point of beginning, exclusive of the right of way of the original location of the Pennsylvania Railroad, containing in all 136.81 acres.

(2) The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss of oil and gas on account of drainage from such land.

(3) The jurisdiction of the Department of the Interior over such land shall be subject to the primary jurisdiction of the War Department over the land.

(4) All money received as royalties or otherwise on account of oil and gas extracted from such lands shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

G. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947

[F. R. Doc. 47-7936; Filed, Aug. 25, 1947; 8:49 a. m.]

[Public Land Order 396[1]]

ALASKA

MODIFYING EXECUTIVE ORDER NO. 1919½ OF APRIL 21, 1914, AS AMENDED, WHICH WITHDRAWS CERTAIN LANDS FOR TOWNSITE PURPOSES, AND EXCLUDING CERTAIN LANDS FROM THE CHUGACH NATIONAL FOREST

By virtue of the authority vested in the President by section 1 of the act of March 12, 1914, 38 Stat. 305, 307, (U. S. C., Title 48, secs. 303 and 304), and by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., Title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described lands at Passage Canal (Portage Bay) are hereby reserved for the use of the Alaska Railroad as a Terminal Reserve and Executive Order No. 1919½ of April 21, 1914, as amended by Public Land Order No. 219 of March 28, 1944 (43 CFR, 1944 Supp., Chap. I, App.), which reserves certain lands for townsite purposes is modified accordingly:

Beginning at Corner No. 1 identical with Corner No. 1 of U. S. Survey No. 2559, Whittier Townsite, Alaska, from which survey station 24 plus 44.45 in the center line of The Alaska Railroad, Passage Canal connection bears N. 11 03' E., 250.65 feet, and U. S. L. M. No. 2559 bears S. 78 51' E., 971.83 feet, latitude 60 46'30'' N., longitude 148 43'20'' W.

From the initial point,

South, 1625.78 feet to Corner No. 2, identical with Corner No. 2 of U. S. Survey No. 2559;
West, 200.00 feet to Corner No. 3;
North, 615.38 feet to Corner No. 4;
N. 28°00' W., 1393.46 feet to Corner No. 5, from which survey station 33 plus 25.00 in the center line of the main track of the Alaska Railroad bears N. 11°09' E., 200.00 feet;
Northwesterly 1275.80 feet, 200 feet from, and parallel to, the center line of the main track, to Corner No. 6, from which a point in the center line of the main track at the station equation 46 plus 28.75 equals 46 plus 43.25 bears N. 3°09' E., 200 feet;
N. 3°09' E., 100.00 feet, to Corner No. 7;
Southwesterly, 2504.26 feet, 100 feet from, and parallel to, the center line of the main track, to Corner No. 8, from which survey station 70 plus 00 bears N. 55°14' E., 185.95 feet;
S. 55°14' W., 692.06 feet to Corner No. 9;
N. 71°18' W., 640.00 feet to Corner No. 10;
S. 78°42' W., 1760 feet to Corner No. 11;
N. 38°16' W., 825.46 feet to Corner No. 12, from which survey station 104 plus 00 bears N. 18°42' E., 980.00 feet;
N. 18°42' E., 3116.27 feet to Corner No. 13;
East 1320.00 feet to Corner No. 14;
S. 73 00' E., 860.00 feet to Corner No. 15, a point on the mean high water line, Passage Canal;
Southeasterly, 3500 feet, along the line of mean high water, Passage Canal, to Corner No. 16, from which survey station 66 plus 00 in the center line of the main track, Alaska Railroad, bears S. 16 33' E., 100 feet;
Northeasterly, 1591.22 feet, 100 feet from, and parallel to, the center line of the main track, to Corner No. 17, from which a point in the center line of the main track at the station equation 46 plus 28.75 equals 46 plus 43.25 bears S. 3 09' W., 100 feet;
N. 3 09' E., 100 feet to Corner No. 18;
Southeasterly 1467.64 feet, 200 feet from, and parallel to, the center line of the main track, to Corner No. 19, a point on the mean high water line, Passage Canal, from which survey station 31 plus 89.00 bears S. 11 09 W., 200. feet;
Easterly, 4050.00 feet, along the line of mean high water, Passage Canal, to Corner No. 20, from which survey station 3 plus 00.00 in the center line of the main track bears S. 3 52' E., 115.00 feet, and 100.00 feet from the center line of No. 1 Dock Track;
Northeasterly, 3913.29 feet, 100 feet from, and parallel to, the center line of No. 1 Dock Track and a prolongation thereof, to Corner No. 21, a point on the mean high water line, Passage Canal;
Northeasterly and southerly, 940.00 feet, along the line of mean high water, around a point of land and across the mouth of Cove Creek, to Corner No. 22, a point on the east boundary of Passage Canal Townsite withdrawal described in Executive Order No. 1919½, April 21, 1914, from which Corner No. 7, U. S. Survey No. 2559 bears south 1204.88 feet and west 2032.85 feet;
South 1370.00 feet, along the east boundary of townsite withdrawal, to Corner No. 23;
West 1920.00 feet to Corner No. 24, from which Corner No. 7, U. S. Survey No. 2559 bears N. 34°21' W., 200.00 feet;
N. 34°21' W., 640.00 feet to Corner No. 25, identical with Corner No. 8, U. S. Survey No. 2559, from which survey station minus 11 plus 96.34 in the center line of the main track, bears N. 34°21' W. 200. feet;
S. 55°39' W., 1565.74 feet, to Corner No. 26, identical with Corner No. 9, U. S. Survey No. 2559;
N. 75°51' W., 2298.48 feet to Corner No. 1, the point of beginning.

The tract as described contains 382.24 acres.

The above-described lands, and those designated as United States Survey No. 2559 of Whittier Townsite, comprising 72.72 acres, are hereby excluded from the Chugach National Forest, established by the Proclamation of July 23, 1907, 35 Stat. 2149. This order shall not affect valid existing rights.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-7938; Filed, Aug. 25, 1947; 8:44 a. m.]

[1] For notice for filing objections, see Bureau of Land Management, Department of the Interior, Notices section, *infra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[4th Rev. S. O. 180, Amdt. 16]

PART 95—CAR SERVICE

DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of August A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 180 (49 CFR 95.330) as amended (10 F. R. 14970; 11 F. R. 1627, 1991, 3605, 4038, 9453, 10091, 11707, 12395; 12 F. R. 1421, 3032, 3672, 4028, 4269, 4720), and good cause appearing therefor: *It is ordered*, That:

Fourth Revised Service Order No. 180, as amended, be, and it is hereby suspended from 7:00 a. m., August 25, 1947, until further order of this Commission. In lieu thereof the rules, regulations and charges provided in lawfully-published tariffs shall apply.

It is further ordered, That a copy of this order and direction shall be served upon each State Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-7947; Filed, Aug. 25, 1947; 8:45 a. m.]

[Rev. S. O. 188, Amdt. 14]

PART 95—CAR SERVICE

REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of August, A. D. 1947.

Upon further consideration of Revised Service Order No. 188 (49 CFR, 95, 334) as amended (10 F. R. 15175, 11 F. R. 1626, 3605, 4038, 7043, 9453, 10092; 12 F. R. 1420, 3033, 3672, 3673, 4269, 4720), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 188, as amended, be, and it is hereby suspended from 7:00 a. m., August 25, 1947, until further order of this Commission. In lieu thereof the rules, regulations and charges provided in lawfully-published tariffs shall apply.

It is further ordered, That a copy of this order and direction shall be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-7946; Filed, Aug. 25, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Part 43]

FLIGHT AREA LIMITATIONS

NOTICE OF PROPOSED RULE MAKING

AUGUST 20, 1947.

Part 20 of the Civil Air Regulations provides that graduates of certificated flying schools be permitted privileges of exemption from certain requirements of that part which otherwise would be applicable. Such privileges are accorded in view of the high standards of personnel, equipment, and curriculum required for certificated flying schools and the specialized instruction thus afforded.

In view of such existing requirements, proposal is herein made to permit a student pilot in a certificated flying school to operate an aircraft outside of a local flying area designated by his instructor, prior to having acquired 10 solo flight hours, when he is deemed competent to do so by the flying school concerned. The proposed amendment will expedite student training in certificated flying schools, particularly in cases involving flight instruction in two-control aircraft, without adversely affecting existing safety standards.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board will recommend to the Board that the following amendment to the Civil Air Regulations be adopted with an effective date 30 days after the date of adoption:

Amend § 43.52, *Flight area limitations*, to read as follows:

§ 43.52 *Flight area limitations.* A student shall not pilot an aircraft outside a local flying area designated by his flight instructor until:

(a) He has had at least 10 solo flight hours or, if enrolled in and receiving flying instruction from an approved air agency, he is deemed competent by such agency, and

(b) His student pilot certificate has been appropriately endorsed by a flight instructor.

This regulation is proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

The Safety Bureau requests written comment regarding this proposal to be submitted to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] JOHN M. CHAMBERLAIN, *Acting Director.*

[F. R. Doc. 47-7948; Filed, Aug. 25, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1606472]

ALASKA

AMENDMENT OF NOTICE OF FILING PLATS OF SURVEY ISSUED JULY 29, 1947

AUGUST 18, 1947.

The first paragraph and paragraph (c) of the notice of filing of plats of survey in Alaska, covering T. 5 N., R. 8 W., Seward Meridian, and other townships and parts of townships (12 F. R. 5311), are amended by eliminating the word "settlement" where it occurs in each of such paragraphs.

FRED W. JOHNSON, *Director.*

[F. R. Doc. 47-7933; Filed, Aug. 25, 1947; 8:49 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER 396[1] RESERVING PUBLIC LANDS FOR USE OF ALASKA RAILROAD

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of Public Land Order 396, of August 19, 1947, reserving certain lands withdrawn for townsite purposes for the use of The Alaska Railroad as a Terminal Reserve, at Passage Canal (Portage Bay), and excluding such lands and those designated as United States Survey No. 2559 of Whittier Townsite, from the Chugach National Forest, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON, *Acting Secretary of the Interior.*

AUGUST 19, 1947.

[F. R. Doc. 47-7937; Filed, Aug. 25, 1947; 8:44 a. m.]

[1] Title 43, Appendix, *supra*.

FEDERAL COMMUNICATIONS COMMISSION

MACKAY RADIO AND TELEGRAPH CO. ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at ten o'clock a. m. on October 1, 1947, the Commission will hear oral argument, in Room 6121 of the offices of the Commission, on the following matters in the order indicated:

1st Argument

7094—In the matter of Radiotelegraph circuits between the United States and British Commonwealth and certain other foreign points.

7412—In the matter of Applications of Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc., Tropical Radio Telegraph Company, Press Wireless, Inc. For Modification of License for authority to communicate with British Commonwealth and certain other foreign points.

2d Argument

8465—TI–SA–680, TI–SA–658, TI–SA–659, TI–SA–657—In the matter of Mackay Radio and Telegraph Company Applications for Special Temporary Authorizations to communicate with Helsinki, Finland; Lisbon, Portugal; Paramaribo, Surinam; and The Hague, Netherlands.

Dated: August 15, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7954; Filed, Aug. 25, 1947; 8:50 a. m.]

MRS. W. J. VIRGIN ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10 o'clock a. m. on October 2, 1947, the Commission will hear oral argument, in Room 6121 of the offices of the Commission, on the following matters in the order indicated:

1st Argument

Docket No.		
7928, 7929 (KMED)	Mrs. W. J. Virgin, Assignor, Gibson Broadcasting Co., Assignee.	For Assignment of License of KMED.
B5–APH–8, B5–AL–536	Medford Radio Corp., Assignee, Medford, Oreg.	

2d Argument

6807	WJIM, Inc., Lansing, Mich.	550 kc, 1 kw, U.
7401	Cincinnati Times-Star Co. (WKRC) Cincinnati, Ohio.	550 kc, 5 kw, U.

3d Argument

7087	Norfolk Broadcasting Corp., Norfolk, Va.	1220 kc, 250 w, Day
7390	Tidewater Broadcasting Corp., Norfolk, Va.	1230 kc, 100 w, U.

4th Argument

7425	Lycoming County Broadcasting Co., Williamsport, Pa.	1340 kc, 250 w, U.
7427	Williamsport Radio Broadcasting Associates, Williamsport, Pa.	1340 kc, 250 w, U.

Dated: August 15, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7955; Filed, Aug. 25, 1947; 8:50 a. m.]

[Docket Nos. 8489, 8490]

INDEPENDENT BROADCASTING CO. INC. (WIBK)

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In re applications of Independent Broadcasting Company, Inc. (WIBK), Knoxville, Tennessee, for FM construction permit, File No. BPH–1146, Docket No. 8489; for AM broadcast license, File No. BL–2550, Docket No. 8490.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of August 1947;

The Commission having under consideration the above-entitled applications requesting (1) a construction permit for a new Class B FM broadcast station at Knoxville, Tennessee (File No. BPH–1146) and (2) a license to cover construction permit for a new AM broadcast station (File No. BL–2550) to operate on 800 kc, with 1 kw power, daytime only, at Knoxville, Tennessee;

It appearing, that on October 10, 1946, the Commission granted the application of Independent Broadcasting Company, Inc. (File No. BP–5000), requesting a construction permit for a new AM broadcast station to operate on 800 kc, with 1 kw power, daytime only, at Knoxville, Tennessee, and on April 7, 1947, and July 3, 1947, the Commission granted modifications of construction permit (File Nos. BMP–2073 and BMP–2855, respectively); and

It appearing, upon the basis of information recently obtained by the Commission, that statements and representations in the applications filed by the said applicant may not correctly, accurately, and fully state the facts with regard to the ownership, operation, control, and financing of the said applicant and the proposed stations, and with regard to other matters; and that the Commission is unable to determine that a grant of the pending applications would serve the public interest, convenience, or necessity;

It is ordered, That, pursuant to section 309 (a) and 319 (b) of the Communications Act of 1934, as amended, the applications of Independent Broadcasting Company, Inc., for an FM construction permit (File No. BPH–1146) and for an AM broadcast license covering construction permit (File No. BL–2550) be, and they are hereby, set for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, financial, and other qualifications of the applicant, its officers, directors, and stockholders to construct and operate the proposed AM and FM broadcast stations.

2. To determine whether the statements and representations made in the various applications, documents, and reports filed with the Commission on behalf of the applicant by its officers, directors, and agents have fully and accurately reflected the facts concerning the ownership, operation, control, and financing of the proposed AM and FM broadcast stations.

3. To determine whether all contracts, obligations, undertakings, and agreements which have been entered into by the applicant or by its officers, directors, and stockholders, with respect to the ownership, operation, financing and control of the applicant corporation, have been reported to the Commission as required by its rules and regulations.

4. To determine whether the construction permit granted to the applicant corporation, or the rights and responsibilities incident thereto, have been transferred, assigned, or disposed of, directly or indirectly, without the consent of the Commission, under the provisions of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

5. To determine whether the applicant, its officers, directors or stockholders, in applications filed with the Commission, have misrepresented or failed to make full disclosure of the business, financial or other interests of the said officers, directors and stockholders, particularly with regard to the interest of J. Harold Smith in Station XERF, Via Cuna, Mexico, or any other foreign broadcast station.

6. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7959; Filed, Aug. 25, 1947; 8:50 a. m.]

SCRIPPS-HOWARD RADIO, INC. ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10 o'clock a. m. on October 3, 1947, the Commission will hear oral argument, in Room 6121 of the offices of the Commission, on the following matters in the order indicated:

1st Argument

Docket No.		
6971 (WCPO)	Scripps-Howard Radio, Inc., Cincinnati, Ohio.	680 kc, 1 kw N., 5 kw D, Unlimited.
6972	Queen City Broadcasting, Inc., Cincinnati, Ohio.	680 kc, 1 kw N., 5 kw D, DA–U.
6973 (WLAP)	American Broadcasting Corp., Lexington, Ky.	680 kc, 1 kw N., 5 kw D, DA–U.

2d Argument

6839	Coast Ventura Co., Ventura, Calif.	1450 kc, 250 w Unlimited.
6840	Ventura Broadcasters, Inc., Ventura, Calif.	1450 kc, 250 w Unlimited.

3d Argument

7264	Earle C. Anthony, Los Angeles, Calif. (This action supersedes the action of the Commission on July 28, 1947, scheduling oral argument for August 25, 1947.)	Petition on Los Angeles Television Channel Assignments.

4th Argument

6626	Broadcasting Service Organizations, Inc., Boston, Mass. (WORL). (This action supersedes the action of the Commission on July 28, 1947, scheduling oral argument for September 25, 1947.)	Petition for reconsideration on rehearing.

Dated: August 15, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7956; Filed, Aug. 25, 1947; 8:50 a. m.]

AM STATION KSMA, SANTA MARIA, CALIF.

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on August 13, 1947 there was filed with it an application (BAL–633) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of AM Station KSMA, Santa Maria, California, from Hugh G. Shurtliff, Charles A. Shurtliff, Mareby Cardella (Della) Shurtliff and Cleo Agnes Center, a partnership, to Santa Maria Broadcasting Company, a corporation. The proposal to assign the license arises out of a contract of July 7, 1947 pursuant to which the above-named partnership agrees to sell and the above-named corporation agrees to buy all the station assets and properties of station KSMA for a total consideration of $32,500 (subject to the assumption by the purchasers of the difference between current income and operating expenses between August 1, 1947 and the closing date) to be paid as follows: $5,000 in cash deposited in escrow on July 7, 1947, and the remaining $27,500 to be paid in escrow within 15 days after Commission consent to the instant assignment. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

[1] Section 1.321, Part I, Rules of Practice and Procedure.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 13, 1947 that starting on August 20, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Santa Maria, California in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from August 20, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Section 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7960; Filed, Aug. 25, 1947; 8:50 a. m.]

AM STATION WVOS, LIBERTY, N. Y.

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF PERMIT [1] AND/OR LICENSE

The Commission hereby gives notice that on August 12, 1947, there was filed with it an application (BAP–63) for its consent under section 310 (b) of the Communications Act to the proposed assignment of construction permit and/or license of AM station WVOS, Liberty, New York, from Bernard K. Johnpoll to Sullivan County Broadcasting Corporation. The proposal to assign the permit and/or license arises out of a contract of July 21, 1947, pursuant to which the seller agrees to sell and the buyer agrees to buy all the assets and properties of WVOS for a total consideration of $22,020.23 (representing the total amount of the assignor's investment in the station to date) plus an additional amount, not to exceed $4,000 (representing the amount the assignor will have spent for completion of the construction of the station), said amounts to be paid as follows at the election of the assignor: Either (1) all in cash at date of closing or (2) assumption by the assignee of all existing chattel mortgages on equipment in the station and all mortgages on the real estate plus the assumption of all obligations outstanding and incurred in connection with the station, the balance to be paid in cash. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 15, 1947 that starting on August 19, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Liberty, New York in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from August 19, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7961; Filed, Aug. 25, 1947; 8:51 a. m.]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN THE STANDARD BROADCAST BAND

ORDER CONTINUING HEARING

It is ordered, This 14th day of August 1947, on the Commission's own motion, that the hearing in the above-entitled matter be continued until October 14, 1947, at 10:00 a. m.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7958; Filed, Aug. 25, 1947; 8:50 a. m.]

PATRICK JOSEPH STANTON ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10 o'clock a. m. on October 6, 1947, the Commission will hear oral argument, in Room 6121 of the offices of the Commission, on the following matters in the order indicated:

1st Argument

Docket No.		
7646	Patrick Joseph Stanton, Philadelphia Area	Class "B" FM.

2d Argument

7462	The Yankee Network, Inc., Bridgeport, Conn	Class "B" FM.
7463	The Traveler's Broadcasting Service Corp., Bridgeport, Conn	
7464	Harry F. Guggenheim, Bridgeport, Conn	
7465	Harold Thomas, Bridgeport, Conn	
7745	The Bridgeport, Herald Corp., Bridgeport, Conn	
7908	The Fairfield Broadcasting Co., Danbury, Conn	

3d Argument

7038	United Broadcasting Co., Cleveland, Ohio	Class "B" FM.
7039	National Broadcasting Co., Inc., Cleveland, Ohio	
7040	WJW, Inc., Cleveland, Ohio	
7042	UAW-CIO Broadcasting Corp. of Ohio, Cleveland, Ohio	
7043	WGAR Broadcasting Co., Cleveland, Ohio	
7044	Scripps-Howard Radio, Inc., Cleveland, Ohio	
7045	Telair Co., Cleveland, Ohio	
7046	Cleveland Broadcasting Co., Cleveland, Ohio	
7047	Allen T. Simmons, Akron, Ohio	
7048	Summit Radio Corp., Akron, Ohio	
7522	Elyria-Lorain Broadcasting Co., Elyria, Ohio	

Dated: August 15, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-7957; Filed, Aug. 25, 1947; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–776, G–810, G–820]

EASTERN INDIANA GAS CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Eastern Indiana Gas Company, Docket No. G–776; Summit Gas and Water Company, Inc., Docket No. G–810; Knightstown Natural Gas Company, Docket No. G–820.

Upon consideration of the following applications filed with the Commission pursuant to the provisions of section 7 of the Natural Gas Act, as amended:

(1) Application filed September 6, 1946, and the supplement thereto filed on November 1, 1946, at Docket No. G–776, by Eastern Indiana Gas Company (Eastern Indiana), an Indiana corporation having its principal office at Indianapolis, Indiana.

(2) Application filed on November 12, 1946, at Docket No. G–810, by Summit Gas and Water Company, Inc. (Summit), an Indiana corporation having its principal place of business at Mt. Summit, Indiana.

(3) Application filed on November 25, 1946, and the supplement thereto filed on January 24, 1947, at Docket No. G–820, by Knightstown Natural Gas Company (Knightstown Natural), an Indiana corporation having its principal place of business at Knightstown, Indiana.

It appears to the Commission that:

(a) Due notice of the filing of the applications has been given, including publication in the FEDERAL REGISTER on September 20, 1946, of notice of the application at Docket No. G–776, and on December 14, 1946, of notices of the applications at Docket Nos. G–810 and G–820, (11 F. R. 10617–10618, 14332–14333, and 14333–14334, respectively).

(b) Copies of the said applications at Docket G–7776, G–810, and G–820 have been served on the Public Service Commission of Indiana.

(c) Copies of the application at Docket No. G–776 were served on Panhandle Eastern Pipe Line Company (Panhandle) and Indiana Gas and Water Company (Indiana Gas and Water) on September 20, 1946, which companies have filed responses with the Commission.

(d) Copies of the applications at Docket Nos. G–810 and G–820 were served on Panhandle, Eastern Indiana, and Indiana Gas and Water on December 12, 1946, which companies have filed responses with the Commission.

(e) The issues presented by the said applications, as supplemented, and other pleadings herein, in addition to the usual issues presented in certificate cases, include the following:

(1) Whether the proposed facilities, as designed and applied for, and the proposed methods of operation thereof are adequate to render the services proposed, and to meet the estimated demands for natural gas in the areas to be served.

(2) Whether the estimated costs of construction of the proposed facilities are reasonable and adequate and whether each applicant has available sufficient financial resources to construct the facilities respectively proposed.

(3) Whether there exists sufficient capacity in Indiana Gas and Water's 8-inch natural-gas transmission line, extending from its connection with Panhandle's natural-gas transmission facilities near Muncie, Indiana, to Newcastle, Indiana, to transport the additional volumes of gas contemplated by the applications at Docket Nos. G–776, G–810 and G–820, and, further, whether such proposed transportation by Indiana Gas and Water would impair its ability to render adequate service to its customers.

(4) Whether Indiana Gas and Water is engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of such gas for resale, and whether it is a "natural-gas company" within the meaning of the Natural Gas Act, as amended.

(5) Whether the issuance of orders, as requested by the respective applicants, directing the establishment of certain physical connections of natural-gas transportation facilities, and directing the sale and delivery of natural gas to the said applicants, is necessary or desirable in the public interest, and whether the issuance of such orders would place upon any of such respondents any undue burden or impair their ability to render adequate service to their customers.

(f) For a more detailed statement of facts and law asserted, interested persons may refer to said applications and supplements and other pleadings filed in these proceedings, which may be inspected at the offices of the Federal Power Commission, Washington, D. C.

(g) Good cause exists for consolidating the proceedings at Docket Nos. G–776, G–810, and G–820 for the purpose of hearing.

The Commission therefore orders, that:

(A) The proceedings at Docket Nos. G–776, G–810 and G–820 be and the same are hereby consolidated for the purpose of hearing.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a public hearing be held on the 10th day of September, 1947, at 10:00 a. m. (cdst) in Room 216, Post Office and Court House Building, Indianapolis, Indiana, concerning the matters involved and the issues presented by the applications and other pleadings in these proceedings.

(C) Prior to the date herein fixed for the commencement of the public hearings, the officer designated by the Commission to preside at the public hearing, hold a prehearing conference of all parties participating in the proceedings concerning the matters of fact and law asserted in the applications and other pleadings filed in the proceedings, for the purpose of settling, simplifying or limiting the issues and further apprising the parties of the formulated or stipulated issues upon which evidence must be adduced at the public hearings, such prehearing conference to be held commencing on the 8th day of September at 10:00 a. m. (cdst) in Room 216, Post Office and Court House Building, Indianapolis, Indiana.

(D) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 20, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7949; Filed, Aug. 25, 1947; 8:49 a. m.]

[Docket No. IT-6077]

TEXAS ELECTRIC SERVICE CO. ET AL.

NOTICE OF ORDER APPROVING PERMANENT CONNECTION FOR EMERGENCY USE ONLY

AUGUST 21, 1947.

In the matter of Texas Electric Service Company, Texas Power & Light Com-

pany, Dallas Power & Light Company, Docket No. IT-6077.

Notice is hereby given that, on August 20, 1947, the Federal Power Commission issued its order entered August 19, 1947, approving permanent connection for emergency use only in the above-designated matter.

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 47 7950; Filed, Aug. 25, 1947, 8:50 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-406]

WHOLESALE CONFECTIONERY INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 20th day of August 1947.

Notice is hereby given that a Trade Practice Conference will be held by the Federal Trade Commission for the Wholesale Confectionery Industry in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., on September 19, 1947, commencing at 10:00 a. m., daylight saving time (9:00 a. m., e. s. t.).

The industry for which the conference is called is composed of the persons, firms, corporations and organizations engaged in the sale and distribution at wholesale of bulk candy, packaged candy, candy bars, chewing gum, and related confectionery items, as well as allied lines of merchandise. All members of the industry are cordially invited to attend or be represented at the conference.

The Conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-7951; Filed, Aug. 25, 1947, 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 19th day of August 1947.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the proposed payment of a dividend of $3.00 per share or an aggregate of $4,323,741 on the outstanding shares of its preferred stock, payable on the 28th day after the date of the order of the Commission permitting the payment of such dividend or on October 1, 1947, whichever date is later, to stockholders of record at the close of business on the 10th day after the date of such order (or if such 10th day is not a business day, the first business day following such 10th day) or on September 10, 1947, whichever date is the later; and

The Commission having heretofore instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the act with respect to Commonwealth and its subsidiaries; and

Commonwealth having filed a plan for compliance with such sections of the act, providing, among other things, for the liquidation of Commonwealth; and

Commonwealth having stated in the instant declaration that "The Board . . . recognizes that, in view of the pending proceedings, the 'Earned Surplus' account may be so qualified that, under the rules and practice of the Commission, payment of said dividend is subject to the requirement of Commission authorization under the provisions of section 12 (c) of the act and Rule U-46 in spite of the fact that, as authorized by section 34 of the Delaware General Corporation Law, the source of payment of such dividend under such Law is Commonwealth's net profits for the current and preceding fiscal years"; and

The instant declaration having been filed on July 30, 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming that it would not be necessary or appropriate to deny effectiveness to the declaration under the standards of section 12 (c) of the act and Rule U-46 if it should be found that the proposed payment were to be made out of capital and that, therefore, it is unnecessary for the Commission to determine whether said proposed payment is being made out of capital; and

The Commission therefore deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective insofar as section 12 (c) and Rule U-46 are applicable to the proposed payment; and

Commonwealth having requested that the Commission's order be issued herein on or before August 30, 1947, and become effective forthwith so that Commonwealth may pay the proposed dividend not later than October 1, 1947, and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith, *Provided, however*, That this order shall not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code, *And provided further*, That Commonwealth accompany the dividend checks with a statement to the effect (1) that Commonwealth filed the declaration regarding the proposed dividend payment pursuant to section 12 (c) and Rule U-46 by reason of its uncertainty as to whether the "Earned Surplus" account may be so qualified that, under the rules of practice of the Commission, payment of the proposed dividend is subject to the requirement of Commission authorization under the act and the rules thereunder and that the Commission permitted the declaration to become effective without determining whether the proposed payment is being made out of capital and (2) that the Commission's action in permitting the declaration to become effective should not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7940; Filed, Aug. 25, 1947, 8:45 a. m.]

[File No. 70-1210]

NORTH AMERICAN CO.

ORDER PERMITTING AMENDED DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 19th day of August 1947.

The Commission having heretofore permitted to become effective a declaration filed by The North American Company ("North American"), a registered holding company, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder, regarding the issuance of Bank Loan Notes by North American to certain banks pursuant to a "Custodian Agreement" providing, among other things, for the pledge of certain common stocks held by North American as collateral for said Bank Loan Notes; and

North American having filed an amendment to its declaration whereby it proposes to effect a modification of the provisions of said Bank Loan Notes substantially as follows:

The holders of the Bank Loan Notes, outstanding in the amount of $2,537,296.06 as of August 1, 1947 have agreed with North American to effect a modification of the loan so as to change it from a secured to an unsecured obligation. The terms of the modification provide for the elimination of the Custodian Agreement, as amended, and certain covenants contained in the Bank Loan Notes, and the withdrawal of all collateral pledged to secure said Notes. It is further provided that the obligation of the banks to lend certain additional amounts to North American is discharged.

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of said act and rules thereunder are satisfied, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective:

It is hereby ordered, pursuant to the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7943; Filed, Aug. 25, 1947; 8:46 a. m.]

[File No. 70-1577]

PUBLIC SERVICE CO. OF OKLAHOMA ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 19th day of August A. D. 1947.

In the matter of Public Service Company of Oklahoma, Central and South West Corporation, The Lawton Corporation, File No. 70-1577.

Notice is hereby given that Central and South West Corporation, a registered holding company, its public utility subsidiary, Public Service Company of Oklahoma ("Public Service") and The Lawton Corporation ("Lawton"), a wholly-owned non-utility subsidiary of Public Service, have filed joint declarations pursuant to the Public Utility Holding Company Act of 1935. Said declarations designate sections 12 (c), 12 (d) and 12 (f) of the act and Rules U-42, U-43 and U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 29, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declarations which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after August 29, 1947, said declarations, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declarations, which are on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Public Service proposes to sell to Consolidated Gas Utilities Corporation ("Consolidated"), a nonaffiliated company which is neither a registered holding company nor a subsidiary of a registered holding company, all the gas production, transmission and distribution properties of Public Service (except gas property used by Public Service for the supply of gas to its electric generating plants at McAlester and Weleetka, Oklahoma, all of which is classified as electric utility property) for a base purchase price of $2,737,071, payable in cash, subject to closing adjustments.

Lawton, which is engaged in producing and purchasing natural gas for sale to Public Service and producing and selling oil, has entered into a contract, which is dependent upon the sale by Public Service of its gas properties to Consolidated, to sell all of its physical properties to Consolidated for $20,000 in cash, subject to closing adjustments. Upon the sale of its properties, Lawton proposes to liquidate and distribute its remaining assets, which will consist primarily of cash, to Public Service. Public Service will surrender the outstanding common stock of Lawton for cancellation.

The declarations indicate that data in respect of the gas properties was sent to ten prospective purchasers and requests made for bids. The bid of Consolidated was the highest bid received.

Public Service states that the sale of its gas utility properties is in compliance with the section 11 (b) (1) order entered by this Commission on February 16, 1945 and that it proposes to invest in electric utility plant or to expend, within twenty-four months from consummation of the proposed sale, the proceeds of such sale or amounts equivalent thereto, for such purpose or purposes specified in sections 371, 372 and 373 of the Internal Revenue Code as this Commission by subsequent orders may approve. Declarants, accordingly, request that the Commission's order permitting said declarations to become effective conform to the requirements of sections 371, 372 and 373 and 1808 (f) of the Internal Revenue Code, as amended, insofar as such sections are applicable.

Declarants state that no commission, other than this Commission, has jurisdiction over the tranactions proposed by Public Service and Lawton and that Public Service has been informed that the proposed purchase by Consolidated is not subject to any regulatory authority.

Declarants request that the Commission's order permitting said declarations to become effective be issued as soon as practicable and become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7945; Filed, Aug. 25, 1947; 8:46 a. m.]

[File Nos. 70-1596, 70-1597]

WASHINGTON RAILWAY AND ELECTRIC CO. AND THE NORTH AMERICAN CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 19th day of August 1947.

Washington Railway and Electric Company ("Washington Railway"), a registered holding company and a subsidiary of The North American Company ("North American"), also a registered holding company, having filed an application and declaration (File No. 70-1596) pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("the act") and the rules and regulations promulgated thereunder regarding the issuance by Washington Railway of transferable Purchase Warrants ("Warrants") for the purchase by common stockholders of Washington Railway, of shares of Capital Stock of its subsidiary, Capital Transit Company ("Transit"); and

North American having filed an application (File No. 70-1597) pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder regarding the proposed purchase by North American of shares of Capital Stock of Transit under the provisions of the Warrants proposed to be issued by Washington Railway; and

It appearing to the Commission that the foregoing matters under File Nos. 70-1596 and 70-1597 are related and involve common questions of law and fact, and that the proceedings on such matters should be consolidated; and it further appearing to the Commission that it is appropriate that a notice of filing of said applications and declarations and the consolidation of these proceedings be issued pursuant to Rule U-23:

It is ordered, that the proceedings upon the applications and declarations filed by Washington Railway and North American be, and the same are hereby, consolidated; and

Notice is hereby given that any interested person may, not later than September 3, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the issues, if any, of fact or law raised by said applications and declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such applications and declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said applications and declaration which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized below:

Washington Railway's application-declaration states that it proposes to issue on or about September 12, 1947, to holders of its Common Stock (other than North American) of record on September 8, 1947, transferable Warrants in bearer form, entitling such holders to purchase, at a price of $20 per share, two shares of Transit stock for each share of Washington Railway Common Stock held, and to issue to North American Warrants which will entitle North American to purchase less than its proportionate share of Transit stock at the price of $20 per share. North American has agreed to accept a lesser amount than it is entitled to, in order that Washington Railway may issue Warrants on a 2 for 1 basis to holders other than North American, thus avoiding cumbersome fractions in the exercise of such Warrants. Washington Railway's entire holdings, aggregating 120,000 shares of Transit stock (which represent 50% of the total outstanding) will be offered for sale under the proposed transactions.

Such Warrants will be of two kinds, Full Warrants, entitling the holder to purchase one share, or multiples thereof, of Transit stock, and Fractional Warrants which, when combined with other Fractional Warrants, will entitle the holder to purchase the whole number of shares of Transit stock called for in the aggregate by such Fractional Warrants. No fractional shares of Transit stock will be issued and the holders of Fractional Warrants can use the Warrants for purchasing such stock only by combining them with other fractional Warrants.

The privilege to purchase such shares of stock under the provisions of the Warrants will expire 30 days after the original issue thereof.

It is not anticipated that there will be any record date for determining holders of Transit stock entitled to receive any dividends or distribution on such stock during the period within which the Warrants may be exercised, but in the event there should be any record date the Warrant holders who have exercised their Warrants and have become stockholders of Transit at the time will be entitled to such dividend or distribution.

Washington Railway proposes to apply the net proceeds to be received from the sale of the Transit stock, together with other treasury funds, toward the payment, without premium, of its bank loan notes, outstanding in the principal amount of $2,800,000.

Washington Railway represents that the proposed transactions are essential steps in the carrying out of its Amended Plan under section 11 of the act, approved by order of this Commission, dated May 15, 1947 (Holding Company Act Release No. 7410) and by order of the District Court of the United States for the District of Columbia, dated June 16, 1947.

Washington Railway designates sections 6 (a), 7, 12 (c) and 12 (d) of the act and Rules U-23, U-42, U-43, U-44 and U-50 promulgated thereunder as applicable to the proposed transactions, and requests that the proposed sale of the Transit stock be exempted from the provisions of such Rule U-50.

Washington Railway further requests that the Commission in its order approving the proposed transactions, recite appropriate statements, conforming to the requirements of Supplement R of Chapter 1 and 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, that the proposed transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the act.

North American, in its application, states that it proposes to exercise its rights under the provisions of the aforesaid Warrants to purchase an aggregate of 93,655 shares of Transit stock at the price of $20 per share, and in addition will enter into an agreement with Washington Railway, under the terms of which North American will agree to purchase at $20 per share all of the shares of Transit stock not purchased by others.

North American represents that it is the beneficial owner of 79.74% (51,827.8 shares) of the outstanding common stock of Washington Railway and that the proposed transactions are part of the general program of Washington Railway to consummate its Amended Plan filed pursuant to section 11 (e) of the act and approved by the aforesaid order of the Commission dated May 15, 1947.

North American has designated sections 9 (a) and 10 of the act and Rule U-23 as applicable to the proposed transactions by it.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid notice and order by mailing a copy thereof to Washington Railway and North American by registered mail, and that notice be given to all other persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7942; Filed, Aug. 25, 1947; 8:46 a. m.]

[File No. 70-1599]

STATEN ISLAND EDISON CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of August 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by Staten Island Edison Corporation ("Staten Island"), an indirect subsidiary of General Public Utilities Corporation, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 4, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after September 4, 1947 said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Staten Island proposes to issue and sell for cash at principal amount to four commercial banks an aggregate of $500,000 principal amount of notes which will mature on April 1, 1948, and will bear interest at the rate of 1½% per annum. The net cash proceeds of the sale of the notes are to be used for construction requirements of the company.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order so as to permit consummation of the proposed transaction not later than September 5, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7941; Filed, Aug. 25, 1947; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9639]

PETER A. KLOBER

In re: Estate of Peter A. Klober, deceased; File No. D-28-11605; E. T. sec. 15817.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes Klober and Elizabeth Klober, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That the issue, names unknown, of Johannes Klober, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate and the trust created under the will of Peter A. Klober, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany);

4. That such property is in the process of administration by Nellie K. Cooper, as executrix and trustee, acting under the judicial supervision of the Surrogate's Court of Passaic County, State of New Jersey;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 and the issue, names unknown, of Johannes Klober, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7963; Filed, Aug. 25, 1947; 8:48 a. m.]

Reference OCT 8

Reference

OCT 8

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 12 1934 NUMBER 168

Washington, Wednesday, August 27, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9888

SUSPENDING CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 2 of the War Department Civil Appropriation Act, 1948 (Public Law 296, 80th Congress), section 104 of the Navy Department Appropriation Act, 1948 (Public Law 202, 80th Congress), and section 5 of the Military Appropriation Act, 1948 (Public Law 267, 80th Congress), relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the effective dates of the said Acts, compliance with the provisions of the said sections during the continuance of any of the wars in which the United States is now engaged or of the present national emergency.

Finding such action necessary because of a shortage of housing, I hereby suspend, for the fiscal year 1948, the application of those portions of the cited sections of the respective Acts which require the employment of citizens of the Republic of Panama or of the United States in skilled, technical, clerical, administrative, executive, or supervisory positions.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 26, 1947.

[F. R. Doc. 47-8053; Filed, Aug. 26, 1947; 10:27 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

CANNED GREEN BEANS AND CANNED WAX BEANS [1]

On June 25, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 4117) regarding the proposed revision of United States Standards for Grades of Canned Green Beans and Canned Wax Beans. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Green Beans and Canned Wax Beans are hereby promulgated pursuant to the authority contained in the Agricultural Appropriation Act, 1948 (Pub. Law 266, 80th Cong., 1st sess., approved July 30, 1947):

§ 52.165 *Canned green beans and canned wax beans*—(a) *Identity.* (1) "Canned green beans" means canned green beans as defined in the definitions and standard of identity for canned green beans (21 CFR 51.10; 12 F. R. 1138), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(2) "Canned wax beans" means canned wax beans as defined in the definitions and standard of identity for canned wax beans (21 CFR 51.15; 12 F. R. 1138), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(3) "Canned beans" means canned green beans or canned wax beans.

(4) "Whole green beans" or "whole wax beans" means canned beans consisting of whole pods, or transversely cut pods not less than 2¾ inches in length.

(5) "Unit" means an individual green bean or wax bean, or portion of either, in canned beans.

(b) *Styles of canned beans.* (1) "Whole" means canned beans that are not arranged in any definite position in the container.

(2) "Whole vertical pack" means canned beans that are packed parallel to the sides of the container.

(3) "Whole asparagus style" means canned beans consisting of pods that are cut at both ends, are of substantially equal length, and are packed parallel to the sides of the container.

(4) "Sliced lengthwise" or "french style" means canned beans consisting of pods that are sliced lengthwise.

(5) "Cut" or "cuts" means canned beans consisting of pods that are cut transversely into pieces less than 2¾ inches, cut not less than ¾ inch, in length, and may contain shorter end pieces which result from cutting.

(Continued on p. 5745)

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

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A limited sales stock of the 1945 Supplement (4 books) is still available at $3 a book.

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(6) "Short cut" or "short cuts" means canned beans consisting of pieces of pods less than ¾ inch in length.

(c) *Grades of canned beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are very young and tender; and are of such quality with respect to clearness of liquor, uniformity of color, and absence of defects as to score not less than 90 points when scored in accordance with the scoring system outlined herein.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a reasonably normal flavor and odor; possess a reasonably uniform typical color; are young and reasonably tender; are reasonably free from defects; and are of such quality with respect to clearness of liquor as to score not less than 75 points when scored in accordance with the scoring system outlined herein.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; possess a fairly uniform typical color; are nearly mature and fairly tender; possess a fairly good liquor; are fairly free from defects; and score not less than 60 points when scored in accordance with the scoring system outlined herein.

(4) "U. S. Grade D" or "Substandard" is the quality of canned beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(5) "U. S. Grade D—Below standard in quality good food—not high grade" or "Substandard—Below standard in quality good food—not high grade" is the quality of canned beans that fall below the standard of quality of canned green beans (21 CFR 51.11; 12 F. R. 1140) or the standard of quality of canned wax beans (21 CFR 51.16; 12 F. R. 1141); as the case may be.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned beans be filled with green beans or wax beans, as the case may be, as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(e) *Recommended drained weight.* The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of green beans or wax beans, as the case may be, is determined by emptying the contents of the container upon a circular sieve of proper diameter containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can (404 x 414).

TABLE NO. I

RECOMMENDED DRAINED WEIGHTS, IN OUNCES, OF GREEN BEANS AND WAX BEANS

Container size or designation	Style of canned beans: Whole	Whole vertical pack or whole asparagus style	Short cuts—Cuts—French style: Short cuts and cuts less than 1½ inches	French style and cuts 1½ inches and longer
No. 1 F	6[1]		6¾[1]	
No. 1 tall	9[1]		9¾[1]	
No. 300	8[1]		8[1]	
No. 303	9[1]		8½[1]	
No. 2	11½	12½	12	11½
No. 2½	16½	18	17½	16¾
No. 10	61		65	63

[1] Minimum.

TABLE NO. II

SIZES OF GREEN BEANS AND WAX BEANS IN CANNED BEANS

Size of beans (inches in thickness)	Round type beans in various styles of canned beans: Number designation	Whole beans: Word designation	Cut or short cut beans: Word designation	Flat type beans in whole cut, or short cut beans: Number designation	Word designation
Less than 14½/64 inch in thickness	Size 1	Tiny	Small	Size 2	Small.
14½/64 inch to, but not including, 18½/64 inch in thickness.	Size 2	Small	do	Size 3	Medium.
18½/64 inch to, but not including, 21/64 inch in thickness	Size 3	Medium	do	Size 4	Medium large.
21/64 inch to, but not including, 24/64 inch in thickness.	Size 4	Medium large	Medium	Size 5	Large.
24/64 inch to, but not including, 27/64 inch in thickness.	Size 5	Large	Large	Size 6	Extra large.
27/64 inch or more in thickness	Size 6	Extra large	Extra large	Size 6	Do.

(f) *Types of canned beans.* The type of canned beans is not incorporated in the grades of the finished product, since the type of canned beans is not a factor of quality for the purpose of these grades. The type of canned beans is dependent upon the type of beans packed in the container and is described as round type or flat type.

(1) "Round type canned green beans" are canned beans consisting of round type green beans having a width not greater than 1½ times the thickness of the bean. "Round type canned wax beans" are canned beans consisting of round type wax beans having a width not greater than 1½ times the thickness of the bean.

(2) "Flat type canned green beans" are canned beans consisting of flat type green beans having a width greater than 1½ times the thickness of the bean. "Flat type canned wax beans" are canned beans consisting of flat type wax beans having a width greater than 1½ times the thickness of the bean.

(g) *Sizes of green beans or wax beans in canned beans.* The size of green beans or wax beans is not a factor of quality of canned beans for the purpose of these grades. The size of a green bean or wax bean is determined by measuring the shorter diameter of the bean transversely to the long axis at the thickest portion of the pod. The designations of the various sizes of round type and flat type green beans or wax beans packed as canned beans are shown in Table No II of this section.

(h) *Ascertaining the grade.* (1) The grade of canned beans may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Clearness of liquor, color, absence of defects, and maturity. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

	Points
(i) Clearness of liquor	10
(ii) Color	15
(iii) Absence of defects	35
(iv) Maturity	40
Total score	100

(2) "Normal flavor and normal odor" means that the canned beans are free from objectionable flavors and objectionable odors of any kind.

(i) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "32 to 35 points" means 32, 33, 34, or 35 points).

(1) *Clearness of liquor.* (i) Canned beans that possess a practically clear liquor may be given a score of 9 to 10 points. "Practically clear liquor" means

that the liquor may possess a slight tint of yellow-green to green color and that not more than a trace of suspended material and sediment is present.

(ii) If the canned beans possess a reasonably clear liquor, a score of 7 to 8 points may be given. "Reasonably clear liquor" means that the liquor may be cloudy or contain a small quantity of sediment.

(iii) If the canned beans possess a fairly good liquor, a score of 5 to 6 points may be given. "Fairly good liquor" means that the liquor may be dull in color, but not off color; may be cloudy; or may possess a noticeable accumulation of sediment.

(iv) Canned beans that possess a liquor that is definitely off-color for any reason, is excessively cloudy, or contains a seriously objectionable quantity of sediment may be given a score of 0 to 4 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Color.* (i) Canned beans that possess a practically uniform bright typical color may be given a score of 14 to 15 points. "Practically uniform bright typical color" means that the canned beans possess a color that is bright and typical of very young and tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 5 percent, by count, which vary markedly from this color.

(ii) If the canned beans possess a reasonably uniform typical color, a score of 12 to 13 points may be given. "Reasonably uniform typical color" means that the canned beans possess a color that is typical of young and reasonably tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 10 percent, by count, which vary markedly from this color.

(iii) Canned beans that possess a fairly uniform typical color may be given a score of 10 to 11 points. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform typical color" means that the canned beans possess a color that is typical of nearly mature and fairly tender green beans or wax beans, as the case may be, or similar varietal characteristics with not more than 15 percent, by count, which vary markedly from this color.

(iv) Canned beans that are definitely off-color or fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 9 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, loose seed and pieces of seed, unstemmed units, ragged-cut units, split units, small pieces of pods, units damaged by mechanical injury, and units blemished by scars, pathological injury, insect injury, or blemished by other means.

(*a*) "Blemished unit" means any unit in which the aggregate area affected exceeds the area of a circle $\frac{1}{8}$ inch in diameter.

(*b*) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(*c*) "Extraneous vegetable matter" means leaves, detached stems, and other similar vegetable matter.

(*d*) "Ragged-cut units" means sections of pods that have very ragged edges, or are partially cut.

(*e*) "Practically intact" means that not more than 5 percent, by weight, of the units in a container are split into two parts.

(*f*) "Small pieces of pods" means pieces of pods less than $\frac{1}{2}$ inch in length.

(*g*) "Damaged by mechanical injury" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(ii) Canned beans that are practically free from defects may be given a score of 32 to 35 points. "Practically free from defects" has the following meanings with respect to the following styles of packs of canned green beans or canned wax beans:

(*a*) *Whole or cut.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 4 blemished units, of which not more than 2 units are seriously blemished;

Not more than 5 ragged-cut units or 5 units damaged by mechanical injury; and

Not more than 60 small pieces of pods in cut style.

(*b*) *Sliced lengthwise or french style.* "Practically free from defects" means that the pods are well sliced and the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units, and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems; and

Not more than 4 blemished units, of which not more than 2 units are seriously blemished.

(*c*) *Short cuts.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 8 blemished units, of which not more than 4 units are seriously blemished;

Not more than 10 ragged-cut units or 10 units damaged by mechanical injury; and

Not more than 60 small pieces of pods in cut style.

(*b*) *Sliced lengthwise or french style.* "Reasonably free from defects" means that the pods are reasonably well sliced and the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units, and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems; and

Not more than 8 blemished units, of which not more than 4 units are seriously blemished.

(*c*) *Short cuts.* "Reasonably free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 8 blemished units, of which not more than 4 units are seriously blemished;

Not more than 10 ragged-cut units or 10 units damaged by mechanical injury; and

Not more than 60 small pieces of pods in cut style.

(*b*) *Sliced lengthwise or french style.* "Reasonably free from defects" means that the pods are reasonably well sliced and the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems; and

Not more than 8 blemished units, of which not more than 4 units are seriously blemished.

(*c*) *Short cuts.* "Reasonably free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 20 percent, drained weight, of the units and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units [1];

There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units [1]; and

There are not more than 12 blemished units per 12 ounces, drained weight, of the units [1] of which not more than 6 units are seriously blemished.

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(vi) Canned beans that fall below the standard of quality of canned green beans (21 CFR 51.11; 12 F. R. 1140) or the standard of quality of canned wax beans (21 CFR 51.16; 12 F. R. 1141), as the case may be, shall not be graded above U. S. Grade D—Below standard in quality good food—not high grade, or Substandard—Below standard in quality good food—not high grade, regardless of the total score for the product (this is a limiting rule).

(4) *Maturity.* (i) The factor of maturity refers to the degree of development of pods and seeds and the tenderness of the pods.

(*a*) "Trimmed pod" means any pod from which there has been trimmed off as far as the end of the space formerly occupied by seed, any portion of the pod from which seed have become separated.

(*b*) "Tough strings" means strings or pieces of string at least $\frac{1}{2}$ inch in length which will support a $\frac{1}{2}$ pound weight for not less than 5 seconds.

(*c*) "Fibrous material" means the properly prepared, dried cellulose material obtained from deseeded pods.

(ii) Canned beans that are very young and tender may be given a score of 35 to 40 points. "Very young and tender" means that the units are full-fleshed for the variety, tender and not fibrous; the seeds are in the early stages of maturity; and not more than 2 percent, by count, of the units possess tough strings.

(iii) If the canned beans are young and reasonably tender a score of 29 to 34 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Young and reasonably tender" means that the units may, to some extent, have lost their fleshy structures; the seeds may have passed the early stages of maturity and have not reached the late stages of maturity; are not fibrous; and not more than 5 percent by count of the units may possess tough strings.

(iv) If the canned beans are nearly mature and fairly tender a score of 23 to 28 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Nearly mature and fairly tender" means that the pods may have lost, to a considerable extent, their fleshy structure, and that:

The trimmed pods contain not more than 15 percent, by weight, of seed and pieces of seed; [2]

The deseeded pods contain not more than 0.15 percent, by weight, of fibrous material; [2] and

Not more than 10 percent, by count, of the units may possess tough strings except that in case there are present units at least $\frac{25}{64}$ inch in diameter, there are not more than 12 strings or pieces of strings in 12 ounces, drained weight, which will support a $\frac{1}{2}$ pound weight for not less than 5 seconds.[2]

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 22 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(vi) Canned beans that fall below the standard of quality of canned green beans (21 CFR 51.11; 12 F. R. 1140) or the standard of quality of canned wax beans (21 CFR 51.16; 12 F. R. 1141), as the case may be, shall not be graded above U. S. Grade D—Below standard in quality good food—not high grade, or Substandard—Below standard in quality good food—not high grade, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned green beans or canned wax beans, the grade for such lot will be determined by averaging the total score of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total score; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) *Score sheet for canned green beans or canned wax beans.*

Container size	
Container code or marking	
LABEL	
Net weight (in ounces)	
Vacuum (in inches)	
Drained weight (in ounces)	
Type (round or flat)	
Variety (green or wax)	
Style	
Size of green beans or wax beans	

[1] Determined as outline in the standards of quality of canned green beans (21 CFR 51.11) and canned wax beans (21 CFR 51.16), promulgated under the Federal Food, Drug, and Cosmetic Act.

Factors	Score points		
I. Clearness of liquor	10	(A)	9–10
		(B)	7– 8
		(C)	5– 6
		(D) [1]	0– 4
II. Color	15	(A)	14–15
		(B)	12–13
		(C) [1]	10–11
		(D) [1]	0– 9
III. Absence of defects	35	(A)	32–35
		(B)	27–31
		(C) [1]	22–26
		(D) [1]	0–21
IV. Maturity	40	(A)	35–40
		(B) [1]	29–34
		(C) [1]	23–28
		(D) [1]	0–22
Total score	100		
Grade			
Normal flavor and odor			

[1] Indicates limiting rule within classification.

(1) *Effective time and supersedure.* The United States Standards for Grades of Canned Green Beans and Canned Wax Beans (which are the third issue) contained in this section shall become effective thirty days after publication of these standards in the FEDERAL REGISTER. (Pub. Law 266, 80th Cong.)

Issued at Washington, D. C., this 21st day of August 1947.

[SEAL] RALPH S. TRIGG,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 47-7990; Filed, Aug. 26, 1947; 8:51 a. m.]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 322—IMPORTATION OF ADULT HONEYBEES INTO THE UNITED STATES

PREVENTION OF INTRODUCTION OF ISLE OF WIGHT OR ACARINE DISEASE

Pursuant to the provisions of section 1 of the act of August 31, 1922 (42 Stat. 833; 7 U. S. C. 281 et seq.), regulating the importation of adult honeybees into the United States, and of the regulations issued thereunder on May 12, 1923 by the Secretary of the Treasury and the Secretary of Agriculture (7 CFR 322.1 to 322.6, inclusive), together with the special rules issued by the Secretary of Agriculture on June 19, 1923 (7 CFR 322.7 et seq.), and in accordance with the requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237), a notice of proposed rule making was published in the FEDERAL REGISTER on July 18, 1947 (12 F. R. 4790), concerning a proposed amendment to the regulations by revocation of regulation 4 (7 CFR 322.4) and the special rules (7 CFR 322.7 et seq.). After consideration of the proposals set forth in the aforementioned notice, and all relevant matters, it is hereby found and determined that:

(1) The existing regulations and special rules are inadequate to prevent the introduction into the United States of Isle of Wight, or acarine, disease;

(2) The introduction of such disease will endanger the American beekeeping industry with attendant dangers to American agriculture;

(3) The revocation of regulation 4 (7 CFR 322.4) and the special rules (7 CFR 322.7 et seq.) will benefit such beekeeping industry and is in the public interest;

(4) The said regulations as hereby amended, and all of the terms and conditions of said regulations as hereby amended, will tend to effectuate the declared policy of the act; and

(5) Compliance with the effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable, unnecessary and contrary to the public interest in that immediate revocation of the aforesaid regulation and special rules is necessary in order to prevent the introduction of queen-bees infected with the Isle of Wight, or acarine, disease during the present shipping season now under way.

It is, therefore, ordered, That, from and after the effective date hereof:

(1) The regulations in this part governing the importation of adult honeybees into the United States shall be amended by revoking regulation 4 (§ 322.4) and redesignating regulation 5 (§ 322.5) and regulation 6 (§322.6) to read, respectively, § 322.4 and § 322.5; and

(2) The special rules in this part issued June 19, 1923 (7 CFR 322.7–322.10, inclusive), are revoked.

This order shall become effective upon its publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 21st day of August 1947.

(42 Stat. 833; 7 U. S. C. 281 et seq.)

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7988; Filed, Aug. 26, 1947; 9:20 a. m.]

Chapter IV—Production and Marketing Administration (Crop Insurance)

[Amdt. 1]

PART 400—FEDERAL CROP INSURANCE CORPORATION

Part 400, Chapter IV, 7 CFR, is hereby revised and amended in its entirety to read as follows:

SUBPART A—ORGANIZATION

Sec.
400.1 Creation.
400.2 Stock.
400.3 Board of Directors.
400.4 Management.
400.5 Central Office.
400.6 State crop insurance directors.
400.7 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

400.10 Crops insured.

AUTHORITY: §§ 400.1 to 400.10, inclusive, issued under secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C., Sup. 1002, 1011.

SUBPART A—ORGANIZATION

§ 400.1 *Creation.* The Federal Crop Insurance Corporation was created February 16, 1938, by the Federal Crop Insurance Act (7 U. S. C. 1501 et seq.). The Corporation is a part of the United States Department of Agriculture and its operations are under the supervision and control of the Secretary of Agriculture.

§ 400.2 *Stock.* All capital stock of the Federal Crop Insurance Corporation is owned by the United States.

§ 400.3 *Board of Directors.* The Federal Crop Insurance Act provides that the Board of Directors shall consist of the manager of the Corporation, two other persons employed in the Department of Agriculture, and two persons experienced in the insurance business who are not otherwise employed by the Government. The Board is appointed by and holds office at the pleasure of the Secretary of Agriculture.

§ 400.4 *Management.* The management of the Federal Crop Insurance Corporation is vested in the Board of Directors, subject to the general supervision of the Secretary of Agriculture. The Manager of the Corporation is its chief executive officer, and he is appointed by and holds office at the pleasure of the Secretary of Agriculture. Under the general supervision of the Board, the Manager is responsible for the general direction and supervision of all activities of the Corporation.

§ 400.5 *Central Office*—(a) *General.* The principal office of the Federal Crop Insurance Corporation is at Washington 25, D. C., in the South Agriculture Building. It consists of the Office of the Manager of the Corporation, the Program Development Division, the Underwriting Division, the Finance Division, the Administrative Division, the Sales Promotion Unit, and the Loss Adjustment Unit. In addition, the branch office, although located in the field, is part of the central office.

(b) *Manager.* Under the general supervision of the Board of Directors and within established policies, the Manager has final authority for the executive direction of the Corporation's programs and activities both in Washington and in the field. He determines or approves methods and procedures to be used, coordinates the activities of the Corporation with that of the cooperating agencies and is responsible for commodity operations of the Corporation. In the office of the Manager there are area directors who assist in the supervision of the field activities.

(c) *Divisions and units.* The divisions and units are as follows:

(1) *Program development division.* Develops plans for annual program changes on each commodity and plans for insurance on new commodities; develops insurance contracts and regulations; develops procedures for the writing of insurance, the determination of acreage and other contract terms, the adjustment of losses and the collection of premiums, makes economic and statistical analysis of the program and proposals for changes; develops and maintains current information on the volume of insuranace.

(2) *Underwriting division.* Estimates the amount of risk to which the Corporation may be subjected for the amounts of insurance and other terms of the contract; develops the actuarial basis for the insurance and prepares the actuarial tables; prepares procedures for field determination of amounts of insurance and premium rates; gives technical assistance to State Directors in connection with actuarial and underwriting phases of the crop insurance program.

(3) *Finance division.* Plans and directs or performs the fiscal activities of the Corporation relative to receipt of premiums and payment of indemnities and for administrative funds and their expenditure. Plans and directs or performs the necessary accounting. Prepares financial reports.

(4) *Administrative division.* Plans and directs or performs the administrative management work of the Corporation including personnel management, organization analyses, property and supply management and records and communications management.

(5) *Sales promotion unit.* Plans, coordinates, promotes and assists in sales and public information activities.

(6) *Loss adjustment unit.* Plans, directs and coordinates loss adjustment work and reviews unusual claims for loss. Devises policies and procedures for selection and training of loss adjusters.

(d) *Branch office.* The branch office of the Corporation is located at 623 South Wabash Avenue, Chicago 5, Illinois. This office serves all states. Under the immediate supervision of the Manager, this office performs the audit and accounting functions relating to crop insurance contracts, receives and maintains files of the insurance contracts and related documents, receives premiums and processes indemnity claims. The branch office manager has final authority to determine the amount of premium due, to approve indemnity claims and to cancel or adjust debts (6 CFR, Part 01).

§ 400.6 *State crop insurance directors.* (a) These directors are located as follows and serve the State where located except where additional States are listed:

AAA Building, Auburn, Alabama, for Alabama and Florida; 415 First Street, S., Phoenix, Arizona; 108½ West 3d Street, Little Rock, Arkansas; 2268 Fulton Street, Berkeley, California, for California and Nevada; 225 West Oak Street, Ft. Collins, Colorado, for Colorado and Wyoming; Old Post Office Building, Athens, Georgia; Room 317 Yates Building, 103 South 9th Street, Boise, Idaho; Second Floor Standard Building, 124 South Water Street, Decatur 12, Illinois; 105 South Meridian Street, Room 300 Big Four Building, Indianapolis 9, Indiana; 1101 Walnut Street, Des Moines 7, Iowa; 417–419 Humboldt Street, Manhattan, Kansas; Mill and Maxwell Streets, Lexington, Kentucky; P. O. Box 8597, University Station, Baton Rouge, Louisiana; Rossborough Inn, University of Maryland, College Park, Maryland, for Maryland, Delaware, and West Virginia; 200 North Capitol Avenue, Lansing 4, Michigan; Room 1130 Main P. O. Building, Box 3110, St. Paul 1, Minnesota, for Minnesota; 1130 West Capitol Street, Box 1251, Jackson, Mississippi; IOOF Building, 10th and Walnut Streets, Columbia, Missouri; Armory Building, 24 West Mendenhall Street, Bozeman, Montana; 304 Trust Building, 10th and O Streets, Box 793, Lincoln 1, Nebraska; Regulatory Building, State College, New Mexico; AAA Building, College Station, Raleigh, North Carolina; 304 de-Lendrecie Building, Fargo, North Dakota; Room 224 Old Federal Building, South State and East Third Streets, Columbus 15, Ohio; 6th and Main Streets, Stillwater, Oklahoma; 6th Floor, Eastern Building, 515 SW. 10th Street, Portland 5, Oregon; 923 North Third Street, Harrisburg, Pennsylvania, for Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts; Knowlton Building, 1615 Hampton Street, Columbia, South Carolina; 56 Third Street SE, Huron, South Dakota; 152 Fourth Avenue North, Nashville, Tennessee; AAA Building, College Station, Texas; Old Terminal Building, 222 S.W. Temple Street, Salt Lake City, Utah; 600 East Main Street, Richmond 19, Virginia; P. O. Box 1491, 3d Floor Hutton Building, Spokane 8, Washington; 14 East Dayton Street, Oxford Building, Madison 3, Wisconsin.

(b) Under the immediate supervision of the office of the Manager of the Corporation, the State crop insurance director reviews and accepts or rejects applications for crop insurance, supervises and reviews the adjustment of losses, provides information concerning crop insurance and in general represents the Corporation in the State. The State Director is assisted by district supervisors who in turn supervise part-time adjusters. State directors have final authority to approve amounts of insurance and premium rates. Field work in connection with establishing amounts of insurance per acre and premium rates, the sale of insurance, obtaining reports of insured acreage and collecting premiums, is performed under the supervision of the State crop insurance director.

§ 400.7 *Availability of information and records.* Any person desiring information with respect to crop insurance should request such information from the State Director for the particular State involved or from the Manager, Federal Crop Insurance Corporation, U. S. Department of Agriculture, Washington 25, D. C. Records of the Corporation, including those maintained in the field offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR, Part 2100).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 400.10 *Crops insured.* (a) In 1947 and prior years, the Federal Crop Insurance Act (7 U. S. C. §§ 1501–1519) authorized the Corporation to insure, without limitation as to number of counties, producers of wheat, cotton, and flax, against loss in yields due to unavoidable causes, and, for the purpose of determining the most practical plans, terms, and conditions of insurance, to insure on a trial basis, in not more than 20 counties for each commodity, any other agricultural commodity, if sufficient actuarial data are available as determined by the Board. On the latter basis, corn and tobacco are presently insured. Commencing in 1948, by virtue of Public Law 320, 80th Congress, all commodities will be insured on a trial basis. Insurance of wheat will be limited to 200 counties, cotton to 56 counties, corn and flax to 50 counties each, and tobacco to 35 counties. Any other commodity insured will be limited to not more than 20 counties. Two new commodities may be insured in 1948, but in 1949 and thereafter three new commodities may be insured each year.

(b) Regulations governing the wheat, cotton, flax, corn and tobacco programs may be found as follows: Cotton (7 CFR Part 419), Flax (7 CFR Part 415), Corn (7 CFR Part 416), Tobacco (7 CFR Part 417), and Wheat (7 CFR Parts 414 and 418).

Issued this 21st day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8001; Filed, Aug. 26, 1947; 8:51 a. m.]

Chapter XXI—Organization, Functions and Procedure

PART 2323—FEDERAL CROP INSURANCE CORPORATION

REVOCATION

Part 2323, 7 CFR, Subtitle C, Chapter XXI, is hereby revoked.

Issued this 21st day of August 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8002; Filed, Aug. 26, 1947; 8:51 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

AIRPORTS OF ENTRY: REVOCATION OF DESIGNATION OF DINNER KEY SEAPLANE BASE, MIAMI, FLA.; CHANGES IN DESIGNATION OF HAVRE-HILL COUNTY AIRPORT, HAVRE, MONT.; JOHN G. HINDE AIRPORT, SANDUSKY, OHIO; AND WATERTOWN MUNICIPAL AIRPORT, WATERTOWN, N. Y.

AUGUST 20, 1947.

Section 110.3, *Airports of entry,* Chapter I, Title 8, Code of Federal Regulations is hereby amended in the following respects:

1. Section 110.3 (a) is amended by deleting "Miami, Fla., Dinner Key Seaplane Base" from the list of permanent airports of entry for aliens.

2. Section 110.3 (a) is further amended by making the following insertions in the list of permanent airports of entry for aliens: "Havre, Mont., Havre-Hill County Airport" between "Fairbanks, Alaska, Weeks Municipal Airfield" and "Juneau, Alaska, Juneau Airport"; "Sandusky, Ohio, John G. Hinde Airport" between "San Diego, Calif., San Diego Municipal Airport (Lindbergh Field)" and "San Juan, P. R., Isla Grande Airport"; and "Watertown, N. Y., Watertown Municipal Airport" between "Swanton, Vt., Warren R. Austin Airport" and "West Palm Beach, Fla., Roosevelt Flying Service Base (Currie Common Park)."

3. Section 110.3 (b) is amended by making the following deletions from the list of temporary airports of entry for aliens: "Havre, Mont., Havre-Hill County

Airport"; "Sandusky, Ohio, John G. Hinde Airport"; and "Watertown, N. Y., Watertown Municipal Airport."

Notice of the proposed revocation of the designation of Dinner Key Seaplane Base, Miami, Florida, as a permanent airport of entry for aliens, and changes in designation of Havre-Hill County Airport, Havre, Montana; John G. Hinde Airport, Sandusky, Ohio; and Watertown Municipal Airport, Watertown, New York, from temporary to permanent airports of entry for aliens was published in the FEDERAL REGISTER dated June 28, 1947 (12 F. R. 4232), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003).

The revocation of the designation of Dinner Key Seaplane Base shall be effective August 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with for the reason that the revocation of the designation of this seaplane base as a customs airport of entry was effective August 1, 1947 (12 F. R. 4174). The revocation of the designation of this airport is based on the fact that the site in which the seaplane base was located is no longer available for use by seaplanes.

Changes in designation of Havre-Hill County Airport, John G. Hinde Airport, and Watertown Municipal Airport from temporary to permanent airports of entry for aliens shall be considered as having become effective on June 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with for the reasons that (1) the redesignation of these airports as customs airports of entry became effective on June 1, 1947, and (2) the changes in designation have no effect on the type of service rendered to the public at these airports by the Immigration and Naturalization Service. The changes in designation of these airports are for the purpose of aligning the designations with redesignations of the same airports made for customs purposes (12 F. R. 4174).

(Sec. 7 (d), 44 Stat. 572, 54 Stat. 1238; 49 U. S. C. 177 (d), 5 U. S. C. 133t)

DOUGLAS W. MCGREGOR,
Acting Attorney General.

Recommended:

UGO CARUSI,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 47-7992; Filed, Aug. 26, 1947; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[B. A. I. Order 365, Amdt.]

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

HORSES

Pursuant to the authority vested in the Secretary of Agriculture by section 201, paragraph 1606, Title II, of the act of June 17, 1930 (46 Stat. 673; 19 U. S. C., sec. 1201, par. 1606), paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations (section 2, paragraph 2, regulation 2, B. A. I. Order 365) is amended, effective thirty days from the date of publication hereof in the FEDERAL REGISTER, by adding to the subdivision of said paragraph relating to horses the following breed and book of record:

HORSES

Name of Breed, Book of Record, and by Whom Published
Thoroughbred—Stud Book de Chile—Club Hipico de Santiago, Fermin Donoso D., Secretary, Santiago, Chile

(46 Stat. 673; 19 U. S. C. 1201, par. 1606)

Done at Washington, D. C. this 21st day of August 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8000; Filed, Aug. 26, 1947; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 04b-6]

PART 04b — AIRPLANE AIRWORTHINESS REGULATIONS EFFECTIVE ON NOVEMBER 9, 1945

AIR CARRIER GYROSCOPIC BANK AND PITCH INDICATOR

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1947.

Part 04b of the Civil Air Regulations currently requires under §§ 04b.51 (a) (5) that all airplanes subject to certification under this part be equipped with a nonupsetting type gyroscopic bank and pitch indicator. Service experience with instruments of this type has not been sufficiently extensive to warrant a requirement that this type be installed to the exclusion of other types which, while not completely upsetting, have shown satisfactory service characteristics over a long period of time. It appears, therefore, that safety would be served equally well if instruments which are currently used in airplanes certificated under other airworthiness parts of the Civil Air Regulations are allowed to be used for the present.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and full consideration has been given to all relevant matters presented. Since this is an amendment relieving restriction, good cause exists for making it effective without delay.

Pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601, and 603 thereof, the Civil Aeronautics Board hereby amends §§ 04b.51 (a) (5) of the Civil Air Regulations (14 CFR, 04b.51 (a) (5) as amended), as follows:

Effective August 19, 1947, § 04b.51 (a) (5) is amended by deleting therefrom the words "(nonupsetting type)".

(52 Stat. 984, 1007, 1009; 49 U. S. C. 425, 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-7966; Filed, Aug. 26, 1947; 8:51 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—Housing and Home Finance Agency

PART 703—PUBLIC WAR HOUSING

DISPOSITION OF FEDERALLY OWNED PERMANENT WAR HOUSING

Sec.
703.51 Purpose.
703.52 Responsibilities with respect to disposition.
703.53 Consultation with local governments.
703.54 General policies.
703.55 Preferred purchasers; general.
703.56 Preferred purchasers; order of preference.
703.57 Preferred purchasers; sales procedures.
703.58 Sales to non-preferred purchasers.
703.59 Conditions of sale.
703.60 Demountable housing.
703.61 Disposition of non-dwelling structures.
703.62 Vacant land.
703.63 Minority racial groups.
703.64 Exceptions.
703.65 Definitions.
703.66 Savings clause.

AUTHORITY: §§ 703.51 to 703.66, inclusive, issued under 54 Stat. 872, 883, as amended, 54 Stat. 1125, as amended, 55 Stat. 14, 55 Stat. 197, 198, 55 Stat. 810, 818, 59 Stat. 613; 42 U. S. C. Sup. 1521, 5 U. S. C. Sup. 133y, Reorganization Plan No. 3 of 1947, 12 F. R. 4981.

§ 703.51 *Purpose*—(a) *General.* These §§ 703.51 to 703.66, inclusive, provide for the disposition of permanent war housing acquired or constructed under the Lanham Act, as amended (54 Stat. 1125, as amended; 42 U. S. C. Sup. 1521), Public Law 781, 76th Congress, as amended (54 Stat. 872, 883, as amended), and Public Laws 9, 73, and 353, 77th Congress (Temporary Shelter Acts), 55 Stat. 14, 198, 818), except that they shall not apply to housing provided by the Home Owners' Loan Corporation or the Federal Public Housing Authority under the Homes Use Conversion Program.

(b) *Veterans' preference.* These §§ 703.51 to 703.66, inclusive, are a revision of and supersede §§ 703.24 and 703.25 and other portions of §§ 703.20 to 703.31, inclusive, 11 F. R. 117 (NHA Regulation No. 60-13B) in so far as they relate to permanent war housing. It is the purpose of this revision to prescribe the conditions under which permanent war housing will be disposed of and particularly the preference to be given veteranas and servicemen, and their families, in the disposition of such housing.

§ 703.52 *Responsibilities with respect to disposition*—(a) *Termination.* The Office of the Administrator shall determine when permanent projects or parts thereof are no longer needed in the interest of the orderly demobilization of the war effort and will then terminate such projects or parts thereof, thereby making them available for disposition.

(b) *Execution.* The Public Housing Administration shall be responsible for executing the disposition program, in accordance with applicable laws and these §§ 703.51 to 703.66, inclusive, and subject to the direction and supervision of the Administrator.

§ 703.53 *Consultation with local governments*—(a) *General.* Formal discussions with representatives of local governments regarding disposition problems shall be initiated sufficiently in advance of the disposition of projects in their localities so that local governmental agencies will have adequate prior opportunity to study such problems, reach agreements within the community, and prepare recommendations regarding disposition programs. Where more than one unit of local government is affected by the disposition, joint consultation shall be sought.

(b) *FHA participation.* The FHA State or District Office serving the locality shall be informed concerning disposition discussions and plans and shall be invited to participate in the discussions with the local governments with respect to the formulation of locality disposition programs.

(c) *Local recommendation.* The Public Housing Administration shall follow the recommendations of the representatives of the local government insofar as practicable, subject to the provisions of applicable law, the policies stated in these §§ 703.51 to 703.66 inclusive, and considerations of an equitable return to the Government.

§ 703.54 *General policies*—(a) *Termination.* Permanent war housing projects or parts thereof shall be terminated as rapidly as possible. No exceptions to termination shall be permitted to continue unless approved by the Administrator.

(b) *Timing of disposition.* All terminated permanent war housing shall be disposed of as rapidly as possible consistent with the public interest, the obtaining of an equitable return of the Government's investment, and with the other policies established by these §§ 703.51 to 703.66, inclusive.

(c) *Disposition for private residential purposes.* In accordance with the Lanham Act, as amended (54 Stat. 1125, as amended; 42 U. S. C. Sup. 1521), permanent war housing shall (subject to the provisions of § 703.54 (e) and (f)) be sold for private residential purposes.

(d) *Subdivision of projects.* In order to encourage home ownership, and facilitate participation in the disposition program by small investors, projects being offered for sale shall be subdivided into the smallest feasible units of sale consistent with a practicable plan for their disposition.

(e) *Transfers to War or Navy Departments.* Under section 4 of the Lanham Act, as amended (54 Stat. 1127, as amended; 42 U. S. C. Sup. 1541), the Administrator may, in his discretion, upon the request of the Secretaries of War or Navy transfer to the jurisdiction of the War or Navy Departments such war housing as may be considered to be permanently useful to the Army or Navy. Such transfers shall be made only (1) if the request therefor was made on or before July 1, 1947, and (2) if the project is situated within the proximate vicinity of a permanent Army or Navy establishment.

(f) *Local community requests for low rent use.* Section 4 of the Lanham Act, as amended (54 Stat. 1127, as amended; 42 U. S. C. Sup. 1541), provides that housing projects constructed under that act shall not, unless specifically authorized by the Congress, be conveyed to any public or private agency organized for slum clearance or to provide subsidized housing for persons of low income. Where the governing body of the community has requested, on or before July 1, 1947, that any such project be made available to the community for low rent housing purposes, the Public Housing Commissioner may temporarily reserve the project from other disposition. Before December 31, 1947, such requests, together with the recommendations of the Public Housing Commissioner, shall, in order to give the Congress appropriate opportunity to consider the local community requests, be transmitted to the Administrator who will determine whether the projects shall be further reserved.

§ 703.55 *Preferred purchasers; general.* Whenever feasible, dwellings shall be offered for sale to persons (or groups of persons) who intend to occupy the dwellings, with preference to veterans as hereinafter provided, prior to their being offered for sale to purchasers for investment purposes. Such persons shall be treated as preferred purchasers and shall be given an opportunity to purchase the dwellings at fixed prices determined, with the cooperation of the Federal Housing Administration, on competent appraisal on the basis of long-term value. For purposes of carrying out this policy, a person who desires to purchase a multi-family dwelling and who intends to occupy one of the dwelling units shall be deemed to be a preferred purchaser, except that this provision shall not apply to multi-family dwellings containing more than 4 dwelling units.

§ 703.56 *Preferred purchasers; order of preference*—(a) *Preference classes.* Preferred purchasers shall be classified in the following order of preference:

Class 1. A veteran who occupies a dwelling unit in the dwelling to be sold and intends to continue to occupy such unit.

Class 2. A veteran who intends to occupy a dwelling unit in the dwelling to be sold.

Class 3. A non-veteran who occupies a dwelling unit in the dwelling to be sold and intends to continue to occupy such dwelling unit.

The Public Housing Administration is further authorized, where it finds it is in the public interest to do so, to establish a Class 4 preference group to consist of non-veterans intending to occupy dwelling units in the dwellings to be sold.

(b) *Sub-classes.* Where necessary to afford equitable treatment to tenants who are displaced from the dwellings they occupy as a result of the application of the provisions of § 703.56 (a), or where otherwise appropriate, the Public Housing Administration is authorized to establish special preference classifications within a preference class.

§ 703.57 *Preferred purchasers; sales procedures*—(a) *General.* Veterans and other occupants of each project shall be given as much advance informal notice as is feasible concerning the proposed method and the approximate date of disposition of the project. In general, sales procedures shall be designed, through public notice and such other procedures as the Public Housing Administration may find appropriate, to provide adequate opportunity to preferred purchasers to exercise their preference rights.

(b) *Separate sales of dwellings containing one to four family dwelling units.* Procedures covering the separate sale to preferred purchasers of dwellings which contain one to four dwelling units shall provide for time schedules in which preferred purchasers may register their intent to purchase, for appropriate deposit of earnest money, for selection of units, and for making of final commitments to purchase. Such procedures shall be established with a view to facilitating the disposition of war housing as rapidly as practicable, consistent with giving preferred purchasers an adequate opportunity to participate in the disposition program and consistent with the other policies provided for by these §§ 703.51 to 703.66, inclusive. Toward this end, such procedures shall (1) provide a minimum period of not less than 30 days in which preferred purchasers in Class 1 may exercise (through registration of intent to purchase or other appropriate means prescribed by the Public Housing Administration) their preference right; (2) provide a maximum period not exceeding 80 days in which preferred purchasers may exercise their preference rights; and (3) provide that preferred purchasers in any class shall continue to have preference over members in a class of lower preference status for any available dwelling units during the period or periods in which members of the classes of lower preference status shall have the right to exercise their preference rights.

(c) *Sale of multi-family dwellings containing five or more dwelling units, and group sale of dwellings.* (1) Where it is not feasible or consistent with a practicable plan of disposition, or with the effectuation of the purposes of the preference provisions of §§ 703.56 and 703.57, to subdivide a project for the separate sale to individuals of dwellings in the project, adequate opportunity may be given, as hereinafter provided, to groups of preferred purchasers to purchase a multi-family dwelling, a group of dwellings, or an entire project, consistent always with a practicable plan for disposition of the project.

(2) If within 30 days following the announcement of the prices of the multi-family dwelling, group of dwellings, or project being offered, a group composed of preferred purchasers in sufficient number to occupy a reasonable percentage of the dwelling units involved, submits a plan of purchase acceptable to the

Public Housing Administration, which plan shall be accompanied by an earnest money deposit prescribed by the Public Housing Administration and provide a reasonable time schedule for the completion of the purchase in relation to the number of dwelling units involved (which time period shall in no event exceed six months following the end of the original 30 day offering period), the multi-family dwelling, group of dwellings, or project, as the case may be, shall be reserved from other disposition for the period covered by the time schedule in order to give the preference group an opportunity to complete the purchase. Such reservation shall be conditioned on the adherence to the time schedule accepted by the Public Housing Administration. The original reservation period may be extended only with the approval of the Administrator.

(d) *Competing preference purchasers in same preference class.* The Public Housing Administration shall provide an equitable method for selecting the purchasers, which shall be designed best to effectuate the order of preferences provided in § 703.56, to apply where preferred purchasers (or groups of preferred purchasers) in the same preference class or containing members in the same preference class compete with each other.

§ 703.58 *Sales to non-preferred purchasers.* Sales to other than preferred purchasers shall be on a competitive basis after adequate public advertisement.

§ 703.59 *Conditions of sale.* Agreements to sell housing to private purchasers shall be designed to effectuate the following policies:

(a) *Terms.* All sales shall be for cash, with such financing as may be required to be secured in the private financing market under the provisions of section 610 of the National Housing Act (Public Law 366, 80th Congress) or otherwise.

(b) *Eviction of existing occupants.* The right of the purchaser to evict an existing occupant shall be subject only to applicable Federal, State, and local laws, except that no such occupant shall be evicted without having first been given 90 days' written notice to vacate.

(c) *Rents.* Rents shall be subject to control only under applicable Federal, State, or local laws.

(d) *Prices in case of resale.* For a period of one year after the date of original sale, no housing sold to preferred purchasers pursuant to these §§ 703.51 to 703.66, inclusive, may be resold for an amount in excess of the original sales price plus the actual costs of any improvements made, the amount of any normal and customary brokerage fees or commissions actually paid in connection with the sale being made, and the costs of transfer paid by the seller.

(e) *Veterans' preference in case of subsequent sale or rental.* Until January 1, 1950, first preference in resale, rental or subrental of dwelling units shall be given to veterans. Such preference shall be deemed to be complied with only if the unit being sold or becoming available for rental is publicly offered in good faith for sale or rent to veterans for a period of at least 30 days at a sale or rental no higher than that at which it is later offered (or for which it is later sold or rented) to other than a veteran.

§ 703.60 *Demountable housing—(a) On-site sales.* When sold for on-site use, demountable dwelling structures shall be disposed of in the same manner as other housing to which these §§ 703.51 to 703.66, inclusive, apply.

(b) *Off-site sales.* Demountable structures to be sold for off-site use shall be transferred or sold to meet veterans' needs with the following order of preferences to purchasers: (1) Federal agencies, local public bodies, or educational institutions, (2) individual veterans, and (3) others who will purchase the housing in marketable quantities and remove and sell or rent the housing to veterans. When it deems such action to be in the public interest, the Public Housing Administration may alter the foregoing order of preference for the purpose of giving a first preference to individual veterans. The agreement of transfer or sale shall provide that transferees, purchasers, and subsequent owners shall give first preference to veterans in the sale or rental of the dwellings until January 1, 1950, and shall abide by appropriate restrictions concerning resale prices, rents, and use of the dwellings.

§ 703.61 *Disposition of non-dwelling structures.* Non-dwelling structures located in projects containing permanent housing may be sold with the dwelling units or separate from the dwelling units dependent upon the effect of the sale of the non-dwelling buildings on the dwellings and the best financial interest of the Government.

§ 703.62 *Vacant land.* Any vacant land held in fee which is no longer needed shall be declared as surplus to the War Assets Administration for appropriate disposition.

§ 703.63 *Minority racial groups.* No provision contained in these §§ 703.51 to 703.66, inclusive, shall be construed or administered to require the sale or disposition of any housing occupied or assigned for occupancy by members of any minority racial group, in such a manner that such housing would not continue to be available for occupancy by members of such minority group.

§ 703.64 *Exceptions—(a) Prior commitments.* In any case where, prior to the effective date of these §§ 703.51 to 703.66, inclusive, the Public Housing Administration has entered into negotiations for the disposal of permanent war housing, and such negotiations may have resulted in a commitment to dispose of housing in a manner other than provided in these §§ 703.51 to 703.66, inclusive, such case shall be presented to the Administrator for determination whether there exists a commitment which would exempt the transaction from the provisions of these §§ 703.51 to 703.66, inclusive.

(b) *Waivers.* In any case where the Public Housing Administration believes that compliance with any provisions of these §§ 703.51 to 703.66, inclusive, would result in an exceptional and unreasonable hardship to any person or would be contrary to the public interest, the facts concerning such case shall be presented to the Administrator for determination as to whether such provisions should be modified or waived.

§ 703.65 *Definitions—(a) Permanent war housing.* As used in these §§ 703.51 to 703.66, inclusive, the term "permanent war housing" shall include (1) all housing acquired or constructed under the Lanham Act, as amended (54 Stat. 1125, as amended; 42 U. S. C. Sup. 1521), and Public Law 781, 76th Congress, as amended (54 Stat. 872, 883, as amended), except housing determined to be of a temporary character pursuant to section 313 of the Lanham Act (54 Stat. 1125, as amended by 57 Stat. 388; 42 U. S. C. Sup. 1553) and NHA General Order No. 21–29A (§§ 751.23 to 751.26, inclusive, 11 F. R. 177A–860, redesignated § 751.13, 12 F. R. 2088), and housing converted by the Home Owners' Loan Corporation and the Federal Public Housing Authority under the Homes Use Conversion Program, and (2) such housing acquired or constructed under Public Laws 9, 73 and 353, 77th Congress, (Temporary Shelter Acts), (55 Stat. 14, 198, 818), as is not declared to be of a temporary character pursuant to said NHA General Order No. 21–29A.

(b) *Veteran.* As used in these §§ 703.51 to 703.66, inclusive, the term "veteran" shall include (1) a person (or his family) who has served in the military or naval forces of the United States for any period of time on or after September 16, 1940, and prior to the termination of the present war and who has been discharged or released therefrom under conditions other than dishonorable, (2) a person (or his family) serving in the active military or naval forces of the United States, and (3) the family of a person who served in the military or naval forces of the United States on or after September 16, 1940, and prior to the termination of the present war and who died in service.

§ 703.66 *Savings clause.* Nothing in these §§ 703.51 to 703.66, inclusive, shall be construed to affect or impair any contract, remedy, right, or obligation which has accrued or will accrue by virtue of or pursuant to action previously taken under any regulation, order, operating instruction, or manual issuance in effect prior to these §§ 703.51 to 703.66, inclusive.

Issued this 27th day of August 1947.

[SEAL] RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 47–8019; Filed, Aug. 26, 1947; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 2, Order 9]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

NATIONAL AND REGIONAL VETERANS SET-ASIDE LISTS

Correction

In F. R. Document No. 47–7847 appearing in the issue for Wednesday, August 20, 1947, the following corrections are made to Exhibit B.

1. Zone IV is corrected as follows: In the first column on page 5593, "Denver Region No. 9" should be inserted immediately above the item "Motors: Electric, under 1 HP * * *".

2. Zone VI is corrected as follows:

a. In the third column on page 5594 "Salt Lake City Region No. 30" is inserted immediatley above the item "Compressors, air, single acting * * *".

b. In the first column on page 5596 "San Juan Puerto Rico Region No. 36" is inserted immediately above the item "Truck tractor * * *".

c. In the second column on page 5596 the heading "Honolulu, T. H. Region No. 35—Continued" should read "San Juan Puerto Rico Region No. 36—Continued".

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

NANTAHALA NATIONAL FOREST, N. C.

AGREEMENT OF TRANSFER OF CERTAIN LANDS FROM TENNESSEE VALLEY AUTHORITY TO FOREST SERVICE [1]

This agreement of transfer, made and entered into this 24th day of February 1947, by and between Tennessee Valley Authority, a corporation organized and existing under and by virtue of an Act of Congress known as the Tennessee Valley Authority Act of 1933, as amended (hereinafter called "Authority"), and United States Department of Agriculture, for the use and benefit of the Forest Service of the Department of Agriculture (hereinafter called "Department").

Witnesseth: Whereas, in carrying out its land acquisition program for its Fontana Project, the Authority, as agent of the United States of America, in order to provide reservoir protection, mitigate severance damages, and reduce road relocation costs, has acquired certain tracts of land above the area actually to be inundated by said projects; and

Whereas, certain of the lands so acquired by the Authority are located entirely within the boundaries of the Natahala National Forest as proclaimed by the President of the United States, and the Department is authorized and desires to obtain the right of possession, control, and custody of said lands and to administer the same as part of the national forest; and

Whereas, no permanent dam, hydroelectric power plant, fertilizer plant, or munitions plant is located on said lands, and the use and administration of said lands by Department as a part of said Forest, as herein provided, will be entirely consistent with the purposes for which said lands were acquired by the Authority;

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, the Authority and the Department, subject to the approval of the President of the United States, covenant and agree as follows:

1. Authority, subject to the conditions, exceptions, and reservations herein contained, hereby assigns and transfers to Department, for the use and benefit of the Forest Service, and for inclusion in the Nantahala National Forest, the right of possession and all other right, title or interest which the Authority may have in and to the following lands:

Approximately 5,803 acres of land situated on the south side of Fontana Reservoir in Graham and Swain Counties, North Carolina, said land being described in the schedule which is attached to and hereby made a part of this agreement as Appendix A, and being shown colored in purple cross-hatched yellow on Map 19 MS 453 K 505 R 3 attached and made a part of this agreement as Appendix B.[2]

2. In addition to the interests assigned and transferred under Section 1, the Authority shall and does hereby give and grant to the Department, its agents, servants, and invitees, the right of access to and use of all lands of the United States in the Authority's custody lying between the land covered by said Section 1 and the low-water mark on Fontana Lake, for the purpose of constructing and maintaining thereon boating and recreational facilities, piers, docks, and related equipment and of performing all other acts which may be reasonably necessary to the administration and use, as part of the Nantahala National Forest as herein provided, of the lands described in Section 1.

3. All of the interests and rights assigned, transferred, and granted by the Authority to the Department under Sections 1 and 2 hereof are assigned, transferred, and granted subject to the following rights, which are hereby expressly reserved to and retained by the Authority: (a) the unrestricted right in perpetuity to make whatever changes may be necessary or desirable in the facilities for the storage, use, or distribution of water and to construct, maintain, and operate such additional structures and facilities as it may deem necessary to carry out its program of flood control by water storage in the Little Tennessee River and its tributaries and Tuckaseegee River, navigation, and incidental power, as authorized by the Tennessee Valley Authority Act of 1933, as amended; (b) the right of ingress and egress at all times to and from any point in its reservoir; (c) the right to operate the reservoir and fluctuate the water level thereof at any time and to any height; (d) the right to enter upon any part of the above-described land and perform any acts which it may deem necessary for the furtherance of malaria control and shore line sanitation; (e) the right to maintain and operate any electric power transmission and distribution lines, telephone and telegraph lines, and other facilities now owned by it and located on the lands above-described, together with the right to construct, operate, and maintain such additional transmission, distribution, telephone and telegraph lines and other facilities on said lands as it may hereafter deem necessary. It is understood and agreed that any and all of the rights reserved to the Authority under this Section 3 may be exercised by the Authority directly or by and through agents and contractors, and that the Authority may grant to or permit the exercise by others of rights of the class or character described in Subsection (e) of this section. In its exercise of the rights reserved under this Section 3, the Authority shall give reasonable consideration to the programs of the Department.

4. The assignment and transfer to Department of the interests and rights referred to under Sections 1 and 2 hereof shall be effective so long as the lands referred to in Section 1 are administered and operated as part of the Nantahala National Forest; and in the event the land referred to in Section 1 shall at any time cease so to be administered then all interests and rights assigned, transferred, or granted by Authority to Department under this agreement shall automatically revert to the possession, custody, and control of the Authority, and the Department shall have no further interests or rights with respect to any of the Authority lands referred to under Sections 1 and 2 hereof. None of said lands referred to in Section 1 shall be resold or exchanged or opened to entry excepting as may be agreed upon by the parties hereto, but this provision shall not be construed to prohibit the harvesting and sale of products of the forest produced on said land.

5. It is the intention of Department in the development and operation of recreational facilities on these lands to give priority to those operations which provide service to the general public and to maintain appropriate sanitary standards thereon.

6. Authority in no way warrants the extent of its interests in the lands described in Section 1 hereof, or in the lands affected by the rights granted under Section 2 hereof; but any interest which may hereafter be acquired by Authority in and to said lands described in Section 1 hereof shall pass to Department subject to the terms and conditions hereof automatically and without the necessity of any new and separate transfers or assignments thereof.

7. Department will cooperate with the Authority, upon its request, in obtaining the transfer to the Authority of the possession and control of any lands administered by the Department within the boundaries of the Nantahala National Forest which, in the judgment of the Authority, are essential to its programs of navigation, flood control, or power.

8. Nothing contained in this agreement shall be construed to constitute a waiver of or a compliance with any of the provisions of Section 26a of the Tennessee Valley Authority Act of 1933, as amended, or to affect or limit in any way the powers and duties given to and imposed upon the Authority by said Section 26a.

In witness whereof, the parties hereto have caused this instrument to be ex-

[1] Affects tabulation in § 201.1.

[2] Filed as part of the original document.

ecuted by their duly authorized representatives, the day and year first above written.

[SEAL] TENNESSEE VALLEY AUTHORITY,
By GEORGE F. GANT,[1]
General Manager.
UNITED STATES DEPARTMENT OF AGRICULTURE,
By CHARLES F. BRANNAN,
Assistant Secretary of Agriculture.

Attest:

LEONA LEROY,
Assistant Secretary.

In accordance with and for the purposes of section 4 (k) of the Tennessee Valley Authority Act of 1933 (48 Stat. 58) as amended by Act of July 18, 1941 (55 Stat. 599), (16 U. S. C. sec. 831C (k) (1941), I hereby approve the transfer from the Tennessee Valley Authority to the U. S. Department of Agriculture (Forest Service) of the possession and control of the lands and rights, and interests in lands described and specified in sections 1 and 2 of the above and foregoing agreement; and by virtue of the power vested in me by section 24, chapter 561, of the Act of March 3, 1891 (26 Stat. 1095, 1103), as amended (16 U. S. C. 471), and by the Act of June 4, 1897 (30 Stat. 11, 34, 36) I do hereby proclaim that the lands described and specified in section 1 of said agreement are and shall be allocated to and included in and reserved as a part of the Nantahala National Forest as in said agreement provided; all subject, however, to the terms, conditions, exceptions and reservations set forth in said agreement.

HARRY S. TRUMAN,
President of the United States.

THE WHITE HOUSE,
March 20, 1947.

State of Tennessee
County of Knox

This is to certify that on the 24th day of February 1947, before me personally came George F. Gant, with whom I am personally acquainted, who, being by me duly sworn, says that he is the General Manager and that Leona LeRoy is the Assistant Secretary of the Tennessee Valley Authority, the corporation described in and which executed the foregoing instrument as the agent of the United States of America; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, that the name of the corporation was subscribed thereto by the said General Manager, and that the said General Manager and Assistant Secretary subscribed their names thereto, and said common seal was affixed, all by the order of the Board of Directors of said corporation; and that the said instrument is the act and deed of said corporation and the act and deed of the United States of America.

Witness my hand and official seal this 24th day of February 1947. My commission expires July 16, 1950. I hereby certify that I have qualified in Knox County as a Notary Public as provided in Chapter 193 Public Acts 1935.

[SEAL] KATHERINE H. AUTRY,
Notary Public.

[1] Beside the signature the original document bears the notation "BB Legal".

APPENDIX A

FONTANA RESERVOIR AREA

Land Proposed for Transfer to U. S. Department of Agriculture (Forest Service)

Tract 1

A tract of land lying in Stecoah and Yellow Creek Townships of Graham County and in Nantahala Township of Swain County, State of North Carolina, on the south and west shores of the Little Tennessee River Arm and on the west shore of the Nantahala River Arm of Fontana Lake, and extending from a line approximately ½ mile upstream along the Nantahala River from the confluence of the said rivers to a line approximately 2 miles upstream along the Little Tennessee River from the Fontana Dam, and more particularly described as follows:

Beginning at Corner 1, a point in the center of the Nantahala River, from which Corner 2, the coordinates of which are N. 622,762 and E. 639,000, in the USTVA Purchase Boundary bears S. 88°31' W., 347 ft., more or less.

From the initial point by bearings and distances,

S. 88°31' W., 347 ft., more or less, to Corner 2;

With the USTVA Purchase Boundary,

S. 88°31' W., 207 ft. to Corner 3, a black oak tree;
S. 55°36' W., 181 ft. to Corner 4, a red oak stump;
S. 43°01' W., 327 ft. to Corner 5, a 10 in. post oak tree;
N. 86°32' W., 182 ft. to Corner 6, a stake;
S. 53°08' W., 130 ft. to Corner 7, a stake;
S. 68°41' W., 239 ft. to Corner 8, a 5 in. white oak tree;
S. 87°22' W., 304 ft. to Corner 9, a 15 in. black oak tree;
N. 60°26' W., 274 ft. to Corner 10, a 14 in. pine tree;
N. 31°51' W., 413 ft. to Corner 11 in the center of Turkey Branch at a 14 in. ash tree, the coordinates of which are N. 622,733 and E. 637,153;

Easterly downstream with the meanders of the center line of the branch approximately 470 ft. to Corner 12 near an 8 in. popular tree;

N. 7°57' E., 358 ft. to Corner 13, a leaning 3 in. locust tree;
N. 31°39' W., 218 ft. to Corner 14, a post oak stump;
N. 72°32' E., 121 ft. to Corner 15, a 10 in. red oak tree;
S. 70°11' E., 253 ft. to Corner 16, a 4 in. pine tree;
N. 68°29' E., 141 ft. to Corner 17, a pine stump;
N. 50°41' E., 181 ft. to Corner 18, an iron pipe;
N. 54°21' E., 417 ft. to Corner 19, a 4 in. white oak tree;
N. 39°56' E., 77 ft. to Corner 20, a rock;
N. 17°00' W., 20 ft. to Corner 21 in the center of a road at or near the 1,710 ft. contour;

Westerly with the center of the road approximately along the following bearing and distance:

S. 70°55' W., 197 ft. to Corner 22;

Leaving the road,

N. 17°00' W., 20 ft. to Corner 23, an iron pipe;
N. 10°02' W., 739 ft. to Corner 24, a 2 in. sourwood tree;
N. 42°55' W., 175 ft. to Corner 25, an iron pipe;
N. 21°39' W., 197 ft. to Corner 26, a 14 in. red oak tree, the coordinates of which are N. 624,927 and E. 636,151;
N. 62°32' E., 141 ft. to Corner 27, a 14 in. red oak tree;
N. 18°13' E., 320 ft. to Corner 28, a 24 in. black oak tree;
N. 6°36' W., 217 ft. to Corner 29, an 8 in. white oak tree;
N. 12°49' E., 297 ft. to Corner 30, a 16 in. red oak tree;
N. 27°14' E., 76 ft. to Corner 31;
N. 9°50' W., 387 ft. to Corner 32, a 6 in. black oak tree;
N. 36°03' W., 141 ft. to Corner 33, a 6 in. spanish oak tree;
N. 77°30' W., 189 ft., crossing the 1,710 ft. contour at 120 ft., more or less, to Corner 34 in the center of a former road location below the normal operating level of Fontana Lake;
N. 7° E., with the center line of the former road location, 170 ft. to Corner 35 below the normal operating level of Fontana Lake;

Northerly along the meanders of the center line of the former location of the road approximately 475 ft. to Corner 36 in the center of the former channel of a branch below the normal operating level of Fontana Lake;

Northeasterly along the meanders of the center of the former channel of the branch approximately 160 ft. to Corner 37 below the normal operating level of Fontana Lake;

Leaving the former channel of the branch,

N. 83°36' W., 1,534 ft., crossing the 1,710 ft. contour at 240 ft., more or less, to Corner 38, an iron pipe, the coordinates of which are N. 627,279 and E. 636,574;
S. 5°54' E., 59 ft. to Corner 39, an iron pipe;
N. 75°56' W., 441 ft. to Corner 40, an iron pipe;
N. 40°29' W., 57 ft. to Corner 41, an iron pipe;
N. 69°38' W., 491 ft. to Corner 42, an iron pipe replacing a stake;
N. 47°52' W., 271 ft. to Corner 43, an iron pipe;
N. 1°17' E., 1,239 ft. to Corner 44, an iron pipe;
N. 89°09' W., 289 ft. to Corner 45, an iron pipe;
N. 10°35' W., 41 ft. to Corner 46, an iron pipe;
N. 2°52' W., 212 ft. to Corner 47, an iron pipe;
N. 4°55' W., 720 ft. to Corner 48 in the center of a branch;

Westerly upstream with the meanders of the center line of the branch approximately along the following bearings and distances:

S. 79°42' W., 481 ft.;
N. 87°02' W., 581 ft. to Corner 49;

Leaving the branch,

N. 71°20' W., 400 ft. to Corner 50;
N. 73°34' W., 191 ft. to Corner 51, a stake;
S. 36°15' W., 330 ft. to Corner 52, a stake, the coordinates of which are N. 629,796 and E. 633,303;
N. 1°31' E., 264 ft. to Corner 53;
N. 45°19' W., 626 ft. to Corner 54 at the top of a ridge and on the Graham-Swain County Line;

Northerly with the meanders of the top of the ridge along the Graham-Swain County Line approximately 2,800 ft. to Corner 55, a 6 in. sourwood tree;

N. 40°08' E., 92 ft. to Corner 56;
S. 88°40' E., 172 ft. to Corner 57, a 4 in. white oak tree;
N. 17°15' E., 337 ft. to Corner 58, a stake, the coordinates of which are N. 633,213 and E. 633,922, at the top of a ridge;

Northerly with the meanders of the top of the ridge approximately 625 ft. to Corner 59, a stake;

Leaving the Graham-Swain County Line,

N. 85°40' W., 1853 ft. to Corner 60, a stake, the coordinates of which are N. 633,911 and E. 632,205;
N. 5°38' E., 708 ft., passing a stake at 167 ft., to Corner 61;
N. 79°35' W., approximately 2,530 ft. to Corner 62, a pipe in the 1,722.63 ft. contour on the east bank of an unnamed tributary to Flat Branch;

Southerly with the meanders of the contour approximately 290 ft. to Corner 63;

S. 4°24' E., 39 ft. to Corner 64, a stake;
N. 85°15' W., 16 ft. to Corner 65 in the 1,722.63 ft. contour on the east bank of an unnamed tributary to Flat Branch;

With the meanders of the contour southerly along the east bank and subsequently northerly along the west bank of the said tributary a total distance of approximately 85 ft. to Corner 66, a pipe, from which Corner 65 bears S. 85°15' E., 27 ft.;

N. 85°15' W., 1,721 ft. to Corner 67, an iron pipe in the 1,722.63 ft. contour on the east bank of an unnamed tributary to Flat Branch;

With the meanders of the contour southerly along the east bank of the tributary and subsequently northwesterly along the west bank of the said tributary a total distance of approximately 880 ft. to Corner 68, an iron pipe, from which Corner 67 bears S. 84°14' E., 186 ft.;

N. 84°14' W., 113 ft. to Corner 69, a chestnut stump;
S. 6°49' W., 301 ft. to Corner 70, a black oak tree;
N. 86°19' W., 1,365 ft., passing a stake at the top of a ridge at 752 ft., to Corner 71, an iron pipe in the 1,722.63 ft. contour on the east bank of an unnamed tributary to Sawmill Branch;

With the meanders of the contour southerly along the east bank of the tributary and subsequently northwesterly along the west bank of the tributary a total distance of approximately 2,690 ft. to Corner 72, an iron pipe, the coordinates of which are N. 634,780 and E. 625,615, from which Corner 71 bears S. 86°27' E., 677 ft.;

N. 85°40' W., 132 ft. to Corner 73, a stake;
S. 10°58' W., 873 ft., crossing the top of a ridge at 523 ft., to Corner 74;
S. 82°41' E., 746 ft. to Corner 75;
S. 4°36' W., 1,631 ft. to Corner 76, an 8 in. pine tree at the top of a ridge;

Northwesterly with the meanders of the top of the ridge approximately 2,750 ft. to Corner 77, the coordinates of which are N. 633,745 and E. 624,190;

N. 0°28' E., 742 ft., crossing the 1,710 ft. contour at approximately 475 ft., to Corner 78 below the normal operating level of Fontana Lake;
N. 22°07' E., 693 ft., crossing the 1,710 ft. contour at approximately 150 ft., to Corner 79, a 6 in. black oak tree;
N. 15°23' W., 735 ft., crossing the 1,710 ft. contour on the right bank of Sawmill Branch at approximately 210 ft. and the 1,710 ft. contour on the left bank of the branch at approximately 580 ft., to Corner 80, a 6 in. pine tree at the top of a ridge;

Westerly with the meanders of the top of the ridge approximately 1,660 ft. to Corner 81, an 8 in. pine tree, the coordinates of which are N. 635,637 and E. 622,761;

S. 55°48' W., 283 ft. to Corner 82, a stake;
N. 60°02' W., 220 ft. to Corner 83 in the 1,722.63 ft. contour on the right bank of the Panther Creek Embayment of Fontana Lake;

Southerly with the meanders of the contour approximately 2,130 ft. to Corner 84;

N. 83°44' W., 75 ft., crossing the 1,710 ft. contour on the right bank of the Panther Creek Embayment at approximately 30 ft., to Corner 85, below the normal operating level of Fontana Lake;

S. 8°21' W., 110 ft. to Corner 86 below the normal operating level of Fontana Lake;
S. 66°36' W., 340 ft. to Corner 87 below the normal operating level of Fontana Lake;
S. 7°02' W., 515 ft. to Corner 88, an iron pipe below the normal operating level of Fontana Lake;
S. 9°16' W., 515 ft., crossing the 1,710 ft. contour on the left bank of the Panther Creek Embayment at approximately 200 ft., to Corner 89, a double maple tree, the coordinates of which are N. 633,000 and E. 621,043;
S. 8°56' W., 417 ft. to Corner 90;
S. 51°30' W., 461 ft., passing a 15 in. white oak tree at 89 ft. and crossing the 1,710 ft. contour on the right bank of Tobacco Branch at approximately 150 ft. and the 1,710 ft. contour on the left bank of the branch at approximately 360 ft., to Corner 91, a 3 in. hickory tree;
S. 51°49' W., 817 ft. to Corner 92, a post;
N. 5°13' E., 594 ft., crossing the 1,710 ft. contour on the right bank of Wolf Creek at approximately 575 ft., to Corner 93, an iron pipe below the normal operating level of Fontana Lake;
N. 4°08' E., 430 ft. to Corner 93A below the normal operating level of Fontana Lake;
N. 9°36' E., 1,054 ft., crossing the 1,710 ft. contour on the left bank of Wolf Creek at approximately 70 ft. and passing a stake at 749 ft., to Corner 94, a stake;
S. 50°42' W., 1,628 ft. to Corner 95, a 30 in. white oak tree, the coordinates of which are N. 632,825 and E. 618,975;
N. 13°13' W., 2,625 ft. to Corner 96;
N. 52°01' E., 1,448 ft. to Corner 97, a stone;
S. 81°14' E., 471 ft. to Corner 98;
N. 27°15' W., 892 ft. to Corner 99;
N. 56°06' E., 3,047 ft. to Corner 100, an iron pipe in the 1,722.63 ft. contour on the west shore of an embayment of Fontana Lake;

With the meanders of the contour northwesterly, easterly, northerly, northeasterly and subsequently in a general southeasterly direction a total distance of approximately 4,110 ft. to Corner 101, an iron pipe, the coordinates of which are N. 639,390 and E. 622,485;

N. 35°04' W., 322 ft. to Corner 102;
S. 65°40' E., 308 ft. to Corner 103, an iron pipe, the coordinates of which are N. 639,527 and E. 622,581, in the 1,722.63 ft. contour on the left bank of Loving Branch;

Northerly with the meanders of the contour approximately 2,300 ft. to Corner 104, an iron pipe;

N. 37°17' W., 2,034 ft. to Corner 105, a stake;
N. 24°03' E., 2,369 ft. to Corner 106;
S. 37°17' E., 2,419 ft. to Corner 107, a stone, the coordinates of which are N. 642,608 and E. 623,695;
S. 24°03' W., 2,196 ft. to Corner 108, an iron pipe in the 1,722.63 ft. contour on the north shore of the Panther Creek Embayment of Fontana Lake;

With the meanders of the contour downstream along the shores of the embayment and Fontana Lake approximately 6 mi. to Corner 109, an iron pipe;

S. 0°47' W., 165 ft. to Corner 110, an iron pipe, the coordinates of which are N. 644,494 and E. 617,483;
S. 27°46' W., 69 ft. to Corner 111, an iron pipe in the 1,722.63 ft. contour on the east shore of Fontana Lake;

With the meanders of the contour in a southerly direction along the east shore of Fontana Lake, then in an easterly direction along the north shore of the Pendleton Creek Embayment and subsequently in a southwesterly direction along the south shore of the embayment, a total distance of approximately 2¼ mi. to Corner 112, an iron pipe;

S. 56°39' E., 620 ft. to Corner 113;
S. 56°35' W., 468 ft. to Corner 114;
N. 86°38' W., 902 ft. to Corner 115, the coordinates of which are N. 642,078 and E. 617,399;
S. 6°41' E., 900 ft. to Corner 116;
S. 56°17' W., 1,595 ft. to Corner 117;
S. 50°28' W., 541 ft. to Corner 118, an iron pin;
N. 88°43' W., 190 ft. to Corner 119, the coordinates of which are N. 639,958 and E. 615,570;
S. 15°31' W., 908 ft. to Corner 120;
S. 72°00' W., 1,643 ft. to Corner 121;
S. 24°42' W., 220 ft. to Corner 122;
N. 81°28' W., 3,505 ft. to Corner 123;
N. 80°50' W., 795 ft. to Corner 124, in the 1,722.63 ft. contour on the right shore of the Laurel Branch Inlet of the Stecoah Creek Embayment of Fontana Lake;

With the meanders of the contour southeasterly along the east shore of the inlet, then northwesterly along the west shore of the inlet, then westerly along the south shore, then southerly along the east shore of the Stecoah Creek Embayment, then northerly along the west shore of the embayment, then westerly along the south shore and subsequently in a southerly direction along the east shore of the Sawyer or West Stecoah Creek Embayment a total distance of approximately 2¼ mi. to Corner 125, a 14 in. chestnut tree;

S. 82°54' W., 226 ft., crossing the 1,710 ft. contour on the east shore of the Sawyer or West Stecoah Creek Embayment at approximately 25 ft. and the 1,710 ft. contour on the west shore of the embayment at approximately 210 ft., to Corner 126, an iron pipe in the 1,722.63 ft. contour;

With the meanders of the contour in a northwesterly direction along the west shore of the Sawyer or West Stecoah Creek Embayment and subsequently in a northeasterly direction along the north shore of the Sawyer or West Stecoah Creek and Stecoah Creek Embayment approximately 1 mi. to Corner 127, a 30 in. white oak tree, the coordinates of which are N. 640,101 and E. 607,956;

N. 9°21' E., 338 ft. to Corner 128;
N. 7°17' E., 450 ft. to Corner 129, an 18 in. black oak tree;
S. 85°13' E., 817 ft. to Corner 130;
N. 7°01' E., 1,138 ft. to Corner 131;
S. 80°02' E., 953 ft. to Corner 132;
S. 85°55' E., 267 ft. to Corner 133, an iron pin in the 1,722.63 ft. contour on the west shore of the Stecoah Creek Embayment;

Northerly with the meanders of the contour approximately 30 ft. to Corner 134, an iron pin;

N. 28°46' E., 176 ft. to Corner 135, an iron pin in the 1,722.63 ft. contour on the west shore of the Stecoah Creek Embaybent;

With the meanders of the contour northwesterly, then easterly, then northerly and subsequently southeasterly a total distance of approximately 3,200 ft. to Corner 136, an iron pipe, the coordinates of which are N. 642,838 and E. 611,735;

N. 5°07' W., 293 ft., more or less, to Corner 137, an iron pin in the 1,722.63 ft. contour on the south shore of Fontana Lake;

Northwesterly with the meanders of the contour approximately 1,820 ft. to Corner 138, an iron pipe, the coordinates of which are N. 644,050 and E. 610,221;

Northwesterly with the meanders of the contour approximately ⅞ mi. to Corner 139;

N. 67°56' W., 623 ft., more or less, to Corner 140;
S. 27°28' W., 300 ft. to Corner 141, an iron pipe, the coordinates of which are N. 645,729 and E. 606,346;
S. 29°15' W., 141 ft. to Corner 142;
S. 72°42' E., 64 ft. to Corner 143, an iron pipe;
S. 72°34' E., 720 ft. to Corner 144, an iron pipe;
S. 37°37' W., 267 ft. to Corner 145, an iron pipe;
N. 63°24' W., 598 ft. to Corner 146, an iron pipe at a 4 in. white oak tree;
N. 64°37' W., 734 ft. to Corner 147, an iron pipe;
S. 53°19' W., 143 ft. to Corner 148, an iron pipe;
S. 20°51' E., 275 ft. to Corner 149, an iron pipe;
S. 12°51' E., 129 ft. to Corner 150, an iron pipe;
S. 62°43' E., 233 ft. to Corner 151, an iron pipe;
S. 23°28' E., 288 ft. to Corner 152, an iron pipe;
N. 83°19' E., 210 ft. to Corner 153, an iron pipe;
S. 74°33' E., 92 ft. to Corner 154, an iron pipe;
S. 22°08' E., 85 ft. to Corner 155, an iron pipe;
S. 11°44' W., 294 ft. to Corner 156, the coordinates of which are N. 644,533 and E. 606,271;
S. 87°17' W., 224 ft. to Corner 157, an iron pipe;

N. 84°19' W., 249 ft. to Corner 158, an iron pipe;
S. 86°38' W., 110 ft. to Corner 159, an iron pipe;
N. 78°10' W., 187 ft. to Corner 160, an iron pipe;
S. 87°35' W., 194 ft. to Corner 161, a 10 in. spanish oak tree;
S. 31°11' W., 871 ft. to Corner 162, a 12 in. chestnut stump;
S. 30°46' E., 339 ft. to Corner 163, a pipe at a 13 in. spanish oak tree;
N. 62°42' W., 1,898 ft., crossing the 1,710 ft. contour on the east shore of the Tuskeegee Creek Embayment at approximately 830 ft. and the 1,710 ft. contour on the west shore of the embayment at approximately 1,400 ft., to Corner 164, an iron pipe;
N. 18°50' E., 1,267 ft., crossing the 1,710 ft. contour at approximately 480 ft., to Corner 165 below the normal operating level of Fontana Lake;
N. 69°53' W., 2,058 ft., crossing the 1,710 ft. contour at approximately 675 ft., to Corner 166, an iron pipe, the coordinates of which are N. 646,312 and E. 601,824;
N. 68°23' W., 800 ft. to Corner 167;
S. 83°25' W., 738 ft., crossing the 1,710 ft. contour on the east shore of the Hyde Branch Inlet at approximately 130 ft. and crossing the 1,710 ft. contour on the west shore of the inlet at approximately 340 ft., to Corner 168, an 18 in. hickory tree;
S. 30°16' W., 353 ft. to Corner 169, a 30 in. black oak tree, the coordinates of which are N. 646,218 and E. 600,169, at the top of a ridge;
Northwesterly with the meanders of the top of the ridge approximately 900 ft. to Corner 170, a stake in a pine stump;
N. 85°04' W., 1,246 ft., crossing the 1,710 ft. contour at approximately 320, 430, 970 and 1,070 ft., to Corner 171, an iron pipe;
S. 37°32' W., 1,764 ft., crossing the 1,710 ft. contour on the southeast shore of the Yellow Branch Inlet at approximately 100, 420, 1,060, 1,230, and 1,720 ft., to Corner 172 below the normal operating level of Fontana Lake;
N. 44°43' W., 283 ft. to Corner 173 below the normal operating level of Fontana Lake;
S. 16°52' W., 103 ft. to Corner 174 below the normal operating level of Fontana Lake;
S. 82°24' W., 45 ft. to Corner 175 below the normal operating level of Fontana Lake;
N. 19°00' W., with the meanders of the top of a ridge, 990 ft., crossing the 1,710 ft. contour at approximately 140 ft., to Corner 176, a 10 in. black oak tree, the coordinates of which are N. 646,461 and E. 596,546, at the top of a ridge;
With the meanders of the top of the ridge N. 40°36' W., 498 ft. to Corner 177, an 18 in. spanish oak tree;
S. 85°35' W., 299 ft., passing a 14 in. spanish oak tree at 59 ft., to Corner 178, an 8 in. spanish oak tree;
N. 48°27' W., 188 ft. to Corner 179, an oak stump, the coordinates of which are N. 646,941 and E. 595,783;
N. 70°13' E., 1387 ft. to Corner 180, an iron pipe in the 1,722.63 ft. contour on the south shore of Fontana Lake;
Westerly with the meanders of the contour approximately 1,200 ft. to Corner 181, an iron pipe;
S. 42°15' W., 949 ft. to Corner 182, an iron pipe at a 16 in. spanish oak stump;
N. 20°35' W., 100 ft. to Corner 183, an iron pipe at a 15 in. spanish oak stump;
S. 44°47' W., 732 ft. to Corner 184, a stake;
N. 41°34' W., 1,332 ft. to Corner 185, an iron pipe in the 1,722.63 ft. contour on the east shore of the Shoal Branch Inlet;
With the meanders of the contour in a southerly direction along the east shore of the inlet and subsequently in a northerly direction along the west shore of the inlet, a total distance of approximately 1,150 ft. to Corner 186;
S. 63°27' W., 1,003 ft. to Corner 187, a 12 in. locust tree;
S. 32°07' W., 279 ft. to Corner 188, an iron pipe;
S. 31°33' E., 178 ft. to Corner 189, an iron pipe;
S. 9°35' E., 515 ft. to Corner 190, an iron pipe;
S. 24°10' W., 159 ft. to Corner 191, an iron pipe;
S. 62°20' W., 125 ft. to Corner 192, an iron pipe;
S. 35°04' W., 481 ft. to Corner 193, an iron pipe;
S. 3°14' E., 199 ft. to Corner 194, an iron pipe;
S. 34°12' E., 295 ft. to Corner 195, an iron pipe;
S. 9°45' W., 185 ft. to Corner 196, an iron pipe;
S. 35°40' E., 105 ft. to Corner 197, an iron pipe;
S. 43°05' W., 230 ft. to Corner 198, an iron pipe;
S. 73°49' W., 193 ft. to Corner 199, an iron pipe;
S. 38°04' W., 178 ft. to Corner 200, an iron pipe;
S. 76°30' W., 195 ft. to Corner 201, an iron pipe;
S. 38°02' W., 200 ft. to Corner 202, an iron pipe;
S. 80°50' W., 306 ft. to Corner 203, an iron pipe;
S. 57°02' W., 77 ft. to Corner 204, an iron pipe;
S. 73°18' W., 156 ft. to Corner 205, an iron pipe;
S. 47°25' W., 90 ft. to Corner 206, an iron pipe, the coordinates of which are N. 644.111 and E. 591,784;
N. 4°26' E., 620 ft. to Corner 207, a black oak tree;
N. 81°19' W., 1,078 ft., crossing the top of a ridge at 872 ft., to Corner 208, an 8 in. white oak tree;
S. 3°20' W., 1,941 ft. to Corner 209, a 36 in. chestnut snag, the coordinates of which are N. 642,954 and E. 590,653;
S. 80°15' E., 390 ft. to Corner 210 at the top of the ridge on the east side of Poison Branch Cove;
Southerly with the meanders of the top of the ridge approximately along the following bearings and distances:
S. 5°03' E., 60 ft.;
S. 45°57' E., 98 ft.;
S. 4°06' E., 109 ft.;
S. 1°40' E., 191 ft.;
S. 24°52' W., 162 ft.;
S. 36°35' W., 125 ft.;
S. 4°46' W., 211 ft.;
S. 18°32' W., 190 ft.;
S. 43°16' W., 149 ft.;
S. 32°10' W., 160 ft. to Corner 211;
Leaving the ridge,
N. 79°45' W., 306 ft. to Corner 212;
S. 2°23' W., 536 ft., passing a 14 in. hickory tree at 125 ft., to Corner 213, a 15 in. chestnut oak tree;
S. 1°03' W., 35 ft. to Corner 214, at the top of the ridge on the south side of Poison Branch Cove;
Westerly with the meanders of the top of the ridge approximately along the following bearings and distances:
S. 42°34' W., 209 ft.;
S. 64°01' W., 90 ft.;
N. 57°30' W., 93 ft.;
N. 69°35' W., 123 ft.;
N. 88°16' W., 301 ft.;
N. 62°48' W., 118 ft.;
S. 77°17' W., 180 ft.;
N. 74°08' W., 196 ft.;
S. 81°20' W., 155 ft.;
N. 77°01' W., 104 ft. to Corner 215, from which a 15 in. oak tree bears N. 1°32' E., 6 ft.;
Northwesterly with the meanders of the top of the ridge approximately along the following bearings and distances:
N. 86°38' W., 128 ft.;
N. 61°55' W., 244 ft.;
N. 72°58' W., 177 ft.;
N. 45°20' W., 92 ft.;
N. 62°40' W., 155 ft.;
N. 39°25' W., 69 ft.;
N. 76°39' W., 127 ft.;
N. 51°22' W., 123 ft.;
N. 50°02' W., 125 ft.;
N. 77°47' W., 218 ft.;
N. 81°46' W., 87 ft. to Corner 216;
With the boundary of the land of the United States of America under the jurisdiction of the Forest Service,
N. 2°48' W., 335 ft. to Corner 217 at the top of the ridge on the west side of Poison Branch Cove, from which a chestnut stump bears S. 83°07' E., 31 ft.;
Northerly with the meanders of the top of the ridge approximately along the following bearings and distances:
N. 2°48' W., 29 ft.;
N. 8°26' E., 105 ft.;
N. 12°11' E., 185 ft.;
N. 8°14' E., 194 ft.;
N. 0°21' W., 70 ft.;
N. 38°38' E., 72 ft.;
N. 0°55' E., 126 ft.;
N. 17°17' W., 139 ft.;
N. 20°02' W., 189 ft.;
N. 30°50' E., 72 ft. to Corner 218, USFS Monument 12, the coordinates of which are N. 643,109 and E. 587,614;
Leaving the ridge,
N. 28°08' W., 575 ft. to Corner 219,
S. 69°54' W., 1,820 ft., crossing Perry Branch at approximately 1,280 ft., to Corner 219A;
N. 4°00' E., 609 ft. to Corner 220, a locust post, the coordinates of which are N. 643,598 and E. 585,676;
S. 52°50' W., 2,922 ft. to Corner 221;
N. 11°48' W., 736 ft. to Corner 222, a stone;
S. 32°54' W., 198 ft. to Corner 223, a locust post, the coordinates of which are N. 642,386 and E. 583,090;
N. 37°36' W., 1,523 ft., crossing Powell Branch at 840 ft., to Corner 224 in the center of an unnamed tributary to Cable Cove Branch;
N. 19°04' E., 826 ft. to Corner 225, a forked 22 in. maple tree;
N. 70°48' W., 1,512 ft. to Corner 226, a 26 in. spanish oak tree;
N. 32°19' E., 1,020 ft. to Corner 227, a stone;
S. 84°49' W., 422 ft. to Corner 228 at the top of the divide between Cable Cove and Rattlesnake Branches;
Leaving the boundary of the land of the United States of America under the jurisdiction of the Forest Service,
Northerly with the meanders of the top of the divide approximately 4,340 ft. to Corner 229, the coordinates of which are N. 649,128 and E. 581,624;
S. 86°37' W., 90 ft. to Corner 230 in the 1,722.63 ft. contour on the south shore of Fontana Lake;
With the meanders of the contour westerly along the south shore of Fontana Lake, southerly along the east shore of the Rattlesnake Branch Inlet, northerly along the west shore of the inlet, westerly along the south shore of an unnamed tributary of Rattlesnake Branch and subsequently northerly along the west shore of the said unnamed tributary a total distance of approximately 2,410 ft. to Corner 231, the coordinates of which are N. 649,050 and E. 580,093;
N. 83°08' W., 580 ft., more or less, to Corner 232, an iron pipe in the 1,722.63 ft. contour on the southeast shore of an inlet of Fontana Lake;
Westerly with the meanders of the contour approximately 2,200 ft. to Corner 233 on the northwest shore of the Persimmon Branch Inlet, from which Corner 232 bears S. 83°28' E., 1,450 ft., more or less;
N. 83°28' W., 345 ft. to Corner 233A;
N. 4°44' E., 54 ft. to Corner 234;

N. 5°08' E., 359 ft. to Corner 235 an iron pipe in the 1,722.63 ft. contour on the south shore of Fontana Lake;
Westerly with the meanders of the contour approximately 650 ft. to Corner 236, an iron pipe, the coordinates of which are N. 649,896 and E. 577,158;
Leaving the US TVA Purchase Boundary,
N. 45°39' E., approximately 1,150 ft., crossing the 1,710 ft. contour at approximately 25 ft., to Corner 237 in the center of the Little Tennessee River as located before the construction of the Fontana Dam;
Easterly upstream with the meanders of the center line of the river to Corner 238 at the confluence of the Little Tennessee and Nantahala Rivers as located before the construction of the Fontana Dam;
Southerly upstream with the meanders of the center line of the Nantahala River to Corner 1, the place of beginning.
Except, therefrom, the following:
1. All land lying below an elevation of 1,710 ft. above mean sea level;
2. Approximately 0.6 acre owned by the J. W. Cooper Heirs et al., lying within the boundaries of the tract herein described, approximately 1⅜ mi. north of Corner 59 on the Graham-Swain County Line, and more particularly described as follows:
Beginning at Corner 239, an iron pipe.
From the initial point by bearings and distances,
S. 9°41' W., 208 ft. to Corner 240, a stake;
S. 74°03' W., 218 ft. to Corner 241, an iron pipe;
N. 5°12' E., 55 ft. to Corner 242, an iron pipe;
N. 48°49' E., 319 ft. to Corner 239, the place of beginning.
3. Approximately 0.6 acre owned by the State of North Carolina, lying within the boundaries of the tract herein described, approximately 1¼ mi. north of Corner 59 on the Graham-Swain County Line, and more particularly described as follows:
Beginning at Corner 243, a stake.
From the initial point by bearings and distances,
N. 43°55' E., 187 ft. to Corner 244;
N. 65°41' E., 148 ft. to Corner 245;
S. 31°32' W., 382 ft. to Corner 246;
N. 26°24' W., 145 ft. to Corner 243, the place of beginning.
4. Approximately 1.9 acres owned by the Sam V. Welch Heirs, lying within the boundaries of the tract herein described, approximately 1¼ mi. north of Corner 59 on the Graham-Swain County Line, and more particularly described as follows:
Beginning at Corner 243.
From the initial point by bearings and distances,
S. 88°56' W., 95 ft. to Corner 247 at the top of a ridge;
N. 2°56' E., 335 ft. to Corner 248;
N. 69°56' E., 400 ft. to Corner 249, an iron pipe;
S. 32°22' W., 557 ft. to Corner 243, the place of beginning.
5. Approximately 0.01 acre owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described, northwest of the Panther Creek Embayment, and more particularly described as follows:
To locate the point of beginning, commence at Corner 98.
From the point of commencing by bearings and distances,
S. 81°14' E., 1,114 ft. to a stake;
S. 14°06' W., 325 ft. to Corner 250, a stake, the said stake being the Point of Beginning;
N. 41°10' E., 71 ft., more or less, to Corner 251, an iron pipe in the 1,722.63 ft. contour on the northwest bank of an unnamed tributary to Panther Creek;
Southwesterly with the meanders of the contour approximately 120 ft. to Corner 252, an iron pipe;
N. 14°06' E., 41 ft., more or less, to Corner 250, the place of beginning.
6. Approximately 0.04 acre owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described, northwest of the Panther Creek Embayment, and more particularly described as follows:
Beginning at Corner 253, an iron pipe, the coordinates of which are N. 636,215 and E. 621,444, in the 1,722.63 ft. contour on the northwest bank of the unnamed tributary to Panther Creek, from which Corner 251 bears S. 41°10' W., 595 ft.
From the initial point by bearings and distances,
N. 40°19' E., 130 ft. to Corner 254, a stake;
S. 7°16' W., 47 ft. to Corner 255, an iron pipe in the 1,722.63 ft. contour;
Southwesterly with the meanders of the contour approximately 95 ft. to Corner 253, the place of beginning.
7. Approximately 17.2 acres owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described on the west shore of the Panther Creek Embayment, and more particularly described as follows:
Beginning at Corner 256, an iron pipe in the 1,722.63 ft. contour on the south bank of the unnamed tributary to Panther Creek, from which Corner 252 bears N. 14°06' E., 66 ft., more or less.
From the initial point,
Northeasterly with the meanders of the contour approximately 575 ft. to Corner 257, from which Corner 255 bears N. 8°28' E., 394 ft.;
Leaving the contour, by bearings and distances,
S. 6°07' W., 413 ft. to Corner 258, a pine stump;
S. 10°35' W., 637 ft. to Corner 259, an iron pipe in the 1,722.63 ft. contour on the west shore of the Panther Creek Embayment;
Southerly with the meanders of the contour approximately 620 ft. to Corner 260, an iron pin;
Leaving the contour, by bearings and distances,
S. 76°01' W., 513 ft. to Corner 261, a chestnut stump;
N. 14°06' E., 1,510 ft. to Corner 256, the place of beginning.
8. Approximately 0.01 acre owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described, on the south shore of the Loving Branch Embayment, and more particularly described as follows:
Beginning at Corner 262, an iron pipe, in the 1,722.63 ft. contour on the southeast shore of the Loving Branch Embayment, from which Corner 101 bears N. 35°04' W., 359 ft.
From the initial point by bearings and distances,
S. 35°04' E., 8 ft. to Corner 263, a stake;
S. 56°06' W., 79 ft. to Corner 264, an iron pipe in the 1,722.63 ft. contour;
Northeasterly with the meanders of the contour approximately 80 ft. to Corner 262, the place of beginning.
9. Approximately 3.4 acres owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described between the Loving Branch and Panther Creek Embayments, and more particularly described as follows:
Beginning at Corner 265, an iron pipe in the 1,722.63 ft. contour on the east shore of the Loving Branch Embayment, from which Corner 103 bears N. 65°40' W., 448 ft.
From the initial point,
Northeasterly with the meanders of the contour approximately 1,130 ft. to Corner 266, an iron pipe, the coordinates of which are N. 639,750 and E. 623,689;
Leaving the contour, by bearings and distances,
S. 24°33' W., 660 ft. to Corner 267, a stake;
N. 65°40' W., 467 ft. to Corner 265, the place of beginning.
10. Approximately 17.1 acres owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described on the south shore of the Panther Creek Embayment, and more particularly described as follows:
Beginning at Corner 268, an iron pipe, the coordinates of which are N. 640,458 and E. 626,618, in the 1,722.63 ft. contour on the south shore of the Panther Creek Embayment.
From the initial point by bearings and distances,
S. 62°30' W., 654 ft. to Corner 269, an 18 in. pine stump;
S. 61°20' W., 440 ft. to Corner 270, a 14 in. pine stump;
S. 53°10' W., 582 ft. to Corner 271, a stake;
N. 50°50' W., 348 ft. to Corner 272, a 12 in. red oak tree on the 1,722.63 ft. contour;
With the meanders of the contour in a general northeasterly direction approximately 2,530 ft. to Corner 268, the place of beginning.
11. Approximately 12.8 acres owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described approximately ½ mi. north of the course from Corner 122 to Corner 123 and more particularly described as follows:
Beginning at Corner 273, an iron pipe, the coordinates of which are N. 641,638 and E. 612,870, on the south shore of the Stecoah Creek Embayment.
From the initial point by bearings and distances,
S. 13°00' E., 453 ft. to Corner 274, an iron pin;
S. 84°08' E., 1,036 ft. to Corner 275, a stake;
N. 14°12' W., 100 ft., more or less, to Corner 276, an iron pin in the 1,722.63 ft. contour;
Westerly then northerly with the meanders of the contour approximately 440 ft. to Corner 277, an iron pin, from which Corner 276 bears S. 14°12' E., 265 ft., more or less;
N. 14°12' W., 205 ft., more or less, to Corner 278, an iron pin, the coordinates of which are N. 641,664 and E. 613,858, in the 1,722.63 ft. contour;
With the meanders of the contour westerly, northerly and subsequently southwesterly a total distance of approximately 2,340 ft. to Corner 273, the place of beginning.
12. Approximately 3.9 acres owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described on the east shore of the Laurel Branch Inlet, and more particularly described as follows:
Beginning at Corner 279, an iron pipe, the coordinates of which are N. 639,759 and E. 609,110, in the 1,722.63 ft. contour on the east shore of the Laurel Branch Inlet.
From the initial point by bearings and distances,
S. 87°10' E., 364 ft. to Corner 280;
S. 7°49' W., 691 ft. to Corner 281 in the 1,722.63 ft. contour;
Northwesterly with the meanders of the contour approximately 790 ft. to Corner 279, the place of beginning.
13. Approximately 0.02 acre owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described on the south shore of Fontana Lake immediately west of the Yellow Branch Embayment, and more particularly described as follows:
Beginning at Corner 282 in the 1,722.63 ft. contour on the south shore of the lake, from which Corner 180 bears S. 70°13' W., 360 ft., more or less.
From the initial point,
Northeasterly with the meanders of the contour approximately 70 ft. to Corner 283;
Leaving the contour, by bearings and distances,
S. 23°19' E., 25 ft. to Corner 284;
S. 70°13' W., 50 ft., more or less, to Corner 282, the place of beginning.

14. Approximately 14.5 acres owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described, on the east side of the divide between Cable Cove Branch and Poison Branch approximately ½ mile north of Corner 218, and more particularly described as follows:

Beginning at Corner 285 on the top of the divide between Cable Cove Branch and Poison Branch, from which a 14 in. Spanish oak tree, the coordinates of which are N. 645,280 and E. 588,280, bears N. 80°13' W., 259 ft.

From the initial point,

With the meanders of the top of the divide along the following bearings and distances:

N. 25°24' E., 125 ft.;
N. 48°40' E., 275 ft.;
N. 11°37' E., 86 ft.;
N. 48°08' E., 372 ft.;
N. 59°45' E., 269 ft.;
N. 39°09' E., 212 ft.;
N. 60°28' E., 236 ft.;
N. 44°32' E., 70 ft. to Corner 286;

Leaving the top of the divide, by bearings and distances,

S. 14°31' W., 1,279 ft. to Corner 287;
N. 80°13' W., 868 ft. to Corner 285, the place of beginning.

15. Approximately 0.5 acre owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described, on the east side of the divide between Cable Cove Branch and Poison Branch approximately ¼ mile north of Corner 218, and more particularly described as follows:

Beginning at Corner 288, a stake, the coordinates of which are N. 644,327 and E. 588,115, on the east side of the divide.

From the initial point, by bearing and distance,

N. 73°00' W., 197 ft. to Corner 289 on the top of the divide;

With the meanders of the top of the divide along the following bearings and distances:

N. 63°42' E., 92 ft.;
N. 39°13' E., 245 ft. to Corner 290;

Leaving the top of the divide, by bearing and distance,

S. 9°47' W., 293 ft. to Corner 288, the place of beginning.

16. Approximately 0.2 acre contained within the boundaries of the Cable Cove Cemetery, more particularly described as follows:

Beginning at Corner 291, a fence corner at the most southerly corner of the Cable Cove Cemetery.

From the initial point with a fence line along the following approximate bearings and distances:

N. 45° W., 55 ft. to Corner 292;
N. 37° E., 128 ft. to Corner 293;
S. 50° E., 58 ft. to Corner 294;
S. 38° W., 132 ft. to Corner 291, the place of beginning.

The tract as described contains approximately 5,720 acres. Included within the tract as described but expressly excepted and excluded from the transfer are any land and land rights to be conveyed to the Southern Railway Company under an agreement dated June 17, 1943, between the Tennessee Valley Authority and the Southern Railway Company.

Tract 2

A tract of land lying in Yellow Creek Township of Graham County, State of North Carolina, south of Fontana Lake in Cable Cove, and more particularly described as follows:

Beginning at Corner 1, a stone, the coordinates of which are N. 641,224 and E. 579,826, at the top of a ridge.

From the initial point with the boundary of the land of the United States of America under the jurisdiction of the Forest Service by bearings and distances,

N. 41°16' W., 643 ft. to Corner 2;
N. 52°22' E., 1,227 ft. to Corner 3;
S. 41°38' E., 599 ft. to Corner 4, a stone;
N. 52°56' E., 210 ft. to Corner 5;
S. 40°34' E., 210 ft. to Corner 6;
S. 52°56' W., 210 ft. to Corner 7, a stone;
S. 41°51' E., 30 ft. to Corner 8 at the top of a ridge;

Southwesterly with the meanders of the top of the ridge approximately along the following bearings and distances:

S. 35°59' W., 235 ft.;
S. 80°12' W., 200 ft.;
S. 69°04' W., 501 ft.;
S. 56°08' W., 359 ft. to Corner 1, a stone, the place of beginning.

The tract as described contains approximately 22.6 acres.

Tract 3

A tract of land lying in Yellow Creek Township of Graham County, State of North Carolina, south of Fontana Lake in Cable Cove, the more particularly described as follows:

Beginning at Corner 1, the most northeasterly corner of the tract herein described, the coordinates of which are N. 642,427 and E. 582,971.

From the initial point with the boundary of the land of the United States of America under the jurisdiction of the Forest Service by bearings and distances,

S. 3°24' W., 2,058 ft. to Corner 2;
N. 86°36' W., 865 ft. to Corner 3;
N. 3°24' E., 2,128 ft. to Corner 4, a stake;
S. 81°57' E., 869 ft. to Corner 1, the place of beginning.

The tract as described contains approximately 41.6 acres.

Tract 4

A tract of land lying in Stecoah Township of Graham County, State of North Carolina, near the west end of the Wolf Creek Embayment of Fontana Lake, and more particularly described as follows:

To locate the point of beginning, commence at Corner 95 in the boundary of Tract 1.

From the commencing point by bearings and distances,

S. 71°07' W., 164 ft. to a stake;
S. 8°01' W., 549 ft. to Corner 1, an iron pipe in the 1,722.63 ft. contour on the north shore of the Wolf Creek Embayment, the said iron pipe being the Point of Beginning.

From the said Point of Beginning, by bearings and distances,

S. 8°01' W., 358 ft., crossing the 1,710 ft. contour at approximately 90 ft., to Corner 2, a stone below the normal operating level of Fontana Lake;
S. 7°02' W., 163 ft., crossing the 1,710 ft. contour on the south shore of the Wolf Creek Embayment at approximately 100 ft., to Corner 3, an iron pipe in the 1,722.63 ft. contour;

Southwesterly with the meanders of the contour approximately 490 ft. to Corner 4, an iron pipe;

N. 7°37' E., 317 ft., crossing the 1,710 ft. contour at approximately 80 ft., to Corner 5, a stake below the normal operating level of Fontana Lake;

N. 89°08' W., 66 ft., crossing the 1,710 ft. contour on the northwest shore of the Wolf Creek Embayment at approximately 45 ft., to Corner 6, an iron pipe in the 1,722.63 ft. contour;

With the meanders of the contour in a general northeasterly direction approximately 800 ft. to Corner 1, the place of beginning. Except, therefrom, all land lying below an elevation of 1,710 ft. above mean sea level. The tract as described contains approximately 1.1 acres.

Tract 5

A tract of land lying in Stecoah Township of Graham County, State of North Carolina, at the upstream end of the Panther Creek Embayment of Fontana Lake, and more particularly described as follows:

Beginning at Corner 1, an iron pipe, the coordinates of which are N. 630,843 and E 622,901, in the 1,722.63 ft. contour on the east shore of the Panther Creek Embayment.

From the initial point,

With the meanders of the contour southerly along the east shore of the embayment, westerly along the head of the embayment and subsequently northerly along the west shore of the embayment a total distance of approximately 3,590 ft. to Corner 2, an iron pipe;

S. 84°20' E., 417 ft., crossing the 1,710 ft contour at approximately 60 and 380 ft. to Corner 1, the place of beginning. Except therefrom, all land lying below an elevation of 1,710 ft. above mean sea level.

The tract as described contains approximately 5.2 acres.

The positions of corners and directions of lines are referred to the North Carolina State Coordinate System. The contour elevations are based on Mean Sea Level Datum as established by the U. S. Coast and Geodetic Survey's Southeastern Supplementary Adjustment of 1936.

The bearings and distances, and corner descriptions as given above are based partially on the Authority's surveys and partially on the Nantahala Power and Light Company's plats and surveys adjusted to the Authority's surveys. The corner numbers given are for description reference only and are not the numbers used in the Authority's records.

Note: The above described tracts of land are to be transferred subject to any exceptions and reservations contained in Article III of Exhibit "B" to the Agreement between the Tennessee Valley Authority and the Aluminum Company of America dated August 14, 1941, which may affect the described premises; to outstanding burial rights; to the right of way of the Southern Railway Company's former track location; and to public road rights of way outstanding in or to be transferred to the State of North Carolina in accordance with a contract dated March 9, 1944, between the Tennessee Valley Authority and the State of North Carolina.

[F. R. Doc. 47-7985; Filed, Aug. 26, 1947; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

CHANGES IN FIELD DIVISIONS OF OFFICE OF CHIEF INSPECTOR

The following amendments are made to paragraph (b) of § 1.9 *Office of the Chief Inspector* (11 F. R. 177 A-123):

1. Amend the matter in the parentheses following the words "Boston Division" to read as follows: "comprising Connecticut, Maine, Massachusetts, New Hampshire, the city of Fishers Island, N. Y., Rhode Island and Vermont".

2. Amend the matter in the parentheses following the words "Fort Worth Division" to read as follows: "comprising Louisiana and Texas, except the city of Texarkana, Texas".

3. Amend the matter in the parentheses following the words "Kansas City Division" to read as follows: "comprising Kansas, the city of Dodson and Kansas City, Mo., Nebraska and Oklahoma".

4. Amend the matter in the parentheses following the words "New York Division" to read as follows: "comprising New York, except the city of Fishers Island".

5. Amend the matter in the parentheses following the words "St. Louis Division" to read as follows: "comprising Arkansas, Iowa, and the city of Texarkana, Texas, and Missouri, except the cities of Dodson and Kansas City".

(R. S. 161, 396, Sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-7967; Filed, Aug. 26, 1947; 9:21 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 393]

ALASKA

REDUCING THE WITHDRAWAL MADE BY EXECUTIVE ORDER 6957 OF FEBRUARY 4, 1935

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U. S. C. Title 43, sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 6957 of February 4, 1935, temporarily withdrawing certain public lands in Alaska and reserving them for classification, is hereby revoked as to the public lands hereinafter described.

This order shall not otherwise become effective to change the status of the public lands until 10:00 a. m. on October 17, 1947. At that time the hereinafter-described public lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 17, 1947, to January 15, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 27, 1947, to 10:00 a. m. on October 17, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 17, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 16, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 27, 1947, to 10:00 a. m. on January 16, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 16, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Anchorage, Alaska.

The public lands affected by this order are described as follows:

SEWARD MERIDIAN

T. 17 N., R. 1 W.,
Sec. 2, lot 10;
Secs. 4, 5, and 6;
Sec. 7, lots 1, 2, 3, 4, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, lots 3, 4, 5, 6, NW¼NE¼, E½NW¼, and SW¼SW¼;
Sec. 17, lots 1, 2, 3, NW¼NW¼, S½N½, N½SW¼, SW¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 18;
Sec. 19, lots 1, 2, 3, 4, W½NE¼, E½W½, and SE¼;
Sec. 20, E½NE¼, NW¼SW¼, S½SW¼, NE¼SE¼, and S½SE¼;
Sec. 28, SE¼SE¼;
Secs. 29 and 30.

T. 18 N., R. 1 W.,
Secs. 1 to 15, inclusive, and secs. 17 to 23, inclusive;
Sec. 24, N½ and N½S½;
Secs. 27 to 33, inclusive.

T. 17 N., R. 2 W.,
Secs. 1 to 7, inclusive;
Sec. 8, lots 1, 2, 3, 4, 5, N½NE¼, NW¼, and SE¼SE¼;
Secs. 9 to 15, inclusive, and secs. 17 to 23, inclusive;
Sec. 24, W½;
Sec. 25;
Sec. 27, N½, SW¼, and N½SE¼;
Secs. 28 to 33, inclusive;
Sec. 34, NW¼ and S½;
Sec. 35, NE¼, E½NW¼, and S½.

The areas described aggregate 44,960.43 acres.

The topography ranges from level, to gently rolling, to quite hilly; the terrain is broken by muskeg, especially to the north and west. Soil depths range from 14 to 20 inches with the basic material generally consisting of small gravel or sand.

Cover consists mostly of birch reproduction as well as black spruce in the muskeg areas and large cottonwood along the streams. Red top grass is quite plentiful, especially toward the northern portion of the area.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 15, 1947.

[F. R. Doc. 47-7934; Filed, Aug. 25, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 6]

[192-7, 18.32]

MALONE-DUFORT AIRPORT, MALONE, N. Y., AND CHALKS FLYING SERVICE SEAPLANE BASE, MIAMI, FLA.

NOTICE OF PROPOSED REDESIGNATIONS AS TEMPORARY AIRPORTS OF ENTRY FOR A PERIOD OF 1 YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to redesignate the Malone-Dufort Airport, Malone, New York, and the Chalks Flying Service Seaplane Base, Miami, Florida, as temporary airports of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such redesignations.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed redesignations of the above-mentioned airports as airports of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

AUGUST 20, 1947.

[F. R. Doc. 47-7968; Filed, Aug. 26, 1947; 9:18 a. m.]

[19 CFR, Part 6]

[192-30.32]

FELTS FIELD, SPOKANE, WASH.

NOTICE OF PROPOSED REDESIGNATION AS A TEMPORARY AIRPORT OF ENTRY FOR A PERIOD OF 1 YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to redesignate Felts Field, Spokane, Washington, as a temporary airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year from October 1, 1947; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such redesignation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed redesignation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

AUGUST 20, 1947.

[F. R. Doc. 47-7969; Filed, Aug. 26, 1947; 9:18 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 903]

HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreement and orders (7 CFR Supps., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held at St. Louis, Missouri, July 7 and 18, 1947, pursuant to the notice thereof which was published in the FEDERAL REGISTER on July 11, 1947 (12 F. R. 4610), upon a proposed amendment to the order, as amended, and a proposed marketing agreement, regulating the handling of milk in the St. Louis, Missouri, marketing area.

Preliminary statement. The proposed amendment upon which the hearing was held was submitted by the Sanitary Milk Producers, St. Louis, Missouri.

The material issues presented on the record of the hearing were whether:

(1) The Class I and Class II price differentials over the basic formula price should be revised as to level and seasonality;

(2) An emergency exists which warwants immediate effectuation of the proposed amendment to the order.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof:

(1) The price differentials above the basic formula price for Class I milk and Class II milk should be revised to provide for (a) a wider seasonal variation in the prices to be paid to producers, (b) inclusion of December in the group of months in which the highest Class I and Class II price differentials apply, and (c) an increase in the average level of price differentials, above the basic formula price, for Class I milk and Class II milk.

The seasonal pattern of production is significantly different from the pattern of demand for Class I milk. The average production per producer in 1944 was 31 percent greater during the month of peak production than during the month of low production, and in 1946 it was 45 percent greater. In contrast, the demand for Class I milk is relatively uniform throughout the year. The record shows that a wider seasonal range than at present in the level of Class I and Class II price differentials over the basic formula price would give an incentive for increased milk production during the fall and winter months when it is most needed by the market. The shortage of producer milk in December, as shown by the volume of Class I and Class II milk sold as compared to the volume of milk delivered by producers, indicates that the same level of price differentials over the basic formula price used in the fall months should apply also in December.

The milk supplied by producers has not been sufficient to meet the needs of the market. During all twelve months of each year since 1940 handlers have purchased milk outside the regular St. Louis supply area. Also, in recent years, handlers have purchased cream and skim milk throughout the year from sources outside the regular St. Louis supply area.

The number of producers supplying the St. Louis marketing area has declined steadily from year to year. The average number of producers in 1940 was 4,115; and in 1946, the average number was 3,411. During the first half of 1947 the market has continued to lose producers, although efforts have been made to induce additional dairy farmers to enter the market. Although production per farm has increased during recent years, the increase has not been sufficient to meet the demand for milk in the market.

Additional requirements of the St. Louis Health Department in recent years have increased the cost of producing milk for this market. There are markets, with less rigid health requirements, drawing milk from the same supply area as the St. Louis market, where producers may obtain prices comparable to prices obtained in the St. Louis market. There are also manufacturing plants in the supply area to which producers may sell their milk.

Costs of feed, labor and materials to producers in the St. Louis area have increased sharply during the past year. Because of unfavorable weather conditions, the supply of home grown dairy feeds is reduced, and as a result producers must buy more feed at increased prices. Since feed, labor and materials are used more intensively in producing Grade A milk than in production of milk for manufacturing purposes, the cost of producing milk for the St. Louis marketing area has gone up more relatively than the cost of producing lower grades of milk.

The higher values of livestock and grains, which have increased more relatively than the price of milk, offer returns from alternative farm enterprises which will tend to discourage milk production if the present price relationships continue.

The basic field price reported as paid by the condensaries specified in the order does not include the quality and volume premiums some of these plants are paying, and therefore the reported price does not at present represent the true competitive price for manufacturing milk in the St. Louis area.

It is concluded that in order to reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, and to insure a sufficient quantity of pure and wholesome milk and be in the public interest, the Class I price differential per hundredweight over the basic formula price should be increased from $1.10 to $1.35 for the months of July through November, from $0.90 to $1.35 for the month of December; from $0.90 to $1.10 for the months of January through March, and from $0.80 to $0.90 for the months of April through June; and that the Class II price differential per hundredweight over the basic formula price should be increased from $0.40 to $0.55 for the months of July through November; from $0.25 to $0.55 for the month of December; from $0.25 to $0.35 for the months of January through March, and remain at $0.20 for the months of April through June.

The above schedule of prices, which substantially increases the seasonal variation of the price differentials, giving most emphasis to the months when increased production is most urgently needed by the market, and a small increase in the spring months, will establish a better relationship between the supply of and the demand for milk.

(2) An emergency exists which requires that action be taken promptly to incorporate into the order regulating the handling of milk in the St. Louis, Missouri, marketing area the findings and conclusions hereinbefore set forth without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto. Evidence was presented at the hearing which showed that in recent years the market has become progressively shorter of milk. The fall season, when production is normally at the low for the year, is immediately approaching, and if the present trend of milk supply continues, the market will be extremely and seriously short of an adequate supply of milk during this fall season. Adverse weather conditions have already reduced the supply of home grown feeds in the St. Louis area. In view of the increased costs of feed, labor, materials, and of meeting Health Department requirements, and in view of price relationships favorable to the use of feeds for other livestock enterprises, it is necessary that prompt action be taken to assure producers of returns which will induce them to continue to supply the market and encourage additional dairy farmers to enter the market. Any delay in effectuating needed changes in the order would seriously threaten further reduction of the supply of milk for the St. Louis market, and would be contrary to the public interest.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the producer associations and handlers subject to Order No. 3. Every point covered in the briefs was considered carefully, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that proposed findings and conclusions contained in such briefs are inconsistent with the proposed findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as proposed to be further amended by the attached amending order which will be published with the decision.

This decision was filed at Washington, D. C., this 21st day of August 1947.

§ 903.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order as amended and as hereby further amended,[1] and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 903.4 (a) (1) and substitute therefor the following:

(1) *Class I milk.* The price per hundredweight for Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amount per hundredweight: $1.35 for the delivery periods of July through December; $1.10 for the delivery periods of January through March; and $0.90 for the delivery periods of April through June.

2. Delete § 903.4 (a) (2) and substitute therefor the following:

(2) *Class II milk.* The price for Class II milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amount per hundredweight: $0.55 for the delivery periods of July through December; $0.35 for the delivery periods of January through March; and $0.20 for the delivery periods of April through June: *Provided,* That during any delivery period from January through June, the price of milk used by such handler for evaporated milk in hermetically sealed containers, or disposed of by such handler to the plant of any other person where such milk is manufactured into evaporated milk and placed in hermetically sealed containers, shall be the average of the basic, or field, prices per hundredweight determined for the plants listed in subparagraph (3) of this paragraph.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7989; Filed, Aug. 26, 1947; 9:20 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 10]

UNIFORM SYSTEM OF ACCOUNTS FOR STEAM RAILROADS

NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 4th day of August A. D. 1947.

The matter of modifying the "Uniform System of Accounts for Steam Railroads, Issue of 1943" (12 F. R. 4451) being under consideration by the division pursuant to section 20 of the Interstate Commerce Act, as amended, and the following modifications being deemed necessary for proper administration of the provisions of Part I of the act (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20 (3)); *It is ordered,* That:

(1) Any interested party may on or before September 15, 1947, file a written statement with the Commission's Secretary presenting the reasons why the said modifications should not become effective as hereinafter ordered and request oral argument thereon, which request will be granted if the reasons be substantial; and,

(2) Unless otherwise ordered upon consideration of such objections, the said modifications shall become effective January 1, 1948; and,

(3) A copy of this order including the modifications shall be served upon every steam railroad subject to the act, and upon every trustee, receiver, executer, administrator, or assignee of any such steam railroad, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

OPERATING REVENUES AND OPERATING EXPENSES

1. In § 10.02-4 *Miscellaneous operations,* eliminate the words "stock yards" from the text of the instruction, and insert the following additional general instruction:

§ 10.02-6 *Stockyards.* The revenues and expenses arising from the operation of stockyards shall not be included in operating revenue or operating expense accounts unless the operation of the facilities is conducted in connection with the transportation of livestock. It is not intended, however, that revenues and expenses arising from incidental public stockyards service rendered by stockyards primarily devoted to transportation services shall be excluded from operating revenues and expenses.

REVENUE ACCOUNTS

TRANSPORTATION

2. In § 10.101 *Freight,* add the following to the list of items to be charged:

Amounts paid on basis of tariff rates for loading and unloading livestock.

Change the period at the end of Note G to a comma and add the following: "and (e) payments on basis of tariff rates for loading and unloading livestock."

3. In § 10.140 *Stockyard,* cancel the number, title, and text of this account.

4. In § 10.143 *Miscellaneous,* add the following to the list of items:

(r) Revenue from loading and unloading livestock in transit by railroad, and from feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for such stock.

JOINT FACILITY

5. In § 10.151 *Joint facility—Cr.,* change the period at the end of the text to a comma and add the following: "including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations."

In Note B, eliminate reference to accounts 121 to 128, 132, 139, and 140, and insert the word "and" between accounts 116 and 131.

6. In § 10.152 *Joint facility—Dr.* change the period at the end of the text to a comma and add the following: "including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations."

In Note B, eliminate reference to accounts 121 to 128, 132, 139, and 140, and insert the word "and" between accounts 116 and 131.

EXPENSE ACCOUNTS

MAINTENANCE OF ROADWAY

7. In paragraph (a) *Care of roadbed,* of § 10.202 *Roadway maintenance,* substitute the word "repairing" for the word "constructing" in the list of items of roadway expense, the third item, and add the following item:

Post driving and pressure grouting to promote stability of roadbed.

8. In § 10.227 *Station and office buildings,* insert the item "stockyards," following the item "stock pens," in the list of station and office structures and details.

TRANSPORTATION

9. In paragraph (a) *Agents, clerks, and attendants,* of § 10.373 *Station employees,* insert the word "stockyards," between the words "stations," and "wharves," in the first sentence, and in the list of employees insert the item "Stockyards superintendents and foremen." following the item "Stationmasters."

In paragraph (b) *Labor at stations,* eliminate the word "and" in the first sentence where it precedes the word "watering;" following the latter word insert the words "bedding, shearing, dipping, inspecting, and otherwise caring for", and in the list of employees insert the item "Stockyards laborers," following item "Stock-pen laborers."

10. In paragraph (a) *Heating,* of § 10.376 *Station supplies and expenses,* insert the word "stockyards," between the word "offices," and the words "and other—."

In paragraph (b) *Lighting,* insert the word "stockyards," between the words "offices," and "other."

In paragraph (c) *Other expenses,* change the period at the end of the text to a comma and add the following words "including those for stockyards."

In "Items of Expense," after "Station employees' expenses," insert the following additional item of expense: "Supplies used in feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for livestock."

MISCELLANEOUS OPERATIONS

11. In § 10.444 *Stockyards,* cancel the number, title, text, and note of this account, and prescribe the following additional accounts:

§ 10.447 *Operating joint miscellaneous facilities—Dr.* This account shall include the carrier's proportion of such costs as are incurred by others in their operation of joint facilities which are chargeable by them to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

§ 10.448 *Operating joint miscellaneous facilities—Cr.* This account shall include amounts chargeable to others as their proportions of such costs as are incurred by the carrier in its operation of joint facilities which are chargeable by it to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

INCOME ACCOUNTS

DEBIT

12. In § 10.560 *Form of income statement,* cancel the grouping of accounts captioned "Contingent charges," and substitute the following:

OTHER DEDUCTIONS

552. Income applied to sinking and other reserve funds.
(a) Increments to special funds required to be retained therein and not subject to withdrawal except for purposes of the funds ——
546. Interest on funded debt.
(c) Contingent interest ——
Total other deductions ——

In the grouping of accounts showing disposition of net income cancel item (c) under account 552, "Income applied to sinking and other reserve funds," and substitute the following:

(b) Income applied to capital funds under Governmental authority or other arrangements ——
(c) Appropriations, allotments, and payments from income of definite amounts to special funds not includible in 552 (a) or 552 (b) ——

GENERAL BALANCE—SHEET ACCOUNTS

CREDIT

13. In § 10.769 *Liability for provident funds,* cancel the title, text, and notes of this account and substitute the following:

§ 10.769 *Pension and welfare reserves.* This account shall include the credit balances representing the liability of the carrier for amounts provided by charges to operating expenses or by specific appropriations of income or surplus, including amounts contributed by employees, irrespective of whether carried in special funds or in the general funds of the carrier, for pensions, accident and death benefits, savings, relief, hospital, or other provident purposes.

Separate subaccounts shall be kept for each kind of reserve created, and the appropriate reserve shall be charged when payments are made to retired employees, or disbursements are made for the purposes for which the reserves were created.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-7975; Filed, Aug. 26, 1947; 9:19 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 47-43]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 489), and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), as well as the additional authorities cited with each class of equipment, the following approvals of equipment are prescribed, effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner cancelled or suspended by proper authority:

BUOYANT CUSHIONS, STANDARD

NOTE: Cushions are limited to service on motorboats of Classes A, 1, or 2 not carrying passengers for hire in accordance with 46 CFR 25.4-1.

Approval No. 160.007/55/0, standard kapok buoyant cushion, manufactured by The Mueck Auto Body Co., 4321-4329 Papin Street, St. Louis 10, Mo.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 28.4-8)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are limited to service on motorboats of Classes A, 1, or 2 not carrying passengers for hire in accordance with 46 CFR 25.4-1.

Approval No. 160.008/372/0, 14" x 43" x 2½" rectangular kapok buoyant cushion, 68 oz. kapok, Dwg. dated July 26, 1947, U. S. C. G. Specification 160.008, manufactured by DeMore Manufacturing Co., Inc., 547 Meeting Street, Charleston 14, S. C.

Approval No. 160.008/306/0, 15½" x 26" x 3" rectangular kapok buoyant cushion, 54 oz. kapok, Dwg. No. 181-103, dated July 7, 1947, U. S. C. G. Specification 160.008, manufactured by Cluff Fabric Products, 457-467 E. 147th Street, New York, N. Y.

Rectangular non-standard kapok buoyant cushions manufactured by the H. S. White Mfg. Co., Inc., 6th and Rosabel Streets, St. Paul 1, Minn., Dwg. No. 1, dated January 17, 1947, and schedule of sizes, dated June 18, 1947, U. S. C. G. Specification 160.008, in the following sizes with the amount of kapok indicated for each size:

Approval No.	Size	Kapok
	Inches	*Ounces*
160.008/308/0	15 x 19 x 2	26
160.008/309/0	15 x 21 x 2	28
160.008/310/0	15 x 23 x 2	31
160.008/311/0	15 x 25 x 2	34
160.008/312/0	15 x 27 x 2	36
160.008/313/0	15 x 29 x 2	39
160.008/314/0	15 x 31 x 2	42
160.008/315/0	15 x 33 x 2	44
160.008/316/0	15 x 35 x 2	47
160.008/317/0	17 x 17 x 2	26
160.008/318/0	17 x 19 x 2	29
160.008/319/0	17 x 21 x 2	32
160.008/320/0	17 x 23 x 2	35
160.008/321/0	17 x 25 x 2	38
160.008/322/0	17 x 27 x 2	41
160.008/323/0	17 x 29 x 2	44
160.008/324/0	17 x 31 x 2	47
160.008/325/0	17 x 33 x 2	50
160.008/326/0	17 x 35 x 2	53
160.008/327/0	19 x 19 x 2	32
160.008/328/0	19 x 21 x 2	36
160.008/329/0	19 x 23 x 2	39
160.008/330/0	19 x 25 x 2	42
160.008/331/0	19 x 27 x 2	45
160.008/332/0	19 x 29 x 2	49
160.008/333/0	19 x 31 x 2	53
160.008/334/0	19 x 33 x 2	56
160.008/335/0	19 x 35 x 2	59
160.008/336/0	21 x 21 x 2	39
160.008/337/0	21 x 23 x 2	43
160.008/338/0	21 x 25 x 2	47
160.008/339/0	21 x 27 x 2	51
160.008/340/0	21 x 29 x 2	54
160.008/341/0	21 x 31 x 2	58
160.008/342/0	21 x 33 x 2	62
160.008/343/0	21 x 35 x 2	66

Rectangular non-standard kapok buoyant cushions manufactured by the H. S. White Mfg. Co., Inc., 6th and Rosabel Streets, St. Paul 1, Minn., Dwg. No. 4, dated January 17, 1947, and schedule of sizes, dated June 18, 1947, U. S. C. G. Specification 160.008, in the following sizes with the amount of kapok indicated for each size:

Approval No.	Size	Kapok
	Inches	*Ounces*
160.008/344/0	14 x 22 x 2	28
160.008/345/0	14 x 24 x 2	30
160.008/346/0	14 x 26 x 2	33
160.008/347/0	14 x 28 x 2	35
160.008/348/0	14 x 30 x 2	38
160.008/349/0	14 x 32 x 2	40
160.008/350/0	14 x 34 x 2	43
160.008/351/0	14 x 36 x 2	45
160.008/352/0	16 x 18 x 2	26
160.008/353/0	16 x 20 x 2	29
160.008/354/0	16 x 22 x 2	32
160.008/355/0	16 x 24 x 2	34
160.008/356/0	16 x 26 x 2	37
160.008/357/0	16 x 28 x 2	40
160.008/358/0	16 x 30 x 2	43
160.008/359/0	16 x 32 x 2	46
160.008/360/0	16 x 34 x 2	49
160.008/361/0	16 x 36 x 2	51
160.008/362/0	18 x 18 x 2	29
160.008/363/0	18 x 20 x 2	32
160.008/364/0	18 x 22 x 2	35
160.008/365/0	18 x 24 x 2	39
160.008/366/0	18 x 26 x 2	42
160.008/367/0	18 x 28 x 2	45
160.008/368/0	18 x 30 x 2	48
160.008/369/0	18 x 32 x 2	51
160.008/370/0	18 x 34 x 2	55
160.008/371/0	18 x 36 x 2	58

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 28.4-8)

WINCHES, LIFEBOAT

Approval No. 160.015/37/0, Type WH-15, lifeboat winch; approved for maximum working load of 12,500 pounds pull at the drums (6,250 pounds per fall), identified by general arrangement Dwg. No. 1263-D, dated June 7, 1946, and re-

vised June 9, 1947, manufactured by the Landley Co., Inc., 15 Park Row, New York 7, N. Y.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1–5, 59.3a, 60.21, 76.15a, 94.14a)

SIGNALS, DISTRESS, FLARE CARTRIDGE, RED, PARACHUTE

Approval No. 160.024/5/0, aluminum shell parachute red flare cartridge distress signal, assembly Dwg. No. A–3530, dated January 17, 1947, manufactured by Signal Manufacturing Co., 524 West Pico Blvd., Los Angeles 15, Calif.

(R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR; 46 CFR 33.3–1, 33.3–2, 59.11, 76.14)

LIFEBOATS

Approval No. 160.035/167/0, 16' x 5.1' x 2.08' steel oar-propelled lifeboat, 10-person capacity, approved for use on vessels other than ocean or coastwise steam vessels; identified by Construction and Arrangement Dwg. No. 3172, dated May 5, 1945, manufactured by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Approval No. 160.035/168/0, 14' x 5.0' x 2.17' steel oar-propelled lifeboat, 9-person capacity, approved for use on vessels other than ocean or coastwise steam vessels, identified by Construction and Arrangement Dwg. No. 3158 dated March 25, 1947, manufactured by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

(R. S. 4417a, 4426, 4481, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 474, 481, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1–1, 59.13, 76.60, 94.15, 113.10)

SOUND POWERED TELEPHONE EQUIPMENT

Approval No. 161.005/30/0, sound powered telephone headset, Model MI–2045–E Dwg. No. W–302828–502, submitted by Radio Corporation of America, Camden, N. J.

Approval No. 161.005/31/0, sound powered telephone handset, Model MI–2040–A, Dwg. No. TT–613025–504, submitted by Radio Corporation of America, Camden, N. J.

Approval No. 161.005/32/0, sound powered telephone signal unit, Model MI–2471, 13 stations maximum, bulkhead mounting, waterproof, Dwg. No. W–130924–501, submitted by Radio Corporation of America, Camden, N. J.

Approval No. 161.005/33/0, sound powered telephone station assembly (less signal unit), Model MI–2044–A, waterproof, bulkhead mounting, Dwg. No. W–130429–502, submitted by Radio Corporation of America, Camden, N. J.

Approval No. 161.005/34/0, sound powered telephone handset, Model MI–2040–A, Dwg. No. TT–613025–504, and brackets for bulkhead mounting, Models MI–2452 and MI–2062–B, Dwg. Nos. W–130422–501 and T–161374–3, submitted by Radio Corporation of America, Camden, N. J.

(R. S. 4417a, 4418, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 1333, 50 U. S. C. 1275; 46 CFR 32.9–4, 63.11, 79.12, 97.14, 116.10)

BOILERS, HEATING

Approval No. 162.003/35/0, Erie City Iron Works #1203, 42-inch diameter welded vertical fire tube heating boiler, heating surface 243 square feet, Dwg. No. 80847–A, maximum pressure 30 p. s. i., manufactured by Erie City Iron Works, Erie, Pa.

(R. S. 4417a, 4418, 4426, 4433, 4434, 49 Stat. 1544, 54 Stat. 346, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 411, 412, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

Dated: August 19, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 47–7970; Filed, Aug. 26, 1947; 9:18 a. m.]

[CGFR 47–44]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 489), and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), as well as the additional authorities cited with each class of equipment below, I find that certain items previously approved are either no longer in compliance with present Coast Guard requirements or are no longer being manufactured and, therefore, certain approvals for cork life preservers, balsa wood life preservers, combination cork and kapok life preservers, combination balsa wood and kapok life preservers, expanded rubber life preservers, fire indicating and alarm systems and equipment and combined fire indicating and extinguishing systems, and automatic floating electric water lights are terminated in accordance with the following modifications:

LIFE PRESERVERS

1. All the approvals for cork life preservers which do not comply with the Coast Guard requirements in 46 CFR 28.4–4, 37.6–4, 59.55, 76.52, 94.52, and 113.44, which were granted by the Bureau of Marine Inspection and Navigation or its predecessors or the Coast Guard prior to July 17, 1942, are terminated. The approvals terminated by this document are those which do not comply with present requirements and were issued prior to the revised regulations published in the FEDERAL REGISTER July 17, 1942, 7 F. R. 5492.

2. All the approvals for balsa wood life preservers which do not comply with the Coast Guard requirements in 46 CFR 28.4–5, 37.6–5, 59.55, 76.52, 94.52, and 113.44, which were approved by the Bureau of Marine Inspection and Navigation or its predecessors or the Coast Guard prior to July 17, 1942, are terminated. The approvals terminated by this document are those which do not comply with present requirements and were issued prior to the revised regulations published in the FEDERAL REGISTER July 17, 1942, 7 F. R. 5492.

3. Combination cork and kapok life preservers and combination balsa wood and kapok life preservers were approved by the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, for use on inspected vessels and since these life preservers are no longer being manufactured all approvals granted are terminated.

4. Expanded rubber life preservers were approved by the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, for use on inspected vessels and since these life preservers are no longer being manufactured all approvals granted are terminated.

(R. S. 4417a, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 492, 526, 526p, 1333, 50 U. S. C. 1275)

FIRE INDICATING AND ALARM SYSTEMS AND EQUIPMENT AND COMBINED FIRE INDICATING AND EXTINGUISHING SYSTEMS

5. All approvals of fire indicating and alarm systems and equipment and combined fire indicating and extinguishing systems approved by the Bureau of Marine Inspection and Navigation or its predecessors prior to 1940 which do not comply with present Coast Guard requirements are terminated. The fire detecting and alarm system approved by the Coast Guard for USAHS "Larkspar" only is terminated. The termination of approvals remove from the active lists outstanding approvals since the items covered cannot be installed without specific approval from the Commandant, U. S. Coast Guard.

(R. S. 4417a, 4418, 4426, 4470, 4471, 4483, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463, 463a, 464, 476, 1333, 50 U. S. C. 1275)

AUTOMATIC FLOATING ELECTRIC WATER LIGHTS

6. All approvals of automatic floating electric water lights which were granted by the Bureau of Marine Inspection and Navigation or its predecessors or the Commandant, U. S. Coast Guard, are terminated, except approvals for A. E. F. Water Light Corporation, published in the FEDERAL REGISTER March 23, 1943, Coston Supply Company, published in the FEDERAL REGISTER September 26, 1942, and Galbraith and Son, Inc., published in the FEDERAL REGISTER July 16, 1943. The terminations of approvals of automatic floating electric water lights remove from the active lists outstanding approvals since they are no longer being manufactured.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275)

CONDITIONS OF TERMINATION OF APPROVAL

7. The termination of approval of any item not in compliance with present Coast Guard regulations as stated by this document shall be made effective upon the effective date of the revised regulations published in the FEDERAL REGISTER. The termination of approval of any item made by this document and not included in the preceding sentence shall become effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item, such equipment manufactured while the approval was in effect may be continued in use so long as in good and serviceable condition.

Dated: August 19, 1947.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 47–7971; Filed, Aug. 26, 1947; 9:18 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9609]

W. DEBOER AND CO.

In re: Debt owing to W. deBoer & Company. F–28–9518–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That W. deBoer & Company, the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to W. deBoer & Company, by Pillsbury Mills, Inc., 600 Metropolitan Bldg., Minneapolis 2, Minnesota, in the amount of $10,634.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47–7994; Filed, Aug. 26, 1947; 8:50 a. m.]

[Vesting Order 9625]

PAUL SCHULZ ET AL.

In re: Bank account owned by Paul Schulz, Richard Schulz, Karl Schulz, Lina Hofmann, Olga Loesdau, Walli Wollschlaeger, and the personal representatives, heirs, next of kin, legatees and distributees of Emil Schulz, deceased, and Selma Schrutke, deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Schulz, Richard Schulz, Karl Schulz, Lina Hofmann, Olga Loesdau, and Walli Wollschlaeger, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Emil Schulz, deceased, and Selma Schrutke, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of The First National Bank, San Rafael, California, arising out of a Savings Account, account number 5685, entitled Clara Heise, attorney-in-fact for Paul Schulz, Emil Schulz, Richard Schulz, Karl Schulz, Selma Schrutke, Lina Hofmann, Walli Wollschlaeger and Olga Loesdau, as nationals of Germany, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paul Schulz, Richard Schulz, Karl Schulz, Lina Hofmann, Olga Loesdau, Walli Wollschlaeger, and the personal representatives, heirs, next of kin, legatees and distributees of Emil Schulz, deceased, and Selma Schrutke, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Emil Schulz, deceased, and Selma Schrutke, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47–7995; Filed, Aug. 26, 1947; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–863]

MISSISSIPPI RIVER FUEL CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on February 17, 1947, by Mississippi River Fuel Corporation (Applicant), a Delaware Corporation having its principal place of business at St. Louis, Missouri, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on March 8, 1947 (12 F. R. 1627);

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a public hearing be held commencing on September 15, 1947, at 10:00 a. m., c. d. s. t. in Room 948, U. S. Court House and Custom House Building, St. Louis, Missouri, concerning the matters involved and the issues presented by the application and other pleadings in this proceeding.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Date of issuance: August 22, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7991; Filed, Aug. 26, 1947; 8:51 a. m.]

[Docket No. IT-6078]

CENTRAL NEW YORK POWER CORP.

NOTICE OF APPLICATION

AUGUST 21, 1947.

Notice is hereby given that Central New York Power Corporation, Syracuse, New York, has filed an application pursuant to section 202 (e) of the Federal Power Act (16 U. S. C. 824a (e)) for authority to export electric energy across the international boundary between the United States and Canada over a transmission line from Hogansburg, New York, to a connection with the facilities of The Shawinigan Water & Power Company at the international boundary near the Indian Reservation Village known as St. Regis, Quebec, Dominion of Canada, in an amount of 45,000 kilowatt-hours, annually, at a rate of supply of 50 kilowatts.

Any person desiring to be heard or to make any protest with reference to the said application should, on or before September 11, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] S. A. WALKER, *Acting Secretary.*

[F. R. Doc. 47-7986; Filed, Aug. 26, 1947; 9:19 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5258]

EVERETT FOOT CUSHION LABORATORIES AND EVERETT FOOT CUSHION CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 18th day of August A. D. 1947.

In the matter of George N. Bouthillette, an individual doing business under the trade names of Everett Foot Cushion Laboratories, and Everett Foot Cushion Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, September 11, 1947, at nine o'clock in the forenoon of that day (eastern standard time) in Court Room No. 4, 12th Floor, Post Office Building, Boston, Massachusetts.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-7973; Filed, Aug. 26, 1947; 9:19 a. m.]

[Docket No. 5271]

FOOD, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 14th day of August A. D. 1947.

In the matter of Food, Incorporated, a corporation, Nature Food Centres, Inc., a corporation, sometimes trading as Healthmode Products Company, Nature Food Centres of Connecticut, Incorporated, a corporation, and Nature Food Centres of Rhode Island, Inc., a corporation and Andrew F. Rosenberger, Emily M. Rosenberger and Henry K. Rosenberger, individually and as officers and directors of said corporations.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, August 26, 1947, at nine o'clock in the forenoon of that day (eastern standard time), in Room 332, Federal Trade Commission Building, Washington, D. C.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-7972; Filed, Aug. 26, 1947; 9:18 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 277]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 20, 1947, by Chas. Abbate, of cars peaches, now on the Chicago Produce Terminal to Escanaba, Mich. URT 35588, and to Green Bay, Wis. PFE 46688.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of August 1947.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 47-7974; Filed, Aug. 26, 1947; 9:19 a. m.]

Reference

SEP 18 '47

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 12 NUMBER 169

Washington, Thursday, August 28, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

FIELD ORGANIZATION IN ALASKA AND PUERTO RICO

Section 300.1, part 300 of Title 6 of the Code of Federal Regulations, as amended (11 F. R. 14221), is amended by adding to paragraph (c) thereof a subparagraph, numbered (6), reading as follows:

§ 300.1 *General functions and organization of the Farmers Home Administration.* • • •

(c) *Field organization.* • • •

(6) *Territorial subdivisions in Alaska and Puerto Rico.* In Alaska and Puerto Rico, for the purposes of Title I, Title II, and the related provisions of Title IV of the Bankhead-Jones Farm Tenant Act, as amended, each of the areas identified below is designated a subdivision to be deemed synonymous with the term "county," as the term is used in said titles. Each such subdivision consists of, and is co-extensive with the geographical limits of, the area set forth opposite the name of the subdivision.

ALASKA

DIVISIONS OR PRECINCTS

Name of Subdivision and Comprising Subdivision
Anchorage: Recording Precincts of Anchorage, Kenai-Anchorage, Seward, Whittier, Fairbanks: Fourth Division.
Homer: Recording Precincts of Seldovia, Kodiak, Kvichak, Illiamna, Bristol Bay.
Palmer: Recording Precincts of Palmer, Wasilla, Talkeetna, Chitna.

PUERTO RICO

Name of Subdivision and Municipalities Comprising Subdivision
Adjuntas: Adjuntas.
Aguadilla: Aguada, Aguadilla, Moca.
Angeles: The Wards of Angeles, Caguanas, Roncador, Santa Isabel, and Santa Rosa in the municipality of Utuado.
Arecibo: Arecibo, Barceloneta.
Barranquitas: Aibonito, Barranquitas.
Bayamon: Bayamon, Catano, Guaynabo, Toa Alta, Toa Baja.
Caguas: Caguas.
Camuy: Camuy, Hatillo, Quebradillas.
Carolina: Carolina, Trujillo Alto.
Cayey: Cayey.
Ciales: Ciales, Morovis.
Comerio: Aguas Buenas, Cidra, Comerio.
Corozal: Corozal, Naranjito.
Guayama: Arroyo, Guayama, Maunabo, Patillas, Salinas.
Humacao: Ceiba, Culebra, Fajardo, Humacao, Naguabo, Vieques.
Isabela: Isabela.
Jayuya: Jayuya.
Juana Diaz: Coamo, Juana Diaz, Santa Isabel, Villalba.
Juncos: Gurabo, Juncos, Las Piedras.
Lares: Lares.
Manati: Manati.
Mayaguez: Anasco, Las Marias, Maricao, Mayaguez, Rincon.
Orocovis: Orocovis.
Ponce: Guayanilla, Penuelas, Ponce.
Rio Grande: Loiza, Luquillo, Rio Grande.
San German: Cabo Rojo, Hormigueros, Lajas, San German, Sabana Grande.
San Juan: Rio Piedras, San Juan.
San Lorenzo: San Lorenzo.
San Sebastian: San Sebastian.
Utuado: Utuado, except the wards of Angeles, Caguanas, Roncador, Santa Isabel, and Santa Rosa.
Vega Baja: Dorado, Vega Alta, Vega Baja.
Yabucoa: Yabucoa.
Yauco: Guanica, Yauco.

(Sec. 54, 50 Stat. 532, Pub. Law 731, 79th Cong., 60 Stat. 1062; 7 U. S. C. 1028)

Issued this 22d day of August 1947.

[SEAL] CHARLES F. BRANNAN, *Acting Secretary of Agriculture.*

[F. R. Doc. 47-8018; Filed, Aug. 27, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[Quarantine No. 52]

PART 301—DOMESTIC QUARANTINE NOTICES

PINK BOLLWORM QUARANTINE

Introductory note. This revision of the quarantine and regulations involves primarily a relaxation of restrictions through the removal of the quarantine on account of the pink bollworm from the State of Louisiana and the transfer of the county of Starr, Texas, from the heavily infested to the lightly infested regulated area. This revision also in-

(Continued on p. 5769)

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

CODE OF FEDERAL REGULATIONS

The following books are now available:

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clues under Federal regulation the counties of Hockley and Wharton, Texas.

Following discovery in the fall of 1943 of a severe pink bollworm infestation in Cameron Parish and the neighboring parishes of Calcasieu and Jefferson Davis, in southwestern Louisiana, an intrastate quarantine controlling movement of host material from the infested parishes was immediately issued by the State Entomologist to prevent spread of the insect to other parts of the State. Coincident with this action and under State authority, field clean-up and other measures were undertaken cooperatively to eradicate the infestations. The Department cooperated in the enforcement of State requirements. After a public hearing, similar regulations were included in the Federal quarantine effective May 1, 1944. Through further State action, with Federal cooperation, these measures were extended to include the enforced non-production of cotton in Cameron Parish during the 1944 crop year. Cotton production was resumed in this Parish in 1945. The production, ginning, and marketing of cotton in Calcasieu and Jefferson Davis Parishes was under regulation during the years 1944 to 1946, and similar regulations applied to Cameron Parish in 1945 and 1946. Intensive annual field surveys and inspection of trash from all gins handling cotton produced in these areas have been made each crop year. These inspections through three full seasons have failed to reveal any pink bollworms in these three Parishes since the original 1943 findings. It is, therefore, considered that the infestation has been eradicated and that it is no longer necessary to continue the quarantine and regulations as they affect the State of Louisiana. This conclusion is shared by the cooperating State officials and they have taken action to remove the State regulations as they applied to the three parishes.

A survey of infestation, planting, ginning, and marketing conditions in Starr and adjacent Texas counties indicates that Starr County now properly belongs in the lightly infested regulated area, instead of the heavily infested area.

Light infestations of the pink bollworm were discovered in Hockley and Wharton Counties, Texas, during the fall of 1946. Immediately following this discovery, the State of Texas placed these counties under regulation, which provided the same control as that applied to all lightly infested areas. This revision adds these counties to the lighly infested area, confirming action already taken by the cooperating State of Texas.

The present revision of the quarantine and regulations represents formal Federal action to concur in State action already taken at the request and in accordance with suggestions of the United States Department of Agriculture. All scouting and surveys to determine degree of infestation or absence of infestation have been cooperative Federal-State activities. Imposition of non-cotton zones is dependent upon State police powers, and the same State police powers have been relied upon for immediate and timely changes in the regulated area. The States of Louisiana and Texas have fully cooperated in exercising such powers. In activities within these States, the Federal Government exercised leadership and had cooperative interest to assure that the measures taken were adequate to prevent spread of the pink bollworm from infested areas. The action taken by the State of Louisiana, with the concurrence of the United States Department of Agriculture, relieved restrictions there in conformity with existing pest risk. Revision of the Texas State Quarantine, also with Departmental concurrence, provided needed prompt protection to the rest of Texas as well as to uninfested States. Had not the States taken these actions in accordance with Departmental suggestions, the only alternative would have been to include each State in its entirety within the Federal regulated area. Such action would have been inconsistent with the objectives of both Federal and State regulatory activities, and was rendered unnecessary by complete State cooperation. This revision will not impose upon persons affected by the quarantine any substantive requirements other than those to which they are presently subject under State regulations. It was understood at the time the States placed their regulations in effect that these amendments to the quarantine and the regulations would be made effective as soon as possible. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found, upon good cause, that notice and public procedure on this revision are unnecessary, and good cause is found for the issuance of the revision effective less than 30 days after publication.

Notice of determination of the Secretary of Agriculture. The Secretary of Agriculture has determined that it is necessary further to revise the pink bollworm quarantine and regulations supplemental thereto, 7 CFR 1944, 1945, and 1946 Supps., 301.52 and 301.52–1 et seq., in order to remove the quarantine from the State of Louisiana and to make other modifications. The quarantine and regulations are therefore hereby revised to read as follows:

Sec.
301.52 Notice of quarantine.
301.52–1 Definitions.
301.52–2 Regulated areas.
301.52–3 Articles the interstate movement of which is restricted or prohibited.
301.52–4 Conditions concerning the issuance of certificates or permits.
301.52–5 Limited permits.
301.52–6 Restricted articles originating outside the regulated area.
301.52–7 Cleaning or treating requirements for other articles when contaminated with cotton or cotton products originating within a regulated area.
301.52–8 Dealer-carrier permits.
301.52–9 Cancellation of certificates
301.52–10 Authorization of alternate treatments.
301.52–11 General certification provisions and marking and labeling requirements.
301.52–12 Shipments for experimental and scientific purposes.

AUTHORITY: §§ 301.52 to 301.52–12, inclusive, issued under sec. 8, of the Plant Quarantine Act of Aug. 20, 1912, as amended, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250, 7 U. S. C. 161.

§ 301.52 *Notice of quarantine.* (a) Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture quarantines the States of Arizona, New Mexico, and Texas to prevent the spread of the pink bollworm. Hereafter (1) okra, including all parts of the plants; (2) cotton, wild cotton, including all parts of either cotton or wild cotton plants, seed cotton, cotton lint, linters, and all other forms of unmanufactured cotton fiber, gin waste, cottonseed, cottonseed hulls, cottonseed cake, and meal; (3) bagging and other containers and wrappers of cotton and cotton products; (4) railway cars, boats, and other vehicles which have been used in conveying regulated cotton products or which are fouled with such products; and (5) when contaminated with regulated cotton products, any other commodities, including farm products, farm household goods, and farm equipment, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the States of Arizona, New Mexico, or Texas into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the regulations supplemental hereto and amendments thereof: *Provided*, That the restrictions of this quarantine and of the regulations supplemental hereto may be limited to such areas, within the quarantined States, as are now or may hereafter be designated by the Secretary of Agriculture as regulated areas, adequate, in his

judgment, to prevent the spread of the pink bollworm, except that any such limitation shall be conditioned upon the affected State or States providing for and enforcing the control of the intrastate movement of the restricted articles under the conditions which apply to their interstate movement under provisions of the Federal quarantine regulations, currently existing, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof, as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the said insect infestation: *Provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the applicable regulation shall be made less stringent, whereupon such modifications shall become effective for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

§ 301.52–1 *Definitions.* For the purpose of §§ 301.52 to 301.52–12, inclusive, the following words, names, and terms shall be construed respectively to mean:

(a) *Pink bollworm.* The insect known as the pink bollworm of cotton (Pectinophora gossypiella Saund.), in any stage of development.

(b) *Cotton and cotton products.* Cotton and wild cotton plants of the genera Gossypium and Thurberia, and products of these plants, including seed cotton; cottonseed; cotton lint and linters, and all forms of unmanufactured cotton fiber; cottonseed hulls, cake, and meal; gin waste; and all other parts of such plants.

(c) *Seed cotton.* All forms of cotton lint from which the seed has not been separated.

(d) *Lint.* All forms of unmanufactured cotton fiber except linters.

(e) *Linters.* All forms of unmanufactured cotton fiber separated from cotton seed after the lint has been removed.

(f) *Approved.* Officially sanctioned by the Chief of the Bureau of Entomology and Plant Quarantine.

(g) *Certificate.* An approved document issued by an inspector evidencing the apparent freedom of restricted articles from the pest.

(h) *Limited permit.* An approved document issued by an inspector to allow movement of noncertified, restricted articles to or from authorized and designated gins, oil mills, and processing or manufacturing plants. Limited permits will cover all interstate movements of restricted articles while in the process of being made eligible for certification.

(i) *Dealer-carrier permit.* An approved document issued to persons or firms engaged in ginning, manufacturing, or processing restricted articles for subsequent interstate movement from regulated areas, and to persons or firms moving restricted articles interstate from regulated areas.

(j) *Infestation or infested area.* These terms refer to the presence of the pink bollworm.

(k) *Interstate movement or moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from any regulated area interstate to points outside thereof.

(l) *Inspector.* An inspector of the United States Department of Agriculture.

(m) *Okra (Hibiscus esculentus).* Okra plants and products of the plants, including seed and edible and dry pods.

§ 301.52–2 *Regulated areas.* The following areas are hereby designated as regulated areas within the meaning of §§ 301.52 to 301.52–12, inclusive, and are further classed as heavily or lightly infested:

(a) *Heavily infested areas*—(1) *Texas.* Counties of Brewster, Cameron, Culberson, Jeff Davis, Hidalgo, Hudspeth, Presidio, Terrell, Willacy, and that part of El Paso County lying east of an imaginary line extending due north from the Texas-Mexico boundary to the point near U. S. Highway 80, where secs. 4, 5, 8, and 9, T. 29 S., R. 4 E. have a common corner; thence due north to the Texas-New Mexico boundary.

(b) *Lightly infested areas*—(1) *Arizona.* Counties of Cochise, Graham, Greenlee, Maricopa, Pinal, and Santa Cruz, and all of Pima County[1] except that part lying west of the western boundary line of range 8 east.

(2) *New Mexico.* Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Sierra, Socorro, and Valencia.

(3) *Texas.* Counties of Andrews, Aransas, Atascosa, Bailey, Bee, Borden, Brazoria, Brooks, Brown, Caldwell, Calhoun, Chambers, Cochran, Coke, Coleman, Concho, Crane, Dawson, Dimmit, Duval, Ector, Frio, Gaines, Glasscock, Goliad, Gonzales, Guadalupe, Hays, Hockley, Howard, Irion, Jackson, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendedy, Kleberg, La Salle, Liberty, Live Oak, Loving, Martin, Matagorda, Maverick, McCulloch, McMullen, Medina, Midland, Mitchell, Nolan, Nueces, Orange, Pecos, Reeves, Refugio, Runnels, San Patricio, San Saba, Schleicher, Scurry, Starr, Sterling, Taylor, Terry, Tom Green, Upton, Uvalde, Victoria, Ward, Webb, Wharton, Wilson, Winkler, Yoakum, Zapata, and Zavala; that part of El Paso County lying west of an imaginary line extending due north from the Texas-Mexico boundary to the point near U. S. Highway 80 where secs. 4, 5, 8, and 9, T. 29 S., R. 4 E. have a common corner; thence due north to the Texas-New Mexico boundary; and that part of Harris County lying east of the San Jacinto River and its tributary the east fork of the San Jacinto River and north of the Houston Ship Channel.

§ 301.52–3 *Articles the interstate movement of which is restricted or prohibited*—(a) *Articles prohibited movement.* The interstate movement from any regulated area of gin trash and cotton waste from gins and mills, and all untreated or unmanufactured cotton products (other than seed cotton, cotton lint, and linters, either baled or unbaled, cottonseed, cottonseed hulls, and cottonseed meal and cake) is prohibited.

(b) *Articles the interstate movement of which is limited*—(1) *Seed cotton.* The interstate movement of seed cotton will be allowed only from lightly infested area to contiguous regulated area for the purpose of ginning for which movement no permit is required.

(2) *Cottonseed produced in heavily infested area.* The interstate movement of cottonseed produced within a heavily infested area to points outside such area will be limited to contiguous lightly infested area under the conditions provided in § 301.52–4 (c) (2) either for planting therein or for processing in designated authorized oil mills.

(c) *Articles conditionally authorized interstate movement.* Cotton lint and linters, either baled or unbaled, cottonseed produced in lightly infested area, cottonseed hulls, meal, and cake, and okra may be moved interstate (1) from regulated area to points outside thereof, or (2) from regulated area to noncontiguous regulated area, or (3) from heavily infested to contiguous lightly infested area, only when accompanied by a certificate or permit as hereinafter provided. No certificates or permits are required for the interstate movement of articles listed in this paragraph from a lightly infested area to a contiguous, lightly or heavily infested area, or from a heavily infested area to a contiguous heavily infested area.

§ 301.52–4 *Conditions governing the issuance of certificates and permits*—(a) *Cotton lint.* A certificate may be issued for the interstate movement of baled cotton lint originating in a regulated area when said cotton lint has been produced in an approved gin and has been given any one of the following treatments under the supervision of an inspector and subsequently protected from contamination: (1) Passed in bat form between approved heavy steel rollers set not more than 1/64 inch apart; or (2) given approved vacuum fumigation; or (3) given standard or high density compression: *Provided*, That lint cotton from Presidio and Brewster Counties, Texas, (part of the heavily infested area) may be moved interstate only when treated as specified under (1) or (2) of this paragraph.

(b) *Cotton linters.* Certificates may be issued for the interstate movement of linters from any regulated area when produced from sterilized seed in an approved oil mill, and subsequently protected from contamination.

(c) *Cottonseed*—(1) *From lightly infested area.* A certificate may be issued for the interstate movement of cottonseed originating in a lightly infested area, to any destination, when produced in an approved gin within the area after said seed has been heated to a temperature of 150° F. for a minimum period of 30 seconds, as a part of the continuous process of ginning, under the supervision of an inspector, and subsequently protected from contamination: *Provided*, That heat treatment incidental to certification may be accomplished at plants designated by the Chief of the Bureau of Entomology and Plant Quarantine as provided in § 301.52–5.

(2) *From heavily infested area.* Limited permits may be issued for interstate movement of cottonseed originating in heavily infested area after the seed has been treated under supervision of an inspector in a manner prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, and when it is consigned only to contiguous lightly infested area for planting therein.

All other cottonseed originating in a heavily infested area will be authorized interstate movement under a limited permit only to contiguous lightly infested area for processing therein in an oil mill designated and authorized by authority of the Chief of the Bureau of Entomology and Plant Quarantine under the following conditions: When the seed has been treated and protected as provided in subparagraph (1) of this paragraph for the lightly infested area, and (i) when given a second heat treatment at a temperature of 155° F. for a minimum period of 60 seconds under the supervision of an inspector, at a plant operated separate and apart from the gin or gins which applied the initial heat treatment as a part of the continuous process of ginning, and when the seed has been subsequently protected from contamination; or (ii) when the seed is given, under the supervision of an inspector, the foregoing second heat treatment at the designated oil mill, on arrival. The cars or other vehicles conveying the seed to be designated oil mills must be cleaned and sterilized, under the supervision of an inspector, immediately after unloading. This applies to cars or vehicles conveying seed that has been given the second heat treatment either under (i) or (ii) hereinabove prescribed.

(d) *Cottonseed hulls, cake, and meal.* Certificates may be issued for the interstate movement of cottonseed hulls, cake, and meal produced from sterilized seed originating in a regulated area when these products have been processed in an authorized oil mill under the supervision of an inspector, and subsequently protected from contamination.

(e) *Samples of cotton lint and linters.* A certificate may be issued for the interstate movement of samples of lint cotton and linters (approximately 1½ pounds) originating in a regulated area without restrictions other than that the bales of lint cotton or linters from which the samples have been taken have been produced in an approved gin or oil mill and subsequently protected from contamination.

(f) *Okra.* Certificates may be issued for the interstate movement of edible okra produced in a heavily infested area under any one of the following conditions: (1) When inspected by an inspector and found to be free from infestation; (2) when produced under such conditions as to render it free from infestation; (3) when processed or treated in accordance with administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine. Okra produced in a lightly infested area under such conditions as to render it free from infestation may move interstate without treatment or certification.

NOTE: Section 301.52–4b *Administrative instructions designating certain lightly infested counties in New Mexico and Texas from which baled cotton lint may be moved without treatment* (7 CFR, 1945 Supp.) and § 301.52–4d *Administrative instructions authorizing additional methods of treating cotton seed originating in heavily infested area for movement to points outside such area* (7 CFR, 1946 Supp.) remain in effect.

§ 301.52–5 *Limited permits.* Limited permits will be issued for the movement of noncertified, restricted articles to such gins, oil mills, or processing or manufacturing plants as may be authorized and designated by the Chief of the Bureau of Entomology and Plant Quarantine for manufacturing, processing, or treatment incidental to preparing such products for certification. As a condition of such authorization and designation, operators of gins, oil mills, or manufacturing, or processing plants must agree in writing to handle restricted articles as to segregation of processed and nonprocessed products, efficient functioning of processing equipment, disposition of waste, use of uncontaminated containers of processed products, prevention of contamination of processed products, and the maintenance of identity of regulated and nonregulated products in such a manner as to prevent the spread of the pink bollworm; and to maintain such other sanitary safeguards and restrictions against the establishment and spread of infestation as may be required by the inspector.

§ 301.52–6 *Restricted articles originating outside the regulated area.* Restricted articles originating outside the regulated area may be certified for interstate movement from a regulated area without processing, treatment, or sterilization if, while in the regulated area, these products have been handled and stored in such a manner as to maintain identity and as to prevent infestation or contamination with other restricted articles originating in the regulated area.

§ 301.52–7 *Cleaning or treating requirements for other articles when contaminated with cotton or cotton products originating within a regulated area.* When contaminated with cotton or cotton products originating within a regulated area, railway cars, trucks, and other vehicles, cotton bagging and other containers of cotton, cotton processing machinery, farm household goods, farm equipment, farm products, and any other articles shall not be moved interstate from a regulated area until freed from such contamination to the satisfaction of an inspector, after which cleaning or treatment no certificate or permit will be required except for cotton bagging, or other containers of cotton, and cotton processing machinery.

§ 301.52–8 *Dealer-carrier permits.* As a condition of issuance of certificates or limited permits for the interstate movement of restricted articles, those engaged in purchasing, assembling, ginning, processing, or carrying such restricted articles originating or stored in regulated areas, shall (a) make application for a dealer-carrier permit to the Bureau of Entomology and Plant Quarantine, Federal Building, San Antonio 6, Tex., and (b) agree to maintain an accurate record of receipts and sales, shipments or services, when so required (which record shall be available at all times for examination by an inspector), and (c) agree to carry out any and all conditions, treatments, precautions, and sanitary measures which may be required by the inspector.

§ 301.52–9 *Cancellation of certificates.* Any certificates, limited permits, or dealer-carrier permits issued under these regulations may be withdrawn or canceled and further certificates or permits refused, whenever, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, the further use of such certificates or permits might result in the dissemination of the pink bollworm.

§ 301.52–10 *Authorization of alternate treatments.* When in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine more effective methods of treatment, processing, or sterilization shall have been developed or when methods of treatment, processing, or sterilization as stipulated in the regulations hereof are found unsatisfactory by him, he is authorized to alter them or substitute other requirements.

§ 301.52–11 *General certification provisions and marking and labeling requirements.* To obtain certificates or limited permits under these regulations application shall be made either to the local inspector or to the Bureau of Entomology and Plant Quarantine, Federal Building, San Antonio 6, Tex.[2]

Certificates or permits required under these regulations shall be securely attached to the outside of each container of restricted articles, or, in the case of carlot or bulk shipments by freight, to the waybills or other shipping papers which accompany the shipment. In the case of movement by road vehicle, such certificate or permit shall accompany the vehicle. Each container of restricted articles so moved shall bear such marking and labeling as may be necessary, in the judgment of the inspector, to identify the material.

The United States Department of Agriculture shall not be responsible for any costs incident to inspection or treatment, other than the services of inspectors.

§ 301.52–12 *Shipments for experimental and scientific purposes.* Products and articles subject to restrictions in these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely at-

[1] Part of the lightly infested area in Arizona is regulated on account of the Thurberia weevil under Quarantine No. 61, and shipments therefrom must also comply with the requirements of that quarantine.

[2] See Appendix for list of field stations.

tached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

This revision of the quarantine and regulations shall be effective on and after August 22, 1947, and shall supersede the quarantine and regulations promulgated November 9, 1944, as amended May 23, 1945, and February 4, 1946.

[7 CFR 1944 Supp. 301.52, 301.52–1 et seq.; 7 CFR 1945 and 1946 Supps. 301.52–2]

Done at Washington, D. C., this 22d day of August 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

APPENDIX—FIELD HEADQUARTERS AND STATIONS

Applications for certificates or permits may be made to the field project leader, addressing Pink Bollworm Control, Bureau of Entomology and Plant Quarantine, P. O. Box 798, or Room 571, Federal Building (Telephone F–7141–275), San Antonio 6, Texas, or the nearest inspector.

Inspectors may be reached by addressing Pink Bollworm Inspector, Bureau of Entomology and Plant Quarantine, at the following field stations:

ARIZONA

Address	Town	Telephone
P. O. Box 205, 405 North Morrison St	Casa Grande	274.
P. O. Box 262, 114 East Ave	Glendale	254.
202 Security Bldg	Phoenix	4-4062.
P. O. Box 246, 309 Post Office Bldg	Safford	132.
P. O. Box 924, 311 Post Office Bldg	Tucson	1-960.

NEW MEXICO

P. O. Box 784, 210 North Canyon St	Carlsbad	513-W.
P. O. Box 819	Las Cruces	298.

TEXAS

P. O. Box 482, Bellen & Charles Bldg	Alice	970.
Room 2, Bay City Bank & Trust Bldg	Bay City	595.
General delivery	Beeville	1564.
P. O. Box 209, 507 Petroleum Bldg	Big Spring	
P. O. Box 148	Brownfield	327.
843 Southeast Elizabeth St	Brownsville	2-7613.
306 United States Courthouse	Corpus Christi	18.
P. O. Box 432, 207 West Harriman St	Edinburg	Main 3295.
11 United States Courthouse	El Paso	54.
P. O. Box 27	Fabens	646.
P. O. Box 592, 432 Ember Bldg	Harlingen	138-J.
P. O. Box 67, Post Office Bldg	Lamesa	930.
P. O. Box 141, 206 Franklin Bldg	Laredo	5001.
P. O. Box 1615, 209 Federal Bldg	Lubbock	663.
P. O. Box 1004, 1308 Chiengo Ave	McAllen	
P. O. Box 485	Mercedes	57.
P. O. Box 188, 306 Federal Bldg	Pecos	
P. O. Box 264	Port Lavaca	11.
P. O. Box 928	Presidio	258.
P. O. Box 706, 253 South 7th St	Raymondville	
P. O. Box 141	Rio Grande City	127.
Room 3, State National Bank Bldg	Robstown	6318.
P. O. Box 650, 507 Rust Bldg	San Angelo	770.
P. O. Box 1963, 606 South Sam Houston St	San Benito	175.
General delivery	Sinton	
P. O. Box 426, 107½ 4th St	Weslaco	

[F. R. Doc. 47–8017; Filed, Aug. 27, 1947; 8:55 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

MISCELLANEOUS AMENDMENTS

State Bulletins (Subpart–1947) issued December 17, 1946 (11 F. R. 14339), and amendments issued March 19, 1947 (12 F. R. 1831), May 3, 1947 (12 F. R. 2977), and July 23, 1947 (12 F. R. 4879), are hereby further amended as follows:

1. Section 701.842 *Arkansas*, paragraph (j) is amended by adding at the end of the first sentence the language "except that where the practice was begun after May 23, 1947, without prior approval, the county committee may, in accordance with instructions issued by the State committee, give post approval of the practice, provided request for such approval is made to the county committee not later than September 1, 1947."

2. In § 701.842 (j) (9), the payment rates are amended to read as follows:

Payment rates:
(i) Hairy vetch, $0.15 per pound.
(ii) Hungarian vetch, $0.08 per pound.
(iii) Willamette vetch, $0.06 per pound.
(iv) Austrian Winter peas, $0.05 per pound.
(v) Crimson clover (clean), $0.15 per pound.
(vi) Bur-clover (in bur), $0.09 per pound.
(vii) Singletary or rough peas, $0.07 per pound.

3. Section 701.844 *Colorado*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

4. Section 701.845 *Connecticut*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "August 30, 1947."

5. Section 701.845 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

6. Section 701.847 *Florida*, paragraph (j) is amended by adding at the end of the first sentence the language "except that where the practice was begun after May 23, 1947, but before August 10, 1947, without prior approval, the county committee may, in accordance with instructions issued by the State committee, give post approval of the practice, provided request for such approval is made to the county committee not later than September 2, 1947."

7. In § 701.847 (j) (6), the payment rates are amended to read as follows:

Payment rates:
(i) Austrian Winter peas, $0.05 per pound.
(ii) Hairy vetch, $0.11 per pound.
(iii) Common vetch, $0.06 per pound.
(iv) Willamette vetch, $0.06 per pound.
(v) Lupine, $0.045 per pound.
(vi) Dixie crimson clover, $0.25 per pound.

8. Section 701.848 *Georgia*, paragraph (j) is amended by adding at the end of the first sentence the language "except that where the practice was begun after May 23, 1947, without prior approval, the county committee may, in accordance with instructions issued by the State committee, give post approval of the practice, provided request for such approval is made to the county committee not later than September 1, 1947."

9. Section 701.849 *Idaho*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

10. Section 701.850 *Illinois*, paragraph (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting the following therefor: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

11. Section 701.851 *Indiana*, paragraph (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting the following therefor: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

12. Section 701.852 *Iowa*, paragraph (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting the following therefor: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

13. Section 701.853 *Kansas*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

14. Section 701.855 *Louisiana*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices begun without prior approval during the period May 23 through August 5 may be given by the county committee, provided request for approval is made to the county committee not later than August 31, 1947."

15. Section 701.855 (i) (12) is amended by adding immediately preceding the *Payment rates* the following sentence: "Payment for white Dutch clover, alsike clover, hop clover, Persian clover, black medic, red clover, and clover mixtures will be made only when the seeding is completed prior to June 1, 1947."

16. Section 701.855 (i) is amended by adding the following subparagraph (23):

(23) *Seeding pasture clovers on or after June 1, 1947.* Payment will be made for seeding legumes only on existing pasture grasses or with a seeding of one or more of the grasses listed under subparagraph (12) of this paragraph. The area must be covered with enough properly distributed plants to assure reseeding.

Payment rates:
(i) White Dutch clover, $0.45 per pound.
(ii) Alsike clover, $0.25 per pound.
(iii) Hop clover, $0.25 per pound.
(iv) Persian clover, $0.25 per pound.
(v) Black medic, $0.25 per pound.
(vi) Red clover, $0.25 per pound.
(vii) Clover mixtures containing at least 85 percent Persian, white, alsike, black medic, and/or hop, but not less than 30 percent white, $0.30 per pound.

17. Section 701.856 *Maine*, paragraph (a) is amended by deleting the language "July 1, 1947" and substituting therefor "August 30, 1947."

18. Section 701.856 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

19. Section 701.858 *Massachusetts*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "August 30, 1947."

20. Section 701.858 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

21. Section 701.859 *Michigan*, paragraph (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting the following therefor: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

22. Section 701.860 *Minnesota*, paragraph (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting the following therefor: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

23. Section 701.861 *Mississippi*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices begun without prior approval during the period May 23 through August 4 may be given by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee not later than August 31, 1947."

24. Section 701.862 *Missouri*, paragraph (j) is amended by deleting the language "June 1, 1947" and substituting therefor "August 1, 1947."

25. Section 701.863 *Montana*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 31 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

26. Section 701.864 *Nebraska*, paragraph (i) is amended by deleting the language "May 1, 1947" and substituting therefor "September 1, 1947."

27. Section 701.865 *Nevada*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

28. Section 701.866 *New Hampshire*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "September 15, 1947."

29. Section 701.866 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

30. Section 701.867 *New Jersey*, paragraph (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

31. Section 701.868 *New Mexico*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

32. Section 701.869 *New York*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "August 30, 1947."

33. Section 701.869 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

34. In § 701.870 *North Carolina*, paragraph (j) (4), the payment rate, is amended to read as follows:

Payment rates:
(i) Crimson clover, $0.17 per pound.
(ii) Hairy vetch, $0.16 per pound.
(iii) Austrian Winter peas, $0.055 per pound.
(iv) Annual ryegrass, $0.07 per pound.

35. Section 701.871 *North Dakota*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

36. Section 701.872 *Ohio*, paragraph (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting the following therefor: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

37. Section 701.873 *Oklahoma*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices begun without prior approval during the period May 23 through August 31 may be given by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee not later than August 31, 1947."

38. Section 701.873 (i) (9), the practice title is amended by adding the language "on or before August 9, 1947" immediately after the language "pasture legumes."

39. In § 701.873 (i) (25), the payment rates, are amended to read as follows:

Payment rates:
(i) Hairy vetch, $0.13 per pound.
(ii) Austrian Winter peas, $0.05 per pound.
(iii) Bur-clover (hulled), $0.40 per pound.
(iv) Bur-clover (in bur), $0.08 per pound.

40. Section 701.873 (i) is amended by adding the following subparagraph (34):

(34) *Establishing permanent pastures by seeding or overseeding adapted pasture legumes subsequent to August 9, 1947.* Payment will not be made for seeding a legume unless a pasture grass is already growing.

Payment rates:
(i) White Dutch clover, $0.50 per pound
(ii) Alsike clover, $0.36 per pound.
(iii) Hop clover, $0.40 per pound.
(iv) Persian clover, $0.40 per pound.
(v) Black medic, $0.25 per pound.

41. Section 701.874 *Oregon*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is

made to the county committee prior to September 2, 1947."

42. Section 701.875 *Pennsylvania*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefore "August 30, 1947."

43. Section 701.875 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947 and July 31, 1947, may be approved retroactively by the county committee."

44. Section 701.876 *Rhode Island*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "August 30, 1947."

45. Section 701.876 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947 and July 31, 1947, may be approved retroactively by the county committee."

46. Section 701.877 *South Carolina*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices begun without prior approval during the period May 23 through August 6 may be given by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee not later than August 31, 1947."

47. In § 701.877 (i) (3), the payment rates are amended to read as follows:

Payment rates:
(i) Austrian Winter or Dixie Wonder peas, $0.052 per pound.
(ii) Hairy vetch, $0.17 per pound.
(iii) Hungarian vetch, $0.096 per pound.
(iv) Purple vetch, $0.096 per pound.
(v) Common vetch, $0.067 per pound.
(vi) Monantha vetch, $0.067 per pound.
(vii) Willamette vetch, $0.067 per pound.
(viii) Blue lupine, $0.052 per pound.
(ix) Crimson clover (clean), $0.19 per pound.
(x) Crimson clover (chaffy), $0.09 per pound.
(xi) Caley or Singletary peas, $0.08 per pound.
(xii) Bur-clover (clean), $0.32 per pound.
(xiii) Bur-clover (in bur), $0.08 per pound.

48. Section 701.877 (i) (12) is amended by adding at the end of the practice title the language "on or before August 31, 1947."

49. Section 701.877 (i) is amended by adding the following subparagraph (21):

(21) *Establishing or reseeding permanent pastures on or after September 1, 1947.* Double-disking or an equivalent operation is required for the preparation of seedbed in new pastures. A good stand of the seeding must be obtained. Legumes must be seeded on or with one or more perennial grasses. One or more of the grasses and one or more of the legumes listed below must be seeded in new pastures.

Payment rates:
(i) Dallis grass (imported), $0.40 per pound.
(ii) Dallis grass (domestic), $0.24 per pound.
(iii) Common lespedeza, $0.14 per pound.
(iv) Kobe lespedeza, $0.12 per pound.
(v) Korean lespedeza, $0.08 per pound.
(vi) White Dutch clover, $0.56 per pound.
(vii) Ladino clover, $1.20 per pound.

50. Section 701.878 *South Dakota*, paragraph (j) is amended by deleting the language "May 1, 1947" and substituting therefor "September 1, 1947."

51. Section 701.880 *Texas*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices begun without prior approval during the period May 23 through August 6 may be given by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee not later than August 31, 1947."

52. Section 701.881 *Utah*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

53. Section 701.882 *Vermont*, paragraph (a) is amended by deleting the language "June 30, 1947" and substituting therefor "August 30, 1947."

54. Section 701.882 (j) is amended by adding at the end of the first sentence the language "except that practices performed between May 23, 1947, and July 31, 1947, may be approved retroactively by the county committee."

55. Section 701.884 *Washington*, paragraph (j) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

56. Section 701.886 *Wisconsin*, paragraph (a) is amended by deleting the proviso and substituting therefor the following: "provided he does so within 30 days after acquiring an interest in the farm or by August 18, whichever is later."

57. Section 701.886 (j) is amended by deleting the language "may be approved retroactively" in the first sentence and substituting therefor the following: "or the date of approval on the notice of approved practices, whichever is the later, may be approved retroactively."

58. Section 701.887 *Wyoming*, paragraph (i) is amended by adding at the end of the first sentence the language "except that approval of conservation practices started during the period May 23 through July 21 may be granted by the county committee, in accordance with instructions issued by the State committee, provided request for approval is made to the county committee prior to September 2, 1947."

(49 Stat. 1148, 16 U. S. C. 590g–590q: 1947 National Agricultural Conservation Program Bulletin, as amended (11 F. R. 9467, 11266, 12 F. R. 5384))

Approved: August 19, 1947.

[SEAL] THOS. L. AYERS,
Acting Director, Agricultural Conservation Programs Branch.

[F. R. Doc. 47-8041; Filed, Aug. 27, 1947, 8:45 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

REVOCATION OF WITHDRAWAL OF PUBLIC LANDS FOR WAR DEPARTMENT USE FOR AIRPORT PURPOSES

CROSS REFERENCE: For order affecting the tabulation contained in § 501.1, see Public Land Order 398 under Title 43, *infra*, revoking Public Land Order 116, which withdrew certain public lands for use of the War Department for airport purposes.

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

SUBPART B—DELEGATIONS OF AUTHORITY AND ASSIGNMENT OF DUTIES

Subpart B of Part 500, is amended to read as follows:

Sec.
500.11 Citation of authority.
500.12 Designation of Acting Commissioner.
500.13 Specific delegations to named positions.
500.14 Delegations to committees.

AUTHORITY: §§ 500.11 to 500.14, inclusive, issued under secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C., Sup., 1002, 1011.

§ 500.11 *Citation of authority.* Section 1 of Title I of the National Housing Act provides in part as follows:

• • • In order to carry out the provisions of this title and titles II, III and VI, the Administrator may establish such agencies, accept and utilize such voluntary and uncompensated services, utilize such federal officers and employees, and, with the consent of the State, such State and local officers and employees, and appoint such other officers and employees as he may find necessary, and may prescribe their authorities, duties, responsibilities, and tenure and fix their compensation, without regard to the provisions of other laws applicable to the employment or compensation of officers or employees of the United States. The Administrator may delegate any of the functions and powers conferred upon him under this title and titles II, III and VI to such officers, agents, and employees as he may designate or appoint • • •.

Section 3 of Reorganization Plan No. 3 of 1947, effective July 27, 1947, provides in part as follows:

Federal Housing Administration. The Federal Housing Administration shall be headed by a Federal Housing Commissioner • • • There are transferred to said Commissioner the functions of the Federal Housing Administrator.

§ 500.12 *Designation of acting commissioner.* Pursuant to the authority cited in § 500.11, I hereby designate the officials of the Federal Housing Administration named in this section to act in my place and stead with the title of "Acting Commissioner" with all of the powers, duties and rights conferred upon me by the National Housing Act, as Amended, Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive Order, in the event of my absence, illness or inability to act: *Provided*, That no official named below shall have authority to act as "Acting Commissioner" unless all those whose names appear before his are absent from their official post or unable to act:

(a) Walter L. Greene, First Assistant Commissioner.

(b) Burton C. Bovard, General Counsel.

(c) M. R. Massey, Assistant Commissioner, Field Operations.

(d) Curt C. Mack, Assistant Commissioner, Underwriting.

(e) Clyde L. Powell, Assistant Commissioner, Rental Housing and Property Management.

(f) R. Winton Elliott, Assistant Commissioner, Administrative Services.

(g) Arthur J. Frentz, Assistant Commissioner, Title I.

§ 500.13 *Specific delegations to named positions.* Pursuant to the authority cited in § 500.11, the following assignment of duties and delegations of functions and powers are hereby made:

(a) *First assistant commissioner.* To the position of First Assistant Commissioner:

(1) To assist the Commissioner in the general administration and coordination of all functions of the Administration.

(2) To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions or approved lenders.

(3) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(4) To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.[1]

(b) *Assistant commissioner, field operations.* To the position of Assistant Commissioner, Field Operations, and under his general supervision (except with respect to the authority contained in subparagraphs (9) and (10) of this paragraph) to the position of Assistant to such Assistant Commissioner:

(1) To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions, or approved lenders.

(2) To issue commitments for insurance and to execute insurance contracts pursuant to such commitments.

(3) To approve a change in amount, a change of the term, or any other modification of commitments for insurance or of insurance contracts.

(4) To consent to the release of mortgagors.

[1] Not filed with the Division of the Federal Register.

(5) To consent to the release of portions of the mortgaged property from the lien of the mortgage.

(6) To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

(7) To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

(8) To execute assignments, releases or satisfactions of mortgages taken by the Commissioner as security in connection with the sale of acquired properties.

(9) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(10) To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(11) To direct the administration of Field Offices and to initiate and recommend to the Commissioner policies and procedures with respect thereto.

(12) To issue Property Eligibility Statements or Commitments or any similar forms which may be provided in connection with Class 3 loans under the regulations issued pursuant to Title I, section 2, of the National Housing Act.

(13) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I that require the prior approval of the Federal Housing Commissioner.

(14) To execute applications or other documents in connection with any functions which the Federal Housing Administration may perform for any other agency or agencies of the United States.

(c) *Assistant commissioner, underwriting.* To the position of Assistant Commissioner, Underwriting, and in his absence or inability to act (except with respect to the authority contained in subparagraphs (3) and (4) of this paragraph) to the Assistant to such Assistant Commissioner:

(1) To be directly responsible to the Commissioner for all mortgage underwriting activities, including valuation of realty, land planning, architecture and credit analyses, analyses of locations, subdivisions and areas and construction cost determination.

(2) To plan, supervise, instruct in and review the work of the technical programs and procedures, including; the establishment of eligibility requirements as to property standards, minimum construction requirements and new methods of dwelling construction for projects insured by the Federal Housing Administration; cooperation with industry and governmental agencies in the development of engineering methods, materials, mechanical equipment and architectural planning and design. Dissemination to the field offices and to the public of technical material on planning and construction; preparation of estimates and other studies on the use of materials.

(3) To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(4) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(d) *Assistant Commissioner, Rental Housing and Property Management.* To the position of Assistant Commissioner, Rental Housing and Property Management, and (except with respect to the authority contained in subparagraphs (8) and (9) of this paragraph) under his general supervision to the position of Assistant to such Assistant Commissioner:

(1) To issue commitments for insurance and to execute insurance contracts under sections 207 and 608.

(2) To approve the increase in amount, the extension of term, or any other modification of commitments for insurance or of insurance contracts under sections 207, 210, and 608.

(3) To approve or disapprove "change orders" during construction under sections 207 and 608.

(4) To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions, or approved lenders.

(5) To consent to the release of mortgagors and to the release of portions of the mortgaged property from the lien of the mortgage, with respect to mortgages insured under sections 207, 210, and 608.

(6) To approve or disapprove for insurance advances of mortgage money during construction under sections 207 and 608 and to execute such instruments as may be necessary in connection therewith.

(7) To operate and manage all properties conveyed to the Federal Housing Commissioner, including authority with respect to such properties, to:

(i) Approve all offers to rent or purchase, except that offers to purchase properties acquired under sections 207 or 608, or offers to buy a group of 10 or more properties acquired under other sections of the act, shall be subject to the approval of the Commissioner and shall be accompanied by the recommendations of the Property Sales Committee.

(ii) Execute such contracts, leases, assignments and other instruments as may be necessary in the rental or sale of such properties,

(iii) Employ brokers or managers,

(iv) Make repairs, alterations, and improvements,

(v) Authorize expenditures.

(8) In connection with the sale of properties conveyed to the Commissioner, to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto, and deeds of release, assignments or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(9) To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(10) To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

(11) To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

(12) To approve the sale, assignment, or modification in the terms of, and authorize the foreclosure of, mortgages assigned to the Federal Housing Commissioner in exchange for debentures, and the sale and terms of sale of all mortgages taken as security in connection with the sale of properties conveyed to the Federal Housing Commissioner, except that offers to purchase mortgages acquired under sections 207 or 608 shall be subject to the approval of the Commissioner and shall be accompanied by the recommendation of the Property Sales Committee.

(e) *Assistant commissioner, administrative services.* To the position of Assistant Commissioner, Administrative Services, and in his absence or inability to act (except with respect to the authority contained in subparagraphs (12) and (13) of this paragraph), to the Assistant to such Assistant Commissioner:

(1) To have supervision and direction over the Personnel Division, the Washington Office Management Division, and the Budget Division.

(2) To maintain an administrative planning program, including the recommendation to the Commissioner of organizational changes within divisions and offices and the study of improvements in organization, space requirements, procedure and forms.

(3) With respect to personnel, to make appointments, promotions, transfers, demotions, separations, and classifications; to fix the administrative work week, to order or approve overtime work in excess of any that may be included in the regularly scheduled administrative work week, and to prescribe rules and regulations regarding overtime.

(4) To approve telephone contracts.

(5) To execute leases of property for FHA use.

(6) To issue orders for travel in accordance with the Standardized Government Travel Regulations, as amended, and the Independent Offices Appropriation Act, including authorization for travel by air and extra fare train in accordance with Circular No. 355, Executive Office of the President, dated April 16, 1940, and amendments thereto, and for travel incident to permanent change of station in accordance with the Treasury and Post Office Departments Appropriation Act; to approve travel performed and expense incurred on account of an emergency or without prior authority in accordance with paragraph 7 of the Standardized Government Travel Regulations, as amended, and to approve and authorize the transportation of household goods and personal effects at government expense in accordance with Executive Order 8588 and amendments thereto, and any other Executive Orders providing for the approval and authorization by the head of an Agency with respect to the transportation of household goods and personal effects at Government expense.

(7) To issue purchase orders, including printing and binding requisitions to the Government Printing Office. (See Sec. 3828, Rev. Stat.)

(8) To incur obligations and authorize expenditures for services and for the purchase of equipment, materials, and supplies other than in connection with acquired properties.

(9) To approve all agreements involving reimbursements, including agreements with others for the performance of any function by or on behalf of the Federal Housing Administration, after first obtaining the recommendation of any division affected.

(10) To issue orders for publications of notices and advertisements in newspapers, magazines, and periodicals. (See Sec. 3828, Rev. Stat.)

(11) To execute contracts for services and for the purchase of equipment, materials, and supplies, including contracts for materials, equipment, supplies and services, for the maintenance and operation of acquired properties.

(12) To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

(13) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

(14) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(f) *Assistant Commissioner, Title I.* To the position of Assistant Commissioner, Title I, and in his absence or inability to act (except as specified in subparagraphs (4) and (5) of this paragraph) to the Assistant to such Assistant Commissioner with respect to the insurance of loans or advances of credit made under the provisions of section 2 of Title I of the National Housing Act.

(1) To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions or approved lenders.

(2) To issue and cancel Contracts of Insurance under Title I and to transfer such contracts and the rights and benefits accruing thereunder between lending institutions.

(3) To exercise the authority of the Commissioner under the regulations governing Title I loans in any instance which is subject to the approval of the Commissioner.

(4) To execute the power and authority vested in the Commissioner under the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury, except that the authority to execute the power and authority under section IV of such regulations may be exercised only by the Assistant Commissioner, Title I.

(5) In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith. The authority in this subdivision may be exercised only by the Assistant Commissioner, Title I.

(6) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I, that require the prior approval of the Federal Housing Commissioner. To execute in my name such documents as are necessary to transfer title in and to any debt, contract, claim, property, or security. To execute in my name proofs of claim against bankrupt, insolvent, or decedent estates and to execute releases of obligations to the Federal Housing Administration, including but not limited to notes, judgments, and other evidences of indebtedness, and to release liens of any sort held as security for such obligations, in those cases where the obligor has paid the full amount due thereon to the Federal Housing Administration.

(g) *General Counsel.* To the position of General Counsel and in his absence or inability to act, to the Assistant General Counsel:

(1) On behalf of the Commissioner to receive and accept service of all summons, subpoenas, and other court process directed to the Commissioner.

(2) To sign, acknowledge and verify on behalf of and in the name of the Federal Housing Commissioner, all declarations, bills, pleas, answers, and all other pleadings in any court proceeding which are brought in the name of or against the Federal Housing Commissioner, or in which he is named as a party.

(3) To advise and consult with the Commissioner and with heads of the several divisions concerning the legal aspects of the policies of the Federal Housing Administration.

(4) To interpret the provisions of the National Housing Act and of the rules and regulations promulgated thereunder; revise the rules and regulations.

(5) To collaborate with the General Counsel of the Housing and Home Finance Agency in connection with legislation before Congress pertaining to the Federal Housing Administration program, recommending changes by way of amendments.

(6) To administer all matters pertaining to the preparation of legal forms necessary to the work of the Administration; the submission of cases to the Attorney General for legal action; investigation of fraud; or violations of the National Housing Act; and the determination of acceptability of Title.

(h) *Zone commissioners and directors.* To the position of Zone Commissioner and to each of them, and under their supervision to their respective Assistant Zone Commissioners, State Directors, District Directors, Territorial Directors, Assistant State Directors, Assistant District Directors, Assistant Territorial Directors, and Executive Assistants:

(1) To issue commitments for insurance and to execute insurance contracts pursuant to such commitments.

(2) To approve a change in amount, a change of the term, or any other modification of commitments for insurance or of insurance contracts.

(3) To consent to the release of mortgagors.

(4) To consent to the release of portions of the mortgaged property from the lien of the mortgage.

(5) To approve or disapprove for insurance advances of mortgage money during construction, and to execute such instruments as may be necessary in connection therewith.

(6) To approve or disapprove "change orders" during construction.

(7) To issue Property Eligibility Statements or Commitments or any similar forms which may be provided in connection with Class 3 loans under the regulations issued pursuant to Title I, section 2, of the National Housing Act (Part 502 of this chapter).

(8) In connection with Class 3 loans under the regulations issued pursuant to Title I, section 2, of the National Housing Act, to approve the sale by insured institutions of acquired property where the insured institution exercises its option to sell the property in the open market in lieu of a conveyance to the Commissioner.

(9) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I that may require the prior approval of the Federal Housing Commissioner.

(10) To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

(11) To execute applications or other documents in connection with any functions which the Federal Housing Administration may perform for any other agency or agencies of the United States.

(12) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(13) In connection with the sale of Commissioner owned property, to consent to the assignment of the interest of the contract purchaser under a contract for deed and to the substitution of mortgagors under a mortgage held by the Commissioner.

(14) To execute contracts for the sale of any properties conveyed to the Federal Housing Commissioner, except properties acquired under sections 207 or 608 or sales of ten or more properties as a group.

(i) *Comptroller.* To the positions of Comptroller, of Assistant Comptroller, and of Assistant to the Comptroller (in the order named):

(1) To requisition the advance of funds.

(2) To approve all expenditures and receipt vouchers necessary to carry out the provisions of the National Housing Act.

(3) To endorse checks for deposit or collection.

(4) To certify financial statements.

(5) To certify the findings of the Compliance Committee in regard to the waiver of the regulations under the provisions of section 2 (c) of the National Housing Act, as amended.

(6) To certify as to delegations of authority by the Commissioner and as to the truth or accuracy of copies of original papers or documents in the possession of the Administration.

(7) To devise accounting procedures and to administer the fiscal policies of the Administration.

(8) To execute vouchers or applications and receipt for any payments received representing refunds of taxes or other payments made by the Commissioner in connection with property acquired under the provisions of the National Housing Act.

(9) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(j) *Director of Research and Statistics.* To the position of Director of Research and Statistics:

(1) To advise the Commissioner on the economic aspects of mortgage insurance activities. Plan and administer the activities of the Research and Statistics Division. Consult with the representatives of other divisions and other agencies on problems of housing and economic research.

(2) To initiate, and to undertake on request of other officers, actuarial studies regarding insurance operations under Titles I, II, and VI, including, in collaboration with the Comptroller, studies of the distribution of expenses and income; and to prepare studies of the adequacy of premiums and reserves and such other matters as are required by the Commissioner for the formulation of sound actuarial policy.

(k) *Director of Personnel.* To the position of Director of Personnel, and in his absence or inability to act, to the Assistant Director of Personnel; acting under the supervision and direction of the Assistant Commissioner, Administrative Services:

(1) To be responsible for the development and maintenance of a personnel program.

(2) To have charge of the appointment, promotion, demotion, separation, classification, and transfer of personnel; the development and maintenance of a performance rating system; training and employee relations program; and of other personnel functions.

(3) To serve as liaison representative between the Federal Housing Administration and the Civil Service Commission and other Government agencies with respect to personnel matters.

(4) To make recommendations to the Budget Officer with respect to estimates for personnel services.

(l) *Budget Officer.* To the position of Budget Officer, acting under the supervision and direction of the Assistant Commissioner, Administrative Services:

(1) To be responsible for the preparation of budget estimates, personnel ceiling requests, and quarterly apportionments, together with the justifications therefor, and the fixing of budget allotments.

(2) To develop sound workload measures and unit costs and to analyze operations for the purpose of determining whether such workload and unit costs are justified, including the check of rate of expenditures against allocations in order to avoid over-expenditure.

(m) *Office Manager.* To the position of Office Manager, and in his absence or inability to act, to the Assistant Office Manager, acting under the supervision and direction of the Assistant Commissioner, Administrative Services:

(1) To be responsible for the administration of the Washington Office Management Division.

(2) To incur obligations, authorize expenditures, and execute contracts for services and for the purchase of equipment, materials, and supplies other than in connection with acquired properties.

(3) To approve telephone contracts.

(4) To execute leases of property for Federal Housing Administration use.

(5) To issue orders for travel in accordance with the Standardized Government Travel Regulations, as amended, and the Independent Offices Appropriation Act, including authorization for travel by air and extra fare train in accordance with Circular No. 355, Executive Office of the President, dated April 16, 1940, and amendments thereto, and for travel incident to permanent change of station in accordance with the Treasury and Post Office Departments Appropriation Act; to approve travel performed and expense incurred on account of an emergency or without prior authority in accordance with paragraph 7 of the Standardized Government Travel Regulations, as amended, and to approve and authorize the transportation of household goods and personal effects at government expense in accordance with Executive Order 8588 and amendments thereto, and any other Executive orders providing for the approval and authorization by the head of an agency with respect to the transportation of household goods and personal effects at Government expense.

(6) To issue purchase orders, including printing and binding requisitions to the Government Printing Office.

(7) To issue orders for publications of notices and advertisements in newspapers, magazines, and periodicals. (See sec. 3828, Rev. Stat.)

(8) To execute contracts for purchase of equipment and supplies, including contracts for materials, equipment, supplies and services for the maintenance and operation of acquired properties.

(9) To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

§ 500.14 *Delegations to committees.* Pursuant to the authority cited in § 500.11, the following assignments of duties and delegations of functions and powers are hereby made:

(a) *Executive Board.* To a Committee to be known as the "Executive Board" consisting of the Commissioner as Chairman; the First Assistant Commissioner as Vice-Chairman; the Assistant Commissioner, Field Operations; the Assistant Commissioner, Rental Housing and Property Management; the Assistant Commissioner, Underwriting; the Assistant Commissioner, Title I; the Assistant Commissioner, Administrative Services; the General Counsel; the Comptroller; the Budget Officer; the Director of Personnel; the Director of Research and Statistics; and the Zone Commissioners:

(1) To consider and discuss matters of general policy and to advise the Commissioner with respect to matters affecting the activities of the various divisions of the Administration.

The Executive Board or any part thereof shall meet upon call by the Chairman or Vice-Chairman, who will designate and excuse from attendance any member having no direct interest in the matters to be discussed at the meeting.

In the absence of the Chairman the Vice-Chairman shall preside and in the absence of any member designated by the Chairman or Vice-Chairman as being interested in the matters to be discussed, the principal assistant of such absent member shall attend the meeting and serve in the place of such member.

(b) *Property Sales Committee.* To a Committee to be known as the "Property Sales Committee", consisting of the assistant Commissioner, Rental Housing and Property Management, Chairman; Assistant Commissioner, Field Operations; Assistant Commissioner, Underwriting; and Chief Counsel, Rental Housing:

(1) To consider and recommend to the Commissioner the approval or disapproval of any offer to purchase a property or mortgage acquired by the Commissioner under the provisions of sections 207 or 603, and any offer to purchase a group of ten (10) or more properties acquired by the Commissioner in connection with any other section of the act.

(c) *Property Management Expenditures Committee.* To a Committee to be known as the "Property Management Expenditures Committee", consisting of the following: Assistant Commissioner, Rental Housing and Property Management, as Chairman; First Assistant Commissioner; Assistant Commissioner, Field Operations; General Counsel; Assistant Commissioner, Administrative Services; Comptroller; and the Zone Commissioners:

(1) To consider and determine whether or not an expenditure is "necessary to carry out the provisions" of Titles I, II, and VI, as such term is used in section 1 of the National Housing Act, whenever such a determination is, in the opinion of the General Counsel, necessary to support the legal authority of the Commissioner to make such expenditure. A quorum shall consist of five members, one of which shall be the Legal Division representative. Minutes of each meeting which include a determination by the Committee shall be forwarded to the Commissioner prior to action being concluded in connection with such determination. In the absence of any member, the principal Assistant of such absent member shall attend meetings and serve in place of such member. In absence of the Chairman, the members of the Committee shall choose a temporary Chairman.

(d) *Compliance Committee.* To a Committee to be known as the "Compliance Committee", consisting of the Assistant Commissioner, Title I; the Counsel for Title I; the Assistant Commissioner, Administrative Services; the Assistant Commissioner, Field Operations; and the Comptroller; any three of which shall constitute a quorum:

(1) To waive compliance with regulations heretofore or hereafter prescribed with respect to the interest and maturity of, and the terms, conditions, and restrictions under which loans, advances of credit, and purchases may be insured under section 2 and section 6 of Title I, if in the judgment of the Committee the enforcement of such regulations would impose an injustice upon an insured institution which has substantially complied with such regulations in good faith and refunded or credited any excess charge made, and if such waiver does not involve an increase of the obligation of the Commissioner beyond the obligation which would have been involved if the regulations had been fully complied with. In the absence of any member the principal Assistant of such absent member shall attend meetings and serve in place of such member.

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner,
Administrative Services.

AUGUST 21, 1947.

[F. R. Doc. 47-8012; Filed, Aug. 27, 1947; 8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter E—Credit to Indians

PART 21—GENERAL CREDIT TO INDIANS

EDUCATIONAL LOANS; AMENDMENTS TO ARTICLES OF ASSOCIATION AND BYLAWS

Part 21 is amended by the addition of the following new sections.

§ 21.16 *Educational loans.* Loans for educational purposes may be made under the regulations in this part. Notwithstanding the provisions of § 21.6, the interest rate on such loans shall be one per cent per annum.

§ 21.17 *Amendments to articles of association and bylaws.* The Commissioner of Indian Affairs may approve amendments to articles of association and bylaws of credit and cooperative associations originally approved by the Secretary.

(Secs. 10, 11, 48 Stat. 986, secs. 1, 6, 49 Stat. 1250, 1967, 57 Stat. 459, 58 Stat. 472; 25 U. S. C. and Sup., 303, 470, 471, 473a, 501–509)

J. A. KRUG,
Secretary of the Interior.

AUGUST 21, 1947.

[F. R. Doc. 47-8005; Filed, Aug. 27, 1947; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 349]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Sawed timber, 5 inches or larger in least dimension:
407900	Hardwoods, not treated.
	Boards, planks, and scantlings, less than 5 inches in least dimension:
	Hardwoods:
411800	Birch, beech, and maple.
412100	Gum, red, and sap.
412500	Poplar.
413900	Other hardwoods (report ash in 411700; chestnut in 411900 hickory in 412300; magnolia in 412800; lignum-vitae in 412900; teak in 413000; and wagon-oak planks in 413400).
643000	Rubber-covered wire, lamp cord only.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 53 Stat. 671, 59 Stat. 270, 60 Stat. 215; Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: August 20, 1947.

FRANCIS MCINTYRE,
Director,
Export Control Branch.

[F. R. Doc. 47-8020; Filed, Aug. 27, 1947; 8:46 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 9—EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

REVOCATION OF WITHDRAWAL OF PUBLIC LANDS FOR NAVY DEPARTMENT USE AS AERIAL GUNNERY RANGE

CROSS REFERENCE: For order affecting the tabulation contained in § 9.6, see Public Land Order 397 under Title 43, *infra*, revoking Public Land Order 241, which withdrew certain public lands for the use of the Navy Department as an aerial gunnery range.

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS

PART 20—SPECIAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Section 2.27 *Prospecting and mining* is amended by adding the words "Organ Pipe Cactus," before the words "Death Valley" in the first sentence thereof.

2. Section 2.63 *Aircraft* is amended as follows: Paragraph (b) *Death Valley National Monument, California* is amended by striking out the words "Section 1," and inserting in lieu thereof the words "Section 15.".

3. Section 20.34 *Mount McKinley National Park, fishing; limit of catch and in possession* is revoked.

(39 Stat. 535, 55 Stat. 745; 16 U. S. C. and Sup., 3, 450z)

Issued this 15th day of August 1947.

[SEAL] OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 15, 1947.

[F. R. Doc. 47-8003; Filed, Aug. 27, 1947; 8:45 a. m.]

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

LINCOLN NATIONAL FOREST, N. MEX.

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see F. R. Document 47-8011 under Department of the Interior in the Notices section, *infra*, revoking the withdrawals of certain lands for use as forest administrative sites within the Lincoln National Forest, New Mexico.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circ. 1653]

PART 192—OIL AND GAS LEASES

DATING OF COMPETITIVE AND NONCOMPETITIVE OIL AND GAS LEASES

The following section is added to Part 192:

§ 192.40a *Dating of competitive and noncompetitive oil and gas leases.* All competitive and noncompetitive oil and gas leases will be dated as of the first of the month following the date the leases are signed on behalf of the lessor except that where prior written request is made a lease may be dated the first of the month within which it is so signed. (Sec. 32, 41 Stat. 450; 30 U. S. C. 189).

FRED W. JOHNSON,
Director.

Approved: August 21, 1947.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-8006; Filed, Aug. 27, 1947; 8:45 a. m.]

Appendix—Public Land Orders

[Public Land Order 397]

WASHINGTON

REVOKING PUBLIC LAND ORDER NO. 241 OF AUGUST 1, 1944, WITHDRAWING PUBLIC LANDS FOR USE OF NAVY DEPARTMENT AS AN AERIAL GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 241 of August 1, 1944, withdrawing the public lands in the hereinafter described areas for the use of the Navy Department as an aerial gunnery range, is hereby revoked.

The jurisdiction over and use of such lands granted to the Navy Department by Public Land Order No. 241 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 21, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 21, 1947, to January 20, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 2, 1947, to October 21, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 21, 1947 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 20, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 31, 1947, to January 20, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 20, 1948 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Spokane, Washington.

The lands affected by this order are the public lands in the following described areas:

WILLAMETTE MERIDIAN

T. 4 N., R. 21 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1 and 2, $SE\frac{1}{4}NE\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 10, $N\frac{1}{2}$, $SE\frac{1}{4}$, and $E\frac{1}{2}SW\frac{1}{4}$;
Secs. 11 to 14, inclusive;
Sec. 15, $NE\frac{1}{4}$ and $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 22, $NE\frac{1}{4}NE\frac{1}{4}$;
Secs. 23, 24, and 25;
Sec. 26, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$ and $SE\frac{1}{4}$;
Sec. 35, $E\frac{1}{2}NE\frac{1}{4}$;
Sec. 36, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$ and $NW\frac{1}{4}$.
T. 5 N., R. 21 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1 and 2, $S\frac{1}{2}N\frac{1}{2}$ and $S\frac{1}{2}$;
Sec. 5, $SE\frac{1}{4}NE\frac{1}{4}$ and $S\frac{1}{2}$;
Sec. 6, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 7, $E\frac{1}{2}E\frac{1}{2}$;

Secs. 8 to 16, inclusive;
Sec. 17, N½, E½SW¼ and SE¼;
Sec 20, NE¼, N½SE¼ and SE¼SE¼;
Secs. 21 to 28, inclusive;
Sec. 29, NE¼NE¼;
Sec. 33, NE¼, E½NW¼ and SE¼;
Secs. 34, 35, and 36.
T. 6 N., R. 21 E.,
Sec. 25, SE¼SE¼;
Sec. 34, SE¼SW¼ and SE¼;
Sec. 35, S½NE¼, SE¼NW¼ and S½;
Sec. 36.
T. 4 N., R. 22 E.,
Secs. 1 to 21, inclusive;
Sec. 22, N½, SW¼ and N½SE¼;
Sec. 23, N½NE¼, SW¼NE¼ and NW¼;
Sec. 24, NW¼NW¼;
Sec. 28, N½NE¼, N½NW¼ and SW¼NW¼;
Sec. 29, N½, N½SW¼ and NW¼SE¼;
Sec. 30;
Sec. 31, lot 1 and NE¼NW¼.
T. 5 N., R. 22 E.,
T. 6 N., R. 22 E.,
Sec. 13, E½SW¼, SW¼SW¼ and SE¼;
Sec. 14, SE¼SE¼;
Sec. 21, SE¼SW¼, NE¼SE¼ and S½SE¼;
Sec. 22, S½NE¼ and S½;
Secs. 23 to 28, inclusive;
Sec. 29, NE¼, S½NW¼ and S½;
Sec. 30, lot 4, E½SW¼ and SE¼;
Secs. 31 to 36, inclusive.
T. 4 N., R. 23 E.,
Sec. 1, lots 1 to 4, inclusive, SW¼NE¼, S½NW¼ and NW¼SW¼;
Sec. 2, N½, SW¼ and N½SE¼;
Secs. 3 to 8, inclusive;
Sec. 9, N½, N½SW¼, SW¼SW¼ and NW¼SE¼;
Sec. 10, N½NE¼ and NW¼;
Sec. 17, N½NW¼;
Sec. 18, lots 1, 2, and 3, NE¼, E½NW¼ and NE¼SW¼.
T. 5 N., R. 23 E.,
T. 6 N., R. 23 E.,
Sec. 1, lots 1 and 2, S½NE¼, S½NW¼ and S½;
Sec. 2, NE¼SW¼, S½SW¼ and SE¼;
Sec. 3, SE¼SE¼;
Sec. 8, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 9, S½NE¼ and S½;
Secs. 10 to 17, inclusive;
Sec. 18, lots 2, 3, and 4, NE¼, SE¼NW¼, E½SW¼ and SE¼;
Secs. 19 to 36, inclusive.
T. 5 N., R. 24 E.,
Secs. 1 to 23, inclusive;
Sec. 24, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 25, NW¼NW¼;
Sec. 26, N½NE¼ and NW¼;
Sec. 27, N½, N½SW¼, SW¼SW¼ and N½SE¼;
Secs. 28, 29, and 30;
Sec. 31, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 32, N½ and N½SW¼;
Sec. 33, NW¼NE¼ and N½NW¼.
T. 6 N., R. 24 E.
T. 7 N., R. 24 E.,
Sec. 24, S½SE¼;
Sec. 25;
Sec. 26, S½NE¼, SE¼NW¼ and S½;
Sec. 27, S½SW¼, NE¼SE¼ and S½SE¼;
Sec. 31, S½SE¼;
Sec. 32, SE¼NE¼ and S½;
Sec. 33, NE¼, NE¼NW¼, S½NW¼ and S½:
Secs. 34, 35, and 36.
T. 5 N., R. 25 E.,
Secs. 1 to 11, inclusive;
Sec. 12, N½, N½SW¼, SW¼SW¼ and NW¼SE¼;
Sec. 14, N½NW¼;
Sec. 15, N½NE¼, SW¼NE¼, NW¼ and NW¼SW¼;
Sec. 19, lots 1, 2, and 3, NE¼, E½NW¼
Secs. 17 and 18;
Sec. 19, lots 1, 2, and 3, NE¼, N½NW¼ and NE¼SW¼;
Sec. 20, NW¼NE¼, N½NW¼ and SW¼NW¼.
T. 6 N., R. 25 E.
T. 7 N., R. 25 E.,
Sec. 13;
Sec. 14, NE¼, NE¼NW¼, S½NW¼ and S½;
Sec. 15, S½NE¼ and S½;
Sec. 16, SE¼SW¼, NE¼SE¼ and S½SE¼;
Sec. 19, lot 4, SE¼NE¼, E½SW¼ and SE¼;
Sec. 20, NE¼, S½NW¼ and S½;
Secs. 21 to 36, inclusive.
T. 5 N., R. 26 E.,
Secs. 1 to 6, inclusive;
Sec. 7, lots 1 and 2, N½NE¼ and E½NW¼.
T. 6 N., R. 26 E.
T. 7 N., R. 26 E.,
Secs. 13 to 36, inclusive.
T. 5 N., R. 27 E.,
Secs. 5 and 6.
T. 6 N., R. 27 E.,
Secs. 5 to 8, secs. 17 to 20, and secs. 29 to 32, inclusive.
T. 7 N., R. 27 E.,
Secs. 17 to 20 and secs. 29 to 32, inclusive.

The areas described, including both public and nonpublic lands, aggregate 270,345.02 acres.

The lands are semi-arid in character, with a rolling to rough surface and a generally rocky soil.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8009; Filed, Aug. 27, 1947; 8:45 a. m.]

[Public Land Order 398]

CALIFORNIA

REVOKING PUBLIC LAND ORDER NO. 116 OF APRIL 26, 1943 WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT FOR AIRPORT PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 116 of April 26, 1943, withdrawing the following-described public land for the use of the War Department for airport purposes, is hereby revoked.

SAN BERNARDINO MERIDIAN

T. 8 N., R. 23 E.,
Sec. 19, N½NE¼.

The area described contains 80 acres.

This land is subject to the order of October 16, 1931, of the Secretary of the Interior withdrawing certain lands for reclamation purposes.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8008; Filed, Aug. 27, 1947; 8:45 a. m.]

[Public Land Order 399]

UNITED STATES AND ALASKA

REVOCATION OF EXECUTIVE ORDER 1324½, WITHDRAWING PUBLIC LANDS CONTAINING HOT OR MEDICINAL SPRINGS IN ALASKA AND AMENDING EXECUTIVE ORDER 5389 WITHDRAWING SUCH LANDS IN UNITED STATES

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U. S. C., Title 43, sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 1324½ of March 28, 1911, withdrawing certain public lands in the Territory of Alaska containing hot or medicinal springs, as amended by Executive Order No. 1883 of January 24, 1914, is hereby revoked; and Executive Order No. 5389 of July 7, 1930, withdrawing certain public lands containing hot or medicinal springs, exclusive of such lands in Alaska, is amended by deleting therefrom the words "exclusive of Alaska", so that the said order shall apply to lands containing hot or medicinal springs in both Alaska and the United States. Executive Order No. 5389, as herein amended, shall not apply to lands within National Forests.

This order shall not otherwise become effective to change the status of the surveyed or unsurveyed public lands in Alaska released from withdrawal by this order until 10:00 a. m. on October 22, 1947. At that time, subject to valid existing rights and the provisions of existing withdrawals, the unsurveyed lands shall become subject to settlement and other forms of appropriation in accordance with applicable laws and regulations, but the surveyed lands shall become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 22, 1947, to January 20, 1948, inclusive, the surveyed public lands in Alaska released from withdrawal by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 734, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 2, 1947 to October 21, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 22, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 21, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from January 1, 1948, to January 20, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 21, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the proper district land office in Alaska shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Part 65 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the proper district land office in Alaska.

The lands released from withdrawal by this order and for which applications may be filed as stated above are described as follows:

All surveyed public lands in Alaska containing hot springs, or other springs the waters of which possess curative medicinal properties, to the extent of 160 acres surrounding each spring, in rectangular form with side and end lines equidistant, as near as may be, from such spring or group of springs, not including, however, any smallest legal subdivision of the public land surveys which contains a hot spring, or a spring the waters of which possess curative properties.

C. GIRARD DANIELSON,
Assistant Secretary of the Interior.

AUGUST 20, 1947.

[F. R. Doc. 47-8007; Filed, Aug. 27, 1947; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Supp. Administrative Order ODT 1-5D]

DELEGATION OF AUTHORITY TO TRANSPORTATION OFFICER, RAILWAY TRANSPORT DEPARTMENT

Pursuant to § 503.5, paragraph (b) of Administrative Order ODT 1, as amended (8 F. R. 6001; 9 F. R. 4615):

1. M. F. Pitcher, Transportation Officer, Railway Transport Department, Office of Defense Transportation, is hereby authorized to execute and issue in her discretion, subject to such terms and conditions as she may prescribe, and in the name of the Director of the Office of Defense Transportation, the special permits contemplated by § 500.73 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386), and the special permits contemplated by General Order ODT 1, Revised, as amended (11 F. R. 8228, 9040, 10616), or as such orders may be hereafter amended, revised, or reissued.

2. The exercise of the powers and authority conferred by this order shall be subject to the general control and supervision of the Director of the Office of Defense Transportation and the Director, Railway Transport Department, Office of Defense Transportation.

This Supplementary Administrative Order ODT 1-5D shall become effective on September 2, 1947.

Supplementary Administrative Order ODT 1-5C (11 F. R. 8491), is hereby revoked as of the effective date of this Supplementary Administrative Order ODT 1-5D.

Issued at Washington, D. C., this 25th day of August 1947.

A. H. GASS,
Director, Railway Transport Department, Office of Defense Transportation.

[F. R. Doc. 47-8023; Filed, Aug. 27, 1947; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 26—EAST CENTRAL REGION NATIONAL WILDLIFE REFUGES

NECEDAH NATIONAL WILDLIFE REFUGE, WISCONSIN; DEER HUNTING REGULATIONS

Section 26.678a (11 F. R. 9040) is revised to read as follows:

§ 26.678a *Necedah National Wildlife Refuge, Wisconsin; hunting of deer.* Deer may be taken during the open season prescribed by the State Conservation Department for the hunting of deer, on all of the lands of the Necedah National Wildlife Refuge, Wisconsin, except the following:

Closed Area: W½ and that part of the SE¼ west of the Parham Ditch in Sec. 4; all refuge land north and east of the Grand Dike Road in Sec. 5, 6, 7, and 8; all refuge land west of the refuge road known as the East Dike Road in Sec. 9; all in T. 18 N., R. 3 E.; S½ of Sec. 6; N½ of Sec. 7; all west of the East Dike Road in the SW¼ Sec. 28; S½, NW¼, and that part of the NE¼ west of the road locally known as the Speedway, in Sec. 29; E½ and all of the W½ east of the Little Yellow River Drainage Ditch in Sec. 30; E½ and all of the W½ east of the north-south road locally known as the Carpenter Road in Sec. 31; all of Sec. 32; that part of the SW¼ west of the Parham Ditch and that part of the NW¼ west of the east dike of the Rynearson Flowage in Sec. 33; all in T. 19 N., R. 3 E., Fourth Principal Meridian.

Entry on and use of the refuge for any purpose is covered by the regulations for the Administration of National Wildlife Refuges dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. Hunters must follow such routes of travel within the refuge as are designated by posting. In addition all hunters must comply with State hunting laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license or licenses as may be required by such laws and regulations which said license shall serve as a Federal permit for hunting deer on the refuge.

State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting. (Sec. 84, 35 Stat. 1104, as amended; 18 U. S. C. 145)

Dated: August 19, 1947.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 47-8004; Filed, Aug. 27, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 6]

[192.36.32]

SKY HARBOR SEAPLANE BASE, DULUTH, MINN.

NOTICE OF PROPOSED DESIGNATION AS TEMPORARY AIRPORT OF ENTRY FOR PERIOD OF 1 YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to designate the Sky Harbor Seaplane Base, Duluth, Minnesota, as a temporary airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such designation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

AUGUST 22, 1947.

[F. R. Doc. 47-8022; Filed, Aug. 27, 1947; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 946]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO A PROPOSED ORDER, AS AMENDED, AND AS HEREBY FURTHER AMENDED, AND TO A PROPOSED MARKETING AGREEMENT

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed order, as amended, and as hereby further amended, and to a proposed marketing agreement, regulating the handling of milk in the Louisville, Kentucky, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed order, as amended, and as hereby further amended, and the proposed marketing agreement have been formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by the Falls Cities Cooperative Milk Producers' Association. Additional proposals for consideration were submitted by the Louisville Milk Distributors Association, Rolling Green Dairy, and the Dairy Branch, Production and Marketing Administration. The public hearing was held at Louisville, Kentucky, on April 21 to 24, 1947, both dates inclusive, pursuant to a notice issued on March 31, 1947 (12 F. R. 2254, 2316).

The material issues presented on the record of the hearing were whether:

1. A definition of "Department of Agriculture" should be adopted;

2. The "Louisville, Kentucky, marketing area" should be revised to exclude therefrom Speed, Sellersburg, and Memphis in Clark County, Indiana;

3. The specification of the powers of the Market Administrator should be revised to provide for the making of rules and regulations to effectuate the terms and provisions of the order, and the recommendation of amendments thereof to the Secretary;

4. The specification of the duties of the Market Administrator should be revised to provide for the preparation and the making available of general statistics and information concerning the operations of the order to producers, consumers, and handlers;

5. The appropriate provisions of the order should be revised to provide for the determination of class prices, and payments to producers, on the basis of milk containing 3.8 percent, instead of 4 percent, butterfat;

6. Flavored milk, flavored milk drinks, and buttermilk containing 1 percent, or less butterfat should be classified as Class II milk;

7. The amount of plant shrinkage of producer milk to be classified as Class III milk should be 3 percent, instead of 2 percent, of the receipts of milk from producers;

8. The method of computing plant shrinkage on producer milk which is utilized in conjunction with receipts of milk, skim milk, or cream from sources other than producers and other handlers should be changed to provide for the proration of the total shrinkage on the basis of producer milk available for use as Class III milk and ungraded receipts;

9. A limited quantity of producer milk used in the manufacture of butter should be classified as Class IV milk;

10. Producer milk transferred or diverted from a fluid milk plant of a handler to his ungraded plant should be classified as Class III milk, except that, if milk, skim milk, or cream is disposed of as any product defined as Class I milk or Class II milk from such ungraded plant, such producer milk should be classified on the basis of its pro rata share of the disposition from the latter plan of all receipts by it, for the delivery period, of milk, skim milk, and cream;

11. The pounds of milk in each class should be determined on the basis of the pounds of butterfat disposed of in such class divided by the average butterfat test of producer milk for the entire market;

12. The receipts of emergency milk should be allocated to the respective classes in which used;

13. The Class I and Class II price differentials should be revised, "floor" prices for such classes should be established; and the basic formula price should be revised to provide for increases in the price levels for such classes;

14. The basic price provisions should also be revised so as (a) to increase the operating allowance in the butter-nonfat dry milk solids formula, when prices of such milk solids delivered at Chicago are used in lieu of such prices f. o. b. manufacturing plants, from 6½ cents to 7½ cents per pound, and (b) to correct the names of certain of the local manufacturing companies listed in the price computation formula for Class III milk;

15. The pricing provisions of the order should be revised to provide for the determination of Class I and Class II prices on the average of the basic formula prices for the current and the preceding delivery periods;

16. The price provided for Class I milk disposed of to relief clients should be revised;

17. A special price should be fixed for Class I milk disposed of by handlers to markets outside the marketing area;

18. The emergency price provision should be deleted;

19. Milk received at the plant of a handler, the handling of which is determined by the Secretary to be subject to the pricing and payment provisions of another Federal milk marketing agreement or order, should not be subject to the pricing and payment provisions of Order No. 46, as amended;

20. The method of making even-production incentive payments should be revised so that such payments will be made directly to producers by the handlers;

21. The market administrator should cease offsetting payments due to any handler by payments due from such handler;

22. The system of determining the butterfat differential applicable to payments to producers should be revised to cover greater fluctuations in the butter price;

23. The provisions relating to expenses of administration should be revised (a) to require the market administrator to make available to handlers detailed accounts of income and disbursements and to declare funds so collected to be impressed with a trust; (b) to have administrative assessment rates determined by the Secretary, rather than by the market administrator, subject to the approval of the Secretary; and (c) to extend the base for assessments for administrative expenses to cover receipts of milk, skim milk, and cream received from sources other than producers and other handlers; and

24. The method of accounting for milk should be revised to establish the so-called "skim milk-butterfat" basis of reporting and accounting for utilization in each class.

Findings and conclusions. The proposed findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) There should be included, in the list of definitions, a definition of the term "Department of Agriculture," and such term should be defined as "the United States Department of Agriculture, or any other Federal agency authorized to perform the price reporting functions, as referred to in this order, of the United States Department of Agriculture."

Various provisions of the existing order specify the use, for computation purposes, of certain prices "as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function)." The adoption of such definition will make it possible to simplify and shorten such references, but will make no change in the effect of the present provisions. The handlers, through their attorney, object on the grounds that the language will permit the use of prices reported by some other Federal agency even in case the Department of Agriculture continues to report such prices, and that there is no specified limitation as to what shall be considered as a "Federal agency." It is believed that the proposed language clearly expresses the intent that the prices used shall be those reported by the Department of Agriculture so long as such reports are made by such Department, and that, in case the Department discontinues making any such report, the prices used shall be those reported by the particular Federal agency to which the Department's former function in the matter was transferred.

(2) The "Louisville, Kentucky, marketing area" definition should not be revised to exclude Speed, Sellersburg, and Memphis in Clark County, Indiana.

This proposal was made by one of the two handlers who are serving these places with fluid milk, and the proponent admitted that his sole objective was to have himself relieved of the necessity of filing reports with the market administrator, of paying administrative assessments on his milk, and of making any necessary settlement with the producer-settlement fund. The other handler would still be regulated under the order even though these places should be excluded from the marketing area, in that he operates in other portions of the marketing area. The result of any such exclusion would, therefore, be to give the proponent handler a competitive advantage over the other handler in the sale of milk in such places. In addition, the applicable health regulations in effect in such places are identical with the corresponding health regulations in other portions of Clark County, Indiana, and there has been no showing which would justify such a differentiation in treatment.

(3) There should be included, in the specification of the powers of the market administrator, provisions for the making by him of rules and regulations to effectuate the terms and provisions of the order, and for the recommending to the Secretary of amendments to the order.

With respect to the making of rules and regulations by the market administrator, it is specifically provided in section 8c (7) (C) (ii) of the Agricultural Marketing Agreement Act of 1937, as amended, that this is one of the four powers which may be granted the administrator of a marketing order, and the proposed language is substantially the same as the statutory language on the matter. The handlers, through their attorney, contend that such power should be allowed to remain in the "Secretary, who is presently empowered to make the rules," so that such rules may be issued "in accordance with law." Such a position ignores the statutory authorization, providing specifically for the granting of such power to a market administrator. Of course, any such rules or regulations as may be issued by the market administrator will need to be issued in accordance with all applicable legal requirements.

With respect to the proposing of order amendments by the market administrator, it is specifically provided in section 8c (7) (C) (iv) of the Agricultural Marketing Agreement Act of 1937, as amended, that this is another one of the four powers which may be granted the administrator of a marketing order. By reason of the fact that a market administrator is concerned with the actual day to day administration of the order provisions, he is in an especially good position to observe any defects in their operation.

(4) There should be included, in the specification of the duties of the market administrator, provision for him to prepare and make available for the benefit of producers, consumers, and handlers, general statistical market information and general information concerning the operation of the order.

Information of the aforementioned types is necessarily collected by the market administrator in connection with the performance of his official duties, and it is believed that much of it will be valuable and helpful to the public. The performance of such function by the market administrator should not require the expenditure of any appreciable additional sum of money. To refuse to make such information available to interested parties would, in the circumstances, seem to be unwarranted, and the inclusion of the provision would merely make it clear that the market administrator has the authority to make such information available. The release of such data is believed to be incidental and necessary to the efficient operation of the order.

(5) The appropriate provisions of the order should be revised to provide for the determination of class prices and the payments to producers on the basis of milk containing 3.8 percent, instead of 4 percent, butterfat.

The average butterfat content of milk received from producers has decreased approximately 0.2 percent in the past 5 years. The average butterfat content of milk received from producers was below 4 percent during 5 months of 1946. The average butterfat content of the majority of fluid milk sales to consumers is 3.8 percent.

This change does not affect the handlers' cost of milk, inasmuch as the basic formula price has been reduced so as to reflect the prices on a 3.8 percent butterfat basis, rather than on a 4 percent butterfat basis. Therefore, the butterfat test upon which the producers' price is announced becomes a matter primarily of concern to producers. The evidence indicates that producers would prefer to receive payments based on an announced price reflecting a lower butterfat content. Producers' satisfaction with the method of announcing the uniform price tends to create more orderly marketing.

(6) Flavored milk, flavored milk drinks, and buttermilk containing one percent, or less, butterfat should not be classified as Class II milk.

The classification of these products was changed from Class II milk to Class I milk by an amendment to the order, effective June 1, 1942. In support of the proposal to change the classification of these products from Class I milk to Class II milk, it was claimed that (a) increased sales of these items had not kept pace with increased sales of whole milk, (b) such items are not directly competitive with whole milk products, and (c) the characteristics of the population of Louisville, Kentucky, make such items an essential part of the milk business.

To be sold in Louisville, Kentucky, these drinks must be made from inspected milk. They are disposed of in fluid form through the same retail and wholesale channels as bottled fluid milk and are used principally as a beverage. The physical characteristics, purposes, values, and uses of these items are more nearly similar to those of fluid milk than of the items now covered under Class II milk.

It was not shown that sales were retarded due to the reclassification of these products, effective June 1, 1942, nor that the majority of such sales are made to certain segments of the population of the marketing area. Even if such showings had been made, such arguments are not in themselves adequate reasons for reclassification of such products. The reclassification of such products would not be in the public interest in that it would necessitate higher minimum prices for milk disposed of as Class I milk in order to insure a sufficient quantity of pure and wholesome milk for the market.

(7) The proposal to increase the amount of plant shrinkage of producer milk to be classified as Class III milk from 2 percent to 3 percent of the receipts of milk from producers should not be adopted.

In support of the proposed increase, it was pointed out that for the months of August and September, 1946, the average shrinkage in the market was in excess of 2 percent, in January, 1946, the market average shrinkage was 1.988 percent, and that during these three months there was as large a volume of milk in plants reporting shrinkage in excess of 2 percent as there was in plants reporting shrinkage less than 2 percent.

The plant shrinkage of butterfat, expressed as a percent of total butterfat pounds in milk received from producers, averaged 1.658 percent in 1946, 1.988 percent in January, 1946, 2.019 percent in August, 1946, 2.232 percent in September, 1946, and less than 1.68 percent for all other months of 1946. Shrinkage allowances determined on the basis of the plant experiences of the most inefficient handlers would not create greater equity between handlers in costs of milk. In the light of these shrinkage percentages and the inequities inherent in the proposed increase, such proposal should not be adopted.

(8) The method of computing plant shrinkage on producer milk which is utilized in conjunction with receipts of milk, skim milk, or cream from sources other than producers and other handlers should not be changed to provide for the proration of the total shrinkage on the basis of producer milk available for use as Class III milk and ungraded receipts.

The present order provisions specify two methods of allocating shrinkage on producer milk which is utilized with milk from other sources. If producer milk is utilized as milk, skim milk, or cream in conjunction with milk, skim milk, or cream from sources other than producers or other handlers, the shrinkage

allocated to the producer milk may not exceed its pro rata share computed on the basis of the proportions of the volumes received, from the various sources to their total. However, if producer milk is transferred as milk, skim milk, or cream under supporting transfer records satisfactory to the market administrator, to a plant of a handler from which no producer milk is disposed of as fluid milk in the marketing area, the shrinkage on the producer milk so transferred is computed on a pro rata basis with all milk and cream utilized in the latter plant and added to the shrinkage on producer milk in the handler's fluid milk plant.

The proposed change would not provide an equitable basis of computing shrinkage on producer milk, in that it would permit a handler without satisfactory transfer records to report unaccounted for milk utilized in his Class I milk or Class II milk operations as producer milk available for Class III milk, and thereby have a lesser quantity of shrinkage allocable to producer milk than a handler with satisfactory transfer records who would have shown the actual shrinkage on his Class I milk and Class II milk operations in addition to his pro rata share of shrinkage on producer milk which he transferred for manufacturing purposes.

(9) The proposal that a limited quantity of producer milk (not in excess of 10 percent of a particular handler's Class I milk sales during the delivery period involved) used in the manufacture of butter should be classified as Class IV milk during all months of each year in lieu of the present price credit given handlers on such limited quantity of producer milk so utilized during the months of April, May, and June, should not be adopted. Also, the proposal that provisions for the present price credit on such limited quantity of producer milk so utilized during the months of April, May, and June be deleted should not be adopted at this time.

In support of the proposed "butter class" for all months of the year, it was contended that (a) larger quantities of butter were made during months of 1946 other than May and June, and (b) producer returns would not be affected, since the class prices should be adjusted so as to reflect "proper" returns. For manufacturing operations in the market, producer milk is transferred to the ungraded plants, in which the various milk products, including butter, are made. Such transferred producer milk is commingled with the ungraded milk in such plants. It was not shown that the quantities of butter produced in 1946 were made wholly from producer milk. However, even if this were the case, such fact would not constitute an adequate reason for making the change. It is not desirable that producer milk be utilized in the manufacture of butter at times when emergency milk is being received. In this connection, substantial quantities of emergency milk have been received by the handlers during seven to nine months of the year for each of the past three years. It would not be in the public interest to increase Class I and Class II milk prices to compensate producers for the inclusion of a lower-priced Class IV milk, in that such action would place an unnecessary, and an avoidable strain on the prices for such higher classes.

In support of the proposal to delete the provisions for the present price credit on the aforementioned limited quantity of producer milk utilized in the manufacture of butter during the months of April, May, and June, it was contended that (a) such provisions conflict with the objectives of the even-production incentive plan, and (b) the association is willing to assist in the disposition of any excess producer milk. The allowance of a lower price for the producer milk will be in accord with the objectives of the even-production incentive plan, in that it will tend to discourage, rather than encourage, production of producer milk in such period. It was not shown that there is any practicable way for disposing of such milk at a higher price through other outlets.

However, the provisions for the special price credit on such producer milk utilized in the manufacture of butter during the months of April, May, and June should be revised to conform with the adoption of the so-called "skim milk-butterfat" basis of reporting and accounting, as discussed under (24) hereof, in order to express such price credit in terms of butterfat, rather than in terms of milk.

(10) There should be adopted the proposal that producer milk transferred or diverted from a handler's fluid milk plant to his ungraded plant be classified as Class III milk, except that if milk, skim milk, or cream is disposed of as any product defined as Class I milk or Class II milk from such ungraded plant, such producer milk shall be classified on the basis of its pro rata share of the disposition from the latter plant of all receipts by it, for the delivery period, of milk, skim milk, and cream.

Transfers or diversions of the indicated nature occur, from time to time, in the market, and the existing order contains no provisions which cover the situation specifically. It is believed that the soundness of the proposal is evident. Milk so transferred or diverted to an ungraded or manufacturing plant which does not dispose of milk, skim milk, or cream in fluid form may reasonably be regarded as intended for manufacturing, or Class III use. However, from some ungraded plants, milk is disposed of in many different forms, including fluid milk and fluid cream to markets not requiring milk of approved Louisville quality. Classification problems are more complicated where producer milk is commingled with ungraded receipts. In the classification of milk, skim milk, and cream from producer milk which is commingled with ungraded receipts in a plant having such diversified uses it is necessary to allocate the use of such producer milk, since its specific utilization cannot be shown. The administering of the provisions on the basis of monthly delivery periods will be in accordance with the established custom in the market to treat all pool operations on a monthly basis. Considerable discussion was had at the hearing as to what should be considered as satisfactory records to establish that any such claimed transfers or diversions were actually made. It is impracticable to set forth in a marketing order complete and exhaustive rules on the basis of which such a determination must be made by the market administrator. That is to say, such a determination must be made, in each case of any audit, in the light of the particular facts and circumstances.

(11) The proposal that the pounds of milk in each class be determined on the basis of the pounds of butterfat disposed of in such class divided by the average butterfat test of producer milk for the entire market should not be adopted.

Under the method of reporting and accounting prescribed by the existing order, while the amount of Class I milk of a handler is computed on a volume basis, the quantities of his Class II milk and Class III milk are computed on a milk equivalent basis, and a reconciliation adjustment figure is used to make the aggregate of the volumes computed for the handler correspond with the total quantity of milk, skim milk, and cream which he received and for which he has to account. It was originally contended by the proponents that the use of the average market butterfat test as the divisor would eliminate any need for reconciliation adjustment. However, they subsequently admitted at the hearing that such a result would not follow. Also, the adoption of the plan would not promote equity between handlers in regard to their cost for milk. In any event, the objectionable results flowing from the existing method of reporting and accounting should be largely eliminated by the adoption of the proposed skim milk and butterfat method of reporting and accounting, whereunder the skim milk and butterfat will be accounted for separately in the light of their respective actual utilizations.

(12) The proposal that receipts of emergency milk be allocated to the respective classes in which used should not be adopted.

Under the existing order provisions, the emergency milk received by a handler during a given delivery period is subtracted from his Class III milk after the subtraction from such class of milk, other than emergency milk, received from sources other than producers and other handlers and plant shrinkage which is allocable to such class. However, if the remaining Class III milk is not sufficient to cover the quantity of the emergency milk, the balance is subtracted pro rata from his Class I milk and Class II milk. The argument advanced in favor of the proposed change is that, despite the fact that the health ordinance for Louisville requires that the supply of inspected milk be exhausted for fluid purposes before any emergency milk is used for such purposes, it is necessary that handlers utilize some of their emergency milk for fluid (Class I milk and Class II milk) purposes, even though, for the same period, some inspected milk is used for manufacturing (Class III milk) purposes. They argue that, in these circumstances, the placing of the producer milk in the highest classes results in the paying of the premiums to the producers for not meeting their responsibilities for keeping the market supplied with adequate quantities of inspected milk. Such an argument ignores the fact that the effect of the proposal would be to lower the blend prices payable to producers for their milk in a market where the total production of producer milk is admittedly not adequate to meet the market needs, and that it would tend to reduce further the present inadequate supply of inspected milk. The allocation of milk so as to give preference for payment purposes to local producer milk is within the scope of the Agricultural Marketing Agreement Act of 1937, as amended.

(13) The Class I and Class II price differentials should not be revised, but floor prices for Class I milk and Class II milk should be established, and the basic formula price should be revised to provide for an increase in the levels of such prices.

Under the present pricing provisions of the order the prices for Class I milk and Class II milk are determined by adding $1.05 per hundredweight and $0.50 per hundredweight, respectively, to the basic formula price. The basic formula price is the higher of the Class III price, or the "paying" prices of 18 evaporated milk plants located in Wisconsin and Michigan less 15 cents. The Class III price is the higher of the "paying" prices of 7 local manufacturing plants, or a formula price based upon the open market prices of butter and nonfat dry milk solids, by roller process.

Several proposals were made with respect to the changing of the level of the prices for Class I milk and Class II milk. Proposals made by the handlers would decrease the existing differential for Class I milk by 15 cents per hundredweight and the existing differential for Class II milk by 10 cents per hundredweight and eliminate the use for price computation purposes of the prices paid by the listed 18 evaporated milk plants located in Wisconsin and Michigan. On the other hand, the producers submitted several proposals to increase such price levels, namely (a) to add 15 cents to each of the alternative basic formula computations, (b) to establish minimum floor prices of $5.00 for Class I milk and $4.45 for Class II milk during the fall and winter months of 1947–48, and (c) to substitute "spray" powder for "roller" powder in the butter-nonfat dry milk solids alternative formula.

General economic conditions and business activity in the Louisville area indicate a continued good demand for milk and milk products.

The uniform price per hundredweight for milk of 4.0 percent butterfat was $5.87 for November 1946, and $4.62 for March 1947—a decrease of $1.25 per hundredweight. The prices of livestock and grains have advanced sharply in 1947 and compared to declining milk prices offer returns from alternative farm enterprises which will tend to discourage milk production if these price relationships continue over an extended period of time.

Louisville handlers compete with milk buyers in other areas for supplies to be used for fluid milk purposes. Several manufacturing plants also buy milk from farmers residing in or near the Louisville milkshed.

More rigid enforcement of the Louisville Health Department regulations are indicated in the immediate future.

Data bearing on the cost of feeds, labor, and supplies incurred by Louisville producers in the production of milk showed an upward trend in the cost of these items during 1946 and 1947. The price of some feeds decreased somewhat from the peak reached when price ceilings were removed in 1946 until February 1947. During February and March of 1947 the price of dairy feeds again advanced. Farmers producing milk for fluid purposes must use feed, labor, and supplies more extensively to maintain production at a more uniform level than is required of manufacturing milk producers. Consequently, the increases in the prices which have taken place in these items affect the fluid milk producers more than producers of milk for condenseries.

Handlers contend that the general level of prices should not be increased in view of the fact that there has been a steady and constant increase in the number of producers and a substantial increase in the production per farm per day. In March 1947, the number of producers was 1,688, as compared with a range in number of producers from 1,612 to 1,706 during 1944, 1,639 to 1,671 in 1945, and 1,607 to 1,700 in 1946. The average daily deliveries per producer was 270 pounds in 1944, 294 pounds in 1945, 307 pounds in 1946, and 309 pounds in March 1947.

The level of production of regular producer milk has been insufficient to meet the needs of Class I milk and Class II milk in the Louisville market. It has been necessary for handlers to supplement their supplies of producer milk in Class I and Class II with substantial quantities from emergency sources. During eight months of 1946, over 7 million pounds of emergency milk was imported by handlers in the marketing area.

It is concluded that the weighing of the abovementioned price-making factors indicates the present need for revising the levels of prices for Class I milk and Class II milk upward by not less than 10 cents per hundredweight. This result would be accomplished by (a) increasing, by 15 cents, the alternative price computation formula based on the listed 18 national condenseries in Michigan and Wisconsin, (b) increasing, by 15 cents, the alternative price computation formula based on the 7 local milk manufacturing plants, and (c) providing that the skim milk value in the butter-nonfat dry milk solids formula shall be based on the price for spray, rather than roller, nonfat dry milk solids. While the above will result in price level changes in excess of 10 cents per hundredweight, it is anticipated that the change to the so-called "skim milk-butterfat" method of reporting and accounting, in conjunction with the aforementioned changes, will result in increases of about 10 cents per hundredweight in the levels of prices for Class I milk and Class II milk.

It is concluded that the milk producers of the Louisville area need at this time, when they are planning their fall and winter production program, more definite assurance as to the level of milk prices than is presently afforded by the basic formula price. In order to obviate uncertainties inherent in the basic formula price during abnormal postwar marketing conditions a minimum price for Class I milk and Class II milk is established below which such prices would not be permitted to go. The level of floor prices for the fall and winter months should be substantially higher than the prices prevailing during April, May, and June to emphasize the seasonal factor of milk pricing and assure producers of higher prices during the seasons when an increase in milk production is most needed by the market. Floor prices beginning from the effective date of the proposed marketing agreement and order, as amended, to and including December 1947, of $5.00 for Class I milk and $4.45 for Class II milk, and decreasing 44 cents (approximately 1 cent per quart) for January and February, 1948, will recognize this seasonality and result in prices well above the current level of April, May, and June prices.

The above changes will result in such prices as will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply of and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

The proposal to eliminate the 18 evaporated milk plants in the basic formula price used in determining Class I and Class II prices should not be adopted. In support of the proposal to discontinue the use of such plants in arriving at the Class I and Class II prices, it was contended that the quality of milk purchased by such plants has improved to a point where such plants have developed market outlets of higher-valued use, which, in turn, has been reflected in higher prices paid to their farmers. Such argument is appropriate only in reference to the establishment of the proper price differentials to be paid to producers of the Louisville market over the prices paid to farmers selling milk to such plants.

(14) (a) The proposal to revise the basic price provisions so as to increase the operating allowance in the butter-nonfat dry milk solids formula, when prices of such milk solids delivered at Chicago are used in lieu of such prices f. o. b. manufacturing plants, from 6½ to 7½ cents per pound should not be adopted.

The present provisions of the order provide that, in the event prices of nonfat dry milk solids f. o. b. manufacturing plants are not published by the Department of Agriculture, the price for such milk solids delivered at Chicago shall be used in lieu thereof, in which the allowance for operating is 6½ cents. The relative quoted prices for nonfat dry milk solids delivered f. o. b. manufacturing

plants and those delivered at Chicago, respectively, as set forth in the general statistical information for the market, demonstrate that the present spread between the 5½ cent operating allowance f. o. b. manufacturing plants and the 6½ cent operating allowance delivered at Chicago is adequate.

(b) The proposal to revise the basic price provisions so as to correct the reference the "Kraft Cheese Company" to the "Kraft Foods Company" in the 7 local manufacturing companies should be adopted to reflect the change in the name of such company.

(15) The pricing provisions of the order should not be revised to provide for the determination of Class I and Class II prices based upon the average of the basic formula prices for the current and preceding delivery periods.

Under the present order, class prices are not known until approximately the 10th day after the end of the delivery period during which the milk is received. The proposed change was suggested for the purpose of reducing somewhat the monthly variations in Class I milk and Class II milk prices and to enable handlers to estimate more nearly in advance the level of such prices which they would be required to pay in a current delivery period. Handlers complain that they are placed at a disadvantage by not knowing the exact Class I and Class II milk prices they will have to pay for milk received from producers until after that milk has been disposed of by them. Handlers are now in a position to estimate, within a reasonable range during a delivery period, the prices which will result from the prescribed computation formulas. It is believed that any such disadvantage is more than outweighed by the fact that the change will disrupt the seasonal pattern of prices to producers.

(16) The proposal to revise the price for Class I milk disposed of to relief clients on the basis of the Class I price minus 55 cents should not be adopted. No evidence on this proposal was introduced at the hearing.

(17) The proposal that a special price be fixed for Class I milk disposed of by handlers to markets outside the marketing area should not be adopted.

It was proposed that the price of Class I milk disposed of in any market outside the marketing area should be the "price, as ascertained by the market administrator, which is being paid for milk of an equivalent use in the market where such milk is disposed of" less a transportation allowance of 1½ cents per hundredweight for each 15 miles or fraction thereof that such milk is transported for sale: *Provided*, That such resulting price shall not be lower than the Louisville Class I price minus 40 cents.

Milk approved for Louisville distribution is sold in several markets outside the marketing area. Some of this milk is sold under resale price levels lower than those in the marketing area. The markets in which such milk is distributed have health standards less stringent than those applicable to the City of Louisville. The demand for graded milk in communities outside the marketing area has grown.

The price effective under the Louisville order should be such as to induce a supply adequate to meet the demand of the Louisville marketing area. It is necessary for Louisville handlers to import substantial quantities of emergency milk to meet present demands. The fixing of lower prices for milk sold in other markets could have a depressing effect on the prices paid farmers by competing unregulated distributors in such markets, which lower prices, in turn, might further depress the "ascertained prices" proposed to be used under the Louisville order.

Moreover, prices paid by individual distributors within a single outside market often vary greatly and the standards and methods by which the market administrator would ascertain the price being paid in the outside market for milk of equivalent use was not outlined. From the administrative viewpoint, it is considered undesirable to burden the market administrator with the responsibility of determining outside market price levels in such circumstances. Furthermore, it was admitted that handlers now paying the Louisville prices have been able to meet competition in outside markets and that such sales have increased.

(18) The proposal that the emergency price provisions be deleted should be adopted.

These provisions were incorporated in the order to cover certain wartime emergency conditions which no longer exist.

(19) The proposal to exempt milk, the handling of which is determined by the Secretary to be subject to the pricing and payment provisions of another Federal milk marketing agreement or order, from the pricing and payment provisions of this order, should not be adopted.

Testimony adduced at the hearing indicates little likelihood that this proposed revision would be applicable to any situation which might occur in the Louisville market. It is felt that the present definitions of producer, handler, and emergency milk are reasonably sufficient to cover such situations.

(20) The proposal to revise the even-production incentive payment provisions so as to have such payments made directly by the handlers should not be adopted.

Under the existing order provisions, the specified deductions during the flush production months of April, May, and June are paid by the handlers to the market administrator, who, in turn, pays out the money to producers by separate checks, either directly or through their cooperative association, during the following September, October, and November. An educational program is essential to the effective operation of an even-production incentive plan, and one of the most effective means of apprising producers of the benefits which accrue to them is to pay the extra money to them separately. The proposal would result in the merging of such extra payments with regular milk payments. The record does not contain substantial proof as to the desirability or necessity for the operation in detail of the proposed amendment. The money in question is producer money and involves no extra cost to handlers. The association, representing more than two-thirds of the producers in the market, takes the position that the producers generally desire that the present method of payment be continued.

The record does not warrant changing or modifying the even-production incentive plan, which is a pooling arrangement, under the act, and is ancillary to the price provision and is reasonably adapted to allow regulation of the market upon terms which minimize the results of the restrictions.

(21) The payment provisions of the order should not be revised to preclude the market administrator from offsetting payments due any handler from the producer-settlement fund by payments due by such handler to such fund.

The present practice is in accordance with the general legal principle of offsetting a debt owed by one party against a debt owed by the other party when making final settlement. In case of a dispute as to the amount due, the present practice leaves the particular handler free to seek relief through the channels provided by the Agricultural Marketing Agreement Act of 1937, as amended, namely, through administrative proceedings pursuant to section 8c (15) (A) of that act and through appropriate court review of the decisions resulting therefrom. The adoption of the proposal, on the other hand, would require the prosecution of individual suits, entailing considerable aggregate expense, for the collection of such debts. Further, the adoption of such proposal would require the market administrator to make payments to a handler even in a case where it had been determined that such handler owed the producer-settlement fund in connection with the filing of fraudulent reports, and in the case of a handler who owes money to the producer-settlement fund, but who is financially unable to make full payment of all of his debts. From an administrative standpoint, it is impossible to make "billings" based upon audits of a current delivery period prior to the date that the market administrator is required to make payments to handlers out of the producer-settlement fund, since the market administrator is required to pay out any funds owed before all reports are required to be filed.

(22) The system of determining the butterfat differential applicable to payments to producers should be revised to cover greater fluctuations in the butter price.

Under the present order, the producer butterfat differential is determined by means of stated differentials varying one-half cent for each butter price range (bracket system). The butter price brackets range from "22.499 cents or less" per pound to "62.50 cents and over" per pound. It was proposed that such brackets be extended to provide brackets from "17.499 cents or less" per pound to "92.50 cents and over" per pound. The differentials applicable to the various butter price brackets closely approach the value of "butter plus 20 percent." A butterfat differential stated in terms of "butter plus 20 percent" is more practical and will eliminate the possibility of future revisions to extend the brackets.

(23) (a) The proposal that the provisions relating to expenses of administration be revised to require the market administrator to make available to handlers detailed accounts of income and disbursements, and to declare that funds so collected are impressed with a trust should not be adopted.

In support of such proposal, the handlers argued that, since they pay the money, they should be furnished with an accounting with respect to it. It was developed at the hearing that a report of such income and expenses had been furnished the handlers for 1946 and that it is intended to continue such practice for various markets, including the Louisville market, in the future. Such report contains as complete information as is believed to be practicable without disclosing confidential information and to retain uniformity with the reports which are being made in other Federal markets. In these circumstances, it seems that the inclusion in the order of specific provisions on the matter would serve no useful purpose.

(b) The proposal that the provisions relating to expenses of administration be revised to have administrative assessment rates determined by the Secretary, rather than by the market administrator subject to the Secretary's approval, should be adopted.

The procedure for fixing or making changes in administrative assessment rates will be made less complicated if it is made a direct, rather than a review, function of the Secretary.

(c) The base for assessments to cover administrative expenses should be broadened to include receipts of emergency milk.

The existing order provisions provide that the assessments apply only against the receipts of milk from producers (including receipts of milk from handlers' own farms). It was proposed that such base be broadened to cover receipts from all sources (producer milk, emergency milk, and other source milk). However, while other source milk is received by many handlers, the Louisville Health Department does not permit such milk to be received in approved plants and commingled with producer milk and emergency milk. On the other hand, the market administrator has to audit the disposition of emergency milk received at the approved plants the same as he does producer milk received at such plants, and such emergency milk should bear its pro rata share of the administrative costs. Substantial quantities of emergency milk have been received for the past three years for use in the various classes, and the change will apportion the expenses of administration more equitably. The rate would be applied to the broadened base the same as at present, namely, at the specified rate per hundredweight, regardless of butterfat content.

(24) The proposal to amend the present method of accounting for milk by substituting therefor appropriate language to establish a method of reporting, accounting, and pricing skim milk and butterfat, respectively, should be adopted.

Under the present provisions of the order, the pounds of Class I milk are computed on a volume basis, while the pounds of Class II milk and Class III milk are computed on the basis of 4 percent milk equivalent of the butterfat content in the various Class II and Class III milk products. The total volumes computed in this manner are then adjusted to equal actual receipts by increasing or decreasing, as the case may be, the pounds of Class III milk by an amount equal to such difference. Following such reconciliation adjustment of the total utilization as computed for the various classes to actual receipts, the receipts of milk from producers are allocated to the pounds of milk remaining in each class. Class prices quoted in terms of milk of 4 percent butterfat content are then applied to the pounds of producer milk so allocated.

In support of the proposal, handlers stated that it was not their intention that the resulting blend price should be lowered by its adoption, but that a method of reporting, classifying, and pricing skim milk and butterfat, respectively, should be substituted for the present system in order to eliminate the necessity of a reconciliation adjustment, and to make it possible for handlers to compute the costs of individual products in the various classes. It was recognized that the language of the various provisions of the order should be revised to conform with this principle.

The change will simplify order operations and will tend to create greater equity between handlers, in that the necessity for using a volume reconciliation adjustment figure will be obviated by adjusting class prices in accordance with the percentage of butterfat disposed of in the products in each respective class, and by allocating the receipts of skim milk and butterfat, separately, rather than by applying the allocation provisions on the basis of the receipts in the aggregate of milk, skim milk, and cream. Furthermore, the change will enable handlers to compute more accurately the costs to them of the individual products in the several classes. These advantages are weighted in favor of the adoption of the plan in the Louisville market because of relatively high test milk received from producers which aggravate problems of reconciliation.

The specific proposals in this connection which were presented at the hearing provided for computing basic prices for skim milk and butterfat, separately, and adding fixed differentials for Class I skim milk and Class II skim milk and fluctuating differentials for Class I butterfat and Class II butterfat based on the value of 92-score butter at Chicago for such delivery period. Such a method would result in fluctuations in the prices payable to producers for their milk other than those which would accrue from the prescribed formula methods of price computations and would be in conflict with the expressed intent of the proponents that the change not affect such prices. Therefore, the change should be affected on a basis which will maintain the specified differentials over the basic price for Class I milk and Class II milk.

The proposal to compute the volumes of the various classes of milk by determining the volumes of skim milk and butterfat disposed of in each such class, rather than the present method of computing Class II milk and Class III milk on a milk equivalent basis and reconciling such volumes to actual receipts, necessitates the adjusting of class prices to reflect the value of butterfat above or below the test of milk for which prices are quoted. It is believed that such differential for Class III milk should be on the basis of the value of 92-score butter at Chicago plus 20 percent. This differential is in line with the general level of manufacturing values. With respect to Class II milk, it is believed that such differential should be on the basis of the value of 92-score butter at Chicago, plus 25 percent. Such differential is in line with the price which would have to be paid for any outside cream which might be brought into the market for fluid uses. With regard to Class I milk, it is believed that such differential should be on the basis of the value of 92-score butter at Chicago plus 30 percent. Such differential recognizes the increase in value over Class II butterfat resulting from the higher-valued use.

Various other provisions of the order should be revised to conform with this change. In this connection, a definition of "other source milk," excepting nonfluid milk products which are received and disposed of in the same form, will simplify the operation of the order by eliminating the necessity of reporting and classifying such milk products.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the producer associations and various handlers subject to Order No. 46, as amended. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that findings and conclusions were proposed in the briefs which are inconsistent with the proposed findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

Recommended marketing agreement and order, as amended, and as hereby amended. The following order, as amended, and as hereby amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

§ 946.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture of the United States or

such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Louisville, Kentucky, marketing area," hereinafter called the "marketing area," means the territory within Jefferson County, Kentucky, including but not being limited to the City of Louisville and Fort Knox Military Reservation; and the territory within Floyd County, Indiana, including but not being limited to all municipal corporations in said county; and the territory within the townships of Jeffersonville, Utica, Silver Creek, Union, and Charlestown, in Clark County, Indiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person who produces, under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, milk which is:

(1) Received at a plant from which milk or cream is disposed of in the marketing area for human consumption as fluid milk or fluid cream;

(2) Received at a plant approved by the appropriate health authority in the marketing area to furnish milk or cream to a plant described under subparagraph (1) of this paragraph; or

(3) Diverted from any plant described under either subparagraph (1) or subparagraph (2) of this paragraph to any other milk distributing or milk manufacturing plant, including any plant described under subparagraphs (1) or (2) of this paragraph: *Provided*, That any such milk so diverted shall be deemed to have been received at the plant from which it was diverted.

(f) "Handler" means:

(1) Any person who receives milk, produced under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, at a plant described in paragraphs (e) (1) or (e) (2) of this section; and

(2) Any association of producers with respect to milk diverted from a plant described under paragraphs (e) (1) or (e) (2) of this section to any milk distributing or milk manufacturing plant not operated by a handler, for the account of such association.

(g) "Market administrator" means the person designated pursuant to § 946.2 as the agency for the administration hereof.

(h) "Delivery period" means any calendar month.

(i) "Emergency milk" means milk, skim milk, or cream received by a handler from sources other than producers under a permit for the receipt thereof issued to him by the proper health authorities.

(j) "Other source milk" means all skim milk and butterfat in any form received from a source other than producers or other handlers, except emergency milk and any nonfluid milk product which is received and disposed of in the same form.

(k) "Department of Agriculture" means the United States Department of Agriculture, or any other Federal agency authorized to perform the price reporting functions, as referred to in this order, of the United States Department of Agriculture.

§ 946.2 *Market administrator*—(a) *Selection, removal, and salary.* The agency for the administration hereof shall be a market administrator who shall be a person selected, and subject to removal, by the Secretary. Such person shall be entitled to such compensation as may be determined by the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Receive, investigate, and report to the Secretary complaints of violation of the terms and provisions hereof;

(3) Make rules and regulations to effectuate the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor or to such other person as the Secretary may designate;

(2) Submit his books and records to examination and furnish such information and such verified reports as may be requested by the Secretary;

(3) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 946.5 or (ii) made payments pursuant to § 946.8;

(5) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(6) Pay, out of the funds provided by § 946.10, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties, except those expenses incurred under § 946.9;

(7) Promptly verify the information contained in the reports submitted by handlers; and

(8) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation hereof.

§ 946.3 *Classification of milk*—(a) *Basis of classification.* All skim milk and butterfat received by a handler in (1) milk from producers, (2) milk, skim milk, and cream from other handlers, (3) emergency milk, and (4) other source milk; at a plant, described under subparagraphs (1) or (2) of § 946.1 (e), and skim milk and butterfat contained in milk handled pursuant to paragraphs (e) (3) and (f) (2) of § 946.1, shall be classified in the classes set forth in paragraph (b) of this section. In establishing the classification of skim milk and butterfat as required in paragraph (b) of this section, the burden rests upon the handler who is the first receiver to account for all skim milk and butterfat contained in milk, skim milk, and cream received and to prove that such skim milk and butterfat has been utilized in a class other than that in which the market administrator determines that such skim milk and butterfat should be classified.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), (e), and (f) of this section the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat (i) disposed of in fluid form as milk, buttermilk, and milk drinks, whether plain or flavored, and (ii) not specifically accounted for as Class II milk and Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as fluid cream (including sour cream), and any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream.

(3) Class III milk shall be all skim milk and butterfat accounted for (i) as used to produce a product other than those specified in Class I milk and Class II milk, (ii) as actual plant shrinkage of skim milk and butterfat in milk received from producers, but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (iii) as actual plant shrinkage of skim milk and butterfat in emergency milk and other source milk: *Provided*, That if milk is diverted by a handler to a plant of another handler without first having been received for purposes of weighing and testing in the diverting handler's plant, the respective quantities of skim milk and butterfat contained in such milk shall be included in the receipts of skim milk and butterfat, respectively, of the second handler in computing his plant shrinkage and shall be excluded from the receipts of skim milk and butterfat, respectively, of the diverting handler in the latter's plant shrinkage computation: *And provided further*, That (*a*) if milk from producers is utilized as milk, skim milk, or cream in conjunction with emergency milk or other source milk, the shrinkage of skim milk or butterfat respectively, allocated to the milk from producers shall not exceed its pro rata share computed on the basis of the proportions of such volumes of skim milk and butterfat, respectively, received from the various sources to their total, and (*b*) if milk from producers is transferred as milk, skim milk, or cream under supporting transfer records satisfactory to the market administrator, to a plant of a handler from which no milk of producers is disposed of as fluid milk in the marketing area, the shrinkage of skim milk and butterfat, respectively, on the aforesaid transfer portion shall be computed on a pro rata basis with the skim milk and butterfat, respectively, contained in all milk, skim milk, and cream received in the latter plant and added to the shrinkage of producer's milk handled in the handler's fluid milk plant.

(c) *Interhandler and nonhandler transfers.* (1) All skim milk and butterfat contained in milk and skim milk disposed of, either by transfer or diversion, by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products shall be Class I milk, and all skim milk and butterfat contained in cream so disposed of shall be Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 5th day after the end of the delivery period: *Provided*, That in no event shall the amount so indicated in writing for any class exceed the total use of skim milk or butterfat, respectively, in such class by the receiver, subject to verification by the market administrator: *And provided further*, That the classification of any such transfer or diversion of skim milk and butterfat between handlers shall be subject to allocation for each handler in the sequence set forth in paragraph (e) of this section.

(2) All skim milk and butterfat contained in milk and skim milk disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of milk for both fluid and other uses shall be Class I milk: *Provided*, That skim milk and butterfat contained in milk and skim milk disposed of in bulk from a handler's plant to any such establishment which, under the applicable health regulations, is permitted to receive milk and skim milk other than of Grade A quality for nonfluid purposes shall be classified as Class III milk if used or disposed of by such establishment in other than fluid form, provided such use or disposition is made subject to verification by the market administrator.

(3) All skim milk and butterfat contained in cream disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of cream for both fluid and other uses shall be Class II milk: *Provided*, That skim milk and butterfat contained in cream disposed of in bulk from a handler's plant to any such establishment which, under the applicable health regulations, is permitted to receive cream other than of Grade A quality for nonfluid purposes shall be classified as Class III milk if used or disposed of by such establishment in other than fluid form, provided such use or disposition is made subject to verification by the market administrator.

(4) All skim milk and butterfat contained in milk, skim milk, and cream transferred or diverted by a handler from a plant, described under subparagraphs (1) or (2) of § 946.1 (e), of such a handler, to any other plant of such handler, shall be Class III milk: *Provided*, That if skim milk and butterfat are so transferred or diverted to such a plant from which milk, skim milk, or cream is disposed of as any product specified in paragraphs (b) (1) (i) or (b) (2) of this section, such skim milk and butterfat, respectively, so transferred or diverted shall be classified on the basis of the pro rata share of the disposition from the latter plant of skim milk and butterfat, respectively, available for transfer, less shrinkage computed pursuant to paragraph (b) (3) (ii) of this section, and skim milk and butterfat, respectively, contained in other receipts of milk, skim milk, and cream at the latter plant.

(d) *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute from the corrected report:

(1) The total pounds of skim milk received by adding together (i) the pounds of milk received from producers, (ii) the pounds of milk, skim milk, and cream received from other handlers, (iii) the pounds of emergency milk received, and (iv) the pounds of other source milk received; and subtracting therefrom the total pounds of butterfat determined pursuant to subparagraph (2) of this paragraph.

(2) The total pounds of butterfat received by adding into one sum the pounds of butterfat contained in receipts from sources specified in subparagraph (1) of this paragraph.

(3) The total pounds of skim milk in Class I milk by (i) converting to quarts the quantity of milk, skim milk, and cream disposed of in the form of milk, buttermilk, and milk drinks, whether plain or flavored, and multiply by 2.15; (ii) subtracting the pounds of butterfat in Class I milk determined pursuant to subparagraph (4) (i) of this paragraph; and (iii) adding together the result obtained in subdivision (ii) of this subparagraph and the excess shrinkage of skim milk determined pursuant to subparagraph (7) (iii) (*b*) or subparagraph (8) (ii) of this paragraph.

(4) The total pounds of butterfat in Class I milk by (i) adding together the pounds of butterfat in each of the several products of Class I milk; and (ii) adding together the result obtained in subdivision (i) of this subparagraph and the excess shrinkage of butterfat determined pursuant to subparagraph (9) (ii) (*b*) of this paragraph.

(5) The total pounds of skim milk in Class II milk by (i) adding together the pounds of milk, skim milk, and cream disposed of in each of the several products of Class II milk; and (ii) subtracting the pounds of butterfat in Class II milk determined pursuant to subparagraph (6) of this paragraph.

(6) The total pounds of butterfat in Class II milk by adding together the pounds of butterfat disposed of in each of the several products of Class II milk.

(7) The total pounds of skim milk in Class III milk by (i) adding together the pounds of milk, skim milk, and cream which were used to produce each of the several products of Class III milk; (ii) subtracting the pounds of butterfat in Class III milk computed pursuant to subparagraph (9) (i) of this paragraph; (iii) subtracting from the total pounds of skim milk received computed pursuant to subparagraph (1) of this paragraph the total pounds of skim milk computed for each class pursuant to subparagraphs (3) (ii) and (5) (ii) of this paragraph and subdivision (ii) of this subparagraph, which resulting amount shall be classified as follows: (*a*) that portion not in excess of 2 percent of total receipts of skim milk from producers, plus actual plant shrinkage of skim milk received from sources other than producers and handlers shall be considered as plant shrinkage and classified as Class III milk, and (*b*) that portion in excess of 2 percent of total receipts of skim milk from producers shall be classified as Class I milk: *Provided*, That if such excess shrinkage of skim milk is greater than the quantity determined pursuant to subparagraph (8) (ii) of this paragraph such quantity shall apply in lieu hereof, and the remainder of such excess shrinkage shall be classified as Class III milk; and (iv) adding together the pounds of skim milk obtained in subdivision (ii) of this subparagraph, and the pounds of skim milk allocated to Class III milk pursuant to subdivision (iii) of this paragraph.

(8) In the event that the total pounds of skim milk obtained in subdivision (ii) of this subparagraph is less than the amount of skim milk shrinkage determined pursuant to subparagraph (7) (iii) (*b*) of this paragraph such quantity of skim milk shall be used in lieu therefor: (i) divide the pounds of butterfat shrinkage in producer milk, computed pursuant to subparagraph (9) (ii) (*b*) of this paragraph, by the average test of milk, skim milk, and cream available for use in Class III milk, less Class III purchases of milk, skim milk, and cream from other handlers, and (ii) subtract such quantity of butterfat shrinkage from the result obtained in subdivision (i) of this subparagraph.

(9) The total pounds of butterfat in Class III milk by (i) adding together the pounds of butterfat used to produce each of the several products of Class III milk; (ii) subtract from the total pounds of butterfat received, computed pursuant to subparagraph (2) of this paragraph, the pounds of butterfat in Class I milk and Class II milk computed pursuant to subparagraphs (4) (i) and (6) of this paragraph, and the pounds of butterfat computed pursuant to subdivision (i) of this subparagraph, which resulting amount of butterfat shall be classified as follows: (*a*) that portion not in excess of 2 percent of total receipts of butterfat from producers, plus actual plant shrinkage of butterfat in emergency milk and other source milk shall be considered as plant shrinkage and classified as Class III milk, and (*b*) that portion in excess of 2 percent of total receipts of butterfat from producers shall be classified as Class I milk; and (iii) adding together the results obtained in subdivisions (i) and (ii) (*a*) of this subparagraph.

(e) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds

of skim milk in such class allocated to milk received from producers:

(i) Subtract from the total pounds of skim milk computed for each class, in series beginning with the lowest-priced available class milk, the total pounds of skim milk contained in receipts of other source milk;

(ii) Subtract from the pounds of skim milk remaining in Class III milk an amount of skim milk so utilized, pursuant to paragraph (b) (3) (i) of this section, but not to exceed 5 percent of the total receipts of skim milk from producers plus the shrinkage of skim milk on milk received from producers, computed pursuant to paragraph (d) (7) (iii) (*a*) of this section;

(iii) Subtract from the pounds of skim milk remaining in Class III milk the pounds of skim milk contained in emergency milk received: *Provided*, That if the pounds of skim milk in emergency milk is greater than the pounds of skim milk remaining in Class III milk, the balance of such skim milk shall be subtracted pro rata from the pounds of skim milk in Class I milk and Class II milk;

(iv) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subdivision (ii) of this subparagraph;

(v) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk contained in milk, skim milk, and cream received from other handlers and assigned to such class: *Provided*, That if the pounds of skim milk to be subtracted from Class II milk or Class III milk is greater than the pounds of skim milk remaining in such class, the balance shall be subtracted from the pounds of skim milk remaining in the next higher-priced class; and

(vi) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in each class in series beginning with the lowest-priced available class.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk (except that the reference paragraph (d) (9) (ii) (*a*) shall be substituted for the designated reference paragraph (d) (7) (iii) (*a*) set forth in subparagraph (1) (ii) of this paragraph).

(f) *Determination of producer milk in each class.* Add the pounds of skim milk and pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to subparagraphs (1) and (2) of paragraph (e) of this section, and determine the percentage of butterfat in each class.

§ 946.4 *Minimum prices*—(a) *Basic formula prices for Class I milk and Class II milk.* The basic formula price per hundredweight of milk to be used in computing the prices for Class I milk and Class II milk, set forth in subparagraphs (1) and (2) of paragraph (b) of this section, shall be the highest of the prices per hundredweight of milk of 3.8 percent butterfat content computed pursuant to paragraph (b) (3) (i) of this section plus 15 cents, subparagraph (1) or subparagraph (2) of this paragraph.

(1) To the average of the basic (or field) prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content, without deductions for hauling or other charges to be paid by the farm shipper, received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Location

Borden Co.:
Black Creek, Wis.
Greenville, Wis.
Mt. Pleasant, Mich.
New London, Wis.
Orfordville, Wis.
Carnation Co.:
Berlin, Wis.
Jefferson, Wis.
Chilton, Wis.
Oconomowoc, Wis.
Richland Center, Wis
Sparta, Mich.
Pet Milk Co.:
Belleville, Wis.
Coopersville, Mich.
Hudson, Mich.
New Glarus, Wis.
Wayland, Mich.
White House Milk Co.:
Manitowoc, Wis.
West Bend, Wis.

add an amount computed by multiplying the butterfat differential determined pursuant to § 946.8 (f) by 3.

(2) The price per hundredweight computed as follows:

(i) Multiply by 3.8 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(ii) Add 20 percent thereof; and

(iii) Add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids by spray process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by spray process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such milk solids for the previous delivery period. In the event the carlot prices for such milk solids, f. o. b. manufacturing plants, are not so published, the average of the carlot prices for such milk solids, delivered at Chicago, as published by the Department of Agriculture, shall be used, and the following shall be used in lieu of the computation provided for herein: add 3½ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids delivered at Chicago is above 6½ cents per pound.

(b) *Class prices.* Subject to the provisions of paragraphs (c) and (d) of this section and § 946.7 (a), each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk, Class II milk, and Class III milk, computed pursuant to § 946.3 (f):

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.05: *Provided*, That for the delivery periods from the effective date hereof to and including December, 1947, the price for Class I milk shall not be less than $5.00, and that for the delivery periods of January and February, 1948, the price for Class I milk shall not be less than the December, 1947, price less 44 cents.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus $0.50: *Provided*, That for the delivery periods from the effective date hereof to and including December, 1947, the price for Class II milk shall not be less than $4.45, and that for the delivery periods of January and February, 1948, the price for Class II milk shall not be less than the December, 1947, price less 44 cents.

(3) *Class III milk.* The price for Class III milk shall be the higher of the prices computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) The price per hundredweight computed as follows: from the average of the basic (or field) prices reported by, and ascertained by the market administrator to have been paid by, the following concerns at the manufacturing plants or places listed below for ungraded milk of 4 percent butterfat content, without deductions for hauling or other charges to be paid by the farm shipper, received during the delivery period:

Concern and Location

Kraft Foods Co., Lawrenceburg, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Foods Co., Salem, Ind.
Ewing-Von Allmen Co., Corydon, Ind.
Ewing-Von Allmen Co., Madison, Ind.
Producers' Dairy Marketing Association, Orleans, Ind.

subtract an amount computed by multiplying the butterfat differential determined pursuant to § 946.8 (f) by 2.

(ii) The price per hundredweight computed as follows:

(*a*) Multiply by 3.8 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period:

(*b*) Add 20 percent thereof; and

(*c*) Add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids by roller process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by roller process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the preceding delivery period which were not published and available for the price determination of such milk solids for the previous delivery period. In the event the carlot prices for such milk solids, f. o. b. manufacturing plants, are not so published, the average of the carlot prices for such milk solids, delivered at Chicago, as published by the Department of Agriculture, shall be used, and the following shall be used in lieu of the computation provided for herein: Add 3½ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids delivered at Chicago is above 6½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by spray process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such milk solids for the previous delivery period. In the event the carlot prices for such milk solids, f. o. b. manufacturing plants, are not so published, the average of the carlot prices for such milk solids, delivered at Chicago, as published by the Department of Agriculture, shall be used, and the following shall be used in lieu of the computation provided for herein: Add 3½ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids delivered at Chicago is above 6½ cents per pound.

(b) *Class prices.* Subject to the provisions of paragraphs (c) and (d) of this section and § 946.7 (a), each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk, Class II milk, and Class III milk, computed pursuant to § 946.3 (f):

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.05: *Provided*, That for the delivery periods from the effective date hereof to and including December, 1947, the price for Class I milk shall not be less than $5.00, and that for the delivery periods of January and February, 1948, the price for Class I milk shall not be less than the December, 1947, price less 44 cents.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus $0.50: *Provided*, That for the delivery periods from the effective date hereof to and including December, 1947, the price for Class II milk shall not be less than $4.45, and that for the delivery periods of January and February, 1948, the price for Class II milk shall not be less than the December, 1947, price less 44 cents.

(3) *Class III milk.* The price for Class III milk shall be the higher of the prices computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) The price per hundredweight computed as follows: from the average of the basic (or field) prices reported by, and ascertained by the market administrator to have been paid by, the following concerns at the manufacturing plants or places listed below for ungraded milk of 4 percent butterfat content, without deductions for hauling or other charges to be paid by the farm shipper, received during the delivery period:

Concern and Location

Kraft Foods Co., Lawrenceburg, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Foods Co., Salem, Ind.
Ewing-Von Allmen Co., Corydon, Ind.
Ewing-Von Allmen Co., Madison, Ind.
Producers' Dairy Marketing Association, Orleans, Ind.

subtract an amount computed by multiplying the butterfat differential determined pursuant to § 946.8 (f) by 2.

(ii) The price per hundredweight computed as follows:

(*a*) Multiply by 3.8 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period:

(*b*) Add 20 percent thereof; and

(*c*) Add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids by roller process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by roller process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the preceding delivery period which were not published and available for the price determination of such milk solids for the

previous delivery period. In the event the carlot prices for such milk solids, f. o. b. manufacturing plants, are not so published, the average of the carlot prices for such milk solids, delivered at Chicago, as published by the Department of Agriculture, shall be used, and the following shall be used in lieu of the computation provided for herein: Add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids delivered at Chicago is above 6½ cents per pound.

(c) *Price of Class I milk for relief distribution.* For Class I milk delivered by a handler to the residence of a relief client certified by a recognized relief agency, charged to such an agency, or disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than the price for Class III milk plus 12 cents.

(d) *Butterfat differential to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 946.3 (f), is more or less than 3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butterfat test is above or below, respectively, 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class of utilization as follows:

(1) *Class I milk.* Multiply by 0.13 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(2) *Class II milk.* Multiply by 0.125 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period; and

(3) *Class III milk.* Multiply by .12 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period.

§ 946.5 *Reports of handlers*—(a) *Periodic reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 5th day after the end of each delivery period, all skim milk and butterfat contained in receipts of milk from producers (including milk produced by him), receipts of milk, skim milk, and cream from other handlers, receipts of emergency milk, and receipts of other source milk; and the utilization of all receipts of skim milk and butterfat for the delivery period.

(2) On or before the day emergency milk is received, his intention to receive such milk.

(3) On or before the 5th day after the end of each delivery period, the receipts during the delivery period of emergency milk, the quantity of skim milk and butterfat contained in such milk, the date or dates upon which such milk was received, the plant from which such milk was shipped, the price per hundredweight paid, or to be paid, for such milk, the utilization of skim milk and butterfat contained in such milk, and such other information with respect thereto as the market administrator may request.

(b) *Reports as to producers.* Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which milk was first received, and the plant at which such milk was received: *Provided*, That milk diverted as described in § 946.1 (e) (3) need not be reported pursuant to this paragraph.

(c) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 20th day after the end of each delivery period his producer payroll for such delivery period which shall show for each producer the net amount of such producer's payment with the prices, deductions, and charges involved, and the total delivery of milk with the average butterfat test thereof.

(d) *Verification of reports and payments.* (1) The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler upon whose disposition of skim milk and butterfat contained in milk, skim milk, or other milk products such handler claims classification. Each handler shall keep adequate records of his receipts and utilization of all skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records, reports, and facilities as will enable the market administrator to (i) verify the receipts and disposition of all skim milk and butterfat required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures; (ii) weigh, sample, and test for butterfat content the milk received from producers and any milk product upon which classification depends; and (iii) verify the payments to producers prescribed in § 946.8.

(2) If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, it is necessary for the market administrator to examine the records of milk and milk products handled in a plant of a handler from which no milk is disposed of in the marketing area, such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, the market administrator finds that, subsequent to the delivery period for which the verification is being made, any skim milk or butterfat contained in milk received from producers during such delivery period was used in a class other than that in which it was first disposed of, such skim milk and butterfat shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such skim milk and butterfat shall be made in the billing computed for such handler for the delivery period following such reclassification.

(e) *Reports from the market administrator to cooperative associations.* On or before the 15th day after the end of each delivery period, the market administrator shall report to each cooperative association as described in § 946.9 (b) the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class.

§ 946.6 *Application of provisions*—(a) *Handlers who are also producers.* No provisions hereof shall apply to a handler whose only sources of milk supply are receipts from his own production or from other handlers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

(b) *Receipts of bulk milk from a handler who is also a producer.* The market administrator, in computing the value of milk for any handler, shall consider as Class III milk any skim milk or butterfat contained in milk, skim milk, or cream received in bulk from a handler whose only source of milk is his own production. If the receiving handler disposes of skim milk or butterfat from such milk, skim milk, or cream, other than as Class III milk, the market administrator shall add to the total value, computed pursuant to § 946.7 (a), the difference between the value of such milk, skim milk, and cream at the Class III price computed pursuant to § 946.4 (b) (3) and the value according to its allocated usage.

(c) *Payment for excess skim milk or butterfat.* In the event that a handler, after subtracting receipts of milk, skim milk, and cream from other handlers, receipts of emergency milk, and receipts of other source milk, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, such handler shall pay to producers, through the producer-settlement fund, an amount computed by multiplying the pounds in each class as subtracted pursuant to § 946.3 (e) by the applicable class prices.

§ 946.7 *Determination of uniform prices to producers*—(a) *Computation of value for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of paragraphs (b) and (c) of § 946.6, the value of milk of producers received by each handler, by multiplying the quantity in each class, computed pursuant to § 946.3 (f), by the price applicable to such class and adding together such amounts: *Provided*, That if such handler uses butterfat from producers' milk received during April, May, and June, to produce butter, an allowance shall be made in the value of milk computed for such handler at the rate of .10 times the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, on such butterfat so used which is not

in excess of 10 percent of such handler's disposition of Class I butterfat computed pursuant to § 946.3 (d). If such handler utilizes emergency milk or other source milk in milk products, the amount of butter allocated to butterfat in milk received from producers shall be a pro rata share based upon the respective volumes of butterfat from each source utilized in milk products.

(b) *Computation and announcement of uniform price.* The market administrator shall compute and announce the uniform price per hundredweight of producer milk containing 3.8 percent of butterfat for each delivery period, as follows:

(1) Combine into one total the respective values computed pursuant to paragraph (a) of this section, for all handlers who made the report prescribed by § 946.5 (a) for such delivery period, except those in default of payments required pursuant to § 946.8 (c) for the preceding delivery period;

(2) Subtract, if the average butterfat content of all milk received from producers is in excess of 3.8 percent, or add, if such average butterfat content is less than 3.8 percent, the total value of the butterfat differential applicable pursuant to § 946.8 (f);

(3) Subtract for each of the delivery periods of April, May, and June, 1946, an amount representing 25 cents per hundredweight of milk received from producers by the handlers whose milk values are included under subparagraph (1) of this paragraph, such deduction to be increased to 30 cents per hundredweight during the corresponding delivery periods of 1947, to 35 cents per hundredweight during the corresponding delivery periods of 1948, and to 40 cents per hundredweight during the corresponding delivery periods of each year thereafter;

(4) Add an amount representing the cash balance in the producer-settlement fund, less the amount due handlers pursuant to § 946.8 (e) and less the aggregate of the amounts held pursuant to subparagraph (3) of this paragraph for payment pursuant to § 946.8 (d) (2);

(5) Divide the amount computed pursuant to subparagraph (4) of this paragraph by the total hundredweight of milk of producers;

(6) Subtract from the figure computed pursuant to subparagraph (5) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments of delinquencies in payments by handlers; and

(7) On or before the 10th day after the end of each delivery period, notify each handler and publicly announce such uniform price, the class prices, and the butterfat differentials provided by § 946.4 (d) and § 946.8 (f).

§ 946.8 *Payment for milk*—(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period, each handler shall pay to each producer, for milk received during the delivery period, an amount of money representing not less than the total value of such producer's milk at the uniform price per hundredweight, subject to the butterfat differential set forth in paragraph (f) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (d) of this section, he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to paragraphs (c) and (e) of this section, and out of which he shall make all payments pursuant to paragraphs (d) and (e) of this section: *Provided*, That payment due any handler shall be offset by payments due from such handler.

(c) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the classification value of his milk, computed pursuant to § 946.7 (a), for the delivery period is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price.

(d) *Payments out of the producer-settlement fund.* (1) On or before the 20th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers any amount by which the classification value of his milk, computed pursuant to § 946.7 (a), for the delivery period is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(2) On or before the 15th day after the end of each of the delivery periods of September, October, and November, beginning in 1946, the market administrator shall pay out of the producer-settlement fund to the producers from whom milk was received during such delivery period an amount computed as follows: Divide one-third of the aggregate amount held pursuant to § 946.7 (b) (3) by the hundredweight of producers' milk delivered during the delivery period involved (September, October, or November, as above) and apply the resulting amount (computed to the nearest full cent per hundredweight) to the milk of each producer for such delivery period: *Provided*, That payments under this subparagraph due any producer who has given authority to a cooperative association which is qualified under the "Capper-Volstead Act" pursuant to § 946.9 (b), to receive payment for his milk shall be distributed to such cooperative association if the association requests receipt of such payments.

(e) *Adjustment of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (d) of this section the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(f) *Butterfat differential.* In making payments pursuant to paragraph (a) of this section the uniform price for each handler shall be adjusted, for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.8 percent, as the case may be, by a butterfat differential (computed to the nearest multiple of one-half cent) calculated as follows: multiplying by 0.12 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period.

§ 946.9 *Marketing services*—(a) *Deduction for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight from the payments made directly to producers pursuant to § 946.8, with respect to all milk received by such handler from producers during each delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 946.8, as are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 946.10 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the delivery period, of (1) milk from producers (including such handler's own production), and (2) emergency milk received at a plant described in subparagraphs (1) and (2) of § 946.1 (e). Each cooperative association which is a handler shall pay pro rata share of expense on only that milk of producers caused to be delivered by such cooperative association to a plant from which no milk is disposed of in the marketing area.

§ 946.11 *Effective time, suspension, and termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension and termination.* Any or all provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged, (ii) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 946.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Filed at Washington, D. C., this 25th day of August 1947.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 47-8040; Filed, Aug. 27, 1947, 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1917065]

ALASKA

NOTICE OF FILING OF PLATS OF U. S. SURVEYS ACCEPTED JUNE 24, 1947

AUGUST 20, 1947.

Notice is given that the plats of:

U. S. Survey No. 2723, Alaska, Lots 1 to 7, inclusive, area 7.65 acres, situated at the junction of the Slana-Tok and Alaska Highways;

U. S. Survey No. 2724, Alaska, Lots 1 to 6, inclusive, area 8.23 acres, situated on the east side of the Slana-Tok Highway at the junction with the Alaska Highway;

U. S. Survey No. 2725, Alaska, Lots 1 to 7, inclusive, area 7.36 acres, situated at the junction of the Slana-Tok and Alaska Highways;

U. S. Survey No. 2726, Alaska, Lots 1 to 6, inclusive, area 7.36 acres, situated on the west side of the Slana-Tok Highway at the junction with the Alaska Highway;

U. S. Survey No. 2727, Alaska, Lots 1 to 5, inclusive, area 6.25 acres, situated on the west side of the Richardson Highway at the junction with the Alaska Highway;

U. S. Survey No. 2728, Alaska, Lots 1 and 2, area 2.39 acres, situated on the west side of Richardson Highway about 0.2 mile north of the Alaska and Richardson Highway junction, will be officially filed in the District Land Office, Fairbanks, Alaska, effective at 10:00 a. m. on October 22, 1947.

By Public Land Order No. 12 of July 20, 1942 and Public Land Order No. 84 of January 28, 1943, these lands, subject to valid existing rights were withdrawn from all forms of appropriation under the public-land laws, and by Public Land Order 386 of July 31, 1947 the orders mentioned were revoked as to these lands, and, subject to valid existing rights, including the rights of natives based on occupancy, and the provisions of existing withdrawals (including the withdrawal of a 60-ft. strip along the Alaska-Yukon Territory boundary, made by Proclamation of May 3, 1912, 37 Stat. 1741), were withdrawn from all forms of appropriation under the public land laws, including the mining and the mineral leasing laws for classification and survey.

Anyone having a valid settlement right or other right to any of these lands, initiated prior to the date of the withdrawal of the land, should assert the same within three months from the date on which the plats are officially filed by filing an application under appropriate public land law, setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Fairbanks, Alaska.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-8010; Filed, Aug. 27, 1947; 8:45 a. m.]

NEW MEXICO

REVOKING CERTAIN WITHDRAWALS FOR FOREST ADMINISTRATION SITES

The orders of the Secretary and the Acting Secretary of the Interior dated November 28, 1906, February 5, 1907, August 26, 1907, and January 7, 1908, withdrawing the following-described lands for use as forest administrative sites within the Lincoln National Forest, New Mexico, are hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 11 E.,
Sec. 27, unsurveyed, a tract of approximately 95 acres, described by metes and bounds, withdrawn as Station 26, White Mountain Park Administrative Site.

T. 20 S., R. 19 E.,
Sec. 20, two tracts aggregating 200 acres, described by metes and bounds, withdrawn as the Sargent Seep Administrative Site.

This order shall not otherwise become effective to change the status of the lands

until 10:00 a. m. on the 63d day from the date on which it is signed, whereupon the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to such application, petition, location, or selection as may be authorized by the public-land laws in accordance with the provisions of 43 CFR 295.8 (Circ. 324, May 22, 1914, 43 L. D. 254), to the extent that these regulations are applicable.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 15, 1947.

[F. R. Doc. 47-8011; Filed, Aug. 27, 1947; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2384 et al.]

CHICAGO HELICOPTER SERVICE CASE

NOTICE OF HEARING

In the matter of the application of United Air Lines, Inc., and other applications for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of new and additional air transportation services of persons, property, and mail with helicopter aircraft in the Chicago, Illinois, area.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on September 15, 1947, at 10:00 a. m., Room 779, United States Court House Building, Jackson Boulevard and Dearborn Street, Chicago, Illinois, before Examiner Ferdinand D. Moran.

Without limiting the scope of the issues presented by the parties to this proceeding, particular attention will be directed to the following matters and questions:

1. Whether the proposed routes are required by the public convenience and necessity.

2. Whether the applicants are citizens of the United States and are fit, willing, and able to perform the service for which they are applying and to conform to the provisions of the act and the rules, regulations, and requirements of the Board promulgated thereunder.

3. If the public convenience and necessity require the service, which carrier can best perform the service.

Notice is further given that any person desiring to be heard in opposition to an application consolidated in this proceeding must file with the Board on or before September 15, 1947, a statement setting forth the issues of fact or law which he desires to controvert.

For further details of the service proposed and authorizations requested, interested parties are referred to the applications on file with the Civil Aeronautics Board.

Dated at Washington, D. C., August 22, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8042; Filed, Aug. 27, 1947; 8:47 a. m.]

[Docket No. 2861]

SOUTHWEST AIRWAYS CO.

NOTICE OF HEARING REGARDING MODIFICATION OF OPERATING RESTRICTION

In the matter of the application of Southwest Airways Company for amendment, pursuant to section 401 (h) of the Civil Aeronautics Act of 1938, as amended, of certificate of public convenience and necessity for route No. 76 so as to authorize origination or termination of scheduled flights short of terminal points.

Notice is hereby given pursuant to sections 401 and 1001 of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on September 15, 1947 at 10:00 a. m., daylight saving time, in Conference Room C of the Departmental Auditorium, Constitution Avenue NW., between 12th and 14th Streets, Washington, D. C., before Examiner F. A. Law, Jr.

Without limiting the scope of the issues presented by the application herein particular attention will be directed to the following matters and questions: (1) Whether the proposed amendment is required by the public convenience and necessity and particularly whether the restriction against originating or terminating flights short of terminal points contained in the certificate of public convenience and necessity for route No. 76 is unnecessarily burdensome upon the applicant, or unnecessarily restricts the movement of traffic; whether the public convenience and necessity require such restriction or whether it is in the public convenience and necessity for applicant to operate flights originating or terminating at points short of terminal points; (2) Whether the applicant is fit, willing and able to perform the transportation proposed in the application, and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder; and (3) Whether the applicant is a citizen of the United States within the meaning of the act. Any person desiring to be heard in this proceeding must file with the Board, on or before September 12, 1947, setting forth the issues of fact or law raised by said application which he desires to controvert.

Dated at Washington, D. C., August 25, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8039; Filed, Aug. 27, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-932]

EAST OHIO GAS CO.

NOTICE OF APPLICATION

AUGUST 22, 1947.

Notice is hereby given that on August 6, 1947, The East Ohio Gas Company (Applicant), an Ohio corporation having its principal place of business at Cleveland, Ohio, and authorized to do business in the State of Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities described as follows:

Approximately 84 miles of 20-inch O. D. pipeline extending in a northerly direction from Applicant's Mullett Farm valve station about 4 miles north of the Ohio River in Switzerland Township, Monroe County, Ohio, at which location said 20-inch line will be connected to the Big Inch and Little Big Inch Pipe Lines, and thence extending in a northerly direction to Applicant's Gross Farm valve station, Jackson Township, Stark County, Ohio;

or, in the alternative, a finding that Applicant is not a "natural-gas company," subject to the jurisdiction of the Commission under the provisions of said act.

The application recites that the proposed pipeline is to be used for the purpose of augmenting Applicant's existing gas supply; that said 20-inch line is to be connected to the Big Inch and Little Big Inch Pipe Lines, which lines are now operated under temporary lease from the War Assets Administration by Texas Eastern Transmission Corporation (Texas Eastern); that Applicant, in addition to purchases of natural gas from Hope Natural Gas Company and Panhandle Eastern Pipe Line Company, is at present purchasing and receiving gas from Texas Eastern at Applicant's Mullet Farm valve station through an existing pipeline in quantities of approximately 47 million cubic feet per day, under an interim agreement dated March 26, 1947, between Texas Eastern and Applicant together with other subsidiaries of Consolidated Natural Gas Company.

The application further recites that under a separate agreement, likewise dated March 26, 1947, between Texas Eastern and Applicant together with other subsidiaries of Consolidated Natural Gas Company, which agreement is contingent upon the consummation of the purchase by Texas Eastern of said Big Inch and Little Big Inch Pipe Lines, Texas Eastern agrees to continue to sell specified quantities of natural gas from said two lines to Applicant, and Applicant agrees to proceed with its efforts to obtain any necessary authorization for the construction of additional facilities for receiving said gas and to proceed with such construction as diligently as possible. The application further states that pursuant to this agreement, as soon as Texas Eastern has completed the construction of additional facilities to increase the capacity of the Big Inch and Little Big Inch Pipe Lines, and as soon as Applicant has completed additional facilities to receive gas from said two lines, Applicant is entitled to receive increased supplies of gas from Texas Eastern.

The estimated total over-all capital cost of construction for the proposed facilities is approximately $3,200,000. Applicant proposes to finance such costs from cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of The East Ohio Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rules 8 and 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 47-8013; Filed, Aug. 27, 1947; 8:46 a. m.]

[Docket No. G-935]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 25, 1947.

Notice is hereby given that on August 18, 1947, an application was filed with the Federal Power Commission by East Tennessee Natural Gas Company (Applicant), a Tennessee corporation having its principal place of business at Chattanooga, Tennessee, for an order by the Commission under section 7 (a) of the Natural Gas Act requiring Tennessee Gas Transmission Company, as successor to Tennessee Gas and Transmission Company, to extend or improve it facilities, to establish physical connection of its transportation facilities with the facilities which Applicant proposes to construct and operate pursuant to the certificate sought in Docket No. G-889,[1] and to sell and deliver natural gas to Applicant in such quantities and upon such reasonable conditions as to enable Applicant to render adequate service to the markets and areas proposed to be served by Applicant.

Applicant states that the markets and areas to be served by the facilities proposed at Docket No. G-889, include the Chattanooga and Knoxville, Tennessee, markets and areas, and approximately thirty other intermediate and adjacent municipalities and areas in Tennessee, all of which are now withput natural gas service; and that the maximum daily demand of such markets and areas at the end of the fifth year after the introduction of natural gas therein is estimated to be 63,876 Mcf.

Applicant further states that the aforesaid markets and areas are dependent upon Tennessee Gas Transmission Company for their natural gas supply; that by written contract of September 6, 1946, Tennessee Gas and Transmission Company agreed to supply the entire natural gas requirements thereof; and that Tennessee Gas Transmission Company does not propose to furnish such natural gas service to Applicant from the increased capacity authorized at Docket No. G-808.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of East Tennessee Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-8021; Filed, Aug. 27, 1947; 8:47 a. m.]

[Docket No. G-933]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

AUGUST 22, 1947.

Notice is hereby given that on August 8, 1947, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation having its principal office in Kansas City, Missouri, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities, subject to the jurisdiction of the Commission:

One 2,400 horsepower compressor unit and appurtenant equipment at Liberal, Kansas, compressor station.

Applicant states that the proposed facilities are needed for the 1947-1948 winter season in order to compensate for Applicant's inability to procure in time for the 1947-1948 season the pipe required for the 10.6 miles of 26-inch O. D. loop line proposed to be constructed between Applicant's Liberal and Hansford compressor stations, which loop line, among other facilities, was authorized to be constructed by the Commission's order of November 30, 1946, at Docket No. G-706. Applicant further states that the installation of the facilities proposed in this docket will enable Applicant to supply 515,000 Mcf per day at the discharge side of its Liberal Station, as contemplated to be supplied by the facilities authorized at Docket No. G-706. Applicant estimates that the proposed compressor facilities will be available for installation before the beginning of the winter season of 1947-1948.

Applicant estimates that the total over-all capital cost of the proposed facilities is $215,000, which will be financed through the use of current funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commisison's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Panhandle Eastern Pipe Line Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947 (18 CFR 1.8 or 1.10).

[SEAL] S. A. WALKER,
Acting Secretary.

[F. R. Doc. 47-8014; Filed, Aug. 27, 1947; 8:46 a. m.]

[1] For a description of such facilities, see Notice of Application, 12 F. R. 3090-91.

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-22, 52-27, 54-125]

NORTH AMERICAN GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING OF AMENDMENT 3 TO PLAN FOR RECAPITALIZATION OF SOUTHERN UTAH POWER COMPANY AND NOTICE OF AND ORDER RECONVENING HEARINGS IN CONSOLIDATED PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 20th day of August 1947.

In the matter of North American Gas and Electric Company, Washington Gas and Electric Company, Nathan A. Smyth

and Leo Loeb, trustees of the estate of Washington Gas and Electric Company, and their subsidiary companies, respondents, File No. 59-22; Nathan A. Smyth and Leo Loeb, as trustees in reorganization under chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor, File No. 52-27; Nathan A. Smyth and Leo Loeb, as trustees in reorganization under chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor, Southern Utah Power Company, File No. 54-125.

Notice is hereby given that Nathan A. Smyth and Leo Loeb, as Trustees in reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor ("Washington"), a public utility and registered holding company, said Trustees being also a registered holding company, and Southern Utah Power Company ("Southern Utah"), a public utility company and a subsidiary of Washington, have filed with the Commission, pursuant to the provisions of the Public Utility Holding Company Act of 1935 (the "act"), Amendment No. 3 to their Application for Approval of a Plan of Recapitalization of Southern Utah. The amendment supersedes the provisions of the Plan heretofore filed for the recapitalization of Southern Utah and the amendments thereto heretofore submitted. The said applicants have requested that said Amendment No. 3 be considered under the provisions of sections 6, 7, 10, and 12 of the act.

All interested persons are referred to the said Amendment No. 3, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

1. Southern Utah will amend its Articles of Incorporation so as to provide for an authorized issue of 4,400 shares of 4½% Cumulative Preferred Stock of $100 par value and 82,000 shares of Common Stock of $10 par value in place of the presently authorized 4,500 shares of 7% Prior Preference Stock of $100 par value, 600 shares of $5 Preferred Stock without par value and 7,500 shares of $100 par value Common Stock.

2. Washington, as the owner of the 3,000 shares of 7% Prior Preference Stock, the 4,500 shares of the $100 par Common Stock and 41 of the 353½ shares of the $5 Preferred Stock of Southern Utah, being all of its capital stock presently outstanding, will exchange such shares for 62,910 shares of the proposed new $10 par value Common Stock of Southern Utah.

3. The 312½ shares of the presently outstanding $5 Preferred Stock owned by persons other than Washington are to be called for redemption.

4. Of the newly authorized shares of 4½% Cumulative Preferred Stock, 1,500 shares will be sold to Armour and Company Employees' Pension Fund of Chicago, Illinois, and Bankers Life Insurance Company of Nebraska, of Lincoln, Nebraska, in equal portions, at $100 per share. The proceeds of the sale are to be used in part to furnish funds for the aforementioned redemption of the publicly held 312½ shares of the $5 Preferred Stock and the balance is to be applied towards the payment of bank loans heretofore made by the company for construction purposes or toward the payment of the cost of future construction of facilities necessary in the conduct of its business.

5. The new 4½% Cumulative Preferred Stock will be redeemable in whole or in part at the company's option at $105 per share and accrued dividends at any time on thirty days' notice, or at $100 per share through the operation of a sinking fund into which must be paid, on or before the first day of September of every year beginning with 1948, an amount of cash equal to 3% of the aggregate par value of the greatest number of such shares which have heretofore been issued and outstanding. Holders of such stock will be entitled to the preferential payment of $105 per share and accrued dividends in the event of a voluntary, and to $100 per share and accrued dividends in the event of an involuntary dissolution or liquidation. The new Common Stock will have the sole voting right to elect directors, except that, in the event that Cumulative Preferred dividends are in arrears amounting to $4.50 per share or more, or in the event of a failure to set aside and apply to the redemption of such Preferred Stock any annual sinking fund installment, the holders of the Preferred Stock will have the right, as a class, to elect the smallest number of directors constituting a majority of the Board. Additional shares of such Preferred Stock may be issued with the consent of the holders of two-thirds of the then outstanding shares of such stock or without such consent provided certain earnings coverage tests are met.

6. No dividends are to be paid on any of the presently outstanding shares of 7% Prior Preference, $5 Preferred or $100 par value Common Stocks, except such as are payable upon the redemption of the publicly held 312½ shares of $5 Preferred Stock.

The Trustees state that in addition to approval by this Commission, authority must be obtained by the Trustees from the Bankruptcy Court to make the exchanges of stock and take such other steps as are necessary to carry out the proposed transactions.

The Trustees of Washington having heretofore filed with this Commission an application for approval of Amendment No. 1 to a plan for reorganization of Washington, submitted pursuant to section 11 (f) of the act, and the proceedings thereon having been consolidated with proceedings on the amended plan for the recapitalization of Southern Utah and with proceedings instituted by the Commission under sections 11 (b) (1) and 11 (b) (2) of the act with respect to Washington and Southern Utah, and hearings having been held and adjourned subject to call; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings held in the aforesaid consolidated proceeding with respect to Washington and its remaining subsidiary, Southern Utah, be reconvened;

It is ordered, That a hearing in such consolidated proceedings under the applicable provisions of the Act and Rules of the Commission be reconvened on September 3, 1947 at 10:00 a. m., e. d. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues to be considered in these consolidated proceedings there will be considered at such reconvened hearing the matters and questions set forth in our Notice of and Order Reconvening Hearings herein, dated August 21, 1946 (Holding Company Act Release No. 6855), except insofar as the same are now inapplicable to Southern Utah, and further with respect to Southern Utah, the following matters and questions:

1. Whether the proposed issue and sale of 4½% Preferred Stock by Southern Utah meet the standards of section 7 of the act.

2. Whether the proposed authorization and issue, and the exchange of new Common Stock for the existing shares and classes of stock of Southern Utah presently owned by Washington are in all respects in conformity with the standards of the act.

3. Whether the proposed redemption and retirement of the publicly held $5.00 Preferred Stock of Southern Utah in all respects are in conformity with the provisions of the act and applicable rules thereunder.

4. Whether the fees, commissions and other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

5. Whether the accounting entries to be recorded in connection with the proposed transactions are proper and in conformity with sound accounting principles and meet the standards of the act.

6. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors and consumers in connection with the proposed transactions.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Nathan A. Smyth and Leo Loeb, Trustees of Washington Gas and Electric Company, Debtor, to Southern Utah Power Company, the Cities of Tacoma, Olympia, Aberdeen and Everett, Washington and Cedar City, Utah, the Federal Power Commission, the Department of Public Service of the State of Washington, the Public Service Commission of the State of Utah, The Continental Bank and Trust Company of New York, indenture trustee under the mortgage securing Washington's First Lien and General Mortgage 6% Bonds, to The Chase National Bank of the City of New York, indenture trustee under the mortgage securing Washington's First Mortgage Bonds, and to all participants in these consolidated proceedings; and that further notice be given by general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That any persons desiring to be heard in connection with this proceeding, or proposing to intervene herein, shall file with the Secretary of this Commission, on or before September 2, 1947, his request or application therefor, as provided in Rule XVII of the rules of practice of the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant to the Secretary.*

[F. R. Doc. 47-8016; Filed, Aug. 27, 1947; 8:46 a. m.]

[File No. 70-1591]

IOWA PUBLIC SERVICE CO. AND SIOUX CITY GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of August 1947.

Notice is hereby given that Iowa Public Service Company ("Iowa Public"), a public utility company and a registered holding company, and its parent, Sioux City Gas and Electric Company ("Sioux City"), also a public utility company and a registered holding company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 (the "act"). Applicants-declarants have designated sections 6 (a), 7, 9, 10 and 12 (f) of the act and Rules U-43 and U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 3, 1947 at 12:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Street, Philadelphia 3, Pennsylvania. At any time thereafter, such application-declaration as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Iowa Public proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,500,000 principal amount of First Mortgage Bonds, __% Series due 1977, to be issued under and secured by the company's presently existing Mortgage and Deed of Trust, dated as of June 1, 1946, to be supplemented by a First Supplemental Indenture dated as of September 1, 1947. The interest rate on the new bonds (which is to be a multiple of ⅛ of 1%) and the price to be received by Iowa (to be not less than 100% and not more than 102¾% of the principal amount thereof) are to be determined by the competitive bidding.

Iowa Public also proposes to issue 109,866 shares of additional common stock of a par value of $15 per share and offer to its common stockholders of record at the close of business on September 16, 1947, the right to subscribe for such common stock at the rate of ⅛ of a share of common stock for each share of common stock then held of record at a price to be determined by the Board of Directors on or about September 11, 1947, which price will be approximately $3 below the market price at such time, but not below $15 per share. The subscription rights will be evidenced by transferable warrants which will be exerciseable only in amounts calling for full shares and which warrants will be mailed on or about September 18, 1947. In addition, the holders of warrants will be entitled to subscribe at the same price for shares covered by outstanding unexercised warrants, subject to allotment upon the basis that the number of shares covered by the warrant exercised by such holder bears to the total number of shares covered by outstanding warrants which are exercised by holders thereof desiring to subscribe for additional shares, irrespective of the number of additional shares subscribed for. The holder of a warrant will not be entitled to subscribe for the shares covered thereby unless the duly exercised warrant and the purchase price for the shares to be issued upon the exercise thereof are received by Manufacturers Trust Company, Agent, 55 Broad Street, New York 15, New York, prior to 3 p. m., New York Time, October 8, 1947; the holder of a warrant will not be entitled to subscribe for additional shares subject to allotment unless he shall also subscribe for the number of shares specifically covered by such warrant and unless payment is made, upon surrender of such warrant, in full for the shares specifically covered thereby and to the extent of at least 10% of the purchase price of the additional shares subscribed for.

Sioux City proposes to exercise the warrants to be received by it, representing a total of 66,359 shares of common stock and, in addition to subscribe for 6,592 additional shares subject to allotment. Sioux City also proposes to purchase at the same price any shares of the common stock of Iowa Public which are not subscribed for either on the basis of shares covered by warrants or as a result of subscriptions for additional shares subject to allotment. As required by the terms of the Mortgage and Deed of Trust of Sioux City dated as of December 1, 1945, all shares of common stock of Iowa Public so acquired will be pledged by Sioux City with the trustee under said mortgage.

The application-declaration states that Iowa Public will use the net proceeds from the sale of the bonds and additional common stock to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions or to reimburse its treasury in part for expenditures made for such purposes. Of the net proceeds to be received from the issuance and sale of the bonds and common stock, approximately $1,200,000 will be added to the company's general funds and approximately $2,300,000 will be retained by the trustee under Iowa Public's indenture subject to withdrawal in amounts equivalent to 60% of the cost or fair value of unfunded net property additions certified to the trustee, and otherwise as provided in the indenture.

Sioux City proposes, pursuant to the terms of a loan agreement, to issue and sell privately to Bankers Trust Company (New York) a promissory note or notes, in the aggregate principal amount of $1,800,000, bearing interest on the unpaid principal amount at the rate of 1¾% per annum payable quarterly and maturing in two years from the date of issue. The proceeds of the sale of the notes will be used for the construction or acquisition of permanent improvements, extensions and additions to Sioux City's property and to acquire shares of common stock of Iowa Public. The application-declaration states that Sioux City desires to finance temporarily by means of a bank loan until such time as its requirements have reached sufficient size to justify permanent financing. In addition, it is stated that it is the judgment of Sioux City's management that such permanent financing can be carried out more advantageously after the consolidation referred to hereinafter, than by Sioux City prior to such consolidation.

The application-declaration also states that it is the present intention of the managements of Iowa Public and of Sioux City to initiate proceedings during 1948 to effect a consolidation of the properties of Iowa Public and Sioux City, either by the filing of a voluntary plan pursuant to section 11 of the act or, upon securing the necessary stockholder and Commission approval, by a merger or consolidation of the corporations pursuant to the provisions of the statutes of Iowa and Delaware, or by such other means as may be approved by the Commission.

The application-declaration further states that any such consolidation would probably involve the assumption by the surviving or successor corporation of all debts of Iowa Public and of Sioux City, the issuance of its preferred and common stocks for the preferred and common stocks of Iowa Public and of Sioux City, and, as part of such consolidation or subsequent thereto, the sale of additional common stock of the surviving or successor corporation, to either with cash derived from earnings, to pay the pro-

posed note or notes of Sioux City in the aggregate principal amount of $1,800,000.

The applicants-declarants request that the Commission's order be issued on September 4, 1947 and become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8015; Filed, Aug. 27, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981

[Vesting Order 9640]

AACHENER BANKFUR HANDEL UND GEWERBE

In re: Bank account owned by Aachener Bankfur Handel und Gewerbe. F-28-259-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Aachener Bankfur Handel und Gewerbe, the last known address of which is c/o Commerz Privatbank, Aix-la-Chapelle, Germany, is a coporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Aachener Bankfur Handel und Gewerbe, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Aachener Bankfur Handel Gewerbe, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Aachener Bankfur Handel und Gewerbe, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Aachener Bankfur Handel Gewerbe for Gebr. Erasmus, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8025; Filed, Aug. 27, 1947; 8:45 a. m.]

[Vesting Order 9642]

ROSA ALBERT ET AL.

In re: Bank accounts owned by Rosa Albert, and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosa Albert, Max Buehler, Anna Lurz, Ignaz Ruck, Ludwig Ruck, Heinrich E. Ruck, and Josef Ruck, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, by Commonwealth Bank, Dime Building, Detroit, Michigan, arising out of commercial accounts, numbered and entitled as set forth opposite the names of the aforesaid persons, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of nationals	Name or title of account	Account No.	OAP file No.
Rosa Albert	Rosa Albert	C 12-151	F-28-9112-E-1
Max Buehler	Max Buehler	C 12-139	F-28-9411-E-1
Anna Lurz	Anna Lurz	C 12-140	F-28-12886-E-1
Ignaz Ruck	Ignaz Ruck	C 12-133	F-28-26126-E-1
Ludwig Ruck	Ludwig Ruck	C 12-152	F-28-26257-E-1
Heinrich E. Ruck	Heinrich E. Ruck	C 12-136	F-28-26278-E-1
Josef Ruck	Josef Ruck	C 12-135	F-28-27731-E-1

[F. R. Doc. 47-8027; Filed, Aug. 27, 1947; 8:45 a. m.]

[Bar Order 1]

JOSEPH CHOKICHI ABE ET AL.

ORDER EXTENDING THE TIME FOR FILING CLAIMS IN RESPECT OF CERTAIN DEBTORS

In accordance with section 34 (b) of the Trading with the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order 9788, the time fixed by Bar Order No. 1 (12 F. R. 1448, March 1, 1947; 12 F. R. 3394, May 24, 1947), for the filing of debt claims in respect of debtors, any of whose property was vested in or transferred to the Alien Property Custodian or the Attorney General between December 18, 1941 and December 31, 1946, inclusive, is hereby extended to such date or dates as shall be fixed by further bar orders in respect of debtors other than those listed in Appendix A hereto.

At least sixty days' notice of such date or dates shall be given by publication in the FEDERAL REGISTER. In accordance with said section 34 (b), no time for the filing of debt claims shall be fixed beyond August 8, 1948, or two years from the date of the last vesting in or transfer to the Alien Property Custodian or the Attorney General of any property or interest of a debtor in respect of whose debts a date is fixed, whichever is later. September 2, 1947, shall remain fixed as the date after which claims filed in respect of the debtors listed in Appendix A shall be barred from consideration.

Executed at Washington, D. C. this 25th day of August 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

APPENDIX A

	Name of debtor	Last known address	Vesting order No.
1.	Abe, Joseph Chokichi (a/k/a Chokichi Abe, Kyozo Abe, and Portuguese Abe—Sole Proprietor of Abe Appliances, Honolulu, T. H.).	119 Yobu, Uto Machi, Uto Gunn, Kumamoto Prefecture, Japan.	1665
2.	Akawo & Co., Ltd. (Akawo & Co., Inc., a New York Corp.).	Kobe, Japan	113
3.	Altenbach, Emilie	12 Beethoven Strasse, Dusseldorf, Germany.	816
4.	Bahlau, Grete (a/k/a Grete Nuhl)	Landsberg/Warthe, Bismarckstrasse 28, III, Germany.	2101
5.	Barth, Katharina	Stockstadt, Rhein, Germany	279
6.	Berky, Dr. Lajos (Estate of Julius Berky, dec'd).	Hungary	2915
7.	Brehmer, Gebruder	Leipzig W-31, Germany	2942
8.	Buchmuller, Margot	14 Beethoven Strasse, Dusseldorf, Germany.	816
9.	Combes, Ilona Berky des (Estate of Julius Berky, dec'd).	Hungary	2915
10.	Dai Ichi Ginko, Ltd	Tokyo Central P. O. Box 161, Tokyo, Japan.	5497
11.	Desebrock, Hanna	Mittlewег 120, Hamburg, Germany.	1982
12.	Deutsche Bau und Bodenbank, A. G.	Taubenstrasse 48-49, Berlin W8, Germany.	5503, 7546
13.	Deutsches Haus, Inc. (An instrumentality of the German-American Bund, Los Angeles Unit).	Germany (634 West 15th Street, Los Angeles, California).	1721, 2997
14.	Doerr, Maria Luiza	Stockstadt, Rhein, Germany	279
15.	Doerr, Katherine Wilhelmine (widow of George Doerr).	do	279
16.	Doerr, Katherine Wilhelmine (daughter of George Doerr).	do	279
17.	Doerr, Anna Katherine Magdalena	do	279
18.	Doerr, Georg Jakob Daniel Adam	do	279
19.	Doerr, Johann Jakob	do	279
20.	Doerr, Adolph Paul	do	279
21.	Dornemann & Company	Magdeburg, Germany	2943
22.	Liska, Margit Berky (Estate of Julius Berky, dec'd).	Hungary	2915
23.	Muller, Anna	Stockstadt, Rhein, Germany	279
24.	Eisler, Josefine (Estate of Bertha Kreisel, dec'd).	Germany	418
25.	Farber, Josef (Estate of Bertha Kreisel, dec'd).	do	418
26.	Meyer-Foerster, Wilhelm	do	3505
27.	Fiedstuck, Louise (Estate of Charles H. Barner, dec'd).	do	972
28.	Broeker, Dora (Estate of Charles H. Barner, dec'd).	do	972
29.	Hagelmann, Maria (Estate of Charles H. Barner, dec'd).	do	972
30.	Hellman, Frieda Barner (Estate of Charles H. Barner, dec'd).	do	972
31.	Hilsberg, Anna Barner (Estate of Charles H. Barner, dec'd)	do	972
32.	Schroder, Emma Barner (Estate of Charles H. Barner, dec'd).	do	972
33.	Barner, Heitschen (Estate of Charles H. Barner, dec'd).	do	972
34.	Griepenstrah, August (Estate of Charles H. Barner, dec'd).	do	972
35.	Griepenstrah, Wilhelm (Estate of Charles H. Barner, dec'd).	do	972
36.	Griepenstrah, Herman (Estate of Charles H. Barner, dec'd).	do	972
37.	Griepenstrah, Karl (Estate of Charles H. Barner, dec'd).	do	972
38.	Griepenstrah, Frieda (Estate of Charles H. Barner, dec'd).	do	972
39.	Person or persons, names unknown, entitled to receive the estate of Auguste Vaje, who died president of Germany (Estate of Charles H. Barner, dec'd).	do	972
40.	Fuji, Junichi	22 Nakajima, Honmachi, Hiroshima, Japan.	2817
41.	Nagy, Lidia Fordor (Estate of Stephen Benes a/k/a Steve Bench, dec'd).	Sajokapolna, Hungary	1770
42.	Fordor, Alexander (Estate of Stephen Benes a/k/a Steve Bench).	do	1770
43.	Gaensler, Ottilie (O'Tillie) (Trust under will of Anton Fiegl, dec'd).	Germany	5063
44.	Giebler, Karl	do	1010
45.	Fischer, Sofie	do	1010
46.	Glenewinkel, Ida	Markststr. 49, Hanover, Germany.	2079
47.	Gosho Concentration and Compress Co.	Japan (Galveston, Tex.)	211
48.	Gresser, Auguste Maylinger, And the issue, whose names are unknown. (Trust under will of Frank Maylinger, dec'd).	Germany	2969
49.	Firner, Elizabeth Maylinger, And the issue, whose names are unknown (T U/W Frank Maylinger, dec'd).	do	2969
50.	Kaerlinsuntz, Johanna Maylinger, And the issue, whose names are unknown. (T U/W Frank Maylinger, dec'd).	do	2969
51.	Maylinger, Robert, and the issue, whose names are unknown (T U/W Frank Maylinger, dec'd).	do	2969
52.	Maylinger, Fritz, and the issue, whose names are unknown (T U/W Frank Maylinger, dec'd).	do	2969
53.	Willebacher, Johanna, and the issue whose names are unknown (T U/W of Frank Maylinger, dec'd).	do	2969
54.	Reektewald, Fritz, and the issue whose names are unknown (T U/W Frank Maylinger, dec'd).	do	2969
55.	Reektewald, Anna, and the issue whose names are unknown (T U/W Frank Maylinger, dec'd).	Germany	2969
56.	Bormann, Anna (a/k/a Anna Maria Alwine Elise Bormann).	Dresden, Germany	2268
57.	Bormann, Fritz	Leipzig, Germany	2268
58.	Bormann, Walter	Belgersheim, Germany	2268
59.	Bormann, Curt	Leipzig, Germany	2268
60.	Bormann, Paul	Dresden, Germany	2268
61.	Bornann, Walter	do	2268
62.	Handel, Gertrud	Pulsnitz, Germany	2268
63.	Gobel, Elisabet	Berlin, Germany	2268
64.	Bormann, Ernst Arthur August	Weissic, near Freital, Germany.	2268
65.	Bormann, Herbert Alwin Paul	Heidenau District, Dresden, Germany.	2268
66.	Lauckner, Erna Anna	Leipzig, Germany	2268
67.	Government General of Formosa	Formosa	1302
68.	University of Leipzig (Guenther, Paul Estate of).	Leipzig, Germany	3816
69.	Gusken, Jean	Germany	1722
70.	Maschinenfabrik Gerber	Wangsesen, Germany	1722
71.	Hahn, Carl	Leiblingen, Rheinland, Germany.	4162
72.	Hillmann, Anna	Bassum near Bremen, Germany.	4162
73.	Wilmanns, Else (a/k/a Else Wilmans)	Bad Godesberg am Rhein, Sibyllenstr. 37, Germany.	4162
74.	Viseher, Margarethe (a/k/a Margarete Viseher).	Stuttgart O. Gaenscheidestr. 123, Germany.	4162
75.	Hahn, Helene	do	4162
76.	Hata, Sadanosuke	Hiroshima, Japan	3230.62, 3635, 5705
77.	Hatakeyama, Kikuji (a/k/a Kikuji Frank Hatakeyama as Kikeyi Hatakeyama and as K. Hatakeyama).	Japan	3699
78.	Hay, Allen Burns (estate of Alexander S. Hay, dec'd).	do	2870
79.	Heidmann, Henry C. A	20 Emma Strasse, Bremen, Germany.	1133
80.	Herbsthoff, Willy	Beethovenstrasse 18, Koeln am Rhein, Germany.	2681
81.	Campe, Elsa	do	2681
82.	Muschard, Olga	do	2681
83.	Herzfeld-Wuesthoff, Dr. Ing. F	Unter den Linden 21, Berlin Ws, Germany.	5574
84.	Hildebrand, John	Nollenwald Strasse, Gengenbach, Baden, Germany.	1549
85.	Hildebrand, Mary	do	1549
86.	Hirsch, Otto (Estate of J. Max Hirsch, dec'd).	Germany	1388
87.	Hirsch, Juliane (Estate of J. Max Hirsch, dec'd).	do	1388
88.	Hirsch, Hans (Estate of J. Max Hirsch, dec'd).	do	1388
89.	Hirsch, Dina (Estate of J. Max Hirsch, dec'd).	do	1388
90.	Hoffman, Anna (Re estate of Jacob Edelkamm).	Osan, Kreis Wittlich, Bezirk Trier, Germany.	2899
91.	Doclot, Maria (Re estate of Jacob Edelkamm).	Pruethstrasse 40, Cologne, Germany.	2899
92.	Scherr, Susanna (Re estate of Jacob Edelkamm).	Union Strasse 20, Dortmund, Germany.	2899
93.	Weber, Anna Peter (Re estate of Jacob Edelkamm).	Maring and Mosel, Kreis Berncastle, Bezirk Trier, Germany.	2899
94.	Weber, Witwe Phillp (Re estate of Jacob Edelkamm)	do	2899
95.	Ulrich, Mrs. M. (Re estate of Jacob Edelkamm).	Blumenstrasse 30, Saarbruecken, Germany.	2899
96.	Beriram, Julchen (Re estate of Jacob Edelkamm).	Hauptstrasse 10, Otterberg bie Kaiserslautern, Germany.	2899
97.	Hoenemann, George	Schlosswall 40, Osnabrueck, Germany.	6403
98.	Hofmeister, Gustav Otto Richard	67 Adolph Hitler Strasse, Hamburg, 39, Germany.	1596
99.	Hohmann, Enna Knaust	Halle am Saale, Germany	2487
100.	Knaust, Halene	Halberstadt, Germany	2487
101.	Arndt, Lieselotte	do	2487
102.	Hohman, Max	Halle am Saale, Germany	2487
103.	Huber, John (Estate of George W. Jacoby, dec'd).	Germany	2878
104.	Japan Institute, Inc. (organized under corporate law of New York).	Japan	232
105.	Kazama, Katsu (Estate of Takesabura Kazama).	do	614
106.	Kazama, Shinya (Estate of Takesabura Kazama).	do	614
107.	Kazama, Masako (Estate of Takesabura Kazama).	do	614
108.	Keim, Katherine	Waltersbrueck, near Zimmerseil, Germany.	598
109.	Wassmuth, Karl	Dorheim, District of Fritzlar, Germany.	598
110.	Roese, Elise	Grossenglis, Near Borken, Hessen, Germany.	598
111.	Wassmuth, August	Kassel, Germany	598
112.	Wassmuth, Hans	do	598
113.	Rosentraeger, Anna	do	598
114.	Wassmuth, Justus	Friedberg, Hessen, Germany	598
115.	Kolkmann, Heinz	Miedbeim on the Ruhr, Germany.	598
116.	Keller, Otto (Estate of Ernst Wadewitz, dec'd).	Zschoppach, Saxony, Frauendorf, Germany.	2971
117.	Stecher, Marie (Estate of Ernst Wadewitz, dec'd.).	Leipnitz, Germany	2971
118.	Kokusai Kisen Kaisha, Ltd	Tokyo, Japan	189

APPENDIX A—Continued

Name of debtor	Last known address	Vesting order No.
119. Kreutzer, Rudolf	No. 24 Gertrudstrasse, Nuernberg, Germany.	7240
120. Kreutzer, Walter	No. 19 Alois Wohlmuthstrasse, Munich, Germany.	7240
121. Kroger, Margarethe Bausch (Estate of Josgine Hansen, dec'd).	Germany	2468
122. Kugler, Johannes (Estate of George Kugler, dec'd).	do	4055
123. Heinzelman, Christina (Heinzelmann)	do	4055
124. Heinzelman, Anna (Heinselmann) (Estate of George Kugler, dec'd).	do	3778
125. Lanz, Philipp Wilhelm (T U/W Henry Schaefer, dec'd).	do	3778
126. Dietrich, Mathilde (T U/W Henry Schaefer, dec'd).	do	3778
127. Bousek, Margarethe (T U/W Henry Schaefer, dec'd).	do	3778
128. Weltzl, Frieda (T U/W Henry Schaefer, dec'd).	do	3778
129. Schaefer, Wilhelm (T U/W Henry Schaefer, dec'd).	Kerpen, Germany	6164
130. Lenz, Nettchen	V. Maria Valeria Utca 17, Budapest, Hungary.	1471
131. Manfred Weiss Steel and Metal Works, Ltd.	Asayamana-mura, Kosugun, Shizuoka-ken, Japan.	9062
132. Masudo, Torakichi	Germany	2371
133. Maurer, Diebold (Estate of George Maurer, dec'd).	do	2371
134. Trunkenbolz, Hans (Estate of George Maurer, dec'd).	Gr. Henstedt, Bie Bassum, Hanover, Germany.	8859
135. Meyer, Wilhelm	Wilhelmshafen, Germany	8859
136. Meyer, Friedrick Heinrick	Sudwalde 62, Germany	8859
137. Meyer, Johann	Dunbausen, Germany	8859
138. Hake, Lina	Germany	396
139. Michael, Hedwig (Estate of Ludwig Eggebrecht).	do	2362
140. Hanich, Paul (Estate of Ludwig Eggebrecht).	do	2362
141. Hanich, Max (Estate of Ludwig Eggebrecht).	do	2362
142. Mueller, Auguste (Estate of Ludwig Eggebrecht).	do	2362
143. Schultz, Ida (Estate of Ludwig Eggebrecht).	do	2362
144. Brandstaedter, Anneliese (Estate of Ludwig Eggebrecht).	do	2362
145. Lampe, Paul (Estate of Ludwig Eggebrecht).	do	2362
146. Eggebrecht, Hans (Estate of Ludwig Eggebrecht).	do	2362
147. Drews, Margarete (Estate of Ludwig Eggebrecht).	do	2362
148. Drews, Walter (Estate of Ludwig Eggebrecht).	do	2362
149. Drews, Gertrude (Estate of Ludwig Eggebrecht).	do	2362
150. Kuehng, Charlotte (Estate of Ludwig Eggebrecht).	do	2362
151. Drews, Otto (Estate of Ludwig Eggebrecht).	do	2362
152. Drews, Richard (Estate of Ludwig Eggebrecht	do	2362
153. Zuerke, Meta (estate of Ludwig Eggebrecht).	do	2362
154. Dubbert, Ernst (estate of Ludwig Eggebrecht).	do	2362
155. Dubbert, Arnust (estate of Ludwig Eggebrecht).	do	2362
156. Dubbert, Fritz (estate of Ludwig Eggebrecht).	do	2362
157. Dubbert, Wilhelm (estate of Ludwig Eggebrecht).	do	2362
158. Lorentz, Anna (estate of Ludwig, Eggebrecht).	do	2362
159. Bere, Luise (estate of Ludwig Eggebrecht).	do	2362
160. Boettcher, Meta (estate of Ludwig, Eggebrecht).	do	2362
161. Nehls, Maria (estate of Ludwig Eggebrecht).	do	2362
162. Arndt, Ella (estate of Ludwig Eggebrecht).	do	2362
163. Schmidt, Walter estate of Ludwig Eggebrecht	do	2362
164. Teichert, Charlotte (estate of Ludwig Eggebrecht).	do	2362
165. Fiegel, Emma (Estate of Ludwig Eggebrecht).	Germany	2362
166. Drews, Gerhard (heirs, executors, administrators, assignees, devisees, personal representatives and assigns of Gerhard Drews, dec'd, names unknown) (Estate of Ludwig Eggebrecht).	do	2362
167. Muenzenfelder, Vandelin (Estate of Rosa Reiser).	Bruchsal Baden, Germany	1652
168. Becker, Mrs. Eugene (Estate of Rosa Reiser).	do	1652
169. Michenfelder, Carl (Estate of Rosa Reiser).	do	1652
170. Michenfelder, Ludwig (Estate of Rosa Reiser).	do	1652
171. Michenfelder, Hugo (Estate of Rosa Reiser).	do	1652
172. Michenfelder, Willie (Estate of Rosa Reiser).	do	1652
173. Michenfelder, Marie (Estate of Rosa Reiser).	do	1652

Name of debtor	Last known address	Vesting order No.
174. Miebenfelder, Vandelin, Jr. (Estate of Rosa Reiser).	Bruchsal Baden, Germany	1652
175. Reiser, Edwin (Estate of Rosa Reiser).	do	1652
176. Reiser, Julius (Estate of Rosa Reiser)	do	5437
177. Moeding, Lieselotte (Estate of Paul Ahrens).	Germany	5437
178. Ahrens, Theodor (Estate of Paul Ahrens).	do	5437
179. Ahrens, Boye (Estate of Paul Ahrens)	do	5437
180. Ahrens, Georg (Estate of Paul Ahrens).	do	473
181. Moyi, Shinzabura	Japan	5479
182. Ozaki, H. I	do	471
183. Motto, Ralph (A/K/A Rinzo (Kindo) Iwamoto).	do	471
184. Motto, Yasu (A/K/A Yasu Iwamoto)	do	5029
185. Mundt, Bruno	Germany	5029
186. Gotz, Martha Mundt	do	5029
187. Kutter, Lena Mundt	do	843
188. Murken, John William (Estate of Anna Gesine Hanish).	do	843
189. Murken, Dietrich (Estate of Anna Gesine Hanish).	do	621
190. Muttach, Ambros (Estate of Wm. Muttach).	do	621
191. Muttach, Josef (Estate of Wm. Muttach).	do	621
192. Benz, Bertha (Estate of Wm. Muttach).	do	621
193. Wieber, Max (Estate of Wm. Muttach).	do	621
194. Muttach, Anna (Estate of Wm. Muttach).	do	621
195. Maier, Maria (Estate of Wm. Muttach).	do	621
196. Muttach, Fritz (Estate of Wm. Muttach).	do	621
197. Muttach, Karl (Estate of Wm. Muttach).	do	621
198. Muttach, Ruth (Estate of Wm. Muttach).	do	621
199. Muttach, Albert (Estate of Wm. Muttach).	do	621
200. Muller, Hildegard (Estate of Wm. Muttach).	do	621
201. Muttach, Albert (Estate of Wm. Muttach).	do	621
202. Muttach, Josef (Estate of Wm Muttach)	do	621
203. Muttach, Johann (Estate of Wm Muttach).	do	621
204. Muller, Hilda (Estate of Wm Muttach)	do	621
205. Muttach, Karl (Estate of Wm Muttach)	do	621
206. Bruker, Bibiana (Estate of Wm Muttach).	do	621
207. Hassur, Lina (Estate of Wm Muttach)	do	621
208. Rath, Karl (Estate of Wm Muttach)	do	4560
209. Nakayama, Dengo	Japan	4366
210. The Nippon Fire Insurance Co., Ltd. (U. S. Branch).	Tokyo, Japan (Honolulu, T. H.).	597
211. Nozaki, Suso (Nozaki Bros., Inc.)	Yokahama, Japan	597
212. Nozaki, Jiro (Nozaki Bros., Inc.)	do	597
213. Kotake, Horutsune (Nozaki Bros., Inc.)	do	597
214. Naito, Einoshin (Nozaki Bros., Inc.)	do	59
215. Santo, Tomozo (Nozaki Bros., Inc.)	do	597
216. Kinoshita, Fumio (Nozaki Bros., Inc.)	Japan	181
217. Osaka, Sangen kaisya (N. Y. Branch)	do	1178
218. Purper, Erich	4 Brunmengasse Idar-Oberstein 2, Germany.	1650
219. Radumsky, Otto	Germany	1650
220. Graeter, Anna	do	1650
221. Kritzer, Clara	do	1650
222. scholz, Jr. Gustave	do	277
223. Ruthje, Rudil (Estate of Karl Heinrich Schroeder).	do	597
224. Reinhardt, G. E	Leipzig, Germany	297
225. Reinecke, Christian	Schrum, Kries Aurich, Ostfriesland, Germany.	2362
226. Resch, Michael (Trust under will of Martha Resch, dec'd).	Germany	167
227. Resch, John (Trust under will of Martha Resch, dec'd).	do	167
228. Resch, Margaret (Heirs, personal representatives, assigns, names unknown of Margaret Resch who died a resident of Germany) (T U/W of Martin Resch, dec'd).	do	167
229. Rines, Else	Matzkirch uber Ratibor, Germany.	1167
230. Schdern, Alexandrine von (Also known as Alexandrine Sandern) (Estate of Henry G. Barbey).	Germany	100
231. Sasaki, Aisuro	Japan	6259
232. Schultz, Else (Estate of Martha Fahr)	Germany	4512
233. Schubert, Germany (Estate of Martha Fahr).	do	4512
234. Vetter, Erna (Estate of Martha Fahr).	do	4512
235. Schubert, Susanne (Estate of Martha Fahr).	do	4512
236. Schubert, Lore (Estate of Martha Fahr)	do	4512
237. Fahr, Klaus (Estate of Martha Fahr).	do	4512
238. Fahr, Paul (Estate of Martha Fahr	do	4512
239. Segelade, Reinhard	Oldenburg, Germany	731
240. Segebade, Paul	Mittenwalde, Germany	731
241. Creutzenberg, Ferdinand	Hamburg, Germany	731
242. Creutzenberg, Heinrich	Altona Gross Flottbeck, Germany.	731
243. Seltz-Werke, G. m. b. H	Bad Kreuznach, Germany	230-2843
244. Rokuichi, Sera (Sera Shoten, also known as R. Sera Shoten).	Jigozenmura, Saiki-gun, Hiroshima-Ken, Japan.	2861
245. Shido, Kay (Also known as K. (Kay) Shido).	Saga Ken, Japan	2840
246. Sennen, Jacob (Estate of John F. Sonnen, dec'd.	Germany	1659

APPENDIX A—Continued

Name of debtor	Last known address	Vesting order No.
247. Southern Cotton Co., Ltd.	Dallas, Tex.	59-394
248. Arakawa, J.	Osaka, Japan	59-394
249. Ito, K.	do	59-394
250. Nakamura, S.	do	59-394
251. Otani, K.	do	59-394
252. Okamota, T.	Nagoya, Japan	59-394
253. Toyoda, R.	do	59-394
254. Yamanoichi, H.	Tokyo, Japan	59-394
255. Fujise, R.	Tokyo or Osaka, Japan	59-394
256. Inouye, J.	Ishiyama or Osaka, Japan	59-394
257. Shinohara, Y.	Japan	59-394
258. Takeda, S.	do	59-394
259. Kuzutani, K.	do	153
260. Thomas, H. W.	Dallas, Tex.	115
261. Stiller, Ottilie (Also known as Tillie Traudt Stieler).	Leipzig, Germany	771
262. Siebenstucker, William	Kreis Worbis, Zwinge, Germany.	1412
263. Siebenstucker, Henry	do	1412
264. Societe Minerale de Petrosani	Rumania	902
265. Kleinhans, Laura, nee Spiesmacher (estate of Spiesmacher, Maximilian, also known as Max Spiesmacher).	Germany	808
266. Spiesmacher, Johann (estate of Spiesmacher, Maximilian, also known as Max Spiesmacher).	do	808
267. Spiesmacher, Sophie (Estate of Spiesmacher, Maximilian, also known as Max Spiesmacher).	do	808
268. Biederman, Maria, nee Spiesmacher (Estate of Spiesmacher, Maximilian, also known as Max Spiesmacher).	do	808
269. Stromeyer, Anna	do	167
270. Eyl, Meta	do	662
271. Eyl, Hans	do	662
272. Sutematsu, Fuchi (Sole proprietor of the Honolulu Pharmacy).	Japan (Honolulu, T. H.)	3160
273. Takaki, Sadakazu	Japan	5826
274. Takahashi, Yuki	Setagaya-ku, Tamagawa, Oyamamachi, Tokyo, Japan.	3041
275. Takahashi, Tokue	do	3031
276. Takahashi, Teikichi	Sai Bunji, Shido-cho, Niigata Prefecture, Japan.	3576
277. Teruya, Yoshi (Sole proprietor of Hibiscus Cafe).	Okinawa Ken, Japan (Honolulu, T. H.).	2098
278. The United Ocean Transport Co., Ltd. (Dando Kainu Kabushiki Kaisha).	Kobe, Japan	179
279. Ulbright, Wally (Ulbricht) (Estate of Josephine Alfs, dec'd).	Germany	2047
280. Schade, Anna (Estate of Josephine Alfs, dec'd).	Germany	1159
281. Mittag, Johanne (Estate of Josephine Alfs, dec'd.)	do	1159
282. Ulbright, Hans (Ulbricht) (Estate of Josephine Alfs, dec'd.)	do	1159
283. Schindler, Grete (Estate of Josephine Alfs, dec'd.)	do	1159
284. Richter, Rudolf (Estate of Josephine Alfs, dec'd.).	do	1159
285. Richter, Franz (Estate of Josephine Alfs, dec'd.).	Germany	1159
286. Richter, Fritz (Estate of Josephine Alfs, dec'd.).	do	1159
287. Richter, Carl (Estate of Josephine Alfs, dec'd.).	do	1159
288. Fryhrabel, Lottie (Estate of Josephine Alfs, dec'd.).	do	1159
289. Unger, Mary F.	Hollsbrunnenweg, Hebleiberg, Schlierbach, Baden, Germany	7055
290. United Incandescent Lamp and Electrical Co., Ltd.	Ujpest, Hungary	4221
291. Voet, Pauline (Her heirs, executors, administrators, and assigns, whose names are unknown) (Estate of Minnie W. Voet, dec'd.).	Germany	2677
292. Wagner, Marie (Her heirs, executors, administrators, and assigns, whose names are unknown) (Estate of Minnie W. Voet, dec'd.).	do	2677
293. Knorrek, Else (Her heirs, executors, administrators, and assigns, whose names are unknown) (Estate of Minnie W. Voet, dec'd.).	do	2677
294. Watanabe, Kinye	Tokyo, Japan	7240
295. Witthoff, Karl Franz (Estate of Bernard Witthoff).	Germany	1440
296. Person or persons, names unknown, heirs at law of Bernard Witthoff, dec'd.	do	1440
297. Wolschmidt, Mrs. Doti	28-1 Adolph Hitler Street, Bad Nauheim, Germany.	6668
298. Kreutzer, Friedel	do	6668
299. Zengel, Johannes Otto (a/k/a Hans Zengel) (Sole proprietor of Metropolitan Auto Repairs, Long Island, N. Y.)	Germany	400
300. Starcke, William (Also known as Wilhelm Starcke & W. Starcke).	c/o Singer Nahmoschinen Aktiengesellschaft, Wittenberge, Germany.	7808
301. von Buelow, Ida Belle Thomas (Estate of Warren F. Henley, dec'd & Trust under will of Warren F. Henley)	Germany	4950
302. Haudler, Mathilde R. (Estate of Theodore Roesbler, deceased).	do	1437
303. Tenner, Josephine R. (Estate of Theodore Roesbler, deceased).	do	1437
304. Roesbler, Franz (Estate of Theodore Roesbler, deceased).	do	1437
305. Roesbler, Alois (Estate of Theodore Roesbler, deceased).	do	1437
306. Fujita, Reitaro (a/k/a Baron Fujita)	Prefecture of Osaka, City of Osaka, Japan.	921
307. Kienzle, Taxameter-und Apparate, A. G.	Villingen Schwarzwald, Germany.	65-1560
308. Friedman, Alex Firm (Firm of Alex Friedman, Louis Friedman and Emanuel Bauhorn).	Germany	1960 4702

[F. R. Doc. 47-8038; Filed, Aug. 27, 1947; 8:46 a. m.]

[Vesting Order 9630]

YAMATAKE & CO., LTD.

In re: Debt owing to Yamatake & Co., Ltd. F-39-2220-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yamatake & Co., Ltd., the last known address of which is Yaesu Building, Marounuchi, Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yamatake & Co., Ltd., by The Imperial Export Company, Inc., 44 Whitehall Street, New York 4, New York, in the amount of $25,810.34, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7998; Filed, Aug. 26, 1947; 8:50 a. m.]

[Vesting Order 9607]

MAX ARNDT ET AL.

In re: Stock owned by Max Arndt and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Three hundred and twelve and one-tenth (312.1) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates numbered as set forth in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, in the amounts appearing opposite each certificate number listed in Exhibit A, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Names	Number of shares	Certificate No.	OAP File Nos.
Max Arndt	1	771398	F-28-4346-D-1.
	2.5	7372	
	.1	238594	
Konrad Bauer	.4	100055	F-28-25720-D-1.
	.4	2177	
	.1	51305	
	.1	35389	
Emmy Bloechinger	3	701123	F-28-22320-D-1.
	.3	392	
Gustav Boekstette	2	18210	F-28-22321-D-1.
	2	586995	
	.4	42070	
	.4	400	
Hugo Boernert	4	749205	F-28-22322-D-1.
	3.5	89741	
	.6	231858	
Joe Bollinger	2	291684	F-28-22323-D-1.
	2	680910	
	.4	93596	
	.5	367440	
Otto Bruno & Frieda Kanis	4	307816	F-28-22324-D-1.
	.4	74704	
	4	271689	
	.4	391850	
	.4	579727	
	.4	43842	
Elizabeth Buch	.5	73439	F-28-22325-D-1.
Conni Burchard	1	72651	F-28-22326-D-1.
	.1	7328	
August Busch & Marie Busch	2	202256	F-28-22327-D-1.
	.3	7033	
	1	540831	
	.1	333386	
Col. Dr. Charles F. Conrad	.4	83933	F-28-22328-D-1.
Mathias Dampfle	2	672067	F-28-22329-D-1.
	.2	164094	
	.4	55540	F-28-22331-D-1.
Meta Dede	1	315427	F-28-22332-D-1.
Jakob Diebel	.1	83441	
	.1	11480	
Ralph Dringenberg	4	852082	F-28-22333-D-1.
	2	32729	
	2.5	99739	
	.5	6648	
	4	79572	
	10	382187	
	.8	93604	
Jacob Eberhard & Mary Eberhard	8	49573	F-28-22334-D-1.
	10	18095	
	2.2	81201	
	2	91732	
	2.8	111051	
	4.4	240281	
	2	171422	F-28-22335-D-1.
	.3	258918	
Umberto Ercolani	2.5	444123	F-28-872-D-2.
	.4	237749	
Anna Esser	.5	750719	F-28-22336-D-1.
August Fischbeck	2	688841	F-28-22337-D-1.
	1	22182	
	.5	22044	
	.4	28615	
	.4	280950	
Joseph Fischhuber	.5	20212	F-28-22338-D-1.
Mary Fischhuber	.5	20213	F-28-22339-D-1.
Elisabeth Fourderung	1	788	F-28-49-D-1.
Robert Krings	6	AL 71507	F-28-22722-D-1.
	.4	XL 255702	
	5	FL 93807	
Johanna Grosskopff	1	198785	F-28-22340-D-1.
	.5	199642	
	.2	93340	
	2	26993	
	2	44661	

Names	Number of shares	Certificate No.	OAP File Nos.
Ludwig E. Grosskopff	0.5	155363	F-28-22341-D-1.
	1	206432	
	.5	61071	
	.1	133285	
	.4	80786	F-28-22342-D-1.
George Hagedorn	10	80662	F-28-22343-D-1.
Fred Handel	.6	749940	
	.4	907622	
	.6	68967	
	1	79944	
	1	250615	F-28-22344-D-1.
Joseph Handgroedinger	.1	20505	
	.1	96344	
	10	31757	F-28-13668-D-1.
Carl Hartl	2	77722	
	.6	963854	
	.7	69384	
	1.2	78406	
	1.1	38363	F-28-22346-D-1.
Karin Hedberg-Ruppell	13	93876	F-28-22347-D-1.
Willy Heinz	2.5	148756	F-28-22385-D-1.
Fred Hennings	1	372991	
	.4	67253	
	.2	326540	
	.4	55639	F-28-22386-D-1.
Henry Hennings	1.5	236600	F-28-22387-D-1.
Ida Hermanutz	.4	79676	
	1	88666	F-28-22388-D-1.
Santos Hernandez	2	250215	F-28-22389-D-1.
Rose Heymann	1	584266	F-28-22390-D-1.
Herbert Hildebrand	.5	94956	
	1.5	11289	
	1.5	66313	
	2	355	
	.5	464270	
	.7	464271	
	1	464272	
	.3	52640	
	34	32092	F-28-22392-D-1.
Franz Hoerning	11	32093	F-28-22393-D-1.
Juditha Hoerning	10	396241	F-28-22394-D-1.
Joseph Hofmann	1.5	32095	F-28-8325-D-1.
Maria B. Hofmann	1	281776	F-28-22348-D-1.
Gertrude Hoyer	1	265749	
	3	388	
	.8	50971	F-28-22349-D-1.
Paul Hunlick	.1	15750	
	6	6065	F-28-18206-D-1.
Olga Jurkschat	.5	693274	F-28-22350-D-1.
Carl H. Jutting	.1	297522	
	10	54689	F-28-22351-D-1.
Elizabeth Katt	1	20916	F-28-22352-D-1.
Frida Kaufmann	1	683278	
	.2	26390	
	1	96093	F-28-22353-D-1.
Lottie Kempe	1.2	27220	F-28-22354-D-1.
Kurt Kirst	4	696794	
	.4	974840	
	.9	292554	
Julia Knoedler	2.5	29750	F-28-22122-D-1.
Johann Koenig	3.8	758918	F-28-22355-D-1.
	.7	333867	
Marie Koeppler	1.5	628544	F-28-13778-D-1.
	.1	21020	
	.2	319941	
	1	7383	F-28-22156-D-1.
Anton Kolle	5	697737	F-28-22357-D-1.
John Kreitmeier	.4	7180	
	1	161009	F-28-22358-D-1.
Maria L. Krug	.1	25072	
	.1	164181	

[F. R. Doc. 47-8024; Filed, Aug. 27, 1947; 8:45 a. m.]

[Vesting Order 9626]

AISAN SHOKUFUSHA

In re: Debt owing to Aisan Shokufusha. F-39-4982-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Aisan Shokufusha, the last known address of which is Yokohama, Japan, is a corporation, partnership, association or other business organization organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Aisan Shokufusha by Panama Railroad Company, Balboa Heights, Canal Zone, in the amount of $518.35, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7996; Filed, Aug. 26, 1947; 8:50 a. m.]

[Vesting Order 9628]

MAX AND MARGARETE WINTER

In re: Bank account owned by Max Winter and Margarete Winter. F-28-22796-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Winter and Margarete Winter, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Max Winter and Margarete Winter, by Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a Savings Account, account number 665,326, entitled Max Winter and Margarete Winter, or either or survivor, maintained at the Fourteenth Street Branch Office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7997; Filed, Aug. 26, 1947; 8:50 a. m.]

[Vesting Order 9637]

MARGARET AMALIE GEIST

In re: Estate of Margaret Amalie Geist, deceased. File D-28-11990; E. T. sec. 16169.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josef Leopold Geist, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to a savings account No. 83284 in The Savings Bank of Baltimore in the name of Josef Leopold Geist, minor, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The Savings Bank of Baltimore, as depository, acting under the judicial supervision of the Orphans' Court of Baltimore City, Maryland;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947:

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7999; Filed, Aug. 26, 1947; 8:51 a. m.]

[Vesting Order 9641]

M. I. AKAMATSU

In re: Debt owing to M. I. Akamatsu. D-39-18342-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That M. I. Akamatsu, whose last known address is 649 Koenji Sugianami, Machi, Tokyo-Fu, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to M. I. Akamatsu by Waltham Watch Company, Waltham, Massachusetts, in the amount of $175.70, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid

national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8026; Filed, Aug. 27, 1947; 8:45 a. m.]

[Vesting Order 9643]

EMILIE ALMERS

In re: Bank account owned by Emilie Almers. F-28-2032-C-1, F-28-2032-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emilie Almers, whose last known address is Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Continental Bank & Trust Company of New York, 30 Broad Street, New York, New York, arising out of a Checking Account, entitled Emilie Almers, The German Society of the City of New York, Agent, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8028; Filed, Aug. 27, 1947; 8:46 a. m.]

[Vesting Order 9648]

RICHARD BOAS & CO.

In re: Debt owing to Richard Boas & Co. F-28-22064-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Boas & Co., the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Richard Boas & Co., by Akatos, Inc., 3240 Henry Hudson Parkway, New York 63, New York, in the amount of $181.70, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8029; Filed, Aug. 27, 1947; 8:46 a. m.]

[Vesting Order 9649]

LEO FEIST ET AL.

In re: Debt owing to Leo Feist, and others. D-28-4226-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are as follows:

Leo Feist, Haltingen, Germany.
Johanna Joos, nee Beil, Staufen, Germany.
Amalie Knapp, nee Feist, also known as Amalia Knapp, Wiesbaden, Germany.
Henriette Kalwait, nee Knapp, also known as Ida Henriette Kalwait, Wiesbaden, Germany.
Karoline Weigel, nee Feist, Wiesbaden, Germany.
Ida Frohboese, nee Feist, also known as Ida Frohbise, Mannheim, Germany.
Margarete Feist, nee Schlenger, Heidesheim, Germany.
Herbert Feist (a minor), Heidesheim, Germany.
Anni Feist (a minor), Heidesheim, Germany.
Erika Becker, nee Feist, Gosenheim, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the persons whose names and last known addresses are as follows:

Brigitte Feist, Heidesheim, Germany.
Wilhelm Ferdinand Knapp, also known as William Knapp, Wiesbaden, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of the Mississippi Valley Trust Company, Broadway and Olive Streets, St. Louis, Missouri, arising out of a blocked account, entitled Detjen and Detjen, Attys-in-Fact for 11 Nationals of Germany, as specified in Treas. License No. S. L. 1029, DTD 12-4-1941, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraphs 1 and 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the property described as follows:

That certain debt or other obligation of the Mississippi Valley Trust Company, Broadway and Olive streets, St. Louis, Missouri, arising out of a blocked account, entitled Detjen and Detjen, Attys-in-Fact 9 Nationals of Germany, as specified in Treas. License No. S. L. 1035, DTD 11-5-1941, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8030; Filed, Aug. 27, 1947; 8:46 a. m.]

[Vesting Order 9651]

T. FUKUHARA SHOTEN, LTD.

In re: Debt owing to T. Fukuhara Shoten, Ltd. F-39-4587-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193 as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Fukuhara Shoten, Ltd., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to T. Fukuhara Shoten, Ltd., by Union Special Machine Company, 400 North Franklin Street, Chicago 10, Illinois, in the amount of $91.41, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8031; Filed, Aug. 27, 1947; 8:46 a. m.]

[Vesting Order 9653]

HIDEO KAI

In re: Debt owing to Hideo Kai. F-39-4432-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hideo Kai, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Hideo Kai, by Marks & Clerk, 220 Broadway, New York 7, N. Y., in the amount of $661.95, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8032; Filed, Aug. 27, 1947; 8:46 a. m.]

[Vesting Order 9654]

CHIHAKU KATAGIRI

In re: Debt owing to Chihaku Katagiri. D-39-1763-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chihaku Katagiri, whose last known address is 1243 5 Choine, Nishi Nakanabe, Ebara Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Superintendent of Banks of the State of New York in trust for depositors and creditors of The Bank of United States in Liquidation, 80 Spring Street, New York 12, New York, arising out of a commercial account entitled Katagiri Corp., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Chihaku Katagiri, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8033; Filed, Aug. 27, 1947; 8:46 a. m.]

[Vesting Order 9655]

KOH KAWARADA

In re: Debt owning to Koh Kawarada. F-39-4647-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Koh Kawarada, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Koh Kawarada, by Langner, Parry, Card and Langner, 120 East 41st Street, New York 17, New York, in the amount of $671.88, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8034; Filed, Aug. 27, 1947; 8:46 a. m.]

[Vesting Order 9660]

GG LANG, SEL ERBEN AND MISS LANG

In re: Debt owing to Gg Lang, sel Erben, also known as Georg Lang sel Erben and Miss Lang. F-28-13877-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gg Lang, sel Erben, also known as Georg Lang sel Erben, the last known address of which is Oberammargau 160 Germany, is a corporation, partnership, association, or other business organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 9389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Miss Lang, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Bendix Manufacturing Company, 192 Lexington Avenue, New York 16, New York, in the amount of $1,654.64, as of December 31, 1945, presently on deposit with the American Savings & Loan Assn., 437 Fourth Avenue, New York, New York, in a Savings Share Account, Account Number 13612, entitled Ferdinand A. Bendix I. T. F. Miss Lang, maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gg Lang, sel Erben, also known as Georg Lang sel Erben and Miss Lang, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8035; Filed, Aug. 27, 1947; 8:46 a. m.]

[Vesting Order 9663]

YOSHIO NIIYAMA

In re: Debt owing to Yoshio Niiyama. F-39-4709-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshio Niiyama, whose last known address is Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yoshio Niiyama, by E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware, in the amount of $868.28, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8036; Filed, Aug. 27, 1947; 8:46 a. m.]

Reference

SEP 16 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 170

Washington, Friday, August 29, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2745

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS this Nation has an unused reservoir of skills and strength in those of our fellow citizens who by reason of physical handicaps are denied opportunities for employment, and

WHEREAS the people of this Nation are profoundly conscious of the limitless debt they owe to their fellow citizens who count the costs of wars in terms of physical handicaps; and

WHEREAS each year the toll of industrial and other accidents increases the number of handicapped persons seeking work, and

WHEREAS thousands of handicapped workers have demonstrated that physical handicaps are no insurmountable bar to efficient and productive labor, and

WHEREAS this Nation needs the full measure of faith and participation in our democratic life which can only come in full measure to the handicapped when they become self-supporting and independent citizens, and

WHEREAS the employers of this Nation have a unique opportunity to assist in this national effort to rehabilitate otherwise qualified but physically handicapped workers by employing their services; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530) has designated the first week in October of each year as National Employ the Physically Handicapped Week, during which appropriate ceremonies are to be held throughout the Nation, and has requested that the President issue each year a suitable proclamation:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe the week of October 5–11, 1947, as National Employ the Physically Handicapped Week. I also call upon the governors of states, mayors of cities, and heads of other agencies of government and other public officials, as well as leaders of industry, labor, and civic groups to make every effort to enlist public support for a sustained program aimed at the employment and full use of the capacities of physically handicapped workers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of August in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL] HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 47-8127; Filed, Aug. 28, 1947; 11:36 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL SECURITY AGENCY

Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (19) is amended by the addition of the following subdivision:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A* • • •

(19) *Federal Security Agency* • • •

Office of Special Services (xiii) One private secretary or confidential assistant to the Commissioner.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 47-8064; Filed, Aug. 28, 1947; 8:46 a. m.]

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FEDERAL REGISTER

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1946 SUPPLEMENT

to the

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL TRADE COMMISSION

Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (27) is revised to read as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A* * * *

(27) *Federal Trade Commission.* (i) Assistant to the Chairman and Director of Information.

(ii) General Counsel.

(iii) Chief Trial Counsel.

(iv) Chief, Planning and Budget Division.

(v) Director, Office of Legal Investigations.

(vi) Director of Trade Practice Conferences and Wool Act Administration.

(vii) Director, Division of Stipulations.

(viii) Director, Division of Accounts, Statistics and Economic Reports.

(ix) Director, Medical Advisory Division. (Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ARTHUR S. FLEMING,
Acting President.

[F. R. Doc. 47-8063; Filed, Aug. 28, 1947; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[Farm Credit Administration Order 461]

PART 70—LOAN INTEREST RATES AND SECURITY

INCREASED INTEREST RATES

Sections 70.90, 70.90–50, 70.90–51, 70.90–52 and 70.90–55 of Title 6 of the Code of Federal Regulations are hereby amended to read as follows:

§ 70.90 *Interest rate on continental loans for financing operations.* Except as provided in this section with respect to the Berkeley Bank for Cooperatives, the Columbia Bank for Cooperatives, the St. Louis Bank for Cooperatives, and the Central Bank for Cooperatives, the rate of interest on all loans, other than upon the security of commodities, made on and after February 24, 1939, by any district bank for cooperatives, the Central Bank for Cooperatives, or from the Revolving Fund authorized by the Agricultural Marketing Act (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), as amended, for the purposes specified in section 7 (a) (1) of that act, shall be 2½ per centum per annum. The rate of interest on all such loans made on and after September 15, 1947, by the Berkeley Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the Berkeley Bank for Cooperatives is located, and by the Columbia Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the Columbia Bank for Cooperatives is located, and on and after December 1, 1947, by the St. Louis Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the St. Louis Bank for Cooperatives is located, shall be 2¾ per centum per annum.

§ 70.90–50 *Interest rate on continental commodity loans.* Except as specified in § 70.90–51, and except as provided in this section with respect to the Berkeley Bank for Cooperatives, the Columbia Bank for Cooperatives, the St. Louis Bank for Cooperatives, and the Central Bank for Cooperatives, the rate of interest on all loans made upon the security of commodities on and after February 24, 1939, by any district bank for cooperatives, the Central Bank for Cooperatives, or from the Revolving Fund authorized by the Agricultural Marketing Act (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), as amended, for the purposes specified in section 7 (a) (1) of that act, shall be 1½ per centum per annum. The rate of interest on all such loans made on and after March 1, 1947, by the Berkeley Bank for Cooperatives, and on and after September 15, 1947, by the Central Bank for Cooperatives in the Farm Credit Administration district in which the Berkeley Bank for Cooperatives is located, and on and after September 15, 1947, by the Columbia Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the Columbia Bank for Cooperatives is located, and on and after December 1, 1947, by the St. Louis Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the St. Louis Bank for Cooperatives is located, shall be 1¾ per centum per annum.

§ 70.90–51 *Interest rate on loans secured by Commodity Credit Corporation loan documents.* Except as provided in this section with respect to the Berkeley Bank for Cooperatives, the Columbia Bank for Cooperatives, the St. Louis Bank for Cooperatives, and the Central Bank for Cooperatives, the rate of interest on loans made on and after June 30, 1947, by any district bank for cooperatives or the Central Bank for Cooperatives to eligible farmers' cooperatives, upon the security of approved Commodity Credit Corporation loan documents, shall be 1½ per centum per annum. The rate of interest on all such loans made on and after September 15, 1947, by the Berkeley Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the Berkeley Bank for Cooperatives is located, and by the Columbia Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the Columbia Bank for Cooperatives is located, and on and after December 1, 1947, by the St. Louis Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the St. Louis Bank for Cooperatives is located, shall be 1¾ per centum per annum.

§ 70.90–52 *Interest rate on continental facility loans.* On and after October 1, 1947, the interest rate on all facility loans made in the continental United States by the district banks for cooperatives and the Central Bank for Cooperatives shall be 4 per centum per annum.

§ 70.90–55 *Interest rate on facility loans in Puerto Rico.* On and after October 1, 1947, the interest rate on all facility loans made in Puerto Rico by the Baltimore Bank for Cooperatives and the Central Bank for Cooperatives shall be 4½ per centum per annum.

(Secs. 34, 38, 48 Stat. 262, 264 as amended; 12 U. S. C. 1134j)

[SEAL] I. W. DUGGAN,
Governor.

[F. R. Doc. 47-8059; Filed, Aug. 28, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 236, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as

hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* (1) The provisions in paragraphs (b) (1) and (2) of § 953.343 (Lemon Regulation 236, 12 F. R. 5690) are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 24, 1947, and ending at 12:01 a. m., P. s. t., August 31, 1947, is hereby fixed at 400 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 235 (12 F. R. 5544) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of August 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-8115; Filed, Aug. 28, 1947; 10:38 a. m.]

Chapter XXI—Organization, Functions and Procedure

Subchapter C—Production and Marketing Administration

PART 2327—LABOR BRANCH

DELEGATION OF AUTHORITY

§ 2327.4 *Delegation of authority.* The Divisional Chief of Operations in the several divisional offices of the Labor Branch are authorized to exercise all the authorities, powers, functions and duties vested in the Director of that Branch by order of the Acting Administrator, Production and Marketing Administration, dated August 12, 1947, (12 F. R. 5519) to dispose of as provided in the Farmer's Home Administration Act of 1946, as amended (Public Law No. 731, 79th Congress, second session, approved August 14, 1946, 60 Stat. 1062; Public Law No. 40, 80th Congress, first session, approved April 28, 1947) and in Public Law 298, 80th Congress, approved July 31, 1947, all labor supply centers, labor homes, labor camps, and facilities formerly under the supervision or administration of the Farm Security Administration and originally transferred or made available to the War Food Administrator for use in the farm labor supply program pursuant to Public Law No. 45, 78th Congress, first session, approved April 29, 1943 (57 Stat. 70), all similar labor centers, homes, camps, and facilities constructed or acquired by the War Food Administrator of the Department of Agriculture pursuant to subsequent similar laws or otherwise, and any equipment pertaining thereto or used in the farm labor supply program;

Except that, the Chief of Operations shall not have the authority hereunder to dispose of any permanent camp and equipment pertaining thereto.

The exercise of authorities delegated in this section shall be subject to the limitations and requirements of regulations of the Department of Agriculture, except insofar as they have been modified in their applicability to the Farm Security Administration. (60 Stat. 1062; Pub. Law 298, 80th Cong.; 12 F. R. 5519)

Done at Washington, D. C., this 22d days of August 1947.

[SEAL] WILSON R. BUIE,
Director, Labor Branch, Production and Marketing Administration.

[F. R. Doc. 47-8060; Filed, Aug. 28, 1947; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 396]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

ISSUANCE TO PERSONS HOLDING TEMPORARY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND SUBSEQUENT MODIFICATIONS THEREOF; SPECIAL CIVIL AIR REGULATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of August 1947.

The purpose of this Special Civil Air Regulation is to authorize the issuance and modification of air carrier operating certificates, where safety will not be adversely affected, for scheduled air carriers who are unable to meet all the requirements of the Civil Air Regulations.

This regulation will be applicable to air carriers holding temporary certificates of public convenience and necessity which because of the aircraft or equipment used, the navigational facilities available on the routes flown, and the types of services offered are unable to meet all the requirements of the Civil Air Regulations presently applicable to scheduled air carriers.

This regulation is necessary to enable such air carriers to operate and continue operation where safety is not adversely affected. The Board finds that since this regulation will impose no additional requirements on the air carriers concerned, compliance with the requirements of the Administrative Procedure Act is unnecessary, and it should become effective immediately.

The following Special Civil Air Regulation is made and promulgated to become effective August 21, 1947:

An air carrier operating certificate, or amendments thereto, may be issued by the Administrator to an air carrier holding a temporary certificate of public convenience and necessity, issued by the Board, authorizing such carrier to engage in scheduled air carrier operations which do not fully meet the certification and operation requirements of Parts 40 and 61 of the Civil Air Regulations, if the Administrator finds that any of such requirements can be omitted or modified without adversely affecting safety. Such omissions or modifications, when approved by the Administrator, shall be listed in the air carrier operating certificate, and the Administrator shall promptly notify the Board of the omissions or modifications approved by him and the reasons therefor.

This regulation shall terminate August 31, 1948.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8070; Filed, Aug. 28, 1947; 8:46 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 650—ORGANIZATION OF THE CIVIL AERONAUTICS ADMINISTRATION

MISCELLANEOUS AMENDMENTS

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, (52 Stat. 985, 986, 1010; 49 U. S. C. 451, 458, 554, 555) and in accordance with the Administrative Procedure Act (Public Law 404, 79th Congress 2d sess.), I hereby amend Part 650 (11 F. R. 177A-315) of the Organization of the Civil Aeronautics Administration as follows:

1. By amending § 650.12 (a) (11 F. R. 177A-315) to read as follows:

§ 650.12 *Staff offices—*(a) *Director, Staff Programs Office (agency coordination and international).* (1) Provides liaison with the Air Coordinating Committee.

(2) Coordinates the Administration's policies concerned with, or related to, international civil aviation and relationships with international civil aviation bodies.

(3) Promotes international civil aviation through the development of cooperative relations involving the U. S. aeronautical industry, foreign countries, and their nationals: the interchange of aviation information through the detailing of CAA technical missions abroad to serve as advisors to foreign governments; and through arrangements for training of accredited foreign civil aviation representatives in U. S. civil aviation standards, procedures, and techniques.

(4) Formulates plans and programs in cooperation with public and private agencies designed to facilitate international civil aviation.

(5) Coordinates engineering and related standardization pertaining to the various activities of the Administration in relationship to other agencies or groups active in such fields; establishes policies and procedures for the Technical Standard Order system.

2. By amending § 650.14 (11 F. R. 177A-316) by adding a new paragraph to read:

§ 650.14 *Office of safety regulation.* * * *

(e) The Office of Safety Regulation shall establish and direct foreign field offices for the safety regulation inspection of United States flag air carriers engaged in foreign air transportation.

3. By repealing § 650.18 (11 F. R. 177A-317).

(52 Stat. 985, 986, 1010, 60 Stat. 237; 49 U. S. C. 451, 458, 554, 555, 5 U. S. C. Sup. 1001 et seq.)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-8055; Filed, Aug. 28, 1947; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 1—POLICIES

The Commission, on August 19, 1947, amended its statement of policy, by striking therefrom all of § 1.3 *Settlement of cases by stipulation*, and by unanimously adopting, in lieu thereof, a public statement of policy with reference to trade practice conference and stipulation agreements (§ 1.3 *Settlement of cases by trade practice conference and stipulation agreements*), to be promulgated and published in the FEDERAL REGISTER; and on said date further unanimously approved an explanatory statement, to accompany the public release of such statement of policy and to be published in the FEDERAL REGISTER; so that said statement of policy (Part 1, Policies) shall read as follows:

Sec.
1.1 Status of applicant or complainant.
1.2 Policy as to private controversies.
1.3 Settlement of cases by trade practice conference and stipulation agreements.
1.4 Cooperation with other agencies.

AUTHORITY: §§ 1.1 to 1.4, inclusive, issued under sec. 6, 38 Stat. 721, 60 Stat. 237; 15 U. S. C. 46, 5 U. S. C. Sup., 1001 et seq.

§ 1.1 *Status of applicant or complainant.* The so called "applicant" or complaining party has never been regarded as a party in the strict sense. The Commission acts only in the public interest. It has always been and now is the rule not to publish or divulge the name of an applicant or complaining party, and such party has no legal status before the Commission except where allowed to intervene as provided by the statute.

§ 1.2 *Policy as to private controversies.* It is the policy of the Commission not to institute proceedings against alleged unfair methods of competition or unfair or deceptive acts or practices where the alleged violation of law is a private controversy redressable in the courts, except where said practices tend to affect the public. In cases where the alleged injury is one to a competitor only and is redressable in the courts by an action by the aggrieved competitor and the interest of the public is not involved, the proceeding will not be entertained.

§ 1.3 *Settlement of cases by trade practice conference and stipulation agreements.* (a) Upon the promulgation of trade practice conference rules for an industry, an examination will be made of all charges of law violations by members of that industry then pending before the Commission which have not reached the formal stage through the issuance of complaint. In those instances in which the pending charges are adequately covered by the trade practice conference rules, and which are not excluded by the exceptions hereinafter stated, the Commission will consider the advisability of closing the matters without prejudice to reopening whenever that action appears to be warranted. In such instances consideration will be given to whether or not a proposed respondent has subscribed to the trade practice conference rules for his industry, to whether or not there is adequate reason to believe that he is in fact complying with such rules and will continue to do so, and to whether or not the public interest or the applicable statute requires any further proceedings.

(b) Upon the promulgation of trade practice conference rules for an industry, formal complaints which have not then been adjudicated and in which the charges are adequately covered by such rules, and which are not excluded by the exceptions hereinafter stated, may be brought directly before the Commission on motion to suspend without prejudice to the Commission's right to resume the proceeding. In considering such motions the Commission will be guided by factors similar to those outlined above with respect to informal matters.

(c) Whenever the Commission shall have reason to believe that any person has been or is using unfair methods of competition or unfair or deceptive acts or practices in commerce, and that the interest of the public will be served by so doing, it may, in instances which are not excluded by the exceptions hereinafter stated, withhold service of complaint and extend to the person opportunity to execute a stipulation satisfactory to the Commission, in which the person, after admitting the material facts, promises and agrees to cease and desist from and not to resume such unfair methods of competition or unfair or deceptive acts or practices. All such stipulations shall be matters of public record, and shall be admissible as evidence of prior use of the unfair methods of competition or unfair or deceptive acts or practices involved in any subsequent proceeding against such person before the Commission.

(d) It is the policy of the Commission to utilize the trade practice conference and stipulation procedures to encourage widespread observance of the law by enlisting the cooperation of members of industries and informing them more fully of the requirements of the law, so that wherever consistently possible the Commission may avoid the need for adversary proceedings against persons who, through misunderstanding or carelessness, may violate the law unintentionally. But it is not the policy of the Commission to grant the privilege of settling cases through trade practice conference or stipulation agreements to persons who have violated the law where such violations involve intent to defraud or mislead; false advertisement of foods, drugs, devices or cosmetics which are inherently dangerous or where injury is probable; suppression or restraint of competition through conspiracy or monopolistic practices; or violations of the Clayton Act; nor will the privilege be granted where the Commission is of the opinion that such procedure will not be effective in preventing continued use of the unlawful methods, acts or practices. The Commission reserves the right in all cases to withhold the privilege of settlement by trade practice conference or stipulation agreements. When in connection with an industry-wide investigation informal matters of whatever nature are docketed against individual members of that industry, from which the promulgation of trade practice conference rules ensues covering the questioned practices, and which are subscribed to and accepted by the affected members of the industry, the Commission will give careful consideration to whether or not the public interest requires further investigation of such informal matters.

Explanatory statement. (a) The Commission has long had a public statement of policy governing the settlement of informal cases by stipulation agreements. There has been no comparable generally published statement of policy with respect to trade practice conference agreements. Under it present program, the Commission may institute trade practice conferences on its own initiative. When it appears that questionable practices are so prevalent in an industry that they may be more effectively and expeditiously reached by trade practice conference than by individual proceedings, the Commission may utilize that procedure in dealing with the over-all problem. In those situations it is necessary, after the promulgation of trade practice conference rules, to determine

what further action should be taken in pending informal cases relating to the same parties and practices, as well as to determine the extent to which pending formal matters may have been affected.

(b) It is the desire of the Commission to inform the public on these matters, but to avoid commitments which may abrogate its statutory procedures or frustrate the effectiveness of its corrective processes. To this end the Commission has formulated a statement of policy concerning the scope and effect of its trade practice conference procedure insofar as it may affect the settlement of pending matters before it, and it has reappraised its policy with respect to the settlement of cases by stipulation agreements.

(c) For many years the Commission has sought to encourage voluntary compliance with the laws which it administers. It has utilized individual stipulation agreements and conferences with whole industries and has otherwise cooperated with businessmen to inform and guide them with respect to the scope and meaning of the laws within its jurisdiction. A cooperative procedure similar to trade practice conferences was first used by the Commission in about 1919; the Trade Practice Conference Division was established in 1926; and the present active list of trade practice conference rules covers about 160 industries.

(d) It has long been the Commission's practice in certain instances where proper circumstances are present to dispose of pending matters upon acceptance by the affected parties of trade practice rules for their industry covering the charges in such matters. This practice was specifically limited in 1936 when the Commission determined that whenever an application for trade practice conference is received from an industry, some or all of whose members are respondents in proceedings before the Commission involving alleged violations of the Clayton Act or combinations or conspiracies in restraint of trade in violation of the Federal Trade Commission Act, such proceedings will have to go forward without regard to the trade practice conference procedure.

(e) The cooperative procedures, however, require a constant vigilance to avoid the dangers inherent in them. Their use should never be permitted as an easy escape for wilful violators of the laws administered by the Commission or as a means for avoiding or delaying the effectiveness of the Commission's corrective action. These considerations have governed the Commission's policy with respect to the settlement of pending matters by trade practice conference or stipulation agreements.

(f) Trade practice conference rules have no force of law in themselves. Violations of those rules are not proceeded against directly. The Commission can proceed only on a charge of violation of the law upon which the rules are based. Their purpose is to express the requirements of the statutes and decisions in terms which may be understood by the members of particular industries and in language addressed to their problems and practices. An agreement by a member of an industry to abide by the rules is an expression of intention to abide by the basic law.

(g) It is manifesty difficult to draft a statement of policy on a broad basis which does not afford an evasive device to the wilful violator while seeking to avoid unduly harsh treatment of the unintentional or casual violator. Any statement of policy must, therefore, depend for its effectiveness upon the consistent and sound judgment of the Commission in applying it in individual instances. But no statement of policy should be so broad as to constitute an invitation to reluctant or recalcitrant respondents to avail themselves of informal settlements for the purpose of delaying or defeating effective action. It should invite only those who desire in good faith to correct unlawful practices on a cooperative and voluntary basis. The object of the Commission is to correct—not to punish. But there must be a reasonable assurance that any cooperative procedure will be effective and provide full freedom to institute such further proceedings as are or may become necessary in the public interest.

(h) Conspiracies and monopolistic practices are, with few exceptions, deliberately engaged in for the purpose of restraining competition and ordinarily with knowledge of their illegality. Since good faith is ordinarily lacking in such violations, it cannot be expected to be present in agreements by the conspirators to discontinue and not resume the violations. Violations of this type are frequently also criminal violations of the Sherman Act, and the settlement of such violations by informal agreement may impair the rights of private litigants or compromise the enforcement of that act by the Department of Justice. When conspirators are discovered, or when they are on the verge of being discovered, they would doubtless be glad to make use of the Commission's trade practice conference or stipulation procedure as a protection against the more rigorous procedure provided by the antitrust laws.

(i) Trade practice conference rules may include rules against restraints of trade and against violations of the Clayton Act. Insofar as such rules may be informative to and followed by members of the affected industries, they have a substantial value. They should not be accepted, however, as a basis for the settlement of cases in which the Commission has reason to believe that such violations have occurred.

§ 1.4 *Cooperation with other agencies.* (a) In the exercise of its jurisdiction with respect to practices and commodities concerning which other federal agencies also have functions, it is the established policy of the Commission to cooperate with such agencies to avoid unnecessary overlapping or possible conflict of effort.

(b) It is the policy of the Commission not to institute proceedings in matters such as the labeling or branding of commodities where the subject matter of the questioned portion of the labeling or branding used is, by specific legislation, made a direct responsibility of another federal agency.

(c) In proceedings involving false advertisements of food, drugs, cosmetics, and devices as defined in section 15 of the Federal Trade Commission Act, account is taken of the labeling requirements of the Food and Drug Administration in any corrective action applied to the advertising. In the case of advertisements of food, drugs, cosmetics, or devices which are false because of failure to reveal facts material in the light of the advertising representations made or material with respect to the consequences which may result from the use of the commodity, it is the policy of the Commission to proceed only when the resulting dangers may be serious or the public health may be impaired, and in such cases to require that appropriate disclosure of the facts be made in the advertising.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of August 19, 1947.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-8075; Filed, Aug. 28, 1947; 8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 01.100 to 01.145, inclusive, directing the Superintendent for the Five Civilized Tribes to perform certain functions with respect to the removal of specified cases to the United States district court, see Title 43, Part 4, *infra*.

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 200—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 200.50 to 200.53, inclusive, see Title 43, Part, *infra*, directing the Geological Survey to perform certain functions and duties concerning oil and gas production and other operations in the submerged lands and tidelands adjacent to California.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PROPERTY CERTIFIED BY GOVERNMENTS OF SPECIFIED COUNTRIES

AUGUST 29, 1947.

General License No. 95, as amended under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.95 (General License No. 95) is hereby amended as follows:

§ 131.95 *Property certified by governments of specified countries—*(a) *Certification by governments of countries specified herein.* Whenever a designated agent of the government of any country specified herein has certified in writing that no foreign country designated in the order or national thereof, other than a country specified herein or national thereof, has at any time between the effective date of the order and the date of certification had any interest in any property subject to the proviso of paragraph (a) of § 131.94 (General License No. 94) the property so certified is hereby licensed to be regarded as property in which no blocked country or national thereof has or has had any interest.

(b) *Waiver of section 2A of the order and General Ruling No. 5.* The provisions of section 2A of the order and of General Ruling No. 5 are waived with respect to any security to which a certification under the preceding paragraph is attached.

(c) *Application of license to certain nationals of countries specified herein.* This license shall not apply with respect to any national of a country specified herein who is a national of another foreign country designated in the order and not specified herein: *Provided, however,* That for the purposes only of this license the following shall be deemed nationals only of a country specified herein:

(1) Any individual residing in a country specified herein.

(2) Any partnership, association, corporation, or other organization, organized under the laws of a country specified herein.

(d) *Definitions.* As used in this section:

(1) The term "country specified herein" means the following:

(i) France, effective October 5, 1945;

(ii) Belgium, effective November 20, 1945;

(iii) Norway, effective December 29, 1945;

(iv) Finland, effective December 29, 1945;

(v) The Netherlands, effective February 13, 1946;

(vi) Czechoslovakia, effective April 26, 1946;

(vii) Luxembourg, effective April 26, 1946;

(viii) Denmark, effective June 14, 1946;

(ix) Greece, effective October 15, 1946;

(x) Switzerland, effective November 30, 1946;

(xi) Liechtenstein, effective November 30, 1946;

(xii) Poland, effective January 7, 1947;

(xiii) Austria, effective January 16, 1947;

(xiv) Sweden, effective March 28, 1947;

(xv) Italy, effective August 29, 1947;

and each country specified herein shall be deemed to include any colony or other territory subject to its jurisdiction.

(e) *Restrictions of General Ruling No. 11A.* Attention is directed to the special restrictions contained in General Ruling No. 11A, pertaining to dealings in certain property in which there is any interest of Germany or Japan or certain nationals thereof.

Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Reg., Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130-1-7. 11 F. R. 1769, 7184, 12 F. R. 6.

[SEAL] JOHN W. SNYDER, *Secretary of the Treasury.*

[F. R. Doc. 47-8062; Filed, Aug. 28, 1947; 8:48 a. m.]

APPENDIX A TO PART 131—GENERAL RULINGS UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

WAIVER OF CERTAIN SECURITIES FROM GENERAL RULING NO. 5

CROSS REFERENCE: For waiver of the provisions of General Ruling No. 5 with respect to securities specified in General License No. 95, see § 131.95, *supra*.

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 6,[1] Order 4]

PART 8306—SALE OF GOVERNMENT-OWNED PLANT EQUIPMENT IN [1] CONTRACTORS' PLANTS

DISPOSAL OF PLANT EQUIPMENT TO CORNELL UNIVERSITY, A FACILITIES CONTRACTOR

War Assets Administration Regulation 6 authorizes owning agencies to dispose of plant equipment to contractors in possession thereof and establishes a pricing policy for such disposals.

The War Assets Administrator has been advised that Reconstruction Finance Corporation, as an owning agency, is about to terminate its facilities contract with Cornell University and that Cornell University has indicated its interest in acquiring certain items of plant equipment under such facilities contract.

The War Assets Administration, in accordance with the provisions of Regulation 14, has determined the eligibility of Cornell University as a nonprofit educational institution entitled to the discounts provided therein.

Accordingly, it is hereby ordered, That:

§ 8306.54 *Disposal of plant equipment to Cornell University, a facilities contractor.* The Reconstruction Finance Corporation, in disposing of items of plant equipment as an owning agency to Cornell University pursuant to the provisions of this part and notwithstanding any of the provisions contained in Part 8321[2] is authorized to fix prices in accordance with the provisions of Part 8314[3] and orders thereunder.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Reorganization Plan 1 of 1947 (12 F. R. 4534))

This section shall become effective August 27, 1947.

ROBERT M. FIELD, *Associate Administrator.*

AUGUST 27, 1947.

[F. R. Doc. 47 8128; Filed, Aug. 28, 1947; 12:12 p. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 11—FOREIGN QUARANTINE

MISCELLANEOUS AMENDMENTS

Notice of proposed rule making having been published (12 F. R. 4547), and consideration having been given to all relevant matter presented, the following amendments are prescribed to the regulations relating to foreign quarantine. The regulations and the amendments thereto are for the purpose of preventing the introduction, transmission, or spread of communicable diseases from foreign countries into the United States, its territories, or possessions insofar as such introduction, transmission, or spread of communicable diseases may be prevented by inspection, fumigation, disinfestion, sanitation, pest extermination, destruction of animals or things, and related measures. The amendments are prescribed under sections 215 and 361–369, inclusive, of the Public Health Service Act.

1. The table of contents to the regulations is amended in the following respects:

11.154 Cats, dogs, and monkeys.

11.155 Cats, dogs, and monkeys: Disposition of excluded animals.

[1] 12 F. R. 2363.

[2] Reg. 21 (12 F. R. 970).

[3] Reg. 14 (11 F. R. 115 5; 12 F. R. 257).

2. Section 11.3 is amended to read as follows:

§ 11.3 *Period of immunity.* The following shall be the period of immunity following successful immunization with a vaccine approved by the national Health department of the country in which the vaccine is administered, except that in the case of yellow fever, the vaccine must be approved by the approving authority designated by treaty.[1]

Cholera: from 6 days through 6 months following inoculation.
Plague: 6 months.
Smallpox: 3 years.
Typhus: 1 year.
Yellow Fever: from 10 days through 4 years following inoculation.

3. Section 11.46 is amended to read as follows:

§ 11.46 *General provision.* A vessel or aircraft arriving at a port under the control of the United States, which falls within paragraphs (a) or (b) of this section shall undergo quarantine inspection prior to entry.

(a) A vessel or aircraft arriving from a port not under the control of the United States, except:

(1) A vessel or aircraft which in the current voyage has not touched at any port other than ports under the control of the United States or ports in Canada, Newfoundland, the Islands of St. Pierre and Miquelon, Iceland, Greenland, the West Coast of Lower California, Cuba, the Bahama Islands, the Canal Zone, or the Bermuda Islands.

(2) A vessel which having received pratique at a Canadian port located in the international waters of (i) the Straits of Juan de Fuca, Haro, Georgia, Rosario and the Puget Sound and tributaries and connected waters on the West Coast, or (ii) the Saint Lawrence River and the Great Lakes, and their tributaries and connected waters on the East Coast, travels on the same international waters to a United States port and presents a duplicate copy of the Canadian pratique to the quarantine officer.[2]

(b) A vessel or aircraft arriving from any port whether or not under the control of the United States, which:

(1) Has aboard a person infected or suspected of being infected with anthrax, chickenpox, cholera, dengue, diphtheria, infectious encephalitis, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, scarlet fever, smallpox, streptococcic sore throat, typhoid fever, typhus, or yellow fever, or

(2) Arrives from a port where at the time of departure there was present or suspected of being present cholera, plague, or yellow fever, or where there was significant increase in prevalence of smallpox or typhus at the time the vessel or aircraft touched there.

4. Section 11.66 is amended to read as follows:

§ 11.66 *Persons: Observation.* Persons held under observation pursuant to the provisions of Subpart F of this part may be so held on vessels in quarantine or at facilities of the Public Health Service. Such persons shall not have contact with other persons except by permission of the medical officer in charge.

5. Section 11.82 is amended to read as follows:

§ 11.82 *Cholera: Vessels or aircraft; things.* (a) A cholera infected vessel or aircraft shall be detained in quarantine until disinfected.

(b) The dejecta of all persons held under observation for cholera shall be disinfected before final disposition.

(c) Personal effects contaminated by dejecta from cholera cases or carriers shall be disinfected. Material capable of conveying infection shall not be removed from the vessel or aircraft until it has been disinfected.

(d) All unsealed food on a cholera infected vessel or aircraft shall be destroyed or cooked, and such other special precautions shall be taken as may be necessary to prevent contamination of food or water supplies of the vessel or aircraft.

(e) The water supply of a cholera infected vessel or aircraft shall be disinfected.

6. Section 11.87 is amended to read as follows:

§ 11.87 *Smallpox: Vessels or aircraft; persons.* (a) Persons ill from smallpox shall be removed and isolated until no longer infectious.

(b) All persons not presenting evidence satisfactory to the quarantine officer of successful vaccination within three years prior to arrival or of a previous attack of smallpox shall be vaccinated, or, upon failure or refusal to be vaccinated, held under observation for not more than 14 days, but, to the extent determined by the Surgeon General, persons arriving from countries specified by him shall not be so vaccinated or held.

7. Section 11.139 is amended to read as follows:

§ 11.139 *Particular diseases.* (a) A person coming from a locality where cholera is prevalent shall not enter until (1) it is determined that he is free from cholera vibrios, or (2) he has been under observation for five days since last exposure and is free from the disease.

(b) A person from an endemic yellow fever area who does not present satisfactory evidence of immunity shall be placed under observation or surveillance for six days from last exposure.

(c) All persons not presenting evidence satisfactory to the quarantine officer of successful vaccination within three years prior to arrival or of a previous attack of smallpox shall be vaccinated, or, upon failure or refusal to be vaccinated, held under observation for not more than 14 days.

(d) A person from a locality where typhus prevails shall not be allowed to enter until free from vermin. Persons, wearing apparel, baggage and personal effects shall be disinfested when deemed necessary by the quarantine officer.

8. Section 11.152 is amended to read as follows:

§ 11.152 *Psittacine birds.* (a) The term psittacine birds shall include all birds commonly known as parrots, amazons, Mexican double heads, African grays, cockatoos, macaws, parakeets, love birds, lories, lorikeets, and all other birds of the psittacine family.

(b) Except as provided in subparagraphs (1) and (2) of this paragraph, psittacine birds shall not be brought into the continental United States, its territories, or possessions, other than the Canal Zone, from any foreign port.

(1) Birds destined for a zoological park or a research institution may be brought in if they are older than eight months, the importer thereof has applied on prescribed forms for permission to bring them in, and having made a showing that adequate detention will be observed at the place of destination, has received a permit from the Surgeon General specifying the number and species of birds that may be brought in.

(2) Birds not destined for a zoological park or a research institution may be brought in by the owner of the birds if they are accompanied by him; do not exceed two in number; the owner has submitted a sworn statement that the birds have been in his possession for the preceding two years, have not had contact with other psittacine birds during that period, and will be transported immediately to his private residence and retained there as his household pets; and appear to the quarantine officer to be in good health.

9. Section 11.153 is amended to read as follows:

§ 11.153 *Psittacine birds: Disposition of excluded birds.* Psittacine birds excluded from entry under the regulations in this part shall be destroyed or deported. Pending deportation they shall be detained under Customs' custody at the owner's expense:

(a) Aboard the vessel on which they arrived and the vessel shall be held under provisional pratique, or

(b) At the airport of entry.

10. Section 11.154 is amended to read as follows:

§ 11.154 *Cats, dogs, and monkeys.* Subject to the provisions of paragraphs (d) and (e) of this section, no cat, dog, or monkey shall be brought into ports under the control of the United States from any foreign country unless the requirements of paragraphs (a) and (b) of this section are complied with.

(a) The owner may submit a sworn statement that the animals have been immunized with an approved rabies vaccine not more than six months prior to the date of entry. If such a statement is not submitted, the animals must be immunized with an approved rabies vaccine following arrival into ports under control of the United States and prior to release from quarantine.

(b) The owner may submit a sworn statement that the animals were physically inspected within ten days prior to departure for the United States and were found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea. If such a statement is not submitted, the animals must be physically inspected following arrival into ports under control of the United States and found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea.

(c) Notwithstanding any other provision of this section, monkeys put on board at a port in an endemic yellow fewer area, or monkeys coming from such an area, shall not be brought in unless they are free of evidence of yellow fever infection, and their owner submits evidence satisfactory to the quarantine officer that, immediately prior either to being put aboard or their arrival, the monkeys had been detained in a mosquito-proof structure for not less than nine days.

(d) The immunization requirements of paragraph (a) of this section shall not be applicable to cats, dogs, or monkeys if the owner thereof submits a sworn statement to the effect that (1) the animals are destined for a research institution, (2) they are intended by such institution to be used for scientific purposes, and (3) immunization will seriously interfere with their use for such purposes.

(e) The provisions of paragraphs (a) and (b) of this section shall not be applicable in the case of cats, dogs, or monkeys brought in from Bermuda, Canada, Eire, Sweden, or the United Kingdom of Great Britain and Northern Ireland. The provisions of paragraph (a) of this section shall not be applicable in the case of cats, dogs, or monkeys brought in from Australia or New Zealand.

11. Section 11.155 is amended to read as follows:

§ 11.155 *Cats, dogs, and monkeys: Disposition of excluded animals.* Cats, dogs, and monkeys excluded from entry under these regulations shall be destroyed or deported. Pending deportation they shall be detained under Customs' custody at the owner's expense:

(a) Aboard the vessel on which they arrived, the vessel to be held under provisional pratique; or

(b) At the airport of entry.

(Secs. 215, 361–369, 58 Stat. 690, 703–706; 42 U. S. C. Sup., 216, 264–272)

Effective date. The foregoing amendments shall be effective 30 days after their publication in the FEDERAL REGISTER.

[SEAL] JAMES A. CRABTREE,
Acting Surgeon General.

Approved: August 25, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47–8056; Filed, Aug. 28, 1947; 8:47 a. m.]

[1] The yellow fever vaccine and the method of inoculation employed must be approved by the Interim Commission of the World Health Organization. See Article 40 (and the International Form of Certificate of Inoculation annexed thereto) of the International Sanitary Convention of 1926, as amended by the International Sanitary Convention of 1944; and Article 2 (f) of the Arrangement concluded by the Governments (including that of the United States) represented at the International Health Conference. The Arrangement was signed July 22, 1946, and the transfer of functions here involved became effective December 1, 1946.

[2] See Subpart H regarding issuance of duplicate pratique by United States Quarantine officers for presentation to quarantine authorities of Canada.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2355]

PART 4—DELEGATION OF AUTHORITY

SUBMERGED LANDS AND TIDELANDS ADJACENT TO CALIFORNIA

The following new section is added to Subpart H, Part 4, to become effective immediately:

§ 4.624 *Submerged lands and tidelands adjacent to California.* The Federal Oil and Gas Supervisor, U. S. Geological Survey, 533 U. S. Post Office and Courthouse, Los Angeles 12, California, is hereby designated as the representative of the Secretary of the Interior to receive all notices, reports, records, and other data which are required to be furnished to the Secretary of the Interior pursuant to the stipulation entered into on July 26, 1947, in United States v. California (Original No. 12, Supreme Court of the United States), between the Attorney General of the United States and the Attorney General of California governing the continuation of oil and gas production and other operations in the submerged lands and tidelands adjacent to California. Where a request for the advance approval of the Secretary of the Interior is submitted in accordance with paragraph 3 of the stipulation, the Supervisor shall forward such request with his recommendation to the Director of the Geological Survey, who is hereby authorized to approve or disapprove the request. All notices, reports, records, or other data, when received by the Supervisor, shall be retained in his office or distributed to the interested bureaus in accordance with usual procedures. (R. S. 161, 5 U. S. C. sec. 22)

J. A. KRUG,
Secretary of the Interior.

AUGUST 21, 1947.

[F. R. Doc. 47–8044; Filed, Aug. 26, 1947; 8:47 a. m.]

[Order 2356]

PART 4—DELEGATION OF AUTHORITY

FUNCTIONS RELATING TO LITIGATION AFFECTING INDIANS OF THE FIVE CIVILIZED TRIBES

The following section is added to Subpart J, Part 4:

§ 4.718 *Functions relating to litigation affecting Indians of the Five Civilized Tribes.* The Superintendent for the Five Civilized Tribes is hereby authorized (a) to make determinations against the removal to the United States district court of cases in which notices have been served upon him under section 3 of the act of April 12, 1926 (44 Stat. 239), and (b) to submit to the Department of Justice recommendations for the removal of such cases to the United States district court. All recommendations made by the superintendent in cases now pending are hereby adopted and confirmed. (Sec. 3 (c), Public Law 336, 80th Cong.)

J. A. KRUG,
Secretary of the Interior.

AUGUST 21, 1947.

[F. R. Doc. 47–8054; Filed, Aug. 26, 1947; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—SHIP SERVICE

LIFEBOAT INSTALLATIONS; REQUIREMENTS

In the matter of amendment of Part 8 of the rules and regulations and related lifeboat antenna kite and balloon requirements.

At a meeting of the Federal Communications Commission on the 21st day of August 1947;

The Commission having before it the fact that certain wartime regulations of the United States Coast Guard relating to compulsory lifeboat radio installations have been rescinded, and having under consideration its own requirements relating to lifeboat radio installations as set forth in Part 8 of its Rules Governing Ship Service; and

It appearing, that certain proposed amendments to delete from Part 8 of the Commission's rules those provisions relating to portable lifeboat radio installations, and to provide an optional radio installation for motor lifeboats of passenger vessels, were submitted by the Commission to all parties known or believed to be interested, including both private and governmental agencies, and an opportunity afforded those parties to comment regarding such proposed amendments; and

It further appearing, that all comments received have been duly considered; and

It further appearing, that it is in the public interest, convenience, and necessity that the proposed amendments, with minor changes to reflect certain recommendations received from interested parties, should be finally adopted; and

It further appearing, that authority for the amendments hereinafter set forth is contained in sections 303 (r), 355, and 356 of the Communications Act of 1934, as amended, that notice and public procedure for rule making as required by sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary and contrary to the public interest for the reason that all parties known or be-

lieved to be interested have heretofore been given notice and an opportunity to comment on proposed amendments substantially the same in form and content as those hereinafter set forth and the amendments hereinafter set forth should be made effective at the earliest practicable date; and that for the foregoing reasons and also because the amendments hereinafter set forth will relieve an existing restriction relating to lifeboat radio installations such amendments should be made effective immediately without prior publication as required by section 4 (c) of the Administrative Procedure Act:

Now, therefore, it is ordered, That Part 8 of the Commission's rules and regulations entitled "Rules Governing Ship Service" and the related lifeboat antenna kite and balloon requirements are hereby amended in the following respects:

1. Sections 8.201 to 8.209, inclusive, are amended as set forth below and supersede §§ 8.201 to 8.210, inclusive (7 F. R. 6975).

NOTE: The text of §§ 8.201 to 8.209, inclusive, comes from the following sources: § 8.201 (a), from F. R. Doc. 44–15298 (NP), Dec. 12, 1944 (not published in the FEDERAL REGISTER); §§ 8.202 and 8.203 (b), from F. R. Doc. 42–8619, Aug. 27, 1942, 7 F. R. 6975; §§ 8.201 (b), 8.203 (a) and (c), 8.204 to 8.206, inclusive, currently amended, effective Sept. 1, 1947; and §§ 8.208 and 8.209, codified from the Commission's Requirements for Antenna Kites, Antenna Balloons and Associated Equipment, promulgated on Aug. 22, 1944, and currently amended. Former §§ 8.207 to 8.210, inclusive, have been deleted.

LIFEBOAT INSTALLATIONS

REQUIREMENTS FOR ALL COMPULSORY LIFEBOAT RADIO INSTALLATIONS

Sec.
8.201 Inspection and maintenance of lifeboat radio installation.
8.202 Demonstration of the power supply for lifeboat installations.
8.203 Radio installation requirements.

REQUIREMENTS FOR RADIO INSTALLATIONS IN MOTOR LIFEBOATS OF PASSENGER VESSELS

8.204 Lifeboat radio station.
8.205 Optional lifeboat radio installation.
8.206 Departure from requirements.

REQUIREMENTS FOR LIFEBOAT ANTENNA KITES, ANTENNA BALLOONS AND ASSOCIATED EQUIPMENT

8.208 Lifeboat antenna kites.
8.209 Balloons and balloon inflating equipment.

LIFEBOAT INSTALLATIONS

REQUIREMENTS FOR ALL COMPULSORY LIFEBOAT RADIO INSTALLATIONS

§ 8.201 *Inspection and maintenance of lifeboat radio installation.* (a) The lifeboat radio installation shall be inspected and tested [1] by a qualified representative of the licensee within 24 hours prior to the ship's departure for sea from each port (except not necessarily more than once each week), and with the lifeboat afloat in a harbor or port of the United States when required by an inspector of the Commission. The result of any inspection and test not made in the inspector's presence shall be made known to the master of the vessel and shall be entered in the ship's radio station log or recorded in the ship's log if the ship is not provided with a radiotelegraph station. The records of all inspections and tests shall be made available to duly authorized representatives of the Commission upon request. The inspection afloat shall include an actual test of the transmitter (and receiver when required) connected to the regular lifeboat antenna(s) erected to determine that each is in effective operating condition. When testing with the lifeboat not afloat, the transmitter may be connected to an artificial antenna.

(b) When the vessel is under way, provision shall be made for adequate charging of the storage batteries and the routine inspection of all batteries used to supply the power to lifeboat radio installations. The charging and routine inspection of such batteries shall not require their removal from the lifeboats in which they are installed. The necessary charging equipment shall be arranged so as not to interfere with the launching of the lifeboats, and for this purpose shall be easily and quickly removable. Inspection of the batteries shall be made at least once every seven days by a qualified representative of the licensee, and a statement in regard to the condition and specific gravity in the case of a lead-acid battery, or voltage under normal load in the case of Edison batteries (or dry batteries when such batteries are permitted) shall be reported to the master and entered in the ship's radio station log. Any storage battery provided as a power supply or as a spare power supply shall be kept fully charged at all times.

§ 8.202 *Demonstration of the power supply for lifeboat installations.* The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative, shall prove by demonstration as may be deemed necessary, that a storage battery used for a required lifeboat radio installation is capable of energizing this installation for the required period of time as stipulated in § 8.120.

§ 8.203 *Radio installation requirements.* (a) For new radio installations completed after January 1, 1940, in motor lifeboats of ocean-going passenger vessels, the charging circuit for the lifeboat radio storage battery or batteries when used as a source of power, shall be routed through the main radiotelegraph operating room of the vessel. A device which, during charge of the lifeboat radio battery or batteries will give a continuous indication of the polarity and the rate of such charge, shall be connected in this charging circuit, and shall be located in the main radiotelegraph operating room for purposes of frequent observation.

(b) The use of metal masts and stays, unless broken by insulators, or of any structure at electrical ground potential at the masthead(s) is not permitted: *Provided, however*, That this limitation shall not prohibit the use of a metal mast or masts used as the antenna. Provision shall be made for the expeditious erection of the antenna system under adverse weather and sea conditions.

(c) Kites and balloons and balloon inflating equipment [2] for use as component parts of lifeboat radio installations shall comply with all provisions of §§ 8.208 and 8.209.

REQUIREMENTS FOR RADIO INSTALLATIONS IN MOTOR LIFEBOATS OF PASSENGER VESSELS

§ 8.204 *Lifeboat radio station.* (a) Except as provided in § 8.205, the radio installation on motor lifeboats of vessels navigated in the open sea, designated in accordance with section 355 of the Communications Act of 1934, as amended, as requiring a radio installation, shall consist of an efficient installation, for emergency use, in good operating condition, which shall comply with the following requirements:

(1) Frequency of operation of transmitter: 500 kilocycles.

(2) Type of emission of transmitter: A–2.

(3) Frequency tolerance of transmitter: 0.5 per cent.

(4) Power of transmitter: Not less than 75 watts plate input power to the oscillator or amplifier supplying power to the antenna when such oscillator or amplifier is effectively coupled to an antenna equivalent to that described in the following paragraph (5).

(5) Antenna: A single wire inverted L–type, not less than 20 feet above the water line with a horizontal section of the maximum practicable length.

(6) Receiver: Electron tube type. Continuous frequency range of at least 350 to 550 kilocycles and capable of reception of types A–1, A–2 and B emissions.

(7) The type of power supply shall be: For the transmitter: A storage battery. For the receiver: Dry cell battery and/or storage battery. The necessary power for the transmitter and receiver, at voltages other than the battery voltages, may be obtained by the use of a dynamotor or other suitable device approved by the Commission.

(8) The lifeboat radio transmitter shall be fitted with a radio frequency ammeter of suitable range and scale, connected so as to indicate the current in the antenna circuit.

(b) Availability and use of lifeboat radio power: The power supply of a lifeboat radio installation shall be capable at all times of operating the entire lifeboat radio installation for a period of at least 6 continuous hours in accordance with § 8.115 (d). With the exception of the electric starter of the lifeboat motor, the storage battery or batteries may also be used to operate equipment other than radio: *Provided*, The additional use of the battery or batteries will not affect, adversely, the ability of the installation to fulfill the foregoing 6-hour radio operating requirement. All individual circuits connected to the transmitter storage battery shall be independently and properly fused.

(c) Details of lifeboat radio installation: The components and assembly of the entire installation shall insure, primarily, the utmost dependable operation, and the design shall be such that heavy vibration and physical shocks to which a lifeboat is subject will cause no damage. All components shall be housed and treated so as to withstand saline dampness for extended periods without damage and to minimize the adverse effect of prolonged exposure to salt water or salt spray. Storage batteries shall be mounted in cabinets that will provide protection from salt-water spray and also allow proper ventilation, subject to approval of the United States Coast Guard. Provision shall be made to protect the operator from the elements when the lifeboat is afloat in a heavy sea. Antenna lead-in insulators shall be of a type approved by the Commission. Auxiliary equipment and spare parts prescribed for motor lifeboat radio stations by § 8.235 shall be retained within the radio-equipped lifeboat at all times while the vessel is in active service.

(d) Lifeboat radio instructions: Instructions shall be plainly marked on the apparatus in sufficient detail which will inform inexperienced or uninstructed personnel how to place the radio equipment in operation and how to transmit appropriate signals for a sufficient period of time to enable vessels or land stations, within communication range and equipped with radio direction finders, to determine the position of the lifeboat.

§ 8.205 *Optional lifeboat radio installation.* Radio installations provided in lieu of the radio installation required by § 8.204, shall consist of an efficient and reliable emergency transmitter and an emergency receiver in good operating condition, an emergency power supply, an antenna wire and insulator assembly for use with a lifeboat sailing mast, an antenna wire and reel assembly for use with a balloon and a kite, an approved balloon, an approved container of gas for inflating the balloon, an approved kite, a ground system, an artificial antenna, and such auxiliary equipment and spare parts as are prescribed in §§ 8.235 (d) and (f), and shall comply with the following requirements:

(a) General requirements: (1) The transmitter, receiver and power supply shall be enclosed in a single container; *Provided*, That operational parts of these components not adversely affected by immersion in sea water need not be so enclosed; and not more than two containers shall be required to house the complete installation. The container enclosing the transmitter, receiver and power supply shall be water-tight and capable of withstanding complete submersion in sea water for a continuous period of two hours without leakage. This container shall be capable of withstanding this submersion with all manual operating controls and all indicating devices and instruments unprotected from contact with sea water. Any other container provided shall be of durable and splash proof construction. Suitable protection shall be provided for the operating controls, indicating devices and instruments, including the microphone and the head telephone(s), against physical harm from accidental or inadvertent blows, and from the adverse effects of prolonged exposure to the weather. The container enclosing the transmitter, receiver and power supply shall be durably constructed of steel or aluminum or alloys thereof, and shall be suitably protected against the adverse effects of sea water and saline dampness. Provision shall be made to protect the operator from the elements while the lifeboat is afloat in a heavy sea.

(2) The container housing the transmitter, receiver and power supply shall be provided with a noncorrosive cartridge type desiccator installed in a manner which will permit convenient inspection, maintenance and replacement.

(3) The physical dimensions and shape of the container(s) shall require the minimum amount of space consistent with the design of the equipment.

(4) The weight of the complete installation shall not exceed 160 pounds.

(5) The design and construction of the entire installation shall be such that no tools are required to place it in operation for routine tests or for emergency communication.

(6) All component parts used in the installation shall be of acceptable quality for marine service.

(7) The complete installation shall be efficient and reliable in its operation and shall be ruggedly constructed and capable of withstanding the shock and vibration to which a lifeboat may be subjected.

(8) Each installation shall be equipped with a durable name plate mounted on the transmitter, receiver, power supply or control panel, or made an integral part thereof, showing at least the following: The type or model number, the name of the manufacturer, the month and year of manufacture, and the rated power output for each frequency and each type of emission into each artificial antenna specified in § 8.205 (b) (1).

(9) Suitable printed instructions together with sketches covering the erection of the antenna(s) and operation of the equipment shall be permanently and conspicuously attached to the control panel or the surface of the transmitter, receiver and power supply container, or shall be made an integral part thereof. These instructions shall be as simple as possible consistent with the amount of detail required by an unskilled person to operate the equipment for automatic radiotelegraph communication and for radiotelephony. In addition, these instructions shall include sufficient information to permit an unskilled person to manually transmit the radiotelegraph distress signal "SOS" and the international auto-alarm signal and a statement that the latter signal is effective only if transmitted on the frequency 500 kilocycles. These instructions shall be durable and waterproof.

(10) Each installation shall be provided with a copy of an instruction manual covering the design, installation, operation and maintenance of the apparatus.

(b) The radio transmitter shall comply with the following requirements:

(1) Table:

Operating frequencies	Frequency tolerance	Type of emission	Mod. [1] percentage	Mod. frequency	Power output into long antenna [2]	Power output into short antenna [3]
500 kc.....	0.5%	A–2	Not less than 70.....	Not less than 450 nor greater than 1,250 c. p. s.	Not less than 5 watts.	Not less than 2 watts.
500 kc.....	.5%	A–3	Not less than 70 nor greater than 100.	400 to 3,000 c. p. s....	Not less than 4 watts carrier.	Not less than 1.5 watts carrier.
8280 kc.....	.02%	A–1	.....	.....	Not less than 4 watts.	Not less than 2 watts.
8280 kc.....	.02%	A–3	Not less than 70 nor greater than 100.	400 to 3, 000 c. p. s....	Not less than 4 watts carrier.	Not less than 1.5 watts carrier.

[1] The indicated modulation percentage shall be determined as the average of the modulation percentages of the positive and negative peaks.

[2] The indicated power output shall be developed on 500 kilocycles into an artificial antenna of 500 micromicrofarads capacitance and 15 ohms resistance and on 8280 kilocycles into an artificial antenna of 300 ohms resistance.

[3] The indicated power output shall be developed on 500 kilocycles into an artificial antenna of 100 micromicrofarads capacitance and 10 ohms resistance and on 8280 kilocycles into an artificial antenna of 50 ohms resistance.

(2) The transmitter radio frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying antenna circuit characteristics and conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating frequency to antennas having the following characteristics at 500 kilocycles: 80 to 750 micromicrofarads of capacitance and 10 to 20 ohms of resistance. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(4) Provision shall be made for keying the transmitter manually and by automatic means on 500 kilocycles and 8280 kilocycles. Provision shall be made for automatic transmission of the international distress signal "SOS", in one or more groups of three "SOS" signals, followed by a continuous dash not less than 12 seconds nor more than 20 seconds in duration. Provision shall be made for automatically changing the operating frequency of the transmitter from 500 kilocycles to 8280 kilocycles, and vice versa, with a frequency transfer time interval not to exceed five seconds so that the automatically keyed transmission sequence specified herein will take place

[1] Subject to such limitations as may be imposed by United States Naval Authority or by foreign governments at foreign ports. It is necessary that each lifeboat transmitter be licensed by the Commission to insure compliance with the rules and regulations of the Commission, during the required tests with an actual antenna. Operation of a lifeboat transmitter is ordinarily authorized by the regular ship station license when it has been described in the application for such license and the authorization has been approved by the Commission.

[2] Application for approval of kites, balloons and balloon inflating equipment may be made to the Commission.

alternately on 500 kilocycles and 8280 kilocycles. The speed of automatic telegraph transmission shall not exceed 16 words per minute. Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in operation in accordance with any of the three required modes of transmitter operation; that is, manual radiotelegraph, automatic radiotelegraph, and manual radiotelephone operation, provided, that not more than one manual switch adjustment shall be made to place the transmitter in operation for automatic radiotelegraph transmission, and under this condition of operation the receiver shall be completely de-energized. The transmitter and the receiver, including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and conveniently from the same operating position for manual radiotelephone and manual radiotelegraph communication on the required operating frequencies and so that the time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than ten seconds.

(5) The transmitter shall be equipped with reliable visual indicators (such as neon tubes) to indicate antenna resonance at each operating frequency with any antenna normally provided. Failure of these indicators shall have no effect on the actual operation of the transmitter.

(c) The emergency receiver shall comply with the following requirements:

(1) The receiver shall provide reception on the frequency 500 kilocycles and shall be capable of manual tuning between the frequencies 8100 and 8600 kilocycles for operation on the frequency 8280 kilocycles.

(2) The receiver shall be capable of responding to types A–2 and A–3 emission on the frequency 500 kilocycles and on all frequencies in the range 8100 to 8600 kilocycles.

(3) The sensitivity of the receiver shall be such that at least 6 milliwatts of audio power is developed in a non-inductive load resistor having an ohmic value equal to the value of the load resistance into which the output audio amplifier stage is designed to operate, at a signal to noise power ratio of not less than 10 to 1 when the receiver is supplied through the appropriate artificial antennas specified in § 8.205 (b) (1) with the following radio frequency signals:

Frequency kilocycles	Signal strength microvolts	Modulation factor	Modulation frequency
500	25	0.3	400 c. p. s.
8280	100	.3	400 c. p. s.

The noise power present in the output of the receiver when the receiver is adjusted for reception of types A–2 and A–3 emission on the frequencies 500 kilocycles and 8280 kilocycles shall be determined with an unmodulated input signal of the indicated strength.

(4) The receiver shall be equipped with only one manually operated volume control. The effect of this control together with an automatic sensitivity control circuit, if used, shall permit the receiver to operate normally without overload when an input signal of one volt modulated 30 per cent at 400 cycles per second is applied to the receiver input terminals through the appropriate artificial antennas specified in § 8.205 (b) (1).

(5) The receiver shall be capable of a maximum "undistorted" audio frequency output power of 10 milliwatts.

(6) The over-all electric fidelity of the receiver shall be such that with a zero decibel 1000 cycle reference the maximum response deviation at any frequency between 400 and 2000 cycles per second will not exceed 4 decibels.

(7) The selectivity of the receiver shall be at least as follows:

Ratio of input voltage off resonance to input voltage at resonance	500 kilocycle band width	8280 kilocycle band width
10	20 kc.	30 kc.
100	40 kc.	60 kc.
1000	60 kc.	90 kc.

(d) The emergency power supply shall comply with the following requirements:

(1) The source of power shall be a manually operated electric generator capable of efficiently energizing the lifeboat radio installation.

(2) The mechanical power applied to the crank handle(s) or the propelling lever(s) of the generator driving mechanism shall not exceed a maximum of 0.15 horsepower for any required condition of operation of the lifeboat radio installation at any temperature of the generator and its associated driving mechanism between minus 30 degrees and 125 degrees fahrenheit. Under these conditions the speed of rotation of the crank handle(s) shall not be greater than 70 revolutions per minute or the cycle of operation of the propelling lever(s) shall not be greater than 70 cycles per minute.

(3) The voltages applied to the radio installation shall not vary from their normal values more than 20 percent at any generator speed in excess of the normal operating speed which can be manually developed.

(e) The antenna assemblies shall comply with the following requirements:

(1) The antenna assembly required for use with a balloon and a kite shall consist of a reliable reel constructed of materials resistant to the corrosive effects of sea water and saline dampness, containing 300 feet of flexible stranded or braided copper or copper alloy wire of high conductivity having a tensile strength of not less than 60 pounds. This wire shall be securely fastened at one end to the reel and effectively insulated electrically. If an insulating cord is used it shall have a tensile strength at least equal to that of the antenna wire, and the material(s) used therein shall be such that the cord is not weakened by kinking or wetting. This reel shall be associated with the container housing the transmitter, receiver and power supply in a manner which will provide mechanical protection and protection from the weather to the reel, and shall be designed and mounted in a manner which will permit convenient unwinding and rewinding of the antenna wire. Means shall be provided for conveniently and effectively connecting the antenna wire to the proper radio installation antenna terminal.

(2) The required balloon when inflated with gas shall be capable of effectively supporting the 300-foot antenna wire and shall comply with the requirements of § 8.209.

(3) The required container of gas shall be capable of effectively inflating the balloon, and shall comply with the requirements of § 8.209.

(4) The required kite shall be capable of effectively supporting the 300-foot antenna wire, and shall comply with the requirements of § 8.208.

(5) The required antenna assembly for use with a lifeboat sailing mast shall consist of a length of not less than 40 feet of No. 10 stranded copper wire having at least 80 strands, with the antenna insulators necessary for effective insulation of the antenna when used with a lifeboat sailing mast.

(f) The ground system shall comply with the following requirements:

(1) The radio installation when installed in a metal hull lifeboat shall be effectively grounded to the hull of the lifeboat. This ground connection shall be physically located in a position where it is inaccessible to the normal movement of occupants or accessories in the lifeboat.

(2) The radio installation when installed in a lifeboat having a non-metallic hull shall be provided with a grounding conductor consisting of a length of not less than 20 feet of No. 10 bare stranded copper wire or equivalent copper braid effectively weighted at one end for immersion in the sea. This conductor shall be securely fastened to an effective ground terminal on the radio installation.

(g) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter, for test purposes at the frequencies 500 kilocycles and 8280 kilocycles, of approximately the same electrical characteristics as the mast supported antenna required by §§ 8.201 to 8.209.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals for the necessary characteristics. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled. The physical dimensions of this container shall permit convenient storage of the unit in one of the containers specified in § 8.205 (a) (1).

§ 8.206 *Departure from requirements.* Any departure from the requirements of §§ 8.203 (c), 8.204, and 8.205 will be considered by the Commission only upon a satisfactory showing that such departure will not reduce the required efficiency, reliability and effectiveness of the installation.

REQUIREMENTS FOR LIFEBOAT ANTENNA KITES, ANTENNA BALLOONS AND ASSOCIATED EQUIPMENT[1]

§ 8.208 *Lifeboat antenna kites* — (a) *Material*—(1) *Frame.* The frame may be of wood or of metal. It must be strong and be collapsible or be easily disassembled for storage. If of wood, the wood must be treated to prevent absorption of water, unless it naturally does not take up much water. If of metal, all the metal parts must be treated with a corrosion resistant finish, unless they are of noncorrodible material.

(2) *Cloth.* The cloth shall be of a strong and durable material. It shall have a thread count in warp and fill of not less than 115 and a tensile strength (grab method) of not less than 30 pounds in warp and fill. The material shall be fast dyed a bright yellow. The cloth shall be adequately treated so as to be water repellent. The finished cloth shall not be stiff or tacky even under wide ranges of temperatures.

(3) *Bouyant material.* The kite, when assembled for flying, must be bouyant. Any bouyant material added must be securely fastened to the kite and not seriously interfere with its flight.

(b) *Details* — (1) *Dimensions and shape.* The kite may be of any desired shape, such as box, etc., provided it can be easily assembled and handled.

(2) *Antenna connector.* Each kite shall be provided with a strong and secure means for the attachment of the antenna to the kite.

(3) *Instructions.* Each kite shall be accompanied by a set of instructions written in simple and clear language so that a person may assemble and fly the kite even though he may have had no previous experience with kites.

(4) *Container.* Each kite shall be packed in a rigid and sealed container. The container shall be as small as possible and shall be rigid enough to protect the kite even though it may be stepped upon by persons getting in a lifeboat. The container shall be easy to open and not require the use of tools. A metal tear-strip with a key removably soldered to the top is acceptable. The provision is not applicable if the kite is stowed in a watertight compartment with other components of the radio installation.

(5) *Marking.* Each container shall be permanently marked to show the contents, the name of the manufacturer, the place of manufacture, the date of packing, and the model number of the kite.

(c) *Tests.* Any samples or manufactured kites may be subjected to such tests as may be necessary to determine whether they are suitable for the purpose intended. Among the tests that may be performed are:

(1) *Storage test.* One year storage aboard ship or in a laboratory in which the container containing the kite may be subjected to Fahrenheit temperatures between 70 degrees below zero to 150 degrees above zero.

(2) *Use test.* The kite shall be removed from its container and sent aloft at Fahrenheit temperatures between 30 degrees below zero to 140 degrees above zero. The kite shall function properly and the cloth shall show no signs of serious cracking, brittleness, tackiness or other evidence of deterioration.

(3) *Launching test.* The kite shall be assembled, the antenna wire attached, and successfully launched by a person sitting in a lifeboat, the wind being of a velocity between 7 and 10 miles per hour.

(4) *Lift test.* The kite shall raise and hold aloft in even flight an antenna approximately 300 feet long and weighing approximately 12 ounces. It shall maintain its flight at an angle of not less than 30 degrees in a wind of not more than 10 miles per hour.

§ 8.209 *Balloons and balloon inflating equipment*—(a) *Material.* The balloon may be constructed of any gas impermeable flexible material that can be relied upon to stand storage for long periods in a folder condition and will also withstand the effect of sunlight, temperature change, humidity, etc., likely to be encountered at sea. The material must be of such a nature that it can be easily packed, together with the valve and other gas filling fittings, into a rigid container of not more than 70 cubic inches capacity.

(b) *Gas.* The gas to be used for inflating the balloon must be non-inflammable and at the same time provide adequate buoyancy. The gas shall be furnished in a strong steel cylinder having an over-all length of not over 30 inches and a diameter of not over 8 inches. A quantity of gas sufficient to inflate the balloon to a volume of 40 to 44 cubic feet shall be furnished in the steel cylinder. In lieu of a steel cylinder filled with gas, a gas generator may be furnished. The generator must be fireproof and the gas generated must not be of a flammable or explosive nature. A fitting or other means shall be supplied with the cylinder or the generator so that the balloon may be quickly and easily inflated and without excessive loss of gas, even by an inexperienced person. Neither the gas cylinder, together with its gas, nor the gas generator, together with its chemicals shall weigh over 25 pounds.

(c) *Details* — (1) *Dimensions and shape.* If spherical, the balloon shall be aproximately 48 inches in diameter when inflated so as to provide a buoyancy of 20 ounces available for supporting an antenna. The balloon may be of any desired shape provided it supplies the 20 ounce lift. The use of fins or other means for providing stable flight of the balloon during windy periods is acceptable provided that the balloon can be packed away easily in the 70 cubic inch container.

(2) *Antenna connection.* Each balloon shall be provided with a strong and secure means for the attachment of the antenna to the balloon.

(3) *Valve.* Each balloon shall be fitted with a valve which will allow the balloon to be filled with gas in a quick and simple manner. If a gas generator is provided, the fitting shall be of such a nature that the balloon may be drained of any liquid that may have collected inside. Any metal parts of the valve must be made of noncorrodible material.

(4) *Instructions.* Simple, clear and concise instructions shall accompany each balloon so that a person who has never operated one before may successfuly inflate it without injury to the balloon or excessive loss of gas. The instructions may be made in a permanent manner on the outside of the container.

(5) *Container.* Each balloon shall be packed in a rigid airtight container. The container shall not exceed 70 cubic inches capacity nor shall it be over 6 inches in any one dimension. Preferably, the container shall be fitted with an inert gas so as to preserve the balloon. The can must be easy to open. A metal tear-strip around the top with a key removably soldered to the top is satisfactory.

(6) *Marking.* Each container shall be marked to show the contents, the name of the manufacturer, the place of manufacture, the date of packing, and the model number of the balloon.

(d) *Tests.* Any samples or manufactured balloons may be subjected to such tests as may be necessary to determine whether they are suitable for the purpose intended. Among the tests that may be performed are:

(1) *Storage test.* One year storage aboard ship or in a laboratory in which the container containing the balloon may be subjected to Fahrenheit temperature between 70 degrees below zero to 150 degrees above zero.

(2) *Use test.* The balloon shall be removed from its container and inflated and sent aloft at Fahrenheit temperatures between 30 degrees below zero to 140 degrees above zero. The balloon shall function properly and show no signs of serious cracking, tackiness, stickiness or other evidences of deterioration.

(3) *Lift test.* The balloon shall be inflated with about 35 cubic feet of helium gas so as to inflate the balloon to its regular size. It shall then support an antenna of approximately 300 feet length and weighing approximately 12 ounces at an angle of not less than 30 degrees from the horizontal during a wind of not over 15 miles per hour. In the above lift tests, the balloon shall maintain the antenna aloft for 48 hours without further addition of gas.

2. Former paragraph (f) of § 8.235 is deleted and former paragraph (g) is redesignated (f) and amended to read as follows:

§ 8.235 *Additional spare parts in general.* * * *

(f) *Optional lifeboat radio installations provided in accordance with § 8.205 for use in lifeboats (spare parts).* (1) One electron tube of each type used for normal operation of the radio installation in accordance with the requirements governing the installation, including neon or any other type of tube or lamp employed as resonance indicator(s).

(2) Six fuses of each type used which shall be of the same rating and interchangeable therewith;

(3) Where a kite and balloon are used for an antenna support, one spare 300-foot length of antenna wire of the type

[1] The Commission's requirements for lifeboat antenna kites, antenna balloons and associated equipment, promulgated on August 22, 1944, are amended and codified as set forth in §§ 8.208 and 8.209. Application for approval of kites, balloons and balloon inflating equipment, may be made to the Commission.

used which shall be of the same rating and interchangeable therewith.

It is further ordered, That for the reasons set out above, this order should be, and is hereby made effective September 1, 1947.

(Sec. 303 (r), 50 Stat. 191, 355, 50 Stat. 194, 356, 50 Stat. 194; 47 U. S. C. 303 (r), 355, 356)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8069; Filed, Aug. 28, 1947; 9:25 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

FIELD ORGANIZATION

1. In § 01.23 (11 F. R. 177A-209) the existing text is designated paragraph (a) and paragraph (b) is added as follows:

§ 01.23 *Special offices.* (a) • • •

(b) The Office of Foreign Activities maintains an office at Manila, Luzon, Republic of the Philippines, for the conduct of the field work of the Philippine Fishery Program pursuant to section 309 of the act approved April 30, 1946 (60 Stat. 128, 138). This Office reports directly to the Director of the Fish and Wildlife Service.

2. The following is added to § 01.51 *Director* (11 F. R. 177A-209):

(h) To enter into contracts for construction, supplies or services irrespective of the amount involved, unless the Secretary by written order published in the FEDERAL REGISTER specifically prescribes otherwise; to redelegate such authority to subordinate officials and employees of the Service, to the Property and Procurement Officer of the Department, or to the Purchasing Officer, Alaska-Seattle Service Office; and except in cases in which the Director is the contracting officer, to act as the authorized representative of the Secretary of the Interior with respect to certain contracts (43 CFR 4.100; 12 F. R. 4115).

3. A new section is added as follows:

§ 01.60 *Delegations of authority by director*—(a) *Contracts for procurements.* The officials and employees designated in this section are authorized to enter into contracts for construction, supplies or services, limited to the amounts indicated in each case, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. The officials and employees so authorized may with respect to any such contract issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized. All other delegations or redelegations relating to the same subject matter have been revoked.

(1) Headquarters Organization: Chief, Branch of Administration and Chief, Division of Finance and Procurement, unlimited as to amount; and Purchasing Officer, Division of Finance and Procurement, $10,000.00.

(2) Regional Offices: Region 1, Regional Director, Assistant Regional Director, Administrative Officer, and Assistant Administrative Officer; Regions 2 to 5, Regional Director, Assistant Regional Director, and Administrative Officer; and Region 6, Regional Director, and Administrative Officer: $10,000.00.

(3) Other Field Offices: Administrator, and Administrative Officer, Philippine Fishery Program, Manila, Luzon, Republic of the Philippines, $10,000; General Manager, Assistant General Manager, and Administrative Officer, Pribilof Islands, Seattle, Washington, $5,000; Manager, Pocatello Supply Depot, Pocatello, Idaho; and Liaison Officer, Philippine Fishery Program, San Francisco, California, $1,000.

(Secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. Sup., 1002, 1011)

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 47-8043; Filed, Aug. 28, 1947; 8:47 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

PORTABLE EMERGENCY RADIO EQUIPMENT FOR SHIPS AND LIFEBOATS

COMMISSION STUDYING DESIRABILITY

AUGUST 22, 1947.

The Commission on August 21, 1947, adopted amendments to Part 8 of its rules and regulations governing ship service for the purpose of deleting therefrom provisions with respect to lifeboat radio installations which became obsolete when, at the conclusion of hostilities, the U. S. Coast Guard cancelled certain lifeboat radio requirements. The effect of this action is to permit those ships which are required by the Safety of Life at Sea Convention or by the Coast Guard to carry lifeboat radio installations to have either one or two possible non-portable types of installations. One type of installation is the same as that permitted before the war. The other type of installation is one of the types of non-portable installations which was permitted during the war for use in lieu of a portable installation.

The Commission recognizes the importance from the safety standpoint of having adequate radio installations on board ship. In this connection, it is considered possible that portable radio installations should be permitted or required as part of the emergency equipment including the lifeboat radio equipment. The data available at this time are insufficient to afford a basis for a final conclusion in this matter and, therefore, the Commission through its Special Marine Safety Survey Group and in cooperation with other interested departments and agencies of the government and other interested persons is conducting a study to determine the facts and to ascertain whether recommendations should be made regarding any changes in the applicable treaties, laws and regulations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8065; Filed, Aug. 28, 1947; 9:25 a. m.]

[Docket No. 8230]

RCA COMMUNICATIONS, INC., ET AL.

CHARGES FOR COMMUNICATIONS SERVICE BETWEEN THE UNITED STATES AND OVERSEAS AND FOREIGN POINTS; ORDER EXTENDING TIME

The Commission, having under consideration two telegraphic requests filed on August 19, 1947, one on behalf of RCA Communications, Inc., and the other on behalf of All America Cables and Radio, Inc., The Commercial Cable Company, Mackay Radio and Telegraph Company and Commercial Pacific Cable Company, pursuant to § 1.894 of the Commission's rules and regulations, for an extension of time to August 29, 1947, within which to file a petition for reconsideration of the Commission's report and order (T-47) herein;

It is ordered, This 20th day of August 1947, that the above-described requests are granted and that the time within which the above-named carriers may file petitions for reconsideration of the Commission's report and order (T-47) herein is extended to August 29, 1947.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8068; Filed, Aug. 28, 1947; 9:25 a. m.]

[Docket No. 8483]

ACME BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Acme Broadcasting Company, Elizabethtown, Kentucky, Docket No. 8483, File No. BP 5941, for construction permit.

At a session of the Federal Communications Commission, held at Atlantic City, New Jersey, on the 28th day of July 1947;

The Commission having under consideration the above-entitled application for Construction Permit for a new standard broadcast station to operate on 1450 kc, 250 w power, unlimited time, at Elizabethtown, Kentucky;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of The Acme Broadcasting Company be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WLAP, Lexington, Kentucky, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That American Broadcasting Corporation, licensee of Station WLAP, Lexington, Kentucky, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-8067; Filed, Aug. 28, 1947; 9:25 a. m.]

[Docket No. 8498]

SAMUEL R. SAGUE (WSRS)

ORDER DESIGNATING APPLICATION FOR HEARING

In re application of Samuel R. Sague (WSRS), Cleveland Heights, Ohio, Docket No. 8498, File No. BMP-2650, for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of August 1947;

The Commission having under consideration the above-entitled application for modification of constructoin permit to specify a transmitter site and antenna system, said application having been filed in accordance with the condition in the grant, after hearing, of the applicant's application (File No. BP-4377; Docket No. 7176) for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, in Cleveland Heights, Ohio;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application for modification of construction permit be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, to determine whether the proposed transmitter site and antenna system would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-8066; Filed, Aug. 28, 1947; 9:25 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-826]

MINNESOTA NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

NOTICE OF POSTPONEMENT OF HEARING

AUGUST 25, 1947.

In the matter of Minnesota Natural Gas Company, complainant, v. Northern Natural Gas Company, defendant.

Notice is hereby given that the hearing in the above-docketed matter heretofore set to reconvene on September 8, 1947, is postponed to a date to be hereafter determined and fixed.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-8045; Filed, Aug. 28, 1947; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5484]

CLAY SEWER PIPE ASSN., INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of August A. D. 1947.

In the matter of Clay Sewer Pipe Association, Inc., American Vitrified Products Company, The Brockway Clay Company, The Clay City Pipe Company, Dennison Sewer Pipe Corporation, The Evans Pipe Company (the estate of T. T. Evans and the estate of Eugene Evans, co-partners), Graff-Kittaning Clay Products Company, Grand Ledge Clay Product Company, The Junction City Clay Company, The Kaul Clay Manufacturing Company, The Logan Clay Products Company, Patton Clay Manufacturing Company, The Peerless Clay Manufacturing Company, The Robinson Clay Product Company, The Ross Clay Products Company, St. Mary's Sewer Pipe Company, Stillwater Clay Products Company, The Stratton Fire Clay Company, Superior Clay Corporation, The Union Clay Manufacturing Company, and Universal Sewer Pipe Corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, September 4, 1947, at one o'clock in the afternoon of that day (eastern standard time), in Room 332, Federal Trade Commission Building, Washington, D. C.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-8061; Filed, Aug. 28, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 276]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 19, 1947, by Chas Abbate, of car FGE 51914, peaches, now on the Chicago Produce Terminal to Ishpeming, Mich.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-8057; Filed, Aug. 28, 1947; 8:46 a. m.]

[S. O. 396, Special Permit No. 278]

RECONSIGNMENT OF CAR AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Missouri, by Helm and Company, of car PFE 43315, now on the Mo. Pac. to C. S. Robinson, St. Louis, Mo., via Mo. Pac.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-8058; Filed, Aug. 28, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 4-63, 68-84]

MARKET STREET RAILWAY CO. ET AL.

ORDER EXTENDING PERIOD OF PROHIBITION OF CERTAIN PAYMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 21st day of August 1947.

In the matter of Market Street Railway Company, Standard Gas and Electric Company and certain of its subsidiary companies, File No. 4-63; Russell M. Van Kirk, Bloomfield Hulick, Edmund T. Willets, committee for the Market Street Railway Company Prior Preference Capital Stock; File No. 68-84.

The Commission having on May 20, 1947 pursuant to sections 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935 issued its order (Holding Company Act Release No. 7425) providing, among other things, that Market Street Railway Company ("Market Street"), a subsidiary of Standard Gas and Electric Company ("Standard Gas"), a registered holding company, shall make no payments to Standard Gas of money or other property until the date of hearing in the above-entitled matter fixed in said order and the expiration of a period of 60 days thereafter without approval of the Commission, all as more fully set forth in said order; and

Hearings in the above-entitled matter having been held from time to time and being presently in adjournment until August 27, 1947; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the period fixed in the Commission's order of May 20, 1947 during which Market Street shall make no payments to Standard Gas of money or other property should be extended until the expiration of a period of 60 days following the date upon which the record in the above-entitled matter is closed:

It is ordered, That the period of time fixed in the order of the Commission dated May 20, 1947 during which Market Street shall make no payments to Standard Gas of money or property, all as more fully set forth in said order of May 20, 1947, be, and it hereby is, extended until the expiration of a period of 60 days following the date upon which the record in the above-entitled matter is closed.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8049; Filed, Aug. 28, 1947; 8:45 a. m.]

[File Nos. 54-75, 59-20, 59-8, 54-161]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE) ET AL.

NOTICE OF FILING OF PLAN AND NOTICE OF AND ORDER RECONVENING HEARINGS IN CONSOLIDATED PROCEEDINGS TO CONSIDER PLANS HERETOFORE OR HEREAFTER FILED

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 22d day of August 1947.

In the matter of The Commonwealth & Southern Corporation (Delaware), File No. 54-161; The Commonwealth & Southern Corporation (Delaware), respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware) and its subsidiary companies, respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), File No. 54-75.

Notice is hereby given that The Commonwealth & Southern Corporation ("Commonwealth") has filed with the Commission pursuant to section 11 (e) of the act a Plan dated July 30, 1947, for compliance with sections 11 (b) (1) and 11 (b) (2), and in substitution for Commonwealth's plan dated March 25, 1946. Commonwealth's application for approval of the Plan states that the Plan has been filed in anticipation of the consummation of the transfer of its investments in the common stocks of certain subsidiary companies, as hereinbelow mentioned, to The Southern Company ("Southern"), a newly organized holding company.

The Plan provides, in substance, for the distribution to the holders of Commonwealth's Preferred Stock of a portion of its assets consisting of cash and common stocks of Consumers Power Company ("Consumers") and Central Illinois Light Company ("Central Illinois"), for the distribution to holders of its Common Stock of Commonwealth's portfolio common stocks of Ohio Edison Company ("Ohio Edison") and Southern and, after the payment of all of Commonwealth's liabilities and expenses, its remaining assets, in kind or in cash, and for the dissolution of Commonwealth.

Commonwealth has outstanding 1,441,247 shares of $6 Series Cumulative Preferred Stock without par value which has a preference in event of voluntary or involuntary liquidation of $100 per share and accrued unpaid dividends and is redeemable at the option of the company at $110 per share and accrued unpaid dividends. Giving effect to the payment of a dividend of $3 per share heretofore declared but not yet paid on Commonwealth's Preferred Stock, cumulative dividends in arrears on such Preferred Stock as of September 30, 1947 will amount to $20 per share. Commonwealth also has outstanding 33,673,328-71/1200 shares of Common Stock without par value and Option Warrants entitling holders to purchase at any time, at $30 per share, a total of 17,588,956-373/1200 shares of Commonwealth's Common Stock.

Commonwealth and Southern have heretofore filed a plan under section 11 (e) providing, among other things, for the transfer to Southern of cash and Commonwealth's investments in the common stocks of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah River Electric Company, and the issuance of its common stock by Southern to Commonwealth in exchange therefor. On August 1, 1947, this Commission approved such plan, subject to certain conditions (Holding Company Act Release No. 7615).

All interested persons are referred to the Plan dated July 30, 1947 which is on file in the office of this Commission for a full statement of the transactions therein proposed, which are summarized as follows:

1. As soon as practicable after the effective date of the Plan, Commonwealth will be dissolved and, after payment of dividends on the Preferred Stock as described in paragraph 2 below, will make the following distributions in complete liquidation:

(a) To the holders of Commonwealth's Preferred Stock, in full satisfaction of all rights with respect thereto after payment of dividends thereon as hereinafter described, for each share of Preferred Stock

2.52 shares of common stock of Consumers.
0.55 shares of common stock of Central Illinois.

(b) To the holders of its Common Stock, as a primary distribution, for each share thereof, the pro rata part applicable to each such share, to the nearest fraction deemed practical by Commonwealth, of the shares of common stock owned by Commonwealth of Ohio Edison and Southern.

(c) To the holders of its Common Stock, pro rata, from time to time, after payment of all liabilities and expenses incidental to the Plan, all of the remaining assets of Commonwealth, or the proceeds of sale or other disposition thereof, in cash or, within two years after the effective date of the Plan, in kind, in full satisfaction of all rights with respect thereto, *Provided however*, That Commonwealth reserves the right to invest any of its cash or other assets in the securities of any of the companies which are its directly owned subsidiaries on the date for the distributions under paragraphs (a) and (b) above.

2. After payment of the dividend of $3 per share on its Preferred Stock declared on July 30, 1947, Commonwealth will pay from time to time, pending consummation of the Plan and not later than the Distribution Date referred to below, dividends on its Preferred Stock at the rate of $6 per share per annum from October 1, 1947 to the Distribution Date and, in addition, a total of $6 per share on account of dividends on Preferred Stock accrued and unpaid at September 30, 1947. On this basis, as of the Distribution Date, the dividends accrued and unpaid on the Preferred Stock will amount to $14 per share.

3. The date for the distributions ("Distribution Date") under paragraphs 1 (a) and 1 (b) above shall be the first day of the first quarterly dividend period on Commonwealth's Preferred Stock commencing after the effective date of the Plan. The date for a distribution in kind under paragraph 1 (c) shall be the date fixed for such distribution by Commonwealth. The Distribution Date shall also be deemed to be the date of dissolution of Commonwealth.

4. Distributions on the Preferred Stock will be made only upon surrender for cancellation of certificates for Preferred Stock. Distributions, other than the final one, on shares of Common Stock will be made only upon surrender of Common Stock certificates for stamping; the final distribution on the Common Stock will be made only upon surrender of Common Stock certificates for cancellation.

5. In the event that any certificates for Preferred Stock or Common Stock are not surrendered within two years from the date for a distribution determined in the manner described herein, the common stocks to which the holders of such certificates would be entitled will be sold, in accordance with such terms as may be approved or accepted by the Commission. The proceeds therefrom, together with any dividends paid on such shares subsequent to the date for distribution thereof and prior to such sale, will be held until the end of the five year period commencing with the Distribution Date, for the benefit of and payment to unsurrendered certificates of Preferred Stock or Common Stock, as the case may be, payable according to the respective rights thereof.

6. Any stockholder receiving a distribution pursuant to paragraphs 1 (a) or 1 (b) above will also be paid in cash the amount of any dividends received by Commonwealth on such distribution after the Distribution Date. Any stockholder receiving a distribution in kind under paragraph 1 (c) above will be paid in cash the amount of any dividends received by Commonwealth on such distribution after the date fixed by Commonwealth for such distribution.

7. No fractional shares will be issued but, in lieu thereof, non-dividend paying non-voting scrip in bearer form will be issued if so requested in writing. If no such request is made, such fractional shares will be sold on the open market from time to time as there are accumulated a number of full shares which may be handled economically, and the proportionate share of the net proceeds thereof will be remitted to the persons entitled thereto.

To the extent that scrip certificates are issued upon written request, certificates of stock represented thereby will be delivered to a scrip agent designated by Commonwealth. Such scrip agent will hold such shares of stock, subject to the rights of holders of scrip, and will receive any dividends which may be paid thereon. As more fully set forth in the plan, holders of scrip will be entitled, on presentation of scrip representing one or more full shares, to receive the shares of stock represented thereby, and any dividends thereon received by the scrip agent, provided the scrip is presented within two years from the date of distribution of the stock represented thereby. After the expiration of two years from the date for a distribution, the scrip agent will sell shares of stock represented by scrip certificates and, for a further period of three years, will hold the cash proceeds from such sale, subject to the rights of holders of scrip.

Commonwealth may at its option, in accordance with such terms, conditions and procedures as are approved by the Commission, buy and sell any shares or fractions thereof at prevailing market prices for the purpose of carrying out any provisions of the Plan providing for the disposition of or otherwise relating to fractional shares.

8. All expenses incident to distributions in cash or common stocks and original issue of scrip will be paid by Commonwealth, and all expenses of the scrip agent incident to holding common stocks, or the sale thereof, or the receipt or holding of dividends thereon, or the distributions to the holders of scrip certificates, will be paid out of such dividends and proceeds of the sale.

9. Any cash remaining unclaimed by holders of Commonwealth's Preferred or Common Stocks or by holders of scrip certificates who have not surrendered their stock certificates or scrip as aforesaid within the prescribed periods will become the property of Southern, and the holders of such stock certificates or scrip will have no right to, or claim against, such funds and thereafter such certificates shall be null and void.

10. No provision is made in the Plan for the continuance of the rights of Commonwealth's Option Warrants and, upon dissolution of Commonwealth, such Option Warrants shall be null and void.

11. As more fully set forth in the Plan, existing service contracts with Commonwealth's service company will be cancelled by any public utility subsidiary of Commonwealth (including Pennsylvania Power Company upon the dissolution of the common stock of Ohio Edison) following the disposition by Commonwealth under the Plan of not less than 75% of the common stock thereof, and such subsidiary will surrender the stock of the service company owned by it. The Plan contemplates that thereafter such public utility company may obtain certain services from the service company upon request of the directors thereof and may, subject to the Commission's approval, contract with the service company for certain other types of service.

No person who is an officer or director of Commonwealth, The Southern Company or of the service company on the 31st day after 75% of the common stock of any company (other than Southern) has been disposed of by Commonwealth under the Plan shall be at that time an officer or director of such divested company or be eligible for election as a director or officer of such divested company at the next annual meeting thereof, and thereafter there shall not be any officers and directors common to Commonwealth, Southern and their subsidiary companies, including the service company, on the one hand, and such divested company on the other hand. However, the foregoing restriction as to common officers and directors shall not prevent specified persons who are officers or directors of Commonwealth or Southern, or any of its subsidiary companies including the service company, from being officers or directors of any such divested company for such period or periods subsequent to the time aforesaid as may, on application, be approved by the Commission.

12. Commonwealth will pay such fees and remuneration for services rendered and make reimbursement for proper costs incurred in connection with the Plan, and related proceedings, as the Commission shall finally determine, award, allow or allocate upon application of any interested person.

13. The consummation of the Plan is subject to the following conditions:

(a) That the Commission shall find the Plan as submitted or as amended, necessary to effectuate the provisions of subsection (b) of section 11 of the act and fair and equitable to the persons affected thereby and shall issue an order approving the Plan and that such order

shall contain the recitals required by sections 371 (f) and 1808 (f) of the Internal Revenue Code;

(b) That the Commissioner of Internal Revenue shall have made certain determinations as more fully set forth in the Plan; and

(c) That a District Court of the United States, upon application of the Commission, shall have issued an appropriate order to enforce and carry out the terms and provisions of the Plan, which order shall no longer be subject to review.

14. As soon as practicable after the Commission has approved the Plan, and all other conditions precedent to the consummation of the Plan have been satisfied, the Board of Directors of Commonwealth shall by resolution declare the Plan effective. For all purposes of the Plan, the effective date of the Plan shall be the date fixed in such resolution.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find after notice and opportunity for hearing that the plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected thereby, and it appearing appropriate to the Commission that notice be given and a hearing be held upon the Plan filed by Commonwealth, to afford all interested persons an opportunity to be heard with respect thereto; and

The Commission by order dated July 8, 1946 (File Nos. 59–20, 59–8 and 54–75—Holding Company Act Release No. 6745) having, among other things, provided an opportunity for hearing pursuant to section 11 (d) with respect to certain plans for the reorganization of Commonwealth or suggestions therefor filed with the Commission pursuant to its memorandum opinion dated January 24, 1946 (Holding Company Act Release No. 6381) by persons purporting to have a bona fide interest in the reorganization, and a public hearing having been held on September 10, 1946 and having been adjourned; and

It appearing to the Commission that the hearing in such proceedings insofar as they relate to plans pursuant to section 11 (d), should be reconvened and that the issues presented under section 11 (d) and by the Plan filed by Commonwealth involve common questions of law and fact and should be consolidated and heard together; and

It further appearing to the Commission that the record made on September 10, 1946, in the aforementioned proceedings relating to section 11 (d) designated as File Nos. 59–20, 59–8 and 54–75, and that the records heretofore concluded in proceedings designated as File Nos. 70–1322 and 54–151 and relating, among other things, to the issuance of additional common stock by Consumers, and to a plan submitted by Commonwealth providing for the exchange of a portion of the common stocks of Consumers, Ohio Edison and Southern Indiana Gas and Electric Company for a portion of Commonwealth's Preferred Stock, contain evidence that may have a bearing upon the issues presented by the Plan, and that a substantial saving of time and expense will result if the evidence adduced in said proceedings is used in connection with the consideration of the issues raised by the Plan:

It is ordered, That the proceedings with respect to the Plan be consolidated with the aforesaid proceedings (File Nos. 59–20, 59–8 and 54–75) insofar as they relate to plans under section 11 (d) filed pursuant to the memorandum opinion of the Commission dated January 24, 1946 (Holding Company Act Release No. 6381) and that the portion of the record in the latter proceedings made on September 10, 1946, be, and hereby is, incorporated into the record of the proceedings on the aforesaid Plan and that all of the record in the proceedings designated as File Nos. 70–1322 and 54–151 be, and hereby is, incorporated into the record of the proceedings on the aforesaid Plan subject, however, and without prejudice to the Commission's right, upon its own motion or the motion of any interested participant, to strike such portion of the records in respect of said prior proceedings as may be deemed incompetent or irrelevant to the issues raised in the proceeding on the Plan.

It is further ordered, That a hearing under the applicable provisions of the act and rules thereunder be held in these consolidated proceedings at 11 a. m., e. s. t., on the 8th day of October, 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318. In the event that amendments to the Plan are filed during the course of said proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of any additional plans or amendments should request such notice of Commonwealth or should file an appearance in these proceedings. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before September 29, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the Plan and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the aforementioned Plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby and is in conformity with the requirements of the Commission's order of April 9, 1942.

2. Whether the distributions to the holders of Commonwealth's Preferred and Common Stocks proposed in the Plan are fair and equitable or whether such distributions should be modified so as to provide a greater or smaller distribution to any class of Commonwealth's stock, or to provide for a distribution to holders of Commonwealth's Option Warrants.

3. Whether it is necessary to impose any terms or conditions with respect to servicing arrangements, interlocking officers or directors, and other intercompany relationships or transactions.

4. Whether the proposed accounting treatment in connection with the proposed Plan is appropriate and in accordance with sound accounting principles.

5. Whether the fees, expenses and remuneration which may be claimed in connection with the Plan and related proceedings are for necessary services and are reasonable in amount.

6. Whether and to what extent the Plan, as submitted or as amended, should be modified, or terms and conditions imposed, to ensure adequate protection of the public interest and the interests of investors and consumers and to prevent circumvention of the act and rules and regulations thereunder.

7. Whether the Plan, as submitted or as modified, or a plan proposed by the Commission, or any plan heretofore or hereafter filed by any person having a bona fide interest in the reorganization, should be approved by the Commission for purposes of section 11 (d) and, if proposed by the Commission or a person having a bona fide interest, what the terms and provisions of such plan should be.

8. Whether the transactions proposed in any such plan comply with all the requirements of the applicable provisions of the act and rules promulgated thereunder.

It is further ordered, That particular attention shall be directed at said hearing to the foregoing matters and questions.

It is further ordered, That notice of this hearing shall be given by mailing a copy of this order by registered mail to the Public Service Commissions of the States of Michigan, Indiana and South Carolina, the Illinois Commerce Commission, the Ohio Public Utilities Commission, the Public Utility Commission of Pennsylvania, and to Commonwealth and to all other participants in the aforesaid hearing on September 10, 1946; that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the act; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Commonwealth shall mail a copy of this notice and order to each of its security holders (insofar as the identity of such security holders is known or available to Commonwealth) at least 20 days prior to the date set for hearing; and that Commonwealth shall enclose therewith a statement that Commonwealth may modify the Plan by amendment without further communication to security holders, unless otherwise ordered by the Commission or unless information with respect thereto is requested by individual stockholders.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with this proceeding other filings or matters pertaining to said Plan or to take such other action as may appear necessary or appropriate to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47–8047; Filed, Aug. 28, 1947; 8:45 a. m.]

[File No. 54–146]

PORTLAND GAS & COKE CO.

NOTICE OF FILING OF AMENDMENT TO PLAN AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 22d day of August A. D. 1947.

Portland Gas & Coke Company ("Portland"), is a corporation organized under the laws of the State of Oregon, which has its principal business office at Portland, Oregon. It operates in the States of Oregon and Washington. Portland is engaged primarily in the business of producing, transmitting, distributing and selling gas and by-products recovered in connection with the manufacture of gas. Portland is a gas utility subsidiary of American Power & Light Company ("American"), a registered public utility holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company.

At July 31, 1947, Portland had the following securities outstanding:

	Total outstanding	Par or stated value
First mortgage bonds, 3½% series due 1976	$10,000,000	$10,000,000
$4,500,000 instalment promissory note 3½%	4,500,000	4,500,000
7% preferred stock, cumulative, $100 par; pari passu with 6% preferred	Shares [1] 54,580	5,458,000
6% Preferred Stock, cumulative, $100 par; pari passu with 7% preferred	8,712	871,200
Common, no par value	311,130	4,113,000

[1] Includes 595 shares reacquired by Portland.

At December 31, 1946 undeclared and unpaid cumulative dividends amounted to $3,262,133.60 ($60.42 2/3 per share), on the 7% preferred stock and $451,194.48 ($51.79 per share) on the 6% preferred stock.

Of the securities of Portland outstanding American is the owner and holder of all of the common stock (with the exception of 11 directors' qualifying shares); such common stock represents 83% of the total voting power of Portland's securities outstanding.

As an initial step in a proposed reorganization program Portland on June 11, 1946 filed a proposal, subsequently authorized by the Commission, under which the company issued and sold its presently outstanding First Mortgage Bonds. At that time the company stated that upon consummation of this initial step the details of a plan for a reclassification of its preferred and common stocks into a new class of common stock would be proposed through the filing of an appropriate amendment.

Notice is hereby given that on July 29, 1947 Portland and American filed a joint application with the Commission pursuant to section 11 (e) of the act for approval of a plan which has for its stated purpose compliance with section 11 (b) of the act by (a) simplification of the capital structure of Portland by converting it into a company whose capital structure will consist only of common stock and debt; and (b) accomplishing the fair and equitable distribution of voting power among the security holders of Portland in conformity with the provisions of the act.

All interested persons are referred to said plan, which is on file in the offices of this Commission, for a full statement of the transactions therein proposed which may be summarized as follows:

1. American proposes to surrender to Portland for cancellation and to exchange for each share of Portland's outstanding 7% preferred stock and 6% preferred stock such number of shares of Portland's common stock held by American as specified by subsequent amendment to the plan in accordance with the following procedure:

(a) At the first hearing, pursuant to the Commission's notice of and order for hearing herein, American and Portland propose to introduce in evidence written testimony which will constitute substantially all of the basic data upon which American's and Portland's Boards of Directors will propose ratios of exchange of the common stock of Portland held by American for the preferred stocks of Portland.

(b) The plan will then be amended and American and Portland will insert in such amended plan the number of shares of common stock of Portland to be issued in exchange for each share of 7% preferred stock and each share of 6% preferred stock of Portland. Portland at that time will send to each of its security holders, whose address is known to it, a copy of such amended plan together with such further notice with respect to the final hearing on the amended plan as the Commission may prescribe.

2. The Commission is requested in the event it approves the plan to apply to an appropriate District Court of the United States for its enforcement. The effective date of the plan shall be the date as of which the plan shall be consummated pursuant to the order of an appropriate Court and upon becoming effective will be binding upon all persons affected by the plan including all holders of Portland's presently outstanding preferred and common stocks.

3. It is proposed that distribution by American of certificates of common stock of Portland to the holders of Portland's present preferred stocks be made simultaneously with the surrender to American of such preferred stocks and as soon as practicable after the effective date of the plan. American will surrender the preferred stocks so exchanged to Portland for cancellation.

4. To avoid the issuance and allocation of fractional shares by Portland to certain holders of the 6% preferred stock American will, if necessary, transfer and deliver or cause to be transferred and delivered a sufficient number of shares of common stock owned by it to make a full-share allotment to each holder of the 6% preferred stock on the basis of the holders of record at the close of business on July 31, 1947. As to any transfers of record made after that time the transferee or transferees shall be entitled to receive not in excess of the number of full shares which would have been deliverable on the basis of the record at that time and neither the company nor American shall be required to issue any fractional shares or fractional rights.

5. In summary, the plan, if consummated will eliminate all of Portland's preferred stocks, including arrearages, leaving the company with a simplified corporate structure consisting only of debt and common stock.

6. Portland and American request that any order of the Commission approving the plan recite that the relevant transactions of the plan are necessary or appropriate to the integration or simplification of the Holding Company System of which Portland and American are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act within the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings be held with respect to said plan, and with respect to any appropriate plan which might be filed during the course of the proceedings, and that said plan or any plans that might be filed during the course of the proceeding should not be approved except pursuant to further order of the Commission:

It is ordered, That a hearing be held on September 15, 1947 at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At such hearing consideration will be given to the plan herein, and to such other plans which may be filed during the course of the proceedings. In the event that other plans are filed or proposed during the course of said proceedings, no notice of such plans will be given unless specifically ordered by the Commission.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that

purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the plan filed herein, or any plan hereafter proposed, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act.

(2) Whether the plan filed herein, or any plan hereafter proposed, as submitted or as hereafter modified, is fair and equitable to the persons affected thereby.

(3) Whether the plan, as filed or as modified, makes appropriate provision for the payment of expenses, fees and remuneration in connection therewith, in what amounts such expenses, fees and remuneration should be paid, and the fair and equitable allocation thereof.

(4) Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the act and rules promulgated thereunder.

(5) Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the applicable statutory standards.

(6) Whether the Commission, if it should disapprove the plan, as submitted or as modified, should enter an order for the purpose of effectuating compliance by Portland with the provisions of subsections (b) (2) and section 11 of the act and if so what terms and conditions such order should contain.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve, by registered mail, a copy of this order on the applicants herein and on the Public Utility Commissioner of the State of Oregon and the Department of Public Utilities of the State of Washington; and that said notice of hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before September 10, 1947 his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Portland shall give notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order for hearing at least 15 days prior to the date of this hearing.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8046; Filed, Aug. 28, 1947; 8:45 a. m.]

[File No. 68-84]

MARKET STREET RAILWAY CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 22d day of August 1947.

In the matter of Russell M. Van Kirk, Bloomfield Hulick, Edmund T. Willetts, committee for the Market Street Railway Prior Preference Capital Stock, File No. 68-84.

Russell M. Van Kirk, Bloomfield Hulick and Edmund T. Willetts, acting as a committee designated as a "Stockholders Protective Committee Prior Preference 6% Cumulative Capital Stock of The Market Street Railway Company of San Francisco", having filed a declaration and amendments thereto regarding the solicitation of authorizations from holders of the prior preference stock of The Market Street Railway Company of San Francisco (Market Street) for the purpose of representing such stockholders in proceedings before the Securities and Exchange Commission, or in any court, with respect to the validity of an open account indebtedness in favor of Standard Gas and Electric Company against its subsidiary, Market Street; and

The declarants having filed an amendment to said declaration on August 15, 1947, and declarants having requested that the effective date of such declaration, as amended, be accelerated; and

The Commission being fully informed in the premises and deeming it appropriate to permit said declaration, as amended, to become effective and to accelerate the effective date thereof:

It is ordered, That said declaration, as amended, be, and the same is hereby, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8048; Filed, Aug. 28, 1947; 8:45 a. m.]

[File No. 70-1542]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 22d day of August 1947.

The Commission, by order dated June 26, 1947, having granted and permitted to become effective an application-declaration filed jointly by The Milwaukee Electric Railway & Transport Company ("Transport"), and its parent, Wisconsin Electric Power Company ("Electric"), regarding the proposed sale by Transport of substantially all of its operating properties, consisting principally of transportation properties, pursuant to a competitive bidding procedure and, contingent upon such sale, the redemption by Transport of its outstanding First Mortgage 4% Bonds, held by Electric; and

Applicants-declarants having filed an amendment in which it is stated that no bids were received pursuant to the aforementioned competitive bidding procedure and request is made for an extension of time for a period of approximately 90 days to enable Transport to proceed with a negotiated sale of the aforementioned properties; and

The Commission having considered such request and deeming it appropriate in the public interest and in the interest of investors and consumers that such request be granted;

It is ordered, That the time within which the transactions proposed in the application-declaration, as now amended, may be carried out under Rule U-24 be, and hereby is, extended to and including November 26, 1947.

It is further ordered, That nothing in this order shall be construed to relieve the applicants-declarants from compliance with Rule U-44 (c) under the Public Utility Holding Company Act of 1935 with respect to the proposed sale, by filing appropriate notice of intention to sell pursuant to that rule at such time as a definitive contract of sale shall have been entered into.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8051; Filed, Aug. 28, 1947; 8:46 a. m.]

[File No. 70-1576]

NORTHERN NATURAL GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 22d day of August 1947.

Northern Natural Gas Company ("Northern Natural"), a public utility company and a registered holding company and a subsidiary of North American Light & Power Company also a registered holding company, having filed a declaration and amendments thereto, in which sections 6 (a) (1), 6 (a) (2) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-62 promulgated thereunder were designated as applicable, to the following proposed transactions:

Northern Natural proposes to amend its Certificate of Incorporation to provide for a reduction in the par value of its Common Stock from $20 per share to $10 per share and to issue two shares of Common Stock, par value $10 per share, in exchange for each share of outstanding Common Stock, par value $20 per share, thereby increasing the number of issued and outstanding shares of Common Stock from 1,015,000 to 2,030,000. Northern Natural also proposes to amend its Certificate of Incorporation to provide for an increase in the number of authorized shares of its Common Stock from 1,200,000 shares of Common Stock, par value $20 per share, to 5,000,000 shares of Common Stock, par value $10 per share.

Northern Natural further proposes to call a special meeting of stockholders to be held on or about August 20, 1947 for the purpose of voting on aforesaid proposed amendments to its Certificate of Incorporation and other matters, and has requested the Commission to enter an order prior to August 4, 1947 authorizing the solicitation of proxies in connection with said meeting pursuant to the requirements of Rule U-62.

Said declaration having been filed on July 24, 1947 and the Commission having given notice of said filing in the form and manner prescribed by Rule U-23 and the Commission having entered an order dated July 28, 1947 authorizing, pursuant to Rule U-62, the solicitation of proxies in connection with said special meeting of stockholders; and the Commission not having received a request for a hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

Northern Natural having filed an amendment on August 21, 1947, stating that said special meeting of stockholders was held on August 20, 1947 and that at said meeting the aforesaid proposed amendments to its Certificate of Incorporation were adopted; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and rules and regulations thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8052; Filed, Aug. 28, 1947; 8:46 a. m.]

[File No. 70-1598]

DELAWARE COACH CO. AND SOUTHERN PENNSYLVANIA BUS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 22d day of August 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Delaware Coach Company ("Delaware"), a wholly-owned non-utility subsidiary of The United Gas Improvement Company, a registered holding company, and Delaware's wholly-owned non-utility subsidiary, the Southern Pennsylvania Bus Company ("Southern Penn"). The application-declaration designates sections 6, 9, 10 and 12 of the act and Rule U-43 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 10, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized below.

Southern Penn proposes to issue and sell 3,650 shares of the common capital stock, par value $100 per share, to Delaware for a cash consideration of $365,000. The proceeds of said sale together with other cash funds of the company will be applied to the purchase of new bus and garage equipment and property improvements.

The proposed transactions have been submitted to the Pennsylvania Public Utility Commission for approval.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8050; Filed, Aug. 28, 1947; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 6420, Amdt.]

CHARLES AND KAROLINE RIEKER

In re: Bank account owned by Charles Rieker and Karoline Rieker. F-28-229-E-1.

Vesting Order 6420, dated June 4, 1946, is hereby amended as follows and not otherwise:

A. By deleting subparagraph 1 of said Vesting Order 6420, and substituting therefor the following:

1. That Karoline Rieker and Charles Rieker, whose last known address is Oskar-Piepgrasstrasse 21, ptr. 1, Hamburg-Horn, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

B. By deleting from said Vesting Order 6420 all that part thereof beginning with the figure "2. That the property described as follows:" and ending with the words "the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);" and substituting therefor the following:

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank in the City of New York, Broadway at 73rd Street, New York, New York, arising out of a savings account, account number 1,241,314, entitled Karoline Rieker in trust for Charles Rieker, maintained at the branch office of the aforesaid bank located at 14th Street and 4th Avenue, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Karoline Rieker and Charles Rieker, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All other provisions of said Vesting Order 6420 and all actions taken by or on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8073; Filed, Aug. 28, 1947; 8:46 a. m.]

[Vesting Order 9659]

KOENIG & BAUER, A. G.

In re: Debt owing to Koenig & Bauer, A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Koenig & Bauer, A. G., the last known address of which is Wurzburg, Germany, is a corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Koenig & Bauer, A. G., by Koenig & Bauer, Inc., % Office of Alien Property, 120 Broadway, New York, New York, arising out of an account payable for certain machines received by said Koenig & Bauer, Inc., together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8071; Filed, Aug. 28, 1947; 8:46 a. m.]

[Vesting Order 9709]

MARA McKEE

In re: Estate of Mara McKee, deceased. File D-28-10004; E. T. sec. 14205.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Paul Von Hindenburg Foundation Fund for Blind and Crippled Soldiers of the Late War (World War I)—"Hindenburg Spende", whose last known address is Berlin, Germany, is an organization organized under the laws of Germany, and is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the Estate of Mara McKee, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by First Trust and Savings Bank, Pasadena, California, as Executor, acting under the judicial supervision of the Superior Court of the State of California in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8072; Filed, Aug. 28, 1947; 8:46 a. m.]

JOHN L. NICHOLAS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

John L. Nicholas, Athens, Greece, 5863; $246.83 in the Treasury of the United States.

Executed at Washington, D. C., on August 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8074; Filed, Aug. 28, 1947; 8:46 a. m.]

[Vesting Order 9670]

CENTRAL AND EASTERN CORP.

In re: Central & Eastern Corporation.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Berliner Handels—Gesellschaft K. G., the last known address of which is Berlin, Germany, is a partnership organized under the laws of Germany which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That all of the outstanding capital stock of Central & Eastern Corporation, a corporation organized under the laws of the State of New York and a business enterprise within the United States, consisting of 950 shares of $100 par value common stock, registered in the name of Henry Ludeke, is owned by Berliner Handels—Gesellschaft K. G. and is evidence of ownership and control of Central & Eastern Corporation;

3. That Berliner Handels—Gesellschaft K. G. has claims against Central & Eastern Corporation aggregating $116,757.02, as of January 31, 1944, together with any and all accruals thereto, which claims represent an interest in Central & Eastern Corporation and which are represented on the books and records of Central & Eastern Corporation as liabilities payable to the following persons in the amounts appearing opposite their respective names:

Name	*Amount*
Berliner Handels - Gesellschaft K. G	$110,953.01
Siegfried Bieber	1,210.40
Hans Fuerstenberg	2,838.40
Loans payable to Berliner Handels-Gesellschaft K. G	1,755.21
Total	116,757.02

and it is hereby determined:

4. That Central & Eastern Corporation is controlled by Berliner Handels-Gesellschaft K. G. or is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that Berliner Handels-Gesellschaft K. G. and Central & Eastern Corporation are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the 950 shares of $100 par value common stock of Central & Eastern Corporation, more fully described in subparagraph 2 hereof, together with all declared and unpaid dividends thereon, and the interest of Berliner Handels-Gesellschaft K. G. in Central & Eastern Corporation, more fully described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, said business enterprise is hereby undertaken, to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8037; Filed, Aug. 27, 1947; 8:46 a. m.]

SEP 16 '47

FEDERAL REGISTER

VOLUME 12 NUMBER 171

Washington, Saturday, August 30, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9889

RESTRICTING COMPETITION TO VETERANS IN EXAMINATION FOR THE POSITION OF SUBSTITUTE RAILWAY POSTAL CLERK

By virtue of the authority vested in me by the statutes, including section 2 of the Civil Service Act (22 Stat. 403), the Veterans' Preference Act of 1944, approved June 27, 1944 (58 Stat. 387), and section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), it is hereby ordered as follows:

In civil service examinations for the position of Substitute Railway Postal Clerk competition shall be restricted, until July 25, 1952, to persons entitled to preference under the said Veterans' Preference Act of 1944, as long as persons entitled to preference are available: *Provided, however*, that for purposes of classification application for examination may be accepted by the Civil Service Commission from any person who has been serving in such position continuously since the date of this order under an appointment not limited to one year or less, and the Commission is authorized to confer a competitive civil service status or a probational status upon any such employee who qualifies in the examination for classification: *And provided further*, that in no event shall any person not entitled to preference under the Veterans' Preference Act of 1944 be granted a competitive civil service status or a probational status under this order (1) unless he is recommended for this purpose by the Postmaster General and (2) until all preference eligibles who have the same or a higher rating in the examination have been appointed or have been given consideration in accordance with the Veterans' Preference Act of 1944.

Incumbents of positions to which this order is applicable who do not have a competitive status and who fail to qualify for a competitive civil service status or a probational status under this order shall be replaced by selection from the competitive register in accordance with regulations prescribed by the Civil Service Commission.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 28, 1947.

[F. R. Doc. 47-8159; Filed, Aug. 29, 1947; 11:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

RESTRICTION OF COMPETITION TO VETERANS IN EXAMINATION FOR SUBSTITUTE RAILWAY POSTAL CLERK

CROSS REFERENCE: For an addition to the list contained in § 2.102 (b) of positions for which examinations have been restricted to veterans, see Executive Order 9889, *supra*, with regard to the position of substitute railway postal clerk.

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 565]

PART 301—DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY REGULATIONS MODIFIED

The following administrative instructions lift all permit requirements relative to interstate movement of regulated citrus fruits from the area regulated on account of the Mexican fruitfly until notice is given that, as a result of inspections and surveys, it has been determined that the status of fruitfly infestations in regulated areas makes it necessary to order the resumption of such requirements. Since intensive inspections over a number of years have shown that infestations do not occur during the early part of the harvesting and shipping season, it is believed unnecessary to maintain the permit requirements during that period.

The purpose of this action is thus to relieve commerce in citrus fruits from a burdensome requirement which must be observed during most of the calendar year. In order to be of maximum benefit to the public, the relief from these restrictions must be made effective as soon as possible. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found, upon good cause, that notice and public procedure on this or-

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FEDERAL REGISTER

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der are unnecessary, impracticable, and contrary to the public interest, and good cause is found for the issuance of this order effective less than 30 days after publication.

§ 301.64–3e *Administrative instructions lifting permit requirements for interstate movement of citrus fruits until further notice.* The Chief of the Bureau of Entomology and Plant Quarantine, having determined that natural conditions exist with respect to the area regulated by 7 CFR, 1945 Supp., 301.64–2 (Notice of Quarantine No. 64 on account of the Mexican fruitfly) which eliminate the risk of Mexican fruitfly infestations in regulated citrus fruits during the early part of the shipping season, hereby waives the permit requirements for interstate movement of such fruits from such regulated area, effective September 1, 1947, and until due notice of their resumption shall have been given. (Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161; 7 CFR, 1945 Supp., 301.64–3 (a))

Effective September 1, 1947.

Done at Washington, D. C., this 22d day of August 1947.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 47–8114; Filed, Aug. 29, 1947; 8:45 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 903—MILK IN ST. LOUIS, MO., MARKETING AREA

ORDER, AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 903.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supp. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), a public hearing was held on July 17 and 18, 1947, upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area; and the decision was made, with respect to the amendment by the Secretary on August 21, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendment to said order, as amended, to give producers immediately assurance of an increased price as an incentive to increased production which is needed for the immediately approaching fall season. In view of increased costs of feed, labor, materials, and of meeting Health Department requirements, and in view of price relationships favorable to the use of feeds for other livestock enterprises, any delay in the effective date of this order, as amended, and as hereby further amended, will threaten a serious shortage of milk for the St. Louis, Missouri, marketing area. It is, therefore, impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (Sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the St. Louis, Missouri, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June, 1947), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 903.4 (a) (1) and substitute therefor the following:

§ 903.4 *Minimum prices*—(a) *Class prices.* * * *

(1) *Class I milk.* The price of Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amount per hundredweight: $1.35 for the delivery periods of July through December; $1.10 for the delivery periods of January through

March; and $0.90 for the delivery periods of April through June.

2. Delete § 903.4 (a) (2) and substitute therefor the following:

(2) *Class II milk.* The price for Class II milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amount per hundredweight: $0.55 for the delivery periods of July through December; $0.35 for the delivery periods of January through March; and $0.20 for the delivery periods of April through June: *Provided*, That during any delivery period from January through June, the price of milk used by such handler for evaporated milk in hermetically sealed containers, or disposed of by such handler to the plant of any other person where such milk is manufactured into evaporated milk and placed in hermetically sealed containers, shall be the average of the basic, or field, prices per hundredweight determined for the plants listed in subparagraph (3) of this paragraph.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C., 601 et seq.; sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued at Washington, D. C., this 27th day of August 1947, to be effective on and after the 1st day of September 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8113; Filed, Aug. 29, 1947; 8:45 a. m.]

PART 941—MILK IN CHICAGO, ILL., MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 941.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended, (7 CFR, Supp., 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159, 4904), a public hearing was held on March 5–8, and 10–12, 1947, upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area; and the decision (12 F. R. 5617) was made, with respect to the amendments, by the Secretary on August 18, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the pubic interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to give producers immediately some assurance of a substantial seasonal increase in prices as an incentive to a needed increase in milk production during the fall and winter months of 1947–48. Any delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Chicago, Illinois, marketing area, and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication. (See section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237.)

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Chicago, Illinois, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers participating in a referendum on the question of approval of the order, and who, during April 1947 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 941.4 (a) (2) and substitute therefor the following:

§ 941.4 *Classification of milk*—(a) *Basis of classification.* • • •

(2) Any milk moved as fluid milk from an approved plant to any point located outside the following area (hereinafter referred to as the "surplus milk manufacturing area") shall be classified as Class I milk and any milk moved as fluid cream, frozen cream, other cream frozen, plastic cream, or any cream product in fluid form shall be classified as Class II milk; the State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, DeKalb, Kane, Cook, DuPage, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, LaSalle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, and Shelby, in the State of Illinois; the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, LaPorte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash, and Elkhart, in the State of Indiana; the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien, in the State of Michigan; and the county of Van Wert, in the State of Ohio.

2. Delete § 941.4 (a) (3) and substitute therefor the following:

(3) Any milk moved as fluid milk or fluid cream from an approved plant to an unapproved plant located within the surplus milk manufacturing area, which manufactured during the delivery period butter, cheese (except cottage cheese), evaporated milk, condensed milk, whole milk powder, or ice cream powder shall be classified under paragraph (b) of this section according to its utilization at the latter plant, as shown by adequate daily records: *Provided*, That (i) if in the unapproved plant the receipts of fluid milk or fluid cream from an approved plant are commingled with its other receipts, the receipts of the approved fluid milk shall be allocated, according to such daily records, to the available quantity of Class III milk, and any remaining balance of such receipts to the available quantities of Class IV milk, Class II milk, and Class I milk, in that sequence; and any such receipts of approved fluid cream shall be allocated in a similar manner to Class IV milk, Class III milk, Class II milk, and Class I milk, in that sequence; and (ii) if the unapproved plant does not

make available to the market administrator adequate utilization records on a daily basis, but does make available to the market administrator adequate utilization records on a monthly basis, the fluid milk received from an approved plant shall be allocated to the available quantity of Class I milk, and any balance of such receipts to the available quantities of Class II milk, Class III milk, and Class IV milk, in that sequence; and the fluid cream received from an approved plant shall be allocated in a similar manner to the available quantities of Class II milk, Class III milk, Class IV milk, and Class I milk, in that sequence.

3. Delete § 941.4 (e) (3) (ii) and substitute therefor the following:

(e) *Computation of milk in each class.* • • •

(3) • • •

(ii) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat test of the finished product if the handler's production records do not show the amount of butterfat contained therein); and add the results so obtained.

4. Redesignate subparagraphs (2), (3), (4), and (5) of § 941.4 (f) as subparagraphs (3), (4), (5), and (6), respectively, and add as subparagraph (2) the following:

(2) Subtract from the remaining pounds of milk in each class the pounds of milk obtained from frozen cream or from any other product that has been classified in an earlier delivery period and is reused (or utilized) in the current delivery period in such class.

5. Delete § 941.4 (b) (2) and substitute therefor the following:

(b) *Classes of utilization.* • • •

(2) Class II milk shall be all milk the butterfat from which is contained in sweet or sour cream, any fluid cream product having more than 6 percent butterfat, butter cream, filled cream, frozen cream, plastic cream, eggnog, yoghurt, ice cream, ice cream mix (liquid or powder), cottage cheese, and any other milk product of composition and texture similar to any of the products named in this subparagraph; except that this definition shall not include butterfat in cream, fluid cream products, filled cream, and cottage cheese disposed of in bulk in bakeries, soup companies, and candy manufacturing establishments in their capacity as such.

6. Delete from § 941.4 (b) (4) (iii) the words "or to an unapproved plant."

7. Delete from § 941.4 (e) (6) (vi) the words "or to unapproved plants."

8. Delete paragraphs (a) and (b) of § 941.5 and substitute therefor the following:

§ 941.5 *Minimum prices*—(a) *Basic formula price.* The basic formula price to be used in computing the prices of Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to subparagraphs (3) and (4) of paragraph (b) of this section for the delivery period next preceding: *Provided*, That the basic formula price effective for July shall not be less than that effective for June and that the basic formula price effective for December shall not be higher than that effective for November.

(b) *Class prices.* Subject to the appropriate location adjustment credits, as set forth in paragraph (c) of this section, each handler, at the time and in the manner set forth in § 941.8, shall pay per hundredweight of milk purchased or received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this paragraph:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, $0.50; August, September, October, and November, $0.90; all others, $0.70.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, $0.30, August, September, October, and November, $0.50; all others, $0.40.

(3) *Class III milk.* The price for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in subdivisions (i) and (ii) of this subparagraph and in subparagraph (4) of this paragraph.

(i) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co.:
Black Creek, Wis.
Greenville, Wis.
Mt. Pleasant, Mich.
New London, Wis.
Orfordville, Wis.
Carnation Co.:
Berlin, Wis.
Jefferson, Wis.
Chilton, Wis.
Oconomowoc, Wis.
Richland Center, Wis.
Sparta, Mich.
Pet Milk Co.:
Belleville, Wis.
Coopersville, Mich.
Hudson, Mich.
New Glarus, Wis.
Wayland, Mich.
White House Milk Co.:
Manitowoc, Wis.
West Bend, Wis.

(ii) The price per hundredweight computed from the following formula:

(*a*) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture, by 6;

(*b*) Add 2.4 times the average weekly prevailing prices per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

(*c*) Divide by 7;

(*d*) Add 30 percent thereof; and

(*e*) Multiply by 3.5.

(4) *Class IV milk.* The price for Class IV milk shall be that computed from the following formula: Multiply by 3.5 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, add 20 percent thereof, and add to, or subtract from, such sum 3¾ cents for each full ½ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. Chicago area manufacturing plants, as reported by such agency during the delivery period, is respectively above or below 5 cents: *Provided*, That for the delivery periods of March, April, May, and June "6 cents" shall be substituted for "5 cents" in such computation: *And provided further*, That if such f. o. b. manufacturing plant prices of nonfat dry milk solids are not reported there shall be used for the purpose of such computation the arithmetical average of the carlot prices of nonfat dry milk solids delivered at Chicago, Illinois, as reported weekly by such agency during the delivery period; and in the latter event the respective amounts "5 cents" and "6 cents" shall be increased by one cent.

9. Delete § 941.5 (c) (1) and substitute therefor the following:

§ 941.5 *Minimum prices.* • • •

(c) *Location adjustment credit to handlers.* (1) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (i) which is moved in the form of fluid milk or fluid skim milk from such approved plant to a plant engaged in the bottling of fluid milk, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class I milk but did not move in the manner described in subdivision (i) of this subparagraph or in subparagraph (2) (i) of this paragraph, shall be 2 cents per hundredweight for each 15 miles or fraction thereof that such approved plant is located more than 70 miles but not more than 265 miles from the City Hall in Chicago, and 1 cent per hundredweight for each additional 15 miles or fraction thereof that such approved plant is located beyond 265 miles from the City Hall in Chicago: *Provided*, That there shall be no location adjustment credit with respect to milk classified as Class I milk pursuant to § 941.4 (b) (1) (iii): *And provided further*, That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

10. Add as § 941.6 (d) the following:

§ 941.6 *Application of provisions.* • • •

(d) *Butterfat in skim milk.* A handler may claim, for classification purposes pursuant to § 941.4, butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 941.3 (a) (2) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

11. Delete § 941.8 (b) and substitute thereafter the following:

§ 941.8 *Payment for milk.* • • •

(b) *Location adjustments to producers.* In making payments to producers pursuant to paragraph (a) (2) of this section, each handler shall deduct per hundredweight of milk purchased or received from producers at a plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles or fraction thereof between 70 miles and 265 miles from the City Hall in Chicago, and 1 cent per hundredweight for each additional 15 miles or fraction thereof that such plant is beyond 265 miles from the City Hall in Chicago: *Provided*, That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

12. Insert in § 941.9 (a) following the phrase "a sum not exceeding 2 cents per hundredweight" the words, "or such lesser amount as the Secretary may prescribe," and delete from such paragraph the words "the exact sum to be determined by the market administrator, subject to review by the Secretary."

13. Delete § 941.9 (b).

14. Delete from § 941.10 (a) the words "or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary" and substitute therefor the words "or such lesser amount as the Secretary may prescribe."

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued in Washington, D. C. this 26th day of August 1947, to be effective on and after the 1st day of September 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8095; Filed, Aug. 29, 1947; 8:58 a. m.]

PART 947—MILK IN FALL RIVER, MASS., MARKETING AREA

Sec.
947.100 Findings and determinations.
947.101 Scope.
947.102 Determination of normal supply for a market other than the marketing area.
947.103 Producer-handlers.
947.104 Classifications.
947.105 Payments to producers.
947.106 Administration assessment.
947.107 Reports.
947.108 Conversion factors.

AUTHORITY: §§ 947.100 to 947.108, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947; 12 F. R. 4534.

§ 947.100 *Findings and determinations.* Pursuant to the provisions of Order No. 47, as amended (12 F. R. 4986), and of the Administrative Procedure Act (60 Stat. 237), a public meeting was held at Fall River, Massachusetts, on August 22, 1947, to consider proposed amended rules and regulations to supersede the rules and regulations [1] issued by the market administrator to effectuate the terms and provisions of said order. The data, views, and arguments presented at this meeting and all written material received on or before August 25, 1947, have been considered and it is hereby found and determined that the following rules and regulations are necessary to effectuate the terms and provisions of Order No. 47, as amended, issued by the Secretary on July 23, 1947, and made effective August 1, 1947 (12 F. R. 4986),

It is further found and determined that to defer the effective date of the said rules and regulations to a date thirty days or more after publication in the FEDERAL REGISTER would be impractical, unnecessary, and contrary to the public interest because said rules and regulations are being issued to effectuate the terms and provisions of Order No. 47 as it has been recently amended, and said rules and regulations should be made effective as soon as possible.

§ 947.101 *Scope.* Sections 947.100 to 947.108, inclusive, by the market administrator pursuant to § 947.2 (b) (3) of Order No. 47, as amended, issued by the Secretary of Agriculture, regulating the handling of milk in the Fall River, Massachusetts, marketing area, hereinafter referred to as the "order." The terms used herein shall have the same definitions as are set forth in § 947.1 of the order.

§ 947.102 *Determination of normal supply for a market other than the marketing area.* Only milk received by a handler as Class II from a plant at which no milk is received from producers and milk from dairy farmers designated for other markets shall be considered as a handler's normal supply for a market other than the marketing area pursuant to § 947.1 (f) (2) of the order. In reporting to the market administrator dairy farmers designated for other markets, such dairy farmers shall be reported individually by name, or, if a handler receives milk from a plant of a person not a handler, all of which milk the handler considers as a normal supply for a market other than the marketing area, all of the dairy farmers delivering to such plant shall be considered as dairy farmers designated for other markets if the handler reports such dairy farms to the market administrator collectively as dairy farmers designated for other markets.

§ 947.103 *Producer-handlers*—(a) *Qualification of producer-handlers.* A producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary:

(1) Evidence in writing on the form provided by the market administrator that the manner in which such producer-handler produces and distributes his milk is in compliance with § 947.1 (j) of the order.

(2) Evidence in writing in the delivery period during which such change occurs on the form provided by the market administrator of any change in the manner in which such producer-handler produces and distributes his milk which would effect his qualifications as a producer-handler pursuant to § 947.1 (j) of the order.

(b) *Receipts from producer-handlers.* (1) Milk received from a producer-handler for the purpose of being processed and packaged and returned to him shall be considered as a receipt from a handler. However, any excess of receipts in bulk from a producer-handler over the quantity of processed and packaged milk returned to him during the delivery period shall be considered as a receipt from a producer.

(2) Milk received from a producer-handler with respect to which he is not considered a producer shall be considered as received from a handler.

(c) *Reports of production.* If milk of a producer-handler's production is produced on more than one farm, the amount produced on each farm shall be reported separately.

§ 947.104 *Classifications*—(a) *Milk from a Federal order plant.* If a handler received milk from a Federal order plant at a plant at which no milk is received from producers and transfers during the delivery period an amount of milk not in excess of the amount received from a Federal order plant during the delivery period to another handler's plant at which milk is received from producers, such milk shall be considered, for the purpose of classification, as milk from a Federal order plant.

(b) *Milk transferred to a second buyer.* Milk transferred from a handler's plant at which milk is received from producers to another handler and subsequently to the plant of a third person not a handler under the order shall be classified as Class I not to exceed the total Class I during the delivery period at the plant of the person who is not a handler.

(c) *Class II milk received from a plant at which no milk is received from producers.* Milk received by a handler as Class II from a plant at which no milk is received from producers shall be considered as other source milk and shall be classified accordingly. In case the amount of Class II remaining after the proration of allowable plant shrinkage is less than the total amount of other source milk, the milk received by a handler as Class II from a plant located in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, or New York at which no milk is received from producers shall be first considered as Class II milk.

(d) *Classification of transfers and milk received completely processed and packaged.* If the amount of Class II remaining after the proration of allowable plant shrinkage and the classification of other source milk is insufficient to absorb the amount of milk received completely processed and packaged from a Federal order plant and classified as Class II according to actual use established plus the amount of milk transferred from a plant at which milk is received from producers to another handler and classified as Class II pursuant to § 947.5 (c) of the order, such remaining Class II shall be first applied to such milk received completely processed and packaged from a Federal order plant and classified as Class II according to actual use established and then to such milk transferred from a plant at which milk is received from producers to another handler and classified as Class II, and any remaining amount shall be Class I.

(e) *Class I utilization.* A handler's total Class I utilization in the marketing area during the delivery period cannot exceed the amount of Class I producer milk, including any plant gain, plus milk received from a Federal order plant and classified as Class I plus milk received from plants outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York, and classified as Class I plus Class I pursuant to paragraph (d) of this section received by such handler during the delivery period. If the computations set forth in § 947.5 (d) of the order indicate that a portion of the milk received from dairy farmers who were reported by the handler pursuant to § 947.102 hereof as dairy farmers designated for other markets was disposed of in the marketing area as Class I milk during the delivery period, all such dairy farmers designated for other markets will be considered as producers for the delivery period.

(f) *Milk which does not enter a handler's plant.* Milk which a handler takes possession of from another handler's plant and transfers directly to a third handler's plant without such milk having entered the transferring handler's plant shall be considered as a transfer from the first handler's plant to the third handler's plant.

(g) *Plant shrinkage.* The provisions of this paragraph shall apply in determining the quantity of plant shrinkage to be classified as Class II milk pursuant to § 947.5 (b) (2) (ii) of the order.

(1) Plant shrinkage shall be determined by subtracting the total of specific uses from the volume handled.

(2) Plant shrinkage can be established only if the handler keeps records adequate to establish the total of specific uses and the volume handled. If such records are not maintained or are not made available to the market administrator, or his agent, plant shrinkage cannot be established and the total quantity of milk and milk products not specifically accounted for shall be classified as Class I.

(h) *Verification of reports.* If a handler fails or refuses to make available to the market administrator or his agent such records and facilities as the market administrator finds necessary for the verification of the information contained in reports submitted by such handler pursuant to § 947.3 of the order, all milk shall be classified as Class I except that if a quantity of milk is established as having been utilized in Class II, such classification shall be recognized to the extent of established use in Class II.

§ 947.105 *Payments to producers*—(a) *Samples for butterfat testing.* Handlers shall take a representative sample of milk from each delivery of milk received by them from producers or from cooperative associations for butterfat testing.

(b) *Deductions.* In making payments to producers or cooperative associations pursuant to § 947.8 (a) (1) of the order, handlers shall not make deductions other than those allowed in § 947.8 (b) and (c) of the order unless such deductions are authorized in writing by the individual producer or a properly authorized cooperative association.

§ 947.106 *Administration assessment.* Assessment for expense of administration shall be paid by the handler at whose plant milk is received from producers, or, in the case of a handler's plant at which no milk is received from producers, by the handler from whose plant Class I milk is distributed directly in the marketing area.

§ 947.107 *Reports.* The following forms provided by the market administrator shall be submitted to the market administrator by handlers. In case the specific form is not available, the equivalent written information shall be submitted.

(a) *Stopped delivery notice.* This form shall be executed and submitted promptly for each producer stopping delivery.

(b) *Started delivery notice.* This form shall be executed and submitted promptly for each producer starting delivery.

(c) *Report Form (047–A) showing receipts and disposition of milk, skim milk, and cream.* This form shall be executed and submitted on or before the 7th day after the end of each delivery period by each handler.

(d) *Notice of producers miscellaneous deductions and assignments.* This form shall be executed and submitted at the same time information required in § 947.3 (a) (4) of the order is submitted if deductions other than those authorized in § 947.8 (b) and (c) of the order are made by the handler.

§ 947.108 *Conversion factors.* In the absence of specific weights, the weight of milk products received or disposed of in 1-quart or 40-quart containers shall be determined according to the following table, and the weight of such products in any other container shall be determined by multiplying the equivalent number of quarts in such container.

Product	Butterfat test	Weight (in pounds)	
		Per quart	Per 40-quart can
Skim milk and buttermilk	*Percent* Less than 0.5	2.16	86
All other class I products	0.5 to 16	2.15	85
Cream	16	2.136	85.42
	17	2.134	85.34
	18	2.132	85.26
	19	2.130	85.18
	20	2.128	85.10
	21	2.126	85.02
	22	2.124	84.94
	23	2.122	84.86
	24	2.120	84.78
	25	2.118	84.70
	26	2.116	84.62
	27	2.113	84.52
	28	2.111	84.42
	29	2.109	84.36
	30	2.108	84.30
	31	2.106	84.24
	32	2.105	84.18
	33	2.103	84.12
	34	2.102	84.06
	35	2.100	84.00
	36	2.099	83.94
	37	2.097	83.88
	38	2.096	83.82
	39	2.094	83.76
	40	2.093	83.70
	41	2.091	83.64
	42	2.090	83.58
	43	2.088	83.52
	44	2.087	83.46
	45	2.085	83.40
	46	2.084	83.34
	47	2.082	83.28
	48	2.081	83.22
	49	2.079	83.16
	50	2.078	83.10

Issued at Fall River, Massachusetts this 27th day of August 1947, to be effective on and after the 1st day of September 1947.

JOHN J. HOGAN,
Market Administrator.

[F. R. Doc. 47-8116; Filed, Aug. 29, 1947; 8:48 a. m.]

[Lemon Reg. 236, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation

[1] These rules and regulations were not filed with the Division of the Federal Register.

is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* (1) The provisions in paragraph (b) (1) and (2) of § 953.343 (Lemon Regulation 236, 12 F. R. 5690, as amended), are hereby further amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 24, 1947, and ending at 12:01 a. m., P. s. t., August 31, 1947, is hereby fixed at 500 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 235 (12 F. R. 5544) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of August 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-8143; Filed, Aug. 29, 1947; 9:55 a. m.]

[Lemon Reg. 237]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.344 *Lemon Regulation 237*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California, or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 31, 1947, and ending at 12:01 a. m., P. s. t., September 7, 1947, is hereby fixed at 275 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of August 1947.

[SEAL] S. R. SMITH.
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage date: August 24, 1947

[12:01 a. m. Aug. 31, 1947, to 12:01 a. m. Sept. 14, 1947]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers:	
Fullerton	.419
Lindsay	.000
Upland	.344
Consolidated Citrus Growers	.000
Corona Plantation Co	.216
Hazeltine Packing Co	.240
Leppla-Pratt, Produce Distributors Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers Inc	.000
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.739
Ventura Pacific Co	1.489
Total A. F. G.	4.447
Arizona Citrus Growers	.000
Desert Citrus Growers Co. Inc	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.126
La Verne Lemon Association	.522
La Habra Citrus Association	1.123
Yorba Linda Citrus Association, The	.565
Alta Loma Heights Citrus Association	.523
Etiwanda Citrus Fruit Association	.160
Mountain View Fruit Association	.384

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Old Baldy Citrus Association	0.938
Upland Lemon Growers Association	4.046
Central Lemon Association	.941
Irvine Citrus Association, The	.835
Placentia Mutual Orange Association	.311
Corona Citrus Association	.056
Corona Foothill Lemon Co	1.077
Jameson Co	.484
Arlington Hts. Fruit Co	.098
College Heights Orange & Lemon Association	3.185
Chula Vista Citrus Association, The	1.749
El Cajon Valley Citrus Association	.052
Escondido Lemon Association	2.315
Fallbrook Citrus Association	1.503
Lemon Grove Citrus Association	.191
San Dimas Lemon Association	1.463
Carpinteria Lemon Association	3.996
Carpinteria Mutual Citrus Association	3.842
Goleta Lemon Association	4.667
Johnson Fruit Co	7.663
North Whittier Hts. Citrus Association	.522
San Fernando Heights Lemon Association	.792
San Fernando Lemon Association	.171
Sierra Madre-Lamanda Citrus Association	1.269
Tulare County Lemon and Grapefruit Association	.000
Briggs Lemon Association	3.334
Culbertson Investment Co	1.013
Culbertson Lemon Association	1.722
Fillmore Lemon Association	.783
Oxnard Citrus Association, No. 1	3.936
Oxnard Citrus Association No. 2	3.437
Rancho Sespe	.747
Santa Paula Citrus Fruit Association	3.443
Saticoy Lemon Association	5.735
Seaboard Lemon Association	5.874
Somis Lemon Association	3.554
Ventura Citrus Association	2.188
Limoneira Co	3.073
Teague-McKevett Association	.949
East Whittier Citrus Association	.442
Leffingwell Rancho Lemon Association	.448
Murphy Ranch Co	1.167
Whittier Citrus Association	.533
Whittier Select Citrus Association	.386
Total C. F. G. E.	89.333
Arizona Citrus Products Co	.000
Chula Vista Mutual Lemon Association	.917
Escondido Cooperative Citrus Association	.179
Glendora Cooperative Citrus Association	.024
Index Mutual Association	.111
La Verne Cooperative Citrus Association	1.524
Libbey Fruit Packing Co	.000
Orange Cooperative Citrus Association	.105
Pioneer Fruit Co	.000
Tempe Citrus Co	.000
Ventura County Orange and Lemon Association	2.051
Whittier Mutual Orange and Lemon Association	.153
Total M. O. D.	5.064
Abbate, Charles Co., The	.000
California Citrus Groves, Inc. Ltd	.000
Evans Brothers Packing Co.:	
Riverside	.000
Sentinel Butte Ranch	.000
Foothill Packing Co	.034
Granada Packing House	.000
Harding & Leggett	.000
Morris Brothers Fruit Co	.047
Orange Belt Fruit Distributors	.994

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Potato House, The	0.000
Raymond Brothers	.000
Rooke, B. G. Packing Co	.000
San Antonio Orchard Co	.023
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.000
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.058
Western States Fruit and Produce Co	.000
Total Independents	1.156

[F. R. Doc. 47-8142; Filed, Aug. 29, 1947; 9:55 a. m.]

[Orange Reg. 193]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.339 *Orange Regulation 193*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1947, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 31, 1947, and ending at 12:01 a. m., P. s. t., September 7, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1,700 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of August 1947.

[SEAL] S. R. SMITH.
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Aug. 31, 1947 to 12:01 a. m. Sept. 7, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0725
A. F. G. Fullerton	1.0230
A. F. G. Orange	.7412
A. F. G. Redlands	.2311
A. F. G. Riverside	.1283
A. F. G. San Juan Capistrano	.9070
A. F. G. Santa Paula	.3837
Corona Plantation Co	.2382
Hazeltine Packing Co	.3642
Placentia Pioneer Valencia Growers Association	.6682
Signal Fruit Association	.0792
Azusa Citrus Association	.4348
Azusa Orange Co., Inc	.1350
Damerel-Allison Co	.8310
Glendora Mutual Orange Association	.3771
Irwindale Citrus Association	.2336
Puente Mutual Citrus Association	.2078
Valencia Heights Orchards Association	.4260
Glendora Citrus Association	.3463
Glendora Heights O. & L. Growers Association	.0756
Gold Buckle Association	.5910
La Verne Orange Association	1.6397
Anaheim Citrus Fruit Association	1.3637
Anaheim Valencia Orange Association	1.5884
Eadington Fruit Co., Inc	2.1275
Fullerton Mutual Orange Association	1.8189
La Habra Citrus Association	1.1407
Orange County Valencia Association	.7897
Orangethorpe Citrus Association	1.2443
Placentia Cooperative Orange Association	.7635
Yorba Linda Citrus Association, The	.6147
Alta Loma Heights Citrus Association	.0932
Citrus Fruit Growers	.1412
Cucamonga Citrus Association	.1521
Etiwanda Citrus Fruit Association	.0416
Old Baldy Citrus Association	.1313
Rialto Heights Orange Growers	.0970
Upland Citrus Association	.3989
Upland Heights Orange Association	.1499
Consolidated Orange Growers	1.9423
Frances Citrus Association	1.0528
Garden Grove Citrus Association	1.6429
Goldenwest Citrus Association, The	1.6104
Irvine Valencia Growers	2.4178
Olive Heights Citrus Association	1.8828
Santa Ana-Tustin Mutual Citrus Association	.9626
Santiago Orange Growers Association	3.7712
Tustin Hills Citrus Association	1.8281
Villa Park Orchs. Association, The	1.8501
Andrews Brothers of Calif	.4611
Bradford Brothers, Inc	.7608
Placentia Mutual Orange Association	1.7248
Placentia Orange Growers Association	2.8319
Call Ranch	.0717
Corona Citrus Association	.2229
Jameson Co	.0386
Orange Heights Orange Association	.3631
Break & Son, Allen	.0559
Bryn Mawr Fruit Growers Association	.2611
Crafton Orange Growers Association	.4210
E. Highlands Citrus Association	.0849
Fontana Citrus Association	.0699
Highland Fruit Growers Association	.0501
Krinard Packing Co	.2721
Mission Citrus Association	.1361
Redlands Cooperative Fruit Association	.4012
Redlands Heights Groves	.4282
Redlands Orange Growers Association	.2578
Redlands Orangedale Association	.2796
Redlands Select Groves	.1591
Rialto Citrus Association	.1486
Rialto Orange Co	.1481
Southern Citrus Association	.1946
United Citrus Growers	.1426
Zilen Citrus Co	.0410
Andrews Brothers of California	.1310
Arlington Heights Fruit Co	.1144
Brown Estate, L. V. W	.1300
Garfian Citrus Association	.1524
Hemet Mutual Groves	.1106
Highgrove Fruit Association	.0764
McDermont Fruit Co	.1684
Mentone Heights Association	.0717
Monte Vista Citrus Association	.2046
National Orange Co	.0403
Riverside Heights Orange Growers Association	.0662
Sierra Vista Packing Association	.0577
Victoria Avenue Citrus Association	.1733
Claremont Citrus Association	.1451
College Heights O. & L. Association	.1607
El Camino Citrus Association	.0812
Indian Hill Citrus Association	.1603
Pomona Fruit Growers Exchange	.3500
Walnut Fruit Growers Association	.4253
West Ontario Citrus Association	.3562
El Cajon Valley Citrus Association	.3082
Escondido Orange Association	2.3806
San Dimas Orange Growers Association	.4951
Covina Citrus Association	1.0547
Covina Orange Growers Association	.3913
Duarte-Monrovia Fruit Exchange	.1639
Santa Barbara Orange Association	.0503
Ball & Tweedy Association	.6017
Canoga Citrus Association	.6718
N. Whittier Heights Citrus Association	.8385
San Fernando Fruit Growers Association	.3811
San Fernando Heights Orange Association	.9381
Sierra Madre-Lamanda Citrus Association	.3229
Camarillo Citrus Association	1.4607

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Fillmore Citrus Association	3.4782
Mupu Citrus Association	2.4627
Ojai Orange Association	.8444
Piru Citrus Association	1.8602
Santa Paula Orange Association	.9844
Tapo Citrus Association	.8958
Limoneira Co	.3879
E. Whittier Citrus Association	.3940
El Ranchito Citrus Association	1.1205
Murphy Ranch	.4217
Rivera Citrus Association	.5331
Whittier Citrus Association	.7144
Whittier Select Citrus Association	.4880
Anaheim Coop. Orange Association	1.5403
Bryn Mawr Mutual Orange Association	.0924
Chula Vista Mutual Lemon Association	.0896
Escondido Coop. Citrus Association	.3254
Euclid Avenue Orange Association	.4073
Foothill Citrus Union, Inc	.0324
Fullerton Cooperative Orange Association	.5154
Garden Grove Orange Cooperative, Inc	.7638
Glendora Cooperative Citrus Association	.0551
Golden Orange Groves, Inc	.3689
Highland Mutual Groves	.0258
Index Mutual Association	.2311
La Verne Cooperative Citrus Association	1.7277
Olive Hillside Groves	.7046
Orange Cooperative Citrus Association	1.2662
Redlands Foothill Groves	.4970
Redlands Mutual Orange Association	.1692
Riverside Citrus Association	.0266
Ventura County Orange and Lemon Association	.8061
Whittier Mutual Orange and Lemon Association	.2284
Babijuice Corporation of California	.5473
Banks Fruit Co	.2659
Banks, L. M	.5136
Borden Fruit Co	.9989
California Fruit Distributors	.1545
Cherokee Citruss Co., Inc	.1421
Chess Co., Meyer W	.2651
Escondido Avocado Growers	.0213
Evans Brothers Packing Co	.1997
Gold Banner Association	.2881
Granada Hills Packing Co	.0613
Granada Packing House	1.6897
Hill, Fred A	.0747
Inland Fruit Dealers	.0279
Mills, Edward	.0118
Orange Belt Fruit Distributors	2.4072
Panno Fruit Co., Carlo	.0397
Paramount Citrus Association	.2586
Placentia Orchards Co	.5557
San Antonio Orchards Co	.4350
Santa Fe Groves Co	.0495
Snyder & Sons Co., W. A	.5055
Stephens, T. F	.0854
Sunny Hills Ranch, Inc	.1155
Ventura County Citrus Association	.0138
Verity & Sons Co., R. H	.0352
Wall, E. T	.1348
Webb Packing Co	.1563
Western Fruit Growers, Inc., Ana	.0181
Western Fruit Growers, Inc., Reds	.6466
Yorba Orange Growers Association	.7379

[F. R. Doc. 47-8144; Filed, Aug. 29, 1947; 9:55 a. m.]

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

§ 975.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904) a public hearing was held on June 30–July 3, 1947 upon proposed amendments to the order and the marketing agreement regulating the handling of milk in the Cleveland, Ohio marketing area. The decision (12 F. R. 5627) was made with respect to the order as amended by the Secretary on August 15, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and all of the terms and conditions of said order, as amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* In view of the emergency nature of the action being taken it is necessary to make effective promptly the present order, as amended, to reflect current marketing conditions and to give producers immediately some assurance of a substantial seasonal increase in prices as an incentive to a needed increase in milk production during the fall and winter months of 1947–48. Any delay in the effective date of this order, as amended, will seriously threaten the supply of milk for the Cleveland, Ohio, marketing area and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (See section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended, which is marketed within the Cleveland, Ohio marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing areas; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers participating in a referendum on the question of approval of the order, and who during May 1947 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended; and the aforesaid order is hereby amended to read as follows:

Sec.
975.1 Definitions.
975.2 Market administrator.
975.3 Pool plant.
975.4 Reports, records and facilities.
975.5 Classification.
975.6 Minimum prices.
975.7 Determination of uniform price to producers.
975.8 Payment for milk.
975.9 Expense of administration.
975.10 Marketing services.
975.11 Adjustment of accounts.
975.12 Application of provisions.
975.13 Effective time.
975.14 Suspension or termination.
975.15 Agents.
975.16 Separability of provisions.

AUTHORITY: §§ 975.1 to 975.16, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C., 601 et seq.; sec. 102 Reorg. Plan 1 of 1947, 12 F. R. 4534.

§ 975.1 *Definitions.* The following terms have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions specified in § 975.6.

(d) "Market administrator" means the agency described in § 975.2.

(e) "Person" means any individual, partnership, corporation, association, or any other business unit.

(f) "Cleveland, Ohio, marketing area," hereinafter called the "marketing area," means all territory, including but not being limited to all municipal corporations, within Cuyahoga County and the township of Willoughby in Lake County; all in the State of Ohio.

(g) "Handler" means any person who: (1) Operates a pool plant; or (2) operates a nonpool plant and either directly or indirectly disposes of milk, skim milk, buttermilk, flavored milk, or flavored milk drinks (i) on a route extending into the marketing area; or (ii) to a pool plant described under § 975.3 (a) (1) which receives less than 50 percent of such plant's total receipts of skim milk and butterfat from producers or from other pool plants.

(h) "Producer" means any person with respect to milk produced by him having the approval of the health authority of any community in the marketing area for consumption as fluid milk in such community which milk is moved directly from his farm to:

(1) A pool plant (i) out of which a route is operated in such community, or (ii) furnishing milk to another pool plant out of which a route is operated in such community (but not including milk diverted from a nonpool plant for the account of such plant);

(2) A nonpool plant within April, May, June, or July for the account of a pool plant by diversion from a pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted; or

(3) A pool plant for the account of another pool plant by diversion from the latter pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted.

(i) "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(2) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(j) "Nonhandler" means any person not a handler who operates a nonpool plant.

(k) "Producer-handler" means any person who:

(1) Produces milk but receives no milk from dairy farmers; and

(2) Operates a route extending into the marketing area.

(l) "Pool plant" means a plant designated pursuant to § 975.3 (a).

(m) "Nonpool plant" means any milk manufacturing or processing plant not a pool plant.

(n) "Other source milk" means all skim milk and butterfat not received from a producer or from a pool plant, but (1) contained in milk, skim milk, or cream; or (2) used to produce any milk product.

(o) "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including any eating place where such items are disposed of for consumption on or off the premises, other than a pool plant(s) or nonpool plant(s).

(p) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

§ 975.2 *Market administrator* — (a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To make rules and regulations to effectuate its terms and provisions;

(3) To receive, investigate, and report to the Secretary complaints of violations; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 975.9:

(i) The cost of his bond and of the bonds of his employees,

(ii) His own compensation, and

(iii) All other expenses, except those incurred under § 975.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 975.4, or (ii) payments pursuant to §§ 975.8, 975.9, 975.10 or 975.11;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Upon request, supply on or before the 25th day after the end of each delivery period to each cooperative association not a handler with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(9) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 6th day of such delivery period, the minimum prices for skim milk and butterfat in Class I milk and Class II milk computed pursuant to § 975.6;

(ii) On or before the 6th day after the end of such delivery period, the minimum prices for skim milk and butterfat in Class III milk computed pursuant to § 975.6; and

(iii) On or before the 14th day after the end of such delivery period, the uniform price computed pursuant to § 975.7 (d) and the butterfat differential computed pursuant to § 975.8 (c); and

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

§ 975.3 *Pool plant*—(a) *Designation.* Subject to the conditions set forth in paragraphs (b) and (c) of this section, a pool plant means any of the following plants, except a bottling plant operated by a producer-handler:

(1) A bottling plant which is:

(i) Located inside the marketing area and out of which a route is operated; or

(ii) Located outside the marketing area with 10 percent or more of the aggregate weight of the skim milk and butterfat contained in its total route disposition of milk, skim milk, buttermilk, flavored milk, and flavored milk drink in fluid form on routes operated wholly or partially within the marketing area.

(2) A plant having approval of the appropriate health authority in the marketing area to supply milk to a pool plant described in subparagraph (1) of this paragraph and appearing on a list prepared and publicly announced by the market administrator for each delivery period not later than the 14th day after

the end of such delivery period by posting in a conspicuous place in his office. Such list shall include:

(i) The following plants:

Location of plant (Feb. 1, 1946)	*Operator of plant on Feb. 1, 1946*
Ashland, Ohio	Cleveland Dairy Products Co. (Echo Dairy)
Conneaut, Ohio	Conneaut Creamery Co.
Dorset, Ohio	Dorset Milk Co.
East Liberty, Ohio	Dutchland Farms, Inc.
Tiffin, Ohio	Do.
Akron, Ohio (Route 7)	Mountrose Dairy Co.
Orrville, Ohio	Orrville Milk Condensing Co.
Trail, Ohio (P. O. Dundee, Ohio).	Do.
Woodville, Ohio	Soeder's Sons Co.
Attica, Ohio	Telling-Belle Vernon Co.
Beloit, Ohio	Do.
Jefferson, Ohio	Do.
Prospect, Ohio	Do.
Rome, Ohio	Do.
Wellington, Ohio	Do.
Lodi, Ohio	United Dairy Co.
Wooster, Ohio	Wooster Farm Dairies Co.
Cleveland, Ohio	Milk Producers Federation of Cleveland;

and

(ii) A plant, upon request to the market administrator by the plant operator, if such plant has been a pool plant pursuant to subparagraph (3) of this paragraph for nine or more consecutive delivery periods including that within which such request was made.

(3) A plant having approval of the appropriate health authority in the marketing area to do so which has, within the delivery period and within each of the five preceding delivery periods, furnished milk to a pool plant described in subparagraph (1) of this paragraph as follows:

(i) On 14 or more days in a total amount equal to 10 percent or more of its entire receipts of milk from dairy farmers during each such delivery period; or

(ii) In an amount equal to 50 percent or more of its entire receipts of milk from dairy farmers during each such delivery period:

Provided, That (*a*) any such plant meeting the requirements set forth in subdivisions (i) and (ii) of this subparagraph may become a pool plant beginning with the fourth consecutive delivery period within which such requirements have been met if prior request for pool plant status has been made to the market administrator by the plant operator; and (*b*) any such plant meeting the requirements set forth in subdivisions (i) and (ii) of this subparagraph for each of the six delivery periods immediately preceding April 1 of any year need not do so during April, May, June, and July of such year if written request to retain pool plant status for such four-month period is made of the market administrator by the handler prior to April 1 of such year.

(b) *Replacement.* A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to it previously had been producers at the pool plant so replaced.

(c) *Removals.* A plant shall be removed from the list of pool plants prepared pursuant to paragraph (a) (2) of this section under either of the following circumstances:

(1) Upon prior written request for such removal made by the plant operator; such removal to be effective at the beginning of the 1st delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in paragraph (a) (1) of this section; or

(2) If such plant furnished less than 10 percent of its dairy farm supply of milk to a pool plant described in paragraph (a) (1) of this section within each of the three most recent delivery periods, excluding April, May, June and July: *Provided*, That this subparagraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

§ 975.4 *Reports, records and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 8th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to milk received from producers, other source milk received at a pool plant, skim milk and butterfat received in any form at a pool plant or at a nonpool plant from a pool plant, skim milk and butterfat received in any form at a nonpool plant engaged in the manufacture of ice cream or ice cream mix which is operated by such handler and is located within the marketing area, and all skim milk and butterfat received in any form from all sources at a nonpool plant referred to in § 975.1 (g) (2), in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts, and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator may request.

(2) On or before the 25th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator his producer pay roll for the delivery period, which shall show:

(i) The pounds of milk (and the percentage of butterfat contained therein) received from each producer;

(ii) The amount and date of payment to each producer (or to a cooperative association not a handler which is authorized to collect payment for the milk of such producer); and

(iii) The nature and amount of each deduction or charge involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations, including those of his nonpool plants in which any milk is received from a pool plant or of his nonpool plants located within the marketing area in which ice cream or ice cream mix is manufactured, and such facilities as, in the opinion of the market administrator, are necesary to verify reports or to ascertain the correct information with respect to:

(1) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) or (b) (1) of this section;

(2) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period;

(3) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(4) Payments to producers and to cooperative associations.

§ 975.5 *Classification*—(a) *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream, or used to produce milk products, received from all sources by each handler at his (1) pool plant(s) and (2) nonpool plant(s) engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, shall be classified separately (as skim milk or butterfat) pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following classes of utilization:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(i) Disposed of in fluid form as milk; skim milk or buttermilk, except for livestock feed; flavored milk or flavored milk drink; sweet or sour cream; any mixture of cream and milk (or skim milk); or eggnog;

(ii) Transferred as any item included in subdivision (i) of this subparagraph from a pool plant to the plant of a producer-handler, or transferred as any such item, except cream, to a nonpool plant located more than 160 miles from such pool plant by shortest highway distance as determined by the market administrator;

(iii) Accounted for as any item not listed under subdivision (i) of this subparagraph or as Class II milk or Class III milk; or

(iv) Such shrinkage on milk received from producers computed pursuant to paragraph (c) (4) of this section which is in excess of 2 percent of such receipts.

(2) Class II milk shall be all skim milk and butterfat used to produce ice cream, imitation ice cream, and other frozen desserts and mixes for similar products (liquid or powdered); or storage cream (cream placed in a licensed cold storage warehouse to remain for a period of not less than 30 days, and which is subject at all times, while in such warehouse to inspection by the market administrator to determine the physical presence of such cream).

(3) Class III milk shall be all skim milk and butterfat:

(i) Used to produce butter; butter oil; cheese (including cottage cheese); bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and skim milk or buttermilk disposed of for livestock feed;

(ii) In actual shrinkage of milk received from producers computed pursuant to paragraph (c) (4) of this section, but not in excess of 2 percent of such receipts; and

(iii) In actual shrinkage of other source milk computed pursuant to paragraph (c) (4) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in milk received from producers and in other source milk received in the following manner: *Provided*, That milk of producers transferred by a handler to another handler and received at the latter's (1) pool plant, or (2) nonpool plant engaged in the manufacture of ice cream or ice cream mix and located within the marketing area, without first having been received for purposes of weighing and testing in the transferring handler's pool plant shall be included in the receipts at such plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts at the pool plant of the transferring handler in computing his plant shrinkage.

(1) Compute the total shrinkage of skim milk and butterfat, respectively, by (i) combining the shrinkage thereof for all pool plants operated by the handlers, and (ii) combining in a separate sum the shrinkage thereof for all nonpool plants operated by him to which any skim milk or butterfat has been transferred from any of his pool plants

(2) Prorate the shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) (ii) of this paragraph, in such nonpool plants between (i) skim milk or butterfat, respectively, transferred from any of his pool plants, and (ii) skim milk or butterfat, respectively, received from all other sources;

(3) Add to the shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) (i) of this paragraph, the shrinkage on skim milk or butterfat, respectively, transferred from the handler's pool plant(s) to his nonpool plant(s) computed pursuant to subparagraph (2) of this paragraph; and

(4) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (3) of this paragraph between that in milk received from producers and in other source milk at his pool plants, after deducting from the total receipts therein the receipts from pool plants other than his own.

(d) *Transfers.* Skim milk or butterfat transferred as any item listed in paragraph (b) (1) (i) of this section from a pool plant in a manner described in subparagraphs (1), (2), or (3) of this paragraph, shall be classified as follows:

(1) As Class I milk, if transferred to another pool plant unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided*, That skim milk or butterfat assigned to a particular class shall be limited to the amount thereof remaining in such class in the pool plant of the transferee handler after the subtraction of other source milk pursuant to paragraphs (g) (4) and (h) of this section, and any excess of such transferred skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available class; or

(2) As Class I milk, if transferred to a nonpool plant (except to a plant described in paragraph (b) (1) (ii) of this section) unless (i) other utilization is mutually indicated in writing to the market administrator by both the buyer and seller on or before the 8th day after the end of the delivery period within which such transfer was made, (ii) the buyer maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available to the market administrator for audit, and (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided*, That if such nonpool plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lowest-priced available class of utilization as if the classes of utilization set forth in paragraph (b) of this section were applicable to such nonpool plant; or

(3) As Class I milk if transferred in bulk form to (i) a manufacturer of soup, candy, or bakery products for use in such manufacturing operations, or (ii) any retail establishment which disposes of milk in fluid form.

(e) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified (except that classified pursuant to paragraph (b) (1) (ii) of this section) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(f) *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

(g) *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(1) Subtract from the total pounds of butterfat in Class III milk (other than butterfat in butter), the pounds of butterfat shrinkage allowed pursuant to paragraph (b) (3) (ii) of this section;

(2) Subtract from the pounds of butterfat in Class I milk, the smaller of the following:

(i) The pounds, if any, by which the butterfat in milk received from producers and pool plants is less than 105 percent of the pounds of butterfat in such handler's milk, skim milk, buttermilk, flavored milk and flavored milk drink classified as Class I milk (exclusive of any reconstituted skim milk) pursuant to paragraph (b) (1) (i) of this section, not including such Class I milk transferred to pool plants or to nonpool plants; or

(ii) The pounds of butterfat in other source milk received;

(3) Subtract from the pounds of butterfat in other source milk, the pounds deducted pursuant to subparagraph (2) of this paragraph;

(4) Subtract from the pounds of butterfat remaining in each class, after making the deduction pursuant to subparagraph (2) of this paragraph, in series beginning with the lowest-priced utilization, the pounds of butterfat remaining in other source milk after making the deduction pursuant to subparagraph (3) of this paragraph;

(5) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to paragraph (d) of this section; and

(6) Add to the remaining pounds of butterfat in Class III milk (other than butterfat in butter), the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

(h) *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in paragraph (g) of this section.

§ 975.6 *Minimum prices*—(a) *Basic formula price to be used in determining prices of Class I milk and Class II milk.* The basic formula price per hundredweight of milk to be used in determining the Class I milk and Class II milk prices for each delivery period, pursuant to paragraphs (b) and (c) of this section, shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to subparagraphs (1), (2), and (3) of this paragraph.

(1) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the next preceding delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co.:
Black Creek, Wis.
Greenville, Wis.
Mt. Pleasant, Mich.
New London, Wis.
Orfordville, Wis.
Carnation Co.:
Berlin, Wis.
Jefferson, Wis.
Chilton, Wis.
Oconomowoc, Wis.
Richland Center, Wis.
Sparta, Mich.
Pet Milk Co.:
Belleville, Wis.
Coopersville, Mich.
Hudson, Mich.
New Glarus, Wis.
Wayland, Mich.
White House Milk Co.:
Manitowoc, Wis.
West Bend, Wis.

(2) The price per hundredweight resulting from the following formula:

(i) Multiply by 6 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the next preceding delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the next preceding delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the next preceding delivery period, subtract 3 cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published for the Chicago area for the next preceding delivery period by the Department of Agriculture, deduct 5.5 cents, multply by 8.5, and then multiply by 0.965.

(b) *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. the marketing area, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class I milk, shall be as follows, as computed by the market administrator:

(1) Add to the basic formula price the following amount for the delivery period indicated: May and June, $0.85; September, October, November, December, January, and February, $1.15; and all others, $1.00: *Provided*, That in no event shall the price resulting from this subparagraph be lower than $4.79 for the months of September to December 1947, inclusive: *Provided, further*, That the price resulting from this subparagraph for January 1948, shall not be lower than the effective price for December 1947, less 44 cents, and that the price for February 1948, shall not be lower than the effective price for January 1948, less 44 cents: *And provided also*, That the minimum price of sweet or sour cream, or of any mixture of cream and milk (or skim milk), in Class I milk shall be the price otherwise applicable pursuant to this subparagraph less 15 cents.

(2) The price of butterfat shall be the amount obtained in subparagraph (1) of this paragraph, multiplied by 20.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the amount obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(c) *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. the marketing area, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during the delivery period, which is classified as Class II milk, shall be as follows, as computed by the market administrator:

(1) Add to the basic formula price the following amount for the delivery period indicated: May and June, $0.25; September, October, November, December, January, and February, $0.55; and all others, $0.40.

(2) The price of butterfat shall be the amount obtained in subparagraph (1) of this paragraph, multiplied by 20; *Provided*, That in no event shall the price of butterfat pursuant to this subparagraph be less than the price computed pursuant to paragraph (d) (1) of this section prior to the proviso therein.

(3) The price of skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph prior to the application of the proviso by 0.035; (ii) subtracting such amount from the amount obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(d) *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, which is classified as Class III milk shall be as follows, as computed by the market administrator:

(1) The price per hundredweight of butterfat shall be the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period, multiplied by 120: *Provided*, That the price per hundredweight of butterfat used to produce butter or contained in shrinkage pursuant to § 975.5 (b) (3) (ii) shall be such price less $3.60;

(2) Except as set forth in subparagraph (3) of this paragraph, the price per hundredweight of skim milk (calculated to the nearest full cent) shall be the average carlot price per pound of nonfat dry milk solids for human consumption, roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, less 5.5 cents and then multiplied by 8.5; and

(3) When the higher of the prices computed pursuant to paragraphs (a) (1) or (a) (2) of this section is higher than the price of 100 pounds of milk of 3.5 percent butterfat content computed by adding the value of 3.5 pounds of butterfat pursuant to subparagraph (1) of this paragraph, prior to the application of the proviso therein, to the value of 96.5 pounds of skim milk pursuant to subparagraph (2) of this paragraph, the price per hundredweight of skim milk used to produce bulk condensed skim milk or whole milk (sweetened or unsweetened), evaporated or condensed milk (or skim milk) in hermetically sealed cans, cottage cheese, and powdered malted milk shall be computed as follows and used in lieu of the price computed pursuant to subparagraph (2) of this paragraph:

(i) From the higher of the prices computed pursuant to paragraphs (a) (1) or (a) (2) of this section deduct 25 cents;

(ii) Multiply the result by 0.7;

(iii) Subtract such result from the figure obtained in subdivision (i) of this subparagraph; and

(iv) Divide the result by 0.965, and round off to the nearest full cent.

(e) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 975.7 *Determination of uniform price to producers*—(a) *Computation of pool value for each handler operating a pool plant.* Subject to the location adjustment provided by paragraph (b) of this section, the pool value for each delivery period for each handler operating a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable prices for skim milk and butterfat in each class pursuant to § 975.6, the skim milk and butterfat in milk received from producers according to their classification pursuant to paragraphs (g) and (h) of § 975.5, and adding together the resulting amounts: *Provided*, That if such handler, after subtracting all receipts of skim milk and butterfat, respectively other than in milk received from producers, has a utilization of skim milk or butterfat greater than has been accounted for in milk received from producers, there shall be added a further amount equal to the quantity of such excess of skim milk or butterfat multiplied by the applicable prices.

(b) With respect to the actual weight of (1) milk, cream, or any other item named in Class I milk and Class II milk which is moved directly to the marketing area from a pool plant located outside the marketing area, and (2) Class I milk and Class II milk disposed of outside the marketing area from a pool plant so located, there shall be deducted, in the computation of the handler's pool value, the following amount per hundredweight thereof applicable for the location of such plant by shortest highway distance from the Public Square in Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone	*Cents per hundredweight*
Not more than 30 miles	0
More than 30 miles but not more than 45 miles	15
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21

Within each 15 mile zone thereafter—an additional 1 cent.

Provided, That such adjustment shall be limited to an amount of milk, cream, or other item so moved which could be derived from the milk received from producers at such plant.

(c) *Computation of obligation to the producer-settlement fund for certain handlers operating nonpool plants.* (1) For each delivery period the obligation to the producer-settlement fund for each handler (except a producer-handler) who operates a nonpool plant out of which a route is operated which extends into the marketing area, shall be computed by the market administrator by multiplying by the respective prices for skim milk and butterfat in Class I milk the total pounds of skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk, or flavored milk drink within such delivery period on each such route, and subtracting therefrom an amount computed by multiplying such volumes of skim milk and butterfat by the higher of the prices for skim milk and butterfat, respectively, in Class III milk.

(2) For each delivery period, the obligation to the producer-settlement fund for each handler who operates a nonpool plant and supplies milk, skim milk, buttermilk, flavored milk, or flavored milk drink to a plant designated as a pool plant pursuant to § 975.3 (a) (1), which latter plant received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants, shall be computed by the market administrator by multiplying by the difference between the respective prices for skim milk and butterfat in Class I milk and Class III milk, the amount of such receipts from such nonpool plant which are Class I milk at the receiving pool plant.

(d) *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content, f. o. b. the marketing area, received from producers by:

(1) Combining into one total the pool values computed under paragraph (a) of this section for all handlers who reported pursuant to § 975.4 (a) for such delivery period, except those in default in payments required pursuant to § 975.8 (e) for the preceding delivery period;

(2) Adding an amount representing the monies received in payment of obligations computed under paragraph (c) of this section;

(3) Adding the aggregate of the values of all allowable location adjustments computed at the maximum rates for the appropriate zones as set forth in § 975.8 (b);

(4) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(5) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in subparagraph (1) of this paragraph is greater than 3.5 percent, or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total hundredweight of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 975.8 (c) multiplied by 1,000;

(6) Dividing by the hundredweight of milk received from producers represented by the values included in subparagraph (1) of this paragraph; and

(7) Subtracting not less than 4 cents nor more than 5 cents.

(e) *Notification.* The market administrator shall notify:

(1) On or before the 14th day after the end of each delivery period, each handler who operates a pool plant of:

(i) The amounts and pool values of his skim milk and butterfat in each class and the totals of such amounts and values;

(ii) The uniform price;

(iii) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(iv) The totals of the minimum amounts to be paid by such handler pursuant to §§ 975.8, 975.9, 975.10, and 975.11.

(2) On or before the 14th day after the end of each delivery period each handler described in § 975.1 (g) (2) of:

(i) The pounds of his skim milk and butterfat in milk, skim milk, buttermilk, flavored milk, and flavored milk drink subject to the provisions of paragraph (c) of this section; and

(ii) The amount due the producer-settlement fund from each such handler.

§ 975.8 *Payment for milk*—(a) *Time and method of payment.* (1) Except as provided by subparagraph (2) of this paragraph, on or before the 20th day after the end of each delivery period, each handler (except a cooperative association) shall pay each producer for milk received from him within such delivery period, not less than an amount of money computed by multiplying the total pounds of such milk by the uniform price, less the location adjustment pursuant to paragraph (b) of this section and adjusted by the butterfat differential pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (f) of this section, he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(2) On or before the 19th day after the end of each delivery period, each handler shall pay a cooperative association not a handler, with respect to milk of producers for which it has received written authorization to collect payment, a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to subparagraph (1) of this paragraph.

(3) On or before the 15th day after the end of each delivery period, each handler shall pay a cooperative association which is a handler, with respect to skim milk and butterfat received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for skim milk and butterfat, respectively, in each class, subject to the applicable location adjustment provided by § 975.7 (b), by the hundredweight of skim milk and butterfat, respectively, in each class pursuant to § 975.5.

(b) *Location adjustments to producers.* In making payments pursuant to paragraphs (a) (1) and (a) (2) of this section a handler may deduct, with respect to all milk received from producers at a plant located outside the marketing area, not more than the following respective amount per hundredweight of milk applicable for the location of such plant by shortest highway distance from the Public Square in

Cleveland, Ohio, such distance to be determined by the market administrator:

Mileage zone	Cents per hundredweight
Not more than 30 miles	0
More than 30 miles but not more than 45 miles	15
More than 45 miles but not more than 60 miles	17
More than 60 miles but not more than 75 miles	19
More than 75 miles but not more than 90 miles	21
Within each 15 mile zone thereafter—an additional 1 cent.	

(c) *Butterfat differential.* In making payments pursuant to paragraphs (a) (1) or (a) (2) of this section there shall be added to or subtracted from, the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(1) Multiply the hundredweight of butterfat in each class computed pursuant to § 975.5 (g) by the applicable minimum price for butterfat in such class computed pursuant to § 975.6;

(2) Add into one total the butterfat values obtained in subparagraph (1) of this paragraph and divide such total by the total hundredweight of butterfat in all classes computed pursuant to § 975.5 (g) to determine a weighted average price for butterfat;

(3) Subtract from the weighted average price per hundredweight of butterfat computed in subparagraph (2) of this paragraph, a weighted average price per hundredweight of skim milk computed as follows:

(i) Multiply the hundredweight of skim milk computed in each class pursuant to § 975.5 (h) by the respective minimum price for skim milk in such class computed pursuant to § 975.6; and

(ii) Add into one total the skim milk values so obtained for all classes and divide such total by the total hundredweight of skim milk in all classes computed pursuant to § 975.5 (h); and

(4) Divide by 1,000 the price of butterfat resulting pursuant to subparagraph (3) of this paragraph, and round off to the nearest tenth of a cent.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to paragraph (e) of this section and out of which he shall make all payments pursuant to paragraph (f) of this section.

(e) *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler:

(1) Whose pool value is required to be computed pursuant to § 975.7 (a), shall pay to the market administrator the amount by which such pool value for such delivery period is greater than the total minimum amount required to be paid by him pursuant to paragraphs (a) (1) and (a) (2) of this section; and

(2) Whose obligation is required to be computed pursuant to § 975.7 (c), shall pay to the market administrator such obligation for such delivery period.

(f) *Payment out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which such handler's pool value pursuant to § 975.7 (a) is less than the total minimum amount required to be paid by him pursuant to paragraphs (a) (1) or (a) (2) of this section, less any unpaid obligations of such handler to the market administrator pursuant to paragraph (e) of this section, §§ 975.9, 975.10, or 975.11: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 975.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 975.2 (c) (4), each handler shall pay the market administrator on or before the 16th day after the end of each delivery period, three cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of such delivery period, with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production), of other source milk at pool plants, except that used in the manufacture of ice cream or ice cream mix, and of other source milk on which payment is required pursuant to § 975.5 (c).

§ 975.10 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to paragraphs (a) (1) and (a) (2) of § 975.8, with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct four cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each delivery period; and, on or before the 16th day after the end of such delivery period, shall pay such deductions to the market administrator. Such monies shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to paragraphs (a) (1), and (a) (2) of § 975.8 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each delivery period to the cooperative association rendering such services of which such producers are members.

§ 975.11 *Adjustment of accounts*—(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 975.8, 975.9, 975.10 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 975.12 *Application of provisions*—(a) *Exempt milk.* Milk received at a plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association which is not a handler and which is authorized to collect payment for such milk.

§ 975.13 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 975.14 *Suspension or termination*—(a) *When suspended or terminated.* The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 975.15 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 975.16 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of August 1947, to be effective on and after the 1st day of September 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8097; Filed, Aug. 29, 1947; 8:58 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Bureau of Dairy Industry, Department of Agriculture

PART 301—SANITARY INSPECTION OF PROCESS OR RENOVATED BUTTER

MISCELLANEOUS AMENDMENTS

On June 11, 1947, a notice of proposed rule-making was published in the FEDERAL REGISTER (12 F. R. 3809), relative to proposed amendments to the regulations (11 F. R. 14674) under the so-called Process or Renovated Butter Act (60 Stat. 300; Pub. Law 427, 79th Cong.), entitled "An act to authorize the condemnation of materials which are intended for use in process or renovated butter and which are unfit for human consumption, and for other purposes." Consideration having been given to all relevant matter presented, including the proposal set forth in the aforesaid notice, the regulations are, on the basis of the authority contained in the act, hereby amended for the purpose of: (1) Requiring the condemnation of ingredients found to be infested with immature stages of insects, and (2) aiding the effective administrative operation of the regulations by (a) eliminating superfluous terminology, (b) permitting the storage of butter oil in commercial warehouses, and (c) permitting the use of less expensive denaturants, as follows:

1. Substitute a comma for the period at the end of § 301.4 (a) and add the following: "*Provided, however*, That butter oil may be stored in commercial cold storage warehouses."

2. Delete the words "poor" and "satisfactorily" from § 301.4 (c).

3. Amend § 301.4 (d) to read as follows:

§ 301.4 *Sanitary requirements for process or renovated butter factories.* * * *

(d) *Equipment.* All melting tanks, cans, vats, blowing tanks, and settling tanks and equipment used in preparing, cutting, chopping, and otherwise handling the ingredients used in the manufacture of process or renovated butter, shall be made of a noncorrosive metal, or shall be suitably nickeled, tinned, or coated with other noncorrosive metal. All such equipment and all churns, butter workers, trucks, trays, and other receptacles, chutes, platforms, racks, tables, and all other utensils, machinery, and equipment used in the packaging, storing, or other handling of process or renovated butter, shall be kept in a clean and sanitary condition.

4. Delete the word "approved" wherever it appears in § 301.4 (e).

5. In § 301.5 (a) delete the words "An approved" under (1) and the word "approved" under (2).

6. Amend § 301.5 (c) to read as follows:

§ 301.5 *Sanitary requirements for process or renovated butter, and for ingredients intended for use in its manufacture.* * * *

(c) *Pure, clean air to be used; approved equipment for purifying air required.* Air used in aerating butter oil in connection with the manufacture of process or renovated butter shall be pure and clean and free from contamination of any kind.

7. Amend the last sentence of § 301.5 (d) to read as follows: "A recording dairy thermometer shall be provided and used to facilitate determinations of proper pasteurization."

8. Place a period after the word "manner" and delete the following words at the end of § 301.5 (f): "in accordance with generally accepted practices of the dairy industry."

9. In § 301.6 (b) and § 301.6 (c) delete the words "or any part thereof" and substitute the following: "including immature stages or parts thereof."

10. In § 301.6 (f) delete the word "or" before "(4)" and add the following after the word "acid": "or (5) one and one-half parts of kerosene,".

Accordingly, the aforesaid amendments shall become effective 30 days after publication thereof in the FEDERAL REGISTER.

(60 Stat. 300)

Done at Washington, D. C., this 26th day of August, 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8096; Filed, Aug. 29, 1947; 8:47 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 602—RESERVE OFFICERS TRAINING CORPS

MESS ATTENDANTS

Rescind paragraph (b) of § 602.76 and substitute the folowing in lieu thereof:

§ 602.76 *Subsistence.* * * *

(b) The employment of civilian mess attendants is authorized. When so employed, they will be compensated from ROTC funds. The total amount available for such compensation is limited to ten cents per student per day. No additional payment of compensation to enlisted cooks and mess personnel is authorized.

[WD Memo. 145-30-3, 24 Feb. 1947 as amended by C3, 6 Aug. 1947] (41 Stat. 778; 10 U. S. C. 441)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-8094; Filed, Aug. 29, 1947; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 397]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

PART 61—SCHEDULED AIR CARRIER RULES

TEMPERATURE ACCOUNTABILITY FOR TAKE-OFF LIMITATIONS PERTAINING TO TRANSPORT CATEGORY AIRPLANES USED IN SCHEDULED PASSENGER SERVICE; SPECIAL CIVIL AIR REGULATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of August 1947.

Deviation of outside air temperature from that of standard air can have an appreciable effect upon the take-off performance of an airplane. At the present time the pertinent operating requirements do not take into account such effect adequately. Amendments to Parts 41 and 61 of the Civil Air Regulations to provide temperature accountability are being considered by the Board. However, the implementation of these amendments will take considerable time after their adoption. In the meantime the Board considers it immediately necessary that a direct temperature accountability be applied by these operators to the take-off limitations. The following special Civil Air Regulation is intended to be applied by these operators until the time when the amendments to Parts 41 and 61 concerning temperature accountability become mandatory or are put into effect sooner by the individual operators.

Due to the emergency nature of this regulation, compliance with the notice and procedures required by paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is impracticable, and a delay in the promulgation of this

Special Regulation would not be in the public interest.

Effective September 6, 1947, the following effects of temperature accountability shall be added to the take-off limitations of §§ 41.271 and 61.7122:

For the individual model airplanes enumerated below, the take-off weight or the minimum length of runway, or both, and the critical-engine-failure speed, V_1, shall be further modified to include the following corrections. Correction values shall be applied by adding them algebraically, noting temperatures above the standard as positive, and noting those below the standard as negative.

Airplane	Correction to weight and/or runway length (use either column or combinations)		Correction to V_1
	Pounds/°F.	Feet/°F.	M. p. h./°F.
Lockheed 649, 749	−90	+9	−.10
Lockheed 49-46	−65	+6	−.07
C-54, DC-4	−20	+10	0
DC-6	−70	+10	0
Boeing SA-307B-1	−50	+9	−.08
Martin 202:			
Temp. above Std	−300	+12.5	0
Temp. below Std	−110	+15	0

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-8104; Filed, Aug. 29, 1947; 8:48 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

ORGANIZATION AND FUNCTIONS; OFFICIAL RECORDS

In § 500.30 *Official records*, paragraph (b) is amended, effective July 25, 1947, by the addition to the list contained in paragraph (b) of the following:

Lender's Application for Insurance (Section 609).
Commitment for Insurance (Section 609).
Contract of Insurance (Section 609).

(Sec. 1, 48 Stat. 1246; 12 U. S. C. and Sup., 1702)

[SEAL] R. WINTON ELLIOTT, *Assistant Commissioner.*

AUGUST 25, 1947.

[F. R. Doc. 47-8103; Filed, Aug. 29, 1947; 8:47 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

ABOLISHING MONTEZUMA NATIONAL FOREST AND TRANSFERRING ITS LANDS TO UNCOMPAHGRE AND SAN JUAN NATIONAL FORESTS

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see Public Land Order 400 under Title 43, *infra*, abolishing the Montezuma National Forest, Colo., and transferring its lands to the Uncompahgre and the San Juan National Forests.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 34—MEDICAL EXAMINATION OF ALIENS

Notice of proposed rule-making, and public rule-making proceedings, having been found to be impracticable in the adoption of the provisions of this part, have been omitted. The regulations herein issued impose no duties on persons outside the agency, and the persons otherwise affected are aliens not yet admitted to the United States, and therefore unavailable for participation in rule-making.

Sec.
34.1 Applicability.
34.2 Definitions.
34.3 Examinations; by whom made; female aliens.
34.4 Scope of examinations.
34.5 Aliens free of disease or defect; notation on visa.
34.6 Aliens afflicted with disease or defect.
34.7 Certificates and notifications; Class A.
34.8 Certificates and notifications; Class B.
34.9 Certificates and notifications; Class C.
34.10 Detention and observation; adequacy of facilities.
34.11 Medical and other care; death.
34.12 Quarantinable diseases.
34.13 Re-examination; convening of boards; expert witnesses; reports.

AUTHORITY: §§ 34.1 to 34.13, inclusive, issued under sec. 16, 39 Stat. 874, secs. 322 (c), 325, 610 (c), 58 Stat. 696, 697, 714; 8 U. S. C. 152, 42 U. S. C., Sup. 249 (c), 249 note, 252.

§ 34.1 *Applicability.* The provisions of this part shall apply to (a) the medical examination and reexamination of aliens presented therefor to the Public Health Service upon the arrival of such aliens at a port of entry, or upon an application for a visa at a foreign consulate of the United States, and (b) the medical and other care, and burial, of aliens admitted to Public Health Service stations and hospitals at the request of the Immigration Service.

§ 34.2 *Definitions.* As used in this part, terms shall have the following meanings:

(a) *Immigration Service.* The Immigration and Naturalization Service of the Department of Justice.

(b) *Loathsome or dangerous contagious disease.* Any of the following diseases:

1. Actinomycosis.
2. Amebiasis.
3. Blastomycosis.
4. Favus.
5. Filariasis.
6. Gonorrhea.
7. Granuloma Inguinale.
8. Keratoconjunctivitis infectiosa.
9. Leishmaniasis.
10. Leprosy.
11. Lymphogranuloma Venereum.
12. Mycetoma.
13. Paragonimiasis.
14. Ringworm of scalp.
15. Schistosomiasis.
16. Chancroid.
17. Syphilis, infectious stage.
18. Trachoma.
19. Trypanosomiasis.
20. Yaws.

(c) *Medical certificate.* A document issued by an examining medical officer to the Immigration Service, signed by him and certifying his findings with respect to an alien's physical and mental condition.

(d) *Medical notification.* A document issued by an examining medical officer to a consular authority, signed by the officer and notifying such authority of his findings with respect to an alien's physical and mental condition.

(e) *Medical officer.* A physician assigned or detailed by the Surgeon General of the Public Health Service to make mental and physical examinations of aliens.

(f) *Medical officer in charge.* A medical officer charged by the Surgeon General with responsibility for the conduct and supervision of all medical examinations made at a designated place or in a designated area.

§ 34.3 *Examinations: by whom made; female aliens.* Aliens presented to the Public Health Service for medical examination shall be examined by medical officers. Female aliens shall be examined only by female medical officers, or in the presence of a female, who may be an assistant to a medical officer.

§ 34.4 *Scope of examinations.* In performing examinations and re-examinations, medical officers shall give consideration to only those matters which relate to the physical or mental condition of the alien, and shall issue certificates or notifications of a disease or defect as hereinafter provided only if the presence of such disease or defect is clearly established.

§ 34.5 *Aliens free of disease or defect; notation on visa.* If an alien is found to have no physical or mental disease or defect, medical officers shall so indicate by notation on his visa.

§ 34.6 *Aliens afflicted with disease or defect.* If an alien is found to have one or more physical or mental diseases or defects, medical officers shall report their findings to the Immigration Service, by medical certificate, or to the presenting consular authority, by medical notification.

§ 34.7 *Certificates and notifications; Class A.* A Class A certificate or a Class A notification shall be issued with respect to any alien who is found to be afflicted with any of the following diseases or defects:

(a) Tuberculosis in any form;

(b) A loathsome or dangerous contagious disease;

(c) Idiocy, imbecility, feeblemindedness, epilepsy, insanity, chronic alcoholism, or constitutional psychopathic inferiority;

(d) A mental defect not enumerated in paragraph (c) of this section; *Provided, however,* That a Class A certificate or Class A notification shall in no case be issued with respect to an alien having only mental shortcomings due to ignorance, or suffering only from a mental condition attributable to remedial physical causes, or from a psychosis of a temporary nature caused by a toxin, drug, or disease.

§ 34.8 *Certificates and notifications; Class B.* A Class B certificate, or Class B notification, shall be issued with respect to an alien who has a physical defect which is of such a nature that it may affect his ability to earn a living. The certificate, or notification, shall state the nature and extent of the physical defect, whether it is chronic or permanent, and the extent to which it is likely to render the alien incapable of pursuing a vocation or profession for which he has particular training or experience, or, if he has no such vocation or profession, incapable of performing ordinary physical or manual work.

§ 34.9 *Certificates and notifications; Class C.* A Class C Certificate, or Class C notification, shall be issued with respect to an alien who has a disease or defect other than those for which a Class A or Class B certificate (or notification) is required to be issued.

§ 34.10 *Detention and observation; adequacy of facilities.* (a) Whenever, upon an examination, it appears to the medical officer in charge that there is doubt about the physical or mental condition of an alien, the alien shall be held over for such observation and further examination as may be reasonably necessary to determine his physical or mental condition.

(b) When in the judgment of the medical officer in charge, a medical examination or re-examination cannot be satisfactorily completed at a station or place at which it is undertaken, such examination or re-examination shall be discontinued and such officer shall recommend to the presenting authority that the alien be removed to a place where the examination or re-examination may be satisfactorily completed.

§ 34.11 *Medical and other care; death.* (a) Upon request of the Immigration Service, an alien detained by it shall be admitted to a hospital or station of the Public Health Service and receive therein necessary medical, surgical, and dental care. An alien found, in the course of an examination or re-examination, to be in need of emergency care shall be given such care to the extent deemed practicable by the medical officer in charge, and if in need of further care, he shall be returned to the presenting authority with the medical officer's recommendations concerning such further care.

(b) In case of death of an alien the body shall be delivered to the presenting authority; but if such death occurs in the United States, or in a territory or possession thereof, public burial shall be provided upon request of the Immigration Service and subject to its agreement to pay the burial expenses. Autopsies shall not be performed unless approved by the Immigration Service.

§ 34.12 *Quarantinable diseases.* Any alien arriving at a port of the United States who, in the course of a medical examination, is found to be infected with a disease defined as quarantinable under Part 11 of this chapter (Foreign Quarantine Regulations of the Public Health Service) shall be held under observation, isolated and released in accordance with the applicable provisions of such regulations.

§ 34.13 *Re-examination; convening of boards; expert witnesses; reports.* (a) The Surgeon General, or when authorized, a medical officer in charge, shall convene a board of medical officers to re-examine an alien

(1) Upon the request of the Immigration Service for a re-examination by such a board, or

(2) Upon an appeal by the alien from a certificate of insanity or mental defect, issued at a port of entry.

(b) Such a board shall consist of three, when practicable, but in no case less than two, medical officers. In the event that a board consists of three medical officers, the decision of the majority thereof shall prevail.

(c) Re-examination shall include:

(1) A medical examination by the board;

(2) A review of all records submitted;

(3) Use of any laboratory or diagnostic methods or tests deemed advisable; and

(4) Consideration of statements regarding the alien's physical or mental condition made by a reputable physician after his examination of the alien.

(d) An alien who is to be re-examined shall be notified of the time and place of his re-examination not less than five days prior thereto.

(e) An alien being re-examined may introduce as witnesses before the board such physicians or medical experts as the board may in its discretion permit, at his own cost and expense, *Provided,* That an alien who has appealed from a certificate of insanity or mental defect shall be permitted to introduce at least one expert medical witness. If witnesses offered are not permitted by the board to testify, the record of the proceedings shall show the reason for the denial of permission.

(f) Witnesses before the board shall be given an adequate opportunity to examine medical certificates involved in the re-examination and to present all relevant and material evidence, orally or in writing, until such time as the proceedings are declared by the board to be closed.

(g) The findings and conclusions of the board shall be based on its medical examination of the alien and on the evidence presented to it and made a part of the record of its proceedings.

(h) The board shall report its findings and conclusions to the Immigration Service, and shall also give prompt notice thereof to the alien if the re-examination has been held upon his appeal. The board's report to the Immigration Service shall specifically affirm, modify, or reject the findings and conclusions of prior examining medical officers.

(i) If the board finds that an alien re-examined by it has a disease or defect not previously certified, it shall issue its certificate in accordance with the applicable provisions of this part.

(j) After submission of its report, the board shall not be reconvened in the same case except upon the express authorization of the Surgeon General.

Effective date. The provisions of this part shall be effective 30 days after publication in the FEDERAL REGISTER.

Dated: August 26, 1947.

[SEAL] JAMES A. CRABTREE, *Acting Surgeon General.*

Approved: August 26, 1947.

MAURICE COLLINS, *Acting Federal Security Administrator.*

[F. R. Doc. 47-8100; Filed, Aug. 29, 1947; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

NEVADA GRAZING DISTRICT NO. 5

CROSS REFERENCE: For order affecting the tabulation contained in § 162.1, see F. R. Document 47-8085 under Department of the Interior in the Notices section, *infra*, eliminating certain lands from Nevada Grazing District No. 5.

Appendix—Public Land Orders

[Public Land Order 400]

COLORADO

ABOLISHING THE MONTEZUMA NATIONAL FOREST AND TRANSFERRING ITS LANDS TO THE UNCOMPAHGRE AND THE SAN JUAN NATIONAL FORESTS

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C. Title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, and upon the recommendation of the Assistant Secretary of Agriculture, it is ordered as follows:

The Montezuma National Forest, Colorado, as defined by Proclamation No. 1076 of August 15, 1910 (36 Stat. 2735), and as subsequently modified, is hereby abolished and the lands heretofore comprising said national forest are transferred to and consolidated with the Uncompahgre and the San Juan National Forests, effective July 1, 1947, as follows:

The lands within the exterior boundaries of the Montezuma National Forest in San Miguel County, Colorado, and described as follows, are hereby transferred to the Uncompahgre National Forest:

NEW MEXICO PRINCIPAL MERIDIAN

Tps. 41, 42, and 43 N., R. 8 W.,
All those parts west of the divide between the Animas and Uncompahgre Rivers and the San Miguel River.
T. 41 N., R. 9 W.,
All that part north of the divide between the Animas and Dolores Rivers and the San Miguel River.
T. 42 N., R. 9 W.
Tps. 43 and 44 N., R. 9 W.,
All those parts south of the divide between Uncompahgre River and the San Miguel River.
T. 41 N., R. 10 W.,
All that part north of the divide between Dolores River and San Miguel River.

T. 42 N., R. 10 W.,
Secs. 1, 7, and 8;
Secs. 12 to 30, inclusive;
Secs. 31 and 32, those parts north of the divide between Dolores River and San Miguel River;
Secs. 33 to 36, inclusive.
T. 43 N., R. 10 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 24, 25, and 36.
T. 44 N., R. 10 W.,
Secs. 27, 34, and 35;
Secs. 22, 23, 25, 26, and 36, those parts south of the divide between Uncompahgre River and San Miguel River.
T. 41 N., R. 11 W.,
All that part north of the divide between Dolores River and San Miguel River.
T. 42 N., R. 11 W.,
Sec. 3, W½;
Secs. 4 to 34, inclusive;
Secs. 35 and 36, those parts north of the divide between Dolores River and San Miguel River.
T. 43 N., R. 11 W.,
Sec. 29, S½;
Secs. 30, 31, and 32;
Sec. 33, W½.
Tps. 41 and 42 N., R. 12 W.,
All those parts north of the divide between Dolores River and San Miguel River.
T. 44 N., R. 12 W.,
Sec. 6, W½E½, E½W½.
T. 42 N., R. 13 W.,
Secs. 1, 2, 3, and 10 to 15, inclusive;
Sec. 24, that part north and east of the divide between Disappointment Creek and San Miguel River.
T. 43 N., R. 13 W.,
Secs. 3, 4, 5, and 6;
Sec. 8, E½;
Secs. 9 and 10;
Sec. 11, SW¼;
Sec. 14, W½;
Secs. 15 and 16;
Sec. 17, E½;
Secs. 22 and 23.
T. 44 N., R. 13 W.,
Secs. 7, 8, and 9;
Sec. 14, SW¼;
Sec. 15, S½;
Secs. 16 to 22, inclusive;
Sec. 23, NW¼;
Sec. 27, N½NE¼, NW¼;
Secs. 28 to 33, inclusive;
Sec. 34, S½.
T. 44 N., R. 14 W.,
Secs. 10 to 15, inclusive;
Sec. 21, E½;
Secs. 22 to 27, inclusive;
Sec. 28, E½;
Secs. 35 and 36.
T. 42 N., R. 16 W.,
Sec. 6, SW¼SE¼;
Sec. 7, NW¼NE¼.
T. 42 N., R. 17 W.,
Sec. 16, SW¼;
Sec. 17, SE¼.
T. 42 N., R. 18 W.,
Sec. 8, E½;
Secs. 9, 10, and 15;
Sec. 16, N½ and SE¼;
Sec. 17, NE¼;
Sec. 21, E½;
Sec. 22;
Sec. 23, that part west of the Dolores River.

The remainder of the lands within the exterior boundaries of the Montezuma National Forest, Colorado, described as follows, are transferred to the San Juan National Forest:

NEW MEXICO PRINCIPAL MERIDIAN

Tps. 40 and 41 N., R. 9 W.,
All those parts west of the divide between Animas and Dolores Rivers and San Miguel River.
Tps. 39 and 40 N., R. 10 W.,
All those parts north and west of the divide between Animas River and Dolores River.
T. 41 N., R. 10 W.,
All that part south and west of the divide between San Miguel River and Dolores River.
T. 42 N., R. 10 W.,
Secs. 32 and 33, those parts south of the divide between San Miguel River and Dolores River.
Tps. 36, 37, 38, and 39 N., R. 11 W.,
All those parts north and west of the divide between Animas River and Dolores River.
T. 40 N., R. 11 W.
Tps. 41 and 42 N., R. 11 W.,
All those parts south of the divide between San Miguel River and Dolores River.
Tps. 36, 37, 38, 39, and 40 N., R. 12 W.
Tps. 41 and 42 N., R. 12 W.,
All those parts south and west of the divide between San Miguel River and Dolores River.
T. 36 N., R. 13 W.,
Sec. 26, S½NW¼.
Tps. 37, 38, and 39 N., R. 13 W.
T. 40 N., R. 13 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 19 to 36, inclusive.
T. 42 N., R. 13 W.,
Secs. 22 and 23;
Sec. 24, that part south and west of the divide between San Miguel River and Disappointment Creek;
Secs. 25, 26, 27, 34, 35, and 36.
T. 37 N., R. 14 W.,
Secs. 1 to 13, inclusive;
Sec. 14, E½;
Sec. 23, E½;
Sec. 24;
Sec. 25, N½;
Sec. 26, NE¼.
Tps. 38 and 39 N., R. 14 W.
T. 40 N., R. 14 W.,
Secs. 33 to 36, inclusive.
T. 37 N., R. 15 W.,
Sec. 1;
Sec. 4, SW¼;
Sec. 5, SE¼, E½SW¼, SW¼SW¼.
T. 38 N., R. 15 W.,
Secs. 1 to 6, inclusive;
Secs. 7, N½, SE¼, E½SW¼;
Secs. 8 to 17, inclusive;
Sec. 18, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 19, E½NE¼;
Secs. 20 to 29, inclusive;
Sec. 30, SE¼NE¼ and SE¼;
Secs. 35 and 36.
T. 39 N., R. 15 W.,
Secs. 1, 2, and 7 to 36, inclusive.
T. 41 N., R. 15 W.
T. 39 N., R. 16 W.,
Secs. 1 to 18, inclusive;
Sec. 19, N½, N½S½, SE¼SE¼;
Secs. 20 to 28, inclusive;
Sec. 29, N½N½, SE¼NE¼;
Sec. 33, N½NE¼;
Sec. 34, N½, SE¼, E½SW¼;
Secs. 35 and 36.
Tps. 40 and 41 N., R. 16 W.
T. 42 N., R. 16 W.,
Sec. 31;
Sec. 32, W½.
T. 39 N., R. 17 W.,
Secs. 1, 2, and 3;
Sec. 4, E½;
Sec. 9, E½;
Secs. 10 to 15, inclusive;
Sec. 16, E½;
Sec. 22, N½N½;
Sec. 23, N½;
Sec. 24, N½, N½S½.
T. 40 N., R. 17 W.,
Secs. 1 to 15, inclusive;
Sec. 16, E½E½;
Sec. 21, E½E½;
Secs. 22 to 27, inclusive;
Sec. 28, E½E½;
Sec. 33, E½NE¼, SE¼;
Secs. 34, 35, and 36.
T. 41 N., R. 17 W.
T. 42 N., R. 17 W.,
Secs. 19 to 22, inclusive;
Sec. 25, SW¼;
Secs. 26 to 36, inclusive.
T. 41 N., R. 18 W.,
Secs. 1, 2, and 3.
T. 42 N., R. 18 W.,
Sec. 23, that part east of the Dolores River;
Secs. 24 to 27, inclusive;
Sec. 28, E½;
Sec. 33, E½;
Secs. 34, 35, and 36.

It is not intended by this order to give a national-forest status to any publicly-owned lands which have not hitherto had such a status, or to change the status of any publicly-owned lands which have hitherto had national-forest status.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8087; Filed, Aug. 29, 1947; 8:48 a. m.]

[Public Land Order 401]

MISSISSIPPI

MODIFYING NOXUBEE NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and contained in section 32, Title III, of the Bankhead-Jones Farm Tenant Act of July 22, 1937, 50 Stat. 522, 525 (U. S. C., Title 7, secs. 1010–1013), and pursuant to Executive Order No. 9337 of April 24, 1943, and finding that such action will best serve the purposes of the said Bankhead-Jones Farm Tenant Act, it is ordered as follows:

Subject to valid existing rights and upon the recommendation of the Secretary of Agriculture, all lands and waters acquired by the United States within the following-described area are hereby added to and reserved as a part of the Noxubee National Wildlife Refuge established by Executive Order No. 8444 of June 14, 1940: *Provided*, That any private lands within the area shall become a part of the refuge upon the acquisition of title thereto or control thereof by the United States:

CHOCTAW MERIDIAN

T. 15 N., R. 13 E.,
Sec. 1, NW¼NW¼;
Sec. 2, E½NE¼.
T. 16 N., R. 13 E.,
Sec. 23, that part of the S½ lying south of the Louisville-Starkville Road and east of the Betheden Road;
Sec. 24, that part lying south of the Louisville-Starkville Road;
Sec. 25;
Sec. 26, that part lying east of the Betheden Road;
Sec. 35, NE¼ and those parts of the NW¼ and N½NW¼SW¼ lying east of the Betheden Road, and NE¼SE¼ and S½SE¼;
Sec. 36, N½ and SW¼.
T. 16 N., R. 14 E.,
Sec. 19, that part lying west of the Bevils Hill-Scattertown-Singleton Road;
Sec. 30, that part lying west of the Bevils Hill-Scattertown-Singleton Road;
Sec. 31, N½ and W½SW¼SE¼;
Sec. 32, those parts of the NW¼ and N½SW¼ lying west of the Bevils Hill-Scattertown-Singleton Road.

The areas described aggregate approximately 3,160 acres.

The public lands in the following-described areas are hereby eliminated from the refuge, and jurisdiction thereover is transferred to the Secretary of Agriculture.

CHOCTAW MERIDIAN

T. 17 N., R. 14 E.,
Sec. 5, N½, SW¼, and N½SE¼;
Sec. 6, E½ and that part of the E½SW¼ lying east of the Louisville-Starkville Road;
Sec. 7, that part lying east of the Louisville-Starkville Road;
Sec. 8, W½, W½SE¼ and SE¼SE¼;
Sec. 9, SW¼SW¼;
Secs. 17 and 18.
T. 18 N., R. 14 E.,
Sec. 31, SW¼SE¼;
Sec. 32, SW¼.

The areas described aggregate approximately 3,480 acres.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8088; Filed, Aug. 29, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71–85—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES[1]

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of August A. D. 1947.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles:

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

Part 3—Regulations Applying to Shippers (CFR 75)

1. Superseding and amending paragraph (b), section 182 *Nitrates*, order June 29, 1945, to read as follows:

(b) In bags in tight cars or motor vehicles. Ammonium nitrate, ammonium nitrate fertilizer, calcium nitrate and guanidine nitrate in bags must be loaded in all wood box cars, or wooden box cars with steel roofs or steel box cars with wooden floors. Motor vehicles should be of closed type, but not of all metal construction, or lading consisting of bags should be covered.

[1] Parts 3 and 4 of this order appear in CFR as Parts 75 and 80.

2. Superseding and amending section 183 *Packing nitrates—exemptions*, order July 28, 1947, to read as follows:

183 Nitrate of aluminum, nitrate of barium, nitrate of lead, nitrate of potash, nitrate of sodium (nitrate of soda), nitrate of strontia, nitro carbo nitrate, or other inorganic nitrates are exempt from specification packaging, marking and labeling requirements for transportation by rail freight, rail express, and highway and nitrate of ammonia, nitrate of ammonia fertilizer, calcium nitrate and guanidine nitrate, are exempt from specification packaging and marking, other than name of contents, requirements for transportation by rail freight, rail express and highway, when packaged as follows: In metal cans in outside fiberboard boxes; in wooden boxes, kegs, or barrels, metal cans, metal drums or fiber drums; in glass bottles in outside fiber boxes not exceeding 50 pounds net weight; calcium nitrate in bags; ammonium nitrate, ammonium nitrate fertilizer, or guanidine nitrate in bags containing not over 200 pounds net weight, made moisture proof, tight against sifting, and of strength not less than bags made of 8-ounce burlap. When for transportation by carrier by water they are exempt from specification packaging and marking, other than name of contents, and labeling requirements, except that ammonium nitrate, ammonium nitrate fertilizer, calcium nitrate and guanidine nitrate shipments must be labeled. (See column 5 of Commodity List, Part 2 for maximum quantity that may be shipped in one outside package by express.)

Part 4—Regulations Applying Particularly to Carriers by Rail Freight (CFR 80)

3. Amending section 532 *Loading packages, etc.*, order August 16, 1940, as follows (add):

(k) *Ammonium nitrate, ammonium nitrate fertilizer, calcium nitrate, guanidine nitrate.*

(k) (1) Ammonium nitrate, ammonium nitrate fertilizer, calcium nitrate, and guanidine nitrate in bags must be loaded in all wood box cars, or wooden box cars with steel roofs, or steel box cars with wooden floors. Only clean cars must be used and must be free of any projections that would injure bags.

Part 7—Regulations Applying to Shipments Made by Way of Common, Contract or Private Carriers by Public Highway (CFR 85)

4. Amending section 823 *Inflammable solids and oxidizing materials*, order November 8, 1941, as follows (add):

(e) (8) Ammonium nitrate, ammonium nitrate fertilizer, calcium nitrate, and guanidine nitrate in bags must be loaded in closed motor vehicles not of all metal construction, or if open body vehicles are used the lading must be covered. Only clean vehicles must be used and must be free of any projections that would injure bags.

5. Amending page 20, order July 28, 1947, by adding paragraph as follows:

It is further ordered, That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after date of service hereof;

6. Superseding and amending note to paragraph (h), section 548 *Application of placards*, order July 28, 1947, to read as follows:

Because of the present emergency and until further order of the Commission, gondola cars used for the shipments of bombs or poison gas, may be placarded on both sides and both ends of car.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after August 21, 1947, and shall be observed until further order of the Commission;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176, 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-8092; Filed, Aug. 29, 1947; 8:47 a. m.]

[S. O. 768]

PART 95—CAR SERVICE

FREE TIME ON BOX CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of August A. D. 1947.

It appearing, that there is a critical shortage of box cars and that free time published in tariffs for loading such cars at ports aggravates the shortage thereof; in the opinion of the Commission an emergency exists requiring immediate action at all ports of the country to alleviate the box car shortage.

It is ordered, That no common carrier by railroad, subject to the Interstate Commerce Act, shall:

(a) *Free time on box cars loaded at ports.* Allow, grant or permit more than a total of 5 days free time on any car held after loading at the point of transshipment from vessel to car or when held out of such transfer point prior to the receipt of proper forwarding directions on such car. The provisions of this paragraph shall not be construed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission.

(b) *Forwarding box cars loaded at ports.* Each common carrier by railroad, subject to the Interstate Commerce Act, shall, not later than twenty-four (24) hours after the receipt of proper forwarding directions, place each box car loaded with freight transferred from a vessel to such car, in an outbound train

and forward said car to the destination specified in the forwarding directions.

(c) *Computation of free time.* (1) All Sundays and legal holidays shall be included in computing the free time provided in paragraph (a).

(2) The free time provided in paragraph (a) hereof shall be computed continuously from the first 7:00 a. m. after actual loading of each car is completed.

(d) *Definition of box car.* The term "box car" as used herein means freight equipment having a mechanical designation in the Official Railway Equipment Register prefixed by "X" or "V".

(e) *Effective date.* This order shall become effective at 7:00 a. m., September 2, 1947.

(f) *Expiration date.* This order shall expire at 7:00 a. m., March 1, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(g) *Tariff provisions suspended.* The operation of all tariff rules and regulations, insofar as they conflict with the provisions of this order is hereby suspended.

(h) *Announcement of suspension.* Each railroad, or its agent shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provision set forth herein.

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-8093; Filed, Aug. 29, 1947; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

NOXUBEE NATIONAL WILDLIFE REFUGE

CROSS REFERENCE: For order affecting the tabulation contained in § 11.1, see Public Land Order 401 under Title 43, *supra,* modifying the Noxubee National Wildlife Refuge.

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

PIEDMONT NATIONAL WILDLIFE REFUGE, GEORGIA; FISHING

Section 27.732 is revised to read as follows:

§ 27.732 *Piedmont National Wildlife Refuge, Georgia; fishing.* Non-commercial fishing in accordance with the State laws of Georgia is permitted during the daylight hours in the waters of the artificial pond on the Piedmont National Wildlife Refuge, known as the "Five Points Lake" situated west of Five Points on Tract 490, being west of the Dames Ferry—Wayside Road.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All fishermen must comply with all State fishing laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for fishing in the refuge. The use of live minnows for bait is not permitted.

Persons may use boats (except motor boats), canoes, or floated devices for fishing on the waters of the refuge, but may place such boats, canoes, or floated devices on the waters of the refuge only at such point or points as may be designated by posting by the officer in charge. The use of motor boats, either inboard or outboard is prohibited on all waters of the refuge except for official purposes.

State cooperation may be enlisted in the regulation, management, and operation of the public fishing areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of fishing. (Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i).

Dated: August 21, 1947.

CLARENCE COTTAM, *Acting Director.*

[F. R. Doc. 47-8077; Filed, Aug. 29, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 933]

[Admin. No. 35]

HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA AND DESIGNATING AGENT TO CONDUCT SUCH REFERENDUM; DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.) it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1946, to July 31, 1947 (which period is hereby determined to be a representative period for the purpose of such referendum[1]), were engaged in the State of Florida in the production of oranges, grapefruit, or tangerines for market, to determine whether such producers favor the issuance of an order amending Order No. 33, as amended (7 CFR, Supps., 933.1 et seq.), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, which is attached to the decision[1] of the Secretary of Agriculture filed simultaneously herewith; and Minard F. Miller, Field Representative, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Drane Building, P. O. Box 19, Lakeland, Florida, is hereby designated agent of the Secretary of Agriculture to perform the following functions:

(1) Conduct said referendum in accordance with the rules and limitations herein set forth, giving an opportunity to each producer of oranges, grapefruit, or tangerines grown in the State of Florida to cast his ballot relative to the aforesaid proposed amendment on forms furnished by the Secretary of Agriculture. A cooperative association of such producers, bona fide engaged in marketing such oranges, grapefruit, or tangerines may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association, and the vote of such cooperative association shall be considered as the vote of all such producers.

(2) Determine the time of commencement, duration, and termination of the period of the referendum: *Provided,* That the referendum shall be completed prior to October 25, 1947.

(3) Determine the necessary number of polling places, designate and announce such polling places, the area to be served by each such polling place, and the hours during which such polling places will be open: *Provided,* That all such polling places shall remain open not less than four (4) consecutive daylight hours during each day announced.

[1] See F. R. Doc. 47-8098, *infra.*

(4) In addition to the designation and announcement of polling places, if the said agent determines it advisable (a) conduct meetings of producers and arrange for balloting thereat, in which event such balloting shall continue until all of the producers who are present and desire to do so have had an opportunity to vote, and (b) arrange for balloting by mail, in which event the said agent shall designate the place or places to which such ballots shall be mailed and shall give notice of the last date on which such ballots must be placed in the mail.

(5) Give public notice of the time and place of balloting and of each meeting authorized herein (a) by posting a notice thereof, at least three (3) days in advance of the first voting day, at each polling place and at each meeting place, (b) by issuing a press release in newspapers having general circulation in the citrus producing districts (as such districts are defined in the aforesaid amended order) of Florida, and (c) by such other means as the said agent may deem advisable.

(6) Appoint any of the county agricultural extension agents in the counties of Florida, or any other persons deemed necessary or desirable, to assist the said agent in carrying out his duties hereunder: *Provided,* That such county agricultural extension agents and other persons so appointed shall serve without compensation and may be authorized, by the said agent, to perform the following functions in accordance with the rules set forth herein:

(a) Give public notice of the referendum in the manner specified herein.

(b) Preside as a poll officer at a designated polling place.

(c) Distribute ballots to producers and receive such ballots after they are cast.

(d) Secure the name and address of each person casting a ballot, and inquire into the eligibility of each such person to vote.

(e) Forward to Minard F. Miller, Drane Building, P. O. Box 19, Lakeland, Florida, immediately after the close of the referendum, the following: (i) the name and address of each producer who cast a ballot at the polling place designated for such poll officer and whose ballot was received by such officer; (ii) all of such ballots which were received by the officer, together with his certificate that the ballots forwarded are all of the ballots cast and received during the referendum period at the designated polling place; (iii) a statement showing the time and place the notice of referendum was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and (iv) a detailed statement explaining the method used in giving publicity to such referendum.

(7) Upon receipt by the designated agent of all ballots cast and such other documents as are required pursuant hereto, the ballots shall be canvassed by him and the results of the referendum shall be forwarded with the ballots and other required documents to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

The Fruit and Vegetable Branch shall prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

The designated agent and any appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot shall be challenged by any other person, said agent or appointee shall endorse, above his signature, on the back of said ballot a statement to the effect that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

All ballots shall be treated as confidential and the contents thereof shall not be divulged except to (1) the Secretary of Agriculture, (2) his agent designated herein to conduct such referendum, (3) members of the Production and Marketing Administration, United States Department of Agriculture, (4) members of the Office of the Solicitor, United States Department of Agriculture, and (5) such other persons as the Secretary may hereafter designate.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the rules and the limitations herein set forth, to govern the procedure to be followed by the said agent and appointees in conducting said referendum.

Done at Washington, D. C., this 26th day of August 1947.

[SEAL] CHARLES F. BRANNAN, *Acting Secretary of Agriculture.*

[F. R. Doc. 47-8099; Filed, Aug. 29, 1947; 8:47 a. m.]

[7 CFR, Part 933]

HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

DECISION WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR and Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held at Vero Beach, Florida, on May 12, 1947, and at Lakeland, Florida, on May 14, 1947, pursuant to notice thereof which was published in the FEDERAL REGISTER (12 F. R. 2809) upon proposed further amendments to Marketing Agreement No. 84, as amended (hereinafter referred to as the "marketing agreement"), and Order No. 33, as amended (7 CFR and Supps., 933.1 et seq.), (hereinafter referred to as the "order") regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. This regulatory program became effective February 22, 1939.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 22, 1947, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER on July 26, 1947 (12 F. R. 4995).

Material issues. The material issues presented on the record of the hearing were concerned with the following:

(1) Amending the marketing agreement and order to provide for the issuance of regulations which may specify that shipments of any variety (as such term is defined in the marketing agreement and order) grown in Regulation Area II, as defined in the aforesaid notice of hearing, shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I, likewise defined in the hearing notice; and

(2) Establishing Regulation Area I and Regulation Area II.

Exceptions were filed by or on behalf of the Ladd Packing Company, Marion County Growers and Shippers, and W. M. Davidson within the time prescribed for such action and related to the findings and conclusions contained in the aforesaid recommended decision. With regard to the findings and conclusions of the recommended decision to which specific exceptions have been taken, this decision contains a ruling thereon in the discussion of the material issues to which the exception refers.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, and which are substantially the same as the findings and conclusions which were set forth in connection with the respective issues in the aforementioned recommended decision, are as follows:

(1) The marketing agreement and order should be amended to provide for the issuance of regulations which may specify that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I.

Substantial differences exist between Regulation Area I and Regulation Area II with regard to cultural, grading, packing, and marketing practices insofar as they apply to the citrus fruits covered by the marketing agreement and order.

A distinctive heavy hammock soil is found in Regulation Area II. The land within this area, on which citrus fruits are grown, is low and flat. These low lands require an elaborate system of drainage ditches, which are not found in the groves located in Regulation Area I, since such groves are usually on rolling, sandy type soils. Most of the groves in Regulation Area II are irrigated. Due to the ridging practices followed in Regulation Area II, citrus groves in such area are smaller in acreage than those in Regulation Area I. Other cultural practices in Regulation Area II, such as preparing the land for citrus fruit trees, cultivating, and control of insects differ in varying degrees from practices in Regulation Area I. Citrus fruit yields are generally lower per acre in Regulation Area II than yields in Regulation Area I, and production costs per box are higher. Fruit discoloration in Regulation Area II is more prevalent but is smoother and less unsightly. The fruit grown in Regulation Area II is, on the average, more tender and the peel is thinner than that grown in Regulation Area I. These and other differences in characteristics of the fruit grown in the two areas are due to the differences in soils and cultural practices.

Grading practices are different in the two areas. In Regulation Area I, citrus fruit is generally marketed as U. S. Combination grade [1] fruit which consists of a mixture of both U. S. No. 1 grade [1] and U. S. No. 2 grade [1] fruit. In Regulation Area II, however, the U. S. No. 1 grade fruit and the U. S. No. 2 grade fruit are separated in the packing house and are sold separately in the markets. The latter method of grading is more costly than the former method. This difference in grading practices has existed for several years. In the past, this difference has prevented the institution, at certain times, of grade and size regulations limiting shipments of citrus fruits to such grades of fruit as the then current marketing conditions warranted. If these regulations were made effective, then shippers in Regulation Area II would have been forced to change their grading practices. The proposed amendments would provide the necessary flexibility in the operation of the marketing agreement and order program to meet changing marketing conditions, and would not tend to decrease the volume of Florida citrus fruit marketed in interstate commerce. Such regulations, if issued, would result (i) in better quality fruit being shipped, and (ii) higher average prices being received by producers for such fruit; and would protect the interests of consumers by the shipment of better fruit.

Citrus fruits grown in Regulation Area II are generally packed in the nailed wooden box whereas most of the fruit grown in Regulation Area I is packed in the wire bound box. The nailed box is higher in cost than the wire bound box.

[1] Such grades are set forth in the United States Standards for Citrus Fruits, as amended (11 F. R. 13239; 12 F. R. 1), and in the United States Standards for Tangerines (12 F. R. 2619).

Some differences in the marketing of citrus fruits exist between Regulation Area I and and Regulation Area II. A greater percentage of the fruit grown in Regulation Area II is marketed in fresh form than that grown in Regulation Area I, while a greater percentage of the fruit grown in Regulation Area I is sold for processing than that grown in Regulation Area II. Although the production of fruit in Regulation Area II during the last five years constituted only 7.6 percent of the total production in the State of Florida, approximately 25 to 30 percent of the fresh grapefruit shipped out of the State of Florida during this period was grown in Regulation Area II. Citrus fruit grown in Regulation Area II commands a higher average price on the auction markets than does fruit grown in Regulation Area I. During the seasons 1941–42 to 1945–46 such prices averaged per box 48 cents higher for early and midseason oranges, 40 cents higher for Temple oranges, 28 cents higher for Valencia oranges, 43 cents higher for white seeded grapefruit, 61 cents higher for white seedless grapefruit, 44 cents higher for pink seeded grapefruit, and 45 cents higher for pink seedless grapefruit.

Citrus fruit grown in Regulation Area II competes in the market with that grown in Regulation Area I. The marketing agreement and order program is concerned with problems which arise in every citrus fruit area in the State of Florida, and the same marketing agreement and order should continue to cover all areas within the State. During the major portion of each marketing season, grade and size regulations would in all probability be uniform in Regulation Area I and Regulation Area II. The regulations should be recommended by the same administrative and advisory committees which have administered the marketing agreement and order since their inception.

A handler excepted on the ground that all of the "St. John's River territory" should be included in Regulation Area II. The record contains no evidence to indicate that this should be done. Other exceptions were based on the grounds that the findings and conclusions contained in the aforesaid recommended decision are not applicable particularly to oranges grown in the "Orange Lake Basin Area" and to Marion County, and that conditions which exist in these two areas are similar to those in Regulation Area II rather than to those in Regulation Area I. These contentions are not supported by the record.

(2) Regulation Area I and Regulation Area II should be established as set forth in the aforesaid notice of hearing.

The boundary line between Regulation Area I and Regulation Area II is a natural one geographically inasmuch as it is clearly demarcated by swamps, rivers, lakes, canals, and other natural landmarks. No groves are located on the boundary line; and along almost the entire length of the boundary line the nearest groves are several miles distant from the line. This line is almost identical to the boundary line established for the Indian River Citrus Area by the laws of the State of Florida. Such laws provide that only fruit grown within the Indian River Citrus Area, which corresponds to Regulation Area II as defined in the aforesaid hearing notice, may be sold under the name or brand of Indian River Citrus Fruit.

The Federal Trade Commission has defined the Indian River Area in general terms and has issued orders, in cases investigated by the commission, that shippers may not market fruit grown in Regulation Area I under an Indian River stamp or label. The Office of Price Administration established price ceilings for citrus fruit varieties grown in the Indian River area which were higher per box than those established for the same varieties grown in Regulation Area I.

Two exceptions were filed on the grounds that the findings and conclusions contained in the aforesaid recommended decision are not applicable particularly to oranges grown in the "Orange Lake Basin Area" and to Marion County, and that conditions which exist in these two areas are similar to those in Regulation Area II rather than to those in Regulation Area I. The evidence contained on the record of the hearing does not support these grounds.

General. (1) The marketing agreement, as amended and as hereby proposed to be further amended, and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions of each such document will tend to effectuate the declared policy of the act; and

(2) The marketing agreement, as amended and as hereby proposed to be further amended, and the order, as amended and as hereby proposed to be further amended, regulate the handling of oranges, grapefruit, and tangerines, grown in the State of Florida, in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held.

(3) There are differences in the production and marketing of said fruit in the production area covered by said marketing agreement, as amended and as hereby proposed to be further amended, and of the marketing order, as amended and as hereby proposed to be further amended, that make necessary different terms and provisions applicable to different parts of such area, and the proposed terms and provisions, so far as practicable, give due recognition to such differences.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Oranges, Grapefruit, and Tangerines Grown in the State of Florida" and "Order Amending the Order, as Amended, Regulating the Handling of Oranges, Grapefruit, and Tangerines Grown in the State of Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of

the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement, as amended, are identical with those contained in the attached order amending the order, as amended, which will be published with this decision.

This decision filed at Washington, D. C., this 26th day of August 1947.

§ 933.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), a public hearing was held at Vero Beach, Florida, on May 12, 1947, and at Lakeland, Florida, on May 14, 1947, upon proposed further amendments to the marketing agreement, as amended, and to Order No. 33, as amended (7 CFR, Supps., 933.1 et seq.), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(a) The said order, as amended and as hereby further amended,[1] and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The said order, as amended and as hereby further amended, regulates the handling of oranges, grapefruit, and tangerines grown in the State of Florida in the same manner as the aforementioned marketing agreement, as amended and as further amended effective as of the same time as the further amendment of the said order, as amended, and the said order, as amended and as hereby further amended, is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) There are differences in the production and marketing of said fruit in the production area covered by the said marketing order, as amended and as hereby further amended, that make necessary different terms and provisions applicable to different parts of such area, and the terms and provisions hereof, so far as practicable, give due recognition to such differences.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of the previously issued amendment thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of oranges, grapefruit, and tangerines grown in the State of Florida shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and such order, as amended, is hereby further amended as follows:

1. Add to § 933.1 *Definitions* of the order the following new paragraphs:

(m) "Regulation Area I" shall include all that part of the State of Florida not included in Regulation Area II.

(n) "Regulation Area II" shall include that part of the State of Florida particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the Southwest corner of Section 23, Township 14 South, Range 31 East; thence continue South to the Southwest corner of Section 35, Township 14 South, Range 31 East; thence East to the Northwest corner of Township 15 South, Range 32 East; thence South to the Southwest corner of Township 17 South, Range 32 East; thence East to the Northwest corner of Township 18 South, Range 33 East; thence South to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence South to the South line of Brevard County; thence East to the line between Ranges 36 East and 37 East; thence South to the Southwest corner of St. Lucie County; thence East to the line between Ranges 39 East and 40 East; thence South to the South line of Martin County; thence East to the line between Ranges 40 East and 41 East; thence South to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence East to the shore of the Atlantic Ocean; thence Northerly along the shore of the Atlantic Ocean to the point of beginning.

2. Delete the provisions in subparagraph (b) (1) of § 933.4 *Regulation by grades and sizes* of the order and substitute therefor the following:

(1) Whenever the Shippers Advisory Committee deems it advisable to regulate any variety pursuant to this section, the said committee shall recommend the particular grades and sizes or either thereof deemed by it advisable to be shipped, and any such recommendation may include a proposal that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the proposed grade and size limitation applicable to shipments of the same variety grown in Regulation Area I. In making such determination, the said committee shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (a) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (b) amount on hand at the principal markets, as evidenced by supplies on track; (c) maturity, conditions, and available supply, including the grade and size thereof in the producing areas; (d) other pertinent market information; and (e) the level and trend in consumer income. The Shippers Advisory Committee shall promptly report the recommendations so made, with supporting information, to the Growers Administrative Committee, which committee shall, in turn, submit the same to the Secretary, together with its own recommendations and supporting information respecting the factors hereinbefore enumerated.

3. Delete the provisions in paragraph (c) of § 933.4 of the order and substitute therefor the following:

(c) *Regulation by the Secretary.* Whenever the Secretary shall find from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that to limit the shipment of any variety to particular grades and sizes would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods, and any such regulation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitation applicable to shipments of the same variety grown in Regulation Area I. Prior to the beginning of any such regulation the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers, by publication in daily newspapers, selected by the said committee, of general circulation in the citrus-producing districts of Florida: *Provided*, That when the regulation as issued is different from the recommendation of the committee, notice thereof shall be given also by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47–8098; Filed, Aug. 29, 1947; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR, Part 550]

STANDARDS FOR AIRPORT RUNWAY DIMENSIONS AND STRENGTH

NOTICE OF HEARING ON PROPOSED POLICY

Notice of informal public hearing to be held at Washington, D. C., commencing September 18th, 1947, on proposed

policy of Civil Aeronautics Administration concerning standards for airport runway dimensions and strength.

Pursuant to the Civil Aeronautics Act of 1938 as amended (52 Stat. 973; 54 Stat. 1233; 49 U. S. C. 401), particularly sections 205, 301, 306, 307, and 308 thereof (49 U. S. C. 425, 451, 456, 457, 458); and the Federal Airport Act (60 Stat. 170; 49 U. S. C. 1101), particularly section 9 (a) thereof (49 U. S. C. 1108), it is proposed to issue a statement of the policy of the Civil Aeronautics Administration with respect to the standards for dimensions and strength of airport runways used for airline operations, to be used as a guide by Civil Aeronautics Administration personnel in their recommendations and advice to the public and in carrying out the Federal-aid Airport Program authorized by said Federal Airport Act. This proposed statement of policy is attached.

Although notice and hearing are not required by section 4 of the Administrative Procedure Act, notice is hereby given that an informal public hearing will be held on the said proposed statement of policy beginning at 9:30 a. m., eastern daylight saving time, on September 18, 1947, in the auditorium of the Department of Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D. C., and continuing through September 19, 1947, unless sooner concluded.

All interested parties and organizations are invited to be present or represented at said hearing and will be afforded an opportunity to be heard within the limitations of the time available For the accuracy of the record, all important facts and opinions should be submitted in writing as much in advance of the hearing as possible. All those desiring to be heard are requested to register their intention in advance, stating the amount of time desired. It is requested that all organizations desiring to present oral statements, limit their presentation to one spokesman.

Following the opening statement by the Administrator of Civil Aeronautics, the following organizations will first be heard, in the order listed:

Air Transport Association.
National Association of State Aviation Officials.
U. S. Conference of Mayors.
Aircraft Industries Association.
Air Line Pilots Association.
Civil Aeronautics Board.
Army Air Forces.
Bureau of Aeronautics.

All parties will be permitted to file briefs and memoranda subsequent to the hearing provided same are filed not later than October 1, 1947.

All papers are to be mailed to, or filed with, the Administrator of Civil Aeronautics, Commerce Building, Washington, D. C.

PROPOSED STATEMENT OF POLICY ON RUNWAY STRENGTH AND DIMENSIONAL STANDARDS FOR AIRLINE OPERATIONS

Introduction. In order to obtain better correlation between the design of airports and the design of aircraft which are to be used in air-carrier operations, the design standards contained herein have been developed by the Civil Aeronautics Administration. It is the purpose of this statement of policy to guide employees of the Civil Aeronautics Administration regarding approvals and recommendations for runway design, and to indicate to manufacturers and operators of transport type aircraft the airport runways which will be available. It is expected that airline operators will secure such equipment and establish such procedures that will permit, in accordance with established Civil Air Regulations, approval of operations from the runways specified herein.

Policy. Pursuant to sections 205, 301, 306, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and section 9 (a) of the Federal Airport Act, it is hereby declared to be the policy of the Civil Aeronautics Administration that airport runways used or designed for airline operations should be constructed to certain standards as to dimensions and strength. To this end, standards are hereby established for the guidance of Civil Aeronautics Administration personnel in their recommendations and advice to the public and in carrying out the Federal-aid Airport Program authorized by the Federal Airport Act, and for the information and guidance of all other persons concerned.

Standards. The following standards are hereby established for dimensions and strength of airport runways used for airline operations:

Type of airport	Runway (feet)		Taxiway (feet width)	Landing strip (feet width)	Maximum pavement [1] loading (pounds)	
	Length	Width			Single wheel	Dual wheel
Feeder	3,500	75-100	40	500	15,000	20,000
Local	4,500	100-150	50	400	30,000	40,000
Express	6,000	150-200	75	500	60,000	80,000
International	7,000	150-200	75	500	60,000	80,000

[1] Runway and taxiway pavement may be eliminated where surface conditions permit satisfactory year-round operations without such paving. Starter strips, warm-up pads and loading aprons may be used in lieu of complete paving where they are substantially equivalent to such paving.

For purposes of this policy, deviations from the runway strengths and dimensions indicated in the above table will be considered as falling within and conforming to the standards of the Civil Aeronautics Administration, if such deviations are approved by the Director, Airport Engineering Service, Office of Airports, Civil Aeronautics Administration, Washington, D. C. In any event, the fact that runways, taxiways and landing strips not conforming to these standards have been constructed at an airport without Federal funds will not disqualify that airport for Federal aid in accomplishing other construction.

The terms and standards set forth in the above table of standards are hereby defined and explained as follows:

(1) *Types of airports.* A "feeder" airport is one designed to serve certificated feeder line airlines; a "local" airport is one used as an intermediate airline stop on an airline trunk route; an "express" airport is one located at an important junction point or terminal on an airline system; an "international" airport is one used as a terminal for long international flights.

(2) *Runway lengths.* The runway lengths shown are established as standards at sea level. Correction in runway length for altitude will be made by adding 250 feet for each 1,000 feet of altitude above sea level. Correction in runway length will also be made when the longitudinal grade exceeds one per cent. Runway lengths are predicated upon approach clearances of 40–1 for instrument operation and 30–1 for non-instrument operation.

(3) *Maximum pavement loadings.* The runway pavement should be designed to carry satisfactorily the maximum wheel loadings specified in the above table. The gross weight of the aircraft is assumed to be carried by the main landing gear. Where gross weight of aircraft with two sets of dual wheels will exceed the dual wheel pavement loading in the table (160,000 lbs. for express and international airports), the excess load will be transmitted to the pavement by additional units which may be added in tandem or laterally. For the purpose of this policy, these additional units of separate dual wheels will be considered as such when spaced a distance of one foot from the center of the closest unit for each 5,000 lbs.; this means 16 feet between centers of dual wheels carrying 80,000 lbs. per set. Where spacing is less than necessary to consider each unit separately, the additional load which the pavement can carry by reason of duplicate gear will be assumed to be 5,000 lbs. for each foot of distance between centers of adjacent units.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-8076; Filed, Aug. 29, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

AIR-NAVIGATION SITE WITHDRAWAL NO. 141, ENLARGED

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public land near Fort Bridger, Wyoming, is hereby withdrawn from all forms of appropriation under the public land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, as an addition to Air-Navigation Site Withdrawal No. 141 established June 21, 1940:

SIXTH PRINCIPAL MERIDIAN

T. 16 N., R. 115 W.,
Sec. 7, S½NE¼SW¼ and N½SE¼SW¼.

The area described contains 40 acres.

This order shall take precedence over, but shall not modify the order of the

Acting Secretary of the Interior of October 31, 1936 establishing Wyoming Grazing District No. 4, so far as it affects the above-described land.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 22, 1947.

[F. R. Doc. 47-8078; Filed, Aug. 29, 1947; 8:51 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL 145 ENLARGED

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C. Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the public lands lying within the following-described boundaries are hereby withdrawn from all forms of appropriation under the public-land laws, for the use of the Department of Commerce as an addition to Air-Navigation Site Withdrawal No. 145 at McGrath, Alaska established and modified by departmental orders of October 1, 1940, November 24, 1941, May 4, 1942, and March 4, 1947:

Beginning at the intersection of the south boundary of Air-Navigation Site 145 enlarged, as defined by Departmental order of May 4, 1942, and the left bank of the Kuskokwim River in approximate latitude 62°56'30" North, longitude 156°38' West, thence,
East, 5,671.38 feet;
South, 2,200.0 feet;
West, 7,125.0 feet to intersection with left bank of Kuskokwim River, thence northeasterly along left bank of Kuskokwim River to point of beginning, containing approximately 350 acres.

This land is subject to a withdrawal for the use of the War Department established by Public Land Order No. 255 of December 15, 1944, so long as the order remains unrevoked.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8079; Filed, Aug. 29, 1947; 8:51 a. m.]

COLORADO

AIR-NAVIGATION SITE WITHDRAWAL 233

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 233.

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 97 W.,
Sec. 15, NE¼SW¼.
T. 11 S., R. 102 W.,
Sec. 25, SW¼SW¼.

The areas described aggregate 80 acres.

This order shall take precedence over, but shall not modify the orders of the Secretary and Acting Secretary of the Interior dated April 8, 1935 and October 12, 1940, establishing and modifying Colorado Grazing Districts Nos. 3 and 7, so far as they affect the above-described lands.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 18, 1947.

[F. R. Doc. 47-8080; Filed, Aug. 29, 1947; 8:51 a. m.]

NEVADA

AIR-NAVIGATION SITE WITHDRAWAL 234

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C., Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 234:

MOUNT DIABLO MERIDIAN

T. 23 N., R. 29 E.,
Sec. 22, NE¼SE¼NW¼.
T. 24 N., R. 31 E.,
Sec. 12, SW¼SE¼SE¼.

The areas described aggregate 20 acres.

This order shall take precedence over, but shall not modify the order of the Acting Secretary of the Interior of November 13, 1941, transferring these and other lands to Nevada Grazing District No. 2, so far as it affects the above-described lands.

It is intended that the public lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 18, 1947.

[F. R. Doc. 47-8081; Filed, Aug. 29, 1947; 8:51 a. m.]

COLORADO

STOCK DRIVEWAY WITHDRAWAL 2, COLORADO 2, ENLARGED

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, amended by the act of June 26, 1936, 49 Stat. 1976 (U. S. C. Title 49, sec. 315f), and in section 10 of the act of December 29, 1916, 39 Stat. 865, amended by the act of January 29, 1929, 45 Stat. 1144 (U. S. C., Title 43, sec. 300), it is ordered as follows:

The following described public land in Colorado is hereby classified as necessary and suitable for the purpose and, excepting any mineral deposits therein, is withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the use of the general public as an addition to Stock Driveway Withdrawal No. 2, Colorado No. 2:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 94 W.,
Sec. 36, NW¼SW¼.

The area described contains 40 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and such regulations as have been or may be issued thereunder.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8082; Filed, Aug. 29, 1947; 8:50 a. m.]

COLORADO

NOTICE FOR FILING OBJECTIONS TO PROPOSED ORDER ENLARGING STOCK DRIVEWAY WITHDRAWAL 2, COLORADO 2

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the order withdrawing the NW¼SW¼ sec. 36, T. 3 S., R. 94 W., 6th P. M., Colorado, containing 40 acres, for a stock rest and camp site, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8083; Filed, Aug. 29, 1947; 8:48 a. m.]

WYOMING

NOTICE FOR FILING OBJECTIONS TO A PROPOSED ORDER ENLARGING STOCK DRIVEWAY WITHDRAWAL 78, WYOMING 11

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having causes to object to the terms of a proposed order of the Secretary of the Interior, which would add sec. 8, T. 12 N., R. 117 W., 6th P. M., Wyoming to Stock Driveway Withdrawal No. 78, Wyoming No. 11, to be used as a rest and watering place for stock trailing to the Wasatch National Forest, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the withdrawal will be made will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8084; Filed, Aug. 29, 1947; 8:48 a. m.]

NEVADA

MODIFYING GRAZING DISTRICT 5

Under and pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315 et seq.), and subject to the limitations and conditions therein contained, Nevada Grazing District No. 5 is hereby modified by eliminating therefrom the following-described lands:

MOUNT DIABLO MERIDIAN

T. 19 S., R. 60 E.
T. 20 S., R. 60 E.,
Secs. 1 to 5, secs. 8 to 16, secs. 21 to 28, and secs. 33 to 36, inclusive.
T. 21 S., R. 60 E.,
Secs. 1 to 4, secs. 9 to 16, and secs. 21 to 26, inclusive;
Secs. 35 and 36.
T. 22 S., R. 60 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 23 S., R. 60 E.,
Sec. 1.
T. 19 S., R. 61 E.,
Secs. 3 to 36, inclusive.
Tps. 20 and 21 S., R. 61 E.
T. 22 S., R. 61 E.,
Secs. 1 to 24 and secs. 28 to 33, inclusive.
T. 23 S., R. 61 E.,
Secs. 4, 5, and 6;
Sec. 8, $E\frac{1}{2}$;
Sec. 9;
Sec. 16, $N\frac{1}{2}$;
Sec. 17, $NE\frac{1}{4}$.
T. 19 S., R. 62 E.,
Secs. 7 and 8;
Secs. 17 to 23 and secs. 26 to 35, inclusive.
T. 20 S., R. 62 E.,
Secs. 2 to 11, secs. 14 to 23, and secs. 26 to 35, inclusive.
T. 21 S., R. 62 E.,
Secs. 2 to 11 and secs. 14 to 23, inclusive;
Sec. 25, $N\frac{1}{2}S\frac{1}{2}$, $SW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$;
$SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, and $S\frac{1}{2}NW\frac{1}{4}$;
Secs. 26 to 30, inclusive;
Sec. 31, lots 2, 3, 4, $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, and $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 32, $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, and $S\frac{1}{2}$;
Sec. 33, $NE\frac{1}{4}$ and $S\frac{1}{2}$;
Sec. 34, $NE\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 35, $S\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$.
T. 22 S., R. 62 E.,
Sec. 1;
Secs. 5 to 8, inclusive;
Sec. 9, $N\frac{1}{2}$, $SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, and $S\frac{1}{2}SE\frac{1}{4}$;
Secs. 10 to 19, inclusive.
T. 21 S., R. 63 E.,
Sec. 29, $S\frac{1}{2}$;
Sec. 30, lot 3, $NE\frac{1}{4}SW\frac{1}{4}$, and $N\frac{1}{2}SE\frac{1}{4}$;
Sec. 32.
T. 22 S., R. 63 E.,
Secs. 4, 9, and 16.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 22, 1947.

[F. R. Doc. 47-8085; Filed, Aug. 29, 1947; 8:48 a. m.]

[2101377]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY

AUGUST 22, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m. on October 24, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 24, 1947, to January 22, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead law, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2)..

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 4, 1947, to October 24, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m., on January 23, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from January 3, 1948 to January 23, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m., on January 23, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

The lands affected by this notice are described as follows:

FOURTH PRINCIPAL MERIDIAN

T. 55 N., R. 8 W.
Sec. 23, Lot 2.

The area described aggregates 0.45 acre.

The above-mentioned plat, based upon the plat approved May 26, 1859, represents the survey of an island in section 23 which was not included in the original plat of survey.

Available data indicates that this island has a low elevation above water level and has a clay loam soil supporting a fair stand of birch, fir, spruce, pine and other species of timber with a rather dense undergrowth of brush.

An application for homestead entry may be considered but it is doubtful whether such an application would be allowed in view of the character of the land and the small area involved.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-8086; Filed, Aug. 29, 1947; 8:48 a. m.]

NEVADA

AIR-NAVIGATION SITE WITHDRAWAL 235

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U. S. C. Title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public land in Nevada is hereby withdrawn from all forms of appropriation under the public-land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 235:

MOUNT DIABLO MERIDIAN

T. 24 S., R. 58 E.,
Sec. 23, $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$.

The area described contains 20 acres.

This order shall take precedence over, but shall not modify the order of the Acting Secretary of the Interior dated November 3, 1936, establishing Nevada Grazing District No. 5, so far as it affects the above-described land.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 18, 1947.

[F. R. Doc. 47-8089; Filed, Aug. 29, 1947; 8:47 a. m.]

ARIZONA

STOCK DRIVEWAY WITHDRAWAL 100, ARIZONA 4, REVOKED

The order of the Secretary of the Interior dated October 2, 1919, establishing Stock Driveway Withdrawal No. 100, Arizona No. 4 under section 10 of the act of December 29, 1916, 39 Stat. 865, 43 U. S. C. sec. 300, embracing the lands described below, is hereby revoked.

GILA AND SALT RIVER MERIDIAN

T. 26 N., R. 4 E.,
Secs. 12 and 24.
T. 27 N., R. 4 E.,
Secs. 12 and 24.
T. 26 N., R. 5 E.,
Secs. 6, 18, and 30.
T. 27 N., R. 5 E.,
Secs. 18 and 30.

The areas described aggregate 5,651.32 acres.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 21, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 21, 1947, to January 19, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2),

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 1, 1947, to October 21, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 21, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 20, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from December 31, 1947, to January 19, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 20, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Phoenix, Arizona.

The area is rough to broken with a soil composed chiefly of loose sandy clay-loam containing much rock.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-8090; Filed, Aug. 29, 1947; 8:47 a. m.]

Office of the Secretary

JACKSON HOLE, WYOMING, AREA

MEMORANDUM REGARDING OIL AND GAS LEASES

Memorandum to: the Director, Bureau of Land Management, and the Director, Geological Survey, from: The Secretary of the Interior.

After conferring with proponents and opponents of oil and gas development in the Jackson Hole area of northwestern Wyoming, I have concluded that unit plans may be approved, oil and gas leases issued, and drilling authorized on lands in the Teton National Forest south of the 11th standard parallel, exclusive of lands lying within the Teton Wilderness Area south of said parallel, subject to the following conditions:

(1) No unit plan will be approved unless the Geological Survey reports that the structural conditions are such as to warrant the belief that the lands included therein may contain oil or gas. Prior to such approval, copies of the proposed unit plan will be submitted to all interested agencies of this Department, as well as to the Forest Service, Department of Agriculture, for recommendations as to stipulations or conditions which it is felt should be incorporated into that plan.

(2) Prospecting and development under an approved unit plant shall not be permitted until all lands within the area are made subject to the unit plan unless a determination shall be made by the Secretary or his representative that the unit operator has made every reasonable effort to unitize all lands and the uncommitted land is insufficient in amount or so located that the orderly development of the unit area will not be adversely affected. If any part of the geological structure is located on Federal lands which are within the Jackson Hole National Monument, the Teton Wilderness Area, or which are otherwise unavailable for leasing, a unit plan for the remaining available acreage on the structure will not be approved unless the Geological Survey reports that oil or gas development, limited to the available lands, is in the best interests of the United States.

(3) All leases shall provide that no drilling will be authorized except under an approved unit plan.

(4) All leases and all unit plans for lands within the area must contain a provision vesting in the Secretary of the Interior, or his duly authorized representatives, control over the rate of prospecting and development, including, in particular, the spacing of wells and such other conditions as may be deemed necessary in any case for the protection of

the wildlife or scenic values within the area.

The lands north of the area defined herein shall continue to be temporarily withheld from leasing under the oil and gas provisions of the Mineral Leasing Act, unless the lands in T. 45 N., R. 113 W., 6th. P. M., Wyoming outside the Jackson Hole National Monument and outside the Teton Wilderness Area are deemed necessary to establish or complete a logical unit area.

J. A. KRUG,
Secretary of the Interior.

AUGUST 15, 1947.

[F. R. Doc. 47-8091; Filed, Aug. 29, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1509]

WILLIAM H. AND JOHN M. TAYLOR

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 25th day of August 1947.

William H. Taylor and John M. Taylor having filed an application pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder regarding the following transaction:

William H. Taylor and John M. Taylor each propose to acquire the capital stock of Allied Gas Company ("Allied") distributable to them pursuant to the terms of the section 11 (e) plan of dissolution of Great Lakes Utilities Company ("Great Lakes"), formerly a registered holding company, which plan was approved by this Commission and the District Court of the United States for the Eastern District of Pennsylvania on March 19, 1947, and March 25, 1947, respectively.

Allied is a public utility company and, just prior to the dissolution of Great Lakes, was Great Lakes' only remaining subsidiary. The aforementioned section 11 (e) plan of Great Lakes provides, among other things, that Great Lakes will distribute all of the outstanding capital stock of Allied, consisting of 10,052 shares of such stock with a par value of $10 per share, to the holders of the outstanding Voting Trust Certificates for common stock of Great Lakes, in exchange for such Voting Trust Certificates on the basis of one share of the common stock of Allied for each 15 shares of common stock of Great Lakes.

Allied, an Illinois corporation, distributes propane-air gas to approximately 1,507 customers in its Paxton Division, which serves the communities of Paxton, Gibson City and Rantoul, Illinois, and distributes manufactured gas to approximately 1,253 customers in Rochelle, Illinois.

The filing indicates that the applicants, William H. Taylor and John M. Taylor, own both direct and indirect interests in Voting Trust Certificates for common stock of Great Lakes. Their direct interest consists of Certificates for 50,286 and 1,095 shares, respectively, of a total of 150,780 shares of common stock of Great Lakes formerly outstanding. Their indirect interest is derived through Taylor Fibre Company which owns Certificates for 19,826 shares of common stock of Great Lakes or about 13% of the total number of shares of such stock formerly outstanding. According to the filing, William H. Taylor and John M. Taylor own, respectively, 1,887 and 1,770 shares or 27.4% and 25.7%, respectively, of a total of 6,886 shares presently outstanding of the capital stock of Taylor Fibre Company.

The filing further indicates that Taylor Fibre Company, a Pennsylvania corporation which is not registered as a holding company, is primarily engaged in the manufacture and sale of fibre, fibrous materials, bakelite and bakelite materials, and that it also owns and operates farm lands, orchards and real estate, and sells, buys, invests and reinvests its surplus funds in stocks and other securities. In addition, the filing indicates that Taylor Fibre Company does not directly or indirectly own, control or hold with power to vote as much as five percent of the outstanding voting securities of any public utility company or public utility holding company other than Great Lakes and Allied.

Said application having been filed on April 18, 1947, and notice of said filing having been duly given in the form and and manner prescribed by Rule U-23 promulgated pursuant to said act, and the commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants having requested that the Commission take appropriate action to accelerate its order herein and that the order become effective immediately upon issuance; and

The Commission finding with respect to the application that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted and deeming it appropriate to grant the request to the applicants that the order become effective immediately upon issuance;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and the rules thereunder and subject to the terms and conditions prescribed in Rule U-24, that said application be, and the same hereby is, granted forthwith: *Provided, however*, That this order shall not be construed as deciding the question whether it may be necessary or appropriate, pursuant to section 2 (a) (7) (B) of the act, to determine the applicants to be a holding company: *And provided further*, That, in the event the applicants should be determined to be a holding company, this order shall not be construed as a determination of the retainability, under the standards of section 11 (b) (1) of the act, of any securities or properties then held or controlled by them.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R., Doc. 47-8101; Filed, Aug. 29, 1947; 8:47 a. m.]

[File No. 70-1581]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND PLYMOUTH COUNTY ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 22d day of August 1947.

New England Gas and Electric Association ("New England"), a registered holding company, and its subsidiary, Plymouth County Electric Company ("Plymouth"), having filed a joint application pursuant to section 6 (b) and 10 of the Public Utility Holding Company Act of 1936 with respect to the following transactions:

Plymouth, all of whose common stock is owned by its parent, New England, proposes to issue and sell to New England 1,800 additional shares of its common stock, of the par value of $25 per share, at a price of $35. per share, or an aggregate of $63,000. The proceeds from the sale of this stock are to be applied in partial payment of Plymouth's floating indebtedness incurred for additions and improvements to its plant and properties and represented by outstanding bank notes in the aggregate amount of $82,750, all of such notes maturing August 28, 1947; and

Plymouth further proposes, in order to provide itself with funds as the same may be required from time to time to enable it to pay for necessary additions and betterments to its plant and property, to issue promissory notes to The First National Bank of Boston in amounts not to exceed in the aggregate $700,000, all of such notes to be issued and dated prior to December 31, 1949, and to mature not later than June 30, 1952. All of such notes issued during the remainder of 1947 and during 1948 will bear interest at the rate of 2¼% per annum; and those issued during 1949 will bear interest at the rate of 2½% per annum; and

The proposed issue and sale of securities having been approved by the Department of Public Utilities of the State of Massachusetts, the State in which Plymouth was organized and is doing business; and

The joint application having been filed on July 31, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the joint application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application be granted, and, further deeming it appropriate to grant the request of the applicants that the order become effective at the earliest date practicable;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application be, and the same hereby is, granted and the proposed transactions may be consummated forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8102; Filed, Aug. 29, 1947; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8494, Amdt.]

AUGUST THYSSEN, JR.

In re: Debenture stock, bonds and gold notes owned by and debts owing to the personal representatives, heirs, next of kin, legatees and distributees of August Thyssen, Jr., deceased.

Vesting Order 8494, dated March 20, 1947, is hereby amended as follows and not otherwise:

By deleting clauses a, b and c from subparagraph 2 of said Vesting Order and substituting therefor the following:

a. Ten (10) certificates for Canadian Pacific Railway Company perpetual 4% consolidated debenture stock issued in the name of bearer, each of $1 000 face value, bearing the numbers G65011/15, G21606, G32536, G7187, G11736 and G17154, and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto,

b. Five (5) International Telephone and Telegraph Corporation 4½% debenture bonds, due 1952, issued in the name of bearer, each of $1,000 face value, bearing the numbers M29055/8 and M34066, and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto,

c. Eight (8) Hugo Stinnes Corporation 7% gold notes, due July 1, 1940, issued in the name of bearer, each of $1,000 face value, bearing the numbers M2911, M4766/8, M7175/7 and M9237, and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto,

All other provisions of said Vesting Order 8494 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 13, 1947:

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-8111; Filed, Aug. 29, 1947; 8:48 a. m.]

[Vesting Order 9155, Amdt.]

K. FUKUSHIMA

In re: Bank account, stock owned by and debt owing to K. Fukushima, also known as Kisoji Fukushima, and Mrs. K. Fukushima.

Vesting Order 9155, dated May 29, 1947, is hereby amended as follows and not otherwise: By deleting from subparagraph 3 (c), the no par value set forth with respect to the common capital stock of Anaconda Copper Mining Company, 25 Broadway, New York 4, New York, and substituting therefor the par value of $50.00.

All other provisions of said Vesting Order 9155 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., August 13, 1947:

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-8112; Filed, Aug. 29, 1947; 8:49 a. m.]

[Vesting Order 9672]

MARIA BARAN

In re: Estate of Maria Baran, deceased. File D-28-11820; E. T. sec. 16021.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Becker, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Maria Baran, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles A. White, as Administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court of Erie County, New York; and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-8105; Filed, Aug. 29, 1947; 8:48 a. m.]

[Vesting Order 9673]

RUDOLF BLASCHKA

In re: Estate of Rudolf Blaschka, deceased. File No. D-28-11679; E. T. sec. 15379.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Blaschka, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Rudolf Blaschka, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Francis G. Goodale, as executor, acting under the judicial supervision of the Probate Court, Middlesex County, Cambridge, Massachusetts;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8106; Filed, Aug. 29, 1947; 8:48 a. m.]

[Vesting Order 9692]

BERNHARD THEODOR VIERICH

In re: Estate of Bernhard Theodor Vierich, also known as Bernard Theodore Vierich, deceased. File D-28-4129; E. T. sec. 7113.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Vierich, Mrs. Adolf Vierich, Theodor Vierich, also known as Theodore Vierich, Mrs. Theodor Vierich, also known as Theodore Vierich, Fritz Vierich, Mrs. Fritz Vierich, Rudolf Vierich, Mrs. Rudolf Vierich, Helene Huber, Bernhard Vierich, also known as Bernard Vierich, Mrs. Bernhard Vierich, also known as Bernard Vierich, Addi Stahlmann, Emmi Duncker, and Else Liebig, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Adolf Vierich, Theodor Vierich, Fritz Vierich, Rudolf Vierich, Helene Huber, Bernhard Vierich, and Addi Stahlmann, and husband of Helene Huber and husband of Addi Stahlmann, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Bernhard Theodor Vierich, also known as Bernard Theodore Vierich, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The Trust Company of New Jersey, as executor, acting under the judicial supervision of the Hudson County Orphans' Court, State of New Jersey;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 and the children, names unknown, of Adolf Vierich, Theodor Vierich, Fritz Vierich, Rudolf Vierich, Helene Huber, Bernhard Vierich, and Addi Stahlmann, and husband of Helene Huber and husband of Addi Stahlmann, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8110; Filed, Aug. 29, 1947; 8:48 a. m.]

[Vesting Order 9683]

GEORGE KLANOVICS

In re: Estate of George Klanovics, deceased. File D-34-893; E. T. sec. 15028.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kate Sustrovics, Louise Klanovics, Geza Klanovics, Gyozo Klanovics, Fery Klanovics, Janka Klanovics, Karoly Klanovics, Bela Klanovics and Gizella Klanovics, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of George Klanovics, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

3. That such property is in the process of administration by John C. Glenn, Public Administrator of Queens County, as Administrator c. t. a., acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8107; Filed, Aug. 29, 1947; 8:48 a. m.]

[Vesting Order 9684]

JOHN KOSTER

In re: Estate of John Koster, deceased. File No. F-28-26763; E. T. sec. 15894.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Koster, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of John Koster, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by George Staaz, as Administrator, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

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